

**APPLICABILITY OF THE ADULT OR JUVENILE STANDARDS FOR  
INDIVIDUALS MEETING THE DEFINITION OF A SEXUAL OFFENDER  
(16-11.7-102)**

TO: APPROVED PROVIDERS, SUPERVISING OFFICERS, & OTHER INTERESTED  
STAKEHOLDERS

FROM: SEX OFFENDER MANAGEMENT BOARD (SOMB)

DATE: REVISED MAY 7, 2018

Based on a number of recent inquiries, the staff of the Sex Offender Management Board (SOMB) is providing the information contained in this update as a clarification regarding the applicability of the Adult or Juvenile Standards given the age of the sexual offender (e.g., under or over age 18), the specific Court of record (e.g., Adult or Juvenile Court), and the specific referral offense (e.g., a sexual offense or a non-sexual offense for those with a history of a sexual offense). All of these factors assist in determining whether the Adult or Juvenile Standards are applicable for a specific case.

The Juvenile Standards apply in all cases where the case is being handled by the Juvenile Court, regardless of the age of the person (under or over age 18) adjudicated for a sexual offense. As a result, the only approved treatment providers, evaluators, and polygraph examiners authorized to work with this population are those listed under the Juvenile Standards. However, the Adult Standards apply in cases where individuals under the age of 18 are transferred to the Adult Court and prosecuted as adults. In this latter case, treatment providers, evaluators, and polygraph examiners listed under the Adult Standards must be utilized.

Given the confusion regarding the set of applicable Standards, and the unique needs of young adults ages 18-25 who may be under the purview of either the Juvenile or Adult Standards, the SOMB has provided written guidance for these cases in a Young Adult Modification Protocol, which may be found at <https://www.colorado.gov/pacific/dcj>.

A related issue is the determination of the appropriate assessment for use with a juvenile under the age of 18 who was convicted as an adult, or the adult over the age of 18 who was adjudicated for a juvenile sex crime. Regardless of the specific Standards, Adult or Juvenile, applicable in the given circumstances, approved evaluators and treatment providers must utilize assessment instruments designed specifically for the population on which they were normed and validated. For example, it is not appropriate to use certain adult risk assessment instruments on a juvenile under age 18 who was convicted as an adult and is subject to the Adult Standards. Similarly, it is not appropriate to use certain adult risk assessment instruments on an adult over the age 18 who was adjudicated for a juvenile sex crime committed prior to age 18, or for an adult over age 18 convicted of a non-sex crime who has a history of a juvenile adjudication prior to age 18. For guidance related to the assessment of risk in the latter scenario (e.g., adults convicted of a non-sex offense with a history of a prior juvenile adjudication for a sex crime), see the Guidelines for the Evaluation and Treatment of Sex Offenders with a Current Non-Sex Crime and the Young Adult Modification Protocol, which may be found at <https://www.colorado.gov/pacific/dcj>.

This guidance is being offered to ensure that proper application of the Adult or Juvenile Standards occurs, and that risk assessment instruments are being used in a valid manner. Please direct any questions about the applicability of the Adult Standards, to Michelle Geng at (303) 239-4499 or [Michelle.Geng@state.co.us](mailto:Michelle.Geng@state.co.us), or the Juvenile Standards, to Raechel Alderete at (303) 239-4197 or [Raechel.Alderete@state.co.us](mailto:Raechel.Alderete@state.co.us). Thank you!