

Requirements and Strategies of an Independent Investigation in Juvenile Delinquency cases

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Where to Start
OCR JD Checklist



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OCR JD CID CHECKLIST

Case Number(s): _____ Jurisdiction(s): _____

Appointment Date(s): _____ Appointment Terminated Date(s): _____

Attended all court hearings? Y N (see exceptions in CIO) Related Case(s): _____

Bold = Required. See CID Section V for full requirements, commentary, and additional guidance.

INITIAL MEETING – REQUIRED	
As soon as possible	GAL personally conduct timely in-person meeting in a setting that promotes meaningful communication. (see CID for exceptions)
7 days	If youth is in detention: diligent efforts to meet with the child at the detention facility as soon as possible but no later than seven days after the GAL's appointment or, for existing appointments, the date the detention commenced.
INDEPENDENT INVESTIGATION – See page 2 & CID VI(E)(3) for details	
As soon as possible & no later than 45 days	Out of court contact with juvenile
	Interview with parent 1
	Interview with parent 2
	Interview with relatives
	Interview current placement provider
	Interview with potential placement provider
	Interview with school personnel
	Interview with pretrial service staff
	Interview with probation
	Interview with treatment providers
	Other:
Other:	
Other:	
ONGOING INVESTIGATION	
Ongoing	Maintain contact & ongoing communication with juvenile: not limited to court appearances
	Placement visit when youth in detention (for existing appointments, 7 day requirement from the date the detention commenced)
	Change of Placement visits
	Contact with placement providers
	Contact with other professionals

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Statutory Appointment

19-1-111 – Appointment of GAL

No parent present

Conflict of Interest between Child and Parent

Appointment serves the Best Interests of the Child

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Chief Justice Directive 04-06

Limits of Confidentiality

Represent the Juvenile's Best Interests in a manner that promotes and protects the juvenile's rights

Advocate for the Juvenile's Best Interests in a manner consistent with the Juvenile's Due Process and Statutory Rights

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Meeting and Communicating with the Child

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Motions

GAL participation and role

Trial

Advisements and
Client Comprehension

Sentencing

Sentencing recommendations

Post-
sentence

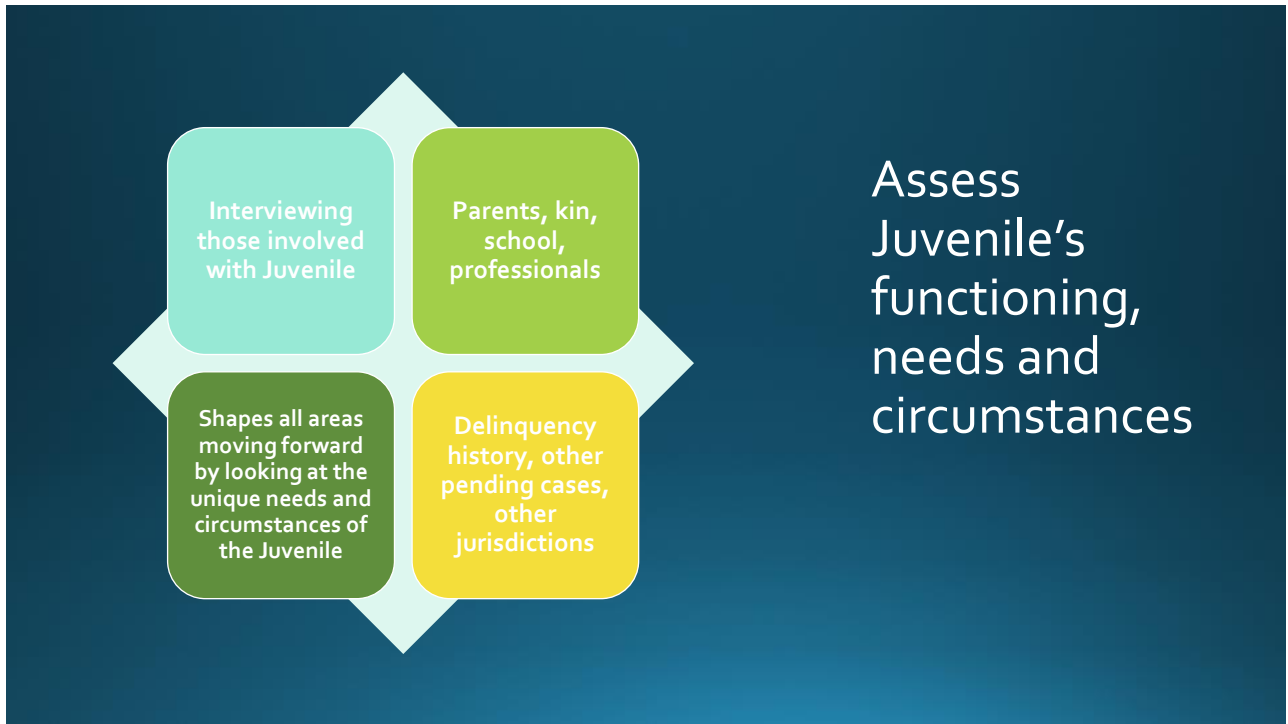
DYS Assessments, MDT's, Probation/DHS
Requests, Deregistration, etc.

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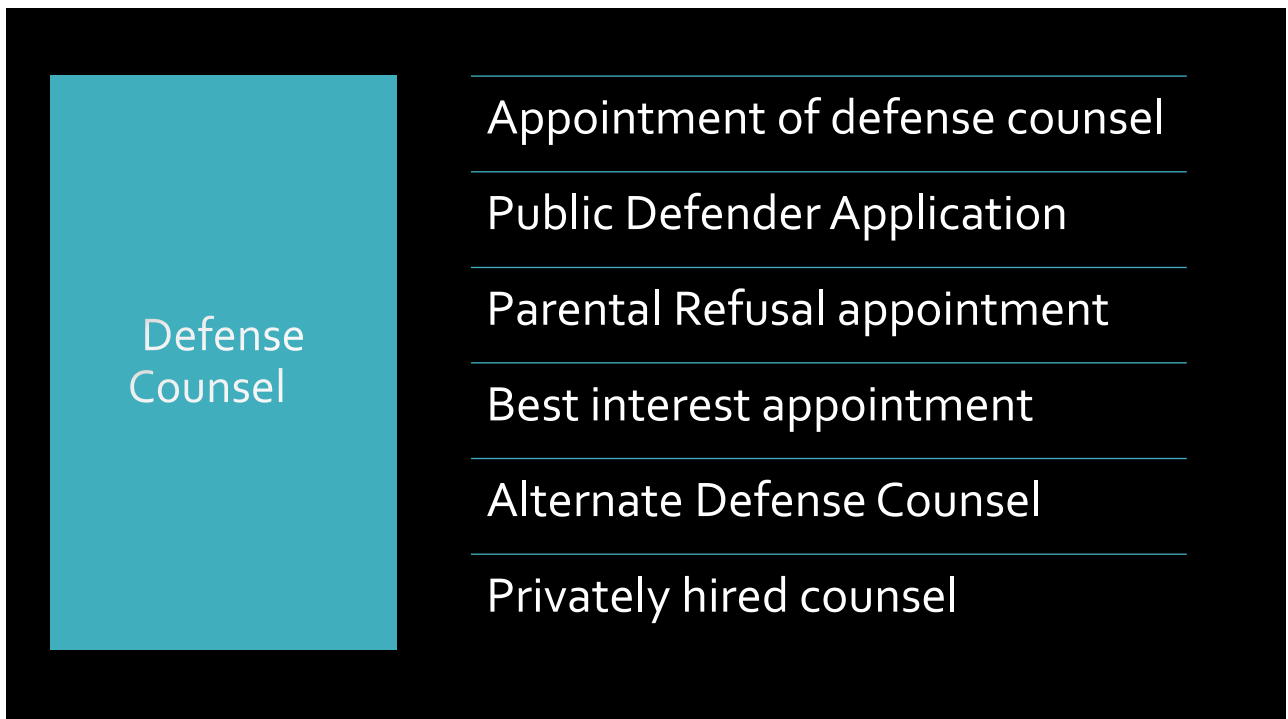
Timely Independent
Investigation



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Educational Advocacy

See (handouts):

- ✓ *Special Issues Education Considerations*
- ✓ *Special Issues Education Student Tracker*
- ✓ *Special Issues Education GAL Quick Facts*

OCR Education Litigation Support

Elie Zwiebel
Jaquie Esquibel
Cindy Threet

Colorado Department of Education:

www.cde.state.co.us/csaped

OCR LITIGATION TOOLKIT

- CDE Office of Facility Schools:
<https://www.cde.state.co.us/facilityschools>
- Education Options for Youth in Foster:
http://www.cde.state.co.us/studentsupport/fostercare_index
- Best Interest Determination Education (ESSA) – fact sheet

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Placement

Current or Proposed Placement serves the Juvenile's best interest

Reasonable efforts to Prevent out of Home Placement

Least Restrictive Placement

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Services and Treatment

Current and past treatment

Evaluations needed

Referral to DHS necessary

Pretrial Release and Probation other options for treatment
funding and referral

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Juvenile's Understanding of Proceedings

Is aware and
understands what is
happening at each court
proceeding

Competency concerns

Immediate and Long-
Term Consequences of
Decisions

Plea Agreements and
Waivers

Are the immediate and
long-term consequences
of decisions, proposed
orders, resolutions in the
juvenile's best interests

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Seeking Court Orders

Parental Accountability

DHS ordered in to case

D&N investigation or filing

Services or Treatment to be provided

Furloughs for Juvenile in Detention

Decision making orders (MH, EDM, LAN)

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Attend All Court Hearings



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Detention / Summons Return

Is Juvenile in custody

Shackled

Video Appearance

Limitations on detention

Finding of substantial risk of harm to others/community

Finding of substantial risk of flight

How is the Juvenile doing in detention ongoing

Bond conditions / placement need

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Bond Hearing

Review

Status

Pre-Trial
Conference

Arraignment

Plea



Continued considerations
based on GAL ongoing
investigation



Any additional orders or
services needed



Input regarding plea offers



Advisement understanding
on pleas and waivers

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Filing of Charges

Appearance of Counsel

- Within 72 hours unless waived
- Defense counsel considerations
- Re-address bond if reserved and additional information
- MPO may enter here if did not occur at detention

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OCR Resources



Contact Sheet



Call/Contact Log



Meeting/Court Notes



General Release



LITIGATION TOOLKIT (always start here)

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OCR JD Observation Form



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Colorado Office of the Child's Representative *JD Court Observation Form*

▲ OBSERVER _____ ▲ OBSERVATION DATE _____
 ▲ CASE NUMBER(S) _____ ▲ JD / COUNTY _____
 ○ Victim ○ Juvenile
 ▲ JUDICIAL OFFICER _____ ▲ GAL for _____
 ▲ GAL OF RECORD _____ ▲ Attorney Registration Number (GAL of Record) _____
 ○ Yes - In Person ○ Yes - By Report
 ○ Yes - By Phone ○ No (see next question) →
 ▲ Did GAL of record appear? _____ ▲ If GAL of record did not appear, enter name of GAL who appeared. _____

▼ HEARING TYPE: (check all that apply)

- ☐ Adjudication
- ☐ Advisement
- ☐ Appearance of Counsel
- ☐ Arrest Warrant
- ☐ Competency
- ☐ Contempt
- ☐ Detention
- ☐ Disposition
- ☐ Filing of Petition
- ☐ Motions
- ☐ Plea
- ☐ Preliminary
- ☐ Pretrial Conference
- ☐ Restitution
- ☐ Review
- ☐ Revocation
- ☐ Sentencing
- ☐ Status Conference
- ☐ Other: _____

○ Yes ○ No
 ▲ Juvenile's Name _____ ▲ Juvenile's DOB _____ ▲ Juvenile Present? _____
 ○ Yes ○ No
 ▲ Juvenile Shackled? (any form of restraint) _____

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