

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0079.01 Jane Ritter x4342

SENATE BILL 21-059

SENATE SPONSORSHIP

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Senate Committees
Judiciary

House Committees
Judiciary

HOUSE
3rd Reading Unamended
April 13, 2021

HOUSE
Amended 2nd Reading
April 12, 2021

A BILL FOR AN ACT

101 **CONCERNING THE REORGANIZATION OF THE JUVENILE JUSTICE CODE**
102 **IN ARTICLE 2 OF TITLE 19, COLORADO REVISED STATUTES, BY**
103 **THE COLORADO JUVENILE JUSTICE AND DELINQUENCY**
104 **PREVENTION COUNCIL AS AUTHORIZED BY HOUSE JOINT**
105 **RESOLUTION 18-1013.**

SENATE
3rd Reading Unamended
March 23, 2021

SENATE
Amended 2nd Reading
March 22, 2021

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill makes conforming amendments and includes a cleanup of the main definition section for title 19 to reflect changes made through

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 compromised; and the result is harm to the victim, the community, and
2 the juvenile offender. The general assembly finds that the juvenile justice
3 system should seek to repair such harm and that victims and communities
4 should be provided with the opportunity to elect to participate actively in
5 a restorative process that would hold the juvenile offender accountable
6 for ~~his or her~~ THE offense.

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8 **19-2.5-102. [Formerly 19-2-103] Definitions.** ~~For purposes of~~
9 ~~this article 2~~ IN ADDITION TO THE TERMS DEFINED IN SECTION 19-1-103,
10 FOR THE PURPOSES OF THIS ARTICLE 2.5, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (1) "Adjudication" ~~is defined in section 19-1-103 (2)~~ MEANS A
13 DETERMINATION BY THE COURT THAT IT HAS BEEN PROVEN BEYOND A
14 REASONABLE DOUBT TO THE TRIER OF FACT THAT A JUVENILE HAS
15 COMMITTED A DELINQUENT ACT OR THAT A JUVENILE HAS PLED GUILTY TO
16 COMMITTING A DELINQUENT ACT. IN ADDITION, WHEN A PREVIOUS
17 CONVICTION MUST BE PLED AND PROVEN AS AN ELEMENT OF AN OFFENSE
18 OR FOR PURPOSES OF SENTENCE ENHANCEMENT, "ADJUDICATION" MEANS
19 CONVICTION.

20 (2) "ADJUDICATORY TRIAL" IS DEFINED IN SECTION 19-1-103.

21 (3) "ADULT" IS DEFINED IN SECTION 19-1-103.

22 (2) (4) "Basic identification information" is defined in section
23 19-1-103. (12).

24 (5) "BEHAVIORAL HEALTH" HAS THE SAME MEANING AS SET FORTH
25 IN SECTION 27-60-100.3.

26

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27 (6) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

1 ~~(3)~~ (7) "Commit" is defined in section 19-1-103. ~~(24)~~.

2 ~~(3.3)~~ (8) "Competent to proceed" means that a juvenile has
3 sufficient present ability to consult with ~~his or her~~ THE JUVENILE'S
4 attorney with a reasonable degree of rational understanding in order to
5 assist in the defense and that ~~he or she~~ THE JUVENILE has a rational as well
6 as a factual understanding of the proceedings. ~~against him or her.~~

7 ~~(4)~~ (9) "Cost of care" is defined in section 19-1-103. ~~(30)~~.

8 (10) "COUNTY DEPARTMENT" IS DEFINED IN SECTION 19-1-103.

9 (11) "CROSSOVER YOUTH PLAN" MEANS THE PORTION OF THE
10 ANNUAL PLAN DESCRIBED IN SECTION 19-2.5-302 AND DEvised IN EACH
11 JUDICIAL DISTRICT BY THE JUVENILE SERVICES PLANNING COMMITTEE
12 THAT OUTLINES IDENTIFICATION AND NOTIFICATION OF DUALY
13 IDENTIFIED CROSSOVER YOUTH AS DESCRIBED IN SECTION 19-2.5-302.

14 ~~(5)~~ (12) "Delinquent act" is defined in section 19-1-103. ~~(36)~~.

15 (13) "DETENTION" IS DEFINED IN SECTION 19-1-103.

16 (14) "DETERMINATE PERIOD" MEANS THAT THE DEPARTMENT OF
17 HUMAN SERVICES MAY NOT TRANSFER LEGAL OR PHYSICAL CUSTODY OF
18 A JUVENILE UNTIL THE JUVENILE HAS COMPLETED THE PERIOD OF
19 COMMITMENT IMPOSED BY THE COURT, UNLESS OTHERWISE ORDERED BY
20 THE COURT; EXCEPT THAT THE DEPARTMENT OF HUMAN SERVICES MAY
21 RELEASE THE JUVENILE ON PAROLE PRIOR TO COMPLETION OF THE
22 DETERMINATE PERIOD, PURSUANT TO SECTION 19-2.5-1203.

23 ~~(5.5)~~ "~~Developmental disability~~" means a disability that is
24 manifested before the person reaches his or her twenty-second birthday,
25 that constitutes a substantial disability to the affected individual, and that
26 is attributable to an intellectual disability or other neurological conditions
27 when those conditions result in impairment of general intellectual

1 ~~functioning or adaptive behavior similar to that of a person with an~~
2 ~~intellectual disability. Unless otherwise specifically stated, the federal~~
3 ~~definition of "developmental disability", 42 U.S.C. sec. 15002 (8), does~~
4 ~~not apply.~~

5 (6) (15) "Diagnostic and evaluation center" ~~is defined in section~~
6 ~~19-1-103 (41)~~ MEANS A FACILITY FOR THE EXAMINATION AND STUDY OF
7 PERSONS COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF HUMAN
8 SERVICES.

9 (16) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
10 DEPARTMENT OF PUBLIC SAFETY.

11 (17) (a) "DIVERSION" MEANS A DECISION MADE BY A PERSON
12 WITH AUTHORITY OR A DELEGATE OF THAT PERSON THAT RESULTS IN
13 SPECIFIC OFFICIAL ACTION OF THE LEGAL SYSTEM NOT BEING TAKEN IN
14 REGARD TO A SPECIFIC JUVENILE OR CHILD AND IN LIEU THEREOF
15 PROVIDING OR REFERRING THE JUVENILE OR CHILD TO AN INDIVIDUALLY
16 DESIGNED PROGRAM OR ACTIVITY, IF NECESSARY, PROVIDED BY DISTRICT
17 ATTORNEYS' OFFICES, GOVERNMENTAL UNITS, OR NONGOVERNMENTAL
18 UNITS. THE GOAL OF DIVERSION IS TO PREVENT FURTHER INVOLVEMENT OF
19 THE JUVENILE OR CHILD IN THE FORMAL LEGAL SYSTEM.

20 (b) DIVERSION OF A JUVENILE OR CHILD MAY TAKE PLACE EITHER
21 AT THE PREFILING LEVEL AS AN ALTERNATIVE TO THE FILING OF A PETITION
22 PURSUANT TO SECTION 19-2.5-502 OR POSTFILING AS AN ALTERNATIVE TO
23 ADJUDICATION. SERVICES MAY INCLUDE RESTORATIVE JUSTICE PRACTICES
24 AS DEFINED IN SUBSECTION (45) OF THIS SECTION.

25 (18) "DIVISION OF YOUTH SERVICES" OR "DIVISION" MEANS THE
26 DIVISION OF YOUTH SERVICES, CREATED IN SECTION 19-2.5-1501.

27 (19) "DUALY IDENTIFIED CROSSOVER YOUTH" MEANS YOUTH WHO

1 ARE CURRENTLY INVOLVED IN THE JUVENILE JUSTICE SYSTEM AND THE
2 CHILD WELFARE SYSTEM OR HAVE A HISTORY IN THE CHILD WELFARE
3 SYSTEM THAT INCLUDES, BUT IS NOT LIMITED TO, A FAMILY ASSESSMENT
4 RESPONSE SERVICE PLAN OR AN OPEN CASE.

5 ~~(7)~~ (20) (a) "Estate", ~~is defined in section 19-1-103 (47)~~ AS USED
6 IN SECTION 19-2.5-1120, MEANS ANY TANGIBLE OR INTANGIBLE
7 PROPERTIES, REAL OR PERSONAL, BELONGING TO OR DUE TO A PERSON,
8 INCLUDING INCOME OR PAYMENTS TO SUCH PERSON FROM PREVIOUSLY
9 EARNED SALARY OR WAGES, BONUSES, ANNUITIES, PENSIONS, OR
10 RETIREMENT BENEFITS, OR ANY SOURCE WHATSOEVER EXCEPT FEDERAL
11 BENEFITS OF ANY KIND.

12 (b) (I) REAL PROPERTY THAT IS HELD IN JOINT OWNERSHIP OR
13 OWNERSHIP IN COMMON WITH THE JUVENILE'S SPOUSE, WHILE BEING USED
14 AND OCCUPIED BY THE SPOUSE AS A PLACE OF RESIDENCE, IS NOT
15 CONSIDERED A PART OF THE ESTATE OF THE JUVENILE FOR THE PURPOSES
16 OF SECTION 19-2.5-1120.

17 (II) REAL PROPERTY THAT IS HELD BY THE JUVENILE'S PARENT,
18 WHILE BEING USED AND OCCUPIED BY SUCH PARENT AS A PLACE OF
19 RESIDENCE, IS NOT CONSIDERED A PART OF THE ESTATE OF THE PARENT
20 FOR THE PURPOSES OF SECTION 19-2.5-1120.

21
22 ~~(8)~~ (21) "Gang", ~~is defined in section 19-1-103 (52)~~ AS USED IN
23 SECTIONS 19-2.5-305 AND 19-2.5-1504, MEANS A GROUP OF THREE OR
24 MORE INDIVIDUALS WITH A COMMON INTEREST, BOND, OR ACTIVITY
25 CHARACTERIZED BY CRIMINAL OR DELINQUENT CONDUCT, ENGAGED IN
26 EITHER COLLECTIVELY OR INDIVIDUALLY.

27 ~~(22)~~ "GOVERNMENTAL UNIT", AS USED IN SECTIONS 19-2.5-402,

1 19-2.5-1502, AND 19-2.5-1519, MEANS ANY COUNTY, CITY AND COUNTY,
2 CITY, TOWN, JUDICIAL DISTRICT ATTORNEY'S OFFICE, OR SCHOOL DISTRICT.

3 (23) "GUARDIAN AD LITEM" IS DEFINED IN SECTION 19-1-103.

4 ~~(9)~~ (24) "Halfway house" ~~is defined in section 19-1-103 (62)~~
5 MEANS A GROUP CARE FACILITY FOR JUVENILES WHO HAVE BEEN PLACED
6 ON PROBATION OR PAROLE PURSUANT TO THE TERMS OF THIS ARTICLE 2.5.

7 ~~(9.5)~~ (25) "Incompetent to proceed" means that, based on an
8 intellectual or developmental disability, mental ~~disability~~ HEALTH
9 DISORDER, or lack of mental capacity, a juvenile does not have sufficient
10 present ability to consult with ~~his or her~~ THE JUVENILE'S attorney with a
11 reasonable degree of rational understanding in order to assist in the
12 defense or that ~~he or she~~ THE JUVENILE does not have a rational as well as
13 a factual understanding of the proceedings ~~against him or her~~ TAKING
14 PLACE.

15 (26) "INDIAN CHILD" IS DEFINED IN SECTION 19-1-103.

16 (27) "INTELLECTUAL AND DEVELOPMENTAL DISABILITY" MEANS A
17 DISABILITY THAT IS MANIFESTED BEFORE THE PERSON REACHES HIS OR HER
18 TWENTY-SECOND BIRTHDAY, THAT CONSTITUTES A SUBSTANTIAL
19 DISABILITY TO THE AFFECTED INDIVIDUAL, AND THAT IS ATTRIBUTABLE TO
20 AN INTELLECTUAL DISABILITY OR OTHER NEUROLOGICAL CONDITIONS
21 WHEN THOSE CONDITIONS RESULT IN IMPAIRMENT OF GENERAL
22 INTELLECTUAL FUNCTIONING OR ADAPTIVE BEHAVIOR SIMILAR TO THAT OF
23 A PERSON WITH AN INTELLECTUAL DISABILITY. UNLESS OTHERWISE
24 SPECIFICALLY STATED, THE FEDERAL DEFINITION OF "DEVELOPMENTAL
25 DISABILITY", 42 U.S.C. SEC. 15002 (8), DOES NOT APPLY.

26 ~~(10)~~ (28) "Juvenile" is defined in section 19-1-103. (68):

27 ~~(11)~~ (29) "Juvenile community review board" ~~is defined in section~~

1 ~~19-1-103 (69)~~ MEANS ANY BOARD APPOINTED BY A BOARD OF COUNTY
2 COMMISSIONERS FOR THE PURPOSE OF REVIEWING COMMUNITY
3 PLACEMENTS PURSUANT TO THIS ARTICLE 2.5. A JUVENILE COMMUNITY
4 REVIEW BOARD, IF PRACTICABLE, INCLUDES BUT IS NOT LIMITED TO A
5 REPRESENTATIVE FROM A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
6 SERVICES, A LOCAL SCHOOL DISTRICT, A LOCAL LAW ENFORCEMENT
7 AGENCY, A LOCAL PROBATION DEPARTMENT, A LOCAL BAR ASSOCIATION,
8 THE DIVISION OF YOUTH SERVICES, AND PRIVATE CITIZENS.

9 (30) "JUVENILE COURT" OR "COURT" IS DEFINED IN SECTION
10 19-1-103.

11 ~~(12)~~ (31) "Juvenile delinquent" ~~is defined in section 19-1-103 (71)~~
12 MEANS A JUVENILE WHO HAS BEEN FOUND GUILTY OF A DELINQUENT ACT.

13 ~~(12.3)~~ (32) "Mental capacity" means a juvenile's capacity to meet
14 all of the following criteria:

15 (a) Appreciate the charges or allegations against ~~him or her~~ THE
16 JUVENILE;

17 (b) Appreciate the nature of the adversarial process, which
18 includes having a factual and rational understanding of the participants
19 in the proceeding and their roles, including the judge, defense counsel,
20 prosecutor, and, if applicable, the guardian ad litem and the jury;

21 (c) Appreciate the range and nature of allowable dispositions that
22 may be imposed by the court;

23 (d) HAVE the ability to communicate to counsel information
24 known to the juvenile regarding the allegations against the juvenile, as
25 well as information relevant to the proceeding at issue; and

26 (e) Understand and appreciate the right to testify and to
27 voluntarily exercise the right.

1 (12.4) (33) "Mental ~~disability~~ HEALTH DISORDER" means a
2 substantial disorder of thought, mood, perception, or cognitive ability that
3 results in marked functional disability and significantly interferes with
4 adaptive behavior. "Mental ~~disability~~ HEALTH DISORDER" does not include
5 acute intoxication from alcohol or other substances, any condition
6 manifested only by antisocial behavior, or any substance abuse
7 impairment resulting from recent use or withdrawal. However, substance
8 abuse that results in a long-term, substantial disorder of thought, mood,
9 or cognitive ability may constitute a mental ~~disability~~ HEALTH DISORDER.

10 (34) "MENTAL HEALTH HOSPITAL PLACEMENT PRESCREENING"
11 MEANS A FACE-TO-FACE MENTAL HEALTH EXAMINATION CONDUCTED BY
12 A MENTAL HEALTH PROFESSIONAL TO DETERMINE WHETHER A CHILD
13 SHOULD BE PLACED IN A FACILITY FOR EVALUATION PURSUANT TO SECTION
14 27-65-105 OR 27-65-106. THE PRESCREENING MAY INCLUDE
15 CONSULTATION WITH OTHER MENTAL HEALTH PROFESSIONALS AND
16 REVIEW OF ALL AVAILABLE RECORDS ON THE CHILD.

17 (12.5) (35) "Office of alternate defense counsel" means the office
18 of alternate defense counsel created and existing pursuant to section
19 21-2-101. ~~C.R.S.~~

20 (12.7) (36) "Office of the state public defender" means the office
21 of state public defender created and existing pursuant to section 21-1-101.
22 ~~C.R.S.~~

23 (37) "PARENT" IS DEFINED IN SECTION 19-1-103.

24 (38) "PEACE OFFICER" HAS THE SAME MEANING AS SET FORTH IN
25 SECTION 16-2.5-101.

26 (39) "PHYSICAL CUSTODIAN", AS USED IN SECTIONS 19-2.5-203
27 AND 19-2.5-501, MEANS A GUARDIAN, WHETHER OR NOT APPOINTED BY

1 COURT ORDER, WITH WHOM THE JUVENILE HAS RESIDED.

2 (40) "REASONABLE EFFORTS" IS DEFINED IN SECTION 19-1-103.

3 ~~(13)~~ (41) "Receiving center" ~~is defined in section 19-1-103 (90)~~

4 MEANS A FACILITY USED BY THE DEPARTMENT OF HUMAN SERVICES TO
5 PROVIDE TEMPORARY DETENTION AND CARE FOR JUVENILES PENDING
6 PLACEMENT IN A TRAINING SCHOOL, CAMP, OR OTHER FACILITY.

7 (42) "REPEAT JUVENILE OFFENDER" IS DESCRIBED IN SECTION
8 19-2.5-1125 (2).

9 ~~(14)~~ (43) "Residential community placement" ~~is defined in section~~
10 ~~19-1-103 (92)~~ MEANS ANY PLACEMENT FOR RESIDENTIAL PURPOSES
11 PERMITTED PURSUANT TO THIS TITLE 19, EXCEPT IN AN INSTITUTIONAL
12 FACILITY DIRECTLY OPERATED BY, OR A SECURE FACILITY UNDER
13 CONTRACT WITH, THE DEPARTMENT OF HUMAN SERVICES AND EXCEPT
14 WHILE A JUVENILE IS UNDER THE JURISDICTION OF THE JUVENILE PAROLE
15 BOARD.

16 ~~(14.3)~~ (44) "Restoration to competency hearing" means a hearing
17 to determine whether a juvenile who has previously been determined to
18 be incompetent to proceed has achieved or is restored to competency.

19 (45) (a) "RESTORATIVE JUSTICE" MEANS THOSE PRACTICES THAT
20 EMPHASIZE REPAIRING THE HARM TO THE VICTIM AND COMMUNITY
21 CAUSED BY DELINQUENT ACTS. RESTORATIVE JUSTICE PRACTICES MAY
22 INCLUDE VICTIM-OFFENDER CONFERENCES ATTENDED VOLUNTARILY BY
23 THE VICTIM, A VICTIM ADVOCATE, THE OFFENDER, COMMUNITY MEMBERS,
24 AND SUPPORTERS OF THE VICTIM OR THE OFFENDER THAT PROVIDE AN
25 OPPORTUNITY FOR THE OFFENDER TO ACCEPT RESPONSIBILITY FOR THE
26 HARM CAUSED TO THOSE AFFECTED BY THE CRIME AND TO PARTICIPATE IN
27 SETTING CONSEQUENCES TO REPAIR THE HARM. CONSEQUENCES

1 RECOMMENDED BY THE PARTICIPANTS MAY INCLUDE BUT NEED NOT BE
2 LIMITED TO APOLOGIES, COMMUNITY SERVICE, RESTORATION, AND
3 COUNSELING. THE SELECTED CONSEQUENCES ARE INCORPORATED INTO AN
4 AGREEMENT THAT SETS TIME LIMITS FOR COMPLETION OF THE
5 CONSEQUENCES AND IS SIGNED BY ALL PARTICIPANTS.

6 (b) ANY STATEMENTS MADE DURING THE RESTORATIVE JUSTICE
7 PROCESS ARE CONFIDENTIAL AND MUST NOT BE USED AGAINST THE
8 JUVENILE, OR AS A BASIS FOR CHARGING OR PROSECUTING THE JUVENILE,
9 UNLESS THE JUVENILE COMMITS A CHARGEABLE OFFENSE DURING THE
10 PROCESS.

11 (c) NOTHING PRECLUDES A PERSON FROM REPORTING CHILD ABUSE
12 OR NEGLECT WHEN REQUIRED PURSUANT TO SECTION 19-3-304 OR A
13 MENTAL HEALTH PROVIDER FROM COMPLYING WITH A DUTY TO WARN
14 PURSUANT TO SECTION 13-21-117 (2).

15

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16 ~~(15)~~ (46) "Screening team" is defined in section 19-1-103 (94.5)
17 MEANS THE PERSON OR PERSONS DESIGNATED, PURSUANT TO RULE 3.7 OF
18 THE COLORADO RULES OF JUVENILE PROCEDURE, BY THE CHIEF JUDGE IN
19 EACH JUDICIAL DISTRICT OR, FOR THE SECOND JUDICIAL DISTRICT, THE
20 PRESIDING JUDGE OF THE DENVER JUVENILE COURT TO MAKE
21 RECOMMENDATIONS TO THE JUVENILE COURT CONCERNING WHETHER A
22 JUVENILE TAKEN INTO TEMPORARY CUSTODY SHOULD BE RELEASED OR
23 ADMITTED TO A DETENTION OR SHELTER FACILITY PURSUANT TO SECTION
24 19-2.5-305.

25 ~~(16)~~ (47) "Sentencing hearing" is defined in section 19-1-103 (95)
26 MEANS A HEARING TO DETERMINE WHAT SENTENCE MUST BE IMPOSED ON
27 A JUVENILE DELINQUENT OR WHAT OTHER ORDER OF DISPOSITION MUST BE

1 MADE CONCERNING A JUVENILE DELINQUENT, INCLUDING COMMITMENT.
2 A SENTENCING HEARING MAY BE PART OF THE PROCEEDING THAT
3 INCLUDES THE ADJUDICATORY TRIAL, OR IT MAY BE HELD AT A TIME
4 SUBSEQUENT TO THE ADJUDICATORY TRIAL.

5 ==
6 (17) (48) "Staff secure facility" is defined in section 19-1-103
7 (~~101.5~~) MEANS A GROUP FACILITY OR HOME AT WHICH EACH JUVENILE IS
8 CONTINUOUSLY UNDER STAFF SUPERVISION AND AT WHICH ALL SERVICES,
9 INCLUDING EDUCATION AND TREATMENT, ARE PROVIDED ON SITE. A STAFF
10 SECURE FACILITY MAY OR MAY NOT BE A LOCKED FACILITY.

11 (49) "STANDARDIZED == MENTAL HEALTH DISORDER SCREENING"
12 MEANS THE == MENTAL HEALTH DISORDER SCREENING CONDUCTED USING
13 THE JUVENILE STANDARDIZED SCREENING INSTRUMENTS AND THE
14 PROCEDURES ADOPTED PURSUANT TO SECTION 16-11.9-102.

15 (50) "STATUS OFFENSE" HAS THE SAME MEANING AS DEFINED IN
16 FEDERAL LAW IN 28 CFR 31.304, AS AMENDED.

17 (51) "TEMPORARY HOLDING FACILITY" IS DEFINED IN SECTION
18 19-1-103.

19 (18) (52) "Training school" is defined in section 19-1-103 (~~109~~)
20 MEANS AN INSTITUTION PROVIDING CARE, EDUCATION, TREATMENT, AND
21 REHABILITATION FOR JUVENILES IN A CLOSED SETTING AND INCLUDES A
22 REGIONAL CENTER ESTABLISHED IN PART 3 OF ARTICLE 10.5 OF TITLE 27.

23 (53) "VICTIM", AS USED IN THIS ARTICLE 2.5, MEANS ANY PARTY
24 IMMEDIATELY AND DIRECTLY AGGRIEVED BY THE JUVENILE OR YOUTH;
25 THAT PARTY'S SPOUSE; THE PARTY'S PARENT, SIBLING, OR CHILD WHO IS
26 LIVING WITH THE PARTY; A VICTIM COMPENSATION BOARD THAT HAS PAID
27 A VICTIM COMPENSATION CLAIM; A PERSON OR ENTITY THAT HAS

1 SUFFERED LOSSES BECAUSE OF A CONTRACTUAL RELATIONSHIP WITH SUCH
2 PARTY, INCLUDING AN INSURER OR BECAUSE OF LIABILITY UNDER SECTION
3 14-6-110; OR, IN THE ABSENCE OF ANY OF THE ABOVE, THE STATE.

4 (54) "YOUTH" IS DEFINED IN SECTION 19-1-103.

5 **19-2.5-103. [Formerly 19-2-104] Jurisdiction.** (1) Except as
6 otherwise provided by law, the juvenile court has exclusive original
7 jurisdiction in proceedings:

8 (a) Concerning any juvenile ten years of age or older who has
9 violated:

10 (I) Any federal or state law, except nonfelony state traffic, game
11 and fish, and parks and recreation laws or rules; the offense specified in
12 section 18-13-122, concerning the illegal possession or consumption of
13 ethyl alcohol or marijuana by an underage person or illegal possession of
14 marijuana paraphernalia by an underage person; the offenses specified in
15 section 18-18-406 (5)(a)(I), (5)(b)(I), and (5)(b)(II), concerning marijuana
16 and marijuana concentrate; and the civil infraction in section 18-7-109 (3)
17 concerning exchange of a private image by a juvenile;

18 (II) Any county or municipal ordinance except traffic ordinances,
19 the penalty for which may be a jail sentence of more than ten days; or

20 (III) Any lawful order of the court made ~~under~~ PURSUANT TO this
21 ~~title~~ TITLE 19;

22 (b) Concerning ~~any~~ A juvenile to ~~which section 19-2-518~~ WHOM
23 SECTION 19-2.5-802 applies; except that, after filing charges in the
24 juvenile court but prior to the time that the juvenile court conducts a
25 transfer hearing, the district attorney may file the same or different
26 charges against the juvenile by direct filing of an information in the
27 district court or by indictment pursuant to ~~section 19-2-517~~ SECTION

1 19-2.5-801. Upon ~~said~~ SUCH filing or indictment in the district court, the
2 juvenile court ~~shall no longer have~~ NO LONGER HAS jurisdiction over
3 proceedings concerning ~~said~~ SUCH charges.

4 (2) The juvenile court ~~shall have~~ HAS limited jurisdiction in
5 matters to which ~~section 19-2-517~~ SECTION 19-2.5-801 applies.

6 (3) The fact that a juvenile has been prosecuted or convicted in the
7 county court for a nonfelony violation ~~under title 42, C.R.S., shall not be~~
8 PURSUANT TO TITLE 42 IS NOT a bar to a subsequent or parallel proceeding
9 ~~under this title~~ PURSUANT TO THIS TITLE 19 for delinquent acts arising out
10 of the same criminal episode; nor ~~shall~~ ARE proceedings ~~under this title~~
11 ~~be~~ PURSUANT TO THIS TITLE 19 a bar to a subsequent or parallel
12 prosecution in the county court for a nonfelony violation ~~under title 42,~~
13 ~~C.R.S.,~~ PURSUANT TO TITLE 42 for the same delinquent acts arising from
14 the same criminal episode.

15 (4) Notwithstanding any other provision of this section to the
16 contrary, the juvenile court may exercise jurisdiction over a juvenile who
17 is under sixteen years of age and who has violated a traffic law or
18 ordinance if ~~his or her~~ THE JUVENILE'S case is transferred to the juvenile
19 court from the county court. Such a transfer ~~shall be~~ IS subject to approval
20 by the juvenile court.

21 (5) Notwithstanding any other provision of this section to the
22 contrary, the juvenile court and the county court ~~shall~~ have concurrent
23 jurisdiction over a juvenile who is under eighteen years of age and who
24 is charged with a violation of section 18-13-122; 18-18-406 (5)(a)(I),
25 (5)(b)(I), and (5)(b)(II); 18-18-428; 18-18-429; 18-18-430; or 42-4-1301;
26 ~~C.R.S.;~~ except that, if the juvenile court accepts jurisdiction over such a
27 juvenile, the county court jurisdiction ~~shall terminate~~ TERMINATES.

1 (6) The juvenile court may retain jurisdiction over a juvenile until
2 all orders have been fully complied with by such person, or any pending
3 cases have been completed, or the statute of limitations applicable to any
4 offense that may be charged has run, regardless of whether such person
5 has attained the age of eighteen years, and regardless of the age of such
6 person.

7 (7) This section ~~shall not be construed to~~ DOES NOT confer any
8 jurisdiction upon the court over a person for any offense committed after
9 the person attains the age of eighteen years.

10 (8) Notwithstanding any other provision of this section to the
11 contrary, the juvenile court may exercise jurisdiction over a juvenile to
12 determine the legal custody of a juvenile or to appoint a guardian of the
13 person or legal custodian of any child who comes within the juvenile
14 court's jurisdiction ~~under the provisions of~~ PURSUANT TO section
15 19-1-104.

16 **19-2.5-104. [Formerly 19-2-105] Venue.** (1) (a) Proceedings in
17 cases brought ~~under this article shall~~ PURSUANT TO THIS ARTICLE 2.5 MUST
18 be commenced in the county in which the alleged violation of the law,
19 ordinance, or court order took place; except that the court may order a
20 change of venue based upon written findings that a change of venue is
21 necessary to ensure that the juvenile receives a fair trial, in which case
22 venue ~~shall~~ MUST be transferred to an appropriate jurisdiction prior to the
23 findings of fact. When the court in which the petition was filed is in a
24 county other than where the juvenile resides, such court may transfer
25 venue to the court of the county of the juvenile's residence for the
26 purposes of supervision after sentencing and entry of any order for
27 payment of restitution. A transfer of venue may not be rejected for any

1 reason except where venue would be improper.

2 (b) For purposes of determining proper venue, a juvenile who is
3 placed in the legal custody of a county department of human or social
4 services is deemed for the entire period of placement to reside in the
5 county in which the juvenile's legal custodian is located, even if the
6 juvenile is physically residing in a residential facility located in another
7 county. If a juvenile is placed in the legal custody of a county department
8 of human or social services, the court shall not transfer venue during the
9 period of placement to any county other than the county in which the
10 juvenile's legal custodian is located.

11 (2) In determining proper venue, ~~the provisions of~~ section
12 18-1-202 C.R.S., shall apply APPLIES.

13 (3) A court transferring venue ~~under~~ PURSUANT TO this section
14 shall transmit all documents and legal social records, or certified copies
15 ~~thereof~~ OF SUCH DOCUMENTS, to the receiving court. ~~which~~ THE
16 RECEIVING court shall THEN proceed with the case as if the petition had
17 been originally filed or the adjudication had been originally made in such
18 court.

19 (4) Upon transfer of venue, the receiving court shall set a date not
20 more than ~~thirty~~ THIRTY-FIVE days following the date upon which the
21 change of venue is ordered for the juvenile and ~~his or her~~ THE JUVENILE'S
22 parent or guardian to appear.

23 **19-2.5-105. [Formerly 19-2-106] Representation of petitioner.**
24 In all matters ~~under this article~~ PURSUANT TO THIS ARTICLE 2.5, the
25 ~~petitioner shall be represented by the~~ district attorney SHALL REPRESENT
26 THE PETITIONER.

27 **19-2.5-106. [Formerly 19-2-112] Victim's right to attend**

1 **dispositional, review, and restitution proceedings.** The victim of any
2 delinquent act, or a relative of the victim, if the victim has died, has the
3 right to attend all dispositional, review, and restitution proceedings
4 resulting from the adjudication of such act. The victim or ~~his or her~~ THE
5 VICTIM'S relative has the right to appear at the proceedings personally or
6 with counsel and to adequately and reasonably express ~~his or her~~ THE
7 VICTIM'S views concerning the act, the juvenile, the need for restitution,
8 and the type of dispositional orders that THE COURT should ~~be issued by~~
9 ~~the court~~ ISSUE. When issuing such orders, the court shall consider the
10 statements made by the victim, or ~~his or her~~ THE VICTIM'S relative, and
11 shall make a finding, on the record, when appropriate, as to whether ~~or~~
12 ~~not~~ the juvenile would pose a threat to public safety if granted probation.

13 **19-2.5-107. [Formerly 19-2-113] Parental accountability -**
14 **legislative intent.** (1) (a) The parent, guardian, or legal custodian of any
15 juvenile subject to proceedings ~~under this article 2~~ PURSUANT TO THIS
16 ARTICLE 2.5 is required to attend all proceedings that may be brought
17 ~~under this article 2~~ PURSUANT TO THIS ARTICLE 2.5 concerning the
18 juvenile. The court may impose contempt sanctions against ~~said~~ THE
19 parent, guardian, or legal custodian for failure, without good cause, to
20 attend any proceeding concerning the juvenile; except that, if the
21 juvenile's legal custodian is a county department of human or social
22 services or the state department of human services, the legal custodian
23 need not attend any proceeding at which the juvenile's guardian ad litem
24 is present.

25 (b) For any juvenile adjudicated pursuant to this ~~article~~ ARTICLE
26 2.5, the court may specify its expectations for the juvenile's parent,
27 guardian, or legal custodian, so long as the parent, guardian, or legal

1 custodian is a party to the delinquency proceedings.

2 (2) (a) The general assembly hereby determines that families play
3 a significant role in the cause and cure of delinquent behavior of children.
4 It is therefore the intent of the general assembly that parents cooperate
5 and participate significantly in the assessment and treatment planning for
6 their children.

7 (b) Any treatment plan developed pursuant to this ~~article~~ ARTICLE
8 2.5 may include requirements to be imposed on the juvenile's parent, so
9 long as the parent is a party to the delinquency proceedings. These
10 requirements may include, but are not limited to, the following:

- 11 (I) Maximum parent involvement in the sentencing orders;
- 12 (II) Participation by the parent in parental responsibility training;
- 13 (III) Cooperation by the parent in treatment plans for the juvenile;
- 14 (IV) Performance of public service by the parent;
- 15 (V) Cost of care reimbursement by the parent;
- 16 (VI) Supervision of the juvenile; and
- 17 (VII) Any other provisions the court deems to be in the best
18 interests of the juvenile, the parent's other children, or the community.

19 (c) Any parent who is a party to the delinquency proceedings and
20 who fails to comply with any requirements imposed on the parent in a
21 treatment plan may be subject to contempt sanctions.

22 (d) The court ~~shall have~~ HAS discretion to exempt the parent from
23 participation in the juvenile's treatment.

24 **19-2.5-108. [Formerly 19-2-111] Effect of proceedings.** ~~No~~ AN
25 adjudication or proceeding ~~under this article shall~~ PURSUANT TO THIS
26 ARTICLE 2.5 MUST NOT impose any civil disability upon a juvenile or
27 disqualify ~~him or her~~ THE JUVENILE from holding any position under the

1 state personnel system or submitting any governmental or military service
2 application or receiving any governmental or military service appointment
3 or from holding public office.

4 **19-2.5-109. Savings clause.** THE REPEAL AND REENACTMENT OF
5 THIS ARTICLE 2.5, EFFECTIVE OCTOBER 1, 2021, DOES NOT AFFECT THE
6 VALIDITY OF ANY ACTIONS OR PROCEEDINGS INITIATED OR IN EXISTENCE
7 PRIOR TO SUCH EFFECTIVE DATE AND BROUGHT PURSUANT TO THE
8 LEGISLATIVE PROVISIONS IN PLACE PRIOR TO SUCH EFFECTIVE DATE.

9 PART 2

10 INVESTIGATIONS AND LAW ENFORCEMENT

11 **19-2.5-201. [Formerly 19-2-510] Preliminary investigation.**

12 (1) Whenever it appears to a law enforcement officer or any other person
13 that a juvenile is or appears to be within the court's jurisdiction, as
14 provided in ~~section 19-2-104~~ SECTION 19-2.5-103, the law enforcement
15 officer or other person may refer the matter conferring or appearing to
16 confer jurisdiction to the district attorney, who shall determine whether
17 the interests of the juvenile or of the community require ~~that~~ further
18 action. ~~be taken.~~

19 (2) Upon the DISTRICT ATTORNEY'S request, ~~of the district~~
20 ~~attorney,~~ the matter may be referred to any agency for an investigation
21 and recommendation.

22 **19-2.5-202. [Formerly 19-2-506] Consent to search.** In
23 determining the voluntariness of a juvenile's consent to a search or
24 seizure, the court shall consider the totality of the circumstances.

25 **19-2.5-203. [Formerly 19-2-511] Statements - definitions.**

26 (1) ~~No statements or admissions~~ A STATEMENT OR ADMISSION of a
27 juvenile made as a result of the custodial interrogation of ~~such~~ THE

1 juvenile by a law enforcement official concerning delinquent acts alleged
2 to have been committed by the juvenile ~~shall be~~ ARE NOT admissible in
3 evidence against ~~such~~ THE juvenile unless a parent, guardian, or legal or
4 physical custodian of the juvenile was present at such interrogation and
5 the juvenile and ~~his or her~~ THE JUVENILE'S parent, guardian, or legal or
6 physical custodian were advised of the juvenile's right to remain silent
7 and that any statements made may be used against ~~him or her~~ THE
8 JUVENILE in a court of law, of ~~his or her~~ THE JUVENILE'S right to the
9 presence of an attorney during such interrogation, and of ~~his or her~~ THE
10 JUVENILE'S right to have counsel appointed if ~~he or she~~ THE JUVENILE so
11 requests at the time of the interrogation; except that, if a public defender
12 or counsel representing the juvenile is present at such interrogation, such
13 statements or admissions may be admissible in evidence even though the
14 juvenile's parent, guardian, or legal or physical custodian was not present.

15 (2) (a) Notwithstanding ~~the provisions of~~ subsection (1) of this
16 section, statements or admissions of a juvenile may be admissible in
17 evidence, notwithstanding the absence of a parent, guardian, or legal or
18 physical custodian, if the court finds that, under the totality of the
19 circumstances, the juvenile made a knowing, intelligent, and voluntary
20 waiver of rights and:

21 (I) The juvenile is eighteen years of age or older at the time of the
22 interrogation or the juvenile misrepresents his or her age as being
23 eighteen years of age or older and the law enforcement official acts in
24 good-faith reliance on such misrepresentation in conducting the
25 interrogation;

26 (II) The juvenile is emancipated from the parent, guardian, or
27 legal or physical custodian; or

1 (III) The juvenile is a runaway from a state other than Colorado
2 and is of sufficient age and understanding.

3 (b) For the purposes of this subsection (2), "emancipated juvenile"
4 ~~is defined in section 19-1-103 (45)~~ MEANS A JUVENILE OVER FIFTEEN
5 YEARS OF AGE AND UNDER EIGHTEEN YEARS OF AGE WHO HAS, WITH THE
6 REAL OR APPARENT ASSENT OF THE JUVENILE'S PARENTS, DEMONSTRATED
7 INDEPENDENCE FROM THE JUVENILE'S PARENTS IN MATTERS OF CARE,
8 CUSTODY, AND EARNINGS. THE TERM MAY INCLUDE, BUT IS NOT LIMITED
9 TO, ANY SUCH JUVENILE WHO HAS THE SOLE RESPONSIBILITY FOR THE
10 JUVENILE'S OWN SUPPORT, WHO IS MARRIED, OR WHO IS IN THE MILITARY.

11 (3) Notwithstanding ~~the provisions of~~ subsection (1) of this
12 section, statements or admissions of a juvenile ~~shall not be~~ ARE NOT
13 inadmissible in evidence by reason of the absence of a parent, guardian,
14 or legal custodian if the juvenile was accompanied by a responsible adult
15 who was a custodian of the juvenile or assuming the role of a parent at the
16 time.

17 (4) For the purposes of this section, "physical custodian" is
18 defined in ~~section 19-1-103 (84)~~ SECTION 19-2.5-102.

19 (5) Notwithstanding ~~the provisions of~~ subsection (1) of this
20 section, the juvenile and ~~his or her~~ THE JUVENILE'S parent, guardian, or
21 legal or physical custodian may expressly waive the requirement that the
22 parent, guardian, or legal or physical custodian be present during the
23 juvenile's interrogation. This express waiver must be in writing and must
24 be obtained only after full advisement of the juvenile and ~~his or her~~ THE
25 JUVENILE'S parent, guardian, or legal or physical custodian of the
26 juvenile's rights prior to the taking of the custodial statement by a law
27 enforcement official. If said requirement is expressly waived, statements

1 or admissions of the juvenile are not inadmissible in evidence by reason
2 of the absence of the juvenile's parent, guardian, or legal or physical
3 custodian during interrogation. Notwithstanding the ~~provisions of~~
4 REQUIREMENTS OF this subsection (5), a county department of human or
5 social services and the state department of human services, as legal or
6 physical custodian, may not waive said requirement.

7 (6) Notwithstanding ~~the provisions of~~ subsection (1) of this
8 section, statements or admissions of a juvenile ~~shall not be~~ ARE NOT
9 inadmissible into evidence by reason of the absence of a parent, guardian,
10 or legal or physical custodian, if the juvenile makes any deliberate
11 misrepresentations affecting the applicability or requirements of this
12 section and a law enforcement official, acting in good faith and in
13 reasonable reliance on such deliberate misrepresentation, conducts a
14 custodial interrogation of the juvenile that does not comply with the
15 requirements of subsection (1) of this section.

16 (7) (a) Notwithstanding any provisions of this section to the
17 contrary, if the juvenile asserts that statements made during the custodial
18 interrogation are inadmissible because a responsible adult had an interest
19 adverse to the juvenile, the prosecution, as part of its burden of proof at
20 a hearing on a motion to suppress the statements, must show by a
21 preponderance of the evidence that the person interrogating the juvenile
22 reasonably believed that the responsible adult did not have any interests
23 adverse to those of the juvenile and that the responsible adult was able to
24 provide protective counseling to the juvenile concerning ~~his or her~~ THE
25 JUVENILE'S rights during the interrogation.

26 (b) For purposes of this subsection (7):

27 (I) "Protective counseling" means an ongoing opportunity to offer

1 guidance and advice concerning the juvenile's right to remain silent and
2 to obtain retained or appointed counsel associated with the custodial
3 interrogation; and

4 (II) "Responsible adult" means a parent, guardian, legal or
5 physical custodian, or other responsible adult who was a custodian of the
6 juvenile or who assumed the role of a parent at the time of the
7 interrogation.

8 **19-2.5-204. [Formerly 19-2-503] Issuance of a lawful warrant**
9 **taking a juvenile into custody.** (1) A lawful warrant taking a juvenile
10 into custody may be issued pursuant to this section by any judge of a court
11 of record or by a juvenile magistrate upon receipt of an affidavit relating
12 facts sufficient to establish probable cause to believe that a delinquent act
13 has been committed and probable cause to believe that a particular
14 juvenile committed that act. Upon receipt of such affidavit, the judge or
15 magistrate shall issue a lawful warrant commanding any peace officer to
16 take the juvenile named in the affidavit into custody and to take ~~him or~~
17 ~~her~~ THE JUVENILE without unnecessary delay before the nearest judge of
18 the juvenile court or magistrate ~~as provided in section 19-2-508 (4)(e)(f)~~
19 PURSUANT TO SECTION 19-2.5-305 (4)(e)(I).

20 (2) Upon filing of a petition in the juvenile court, the district
21 attorney may request a warrant to issue that authorizes the taking of a
22 juvenile into temporary custody. If a warrant is requested, the petition
23 must be accompanied by a verified affidavit relating facts sufficient to
24 establish probable cause that the juvenile has committed the delinquent
25 act set forth in the petition.

26 (3) A warrant for the arrest of a juvenile for violation of the
27 conditions of probation or of a bail bond may be issued by any judge of

1 a court of record or juvenile magistrate upon the report of a juvenile
2 probation officer or upon the verified complaint of any person,
3 establishing to the satisfaction of the judge or juvenile magistrate
4 probable cause to believe that a condition of probation or of a bail bond
5 has been violated and that the arrest of the juvenile is reasonably
6 necessary. The warrant may be executed by any juvenile probation officer
7 or by a peace officer authorized to execute warrants in the county in
8 which the juvenile is found. If the warrant is for a juvenile found in
9 contempt of court in a truancy proceeding, the court shall follow the
10 procedures set forth in section 22-33-108 (7).

11 **19-2.5-205. [Formerly 19-2-504] Search warrants - issuance -**
12 **grounds.** (1) A search warrant authorized by this section may be issued
13 by any judge of a court of record or by a juvenile magistrate.

14 (2) A search warrant may be issued ~~under~~ PURSUANT TO this
15 section to search for and seize any property:

16 (a) That is stolen or embezzled; or

17 (b) That is designed or intended for use as a means of committing
18 a delinquent act; or

19 (c) That is or has been used as a means of committing a delinquent
20 act; or

21 (d) The possession of which is illegal; or

22 (e) That would be material evidence in a subsequent criminal
23 prosecution or delinquency adjudication in this state or in another state;

24 or

25 (f) The seizure of which is expressly required, authorized, or
26 permitted by any statute of this state; or

27 (g) That is kept, stored, maintained, transported, sold, dispensed,

1 or possessed in violation of a statute of this state, under circumstances
2 involving a serious threat to public safety or order or to public health.

3 **19-2.5-206. [Formerly 19-2-505] Search warrants - application.**

4 (1) A search warrant shall issue only on affidavit sworn to or affirmed
5 before the judge or juvenile magistrate and relating facts sufficient to:

6 (a) Identify or describe, as nearly as may be, the premises, person,
7 place, or thing to be searched;

8 (b) Identify or describe, as nearly as may be, the property to be
9 searched for, seized, or inspected;

10 (c) Establish the grounds for issuance of the warrant or probable
11 cause to believe that such grounds exist; and

12 (d) Establish probable cause to believe that the property to be
13 searched for, seized, or inspected is located at, in, or upon the premises,
14 person, place, or thing to be searched.

15 (2) The affidavit required by this section may include sworn
16 testimony reduced to writing and signed under oath by the witness giving
17 the testimony before issuance of the warrant. A copy of the affidavit and
18 a copy of the transcript of testimony taken in support of the request for a
19 search warrant ~~shall~~ MUST be attached to the search warrant filed with the
20 court.

21 (3) THE SUPREME COURT MAY ESTABLISH RULES FOR procedures
22 governing application for and issuance of search warrants consistent with
23 this section. ~~may be established by rule of the supreme court.~~

24 **19-2.5-207. Fingerprinting - juvenile under arrest - ordered by**

25 **court - definition.** (1) [Formerly 19-2-503.5 (1)] For purposes of this
26 section, "juvenile" means any juvenile who is charged with committing,
27 summoned, or held in detention for committing a delinquent act that

1 constitutes a felony, a class 1 misdemeanor, or a misdemeanor pursuant
2 to section 42-4-1301 ~~C.R.S.~~; or a crime, the underlying factual basis of
3 which included an act of domestic violence, as defined in section
4 18-6-800.3 (1), ~~C.R.S.~~; as if committed by an adult.

5 (2) (a) **[Formerly 19-2-503.5 (2)]** Any juvenile detained pursuant
6 to ~~the provisions of this article shall~~ ARTICLE 2.5 MUST be fingerprinted
7 by the entity authorized by the court or the local law enforcement agency
8 to obtain fingerprints, except for juvenile detention centers and alternative
9 service programs, otherwise known as "SB 91-94 programs", described
10 in ~~section 19-2-302~~ SECTION 19-2.5-606. Such entity or local agency shall
11 forward a set of the juvenile's fingerprints to the Colorado bureau of
12 investigation in the form and manner prescribed by the bureau.

13 (4) (b) **[Formerly 19-2-503.5 (4)]** Any fingerprints required by
14 this section to be forwarded to the Colorado bureau of investigation ~~shall~~
15 MUST be forwarded within twenty-four hours after completion of the
16 fingerprinting, ~~except that such time period shall not include~~ EXCLUDING
17 Saturdays, Sundays, and legal holidays.

18 **19-2.5-208. [Formerly 19-2-302.5] Petty tickets - summons -**
19 **contracts - data.** (1) (a) If a law enforcement officer contacts a juvenile
20 ten years of age or older for a delinquent act that would be a petty offense
21 if committed by an adult or a municipal ordinance violation, the officer
22 may issue the juvenile a petty ticket that requires the juvenile to go
23 through an assessment process or procedure as designated by the
24 municipal, county, or district court, including assessment by a law
25 enforcement officer, assessment officer, or a screening team, referred to
26 in this section as the "screening entity". When a petty ticket is issued, an
27 assessment officer or screening team officer shall offer a petty offense

1 contract to the juvenile and the juvenile's parent or legal guardian if:

2 (I) The juvenile has no prior adjudication or non-traffic conviction
3 in a municipal, county, juvenile, or district court;

4 (II) The alleged offense would be a class 1, class 2, or unclassified
5 petty offense;

6 (III) The juvenile admits to the offense; and

7 (IV) The petty offense contract is in the best interests of the
8 juvenile.

9 (b) If the juvenile is otherwise eligible for a petty offense contract
10 pursuant to ~~the provisions of~~ this subsection (1), but the screening entity
11 finds that the issuance of a petty offense contract is not in the best
12 interests of the juvenile, the screening entity shall state the reasons in
13 writing. The screening entity shall provide a copy of the written statement
14 to the juvenile and shall maintain a copy of the written statement. If there
15 is no agreement resulting in a signed contract pursuant to this section, the
16 prosecuting attorney may file a petition of delinquency.

17 (2) Every contract entered into pursuant to this section must be in
18 writing and contain the following:

19 (a) Consent to the contract terms by the juvenile and the juvenile's
20 parent or legal guardian;

21 (b) An agreement to pay restitution, when applicable;

22 (c) An agreement to perform useful community service, when
23 applicable;

24 (d) An agreement to attend school unless the juvenile is in a
25 certified home study program or is otherwise legally excused from such
26 attendance;

27 (e) A requirement of restorative justice practices, when

1 appropriate;

2 (f) A requirement that the juvenile not commit a delinquent act
3 during the term of the contract; and

4 (g) Any other conditions determined appropriate by the screening
5 entity.

6 (3) The term of the contract may not exceed ~~ninety~~ NINETY-ONE
7 days; except that the contract may be extended for an additional ~~thirty~~
8 THIRTY-FIVE days for good cause.

9 (4) Upon the successful completion of the contract to the
10 satisfaction of the screening entity, the juvenile is released from any
11 further obligation, and the prosecuting attorney shall not file a petition in
12 delinquency for the admitted act. The completed contract remains
13 confidential except to the ticketing agency, the screening and supervisory
14 entity, the juvenile, and the juvenile's parent or legal guardian.

15 (5) (a) If a juvenile fails to comply with a written condition of the
16 contract within a specific time designated in the contract, the prosecuting
17 attorney may file charges with the court. The contract and any statements
18 contained in the contract or made by the juvenile to the screening entity
19 administering the contract ~~shall~~ MUST not be used against the juvenile.

20 (b) If there is no agreement resulting in a signed contract, any
21 statement made by the juvenile to the screening entity administering the
22 assessment ~~shall~~ MUST not be used against the juvenile.

23 (c) Notwithstanding ~~the provisions of paragraphs (a) and (b) of~~
24 ~~this subsection (5)~~ SUBSECTIONS (5)(a) AND (5)(b) OF THIS SECTION,
25 statements or admissions of a juvenile contained in the contract or made
26 by the juvenile to the screening entity are admissible into evidence, if the
27 juvenile makes any deliberate misrepresentations affecting the

1 applicability or requirements of this section.

2 (6) (a) Each law enforcement agency that issues petty offense
3 tickets pursuant to ~~the provisions of~~ this section shall maintain annual
4 data on the number of tickets issued and the age, ethnicity, gender, and
5 final disposition for each ticket.

6 (b) The data collected pursuant to ~~paragraph (a) of this subsection~~
7 ~~(6)~~ SUBSECTION (6)(a) OF THIS SECTION is public and must be made
8 available upon request.

9 **19-2.5-209. [Formerly 19-2-502] Taking juvenile into custody.**

10 (1) A juvenile may be taken into temporary custody by a law
11 enforcement officer without order of the court when there are reasonable
12 grounds to believe that ~~he or she~~ THE JUVENILE has committed a
13 delinquent act.

14 (2) A juvenile may be taken into temporary custody by a law
15 enforcement officer executing a lawful warrant taking a juvenile into
16 custody issued pursuant to ~~section 19-2-503~~ SECTION 19-2.5-204.

17 (3) A juvenile probation officer may take a juvenile into
18 temporary custody:

19 (a) Under the circumstances stated in subsection (1) of this
20 section; or

21 (b) If ~~he or she~~ THE JUVENILE has violated the conditions of
22 probation and is under the continuing jurisdiction of the juvenile court.

23 (4) A juvenile may be detained temporarily by an adult other than
24 a law enforcement officer if the juvenile has committed or is committing
25 a delinquent act in the presence of such adult. Any person detaining a
26 juvenile shall notify, without unnecessary delay, a law enforcement
27 officer, who shall assume custody of said juvenile.

1 (5) The taking of a juvenile into temporary custody ~~under~~
2 PURSUANT TO this section is not an arrest, nor does it constitute a police
3 record.

4 PART 3

5 DETENTION

6 **19-2.5-301. [Formerly 19-2-211.5] Legislative declaration.** The
7 general assembly declares that the placement of children AND JUVENILES
8 in a detention facility exacts a negative impact on the mental and physical
9 well-being of the child OR JUVENILE, and such detention may make it
10 more likely that the child OR JUVENILE will reoffend. Children AND
11 JUVENILES who are detained are more likely to penetrate deeper into the
12 juvenile justice system than similar children OR JUVENILES who are not
13 detained, and community-based alternatives to detention should be based
14 on the principle of using the least-restrictive setting possible and
15 returning a child OR JUVENILE to his or her home, family, or other
16 responsible adult whenever possible consistent with public safety. It is the
17 intent of the general assembly in adopting ~~section 19-2-507.5~~ SECTION
18 19-2.5-304 and amending ~~sections 19-2-212, 19-2-507, and 19-2-508~~
19 SECTIONS 19-2.5-303, 19-2.5-305, AND 19-2.5-1404 to limit the use of
20 detention to only those children AND JUVENILES who pose a substantial
21 risk of serious harm to others or that are a flight risk from prosecution.

22 **19-2.5-302. [Formerly 19-2-211] Local juvenile services**
23 **planning committee - creation - duties - identification and notification**
24 **of dually identified crossover youth.** (1) If all of the boards of
25 commissioners of each county or the city council of each city and county
26 in a judicial district agree, there may be created in the judicial district a
27 local juvenile services planning committee that is appointed by the chief

1 judge of the judicial district or, for the second judicial district, the
2 presiding judge of the Denver juvenile court, from persons recommended
3 by the boards of commissioners of each county or the city council of each
4 city and county within the judicial district. The committee, if practicable,
5 must include, but need not be limited to, a representative from ~~the~~ A
6 county department of human or social services, a local school district, a
7 local law enforcement agency, a local probation department, the division
8 of youth services, private citizens, the district attorney's office, ~~and~~ the
9 public defender's office, ~~and~~ a community mental health representative,
10 and a representative of the concerns of municipalities. The committee, if
11 created, shall meet as necessary to develop a plan for the allocation of
12 resources for local juvenile services within the judicial district for the
13 fiscal year. The committee is strongly encouraged to consider programs
14 with restorative justice components when developing the plan. THE STATE
15 DEPARTMENT OF HUMAN SERVICES SHALL APPROVE the plan. ~~must be~~
16 ~~approved by the state department of human services.~~ A local juvenile
17 services planning committee may be consolidated with other local
18 advisory boards pursuant to section 24-1.7-103.

19 (2) The plan must provide for the management of dually identified
20 crossover youth. The plan must contain descriptions and processes to
21 include: ~~the following:~~

22 (a) A process for the identification of dually identified crossover
23 youth at the earliest reasonable point of contact;

24 (b) A method for collaborating and exchanging information with
25 other judicial districts, including with the collaborative management
26 program described in section 24-1.9-102 and consistent with the
27 data-sharing policies of the collaborative management program;

1 (c) A process for promptly communicating information about the
2 youth's crossover status between the child welfare and juvenile justice
3 systems and to notify each other of the new involvement in the respective
4 system or information that may aid in the identification of dually
5 identified crossover youth. The following parties should be notified of a
6 ~~juvenile's~~ YOUTH'S status as a dually identified crossover youth if
7 applicable: Public defenders, district attorneys, local juvenile services
8 planning committee coordinators, human or social services DEPARTMENT
9 representatives, probation representatives, juvenile court representatives,
10 parents, and guardians ad litem.

11 (d) A process for identifying the appropriate services or
12 placement-based assessment for a dually identified crossover youth;

13 (e) A process for sharing and gathering information in accordance
14 with applicable laws, rules, and county policy;

15 (f) A process for the development of a single case management
16 plan and identification of the lead agency for case management purposes
17 and the engagement of dually identified crossover youth and their
18 caregivers;

19 (g) A process that facilitates the sharing of assessments and case
20 planning information and includes policies around sharing information
21 with other judicial districts;

22 (h) A process for a multidisciplinary group of professionals to
23 consider decisions that ~~include: Youth~~ INCLUDE YOUTH and community
24 safety, placement, provision of needed services, alternatives to detention
25 and commitment, probation, parole, permanency, education stability, and
26 case closure; and

27 (i) A requirement that dually identified crossover youth placed in

1 a secure detention facility who are deemed eligible for release by the
2 court be placed in the least restrictive setting whenever possible to reduce
3 the disparity between dually identified crossover youth and nondually
4 identified crossover youth in secure detention.

5 **19-2.5-303. [Formerly 19-2-507] Duty of officer - screening**
6 **teams - notification - release or detention.** (1) When a juvenile is taken
7 into temporary custody and not released pending charges, the officer shall
8 notify the screening team for the judicial district in which the juvenile is
9 taken into custody. The screening team shall notify the juvenile's parent,
10 guardian, or legal custodian without unnecessary delay and inform ~~him~~
11 ~~or her~~ THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN that, if
12 the juvenile is placed in detention or a temporary holding facility, all
13 parties have a right to a prompt hearing to determine whether the juvenile
14 is to be detained further. Such notification may be made to a person with
15 whom the juvenile is residing if a parent, guardian, or legal custodian
16 cannot be located. If the screening team is unable to make such
17 notification, ~~it~~ THE NOTIFICATION may be made by any law enforcement
18 officer, juvenile probation officer, detention center counselor, or ~~common~~
19 ~~jailor~~ DETENTION FACILITY STAFF in whose physical custody the juvenile
20 is placed.

21 (2) (a) If the law enforcement officer does not release the juvenile
22 to the care of ~~such~~ THE juvenile's parents, legal guardian, kin, or other
23 responsible adult, the screening team shall administer a validated
24 detention screening instrument developed or adopted pursuant to ~~section~~
25 ~~19-2-212~~ SECTION 19-2.5-1404. The law enforcement officer, screening
26 team, or juvenile court shall not remove the juvenile from the custody of
27 the parent or legal guardian pursuant to this section unless the screening

1 team or the juvenile court:

2 (I) (A) First finds that a validated detention screening instrument
3 selected or adopted pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1404
4 has been administered and the juvenile scored as detention-eligible; or

5 (B) There are grounds to override the results of the detention
6 screening instrument based on the criteria developed in accordance with
7 ~~section 19-2-212~~ SECTION 19-2.5-1404; and

8 (II) Finds that the juvenile poses a substantial risk of serious harm
9 to others or a substantial risk of flight from prosecution and finds that
10 community-based alternatives to detention are insufficient to reasonably
11 mitigate that risk. Flight from prosecution is distinguished from simple
12 failure to appear and must generally be evidenced by a demonstrated
13 record of repeat, recent willful failures to appear at a scheduled court
14 appearance.

15 (b) THE SCREENING TEAM SHALL ADMINISTER the detention
16 screening instrument ~~must be administered by the screening team~~ for each
17 juvenile under consideration for detention. ~~and~~ THE DETENTION
18 SCREENING INSTRUMENT must be administered by a screener who has
19 completed training to administer the detention screening instrument.

20 (c) Any information concerning a juvenile that is obtained during
21 the administration of the detention screening instrument must be used
22 solely for the purpose of making a recommendation to the court regarding
23 the continued detention of the juvenile. The information is not subject to
24 subpoena or other court process, for use in any other proceeding, or for
25 any other purpose.

26 (d) Court records and division of youth services records must
27 include data on detention screening scores and, if the score does not

1 mandate detention, the explanation for the override placing the juvenile
2 in detention.

3 (e) A juvenile who must be taken from ~~his or her~~ THE JUVENILE'S
4 home but who does not require physical restriction must be given
5 temporary care with ~~his or her~~ A grandparent, kin, or other suitable
6 person; in a temporary shelter facility designated by the court; or with the
7 county department of human or social services and must not be placed in
8 detention.

9 (f) The screening team and the juvenile court shall use the results
10 from the detentiohn screening instrument in making a release
11 determination. Release options include allowing a juvenile to return home
12 with no supervision, or with limited supervision such as a location
13 monitoring device, or a referral to a preadjudication alternative to
14 detention or service program established pursuant to ~~section 19-2-302~~
15 SECTION 19-2.5-606.

16 (3) (a) The juvenile must be released to the care of the juvenile's
17 parents, kin, or other responsible adult, unless a determination has been
18 made in accordance with subsection (2) of this section that the juvenile's
19 substantial risk of serious harm to others requires that the juvenile be
20 detained. The court may make reasonable orders as conditions of release
21 pursuant to ~~section 19-2-508 (5)~~ SECTION 19-2.5-305 (5). In addition, the
22 court may provide that any violation of such orders may subject the
23 juvenile to contempt sanctions of the court. The parent, kin, or other
24 person to whom the juvenile is released is required to sign a written
25 promise, on forms supplied by the court, to bring the juvenile to the court
26 at a time set or to be set by the court. Failure, without good cause, to
27 comply with the promise subjects the juvenile's parent or any other person

1 to whom the juvenile is released to contempt sanctions of the court.

2 (b) Parents or legal guardians of a juvenile released from
3 detention pursuant to this section shall complete the relative information
4 form described in ~~section 19-2-212 (1)(h)~~ SECTION 19-2.5-1404
5 (1)(b)(VIII) no later than the next hearing on the matter.

6 (4) (a) Except as ~~provided~~ REQUIRED in subsection (4)(b) of this
7 section, a law enforcement officer shall not detain a juvenile any longer
8 than is reasonably necessary to obtain basic identification information and
9 to contact ~~his or her~~ THE JUVENILE'S parents, guardian, or legal custodian.

10 (b) If ~~he or she~~ THE JUVENILE is not released as ~~provided~~
11 REQUIRED in subsection (3) of this section, ~~he or she~~ THE JUVENILE must
12 be taken directly to the court or to the place of detention, a temporary
13 holding facility, a temporary shelter designated by the court, or a
14 preadjudication service program established pursuant to ~~section 19-2-302~~
15 SECTION 19-2.5-606 without unnecessary delay.

16 (5) (a) As an alternative to taking a juvenile into temporary
17 custody pursuant to subsections (1), (3), and (4) of this section, a law
18 enforcement officer may, if authorized by the establishment of a policy
19 that permits such service by order of the chief judge of the judicial district
20 or the presiding judge of the Denver juvenile court, which policy is
21 established after consultation between such judge and the district attorney
22 and law enforcement officials in the judicial district, serve a written
23 promise to appear for juvenile proceedings based on any act that would
24 constitute a felony, misdemeanor, or petty offense upon the juvenile and
25 the juvenile's parent, guardian, or legal custodian.

26 (b) A promise to appear served pursuant to ~~paragraph (a)~~ of this
27 ~~subsection (5)~~ SUBSECTION (5)(a) OF THIS SECTION must state any charges

1 against the juvenile and the date, time, and place where ~~such~~ THE juvenile
2 ~~shall be~~ IS required to answer such charges. The promise to appear must
3 also state:

4 (I) That the juvenile has the right to have the assistance of
5 counsel;

6 (II) That counsel can be appointed for the juvenile if the juvenile
7 and the juvenile's parent, guardian, or legal custodian lack adequate
8 resources to retain counsel or the juvenile's parent, guardian, or legal
9 custodian refuses to retain counsel for the juvenile;

10 (III) That, to determine if the juvenile is eligible for
11 court-appointed counsel, or to apply for court-appointed counsel, the
12 juvenile's parent, guardian, or legal custodian is advised to call the office
13 of the state public defender, visit the state public defender's office, or visit
14 the state public defender's internet website;

15 (IV) That, to avoid delay in obtaining counsel, the juvenile's
16 parent, guardian, or legal custodian is advised to apply for
17 court-appointed counsel at least five days, EXCLUDING SATURDAYS,
18 SUNDAYS, AND LEGAL HOLIDAYS, before the juvenile's promised date of
19 appearance; and

20 (V) The contact information for the local office of the state public
21 defender, including the office's telephone number and address, and the
22 address of the internet website of the office of the state public defender.

23 ~~(b.5)~~ (c) A law enforcement officer who serves a juvenile or a
24 juvenile's parent, guardian, or legal custodian with a written promise to
25 appear in a court that participates in the court reminder program
26 established in section 13-3-101 (14)(a)(I) shall notify the person served
27 that the juvenile and the juvenile's parent, guardian, or legal custodian can

1 elect to provide a mobile telephone number that will be used by the court
2 solely to provide text message reminders for future court dates and
3 unplanned court closures and shall provide the opportunity for the
4 juvenile and the juvenile's parent, guardian, or legal custodian to provide
5 a mobile telephone number or update a mobile telephone number for that
6 purpose.

7 ~~(c)~~ (d) THE JUVENILE SHALL SIGN the promise to appear. ~~shall be~~
8 ~~signed by the juvenile.~~ The promise to appear shall MUST be served upon
9 the juvenile's parent, guardian, or legal custodian by personal service or
10 by certified mail, return receipt requested. The date established for the
11 juvenile and the juvenile's parent, guardian, or legal custodian to appear
12 ~~shall~~ MUST not be earlier than seven days nor later than ~~thirty~~ THIRTY-FIVE
13 days after the promise to appear is served upon both the juvenile and the
14 juvenile's parent, guardian, or legal custodian.

15 **19-2.5-304. [Formerly 19-2-507.5] Limitations on detention.**

16 (1) Detention is not permitted for the following:

17 (a) Juveniles who have not committed, or have not been accused
18 of committing, a delinquent act unless otherwise found in contempt of
19 court;

20 (b) Delinquent and nondelinquent juveniles who have been placed
21 in the legal custody of a county department of human or social services
22 pursuant to a petition in dependency or neglect and are solely awaiting
23 out-of-home placement;

24 (c) Juveniles who at admission require medical care, are
25 intoxicated, or are under the influence of drugs, to an extent that custody
26 of the juvenile is beyond the scope of the detention facility's medical
27 service capacity;

1 (d) Juveniles who are solely assessed as suicidal or exhibit
2 behavior placing them at imminent risk of suicide; and

3 (e) Juveniles who have not committed a delinquent act but present
4 an imminent danger to self or others or appear to be gravely disabled as
5 a result of a mental health ~~condition~~ DISORDER or an intellectual and
6 developmental disability.

7 (2) A juvenile court shall not order a juvenile who is ten years of
8 age and older but less than thirteen years of age to detention unless the
9 juvenile has been arrested for a felony or weapons charge pursuant to
10 section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. A
11 preadjudication service program created pursuant to ~~section 19-2-302~~
12 SECTION 19-2.5-606 shall evaluate a juvenile described in this subsection
13 (2). The evaluation may result in the juvenile:

14 (a) Remaining in the custody of a parent or legal guardian;

15 (b) Being placed in the temporary legal custody of kin, for
16 purposes of a kinship foster care home or noncertified kinship care
17 placement, as defined in ~~section 19-1-103 (71.3)~~ SECTION 19-1-103, or
18 other suitable person under such conditions as the court may impose;

19 (c) Being placed in a temporary shelter facility; or

20 (d) Being referred to a local county department of human or social
21 services for assessment for placement.

22 (3) A juvenile shall not be placed in detention solely:

23 (a) Due to lack of supervision alternatives, service options, or
24 more appropriate facilities;

25 (b) Due to the community's inability to provide treatment or
26 services;

27 (c) Due to a lack of supervision in the home or community;

- 1 (d) In order to allow a parent, guardian, or legal custodian to avoid
- 2 ~~his or her~~ legal responsibility;
- 3 (e) Due to a risk of the juvenile's self-harm;
- 4 (f) In order to attempt to punish, treat, or rehabilitate the juvenile;
- 5 (g) Due to a request by a victim, law enforcement, or the
- 6 community;
- 7 (h) In order to permit more convenient administrative access to the
- 8 juvenile;
- 9 (i) In order to facilitate further interrogation or investigation; or
- 10 (j) As a response to technical violations of probation unless the
- 11 results of a detention screening instrument indicate that the juvenile poses
- 12 a substantial risk of serious harm to others or if the applicable graduated
- 13 responses system adopted pursuant to ~~section 19-2-925~~ SECTION
- 14 19-2.5-1108 allows for such a placement.

15 **19-2.5-305. [Formerly 19-2-508] Detention and shelter -**

16 **hearing - time limits - findings - review - confinement with adult**

17 **offenders - restrictions.** (1) Unless placement is prohibited pursuant to

18 ~~section 19-2-507.5~~ SECTION 19-2.5-304, when a juvenile is placed in a

19 detention facility, in a temporary holding facility, or in a temporary

20 shelter facility designated by the court, the screening team shall promptly

21 notify the court, the district attorney, and the local office of the state

22 public defender. The screening team shall also notify a parent or legal

23 guardian or, if a parent or legal guardian cannot be located within the

24 county, the person with whom the juvenile has been residing and inform

25 ~~him or her~~ SUCH PERSON of the right to a prompt hearing to determine

26 whether the juvenile is to be detained further. The court shall hold the

27 detention hearing within forty-eight hours, excluding Saturdays, Sundays,

1 and legal holidays. For a juvenile being held in detention on a warrant for
2 violating a valid court order on a status offense, the court shall hold the
3 detention hearing within twenty-four hours, excluding Saturdays,
4 Sundays, and legal holidays.

5 (2) A juvenile who is detained for committing a delinquent act
6 must be represented at the detention hearing by counsel. If the juvenile
7 has not retained his or her own counsel, the court shall appoint the office
8 of the state public defender or, in the case of a conflict, the office of
9 alternate defense counsel to represent the juvenile. This appointment
10 continues if the court appoints the office of the state public defender or
11 the office of alternate defense counsel pursuant to ~~section 19-2-706 (2)(a)~~
12 SECTION 19-2.5-605 (2)(a) unless:

- 13 (a) The juvenile retains his or her own counsel; or
14 (b) The juvenile makes a knowing, intelligent, and voluntary
15 waiver of ~~his or her~~ THE right to counsel, as described in ~~section 19-2-706~~
16 ~~(2)(c)~~ SECTION 19-2.5-605 (2)(c).

17 (3) (a) (I) A juvenile taken into custody pursuant to this ~~article 2~~
18 ARTICLE 2.5 and placed in a detention or temporary shelter facility or a
19 temporary holding facility is entitled to a hearing within forty-eight hours
20 AFTER SUCH PLACEMENT, excluding Saturdays, Sundays, and legal
21 holidays, ~~of such placement~~ to determine if ~~he or she~~ THE JUVENILE
22 should be detained. The time of the detention hearing must allow defense
23 counsel sufficient time to consult with the juvenile before the detention
24 hearing. This consultation may be performed by secure electronic means
25 if the conditions under which the electronic consultation is held allow the
26 consultation to be confidential. The time in which the hearing must be
27 held may be extended for a reasonable time by order of the court upon

1 good cause shown.

2 (II) The law enforcement agency that arrested the juvenile shall
3 promptly provide to the court and to defense counsel the affidavit
4 supporting probable cause for the arrest and the arrest report, if the arrest
5 report is available, and the screening team shall promptly provide to the
6 court and to defense counsel results from the detention risk screening
7 prepared pursuant to the juvenile's arrest. Upon completion of the
8 detention hearing, the defense shall return any materials received pursuant
9 to this subsection (3)(a)(II) unless the appointment is continued at the
10 conclusion of the hearing.

11 (III) The only purposes of a detention hearing are to determine if
12 a juvenile should be detained further and to define conditions under
13 which ~~he or she~~ THE JUVENILE may be released, if ~~his or her~~ release is
14 appropriate. A detention hearing ~~shall~~ MUST not be combined with a
15 preliminary hearing or a first advisement. Due to the limited scope of a
16 detention hearing, the representation of a juvenile by appointed counsel
17 at a detention hearing does not, by itself, create a basis for disqualification
18 in the event that such counsel is subsequently appointed to represent
19 another individual whose case is related to the juvenile's case.

20 (IV) With respect to this section, the court may further detain the
21 juvenile only if the court finds from the information provided at the
22 hearing that:

23 (A) Probable cause exists to believe that THE JUVENILE
24 COMMITTED the delinquent act charged; ~~was committed by the juvenile;~~

25 (B) On and after ~~thirty~~ THIRTY-FIVE days after the screening
26 instrument has been developed or adopted pursuant to ~~section 19-2-212~~
27 SECTION 19-2.5-1404, the validated detention screening instrument has

1 been administered and the juvenile scored as detention-eligible; or there
2 are grounds to override the result of the detention screening instrument
3 based on the criteria developed in accordance with ~~section 19-2-212~~
4 SECTION 19-2.5-1404; and

5 (C) The juvenile poses a substantial risk of serious harm to others
6 or a substantial risk of flight from prosecution and community-based
7 alternatives to detention are insufficient to reasonably mitigate that risk.
8 Flight from prosecution is distinguished from simple failure to appear and
9 must generally be evidenced by a demonstrated record of repeat, recent
10 willful failures to appear at a scheduled court appearance.

11 (V) A court shall not order further detention for a juvenile who is
12 ten years of age and older but less than thirteen years of age unless the
13 juvenile has been arrested or adjudicated for a felony or weapons charge
14 pursuant to section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5.
15 The court shall receive any information having probative value regardless
16 of its admissibility under the rules of evidence. In determining whether
17 a juvenile requires detention, the court shall consider the results of the
18 detention screening instrument. There is a rebuttable presumption that a
19 juvenile poses a substantial risk of serious harm to others if:

20 (A) The juvenile is alleged to have committed a felony
21 enumerated as a crime of violence pursuant to section 18-1.3-406; or

22 (B) The juvenile is alleged to have used, or possessed and
23 threatened to use, a firearm during the commission of any felony offense
24 against a person, as such offenses are described in article 3 of title 18; or

25 (C) The juvenile is alleged to have committed possessing a
26 dangerous or illegal weapon, as described in section 18-12-102;
27 possession of a defaced firearm, as described in section 18-12-103;

1 unlawfully carrying a concealed weapon, as described in section
2 18-12-105; unlawfully carrying a concealed weapon on school, college,
3 or university grounds, as described in section 18-12-105.5; prohibited use
4 of weapons, as described in section 18-12-106; illegal discharge of a
5 firearm, as described in section 18-12-107.5; or illegal possession of a
6 handgun by a juvenile, as described in section 18-12-108.5.

7 (VI) Notwithstanding ~~the provisions of~~ subsection (3)(a)(IV) of
8 this section, there is no presumption ~~under~~ PURSUANT TO subsection
9 (3)(a)(V) of this section that a juvenile poses a substantial risk of serious
10 harm to others if the item in the possession of the juvenile is alleged to be
11 a BB gun, a pellet gun, or a gas gun.

12 (VII) Except as provided in subsection (3)(a)(IX) of this section,
13 at the conclusion of the hearing, the court shall enter one of the following
14 orders, while ensuring efforts are made to keep the juvenile with ~~his or~~
15 ~~her~~ A parent, guardian, or legal custodian:

16 (A) That the juvenile be released to the custody of a parent,
17 guardian, legal custodian, kin, or other suitable person without the posting
18 of bond;

19 (B) That the juvenile be placed in a temporary shelter facility;

20 (C) That bail be set and that the juvenile be released upon the
21 posting of that bail;

22 (D) That no bail be set and that the juvenile be detained without
23 bail upon a finding that ~~such~~ THE juvenile poses a substantial risk of
24 serious harm to others. ~~Any~~ A juvenile who is detained without bail must
25 be tried on the charges in the petition filed pursuant to subsection
26 (3)(a)(IX) of this section within the time limits set forth in ~~section~~
27 ~~19-2-108~~ SECTION 19-2.5-904, unless the juvenile is deemed to have

1 waived the time limit for an adjudicatory trial pursuant to ~~section~~
2 ~~19-2-107(4)~~ SECTION 19-2.5-610 (4).

3 (E) That no bail be set and that, upon the court's finding that the
4 juvenile poses a substantial risk of serious harm to others, the juvenile be
5 placed in a preadjudication service program established pursuant to
6 ~~section 19-2-302~~ SECTION 19-2.5-606. This subsection (3)(a)(VII)(E) does
7 not apply to any case in which the juvenile's alleged offense is one of the
8 offenses described in ~~subsection (3)(a)(IV)~~ SUBSECTION (3)(a)(V) of this
9 section.

10 (VIII) A preadjudication service program created pursuant to
11 ~~section 19-2-302~~ SECTION 19-2.5-606 shall evaluate a juvenile described
12 in subsection (8) of this section. The evaluation may result in the juvenile:

13 (A) Remaining in the custody of a parent, guardian, or legal
14 custodian; or

15 (B) Being placed in the temporary legal custody of kin, for
16 purposes of a kinship foster care home or noncertified kinship care
17 placement, as defined in ~~section 19-1-103 (71.3)~~ SECTION 19-1-103, or
18 other suitable person under such conditions as the court may impose; or

19 (C) Being placed in a temporary shelter facility; or

20 (D) Being referred to a local county department of human or
21 social services for assessment for placement.

22 (IX) When the court orders further detention of the juvenile or
23 placement of the juvenile in a preadjudication service program after a
24 detention hearing, the district attorney shall file a petition alleging the
25 juvenile to be a delinquent within seventy-two hours after the detention
26 hearing, excluding Saturdays, Sundays, and legal holidays. The juvenile
27 must be held or must participate in a preadjudication service program

1 pending a hearing on the petition. Upon a showing of good cause, the
2 court may extend such time for the filing of charges.

3 (X) Following the detention hearing, if the court orders that the
4 juvenile be released and, as a condition of such release, requires the
5 juvenile to attend school, the court shall notify the school district in which
6 the juvenile is enrolled of such requirement.

7 (XI) If the court orders further detention of a juvenile pursuant to
8 ~~the provisions of~~ this section, the order must contain specific findings as
9 follows:

10 (A) Whether placement of the juvenile out of ~~his or her~~ THE
11 JUVENILE'S home would be in the juvenile's and the community's best
12 interests;

13 (B) Whether reasonable efforts have been made to prevent or
14 eliminate the need for removal of the juvenile from the home, whether it
15 is reasonable that such efforts not be provided due to the existence of an
16 emergency situation that requires the immediate removal of the juvenile
17 from the home, or whether such efforts not be required due to the
18 circumstances described in section 19-1-115 (7); and

19 (C) Whether procedural safeguards to preserve parental rights
20 have been applied in connection with the removal of the juvenile from the
21 home, any change in the juvenile's placement in a community placement,
22 or any determination affecting parental visitation of the juvenile.

23 (b) (I) If it appears that ~~any~~ A juvenile being held in detention or
24 temporary shelter may have an intellectual and developmental disability,
25 as ~~provided~~ DESCRIBED in article 10.5 of title 27, the court or detention
26 personnel shall refer the juvenile to the nearest community-centered board
27 for an eligibility determination. If it appears that ~~any~~ A juvenile being held

1 in a detention or temporary shelter facility pursuant to ~~the provisions of~~
2 this ~~article 2~~ ARTICLE 2.5 may have a ____ mental health disorder, as
3 provided in sections 27-65-105 and 27-65-106, the intake personnel or
4 other appropriate personnel shall contact a ____ mental health professional
5 to do a mental health hospital placement prescreening on the juvenile.
6 The court ~~shall~~ MUST be notified of the contact and may take appropriate
7 action. If a mental health hospital placement prescreening is requested, it
8 must be conducted in an appropriate place accessible to the juvenile and
9 the ____ mental health professional. A request for a mental health hospital
10 placement prescreening must not extend the time within which a
11 detention hearing must be held pursuant to this section. If a detention
12 hearing has been set but has not yet occurred, the mental health hospital
13 placement prescreening must be conducted prior to the hearing; except
14 that the prescreening must not extend the time within which a detention
15 hearing must be held.

16 (II) If a juvenile has been ordered detained pending an
17 adjudication, disposition, or other court hearing, and the juvenile
18 subsequently appears to have a ____ mental health disorder, as ~~provided~~
19 DESCRIBED in section 27-65-105 or 27-65-106, the intake personnel or
20 other appropriate personnel shall contact the court with a
21 recommendation for a mental health hospital placement prescreening. A
22 mental health hospital placement prescreening must be conducted at any
23 appropriate place accessible to the juvenile and the ____ mental health
24 professional within twenty-four hours of the request, excluding Saturdays,
25 Sundays, and legal holidays.

26 (III) When the ____ mental health professional finds, as a result of
27 the prescreening, that the juvenile may have a ____ ____ mental health

1 disorder, the mental health professional shall recommend to the court
2 that the juvenile be evaluated pursuant to section 27-65-105 or 27-65-106.

3 (IV) Nothing in this subsection (3)(b) precludes the use of
4 emergency procedures pursuant to section 27-65-105 (1).

5 (c) (I) A juvenile taken to a detention or temporary shelter facility
6 or a temporary holding facility pursuant to ~~section 19-2-502~~ SECTION
7 19-2.5-209 as the result of an allegedly delinquent act that constitutes any
8 of the offenses described in ~~subsection (3)(a)(IV)~~ SUBSECTION (3)(a)(V)
9 of this section ~~shall~~ MUST not be released from such facility if a law
10 enforcement agency has requested that a detention hearing be held to
11 determine whether the juvenile's substantial risk of serious harm to others
12 requires that the juvenile be detained. A juvenile ~~shall~~ MUST not ~~thereafter~~
13 be released from detention except after a hearing, reasonable advance
14 notice of which has been given to the district attorney, alleging new
15 circumstances concerning the JUVENILE'S further detention. ~~of the~~
16 ~~juvenile.~~

17 (II) Following a detention hearing held in accordance with
18 subsection (3)(c)(I) of this section, a juvenile who is to be tried as an
19 adult for criminal proceedings pursuant to a direct filing or transfer ~~shall~~
20 MUST not be held at any adult jail or pretrial facility unless the district
21 court finds, after a hearing held pursuant to subsection (3)(c)(IV),
22 (3)(c)(V), or (3)(c)(VI) of this section, that an adult jail is the appropriate
23 place of confinement for the juvenile.

24 (III) In determining whether an adult jail is the appropriate place
25 of confinement for the juvenile, the district court shall consider the
26 following factors:

27 (A) The JUVENILE'S age; ~~of the juvenile;~~

1 (B) Whether, in order to provide physical separation from adults,
2 the juvenile would be deprived of contact with other people for a
3 significant portion of the day or would not have access to recreational
4 facilities or age-appropriate educational opportunities;

5 (C) The juvenile's current emotional state, intelligence, and
6 developmental maturity, including any emotional and psychological
7 trauma, and the risk to the juvenile caused by ~~his or her~~ placement in an
8 adult jail, which risk may be evidenced by mental health or psychological
9 assessments or screenings made available to the district attorney and to
10 defense counsel;

11 (D) Whether detention in a juvenile facility will adequately serve
12 the need for community protection pending the outcome of the criminal
13 proceedings;

14 (E) Whether detention in a juvenile facility will negatively impact
15 the functioning of the juvenile facility by compromising the goals of
16 detention to maintain a safe, positive, and secure environment for all
17 juveniles within the facility;

18 (F) The relative ability of the available adult and juvenile
19 detention facilities to meet the JUVENILE'S needs, ~~of the juvenile~~;
20 including the juvenile's need for mental health and educational services;

21 (G) Whether the juvenile presents an imminent risk of serious
22 harm to others within a juvenile facility;

23 (H) The JUVENILE'S physical maturity; ~~of the juvenile~~; and

24 (I) Any other relevant factors.

25 (IV) After charges are filed directly in district court against a
26 juvenile pursuant to ~~section 19-2-517~~ SECTION 19-2.5-801 or a juvenile
27 is transferred to district court pursuant to ~~section 19-2-518~~ SECTION

1 19-2.5-802, the division of youth services may petition the district court
2 to transport the juvenile to an adult jail. The district court shall hold a
3 hearing on the place of pretrial detention for the juvenile as soon as
4 practicable, but no later than twenty-one days after the receipt of the
5 division's petition to transport. The district attorney, sheriff, or juvenile
6 may file a response to the petition and participate in the hearing. The
7 juvenile ~~shall remain~~ REMAINS in a juvenile detention facility pending
8 hearing and decision by the district court.

9 (V) If a juvenile is placed in the division of youth services and is
10 being tried in district court, the division of youth services may petition the
11 court for an immediate hearing to terminate juvenile detention placement
12 if the juvenile's placement in a juvenile detention facility presents an
13 imminent danger to the other juveniles or to staff at the detention facility.
14 In making its determination, the court shall review the factors set forth in
15 subsection (3)(c)(III) of this section.

16 (VI) If the district court determines that an adult jail is the
17 appropriate place of confinement for the juvenile, the juvenile may
18 petition the court for a review hearing. The juvenile may not petition for
19 a review hearing within ~~thirty~~ THIRTY-FIVE days after the initial
20 confinement decision or within ~~thirty~~ THIRTY-FIVE days after any
21 subsequent review hearing. Upon receipt of the petition, the court may set
22 the matter for a hearing if the juvenile has alleged facts or circumstances
23 that, if true, would warrant reconsideration of the juvenile's placement in
24 an adult jail based upon the factors set forth in subsection (3)(c)(III) of
25 this section and the factors previously relied upon by the court.

26 (4) (a) ~~No~~ A jail shall NOT receive a juvenile for detention
27 following a detention hearing pursuant to this section unless the juvenile

1 has been ordered by the court to be held for criminal proceedings as an
2 adult pursuant to a transfer or unless the juvenile is to be held for criminal
3 proceedings as an adult pursuant to a direct filing. ~~No~~ A juvenile under
4 the age of fourteen and, except upon order of the court, ~~no~~ A juvenile
5 fourteen years of age or older, shall NOT be detained in a jail, lockup, or
6 other place used for the confinement of adult offenders. The exception for
7 detention in a jail applies only if the juvenile is being held for criminal
8 proceedings as an adult pursuant to a direct filing or transfer.

9 (b) Whenever a juvenile is held pursuant to a direct filing or
10 transfer in a facility where adults are held, the juvenile must be physically
11 segregated from the adult offenders.

12 (c) (I) When a juvenile who is to be held for criminal proceedings
13 as an adult pursuant to a direct filing or transfer of charges, as provided
14 in ~~sections 19-2-517 and 19-2-518~~ SECTIONS 19-2.5-801 AND 19-2.5-802,
15 respectively, is received at a jail or other facility for the detention of adult
16 offenders, the official in charge of the jail or facility, or ~~his or her~~ THE
17 OFFICIAL'S designee, shall, as soon as practicable, contact the person
18 designated pursuant to section 22-32-141, by the school district in which
19 the jail or facility is located to request that the school district provide
20 educational services for the juvenile for the period during which the
21 juvenile is held at the jail or facility. The school district shall provide the
22 educational services in accordance with ~~the provisions of~~ section
23 22-32-141. The official, in cooperation with the school district, shall
24 provide an appropriate and safe environment to the extent practicable in
25 which the juvenile may receive educational services.

26 (II) Notwithstanding ~~the provisions of~~ subsection (4)(c)(I) OF THIS
27 SECTION, if either the official in charge of the jail or facility or the school

1 district determines that an appropriate and safe environment cannot be
2 provided for a specific juvenile, the official and the school district are
3 exempt from the requirement to provide educational services to the
4 juvenile until such time as an environment that is determined to be
5 appropriate and safe by both the official and the school district can be
6 provided. If the school district will not be providing educational services
7 to a juvenile because of the lack of an appropriate and safe environment,
8 the official in charge of the jail or facility shall notify the juvenile, ~~his or~~
9 ~~her~~ THE JUVENILE'S parent or legal guardian, the juvenile's defense
10 attorney, and the court having jurisdiction over the juvenile's case.

11 (III) The official in charge of the jail or facility for the detention
12 of adult offenders, or ~~his or her~~ THE OFFICIAL'S designee, in conjunction
13 with each school district that provides educational services at the jail or
14 facility, shall annually collect nonidentifying data concerning:

15 (A) The number of juveniles held at the jail or facility who are
16 awaiting criminal proceedings as an adult pursuant to a direct filing or
17 transfer of charges, ~~as provided in sections 19-2-517 and 19-2-518~~
18 PURSUANT TO SECTIONS 19-2.5-801 AND 19-2.5-802, respectively, for the
19 year;

20 (B) The length of stay of each of the juveniles in the jail or
21 facility;

22 (C) The number of the juveniles in the jail or facility who received
23 educational services pursuant to this subsection (4)(c);

24 (D) The number of days on which school districts provided
25 educational services to the juveniles in the jail or facility and the number
26 of hours for which school districts provided the educational services each
27 day;

1 (E) The number of juveniles in the jail or facility who were
2 exempt from receiving educational services pursuant to section 22-32-141
3 (2)(c), (2)(e), (2)(f), and (2)(g);

4 (F) The number of juveniles in the jail or facility who had
5 previously been determined pursuant to section 22-20-108 to be eligible
6 for special education services and had an individualized education
7 program; and

8 (G) The number of juveniles in the jail or facility who, while
9 receiving educational services at the jail or facility, were determined
10 ~~pursuant to section 22-20-108~~ to be eligible for special education services
11 PURSUANT TO SECTION 22-20-108 and had subsequently received an
12 individualized education program.

13 (IV) The official in charge of the jail or facility shall submit the
14 information collected pursuant to subsection (4)(c)(III) of this section to
15 the division of criminal justice in the department of public safety. The
16 division of criminal justice shall make the information available to a
17 member of the public upon request.

18 (d) The official in charge of a jail or other facility for the
19 detention of adult offenders shall immediately inform the court that has
20 jurisdiction of the juvenile's alleged offense when a juvenile who is or
21 appears to be under eighteen years of age is received at the facility, except
22 for a juvenile ordered by the court to be held for criminal proceedings as
23 an adult.

24 (e) (I) Any juvenile arrested and detained for an alleged violation
25 of any article of title 42, or for any alleged violation of a municipal or
26 county ordinance, and not released on bond, must be taken before a judge
27 with jurisdiction of such violation within forty-eight hours for the fixing

1 of bail and conditions of bond pursuant to subsection (3)(a)(VII) of this
2 section. A juvenile may be detained in a jail, lockup, or other place used
3 for the confinement of adult offenders only for processing for no longer
4 than six hours and during such time must be placed in a setting that is
5 physically segregated by sight and sound from the adult offenders, and in
6 no case may the juvenile be detained in such place overnight. After six
7 hours, the juvenile may be further detained only in a juvenile detention
8 facility operated by or under contract with the department of human
9 services. In calculating time pursuant to this subsection (4), Saturdays,
10 Sundays, and legal holidays are included.

11 (II) A sheriff or police chief who violates ~~the provisions of~~
12 subsection (4)(e)(I) of this section may be subject to a civil fine of no
13 more than one thousand dollars. The decision to fine must be based on
14 prior violations of ~~the provisions of~~ subsection (4)(e)(I) of this section by
15 the sheriff or police chief and the willingness of the sheriff or police chief
16 to address the violations in order to comply with subsection (4)(e)(I) of
17 this section.

18 (f) The official in charge of a jail, lockup, or other facility for the
19 confinement of adult offenders that receives a juvenile for detention
20 should, wherever possible, take such measures as are reasonably
21 necessary to restrict the confinement of any such juvenile with known
22 past or current affiliations or associations with any gang so as to prevent
23 contact with other inmates at such jail, lockup, or other facility. The
24 official should, wherever possible, also take such measures as are
25 reasonably necessary to prevent recruitment of new gang members from
26 among the general inmate population. For purposes of this subsection
27 (4)(f), "gang" is defined in ~~section 19-1-103 (52)~~ SECTION 19-2.5-102.

1 (g) ~~Any~~ A person who is eighteen years of age or older who is
2 being detained for a delinquent act or criminal charge over which the
3 juvenile court has jurisdiction, or for which charges are pending in district
4 court pursuant to a direct filing or transfer if the person has not already
5 been transferred to the county jail pursuant to ~~the provisions of~~ subsection
6 (3)(c)(IV) of this section, ~~shall~~ MUST be detained in the county jail in the
7 same manner as if such person is charged as an adult.

8 (h) A juvenile court shall not order a juvenile offender who is
9 under eighteen years of age at the time of sentencing to enter a secure
10 setting or secure section of an adult jail or lockup as a disposition for an
11 offense or as a means of modifying the juvenile offender's behavior.

12 (5) A juvenile has the right to bail as limited by ~~the provisions of~~
13 this section.

14 (6) Except for a juvenile described in ~~section 19-2-507.5 (2)~~
15 SECTION 19-2.5-304 (2), the court may also issue temporary orders for
16 legal custody ~~as provided in~~ PURSUANT TO section 19-1-115.

17 (7) Any law enforcement officer, employee of the division of
18 youth services, or another person acting under the direction of the court
19 who in good faith transports any juvenile, releases any juvenile from
20 custody pursuant to a written policy of a court, releases any juvenile
21 pursuant to any written criteria established pursuant to this title 19, or
22 detains any juvenile pursuant to court order or written policy or criteria
23 established pursuant to this title 19 is immune from civil or criminal
24 liability that might otherwise result by reason of such act. For purposes
25 of any proceedings, civil or criminal, the good faith of any such person is
26 presumed.

27 (8) (a) A juvenile who allegedly commits a status offense or is

1 convicted of a status offense shall MUST not be held in a secure area of a
2 jail or lockup.

3 (b) A sheriff or police chief who violates ~~the provisions of~~
4 subsection (8)(a) of this section may be subject to a civil fine of no more
5 than one thousand dollars. The decision to fine must be based on prior
6 violations of ~~the provisions of~~ subsection (8)(a) of this section by the
7 sheriff or police chief and the willingness of the sheriff or police chief to
8 address the violations in order to comply with subsection (8)(a) of this
9 section.

10 **19-2.5-306. [Formerly 19-2-509 (1) to (8)] Conditions of release.**

11 (1) Unless the district attorney consents, ~~no~~ A juvenile charged or
12 accused of having committed a delinquent act that constitutes a felony or
13 a class 1 misdemeanor shall NOT be released without a bond or on a
14 personal recognizance bond, if:

15 (a) The juvenile has been found guilty of a delinquent act
16 constituting a felony or class 1 misdemeanor within one year prior to his
17 ~~or her~~ THE JUVENILE'S detention;

18 (b) The juvenile is currently at liberty on another bond of any
19 type; or

20 (c) The juvenile has a delinquency petition alleging a felony
21 pending in any district or juvenile court for which probable cause has
22 been established.

23 (2) In lieu of a bond, a juvenile who the court determines poses a
24 substantial risk of serious harm to others may be placed in a
25 preadjudication service program established pursuant to ~~section 19-2-302~~
26 SECTION 19-2.5-606.

27 (3) ~~Any~~ AN application for the revocation or modification of the

1 amount, type, or conditions of bail must be made in accordance with
2 section 16-4-109; except that the presumption described in ~~section~~
3 ~~19-2-508(3)(a)(IV)~~ SECTION 19-2.5-305 (3)(a)(V) must continue to apply
4 for the purposes of this section.

5 (4) (a) In determining the type of bond and conditions of release
6 for the juvenile, the judge or magistrate fixing the same shall consider the
7 criteria set forth in section 16-4-103. ~~C.R.S.~~

8 (b) In setting, modifying, or continuing any bail bond, it must be
9 a condition that the released juvenile appear at any place and upon any
10 date to which the proceeding is transferred or continued. Further
11 conditions of every bail bond must be that the released juvenile not
12 commit any delinquent acts or harass, intimidate, or threaten any potential
13 witnesses. The judge or magistrate may set any other conditions or
14 limitations on the JUVENILE'S release ~~of the juvenile~~ as are reasonably
15 necessary for the protection of the community. ~~Any~~ A juvenile who is
16 held without bail or whose bail or bail bond is revoked or increased under
17 an order entered at any time after the initial detention hearing pursuant to
18 subsection (3) of this section and who remains in custody or detention,
19 must be tried on the charges on which the bail is denied or the bail or bail
20 bond is revoked or increased within sixty days after the entry of such
21 order or within sixty days after the juvenile's entry of a plea, whichever
22 date is earlier; except that, if the juvenile requests a jury trial pursuant to
23 ~~section 19-2-107, the provisions of section 19-2-107 (4) apply~~ SECTION
24 19-2.5-610, SECTION 19-2.5-610 (4) APPLIES.

25 (5) A surety or security on a bail bond may be subject to forfeiture
26 only if the juvenile fails to appear for any scheduled court proceedings of
27 which the juvenile received proper notice.

1 (6) The court may order that any personal recognizance bond be
2 secured by the personal obligation of the juvenile and ~~his or her~~ THE
3 JUVENILE'S parents, guardian, legal custodian, or other responsible adult.

4 (7) The parent, guardian, or legal custodian for ~~any~~ A juvenile
5 released on bond pursuant to this section or any other responsible adult
6 who secures a personal recognizance bond for a juvenile pursuant to
7 subsection (6) of this section may petition the court, prior to forfeiture or
8 exoneration of the bond, to revoke the bond and remand the juvenile into
9 custody if the parent, guardian, legal custodian, or other responsible adult
10 determines that he or she is unable to control the juvenile. The court shall
11 apply the presumption specified in ~~section 19-2-508 (3)(a)(IV)~~ SECTION
12 19-2.5-305 (3)(a)(V) in determining whether to revoke the bond.

13 (8) A juvenile may be released on bond or as otherwise provided
14 in this section regardless of whether the juvenile appears in court pursuant
15 to a summons or a warrant.

16 PART 4

17 DIVERSION

18 **19-2.5-401. [Formerly 19-2-704] Diversion.** As an alternative to
19 a petition filed pursuant to ~~section 19-2-512~~ SECTION 19-2.5-502, an
20 adjudicatory trial pursuant to ~~part 8 of this article~~ PART 9 OF THIS ARTICLE
21 2.5, or disposition of a juvenile delinquent pursuant to ~~section 19-2-907~~
22 SECTION 19-2.5-1103, the district attorney may agree to allow a juvenile
23 to participate in a diversion program established in accordance with
24 ~~section 19-2-303~~ SECTION 19-2.5-402.

25 **19-2.5-402. [Formerly 19-2-303] Juvenile diversion program -**
26 **authorized - report - legislative declaration - definitions.** (1) (a) In
27 order to more fully implement the stated objectives of this title 19, the

1 general assembly declares its intent to establish a juvenile diversion
2 program that, when possible, integrates restorative justice practices to
3 provide community-based alternatives to the formal court system that will
4 reduce juvenile crime and recidivism and improve positive juvenile
5 outcomes, change juvenile offenders' behavior and attitudes, promote
6 juvenile offenders' accountability, recognize and support the rights of
7 victims, heal the harm to relationships and the community caused by
8 juvenile crime, and reduce the costs within the juvenile justice system.

9 (b) Research has shown that court involvement for juveniles not
10 identified as a risk of harm to others is harmful, and most low-risk
11 juveniles grow out of their behavior and stop reoffending without system
12 intervention.

13 (c) The goals of the diversion programs are to:

14 (I) Prevent further involvement of ~~the~~ A juvenile in the formal
15 legal system;

16 (II) Provide AN eligible ~~juveniles~~ JUVENILE with cost-effective
17 alternatives to adjudication that require the least amount of supervision
18 and restrictive conditions necessary consistent with public safety and the
19 juvenile's risk of reoffending;

20 (III) Serve the best interest of ~~the~~ A juvenile while emphasizing
21 acceptance of responsibility and repairing any harm caused to victims and
22 communities;

23 (IV) Reduce recidivism and improve positive outcomes for
24 ~~juveniles~~ EACH JUVENILE through the provision of services, if warranted,
25 that address ~~their~~ THE JUVENILE'S specific needs and are proven effective;
26 and

27 (V) Ensure appropriate services are available for all eligible

1 juveniles.

2 (2) The division of criminal justice of the department of public
3 safety, REFERRED TO IN THIS SECTION AS THE "DIVISION OF CRIMINAL
4 JUSTICE", is authorized to establish and administer a juvenile diversion
5 program that seeks to divert ~~youth~~ JUVENILES from the juvenile justice
6 system, and, when possible, integrates restorative justice practices. In
7 order to effectuate the program, the division shall allocate money to each
8 judicial district and may contract with district attorneys' offices,
9 governmental units, and nongovernmental agencies for reasonable and
10 necessary expenses and services to serve each judicial district to divert
11 juveniles and provide services, if warranted, for EACH eligible juveniles
12 JUVENILE through community-based programs providing an alternative to
13 a petition filed pursuant to ~~section 19-2-512~~ SECTION 19-2.5-502 or an
14 adjudicatory hearing pursuant to section 19-3-505.

15 (3) For purposes of this section:

16 (a) "Director" ~~is defined in section 19-1-103 (42)~~ MEANS THE
17 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

18 (b) "Diversion" is defined in ~~section 19-1-103 (44)~~ SECTION
19 19-2.5-102.

20 (c) "Governmental unit" ~~is defined in section 19-1-103 (55)~~
21 MEANS ANY COUNTY, CITY AND COUNTY, CITY, TOWN, DISTRICT OR
22 JUDICIAL ATTORNEY'S OFFICE, OR SCHOOL DISTRICT.

23 (d) "Nongovernmental agency" ~~is defined in section 19-1-103 (79)~~
24 MEANS A PERSON, PRIVATE NONPROFIT AGENCY, CORPORATION,
25 ASSOCIATION, OR OTHER NONGOVERNMENTAL AGENCY.

26 (e) "Services" ~~is defined in section 19-1-103 (96)~~ MAY INCLUDE,
27 BUT ARE NOT LIMITED TO, PROVISION OF DIAGNOSTIC NEEDS ASSESSMENT,

1 GENERAL COUNSELING AND COUNSELING DURING A CRISIS SITUATION,
2 SPECIALIZED TUTORING, JOB TRAINING AND PLACEMENT, RESTITUTION
3 PROGRAMS, COMMUNITY SERVICE, CONSTRUCTIVE RECREATIONAL
4 ACTIVITIES, DAY REPORTING AND DAY TREATMENT PROGRAMS, AND
5 FOLLOW-UP ACTIVITIES.

6 (4) District attorneys' offices or ~~their~~ THE OFFICES' designees shall:

7 (a) On and after January 1, 2021, conduct a risk screening using
8 a risk screening tool selected pursuant to section 24-33.5-2402 (1)(c) for
9 all juveniles referred to the district attorney pursuant to ~~section 19-2-510~~
10 SECTION 19-2.5-201, unless a determination has already been made to
11 divert the juvenile, the district attorney declines to file charges, dismisses
12 the case, or charges the juvenile with a class 1 or class 2 felony. The
13 district attorney's office shall conduct the risk screening or contract with
14 an alternative agency that has been formally designated by the district
15 attorney's office to conduct the screening, in which case the results of the
16 screening must be made available to the district attorney's office. The
17 entity conducting the screening shall make the results of the risk
18 screening available to the ~~youth~~ JUVENILE and THE JUVENILE'S family. All
19 individuals using the risk screening tool must receive training on the
20 appropriate use of the tool. The risk screening tool is to be used to inform
21 about decisions about diversion. The risk screening tool and any
22 information obtained from a juvenile in the course of any screening,
23 including any admission, confession, or incriminating evidence, obtained
24 from a juvenile in the course of any screening or assessment in
25 conjunction with proceedings ~~under~~ PURSUANT TO this section or made in
26 order to participate in a diversion or restorative justice program is not
27 admissible into evidence in any adjudicatory hearing in which the juvenile

1 is accused and is not subject to subpoena or any other court process for
2 use in any other proceeding or for any other purpose.

3 (b) Use the results of the risk screening to inform:

4 (I) Eligibility for participation in a juvenile diversion program;

5 (II) The level and intensity of supervision for juvenile diversion;

6 (III) The length of supervision for juvenile diversion; and

7 (IV) What services, if any, may be offered to ~~the~~ A juvenile.

8 Professionals involved with the juvenile's needs, treatment, and service
9 planning, including district attorneys, public defenders, probation, and
10 state and local governmental entities, such as the STATE OR COUNTY
11 departments of human or social services, may collaborate to provide
12 appropriate diversion services in jurisdictions where they are not currently
13 available.

14 (c) Not deny diversion to a juvenile based on the juvenile's:

15 (I) Ability to pay;

16 (II) Previous or current involvement with the STATE OR COUNTY
17 departments of human or social services;

18 (III) Age, race or ethnicity, gender, or sexual orientation; or

19 (IV) Legal representation;

20 (d) Align the juvenile diversion program's policies and practices
21 with evidence-based practices and with the definition of "diversion"
22 pursuant to ~~section 19-1-103 (44)~~ SECTION 19-2.5-102; and

23 (e) Collect and submit data to the division of criminal justice
24 pursuant to subsection (5) of this section.

25 (5) The division of criminal justice, in collaboration with district
26 attorneys or diversion program directors who accept formula money and
27 programs providing juvenile diversion services, shall establish minimum

1 data collection requirements and outcome measures that each district
2 attorney's office, governmental unit, and nongovernmental agency shall
3 collect and submit annually for all juveniles referred to the district
4 attorney pursuant to ~~section 19-2-510~~ SECTION 19-2.5-201 including but
5 not limited to:

- 6 (a) Demographic data on age, race or ethnicity, and gender;
- 7 (b) Risk screening conducted;
- 8 (c) Risk level as determined by the risk screening or, if ~~no~~ A
9 screening was NOT completed, the reason why the screening was not
10 completed;
- 11 (d) Offense;
- 12 (e) Diversion status;
- 13 (f) Service participation;
- 14 (g) Program completion data;
- 15 (h) Child welfare involvement; and
- 16 (i) Identifying data necessary to track the long-term outcomes of
17 diverted juveniles.

18 (6) (a) Each program providing services ~~under~~ PURSUANT TO this
19 section shall develop objectives and report progress toward such
20 objectives as required by rules promulgated by the director.

21 (b) The director shall regularly monitor these diversion programs
22 to ensure that progress is being made to accomplish the objectives of this
23 section. The division of criminal justice shall offer technical assistance to
24 district attorneys' offices, governmental units, nongovernmental agencies,
25 and diversion programs to support the uniform collection and reporting
26 of data and to support program development and adherence to program
27 requirements. The division of criminal justice shall provide annual

1 program-level reports to district attorneys' offices and submit a
2 consolidated statewide report annually to the governor and to the judiciary
3 committees of the senate and the house of representatives, the health and
4 human services committee of the senate, and the public health care and
5 human services committee of the house of representatives, or any
6 successor committees. Notwithstanding ~~the provisions of~~ section
7 24-1-136 (11)(a)(I), these reports continue indefinitely.

8 (7) A formula must be established for the purpose of allocating
9 money to each judicial district in the state of Colorado for juvenile
10 diversion programs. The ~~executive director of the department of public~~
11 ~~safety~~ is authorized to accept and expend on behalf of the state any ~~funds~~
12 MONEY, grants, gifts, or donations from any private or public source for
13 the purpose of providing restorative justice programs; except that ~~no~~ A
14 gift, grant, or donation shall NOT be accepted if the conditions attached to
15 it require the expenditure ~~thereof~~ in a manner contrary to law.

16 (8) (a) The director may implement a behavioral or mental health
17 screening program to screen juveniles who participate in the juvenile
18 diversion program. If the director chooses to implement a behavioral or
19 mental health screening program, the director shall use the mental health
20 screening tool selected pursuant to section 24-33.5-2402 (1)(b) and
21 conduct the screening in accordance with procedures established pursuant
22 to that section.

23 (b) Prior to implementation of a behavioral or mental health
24 screening program pursuant to this subsection (8), if implementation of
25 the program would require an increase in appropriations, the director shall
26 submit to the joint budget committee a request for funding in the amount
27 necessary to implement the behavioral or mental health screening

1 program. If implementation of the behavioral or mental health screening
2 program would require an increase in appropriations, implementation of
3 the program is conditional upon approval of the funding request.

4 **19-2.5-403. [Formerly 19-2-303.5] Juvenile diversion cash fund**
5 **- creation.** (1) Fifty percent of the ~~moneys~~ MONEY collected pursuant to
6 section 18-4-509 (2)(a) ~~C.R.S., shall~~ MUST be transmitted to the state
7 treasurer, who shall credit the same to the juvenile diversion cash fund,
8 which fund is hereby created and referred to in this section as the "fund".
9 The ~~moneys~~ MONEY in the fund ~~shall be~~ IS subject to annual appropriation
10 by the general assembly for the direct and indirect costs associated with
11 the implementation of the juvenile diversion program pursuant to ~~section~~
12 ~~19-2-303~~ SECTION 19-2.5-402.

13 (2) The division of criminal justice of the department of public
14 safety, REFERRED TO IN THIS SECTION AS THE "DIVISION OF CRIMINAL
15 JUSTICE", is authorized to seek and accept gifts, grants, or donations from
16 private or public sources for the purposes of implementing the juvenile
17 diversion program pursuant to ~~section 19-2-303~~ SECTION 19-2.5-402. All
18 private and public ~~funds~~ MONEY received through gifts, grants, or
19 donations ~~shall~~ MUST be transmitted to the state treasurer, who shall credit
20 the same to the fund.

21 (3) Any ~~moneys~~ MONEY in the fund not expended for the purpose
22 of the juvenile diversion program may be invested by the state treasurer
23 as provided by law. All interest and income derived from the investment
24 and deposit of ~~moneys~~ MONEY in the fund ~~shall~~ MUST be credited to the
25 fund.

26 (4) Any unexpended and unencumbered ~~moneys~~ MONEY
27 remaining in the fund at the end of a fiscal year ~~shall~~ MUST remain in the

1 fund and ~~shall~~ MUST not be credited or transferred to the general fund or
2 another fund.

3 PART 5

4 INITIATION OF PROCEEDINGS

5 **19-2.5-501. [Formerly 19-2-514] Summons - issuance - contents**
6 **- service - legislative declaration.** (1) After a petition has been filed, the
7 court shall promptly issue a summons reciting briefly the substance of the
8 petition. The summons must also state, in a separate box, in bold, and in
9 capitalized letters, the following text, inserting the telephone number and
10 address of the local office of the state public defender and the internet
11 website address of the state public defender, as indicated:

- 12 1. YOU HAVE THE RIGHT TO HAVE YOUR OWN
13 LAWYER HELP YOU AT YOUR HEARING.
- 14 2. YOU MAY BE ELIGIBLE FOR THIS LAWYER AT
15 NO CHARGE.
- 16 3. TO FIND OUT IF YOU ARE ELIGIBLE, YOU OR
17 YOUR PARENT, GUARDIAN, OR LEGAL
18 CUSTODIAN SHOULD CALL THE OFFICE OF THE
19 STATE PUBLIC DEFENDER AT _____, VISIT
20 THE OFFICE OF THE STATE PUBLIC DEFENDER AT
21 _____, OR VISIT THE STATE PUBLIC
22 DEFENDER'S WEBSITE AT _____.
- 23 4. YOU ARE MORE LIKELY TO HAVE A FREE
24 LAWYER PRESENT AT YOUR HEARING IF YOU OR
25 YOUR PARENT, GUARDIAN, OR LEGAL
26 CUSTODIAN CALLS OR VISITS THE OFFICE OF THE
27 STATE PUBLIC DEFENDER AT LEAST FIVE DAYS,

1 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
2 HOLIDAYS, BEFORE YOUR HEARING.

3 (2) ~~No~~ A summons ~~shall~~ MUST NOT issue to any juvenile or
4 respondent who appears voluntarily, or ~~who~~ waives service, or ~~who~~ has
5 promised in writing to appear at the hearing, but any such person ~~shall~~
6 MUST be provided with a copy of the petition and summons upon
7 appearance or request.

8 (3) (a) The court may, when the court determines that it is in the
9 best interests of the juvenile, join the juvenile's parent or guardian and the
10 person with whom the juvenile resides, if other than the juvenile's parent
11 or guardian, as a respondent to the action and shall issue a summons
12 requiring the parent or guardian and the person with whom the juvenile
13 resides, if other than the juvenile's parent or guardian, to appear with the
14 juvenile at all proceedings ~~under this article involving~~ PURSUANT TO THIS
15 ARTICLE 2.5 THAT INVOLVE the juvenile. If the JUVENILE'S parent or
16 guardian ~~of any juvenile~~ cannot be found, the court, in its discretion, may
17 proceed with the case without the presence of ~~such~~ THE parent or
18 guardian. For the purposes of this section and ~~section 19-2-515~~ SECTION
19 19-2.5-611, "parent" is defined in ~~section 19-1-103 (82)(b)~~ SECTION
20 19-1-103. This subsection (3) ~~shall~~ DOES not apply to any person whose
21 parental rights have been terminated pursuant to the provisions of this
22 title TITLE 19 or the parent of an emancipated minor. For the purposes of
23 this section, "emancipated minor" shall have HAS the same meaning as set
24 forth in section 13-21-107.5. C.R.S.

25 (b) The general assembly ~~hereby~~ declares that every parent or
26 guardian whose juvenile is the subject of a juvenile proceeding ~~under this~~
27 ~~article~~ PURSUANT TO THIS ARTICLE 2.5 shall attend any such proceeding.

1 (c) ~~Parents or legal guardians~~ A PARENT OR LEGAL GUARDIAN of
2 a juvenile who is the subject of a juvenile proceeding shall complete the
3 relative information form described in ~~section 19-2-212 (1)(b)(VIII)~~
4 SECTION 19-2.5-1404 (1)(b)(VIII) no later than seven business days after
5 the hearing or prior to the juvenile's next hearing, whichever occurs first.

6 (4) The summons ~~shall~~ MUST require the person or persons having
7 the physical custody of the juvenile, if other than a parent or guardian, to
8 appear and to bring the juvenile before the court at a time and place stated
9 not more than ~~thirty~~ THIRTY-FIVE days after issuance of the summons.

10 (5) ~~(a)~~ The court on its own motion or on the motion of any party
11 may join as a respondent or require the appearance of any person it deems
12 necessary to the action and authorize the issuance of a summons directed
13 to such person. Any party to the action may request the issuance of
14 compulsory process by the court requiring the attendance of witnesses on
15 ~~his or her~~ THE PARTY'S own behalf or on THE JUVENILE'S behalf. ~~of the~~
16 juvenile.

17 ~~(b) Repealed.~~

18 (6) If it appears that the welfare of the juvenile or of the public
19 requires that the juvenile be taken into custody, the court may, by
20 endorsement upon the summons, direct that the person serving the
21 summons take the juvenile into custody at once.

22 (7) The court may authorize the payment of necessary travel
23 expenses incurred by persons summoned or otherwise required to appear.
24 ~~which payments shall~~ THE PAYMENTS MUST not exceed the amount
25 allowed to witnesses for travel by the district court.

26 (8) (a) A summons issued ~~under~~ PURSUANT TO this section may be
27 served in the same manner as the summons in a civil action or by mailing

1 ~~it~~ THE SUMMONS to the juvenile's last-known address by certified mail
2 with return receipt requested not less than ~~five~~ SEVEN days prior to the
3 time the juvenile is requested to appear in court. Service by mail is
4 complete upon return of the receipt signed by the juvenile, ~~his or her~~ THE
5 JUVENILE'S parents, guardian, legal custodian, physical custodian, or
6 spousal equivalent as defined in ~~section 19-1-103 (101)~~ SECTION
7 19-1-103.

8 (b) Service upon the parent, guardian, legal custodian, or physical
9 custodian who has physical care of a juvenile of a summons that contains
10 wording commanding ~~said~~ THE parent, guardian, legal custodian, or
11 physical custodian to produce the juvenile in court ~~shall constitute~~
12 CONSTITUTES valid service compelling the attendance of both the juvenile
13 and ~~said~~ THE JUVENILE'S parent, guardian, legal custodian, or physical
14 custodian in court. In addition, service of a summons as described in this
15 ~~paragraph (b) shall compel said~~ SUBSECTION (8)(b) COMPELS THE
16 JUVENILE'S parent, guardian, legal custodian, or physical custodian either
17 to make all necessary arrangements to ensure that the juvenile is available
18 to appear before the court or to appear in court and show good cause for
19 the juvenile's failure to appear.

20 (9) If the JUVENILE'S parents, guardian, or other legal custodian ~~of~~
21 ~~the juvenile~~ required to be summoned ~~under~~ PURSUANT TO subsection (4)
22 of this section cannot be found within the state, the fact of the juvenile's
23 presence in the state ~~shall confer~~ CONFERS jurisdiction on the court as to
24 any absent parent, guardian, or legal custodian.

25 (10) When the residence of the person to be served outside the
26 state is known, a copy of the summons and petition ~~shall~~ MUST be sent by
27 certified mail with postage prepaid to such person at ~~his or her~~ THE

1 PERSON'S place of residence with a return receipt requested. Service of
2 summons ~~shall be~~ IS deemed complete ~~five~~ SEVEN days after return of the
3 requested receipt.

4 (11) A person ~~that~~ WHO serves a juvenile or a juvenile's parent,
5 guardian, or legal custodian with a summons to appear in a court that
6 participates in the court reminder program established in section 13-3-101
7 (14)(a)(I) shall notify the person served that the juvenile and the juvenile's
8 parent, guardian, or legal custodian can elect to provide a mobile
9 telephone number that will be used by the court solely to provide text
10 message reminders for future court dates and unplanned court closures,
11 and ~~shall~~ provide the opportunity for the juvenile and the juvenile's
12 parent, guardian, or legal custodian to provide a mobile telephone number
13 or update a mobile telephone number for that purpose.

14 **19-2.5-502. Petition initiation - petition form and content.**

15 (1) [Formerly 19-2-512 (1)] If the district attorney determines that the
16 interests of the juvenile or of the community require that further action be
17 taken, the district attorney may file a petition in delinquency on the form
18 specified in ~~section 19-2-513~~ SUBSECTIONS 3, 4, AND 5 OF THIS SECTION,
19 which THE COURT shall ~~be accepted by the court~~ ACCEPT. If the district
20 attorney chooses to file a petition in delinquency on any juvenile who
21 receives a detention hearing ~~under section 19-2-508, he or she~~ PURSUANT
22 TO SECTION 19-2.5-305, THE DISTRICT ATTORNEY shall file ~~said~~ THE
23 petition within seventy-two hours after the detention hearing, excluding
24 Saturdays, Sundays, and legal holidays. Upon filing of ~~such~~ THE petition,
25 the court, if practicable, shall send notice of the pendency of such action
26 to the ~~natural parents of the juvenile who is the subject of such petition~~
27 JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

1 (2) [Formerly 19-2-512 (2)] If the petition is the first juvenile
2 petition filed against the juvenile in any jurisdiction and is initiated in a
3 jurisdiction that has restorative justice practices available, the district
4 attorney or ~~his or her~~ THE DISTRICT ATTORNEY'S designee may determine
5 whether ~~a~~ THE juvenile is suitable for restorative justice practices. The
6 district attorney shall consider whether the victim, having been informed
7 about restorative justice practices pursuant to section 24-4.1-303 (11)(g),
8 ~~C.R.S.~~, is requesting consideration of restorative justice practices as an
9 alternative to formal prosecution; the seriousness of the crime; the crime's
10 impact on the victim; the best methodology to involve the victim; whether
11 the juvenile accepts responsibility for, expresses remorse for, and is
12 willing to repair the harm caused by ~~his or her~~ THE JUVENILE'S actions;
13 whether the juvenile's parent or legal guardian is willing to support the
14 juvenile in the process; and other programmatic support available. If a
15 juvenile wants to participate in restorative justice practices, the juvenile
16 ~~must~~ SHALL make the request to the district attorney or the law
17 enforcement agency administering the program and may not make the
18 request to the victim. If requested by the juvenile, restorative justice
19 practices may only be conducted after ~~the victim is consulted by~~ the
20 district attorney CONSULTS WITH THE VICTIM and ~~offered~~ OFFERS THE
21 VICTIM an opportunity to participate or submit a victim impact statement.
22 If a victim elects not to attend, a victim-offender conference may be held
23 with a suitable victim surrogate or victim advocate, and the victim may
24 submit a victim impact statement. The district attorney may offer
25 dismissal of charges as an option for the successful completion of these
26 and any other conditions imposed and designed to address the harm done
27 to the victim and the community by the offender, subject to approval by

1 the court.

2 (3) **Form and content. [Formerly 19-2-513 (1)]** The petition and
3 all subsequent court documents in any proceedings brought ~~under~~
4 PURSUANT TO section 19-1-104 (1)(a) or (1)(b) ~~shall~~ MUST be ~~entitled~~
5 TITLED "The People of the State of Colorado, in the Interest of, a
6 juvenile (or juveniles) and Concerning, Respondent". The petition
7 may be filed using the language of the statutes defining the offense,
8 including either conjunctive or disjunctive clauses. Pleading in either the
9 conjunctive or the disjunctive ~~shall place~~ PLACES a respondent on notice
10 that the prosecution may rely on any or all of the alternatives alleged.

11 (4) **[Formerly 19-2-513 (2)]** The petition ~~shall set forth~~ MUST
12 plainly SET FORTH the facts that bring the juvenile within the court's
13 jurisdiction. If the petition alleges that the juvenile is delinquent, it ~~shall~~
14 MUST cite the law or municipal or county ordinance that the juvenile is
15 alleged to have violated. The petition ~~shall~~ MUST also state the name, age,
16 and residence of the juvenile and the names and residences of ~~his or her~~
17 THE JUVENILE'S parents, guardian, or other legal custodian or of ~~his or her~~
18 THE nearest known relative if ~~no~~ A parent, guardian, or other legal
19 custodian is ~~known~~ UNKNOWN.

20 (5) **[Formerly 19-2-513 (3)]** (a) Pursuant to section 19-1-126, in
21 those delinquency proceedings to which the federal "Indian Child Welfare
22 Act", 25 U.S.C. sec. 1901, et seq., as amended, applies, including but not
23 limited to status offenses such as the illegal possession or consumption
24 of ethyl alcohol or marijuana by an underage person or illegal possession
25 of marijuana paraphernalia by an underage person, as described in section
26 18-13-122, and possession of handguns by juveniles, as described in
27 section 18-12-108.5, the petition must:

1 (I) Include a statement indicating what continuing inquiries the
2 district attorney or the district attorney's representative has made in
3 determining whether the juvenile is an Indian child;

4 (II) Identify whether the juvenile is an Indian child; and

5 (III) Include the identity of the Indian child's tribe, if the child is
6 identified as an Indian child.

7 (b) If notices were sent to the parent or Indian custodian of the
8 child and to the Indian child's tribe, pursuant to section 19-1-126, the
9 postal receipts ~~shall~~ MUST be attached to the petition and filed with the
10 court or filed within ~~ten~~ FOURTEEN days after the filing of the petition, as
11 specified in section 19-1-126 (1)(c).

12 **19-2.5-503. [Formerly 19-2-601 (1) to (4)] Aggravated juvenile**
13 **offender.** (1) (a) In any action in delinquency alleging that a juvenile is
14 an aggravated juvenile offender, as described in ~~section 19-2-516 (4)~~
15 SECTION 19-2.5-1125 (4), the petition ~~shall~~ MUST allege by separate count
16 that the juvenile is an aggravated juvenile offender and that increased
17 commitment is authorized.

18 (b) If the petition alleges that the juvenile is an aggravated
19 juvenile offender, ~~pursuant to section 19-2-516 (4)~~ AS DESCRIBED IN
20 SECTION 19-2.5-1125 (4), the petition ~~shall~~ MUST identify by separate
21 counts each alleged former adjudication or probation revocation and, for
22 each such count, ~~shall~~ MUST include the date of adjudication or
23 PROBATION revocation, the court, and the specific act that formed the
24 basis for the adjudication or probation revocation. If the alleged prior
25 adjudication or probation revocation occurred outside of this state, the
26 petition ~~shall~~ MUST so allege and ~~shall~~ state that the delinquent act that
27 formed the basis for the adjudication or probation revocation would

1 constitute a felony in this state.

2 (2) (a) In any action in delinquency in which it is alleged that a
3 juvenile is an aggravated juvenile offender, AS DESCRIBED IN SECTION
4 19-2.5-1125 (4), the court shall, at the juvenile's first appearance, advise
5 the juvenile of the effect and consequences of the allegation that the
6 juvenile is an aggravated juvenile offender.

7 (b) If a juvenile is alleged to be an aggravated juvenile offender,
8 ~~pursuant to section 19-2-516 (4)~~ AS DESCRIBED IN SECTION 19-2.5-1125
9 (4), the juvenile ~~shall be~~ IS required, at ~~his or her~~ THE JUVENILE'S first
10 appearance before the court, to admit or deny any previous adjudications
11 or probation revocations ~~that are~~ alleged in the petition. A refusal to admit
12 or deny any such adjudication or probation revocation ~~shall be~~ IS
13 considered a denial.

14 (3) (a) In addition to the rights specified in ~~section 19-2-706~~
15 SECTION 19-2.5-605, a juvenile who is alleged to be an aggravated
16 juvenile offender, AS DESCRIBED IN SECTION 19-2.5-1125 (4), may file a
17 written request that adjudication of the act that is the subject of the
18 petition ~~shall~~ MUST be to a jury of twelve persons, and the court shall so
19 order it. ~~Any~~ A juvenile who requests a jury ~~shall be~~ IS deemed to have
20 waived the time limit for an adjudicatory trial pursuant to ~~section~~
21 ~~19-2-107 (4)~~ SECTION 19-2.5-610 (4).

22 (b) When a jury is requested pursuant to this subsection (3), the
23 following challenges ~~shall be~~ ARE allowed:

24 (I) If the petition alleges that one juvenile is an aggravated
25 juvenile offender, AS DESCRIBED IN SECTION 19-2.5-1125 (4), the state and
26 the juvenile ~~shall~~ ARE each ~~be~~ entitled to five peremptory challenges.

27 (II) If the petition alleges that more than one juvenile is an

1 aggravated juvenile offender, AS DESCRIBED IN SECTION 19-2.5-1125 (4),
2 and the adjudicatory trials on the acts that are the subject of the petition
3 are not severed, the state and the defense ~~shall be~~ ARE entitled to two
4 additional challenges for every juvenile after the first, not to exceed
5 fifteen peremptory challenges per side; when multiple juveniles are
6 adjudicated in a single hearing, each peremptory challenge made on the
7 part of the juveniles ~~shall~~ MUST be made and considered as the joint
8 peremptory challenge of all of the juveniles.

9 (c) When more than one petition concerning different juveniles ~~is~~
10 ARE consolidated for the adjudication of the delinquent acts that are the
11 subjects of the petitions, peremptory challenges ~~shall be~~ ARE allowed as
12 if the juveniles had been joined in the same petition in delinquency.

13 (4) (a) If a juvenile alleged to be an aggravated juvenile offender,
14 ~~pursuant to section 19-2-516 (4)~~ AS DESCRIBED IN SECTION 19-2.5-1125
15 (4), admits the previous adjudications or probation revocations alleged in
16 the petition pursuant to subsection (2) of this section, ~~no~~ further proof of
17 such previous adjudications or probation revocations is NOT required.
18 Upon a finding that the juvenile has committed the delinquent acts that
19 are the subject of the petition alleging that the juvenile is an aggravated
20 juvenile offender, AS DESCRIBED IN SECTION 19-2.5-1125 (4), the court
21 may enter any sentence authorized by this section.

22 (b) If a juvenile alleged to be an aggravated juvenile offender,
23 ~~pursuant to section 19-2-516 (4)~~ AS DESCRIBED IN SECTION 19-2.5-1125
24 (4), denies one or more of the previous adjudications or probation
25 revocations alleged in the petition pursuant to subsection (2) of this
26 section, the court, after a finding of guilty of the acts that are the subject
27 of this petition, shall conduct a separate hearing in which the court shall

1 be the trier of fact to determine whether ~~or not~~ the juvenile has suffered
2 such adjudications or probation revocations. Each count alleging a
3 previous adjudication or probation revocation ~~shall~~ MUST be proven
4 beyond a reasonable doubt.

5 (c) In any hearing before the court pursuant to ~~paragraph (b) of~~
6 ~~this subsection (4)~~ SUBSECTION (4)(b) OF THIS SECTION, a duly
7 authenticated copy of the record of an adjudication or probation
8 revocation ~~shall be~~ IS prima facie evidence that the juvenile suffered ~~such~~
9 THE adjudication or probation revocation. In addition, any basic
10 identification information that is part of the record of ~~such~~ THE former
11 adjudication or probation revocation at the place the juvenile was
12 incarcerated after disposition of ~~such~~ THE adjudication or probation
13 revocation may be introduced into evidence in any hearing before the
14 court pursuant to ~~paragraph (b) of this subsection (4)~~ SUBSECTION (4)(b)
15 OF THIS SECTION and ~~shall be~~ IS prima facie evidence of the identity of the
16 juvenile.

17 PART 6

18 COURT PROCEEDINGS

19 **19-2.5-601. Appointment of guardian ad litem.** THE COURT MAY
20 APPOINT A GUARDIAN AD LITEM PURSUANT TO SECTION 19-1-111 FOR A
21 JUVENILE IN A PROCEEDING BROUGHT PURSUANT TO THIS ARTICLE 2.5.

22 **19-2.5-602. [Formerly 19-2-109] General procedure for**
23 **juvenile hearings.** (1) The Colorado rules of juvenile procedure ~~shall~~
24 apply in all proceedings conducted ~~under this article~~ PURSUANT TO THIS
25 ARTICLE 2.5.

26 (2) Hearings ~~shall~~ MUST be held before the court without a jury,
27 except as ~~provided in sections 19-2-107 and 19-2-601 (3)~~ SET FORTH IN

1 SECTIONS 19-2.5-610 AND 19-2.5-503 (3), and may be conducted in an
2 informal manner.

3 (3) A verbatim record ~~shall~~ MUST be taken of all proceedings,
4 including any hearing conducted by a magistrate.

5 (4) When more than one juvenile is named in a petition or
6 individual petitions are filed against more than one juvenile alleging
7 delinquent acts arising from the same delinquent episode, any
8 proceedings, including trials, may be consolidated.

9 (5) Juvenile cases ~~shall~~ MUST be heard separately from adult
10 cases, and the juvenile or ~~his or her~~ THE JUVENILE'S parents, guardian, or
11 other custodian may be heard separately when deemed necessary by the
12 court.

13 (6) The JUVENILE'S parent, guardian, or legal custodian ~~of the~~
14 juvenile is required to attend all proceedings, including all hearings,
15 concerning the juvenile. Failure, without good cause, to attend a
16 proceeding concerning the juvenile may subject the parent, guardian, or
17 legal custodian to contempt sanctions; except that, if the juvenile's legal
18 custodian is a county department of HUMAN OR social services or the
19 STATE department of human services, the legal custodian need not attend
20 any proceeding at which the juvenile's guardian ad litem is present.

21 **19-2.5-603. [Formerly 19-2-509 (9)] Notification.** A juvenile
22 released pursuant to ~~this section~~ SECTION 19-2.5-306 and ordered to
23 appear in a court that participates in the court reminder program
24 established in section 13-3-101 (14)(a)(I), and the juvenile's parent,
25 guardian, or legal custodian, must be notified that the juvenile and the
26 juvenile's parent, guardian, or legal custodian can elect to provide a
27 mobile telephone number that will be used by the court solely to provide

1 text message reminders for future court dates and unplanned court
2 closures. ~~and~~ THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR
3 LEGAL CUSTODIAN must be provided the opportunity to provide a mobile
4 telephone number or update a mobile telephone number for that purpose.

5 **19-2.5-604. [Formerly 19-2-110] Open hearings.** The general
6 public ~~shall~~ MUST not be excluded from hearings held ~~under this article~~
7 PURSUANT TO THIS ARTICLE 2.5 unless the court determines that it is in the
8 best interest of the juvenile or of the community to exclude the general
9 public. ~~and~~, In such event, the court shall admit only such persons as have
10 an interest in the case or work of the court, including persons whom the
11 district attorney, the juvenile, or ~~his or her~~ THE JUVENILE'S parents or
12 guardian ~~wish~~ WISHES to be present.

13 **19-2.5-605. [Formerly 19-2-706] Advisement - right to counsel**
14 **- waiver of right to counsel - definition.** (1) (a) At the juvenile's first
15 appearance before the court, after the detention hearing or at the first
16 appearance if the juvenile appears on a summons, the court shall advise
17 the juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian, or other
18 legal custodian of the juvenile's constitutional rights and legal rights as set
19 forth in rule 3 of the Colorado rules of juvenile procedure, including but
20 not limited to the right to counsel. The advisement ~~shall~~ MUST include the
21 possibility of restorative justice practices, including victim-offender
22 conferences if restorative justice practices are available in the jurisdiction.
23 The advisement regarding restorative justice practices does not establish
24 any right to restorative justice practices on THE JUVENILE'S behalf. ~~of the~~
25 juvenile.

26 (b) If the respondent has made an early application for appointed
27 counsel for the juvenile and the office of the state public defender has

1 made a preliminary determination that the juvenile is eligible for
2 appointed counsel as set forth in section 21-1-103 or if the court has
3 appointed counsel for the juvenile pursuant to ~~section 19-2-508 (2)~~
4 SECTION 19-2.5-305 (2), an attorney from the office of the state public
5 defender or, in the case of a conflict, from the office of alternate defense
6 counsel, shall be available to represent the juvenile at the juvenile's first
7 appearance, as described in subsection (1)(a) of this section.

8 (c) If the respondent has not made an early application for
9 appointed counsel for the juvenile but the juvenile requests appointment
10 of counsel at the first appearance, the court shall determine if the juvenile
11 is eligible for counsel pursuant to ~~paragraph (a) of subsection (2)~~
12 SUBSECTION (2)(a) of this section.

13 (d) As used in this subsection (1), unless the context otherwise
14 requires, "early application" means that the respondent has contacted the
15 office of the state public defender and applied for representation of the
16 juvenile by the state public defender not less than five days, EXCLUDING
17 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, before the juvenile's
18 scheduled court date for the first appearance and has provided sufficient
19 information to the office of the state public defender to allow that office
20 to make a preliminary determination of eligibility for representation.

21 (e) Failure of the juvenile's parent, guardian, or legal custodian to
22 apply for court-appointed counsel may not be construed as a waiver of the
23 right to counsel or any other rights held by the juvenile.

24 (2) (a) If the juvenile and ~~his or her~~ THE JUVENILE'S parents,
25 guardian, or other legal custodian are found to be indigent pursuant to
26 section 21-1-103 (3), or the juvenile's parents, guardian, or other legal
27 custodian refuses to retain counsel for the juvenile, or the court, on its

1 own motion, determines that counsel is necessary to protect the interests
2 of the juvenile or other parties, or the juvenile is in the custody of the
3 state department of human services or a county department of human or
4 social services, the court shall appoint the office of state public defender
5 or, in the case of a conflict, the office of alternate defense counsel for the
6 juvenile; except that the court shall not appoint the office of the state
7 public defender or the office of alternate defense counsel if:

8 (I) The juvenile has retained ~~his or her~~ THE JUVENILE'S own
9 counsel; or

10 (II) The juvenile has made a knowing, intelligent, and voluntary
11 waiver of ~~his or her~~ THE JUVENILE'S right to counsel, as described in
12 ~~paragraph (c) of this subsection (2)~~ SUBSECTION (2)(c) OF THIS SECTION.

13 (b) (I) If the court appoints counsel for the juvenile because of the
14 refusal of the parents, guardian, or other legal custodian to retain counsel
15 for the juvenile, THE COURT SHALL ADVISE the parents, guardian, or legal
16 custodian, other than a county department of human or social services or
17 the state department of human services, ~~shall be advised by the court~~ that
18 if the juvenile's parent, guardian, or legal custodian is determined not to
19 be indigent pursuant to section 21-1-103 (3), then the court will order the
20 juvenile's parent, guardian, or legal custodian, other than a county
21 department of human or social services or the state department of human
22 services, to reimburse the court for the cost of the representation unless
23 the court, for good cause, waives the reimbursement requirement. The
24 amount of the reimbursement ~~will be~~ IS a predetermined amount that:

25 (A) ~~Shall be~~ IS set by the supreme court, in consultation with the
26 office of the state public defender and the office of alternate defense
27 counsel;

1 (B) ~~Shall be~~ IS included in the chief justice directive concerning
2 the appointment of state-funded counsel in criminal and juvenile
3 delinquency cases; and

4 (C) May be based partly or entirely upon the stage a proceeding
5 has reached when counsel is appointed, the stage a proceeding has
6 reached when representation is terminated, or both.

7 (II) Notwithstanding ~~any provision of subparagraph (I) of this~~
8 ~~paragraph (b)~~ SUBSECTION (2)(b)(I) OF THIS SECTION to the contrary, if the
9 court finds that ~~there exists~~ a conflict of interest EXISTS between the
10 juvenile and the juvenile's parent, guardian, or legal custodian such that
11 the income and assets of the parent, guardian, or legal custodian are
12 unavailable to the juvenile, then the court shall consider only the
13 juvenile's own income and assets for the purpose of determining whether
14 to issue an order for reimbursement pursuant to this ~~paragraph (b)~~
15 SUBSECTION (2)(b).

16 (c) The court may accept a waiver of counsel by a juvenile only
17 after finding on the record, based on a dialogue conducted with the
18 juvenile, that THE JUVENILE:

19 (I) ~~The juvenile~~ IS of a sufficient maturity level to make a
20 voluntary, knowing, and intelligent waiver of the right to counsel;

21 (II) ~~The juvenile~~ Understands the sentencing options that are
22 available to the court in the event of an adjudication or conviction of the
23 offense with which the juvenile is charged;

24 (III) ~~The juvenile~~ Has not been coerced by any other party,
25 including but not limited to the juvenile's parent, guardian, or legal
26 custodian, into making the waiver;

27 (IV) ~~The juvenile~~ Understands that the court will provide counsel

1 for the juvenile if the juvenile's parent, guardian, or legal custodian is
2 unable or unwilling to obtain counsel for the juvenile; and

3 (V) ~~The juvenile~~ Understands the possible consequences that may
4 result from an adjudication or conviction of the offense with which the
5 juvenile is charged, which consequences may occur in addition to the
6 actual adjudication or conviction itself.

7 (d) The appointment of counsel pursuant to this subsection (2)
8 ~~shall continue~~ CONTINUES until:

9 (I) The court's jurisdiction is terminated;

10 (II) The juvenile or the juvenile's parent, guardian, or legal
11 custodian retains counsel for the juvenile;

12 (III) The court finds that the juvenile or ~~his or her~~ THE JUVENILE'S
13 parents, guardian, or other legal custodian has sufficient financial means
14 to retain counsel or that the juvenile's parents, guardian, or other legal
15 custodian no longer refuses to retain counsel for the juvenile; or

16 (IV) The court finds the juvenile has made a knowing, intelligent,
17 and voluntary waiver of ~~his or her~~ THE JUVENILE'S right to counsel, as
18 described in ~~paragraph (c) of this subsection (2)~~ SUBSECTION (2)(c) OF
19 THIS SECTION.

20 **19-2.5-606. [Formerly 19-2-302] Preadjudication service**
21 **program - creation.** (1) (a) The chief judge of any judicial district may
22 issue an order that any juvenile who applies for preadjudication release
23 be evaluated for placement by a preadjudication service program
24 established pursuant to this section. In evaluating the juvenile, the service
25 ~~agency~~ PROGRAM shall follow criteria for the placement of a juvenile
26 established pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1404. Upon
27 evaluation, the service ~~agency~~ PROGRAM shall make a recommendation

1 to the court concerning placement of the juvenile with a preadjudication
2 service program.

3 (b) Parents or legal guardians of a juvenile evaluated by a
4 preadjudication service program shall complete the information form
5 described in ~~section 19-2-212 (1)(b)(VIII)~~ SECTION 19-2.5-1404
6 (1)(b)(VIII) no later than two business days after the evaluation or prior
7 to the juvenile's first detention hearing, whichever occurs first. If
8 available, the screening team or preadjudication service program shall file
9 the original completed information form with the court. If the information
10 form has not been completed at the time of the detention hearing, the
11 court shall direct the parent or legal guardian to immediately complete the
12 form and file it with the court. The screening team, preadjudication
13 service program, or the court shall deliver a copy of the information
14 ~~report~~ FORM to the division of youth services; the guardian ad litem, if
15 any; and the county department of human or social services no later than
16 ~~five~~ SEVEN business days after the date of the detention hearing.

17 (2) Any county or city and county or judicial district in the state
18 may establish a preadjudication service program for use by the district
19 court for the county or city and county or judicial district. Such program
20 ~~shall~~ MUST be established in accordance with a local justice plan
21 developed pursuant to ~~section 19-2-211~~ SECTION 19-2.5-302.

22 (3) The local justice plan must provide for the assessment of
23 juveniles taken into custody and detained by law enforcement officers.
24 ~~which~~ THE assessment must be based on criteria for the placement of
25 juveniles established pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1404,
26 so that relevant information may be presented to the judge presiding over
27 the detention hearing. The information provided to the court through the

1 screening process, ~~which information must include~~ INCLUDING the record
2 of any prior adjudication of the juvenile, is intended to enhance the court's
3 ability to make a more appropriate detention and bond decision, based on
4 facts relative to the juvenile's substantial risk of serious harm to others.

5 (4) The plan may include different methods and levels of
6 community-based supervision as conditions for preadjudication release,
7 including the possibility of release without formal supervision. The plan
8 may provide for the use of the same supervision methods that have been
9 established for adult defendants as a pretrial release method to reduce
10 pretrial incarceration or that have been established as sentencing
11 alternatives for juvenile or adult offenders placed on probation or parole.
12 The use of such supervision methods is intended to reduce
13 preadjudication detentions without sacrificing the protection of the
14 community from juveniles who may be risks to the public. The plan may
15 allow for the release of the juvenile to ~~his or her~~ THE JUVENILE'S home
16 with no formal supervision or provide for the use of any of the following
17 supervision methods as conditions of preadjudication release:

- 18 (a) Periodic telephone communications with the juvenile;
- 19 (b) Periodic office visits by the juvenile to the preadjudication
20 service ~~agency~~ PROGRAM;
- 21 (c) Periodic home visits to the juvenile's home;
- 22 (d) If a validated mental health or substance use screening and
23 subsequent mental health or substance use assessment indicates that the
24 juvenile has a need:
 - 25 (I) Periodic drug testing of the juvenile; or
 - 26 (II) BEHAVIORAL OR mental health or substance use treatment for
27 the juvenile, which ~~treatment~~ may include residential treatment;

- 1 (e) Periodic visits to the juvenile's school;
- 2 (f) Domestic violence or child abuse counseling for the juvenile,
3 if applicable;
- 4 (g) Electronic or global position monitoring of the juvenile;
- 5 (h) Work release for the juvenile, if school attendance is not
6 applicable or appropriate under the circumstances; or
- 7 (i) Juvenile day reporting and day treatment programs.

8 **19-2.5-607. [Formerly 19-2-707] Mandatory protection order.**

9 (1) (a) ~~There is hereby created~~ A mandatory protection order IS CREATED
10 against any juvenile charged with the commission of a delinquent act and
11 the juvenile's parents or legal guardian. ~~which order shall remain~~ THE
12 ORDER REMAINS in effect from the time that the juvenile is advised of
13 ~~such~~ THE juvenile's rights and informed of ~~such~~ THE order at ~~such~~ THE
14 juvenile's first appearance before the court until final disposition of the
15 action or, in the case of an appeal, until disposition of the appeal. ~~Such~~
16 THE order ~~shall restrain~~ RESTRAINS the juvenile and the juvenile's parents
17 or legal guardian from harassing, molesting, intimidating, retaliating
18 against, or tampering with any witness to or victim of the delinquent act
19 charged.

20 ~~(b) Repealed.~~

21 ~~(c)~~ (b) The protection order issued pursuant to this section ~~shall~~
22 MUST be on a standardized form prescribed by the judicial department,
23 and a copy ~~shall~~ MUST be provided to the protected parties.

24 (2) At the time of the juvenile's first appearance before the court,
25 the court shall inform the juvenile and the juvenile's parents or legal
26 guardian of the protection order effective pursuant to this section and
27 shall also inform the juvenile and the juvenile's parents or legal guardian

1 that a violation of such order is punishable as contempt of court.

2 (3) Nothing in this section ~~shall preclude~~ PRECLUDES the juvenile
3 or the juvenile's parents or legal guardian from applying to the court at
4 any time for modification or dismissal of the protection order issued
5 pursuant to this section or the district attorney from applying to the court
6 at any time for additional provisions under the protection order,
7 modification of the order, or dismissal of the order. The trial court shall
8 retain jurisdiction to enforce, modify, or dismiss the protection order
9 during the pendency of any appeal that may be brought.

10 (4) The duties of peace officers enforcing orders issued pursuant
11 to this section ~~shall be~~ ARE in accordance with section 18-6-803.5 ~~C.R.S.~~;
12 and any rules adopted by the Colorado supreme court pursuant to said
13 section.

14 **19-2.5-608. Fingerprinting - ordered by court - definition.**

15 (1) [Formerly 19-2-503.5 (1)] For purposes of this section, "juvenile"
16 means any juvenile who is charged with committing, summoned, or held
17 in detention for committing a delinquent act that constitutes a felony, a
18 class 1 misdemeanor, or a misdemeanor pursuant to section 42-4-1301
19 ~~C.R.S.~~, or a crime, the underlying factual basis of which included an act
20 of domestic violence, as defined in section 18-6-800.3 (1), ~~C.R.S.~~, as if
21 committed by an adult.

22 (2) [Formerly 19-2-503.5 (3)] If a juvenile has not been
23 fingerprinted prior to the JUVENILE'S first appearance ~~of the juvenile~~
24 before the court, the court shall order the juvenile to report to an entity
25 authorized by the court or the local law enforcement agency for
26 fingerprinting, except for juvenile detention centers and alternative
27 service programs, otherwise known as "SB 91-94 programs", described

1 in ~~section 19-2-302~~ SECTION 19-2.5-606. The authorized entity or local
2 law enforcement agency shall endorse upon a copy of the order the
3 completion of the fingerprinting and return the same to the court. The
4 authorized entity or local law enforcement agency shall forward a set of
5 fingerprints ordered pursuant to this ~~subsection (3)~~ SUBSECTION (2) to the
6 Colorado bureau of investigation in the form and manner prescribed by
7 the bureau.

8 (3) [Formerly 19-2-503.5 (4)] Any fingerprints required by this
9 section to be forwarded to the Colorado bureau of investigation ~~shall~~
10 MUST be forwarded within twenty-four hours after completion of the
11 fingerprinting, ~~except that such time period shall not include~~ EXCLUDING
12 Saturdays, Sundays, and legal holidays.

13 **19-2.5-609. [Formerly 19-2-705] Preliminary hearing -**
14 **dispositional hearing.** (1) The district attorney or a juvenile who is
15 accused in a petition of a delinquent act that constitutes a class 1, 2, or 3
16 felony may demand and receive a preliminary hearing to determine if
17 there is probable cause to believe that the delinquent act alleged in the
18 petition was committed by the juvenile. In addition, the district attorney
19 or a juvenile who is accused in a petition of only those delinquent acts
20 that constitute class 4, 5, or 6 felonies, which felonies require mandatory
21 sentencing, ~~or which~~ constitute crimes of violence as defined in section
22 18-1.3-406, ~~C.R.S.~~, or ~~which~~ constitute sexual offenses ~~under~~ PURSUANT
23 TO part 4 of article 3 of title 18, ~~C.R.S.~~, may demand and receive a
24 preliminary hearing to determine if there is probable cause to believe that
25 THE JUVENILE COMMITTED the delinquent act alleged in the petition. ~~was~~
26 ~~committed by the juvenile.~~ A preliminary hearing may be heard by a
27 judge of the juvenile court or by a magistrate and ~~shall be~~ conducted as

1 follows:

2 (a) At the juvenile's advisement hearing and after the filing of the
3 delinquency petition, the prosecution shall make available to the juvenile
4 the discovery material required by the Colorado rules of juvenile
5 procedure. The juvenile or the prosecution may file a written motion for
6 a preliminary hearing, stating the basis therefor. Upon the filing of the
7 motion, the court shall ~~forthwith~~ set the matter for a hearing. The juvenile
8 or the prosecution shall file a written motion for a preliminary hearing not
9 later than ~~ten~~ FOURTEEN days after the advisement hearing.

10 (b) If the juvenile is being detained because of the delinquent act
11 alleged in the petition, the preliminary hearing ~~shall~~ MUST be held within
12 ~~thirty~~ THIRTY-FIVE days ~~of~~ AFTER the filing of the motion, unless good
13 cause for continuing the hearing beyond that time is shown to the court.
14 If the juvenile is not being detained, it ~~shall~~ MUST be held as promptly as
15 the calendar of the court permits.

16 (c) At the preliminary hearing, the juvenile shall not be called
17 upon to plead, although the juvenile may cross-examine the prosecution
18 witnesses and may introduce evidence in ~~his or her~~ THE JUVENILE'S own
19 behalf. The prosecution ~~shall have~~ HAS the burden of establishing
20 probable cause. The court at the hearing may temper the rules of evidence
21 in the exercise of sound judicial discretion.

22 (d) If the court determines that probable cause exists, it shall enter
23 a finding to that effect and ~~shall~~ schedule an adjudicatory trial. If from the
24 evidence it appears to the court that probable cause does not exist, it shall
25 dismiss the delinquency petition and ~~the juvenile~~ THE COURT shall ~~be~~
26 ~~discharged~~ DISCHARGE THE JUVENILE from any restriction or other
27 previous temporary order stemming from the petition.

1 ~~(1.5)~~ (2) (a) The district attorney and the juvenile who is accused
2 in a petition of a delinquent act that constitutes a class 4, 5, or 6 felony,
3 except those that require mandatory sentencing, ~~or which~~ THAT constitute
4 crimes of violence as defined in section 18-1.3-406, ~~C.R.S.~~, or ~~which~~
5 THAT constitute sexual offenses ~~under~~ PURSUANT TO part 4 of article 3 of
6 title 18, ~~C.R.S.~~, ~~shall~~ DO not have the right to demand or receive a
7 preliminary hearing but shall participate in a dispositional hearing for the
8 purposes of case evaluation and potential resolution. ~~Such dispositional~~
9 ~~hearing may be heard by~~ A judge of the juvenile court or ~~by~~ a magistrate
10 MAY HEAR THE DISPOSITIONAL HEARING.

11 (b) Any juvenile accused of a class 4, 5, or 6 felony who is not
12 otherwise entitled to a preliminary hearing pursuant to ~~paragraph (a) of~~
13 ~~this subsection (1.5)~~ SUBSECTION (2)(a) OF THIS SECTION may demand and
14 shall receive a preliminary hearing within a reasonable time pursuant to
15 subsection (1) of this section if the juvenile is in custody; except that,
16 upon motion of either party, the court shall vacate the preliminary hearing
17 if there is a reasonable showing that the juvenile has been released from
18 custody prior to the preliminary hearing.

19 ~~(2)~~ (3) A request for review of a preliminary hearing finding
20 entered by a magistrate ~~shall~~ MUST be filed pursuant to section 19-1-108
21 (5.5), and review ~~shall~~ MUST be conducted pursuant to said section.

22 ~~(3)~~ (4) The prosecution may file a motion to refile the petition in
23 delinquency, which motion ~~shall~~ MUST be accompanied by a verified
24 affidavit stating the grounds therefor.

25 **19-2.5-610. [Formerly 19-2-107] Right to jury trial.** (1) In any
26 action in delinquency in which a juvenile is alleged to be an aggravated
27 juvenile offender, as described in ~~section 19-2-516~~ SECTION 19-2.5-1125,

1 or is alleged to have committed an act that would constitute a crime of
2 violence, as defined in section 18-1.3-406, C.R.S., if committed by an
3 adult, the juvenile or the district attorney may demand a trial by a jury of
4 not more than six persons, except as provided in ~~section 19-2-601(3)(a)~~
5 SECTION 19-2.5-503 (3)(a), or the court, on its own motion, may order
6 ~~such a~~ THE jury to try any case brought ~~under~~ PURSUANT TO this title
7 TITLE 19, except as provided in subsection (2) of this section.

8 (2) The juvenile is not entitled to a trial by jury when the petition
9 alleges a delinquent act ~~which~~ THAT is a misdemeanor, a petty offense, a
10 violation of a municipal or county ordinance, or a violation of a court
11 order.

12 (3) Unless a jury is demanded pursuant to subsection (1) of this
13 section, it ~~shall be~~ IS deemed waived.

14 (4) Notwithstanding any other provisions of this ~~article~~ ARTICLE
15 2.5, in any action in delinquency in which a juvenile requests a jury
16 pursuant to this section, the juvenile ~~shall be~~ IS deemed to have waived
17 the sixty-day requirement for holding the adjudicatory trial established in
18 ~~section 19-2-708~~ SECTION 19-2.5-902. In such a case, the juvenile's right
19 to a speedy trial ~~shall be~~ IS governed by section 18-1-405 C.R.S., and rule
20 48 (b) of the Colorado rules of criminal procedure.

21 **19-2.5-611. [Formerly 19-2-515] Contempt - warrant -**
22 **legislative declaration.** (1) Except as otherwise ~~provided by~~ SET FORTH
23 IN subsection (3) of this section, any person summoned or required to
24 appear ~~as provided in section 19-2-514~~ PURSUANT TO SECTION 19-2.5-501
25 who has acknowledged service and fails to appear without reasonable
26 cause may be proceeded against for contempt of court.

27 (2) If after reasonable effort the summons cannot be served or if

1 the welfare of the juvenile requires that ~~he or she~~ THE JUVENILE be
2 brought immediately into the custody of the court, a bench warrant may
3 be issued for the parents, guardian, or other legal custodian or for the
4 juvenile.

5 (3) (a) When a parent or other person who signed a written
6 promise to appear and bring the juvenile to court or who has waived or
7 acknowledged service fails to appear with the juvenile on the date set by
8 the court, a bench warrant may be issued for the parent or other person,
9 the juvenile, or both.

10 (b) Whenever a parent or guardian or person with whom the
11 juvenile resides, if other than the parent or guardian, who has received a
12 summons to appear fails, without good cause, to appear on any other date
13 set by the court, a bench warrant ~~shall~~ MUST be issued for the parent,
14 guardian, or person with whom the juvenile resides, and the parent,
15 guardian, or person with whom the juvenile resides ~~shall be~~ IS subject to
16 contempt.

17 (c) For purposes of this subsection (3), good cause for failing to
18 appear ~~shall include~~ INCLUDES but ~~shall not be~~ IS NOT limited to a
19 situation where a parent or guardian:

20 (I) Does not have physical custody of the juvenile and resides
21 outside of Colorado;

22 (II) Has physical custody of the juvenile but resides outside of
23 Colorado and appearing in court will result in undue hardship to ~~such~~ THE
24 parent or guardian; or

25 (III) Resides in Colorado but is outside of the state at the time of
26 the juvenile proceeding for reasons other than avoiding appearance before
27 the court and appearing in court will result in undue hardship to ~~such~~ THE

1 parent or guardian.

2 (d) The nonappearance of ~~such~~ THE parent, guardian, or person
3 with whom the juvenile resides ~~shall not be~~ IS NOT the basis for a
4 continuance.

5 (e) ~~The provisions of~~ This subsection (3) ~~shall not be~~ IS NOT
6 applicable to any proceeding in a case that has been transferred to the
7 district court pursuant to ~~the provisions of section 19-2-518~~ SECTION
8 19-2.5-802.

9 (f) The general assembly ~~hereby~~ declares that every parent or
10 guardian whose juvenile is the subject of a juvenile proceeding ~~under this~~
11 ~~article~~ PURSUANT TO THIS ARTICLE 2.5 shall attend any such proceeding.

12 (g) Nothing in this subsection (3) ~~shall be construed to create~~
13 CREATES a right for any juvenile to have ~~his or her~~ THE JUVENILE'S parent
14 or guardian present at any proceeding at which ~~such~~ THE juvenile is
15 present.

16 **19-2.5-612. [Formerly 19-2-710] Mental health services for**
17 **juvenile - how and when issue raised - procedure - definitions.** (1) At
18 any stage of a delinquency proceeding, if the court, prosecution, probation
19 officer, guardian ad litem, parent, or legal guardian has reason to believe
20 that the juvenile could benefit from ___ mental health services, the party
21 shall immediately advise the court of ~~such~~ THAT belief.

22 (2) After the party advises the court of the party's belief that the
23 juvenile could benefit from ___ mental health services, the court shall
24 immediately order a ___ mental health screening of the juvenile pursuant
25 to section 16-11.9-102 using the mental health screening tool selected
26 pursuant to section 24-33.5-2402 (1)(b), unless the court already has
27 sufficient information to determine whether the juvenile could benefit

1 from ___ mental health services or unless a ___ mental health screening of
2 the juvenile has been completed within the last three months. Before
3 sentencing a juvenile, the court shall order a ___ mental health screening
4 using the mental health screening tool selected pursuant to section
5 24-33.5-2402 (1)(b) or make a finding that the screening would not
6 provide information that would be helpful in sentencing the juvenile. The
7 ~~delinquency proceedings~~ COURT shall not be stayed or suspended STAY OR
8 SUSPEND DELINQUENCY PROCEEDINGS pending the results of the ___
9 mental health screening ordered pursuant this section. However, the court
10 may continue the dispositional and sentencing hearing to await the results
11 of the ___ mental health screening.

12 (3) If the ___ mental health screening indicates that the juvenile
13 could benefit from ___ mental health services, the court may order a ___
14 mental health assessment.

15 (4) At the time the court orders a ___ mental health assessment, the
16 court shall specify the date upon which the assessment shall MUST be
17 completed and returned to the court. The court may assign responsibility
18 for the cost of the assessment to any party having legal custody or legal
19 guardianship of the juvenile.

20 (5) The assessment, at a minimum, shall MUST include an opinion
21 regarding whether the juvenile could benefit from ___ mental health
22 services. If the assessment concludes that the juvenile could benefit from
23 ___ mental health services, the assessment shall MUST identify the
24 juvenile's ___ mental health issues and the appropriate services and
25 treatment.

26 (6) Evidence or treatment obtained as a result of a ___ mental
27 health screening or assessment ordered pursuant to this section, including

1 any information obtained from the juvenile in the course of a ___ mental
2 health screening or assessment, ~~shall~~ MUST be used only for purposes of
3 sentencing; to determine what ___ mental health treatment, if any, to
4 provide to the juvenile; and to determine whether the juvenile justice or
5 another service system is most appropriate to provide this treatment, and
6 must not be used for any other purpose. The ___ mental health screening
7 or assessment ~~and~~ OR any information obtained in the course of the ___
8 mental health screening or assessment is not subject to subpoena or any
9 other court process for use in any other court proceeding and is not
10 admissible on the issues raised by a plea of not guilty unless the juvenile
11 places ~~his or her~~ the juvenile's ___ mental health at issue. If the juvenile
12 places ~~his or her~~ the juvenile's ___ mental health at issue, then either party
13 may introduce evidence obtained as a result of a ___ mental health
14 screening or assessment. The court shall keep any ___ mental health
15 screening or assessment in the court file under seal.

16 (7) For purposes of this section:

17 (a) "Assessment" means an objective process used to collect
18 pertinent information in order to identify a juvenile who may have ___
19 mental health needs and identify the least restrictive and most appropriate
20 services and treatment.

21 (b) "Juvenile could benefit from ___ mental health services" means
22 a juvenile exhibits one or more of the following characteristics:

23 (I) A chronic or significant lack of impulse control or of judgment;

24 (II) Significant abnormal behaviors under normal circumstances;

25 ~~(III) (Deleted by amendment, L. 2019.)~~

26 ~~(IV)~~ (III) Severe or frequent changes in sleeping or eating patterns
27 or in levels of activity;

1 like adults, are presumed competent to proceed, as defined in ~~section~~
2 ~~19-2-103 (3.3)~~ SECTION 19-2.5-102, until such time as they are found
3 incompetent to proceed through a decision by the court. A determination
4 of competency must include an evaluation of INTELLECTUAL AND
5 developmental disabilities, mental ~~disabilities~~ HEALTH DISORDERS, and
6 mental capacity. Age alone is not determinative of incompetence without
7 a finding that the juvenile actually lacks the relevant capacities for
8 competence.

9 (3) When a party specified in this subsection (3) has reason to
10 believe that a juvenile is incompetent to proceed in a delinquency action,
11 the party shall raise the question of the juvenile's competency in the
12 following manner:

13 (a) On its own motion, the court shall suspend the proceeding and
14 determine the competency or incompetency of the juvenile ~~as provided in~~
15 ~~section 19-2-1302~~ PURSUANT TO SECTION 19-2.5-703;

16 (b) By motion of the prosecution, probation officer, guardian ad
17 litem, or defense, made in advance of the commencement of the particular
18 proceeding. The motion may be filed after the commencement of the
19 proceeding if, for good cause shown, the ~~mental condition of the juvenile~~
20 JUVENILE'S MENTAL HEALTH was ~~not known~~ UNKNOWN or ~~apparent~~
21 UNAPPARENT before the commencement of the proceeding.

22 (c) By the juvenile's parent or legal guardian.

23 (4) If the issue of competency is raised at the time charges are filed
24 or at any time thereafter and the juvenile is not represented by counsel, the
25 court may immediately appoint counsel and may also appoint a guardian
26 ad litem to ~~assure~~ ENSURE the best interests of the juvenile are addressed
27 in accordance with existing law.

1 **19-2.5-703. [Formerly 19-2-1302] Determination of**
2 **incompetency to proceed.** (1) Whenever the question of a juvenile's
3 competency to proceed is raised, the court shall make a preliminary
4 finding that the juvenile is or is not competent to proceed. If the court
5 feels that the information available to it is inadequate for making such a
6 finding, it shall order a competency examination.

7 (2) The court shall immediately notify the prosecuting attorney and
8 defense counsel of the preliminary finding regarding competency. The
9 prosecuting attorney or the defense counsel may request a hearing on the
10 preliminary finding by filing a written request with the court within ~~ten~~
11 ~~FOURTEEN~~ days after the date on which the court issues the preliminary
12 finding, unless the court extends the time period for good cause. The
13 preliminary finding becomes a final determination if neither the
14 prosecuting attorney nor defense counsel requests a hearing. Upon the
15 timely written request of either the prosecuting attorney or defense
16 counsel, the court shall hold a competency hearing. If the court did not
17 order a competency examination or other evaluation prior to its
18 preliminary determination and the court determines adequate mental
19 health information is not available, the court shall refer the juvenile for a
20 competency examination prior to the hearing. At the conclusion of the
21 competency hearing, the court shall make a final determination regarding
22 the juvenile's competency to proceed. At a competency hearing held
23 pursuant to this subsection (2), the burden of submitting evidence and the
24 burden of proof by a preponderance of the evidence are upon the party
25 asserting the JUVENILE'S incompetency. ~~of the juvenile.~~

26 (3) If the question of a juvenile's incompetency to proceed is raised
27 after a jury is impaneled to try the issues raised by a plea of not guilty or

1 after the court as the finder of fact begins to hear evidence and the court
2 determines that the juvenile is incompetent to proceed or orders the
3 juvenile referred for a competency examination, the court may declare a
4 mistrial. If the court declares a mistrial under these circumstances, the
5 juvenile must not be deemed to have been placed in jeopardy with regard
6 to the charges at issue. The juvenile may be tried on, and sentenced if
7 adjudicated for, the same charges after ~~he or she~~ THE JUVENILE has
8 achieved or been restored to competency.

9 (4) (a) If the court orders a competency evaluation, the court shall
10 order that the competency evaluation be conducted in the least-restrictive
11 environment, including home or community placement, if appropriate,
12 taking into account the public safety and the best interests of the juvenile.

13 (b) A competency evaluation ~~shall~~ MUST be conducted by a
14 licensed psychiatrist or licensed psychologist who is experienced in the
15 clinical evaluation of juveniles and trained in forensic competency
16 assessments, or a psychiatrist or psychologist who is in forensic training
17 and under the supervision of a licensed forensic psychiatrist or licensed
18 psychologist with expertise in forensic psychology.

19 (c) The competency evaluation must, at a minimum, include an
20 opinion regarding whether the juvenile is incompetent to proceed as
21 defined in ~~section 19-2-103 (9.5)~~ SECTION 19-2.5-102. If the evaluation
22 concludes the juvenile is incompetent to proceed, the evaluation must
23 include a recommendation as to whether there is a likelihood that the
24 juvenile may achieve or be restored to competency and identify
25 appropriate services to restore the juvenile to competency.

26 (d) The evaluator conducting the competency evaluation shall file
27 the evaluation with the court within:

1 (I) ~~Thirty~~ THIRTY-FIVE days after issuance of the order for the
2 competency evaluation, unless good cause is shown for a delay, if the
3 juvenile is held in a secure detention facility;

4 (II) ~~Forty-five~~ FORTY-NINE days after issuance of the order for the
5 competency evaluation, unless good cause is shown for a delay, if the
6 juvenile is not held in a secure detention facility.

7 **19-2.5-704. [Formerly 19-2-1303] Procedure after**
8 **determination of competency or incompetency.** (1) If the court finally
9 determines pursuant to ~~section 19-2-1302~~ SECTION 19-2.5-703 that the
10 juvenile is competent to proceed, the court shall order that the suspended
11 proceeding continue or, if a mistrial has been declared, shall reset the case
12 for trial at the earliest possible date.

13 (2) (a) If the court finally determines pursuant to ~~section~~
14 ~~19-2-1302~~ SECTION 19-2.5-703 that the juvenile is incompetent to proceed
15 but may be restored to competency, the court shall stay the proceedings
16 and order that the juvenile receive services designed to restore the juvenile
17 to competency, based upon recommendations in the competency
18 evaluation, unless the court makes specific findings that the recommended
19 services in the competency evaluation are not justified. The court shall
20 order that the restoration services ordered are provided in the
21 least-restrictive environment, taking into account the public safety and the
22 best interests of the juvenile, and that the provision of the services and the
23 juvenile's participation in those services ~~occurs~~ OCCUR in a timely manner.
24 The court shall review the provision of and the juvenile's participation in
25 the services and the juvenile's progress toward competency at least every
26 ~~ninety~~ NINETY-ONE days until competency is restored, unless the juvenile
27 is in custody, in which event the court shall review the case every ~~thirty~~

1 THIRTY-FIVE days to ensure the prompt provision of services in the
2 least-restrictive environment. The court shall not maintain jurisdiction
3 longer than the maximum possible sentence for the original offense,
4 unless the court makes specific findings of good cause to retain
5 jurisdiction. However, the juvenile court's jurisdiction shall not extend
6 beyond the juvenile's twenty-first birthday.

7 (b) Pursuant to section 27-60-105, the office of behavioral health
8 IN THE DEPARTMENT OF HUMAN SERVICES is the entity responsible for the
9 oversight of restoration education and coordination of services necessary
10 to competency restoration.

11 (3) (a) If the court finally determines PURSUANT TO SECTION
12 19-2.5-703 that the juvenile is incompetent to proceed and cannot be
13 restored to competency, the court shall determine whether a management
14 plan for the juvenile is necessary, taking into account the public safety and
15 the best interests of the juvenile. If the court determines a management
16 plan is necessary, the court shall develop the management plan after
17 ordering that the juvenile be placed in the least-restrictive environment,
18 taking into account the public safety and best interests of the juvenile. If
19 the court determines a management plan is unnecessary, the court may
20 continue any treatment or plan already in place for the juvenile. The
21 management plan ~~shall~~ MUST, at a minimum, address treatment for the
22 juvenile, identify the party or parties responsible for the juvenile, and
23 specify appropriate behavior management tools, if they are not otherwise
24 part of the juvenile's treatment.

25 (b) The management plan may include:

26 (I) Placement options included in article 10 or 10.5 of title 27;
27 ~~C.R.S.~~

1 (II) A treatment plan developed by a licensed mental health
2 professional;

3 (III) An informed supervision model;

4 (IV) Institution of a guardianship petition; or

5 (V) Any other remedy deemed appropriate by the court.

6 (c) If the charges are not dismissed earlier by the district attorney,
7 the charges against a juvenile found to be incompetent and unrestorable
8 ~~shall~~ MUST be dismissed no later than the maximum possible sentence for
9 the original offense after the date of the court's finding of incompetent and
10 unrestorable, unless the court makes specific findings of good cause to
11 retain jurisdiction. However, ~~in no case shall~~ the juvenile court's
12 jurisdiction SHALL NOT extend beyond the juvenile's twenty-first birthday.

13 (4) A determination ~~under~~ PURSUANT TO subsection (2) of this
14 section that a juvenile is incompetent to proceed ~~shall~~ DOES not preclude
15 the court from considering the release of the juvenile on bail upon
16 compliance with the standards and procedures for such release prescribed
17 by statute. At any hearing to determine eligibility for release on bail, the
18 court may consider any effect the juvenile's incompetency may have on
19 the juvenile's ability to ~~insure his or her~~ ENSURE THE JUVENILE'S presence
20 for trial.

21 **19-2.5-705. [Formerly 19-2-1304] Restoration to competency**
22 **hearing.** (1) The court may order a restoration to competency hearing, as
23 defined in ~~section 19-2-103 (14.3)~~ SECTION 19-2.5-102, at any time on its
24 own motion, on motion of the prosecuting attorney, or on motion of the
25 juvenile. The court shall order a restoration of competency hearing if a
26 competency evaluator with the qualifications described in ~~section~~
27 ~~19-2-1302 (4)(b)~~ SECTION 19-2.5-703 (4)(b) files a report certifying that

1 the juvenile is competent to proceed.

2 (2) At the hearing, if the question is contested, the burden of
3 submitting evidence and the burden of proof by a preponderance of the
4 evidence ~~shall be upon~~ IS ON the party asserting that the juvenile is
5 competent.

6 (3) At the restoration to competency hearing, the court shall
7 determine whether the juvenile has achieved or is restored to competency.

8 **19-2.5-706. [Formerly 19-2-1305] Procedure after restoration**
9 **to competency hearing.** (1) If a juvenile is found to have achieved or
10 been restored to competency after a restoration to competency hearing, ~~as~~
11 ~~provided in section 19-2-1304~~ PURSUANT TO SECTION 19-2.5-705, or by
12 the court during a review, ~~as provided in section 19-2-1303 (2)~~ PURSUANT
13 TO SECTION 19-2.5-704 (2), the court shall resume or recommence the trial
14 or sentencing proceeding or order the sentence carried out. The court may
15 credit any time the juvenile spent in confinement or detention while
16 incompetent to proceed against any term of commitment imposed after
17 achievement of or restoration to competency.

18 (2) If the court determines that the juvenile remains incompetent
19 to proceed and the delinquency petition is not dismissed, the court may
20 continue or modify any orders entered at the time of the original
21 determination of incompetency or enter any new order necessary to
22 facilitate the juvenile's achievement of or restoration to competency.

23 (3) Evidence obtained during a competency evaluation or during
24 treatment related to the juvenile's competency or incompetency and the
25 determination as to the juvenile's competency or incompetency are not
26 admissible on the issues raised by a plea of not guilty.

27

PART 8

1 DIRECT FILING AND TRANSFER HEARINGS

2 **19-2.5-801. [Formerly 19-2-517] Direct filing - definition.** (1) A
3 juvenile may be charged by the direct filing of an information in the
4 district court or by indictment only if:

5 (a) The juvenile is sixteen years of age or older at the time of the
6 commission of the alleged offense; and

7 (I) Is alleged to have committed a class 1 or class 2 felony; or

8 (II) Is alleged to have committed a sexual assault that is a crime of
9 violence pursuant to section 18-1.3-406 ~~€:R:S.;~~ or a sexual assault under
10 the circumstances described in section 18-3-402 (5)(a); ~~€:R:S.;~~ or

11 (III) (A) Is alleged to have committed a felony enumerated as a
12 crime of violence pursuant to section 18-1.3-406, ~~€:R:S.;~~ other than a
13 sexual assault as described in ~~subparagraph (H) of this paragraph (a)~~
14 SUBSECTION (1)(a)(II) OF THIS SECTION, or is alleged to have committed
15 sexual assault pursuant to section 18-3-402, ~~€:R:S.;~~ sexual assault on a
16 child pursuant to section 18-3-405, ~~€:R:S.;~~ or sexual assault on a child by
17 one in a position of trust pursuant to section 18-3-405.3; ~~€:R:S.;~~ and

18 (B) Is found to have a prior adjudicated felony offense; or

19 (IV) Has previously been subject to proceedings in district court
20 as a result of a direct filing pursuant to this section or a transfer pursuant
21 to ~~section 19-2-518~~ SECTION 19-2.5-802; except that:

22 (A) If the juvenile is found not guilty in district court of the prior
23 felony or any lesser included offense, the subsequent charge ~~shall~~ MUST
24 be remanded to the juvenile court; and

25 (B) If the juvenile is convicted in district court in the prior case of
26 a lesser included or nonenumerated offense for which criminal charges
27 could not have been originally filed by information or indictment in the

1 district court pursuant to this section, the subsequent charge may be
2 remanded to the juvenile court.

3 ~~(V) to (VII) (Deleted by amendment, L. 2012.)~~

4 ~~(b) and (c) (Deleted by amendment, L. 2012.)~~

5 ~~(1.5)~~ (2) If, after a preliminary hearing, the district court does not
6 find probable cause for an offense that may be charged by direct filing, or
7 if the direct file eligible offense is dismissed at a later date, the court shall
8 remand the case to the juvenile court.

9 ~~(2)~~ (3) Notwithstanding ~~the provisions of section 19-2-518~~
10 SECTION 19-2.5-802, after filing charges in the juvenile court but before
11 the juvenile court conducts a transfer hearing, the district attorney may file
12 the same or different charges against the juvenile by direct filing of an
13 information in the district court or by indictment pursuant to this section.
14 Upon the filing or indictment in the district court, the juvenile court ~~shall~~
15 no longer ~~have~~ HAS jurisdiction over proceedings concerning the charges.

16 ~~(3)~~ (4) (a) After a juvenile case has been charged by direct filing
17 of information or by an indictment in district court, the juvenile may file
18 in district court a motion to transfer the case to juvenile court. The
19 juvenile must file the motion no later than the time to request a
20 preliminary hearing. Upon receipt of the motion, the court shall set the
21 reverse-transfer hearing with the preliminary hearing. The court shall
22 permit the district attorney to file a response to the juvenile's motion to
23 transfer the case to juvenile court. The district attorney shall file the
24 response no later than fourteen days before the reverse-transfer hearing.

25 (b) In determining whether the juvenile and the community would
26 be better served by adjudicative proceedings pursuant to this ~~article~~
27 ARTICLE 2.5 or by proceedings ~~under title 16, C.R.S.~~ PURSUANT TO TITLE

1 16, the court shall consider the following factors:

2 (I) The seriousness of the alleged offense and whether the
3 protection of the community requires response or consequence beyond
4 that afforded by this ~~article~~ ARTICLE 2.5;

5 (II) Whether the alleged offense was committed in an aggressive,
6 violent, premeditated, or willful manner;

7 (III) Whether the alleged offense was against persons or property,
8 greater weight being given to offenses against persons;

9 (IV) The age of the juvenile and the maturity of the juvenile, as
10 determined by considerations of the juvenile's home, environment,
11 emotional attitude, and pattern of living;

12 (V) The JUVENILE'S record and previous history ~~of the juvenile~~ in
13 prior court-related matters;

14 (VI) The JUVENILE'S current and past mental health status, ~~of the~~
15 ~~juvenile~~ as evidenced by relevant mental health or psychological
16 assessments or screenings that are made available to both the district
17 attorney and defense counsel;

18 (VII) The likelihood of the juvenile's rehabilitation by use of the
19 sentencing options available in the juvenile courts and district courts;

20 (VIII) The interest of the community in the imposition of a
21 punishment commensurate with the gravity of the offense;

22 (IX) The impact of the offense on the victim;

23 (X) Whether the juvenile was previously committed to the
24 department of human services following an adjudication for a delinquent
25 act that constitutes a felony; and

26 (XI) Whether the juvenile used, or possessed and threatened the
27 use of, a deadly weapon in the commission of the delinquent act.

1 (c) If the district court determines pursuant to ~~paragraph (b) of this~~
2 ~~subsection (3)~~ SUBSECTION (4)(b) OF THIS SECTION that the juvenile and
3 the community would be better served by adjudicative proceedings
4 pursuant to this ~~article~~ ARTICLE 2.5, the court shall enter an order directing
5 that the offenses against the juvenile be adjudicated in juvenile court
6 pursuant to ~~the provisions of this article~~ THIS ARTICLE 2.5.

7 ~~(4) and (5) (Deleted by amendment, L. 2012.)~~

8 ~~(6)~~ (5) (a) If a juvenile is convicted following the filing of criminal
9 charges by information or indictment in the district court pursuant to this
10 section, the district judge shall sentence the juvenile either:

11 (I) As an adult; except that a juvenile is excluded from the
12 mandatory minimum sentencing provisions in section 18-1.3-406, ~~C.R.S.~~,
13 unless the juvenile is convicted of a class 1 felony or a sex offense that is
14 subject to part 9 of article 1.3 of title 18; ~~C.R.S.~~; or

15 (II) To the youthful offender system in the department of
16 corrections in accordance with section 18-1.3-407; ~~C.R.S.~~; except that a
17 juvenile ~~shall be~~ IS ineligible for sentencing to the youthful offender
18 system if the juvenile is convicted of:

19 (A) A class 1 felony;

20 (B) Any sexual offense described in section 18-6-301 or 18-6-302
21 ~~C.R.S.~~, or part 4 of article 3 of title 18; ~~C.R.S.~~; or

22 (C) A second or subsequent offense, if the juvenile received a
23 sentence to the department of corrections or to the youthful offender
24 system for the prior offense.

25 ~~(HH) (Deleted by amendment, L. 2012.)~~

26 (b) The district court judge may sentence a juvenile pursuant to ~~the~~
27 ~~provisions of this article~~ THIS ARTICLE 2.5 if the juvenile is convicted of

1 a lesser included or nonenumerated felony offense for which criminal
2 charges could not have been originally filed by information or indictment
3 in the district court pursuant to this section. If the juvenile is convicted of
4 only a misdemeanor offense or misdemeanor offenses, the court shall
5 adjudicate the juvenile a delinquent and sentence the juvenile pursuant to
6 this ~~article~~ ARTICLE 2.5.

7 (c) If a juvenile is convicted of an offense that is not eligible for
8 district court jurisdiction ~~under~~ PURSUANT TO either this section or ~~section~~
9 ~~19-2-518~~ SECTION 19-2.5-802, the juvenile ~~shall~~ MUST be remanded to
10 juvenile court.

11 ~~(7)~~ (6) In the case of a person who is sentenced as a juvenile
12 pursuant to ~~subsection (6)~~ SUBSECTION (5) of this section, the following
13 provisions ~~shall~~ apply:

14 (a) ~~Section 19-2-908(1)(a)~~ SECTION 19-2.5-1126 (1)(a), regarding
15 mandatory sentence offenders;

16 (b) ~~Section 19-2-908(1)(b)~~ SECTION 19-2.5-1126 (1)(b), regarding
17 repeat juvenile offenders;

18 (c) ~~Section 19-2-908(1)(c)~~ SECTION 19-2.5-1126 (1)(c), regarding
19 violent juvenile offenders; and

20 (d) ~~Section 19-2-601~~ SECTIONS 19-2.5-503 AND 19-2.5-1127,
21 regarding aggravated juvenile offenders.

22 ~~(8)~~ (7) The court in its discretion may appoint a guardian ad litem
23 for a juvenile charged by the direct filing of an information in the district
24 court or by indictment pursuant to this section.

25 ~~(9)~~ (8) When a juvenile is sentenced pursuant to ~~the provisions of~~
26 ~~this article~~ THIS ARTICLE 2.5, the juvenile's conviction ~~shall~~ MUST be
27 adjudicated as a juvenile delinquency adjudication.

1 ~~(10)~~ (9) For purposes of this section, "violent juvenile offender"
2 has the same meaning as ~~defined in section 19-2-516 (3)~~ SET FORTH IN
3 SECTION 19-2.5-1125 (3).

4 **19-2.5-802. [Formerly 19-2-518] Transfers.** (1) (a) The juvenile
5 court may enter an order certifying a juvenile to be held for criminal
6 proceedings in the district court if:

7 (I) A petition filed in juvenile court alleges the juvenile is:

8 (A) Twelve or thirteen years of age at the time of the commission
9 of the alleged offense and is a juvenile delinquent by virtue of having
10 committed a delinquent act that constitutes a class 1 or class 2 felony or
11 a crime of violence, as defined in section 18-1.3-406; ~~C.R.S.~~; or

12 (B) Fourteen years of age or older at the time of the commission
13 of the alleged offense and is a juvenile delinquent by virtue of having
14 committed a delinquent act that constitutes a felony; and

15 (II) After investigation and a hearing, the juvenile court finds it
16 would be contrary to the best interests of the juvenile or of the public to
17 retain jurisdiction.

18 (b) A petition may be transferred from the juvenile court to the
19 district court only after a hearing as provided in this section.

20 (c) If the crime alleged to have been committed is a felony defined
21 by section 18-8-208, ~~C.R.S.~~, and no other crime is alleged to have been
22 committed and the juvenile has been adjudicated a juvenile delinquent for
23 a delinquent act ~~which~~ THAT constitutes a class 4 or 5 felony, then the
24 charge for the crime may not be filed directly in the district court, but the
25 juvenile court may transfer ~~such~~ THE charge to the district court pursuant
26 to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION.

27 (d) (I) Except as otherwise ~~provided in subparagraph (II) of this~~

1 ~~paragraph (d)~~ SET FORTH IN SUBSECTION (1)(d)(II) OF THIS SECTION, in
2 cases in which criminal charges are transferred to the district court
3 pursuant to ~~the provisions of~~ this section, the judge of the district court
4 shall sentence the juvenile pursuant to ~~the provisions of~~ section
5 18-1.3-401 ~~C.R.S.~~, if the juvenile is:

6 (A) Convicted of a class 1 felony;

7 (B) Convicted of a crime of violence, as defined in section
8 18-1.3-406; ~~C.R.S.~~; or

9 (C) Convicted of any other criminal charge specified in ~~paragraph~~
10 ~~(a) of this subsection (I)~~ SUBSECTION (1)(a) OF THIS SECTION and the
11 juvenile was previously adjudicated a mandatory sentence offender, a
12 violent juvenile offender, or an aggravated juvenile offender.

13 (II) In cases in which criminal charges are transferred to the
14 district court pursuant to ~~the provisions of~~ this section, the judge of the
15 district court may sentence to the youthful offender system created in
16 section 18-1.3-407 ~~C.R.S.~~, any juvenile who would otherwise be
17 sentenced pursuant to ~~the provisions of subparagraph (I) of this paragraph~~
18 ~~(d)~~ SUBSECTION (1)(d)(I) OF THIS SECTION; except that a juvenile ~~shall be~~
19 IS ineligible for sentencing to the youthful offender system if the juvenile
20 is convicted of:

21 (A) A class 1 felony;

22 ~~(B) to (D) (Deleted by amendment, L. 2010, (HIB 10-1413), ch.~~
23 ~~264, p. 1203, § 2, effective August 11, 2010.)~~

24 ~~(E)~~ (B) Any sexual offense described in section 18-6-301 or
25 18-6-302 ~~C.R.S.~~, or part 4 of article 3 of title 18. ~~C.R.S.~~

26 (III) In cases in which criminal charges are transferred to the
27 district court pursuant to ~~the provisions of~~ this section and the juvenile is

1 not eligible for sentencing pursuant to ~~subparagraph (f) of this paragraph~~
2 ~~(d)~~ SUBSECTION (1)(d)(I) OF THIS SECTION, the judge of the district court
3 ~~shall have~~ HAS the power to make any disposition of the case that any
4 juvenile court would have or to remand the case to the juvenile court for
5 disposition at its discretion.

6 (IV) If, following transfer of criminal charges to the district court
7 pursuant to this section, a juvenile is convicted of a lesser included offense
8 for which criminal charges could not originally have been transferred to
9 the district court, the court shall sentence the juvenile pursuant to ~~the~~
10 ~~provisions of this article~~ THIS ARTICLE 2.5.

11 ~~(d.5) (Deleted by amendment, L. 2010, (HB 10-1413), ch. 264, p.~~
12 ~~1203, § 2, effective August 11, 2010.)~~

13 (e) Whenever a juvenile under the age of fourteen years is
14 sentenced pursuant to section 18-1.3-401 C.R.S., ~~as provided in paragraph~~
15 ~~(d) of this subsection (1)~~ AS PROVIDED IN SUBSECTION (1)(d) OF THIS
16 SECTION, the department of corrections shall contract with the department
17 of human services to house and provide services to the juvenile in a
18 facility operated by the department of human services until the juvenile
19 reaches the age of fourteen years. On reaching the age of fourteen years,
20 the juvenile ~~shall~~ MUST be transferred to an appropriate facility operated
21 by the department of corrections for the completion of the juvenile's
22 sentence.

23 (2) After filing charges in the juvenile court but prior to the time
24 that the juvenile court conducts a transfer hearing, the district attorney
25 may file the same or different charges against the juvenile by direct filing
26 of an information in the district court or by indictment pursuant to ~~section~~
27 ~~19-2-517~~ SECTION 19-2.5-801. Upon ~~said~~ THE filing or indictment in the

1 district court, the juvenile court ~~shall~~ no longer ~~have~~ HAS jurisdiction over
2 proceedings concerning ~~said~~ THE charges.

3 (3) At the transfer hearing, the court shall consider:

4 (a) Whether there is probable cause to believe that the juvenile has
5 committed a delinquent act for which waiver of juvenile court jurisdiction
6 over the juvenile and transfer to the district court may be sought pursuant
7 to subsection (1) of this section; and

8 (b) Whether the interests of the juvenile or of the community
9 would be better served by the juvenile court's waiving its jurisdiction over
10 the juvenile and transferring jurisdiction over ~~him or her~~ THE JUVENILE to
11 the district court.

12 (4) (a) The hearing ~~shall~~ MUST be conducted as ~~provided~~ SET
13 FORTH in section 19-1-106, and the court shall make certain that the
14 juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian, or legal
15 custodian have been fully informed of their right to be represented by
16 counsel.

17 (b) In considering whether ~~or not~~ to waive juvenile court
18 jurisdiction over the juvenile, the juvenile court shall consider the
19 following factors:

20 (I) The seriousness of the ___ offense and whether the protection
21 of the community requires isolation of the juvenile beyond that afforded
22 by juvenile facilities;

23 (II) Whether the alleged offense was committed in an aggressive,
24 violent, premeditated, or willful manner;

25 (III) Whether the alleged offense was against persons or property,
26 greater weight being given to offenses against persons;

27 (IV) The JUVENILE'S maturity, ~~of the juvenile~~ as determined by

1 considerations of the juvenile's home, environment, emotional attitude,
2 and pattern of living;

3 (V) The JUVENILE'S record and previous history; ~~of the juvenile;~~

4 (VI) The likelihood of THE JUVENILE'S rehabilitation ~~of the~~
5 ~~juvenile~~ by use of facilities available to the juvenile court;

6 (VII) The interest of the community in the imposition of a
7 punishment commensurate with the gravity of the offense;

8 (VIII) The impact of the offense on the victim;

9 (IX) ~~That~~ WHETHER the juvenile was twice previously adjudicated
10 a delinquent juvenile for delinquent acts that constitute felonies;

11 (X) ~~That~~ WHETHER the juvenile was previously adjudicated a
12 juvenile delinquent for a delinquent act that constitutes a crime of
13 violence, as defined in section 18-1.3-406; ~~C.R.S.;~~

14 (XI) ~~That~~ WHETHER the juvenile was previously committed to the
15 department of human services following an adjudication for a delinquent
16 act that constitutes a felony;

17 (XII) ~~That~~ WHETHER the juvenile is sixteen years of age or older
18 at the time of the ___ offense and the present act constitutes a crime of
19 violence, as defined in section 18-1.3-406; ~~C.R.S.;~~

20 (XIII) ~~That~~ WHETHER the juvenile is sixteen years of age or older
21 at the time of the ___ offense and has been twice previously adjudicated
22 a juvenile delinquent for delinquent acts against property that constitute
23 felonies; and

24 (XIV) ~~That~~ WHETHER the juvenile used, or possessed and
25 threatened the use of, a deadly weapon in the commission of a delinquent
26 act.

27 (c) The amount of weight to be given to each of the factors listed

1 in ~~paragraph (b) of this subsection (4)~~ SUBSECTION (4)(b) OF THIS SECTION
2 is discretionary with the court; except that a record of two or more
3 previously sustained petitions for delinquent acts that constitute felonies
4 or a record of two or more juvenile probation revocations based on acts
5 that constitute felonies ~~shall~~ establish prima facie evidence that to retain
6 jurisdiction in juvenile court would be contrary to the best interests of the
7 juvenile or of the community.

8 (d) The insufficiency of evidence pertaining to any one or more of
9 the factors listed in ~~paragraph (b) of this subsection (4)~~ shall SUBSECTION
10 (4)(b) OF THIS SECTION IS not in and of itself ~~be~~ determinative of the issue
11 of waiver of juvenile court jurisdiction.

12 ~~(5) Repealed.~~

13 ~~(6)~~ (5) Written reports and other materials relating to the juvenile's
14 mental, physical, educational, and social history may be considered by the
15 court, but the court, if so requested by the juvenile, ~~his or her~~ THE
16 JUVENILE'S parent or guardian, or other interested party, shall require the
17 person or agency preparing the report and other material to appear and be
18 subject to both direct and cross-examination.

19 ~~(7)~~ (6) (a) If the court finds that its jurisdiction over a juvenile
20 should be waived, it shall enter an order to that effect; except that such
21 order of waiver ~~shall be~~ IS null and void if the district attorney fails to file
22 an information in the criminal division of the district court within five
23 days ~~of~~ AFTER issuance of the written order of waiver, exclusive of
24 Saturdays, Sundays, and court holidays. Upon failure of the district
25 attorney to file an information within five days of the issuance of the
26 written order of waiver, exclusive of Saturdays, Sundays, and court
27 holidays, the juvenile court shall retain jurisdiction and shall proceed as

1 ~~provided in this article~~ PURSUANT TO THIS ARTICLE 2.5.

2 (b) As a condition of the waiver of jurisdiction, the court in its
3 discretion may provide that a juvenile shall continue to be held in custody
4 pending the filing of an information in the criminal division of the district
5 court. Where the juvenile has made bond in proceedings in the juvenile
6 court, the bond may be continued and made returnable in and transmitted
7 to the district court, where it ~~shall~~ MUST continue in full force and effect
8 unless modified by order of the district court.

9 ~~(8)~~ (7) If the court finds that it is in the best interests of the
10 juvenile and of the public for the court to retain jurisdiction, it shall
11 proceed with the adjudicatory trial ~~as provided in part 8 of this article~~
12 PURSUANT TO PART 9 OF THIS ARTICLE 2.5.

13 PART 9

14 ADJUDICATORY PROCEEDINGS

15 **19-2.5-901. [Formerly 19-2-703] Informal adjustment.** (1) The
16 district attorney may request of the court at any time, either before, during,
17 or after the filing of a petition, that the matter be handled as an informal
18 adjustment if:

19 (a) The juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian,
20 or legal custodian have been informed of their constitutional and legal
21 rights, including the right to have counsel at every stage of the
22 proceedings;

23 (b) There are sufficient facts to establish the COURT'S jurisdiction;
24 ~~of the court;~~ and

25 (c) The juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian,
26 or legal custodian have waived the right to a speedy trial.

27 (2) An informal adjustment ~~shall~~ MUST be for an initial period of

1 no longer than six months. One additional extension of up to six months
2 may be ordered by the court upon showing of good cause.

3 (3) During any informal adjustment, the court may place the
4 juvenile under the supervision of the probation department or other
5 designated agency. The court may require further conditions of conduct,
6 as requested by the district attorney, probation department, or designated
7 agency.

8 (4) ~~No~~ A juvenile shall NOT be granted an informal adjustment if
9 ~~such~~ THE juvenile has been adjudicated a juvenile delinquent within the
10 preceding twelve months, has had a prior deferred adjudication, or has had
11 an informal adjustment granted within the preceding twelve months.

12 **19-2.5-902. [Formerly 19-2-708] Entry of plea.** (1) Upon the
13 entry of a plea of not guilty to the allegations contained in the petition, the
14 court shall set the matter for an adjudicatory trial. Except as ~~otherwise~~
15 ~~provided in section 19-2-107~~ SET FORTH IN SECTION 19-2.5-610, the court
16 shall hold the adjudicatory trial within sixty days ~~following~~ AFTER the
17 entry of a plea of not guilty.

18 (2) Upon the entry of a plea of guilty to one or more of the
19 allegations contained in the petition, the court shall advise the juvenile in
20 accordance with rule 3 of the Colorado rules of juvenile procedure. ~~Such~~
21 THE advisement ~~shall~~ MUST include the possibility of restorative justice
22 practices, including victim-offender conferences if restorative justice
23 practices are available in the jurisdiction. The advisement regarding
24 restorative justice practices does not establish any right to restorative
25 justice practices on THE JUVENILE'S behalf. ~~of the juvenile.~~

26 **19-2.5-903. [Formerly 19-2-709] Deferral of adjudication.**
27 (1) Except as ~~otherwise provided in subsection (1.5)~~ SET FORTH IN

1 SUBSECTION (2) of this section, in any case in which the juvenile has
2 agreed with the district attorney to enter a plea of guilty, the court, with
3 the consent of the juvenile and the district attorney, upon accepting the
4 guilty plea and entering an order deferring adjudication, may continue the
5 case for a period not to exceed one year ~~from~~ AFTER the date of entry of
6 the order deferring adjudication. The court may continue the case for an
7 additional one-year period for good cause.

8 ~~(1.5)~~ (2) In a case in which the juvenile has agreed with the district
9 attorney to enter a plea of guilty, resulting in a conviction, as defined in
10 section 16-22-102 (3), ~~C.R.S.~~, for unlawful sexual behavior, as defined in
11 section 16-22-102 (9), ~~C.R.S.~~, the court, with the consent of the juvenile
12 and district attorney, upon accepting the guilty plea and entering an order
13 deferring adjudication, may continue the case for a period of time not to
14 exceed two years ~~from~~ AFTER the date of the order deferring adjudication.
15 Upon a showing of good cause, the court may continue the case for
16 additional time, not to exceed five years ~~from~~ AFTER the date of the order
17 deferring adjudication.

18 ~~(2)~~ (3) ~~Any~~ A juvenile granted a deferral of adjudication ~~under~~
19 PURSUANT TO this section may be placed under the supervision of a
20 probation department. The court may impose any conditions of
21 supervision that it deems appropriate that are stipulated to by the juvenile
22 and the district attorney.

23 ~~(3)~~ (4) Upon full compliance with ~~such~~ THE conditions of
24 supervision, the plea of the juvenile or the finding of guilt by the court
25 ~~shall~~ MUST be withdrawn and the case dismissed with prejudice.

26 ~~(3.5)~~ (5) THE DISTRICT ATTORNEY OR A PROBATION OFFICER MAY
27 MAKE AN application for entry of adjudication and imposition of sentence

1 ~~may be made by the district attorney or a probation officer~~ at any time
2 within the term of the deferred adjudication or within thirty-five days
3 thereafter.

4 ~~(4)~~ (6) If the juvenile fails to comply with the terms of supervision,
5 the court shall enter an order of adjudication and proceed to sentencing
6 ~~under section 19-2-906. Such~~ PURSUANT TO SECTION 19-2.5-1102. Lack
7 of compliance ~~shall be~~ IS a matter to be determined by the court without
8 a jury, upon written application of the district attorney or probation
9 department. At least ~~five~~ SEVEN days' notice ~~shall~~ MUST be given to the
10 juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian, or legal
11 custodian. The burden of proof ~~shall be~~ IS the same as if the matter were
12 being heard as a probation revocation proceeding.

13 ~~(5)~~ (7) If the juvenile agrees to a deferral of adjudication, ~~he or she~~
14 THE JUVENILE waives all rights to a speedy trial and sentencing.

15 **19-2.5-904. [Formerly 19-2-108] Speedy trial - procedural**
16 **schedule.** (1) The juvenile's right to a speedy trial ~~shall be~~ IS governed by
17 section 18-1-405 ~~C.R.S.~~, and rule 48(b) of the Colorado rules of criminal
18 procedure.

19 (2) In bringing an adjudicatory action against a juvenile pursuant
20 to this ~~article 2~~ ARTICLE 2.5, the district attorney and the court shall
21 comply with the deadlines for:

22 (a) Holding the detention hearing, as specified in ~~section 19-2-508~~
23 ~~(3)(a)(I)~~ SECTION 19-2.5-305 (3)(a)(I);

24 (b) Filing the petition, as specified in ~~section 19-2-508 (3)(a)(IX)~~
25 SECTION 19-2.5-305 (3)(a)(IX);

26 (c) Setting the first appearance, as specified in ~~section 19-2-514~~
27 ~~(4)~~ SECTION 19-2.5-501 (4); and

1 (d) Holding the adjudicatory trial, as specified in ~~section 19-2-708~~
2 (~~†~~) SECTION 19-2.5-902 (1).

3 (3) The court may grant a continuance with regard to any of the
4 deadlines specified in subsection (2) of this section upon making a finding
5 of good cause.

6 **19-2.5-905. [Formerly 19-2-802] Evidentiary considerations.**

7 (1) All statutes and rules of this state that apply to evidentiary
8 considerations in adult criminal proceedings ~~shall~~ apply to proceedings
9 ~~under this title~~ PURSUANT TO THIS TITLE 19 except as otherwise
10 specifically provided.

11 (2) In any case brought ~~under this title~~ PURSUANT TO THIS TITLE 19,
12 the credibility of any witness may be challenged because of ~~his or her~~ THE
13 WITNESS'S prior adult felony convictions and juvenile felony adjudications.
14 The fact of such conviction or adjudication may be proved either by the
15 witness through testimony or by other competent evidence.

16 (3) Prior to the juvenile resting ~~his or her~~ THE JUVENILE'S case, the
17 trial court shall advise the juvenile outside the presence of the jury that:

18 (a) ~~He or she~~ THE JUVENILE has a right to testify in ~~his or her~~ THE
19 JUVENILE'S own behalf;

20 (b) If ~~he or she~~ THE JUVENILE wants to testify, no one, including
21 ~~his or her~~ THE JUVENILE'S attorney, can prevent the juvenile from doing so;

22 (c) If ~~he or she~~ THE JUVENILE testifies, the prosecutor will be
23 allowed to cross-examine ~~him or her~~ THE JUVENILE;

24 (d) If ~~he or she~~ THE JUVENILE has been convicted or adjudicated
25 for a felony, the prosecutor ~~shall be~~ IS entitled to ask ~~him or her~~ THE
26 JUVENILE about it and thereby disclose it to the jury;

27 (e) If a felony conviction or adjudication is disclosed to the jury,

1 the jury can be instructed to consider it only as it bears upon ~~his or her~~ THE
2 JUVENILE'S credibility;

3 (f) ~~He or she~~ THE JUVENILE has a right not to testify and that, if ~~he~~
4 ~~or she~~ THE JUVENILE does not testify, the jury ~~shall~~ MUST be instructed
5 about such right.

6 **19-2.5-906. [Formerly 19-2-803] Admissibility of evidence -**
7 **legislative declaration - definitions.** (1) It is ~~hereby declared to be~~ the
8 intent of the general assembly that, when evidence is sought to be
9 excluded from the trier of fact in a delinquency proceeding because of the
10 conduct of a peace officer leading to its discovery, such evidence should
11 not be suppressed if otherwise admissible when the proponent of the
12 evidence can show that the conduct in question was taken in a reasonable,
13 good-faith belief that it was proper. It is further declared to be the
14 GENERAL ASSEMBLY'S intent ~~of the general assembly~~ to identify the
15 characteristics of admissible evidence and not to address or attempt to
16 prescribe court procedure.

17 (2) For purposes of this section:

18 (a) "Good-faith mistake" ~~is defined in section 19-1-103 (53)~~
19 MEANS A REASONABLE ERROR OF JUDGMENT CONCERNING THE EXISTENCE
20 OF FACTS OR LAW THAT, IF TRUE, WOULD BE SUFFICIENT TO CONSTITUTE
21 PROBABLE CAUSE.

22 (b) "Peace officer" has the meaning set forth in section 16-2.5-101.
23 ~~C.R.S.~~

24 (c) "Technical violation" ~~is defined in section 19-1-103 (105)~~
25 MEANS A REASONABLE, GOOD-FAITH RELIANCE UPON A STATUTE THAT IS
26 LATER RULED UNCONSTITUTIONAL, A WARRANT THAT IS LATER
27 INVALIDATED DUE TO A GOOD-FAITH MISTAKE, OR A COURT PRECEDENT

1 THAT IS LATER OVERRULED.

2 (3) THE COURT SHALL NOT SUPPRESS evidence sought to be
3 excluded in a delinquency proceeding because of the conduct of the peace
4 officer leading to its discovery ~~shall not be suppressed by the court~~ if the
5 court finds that the evidence was seized by the peace officer as a result of
6 a good-faith mistake or a technical violation and the evidence is otherwise
7 admissible.

8 (4) THE COURT SHALL NOT SUPPRESS IN A DELINQUENCY
9 PROCEEDING evidence that is obtained as a result of a confession
10 voluntarily made in a noncustodial setting ~~shall not be suppressed by the~~
11 ~~court in a delinquency proceeding~~ if it THE EVIDENCE is otherwise
12 admissible.

13 (5) It ~~shall be~~ IS prima facie evidence that the conduct of the peace
14 officer was taken in the reasonable good-faith belief that it was proper if
15 there is a showing that the evidence was obtained pursuant to and within
16 the scope of a warrant, unless the warrant was obtained through
17 intentional and material misrepresentation.

18 **19-2.5-907. [Formerly 19-2-804] Procedures at trial.** (1) At the
19 adjudicatory trial, ~~which shall~~ THAT MUST be conducted ~~as provided in~~
20 PURSUANT TO section 19-1-106, the court shall consider whether the
21 allegations of the petition are supported by evidence beyond a reasonable
22 doubt. Jurisdictional matters of the age and residence of the juvenile ~~shall~~
23 ~~be~~ ARE deemed admitted by or on behalf of the juvenile unless specifically
24 denied within a reasonable time prior to the trial.

25 (2) If the juvenile is found not guilty after an adjudicatory trial, the
26 court shall order the petition dismissed and the juvenile discharged from
27 any detention or restriction previously ordered. The juvenile's parents,

1 guardian, or other legal custodian ~~shall~~ ARE also ~~be~~ discharged from any
2 restriction or other previous temporary order.

3 (3) If the juvenile is found guilty after an adjudicatory trial, the
4 court may proceed to sentencing or direct that the matter be set for a
5 separate sentencing hearing within ~~forty-five~~ FORTY-NINE days following
6 completion of the adjudicatory trial.

7 **19-2.5-908. [Formerly 19-2-805] Method of jury selection.**
8 Examination and selection of jurors ~~shall be as provided~~ ARE GOVERNED
9 by rule 47 of the Colorado rules of civil procedure; except that challenges
10 for cause ~~shall be as provided~~ ARE GOVERNED by rule 24 of the Colorado
11 rules of criminal procedure.

12 **19-2.5-909. [Formerly 19-2-902] Motion for new trial.** (1) All
13 motions for a new trial ~~shall~~ MUST be made pursuant to rule 33 of the
14 Colorado rules of criminal procedure.

15 (2) If the juvenile was not represented by counsel, the court shall
16 inform the juvenile and ~~his or her~~ THE JUVENILE'S parent, guardian, or
17 legal custodian at the conclusion of the trial that they have the right to file
18 a motion for a new trial and that, if such motion is denied, they have the
19 right to appeal.

20 **19-2.5-910. [Formerly 19-2-927] Adjudication - collateral relief**
21 **- definitions.** (1) At the time of the entry of adjudication or at any time
22 thereafter, upon the request of the adjudicated juvenile or upon the court's
23 own motion, a court may enter an order of collateral relief in the juvenile's
24 case for the purpose of improving the juvenile's likelihood of success in
25 the community.

26 (2) **Application contents.** (a) An application for an order of
27 collateral relief must cite the grounds for granting the relief, the type of

1 relief sought, and the specific collateral consequence from which the
2 applicant is seeking relief and must include a copy of a recent criminal
3 history record check. The state court administrator may produce an
4 application form that an applicant may submit in application.

5 (b) The applicant shall provide a copy of the application to the
6 district attorney and to the regulatory or licensing body that has
7 jurisdiction over the collateral consequence from which the applicant is
8 seeking relief, if any, by certified mail or personal service within ~~ten~~
9 FOURTEEN days after filing the application with the court.

10 (c) An application filed after an adjudication order has been
11 entered must include a copy of a recent Colorado bureau of investigation
12 fingerprint-based criminal history record check, the filing fee required by
13 law, and an additional filing fee of thirty dollars to cover the actual costs
14 related to the application. A court shall waive the filing fees if it finds that
15 the juvenile is indigent.

16 (3) An order of collateral relief may relieve an adjudicated juvenile
17 of any collateral consequences of the adjudication, whether in housing or
18 employment barriers or any other sanction or disqualification that the
19 court shall specify, including but not limited to statutory, regulatory, or
20 other collateral consequences that the court may see fit to relieve that will
21 assist the adjudicated juvenile in successfully reintegrating into the
22 community.

23 (4) (a) Notwithstanding any other provision of law, an order of
24 collateral relief cannot relieve any collateral consequences imposed by law
25 for licensure by the department of education or any collateral
26 consequences imposed by law for employment with the judicial branch,
27 the department of corrections, the division of youth services in the

1 department of human services, or any other law enforcement agency in the
2 state of Colorado.

3 (b) A court shall not issue an order of collateral relief if the
4 adjudicated juvenile:

5 (I) Has been adjudicated for a felony that included an element that
6 requires a victim to suffer a serious bodily injury and the victim suffered
7 a permanent impairment of the function of any part or organ of the body;

8 (II) Has been adjudicated for a crime of violence as described in
9 section 18-1.3-406; or

10 (III) Is required to register as a sex offender pursuant to section
11 16-22-103.

12 (5) **Hearing.** (a) The court may conduct a hearing on any matter
13 relevant to the granting or denying of an application or include a hearing
14 on the matter at the adjudicated juvenile's sentencing hearing and may take
15 testimony under oath.

16 (b) The court may hear testimony from victims or any proponent
17 or opponent of the application and may hear arguments from the applicant
18 and the district attorney.

19 (6) **Standard for granting relief.** (a) A court may issue an order
20 of collateral relief if the court finds that:

21 (I) The order of collateral relief is consistent with the applicant's
22 rehabilitation; and

23 (II) Granting the application would improve the applicant's
24 likelihood of success in reintegrating into society and is in the public's
25 interest.

26 (b) The court that previously issued an order of collateral relief, on
27 its own motion or either by cause shown by the district attorney or on

1 grounds offered by the applicant, may at any time issue a subsequent
2 judgment to enlarge, limit, or circumscribe the relief previously granted.

3 (c) Upon the motion of the district attorney or probation officer or
4 upon the court's own motion, a court may revoke an order of collateral
5 relief upon evidence of a subsequent criminal conviction or adjudication
6 or proof that the adjudicated juvenile is no longer entitled to relief. Any
7 bars, prohibitions, sanctions, and disqualifications ~~thereby~~ relieved may
8 be reinstated as of the date of the written order of revocation. The court
9 shall provide a copy of the order of revocation to the holder and to any
10 regulatory or licensing entity that the adjudicated juvenile noticed in ~~his~~
11 ~~or her~~ THE JUVENILE'S motion for relief.

12 (7) If the court issues an order of collateral relief, it shall send a
13 copy of the order of collateral relief through the Colorado integrated
14 criminal justice information system to the Colorado bureau of
15 investigation, and the Colorado bureau of investigation shall note in the
16 applicant's record in the Colorado crime information center that the order
17 of collateral relief was issued.

18 (8) **Definitions.** As used in this section, unless the context
19 otherwise requires:

20 (a) "Adjudication" or "adjudicated" means a verdict of guilty by
21 a judge or jury or a plea of guilty or nolo contendere that is accepted by
22 the court or an adjudication for a crime under the laws of any other state,
23 the United States, or any territory subject to the jurisdiction of the United
24 States, which, if committed within this state, would be a crime.
25 "Adjudication" or "adjudicated" also includes having received a deferred
26 adjudication.

27 (b) "Collateral consequence" means a collateral sanction or a

1 disqualification.

2 (c) "Collateral sanction" means a penalty, prohibition, bar, or
3 disadvantage, however denominated, imposed on an individual as a result
4 of the individual's adjudication for an offense, which penalty, prohibition,
5 bar, or disadvantage applies by operation of law regardless of whether the
6 penalty, prohibition, bar, or disadvantage is included in the judgment or
7 sentence. "Collateral sanction" does not include imprisonment, probation,
8 parole, supervised release, forfeiture, restitution, fine, assessment, costs
9 of prosecution, or a restraint or sanction on an individual's driving
10 privilege.

11 (d) "Disqualification" means a penalty, prohibition, bar, or
12 disadvantage, however denominated, that an administrative agency,
13 governmental official, or court in a civil proceeding is authorized, but not
14 required, to impose on an individual on grounds relating to the individual's
15 adjudication for an offense.

16 PART 10

17 TEEN COURTS

18 **19-2.5-1001. [Formerly 19-2-1101] Short title.** ~~This part 11 shall~~
19 ~~be known and may be cited as~~ THE SHORT TITLE OF THIS PART 10 IS the
20 "Colorado Teen Court Program".

21 **19-2.5-1002. [Formerly 19-2-1102] Definitions.** As used in this
22 ~~part 11~~ PART 10, unless the context otherwise requires:

23 (1) "Minor offense" means any offense denominated a
24 misdemeanor in title 18 ~~C.R.S.~~, or violation of a municipal ordinance
25 where the maximum penalty authorized does not exceed imprisonment for
26 more than six months.

27 (2) "Supervising court" means the juvenile court for the city and

1 county of Denver, the district courts of the state other than that of Denver,
2 and any municipal court that establishes a teen court program pursuant to
3 this ~~part~~ PART 10.

4 (3) "Teen" means any person ~~over the age of twelve~~ THIRTEEN
5 years OF AGE OR OLDER and under ~~the age of nineteen~~ years OF AGE who
6 is enrolled in school.

7 (4) "Teen court judge" means a volunteer, licensed to practice law
8 in the state of Colorado, approved by and serving at the pleasure of the
9 chief judge of the supervising court.

10 (5) "Teen defendant" means a teen ordered to participate in a teen
11 court program ~~under this part~~ PURSUANT TO THIS PART 10.

12 (6) "Teen defense attorney" means a teen who is chosen by a teen
13 court judge to speak on behalf of a teen defendant.

14 (7) "Teen jury" means not less than three teens who have been
15 chosen by a teen court judge to decide what sentence should be imposed
16 against a teen defendant.

17 (8) "Teen prosecutor" means a teen who has been chosen by a teen
18 court judge to advocate on behalf of a school or community for any
19 sentence to be imposed.

20 **19-2.5-1003. [Formerly 19-2-1103] Teen court program -**
21 **supervising courts.** (1) Any supervising court is authorized to establish
22 a teen court program pursuant to the ~~provisions of this part~~ THIS PART
23 10. In any jurisdiction where a teen court program is established, a teen
24 charged with a minor offense may receive a deferred judgment, a
25 condition of which is successful participation in the teen court program.

26 (2) The procedure for determining the eligibility for and
27 imposition of the deferred judgment ~~shall be~~ IS as follows:

1 (a) The teen, in the presence of at least one of ~~his or her~~ THE
2 TEEN'S parents or legal guardian, ~~must enter~~ ENTERS a plea of guilty to the
3 minor offense charged;

4 (b) The teen ~~must request~~ REQUESTS to participate in the teen court
5 program, ~~agree~~ AGREES to the deferral of further proceedings in the
6 supervising court for a period of six months or until the teen has
7 successfully completed the teen court program, and ~~provide~~ PROVIDES the
8 court with addresses for mailing notices to both the teen and ~~his or her~~ THE
9 TEEN'S parent or legal guardian;

10 (c) The supervising court ~~must find~~ FINDS that the teen will benefit
11 more from participation in the teen court program than from any other
12 sentence that may be imposed;

13 (d) The supervising court may accept the teen's plea, order that the
14 teen participate in the teen court program, and defer further proceedings
15 in the supervising court for up to six months; AND

16 (e) In addition to ordering the teen to participate in the teen court
17 program, the supervising court may enter an order that the teen pay any
18 restitution otherwise authorized by law.

19 (3) If the supervising court receives a report from the teen court
20 judge that the teen has not successfully completed the teen court program,
21 or if within six months after the entry of the order for deferred judgment
22 the supervising court has not received a report that the teen has
23 successfully completed the teen court program, the court shall schedule a
24 sentencing hearing, send notice to the teen and ~~his or her~~ THE TEEN'S
25 parent or legal guardian at the addresses given at the time of the order for
26 deferred judgment or any changed address, and at the sentencing hearing
27 impose any other sentence authorized for the offense charged.

1 (4) If the supervising court receives a report from the teen court
2 judge that the teen has successfully completed the teen court program, the
3 court shall dismiss all charges against the teen. The dismissal ~~shall~~ DOES
4 not constitute a conviction for any purpose.

5 **19-2.5-1004. [Formerly 19-2-1104] Procedures - hearings.**

6 (1) Subject to any applicable rules of the Colorado supreme court, the
7 supervising court ~~shall be~~ IS responsible for establishing procedures for
8 any teen court program under its jurisdiction, including but not limited to:

9 (a) The use of its courtroom and other facilities during times when
10 they are not required for other court business;

11 (b) The approval of teen court judges;

12 (c) The collection of a fee from any teen defendant; AND

13 (d) The range of sentencing options that may be imposed upon a
14 teen defendant. ~~that shall~~ SENTENCING OPTIONS MUST not include a term
15 of imprisonment nor the payment of restitution, but may include:

16 (I) Community service supervised by the supervising court;

17 (II) Participation in law-related education classes, counseling,
18 treatment, or other programs; or

19 (III) Participation as a juror or other teen court member in
20 proceedings involving teen defendants.

21 (2) Whenever a teen, as a condition of a deferred judgment, ~~has~~
22 ~~been~~ IS ordered to participate in a teen court program, the teen and ~~his or~~
23 ~~her~~ THE TEEN'S parent or legal guardian ~~shall~~ MUST be ordered to appear
24 at a teen court sentencing hearing. The teen court judge shall preside over
25 the sentencing hearing. The teen defendant may represent himself or
26 herself or be represented by a teen defense attorney. The following
27 procedures ~~shall~~ MUST be followed at the teen court sentencing hearing:

- 1 (a) The teen court judge shall select a teen jury;
- 2 (b) The teen prosecutor and either the teen defendant or teen
3 defense attorney may question the jury on their knowledge of the
4 defendant or the facts of the offense for which the teen defendant was
5 charged;
- 6 (c) The teen court judge may order that a teen juror be replaced if
7 the judge finds that the juror may be biased;
- 8 (d) The teen prosecutor and either the teen defendant or teen
9 defense attorney may make an opening statement;
- 10 (e) The teen defendant shall be IS subject to cross-examination by
11 the teen prosecutor concerning the circumstances or facts surrounding the
12 offense or the character of the teen defendant and may either make a
13 statement or be subject to direct examination by the teen defense attorney;
- 14 (f) Each side may offer witnesses and documents concerning the
15 circumstances or facts surrounding the offense or the character of the teen
16 defendant;
- 17 (g) The teen prosecutor and either the teen defendant or teen
18 defense attorney may make a closing statement;
- 19 (h) Unless otherwise ordered by the teen court judge, the teen jury
20 shall deliberate in private and shall unanimously agree upon the sentence
21 to be imposed against the teen defendant, pursuant to guidelines adopted
22 by the court; AND
- 23 (i) If the jury is unable to unanimously agree on a sentence, then
24 the teen court judge shall impose the sentence, pursuant to guidelines
25 adopted by the court.
- 26 (3) The teen court judge shall enter a written order that:
- 27 (a) Orders the teen defendant to complete the sentence imposed by

1 the teen jury;

2 (b) Orders the teen defendant to submit a written report to the teen
3 court judge within three months after the sentencing hearing showing
4 satisfactory completion of the terms of the sentence; and

5 (c) Notifies the teen defendant that if the teen court judge does not
6 receive the written report within the time required, the teen court judge
7 shall file with the supervising court a report stating that the teen defendant
8 has not satisfactorily completed the teen court program.

9 (4) Within six months after the order for deferred judgment, the
10 teen court judge shall file a written report with the supervising court
11 notifying the court whether the teen defendant has satisfactorily completed
12 the teen court program.

13 **19-2.5-1005. [Formerly 19-2-1105] Alternative procedures.**
14 Nothing contained in this ~~part 11 shall be deemed to impair~~ PART 10
15 IMPAIRS the authority of courts to adopt different or alternative procedures
16 for the establishment and operation of teen court programs within their
17 respective jurisdictions.

18 PART 11

19 SENTENCING

20 SUBPART A - IN GENERAL

21 **19-2.5-1101. [Formerly 19-2-905] Presentence investigation.**

22 (1) (a) Prior to the sentencing hearing, juvenile probation for the judicial
23 district in which the juvenile is adjudicated shall conduct a presentence
24 investigation unless waived by the court on its own determination or on
25 recommendation of the prosecution or the juvenile. The presentence
26 investigation must take into consideration and build on the intake
27 assessment performed by the screening team. The presentence

- 1 investigation may address, but is not limited to, the following:
- 2 (I) The details of the offense;
 - 3 (II) Statements made by the victims of the offense;
 - 4 (III) The amount of restitution, if any, that should be imposed on
5 the juvenile or the juvenile's parent, guardian, or legal custodian;
 - 6 (IV) The juvenile's previous criminal record, if any, if the juvenile
7 has not been adjudicated for an act that constitutes unlawful sexual
8 behavior as defined in section 16-22-102 (9); ~~C.R.S.~~;
 - 9 (V) Any history of substance abuse by the juvenile;
 - 10 (VI) The juvenile's education history, including any special
11 education history and any current individualized education program the
12 juvenile may have pursuant to section 22-20-108; ~~C.R.S.~~;
 - 13 ~~(VI.5)~~ (VII) The juvenile's employment history;
 - 14 ~~(VII)~~ (VIII) The juvenile's family, kin, and persons having a
15 significant relationship with the juvenile;
 - 16 ~~(VIII)~~ (IX) The juvenile's peer relationships;
 - 17 ~~(IX)~~ (X) The status of juvenile programs and community
18 placements in the juvenile's judicial district of residence;
 - 19 ~~(X)~~ (XI) Other related material;
 - 20 ~~(XI)~~ (XII) Review of placement and commitment criteria adopted
21 pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1404, which shall be ARE the
22 criteria for any sentencing recommendations included in the presentence
23 investigation;
 - 24 ~~(XII)~~ (XIII) Assessment of the juvenile's needs; and
 - 25 ~~(XIII)~~ (XIV) Recommendations and a proposed treatment plan for
26 the juvenile.
 - 27 (b) If the juvenile has been adjudicated for an act that constitutes

1 unlawful sexual behavior, as defined in section 16-22-102 (9), ~~C.R.S.~~,
2 then the report on the presentence investigation ~~shall~~ MUST include the
3 juvenile's previous criminal and juvenile delinquency records, if any.

4 (2) (a) The probation department shall conduct a presentence
5 investigation in each case unless waived by the court on its own
6 determination or on recommendation of the prosecution or the juvenile.
7 The level of detail included in the presentence investigation may vary, as
8 appropriate, with the services being considered for the juvenile.

9 (b) (I) Except as SET FORTH in subsection (2)(b)(II) of this section,
10 if the juvenile is adjudicated on or after July 1, 2018, the report described
11 in subsection (1)(a) of this section must include the following statement:

12 Each adjudicated juvenile may, at the time of adjudication
13 or at any time thereafter, apply to the court for an order of
14 collateral relief of the consequences of the juvenile's
15 adjudication pursuant to ~~the provisions of section 19-2-927~~
16 SECTION 19-2.5-910, Colorado Revised Statutes.

17 (II) The report described in subsection (1)(a) of this section need
18 not include the statement described in subsection (2)(b)(I) of this section
19 if the juvenile:

20 (A) Has been adjudicated for a felony that included an element that
21 requires a victim to suffer a serious bodily injury and the victim suffered
22 a permanent impairment of the function of any part or organ of the body;

23 (B) Has been adjudicated for a crime of violence as described in
24 section 18-1.3-406; or

25 (C) Is required to register as a sex offender pursuant to section
26 16-22-103.

27 (3) (a) The state court administrator may implement a behavioral

1 or mental health disorder screening program to be used by the juvenile
2 court. If the state court administrator chooses to implement a behavioral
3 or mental health disorder screening program, the juvenile court shall use
4 the standardized behavioral or mental health disorder screening developed
5 pursuant to section 16-11.9-102 and conduct the screening in accordance
6 with the procedures established pursuant to ~~said section~~ SECTION
7 16-11.9-102. The findings and results of any standardized behavioral or
8 mental health disorder screening conducted pursuant to this subsection (3)
9 must be included in the written report to the court prepared and submitted
10 pursuant to this section.

11 (b) Prior to implementation of a behavioral or mental health
12 disorder screening program pursuant to this subsection (3), if
13 implementation of the program would require an increase in
14 appropriations, the state court administrator shall submit to the joint
15 budget committee a request for funding in the amount necessary to
16 implement the behavioral or mental health disorder screening program. If
17 implementation of the behavioral or mental health disorder screening
18 program would require an increase in appropriations, implementation of
19 the program is conditional upon approval of the funding request.

20 (4) Prior to sentencing a juvenile who was adjudicated for an
21 offense that would be a felony or misdemeanor not contained in title 42
22 ~~C.R.S.~~, if committed by an adult, the court may order the juvenile to
23 participate in an assessment to determine whether the juvenile would be
24 suitable for participation in restorative justice practices that would be a
25 part of the juvenile's sentence; except that the court may not order
26 participation in a restorative justice practice if the juvenile was
27 adjudicated a delinquent for unlawful sexual behavior, as defined in

1 section 16-22-102 (9); ~~C.R.S.~~, a crime in which the underlying factual
2 basis involves domestic violence, as defined in section 18-6-800.3 (1);
3 ~~C.R.S.~~, stalking, as defined in section 18-3-602; ~~C.R.S.~~, or violation of a
4 protection order, as defined in section 18-6-803.5. ~~C.R.S.~~ If the court
5 orders a suitability assessment, the assessor shall provide the services for
6 a fee of no more than forty dollars based on a sliding scale; however, the
7 fee may be reduced by the court based on a sliding scale consistent with
8 guidelines used to determine eligibility for appointment of counsel. If a
9 juvenile wants to participate in restorative justice practices, the juvenile
10 must make the request to the district attorney or the law enforcement
11 agency administering the program and may not make the request to the
12 victim. If requested by the juvenile or law enforcement agency, a
13 victim-offender conference may only be conducted after the victim is
14 consulted by the district attorney and offered an opportunity to participate
15 or submit a victim impact statement. If a victim elects not to attend, a
16 victim-offender conference may be held with a suitable victim surrogate
17 or victim advocate, and the victim may submit a victim impact statement.
18 If the juvenile participates in a restorative justice practices victim-offender
19 conference, the facilitator shall provide these services for a fee of no more
20 than one hundred twenty-five dollars based on a sliding scale; however,
21 the fee may be waived by the court.

22 **19-2.5-1102. [Formerly 19-2-906] Sentencing hearing.**

23 (1) (a) After making a finding of guilt, the court shall hear evidence on
24 the question of the proper disposition best serving the interests of the
25 juvenile and the public. Such evidence ~~shall include, but~~ INCLUDES BUT IS
26 not necessarily ~~be~~ limited to the social study and other reports as provided
27 in section 19-1-107.

1 (b) In ~~those~~ cases in which the juvenile is adjudicated a juvenile
2 delinquent for an act that constitutes unlawful sexual behavior, as defined
3 in section 16-22-102 (9), ~~C.R.S.~~, the court shall consider the juvenile's
4 previous criminal and juvenile delinquency records, if any, set forth in the
5 presentence investigation report prepared pursuant to ~~section 19-2-905~~
6 ~~(1)(b)~~ SECTION 19-2.5-1101 (1)(b) in determining the proper disposition
7 for the juvenile and the public.

8 (2) If the court has reason to believe that the juvenile may have an
9 intellectual and developmental disability, the court shall refer the juvenile
10 to the community-centered board in the designated service area where the
11 action is pending for an eligibility determination pursuant to article 10.5
12 of title 27. If the court has reason to believe that the juvenile may have a
13 behavioral or mental health disorder, the court shall order a mental
14 health ~~hospital~~ placement prescreening to be conducted in any appropriate
15 place.

16 ~~(2.5)(a)~~ (3) If the court receives a mental health screening or
17 mental health assessment pursuant to ~~section 19-2-710~~ SECTION
18 19-2.5-612 determining that the juvenile could benefit from mental
19 health services, or the court already has sufficient information to
20 determine that the juvenile could benefit from mental health services,
21 the court may order mental health services as a part of the
22 disposition.

23 ~~(b) Repealed.~~

24 ~~(3)~~ (4) (a) The court may continue the sentencing hearing, either
25 on its own motion or on the motion of any interested party, for a
26 reasonable period to receive reports or other evidence; except that the
27 court shall determine sentencing within ~~forty-five~~ FORTY-NINE days

1 following AFTER completion of the adjudicatory trial.

2 (b) If the hearing is continued, the court shall make an appropriate
3 order for detention of the juvenile or for ~~his or her~~ THE JUVENILE'S release
4 in the custody of ~~his or her~~ THE JUVENILE'S parents, guardian, or other
5 responsible person or agency under such conditions of supervision as the
6 court may impose during the continuance.

7 (c) In scheduling investigations and hearings, the court shall give
8 priority to proceedings concerning a juvenile who is in detention or who
9 has otherwise been removed from ~~his or her~~ THE home before an order of
10 disposition has been made.

11 ~~(4)~~ (5) In any case in which the sentence is placement out of the
12 home, except for juveniles committed to the department of human
13 services, the court shall, at the time of placement, set a review within
14 ~~ninety~~ NINETY-ONE days to determine if continued placement is necessary
15 and is in the best interest of the juvenile and of the community. THE
16 COURT SHALL GIVE notice of ~~said~~ THE review ~~shall be given by the court~~
17 to all parties and to the director of the facility or agency in which the
18 juvenile is placed and any person who has physical custody of the juvenile
19 and any attorney or guardian ad litem of record.

20 **19-2.5-1103. [Formerly 19-2-907] Sentencing schedule - options.**

21 (1) Upon completion of the sentencing hearing pursuant to ~~section~~
22 ~~19-2-906~~ SECTION 19-2.5-1102, the court shall enter a decree of sentence
23 or commitment imposing any of the following sentences or combination
24 of sentences, as appropriate:

25 (a) Commitment to the department of human services ~~as provided~~
26 ~~in section 19-2-909~~ PURSUANT TO SECTION 19-2.5-1117;

27 (b) Confinement in the county jail or in community corrections ~~as~~

1 ~~provided in section 19-2-910~~ PURSUANT TO SECTION 19-2.5-1118;

2 (c) Detention as ~~provided in section 19-2-911~~ PURSUANT TO

3 SECTION 19-2.5-1123;

4 (d) Placement of legal custody of the juvenile with a relative or

5 other suitable person as ~~provided in section 19-2-912~~ PURSUANT TO

6 SECTION 19-2.5-1112;

7 (e) Probation as ~~provided in section 19-2-913~~ PURSUANT TO

8 SECTION 19-2.5-1106;

9 (f) Commitment to the community accountability program as

10 ~~provided in section 19-2-914~~ PURSUANT TO SECTION 19-2.5-1111;

11 (g) Placement of legal custody of the juvenile in the county

12 department of human or social services or a child placement agency as

13 ~~provided in section 19-2-915~~ PURSUANT TO SECTION 19-2.5-1115;

14 (h) Placement of the juvenile in a hospital or other suitable facility

15 for receipt of special care as ~~provided in section 19-2-916~~ PURSUANT TO

16 SECTION 19-2.5-1114;

17 (i) Imposition of a fine as ~~provided in section 19-2-917~~ PURSUANT

18 TO SECTION 19-2.5-1105;

19 (j) Ordering the juvenile to pay restitution as ~~provided in section~~

20 ~~19-2-918~~ PURSUANT TO SECTION 19-2.5-1104;

21 (k) Ordering the juvenile to complete an anger management

22 treatment program or any other appropriate treatment program as ~~provided~~

23 ~~in section 19-2-918.5~~ PURSUANT TO SECTION 19-2.5-1122;

24 (l) Participation in an evaluation to determine whether the juvenile

25 would be suitable for restorative justice practices that would be a part of

26 the juvenile's sentence; except that the court may not order participation

27 in restorative justice practices if the juvenile was adjudicated a delinquent

1 for unlawful sexual behavior, as defined in section 16-22-102 (9); ~~€R.S.~~,
2 a crime in which the underlying factual basis involves domestic violence,
3 as defined in section 18-6-800.3 (1); ~~€R.S.~~, stalking, as defined in section
4 18-3-602 ; ~~€R.S.~~, or violation of a protection order, as defined in section
5 18-6-803.5. ~~€R.S.~~ If the court orders participation in restorative justice
6 practices, the facilitator shall provide these services for a fee of no more
7 than one hundred twenty-five dollars based on a sliding scale; however,
8 the fee may be waived by the court. Nothing in this ~~paragraph (1) shall be~~
9 ~~construed to require~~ SUBSECTION (1)(1) REQUIRES a victim to participate
10 in a restorative justice victim-offender conference.

11 (2) The judge shall sentence any juvenile adjudicated as a special
12 offender ~~as provided in section 19-2-908~~ PURSUANT TO SECTION
13 19-2.5-1126.

14 (3) Any sentence imposed on a juvenile pursuant to this section
15 may include the juvenile's parent or guardian ~~as provided in section~~
16 ~~19-2-919~~ PURSUANT TO SECTION 19-2.5-1110.

17 (4) If, as a condition of or in connection with any sentence
18 imposed pursuant to this section, the court requires a juvenile to attend
19 school, the court shall notify the school district in which the juvenile is
20 enrolled of such requirement.

21 (5) (a) Except as otherwise ~~provided in section 19-2-601~~ SET
22 FORTH IN SECTION 19-2.5-1127 for an aggravated juvenile offender, if the
23 court finds that placement out of the home is necessary and is in the best
24 interests of the juvenile and the community, the court shall place the
25 juvenile, following the criteria established pursuant to ~~section 19-2-212~~
26 SECTION 19-2.5-1404, in the facility or setting that most appropriately
27 meets the needs of the juvenile, the juvenile's family, and the community.

1 In making its decision as to proper placement, the court shall utilize the
2 evaluation for placement prepared pursuant to section 19-1-107 or the
3 evaluation for placement required by section 19-1-115 (8)(e). Any
4 placement recommendation in the evaluation prepared by the county
5 department of human or social services must be accorded great weight as
6 the placement that most appropriately meets the needs of the juvenile, the
7 juvenile's family, and the community. A recommendation prepared by the
8 county department of human or social services must set forth specific facts
9 and reasons for the placement recommendation. If the evaluation for
10 placement recommends placement in a facility located in Colorado that
11 can provide appropriate treatment and that will accept the juvenile, then
12 the court shall not place the juvenile in a facility outside this state. If the
13 court places the juvenile in a facility located in Colorado other than one
14 recommended by the evaluation for placement, in a facility located outside
15 this state in accordance with the evaluation for placement, or in a facility
16 in which the average monthly cost exceeds the amount established by the
17 general assembly in the general appropriation bill, it shall make specific
18 findings of fact, including the monthly cost of the facility in which ~~such~~
19 THE juvenile is placed, relating to its placement decision. A copy of ~~such~~
20 THE findings must be sent to the chief justice of the supreme court, who
21 shall, notwithstanding section 24-1-136 (11)(a)(I), report monthly to the
22 joint budget committee and annually to the house and senate committees
23 on health and human services, or any successor committees, on such
24 placements. If the court commits the juvenile to the state department of
25 human services, it shall not make a specific placement, nor ~~are the~~
26 ~~provisions of~~ IS this subsection (5) relating to specific findings of fact
27 applicable.

1 (b) If the court sentences a juvenile to an out-of-home placement
2 funded by the state department of human services or any county, or
3 commits a juvenile to the state department of human services, and the
4 receiving agency determines that ~~such~~ THE placement or commitment does
5 not follow the criteria established pursuant to ~~section 19-2-212~~ SECTION
6 19-2.5-1404, including the placement recommended by the receiving
7 agency, the receiving agency may, after assessing ~~such~~ THE juvenile's
8 needs, file a petition with the court for reconsideration of the placement
9 or commitment. ~~Any such~~ THE petition must be filed not later than ~~thirty~~
10 THIRTY-FIVE days after the placement or commitment. The court shall hear
11 ~~such~~ THE petition and enter an order thereon not later than ~~thirty~~
12 THIRTY-FIVE days after the filing of the petition, and after notice to all
13 agencies or departments that might be affected by the resolution of the
14 petition, and after all such agencies or departments have had an
15 opportunity to participate in the hearing on the petition. Failure of any
16 such agency or department to appear may be a basis for refusal to accept
17 a subsequent petition by ~~any such~~ THE agency or department that had an
18 opportunity to appear and be present at the original petition hearing. The
19 notification to the parties required pursuant to this subsection (5)(b) must
20 be made by the petitioning party, and proof of ~~such~~ THE service must be
21 filed with the court. If the court sentences a juvenile to an out-of-home
22 placement funded by the county department of human or social services,
23 temporary legal custody of ~~such~~ THE juvenile must be placed with the
24 county department of human or social services, and the placement
25 recommended by ~~such~~ THE county department must be accorded great
26 weight as the placement that most appropriately meets the needs of the
27 juvenile, the juvenile's family, and the community. Any deviation from

1 ~~such~~ THE recommendation must be supported by specific findings on the
2 record of the case detailing the specific extraordinary circumstances that
3 constitute the reasons for deviations from the placement recommendation
4 of the county department of human or social services.

5 (6) On and after July 1, 2000, each juvenile who is adjudicated for
6 commission of an offense that would constitute a sex offense if committed
7 by an adult or who receives for such offense a deferred adjudication ~~shall~~
8 ~~be~~ IS required to pay a surcharge to the sex offender surcharge fund, as
9 provided in section 18-21-103; ~~C.R.S.~~; except that the judge may waive
10 payment of all or any portion of ~~such~~ THE surcharge ~~as provided in~~
11 PURSUANT TO section 18-21-103 (4). ~~C.R.S.~~

12 (7) The juvenile court in each judicial district may implement a
13 behavioral or mental health disorder screening program to screen juveniles
14 sentenced pursuant to this ~~part~~ PART 11. If the juvenile court chooses to
15 implement a behavioral or mental health disorder screening program, the
16 juvenile court shall use the standardized behavioral or mental health
17 disorder screening developed pursuant to section 16-11.9-102 and conduct
18 the screening in accordance with procedures established pursuant to ~~said~~
19 ~~section~~ SECTION 16-11.9-102.

20 **19-2.5-1104. [Formerly 19-2-918] Sentencing - restitution by**
21 **juvenile.** (1) If the court finds that a juvenile who receives a deferral of
22 adjudication or who is adjudicated a juvenile delinquent has damaged ~~the~~
23 A VICTIM'S personal or real property, ~~of a victim~~, that the victim's personal
24 property has been lost, or that personal injury has been caused to a victim
25 as a result of the juvenile's delinquent act, the court, in addition to any
26 other sentence or commitment that it may impose on the juvenile pursuant
27 to ~~section 19-2-907~~ SECTION 19-2.5-1103, shall enter a sentencing order

1 requiring the juvenile to make restitution as required by article 18.5 of title
2 16 and part 6 of article 1.3 of title 18. ~~C.R.S.~~

3 (2) Restitution ~~shall~~ MUST be ordered to be paid in a reasonable
4 manner, as determined by the court and in accordance with article 18.5 of
5 title 16 and part 6 of article 1.3 of title 18. ~~C.R.S.~~

6 **19-2.5-1105. [Formerly 19-2-917] Sentencing - fines.** Except as
7 otherwise ~~provided in section 19-2-601~~ SET FORTH IN SECTION 19-2.5-1127
8 for an aggravated juvenile offender, the court may, as the sole punishment
9 or in addition to any other sentence or commitment specified in ~~section~~
10 ~~19-2-907~~ SECTION 19-2.5-1103, impose on the juvenile a fine of not more
11 than three hundred dollars.

12 **19-2.5-1106. Sentencing - probation - supervised community**
13 **service or work program.** (1) **[Formerly 19-2-913]** Except as otherwise
14 provided in ~~section 19-2-601~~ SECTION 19-2.5-1127 for an aggravated
15 juvenile offender:

16 (a) The court may place the juvenile on probation or under
17 protective supervision in the legal custody of one or both OF THE
18 JUVENILE'S parents or the guardian under such conditions as the court may
19 impose;

20 (b) The court may place the juvenile on probation and place the
21 juvenile in the juvenile intensive supervision program created pursuant to
22 ~~section 19-2-306~~ SECTION 19-2.5-1409;

23 (c) The court may require as a condition of probation that the
24 juvenile report for assignment to a supervised work program, place ~~such~~
25 THE juvenile in a child care facility that ~~shall provide~~ PROVIDES a
26 supervised work program, or require that the JUVENILE'S custodial parent
27 or guardian ~~of the juvenile~~ assist the juvenile in participating in a

1 supervised work program, if:

2 (I) The juvenile is not deprived of the schooling that is appropriate
3 to ~~his or her~~ THE JUVENILE'S age, needs, and specific rehabilitative goals;

4 (II) The supervised work program is of a constructive nature
5 designed to promote rehabilitation, is appropriate to the JUVENILE'S age
6 level and physical ability, ~~of the juvenile~~, and is combined with counseling
7 from a juvenile probation officer or other guidance personnel; AND

8 (III) The supervised work program assignment is made for a
9 period of time consistent with the juvenile's best interest, but not
10 exceeding one hundred eighty days.

11 (2) **[Formerly 19-2-308 (1)]** EXCEPT AS SET FORTH IN SUBSECTION
12 (1) OF THIS SECTION, as a condition of a deferral of adjudication or of
13 probation, in conjunction with other dispositional orders, or otherwise, the
14 court may order the juvenile to participate in a supervised community
15 service or community work program if the court finds that the program
16 will promote the purposes of this ~~title~~ TITLE 19 as set forth in section
17 19-1-102.

18 (3) **[Formerly 19-2-308 (2)]** Participation by the juvenile, or by
19 both the juvenile and the JUVENILE'S parent or guardian, ~~of the juvenile~~ in
20 a community service or work program may be ordered in addition to or in
21 conjunction with an order to pay restitution pursuant to ~~section 19-2-918~~
22 ~~or 19-2-919~~ SECTION 19-2.5-1104 OR 19-2.5-1110.

23 (4) **[Formerly 19-2-308 (3)]** With the written consent of the victim
24 of the juvenile's delinquent act, the juvenile, or both the juvenile and the
25 custodial parent, the juvenile's parent who has parental responsibilities, or
26 the JUVENILE'S guardian ~~of the juvenile~~ may be ordered to perform work
27 for the victim.

1 (5) **[Formerly 19-2-308 (4)]** Any order issued by the court
2 pursuant to this section ~~shall~~ MUST be structured to allow the juvenile to
3 continue regular school attendance and any employment, if appropriate,
4 and ~~shall~~ MUST be suitable to the JUVENILE'S age and abilities. ~~of the~~
5 ~~juvenile~~. The amount of community service or work ordered ~~shall~~ MUST
6 be reasonably related to the seriousness of the juvenile's delinquent act.

7 (6) **[Formerly 19-2-308 (5)]** The court may order any agency or
8 person supervising a juvenile in a community service or work program to
9 advise the court concerning the juvenile's participation in the program in
10 such manner as the court requires.

11 (7) **[Formerly 19-2-308 (6)]** The court may order, as a condition
12 of probation, that the juvenile be placed out of the home in a residential
13 child care facility providing a supervised work program or that the
14 juvenile in such facility report to a supervised work program if the court
15 finds the following:

16 (a) That the juvenile will not be deprived of the education that is
17 appropriate to ~~his or her~~ THE JUVENILE'S age, needs, and specific
18 rehabilitative goals;

19 (b) That the supervised work program is of a constructive nature
20 designed to promote rehabilitation, is appropriate to the JUVENILE'S age
21 level and physical ability, ~~of the juvenile~~, and is combined with counseling
22 from a probation officer or other guidance personnel; and

23 (c) That the supervised work program assignment is made for a
24 period of time consistent with the juvenile's best interest but not exceeding
25 one hundred eighty days.

26 (8) **[Formerly 19-2-308 (7)]** The probation department of the court
27 ~~shall be~~ IS responsible for establishing and identifying suitable work

1 programs and assignments. ~~There shall be cooperation of~~ Boards of county
2 commissioners, county sheriffs, and political subdivisions ~~in helping~~
3 SHALL COOPERATE to establish work programs. The cooperation of
4 suitable nonprofit organizations and other entities may be sought to
5 establish suitable work programs.

6 (9) **[Formerly 19-2-308 (8)]** For purposes of the "Colorado
7 Governmental Immunity Act", article 10 of title 24, ~~C.R.S.~~, "public
8 employee" does not include any juvenile who is ordered to participate in
9 a work or community service program ~~under~~ PURSUANT TO this section.

10 (10) **[Formerly 19-2-308 (9)]** ~~No~~ A governmental entity or
11 cooperating nonprofit organization ~~shall be~~ IS NOT liable ~~under~~ PURSUANT
12 TO the "Workers' Compensation Act of Colorado", articles 40 to 47 of title
13 8, ~~C.R.S.~~, or ~~under~~ PURSUANT TO the "Colorado Employment Security
14 Act", articles 70 to 82 of title 8, ~~C.R.S.~~, for any benefits on account of any
15 juvenile who is ordered to participate in a work or community service
16 program ~~under~~ PURSUANT TO this section, but nothing in this subsection
17 ~~(9) shall prohibit~~ SUBSECTION (10) PROHIBITS a governmental entity or
18 cooperating nonprofit organization from electing to accept the provisions
19 of the "Workers' Compensation Act of Colorado" by purchasing and
20 keeping in force a policy of workers' compensation insurance covering
21 ~~such~~ THE person.

22 (11) **[Formerly 19-2-308 (10)]** ~~Any~~ A general public liability
23 insurance policy obtained to cover juveniles performing work or
24 community service pursuant to this section and to provide coverage for
25 injuries caused to or by juveniles performing work or community service
26 pursuant to this section ~~shall~~ MUST be in a sum of not less than the current
27 limit on government liability under the "Colorado Governmental

1 Immunity Act", article 10 of title 24. C.R.S.

2 **19-2.5-1107. [Formerly 19-2-926] Juvenile probation officers -**
3 **powers and duties.** (1) A juvenile probation ~~officers~~ OFFICER appointed
4 ~~under the provisions of section 19-2-204~~ PURSUANT TO SECTION
5 19-2.5-1406 shall ~~make such investigations~~ INVESTIGATE and keep written
6 records ~~thereof~~ OF SUCH INVESTIGATIONS as the court may direct.

7 (2) When ~~any~~ A juvenile is placed on probation, the juvenile
8 probation officer shall give the juvenile a written statement of the terms
9 and conditions of ~~his or her~~ THE JUVENILE'S probation and shall explain
10 fully ~~such~~ THE terms and conditions to ~~him or her~~ THE JUVENILE, unless
11 ~~such~~ THE COURT GAVE AND EXPLAINED THE statement ~~has been given him~~
12 ~~or her and explanation made by the court~~ TO THE JUVENILE pursuant to
13 ~~section 19-2-925~~ SECTION 19-2.5-1108.

14 (3) (a) Each juvenile probation officer shall keep informed as to
15 the condition and conduct of each juvenile placed under ~~his or her~~ THE
16 JUVENILE PROBATION OFFICER'S supervision and shall report ~~thereon~~ to the
17 court as ~~it may direct~~ DIRECTED.

18 (b) Each juvenile probation officer shall use all suitable methods,
19 including counseling, to aid each juvenile under ~~his or her~~ THE JUVENILE
20 PROBATION OFFICER'S supervision and shall perform such other duties in
21 connection with the care and custody of juveniles as the court may direct.

22 (c) Each juvenile probation officer shall keep complete records of
23 all work done, as well as complete accounts of all money collected from
24 those under supervision.

25 (4) A juvenile probation ~~officers~~ OFFICER, for the purpose of
26 performing ~~their~~ THE JUVENILE PROBATION OFFICER'S duties, ~~shall have~~
27 HAS all the powers of A peace ~~officers~~ OFFICER, as described in sections

1 16-2.5-101 and 16-2.5-138. ~~C.R.S.~~

2 (5) (a) When a juvenile probation officer learns that a juvenile
3 under ~~his or her~~ THE JUVENILE PROBATION OFFICER'S supervision has
4 changed ~~his or her~~ residence to another county, temporarily or
5 permanently, ~~such~~ THE JUVENILE PROBATION officer shall immediately
6 notify the court.

7 (b) If, after ~~such notification~~ THE COURT IS NOTIFIED PURSUANT TO
8 SUBSECTION (5)(a) OF THIS SECTION, the court determines that it is in the
9 best interest of the juvenile to transfer jurisdiction to the court in the
10 county in which the juvenile resides or is to reside, the court shall
11 immediately notify such court and shall enter an order transferring
12 jurisdiction to such court. The court transferring jurisdiction pursuant to
13 this ~~paragraph (b)~~ SUBSECTION (5)(b) shall transmit all documents and
14 legal and social records, or certified copies thereof, to the receiving court,
15 together with the order transferring jurisdiction. The receiving court shall
16 proceed with the case as if the petition had been originally filed in said
17 court.

18 **19-2.5-1108. [Formerly 19-2-925] Probation - terms - release -**
19 **revocation - graduated responses system - rules - report - definition.**

20 (1) (a) The terms and conditions of probation must be specified by rules
21 or orders of the court. The court, as a condition of probation for a juvenile
22 who is ten years of age or older but less than eighteen years of age on the
23 date of the sentencing hearing, may impose a commitment or detention.
24 The aggregate length of any such commitment or detention, whether
25 continuous or at designated intervals, must not exceed forty-five days;
26 except that such limit does not apply to any placement out of the home
27 through a county department of human or social services. Each juvenile

1 placed on probation must be given a written statement of the terms and
2 conditions of ~~his or her~~ THE JUVENILE'S probation and have the terms and
3 conditions fully explained. ~~to him or her.~~

4 (b) The court, as a condition of probation for a youth eighteen
5 years of age or older at the time of sentencing for delinquent acts
6 committed prior to ~~his or her~~ THE YOUTH'S eighteenth birthday, may
7 impose as a condition of probation a sentence to the county jail that ~~shall~~
8 MUST not exceed ninety days; except that ~~such~~ THE sentence may be for
9 a period of up to one hundred eighty days if the court orders the youth
10 released for school attendance, job training, or employment.

11 (2) (a) Conditions of probation ~~shall~~ MUST be customized to each
12 juvenile based on the guidelines developed by the committee on juvenile
13 justice reform pursuant to section 24-33.5-2402. The court shall, as
14 minimum conditions of probation, order that the juvenile:

15 (I) Not violate any federal or state statutes, municipal ordinances,
16 or orders of the court;

17 (II) Not use or possess a firearm, a dangerous or illegal weapon,
18 or an explosive or incendiary device, unless granted written permission by
19 the court or probation officer;

20 (III) Report to a probation officer at reasonable times as directed
21 by the court or probation officer;

22 (IV) Permit the probation officer to visit the juvenile at reasonable
23 times at ~~his or her~~ THE JUVENILE'S home or elsewhere;

24 (V) Remain within the jurisdiction of the court, unless granted
25 permission to leave by the court or the probation officer;

26 (VI) Answer all reasonable inquiries by the probation officer and
27 promptly notify the probation officer of any change in address or

1 employment;
2 (VII) Make restitution as ordered by the court;
3 (VIII) Pay the victim compensation fee as ordered by the court;
4 (IX) Pay the surcharge levied pursuant to section 24-4.2-104
5 (1)(a)(I); and

6 (X) May be evaluated to determine whether the juvenile would be
7 suitable for restorative justice practices that would be a part of the
8 juvenile's probation program; except that the court may not order
9 participation in restorative justice practices if the juvenile was adjudicated
10 a delinquent for unlawful sexual behavior, as defined in section 16-22-102
11 (9); a crime in which the underlying factual basis involves domestic
12 violence, as defined in section 18-6-800.3 (1); stalking, as defined in
13 section 18-3-602; or violation of a protection order, as defined in section
14 18-6-803.5.

15 (b) The court shall use the results from a validated risk and needs
16 assessment adopted by the juvenile justice reform committee pursuant to
17 ~~section 24-33.5-2402 (1)(b)~~ SECTION 24-33.5-2402 to inform the court of
18 additional conditions of probation, as necessary.

19 (3) (a) The court may periodically review the terms and conditions
20 of probation and the progress of each juvenile placed on probation.
21 Counsel for the juvenile does not have to be present at any probation
22 review hearing unless notified by the court that a petition to revoke
23 probation has been filed.

24 (b) The court may release a juvenile from probation prior to the
25 completion of ~~his or her~~ THE JUVENILE'S term of probation, pursuant to
26 ~~section 19-2-925~~ THIS SECTION, or modify the terms and conditions of ~~his~~
27 ~~or her~~ THE JUVENILE'S probation at any time, but ~~any~~ A juvenile who has

1 complied satisfactorily with the terms and conditions of ~~his or her~~ THE
2 JUVENILE'S probation for a period of two years ~~shall~~ MUST be released
3 from probation and the jurisdiction of the court ~~shall be~~ terminated.

4 (4) Before January 1, 2021, the state court administrator shall
5 establish rules to develop a statewide system of structured
6 community-based graduated responses, including incentives and
7 sanctions, to guide probation officers in determining how best to motivate
8 positive juvenile behavior change and the appropriate response to a
9 violation of terms and conditions of juvenile probation. "Graduated
10 responses" means an accountability-based series of sanctions and services
11 designed to respond to a juvenile's violation of probation quickly,
12 consistently, and proportionally and incentives to motivate positive
13 behavior change and successful completion of probation and ~~his or her~~
14 treatment goals. Juvenile probation shall adopt and use a state juvenile
15 graduated responses and incentives system developed pursuant to this
16 subsection (4) or develop and use a locally developed system that is
17 aligned to best practices. Policies and procedures for the graduated
18 responses system must:

19 (a) Include incentives that encourage the completion of treatment
20 milestones as well as compliance with the terms and conditions of a
21 juvenile's probation and that reward behavior aligned with the
22 expectations of supervision and the juvenile's case plan; and

23 (b) Require that a response to a juvenile's violation of the terms
24 and conditions of ~~his or her~~ THE JUVENILE'S supervision take into
25 consideration:

26 (I) The JUVENILE'S risk ~~of the juvenile~~ to reoffend, as determined
27 by the results of a validated risk and needs assessment;

1 (II) The previous history of violations and the underlying cause of
2 the juvenile's behavior leading to the violation;

3 (III) The severity of the current violation;

4 (IV) The juvenile's case plan; and

5 (V) The JUVENILE'S previous responses ~~by the juvenile~~ to past
6 violations.

7 (5) Whenever a probation office has reasonable cause to believe
8 that a juvenile has committed a violation of the terms and conditions of
9 probation and that graduated responses developed pursuant to subsection
10 (4) of this section have previously been applied, or when the nature of the
11 violation poses a substantial risk of serious harm to others, the probation
12 officer, following the approval of ~~his or her~~ THE chief probation officer or
13 the chief's designee, shall petition the court for revocation and shall file
14 written information with the court concerning the juvenile's violation
15 behavior history and the responses applied ~~pursuant to~~ USING the
16 graduated response system DEVELOPED pursuant to subsection (4) of this
17 section.

18 (6) Unless there is reason to believe that a juvenile would not
19 appear, would interfere with the juvenile justice process, or poses
20 substantial risk of serious harm to others, THE probation ~~officers~~ OFFICER
21 shall issue a summons, or other method approved by local court rule,
22 rather than a warrant when filing a petition for revocation.

23 (7) The state court administrator shall collect data related to the
24 use of the graduated responses and incentives system DEVELOPED
25 PURSUANT TO SUBSECTION (4) OF THIS SECTION and report ~~this~~ THE data
26 annually to the judiciary committees of the senate and house of
27 representatives, the health and human services committee of the senate,

1 and the public health care and human services committee of the house of
2 representatives, or any successor committees, and the chief justice of the
3 Colorado supreme court. Notwithstanding ~~the provisions of~~ section
4 24-1-136 (11)(a)(I), the reports to the committees continue indefinitely.
5 Data collected by the state court administrator must include, at a
6 minimum, the types of responses and incentives that were issued, the
7 number of formal violations filed, and the behavior resulting in the
8 violation.

9 (8) (a) When it is alleged that a juvenile has violated the terms and
10 conditions of ~~his or her~~ probation, and graduated responses have been
11 imposed and exhausted, pursuant to ~~subsection (7)~~ SUBSECTION (5) of this
12 section, the court shall set a hearing on the alleged violation and shall give
13 notice to the juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian, or
14 other legal custodian and any other parties to the proceeding as provided
15 in ~~section 19-2-514~~ SECTION 19-2.5-501.

16 (b) The juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian,
17 or other legal custodian ~~shall~~ MUST be given a written statement
18 concerning the alleged violation, and ~~shall~~ have the right to be represented
19 by counsel at the hearing, and ~~shall be~~ ARE entitled to the issuance of
20 compulsory process for the attendance of witnesses.

21 (c) When the juvenile has been taken into custody because of the
22 alleged violation, ~~the provisions of sections 19-2-507, 19-2-507.5, and~~
23 ~~19-2-508~~ SECTIONS 19-2.5-303, 19-2.5-304, AND 19-2.5-305 apply.

24 (d) (I) The hearing on the alleged violation ~~shall~~ MUST be
25 conducted ~~as provided in~~ PURSUANT TO section 19-1-106.

26 (II) ~~Subject to the provisions of section 19-2-907~~ PURSUANT TO
27 SECTION 19-2.5-1103, if the court finds that the juvenile violated the terms

1 and conditions of probation, it may modify the terms and conditions of
2 probation, revoke probation, or take such other action permitted by this
3 ~~article 2~~ ARTICLE 2.5 that is in the best interest of the juvenile and the
4 public.

5 (III) If the court finds that the juvenile did not violate the terms
6 and conditions of ~~his or her~~ probation as alleged, it shall dismiss the
7 proceedings and continue the juvenile on probation under the terms and
8 conditions previously prescribed.

9 (e) If the court revokes the probation of a person ~~over~~ eighteen
10 years of age OR OLDER, in addition to other action permitted by this ~~article~~
11 ~~2~~ ARTICLE 2.5, the court may sentence ~~him or her~~ THE PERSON to the
12 county jail for a period not to exceed one hundred eighty days, during
13 which time ~~he or she~~ THE PERSON may be released during the day for
14 school attendance, job training, or employment, as ordered by the court;
15 except that, if the sentence imposed exceeds ninety days, the court shall
16 order the person released for school attendance, job training, or
17 employment while serving ~~his or her~~ THE sentence.

18 (9) Following specification of the terms and conditions of
19 probation, where the conditions of probation include requiring the juvenile
20 to attend school, the court shall notify the school district in which the
21 juvenile is enrolled of ~~such~~ THE requirement.

22 **19-2.5-1109. [Formerly 19-2-925.2] Juvenile probation**
23 **standards - development.** (1) Before July 1, 2021, the state court
24 administrator, in consultation with judges, the judicial branch, district
25 attorneys, defense counsel, the delivery of ~~the~~ child welfare services task
26 force created in section 26-5-105.8, and other interested parties shall
27 establish statewide standards for juvenile probation supervision and

1 services that are aligned with research-based practices and based on the
2 juvenile's risk of reoffending, as determined by a validated risk and needs
3 assessment tool adopted pursuant to section 24-33.5-2402. The state court
4 administrator shall at least annually provide training to juvenile probation
5 on the adoption and implementation of these standards. Juvenile standards
6 must include, but need not be limited to:

7 (a) Guidelines to support juvenile probation in adopting the most
8 effective staffing and workloads in order to allocate probation resources
9 most appropriately;

10 (b) Standards for minimum case contacts, including contacts with
11 juveniles as well as their family members;

12 (c) (I) Common elements for written individualized case plans for
13 each juvenile placed under the supervision of a probation officer. In
14 developing such a case plan, juvenile probation shall use, but need not be
15 limited to:

16 (A) The results of a validated risk and needs assessment;

17 (B) The results of a validated mental health screening, and full
18 assessment if conducted;

19 (C) The trauma, if any, experienced by the juvenile;

20 (D) The JUVENILE'S education level ~~of the juvenile~~ and any
21 intellectual and developmental disability;

22 (E) The seriousness of the offense committed by the juvenile; and

23 (F) Any relevant information provided by the JUVENILE'S family,
24 ~~of the juvenile~~, including the JUVENILE'S pro-social interests. ~~of the~~
25 ~~juvenile.~~

26 (II) A case plan developed pursuant to this section must:

27 (A) Address the risks the juvenile presents and the juvenile's

1 service needs based on the results of the validated risk and needs
2 assessment, including specific treatment goals;

3 (B) Specify the level of supervision and intensity of services that
4 the juvenile ~~shall~~ MUST receive;

5 (C) Provide referrals to treatment providers that may address the
6 juvenile's risks and needs;

7 (D) Be developed in consultation with the juvenile and the
8 juvenile's family or guardian;

9 (E) Specify the responsibilities of each person or agency involved
10 with the juvenile; and

11 (F) Provide for the full reentry of the juvenile into the community;

12 (d) (I) Criteria and policies for the early termination of juveniles
13 ~~under the supervision of juvenile~~ THE JUVENILE'S SUPERVISED probation;

14 (II) Juvenile probation and the juvenile court shall consider the
15 following factors, among others, in determining the early termination of
16 supervision:

17 (A) The seriousness of the offense committed by the juvenile
18 resulting in placement under the supervision of a probation officer;

19 (B) The results of a validated risk and needs assessment, which
20 ~~shall~~ MUST be conducted at least every six months to determine whether
21 the juvenile's risk of reoffending or risk scores in key domains have been
22 reduced;

23 (C) The juvenile's progress in meeting the goals of the juvenile's
24 individualized case plan; and

25 (D) The juvenile's offense history, if any, during the juvenile's
26 probation term.

27 (e) Common criteria for when juvenile probation officers may

1 recommend the use of out-of-home placements and commitment to the
2 division of youth services. The court shall consider the results of a
3 validated risk and needs assessment, a validated mental health screening,
4 and, if applicable, a full mental health assessment conducted pursuant
5 to section 24-33.5-2402 to make decisions concerning the JUVENILE'S
6 placement. ~~of the juvenile.~~

7 **19-2.5-1110. [Formerly 19-2-919] Sentencing - requirements**
8 **imposed on parents - definition.** (1) In addition to any ~~of the provisions~~
9 REQUIREMENTS specified in ~~sections 19-2-907 to 19-2-918~~ SECTIONS
10 19-2.5-1103 TO 19-2.5-1106, 19-2.5-1111 TO 19-2.5-1115, 19-2.5-1117,
11 19-2.5-1118, 19-2.5-1123, AND 19-2.5-1126 any sentence imposed
12 pursuant to ~~section 19-2-907~~ SECTION 19-2.5-1103 may require:

13 (a) The juvenile or both the juvenile and ~~his or her~~ THE JUVENILE'S
14 parent or guardian to perform volunteer service in the community
15 designed to contribute to the JUVENILE'S rehabilitation ~~of the juvenile~~ or
16 to the ability of the parent or guardian to provide proper parental care and
17 supervision of the juvenile;

18 (b) The JUVENILE'S parent or guardian ~~of a juvenile~~ or both the
19 parent or guardian and the juvenile to attend the parental responsibility
20 training program described in ~~section 19-2-304~~ SECTION 19-2.5-1411. The
21 court may make reasonable orders requiring proof of completion of ~~such~~
22 THE training course within a certain time period and may provide that any
23 violation of such orders ~~shall subject~~ SUBJECTS the parent or guardian to
24 the contempt sanctions of the court.

25 (c) The juvenile or both the juvenile and ~~his or her~~ THE JUVENILE'S
26 custodial parent or parent with parental responsibilities or guardian to
27 perform services for the victim ~~as provided in section 19-2-308~~ PURSUANT

1 TO SECTION 19-2.5-1106, designed to contribute to the JUVENILE'S
2 rehabilitation, ~~of the juvenile~~, if the victim consents in writing to such
3 services. However, the value of the services required to be rendered by the
4 parent, guardian, legal custodian of, or parent with parental
5 responsibilities with respect to the juvenile ~~under this paragraph (c)~~ shall
6 PURSUANT TO THIS SUBSECTION (1)(c) MUST not exceed twenty-five
7 thousand dollars for any one delinquent act.

8 (2) In addition to any sentence imposed pursuant to ~~section~~
9 ~~19-2-907~~ SECTION 19-2.5-1103 or subsection (1) of this section and
10 regardless of whether the court orders the juvenile to pay restitution
11 pursuant to ~~section 19-2-918~~ SECTION 19-2.5-1104, the court may order:

12 (a) The JUVENILE'S guardian or legal custodian ~~of the juvenile~~ or
13 the parent allocated parental responsibilities with respect to the juvenile
14 to make restitution to one or more victims pursuant to the terms and
15 conditions set forth in this subsection (2); except that the liability of the
16 JUVENILE'S guardian or legal custodian ~~of the juvenile~~ or parent allocated
17 parental responsibilities with respect to the juvenile ~~under~~ PURSUANT TO
18 this subsection (2) ~~shall~~ MUST not exceed twenty-five thousand dollars for
19 any one delinquent act. If the court finds, after a hearing, that the
20 JUVENILE'S guardian or legal custodian ~~of the juvenile~~ or the parent
21 allocated parental responsibilities with respect to the juvenile has made
22 diligent, good faith efforts to prevent or discourage the juvenile from
23 engaging in delinquent activity, the court shall absolve the guardian or
24 legal custodian or parent allocated parental responsibilities with respect
25 to the juvenile of liability for restitution ~~under~~ PURSUANT TO this
26 subsection (2).

27 (b) The juvenile's parent, so long as the parent is a party to the

1 delinquency proceedings, to make restitution to one or more victims
2 pursuant to the terms and conditions set forth in this ~~paragraph (b)~~
3 SUBSECTION (2)(b); except that the liability of the juvenile's parent ~~under~~
4 ~~this paragraph (b) shall~~ PURSUANT TO THIS SUBSECTION (2)(b) MUST not
5 exceed the amount of twenty-five thousand dollars for any one delinquent
6 act. Notwithstanding the ~~provisions~~ REQUIREMENTS of this subsection (2),
7 the court may not enter an order of restitution against a juvenile's parent
8 unless the court, prior to entering the order of restitution, holds a
9 restitution hearing at which the juvenile's parent is present. If the court
10 finds, after the hearing, that the juvenile's parent has made diligent, good
11 faith efforts to prevent or discourage the juvenile from engaging in
12 delinquent activity, the court shall absolve the parent of liability for
13 restitution ~~under this paragraph (b)~~ PURSUANT TO THIS SUBSECTION (2)(b).
14 For purposes of this ~~paragraph (b)~~ SUBSECTION (2)(b), "parent" is defined
15 in ~~section 19-1-103 (82)(a)~~ SECTION 19-1-103.

16 (3) ~~Any~~ AN order of restitution entered pursuant to this section
17 may be collected pursuant to ~~the provisions of~~ article 18.5 of title 16.
18 C.R.S.

19 **19-2.5-1111. [Formerly 19-2-914] Sentencing - community**
20 **accountability program.** Except as otherwise ~~provided in section~~
21 ~~19-2-601~~ REQUIRED BY SECTION 19-2.5-1127, the court may sentence the
22 juvenile to participate in the community accountability program as set
23 forth in ~~section 19-2-309.5~~ SECTION 19-2.5-1410. Such a sentence is a
24 condition of probation for higher-risk juveniles who would have otherwise
25 been sentenced to detention or out-of-home placement or committed to the
26 department of human services. A sentence pursuant to this section is
27 conditioned on the availability of space in the community accountability

1 program and on a determination by the division of youth services that the
2 juvenile's participation in the program is appropriate. In the event that the
3 division of youth services determines the program is at maximum capacity
4 or that a juvenile's participation is not appropriate, the juvenile must be
5 ordered to return to the sentencing court for another sentencing hearing.

6 **19-2.5-1112. [Formerly 19-2-912] Sentencing - placement with**
7 **relative.** Except as otherwise ~~provided in section 19-2-601~~ REQUIRED BY
8 SECTION 19-2.5-1127 for an aggravated juvenile offender, the court may
9 place the juvenile in the legal custody of a relative or other suitable person
10 under such conditions as the court may impose, which may include
11 placing the juvenile on probation ~~as provided in section 19-2-913~~
12 PURSUANT TO SECTION 19-2.5-1106 or under protective supervision.

13 **19-2.5-1113. [Formerly 19-2-911 (1)] Sentencing - alternative**
14 **services - detention.** Except as otherwise ~~provided in section 19-2-601~~
15 REQUIRED BY SECTION 19-2.5-1127 for an aggravated juvenile offender
16 and except as ~~provided in subsection (2) of this section~~ REQUIRED BY
17 SECTION 19-2.5-1123, the court may sentence the juvenile to alternative
18 services funded through ~~section 19-2-212~~ SECTION 19-2.5-1404 or other
19 alternative services programs. If a juvenile who is thirteen years of age or
20 older fails to make satisfactory progress in the alternative services to
21 which ~~he or she~~ THE JUVENILE is sentenced or if the court finds that a
22 sentence to alternative services would be contrary to the community
23 interest, the court may sentence ~~any~~ A juvenile adjudicated for an offense
24 that would constitute a class 3, class 4, class 5, or class 6 felony or a
25 misdemeanor weapons charge if committed by an adult to detention for a
26 period not to exceed forty-five days. Release for purposes of work,
27 therapy, education, or other good cause may be granted by the court. The

1 court may not sentence to detention ~~any~~ A juvenile adjudicated for an
2 offense that would constitute a class 1 or class 2 felony if committed by
3 an adult.

4 **19-2.5-1114. [Formerly 19-2-916] Sentencing - placement based**
5 **on special needs of the juvenile.** (1) Except as otherwise ~~provided in~~
6 ~~section 19-2-601~~ REQUIRED BY SECTION 19-2.5-1127 for an aggravated
7 juvenile offender, the court may order that the juvenile be examined or
8 treated by a physician, surgeon, psychiatrist, or psychologist or that ~~he or~~
9 ~~she~~ THE JUVENILE receive other special care and may place the juvenile in
10 a hospital or other suitable facility for such purposes; except that ~~no~~ A
11 juvenile may NOT be placed in a ___ mental health facility operated by the
12 department of human services until the juvenile has received a ___ mental
13 health ~~hospital~~ placement prescreening resulting in a recommendation that
14 the juvenile be placed in a facility for an evaluation pursuant to section
15 27-65-105 or 27-65-106, or a hearing has been held by the court after
16 notice to all parties, including the department of human services. An order
17 for a seventy-two-hour treatment and evaluation ~~shall~~ MUST not be entered
18 unless a hearing is held and evidence indicates that the prescreening report
19 is inadequate, incomplete, or incorrect and that competent professional
20 evidence is presented by a ___ mental health professional that indicates
21 that the juvenile has a behavioral or mental health disorder. The court
22 shall make, prior to the hearing, ~~such~~ orders regarding temporary custody
23 of the juvenile as are deemed appropriate.

24 (2) Placement in any ___ mental health facility operated by the
25 department of human services ~~shall~~ MUST continue for such time as
26 ordered by the court or until the professional person in charge of the
27 juvenile's treatment concludes that the treatment or placement is no longer

1 appropriate. If placement or treatment is no longer deemed appropriate,
2 the court ~~shall~~ MUST be notified and a hearing held for further disposition
3 of the juvenile within five days excluding Saturdays, Sundays, and legal
4 holidays. The court shall make, prior to the hearing, ~~such~~ orders regarding
5 temporary custody of the juvenile as are deemed appropriate.

6 **19-2.5-1115. [Formerly 19-2-915] Sentencing - legal custody -**
7 **county department of human or social services.** Except as otherwise
8 ~~provided in section 19-2-601~~ REQUIRED BY SECTION 19-2.5-1127 for an
9 aggravated juvenile offender, the court, following the criteria for
10 out-of-home placement established pursuant to ~~section 19-2-212~~ SECTION
11 19-2.5-1404, may place legal custody of the juvenile in the county
12 department of human or social services.

13 **19-2.5-1116. [Formerly 19-2-906.5] Orders - community**
14 **placement - reasonable efforts required - reviews.** (1) If the court
15 orders legal custody of a juvenile to a county department of human or
16 social services pursuant to ~~the provisions of this article 2~~ THIS ARTICLE
17 2.5, the order must contain specific findings as follows:

18 (a) Whether placement of the juvenile out of the home would be
19 in the juvenile's and the community's best interests;

20 (b) Whether reasonable efforts have been made to prevent or
21 eliminate the need for removal of the juvenile from the home, whether it
22 is reasonable that such efforts are not made because an emergency
23 situation exists that requires the immediate removal of the juvenile from
24 the home, or whether such efforts are not required because of
25 circumstances described in section 19-1-115 (7); and

26 (c) ~~(Deleted by amendment, L. 2006, p. 508, § 3, effective April~~
27 ~~18, 2006.)~~

1 ~~(d)~~ (c) Whether reasonable efforts have been made to identify kin
2 or a suitable adult with whom to place the juvenile.

3 ~~(1.5)~~ (2) For all hearings and reviews concerning the juvenile, the
4 court shall ensure that notice is provided to the juvenile and to the
5 following persons with whom the juvenile is placed:

6 (a) Foster parents;

7 (b) Pre-adoptive parents;

8 (c) Relatives; or

9 (d) Kin, as defined in ~~section 19-1-103 (71.3)~~ SECTION 19-1-103.

10 ~~(2)~~ (3) (a) Every six months after the sentencing hearing ~~provided~~
11 ~~in section 19-2-906~~ HELD PURSUANT TO SECTION 19-2.5-1102, the court
12 shall hold a hearing to review ~~any~~ AN order of community placement or,
13 if there is no objection by ~~any~~ A party to the action, the court may require
14 the department of human services to conduct an administrative review.
15 The entity scheduling the review shall provide notice of the review to the
16 juvenile; the juvenile's parents or guardian; any service providers working
17 with the juvenile; the juvenile's guardian ad litem, if one has been
18 appointed; and all attorneys of record to allow appearances of any of said
19 persons at the review. At the review conducted pursuant to this ~~subsection~~
20 ~~(2)~~ SUBSECTION (3), the reviewing entity shall determine WHETHER:

21 (I) ~~Whether~~ Continued community placement is in the best
22 interests of the juvenile and the community;

23 (II) ~~Whether~~ The juvenile's safety is protected in the community
24 placement;

25 (III) ~~Whether~~ Reasonable efforts have been made to return the
26 juvenile to the home or ~~whether~~ the juvenile should be permanently
27 removed from ~~his or her~~ THE home;

1 (IV) ~~Whether~~ Continued community placement is necessary and
2 appropriate;

3 (V) ~~Whether~~ There has been compliance with the juvenile's case
4 plan;

5 (VI) ~~Whether~~ Progress has been made toward alleviating or
6 mitigating the causes that necessitated the community placement; and

7 (VII) ~~Whether~~ There is a date projected by which the juvenile will
8 be returned and safely maintained in ~~his or her~~ THE home, placed for legal
9 guardianship, or placed in a planned permanent living arrangement.

10 (b) If the juvenile resides in ~~a placement out of state~~ AN
11 OUT-OF-STATE PLACEMENT, the entity conducting the review shall make
12 a determination that the out-of-state placement continues to be appropriate
13 and in the best interests of the juvenile.

14 (c) ~~(Deleted by amendment, L. 2001, p. 844, § 5, effective June 1,~~
15 ~~2001.)~~

16 ~~(3)~~ (4) (a) If the juvenile is in the legal custody of a county
17 department of human or social services and is placed in a community
18 placement for a period of twelve months or longer, the district court,
19 another court of competent jurisdiction, or an administrative body
20 appointed or approved by the court that is not under the COUNTY
21 DEPARTMENT'S supervision ~~of the department~~ shall conduct a permanency
22 hearing within said twelve months and every twelve months thereafter for
23 as long as the juvenile remains in community placement. At the
24 permanency hearing, the entity conducting the hearing shall ~~make the~~
25 ~~following determinations~~ DETERMINE WHETHER:

26 (I) ~~Whether~~ Continued community placement is in the best
27 interests of the juvenile and the community;

1 (II) ~~Whether~~ The juvenile's safety is protected in the community
2 placement;

3 (III) ~~Whether~~ Reasonable efforts have been made to finalize the
4 juvenile's permanency plan that is in effect at that time;

5 (IV) ~~Whether~~ Continued community placement is necessary and
6 appropriate;

7 (V) ~~Whether~~ There has been compliance with the juvenile's case
8 plan;

9 (VI) ~~Whether~~ Progress has been made toward alleviating or
10 mitigating the causes that necessitated the community placement;

11 (VII) ~~Whether~~ There is a date projected by which the juvenile will
12 be returned and safely maintained in ~~his or her~~ THE home, placed for legal
13 guardianship, or placed in a planned permanent living arrangement; and

14 (VIII) ~~Whether~~ Procedural safeguards to preserve parental rights
15 have been applied in connection with the removal of the juvenile from the
16 home, any change in the juvenile's community placement, or any
17 determination affecting parental visitation.

18 (b) If the juvenile resides in ~~a placement out of state~~ AN
19 OUT-OF-STATE PLACEMENT, the entity conducting the review shall make
20 a determination that the out-of-state placement continues to be appropriate
21 and in the best interests of the juvenile.

22 (c) ~~(Deleted by amendment, L. 2001, p. 844, § 5, effective June 1,~~
23 ~~2001.)~~

24 (d) (c) The entity conducting the permanency hearing shall consult
25 with the juvenile, in an age-appropriate manner, concerning the juvenile's
26 permanency plan.

27 **19-2.5-1117. Sentencing - commitment to the department of**

1 **human services - definitions.** (1) [Formerly 19-2-909 (1)] (a) Except as
2 otherwise ~~provided in sections 19-2-601 and 19-2-921~~ REQUIRED IN
3 SUBSECTION (6) OF THIS SECTION AND SECTION 19-2.5-1127 for an
4 aggravated juvenile offender, the court may commit a juvenile to the
5 department of human services for a determinate period of up to two years
6 if the juvenile is adjudicated for an offense that would constitute a felony
7 or a misdemeanor if committed by an adult; except that, if the juvenile is
8 younger than twelve years of age and is not adjudicated an aggravated
9 juvenile offender, the court may commit the juvenile to the department of
10 human services only if the juvenile is adjudicated for an offense that
11 would constitute a class 1, class 2, or class 3 felony if committed by an
12 adult.

13 (b) Any commitment to the department of human services pursuant
14 to ~~section 19-2-601 or paragraph (a) of this subsection (1)~~ shall SECTION
15 19-2.5-1127 OR SUBSECTION (1)(a) OF THIS SECTION MUST be followed by
16 a mandatory period of parole of six months, unless the period of parole is
17 extended by the juvenile parole board pursuant to ~~section 19-2-1002 (5)~~
18 SECTION 19-2.5-1203 (5).

19 (c) For purposes of this section:

20 (I) "Determinate period" is defined in ~~section 19-1-103 (40.5)~~
21 SECTION 19-2.5-102.

22 (II) "Period of parole" means the period between the parole period
23 start date and the parole period end date as determined by the juvenile
24 parole board. The period of parole applies to both mandatory six-month
25 parole and extended parole pursuant to ~~section 19-2-1002 (5)~~ SECTION
26 19-2.5-1203 (5). The period of parole continues unless the juvenile is
27 deemed to be on escape status, parole has been suspended pursuant to

1 ~~section 19-2-1002~~ SECTION 19-2.5-1203, or the juvenile returns to
2 commitment status pursuant to ~~section 19-2-1004~~ SECTION 19-2.5-1206.
3 In such circumstances, the period of parole stops until the juvenile has
4 returned to parole status.

5 (2) **[Formerly 19-2-909 (2) and (3)]** Any A juvenile committed to
6 the department of human services may be placed in the Lookout Mountain
7 school, the Mount View school, or any other training school or facility, or
8 any other disposition may be made that the department may determine as
9 provided by law.

10 (3) ~~(Deleted by amendment, L. 2008, p. 1106, § 12, effective July~~
11 ~~1, 2008.)~~

12 (3) **[Formerly 19-2-921 (1)]** (a) When a juvenile is committed to
13 the department of human services, the court shall transmit, with the
14 commitment order, a copy of the petition, the order of adjudication, copies
15 of the social study, any clinical or educational reports, and other
16 information pertinent to the JUVENILE'S care and treatment. ~~of the juvenile.~~

17 (b) The department of human services shall provide the court with
18 any information concerning a juvenile committed to its care that the court
19 at any time may require.

20 (4) **[Formerly 19-2-921 (1.5)]** (a) When a court commits a
21 juvenile to the state department of human services pursuant to this ~~article~~
22 ~~2~~ ARTICLE 2.5, the court shall make the following specific determinations:

23 (I) Whether placement of the juvenile outside the home would be
24 in the juvenile's and community's best interest; and

25 (II) Whether reasonable efforts have been made to prevent or
26 eliminate the need for removal of the juvenile from the home; whether it
27 is reasonable that such efforts are not made because an emergency

1 situation exists that requires the immediate removal of the juvenile from
2 the home; or whether such efforts are not required because of
3 circumstances described in section 19-1-115 (7).

4 (III) HOW to assist in the evaluation of the impact of Colorado's
5 implementation of the federal "Family First Prevention Services Act" on
6 the state's juvenile justice system and make a finding of whether the lack
7 of available and appropriate congregate care placements is a contributing
8 factor in committing a juvenile to the division of youth services.

9 (b) If a juvenile is making a transition from the legal custody of a
10 county department of human or social services to commitment with the
11 state department of human services, the court shall conduct a permanency
12 hearing in combination with the sentencing hearing. The court shall
13 consider multidisciplinary recommendations for sentencing and
14 permanency planning. In conducting such a permanency hearing, the court
15 shall make determinations pursuant to ~~section 19-2-906.5 (3)(a)~~ SECTION
16 19-2.5-1116 (4)(a).

17 (5) **[Formerly 19-2-921 (2)]** (a) The department of human services
18 shall designate receiving centers for ~~juvenile delinquents~~ JUVENILES
19 committed to the department.

20 (b) If THE DEPARTMENT OF HUMAN SERVICES MAKES a change ~~is~~
21 ~~made~~ in the designation of a receiving center, ~~by the department,~~ it shall
22 ~~so~~ notify the juvenile courts at least ~~thirty~~ THIRTY-FIVE days prior to the
23 date that the change takes effect.

24 (6) **[Formerly 19-2-921 (3)]** (a) ~~As provided in section 19-2-907~~
25 PURSUANT TO SECTION 19-2.5-1103, commitment of a juvenile to the
26 department of human services ~~shall~~ MUST be for a determinate period.

27 (b) (I) The juvenile court may commit any juvenile adjudicated as

1 an aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127 for an
2 offense other than an offense that would constitute a class 1 or class 2
3 felony if committed by an adult to the department of human services for
4 a determinate period of up to five years.

5 (II) The juvenile court shall commit any juvenile adjudicated as an
6 aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127 for an
7 offense that would constitute a class 2 felony if committed by an adult to
8 the department of human services for a determinate period of at least three
9 but not more than five years.

10 (III) The juvenile court shall commit any juvenile adjudicated as
11 an aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127 for an
12 offense that would constitute a class 1 felony if committed by an adult to
13 the department of human services for a determinate period of at least three
14 but not more than seven years.

15 (c) The juvenile court may commit any juvenile who is not
16 adjudicated an aggravated juvenile offender PURSUANT TO SECTION
17 19-2.5-1127 but WHO is adjudicated for an offense that would constitute
18 a felony or a misdemeanor to the department of human services, and the
19 determinate period of commitment ~~shall~~ MUST not exceed two years;
20 except that, if the juvenile is ten or eleven years of age and is not
21 adjudicated an aggravated juvenile offender PURSUANT TO SECTION
22 19-2.5-1127, the juvenile may be committed to the department of human
23 services only if the juvenile is adjudicated for an offense that would
24 constitute a class 1, class 2, or class 3 felony if committed by an adult.

25 (7) [Formerly 19-2-921 (3.3)] (a) On or before January 1, 2021,
26 the department of human services, in consultation with the juvenile justice
27 reform committee established pursuant to section 24-33.5-2401, shall

1 develop a length of stay matrix and establish criteria to guide the release
2 of juveniles from a state facility that are based on:

3 (I) A juvenile's risk of reoffending, as determined by the results of
4 a validated risk and needs assessment adopted pursuant to section
5 24-33.5-2402 (1)(a);

6 (II) The seriousness of the offense for which the juvenile was
7 adjudicated delinquent;

8 (III) The juvenile's progress in meeting treatment goals; and

9 (IV) Other criteria as determined by the department and the
10 juvenile justice reform committee.

11 (b) In making release and discharge decisions, the department of
12 human services shall use the matrix and release criteria developed
13 pursuant to this ~~subsection (3.3)~~ SUBSECTION (7).

14 (8) **[Formerly 19-2-921 (3.5)]** For all hearings and reviews
15 concerning a juvenile who is committed to the department of human
16 services, the entity conducting the hearing or review shall ensure that
17 notice is provided to the juvenile and to ANY OF the following persons
18 with whom the juvenile is placed:

19 (a) Foster parents;

20 (b) Pre-adoptive parents; or

21 (c) Relatives.

22 (9) **[Formerly 19-2-921 (4)]** The department of human services
23 may petition the committing court to extend the commitment for an
24 additional period not to exceed two years. The petition ~~shall~~ MUST set
25 forth the reasons why it would be in the best interest of the juvenile or the
26 public to extend the commitment. Upon filing the petition, the court shall
27 set a hearing to determine whether the petition should be granted or denied

1 and shall notify all interested parties.

2 **19-2.5-1118. [Formerly 19-2-910] Sentencing - persons eighteen**
3 **years of age or older - county jail - community corrections -**
4 **definitions.** (1) Except as otherwise ~~provided in section 19-2-601~~
5 REQUIRED BY SECTION 19-2.5-1127 for an aggravated juvenile offender,
6 the court may commit a person eighteen years of age or older but less than
7 twenty-one years of age to the department of human services if ~~he or she~~
8 THE PERSON is adjudicated a juvenile delinquent for an act committed
9 prior to ~~his or her~~ THE PERSON'S eighteenth birthday or upon revocation of
10 probation.

11 (2) Except as otherwise ~~provided in section 19-2-601~~ REQUIRED BY
12 SECTION 19-2.5-1127 for an aggravated juvenile offender, the court may
13 sentence a person who is eighteen years of age or older on the date of a
14 sentencing hearing to the county jail for a period not to exceed six months
15 or to a community correctional facility or program for a period not to
16 exceed one year, which may be served consecutively or in intervals, if ~~he~~
17 ~~or she~~ THE PERSON is adjudicated a juvenile delinquent for an act
18 committed prior to ~~his or her~~ THE PERSON'S eighteenth birthday.

19 **19-2.5-1119. [Formerly 19-2-925.6] Genetic testing of**
20 **adjudicated offenders - definitions.** (1) Beginning July 1, 2007, each of
21 the following adjudicated offenders shall submit to and pay for collection
22 and a chemical testing of the offender's biological substance sample to
23 determine the OFFENDER'S genetic markers, ~~thereof~~, unless the offender
24 has already provided a biological substance sample for such testing
25 pursuant to a statute of this state:

26 (a) Every offender who, on or after July 1, 2007, is in the custody
27 of the department of human services for a commitment imposed before

1 that date, including an offender on parole, based on adjudication for an
2 offense involving unlawful sexual behavior, or for which the underlying
3 factual basis involved an offense involving unlawful sexual behavior. The
4 department shall collect the sample as soon as possible.

5 (b) Every offender who, on or after July 1, 2007, is on probation
6 or supervision for a sentence that was imposed before that date, or is on
7 a deferred adjudication that was before that date, for an offense involving
8 unlawful sexual behavior or for which the factual basis involved an
9 offense involving unlawful sexual behavior. The judicial department shall
10 collect the sample at least ~~thirty~~ THIRTY-FIVE days prior to the offender's
11 scheduled termination of probation, supervision, or deferred adjudication.

12 (c) Every offender who, on or after July 1, 2007, is in a county jail
13 or a community corrections facility for a sentence imposed before that
14 date based on adjudication for an offense that would constitute a felony
15 if committed by an adult. The sheriff or the community corrections
16 program shall collect the sample at least ~~thirty~~ THIRTY-FIVE days prior to
17 the offender's release from the custody of the county jail or community
18 corrections facility.

19 (d) Every offender who, on or after July 1, 2007, is in a county jail
20 or a community corrections facility for a sentence imposed before that
21 date based on adjudication for a misdemeanor offense involving unlawful
22 sexual behavior or for which the factual basis involved an offense
23 involving unlawful sexual behavior. The sheriff or the community
24 corrections program shall collect the sample at least ~~thirty~~ THIRTY-FIVE
25 days prior to the offender's release from the custody of the county jail or
26 community corrections facility.

27 (e) Every offender sentenced on or after July 1, 2007, for an

1 offense that would constitute a felony if committed by an adult. This
2 ~~paragraph (c) shall~~ SUBSECTION (1)(e) DOES not apply to an offender
3 granted a deferred adjudication, unless otherwise required to submit to a
4 sample pursuant to this section or unless the deferred adjudication is
5 revoked and a sentence is imposed. The sample ~~shall~~ MUST be collected:

6 (I) From an offender committed to the department of human
7 services, by the department during the intake process but in any event
8 within ~~thirty~~ THIRTY-FIVE days after the offender is received by the
9 department;

10 (II) From an offender sentenced to county jail or to community
11 corrections, by the sheriff or by the community corrections program within
12 ~~thirty~~ THIRTY-FIVE days after the offender is received into the custody of
13 the county jail or the community corrections facility;

14 (III) From an offender sentenced to probation, by the judicial
15 department within ~~thirty~~ THIRTY-FIVE days after the offender is placed on
16 probation; and

17 (IV) From an offender who receives any other sentence, by the
18 judicial department within ~~thirty~~ THIRTY-FIVE days after the offender is
19 sentenced.

20 (f) Every offender who, on or after July 1, 2007, is sentenced for
21 an adjudication of, or who receives a deferred adjudication for, an offense
22 involving unlawful sexual behavior or for which the underlying factual
23 basis involves unlawful sexual behavior. The sample ~~shall~~ MUST be
24 collected:

25 (I) From an offender committed to the department of human
26 services, by the department during the intake process but in any event
27 within ~~thirty~~ THIRTY-FIVE days after the offender is received by the

1 department;

2 (II) From an offender sentenced to county jail or community
3 corrections, by the sheriff or by the community corrections facility within
4 ~~thirty~~ THIRTY-FIVE days after the offender is received into the custody of
5 the county jail or the community corrections facility;

6 (III) From an offender sentenced to probation, by the judicial
7 department within ~~thirty~~ THIRTY-FIVE days after the offender is placed on
8 probation;

9 (IV) From an offender who receives a deferred adjudication, by the
10 judicial department within ~~thirty~~ THIRTY-FIVE days after the offender is
11 granted the deferred adjudication; and

12 (V) From an offender who receives any other sentence, by the
13 judicial department within ~~thirty~~ THIRTY-FIVE days after the offender is
14 sentenced.

15 (2) For purposes of this section ONLY:

16 (a) "Adjudicated" means having received a verdict of guilty by a
17 judge or jury or having pled guilty or nolo contendere. Except where
18 otherwise indicated, "adjudicated" does not include deferred adjudication
19 unless the deferred adjudication is revoked and a sentence is imposed.

20 (b) "Unlawful sexual behavior" ~~shall have~~ HAS the same meaning
21 as in section 16-22-102 (9). ~~C.R.S.~~

22 (3) The judicial department, the department of human services, a
23 sheriff, or a contractor may:

24 (a) Use reasonable force to obtain biological substance samples in
25 accordance with this section using medically recognized procedures. In
26 addition, an offender's refusal to comply with this section may be grounds
27 for revocation or denial of parole, probation, or deferred adjudication.

1 Failure to pay for collection and a chemical testing of a biological
2 substance sample ~~shall be~~ IS considered a refusal to comply if the offender
3 has the present ability to pay.

4 (b) Collect biological substance samples notwithstanding that the
5 collection was not accomplished within an applicable deadline set forth
6 in this section.

7 (4) Any ~~moneys~~ MONEY received from an offender pursuant to this
8 section ~~shall~~ MUST be deposited in the offender identification fund created
9 in section 24-33.5-415.6. ~~C.R.S.~~

10 (5) The Colorado bureau of investigation shall conduct the
11 chemical testing of the biological substance samples obtained pursuant to
12 this section. The Colorado bureau of investigation shall file and maintain
13 the results ~~thereof~~ OF THE CHEMICAL TESTING OF BIOLOGICAL SAMPLES
14 OBTAINED PURSUANT TO THIS SECTION and shall furnish the results to a
15 law enforcement agency upon request. The Colorado bureau of
16 investigation shall store and preserve all biological substance samples
17 obtained pursuant to this section.

18 **19-2.5-1120. [Formerly 19-2-114] Cost of care.**

19 (1) (a) Notwithstanding ~~the provisions of~~ section 19-1-115 (4)(d), ~~where~~
20 IF a juvenile is sentenced to a AN OUT-OF-HOME placement ~~out of the home~~
21 or is granted probation as a result of an adjudication, deferral of
22 adjudication, or direct filing in or transfer to district court, the court may
23 order the juvenile or the juvenile's parent to make ~~such~~ payments toward
24 the cost of care as are appropriate under the circumstances. In setting the
25 amount of such payments, the court shall take into consideration and make
26 allowances for any restitution ordered to the victim or victims of a crime,
27 which ~~shall~~ take priority over any payments ordered pursuant to this

1 section, and for the maintenance and support of the juvenile's spouse,
2 dependent children, any other persons having a legal right to support and
3 maintenance out of the JUVENILE'S estate, ~~of the juvenile~~, or any persons
4 having a legal right to support and maintenance out of the estate of the
5 juvenile's parent. The court shall also consider the financial needs of the
6 juvenile for the six-month period immediately following the juvenile's
7 release, for the purpose of allowing ~~said~~ THE juvenile to seek employment.

8 (b) For an adoptive family who receives an approved Title IV-E
9 adoption assistance subsidy pursuant to the federal "Social Security Act",
10 42 U.S.C. sec. 673 et seq., or an approved payment in subsidization of
11 adoption pursuant to article 7 of title 26, the cost of care, as defined in
12 ~~section 19-1-103 (30)~~ SECTION 19-1-103, must not exceed the amount of
13 the adoption assistance payment.

14 (2) ~~Any~~ AN order for payment toward the cost of care entered by
15 the court pursuant to subsection (1) of this section ~~shall constitute~~
16 CONSTITUTES a judgment ~~which shall be~~ enforceable by the state or the
17 governmental agency that would otherwise incur the cost of care for the
18 juvenile in the same manner as are civil judgments.

19 (3) In order to effectuate ~~the provisions of~~ this section, a juvenile
20 and ~~such~~ THE juvenile's parent ~~shall be~~ ARE required to provide
21 information to the court regarding the juvenile's estate and the estate of
22 ~~such~~ THE juvenile's parent. Such financial information ~~shall~~ MUST be
23 submitted in writing and under oath.

24 ~~(4) and (5) Repealed.~~

25 **19-2.5-1121. [Formerly 19-2-415] Fees for transporting**
26 **juveniles.** It is the duty of the sheriff, undersheriff, or deputy, or in their
27 absence any suitable person appointed by the court for such purpose, to

1 convey any juvenile committed ~~under the provisions of section 19-2-601~~
2 ~~or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1103 OR 19-2.5-1127 to
3 facilities of the division of youth services. All officers performing services
4 ~~under~~ PURSUANT TO this ~~part 4~~ PART 11 must be paid the same fees as are
5 allowed for similar services in criminal cases, ~~such fees~~ to be paid by the
6 county from which ~~such~~ THE juvenile was committed.

7 SUBPART B

8 OFFENSE-SPECIFIC SPECIALIZED SENTENCING

9 **19-2.5-1122. [Formerly 19-2-918.5] Sentencing - animal cruelty**
10 **- anger management treatment.** (1) In addition to any sentence imposed
11 pursuant to this section, ~~any~~ A juvenile who has been adjudicated a
12 juvenile delinquent for the commission of cruelty to animals, as described
13 in section 18-9-202, in which the underlying factual basis ~~of which~~ has
14 been found by the court to include the knowing torture or torment of an
15 animal AND that needlessly injured, mutilated, or killed an animal, may be
16 ordered to complete an anger management treatment program, a
17 mental health treatment program, or any other appropriate treatment
18 program designed to address the underlying causative factors for the
19 violation.

20 (2) The court may order an evaluation to be conducted prior to
21 disposition if an evaluation would assist the court in determining an
22 appropriate disposition. The parents or legal guardian of the juvenile
23 ordered to undergo an evaluation shall ~~be required to~~ pay the cost of the
24 evaluation. If the evaluation results in a recommendation of treatment and
25 if the court so finds, the juvenile must be ordered to complete an anger
26 management treatment program, a mental health treatment program,
27 or any other appropriate treatment program designed to address the

1 underlying causative factors for the violation.

2 (3) The disposition for ~~any~~ A juvenile who has been adjudicated
3 a juvenile delinquent a second or subsequent time, the underlying factual
4 basis of which has been found by the court to include an act of cruelty to
5 animals, as described in section 18-9-202, must include the completion of
6 an anger management treatment program, a mental health treatment
7 program, or any other appropriate treatment program designed to address
8 the underlying causative factors for the violation.

9 ~~(3.5)~~ (4) In addition to any sentence imposed pursuant to this
10 section for any juvenile who has been adjudicated a juvenile delinquent
11 for the commission of cruelty to animals, as described in section 18-9-202,
12 the court may enter an order prohibiting the juvenile or other party from
13 owning, possessing, or caring for a pet animal as defined in section
14 35-80-102 (10), unless the juvenile's treatment provider makes a specific
15 recommendation not to impose the ban and the court agrees with the
16 recommendation.

17 ~~(4)~~ (5) Nothing in this section ~~shall preclude~~ PRECLUDES the court
18 from ordering treatment in any appropriate case.

19 ~~(5)~~ (6) This section does not apply to the treatment of pack or draft
20 animals by negligently overdriving, overloading, or overworking them, or
21 the treatment of livestock and other animals used in the farm or ranch
22 production of food, fiber, or other agricultural products when the
23 treatment is in accordance with accepted animal husbandry practices, the
24 treatment of animals involved in activities regulated pursuant to article 32
25 of title 44, the treatment of animals involved in research if the research
26 facility is operating under rules set forth by the state or federal
27 government, the treatment of animals involved in rodeos, the treatment of

1 dogs used for legal hunting activities, or to statutes regulating activities
2 concerning wildlife and predator control in the state, including trapping.

3 **19-2.5-1123. Sentencing - mandatory detention - weapons and**
4 **crimes of violence.** (1) [Formerly 19-2-911 (2)] In the case of a juvenile
5 who has been adjudicated a juvenile delinquent for the commission of one
6 of the offenses described in ~~section 19-2-508 (3)(a)(IV)~~ SECTION
7 19-2.5-305 (3)(a)(V), the court shall sentence the juvenile to a minimum
8 mandatory period of detention of not fewer than five days.

9 (2) [Formerly 19-2-911 (3)] A juvenile who is less than thirteen
10 years of age may not be sentenced to detention unless ~~he or she~~ THE
11 JUVENILE has been adjudicated for a felony or weapons charge pursuant
12 to section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. As an
13 alternative, the juvenile probation department may conduct a presentence
14 investigation pursuant to ~~section 19-2-905~~ SECTION 19-2.5-1101. The
15 investigation may result in the juvenile:

16 (a) Remaining in the custody of a parent, guardian, or legal
17 custodian; or

18 (b) Being placed in the temporary legal custody of kin, for
19 purposes of a kinship foster care home or noncertified kinship care
20 placement, as defined in ~~section 19-1-103 (71.3)~~ SECTION 19-1-103, or
21 other suitable person under such conditions as the court may impose; or

22 (c) Being placed in a shelter facility; or

23 (d) Being referred to a local county department of human or social
24 services for assessment for placement.

25 **19-2.5-1125. Reserved.**

26 SUBPART C

27 SENTENCING - SPECIAL OFFENDERS

1 **19-2.5-1125. [Formerly 19-2-516] Petitions - special offenders.**

2 **(1) Mandatory sentence offender.** A juvenile is a mandatory sentence
3 offender if ~~he or she~~ THE JUVENILE:

4 (a) ~~(f)~~ Has been adjudicated a juvenile delinquent twice; or

5 ~~(H)~~ (b) Has been adjudicated a juvenile delinquent and if ~~his or her~~
6 THE JUVENILE'S probation has been revoked for a delinquent act, and:

7 ~~(b)~~ (I) Is subsequently adjudicated a juvenile delinquent; or

8 (II) Has probation revoked for a delinquent act.

9 **(2) Repeat juvenile offender.** A juvenile is a repeat juvenile
10 offender if ~~he or she~~ THE JUVENILE has been previously adjudicated a
11 juvenile delinquent and is adjudicated a juvenile delinquent for a
12 delinquent act that constitutes a felony or if ~~his or her~~ THE JUVENILE'S
13 probation is revoked for a delinquent act that constitutes a felony.

14 **(3) Violent juvenile offender.** A juvenile is a violent juvenile
15 offender if ~~he or she~~ THE JUVENILE is adjudicated a juvenile delinquent for
16 a delinquent act that constitutes a crime of violence as defined in section
17 18-1.3-406 (2). ~~€:R:S:~~

18 **(4) Aggravated juvenile offender.** (a) A juvenile offender is an
19 aggravated juvenile offender if ~~he or she~~ THE JUVENILE is:

20 (I) Adjudicated a juvenile delinquent for a delinquent act that
21 constitutes a class 1 or class 2 felony or if ~~his or her~~ THE JUVENILE'S
22 probation is revoked for a delinquent act that constitutes a class 1 or class
23 2 felony; or

24 (II) Adjudicated a juvenile delinquent for a delinquent act that
25 constitutes a felony and either is subsequently adjudicated a juvenile
26 delinquent for a delinquent act that constitutes a crime of violence, as
27 defined in section 18-1.3-406 (2), ~~€:R:S:~~, or has ~~his or her~~ probation

1 revoked for a delinquent act that constitutes a crime of violence, as
2 defined in section 18-1.3-406 (2); ~~€R.S.~~; or

3 (III) Adjudicated a juvenile delinquent or if ~~his or her~~ THE
4 JUVENILE'S probation is revoked for a delinquent act that constitutes
5 felonious unlawful sexual behavior ~~under~~ PURSUANT TO part 4 of article
6 3 of title 18, ~~€R.S.~~, incest ~~under~~ PURSUANT TO section 18-6-301, ~~€R.S.~~,
7 or aggravated incest ~~under~~ PURSUANT TO section 18-6-302. ~~€R.S.~~

8 (b) Provisions concerning aggravated juvenile offenders are
9 located in ~~section 19-2-601~~ SECTIONS 19-2.5-503 AND 19-2.5-1127.

10 **19-2.5-1126. [Formerly 19-2-908] Sentencing - special**
11 **offenders.** (1) The court shall sentence a juvenile adjudicated as a special
12 offender as follows:

13 (a) **Mandatory sentence offender.** The court shall place or
14 commit ~~any~~ A juvenile adjudicated as a mandatory sentence offender, as
15 described in ~~section 19-2-516 (1)~~ SECTION 19-2.5-1125 (1), out of the
16 home for not less than one year, unless the court finds that an alternative
17 sentence or a commitment of less than one year out of the home would be
18 more appropriate; except that:

19 (I) If the person adjudicated as a mandatory sentence offender is
20 eighteen years of age or older on the date of the sentencing hearing, the
21 court may sentence that person to the county jail or to a community
22 correctional facility or program for a period not to exceed two years, if
23 ~~such~~ THE person has been adjudicated a mandatory sentence offender
24 pursuant to this ~~article~~ ARTICLE 2.5 for acts committed prior to ~~such~~ THE
25 person's eighteenth birthday; or

26 (II) The juvenile or person may be released by the committing
27 judge upon a showing of exemplary behavior.

1 (b) **Repeat juvenile offender.** The court shall sentence ~~any~~ A
2 juvenile adjudicated as a repeat juvenile offender, as described in ~~section~~
3 ~~19-2-516 (2)~~ SECTION 19-2.5-1125 (2), out of the home for not less than
4 one year, unless the court finds that an alternative sentence or a
5 commitment of less than one year out of the home would be more
6 appropriate; except that:

7 (I) If the person adjudicated as a repeat juvenile offender is
8 eighteen years of age or older on the date of the sentencing hearing, the
9 court may sentence that person to the county jail or to a community
10 correctional facility or program for a period not to exceed two years, if
11 ~~such~~ THE person has been adjudicated a repeat juvenile offender pursuant
12 to this ~~article~~ ARTICLE 2.5 for acts committed prior to ~~such~~ THE person's
13 eighteenth birthday; or

14 (II) The juvenile or person may be released by the committing
15 judge upon a showing of exemplary behavior.

16 (c) **Violent juvenile offender.** (I) (A) Upon adjudication as a
17 violent juvenile offender, as described in ~~section 19-2-516 (3)~~ SECTION
18 19-2.5-1125 (3), the juvenile ~~shall~~ MUST be placed or committed out of the
19 home for not less than one year; except that this ~~sub-subparagraph (A)~~
20 ~~shall~~ SUBSECTION (1)(c) DOES not apply to a juvenile who is ten years of
21 age or older, but less than twelve years of age, when the court finds that
22 an alternative sentence or a commitment of less than one year out of the
23 home would be more appropriate.

24 (B) Upon adjudication as a violent juvenile offender, if the person
25 is eighteen years of age or older on the date of the sentencing hearing, the
26 court may sentence such person to the county jail or to a community
27 correctional facility or program for a period not to exceed two years, if

1 ~~such~~ THE person has been adjudicated a violent juvenile offender pursuant
2 to this ~~article~~ ARTICLE 2.5 for acts committed prior to ~~such~~ THE person's
3 eighteenth birthday.

4 (II) The court may commit a violent juvenile offender to the
5 department of human services. The court may impose a minimum sentence
6 during which the juvenile ~~shall~~ MUST not be released from a residential
7 program without prior written approval of the court that made the
8 commitment.

9 (d) **Aggravated juvenile offender.** The court shall sentence an
10 aggravated juvenile offender ~~as provided in section 19-2-601~~ AS
11 DESCRIBED IN SECTION 19-2.5-1127.

12 **19-2.5-1127. [Formerly 19-2-601 (5) to (10)] Aggravated**
13 **juvenile offender - definition.** ~~(5)~~ (1) (a) (I) Upon adjudication as an
14 aggravated juvenile offender:

15 (A) For an offense other than an offense that would constitute a
16 class 1 or 2 felony if committed by an adult, the court may commit the
17 juvenile to the department of human services for a determinate period of
18 up to five years;

19 (B) For an offense that would constitute a class 2 felony if
20 committed by an adult, the court shall commit the juvenile to the
21 department of human services for a determinate period of at least three but
22 not more than five years;

23 (C) For an offense that would constitute a class 1 felony if
24 committed by an adult, the court shall commit the juvenile to the
25 department of human services for a determinate period of at least three but
26 not more than seven years; AND

27 (D) When the petition alleges the offense of murder in the first

1 degree or murder in the second degree, or sexual assault ~~under~~ PURSUANT
2 TO section 18-3-402 (3.5) or ~~18-3-402 (4) C.R.S.~~, and the juvenile is
3 adjudicated a delinquent for either murder in the first degree or murder in
4 the second degree, then the court may sentence the juvenile consecutively
5 or concurrently for any crime of violence as described in section
6 18-1.3-406 ~~C.R.S.~~, or for a delinquent act contained in the petition for
7 which the juvenile is an aggravated juvenile offender.

8 (II) An aggravated juvenile offender thus committed to the
9 department of human services ~~shall~~ MUST not be transferred to a nonsecure
10 or community setting for a period of more than forty-eight hours,
11 excluding Saturdays, Sundays, and court holidays, nor released before the
12 expiration of the determinate term imposed by the court without prior
13 order of the court.

14 (b) (I) Upon court order, the department of human services may
15 transfer a juvenile committed to its custody pursuant to ~~paragraph (a) of~~
16 ~~this subsection (5)~~ SUBSECTION (1)(a) OF THIS SECTION to the department
17 of corrections if the juvenile has reached eighteen years of age and the
18 department of human services has certified that the juvenile is no longer
19 benefitting from its programs.

20 (II) THE DEPARTMENT OF HUMAN SERVICES SHALL INITIATE such
21 transfer ~~shall be initiated by the filing of a request by the department of~~
22 ~~human services~~ for transfer with the court of commitment that ~~shall~~ MUST
23 state the basis for the request. Upon receipt of such a request, the court
24 shall notify the interested parties and ~~shall~~ set the matter for a hearing.

25 (III) The court shall authorize ~~such~~ THE transfer only upon a
26 finding by a preponderance of the evidence that the juvenile is no longer
27 benefitting from the programs of the department of human services.

1 (IV) Upon entering an order of transfer to the department of
2 corrections, pursuant to this ~~paragraph (b)~~ SUBSECTION (1)(b), the court
3 shall amend the mittimus and transfer all further jurisdiction over the
4 juvenile to the department of corrections. Thereafter the juvenile ~~shall be~~
5 IS governed by the provisions for adult felony offenders in titles 16 and 17
6 ~~C.R.S.~~, as if ~~he or she~~ THE JUVENILE had been sentenced as an adult felony
7 offender for the unserved portion of sentence that remains upon transfer
8 to the department of corrections.

9 ~~(6)~~ (2) (a) After a juvenile who is sentenced pursuant to
10 ~~sub-subparagraph (B) or (C) of subparagraph (I) of paragraph (a) of~~
11 ~~subsection (5)~~ SUBSECTION (1)(a)(I)(B) OR (1)(a)(I)(C) of this section has
12 been in the custody of the department of human services for three years or
13 more, the department may petition the court for an order authorizing the
14 department to place the juvenile on juvenile parole upon approval by the
15 juvenile parole board pursuant to ~~section 19-2-1002~~ SECTION 19-2.5-1203.
16 After a juvenile who is sentenced pursuant to ~~sub-subparagraph (A) of~~
17 ~~subparagraph (I) of paragraph (a) of subsection (5)~~ SUBSECTION
18 (1)(a)(I)(A) of this section has served the minimum mandatory period of
19 the commitment or three years, whichever is sooner, the department of
20 human services may petition the court for an order authorizing the
21 department to place the juvenile on juvenile parole upon approval by the
22 juvenile parole board pursuant to ~~section 19-2-1002~~ SECTION 19-2.5-1203.
23 THE DEPARTMENT OF HUMAN SERVICES SHALL CONDUCT the parole
24 supervision. ~~shall be conducted by the department of human services.~~
25 Upon ~~the filing of~~ the petition, the court shall notify the interested parties
26 and set the matter for a hearing. The court shall authorize the department
27 of human services to place the juvenile on juvenile parole upon approval

1 of the juvenile parole board pursuant to ~~section 19-2-1002~~ SECTION
2 19-2.5-1203, only upon finding by a preponderance of the evidence that
3 the safety of the community will not be jeopardized by ~~such~~ THE
4 JUVENILE'S release.

5 (b) Parole supervision of a juvenile who has been transferred to the
6 department of corrections is governed by the provisions for adult felony
7 offenders in titles 16, 17, and 18 ~~C.R.S.~~, as if the juvenile had been
8 sentenced as an adult felony offender; except that, if the juvenile was
9 adjudicated and sentenced for a class 1 felony, then the juvenile ~~shall~~
10 MUST serve a ten-year period of mandatory parole after completion of ~~his~~
11 ~~or her~~ THE JUVENILE'S sentence.

12 ~~(7)~~ (3) Upon ~~the~~ filing of a petition with the committing court for
13 transfer of the juvenile to a nonsecure or community setting, or for early
14 release from the custody of the department of corrections or human
15 services, the court shall notify the interested parties and set the matter for
16 a hearing. The court shall order such transfer or release only upon a
17 finding by a preponderance of the evidence that the safety of the
18 community will not be jeopardized by ~~such~~ THE transfer or release; except
19 that early release of the juvenile from the department of corrections ~~shall~~
20 ~~be~~ IS governed by the provisions for adult felony offenders in titles 16 and
21 17 ~~C.R.S.~~, as if the juvenile had been sentenced as an adult felony
22 offender.

23 ~~(8)~~ (4) (a) (I) When a juvenile in the custody of the department of
24 human services pursuant to this section reaches the age of twenty years
25 and six months, the department of human services shall file a motion with
26 the court of commitment regarding further jurisdiction of the juvenile.
27 Upon the filing of such a motion, the court shall notify the interested

1 parties, appoint counsel for the juvenile, and set the matter for a hearing.
2 The court shall, as part of this hearing, reconsider the length of the
3 remaining sentence and consider the factors as set forth in ~~paragraph (e)~~
4 ~~of this subsection (8) herein~~ SUBSECTION (4)(c) OF THIS SECTION.

5 (II) When the court notifies the interested parties, the court shall
6 order that the juvenile submit to and cooperate with a psychological
7 evaluation and risk assessment by a mental health professional to
8 determine whether the juvenile is a danger either to himself or herself or
9 to others. The mental health professional shall prepare a written report and
10 ~~shall~~ provide a copy of the report to the court that ordered it, the
11 prosecuting attorney, and counsel for the juvenile at least ~~fifteen~~
12 FOURTEEN days before the hearing.

13 (b) At the hearing upon the motion, the court may either transfer
14 the custody of and jurisdiction over the juvenile to the department of
15 corrections for placement in a correctional facility, the youthful offender
16 system, or a community corrections program; authorize early release of the
17 juvenile pursuant to ~~subsection (7)~~ SUBSECTION (3) of this section; place
18 the juvenile on adult parole for a period of five years; or order that custody
19 and jurisdiction over the juvenile ~~shall~~ MUST remain with the department
20 of human services; except that the custody of and jurisdiction over the
21 juvenile by the department of human services ~~shall terminate~~ TERMINATES
22 when the juvenile reaches twenty-one years of age.

23 (c) In considering whether ~~or not~~ to transfer the custody of and
24 jurisdiction over the juvenile to the department of corrections, the court
25 shall consider all relevant factors including, but not limited to, the
26 court-ordered psychological evaluation and risk assessment; the nature of
27 the crimes committed; the OFFENDER'S prior criminal history; ~~of the~~

1 offender, the OFFENDER'S maturity; of the offender, the offender's behavior
2 in custody; the offender's progress and participation in classes, programs,
3 and educational improvement; the impact of the crimes on the victims; the
4 likelihood of rehabilitation; the placement where the offender is most
5 likely to succeed in reintegrating in the community; and the interest of the
6 community in the imposition of punishment commensurate with the
7 gravity of the offense.

8 (9) (5) At any postadjudication hearing held pursuant to this
9 section, the state shall be IS represented by the district attorney and by the
10 attorney general; except that the attorney general may be excused from
11 participation in the hearing with the permission of the district attorney and
12 of the court. At any postadjudication hearing held pursuant to this section,
13 the department of corrections shall be IS considered an interested party and
14 shall MUST be sent notice of such hearing.

15 (10) (6) AS USED IN THIS SECTION, "mental health professional"
16 means a person who is employed by the department of human services or
17 is employed under contract with the department of human services and is:

18 (a) A licensed physician with the appropriate training and expertise
19 in psychiatry; or

20 (b) A licensed psychologist.

21 PART 12

22 JUVENILE PAROLE

23 **19-2.5-1201. Juvenile parole board - creation - membership -**
24 **authority - rules.** (1) [Formerly 19-2-206 (1)] There is hereby created a
25 juvenile parole board, referred to in this section and section 19-2-207
26 PART 12 as the "board". to consist THE BOARD CONSISTS of nine members
27 appointed by the governor and confirmed by the senate. Any vacancy that

1 occurs when the general assembly is not in session may be filled by the
2 governor, and such member ~~shall serve~~ SERVES temporarily until
3 confirmed at the next regular session of the general assembly.

4 (2) [Formerly 19-2-206 (2)] All nine members ~~shall be~~ ARE voting
5 members. ~~and~~, Of the nine members:

6 (a) One member ~~shall be~~ IS from the department of human
7 services;

8 (b) One member ~~shall be~~ IS from the department of education;

9 (c) One member ~~shall be~~ IS from the department of public safety;

10 (d) One member ~~shall be~~ IS from the department of labor and
11 employment; and

12 (e) (~~Deleted by amendment, L. 2008, p. 1105, § 10, effective July~~
13 ~~1, 2008.~~)

14 (f) (e) Five members ~~shall be~~ ARE from the public at large and
15 ~~shall~~ MUST not be employees of the state government. At least one of the
16 members from the public at large ~~shall~~ MUST be a resident of the area west
17 of the continental divide.

18 (3) [Formerly 19-2-206 (3)] All members ~~shall~~ serve at the
19 pleasure of the governor, and the governor shall designate one member of
20 the board to act as chairperson.

21 (4) [Formerly 19-2-206 (4)] The full board ~~shall meet~~ MEETS not
22 less than once a month, and the presence of five members, at least two of
23 whom are members described in ~~paragraph (f) of subsection (2)~~
24 SUBSECTION (2)(e) of this section, ~~shall constitute~~ CONSTITUTES a quorum
25 to transact official business of the full board.

26 (5) [Formerly 19-2-206 (5)] All members of the board ~~shall be~~ ARE
27 reimbursed for expenses necessarily incurred in the performance of their

1 duties. In addition to the reimbursement of expenses, the five citizen board
2 members shall receive a per diem of one hundred fifty dollars per full day
3 and seventy-five dollars per half day spent transacting official business of
4 the board.

5 (6) [Formerly 19-2-206 (6)] THE DEPARTMENT OF HUMAN
6 SERVICES SHALL FURNISH clerical and other assistance for the board. ~~shall~~
7 ~~be furnished by the department of human services. Such clerical and other~~
8 ~~assistance shall be supervised by~~ A juvenile parole board administrator
9 appointed by the executive director of the department of human services
10 SHALL SUPERVISE SUCH CLERICAL AND OTHER ASSISTANCE PROVIDED
11 PURSUANT TO THIS SUBSECTION (6).

12 (7) [Formerly 19-2-207] The board may grant, deny, defer,
13 suspend, revoke, or specify or modify the conditions of any parole for any
14 juvenile committed to the department of human services ~~under section~~
15 ~~19-2-601 or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1103 OR 19-2.5-1127
16 in a manner that is in the best interests of the juvenile and the public. In
17 addition to any other conditions, the board may require, as a condition of
18 parole, any adjudicated juvenile to attend school or an educational
19 program or to work toward the attainment of a high school diploma or the
20 successful completion of a high school equivalency examination, as that
21 term is defined in section 22-33-102 (8.5); ~~C.R.S.;~~ except that the board
22 shall not require any such juvenile to attend a school from which ~~he or she~~
23 THE JUVENILE has been expelled without the prior approval of that school's
24 local board of education. The board shall promulgate rules that establish
25 criteria under which its parole decisions are made. The board has the
26 duties and responsibilities specified in ~~part 10 of this article~~ THIS PART 12.

27 19-2.5-1202. [Formerly 19-2-209] Juvenile parole -

1 **organization.** (1) Juvenile parole services are administered by the
2 division of youth services in the department of human services, under the
3 direction of the director of the division of youth services, appointed
4 pursuant to ~~section 19-2-203~~ SECTION 19-2.5-1501.

5 (2) The director of the division shall appoint juvenile parole
6 officers and other personnel of the division of youth services pursuant to
7 section 13 of article XII of the state constitution and with the consent of
8 the department of human services. Juvenile parole officers have the
9 powers and duties specified in ~~part 10 of this article 2~~ SECTION
10 19-2.5-1204 and the powers of peace officers, as described in sections
11 16-2.5-101 and 16-2.5-138.

12 (3) The division of youth services may divide juvenile parole
13 supervision into regions throughout the state. Within each region there
14 may be more than one office location for parole officers.

15 ~~(4) and (5) (Deleted by amendment, L. 2008, p. 1097, § 1,~~
16 ~~effective July 1, 2008.)~~

17 **19-2.5-1203. [Formerly 19-2-1002] Juvenile parole - hearing**
18 **panels - definition.** (1) ~~(a)~~ **Juvenile parole board - hearing panels**
19 **authority.** The juvenile parole board, ~~referred to in this part 10 as the~~
20 ~~"board"~~, established pursuant to ~~section 19-2-206~~ SECTION 19-2.5-1201,
21 may grant, deny, defer, suspend, revoke, or specify or modify the
22 conditions of any parole for any juvenile committed to the department of
23 human services ~~as provided in sections 19-2-601 and 19-2-907~~ PURSUANT
24 TO SECTIONS 19-2.5-1103 AND 19-2.5-1127. In addition to any other
25 conditions, the board may require, as a condition of parole, any
26 adjudicated juvenile to attend school or an educational program or to work
27 toward the attainment of a high school diploma or the successful

1 completion of a high school equivalency examination, as that term is
2 defined in section 22-33-102 (8.5); ~~C.R.S.~~; except that the board shall not
3 require any ~~such~~ juvenile to attend a school from which ~~he or she~~ THE
4 JUVENILE has been expelled without the prior approval of that school's
5 local board of education. The board may modify any of its decisions, or
6 those of the hearing panel, except an order of discharge.

7 (b) ~~(Deleted by amendment, L. 2008, p. 1098, § 3, effective July~~
8 ~~1, 2008.)~~

9 (2) (a) The board or a hearing panel ~~shall have~~ HAS subpoena
10 power and the power to administer oaths to secure attendance and
11 testimony at hearings before the board. All relevant records pertaining to
12 the juvenile ~~shall~~ MUST be made available to the board.

13 (b) (I) The board or hearing panel shall take into consideration the
14 results of the validated risk and needs assessment administered by the
15 department of human services.

16 (II) In making release and discharge decisions, the board or
17 hearing panel shall use the length of stay matrix and release criteria
18 developed pursuant to ~~section 19-2-921 (3.3)~~ SECTION 19-2.5-1117 (7).

19 (3) (a) Hearing panels consisting of two members of the board
20 shall interview and review the record of each juvenile who comes before
21 the board for the granting of parole. Whenever possible, one of the
22 hearing panel members ~~shall~~ MUST be a representative of an executive
23 department, and the other ~~shall~~ MUST be a member from the public at
24 large. A hearing panel may grant, deny, defer, suspend, revoke, or specify
25 or modify the conditions of any parole of a juvenile that are in the best
26 interests of the juvenile and the public; except that:

27 (I) If the members of a hearing panel disagree, a review of that

1 case ~~shall~~ MUST be referred to the board for review and a decision made
2 by a majority vote of the board members present. At least a quorum ~~as~~
3 ~~defined in section 19-2-206 (4)~~, of the board, AS DEFINED IN SECTION
4 19-2.5-1201 (4), must be present to a make a decision ~~under~~ PURSUANT TO
5 this ~~subparagraph (I)~~ SUBSECTION (3)(a)(I).

6 (II) The hearing panel ~~shall~~ DOES not have authority to grant parole
7 to juveniles committed as violent juvenile offenders as described in
8 ~~section 19-2-516 (3)~~ SECTION 19-2.5-1125 (3) or aggravated juvenile
9 offenders as described in ~~section 19-2-516 (4)~~ SECTION 19-2.5-1125 (4).
10 In such cases, the board shall conduct a hearing and make a decision by
11 a majority vote of the board members present at the hearing. However, if
12 expiration of the juvenile's commitment is imminent, as defined by the
13 ~~juvenile parole~~ board, the hearing panel shall hold a hearing and make a
14 recommendation to the board. The board shall review the case and a make
15 a decision by a majority vote of the board members present.

16 (III) If a written request is made by the juvenile, ~~his or her~~ THE
17 JUVENILE'S parents ~~his or her~~ OR guardian, or the executive director of the
18 department of human services or ~~his or her~~ THE EXECUTIVE DIRECTOR'S
19 designee, the board may review the case of any juvenile who has been
20 interviewed by a hearing panel. If such a review is made, the board ~~shall~~
21 ~~have~~ HAS the authority to affirm or reverse the decision of the hearing
22 panel or to impose such additional conditions for parole as the board
23 deems appropriate.

24 (IV) ~~(Deleted by amendment, L. 2008, p. 1098, § 3, effective July~~
25 ~~1, 2008.)~~

26 ~~(a.5)~~ (b) If a juvenile, while under a juvenile commitment, is in jail
27 pending adult charges, the board may conduct a parole hearing without the

1 JUVENILE'S presence. ~~of the juvenile.~~

2 (a.7)(c) When the board conducts a hearing pursuant to paragraph
3 (a) or (a.5) of this subsection (3) SUBSECTION (3)(a) OR (3)(b) OF THIS
4 SECTION, a quorum, as defined in ~~section 19-2-206 (4)~~ SECTION
5 19-2.5-1201 (4), shall MUST be present.

6 (b)(f) (d) In addition to any other conditions, the hearing panel
7 may require, as a condition of parole, any adjudicated juvenile to attend
8 school or an educational program or to work toward the attainment of a
9 high school diploma or the successful completion of a high school
10 equivalency examination, as that term is defined in section 22-33-102
11 (8.5); ~~C.R.S.~~; except that the hearing panel shall not require any such
12 juvenile to attend a school from which ~~he or she~~ THE JUVENILE has been
13 expelled without the prior approval of that school's local board of
14 education.

15 (H) ~~(Deleted by amendment, L. 2008, p. 1098, § 3, effective July~~
16 ~~1, 2008.)~~

17 (4) THE JUVENILE PAROLE BOARD ADMINISTRATOR APPOINTED
18 PURSUANT TO SECTION 19-2.5-1201 (6) SHALL ASSIST the hearing panel
19 ~~shall be assisted~~ in its duties. ~~by the juvenile parole board administrator~~
20 ~~appointed pursuant to section 19-2-206 (6).~~ Said THE administrator shall
21 also arrange training for the members of the ~~juvenile parole~~ board in all
22 aspects of the juvenile justice system. It ~~shall be~~ IS mandatory for
23 members of the board to attend such training.

24 (5) (a) If the hearing panel or the board determines that parole
25 should be granted, the hearing panel shall establish six months as the
26 length of the parole supervision. However, for a juvenile committed to the
27 department of human services due to an adjudication for an offense

1 specified in ~~paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b) OF THIS
2 SECTION, the hearing panel may extend the period of parole supervision
3 up to an additional fifteen months if the hearing panel makes findings of
4 special circumstances that warrant an extended period of parole services
5 for the juvenile.

6 (b) ~~The provisions of paragraph (a) of this subsection (5)~~
7 SUBSECTION (5)(a) OF THIS SECTION allowing for extension of the period
8 of parole ~~shall apply~~ APPLIES to juveniles committed to the department of
9 human services due to an adjudication for one or more of the following
10 offenses:

11 (I) Any offense specified in article 3 of title 18 or in part 3 of
12 article 4 of title 18 ~~€:R.S.~~, that would constitute a felony if committed by
13 an adult;

14 (II) Incest, as described in section 18-6-301; ~~€:R.S.~~;

15 (III) Aggravated incest, as described in section 18-6-302; ~~€:R.S.~~;

16 (IV) Child abuse, as described in section 18-6-401, ~~€:R.S.~~, that
17 would constitute a felony if committed by an adult;

18 (V) Fourth degree arson, as described in section 18-4-105, ~~€:R.S.~~,
19 that would constitute a felony if committed by an adult;

20 (VI) Assault during escape, as described in section 18-8-206,
21 ~~€:R.S.~~, that would constitute a felony if committed by an adult;

22 (VII) FELONY illegal possession of a handgun by a juvenile, as
23 described in section 18-12-108.5, €:R.S., that would constitute a felony
24 if committed by an adult;

25 (VIII) MISDEMEANOR illegal possession of a handgun by a
26 juvenile, as described in section 18-12-108.5, €:R.S., that would constitute
27 a misdemeanor if committed by an adult, if the juvenile is

1 contemporaneously committed to the department of human services for an
2 offense that would constitute a felony if committed by an adult; or

3 (IX) Attempt, conspiracy, or solicitation to commit any of the
4 offenses specified in this ~~paragraph (b)~~ SUBSECTION (5)(b), which attempt,
5 conspiracy, or solicitation would constitute a felony if committed by an
6 adult.

7 (c) Upon completion of the period of parole supervision as
8 established by the board, the juvenile ~~shall be~~ IS deemed to have
9 discharged the juvenile's sentence to commitment in the same manner as
10 if the sentence were discharged pursuant to law.

11 (d) (I) If the juvenile court commits a juvenile to the department
12 of human services for concurrent sentences based on the commission of
13 two or more offenses or consecutive sentences based on commission of
14 two or more offenses, the juvenile ~~shall be~~ IS subject to one six-month
15 mandatory period of parole, unless the period of parole is extended
16 pursuant to ~~paragraph (a) of this subsection (5)~~ SUBSECTION (5)(a) OF THIS
17 SECTION.

18 (II) As used in this ~~paragraph (d)~~ SUBSECTION (5)(d), "concurrent
19 sentence" means sentences identified by the court as concurrent and any
20 sentences, or portions thereof, that are served simultaneously and that are
21 the basis of the juvenile's treatment services during the juvenile's
22 commitment.

23 (e) (I) If a juvenile's parole is revoked pursuant to ~~section~~
24 ~~19-2-1004~~ SECTION 19-2.5-1206, the juvenile shall serve all or a portion
25 of the remainder of ~~his or her~~ THE sentence to commitment, and the period
26 of reparole or extended period of reparole imposed pursuant to ~~paragraph~~
27 ~~(a) of this subsection (5), shall~~ SUBSECTION (5)(a) OF THIS SECTION MUST

1 be reduced by any time served on parole prior to the revocation. The
2 ~~provisions of this paragraph (c) shall~~ THIS SUBSECTION (5)(e) DOES not
3 limit the board's authority to grant, deny, defer, suspend, revoke, or
4 modify a juvenile's parole within the period of parole.

5 (II) If a juvenile's parole is revoked or modified pursuant to ~~section~~
6 ~~19-2-1004~~ SECTION 19-2.5-1206, and the juvenile has completed the
7 period of commitment imposed by the court, the period of parole, or
8 extended period of parole imposed pursuant to ~~paragraph (a) of this~~
9 ~~subsection (5), shall~~ SUBSECTION (5)(a) OF THIS SECTION MUST continue
10 pursuant to ~~section 19-2-909 (1)(c)(II)~~ SECTION 19-2.5-1117 (1)(c)(II).
11 The period of parole ~~shall continue~~ CONTINUES regardless of whether the
12 revocation or modification authorizes the department of human services
13 to place the juvenile in a residential placement while on parole status. This
14 ~~provision shall~~ DOES not limit the board's authority to grant, deny, defer,
15 suspend, revoke, or modify a juvenile's parole within the period of parole.

16 (6) If the hearing panel or the board determines that parole should
17 be granted, THE HEARING PANEL OR BOARD SHALL ORDER the parolee ~~shall~~
18 ~~be ordered~~ to pay any unpaid restitution that has previously been ordered
19 as a condition of parole.

20 (7) **Notice.** (a) The board, prior to consideration of the case of a
21 juvenile for parole, shall notify the committing court, any affected juvenile
22 community review board, the prosecuting attorney, and any victims of the
23 juvenile's actions whose names and addresses have been provided by the
24 district attorney of the time and place of the juvenile's hearing before the
25 board or a hearing panel of the board. The notice ~~shall~~ MUST be given in
26 order that the persons notified ~~will~~ have an opportunity to present written
27 testimony to the hearing panel or the board. The board, in its sole

1 discretion, may allow oral testimony at any hearing and has sole discretion
2 regarding who may attend a juvenile parole hearing.

3 (b) (I) (A) Prior to consideration of the case of a juvenile for
4 parole, the board shall provide notice of the time and place of the
5 juvenile's hearing before the board or a hearing panel of the board to a
6 victim who has provided to the division of youth services or the board a
7 written statement pursuant to sections 24-4.1-302.5 and 24-4.1-303. The
8 notice and subsequent interactions with the victim must be consistent with
9 ~~the provisions of~~ article 4.1 of title 24.

10 (B) The board shall notify the victim of changes in the juvenile's
11 parole pursuant to section 24-4.1-303 (14.3). ~~C.R.S.~~

12 (II) For a juvenile who is currently serving parole that implicates
13 ~~the provisions of~~ article 4.1 of title 24, the division of youth services shall
14 notify the board of any discharge as a matter of law and any placement
15 change that may impact public safety or victim safety as determined by the
16 division of youth services, including any escape or recapture.

17 (8) **Representation of juvenile - parent.** The juvenile and ~~his or~~
18 ~~her~~ THE JUVENILE'S parents or guardian ~~shall~~ MUST be informed that they
19 may be represented by counsel in any hearing before the board or a
20 hearing panel to grant, modify, or revoke parole.

21 (9) **Parole discharge.** (a) The board may discharge a juvenile
22 from parole after the juvenile has served the mandatory parole period of
23 six months but prior to the expiration of ~~his or her~~ THE period of parole
24 supervision when it appears to the board that there is a reasonable
25 probability that the juvenile will remain at liberty without violating the
26 law.

27 (b) (I) Based upon a request and recommendation by the division

1 of youth services, the board may discharge all or a portion of a juvenile's
2 period of parole, as defined in ~~section 19-2-909 (1)(b)~~ SECTION
3 19-2.5-1117 (1)(b), without holding a hearing before the board or a
4 hearing panel of the board, if the board finds that:

5 (A) The juvenile is unavailable to complete the period of parole or
6 the extended period of parole and the juvenile is not likely to become
7 available in a time or manner in which ~~he or she~~ THE JUVENILE will benefit
8 from parole services and neither community safety nor restorative justice
9 interests will be served through the imposition or continuation of the
10 juvenile's parole; or

11 (B) The community interest in safety or restorative justice will not
12 be served through the imposition or continuation of juvenile parole
13 because the juvenile is under the adult probation supervision of the district
14 court.

15 (II) As used in this subsection (9), a juvenile is unavailable to
16 complete the period of parole if:

17 (A) The juvenile, pursuant to an adult sentence, has been placed
18 in a department of corrections facility, adult community corrections, the
19 youthful offender system, or a local jail, as defined in section 17-1-102;
20 ~~C.R.S.~~; or

21 (B) The juvenile has been or will be transferred out of the state of
22 Colorado and the division of youth services determines that the discharge
23 is not in conflict with the interstate compact on juveniles, part 7 of article
24 60 of title 24; or

25 (C) The juvenile is in a medical, mental HEALTH, ~~or~~ treatment
26 facility, or similar institution; or

27 (D) The board finds any other circumstance that constitutes

1 unavailability as established in rule.

2 (c) The board may discharge a juvenile from parole before
3 completion of the mandatory six-month parole period when the board
4 finds that the juvenile meets, at a minimum, all of the following conditions
5 of special achievement:

6 (I) Graduation from a ~~public~~ high school or successful completion
7 of a high school equivalency examination, as that term is defined in
8 section 22-33-102 (8.5);

9 (II) Payment of one hundred percent of any restitution the juvenile
10 has been ordered to pay;

11 (III) Certification by the juvenile's parole officer that the juvenile
12 is ready for discharge from parole, ~~which shall take~~ THAT TAKES into
13 consideration the results of an objective risk assessment conducted by the
14 department of human services and ~~shall be~~ IS based upon researched
15 factors that have been demonstrated to be correlative to risk to the
16 community; and

17 (IV) Presentation to the board of a plan of action prepared by the
18 juvenile that includes the steps the juvenile will accomplish to ensure ~~his~~
19 ~~or her~~ A transition to law-abiding citizenship. If the juvenile's plan of
20 action includes an intent to enlist in military service, the plan ~~shall~~ MUST
21 specify the interim steps that the juvenile will take prior to entering
22 military service.

23 (d) A discharge from parole pursuant to this subsection (9) ~~shall~~
24 ~~have~~ HAS the same legal effect as if parole had been discharged upon
25 completion of juvenile parole or when the sentence to commitment was
26 discharged as a matter of law.

27 (10) Notwithstanding any provisions of law to the contrary, the

1 department of human services shall not retain custody of or jurisdiction
2 over an individual who reaches twenty-one years of age. The sentence to
3 commitment and the period of parole are discharged as a matter of law
4 when a juvenile reaches twenty-one years of age.

5 **19-2.5-1204. [Formerly 19-2-1003] Parole officers - powers -**
6 **duties.** (1) Under the direction of the director of the division of youth
7 services, the juvenile parole officer or officers in each region established
8 in ~~section 19-2-209~~ (3) SECTION 19-2.5-1202 (3) shall supervise all
9 juveniles living in the region who, having been committed to the
10 department of human services, are on parole from one of its facilities.

11 (2) The juvenile parole officer shall give to each juvenile granted
12 parole a written statement of the conditions of ~~his or her~~ THE JUVENILE'S
13 parole, shall explain such conditions fully, and shall aid the juvenile to
14 observe them. ~~He or she~~ THE JUVENILE PAROLE OFFICER shall have
15 periodic conferences with and reports from the juvenile. The juvenile
16 parole officer may conduct such investigations or other activities as ~~may~~
17 ~~be~~ necessary to determine whether the conditions of parole are being met
18 and to accomplish the JUVENILE'S rehabilitation. ~~of the juvenile.~~

19 (3) All juvenile parole officers ~~shall~~ have the powers of peace
20 officers, as described in sections 16-2.5-101 and 16-2.5-138, ~~C.R.S.~~, in
21 performing the duties of their position.

22 **19-2.5-1205. [Formerly 19-2-208] Administrative law judges.**
23 An administrative law judge shall assist any hearing panel of the juvenile
24 parole board that is considering the suspension, modification, or
25 revocation of ~~the~~ A JUVENILE'S parole. ~~of a juvenile.~~

26 **19-2.5-1206. [Formerly 19-2-1004] Parole violation and**
27 **revocation.** (1) The director of the division of youth services or any

1 juvenile parole officer may arrest any parolee when:

2 (a) ~~He or she~~ THE DIRECTOR OR OFFICER has a warrant
3 commanding that ~~such~~ THE parolee be arrested; or

4 (b) ~~He or she~~ THE DIRECTOR OR OFFICER has probable cause to
5 believe that a warrant for the parolee's arrest has been issued in this state
6 or another state for any criminal offense or for violation of a condition of
7 parole; or

8 (c) Any offense under the laws of this state has been or is being
9 committed by the parolee in ~~his or her~~ THE DIRECTOR'S OR OFFICER'S
10 presence; or

11 (d) ~~He or she~~ THE DIRECTOR OR OFFICER has probable cause to
12 believe that a violation of law has been committed ~~and that~~ BY the parolee;
13 ~~has committed such a violation~~; or

14 (e) ~~He or she~~ THE DIRECTOR OR OFFICER has probable cause to
15 believe that THE PAROLEE HAS VIOLATED a condition of the juvenile's
16 parole ~~has been violated by the parolee~~ and probable cause to believe that
17 the parolee is leaving or about to leave the state, or that the parolee will
18 fail or refuse to appear before the hearing panel to answer charges of
19 violations of one or more conditions of parole, or that the PAROLEE'S arrest
20 ~~of the parolee~~ is necessary to prevent physical harm to the parolee or
21 another person or to prevent the violation of a law.

22 (2) When an alleged parole violator is taken into custody, the
23 director of the division of youth services or the juvenile parole officer
24 shall notify the JUVENILE'S parents, guardian, or legal custodian ~~of the~~
25 ~~juvenile~~ without unnecessary delay.

26 (3) When a juvenile parole officer has reasonable grounds to
27 believe that A PAROLEE HAS VIOLATED a condition of parole, ~~has been~~

1 ~~violated by any parolee, he or she~~ THE JUVENILE PAROLE OFFICER may
2 issue a summons requiring the parolee to appear before the hearing panel
3 at a specified time and place to answer charges of violation of one or more
4 conditions of parole. ~~Such~~ THE summons, unless accompanied by a copy
5 of a complaint filed before the hearing panel seeking revocation or
6 suspension of parole or modification of parole conditions, ~~shall~~ MUST
7 contain a brief statement of the alleged parole violation and the date and
8 place ~~thereof~~ OF THE ALLEGED PAROLE VIOLATION. Failure of the parolee
9 to appear before the hearing panel as required by ~~such~~ THE summons ~~shall~~
10 ~~be deemed~~ IS a violation of a condition of parole.

11 (4) If, rather than issuing a summons, a parole officer ~~makes an~~
12 ~~arrest of~~ ARRESTS a parolee with or without a warrant or takes custody of
13 a parolee who has been arrested by another, the parole officer shall place
14 the parolee in the nearest local juvenile detention facility or shelter care
15 facility approved by the department of human services, if under eighteen
16 years of age, or in the nearest county jail, if eighteen years of age or older.
17 Within forty-eight hours, not including Saturdays, Sundays, and legal
18 holidays, the parole officer shall take one of the following actions:

19 (a) Notify the juvenile parole board that the parolee has been
20 arrested or taken into custody and request that a juvenile parole
21 preliminary hearing be conducted by an administrative law judge; or

22 ~~(b) Repealed.~~

23 ~~(c)~~ (b) Obtain from the parolee a written agreement that the
24 parolee waives ~~his or her~~ THE right to a juvenile parole preliminary
25 hearing. ~~which waiver shall also be signed by a~~ THE PAROLEE'S parent or
26 guardian SHALL ALSO SIGN THE WAIVER of the parolee if the parolee is a
27 juvenile; or

1 ~~(d)~~ (c) Release the parolee if ~~he or she~~ THE PAROLEE is not subject
2 to other actions that require ~~his or her~~ further detention.

3 (5) An administrative law judge shall, upon the request of the
4 juvenile parole board, conduct a preliminary hearing in a case in which a
5 parole violation has been alleged to determine whether there is probable
6 cause to believe that THE PAROLEE HAS VIOLATED a condition of parole,
7 ~~has been violated by the parolee, as provided in~~ PURSUANT TO subsection
8 (4) of this section.

9 (6) Whenever an administrative law judge schedules a preliminary
10 hearing pursuant to subsection (5) of this section, the juvenile parole
11 officer shall notify the parolee and ~~his or her~~ THE PAROLEE'S parent,
12 guardian, or legal custodian of the following information:

13 (a) The date, the time, and the place of the preliminary hearing and
14 the name of the administrative law judge;

15 (b) That the purpose of the hearing ~~will be~~ IS to determine whether
16 there is probable cause to believe that the parolee has violated ~~his or her~~
17 parole;

18 (c) That at the preliminary hearing the parolee will be permitted to
19 present evidence, either oral or documentary, in person or by other
20 witnesses, in defense of any alleged parole violation;

21 (d) A statement of any alleged parole violation;

22 (e) A brief summary of the evidence tending to establish any
23 alleged parole violation; AND

24 (f) That the parolee has the right to counsel at the preliminary
25 hearing.

26 (7) (a) At any preliminary hearing held pursuant to subsection (5)
27 of this section, the administrative law judge shall hear ~~such~~ ANY OFFERED

1 testimony ~~as shall be offered~~ and shall determine whether there is probable
2 cause to believe that the parolee has violated ~~his or her~~ parole. If probable
3 cause has not been shown, the administrative law judge shall order the
4 PAROLEE'S release ~~of the parolee~~ and shall make a written report of ~~his or~~
5 ~~her~~ THE JUDGE'S findings to the juvenile parole board within ~~ten~~ FOURTEEN
6 days of the hearing.

7 (b) If the administrative law judge finds that probable cause exists
8 to believe that the parolee has violated ~~his or her~~ parole, ~~he or she~~ THE
9 ADMINISTRATIVE LAW JUDGE shall order that the parolee be held to answer
10 the charge before a hearing panel and shall order that the juvenile parole
11 officer return the parolee without unnecessary delay to any of the juvenile
12 corrections facilities of the department of human services pending a
13 hearing before a hearing panel on the complaint for revocation,
14 suspension, or modification of the juvenile's parole.

15 (8) Within ~~ten~~ FOURTEEN working days after the finding of
16 probable cause by the preliminary administrative law judge, the juvenile
17 parole officer shall complete ~~his or her~~ THE OFFICER'S investigation and
18 either:

19 (a) File a complaint before the hearing panel in which the facts are
20 alleged upon which a revocation of parole is sought; or

21 (b) Recommend to the director of the division of youth services,
22 or ~~his or her~~ THE DIRECTOR'S designee, that the parolee, if detained, be
23 released and the violation proceedings be dismissed. The director, or ~~his~~
24 ~~or her~~ THE DIRECTOR'S designee, shall determine whether to cause the
25 violation proceedings to be dismissed, and, if he or she elects to cause
26 dismissal, the parolee must be released or notified that ~~he or she~~ THE
27 PAROLEE is relieved of obligation to appear before the hearing panel. In

1 such event, the director, or ~~his or her~~ THE DIRECTOR'S designee, shall give
2 written notification to the board of ~~his or her~~ SUCH action.

3 (9) A complaint filed by a juvenile parole officer in which
4 revocation of parole is sought ~~shall~~ MUST contain the name of the parolee,
5 ~~shall~~ identify the violation charged and the condition or conditions of
6 parole alleged to have been violated, including the date and approximate
7 location ~~thereof~~ OF THE VIOLATION, and ~~shall~~ be signed by the juvenile
8 parole officer. A copy ~~thereof shall~~ MUST be given to the parolee and ~~his~~
9 ~~or her~~ THE PAROLEE'S parents, guardian, or legal custodian at least ~~five~~
10 SEVEN days before a hearing on the complaint is held before the hearing
11 panel.

12 (10) The board may order the detention of any parolee for failure
13 to appear as required by the summons issued ~~under~~ PURSUANT TO
14 subsection (3) of this section.

15 (11) At least ~~five~~ SEVEN days before the appearance of a parolee
16 before the hearing panel, THE JUVENILE PAROLE OFFICER SHALL PROVIDE,
17 IN WRITING, TO the parolee and ~~his or her~~ THE PAROLEE'S parents,
18 guardian, or legal custodian ~~shall be advised in writing by the parole~~
19 ~~officer of~~ THE FOLLOWING:

20 (a) A STATEMENT OF the nature of the charges that are alleged to
21 justify revocation or suspension of ~~his or her~~ parole and the substance of
22 the evidence sustaining the charges;

23 (b) ~~he or she shall be given~~ A copy of the complaint unless he or
24 she has already received one;

25 (c) ~~he or she shall be informed of~~ A LISTING OF the consequences
26 that may follow in the event ~~his or her~~ parole is revoked; and

27 (d) ~~he or she shall be advised~~ AN ADVISEMENT that, if the parolee

1 denies the charges, a hearing will be held before the hearing panel, that,
2 at the hearing, ~~he or she~~ THE PAROLEE may testify and present witnesses
3 and documentary evidence in defense of the charges or in mitigation or
4 explanation, ~~thereof~~, and that ~~he or she~~ THE PAROLEE has the right to
5 counsel at the hearing.

6 (12) At the hearing before the hearing panel, if the parolee denies
7 the violation, the division of youth services has the burden of establishing
8 by a preponderance of the evidence the violation of a condition or
9 conditions of parole. The hearing panel shall, when it appears that the
10 alleged violation of conditions of parole consists of an offense with which
11 the parolee is charged in a criminal case then pending, continue the parole
12 violation hearing until the termination of the criminal proceeding. Any
13 evidence having probative value is admissible regardless of its
14 admissibility under exclusionary rules of evidence if the parolee is
15 accorded a fair opportunity to rebut hearsay evidence. The parolee has the
16 right to confront and to cross-examine adverse witnesses unless the
17 administrative law judge specifically finds good cause for not allowing
18 confrontation.

19 (13) If the hearing panel determines that a violation of a condition
20 or conditions of parole has been committed, it shall hear further evidence
21 related to the PAROLEE'S disposition. ~~of the parolee~~. At the conclusion of
22 the hearing, the hearing panel shall advise the parties ~~before it~~ of its
23 findings and recommendations and of their right to request a review
24 before the board. Such review may be held if a written request is filed
25 within ~~ten~~ FOURTEEN days after the conclusion of the hearing before the
26 hearing panel. If a review before the board is not requested or the right to
27 review is waived, the findings and recommendations of the hearing panel,

1 if unanimous, ~~shall~~ become the decision of the juvenile parole board
2 unless the board on its own motion orders a review.

3 (14) The case of a juvenile alleged or found to have violated the
4 conditions of ~~his or her~~ parole outside the state of Colorado ~~shall~~ MUST be
5 handled according to ~~the provisions of~~ the interstate compact on juveniles,
6 part 7 of article 60 of title 24. ~~C.R.S.~~

7 PART 13

8 APPEALS

9 **19-2.5-1301. [Formerly 19-2-903] Appeals.** (1) Appellate
10 procedure ~~shall be provided~~ IS GOVERNED by the Colorado appellate rules.
11 Initials ~~shall~~ MUST appear on the record on appeal in place of the ~~name of~~
12 ~~the juvenile and other respondents~~ JUVENILE'S AND OTHER RESPONDENTS'
13 NAMES. Appeals ~~shall~~ MUST be advanced on the calendar of the appellate
14 court and ~~shall be~~ decided at the earliest practical time.

15 (2) The prosecution in a delinquency case may appeal any decision
16 of the trial court as provided in section 16-12-102. ~~C.R.S.~~

17 **19-2.5-1302. [Formerly 19-2-904] Posttrial bail.** A juvenile's
18 application for posttrial bail ~~shall be~~ IS governed by part 2 of article 4 of
19 title 16 ~~C.R.S.~~, and ~~the provisions concerning bail in section 19-2-509~~
20 SECTION 19-2.5-306, AS IT RELATES TO BAIL.

21 == ===== ==

22 PART 14

23 ADMINISTRATION

24 SUBPART A - IN GENERAL

25 **19-2.5-1401. [Formerly 19-2-202] Responsible agencies.** The
26 department of human services is the single state agency responsible for the
27 oversight of the administration of juvenile programs and the delivery of

1 services for juveniles and their families in this state. In addition, the
2 department of human services is responsible for juvenile parole. The state
3 judicial department is responsible for the oversight of juvenile probation.
4 The department of public safety is responsible for the oversight of
5 community diversion programs. The state agencies described in this
6 section shall jointly oversee the application by judicial districts of the
7 placement criteria established by the working group ~~as provided in section~~
8 ~~19-2-212~~ SECTION 19-2.5-1404.

9 **19-2.5-1402, [Formerly 19-2-210] Juvenile community review**
10 **board.** (1) A board of county commissioners or the city council of the
11 city and county of Denver or more than one board of county
12 commissioners may adopt a written resolution requiring approval by a
13 juvenile community review board of residential community placements
14 within its county of juveniles under commitment to the department of
15 human services. Upon the effective date of such resolution and notice to
16 the department of human services, ~~no~~ A juvenile committed to the custody
17 of the department of human services shall NOT be placed into a residential
18 community placement in that county or region unless and until ~~such~~ THE
19 placement is approved by the juvenile community review board.

20 ~~(1.5)~~ (2) A juvenile community review board may be consolidated
21 with other local advisory boards pursuant to section 24-1.7-103. ~~C.R.S.~~

22 ~~(2)~~ (3) Notification of any placement of a juvenile under the
23 jurisdiction of the juvenile parole board ~~shall~~ MUST be made to the
24 juvenile community review board prior to or at the time of placement.

25 ~~(3)~~ (4) (a) Prior to placement of a juvenile in a residential
26 community placement, the juvenile community review board shall review
27 the JUVENILE'S case file. ~~of the juvenile~~. It is the responsibility of the

1 department of human services to provide accurate information regarding
2 the juvenile and the proposed placement to the juvenile community review
3 board. ~~Such~~ THE information ~~shall~~ MUST include, but not be limited to, a
4 history of delinquent adjudications, a social history, an educational
5 history, a mental health treatment history, a drug and alcohol treatment
6 history, and a summary of institutional progress. Each juvenile CASE
7 referred to the board ~~shall~~ MUST be reviewed within ~~fifteen~~ FOURTEEN
8 days from the date the referral is received.

9 (b) The board shall review the JUVENILE'S case file ~~of the juvenile~~
10 and make a decision regarding residential community placement, taking
11 into consideration the results of a validated risk and needs assessment
12 adopted pursuant to section 24-33.5-2402 (1) by the department of human
13 services, the criteria established by the juvenile community review board
14 based on the interests of the community, and guidance established by the
15 department of human services in consultation with the juvenile justice
16 reform committee established pursuant to section 24-33.5-2401. The
17 criteria must be based upon researched factors that have been
18 demonstrated to be correlative to risk to the community.

19 (c) All names, addresses, and information regarding a juvenile
20 CASE reviewed by the juvenile community review board ~~shall be~~ ARE
21 confidential and not disclosed except to ~~such~~ THE board or its designees,
22 the Colorado bureau of investigation, and any law enforcement agency,
23 without express written permission of the juvenile and the legal custodian.

24 ~~(4) Repealed.~~

25 **19-2.5-1403. [Formerly 19-2-203.5] Division of youth services**
26 **- community boards.** (1) There is created in each region of the division
27 of youth services a community board to:

1 (a) Promote transparency and community involvement in division
2 OF YOUTH SERVICES' facilities within the region;

3 (b) Provide opportunities for ~~youths~~ YOUTH to build positive
4 relationships with adult role models; and

5 (c) Promote youth involvement in the community.

6 (2) (a) Each community board must include six members with a
7 diverse array of experience and perspectives related to incarcerated ~~youths~~
8 YOUTH. Each member of each board ~~shall~~ MUST be a resident of, or work
9 within, the region in which ~~he or she~~ THE MEMBER serves.

10 (b) The governor or ~~his or her~~ THE GOVERNOR'S designee shall
11 appoint each member of each board to a term of three years, and each
12 member may serve an unlimited number of terms. ~~Each member must~~
13 MEMBERS serve without compensation.

14 (c) A member of a community board may not be employed by the
15 department of human services or the division of youth services.

16 (d) Each community board shall elect a chair and a vice-chair from
17 among its members.

18 (e) Each community board shall meet at least once every three
19 months. The chair of each community board may call such additional
20 meetings as are necessary for the community board to accomplish its
21 duties.

22 (3) (a) Leadership and staff members of the department of human
23 services and the division of youth services, as well as representatives of
24 an organization in Colorado that exists for the purpose of dealing with the
25 state as an employer concerning issues of mutual concern between
26 employees and the state, are invited to attend community board meetings
27 to provide their perspectives.

1 (b) A management-level employee of each facility in each region
2 shall attend each meeting of their regional community board. At least once
3 every three months, a representative of the division of youth services shall
4 update the community board regarding new policies, practices, and
5 programs affecting the region and any issues of concern in the region
6 during the past quarter.

7 (4) The division OF YOUTH SERVICES shall allow board members
8 to have periodic access to enter facilities in their regions on at least a
9 quarterly basis and speak with youths YOUTH and staff, unless an
10 emergency prevents such access.

11 **19-2.5-1404. [Formerly 19-2-212] Working group for criteria**
12 **for placement of juvenile offenders - establishment of formula -**
13 **review of criteria - report.** (1) (a) The executive director of the
14 department of human services and the state court administrator of the
15 judicial department, or any designees of such persons, shall form a
16 working group that ~~must include~~ INCLUDES representatives from:

17 (I) The division of criminal justice of the department of public
18 safety;

19 (II) The office of state planning and budgeting;

20 (III) The Colorado district attorneys council;

21 (IV) Law enforcement;

22 (V) The public defender's office and the office of alternate defense
23 counsel;

24 (VI) The office of the child representative;

25 (VII) Juvenile probation;

26 (VIII) Juvenile court judges and magistrates; and

27 (IX) Local and county governments, including county departments

1 of human or social services.

2 (b) The working group shall carry out the following duties:

3 (I) To establish a set of criteria for both detention and
4 commitment for the purposes of determining which juvenile offenders are
5 appropriate for placement in the physical or legal custody of the
6 department of human services. ~~Such~~ THE criteria must conform with
7 ~~section 19-2-508~~ SECTION 19-2.5-305. This set of criteria, when adopted
8 by the department of human services and the judicial department, must
9 promote a more uniform system of determining which juveniles should be
10 placed in the physical custody of the department of human services or in
11 the legal custody of the department of human services so that decisions for
12 ~~such~~ placement of a juvenile are made based upon a uniform set of criteria
13 throughout the state. In addition, the criteria ~~shall~~ MUST specifically take
14 into account the JUVENILE'S educational needs ~~of the juvenile~~ and ensure
15 the juvenile's access to appropriate educational services. The working
16 group established pursuant to this subsection (1) shall hold a meeting at
17 least once each year and as necessary to review and propose revision to
18 the criteria established pursuant to this subsection (1) and the formula
19 created pursuant to subsection (1)(b)(V) of this section.

20 (II) Before January 1, 2021, to develop or adopt by a majority vote
21 of the working group a research-based detention screening instrument to
22 be used statewide to inform placement of juveniles in a detention facility.
23 In developing or adopting the detention screening instrument, the working
24 group shall consult with expert organizations and review research and best
25 practices from other jurisdictions. The working group is also responsible
26 for:

27 (A) Ensuring that the instrument identifies and mitigates any

1 disparate impacts based on disability, race or ethnicity, gender, sexual
2 orientation, national origin, economic status, or child welfare
3 involvement;

4 (B) Identifying measures and scoring for the detention screening
5 instrument to determine eligibility for placement in a juvenile detention
6 facility;

7 (C) Identifying how the instrument is validated and piloted; and

8 (D) Establishing statewide scoring override policies that minimize
9 subjective decisions to hold a juvenile in a detention facility, while
10 allowing for local flexibility;

11 (III) Before January 1, 2021, to develop a plan to provide training
12 and technical assistance to screening teams on the implementation of the
13 detention screening instrument, including at least annual refresher
14 training;

15 (IV) Before January 1, 2021, to develop a plan for the division of
16 youth services to collect, compile, and report to the judiciary committees
17 of the senate and the house of representatives, the health and human
18 services committee of the senate, and the public health care and human
19 services committee of the house of representatives, or any successor
20 committees, annually on the use of secure detention; number and
21 justification of overrides of the detention screening instrument as
22 conducted pursuant to ~~section 19-2-507~~ SECTION 19-2.5-303; and, if
23 possible, an analysis of detention screening instrument data to determine
24 if any disparate impacts resulted based on race, ethnicity, gender, sexual
25 orientation, national origin, economic status, or child welfare involvement.
26 The division of youth services shall recommend any necessary changes to
27 appropriations that need to be made prior to fully implementing this

1 section's recommendations. Notwithstanding ~~the provisions of~~ section
2 24-1-136 (11)(a)(I), this reporting requirement continues indefinitely.

3 (V) To establish a formula for the purpose of allocating funds by
4 each judicial district in the state of Colorado for alternative services to
5 placing juveniles in the physical custody of the department of human
6 services or in the legal custody of the department of human services. ~~Such~~
7 THE allocation must take into consideration such factors as the population
8 of the judicial district, the incidence of offenses committed by juveniles
9 in such judicial district, and other factors as deemed appropriate. The
10 working group shall consider and take into account whether any federal
11 money or matching funds are available to cover the costs of juveniles
12 within the system, including parent fees and third-party reimbursement as
13 authorized by law or reimbursements under Title IV-E of the federal
14 "Social Security Act", as amended.

15 (VI) Before January 1, 2021, to establish criteria for juveniles
16 served through alternative services funded pursuant to subsection
17 (1)(b)(V) of this section. ~~Such~~ THE criteria must prioritize:

18 (A) Preadjudicated juveniles eligible for placement in a detention
19 facility as determined by results from a detention screening instrument;

20 (B) Juveniles who are in secure detention; and

21 (C) Juveniles under the supervision of probation when the results
22 of a detention screening instrument indicate that the juvenile is eligible for
23 detention.

24 (VII) At least every two years, to review data collected by the
25 division of youth services on the use of funding pursuant to subsection
26 (1)(b)(V) of this section and its impact on the use of juvenile detention.
27 The working group shall identify the measures that it will collect as part

1 of its review of the impact of preadjudicated funding on detention
2 pursuant to this section.

3 (VIII) Before January 1, 2021, to adopt a relative information form
4 concerning a juvenile's potential need for services or placement. The
5 information form must be available at each judicial district to each parent
6 or legal guardian of a juvenile screened for detention and participation in
7 alternative services. The information form must:

8 (A) Advise the parent or legal guardian that he or she is required
9 to provide the requested information fully and completely; and

10 (B) Require the parent or legal guardian to list the names,
11 addresses, e-mail addresses, and telephone numbers of every grandparent,
12 relative, kin, and person with a significant relationship with the juvenile
13 and any comments concerning the appropriateness of the juvenile's
14 potential need for services from or placement with those persons.

15 (IX) Before January 1, 2021, to develop a system of graduated
16 responses and rewards to guide parole officers in determining how best to
17 motivate positive juvenile behavior change and the appropriate response
18 to a violation of terms and conditions of juvenile parole. Graduated
19 responses means an accountability-based series of sanctions and services
20 designed to respond to a juvenile's violation of parole quickly,
21 consistently, and proportionally and incentives to motivate positive
22 behavior change and successful completion of parole and ~~his or her~~ THE
23 JUVENILE'S reentry and treatment goals.

24 (2) Of the members of the working group established pursuant to
25 subsection (1) of this section, the executive director of the department of
26 human services and the state court administrator of the judicial
27 department, or any designees of such persons, have final authority to carry

1 out the duty of creating the set of criteria pursuant to subsections (1)(b)(I)
2 to (1)(b)(IV) of this section and creating the formula pursuant to
3 subsections (1)(b)(V) to (1)(b)(VII) of this section. This authority can only
4 be exercised after working with and participating in the working group
5 process established in this section.

6 **19-2.5-1405. [Formerly 19-2-1202] Working group - allocation**
7 **of beds.** (1) The executive director of the department of human services
8 and the state court administrator in the judicial department, or a designee
9 of such persons, in consultation with the division of criminal justice of the
10 department of public safety, the office of state planning and budgeting, the
11 Colorado district attorneys council, and law enforcement representatives
12 shall form a working group ~~which shall carry out~~ THAT HAS the following
13 duties:

14 (a) ~~The working group established pursuant to this subsection (1)~~
15 ~~shall~~ TO annually allocate the number of juvenile detention beds to each
16 catchment area in the state created pursuant to ~~section 19-2-402.5~~ SECTION
17 19-2.5-1513, based on the number of juvenile beds established pursuant
18 to ~~section 19-2-1201~~ SECTION 19-2.5-1514. Once the allocation of juvenile
19 detention beds is made to the catchment areas, the working group shall
20 allocate detention beds within the catchment areas to the judicial districts
21 within each catchment area. Judicial districts shall not exceed the number
22 of beds allocated to them except for circumstances provided for in
23 ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION.

24 (b) ~~The working group shall~~ TO develop a mechanism for judicial
25 districts within the same catchment area to loan detention beds to other
26 judicial districts within the catchment area in cases of need;

27 (c) ~~The working group shall~~ TO develop emergency release

1 guidelines that ~~shall~~ MUST be used by each judicial district to prevent
2 placement of a juvenile in a juvenile detention facility in excess of the
3 number of beds allocated to the judicial district; AND

4 (d) ~~The working group shall~~ TO develop juvenile detention
5 placement guidelines for each judicial district to use in complying with the
6 number of juvenile detention beds allocated to the judicial district.

7 **19-2.5-1406. [Formerly 19-2-204] Juvenile probation**
8 **departments or divisions - service agreements.** (1) The juvenile court
9 is authorized to establish juvenile probation departments or divisions.

10 (2) Subject to ~~the provisions of~~ section 13-3-105, ~~C.R.S.~~, the
11 juvenile court is authorized to appoint juvenile probation officers and such
12 other professional and clerical personnel as may be required. Juvenile
13 probation officers ~~shall~~ have the powers and duties specified in ~~section~~
14 ~~19-2-926~~ SECTION 19-2.5-1107 and ~~shall~~ have the powers of peace
15 officers, as described in sections 16-2.5-101 and 16-2.5-138. ~~C.R.S.~~

16 (3) Upon the agreement of the juvenile court judges, the approval
17 of the chief judge in each district or, for the second judicial district, the
18 presiding judge of the Denver juvenile court, and the approval of the chief
19 justice of the supreme court, two or more contiguous judicial districts may
20 combine to form an interdistrict juvenile probation department.

21 (4) (a) The juvenile court judges are authorized to enter into
22 agreements with the state department of human services, county
23 departments of human or social services, other public agencies, private
24 agencies, or with other juvenile courts to provide supervision or other
25 services for juveniles placed on probation by the court.

26 (b) The conditions and terms of any such agreement ~~shall~~ MUST be
27 set forth in writing, including any payments to be made by the court for

1 the services provided.

2 (c) Any agreement made ~~under~~ PURSUANT TO this subsection (4)
3 may be terminated ~~upon ninety days'~~ WITH NINETY-ONE DAYS written
4 notice by either party. ~~thereto.~~

5 **19-2.5-1407. [Formerly 19-2-310] Appropriations to**
6 **department of human services for services to juveniles - definition.**

7 (1) The general assembly shall appropriate money for the provision of
8 services to juveniles to the department of human services. The department
9 of human services shall allocate such money by each judicial district in the
10 state. ~~Such~~ THE appropriation and allocation ~~shall~~ MUST be made based
11 upon the formula developed ~~in section 19-2-212 (1)(b)~~ PURSUANT TO
12 SECTION 19-2.5-1404 (1)(b). The department of human services shall
13 administer the appropriated money. The money appropriated to the
14 department of human services for allocation by each judicial district must
15 be expended in the judicial district by the department of human services
16 for services to juveniles that are intended to prevent the juvenile from
17 being held in detention prior to adjudication, sentenced to detention, or
18 committed to the department of human services or to reduce the length of
19 time the juvenile is held in preadjudication or postadjudication detention
20 or held in a commitment facility operated ~~under section 19-2-403~~
21 PURSUANT TO SECTION 19-2.5-1502. If a judicial district has a local
22 juvenile services planning committee, the expenditure of money for
23 juvenile services in the judicial district ~~shall~~ MUST be made in accordance
24 with the plan developed pursuant to ~~section 19-2-211~~ SECTION 19-2.5-302.

25 (2) For the purposes of this section, a "juvenile" also includes a
26 youth ten years of age or older but less than seventeen years of age who
27 is habitually truant, as defined in section 22-33-102 (3.5), and who the

1 court has ordered to show cause why ~~he or she~~ THE JUVENILE should not
2 be held in contempt of court pursuant to section 22-33-108 (7), when
3 funds are expended for services that are intended to prevent the youth
4 from being held in detention or sentenced to detention.

5 SUBPART B - PROGRAMS

6 **19-2.5-1408. [Formerly 19-2-311] Victim-offender conferences**
7 **- pilot program.** The division of youth services is authorized to establish
8 a pilot program, when funds become available, in its facilities to facilitate
9 victim-initiated victim-offender conferences whereby a victim of a crime
10 may request a facilitated conference with the juvenile who committed the
11 crime, if the juvenile is in the custody of the division of youth services.
12 After such a pilot program is established, the division of youth services
13 may establish policies and procedures for the victim-offender conferences
14 using volunteers to facilitate the conferences. The volunteers shall
15 complete the division of youth services' volunteer and facility-specific
16 training programs and complete high-risk victim-offender training and
17 victim-advocacy training. The division of youth services shall not
18 compensate or reimburse a volunteer or victim for any expenses. If a pilot
19 program is available, and subsequent to the victim's or the victim
20 representative's request, the division of youth services shall arrange ~~such~~
21 a conference only after determining that the conference would be safe and
22 only if the juvenile agrees to participate. The purposes of the conference
23 are to enable the victim to meet the juvenile, to obtain answers to
24 questions only the juvenile can answer, to assist the victim in healing from
25 the impact of the crime, and to promote a sense of remorse and acceptance
26 of responsibility by the juvenile that may contribute to ~~his or her~~ THE
27 JUVENILE'S rehabilitation.

1 **19-2.5-1409. Juvenile intensive supervision program - creation**
2 **- elements - role of judicial department.** (1) [Formerly 19-2-306] The
3 judicial department may establish and operate, either directly or by
4 contracting with one or more private organizations, a juvenile intensive
5 supervision program, which may be utilized by any judge in sentencing
6 any juvenile who has been placed on probation and who presents a high
7 risk of future placement within juvenile correctional facilities according
8 to assessment criteria developed pursuant to ~~section 19-2-307 (2)~~ THIS
9 SECTION.

10 (2) [Formerly 19-2-307 (1)] The juvenile intensive supervision
11 program created by ~~section 19-2-306 shall~~ PURSUANT TO SUBSECTION (1)
12 OF THIS SECTION MUST include, but ~~shall not be~~ IS NOT limited to,
13 utilization of any or all of the following elements:

- 14 (a) Increased supervision of the juvenile by probation officers;
- 15 (b) Utilization of specific youth case management approaches;
- 16 (c) Community service work assignments;
- 17 (d) Restitution programs;
- 18 (e) Structured group training regarding problem solving, social
19 skills, negotiation skills, emotion management, creative thinking, value
20 enhancement, and critical reasoning;
- 21 (f) Use of electronic or global position monitoring and substance
22 abuse testing to monitor THE JUVENILE'S compliance with the program by
23 ~~the juvenile~~ and providing sanctions for failure to comply with the
24 program; and
- 25 (g) Individual and family treatment.

26 (3) [Formerly 19-2-307 (2)] The judicial department, with the
27 assistance of a juvenile intensive supervision advisory committee, shall

1 develop assessment criteria for placement in the juvenile intensive
2 supervision program, including the results of a validated risk and needs
3 assessment tool, and judicial department guidelines for implementation of
4 the program and measurement of the outcome of the program. The
5 advisory committee is appointed by the state court administrator and
6 includes, but is not limited to, representatives of the division of youth
7 services in the department of human services and the division of criminal
8 justice of the department of public safety.

9 **19-2.5-1410. [Formerly 19-2-309.5] Community accountability**
10 **program - legislative declaration - creation.** (1) It is the intent of the
11 general assembly that the program established pursuant to this section
12 benefit the state by providing a structured program combining residential
13 and community reintegration components under which certain adjudicated
14 juveniles are subject to an ordered environment affirming the dignity of
15 self and others; promoting the value of education, work, and
16 accountability; adhering to the principals of restorative justice; and
17 developing useful skills that can be applied when the juvenile is
18 reintegrated into the community.

19 (2) (a) The division of youth services, pursuant to a contract with
20 one or more private entities, shall establish, maintain, and operate a
21 community accountability program, referred to in this section as the
22 "program".

23 (b) The program ~~shall~~ MUST provide a sentencing option for
24 adjudicated juveniles who are at least fourteen years of age but younger
25 than eighteen years of age. An adjudicated juvenile may be sentenced to
26 participate in the program only as a condition of probation. A sentence to
27 the program may be in addition to, but ~~shall~~ MUST not be in lieu of, a

1 mandatory sentence required by ~~section 19-2-911 (2)~~ SECTION
2 19-2.5-1123. The juvenile court shall consider the program as a sentencing
3 option for higher risk juveniles who would have otherwise been sentenced
4 to detention or out-of-home placement or committed to the department of
5 human services.

6 (c) A sentence imposed pursuant to this section is conditioned on
7 the availability of space in the program and the division of youth services'
8 determination of whether the juvenile's participation in the program is
9 appropriate. A juvenile may be denied participation in the program upon
10 a determination by the division OF YOUTH SERVICES that a physical or
11 mental HEALTH condition, including severe substance abuse, will prevent
12 the juvenile's full participation in the program. Any juvenile denied
13 participation in the program must be returned to the juvenile court for
14 resentencing.

15 (d) The judicial department shall provide information to the
16 division of youth services concerning THE JUVENILE'S sentencing, ~~of the~~
17 ~~juvenile~~, including but not limited to the juvenile's criminal history, the
18 presentence investigation report, the risk-need assessment, and
19 demographics pertaining to the juvenile.

20 (e) The program must be established for up to eighty beds. ~~Under~~
21 PURSUANT TO the contract entered into pursuant to subsection (2)(a) of
22 this section, the division of youth services shall pay only for the actual
23 number of juveniles placed in the program.

24 (3) If feasible, the program may be established regionally, one in
25 each of the division of youth services' regions. The division OF YOUTH
26 SERVICES, through a competitive bid process, shall select one or more
27 private entities to operate the program.

1 (4) (a) The program consists of two integrated components. Each
2 selected entity shall provide both components within the contracted region
3 as follows:

4 (I) **Component I.** Component I ~~shall consist~~ CONSISTS of a
5 sixty-day residential program, which may contain, but need not be limited
6 to, the following program elements:

- 7 (A) Assessment and treatment planning;
- 8 (B) Behaviorally based programming with appropriate sanctions
9 and reinforcements;
- 10 (C) Life and cognitive skill development;
- 11 (D) Treatment interventions;
- 12 (E) Educational and vocational training;
- 13 (F) Competency development;
- 14 (G) Victim awareness and empathy;
- 15 (H) Gender-specific programming; and
- 16 (I) Restorative justice programming.

17 (II) **Component II.** The division of youth services shall administer
18 component II, which consists of a community reintegration phase. For
19 each juvenile entering component II, the ~~department~~ DIVISION of youth
20 services and the local probation department shall jointly establish a
21 reintegration plan. Component II may contain, but need not be limited to,
22 the following program elements:

- 23 (A) Multi-systemic therapy;
- 24 (B) Functional family therapy;
- 25 (C) Aggression replacement training;
- 26 (D) Life skills;
- 27 (E) Skills development;

- 1 (F) Behaviorally based programming with appropriate sanctions
- 2 and reinforcements;
- 3 (G) Education and vocational training;
- 4 (H) Work experience;
- 5 (I) Victim empathy;
- 6 (J) Victim-offender mediation;
- 7 (K) Gender-specific programming; and
- 8 (L) Restorative justice programming.

9 (b) The program may be housed in a privately owned and operated
10 facility or in a state-owned and privately operated facility. The
11 ~~departments~~ STATE DEPARTMENT OF HUMAN SERVICES and any private
12 contractors in each region shall involve local governments in identifying
13 locations for residential facilities.

14 (c) The division OF YOUTH SERVICES shall include a community
15 involvement component in the development of reintegration plans, which
16 may include the creation of community advisory boards.

17 (5) If a juvenile in the first component of the program would
18 substantially benefit, the division of youth services shall notify the local
19 department of probation who may petition the court for an extension of up
20 to fifteen days in addition to the initial sixty-day period for the first
21 component of the program. The period of time a juvenile spends in the
22 second component of the program must not exceed one hundred twenty
23 days. The entire period of a juvenile's participation in the program must
24 not exceed the length of the juvenile's probation sentence. Whenever a
25 juvenile fails to progress through or complete the first or second
26 component of the program, the juvenile is subject to ~~the provisions of~~
27 ~~section 19-2-925 (8)~~ SECTION 19-2.5-1108 (8) for violating a condition of

1 probation.

2 (6) The division of youth services and the judicial department shall
3 jointly establish guidelines for the program and for each of the
4 components thereof described in subsection (4) of this section. The
5 division of youth services shall make available necessary support services
6 for the juvenile and the juvenile's family under both components of the
7 program.

8 ~~(7) Repealed.~~

9 ~~(8)~~ (7) The division of youth services shall conduct an ongoing
10 evaluation of the program. On or before January 15 each year, the division
11 of youth services shall submit a report of the evaluation results to the
12 general assembly. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
13 REPORTING REQUIREMENTS IN THIS SUBSECTION (7) CONTINUE
14 INDEFINITELY. The division OF YOUTH SERVICES may contract for the
15 services and labor necessary to perform the ongoing evaluation.

16 **19-2.5-1411. [Formerly 19-2-304] Parental responsibility**
17 **training programs - criteria.** (1) The state department of human
18 services, after consultation with the state department of public safety and
19 the judicial department, shall establish standards and guidelines for
20 parental responsibility training programs for the parent, guardian, or legal
21 custodian of a juvenile or juvenile delinquent. ~~that shall~~ THE STANDARDS
22 AND GUIDELINES MUST include, but ~~shall not be~~ ARE NOT limited to,
23 instruction in the following:

24 (a) Physical, mental, social, and emotional child growth and
25 development;

26 (b) Skill development for parents in providing for the ~~child's~~
27 JUVENILE'S learning and development, including teaching the ~~child~~

1 JUVENILE responsibility for ~~his or her~~ THE JUVENILE'S actions;
2 (c) Prevention of ~~drug abuse~~ SUBSTANCE ABUSE;
3 (d) Family structure, function, and management; and
4 (e) The physical, mental, emotional, social, economic, and
5 psychological aspects of interpersonal and family relationships.

6 (2) The state department of human services is authorized and
7 directed to establish such standards and guidelines within the available
8 resources of the state government and each of the state departments
9 described in subsection (1) of this section.

10 **19-2.5-1412. [Formerly 19-2-312] Youth corrections monetary**
11 **incentives award program - designated monetary custodian.** (1) The
12 division of youth services in the department of human services is
13 authorized to establish, at its discretion, a youth corrections monetary
14 incentives award program, referred to in this section as the "program". The
15 purpose of the program is to provide monetary awards and incentives for
16 academic, social, and psychological achievement to juveniles who were
17 formerly committed to the division of youth services who are on parole,
18 in community corrections, or now off of parole.

19 (2) If the division of youth services establishes a program, it shall
20 devise, in collaboration with the nonprofit organization designated
21 pursuant to subsection (3) of this section, appropriate participation criteria,
22 application procedures, any necessary organizational structure, and criteria
23 for awarding individual scholarships. Criteria may, but are not required to,
24 include that the juvenile:

25 (a) Maintains the highest grades possible each academic term;
26 (b) Makes consistent progress in ~~his or her~~ THE JUVENILE'S therapy
27 or other assigned program, if applicable, during each academic term, as

1 determined by the team of professionals who worked with the juvenile
2 while committed to the division of youth services; and

3 (c) ~~Use~~ USES the money earned only for expenses approved as
4 necessary and valid by the division of youth services and the nonprofit
5 organization designated pursuant to subsection (3) of this section.

6 (3) If the division of youth services establishes a program, it shall,
7 in conjunction with the director of the legislative council, use a request for
8 proposal process to contract with and designate a nonprofit organization,
9 referred to in this section as the "designated nonprofit", to serve as the
10 custodian of money donated to the program through the designated
11 nonprofit. The designated nonprofit shall work with the division of youth
12 services for the purpose of designing the program criteria, accepting funds
13 for program scholarships, and providing a distribution mechanism for such
14 scholarships.

15 (4) (a) The designated nonprofit and the division of youth services
16 are authorized to solicit, accept, and expend monetary and in-kind gifts,
17 grants, and donations on behalf of the program and for payment of
18 scholarships to juveniles in the program. Any ~~such~~ money donated or
19 awarded to the designated nonprofit for the benefit of the program is not
20 subject to appropriation by the general assembly. The designated nonprofit
21 ~~must~~ IS not be the custodian of any money appropriated by the state, which
22 must be annually appropriated by the general assembly to the division of
23 youth services in the department of human services. Any money obtained
24 by the division of youth services or the designated nonprofit that is
25 unexpended and unencumbered at such time the program is dissolved
26 must be distributed according to appropriate federal and state laws
27 governing nonprofit organizations.

1 (b) If a different nonprofit or private organization is subsequently
2 designated as the custodian of donated money in accordance with this
3 subsection (4), the former designated nonprofit shall promptly transfer to
4 the newly designated nonprofit or private organization any money that is
5 unexpended and unencumbered at the time of the change in designation.

6 PART 15

7 FACILITIES

8 SUBPART A - IN GENERAL

9 **19-2.5-1501. [Formerly 19-2-203] Division of youth services -**
10 **created - interagency agreements - duties of administrators of**
11 **facilities in connection with voter registration and casting of ballots**
12 **- reports - definitions.** (1) (a) There is hereby created within the
13 department of human services the division of youth services, referred to
14 within this section as the "division", the head of which is the director of
15 the division. The executive director of the department of human services
16 shall appoint the director of the division pursuant to section 13 of article
17 XII of the state constitution and the laws and rules governing the state
18 personnel system. The director shall exercise powers and perform duties
19 and functions within the office of the executive director of the department
20 of human services in accordance with the provisions of this ~~article 2~~
21 ARTICLE 2.5 and as if transferred ~~thereto~~ by a **type 2** transfer as such
22 transfer is defined in the "Administrative Organization Act of 1968",
23 article 1 of title 24.

24 (b) The purposes of the division are to:

25 (I) Increase public safety by providing rehabilitative treatment to
26 help ~~youths~~ YOUTH in the division's care make lasting behavioral changes
27 to prepare themselves for successful transition back to the community;

1 (II) Promote the physical safety of ~~youths~~ YOUTH and staff within
2 the division;

3 (III) Promote a seamless continuum of care from the time of
4 detention or commitment to discharge, in which youths' needs are met in
5 a safe, structured environment with well-trained, caring staff who help
6 ~~youths~~ YOUTH identify and address their issues, ~~hold youths~~ BE
7 accountable, AND ACCEPT RESPONSIBILITY for their actions; ~~and help~~
8 ~~youths accept responsibility for their actions;~~

9 (IV) Enable ~~youths~~ YOUTH to develop healthy, supportive
10 relationships with peers, adults, family, and members of their
11 neighborhoods and communities; and

12 (V) Provide ~~youths~~ YOUTH with the tools necessary to become
13 law-abiding, contributing members of the community upon their release.

14 (2) The division may enter into agreements with the judicial
15 department to combine provision of juvenile parole and probation
16 services. Juvenile probation and parole supervision programs implemented
17 pursuant to such agreements may not include provisions for supervision
18 of juveniles sentenced to the department of corrections.

19 (3) (a) This subsection (3) applies to any individual committed to
20 a juvenile facility and in the custody of the division who is eighteen years
21 of age or older on the date of the next election.

22 (b) The administrator of a facility in which an individual described
23 in ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION
24 is committed shall facilitate the voting rights of the individual. In
25 connection with such requirements, the administrator shall provide the
26 individual WITH information regarding ~~his or her~~ voting rights and how ~~the~~
27 ~~individual may~~ TO register to vote and cast a mail ballot, provide the

1 individual with voter information materials upon the INDIVIDUAL'S request,
2 ~~of the individual~~, and ensure that any mail ballot cast by the individual is
3 timely delivered to the designated election official. ~~For purposes of this~~
4 ~~subsection (3), "administrator" and "voter information materials" have the~~
5 ~~same meaning as set forth in section 1-2-210.5 (5), C.R.S.~~
6 Notwithstanding any other provision of law, to satisfy the requirements of
7 this ~~paragraph (b)~~ SUBSECTION (3)(b), the administrator is exempt from
8 any restriction under law on the number of mail ballots an eligible elector
9 may deliver in person to the designated election official.

10 (c) The administrator and the secretary of state shall post the type
11 or kind of verification satisfying the requirements of section 1-1-104
12 (19.5)(d) ~~C.R.S.~~, in a prominent place on the public websites maintained
13 by the department of human services and the secretary, respectively. The
14 secretary shall provide notice to the county clerk and recorders as well as
15 other designated election officials throughout the state that such
16 verification constitutes an acceptable form of identification ~~under~~
17 ~~PURSUANT TO~~ section 1-1-104 (19.5) ~~C.R.S.~~, permitting the individuals
18 possessing such identification to register to vote and cast a ballot.

19 (d) The administrator shall forward applications made ~~under~~
20 ~~PURSUANT TO~~ this subsection (3) on a weekly basis, or on a daily basis
21 during the last week allowed for registration prior to any election, to the
22 county clerk and recorder of the county in which the facility is located,
23 and, if the applicant resides in a different county from the facility, the
24 application must then be forwarded to the county clerk and recorder of the
25 county in which the applicant resides.

26 (e) FOR PURPOSES OF THIS SUBSECTION (3), "ADMINISTRATOR" AND
27 "VOTER INFORMATION MATERIALS" HAVE THE SAME MEANING AS SET

1 FORTH IN SECTION 1-2-210.5 (5).

2 ~~(4) Repealed.~~

3 ~~(5) Repealed.~~

4 ~~(6)~~ (4) On or before July 1, 2018, and on or before each July 1
5 thereafter, the department of human services shall collect recidivism data
6 and calculate the recidivism rates and the educational outcomes for
7 juveniles committed to the custody of the department OF HUMAN SERVICES
8 who complete their parole sentences and discharge from department
9 supervision. In collecting the recidivism data, the department OF HUMAN
10 SERVICES shall include any juvenile adjudication or adult conviction of a
11 criminal offense within three years after parole discharge.
12 Notwithstanding section 24-1-136 (11)(a)(I), the department OF HUMAN
13 SERVICES shall report the recidivism data, recidivism rates, and
14 educational outcomes to the general assembly annually. The report must
15 denote the demographic characteristics of the population considered in the
16 report. In reporting on recidivism rates, the report must denote the types
17 of criminal offenses committed, delineating between felonies and
18 misdemeanors and between crimes that are included as a "crime" pursuant
19 to section 24-4.1-302 (1) and other crimes.

20 **19-2.5-1502. [Formerly 19-2-403] Human services facilities -**
21 **authority.** (1) The department of human services shall establish and
22 operate facilities necessary for the care, education, training, treatment, and
23 rehabilitation of ~~those~~ juveniles legally committed to its custody ~~under~~
24 ~~section 19-2-601 or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1127 OR
25 19-2.5-1103. As necessary and when ~~funds are~~ MONEY IS available for
26 such purposes, ~~such~~ THE facilities may include but ~~shall not be~~ ARE NOT
27 limited to:

1 (a) Group care facilities and homes, including halfway houses,
2 nonresidential transition programs, day reporting and day treatment
3 centers, and staff secure facilities;

4 (b) Training schools;

5 (c) Conservation camps;

6 (d) Diagnostic and evaluation centers and receiving centers; and

7 (e) Any programs necessary to implement the purposes of this
8 section for juveniles in community placement.

9 (2) The department OF HUMAN SERVICES shall cooperate with other
10 governmental units and agencies, including appropriate local units of
11 government, state departments and institutions, and agencies of the federal
12 government in order to facilitate ~~the~~ YOUTH training and rehabilitation. ~~of~~
13 youth.

14 (3) Once a juvenile is committed to the department of human
15 services, the juvenile shall remain in a facility directly operated by the
16 department of human services or in a secure facility contracted for by the
17 department of human services until ~~his or her~~ THE JUVENILE'S commitment
18 expires as provided by law, parole status is granted pursuant to ~~part 10 of~~
19 ~~this article~~ PART 12 OF THIS ARTICLE 2.5, or a community placement is
20 approved by order of the juvenile court and by a juvenile community
21 review board, if one exists in the county of proposed placement.

22 (4) The department of human services shall contract with the
23 department of corrections to house in an appropriate facility operated by
24 the department of human services and, as appropriate, to provide services
25 to any juvenile under the age of fourteen years who is sentenced as an
26 adult to the department of corrections. On reaching fourteen years of age,
27 any juvenile sentenced to the department of corrections shall be

1 transferred to an appropriate facility operated by the department of
2 corrections for the completion of the juvenile's sentence.

3 **19-2.5-1503. [Formerly 19-2-403.5] Eminent domain - detention**
4 **facility site.** (1) ~~The general assembly hereby finds and declares that:~~

5 (a) ~~The juvenile detention facilities currently located within the~~
6 ~~city and county of Denver are inadequate to house the dramatically~~
7 ~~increasing number of juveniles being held in detention by or committed~~
8 ~~to the custody of the department of human services and this inadequacy~~
9 ~~poses a serious and immediate threat to public safety;~~

10 (b) ~~During the 1994 legislative session, the general assembly~~
11 ~~attempted to address this situation by appropriating additional state~~
12 ~~moneys MONEY for a new sixty-bed juvenile detention facility to be~~
13 ~~located in the city and county of Denver;~~

14 (c) ~~Although the city and county of Denver was to select a~~
15 ~~proposed site for this juvenile detention facility, the city and county of~~
16 ~~Denver had refused to do so until just recently;~~

17 (d) ~~Due to numerous factors, the two proposed sites that the city~~
18 ~~and county of Denver finally recommended are not suitable for a juvenile~~
19 ~~detention facility;~~

20 (e) ~~Due to Denver's delays and refusal to recommend a suitable~~
21 ~~site, the situation regarding the number of juvenile detention beds located~~
22 ~~in the city and county of Denver has reached a critical point and it has~~
23 ~~become necessary for the state of Colorado to take action in order to~~
24 ~~address this situation;~~

25 (f) ~~Granting the department of human services the power of~~
26 ~~eminent domain to acquire private or public property for juvenile~~
27 ~~detention facilities in the city and county of Denver is reasonably related~~

1 to the legitimate state interest of providing a sufficient number of juvenile
2 detention beds within the city and county of Denver so that the department
3 can adequately house the number of juveniles held in detention or
4 committed to the department's custody; and

5 ~~(g) A general law cannot be made applicable to address the~~
6 ~~provision of juvenile detention facility beds within the city and county of~~
7 ~~Denver.~~

8 ~~(2) (a) (1) (a)~~ Subject to the provisions of ~~subsection (3)~~
9 SUBSECTION (2) of this section, the department of human services has the
10 right to acquire by eminent domain any real property that is located within
11 the Denver metropolitan area that is necessary for the establishment of one
12 or more juvenile detention facilities. Such real property ~~shall~~ MUST be
13 acquired in accordance with articles 1 to 7 of title 38. ~~C.R.S.~~

14 (b) Any real property specified in ~~paragraph (a) of this subsection~~
15 ~~(2) SUBSECTION (1)(a) OF THIS SECTION~~ that is already devoted to a public
16 use may be acquired by the department of human services pursuant to this
17 section; except that ~~no~~ property owned by the federal government may
18 NOT be acquired without the consent of the federal government.

19 ~~(3) (2)~~ Prior to the acquisition of any real property pursuant to
20 ~~subsection (2) SUBSECTION (1) of this section, the proposed acquisition~~
21 ~~must be reviewed and approved by the joint budget committee established~~
22 ~~pursuant to section 2-3-201, C.R.S. JOINT BUDGET COMMITTEE,~~
23 ~~ESTABLISHED PURSUANT TO SECTION 2-3-201, MUST REVIEW AND APPROVE~~
24 ~~THE PROPOSED ACQUISITION.~~

25 **19-2.5-1504. [Formerly 19-2-205] Facility directors - duties.**

26 (1) The director of the division of youth services shall appoint a director
27 of each state-operated facility established by ~~section 19-2-403~~ SECTION

1 ~~19-2.5-1502~~ and ~~sections 19-2-406 to 19-2-408~~ SECTIONS 19-2.5-1527 TO
2 19-2.5-1529 pursuant to section 13 of article XII of the state constitution.

3 (2) It is the duty of the director of each facility established by
4 ~~section 19-2-403 and sections 19-2-406 to 19-2-408~~ SECTION SECTION
5 19-2.5-1502 AND SECTIONS 19-2.5-1527 TO 19-2.5-1529 TO:

6 (a) ~~To~~ Report to the executive director of the department of human
7 services at such times and on such matters as the director may require;

8 (b) ~~To~~ Receive juveniles committed to the custody of the
9 department of human services and placed in ~~his or her~~ THE DIRECTOR'S
10 care ~~under the provisions of~~ PURSUANT TO this ~~article~~ ARTICLE 2.5 and to
11 keep them for rehabilitation, education, and training until discharged by
12 law or ~~under~~ PURSUANT TO the rules of the department of human services
13 or released on parole;

14 (c) ~~To~~ Make a careful and thorough evaluation, AT INTERVALS NO
15 GREATER THAN SIX MONTHS, of every juvenile placed under ~~his or her~~ THE
16 DIRECTOR'S care. ~~at intervals no greater than six months, such~~ THE
17 PURPOSE OF EACH evaluation IS to ascertain whether:

18 (I) The juvenile's program should be modified;

19 (II) ~~whether~~ The juvenile's transfer to another facility should be
20 recommended to the ~~said~~ director; or

21 (III) ~~whether~~ The juvenile's release should be recommended to the
22 juvenile parole board;

23 (d) ~~To~~ Take such measures as are necessary to prevent recruitment
24 of new gang members from among the juveniles committed to the custody
25 of the department of human services.

26 19-2.5-1505. [Formerly 19-2-403.3] Juvenile facility employees
27 - rules. (1) On and after April 1, 2004, the department of human services

1 shall not hire a person who is required to register as a sex offender
2 pursuant to ~~the provisions of~~ the "Colorado Sex Offender Registration
3 Act", article 22 of title 16, ~~C.R.S.~~, to work at a juvenile facility.

4 (2) The department of human services shall ensure that any person
5 who is employed to work at a juvenile facility as of April 1, 2004, and
6 who is required to register as a sex offender pursuant to ~~the provisions of~~
7 the "Colorado Sex Offender Registration Act", article 22 of title 16,
8 ~~C.R.S.~~, does not have unsupervised contact with a juvenile in the facility
9 on and after April 1, 2004.

10 (3) If a person, while employed by the department of human
11 services, is convicted of an offense that requires the employee to register
12 as a sex offender pursuant to ~~the provisions of~~ the "Colorado Sex
13 Offender Registration Act", article 22 of title 16, ~~C.R.S.~~, the employee
14 shall immediately notify the department of human services of the
15 conviction and the registration requirement. The department of human
16 services shall ensure that the employee does not have unsupervised
17 contact with a juvenile in the facility on and after the date it receives
18 notice pursuant to this subsection (3).

19 (4) The executive director of the department of human services
20 shall adopt such rules as may be necessary to ensure compliance with the
21 requirements of this section.

22 **19-2.5-1506. [Formerly 19-2-214] Detention center sexual**
23 **assault prevention program - reports.** (1) The division of youth
24 services created in ~~section 19-2-203~~ SECTION 19-2.5-1601 shall develop,
25 with respect to sexual assaults that occur in juvenile facilities, policies and
26 procedures to:

27 (a) Require disciplinary action for employees who fail to report

- 1 incidences of sexual assault to the inspector general;
- 2 (b) Require the inspector general, after completing an investigation
3 for sexual assault, to submit the findings to the district attorney with
4 jurisdiction over the facility in which the alleged sexual assault occurred;
- 5 (c) Prohibit retaliation and disincentives for reporting sexual
6 assaults;
- 7 (d) Provide, in situations in which there is reason to believe that
8 a sexual assault has occurred, reasonable and appropriate measures to
9 ensure victim safety by separating the victim from the assailant, if known;
- 10 (e) Ensure the confidentiality of prison rape complaints ___ and
11 protection of juveniles who make complaints ___ of prison rape;
- 12 (f) Provide acute trauma care for sexual assault victims, including
13 treatment of injuries, HIV prophylaxis measures, and testing for sexually
14 transmitted infections;
- 15 (g) Provide, at intake and periodically thereafter,
16 ~~division-approved~~ DIVISION-OF-YOUTH-SERVICES-APPROVED,
17 easy-to-understand information developed by the division OF YOUTH
18 SERVICES on sexual assault prevention, treatment, reporting, and
19 counseling in consultation with community groups with expertise in
20 sexual assault prevention, treatment, reporting, and counseling;
- 21 (h) Provide sexual-assault-specific training to division OF YOUTH
22 SERVICES mental health professionals and all employees who have direct
23 contact with juveniles regarding treatment and methods of prevention and
24 investigation;
- 25 (i) Provide confidential mental health counseling to victims of
26 sexual assault;
- 27 (j) Monitor victims of sexual assault for suicidal impulses,

1 post-traumatic stress disorder, depression, and other mental health
2 consequences resulting from the sexual assault; and

3 (k) Require termination of an employee who engages in a sexual
4 assault on or sexual conduct with a juvenile consistent with constitutional
5 due process protections and state personnel system laws and rules.

6 (2) ~~Investigation~~ INVESTIGATORS TRAINED IN THE INVESTIGATION
7 OF SEX CRIMES SHALL INVESTIGATE ALLEGATIONS of a sexual assault. ~~shall~~
8 ~~be conducted by investigators trained in the investigation of sex crimes.~~
9 The investigation shall MUST include, but need not be limited to, use of
10 forensic rape kits, questioning of suspects and witnesses, and gathering
11 and preserving relevant evidence.

12 (3) The division OF YOUTH SERVICES shall annually report the data
13 that it is required to compile and report to the federal bureau of justice
14 statistics as required by the federal "Prison Rape Elimination Act of
15 2003", Pub.L. 108-79, as amended, to the judiciary committees of the
16 house of representatives and the senate, or any successor committees.
17 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I) TO THE CONTRARY, THE
18 REPORTING REQUIREMENTS IN THIS SUBSECTION (3) CONTINUE
19 INDEFINITELY.

20 **19-2.5-1507. [Formerly 19-2-404] Facilities - control and**
21 **restraint - liability - duty to pursue runaways.** (1) Any facility that
22 houses or provides nonresidential services to adjudicated juveniles
23 pursuant to this ~~article~~ ARTICLE 2.5, whether publicly or privately
24 operated, for short-term or long-term commitment or detention is
25 authorized to respond in a reasonable manner to issues of control and
26 restraint of adjudicated juveniles when necessary. Each facility or program
27 shall establish clearly defined policies and procedures for the short-term

1 restraint and control of adjudicated juveniles housed within the facility or
2 receiving services in the nonresidential program.

3 (2) Any facility that houses or provides nonresidential services to
4 adjudicated juveniles pursuant to this ~~article~~ ARTICLE 2.5 and any person
5 employed by ~~said~~ THE facility or program ~~shall not be~~ IS NOT liable for
6 damages arising from acts committed in the good faith implementation of
7 this section; except that the facility or program and any person employed
8 by the facility or program may be liable for acts that are committed in a
9 willful and wanton manner.

10 (3) Any facility that houses adjudicated juveniles pursuant to this
11 ~~article shall have~~ ARTICLE 2.5 HAS a duty to notify the court and the local
12 law enforcement agency as soon as possible after discovering that an
13 adjudicated juvenile housed at the facility has run away.

14 **19-2.5-1508. [Formerly 19-2-920] Out-of-home placement -**
15 **runaways - duty to notify.** When a juvenile who is sentenced to
16 detention, committed to the department of human services, or otherwise
17 sentenced or placed in out-of-home placement pursuant to ~~section~~
18 ~~19-2-907~~ SECTION 19-2.5-1103 runs away from the facility or home in
19 which the juvenile is placed, the person in charge of the facility or the
20 foster parent shall notify the court and the local law enforcement agency
21 as soon as possible after discovering that the juvenile has run away from
22 the facility or home.

23 **19-2.5-1509. [Formerly 19-2-416] Administration or monitoring**
24 **of medications to persons in juvenile institutional facilities.** The
25 executive director of the department of human services has the power to
26 direct the administration or monitoring of medications to persons in
27 juvenile institutional facilities, as defined in section 25-1.5-301 (2)(b),

1 ~~€R.S.~~, in a manner consistent with part 3 of article 1.5 of title 25. ~~€R.S.~~
2 **19-2.5-1510. [Formerly 19-2-413] Facility publications.**
3 Publications of any of the facilities established ~~by section 19-2-403 and~~
4 ~~sections 19-2-406 to 19-2-408~~ PURSUANT TO SECTION 19-2.5-1502 AND
5 SECTIONS 19-2.5-1527 TO 19-2.5-1529 intended for circulation in quantity
6 outside such facility ~~shall be~~ IS subject to the "Information Coordination
7 Act", section 24-1-136. ~~€R.S.~~

8 SUBPART B

9 BEDS AND FACILITIES

10 **19-2.5-1511. [Formerly 19-2-402] Juvenile detention services**
11 **and facilities to be provided by department of human services -**
12 **education - expenses - definition.** (1) (a) Except as ~~provided~~ SET FORTH
13 in subsection (1)(c) of this section, the department of human services shall
14 provide detention services for temporary care of a juvenile, pursuant to
15 this ~~article 2~~ ARTICLE 2.5. The department of human services shall consult
16 on a regular basis with the court in any district where a detention facility
17 is located concerning the detention program at that facility. The
18 department of human services may use staff secure facilities to provide
19 preadjudication and postadjudication detention services.

20 (b) Detention facilities operated by or under contract with the
21 department of human services, subject to limitations on physical capacity
22 and programs, shall receive and provide care for any juvenile arrested for
23 or convicted of a violation of any provision of articles 1 to 15 of title 33,
24 ~~€R.S.~~, or any rule ~~or regulation~~ promulgated thereunder, or any article of
25 title 42, ~~€R.S.~~, or any municipal or county ordinance and for any juvenile
26 found in contempt of court in connection with a violation or an alleged
27 violation of any of those articles or any municipal or county ordinance.

1 (c) The department of human services is not required to receive
2 and provide care for any juvenile who is ten years of age and older but less
3 than thirteen years of age, unless such juvenile has been arrested or
4 adjudicated for a felony or weapons charge pursuant to section 18-12-102,
5 18-12-105, 18-12-106, or 18-12-108.5.

6 (2) Detention facilities operated in part by a state court, pursuant
7 to section 13-3-108, ~~€:R:S.~~ shall MUST be operated in the same manner
8 by the department of human services, within the limits of available funds
9 appropriated for such purpose.

10 (3)(a)(I) Juveniles in a juvenile detention facility are exempt from
11 compulsory school attendance requirements pursuant to section 22-33-104
12 (2)(f). ~~€:R:S.~~ However, it is the intent of the general assembly that the
13 juvenile detention facility and school district in which the facility is
14 located cooperate to ensure that each juvenile who is in detention is
15 offered educational services at the grade level identified for the juvenile
16 in a time frame that aligns with the hourly requirements for attendance
17 specified in section 22-33-104 (1). ~~€:R:S.~~

18 (II) The school boards of the school districts that a juvenile
19 detention facility serves or in which the juvenile detention facility is
20 located, when requested by the judge of the juvenile court, shall furnish
21 teachers and any books or equipment needed to provide educational
22 services that align with, and are designed to assist each juvenile in
23 achieving, the statewide model content standards adopted pursuant to
24 section 22-7-1005 ~~€:R:S.~~, for each juvenile's identified grade level. The
25 school districts and the personnel at the detention facility shall cooperate
26 to ensure that the educational services are available to the juveniles in the
27 facility in a time frame that aligns with the hourly requirements for

1 attendance specified in section 22-33-104 (1). ~~€R.S.~~

2 (b) The expenses incurred by a school district pursuant to
3 ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION,
4 minus the total amount of per-pupil revenues that the school district
5 receives pursuant to article 54 of title 22 ~~€R.S.~~, for the juveniles in the
6 juvenile detention facility, shall be shared and paid by each school district
7 served in the proportion that the enrollment of each school district bears
8 to the total enrollment of all the districts served.

9 (c) (I) For the 2006-07 budget year and each budget year
10 thereafter, the expenses incurred by a school district pursuant to ~~paragraph~~
11 ~~(b) of this subsection (3)~~ SUBSECTION (3)(b) OF THIS SECTION shall be
12 shared and paid by the school district, each charter school of the district,
13 and each institute charter school located in the school district. Each charter
14 school of the district and institute charter school shall pay in the
15 proportion that the charter school of the district's or institute charter
16 school's enrollment bears to the total district enrollment.

17 (II) For the purpose of this ~~paragraph (c)~~ SUBSECTION (3)(c), "total
18 district enrollment" means the total of the pupil enrollment in the school
19 district, plus the district online enrollment, the district preschool program
20 enrollment, and the pupil enrollment in each institute charter school that
21 is located within the school district, as determined in accordance with
22 article 54 of title 22. ~~€R.S.~~

23 **19-2.5-1512. [Formerly 19-2-1204] Use of juvenile detention**
24 **beds.** A juvenile committed to the department of human services pursuant
25 to article 3 of this ~~title shall~~ TITLE 19 MUST not be placed in a juvenile
26 detention bed unless the juvenile is subject to an action proceeding ~~under~~
27 ~~this article~~ PURSUANT TO THIS ARTICLE 2.5.

1 **19-2.5-1513. [Formerly 19-2-402.5] Juvenile detention facilities**

2 **- catchment areas.** (1) (a) The executive director of the department of
3 human services and the state court administrator in the judicial department
4 shall together establish geographical catchment areas for the juvenile
5 detention facilities operated by or under contract with the department of
6 human services. To the extent practicable, the detention catchment areas
7 ~~shall~~ MUST be established to ensure that the juvenile is held in a juvenile
8 detention facility located within the judicial district in which the
9 JUVENILE'S offense is committed. For judicial districts in which ~~no~~ A
10 juvenile detention facility is NOT located, the department OF HUMAN
11 SERVICES shall establish the catchment areas based on considerations of
12 proximity, bed availability, workload, and cost efficiency.

13 (b) On or before October 1, 1998, and each October 1 thereafter,
14 the working group established in ~~section 19-2-212~~ SECTION 19-2.5-1404
15 shall submit recommendations to the executive director of the department
16 of human services and the state court administrator concerning
17 configuration of the detention catchment areas and the placement of
18 detained juveniles.

19 (2) On or before December 1, 1998, the executive director of the
20 department of human services and the state court administrator shall
21 submit a description of the detention catchment areas to the joint budget
22 committee and to the judiciary committees of the senate and house of
23 representatives. The executive director and the state court administrator
24 shall annually reexamine the detention catchment areas and submit a
25 description of any changes in the detention catchment area boundaries to
26 the joint budget committee and to the judiciary committees of the senate
27 and house of representatives, OR ANY SUCCESSOR COMMITTEES, by

1 December 1.

2 **19-2.5-1514. [Formerly 19-2-1201] Juvenile detention bed cap.**

3 (1) For the fiscal year 2003-04 through fiscal year 2010-11, the number
4 of available juvenile detention beds statewide ~~shall be~~ IS limited to four
5 hundred seventy-nine.

6 (2) For the fiscal year 2011-12 and from July 1, 2012, through
7 March 31, 2013, the number of available juvenile detention beds statewide
8 ~~shall be~~ IS limited to four hundred twenty-two.

9 (3) From April 1, 2013, through June 30, 2013, and for the fiscal
10 year 2013-14 through fiscal year 2018-19, the number of available
11 juvenile detention beds statewide is limited to three hundred eighty-two.

12 (4) For the fiscal year 2019-20 and each fiscal year thereafter, the
13 number of available juvenile detention beds statewide is limited to three
14 hundred twenty-seven.

15 **19-2.5-1515. [Formerly 19-2-1203] Judicial districts - plans for**

16 **the cap.** Each judicial district shall annually develop a plan to manage the
17 limit on the number of juvenile detention beds allocated to the judicial
18 district by the working group pursuant to ~~section 19-2-1202 (1)(a)~~
19 SECTION 19-2.5-1405 (1)(a). The judicial district shall consider the
20 emergency release guidelines and placement guidelines developed
21 pursuant to ~~section 19-2-1202~~ SECTION 19-2.5-1405 in its annual plan to
22 manage the limit. The annual plan developed by the judicial district ~~shall~~
23 MUST ensure the judicial district does not exceed the number of juvenile
24 detention beds allocated to it pursuant to ~~section 19-2-1202~~ SECTION
25 19-2.5-1405.

26 **19-2.5-1516. [Formerly 19-2-417] Juvenile detention facilities**

27 **- behavioral or mental health disorder screening.** (1) The executive

1 director of the department of human services may implement a behavioral
2 or mental health disorder screening program to screen juveniles held in
3 juvenile detention facilities following adjudication. If the executive
4 director chooses to implement a behavioral or mental health disorder
5 screening program, the executive director shall use the standardized
6 behavioral or mental health disorder screening developed pursuant to
7 section 16-11.9-102 and conduct the screening in accordance with
8 procedures established pursuant to said section.

9 (2) Prior to implementation of a behavioral or mental health
10 disorder screening program pursuant to this section, if implementation of
11 the program would require an increase in appropriations, the executive
12 director shall submit to the joint budget committee a request for funding
13 in the amount necessary to implement the behavioral or mental health
14 disorder screening program. If implementation of the behavioral or mental
15 health disorder screening program would require an increase in
16 appropriations, implementation of the program is conditional upon
17 approval of the funding request.

18 **19-2.5-1517. [Formerly 19-2-412] Transfer of detention**
19 **facilities and equipment.** Whenever the department of human services
20 determines that any property, facilities, and equipment are no longer
21 needed for juvenile detention facilities, the department shall transfer said
22 property, facilities, and equipment back to the county without any cost to
23 the county.

24 SUBPART C

25 FACILITIES - COMMITMENT

26 **19-2.5-1518. Commitment to department of human services.**

27 (1) [Formerly 19-2-921 (5)] (a) When a juvenile is placed in a

1 community placement by the department of human services following
2 commitment pursuant to ~~section 19-2-601 or 19-2-907~~ SECTION
3 19-2.5-1127 OR 19-2.5-1103, an administrative review ~~shall~~ MUST be
4 conducted every six months after ~~said~~ THE placement for as long as the
5 juvenile remains in a community placement under the department of
6 human services.

7 (b) When a juvenile is placed in a community placement for a
8 period of twelve months or longer, a court of competent jurisdiction or an
9 administrative body appointed or approved by the court that is not under
10 the supervision of the department OF HUMAN SERVICES shall conduct a
11 permanency hearing pursuant to the federal "Social Security Act", 42
12 U.S.C. sec. 675 (5)(C) no later than the twelfth month of the community
13 placement and at least every twelve months thereafter while the juvenile
14 remains in a community placement. At the permanency hearing, the entity
15 conducting the hearing shall ~~make the following determinations~~
16 DETERMINE WHETHER:

17 (I) ~~Whether~~ Continued community placement is in the best
18 interests of the juvenile and the community;

19 (II) ~~Whether~~ The juvenile's safety is protected in the community
20 placement;

21 (III) ~~Whether~~ Reasonable efforts have been made to finalize the
22 juvenile's permanency plan that is in effect at that time;

23 (IV) ~~Whether~~ Continued community placement is necessary and
24 appropriate;

25 (V) ~~Whether~~ There has been compliance with the juvenile's case
26 plan;

27 (VI) ~~Whether~~ Progress has been made toward alleviating or

1 mitigating the causes that necessitated the community placement;

2 (VII) ~~Whether~~ There is a date projected by which the juvenile will
3 be returned and safely maintained in ~~his or her~~ THE home, placed for legal
4 guardianship, or placed in a planned and permanent living arrangement;
5 and

6 (VIII) ~~Whether~~ Procedural safeguards to preserve parental rights
7 have been applied in connection with the removal of the juvenile from the
8 home, any change in the juvenile's community placement, or any
9 determination affecting parental visitation.

10 (c) The entity conducting the permanency hearing shall consult
11 with the juvenile, in an age-appropriate manner, concerning the juvenile's
12 permanency plan.

13 (2) [Formerly 19-2-921 (6)] Parole supervision of juveniles
14 committed to the department of human services ~~under section 19-2-601 or~~
15 ~~19-2-907~~ PURSUANT TO SECTION 19-2.5-1127 OR 19-2.5-1103, as
16 determined by the juvenile parole board, ~~shall~~ MUST not exceed six
17 months, except as otherwise provided by statute.

18 (3) [Formerly 19-2-921 (7)] When a juvenile is released or
19 released to parole supervision by the department of human services or
20 escapes from ~~said~~ THE department, the department shall notify the
21 committing court, the district attorney, the Colorado bureau of
22 investigation, and the initiating law enforcement agency. If the juvenile is
23 on parole status, the division of youth services shall notify the juvenile
24 parole board, pursuant to ~~section 19-2-1002 (7)(b)(H)~~ SECTION
25 19-2.5-1203 (7)(b)(II), of any discharge as a matter of law, any placement
26 change that may impact public safety or victim safety as determined by the
27 division of youth services, and any escape and recapture that occurs

1 during the period of parole.

2 (4) [Formerly 19-2-921 (7.5)] If the terms and conditions of a
3 juvenile's parole include the condition that the juvenile attend school, the
4 department of human services shall notify the school district in which the
5 juvenile will be enrolled of this condition.

6 (5) [Formerly 19-2-921 (8)] When a juvenile is released by the
7 department of human services to parole supervision, the payment of any
8 remaining restitution ~~shall~~ MUST be a condition of parole.

9 (6) [Formerly 19-2-921 (9)] At least ~~ninety~~ NINETY-ONE days prior
10 to expiration of commitment to the department of human services,
11 notification ~~shall~~ MUST be given to the responsible person who had
12 custody of the juvenile immediately prior to the commitment. Reasonable
13 efforts ~~shall~~ MUST be made to return custody of the juvenile to the family
14 or responsible person who had custody of the juvenile immediately prior
15 to the commitment, unless a court of competent jurisdiction orders that
16 custody of the juvenile ~~shall be~~ IS with a different person.

17 (7) [Formerly 19-2-921 (10)] When custody of a juvenile who will
18 be under the age of eighteen years at the time of expiration of commitment
19 cannot be determined or none of the resources described in ~~subsection (9)~~
20 SUBSECTION (6) of this section exist, the division of youth services shall
21 make a referral to the last-known county of residence of the responsible
22 person having custody of the juvenile immediately prior to the
23 commitment. The referral to the county must be made by the division of
24 youth services at least ~~ninety~~ NINETY-ONE days prior to the expiration of
25 the juvenile's commitment. The county department of human or social
26 services shall conduct an assessment of the JUVENILE'S child protection
27 needs ~~of the juvenile~~ and, pursuant to rules adopted by the state board,

1 provide services in the best interest of the juvenile. The division of youth
2 services shall work in collaboration with the county department of human
3 or social services conducting the assessment and shall provide parole
4 supervision services as described in ~~section 19-2-1003~~ SECTION
5 19-2.5-1204.

6 (8) [Formerly 19-2-921 (11)] If a juvenile who is committed to the
7 department of human services escapes from a facility operated by the
8 department or a facility with which the department contracts, the
9 department shall not count the time the juvenile is on escape status toward
10 completion of the juvenile's commitment.

11 **19-2.5-1519. [Formerly 19-2-410] Contracts and agreements**
12 **with public and private agencies.** (1) The executive director of the
13 department of human services shall, subject to available appropriations,
14 enter into agreements or contracts deemed necessary and appropriate with
15 any governmental unit or agency or private facility or provider
16 cooperating or willing to cooperate in a program to carry out the purposes
17 of this ~~article.~~ Such ARTICLE 2.5. THE contracts or agreements may
18 provide, among other things, for the type of work to be performed at a
19 camp or other facility, for the rate of payment for such work, and for other
20 matters relating to the care and treatment of juveniles.

21 (2) Placement of juveniles by the department of human services in
22 any public or private facility not under the jurisdiction of the department
23 shall not terminate the legal custody of the department.

24 (3) The department ~~shall have~~ OF HUMAN SERVICES HAS the right
25 to inspect all facilities used by it and to examine and consult with persons
26 in its legal custody who have been placed in any such facility.

27 (4) (a) On and after April 1, 2004, an entity that contracts with the

1 department of human services for the operation of a private juvenile
2 facility shall not employ a person who is required to register pursuant to
3 ~~the provisions of the "Colorado Sex Offender Registration Act"~~, article 22
4 of title 16, ~~C.R.S.~~, to work in the private juvenile facility.

5 (b) For the purposes of a contract in existence as of April 1, 2004,
6 if a contractor employs a person in a private juvenile facility who is
7 required to register as a sex offender pursuant to ~~the provisions of the~~
8 "Colorado Sex Offender Registration Act", article 22 of title 16, ~~C.R.S.~~,
9 the contractor shall ensure that the person does not have unsupervised
10 contact with a juvenile in the facility on and after April 1, 2004. Failure
11 to comply with ~~the provisions of~~ this subsection (4) ~~shall constitute~~
12 CONSTITUTES a breach and grounds for termination of the contract.

13 **19-2.5-1520. [Formerly 19-2-411] Private facilities for juvenile**
14 **offenders - requests for proposals - rules .** The executive director of the
15 department of human services shall adopt rules and implement a process
16 to issue requests for proposals with respect to contracts for designing,
17 financing, acquiring, constructing, and operating private facilities for
18 juvenile offenders. The process to issue requests for proposals and
19 privatization contracts ~~shall~~ MUST meet the requirements set forth in part
20 2 of article 1 of title 17 ~~C.R.S.~~, with respect to private adult correctional
21 facilities.

22 **19-2.5-1521. [Formerly 19-2-411.5] Juvenile facility - contract**
23 **for operation.** (1) The state department of human services is authorized
24 to contract with a private contractor for the operation of a
25 five-hundred-bed facility to house juveniles who are in the custody of the
26 state department of human services and to house juveniles who are in the
27 temporary custody of a county department of human or social services.

1 The facility shall follow an academic model, providing educational,
2 vocational, and positive developmental programming. The contractor shall
3 work with the state department of human services to develop and maintain
4 high-quality programming that is appropriate for and meets the needs of
5 the juveniles placed in the facility. The facility must be constructed in a
6 campus-style design and located on the parcel of real property formerly
7 known as the Lowry bombing range. The state retains ownership of the
8 facility constructed and operated pursuant to this section. Nothing in this
9 section requires that the parcel of real property formerly known as the
10 Lowry bombing range be used exclusively for the facility constructed
11 pursuant to this section.

12 (2) ~~In choosing a contractor, the executive director of the~~
13 ~~department of human services shall ensure that~~ THE EXECUTIVE DIRECTOR
14 OF THE DEPARTMENT OF HUMAN SERVICES, the contractor SELECTED, and
15 the contract SHALL meet the following requirements:

16 (a) The executive director of the department of human services
17 shall select the lowest responsible bid by the contractor most qualified to
18 operate the facility on an academic model, subject to available
19 appropriations. Prior to final selection, the executive director shall confirm
20 that the contractor has the qualifications, experience, and management
21 personnel necessary to carry out the terms of the contract.

22 (b) The contractor shall agree to indemnify the state and the
23 department of human services, including their officials and agents, against
24 any and all liability, including but not limited to any civil rights claims.
25 The department of human services shall require proof of satisfactory
26 insurance, the amount of which shall TO be determined by the department
27 of human services following consultation with the division of insurance

1 in the department of regulatory agencies.

2 (c) The facility and the management plan for juveniles housed at
3 the facility shall meet the requirements of applicable court orders and state
4 law.

5 (d) The contractor ~~shall be~~ IS responsible for a range of dental,
6 medical, and psychological services and diet, education, and work
7 programs at least equal to those services and programs provided by the
8 department of human services at comparable state juvenile facilities. The
9 work and education programs ~~shall~~ MUST be designed to reduce
10 recidivism.

11 (e) The department of human services shall monitor the facility,
12 and the contractor shall bear the costs of monitoring.

13 (3) The contract for operation of the facility ~~shall be~~ IS subject to
14 annual renewal. The contract for operation of the facility ~~shall~~ MUST
15 specify the responsibilities the department of human services ~~shall retain~~
16 RETAINS with regard to juveniles housed at the facility and the
17 responsibilities the contractor shall exercise.

18 (4) The contractor shall require applicants for employment at the
19 facility to submit a set of fingerprints to the Colorado bureau of
20 investigation for a FINGERPRINT-BASED criminal ~~background~~ HISTORY
21 RECORD check, and the Colorado bureau of investigation may accept such
22 fingerprints. For the purpose of conducting ~~background checks~~ A
23 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, to the extent
24 authorized by federal law, the Colorado bureau of investigation may
25 exchange with the department OF HUMAN SERVICES any state, multistate,
26 and federal criminal history records of individuals who apply for
27 employment at the facility. When the results of a fingerprint-based

1 criminal history record check of an applicant performed pursuant to this
2 section reveal a record of arrest without a disposition, the contractor shall
3 require that applicant to submit to a name-based criminal history record
4 check, as defined in section 22-2-119.3 (6)(d).

5 ~~(5) Repealed.~~

6 **19-2.5-1522. [Formerly 19-2-924] Juveniles committed to**
7 **department of human services - emergency release.** The department of
8 human services and the judicial department shall establish guidelines for
9 the emergency release of juveniles committed to the custody of the
10 department of human services during periods of crisis overcrowding of
11 facilities operated by ~~such~~ THE department ~~Such~~ OF HUMAN SERVICES. THE
12 guidelines ~~shall~~ MUST take into consideration the best interests of
13 juveniles, the capacity of individual facilities, and the safety of the public.

14 **19-2.5-1523. [Formerly 19-2-405] Receiving centers -**
15 **designation.** (1) The department of human services shall designate
16 receiving centers for juvenile delinquents committed to the department
17 ~~under section 19-2-601 or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1127
18 OR 19-2.5-1103.

19 (2) If a change is made in the designation of a receiving center by
20 the department of human services, it shall ~~so~~ notify the juvenile courts at
21 least ~~thirty~~ THIRTY-FIVE days prior to the date that the change takes effect.

22 **19-2.5-1524. [Formerly 19-2-418] Juveniles - medical benefits**
23 **application assistance - county of residence - rules.** (1) Beginning as
24 soon as practicable, but no later than January 1, 2009, no later than one
25 hundred twenty days prior to release, commitment facility personnel or
26 state personnel shall assist the parent or legal guardian of the following
27 juveniles in applying for medical assistance pursuant to part 1 or 2 of

1 article 5 of title 25.5 ~~C.R.S.~~, or in applying to the children's basic health
2 plan pursuant to section 25.5-8-109: ~~C.R.S.~~

3 (a) A juvenile who was receiving medical assistance pursuant to
4 section 25.5-5-101 (1)(f) or 25.5-5-201 (1)(j), ~~C.R.S.~~, or pursuant to the
5 children's basic health plan pursuant to section 25.5-8-109, ~~C.R.S.~~,
6 immediately prior to entering the juvenile commitment facility and is
7 likely to be terminated from receiving medical assistance while committed
8 or is reasonably expected to meet the eligibility criteria specified in
9 section 25.5-5-101 (1)(f), 25.5-5-201 (1)(j), or 25.5-8-109 ~~C.R.S.~~, upon
10 release; and

11 (b) A juvenile who is committed to a juvenile commitment facility.

12 ~~(1.5)~~ (2) If a juvenile is committed or placed for ~~less~~ FEWER than
13 one hundred twenty days, commitment facility personnel or state
14 personnel shall make a reasonable effort to assist the JUVENILE'S parent or
15 legal guardian ~~of the juvenile~~ in applying for medical assistance as soon
16 as practicable.

17 ~~(2)~~ (3) The department of health care policy and financing shall
18 provide information and training on medical assistance eligibility
19 requirements and assistance to the personnel at each commitment facility
20 to assist in and expedite the application process for medical assistance for
21 a juvenile held in custody who meets the requirements of ~~paragraph (a) of~~
22 ~~subsection (1)~~ SUBSECTION (1)(a) of this section.

23 ~~(3)~~ (4) (a) For purposes of determining eligibility pursuant to
24 section 25.5-4-205, ~~C.R.S.~~, ~~the~~ A JUVENILE'S county of residence ~~of a~~
25 ~~juvenile shall be~~ IS the county specified by the juvenile ~~as his or her~~
26 ~~county of residence~~ upon THE JUVENILE'S release.

27 (b) The executive director of the department of health care policy

1 and financing shall promulgate rules to simplify the processing of
2 applications for medical assistance pursuant to subsection (1) of this
3 section and to allow a juvenile determined to be eligible for ~~such~~ medical
4 assistance to access the medical assistance upon release and thereafter. If
5 a county department of human or social services determines that a juvenile
6 is eligible for medical assistance, the county shall enroll the juvenile in
7 medical assistance or the children's basic health plan effective upon
8 release of the juvenile. At the time of the juvenile's release, the
9 commitment facility shall give the juvenile or the juvenile's parent or legal
10 guardian information and paperwork necessary for the juvenile to access
11 medical assistance. The applicable county department of human or social
12 services shall provide the commitment facility with the necessary
13 information.

14 (c) Each juvenile commitment facility administrator shall attempt
15 to enter into prerelease agreements, if appropriate, with the county
16 department of human or social services, the state department of human
17 services, or the department of health care policy and financing in order to:

18 (I) Simplify the processing of applications for medical assistance
19 or for the children's basic health plan benefits pursuant to section
20 25.5-8-109, ~~€R.S.~~, to enroll, effective upon release, a juvenile who is
21 eligible for medical assistance pursuant to section 25.5-5-101 (1)(f) or
22 25.5-5-201 (1)(j) ~~€R.S.~~, or the children's basic health plan pursuant to
23 section 25.5-8-109; ~~€R.S.~~; and

24 (II) Provide the juvenile or the juvenile's parent or legal guardian
25 with the information and paperwork necessary to access medical
26 assistance immediately upon release.

27 **19-2.5-1525. [Formerly 19-2-922] Juveniles committed to**

1 **department of human services - evaluation and placement.**

2 (1) (a) Each juvenile committed to the custody of the department of
3 human services shall be examined and evaluated by the department prior
4 to institutional placement or other disposition.

5 (b) ~~Such~~ THE evaluation and examination ~~shall~~ MUST be conducted
6 at a detention facility and ~~shall~~ be completed within ~~thirty~~ THIRTY-FIVE
7 days. The department of human services may, by rule, determine the
8 extent and scope of the evaluation and examination. To the extent possible
9 and relevant, the evidence, reports, examination, studies, and other
10 materials utilized in a sentencing hearing conducted ~~under section~~
11 ~~19-2-906~~ ~~shall~~ PURSUANT TO SECTION 19-2.5-1102 MUST also be utilized
12 in evaluation and examination conducted ~~under~~ PURSUANT TO this section.
13 ~~The provisions of this paragraph (b) shall~~ THIS SUBSECTION (1)(b) DOES
14 not apply to AN examination and evaluation conducted pursuant to ~~section~~
15 ~~19-2-923 (1)~~ SECTION 19-2.5-1532 (1).

16 (c) The examination and evaluation ~~shall~~ MUST include the use of
17 an objective risk assessment that is based upon researched factors that
18 correlate to a risk to the community. The results of the objective risk
19 assessment ~~shall~~ MUST be used to help identify treatment services for the
20 juvenile during ~~his or her~~ THE JUVENILE'S commitment and ~~the~~ period of
21 parole supervision.

22 (2) THE DEPARTMENT OF HUMAN SERVICES SHALL THEN PLACE each
23 juvenile ~~shall then be placed by the department~~ in the appropriate state
24 institution or facility ~~or placed~~ as provided in ~~section 19-2-409 or~~
25 ~~19-2-410~~ SECTION 19-2.5-1530 OR 19-2.5-1519, as indicated by the
26 examination and evaluation.

27 (3) (a) When the department of human services determines that a

1 juvenile requires placement in a state facility for children with intellectual
2 and developmental disabilities, as defined in article 10.5 of title 27, it shall
3 initiate proceedings pursuant to article 10.5 of title 27 and notify the court.

4 (b) (I) When the department of human services determines that a
5 juvenile may require treatment for a behavioral or mental health disorder,
6 it shall conduct or have a mental health professional conduct a mental
7 health hospital placement prescreening on the juvenile.

8 (II) If the mental health hospital placement prescreening report
9 recommends that the juvenile be evaluated, the juvenile may be
10 transferred to a mental health facility operated by the department of
11 human services for ~~such~~ evaluation.

12 (III) If the evaluation report states that the juvenile has a mental
13 health disorder, as ~~provided~~ DESCRIBED in sections 27-65-105 and
14 27-65-106, the department of human services shall initiate proceedings
15 pursuant to article 65 of title 27 and notify the court.

16 **19-2.5-1526. [Formerly 19-2-414] Facility rules - academic and**
17 **vocational courses.** (1) It is the duty of the department of human services
18 to develop ~~such rules and regulations as may be~~ RULES necessary for
19 imparting instruction, preserving health, and enforcing discipline of
20 juveniles committed to the department OF HUMAN SERVICES.

21 (2) The academic courses of study and vocational training and
22 instruction given in the facilities established by ~~section 19-2-403 and~~
23 ~~sections 19-2-406 to 19-2-408 shall~~ SECTION 19-2.5-1502 AND SECTIONS
24 19-2.5-1527 TO 19-2.5-1529 MUST include those approved by the
25 department of education for the instruction of pupils in the primary and
26 secondary schools of the state. Full credit ~~shall~~ MUST be given by school
27 districts in this state for completion of any semester, term, or year of study

1 instruction by any juvenile who has SUCH earned credit. ~~therefor.~~

2 (3) The director of the division of youth services may appoint,
3 pursuant to section 13 of article XII of the state constitution, a director and
4 such other officers, teachers, instructors, counselors, and other personnel
5 as the director ~~may consider~~ CONSIDERS necessary to transact the business
6 of the schools and may designate their duties. ~~No~~ A person shall NOT be
7 appointed as a teacher or instructor in the schools who is not qualified to
8 serve as a teacher or instructor in the schools under the laws of the state
9 and the standards established by the department of education.

10 **19-2.5-1527. [Formerly 19-2-406] Lookout Mountain school.**

11 (1) There is ~~hereby~~ established at Golden, Jefferson county, a training
12 school known as the Lookout Mountain school, under the supervision and
13 control of the department of human services.

14 (2) The school shall provide care, education, training, and
15 rehabilitation for juveniles ten years of age or older who have been
16 committed to the custody of the department ~~under section 19-2-601 or~~
17 ~~19-2-907~~ OF HUMAN SERVICES PURSUANT TO SECTION 19-2.5-1127 OR
18 19-2.5-1103. In addition, the school may provide care, education, training,
19 and rehabilitation for any juvenile who has been sentenced to the
20 department of corrections and is being housed in a facility operated by the
21 department of human services pursuant to a contract with the department
22 of corrections ~~as provided in section 19-2-403 (4)~~ PURSUANT TO SECTION
23 19-2.5-1502 (4).

24 **19-2.5-1528. [Formerly 19-2-407] Mount View school.** (1) There
25 is ~~hereby~~ established near Morrison, Jefferson county, a training school
26 known as the Mount View school under the supervision and control of the
27 department of human services.

1 (2) The school shall provide care, education, training, and
2 rehabilitation for juveniles ten years of age or older who have been
3 committed to the custody of the department ~~under section 19-2-601 or~~
4 ~~19-2-907~~ OF HUMAN SERVICES PURSUANT TO SECTION 19-2.5-1127 OR
5 19-2.5-1103. In addition, the school may provide care, education, training,
6 and rehabilitation for any juvenile who has been sentenced to the
7 department of corrections and is being housed in a facility operated by the
8 department of human services pursuant to a contract with the department
9 of corrections ~~as provided in section 19-2-403 (4)~~ PURSUANT TO SECTION
10 19-2.5-1502 (4).

11 **19-2.5-1529. [Formerly 19-2-408] Youth camps.** The department
12 of human services may establish and administer youth camps. Staff at
13 youth camps shall provide care, education, training, rehabilitation, and
14 supervision for juveniles ten years of age or older who have been
15 committed to the custody of the department ~~under section 19-2-601 or~~
16 ~~19-2-907~~ OF HUMAN SERVICES PURSUANT TO SECTION 19-2.5-1127 OR
17 19-2.5-1103.

18 **19-2.5-1530. [Formerly 19-2-409] Alternate placement.** The
19 executive director of the department of human services may assign any
20 juvenile placed by the department of human services in any facility
21 established ~~under section 19-2-403, 19-2-406, or 19-2-407~~ PURSUANT TO
22 SECTION 19-2.5-1502, 19-2.5-1527, OR 19-2.5-1528 to any other facility
23 established by said sections for educational training, treatment, or
24 rehabilitation programs. The assignment and the transportation of a
25 juvenile to and from such programs on a daily basis ~~shall~~ DOES not
26 constitute a transfer or change of placement of the juvenile.

27 **19-2.5-1531. [Formerly 19-2-924.7] Juveniles committed to the**

1 **department of human services - prohibition against the use of**
2 **restraints on pregnant juveniles.** (1) The staff of the department of
3 human services, in restraining a female juvenile committed to the
4 department of human services or detained in a juvenile facility, shall use
5 the least restrictive restraints necessary to ensure safety if the staff have
6 actual knowledge or a reasonable belief that the juvenile is pregnant. The
7 requirement that staff use the least restrictive restraints necessary to ensure
8 safety ~~shall~~ MUST continue during postpartum recovery and transport to or
9 from a juvenile facility.

10 (2) (a) (I) Staff of the department of human services or medical
11 facility staff shall not use restraints of any kind on a pregnant juvenile
12 during labor and delivery of the child; except that staff may use restraints
13 if:

14 (A) The medical staff determine that restraints are medically
15 necessary for safe childbirth;

16 (B) The staff of the department of human services or medical staff
17 determine that the juvenile presents an immediate and serious risk of harm
18 to herself, to other patients, or to medical staff; or

19 (C) The staff of the department of human services determine that
20 the juvenile poses a substantial risk of escape that cannot reasonably be
21 reduced by the use of other existing means.

22 (II) Notwithstanding ~~any provision of subparagraph (I) of this~~
23 ~~paragraph (a)~~ SUBSECTION (2)(a)(I) OF THIS SECTION to the contrary, under
24 no circumstances shall staff use leg shackles or waist restraints on a
25 juvenile during labor and delivery of the child, postpartum recovery while
26 in a medical facility, or transport to or from a medical facility for
27 childbirth.

1 (b) The staff of the department of human services or medical
2 facility authorizing the use of restraints on a pregnant juvenile during
3 labor or delivery of the child shall make a written record of the use of
4 restraints. ~~which~~ THE record ~~shall~~ MUST include, at a minimum, the type
5 of restraint used, the circumstances that necessitated the use of the
6 restraint, and the length of time the restraint was used. The department of
7 human services staff shall retain the record for a minimum of five years
8 and shall make the record available for public inspection with individually
9 identifying information redacted from the record unless the juvenile who
10 is the subject of the record gives prior written consent for the public
11 release of the record. The written record of the use of restraint ~~shall~~ DOES
12 not constitute a medical record under state or federal law.

13 (3) Upon return to a department of human services facility after
14 childbirth, the juvenile ~~shall be~~ IS entitled to have a member of the
15 department of human services' medical staff present during any strip
16 search.

17 (4) When a juvenile's pregnancy is determined, the staff of the
18 department of human services shall inform a pregnant juvenile committed
19 to the department of human services in writing in a language and in a
20 manner understandable to the juvenile of the provisions of this section
21 concerning the use of restraints and the presence of medical staff during
22 a strip search.

23 (5) The executive director of the department of human services
24 shall ensure that the staff of the department of human services receive
25 adequate training concerning the provisions of this section.

26 **19-2.5-1532. [Formerly 19-2-923] Juveniles committed to**
27 **department of human services - transfers.** (1) The executive director

1 of the department of human services may transfer ~~any~~ A juvenile
2 committed ~~under section 19-2-601 or 19-2-907~~ PURSUANT TO SECTION
3 19-2.5-1127 OR 19-2.5-1103 among the facilities established ~~under~~
4 ~~sections 19-2-403 and 19-2-406 to 19-2-408~~ PURSUANT TO SECTIONS
5 19-2.5-1502 AND 19-2.5-1527 TO 19-2.5-1529; except that, before ~~any~~ THE
6 juvenile is transferred, ~~he or she~~ THE JUVENILE shall be examined and
7 evaluated, and ~~such~~ THE EXECUTIVE DIRECTOR SHALL REVIEW THE
8 evaluation ~~shall be reviewed by the said executive director~~ before ~~he or~~
9 ~~she~~ ~~approves~~ APPROVING the transfer.

10 (2) When the executive director of the department of human
11 services finds that the welfare and protection of a juvenile or of others
12 requires the juvenile's immediate transfer to another facility, ~~he or she~~ THE
13 EXECUTIVE DIRECTOR shall make the transfer prior to having the juvenile
14 examined and evaluated.

15 (3) (a) ~~Any~~ A juvenile committed to the department of human
16 services may be transferred temporarily to any state treatment facility for
17 persons with behavioral or mental health disorders or intellectual and
18 developmental disabilities for purposes of diagnosis, evaluation, and
19 emergency treatment; except that a juvenile may not be transferred to a
20 ~~mental health~~ STATE TREATMENT facility FOR PERSONS WITH ___ MENTAL
21 HEALTH DISORDERS until the juvenile has received a ___ mental health
22 hospital placement prescreening resulting in a recommendation that the
23 juvenile be placed in a facility for evaluation pursuant to section
24 27-65-105 or 27-65-106. A juvenile committed to the department OF
25 HUMAN SERVICES as an aggravated juvenile offender PURSUANT TO
26 SECTION 19-2.5-1127 or violent juvenile offender ~~shall~~ PURSUANT TO
27 SECTION 19-2.5-1126 (1)(c) MUST not be transferred until the treatment

1 facility has a secure setting in which to house the juvenile. The period of
2 temporary transfer pursuant to this subsection (3)(a) must not exceed sixty
3 days.

4 (b) When a juvenile has remained in the treatment facility for sixty
5 days, the treatment facility shall determine whether the juvenile requires
6 further treatment or services, and, if so, the treatment facility shall confer
7 with the sending facility concerning continued placement. If both facilities
8 agree that the juvenile should remain in the treatment facility, the
9 executive director of the department of human services shall be notified
10 of the recommendation and ~~he or she~~ may authorize an additional
11 sixty-day placement. When an additional placement is authorized, the
12 court ~~shall~~ MUST be notified of the transferred placement.

13 (c) During each subsequent sixty-day placement period, the
14 juvenile shall be reevaluated by both the treatment facility and the sending
15 facility to determine the need for continued transferred placement. The
16 juvenile ~~shall remain~~ REMAINS in transferred placement until the facilities
17 agree that such placement is no longer appropriate. At that time the
18 juvenile ~~shall~~ MUST be transferred back to the sending facility or to any
19 other facility that the department OF HUMAN SERVICES determines to be
20 appropriate. The period of placement ~~shall~~ MUST not exceed the length of
21 the original commitment to the department of human services unless
22 authorized by the court after notice and a hearing.

23 (d) When a juvenile is in continued transferred placement and the
24 treatment facility and the sending facility agree that the need for
25 placement of the juvenile is likely to continue beyond the original period
26 of commitment to the department of human services, the treatment facility
27 shall initiate proceedings with the court having jurisdiction over the

1 juvenile pursuant to article 65 of title 27 if the juvenile has a mental health
2 disorder or pursuant to article 10.5 of title 27 if the juvenile has
3 intellectual and developmental disabilities.

4 **SECTION 3.** In Colorado Revised Statutes, 1-2-210.5, **amend** (1)
5 and (5)(a) as follows:

6 **1-2-210.5. Registration of and voting by persons in custody of**
7 **division of youth services - definitions.** (1) In the case of any individual
8 committed to a juvenile facility and in the custody of the division of youth
9 services in the department of human services created in ~~section 19-2-203~~
10 ~~(1)~~ SECTION 19-2.5-1501 (1) who is eighteen years of age or older on the
11 date of the next election, the administrator of the facility in which the
12 individual is committed shall facilitate the registration for voting purposes
13 of, and voting by, the individual. In connection with this requirement, the
14 administrator shall provide the individual information regarding ~~his or her~~
15 THE INDIVIDUAL'S voting rights and how the individual may register to
16 vote and cast a mail ballot, provide the individual with voter information
17 materials upon the request of the individual, and ensure that any mail
18 ballot cast by the individual is timely delivered to the designated election
19 official.

20 (5) As used in this section:

21 (a) "Administrator" means the administrator, or ~~his or her~~ THE
22 ADMINISTRATOR'S designee, of the division of youth services created in
23 ~~section 19-2-203~~ ~~(1)~~ SECTION 19-2.5-1501 (1), a residential facility
24 operated by the division of youth services, or a residential facility that
25 contracts with the division of youth services in which a person committed
26 to the department of human services is confined and eligible to register to
27 vote and cast a ballot.

1 **SECTION 4.** In Colorado Revised Statutes, 2-3-124, **amend** (1)
2 as follows:

3 **2-3-124. Audits of reports of recidivism and educational**
4 **outcomes by the division of youth services.** (1) On or before January 1,
5 2019, and on or before January 1, 2024, the state auditor shall audit the
6 reports of recidivism rates and educational outcomes for ~~youths~~ YOUTH
7 committed to the division of youth services in the state department of
8 human services, ~~which reports are provided~~ PREPARED pursuant to ~~section~~
9 ~~19-2-203 (6)~~ SECTION 19-2.5-1501 (5). Each such audit must examine the
10 division's reports during the preceding five years for accuracy and quality.
11 After January 1, 2024, the state auditor, at ~~his or her~~ THE AUDITOR'S
12 discretion, may conduct additional audits of the division of youth services
13 reports of recidivism rates and educational outcomes for ~~youths~~ YOUTH
14 committed to the division.

15 **SECTION 5.** In Colorado Revised Statutes, 13-1-119.5, **amend**
16 (1)(a) as follows:

17 **13-1-119.5. Electronic access to name index and register of**
18 **actions.** (1) Statewide electronic read-only access to the name index and
19 register of actions of public case types must be made available to the
20 following agencies or attorneys appointed by the court:

21 (a) County departments as defined in section 19-1-103 ~~(32)~~;
22 ~~C.R.S.~~, and attorneys who represent the county departments as county
23 attorneys, as defined in section 19-1-103, ~~(31.5)~~, ~~C.R.S.~~, as it relates to the
24 attorneys' work representing the county;

25
26 **SECTION 6.** In Colorado Revised Statutes, **amend** 13-1-123.5 as
27 follows:

1 **13-1-123.5. Transfer of venue - actions involving related**
2 **persons.** In addition to the authority to change venue granted by sections
3 ~~19-2-105 and 19-3-201, C.R.S.,~~ SECTIONS 19-2.5-104 AND 19-3-201 for
4 good cause shown, a court, on its own motion, on the motion of another
5 court in this state, or on the motion of a party or guardian ad litem, may
6 order the transfer of a pending action brought ~~under~~ PURSUANT TO title 14
7 or title 19 ~~C.R.S.,~~ or rule 365 of the Colorado rules of county court civil
8 procedure to a court in another county when there is an action pending in
9 the other county that names the parent, guardian, or legal custodian of a
10 child who is the subject of the action brought ~~under~~ PURSUANT TO title 14
11 or title 19. ~~C.R.S.~~ The county to which the action is being transferred must
12 be one in which venue is proper. Upon an order for such transfer, the
13 transferring court shall notify all parties of the transfer and transmit all
14 documents to the receiving court. The transferred action ~~shall continue~~
15 CONTINUES in the court to which it is transferred with the same force and
16 effect as though originally docketed in the receiving court.

17 **SECTION 7.** In Colorado Revised Statutes, 13-3-101, **amend**
18 (14)(h)(II) as follows:

19 **13-3-101. State court administrator - report - definition -**
20 **repeal.** (14) (h) As used in this subsection (14), unless the context
21 otherwise requires:

22 (II) "Juvenile participant" means a juvenile who has been alleged
23 to have committed a delinquent act, as defined in ~~section 19-1-103 (36)~~
24 SECTION 19-2.5-102, who is required to appear before an eligible court.
25 "Juvenile participant" includes the juvenile's parent, guardian, or legal
26 custodian.

27 **SECTION 8.** In Colorado Revised Statutes, **amend** 13-8-103 as

1 follows:

2 **13-8-103. Jurisdiction.** The jurisdiction of the juvenile court of
3 the city and county of Denver is as set forth in ~~sections 19-1-104,~~
4 ~~19-2-104, and 19-4-109, C.R.S.;~~ SECTIONS 19-1-104, 19-2.5-103, AND
5 19-4-109 for juvenile courts, as defined in ~~section 19-1-103 (70), C.R.S.~~
6 SECTION 19-1-103.

7 **SECTION 9.** In Colorado Revised Statutes, **amend** 13-8-119 as
8 follows:

9 **13-8-119. Venue.** Venue in the juvenile court ~~shall be as provided~~
10 ~~in sections 19-2-105, 19-3-201, 19-4-109, 19-5-102, 19-5-204, and~~
11 ~~19-6-102, C.R.S.~~ IS DESCRIBED IN SECTIONS 19-2.5-104, 19-3-201,
12 19-4-109, 19-5-102, 19-5-204, AND 19-6-102.

13 **SECTION 10.** In Colorado Revised Statutes, **amend** 13-10-103
14 as follows:

15 **13-10-103. Applicability.** This ~~article shall apply to and govern~~
16 ARTICLE 10 APPLIES TO AND GOVERNS the operation of municipal courts in
17 the cities and towns of this state. Except for the provisions relating to the
18 method of salary payment for municipal judges, the incarceration of
19 children ~~provided for in sections 19-2-402 and 19-2-508, C.R.S.~~
20 PURSUANT TO SECTIONS 19-2.5-305 AND 19-2.5-1511, the appearance of
21 the parent, guardian, or lawful custodian of any child under eighteen years
22 of age who is charged with a municipal offense as required by section
23 13-10-111, the right to a trial by jury for petty offenses ~~provided for in~~
24 PURSUANT TO section 16-10-109, ~~C.R.S.;~~ rules of procedure promulgated
25 by the supreme court, and appellate procedure, this ~~article~~ ARTICLE 10 may
26 be superseded by charter or ordinance enacted by a home rule city.

27 **SECTION 11.** In Colorado Revised Statutes, 13-10-113, **amend**

1 (5) as follows:

2 **13-10-113. Fines and penalties.** (5) Notwithstanding any other
3 provision of law, a ~~child~~ JUVENILE, as defined in ~~section 19-1-103 (18),~~
4 ~~C.R.S.~~ SECTION 19-2.5-102, arrested for an alleged violation of a
5 municipal ordinance, convicted of violating a municipal ordinance or
6 probation conditions imposed by a municipal court, or found in contempt
7 of court in connection with a violation or alleged violation of a municipal
8 ordinance ~~shall~~ MUST not be confined in a jail, lockup, or other place used
9 for the confinement of adult offenders but may be held in a juvenile
10 detention facility operated by or under contract with the department of
11 human services or a temporary holding facility operated by or under
12 contract with a municipal government that shall receive and provide care
13 for ~~such child~~ THE JUVENILE. A municipal court imposing penalties for
14 violation of probation conditions imposed by such court or for contempt
15 of court in connection with a violation or alleged violation of a municipal
16 ordinance may confine a ~~child~~ JUVENILE pursuant to ~~section 19-2-508,~~
17 ~~C.R.S.~~, SECTION 19-2.5-305 for up to forty-eight hours in a juvenile
18 detention facility operated by or under contract with the department of
19 human services. In imposing any jail sentence upon a juvenile for
20 violating any municipal ordinance when the municipal court has
21 jurisdiction over the juvenile pursuant to ~~section 19-2-104 (1)(a)(II),~~
22 ~~C.R.S.~~ SECTION 19-2.5-103 (1)(a)(II), a municipal court does not have the
23 authority to order a ~~child~~ JUVENILE under eighteen years of age to a
24 juvenile detention facility operated or contracted by the department of
25 human services.

26 **SECTION 12.** In Colorado Revised Statutes, 13-10-115.5, **amend**
27 (1)(a) as follows:

1 **13-10-115.5. Expungement of juvenile delinquent records -**
2 **definition.** (1) (a) For the purposes of this section, "expungement" is
3 defined in section 19-1-103. ~~(48)~~. Upon the entry of an expungement
4 order by a municipal court, the person who is the subject of the EXPUNGED
5 record ~~that has been expunged~~ may assert that he or she has no juvenile
6 municipal court record. The person who is the subject of the EXPUNGED
7 record ~~that has been expunged~~ may lawfully deny that he or she has ever
8 been arrested, charged, adjudicated, convicted, or sentenced in regard to
9 the expunged case, matter, or charge.

10

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11 **SECTION 13.** In Colorado Revised Statutes, 13-14-101, **amend**
12 (2.4)(a)(I) as follows:

13 **13-14-101. Definitions.** For purposes of this article 14, unless the
14 context otherwise requires:

15 (2.4) (a) "Protection order" means any order that prohibits the
16 restrained person from contacting, harassing, injuring, intimidating,
17 molesting, threatening, touching, stalking, or sexually assaulting or
18 abusing any protected person or from entering or remaining on premises,
19 or from coming within a specified distance of a protected person or
20 premises, or from taking, transferring, concealing, harming, disposing of
21 or threatening harm to an animal owned, possessed, leased, kept, or held
22 by a protected person, or any other provision to protect the protected
23 person from imminent danger to life or health that is issued by a court of
24 this state or a municipal court and that is issued pursuant to:

25 (I) This ~~article~~ ARTICLE 14, section 18-1-1001, ~~C.R.S., section~~
26 ~~19-2-707, C.R.S.,~~ 19-2.5-607, ~~section~~ OR19-4-111, ~~C.R.S.,~~ or rule 365 of
27 the Colorado rules of county court civil procedure;

1 **SECTION 14.** In Colorado Revised Statutes, 13-21-1002, **amend**
2 (1) as follows:

3 **13-21-1002. Computer dissemination of indecent material to**
4 **a child - prohibition.** (1) A person commits computer dissemination of
5 indecent material to a child when:

6 (a) Knowing the character and content of the communication
7 which, in whole or in part, depicts actual or simulated nudity, or sexual
8 conduct, as defined in section 19-1-103, ~~(97), C.R.S.~~, the person willfully
9 uses a computer, computer network, telephone network, data network, or
10 computer system allowing the input, output, examination, or transfer of
11 computer data or computer programs from one computer to another or a
12 text-messaging or instant-messaging system to initiate or engage in such
13 communication with a person he or she believes to be a child; and

14 (b) By means of such communication the person importunes,
15 invites, entices, or induces a person he or she believes to be a child to
16 engage in sexual contact, sexual intrusion, or sexual penetration with the
17 person, or to engage in a sexual performance or sexual conduct, as defined
18 in section 19-1-103, ~~(97), C.R.S.~~, for the person's benefit.

19 **SECTION 15.** In Colorado Revised Statutes, 13-22-107, **amend**
20 (2)(b) as follows:

21 **13-22-107. Legislative declaration - definitions - children -**
22 **waiver by parent of prospective negligence claims.** (2) As used in this
23 section, unless the context otherwise requires:

24 (b) For purposes of this section only, "parent" means a parent, as
25 defined in section 19-1-103, ~~(82), C.R.S.~~, a person who has guardianship
26 of the person, as defined in section 19-1-103, ~~(60), C.R.S.~~, a person who
27 has legal custody, as defined in section 19-1-103, ~~(73), C.R.S.~~, a legal

1 representative, as defined in section 19-1-103, ~~(73.5), C.R.S.~~, a physical
2 custodian, as defined in ~~section 19-1-103 (84), C.R.S.~~ SECTION
3 19-2.5-102, or a responsible person, as defined in section 19-1-103. ~~(94),~~
4 ~~C.R.S.~~

5 **SECTION 16.** In Colorado Revised Statutes, 13-25-126, **amend**
6 (1)(f) as follows:

7 **13-25-126. Genetic tests to determine parentage.** (1) (f) A
8 report of genetic testing ~~shall~~ MUST be in a record, defined in section
9 19-1-103, ~~(91.5), C.R.S.~~, and signed under penalty of perjury by a
10 designee of the testing laboratory. A report made pursuant to the
11 requirements of this ~~article~~ ARTICLE 25 is self-authenticating.

12 **SECTION 17.** In Colorado Revised Statutes, 13-90-107, **amend**
13 (1) introductory portion and (1)(i) as follows:

14 **13-90-107. Who may not testify without consent - definitions.**
15 (1) There are particular relations in which it is the policy of the law to
16 encourage confidence and to preserve it inviolate; therefore, a person ~~shall~~
17 MUST not be examined as a witness in the following cases:

18 (i) A confidential intermediary, as defined in section 19-1-103,
19 ~~(26), C.R.S.~~, ~~shall~~ MUST not be examined as to communications made to
20 ~~him or her~~ THE INTERMEDIARY in official confidence when the public
21 interests, in the judgment of the court, would suffer by the disclosure of
22 such communications.

23 **SECTION 18.** In Colorado Revised Statutes, 14-2-108, **amend** (1)
24 as follows:

25 **14-2-108. Judicial approval.** (1) The juvenile court, as defined
26 in section 19-1-103, ~~(17)~~, after a reasonable effort has been made to notify
27 the parents or legal guardians of each underage party, may order the

1 county clerk and recorder pursuant to subsection (2) of this section to
2 issue a marriage license and a marriage certificate form to a ~~party~~ PERSON
3 sixteen or seventeen years of age.

4 **SECTION 19.** In Colorado Revised Statutes, 14-10-124, **amend**
5 (1.3)(c) as follows:

6 **14-10-124. Best interests of child. (1.3) Definitions.** For
7 purposes of this section and section 14-10-129 (2)(c), unless the context
8 otherwise requires:

9 (c) "Sexual assault" has the same meaning as set forth in section
10 19-1-103. ~~(96.5), C.R.S.~~

11 **SECTION 20.** In Colorado Revised Statutes, **amend** 16-2.5-138
12 as follows:

13 **16-2.5-138. Juvenile probation officer - juvenile parole officer.**
14 A juvenile probation officer and a juvenile parole officer are peace
15 officers while engaged in the performance of their duties. ~~whose~~ THE
16 authority ~~shall be~~ OF A JUVENILE PROBATION OFFICER AND A JUVENILE
17 PAROLE OFFICER IS limited pursuant to ~~sections 19-2-926 and 19-2-1003,~~
18 ~~C.R.S.~~ SECTIONS 19-2.5-1107 AND 19-2.5-1204.

19 **SECTION 21.** In Colorado Revised Statutes, 16-5-301, **amend**
20 (1)(b)(III) as follows:

21 **16-5-301. Preliminary hearing or waiver - dispositional**
22 **hearing.** (1) (b) (III) The chief justice of the Colorado supreme court is
23 encouraged to promulgate rules defining the term "dispositional hearing"
24 for purposes of this ~~paragraph (b)~~ SUBSECTION (1)(b), section 18-1-404
25 (2), ~~C.R.S.~~, and ~~section 19-2-705 (1.5), C.R.S.~~ SECTION 19-2.5-609 (2).

26 **SECTION 22.** In Colorado Revised Statutes, 16-5-401, **amend**
27 (1)(c)(I), (1)(c)(II), and (1)(c)(III) as follows:

1 **16-5-401. Limitation for commencing criminal proceedings**
2 **and juvenile delinquency proceedings.** (1) (c) For purposes of this
3 section:

4 (I) "Delinquent act" has the same meaning as defined in ~~section~~
5 ~~19-1-103 (36), C.R.S.~~ SECTION 19-2.5-102.

6 (II) "Juvenile" means a child as defined in section 19-1-103 (18).
7 C.R.S. HAS THE SAME MEANING AS SET FORTH IN SECTION 19-1-103.

8 (III) "Petition in delinquency" means any petition filed by a district
9 attorney pursuant to ~~section 19-2-512, C.R.S.~~ SECTION 19-2.5-502.

10 **SECTION 23.** In Colorado Revised Statutes, 16-5-402, **amend** (4)
11 as follows:

12 **16-5-402. Limitation for collateral attack upon trial judgment**
13 **- definitions.** (4) For purposes of this section:

14 (a) "Adjudication", except as used in ~~paragraph (c) of subsection~~
15 ~~(2) SUBSECTION (2)(c) of this section,~~ includes "adjudicated" and has the
16 same meaning as defined in ~~section 19-1-103 (2), C.R.S.~~ SECTION
17 19-2.5-102.

18 (b) "Juvenile" means a child, as defined in section 19-1-103 (18).
19 C.R.S. HAS THE SAME MEANING AS SET FORTH IN SECTION 19-1-103.

20 **SECTION 24.** In Colorado Revised Statutes, 16-11-102, **amend**
21 (1.8) as follows:

22 **16-11-102. Presentence or probation investigation.** (1.8) ~~Upon~~
23 AT the request of either the prosecution or the defense, each presentence
24 report prepared regarding a youthful offender, as defined in section
25 18-1.3-407, ~~C.R.S.~~, who is eligible for sentencing to the youthful offender
26 system pursuant to ~~section 18-1.3-407.5, 19-2-517 (6), or 19-2-518~~
27 ~~(1)(d)(II), C.R.S., shall~~ SECTION 18-1.3-407.5, 19-2.5-801 (5), OR

1 19-2.5-802 (1)(d)(II) MUST include a determination by the warden of the
2 youthful offender system whether the youthful offender is acceptable for
3 sentencing to the youthful offender system. When making a determination,
4 the warden shall consider the nature and circumstances of the crime, the
5 circumstances and criminal history of the youthful offender, the available
6 bed space in the youthful offender system, and any other appropriate
7 considerations.

8 **SECTION 25.** In Colorado Revised Statutes, 16-11-214, **amend**
9 (1)(a) as follows:

10 **16-11-214. Fund created - probation services.** (1) (a) There is
11 ~~hereby~~ created in the state treasury the offender services fund to which
12 ~~shall~~ MUST be credited one hundred percent of any cost of care payments
13 or probation supervision fees paid to the state pursuant to section
14 18-1.3-204 (2)(a)(V) ~~or 19-2-114 (1), C.R.S.,~~ OR 19-2.5-1120 and from
15 which the general assembly shall make annual appropriations for
16 administrative and personnel costs for adult and juvenile probation
17 services, as well as for adjunct adult and juvenile probation services in the
18 judicial department, including treatment services, contract services, drug
19 and alcohol treatment services, and program development, and for
20 associated administrative and personnel costs. Any ~~moneys~~ MONEY
21 remaining in ~~said~~ THE fund at the end of any fiscal year ~~shall~~ DOES not
22 revert to the general fund.

23 **SECTION 26.** In Colorado Revised Statutes, 16-11.3-103, **amend**
24 (2)(g)(II) as follows:

25 **16-11.3-103. Duties of the commission - mission - staffing -**
26 **report - definition - repeal.** (2) The commission has the following
27 duties:

1 (g) (II) For purposes of this subsection (2)(g), "facility" means a
2 residential child care facility, specialized group facility, foster care home,
3 family child care home, or any other facility subject to the Colorado
4 "Child Care Licensing Act", part 1 of article 6 of title 26; noncertified
5 kinship care providers that provide care for children with an open child
6 welfare case who are in the legal custody of a county department; or a
7 facility or community placement, as described in ~~section 19-2-403~~
8 SECTION 19-2.5-1502, for a juvenile committed to the custody of the
9 department of human services. "Facility" does not include any adult
10 detention or correctional facility.

11 **SECTION 27.** In Colorado Revised Statutes, 16-13-1002, **amend**
12 (1) introductory portion and (1)(b) as follows:

13 **16-13-1002. Resentencing hearing for persons serving life**
14 **sentences without the possibility of parole as the result of a direct file**
15 **or transfer.** (1) A person may petition the sentencing court for a
16 resentencing hearing if ~~he or she~~ THE PERSON was:

17 (b) Convicted as an adult of a class 1 felony following direct filing
18 of an information or indictment in the district court pursuant to ~~section~~
19 ~~19-2-517, C.R.S.~~, SECTION 19-2.5-801 or transfer of proceedings to the
20 district court pursuant to ~~section 19-2-518, C.R.S.~~, SECTION 19-2.5-802 or
21 pursuant to either of these sections as they existed prior to their repeal and
22 reenactment, with amendments, by House Bill 96-1005; and

23 **SECTION 28.** In Colorado Revised Statutes, 16-18.5-106.5,
24 **amend** (1)(a) as follows:

25 **16-18.5-106.5. Lottery winnings offset - restitution.** (1) (a) The
26 judicial department shall, on no less than a monthly basis, certify to the
27 department of revenue information regarding any defendant who has been

1 ordered to pay restitution pursuant to section 18-1.3-603 ~~or 19-2-918,~~
2 ~~C.R.S.~~ OR 19-2.5-1104.

3 **SECTION 29.** In Colorado Revised Statutes, 16-18.5-106.7,
4 **amend** (1) as follows:

5 **16-18.5-106.7. Unclaimed property offset - definition.** (1) The
6 judicial department may enter into a memorandum of understanding with
7 the state treasurer, acting as the administrator of unclaimed property under
8 the "Revised Uniform Unclaimed Property Act", article 13 of title 38, for
9 the purpose of offsetting against a claim for unclaimed property the
10 unpaid amount of restitution the person making the claim has been
11 ordered to pay pursuant to section 18-1.3-603 ~~or 19-2-918~~ OR 19-2.5-1104.
12 When an offset is to be made, the judicial department or the court in
13 which the person's restitution obligation is pending shall notify the person
14 in writing that the state intends to offset the amount of the person's unpaid
15 restitution obligation against ~~his or her~~ THE PERSON'S claim for unclaimed
16 property.

17 **SECTION 30.** In Colorado Revised Statutes, 16-18.5-106.8,
18 **amend** (1) introductory portion and (5) as follows:

19 **16-18.5-106.8. State income tax refund offsets - restitution -**
20 **definitions.** (1) In any case in which a defendant has an unsatisfied
21 restitution obligation ordered pursuant to section 18-1.3-603 ~~or 19-2-918,~~
22 ~~C.R.S.~~ OR 19-2.5-1104, the judicial department is authorized to transmit
23 data concerning the obligation to the department of revenue for the
24 purpose of conducting a data match and offsetting the restitution
25 obligation against a state income tax refund pursuant to section 39-21-108
26 (3). ~~C.R.S.~~ For any restitution obligation identified by the judicial
27 department for offset, the state court administrator shall:

1 (5) As used in this section, "defendant" means any person,
2 including an adult or juvenile, who has been ordered to pay restitution
3 pursuant to section 18-1.3-603 ~~or 19-2-918~~, C.R.S. OR 19-2.5-1104.

4

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5 **SECTION 31**. In Colorado Revised Statutes, 16-22-113, **amend**
6 (1) introductory portion and (1)(e) as follows:

7 **16-22-113. Petition for removal from registry.** (1) Except as
8 ~~otherwise provided~~ REQUIRED in subsection (3) of this section, any person
9 required to register pursuant to section 16-22-103 or whose information
10 is required to be posted on the internet pursuant to section 16-22-111 may
11 file a petition with the court that issued the order of judgment for the
12 conviction that requires the person to register for an order to discontinue
13 the requirement for such registration or internet posting, or both, as
14 follows:

15 (e) Except as otherwise provided in subparagraph (II) of paragraph
16 (b) of subsection (1.3) SUBSECTION (1.3)(b)(II) of this section, if the
17 person was younger than eighteen years of age at the time of commission
18 of the offense, after the successful completion of and discharge from a
19 juvenile sentence or disposition, and if the person prior to such time has
20 not been subsequently convicted or has a pending prosecution for
21 unlawful sexual behavior or for any other offense, the underlying factual
22 basis of which involved unlawful sexual behavior, and the court did not
23 issue an order either continuing the duty to register or discontinuing the
24 duty to register pursuant to ~~paragraph (b) of subsection (1.3)~~ SUBSECTION
25 (1.3)(b) of this section. ~~Any~~ A person petitioning pursuant to this
26 ~~paragraph (e)~~ SUBSECTION (1)(e) may also petition for an order removing
27 ~~his or her~~ THE PERSON'S name from the sex offender registry. In

1 determining whether to grant the order, the court shall consider whether
2 the person is likely to commit a subsequent offense of or involving
3 unlawful sexual behavior. The court shall base its determination on
4 recommendations from the person's probation or community parole
5 officer, the person's treatment provider, and the prosecuting attorney for
6 the jurisdiction in which the person was tried and on the recommendations
7 included in the person's presentence investigation report. In addition, the
8 court shall consider any written or oral testimony submitted by the victim
9 of the offense for which the petitioner was required to register.
10 Notwithstanding the provisions of this subsection (1), a juvenile who files
11 a petition pursuant to this section may file the petition with the court to
12 which venue is transferred pursuant to ~~section 19-2-105, C.R.S.~~ SECTION
13 19-2.5-104, if any.

14 **SECTION 32.** In Colorado Revised Statutes, 17-1-103, **amend**
15 (1)(n) and (4) as follows:

16 **17-1-103. Duties of the executive director.** (1) The duties of the
17 executive director are:

18 (n) To contract with the department of human services to house in
19 a facility operated by the department of human services any juvenile under
20 the age of fourteen years who is sentenced as an adult to the department
21 of corrections and to provide services for the juvenile ~~as provided in~~
22 ~~section 19-2-518 (1)(e), C.R.S.~~ PURSUANT TO SECTION 19-2.5-802 (1)(e);

23 (4) For an inmate who was convicted as an adult of a class 1
24 felony following direct filing of an information or indictment in the
25 district court pursuant to ~~section 19-2-517, C.R.S.~~, SECTION 19-2.5-801 or
26 transfer of proceedings to the district court pursuant to ~~section 19-2-518,~~
27 ~~C.R.S.~~ SECTION 19-2.5-802, the executive director shall ensure that the

1 inmate has the opportunity to participate in treatment, programs, and
2 services that is equal to the opportunities granted to other inmates who
3 will be eligible for parole or discharge.

4 **SECTION 33.** In Colorado Revised Statutes, 17-22.5-104, **amend**
5 (2)(d)(IV) and (2)(d)(V) as follows:

6 **17-22.5-104. Parole - regulations.** (2) (d) (IV) Notwithstanding
7 ~~the provisions of subparagraph (f) of this paragraph (d)~~ SUBSECTION
8 (2)(d)(I) OF THIS SECTION, an inmate imprisoned ~~under~~ TO a life sentence
9 for a class 1 felony committed before July 1, 1990, or on or after July 1,
10 2006, who was convicted as an adult following direct filing of an
11 information or indictment in the district court pursuant to ~~section~~
12 ~~19-2-517, C.R.S.~~, SECTION 19-2.5-801 or transfer of proceedings to the
13 district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802,
14 may be eligible for parole after the inmate has served at least forty years,
15 less any earned time granted pursuant to section 17-22.5-405. An
16 application for parole may not be made or considered during this period.

17 (V) Notwithstanding ~~the provisions of subparagraph (f) of this~~
18 ~~paragraph (d)~~ SUBSECTION (2)(d)(I) OF THIS SECTION, an inmate sentenced
19 to life imprisonment for a class 1 felony committed on or after July 1,
20 1990, and before July 1, 2006, who was convicted as an adult following
21 direct filing of an information or indictment in the district court pursuant
22 to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801, or transfer of
23 proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~
24 SECTION 19-2.5-802, or pursuant to either of these sections as they existed
25 prior to their repeal and reenactment, with amendments, by House Bill
26 96-1005, may be eligible for parole after serving forty years, less any
27 earned time granted pursuant to section 17-22.5-405.

1 **SECTION 34.** In Colorado Revised Statutes, 17-22.5-403, **amend**
2 (2)(c)(I) as follows:

3 **17-22.5-403. Parole eligibility.** (2) (c) (I) A person who is
4 convicted as an adult of a class 1 felony following a direct filing of an
5 information or indictment in the district court pursuant to ~~section~~
6 ~~19-2-517, C.R.S.~~ SECTION 19-2.5-801, or transfer of proceedings to the
7 district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802, or
8 pursuant to either of these sections as they existed prior to their repeal and
9 reenactment, with amendments, by House Bill 96-1005, which felony was
10 committed on or after July 1, 1990, and before July 1, 2006, and who is
11 resentenced pursuant to section 18-1.3-401 (4)(c), ~~C.R.S.~~, is not entitled
12 to receive any reduction of ~~his or her~~ THE PERSON'S sentence pursuant to
13 this section.

14 **SECTION 35.** In Colorado Revised Statutes, 17-22.5-403.7,
15 **amend** (1)(a)(I) and (1)(a)(II) as follows:

16 **17-22.5-403.7. Parole eligibility - class 1 felony - juvenile**
17 **offender convicted as adult - definition.** (1) As used in this section,
18 "inmate" means a person:

19 (a) (I) Who is convicted as an adult of a class 1 felony following
20 direct filing of an information or indictment in the district court pursuant
21 to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801; or

22 (II) Who is convicted as an adult of a class 1 felony following
23 transfer of proceedings to the district court pursuant to ~~section 19-2-518,~~
24 ~~C.R.S.~~ SECTION 19-2.5-802; and

25 **SECTION 36.** In Colorado Revised Statutes, **amend** 17-26-121
26 as follows:

27 **17-26-121. Juveniles - confinement - when.** ~~No jail shall~~ A JAIL

1 SHALL NOT receive a juvenile prisoner for confinement unless the juvenile
2 has been charged by the direct filing of an information in the district court
3 or by indictment pursuant to ~~section 19-2-517, C.R.S.~~, SECTION 19-2.5-801
4 or the juvenile has been ordered by the court to be held for criminal
5 proceedings pursuant to ~~section 19-2-518 (1), C.R.S.~~ SECTION 19-2.5-802.

6 **SECTION 37.** In Colorado Revised Statutes, 17-31-102, **amend**
7 (3)(c), (3)(d), and (3)(e) as follows:

8 **17-31-102. Definitions.** As used in this article 31, unless the
9 context otherwise requires:

10 (3) "Institution" means any of the following:

11 (c) A halfway house, as that term is defined in ~~section 19-1-103~~
12 ~~(62), C.R.S.~~ SECTION 19-2.5-102;

13 (d) A diagnostic and evaluation center, as that term is defined in
14 ~~section 19-1-103 (41), C.R.S.~~ SECTION 19-2.5-102;

15 (e) A receiving center, as that term is defined in ~~section 19-1-103~~
16 ~~(90), C.R.S.~~ SECTION 19-2.5-102;

17 **SECTION 38.** In Colorado Revised Statutes, 17-34-101, **amend**
18 (1)(a) introductory portion as follows:

19 **17-34-101. Juveniles who are convicted as adults in district**
20 **court - eligibility for specialized program placement - petitions.**

21 (1) (a) Notwithstanding any other provision of law, an offender serving
22 a sentence in the department for a felony offense as a result of the filing
23 of criminal charges by an information or indictment pursuant to ~~section~~
24 ~~19-2-517~~ SECTION 19-2.5-801, or the transfer of proceedings to the district
25 court pursuant to ~~section 19-2-518~~ SECTION 19-2.5-802, or pursuant to
26 either of these sections as they existed prior to their repeal and
27 reenactment, with amendments, by House Bill 96-1005, and who remains

1 in the custody of the department for that felony offense, may petition for
2 placement in the specialized program described in section 17-34-102,
3 referred to within this section as the "specialized program", as follows:

4 **SECTION 39.** In Colorado Revised Statutes, 17-34-102, **amend**
5 (1) as follows:

6 **17-34-102. Specialized program for juveniles convicted as**
7 **adults - report.** (1) The department shall develop and implement a
8 specialized program for offenders who have been sentenced to an adult
9 prison for a felony offense committed while the offender was less than
10 eighteen years of age as a result of the filing of criminal charges by an
11 information or indictment pursuant to ~~section 19-2-517, C.R.S.~~ SECTION
12 19-2.5-801, or the transfer of proceedings to the district court pursuant to
13 ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802, or pursuant to either of
14 these sections as they existed prior to their repeal and reenactment, with
15 amendments, by House Bill 96-1005, and who are determined to be
16 appropriate for placement in the specialized program. The department
17 shall implement the specialized program within or in conjunction with a
18 facility operated by, or under contract with, the department.

19 **SECTION 40.** In Colorado Revised Statutes, 18-1.3-104, **amend**
20 (1)(h)(I) as follows:

21 **18-1.3-104. Alternatives in imposition of sentence.** (1) Within
22 the limitations of the applicable statute pertaining to sentencing and
23 subject to the provisions of this title 18, the trial court has the following
24 alternatives in entering judgment imposing a sentence:

25 (h) (I) If the defendant is eligible pursuant to section 18-1.3-407.5
26 or ~~section 19-2-517(6), C.R.S.~~ SECTION 19-2.5-801 (5), the defendant may
27 be sentenced to the youthful offender system in accordance with section

1 18-1.3-407.

2 **SECTION 41.** In Colorado Revised Statutes, 18-1.3-301, **amend**
3 (1)(a) as follows:

4 **18-1.3-301. Authority to place offenders in community**
5 **corrections programs.** (1) (a) ~~Any~~ A judge of a district court may refer
6 ~~any~~ AN offender convicted of a felony to a community corrections
7 program unless ~~such~~ THE offender is required to be sentenced pursuant to
8 section 18-1.3-406 (1) or a sentencing provision that requires a sentence
9 to the department of corrections. If an offender who is sentenced pursuant
10 to section 18-1.3-406 (1) has such sentence modified upon the finding of
11 unusual and extenuating circumstances pursuant to such section, ~~such~~ THE
12 offender may be referred to a community corrections program if ~~such~~ THE
13 offender is otherwise eligible for such program and is approved for
14 placement pursuant to section 17-27-103 (5) ~~C.R.S.~~, and section
15 17-27-104 (3). ~~C.R.S.~~ For the purposes of this ~~article~~ ARTICLE 1.3, persons
16 sentenced pursuant to ~~the provisions of sections 19-2-908 (1)(a)(I) and~~
17 ~~(1)(c)(I)(B) and 19-2-910 (2), C.R.S., shall be~~ SECTIONS 19-2.5-1118 (2)
18 AND 19-2.5-1126 (1)(a)(I) AND (1)(c)(I)(B) ARE deemed to be offenders.

19 **SECTION 42.** In Colorado Revised Statutes, 18-1.3-401, **amend**
20 (4)(b)(I) and (4)(c)(I) introductory portion as follows:

21 **18-1.3-401. Felonies classified - presumptive penalties.**
22 (4) (b) (I) Notwithstanding ~~the provisions of sub-subparagraph (A) of~~
23 ~~subparagraph (V) of paragraph (a) of subsection (1)~~ SUBSECTION
24 (1)(a)(V)(A) of this section and notwithstanding ~~the provisions of~~
25 ~~paragraph (a) of this subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION,
26 as to a person who is convicted as an adult of a class 1 felony following
27 direct filing of an information or indictment in the district court pursuant

1 to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801 or transfer of
2 proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~
3 SECTION 19-2.5-802, the district court judge shall sentence the person to
4 a term of life imprisonment with the possibility of parole after serving a
5 period of forty years, less any earned time granted pursuant to section
6 17-22.5-405. ~~C.R.S.~~ Regardless of whether the state board of parole
7 releases the person on parole, the person shall remain in the legal custody
8 of the department of corrections for the remainder of the person's life and
9 shall not be discharged.

10 (c) (I) Notwithstanding the provisions of ~~sub-subparagraph (A) of~~
11 ~~subparagraph (V) of paragraph (a) of subsection (1)~~ SUBSECTION
12 (1)(a)(V)(A) of this section and notwithstanding the provisions of
13 ~~paragraphs (a) and (b) of this subsection (4)~~ SUBSECTIONS (4)(a) AND
14 (4)(b) OF THIS SECTION, as to a person who is convicted as an adult of a
15 class 1 felony following a direct filing of an information or indictment in
16 the district court pursuant to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801,
17 or transfer of proceedings to the district court pursuant to ~~section~~
18 ~~19-2-518, C.R.S.~~ SECTION 19-2.5-802, or pursuant to either of these
19 sections as they existed prior to their repeal and reenactment, with
20 amendments, by House Bill 96-1005, which felony was committed on or
21 after July 1, 1990, and before July 1, 2006, and who received a sentence
22 to life imprisonment without the possibility of parole:

23 **SECTION 43.** In Colorado Revised Statutes, 18-1.3-407, **amend**
24 (1)(b), (2)(a)(I), (2.1)(a) introductory portion, and (5)(b)(II) as follows:

25 **18-1.3-407. Sentences - youthful offenders - powers and duties**
26 **of district court - authorization for youthful offender system - powers**
27 **and duties of department of corrections - legislative declaration -**

1 **definitions.** (1) (b) It is the further intent of the general assembly in
2 enacting this section that female and male offenders who are eligible for
3 sentencing to the youthful offender system pursuant to section
4 18-1.3-407.5 or ~~section 19-2-517 (6) or 19-2-518 (1)(d)(II), C.R.S.,~~
5 SECTION 19-2.5-801 (5) OR 19-2.5-802 (1)(d)(II) receive equitable
6 treatment in sentencing, particularly in regard to the option of being
7 sentenced to the youthful offender system. Accordingly, it is the general
8 assembly's intent that THE DEPARTMENT OF CORRECTIONS TAKE necessary
9 measures ~~be taken by the department of corrections~~ to establish separate
10 housing for female and male offenders who are sentenced to the youthful
11 offender system without compromising the equitable treatment of either.

12 (2) (a) (I) A juvenile may be sentenced to the youthful offender
13 system created pursuant to this section under the circumstances set forth
14 in ~~section 19-2-517 (6)(a)(II) or 19-2-518 (1)(d)(II), C.R.S.~~ SECTION
15 19-2.5-801 (5)(a)(II) OR 19-2.5-802 (1)(d)(II). A young adult offender
16 may be sentenced to the youthful offender system created pursuant to this
17 section under the circumstances set forth in section 18-1.3-407.5. In order
18 to sentence a juvenile or young adult offender to the youthful offender
19 system, the court shall first impose upon such person a sentence to the
20 department of corrections in accordance with section 18-1.3-401. The
21 court shall thereafter suspend such sentence conditioned on completion of
22 a sentence to the youthful offender system, including a period of
23 community supervision. The court shall impose any such sentence to the
24 youthful offender system for a determinate period of not fewer than two
25 years nor more than six years; except that a juvenile or young adult
26 offender convicted of a class 2 felony may be sentenced for a determinate
27 period of up to seven years. In imposing ~~such~~ THE sentence, the court shall

1 grant authority to the department of corrections to place the offender
2 under a period of community supervision for a period of not fewer than
3 six months and up to twelve months any time after the date on which the
4 offender has twelve months remaining to complete the determinate
5 sentence. The court may award an offender sentenced to the youthful
6 offender system credit for presentence confinement; except that such
7 credit shall not reduce the offender's actual time served in the youthful
8 offender system to fewer than two years. The court shall have a
9 presentence investigation conducted before sentencing a juvenile or young
10 adult offender pursuant to this section. Upon the request of either the
11 prosecution or the defense, the presentence report ~~shall~~ MUST include a
12 determination by the warden of the youthful offender system whether the
13 offender is acceptable for sentencing to the youthful offender system.
14 When making a determination, the warden shall consider the nature and
15 circumstances of the crime; the age, circumstances, and criminal history
16 of the offender; the available bed space in the youthful offender system;
17 and any other appropriate considerations.

18 (2.1) (a) As originally enacted, this section applied only to offenses
19 committed by juveniles on or after September 13, 1993. For purposes of
20 extending the availability of sentencing options, a juvenile who meets the
21 criteria set forth in ~~section 19-2-517(6)(a)(II), C.R.S.~~, SECTION 19-2.5-801
22 (5)(a)(II) may be sentenced to the youthful offender system pursuant to
23 this section under the following circumstances:

24 (5) (b) (II) ~~Any~~ AN offender who is resentenced pursuant to this
25 ~~paragraph (b)~~ SUBSECTION (5)(b) shall continue to be treated as an adult
26 for purposes of sentencing and shall not be sentenced pursuant to ~~article~~
27 ~~2 of title 19, C.R.S.~~ ARTICLE 2.5 OF TITLE 19.

1 **SECTION 44.** In Colorado Revised Statutes, 18-1.3-407.5,
2 **amend** (1)(a) introductory portion and (1)(a)(VI) as follows:

3 **18-1.3-407.5. Sentences - young adult offenders - youthful**
4 **offender system - definitions.** (1) (a) A young adult offender may be
5 sentenced to the youthful offender system in the department of corrections
6 in accordance with section 18-1.3-407, ~~under~~ IN the following
7 circumstances:

8 (VI) The young adult offender is convicted of a felony offense,
9 and is determined to have been an "~~habitual~~" REPEAT juvenile offender",
10 as ~~defined in section 19-1-103 (61), C.R.S.~~ DESCRIBED IN SECTION
11 19-2.5-1125.

12 **SECTION 45.** In Colorado Revised Statutes, **amend** 18-1.3-502
13 as follows:

14 **18-1.3-502. Duration of sentences for misdemeanors.** Courts
15 sentencing ~~any~~ A person for the commission of a misdemeanor to the
16 custody of the executive director of the department of corrections shall not
17 fix a minimum term but may fix a maximum term less than the maximum
18 provided by law for the offense. ~~The persons~~ A PERSON so sentenced ~~shall~~
19 MUST be imprisoned, released under parole, and discharged as provided
20 by other applicable statutes. ~~No~~ A person sentenced to a correctional
21 facility for the commission of a misdemeanor shall NOT be subjected to
22 imprisonment for a term exceeding the maximum term provided by the
23 statute fixing the maximum length of the sentence for the crime of which
24 ~~he or she~~ THE PERSON was convicted and for which ~~he or she~~ THE PERSON
25 was sentenced. A person sentenced to a term of imprisonment for the
26 commission of a misdemeanor ~~shall be~~ IS entitled to the same time credits
27 as if ~~he or she~~ THE PERSON were sentenced to a term of imprisonment for

1 the commission of a felony. ~~No~~ A person committed as a juvenile
2 delinquent shall NOT be imprisoned for a term exceeding two years, except
3 as otherwise provided for aggravated juvenile offenders in ~~section~~
4 ~~19-2-601, C.R.S.~~ SECTION 19-2.5-1127.

5
6 **SECTION 46.** In Colorado Revised Statutes, 18-1.3-801, **amend**
7 (5) as follows:

8 **18-1.3-801. Punishment for habitual criminals.** (5) A current
9 or prior conviction for escape, as described in section 18-8-208 (1), (2),
10 or (3), or attempt to escape, as described in section 18-8-208.1 (1) or (2),
11 may not be used for the purpose of adjudicating a person an habitual
12 criminal as described in subsection (1.5) or subsection (2) of this section
13 unless the conviction is based on the offender's escape or attempt to
14 escape from a correctional facility, as defined in section 17-1-102, or from
15 physical custody within a county jail; except that, for the purposes of this
16 section, "correctional facility" does not include a community corrections
17 facility, as defined in section 17-27-102 (2.5), or a halfway house, as
18 defined in ~~section 19-1-103 (62)~~ SECTION 19-2.5-102.

19 **SECTION 47.** In Colorado Revised Statutes, 18-3-414.5, **amend**
20 (1)(a)(I) as follows:

21 **18-3-414.5. Sexually violent predators - assessment - annual**
22 **report - definitions.** (1) As used in this section, unless the context
23 otherwise requires:

24 (a) "Sexually violent predator" means an offender:

25 (I) Who is eighteen years of age or older as of the date the offense
26 is committed or who is less than eighteen years of age as of the date the
27 offense is committed but is tried as an adult pursuant to ~~section 19-2-517~~

1 ~~or 19-2-518, C.R.S.~~ SECTION 19-2.5-801 OR 19-2.5-802;

2 **SECTION 48.** In Colorado Revised Statutes, 18-4-509, **amend**
3 (1)(c)(II)(B.5), (2)(a)(II), and (2)(a)(IV) as follows:

4 **18-4-509. Defacing property - definitions.** (1) (c) (II) For
5 purposes of this section:

6 (B.5) "Juvenile" ~~shall have~~ HAS the same meaning as set forth in
7 ~~section 19-1-103 (68), C.R.S.~~ SECTION 19-2.5-102.

8 (2) (a) (II) In sentencing a person who violates this section, the
9 court has discretion to impose alternatives in sentencing as described in
10 part 1 of article 1.3 of this ~~title~~ TITLE 18, including but not limited to
11 restorative justice practices, as defined in section 18-1-901 (3)(o.5), or in
12 the case of a juvenile offender, to impose restorative justice, as defined in
13 ~~section 19-1-103 (94.1), C.R.S.~~ SECTION 19-2.5-102.

14 (IV) Fifty percent of the fines collected pursuant to this ~~paragraph~~
15 ~~(a)~~ SUBSECTION (2)(a) shall be credited to the highway users tax fund,
16 created in section 43-4-201, ~~C.R.S.~~, and allocated and expended as
17 specified in section 43-4-205 (5.5)(a), ~~C.R.S.~~, and fifty percent of the fines
18 collected pursuant to this ~~paragraph~~ ~~(a)~~ SUBSECTION (2)(a) shall be
19 credited to the juvenile diversion cash fund created in ~~section 19-2-303.5,~~
20 ~~C.R.S.~~ SECTION 19-2.5-403; except that the fines collected pursuant to
21 ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section shall be
22 credited to the Colorado travel and tourism promotion fund created in
23 section 24-49.7-106. ~~C.R.S.~~

24 **SECTION 49.** In Colorado Revised Statutes, 18-6-803.5, **amend**
25 (1.5)(a.5)(I)(A) as follows:

26 **18-6-803.5. Crime of violation of a protection order - penalty**
27 **- peace officers' duties - definitions.** (1.5) As used in this section:

1 (a.5) (I) "Protection order" means any order that prohibits the
2 restrained person from contacting, harassing, injuring, intimidating,
3 molesting, threatening, or touching any protected person or protected
4 animal, or from entering or remaining on premises, or from coming within
5 a specified distance of a protected person or protected animal or premises
6 or any other provision to protect the protected person or protected animal
7 from imminent danger to life or health, that is issued by a court of this
8 state or a municipal court, and that is issued pursuant to:

9 (A) Article 14 of title 13, ~~C.R.S.~~, section 18-1-1001, ~~section~~
10 ~~19-2-707, C.R.S.~~ SECTION 19-2.5-607, section 19-4-111, ~~C.R.S.~~, or rule
11 365 of the Colorado rules of county court civil procedure;

12 **SECTION 50.** In Colorado Revised Statutes, 18-6-803.7, **amend**
13 (1)(b.5)(I)(A) and (2)(b) as follows:

14 **18-6-803.7. Central registry of protection orders - creation.**

15 (1) As used in this section:

16 (b.5) (I) "Protection order" means any order that prohibits the
17 restrained person from contacting, harassing, injuring, intimidating,
18 molesting, threatening, or touching any protected person, or from entering
19 or remaining on premises, or from coming within a specified distance of
20 a protected person or premises, that is issued by a court of this state or an
21 authorized municipal court, and that is issued pursuant to:

22 (A) Article 14 of title 13, ~~C.R.S.~~, section 18-1-1001, ~~section~~
23 ~~19-2-707, C.R.S.~~ SECTION 19-2.5-607, section 19-4-111, ~~C.R.S.~~, or rule
24 365 of the Colorado rules of county court civil procedure;

25 (2) (b) THE CLERK OF THE COURT ISSUING THE PROTECTION ORDER
26 SHALL ENTER protection orders and subsequent orders ~~shall be entered~~ into
27 the registry; ~~by the clerk of the court issuing the protection order;~~ except

1 that orders issued pursuant to sections 18-1-1001 ~~and 19-2-707, C.R.S.,~~
2 ~~shall~~ AND 19-2.5-607 MUST be entered into the registry only at the
3 discretion of the court or upon motion of the district attorney. The clerk
4 of the court issuing the protection order ~~shall be~~ IS responsible for
5 updating the registry electronically in a timely manner to ensure the notice
6 is as complete and accurate as is reasonably possible with regard to the
7 information specified in subsection (3) of this section.

8 **SECTION 51.** In Colorado Revised Statutes, 18-8-208, **amend**
9 (4.5) and (11) as follows:

10 **18-8-208. Escapes.** (4.5) A person commits a class 3
11 misdemeanor if ~~he or she~~ THE PERSON has been committed to the division
12 of youth services in the department of human services for a delinquent act,
13 is ~~over~~ MORE THAN eighteen years of age, and escapes from a staff secure
14 facility as defined in ~~section 19-1-103 (101.5)~~ SECTION 19-2.5-102, other
15 than a state-operated locked facility.

16 (11) If a person is serving a direct sentence to a community
17 corrections program pursuant to section 18-1.3-301, or is transitioning
18 from the department of corrections to a community corrections program,
19 or is placed in an intensive supervision program pursuant to section
20 17-27.5-101, or is participating in a work release or home detention
21 program pursuant to section 18-1.3-106 (1.1), intensive supervision
22 program or any other similar authorized supervised or unsupervised
23 absence from a detention facility as defined in section 18-8-203 (3), is
24 housed in a staff secure facility as defined in ~~section 19-1-103 (101.5)~~
25 SECTION 19-2.5-102, or is placed in a community corrections program for
26 purposes of obtaining residential treatment as a condition of probation
27 pursuant to section 18-1.3-204 (2.2) or 18-1.3-301 (4)(b), then the person

1 is not in custody or confinement for purposes of this section.

2 **SECTION 52.** In Colorado Revised Statutes, 18-8-208.1, **amend**
3 (1.5) and (7) as follows:

4 **18-8-208.1. Attempt to escape.** (1.5) If a person is serving a
5 direct sentence to a community corrections program pursuant to section
6 18-1.3-301, or is transitioning from the department of corrections to a
7 community corrections program, or is placed in an intensive supervision
8 program pursuant to section 17-27.5-101, or is participating in a work
9 release or home detention program pursuant to section 18-1.3-106 (1.1),
10 intensive supervision program, or any other similar authorized supervised
11 or unsupervised absence from a detention facility as defined in section
12 18-8-203 (3), is housed in a staff secure facility as defined in ~~section~~
13 ~~19-1-103 (101.5)~~ SECTION 19-2.5-102, or is placed in a community
14 corrections program for purposes of obtaining residential treatment as a
15 condition of probation pursuant to section 18-1.3-204 (2.2) or 18-1.3-301
16 (4)(b), then the person is not in custody or confinement for purposes of
17 this section.

18 (7) ~~Any~~ A person held in a staff secure facility, as defined in
19 ~~section 19-1-103 (101.5), C.R.S., shall be~~ SECTION 19-2.5-102, IS deemed
20 ~~to be~~ in custody or confinement for purposes of this section.

21 **SECTION 53.** In Colorado Revised Statutes, 18-8-208.2, **amend**
22 (1) introductory portion as follows:

23 **18-8-208.2. Unauthorized absence.** (1) A person who is serving
24 a direct sentence to a community corrections program pursuant to section
25 18-1.3-301; transitioning from the department of corrections to a
26 community corrections program or placed in an intensive supervision
27 program pursuant to section 17-27.5-101; participating in a work release

1 or home detention program pursuant to 18-1.3-106 (1.1), intensive
2 supervision program, or any other similar authorized supervised or
3 unsupervised absence from a detention facility as defined in section
4 18-8-203 (3); or is housed in a staff secure facility as defined in ~~section~~
5 ~~19-1-103 (101.5)~~ SECTION 19-2.5-102 commits the crime of unauthorized
6 absence if the person knowingly:

7 **SECTION 54.** In Colorado Revised Statutes, **amend** 18-8-210.1
8 as follows:

9 **18-8-210.1. Persons in custody or confinement - juvenile**
10 **offenders.** For the purposes of this part 2, any reference to custody,
11 confinement, charged with, held for, convicted of, a felony, misdemeanor,
12 or petty offense ~~shall be deemed to include~~ INCLUDES a juvenile who is
13 detained or committed for the commission of an act ~~which~~ THAT would
14 constitute such a felony, misdemeanor, or petty offense if committed by
15 an adult or who is the subject of a petition filed pursuant to ~~article 2 of~~
16 ~~title 19, C.R.S.~~, ARTICLE 2.5 OF TITLE 19 alleging the commission of such
17 a delinquent act or a juvenile who has been adjudicated a juvenile
18 delinquent ~~as provided for in article 2 of title 19, C.R.S.~~, PURSUANT TO
19 ARTICLE 2.5 OF TITLE 19 for an act ~~which~~ THAT would constitute a felony,
20 misdemeanor, or petty offense if committed by an adult.

21 **SECTION 55.** In Colorado Revised Statutes, 18-9-313, **amend**
22 (1)(a)(V) as follows:

23 **18-9-313. Personal information on the internet - law**
24 **enforcement official - victims of domestic violence, sexual assault, and**
25 **stalking - protection for human services workers - definitions.** (1) As
26 used in this section:

27 (a) "Human services worker" means:

1 (V) An employee of a juvenile detention facility established and
2 operated pursuant to ~~section 19-2-403~~ SECTION 19-2.5-1502 or an
3 employee of the division of youth services within the department of
4 human services, including an employee under contract with the division
5 of youth services, who has contact with juveniles involved with youth
6 services.

7 SECTION 56. In Colorado Revised Statutes, 18-12-108.5, **amend**
8 (1)(d) as follows:

9 **18-12-108.5. Possession of handguns by juveniles - prohibited**
10 **- exceptions - penalty.** (1) (d) ~~Any~~ A person under the age of eighteen
11 years who is taken into custody by a law enforcement officer for an
12 offense pursuant to this section ~~shall~~ MUST be taken into temporary
13 custody in the manner described in ~~section 19-2-508, C.R.S.~~ SECTION
14 19-2.5-305.

15 SECTION 57. In Colorado Revised Statutes, 18-12-203, **amend**
16 (1)(g)(I) as follows:

17 **18-12-203. Criteria for obtaining a permit.** (1) Beginning May
18 17, 2003, except as ~~otherwise provided in~~ SET FORTH IN this section, a
19 sheriff shall issue a permit to carry a concealed handgun to an applicant
20 who:

21 (g) Is not subject to:

22 (I) A protection order issued pursuant to section 18-1-1001 or
23 ~~section 19-2-707, C.R.S.;~~ SECTION 19-2.5-607 that is in effect at the time
24 the application is submitted; or

25 SECTION 58. In Colorado Revised Statutes, 18-18-407, **amend**
26 (1)(e) as follows:

27 **18-18-407. Special offender - definitions.** (1) A person who

1 commits a felony offense ~~under~~ PURSUANT TO this part 4 under any one or
2 more of the following aggravating circumstances commits a level 1 drug
3 felony and is a special offender:

4 (e) The defendant solicited, induced, encouraged, intimidated,
5 employed, hired, or procured a child, as defined in section 19-1-103, ~~(18),~~
6 ~~C.R.S.~~, to act as ~~his or her~~ THE DEFENDANT'S agent to assist in the
7 unlawful distribution, manufacturing, dispensing, sale, or possession for
8 the purposes of sale of any controlled substance at the time of the
9 commission of the violation. It ~~shall not be~~ IS NOT a defense ~~under~~
10 PURSUANT TO this ~~paragraph (e)~~ SUBSECTION (1)(e) that the defendant did
11 not know the age of ~~any such~~ THE child.

12 **SECTION 59.** In Colorado Revised Statutes, 18-18-412, **amend**
13 (5) as follows:

14 **18-18-412. Abusing toxic vapors - prohibited.** (5) ~~Any~~ A
15 juvenile charged with an offense pursuant to this section ~~shall be~~ IS subject
16 to the jurisdiction of the juvenile court pursuant to ~~section 19-2-104,~~
17 ~~C.R.S.~~ SECTION 19-2.5-103.

18 **SECTION 60.** In Colorado Revised Statutes, 19-1-104, **amend**
19 (1)(a), (5), and (8)(a)(I) as follows:

20 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,
21 the juvenile court has exclusive original jurisdiction in proceedings:

22 (a) Concerning any child committing a delinquent act, as defined
23 in ~~section 19-1-103 (36)~~ SECTION 19-2.5-102;

24 (5) Where a custody award or an order allocating parental
25 responsibilities with respect to a child has been made in a district court in
26 a dissolution of marriage action or another proceeding and the jurisdiction
27 of the district court in the case is continuing, the juvenile court may take

1 jurisdiction in a case involving the same child if ~~he or she~~ THE CHILD
2 comes within the jurisdiction of the juvenile court. The juvenile court shall
3 provide notice in compliance with the Colorado rules of civil procedure;
4 except that service must be effected not less than seven business days
5 prior to the hearing. The notice must be written in clear language stating
6 that the hearing concerns the allocation of parental responsibilities. When
7 creating or modifying an existing order, the juvenile court shall proceed
8 as set forth in subsection (6) of this section for a dependency and neglect
9 proceeding pursuant to article 3 of this title 19, or as set forth in
10 subsection (8) of this section for a juvenile delinquency case pursuant to
11 ~~article 2 of this title 19~~ ARTICLE 2.5 OF THIS TITLE 19.

12 (8) (a) Upon submission of a stipulated agreement of all parties,
13 parents, guardians, and other legal custodians, if the juvenile court finds
14 that it is in the best interests of the juvenile, the juvenile court may enter
15 an order allocating parental responsibilities and addressing parenting time
16 and child support matters when:

17 (I) The juvenile court has maintained jurisdiction in a case
18 involving an adjudicated juvenile, a juvenile with a deferred adjudication,
19 or a juvenile on a management plan developed pursuant to ~~section~~
20 ~~19-2-1303 (3)~~ SECTION 19-2.5-704 (3);

21 **SECTION 61.** In Colorado Revised Statutes, 19-1-107, **amend** (3)
22 as follows:

23 **19-1-107. Social study and other reports.** (3) In ~~any~~ A case
24 where placement out of the home is recommended, the social study
25 required by subsection (1) of this section ~~shall~~ MUST include the cost of
26 the recommended placement and an evaluation for placement containing
27 the information required by section 19-1-115 (8)(e). ~~Placement criteria~~

1 ~~shall be developed jointly by~~ The department of education and the
2 department of human services SHALL JOINTLY DEVELOP PLACEMENT
3 CRITERIA, and, in the case of matters involving juvenile delinquency, THE
4 CRITERIA MUST BE in accordance with the criteria for the placement of
5 juveniles specified in ~~section 19-2-212 (1)(a)~~ SECTION 19-2.5-1404. Such
6 criteria ~~shall~~ MUST be used by the agency designated by the court to
7 determine its recommendation about the need for placement.

8 **SECTION 62.** In Colorado Revised Statutes, 19-1-108, **amend**
9 (1), (3)(a.5), (3)(b), and (6) as follows:

10 **19-1-108. Magistrates - qualifications - duties.** (1) The juvenile
11 court may appoint one or more magistrates to hear any case or matter
12 under the court's jurisdiction, except where a jury trial has been requested
13 pursuant to ~~section 19-2-107~~ SECTION 19-2.5-610 and in transfer hearings
14 held pursuant to ~~section 19-2-518~~ SECTION 19-2.5-802. Magistrates shall
15 serve at the pleasure of the court, unless otherwise provided by law.

16 (3) (a.5) Magistrates shall conduct hearings in the manner
17 provided for the hearing of cases by the court. During the initial
18 advisement of the rights of any party, the magistrate shall inform the party
19 that, except as ~~provided~~ SET FORTH in this subsection (3), ~~he or she~~ THE
20 PARTY has the right to a hearing before the judge in the first instance and
21 ~~that he or she~~ THE PARTY may waive that right but that, by waiving that
22 right, ~~he or she~~ THE PARTY is bound by the findings and recommendations
23 of the magistrate, subject to a request for review as ~~provided~~ SET FORTH
24 in subsection (5.5) of this section. The right to require a hearing before a
25 judge does not apply to hearings at which a child is advised of his or her
26 rights pursuant to ~~section 19-2-706~~ SECTION 19-2.5-605; detention
27 hearings held pursuant to ~~sections 19-2-507, 19-2-507.5, and 19-2-508~~

1 SECTIONS 19-2.5-303, 19-2.5-304, AND 19-2.5-305; preliminary hearings
2 held pursuant to ~~section 19-2-705~~ SECTION 19-2.5-609; temporary custody
3 hearings held pursuant to section 19-3-403; proceedings held pursuant to
4 article 4 of this title 19; and support proceedings held pursuant to article
5 6 of this title 19. In proceedings held pursuant to article 4 or 6 of this title
6 19, contested final orders regarding allocation of parental responsibilities
7 may be heard by the magistrate only with the consent of all parties.

8 (b) In proceedings ~~under article 2 of this title~~ PURSUANT TO
9 ARTICLE 2.5 OF THIS TITLE 19, the right to require a hearing before a judge
10 ~~shall be~~ IS deemed waived unless a request is made by any party that the
11 hearing be held before a judge at the time the matter is set for hearing.

12 (6) A magistrate may issue a lawful warrant taking a child into
13 custody pursuant to ~~section 19-2-503~~ SECTION 19-2.5-204 and may issue
14 search warrants as provided in ~~sections 19-1-112 and 19-2-504~~ SECTIONS
15 19-1-112 AND 19-2.5-205.

16 **SECTION 63.** In Colorado Revised Statutes, 19-1-112, **amend** (8)
17 as follows:

18 **19-1-112. Search warrants for the protection of children.** (8) If
19 the child is found, the child may be taken into custody ~~in conformance~~
20 ~~with the provisions of section 19-2-201~~ PURSUANT TO SECTION 19-2.5-209
21 or ~~section~~ 19-3-401.

22 **SECTION 64.** In Colorado Revised Statutes, 19-1-114, **amend**
23 (3)(b) as follows:

24 **19-1-114. Order of protection.** (3) (b) The court may, when the
25 court determines that it is in the best interests of the child, make an order
26 of protection ~~which shall be~~ THAT IS applicable to a parent or guardian of
27 a child and the person with whom the child resides, if other than the

1 child's parent or guardian, subject to ~~the provisions of article 2 of this title~~
2 ARTICLE 2.5 OF THIS TITLE 19. The order ~~shall~~ MUST require the parent or
3 guardian and the person with whom the child resides, if other than the
4 parent or guardian, to be present at any juvenile proceeding concerning the
5 child.

6 **SECTION 65.** In Colorado Revised Statutes, 19-1-115, **amend**
7 (1), (4)(a), (4)(d)(II), and (6.7) as follows:

8 **19-1-115. Legal custody - guardianship - placement out of the**
9 **home - petition for review for need of placement.** (1) (a) Except as
10 otherwise provided by law, in awarding legal custody of a child pursuant
11 to ~~the provisions of this title~~ THIS TITLE 19, the court may, if in the best
12 interests of the child, give preference to the child's grandparent who is
13 appropriate, capable, willing, and available to care for the child, if the
14 court finds that there is no suitable natural or adoptive parent available,
15 with due diligence having been exercised in attempting to locate any such
16 natural or adoptive parent. Any individual, agency, or institution vested by
17 the court with legal custody of a child ~~shall have~~ HAS the rights and duties
18 defined in ~~section 19-1-103 (73)~~ SECTION 19-1-103.

19 (b) Any individual, agency, or institution vested by the court with
20 the guardianship of the person of a child ~~shall have~~ HAS the rights and
21 duties defined in ~~section 19-1-103 (60)~~ SECTION 19-1-103; except that ~~no~~
22 A guardian of the person may NOT consent to the adoption of a child
23 unless THE COURT HAS EXPRESSLY GIVEN that authority. ~~is expressly given~~
24 ~~by the court.~~

25 (4) (a) A decree vesting legal custody of a child in an individual,
26 institution, or agency or providing for placement of a child pursuant to
27 ~~section 19-2-906~~ SECTION 19-2.5-1102 or 19-3-403 or subsection (8) of

1 this section shall MUST be for a determinate period. ~~Such decree shall be~~
2 ~~reviewed by~~ The court SHALL REVIEW THE DECREE no later than three
3 months after it is entered, except a decree vesting legal custody of a child
4 with the department of human services.

5 (d) (II) For an adoptive family who receives an approved Title
6 IV-E adoption assistance subsidy pursuant to the federal "Social Security
7 Act", 42 U.S.C. sec. 673 et seq., or an approved payment in subsidization
8 of adoption pursuant to article 7 of title 26, the cost of care, as defined in
9 section 19-1-103, ~~(30)~~, must not exceed the amount of the adoption
10 assistance payment.

11 (6.7) Any time the court enters an order related to out-of-home
12 placement pursuant to subsections (6)(a) to (6)(c) or subsection (6.5)(b)
13 of this section; subsection (8)(f) of this section; ~~section 19-2-508~~
14 ~~(3)(a)(XI)(A) and (3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and~~
15 ~~(3)(a)(III)~~ SECTION 19-2.5-305 (3)(a)(XI)(A) AND (3)(a)(XI)(B); SECTION
16 19-2.5-1116 (1)(a), (1)(b), AND (3)(a)(III); or sections 19-3-702 (3)(b) and
17 19-3-702.5 (1)(b), the order is effective as of the date the findings were
18 made by the court, notwithstanding the date that a written order may be
19 signed by the court. Written orders entered pursuant to subsections (6)(a)
20 to (6)(c) or subsection (6.5)(b) of this section; subsection (8)(f) of this
21 section; ~~section 19-2-508 (3)(a)(XI)(A) and (3)(a)(XI)(B); section~~
22 ~~19-2-906.5 (1)(a), (1)(b), and (3)(a)(III)~~ SECTION 19-2.5-305 (3)(a)(XI)(A)
23 AND (3)(a)(XI)(B); SECTION 19-2.5-1116 (1)(a), (1)(b), AND (3)(a)(III); or
24 sections 19-3-702 (3)(b) and 19-3-702.5 (1)(b) must state "the effective
25 date of this order is" and must not use the words "nunc pro tunc".

26 **SECTION 66.** In Colorado Revised Statutes, **amend** 19-1-115.3
27 as follows:

1 **19-1-115.3. Missing children and youth from out-of-home**
2 **placement - required reporting to law enforcement.** If a child or youth
3 for whom the department of human services or a county department of
4 human or social services has legal custody pursuant to the provisions of
5 this ~~title~~ TITLE 19 is determined by the agency to be missing, the agency
6 having legal custody of ~~said~~ THE child or youth shall report the
7 disappearance immediately, and in no case later than twenty-four hours
8 after learning of the disappearance, to the National Center for Missing and
9 Exploited Children and to law enforcement. Law enforcement authorities
10 shall notify the Colorado bureau of investigation for transmission to the
11 federal bureau of investigation for entry into the national crime
12 information center database pursuant to section 16-2.7-103. ~~C.R.S.~~
13 ~~Notwithstanding the provisions of this section,~~ The reporting requirements
14 set forth for foster parents and out-of-home placement facilities in ~~section~~
15 ~~19-2-920~~ shall still SECTION 19-2.5-1508 apply.

16 **SECTION 67.** In Colorado Revised Statutes, 19-1-115.7, **amend**
17 (1) as follows:

18 **19-1-115.7. Foster care prevention services - provision of**
19 **services - rights and remedies - exchange of information.** (1) A county
20 department of human or social services may provide both child welfare
21 and prevention services, including but not limited to foster care prevention
22 services, as defined in section 19-1-103, (~~51.7~~), to families, kin caregivers,
23 children, juveniles, and youth.

24 **SECTION 68.** In Colorado Revised Statutes, 19-1-208, **amend** (1)
25 introductory portion and (1)(b) as follows:

26 **19-1-208. Duties of CASA volunteer.** (1) **Independent case**
27 **investigation.** Upon appointment in an action, a CASA volunteer may:

1 have the duty to:

2 (b) Determine if an appropriate treatment plan, as described in
3 section 19-1-103, ~~(10)~~, has been created for the child, whether appropriate
4 services are being provided to the child and family, and whether the
5 treatment plan is progressing in a timely manner;

6 **SECTION 69.** In Colorado Revised Statutes, 19-1-304, **amend**
7 **(8)(e)** as follows:

8 **19-1-304. Juvenile delinquency records - division of youth**
9 **services critical incident information - definitions.** =====

10 **(8) Division of youth services critical incident information.** (e) Except
11 as otherwise authorized by section 19-1-303, all records prepared or
12 obtained by the department of human services in the course of carrying out
13 its duties pursuant to ~~article 2~~ ARTICLE 2.5 of this ~~title~~ TITLE 19 are
14 confidential and privileged.

15 **SECTION 70.** In Colorado Revised Statutes, 19-1-305, **amend** (1)
16 introductory portion as follows:

17 **19-1-305. Operation of juvenile facilities.** (1) Except as
18 otherwise authorized by section 19-1-303 or 19-1-304 (8), all records
19 prepared or obtained by the department of human services in the course
20 of carrying out its duties pursuant to ~~article 2 of this title~~ ARTICLE 2.5 OF
21 THIS TITLE 19 are confidential and privileged. ~~Said~~ THE records may be
22 disclosed only:

23 **SECTION 71.** In Colorado Revised Statutes, 19-1-306, **amend**
24 **(5)(j), (6)(e), and (8)(a)** as follows:

25 **19-1-306. Expungement of juvenile delinquent records -**
26 **definition.** (5) (j) A juvenile who was adjudicated as a mandatory
27 sentence offender pursuant to ~~section 19-2-516(1)~~ SECTION 19-2.5-1125

1 (1) or as a repeat juvenile offender pursuant to ~~section 19-2-516 (2)~~
2 SECTION 19-2.5-1125 (2) is not eligible for expungement ~~under~~ PURSUANT
3 TO this subsection (5) but may petition for expungement pursuant to
4 subsection (6)(e) of this section.

5 (6) (e) A juvenile who does not qualify for expungement pursuant
6 to subsection (4) or (5) of this section, including a mandatory sentence
7 offender pursuant to ~~section 19-2-516 (1)~~ SECTION 19-2.5-1125 (1) or a
8 repeat offender pursuant to ~~section 19-2-516 (2)~~ SECTION 19-2.5-1125 (2),
9 and is not otherwise ineligible for expungement pursuant to ~~the provisions~~
10 of subsection (8) of this section and does not have a proceeding
11 concerning a felony, misdemeanor, or delinquency action pending against
12 himself or herself, may petition the court to request expungement of ~~his~~
13 ~~or her~~ THE JUVENILE'S record thirty-six months after the date of the
14 petitioner's unconditional release from ~~his or her~~ THE juvenile sentence.
15 A filing fee, notarization, or other formalities are not required. The court
16 shall schedule a hearing, and ~~the provisions of~~ subsections (5)(e), (5)(e.5),
17 (5)(f), and (5)(g) of this section apply.

18 (8) Notwithstanding ~~the provisions of~~ subsections (4), (5), and (6)
19 of this section, a court shall not expunge the record of a person who is:

20 (a) Adjudicated as an aggravated juvenile offender pursuant to
21 ~~section 19-2-516 (4)~~ SECTION 19-2.5-1125 (4) or as a violent juvenile
22 offender pursuant to ~~section 19-2-516 (3)~~ SECTION 19-2.5-1125 (3);

23 **SECTION 72.** In Colorado Revised Statutes, 19-1-307, **amend**
24 **(2)(p) and (2.3)(b) as follows:**

25 **19-1-307. Dependency and neglect records and information -**
26 **access - fee - rules - records and reports fund - misuse of information**
27 **- penalty - adult protective services data system check. _____**

1 (2) **Records and reports - access to certain persons - agencies.**

2 Except as otherwise provided SET FORTH in section 19-1-303, only the
3 following persons or agencies shall have access to child abuse or neglect
4 records and reports:

5 (p) The governing body as defined in section 19-1-103 (~~54~~) and
6 the citizen review panels created pursuant to section 19-3-211, for the
7 purposes of carrying out their conflict resolution duties as set forth in
8 section 19-3-211 and rules promulgated by the state department of human
9 services;

10

11 (2.3) The following agencies or attorneys appointed by the court
12 must be granted statewide read-only access to the name index and register
13 of actions for the judiciary department:

14 (b) County departments, as defined in section 19-1-103, (~~32~~) and
15 attorneys who represent the county departments as county attorneys, as
16 defined in section 19-1-103, (~~31.5~~), as it relates to the attorneys' work
17 representing the county;

18 =====

19 **SECTION 73.** In Colorado Revised Statutes, 19-3-213, **amend**
20 (1)(c)(I) as follows:

21 **19-3-213. Placement criteria.** (1) In any case in which the county
22 department recommends placement out of the home for a child or in which
23 a child is in out-of-home placement, the court, the guardian ad litem, the
24 county department, any CASA volunteer, and other parties shall consider
25 the best interests of the child and shall comply with the following
26 placement criteria:

27 (c) (I) If the child is part of a sibling group, as defined in section

1 19-1-103, ~~(98.5)~~; and the sibling group is being placed in foster care, the
2 county department shall make thorough efforts to locate a joint placement
3 for all of the children in the sibling group. If the county department locates
4 an appropriate, capable, willing, and available joint placement for all of
5 the children in the sibling group, it ~~shall be~~ IS presumed that placement of
6 the entire sibling group in the joint placement is in the best interests of the
7 children. ~~Such~~ THE presumption may be rebutted by a preponderance of
8 the evidence that placement of the entire sibling group in the joint
9 placement is not in the best interests of a child or of the children.

10

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11 **SECTION 74.** In Colorado Revised Statutes, 19-3-308.5, **amend**
12 (1) as follows:

13 **19-3-308.5. Recorded interviews of child.** (1) Any interview of
14 a child conducted pursuant to section 19-3-308, concerning a report of
15 child abuse, may be audiotaped or videotaped. However, interviews
16 concerning reports of sexual child abuse are strongly encouraged to be
17 videotaped. ~~Any audiotaped or videotaped interview shall be conducted~~
18 ~~by~~ A competent interviewer at a child advocacy center, as that term is
19 defined in section 19-1-103, ~~(19.5)~~; that has a memorandum of
20 understanding with the agency responsible for the investigation or ~~by~~ a
21 competent interviewer for the agency responsible for the investigation in
22 accordance with such section SHALL CONDUCT AN AUDIOTAPED OR
23 VIDEOTAPED INTERVIEW; except that an interview ~~shall~~ MUST not be
24 videotaped when doing so is impracticable under the circumstances or will
25 result in trauma to the child, as determined by the investigating agency.
26 No more than one videotaped interview ~~shall be~~ IS required unless the
27 interviewer or the investigating agency determines that additional

1 interviews are necessary to complete an investigation. THE SAME
2 INTERVIEWER SHALL CONDUCT additional interviews, ~~shall be conducted,~~
3 to the extent possible. ~~by the same interviewer. Such~~ THE recordings shall
4 MUST be preserved as evidence in the manner and for a period provided
5 by law for maintaining such evidence. In addition, access to ~~such~~
6 ~~recordings shall be~~ THE RECORDINGS IS subject to the rules of discovery
7 under the Colorado rules of criminal and civil procedure.

8

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9 **SECTION 75.** In Colorado Revised Statutes, **amend** 19-3-317 as
10 follows:

11 **19-3-317. Screening tool - human trafficking.** On and after
12 January 1, 2017, pursuant to the federal "Preventing Sex Trafficking and
13 Strengthening Families Act", Pub.L. 113-183, the department and each
14 county department, as defined in section 19-1-103, ~~(32)(a)~~, shall
15 implement a uniform screening tool that includes questions that are
16 intended to identify children who are victims of human trafficking of a
17 minor for sexual servitude, as described in section 18-3-504, ~~C.R.S.~~, or
18 commercial sexual exploitation of a child, or who are at risk of being such
19 victims.

20 **SECTION 76.** In Colorado Revised Statutes, 19-3-401, **amend**
21 (3)(a) and (3)(b) as follows:

22 **19-3-401. Taking children into custody.** (3) (a) Notwithstanding
23 ~~the provisions of~~ subsections (1) and (1.5) of this section and except as
24 otherwise provided in ~~paragraphs (b) and (c) of this subsection~~ (3)
25 SUBSECTIONS (3)(b) AND (3)(c) OF THIS SECTION, a newborn child, as
26 defined in section 19-1-103, ~~(78.5)~~, who is not in a hospital setting shall
27 MUST not be taken into temporary protective custody for a period of longer

1 than twenty-four hours without an order of the court made pursuant to
2 section 19-3-405 (1). ~~which order includes~~ THE ORDER MUST INCLUDE
3 findings that an emergency situation exists and that the newborn child is
4 seriously endangered as described in ~~paragraph (a) of subsection (1)~~
5 SUBSECTION (1)(a) of this section.

6 (b) A newborn child, as defined in section 19-1-103, ~~(78.5)~~, who
7 is in a hospital setting must not be taken into temporary protective custody
8 without an order of the court made pursuant to section 19-3-405 (1).
9 ~~which order includes~~ THE ORDER MUST INCLUDE findings that an
10 emergency situation exists and that the newborn child is seriously
11 endangered as described in subsection (1)(a) of this section. A newborn
12 child may be detained in a hospital by a law enforcement officer upon the
13 recommendation of a county department of ~~human or social services~~ or by
14 a physician, registered nurse, licensed practical nurse, or physician
15 assistant while an order of the court pursuant to section 19-3-405 (1) is
16 being pursued, but the newborn child must be released if a court order
17 pursuant to section 19-3-405 (1) is denied.

18 **SECTION 77.** In Colorado Revised Statutes, 19-3-407, **amend** (4)
19 as follows:

20 **19-3-407. Noncertified kinship care - requirement for**
21 **background checks and other checks - definitions.** (4) For the purposes
22 of this section, "convicted" means a conviction by a jury or by a court and
23 includes a deferred judgment and sentence agreement, a deferred
24 prosecution agreement, a deferred adjudication agreement, an
25 adjudication, or a plea of guilty or nolo contendere; except that this does
26 not apply to a diversion or deferral or plea for a juvenile who participated
27 in diversion, as defined in ~~section 19-1-103 (44)~~ SECTION 19-2.5-102, and

1 does not apply to a diversion or deferral or plea for a person who
2 participated in and successfully completed the child abuse and child
3 neglect diversion program as described in section 19-3-310.

4 **SECTION 78.** In Colorado Revised Statutes, 19-3-506, **amend**
5 (1)(d) as follows:

6 **19-3-506. Child with a mental health disorder or an intellectual**
7 **and developmental disability - procedure.** (1) (d) ~~Any AN~~ evaluation
8 conducted pursuant to this subsection (1) must be completed within
9 seventy-two hours, excluding Saturdays, Sundays, and legal holidays. A
10 county jail or a detention facility, as described in ~~article 2 of this title 19~~
11 ~~ARTICLE 2.5 OF THIS TITLE 19~~, is not considered a suitable facility for
12 evaluation, although a mental health disorder prescreening may be
13 conducted in any appropriate setting.

14 **SECTION 79.** In Colorado Revised Statutes, 19-3-507, **amend**
15 (1)(b) as follows:

16 **19-3-507. Dispositional hearing.** (1)(b) Prior to any dispositional
17 hearing, the caseworker of the COUNTY department of ~~human services~~
18 assigned to the case shall submit to the court a statement that details the
19 services that were offered to or provided to the family to prevent
20 unnecessary out-of-home placement of the child and to facilitate the
21 reunification of the child with the family. The statement ~~shall~~ MUST
22 contain an explanation of the services or actions that, had such services or
23 actions been available, would have been necessary to enable the child to
24 remain at home safely. In the alternative, the caseworker may submit a
25 statement as to why no services or actions would have made it possible for
26 the child to remain at home safely. If the child is part of a sibling group,
27 as defined in section 19-1-103, ~~(98.5)~~, and the child was not placed with

1 his or her siblings, the caseworker shall submit to the court a statement
2 about whether it continues to be in the best interests of the child or the
3 children in the sibling group to be placed separately. If the caseworker
4 locates an appropriate, capable, willing, and available joint placement for
5 all of the children in the sibling group, it ~~shall be~~ IS presumed that
6 placement of the entire sibling group in the joint placement is in the best
7 interests of the children. Such presumption may be rebutted by a
8 preponderance of the evidence that placement of the entire sibling group
9 in the joint placement is not in the best interests of a child or of the
10 children.

11 **SECTION 80.** In Colorado Revised Statutes, 19-3-612, **amend**
12 (2)(a)(II) as follows:

13 **19-3-612. Reinstatement of the parent-child legal relationship**
14 **- circumstances - petition - hearings - legislative declaration.** (2) A
15 county department with custody of a child whose parent's rights were
16 terminated voluntarily or involuntarily, including a child whose parent
17 relinquished the child pursuant to the requirements of article 5 of this title
18 19, or the guardian ad litem of such a child, may file a petition to reinstate
19 the parent-child legal relationship alleging the following:

20 (a) (II) The child is younger than twelve years of age and is part of
21 a sibling group, as defined in section 19-1-103, ~~(98.5)~~, that includes a
22 child described in ~~subparagraph (f) of this paragraph~~ (a) SUBSECTION
23 (2)(a)(I) OF THIS SECTION for whom a petition to reinstate the parent-child
24 legal relationship has been filed, and the younger sibling independently
25 meets the conditions set forth in ~~paragraphs (b) to (f) of this subsection~~ (2)
26 SUBSECTIONS (2)(b) TO (2)(f) OF THIS SECTION;

27 **SECTION 81.** In Colorado Revised Statutes, 19-3-702, **amend**

1 (5)(a) and (5)(d) as follows:

2 **19-3-702. Permanency hearing.** (5) For a child or youth in a case
3 designated pursuant to section 19-1-123 only:

4 (a) A permanent home is the place in which the child or youth may
5 reside if the child or youth is unable to return home to a parent or legal
6 guardian. If the court determines by a preponderance of the evidence that
7 a permanent home is not currently available or that the child's or youth's
8 current needs or situation prohibit placement, the court must be shown and
9 the court must find that reasonable efforts, as defined in section 19-1-103,
10 ~~(89)~~, were made to find the child or youth an appropriate permanent home
11 and such a home is not currently available or that a child's or youth's needs
12 or situation prohibit the child or youth from a successful placement in a
13 permanent home.

14 (d) The court shall review the case at a permanency planning
15 hearing at least every six months until the court finds that the child or
16 youth is in a permanent home. The permanency planning hearings ~~shall~~
17 MUST continue as long as the court is unable to find that the child or youth
18 is in a permanent home. At each hearing, the court must be provided
19 evidence that a child or youth is in a permanent home or that reasonable
20 efforts, as defined in section 19-1-103, ~~(89)~~, continue to be made to find
21 the child or youth an appropriate permanent home and such a home is not
22 currently available or that a child's or youth's needs or situation prohibit
23 the child or youth from successful placement in a permanent home.

24 **SECTION 82.** In Colorado Revised Statutes, 19-4-106, **amend**
25 (10) as follows:

26 **19-4-106. Assisted reproduction.** (10) For purposes of this
27 section, "donor" is defined in section 19-1-103. ~~(44.5).~~

1 **SECTION 83.** In Colorado Revised Statutes, 19-5-103, **amend** (2)
2 introductory portion, (2)(g), and (4)(b) as follows:

3 **19-5-103. Relinquishment procedure - petition - hearings.**

4 (2) The counseling specified in ~~paragraph (a) of subsection (1)~~
5 SUBSECTION (1)(a) of this section and provided by the department or the
6 child placement agency shall include, but not be limited to, the following:

7 (g) The confidentiality of all information, except for
8 nonidentifying information as defined in section 19-1-103 ~~(80)~~ that may
9 be accessed ~~as provided in~~ PURSUANT TO part 4 of this ~~article~~ ARTICLE 19,
10 obtained by the department and the child placement agency in the course
11 of relinquishment counseling unless the parent provides written
12 permission or a release of information is ordered by a court of competent
13 jurisdiction and except for a copy of an original birth certificate that may
14 be obtained by an adult adoptee, adult descendant of an adoptee, or a legal
15 representative of the adoptee or descendant as authorized by section
16 19-5-305. The counseling ~~shall~~ MUST also include notice that a birth
17 parent has the opportunity to file a written statement specifying that the
18 birth parent's information remain confidential, an explanation of the rights
19 and responsibilities of birth parents who disagree about consent as set
20 forth in section 19-5-305, and notice that a birth parent has the opportunity
21 to sign and submit a contact preference form and updated medical history
22 statements to the state registrar as set forth in section 19-5-305 (1.5).

23 (4) (b) The relinquishing parent, child placement agency, and
24 county department of human or social services shall provide the court any
25 and all information described in ~~section 19-1-103 (80)~~ SECTION 19-1-103
26 (103) that is available to the relinquishing parent, agency, or county
27 department.

1 **SECTION 84.** In Colorado Revised Statutes, 19-5-105, **amend**
2 (3.1)(a)(IV) as follows:

3 **19-5-105. Proceeding to terminate parent-child legal**
4 **relationship.** (3.1) The court may order the termination of the other birth
5 parent's parental rights upon a finding that termination is in the best
6 interests of the child and that there is clear and convincing evidence of one
7 or more of the following:

8 (a) That the parent is unfit. In considering the fitness of the child's
9 parent, the court shall consider the following:

10 (IV) A history of violent behavior that demonstrates that the
11 individual is unfit to maintain a parent-child relationship with the minor,
12 which may include an incidence of sexual assault, as defined in section
13 19-1-103, ~~(96.5)~~; that resulted in the conception of the child;

14 **SECTION 85.** In Colorado Revised Statutes, 19-5-105.5, **amend**
15 (2)(a), (2)(b), and (2)(c) as follows:

16 **19-5-105.5. Termination of parent-child legal relationship**
17 **upon a finding that the child was conceived as a result of sexual**
18 **assault - legislative declaration - definitions.** (2) As used in this section,
19 unless the context otherwise requires:

20 (a) "Convicted" or "conviction" has the same meaning as defined
21 in section 19-1-103. ~~(29.3)~~.

22 (b) "Sexual assault" has the same meaning as defined in section
23 19-1-103. ~~(96.5)~~.

24 (c) "Victim" has the same meaning as defined in section 19-1-103.
25 ~~(112)(b)~~.

26 **SECTION 86.** In Colorado Revised Statutes, 19-5-105.7, **amend**
27 (2)(a) and (2)(d) as follows:

1 **19-5-105.7. Termination of parent-child legal relationship in**
2 **a case of an allegation that a child was conceived as a result of sexual**
3 **assault but in which no conviction occurred - legislative declaration**
4 **- definitions.** (2) As used in this section, unless the context otherwise
5 requires:

6 (a) "Conviction" has the same meaning as defined in section
7 19-1-103. ~~(29.3)~~.

8 (d) "Sexual assault" has the same meaning as defined in section
9 19-1-103. ~~(96.5)~~.

10 **SECTION 87.** In Colorado Revised Statutes, 19-5-203, **amend**
11 (1)(f) as follows:

12 **19-5-203. Availability for adoption.** (1) A child may be available
13 for adoption only upon:

14 (f) Written and verified consent of the parent or parents, as defined
15 in section 19-1-103, ~~(82)~~ in a stepparent adoption where the child's parents
16 were not married at the time the child was conceived and born;

17 **SECTION 88.** In Colorado Revised Statutes, 19-5-205.5, **amend**
18 (5) as follows:

19 **19-5-205.5. Nonpublic agency interstate and foreign adoptions**
20 **- legislative declaration - authority for state department to select**
21 **agencies.** (5) For purposes of this section, "nonpublic agency interstate
22 and foreign adoption" is defined in section 19-1-103. ~~(81)~~.

23 **SECTION 89.** In Colorado Revised Statutes, 19-5-207.3, **amend**
24 (1) and (3) as follows:

25 **19-5-207.3. Placement of sibling groups.** (1) When a child is
26 placed for adoption by the county department, if the child is part of a
27 sibling group, as defined in section 19-1-103, ~~(98.5)~~, the county

1 department shall include in the adoption report prepared for the court, the
2 names and current physical custody and location of any siblings of the
3 child who are also available for adoption; except that the names of
4 children, parents, caretakers, and adoptive parents and any means of
5 identifying such persons ~~shall~~ MUST not be made available to any party to
6 the adoption proceeding except upon order of the court or as otherwise
7 permitted by law.

8 (3) If the child is part of a sibling group, as defined in section
9 19-1-103, (~~98.5~~), and is being placed for adoption by a child placement
10 agency in either a circumstance involving siblings who are the result of a
11 multiple birth or a circumstance in which a parent has relinquished
12 parental rights to the children to a child placement agency, the child
13 placement agency shall make thorough efforts to locate a joint placement
14 for all of the children in the sibling group who are available for adoption.
15 If the child placement agency locates an appropriate, capable, willing, and
16 available joint placement for all of the children in the sibling group, it
17 ~~shall be~~ IS presumed that placement of the entire sibling group in the joint
18 placement is in the best interests of the children. Such presumption may
19 be rebutted by a preponderance of the evidence that placement of the
20 entire sibling group in the joint placement is not in the best interests of a
21 child or of the children. If an entire sibling group is not placed together in
22 an adoptive placement, the child placement agency shall place as many
23 siblings of the group together as possible, considering their relationship
24 and the best interests of each child.

25 **SECTION 90.** In Colorado Revised Statutes, 19-5-305, **amend**
26 (2)(b) introductory portion, (2)(b)(I)(A), (2)(b)(V), and (3)(a) as follows:

27 **19-5-305. Access to adoption records - contact with parties to**

1 **adoption - contact preference form and updated medical history**
2 **statement - definitions. (2) Legislative declaration - access to adoption**
3 **records.** (b) Subject to ~~the provisions of~~ subsection (4) of this section and
4 in addition to information exchanged in a designated adoption or
5 inspection authorized by a court upon good cause shown pursuant to
6 section 19-1-309, access to adoption records by certain parties is governed
7 by the following provisions:

8 (I) (A) **Adult adoptees, their descendants, and adoptive family**
9 **members.** Upon request, the custodian of records shall provide direct
10 access, without redaction, to all adoption records, as defined in section
11 19-1-103, ~~(6.5)(a.5)~~; for inspection and copying by an adult adoptee, an
12 adoptive parent of a minor adoptee, a custodial grandparent of a minor
13 adoptee, or the legal representative of any such individual. In addition, the
14 custodian of records shall provide direct access to adoption records for
15 inspection and copying by a spouse of an adult adoptee, an adult
16 descendant of an adoptee, an adult sibling or half-sibling of an adult
17 adoptee, an adoptive parent or grandparent of an adult adoptee, or the
18 legal representative of any such individual, if the individual requesting
19 access has the notarized written consent of the adult adoptee or if the adult
20 adoptee is deceased.

21 (V) **Release of records by child placement agencies and prior**
22 **written statements of birth parents.** Notwithstanding ~~the provisions of~~
23 ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (2)(b)(I) OF THIS
24 SECTION, the adoption records, as defined in section 19-1-103, ~~(6.5)(a)~~; in
25 the possession of a child placement agency ~~may not be~~ ARE NOT open for
26 inspection or ~~made~~ available for copying with respect to any identifying
27 information concerning a birth parent if the birth parent has previously

1 provided the court and the child placement agency, if applicable, with a
2 signed and notarized written statement, within three years after the final
3 order of relinquishment or termination of the parent-child legal
4 relationship, specifying that such parent wishes the identifying
5 information concerning that parent to remain confidential; except that the
6 adoption records in the possession of a child placement agency may be
7 open for inspection and made available for copying with respect to
8 identifying information concerning a birth parent if a birth parent provides
9 a consent form, as defined in section 19-1-103, ~~(28.5)~~, to the child
10 placement agency consenting to the release of identifying information and
11 the release of identifying information is consistent with the provisions of
12 subsection (3) of this section. A written statement specifying that a birth
13 parent wishes the identifying information concerning that parent on file
14 with a child placement agency to remain confidential must remain in the
15 court's and the child placement agency's relinquishment or termination file
16 unless later withdrawn by the parent or superceded by a consent form. A
17 child placement agency is not liable to any individual for the failure of a
18 birth parent to submit such a written statement to the court. In addition to
19 such a statement, the birth parent may also submit to the court and to the
20 child placement agency a letter of explanation that the court and the child
21 placement agency must release to the adoptee at the time that the adoptee
22 makes a request for inspection of the adoption records. This subparagraph
23 ~~(V)~~ SUBSECTION (2)(b)(V) applies only to adoption records in the
24 possession of child placement agencies and does not apply to adoption
25 records in the possession of the court or any other agency, entity, or
26 person.

27 **(3) Access to identifying information through child placement**

1 **agencies.** (a) Upon proof of identity of the person submitting the consent
2 form, a licensed child placement agency shall accept and may seek a
3 consent form, as that term is defined in section 19-1-103, ~~(28.5)~~, from an
4 adult adoptee or from either adult adoptee's birth parent or from an
5 adoptive parent of a minor adoptee or from the legal representative of a
6 minor adoptee authorizing the release of identifying information, as that
7 term is defined in section 19-1-103, ~~(63.5)~~, concerning the person
8 submitting the consent form, to the extent such information is available to
9 the child placement agency. If only one birth parent has filed a consent
10 form with the child placement agency, the child placement agency or any
11 succeeding custodian of the records shall provide a copy of the identifying
12 information without the name of and without identifying information
13 about the nonconsenting birth parent.

14 **SECTION 91.** In Colorado Revised Statutes, 19-5-305.5, **amend**
15 (2) as follows:

16 **19-5-305.5. Access to personal records relating to a former**
17 **ward of the state home for dependent and neglected children - other**
18 **eligible parties - definitions.** (2) Upon proof of identification and upon
19 request, the custodian of records, as defined in section 19-1-103, ~~(35.3)(a)~~,
20 shall provide direct access, without redaction, to all personal records for
21 inspection and copying by an eligible party relating to a former ward who,
22 regardless of adoption status, as a minor was in the custody of the state
23 home for dependent and neglected children.

24 **SECTION 92.** In Colorado Revised Statutes, 19-7-203, **amend** (1)
25 introductory portion ___ as follows:

26 **19-7-203. Foster care sibling rights.** (1) Sibling youth in foster
27 care, except youth in the custody of the division of youth services created

1 pursuant to ~~section 19-2-203~~ SECTION 19-2.5-1501 or a state hospital for
2 persons with BEHAVIORAL OR mental health disorders, ~~shall enjoy~~ HAVE
3 the following rights, unless they are not in the best interests of each
4 sibling, regardless of whether the parental rights of one or more of the
5 foster youth's parents have been terminated:

6

7 SECTION 93. In Colorado Revised Statutes, 21-1-103, **amend** (2)
8 as follows:

9 **21-1-103. Representation of indigent persons.** (2) The state
10 public defender shall represent indigent persons charged in any court with
11 crimes ~~which~~ THAT constitute misdemeanors and in which the charged
12 offense includes a possible sentence of incarceration; juveniles upon
13 whom a delinquency petition is filed or who are in any way restrained by
14 court order, process, or otherwise; persons held in any institution against
15 their will by process or otherwise for the treatment of any disease or
16 disorder or confined for the protection of the public; and ~~such~~ persons
17 charged with municipal code violations as the state public defender in his
18 or her discretion may determine, subject to review by the court if:

19 (a) The indigent person or ~~his~~ THE INDIGENT PERSON'S parent or
20 legal guardian in delinquency or other actions ~~under article 2 of title 19,~~
21 ~~C.R.S.~~, PURSUANT TO ARTICLE 2.5 OF TITLE 19 requests it and complies
22 with subsection (3) of this section; or

23 (b) The court, on its own motion or otherwise, so orders or
24 requests and the defendant or ~~his or her~~ THE DEFENDANT'S parent or legal
25 guardian in delinquency or other actions ~~under article 2 of title 19, C.R.S.,~~
26 PURSUANT TO ARTICLE 2.5 OF TITLE 19 does not affirmatively reject, of
27 record, the opportunity to be represented by legal counsel in the

1 proceeding. The court shall not appoint a public defender to represent the
2 defendant, or ~~his or her~~ THE DEFENDANT'S parent or legal guardian, if ~~such~~
3 THE person does not fall within the fiscal standards or guidelines
4 established by the supreme court.

5 **SECTION 94.** In Colorado Revised Statutes, 22-1-120, **amend** (8)
6 as follows:

7 **22-1-120. Rights of free expression for public school students.**

8 (8) Nothing in this section ~~shall be construed to limit~~ LIMITS the
9 promulgation or enforcement of lawful school regulations designed to
10 control gangs. For the purposes of this section, ~~the definition of "gang"~~
11 ~~shall be the definition found~~ HAS THE SAME MEANING AS SET FORTH in
12 ~~section 19-1-103 (52), C.R.S.~~ SECTION 19-2.5-102.

13

14 **SECTION 95.** In Colorado Revised Statutes, 22-32-138, **amend**
15 (1)(a), (1)(b), and (1)(h) as follows:

16 **22-32-138. Out-of-home placement students - school stability,**
17 **transfer, and enrollment procedures - absences - exemptions -**
18 **provision of academic supports - definitions.** (1) As used in this section
19 and in section 22-32-138.5, unless the context otherwise requires:

20 (a) "Child placement agency" has the same meaning as provided
21 in section 19-1-103. ~~(21)~~.

22 (b) "County department" has the same meaning as provided in
23 section 19-1-103. ~~(32)~~.

24 (h) "Student in out-of-home placement" means a child or youth
25 who at any time during an academic semester or term is in foster care and
26 receiving educational services through a state-licensed day treatment
27 facility or who at any time during an academic semester or term is in

1 placement out of the home, as that term is defined in ~~section 19-1-103 (85)~~
2 SECTION 19-1-103, including but not limited to any child or youth who is
3 in placement outside of the home at any time during an academic semester
4 or term as a result of an adjudication pursuant to ~~article 2 of title 19~~
5 ARTICLE 2.5 OF TITLE 19. "Student in out-of-home placement" includes a
6 child or youth who transfers enrollment as a result of being returned to ~~his~~
7 ~~or her~~ THE CHILD'S OR YOUTH'S home at the conclusion of out-of-home
8 placement.

9 **SECTION 96.** In Colorado Revised Statutes, 22-32-141, **amend**
10 (1)(b)(I), (2)(a), and (2)(e) as follows:

11 **22-32-141. Student awaiting trial as adult - educational**
12 **services - definitions.** (1) As used in this section, unless the context
13 otherwise requires:

14 (b) "Juvenile" means a person:

15 (I) Against whom criminal charges are directly filed in district
16 court pursuant to ~~section 19-2-517, C.R.S.~~, SECTION 19-2.5-801 or for
17 whom criminal charges are transferred to district court pursuant to ~~section~~
18 ~~19-2-518, C.R.S.~~ SECTION 19-2.5-802;

19 (2) (a) Except as ~~otherwise provided~~ SET FORTH in subsections
20 (2)(c) to (2)(g) of this section, if a juvenile is held in a jail or other facility
21 for the detention of adult offenders pending criminal proceedings as an
22 adult, the school district in which the jail or facility is located shall
23 provide educational services for the juvenile upon request of the official
24 in charge of the jail or facility, or ~~his or her~~ THE OFFICIAL'S designee,
25 pursuant to ~~section 19-2-508 (4)(c)(I)~~ SECTION 19-2.5-305 (4)(c)(I). A
26 school district may provide educational services directly using one or
27 more of its employees or may ensure that educational services are

1 provided through a board of cooperative services, an administrative unit,
2 or otherwise through contract with a person or entity.

3 (e) If a school district or the official in charge of the jail or facility
4 determines ~~as provided in section 19-2-508 (4)(c)(II)~~ PURSUANT TO
5 SECTION 19-2.5-305 (4)(c)(II) that an appropriate and safe environment for
6 school district employees or contractors is not available in which to
7 provide educational services to a specific juvenile, the school district is
8 exempt from the requirement of providing educational services to the
9 juvenile until such time as both the school district and the official in
10 charge of the jail or facility determine that an appropriate and safe
11 environment for school district employees or contractors is available. If
12 the school district will not be providing educational services to a juvenile
13 because of the lack of an appropriate and safe environment for school
14 district employees or contractors, the official in charge of the jail or
15 facility shall notify the juvenile, ~~his or her~~ THE JUVENILE'S parent or legal
16 guardian, the juvenile's defense attorney, and the court having jurisdiction
17 over the juvenile's case.

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19 **SECTION 97.** In Colorado Revised Statutes, 22-33-102, **amend**
20 (5) as follows:

21 **22-33-102. Definitions.** As used in this article 33, unless the
22 context otherwise requires:

23 (5) "Delinquent act" means a violation of any statute, ordinance,
24 or order enumerated in ~~section 19-2-104 (1)(a)~~ SECTION 19-2.5-103 (1)(a).
25 If a juvenile is alleged to have committed or is found guilty of a
26 delinquent act, the classification and degree of the offense is determined
27 by the statute, ordinance, or order that the petition alleges was violated.

1 "Delinquent act" does not include truancy or habitual truancy.

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3 **SECTION 98.** In Colorado Revised Statutes, 22-33-106.3, **amend**

4 (5) as follows:

5 **22-33-106.3. Disciplinary investigations - parental presence -**

6 **student statements - definition.** (5) For the purposes of this section,

7 "physical custodian" ~~shall have~~ HAS the same meaning as that term is

8 defined in ~~section 19-1-103 (84), C.R.S.~~ SECTION 19-2.5-102.

9 **SECTION 99.** In Colorado Revised Statutes, 22-33-107, **amend**

10 (3)(a)(II) as follows:

11 **22-33-107. Enforcement of compulsory school attendance -**

12 **definitions.** (3) (a) As used in this subsection (3):

13 (II) "Local community services group" means the local juvenile

14 services planning committee created pursuant to ~~section 19-2-211, C.R.S.~~

15 SECTION 19-2.5-302, the local collaborative management group created by

16 a memorandum of understanding entered into pursuant to section

17 24-1.9-102, ~~C.R.S.~~, or another local group of public agencies that

18 collaborate with the school district to identify and provide support services

19 for students.

20 **SECTION 100.** In Colorado Revised Statutes, 22-33-107.5,

21 **amend** (1) introductory portion, (1)(a), and (1)(b) as follows:

22 **22-33-107.5. Notice of failure to attend.** (1) Except as otherwise

23 ~~provided in~~ SET FORTH IN subsection (2) of this section, a school district

24 shall notify the appropriate court or parole board if a student fails to attend

25 all or any portion of a school day, where the school district has received

26 notice from the court or parole board:

27 (a) Pursuant to ~~section 19-2-508 (3)(a)(X)~~ SECTION 19-2.5-305

1 (3)(a)(X) that the student is required to attend school as a condition of
2 release pending an adjudicatory trial;

3 (b) Pursuant to ~~section 17-22.5-404, 18-1.3-204 (2.3), 19-2-907~~
4 ~~(4), 19-2-925 (9), or 19-2-1002 (1) or (3)~~ SECTION 17-22.5-404,
5 18-1.3-204, 19-2.5-1103 (4), 19-2.5-1108 (9), OR 19-2.5-1203 (1) OR (3)
6 that the student is required to attend school as a condition of or in
7 connection with any sentence imposed by the court, including a condition
8 of probation or parole; or

9 **SECTION 101.** In Colorado Revised Statutes, 22-33-108, **amend**
10 (7)(c)(I) introductory portion as follows:

11 **22-33-108. Judicial proceedings.** (7) (c) (I) If the court finds that
12 the child or youth has refused to comply with the plan created for the child
13 or youth pursuant to section 22-33-107 (3), the court may impose on the
14 child or youth, as a sanction for contempt of court, a sentence of detention
15 for no more than forty-eight hours in a juvenile detention facility operated
16 by or under contract with the department of human services pursuant to
17 ~~section 19-2-402~~ SECTION 19-2.5-1511 and any rules promulgated by the
18 Colorado supreme court. The court shall not sentence a child or youth to
19 detention as a sanction for contempt of court unless the court finds that
20 detention is in the best interest of the child or youth as well as the public.
21 In making such a finding, the court shall consider the following factors,
22 including that:

23 **SECTION 102.** In Colorado Revised Statutes, 22-33-203, **amend**
24 (3) as follows:

25 **22-33-203. Educational alternatives for expelled students.**
26 (3) If a student is expelled and the student is not receiving educational
27 services pursuant to this section, the school district shall contact the

1 expelled student's parent or guardian at least once every sixty days until
2 the beginning of the next school year to determine whether the student is
3 receiving educational services from some other source; except that the
4 school district need not contact a student's parent or guardian after the
5 student is enrolled in another school district or in an independent or
6 parochial school or if the student is committed to the department of human
7 services or is sentenced pursuant to ~~article 2 of title 19, C.R.S.~~ ARTICLE
8 2.5 OF TITLE 19.

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10 **SECTION 103.** In Colorado Revised Statutes, 23-7-103, **amend**
11 (1) introductory portion and (1)(a) as follows:

12 **23-7-103. Presumptions and rules for determination of status**
13 **- definition.** (1) Unless the contrary appears to the satisfaction of the
14 registering authority of the institution at which a student is registering, it
15 ~~shall be~~ IS presumed that:

16 (a) The domicile of an unemancipated minor is that of the parent
17 with whom ~~he or she~~ THE MINOR resides or, if ~~there is a guardian of his or~~
18 ~~her person~~ THE MINOR HAS A GUARDIAN, that of ~~such~~ THE guardian, but
19 only if the court appointing ~~such~~ THE guardian (who has legal custody of
20 the minor child as defined in ~~section 19-1-103 (73), C.R.S.~~) SECTION
21 19-1-103 () certifies that the primary purpose of ~~such~~ THE appointment
22 is not to qualify ~~such~~ THE unemancipated minor as a resident of this state
23 and that ~~his or her~~ THE MINOR'S parents, if living, do not provide
24 substantial support to the minor child;

25 **SECTION 104.** In Colorado Revised Statutes, 24-1-120, **amend**
26 (6)(c) and (6)(e) as follows:

27 **24-1-120. Department of human services - creation.** (6) The

1 department consists of the following divisions, units, and offices:

2 (c) The juvenile parole board, created pursuant to ~~section~~
3 ~~19-2-206, C.R.S.~~ SECTION 19-2.5-1201. The juvenile parole board and its
4 powers, duties, and functions are transferred by a **type 1** transfer to the
5 department of human services as a division. ~~thereof.~~

6 (e) The division of youth services, created pursuant to ~~section~~
7 ~~19-2-203~~ SECTION 19-2.5-1501. The division of youth services and the
8 office of the director of the division of youth services and their powers,
9 duties, and functions are transferred by a **type 2** transfer to the department
10 of human services as a division. ~~thereof.~~

11 **SECTION 105.** In Colorado Revised Statutes, 24-1.7-103, **amend**
12 (2)(b) and (2)(c) as follows:

13 **24-1.7-103. Consolidation of local boards - process -**
14 **requirements.** (2) Any combination of the following boards or groups
15 may be consolidated into a single advisory board:

16 (b) Juvenile community review boards, as defined in ~~section~~
17 ~~19-1-103 (69), C.R.S.,~~ SECTION 19-2.5-102 and described in ~~section~~
18 ~~19-2-210, C.R.S.~~ SECTION 19-2.5-1402;

19 (c) Local juvenile services planning committees, created pursuant
20 to ~~section 19-2-211, C.R.S.~~ SECTION 19-2.5-302;

21 **SECTION 106.** In Colorado Revised Statutes, 24-1.9-102, **amend**
22 (1)(e) as follows:

23 **24-1.9-102. Memorandum of understanding - local-level**
24 **interagency oversight groups - individualized service and support**
25 **teams - coordination of services for children and families -**
26 **requirements - waiver.** (1) (e) Nothing ~~shall preclude~~ PRECLUDES the
27 agencies specified in subsections (1)(a) and (1)(a.5) of this section from

1 including parties in addition to the agencies specified in subsections (1)(a)
2 and (1)(a.5) of this section in the memorandums of understanding
3 developed for purposes of this section, and which may include the LOCAL
4 juvenile services planning committee as described in ~~section 19-2-211~~
5 SECTION 19-2.5-302.

6 **SECTION 107.** In Colorado Revised Statutes, 24-4.1-119, **amend**
7 (1)(d) as follows:

8 **24-4.1-119. Costs and surcharges levied on criminal actions**
9 **and traffic offenses.** (1) (d) A cost, in an amount determined pursuant to
10 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION,
11 is ~~hereby~~ levied on every action upon the filing of a petition alleging a
12 child is delinquent ~~which~~ THAT results in a finding of guilty pursuant to
13 ~~part 8 of article 2 of title 19, C.R.S., PART 9 OF ARTICLE 2.5 OF TITLE 19 or~~
14 a deferral of adjudication pursuant to ~~section 19-2-709, C.R.S.~~ SECTION
15 19-2.5-903. This cost ~~shall~~ MUST be paid to the clerk of the court, who
16 shall deposit the same in the fund established in section 24-4.1-117.

17 **SECTION 108.** In Colorado Revised Statutes, 24-4.1-302, **amend**
18 (2)(j.5) _____ as follows:

19 **24-4.1-302. Definitions.** As used in this part 3, and for no other
20 purpose, including the expansion of the rights of any defendant:

21 (2) "Critical stages" means the following stages of the criminal
22 justice process:

23 (j.5) Any court-ordered modification of the terms and conditions
24 of probation as described in section 18-1.3-204 ~~or 19-2-925~~ OR
25 19-2.5-1108 and as outlined in section 24-4.1-303 (13.5)(a);

26 _____
27 **SECTION 109.** In Colorado Revised Statutes, 24-4.1-302.5,

1 **amend (1)(d)(VI)** and (1.6) as follows:

2 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
3 order to preserve and protect a victim's rights to justice and due process,
4 each victim of a crime has the following rights:

5 (d) The right to be heard at any court proceeding:

6 (VI) At which the defendant requests a modification of the no
7 contact provision of the mandatory criminal protection order ~~under~~
8 PURSUANT TO section 18-1-1001 ~~C.R.S., or section 19-2-707, C.R.S.~~ OR
9 19-2.5-607;

10

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11 (1.6) The right to be informed of the existence of a criminal
12 protection order ~~under~~ PURSUANT TO section 18-1-1001 ~~C.R.S., or section~~
13 ~~19-2-707, C.R.S.,~~ OR 19-2.5-607 and, upon request of the victim,
14 information about provisions that may be added or modified, and the
15 process for requesting such an addition or modification.

16 **SECTION 110.** In Colorado Revised Statutes, 24-4.1-303, **amend**
17 (9)(h), (13.5)(a)(V), (13.5)(a)(IX), and (14.3)(a) as follows:

18 **24-4.1-303. Procedures for ensuring rights of victims of crimes.**

19 (9) The district attorney and any law enforcement agency shall inform
20 each victim as to the availability of the following services:

21 (h) The existence of a criminal protection order ~~under~~ PURSUANT
22 TO section 18-1-1001 ~~C.R.S., or section 19-2-707, C.R.S.,~~ OR 19-2.5-607
23 and, upon request of the victim, information about provisions that may be
24 added or modified and the process for requesting such an addition or
25 modification.

26 (13.5) (a) Following a sentence to probation and upon the written
27 request of a victim, the probation department shall notify the victim of the

1 following information regarding any person who was charged with or
2 convicted of a crime against the victim:

3 (V) Any motion filed by the probation department requesting
4 permission from the court to modify the terms and conditions of probation
5 as described in section 18-1.3-204 ~~or 19-2-925~~ OR 19-2.5-1108 if the
6 motion has not been denied by the court without a hearing;

7 (IX) Any court-ordered modification of the terms and conditions
8 of probation as described in section 18-1.3-204 ~~or 19-2-925~~ OR
9 19-2.5-1108.

10 (14.3) Upon receipt of a written statement from the victim, the
11 juvenile parole board shall notify the victim of the following information
12 regarding any person who was charged with or adjudicated of an offense
13 against the victim:

14 (a) Any scheduled juvenile parole hearings pursuant to ~~sections~~
15 ~~19-2-1002 and 19-2-1004~~ SECTIONS 19-2.5-1203 AND 19-2.5-1206
16 regarding the person, any change in the scheduling of such a hearing in
17 advance of the hearing, the victim's right to be present and heard at such
18 hearings, the results of any such hearing, any parole decision to release the
19 person, and the terms and conditions of any such release;

20 **SECTION 111.** In Colorado Revised Statutes, 24-4.2-104, **amend**
21 (1)(a)(I) as follows:

22 **24-4.2-104. Surcharges levied on criminal actions and traffic**
23 **offenses.** (1) (a) (I) A surcharge equal to thirty-seven percent of the fine
24 imposed for each felony, misdemeanor, or class 1 or class 2 misdemeanor
25 traffic offense, or a surcharge of one hundred sixty-three dollars for
26 felonies, seventy-eight dollars for misdemeanors, forty-six dollars for
27 class 1 misdemeanor traffic offenses, and thirty-three dollars for class 2

1 misdemeanor traffic offenses, whichever amount is greater, except as
2 otherwise ~~provided in paragraph (b) of this subsection (1)~~ SET FORTH IN
3 SUBSECTION (1)(b) OF THIS SECTION, is ~~hereby~~ levied on each criminal
4 action resulting in a conviction or in a deferred judgment and sentence, as
5 ~~provided in~~ PURSUANT TO section 18-1.3-102, ~~C.R.S.~~, which criminal
6 action is charged pursuant to state statute, or upon each petition alleging
7 that a child is delinquent that results in a finding of guilty pursuant to ~~part~~
8 ~~8 of article 2 of title 19, C.R.S.~~ PART 9 OF ARTICLE 2.5 OF TITLE 19, or a
9 deferral of adjudication pursuant to ~~section 19-2-709, C.R.S.~~ SECTION
10 19-2.5-903. THE DEFENDANT SHALL PAY these surcharges ~~shall be paid to~~
11 the clerk of the court. ~~by the defendant.~~ Each clerk shall transmit the
12 ~~moneys~~ MONEY to the court administrator of the judicial district in which
13 the offense occurred for credit to the victims and witnesses assistance and
14 law enforcement fund established in that judicial district.

15 **SECTION 112.** In Colorado Revised Statutes, 24-5-101, **amend**
16 (1)(b) introductory portion and (1)(b)(V) as follows:

17 **24-5-101. Effect of criminal conviction on employment rights.**

18 (1) (b) This subsection (1) ~~shall~~ DOES not apply to:

19 (V) The employment of persons in public or private correctional
20 facilities pursuant to ~~the provisions of~~ sections 17-1-109.5 and 17-1-202
21 (1)(a)(I) and (1.5), ~~C.R.S.~~, and the employment of persons in public or
22 private juvenile facilities pursuant to ~~the provisions of sections 19-2-403.3~~
23 ~~and 19-2-410 (4), C.R.S.~~ SECTIONS 19-2.5-1505 AND 19-2.5-1519 (4);

24 == ==

25 **SECTION 113.** In Colorado Revised Statutes, 24-33.5-415.6,
26 **amend** (1) as follows:

27 **24-33.5-415.6. Offender identification - fund.** (1) There is

1 hereby created in the state treasury the offender identification fund,
2 referred to in this section as the "fund". ~~Moneys~~ MONEY in the fund shall
3 ~~consist~~ CONSISTS of costs and surcharges levied pursuant to this section
4 and payments for genetic testing received from offenders pursuant to
5 sections 16-11-102.4, 18-1.3-407, and ~~19-2-925.6, C.R.S.~~ AND
6 19-2.5-1119. Subject to annual appropriations by the general assembly, the
7 executive director and the state court administrator are authorized to
8 expend ~~moneys~~ MONEY in the fund to pay for genetic testing of offenders
9 pursuant to sections 16-11-102.4 and 18-1.3-407. ~~C.R.S.~~ At the end of any
10 fiscal year, all unexpended and unencumbered ~~moneys~~ MONEY in the fund
11 ~~shall remain therein~~ REMAINS IN THE FUND and shall not be credited or
12 transferred to the general fund or any other fund.

13

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14 **SECTION 114.** In Colorado Revised Statutes, 24-33.5-503,
15 **amend** (1)(i) as follows:

16 **24-33.5-503. Duties of division.** (1) The division has the
17 following duties:

18 (i) To promulgate rules and regulations which set minimum
19 standards for temporary holding facilities as defined in section 19-1-103;
20 ~~(106), C.R.S.;~~

21 **SECTION 115.** In Colorado Revised Statutes, 24-33.5-2401,
22 **amend** (2)(a)(IV) as follows:

23 **24-33.5-2401. Committee on juvenile justice reform - creation**
24 **- membership.** (2) (a) The committee consists of the following thirty
25 members:

26 (IV) The director of the division of youth services pursuant to
27 ~~section 19-2-203~~ SECTION 19-2.5-1501, or the director's designee;

1 **SECTION 116.** In Colorado Revised Statutes, 24-33.5-2402,
2 **amend** (1)(c) as follows:

3 **24-33.5-2402. Juvenile justice reform committee - duties.**

4 (1) The committee has the following duties:

5 (c) Select a validated risk screening tool to be used statewide to
6 inform district attorney decisions on a juvenile's eligibility for diversion.
7 The validated risk screening tool must be implemented pursuant to ~~section~~
8 ~~19-2-303~~ SECTION 19-2.5-402.

9 **SECTION 117.** In Colorado Revised Statutes, 24-48.5-313,
10 **amend** (3)(b) as follows:

11 **24-48.5-313. Art in public places - works of art in correctional**
12 **and juvenile facilities.** (3) (b) As used in this subsection (3), "juvenile
13 correctional facility" means any facility operated by or under contract with
14 the department of human services pursuant to ~~section 19-2-403, C.R.S.~~
15 SECTION 19-2.5-1502.

16 **SECTION 118.** In Colorado Revised Statutes, 24-72-113, **amend**
17 (2)(b) as follows:

18 **24-72-113. Limit on retention of passive surveillance records**
19 **- definition.** (2) (b) This section does not apply to passive surveillance
20 records of any correctional facility, local jail, or private contract prison,
21 as defined in section 17-1-102, ~~C.R.S.~~, any juvenile facility operated by
22 the Colorado department of human services, as listed in ~~sections 19-2-402,~~
23 ~~19-2-403, and 19-2-406 through 19-2-408, C.R.S.~~ SECTIONS 19-2.5-1502,
24 19-2.5-1511, AND 19-2.5-1527 TO 19-2.5-1529, or any passive surveillance
25 records made or maintained as required under federal law.

26 **SECTION 119.** In Colorado Revised Statutes, 24-72-304, **amend**
27 (4.5)(d) introductory portion and (4.5)(d)(I) as follows:

1 **24-72-304. Inspection of criminal justice records.** (4.5) (d) The
2 ~~provisions of this subsection (4.5) shall~~ THIS SUBSECTION (4.5) DOES not
3 apply to the sharing of information between:

4 (I) Criminal justice agencies, school districts, state institution of
5 higher education police departments and authorized university
6 administrators pursuant to section 23-5-141, ~~C.R.S.~~, assessment centers
7 for children as defined in section 19-1-103, (10.5), C.R.S., ~~_____~~ or social
8 services agencies as authorized by section 22-32-109.1 (3); ~~C.R.S.~~;

9 _____
10 **SECTION 120.** In Colorado Revised Statutes, 25-1.5-301, **amend**
11 (2)(b) as follows:

12 **25-1.5-301. Definitions.** As used in this part 3, unless the context
13 otherwise requires:

14 (2) "Facility" means:
15 (b) Institutions for juveniles ~~provided for in part 4 of article 2 of~~
16 ~~title 19, C.R.S.~~ ESTABLISHED IN PART 15 OF ARTICLE 2.5 OF TITLE 19;

17 **SECTION 121.** In Colorado Revised Statutes, 25-2-113.5, **amend**
18 (2)(g.5) as follows:

19 **25-2-113.5. Limited access to information upon consent of all**
20 **parties - voluntary adoption registry.** (2) As used in this section, unless
21 the context otherwise requires:

22 (g.5) "Sibling" ~~shall have~~ HAS the same meaning as "biological
23 sibling" PURSUANT TO section 19-1-103. ~~(14), C.R.S.~~

24 **SECTION 122.** In Colorado Revised Statutes, 25.5-4-205.5,
25 **amend** (2) as follows:

26 **25.5-4-205.5. Confined persons - suspension of benefits.**
27 (2) Notwithstanding any other provision of law, a person who,

1 immediately prior to becoming a confined person, was a recipient of
2 medical assistance pursuant to this article 4 or article 5 or 6 of this title
3 25.5, remains eligible for medical assistance while a confined person;
4 except that ~~no~~ medical assistance may NOT be furnished pursuant to this
5 article 4 or article 5 or 6 of this title 25.5 while the person is a confined
6 person unless federal financial participation is available for the cost of the
7 assistance, including but not limited to juveniles held in a facility operated
8 by or under contract to the division of youth services established pursuant
9 to ~~section 19-2-203~~ SECTION 19-2.5-1501 or the department of human
10 services. Once a person is no longer a confined person, the person
11 continues to be eligible for receipt of medical benefits pursuant to this
12 article 4 or article 5 or 6 of this title 25.5 until the person is determined to
13 be ineligible for the receipt of the assistance. To the extent permitted by
14 federal law, the time during which a person is a confined person is not
15 included in any calculation of when the person must recertify his or her
16 eligibility for medical assistance pursuant to this article 4 or article 5 or 6
17 of this title 25.5.

18 **SECTION 123.** In Colorado Revised Statutes, 25.5-5-402, **amend**
19 (6)(b) as follows:

20 **25.5-5-402. Statewide managed care system - definition - rules.**

21 (6) (b) For a child or youth who obtains eligibility for services under the
22 state's medicaid program through a dependency and neglect action
23 resulting in out-of-home placement pursuant to article 3 of title 19 or a
24 juvenile delinquency action resulting in out-of-home placement pursuant
25 to ~~article 2~~ ARTICLE 2.5 of title 19, the state department shall assign the
26 child or youth to the MCE covering the county with jurisdiction over the
27 action. The state department shall only change the assignment if the

1 change is requested by the county with jurisdiction over the action or by
2 the child's or youth's legal guardian.

3 **SECTION 124.** In Colorado Revised Statutes, 26-1-139, **amend**
4 (5)(b), (5)(g) introductory portion, and (5)(h) introductory portion as
5 follows:

6 **26-1-139. Child fatality and near fatality prevention -**
7 **legislative declaration - process - department of human services child**
8 **fatality review team - reporting - rules - definitions.** (5) (b) Within
9 three business days after receiving from a county department the
10 information provided ~~under paragraph (a) of this subsection (5)~~ PURSUANT
11 TO SUBSECTION (5)(a) OF THIS SECTION, the department shall disclose to
12 the public that information has been received, whether the department is
13 conducting a review of the incident, whether the child was in ~~his or her~~
14 THE CHILD'S own home or in foster care, as defined in section 19-1-103,
15 ~~(51.3), C.R.S.~~, and the child's gender and age. The department may
16 disclose the scope of the review.

17 (g) The case-specific executive summary for a child who was not
18 in foster care, as defined in section 19-1-103, ~~(51.3), C.R.S.~~, at the time
19 of the fatality must include:

20 (h) The case-specific executive summary for a child who was in
21 foster care, as defined in section 19-1-103, ~~(51.3), C.R.S.~~, at the time of
22 the incident must include:

23 **SECTION 125.** In Colorado Revised Statutes, 26-5-104, **amend**
24 (2) as follows:

25 **26-5-104. Funding of child welfare services provider contracts**
26 **- funding mechanism review - fund - report - rules - definitions -**
27 **repeal.** (2) **Parental fees.** The fiscal year beginning July 1, 1990, shall

1 ~~constitute~~ CONSTITUTES the base fiscal year for the purpose of computing
2 a base amount of parental fee collections by each county on behalf of
3 children in foster care. Commencing with the fiscal year beginning July
4 1, 1991, any increased amount of parental fees over and above the base
5 amount ~~shall be~~ IS retained by the county that collected ~~such~~ THE parental
6 fees. Any ~~moneys~~ MONEY retained by each county pursuant to this
7 subsection (2) may be used for child welfare services directed toward
8 early intervention, placement prevention, and family preservation, or any
9 other program funded pursuant to ~~sections 19-2-211, 19-2-212, and~~
10 ~~19-2-310, C.R.S.~~ SECTIONS 19-2.5-302, 19-2.5-1404 AND 19-2.5-1407.

11 **SECTION 126.** In Colorado Revised Statutes, 26-6-102, **amend**
12 (14) and (35) as follows:

13 **26-6-102. Definitions.** As used in this article 6, unless the context
14 otherwise requires:

15 (14) "Foster care home" means a home that is certified by a county
16 department or child placement agency pursuant to section 26-6-106.3 for
17 child care in a place of residence of a family or person for the purpose of
18 providing twenty-four-hour family foster care for a child under the age of
19 twenty-one years. A foster care home may include foster care for a child
20 who is unrelated to the head of the home or foster care provided through
21 a kinship foster care home but does not include noncertified kinship care,
22 as defined in section 19-1-103. ~~(78.7), C.R.S.~~ The term includes any foster
23 care home receiving a child for regular twenty-four-hour care and any
24 home receiving a child from any state-operated institution for child care
25 or from any child placement agency, as defined in subsection (7) of this
26 section. "Foster care home" also includes those homes licensed by the
27 department of human services pursuant to section 26-6-104 that receive

1 neither moneys from the counties nor children placed by the counties.

2 (35) "Secure residential treatment center" means a facility operated
3 under private ownership that is licensed by the department pursuant to this
4 part 1 to provide twenty-four-hour group care and treatment in a secure
5 setting for five or more children or persons up to the age of twenty-one
6 years over whom the juvenile court retains jurisdiction pursuant to ~~section~~
7 ~~19-2-104 (6), C.R.S.~~, SECTION 19-2.5-103 (6) who are committed by a
8 court pursuant to an adjudication of delinquency or pursuant to a
9 determination of guilt of a delinquent act or having been convicted as an
10 adult and sentenced for an act that would be a crime if committed in
11 Colorado, or in the committing jurisdiction, to be placed in a secure
12 facility.

13 **SECTION 127.** In Colorado Revised Statutes, 26-6-106.3, **amend**
14 (7) as follows:

15 **26-6-106.3. Certification and annual recertification of foster**
16 **care homes by county departments and licensed child placement**
17 **agencies - background and reference check requirements - definitions.**

18 (7) For purposes of this section, "convicted" means a conviction by a jury
19 or by a court and includes a deferred judgment and sentence agreement,
20 a deferred prosecution agreement, a deferred adjudication agreement, an
21 adjudication, or a plea of guilty or nolo contendere; except that this does
22 not apply to a diversion or deferral or plea for a juvenile who participated
23 in diversion, as defined in ~~section 19-1-103 (44), C.R.S.~~ SECTION
24 19-2.5-102, and does not apply to a diversion or deferral or plea for a
25 person who participated in and successfully completed the child abuse and
26 child neglect diversion program as described in section 19-3-310. ~~C.R.S.~~

27 **SECTION 128.** In Colorado Revised Statutes, 26-6-106.5, **amend**

1 (2)(a) as follows:

2 **26-6-106.5. Foster care - kinship care - rules applying**
3 **generally - rule-making.** (2) At a minimum, the rules described in
4 subsection (1) of this section must include the following:

5 (a) Using the state department's automated database, the
6 procedures for notifying all county departments and child placement
7 agencies that place children in foster care when the state department has
8 identified a confirmed report of child abuse or neglect, as defined in
9 ~~section 19-1-103 (27), C.R.S.~~ SECTION 19-1-103 that involves a foster
10 care home, as well as the suspension of any further placements in the
11 foster care home until the investigation is concluded;

12 **SECTION 129.** In Colorado Revised Statutes, 26-6-706, **amend**
13 (1) as follows:

14 **26-6-706. Rules.** (1) A temporary care assistance program and a
15 temporary care provider are subject to any rule promulgated by the
16 department that is applicable to noncertified kinship care, defined in
17 section 19-1-103; ~~(78.7)~~; except that a temporary care assistance program
18 and a temporary care provider are not subject to ~~such~~ a rule that is
19 inconsistent with this part 7.

20 **SECTION 130.** In Colorado Revised Statutes, 26-20-102, **amend**
21 (1)(b)(III) and (2.5) as follows:

22 **26-20-102. Definitions.** As used in this article 20, unless the
23 context otherwise requires:

24 (1) (b) "Agency" does not include:

25 (III) A juvenile probation department or division authorized
26 pursuant to ~~section 19-2-204, C.R.S.~~ SECTION 19-2.5-1406;

27 (2.5) "Division of youth services" means the division of youth

1 services within the state department created pursuant to ~~section 19-2-203~~
2 SECTION 19-2.5-1501.

3 **SECTION 131.** In Colorado Revised Statutes, 27-60-105, **amend**
4 (2) as follows:

5 **27-60-105. Outpatient restoration to competency services -**
6 **jail-based behavioral health services - responsible entity - duties -**
7 **report - legislative declaration.** (2) The office of behavioral health ~~shall~~
8 ~~serve~~ SERVES as a central organizing structure and responsible entity for
9 the provision of competency restoration education services, coordination
10 of competency restoration services ordered by the court pursuant to
11 section 16-8.5-111 (2)(b) ~~or 19-2-1303 (2)~~ OR 19-2.5-704 (2), and
12 jail-based behavioral health services pursuant to section 27-60-106.

13 **SECTION 132.** In Colorado Revised Statutes, 27-81-111, **amend**
14 (1)(a) as follows:

15 **27-81-111. Emergency commitment.** (1) (a) When a person is
16 under the influence of or incapacitated by substances and clearly
17 dangerous to the health and safety of himself, herself, or others, law
18 enforcement authorities or an emergency service patrol, acting with
19 probable cause, shall take the person into protective custody in an
20 approved treatment facility. If no such facilities are available, the person
21 may be detained in an emergency medical facility or jail, but only for so
22 long as may be necessary to prevent injury to himself, herself, or others or
23 to prevent a breach of the peace. If the person being detained is a juvenile,
24 as defined in ~~section 19-1-103 (68)~~ SECTION 19-2.5-102, the juvenile ~~shall~~
25 **MUST** be placed in a setting that is nonsecure and physically segregated by
26 sight and sound from the adult offenders. A law enforcement officer or
27 emergency service patrol officer, in detaining the person, is taking the

1 person into protective custody. In so doing, the detaining officer may
2 protect himself or herself by reasonable methods but shall make every
3 reasonable effort to protect the detainee's health and safety. A taking into
4 protective custody ~~under~~ PURSUANT TO this section is not an arrest, and ~~no~~
5 AN entry or other record shall NOT be made to indicate that the person has
6 been arrested or charged with a crime. Law enforcement or emergency
7 service personnel who act in compliance with this section are acting in the
8 course of their official duties and are not criminally or civilly liable.
9 ~~therefor~~. Nothing in this subsection (1) precludes a person intoxicated by
10 alcohol, under the influence of drugs, or incapacitated by substances who
11 is not dangerous to the health and safety of himself, herself, or others from
12 being assisted to the person's home or like location by the law
13 enforcement officer or emergency service patrol officer.

14 **SECTION 133**. In Colorado Revised Statutes, 27-90-102, **amend**
15 (1)(f), (1)(g), and (4)(d) as follows:

16 **27-90-102. Duties of executive director - governor acquire**
17 **water rights - rules.** (1) The duties of the executive director are:

18 (f) To examine and evaluate each child committed to the
19 department and to place each child ~~so committed as provided in section~~
20 ~~19-2-922, C.R.S.~~ COMMITTED PURSUANT TO SECTION 19-2.5-1525;

21 (g) To transfer between appropriate state institutions children
22 committed to the department ~~as provided in section 19-2-923, C.R.S.~~
23 PURSUANT TO SECTION 19-2.5-1532;

24 (4) (d) The board members shall act as medical consultants to the
25 department with respect to persons receiving services from the institutions
26 listed in section 27-90-104 and from any institution operated pursuant to
27 ~~part 11 of article 2 of title 19, C.R.S.~~ PART 10 OF ARTICLE 2.5 OF TITLE 19.

1 **SECTION 134**. In Colorado Revised Statutes, **amend** 27-90-110
2 as follows:

3 **27-90-110. Rules for this article 90 and certain provisions in**
4 **title 19.** Pursuant to section 24-4-103, the department shall promulgate
5 such rules as are necessary to implement the provisions of this article 90
6 and the procedures specified in ~~sections 19-2-508, 19-2-906, 19-2-922,~~
7 ~~19-2-923, 19-3-403, 19-3-506, 19-3-507, and 19-3-508~~ SECTIONS
8 19-2.5-305, 19-2.5-1102, 19-2.5-1525, 19-2.5-1532, 19-3-403, 19-3-506,
9 19-3-507, AND 19-3-508 regarding children who are in detention or who
10 have or may have a behavioral or mental health disorder or an intellectual
11 and developmental disability.

12 **SECTION 135**. In Colorado Revised Statutes, 27-90-111, **amend**
13 (3)(g) as follows:

14 **27-90-111. Employment of personnel - screening of applicants**
15 **- disqualifications from employment - contracts - rules - definitions.**

16 (3) The employment screening and disqualification requirements in this
17 section apply to the following facilities or programs operated by the
18 department:

19 (g) Any secure facility contracted for by the department pursuant
20 to ~~section 19-2-403, C.R.S.~~, SECTION 19-2.5-1502 in which juveniles who
21 are in the custody of the department reside.

22 **SECTION 136**. In Colorado Revised Statutes, 27-92-101, **amend**
23 (2) as follows:

24 **27-92-101. Liability.** (2) ~~The provisions of this article shall apply~~
25 ~~also~~ THIS ARTICLE 92 ALSO APPLIES to those persons received ~~under the~~
26 ~~provisions of~~ PURSUANT TO article 8 of title 16 and ~~sections 16-13-216,~~
27 ~~19-2-922, and 19-2-923, C.R.S.~~ SECTIONS 16-13-216, 19-2.5-1525, AND

1 19-2.5-1532, but not by way of exclusion.

2 **SECTION 137.** In Colorado Revised Statutes, 30-15-401, **amend**
3 (1)(d.5) as follows:

4 **30-15-401. General regulations - definitions.** (1) In addition to
5 those powers granted by sections 30-11-101 and 30-11-107 and by parts
6 1, 2, and 3 of this article 15, the board of county commissioners may adopt
7 ordinances for control or licensing of those matters of purely local concern
8 that are described in the following enumerated powers:

9 (d.5) To discourage juvenile delinquency through the imposition
10 of curfews applicable to juveniles, the restraint and punishment of
11 loitering by juveniles, and the restraint and punishment of defacement of,
12 including the affixing of graffiti to, buildings and other public or private
13 property by juveniles by means that may include restrictions on the
14 purchase or possession of graffiti implements by juveniles. The board of
15 county commissioners, when enacting an ordinance to carry out the
16 powers granted by this ~~paragraph (d.5)~~ SUBSECTION (1)(d.5), may make it
17 unlawful for a retailer to sell graffiti implements to juveniles but shall not
18 dictate the manner in which the retailer displays graffiti implements. For
19 purposes of this ~~paragraph (d.5)~~ SUBSECTION (1)(d.5), "juvenile" means
20 a juvenile as defined in ~~section 19-2-103(10), C.R.S.~~, SECTION 19-2.5-102
21 and "graffiti implement" means an aerosol paint container, broad-tipped
22 marker, gum label, paint stick or graffiti stick, or etching equipment.

23 **SECTION 138.** In Colorado Revised Statutes, 38-1-202, **amend**
24 (1)(b)(IV)(A) as follows:

25 **38-1-202. Governmental entities, corporations, and persons**
26 **authorized to use eminent domain.** (1) The following governmental
27 entities, types of governmental entities, and public corporations, in

1 accordance with all procedural and other requirements specified in this
2 article 1 and articles 2 to 7 of this title 38 and to the extent and within any
3 time frame specified in the applicable authorizing statute, may exercise the
4 power of eminent domain:

5 (b) The state:

6 (IV) By action of the general assembly or by action of any of the
7 following officers and agencies of the state:

8 (A) The department of human services as authorized in ~~section~~
9 ~~19-2-403.5, C.R.S.~~ SECTION 19-2.5-1503;

10 SECTION 139. In Colorado Revised Statutes, 39-28.8-501,
11 **amend** (2)(b)(IV)(O) as follows:

12 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
13 **- legislative declaration - repeal.** (2) (b) (IV) Subject to the limitation
14 in subsection (5) of this section, the general assembly may annually
15 appropriate any money in the fund for any fiscal year following the fiscal
16 year in which it was received by the state for the following purposes:

17 (O) For the development of local dually identified crossover youth
18 plans and services as described in ~~section 19-2-211 (2)~~ SECTION
19 19-2.5-302;

20 SECTION 140. In Colorado Revised Statutes, 42-4-1705, **amend**
21 (2.5) as follows:

22 **42-4-1705. Person arrested to be taken before the proper court.**
23 (2.5) In any case in which the arrested person ~~that~~ WHO is taken before a
24 county judge pursuant to subsection (1) or (2) of this section is a child, as
25 defined in section 19-1-103, ~~(18), C.R.S., the provisions of section~~
26 42-4-1706 (2) ~~shall apply~~ APPLIES.

27 SECTION 141. In Colorado Revised Statutes, 42-4-1706, **amend**

1 (1) and (2)(a) as follows:

2 **42-4-1706. Juveniles - convicted - arrested and incarcerated -**
3 **provisions for confinement.** (1) Notwithstanding any other provision of
4 law, a child, as defined in ~~section 19-1-103 (18), C.R.S.~~ SECTION
5 19-1-103, convicted of a misdemeanor traffic offense ~~under this article~~
6 PURSUANT TO THIS ARTICLE 4, violating the conditions of probation
7 imposed ~~under this article~~ PURSUANT TO THIS ARTICLE 4, or found in
8 contempt of court in connection with a violation or alleged violation ~~under~~
9 ~~this article shall~~ PURSUANT TO THIS ARTICLE 4 MUST not be confined in a
10 jail, lockup, or other place used for the confinement of adult offenders if
11 the court with jurisdiction is located in a county in which there is a
12 juvenile detention facility operated by or under contract with the
13 department of human services that ~~shall receive~~ RECEIVES and ~~provide~~
14 PROVIDES care for ~~such child~~ CHILDREN or if the jail is located within forty
15 miles of such facility. The court imposing penalties ~~under~~ PURSUANT TO
16 this section may confine a child for a determinate period of time in a
17 juvenile detention facility operated by or under contract with the
18 department of human services. If a juvenile detention facility operated by
19 or under contract with the department of human services is not located
20 within the county or within forty miles of the jail, a child may be confined
21 for up to forty-eight hours in a jail pursuant to ~~section 19-2-508 (4),~~
22 ~~C.R.S.~~ SECTION 19-2.5-305 (4).

23 (2) (a) Notwithstanding any other provision of law, a child, as
24 defined in ~~section 19-1-103 (18)~~ SECTION 19-1-103, arrested and
25 incarcerated for an alleged misdemeanor traffic offense pursuant to this
26 article 4, and not released on bond, ~~shall~~ MUST be taken before a county
27 judge who has jurisdiction of such offense within forty-eight hours for

1 fixing of bail and conditions of bond pursuant to ~~section 19-2-508 (4)(e)~~
2 SECTION 19-2.5-305 (4)(e). ~~Such~~ THE child ~~shall~~ MUST not be confined in
3 a jail, lockup, or other place used for the confinement of adult offenders
4 for longer than seventy-two hours, after which the child may be further
5 detained only in a juvenile detention facility operated by or under contract
6 with the department of human services. In calculating time ~~under~~
7 PURSUANT TO this subsection (2), Saturdays, Sundays, and court holidays
8 ~~must be~~ ARE included.

9 **SECTION 142.** In Colorado Revised Statutes, 44-33-103, **amend**
10 (2)(a)(II) as follows:

11 **44-33-103. Definitions.** As used in this article 33, unless the
12 context otherwise requires:

13 (2) (a) "Outstanding debt" means:

14 (II) Restitution that a person has been ordered to pay pursuant to
15 section 18-1.3-603 ~~or 19-2-918~~ OR 19-2.5-1104, regardless of the date that
16 the restitution was ordered; and

17 **SECTION 143.** In Colorado Revised Statutes, 44-33-106, **amend**
18 (2)(a) as follows:

19 **44-33-106. Gambling payment intercept cash fund - creation**
20 **- gifts, grants, and donations - intercepts for restitution.** (2) (a) The
21 money in the fund ~~shall be~~ IS continuously appropriated to the department
22 of revenue for the purpose of expanding the program established by this
23 article 33 to include intercepts of restitution that a person has been ordered
24 to pay pursuant to section 18-1.3-603 ~~or 19-2-918~~ OR 19-2.5-1104, as
25 certified by the judicial department. As soon as there is sufficient money
26 in the fund, the department of revenue shall expand the program for that
27 purpose.

1 **SECTION 144.** In Colorado Revised Statutes, **repeal and**
2 **reenact, with amendments,** 19-1-103 as follows:

3 **19-1-103. Definitions.** AS USED IN THIS TITLE 19 OR IN THE
4 SPECIFIED PORTION OF THIS TITLE 19, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES:

6 (1) (a) "ABUSE" OR "CHILD ABUSE OR NEGLECT", AS USED IN PART
7 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS AN ACT OR OMISSION IN ONE OF
8 THE FOLLOWING CATEGORIES THAT THREATENS THE HEALTH OR WELFARE
9 OF A CHILD:

10 (I) ANY CASE IN WHICH A CHILD EXHIBITS EVIDENCE OF SKIN
11 BRUISING, BLEEDING, MALNUTRITION, FAILURE TO THRIVE, BURNS,
12 FRACTURE OF ANY BONE, SUBDURAL HEMATOMA, SOFT TISSUE SWELLING,
13 OR DEATH AND EITHER: SUCH CONDITION OR DEATH IS NOT JUSTIFIABLY
14 EXPLAINED, THE HISTORY GIVEN CONCERNING SUCH CONDITION IS AT
15 VARIANCE WITH THE DEGREE OR TYPE OF SUCH CONDITION OR DEATH, OR
16 THE CIRCUMSTANCES INDICATE THAT SUCH CONDITION MAY NOT BE THE
17 PRODUCT OF AN ACCIDENTAL OCCURRENCE;

18 (II) ANY CASE IN WHICH A CHILD IS SUBJECTED TO UNLAWFUL
19 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9);

20 (III) ANY CASE IN WHICH A CHILD IS IN NEED OF SERVICES BECAUSE
21 THE CHILD'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN FAILS TO TAKE THE
22 SAME ACTIONS TO PROVIDE ADEQUATE FOOD, CLOTHING, SHELTER,
23 MEDICAL CARE, OR SUPERVISION THAT A PRUDENT PARENT WOULD TAKE.
24 THE REQUIREMENTS OF THIS SUBSECTION (1)(a)(III) ARE SUBJECT TO THE
25 PROVISIONS OF SECTION 19-3-103.

26 (IV) ANY CASE IN WHICH A CHILD IS SUBJECTED TO EMOTIONAL
27 ABUSE. AS USED IN THIS SUBSECTION (1)(a)(IV), "EMOTIONAL ABUSE"

1 MEANS AN IDENTIFIABLE AND SUBSTANTIAL IMPAIRMENT OF THE CHILD'S
2 INTELLECTUAL OR PSYCHOLOGICAL FUNCTIONING OR DEVELOPMENT OR A
3 SUBSTANTIAL RISK OF IMPAIRMENT OF THE CHILD'S INTELLECTUAL OR
4 PSYCHOLOGICAL FUNCTIONING OR DEVELOPMENT.

5 (V) ANY ACT OR OMISSION DESCRIBED IN SECTION 19-3-102 (1)(a),
6 (1)(b), OR (1)(c);

7 (VI) ANY CASE IN WHICH, IN THE PRESENCE OF A CHILD, OR ON THE
8 PREMISES WHERE A CHILD IS FOUND, OR WHERE A CHILD RESIDES, A
9 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), IS
10 MANUFACTURED OR ATTEMPTED TO BE MANUFACTURED;

11 (VII) ANY CASE IN WHICH A CHILD IS BORN AFFECTED BY ALCOHOL
12 OR SUBSTANCE EXPOSURE, EXCEPT WHEN TAKEN AS PRESCRIBED OR
13 RECOMMENDED AND MONITORED BY A LICENSED HEALTH CARE PROVIDER,
14 AND THE NEWBORN CHILD'S HEALTH OR WELFARE IS THREATENED BY
15 SUBSTANCE USE;

16 (VIII) ANY CASE IN WHICH A CHILD IS SUBJECTED TO HUMAN
17 TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE, AS DESCRIBED IN
18 SECTION 18-3-503, OR HUMAN TRAFFICKING OF A MINOR FOR SEXUAL
19 SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (2).

20 (b) IN ALL CASES, THOSE INVESTIGATING REPORTS OF CHILD ABUSE
21 SHALL TAKE INTO ACCOUNT ACCEPTED CHILD-REARING PRACTICES OF THE
22 CULTURE IN WHICH THE CHILD PARTICIPATES, INCLUDING BUT NOT LIMITED
23 TO ACCEPTED WORK-RELATED PRACTICES OF AGRICULTURAL
24 COMMUNITIES. NOTHING IN THIS SUBSECTION (1) REFERS TO ACTS THAT
25 COULD BE CONSTRUED TO BE A REASONABLE EXERCISE OF PARENTAL
26 DISCIPLINE OR TO ACTS REASONABLY NECESSARY TO SUBDUE A CHILD
27 BEING TAKEN INTO CUSTODY PURSUANT TO SECTION 19-2.5-209 THAT ARE

1 PERFORMED BY A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101,
2 ACTING IN THE GOOD-FAITH PERFORMANCE OF THE OFFICER'S DUTIES.

3 (2) "ADJUDICATION" HAS THE SAME MEANING AS SET FORTH IN
4 SECTION 19-2.5-102.

5 (3) "ADJUDICATORY HEARING" MEANS A HEARING TO DETERMINE
6 WHETHER THE ALLEGATIONS OF A PETITION IN DEPENDENCY AND NEGLECT
7 ARE SUPPORTED BY THE EVIDENCE.

8 (4) "ADJUDICATORY TRIAL" MEANS A TRIAL TO DETERMINE
9 WHETHER THE ALLEGATIONS OF A PETITION IN DELINQUENCY ARE
10 SUPPORTED BY THE EVIDENCE.

11 (5) "ADMINISTRATIVE REVIEW" MEANS A REVIEW CONDUCTED BY
12 THE DEPARTMENT OF HUMAN SERVICES THAT IS OPEN TO THE
13 PARTICIPATION OF THE PARENTS OF THE CHILD AND CONDUCTED BY AN
14 ADMINISTRATIVE REVIEWER WHO IS NOT RESPONSIBLE FOR THE CASE
15 MANAGEMENT OF, OR THE DELIVERY OF SERVICES TO, EITHER THE CHILD OR
16 THE PARENTS WHO ARE THE SUBJECT OF THE REVIEW.

17 (6) "ADOPTEE", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19,
18 MEANS A PERSON WHO, AS A MINOR, WAS ADOPTED PURSUANT TO A FINAL
19 DECREE OF ADOPTION ENTERED BY A COURT.

20 (7) (a) "ADOPTION RECORD", AS USED IN PART 3 OF ARTICLE 5 OF
21 THIS TITLE 19, WITH THE EXCEPTION OF SECTION 19-5-305 (2)(b)(I) TO
22 (2)(b)(IV), MEANS THE FOLLOWING DOCUMENTS AND INFORMATION:

23 (I) THE ADOPTEE'S ORIGINAL BIRTH CERTIFICATE AND AMENDED
24 BIRTH CERTIFICATE;

25 (II) THE FINAL DECREE OF ADOPTION;

26 (III) NONIDENTIFYING INFORMATION, AS DEFINED IN SUBSECTION
27 (103) OF THIS SECTION;

1 (IV) THE FINAL ORDER OF RELINQUISHMENT; AND
2 (V) THE ORDER OF TERMINATION OF PARENTAL RIGHTS.
3 (b) "ADOPTION RECORD", AS USED IN SECTION 19-5-305 (2)(b)(I)
4 TO (2)(b)(IV), MEANS THE FOLLOWING DOCUMENTS AND INFORMATION,
5 WITHOUT REDACTION:
6 (I) THE ADOPTEE'S ORIGINAL BIRTH CERTIFICATE AND AMENDED
7 BIRTH CERTIFICATE;
8 (II) THE FINAL DECREE OF ADOPTION;
9 (III) ANY IDENTIFYING INFORMATION, SUCH AS THE NAME OF THE
10 ADOPTEE BEFORE PLACEMENT IN ADOPTION; THE NAME AND ADDRESS OF
11 EACH BIRTH PARENT AS THEY APPEAR IN THE BIRTH RECORDS; THE NAME,
12 ADDRESS, AND CONTACT INFORMATION OF THE ADULT ADOPTEE; AND THE
13 CURRENT NAME, ADDRESS, AND CONTACT INFORMATION OF EACH BIRTH
14 PARENT, IF KNOWN, OR OTHER INFORMATION THAT MIGHT PERSONALLY
15 IDENTIFY A BIRTH PARENT;
16 (IV) ANY NONIDENTIFYING INFORMATION, AS DEFINED IN
17 SUBSECTION (103) OF THIS SECTION;
18 (V) THE FINAL ORDER OF RELINQUISHMENT; AND
19 (VI) THE ORDER OF TERMINATION OF PARENTAL RIGHTS.
20 (c) "ADOPTION RECORD", AS USED IN EITHER SUBSECTION (6)(a) OR
21 (6)(b) OF THIS SECTION, MUST NOT INCLUDE PRE-RELINQUISHMENT
22 COUNSELING RECORDS, WHICH MUST REMAIN CONFIDENTIAL.
23 (8) "ADOPTION TRIAD" MEANS THE THREE PARTIES INVOLVED IN AN
24 ADOPTION: THE ADOPTEE, THE BIRTH PARENT, AND THE ADOPTIVE PARENT.
25 (9) "ADOPTIVE PARENT", AS USED IN PARTS 3 AND 4 OF ARTICLE 5
26 OF THIS TITLE 19, MEANS AN ADULT WHO HAS BECOME A PARENT OF A
27 MINOR THROUGH THE LEGAL PROCESS OF ADOPTION.

1 (10) "ADULT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR
2 OLDER; EXCEPT THAT ANY PERSON EIGHTEEN YEARS OF AGE OR OLDER WHO
3 IS UNDER THE CONTINUING JURISDICTION OF THE COURT, WHO IS BEFORE
4 THE COURT FOR AN ALLEGED DELINQUENT ACT COMMITTED PRIOR TO THE
5 PERSON'S EIGHTEENTH BIRTHDAY, OR CONCERNING WHOM A PETITION HAS
6 BEEN FILED FOR THE PERSON'S ADOPTION OTHER THAN PURSUANT TO THIS
7 TITLE 19 MUST BE REFERRED TO AS A JUVENILE.

8 (11) "ADULT ADOPTEE", AS USED IN PARTS 3 AND 4 OF ARTICLE 5
9 OF THIS TITLE 19, MEANS AN INDIVIDUAL WHO IS EIGHTEEN YEARS OF AGE
10 OR OLDER AND WHO, AS A MINOR, WAS ADOPTED PURSUANT TO A FINAL
11 DECREE OF ADOPTION ENTERED BY A COURT.

12 (12) "APPROPRIATE TREATMENT PLAN", AS USED IN SECTION
13 19-3-508 (1)(e), MEANS A TREATMENT PLAN APPROVED BY THE COURT
14 THAT IS REASONABLY CALCULATED TO RENDER THE PARTICULAR
15 RESPONDENT FIT TO PROVIDE ADEQUATE PARENTING TO THE CHILD WITHIN
16 A REASONABLE TIME AND THAT RELATES TO THE CHILD'S NEEDS.

17 (13) "ASSESSMENT CENTER FOR CHILDREN", AS USED IN PART 3 OF
18 THIS ARTICLE 1, MEANS A MULTI-DISCIPLINARY, COMMUNITY-BASED
19 CENTER THAT PROVIDES SERVICES TO CHILDREN AND THEIR FAMILIES,
20 INCLUDING, BUT NOT LIMITED TO, DETENTION, SCREENING, CASE
21 MANAGEMENT, AND THERAPEUTIC INTERVENTION RELATING TO
22 DELINQUENCY, ABUSE OR NEGLECT, FAMILY CONFLICT, AND TRUANCY.

23 (14) "BASIC IDENTIFICATION INFORMATION", AS USED IN ARTICLE
24 2.5 OF THIS TITLE 19, MEANS THE NAME, PLACE AND DATE OF BIRTH,
25 LAST-KNOWN ADDRESS, SOCIAL SECURITY NUMBER, OCCUPATION AND
26 ADDRESS OF EMPLOYMENT, LAST SCHOOL ATTENDED, PHYSICAL
27 DESCRIPTION, PHOTOGRAPH, HANDWRITTEN SIGNATURE, SEX,

1 FINGERPRINTS, AND ANY KNOWN ALIASES OF ANY PERSON.

2 (15) "BIOLOGICAL PARENT" OR "BIRTH PARENT", AS USED IN PART
3 3 OF ARTICLE 5 OF THIS TITLE 19, MEANS A PARENT, BY BIRTH, OF AN
4 ADOPTED PERSON.

5 (16) "BIOLOGICAL SIBLING", AS USED IN PART 3 OF ARTICLE 5 OF
6 THIS TITLE 19, MEANS A SIBLING, BY BIRTH, OF AN ADOPTED PERSON.

7 "BIOLOGICAL SIBLING", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19,
8 FOR PURPOSES OF THE DEFINITION OF SIBLING GROUP, AS DEFINED IN
9 SUBSECTION (127) OF THIS SECTION, MEANS A BROTHER, SISTER, OR
10 HALF-SIBLING OF A CHILD WHO IS BEING PLACED IN FOSTER CARE OR BEING
11 PLACED FOR ADOPTION.

12 (17) "BIRTH PARENTS", AS USED IN PART 4 OF ARTICLE 5 OF THIS
13 TITLE 19, MEANS GENETIC, BIOLOGICAL, OR NATURAL PARENTS WHOSE
14 RIGHTS WERE VOLUNTARILY OR INVOLUNTARILY TERMINATED BY A COURT
15 OR OTHERWISE. "BIRTH PARENTS" INCLUDES A MAN WHO IS THE PARENT OF
16 A CHILD AS ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE
17 "UNIFORM PARENTAGE ACT", ARTICLE 4 OF THIS TITLE 19, PRIOR TO THE
18 TERMINATION OF PARENTAL RIGHTS.

19 (18) "BOARD", AS USED IN ARTICLE 3.5 OF THIS TITLE 19, MEANS
20 THE COLORADO CHILDREN'S TRUST FUND BOARD CREATED IN SECTION
21 19-3.5-104.

22 (19) "CASE MANAGEMENT PURPOSES" MEANS ASSESSMENTS,
23 EVALUATIONS, TREATMENT, EDUCATION, PROPER DISPOSITION OR
24 PLACEMENT OF THE CHILD, INTERAGENCY COORDINATION, AND OTHER
25 SERVICES THAT ARE INCIDENTAL TO THE ADMINISTRATION OF THE
26 PROGRAM AND IN THE BEST INTERESTS OF THE CHILD.

27 (20) "CHIEF JUSTICE", AS USED IN PART 3 OF ARTICLE 5 OF THIS

1 TITLE 19, MEANS THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT.

2 (21) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

3 (22) "CHILD ABUSE", AS USED IN ARTICLE 3.5 OF THIS TITLE 19,
4 MEANS ANY ACT THAT REASONABLY MAY BE CONSTRUED TO FALL UNDER
5 THE DEFINITION OF ABUSE OR CHILD ABUSE OR NEGLECT IN SUBSECTION (1)
6 OF THIS SECTION.

7 (23) "CHILD ADVOCACY CENTER", AS USED IN PART 3 OF ARTICLE
8 3 OF THIS TITLE 19, MEANS A CENTER THAT PROVIDES A COMPREHENSIVE
9 MULTIDISCIPLINARY TEAM RESPONSE TO ALLEGATIONS OF CHILD ABUSE OR
10 NEGLECT IN A DEDICATED, CHILD-FRIENDLY SETTING. THE TEAM RESPONSE
11 TO ALLEGATIONS OF CHILD ABUSE OR NEGLECT INCLUDES BUT IS NOT
12 LIMITED TO TECHNICAL ASSISTANCE FOR FORENSIC INTERVIEWS, FORENSIC
13 MEDICAL EXAMINATIONS, MENTAL HEALTH AND RELATED SUPPORT
14 SERVICES, CONSULTATION, TRAINING, AND EDUCATION.

15 (24) "CHILD CARE CENTER" MEANS A CHILD CARE CENTER
16 LICENSED AND APPROVED PURSUANT TO ARTICLE 6 OF TITLE 26. IF THE
17 FACILITY IS LOCATED IN ANOTHER STATE, THE DEPARTMENT OF HUMAN
18 SERVICES SHALL DESIGNATE, UPON CERTIFICATION, THAT AN APPROPRIATE
19 AVAILABLE SPACE DOES NOT EXIST IN A CHILD CARE FACILITY IN THIS
20 STATE, AND THE FACILITY MUST BE LICENSED OR APPROVED AS REQUIRED
21 BY LAW IN THAT STATE.

22 (25) "CHILD PLACEMENT AGENCY" MEANS AN AGENCY LICENSED
23 OR APPROVED PURSUANT TO LAW. IF SUCH AGENCY IS LOCATED IN
24 ANOTHER STATE, IT MUST BE LICENSED OR APPROVED AS REQUIRED BY LAW
25 IN THAT STATE.

26 (26) "CHILD PROTECTION TEAM", AS USED IN PART 3 OF ARTICLE 3
27 OF THIS TITLE 19, MEANS A MULTIDISCIPLINARY TEAM CONSISTING, WHERE

1 POSSIBLE, OF A PHYSICIAN; A REPRESENTATIVE OF THE JUVENILE COURT OR
2 THE DISTRICT COURT WITH JUVENILE JURISDICTION; A REPRESENTATIVE OF
3 A LOCAL LAW ENFORCEMENT AGENCY; A REPRESENTATIVE OF THE COUNTY
4 DEPARTMENT OF HUMAN OR SOCIAL SERVICES; A REPRESENTATIVE OF A
5 MENTAL HEALTH CLINIC; A REPRESENTATIVE OF A COUNTY, DISTRICT, OR
6 MUNICIPAL PUBLIC HEALTH AGENCY; AN ATTORNEY; A REPRESENTATIVE OF
7 A PUBLIC SCHOOL DISTRICT; AND ONE OR MORE REPRESENTATIVES OF THE
8 LAY COMMUNITY, AT LEAST ONE OF WHOM MUST BE A PERSON WHO SERVES
9 AS A FOSTER PARENT IN THE COUNTY. EACH PUBLIC AGENCY MAY HAVE
10 MORE THAN ONE PARTICIPATING MEMBER ON THE TEAM; EXCEPT THAT, IN
11 VOTING ON PROCEDURAL OR POLICY MATTERS, EACH PUBLIC AGENCY
12 SHALL HAVE ONLY ONE VOTE. IN NO EVENT MUST AN ATTORNEY MEMBER
13 OF THE CHILD PROTECTION TEAM BE APPOINTED AS GUARDIAN AD LITEM
14 FOR THE CHILD OR AS COUNSEL FOR THE PARENTS AT ANY SUBSEQUENT
15 COURT PROCEEDINGS. THE CHILD PROTECTION TEAM MUST NEVER BE
16 COMPOSED OF FEWER THAN THREE PERSONS. WHEN ANY RACIAL, ETHNIC,
17 OR LINGUISTIC MINORITY GROUP CONSTITUTES A SIGNIFICANT PORTION OF
18 THE POPULATION OF THE JURISDICTION OF THE CHILD PROTECTION TEAM,
19 A MEMBER OF EACH SUCH MINORITY GROUP MUST SERVE AS AN
20 ADDITIONAL LAY MEMBER OF THE CHILD PROTECTION TEAM. AT LEAST ONE
21 OF THE PRECEDING MEMBERS OF THE TEAM MUST BE CHOSEN ON THE BASIS
22 OF REPRESENTING LOW-INCOME FAMILIES. THE ROLE OF THE CHILD
23 PROTECTION TEAM IS ADVISORY ONLY.

24 (27) "CITIZEN REVIEW PANEL", AS USED IN SECTION 19-3-211,
25 MEANS THE PANEL CREATED IN A COUNTY BY THE BOARD OF COUNTY
26 COMMISSIONERS OR IN A CITY AND COUNTY BY THE CITY COUNCIL THAT
27 REVIEWS AND MAKES RECOMMENDATIONS REGARDING GRIEVANCES

1 REFERRED TO THE PANEL BY THE COUNTY DIRECTOR PURSUANT TO THE
2 CONFLICT RESOLUTION PROCESS.

3 (28) "COMMERCIAL SEXUAL EXPLOITATION OF A CHILD" MEANS A
4 CRIME OF A SEXUAL NATURE COMMITTED AGAINST A CHILD FOR FINANCIAL
5 OR OTHER ECONOMIC REASONS.

6 (29) "COMMIT", AS USED IN ARTICLE 2.5 OF THIS TITLE 19, MEANS
7 TO TRANSFER LEGAL CUSTODY.

8 (30) "COMMUNITY PLACEMENT" MEANS THE PLACEMENT OF A
9 CHILD FOR WHOM THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY
10 DEPARTMENT HAS PLACEMENT AND CARE RESPONSIBILITY PURSUANT TO
11 ARTICLE 2.5 OR 3 OF THIS TITLE 19 IN ANY LICENSED OR CERTIFIED
12 TWENTY-FOUR-HOUR NONSECURE CARE AND TREATMENT FACILITY AWAY
13 FROM THE CHILD'S PARENT OR GUARDIAN. "COMMUNITY PLACEMENT"
14 INCLUDES BUT IS NOT LIMITED TO PLACEMENT IN A FOSTER CARE HOME,
15 GROUP HOME, RESIDENTIAL CHILD CARE FACILITY, OR RESIDENTIAL
16 TREATMENT FACILITY.

17 (31) "COMPLAINANT", AS USED IN SECTION 19-3-211, MEANS ANY
18 PERSON WHO WAS THE SUBJECT OF AN INVESTIGATION OF A REPORT OF
19 CHILD ABUSE OR NEGLECT OR ANY PARENT, GUARDIAN, OR LEGAL
20 CUSTODIAN OF A CHILD WHO IS THE SUBJECT OF A REPORT OF CHILD ABUSE
21 OR NEGLECT AND BRINGS A GRIEVANCE AGAINST A COUNTY DEPARTMENT
22 OF HUMAN OR SOCIAL SERVICES IN ACCORDANCE WITH THE PROVISIONS OF
23 SECTION 19-3-211.

24 (32) "CONFIDENTIAL INTERMEDIARY", AS USED IN PART 3 OF
25 ARTICLE 5 OF THIS TITLE 19, MEANS A PERSON TWENTY-ONE YEARS OF AGE
26 OR OLDER WHO HAS COMPLETED A TRAINING PROGRAM FOR CONFIDENTIAL
27 INTERMEDIARIES THAT MEETS THE STANDARDS SET FORTH BY THE

1 COMMISSION PURSUANT TO SECTION 19-5-303 AND WHO IS AUTHORIZED TO
2 INSPECT CONFIDENTIAL RELINQUISHMENT AND ADOPTION RECORDS AT THE
3 REQUEST OF AN ADULT ADOPTEE, ADOPTIVE PARENT, BIOLOGICAL PARENT,
4 OR BIOLOGICAL SIBLING.

5 (33) "CONFIRMED", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE
6 19, MEANS ANY REPORT MADE PURSUANT TO ARTICLE 3 OF THIS TITLE 19
7 THAT IS FOUND BY A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
8 SERVICES, LAW ENFORCEMENT AGENCY, OR ENTITY AUTHORIZED TO
9 INVESTIGATE INSTITUTIONAL ABUSE TO BE SUPPORTED BY A
10 PREPONDERANCE OF THE EVIDENCE.

11 (34) "CONSENT", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19,
12 MEANS VOLUNTARY, INFORMED, WRITTEN CONSENT. WHEN USED IN THE
13 CONTEXT OF CONFIDENTIAL INTERMEDIARIES, "CONSENT" ALWAYS MUST
14 BE PRECEDED BY AN EXPLANATION THAT CONSENT PERMITS THE
15 CONFIDENTIAL INTERMEDIARY TO ARRANGE A PERSONAL CONTACT AMONG
16 BIOLOGICAL RELATIVES. "CONSENT" MAY ALSO MEAN THE AGREEMENT FOR
17 CONTACT OR DISCLOSURE OF RECORDS BY ANY OF THE PARTIES IDENTIFIED
18 IN SECTION 19-5-304 (2) AS A RESULT OF AN INQUIRY BY A CONFIDENTIAL
19 INTERMEDIARY PURSUANT TO SECTION 19-5-304.

20 (35) "CONSENT FORM", AS USED IN SECTION 19-5-305 (3), MEANS
21 A VERIFIED WRITTEN STATEMENT SIGNED BY AN ADULT ADOPTEE OR AN
22 ADULT ADOPTEE'S CONSENTING BIRTH PARENT OR AN ADOPTIVE PARENT OF
23 A MINOR ADOPTEE, AND NOTARIZED, AND THAT AUTHORIZES THE RELEASE
24 OF ADOPTION RECORDS OR IDENTIFYING INFORMATION, TO THE EXTENT
25 AVAILABLE, BY A LICENSED CHILD PLACEMENT AGENCY.

26 (36) "CONTACT INFORMATION" MEANS INFORMATION SUPPLIED
27 VOLUNTARILY BY A BIRTH PARENT ON A CONTACT PREFERENCE FORM,

1 INCLUDING THE NAME OF THE BIRTH PARENT AT THE TIME OF
2 RELINQUISHMENT OF THE ADOPTEE; THE ALIAS, IF ANY, USED AT THE TIME
3 OF RELINQUISHMENT OF THE ADOPTEE; AND THE CURRENT NAME, CURRENT
4 ADDRESS, AND CURRENT TELEPHONE NUMBER OF THE BIRTH PARENT.

5 (37) "CONTACT PREFERENCE FORM" MEANS A WRITTEN STATEMENT
6 SIGNED BY A BIRTH PARENT INDICATING WHETHER THE BIRTH PARENT
7 PREFERS FUTURE CONTACT WITH AN ADULT ADOPTEE, AN ADULT
8 DESCENDANT OF THE ADOPTEE, OR A LEGAL REPRESENTATIVE OF THE
9 ADOPTEE OR THE DESCENDANT AND, IF CONTACT IS PREFERRED, WHETHER
10 THE CONTACT SHOULD BE THROUGH A CONFIDENTIAL INTERMEDIARY OR A
11 DESIGNATED EMPLOYEE OF A CHILD PLACEMENT AGENCY.

12 (38) "CONTINUOUSLY AVAILABLE", AS USED IN SECTION 19-3-308
13 (4), MEANS THE ASSIGNMENT OF A PERSON TO BE NEAR AN OPERABLE
14 TELEPHONE NOT NECESSARILY LOCATED ON THE PREMISES ORDINARILY
15 USED FOR BUSINESS BY THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL
16 SERVICES OR TO HAVE SUCH ARRANGEMENTS MADE THROUGH
17 AGREEMENTS WITH LOCAL LAW ENFORCEMENT AGENCIES.

18 (39) "CONVICTED" OR "CONVICTION", AS USED IN SECTION
19 19-5-105.5, MEANS A PLEA OF GUILTY ACCEPTED BY THE COURT,
20 INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED
21 SENTENCE PURSUANT TO SECTION 18-1.3-102, A VERDICT OF GUILTY BY A
22 JUDGE OR JURY, OR A PLEA OF NO CONTEST ACCEPTED BY THE COURT, OR
23 HAVING RECEIVED A DISPOSITION AS A JUVENILE OR HAVING BEEN
24 ADJUDICATED A JUVENILE DELINQUENT BASED ON THE COMMISSION OF ANY
25 ACT THAT CONSTITUTES SEXUAL ASSAULT, AS DEFINED IN SUBSECTION
26 (124) OF THIS SECTION.

27 (40) "COST OF CARE" MEANS THE COST TO THE DEPARTMENT OF

1 HUMAN SERVICES OR THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL
2 SERVICES FOR A CHILD PLACED OUT OF THE HOME; OR THE COST TO THE
3 DEPARTMENT OF HUMAN SERVICES OR THE COUNTY DEPARTMENT OF
4 HUMAN OR SOCIAL SERVICES CHARGED WITH THE CUSTODY OF THE
5 JUVENILE FOR PROVIDING ROOM, BOARD, CLOTHING, EDUCATION, MEDICAL
6 CARE, AND OTHER NORMAL LIVING EXPENSES FOR A CHILD PLACED OUT OF
7 THE HOME; OR THE COST TO THE DEPARTMENT OF HUMAN SERVICES OR THE
8 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES FOR A JUVENILE
9 SENTENCED TO A PLACEMENT OUT OF THE HOME AS DETERMINED BY THE
10 COURT. AS USED IN THIS TITLE 19, "COST OF CARE" ALSO INCLUDES ANY
11 COSTS ASSOCIATED WITH MAINTENANCE OF A JUVENILE IN A HOME
12 DETENTION PROGRAM, SUPERVISION OF PROBATION WHEN THE JUVENILE IS
13 GRANTED PROBATION, OR SUPERVISION OF PAROLE WHEN THE JUVENILE IS
14 PLACED ON PAROLE.

15 (41) "COUNSEL" MEANS AN ATTORNEY-AT-LAW WHO ACTS AS A
16 PERSON'S LEGAL ADVISOR OR WHO REPRESENTS A PERSON IN COURT.

17 (42) "COUNTY ATTORNEY" MEANS THE OFFICE OF THE COUNTY
18 ATTORNEY OR CITY ATTORNEY REPRESENTING A COUNTY OR A CITY AND
19 COUNTY AND INCLUDES THE ATTORNEYS EMPLOYED OR RETAINED BY SUCH
20 COUNTY OR CITY AND COUNTY.

21 (43) (a) "COUNTY DEPARTMENT", AS USED IN THIS ARTICLE 1 OF
22 THIS TITLE 19, PART 2, PART 3, AND PART 7 OF ARTICLE 3 OF THIS TITLE 19,
23 AND PART 2 OF ARTICLE 5 OF THIS TITLE 19, MEANS THE COUNTY OR
24 DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

25 (b) "COUNTY DEPARTMENT" MEANS A COUNTY OR A CITY AND
26 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

27 (44) "COUNTY DIRECTOR", AS USED IN SECTION 19-3-211 AND PART

1 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS THE COUNTY DIRECTOR OR
2 DISTRICT DIRECTOR APPOINTED PURSUANT TO SECTION 26-1-117.

3 (45) "COURT", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19,
4 MEANS ANY COURT OF RECORD WITH JURISDICTION OVER THE MATTER AT
5 ISSUE.

6 (46) "COURT-APPOINTED SPECIAL ADVOCATE" OR "CASA
7 VOLUNTEER" MEANS A VOLUNTEER APPOINTED BY A COURT PURSUANT TO
8 PART 2 OF THIS ARTICLE 1 TO ASSIST IN ADVOCACY FOR CHILDREN.

9 (47) "COURT-APPOINTED SPECIAL ADVOCATE PROGRAM" OR
10 "CASA PROGRAM" MEANS A PROGRAM ESTABLISHED PURSUANT TO PART
11 2 OF THIS ARTICLE 1.

12 (48) "CRIMINAL JUSTICE AGENCY", AS USED IN THIS SECTION, HAS
13 THE SAME MEANING AS SET FORTH IN SECTION 24-72-302 (3).

14 (49) "CUSTODIAL ADOPTION", AS USED IN PART 2 OF ARTICLE 5 OF
15 THIS TITLE 19, MEANS AN ADOPTION OF A CHILD BY ANY PERSON AND THE
16 PERSON'S SPOUSE, AS REQUIRED PURSUANT TO SECTION 19-5-202 (3), WHO:

17 (a) HAS BEEN AWARDED CUSTODY OR ALLOCATED PARENTAL
18 RESPONSIBILITIES BY A COURT OF LAW IN A DISSOLUTION OF MARRIAGE,
19 CUSTODY OR ALLOCATION OF PARENTAL RESPONSIBILITIES PROCEEDING, OR
20 HAS BEEN AWARDED GUARDIANSHIP OF THE CHILD BY A COURT OF LAW IN
21 A PROBATE ACTION, SUCH AS PURSUANT TO PART 2 OF ARTICLE 14 OF TITLE
22 15; AND

23 (b) HAS HAD PHYSICAL CUSTODY OF THE CHILD FOR A PERIOD OF
24 ONE YEAR OR MORE.

25 (50) "CUSTODIAN" MEANS A PERSON WHO HAS BEEN PROVIDING
26 SHELTER, FOOD, CLOTHING, AND OTHER CARE FOR A CHILD IN THE SAME
27 FASHION AS A PARENT WOULD, WHETHER OR NOT BY ORDER OF COURT.

1 (51) (a) (I) "CUSTODIAN OF RECORDS", AS USED IN SECTIONS
2 19-5-305 (2) AND 19-5-305.5, MEANS ANY OF THE FOLLOWING INDIVIDUALS
3 OR ENTITIES THAT HAVE CUSTODY OF RECORDS RELATING TO THE
4 RELINQUISHMENT OR ADOPTION OF A CHILD:

5 (A) A COURT;

6 (B) A STATE AGENCY; OR

7 (C) THE LEGAL AGENT OR REPRESENTATIVE OF ANY ENTITY
8 DESCRIBED IN SUBSECTIONS (51)(a)(I)(A) AND (51)(a)(I)(B) OF THIS
9 SECTION.

10 (II) "CUSTODIAN OF RECORDS", AS USED IN SECTIONS 19-5-305 (2)
11 AND 19-5-305.5, DOES NOT INCLUDE A LICENSED CHILD PLACEMENT
12 AGENCY.

13 (b) "CUSTODIAN OF RECORDS", AS USED IN SECTION 19-5-109,
14 MEANS AN ENTITY THAT HAS CUSTODY OF RECORDS RELATING TO THE
15 RELINQUISHMENT OF A CHILD, INCLUDING A COURT, STATE AGENCY,
16 LICENSED CHILD PLACEMENT AGENCY, MATERNITY HOME, OR THE LEGAL
17 AGENT OR REPRESENTATIVE OF ANY SUCH ENTITY.

18 (52) "DELINQUENT ACT", AS USED IN ARTICLE 2.5 OF THIS TITLE 19,
19 MEANS A VIOLATION OF ANY STATUTE, ORDINANCE, OR ORDER
20 ENUMERATED IN SECTION 19-2.5-103. IF A JUVENILE IS ALLEGED TO HAVE
21 COMMITTED OR IS FOUND GUILTY OF A DELINQUENT ACT, THE
22 CLASSIFICATION AND DEGREE OF THE OFFENSE IS DETERMINED BY THE
23 STATUTE, ORDINANCE, OR ORDER THAT THE PETITION ALLEGES WAS
24 VIOLATED. "DELINQUENT ACT" DOES NOT INCLUDE TRUANCY OR HABITUAL
25 TRUANCY.

26 (53) "DEPARTMENT" OR "STATE DEPARTMENT" MEANS THE STATE
27 DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 24-1-120.

1 (54) "DESIGNATED ADOPTION" MEANS AN ADOPTION IN WHICH:

2 (a) THE BIRTH PARENT OR PARENTS DESIGNATE A SPECIFIC
3 APPLICANT WITH WHOM THEY WISH TO PLACE THEIR CHILD FOR PURPOSES
4 OF ADOPTION; AND

5 (b) THE ANONYMITY REQUIREMENTS OF SECTION 19-1-309 ARE
6 WAIVED.

7 (55) "DETENTION" MEANS THE TEMPORARY CARE OF A CHILD WHO
8 REQUIRES SECURE CUSTODY IN PHYSICALLY RESTRICTING FACILITIES
9 PENDING COURT DISPOSITION OR AN EXECUTION OF A COURT ORDER FOR
10 PLACEMENT OR COMMITMENT.

11 (56) "DIRECTOR", AS USED IN ARTICLE 2.5 OF THIS TITLE 19, IS
12 DEFINED IN SECTION 19-2.5-102.

13 (57) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE
14 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
15 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING
16 REGULATIONS.

17 (58) "DISPOSITIONAL HEARING" MEANS A HEARING TO DETERMINE
18 WHAT ORDER OF DISPOSITION SHOULD BE MADE CONCERNING A CHILD WHO
19 IS NEGLECTED OR DEPENDENT. THE HEARING MAY BE PART OF THE
20 PROCEEDING THAT INCLUDES THE ADJUDICATORY HEARING, OR IT MAY BE
21 HELD AT A TIME SUBSEQUENT TO THE ADJUDICATORY HEARING.

22 (59) "DIVERSION" HAS THE SAME MEANING AS SET FORTH IN
23 SECTION 19-2.5-102.

24 (60) "DIVISION OF YOUTH SERVICES" OR "DIVISION" MEANS THE
25 DIVISION OF YOUTH SERVICES, CREATED IN SECTION 19-2.5-1501.

26 (61) "DONOR", AS USED IN SECTION 19-4-106, MEANS AN
27 INDIVIDUAL WHO PRODUCES EGGS OR SPERM USED FOR ASSISTED

1 REPRODUCTION, WHETHER OR NOT FOR CONSIDERATION. "DONOR" DOES
2 NOT INCLUDE A SPOUSE WHO PROVIDES SPERM OR EGGS TO BE USED FOR
3 ASSISTED REPRODUCTION BY THE OTHER SPOUSE.

4 (62) "EXECUTIVE DIRECTOR", AS USED IN ARTICLE 3.3 OF THIS TITLE
5 19, MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
6 SERVICES.

7 (63) "EXPUNGEMENT", AS USED IN SECTION 19-1-306, MEANS THE
8 DESIGNATION OF JUVENILE DELINQUENCY RECORDS WHEREBY SUCH
9 RECORDS ARE DEEMED NEVER TO HAVE EXISTED.

10 (64) "FAMILY CHILD CARE HOME" MEANS A FAMILY CHILD CARE
11 HOME LICENSED AND APPROVED PURSUANT TO ARTICLE 6 OF TITLE 26. IF
12 SUCH FACILITY IS LOCATED IN ANOTHER STATE, THE DEPARTMENT OF
13 HUMAN SERVICES SHALL DESIGNATE, UPON CERTIFICATION, THAT AN
14 APPROPRIATE AVAILABLE SPACE DOES NOT EXIST IN A FACILITY IN THIS
15 STATE. AN OUT-OF-STATE FAMILY CHILD CARE HOME MUST BE LICENSED
16 OR APPROVED AS REQUIRED BY LAW IN THAT STATE.

17 (65) "FIRE INVESTIGATOR" MEANS A PERSON WHO:

18 (a) IS AN OFFICER OR MEMBER OF A FIRE DEPARTMENT, FIRE
19 PROTECTION DISTRICT, OR FIREFIGHTING AGENCY OF THE STATE OR ANY OF
20 ITS POLITICAL SUBDIVISIONS;

21 (b) IS ENGAGED IN CONDUCTING OR IS PRESENT FOR THE PURPOSE
22 OF ENGAGING IN THE CONDUCT OF A FIRE INVESTIGATION; AND

23 (c) IS EITHER A VOLUNTEER OR IS COMPENSATED FOR SERVICES
24 RENDERED BY THE PERSON.

25 (66) "FOSTER CARE" MEANS THE PLACEMENT OF A CHILD INTO THE
26 LEGAL CUSTODY OR LEGAL AUTHORITY OF A COUNTY DEPARTMENT OF
27 HUMAN OR SOCIAL SERVICES FOR PHYSICAL PLACEMENT OF THE CHILD IN

1 A KINSHIP CARE PLACEMENT OR CERTIFIED OR LICENSED FACILITY, OR THE
2 PHYSICAL PLACEMENT OF A JUVENILE COMMITTED TO THE CUSTODY OF THE
3 DEPARTMENT OF HUMAN SERVICES INTO A COMMUNITY PLACEMENT.

4 (67) "FOSTER CARE HOME" MEANS A FOSTER CARE HOME CERTIFIED
5 PURSUANT TO ARTICLE 6 OF TITLE 26.

6 (68) "FOSTER CARE PREVENTION SERVICES" MEANS MENTAL
7 HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES,
8 IN-HOME PARENT SKILL-BASED PROGRAMS, KINSHIP NAVIGATOR
9 PROGRAMS, AND OTHER PROGRAMS ELIGIBLE FOR REIMBURSEMENT UNDER
10 THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT" THAT ARE
11 TRAUMA-INFORMED, PROMISING, SUPPORTED OR WELL-SUPPORTED, AND
12 PROVIDED TO PREVENT FOSTER CARE PLACEMENT.

13 (69) "GOVERNING BODY", AS USED IN SECTION 19-3-211, MEANS
14 THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY OR THE CITY
15 COUNCIL OF A CITY AND COUNTY.

16 (70) (a) "GRANDPARENT" MEANS A PERSON WHO IS THE PARENT OF
17 A CHILD'S FATHER OR MOTHER, WHO IS RELATED TO THE CHILD BY BLOOD,
18 IN WHOLE OR BY HALF, ADOPTION, OR MARRIAGE.

19 (b) "GRANDPARENT", AS USED IN SECTIONS 19-1-117 AND
20 19-1-117.5, HAS THE SAME MEANING AS SET FORTH IN SUBSECTION (70)(a)
21 OF THIS SECTION; EXCEPT THAT "GRANDPARENT" DOES NOT INCLUDE THE
22 PARENT OF A CHILD'S LEGAL FATHER OR MOTHER WHOSE PARENTAL RIGHTS
23 HAVE BEEN TERMINATED IN ACCORDANCE WITH SECTIONS 19-5-101 AND
24 19-1-104 (1)(d).

25 (71) "GREAT-GRANDPARENT", AS USED IN SECTIONS 19-1-117 AND
26 19-1-117.5, MEANS A PERSON WHO IS THE GRANDPARENT OF A CHILD'S
27 FATHER OR MOTHER, WHO IS RELATED TO THE CHILD BY BLOOD, IN WHOLE

1 OR BY HALF, ADOPTION, OR MARRIAGE. "GREAT-GRANDPARENT" DOES NOT
2 INCLUDE THE GRANDPARENT OF A CHILD'S LEGAL FATHER OR MOTHER
3 WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED IN ACCORDANCE WITH
4 SECTIONS 19-5-101 AND 19-1-104 (1)(d).

5 (72) "GRIEVANCE", AS USED IN SECTION 19-3-211, MEANS A
6 DISPUTE BETWEEN A COMPLAINANT AND A COUNTY DEPARTMENT OF
7 HUMAN OR SOCIAL SERVICES CONCERNING THE CONDUCT OF COUNTY
8 DEPARTMENT PERSONNEL IN PERFORMING THEIR DUTIES PURSUANT TO
9 ARTICLE 3 OF THIS TITLE 19.

10 (73) "GROUP CARE FACILITIES AND HOMES" MEANS PLACES OTHER
11 THAN FOSTER FAMILY CARE HOMES PROVIDING CARE FOR SMALL GROUPS
12 OF CHILDREN. GROUP CARE FACILITIES AND HOMES ARE LICENSED AS
13 PROVIDED IN ARTICLE 6 OF TITLE 26 OR MEET THE REQUIREMENTS OF
14 SECTION 25.5-10-214.

15 (74) "GUARDIAN AD LITEM" MEANS A PERSON APPOINTED BY A
16 COURT TO ACT IN THE BEST INTERESTS OF A PERSON WHOM THE PERSON
17 APPOINTED IS REPRESENTING IN PROCEEDINGS PURSUANT TO THIS TITLE 19
18 AND WHO, IF APPOINTED TO REPRESENT A PERSON IN A DEPENDENCY AND
19 NEGLECT PROCEEDING PURSUANT TO ARTICLE 3 OF THIS TITLE 19, MUST BE
20 AN ATTORNEY-AT-LAW LICENSED TO PRACTICE IN COLORADO.

21 (75) "GUARDIANSHIP OF THE PERSON" MEANS THE DUTY AND
22 AUTHORITY VESTED BY COURT ACTION TO MAKE MAJOR DECISIONS
23 AFFECTING A CHILD, INCLUDING BUT NOT LIMITED TO:

24 (a) THE AUTHORITY TO CONSENT TO MARRIAGE, TO ENLISTMENT IN
25 THE ARMED FORCES, AND TO MEDICAL OR SURGICAL TREATMENT;

26 (b) THE AUTHORITY TO REPRESENT A CHILD IN LEGAL ACTIONS AND
27 TO MAKE OTHER DECISIONS OF SUBSTANTIAL LEGAL SIGNIFICANCE

1 CONCERNING THE CHILD;

2 (c) THE AUTHORITY TO CONSENT TO THE ADOPTION OF A CHILD
3 WHEN THE PARENT-CHILD LEGAL RELATIONSHIP HAS BEEN TERMINATED BY
4 JUDICIAL DECREE; AND

5 (d) THE RIGHTS AND RESPONSIBILITIES OF LEGAL CUSTODY WHEN
6 LEGAL CUSTODY HAS NOT BEEN VESTED IN ANOTHER PERSON, AGENCY, OR
7 INSTITUTION.

8 (76) "HALF-SIBLING" HAS THE SAME MEANING AS SET FORTH FOR
9 "BIOLOGICAL SIBLING" IN SUBSECTION (16) OF THIS SECTION.

10 (77) "HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY
11 SERVITUDE" MEANS AN ACT AS DESCRIBED IN SECTION 18-3-503.

12 (78) "HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE"
13 MEANS AN ACT AS DESCRIBED IN SECTION 18-3-504 (2).

14 (79) "IDENTIFYING" MEANS GIVING, SHARING, OR OBTAINING
15 INFORMATION.

16 (80) "IDENTIFYING INFORMATION", AS USED IN SECTION 19-5-305
17 (3), MEANS COPIES OF ANY ADOPTION RECORDS, AS THAT TERM IS DEFINED
18 IN SUBSECTION (6) OF THIS SECTION, THAT ARE IN THE POSSESSION OF THE
19 CHILD PLACEMENT AGENCY. "IDENTIFYING INFORMATION" ALSO INCLUDES
20 THE NAME OF THE ADOPTEE BEFORE PLACEMENT IN ADOPTION; THE NAME
21 AND ADDRESS OF EACH CONSENTING BIRTH PARENT AS THEY APPEAR IN THE
22 BIRTH RECORDS; THE CURRENT NAME, ADDRESS, AND TELEPHONE NUMBER
23 OF THE ADULT ADOPTEE; AND THE CURRENT NAME, ADDRESS, AND
24 TELEPHONE NUMBER OF EACH CONSENTING BIRTH PARENT TO THE EXTENT
25 SUCH INFORMATION IS AVAILABLE TO THE CHILD PLACEMENT AGENCY.

26 (81) "IMMINENT PLACEMENT OUT OF THE HOME", AS USED IN
27 SECTION 19-1-116 (2), MEANS THAT WITHOUT INTERCESSION THE CHILD

1 WILL BE PLACED OUT OF THE HOME IMMEDIATELY.

2 (82) "INDEPENDENT LIVING" MEANS A FORM OF PLACEMENT OUT OF
3 THE HOME ARRANGED AND SUPERVISED BY THE COUNTY DEPARTMENT OF
4 HUMAN OR SOCIAL SERVICES WHERE THE CHILD IS ESTABLISHED IN A LIVING
5 SITUATION DESIGNED TO PROMOTE AND LEAD TO THE CHILD'S
6 EMANCIPATION. INDEPENDENT LIVING MUST ONLY FOLLOW SOME OTHER
7 FORM OF PLACEMENT OUT OF THE HOME.

8 (83) "INDIAN CHILD" MEANS AN UNMARRIED PERSON WHO IS
9 YOUNGER THAN EIGHTEEN YEARS OF AGE AND WHO IS EITHER:

10 (a) A MEMBER OF AN INDIAN TRIBE; OR

11 (b) ELIGIBLE FOR MEMBERSHIP IN AN INDIAN TRIBE AND WHO IS THE
12 BIOLOGICAL CHILD OF A MEMBER OF AN INDIAN TRIBE.

13 (84) "INDIAN CHILD'S TRIBE" MEANS:

14 (a) THE INDIAN TRIBE IN WHICH AN INDIAN CHILD IS A MEMBER OR
15 ELIGIBLE FOR MEMBERSHIP; OR

16 (b) IN THE CASE OF AN INDIAN CHILD WHO IS A MEMBER OF OR
17 ELIGIBLE FOR MEMBERSHIP IN MORE THAN ONE TRIBE, THE INDIAN TRIBE
18 WITH WHICH THE INDIAN CHILD HAS THE MOST SIGNIFICANT CONTACTS.

19 (85) "INDIAN TRIBE" MEANS AN INDIAN TRIBE, BAND, NATION, OR
20 OTHER ORGANIZED GROUP OR COMMUNITY OF INDIANS RECOGNIZED AS
21 ELIGIBLE FOR THE FEDERAL GOVERNMENTAL SERVICES PROVIDED TO
22 INDIANS BECAUSE OF THEIR STATUS AS INDIANS.

23 (86) "INSTITUTIONAL ABUSE", AS USED IN PART 3 OF ARTICLE 3 OF
24 THIS TITLE 19, MEANS ANY CASE OF ABUSE, AS DEFINED IN SUBSECTION (1)
25 OF THIS SECTION, THAT OCCURS IN ANY PUBLIC OR PRIVATE FACILITY IN THE
26 STATE THAT PROVIDES CHILD CARE OUT OF THE HOME, SUPERVISION, OR
27 MAINTENANCE. "INSTITUTIONAL ABUSE" INCLUDES AN ACT OR OMISSION

1 THAT THREATENS THE LIFE, HEALTH, OR WELFARE OF A CHILD OR A PERSON
2 WHO IS YOUNGER THAN TWENTY-ONE YEARS OF AGE WHO IS UNDER THE
3 CONTINUING JURISDICTION OF THE COURT PURSUANT TO THIS TITLE 19.
4 "INSTITUTIONAL ABUSE" DOES NOT INCLUDE ABUSE THAT OCCURS IN ANY
5 PUBLIC, PRIVATE, OR PAROCHIAL SCHOOL SYSTEM, INCLUDING ANY
6 PRESCHOOL OPERATED IN CONNECTION WITH SAID SYSTEM; EXCEPT THAT,
7 TO THE EXTENT THE SCHOOL SYSTEM PROVIDES EXTENDED DAY SERVICES,
8 ABUSE THAT OCCURS WHILE SUCH SERVICES ARE PROVIDED IS
9 INSTITUTIONAL ABUSE. FOR THE PURPOSES OF THIS SUBSECTION (86),
10 "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, SPECIALIZED
11 GROUP FACILITY, FOSTER CARE HOME, FAMILY CHILD CARE HOME, OR ANY
12 OTHER FACILITY SUBJECT TO THE COLORADO "CHILD CARE LICENSING
13 ACT", PART 1 OF ARTICLE 6 OF TITLE 26; NONCERTIFIED KINSHIP CARE
14 PROVIDERS THAT PROVIDE CARE FOR CHILDREN WITH AN OPEN CHILD
15 WELFARE CASE WHO ARE IN THE LEGAL CUSTODY OF A COUNTY
16 DEPARTMENT OF HUMAN OR SOCIAL SERVICES; OR A FACILITY OR
17 COMMUNITY PLACEMENT, AS DESCRIBED IN SECTION 19-2.5-1502, FOR A
18 JUVENILE COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF HUMAN
19 SERVICES. "FACILITY" DOES NOT INCLUDE ANY ADULT DETENTION OR
20 CORRECTIONAL FACILITY.

21 (87) "INTRAFAMILIAL ABUSE", AS USED IN PART 3 OF ARTICLE 3 OF
22 THIS TITLE 19, MEANS ANY CASE OF ABUSE, AS DEFINED IN SUBSECTION (1)
23 OF THIS SECTION, THAT OCCURS WITHIN A FAMILY CONTEXT BY A CHILD'S
24 PARENT, STEPPARENT, GUARDIAN, LEGAL CUSTODIAN, OR RELATIVE; BY A
25 SPOUSAL EQUIVALENT, AS DEFINED IN SUBSECTION (130) OF THIS SECTION;
26 OR BY ANY OTHER PERSON WHO RESIDES IN THE CHILD'S HOME OR WHO IS
27 REGULARLY IN THE CHILD'S HOME FOR THE PURPOSE OF EXERCISING

1 AUTHORITY OVER OR CARE FOR THE CHILD; EXCEPT THAT "INTRAFAMILIAL
2 ABUSE" DOES NOT INCLUDE ABUSE BY A PERSON WHO IS REGULARLY IN THE
3 CHILD'S HOME FOR THE PURPOSE OF RENDERING CARE FOR THE CHILD IF
4 SUCH PERSON IS PAID FOR RENDERING CARE AND IS NOT RELATED TO THE
5 CHILD.

6 (88) "JUVENILE" MEANS A CHILD AS DEFINED IN SUBSECTION (21)
7 OF THIS SECTION.

8 (89) "JUVENILE COURT" OR "COURT" MEANS THE JUVENILE COURT
9 OF THE CITY AND COUNTY OF DENVER OR THE JUVENILE DIVISION OF THE
10 DISTRICT COURT OUTSIDE OF THE CITY AND COUNTY OF DENVER.

11 (90) "JUVENILE DELINQUENT" HAS THE SAME MEANING AS SET
12 FORTH IN SECTION 19-2.5-102.

13 (91) "KIN" MAY BE A RELATIVE OF THE CHILD, A PERSON ASCRIBED
14 BY THE FAMILY AS HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD,
15 OR A PERSON WHO HAS A PRIOR SIGNIFICANT RELATIONSHIP WITH THE
16 CHILD. THESE RELATIONSHIPS TAKE INTO ACCOUNT CULTURAL VALUES
17 AND CONTINUITY OF SIGNIFICANT RELATIONSHIPS WITH THE CHILD.

18 (92) "KINSHIP ADOPTION", AS USED IN PART 2 OF ARTICLE 5 OF THIS
19 TITLE 19, MEANS AN ADOPTION OF A CHILD BY A RELATIVE OF THE CHILD
20 AND SUCH RELATIVE'S SPOUSE, AS REQUIRED PURSUANT TO SECTION
21 19-5-202 (3), WHO:

22 (a) IS EITHER A GRANDPARENT, BROTHER, SISTER, HALF-SIBLING,
23 AUNT, UNCLE, OR FIRST COUSIN; AND

24 (b) HAS HAD PHYSICAL CUSTODY OF THE CHILD FOR A PERIOD OF
25 ONE YEAR OR MORE AND THE CHILD IS NOT THE SUBJECT OF A PENDING
26 DEPENDENCY AND NEGLECT PROCEEDING PURSUANT TO ARTICLE 3 OF THIS
27 TITLE 19.

1 (93) "LAW ENFORCEMENT OFFICER" MEANS A PEACE OFFICER, AS
2 DESCRIBED IN SECTION 16-2.5-101.

3 (94) (a) "LEGAL CUSTODY" MEANS THE RIGHT TO THE CARE,
4 CUSTODY, AND CONTROL OF A CHILD AND THE DUTY TO PROVIDE FOOD,
5 CLOTHING, SHELTER, ORDINARY MEDICAL CARE, EDUCATION, AND
6 DISCIPLINE FOR A CHILD AND, IN AN EMERGENCY, TO AUTHORIZE SURGERY
7 OR OTHER EXTRAORDINARY CARE. "LEGAL CUSTODY" MAY BE TAKEN FROM
8 A PARENT ONLY BY COURT ACTION.

9 (b) FOR PURPOSES OF DETERMINING THE RESIDENCE OF A CHILD AS
10 PROVIDED IN SECTION 22-1-102 (2)(b), GUARDIANSHIP IS IN THE PERSON TO
11 WHOM LEGAL CUSTODY HAS BEEN GRANTED BY THE COURT.

12 (95) (a) "LEGAL REPRESENTATIVE", AS USED IN SECTIONS 19-5-304
13 AND 19-5-305, MEANS THE PERSON DESIGNATED BY A COURT TO ACT ON
14 BEHALF OF ANY PERSON DESCRIBED IN SECTION 19-5-304 (1)(b)(I) OR
15 19-5-305 (2).

16 (b) FOR PURPOSES OF THE TERM "LEGAL REPRESENTATIVE", AS
17 USED IN SECTIONS 19-5-304 AND 19-5-305 AND AS DEFINED IN SUBSECTION
18 (95)(a) OF THIS SECTION, "LEGAL GUARDIAN" DOES NOT INCLUDE A
19 GOVERNMENTAL ENTITY OF ANY FOREIGN COUNTRY FROM WHICH A CHILD
20 HAS BEEN ADOPTED OR ANY REPRESENTATIVE OF SUCH GOVERNMENTAL
21 ENTITY.

22 (96) "LOCAL LAW ENFORCEMENT AGENCY", AS USED IN PART 3 OF
23 ARTICLE 3 OF THIS TITLE 19, MEANS A POLICE DEPARTMENT IN
24 INCORPORATED MUNICIPALITIES OR THE OFFICE OF THE COUNTY SHERIFF.

25 (97) "LOCATING" MEANS ENGAGING IN THE PROCESS OF SEARCHING
26 FOR OR SEEKING OUT.

27 (98) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON LICENSED

1 TO PRACTICE MEDICINE OR PSYCHOLOGY IN THIS STATE OR ANY PERSON ON
2 THE STAFF OF A FACILITY DESIGNATED BY THE EXECUTIVE DIRECTOR OF
3 THE DEPARTMENT OF HUMAN SERVICES FOR SEVENTY-TWO-HOUR
4 TREATMENT AND EVALUATION WHO IS AUTHORIZED BY THE FACILITY TO DO
5 MENTAL OR BEHAVIORAL HEALTH HOSPITAL PLACEMENT PRESCREENINGS,
6 AS DEFINED IN SECTION 19-2.5-102, AND WHO IS UNDER THE SUPERVISION
7 OF A PERSON LICENSED TO PRACTICE MEDICINE OR PSYCHOLOGY IN THIS
8 STATE.

9 (99) "NEED TO KNOW", AS USED IN SECTION 19-1-303, MEANS
10 AGENCIES OR INDIVIDUALS WHO NEED ACCESS TO CERTAIN INFORMATION
11 FOR THE CARE, TREATMENT, SUPERVISION, OR PROTECTION OF A CHILD.

12 (100) "NEGLECT", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE
13 19, MEANS ACTS THAT CAN REASONABLY BE CONSTRUED TO FALL UNDER
14 THE DEFINITION OF "CHILD ABUSE OR NEGLECT" AS DEFINED IN SUBSECTION
15 (1) OF THIS SECTION.

16 (101) "NEWBORN CHILD" MEANS A CHILD WHO IS LESS THAN
17 SEVENTY-TWO HOURS OLD.

18 (102) "NONCERTIFIED KINSHIP CARE" MEANS A CHILD IS BEING
19 CARED FOR BY A RELATIVE OR KIN WHO HAS A SIGNIFICANT RELATIONSHIP
20 WITH THE CHILD IN CIRCUMSTANCES WHEN THERE IS A SAFETY CONCERN BY
21 A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES AND WHERE THE
22 RELATIVE OR KIN HAS NOT MET THE FOSTER CARE CERTIFICATION
23 REQUIREMENTS FOR A KINSHIP FOSTER CARE HOME OR HAS CHOSEN NOT TO
24 PURSUE THAT CERTIFICATION PROCESS.

25 (103) "NONIDENTIFYING INFORMATION", AS USED IN PART 4 OF
26 ARTICLE 5 OF THIS TITLE 19, MEANS INFORMATION THAT DOES NOT
27 DISCLOSE THE NAME, ADDRESS, PLACE OF EMPLOYMENT, OR ANY OTHER

1 MATERIAL INFORMATION THAT WOULD LEAD TO THE IDENTIFICATION OF
2 THE BIRTH PARENTS AND THAT INCLUDES BUT IS NOT LIMITED TO THE
3 FOLLOWING:

- 4 (a) THE PHYSICAL DESCRIPTION OF THE BIRTH PARENTS;
- 5 (b) THE EDUCATIONAL BACKGROUND OF THE BIRTH PARENTS;
- 6 (c) THE OCCUPATION OF THE BIRTH PARENTS;
- 7 (d) GENETIC INFORMATION ABOUT THE BIRTH FAMILY;
- 8 (e) MEDICAL INFORMATION ABOUT THE ADULT ADOPTEE'S BIRTH;
- 9 (f) SOCIAL INFORMATION ABOUT THE BIRTH PARENTS; AND
- 10 (g) THE PLACEMENT HISTORY OF THE ADOPTEE.

11 (104) "NONPUBLIC AGENCY INTERSTATE AND FOREIGN ADOPTION",
12 AS USED IN SECTION 19-5-205.5, MEANS AN INTERSTATE OR FOREIGN
13 ADOPTION THAT IS HANDLED BY A PRIVATE, LICENSED CHILD PLACEMENT
14 AGENCY.

15 (105) (a) "PARENT" MEANS EITHER A NATURAL PARENT OF A CHILD,
16 AS MAY BE ESTABLISHED PURSUANT TO ARTICLE 4 OF THIS TITLE 19, OR A
17 PARENT BY ADOPTION.

18 (b) "PARENT", AS USED IN SECTIONS 19-1-114, 19-2.5-501, AND
19 19-2.5-611, INCLUDES A NATURAL PARENT HAVING SOLE OR JOINT
20 CUSTODY, REGARDLESS OF WHETHER THE PARENT IS DESIGNATED AS THE
21 PRIMARY RESIDENTIAL CUSTODIAN, OR A PARENT ALLOCATED PARENTAL
22 RESPONSIBILITIES WITH RESPECT TO A CHILD, OR AN ADOPTIVE PARENT.
23 FOR THE PURPOSES OF SECTION 19-1-114, "PARENT" DOES NOT INCLUDE A
24 PERSON WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED PURSUANT TO
25 THE PROVISIONS OF THIS TITLE 19 OR THE PARENT OF AN EMANCIPATED
26 MINOR.

27 (106) "PERMANENCY HEARING" MEANS A HEARING IN WHICH THE

1 PERMANENCY PLAN FOR A CHILD IN FOSTER CARE IS DETERMINED BY THE
2 COURT.

3 (107) "PLACEMENT OUT OF THE HOME" MEANS PLACEMENT FOR
4 TWENTY-FOUR-HOUR RESIDENTIAL CARE IN ANY FACILITY OR CENTER
5 OPERATED OR LICENSED BY THE DEPARTMENT OF HUMAN SERVICES, BUT
6 "PLACEMENT OUT OF THE HOME" DOES NOT INCLUDE ANY PLACEMENT
7 THAT IS PAID FOR TOTALLY BY PRIVATE MONEY OR ANY PLACEMENT IN A
8 HOME FOR THE PURPOSES OF ADOPTION IN ACCORDANCE WITH SECTION
9 19-5-205. "PLACEMENT OUT OF THE HOME" MAY BE VOLUNTARY OR COURT
10 ORDERED. "PLACEMENT OUT OF THE HOME" INCLUDES INDEPENDENT
11 LIVING.

12 (108) (a) "POST-ADOPTION RECORD", AS USED IN PART 3 OF
13 ARTICLE 5 OF THIS TITLE 19, MEANS INFORMATION CONTAINED IN THE FILES
14 SUBSEQUENT TO THE COMPLETION OF AN ADOPTION PROCEEDING.

15 (b) THE POST-ADOPTION RECORD MAY CONTAIN INFORMATION
16 CONCERNING BUT NOT LIMITED TO:

17 (I) THE WRITTEN INQUIRIES FROM PERSONS REQUESTING ACCESS TO
18 RECORDS;

19 (II) THE SEARCH EFFORTS OF THE CONFIDENTIAL INTERMEDIARY;

20 (III) THE RESPONSE, IF ANY, TO THOSE SEARCH EFFORTS BY THE
21 PERSONS SOUGHT;

22 (IV) ANY UPDATED MEDICAL INFORMATION GATHERED PURSUANT
23 TO PART 3 OF ARTICLE 5 OF THIS TITLE 19; AND

24 (V) ANY PERSONAL IDENTIFYING INFORMATION CONCERNING ANY
25 PERSONS SUBJECT TO PART 3 OF ARTICLE 5 OF THIS TITLE 19.

26 (109) "PREVENTION PROGRAM", AS USED IN ARTICLE 3.5 OF THIS
27 TITLE 19, MEANS A PROGRAM OF DIRECT CHILD ABUSE PREVENTION

1 SERVICES TO A CHILD, PARENT, OR GUARDIAN AND INCLUDES RESEARCH OR
2 EDUCATION PROGRAMS RELATED TO THE PREVENTION OF CHILD ABUSE.
3 SUCH A PREVENTION PROGRAM MAY BE CLASSIFIED AS A PRIMARY
4 PREVENTION PROGRAM WHEN IT IS AVAILABLE TO THE COMMUNITY ON A
5 VOLUNTARY BASIS AND AS A SECONDARY PREVENTION PROGRAM WHEN IT
6 IS DIRECTED TOWARD GROUPS OF INDIVIDUALS WHO HAVE BEEN IDENTIFIED
7 AS HIGH RISK.

8 (110) "PROTECTIVE SUPERVISION" MEANS A LEGAL STATUS
9 CREATED BY COURT ORDER UNDER WHICH THE CHILD IS PERMITTED TO
10 REMAIN IN THE CHILD'S HOME OR IS PLACED WITH A RELATIVE OR OTHER
11 SUITABLE PERSON AND SUPERVISION AND ASSISTANCE IS PROVIDED BY THE
12 COURT, DEPARTMENT OF HUMAN SERVICES, OR OTHER AGENCY
13 DESIGNATED BY THE COURT.

14 (111) "PUBLIC ADOPTION", AS USED IN PART 2 OF ARTICLE 5 OF THIS
15 TITLE 19, MEANS AN ADOPTION INVOLVING A CHILD WHO IS IN THE LEGAL
16 CUSTODY AND GUARDIANSHIP OF THE COUNTY DEPARTMENT OF HUMAN OR
17 SOCIAL SERVICES THAT HAS THE RIGHT TO CONSENT TO ADOPTION FOR
18 THAT CHILD.

19 (112) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL
20 OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST
21 PREVENTION SERVICES ACT". "QUALIFIED INDIVIDUAL" MUST BE
22 APPROVED TO SERVE AS A QUALIFIED INDIVIDUAL ACCORDING TO THE
23 STATE PLAN. "QUALIFIED INDIVIDUAL" MUST NOT BE AN INTERESTED
24 PARTY OR PARTICIPANT IN THE JUVENILE COURT PROCEEDING AND MUST BE
25 FREE OF ANY PERSONAL OR BUSINESS RELATIONSHIP THAT WOULD CAUSE
26 A CONFLICT OF INTEREST IN EVALUATING THE CHILD, JUVENILE, OR YOUTH
27 AND MAKING RECOMMENDATIONS CONCERNING THE CHILD'S, JUVENILE'S,

1 OR YOUTH'S PLACEMENT AND THERAPEUTIC NEEDS ACCORDING TO THE
2 FEDERAL TITLE IV-E STATE PLAN OR ANY WAIVER IN ACCORDANCE WITH
3 42 U.S.C. SEC. 675a.

4 (113) "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" MEANS A
5 LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED
6 TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE NEEDS, INCLUDING
7 CLINICAL NEEDS, AS APPROPRIATE, OF CHILDREN AND YOUTH WITH SERIOUS
8 EMOTIONAL OR BEHAVIORAL DISORDERS OR DISTURBANCES IN
9 ACCORDANCE WITH THE FEDERAL "FAMILY FIRST PREVENTION SERVICES
10 ACT", 42 U.S.C. SEC. 672 (k)(4), AND IS ABLE TO IMPLEMENT THE
11 TREATMENT IDENTIFIED FOR THE CHILD OR YOUTH BY THE ASSESSMENT OF
12 THE CHILD REQUIRED IN SECTION 19-1-115 (4)(e)(I).

13 (114) "REASONABLE EFFORTS", AS USED IN ARTICLES 1, 2.5, AND
14 3 OF THIS TITLE 19, MEANS THE EXERCISE OF DILIGENCE AND CARE
15 THROUGHOUT THE STATE OF COLORADO FOR CHILDREN WHO ARE IN
16 OUT-OF-HOME PLACEMENT OR ARE AT IMMINENT RISK OF OUT-OF-HOME
17 PLACEMENT. IN DETERMINING WHETHER IT IS APPROPRIATE TO PROVIDE,
18 PURCHASE, OR DEVELOP THE SUPPORTIVE AND REHABILITATIVE SERVICES
19 THAT ARE REQUIRED TO PREVENT UNNECESSARY PLACEMENT OF A CHILD
20 OUTSIDE OF A CHILD'S HOME OR TO FOSTER THE SAFE REUNIFICATION OF A
21 CHILD WITH A CHILD'S FAMILY, AS DESCRIBED IN SECTION 19-3-208, OR
22 WHETHER IT IS APPROPRIATE TO FIND AND FINALIZE AN ALTERNATIVE
23 PERMANENT PLAN FOR A CHILD, AND IN MAKING REASONABLE EFFORTS,
24 THE CHILD'S HEALTH AND SAFETY ARE THE PARAMOUNT CONCERN.
25 SERVICES PROVIDED BY A COUNTY OR CITY AND COUNTY IN ACCORDANCE
26 WITH SECTION 19-3-208 ARE DEEMED TO MEET THE REASONABLE EFFORT
27 STANDARD DESCRIBED IN THIS SUBSECTION (114). NOTHING IN THIS

1 SUBSECTION (114) IS CONSTRUED TO CONFLICT WITH FEDERAL LAW.

2 (115) "RECIPIENT", AS USED IN ARTICLE 3.5 OF THIS TITLE 19,
3 MEANS AND IS LIMITED TO A NONPROFIT OR PUBLIC ORGANIZATION THAT
4 RECEIVES A GRANT FROM THE TRUST FUND CREATED IN SECTION
5 19-3.5-106.

6 (116) "RECORD", AS USED IN SECTION 19-4-106, MEANS
7 INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS
8 STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN
9 PERCEIVABLE FORM.

10 (117) "REGISTER OF ACTIONS" MEANS THOSE PORTIONS OF THE
11 ELECTRONIC CASE MANAGEMENT SYSTEM NECESSARY TO CARRY OUT A
12 STATUTORY PURPOSE OR THE DUTIES OF A COURT APPOINTMENT.

13 (118) "REPEAT JUVENILE OFFENDER" IS DESCRIBED IN SECTION
14 19-2.5-1125.

15 (119) "RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES" MEANS
16 THOSE RIGHTS AND RESPONSIBILITIES REMAINING WITH THE PARENT AFTER
17 LEGAL CUSTODY, GUARDIANSHIP OF THE PERSON, OR BOTH, HAVE BEEN
18 VESTED IN ANOTHER PERSON, AGENCY, OR INSTITUTION, INCLUDING BUT
19 NOT LIMITED TO THE RESPONSIBILITY FOR SUPPORT, THE RIGHT TO CONSENT
20 TO ADOPTION, THE RIGHT TO REASONABLE PARENTING TIME UNLESS
21 RESTRICTED BY THE COURT, AND THE RIGHT TO DETERMINE THE CHILD'S
22 RELIGIOUS AFFILIATION.

23 (120) "RESPONSIBLE PERSON", AS USED IN PART 3 OF ARTICLE 3 OF
24 THIS TITLE 19, MEANS A CHILD'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN
25 OR ANY OTHER PERSON RESPONSIBLE FOR THE CHILD'S HEALTH AND
26 WELFARE.

27 (121) "RESTORATIVE JUSTICE" HAS THE SAME MEANING AS SET

1 FORTH IN SECTION 19-2.5-102.

2 (122) "REUNITED PARTIES", AS USED IN SECTION 19-5-305, MEANS
3 ANY TWO PERSONS WHO QUALIFY AS AND MEET ANY SPECIFIED
4 REQUIREMENTS FOR PARTIES UNDER THE LIST OF INDIVIDUALS IN SECTION
5 19-5-304 (1)(b)(I).

6 (123) "SCHOOL", AS USED IN SECTIONS 19-1-303 AND 19-1-304,
7 MEANS A PUBLIC OR PAROCHIAL OR OTHER NONPUBLIC SCHOOL THAT
8 PROVIDES A BASIC ACADEMIC EDUCATION IN COMPLIANCE WITH SCHOOL
9 ATTENDANCE LAWS FOR STUDENTS IN GRADES ONE TO TWELVE. "BASIC
10 ACADEMIC EDUCATION" HAS THE SAME MEANING AS SET FORTH IN SECTION
11 22-33-104 (2)(b).

12 (124) "SEXUAL ASSAULT", AS USED IN SECTIONS 19-5-105,
13 19-5-105.5, AND 19-5-105.7, MEANS:

14 (a) "SEXUAL ASSAULT", AS DEFINED IN SECTION 18-3-402;

15 (b) "SEXUAL ASSAULT ON A CHILD", AS DEFINED IN SECTION
16 18-3-405;

17 (c) "SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST",
18 AS DEFINED IN SECTION 18-3-405.3;

19 (d) "SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST", AS
20 DEFINED IN SECTION 18-3-405.5; OR

21 (e) "UNLAWFUL SEXUAL CONTACT", AS DEFINED IN SECTION
22 18-3-404.

23 (125) "SEXUAL CONDUCT", AS USED IN SECTION 19-3-304 (2.5),
24 MEANS ANY OF THE FOLLOWING:

25 (a) SEXUAL INTERCOURSE, INCLUDING GENITAL-GENITAL,
26 ORAL-GENITAL, ANAL-GENITAL, OR ORAL-ANAL, WHETHER BETWEEN
27 PERSONS OF THE SAME OR OPPOSITE SEX OR BETWEEN HUMANS AND

1 ANIMALS;

2 (b) PENETRATION OF THE VAGINA OR RECTUM BY ANY OBJECT;

3 (c) MASTURBATION; OR

4 (d) SEXUAL SADOMASOCHISTIC ABUSE.

5 (126) "SHELTER" MEANS THE TEMPORARY CARE OF A CHILD IN
6 PHYSICALLY UNRESTRICTING FACILITIES PENDING COURT DISPOSITION OR
7 EXECUTION OF A COURT ORDER FOR PLACEMENT.

8 (127) "SIBLING GROUP", AS USED IN ARTICLES 3 AND 5 OF THIS
9 TITLE 19, MEANS BIOLOGICAL SIBLINGS.

10 (128) "SPECIAL COUNTY ATTORNEY", AS USED IN ARTICLE 3 OF THIS
11 TITLE 19, MEANS AN ATTORNEY HIRED BY A COUNTY ATTORNEY OR CITY
12 ATTORNEY OF A CITY AND COUNTY OR HIRED BY A COUNTY DEPARTMENT
13 OF HUMAN OR SOCIAL SERVICES WITH THE CONCURRENCE OF THE COUNTY
14 ATTORNEY OR CITY ATTORNEY OF A CITY AND COUNTY TO PROSECUTE
15 DEPENDENCY AND NEGLECT CASES.

16 (129) "SPECIAL RESPONDENT", AS USED IN ARTICLE 3 OF THIS TITLE
17 19, MEANS ANY PERSON WHO IS NOT A PARENT, GUARDIAN, OR LEGAL
18 CUSTODIAN AND WHO IS VOLUNTARILY OR INVOLUNTARILY JOINED IN A
19 DEPENDENCY OR NEGLECT PROCEEDING FOR THE LIMITED PURPOSES OF
20 PROTECTIVE ORDERS OR INCLUSION IN A TREATMENT PLAN AND FOR THE
21 GROUNDS OUTLINED IN SECTIONS 19-3-502 (6) AND 19-3-503 (4).

22 (130) "SPOUSAL EQUIVALENT" MEANS A PERSON WHO IS IN A
23 FAMILY-TYPE LIVING ARRANGEMENT WITH A PARENT AND WHO WOULD BE
24 A STEPPARENT IF MARRIED TO THAT PARENT.

25 (131) "STANDARDIZED BEHAVIORAL OR MENTAL HEALTH DISORDER
26 SCREENING" MEANS THE BEHAVIORAL OR MENTAL HEALTH DISORDER
27 SCREENING CONDUCTED USING THE JUVENILE STANDARDIZED SCREENING

1 INSTRUMENTS AND THE PROCEDURES ADOPTED PURSUANT TO SECTION
2 16-11.9-102.

3 (132) "STATE BOARD", AS USED IN PART 3 OF ARTICLE 3 OF THIS
4 TITLE 19, MEANS THE STATE BOARD OF HUMAN SERVICES.

5 (133) "STATE DEPARTMENT", AS USED IN SECTION 19-3-211, PART
6 3 OF ARTICLE 3 OF THIS TITLE 19, AND ARTICLE 3.3 OF THIS TITLE 19,
7 MEANS THE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION
8 24-1-120.

9 (134) "STATE REGISTRAR" MEANS THE STATE REGISTRAR OF VITAL
10 STATISTICS IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

11 (135) "STATUS OFFENSE" HAS THE SAME MEANING AS IS DEFINED
12 IN FEDERAL LAW IN 28 CFR 31.304, AS AMENDED.

13 (136) "STEPPARENT" MEANS A PERSON WHO IS MARRIED TO A
14 PARENT OF A CHILD BUT WHO HAS NOT ADOPTED THE CHILD.

15 (137) "TEMPORARY HOLDING FACILITY" MEANS AN AREA USED FOR
16 THE TEMPORARY HOLDING OF A CHILD FROM THE TIME THAT THE CHILD IS
17 TAKEN INTO TEMPORARY CUSTODY UNTIL A DETENTION HEARING IS HELD,
18 IF IT HAS BEEN DETERMINED THAT THE CHILD REQUIRES A STAFF-SECURE
19 SETTING. SUCH AN AREA MUST BE SEPARATED BY SIGHT AND SOUND FROM
20 ANY AREA THAT HOUSES ADULT OFFENDERS.

21 (138) "TEMPORARY SHELTER" MEANS THE TEMPORARY PLACEMENT
22 OF A CHILD WITH KIN, AS DEFINED IN SUBSECTION (91) OF THIS SECTION;
23 WITH AN ADULT WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD; OR
24 IN A LICENSED AND CERTIFIED TWENTY-FOUR-HOUR CARE FACILITY.

25 (139) "TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP",
26 AS USED IN ARTICLES 3 AND 5 OF THIS TITLE 19, MEANS THE PERMANENT
27 ELIMINATION BY COURT ORDER OF ALL PARENTAL RIGHTS AND DUTIES,

1 INCLUDING RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES, AS
2 PROVIDED IN SECTION 19-3-608.

3 (140) "THIRD-PARTY ABUSE", AS USED IN PART 3 OF ARTICLE 3 OF
4 THIS TITLE 19, MEANS A CASE IN WHICH A CHILD IS SUBJECTED TO ABUSE,
5 AS DEFINED IN SUBSECTION (1) OF THIS SECTION, BY ANY PERSON WHO IS
6 NOT A PARENT; STEPPARENT; GUARDIAN; LEGAL CUSTODIAN; SPOUSAL
7 EQUIVALENT, AS DEFINED IN SUBSECTION (130) OF THIS SECTION; OR ANY
8 OTHER PERSON NOT INCLUDED IN THE DEFINITION OF "INTRAFAMILIAL
9 ABUSE", AS DEFINED IN SUBSECTION (87) OF THIS SECTION.

10 (141) "TRAUMA-INFORMED" REFERS TO THE SERVICES TO BE
11 PROVIDED TO OR ON BEHALF OF A CHILD OR YOUTH UNDER AN
12 ORGANIZATIONAL STRUCTURE AND TREATMENT FRAMEWORK THAT
13 INVOLVES UNDERSTANDING, RECOGNIZING, AND RESPONDING TO THE
14 EFFECTS OF ALL TYPES OF TRAUMA IN ACCORDANCE WITH RECOGNIZED
15 PRINCIPLES OF A TRAUMA-INFORMED APPROACH AND TRAUMA-SPECIFIC
16 INTERVENTIONS TO ADDRESS TRAUMA'S CONSEQUENCES AND FACILITATE
17 HEALING.

18 (142) "TRUST FUND", AS USED IN ARTICLE 3.5 OF THIS TITLE 19,
19 MEANS THE COLORADO CHILDREN'S TRUST FUND CREATED IN SECTION
20 19-3.5-106.

21 (143) "UPDATED MEDICAL HISTORY STATEMENT" MEANS A
22 WRITTEN NARRATIVE STATEMENT DATED AND SIGNED BY A BIRTH PARENT
23 ABOUT THE MEDICAL HISTORY OF THE BIRTH PARENT OR OTHER
24 BIOLOGICAL RELATIVES OF THE ADOPTEE THAT CAN BE VOLUNTARILY
25 SUBMITTED BY THE BIRTH PARENT TO THE STATE REGISTRAR FOR FUTURE
26 DISCLOSURE TO THE BIRTH PARENT'S ADULT CHILD WHO IS AN ADULT
27 ADOPTEE OR AN ADULT DESCENDANT OF THE ADOPTEE OR LEGAL

1 REPRESENTATIVE OF SUCH PERSON IN ACCORDANCE WITH THE PROVISIONS
2 OF SECTION 19-5-305 (1.5).

3 (144) (a) "VICTIM", AS USED IN THIS TITLE 19 AND EXCEPT AS
4 PROVIDED IN SUBSECTION (144)(b) OF THIS SECTION, HAS THE SAME
5 MEANING AS SET FORTH IN SECTION 19-2.5-102.

6 (b) "VICTIM", AS USED IN SECTION 19-5-105.5, MEANS ANY
7 NATURAL PERSON AGAINST WHOM A CRIME OF SEXUAL ASSAULT OR A
8 CRIME IN WHICH THE UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT
9 IS PERPETRATED OR IS ALLEGED TO HAVE BEEN PERPETRATED.

10 (145) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN
11 TWENTY-ONE YEARS OF AGE.

12 **SECTION 145. Effective date.** This act takes effect October 1,
13 2021.

14 **SECTION 146. Safety clause.** The general assembly hereby
15 finds, determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.