



**CHIEF JUDGE ORDER 2019-20
STATE OF COLORADO
FIRST JUDICIAL DISTRICT**

**IN THE MATTER OF APPOINTMENT OF THE PRESIDING JUVENILE JUDGE AND
POLICIES IN SUPPORT OF ONGOING JUDICIAL LEADERSHIP IN THE JUVENILE
DIVISION OF THE FIRST JUDICIAL DISTRICT**

WHEREAS, it is the mission of the First Judicial District (“1st J.D.”) when protecting children and serving juveniles is to:

- (1) Promote the health and welfare of children and their families;
- (2) Provide effective and timely resolution of legal matters that meet the needs of children, families, and the community; and
- (3) Assure dignified and fair treatment of all court participants¹;

WHEREAS, the National Council of Juvenile and Family Court Judges (“NCJFCJ”) endorsed² the Judicial Excellence in Child Abuse and Neglect Proceedings: Principles and Standards for Court Organization, Judicial Selection and Assignment, Judicial Administration and Judicial Education³ as a “critical support

¹ See Appendix D.

² NCJFCJ, Resolution No. 9 (July 11, 2009), available at https://www.ncjfcj.org/sites/default/files/resolution.on_aba_judicial.excellence.pdf

³ Judicial Excellence in Child Abuse and Neglect Proceedings: Principles and Standards for Court Organization, Judicial Selection and Assignment, Judicial Administration and Judicial Education. American Bar Association House of Delegates (Aug. 9, 2010), available at <https://isc.idaho.gov/cp/docs/JudicialExcellenceStandardsAbuse-Neglect-ABA%20Approved-Aug-10.pdf>.

for achieving the best practice court process envisioned” in the NCJFCJ’s Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases⁴;

WHEREAS, the aforementioned Principles and Standards provide a framework of national best practices on which juvenile courts across the country can tailor to their particular needs⁵;

WHEREAS, the aforementioned Principles and Standards are flexible and can extend to other juvenile case types that are similar in important ways to child abuse and neglect cases, such as delinquency, adoption & relinquishment, and truancy⁶;

WHEREAS, jurisdictions should establish a specialized division of a court to hear and administer juvenile proceedings⁷;

WHEREAS, specialized divisions of the court should, in whole or substantial part, control their own administrative operations,⁸ including:

- Substantial control over its calendar, judicial assignments, and key staff;
- A presiding judge who has primary responsibility for the unit;
- Control or major influence over hiring, promotion, and retention of support staff;
- Control or strongly influence work rules for such employees;
- Substantially influence the selection and retention of judges assigned to it⁹;

WHEREAS, local judges and court administrators responsible for juvenile cases should be systematically represented in larger decision-making and advisory bodies related to their work¹⁰;

WHEREAS, in jurisdictions where judges are temporarily assigned or rotated to hear juvenile cases, the terms of their assignments should be at least three years and preferably more.¹¹ Long judicial assignments to hear juvenile cases encourages judicial officers to commit themselves to excellence in this specific area of law and to participate in needed educational programs. Given the series of concerns raised by the practice of rotation, judges hearing juvenile cases ideally would not rotate¹²;

⁴ Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, NCJFCJ (2016), available at

<https://www.ncjfcj.org/sites/default/files/%20NCJFCJ%20Enhanced%20Resource%20Guidelines%2005-2016.pdf>.

⁵ The standards were written over a period of three years with the help of a multidisciplinary committee of leading judges and other key professionals and national leaders from different jurisdictions and organizations across the country.

⁶ See commentary to standard A.4 (“To say that courts should have judges who are skilled and committed to child abuse and neglect proceedings does not necessarily mean that such judges must hear nothing but abuse and neglect cases. First, there are other case types that are similar in important ways to child abuse and neglect cases, such as delinquency cases and other cases affecting the custody, placement, support, and care of children, as well as the status of families.”)

⁷ See standard A.1.

⁸ See standard A.2.

⁹ See commentary to standard A.2.

¹⁰ See standard A.10.

¹¹ See standard B.8.

¹² See commentary to standard B.8.

WHEREAS, in jurisdictions where judges are temporarily assigned or rotated to hear juvenile cases, it should be possible to extend such assignments after the terms have been completed.¹³ Many judges who are assigned to hear juvenile cases find such cases rewarding and prefer to avoid being reassigned to hear another case category. So long as they are performing well, there is no need to have inflexible policies requiring their rotation. Further, repeated terms can contribute to judicial excellence for the same reason that lengthy judicial assignments can do so¹⁴;

WHEREAS, when jurisdictions use magistrates to hear juvenile cases, the same judicial officer should hear all stages of a case until the case is dismissed¹⁵; however, if it is impossible to implement a strict one judge/one family policy, a team of a judge and a magistrate should be jointly responsible for a case from start to finish;¹⁶

WHEREAS, court leaders should encourage and support competent judges to continue in their assignments hearing juvenile proceedings¹⁷;

WHEREAS, court leaders should develop and implement local plans to enhance the quality of juvenile proceedings—such plans should include, as appropriate, work and collaboration with other interested agencies and organizations¹⁸;

WHEREAS, court leaders should articulate a full description of judicial duties consistent with the wide range of court functions in juvenile cases.¹⁹ There are certain tasks that are critical to efficient court operations that court staff should perform, including:

- Setting up and coordinating stakeholder meetings;
- Participating at the judge’s direction in agency and stakeholder meetings;
- Ensuring the court has regular access to credible data to monitor system performance;
- Helping the judge to analyze and understand the data;
- Preparing templates for routine court orders prior to hearings;
- Identifying cases failing to meet legal deadlines and bringing them to the attention of the judge;
- Reviewing court orders to ensure that they fulfill federal and state requirements;
- Monitoring whether court orders are implemented and reporting to the judge when they are not;
- Performing case management tasks, such as producing quarterly and annual reports;
- Serving as liaison with agency staff to help avoid logistical problems with the child welfare agency and other entities; and
- Assisting with evaluation of the court and community’s performance for juveniles and their families²⁰;

¹³ See standard B.9.

¹⁴ See commentary to standard B.9.

¹⁵ See standard B.11

¹⁶ See commentary to standard B.11

¹⁷ See standard B.12.

¹⁸ See standard C.1.

¹⁹ See standard C.2.

²⁰ See commentary to standard C.2.

WHEREAS, court leaders should ensure that judicial officers are supported by administrative and support staff who are fully qualified and sufficiently compensated to fulfill the special requirements of juvenile cases.²¹ Courts hearing juvenile cases must actively work with the child welfare agency and other entities in the community on issues such as coordination and logistics; scheduling of hearings; timely filing of reports and pleadings; information exchanges about services for children; service of process and notice to parties and foster parents; establishment and compliance with rules, processes, and procedures; and local training.²²

WHEREAS, court leaders should ensure that judicial officers are supported by staff that, in addition to performing the other typical duties of judicial administration, can serve as liaisons, arrange and help coordinate community meetings under judicial direction, and represent judges at agency and community meetings as needed. They need administrative staff that can help develop and implement forms and procedures in cooperation with such outside organizations and groups. Further, courts need staff to perform the following specialized tasks:

- Help the court improve its legal process to comply with federal and state child welfare law,
- Ensure that all people coming before the court have equal access to justice,
- Operate or coordinate special projects,
- Help judges avoid missing deadlines and overcome delays in specific cases,
- Adapt and use court automation to meet the unique needs of child welfare proceedings, monitor data regarding the court's performance²³;

WHEREAS, judicial officers hearing juvenile proceedings, as well as court administrators and staff responsible for such proceedings, should be actively involved in important decisions regarding judicial administration of juvenile cases²⁴;

WHEREAS, judicial officers hearing juvenile proceedings, as well as court administrators and staff responsible for such proceedings, should be aware of and, where appropriate, participate in the meetings of advisory and other groups that address issues relating to the administration of juvenile cases²⁵;

WHEREAS, judicial officers hearing juvenile proceedings should be knowledgeable about state statutes, court rules, or regulations addressing the following proceedings:

- Child abuse and neglect;
- Delinquency;
- Proceedings for status offenders, including truants and runaways;
- Definitions of child abuse and neglect, delinquency, status offenses, including when courts can intervene in such cases;
- General rules of evidence and special provisions affecting child abuse and neglect cases;
- Civil procedure;

²¹ See standard C.7.

²² See commentary to standard C.7.

²³ See commentary to standard C.7.

²⁴ See standard C.12.

²⁵ See standard C.12.

- Criminal procedure;
- Privilege and confidentiality;
- Public benefits, education, and disabilities;
- Rules of professional responsibility or other relevant ethics standards;
- Domestic violence proceedings;
- Domestic relations proceedings;
- Mental health commitment proceedings and mental health treatment;
- Substance abuse treatment; and general court rules and standing orders²⁶;

WHEREAS, in addition to state laws, judicial officers hearing juvenile proceedings must be familiar with numerous federal laws, not only for the benefit of children and families, but also because these laws affect funding and benefits available to states. The failure to comply with certain laws can result in the loss of federal funding or services that are vital to the state. In addition, states are held accountable for compliance with these laws through various reviews, such as Title IV-E eligibility reviews and the Child and Family Services reviews. The following are some key federal laws affecting child welfare proceedings:

- 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, 45 C.F.R. Parts 1355, 1356, 1357;
- Adoption Assistance and Child Welfare Act of 1980, P.L. 96-272, 42 U.S.C. §§ 620-628 and 670-679;
- Child Abuse Prevention and Treatment Act (CAPTA), 42 USC § 5106a;
- Indian Child Welfare Act (ICWA) 25 U.S.C. §§ 1901-1963, the ICWA Regulations, 25 C.F.R. Part 23, 81 Fed. Reg. 38777 (Dec. 14, 2016), and the Guidelines for Implementing ICWA, 81 Fed. Reg. 96476 (Dec. 30, 2016);
- Multi-Ethnic Placement Act (MEPA), as amended by the Inter-Ethnic Adoption Provisions of 1996 (MEPA-IEP), 42 U.S.C. § 671(a)(18) (1998), 14 U.S.C. § 1996b (1998);
- Interstate Compact on the Placement of Children (ICPC) (technically an interstate compact rather than a federal law);
- Foster Care Independence Program (FCIP), 42 U.S.C. § 677;
- Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1412, 1417;
- Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g;
- Health Insurance Portability and Accountability Act of 1996 (HIPPA), P.L. 104-192 § 264, 42 U.S.C. § 1320d-2 (in relevant part); 45 C.F.R. Parts 160, 162, 164;
- Public Health Act, 42 U.S.C. Sec 290dd-2 and 42 C.F.R. Part 2;
- Federal and state benefits programs affecting children in foster care, e.g., SSI, SSA, Medicaid;
- Immigration laws relating to child welfare and child custody, including Special Immigrant Juvenile Status, in the Immigration and Nationality Act at § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J) as amended in 2008;
- Fostering Connections to Success and Increasing Adoptions Act of 2008²⁷;

²⁶ Commentary to Standard D.1.

²⁷ Commentary to Standard D.1.

- Family First Prevention Services Act (FFPSA), 42 U.S.C. § 671, Pub. L. No. 115-123 (2018), H.R. 115-253;

WHEREAS, court leaders should establish a resource center in which information about juvenile court practice is collected and made available to judicial officers²⁸;

WHEREAS, the Chief Judge of the 1st J.D. has 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 judges as deemed appropriate pursuant to C.J.D. 95-01;

NOW, THEREFORE, pursuant to the authority vested in me as the Chief Judge of the 1st J.D., in order to maintain a juvenile court that will meet the standards articulated in Judicial Excellence in Child Abuse and Neglect Proceedings: Principles and Standards for Court Organization, Judicial Selection and Assignment, Judicial Administration and Judicial Education, and to better serve the needs of the citizens of the state of Colorado, it is hereby **ORDERED** as follows:

I. This Chief Judge Order supersedes Chief Judge Order 2015-1, as it pertains to the Presiding Juvenile Judge.

II. The 1st J.D. Juvenile Court and Jurisdiction

Division 10 shall constitute the juvenile division, or juvenile court, of the 1st J.D.²⁹ Specifically, Division 10 shall be the designated juvenile division with jurisdiction over matters enumerated in the Colorado Children’s Code.³⁰ Further, as seen in Section III, the Presiding Juvenile Judge will be assigned to Division 10. By doing so, the juvenile court is made a semiautonomous judicial unit within this court of general jurisdiction³¹, yet shall be on an equivalent level of the judicial hierarchy as the other district court divisions and district judges, other than the Chief Judge, of the 1st J.D.³²

As the 1st J.D. is a court of general jurisdiction, and other judicial officers other than the Presiding Juvenile Judge in division 10 will necessarily hear juvenile matters, nothing in this Chief Judge Order is intended to exclude other divisions from hearing juvenile matters. Other divisions hearing juvenile matters will also be considered part of the juvenile division or juvenile court. The purpose of designating division 10 specifically is to establish a permanent division from which judicial leadership on all juvenile court-related matters will originate, in consultation with the Chief Judge.

²⁸ Standard D.7.

²⁹ See § 19-1-103(70) (“Juvenile court” means the juvenile division of the district court).

³⁰ See § 19-1-104(1)(a)-(m) (the juvenile court has exclusive original jurisdiction in proceedings under the Colorado Children’s Code, including truancy provisions under Title 22).

³¹ See commentary to standard A.1.

³² See Standard A.5; commentary to Standard A.5 (reasons the position of courts in the hierarchy is important: (1) affects salaries and working conditions of judges—it is easier to attract and retain excellent judges when these things are superior, (2) if juvenile court is not equal, judges are more likely to seek other assignments, (3) equal courts have better facilities, equipment and other resources, as well as more and higher qualified employees, (4) greater voice in decision making within the court system, thereby helping to ensure that their needs will be met, (5) heightens the respect judges have for juvenile litigation); Appendix B (“Juvenile justice court judges should have the same status as the highest level of trial court in the state . . .”).

The 1st J.D. takes this action with the intent to recognize that juvenile proceedings are a highly distinctive, complex, and challenging area of litigation.³³ 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.³⁴ Gaining such knowledge and skills requires that these judicial officers and judicial employees receive extensive specialized instruction in juvenile issues, and also that they devote a substantial portion of their efforts to juvenile proceedings over a sustained period.³⁵

Obtaining such education and learning these skills is only practical in the context of a specialized court or subdivision of a court that hears other matters.³⁶ Judicial officers cannot achieve the competency they need that and that these cases require if they are also required to hear a wide range of other types of court proceedings.³⁷ It is also not practical for them to gain the requisite experience, knowledge, and know-how that these cases require within a brief period of time, or to maintain those skills unless juvenile cases are a substantial and consistent component of their judicial workload.³⁸ The same principles also apply to court employees.³⁹

The Juvenile Court requires:

- Judicial officers and court employees to hear and administer juvenile cases over a sufficient period of time to learn to handle these cases well.
- The Juvenile Court should have a degree of autonomy needed to develop and enforce judicial procedures conducive to positive outcomes for children, youth, and their families.
- The Juvenile Court should have a position within the 1st J.D. as a whole that will facilitate their receipt of the resources, oversight, and support needed from the judicial system to facilitate positive outcomes for children, youth, and their families.⁴⁰

III. Presiding Juvenile Judge

Recognizing that the success of the juvenile court hinges on having strong, consistent judicial leadership⁴¹, the Chief Judge of the 1st J.D. shall designate one judge as the Presiding Juvenile Judge of the Juvenile Court.⁴² This is designed to establish one person through whom all administrative direction

³³ See commentary to standard A.1.

³⁴ See commentary to standard A.1.

³⁵ See commentary to standard A.1.

³⁶ See commentary to standard A.1.

³⁷ See commentary to standard A.1.

³⁸ See commentary to standard A.1.

³⁹ See commentary to standard A.1.

⁴⁰ See commentary to standard A.1.

⁴¹ See Appendix A (“the success of our nation’s juvenile and family courts is directly related to the leadership provided by the juvenile and family court judges serving in them”)

⁴² Many jurisdictions nationally name a presiding juvenile judge. See *generally* In re: Administrative Provision for Family Law Division; Unified Family Court, Fourth Judicial Circuit in and for Clay, Duval and Nassau, Florida, Section III (May 21, 2014), available at <https://www.flcourts.org/content/download/216194/1963110/4thCircuitFourthAmendedAdministrativeOrderNO92-1.pdf>; Iowa Code § 602.1217(1) (2019) (“[t]he chief judge of each judicial district, after consultation with the judges of the judicial district, shall appoint a chief juvenile court officer and may remove the officer for cause”); Tex. Lubbock Cty. Local Juvenile Rule 11.01(A) (2019) (“[t]he presiding juvenile judge is annually designated by the

will be channeled and does not mean that other judges or judicial officers should not conduct juvenile proceedings, as discussed previously in Section II.⁴³ The Presiding Juvenile Judge is subject to the immediate supervision and direction of the Chief Judge of the 1st J.D.⁴⁴ It is hoped that qualified judges will remain in this position for a substantial number of years for maximum effectiveness. The 1st J.D. hereby adopts the NCJFCJ Resolution Regarding Judicial Leadership in the Juvenile and Family Courts (Appendix A) in establishing general expectations of the Presiding Juvenile Judge. Specific responsibilities will be enumerated in Section V of this Chief Judge Order.

The Presiding Juvenile Judge of the 1st J.D. should be assigned to Division 10, the juvenile division or juvenile court. The individual named Presiding Juvenile Judge should be skilled and committed to juvenile proceedings.⁴⁵ The candidates' interest, specialized knowledge, experience, and ability should be taken into account.⁴⁶ This appointment should not be based on a judges' *lack* of seniority.⁴⁷ Rather, everything else being equal, judges who have courtroom or other relevant experience should be assigned to preside over juvenile proceedings.⁴⁸ In making such a decision, the Chief Judge should consider, above all else, their ability to effectively serve the children and families affected by such case. A range of factors should be considered, including experience, commitment, and personality. Accordingly, the Chief Judge should consider the following items:

- Demonstrated interest in and willingness to learn about juvenile proceedings.
- Knowledge of laws and procedures specifically relevant to juvenile litigation and to whatever other areas of law, if any, are applicable to the position.
- Skills at problem solving and community leadership.
- Experience and skills related to juvenile litigation.
- Education and training specifically related to juvenile proceedings or commitment to receiving such education.⁴⁹

board of judges and juvenile board"); Ariz. Super. Ct. Local rules—Pinal County, Rule 1.2(h) (2019) ("[p]ursuant to [Ariz. Rev. Stat. § 8-202], one judge shall be designated as the Presiding Juvenile Judge . . ."); Ala. R. Juv. Pro. Rule 2 (2019) ("if there are two or more juvenile court judges in a county, one shall be designated as the presiding juvenile court judge. If there is only one juvenile court judge in a county, that judge shall be considered to be the presiding juvenile court judge"); C.R.S. § 13-8-112 (2019) ("[t]he judges of the [Denver] juvenile court may sit en banc for the purpose of . . . selection of a presiding judge").

⁴³ See Standards Governing Administration of Juvenile Courts, Juvenile Court Judges' Commission (PA) (Dec. 2018) <https://www.jcjc.pa.gov/Publications/Documents/Standards%20Governing%20Administration%20of%20Juvenile%20Court.pdf>.

⁴⁴ See C.J.D. 95-01 ("[t]he chief judge is the administrative head of all district and county courts within a judicial district"); Colo. Const. Art. VI, § 5(4) ("Each chief judge shall have and exercise such administrative powers over all judges of all courts within his district as may be delegated to him by the chief justice"); Cf. Iowa Code § 602.1217(2) (2019) ("The chief juvenile court officer is subject to the immediate supervision and direction of the chief judge of the judicial district").

⁴⁵ See standard A.4.

⁴⁶ See commentary to standard B.1; standard B.7.

⁴⁷ See commentary to standard B.7.

⁴⁸ See commentary to standard B.7.

⁴⁹ See commentary to standard B.7.

The above list is not intended to exclude inexperienced but particularly well qualified judges from being assigned to hear juvenile proceedings. There are a number of ways that inexperienced judges can rapidly acquire competence to hear such cases, including, for example:

- Mentorship (temporarily second chairing and consulting on juvenile cases) with other judges.
- Being assigned to hear other categories of family cases before hearing juvenile-specific cases.
- Intensive early training and education such as that provided annually by the National Council of Juvenile and Family Court Judges (NCJFCJ).⁵⁰

The designation of a Presiding Juvenile Judge shall be, to the extent practical, in a manner that serves the interests of families and children.⁵¹

IV. Assignment and Rotation of the Presiding Juvenile Judge

The 1st J.D. recognizes that it is best practice for qualified presiding juvenile judges to have extended assignments and to avoid rotation completely, when possible.⁵² In light of this jurisdiction's general expectations of a Presiding Juvenile Judge, as adopted in Section II and found in Appendix A, they must be encouraged to remain in the position for a substantial number of years in order to be effective. Judge Leonard Edwards (ret.), quoting Judge Ted Ruben (ret.), put it best:

To rotate the juvenile court judge on a frequent basis also will likely result in less effective judicial administration. Agencies serving the court will recognize that there will be no consistent judicial authority supervising their policies and procedures. Such rotation can result in abrogation of the juvenile administrative function. When the juvenile judge is rotated, no one even knows who the juvenile court judge is, so you've lost the community bellwether.⁵³

⁵⁰ See commentary to standard B.7.

⁵¹ See commentary to Judicial Assignment, pg. 21 (preceding commentary to standards B.7 – B.12)

⁵² See Child Abuse and Neglect Cases in the Colorado State Courts: Final Report, Dependency and Neglect Court Assessment Advisory Council, 30-33 (June 27, 1996), available at https://www.courts.state.co.us/userfiles/file/Administration/Executive/JP3/CIP/CIP%20Web%20Page/1996_CIP_Final_Assessment_Report.pdf (to address the concern that “the annual rotation system [] does not allow judges time to really develop a sense of ownership for cases and contributes to a lack of consistency,” the Council recommended that “Judges should remain on the D&N docket rotation for a minimum of 3 years”) (“Final Report”); Report to the Colorado General Assembly, Juvenile Defense Attorney Interim Committee, prepared by The Colorado Legislative Council, Research Publication No. 629, 12 (Dec. 2013), available at <https://www.colorado.gov/pacific/sites/default/files/13JuvDefenseFinalReport.pdf> (recommending that the legislature enact a joint resolution to request the Chief Justice to “issue a directive to state judges to assign juvenile delinquency cases, to the extent practicable, to a single courtroom within each judicial district and to allow judges with juvenile dockets to remain in that rotation so that they may develop expertise in the handling of juvenile cases”); Appendix B (“Juvenile justice court judges should . . . have multiple year or permanent assignments”); The Role of the Juvenile Court and Juvenile Judge, Judge Leonard Edwards (ret.), 43 Juv & Fam. Ct. J. No 2, 34-37 (1992), available at <http://www.judgeleonardedwards.com/docs/1-ROLEOFTHEJUVENILECOURTJUDGEBOOK.pdf> (the lowest number suggested is three years; many argue for five or more).

⁵³ The Role of the Juvenile Court and Juvenile Judge, Judge Leonard Edwards (ret.), 43 Juv & Fam. Ct. J. No 2, 34-37 (1992), available at <http://www.judgeleonardedwards.com/docs/1-ROLEOFTHEJUVENILECOURTJUDGEBOOK.pdf> (quoting H. Ted Rubin, *Juvenile Justice: Policy, Practice and Law*, 2nd ed. New York, Random House, 366 (1985)).

The administrative responsibilities of the presiding juvenile judge can only be effectively carried out by someone who spends enough time in juvenile court to understand not only the nature of the case before the court, but also the nature of those agencies and persons reporting to the court. The experience of juvenile court judges throughout the country is that the expertise necessary can come only from years on the job. The lowest number suggested is three years; many argue for five or more.⁵⁴

Accordingly, the presumption in the 1st J.D. shall be that the Presiding Juvenile Judge assigned to division 10 will not be reassigned through rotation absent good cause.

V. 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.⁵⁵ In the 1st J.D., a large jurisdiction, it is appropriate to delegate these direct or implied charges to the Presiding Juvenile Judge, with oversight of the Chief Judge. The Presiding Juvenile Judge of the 1st J.D. will have the following general responsibilities which include, but are not limited to:

Supervision of the District Court Magistrates pursuant to the Colorado Code of Judicial Conduct rule 2.12, section 19-1-108(1), C.R.J.P. 2.4, and C.R.M. rules 1, 2, and 6(d). Supervision will include annual evaluation per C.J.D. 95-01(9)(c). This includes ensuring that all new District Court Magistrates receive intensive juvenile court-related education and mentoring designed specifically for them.⁵⁶ The Presiding Juvenile Judge shall handle pleadings requesting review of magistrate orders as provided by section 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).

Supervision of the Juvenile Staff Attorney⁵⁷ pursuant to the Colorado Code of Judicial conduct rule 2.12. Supervision of the Juvenile Staff Attorney includes directing the development of relevant juvenile court-related continuing legal education opportunities for the District Court Magistrates. Curricula should be carefully designed to improve current judicial practice, improve compliance with the law, and help

⁵⁴ The Role of the Juvenile Court and Juvenile Judge, Judge Leonard Edwards (ret.), 43 Juv & Fam. Ct. J. No 2, 34-37 (1992), available at <http://www.judgeleonardedwards.com/docs/1-ROLEOFTHEJUVENILECOURTJUDGEBOOK.pdf>.

⁵⁵ See C.R.S. § 19-1-211(1) (“there may be created in the judicial district a local juvenile services planning committee that is appointed by the chief judge. . .”); § 19-1-302(1)(a) (“The chief judge of any judicial district may issue an order that any juvenile who applies for preadjudication release be evaluated for placement by a preadjudication services program. . .”); § 13-5-145(3) (“The chief judge in each judicial district shall adopt a policy for addressing truancy cases . . .”); § 19-1-202(1) (“CASA programs may be established in each judicial district . . . and shall operate pursuant to a memorandum of understanding between the chief judge of the judicial district and the CASA program”); § 19-1-205(2)(f) (The chief judge and CASA program director to determine “other qualifications” of CASA volunteers); C.R.J.P. 3.7 (“The chief judge in each judicial district . . . shall designate one or more qualified persons or agencies to act as a screening team . . .”); C.J.D. 98-02 (“Annually, the chief judge shall report to the chief justice on the effectiveness of these procedures”);

⁵⁶ See standard D.5.

⁵⁷ Legal Research Attorney, who will act as a research/staff attorney to support the Presiding Juvenile Judge and District Court Magistrates regarding all juvenile case-related matters. The individual will represent the Presiding Juvenile Judge in meetings and on statewide committees and be the point person for all juvenile stakeholders. Responsibilities will include: reporting and analysis, review of new legislation, case law updates, organization of juvenile events and trainings, case management conferences, and various other duties as assigned. (comments to legal research attorney job description). This role has been referred to commonly as the “Juvenile Staff Attorney.”

judicial officers fulfill national or state judicial best practice standards.⁵⁸ It also includes coordination with the Juvenile Staff Attorney, who will establish an electronic resource center in which information about juvenile court practice is collected and made available to judicial officers.⁵⁹ The Juvenile Staff Attorney will make every attempt to ensure that the Presiding Juvenile Judge and District Court Magistrates are informed of developing/new juvenile court-related legislation and case law.⁶⁰ The Presiding Judge may direct the Juvenile Staff Attorney to develop a manual which describes the duties of each Court employee, shows the flow of work and responsibility, contains personal practices of the Court, rules of Court governing legal processes, policies of the Court regarding the maintenance and control of records, and procedures for the conduct of hearings.⁶¹

Due to the specialized and distinctive nature of juvenile proceedings, the Presiding Juvenile Judge has an ongoing responsibility to participate in continuing education on a wide range of identified special issues.⁶² This includes staying abreast of national and state best practices, as well as changes in the legal landscape.

Due to the unique interdependence of the court and a wide range of external groups, organizations, and entities, the Presiding Juvenile Judge needs to actively collaborate with other interested agencies and organizations.⁶³ The success of the juvenile court is directly related to the leadership of the Presiding Juvenile Judge.⁶⁴

Make efforts to comment on legislation, as appropriate, as juvenile court legislation is often written without significant input from the juvenile court judiciary.⁶⁵

Develop and/or review all policy matters regarding the Juvenile Court, with assistance from Juvenile Staff Attorney. 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.⁶⁶ The Presiding Juvenile Judge may issue administrative orders, as this authority is delegated by the Chief Judge pursuant to C.J.D. 95-01(14). Such administrative orders may be distinguished from the general Chief Judge Orders, through the title "Presiding Juvenile Judge Order yr-##", or "PJO yr-##" for short, but require the signature of both the Presiding Juvenile Judge and 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 included on the

⁵⁸ See standard D.3.

⁵⁹ See standard D.7.

⁶⁰ See Appendix B, pg. 2.

⁶¹ See Standards Governing Administration of Juvenile Courts, Juvenile Court Judges' Commission (PA) (Dec. 2018) <https://www.icjc.pa.gov/Publications/Documents/Standards%20Governing%20Administration%20of%20Juvenile%20Court.pdf>.

⁶² See principle 3.

⁶³ See principle 4.

⁶⁴ See Appendix A, bullet point 4.

⁶⁵ The Role of the Juvenile Court and Juvenile Judge, Judge Leonard Edwards (ret.), 43 Juv & Fam. Ct. J. No 2, 29 (1992), available at <http://www.judgeleonardedwards.com/docs/1-ROLEOFTHEJUVENILECOURTJUDGEBOOK.pdf>.

⁶⁶ See Standards Governing Administration of Juvenile Courts, Juvenile Court Judges' Commission (PA) (Dec. 2018) <https://www.icjc.pa.gov/Publications/Documents/Standards%20Governing%20Administration%20of%20Juvenile%20Court.pdf>.

shared network drive (“H drive”). Additionally, the Presiding Juvenile Judge should ensure that the Juvenile Staff Attorney maintains an index of such juvenile-related administrative orders.

The Presiding Juvenile Judge is responsible for providing leadership to the Family Integrated Treatment (FIT) Court.⁶⁷

In addition to the general responsibilities provided above, the Presiding Juvenile Judge has the following specific responsibilities as it pertains to individual case types:

Dependency & Neglect

Work collaboratively with representatives from the department of social services, county attorneys, guardians ad litem, respondent parents’ counsel, CASA, and services providers to implement policies.⁶⁸

Maintain a D&N District Plan, and report annually to the Chief Justice on the effectiveness of the procedures found therein⁶⁹, currently reflected in PJO 13-01. Additionally, ensure that the D&N District Plan meets the requirements of state and federal legislation as well as internal mandates.⁷⁰

Create and maintain Case Management Orders.⁷¹

Take an active role in ensuring timely resolutions and achieving permanency for the children involved.⁷²

⁶⁷ See the Roles of the Judge enumerated in Jefferson County Family Integrated Treatment (FIT) Court: Policies and Procedures Manual (2008, updated February 2019), available at https://www.cffutures.org/files/nadcp2019/PLC_Materials/Jefferson_CO/FIT_Court_Policies_and_Procedures_Manual_Jefferson_CO.pdf.

⁶⁸ C.J.D. 96-08, available at https://www.courts.state.co.us/Courts/Supreme_Court/Directives/98-02.pdf; C.J.D. 98-02, available at https://www.courts.state.co.us/Courts/Supreme_Court/Directives/96-08.pdf.

⁶⁹ C.J.D. 98-02. The D&N District Plans are modeled on the Memorandum of Procedures (MOP) provided by the State Court Administrator’s Office (SCAO), which includes the following factors: (1) “Front-loading” of key processes including: early identification of needed services, timely notification of parents and interested family members, early assessment and evaluation, and advanced preparation of meaningful treatment plans. (2) Procedures to clearly define the objective and specific actions which need to take place to assure that court hearings are meaningful. (3) Procedures which provide parties with opportunities to resolve issues consensually in a non-adversarial problem solving environment. MOP, available at https://www.courts.state.co.us/userfiles/File/Administration/Executive/JP3/CIP/Dependency_and_Neglect_MOP.doc.

⁷⁰ C.J.D. 98-02; MOP, available at https://www.courts.state.co.us/userfiles/File/Administration/Executive/JP3/CIP/Dependency_and_Neglect_MOP.doc.

⁷¹ See MOP, available at https://www.courts.state.co.us/userfiles/File/Administration/Executive/JP3/CIP/Dependency_and_Neglect_MOP.doc.

⁷² Child Abuse and Neglect Cases in the Colorado State Courts: Final Report, Dependency and Neglect Court Assessment Advisory Council, 16-17 (June 27, 1996), available at https://www.courts.state.co.us/userfiles/file/Administration/Executive/JP3/CIP/CIP%20Web%20Page/1996_CIP_Final_Assessment_Report.pdf.

Be aware of available services and have a thorough knowledge of waiting times for drug and alcohol evaluations, mental health evaluations, and other services.⁷³

Ensure the occurrence of regular meetings between court administration and social services to address administrative issues of common interest.⁷⁴

Ensure the occurrence of regular meetings between the court and D&N stakeholders to resolve individual case issues, resolve operational issues and complaints, share information, and develop ways to improve the process.⁷⁵

When appointed by the Chief Justice, serve on the Court Improvement Program (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.⁷⁶

Lead local Best Practice Court Teams to set goals that can realistically be implemented to effect system change.⁷⁷

Ensuring that actions are taken for making available a person appointed by the judge of the juvenile court, who may be the judge, a magistrate, or any other officer of the court, to be available by telephone at all times to act with the authorization and authority of the court to issue such orders pursuant to § 19-3-405(1) and C.R.J.P. 2.3. (Most recently reflected in CJO 19-02, and commonly referred to as the “duty phone”).

Ensure local compliance and implementation with the Federal Families First Prevention Services Act (FFPSA).⁷⁸

⁷³ Child Abuse and Neglect Cases in the Colorado State Courts: Final Report, Dependency and Neglect Court Assessment Advisory Council, 17 (June 27, 1996), available at https://www.courts.state.co.us/userfiles/file/Administration/Executive/JP3/CIP/CIP%20Web%20Page/1996_CIP_Final_Assessment_Report.pdf.

⁷⁴ Child Abuse and Neglect Cases in the Colorado State Courts: Final Report, Dependency and Neglect Court Assessment Advisory Council, 17 (June 27, 1996), available at https://www.courts.state.co.us/userfiles/file/Administration/Executive/JP3/CIP/CIP%20Web%20Page/1996_CIP_Final_Assessment_Report.pdf (encouraging such meetings to overcome the tension between social services and the court naturally caused by the oversight role performed by the court in D&N cases).

⁷⁵ Child Abuse and Neglect Cases in the Colorado State Courts: Final Report, Dependency and Neglect Court Assessment Advisory Council, 18 (June 27, 1996), available at https://www.courts.state.co.us/userfiles/file/Administration/Executive/JP3/CIP/CIP%20Web%20Page/1996_CIP_Final_Assessment_Report.pdf.

⁷⁶ See Chief Justice Charge Establishing Court Improvement Program Committee, Committee Charge Document (on file with SCAO CIP Coordinator); Social Security Act § 438, Public Law 107-133, Sec. 107(e), amended and re-designated §13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) as section 438 of the Act. The purpose of the CIP is to develop infrastructure at the state and local levels for the delivery of training and technical assistance to all D&N stakeholders. Description of Court Improvement Program and Best Practice Court Teams, SCAO, available at https://www.courts.state.co.us/userfiles/file/Administration/Planning_and_Analysis/Family%20Law%20Programs/CIP/Description_CIP_and_BPCT.pdf.

⁷⁷ See Description of Court Improvement Program and Best Practice Court Teams, SCAO, available at https://www.courts.state.co.us/userfiles/file/Administration/Planning_and_Analysis/Family%20Law%20Programs/CIP/Description_CIP_and_BPCT.pdf.

⁷⁸ See The Role of the Court in Implementing the Family First Prevention Services Act of 2018, National Council of Juvenile and Family Court Judges, Tanner, C.H. & Howze, K. (2018), available at

Ensure compliance and implementation of best practices associated with ICWA.⁷⁹

Ensure that the Uniform Parentage Act is complied with in D&N proceedings.⁸⁰

Determining policies regarding the determination of the therapeutic privilege holder for children in D&N cases.⁸¹

Determining policies and procedures for implementation of DANSR (Dependency and Neglect System Reform).

Determining policies and procedures for youth in court pursuant to § 19-3-702(1)(a), previously established in PJO 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, provided in Appendix B of this order.

Work collaboratively with representatives from the district attorney, public defender, alternate defense counsel, probation, diversion, CASA, department of social services, county attorneys, local Colorado Youth Detention Continuum (CYDC) (formerly SB94), Collaborative Management Program (CMP) administrators, and service providers to implement policies.

If selected to serve as chair, oversee the local juvenile services planning committee (JSPC) as chair to develop a plan of the allocation of resources for local juvenile services for the fiscal year.⁸²

Ensure that the local plan created by the JSPC includes detention screening and placement guidelines.⁸³ Facilitate the approval of the Chief Judge and issuance of an administrative 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 sections 19-2-508(3)(c) and 19-2-509(1).⁸⁴

Oversee management of and procedures pertaining to dually identified crossover youth as described in section 19-2-211(2)(a)-(i).

https://www.ncjfcj.org/sites/default/files/NCJFCJ_FFPSA_Final.pdf; Family First Prevention Services Act (FFPSA), 42 U.S.C. § 671, Pub. L. No. 115-123 (2018), H.R. 115-253. In Colorado FFPSA is expected to be implemented in Spring 2020.

⁷⁹ Indian Child Welfare Act (ICWA) 25 U.S.C. §§ 1901-1963, the ICWA Regulations, 25 C.F.R. Part 23, 81 Fed. Reg. 38777 (Dec. 14, 2016), and the Guidelines for Implementing ICWA, 81 Fed. Reg. 96476 (Dec. 30, 2016). *See generally* L.L., No 16CA1222, 2017COA38, 395 P.3d 1209 (Colo. App. Mar. 23, 2017) (outlines the court's role in oversight of compliance with ICWA).

⁸⁰ *See* People in Interest of J.G.C., No. 13CA0847, 2013 COA 171, 318 P.3d 576 (Colo. App. Dec. 5, 2013) (requiring compliance with the UPA provisions found in article 4 of the Colorado Children's Code).

⁸¹ *See* PJO 13-01 In the Matter of the Establishment of an Interim Protocol Regarding In Re: L.A.N. in the First Judicial District Court; L.A.N. v. L.M.B., 2013 CO 6, No. 11SC529 (Colo., Jan. 22, 2013) (when the subject child is incompetent to hold the privilege and where parents interests might be adverse, the GAL is the proper person to hold the privilege).

⁸² *See* C.R.S. § 19-2-211(1).

⁸³ C.R.J.P. 3.7.

⁸⁴ C.R.J.P. 3.7.

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 section 24-1.9-102(1).⁸⁵

Oversee policy and procedures regarding juvenile competency to proceed.⁸⁶

Oversee policy and procedures regarding juvenile expungement, which was significantly reformed in the 2017 legislative session to mandate an automatic administrative expungement procedure.⁸⁷

Oversee policy and procedures regarding the use of restraints, or shackling, of juveniles in court proceedings—currently addressed in PJJ0 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.⁸⁸

Oversee policy and procedures regarding removal from sex offender registry for juveniles pursuant to § 16-22-113.

Ensure compliance and implementation of the Juvenile Justice Reform Act in the 1st Judicial District.⁸⁹

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, published by the Coalition of Juvenile Justice, provided in Appendix C of this order, and previously embraced by this jurisdiction in CJO 16-02.

Collaborate, as appropriate, with truancy court stakeholders, including school districts, guardians ad litem, truancy respondent counsel, the department of social 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 § 13-5-145, currently addressed in CJO 16-02.

Adoption & Relinquishment

Ensure compliance and implementation of best practices associated with ICWA.⁹⁰

Ensure timeliness requirements of §§ 19-5-102.5(1) and 19-5-202.5(1) are met.

⁸⁵ (Collaborative Management Program, or CMP)

⁸⁶ See C.R.S. §§ 19-2-1300.2 to -1305.

⁸⁷ See H.B. 17-1204, Sess. Law ch. 206, p. 775, § 2, effective November 1, 2017.

⁸⁸ Indian Child Welfare Act (ICWA) 25 U.S.C. §§ 1901-1963, the ICWA Regulations, 25 C.F.R. Part 23, 81 Fed. Reg. 38777 (Dec. 14, 2016), and the Guidelines for Implementing ICWA, 81 Fed. Reg. 96476 (Dec. 30, 2016);

⁸⁹ S.B. 19-108, 2019 Colo. Sess. Law Ch. 294, p. 2690, with some parts effective July 1, 2019; except that section 9, 10, and 11 of the act take effect July 1, 2020, available at

https://leg.colorado.gov/sites/default/files/documents/2019A/bills/sl/2019a_sl_294.pdf.

⁹⁰ Indian Child Welfare Act (ICWA) 25 U.S.C. §§ 1901-1963, the ICWA Regulations, 25 C.F.R. Part 23, 81 Fed. Reg. 38777 (Dec. 14, 2016), and the Guidelines for Implementing ICWA, 81 Fed. Reg. 96476 (Dec. 30, 2016);

Oversee the annual 1st J.D. Adoption Day, typically held on National Adoption Day.

Judicial Bypass

Ensure compliance with the rules of procedure for judicial bypass, established in § 13-22-707.

Petition for Review of Need for Placement

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

CASA

Oversee the memorandum of understanding between the 1st J.D. and the local CASA program pursuant to § 19-1-202(1).

Determine CASA qualifications with the CASA program director pursuant to 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 § 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).

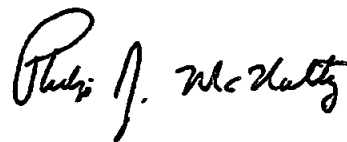
Ensure compliance with the duties of Judges and Magistrates regarding attorneys under contract with the Office of Respondent Parents' Counsel (ORPC) found in CJD 16-02(VIII).

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 *T.M.S.*, No. 18CA1164, 2019COA136, --- P.3d --- (Colo. App. Aug. 29, 2019). Additionally, providing counsel for parents whose parental rights are in jeopardy as explained in *In re R.A.M.*, 13CA0940, 2014 COA 68, 411 P.3d 814 (Colo. App. May 22, 2014).

IV. Appointment of Current Presiding Juvenile Judge

At this time, **IT IS ORDERED THAT** District Judge Ann Gail Meinster is appointed as the Presiding Juvenile Judge for the First Judicial District effective December 31, 2019.

Done in Golden, Colorado this 31st day of December, 2019.



Philip J. McNulty, Chief Judge, 1st Judicial District

**NCJFCJ 69th ANNUAL CONFERENCE
JULY 16 - 19, 2006
Milwaukee, Wisconsin**

Resolution No. 6

**RESOLUTION REGARDING JUDICIAL LEADERSHIP
IN THE JUVENILE AND FAMILY COURTS**

WHEREAS, the success of our nation's juvenile and family courts is directly related to the leadership provided by the juvenile and family court judges serving in them; and

WHEREAS, in consultation with the presiding judge of the court system and to the extent that it does not interfere with the adjudication process, these judges are encouraged to:

1. Provide leadership within the community in determining the needs and obtaining and developing resources and services for at-risk children and their families. At-risk children include delinquents, dependents and status offenders.
2. Investigate and determine the availability of specific prevention, intervention, and treatment services in the community for at-risk children and their families.
3. Exercise their authority by statute or rule to review, order, and enforce the delivery of specific services and treatment of children at risk and their families.
4. Exercise a leadership role in convening, developing, and maintaining programs of interagency cooperation and coordination among the court and the various public agencies that serve at-risk children and their families.
5. Take a leadership role in the formation of a community-wide network to promote
and unify private and public sector efforts to focus attention and resources for at-risk children and their families.

Resolution No. 6
Regarding Judicial Leadership
In the Juvenile and Family Courts July
19, 2006
Milwaukee, WI Page
two of two

6. Maintain close liaison with school authorities and encourage coordination of policies and programs.
7. Educate the community and its institutions through every available means including the media concerning the role of the juvenile court in meeting the complex needs of at-risk children and their families.
8. Encourage the development of community services and resources to assist homeless, truant, runaway, and incorrigible children.
9. Convene volunteers from the community to work with and mentor and support at-risk children.
10. Be familiar with all detention facilities, placements and institutions used by the court.
11. Act in all instances consistent with the public safety and welfare.

NOW THEREFORE BE IT RESOLVED, the National Council of Juvenile and Family Court Judges does support and approve this Resolution regarding judicial leadership in the Juvenile and Family Courts.

Adopted this 19th day of July, 2006
By the Membership Assembled in Conference In
Milwaukee, Wisconsin

ENHANCED JUVENILE JUSTICE GUIDELINES

GUIDING PRINCIPLES

The Key Principles of the Enhanced Juvenile Justice Guidelines fall into two broad categories – fairness, equity and procedural justice and the pursuit of excellence. Fairness, equity and procedural justice address deals with those principles relating to the treatment of youth, families, and victims within the juvenile justice system. The pursuit of excellence addresses those principles that related to the improvement of the juvenile justice system itself.

FAIRNESS, EQUITY, AND PROCEDURAL JUSTICE

- All members of the juvenile justice court shall work to promote equity and impartiality when working with youth of color.
- All members of the juvenile justice court shall treat youth, families, crime victims, witnesses, and others with respect, dignity, courtesy, and cultural understanding.
- Juvenile justice court judges should ensure their systems divert cases to alternative systems whenever possible and appropriate.
- Youth charged in the formal juvenile justice court must have qualified and adequately compensated legal representation.
- Juvenile justice court judges should ensure crime victims have access to all phases of the juvenile justice court process and receive all services to which they are entitled by law.
- Juvenile justice courts should render timely and just decisions, and trials should conclude without continuances.
- Juvenile justice system staff should engage parents and families at all stages of the juvenile justice court process to encourage family members to participate fully in the development and implementation of the youth's intervention plan.
- The juvenile justice court should engage the school and other community support systems as stakeholders in each individual youth's case.
- The juvenile justice court should understand adolescent development and hold youth accountable in developmentally appropriate ways.
- Juvenile justice court judges should ensure court dispositions are individualized and include graduated responses, both sanctions and incentives.

PURSUIT OF EXCELLENCE

- Juvenile justice court judges should engage in judicial leadership and encourage system collaboration.
- Juvenile justice systems must have adequate staff, facilities, and program resources.
- Juvenile justice courts and juvenile abuse and neglect courts should have integrated one family-one judge case assignments.
- Juvenile justice court judges should have the same status as the highest level of trial court in the state and should have multiple year or permanent assignments.
- Juvenile justice court judges should hold their systems and the systems of other juvenile justice court stakeholders accountable.
- Juvenile justice court judges should ensure the court has an information system that can generate the data necessary to evaluate performance, facilitate information-sharing with appropriate agencies, and manage operations information.
- Juvenile justice court judges should ensure effective post-disposition review is provided to each youth as long as the youth is involved in any component of the juvenile justice system.
- The juvenile justice court judge is responsible to ensure that the judiciary, court staff, and all system participants are both individually trained and trained across systems and roles.

National Standards for the Care of Youth Charged with Status Offenses

Coalition for Juvenile Justice

KEY PRINCIPLES

Section 1. Principles for Responding to Status Offenses

Judicial, legal, law enforcement, justice, social service, and school professionals working with youth alleged to have committed status offenses and their families should:

1. Apply a child and family-centric approach to status offense cases by prioritizing child and family safety, well-being, and permanency for the child.
2. Understand and apply current and emerging scientific knowledge about adolescent development, particularly as it relates to court-involved youth.
3. Understand positive youth development principles and how they can be used to achieve better outcomes for court-involved youth.
4. Ensure that past trauma and other experiences, which may underlie or lead to status-offending behaviors, are identified and responded to with appropriate screening, assessment, treatment, services, and supports.
5. Implement a status offense system framework that promotes shared leadership and responsibility by encouraging youth engagement in court, agency, and other meetings affecting their case, safety, well-being, treatment services, and/or placement.
6. Utilize alternative dispute resolution strategies to resolve youth and family conflicts outside of the court system.
7. Employ family engagement strategies that identify and emphasize a family's strengths, and empower families to find and implement solutions outside of the court system.
8. Eliminate racial and ethnic disparities by being culturally aware and ensuring impartial and equal access to culturally-competent prevention and intervention services and treatment for youth charged with status offenses and their families.

9. Understand the developmental, behavioral, and social differences between boys and girls and how their service needs are accordingly different. Make gender-responsive choices regarding interventions, treatment, and services before, during, and following court involvement.
10. Ensure that lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth who are charged with status offenses receive fair treatment, equal access to services, and respect and sensitivity from all professionals and other youth in court, agency, service, school, and placement.
11. Ensure children do not enter the status offense system because of learning, mental health, sensory, speech/language, or co-occurring disabilities. Ensure that children with disabilities who do enter the status offense system are treated fairly and given access to needed evaluations, treatments, and services.
12. Coordinate with other relevant formal and informal systems of care to better serve children and families.

Section 2. Efforts to Avoid Court Involvement

Education, social service, community-based, child welfare, runaway and homeless youth, mental health, law enforcement, and juvenile justice systems should:

1. Aim to resolve all status offense matters through the provision of voluntary diversion services.
2. Determine the proper course of action by identifying the family circumstances, unmet needs, or other factors that led to contact with the status offense system.
3. Train professionals who first respond to alleged status offenses about family and community dynamics and other factors that can cause status behaviors, as well as the availability and role of screenings, assessments, and services.

Law enforcement systems should:

4. Focus on prevention and intervention by connecting children and families to needed services in lieu of charging or detaining children alleged to have committed status offenses.

Education systems should:

5. Implement responses to truancy that match the reasons youth are absent from school and that aim to avoid court involvement, school suspension, or expulsion.

Child welfare, juvenile justice, and runaway and homeless youth systems should:

6. Implement responses to alleged status behaviors that aim to avoid court involvement and are tailored to the reasons the youth and family have been referred to the child welfare, juvenile justice, or runaway and homeless youth system.

Court intake personnel should:

7. Not accept jurisdiction over any status offense case until it has been determined that the applicable statutory requirements were met and that the agency that first responded to the claim made reasonable efforts to avoid court involvement by exhausting all available, culturally appropriate pre-court assessments, services, entitlements, and treatments.

Section 3. Efforts to Limit Court Involvement

Judicial officers should:

1. Dismiss or, alternatively, stay proceedings when community-based services or other formal or informal systems approaches would circumvent the need for continued court jurisdiction.

2. Assess early whether the Indian Child Welfare Act (ICWA) applies.
3. Ensure youth charged with status offenses have independent, qualified, and effective representation throughout status offense proceedings.
4. Not allow children in status offense cases to waive counsel or alternatively only allow waiver if: (1) the waiver is on the record, (2) the court has fully inquired into the child's understanding and capacity, and (3) the waiver occurs in the presence of and in consultation with an attorney.
5. Exercise their statutory and inherent authorities to determine, prior to adjudication, whether youth and families received, in a timely manner, appropriate interventions that could have limited their court involvement.
6. Exercise their statutory and inherent authorities throughout the child and family's court involvement to ensure that service delivery systems are providing the appropriate assessments, treatments, and services to children and families in status offense cases.
7. Assess alternatives to out-of-home placement or secure confinement.
8. Not securely detain or confine youth at any point in the status offense process.

Lawyers for alleged and adjudicated status offenders should:

9. Advocate for voluntary and community-based assistance to limit and/or avoid continued court involvement and secure confinement.
10. Advocate for child clients to be treated fairly throughout the court process and for their due process rights to be protected.
11. Ensure that child clients' rights and entitlements under relevant federal and state laws are protected.

Judicial officers and entities providing case management services should:

12. Effectively manage and close court and agency cases in a timely manner.

Courts of the 1st Judicial District of Colorado

The Courts' values when serving children are:

- Respectful – act respectfully towards court users and colleagues.
- Accessible – effectively serve all community members regardless of where they live, their ethnicity, income, or education, and consistently work to identify and remove barriers to court access.
- Accountable – demonstrate that the court adheres to its values and uses all court resources, including staff, efficiently and effectively.
- Responsive – anticipate and develop services for meeting the changing needs of the community, court users, and court personnel.
- Fair – do individual justice in individual cases and treat all court personnel with respect and dignity.
- Effective – provide lasting resolution of legal matters.
- Professional – employ skilled, well-trained, neutral, even-handed staff who demonstrate personal integrity.
- Innovative – incorporate new approaches and technologies into all aspects of court operations.
- Understandable – provide information and conduct proceedings in a manner that can be understood by court users.
- Protect Rights and Confidentiality – protect individual rights and liberties while protecting the confidentiality of court participants.
- Work With the Community – develop and implement services in partnership with the community.
- Thorough and Comprehensive – provide a range of forums and services to meet diverse community needs.
- Collaboration and Integration – work across agencies with the common focus of most effectively serving the best interests of children, youth, and families.
- Reduce Harm – reduce the potential for individual and community harm by promoting early intervention and violence prevention.
- Transparency – assure that decisions and work processes are transparent to the public and other agencies.

Courts of the 1st Judicial District of Colorado

Mission For Serving Children:

The Mission of the Courts of the 1st Judicial District when protecting children and serving juveniles is to:

- Promote the health and welfare of children and their families;
- Provide effective and timely resolution of legal matters that meet the needs of children, families, and the community; and
- Assure dignified and fair treatment of all court participants

Vision Statement For Serving Children:

The Courts of the 1st Judicial District will provide a court system where informed litigants have an opportunity to succeed in meeting the expectations for good behavior that have been established by well-trained judicial officers and justice system personnel. The Court's vision for protecting children and serving juveniles and families stresses that:

- Court participants will understand the processes in which they are involved, will understand and accept their case's outcomes, and will comply with court orders;
- Litigants will be able to access treatment, training, and support resources within the community to help them comply with court orders;
- Court case work processes will be convenient to use, timely, and accessible to litigants across the District;
- Judicial officers and court personnel will be well-trained about how best to serve children, juveniles, and families in court;
- Court participants will be treated with respect and dignity;
- Juvenile offenders will be offered opportunities for rehabilitation;
- Court services will be customer focused and culturally appropriate;
- The infrastructure supporting case processing – including technology, work processes, and facilities – will be effective and will assure that court and community resources are used efficiently; and
- The court will know how well it is serving children, juveniles and their families and will be able to report, routinely, its performance to the public.