

Resource Guide

for Families of Adults

**Accused, Charged or Convicted
of Sexual Offenses in Colorado**

Appendices

Appendix A – Definitions

Appendix B – Dependency and Neglect Information

June 1, 2022

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WHO PREPARED THIS GUIDE

In response to concerns raised by family members to the Colorado Sex Offender Management Board (SOMB), the SOMB Family Education, Engagement & Support Workgroup was convened to focus on family education, engagement and support. The work group is facilitated by family members and includes family members, registered citizens, advocates for people who have been accused, charged or convicted of sexual offenses in Colorado, advocates for people who have been sexually victimized, community and prison-based therapists, parole and parole representatives, and SOMB members and staff.

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DISCLAIMERS

LEGAL: This guide does not serve as legal advice. Because sexual offense cases involve complex and technical areas of Colorado criminal law that change frequently, you may wish to consider a lawyer who specializes not only in criminal defense but also has some expertise in handling sexual offense cases.

MENTAL HEALTH: Your family may be impacted significantly by this challenging experience. There will be difficult moments. You are encouraged to reach out to mental health providers who are trained and experienced in working with issues that impact a family in which sexual abuse allegations are present.

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Appendix A – Definitions

The following definitions are for the words in red text that appear in this Resource Guide.

The acronyms at the end of most definitions are the source of the definition listed.

SOMB → Sex Offender Management Board

RG → Resource Guide

KT → Key Term

WBD → World Book Dictionary

Accountability: Quality of being responsible for one’s conduct; being responsible for causes, motives, actions and outcomes. (SOMB)

Adjudicated: See Deferred Judgment

Administrative Regulations (AR): The rules of operation of prisons and parole. (RG)

Advisement: A hearing, often the first appearance before a judge where a variety of topics are covered, including advising the person charged with their right (e.g., the right to counsel). (RG-Chapter 3)

Allegation: A claim that has not yet been tested with evidence. (WBD)

Appeal: To ask that a case be taken to a higher court or judge to be heard again. (WBD)

Approved Community Support Person: A person who may support a person with a sexual offense in approved activities that do not involve contact for the purpose of interacting with a specific minor child(ren). This support person is an individual who has met the criteria described in 5.790 through 5.793 of the SOMB Adult Standards and Guidelines and has been approved by the Community Support Team. (SOMB)

Approved Supervisor: An adult who has been approved by the Community Support Team (CST) to supervise contact between a client and a specified minor, victim or vulnerable person. This person is an individual who has met the criterion described in 5.780 through 5.786 of the SOMB Adult Standards and Guidelines and has been approved by the Community Support Team. (SOMB)

Arraignment: The act of bringing before a court to answer a charge. (WBD)

Arrest: To seize by legal authority; taking to jail or to court. (WBD)

Bail: A security required by a court for the release of a person in custody set to provide reasonable assurance of public safety and court appearance. (KT)

Bond: A promise entered into by a person in custody by which that person binds themselves to comply with the conditions of the bail bond. (KT)

Canteen: A prison or jail store where food, goods, etc. are sold to incarcerated individuals. (WBD)

Case manager: A Colorado Department of Corrections (CDOC) employee assigned an incarcerated individual for issues related to their programs, work assignments, security needs, classification, medical and mental health needs. (RG)

Colorado Department of Corrections (CDOC) Approved Support Person: A person identified by the incarcerated individual who has been background checked and has participated in the Family Support Education program. This approved support person will receive an approved copy of the individual's written plan to manage on-going risk areas and treatment needs through their participation in a Sex Offense Treatment and Management Program (SOTMP) therapist facilitated disclosure. (CDOD AR700-19)

Charge: In legal terms, to put blame on a person; commonly for a serious offense such as breaking a law and making a formal statement before the proper authority. (WBD)

Code of Penal Discipline (COPD): A CDOC manual that contains all chargeable offenses, ranges of penalties, and disciplinary procedures. (RG)

Collateral Requirement: A financial requirement attached to a bail bond by a judge. It may include property as well as cash. (RG)

Contraband: Goods sent or smuggled into prisons or jails that are designated as illegal. (WBD)

Colorado Sex Offender Management Board: A *type ii* Board established in 1992 by the Colorado General assembly for the purpose of creating standards for the evaluation, identification, treatment, management, and monitoring of adult sex offenders and juveniles who have committed sexual offenses at each stage of the criminal or juvenile justice system to prevent offenders from reoffending and enhance the protection of victims and potential victim. (SOMB)

Colorado Department of Corrections (CDOC): The governing authority for prisons in Colorado. CDOC also manages the department of Parole.

Colorado Parole Board: The Board created by state statute to consider applications by incarcerated individuals for parole.

Community Parole Officer (CPO): A CDOC employee responsible for supervising individuals recently released from prison, supporting their successful reintegration into the community, while recognizing the need for public safety.

Colorado Transitional Accountability Plan (CTAP): A risk assessment instrument that assesses the risk of reoffending. (RG)

Community Corrections (ComCor): A sentencing or placement alternative, in lieu of prison, for felony offenders. Participation in a community corrections program requires offenders to change their behavior, while allowing some restricted privileges to access the community. Some facilities accept those with a sex felony but have limited number of beds for them.

Community Corrections Board: Provides program oversight and approves or denies an individual placement in the community corrections programs. (KT)

Community Supervision Team (CST): team of professionals including a minimum of the supervising officer, the treatment provider, the evaluator, a victim representative and a polygraph examiner who collaborate to make decisions about the person with a sex offense. The Community Supervision Team may also include pro-social support persons such as family members, spiritual leaders and employers. (SOMB)

Contact with Children: See Incidental Contact and Purposeful Contact

Core Competencies: Supervision benchmarks a parolee must meet to move up in tiers. (RG)

Counts: In legal terms, the number of separate charges brought against your loved one. Sometimes the same behavior can constitute multiple crimes and therefore multiple counts. (KT)

Criminogenic: Of a system, situation, or place causing or likely to cause criminal behavior.

Deferred Judgment (Adjudication): A plea deal wherein a defendant pleads guilty to the charges against him and can have the charges dismissed for his meeting the court's requirements. (legaldictionary.net)

Denver Reception and Diagnostic Center (DRDC): The intake facility where recently sentenced individuals will spend the first weeks of their sentence, before they are moved to a permanent prison facility. They will be assessed as to mental/physical needs, criminal history, personal history, sexual history, and any sexual evaluations called for or completed.

Detention: The act of keeping in custody, such as a jail used for the confinement of a person who has been arrested for a crime. (WBD)

Determinate Sentence: A sentence to a fixed number of years.

Direct Sentence or Diversion – Sentencing to community corrections by a judge, in lieu of prison. (KT)

Discharged: In legal terms, the defendant is released with charges dropped.

Disclosure: The act of telling others (such as employers, landlords, support people) about the sexual offense(s) and related behaviors committed. (KT)

Dispositional Conference: (also DIPSO) A setting where the prosecutor and the defendant may begin a negotiation process. The court serves as a monitor to the status of the case.

Familial Association: The idea that certain relationships, such as parent-child are so important that they may be entitled to special protection under the Constitution. (RG)

Global Referral List (GRL): A list in numerical order of those who are awaiting sex offense specific treatment through the SOTMP. (RG)

Global Positioning System (GPS) Monitor: A device that communicates with a satellite system to determine the location of a person.

Guardian ad litem (GAL): A person appointed by the court to take care of the affairs of someone who is young or cannot take care of themselves. (WBD)

Hearing: Is an event at the courthouse where your loved one, their attorney, the prosecutor, and sometimes the alleged victim will appear before a judge.

Hearsay: Information a witness has obtained from another person. (WBD)

Immediate Detention: Holding in custody a person who is found guilty at trial or who pleads guilty to crime.

Incident to Arrest: Law enforcement officials are allowed to conduct a limited search of the suspect and surroundings “incident to the arrest” but some searches require a warrant or consent of the owner.

Incidental Contact: Contact with minor children as a result of regular or routine, Community Support Team approved community access (e.g., grocery store, bank, movies, sporting events, etc.) In such circumstances, the person is not initiating contact with children or developing relationships with children.

Indeterminate Parole or Probation: Probation with no fixed length but with a minimum of 10 or 20 years based on a felony conviction. Probationers may be released from parole/probation supervision by the Parole Board or the courts based upon their compliance with supervision and treatment.

Indeterminate Sentence: A sentence requires serving a minimum sentence but can be continued for the rest of a person’s life. (RG)

Intensive Supervision Program (ISP): A specialized program within parole that is designed to provide a higher level of supervision. (KT)

Intake Assessment: An evaluation conducted at DRDC to determine prison placement. (RG)

JPay: JPay is a private company that partners with correctional facilities to provide a way for family and friends of incarcerated individuals to pay for services such as phone calls, email, video visits, and transfer of money to a loved one’s account to pay for canteen goods. (RG)

Kite System: A written communication form an incarcerated individual uses to request job info, schedule medical appointments, file grievances, submit parole applications, and to report security concerns. (RG)

Jail: A county detention center for incarcerated individuals serving misdemeanors and for pretrial detainees. (RG)

Law Enforcement: Refers to a large group of people with the legal power to make an arrest or execute an arrest warrant. (RG)

Lifetime Supervision Act: In 1998 the Colorado General Assembly passed the Sex Offender Lifetime Supervision Act, which requires lifetime supervision for most class 2,3 and 4 felony sex offenses. The sentencing options available to the Court under the Act are: 1) Probation for a minimum of 10 years to a maximum of life for a class 4 felony, and a minimum of 20 years and a maximum of life for a class 2 or 3 felony. 2) Department of Corrections for at least the minimum of the presumptive range of sentencing to a maximum of life.

Mandatory Release Date (MRD): The date an individual reaches the end of their sentence and is released from prison. (RG)

Mandatory Reporter: Certain professionals who are required by law to report to police or social/human services when they are made aware of suspected abuse or neglect of a child. (RG)

Mental Health Therapy: Treatment for a variety of conditions that affect how one thinks, feels, and acts.

Miranda Rights: An advisement of legal rights, including the right to have a lawyer present and the right to not say anything to the police and not have the silence used against you. (KT)

Own Minor Child: A person's biological child or a child with whom there is a parental relationship. (SOMB)

Plea Bargain: A contract between the prosecutor and the person accused of the crime. It usually means the accused will give up legal rights to a trial and to other constitutional rights and the prosecutor will dismiss some or all charges. A judge must approve the plea bargain. (RG)

Polygraph: An instrument that records a person's breathing pattern, heart beat patterns, skin responses and the changes that occur when the person answers questions asked by the polygrapher. More commonly known as a lie detector. (SOMB)

Parole: A period of supervision in the community following release from prison. Parole is the continuation of serving out the sentence while in the community. (RG)

Parole Eligibility Date (PED): The first date the incarcerated person is eligible to be released to parole.

Parole Plan: A plan an incarcerated individual submits to his case manager describing where they intend to live, work, and the individual's employer or sponsors, or who will be responsible for the individual once they are released.

Parole Sponsor: A person who volunteers to provide housing and possibly other financial support for the person on parole.

Preliminary Hearing: A hearing where the judge hears testimony and decides if there is probable cause for each of the crimes charged. (RG)

Presentence Investigation Report (PSI): A written report prepared by the probation department to provide the court with information to consider at sentencing. (SOMB)

Pretrial Supervision: A level of supervision that a judge may make a person accused of a crime be subjected to as a condition to that person being allowed bond. A person granted bail may be asked to meet the conditions such as wearing an ankle monitor or required urinalyses.

Prison: (also called Correctional Facility): A facility where persons convicted of a felony are held in confinement as punishment.

Prison Rape Elimination Act (PREA): A Federal law designed to eliminate prisoner rape in all types of correctional facilities in the USA. The CDOC has adopted this program and has established policy standards and expectations, along with methods of reporting rape incidences. These policies are communicated to all incoming incarcerated individuals.

Probable Cause: When facts and circumstances within the arresting officer's knowledge are sufficient to support a reasonable belief that a crime has been or is being committed. (KT)

Probation: An alternative to a sentence of incarceration that allows a person to remain in the community while under supervision of the Probation Department. (KT)

Probation Officer: An officer of the court who enforces the orders and conditions that the court has set forth at sentencing. (KT)

Prosecutor/District Attorney: The lawyer in charge of the government's side of a case against an accused person. (WBD)

Protection Order (also known as a restraining order): A court order issued rules of contact for the defendant in order to protect the requestor of the order.

Public Defender: The Public Defender's Office in Colorado offers legal representation for those who can't afford hiring a private lawyer. There is a section in the Public Defender's office for representing those with a sex offense.

Purposeful Contact: Refers to any form of interaction with a victim, child or vulnerable person when the offender initiates the interaction and fails to minimize or avoid the contact. (SOMB)

Revocation Hearing: A hearing held where the Parole Board/the court considers revocation, modification, or continuation of parole/probation when someone violates one or more conditions of parole/probation. (KT)

Risk Factor: Something that will increase the chance of reoffending.

Risk-Need-Responsivity Model (RNR): A therapeutic model with three basic principles: the Risk principle, the Need Principle, and the Responsivity principle.

Safety Plan: A client generated plan for activities with the goal of preparing clients to address potentially situations where they may be at risk to reoffend and develop adaptive coping responses to these situations. (SOMB)

Sentencing Process: The series of events triggered by a person being found guilty of a crime. A sentence may include fines, incarceration, probation, suspended sentence, restitution, community service, and participation in rehabilitation programs. (RG & <https://www.findlaw.com/>)

Sequestration Order: A court order to remove person(s) from public view; usually to keep some witnesses out of the courtroom before they testify, so they can't hear what other witnesses say.

Sex Offender Management Board (SOMB): Established by state statute in 1992, the SOMB is responsible for developing standards and guidelines for the assessment, evaluation, treatment and behavioral monitoring of sex offenders. These standards and guidelines can be found in Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders, available on the Sex Offender Management Board's website.

Sex Offender Registry: A public notification system where people convicted of felony sex crimes are required to update their information their information once a year. For more serious sex crimes committed, the person must re-register every three months. Failure to register is a separate felony carrying up to one and a half years in a Colorado prison. (shouselaw.com)

Sex Offender Intensive Supervision Program (SOISP): A higher level of supervision used by both Parole and Probation. (RG)

Sex Offender Treatment Monitoring Program (SOTMP): The sex offense-specific treatment program administered in select Colorado Department of Corrections facilities. (SOMB)

Sex Offense Specific Evaluation (SOSE): The purpose of this evaluation is to assess a client's need for treatment, determine what type of treatment is needed, and identify the risk level and any additional needs the client may have. (SOMB)

Sex Offense Specific Treatment: Treatment that is designed to use evidence-based modalities to prevent reoccurring sexually abusive/aggressive behavior by helping clients at risk of sexually re-offending to: (a) effectively manage the factors that contribute to sexually abusive behaviors, (b) develop strengths and competencies to address criminogenic needs, (c) identify and change thoughts, feelings and actions that may contribute to sexual offending, and (d) establish and maintain stable, meaningful and pro-social lives. (SOMB)

Sexually Violent Predator (SVP): A designation that comes from Federal law and does not necessarily represent the specifics of the offense. The designation to be assessed is determined by the age of the individual at the time of offense and other criteria set in statute. It is a designation made by the courts for certain types of sex crimes.

Sheriff: An elected official who is in charge of enforcing the law in a county or town of the U.S

SOMB Evaluator: An evaluator who is on the SOMB approved list of evaluators and who conducts sex offense-specific evaluations of adults who are convicted of a sexual offense pursuant to both professional standards and to the SOMB Standards and Guidelines. (SOMB)

Summons: A written order or notice directing a person to appear before a designated court at a slated time and answer to a charge(s) against that person. (WBD)

Technical Violation: Failure to abide by the terms of Court-ordered probation or the conditions of parole that is not a criminal offense (e.g., unsuccessful discharge from treatment, failing to report for a scheduled office visit, missing a curfew, lack of employment, testing positive for drug or alcohol use, or contacting a victim or co-defendant). There can be several levels of technical violation. Serious technical violations or a pattern of violations can result in revocation of probation or parole and possible imprisonment. (RG)

Transition Client: A person who is returning to the community after serving a prison sentence. (KT)

Treatment: According to section 16-11.7-102(4), C.R.S., treatment means therapy, monitoring and supervision of any person with a sexual offense which conforms to the Adult Standards and Guidelines created by the SOMB. (SOMB)

Treatment Contract: A legally enforceable document that describes the rules of treatment. (RG)

Trial: The examination and determination of the facts and issues in a criminal case; the determination of guilt or innocence. (WBD)

Unit Posted Operational Rules (PORS): The rules that apply to the behavior and discipline of incarcerated individuals in Colorado prisons. Violations of PORS are handled through the Code of Penal Discipline. (COPD)

Urinalysis (UA): The collection and testing of a person's urine to determine alcohol or drug use.

Victim Centered Approach: Means that the needs and interests of victims require paramount attention by professionals working with persons with a sexual offense. It also means a commitment to protecting victims, not re-victimizing, being sensitive to victim issues and responsive to victim needs. This approach provides an avenue to receive victim input and provide information to victims. (SOMB)

Viewing Time Assessments: Assessment tools that use viewing time and self-reporting to measure a person's sexual interest.

Warrant: A written court order for the arrest of a person or to search a person, premises or property. (KT)

Appendix B – Dependency and Neglect Information

You are involved in a dependency & neglect (“D&N”) case. What happens next?

- You will receive papers called a summons that will tell you when you have to come to court. Failure to appear in court as required may result in the issuance of a warrant for your arrest.
- You will receive papers called a petition that describe the allegations. These papers are written by the county attorney. The last name of one of the children in the case will be the first name listed on the petition. This does not mean they are being charged with a crime?
- If you cannot afford an attorney, and you qualify under the guidelines, the court may appoint one for you at no cost to you. It is important to remember that this is a civil matter with a separate case number and different parties and that this is not formally connected to any criminal matter though both cases may have come from the same allegations.
- You may watch a video tape about dependency and neglect cases which will tell you of your rights and will also explain the court process.
- You will meet with your lawyer, if you have one. Your D&N attorney will not be allowed to share information with your criminal attorney (and *vice versa*) without your explicit permission. The prosecutor and members of the public may be able to attend and become privy to issues arising in the D&N. Because events that happen in the D&N or criminal case may have a direct impact on the other case, it is important that you notify each lawyer about the existence of the other case because there is no process to automatically notify them about the other case. For example, you may need to get advice from both lawyers about your rights to remain silent and the consequences of exercising those rights in both cases.
- You will meet with the caseworker to talk about what will happen in your case.
- Your children and possibly other family members will be represented by different lawyers.
- A special kind of lawyer called a guardian *ad litem* (“GAL”) will be appointed to represent “the best interests” of your child. This lawyer is not required to work toward meeting the wishes of the child but rather serves in a quasi-parental role to advocate for a best outcome for the child. For example, the GAL may make recommendations about the child’s housing situation. Ultimately, a GAL may even develop a long-term relationship with the child and participate in other court actions involving the child (for example, if the child was prosecuted in the juvenile justice system). Unlike other lawyers, there is no attorney-client privilege between the child and the GAL. Moreover, even over the objection of you and the child, the GAL may authorize the release of otherwise confidential information about the child if s/he believes the release to be in the child’s best interests.

Some of your rights in court –

- You have the right to have a lawyer represent you. If you cannot afford a lawyer, one may be appointed for you. To find out if you can get a lawyer appointed, you can fill out an application available at the courthouse.
- You have the right to be told about all future court hearings. You also have the right and responsibility to attend all court hearings.
- You have the right to an interpreter if you do not speak or understand English. You may have additional rights if you or your children are enrolled or eligible to enroll in a Native American tribe.
- You have the right to talk about your case privately with your D&N attorney with the protections of the attorney-client privilege.
- You have the right to talk about your case with the caseworker and the GAL too. You have the right to ask your lawyer questions if there is something you do not understand.
- You have the right to actively participate in the development of your treatment plan with the advice and assistance of your lawyer. It is important to meet with your caseworker to talk about what will be most helpful for your family to include in the treatment plan.
- You have a number of other rights in a dependency and neglect case. These rights will be explained to you by either the judge or magistrate, or by your attorney

Some of your responsibilities in the Dependency and Neglect Case:

- Always go to your court hearings. Do what the court orders you to do. If you are not sure what the court ordered you to do or if you disagree with the order, ask your lawyer.
- If you are asked by your caseworker or the judge for the names and contact information for your children's relatives, provide this information promptly. This is important to help have your children placed as soon as possible within your extended family if they are not living with you.
- You must tell the judge if you or your children have Native American ancestry.
- There is limited information that the court staff can give you. For specific requests or statements about your case, contact your lawyer.
- Always tell your lawyer and caseworker your address and telephone number, even if the address and phone number change. Quickly return telephone calls from your lawyer and caseworker.
- Complete your treatment plan. Show you can work hard to make improvements.
- Keep your scheduled appointments. Call the person you are to meet with if you cannot make it.
- If you have scheduled visits with your children, go to all the visits. This shows your children and other people that you care about your children.
- You should not talk about the court case with your children without the approval of your lawyer and your caseworker.

Types of hearings in your case

The following is a list and description of hearings that will take place in your case. Keep in mind that in your case, you may or may not have all of the hearings mentioned below. You will encounter similar terminology in your criminal case but the meaning is not necessarily the same and hearings with the same name may occur in both systems. They will never occur at the same time. Additionally, the legal standards that must be met by the government in a D&N case are *lower* than in a criminal case. The government need not meet a “beyond a reasonable doubt” standard to have the right to intervene for the protection of children.

First Hearing or Preliminary Protective Hearing or Temporary Custody Hearing: At this hearing, the judge or magistrate determines whether there is enough evidence to decide if your children can safely remain in your home or if they need to live somewhere else, at least temporarily, to keep them safe. In some courts the judge will give protective orders which may limit contact or make other rules about your ability (or that of other family members) to interact.

Advisement: At this hearing, you are advised of your legal rights. The court has a duty to ensure you have a basic understand your rights and the court process. You may consult your attorney for more detailed information and advice. The court also appoints a GAL for your children. This may happen at the first hearing.

Adjudicatory Hearing: At this hearing, a decision is made whether or not your children are dependent or neglected under Colorado law. Your children are neglected if you are not providing your children with adequate food, clothing, medical care, education, supervision or a safe home environment. Your children are dependent if they are not capable of supporting themselves and cannot depend on the person who is legally responsible for them.

Dispositional Hearing: At this hearing, the department of human/social services gives the "Family Service Plan" or "Treatment Plan" to the court for approval. The Family Service Plan outlines what you must do before your children can return home. The plan may require you to take classes or have evaluations or treatment. The purpose of this hearing is for the judge or magistrate to order that you follow the treatment plan. The court will also reevaluate the issue of custody and control of the children. The judge or magistrate also carefully reviews your case to make sure everything is being taken care of at this time.

Review Hearing: This hearing helps you, the department of human/social services, and the judge or magistrate determine the following:

- If your children are safe and well in their present placement
- Whether your child needs to continue in placement
- If you and the department of human/social services are doing what the treatment plan says each of you will do
- What kind of progress is being made
- Whether the treatment plan should be changed

Permanency Planning Hearing: The purpose of this hearing is to plan for an appropriate permanent home for your children in as short a time as possible. The court must hold this hearing within 12 months from the time your children are removed from the home.

Termination of Parental Rights: The purpose of the termination hearing is to decide whether a parent's rights should end. Parent rights include, for example, the right to make decisions about a child, the right to visit, and more.

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