

# Colorado juvenile court law



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Colorado Juvenile Court Law: Trends in Criminal Justice It is a monumental tragedy when the crime committed by a child is of such proportion that society can only consider it as the act of an adult. This mandates that the courts and criminal justice system have a provision within the juvenile system that allows for transferring a child's case to adult criminal court. In general, courts will weigh a number of factors in making this determination that includes the age of the perpetrator, seriousness of the crime, the suspect's previous criminal history, the mental state of the perpetrator, and jurisdiction where the crime takes place. The juvenile justice system has been built incorporating the values of restorative justice as influenced by Judeo-Christian beliefs and traditional legal philosophies. However, the availability of handguns, drugs, and gangs has intensified the level of violence that erupts from the juvenile criminal element (Territo, Halsted, and Bromley, 2004, p. 572). This paper will examine the laws of Colorado and evaluate the situations that invoke the application of the Colorado Discretionary Waiver provision as amended in 2007. It will make a determination as to the appropriateness of the law and the proportionality of its implementation.

Juvenile offender and status offender laws vary by state, and Colorado has some significant differences in their approach to juvenile justice based on the Colorado Discretionary Waiver provision as amended in 2007. According to the provision, " The juvenile court may certify a child meeting age/offense criteria for trial as an adult in district court if, after investigation and a hearing, it finds that (1) there is probable cause to believe that the child committed an offense for which judicial waiver is authorized and (2) it would be contrary to the best interests of the juvenile or of the public to retain

jurisdiction" (Griffin, 2008). In addition, there are 14 specific factors that are considered to be prima facie evidence in favor of transfer, including use of a deadly weapon, intimidation, and criminal extortion (Griffin, 2008).

The laws of Colorado offer limited chance of a juvenile being rehabilitated and returned to society as a productive citizen after being transferred to adult court. However, a large degree of youth violence is associated with gang membership, the increased access to handguns, drugs, and gang conflicts (Territo, Halsted, and Bromley, 2004, p. 572). It will be unlikely that the adult offender system will be able to serve as an adequate intervention to reduce gang participation or delinquent behavior. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has developed the Comprehensive Strategy that advocates " immediate intervention when high-risk or delinquent behavior first occurs" (Territo, Halsted, and Bromley, 2004, p. 574). However, the harsh laws that warehouse youth as adult offenders makes no attempt to save the life of the child that is sometimes as young as 13 years old.

In conclusion, there are legitimate considerations to be weighed when deciding whether to transfer a juvenile to adult court. The severity of the crime, previous record, and chances of rehabilitation must all be considered. In addition, the safety of the juveniles must also be protected from the exposure to high-risk juveniles. These evaluations need to be made on a case-by-case basis that considers the situation surrounding the crime and the individual perpetrator. Colorado's laws and juvenile provisions are making an effort in this area and seek to invoke some sense of restorative justice.

## References

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Territo, L., Halsted, J., & Bromley, M. (2004). Crime and justice in America: A human perspective (6th ed.). Upper Saddle River, NJ: Prentice Hall.