

CO Department of Human Services pursuant to House Bill 2022-1131

PRE-ADOLESCENT SERVICES TASK FORCE

FINAL REPORT

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*Update offered by members of the PAS Task Force
[cdhs.colorado.gov/pre-adolescent-services-task-force]*

Presentation to the Colorado Commission on Criminal and Juvenile Justice
April 14, 2023

The Pre-Adolescent Services Task Force

Established by [House Bill 22-1131](#), required the Colorado Department of Human Services (CDHS) to create a 32-member Task Force to examine gaps in services for juveniles who are ten years of age or older but under thirteen years of age, if any would be created if the minimum age of prosecution of juveniles is increased from age ten to age thirteen, and to make recommendations for addressing the gaps in services identified.

The task force shall:

First Legislative Charge

Identify the services, if any, that are currently provided through the juvenile justice system to juveniles who are ten years of age or older but under thirteen years of age, but would no longer be available to juveniles who are ten years of age or older but under thirteen years of age if the minimum age of prosecution of juveniles is increased to thirteen;

Second Legislative Charge

Identify the services, if any, that are currently provided through the juvenile justice system to children identified as victims of crimes committed by juveniles who are ten years of age or older but under thirteen years of age, but would no longer be available to children identified as victims of crimes committed by juveniles who are ten years of age or older but under thirteen years of age if the minimum age of prosecution of juveniles is increased to thirteen; and

Third Legislative Charge

Make recommendations for how the **services** identified in [C.R.S. 19-3-304.4\(1\)\(a\)\(I\)](#) and 19-3-304.4(1)(a)(II) may instead be **provided** by existing **agencies outside** of the **juvenile justice system**, if the minimum age of prosecution of juveniles is increased to thirteen; and

Fourth Legislative Charge

Make recommendations for how existing or potential funding may be utilized to provide services identified pursuant to C.R.S. 19-3-304.4 (1)(a)(I) and (1)(a)(II) outside of the juvenile justice system if the minimum age of prosecution of juveniles is increased to thirteen.

Meeting Process

- ❖ Facilitated by the Keystone Policy Center
- ❖ Met monthly August 2022 to February 2023 (16 meetings total)
- ❖ Presentations
 - [Data Presentation](#)
 - Panel from individuals with lived experience
 - CDAC - Juvenile Laws
 - CDHS State and Local
 - Evidence Based Services for 10-12 year olds (Colorado Lab)

Membership

32 Members Appointed (dropped to 31 due to a vacant senate seat)

- Four Members of the General Assembly
- CDPS/DCJ/Diversion Funding
- Law Enforcement
- District Attorney's- Diversion
- Office of the State Public Defender or Office of the Alternative Defense Counsel
- Juvenile Probation
- Office of Child's Representative
- Office of the Respondent Parents Counsel
- SO Treatment Provider
- CBO Victim Services to Child Victims
- CBO Victim Services to Sexual Assault Victims
- CBO provides EB/PP Cultural Responsive Services
- Division of Child Welfare
- BHA/Rapid Crisis Response Teams
- Urban Public Schools/District
- Rural Public School/District
- Collaborative Management Program - Local
- Juvenile Services Planning Committee - Local
- Restorative Justice Coordinating Council
- DHCPF
- Urban County DHS
- Rural County DHS
- Pediatric MH/BH Service Provider
- Pediatrician
- Nonprofit that provides Legal Services
- Individuals with lived experience

Members will:

- Review, analyze, study, and evaluate issues by:
 - Conducting thorough analysis of all relevant information and thorough review of alternatives, by a process that should include consultation with subject matter experts when appropriate.
- Considering what is best for all of the affected clients, not just a particular region/county/state.
- Take issues to their region's or agency's stakeholders to obtain feedback and facilitate communication about current issues.
- Make decisions/recommendations based on the discussions during the Task Force and not necessarily be bound by stakeholder opinions since all options and information may not be available at the stakeholder discussions.
- Communicate back to stakeholders on current Task Force initiatives and decisions/recommendations.
- Strive for consensus and may vote and provide dissenting or supporting comments, if available, on initiatives or decisions so that the Task Force may consider that additional Information.

Quorum/Voting

Quorum/Voting:

Process Decisions Quorum:

A **simple majority** of Task Force Members (**17 of 32**) must be present to establish a quorum. A quorum is required for voting for a process decision. A process decision does not include those items that will go to the General Assembly as recommendations.

Voting on Process Decision:

When a quorum has been established a simple majority of those present must vote in favor of the question to pass a process decision.

Policy Recommendations Quorum:

For the purposes of voting on policy recommendations to the General Assembly, a quorum is established if a **supermajority (75% or 24 of the 32)** of Task Force Members are present.

Voting on Policy Recommendations:

When a supermajority quorum has been established, at least 17 of those Task Force Members present must vote in favor of the question in order to move a policy recommendation forward to the General Assembly.

Outcome

- ❖ Due to scheduling challenges with the Task Force, a supermajority was not reached at enough meetings to officially vote on the recommendations.
- ❖ The Task Force agreed to an unofficial vote over multiple meetings and provided an online option for members to provide feedback.

Working Groups

1) Municipal Court Working Group

- a. What services are currently provided through the municipal court system to 10-12-year-olds?
- b. How could these services be offered by existing agencies or organizations outside of the municipal court system?
- c. What existing or potential funding (local, state, federal - could be utilized to provide these services?
- d. What data do we have regarding this age group that could guide recommendations from the Task Force? What data is lacking, incomplete, or unavailable?
- e. Is there a body of research you are aware of that would help guide recommendations from the Task Force regarding this issue?
- f. What ideas or recommendations would you suggest that the Task Force considers? What data points or research would support these suggestions?

Working Groups

2) Victim Services Working Group

- a. What services, if any, are currently provided through the state court system to children identified as victims of crimes committed by 10-12-year-olds?
- b. How could these services be offered by existing agencies or organizations outside of the state court system?
- c. What existing or potential funding (local, state, federal) could be utilized to provide these services?
- d. What data do we have regarding this age group that could guide recommendations from the Task Force? What data is lacking, incomplete, or unavailable?
- e. Is there a body of research you are aware of that would help guide recommendations from the Task Force regarding this issue?
- f. What ideas or recommendations would you suggest that the Task Force considers? What data points or research would support these suggestions?
- g. If the age of prosecution is raised to 13, should victims be able to access the Victims' Compensation Funds to retain victim financial assistance?

Working Groups

3) State Court: Non-Sexual Offenses Working Group

- a. What services are currently provided through the state court system to 10-12 year-olds charged with all offenses other than sex offenses?
- b. How could these services be offered by existing agencies or organizations outside of the state court system?
- c. What existing or potential funding (local, state, federal) could be utilized to provide these services?
- d. What data do we have regarding this age group that could guide recommendations from the Task Force? What data is lacking, incomplete, or unavailable?
- e. Is there a body of research you are aware of that would help guide recommendations from the Task Force regarding this issue?
- f. What ideas or recommendations would you suggest that the Task Force considers? What data points or research would support these suggestions?

Working Groups

4) State Court: Sexual Offenses Working Group

- a. What services are currently provided through the state court system to 10-12-year-olds charged with sex offenses?
- b. How could these services be offered by existing agencies or organizations outside of the state court system?
- c. What existing or potential funding (local, state, federal) could be utilized to provide these services?
- d. What data do we have regarding this age group that could guide recommendations from the Task Force? What data is lacking, incomplete, or unavailable?
- e. Is there a body of research you are aware of that would help guide recommendations from the Task Force regarding this issue?
- f. What ideas or recommendations would you suggest that the Task Force considers? What data points or research would support these suggestions?

Recommendations

First Legislative Charge

Services Currently Provided

Municipal Court

- Municipal Diversion
- Municipal Probation
- Community Service
- Restorative Justice
- Classes

State Court

- Juvenile Diversion
- Colorado Youth Detention Continuum (CYDC)
- Probation
- Division of Youth Services (DYS)

First Legislative Charge

Impacted services could include

- GAL, CASA, Defense Counsel
- Victims Compensation
- Constitutionally Afforded Due Process Rights
- Individual Therapy
- Group Therapy
- Family Therapy
- Prosocial Activities
- Educational Advocacy
- Kin Placement
- Referral to county DHS
- Behavioral Health Assessments/Evaluations
- Behavioral Health Treatment
- Medication Evaluations
- Trauma Therapy
- Monitored Sobriety
- SOMB Evaluations/Treatment
- Restorative Justice
- Restitution
- Community Supervision
- Respite Care
- Parenting Support

Second Legislative Charge

Impacted Services to Child Victims

- Protection Orders
- Victim's Compensation
- Victim Impact Statements
- Restorative Justice
- Victim Compensation Administrator
- Child Advocacy Centers

Third Legislative Charge Recommendations

1. Priority should be given to expanding and better utilizing current programs and services before creating any new systems of support.
2. Create a statewide collaborative entity that:
 - a. Establishes norms of accountability, clear expectations of transparency in evaluation, and access, and that resources are provided equitably across Colorado.
 - b. Utilize site specific data to replicate success statewide.
 - c. Ensure that resources, access and standardized care for victims is consistent and accessible statewide.

Third Legislative Charge: Recommendations (continued)

3. Develop and strengthen the partnership between schools (PK-12) and agencies that provide or support services as schools have a unique opportunity with preventative resources to reach youth prior to incident, crime, or conviction.
 - a. If schools were included or focused as a critical partner, it is paramount that this is paralleled with funding and support of school systems and a framework to include third party partners is considered.
 - b. It is crucial to create low barrier access for families seeking services Voluntarily.
 - c. Community-based service providers should be in direct relationship with schools and provide capacity and supports.
 - d. Explore expanding statute 19-1-303 to ensure information is shared in a relevant and timely manner among these schools and partner agencies.

Third Legislative Charge: Recommendations (continued)

4. Increase and diversify the access points through which children and families who may benefit from services are identified and accurately assessed, so that referrals can be made for appropriate, effective and/or evidence-based services in every community.
 - a. Referrals and evidence-based assessments/tools are a crucial part of the current system and are the primary mechanism of how youth are initially engaged and provided services. A new system that provides both statewide tracking of referrals and subsequent services in addition to a personalized case management system (could include, but not limited to: assessing, planning, implementing, coordinating, monitoring, and evaluating) to ensure family needs are being met along the way.
 - b. Explore expanding statute 19-3-303 and 304 to ensure information is shared in a relevant and timely manner if or when youth enters the judicial system at a later time.

Third Legislative Charge: Recommendations (continued)

5. Youth must be able to receive necessary services without a court order.
 - a. Explore ways to compel families and youth to participate in necessary services and supports, particularly in the absence of a court order mandate.

Third Legislative Charge: Recommendations (continued)

Recommendations regarding problematic behaviors and charges:

6. Ensure an effective plan where youth that exhibit problematic behaviors (sexual and other) are comprehensively assessed to determine risks, needs and community safety and if placement is indicated as necessary, that it reduces trauma and focuses on intervention.
7. Empower families with youth who have problematic behaviors to proactively address the behaviors and receive the necessary services to reduce the potential for future harm to others in the family or community.
8. Actively seek and financially support more providers with services that address Problematic behaviors, without a court order or adjudication.

Third Legislative Charge: Recommendations (continued)

Recommendations regarding problematic behaviors and charges: (continued)

9. Engage victims more robustly and proactively as the current system requires victims to request services.
10. The Sex Offender Management Board (SOMB) should be consulted regarding information, data, and best practices related to youth ages 10-12 with problematic sexual behavior.

Fourth Legislative Charge

Recommendations

1. Change or alter mandate for referral funding streams to allow for braided or blended funding to reduce or alleviate the often rigid funding structures or limitations that exist due to statutory restrictions or requirements.

Fourth Legislative Charge: Recommendations (continued)

2. Revise funding limitations that limit when and under what conditions or state in the process services are funded and offered, particularly to allow for services to be funded without a court filing or police report. In addition to general reconsideration of existing limitations with a focus on examining any unintended consequences of such limitations, action should be taken to:
 - a. Ensure families can proactively and voluntarily seek services that address problematic behaviors.
 - b. Allow voluntary victim services like the Civil Protection Orders and legal representation to be fully funded by the State of Colorado.
 - c. Ensure Victims Compensation Fund remains well-funded.

Fourth Legislative Charge: Recommendations (continued)

3. Ensure equitable and consistent systems for all with attention to current inequities or disparities in both service provision and involvement with the juvenile justice system with attention to specific concerns including:
 - a. The juvenile justice system's disproportionate impact on brown and black youth.
 - b. Geographical inequities in how services are delivered, and if statewide systems of support are a mechanism for meeting the needs of those ages 10-12, those services must be more consistently funded and resourced across the state.
 - c. Adequate funding needs to be available in all parts of the state for accurate and timely assessments and case management to be provided.

Fourth Legislative Charge: Recommendations (continued)

4. Oversight and compliance should be provided to ensure state funds are transparent and being utilized for programs that track outcome data and services are available without inequitable access or limitations.
5. Provide adequate funds to ensure equitable, consistent and universal access to all services for victims and youth charged with offenses in all communities.

Additional Conversations

A few topics elicited discussion but did not result in agreement on recommendations:

Additional Conversations

1. Breakdown of data regarding individual ages:

- a. Members of the Task Force sought a breakdown of data by individual age to better understand both the level of services potentially impacted and to understand more deeply any differences between the number of children historically involved in the system between the ages of 10-12.
- b. Due to the time constraints of the Task Force and the challenge of finding data broken down to that level, this was not made available to the group.
- c. Members of the Task Force expressed it would be beneficial for the legislature to ensure they have a deep understanding of individual age rather than lumping all 10-12 year olds together when considering the issues at hand.

Additional Conversations

2. Repetitive problematic behaviors:

- a. Several members of the Task Force expressed interest in exploring what might happen, should the age be raised, to engage youth in services when they are showing a pattern of problematic behaviors.
- b. If there is not the external motivation of the juvenile justice system for youth to engage in treatment, Task Force members were interested in exploring how services might be engaged if the youth is showing a concerning pattern of behavior.

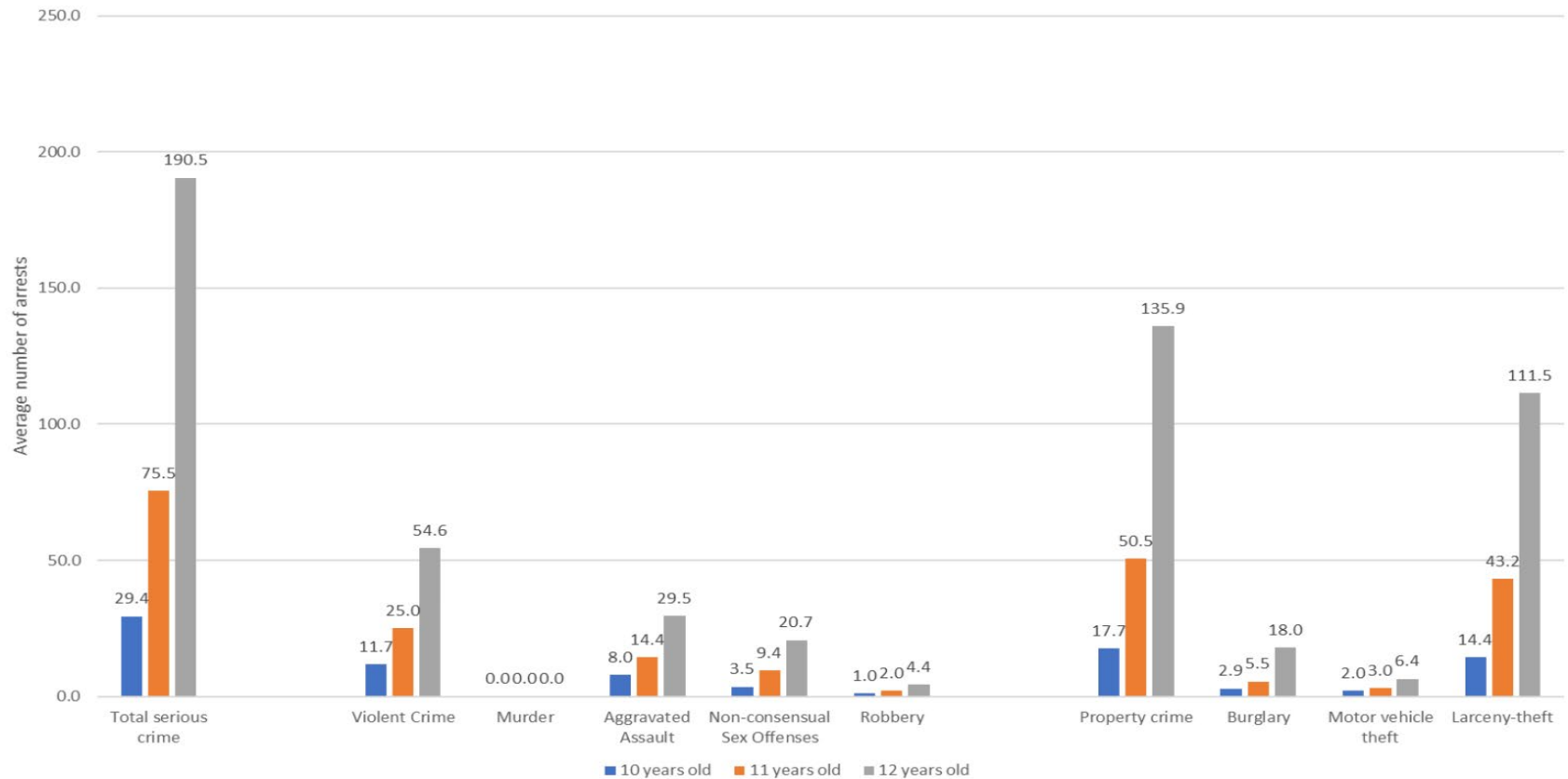
Additional Conversations

3. Serious crimes:

Similar to the questions regarding what services might be available when repetitive problematic behaviors surface, Task Force members shared concerns about what would happen if “serious crimes” (examples given by the group include murder, sexual assault, and gun crimes) occur and how those services would or would not be mandated given the potential shift in age.

Data
Violent and Property Crime Trends
10-12 year olds
2013-2022

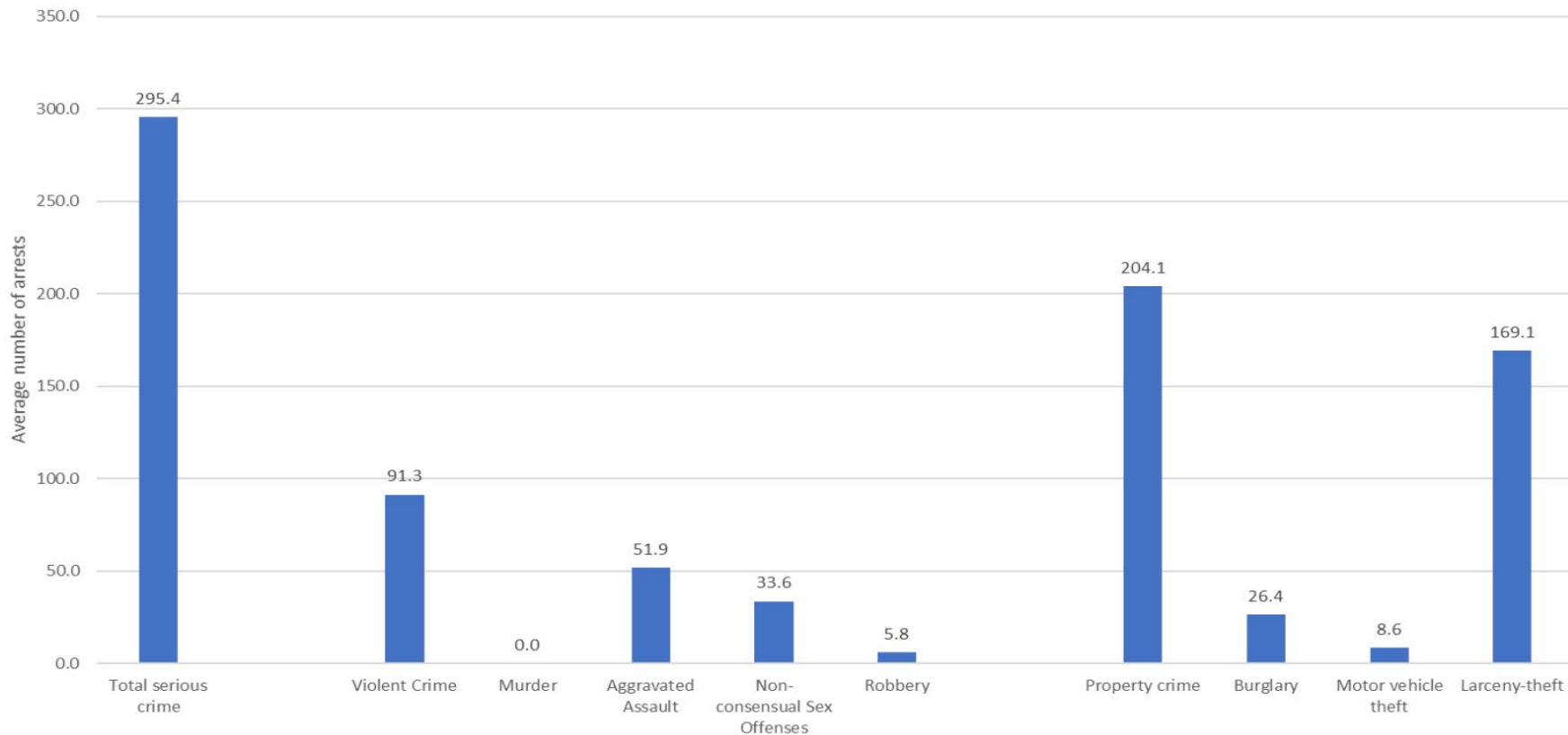
Ten-year average number of arrests for serious crime, by age, 2013-2022



Source: Colorado Bureau of Investigation, *Colorado Crime Statistics*.

Note: The 10 year period includes one arrest for murder by an 11-year old, which occurred in 2020.

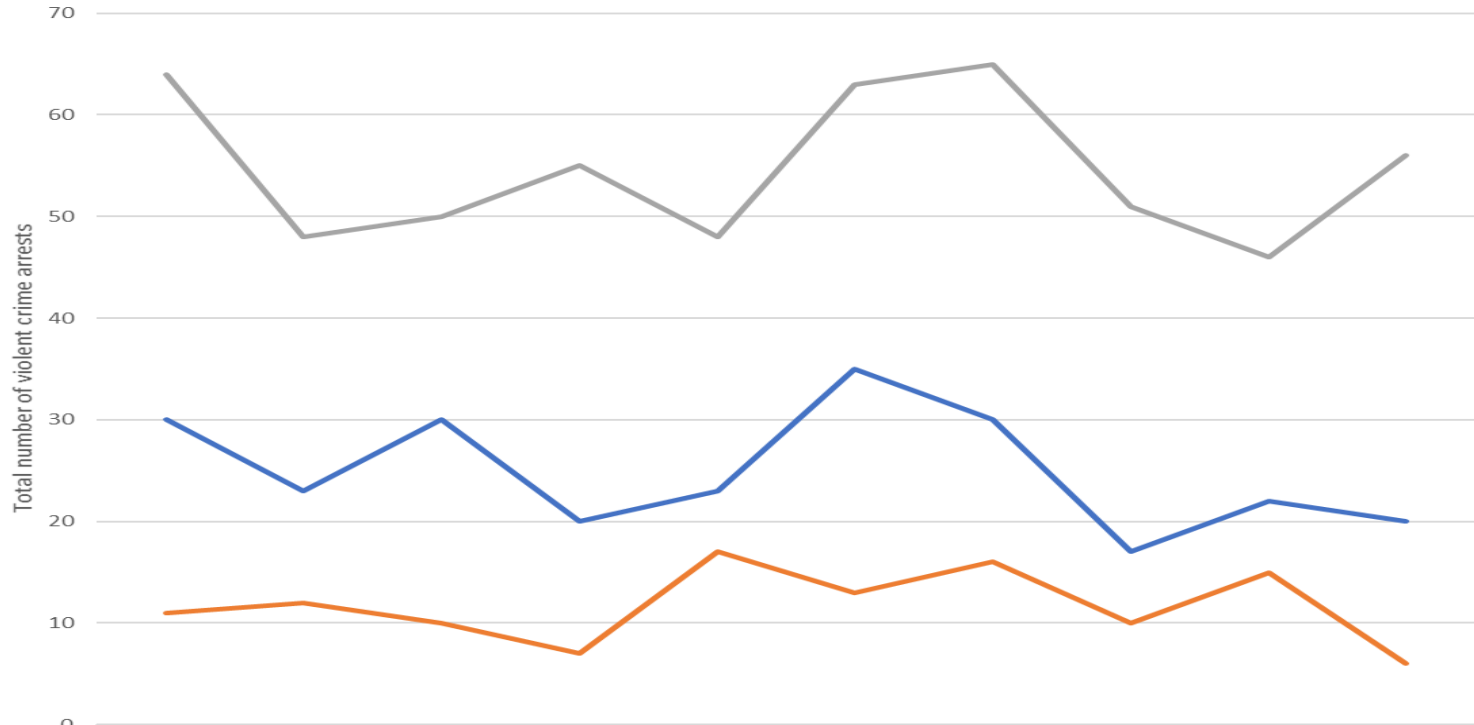
Ten-year average number of arrests for serious crime, 10-12 year olds, 2013-2022



Source: Colorado Bureau of Investigation, *Colorado Crime Statistics*.

Note: The 10 year period includes one arrest for murder by an 11-year old, which occurred in 2020.

Violent crime arrests, by age, 2013-2022



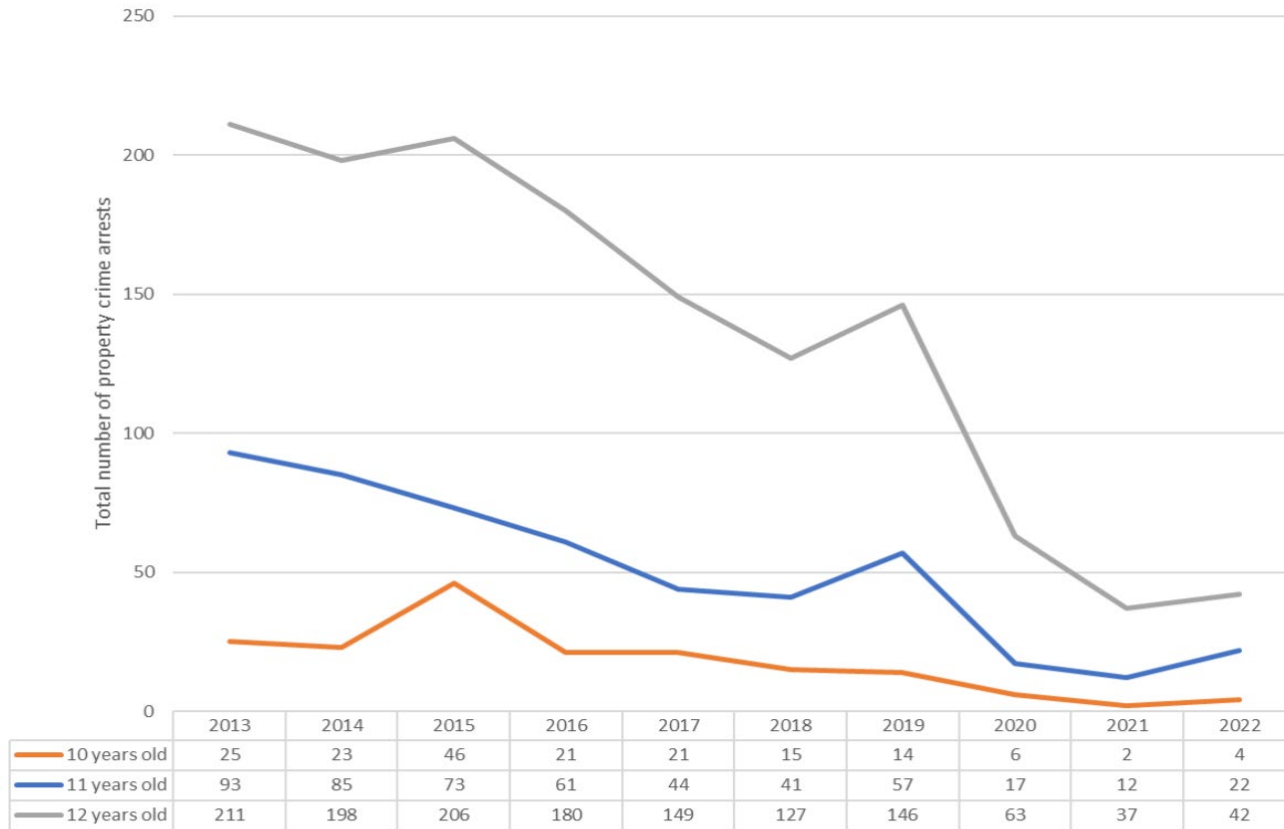
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
10 years old	11	12	10	7	17	13	16	10	15	6
11 years old	30	23	30	20	23	35	30	17	22	20
12 years old	64	48	50	55	48	63	65	51	46	56

Source: Colorado Bureau of Investigation, *Colorado Crime Statistics*.

Note: Violent crime includes murder, non-consensual sex offenses, robbery, and aggravated assault.

The 10 year period includes one arrest for murder by an 11-year old, which occurred in 2020.

Property crime arrests, by age, 2013-2022



Source: Colorado Bureau of Investigation, *Colorado Crime Statistics*.

Note: Property crime includes burglary, motor vehicle theft, and larceny/theft.

Questions?