

 <p>COLORADO Division of Youth Services</p>	POLICY S-13-3	PAGE NUMBER 1 OF 4
	CHAPTER: Youth Rights	
	SUBJECT: Access to Courts and Counsel	
	EFFECTIVE DATE: March 31, 2017	
	 Anders Jacobson, Director	
THIS POLICY RELATES TO: Detention Youth Centers Treatment Youth Centers		

I. POLICY:

All youth residing in youth centers shall not be denied access to the courts and shall have the right to uncensored, confidential contact with their legal representative by telephone, in writing or in person. Youth shall be assured that seeking judicial relief shall not be met with reprisal or penalty from any agent of the Division of Youth Services. These rights shall not be diminished or denied for disciplinary reasons.

II. KEY TERMS: See the Division of Youth Services website for detailed definitions.

[DYS Policy Key Terms](#)

A. Legal Representative

III. ASSOCIATED FORMS:

None

IV. PROCEDURES:

A. Youths' Access to Court:

1. Youth in Division of Youth Services (DYS) youth centers shall have unencumbered access to the court. Any request for a court review or setting of a hearing shall be made through the youth's legal representative or an agent of the court.

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2. Youth center employees may inform youth of the legal resources available to them, but at no time may they engage in conversation which may be construed as offering legal advice regarding a youth's case.

B. Communication By Phone With Legal Representatives:

1. Phone contact with a youth's legal representative shall be allowed during the admission process. Youth center employees shall place a call to a youth's legal representative or to the Public Defender's Office, upon request. Appropriate methods to verify the identity of the person as the youth's legal counsel are allowed.
2. Youth shall be allowed ongoing contact with their attorney by phone.
 - a. If the attorney is not available, a message should be left to return the call to the youth.
 - b. Phone calls to an attorney or legal representatives may be limited to once per day to avoid unnecessary intrusion upon the legal representative and youth center employees. Nevertheless, if a youth indicates that important information must be brought to the prompt attention of their legal counsel, a call shall be placed. If, however, an attorney has communicated to an employee that calls should only be placed during specific time periods, the employee shall comply with this request.
3. All telephone communications with legal representatives shall be unmonitored and confidential. Employees shall not require that the nature of the communications be disclosed by the youth or their counsel. Telephone communication shall be accessible during reasonable hours (8:00 a.m. to 8:00 p.m.) that do not compromise the safety and security of the youth center or impede youth center programming.

C. Written Communication with Legal Representative:

1. A youth's written or dictated message to their legal representative shall be undisturbed and shall be mailed or transmitted by youth center personnel without unnecessary delay.
2. Written communications between youth and their legal representative shall be confidential, unopened, and uncensored. Dictated messages shall not be censored, modified, or changed once the message has been completed and is ready for transmission.

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3. Incoming mail from the court, legal representatives, or other legal authorities may be opened in the presence of the youth for physical inspection for contraband only, but shall not be read under any circumstances.
4. All youth centers shall provide unlimited writing materials and stamps, as necessary, to allow youth to make contact with their legal representative.
5. In compliance with Federal Title IV-E requirements, the youth's legal representative shall be notified by the youth center by mail of any Administrative Review being held on behalf of the youth.
6. Employees shall send a notification to the youths' parents, legal representatives, and any other interested parties who have been identified as needing to be present at an Administrative Review.

D. Visits/In Person Communication with Legal Representatives:

1. Visits from legal representatives shall be confidential and undisturbed. Visiting rooms with an observation window are acceptable. Visitation shall not interfere with the safety, security, and programming of the youth center.
2. Employees shall request to see identification from the legal representative to verify their identity.
3. Employees shall not interfere in any manner with the attorney-client relationship. Disclosure by the youth or counsel regarding the nature of the communications shall not be required.
4. A youth's legal representative may visit during the usual visiting and business hours, or at a reasonable hour approved by the youth center director or designee that does not compromise or threaten the security of the youth center. If a youth requests a visit with their legal representative, the youth center employee shall relay the information/request without delay.
5. Legal representatives will follow youth center rules and guidelines regarding approved items allowed to enter the youth center during visitation. Legal representatives are not permitted to bring in food, clothing, or other items unless pre-approved by the youth center director or designee. In addition, personal electronic devices may not be permitted unless used for the sole purpose of representing the youth. Youth are not permitted to use legal representatives' personal electronic devices.

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6. Visits with legal representatives may be denied, or if in process, ended when staffing does not allow for the appropriate level of supervision of the visit and the maintaining of scheduled programming.