



**CHIEF JUDGE ORDER 25-04
STATE OF COLORADO
FIRST JUDICIAL DISTRICT**

**ORDER REGARDING APPOINTMENT
OF THE PRESIDING JUVENILE JUDGE**

The First Judicial District (District) recognizes the need to provide effective, timely, and thoughtful resolution of legal matters that meet the needs of the children, families, and community in juvenile delinquency and dependency and neglect proceedings. The District also acknowledges the specialized nature of juvenile proceedings and the importance of adhering to the best practices established by the American Bar Association (ABA) and endorsed by the National Council of Juvenile and Family Court Judges (NCJFCJ) for child abuse and neglect proceedings. These standards provide the basis for the establishment of a specialized division to preside over juvenile proceedings. This structure allows the judicial officer to participate in specialized education and training on juvenile law, collaborate and build relationships with juvenile agencies and stakeholders, engage in juvenile-focused meetings and committees, train magistrates and staff assigned to juvenile dockets, implement trauma-informed practices and courtroom spaces, access and analyze data to improve juvenile practices and outcomes, ensure compliance with state and federal rules and law, oversee the administration and management of juvenile cases in the district, and participate in statewide juvenile court improvement projects.

The District recognizes that specialization in juvenile law requires understanding in a variety of areas and laws, including child abuse and dependency and neglect; juvenile delinquency; status offenses including truants and runaways; rules of evidence; rules of civil, criminal, and juvenile procedure; privilege and confidentiality; substance abuse; education; mental health and disabilities; professional responsibilities; domestic violence dynamics; domestic relations proceedings; foster youth in transition; the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), C.R.S. § 14-13-101 et seq.; the Indian Child Welfare Act (ICWA) 25 U.S.C. §§ 1901-1963, and the associated federal regulations; Special Immigrant Juvenile Status under the Immigration and Nationality Act at § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J); Titles IV-B and IV-E of the Social Security Act, including the Adoption and Safe Families Act (ASFA) and later amendments, 42 U.S.C. §§ 620-628 and 670-679, and their regulations that affect federal funding services; and other federal and state laws affecting child welfare proceedings.

The Chief Judge of the District has the authority to assign cases to divisions within the courts, to assign district court judges to a particular division, and to delegate administrative authority to other judicial officers as deemed appropriate pursuant to Chief Justice Directive 95-01 (CJD 95-01). To maintain a juvenile court that follows juvenile best practice standards and best serves the children and families in the District, the following orders are entered.

I. The District Juvenile Court and Jurisdiction: Division 10

Division 10 shall be the Juvenile Court of the District pursuant to C.R.S. § 19-1-103(89). Specifically, Division 10 shall be the designated juvenile division with jurisdiction over matters enumerated in the Colorado Children's Code in accordance with C.R.S. § 19-1-104(1)(a)-(n). The Presiding Juvenile Judge shall be assigned to Division 10.

As the District is a court of general jurisdiction, other judicial officers may need to hear juvenile matters, and nothing in this order is intended to prevent other judges from hearing juvenile matters. The purpose of designating Division 10 as the Juvenile Court is to establish a permanent division from which judicial leadership on all juvenile court-related matters will originate, in consultation with the Chief Judge. The Presiding Juvenile Judge shall have the authority to delegate assignments under the Colorado Children's Code to district court magistrates pursuant to C.R.S. § 19-1-108, in consultation with the Chief Judge.

This order recognizes that juvenile proceedings are a distinctive, complex, and challenging area of litigation. To gain mastery over such proceedings, both the judicial officers presiding over them and the court employees supporting the judicial officers must gain extensive and specific knowledge and skills. Gaining such knowledge and skills requires that these judicial officers and judicial employees receive extensive specialized instruction in juvenile issues, and that they devote a substantial portion of their efforts to juvenile proceedings over a sustained period.

II. Presiding Juvenile Judge

Recognizing that the success of the Juvenile Court hinges on having strong, consistent judicial leadership, the District designates one judge as the Presiding Juvenile Judge of the Juvenile Court. This is designed to establish one person through whom all administrative direction will be channeled and does not mean that other judges or judicial officers cannot conduct juvenile proceedings. The Presiding Juvenile Judge is subject to the immediate supervision and direction of the Chief Judge of the District.

The District adopts the NCJFCJ Resolution Regarding Judicial Leadership in the Juvenile and Family Courts in establishing general expectations of the Presiding Juvenile Judge. Specific responsibilities are enumerated in Section III of this order.

III. Administrative Responsibilities Delegated to the Presiding Juvenile Judge

CJD 95-01 classifies certain responsibilities as administrative duties, which can be delegated by the Chief Judge, as appropriate. Additionally, many Colorado statutes and rules charge the Chief Judge with executing other juvenile court-related responsibilities. These duties and responsibilities are delegated to the Presiding Juvenile Judge, with oversight of the Chief Judge.

The Presiding Juvenile Judge of the District shall have the following general responsibilities and duties which include, but are not limited to:

- Supervise District Court Magistrates assigned juvenile delinquency, truancy, paternity, and dependency and neglect caseloads pursuant to the Colorado Code of Judicial Conduct rule 2.12; C.R.S. § 19-1-108(1); C.R.J.P. 2.4; and C.R.M. 1, 2, and 6(d). Supervision will include annual evaluation per CJD 95-01(9)(c). This includes ensuring that all District Court Magistrates assigned to these juvenile caseloads receive intensive juvenile court-related education and mentoring designed specifically for them. The Presiding Juvenile Judge shall handle pleadings requesting review of juvenile magistrate orders as provided by C.R.S. § 19-1-108(5.5); and shall subsequently adopt, reject, or modify the initial order or judgment of the magistrate per C.R.M. 7(a).
- Supervise the Division 10 judicial assistant and law clerk pursuant to the Colorado Code of Judicial Conduct rule 2.12 and collaboration and coordination with the District Staff Attorney, who works on district data projects at the direction of the Chief Judge and supports the Presiding Juvenile Judge in juvenile-related matters, including communicating with juvenile stakeholders, data reporting and analysis, and organization of juvenile events, meetings, and trainings. The Presiding Juvenile Judge shall work with the Staff Attorney to develop relevant juvenile court-related continuing legal education opportunities for the magistrates handling juvenile dockets, designed to improve current judicial practice, improve compliance with the law, help fulfill national or state judicial best practice

standards, and educate on new juvenile-related legislation and case law. The Presiding Juvenile Judge shall also coordinate with the Staff Attorney to maintain an electronic resource center in which Presiding Juvenile Judge Orders and information about juvenile court practice is collected and made available.

- Participate in continuing education on a wide range of specialized juvenile issues. This includes staying abreast of national and state best practices, as well as changes in the legal landscape and juvenile related legislation and case law.
- Collaborate with other interested agencies, stakeholders, and organizations.
- Comment on legislation, as appropriate.
- Develop and/or review all policy matters regarding the Juvenile Court. Where practical, other judicial officers hearing juvenile cases should be involved in the review of policy matters. It is not necessary for the Presiding Juvenile Judge to personally develop policies, but the judge must provide for the development of such policies, oversee the development, and review and approve the final product. The Presiding Juvenile Judge may issue administrative orders, as this authority is delegated by the Chief Judge pursuant to CJD 95-01(1). Such administrative orders may be distinguished from the general Chief Judge Orders, through the title “Presiding Juvenile Judge Order yr-###” (“PJJO yr-###” for short), but require the signature the Presiding Juvenile Judge through communication with and approval of the Chief Judge. Regular Chief Judge Orders pertaining to important juvenile matters should be made with the input of the Presiding Juvenile Judge. In all cases, administrative orders pertaining to juvenile matters should have an official title and be included on the shared network drive (“H drive”). Additionally, the Presiding Juvenile Judge should ensure that the Staff Attorney maintains an index of such juvenile-related administrative orders.
- Supervise and support the District Court Magistrate assigned to the Family Integrated Treatment (FIT) Court.

In addition to the general responsibilities and duties provided above, the Presiding Juvenile Judge shall have the following specific responsibilities and duties for specific case types:

- **Dependency & Neglect**
 - Work collaboratively with representatives from the department of human services, county attorneys, guardians ad litem and counsel for youth, respondent parents’ counsel, CASA, and services providers to implement local policies and comply with applicable Chief Justice Directives.

- Maintain a Dependency and Neglect District Plan and comply with the procedures and requirements outlined in CJD 98-02, currently reflected in PJJ0 13-01.
- Create and maintain standardized Case Management Orders.
- Take an active role in ensuring timely resolutions and achieving permanency for the children involved.
- Be aware of available services and have a thorough knowledge of waiting times for drug and alcohol evaluations, mental health evaluations, and other services.
- Ensure the occurrence of regular meetings between the court, court staff, and human services to address administrative issues of common interest.
- Ensure the occurrence of regular meetings between the court and child welfare stakeholders to resolve operational issues and complaints, share information, and develop ways to improve court processes.
- Participate in Court Improvement Program (CIP) trainings and meetings, and if appointed by the Chief Justice, serve on the CIP Executive Committee, supported through grants provided under the federal Court Improvement Project, created by Title IV-B Subpart 2 of the Social Security Act.
- Lead and support the local Best Practice Court Team and subcommittees to set goals that can realistically be implemented to affect system change.
- Ensure that a judicial officer is always available by telephone to act with the authorization and authority of the juvenile court to issue such orders pursuant to C.R.S. § 19-3-405(1) and C.R.J.P. 2.3. After-hours orders are handled by the on-call night duty judge.
- Ensure local compliance and implementation with the Federal Families First Prevention Services Act (FFPSA), found at 42 U.S.C. § 671.
- Ensure compliance and implementation of best practices associated with ICWA under 25 U.S.C. §§ 1901-1963 and C.R.S. § 19-1-126.
- Ensure that the Uniform Parentage Act under C.R.S. § 19-4-101 et seq. is complied with in child welfare proceedings, as required by *People in Interest of J.G.C.*, 318 P.3d 576 (Colo. App. 2013).

- Determine policies regarding the determination of the therapeutic privilege holder for children in child welfare cases pursuant to PJJ0 13-01 and *L.A.N. v. L.M.B.*, 292 P.3d 942 (Colo. 2013).
- Determine policies and procedures for implementation of best practices related to substance use disorders, in accordance with DANSR (Dependency and Neglect System Reform) principles.
- Determining policies and procedures for youth in court pursuant to C.R.S. § 19-3-702(1)(a), previously established in PJJ0 15-02.

- **Delinquency**

- Strive for procedures and policies to comport with the guiding principles enumerated in the Enhanced Juvenile Justice Guidelines, published by the NCJFCJ.
- Work collaboratively with representatives from the district attorney, public defender, alternate defense counsel, probation, diversion, CASA, department of human services, county attorneys, local Colorado Youth Detention Continuum (CYDC), Collaborative Management Program (CMP) administrators, and service providers to implement policies and coordinate resources.
- Participate in the local Juvenile Services Planning Committee (JSPC), and if selected to serve as chair, oversee and provide leadership to develop a plan of the allocation of resources for local juvenile services for the fiscal year in accordance with C.R.S. § 19-2.5-302(1).
- Ensure that the local plan created by the JSPC includes detention screening and placement guidelines in accordance with Colorado Rule of Juvenile Procedure 3.7. Facilitate the approval of the Chief Judge and issuance of a Presiding Juvenile Judge Order to implement such plan.
- Provide oversight and maintain control over the admission, length of stay, and release of all juveniles placed in shelter or detention, subject to the limitations prescribed by C.R.S. § 19-2.5-305, § 19-2.5-306 and Colorado Rule of Juvenile Procedure 3.7(i).
- Oversee management of and procedures pertaining to dually identified crossover youth as described in C.R.S. § 19-2.5-302(2)(a)-(i).
- Oversee the court's role as a party to the local Memorandum of Understanding (MOU) designed to promote a collaborative system of local-level interagency oversight groups and individuals service and support teams to coordinate and manage the provision of services to

children and families who would benefit from integrated multi-agency services, as required by C.R.S. § 19-2.5-302(2)(b) and § 24-1.9-102(1).

- Oversee policy and procedures regarding juvenile competency to proceed in accordance with C.R.S. §§ 19-2.5-701 to 707.
- Oversee local policy and procedures regarding juvenile expungement.
- Oversee policy and procedures regarding removal from sex offender registry for juveniles pursuant to C.R.S. § 16-22-113, including court-initiated, administrative removals from the sex offender registry as outlined in CJO 21-09 and C.R.S. § 16-22-113.
- Oversee policy and procedures regarding the use of restraints, or shackling, of juveniles in court proceedings, currently addressed in local policy, PJJO 14-02.
- Ensure compliance with CJD 14-01, which specifies policies and procedures for appointment of juvenile defense counsel.
- Ensure compliance and implementation of best practices associated with ICWA under 25 U.S.C. §§ 1901-1963.
- Ensure compliance and implementation of the Juvenile Justice Reform Act.
- **Truancy**
 - Strive for procedures and policies to comport with the Key Principles enumerated in the National Standards for the Care of Youth Charged with Status Offenses, published by the Coalition of Juvenile Justice, and previously recognized in CJO 16-02.
 - Collaborate, as appropriate, with truancy court stakeholders, including school districts, guardians ad litem, truancy respondent counsel, the department of human services, and CASA.
 - Oversee the procedure for appointments of CASA in truancy cases, as currently addressed in CJO 10-01.
 - Ensure compliance with the district policy for truancy cases pursuant to C.R.S. § 13-5-145, currently addressed in CJO 16-02.

- **Adoption & Relinquishment**
 - Ensure compliance and implementation of best practices associated with ICWA under 25 U.S.C. §§ 1901-1963.
 - Ensure timeliness requirements of C.R.S. § 19-5-102.5(1) and § 19-5-202.5(1) are met.
 - Oversee and support the District's annual adoption day, typically held on National Adoption Day.

- **Judicial Bypass**
 - Ensure compliance with the rules of procedure for judicial bypass, established in C.R.S. § 13-22-707 and associated court rules of procedure in Chapter 23.5 of the Colorado Court Rules.

- **Foster Youth in Transition Program**
 - Ensure compliance with the Foster Youth in Transition Program pursuant to C.R.S. §§ 19-7-301 et seq.

- **Petition for Review of Need for Placement**
 - Ensure compliance with the rules pertaining to Petition for Review of Need for Placement, provided in C.R.S. § 19-1-115(8).

- **CASA**
 - Collaborate with the CASA program and assist in swearing in new CASA volunteers.
 - Oversee the MOU between the District and the local CASA program pursuant to C.R.S. § 19-1-202(1).
 - Determine CASA qualifications with the CASA program director pursuant to C.R.S. § 19-1-205(2)(f).

- **Juvenile Records**
 - Oversee the policies and procedures regarding release of juvenile records and information pursuant to the Children's Code Records and Information Act, provided in C.R.S. § 19-1-301 et seq.

- **Court Appointed Attorneys**

- Ensure compliance with the duties of Judges and Magistrates regarding attorneys under contract with the Office of the Child’s Representative (OCR) found in CJD 04-06(VI).
- Ensure compliance with the duties of Judges and Magistrates regarding attorneys under contract with the Office of Respondent Parents’ Counsel (ORPC) found in CJD 16-02(VIII).
- Ensure compliance with the duties of Judges and Magistrates regarding court appointed attorneys paid by the judicial branch found in CJD 04-05(VIII). This includes ensuring that the role of guardians ad litem for adult respondent parents is fulfilled, as clarified in *In re T.M.S.*, 454 P.3d 375 (Colo. App. 2019). Additionally, providing counsel for parents whose parental rights are in jeopardy as explained in *In re R.A.M.*, 411 P.3d 814 (Colo. App. 2014).


IV. Appointment of Current Presiding Juvenile Judge

District Court Judge Lindsay L. VanGilder is hereby appointed and will serve as the Presiding Juvenile Judge for the District (effective June 1, 2024) until further order.

V. Supersedes and Replaces Chief Judge Order 2019-20

This order supersedes and replaces CJO 2019-20.

January 31, 2025, nunc pro tunc to June 1, 2024.



Jeffrey R. Pilkington, Chief Judge
First Judicial District