

Supreme Court of Colorado

2 East 14th Avenue
Denver, CO 80203
(720) 625-5410

BRIAN D. BOATRIGHT
CHIEF JUSTICE

SUPREME COURT OF COLORADO OFFICE OF THE CHIEF JUSTICE

Order Establishing the Judicial Mental Health Advisory Committee

This Order establishes the Judicial Mental Health Advisory Committee (JMHAC). The JMHAC will be appointed and charged every two years with new or ongoing projects as deemed appropriate by the Chief Justice. The Charge shall run concurrent with the calendar year. For this initial term, the charge shall span from the JMHAC's establishment date until December 31, 2025. Nothing shall preclude this order and charge from being amended as the Chief Justice deems appropriate. The JMHAC shall meet quarterly (or as agreed upon by the JMHAC) to study, develop, and recommend policies and procedures to enhance the judicial response to mental health issues across Colorado's court system. The State Court Administrator's Office shall staff the JMHAC.

The JMHAC is a platform for collective problem-solving, unified communication, and strategic alignment among judicial officers regarding mental health within the court system. Through collaborative efforts, the JMHAC can shape a more informed, effective, and compassionate judicial response to the complex challenges presented by mental health issues in Colorado's courts.

I. Background and Purpose

The Colorado judicial system faces growing challenges related to mental health, particularly regarding competency to stand trial (CST). These challenges impact both criminal and civil proceedings. While various entities within Colorado are addressing these concerns, communication and coordination within the judiciary are crucial to ensure effective outcomes and optimal resource allocation.

The JMHAC aims to establish a centralized space for judicial officers and stakeholders to collaborate, develop best practices for CST, and promote a comprehensive mental health strategy for the Colorado courts.

II. Strengthening Judicial Capacity

The JMHAC shall work to strengthen the capacity of judicial officers and staff to address mental health challenges through:

- Education and training: Develop and implement targeted educational programs and training resources for judicial officers on best practices and ethical considerations in handling mental health cases, with specific emphasis on CST.
- Competency backlog and restoration services: Analyze addressing the current backlog of CST cases through possible diversion to community-based treatment services and more efficient processing after a finding of incompetency to expedite restoration to competence. This should include examining potential procedural reforms, including increased access to court-appointed experts and collaboration with mental health treatment providers.
- Collaboration and communication: Foster cross-court collaboration and communication channels among judicial officers specializing in mental health, criminal, and civil courts, with a focus on CST cases.

III. Building Unified Judicial Perspectives

JMHAC shall work to enhance efficiency and collaboration in addressing mental health challenges through:

- Stakeholder engagement: Engage with relevant stakeholders, including the Colorado Bar Association, mental health professionals, law enforcement, and advocacy groups, to gather input and collaborate on solutions for reducing the CST backlog and improving overall competence assessment processes.
- Legislative coordination: In coordination with the Judicial Department's Legislative Liaison and the State Court Administrator's Office, monitor and analyze relevant legislation and policy initiatives related to CST and mental health in the courts, providing recommendations to the Chief Justice and Supreme Court on impacts and potential judicial responses.

IV. Prioritizing Key Areas

The JMHAC shall identify priorities in the work of the courts including, but not limited to, the following areas:

- Civil mental health: Develop and promote strategies to strengthen the civil mental health docket, including streamlining processes, increasing access to resources, and exploring alternatives to guardianship, while considering potential impacts on CST cases.

- Competency court development: Analyze the feasibility and potential implications of establishing dedicated competency courts in Colorado, providing recommendations and considerations for implementation, with a focus on reducing case backlogs and improving consistency in CST procedures.
- Bridging criminal and civil perspectives: Identify opportunities to bridge the gap between criminal and civil mental health proceedings, ensuring efficient and coordinated responses across the court system, particularly addressing the intersection of CST findings and subsequent civil commitment or guardianship proceedings.

V. Strategic State Agency Engagement:

Twice a year, the JMHAC will host strategic forums for collaboration and knowledge exchange. These biannual meetings will gather a broad spectrum of stakeholders, including judicial officers, the Office of Civil and Forensic Mental Health, Behavioral Health Administration, Department of Local Affairs – Division of Housing, Office of the State Public Defender, Alternate Defense Counsel, Colorado District Attorneys Association, pertinent state agencies, and advocacy groups.

By congregating these diverse perspectives, the JMHAC aims to:

- Identify and share effective practices in addressing mental health concerns within the court system, with a specific focus on CST.
- Foster consensus on critical issues impacting CST and broader mental health matters within the courts.
- Develop collaborative strategies to improve outcomes for individuals facing mental health challenges, particularly in the context of CST.

VI. Membership

The JMHAC will be composed of a diverse and representative group of judicial officers from across Colorado, including:

- Judges and magistrates with expertise in mental health courts, family courts, criminal courts, competency dockets, and other relevant areas.
- Judges from various geographic regions and court sizes.
- Presiding judges or chief judges to ensure leadership representation.

The Chief Justice will appoint members based on their expertise, experience, and commitment to improving the judicial response to mental health issues. JMHAC Members will be appointed for terms of two years with the option of extending appointment. The JMHAC may also include other Judicial Department employees with relevant expertise. Additional individuals may be asked to serve as sub-committee members when deemed appropriate by this advisory committee to further the goals and objectives assigned in this charge.

VII. Deliverables

- The JMHAC will submit regular reports to the Chief Justice and Supreme Court, outlining progress made, challenges encountered, and recommendations for ongoing initiatives.
- The JMHAC will also present findings and recommendations at designated annual or biannual meetings with judicial officers statewide.

Done at Denver, Colorado this 14th day of May, 2024.



Brian D. Boatright
Chief Justice, Colorado Supreme Court