

JUVENILE COMPETENCY TO PROCEED

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REFERRED BY THE YEAR ROUND JOINT COMMITTEE
Treatment of Persons with Mental Health Disorders
in the Criminal Justice System

A COLLABORATIVE WORK OF
Colorado State Public Defenders, Colorado District Attorney's Council,
and The Colorado Department of Human Services

DECREASES WAIT TIMES IN THE JUVENILE COMPETENCY TO PROCEED SYSTEM AND
CLARIFIES PROCESSES FOR THE COURTS AND THE DEPT OF HUMAN SERVICES

WHY THIS BILL IS NEEDED

- Juvenile competency to proceed cases are moving too slowly, often taking longer than adult cases, creating a significant backlog.
- Juvenile defendants who have not been convicted of any crime can be held for long periods while waiting for competency services.
- The Colorado Supreme Court asked the Legislature to clarify how long a juvenile can be held without a finding on competency.
- The Court also asked the Legislature to clarify that juveniles are eligible for an initial evaluation of competency and a re-evaluation.
- Evaluators contracted by the Colorado Department of Human Services are unclear on what information they can share about a juvenile's progress toward competency with parties to the case.

WHAT THIS BILL DOES

- Defines and decreases the length of time a juvenile may be held without resolution of their competency status:
 - Lowest level crimes :: 6 months
 - Low level crimes :: 1 year
 - Higher level crimes :: 2 years - 5 years
- Clarifies that juveniles may have an initial evaluation of competency and a re-evaluation.
- Clarifies what information can be shared by contract CHS evaluators about a juvenile defendant's progress toward competency with certain parties to the case.