OCR GRID UPDATE FOR JD CROSSOVER YOUTH FACT SHEET

Early Release Copy

p. F49 Basics of Delinquency Process

Suggest deleting the second paragraph "although some districts.." and Replace with:

Each Juvenile is entitled to representation from the office of the state public defender or if there is a case conflict by the office of alternate defense counsel at the Detention hearing. § 19-2-508 (2), (2.5), C.R.S. (2014).

p. F50 – Plea and pretrial hearings

Suggest deleting the remainder of the paragraph starting with the sentence stating "Counsel for the juvenile may be…" and Replace with:

Counsel from the state public defender's office or alternate defense counsel in the case of a conflict shall be appointed if the juvenile and his or her parents, guardian or other custodian are indigent, the child is in the custody of a state or county department of human services, counsel is needed to protect the juvenile's interests or the parents refuse to hire counsel. The court is not required to appoint counsel if the child has retained private counsel or has made a knowing, intelligent and voluntary waiver of counsel. § 19-2-706, C.R.S. (2014). The parents may be responsible for reimbursement of costs if they refuse to hire counsel. *Id.* The amount of the reimbursement shall be set with the supreme court in consultation with the office of the state public defender and the office of alternate defense counsel.

p. F57 – Sex Offenses.

Suggest removing last sentence starting with "If a D&N case remains open…" and Replace with:

If a D&N case remains open when the Juvenile becomes eligible for deregistration the GAL should be aware whether the deregistration is automatic with the completion of the Deferred Adjudication under § 16-22-113(1)(d), (1.3)(a), C.R.S. (2014) and ensure that the Court is completing the process. Likewise the GAL may want to participate in the filing of the deregistration if it is not automatic. § 16-22-113(1)(e), C.R.S. (2014)

p. F.58 –

5. Prosecution of the Juvenile in Adult Court

a. Direct File. Suggest removing paragraph starting with "section 19-2-517 sets forth…" and replacing with:

Section § 19-2-517 sets forth the district attorney's authority to file directly into adult court. This ability is limited to youth who are over the age of 16 and who meet specified criteria. If the Juvenile has been charged by a direct filing of information or by an indictment in District Court, the Juvenile may file a Motion to transfer the case to juvenile court, known as a "reverse-transfer" hearing where the court must review and make findings as to a number of factors similar to those reviewed in a transfer hearing. § 19-2-517(3)(b), C.R.S. (2014). The direct file statute also has specific sentencing options including sentencing the child as an adult, into the youthful offending system or to be sentenced as a juvenile. § 19-2-517(6), (7), C.R.S. (2014).

** KEEP the "TIP" paragraph starting with "there is no direct statutory guidance regarding…"

Suggest removing paragraph starting with "Under § 19-2-517(4)(a)…" as this section has been repealed and the corresponding "TIP" paragraph starting with "it is critical that a juvenile facing.."