



Colorado Springs Police Department

General Order

1050 Juveniles – General Applicability

Section 1000 – Patrol Functions

Effective Date: 4/27/2023

Supersedes Date: 3/8/2021

.01 Purpose

The purpose of this directive is to provide guidance on law enforcement actions related to juveniles.

.02 Cross Reference

[GO 1051 Amber Alerts](#)

[DL-1020-42 Safe-2-Tell](#)

[DL-1050-01 Juvenile Victims](#)

[DL-1050-10 Juvenile Offenders](#)

[DL-1840-01 Callout Criteria for the Investigations Division](#)

[INV-22 Missing Child/Child Abduction Investigations](#)

.03 Discussion

The Colorado Springs Police Department (CSPD) is committed to a policy of active cooperation with all concerned agencies, groups, and parties to obtain appropriate services for children. The guiding principle in all instances will be to act in the best interest of each child.

The department is actively involved with public and private agencies and groups in the fields of education, social services, medical services, criminal justice, recreation, rehabilitation, and other appropriate concerns to establish and maintain programs to prevent and control juvenile delinquency. While specific responsibilities and duties may be assigned to certain personnel, the department and all its personnel, share the overall commitment to support and furtherance these goals.

.04 Policy

All officers will be familiar with the Colorado Children's Code, Title 19, as well as Colorado Revised Statutes and ensure compliance with its guidelines. Supervisors should be consulted whenever more detailed guidance is needed.

A juvenile may initiate and sign a complaint, into either Juvenile Court or Municipal Court, against another juvenile or an adult, if the complaint is supported by probable cause and the initiation is deemed appropriate and/or necessary.

.05 Definitions

Child or Juvenile: A person under eighteen (18) years of age

Custodial Parent: Generally considered to be the person whom a civil court has granted the majority of parenting time in regard to a minor child. This person could technically be a biological parent, grandparent, or any other person the court has granted custody.

Delinquent Act: A violation of any statute or ordinance enumerated in 19-2-104(1)(a). If a juvenile is alleged to have committed, or is found guilty of a delinquent act, the classification and degree of the offense shall be determined by the statute; ordinance or order that the petition alleges was violated.

Emancipated Juvenile: Means a juvenile over fifteen years of age and under eighteen years of age who has, with the real or apparent assent of the juvenile's parents, demonstrated independence from the juvenile's parents in matters of care, custody, and earnings. The term may include, but shall not be limited to, any such juvenile who has the sole responsibility for the juvenile's own support, who is married, or who is in the military.

Legal Custody: Means the right to the care, custody, and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, and discipline for a child and, in an emergency, to authorize surgery or other extraordinary care. "Legal custody" may be taken from a parent only by court action.

Legal Representative: Means the person designated by a court to act on behalf of any person described in section 19-5-304 (1)(b)(I) or 19-5-305 (2). Legal guardians will not include a governmental entity of any foreign country from which a child has been adopted or any representative of such governmental entity (e.g., Department of Human Services).

Parent: Includes a natural parent having sole or joint custody, regardless of whether the parent is designated as the primary residential custodian, or a parent allocated parental responsibilities with respect to a child, or an adoptive parent. For the purposes of CRS §19-1-114, "parent" does **not** include a person whose parental rights have been terminated pursuant to the provisions of this title or the parent of an emancipated minor.

.10 Delinquent Acts

Violations of municipal ordinances of the city of Colorado Springs do not fall into the category of "delinquent acts" because juvenile violators are specifically exempted from incarceration and are subject only to fines. However, officers should conduct any interrogation of the juvenile offender in accordance with department policy since the municipal case may later be re-filed in Juvenile Court if a record check reveals past violation by the offender.

Also exempted from delinquent acts are:

- Non-felony state traffic
- Game and fish violations
- Parks and recreation laws
- Offenses specified in 18-13-121 concerning tobacco products
- Offenses specified in 18-13-122 concerning illegal possession or consumption of ethyl alcohol or marijuana by an underage person,
- Offenses specified in CRS §18-18-406 (5)(a)(I), (5)(b)(I), and (5)(b)(II), concerning marijuana and marijuana concentrate.

.20 Violation of Custody Reports

The purpose of the department's involvement in custody violations is not to mediate visitation disputes, but to ensure a child has not been permanently taken by a person who does not have the authority to do so under the parameters set forth by a specific court order.

The following steps will be taken when investigating violations of custody:

- Confirm there is a Court Order (either verbal or written) or a Civil Colorado Order regarding custody of a minor child
 - Verbal Orders are initiated by a DHS case worker through the County Attorney, approved by a judge. A DHS case worker, the County Attorney or a judge can communicate the verbal order to the responding police officer. The written order that supports the verbal order will be completed by DHS within 72 hours.
 - Written Orders should be in the possession of the custodial parent, guardian, or a DHS caseworker. When examining written orders, look for the date of the order, a docket number, and a Judge's signature. During business hours, Monday through Friday, officers can call the originating division's court clerk to verify its validity and conditions. A third option for locating written orders is through a review of the court records on the *Colorado State Courts – Data Access* website.
 - Confirm the suspect parent has been served with the court order.

- Confirm there are no new court orders which supersede the court order in question.
- Confirm there is probable cause to believe the suspect intends to deprive the lawful custodian or person with parental responsibilities of the custody or care of a child (e.g. - suspect parent has changed or disconnected their home or cell phone numbers without notifying the child's legal guardian, the suspect parent has moved and their new address is unknown, or the suspect parent has not allowed the child to attend school or has registered the child at a new school without the victim parent's knowledge).

If, after a thorough investigation, which includes the review of legal documents and confirmation that the above factors exist, the officer should:

- Initiate a case report and investigation for § 18-3-304, Violation of Custody Order (class five felony).
- Notify a supervisor and take immediate steps to attempt to locate the child. If you locate the child and there is probable cause to support the charge for the violation of custody order, the officer should take the appropriate steps to arrest the suspect.
- The National Center for Missing and Exploited Children (NCMEC) checklist should be used as a guide when attempting to locate the missing child. The NCMEC Checklist is located on the CSPD Home Page/Documents and Reference/Reference Docs and Manuals/Missing Children Investigative Aids.
- If at any time during the investigation personnel determine the child is in immediate danger, regardless of whether or not there is a valid court order, take the appropriate steps to locate the child and check their welfare.

If you can't locate the child:

- A supervisor will respond to the scene.
- The supervisor will then make a determination to contact the on call Crimes Against Children Unit sergeant for further guidance.
- The officer will complete a **separate** Missing Person report(s) for the missing child(ren) and suspect parent(s). Officers will complete separate reports for each missing child and suspect parent.
- The officer will work with Records and ID personnel to ensure the missing person reports are entered into CCIC/NCIC.

- Supervisors should evaluate the viability of requesting an Amber Alert and how this protocol can be used in missing child investigations.

.22 Out of State Court Orders

The following steps will be taken when investigating out of state court orders:

- If you believe the child is in immediate danger, notify a patrol supervisor who will make determination to notify the on-call Crimes Against Children Sergeant.
- Personnel will take appropriate steps to locate the child and check their welfare.
- If the order specifically references UCCJEA; Uniform Child Custody Jurisdiction and Enforcement Act (1997), enforce as any Colorado issued court order regarding custody.
 - If UCCJEA is not referenced and there are no safety concerns for the child, refer the legal guardian back to the El Paso County Court House; 270 S. Tejon St, Room S 101.

.24 Judicial Orders

A judicial order indicates a judge or the court has directed a child be placed with or removed from the care of a caregiver/parent. These are different than court orders and require a separate response.

The following steps will be taken when investigating judicial orders:

- Confirm there is a written judicial order regarding custody of a minor child.
- Confirm there is not a new judicial order that supersedes the order in question.
- Notify a patrol supervisor who will make a determination to contact the on call Crimes Against Children Unit sergeant for further guidance.
- Officers will make reasonable attempts to comply with any order issued by a Colorado Judge demanding a child be placed with or removed from the care of a caregiver/parent.
 - These attempts may include but are not limited to attempting to contact the party to gain voluntary compliance, up to and including the preparation of a search warrant in an attempt to recover the child.
- When determining the reasonableness of the attempts to comply with the judicial order, supervisory personnel should consider any known threats posed to the child and weigh the risks posed to officers against the benefits of executing the order.

- Initiate a case report and investigation for §18-3-304; Violation of Custody Order (class five felony).

.30 Juveniles Under the Influence

If a juvenile is or appears under the influence of alcohol or drugs, and/or otherwise not appropriate for secure detention, officers will make every reasonable attempt to contact parents or guardians in order to release the juvenile into their care.

If it is not possible to contact the responsible adult(s), the juvenile should be transported to Memorial Hospital for a medical evaluation.

.40 Runaways or Missing Juveniles

In addition to the information specifically indicated on the form, the Children's Code requires that dental information be obtained for runaway/missing juveniles. Personnel will record the name and address of the juveniles dentist, as well as the approximate date of last dental treatment, if known, in the narrative section of the report form. Employees should also obtain recent photographs, social media data and cell phone carrier information if applicable.

If the responding patrol supervisor deems notification to the news media may be helpful in locating the juvenile, they should immediately contact the on call PIO.

Additional information, follow-up information, and cancellations will be documented on a supplement report form in MFR.

.42 Runaways or Missing Juveniles: Under 13

Officers will be dispatched to the scene to take a runaway/missing person report in any case involving a juvenile age 13 or under and for an at-risk juvenile. A supervisor should also respond to any such report.

.44 Runaways or Missing Juveniles: Over 13

Case reports on runaways and missing persons will be taken on the Runaway/Missing Person case report form in MFR. The reporting party must make the report in person at a patrol division front desk, in the case of a runaway over the age of thirteen.

.46 Pick-ups for Runaways or Missing Juveniles

PDIC, CCIC, and NCIC pick-ups will be immediately initiated by the employee after receiving the report.

.48 Runaway Contacts

Once a juvenile runaway has been located or has returned on their own, the officer will:

- Complete a supplement to the original runaway report, which will cancel the pick-up.
- Attempt to interview the juvenile, document the reason for running away, and determine if a crime may have occurred that requires further action.
- Provide the parent, legal guardian, custodian or responsible adult the case number.
- If the juvenile is both an offender and a runaway, the offense should be charged on a juvenile summons and complaint, and cross-referenced with the runaway report.

.50 Photographing & Fingerprinting of Juveniles

The parent, legal guardian, custodian or responsible adult may have fingerprints and photographs of the juvenile taken for possible future identification, at their discretion, however, they must arrange their own transportation to the Police Operations Center (POC).

If the juvenile voluntarily returns home to the responsible adult, and there are no photographs or fingerprints on file, the juvenile may be brought to the POC by the responsible adult. A supplemental report will be completed, and the juvenile photographed, fingerprinted, and released.

The staff member making the contact should courteously inform the responsible adult that this procedure does not initiate or constitute a criminal record; it is a precautionary measure to discourage future runaways and to facilitate identification if needed.

.60 Temporary Protective Custody

CRS § 19-3-401, Taking Children into Custody gives police officers discretionary authority to remove a child from a home, and place that child in temporary protective custody, without a court order in the following circumstances:

- When the child is abandoned, lost, or seriously endangered in their surroundings, or seriously endangers others and immediate removal appears to be necessary for such child's protection or the protection of others; or
- When there are reasonable grounds to believe that they have run away or escaped from such child's parents, guardian, or legal custodian and the adult has not made a report to law enforcement; or
- When an arrest warrant has been issued for such child's parent or guardian on the basis of an alleged violation of custody (CRS §18-3-304).

No child taken into temporary custody pursuant to this paragraph (3) shall be placed in detention or jail.

.62 Contact with Department of Human Services

Officers will immediately contact representatives from the Department of Human Services (DHS) anytime a juvenile is taken into protective custody as a result of physical or sexual abuse (1-844-CO-4-KIDS/1-844-264-5437). DHS will ultimately take custody of the child. As a rule, officers should not use their discretionary authority to take children into protective custody in cases where a DHS caseworker is on scene and can obtain such an order. An exception would be where immediate action is necessary to prevent a disturbance or to prevent an attempt to hide the child by their custodian. DHS caseworkers do not have such discretionary authority to take a child into temporary custody without an order from the court.

.70 DHS Orders to Remove a Child from a Home

The following guidelines are provided for removal of a child from a home by DHS personnel:

- If the DHS investigator encounters difficulty in executing an order from the court to take a child into temporary protective custody, a police officer will assist the DHS investigator in enforcing this order. The officer will then obtain the following information and document it in the call screen:
 - Name of the DHS investigator obtaining the court order
 - Date and time the order was received by the DHS investigator
 - Name of the Juvenile Court officer issuing the order
 - Name(s) of the child(ren) in whose interest the order is issued
 - Resistance encountered and action taken by CSPD personnel
- If investigators from DHS are not on scene and the Department officer believes a victim of child abuse would be in imminent danger of further harm, the officer should remove the child from the home and place him/her in temporary protective custody. DHS should then be contacted for placement of the child.