



**PERRY L. BUCK**

April 4, 2023

Re: House Bill 23-1249 Reduce Justice-involvement For Young Children

House Judiciary Committee,

This letter is being sent on behalf of the Interagency Oversight Group of Weld County. During our board meeting on March 30, 2023, the Board discussed House Bill 23-1249 and the impact it would have on the Collaborative Management Program (CMP) in Weld County.

As the Interagency Oversight Group of Weld County Vice Chair, I am formally writing this letter to state that we are opposed to House Bill 23-1249 Reduce Justice-involvement For Young Children. We reject mandating counties to take part in Collaborative Management Program, requiring Collaborative Management Program to assist children between the ages of 10 and 12 who have had allegations of acts that would warrant criminal charges if they were an adult, and requiring the Department of Human Services to work with families in situations not involving abuse and neglect.

The Interagency Oversight Group of Weld County is founded on the principles of collaborative management. Its purposes shall be to:

1. Conduct joint planning for resources utilization for multi-agency services to children, youth, and families.
2. Facilitate coordination and collaboration among funders and service providers which encourages shared decision-making and shared accountability.
3. Provide a forum for discussing community-wide needs and set service coordination and developmental priorities.
4. Set and assess service improvement goals.

The Interagency Oversight Group of Weld County that oversees the local CMP in Weld County is not a direct service provider. We collaborate and provide limited funding to other agencies that provide services for children, youth, and families that align with our current performance measures adopted by our Board Members. Our Interagency Oversight Group of Weld County currently funds one full-time position to coordinate the program within Weld County. This one position would not be able to take on the addition requirements of HB-23-1249 and would require the Interagency Oversight Group of Weld County to utilize funds, if available, to hire more employees. HB-23-1249 would also require the board to focus their time, efforts, and resources on fulfilling the requirements of this bill instead of providing support to meet the performance measures of the Collaborative Management Program MOU that is approved by the State. As HB04-1451 is currently written, not meeting those performance measures could reduce or eliminate funds received for the Collaborative Management Program.

The Interagency Oversight Group of Weld County is also concerned with the lack of due process for these youth. Fundamental to any attempt for the government to force services on youth, at risk of the initiation of removal proceedings, is a fair and thorough determination of wrongdoing.

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## OFFICE OF THE BOARD OF COMMISSIONERS

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GREELEY, CO 80632

April 26, 2023

Senator Julie Gonzales, Chair  
Senator Robert Rodriguez, Vice Chair  
Senator Bob Gardner  
Senator Dylan Roberts  
Senator Kevin Van Winkle

Re: HB23-1249 Reduce Justice Involvement For Young Children

Dear Chair Gonzales, members of the Judiciary Committee, and our Weld County delegation,

On behalf of the Weld County Board of County Commissioners, we are writing to you to express opposition to HB23-1249 "Reduce Justice-Involvement For Young Children". While we appreciate the effort to raise the age for youth who may be prosecuted for a crime, it is our belief that HB1249 will put unreasonable expectations on our local Collaborative Management Program, overburden our Child Welfare system, and could have legal implications resulting from what appears to be a lack of due process. We have outlined our concerns in detail below. We respectfully request that you consider these concerns and the negative consequences this bill could have for our community's children, youth, and families.

### Collaborative Management Program Impact

- The intent of the legislation that created the Collaborative Management Program (CMP) was to encourage collaboration among community partners working with children and youth involved in multiple systems.
- Each CMP is allowed to select the area(s) of focus based on the community's unique needs, resulting in buy-in from the required partner agencies and true collaboration as the team works to impact the children and youth served positively.
- To require each CMP to serve the 10-12 population, if that is not a population they have selected to serve, goes against the intent of the original legislation.
- The CMP is a voluntary program, and it has sometimes taken years to develop the necessary relationships and collaboration between the agencies to produce a successful CMP. Forcing agencies' participation is not good for the agencies, and the community and is ultimately not good for the children and youth served.
- The amount of funding Weld County receives for the CMP is \$200,000, which is currently used to fund our CMP Coordinator with additional services, including a restorative justice program, planned for next year. A conservative estimate is that we would need close to double this amount in order to adequately serve the number of youth who may be referred due to the requirements in this bill. We believe the funding recommended in the bill's fiscal note is inadequate to meet the financial outlay required by Weld County.

### Child Welfare Impact

- As currently written, the bill places the responsibility of "enforcement" for youth and family compliance with the CMP plan on Child Welfare. The purpose of the Child Welfare system is to ensure that children are safe from abuse and neglect and not to monitor families' compliance with the CMP process.
- We want children to be served by communities so that the child welfare system is utilized to serve children facing child abuse and neglect. The new CMP process proposed in the bill could involve more families in the child welfare system, unnecessarily adding unintended consequences and potential trauma for families with additional system intervention.
- If a youth or family member is not substantially participating in the services recommended by the service and support team, but there is no new allegation of abuse or neglect, Child Welfare would not conduct a new assessment solely to determine whether to continue to provide prevention and intervention services. Per CRS 19-3-308 "The immediate concern of any assessment shall be the protection of the child, and where possible, the preservation of the family." Child Welfare may do an assessment if it is determined that the youth is "beyond the control of their parent" per CRS 19-3-102; however, the youth not participating in voluntary services is not indicative that the youth is beyond the control of their parent.

- The State of Colorado is currently experiencing a placement crisis, particularly for high-acuity youth and teens. This bill creates the potential for additional out-of-home placements if the Department of Human Services is forced to file a D&N if the youth and family fail to participate in the plan and services, the youth is not criminally charged and cannot receive services through the juvenile justice system, or parents do not want the youth to remain home. The possibility of finding a placement for a 10-12-year-old youth who has sexually acted out and/or violent behaviors is very limited, given that the system already lacks adequate placement options.

Legal Concerns

- As this bill is currently written, all allegations against youth ages 10-12 will be considered true. Without due process, there is a risk that youth may be wrongfully accused of a crime, and there is no mechanism for determining if the claim of criminal behavior is valid.
- Without due process provided by the court system, it may not be possible to determine whether or not a crime has occurred, particularly if the youth denies the allegation. This may result in a lack of services for the victim and diversion services for the alleged offender.
- Many of these same youth are currently served in the Diversion Program and are successful. If youth are instead referred to the CMP and are not criminally charged, they may lose access to the Diversion Program and may not have access to comparable services.
- Without due process provided by law enforcement and the court system, families and youth who choose not to participate in the plan and proposed services are able to do so without the accountability currently available through the court system.

While we certainly do not want to see any youth involved in the juvenile justice system if there are other community-based options, the fact is that some youth ages 10-12 commit acts of violence and sexual assault that warrant their involvement in the Juvenile Justice system. Allowing youth who have committed such crimes to simply be referred to the CMP and partake in voluntary services does not provide justice for the victims of such crimes, nor does it necessarily guarantee that the services and the support the youth needs will be available within the community or that the youth will choose to participate in services if they are available. While we appreciate the intent of this bill, we feel that a more prudent approach would be to review the recommendations from the Pre-Adolescent Services Task Force, which was created to examine potential gaps in services for juveniles who are 10-12 years of age should the minimum age of prosecution for juveniles increase from 10 to 13.

Recommendations Include:

- Expanding and better utilizing current programs and services before creating any new support systems and utilizing evidence-based assessments that are a crucial part of the current system and the primary mechanism of how youth are initially engaged and provided service,
- Changing or altering the current funding streams to allow for braided or blended funding to reduce or alleviate the sometimes rigid funding structures or limitations that exist due to statutory restrictions.

It is our belief that if these recommendations were put in place first, the process of providing community-based support and services to youth who are 10-12 years of age to prevent any involvement in the juvenile justice system would be more successful. Thank you for carefully considering our concerns as you review this bill in committee.

Sincerely,


BOARD OF COUNTY COMMISSIONERS



Mike Freeman, Chair



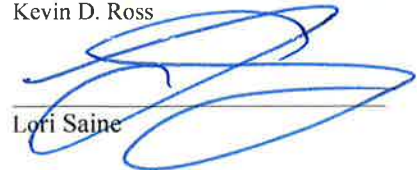
Perry L. Buck, Pro Tem



Scott K. James



Kevin D. Ross



Lori Saine

## Dr. Carly Muller HB 23-1249 Testimony

We wear sunscreen to prevent sunburns and seat belts to prevent injuries from car accidents. If we could keep children from developing lifelong diseases, wouldn't we want to prevent that too? Good afternoon, my name is Dr. Carly Muller and I am a pediatrician in the Denver metro area and member of the Colorado Chapter of the American Academy of Pediatrics who believes in prevention. I am here to speak in support of HB 23-1249, to reduce justice-involvement for young children and connection to community-based services without arrest or prosecution.

Involvement in the juvenile justice system at an early age is often the result of many larger systemic and environmental factors outside of a child's control. Nevertheless, the consequences of justice involvement are severe and long-lasting. As a medical professional, I would like to emphasize the health impacts of arrest and detainment of a child. The experience of an arrest is inarguably traumatic for a young person, even if it doesn't result in detainment. The more trauma a child undergoes, the poorer their future physical and mental health outcomes, known as adverse childhood experiences, or ACES. ACES are well-studied and documented in pediatric medicine and the more a child experiences, the more likely they are to develop heart disease, high blood pressure, and even strokes later in life. Additionally, children involved in the juvenile justice system do not receive adequate mental or behavioral health care, despite this being a constitutional right. Additionally, more than 2/3 of youth in confinement reported an unmet health care need. Furthermore, this harm is disproportionately placed on children of color.

For the last 9 months, I served on the Pre-Adolescent Task Force, which sought to evaluate alternatives to juvenile justice involvement in Colorado, as well as identify resources and potential barriers. As someone who has heard from multiple stakeholders regarding this issue, and spent significant time considering all these perspectives, I can say with certainty that HB 23-1249 thoughtfully addresses many of the points raised by the task force, including victim support. Opposition of this bill argues that the system in its current form is working better for kids, but I would like to provide an example to the contrary.

In the current system, I took care of a 12-year-old with an asthma exacerbation so severe, he needed admission to intensive care. This boy, let's call him James, had not been receiving his controller medications, and he did not present for care until his breathing was so severe, that we were concerned a breathing tube would need to be placed to help him. He was in the custody of the juvenile justice system. As I went to assess him and watched him gasp for air, I could not take my gaze away from the handcuff that chained him to the bed and the guard that sat beside him. How unnecessary it seemed, when this boy literally could not catch his breath, let alone run.

At just 12 years old, we can hardly say that James was to blame for his circumstances. What James and children like him need is a safe home, access to mental and physical health resources, and education, just like any other kids I take care of, not incarceration. With the

current bill, perhaps his traumatic hospitalization and the lifelong consequences could have been prevented altogether. For these reasons, I would like to urge you all to support HB23-1249. Thank you for your time and I am happy to answer any questions.



April 26, 2023

To the Members of the Senate Judiciary Committee:

My name is Katie Hecker, and I am the Youth Justice Attorney with the Office of the Child's Representative ("OCR"). OCR contracts with attorneys statewide to provide competent legal representation for youth involved in a variety of court proceedings. In delinquency cases, we provide best interest representation for kids charged with crimes, and sometimes the victims of those alleged crimes. The work of our attorneys as Guardians ad Litem ("GAL") is entwined in the very aspects of delinquency cases that this bill addresses – our contractors assess and make recommendations to the court about what services are right for the children we work with, whether their home is safe, whether they are getting what they need at school, and what outcomes would be in their best interest.

When children aged 10, 11, and 12 behave in ways that lead to law enforcement contact, our attorneys tell us - and it was my experience as a GAL - that it is because the child's needs are not being met in some way. Our attorneys often express frustration that the child they are working with – accused or named victim – had to be hauled into court to draw attention to what they need. OCR's view is that the bill appropriately removes very young children from a system that is doing more harm than good to them, a system that looks a lot more like the punitive adult criminal system than we would like it to. Instead, it connects them into a process that is designed to work with everyone involved to find out what they need, what may be going wrong, how to get things moving in a different direction.

OCR believes that juvenile justice involvement sets children up for failure; when a child is charged with a crime (and especially when they are detained) they experience worse educational outcomes, worse mental health outcomes, and are more likely to penetrate deeper into the juvenile justice and criminal justice systems. OCR's view is that a different approach is necessary to truly have an impact in the lives of youth and their families. To keep these very young children from becoming more involved in criminal justice systems, and for their families and communities to heal, OCR believes we must shift our focus away from retribution. This bill is an important step towards doing just that, and we ask you to vote yes.

Sincerely,

Katie Hecker

Good evening Commissioner O'Hearon Rio Blanco County. Thank you Chair and committee for this opportunity to give you my thoughts on HB 23-1249. I'll give you a little bit of my background as I have worked with these populations as a mentor with the juvenile justice system, moving over to child welfare after a few years of being a mentor and being a service provider in an at-risk middle school for seven years. We have been talking about reducing recidivism since I began my career in 1996. Over the years we have improved the system by implementing restorative services needed to enhance our diversion, probation, mentoring programs, and many more. Here are the reasons I'm opposing this bill being considered:

- 1) By trying to reduce justice involvement for young children is asking for trouble. You are going to have the older criminals soliciting these younger children to be their mules for drug dealing, sex trafficking, and so on. You heard that this is not true, it is absolutely TRUE! You will have it on your conscious when this is the trend if this bill passes.
- 2) This will impact child welfare case managers time and efforts working with families. You are putting them in the position of being the juvenile justice system and having to be the heavy hand of working with that family. That needs to stay within the juvenile justice system with a court order as the heavy hand. Child Welfare tries to engage families instead of moving it to a D&N which is court ordered. This bill will change the way they do business with a family with a D&N and I would certainly hope the judges that have oversight on D&N cases would not want to be in the position of court ordering a treatment plan that has to be focused on juvenile justice system. AGAIN, Child Welfare IS NOT the juvenile justice system which is what this bill is trying to do. This will also change the already working system of the CMPs.
- 3) I'm in a rural county and we do not have the same resources that the urban counties have available. Per the taskforce that was set in place by the initial bill that was introduced last year they recommended there should be, "norms of accountability, clear expectations of transparency in evaluation, and access, and that resources are provided equitably across Colorado." They also stated that "Priority should be given to expanding and better utilizing current programs and services before creating any new systems of support."
- 4) The juvenile justice system is designed to be a restorative system, rather than a criminal system. Including that by the time they become adults they can have their cases sealed.

It is important to uphold the law and ensure that justice is served for all parties involved (this includes victims and their rights), regardless of age. As you consider this bill I would like for you to ask yourself why would you want to try and fix a system that is not broken? This is a solution looking for a problem. Rio Blanco strongly opposes this bill. Again, thank you for your time and I appreciate the work you are doing for Colorado.



April 26, 2023

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My name is Katie Hecker, and I am the Youth Justice Attorney with the Office of the Child's Representative ("OCR"). OCR contracts with attorneys statewide to provide competent legal representation for youth involved in a variety of court proceedings. In delinquency cases, we provide best interest representation for kids charged with crimes, and sometimes the victims of those alleged crimes. The work of our attorneys as Guardians ad Litem ("GAL") is entwined in the very aspects of delinquency cases that this bill addresses – our contractors assess and make recommendations to the court about what services are right for the children we work with, whether their home is safe, whether they are getting what they need at school, and what outcomes would be in their best interest.

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Sincerely,

Katie Hecker



**Children's Hospital Colorado**

*Here, it's different.™*

April 26, 2023

Dear Members of the Senate Judiciary Committee,

Thank you for your consideration of House Bill 23-1249. On behalf of Children's Hospital Colorado, we are pleased to share our support and urge you to vote yes on this important bill that will enable access to services and interventions for children designed to meet their acute and long-term needs rather than going through the juvenile justice system.

There is a severe mental health crisis facing children and youth in Colorado. Even before the COVID-19 pandemic, children and families were struggling to access the services and supports they needed, and these needs have only grown in the last few years as children and families experienced tremendous stress driven by disruptions in daily routine, social isolation, financial insecurity and grief.

Our state's current mental health system is fragmented. Children and youth, in particular, are often served across many systems, including schools, primary care, hospitals, child welfare and juvenile justice programs. Colorado created Collaborative Management Programs (CMPs) in 2004 to help with multi-system service coordination at the county level to reduce duplication, eliminate fragmentation and increase the quality and effectiveness of services delivered to children or families. While future transformational change may be possible with the new, centralized Behavioral Health Administration, there continue to be difficulties with systemic coordination and alignment for many children, youth and families.

CMPs bring together local departments of human services, judicial districts, health departments, school districts, community mental health centers, Medicaid's Regional Accountable Entities and other partners to support children, youth and families who have high systems-use. Using this model, CMPs have historically had success in decreasing commitments to the Department of Youth Services, preventing juvenile justice involvement, decreasing child welfare involvement and decreasing disciplinary problems at school.

HB23-1249 seeks to expand access to CMPs to serve more children ages 10-12 who would otherwise be routed into the juvenile justice system. Providing this pathway for services will help ensure that some of Colorado's most vulnerable children are being served in the least restrictive, most appropriate settings. CMPs can help coordinate access and provide referrals to the services and supports most needed by children and their families. At Children's Hospital Colorado, patients with ongoing or past juvenile justice involvement are often more difficult to discharge from the hospital because of the lack of placements and providers willing to care for children with juvenile justice involvement. HB23-1249 can help alleviate this barrier and will move Colorado towards a goal of serving all kids in the right place, at the right time.

We thank the bill's bipartisan sponsors, Senator Coleman and Senator Simpson, for their leadership and their commitment to the needs of children and youth. We urge you to support HB23-1249 and thank you for your commitment to the behavioral health needs of Colorado's children. Please do not hesitate to contact me if you have any questions or need further information.

Sincerely,

Ellen Stern, Interim Director of Government Affairs, Children's Hospital Colorado

[Ellen.Stern@childrenscolorado.org](mailto:Ellen.Stern@childrenscolorado.org)

CC: Senators Coleman and Simpson

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ROCKY MOUNTAIN  
victim law center

April 26, 2023

Senate Judiciary Committee  
Colorado General Assembly  
200 E. Colfax Ave.  
Denver, CO 80203  
Submitted online only

Re: HB23-1249

Dear Members:

This week is National Crime Victims' Rights Week, which has a national theme of Survivor Voices: Elevate. Engage. Effect Change. Rocky Mountain Victim Law Center (RMVLC) has a similar mission to elevate victims' voices, champion their rights, and transform the systems impacting them. Unfortunately, we are unable to testify in person or remotely today as we celebrate National Crime Victims' Rights Week, but wanted to share our opposition of HB23-1249.

RMVLC is a non-profit law firm that provides free legal services to more than 2000 victims of crime in Colorado each year. We do this in criminal cases, to ensure the Victim Rights Act (VRA) is upheld, in Title IX proceedings, and on some civil matters. Ensuring victims and survivors have their privacy protected and their rights upheld in all of those spaces is essential.

Colorado's Constitution and the Victim Rights Act (VRA) ensure that victims of VRA crimes are provided with specific rights. This bill strips victims of offenders who are under the age of 12 of those rights. While the continued improvement of responses to juvenile offenders is vitally important for our community, it should not be done in this drastic way, and by sacrificing the rights of crime victims in our state.

There is far too much simplicity in only focusing on the outcomes of youth who are exposed to the legal system. This lacks consideration of the impact of victimization and what that research shows. The conversation is not appropriately separating out a significant difference that matters - violent crimes versus other things that are inappropriately dumped into the criminal legal system. Research shows a direct correlation between having law enforcement in schools and a dramatic increase in the number of kids who become system involved for behavioral issues that should be handled by the school; thus sparking the school to prison pipeline. However, these reports do not make the important distinction between violent and other crimes, and the positive impact early

intervention has on recidivism. These nuances are incredibly important for the health and safety of both offenders and victims.

The key problem here is that the analysis does not reflect or discuss the real impact of victimization. Research also shows that early victimization is a predictor for future victimization. For victims, it can set their entire life-course down the wrong path when adults and systems fail to respond in a way that is in line with their experience of victimization. This failure can result in lifelong impacts related to school dropouts, negative impacts on future socioeconomic status, reluctance to report future abuse/crimes, increase in mental health diagnoses, substance abuse, and so much more. Further, the discussions also seem to lack any understanding that juveniles do commit very serious crimes where the victim is an adult, and not another child.

While we appreciate the attempts to add in some similar language to the VRA, that is only one small piece of the puzzle. Carving out murder and felony sexual assault, while important, also does not go far enough (what about misdemeanor sexual assault, physical assaults, assaults with serious bodily injury or weapons, bias motivated crimes, attempted murder, etc.) Repeatedly and consistently, RMVlc hears from victims in juvenile cases who are already dismayed at the current lack of response to their needs or rights. The current system already fails crime victims, and this bill would completely eliminate victims' rights and thrust them into a far less organized and responsive system than what we already have.

In particular, the creation of a separate and parallel process related to victim notification, input, services, and compliance undermines the 30 years of law and experience already established related to enforcing and upholding victims' rights. The attached chart provides a clear visualization of the distinction between existing VRA rights in cases with juvenile offenders under age 13, and what is proposed in this bill; it is not the same.

Ultimately, RMVlc is worried that such a significant change in how we handle juveniles who commit violent crimes will simply shift the "problem" onto victims in the long run. Victims who also must struggle and navigate the lifelong impact of victimization. This is not the right solution to the problem of improving responses to juvenile offenders while also holding them accountable.

I thank you for your consideration of this important feedback and ask you to oppose HB23-1249.

Sincerely,



Emily Tofte Nestaval  
Executive Director



The below charts outline what rights victims under the Colorado Victims' Rights Act receive currently and what rights would be removed or unaddressed by proposed HB23-1249.

<b>VRA Right to be informed:</b>	<b>Addressed in HB23-1249?</b>
Of all critical stages	NO
the right to pursue a civil judgment	NO
of available financial assistance and community services including crisis intervention, victim compensation, victim assistance resources, legal resources, mental health services, social services, medical resources, rehabilitative services, financial assistance, and other support services	Yes-referral to CMP for child victims and other services for adult victims
of restorative justice practices	NO
what steps can be taken in the event of intimidation or harassment	NO
Process to enforce VRA compliance	NO
Results of STD testing	NO
Prevent compelling testimony re: current address, phone number, employment or other locating information	NO
How to request address protection including a court order to protect a victims' address	NO
Receive information on victims' rights, compensatory benefits, availability of protection	Yes, regarding Crime Victim Compensation only
Receive information about right to receive free initial incident report	Yes, the law enforcement referral form would stand in place, but no guidance provided regarding what MUST be included in this referral form.
Information about the district attorney, law enforcement officer, case numbers, whether the suspect is in custody	NO
Information about the release of the suspect, conditions imposed upon release	NO
Decisions whether or not to file charges and what the charges are	NO
Decisions regarding diversion agreements, including early termination, and plea offers	Yes, notice re: creation of plan
Disposition of charges	Yes, notice re: creation of plan, but without any referral or service info

Appellate review and decision	NO
Modification of sentence, including deferred sentences	NO
Who to contact re: probation, date of termination from probation, request for early termination	NO
Modification of terms of probation, including transfer, revocation, to early termination	NO
Release, transfer, unauthorized absence or escape from a facility, including transfer to a non-secure facility	NO
Death of a person in custody	NO
Transition from a residential to a non-residential facility	NO
Release to furlough, work release or other programs in advance of the release	NO
Petition to terminate sex offender registration	NO
Post-conviction DNA testing	NO
The status and location of forensic medical evidence and any plan to destroy the evidence	NO
Process to enforce VRA compliance	Somewhat-oversight group to be created, but “compliance” is limited to invitations to additional meetings for the minor offender.
Pardon and commutation decisions before public disclosure	NO
Existence of a criminal protection order and how to request any modifications.	NO - only process for minor victims to request a Civil Protection order and fee waivers for that process (excludes adult victims, and not automatic like Mandatory Protection Orders)
Change in status and annual updates re: a cold case, upon request	NO
Any request by DHS to juvenile court to modify a sentence and the decision of the court	Yes-if juvenile is non-compliant, victim informed of planned meetings
Any placement change that may affect victim safety	NO
Juvenile parole board hearings and discharge from juvenile parole	NO
A subpoena for victim records, and a specific process to protect privileged records	NO

<b>VRA Right to be Present:</b>	<b>Addressed in HB23-1249</b>
In-person, by phone, or virtually for all critical stages, with a support person	NO
Preliminary hearing	NO
Any hearing regarding changes to bond	NO
Arraignment	NO
Any hearing on evidentiary motions, pre-plea, or post-plea relief	NO
Any hearing re: a subpoena for a victims’ records	NO

Disposition of charges	NO
Trial	NO
Sentencing and resentencing hearing	NO
Probation and parole revocation hearing	NO
Parole hearings, referral to community corrections, request for progression from state mental health hospital	NO
For return of a verdict	NO
Hearing on expungement unless: case dismissed, not-guilty verdict at trial, completion of a sentence for a petty offense (including drug petty offense), any level 1 or 2 drug misdemeanor, or class 2 or 3 misdemeanor that does <u>not</u> involved unlawful sexual behavior or domestic violence, or a municipal offense not involving domestic violence	NO

<b>VRA Right to be Heard:</b>	<b>Addressed in HB23-1249</b>
Modification of bond	NO
Entry of a plea	NO
Sentencing and sentence modification, including early termination of probation	Yes-Input to respond to ISST when non-compliant
Modification of protection order	NO
Re: a subpoena for a victims' privileged records	NO
Re: a petition for expungement	NO
Community corrections referral-VIS	NO
	Process to provide input on CMP Plan

<b>VRA Other Rights:</b>	<b>Addressed in HB23-1249</b>
To be treated with fairness, respect, and dignity and free from intimidation, harassment, or abuse	yes-right to be treated with dignity and respect in legislative declaration
To receive a free copy of the initial incident report with specific information	Yes-information form, but does not set a standard for what must be included as is currently outlined in the VRA.
To consultation re: any diversion offer, disposition, trial	Yes-input on CMP plan
To restitution	NO
To view the PSIR	NO
To obtain any 24-31-902 incident recording	NO
To receive any property that belongs to the victim and is held by LE or DA	NO
To be provided with employer intercession services	NO

To swift and fair resolution of proceedings	NO
To a secure waiting area where practicable	NO
Redaction of SSN from records	NO
Receipt of Victim Impact Statement form and the right to complete it	NO
Transportation and household assistance to promote participation of victim and their family	NO
Assistance dealing with creditors and credit reporting agencies to deal with financial setbacks caused by crime	NO
Interpretation services and information printed in languages other than English	NO
Childcare services to enable a victim or immediate family to give testimony or participate in proceedings	NO
To have defendant present during a Victim Impact Statement	NO
For child victims to have all proceedings explained in language understood by the child	NO
A friend of the court to advise the judge and help the child understand and cooperate in proceedings	NO
To assist a child and the child's family in coping with the emotional impact of the crime and any subsequent criminal proceedings in which the child is involved.	Yes-process to serve child victims referred to CMP, and language in Amendment .007
Specific disclosures for any defense-initiated contact with a victim	NO

### **Additional Harm to Victims:**

- HB23-1249 includes language that a minor child, or a parent or guardian seeking relief on behalf of a minor child shall not pay a fee to seek a protective order.
  - Adult victims of actions by children who are 10 to 12 years old do not qualify to have this fee waived.
  - All victims of actions by children who are 10 to 12 years old must take time off work or school to file for a civil protection order and then return to court again for the permanent protection order whereas mandatory protection orders are automatic. The victim does not have to jump through multiple hurdles to obtain protection. Currently, victims receive a mandatory protection order without having to seek that themselves.
  - If the minor child violates the protection order, there is no way to hold that child accountable other than a referral back to the CMP creating a cycle of unaccountability, and reenforcing to the child there are no consequences for adverse actions that harm others; ultimately posing increased safety risks to victims.
- HB23-1249 includes a fee waiver to apply for a civil protection order that cannot be enforced if there are violations and access to crime victim compensation; however, the bill removes a victims' right to request restitution. This means any medical bills or related financial harm a victim experiences cannot be recovered unless the victim hires a private attorney and seeks a civil suit putting an additional, and often insurmountable hurdle, on victims.

As currently drafted, the Interagency Oversight Group of Weld County is concerned that HB23- 1249 does not provide a trustworthy mechanism for ferreting out invalid claims of criminal behavior.

HB23-1249 states in Section 1 (f) "A community-based alternative to serve young children is more equitable. Young children of color are more likely to be referred to the juvenile justice system and detained in juvenile facilities than young white children." This bill is shifting these youth from one system to another. It does not reduce the trauma or impact to these families. In fact, it could increase racial inequity being referred into the system since there would be no due process and youth would be referred solely based on allegations/accusations.

Thank you for your time and diligence in ensuring the best for the children and families not only in Weld County, but for the State of Colorado.

Sincerely,



Perry L. Buck  
Interagency Oversight Group of Weld County Vice-Chair  
Weld County Commissioner At-Large