

C.R.S. 13-1-137

REPORTING OF DATA CONCERNING JUVENILE PROCEEDINGS



Reporting Period: Fiscal Year 2022

Per C.R.S. 13-1-137, the Judicial Branch is required to report annually to the judiciary committees of the House of Representatives and Senate, or to any successor committees, information concerning:

- A. The number of juvenile delinquency cases;
In fiscal year 2022, there were 5,483 juvenile delinquency cases filed statewide.
- B. The number of juvenile delinquency cases that involved an appointment of counsel.
Of those cases, in 4,111 cases the child had an attorney (Guardian ad Litem, Alternate Defense Counsel or Public Defender) during at least some portion of the case.
- C. The number of juvenile cases that involved a waiver of counsel.
A code for a waiver of counsel by parent was entered in 111 number of cases during fiscal year 2022.
- D. The status of recommended reviews to juvenile court rules, forms, and chief justice directives regarding the representation of children in juvenile delinquency courts;
Chief Justice Directive 14-01: Appointment of State-Funded Counsel in Juvenile Delinquency Cases was amended October 1, 2021 to remove provisions requiring reimbursement to the state and correct statutory references based on the recodification of the juvenile delinquency code. Attachment B (Income Eligibility Guidelines) of Chief Justice Directive 14-01: Appointment of State-Funded Counsel in Juvenile Delinquency Cases was amended in March 2021. The Colorado Supreme Court Rules of Juvenile Procedure Committee discussed Colorado Rules of Juvenile Procedure, Rule 3.7, and noted that the detention hearing standard needs updating to conform with the Juvenile Justice Reform Act. HB22-1038-Right to Counsel for Youth, which goes into effect on January 9, 2023, was also discussed regarding the changing role of Guardian ad Litem for children 12 and older and will be on the agenda and discussed at both the judicial conference and the judicial institute.
- E. The number of juvenile delinquency cases that involved a detention hearing, the number of juveniles who were released after the detention hearing, and the number of juveniles who remained in detention after the detention hearing; and
In fiscal year 2022, there were 4,371 detention hearings held in 3,165 juvenile delinquency cases. The Judicial Branch's data management system does not capture whether or not the juvenile was detained before or after the hearing was held. However, the Department of Youth Services provided the State Court Administrator's Office with a list of juveniles released from detention in fiscal year 2022. Analysts matched the last name, first name and date of birth to juveniles who were subject to a detention hearing in fiscal year 2022. Of the 4,371 detention hearings held in fiscal year 2022, 1,210 had a release date within three days of the detention hearing. It should be noted that this method has limitations; for instance, if a juvenile's name or birthdate are not identical in both data sets, a match will not occur. Additionally, while the juvenile's release may not have been due to the detention hearing in every instance, these data may give a general indication of the volume of youths released as an outcome of the detention hearing.

- F. The process of training judicial officers and private defense attorneys concerning determinations of competency to proceed for juveniles and adults, competency evaluation reports, services to restore competency, and certification proceedings governed by article 65 of title 27.

The process for training judicial officers includes live, virtual, and on-demand training through the annual judicial conference, new judge orientation programs, and other case specific programs throughout the year, in addition to live webinars and on-demand training. In fiscal year 2022, the following trainings were offered:

- 1. 2022 Judicial Conference: Juvenile Competency;*
- 2. 2022 Judicial Conference: Judicial Pathways at a Finding of Incompetent to Proceed; and*
- 3. 2022 New Judge Orientation: Working with Mental Health Issues.*