



FINAL REPORT

PRE-ADOLESCENT
SERVICES
TASK FORCE



KEYSTONE
POLICY CENTER

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Introduction

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 potential gaps in services for juveniles who are 10-12 years of age, should the minimum age of prosecution of juveniles increase from 10 to 13. Juveniles who are 10 years of age and older can be prosecuted in juvenile court. The Task Force had four primary charges, listed below. The identifications of potential gaps in services and recommendations for how to address those gaps from the Task Force will be grouped as such.

1. 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;
2. 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
3. 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
4. Make recommendations for how existing or potential funding may be utilized to provide services identified pursuant to C.R.S. (1)(a)(I) and (1)(a)(II) of C.R.S. 19-3-304.4 outside of the juvenile justice system if the minimum age of prosecution of juveniles is increased to thirteen.

Overview of Process

The Pre-Adolescent Task Force originally consisted of 32 appointed members, but after a short amount of time the number of participants dropped to 31 and each of those participants can be found listed in Attachment A. The Task Force met from August-February 2023 in both full group and working group opportunities. The meetings began as hybrid but eventually were moved to fully online for ease of facilitation. CDHS hired the Keystone Policy Center in September to facilitate the remaining meetings and produce this report. The recommendations contained within this report are a product of the Task Force, and should not be construed as recommendations or specific opinions of CDHS.

The Task Force established [bylaws](#) that required a supermajority quorum for all official voting purposes. Due to scheduling challenges with the Task Force, a supermajority was not reached at enough meetings

to officially vote on the recommendations outlined below. The Task Force decided to take an unofficial vote on each recommendation and Task Force members were also offered an opportunity to provide feedback to each individual recommendation, included in Appendix B.

Contained in this report are the recommendations directly pertaining to the four charges listed above including the goal of any proposed action as well as the role of the state (if any), the local role (i.e. county-level provided services), and potential pilots or best practices to learn from associated with each recommendation. To get more specific on the nuances of services at different levels, four working groups were formed to dive deeper on the municipal court system, victim services, and the state court system for 10-12-year-olds charged with offenses and victims, and propose specific recommendations for how services, in all areas, could be provided to 10-to-12-year-olds without a prosecution, intentionally considering how existing or potential funding may be utilized to provide services outside of prosecution. These working groups were held virtually as public meetings and were composed of Taskforce members and members of the public had the opportunity to comment. Below are the working groups and the key questions asked for each:

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?

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?

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?

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 sexual 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?

The recommendations contained in this report include both state and local systems-level change implications. This focus is based on the belief shared by the Task Force members that systems-level changes are necessary to create the conditions for bold action at the local level and that the transformational changes sought, should there be a change in age, will be far more sustainable if they

are part of broader systems-level changes. In making recommendations for state action, there was broad consensus that the appropriate role of the state in most cases is to create the conditions for success at the local level, to provide support and resources needed at the local level and to facilitate collaboration amongst all service providers and agencies from across the state.

A number of the recommendations do carry fiscal implications. Members were clear that a more in-depth examination of the potential for braided or blended funding would be necessary if the age was raised to 13. Accordingly, where included in this report, Task Force members felt the funds are both necessary and bring with them the potential for significant, sustainable impact for youth, families, and communities.

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.

The municipal courts and state court working groups identified the following list of services that are currently provided through the juvenile justice system to juveniles ages 10-12. Services provided to an individual youth (and family) are dependent on the offense, risk of recidivism, and needs of the youth. Youth and families may be able to access many of the services on the list if there is a mechanism for connecting the youth to the necessary service(s) and funding to pay for the service.

Note: There are some limited variations in resources or available actions between municipal and state courts relating to out of home placement orders through local county human services and the length of juvenile detention sentences.

Municipal Court working group:

Municipal Courts across Colorado have varying tools at their disposal to refer and order youth and families to services and all services are county specific and vary widely. This Task Force does not have individual municipal data to know what programs exist or are offered in different jurisdictions including what services are being provided by those programs at the local level including what services are being utilized and the impact of those services. Some examples of services municipal courts could coordinate with who connect youth and families to services at the local level:

1. Restorative Justice: an approach to justice where one of the responses to a crime or incident is to organize a meeting between the victimized party and the offending party, sometimes with representatives of the wider community
2. Direct dialogue for concerning behaviors like underage possession, anger management, gang violence, etc. and group dialogue
3. Mentorship, tutoring, and community service
4. Substance abuse prevention
5. Moral Reconciliation Therapy: a systematic, cognitive-behavioral approach that treats a wide range of issues including substance abuse, domestic violence, trauma, parenting, job skills, and other issues

Note: There are some limited variations in resources or available actions between municipal and state courts relating to out of home placement orders through local county human services and the length of juvenile detention sentences.

State Court working group:

In the current system, the State Court can order referrals, connections, and may provide access to funded programs such as Diversion, Probation, and Pre-trial services, that can connect juveniles and/or victims to services. Below is a list of the programs that the State Court can refer to (though they do not necessarily exist in every jurisdiction), followed by a list of services provided within those programs:

1. Juvenile Diversion: an alternative to the formal court system. The goal is to reduce juvenile crime, recidivism, change juvenile offenders' behavior and attitudes and reduce the cost within the juvenile justice system. Services that can be offered but are not limited to diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, constructive recreational activities, general counseling, counseling during a crisis situation, and follow-up activities.
2. Colorado Youth Detention Continuum (CYDC): The purpose of CYDC (SB94) is: To match the right services with the right youth while reducing secure confinement by providing cost effective alternatives that promote excellent outcomes.
 - a. CYDC provides screening for level of supervision, pre-adjudication release supervision, and recommendations to the court regarding the substantial risk of serious harm to the community. CYDC can also fund services for youth across the juvenile justice continuum and is not limited to serving pre-adjudicated youth.
3. Probation: Probation departments established pursuant to Section 19-2.5-1406. Juvenile probation is court-ordered and administered by a probation department in each of the 22 local judicial districts (Denver also has its own juvenile probation department). Prior to sentencing, probation completes a Juvenile Assessment Summary Report (JASR) or a pre-sentence

investigation. Probation utilizes a number of assessments to prepare the report such as, a mandatory risk and needs assessment tool (YLS/CMI 2.0) which looks at the risk to reoffend, a mental health screening tool (MAYSI-2) which indicates if further evaluation is needed, and a substance use screening tool (SUS-R) which indicates substance use needs and treatment levels and if further evaluation is needed. Probation also creates individualized terms and conditions based on areas of high risk/need as determined by the multiple assessments and does case management post-adjudication. In the metropolitan areas of the state, juvenile assessment centers provide services to youth.

4. Division of Youth Services (DYS): DYS as a sentencing option in delinquency court cases is detailed in Section 19-2.5-1117. The CDHS DYS provides for the care and supervision and parole of youth committed by the District Court to the custody of CDHS.

Due to time constraints and the nuances of services available vs. actual utilization, the Task Force wants it to be clear that this is not a comprehensive list. Some of these services may be accessed through any or all of these programs and some could be exclusive to certain programs. It should also be noted that many of these services would still exist, though the mechanism to access and the necessary funding may or would shift.

Impacted services could include:

1. Access, if eligible, to other professionals like GALs (guardian ad litem), CASA (court appointed special advocate), and free defense counsel.
2. Victim's Compensation
 - a. Only accessible if there is a police report written.
3. A path forward to determine what happened if youth says he/she didn't do what is alleged, including constitutionally afforded due process rights such as a trial.
4. Individual therapy (includes in-home therapy)
 - a. CBT (Cognitive Behavioral Therapy)
 - b. MRT (Moral Reconciliation Therapy)
 - c. DBT (Dialectical Behavior Therapy)
5. ABA therapy (Applied Behavior Analysis)
6. Group therapy – (Probation has specifically MRT, Why Try, Life Skills (cognitive based))
7. Family therapy
 - a. MST (Multisystemic Therapy)
 - b. FFT (Functional Family Therapy)
8. Substance abuse evaluations
9. Substance abuse treatment
 - a. Inpatient – currently we have none in Colorado
 - b. Outpatient/IOP (intensive outpatient program)

- c. Groups
 - d. Individual treatment
 - e. Family-based treatment (can include MST)
10. Mental health / psychological evaluations
 11. Mental health/ psychological treatment
 12. Medication evaluations
 13. Trauma therapy –
 - a. General
 - b. EMDR (Eye Movement Desensitization and Reprocessing)
 14. Animal assisted therapy
 - a. Equine therapy
 15. Art therapy
 16. Mentors
 17. Wilderness therapy/experiential therapy
 18. Anger management classes
 19. Theft class(es)
 20. Monitored sobriety / UAs (urine analysis)
 21. SOMB (sex offender management board) evaluations & treatment
 - a. Informed supervision training for parents/families of youth with problem sexual behaviors
 - b. SOMB evaluations
 - c. SOMB treatment including clarification and reunification (It is expensive and not eligible for reimbursement through insurance. It is not required under the SOMB standards without a legal case, though it may still be considered best practice.)
 22. Restorative Justice and/or apologies to victim(s)
 23. Restitution to victims (for damages, medical bills/treatment, therapy – including anything that is an out of pocket expense that was proximately caused by the youth’s conduct)
 24. Payment for any/all needed services
 25. Supervision – including Electronic Home Monitoring and/or Global Positioning System
 26. Prosocial activities – including karate, boxing, other sports
 27. Educational Advocacy including helping families navigate the IEP, 504, and expulsion process
 28. Parenting support including coaching, education and co-parenting counseling
 29. Kin Placement
 30. Referral to county department of human or social services for assessment for youth and family services
 31. Respite care

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.

Below is a list of impacted services that would either no longer be available to children identified as victims of crimes or the Task Force has questions about how those services would be offered if the juvenile justice system is not involved:

1. Protection Orders
 - a. Civil Protection Orders are rarely given prior to criminal charges and should not be an out-of-pocket cost for victims.
2. Victims' Compensation
 - a. Currently, victims can only access funds from the Victims Compensation Fund if there is a police report. A system mechanism must be considered to allow victims to receive compensation.
3. Victim Impact Statements
 - a. With this shift the question would be how could the victim be a part of the justice seeking process.
4. Restorative Justice: an approach to justice where one of the responses to a crime or incident is to organize a meeting between the victimized party and the offending party, sometimes with representatives of the wider community.
 - a. Clarification in sexually based offenses.
5. Victim Compensation Administrator in each judicial district.
6. Child Advocacy Centers: child-focused, facility-based program in which representatives from many disciplines, including law enforcement, child protection, prosecution, mental health, medical and victim advocacy, child advocacy, work together to conduct interviews and make team decisions about investigation, treatment, management and prosecution of child abuse cases.
 - a. May also serve victims who do not have a court case on file.

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.

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.
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.
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 19-1-303 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.
- 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.

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.
- 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

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

In considering this group’s role, knowledge, and opportunity to effect change connected to this fourth charge, conversations focused on identifying challenges to existing structures, including resultant gaps, and the preferred change state or outcome of changes in funding structures. In addition to focused conversations about funding structures, many of the recommendations noted below were generated during conversations about what type of services or system(s) would best serve pre-adolescent youth and the funding challenge associated with achieving that state.

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.
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.
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.
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:

1. Breakdown of data regarding individual ages: 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. 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. 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.

2. Repetitive problematic behaviors: 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. 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.
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.

Conclusion

The charges given to the Task Force were clear in scope, however, throughout the duration of the Task Force multiple members struggled to exclusively answer the charges as written as they wrestled with obstacles they feel might exist and what modifications would be necessary to better serve youth ages 10-12 should the age be raised. The need for enhanced and more robust prevention strategies and services at both the state and local level that are evidence-based and well resourced was a clear theme throughout the process. The Task Force hopes that its recommendations, although unofficial, help state leadership better understand the potential impact to services both at the state and local level, ultimately in service of providing youth, families, communities, local leaders, state leaders, and other stakeholders with the resources they would need to properly plan for any potential shifting in the age of prosecution for youth aged 10-12.

About Keystone

The Keystone Policy Center was founded in 1975 by Robert W. Craig to independently facilitate the resolution of national policy conflicts. Today, the Keystone Policy Center is a trusted partner in surmounting policy obstacles. An independent, not-for-profit organization, we bring together public, private, and civic sector leaders who have diverse perspectives but share a common desire to find lasting solutions to significant policy problems. Keystone does not advocate for any single position; rather, we help groups unearth a line of sight from contention to collective action. In this age of

polarized debate on nearly every major topic in public policy, we offer a refreshing yet proven blueprint for progress. Over the past 40 years, Keystone has built a portfolio of substantive work in energy, human services, environment, education, health, and agriculture. Keystone has accomplished this work with a series of complementary approaches that reflect the diverse strategies utilized in leadership and successful issue resolution.

Appendices
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Appendix A: List of Task Force Members

Sen. Julie Gonzales	State Senate
Vacant seat	State Senate
Rep. Serena Gonzales-Gutierrez	State House of Representatives
Rep. Mary Bradfield	State House of Representatives
Kelly Abbott	Division of Criminal Justice
Kelly Friesen	Law enforcement agency
Kirsta Britton	District attorney
Liz Upton	Defense attorney
Kelley Southerland	Probationary services
Katie Hecker	Office of the Child’s Representative
Shawna Geiger	Office of Respondent Parent Counsel
Trevor Williams	State Division of Child Welfare
Chris Meyer	Behavioral Health Administration
Todd Cordrey	Rural school district
Darcy Brown	Urban school district
M.K. Hooley-Underwood	Local collaborative management program
Kristine Rolfes	Local juvenile services planning committee
Luke Yoder	Restorative Justice Council
Rodrick Prayer	Health Care Policy and Financing
Martha Johnson	Rural county department of human services
Sara Boylan	Urban county department of human services
Elizabeth Doner	Treatment provider: problematic sexual behavior
Robin Friesen-Holwell	Victim services for children representative
Cynthia Chapman	Sexual assault victim representative
Jessica Courtney	Pediatric mental/behavioral health
Dr. Carly Muller	Pediatrician or pediatric clinician
Elie Zwiebel	Nonprofit organization-legal services
Natalie Baddour	Community/non-profit that provides services
Sharletta Evans	Community/non-profit that provides services
Tresha Davenport	Representative who experienced incarceration, homelessness, or out of home placement as a juvenile or a parent/legal guardian
Nathaniel Hailpern	Representative who experienced incarceration, homelessness, or out of home placement as a juvenile or a parent/legal guardian
Phillip Roybal	Representative who experienced incarceration, homelessness, or out of home placement as a juvenile or a parent/legal guardian

Appendix B: Optional Membership Feedback

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Optional Membership Feedback	
Member Name and Affiliation	Comments
Natalie Baddour, Community/non-prof it that provides services	<p>Third Legislative Charge: Recommendation 1 Comment: It is essential to consider how we even bridge the gap to having families and communities trust the current programs being offered. If voluntary services are at hand, families need to trust the system and program first. We need to increase awareness, build relationships and provide space for the community to build that trust.</p> <p>Recommendation 4 Comment: It is also critical to focus on the relationships before focusing on the assessments. Also "if or when youth enters the judicial system" is problematic language as the intention of this Task Force is to eliminate 10-12 year olds in the system, it also indicates pre conceived stigmatization that they will enter the system.</p> <p>Recommendation 5 Comment: Services should be accessible and voluntary not forced. This also requires trust and awareness of services.</p> <p>Recommendation 6 Comment: "if placement is indicated as necessary" is non supportive language.</p>
Shawna Geiger, Office of Respondent Parent Counsel	<p>Third Legislative Charge: Recommendation 4 Comment: I voted yes on behalf of our agency for this recommendation. I do have concerns, however, about potential bias that is often built into assessment tools. It is our hope that any evidence-based assessment tools be developed with an eye toward anti-racism and to eliminate or protect against biases related to people living with disabilities and people living in poverty.</p> <p>Recommendation 10 Comment: This provision related to SOMB as it is presently constituted, regardless of the status of the sunset provision at issue now. Regardless, we are opposed to consultation with SOMB because of concerns related to the management board's current disregard for equity in the LGBTQ+ and BIPOC communities. Without significant change, we do not support SOMB involvement in decision making regarding this population of children.</p>
Katie Hecker, Office of the Child's	<p>Third Legislative Charge: Recommendation 4 Comment: I take issue with the language "if or when".</p>

Optional Membership Feedback	
Representative	<p>While it was not enough to generate a no vote from me, it presumes court involvement. "If" would suffice. I'm sorry I wasn't available during a wordsmithing session to share this feedback.</p> <p>Recommendation 5 Comment: I disagree with the notion that compelled treatment is appropriate, but I do agree that barriers to receiving treatment without a court order must be removed.</p> <p>Recommendation 10 Comment: I believe that a qualified therapeutic perspective needs to be taken into consideration when considering best practices related to 10-12 years with problematic sexual behaviors. I disagree that the SOMB is the appropriate source of that perspective given their entrenchment in the criminal and juvenile justice systems.</p>
Martha Johnson, Rural county department of human services	<p>Third Legislative Charge:</p> <p>Recommendation 2 Comment: This recommendation speaks to creating a new collaborative entity rather than building on something that exists already, which contradicts the first recommendation. It is extremely broad and will require a lot of thoughtful work to implement in a realistic, sustainable and successful manner.</p> <p>Recommendation 4 Comment: A new system that tracks referrals and services is a large expectation, especially in combination with the existing required data entry systems. Creating and maintaining a new data system will be very expensive and adding expanded documentation requirements on staff members will require additional funding and positions.</p> <p>Recommendation 5 Comment: Without a process through which to prove or disprove an allegation, including adequate legal representation for all parties and due process, there is no equitable way to compel families or youth to participate in services and supports.</p> <p>Recommendation 6 Comment: We need to ensure that the occurrence and severity of any alleged problematic behaviors are determined through a fair and objective process.</p> <p>Recommendation 9 Comment: Without the due process afforded by the involvement of law enforcement and the court system, there will be no "victims" because there will be no way to prove or disprove the occurrence of a crime or other problematic behavior.</p> <p>Fourth Legislative Charge:</p> <p>Recommendation 1 Comment: This is a very broad recommendation and will need to be implemented thoughtfully to avoid any unintended</p>

Optional Membership Feedback

negative consequences.

Recommendation 2 Comment: Without the due process afforded by the involvement of law enforcement and the court system, there will be no "victims" because there will be no way to prove or disprove the occurrence of a crime or other problematic behavior.

Recommendation 4 Comment: This recommendation is overly broad. Specific funding streams that are not transparent and are not adequately tracking outcome data should be identified and examined rather than potentially adding more oversight to existing funding sources that are already closely monitored.

Kristine Rolfes,
Local juvenile
services planning
committee

Third Legislative Change:

Recommendation 1 Comment: It is a great idea to provide and fund services for youth and families that want and need those services; an even better idea is to provide those services prior to youth harming others in the community. Ideally, the report would be fully funded and implemented by the legislature alongside (not in place of) the juvenile justice system. Then, in time, crimes by youth ages 10-12 should naturally decrease because families have access to free and appropriate services in the community.

Recommendation 2 Comment: If youth aged 10-12 are immune from prosecution for any crime, police will not investigate allegations where suspect is 10-12. The current juvenile justice system ensures youth receive free defense attorneys and full due process. If a youth denies the offending conduct that victim alleges, there will be no way to resolve any factual disputes for all of those reasons. Thus there would be no way to ascertain what accountability means for a youth. Victims would also lose out on restorative justice.

Recommendation 4 Comment: There is no agency equipped to be a primary singular access point for services. If police reports aren't written because acts are no longer crimes, there is no way for anyone to know which youth are in need of services unless the families somehow locate the services and proactively engage in services. Some families aren't aware of services and other families are unwilling to engage in services without a court order. If prosecution of youth 10-12 is eliminated, there would be no court involvement.

Recommendation 5 Comment: Without a court system, right to counsel, and due process, I don't see how compelling services would be lawful or Constitutional. Therapists cannot become the arbiters of facts and cannot

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require treatment. The current juvenile justice system assesses risk, provides necessary treatment (and funds it) while ensuring that due process and Constitutional protections for youth are guaranteed and that victims have voices during the process.

Recommendation 6 Comment: SOMB treatment is very expensive (thousands of dollars) and lengthy (often lasting a year). Many families can't afford or justify the time and/or money involved to do SOMB treatment on a voluntary basis. Sexual assaults often carry stigma; offenders are often reluctant to admit to the behaviors and victims may delay reporting. The report does not address repeated behaviors. If a youth aged 12 has sexually assaulted five victims, should that youth still be immune from prosecution?

Recommendation 7 Comment: This would be valuable for families that have concerns about boundary-crossing behaviors of youth and may help prevent sexual assaults. However, once a sexual assault has occurred, removing the justice system from the process removes the victim's voice and would keep the victim in the dark as to what, if anything the offender is doing. The victim would not be entitled to learn about the offender's therapy. Also, providing treatment is not the same as providing supervision.

Recommendation 9 Comment: What would define a victim if a "crime" has not occurred (by virtue of the age of the offender) and no police report is written? Without police investigation or prosecution review, it would be difficult to determine if an offense has occurred and a victim exists. Part of what victims get from the current system now is to know details of supervision of offenders so they can be assured that an independent party is supervising the youth to ensure they are following safety plans.

Recommendation 10 Comment: The SOMB should not be the only entity to weigh in. The SOMB deals only with youth who have committed sexual offenses. Victims advocates should also be consulted. In sex assaults, it's important to prevent future assaults by treating offenders. But it is also important to address the harm already caused to victims, which requires that victims' voices be heard and meaningful in determining best practices.

Fourth Legislative Charge:

Recommendation 2 Comment: Who is a victim and who will be eligible for victim's compensation? Does a person have to call police and have a report to be eligible? Does an act that would constitute a crime (by an older offender) have to have occurred? Who determines whether that act occurred if there is no police investigation? Who will decide who is a

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"victim" and whether that person will receive services and funding?
 Currently it's a very clear determination made by statute; this recommendation makes it very unclear.

Recommendation 4 Comment: I think there will be many challenges here in tracking data. If all services are voluntary and generally therapeutic, all (or most) information will be privileged and confidential. Information sharing likely will not occur unless a youth permits it. So it will be possible for youth or families to do "therapist shopping" or hide behaviors from new therapists. That would increase the risk of harm to the community.

Sara Boylan,
 Urban county
 department of
 human services

Third Legislative Charge:

Recommendation 1 Comment: The provision of services to this population can NOT be a simple divert to child welfare, a system families fear. There is a wide variety of youth, profiles, behaviors, etc. in this population & we need a mechanism to assess needs if not through the delinquency system. Low, moderate & high risk youth may all need different response & based on the behavior of concern, other domains of functioning: families, gender, sexual ID, race, ethnicity, culture, trauma, etc. There is no one-size fits all.

Recommendation 2 Comment: We need family assessment centers in each county or region to refer to for assessment, service-matching (if indicated), funded services (braided/blended & new funding). Each community being able to identify and leverage their own resources to serve the youth/families in the best way, as they know what their communities need. Need to thoughtfully develop & implement BEFORE any changes to the current system. No more ready, fire, aim. It doesn't work & harms youth, families, victims & communities.

Recommendation 3 Comment: This will require funding and clear roles for who refers, assesses, provides and funds needed services. This should not fall on the schools alone, but a community-supported safety net.

Recommendation 4 Comment: This one, as written, is overly broad and lofty. We don't need a "new system" (we can't even make our current data systems across systems work on their own or cooperatively to get useful data. There needs to be care in over-tracking some of these cases, especially if they are light touch cases that don't need an overresponse. What we do need is a new process, like a more centralized and consistent way to refer, assess and match youth and families to services that work for that community.

Recommendation 5 Comment: I believe that the youth people are most worried about in this age range are ones that commit more violent crimes,

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acts of more sexually aggressive behavior, and handgun/weapons charges. These are the cases that it seems the need to "compel" youth and families to engage in services could be addressed by establishing some exception charges for certain and limited offenses.

Recommendation 6 Comment: I would say that for the charges that might not be exceptions, this would be necessary for low to moderate problem sexual behavior.

Recommendation 7 Comment: I agree with the concept, not sure what this looks like in practice or implementation.

Recommendation 9 Comment: Again, agree with the concept, but this is broad and identification of those harmed by a 10-12 year old would need a process in each community for identification, referral, possible assessment and/or easy access to a FUNDED service provider to support them.

Recommendation 10 Comment: This would also be helpful in thinking through any exceptions to charges.

Fourth Legislative Charge:

Recommendation 2 Comment: I would like this to say not just revise funding limitations, but to increase funding to provide adequate and increased flexibility in when, where, who and how families access services.

Recommendation 5 Comment: I'm voting Yes, but if this is for 10-12 year olds that ARE NOT CHARGED and people harmed by them, then we need to change the wording on this?) Funding is the key, we need to reimagine how we provide the best assessments, access and services (prevention, intervention, pro-social, etc.) to this population at this age as they are at critically high risk for delinquency, truancy, behavioral health issues, suicide, drug use. Funding to target this population would be a high return-on-investment.