**New requirements under the JJRA of 2018 for Valid Court Orders**

(23) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

(A) an appropriate public agency shall be promptly notified that such status offender is held in custody for violating such order;

(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such status offender;

(C) not later than 48 hours during which such status offender is so held—

(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such status offender;

(ii) such court shall conduct a hearing to determine--

(I) whether there is reasonable cause to believe that such status offender violated such order; and

(II) the appropriate placement of such status offender pending disposition of the violation alleged; and

(iii) if such court determines the status offender should be placed in a secure detention facility or correctional facility for violating such order—

(I) the court shall issue a written order that—

(aa) identifies the valid court order that has been violated;

(bb) specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;

(cc) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;

(dd) specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender’s release from such facility; and

(ee) may not be renewed or extended; and

(II) the court may not issue a second or subsequent order described in sub-clause (I) relating to a status offender unless the status offender violates a valid court order after the date on which the court issues an order described in sub-clause (I); and

(D) there are procedures in place to ensure that any status offender held in a secure detention or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter;

**Previous JJDPA Requirements for Valid Court Orders**:

(23) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense –

(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

(C) not later than 48 hours during which such juveniles is so held –

(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

(ii) such court shall conduct a hearing to determine –

(I) whether there is reasonable cause to believe that such juvenile violated such order; and

(II) the appropriate placement of such juvenile pending disposition of the violation alleged;

**Colorado’s current recommended VCO documents**

**Form 1. VALID COURT ORDER FOR STATUS OFFENDERS**

In the Juvenile Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_County, State of Colorado

Court Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

THE PEOPLE OF THE STATE OF COLORADO

In the Interest of:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Child(ren) and Concerning \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Parent(s)/Guardian(s)

This matter comes before the Court in the exercise of its jurisdiction provided by C.R.S. 19‑1‑104 upon petition \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ concerning the above named child. This matter was heard before the Honorable \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Judge of the Juvenile Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, Colorado as an adjudicatory hearing on the above cited petition which alleges that said child is a status offender as that term is defined in the Interest of J.E.S., 817 P.2d 508 (Colo. 1991) and 28 CFR Sec. 31.304(h).

I. A. Personally before the Court was:

B. Before the Court on service of process were:

C. Counsel present for the child was:

D. Upon testimony of the witnesses, the evidence received, reports received, statements and arguments of counsel, and the entire record, the Court finds:

\_\_\_ that the child has within a reasonable time been served with a written copy of the charges;

\_\_\_ that the child has been informed he/she has the right to a hearing on the matter before the court;

\_\_\_ that the child has been informed of the nature of this proceeding and the possible consequences associated with it;

\_\_\_ that the child has been informed that he/she has a right to legal counsel and that counsel can be appointed at no charge to the child if the child is indigent and cannot afford counsel;

\_\_\_ that the child has been informed that he/she has the right to call witnesses in his/her own behalf and to confront and cross examine witnesses against him/her;

\_\_\_that the child has been informed that he/she has a right to have a transcript or record of this proceeding;

\_\_\_ that proof beyond a reasonable doubt exists that said child is guilty as charged of the allegations contained in the petition for the following reasons:

\_\_\_ that the future conduct of the child should be regulated by requiring the child to do \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (and) (or) prohibiting said child from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

\_\_\_ that the child was warned that the child could be sanctioned for violating this order and such sanction could include placement in a secure detention or correctional facility;

\_\_\_ that a written copy of this order should be provided to the child, the child's attorney, and the child's legal guardian;

\_\_\_ that the child was informed that he/she has a right to appeal this order;

within the meaning of the Colorado Children's Code.

II. IT IS, THEREFORE ORDERED:

1. That \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is hereby prohibited from doing the following: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ until \_\_\_\_\_\_\_\_\_\_\_\_\_ or until this injunction is modified or eliminated by subsequent court order.

2. That \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is hereby required to do the following: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ until \_\_\_\_\_\_\_\_\_\_\_\_\_ or until this mandatory injunction is modified or eliminated by subsequent court order.

3. That the child shall immediately accompany \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and receive a copy of this order.

4. That the clerk office shall mail a copy of this order to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the child's attorney and to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the child's legal guardian.

5. It is further ordered:

Entered this \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

JUDGE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Amended and adopted by the Court, June 28, 2001, and effective July 1, 2001.

**Form 2. VALID COURT ORDER WRITTEN REPORT**

Per the Office of Juvenile Justice and Delinquency Prevention Consolidated Federal Regulation (28CFR Part 31) and the Colorado Judicial Procedure Rule Change

#1997 (17) CRJP 3.8 Status Offenders.

Chapter 28 Colorado Rules of Juvenile Procedure. Part Three. Delinquency.

*The Judge should review this report before the Violation Hearing. Please be as complete and concise as possible for the Judge’s benefit.*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Case Number

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Juvenile Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Report Prepared By Title and Agency

Date Report was Prepared: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In entering any order that directs or authorizes the placement of a status offender in a secure facility, the judge presiding over an initial probable cause hearing or violation hearing must determine that all the elements of a Valid Court Order and applicable due process rights were afforded the juvenile and in the case of a violation hearing the judge must obtain and review a written report that:

1. Reviews the behavior of the juvenile and the circumstances under which the juvenile was brought before the court and made subject to such an order; (Describe the behavior(s) of the juvenile and why the case was referred to the court. Please be as specific as possible. Attach additional pages as needed).
2. Determines the reasons for the juvenile’s behavior; (Please be as specific as possible. Describe who you have interviewed to determine the reasons, what tests/assessments have been conducted, what the juvenile has said, what teachers/agencies have stated. Attach additional pages as needed).
3. Determines whether all dispositions, other than secure confinement, have been exhausted or are clearly inappropriate. (Please list ALL alternatives that have been tried and failed and list all alternatives that have not been tried but are clearly inappropriate).

It is my assessment that it is in the best interest of the minor child and the community that this child should serve a period of detention due to the child’s actions in Contempt of this Court, and that are no less restrictive alternative placements appropriate to the needs of the minor child.

Recommended this \_\_\_\_\_\_\_of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Day Month Year

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Printed Name

**Form 3. SECURE PLACEMENT AS DISPOSITION FOR VIOLATION OF VALID COURT ORDER**

IN THE JUVENILE COURT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_County, State of Colorado

THE PEOPLE OF THE STATE OF COLORADO

In the Interest of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Child(ren) and Concerning \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Parent(s)/Guardian(s)

This matter comes before the Court in the exercise of its jurisdiction provided by C.R.S. 19‑1‑104 upon petition \_\_\_\_\_\_\_\_\_\_\_\_ concerning the above named child. This matter was heard before the Honorable \_\_\_\_\_\_\_\_\_\_, Judge of the Juvenile Court of \_\_\_\_\_\_\_\_\_\_\_ County, Colorado on the petition which alleges that said child is in violation of a valid court order issued by this court on the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20\_\_\_. Said child was previously adjudicated guilty on petition \_\_\_\_\_\_\_\_\_\_\_\_\_ and is a status offender as that term is defined in the Interest of J.E.S., 817 P.2d 508 (Colo. 1991) and 28 CFR Sec. 31.304(h).

I. A. Personally before the Court was:

B. Before the Court on service of process were:

C. Counsel present for the child was:

D. Upon testimony of the witnesses, the evidence received, reports received, statements and arguments of counsel, and the entire record, the Court finds:

\_\_\_\_\_ that the child has within a reasonable time been served with a written copy of the charges;

\_\_\_\_\_ that the child has been informed he/she has the right to a hearing on the matter before the court;

\_\_\_\_\_ that the child has been informed of the nature of this proceeding and the possible consequences associated with it;

\_\_\_\_\_ that the child has been informed that he/she has a right to legal counsel and that counsel can be appointed at no charge to the child if the child is indigent and cannot afford counsel;

\_\_\_\_\_ that the child has been informed that he/she has the right to call witnesses in his/her own behalf and to confront and cross-examine witnesses against him/her;

\_\_\_\_\_ that the child has been informed that he/she has a right to have a transcript or record of this proceeding;

\_\_\_\_\_ that a probable cause hearing or adjudicatory hearing was held on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ 20\_\_\_ at \_\_\_\_\_a.m./p.m. which is within 24 hours, excluding weekends and holidays, of the juvenile's placement in secure detention which occurred at \_\_\_\_\_\_ a.m./p.m. on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ 20\_\_\_;

\_\_\_\_\_ that this violation hearing is within 72 hours, excluding weekends and holidays, of the juvenile's placement in secure detention which occurred on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_;

\_\_\_\_\_ that proof beyond a reasonable doubt exists that said child has violated the valid court order issued by the court on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ 20\_\_\_, in the following respects:

\_\_\_\_\_ that the court has reviewed the written report prepared by \_\_\_\_\_\_\_\_\_\_, a public agency independent of the court and law enforcement, has reviewed the account provided therein of the juvenile's behavior and the circumstances which brought the juvenile before the court, and has reviewed the assessment of whether all dispositions other than secure confinement have been exhausted or are clearly inappropriate;

\_\_\_\_\_ that there is no less restrictive alternative appropriate to the needs of the juvenile and the community;

\_\_\_\_\_ that the juvenile should be placed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to best serve the interests of the juvenile and the community;

\_\_\_\_\_ that the child was informed he/she has a right to appeal this order within the meaning of the Colorado Children's Code.

II. IT IS, THEREFORE ORDERED:

1. That \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who violated a valid court order, is placed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as the disposition of this court.

2. It is further ordered: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Entered this \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

JUDGE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_