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## JUVENILE JUSTICE BY THE NUMBERS

**1,000**  
(approx.)

Number of kids referred by law enforcement into juvenile justice system

**600**  
(approx.)

Number of cases filed each year

**<1** (avg.)

Number of kids committed each year

### FAQ

How will public safety be addressed?

### FAQ

How are victims supported?

### FAQ

How will this address a lack of services in some areas?

### FAQ

What will the cost be?

## EXPLAINER

# Colorado Bipartisan Bill to Reduce Justice-Involvement for Young Children

April 2023

## Summary

Colorado [House Bill 23-1249](#), aimed at reducing court-involvement for young children, not only works to bring the treatment of 10 to 12 year olds in line with science, but also enhances public safety. [Science](#) has shown that children's brains are not fully developed, affecting their decision-making and impulse control. Further, [research](#) calls into question these young children's ability to understand court proceedings and the information relevant to a defense. In responding to charges, young children can [face](#) stigma, trauma and disruptions in their education while their parents face disruptions in employment. In addition, research shows that [children](#) in this age range are often committing minor offenses and that exposure to the juvenile justice system can lead to higher rates of [reoffending](#).

This year, bipartisan legislation has been introduced to better support young children. This bill differs greatly from [legislation](#) last year, providing more tools to address accountability, public safety and victim support.

## Frequently Asked Questions

- **Immediate threats:** Law enforcement will still have the ability to take a child into [temporary custody](#) and request an [emergency protection order](#).
- **Recidivism:** [Research](#) shows that exposure to the juvenile justice system makes it more likely that these young kids will reoffend in the future, not less. On the other hand, [Collaborative Management Programs \(CMPs\)](#), which have been in Colorado since 2004, have already shown great success in increasing safety and reducing future justice involvement.
- **Accountability:** Extra protections are put in place for children accused of crimes of violence, felony sex offenses and repeat offenses as well as those that refuse to participate in services.
- **Victim's rights:** Victims will be notified of initial reports, given an ability to provide input to the offending child's plan and be informed whether the child was referred to services. This ability to be informed and heard not only applies to new offenses, but also for protection order violations and noncompliance.
- **Victim safety:** If a victim needs a protection order, fees will be waived and technical assistance will be provided. Further, law enforcement will still have the ability to request an emergency protection order.
- **Victim support:** Victims will be provided the same level of services that an offending child would be through the CMP.
- Areas that are lacking access to services are also in need of certain resources under the juvenile justice system. This new approach provides a greater ability to collaborate and think outside the box on how to access support. While the bill may not create more services (although some CMPs do provide their own), there will be more options to access.
- The status quo is not free. There is a cost to doing nothing. Funding, time and resources are currently being spent on the prosecutors, courts, defense attorneys and probation officers for young children in the juvenile justice system. Further, because the chance of reoffending increases when individuals go through the juvenile justice system, there are future costs to the community.



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	UNDER HB 23-1249	CURRENT SYSTEM
<b>Initial Referral into the System</b>	Referrals (other than homicide) can be made from: <ul style="list-style-type: none"><li>• Law enforcement</li><li>• Schools</li><li>• Department of Human Services (DHS)</li><li>• Mandatory Reporters (such as a therapist or victim advocate)</li></ul>	Only law enforcement can arrest or ticket a child into court. <ul style="list-style-type: none"><li>• Only 10-12 year old children facing felony or weapons charges can be held in detention prior to adjudication.</li></ul>
<b>Receiving Entity Framework</b>	A CMP would receive the referral and create an “initial plan” that may include: <ul style="list-style-type: none"><li>• No services are needed</li><li>• Refer to one or more needed specific services</li><li>• Refer to an individualized service and support team (ISST) to develop a service and support plan for the child and family</li></ul>	The District Attorney’s Office (DA) receives law enforcement referral and decides whether to file charges. After a formal filing, the child and their parent may have to attend several court dates to discuss potential resolution of the case or to proceed to trial. Some jurisdictions may refer a child to a diversion program prior to or post filing.
<b>Victim Engagement</b>	A victim will be: <ul style="list-style-type: none"><li>• Notified of the creation of the initial report</li><li>• Provide input to the ISST team for the offending child’s services</li><li>• Notified as to whether an initial plan was put in place and whether the child has been referred to services</li></ul>	A victim will be: <ul style="list-style-type: none"><li>• Informed of all critical stages of the charging process</li><li>• Conferred with by the prosecution prior to the disposition</li><li>• Can be present for most critical stages of the court process and heard by the court at necessary proceedings</li></ul>
<b>Referral to Services</b>	The CMP and ISST can refer the child to a variety of support and services. This could include: <ul style="list-style-type: none"><li>• Therapy</li><li>• Substance abuse treatment</li><li>• Sex Offender Management Board (SOMB) treatment</li><li>• Restorative justice</li></ul>	A resolution of the case will result in: <ul style="list-style-type: none"><li>• Diversion</li><li>• Probation Commitment to the Department of Youth Services</li></ul>
<b>Extra Victim Protections</b>	Victims will have: <ul style="list-style-type: none"><li>• Access to victims’ compensation</li><li>• Child victims will be provided technical assistance and have fees waived to get a civil protection order, if needed</li><li>• Will have the same access to services through the CMP as the offending child</li></ul>	Victims will have: <ul style="list-style-type: none"><li>• Access to victims’ compensation</li><li>• Have a mandatory protection order put in place</li><li>• May be referred to services</li></ul>
<b>Special Considerations for Crimes of Violence and Sexual Assaults</b>	<ul style="list-style-type: none"><li>• The CMP would be required to hold an ISST meeting.</li><li>• The DHS must be involved in the ISST meeting for all felony sexual offenses.</li><li>• The CMP may refer the child to an SOMB treatment provider.</li></ul>	SOMB evaluation and any recommended treatment are required in every sex offense.
<b>What Happens If Noncompliance Occurs</b>	Initially, the CMP shall provide any additional resources necessary to address any barriers to participation, but if there continues to be noncompliance, the ISST will be reconvened with DHS participation to determine whether they will provide prevention and intervention services, conduct a formal assessment, investigate or open a case.	If the child is on diversion, the DA could choose to file those charges formally. If the child was on probation, they could face a probation revocation.  Statistics show that most juveniles who have violated diversion or probation do not go into Department of Youth Services.
<b>What Happens If Another Crime is Committed</b>	In order to address repeat behavior, a child who is referred to the CMP three or more times in a year must receive an individualized service and support plan through the ISST.	A child would be charged with the new offense and the process would start over. If on diversion, they could face prosecution of those charges as well. If on probation, they could face a revocation.

## For more information

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