



Colorado Judiciary to Implement New Child Privacy Protections

Senate Bill 23-075 expands privacy protections for child victims and witnesses.

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Starting January 1, 2024, the Colorado Judicial Department will implement new access rules to comply with Senate Bill 23-075 (SB23-075), which enhances privacy protections for child victims and witnesses in criminal court records¹. The following information outlines the forthcoming changes that will affect how registered attorneys and their staff access these records within the Colorado Courts E-Filing system (CCE).

Current Access Provisions

In CCE, document access varies among attorneys and government agencies across civil, domestic, probate, and criminal cases. Attorneys of record have unrestricted access to all case documents. Attorneys not of record can access public documents for a fee, while government agencies can access these documents at no charge, regardless of case involvement.

Requirements of SB23-075

Effective January 1, 2024, SB23-075 mandates that all public criminal justice records exclude the names and identifying information of child victims and child witnesses. This extends protections formerly exclusive to child victims of specific statutorily listed offenses. Courts do not have any way of identifying affected records without word-for-word review of each document to flag and redact the newly protected information. The Department must therefore secure all pertinent criminal records in CCE.

CCE Access Changes Effective January 1, 2024

Accordingly, the Department will modify CCE access for all Criminal (CR) and Misdemeanor (M) cases. This adjustment will also apply to Traffic (T) cases that only involve DUI charges.² The revised access provisions, effective January 1, are as follows:

- Only attorneys of record will have access to documents filed in these cases.
- For the fee of \$15, attorneys not of record may still search for and view basic case information, including the register of actions; however, all documents will be inaccessible.
- Individuals not representing parties but seeking documents in these cases must submit a public access request to the clerk of court. The clerk's office will review the requested documents, redact if necessary, and a public copy will be released to the requestor. Depending on the length of time necessary for review and redaction, the Department may charge a fee for public access requests in accordance with CJD 05-01.

It is important to note that criminal justice agencies will retain access to documents in these criminal cases as required by statute³. In addition, public documents in civil, domestic, water, and probate trust and estate cases will remain fully accessible.

Broad Application Rationale

The expansive mandate of SB23-075, coupled with the Department's operational constraints, requires these broad changes across criminal cases. The current system cannot auto-detect documents concerning child victims or witnesses. A planned system upgrade will enable court staff to flag such cases, but its effectiveness hinges on when staff receive notice about a child's involvement. This mechanism thus lacks the precision needed to guarantee that every applicable case is flagged. Moreover, the large volume of existing documents makes a retroactive search for every record concerning a child victim or witness impractical. These challenges compel the Department to enforce these new restrictions to ensure compliance with SB23-075.

Conclusion

SB23-075 requires these access restrictions to meet the law's mandates and affirm the Judicial Department's duty to protect the privacy rights of child victims and witnesses.

For additional details or inquiries related to these changes, please contact PALs@judicial.state.co.us

¹ Senate Bill 23-075, Colo. Gen. Assemb. (2023), <https://leg.colorado.gov/bills/sb23-075>.

² DUI offenses are unclassified misdemeanors created under the (T) Traffic case class.

³ Colo. Rev. Stat. Ann § 24-72-304 (West).