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| District Court, Weld County, State of Colorado Court Address: 901 9 th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632-2038 | |
| <p style="text-align: center;">ADMINISTRATIVE ORDER NO. 2015-09</p> | <p>▲ COURT USE ONLY ▲</p> |
| | Case Number: 2015 CV 01 2015JD01 Division 1 |
| SB-94 PRE-TRIAL CASE MANAGER ACCESS TO JUVENILE DELINQUENCY RECORDS | |

When a juvenile is released from detention, or following an initial appearance in a delinquency case, the court may order conditions of bond and/or place a juvenile in a pre-adjudication service program. *See*, §19-2-508(3)(a)(V) and §19-2-509(4), C.R.S. In Weld County, the pre-adjudication service program is the Senate Bill 94 (SB94) pre-trial program. Each juvenile ordered to pre-trial supervision is provided a pre-trial case manager. SB94 pre-trial case managers are not part of the SB94 screening team. The SB94 screening team is partly-responsible to share documents and information related to a detention hearing. *See* §19-2-508(3)(a)(I.5), C.R.S. Documents and information related to detention include an affidavit for warrantless arrest, the juvenile delinquency screening and assessment guide (JD SAG), and SB94 detention hearing assessment and/or referral form. Because SB94 pre-trial case managers are not part of the SB94 screening team, the case managers do not have access to those documents. *See* §19-1-304(a), C.R.S. (limiting inspection of juvenile court records to an enumerated list of individuals and entities; SB94 pre-trial supervisors are not on the list). Section 19-1-304(b), C.R.S. authorizes the juvenile court to permit inspection of juvenile delinquency court records by “any other person having a legitimate interest in the proceedings.” *See* §19-1-304(b), C.R.S.

Documents filed with the court for detention hearings (affidavit for warrantless arrest, JD SAG, and hearing assessment &/or referral form) contain information regarding the type of crime alleged; indicators of repeated alleged delinquent behavior; indicators of risk of harm to the juvenile or to the community; information on the availability and viability of family or community resources, including parents, relatives, and peers; information on the juvenile’s educational status and history; information on the juvenile’s mental health status and history; information on the juvenile’s substance use history; information on the juvenile’s involvement with other people and agencies such as Guardians *ad Litem*, probation officers, or the Department of Human Services; information on the parents’ wishes; information on the juvenile’s strengths and weaknesses and his or her current wishes; and contact information such as names, addresses, and telephone numbers. Much of this information is based on self-report by the juvenile and family. Much of the information concerning the reason for detention pertains to the alleged delinquent behavior has not been proved, and the juvenile maintains his or her protections under the constitutions including the right to remain silent.

While much of the information in the detention hearing documents is based on self-report and contains only allegations, such information is helpful in assessing a juvenile’s risks and needs. Such

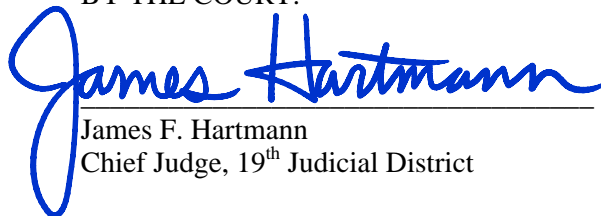
information is also helpful in developing, designing, and implementing an initial pre-trial supervision plan when a juvenile is placed on pre-trial supervision. By ordering pre-trial supervision, the court expects that a SB94 pre-trial case manager engage in this assessment, development, design, and implementation. Accordingly, the SB94 pre-trial services case manager has a legitimate interest in the proceedings. Access to and inspection of certain detention hearing documents will assist the SB94 pre-trial case managers in discharging their responsibilities and meeting the court's expectations. The court, through this administrative order, provides its consent to the SB94 pre-trial case managers to have access to the detention hearing documents in order to assist them in performing their job duties.

IT IS HEREBY ORDERED

1. SB94 pre-trial case managers and the SB94 program manager are persons who have a legitimate interest in delinquency proceedings in cases where the court has ordered pre-trial supervision.
2. SB94 pre-trial case managers and the SB94 program manager shall have access to, and be permitted to inspect, the affidavit for warrantless arrest, the JD SAG, and the detention hearing assessment &/or referral form for any juvenile where the court has ordered the juvenile to pre-trial supervision.
3. SB94 pre-trial case managers and the SB94 program manager shall use the documents and information allowed by this administrative order only for the purposes outlined in this order, to wit: assessing the juvenile's strengths and risks; assessing risk and strengths of his or her family and community supports; and developing, designing, and implementing an initial pre-trial supervision plan. The SB94 pre-trial case manager shall be mindful that information in these documents is based on allegations and self-report.
4. Any document inspected or information received pursuant to this administrative order shall be used only for the purposes outlined in this administrative order. The SB94 pre-trial case manager and the SB94 program manager may discuss the perceived strengths or risks, and the development, design, or implementation of a supervision plan with the juvenile and his or her family. The SB94 pre-trial case manager and the SB94 program manager shall not release or otherwise provide a copy of any document or information contained in any document received under authority of this order to any other person or agency, unless such release is permitted by law or authorized through further order of the court.

Dated: July 16, 2015.

BY THE COURT:


James F. Hartmann
Chief Judge, 19th Judicial District