

Final
STAFF SUMMARY OF MEETING
JUVENILE DEFENSE ATTORNEY

Date: 08/19/2013

Time: **09:05 AM to 03:44 PM**

Place: HCR 0112

This Meeting was called to order by
Representative Levy

This Report was prepared by
Kerry White

ATTENDANCE

Brant	X
Brodhead	X
Brown	X
Dvorchak	X
Giron	E
Harvey	X
Jessel	*
Kagan	X
Koppes Conway	E
Lee	E
Lilgerose	X
Marble	*
Martin	X
Navarro	X
Smith	X
Ulibarri	E
Weinerman	X
Wright	X
Guzman	X
Levy	X

X = Present, E = Excused, A = Absent, * = Present after roll call

Bills Addressed:	Action Taken:
Opening Comments	Committee Discussion Only
Presentation on Court Rules	Witness Testimony and/or Committee Discussion Only
Presentation on the Division of Youth Corrections	Witness Testimony and/or Committee Discussion Only
Panel Presentation on Waivers of Counsel Indigency Determinations and Other Topics	Witness Testimony and/or Committee Discussion Only
Discussion of Recent Juvenile Justice Legislation in Other States	Witness Testimony and/or Committee Discussion Only
Public Testimony	Committee Discussion Only
Other Business	

09:05 AM -- Opening Comments

Representative Levy, chair, called the committee to order and welcomed Representative Kagan to the committee.

Representative Kagan introduced himself as the chair of the House Judiciary Committee and provided the committee with his background, which included work as an adult criminal defense attorney in Washington D.C. in the late 1980's and 1990's.

09:07 AM

Representative Levy acknowledged Amanda Bickel and Carolyn Kampman, staff of the Joint Budget Committee, and reminded the committee to feel free to ask them any questions concerning the materials distributed from last year's new member orientation.

09:08 AM -- Presentation on Court Rules

Carol Haller introduced herself to the committee as a representative of the State Court Administrator's Office and provided information about her background, including her work as a public defender and judge. She distributed two handouts, including an initial advisement (Attachment A) and a waiver to right to counsel advisement (Attachment B), both of which are included in the Judicial "bench book." Ms. Haller explained that the bench book provides guidance to judges, but noted each judge has the option to tailor these materials as needed. Representative Levy said the committee has discussed how much variation there is within courtrooms and jurisdictions and is interested in knowing whether it is possible to develop a uniform set of advisements.

Ms. Haller commented that she was provided with a list of specific questions to address in her presentation, beginning with questions about detention hearings and the role of the public defender in those hearings. She clarified that the preference of judges is that an attorney be present at every step of the process, beginning at detention. Representative Levy noted that in some courts, detention hearings are scheduled for set days, but in other jurisdictions scheduling is done on an ad hoc basis, which may make it difficult for defense attorneys to be present. Ms. Haller explained that caseload volume affects the ability of jurisdictions to have set juvenile dockets, noting that this practice is common in bigger districts. She reviewed the pros and cons of using technology, including video conferencing or the telephone, for appearances and as a means for providing representation. Ms. Haller noted that standardization in general is difficult for a number of other reasons, including staffing costs and concerns about quality, but stated that the bench book is an attempt to provide some uniformity.

Judge Smith asked whether the bench book is available to the public. Ms. Haller responded that she intends to provide a copy to Legislative Council Staff so that it can be made available on the committee's website.

09:17 AM

Ms. Haller reviewed the juvenile advisements and discussed her views on how they are different from the adult versions. She noted that most judges prefer to limit the advisements in the detention hearing to that part of the process because it may be confusing to have information about items such as sentencing options at that stage. She stated that, in her opinion, the materials are age appropriate. In responding to a prepared question about mass advisements, Ms. Haller said that having a mass advisement does not necessarily mean the judge is being inattentive to the individual needs of each juvenile. She said that it is time consuming and perhaps distracting for each person to listen to an individual advisement and that it's more important for the judge to ask the juvenile questions to determine his or her level of understanding. According to Ms. Haller, the reason judges prefer to create their own advisements is because they prefer it to include information unique to that court's schedule and resources, which could include juvenile diversion or restorative justice programs.

Continuing to waivers of counsel, Ms. Haller said that judicial officers are less concerned with waivers for low-level, impulsive acts where it is believed the district attorney will offer juvenile diversion or a similar program. She said that is because in these cases, it is clearer what the juvenile needs to do in order to stay out of trouble and that a juvenile case is less likely to affect his or her future than an adult case. Ms. Haller stated that she believes a parent may waive counsel because he or she wants their child to accept responsibility for his or her conduct. Concerning parent and child conflicts, she explained that the state has determined it is inappropriate to require the victim to pay for the juvenile's cost for representation, but that the juvenile still needs to be determined to be indigent to access services. Another option, according to Ms. Haller, is parental refusal, for which the advisement process could be improved. She reviewed the process for assigning representation and collecting payment under parental refusal.

09:42 AM

Ms. Haller responded to a prepared question on why the state changed its process for appointing public defenders. She said that the Legislative Audit Committee directed the state to determine indigency using income guidelines and that prior means, such as a person providing two letters stating their inability to pay, was not a good way to determine indigency. She continued by saying that the system adopted in 1997 examines the relationship between total income, income and expenses, assets, and the severity of the offense. According to Ms. Haller, if a parent is not indigent on income alone, but has no assets and the juvenile is facing trial for a serious offense, they may still require assistance. She continued by saying that the judge still has a constitutional obligation to make sure that someone who can't, in the court's opinion, afford counsel has representation.

Responding to a prepared question on how the rules of juvenile procedure are updated, Ms. Haller said that there is no standing committee for these purposes, but if there is a need, the Supreme Court can always call for a committee to be formed. Concerning whether it makes sense to have dedicated juvenile judges, Ms. Haller said this can be problematic and cause burn out, and in many areas of the state, there wouldn't be sufficient caseload. According to Ms. Haller, what works best is when judges are interested in and dedicated to all areas of law. However, she noted that there has been more recognition of late as to how meaningful the work of juvenile judges can be.

Ms. Haller reviewed the process for orienting new judges and the options available to get specialized training on juvenile justice topics. She said much of the state's training focuses on how to be a good judge rather than specific practice areas. According to Ms. Haller, there are specialized courses and e-learning opportunities that focus on juvenile justice, such as on sex offenses, brain development, and the "Stepping up to Juveniles" program.

With respect to a prepared question about why the State Court Administrator does not retain statistics on applications for indigency, Ms. Haller said that applications are taken by the Public Defender and this information is not otherwise entered into any databases.

10:04 AM

Representative Levy invited the committee to ask questions.

Senator Marble asked whether it was known how many judges are former district attorneys from the same jurisdiction. Ms. Haller responded that this information is available, but that it may have duplicate counts because many judges have worked in other capacities. Senator Marble asked a follow-up question regarding whether it would be cost effective to have more remote court appearances. Ms. Haller responded that it costs about \$72 per hour to transport someone to court, but that there is not enough capacity to allow for remote appearances from regional detention centers. She noted that the Legislative Audit Committee examined this issue for the Department of Corrections and found there to be a lot of logistical issues concerning the use of video conferencing for court appearances.

Frances Brown asked about the 48-hour-notice requirement prior to a detention hearing. She said that the public defenders aren't getting this notification or are being notified with much less time and wondered if it would be possible to have prompt notification included in statute. According to Ms. Brown, this would help the public defender do a conflict check and get information about the juvenile. Ms. Haller responded that there would be no concern with amending the statute but the responsibility for making the notification should be assigned. In Ms. Haller's opinion, time for a conflicts check is not required at the detention hearing because this hearing is a limited appearance only to determine whether the juvenile can be released from detention. Ms. Haller continued by saying that in many jurisdictions, there is no scheduled juvenile docket and therefore, if a juvenile is detained and a judge is available the next day, they are going to hear the case when the judge is there.

10:17 AM

Judge Smith commented that the enactment of Senate Bill 91-094 made significant changes to the juvenile justice system as a whole and asked for a review of those changes. Ms. Haller responded that under SB 91-094, each judicial district has a funded position to perform assessments on incoming juveniles and discussed the types of information they request.

Representative Levy asked how the roles of the SB 91-094 position and defense counsel differ. According to Ms. Haller, the role of the SB 91-094 position is to provide information to the court, whereas the defense counsel is there to advocate for the juvenile and to ensure that his or her rights are protected.

Judge Smith asked what triggers the assessment process, to which Ms. Haller responded that it occurs when an officer or juvenile detention facility provides notification.

10:23 AM

Angela Brant asked about the bench book and where it can be located. Ms. Haller responded that it's on the Judicial intranet. Ms. Brant asked whether the bench book requires a judge to provide an advisement on collateral consequences to the juvenile. Ms. Haller responded that it does not. Ms. Brant followed up by asking whether judges are trained or have knowledge of the collateral consequences of a juvenile adjudication. Ms. Haller indicated that she is not sure, but that it is not practical to provide an advisement on all potential consequences.

Representative Levy commented that it may be helpful if the judge advises the juvenile that he or she may want to consult with an attorney to determine the collateral consequences of an adjudication because there are misperceptions that juvenile records are automatically sealed or expunged. Ms. Brant agreed with Representative Levy and noted that there is a requirement to advise on expungement, which doesn't always happen in Arapahoe County.

10:28 AM

Kim Dvorchak asked whether the advisements were written contemplating that a juvenile defense attorney would be present in the courtroom. Ms. Haller responded that she isn't sure when the bench book was first written, but does not think so. According to Ms. Haller, part of the issue is reducing court appearances. Representative Levy stated she believes this could be interpreted as coercive. Ms. Haller responded that perhaps the committee could enact legislation so that a juvenile could not waive counsel. Representative Levy noted that Ms. Haller previously stated that judges know how prosecutors will treat minor cases and wondered if this may affect a judge's likelihood of directing the juvenile to seek representation. Ms. Haller responded that, to some degree, it may be a resource issue.

Frances Brown commented that her office supports a requirement for representation if the necessary resources are provided. Ms. Brown said that adults have the right to waive counsel and wondered if any jurisdictions allow juveniles to waive counsel and be pro se. Ms. Haller responded that she is not aware of any cases where a juvenile would be allowed to represent his or herself against a serious charge.

Linda Weinerman asked about the number of detention hearings held each year and whether the State Court Administrator's Office keeps these statistics. Ms. Haller said they do and offered to follow up with the committee. Ms. Weinerman asked whether it would be possible to determine how many delinquency filings involved juveniles who are the subject of a dependency and neglect filing. Ms. Haller responded that there is a way to compare this, but due to confidentiality reasons, the results would be presented as a composite.

10:37 AM

Representative Kagan asked whether there are any jurisdictions where a juvenile has representation prior to detention decisions being made. Ms. Haller responded that there are a few jurisdictions where public defenders are available in the court rooms, but she is not sure whether juveniles are aware they do not have to use their services.

Senator Guzman asked for information about the waiver process for a juvenile who is 10 or 11. Ms. Haller responded that both the parent and juvenile are asked whether to waive counsel. Senator Guzman asked whether a 16 or 17 year old can waive counsel under the constitution, to which Ms. Haller replied yes.

Peggy Jessel mentioned she had just participated in a conference on brain science and development and asked about the availability of training on such subjects beyond orientation. Ms. Haller responded that there are a number of opportunities available, but there are no required courses. Ms. Jessel asked about networking opportunities, to which Ms. Haller responded that there is a juvenile weblist that allows judges to share information with each other online.

10:47 AM

Representative Kagan asked about the role of the defense attorney at a juvenile detention hearing. Ms. Haller said that the role of counsel at detention is to advocate for the juvenile to be released.

Representative Levy thanked Ms. Haller for her presentation.

10:51 AM -- Presentation on the Division of Youth Corrections

John Gomez and Al Estrada introduced themselves as representatives of the Division of Youth Corrections (DYC) in the Department of Human Services. They distributed a handout (Attachment C) that provides an overview of the division and some data on the trends they've observed. Mr. Gomez clarified that they are not involved in the adjudication system at all; DYC serves youth once they've been detained or are committed.

Mr. Gomez provided an overview of the DYC and clarified that, unlike the Department of Corrections, youth in DYC will always be returning to the community. Mr. Gomez reviewed the division's mission and program strategies, noting that most youth are in DYC custody for about two years before they age out at 21. He clarified that DYC has physical custody of juveniles in detention, but not legal custody. Once a juvenile is committed, DYC is granted legal custody. According to Mr. Gomez, the primary purpose of detention is to ensure a high-risk juvenile gets to his or her next court appearance and is not effective at reducing future delinquent behavior.

Representative Levy asked for an explanation of "staff-secure" detention. Mr. Gomez explained these facilities serve as an intermediate step between a DYC facility and returning to home. Staff-secure facilities do not have physical security, but are staffed for supervision purposes and are located in the community, mostly in Alamosa, Durango, and Grand Junction. Mr. Gomez clarified that there are a total of 15 to 20 beds available in these facilities, which the state contracts for.

11:04 AM

Mr. Gomez review the commitment process, including the assessment phase, the residential phase, and mandatory parole upon release, which is a minimum of six months. He discussed the role of Colorado's Juvenile Parole Board, noting that Colorado is one of nine states that has a dedicated parole board for juveniles. Mr. Gomez then reviewed the history of SB 91-094, which was enacted when the state projected a future need of over 500 additional detention beds. According to Mr. Gomez, this legislation was intended to develop local options and early interventions for youth as an alternative to incarceration. He noted that regardless of where a youth originates, due to SB 91-094, the assessment process is uniform across Colorado's 22 judicial districts. Mr. Gomez said that the number of detention beds is currently capped at 382, which are allocated among the districts.

11:16 AM

Regarding trends, Mr. Gomez said that there are currently over 556,000 juveniles aged 10 to 17 in Colorado. He noted that while the total juvenile population is growing, arrests and detentions are both declining. He reviewed the statistics regarding arrests, detentions, and commitments, including lengths of stay. Mr. Gomez commented that committed youth are increasingly requiring treatment for mental health and trauma while in DYC custody.

11:27 AM

Mr. Gomez reviewed recent capacity reductions within DYC, which included closing Sol Vista in 2011, closing housing units at various facilities, and consolidating assessments at Mount View. He said overall capacity was reduced by 40 percent. Mr. Gomez reviewed pre-discharge and post-discharge recidivism trends, noting a historic drop in rates, which were 15.8 percent in FY 2010-11. He touted family engagement as being key to achieving this outcome. Representative Levy asked if any data looks past the one year period. Mr. Gomez responded they are in the process of extending the time frames -and that the next cohort will be reviewed for two years and the following one will be reviewed for three years. He said past that is too far away to tie behavior to DYC services.

Senator Harvey asked for data on the ages and types of crimes committed by juveniles committed to DYC. Mr. Gomez clarified that DYC only tracks the most serious offense, but this can be provided. According to Mr. Gomez, the average age of a committed youth is 16.8 years as there are very few juveniles between the ages of 10 and 14 committed to DYC. He discussed the housing arrangements within DYC, noting that younger juveniles are generally separated from older youth.

Feliciana Lilgerose asked whether recidivism rates include adult offenses. Mr. Estrada responded that adult convictions are counted. Senator Harvey asked whether that includes out-of-state convictions. Mr. Estrada said he didn't think so because DYC data comes from Colorado's judicial branch. He noted the exception is when the youth is released on parole but relocates to live with a family member in another state, as this data would be available to DYC.

11:40 AM

Ms. Lilgerose asked about the difference between a person working for the Department of Corrections and a person working in the DYC. Mr. Gomez described the differences, explaining that DYC personnel wear more casual attire, are trained in verbal de-escalation skills, and do not carry weapons. Mr. Gomez said that DYC youth are in programming for about 14 hours per day and also required to attend school.

Benita Martin mentioned her prior employment at a DYC facility and asked what services are being provided to help account for declining recidivism rates. Mr. Estrada replied that each youth has services provided according to his or her unique needs. He described the range of services available to paroled juveniles.

11:50 AM

Ms. Jessel asked whether the decline in DYC beds has resulted in increased residential placements in other programs. Mr. Gomez stated that he didn't believe so. Ms. Jessel followed up by saying she has noted the decline in available mental health beds and wondered if DYC was seeing an increase in juveniles with a diagnosed mental illness. Mr. Gomez replied yes.

Ms. Brown asked for more explanation of the graph on page 18 of the attachment. Mr. Gomez responded that the "arrests" number includes citations and municipal court actions, neither of which are included in the detentions or filings numbers.

Judge Smith asked about the allocation of SB 91-094 staff. Mr. Gomez responded that each judicial jurisdiction has a separate position and explained the planning process for the committee.

Senator Marble asked whether there are data on the number of juvenile offenses that have a substance abuse or mental health component. Mr. Gomez replied that he would be happy to follow-up with the committee with this information.

Ms. Weinerman asked about dependency and neglect cases. Mr. Gomez responded that about 70 percent of commitments had an open child welfare case within the prior three years. Ms. Weinerman followed with a comment that she has observed a court sending a juvenile to detention because that was a quicker way to get services. Mr. Gomez said the best practice is not to use the detention beds this way, but that decision may reflect a lack of community resources or a lack of awareness on the judge's part.

Ms. Dvorchak asked about the length of stay in detention and whether it is longer in rural jurisdictions. Mr. Gomez said he didn't have that data on hand, but because they have information by judicial district, he could follow up with the committee.

Representative Wright commented on the graphs on pages 18 and 20 of the presentation, noting that in his opinion, the statistics show the system is working. Mr. Gomez responded that he believes the system has gotten better at earlier identification of youth and families who are struggling.

12:12 PM

The committee recessed for lunch until 1:30 PM.

01:32 PM -- Panel Presentation on Waivers of Counsel, Indigency Determinations, and Other Topics

The committee came back to order. Judge Karen Ashby, Professor Robin Walker Sterling, Angela Brant, Kim Dvorchak, Sarah Ericson, Peggy Jessel, and Sommer Spector joined the committee to present as a panel. Each member of the panel introduced herself.

01:35 PM

Professor Walker Sterling explained that the panel decided to present three possible proposals to the committee, with comments from each member of the panel. She discussed a proposal to require the presence of defense counsel at all detention hearings. Ms. Spector commented on the proposal from the perspective of rural public defenders. She noted that the proposal would require additional staff, immediate notification of detention hearings, and conflict checks. She discussed the amount of time and the reports needed for defense counsel to prepare for a detention hearing. Ms. Spector suggested that detention hearings be held in the county in which the public defender's office is located. She explained why this change would benefit her judicial district. She stated that it would be difficult to establish attorney-client confidentiality over the phone.

01:44 PM

Ms. Brant addressed urban issues regarding providing defense counsel at detention hearings. She said that detention hearings happen every day of the week in Arapahoe County and it is important to provide defense counsel with the information relevant to the hearing ahead of time. She noted that Section 19-2-508 (2), C.R.S. concerning detention hearings does not address the notification of defense counsel. She expressed support for an amendment to the statute requiring public defenders to be notified of detention hearings. She said that additional staff that would be necessary to ensure that public defenders are present at all detention hearings.

01:46 PM

Ms. Ericson responded to Ms. Spector's remarks. She said that a parent or a guardian is the second most important person in the courtroom, after the juvenile. She spoke about the potential for conflict or tension between defense attorneys and parents. She discussed the U.S. Supreme Court's decision in *In re: Gault*. She expressed a need to be conscious of whether the government is making decisions for a child before he or she has a chance to consult with a parent. She said that it is important to think about the appropriate role for a parent in the juvenile justice process, and that parents should be given a voice during the detention hearing process.

01:49 PM

Ms. Jessel spoke about the practices in the 20th Judicial District, where public defenders represent all juveniles at detention hearings. She said that in the past, district attorneys, but not public defenders, often were given the information about a child prior to a detention hearing. She explained the notifications and information that go out in the 20th Judicial District as soon as a detention hearing is set. Ms. Jessel spoke about the role of Senate Bill 94 staff in this process (Senate Bill 91-094 established programs and procedures to divert juveniles from detention). She expressed her frustration with private counsel who do not have training in the juvenile justice system. She spoke about issues with defense counsel pressuring parents to get a child out of detention before the parent is ready to have the child at home. She expressed support for providing defense counsel at detention hearings in a way that best meets the needs of the children and parents involved.

01:54 PM

Judge Ashby said that a jurisdiction's structure and resources will affect its ability to implement a requirement that public defenders be present at every detention hearing. She discussed the detention hearing process in Denver Juvenile Court. She commented that Denver's scale and the fact that it has daily detention dockets makes it easy to put certain ideas in place. She spoke about the possibility of providing a mechanism to have everyone who should be at a hearing participate in some way, such as through electronic means. She spoke about issues related to information sharing. She stated that any one-size-fits-all approach will have challenges, but there are principles and values that can guide changes across the state. She said that delay should not be built into the process.

01:58 PM

Ms. Spector spoke about the number of Spanish-speaking residents in the 5th Judicial District and the corresponding need for interpreters.

01:58 PM

Ms. Dvorchak discussed previous conversations concerning SB 94 programs. She said that it seems possible to add a defense attorney to the SB 94 evaluation process. She explained that defense attorneys ensure that the SB 94 assessment has been administered and interpreted correctly. She provided statistics concerning the ages of children admitted to detention facilities over the past three years.

02:00 PM

Professor Walker Sterling asked whether ensuring defense counsel at every detention hearing comports with an ideal juvenile justice system. She spoke about a 2007 Justice Policy Institute study concerning detention and its effects. She provided statistics indicating that detention is a more reliable indicator of future involvement in the adult justice system than many other indicators. She said that only defense counsel can act as the advocate for a child. She endorsed the suggestion that defense counsel be provided at all detention hearings.

02:04 PM

Professor Walker Sterling introduced a proposal that would require defense counsel to be appointed prior to a first court appearance. Ms. Spector commented on the proposal. She said that the right already exists, so long as the juvenile has been accepted for representation by the Office of the State Public Defender. Ms. Brant shared additional comments. She referred to discussions at a previous meeting concerning summons that are sent to a district attorney's office. She said that parents and children in such a system should be made aware that they can apply for representation.

02:07 PM

Judge Ashby spoke about the need to differentiate between a first appearance and the filing of charges. She spoke about the use of diversion programs. She discussed the amount of time that may pass between the filing of charges and the next court appearance.

02:10 PM

Ms. Ericson said that district attorneys can do more to be more transparent to families about their options for counsel. She expressed concerns about where the money would come from to provide counsel for all first appearances. She explained that the state pays for public defenders, whereas counties pay for district attorneys.

02:11 PM

Ms. Jessel spoke about the court referral process in the 20th Judicial District. She said that they would be happy to add information encouraging parents to consult with an attorney prior to coming to court. She noted that there is usually a three-week window to obtain counsel in her district. She spoke about the use of family navigators to help understand the system. She discussed new legislation concerning a restorative justice program in the 20th Judicial District, and how a new requirement for defense counsel might affect that program. She said that in her experience, district attorneys are very forthright about a child's right to counsel.

02:15 PM

Ms. Dvorchak read from the waiver of counsel advisement provided earlier in the day Attachment B. She spoke about her organization's court-watching project and what she termed to be the systemic devaluation of the role of defense counsel at the first appearance.

02:16 PM

Professor Walker Sterling said that if one of the goals is to endorse juvenile defense as a specialized area of practice, then it is incongruous to support the idea that there could be stages in the case that occur without defense counsel present. Ms. Ericson expressed her concerns that in general, attorneys she encounters are not well versed in the juvenile justice process. She said that it is important to define the role of juvenile defense counsel.

02:20 PM

Professor Walker Sterling introduced a proposal concerning waivers of counsel. She proposed that Colorado enact a statute that prohibits the waiver of counsel prior to an opportunity to consult with counsel. Judge Ashby spoke about the ripple effects of the proposal. She said that currently, children as young as 10 years old may be brought into juvenile court. She asked whether stating that children are not competent to waive counsel also implies that they are not competent to plead guilty. She said that it is important to ensure that there is an informed waiver of counsel. She noted that the juvenile justice system is intended to be structured differently from the adult system. She expressed her discomfort with placing restrictions on informed choices.

02:23 PM

Ms. Spector shared her comments on the proposal. She said that it would be unconstitutional to not allow juveniles to waive counsel. She expressed her view that courts are not giving juveniles the proper information concerning the right to counsel and the appointment of a public defender. She stated that courts are not giving out both English- and Spanish-language versions of a letter explaining how to apply for a public defender. She responded to previous comments concerning substandard defense counsel. Ms. Spector spoke about training provided to public defenders concerning the juvenile justice system.

02:26 PM

Ms. Brant shared her comments on the proposal. She said that juveniles have a constitutional right to waive their right to an attorney, though a complete and thorough advisement is necessary before that occurs. She said that the advisement needs to be individualized to adjust for a juvenile who is 10 years old compared to a juvenile who is 17 years old. She said that the courts have the discretion to refuse a waiver of counsel.

02:28 PM

Judge Ashby said that all actors in the system can stand to improve. She noted that the current system allows for many of the reforms discussed by the committee, but they may not be widespread. She stated that the Colorado Children's Code has many provisions that, if implemented well, could provide great outcomes. She asked how to improve the implementation and consistency of laws that may already exist.

02:30 PM

Ms. Ericson suggested that best practice meetings be required among public defenders, district attorneys, guardians ad litem (GALs), and other actors in the system.

02:31 PM

Ms. Jessel spoke about a possible rule change concerning the colloquy that the judge has with the child and parent concerning waivers of counsel. She said that requiring a family to consult with counsel does not ensure good, helpful advice unless good attorneys are available. She raised several questions about requiring consultation with an attorney.

02:33 PM

Ms. Dvorchak spoke about a 50-state review on waivers in other states that the Colorado Juvenile Defender Coalition has conducted. She expressed the view that some parents are concerned that if they ask for a lawyer, that means their child is guilty. She spoke about the need to properly communicate to juveniles and parents the role of a defense attorney in the process.

02:35 PM

Professor Walker Sterling said that many jurisdictions do not allow children to waive counsel at all, or only after consultation with an attorney. She discussed recent legislation in Pennsylvania addressing this issue.

02:38 PM

Representative Levy commented on the issue of the quality of representation in juvenile cases. Professor Walker Sterling discussed a proposal to presume all juveniles indigent for the purposes of court-appointed counsel. Ms. Spector and Ms. Brant shared their thoughts on the proposal. Ms. Brant said that the chief justice directive should allow public defenders to elect to represent juveniles in custody. Judge Ashby asked who would be responsible for rebutting a presumption of indigency.

02:42 PM

Ms. Ericson expressed her concerns about requiring families to submit financial information. She also discussed other aspects of court-appointed counsel, such as investigators. Ms. Dvorchak spoke about the process of applying for a public defender. She suggested that the process should be streamlined. She noted that the child's indigence is not measured. She spoke about other states with a presumption of indigence.

02:44 PM

Professor Walker Sterling shared additional information concerning states with a presumption of indigence.

02:45 PM

Senator Marble asked about the fee to apply for public defender representation. Judge Ashby said there is a \$25 fee that can be waived by the court. Judge Ashby and Senator Marble continued to discuss this fee.

02:48 PM

Representative Levy and Ms. Dvorchak discussed how long a presumption of indigence would last.

02:49 PM

Judge Ashby responded to a question from Senator Harvey concerning the difference between a first appearance and a detention hearing. Judge Ashby explained the standards for detaining a juvenile. She said that it is important to get as much information as possible ahead of time to determine whether it is possible to manage a juvenile within the community. Discussion continued between Senator Harvey and Judge Ashby.

03:00 PM

Judge Ashby stated that Colorado's juvenile justice system is very good in many respects, but could be improved. Professor Walker Sterling said that many issues that a defense attorney may want to address with his or her client go beyond the role of the defense attorney. She said that while it is expensive to provide counsel at detention hearings, it is also expensive to detain juveniles, or to deal with juveniles who recidivate.

03:04 PM

Judge Smith spoke about the role of judges and magistrates in accepting waivers of counsel. Ms. Dvorchak responded to his remarks. She spoke about a court-watching project conducted by the Colorado Juvenile Defender Coalition. Judge Smith spoke about his past experience as a juvenile defense attorney.

03:07 PM

Senator Marble asked who tells a child how to receive documents related to his or her case. Ms. Brant clarified aspects of the application process for a public defender. Ms. Jessel shared additional remarks and discussed the use of GALs. Judge Ashby cautioned that bringing in a GAL to help a parent apply for defense counsel can help create a situation in which the lines between the roles of GALs and public defenders are blurred.

03:13 PM

Representative Levy thanked everyone on the panel for their work. The committee stood in a brief recess.

03:25 PM -- Recent Juvenile Justice Legislation in Other States

The committee came back to order. Kerry White, representing Legislative Council Staff, distributed a chart concerning recent legislation in other states addressing juvenile justice (Attachment D). She walked the committee through the chart and responded to questions from Representative Levy.

03:30 PM

Representative Levy responded to questions from Senator Harvey concerning funding for the Office of the State Public Defender. Ms. White noted that Idaho funds its public defenders locally. Judge Smith spoke about the public defender system in North Carolina.

03:32 PM

Ms. Dvorchak spoke about the Colorado Juvenile Defender Coalition's work on a 50-state survey of waivers, indigence determinations, and the delivery of defense counsel. She responded to questions from Representative Kagan concerning this work.

03:35 PM -- Public Testimony

The following individual provided public testimony to the committee:

03:35 PM -- Bill Meade, representing himself as a parent, discussed the importance of adequate legal representation for juveniles. He spoke about his experience with the juvenile justice system, explaining that when his son was faced with a charge, he assumed that it was best to fully cooperate and to be honest and open. He said that this honesty and openness was used against his child. Mr. Meade discussed the fees charged by juvenile defense attorneys. He spoke about the mistake he made in not having legal representation for his child from the moment law enforcement began discussing filing charges. He said that juvenile courts have an incredible amount of power over juveniles and their families, and quality representation is important. Mr. Meade responded to questions from the committee. He explained the ultimate resolution of his son's case. He also spoke about the differences he experienced between two attorneys, only one of whom specialized in juvenile cases.

03:41 PM

In response to questions from Representative Levy, Mr. Meade described the process his son followed when petitioning for expungement, and the difference an attorney made in this process.

03:42 PM -- Other Business

Representative Levy explained the tentative agenda for the September 25, 2013, meeting. She encouraged the members of the committee to let her know what experts should be at that meeting.

03:43 PM

Ms. Dvorchak offered to organize a court visit to allow members of the committee to see detention hearings and first appearances.

03:44 PM

The committee adjourned.

Initial Delinquency Appearance Advisement

(C.R.S. 19-2-706 and Colorado Rules of Juvenile Procedure Rule 3)

The court is going to start today by giving an advisement of rights for juveniles charged with delinquent acts, crimes, and probation or deferred adjudication violations. Both the juvenile charged and his or her parents should listen and pay attention to this advisement as it outlines the rights a juvenile has with regards to his or her case.

Juveniles charged:

You have the right to remain silent and not talk about your case. If you give up your right to remain silent, anything you say to anyone can be used against you in court.

You have the right to have a lawyer. If you cannot afford to hire a lawyer and you qualify under the Supreme Court guidelines, the court will appoint a lawyer to represent you free.

If you are in custody, you may have the right to bail as determined by the court. (C.R.S. 19-2-508 & 19-2-509)

If you are charged with a delinquent act or crime, that is a Class 1,2, or 3 felony, a felony which carries with it mandatory sentencing upon conviction (C.R.S. 19-2-705 & 19-2-516), a crime of violence (C.R.S. 18-1.3-406(2)), or a sexual offense (C.R.S. 18-3-400 – C.R.S. 18-3-417), you have the right to a preliminary hearing to determine if there is probable cause to believe you committed the delinquent act or crime charged. (C.R.S. 19-2-705) In all other felony cases, you do not have a right to a preliminary hearing unless you are in custody. (C.R.S. 19-2-705 (1.5)(b))

If the court does not set a preliminary hearing in your case you will be able to have a pre-trial conference to discuss your case.

If you are charged with a delinquent act or crime, you have the right to plead not guilty and to have a trial in front of me a juvenile court magistrate, or a district court judge. Only those juveniles charged with a crime of violence and those juveniles alleged to be aggravated juvenile offenders can demand a jury trial. (C.R.S. 19-2-107) Any juvenile who requests a jury trial is deemed to have waived the sixty (60) day deadline for adjudication but remains within the six (6) months. (C.R.S. 19-2-107 (4))

If you are charged with a crime of violence as defined by the Colorado Revised Statutes (C.R.S 18-1.3-406) it will be in front of a jury of six (6). If you are alleged to be an aggravated juvenile offender or if you are ultimately charged as an adult in adult district court it will be in front of a jury of twelve (12). (C.R.S. 19-2-601)

At a trial, you have the right to be presumed innocent. You do not have to prove anything. To adjudicate or convict you of the delinquent act or crime charged, the district attorney would have to prove beyond a reasonable doubt that you are guilty of the charges against you.

At a trial, you or your lawyer has the right to cross examine or question the witness that is against you. You have the right to testify or not testify on your own behalf. No one can force you to testify or not to testify. If you testify, the prosecution will be allowed to cross examine or question you. If you do not testify, the jury shall be instructed about such right. (C.R.S. 19-2-802)

You have the right to present evidence on your own behalf. If you have prior felony adjudications or convictions, the prosecution is entitled to ask you about them and thereby disclose it to the court and/or jury which can and will be instructed to consider it only as it bears upon your credibility. You have the right to subpoena or force witnesses to appear and testify for you. You have the right to appeal to a higher court for any decision that was made at the trial. (C.R.S. 19-2-802)

You may also waive your right to trial and plead guilty. Any plea of guilty must be knowing, voluntary and not the result of undue influence or coercion on the part of anyone, including your parents. (Juvenile Procedure Rule 3)

Parents and juveniles are advised at this time, that there is a mandatory restraining order in effect against you until this case is finalized, terminated or until further order of the court. You are ordered to be restrained from harassing, molesting, intimidating, retaliating against or tampering with any witness to or victim of the delinquent act or crime charged. In addition to being charged with additional charges, if you violate this order, you may be punished for contempt of court and sentenced to detention for forty-five (45) days as charged with a violation of a restraining order. (C.R.S. 19-2-707)

If you are convicted of the charges against you or you plead guilty several things can happen.

You can be placed on formal probation for a period up to two (2) years. As part of probation, you could be sentenced to up to forty-five (45) days in detention (C.R.S. 19-2-925), and be fined up to \$300.00 (C.R.S. 19-2-917). If you are out of control of your parents, you can

be placed in a group home, foster home, or state hospital as a condition of probation. You can also be required to be in school full time, and may be ordered to get your G.E.D. and have full time employments.

You can be sentenced to the Department of Youth Corrections, which is prison for kids, for a period up to seven (7) years with minimum mandatory parole. (C.R.S. 19-2-921) You can be ordered to pay fines and costs as well as restitution in all your matters.

If you are eighteen (18) years of age or older at the time you are sentenced for a delinquent act or crime you can be sentenced to the county jail or community correction, in some cases for up to two years. (C.R.S. 19-2-908)

In some circumstances, your case may be transferred to the criminal division of the district court where you may be tried as an adult and subject to adult sentencing guidelines. (C.R.S. 19-2-518)

You may have the right to petition the court to expunge your records, but a person may file a petition with the court for expungement of his or her record only once during any twelve (12) month period. (19-1-306)

Petitions for expungement may be obtained from the clerk of the court and no filing fee is required. (C.R.S. 19-1-306)

Parents need to understand that at least one parent or guardian must be present at all court appearances. (C.R.S. 19-2-109 (6)) Should a parent or guardian fail to appear at all court appearances this court will issue a bench warrant for your arrest. Parents also need to understand that pursuant to the protective orders of the court and the sentencing powers of the court you as parents can be ordered into drug and alcohol treatments individual and family therapy and other treatments modalities that are deemed appropriate by the court. (C.R.S. 19-2-113 (2)(b)(I-VII)). Parents also need to understand that the court can order them to complete community service work or attend a parental responsibility program as well as pay restitution in amounts of up to \$25,000. (C.R.S. 19-2-919)

Waiver of Right to Counsel Advisement

- Parents who are not lawyers cannot represent their children as counsel in court, at trial or otherwise!

Do you understand that you have the right to have a lawyer?

Do you understand that if you cannot afford to hire a lawyer and you qualify under the Supreme Court guidelines, the court will appoint a lawyer to represent you free?

Do you understand that I will appoint a lawyer for you if you want one?

Do you understand the charge pending against you is (state the charge and level of offense) and it carries a possible sentence of (state the possible sentence)?

(Ask the parents) Do you understand everything I have just asked the juvenile and believe it is the right choice to have the juvenile not be represented by a lawyer?

Have you ever had any legal training?

How much school have you completed?

Have you had any alcohol, drugs, or medication which affects your ability to understand what is happening here today? Do you think you do understand what is happening?

Would like to talk or consult with the public defender before you make this decision?

Do you understand criminal law is a complicated area, and that a lawyer trained in this field could be of great help in preparing and representing your defense?

Do you understand that you have the right to remain silent and that anything you say could be used against you in court?

You should understand that you have the right to represent yourself, but by doing so, you take a great risk of not properly presenting your case?

Do you understand you have the right to confront and cross examine the witness against you?

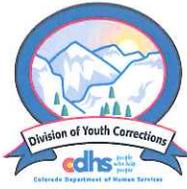
Do you understand that you have the right to subpoena and force witnesses to appear and testify for you?



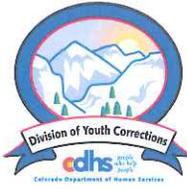
Colorado Department of Human Services

An Overview of the Division of Youth Corrections

August 2013



*"Working with Colorado Communities
to Achieve Justice"*



1



DYC Vision

*"Working with Colorado Communities
to Achieve Justice"*



COLORADO

2



DYC Mission

To protect, restore, and improve public safety through a continuum of services and programs that:

- effectively supervise juvenile offenders;
- promote offender accountability to victims and communities; and,
- build skills and competencies of youth to become responsible citizens.



The Five Core Values & The Five Key Strategies

Colorado Department of Human Services
Division of Youth Corrections

5 Core Values

Division Employees will
Speak and Act with **INTEGRITY**

*Treat Youth, Families and
Each Other with* **RESPECT**

Demonstrate **TRUST**

Reflect Personal
ACCOUNTABILITY

Pursue **EXCELLENCE**

5 Key Strategies

The Division will Provide
**THE RIGHT SERVICES AT THE
RIGHT TIME**

delivered by
QUALITY STAFF

using
PROVEN PRACTICES

in
SAFE ENVIRONMENTS

embracing
**RESTORATIVE COMMUNITY
JUSTICE PRINCIPLES**

Working with Colorado Communities to Achieve Justice

The mission of the Division of Youth Corrections is to protect, restore and improve public safety through a continuum of services and programs that: effectively supervise juvenile offenders; promote offender accountability to victims and communities; and build skills and competencies of youth to become responsible citizens.



DYC Service Continuums

Detention Continuum

- Senate Bill 94 (Community Detention)
- Secure and Staff Secure Detention

Commitment Continuum

- Assessment
- Residential Treatment Services
- Parole Supervision

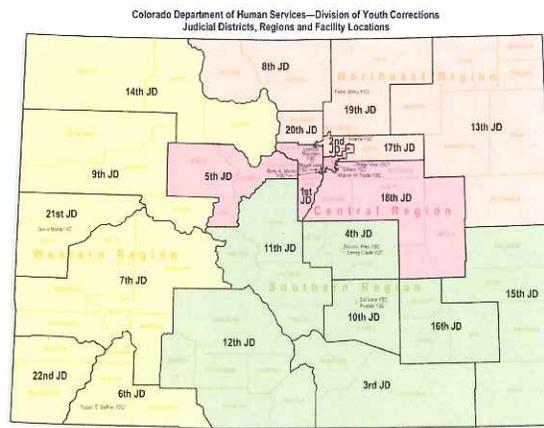
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Detention Continuum

DYC Detention Operations

- State operated since 1973
- DYC Regions formed around location of detention centers



6



Detention Services

Physical Custody

- Juveniles awaiting Court hearings
- Juveniles awaiting disposition
- Juveniles who receive short-term sentences
- Valid Court Orders

Appropriate Use

- For youth at high risk for criminal behavior and/or failure to appear in court
- *Not effective for reducing future delinquent behavior*

7



Commitment Services

- Transfer of Legal Custody
- Result of Adjudicatory Hearing
- Supervision, Care and Treatment





Commitment Jurisdiction

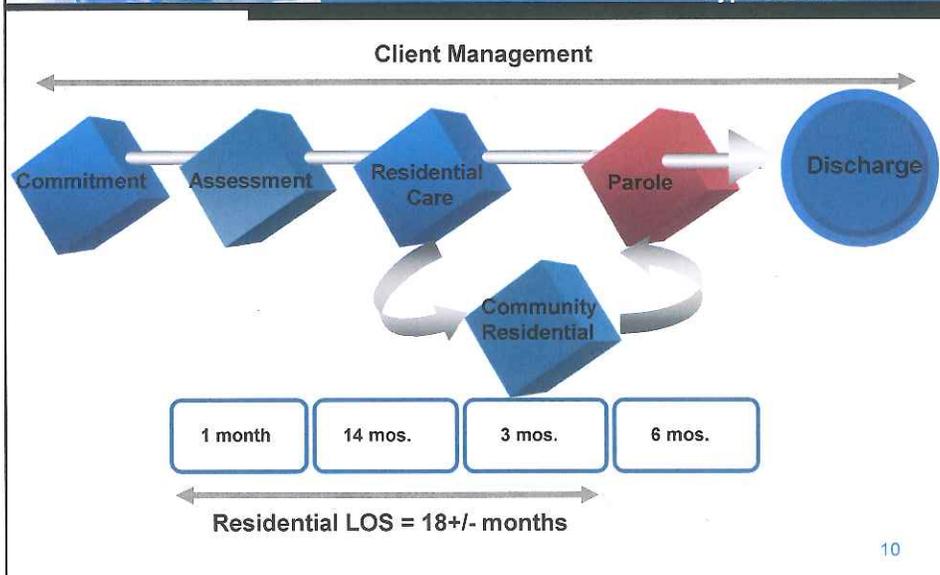
- Ages 10-20, for acts committed prior to a youth's 18th birthday (19-2-909, C.R.S.)
- Ages 10-12, for Class 1, 2 or 3 felonies only
- Majority of sentences are for a determinate period of up to two years
- Those over 18 at sentencing may receive jail or community corrections (19-2-910, C.R.S.)
- All DYC commitments discharged at maximum age of 21

9



Commitment Flow Chart

Typical Case



10



Juvenile Parole

- Juvenile Parole Board
- Supervision and Services
- Mandatory Parole



11



Juvenile Parole Board

- Section 19-2-206, C.R.S.
- Authority to grant, deny, defer, suspend, revoke, or modify conditions of parole
- Nine members, appointed by Governor
 - Human Services
 - Education
 - Public Safety
 - Labor & Employment
 - Local Elected Official
 - Four members – public at large

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Juvenile Parole Services

- Individualized parole plans
- Parole plan is consistent with Discrete Case Plan
- Parole Officers provide direct supervision and liaison with community resources and families
- Contract Parole Program Services
 - Treatment Services; e.g., Multi-systemic Therapy; Functional Family Therapy; Offense Specific; Drug/Alcohol
 - Tracking and Mentoring
 - Day Treatment and Day Reporting Programs
 - Community-based services; e.g., housing, employment, school, advocacy

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Juvenile Parole

- Mandatory parole enacted in 1996, Section 19-2-909(b), C.R.S.
- Currently six months minimum for all youth
- May be extended an additional 15 months by Juvenile Parole Board
- Parole Board may suspend or revoke parole
- Jurisdiction ends at age 21

14



History of SB94 & Detention Bed Caps

15



Establishment of Senate Bill 94

- Prior to the 1991 Legislative Session, the projections for future NYC populations were indicating the need for approximately 500 additional secure placement beds.
- Discussions centered around the possibility of local options and early intervention as a viable alternative to building expensive state facilities, which culminated in the development and passage of Senate Bill 91-94.

16



Brief History of Senate Bill 94

- | | |
|---------|--|
| 1991 | Enacted to provide cost-effective community-based detention services in addition to secure placement options |
| 1992 | Statewide SB 94 Advisory Board appointed |
| 1993 | Twelve pilot projects implemented |
| 1993-94 | Implemented in all 22 Judicial Districts |
| 1995 | Developed Standardized Procedures for Screening & Assessing Youth |
| 2003 | Detention Cap Legislation Implemented (479) |
| 2011 | Detention Cap Legislation (cap reduced to 422) |
| 2013 | Detention Cap Legislation (cap reduced to 382) |

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Senate Bill 03-286

- **Established Statewide Limit of 479 Detention Beds**
- **Working Group Shall Annually:**
 - Allocate Resources to Catchment Areas through a formula (beds & funds)
 - Within Catchment Areas, Allocate Beds to Judicial Districts
 - Develop Emergency Release Guidelines
 - Develop Detention Placement Criteria/Guidelines
- **Judicial Districts Shall:**
 - Develop a Detention Bed Management Plan Annually
 - Not Exceed their Detention Bed Allocation

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Detention Bed Cap

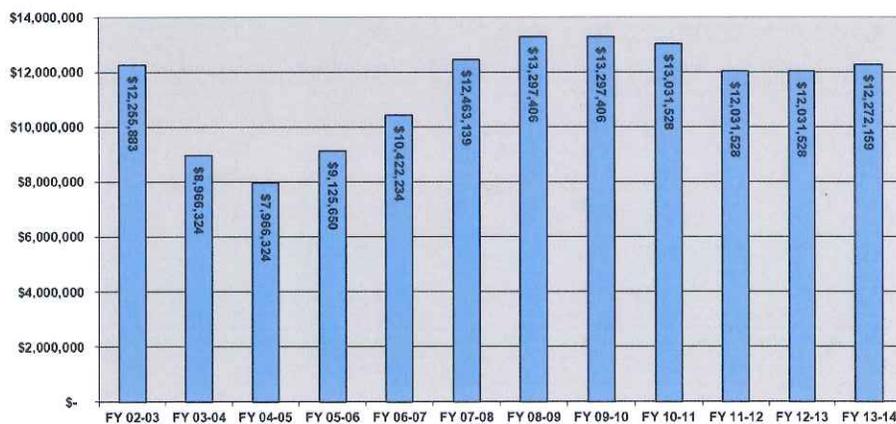
- **SB 03-286 (Section 19-2-1201, C.R.S.)** – Establishes the Statewide detention cap at 479 beds
 - Enacted as part of the State’s budget reductions
 - Reduced capacity by 7.5% and \$1.7 million
 - Implemented on October 01, 2003

- **Senate Bill 11-217 (Section 19-2-1201(2), C.R.S.)** – Reduces the Statewide detention cap to 422
 - Enacted as part of the State’s budget reductions
 - Reduced capacity by 12%
 - Implemented on July 1, 2011

- **Senate Bill 13-177 (Section 19-2-1201(3), C.R.S.)** – Reduces the Statewide detention cap to 382
 - Enacted as part of the State’s budget reductions
 - Reduced capacity by 9.5%
 - Implemented on April 1, 2013



SB 94 Funding Trends

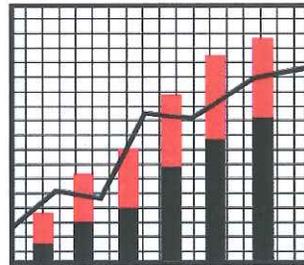


*FY allocations shown here include allocations to districts and program administrative costs



APPENDIX

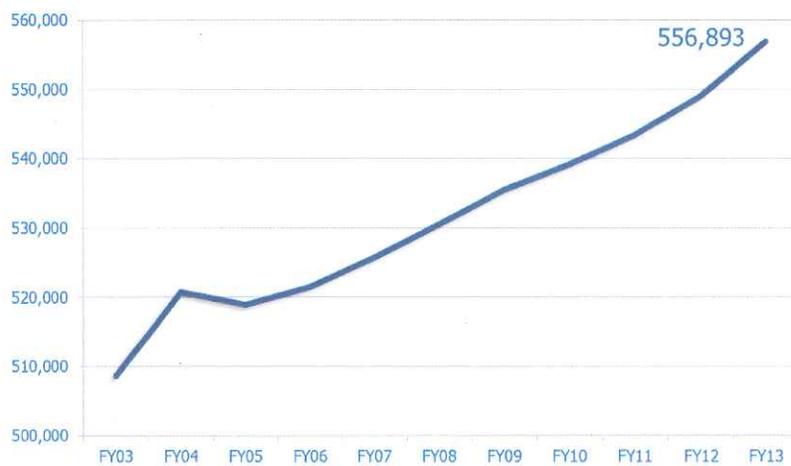
COLORADO JUVENILE DELINQUENCY RELATED TRENDS



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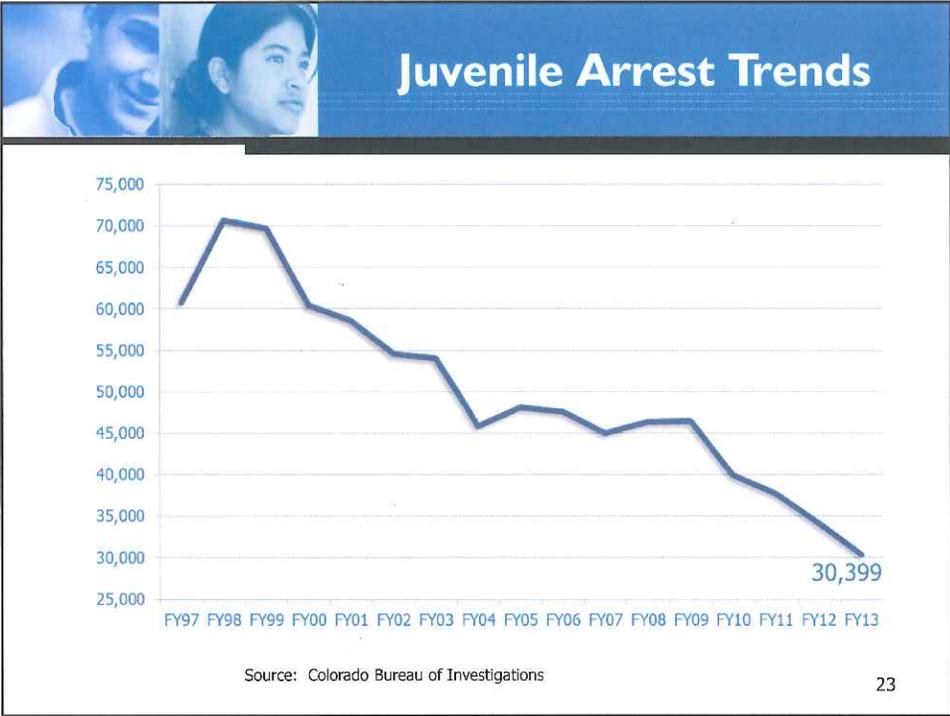


Juvenile Population Trends (Ages 10-17)

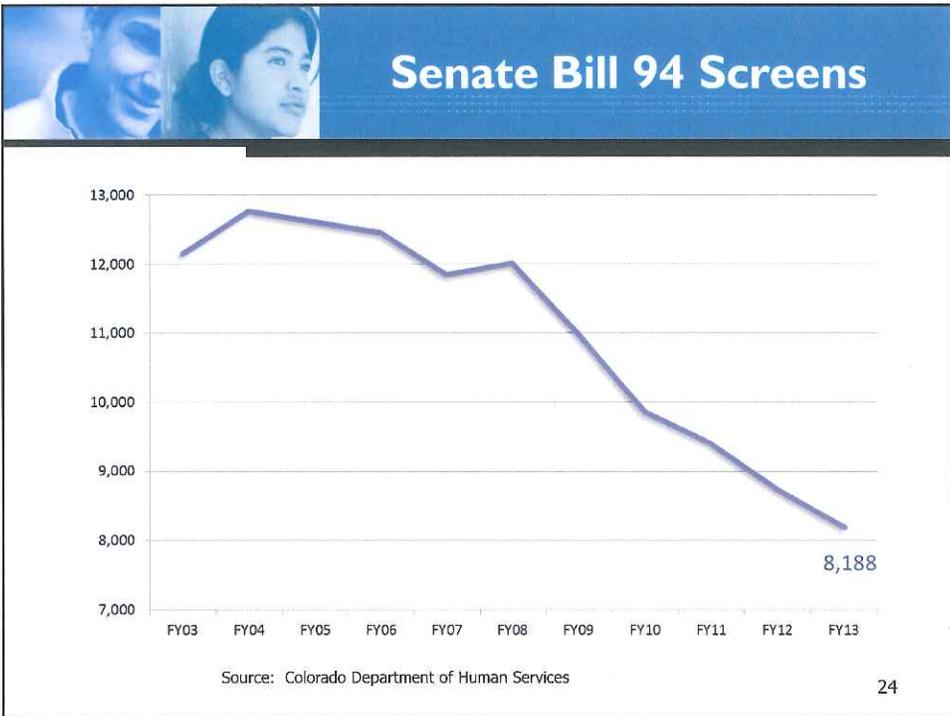


Source: Colorado Department of Local Affairs, Demographers Office

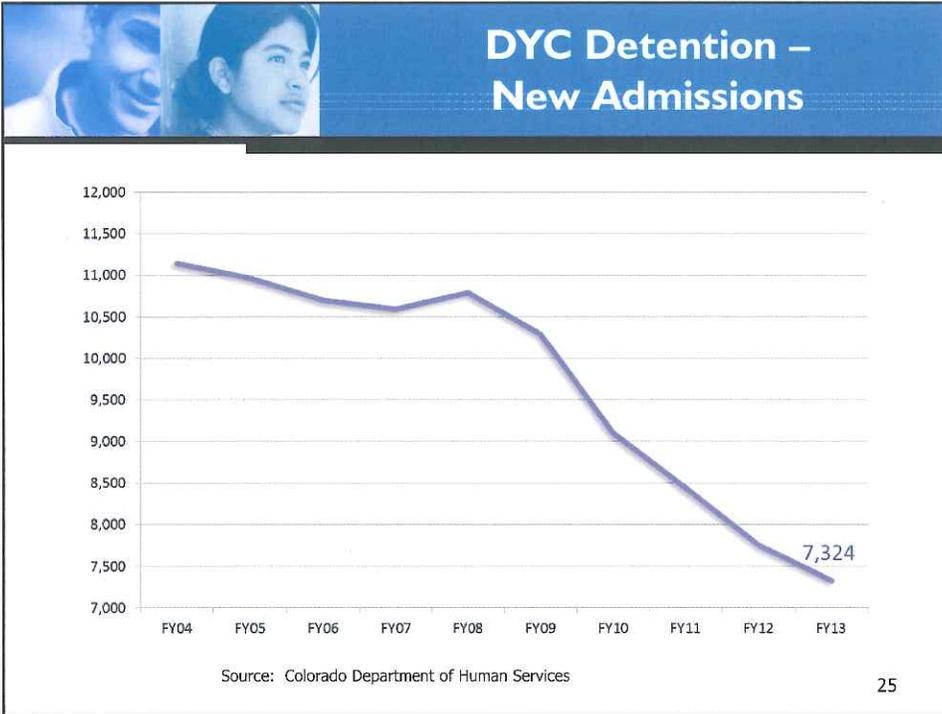
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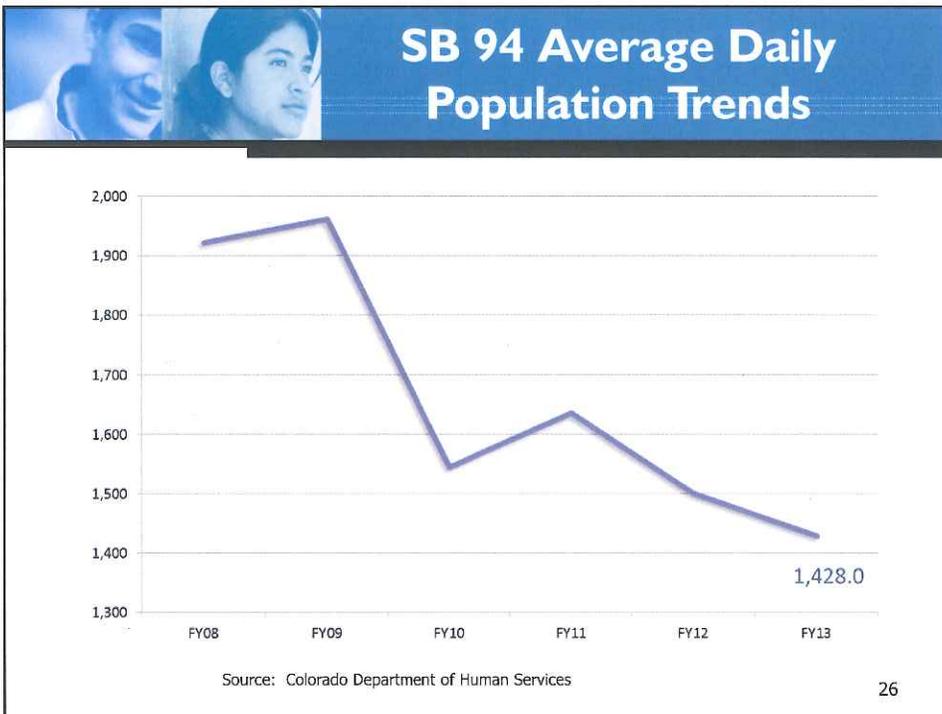
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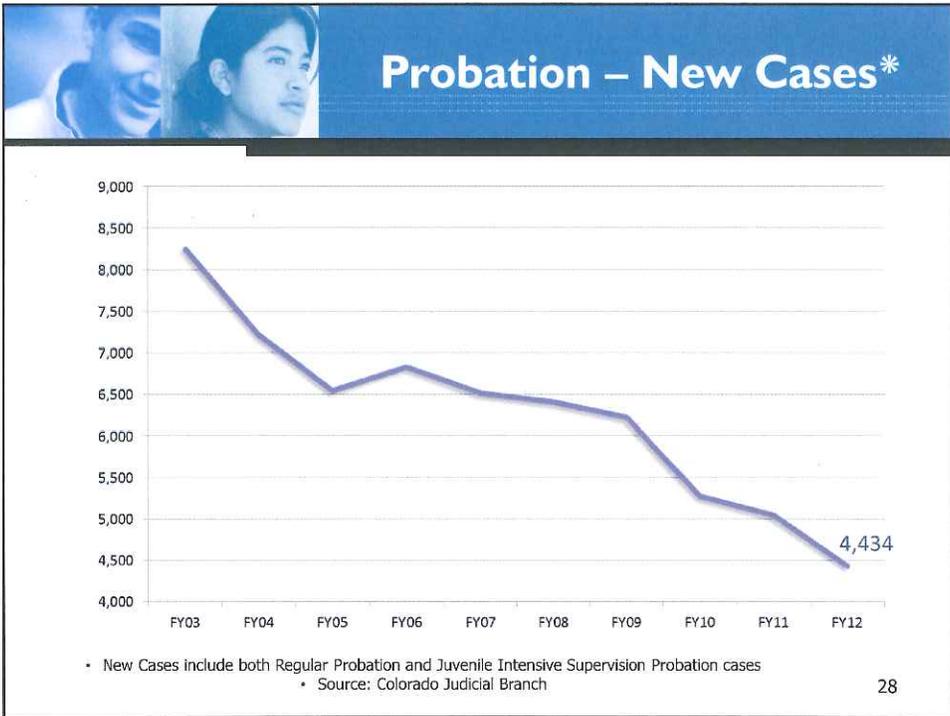
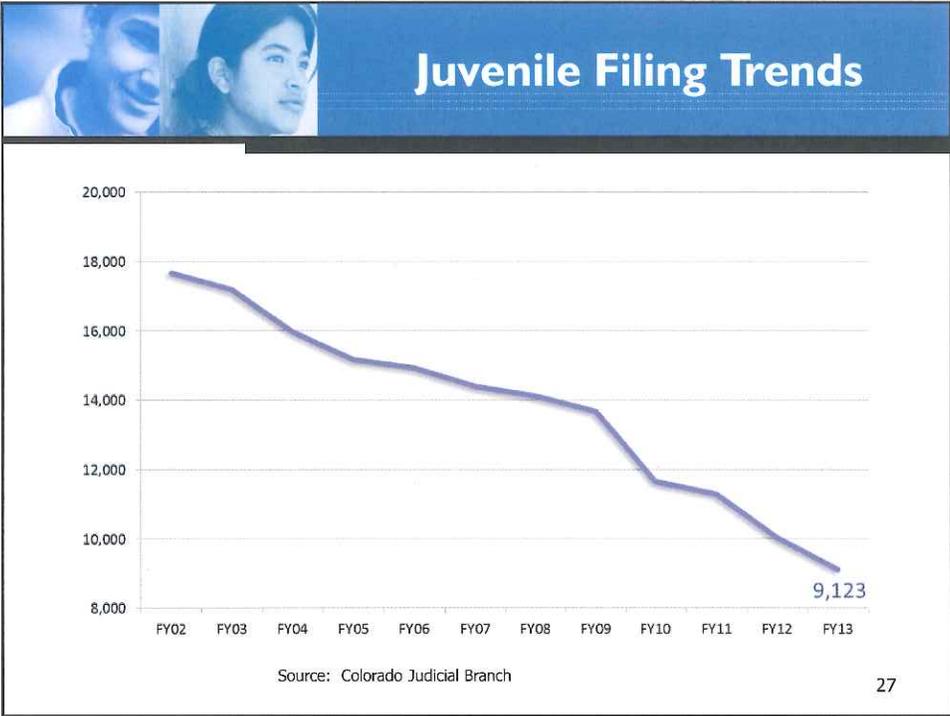
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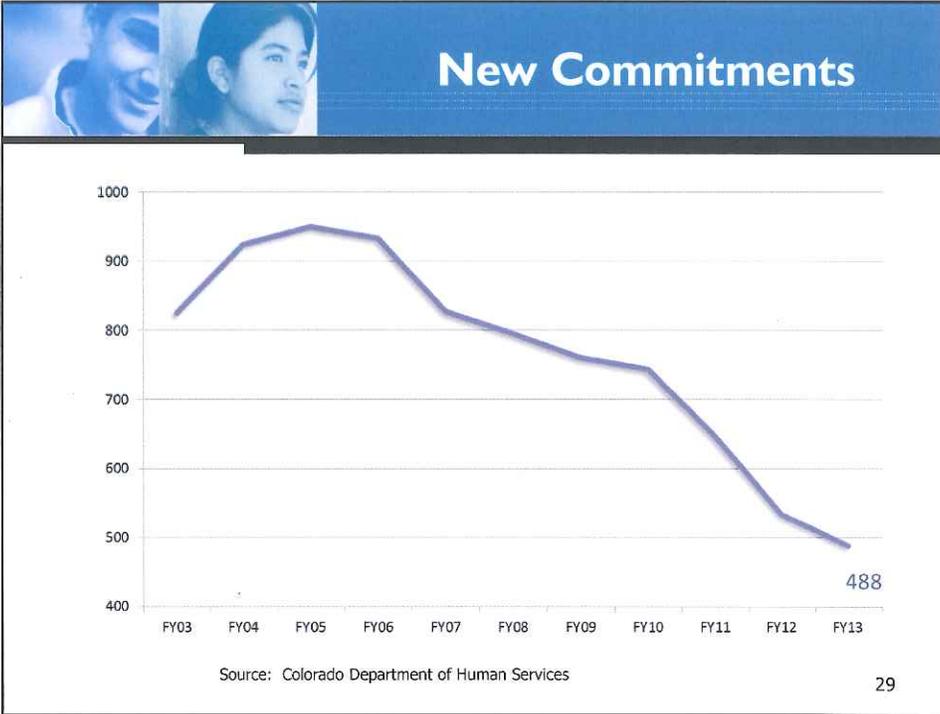


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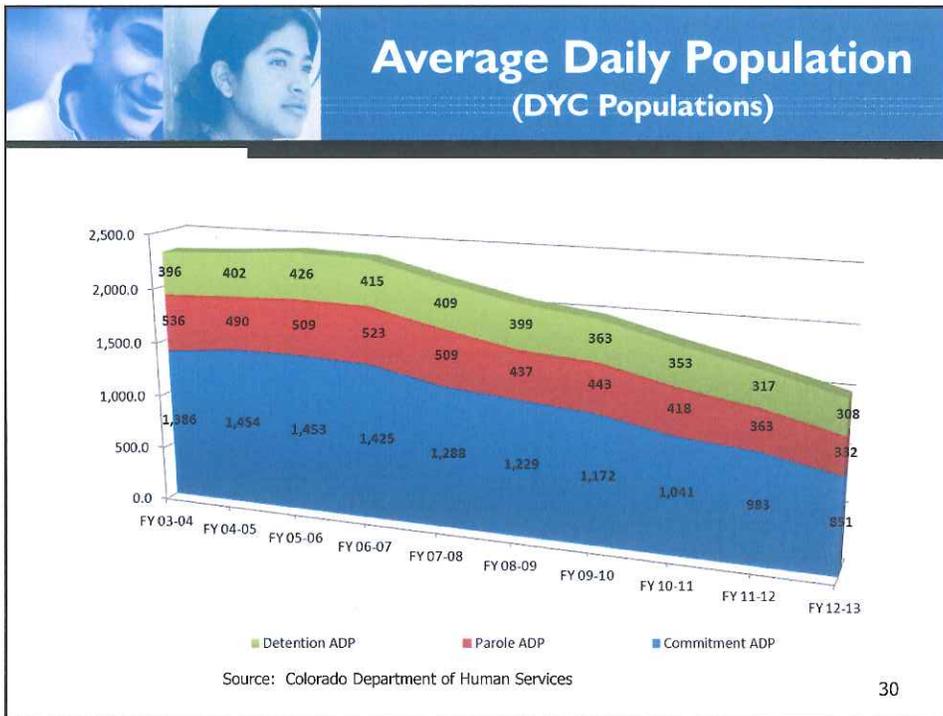


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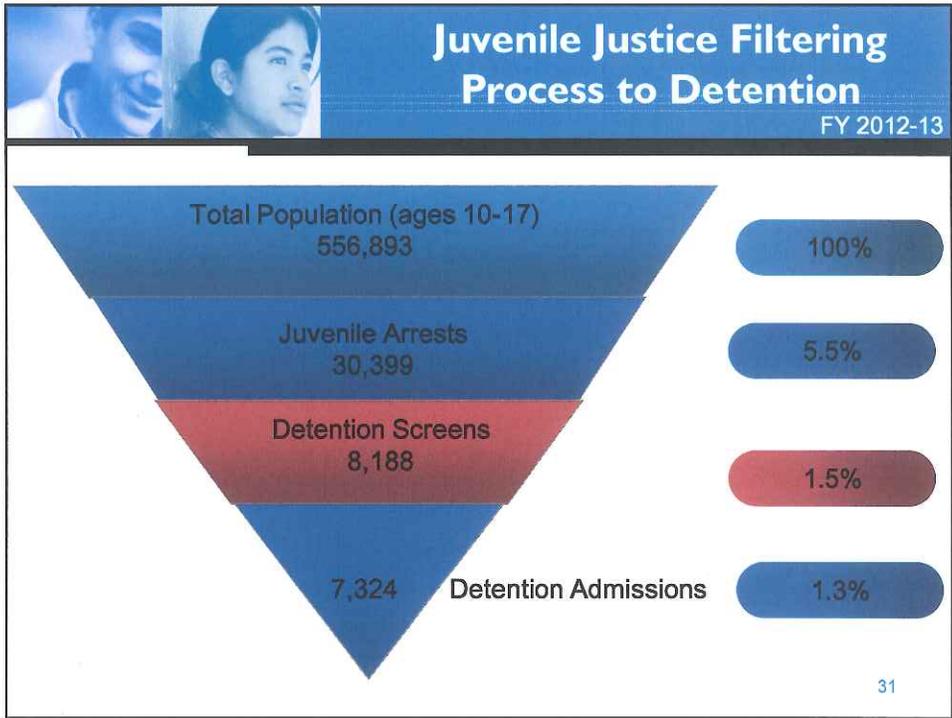




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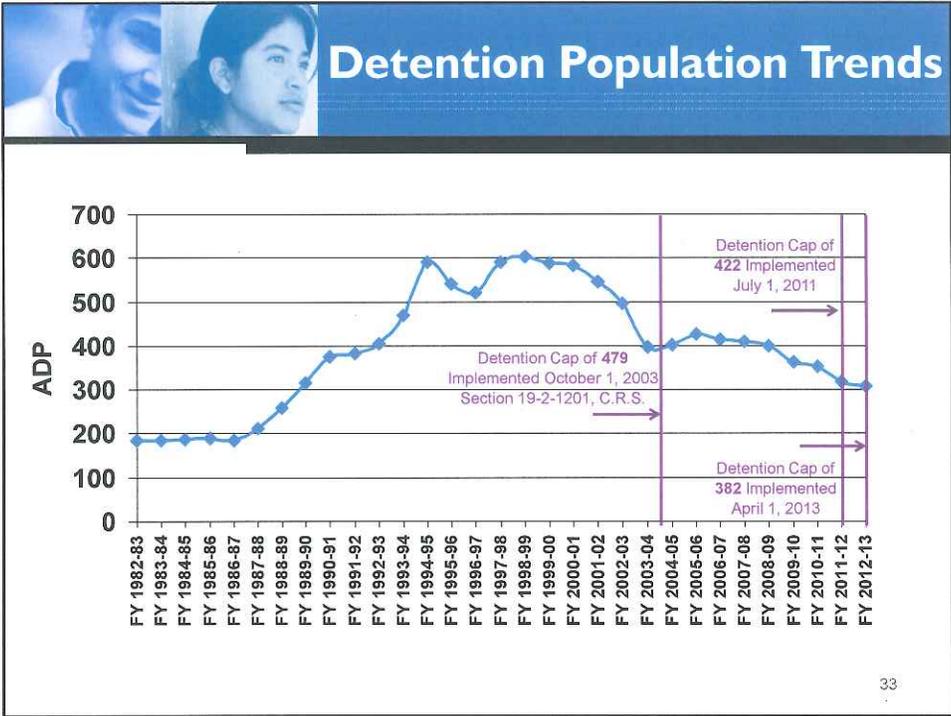


Detention Population

FY 2012-13

▪ Total New Admissions	7,324
▪ Number of Clients Served	4,402
▪ Average Length of Stay	15.1 days
▪ Average Daily Population	307.6

32



SB94 Outcomes

FY 2012-13

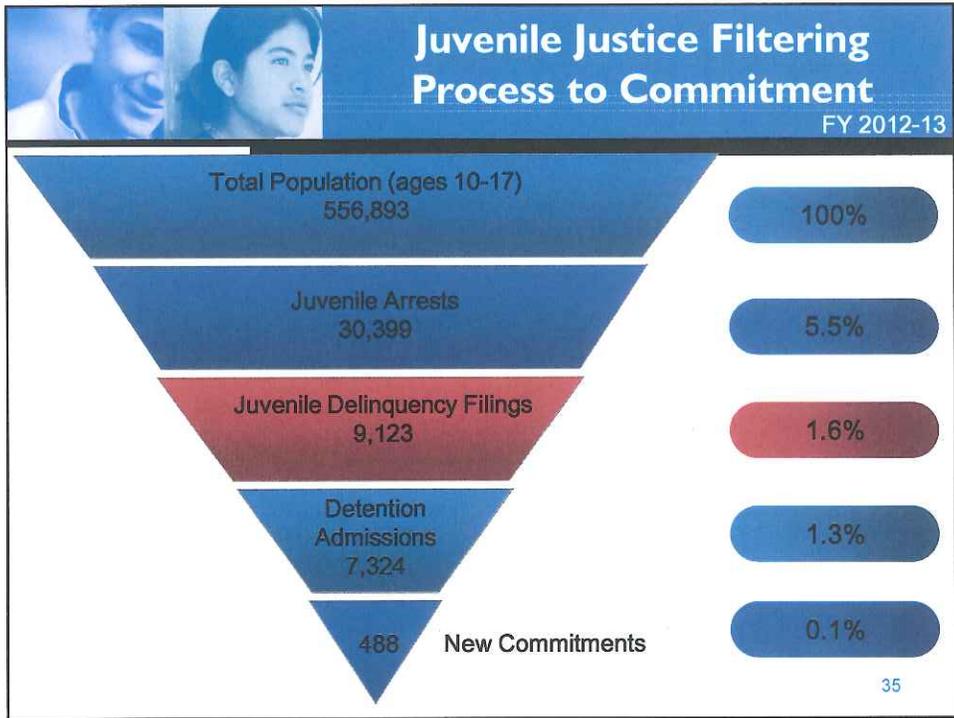
Youth Without Failure To Appear for Court

- 96.9% of Pre-adjudicated Youth had no FTA's
- 97.3% of Sentenced Youth had no FTA's

Youth Without New Charges

- 96.0% of Pre-adjudicated Youth had no new charges
- 94.3% of Sentenced Youth had no new charges

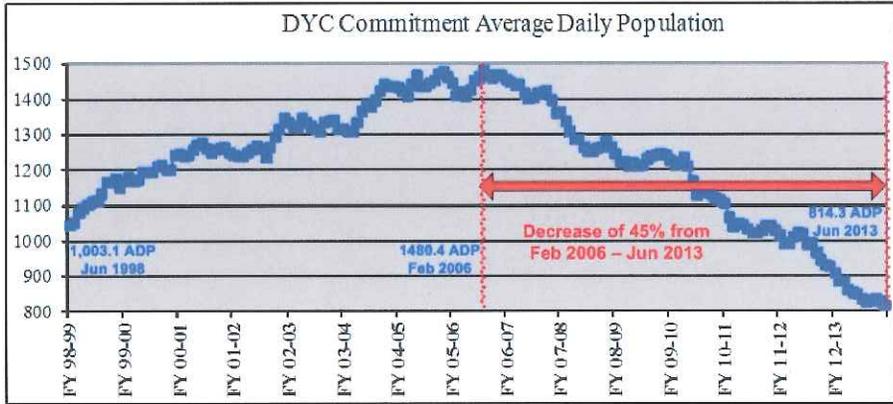
34



Metric	Value
➤ New Commitments	488
➤ Number of Clients Served	1,786
➤ Average Length of Stay	19.1 Months
➤ Average Daily Population	851.0
▪ State Secure Committed ADP	366.5
▪ Staff Supervised / Contract ADP	365.0
▪ Community / Other Residential ADP	119.5

Commitment ADP Trends

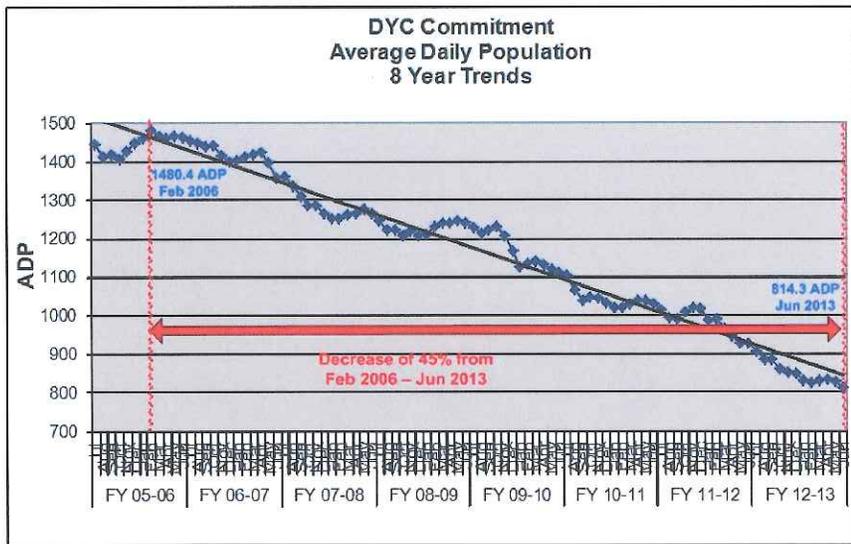
~Monthly ADP shown



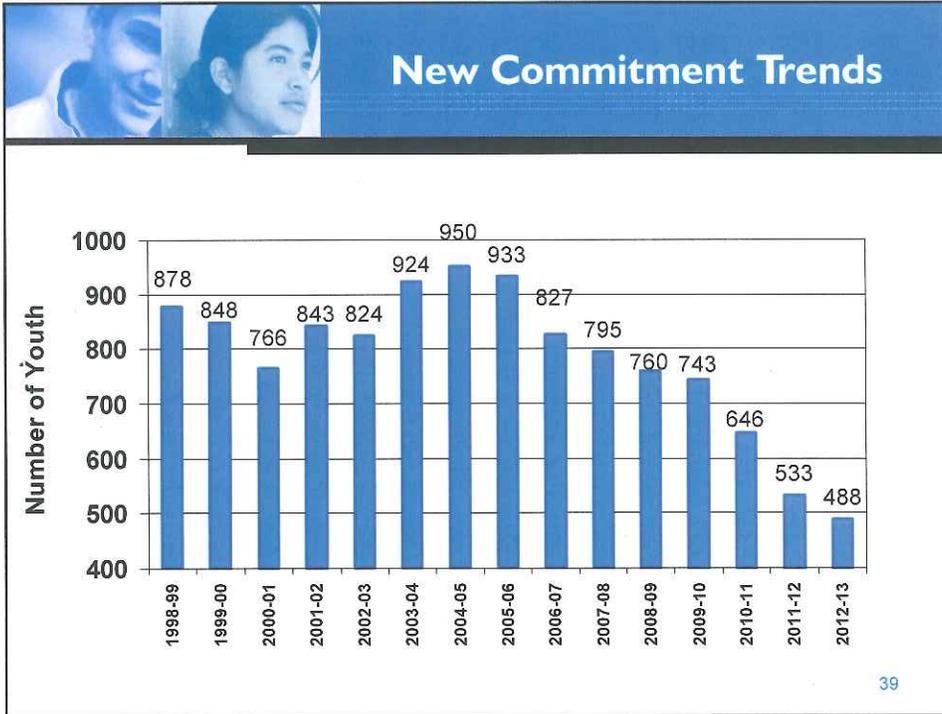
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Commitment ADP Trends (cont.)

~Monthly ADP shown



38



39

Capacity Reductions

<p>Commitment</p> <ul style="list-style-type: none"> • Closed Sol Vista facility in 2011 • Closed 3 Housing Units at Lookout Mountain • Consolidated Front Range Assessment at Mount View • Closed Housing Units in 4 Other Facilities • Overall Reduced Nearly 40% of State-operated Capacity 	<p>Detention</p> <ul style="list-style-type: none"> • Reduced Detention Cap by 97 Beds • Closed Detention Housing Units in 4 Facilities • Reduced Staff Secure Detention Contracts
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Parole Population

FY 2012-13

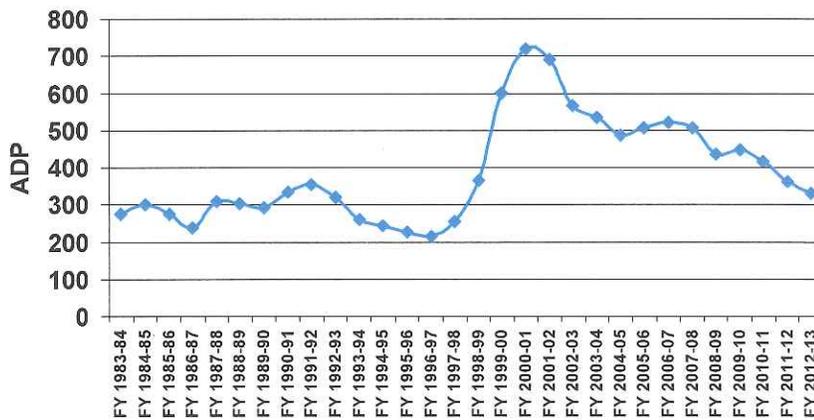


- Number of Clients Served 954
- Average Length of Stay 6.8 Months
- Average Daily Population 331.6

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Parole Population Trends

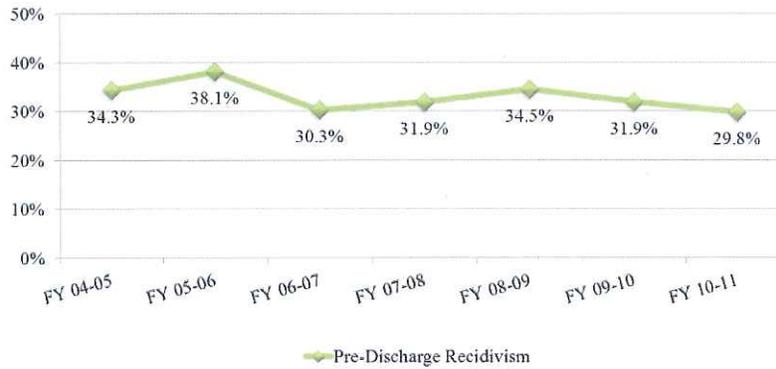


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Pre-Discharge Recidivism Trends

Pre-Discharge Recidivism Rates FY 2004-05 through FY 2010-11

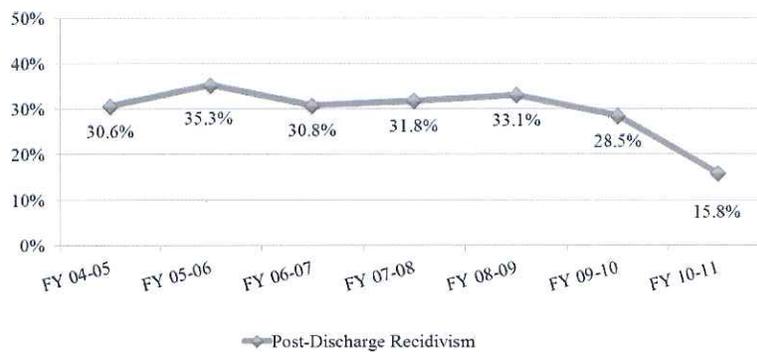


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Post-Discharge Recidivism Trends

Post-Discharge Recidivism Rates FY 2004-05 through FY 2010-11



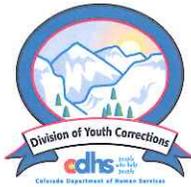
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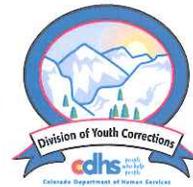
Colorado Department of Human Services

An Overview of the Division of Youth Corrections

August 2013



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Summary of Major Legislative Changes Enacted and Pending 2013
Juvenile Justice: Counsel, Sentencing and Court Procedure, Interrogations, and Cost-Sharing

Category	State	Status	Bill	Subcategory	Bill Summary	Fiscal Information
Counsel	California	Pending - last action on the bill was May 23, 2013.	SB 156	Professional standards	Requires the Judicial Council to establish minimum hours of training and education necessary in order to be appointed as counsel in delinquency proceedings. This training would count towards continuing education credits. Requires the Judicial Council to adopt rules about required training areas, which would include juvenile delinquency law, child and adolescent development, special education, mental health issues, child abuse and neglect, counsel's ethical duties, appellate issues, direct and collateral consequences for a minor of court involvement, and securing effective rehabilitative resources. Public defenders, et al would be encouraged to offer trainings and district attorneys are encouraged to participate in trainings.	Minor rule making costs, ongoing costs in "excess of" \$150,000 per year if training is mandated for court appointed counsel.
Counsel	Idaho	Enacted - signed by the Governor on April 2, 2013, and took effect on July 1, 2013.	HB 0349	Appointment, waivers	Clarifies the circumstances in which juveniles are appointed counsel at public expense and limits the circumstances in which juveniles may waive their right to counsel to certain, non-serious offenses. Clarifies that the right to counsel attaches at the stage that he or she is detained. The bill also limits the use of information provided by a juvenile in a pre-adjudication diversion proceeding in order to "balance the Fifth Amendment privilege against self-incrimination and Sixth Amendment right to counsel of the juvenile with the government's interest in facilitating informal disposition of juvenile proceedings."	No state impact, indeterminate impact at the local level.
Counsel	Texas	Enacted - signed by the Governor on June 14, 2013, with some portions of the bill taking effect by September 1, 2013, and others (provisions on certain reporting requirements), taking effect on September 1, 2014.	HB 1318	Appointment	Specifies that the Public Defender's Office (PDO) may not accept an appointment if so doing violates the maximum allowable caseloads established by the PDO. If the public defender refuses an appointment, the chief public defender must file a written statement with the court explaining the reasoning. Requires, unless it finds appointment of counsel is not feasible due to exigent circumstances, the court shall appoint counsel within a "reasonable time" before the first detention hearing. The bill requires reporting on appointments of counsel within specified time frames.	The fiscal analysis says no significant fiscal impact to the state or local governments is anticipated.
Counsel, Court	Oklahoma	Enacted - signed by the Governor on May 31, 2013. Doesn't specify a different effective date.	SB 679	Appointment, costs; sentencing and court procedures	Under current law, a juvenile is only eligible for court-appointed counsel in a delinquency proceeding if the parent is indigent. If the parent isn't indigent but refuses to pay for counsel, the court is required to appoint counsel to represent the child at detention hearings until counsel is provided. Costs for court appointed counsel are imposed on the parent and services are provided by the Oklahoma Indigent Defense System. After that, the court is not to appoint counsel but to order the parent to obtain counsel. Failure by the parent to do so is to be found as indirect contempt of court. Bill clarifies which cases the Oklahoma Indigent Defense System applies to. The bill establishes fees for services provided by the court appointed counsel. Clarifies how a guardian ad litem is appointed. Clarifies when a court may defer delinquency adjudication for certain offenses by requiring that the district attorney agree if the offense would be classified as a felony for an adult. Includes other various provisions regarding assessments of juveniles, detention procedures, rights of juveniles at revocation hearings (bill clarifies the right to counsel applies at these hearings, among other substantive provisions). Allows courts to require a parent or guardian participate in juvenile court appearances, but clarifies this doesn't create a right of any child to have his or her parent present at any juvenile proceeding. Clarifies that a juvenile doesn't have to disclose events for which the records are sealed. The bill also makes changes concerning the circumstances for terminating parenting rights.	Indeterminate according to the fiscal analysis.
Counsel, Costs	Florida	Enacted - signed by the Governor June 5, 2013, and took effect on July 1, 2013.	HB 0311	Costs of prosecution, investigation, and appointment	Allows the court to withhold certain amounts for costs of prosecution and representation from the return of a cash bond posted on behalf of a defendant. Current Florida statute sets these costs (amount is doubled since the fee is the same for the costs of prosecution and the costs of representation) as \$50 for misdemeanor or criminal traffic offense and \$100 for felony criminal cases. If requested, convicted adults may also be liable for actual amounts of investigative costs by a law enforcement agency, fire department, and state agencies that are the equivalent of Colorado's Department of Revenue. Under current Florida law, juveniles in delinquency cases don't pay the costs for prosecution, but are required to pay the costs for representation. The bill allows juveniles to perform community service in lieu of payment if the court determines they are unable to pay. However, the bill also allows juveniles to be liable for prosecution costs, in a similar manner to adults. The bill also clarifies that these costs can be assessed regardless of how the case is disposed of.	Indeterminate increase in revenue.
Court	Iowa	Enacted - signed by the Governor on April 24, 2013, and took effect on July 1, 2013.	SF 288	Sentencing and court procedures	Clarifies age/crime requirements for youth to be excluded from juvenile court; redefines the applicability of youth offender status (juveniles prosecuted in adult district court, whether as a juvenile or as an adult) and sentencing options available under that classification for district courts; clarifies adjudication procedures for future offenses for juveniles not sentenced in district court; allows for deferred sentences for juveniles in district court, even if that option is not available for adults for the same offense.	Not on the website, can request.

Summary of Major Legislative Changes Enacted and Pending 2013
 Juvenile Justice: Counsel, Sentencing and Court Procedure, Interrogations, and Cost Sharing

Category	State	Status	Bill	Subcategory	Bill Summary	Fiscal Information
Court	Illinois	Enacted - signed by the Governor and took effect on July 8, 2013.	HB 2404	Sentencing and court procedures	Bill makes amendments to the Juvenile Court Act of 1987. Changes the definition of delinquent minor to someone who is under the age of 18, rather than 17 when he or she committed a felony. Makes similar changes to the age concerning confidentiality of juvenile records and makes corresponding changes to the expungement provisions.	Not on the website, can request.
Court	Maryland	Enacted - the bill took effect on June 1, 2013.	HB 0786	Juvenile court jurisdiction	Establishes a task force to study issues including whether to eliminate exclusionary offenses that automatically result in adult charges for youth and restore juvenile court discretion. The task force is to make a report on its findings by December 1, 2013.	Not applicable, but may want to monitor to see what their report recommends.
Court, Costs	Georgia	Enacted - signed by the Governor May 2, 2013, takes effect January 1, 2014.	HB 242	Court procedure, cost sharing, standardizing of data collection and assessment tools, and contracting requirements	Modifies the "Designated Felony Act" to create a two-class system to allow for adjusting dispositional sanctions to take into account offense severity and risk level; prohibits status offenders and certain misdelinquents from being disposed to residential facilities; implements a performance incentive structure for community-based youth facilities; mandates use of validated risk and needs assessment tools prior to detention and disposition decisions; mandates that the state and local probation agencies develop and adopt a structured decision-making tool to guide placement recommendations; requires consistent and uniform data collection from juvenile courts and other juvenile justice agencies; requires juvenile justice agencies using state funding develop performance based contracts with private providers; requires agencies that request an assessment pay for transport of the juvenile; among other reforms (those were targeted at adults, see report)	Not on the website, can request.
Investigations	California	Pending - last action on the bill was July 2, 2013.	SB 569	Electronic recording of interrogations of juveniles	Requires electronic recording of entire custodial interrogation of a minor who is suspected of committing a specified offense, unless doing so would somehow jeopardize the identity of a confidential informant. The state is required to reimburse local law enforcement agencies for these costs. (Note: California's constitution requires that the state reimburse local entities for imposing a mandate).	Annual costs of about \$350,000 to hear petitions related to admissibility of recordings for courts and substantial costs in the millions of dollars for start-up and operating costs for recording (not specified). Unspecified savings related to reduced court and other costs resulting from fake confessions and avoided litigation from interrogation issues.
Investigations	Illinois	Pending - sent to the Governor on June 28, 2013.	SB 1006	Electronic recording of interrogations of juveniles	Specifies that custodial interrogations of juveniles are not admissible as evidence in court unless an electronic recording is made of the interrogation. Phases in implementation based on the offense and when the interrogation was committed. Allows recording to continue if the juvenile starts referencing events that under the probable cause standard would cause investigators to suspect the person committed another separate crime - i.e. they don't need to stop and make a separate recording.	Fiscal Impact statements say this bill does not impose a state mandate or preempt home rule authority. The statement includes \$55,000 in start-up costs and \$15,000 in ongoing costs for recording video camera recording equipment for the Illinois State Patrol.