

# Adams County

## 17th Judicial District

**ANSWERS  
TO YOUR  
QUESTIONS  
ABOUT  
JUVENILE  
DELINQUENCY**

## **YOUR RIGHTS AND YOUR CHILD'S RIGHTS**

**What is a Juvenile Delinquent?** A juvenile delinquent is a juvenile between the ages of 10 and 17 who has been found guilty of a criminal act.

**A) At the first appearance before the court, the juvenile and parents, guardian, or other legal custodian shall be fully advised by the court, and the court shall make certain that they understand the following:**

1. The nature of the allegations contained in the petition;
2. The juvenile's right to counsel and if the juvenile, and the parent, guardian, or other legal custodian is indigent, that the juvenile may be assigned counsel as provided by law;
3. The juvenile does not need to make a statement, and that any statement made may be used against the juvenile;
4. The juvenile has the right to a preliminary hearing in certain cases, as set forth in Section 19-2-705, C.R.S.
5. The juvenile may have a right to a jury trial as provided by Section 19-2-107, C.R.S.;

6. That any plea of guilty by the juvenile must be voluntary and not the result of undue influence or coercion on the part of anyone;
7. The sentencing alternatives available to the court if the juvenile pleads guilty or is found guilty;
8. The juvenile's right to bond as outlined in Section 19-2-509 C.R.S., and the amount of bond, if any has been set by the court; and that the juvenile may be subject to transfer to the criminal division of the district court to be tried as an adult, as provided in Section 19-2-517 C.R.S.



**B) If the juvenile pleads guilty to the allegations in the petition, the court shall not accept the plea without first determining that the juvenile is advised of all the matters set forth in (a) of this Rule and also determines that:**

1. The juvenile understands the nature of the delinquent act alleged, the elements of the offense to which the juvenile is pleading guilty, and the effect of the juvenile's plea;
2. The plea of guilty is voluntary on the juvenile's part and is not the result of undue influence or coercion on the part of anyone;
3. The juvenile understands and waives his right to trial, including the right to a jury trial if applicable;
4. The juvenile understands the possible sentencing alternatives available to the court;
5. The juvenile understands that the court will not be bound by representations made to the juvenile by anyone concerning the sentence to be imposed; and
6. There is a factual basis for the plea of guilty. If the plea is entered as a result of a plea agreement, the court shall satisfy itself that the juvenile understands the basis for the plea agreement, and the juvenile may then waive the establishment of a factual basis for the particular charge to which the juvenile is pleading guilty.

**C) If the juvenile pleads not guilty to the allegations in the petition, the court shall set the matter for an adjudicatory trial.**

## **PROPER COURT CONDUCT**

1. Always be on time for court appearances, counseling, and meeting with your attorney. Call if you are going to be delayed or if you will be unable to attend.
2. Address the Judge as “Your Honor” or “Judge”. When a question requires a “yes” or “no” answer, respond by saying “yes” or “no”. Do not nod your head or use words such as “yah”, “uhuh”, “nah”, “yup”, or “nope”. Speak slowly and clearly.
3. Behave appropriately at court hearings and meetings. Enter and leave the courtroom quietly. Stand when the Judge enters and leaves the courtroom.
4. Do not make inappropriate gestures, facial expressions or noises when someone says something you do not like.
5. Do not interrupt the judge when he or she is speaking. You will have a chance to present your side on every issue.
6. Do not eat, drink or chew gum at court appearances. Turn off cell phones and pagers prior to entering the courtroom. Remove your hat and sunglasses prior to entering the courtroom.
7. Dress appropriately. Do not wear ripped jeans, halter-tops, tank top, shorts, revealing clothes, gang colors or attire. If clothing is inappropriate, you may be asked to leave.

## **RESPONSIBILITIES OF THE JUVENILE**

1. Attend all court hearings and obey all court orders.
2. Abide by the conditions of your Pre-adjudication release plan if you have one (either through SB-94/PATHS or Probation Release).
3. Stay in touch with your SB-94/PATHS case manager; and/or probation officer and your attorney.
4. Keep your attorney, SB-94/PATHS case manager, probation officer informed of your current address and telephone number at all times.
5. You and/or your parents may be responsible for some or all of the treatment costs.
6. Be sure you know what you are supposed to do and when you are supposed to do it—then do it. It could make a difference whether you return to detention or not.

## **RESPONSIBILITIES OF THE PARENT/GUARDIAN**

1. Parents must attend all court hearings with their child.
2. Your child is your responsibility. Pursuant to Colorado law, the parent/guardian of a juvenile charged with a crime must actively participate in the rehabilitation process and cooperate with any agency involved in that process.
3. Parents/guardians must utilize their own financial and community resources in facilitating the rehabilitation process.
4. Monitor and control the juvenile's behaviors by setting appropriate limits and imposing appropriate consequences.
5. Maintain open and honest communication with all agencies involved with the juvenile's rehabilitation (address and report negative behaviors such as curfew violations, drug/alcohol use, truancy, negative peer associations, etc.).
6. Ensure the juvenile has adequate transportation to court ordered requirements such as counseling, community service work, probation appointments, court appearances, school, etc.
7. Pay a percentage of placement costs if the child is placed out of the home with the Department of Social Services.

## **BOND**

A bond means a written order to appear in court to face certain charges. It usually requires that someone (the person who has been charged or someone acting for him or her) hand over something of value, either money or property, as a guarantee that he or she will appear at the next hearing.

### **BOND CONDITION VIOLATIONS**

This is a violation of the court ordered conditions of release that the youth has been ordered to follow prior to the adjudication hearing. These include violations of periodic telephone communications, office visits, home visits, drug testing, school attendance, mental health and substance abuse services, domestic violence or child abuse counseling, electronic monitoring, work release, or day reporting and day treatment (Source: 19-2-509).



## **BOND OPTIONS**

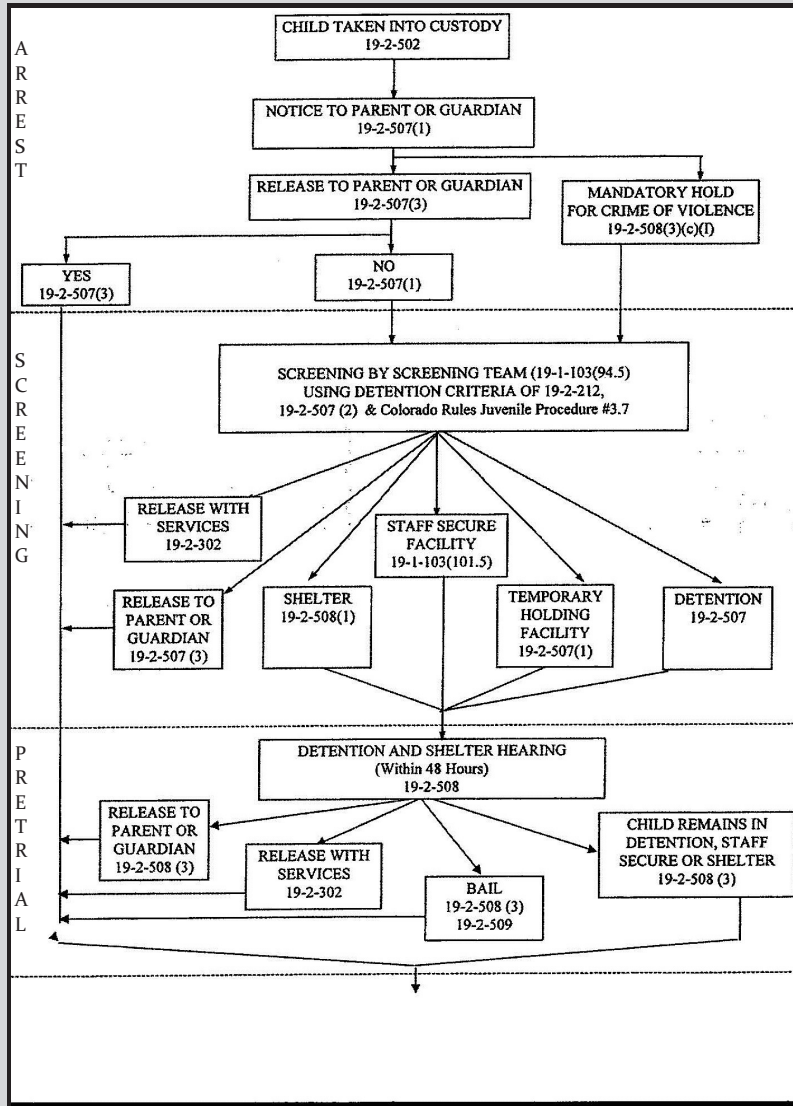
**Personal Recognizance ("PR"):** A promise made by the parent/guardian to the court that he/she will ensure the juvenile attends all required judicial proceedings and will not engage in illegal activity or other prohibited conduct as set by the Court.

**Cash, Surety, Property ("CSP"):** The parent/guardian must use cash, a guarantee, or property to ensure the juvenile appears in court for subsequent hearings. Families often use a bail bondsman for a CSP bond.

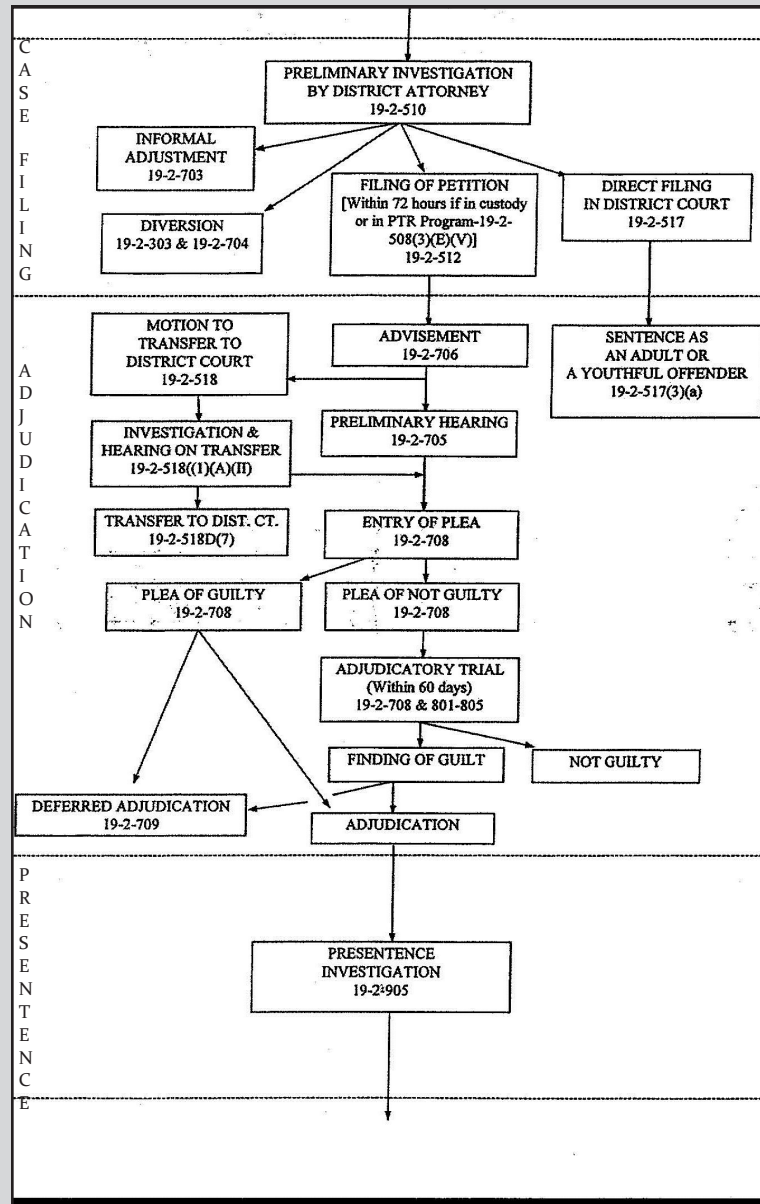
**Placement in Lieu of Bond:** An option for the court to use to facilitate the release from detention to the custody of a county social services department for placement in a licensed, therapeutic setting.

**Contingent PR (Emergency Release):** The court can release a juvenile from detention at any time based upon detention center capacities. You may be responsible for picking up your child and ensuring attendance at subsequent court hearings.

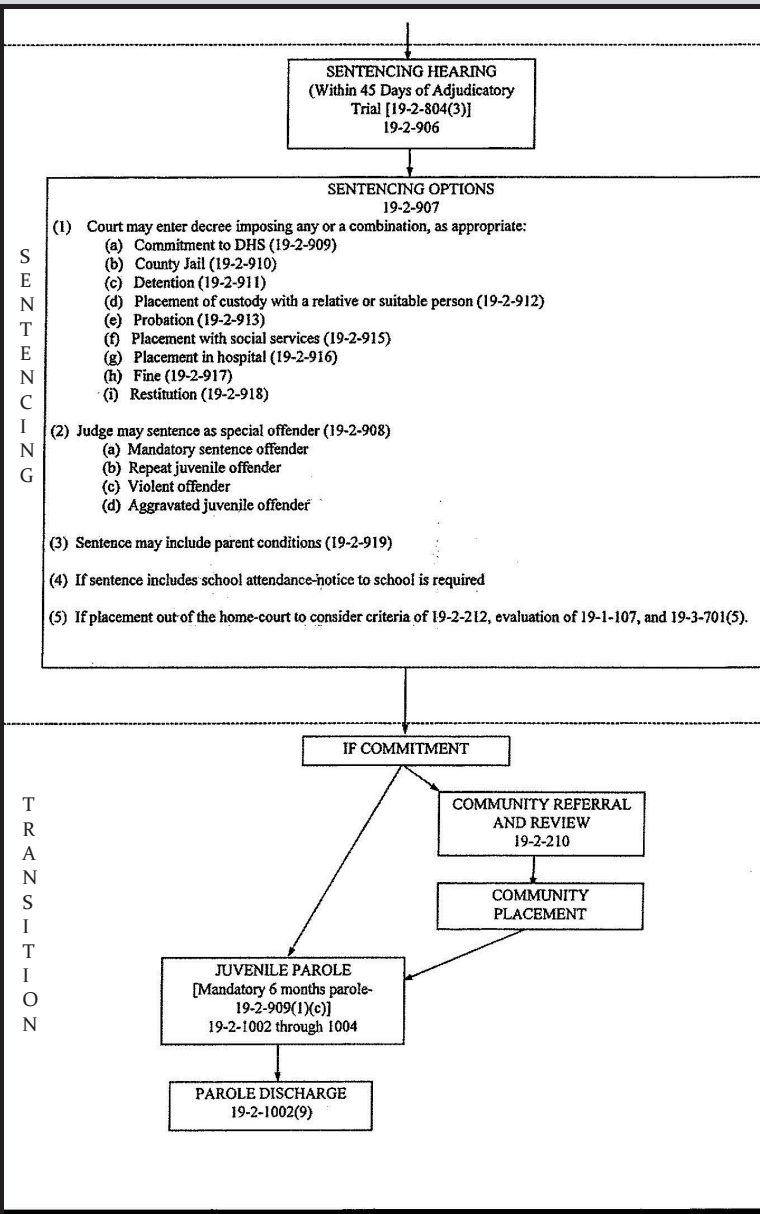
# STATE OF COLORADO JUVENILE JUSTICE SYSTEM FLOWCHART



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## **GLOSSARY**

**Absconding from court ordered conditions:** Refers to when the youth leaves the place in which he/she has been court-ordered to reside or the services he/she has been court-ordered to receive, without permission. Absconding from court ordered conditions is a violation of court conditions.

**Adjudication:** In the juvenile justice system, an adjudication is the same as a conviction in the adult system. It is a finding of guilt by the court (See conviction).

**Bond:** see page 8.

**Colorado Juvenile Risk Assessment:** This assessment is done with every juvenile who is to be detained at the Juvenile Detention Center. The pre-screen is completed at the LINK (see definition on page 16) and the full screen should be completed within 7 days. Information is gathered from the youth, parent and collaterals.

**“Connections” Board :** A multi-disciplinary interagency review team designed to review delinquency cases and provide recommendations as to the most appropriate level of service intervention for a youth and family. These reports are shared with the court at sentencing.

**Contempt of court:** A willful failure to obey an order of the court. This includes the youth/parent’s failure to follow through with release conditions and/or failure to appear at further court hearings. If found in contempt of court, the youth/parents may be subject to penalties (Source: CRS 19-2-515).

**Conviction:** A conviction occurs when a jury or a judge decides that the youth is guilty of a crime (see adjudication).

**Custody of Social Services:** At any time during the proceedings, the juvenile may be subject to out-of-home placement. All parties involved are included in this decision, with the court making the final determination. Placement options may include other family members, foster homes, group homes or residential treatment facilities. Placement can be made through the parent's private insurance or resources. If the parent's resources are unavailable or exhausted, the Department of Social Services can be granted temporary custody of the juvenile for placement and parental fees will be imposed. It is the responsibility and the expectation that the parent(s) actively participate in their child's treatment.

**Delinquent/Delinquent Juvenile:** A juvenile delinquent is a juvenile between the ages of 10 and 17 who has been found guilty of a criminal act.

**Department of Youth Corrections (DYC) Commitment:** This is the most severe sentence possible within the juvenile system. If the court determines that the best interest of the juvenile and safety of the community cannot be maintained without removing the juvenile from the community, the court can commit the juvenile to DYC. The State of Colorado would then take custody of the juvenile and place him/her into a program deemed most appropriate to support the juvenile. The commitment to DYC can be up to two years, or longer for aggravated offenders.

**Electronic Home Monitoring: (EHM):** at discretion of the court or probation, a youth may be required to wear an EHM device.

**Failure to Appear (FTA):** FTA is when the youth or parent does not appear at a scheduled hearing.

**Felony:** A felony is a serious crime, regarded by the law as grave, and more serious than a misdemeanor.

**Guardian Ad Litem (G.A.L.):** A person appointed by the court to represent the interests of a minor. A G.A.L. **does not** represent the child/youth as a defense attorney in a criminal matter.

**Initial Screening:** The initial screening is the first stage involved in completion of the Juvenile Detention Screening and Assessment Guide (JDSAG) and the Colorado Juvenile Risk Assessment (CJRA). Placement decisions based on the initial screening are usually temporary, and depend on the later assessment stage and court decisions (see assessment). The initial screening is completed by the LINK.

### **JDSAG (Juvenile Detention Screening and Assessment**

**Guide):** The tool used upon the arrest of the juvenile that determines whether a juvenile should be released or admitted to a detention or shelter facility (Source: CRS 19-2-507). The LINK is the primary screening team for Adams County.

**The LINK:** The Juvenile Assessment Center in Adams County that performs the JDSAG and the CJRA and can make bond and service recommendations to the court.

**Mandatory hold factors:** Some factors absolutely require that the youth be held in secure detention. These factors include: current crime of violence, use of a firearm during commission of a felony offense against a person, and possession of a dangerous weapon or illegal weapon (Source: 19-2-508; See crime of violence, firearm, felony offense against a person, dangerous weapon, and illegal weapon).

**Placement/Service evaluation:** A county social services department is ordered by the court to assess a family for the need/resources for community or Departmental based therapeutic services.

**Pre-Sentence Investigation (PSI):** If the juvenile is found guilty after trial or enters a guilty plea, he/she may be required to complete a pre-sentence investigation. It is an interview done by probation with the juvenile and their parent(s)/guardian(s) to gather information for sentencing recommendations. Information gathered includes criminal history, social and health history, and any relevant circumstances. A PSI can take up to 8 weeks to complete.

**Pre-Trial Services /PATHS/Probation release:** This refers to when the youth is released to legal guardians with increased supervision and/or services until resolution of the court case. Certain conditions may be ordered such as EHM and periodic reporting.

**Probation Violation:** A probation violation occurs when the youth does not comply with court ordered terms and conditions of probation. **Examples of probation violations include:** new offenses, not reporting to the probation officer, failing to attend an education program and/or employment, failing to complete useful public service.



**Responsible Adult:** A responsible adult is the child's parent, legal guardian or custodian, or any other adult responsible for the youth's health and welfare.

**Restitution:** Monetary payment ordered to be made as part of a judgment or as a condition of probation.

**ROC Program (Recognizing Opportunity for Change):** A short term, alternative educational program for delinquent youth which also provides substance abuse, mental health and employment services.

**SB-94 (Senate Bill 94):** A state/federal funding source to provide services to delinquent youth and their families to either prevent or shorten the length of stay for the youth in the juvenile detention center. SB-94 provides the funding for professional services including PATHS pre-trial case management, probation release services as well as other interventions within the community.

**Secure Detention:** This is a considered Level 1 placement. Secure detention refers to the custodial status of youth who are being confined after arrest or while awaiting the completion of judicial proceedings in a physically secure/locked facility.

**Victim Rights:** Allows for notification and may allow the victim to have input regarding community release, restitution and sentencing recommendations.

**Warrant:** An instrument issued by the Court authorizing an officer to make an arrest, seize property make a search, or carry a judgment into execution.

## **COURT PROCEDURES**

**Public Defender name and number:**

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**Guardian Ad Litem name and number:**

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**Detention Hearing:** The primary purpose of a detention hearing is to determine if a juvenile should be detained further or, if release is appropriate, to define the conditions under which he or she may be released. At the conclusion of the detention hearing, the court will decide if bond is appropriate and, if so, what amount and what conditions will be ordered.

**Date and Time:** \_\_\_\_\_

**Filing of Charges/Petition:** The juvenile is provided a copy of the charges that he/she will be facing and is advised by the court. The court may re-address the issue of counsel and bond. The decision to file charges is made by the District Attorney's office based on law enforcement's investigation of alleged violations of law by juveniles.

**Date and Time:** \_\_\_\_\_

**First Appearance/Advisement:** The Magistrate/Judge will advise the juvenile of his/her rights and the juvenile may enter a plea of guilty or not guilty.

**Date and Time:** \_\_\_\_\_

**Preliminary hearing:** The juvenile's case may or may not be set for a preliminary hearing. At this hearing the Magistrate/Judge decides if there is probable cause to believe a crime has been committed and that the person charged committed that crime. A preliminary hearing is only held on certain felony charges if the juvenile is out of custody or on any felony offense if the juvenile is in custody.

**Date and Time:** \_\_\_\_\_

**Arraignment/Disposition Hearing:** If the case has not been resolved by plea negotiation, the case will ultimately be set for arraignment. This is when the juvenile formally enters a plea. This can be a guilty plea that disposes of the case and sets the matter for sentencing hearing or a not guilty plea which results in setting the matter for trial.

**Date and Time:** \_\_\_\_\_

**Adjudicatory Trial:** The right to a jury trial is required only when the juvenile is alleged to be an aggravated juvenile offender or is alleged to have committed a crime of violence; otherwise the trial is before the District Court Judge. The burden of proof is beyond a reasonable doubt and the rules of evidence are the same as in adult criminal proceedings.

**Date and Time:** \_\_\_\_\_

**Sentencing Hearing:** The sentencing date is set upon a guilty plea or finding of guilt. At this hearing the judge/magistrate will sentence the juvenile (impose consequences).

**Date and Time:** \_\_\_\_\_

## **ACRONYMS**

ACHSD.....	Adams County Human Services Department
AYSC.....	Adams Youth Services Center
BI.....	Bodily Injury
CFRT.....	Community Family Resource Team
CJRA.....	Colorado Juvenile Risk Assessment
CSP.....	Cash, Surety, Property (Bond)
CRS.....	Colorado Revised Statutes
DA.....	District Attorney (or Assistant District Attorney
DHS.....	Colorado State Department of Human Services
D&N.....	Dependency & Neglect case
DV.....	Domestic Violence
DYC.....	Division of Youth Corrections
EHM.....	Electronic Home Monitoring
ER.....	Emergency or Emergency Release
FTA.....	Failure to Appear
GAL.....	Guardian Ad Litem
ICWA.....	Indian Child Welfare Act
IEP.....	Individualized Education Plan
JAC.....	Juvenile Assessment Center

Page 21

## **PHONE NUMBERS**

**Adams County Combined Court.....303-659-1161**

**Adams County Probation Department**

**Aurora Office.....303-363-9400**

**Brighton Office.....303-835-5720**

**Broomfield Office.....720-887-2150**

**Commerce City Office .....720-322-1370**

**Thornton Office.....303-451-5555**

**Adams County Human Services Department.....303-412-8121**

**Adams County Sheriff's Office.....303-654-1850**

**Aurora Police Department.....303-739-6920**

**Brighton Police Department.....303-655-2300**

**Broomfield Police Department.....303-438-6400**

**Commerce City Police Department.....303-287-2844**

**Federal Heights Police Department.....303-428-8538**

**Thornton Police Department.....720-977-5124**

**Northglenn Police Department.....303-450-8865**

**Westminster Police Department.....303-430-2400**

**District Attorney's Office.....303-659-7720**

**Public Defender's Office.....303-659-4274**

NOTES



This publication is a joint effort of:

17th Judicial District, Adams County Court

Adams County Social Services Department

SB-94 (Senate Bill 94)

Adams 12 Five Star Schools

14th Judicial District, Grand County