



**Colorado  
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Council  
Staff**

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**M E M O R A N D U M**

July 26, 2013

**TO:** Members of the Juvenile Defense Attorney Interim Committee

**FROM:** Hillary Smith, Senior Research Analyst, 303-866-3277;  
Dave DeNovellis, Research Analyst, 303-866-3140; and  
Kerry White, Senior Fiscal Analyst, 303-866-3469

**SUBJECT:** Overview of the Juvenile Defense Attorney Interim Committee

This memorandum provides an overview of the membership of the Juvenile Defense Attorney Interim Committee, the charge of the committee, bill limits, bill request deadlines applicable to the committee, and information regarding committee staff and the committee website.

**Membership**

The committee consists of ten legislative members, as shown in Table 1.

**Table 1  
Voting Committee Membership**

<b>Representatives</b>	<b>Senators</b>
<i>Claire Levy, Chair</i>	<i>Lucia Guzman, Vice-Chair</i>
Jeanne Labuda	Angela Giron
Pete Lee	Senator Ted Harvey
Representative Clarice Navarro	Senator Vicki Marble
Representative Jared Wright	Senator Jessie Ulibarri

The chair and vice-chair of the committee are authorized to jointly select up to ten persons to serve as nonvoting members of the committee within certain designated categories. These persons are required to have knowledge and experience in the areas of juvenile defense, juvenile delinquency court administration, and professionalism in the law, and have been selected as follows:

- *Office of the State Public Defender:* Frances Brown;
- *Juvenile defense attorneys:* Arapahoe County Juvenile Supervisor Angela Brant;
- *State Court Administrator's Office:* Patrick Brodhead, legislative liaison;

- *Juvenile court judges and magistrates:* Magistrate Rebecca Koppes Conway;
- *Youth and parents of youth previously involved in the juvenile court system:* Feliciano Lilgerose (parent);
- *District Attorneys:* Boulder County District Attorney Peggy Jessel;
- *Office of the Child's Representative:* Linda Weirnerman, executive director;
- *Community victim rights organizations:* Denver District Attorney, Director of Juvenile Diversion Benita Martin, nominated by the Colorado Organization for Victim Assistance and the Colorado Coalition Against Sexual Assault;
- *Community organizations:* Judge Jack Smith, nominated by the Denver Inner City Parish; and
- *Other:* Kim Dvorchak, Colorado Juvenile Defender Coalition.

## Meeting Dates

The committee may meet at the call of the chair up to six times. Table 2 shows the meeting dates of the committee, with planned discussion topics. All meetings will be held in HCR 0112 and are planned to begin at 9 a.m. Members of the public are welcome to attend.

**Table 2  
Meeting Dates and Discussion Topics**

Meeting Date	Discussion Topics
Tuesday, July 30	<ul style="list-style-type: none"> <li>• overview of the committee's charge;</li> <li>• presentation of findings of the National Juvenile Defender Center on access to counsel and quality of representation in juvenile detention proceedings in Colorado and a brief discussion of models in other states; and</li> <li>• panel discussion on the juvenile justice system.</li> </ul>
Monday, August 5	<ul style="list-style-type: none"> <li>• review of Colorado statutes affecting the juvenile justice system;</li> <li>• panel discussion on the provision of juvenile counsel;</li> <li>• panel discussion on the standards of professionalism for juvenile counsel; and</li> <li>• public comments.</li> </ul>
Monday, August 19	<ul style="list-style-type: none"> <li>• presentation on research activities by the Colorado Juvenile Defender Coalition;</li> <li>• presentation on court rules and directives affecting juveniles;</li> <li>• panel discussion on indigency determination, waivers of counsel, the role of parents, and the quality of representation in Colorado's juvenile justice system; and</li> <li>• public comments.</li> </ul>
Wednesday, September 25	<ul style="list-style-type: none"> <li>• review of other state's models;</li> <li>• discussion of committee findings; and</li> <li>• public comments.</li> </ul>
Friday, October 4	<ul style="list-style-type: none"> <li>• continued discussion of committee findings;</li> <li>• request drafting of proposed legislation; and</li> <li>• public comments.</li> </ul>
Monday, October 28	<ul style="list-style-type: none"> <li>• approval of drafted legislation, wrap up.</li> </ul>

## Committee Details and Charge

Pursuant to House Joint Resolution 13-1019, the Juvenile Defense Attorney Interim Committee is directed to meet at least four times after July 1, 2013, and is authorized to meet up to six times during the 2013 interim. Members serve without compensation, but legislative members may receive per diem and be reimbursed for travel expenses. The committee is charged with studying and addressing the following topics:

- current laws, procedures, and practices for the appointment of counsel, advisement of rights, and waivers of counsel for children in juvenile delinquency court;
- the role of defense counsel as distinct from the role of a guardian ad litem and the scope of the right to counsel;
- current laws, procedures, and guidelines for the determination of whether a child is indigent for the purposes of providing court-appointed counsel;
- methods for improving professionalism in the practice of juvenile defense;
- the impact of inadequate access to counsel on minority, immigrant, and disabled children and children with mental health needs;
- funding attorneys to represent indigent children and the most efficient way to provide counsel to juveniles in delinquency proceedings; and
- the scope of public access to juvenile delinquency records, the laws and procedures for expunging juvenile adjudications, and the laws and procedures for petitioning for removal from the juvenile sex offender registry.

The committee may form subcommittees to accomplish its goals and invite additional community members to participate on subcommittees. The committee may also solicit and receive written comments from members of the public.

In addition to testimony presented, the committee is directed to review any available, nonidentifying Colorado data collected by the Judicial Department, Office of the State Public Defender, Office of the Alternate Defense Counsel, and other agencies that have data relating to access to courts and defense counsel for children. The committee may also solicit information from the National Conference of State Legislatures, other national nonpartisan organizations, and other states and organizations that have studied or introduced legislation regarding access to courts and counsel for children in juvenile court.

## Committee Recommendations to Legislative Council

**Bill limits.** The committee may report up to eight bills or other measures to the Legislative Council, unless the Executive Committee of the Legislative Council approves a greater number. Bills approved by the Legislative Council *do not* count against a member's five-bill limit for the regular legislative session.<sup>1</sup> The committee may recommend legislation to continue its activities beyond the 2013 interim.

**Legislative Council review.** The Legislative Council is set to review interim committee recommendations on Thursday, November 14, 2013. Bills not approved by Legislative Council may be introduced in the regular session, but such bills *will* count against a member's five-bill limit. Interim committee bills must have prime sponsors prior to consideration by the Legislative Council.<sup>2</sup>

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<sup>1</sup>Joint Rule 24 (b) (1) (D)

<sup>2</sup>Joint Rule 24 (b) (1) (E)

**Requirements for bill drafts.** Requests for bill drafts must be made no later than Thursday, October 10, 2013, to allow sufficient time for drafting and final consideration by the members. Final proposed legislation must be approved by Thursday, October 31, 2013, in order to be considered at the November 14, 2013, meeting of the Legislative Council. The committee is scheduled to request bill drafts on Friday, October 4, 2013, and to meet for final consideration of bill drafts on Monday, October 28, 2013.

### **Committee Staff and Website**

The Legislative Council Staff (LCS) and Office of Legislative Legal Services (OLLS) are charged with assisting the interim committee in its activities. If you have any questions or need additional information about the committee, please contact [juveniledefenseattorney@state.co.us](mailto:juveniledefenseattorney@state.co.us) or the Legislative Council Main Office at 303-866-3521. In addition, individual staff member contact information is as follows:

- Hillary Smith, LCS, [hillary.smith@state.co.us](mailto:hillary.smith@state.co.us), 303-866-3277
- Dave DeNovellis, LCS, [dave.denovellis@state.co.us](mailto:dave.denovellis@state.co.us), 303-866-3140
- Kerry White, LCS, [kerry.white@state.co.us](mailto:kerry.white@state.co.us), 303-866-3469
- Richard Sweetman, OLLS, [richard.sweetman@state.co.us](mailto:richard.sweetman@state.co.us), 303-866-4333

You may also follow the committee on twitter: <https://twitter.com/COJuvDefComm> or visit the committee website at: <http://www.colorado.gov/lcs/Juvenile>