

Colorado Youth Detention Continuum
11th Judicial District
613 Main Street, #2
Canon City, CO 81212
719-244-6703

CHIEF JUDGE DIRECTIVE
STATE OF COLORADO
ELEVENTH JUDICIAL DISTRICT

JUVENILE DETENTION SCREENING PROCEDURE ORDER

January 1, 2019

Chief Judge Directive CJD12-03

THIS MATTER HAVING COME BEFORE THE Court to set a standard procedure throughout the Eleventh Judicial District for the screening, detention and the imposition of detention alternatives,

IT IS FOUND, CONCLUDED AND ORDERED that the children taken into custody pursuant to section 19-2-502, 6 C.R.S. (2002) are subject to standard detention screening by Colorado Youth Detention Continuum staff as appointed by the Juvenile Services Planning Committee for the Eleventh Judicial District. Detention decisions will be accomplished through the utilization of the standard screening tool without a direct verbal order of Court as prescribed by Section 19-2-507, 6 C.R.S. (2002). Any detention screener may contact a judicial officer at any time the individual circumstances of a particular case dictate.

Deviations from the screening recommendation of secure detention to a detention alternative may be authorized by the detention screener in cases that would be a misdemeanor, petty offense, or traffic offense is committed by an adult without judicial authorization. Deviations in cases where a child is being held pursuant to an arrest warrant pursuant to Section 19-2-503, C.R.S. (2002), other than by the posting of previously set bail, shall be only with the consent of the issuing judicial officer. Deviations to a high level of secure detention and deviations on any case that would be a felony if committed by an adult, shall be only by order of a judicial officer.

All children held in secure detention shall be held without bail pending a detention hearing pursuant to Section 19-2-508, 6 C.R.S. (2002). The exception is when bail has been set by a judicial officer as prescribed by Section 19-2-509, 6 C.R.S. (2002). Release of children to the secure detention alternatives of electronic home monitoring (EHM) or tracking is conditional on compliance with the rules of such programs. The Colorado Youth Detention Continuum (CYDC) screener shall file a report with the court promptly following any violations of a conditional release. If the screener believes there is a need for a more immediate response, the CYDC screener may also contact a judicial officer for direction. If conditional release is revoked, the County Sheriff shall transport to secure detention at the request of the Colorado Youth Detention Continuum of the Eleventh Judicial District.

Section 19-2-508(3)(a)(I) requires a detention hearing within 48 hours, excluding Saturdays, Sundays and legal holidays, only if a child has been placed in a detention or shelter facility or a temporary holding facility as defined in Sections 19-1-1-3(40)&(106).

Detention hearing should therefore only be set when a child is in a detention center operated by the Division of Youth Services such as Pueblo Youth Services Center. There are times when a child's conditional release is revoked and the child placed in detention. In those cases, if a detention hearing was never held before the conditional release, a 48-hour detention hearing should be set with the court at the next available docket. Sometimes a child is conditionally released at a detention hearing and then his/her conditional release is revoked at a later time. In those case a detention hearing should only be scheduled if a specific request is made by a child or parent.

When a child is held in secure detention, the Colorado Youth Detention Continuum Screener shall immediately file a notice with the court. The CYDC screener shall provide a copy of all such forms filed to the Office of the District Attorney. The Office of the District Attorney shall follow its standard procedure for initiating the opening of a delinquency case and the setting of a detention hearing. If a child is conditionally released on electronic home monitoring (EHM) or tracking, the CYDC screener shall notify the court of the need to open a delinquency case and set an in-court review on the next available delinquency docket in the county of arrest. This shall be accomplished by the immediate filing of a Colorado Youth Detention Continuum Request for Hearing.

In any case at any time a review hearing may be set at the request of any party to consider the detention or the conditions of release of a child. And notwithstanding any other provisions of this Directive, a child shall be released from secure detention at any time upon the order of a judicial officer to relieve facility overcrowding and to bring our Judicial District into compliance with any approved detention cap.

DATED AND EFFECTIVE: 02/13/2019

/s/Patrick W. Murphy
Patrick W. Murphy
Chief Judge, Eleventh Judicial District