



Historical Perspective

**Meg Williams, Division of Criminal Justice
Age of Delinquency Task Force**

February 7, 2018

Colorado Commission on Criminal and Juvenile Justice

- **February 12, 1881**
- Colorado State Industrial School for wayward children ages 6-18, now the Lookout Mountain School for Boys, was established in Golden.

- **April 4, 1887**
- Colorado State Home and Industrial School for Girls, established on April 4, 1887 for wayward girls ages 6-18, moves to Jefferson County.



History of Children's Laws in Colorado

- Colorado was one of the first states to adopt legislation protecting children and establishing the juvenile court as the way of handling youngsters in trouble. Colorado's first delinquency statute was adopted in 1903, shortly after Illinois passed legislation creating the first juvenile court. Legislation providing criminal penalties for contributing to the dependency or neglect of a child was adopted in Colorado 1905.
- These acts were followed by legislation in 1907 and 1909 which created the Denver Juvenile Court, covered dependent and neglected children, provided for the use of masters or referees in juvenile proceedings, and provided procedures for civil actions in contributing to dependency and delinquency.

Prior to 1967

- A child could be committed to a training school as a delinquent and not had broken any laws and who, more accurately, was beyond the control of their parents because of parental neglect or inability.
- The regulations on the transfer of children between various institutions allowed some children committed as delinquent in civil proceedings to be held in penal institutions, although they had committed no crime and allowed some who were actually mentally ill or “deficient” to be placed in training school as delinquents.

Colorado State Children's Home

April 1, 1966

Age	Boys	Girls	Total
8 Years	1	0	1
9 Years	0	0	0
10 Years	3	2	5
11 Years	7	0	7
12 Years	4	3	7
13 Years	8	4	12
14 Years	12	7	19
15 Years	15	4	19
16 Years	19	11	30
17 Years	3	5	8
18 Years	3	1	4
19 Years	2	0	2
TOTAL	77	37	114

Legislative Council Committee on Laws Relating to Children 11-28-66

- This study was made under the provisions of the House Joint Resolution No . 1009 (1966), passed at the second regular session of the Forty-fifth General Assembly.
- This resolution directed the Legislative Council to appoint a committee to resume study of children 's laws and child welfare in Colorado. The resolution pointed particularly to the need for additional study and work on the revision, codification, and amendments to the children 's laws, so that a complete revision could be made.
- To be included in the study were:
 - the needs of children which can be controlled or improved by legislative enactment, including in particular those children who are dependent, neglected, or delinquent, and children otherwise requiring special care;
 - the laws affecting children, including the operation and effect of existing laws; and
 - juvenile probation services and court services for handling juveniles .

Findings

- Most of the articles in Chapter 22 were passed originally over 50 years ago and have had only piecemeal revision since. Although providing some useful changes, these amendments have also produced an accumulation of conflicting and inconsistent statutes.
- Recent United States Supreme Court decisions and developments in the behavioral sciences have led to a reexamination of juvenile court philosophy, particularly concerning the need for due process safeguards.

Findings (cont'd)

- Lack of precision in procedural statutes resulted in various courts and police departments developing their own procedures for handling particular kinds of cases. These procedures resulted in inconsistencies in the disposition of children's cases, according to where the children happen to live or have been in trouble. The level of services for children available throughout the state also varied from area to area.

Findings (cont'd)

- Current definitions of delinquency and neglect and dependency tended to merge. A child may have been committed to a training school as a delinquent who had not actually broken any law and who was, more accurately, beyond the control of his parents because of parental neglect or inability. They noted that in several states which recently revised their children's codes, such children were now differentiated from those who had violated laws and were termed "children in need of supervision".

Findings (cont'd)

Definitions



- “Delinquent Child” means any child ten years of age or older who, regardless of where the violation occurred, has violated:
 - (ii) Any federal or state law, except state traffic and game and fish laws or regulations;
 - (iii) Any municipal ordinance, except traffic ordinances, the penalty for which may be a jail sentence; or
 - (iv) Any lawful order of the court made under this chapter.
- This definition limited delinquency to actual law violations or violations of court orders. Truancy, incorrigibility, etc. was placed under subsection (18) “in need of supervision.”

Findings (cont'd)

Definitions



“Child in Need of Supervision”

- Means any child who is habitually truant from school: who has run away from home or is otherwise beyond the control of his parent, guardian or custodian or whose behavior or condition is such as to endanger his own and others' welfare.

“Neglected or Dependent Child”

- Means a child whose parent, guardian, or custodian has abandoned or has subjected him to maltreatment or abuse; who lacks proper parental care through the actions or omissions of the parent, guardian or custodian.

Findings (cont'd)

- The regulations on the transfer of children between the various institutions .subject of Council concern since 1954,have allowed some children committed as delinquent in civil proceedings to be held in penal institutions, although they have committed no crime and have allowed some who are actually mentally ill or deficient to be placed in training schools as delinquents

Findings (cont'd)

- Articles concerning children were scattered throughout the Colorado statutes, making cross reference difficult. For instance, adoption was covered in Chapter 4, relinquishment in Chapter 22; the training schools were authorized in Chapter 105 and placement of children and transfer between institutions in Chapter 3; Chapter 22, which was purported to be a children's code, also contained the Aid to Dependent Children and Child Care Acts, which should have been in Chapter 119 with the other welfare laws.

1966 Legislative Council Committee on Laws Relating to Children Recommendations

- Proposed Function of the Colorado State Children's Home
- Change in Name – From Colorado State Children's Home to Colorado Youth Center
- Population Composition – The Colorado Youth Center age limits were set at ten or older and under eighteen, although it was expected that the center would rarely care for the children under twelve . The Center would receive children who are in need of supervision, some delinquent children and some children who had been released on parole.
- Population Maximum – population at the Center should not exceed 120.
- The program description was necessarily broad, and directed toward the needs of the children it was designed to serve, children in need of supervision.
- New Construction

1996 Juvenile Justice Code Reform

- The passage of House Bill 96 1005 in the 1996 legislative session completed a 3-year assessment of juvenile justice administration in the State of Colorado.
 - A special legislative session called by Governor Roy Romer in 1993 to address the increasing number of youth in need of services from the human services and judicial systems
 - Interim Committee on Youth Violence, the Task Force on the Recodification of the Children's Code, and the Legislative Oversight Committee (LOC)

Findings

- The committee determined that, although the laws governing children and families had been reviewed and partially recodified in 1988, the changes made in that year were not comprehensive.
 - The number of children in need of support services overwhelmed the human service and judicial systems.
 - There was an imbalance between treatment and aftercare for children receiving services, which were fragmented and duplicative in some cases. Little substantive information was available on the effectiveness of the services and interventions provided to youth and their families.
 - Recognition of the importance of the community's role in providing services to youth and the necessity of interagency communication in providing appropriate sanctions and services to children.

H.R. 96 1005

- Facilitated speedy case processing through expanded deadlines and provisions for the court to grant continuances for good cause
- Created the Division of Youth Corrections in the Department of Human Services
- Provided for juvenile intake teams to assess the needs of alleged youth offenders as they enter the system. The law eliminated the proposed required assessment tool, allowing local authorities to adopt
- Redefined "aggravated juvenile offenders" to include juveniles ages 10 to 12 charged with a crime of violence. pt assessment instruments appropriate to local needs.

H.R. 96 1005 (cont'd)

- Clarified sentencing youth to boot camp programs.
- Requiring parental involvement in juvenile proceedings and hearings before the juvenile court, with exceptions for good cause.
- Added crimes for which a district attorney may elect to file adult criminal charges and allowing for transfer to criminal court of juveniles ages 12 and 13 charged with class 1 or 2 felonies.

- Each director of a children's facility must see that there is an evaluation of each child in his care at least every six months.
 - Without such procedures it is possible for a child to be "lost" in an institution and plans and programs adequate at one time become useless in rehabilitative effect.

History Repeats Itself

- What we can see when looking at past reform efforts is many of the same issues are revisited over and over-
 - What is an appropriate level of response to delinquent (or incorrigible) behaviors?
 - Should we develop differential responses based on age (due to developmental issues)?
 - Who should be responsible for which population?
 - What parameters should be set on the type of services- institutions vs foster care vs community?
- **What will be our charge in 2018?**