

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0079.01 Jane Ritter x4342

SENATE BILL 21-059

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SENATE SPONSORSHIP

Lee and Gardner,

HOUSE SPONSORSHIP

Gonzales-Gutierrez and Geitner,

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Senate Committees  
Judiciary

House Committees

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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.

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

8 (3) **[Formerly 19-2-211.5]** The general assembly FURTHER  
9 declares that the placement of children, JUVENILES, AND YOUTH in a  
10 detention facility exacts a negative impact on the mental and physical  
11 well-being of the child, JUVENILE, OR YOUTH, and such detention may  
12 make it more likely that the child, JUVENILE, OR YOUTH will reoffend.  
13 Children, JUVENILES, AND YOUTH who are detained are more likely to  
14 penetrate deeper into the juvenile justice system than similar children,  
15 JUVENILES, AND YOUTH who are not detained. ~~and~~ Community-based  
16 alternatives to detention should be based on the principle of using the  
17 least-restrictive setting possible and returning a child, JUVENILE, OR  
18 YOUTH to his or her home, family, or other responsible adult whenever  
19 possible consistent with public safety. It is the intent of the general  
20 assembly in ~~adopting section 19-2-507.5 and amending sections~~  
21 ~~19-2-212, 19-2-507, and 19-2-508~~ ENACTING SECTIONS 19-2.5-303,  
22 19-2.5-304, 19-2.5-305, AND 19-2.5-1504 to limit the use of detention to  
23 only those children, JUVENILES, AND YOUTH who pose a substantial risk  
24 of serious harm to others or that are a flight risk from prosecution.

25 **19-2.5-102. [Formerly 19-2-103] Definitions.** ~~For purposes of~~  
26 ~~this article 2~~ IN ADDITION TO THE TERMS DEFINED IN SECTION 19-1-103,  
27 FOR THE PURPOSES OFH THIS ARTICLE 2.5, UNLESS THE CONTEXT

1 OTHERWISE REQUIRES:

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

10 (2) "ADJUDICATORY TRIAL" MEANS A TRIAL TO DETERMINE  
11 WHETHER THE ALLEGATIONS OF A PETITION IN DELINQUENCY ARE  
12 SUPPORTED BY THE EVIDENCE.

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

14 (4) "ASSESSMENT CENTER FOR YOUTH" MEANS A  
15 MULTIDISCIPLINARY, COMMUNITY-BASED CENTER THAT PROVIDES  
16 SERVICES TO CHILDREN, JUVENILES, YOUTH, AND THEIR FAMILIES,  
17 INCLUDING BUT NOT LIMITED TO DETENTION SCREENING, CASE  
18 MANAGEMENT, AND THERAPEUTIC INTERVENTION RELATING TO  
19 DELINQUENCY, ABUSE OR NEGLECT, FAMILY CONFLICT, AND TRUANCY.

20 ~~(2)~~ (5) "Basic identification information" ~~is defined in section~~  
21 ~~19-1-103 (12)~~ MEANS A PERSON'S NAME, PLACE AND DATE OF BIRTH, LAST  
22 KNOWN ADDRESS, SOCIAL SECURITY NUMBER, OCCUPATION AND ADDRESS  
23 OF EMPLOYMENT, LAST SCHOOL ATTENDED, PHYSICAL DESCRIPTION,  
24 PHOTOGRAPH, HANDWRITTEN SIGNATURE, SEX, GENDER, FINGERPRINTS,  
25 AND ANY KNOWN ALIASES.

26 (6) "BEHAVIORAL HEALTH" HAS THE SAME MEANING AS SET FORTH  
27 IN SECTION 27-60-100.3.

1           (7) "CASE MANAGEMENT PURPOSES" MEANS ASSESSMENTS,  
2 EVALUATIONS, TREATMENT, EDUCATION, PROPER DISPOSITION OR  
3 PLACEMENT OF THE CHILD, INTERAGENCY COORDINATION, AND OTHER  
4 SERVICES THAT ARE INCIDENTAL TO THE ADMINISTRATION OF THE  
5 PROGRAM AND IN THE BEST INTERESTS OF THE CHILD.

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

7           ~~(3)~~ (9) "Commit" ~~is defined in section 19-1-103 (24)~~ MEANS TO  
8 TRANSFER LEGAL CUSTODY.

9           ~~(3.3)~~ (10) "Competent to proceed" means that a juvenile has  
10 sufficient present ability to consult with ~~his or her~~ THE JUVENILE'S  
11 attorney with a reasonable degree of rational understanding in order to  
12 assist in the defense and that ~~he or she~~ THE JUVENILE has a rational as well  
13 as a factual understanding of the proceedings. ~~against him or her.~~

14           ~~(4)~~ (11) "Cost of care" is defined in ~~section 19-1-103 (30)~~  
15 SECTION 19-1-103.

16           (12) "CRIMINAL JUSTICE AGENCY" HAS THE SAME MEANING AS SET  
17 FORTH IN SECTION 24-72-302 (3).

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

23           ~~(5)~~ (14) "Delinquent act" ~~is defined in section 19-1-103 (36)~~  
24 MEANS A VIOLATION OF ANY STATUTE, ORDINANCE, OR ORDER  
25 ENUMERATED IN SECTION 19-2.5-103 (1)(a). IF A JUVENILE IS ALLEGED TO  
26 HAVE COMMITTED OR IS FOUND GUILTY OF A DELINQUENT ACT, THE  
27 CLASSIFICATION AND DEGREE OF THE OFFENSE IS DETERMINED BY THE

1 STATUTE, ORDINANCE, OR ORDER THAT THE PETITION ALLEGES WAS  
2 VIOLATED. "DELINQUENT ACT" DOES NOT INCLUDE TRUANCY OR HABITUAL  
3 TRUANCY.

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

5 (16) "DETERMINATE PERIOD" MEANS THAT THE DEPARTMENT OF  
6 HUMAN SERVICES MAY NOT TRANSFER LEGAL OR PHYSICAL CUSTODY OF  
7 A JUVENILE UNTIL THE JUVENILE HAS COMPLETED THE PERIOD OF  
8 COMMITMENT IMPOSED BY THE COURT, UNLESS OTHERWISE ORDERED BY  
9 THE COURT; EXCEPT THAT THE DEPARTMENT OF HUMAN SERVICES MAY  
10 RELEASE THE JUVENILE ON PAROLE PRIOR TO COMPLETION OF THE  
11 DETERMINATE PERIOD, PURSUANT TO SECTION 19-2.5-1203.

12 ~~(5.5) "Developmental disability" means a disability that is~~  
13 ~~manifested before the person reaches his or her twenty-second birthday,~~  
14 ~~that constitutes a substantial disability to the affected individual, and that~~  
15 ~~is attributable to an intellectual disability or other neurological conditions~~  
16 ~~when those conditions result in impairment of general intellectual~~  
17 ~~functioning or adaptive behavior similar to that of a person with an~~  
18 ~~intellectual disability. Unless otherwise specifically stated, the federal~~  
19 ~~definition of "developmental disability", 42 U.S.C. sec. 15002 (8), does~~  
20 ~~not apply.~~

21 ~~(6) (17) "Diagnostic and evaluation center" is defined in section~~  
22 ~~19-1-103 (41) MEANS A FACILITY FOR THE EXAMINATION AND STUDY OF~~  
23 ~~PERSONS COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF HUMAN~~  
24 ~~SERVICES.~~

25 (18) (a) "DIVERSION" MEANS A DECISION MADE BY A PERSON WITH  
26 AUTHORITY OR A DELEGATE OF THAT PERSON THAT RESULTS IN THE LEGAL  
27 SYSTEM NOT TAKING SPECIFIC OFFICIAL ACTION IN REGARD TO A SPECIFIC

1 JUVENILE OR CHILD. DIVERSION OCCURS IN LIEU OF PROVIDING OR  
2 REFERRING THE JUVENILE OR CHILD TO AN INDIVIDUALLY DESIGNED  
3 PROGRAM OR ACTIVITY, IF NECESSARY, PROVIDED BY DISTRICT  
4 ATTORNEYS' OFFICES, GOVERNMENTAL UNITS, OR NONGOVERNMENTAL  
5 UNITS. THE GOAL OF DIVERSION IS TO PREVENT FURTHER INVOLVEMENT OF  
6 THE JUVENILE OR CHILD IN THE FORMAL LEGAL SYSTEM.

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

12 (19) "DIVISION OF YOUTH SERVICES" OR "DIVISION" MEANS THE  
13 DIVISION OF YOUTH SERVICES, CREATED IN SECTION 19-2.5-1601.

14 (20) "DUALY IDENTIFIED CROSSOVER YOUTH" MEANS YOUTH WHO  
15 ARE CURRENTLY INVOLVED IN THE JUVENILE JUSTICE SYSTEM AND THE  
16 CHILD WELFARE SYSTEM OR HAVE A HISTORY IN THE CHILD WELFARE  
17 SYSTEM THAT INCLUDES BUT IS NOT LIMITED TO A FAMILY ASSESSMENT  
18 RESPONSE SERVICE PLAN OR AN OPEN CASE.

19 ~~(7)~~ (21) (a) "Estate", ~~is defined in section 19-1-103 (47)~~ AS USED  
20 IN SECTION 19-2.5-1120, MEANS ANY TANGIBLE OR INTANGIBLE  
21 PROPERTIES, REAL OR PERSONAL, BELONGING TO OR DUE TO A PERSON,  
22 INCLUDING INCOME OR PAYMENTS TO SUCH PERSON FROM PREVIOUSLY  
23 EARNED SALARY OR WAGES, BONUSES, ANNUITIES, PENSIONS, OR  
24 RETIREMENT BENEFITS, OR ANY SOURCE WHATSOEVER EXCEPT FEDERAL  
25 BENEFITS OF ANY KIND.

26 (b) (I) REAL PROPERTY THAT IS HELD IN JOINT OWNERSHIP OR  
27 OWNERSHIP IN COMMON WITH THE JUVENILE'S SPOUSE, WHILE BEING USED

1 AND OCCUPIED BY THE SPOUSE AS A PLACE OF RESIDENCE, IS NOT  
2 CONSIDERED A PART OF THE ESTATE OF THE JUVENILE FOR THE PURPOSES  
3 OF SECTION 19-2.5-1120.

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

8 (22) "EXPUNGEMENT", AS USED IN SECTION 19-2.5-1404, MEANS  
9 THE DESIGNATION OF JUVENILE DELINQUENCY RECORDS WHEREBY SUCH  
10 RECORDS ARE DEEMED NEVER TO HAVE EXISTED.

11 ~~(8)~~ (23) "Gang", ~~is defined in section 19-1-103 (52)~~ AS USED IN  
12 SECTIONS 19-2.5-305 AND 19-2.5-1604, MEANS A GROUP OF THREE OR  
13 MORE INDIVIDUALS WITH A COMMON INTEREST, BOND, OR ACTIVITY  
14 CHARACTERIZED BY CRIMINAL OR DELINQUENT CONDUCT AND ENGAGED  
15 IN EITHER COLLECTIVELY OR INDIVIDUALLY.

16 (24) "GUARDIAN AD LITEM" IS DEFINED IN SECTION 19-1-103.

17 ~~(9)~~ (25) "Halfway house" ~~is defined in section 19-1-103 (62)~~  
18 MEANS A GROUP CARE FACILITY FOR JUVENILES WHO HAVE BEEN PLACED  
19 ON PROBATION OR PAROLE PURSUANT TO THE TERMS OF THIS ARTICLE 2.5.

20 ~~(9.5)~~ (26) "Incompetent to proceed" means that, based on an  
21 intellectual ~~or~~ AND developmental disability, mental ~~disability~~ HEALTH  
22 DISORDER, or lack of mental capacity, a juvenile does not have sufficient  
23 present ability to consult with ~~his or her~~ THE JUVENILE'S attorney with a  
24 reasonable degree of rational understanding in order to assist in the  
25 defense or that ~~he or she~~ THE JUVENILE does not have a rational as well as  
26 a factual understanding of the proceedings ~~against him or her~~ TAKING  
27 PLACE.



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

2 (28) "INTELLECTUAL AND DEVELOPMENTAL DISABILITY" MEANS A  
3 DISABILITY THAT IS MANIFESTED BEFORE THE PERSON REACHES HIS OR HER  
4 TWENTY-SECOND BIRTHDAY, THAT CONSTITUTES A SUBSTANTIAL  
5 DISABILITY TO THE AFFECTED INDIVIDUAL, AND THAT IS ATTRIBUTABLE TO  
6 AN INTELLECTUAL DISABILITY OR OTHER NEUROLOGICAL CONDITIONS  
7 WHEN THOSE CONDITIONS RESULT IN IMPAIRMENT OF GENERAL  
8 INTELLECTUAL FUNCTIONING OR ADAPTIVE BEHAVIOR SIMILAR TO THAT OF  
9 A PERSON WITH AN INTELLECTUAL DISABILITY. UNLESS OTHERWISE  
10 SPECIFICALLY STATED, THE FEDERAL DEFINITION OF "DEVELOPMENTAL  
11 DISABILITY", 42 U.S.C. SEC. 15002 (8), DOES NOT APPLY.

12 ~~(10)~~ (29) "Juvenile" is defined in ~~section 19-1-103 (68)~~ SECTION  
13 19-1-103.

14 ~~(11)~~ (30) "Juvenile community review board" ~~is defined in section~~  
15 ~~19-1-103 (69)~~ MEANS ANY BOARD APPOINTED BY A BOARD OF COUNTY  
16 COMMISSIONERS FOR THE PURPOSE OF REVIEWING COMMUNITY  
17 PLACEMENTS PURSUANT TO THIS ARTICLE 2.5. A JUVENILE COMMUNITY  
18 REVIEW BOARD, IF PRACTICABLE, INCLUDES BUT IS NOT LIMITED TO A  
19 REPRESENTATIVE FROM A COUNTY DEPARTMENT OF HUMAN OR SOCIAL  
20 SERVICES, A LOCAL SCHOOL DISTRICT, A LOCAL LAW ENFORCEMENT  
21 AGENCY, A LOCAL PROBATION DEPARTMENT, A LOCAL BAR ASSOCIATION,  
22 THE DIVISION OF YOUTH SERVICES, AND PRIVATE CITIZENS.

23 (31) "JUVENILE COURT" OR "COURT" IS DEFINED IN SECTION  
24 19-1-103.

25 ~~(12)~~ (32) "Juvenile delinquent" ~~is defined in section 19-1-103 (71)~~  
26 MEANS A JUVENILE WHO HAS BEEN FOUND GUILTY OF A DELINQUENT ACT.

27 ~~(12.3)~~ (33) "Mental capacity" means a juvenile's capacity to meet

1 all of the following criteria:

2 (a) Appreciate the charges or allegations against ~~him or her~~ THE  
3 JUVENILE;

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

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

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

13 (e) Understand and appreciate the right to testify and to  
14 voluntarily exercise the right.

15 ~~(12.4)~~ (34) "Mental ~~disability~~ HEALTH DISORDER" means a  
16 substantial disorder of thought, mood, perception, or cognitive ability that  
17 results in marked functional disability and significantly interferes with  
18 adaptive behavior. "Mental ~~disability~~ HEALTHDISORDER" does not include  
19 acute intoxication from alcohol or other substances, any condition  
20 manifested only by antisocial behavior, or any substance abuse  
21 impairment resulting from recent use or withdrawal. However, substance  
22 abuse that results in a long-term, substantial disorder of thought, mood,  
23 or cognitive ability may constitute a mental ~~disability~~ HEALTH DISORDER.

24 (35) "MENTAL OR BEHAVIORAL HEALTH HOSPITAL PLACEMENT  
25 PRESCREENING" MEANS A FACE-TO-FACE MENTAL HEALTH EXAMINATION  
26 CONDUCTED BY A MENTAL HEALTH PROFESSIONAL TO DETERMINE  
27 WHETHER A CHILD SHOULD BE PLACED IN A FACILITY FOR EVALUATION

1 PURSUANT TO SECTION 27-65-105 OR 27-65-106. THE PRESCREENING MAY  
2 INCLUDE CONSULTATION WITH OTHER MENTAL HEALTH PROFESSIONALS  
3 AND REVIEW OF ALL AVAILABLE RECORDS ON THE CHILD.

4 ~~(12.5)~~ (36) "Office of alternate defense counsel" means the office  
5 of alternate defense counsel created and existing pursuant to section  
6 21-2-101. ~~C.R.S.~~

7 ~~(12.7)~~ (37) "Office of the state public defender" means the office  
8 of state public defender created and existing pursuant to section 21-1-101.  
9 ~~C.R.S.~~

10 (38) "PARENT" IS DEFINED IN SECTION 19-1-103.

11 (39) "PEACE OFFICER" HAS THE SAME MEANING AS SET FORTH IN  
12 SECTION 16-2.5-101.

13 (40) "PHYSICAL CUSTODIAN", AS USED IN SECTION 19-2.5-203,  
14 MEANS A GUARDIAN, WHETHER OR NOT APPOINTED BY COURT ORDER,  
15 WITH WHOM THE JUVENILE HAS RESIDED.

16 (41) "REASONABLE EFFORTS" IS DEFINED IN SECTION 19-1-103.

17 ~~(13)~~ (42) "Receiving center" ~~is defined in section 19-1-103 (90)~~  
18 MEANS A FACILITY USED BY THE DEPARTMENT OF HUMAN SERVICES TO  
19 PROVIDE TEMPORARY DETENTION AND CARE FOR JUVENILES PENDING  
20 PLACEMENT IN A TRAINING SCHOOL, CAMP, OR OTHER FACILITY.

21 ~~(14)~~ (43) "Residential community placement" ~~is defined in section~~  
22 ~~19-1-103 (92)~~ MEANS ANY PLACEMENT FOR RESIDENTIAL PURPOSES  
23 PERMITTED PURSUANT TO THIS TITLE 19, EXCEPT IN AN INSTITUTIONAL  
24 FACILITY DIRECTLY OPERATED BY, OR A SECURE FACILITY UNDER  
25 CONTRACT WITH, THE DEPARTMENT OF HUMAN SERVICES AND EXCEPT  
26 WHILE A JUVENILE IS UNDER THE JURISDICTION OF THE JUVENILE PAROLE  
27 BOARD.

1           ~~(14.3)~~ (44) "Restoration to competency hearing" means a hearing  
2 to determine whether a juvenile who has previously been determined to  
3 be incompetent to proceed has achieved or is restored to competency.

4           (45) (a) "RESTORATIVE JUSTICE" MEANS THOSE PRACTICES THAT  
5 EMPHASIZE REPAIRING THE HARM TO THE VICTIM AND COMMUNITY  
6 CAUSED BY DELINQUENT ACTS. RESTORATIVE JUSTICE PRACTICES MAY  
7 INCLUDE VICTIM-OFFENDER CONFERENCES ATTENDED VOLUNTARILY BY  
8 THE VICTIM, A VICTIM ADVOCATE, THE OFFENDER, COMMUNITY MEMBERS,  
9 AND SUPPORTERS OF THE VICTIM OR THE OFFENDER THAT PROVIDE AN  
10 OPPORTUNITY FOR THE OFFENDER TO ACCEPT RESPONSIBILITY FOR THE  
11 HARM CAUSED TO THOSE AFFECTED BY THE CRIME AND TO PARTICIPATE IN  
12 SETTING CONSEQUENCES TO REPAIR THE HARM. CONSEQUENCES  
13 RECOMMENDED BY THE PARTICIPANTS MAY INCLUDE BUT NEED NOT BE  
14 LIMITED TO APOLOGIES, COMMUNITY SERVICE, RESTORATION, AND  
15 COUNSELING. THE SELECTED CONSEQUENCES ARE INCORPORATED INTO AN  
16 AGREEMENT THAT SETS TIME LIMITS FOR COMPLETION OF THE  
17 CONSEQUENCES AND IS SIGNED BY ALL PARTICIPANTS.

18           (b) ANY STATEMENTS MADE DURING THE RESTORATIVE JUSTICE  
19 PROCESS ARE CONFIDENTIAL AND MUST NOT BE USED AGAINST THE  
20 JUVENILE, OR AS A BASIS FOR CHARGING OR PROSECUTING THE JUVENILE,  
21 UNLESS THE JUVENILE COMMITS A CHARGEABLE OFFENSE DURING THE  
22 PROCESS.

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

27           (46) "SCHOOL", AS USED IN SECTIONS 19-2.5-1402 AND

1 19-2.5-1403, MEANS A PUBLIC OR PAROCHIAL OR OTHER NONPUBLIC  
2 SCHOOL THAT PROVIDES A BASIC ACADEMIC EDUCATION IN COMPLIANCE  
3 WITH SCHOOL ATTENDANCE LAWS FOR STUDENTS IN GRADES ONE TO  
4 TWELVE. "BASIC ACADEMIC EDUCATION" HAS THE SAME MEANING AS SET  
5 FORTH IN SECTION 22-33-104 (2)(b).

6 ~~(15)~~ (47) "Screening team" ~~is defined in section 19-1-103 (94.5)~~  
7 MEANS THE PERSON OR PERSONS DESIGNATED, PURSUANT TO RULE 3.7 OF  
8 THE COLORADO RULES OF JUVENILE PROCEDURE, BY THE CHIEF JUDGE IN  
9 EACH JUDICIAL DISTRICT OR, FOR THE SECOND JUDICIAL DISTRICT, THE  
10 PRESIDING JUDGE OF THE DENVER JUVENILE COURT TO MAKE  
11 RECOMMENDATIONS TO THE JUVENILE COURT CONCERNING WHETHER A  
12 JUVENILE TAKEN INTO TEMPORARY CUSTODY SHOULD BE RELEASED OR  
13 ADMITTED TO A DETENTION OR SHELTER FACILITY PURSUANT TO SECTION  
14 19-2.5-305.

15 ~~(16)~~ (48) "Sentencing hearing" ~~is defined in section 19-1-103 (95)~~  
16 MEANS A HEARING TO DETERMINE WHAT SENTENCE MUST BE IMPOSED ON  
17 A JUVENILE DELINQUENT OR WHAT OTHER ORDER OF DISPOSITION MUST BE  
18 MADE CONCERNING A JUVENILE DELINQUENT, INCLUDING COMMITMENT.  
19 A SENTENCING HEARING MAY BE PART OF THE PROCEEDING THAT  
20 INCLUDES THE ADJUDICATORY TRIAL, OR IT MAY BE HELD AT A TIME  
21 SUBSEQUENT TO THE ADJUDICATORY TRIAL.

22 (49) "SPECIAL OFFENDER" INCLUDES A MANDATORY SENTENCE  
23 OFFENDER, A REPEAT JUVENILE OFFENDER, A VIOLENT JUVENILE  
24 OFFENDER, OR AN AGGRAVATED JUVENILE OFFENDER, AS THOSE TERMS  
25 ARE DESCRIBED IN SECTION 19-2.5-1125.

26 ~~(17)~~ (50) "Staff secure facility" ~~is defined in section 19-1-103~~  
27 ~~(101.5)~~ MEANS A GROUP FACILITY OR HOME AT WHICH EACH JUVENILE IS

1 CONTINUOUSLY UNDER STAFF SUPERVISION AND AT WHICH ALL SERVICES,  
2 INCLUDING EDUCATION AND TREATMENT, ARE PROVIDED ON SITE. A STAFF  
3 SECURE FACILITY MAY OR MAY NOT BE A LOCKED FACILITY.

4 (51) "STANDARDIZED BEHAVIORAL OR MENTAL HEALTH DISORDER  
5 SCREENING" MEANS THE BEHAVIORAL OR MENTAL HEALTH DISORDER  
6 SCREENING CONDUCTED USING THE JUVENILE STANDARDIZED SCREENING  
7 INSTRUMENTS AND THE PROCEDURES ADOPTED PURSUANT TO SECTION  
8 16-11.9-102.

9 (52) "STATUS OFFENSE" HAS THE SAME MEANING AS DEFINED IN  
10 FEDERAL LAW IN 28 CFR 31.304, AS AMENDED.

11 (53) "TEMPORARY HOLDING FACILITY" IS DEFINED IN SECTION  
12 19-1-103.

13 ~~(18)~~ (54) "Training school" ~~is defined in section 19-1-103 (109)~~  
14 MEANS AN INSTITUTION PROVIDING CARE, EDUCATION, TREATMENT, AND  
15 REHABILITATION FOR JUVENILES IN A CLOSED SETTING AND INCLUDES A  
16 REGIONAL CENTER ESTABLISHED IN PART 3 OF ARTICLE 10.5 OF TITLE 27.

17 (55) "VICTIM", AS USED IN THIS ARTICLE 2.5, MEANS ANY PARTY  
18 IMMEDIATELY AND DIRECTLY AGGRIEVED BY THE JUVENILE OR YOUTH;  
19 THAT PARTY'S SPOUSE; THE PARTY'S PARENT, SIBLING, OR CHILD WHO IS  
20 LIVING WITH THE PARTY; A VICTIM COMPENSATION BOARD THAT HAS PAID  
21 A VICTIM COMPENSATION CLAIM; A PERSON OR ENTITY THAT HAS  
22 SUFFERED LOSSES BECAUSE OF A CONTRACTUAL RELATIONSHIP WITH SUCH  
23 PARTY, INCLUDING AN INSURER OR BECAUSE OF LIABILITY UNDER SECTION  
24 14-6-110; OR, IN THE ABSENCE OF ANY OF THE ABOVE, THE STATE.

25 (56) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN  
26 TWENTY-ONE YEARS OF AGE.

27 **19-2.5-103. [Formerly 19-2-104] Jurisdiction.** (1) Except as

1 otherwise provided by law, the juvenile court has exclusive original  
2 jurisdiction in proceedings:

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

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

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

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

17 (b) Concerning ~~any~~ A juvenile to ~~which section 19-2-518~~ WHOM  
18 SECTION 19-2.5-802 applies; except that, after filing charges in the  
19 juvenile court but prior to the time that the juvenile court conducts a  
20 transfer hearing, the district attorney may file the same or different  
21 charges against the juvenile by direct filing of an information in the  
22 district court or by indictment pursuant to ~~section 19-2-517~~ SECTION  
23 19-2.5-801. Upon ~~said~~ SUCH filing or indictment in the district court, the  
24 juvenile court ~~shall no longer have~~ NO LONGER HAS jurisdiction over  
25 proceedings concerning ~~said~~ SUCH charges.

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

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

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

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

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



1 person.

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

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

11 **19-2.5-104. [Formerly 19-2-105] Venue.** (1) (a) Proceedings in  
12 cases brought ~~under this article shall~~ PURSUANT TO THIS ARTICLE 2.5 MUST  
13 be commenced in the county in which the alleged violation of the law,  
14 ordinance, or court order took place; except that the court may order a  
15 change of venue based upon written findings that a change of venue is  
16 necessary to ensure that the juvenile receives a fair trial, in which case  
17 venue ~~shall~~ MUST be transferred to an appropriate jurisdiction prior to the  
18 findings of fact. When the court in which the petition was filed is in a  
19 county other than where the juvenile resides, such court may transfer  
20 venue to the court of the county of the juvenile's residence for the  
21 purposes of supervision after sentencing and entry of any order for  
22 payment of restitution. A transfer of venue may not be rejected for any  
23 reason except where venue would be improper.

24 (b) For purposes of determining proper venue, a juvenile who is  
25 placed in the legal custody of a county department of human or social  
26 services is deemed for the entire period of placement to reside in the  
27 county in which the juvenile's legal custodian is located, even if the

1 juvenile is physically residing in a residential facility located in another  
2 county. If a juvenile is placed in the legal custody of a county department  
3 of human or social services, the court shall not transfer venue during the  
4 period of placement to any county other than the county in which the  
5 juvenile's legal custodian is located.

6 (2) In determining proper venue, ~~the provisions of~~ section  
7 18-1-202 C.R.S., shall apply APPLIES.

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

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

18 **19-2.5-105. [Formerly 19-2-106] Representation of petitioner.**  
19 In all matters ~~under this article~~ PURSUANT TO THIS ARTICLE 2.5, the  
20 ~~petitioner shall be represented by the~~ district attorney SHALL REPRESENT  
21 THE PETITIONER.

22 **19-2.5-106. [Formerly 19-2-112] Victim's right to attend**  
23 **dispositional, review, and restitution proceedings.** The victim of any  
24 delinquent act, or a relative of the victim, if the victim has died, has the  
25 right to attend all dispositional, review, and restitution proceedings  
26 resulting from the adjudication of such act. The victim or ~~his or her~~ THE  
27 VICTIM'S relative has the right to appear at the proceedings personally or

1 with counsel and to adequately and reasonably express ~~his or her~~ THE  
2 VICTIM'S views concerning the act, the juvenile, the need for restitution,  
3 and the type of dispositional orders that THE COURT should ~~be issued by~~  
4 ~~the court~~ ISSUE. When issuing such orders, the court shall consider the  
5 statements made by the victim, or ~~his or her~~ THE VICTIM'S relative, and  
6 shall make a finding, on the record, when appropriate, as to whether ~~or~~  
7 ~~not~~ the juvenile would pose a threat to public safety if granted probation.

8 **19-2.5-107. [Formerly 19-2-113] Parental accountability -**  
9 **legislative intent.** (1) (a) The parent, guardian, or legal custodian of any  
10 juvenile subject to proceedings ~~under this article 2~~ PURSUANT TO THIS  
11 ARTICLE 2.5 is required to attend all proceedings that may be brought  
12 ~~under this article 2~~ PURSUANT TO THIS ARTICLE 2.5 concerning the  
13 juvenile. The court may impose contempt sanctions against ~~said~~ THE  
14 parent, guardian, or legal custodian for failure, without good cause, to  
15 attend any proceeding concerning the juvenile; except that, if the  
16 juvenile's legal custodian is a county department of human or social  
17 services or the state department of human services, the legal custodian  
18 need not attend any proceeding at which the juvenile's guardian ad litem  
19 is present.

20 (b) For any juvenile adjudicated pursuant to this ~~article~~ ARTICLE  
21 2.5, the court may specify its expectations for the juvenile's parent,  
22 guardian, or legal custodian, so long as the parent, guardian, or legal  
23 custodian is a party to the delinquency proceedings.

24 (2) (a) The general assembly ~~hereby~~ determines that families play  
25 a significant role in the cause and cure of delinquent behavior of children.  
26 It is therefore the intent of the general assembly that parents cooperate  
27 and participate significantly in the assessment and treatment planning for

1 their children.

2 (b) Any treatment plan developed pursuant to this ~~article~~ ARTICLE  
3 2.5 may include requirements to be imposed on the juvenile's parent, so  
4 long as the parent is a party to the delinquency proceedings. These  
5 requirements may include, but are not limited to, the following:

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

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

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

19 **19-2.5-108. [Formerly 19-2-111] Effect of proceedings.** ~~No~~ AN  
20 adjudication or proceeding ~~under this article shall~~ PURSUANT TO THIS  
21 ARTICLE 2.5 MUST NOT impose any civil disability upon a juvenile or  
22 disqualify ~~him or her~~ THE JUVENILE from holding any position under the  
23 state personnel system or submitting any governmental or military service  
24 application or receiving any governmental or military service appointment  
25 or from holding public office.

26 PART 2  
27 INVESTIGATIONS AND LAW ENFORCEMENT

1           **19-2.5-201. [Formerly 19-2-510] Preliminary investigation.**

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

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

12          **19-2.5-202. [Formerly 19-2-506] Consent to search.** In  
13          determining the voluntariness of a juvenile's consent to a search or  
14          seizure, the court shall consider the totality of the circumstances.

15          **19-2.5-203. [Formerly 19-2-511] Statements - definitions.**

16          (1) ~~No statements or admissions~~ A STATEMENT OR ADMISSION of a  
17          juvenile made as a result of the custodial interrogation of ~~such~~ THE  
18          juvenile by a law enforcement official concerning delinquent acts alleged  
19          to have been committed by the juvenile ~~shall be~~ ARE NOT admissible in  
20          evidence against ~~such~~ THE juvenile unless a parent, guardian, or legal or  
21          physical custodian of the juvenile was present at such interrogation and  
22          the juvenile and ~~his or her~~ THE JUVENILE'S parent, guardian, or legal or  
23          physical custodian were advised of the juvenile's right to remain silent  
24          and that any statements made may be used against ~~him or her~~ THE  
25          JUVENILE in a court of law, of ~~his or her~~ THE JUVENILE'S right to the  
26          presence of an attorney during such interrogation, and of ~~his or her~~ THE  
27          JUVENILE'S right to have counsel appointed if ~~he or she~~ THE JUVENILE so

1 requests at the time of the interrogation; except that, if a public defender  
2 or counsel representing the juvenile is present at such interrogation, such  
3 statements or admissions may be admissible in evidence even though the  
4 juvenile's parent, guardian, or legal or physical custodian was not present.

5 (2) (a) Notwithstanding ~~the provisions of~~ subsection (1) of this  
6 section, statements or admissions of a juvenile may be admissible in  
7 evidence, notwithstanding the absence of a parent, guardian, or legal or  
8 physical custodian, if the court finds that, under the totality of the  
9 circumstances, the juvenile made a knowing, intelligent, and voluntary  
10 waiver of rights and:

11 (I) The juvenile is eighteen years of age or older at the time of the  
12 interrogation or the juvenile misrepresents his or her age as being  
13 eighteen years of age or older and the law enforcement official acts in  
14 good-faith reliance on such misrepresentation in conducting the  
15 interrogation;

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

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

20 (b) For the purposes of this subsection (2), "emancipated juvenile"  
21 ~~is defined in section 19-1-103 (45)~~ MEANS A JUVENILE OVER FIFTEEN  
22 YEARS OF AGE AND UNDER EIGHTEEN YEARS OF AGE WHO HAS, WITH THE  
23 REAL OR APPARENT ASSENT OF THE JUVENILE'S PARENTS, DEMONSTRATED  
24 INDEPENDENCE FROM THE JUVENILE'S PARENTS IN MATTERS OF CARE,  
25 CUSTODY, AND EARNINGS. THE TERM MAY INCLUDE ANY SUCH JUVENILE  
26 WHO HAS THE SOLE RESPONSIBILITY FOR THE JUVENILE'S OWN SUPPORT,  
27 WHO IS MARRIED, OR WHO IS IN THE MILITARY.

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

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

9           (5) Notwithstanding ~~the provisions of~~ subsection (1) of this  
10 section, the juvenile and ~~his or her~~ THE JUVENILE'S parent, guardian, or  
11 legal or physical custodian may expressly waive the requirement that the  
12 parent, guardian, or legal or physical custodian be present during the  
13 juvenile's interrogation. This express waiver must be in writing and must  
14 be obtained only after full advisement of the juvenile and ~~his or her~~ THE  
15 JUVENILE'S parent, guardian, or legal or physical custodian of the  
16 juvenile's rights prior to the taking of the custodial statement by a law  
17 enforcement official. If said requirement is expressly waived, statements  
18 or admissions of the juvenile are not inadmissible in evidence by reason  
19 of the absence of the juvenile's parent, guardian, or legal or physical  
20 custodian during interrogation. Notwithstanding ~~the provisions of~~  
21 REQUIREMENTS OF this subsection (5), a county department of human or  
22 social services and the state department of human services, as legal or  
23 physical custodian, may not waive said requirement.

24           (6) Notwithstanding ~~the provisions of~~ subsection (1) of this  
25 section, statements or admissions of a juvenile ~~shall not be~~ ARE NOT  
26 inadmissible into evidence by reason of the absence of a parent, guardian,  
27 or legal or physical custodian, if the juvenile makes any deliberate

1 misrepresentations affecting the applicability or requirements of this  
2 section and a law enforcement official, acting in good faith and in  
3 reasonable reliance on such deliberate misrepresentation, conducts a  
4 custodial interrogation of the juvenile that does not comply with the  
5 requirements of subsection (1) of this section.

6 (7) (a) Notwithstanding any provisions of this section to the  
7 contrary, if the juvenile asserts that statements made during the custodial  
8 interrogation are inadmissible because a responsible adult had an interest  
9 adverse to the juvenile, the prosecution, as part of its burden of proof at  
10 a hearing on a motion to suppress the statements, must show by a  
11 preponderance of the evidence that the person interrogating the juvenile  
12 reasonably believed that the responsible adult did not have any interests  
13 adverse to those of the juvenile and that the responsible adult was able to  
14 provide protective counseling to the juvenile concerning ~~his or her~~ THE  
15 JUVENILE'S rights during the interrogation.

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

17 (I) "Protective counseling" means an ongoing opportunity to offer  
18 guidance and advice concerning the juvenile's right to remain silent and  
19 to obtain retained or appointed counsel associated with the custodial  
20 interrogation; and

21 (II) "Responsible adult" means a parent, guardian, legal or  
22 physical custodian, or other responsible adult who was a custodian of the  
23 juvenile or who assumed the role of a parent at the time of the  
24 interrogation.

25 **19-2.5-204. [Formerly 19-2-503] Issuance of a lawful warrant**  
26 **taking a juvenile into custody.** (1) A lawful warrant taking a juvenile  
27 into custody may be issued pursuant to this section by any judge of a court



1 of record or by a juvenile magistrate upon receipt of an affidavit relating  
2 facts sufficient to establish probable cause to believe that a delinquent act  
3 has been committed and probable cause to believe that a particular  
4 juvenile committed that act. Upon receipt of such affidavit, the judge or  
5 magistrate shall issue a lawful warrant commanding any peace officer to  
6 take the juvenile named in the affidavit into custody and to take ~~him or~~  
7 ~~her~~ THE JUVENILE without unnecessary delay before the nearest judge of  
8 the juvenile court or magistrate ~~as provided in section 19-2-508 (4)(e)(f)~~  
9 PURSUANT TO SECTION 19-2.5-305 (4)(e)(I).

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

16 (3) A warrant for the arrest of a juvenile for violation of the  
17 conditions of probation or of a bail bond may be issued by any judge of  
18 a court of record or juvenile magistrate upon the report of a juvenile  
19 probation officer or upon the verified complaint of any person,  
20 establishing to the satisfaction of the judge or juvenile magistrate  
21 probable cause to believe that a condition of probation or of a bail bond  
22 has been violated and that the arrest of the juvenile is reasonably  
23 necessary. The warrant may be executed by any juvenile probation officer  
24 or by a peace officer authorized to execute warrants in the county in  
25 which the juvenile is found. If the warrant is for a juvenile found in  
26 contempt of court in a truancy proceeding, the court shall follow the  
27 procedures set forth in section 22-33-108 (7).

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

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

6           (a) That is stolen or embezzled; or

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

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

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

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

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

17           (g) That is kept, stored, maintained, transported, sold, dispensed,  
18 or possessed in violation of a statute of this state, under circumstances  
19 involving a serious threat to public safety or order or to public health.

20           **19-2.5-206. [Formerly 19-2-505] Search warrants - application.**

21 (1) A search warrant ~~shall issue~~ MAY only BE ISSUED on affidavit sworn  
22 to or affirmed before the judge or juvenile magistrate and relating facts  
23 sufficient to:

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

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

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

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

6 (2) The affidavit required by this section may include sworn  
7 testimony reduced to writing and signed under oath by the witness giving  
8 the testimony before issuance of the warrant. A copy of the affidavit and  
9 a copy of the transcript of testimony taken in support of the request for a  
10 search warrant ~~shall~~ MUST be attached to the search warrant filed with the  
11 court.

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

15 **19-2.5-207. Fingerprinting - juvenile under arrest - ordered by**  
16 **court - definition.** (1) [Formerly 19-2-503.5 (1)] For purposes of this  
17 section, "juvenile" means any juvenile who is charged with committing,  
18 summoned, or held in detention for committing a delinquent act that  
19 constitutes a felony, a class 1 misdemeanor, or a misdemeanor pursuant  
20 to section 42-4-1301 ~~C.R.S.~~; or a crime, the underlying factual basis of  
21 which included an act of domestic violence, as defined in section  
22 18-6-800.3 (1), ~~C.R.S.~~; as if committed by an adult.

23 (2)(a) [Formerly 19-2-503.5 (2)] Any juvenile detained pursuant  
24 to ~~the provisions of this article shall~~ ARTICLE 2.5 MUST be fingerprinted  
25 by the entity authorized by the court or the local law enforcement agency  
26 to obtain fingerprints, 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. Such entity or local agency shall  
2 forward a set of the juvenile's fingerprints to the Colorado bureau of  
3 investigation in the form and manner prescribed by the bureau.

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

9 **19-2.5-208. [Formerly 19-2-302.5] Petty tickets - summons -**  
10 **contracts - data.** (1) (a) If a law enforcement officer contacts a juvenile  
11 ten years of age or older for a delinquent act that would be a petty offense  
12 if committed by an adult or a municipal ordinance violation, the officer  
13 may issue the juvenile a petty ticket that requires the juvenile to go  
14 through an assessment process or procedure as designated by the  
15 municipal, county, or district court, including assessment by a law  
16 enforcement officer, assessment officer, or a screening team, referred to  
17 in this section as the "screening entity". When a petty ticket is issued, an  
18 assessment officer or screening team officer shall offer a petty offense  
19 contract to the juvenile and the juvenile's parent or legal guardian if:

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

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

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

25 (IV) The petty offense contract is in the best interests of the  
26 juvenile.

27 (b) If the juvenile is otherwise eligible for a petty offense contract

1 pursuant to ~~the provisions of~~ this subsection (1), but the screening entity  
2 finds that the issuance of a petty offense contract is not in the best  
3 interests of the juvenile, the screening entity shall state the reasons in  
4 writing. The screening entity shall provide a copy of the written statement  
5 to the juvenile and shall maintain a copy of the written statement. If there  
6 is no agreement resulting in a signed contract pursuant to this section, the  
7 prosecuting attorney may file a petition of delinquency.

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

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

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

13 (c) An agreement to perform useful community service, when  
14 applicable;

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

18 (e) A requirement of restorative justice practices, when  
19 appropriate;

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

22 (g) Any other conditions determined appropriate by the screening  
23 entity.

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

27 (4) Upon the successful completion of the contract to the

1 satisfaction of the screening entity, the juvenile is released from any  
2 further obligation, and the prosecuting attorney shall not file a petition in  
3 delinquency for the admitted act. The completed contract remains  
4 confidential except to the ticketing agency, the screening and supervisory  
5 entity, the juvenile, and the juvenile's parent or legal guardian.

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

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

14 (c) Notwithstanding ~~the provisions of paragraphs (a) and (b) of~~  
15 ~~this subsection (5)~~ SUBSECTIONS (5)(a) AND (5)(b) OF THIS SECTION,  
16 statements or admissions of a juvenile contained in the contract or made  
17 by the juvenile to the screening entity are admissible into evidence, if the  
18 juvenile makes any deliberate misrepresentations affecting the  
19 applicability or requirements of this section.

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

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

27 **19-2.5-209. [Formerly 19-2-502] Taking juvenile into custody.**

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

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

8 (3) A juvenile probation officer may take a juvenile into  
9 temporary custody:

10 (a) Under the circumstances stated in subsection (1) of this  
11 section; or

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

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

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

22 PART 3

23 DETENTION

24 **19-2.5-301. [Formerly 19-2-211.5] Legislative declaration.** The  
25 general assembly declares that the placement of children, JUVENILES, AND  
26 YOUTH in a detention facility exacts a negative impact on the mental and  
27 physical well-being of the child, JUVENILE, OR YOUTH, and such detention

1 may make it more likely that the child, JUVENILE, OR YOUTH will reoffend.  
2 Children, JUVENILES, AND YOUTH who are detained are more likely to  
3 penetrate deeper into the juvenile justice system than similar children,  
4 JUVENILES, OR YOUTH who are not detained, and community-based  
5 alternatives to detention should be based on the principle of using the  
6 least-restrictive setting possible and returning a child, JUVENILE, OR  
7 YOUTH to his or her home, family, or other responsible adult whenever  
8 possible consistent with public safety. It is the intent of the general  
9 assembly in adopting ~~section 19-2-507.5~~ SECTION 19-2.5-304 and  
10 amending ~~sections 19-2-212, 19-2-507, and 19-2-508~~ SECTIONS  
11 19-2.5-303, 19-2.5-305, AND 19-2.5-1504 to limit the use of detention to  
12 only those children, JUVENILES, AND YOUTH who pose a substantial risk  
13 of serious harm to others or that are a flight risk from prosecution.

14 **19-2.5-302. [Formerly 19-2-211] Local juvenile services**  
15 **planning committee - creation - duties - identification and notification**  
16 **of dually identified crossover youth.** (1) If all of the boards of  
17 commissioners of each county or the city council of each city and county  
18 in a judicial district agree, there may be created in the judicial district a  
19 local juvenile services planning committee that is appointed by the chief  
20 judge of the judicial district or, for the second judicial district, the  
21 presiding judge of the Denver juvenile court, from persons recommended  
22 by the boards of commissioners of each county or the city council of each  
23 city and county within the judicial district. The committee, if practicable,  
24 must include, but need not be limited to, a representative from ~~the~~ A  
25 county department of human or social services, a local school district, a  
26 local law enforcement agency, a local probation department, the division  
27 of youth services, private citizens, the district attorney's office, and the



1 public defender's office, ~~and~~ a community mental health representative,  
2 and a representative of the concerns of municipalities. The committee, if  
3 created, shall meet as necessary to develop a plan for the allocation of  
4 resources for local juvenile services within the judicial district for the  
5 fiscal year. The committee is strongly encouraged to consider programs  
6 with restorative justice components when developing the plan. THE STATE  
7 DEPARTMENT OF HUMAN SERVICES SHALL APPROVE the plan. ~~must be~~  
8 ~~approved by the state department of human services.~~ A local juvenile  
9 services planning committee may be consolidated with other local  
10 advisory boards pursuant to section 24-1.7-103.

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

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

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

20 (c) A process for promptly communicating information about the  
21 youth's crossover status between the child welfare and juvenile justice  
22 systems and to notify each other of the new involvement in the respective  
23 system or information that may aid in the identification of dually  
24 identified crossover youth. The following parties should be notified of a  
25 ~~juvenile's~~ YOUTH'S status as a dually identified crossover youth if  
26 applicable: Public defenders, district attorneys, local juvenile services  
27 planning committee coordinators, human or social services DEPARTMENT

1 representatives, probation representatives, juvenile court representatives,  
2 parents, and guardians ad litem.

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

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

7 (f) A process for the development of a single case management  
8 plan and identification of the lead agency for case management purposes  
9 and the engagement of dually identified crossover youth and their  
10 caregivers;

11 (g) A process that facilitates the sharing of assessments and case  
12 planning information and includes policies around sharing information  
13 with other judicial districts;

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

19 (i) A requirement that dually identified crossover youth placed in  
20 a secure detention facility who are deemed eligible for release by the  
21 court be placed in the least restrictive setting whenever possible to reduce  
22 the disparity between dually identified crossover youth and nondually  
23 identified crossover youth in secure detention.

24 **19-2.5-303. [Formerly 19-2-507] Duty of officer - screening**  
25 **teams - notification - release or detention.** (1) When a juvenile is taken  
26 into temporary custody and not released pending charges, the officer shall  
27 notify the screening team for the judicial district in which the juvenile is

1 taken into custody. The screening team shall notify the juvenile's parent,  
2 guardian, or legal custodian without unnecessary delay and inform ~~him~~  
3 ~~or her~~ THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN that, if  
4 the juvenile is placed in detention or a temporary holding facility, all  
5 parties have a right to a prompt hearing to determine whether the juvenile  
6 is to be detained further. Such notification may be made to a person with  
7 whom the juvenile is residing if a parent, guardian, or legal custodian  
8 cannot be located. If the screening team is unable to make such  
9 notification, ~~it~~ THE NOTIFICATION may be made by any law enforcement  
10 officer, juvenile probation officer, detention center counselor, or ~~common~~  
11 ~~jailor~~ DETENTION FACILITY STAFF in whose physical custody the juvenile  
12 is placed.

13 (2) (a) If the law enforcement officer does not release the juvenile  
14 to the care of ~~such~~ THE juvenile's parents, legal guardian, kin, or other  
15 responsible adult, the screening team shall administer a validated  
16 detention screening instrument developed or adopted pursuant to ~~section~~  
17 ~~19-2-212~~ SECTION 19-2.5-1504. The law enforcement officer, screening  
18 team, or juvenile court shall not remove the juvenile from the custody of  
19 the parent or legal guardian pursuant to this section unless the screening  
20 team or the juvenile court:

21 (I) (A) First finds that a validated detention screening instrument  
22 selected or adopted pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1504  
23 has been administered and the juvenile scored as detention-eligible; or

24 (B) There are grounds to override the results of the detention  
25 screening instrument based on the criteria developed in accordance with  
26 ~~section 19-2-212~~ SECTION 19-2.5-1504; and

27 (II) Finds that the juvenile poses a substantial risk of serious harm

1 to others or a substantial risk of flight from prosecution and finds that  
2 community-based alternatives to detention are insufficient to reasonably  
3 mitigate that risk. Flight from prosecution is distinguished from simple  
4 failure to appear and must generally be evidenced by a demonstrated  
5 record of repeat, recent willful failures to appear at a scheduled court  
6 appearance.

7 (b) THE SCREENING TEAM SHALL ADMINISTER the detention  
8 screening instrument ~~must be administered by the screening team~~ for each  
9 juvenile under consideration for detention. ~~and~~ THE DETENTION  
10 SCREENING INSTRUMENT must be administered by a screener who has  
11 completed training to administer the detention screening instrument.

12 (c) Any information concerning a juvenile that is obtained during  
13 the administration of the detention screening instrument must be used  
14 solely for the purpose of making a recommendation to the court regarding  
15 the continued detention of the juvenile. The information is not subject to  
16 subpoena or other court process, for use in any other proceeding, or for  
17 any other purpose.

18 (d) Court records and division of youth services records must  
19 include data on detention screening scores and, if the score does not  
20 mandate detention, the explanation for the override placing the juvenile  
21 in detention.

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

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

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

21 (b) Parents or legal guardians of a juvenile released from  
22 detention pursuant to this section shall complete the relative information  
23 form described in ~~section 19-2-212 (1)(h)~~ SECTION 19-2.5-1504  
24 (1)(b)(VIII) no later than the next hearing on the matter.

25 (4) (a) Except as ~~provided~~ REQUIRED in subsection (4)(b) of this  
26 section, a law enforcement officer shall not detain a juvenile any longer  
27 than is reasonably necessary to obtain basic identification information and

1 to contact ~~his or her~~ THE JUVENILE'S parents, guardian, or legal custodian.

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

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

18 (b) A promise to appear served pursuant to ~~paragraph (a) of this~~  
19 ~~subsection (5)~~ SUBSECTION (5)(a) OF THIS SECTION must state any charges  
20 against the juvenile and the date, time, and place where ~~such~~ THE juvenile  
21 ~~shall be~~ IS required to answer such charges. The promise to appear must  
22 also state:

23 (I) That the juvenile has the right to have the assistance of  
24 counsel;

25 (II) That counsel can be appointed for the juvenile if the juvenile  
26 and the juvenile's parent, guardian, or legal custodian lack adequate  
27 resources to retain counsel or the juvenile's parent, guardian, or legal

1       custodian refuses to retain counsel for the juvenile;

2               (III) That, to determine if the juvenile is eligible for  
3 court-appointed counsel, or to apply for court-appointed counsel, the  
4 juvenile's parent, guardian, or legal custodian is advised to call the office  
5 of the state public defender, visit the state public defender's office, or visit  
6 the state public defender's internet website;

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

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

15               ~~(b.5)~~ (c) A law enforcement officer who serves a juvenile or a  
16 juvenile's parent, guardian, or legal custodian with a written promise to  
17 appear in a court that participates in the court reminder program  
18 established in section 13-3-101 (14)(a)(I) shall notify the person served  
19 that the juvenile and the juvenile's parent, guardian, or legal custodian can  
20 elect to provide a mobile telephone number that will be used by the court  
21 solely to provide text message reminders for future court dates and  
22 unplanned court closures and shall provide the opportunity for the  
23 juvenile and the juvenile's parent, guardian, or legal custodian to provide  
24 a mobile telephone number or update a mobile telephone number for that  
25 purpose.

26               ~~(e)~~ (d) THE JUVENILE SHALL SIGN the promise to appear. ~~shall be~~  
27 ~~signed by the juvenile.~~ The promise to appear ~~shall~~ MUST be served upon

1 the juvenile's parent, guardian, or legal custodian JUVENILE by personal  
2 service or by certified mail, return receipt requested. The date established  
3 for the juvenile and the juvenile's parent, guardian, or legal custodian to  
4 appear shall MUST not be earlier than seven days nor later than thirty  
5 THIRTY-FIVE days after the promise to appear is served upon both the  
6 juvenile and the juvenile's parent, guardian, or legal custodian.

7 **19-2.5-304. [Formerly 19-2-507.5] Limitations on detention.**

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

9 (a) Juveniles who have not committed, or have not been accused  
10 of committing, a delinquent act unless otherwise found in contempt of  
11 court;

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

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

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

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

26 (2) A juvenile court shall not order a juvenile who is ten years of  
27 age and older but less than thirteen years of age to detention unless the



1 juvenile has been arrested for a felony or weapons charge pursuant to  
2 section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. A  
3 preadjudication service program created pursuant to ~~section 19-2-302~~  
4 SECTION 19-2.5-606 shall evaluate a juvenile described in this subsection  
5 (2). The evaluation may result in the juvenile:

- 6 (a) Remaining in the custody of a parent or legal guardian;
- 7 (b) Being placed in the temporary legal custody of kin, for  
8 purposes of a kinship foster care home or noncertified kinship care  
9 placement, as defined in ~~section 19-1-103 (71.3)~~ SECTION 19-1-103, or  
10 other suitable person under such conditions as the court may impose;
- 11 (c) Being placed in a temporary shelter facility; or
- 12 (d) Being referred to a local county department of human or social  
13 services for assessment for placement.

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

- 15 (a) Due to lack of supervision alternatives, service options, or  
16 more appropriate facilities;
- 17 (b) Due to the community's inability to provide treatment or  
18 services;
- 19 (c) Due to a lack of supervision in the home or community;
- 20 (d) In order to allow a parent, guardian, or legal custodian to avoid  
21 ~~his or her~~ legal responsibility;
- 22 (e) Due to a risk of the juvenile's self-harm;
- 23 (f) In order to attempt to punish, treat, or rehabilitate the juvenile;
- 24 (g) Due to a request by a victim, law enforcement, or the  
25 community;
- 26 (h) In order to permit more convenient administrative access to the  
27 juvenile;

1 (i) In order to facilitate further interrogation or investigation; or  
2 (j) As a response to technical violations of probation unless the  
3 results of a detention screening instrument indicate that the juvenile poses  
4 a substantial risk of serious harm to others or if the applicable graduated  
5 responses system adopted pursuant to ~~section 19-2-925~~ SECTION  
6 19-2.5-1108 allows for such a placement.

7 **19-2.5-305. [Formerly 19-2-508] Detention and shelter -**  
8 **hearing - time limits - findings - review - confinement with adult**  
9 **offenders - restrictions.** (1) Unless placement is prohibited pursuant to  
10 ~~section 19-2-507.5~~ SECTION 19-2.5-304, when a juvenile is placed in a  
11 detention facility, in a temporary holding facility, or in a temporary  
12 shelter facility designated by the court, the screening team shall promptly  
13 notify the court, the district attorney, and the local office of the state  
14 public defender. The screening team shall also notify a parent or legal  
15 guardian or, if a parent or legal guardian cannot be located within the  
16 county, the person with whom the juvenile has been residing and inform  
17 ~~him or her~~ SUCH PERSON of the right to a prompt hearing to determine  
18 whether the juvenile is to be detained further. The court shall hold the  
19 detention hearing within forty-eight hours, excluding Saturdays, Sundays,  
20 and legal holidays. For a juvenile being held in detention on a warrant for  
21 violating a valid court order on a status offense, the court shall hold the  
22 detention hearing within twenty-four hours, excluding Saturdays,  
23 Sundays, and legal holidays.

24 (2) A juvenile who is detained for committing a delinquent act  
25 must be represented at the detention hearing by counsel. If the juvenile  
26 has not retained his or her own counsel, the court shall appoint the office  
27 of the state public defender or, in the case of a conflict, the office of

1 alternate defense counsel to represent the juvenile. This appointment  
2 continues if the court appoints the office of the state public defender or  
3 the office of alternate defense counsel pursuant to ~~section 19-2-706 (2)(a)~~  
4 SECTION 19-2.5-605 (2)(a) unless:

5 (a) The juvenile retains his or her own counsel; or

6 (b) The juvenile makes a knowing, intelligent, and voluntary  
7 waiver of ~~his or her~~ THE right to counsel, as described in ~~section 19-2-706~~  
8 ~~(2)(c)~~ SECTION 19-2.5-605 (2)(c).

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

21 (II) The law enforcement agency that arrested the juvenile shall  
22 promptly provide to the court and to defense counsel the affidavit  
23 supporting probable cause for the arrest and the arrest report, if the arrest  
24 report is available, and the screening team shall promptly provide to the  
25 court and to defense counsel results from the detention risk screening  
26 prepared pursuant to the juvenile's arrest. Upon completion of the  
27 detention hearing, the defense shall return any materials received pursuant

1 to this subsection (3)(a)(II) unless the appointment is continued at the  
2 conclusion of the hearing.

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

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

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

17 (B) On and after ~~thirty~~ THIRTY-FIVE days after the screening  
18 instrument has been developed or adopted pursuant to ~~section 19-2-212~~  
19 SECTION 19-2.5-1504, the validated detention screening instrument has  
20 been administered and the juvenile scored as detention-eligible; or there  
21 are grounds to override the result of the detention screening instrument  
22 based on the criteria developed in accordance with ~~section 19-2-212~~  
23 SECTION 19-2.5-1504; and

24 (C) The juvenile poses a substantial risk of serious harm to others  
25 or a substantial risk of flight from prosecution and community-based  
26 alternatives to detention are insufficient to reasonably mitigate that risk.  
27 Flight from prosecution is distinguished from simple failure to appear and

1 must generally be evidenced by a demonstrated record of repeat, recent  
2 willful failures to appear at a scheduled court appearance.

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

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

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

17 (C) The juvenile is alleged to have committed possessing a  
18 dangerous or illegal weapon, as described in section 18-12-102;  
19 possession of a defaced firearm, as described in section 18-12-103;  
20 unlawfully carrying a concealed weapon, as described in section  
21 18-12-105; unlawfully carrying a concealed weapon on school, college,  
22 or university grounds, as described in section 18-12-105.5; prohibited use  
23 of weapons, as described in section 18-12-106; illegal discharge of a  
24 firearm, as described in section 18-12-107.5; or illegal possession of a  
25 handgun by a juvenile, as described in section 18-12-108.5.

26 (VI) Notwithstanding ~~the provisions of~~ subsection (3)(a)(IV) of  
27 this section, there is no presumption ~~under~~ PURSUANT TO subsection

1 (3)(a)(IV)(C) of this section that a juvenile poses a substantial risk of  
2 serious harm to others if the item in the possession of the juvenile is  
3 alleged to be a BB gun, a pellet gun, or a gas gun.

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

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

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

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

14 (D) That no bail be set and that the juvenile be detained without  
15 bail upon a finding that ~~such~~ THE juvenile poses a substantial risk of  
16 serious harm to others. ~~Any~~ A juvenile who is detained without bail must  
17 be tried on the charges in the petition filed pursuant to subsection  
18 (3)(a)(IX) of this section within the time limits set forth in ~~section~~  
19 ~~19-2-108~~ SECTION 19-2.5-904, unless the juvenile 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 (E) That no bail be set and that, upon the court's finding that the  
23 juvenile poses a substantial risk of serious harm to others, the juvenile be  
24 placed in a preadjudication service program established pursuant to  
25 ~~section 19-2-302~~ SECTION 19-2.5-606. This subsection (3)(a)(VII)(E) does  
26 not apply to any case in which the juvenile's alleged offense is one of the  
27 offenses described in ~~subsection (3)(a)(IV)~~ SUBSECTION (3)(a)(V) of this

1 section.

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

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

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

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

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

14 (IX) When the court orders further detention of the juvenile or  
15 placement of the juvenile in a preadjudication service program after a  
16 detention hearing, the district attorney shall file a petition alleging the  
17 juvenile to be a delinquent within seventy-two hours after the detention  
18 hearing, excluding Saturdays, Sundays, and legal holidays. The juvenile  
19 must be held or must participate in a preadjudication service program  
20 pending a hearing on the petition. Upon a showing of good cause, the  
21 court may extend such time for the filing of charges.

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

26 (XI) If the court orders further detention of a juvenile pursuant to  
27 ~~the provisions of~~ this section, the order must contain specific findings as

1 follows:

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

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

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

15 (b) (I) If it appears that ~~any~~ A juvenile being held in detention or  
16 temporary shelter may have an intellectual and developmental disability,  
17 as ~~provided~~ DESCRIBED in article 10.5 of title 27, the court or detention  
18 personnel shall refer the juvenile to the nearest community-centered board  
19 for an eligibility determination. If it appears that ~~any~~ A juvenile being held  
20 in a detention or temporary shelter facility pursuant to ~~the provisions of~~  
21 this ~~article 2~~ ARTICLE 2.5 may have a BEHAVIORAL OR mental health  
22 disorder, as provided in sections 27-65-105 and 27-65-106, the intake  
23 personnel or other appropriate personnel shall contact a BEHAVIORAL OR  
24 mental health professional to do a mental health hospital placement  
25 prescreening on the juvenile. The court ~~shall~~ MUST be notified of the  
26 contact and may take appropriate action. If a mental health hospital  
27 placement prescreening is requested, it must be conducted in an



1 appropriate place accessible to the juvenile and the BEHAVIORAL OR  
2 mental health professional. A request for a mental health hospital  
3 placement prescreening must not extend the time within which a  
4 detention hearing must be held pursuant to this section. If a detention  
5 hearing has been set but has not yet occurred, the mental health hospital  
6 placement prescreening must be conducted prior to the hearing; except  
7 that the prescreening must not extend the time within which a detention  
8 hearing must be held.

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

19 (III) When the BEHAVIORAL OR mental health professional finds,  
20 as a result of the prescreening, that the juvenile may have a BEHAVIORAL  
21 OR mental health disorder, the BEHAVIORAL OR mental health professional  
22 shall recommend to the court that the juvenile be evaluated pursuant to  
23 section 27-65-105 or 27-65-106.

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

26 (c) (I) A juvenile taken to a detention or temporary shelter facility  
27 or a temporary holding facility pursuant to ~~section 19-2-502~~ SECTION

1 19-2.5-209 as the result of an allegedly delinquent act that constitutes any  
2 of the offenses described in ~~subsection (3)(a)(IV)~~ SUBSECTION (3)(a)(V)  
3 of this section ~~shall~~ MUST not be released from such facility if a law  
4 enforcement agency has requested that a detention hearing be held to  
5 determine whether the juvenile's substantial risk of serious harm to others  
6 requires that the juvenile be detained. A juvenile ~~shall~~ MUST not ~~thereafter~~  
7 be released from detention except after a hearing, reasonable advance  
8 notice of which has been given to the district attorney, alleging new  
9 circumstances concerning the JUVENILE'S further detention. ~~of the~~  
10 juvenile.

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

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

- 21 (A) The JUVENILE'S age; ~~of the juvenile;~~
- 22 (B) Whether, in order to provide physical separation from adults,  
23 the juvenile would be deprived of contact with other people for a  
24 significant portion of the day or would not have access to recreational  
25 facilities or age-appropriate educational opportunities;
- 26 (C) The juvenile's current emotional state, intelligence, and  
27 developmental maturity, including any emotional and psychological

1 trauma, and the risk to the juvenile caused by ~~his or her~~ placement in an  
2 adult jail, which risk may be evidenced by mental health or psychological  
3 assessments or screenings made available to the district attorney and to  
4 defense counsel;

5 (D) Whether detention in a juvenile facility will adequately serve  
6 the need for community protection pending the outcome of the criminal  
7 proceedings;

8 (E) Whether detention in a juvenile facility will negatively impact  
9 the functioning of the juvenile facility by compromising the goals of  
10 detention to maintain a safe, positive, and secure environment for all  
11 juveniles within the facility;

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

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

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

18 (I) Any other relevant factors.

19 (IV) After charges are filed directly in district court against a  
20 juvenile pursuant to ~~section 19-2-517~~ SECTION 19-2.5-801 or a juvenile  
21 is transferred to district court pursuant to ~~section 19-2-518~~ SECTION  
22 19-2.5-802, the division of youth services may petition the district court  
23 to transport the juvenile to an adult jail. The district court shall hold a  
24 hearing on the place of pretrial detention for the juvenile as soon as  
25 practicable, but no later than twenty-one days after the receipt of the  
26 division's petition to transport. The district attorney, sheriff, or juvenile  
27 may file a response to the petition and participate in the hearing. The

1 juvenile ~~shall remain~~ REMAINS in a juvenile detention facility pending  
2 hearing and decision by the district court.

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

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

20 (4) (a) ~~No~~ A jail shall NOT receive a juvenile for detention  
21 following a detention hearing pursuant to this section unless the juvenile  
22 has been ordered by the court to be held for criminal proceedings as an  
23 adult pursuant to a transfer or unless the juvenile is to be held for criminal  
24 proceedings as an adult pursuant to a direct filing. ~~No~~ A juvenile under  
25 the age of fourteen and, except upon order of the court, ~~no~~ A juvenile  
26 fourteen years of age or older, shall NOT be detained in a jail, lockup, or  
27 other place used for the confinement of adult offenders. The exception for

1 detention in a jail applies only if the juvenile is being held for criminal  
2 proceedings as an adult pursuant to a direct filing or transfer.

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

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

20 (II) Notwithstanding ~~the provisions of~~ subsection (4)(c)(I) OF THIS  
21 SECTION, if either the official in charge of the jail or facility or the school  
22 district determines that an appropriate and safe environment cannot be  
23 provided for a specific juvenile, the official and the school district are  
24 exempt from the requirement to provide educational services to the  
25 juvenile until such time as an environment that is determined to be  
26 appropriate and safe by both the official and the school district can be  
27 provided. If the school district will not be providing educational services

1 to a juvenile because of the lack of an appropriate and safe environment,  
2 the official in charge of the jail or facility shall notify the juvenile, ~~his or~~  
3 ~~her~~ THE JUVENILE'S parent or legal guardian, the juvenile's defense  
4 attorney, and the court having jurisdiction over the juvenile's case.

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

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

14 (B) The length of stay of each of the juveniles in the jail or  
15 facility;

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

18 (D) The number of days on which school districts provided  
19 educational services to the juveniles in the jail or facility and the number  
20 of hours for which school districts provided the educational services each  
21 day;

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

25 (F) The number of juveniles in the jail or facility who had  
26 previously been determined pursuant to section 22-20-108 to be eligible  
27 for special education services and had an individualized education

1 program; and

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

7 (IV) The official in charge of the jail or facility shall submit the  
8 information collected pursuant to subsection (4)(c)(III) of this section to  
9 the division of criminal justice in the department of public safety. The  
10 division of criminal justice shall make the information available to a  
11 member of the public upon request.

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

18 (e) (I) Any juvenile arrested and detained for an alleged violation  
19 of any article of title 42, or for any alleged violation of a municipal or  
20 county ordinance, and not released on bond, must be taken before a judge  
21 with jurisdiction of such violation within forty-eight hours for the fixing  
22 of bail and conditions of bond pursuant to subsection (3)(a)(VII) of this  
23 section. A juvenile may be detained in a jail, lockup, or other place used  
24 for the confinement of adult offenders only for processing for no longer  
25 than six hours and during such time must be placed in a setting that is  
26 physically segregated by sight and sound from the adult offenders, and in  
27 no case may the juvenile be detained in such place overnight. After six

1 hours, the juvenile may be further detained only in a juvenile detention  
2 facility operated by or under contract with the department of human  
3 services. In calculating time pursuant to this subsection (4), Saturdays,  
4 Sundays, and legal holidays are included.

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

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

22 (g) ~~Any~~ A person who is eighteen years of age or older who is  
23 being detained for a delinquent act or criminal charge over which the  
24 juvenile court has jurisdiction, or for which charges are pending in district  
25 court pursuant to a direct filing or transfer if the person has not already  
26 been transferred to the county jail pursuant to ~~the provisions of~~  
27 (3)(c)(IV) of this section, ~~shall~~ MUST be detained in the county jail in the



1 same manner as if such person is charged as an adult.

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

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

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

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

21 (8) (a) A juvenile who allegedly commits a status offense or is  
22 convicted of a status offense ~~shall~~ MUST not be held in a secure area of a  
23 jail or lockup.

24 (b) A sheriff or police chief who violates ~~the provisions of~~  
25 subsection (8)(a) of this section may be subject to a civil fine of no more  
26 than one thousand dollars. The decision to fine must be based on prior  
27 violations of ~~the provisions of~~ subsection (8)(a) of this section by the

1 sheriff or police chief and the willingness of the sheriff or police chief to  
2 address the violations in order to comply with subsection (8)(a) of this  
3 section.

4 **19-2.5-306. [Formerly 19-2-509 (1) to (8)] Conditions of release.**

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

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

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

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

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

21 (3) ~~Any~~ AN application for the revocation or modification of the  
22 amount, type, or conditions of bail must be made in accordance with  
23 section 16-4-109; except that the presumption described in ~~section~~  
24 ~~19-2-508(3)(a)(IV)~~ SECTION 19-2.5-305 (3)(a)(IV) must continue to apply  
25 for the purposes of this section.

26 (4) (a) In determining the type of bond and conditions of release  
27 for the juvenile, the judge or magistrate fixing the same shall consider the

1 criteria set forth in section 16-4-103. ~~C.R.S.~~

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

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

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

25 (7) The parent, guardian, or legal custodian for ~~any~~ A juvenile  
26 released on bond pursuant to this section or any other responsible adult  
27 who secures a personal recognizance bond for a juvenile pursuant to

1 subsection (6) of this section may petition the court, prior to forfeiture or  
2 exoneration of the bond, to revoke the bond and remand the juvenile into  
3 custody if the parent, guardian, legal custodian, or other responsible adult  
4 determines that he or she is unable to control the juvenile. The court shall  
5 apply the presumption specified in ~~section 19-2-508 (3)(a)(IV)~~ SECTION  
6 19-2.5-305 (3)(a)(IV) in determining whether to revoke the bond.

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

10 PART 4

11 DIVERSION

12 **19-2.5-401. [Formerly 19-2-704] Diversion.** As an alternative to  
13 a petition filed pursuant to ~~section 19-2-512~~ SECTION 19-2.5-502, an  
14 adjudicatory trial pursuant to ~~part 8 of this article~~ PART 9 OF THIS ARTICLE  
15 2.5, or disposition of a juvenile delinquent pursuant to ~~section 19-2-907~~  
16 SECTION 19-2.5-1103, the district attorney may agree to allow a juvenile  
17 to participate in a diversion program established in accordance with  
18 ~~section 19-2-303~~ SECTION 19-2.5-402.

19 **19-2.5-402. [Formerly 19-2-303] Juvenile diversion program -**  
20 **authorized - report - legislative declaration - definitions.** (1) (a) In  
21 order to more fully implement the stated objectives of this title 19, the  
22 general assembly declares its intent to establish a juvenile diversion  
23 program that, when possible, integrates restorative justice practices to  
24 provide community-based alternatives to the formal court system that will  
25 reduce juvenile crime and recidivism and improve positive juvenile  
26 outcomes, change juvenile offenders' behavior and attitudes, promote  
27 juvenile offenders' accountability, recognize and support the rights of

1 victims, heal the harm to relationships and the community caused by  
2 juvenile crime, and reduce the costs within the juvenile justice system.

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

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

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

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

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

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

21 (V) Ensure appropriate services are available for all eligible  
22 juveniles.

23 (2) The division of criminal justice of the department of public  
24 safety, REFERRED TO IN THIS SECTION AS THE "DIVISION OF CRIMINAL  
25 JUSTICE", is authorized to establish and administer a juvenile diversion  
26 program that seeks to divert ~~youth~~ JUVENILES from the juvenile justice  
27 system, and, when possible, integrates restorative justice practices. In

1 order to effectuate the program, the division shall allocate money to each  
2 judicial district and may contract with district attorneys' offices,  
3 governmental units, and nongovernmental agencies for reasonable and  
4 necessary expenses and services to serve each judicial district to divert  
5 juveniles and provide services, if warranted, for EACH eligible juveniles  
6 JUVENILE through community-based programs providing an alternative to  
7 a petition filed pursuant to ~~section 19-2-512~~ SECTION 19-2.5-502 or an  
8 adjudicatory hearing pursuant to section 19-3-505.

9 (3) For purposes of this section:

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

12 (b) "Diversion" is defined in ~~section 19-1-103 (44)~~ SECTION  
13 19-2.5-102.

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

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

20 (e) "Services" is ~~defined in section 19-1-103 (96)~~ MAY INCLUDE,  
21 BUT ARE NOT LIMITED TO, PROVISION OF DIAGNOSTIC NEEDS ASSESSMENT,  
22 GENERAL COUNSELING AND COUNSELING DURING A CRISIS SITUATION,  
23 SPECIALIZED TUTORING, JOB TRAINING AND PLACEMENT, RESTITUTION  
24 PROGRAMS, COMMUNITY SERVICE, CONSTRUCTIVE RECREATIONAL  
25 ACTIVITIES, DAY REPORTING AND DAY TREATMENT PROGRAMS, AND  
26 FOLLOW-UP ACTIVITIES.

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

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

- 24           (b) Use the results of the risk screening to inform:
- 25           (I) Eligibility for participation in a juvenile diversion program;
- 26           (II) The level and intensity of supervision for juvenile diversion;
- 27           (III) The length of supervision for juvenile diversion; and

1 (IV) What services, if any, may be offered to ~~the~~ A juvenile.  
2 Professionals involved with the juvenile's needs, treatment, and service  
3 planning, including district attorneys, public defenders, probation, and  
4 state and local governmental entities, such as the STATE OR COUNTY  
5 departments of human or social services, may collaborate to provide  
6 appropriate diversion services in jurisdictions where they are not currently  
7 available.

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

9 (I) Ability to pay;

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

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

13 (IV) Legal representation;

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

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

19 (5) The division of criminal justice, in collaboration with district  
20 attorneys or diversion program directors who accept formula money and  
21 programs providing juvenile diversion services, shall establish minimum  
22 data collection requirements and outcome measures that each district  
23 attorney's office, governmental unit, and nongovernmental agency shall  
24 collect and submit annually for all juveniles referred to the district  
25 attorney pursuant to ~~section 19-2-510~~ SECTION 19-2.5-201 including but  
26 not limited to:

27 (a) Demographic data on age, race or ethnicity, and gender;



- 1 (b) Risk screening conducted;
- 2 (c) Risk level as determined by the risk screening or, if ~~no~~ A  
3 screening was NOT completed, the reason why the screening was not  
4 completed;
- 5 (d) Offense;
- 6 (e) Diversion status;
- 7 (f) Service participation;
- 8 (g) Program completion data;
- 9 (h) Child welfare involvement; and
- 10 (i) Identifying data necessary to track the long-term outcomes of  
11 diverted juveniles.

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

15 (b) The director shall regularly monitor these diversion programs  
16 to ensure that progress is being made to accomplish the objectives of this  
17 section. The division of criminal justice shall offer technical assistance to  
18 district attorneys' offices, governmental units, nongovernmental agencies,  
19 and diversion programs to support the uniform collection and reporting  
20 of data and to support program development and adherence to program  
21 requirements. The division of criminal justice shall provide annual  
22 program-level reports to district attorneys' offices and submit a  
23 consolidated statewide report annually to the governor and to the judiciary  
24 committees of the senate and the house of representatives, the health and  
25 human services committee of the senate, and the public health care and  
26 human services committee of the house of representatives, or any  
27 successor committees. Notwithstanding ~~the provisions of~~ section

1 24-1-136 (11)(a)(I), these reports continue indefinitely.

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

10 (8) (a) The director may implement a behavioral or mental health  
11 screening program to screen juveniles who participate in the juvenile  
12 diversion program. If the director chooses to implement a behavioral or  
13 mental health screening program, the director shall use the mental health  
14 screening tool selected pursuant to section 24-33.5-2402 (1)(b) and  
15 conduct the screening in accordance with procedures established pursuant  
16 to that section.

17 (b) Prior to implementation of a behavioral or mental health  
18 screening program pursuant to this subsection (8), if implementation of  
19 the program would require an increase in appropriations, the director shall  
20 submit to the joint budget committee a request for funding in the amount  
21 necessary to implement the behavioral or mental health screening  
22 program. If implementation of the behavioral or mental health screening  
23 program would require an increase in appropriations, implementation of  
24 the program is conditional upon approval of the funding request.

25 **19-2.5-403. [Formerly 19-2-303.5] Juvenile diversion cash fund**  
26 **- creation.** (1) Fifty percent of the ~~moneys~~ MONEY collected pursuant to  
27 section 18-4-509 (2)(a) ~~C.R.S., shall~~ MUST be transmitted to the state

1 treasurer, who shall credit the same to the juvenile diversion cash fund,  
2 which fund is hereby created and referred to in this section as the "fund".  
3 The ~~moneys~~ MONEY in the fund shall be IS subject to annual appropriation  
4 by the general assembly for the direct and indirect costs associated with  
5 the implementation of the juvenile diversion program pursuant to ~~section~~  
6 ~~19-2-303~~ SECTION 19-2.5-402.

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

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

20 (4) Any unexpended and unencumbered ~~moneys~~ MONEY  
21 remaining in the fund at the end of a fiscal year shall MUST remain in the  
22 fund and shall MUST not be credited or transferred to the general fund or  
23 another fund.

## 24 PART 5

### 25 INITIATION OF PROCEEDINGS

26 **19-2.5-501. [Formerly 19-2-514] Summons - issuance - contents**  
27 **- service - legislative declaration.** (1) After a petition has been filed, the

1 court shall promptly issue a summons reciting briefly the substance of the  
2 petition. The summons must also state, in a separate box, in bold, and in  
3 capitalized letters, the following text, inserting the telephone number and  
4 address of the local office of the state public defender and the internet  
5 website address of the state public defender, as indicated:

6 1. YOU HAVE THE RIGHT TO HAVE YOUR OWN  
7 LAWYER HELP YOU AT YOUR HEARING.

8 2. YOU MAY BE ELIGIBLE FOR THIS LAWYER AT  
9 NO CHARGE.

10 3. TO FIND OUT IF YOU ARE ELIGIBLE, YOU OR  
11 YOUR PARENT, GUARDIAN, OR LEGAL  
12 CUSTODIAN SHOULD CALL THE OFFICE OF THE  
13 STATE PUBLIC DEFENDER AT \_\_\_\_\_, VISIT  
14 THE OFFICE OF THE STATE PUBLIC DEFENDER AT  
15 \_\_\_\_\_, OR VISIT THE STATE PUBLIC  
16 DEFENDER'S WEBSITE AT \_\_\_\_\_.

17 4. YOU ARE MORE LIKELY TO HAVE A FREE  
18 LAWYER PRESENT AT YOUR HEARING IF YOU OR  
19 YOUR PARENT, GUARDIAN, OR LEGAL  
20 CUSTODIAN CALLS OR VISITS THE OFFICE OF THE  
21 STATE PUBLIC DEFENDER AT LEAST FIVE DAYS,  
22 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
23 HOLIDAYS, BEFORE YOUR HEARING.

24 (2) ~~No~~ A summons ~~shall~~ MUST NOT issue to any juvenile or  
25 respondent who appears voluntarily, or ~~who~~ waives service, or ~~who~~ has  
26 promised in writing to appear at the hearing, but any such person ~~shall~~  
27 MUST be provided with a copy of the petition and summons upon

1 appearance or request.

2 (3) (a) The court may, when the court determines that it is in the  
3 best interests of the juvenile, join the juvenile's parent or guardian and the  
4 person with whom the juvenile resides, if other than the juvenile's parent  
5 or guardian, as a respondent to the action and shall issue a summons  
6 requiring the parent or guardian and the person with whom the juvenile  
7 resides, if other than the juvenile's parent or guardian, to appear with the  
8 juvenile at all proceedings ~~under this article involving~~ PURSUANT TO THIS  
9 ARTICLE 2.5 THAT INVOLVE the juvenile. If the JUVENILE'S parent or  
10 guardian ~~of any juvenile~~ cannot be found, the court, in its discretion, may  
11 proceed with the case without the presence of ~~such~~ THE parent or  
12 guardian. For the purposes of this section and ~~section 19-2-515~~ SECTION  
13 19-2.5-611, "parent" is defined in ~~section 19-1-103 (82)(b)~~ SECTION  
14 19-1-103. This subsection (3) ~~shall~~ DOES not apply to any person whose  
15 parental rights have been terminated pursuant to the provisions of this  
16 ~~title~~ TITLE 19 or the parent of an emancipated ~~minor~~. For the purposes of  
17 ~~this section, "emancipated minor" shall have the same meaning as set~~  
18 ~~forth in section 13-21-107.5., C.R.S.~~ JUVENILE, AS THAT TERM IS DEFINED  
19 IN SECTION 19-2.5-203 (2).

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

23 (c) ~~Parents or legal guardians~~ A PARENT OR LEGAL GUARDIAN of  
24 a juvenile who is the subject of a juvenile proceeding shall complete the  
25 relative information form described in ~~section 19-2-212 (1)(b)(VIII)~~  
26 SECTION 19-2.5-1504 (1)(b)(VIII) no later than seven business days after  
27 the hearing or prior to the juvenile's next hearing, whichever occurs first.

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

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

12 ~~(b) Repealed.~~

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

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

21 (8) (a) A summons issued ~~under~~ PURSUANT TO this section may be  
22 served in the same manner as the summons in a civil action or by mailing  
23 ~~it~~ THE SUMMONS to the juvenile's last-known address by certified mail  
24 with return receipt requested not less than ~~five~~ SEVEN days prior to the  
25 time the juvenile is requested to appear in court. Service by mail is  
26 complete upon return of the receipt signed by the juvenile, ~~his or her~~ THE  
27 JUVENILE'S parents, guardian, legal custodian, physical custodian, or

1 spousal equivalent as defined in ~~section 19-1-103 (101)~~ SECTION  
2 19-1-103.

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

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

20 (10) When the residence of the person to be served outside the  
21 state is known, a copy of the summons and petition ~~shall~~ MUST be sent by  
22 certified mail with postage prepaid to such person at ~~his or her~~ THE  
23 PERSON'S place of residence with a return receipt requested. Service of  
24 summons ~~shall be~~ IS deemed complete ~~five~~ SEVEN days after return of the  
25 requested receipt.

26 (11) A person ~~that~~ WHO serves a juvenile or a juvenile's parent,  
27 guardian, or legal custodian with a summons to appear in a court that

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

9 **19-2.5-502. Petition initiation - petition form and content.**

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

23 (2) [Formerly 19-2-512 (2)] If the petition is the first juvenile  
24 petition filed against the juvenile in any jurisdiction and is initiated in a  
25 jurisdiction that has restorative justice practices available, the district  
26 attorney or ~~his or her~~ THE DISTRICT ATTORNEY'S designee may determine  
27 whether a THE juvenile is suitable for restorative justice practices. The



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

24 (3) **Form and content. [Formerly 19-2-513 (1)]** The petition and  
25 all subsequent court documents in any proceedings brought ~~under~~  
26 PURSUANT TO section 19-1-104 (1)(a) or (1)(b) ~~shall~~ MUST be ~~entitled~~  
27 TITLED "The People of the State of Colorado, in the Interest of ....., a

1 juvenile (or juveniles) and Concerning ....., Respondent". The petition  
2 may be filed using the language of the statutes defining the offense,  
3 including either conjunctive or disjunctive clauses. Pleading in either the  
4 conjunctive or the disjunctive ~~shall place~~ PLACES a respondent on notice  
5 that the prosecution may rely on any or all of the alternatives alleged.

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

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

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

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

27 (III) Include the identity of the Indian child's tribe, if the child is

1 identified as an Indian child.

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

7 **19-2.5-503. [Formerly 19-2-601 (1) to (4)] Aggravated juvenile**  
8 **offender.** (1) (a) In any action in delinquency alleging that a juvenile is  
9 an aggravated juvenile offender, as described in ~~section 19-2-516 (4)~~  
10 SECTION 19-2.5-1125 (4), the petition ~~shall~~ MUST allege by separate count  
11 that the juvenile is an aggravated juvenile offender and that increased  
12 commitment is authorized.

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

24 (2) (a) In any action in delinquency in which it is alleged that a  
25 juvenile is an aggravated juvenile offender, AS DESCRIBED IN SECTION  
26 19-2.5-1125 (4), the court shall, at the juvenile's first appearance, advise  
27 the juvenile of the effect and consequences of the allegation that the

1 juvenile is an aggravated juvenile offender.

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

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

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

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

22 (II) If the petition alleges that more than one juvenile is an  
23 aggravated juvenile offender, AS DESCRIBED IN SECTION 19-2.5-1125 (4),  
24 and the adjudicatory trials on the acts that are the subject of the petition  
25 are not severed, the state and the defense ~~shall be~~ ARE entitled to two  
26 additional challenges for every juvenile after the first, not to exceed  
27 fifteen peremptory challenges per side; when multiple juveniles are

1 adjudicated in a single hearing, each peremptory challenge made on the  
2 part of the juveniles ~~shall~~ MUST be made and considered as the joint  
3 peremptory challenge of all of the juveniles.

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

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

17 (b) If a juvenile alleged to be an aggravated juvenile offender,  
18 ~~pursuant to section 19-2-516 (4)~~ AS DESCRIBED IN SECTION 19-2.5-1125  
19 (4), denies one or more of the previous adjudications or probation  
20 revocations alleged in the petition pursuant to subsection (2) of this  
21 section, the court, after a finding of guilty of the acts that are the subject  
22 of this petition, shall conduct a separate hearing in which the court shall  
23 be the trier of fact to determine whether ~~or not~~ the juvenile has suffered  
24 such adjudications or probation revocations. Each count alleging a  
25 previous adjudication or probation revocation ~~shall~~ MUST be proven  
26 beyond a reasonable doubt.

27 (c) In any hearing before the court pursuant to ~~paragraph (b)~~ of

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

## 12 PART 6

### 13 COURT PROCEEDINGS

14 **19-2.5-601. Appointment of guardian ad litem.** THE COURT MAY  
15 APPOINT A GUARDIAN AD LITEM PURSUANT TO SECTION 19-1-111 FOR A  
16 JUVENILE IN A PROCEEDING BROUGHT PURSUANT TO THIS ARTICLE 2.5.

17 **19-2.5-602. [Formerly 19-2-109] General procedure for**  
18 **juvenile hearings.** (1) The Colorado rules of juvenile procedure ~~shall~~  
19 apply in all proceedings conducted ~~under this article~~ PURSUANT TO THIS  
20 ARTICLE 2.5.

21 (2) Hearings ~~shall~~ MUST be held before the court without a jury,  
22 except as ~~provided in sections 19-2-107 and 19-2-601 (3)~~ SET FORTH IN  
23 SECTIONS 19-2.5-610 AND 19-2.5-503 (3), and may be conducted in an  
24 informal manner.

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

27 (4) When more than one juvenile is named in a petition or

1 individual petitions are filed against more than one juvenile alleging  
2 delinquent acts arising from the same delinquent episode, any  
3 proceedings, including trials, may be consolidated.

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

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

16 **19-2.5-603. [Formerly 19-2-509 (9)] Notification.** A juvenile  
17 released pursuant to ~~this section~~ SECTION 19-2.5-306 and ordered to  
18 appear in a court that participates in the court reminder program  
19 established in section 13-3-101 (14)(a)(I), and the juvenile's parent,  
20 guardian, or legal custodian, must be notified that the juvenile and the  
21 juvenile's parent, guardian, or legal custodian can elect to provide a  
22 mobile telephone number that will be used by the court solely to provide  
23 text message reminders for future court dates and unplanned court  
24 closures. ~~and~~ THE JUVENILE AND THE JUVENILE'S PARENT, GUARDIAN, OR  
25 LEGAL CUSTODIAN must be provided the opportunity to provide a mobile  
26 telephone number or update a mobile telephone number for that purpose.

27 **19-2.5-604. [Formerly 19-2-110] Open hearings.** The general

1 public ~~shall~~ MUST not be excluded from hearings held ~~under this article~~  
2 PURSUANT TO THIS ARTICLE 2.5 unless the court determines that it is in the  
3 best interest of the juvenile or of the community to exclude the general  
4 public. ~~and~~, In such event, the court shall admit only such persons as have  
5 an interest in the case or work of the court, including persons whom the  
6 district attorney, the juvenile, or ~~his or her~~ THE JUVENILE'S parents or  
7 guardian ~~wish~~ WISHES to be present.

8 **19-2.5-605. [Formerly 19-2-706] Advisement - right to counsel**  
9 **- waiver of right to counsel - definition.** (1) (a) At the juvenile's first  
10 appearance before the court, after the detention hearing or at the first  
11 appearance if the juvenile appears on a summons, the court shall advise  
12 the juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian, or other  
13 legal custodian of the juvenile's constitutional rights and legal rights as set  
14 forth in rule 3 of the Colorado rules of juvenile procedure, including but  
15 not limited to the right to counsel. The advisement ~~shall~~ MUST include the  
16 possibility of restorative justice practices, including victim-offender  
17 conferences if restorative justice practices are available in the jurisdiction.  
18 The advisement regarding restorative justice practices does not establish  
19 any right to restorative justice practices on THE JUVENILE'S behalf. ~~of the~~  
20 juvenile.

21 (b) If the respondent has made an early application for appointed  
22 counsel for the juvenile and the office of the state public defender has  
23 made a preliminary determination that the juvenile is eligible for  
24 appointed counsel as set forth in section 21-1-103 or if the court has  
25 appointed counsel for the juvenile pursuant to ~~section 19-2-508 (2)~~  
26 SECTION 19-2.5-305 (2), an attorney from the office of the state public  
27 defender or, in the case of a conflict, from the office of alternate defense



1 counsel, shall be available to represent the juvenile at the juvenile's first  
2 appearance, as described in subsection (1)(a) of this section.

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

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

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

19 (2) (a) If the juvenile and ~~his or her~~ THE JUVENILE'S parents,  
20 guardian, or other legal custodian are found to be indigent pursuant to  
21 section 21-1-103 (3), or the juvenile's parents, guardian, or other legal  
22 custodian refuses to retain counsel for the juvenile, or the court, on its  
23 own motion, determines that counsel is necessary to protect the interests  
24 of the juvenile or other parties, or the juvenile is in the custody of the  
25 state department of human services or a county department of human or  
26 social services, the court shall appoint the office of state public defender  
27 or, in the case of a conflict, the office of alternate defense counsel for the

1 juvenile; except that the court shall not appoint the office of the state  
2 public defender or the office of alternate defense counsel if:

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

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

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

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

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

26 (C) May be based partly or entirely upon the stage a proceeding  
27 has reached when counsel is appointed, the stage a proceeding has

1 reached when representation is terminated, or both.

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

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

14 (I) ~~The juvenile~~ Is of a sufficient maturity level to make a  
15 voluntary, knowing, and intelligent waiver of the right to counsel;

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

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

22 (IV) ~~The juvenile~~ Understands that the court will provide counsel  
23 for the juvenile if the juvenile's parent, guardian, or legal custodian is  
24 unable or unwilling to obtain counsel for the juvenile; and

25 (V) ~~The juvenile~~ Understands the possible consequences that may  
26 result from an adjudication or conviction of the offense with which the  
27 juvenile is charged, which consequences may occur in addition to the

1 actual adjudication or conviction itself.

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

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

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

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

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

15 **19-2.5-606. [Formerly 19-2-302] Preadjudication service**  
16 **program - creation.** (1) (a) The chief judge of any judicial district may  
17 issue an order that any juvenile who applies for preadjudication release  
18 be evaluated for placement by a preadjudication service program  
19 established pursuant to this section. In evaluating the juvenile, the service  
20 ~~agency~~ PROGRAM shall follow criteria for the placement of a juvenile  
21 established pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1504. Upon  
22 evaluation, the service ~~agency~~ PROGRAM shall make a recommendation  
23 to the court concerning placement of the juvenile with a preadjudication  
24 service program.

25 (b) Parents or legal guardians of a juvenile evaluated by a  
26 preadjudication service program shall complete the information form  
27 described in ~~section 19-2-212 (1)(b)(VIII)~~ SECTION 19-2.5-1504

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

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

17 (3) The local justice plan must provide for the assessment of  
18 juveniles taken into custody and detained by law enforcement officers.  
19 ~~which~~ THE assessment must be based on criteria for the placement of  
20 juveniles established pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1504,  
21 so that relevant information may be presented to the judge presiding over  
22 the detention hearing. The information provided to the court through the  
23 screening process, ~~which information must include~~ INCLUDING the record  
24 of any prior adjudication of the juvenile, is intended to enhance the court's  
25 ability to make a more appropriate detention and bond decision, based on  
26 facts relative to the juvenile's substantial risk of serious harm to others.

27 (4) The plan may include different methods and levels of

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

- 13 (a) Periodic telephone communications with the juvenile;
- 14 (b) Periodic office visits by the juvenile to the preadjudication  
15 service ~~agency~~ PROGRAM;
- 16 (c) Periodic home visits to the juvenile's home;
- 17 (d) If a validated mental health or substance use screening and  
18 subsequent mental health or substance use assessment indicates that the  
19 juvenile has a need:
  - 20 (I) Periodic drug testing of the juvenile; or
  - 21 (II) BEHAVIORAL OR mental health or substance use treatment for  
22 the juvenile, which ~~treatment~~ may include residential treatment;
- 23 (e) Periodic visits to the juvenile's school;
- 24 (f) Domestic violence or child abuse counseling for the juvenile,  
25 if applicable;
- 26 (g) Electronic or global position monitoring of the juvenile;
- 27 (h) Work release for the juvenile, if school attendance is not

1 applicable or appropriate under the circumstances; or

2 (i) Juvenile day reporting and day treatment programs.

3 **19-2.5-607. [Formerly 19-2-707] Mandatory protection order.**

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

15 ~~(b) Repealed.~~

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

19 (2) At the time of the juvenile's first appearance before the court,  
20 the court shall inform the juvenile and the juvenile's parents or legal  
21 guardian of the protection order effective pursuant to this section and  
22 shall also inform the juvenile and the juvenile's parents or legal guardian  
23 that a violation of such order is punishable as contempt of court.

24 (3) Nothing in this section ~~shall preclude~~ PRECLUDES the juvenile  
25 or the juvenile's parents or legal guardian from applying to the court at  
26 any time for modification or dismissal of the protection order issued  
27 pursuant to this section or the district attorney from applying to the court

1 at any time for additional provisions under the protection order,  
2 modification of the order, or dismissal of the order. The trial court shall  
3 retain jurisdiction to enforce, modify, or dismiss the protection order  
4 during the pendency of any appeal that may be brought.

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

9 **19-2.5-608. Fingerprinting - ordered by court - definition.**

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

17 (2) [Formerly 19-2-503.5 (3)] If a juvenile has not been  
18 fingerprinted prior to the JUVENILE'S first appearance ~~of the juvenile~~  
19 before the court, the court shall order the juvenile to report to an entity  
20 authorized by the court or the local law enforcement agency for  
21 fingerprinting, except for juvenile detention centers and alternative  
22 service programs, otherwise known as "SB 91-94 programs", described  
23 in ~~section 19-2-302~~ SECTION 19-2.5-606. The authorized entity or local  
24 law enforcement agency shall endorse upon a copy of the order the  
25 completion of the fingerprinting and return the same to the court. The  
26 authorized entity or local law enforcement agency shall forward a set of  
27 fingerprints ordered pursuant to this ~~subsection (3)~~ SUBSECTION (2) to the



1 Colorado bureau of investigation in the form and manner prescribed by  
2 the bureau.

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

8 **19-2.5-609. [Formerly 19-2-705] Preliminary hearing -**  
9 **dispositional hearing.** (1) The district attorney or a juvenile who is  
10 accused in a petition of a delinquent act that constitutes a class 1, 2, or 3  
11 felony may demand and receive a preliminary hearing to determine if  
12 there is probable cause to believe that the delinquent act alleged in the  
13 petition was committed by the juvenile. In addition, the district attorney  
14 or a juvenile who is accused in a petition of only those delinquent acts  
15 that constitute class 4, 5, or 6 felonies, which felonies require mandatory  
16 sentencing, ~~or which~~ constitute crimes of violence as defined in section  
17 18-1.3-406, ~~C.R.S.~~, or ~~which~~ constitute sexual offenses ~~under~~ PURSUANT  
18 TO part 4 of article 3 of title 18, ~~C.R.S.~~, may demand and receive a  
19 preliminary hearing to determine if there is probable cause to believe that  
20 THE JUVENILE COMMITTED the delinquent act alleged in the petition. ~~was~~  
21 ~~committed by the juvenile.~~ A preliminary hearing may be heard by a  
22 judge of the juvenile court or by a magistrate and ~~shall be~~ conducted as  
23 follows:

24 (a) At the juvenile's advisement hearing and after the filing of the  
25 delinquency petition, the prosecution shall make available to the juvenile  
26 the discovery material required by the Colorado rules of juvenile  
27 procedure. The juvenile or the prosecution may file a written motion for

1 a preliminary hearing, stating the basis therefor. Upon the filing of the  
2 motion, the court shall ~~forthwith~~ set the matter for a hearing. The juvenile  
3 or the prosecution shall file a written motion for a preliminary hearing not  
4 later than ~~ten~~ FOURTEEN days after the advisement hearing.

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

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

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

23 ~~(1.5)~~ (2) (a) The district attorney and the juvenile who is accused  
24 in a petition of a delinquent act that constitutes a class 4, 5, or 6 felony,  
25 except those that require mandatory sentencing, ~~or which~~ THAT constitute  
26 crimes of violence as defined in section 18-1.3-406, ~~C.R.S.~~, or ~~which~~  
27 THAT constitute sexual offenses ~~under~~ PURSUANT TO part 4 of article 3 of

1 title 18, ~~C.R.S.~~, shall DO not have the right to demand or receive a  
2 preliminary hearing but shall participate in a dispositional hearing for the  
3 purposes of case evaluation and potential resolution. ~~Such dispositional~~  
4 ~~hearing may be heard by~~ A judge of the juvenile court or ~~by~~ a magistrate  
5 MAY HEAR THE DISPOSITIONAL HEARING.

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

14 ~~(2)~~ (3) A request for review of a preliminary hearing finding  
15 entered by a magistrate shall MUST be filed pursuant to section 19-1-108  
16 (5.5), and review shall MUST be conducted pursuant to said section.

17 ~~(3)~~ (4) The prosecution may file a motion to refile the petition in  
18 delinquency, which motion shall MUST be accompanied by a verified  
19 affidavit stating the grounds therefor.

20 **19-2.5-610. [Formerly 19-2-107] Right to jury trial.** (1) In any  
21 action in delinquency in which a juvenile is alleged to be an aggravated  
22 juvenile offender, as described in ~~section 19-2-516~~ SECTION 19-2.5-1125,  
23 or is alleged to have committed an act that would constitute a crime of  
24 violence, as defined in section 18-1.3-406, ~~C.R.S.~~, if committed by an  
25 adult, the juvenile or the district attorney may demand a trial by a jury of  
26 not more than six persons, except as provided in ~~section 19-2-601 (3)(a)~~  
27 SECTION 19-2.5-503 (3)(a), or the court, on its own motion, may order

1 ~~such a~~ THE jury to try any case brought ~~under~~ PURSUANT TO this ~~title~~  
2 TITLE 19, except as provided in subsection (2) of this section.

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

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

9 (4) Notwithstanding any other provisions of this ~~article~~ ARTICLE  
10 2.5, in any action in delinquency in which a juvenile requests a jury  
11 pursuant to this section, the juvenile ~~shall be~~ IS deemed to have waived  
12 the sixty-day requirement for holding the adjudicatory trial established in  
13 ~~section 19-2-708~~ SECTION 19-2.5-902. In such a case, the juvenile's right  
14 to a speedy trial ~~shall be~~ IS governed by section 18-1-405 C.R.S., and rule  
15 48 (b) of the Colorado rules of criminal procedure.

16 **19-2.5-611. [Formerly 19-2-515] Contempt - warrant -**  
17 **legislative declaration.** (1) Except as otherwise ~~provided by~~ SET FORTH  
18 IN subsection (3) of this section, any person summoned or required to  
19 appear ~~as provided in section 19-2-514~~ PURSUANT TO SECTION 19-2.5-501  
20 who has acknowledged service and fails to appear without reasonable  
21 cause may be proceeded against for contempt of court.

22 (2) If after reasonable effort the summons cannot be served or if  
23 the welfare of the juvenile requires that ~~he or she~~ THE JUVENILE be  
24 brought immediately into the custody of the court, a bench warrant may  
25 be issued for the parents, guardian, or other legal custodian or for the  
26 juvenile.

27 (3) (a) When a parent or other person who signed a written

1 promise to appear and bring the juvenile to court or who has waived or  
2 acknowledged service fails to appear with the juvenile on the date set by  
3 the court, a bench warrant may be issued for the parent or other person,  
4 the juvenile, or both.

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

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

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

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

20 (III) Resides in Colorado but is outside of the state at the time of  
21 the juvenile proceeding for reasons other than avoiding appearance before  
22 the court and appearing in court will result in undue hardship to ~~such~~ THE  
23 parent or guardian.

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

27 (e) ~~The provisions of~~ This subsection (3) ~~shall not be~~ IS NOT

1 applicable to any proceeding in a case that has been transferred to the  
2 district court pursuant to ~~the provisions of section 19-2-518~~ SECTION  
3 19-2.5-802.

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

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

11 **19-2.5-612. [Formerly 19-2-710] Behavioral or mental health**  
12 **services for juvenile - how and when issue raised - procedure -**  
13 **definitions.** (1) At any stage of a delinquency proceeding, if the court,  
14 prosecution, probation officer, guardian ad litem, parent, or legal guardian  
15 has reason to believe that the juvenile could benefit from BEHAVIORAL OR  
16 mental health services, the party shall immediately advise the court of  
17 ~~such~~ THAT belief.

18 (2) After the party advises the court of the party's belief that the  
19 juvenile could benefit from BEHAVIORAL OR mental health services, the  
20 court shall immediately order a BEHAVIORAL OR mental health screening  
21 of the juvenile pursuant to section 16-11.9-102 using the mental health  
22 screening tool selected pursuant to section 24-33.5-2402 (1)(b), unless the  
23 court already has sufficient information to determine whether the juvenile  
24 could benefit from BEHAVIORAL OR mental health services or unless a  
25 BEHAVIORAL OR mental health screening of the juvenile has been  
26 completed within the last three months. Before sentencing a juvenile, the  
27 court shall order a BEHAVIORAL OR mental health screening using the

1 mental health screening tool selected pursuant to section 24-33.5-2402  
2 (1)(b) or make a finding that the screening would not provide information  
3 that would be helpful in sentencing the juvenile. The ~~delinquency~~  
4 ~~proceedings~~ COURT shall not be stayed or suspended STAY OR SUSPEND  
5 DELINQUENCY PROCEEDINGS pending the results of the BEHAVIORAL OR  
6 mental health screening ordered pursuant this section. However, the court  
7 may continue the dispositional and sentencing hearing to await the results  
8 of the BEHAVIORAL OR mental health screening.

9 (3) If the BEHAVIORAL OR mental health screening indicates that  
10 the juvenile could benefit from BEHAVIORAL OR mental health services,  
11 the court may order a BEHAVIORAL OR mental health assessment.

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

17 (5) The assessment, at a minimum, ~~shall~~ MUST include an opinion  
18 regarding whether the juvenile could benefit from BEHAVIORAL OR mental  
19 health services. If the assessment concludes that the juvenile could benefit  
20 from BEHAVIORAL OR mental health services, the assessment ~~shall~~ MUST  
21 identify the juvenile's BEHAVIORAL OR mental health issues and the  
22 appropriate services and treatment.

23 (6) Evidence or treatment obtained as a result of a BEHAVIORAL OR  
24 mental health screening or assessment ordered pursuant to this section,  
25 including any information obtained from the juvenile in the course of a  
26 BEHAVIORAL OR mental health screening or assessment, ~~shall~~ MUST be  
27 used only for purposes of sentencing; to determine what BEHAVIORAL OR

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

15 (7) For purposes of this section:

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

20 (b) "Juvenile could benefit from BEHAVIORAL OR mental health  
21 services" means a juvenile exhibits one or more of the following  
22 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 19-2.5-102, at that stage of the proceedings. ~~against him or her.~~ Juveniles,  
2 like adults, are presumed competent to proceed, as defined in ~~section~~  
3 ~~19-2-103 (3.3)~~ SECTION 19-2.5-102, until such time as they are found  
4 incompetent to proceed through a decision by the court. A determination  
5 of competency must include an evaluation of INTELLECTUAL AND  
6 developmental disabilities, mental ~~disabilities~~ HEALTH DISORDERS, and  
7 mental capacity. Age alone is not determinative of incompetence without  
8 a finding that the juvenile actually lacks the relevant capacities for  
9 competence.

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

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

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

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

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

1 in accordance with existing law.

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

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

27 (3) If the question of a juvenile's incompetency to proceed is raised

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

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

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

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

27 (d) The evaluator conducting the competency evaluation shall file

1 the evaluation with the court within:

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

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

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

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

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

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

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

26 (b) The management plan may include:

27 (I) Placement options included in article 10 or 10.5 of title 27;

1 ~~C.R.S.~~;

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

4 (III) An informed supervision model;

5 (IV) Institution of a guardianship petition; or

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

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

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

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

1 ~~19-2-1302 (4)(b)~~ SECTION 19-2.5-703 (4)(b) files a report certifying that  
2 the juvenile is competent to proceed.

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

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

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

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

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



1 PART 8

2 DIRECT FILING AND TRANSFER HEARINGS

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

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

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

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

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

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

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

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

26 (B) If the juvenile is convicted in district court in the prior case of  
27 a lesser included or nonenumerated offense for which criminal charges

1 could not have been originally filed by information or indictment in the  
2 district court pursuant to this section, the subsequent charge may be  
3 remanded to the juvenile court.

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

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

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

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

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

26 (b) In determining whether the juvenile and the community would  
27 be better served by adjudicative proceedings pursuant to this ~~article~~

1 ARTICLE 2.5 or by proceedings ~~under title 16, C.R.S.~~ PURSUANT TO TITLE  
2 16, the court shall consider the following factors:

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

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

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

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

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

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

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

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

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

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

27 (XI) Whether the juvenile used, or possessed and threatened the

1 use of, a deadly weapon in the commission of the delinquent act.

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

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

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

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

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

20 (A) A class 1 felony;

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

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

26 ~~(III) (Deleted by amendment, L. 2012.)~~

27 (b) The district court judge may sentence a juvenile pursuant to ~~the~~

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

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

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

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

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

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

21 (d) ~~Section 19-2-601~~ SECTION 19-2.5-503, regarding aggravated  
22 juvenile offenders.

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

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

1 adjudicated as a juvenile delinquency adjudication.

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

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

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

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

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

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

19 (b) A petition may be transferred from the juvenile court to the  
20 district court only after a hearing ~~as provided in~~ HELD PURSUANT TO this  
21 section.

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

1 to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION.

2 (d) (I) Except as otherwise ~~provided in subparagraph (H) of this~~  
3 ~~paragraph (d)~~ SET FORTH IN SUBSECTION (1)(d)(II) OF THIS SECTION, in  
4 cases in which criminal charges are transferred to the district court  
5 pursuant to ~~the provisions of this section~~, the judge of the district court  
6 shall sentence the juvenile pursuant to ~~the provisions of~~ section  
7 18-1.3-401 ~~C.R.S.~~, if the juvenile is:

8 (A) Convicted of a class 1 felony;

9 (B) Convicted of a crime of violence, as defined in section  
10 18-1.3-406; ~~C.R.S.~~; or

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

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

23 (A) A class 1 felony;

24 ~~(B) to (D) (Deleted by amendment, L. 2010, (HIB 10-1413), ch.~~  
25 ~~264, p. 1203, § 2, effective August 11, 2010.)~~

26 ~~(E)~~ (B) Any sexual offense described in section 18-6-301 or  
27 18-6-302 ~~C.R.S.~~, or part 4 of article 3 of title 18. ~~C.R.S.~~

1 (III) In cases in which criminal charges are transferred to the  
2 district court pursuant to ~~the provisions of this section~~ and the juvenile is  
3 not eligible for sentencing pursuant to ~~subparagraph (f) of this paragraph~~  
4 ~~(d)~~ SUBSECTION (1)(d)(I) OF THIS SECTION, the judge of the district court  
5 ~~shall have~~ HAS the power to make any disposition of the case that any  
6 juvenile court would have or to remand the case to the juvenile court for  
7 disposition at its discretion.

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

13 ~~(d.5) (Deleted by amendment, L. 2010, (HIB 10-1413), ch. 264, p.~~  
14 ~~1203, § 2, effective August 11, 2010.)~~

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

25 (2) After filing charges in the juvenile court but prior to the time  
26 that the juvenile court conducts a transfer hearing, the district attorney  
27 may file the same or different charges against the juvenile by direct filing



1 of an information in the district court or by indictment pursuant to ~~section~~  
2 ~~19-2-517~~ SECTION 19-2.5-801. Upon ~~said~~ THE filing or indictment in the  
3 district court, the juvenile court ~~shall~~ no longer ~~have~~ HAS jurisdiction over  
4 proceedings concerning ~~said~~ THE charges.

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

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

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

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

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

22 (I) The seriousness of the ALLEGED offense and whether the  
23 protection of the community requires isolation of the juvenile beyond that  
24 afforded by juvenile facilities;

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

27 (III) Whether the alleged offense was against persons or property,

- 1 greater weight being given to offenses against persons;
- 2 (IV) The JUVENILE'S maturity, ~~of the juvenile~~ as determined by  
3 considerations of the juvenile's home, environment, emotional attitude,  
4 and pattern of living;
- 5 (V) The JUVENILE'S record and previous history; ~~of the juvenile;~~
- 6 (VI) The likelihood of THE JUVENILE'S rehabilitation ~~of the~~  
7 ~~juvenile~~ by use of facilities available to the juvenile court;
- 8 (VII) The interest of the community in the imposition of a  
9 punishment commensurate with the gravity of the offense;
- 10 (VIII) The impact of the offense on the victim;
- 11 (IX) ~~That~~ WHETHER the juvenile was twice previously adjudicated  
12 a delinquent juvenile for delinquent acts that constitute felonies;
- 13 (X) ~~That~~ WHETHER the juvenile was previously adjudicated a  
14 juvenile delinquent for a delinquent act that constitutes a crime of  
15 violence, as defined in section 18-1.3-406; ~~C.R.S.;~~
- 16 (XI) ~~That~~ WHETHER the juvenile was previously committed to the  
17 department of human services following an adjudication for a delinquent  
18 act that constitutes a felony;
- 19 (XII) ~~That~~ WHETHER the juvenile is sixteen years of age or older  
20 at the time of the ALLEGED offense and the present act constitutes a crime  
21 of violence, as defined in section 18-1.3-406; ~~C.R.S.;~~
- 22 (XIII) ~~That~~ WHETHER the juvenile is sixteen years of age or older  
23 at the time of the ALLEGED offense and has been twice previously  
24 adjudicated a juvenile delinquent for delinquent acts against property that  
25 constitute felonies; and
- 26 (XIV) ~~That~~ WHETHER the juvenile used, or possessed and  
27 threatened the use of, a deadly weapon in the commission of a delinquent

1 act.

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

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

14 ~~(5) Repealed.~~

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

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

1 written order of waiver, exclusive of Saturdays, Sundays, and court  
2 holidays, the juvenile court shall retain jurisdiction and shall proceed as  
3 ~~provided in this article~~ PURSUANT TO THIS ARTICLE 2.5.

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

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

15 PART 9

16 ADJUDICATORY PROCEEDINGS

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

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

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

27 (c) The juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian,

1 or legal custodian have waived the right to a speedy trial.

2 (2) An informal adjustment ~~shall~~ MUST be for an initial period of  
3 no longer than six months. One additional extension of up to six months  
4 may be ordered by the court upon showing of good cause.

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

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

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

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

1           **19-2.5-903. [Formerly 19-2-709] Deferral of adjudication.**

2           (1) Except as ~~otherwise provided in subsection (1.5)~~ SET FORTH IN  
3           SUBSECTION (2) of this section, in any case in which the juvenile has  
4           agreed with the district attorney to enter a plea of guilty, the court, with  
5           the consent of the juvenile and the district attorney, upon accepting the  
6           guilty plea and entering an order deferring adjudication, may continue the  
7           case for a period not to exceed one year ~~from~~ AFTER the date of entry of  
8           the order deferring adjudication. The court may continue the case for an  
9           additional one-year period for good cause.

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

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

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

1           ~~(3.5)~~ (5) THE DISTRICT ATTORNEY OR A PROBATION OFFICER MAY  
2 MAKE AN application for entry of adjudication and imposition of sentence  
3 ~~may be made by the district attorney or a probation officer~~ at any time  
4 within the term of the deferred adjudication or within thirty-five days  
5 thereafter.

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

15           ~~(5)~~ (7) If the juvenile agrees to a deferral of adjudication, ~~he or she~~  
16 THE JUVENILE waives all rights to a speedy trial and sentencing.

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

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

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

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

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

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

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

8 **19-2.5-905. [Formerly 19-2-802] Evidentiary considerations.**

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

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

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

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

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

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

26 (d) If ~~he or she~~ THE JUVENILE has been convicted or adjudicated  
27 for a felony, the prosecutor ~~shall be~~ IS entitled to ask ~~him or her~~ THE



1 JUVENILE about it and thereby disclose it to the jury;

2 (e) If a felony conviction or adjudication is disclosed to the jury,  
3 the jury can be instructed to consider it only as it bears upon ~~his or her~~ THE  
4 JUVENILE'S credibility;

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

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

19 (2) For purposes of this section:

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

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

26 (c) "Technical violation" ~~is defined in section 19-1-103 (105)~~  
27 MEANS A REASONABLE, GOOD-FAITH RELIANCE UPON A STATUTE THAT IS

1 LATER RULED UNCONSTITUTIONAL, A WARRANT THAT IS LATER  
2 INVALIDATED DUE TO A GOOD-FAITH MISTAKE, OR A COURT PRECEDENT  
3 THAT IS LATER OVERRULED.

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

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

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

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

27 (2) If the juvenile is found not guilty after an adjudicatory trial, the

1 court shall order the petition dismissed and the juvenile discharged from  
2 any detention or restriction previously ordered. The juvenile's parents,  
3 guardian, or other legal custodian ~~shall~~ ARE also ~~be~~ discharged from any  
4 restriction or other previous temporary order.

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

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

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

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

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

1           (2) **Application contents.** (a) An application for an order of  
2 collateral relief must cite the grounds for granting the relief, the type of  
3 relief sought, and the specific collateral consequence from which the  
4 applicant is seeking relief and must include a copy of a recent criminal  
5 history record check. The state court administrator may produce an  
6 application form that an applicant may submit in application.

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

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

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

25           (4) (a) Notwithstanding any other provision of law, an order of  
26 collateral relief cannot relieve any collateral consequences imposed by law  
27 for licensure by the department of education or any collateral

1 consequences imposed by law for employment with the judicial branch,  
2 the department of corrections, the division of youth services in the  
3 department of human services, or any other law enforcement agency in the  
4 state of Colorado.

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

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

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

12 (III) Is required to register as a sex offender pursuant to section  
13 16-22-103.

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

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

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

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

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

1 (b) The court that previously issued an order of collateral relief, on  
2 its own motion or either by cause shown by the district attorney or on  
3 grounds offered by the applicant, may at any time issue a subsequent  
4 judgment to enlarge, limit, or circumscribe the relief previously granted.

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

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

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

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

1 adjudication.

2 (b) "Collateral consequence" means a collateral sanction or a  
3 disqualification.

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

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

18 PART 10

19 TEEN COURTS

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

23 **19-2.5-1002. [Formerly 19-2-1102] Definitions.** As used in this  
24 ~~part 11~~ PART 10, unless the context otherwise requires:

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

1 more than six months.

2 (2) "Supervising court" means the juvenile court for the city and  
3 county of Denver, the district courts of the state other than that of Denver,  
4 and any municipal court that establishes a teen court program pursuant to  
5 this ~~part~~ PART 10.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

1 deferred judgment or any changed address, and at the sentencing hearing  
2 impose any other sentence authorized for the offense charged.

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

7 **19-2.5-1004. [Formerly 19-2-1104] Procedures - hearings.**

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

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

13 (b) The approval of teen court judges;

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

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

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

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

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

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

1 herself or be represented by a teen defense attorney. The following  
2 procedures ~~shall~~ MUST be followed at the teen court sentencing hearing:

3 (a) The teen court judge shall select a teen jury;

4 (b) The teen prosecutor and either the teen defendant or teen  
5 defense attorney may question the jury on their knowledge of the  
6 defendant or the facts of the offense for which the teen defendant was  
7 charged;

8 (c) The teen court judge may order that a teen juror be replaced if  
9 the judge finds that the juror may be biased;

10 (d) The teen prosecutor and either the teen defendant or teen  
11 defense attorney may make an opening statement;

12 (e) The teen defendant ~~shall be~~ IS subject to cross-examination by  
13 the teen prosecutor concerning the circumstances or facts surrounding the  
14 offense or the character of the teen defendant and may either make a  
15 statement or be subject to direct examination by the teen defense attorney;

16 (f) Each side may offer witnesses and documents concerning the  
17 circumstances or facts surrounding the offense or the character of the teen  
18 defendant;

19 (g) The teen prosecutor and either the teen defendant or teen  
20 defense attorney may make a closing statement;

21 (h) Unless otherwise ordered by the teen court judge, the teen jury  
22 shall deliberate in private and shall unanimously agree upon the sentence  
23 to be imposed against the teen defendant, pursuant to guidelines adopted  
24 by the court; AND

25 (i) If the jury is unable to unanimously agree on a sentence, then  
26 the teen court judge shall impose the sentence, pursuant to guidelines  
27 adopted by the court.

1 (3) The teen court judge shall enter a written order that:

2 (a) Orders the teen defendant to complete the sentence imposed by  
3 the teen jury;

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

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

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

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

20 PART 11

21 SENTENCING

22 SUBPART A - IN GENERAL

23 **19-2.5-1101. [Formerly 19-2-905] Presentence investigation.**

24 (1) (a) Prior to the sentencing hearing, juvenile probation for the judicial  
25 district in which the juvenile is adjudicated shall conduct a presentence  
26 investigation unless waived by the court on its own determination or on  
27 recommendation of the prosecution or the juvenile. The presentence

1 investigation must take into consideration and build on the intake  
2 assessment performed by the screening team. The presentence  
3 investigation may address, but is not limited to, the following:

4 (I) The details of the offense;

5 (II) Statements made by the victims of the offense;

6 (III) The amount of restitution, if any, that should be imposed on  
7 the juvenile or the juvenile's parent, guardian, or legal custodian;

8 (IV) The juvenile's previous criminal record, if any, if the juvenile  
9 has not been adjudicated for an act that constitutes unlawful sexual  
10 behavior as defined in section 16-22-102 (9); ~~C.R.S.~~;

11 (V) Any history of substance abuse by the juvenile;

12 (VI) The juvenile's education history, including any special  
13 education history and any current individualized education program the  
14 juvenile may have pursuant to section 22-20-108; ~~C.R.S.~~;

15 ~~(VI.5)~~ (VII) The juvenile's employment history;

16 ~~(VII)~~ (VIII) The juvenile's family, kin, and persons having a  
17 significant relationship with the juvenile;

18 ~~(VIII)~~ (IX) The juvenile's peer relationships;

19 ~~(IX)~~ (X) The status of juvenile programs and community  
20 placements in the juvenile's judicial district of residence;

21 ~~(X)~~ (XI) Other related material;

22 ~~(XI)~~ (XII) Review of placement and commitment criteria adopted  
23 pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1504, which ~~shall be~~ ARE the  
24 criteria for any sentencing recommendations included in the presentence  
25 investigation;

26 ~~(XII)~~ (XIII) Assessment of the juvenile's needs; and

27 ~~(XIII)~~ (XIV) Recommendations and a proposed treatment plan for

1 the juvenile.

2 (b) If the juvenile has been adjudicated for an act that constitutes  
3 unlawful sexual behavior, as defined in section 16-22-102 (9), ~~C.R.S.~~,  
4 then the report on the presentence investigation ~~shall~~ MUST include the  
5 juvenile's previous criminal and juvenile delinquency records, if any.

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

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

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

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

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

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

1 (C) Is required to register as a sex offender pursuant to section  
2 16-22-103.

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

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

23 (4) Prior to sentencing a juvenile who was adjudicated for an  
24 offense that would be a felony or misdemeanor not contained in title 42  
25 ~~C.R.S.~~, if committed by an adult, the court may order the juvenile to  
26 participate in an assessment to determine whether the juvenile would be  
27 suitable for participation in restorative justice practices that would be a

1 part of the juvenile's sentence; except that the court may not order  
2 participation in a restorative justice practice if the juvenile was  
3 adjudicated a delinquent for unlawful sexual behavior, as defined in  
4 section 16-22-102 (9); ~~C.R.S.~~, a crime in which the underlying factual  
5 basis involves domestic violence, as defined in section 18-6-800.3 (1);  
6 ~~C.R.S.~~, stalking, as defined in section 18-3-602; ~~C.R.S.~~, or violation of a  
7 protection order, as defined in section 18-6-803.5. ~~C.R.S.~~ If the court  
8 orders a suitability assessment, the assessor shall provide the services for  
9 a fee of no more than forty dollars based on a sliding scale; however, the  
10 fee may be reduced by the court based on a sliding scale consistent with  
11 guidelines used to determine eligibility for appointment of counsel. If a  
12 juvenile wants to participate in restorative justice practices, the juvenile  
13 must make the request to the district attorney or the law enforcement  
14 agency administering the program and may not make the request to the  
15 victim. If requested by the juvenile or law enforcement agency, a  
16 victim-offender conference may only be conducted after the victim is  
17 consulted by the district attorney and offered an opportunity to participate  
18 or submit a victim impact statement. If a victim elects not to attend, a  
19 victim-offender conference may be held with a suitable victim surrogate  
20 or victim advocate, and the victim may submit a victim impact statement.  
21 If the juvenile participates in a restorative justice practices victim-offender  
22 conference, the facilitator shall provide these services for a fee of no more  
23 than one hundred twenty-five dollars based on a sliding scale; however,  
24 the fee may be waived by the court.

25 **19-2.5-1102. [Formerly 19-2-906] Sentencing hearing.**

26 (1) (a) After making a finding of guilt, the court shall hear evidence on  
27 the question of the proper disposition best serving the interests of the



1 juvenile and the public. Such evidence ~~shall include, but~~ INCLUDES BUT IS  
2 not necessarily ~~be~~ limited to the social study and other reports as provided  
3 in section 19-1-107.

4 (b) In ~~those~~ cases in which the juvenile is adjudicated a juvenile  
5 delinquent for an act that constitutes unlawful sexual behavior, as defined  
6 in section 16-22-102 (9), ~~C.R.S.~~, the court shall consider the juvenile's  
7 previous criminal and juvenile delinquency records, if any, set forth in the  
8 presentence investigation report prepared pursuant to ~~section 19-2-905~~  
9 ~~(1)(b)~~ SECTION 19-2.5-1101 (1)(b) in determining the proper disposition  
10 for the juvenile and the public.

11 (2) If the court has reason to believe that the juvenile may have an  
12 intellectual and developmental disability, the court shall refer the juvenile  
13 to the community-centered board in the designated service area where the  
14 action is pending for an eligibility determination pursuant to article 10.5  
15 of title 27. If the court has reason to believe that the juvenile may have a  
16 behavioral or mental health disorder, the court shall order a BEHAVIORAL  
17 OR mental health ~~hospital~~ placement prescreening to be conducted in any  
18 appropriate place.

19 ~~(2.5)(a)~~ (3) If the court receives a BEHAVIORAL OR mental health  
20 screening or BEHAVIORAL OR mental health assessment pursuant to ~~section~~  
21 ~~19-2-710~~ SECTION 19-2.5-612 determining that the juvenile could benefit  
22 from BEHAVIORAL OR mental health services, or the court already has  
23 sufficient information to determine that the juvenile could benefit from  
24 BEHAVIORAL OR mental health services, the court may order BEHAVIORAL  
25 OR mental health services as a part of the disposition.

26 ~~(b) Repealed.~~

27 ~~(3)~~ (4) (a) The court may continue the sentencing hearing, either

1 on its own motion or on the motion of any interested party, for a  
2 reasonable period to receive reports or other evidence; except that the  
3 court shall determine sentencing within ~~forty-five~~ FORTY-NINE days  
4 ~~following~~ AFTER completion of the adjudicatory trial.

5 (b) If the hearing is continued, the court shall make an appropriate  
6 order for detention of the juvenile or for ~~his or her~~ THE JUVENILE'S release  
7 in the custody of ~~his or her~~ THE JUVENILE'S parents, guardian, or other  
8 responsible person or agency under such conditions of supervision as the  
9 court may impose during the continuance.

10 (c) In scheduling investigations and hearings, the court shall give  
11 priority to proceedings concerning a juvenile who is in detention or who  
12 has otherwise been removed from ~~his or her~~ THE home before an order of  
13 disposition has been made.

14 ~~(4)~~ (5) In any case in which the sentence is placement out of the  
15 home, except for juveniles committed to the department of human  
16 services, the court shall, at the time of placement, set a review within  
17 ~~ninety~~ NINETY-ONE days to determine if continued placement is necessary  
18 and is in the best interest of the juvenile and of the community. THE  
19 COURT SHALL GIVE notice of ~~said~~ THE review ~~shall be given by the court~~  
20 to all parties and to the director of the facility or agency in which the  
21 juvenile is placed and any person who has physical custody of the juvenile  
22 and any attorney or guardian ad litem of record.

23 **19-2.5-1103. [Formerly 19-2-907] Sentencing schedule - options.**

24 (1) Upon completion of the sentencing hearing pursuant to ~~section~~  
25 ~~19-2-906~~ SECTION 19-2.5-1102, the court shall enter a decree of sentence  
26 or commitment imposing any of the following sentences or combination  
27 of sentences, as appropriate:

1 (a) Commitment to the department of human services ~~as provided~~  
2 ~~in section 19-2-909~~ PURSUANT TO SECTION 19-2.5-1117;

3 (b) Confinement in the county jail or in community corrections ~~as~~  
4 ~~provided in section 19-2-910~~ PURSUANT TO SECTION 19-2.5-1118;

5 (c) Detention ~~as provided in section 19-2-911~~ PURSUANT TO  
6 SECTION 19-2.5-1123;

7 (d) Placement of legal custody of the juvenile with a relative or  
8 other suitable person ~~as provided in section 19-2-912~~ PURSUANT TO  
9 SECTION 19-2.5-1112;

10 (e) Probation ~~as provided in section 19-2-913~~ PURSUANT TO  
11 SECTION 19-2.5-1106;

12 (f) Commitment to the community accountability program ~~as~~  
13 ~~provided in section 19-2-914~~ PURSUANT TO SECTION 19-2.5-1111;

14 (g) Placement of legal custody of the juvenile in the county  
15 department of human or social services or a child placement agency ~~as~~  
16 ~~provided in section 19-2-915~~ PURSUANT TO SECTION 19-2.5-1115;

17 (h) Placement of the juvenile in a hospital or other suitable facility  
18 for receipt of special care ~~as provided in section 19-2-916~~ PURSUANT TO  
19 SECTION 19-2.5-1114;

20 (i) Imposition of a fine ~~as provided in section 19-2-917~~ PURSUANT  
21 TO SECTION 19-2.5-1105;

22 (j) Ordering the juvenile to pay restitution ~~as provided in section~~  
23 ~~19-2-918~~ PURSUANT TO SECTION 19-2.5-1104;

24 (k) Ordering the juvenile to complete an anger management  
25 treatment program or any other appropriate treatment program ~~as provided~~  
26 ~~in section 19-2-918.5~~ PURSUANT TO SECTION 19-2.5-1122;

27 (l) Participation in an evaluation to determine whether the juvenile

1 would be suitable for restorative justice practices that would be a part of  
2 the juvenile's sentence; except that the court may not order participation  
3 in restorative justice practices if the juvenile was adjudicated a delinquent  
4 for unlawful sexual behavior, as defined in section 16-22-102 (9); ~~€R.S.~~,  
5 a crime in which the underlying factual basis involves domestic violence,  
6 as defined in section 18-6-800.3 (1); ~~€R.S.~~, stalking, as defined in section  
7 18-3-602 ; ~~€R.S.~~, or violation of a protection order, as defined in section  
8 18-6-803.5. ~~€R.S.~~ If the court orders participation in restorative justice  
9 practices, the facilitator shall provide these services for a fee of no more  
10 than one hundred twenty-five dollars based on a sliding scale; however,  
11 the fee may be waived by the court. Nothing in this ~~paragraph (1) shall be~~  
12 ~~construed to require~~ SUBSECTION (1)(1) REQUIRES a victim to participate  
13 in a restorative justice victim-offender conference.

14 (2) The judge shall sentence any juvenile adjudicated as a special  
15 offender ~~as provided in section 19-2-908~~ PURSUANT TO SECTION  
16 19-2.5-1126.

17 (3) Any sentence imposed on a juvenile pursuant to this section  
18 may include the juvenile's parent or guardian ~~as provided in section~~  
19 ~~19-2-919~~ PURSUANT TO SECTION 19-2.5-1110.

20 (4) If, as a condition of or in connection with any sentence  
21 imposed pursuant to this section, the court requires a juvenile to attend  
22 school, the court shall notify the school district in which the juvenile is  
23 enrolled of such requirement.

24 (5) (a) Except as otherwise ~~provided in section 19-2-601~~ SET  
25 FORTH IN SECTION 19-2.5-1127 for an aggravated juvenile offender, if the  
26 court finds that placement out of the home is necessary and is in the best  
27 interests of the juvenile and the community, the court shall place the

1 juvenile, following the criteria established pursuant to ~~section 19-2-212~~  
2 SECTION 19-2.5-1504, in the facility or setting that most appropriately  
3 meets the needs of the juvenile, the juvenile's family, and the community.  
4 In making its decision as to proper placement, the court shall utilize the  
5 evaluation for placement prepared pursuant to section 19-1-107 or the  
6 evaluation for placement required by section 19-1-115 (8)(e). Any  
7 placement recommendation in the evaluation prepared by the county  
8 department of human or social services must be accorded great weight as  
9 the placement that most appropriately meets the needs of the juvenile, the  
10 juvenile's family, and the community. A recommendation prepared by the  
11 county department of human or social services must set forth specific facts  
12 and reasons for the placement recommendation. If the evaluation for  
13 placement recommends placement in a facility located in Colorado that  
14 can provide appropriate treatment and that will accept the juvenile, then  
15 the court shall not place the juvenile in a facility outside this state. If the  
16 court places the juvenile in a facility located in Colorado other than one  
17 recommended by the evaluation for placement, in a facility located outside  
18 this state in accordance with the evaluation for placement, or in a facility  
19 in which the average monthly cost exceeds the amount established by the  
20 general assembly in the general appropriation bill, it shall make specific  
21 findings of fact, including the monthly cost of the facility in which ~~such~~  
22 THE juvenile is placed, relating to its placement decision. A copy of ~~such~~  
23 THE findings must be sent to the chief justice of the supreme court, who  
24 shall, notwithstanding section 24-1-136 (11)(a)(I), report monthly to the  
25 joint budget committee and annually to the house and senate committees  
26 on health and human services, or any successor committees, on such  
27 placements. If the court commits the juvenile to the state department of

1 human services, it shall not make a specific placement, nor ~~are the~~  
2 ~~provisions of~~ IS this subsection (5) relating to specific findings of fact  
3 applicable.

4 (b) If the court sentences a juvenile to an out-of-home placement  
5 funded by the state department of human services or any county, or  
6 commits a juvenile to the state department of human services, and the  
7 receiving agency determines that ~~such~~ THE placement or commitment does  
8 not follow the criteria established pursuant to ~~section 19-2-212~~ SECTION  
9 19-2.5-1504, including the placement recommended by the receiving  
10 agency, the receiving agency may, after assessing ~~such~~ THE juvenile's  
11 needs, file a petition with the court for reconsideration of the placement  
12 or commitment. ~~Any such~~ THE petition must be filed not later than ~~thirty~~  
13 THIRTY-FIVE days after the placement or commitment. The court shall hear  
14 ~~such~~ THE petition and enter an order thereon not later than ~~thirty~~  
15 THIRTY-FIVE days after the filing of the petition, and after notice to all  
16 agencies or departments that might be affected by the resolution of the  
17 petition, and after all such agencies or departments have had an  
18 opportunity to participate in the hearing on the petition. Failure of any  
19 such agency or department to appear may be a basis for refusal to accept  
20 a subsequent petition by ~~any such~~ THE agency or department that had an  
21 opportunity to appear and be present at the original petition hearing. The  
22 notification to the parties required pursuant to this subsection (5)(b) must  
23 be made by the petitioning party, and proof of ~~such~~ THE service must be  
24 filed with the court. If the court sentences a juvenile to an out-of-home  
25 placement funded by the county department of human or social services,  
26 temporary legal custody of ~~such~~ THE juvenile must be placed with the  
27 county department of human or social services, and the placement

1 recommended by ~~such~~ THE county department must be accorded great  
2 weight as the placement that most appropriately meets the needs of the  
3 juvenile, the juvenile's family, and the community. Any deviation from  
4 ~~such~~ THE recommendation must be supported by specific findings on the  
5 record of the case detailing the specific extraordinary circumstances that  
6 constitute the reasons for deviations from the placement recommendation  
7 of the county department of human or social services.

8 (6) On and after July 1, 2000, each juvenile who is adjudicated for  
9 commission of an offense that would constitute a sex offense if committed  
10 by an adult or who receives for such offense a deferred adjudication ~~shall~~  
11 ~~be~~ IS required to pay a surcharge to the sex offender surcharge fund, as  
12 provided in section 18-21-103; ~~€:R:S.;~~ except that the judge may waive  
13 payment of all or any portion of ~~such~~ THE surcharge ~~as provided in~~  
14 PURSUANT TO section 18-21-103 (4). ~~€:R:S.~~

15 (7) The juvenile court in each judicial district may implement a  
16 behavioral or mental health disorder screening program to screen juveniles  
17 sentenced pursuant to this ~~part 9~~ PART 11. If the juvenile court chooses to  
18 implement a behavioral or mental health disorder screening program, the  
19 juvenile court shall use the standardized behavioral or mental health  
20 disorder screening developed pursuant to section 16-11.9-102 and conduct  
21 the screening in accordance with procedures established pursuant to ~~said~~  
22 ~~section~~ SECTION 16-11.9-102.

23 **19-2.5-1104. [Formerly 19-2-918] Sentencing - restitution by**  
24 **juvenile.** (1) If the court finds that a juvenile who receives a deferral of  
25 adjudication or who is adjudicated a juvenile delinquent has damaged ~~the~~  
26 A VICTIM'S personal or real property, ~~of a victim,~~ that the victim's personal  
27 property has been lost, or that personal injury has been caused to a victim

1 as a result of the juvenile's delinquent act, the court, in addition to any  
2 other sentence or commitment that it may impose on the juvenile pursuant  
3 to ~~section 19-2-907~~ SECTION 19-2.5-1103, shall enter a sentencing order  
4 requiring the juvenile to make restitution as required by article 18.5 of title  
5 16 and part 6 of article 1.3 of title 18. ~~€R.S.~~

6 (2) Restitution ~~shall~~ MUST be ordered to be paid in a reasonable  
7 manner, as determined by the court and in accordance with article 18.5 of  
8 title 16 and part 6 of article 1.3 of title 18. ~~€R.S.~~

9 **19-2.5-1105. [Formerly 19-2-917] Sentencing - fines.** Except as  
10 otherwise ~~provided in section 19-2-601~~ SET FORTH IN SECTION 19-2.5-1127  
11 for an aggravated juvenile offender, the court may, as the sole punishment  
12 or in addition to any other sentence or commitment specified in ~~section~~  
13 ~~19-2-907~~ SECTION 19-2.5-1103, impose on the juvenile a fine of not more  
14 than three hundred dollars.

15 **19-2.5-1106. Sentencing - probation - supervised community**  
16 **service or work program.** (1) **[Formerly 19-2-913]** Except as otherwise  
17 provided in ~~section 19-2-601~~ SECTION 19-2.5-1127 for an aggravated  
18 juvenile offender:

19 (a) The court may place the juvenile on probation or under  
20 protective supervision in the legal custody of one or both OF THE  
21 JUVENILE'S parents or ~~the~~ guardian under such conditions as the court may  
22 impose;

23 (b) The court may place the juvenile on probation and place the  
24 juvenile in the juvenile intensive supervision program created pursuant to  
25 ~~section 19-2-306~~ SECTION 19-2.5-1509;

26 (c) The court may require as a condition of probation that the  
27 juvenile report for assignment to a supervised work program, place such



1 THE juvenile in a child care facility that ~~shall provide~~ PROVIDES a  
2 supervised work program, or require that the JUVENILE'S custodial parent  
3 or guardian ~~of the juvenile~~ assist the juvenile in participating in a  
4 supervised work program, if:

5 (I) The juvenile is not deprived of the schooling that is appropriate  
6 to ~~his or her~~ THE JUVENILE'S age, needs, and specific rehabilitative goals;

7 (II) The supervised work program is of a constructive nature  
8 designed to promote rehabilitation, is appropriate to the JUVENILE'S age  
9 level and physical ability, ~~of the juvenile~~, and is combined with counseling  
10 from a juvenile probation officer or other guidance personnel; AND

11 (III) The supervised work program assignment is made for a  
12 period of time consistent with the juvenile's best interest, but not  
13 exceeding one hundred eighty days.

14 (2) **[Formerly 19-2-308 (1)]** EXCEPT AS SET FORTH IN SUBSECTION  
15 (1) OF THIS SECTION, as a condition of a deferral of adjudication or of  
16 probation, in conjunction with other dispositional orders, or otherwise, the  
17 court may order the juvenile to participate in a supervised community  
18 service or community work program if the court finds that the program  
19 will promote the purposes of this ~~title~~ TITLE 19 as set forth in section  
20 19-1-102.

21 (3) **[Formerly 19-2-308 (2)]** Participation by the juvenile, or by  
22 both the juvenile and the JUVENILE'S parent or guardian, ~~of the juvenile~~ in  
23 a community service or work program may be ordered in addition to or in  
24 conjunction with an order to pay restitution pursuant to ~~section 19-2-918~~  
25 ~~or 19-2-919~~ SECTION 19-2.5-1104 OR 19-2.5-1110.

26 (4) **[Formerly 19-2-308 (3)]** With the written consent of the victim  
27 of the juvenile's delinquent act, the juvenile, or both the juvenile and the

1     custodial parent, the juvenile's parent who has parental responsibilities, or  
2     the JUVENILE'S guardian ~~of the juvenile~~ may be ordered to perform work  
3     for the victim.

4             (5) **[Formerly 19-2-308 (4)]** Any order issued by the court  
5     pursuant to this section ~~shall~~ MUST be structured to allow the juvenile to  
6     continue regular school attendance and any employment, if appropriate,  
7     and ~~shall~~ MUST be suitable to the JUVENILE'S age and abilities. ~~of the~~  
8     ~~juvenile~~. The amount of community service or work ordered ~~shall~~ MUST  
9     be reasonably related to the seriousness of the juvenile's delinquent act.

10            (6) **[Formerly 19-2-308 (5)]** The court may order any agency or  
11     person supervising a juvenile in a community service or work program to  
12     advise the court concerning the juvenile's participation in the program in  
13     such manner as the court requires.

14            (7) **[Formerly 19-2-308 (6)]** The court may order, as a condition  
15     of probation, that the juvenile be placed out of the home in a residential  
16     child care facility providing a supervised work program or that the  
17     juvenile in such facility report to a supervised work program if the court  
18     finds the following:

19            (a) That the juvenile will not be deprived of the education that is  
20     appropriate to ~~his or her~~ THE JUVENILE'S age, needs, and specific  
21     rehabilitative goals;

22            (b) That the supervised work program is of a constructive nature  
23     designed to promote rehabilitation, is appropriate to the JUVENILE'S age  
24     level and physical ability, ~~of the juvenile~~, and is combined with counseling  
25     from a probation officer or other guidance personnel; and

26            (c) That the supervised work program assignment is made for a  
27     period of time consistent with the juvenile's best interest but not exceeding

1 one hundred eighty days.

2 (8) **[Formerly 19-2-308 (7)]** The probation department of the court  
3 ~~shall be~~ IS responsible for establishing and identifying suitable work  
4 programs and assignments. ~~There shall be cooperation of~~ Boards of county  
5 commissioners, county sheriffs, and political subdivisions ~~in helping~~  
6 SHALL COOPERATE to establish work programs. The cooperation of  
7 suitable nonprofit organizations and other entities may be sought to  
8 establish suitable work programs.

9 (9) **[Formerly 19-2-308 (8)]** For purposes of the "Colorado  
10 Governmental Immunity Act", article 10 of title 24, ~~C.R.S.~~, "public  
11 employee" does not include any juvenile who is ordered to participate in  
12 a work or community service program ~~under~~ PURSUANT TO this section.

13 (10) **[Formerly 19-2-308 (9)]** ~~No~~ A governmental entity or  
14 cooperating nonprofit organization ~~shall be~~ IS NOT liable ~~under~~ PURSUANT  
15 TO the "Workers' Compensation Act of Colorado", articles 40 to 47 of title  
16 8, ~~C.R.S.~~, or ~~under~~ PURSUANT TO the "Colorado Employment Security  
17 Act", articles 70 to 82 of title 8, ~~C.R.S.~~, for any benefits on account of any  
18 juvenile who is ordered to participate in a work or community service  
19 program ~~under~~ PURSUANT TO this section, but nothing in this subsection  
20 ~~(9) shall prohibit~~ SUBSECTION (10) PROHIBITS a governmental entity or  
21 cooperating nonprofit organization from electing to accept the provisions  
22 of the "Workers' Compensation Act of Colorado" by purchasing and  
23 keeping in force a policy of workers' compensation insurance covering  
24 ~~such~~ THE person.

25 (11) **[Formerly 19-2-308 (10)]** ~~Any~~ A general public liability  
26 insurance policy obtained to cover juveniles performing work or  
27 community service pursuant to this section and to provide coverage for

1 injuries caused to or by juveniles performing work or community service  
2 pursuant to this section ~~shall~~ MUST be in a sum of not less than the current  
3 limit on government liability under the "Colorado Governmental  
4 Immunity Act", article 10 of title 24. ~~C.R.S.~~

5 **19-2.5-1107. [Formerly 19-2-926] Juvenile probation officers -**  
6 **powers and duties.** (1) A juvenile probation ~~officers~~ OFFICER appointed  
7 ~~under the provisions of section 19-2-204~~ PURSUANT TO SECTION  
8 19-2.5-1506 shall ~~make such investigations~~ INVESTIGATE and keep written  
9 records ~~thereof~~ OF SUCH INVESTIGATIONS as the court may direct.

10 (2) When ~~any~~ A juvenile is placed on probation, the juvenile  
11 probation officer shall give the juvenile a written statement of the terms  
12 and conditions of ~~his or her~~ THE JUVENILE'S probation and shall explain  
13 fully ~~such~~ THE terms and conditions to ~~him or her~~ THE JUVENILE, unless  
14 ~~such~~ THE COURT GAVE AND EXPLAINED THE statement ~~has been given him~~  
15 ~~or her and explanation made by the court~~ TO THE JUVENILE pursuant to  
16 ~~section 19-2-925~~ SECTION 19-2.5-1108.

17 (3) (a) Each juvenile probation officer shall keep informed as to  
18 the condition and conduct of each juvenile placed under ~~his or her~~ THE  
19 JUVENILE PROBATION OFFICER'S supervision and shall report ~~thereon~~ to the  
20 court as ~~it may direct~~ DIRECTED.

21 (b) Each juvenile probation officer shall use all suitable methods,  
22 including counseling, to aid each juvenile under ~~his or her~~ THE JUVENILE  
23 PROBATION OFFICER'S supervision and shall perform such other duties in  
24 connection with the care and custody of juveniles as the court may direct.

25 (c) Each juvenile probation officer shall keep complete records of  
26 all work done, as well as complete accounts of all money collected from  
27 those under supervision.

1 (4) A juvenile probation ~~officers~~ OFFICER, for the purpose of  
2 performing ~~their~~ THE JUVENILE PROBATION OFFICER'S duties, ~~shall have~~  
3 HAS all the powers of A peace ~~officers~~ OFFICER, as described in sections  
4 16-2.5-101 and 16-2.5-138. ~~C.R.S.~~

5 (5) (a) When a juvenile probation officer learns that a juvenile  
6 under ~~his or her~~ THE JUVENILE PROBATION OFFICER'S supervision has  
7 changed ~~his or her~~ residence to another county, temporarily or  
8 permanently, ~~such~~ THE JUVENILE PROBATION officer shall immediately  
9 notify the court.

10 (b) If, after ~~such notification~~ THE COURT IS NOTIFIED PURSUANT TO  
11 SUBSECTION (5)(a) OF THIS SECTION, the court determines that it is in the  
12 best interest of the juvenile to transfer jurisdiction to the court in the  
13 county in which the juvenile resides or is to reside, the court shall  
14 immediately notify such court and shall enter an order transferring  
15 jurisdiction to such court. The court transferring jurisdiction pursuant to  
16 this ~~paragraph (b)~~ SUBSECTION (5)(b) shall transmit all documents and  
17 legal and social records, or certified copies thereof, to the receiving court,  
18 together with the order transferring jurisdiction. The receiving court shall  
19 proceed with the case as if the petition had been originally filed in said  
20 court.

21 **19-2.5-1108. [Formerly 19-2-925] Probation - terms - release -**  
22 **revocation - graduated responses system - rules - report - definition.**

23 (1) (a) The terms and conditions of probation must be specified by rules  
24 or orders of the court. The court, as a condition of probation for a juvenile  
25 who is ten years of age or older but less than eighteen years of age on the  
26 date of the sentencing hearing, may impose a commitment or detention.  
27 The aggregate length of any such commitment or detention, whether

1 continuous or at designated intervals, must not exceed forty-five days;  
2 except that such limit does not apply to any placement out of the home  
3 through a county department of human or social services. Each juvenile  
4 placed on probation must be given a written statement of the terms and  
5 conditions of ~~his or her~~ THE JUVENILE'S probation and have the terms and  
6 conditions fully explained. ~~to him or her.~~

7 (b) The court, as a condition of probation for a youth eighteen  
8 years of age or older at the time of sentencing for delinquent acts  
9 committed prior to ~~his or her~~ THE YOUTH'S eighteenth birthday, may  
10 impose as a condition of probation a sentence to the county jail that ~~shall~~  
11 MUST not exceed ninety days; except that ~~such~~ THE sentence may be for  
12 a period of up to one hundred eighty days if the court orders the youth  
13 released for school attendance, job training, or employment.

14 (2) (a) Conditions of probation ~~shall~~ MUST be customized to each  
15 juvenile based on the guidelines developed by the committee on juvenile  
16 justice reform pursuant to section 24-33.5-2402. The court shall, as  
17 minimum conditions of probation, order that the juvenile:

18 (I) Not violate any federal or state statutes, municipal ordinances,  
19 or orders of the court;

20 (II) Not use or possess a firearm, a dangerous or illegal weapon,  
21 or an explosive or incendiary device, unless granted written permission by  
22 the court or probation officer;

23 (III) Report to a probation officer at reasonable times as directed  
24 by the court or probation officer;

25 (IV) Permit the probation officer to visit the juvenile at reasonable  
26 times at ~~his or her~~ THE JUVENILE'S home or elsewhere;

27 (V) Remain within the jurisdiction of the court, unless granted

1 permission to leave by the court or the probation officer;

2 (VI) Answer all reasonable inquiries by the probation officer and  
3 promptly notify the probation officer of any change in address or  
4 employment;

5 (VII) Make restitution as ordered by the court;

6 (VIII) Pay the victim compensation fee as ordered by the court;

7 (IX) Pay the surcharge levied pursuant to section 24-4.2-104  
8 (1)(a)(I); and

9 (X) May be evaluated to determine whether the juvenile would be  
10 suitable for restorative justice practices that would be a part of the  
11 juvenile's probation program; except that the court may not order  
12 participation in restorative justice practices if the juvenile was adjudicated  
13 a delinquent for unlawful sexual behavior, as defined in section 16-22-102  
14 (9); a crime in which the underlying factual basis involves domestic  
15 violence, as defined in section 18-6-800.3 (1); stalking, as defined in  
16 section 18-3-602; or violation of a protection order, as defined in section  
17 18-6-803.5.

18 (b) The court shall use the results from a validated risk and needs  
19 assessment adopted by the juvenile justice reform committee pursuant to  
20 ~~section 24-33.5-2402 (1)(b)~~ SECTION 24-33.5-2402 to inform the court of  
21 additional conditions of probation, as necessary.

22 (3) (a) The court may periodically review the terms and conditions  
23 of probation and the progress of each juvenile placed on probation.  
24 Counsel for the juvenile does not have to be present at any probation  
25 review hearing unless notified by the court that a petition to revoke  
26 probation has been filed.

27 (b) The court may release a juvenile from probation prior to the

1 completion of ~~his or her~~ THE JUVENILE'S term of probation, pursuant to  
2 ~~section 19-2-925~~ THIS SECTION, or modify the terms and conditions of ~~his~~  
3 ~~or her~~ THE JUVENILE'S probation at any time, but ~~any~~ A juvenile who has  
4 complied satisfactorily with the terms and conditions of ~~his or her~~ THE  
5 JUVENILE'S probation for a period of two years ~~shall~~ MUST be released  
6 from probation and the jurisdiction of the court ~~shall be~~ terminated.

7 (4) Before January 1, 2021, the state court administrator shall  
8 establish rules to develop a statewide system of structured  
9 community-based graduated responses, including incentives and  
10 sanctions, to guide probation officers in determining how best to motivate  
11 positive juvenile behavior change and the appropriate response to a  
12 violation of terms and conditions of juvenile probation. "Graduated  
13 responses" means an accountability-based series of sanctions and services  
14 designed to respond to a juvenile's violation of probation quickly,  
15 consistently, and proportionally and incentives to motivate positive  
16 behavior change and successful completion of probation and ~~his or her~~  
17 treatment goals. Juvenile probation shall adopt and use a state juvenile  
18 graduated responses and incentives system developed pursuant to this  
19 subsection (4) or develop and use a locally developed system that is  
20 aligned to best practices. Policies and procedures for the graduated  
21 responses system must:

22 (a) Include incentives that encourage the completion of treatment  
23 milestones as well as compliance with the terms and conditions of a  
24 juvenile's probation and that reward behavior aligned with the  
25 expectations of supervision and the juvenile's case plan; and

26 (b) Require that a response to a juvenile's violation of the terms  
27 and conditions of ~~his or her~~ THE JUVENILE'S supervision take into



1 consideration:

2 (I) The JUVENILE'S risk ~~of the juvenile~~ to reoffend, as determined  
3 by the results of a validated risk and needs assessment;

4 (II) The previous history of violations and the underlying cause of  
5 the juvenile's behavior leading to the violation;

6 (III) The severity of the current violation;

7 (IV) The juvenile's case plan; and

8 (V) The JUVENILE'S previous responses ~~by the juvenile~~ to past  
9 violations.

10 (5) Whenever a probation office has reasonable cause to believe  
11 that a juvenile has committed a violation of the terms and conditions of  
12 probation and that graduated responses developed pursuant to subsection  
13 (4) of this section have previously been applied, or when the nature of the  
14 violation poses a substantial risk of serious harm to others, the probation  
15 officer, following the approval of ~~his or her~~ THE chief probation officer or  
16 the chief's designee, shall petition the court for revocation and shall file  
17 written information with the court concerning the juvenile's violation  
18 behavior history and the responses applied ~~pursuant to~~ USING the  
19 graduated response system DEVELOPED pursuant to subsection (4) of this  
20 section.

21 (6) Unless there is reason to believe that a juvenile would not  
22 appear, would interfere with the juvenile justice process, or poses  
23 substantial risk of serious harm to others, THE probation ~~officers~~ OFFICER  
24 shall issue a summons, or other method approved by local court rule,  
25 rather than a warrant when filing a petition for revocation.

26 (7) The state court administrator shall collect data related to the  
27 use of the graduated responses and incentives system DEVELOPED

1 PURSUANT TO SUBSECTION (4) OF THIS SECTION and report ~~this~~ THE data  
2 annually to the judiciary committees of the senate and house of  
3 representatives, the health and human services committee of the senate,  
4 and the public health care and human services committee of the house of  
5 representatives, or any successor committees, and the chief justice of the  
6 Colorado supreme court. Notwithstanding ~~the provisions of~~ section  
7 24-1-136 (11)(a)(I), the reports to the committees continue indefinitely.  
8 Data collected by the state court administrator must include, at a  
9 minimum, the types of responses and incentives that were issued, the  
10 number of formal violations filed, and the behavior resulting in the  
11 violation.

12 (8) (a) When it is alleged that a juvenile has violated the terms and  
13 conditions of ~~his or her~~ probation, and graduated responses have been  
14 imposed and exhausted, pursuant to ~~subsection (7)~~ SUBSECTION (5) of this  
15 section, the court shall set a hearing on the alleged violation and shall give  
16 notice to the juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian, or  
17 other legal custodian and any other parties to the proceeding as provided  
18 in ~~section 19-2-514~~ SECTION 19-2.5-501.

19 (b) The juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian,  
20 or other legal custodian ~~shall~~ MUST be given a written statement  
21 concerning the alleged violation, and ~~shall~~ have the right to be represented  
22 by counsel at the hearing, and ~~shall be~~ ARE entitled to the issuance of  
23 compulsory process for the attendance of witnesses.

24 (c) When the juvenile has been taken into custody because of the  
25 alleged violation, ~~the provisions of sections 19-2-507, 19-2-507.5, and~~  
26 ~~19-2-508~~ SECTIONS 19-2.5-303, 19-2.5-304, AND 19-2.5-305 apply.

27 (d) (I) The hearing on the alleged violation ~~shall~~ MUST be

1 conducted ~~as provided in~~ PURSUANT TO section 19-1-106.

2 (II) ~~Subject to the provisions of section 19-2-907~~ PURSUANT TO  
3 SECTION 19-2.5-1103, if the court finds that the juvenile violated the terms  
4 and conditions of probation, it may modify the terms and conditions of  
5 probation, revoke probation, or take such other action permitted by this  
6 ~~article 2~~ ARTICLE 2.5 that is in the best interest of the juvenile and the  
7 public.

8 (III) If the court finds that the juvenile did not violate the terms  
9 and conditions of ~~his or her~~ probation as alleged, it shall dismiss the  
10 proceedings and continue the juvenile on probation under the terms and  
11 conditions previously prescribed.

12 (e) If the court revokes the probation of a person ~~over~~ eighteen  
13 years of age OR OLDER, in addition to other action permitted by this ~~article~~  
14 ~~2~~ ARTICLE 2.5, the court may sentence ~~him or her~~ THE PERSON to the  
15 county jail for a period not to exceed one hundred eighty days, during  
16 which time ~~he or she~~ THE PERSON may be released during the day for  
17 school attendance, job training, or employment, as ordered by the court;  
18 except that, if the sentence imposed exceeds ninety days, the court shall  
19 order the person released for school attendance, job training, or  
20 employment while serving ~~his or her~~ THE sentence.

21 (9) Following specification of the terms and conditions of  
22 probation, where the conditions of probation include requiring the juvenile  
23 to attend school, the court shall notify the school district in which the  
24 juvenile is enrolled of ~~such~~ THE requirement.

25 **19-2.5-1109. [Formerly 19-2-925.2] Juvenile probation**  
26 **standards - development.** (1) Before July 1, 2021, the state court  
27 administrator, in consultation with judges, the judicial branch, district

1 attorneys, defense counsel, the delivery of ~~the~~ child welfare services task  
2 force created in section 26-5-105.8, and other interested parties shall  
3 establish statewide standards for juvenile probation supervision and  
4 services that are aligned with research-based practices and based on the  
5 juvenile's risk of reoffending, as determined by a validated risk and needs  
6 assessment tool adopted pursuant to section 24-33.5-2402. The state court  
7 administrator shall at least annually provide training to juvenile probation  
8 on the adoption and implementation of these standards. Juvenile standards  
9 must include, but need not be limited to:

10 (a) Guidelines to support juvenile probation in adopting the most  
11 effective staffing and workloads in order to allocate probation resources  
12 most appropriately;

13 (b) Standards for minimum case contacts, including contacts with  
14 juveniles as well as their family members;

15 (c) (I) Common elements for written individualized case plans for  
16 each juvenile placed under the supervision of a probation officer. In  
17 developing such a case plan, juvenile probation shall use, but need not be  
18 limited to:

19 (A) The results of a validated risk and needs assessment;

20 (B) The results of a validated BEHAVIORAL OR mental health  
21 screening, and full assessment if conducted;

22 (C) The trauma, if any, experienced by the juvenile;

23 (D) The JUVENILE'S education level ~~of the juvenile~~ and any  
24 intellectual and developmental disability;

25 (E) The seriousness of the offense committed by the juvenile; and

26 (F) Any relevant information provided by the JUVENILE'S family,  
27 ~~of the juvenile~~, including the JUVENILE'S pro-social interests. ~~of the~~

1 juvenile.

2 (II) A case plan developed pursuant to this section must:

3 (A) Address the risks the juvenile presents and the juvenile's  
4 service needs based on the results of the validated risk and needs  
5 assessment, including specific treatment goals;

6 (B) Specify the level of supervision and intensity of services that  
7 the juvenile ~~shall~~ MUST receive;

8 (C) Provide referrals to treatment providers that may address the  
9 juvenile's risks and needs;

10 (D) Be developed in consultation with the juvenile and the  
11 juvenile's family or guardian;

12 (E) Specify the responsibilities of each person or agency involved  
13 with the juvenile; and

14 (F) Provide for the full reentry of the juvenile into the community;

15 (d) (I) Criteria and policies for the early termination of juveniles  
16 ~~under the supervision of juvenile~~ THE JUVENILE'S SUPERVISED probation;

17 (II) Juvenile probation and the juvenile court shall consider the  
18 following factors, among others, in determining the early termination of  
19 supervision:

20 (A) The seriousness of the offense committed by the juvenile  
21 resulting in placement under the supervision of a probation officer;

22 (B) The results of a validated risk and needs assessment, which  
23 ~~shall~~ MUST be conducted at least every six months to determine whether  
24 the juvenile's risk of reoffending or risk scores in key domains have been  
25 reduced;

26 (C) The juvenile's progress in meeting the goals of the juvenile's  
27 individualized case plan; and

1 (D) The juvenile's offense history, if any, during the juvenile's  
2 probation term.

3 (e) Common criteria for when juvenile probation officers may  
4 recommend the use of out-of-home placements and commitment to the  
5 division of youth services. The court shall consider the results of a  
6 validated risk and needs assessment, a validated mental health screening,  
7 and, if applicable, a full BEHAVIORAL AND mental health assessment  
8 conducted pursuant to section 24-33.5-2402 to make decisions concerning  
9 the JUVENILE'S placement. ~~of the juvenile.~~

10 **19-2.5-1110. [Formerly 19-2-919] Sentencing - requirements**  
11 **imposed on parents - definition.** (1) In addition to any ~~of the provisions~~  
12 REQUIREMENTS specified in ~~sections 19-2-907 to 19-2-918~~ SECTIONS  
13 19-2.5-1103 TO 19-2.5-1106, 19-2.5-1111 TO 19-2.5-1115, 19-2.5-1117,  
14 19-2.5-1118, 19-2.5-1123, AND 19-2.5-1126 any sentence imposed  
15 pursuant to ~~section 19-2-907~~ SECTION 19-2.5-1103 may require:

16 (a) The juvenile or both the juvenile and ~~his or her~~ THE JUVENILE'S  
17 parent or guardian to perform volunteer service in the community  
18 designed to contribute to the JUVENILE'S rehabilitation ~~of the juvenile~~ or  
19 to the ability of the parent or guardian to provide proper parental care and  
20 supervision of the juvenile;

21 (b) The JUVENILE'S parent or guardian ~~of a juvenile~~ or both the  
22 parent or guardian and the juvenile to attend the parental responsibility  
23 training program described in ~~section 19-2-304~~ SECTION 19-2.5-1511. The  
24 court may make reasonable orders requiring proof of completion of ~~such~~  
25 THE training course within a certain time period and may provide that any  
26 violation of such orders ~~shall subject~~ SUBJECTS the parent or guardian to  
27 the contempt sanctions of the court.

1 (c) The juvenile or both the juvenile and ~~his or her~~ THE JUVENILE'S  
2 custodial parent or parent with parental responsibilities or guardian to  
3 perform services for the victim ~~as provided in section 19-2-308~~ PURSUANT  
4 TO SECTION 19-2.5-1106, designed to contribute to the JUVENILE'S  
5 rehabilitation, ~~of the juvenile~~, if the victim consents in writing to such  
6 services. However, the value of the services required to be rendered by the  
7 parent, guardian, legal custodian of, or parent with parental  
8 responsibilities with respect to the juvenile ~~under this paragraph (c)~~ shall  
9 PURSUANT TO THIS SUBSECTION (1)(c) MUST not exceed twenty-five  
10 thousand dollars for any one delinquent act.

11 (2) In addition to any sentence imposed pursuant to ~~section~~  
12 ~~19-2-907~~ SECTION 19-2.5-1103 or subsection (1) of this section and  
13 regardless of whether the court orders the juvenile to pay restitution  
14 pursuant to ~~section 19-2-918~~ SECTION 19-2.5-1104, the court may order:

15 (a) The JUVENILE'S guardian or legal custodian ~~of the juvenile~~ or  
16 the parent allocated parental responsibilities with respect to the juvenile  
17 to make restitution to one or more victims pursuant to the terms and  
18 conditions set forth in this subsection (2); except that the liability of the  
19 JUVENILE'S guardian or legal custodian ~~of the juvenile~~ or parent allocated  
20 parental responsibilities with respect to the juvenile ~~under~~ PURSUANT TO  
21 this subsection (2) shall MUST not exceed twenty-five thousand dollars for  
22 any one delinquent act. If the court finds, after a hearing, that the  
23 JUVENILE'S guardian or legal custodian ~~of the juvenile~~ or the parent  
24 allocated parental responsibilities with respect to the juvenile has made  
25 diligent, good faith efforts to prevent or discourage the juvenile from  
26 engaging in delinquent activity, the court shall absolve the guardian or  
27 legal custodian or parent allocated parental responsibilities with respect

1 to the juvenile of liability for restitution ~~under~~ PURSUANT TO this  
2 subsection (2).

3 (b) The juvenile's parent, so long as the parent is a party to the  
4 delinquency proceedings, to make restitution to one or more victims  
5 pursuant to the terms and conditions set forth in this ~~paragraph (b)~~  
6 SUBSECTION (2)(b); except that the liability of the juvenile's parent ~~under~~  
7 ~~this paragraph (b) shall~~ PURSUANT TO THIS SUBSECTION (2)(b) MUST not  
8 exceed the amount of twenty-five thousand dollars for any one delinquent  
9 act. Notwithstanding the ~~provisions~~ REQUIREMENTS of this subsection (2),  
10 the court may not enter an order of restitution against a juvenile's parent  
11 unless the court, prior to entering the order of restitution, holds a  
12 restitution hearing at which the juvenile's parent is present. If the court  
13 finds, after the hearing, that the juvenile's parent has made diligent, good  
14 faith efforts to prevent or discourage the juvenile from engaging in  
15 delinquent activity, the court shall absolve the parent of liability for  
16 restitution ~~under this paragraph (b)~~ PURSUANT TO THIS SUBSECTION (2)(b).  
17 For purposes of this ~~paragraph (b)~~ SUBSECTION (2)(b), "parent" is defined  
18 in ~~section 19-1-103 (82)(a)~~ SECTION 19-1-103.

19 (3) ~~Any~~ AN order of restitution entered pursuant to this section  
20 may be collected pursuant to ~~the provisions of~~ article 18.5 of title 16.  
21 ~~C.R.S.~~

22 **19-2.5-1111. [Formerly 19-2-914] Sentencing - community**  
23 **accountability program.** Except as otherwise ~~provided in section~~  
24 ~~19-2-601~~ REQUIRED BY SECTION 19-2.5-1127, the court may sentence the  
25 juvenile to participate in the community accountability program as set  
26 forth in ~~section 19-2-309.5~~ SECTION 19-2.5-1510. Such a sentence is a  
27 condition of probation for higher-risk juveniles who would have otherwise



1 been sentenced to detention or out-of-home placement or committed to the  
2 department of human services. A sentence pursuant to this section is  
3 conditioned on the availability of space in the community accountability  
4 program and on a determination by the division of youth services that the  
5 juvenile's participation in the program is appropriate. In the event that the  
6 division of youth services determines the program is at maximum capacity  
7 or that a juvenile's participation is not appropriate, the juvenile must be  
8 ordered to return to the sentencing court for another sentencing hearing.

9 **19-2.5-1112. [Formerly 19-2-912] Sentencing - placement with**  
10 **relative.** Except as otherwise ~~provided in section 19-2-601~~ REQUIRED BY  
11 SECTION 19-2.5-1127 for an aggravated juvenile offender, the court may  
12 place the juvenile in the legal custody of a relative or other suitable person  
13 under such conditions as the court may impose, which may include  
14 placing the juvenile on probation ~~as provided in section 19-2-913~~  
15 PURSUANT TO SECTION 19-2.5-1106 or under protective supervision.

16 **19-2.5-1113. [Formerly 19-2-911 (1)] Sentencing - alternative**  
17 **services - detention.** Except as otherwise ~~provided in section 19-2-601~~  
18 REQUIRED BY SECTION 19-2.5-1127 for an aggravated juvenile offender  
19 and except as ~~provided in subsection (2) of this section~~ REQUIRED BY  
20 SECTION 19-2.5-1123, the court may sentence the juvenile to alternative  
21 services funded through ~~section 19-2-212~~ SECTION 19-2.5-1504 or other  
22 alternative services programs. If a juvenile who is thirteen years of age or  
23 older fails to make satisfactory progress in the alternative services to  
24 which ~~he or she~~ THE JUVENILE is sentenced or if the court finds that a  
25 sentence to alternative services would be contrary to the community  
26 interest, the court may sentence ~~any~~ A juvenile adjudicated for an offense  
27 that would constitute a class 3, class 4, class 5, or class 6 felony or a

1 misdemeanor weapons charge if committed by an adult to detention for a  
2 period not to exceed forty-five days. Release for purposes of work,  
3 therapy, education, or other good cause may be granted by the court. The  
4 court may not sentence to detention ~~any~~ A juvenile adjudicated for an  
5 offense that would constitute a class 1 or class 2 felony if committed by  
6 an adult.

7 **19-2.5-1114. [Formerly 19-2-916] Sentencing - placement based**  
8 **on special needs of the juvenile.** (1) Except as otherwise ~~provided in~~  
9 ~~section 19-2-601~~ REQUIRED BY SECTION 19-2.5-1127 for an aggravated  
10 juvenile offender, the court may order that the juvenile be examined or  
11 treated by a physician, surgeon, psychiatrist, or psychologist or that ~~he or~~  
12 ~~she~~ THE JUVENILE receive other special care and may place the juvenile in  
13 a hospital or other suitable facility for such purposes; except that ~~no~~ A  
14 juvenile may NOT be placed in a BEHAVIORAL OR mental health facility  
15 operated by the department of human services until the juvenile has  
16 received a BEHAVIORAL OR mental health ~~hospital~~ placement prescreening  
17 resulting in a recommendation that the juvenile be placed in a facility for  
18 an evaluation pursuant to section 27-65-105 or 27-65-106, or a hearing has  
19 been held by the court after notice to all parties, including the department  
20 of human services. An order for a seventy-two-hour treatment and  
21 evaluation ~~shall~~ MUST not be entered unless a hearing is held and evidence  
22 indicates that the prescreening report is inadequate, incomplete, or  
23 incorrect and that competent professional evidence is presented by a  
24 BEHAVIORAL OR mental health professional that indicates that the juvenile  
25 has a behavioral or mental health disorder. The court shall make, prior to  
26 the hearing, ~~such~~ orders regarding temporary custody of the juvenile as are  
27 deemed appropriate.

1           (2) Placement in any BEHAVIORAL OR mental health facility  
2 operated by the department of human services ~~shall~~ MUST continue for  
3 such time as ordered by the court or until the professional person in charge  
4 of the juvenile's treatment concludes that the treatment or placement is no  
5 longer appropriate. If placement or treatment is no longer deemed  
6 appropriate, the court ~~shall~~ MUST be notified and a hearing held for further  
7 disposition of the juvenile within five days excluding Saturdays, Sundays,  
8 and legal holidays. The court shall make, prior to the hearing, ~~such~~ orders  
9 regarding temporary custody of the juvenile as are deemed appropriate.

10           **19-2.5-1115. [Formerly 19-2-915] Sentencing - legal custody -**  
11 **county department of human or social services.** Except as otherwise  
12 ~~provided in section 19-2-601~~ REQUIRED BY SECTION 19-2.5-1127 for an  
13 aggravated juvenile offender, the court, following the criteria for  
14 out-of-home placement established pursuant to ~~section 19-2-212~~ SECTION  
15 19-2.5-1504, may place legal custody of the juvenile in the county  
16 department of human or social services.

17           **19-2.5-1116. [Formerly 19-2-906.5] Orders - community**  
18 **placement - reasonable efforts required - reviews.** (1) If the court  
19 orders legal custody of a juvenile to a county department of human or  
20 social services pursuant to ~~the provisions of this article 2~~ THIS ARTICLE  
21 2.5, the order must contain specific findings as follows:

22           (a) Whether placement of the juvenile out of the home would be  
23 in the juvenile's and the community's best interests;

24           (b) Whether reasonable efforts have been made to prevent or  
25 eliminate the need for removal of the juvenile from the home, whether it  
26 is reasonable that such efforts are not made because an emergency  
27 situation exists that requires the immediate removal of the juvenile from

1 the home, or whether such efforts are not required because of  
2 circumstances described in section 19-1-115 (7); and

3 ~~(c) (Deleted by amendment, L. 2006, p. 508, § 3, effective April~~  
4 ~~18, 2006.)~~

5 ~~(d)~~ (c) Whether reasonable efforts have been made to identify kin  
6 or a suitable adult with whom to place the juvenile.

7 ~~(1.5)~~ (2) For all hearings and reviews concerning the juvenile, the  
8 court shall ensure that notice is provided to the juvenile and to the  
9 following persons with whom the juvenile is placed:

10 (a) Foster parents;

11 (b) Pre-adoptive parents;

12 (c) Relatives; or

13 (d) Kin, as defined in ~~section 19-1-103 (71.3)~~ SECTION 19-1-103.

14 ~~(2)~~ (3) (a) Every six months after the sentencing hearing ~~provided~~  
15 ~~in section 19-2-906~~ HELD PURSUANT TO SECTION 19-2.5-1102, the court  
16 shall hold a hearing to review ~~any~~ AN order of community placement or,  
17 if there is no objection by ~~any~~ A party to the action, the court may require  
18 the department of human services to conduct an administrative review.  
19 The entity scheduling the review shall provide notice of the review to the  
20 juvenile; the juvenile's parents or guardian; any service providers working  
21 with the juvenile; the juvenile's guardian ad litem, if one has been  
22 appointed; and all attorneys of record to allow appearances of any of said  
23 persons at the review. At the review conducted pursuant to this ~~subsection~~  
24 ~~(2)~~ SUBSECTION (3), the reviewing entity shall determine WHETHER:

25 (I) ~~Whether~~ Continued community placement is in the best  
26 interests of the juvenile and the community;

27 (II) ~~Whether~~ The juvenile's safety is protected in the community

1 placement;

2 (III) ~~Whether~~ Reasonable efforts have been made to return the  
3 juvenile to the home or ~~whether~~ the juvenile should be permanently  
4 removed from ~~his or her~~ THE home;

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; and

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.

14 (b) If the juvenile resides in ~~a placement out of state~~ AN  
15 OUT-OF-STATE PLACEMENT, the entity conducting the review shall make  
16 a determination that the out-of-state placement continues to be appropriate  
17 and in the best interests of the juvenile.

18 (c) ~~(Deleted by amendment, L. 2001, p. 844, § 5, effective June 1,~~  
19 ~~2001.)~~

20 ~~(3)~~ (4) (a) If the juvenile is in the legal custody of a county  
21 department of human or social services and is placed in a community  
22 placement for a period of twelve months or longer, the district court,  
23 another court of competent jurisdiction, or an administrative body  
24 appointed or approved by the court that is not under the COUNTY  
25 DEPARTMENT'S supervision ~~of the department~~ shall conduct a permanency  
26 hearing within said twelve months and every twelve months thereafter for  
27 as long as the juvenile remains in community placement. At the

1 permanency hearing, the entity conducting the hearing shall ~~make the~~  
2 ~~following determinations~~ DETERMINE WHETHER:

3 (I) ~~Whether~~ Continued community placement is in the best  
4 interests of the juvenile and the community;

5 (II) ~~Whether~~ The juvenile's safety is protected in the community  
6 placement;

7 (III) ~~Whether~~ Reasonable efforts have been made to finalize the  
8 juvenile's permanency plan that is in effect at that time;

9 (IV) ~~Whether~~ Continued community placement is necessary and  
10 appropriate;

11 (V) ~~Whether~~ There has been compliance with the juvenile's case  
12 plan;

13 (VI) ~~Whether~~ Progress has been made toward alleviating or  
14 mitigating the causes that necessitated the community placement;

15 (VII) ~~Whether~~ There is a date projected by which the juvenile will  
16 be returned and safely maintained in ~~his or her~~ THE home, placed for legal  
17 guardianship, or placed in a planned permanent living arrangement; and

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

22 (b) If the juvenile resides in a ~~placement out of state~~ AN  
23 OUT-OF-STATE PLACEMENT, the entity conducting the review shall make  
24 a determination that the out-of-state placement continues to be appropriate  
25 and in the best interests of the juvenile.

26 (c) ~~(Deleted by amendment, L. 2001, p. 844, § 5, effective June 1,~~  
27 ~~2001.)~~

1           ~~(d)~~(c) The entity conducting the permanency hearing shall consult  
2 with the juvenile, in an age-appropriate manner, concerning the juvenile's  
3 permanency plan.

4           **19-2.5-1117. Sentencing - commitment to the department of**  
5 **human services - definitions.** (1) [Formerly 19-2-909 (1)] (a) Except as  
6 otherwise ~~provided in sections 19-2-601 and 19-2-921~~ REQUIRED IN  
7 SUBSECTION (6) OF THIS SECTION AND SECTION 19-2.5-1127 for an  
8 aggravated juvenile offender, the court may commit a juvenile to the  
9 department of human services for a determinate period of up to two years  
10 if the juvenile is adjudicated for an offense that would constitute a felony  
11 or a misdemeanor if committed by an adult; except that, if the juvenile is  
12 younger than twelve years of age and is not adjudicated an aggravated  
13 juvenile offender, the court may commit the juvenile to the department of  
14 human services only if the juvenile is adjudicated for an offense that  
15 would constitute a class 1, class 2, or class 3 felony if committed by an  
16 adult.

17           (b) Any commitment to the department of human services pursuant  
18 to ~~section 19-2-601 or paragraph (a) of this subsection (1)~~ shall SECTION  
19 19-2.5-1127 OR SUBSECTION (1)(a) OF THIS SECTION MUST be followed by  
20 a mandatory period of parole of six months, unless the period of parole is  
21 extended by the juvenile parole board pursuant to ~~section 19-2-1002 (5)~~  
22 SECTION 19-2.5-1203 (5).

23           (c) For purposes of this section:

24           (I) "Determinate period" is defined in ~~section 19-1-103 (40.5)~~  
25 SECTION 19-2.5-102.

26           (II) "Period of parole" means the period between the parole period  
27 start date and the parole period end date as determined by the juvenile

1 parole board. The period of parole applies to both mandatory six-month  
2 parole and extended parole pursuant to ~~section 19-2-1002 (5)~~ SECTION  
3 19-2.5-1203 (5). The period of parole continues unless the juvenile is  
4 deemed to be on escape status, parole has been suspended pursuant to  
5 ~~section 19-2-1002~~ SECTION 19-2.5-1203, or the juvenile returns to  
6 commitment status pursuant to ~~section 19-2-1004~~ SECTION 19-2.5-1206.  
7 In such circumstances, the period of parole stops until the juvenile has  
8 returned to parole status.

9 (2) **[Formerly 19-2-909 (2) and (3)]** Any A juvenile committed to  
10 the department of human services may be placed in the Lookout Mountain  
11 school, the Mount View school, or any other training school or facility, or  
12 any other disposition may be made that the department may determine as  
13 provided by law.

14 (3) ~~(Deleted by amendment, L. 2008, p. 1106, § 12, effective July~~  
15 ~~1, 2008.)~~

16 (3) **[Formerly 19-2-921 (1)]** (a) When a juvenile is committed to  
17 the department of human services, the court shall transmit, with the  
18 commitment order, a copy of the petition, the order of adjudication, copies  
19 of the social study, any clinical or educational reports, and other  
20 information pertinent to the JUVENILE'S care and treatment. ~~of the juvenile.~~

21 (b) The department of human services shall provide the court with  
22 any information concerning a juvenile committed to its care that the court  
23 at any time may require.

24 (4) **[Formerly 19-2-921 (1.5)]** (a) When a court commits a  
25 juvenile to the state department of human services pursuant to this ~~article~~  
26 ~~2~~ ARTICLE 2.5, the court shall make the following specific determinations:

27 (I) Whether placement of the juvenile outside the home would be



1 in the juvenile's and community's best interest; and

2 (II) Whether reasonable efforts have been made to prevent or  
3 eliminate the need for removal of the juvenile from the home; whether it  
4 is reasonable that such efforts are not made because an emergency  
5 situation exists that requires the immediate removal of the juvenile from  
6 the home; or whether such efforts are not required because of  
7 circumstances described in section 19-1-115 (7).

8 (III) HOW to assist in the evaluation of the impact of Colorado's  
9 implementation of the federal "Family First Prevention Services Act" on  
10 the state's juvenile justice system and make a finding of whether the lack  
11 of available and appropriate congregate care placements is a contributing  
12 factor in committing a juvenile to the division of youth services.

13 (b) If a juvenile is making a transition from the legal custody of a  
14 county department of human or social services to commitment with the  
15 state department of human services, the court shall conduct a permanency  
16 hearing in combination with the sentencing hearing. The court shall  
17 consider multidisciplinary recommendations for sentencing and  
18 permanency planning. In conducting such a permanency hearing, the court  
19 shall make determinations pursuant to ~~section 19-2-906.5 (3)(a)~~ SECTION  
20 19-2.5-1116 (4)(a).

21 (5) **[Formerly 19-2-921 (2)]** (a) The department of human services  
22 shall designate receiving centers for ~~juvenile delinquents~~ JUVENILES  
23 committed to the department.

24 (b) If THE DEPARTMENT OF HUMAN SERVICES MAKES a change ~~is~~  
25 ~~made~~ in the designation of a receiving center, ~~by the department,~~ it shall  
26 ~~so~~ notify the juvenile courts at least ~~thirty~~ THIRTY-FIVE days prior to the  
27 date that the change takes effect.

1           (6) [Formerly 19-2-921 (3)] (a) ~~As provided in section 19-2-907~~  
2           PURSUANT TO SECTION 19-2.5-1103, commitment of a juvenile to the  
3           department of human services ~~shall~~ MUST be for a determinate period.

4           (b) (I) The juvenile court may commit any juvenile adjudicated as  
5           an aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127 for an  
6           offense other than an offense that would constitute a class 1 or class 2  
7           felony if committed by an adult to the department of human services for  
8           a determinate period of up to five years.

9           (II) The juvenile court shall commit any juvenile adjudicated as an  
10          aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127 for an  
11          offense that would constitute a class 2 felony if committed by an adult to  
12          the department of human services for a determinate period of at least three  
13          but not more than five years.

14          (III) The juvenile court shall commit any juvenile adjudicated as  
15          an aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127 for an  
16          offense that would constitute a class 1 felony if committed by an adult to  
17          the department of human services for a determinate period of at least three  
18          but not more than seven years.

19          (c) The juvenile court may commit any juvenile who is not  
20          adjudicated an aggravated juvenile offender PURSUANT TO SECTION  
21          19-2.5-1127 but WHO is adjudicated for an offense that would constitute  
22          a felony or a misdemeanor to the department of human services, and the  
23          determinate period of commitment ~~shall~~ MUST not exceed two years;  
24          except that, if the juvenile is ten or eleven years of age and is not  
25          adjudicated an aggravated juvenile offender PURSUANT TO SECTION  
26          19-2.5-1127, the juvenile may be committed to the department of human  
27          services only if the juvenile is adjudicated for an offense that would

1 constitute a class 1, class 2, or class 3 felony if committed by an adult.

2 (7) [Formerly 19-2-921 (3.3)] (a) On or before January 1, 2021,  
3 the department of human services, in consultation with the juvenile justice  
4 reform committee established pursuant to section 24-33.5-2401, shall  
5 develop a length of stay matrix and establish criteria to guide the release  
6 of juveniles from a state facility that are based on:

7 (I) A juvenile's risk of reoffending, as determined by the results of  
8 a validated risk and needs assessment adopted pursuant to section  
9 24-33.5-2402 (1)(a);

10 (II) The seriousness of the offense for which the juvenile was  
11 adjudicated delinquent;

12 (III) The juvenile's progress in meeting treatment goals; and

13 (IV) Other criteria as determined by the department and the  
14 juvenile justice reform committee.

15 (b) In making release and discharge decisions, the department of  
16 human services shall use the matrix and release criteria developed  
17 pursuant to this ~~subsection (3.3)~~ SUBSECTION (7).

18 (8) [Formerly 19-2-921 (3.5)] For all hearings and reviews  
19 concerning a juvenile who is committed to the department of human  
20 services, the entity conducting the hearing or review shall ensure that  
21 notice is provided to the juvenile and to ANY OF the following persons  
22 with whom the juvenile is placed:

23 (a) Foster parents;

24 (b) Pre-adoptive parents; or

25 (c) Relatives.

26 (9) [Formerly 19-2-921 (4)] The department of human services  
27 may petition the committing court to extend the commitment for an

1 additional period not to exceed two years. The petition ~~shall~~ MUST set  
2 forth the reasons why it would be in the best interest of the juvenile or the  
3 public to extend the commitment. Upon filing the petition, the court shall  
4 set a hearing to determine whether the petition should be granted or denied  
5 and shall notify all interested parties.

6 **19-2.5-1118. [Formerly 19-2-910] Sentencing - persons eighteen**  
7 **years of age or older - county jail - community corrections -**  
8 **definitions.** (1) Except as otherwise ~~provided in section 19-2-601~~  
9 REQUIRED BY SECTION 19-2.5-1127 for an aggravated juvenile offender,  
10 the court may commit a person eighteen years of age or older but less than  
11 twenty-one years of age to the department of human services if ~~he or she~~  
12 THE PERSON is adjudicated a juvenile delinquent for an act committed  
13 prior to ~~his or her~~ THE PERSON'S eighteenth birthday or upon revocation of  
14 probation.

15 (2) Except as otherwise ~~provided in section 19-2-601~~ REQUIRED BY  
16 SECTION 19-2.5-1127 for an aggravated juvenile offender, the court may  
17 sentence a person who is eighteen years of age or older on the date of a  
18 sentencing hearing to the county jail for a period not to exceed six months  
19 or to a community correctional facility or program for a period not to  
20 exceed one year, which may be served consecutively or in intervals, if ~~he~~  
21 ~~or she~~ THE PERSON is adjudicated a juvenile delinquent for an act  
22 committed prior to ~~his or her~~ THE PERSON'S eighteenth birthday.

23 **19-2.5-1119. [Formerly 19-2-925.6] Genetic testing of**  
24 **adjudicated offenders - definitions.** (1) Beginning July 1, 2007, each of  
25 the following adjudicated offenders shall submit to and pay for collection  
26 and a chemical testing of the offender's biological substance sample to  
27 determine the OFFENDER'S genetic markers, ~~thereof~~; unless the offender

1 has already provided a biological substance sample for such testing  
2 pursuant to a statute of this state:

3 (a) Every offender who, on or after July 1, 2007, is in the custody  
4 of the department of human services for a commitment imposed before  
5 that date, including an offender on parole, based on adjudication for an  
6 offense involving unlawful sexual behavior, or for which the underlying  
7 factual basis involved an offense involving unlawful sexual behavior. The  
8 department shall collect the sample as soon as possible.

9 (b) Every offender who, on or after July 1, 2007, is on probation  
10 or supervision for a sentence that was imposed before that date, or is on  
11 a deferred adjudication that was before that date, for an offense involving  
12 unlawful sexual behavior or for which the factual basis involved an  
13 offense involving unlawful sexual behavior. The judicial department shall  
14 collect the sample at least ~~thirty~~ THIRTY-FIVE days prior to the offender's  
15 scheduled termination of probation, supervision, or deferred adjudication.

16 (c) Every offender who, on or after July 1, 2007, is in a county jail  
17 or a community corrections facility for a sentence imposed before that  
18 date based on adjudication for an offense that would constitute a felony  
19 if committed by an adult. The sheriff or the community corrections  
20 program shall collect the sample at least ~~thirty~~ THIRTY-FIVE days prior to  
21 the offender's release from the custody of the county jail or community  
22 corrections facility.

23 (d) Every offender who, on or after July 1, 2007, is in a county jail  
24 or a community corrections facility for a sentence imposed before that  
25 date based on adjudication for a misdemeanor offense involving unlawful  
26 sexual behavior or for which the factual basis involved an offense  
27 involving unlawful sexual behavior. The sheriff or the community

1 corrections program shall collect the sample at least ~~thirty~~ THIRTY-FIVE  
2 days prior to the offender's release from the custody of the county jail or  
3 community corrections facility.

4 (e) Every offender sentenced on or after July 1, 2007, for an  
5 offense that would constitute a felony if committed by an adult. This  
6 ~~paragraph (e) shall~~ SUBSECTION (1)(e) DOES not apply to an offender  
7 granted a deferred adjudication, unless otherwise required to submit to a  
8 sample pursuant to this section or unless the deferred adjudication is  
9 revoked and a sentence is imposed. The sample ~~shall~~ MUST be collected:

10 (I) From an offender committed to the department of human  
11 services, by the department during the intake process but in any event  
12 within ~~thirty~~ THIRTY-FIVE days after the offender is received by the  
13 department;

14 (II) From an offender sentenced to county jail or to community  
15 corrections, by the sheriff or by the community corrections program within  
16 ~~thirty~~ THIRTY-FIVE days after the offender is received into the custody of  
17 the county jail or the community corrections facility;

18 (III) From an offender sentenced to probation, by the judicial  
19 department within ~~thirty~~ THIRTY-FIVE days after the offender is placed on  
20 probation; and

21 (IV) From an offender who receives any other sentence, by the  
22 judicial department within ~~thirty~~ THIRTY-FIVE days after the offender is  
23 sentenced.

24 (f) Every offender who, on or after July 1, 2007, is sentenced for  
25 an adjudication of, or who receives a deferred adjudication for, an offense  
26 involving unlawful sexual behavior or for which the underlying factual  
27 basis involves unlawful sexual behavior. The sample ~~shall~~ MUST be

1 collected:

2 (I) From an offender committed to the department of human  
3 services, by the department during the intake process but in any event  
4 within ~~thirty~~ THIRTY-FIVE days after the offender is received by the  
5 department;

6 (II) From an offender sentenced to county jail or community  
7 corrections, by the sheriff or by the community corrections facility within  
8 ~~thirty~~ THIRTY-FIVE days after the offender is received into the custody of  
9 the county jail or the community corrections facility;

10 (III) From an offender sentenced to probation, by the judicial  
11 department within ~~thirty~~ THIRTY-FIVE days after the offender is placed on  
12 probation;

13 (IV) From an offender who receives a deferred adjudication, by the  
14 judicial department within ~~thirty~~ THIRTY-FIVE days after the offender is  
15 granted the deferred adjudication; and

16 (V) From an offender who receives any other sentence, by the  
17 judicial department within ~~thirty~~ THIRTY-FIVE days after the offender is  
18 sentenced.

19 (2) For purposes of this section ONLY:

20 (a) "Adjudicated" means having received a verdict of guilty by a  
21 judge or jury or having pled guilty or nolo contendere. Except where  
22 otherwise indicated, "adjudicated" does not include deferred adjudication  
23 unless the deferred adjudication is revoked and a sentence is imposed.

24 (b) "Unlawful sexual behavior" ~~shall have~~ HAS the same meaning  
25 as in section 16-22-102 (9). ~~C.R.S.~~

26 (3) The judicial department, the department of human services, a  
27 sheriff, or a contractor may:

1 (a) Use reasonable force to obtain biological substance samples in  
2 accordance with this section using medically recognized procedures. In  
3 addition, an offender's refusal to comply with this section may be grounds  
4 for revocation or denial of parole, probation, or deferred adjudication.  
5 Failure to pay for collection and a chemical testing of a biological  
6 substance sample ~~shall be~~ IS considered a refusal to comply if the offender  
7 has the present ability to pay.

8 (b) Collect biological substance samples notwithstanding that the  
9 collection was not accomplished within an applicable deadline set forth  
10 in this section.

11 (4) Any ~~moneys~~ MONEY received from an offender pursuant to this  
12 section ~~shall~~ MUST be deposited in the offender identification fund created  
13 in section 24-33.5-415.6. ~~C.R.S.~~

14 (5) The Colorado bureau of investigation shall conduct the  
15 chemical testing of the biological substance samples obtained pursuant to  
16 this section. The Colorado bureau of investigation shall file and maintain  
17 the results ~~thereof~~ OF THE CHEMICAL TESTING OF BIOLOGICAL SAMPLES  
18 OBTAINED PURSUANT TO THIS SECTION and shall furnish the results to a  
19 law enforcement agency upon request. The Colorado bureau of  
20 investigation shall store and preserve all biological substance samples  
21 obtained pursuant to this section.

22 **19-2.5-1120. [Formerly 19-2-114] Cost of care.**

23 (1) (a) Notwithstanding ~~the provisions of~~ section 19-1-115 (4)(d), ~~where~~  
24 IF a juvenile is sentenced to a AN OUT-OF-HOME placement ~~out of the home~~  
25 or is granted probation as a result of an adjudication, deferral of  
26 adjudication, or direct filing in or transfer to district court, the court may  
27 order the juvenile or the juvenile's parent to make ~~such~~ payments toward



1 the cost of care as are appropriate under the circumstances. In setting the  
2 amount of such payments, the court shall take into consideration and make  
3 allowances for any restitution ordered to the victim or victims of a crime,  
4 which ~~shall~~ take priority over any payments ordered pursuant to this  
5 section, and for the maintenance and support of the juvenile's spouse,  
6 dependent children, any other persons having a legal right to support and  
7 maintenance out of the JUVENILE'S estate, ~~of the juvenile~~, or any persons  
8 having a legal right to support and maintenance out of the estate of the  
9 juvenile's parent. The court shall also consider the financial needs of the  
10 juvenile for the six-month period immediately following the juvenile's  
11 release, for the purpose of allowing ~~said~~ THE juvenile to seek employment.

12 (b) For an adoptive family who receives an approved Title IV-E  
13 adoption assistance subsidy pursuant to the federal "Social Security Act",  
14 42 U.S.C. sec. 673 et seq., or an approved payment in subsidization of  
15 adoption pursuant to article 7 of title 26, the cost of care, as defined in  
16 ~~section 19-1-103 (30)~~ SECTION 19-1-103, must not exceed the amount of  
17 the adoption assistance payment.

18 (2) ~~Any~~ AN order for payment toward the cost of care entered by  
19 the court pursuant to subsection (1) of this section ~~shall constitute~~  
20 CONSTITUTES a judgment ~~which shall be~~ enforceable by the state or the  
21 governmental agency that would otherwise incur the cost of care for the  
22 juvenile in the same manner as are civil judgments.

23 (3) In order to effectuate ~~the provisions of~~ this section, a juvenile  
24 and ~~such~~ THE juvenile's parent ~~shall be~~ ARE required to provide  
25 information to the court regarding the juvenile's estate and the estate of  
26 ~~such~~ THE juvenile's parent. Such financial information ~~shall~~ MUST be  
27 submitted in writing and under oath.



1 evaluation. If the evaluation results in a recommendation of treatment and  
2 if the court so finds, the juvenile must be ordered to complete an anger  
3 management treatment program, a BEHAVIORAL OR mental health  
4 treatment program, or any other appropriate treatment program designed  
5 to address the underlying causative factors for the violation.

6 (3) The disposition for ~~any~~ A juvenile who has been adjudicated  
7 a juvenile delinquent a second or subsequent time, the underlying factual  
8 basis of which has been found by the court to include an act of cruelty to  
9 animals, as described in section 18-9-202, must include the completion of  
10 an anger management treatment program, a BEHAVIORAL OR mental health  
11 treatment program, or any other appropriate treatment program designed  
12 to address the underlying causative factors for the violation.

13 ~~(3.5)~~ (4) In addition to any sentence imposed pursuant to this  
14 section for any juvenile who has been adjudicated a juvenile delinquent  
15 for the commission of cruelty to animals, as described in section 18-9-202,  
16 the court may enter an order prohibiting the juvenile or other party from  
17 owning, possessing, or caring for a pet animal as defined in section  
18 35-80-102 (10), unless the juvenile's treatment provider makes a specific  
19 recommendation not to impose the ban and the court agrees with the  
20 recommendation.

21 ~~(4)~~ (5) Nothing in this section ~~shall preclude~~ PRECLUDES the court  
22 from ordering treatment in any appropriate case.

23 ~~(5)~~ (6) This section does not apply to the treatment of pack or draft  
24 animals by negligently overdriving, overloading, or overworking them, or  
25 the treatment of livestock and other animals used in the farm or ranch  
26 production of food, fiber, or other agricultural products when the  
27 treatment is in accordance with accepted animal husbandry practices, the

1 treatment of animals involved in activities regulated pursuant to article 32  
2 of title 44, the treatment of animals involved in research if the research  
3 facility is operating under rules set forth by the state or federal  
4 government, the treatment of animals involved in rodeos, the treatment of  
5 dogs used for legal hunting activities, or to statutes regulating activities  
6 concerning wildlife and predator control in the state, including trapping.

7 **19-2.5-1123. Sentencing - mandatory detention - weapons and**  
8 **crimes of violence.** (1) [Formerly 19-2-911 (2)] In the case of a juvenile  
9 who has been adjudicated a juvenile delinquent for the commission of one  
10 of the offenses described in ~~section 19-2-508 (3)(a)(IV)~~ SECTION  
11 19-2.5-305 (3)(a)(VII), the court shall sentence the juvenile to a minimum  
12 mandatory period of detention of not fewer than five days.

13 (2) [Formerly 19-2-911 (3)] A juvenile who is less than thirteen  
14 years of age may not be sentenced to detention unless ~~he or she~~ THE  
15 JUVENILE has been adjudicated for a felony or weapons charge pursuant  
16 to section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. As an  
17 alternative, the juvenile probation department may conduct a presentence  
18 investigation pursuant to ~~section 19-2-905~~ SECTION 19-2.5-1101. The  
19 investigation may result in the juvenile:

20 (a) Remaining in the custody of a parent, guardian, or legal  
21 custodian; or

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

26 (c) Being placed in a shelter facility; or

27 (d) Being referred to a local county department of human or social

1 services for assessment for placement.

2 **19-2.5-1124. Sentencing - sex offenses.** IN ADDITION TO ANY  
3 SENTENCE IMPOSED PURSUANT TO THIS PART 11, A JUVENILE WHO IS  
4 CHARGED WITH A SEXUAL OFFENSE PURSUANT TO SECTION 16-11.7-102(3)  
5 OR 16-22-102 (9) IS SUBJECT TO THE SPECIFIC PROVISIONS OF SECTION  
6 16-11.7-104 FOR SPECIFIC EVALUATION PRIOR TO SENTENCING, SECTION  
7 16-11.7-105 FOR ANY TREATMENT ORDERED BASED UPON THE EVALUATION  
8 PERFORMED PURSUANT TO SECTION 16-11.7-104, AND SECTION 16-22-103  
9 (4) AND (5) FOR THE REQUIREMENTS FOR REGISTRATION ON THE STATE  
10 SEXUAL OFFENDER REGISTRY.

11 SUBPART C

12 SENTENCING - SPECIAL OFFENDERS

13 **19-2.5-1125. [Formerly 19-2-516] Petitions - special offenders.**

14 (1) **Mandatory sentence offender.** A juvenile is a mandatory sentence  
15 offender if ~~he or she~~ THE JUVENILE:

16 (a) ~~(f)~~ Has been adjudicated a juvenile delinquent twice; or

17 ~~(H)~~ (b) Has been adjudicated a juvenile delinquent and if ~~his or her~~  
18 THE JUVENILE'S probation has been revoked for a delinquent act, and:

19 ~~(b)~~ (I) Is subsequently adjudicated a juvenile delinquent; or

20 (II) Has probation revoked for a delinquent act.

21 (2) **Repeat juvenile offender.** A juvenile is a repeat juvenile  
22 offender if ~~he or she~~ THE JUVENILE has been previously adjudicated a  
23 juvenile delinquent and is adjudicated a juvenile delinquent for a  
24 delinquent act that constitutes a felony or if ~~his or her~~ THE JUVENILE'S  
25 probation is revoked for a delinquent act that constitutes a felony.

26 (3) **Violent juvenile offender.** A juvenile is a violent juvenile  
27 offender if ~~he or she~~ THE JUVENILE is adjudicated a juvenile delinquent for

1 a delinquent act that constitutes a crime of violence as defined in section  
2 18-1.3-406 (2). ~~€R.S.~~

3 (4) **Aggravated juvenile offender.** (a) A juvenile offender is an  
4 aggravated juvenile offender if ~~he or she~~ THE JUVENILE is:

5 (I) Adjudicated a juvenile delinquent for a delinquent act that  
6 constitutes a class 1 or class 2 felony or if ~~his or her~~ THE JUVENILE'S  
7 probation is revoked for a delinquent act that constitutes a class 1 or class  
8 2 felony; or

9 (II) Adjudicated a juvenile delinquent for a delinquent act that  
10 constitutes a felony and either is subsequently adjudicated a juvenile  
11 delinquent for a delinquent act that constitutes a crime of violence, as  
12 defined in section 18-1.3-406 (2), ~~€R.S.~~, or has ~~his or her~~ probation  
13 revoked for a delinquent act that constitutes a crime of violence, as  
14 defined in section 18-1.3-406 (2); ~~€R.S.~~; or

15 (III) Adjudicated a juvenile delinquent or if ~~his or her~~ THE  
16 JUVENILE'S probation is revoked for a delinquent act that constitutes  
17 felonious unlawful sexual behavior ~~under~~ PURSUANT TO part 4 of article  
18 3 of title 18, ~~€R.S.~~, incest ~~under~~ PURSUANT TO section 18-6-301, ~~€R.S.~~,  
19 or aggravated incest ~~under~~ PURSUANT TO section 18-6-302. ~~€R.S.~~

20 (b) Provisions concerning aggravated juvenile offenders are  
21 located in ~~section 19-2-601~~ SECTIONS 19-2.5-503 AND 19-2.5-1127.

22 **19-2.5-1126. [Formerly 19-2-908] Sentencing - special**  
23 **offenders.** (1) The court shall sentence a juvenile adjudicated as a special  
24 offender as follows:

25 (a) **Mandatory sentence offender.** The court shall place or  
26 commit ~~any~~ A juvenile adjudicated as a mandatory sentence offender, as  
27 described in ~~section 19-2-516 (1)~~ SECTION 19-2.5-1125 (1), out of the

1 home for not less than one year, unless the court finds that an alternative  
2 sentence or a commitment of less than one year out of the home would be  
3 more appropriate; except that:

4 (I) If the person adjudicated as a mandatory sentence offender is  
5 eighteen years of age or older on the date of the sentencing hearing, the  
6 court may sentence that person to the county jail or to a community  
7 correctional facility or program for a period not to exceed two years, if  
8 ~~such~~ THE person has been adjudicated a mandatory sentence offender  
9 pursuant to this ~~article~~ ARTICLE 2.5 for acts committed prior to ~~such~~ THE  
10 person's eighteenth birthday; or

11 (II) The juvenile or person may be released by the committing  
12 judge upon a showing of exemplary behavior.

13 (b) **Repeat juvenile offender.** The court shall sentence ~~any~~ A  
14 juvenile adjudicated as a repeat juvenile offender, as described in ~~section~~  
15 ~~19-2-516 (2)~~ SECTION 19-2.5-1125 (2), out of the home for not less than  
16 one year, unless the court finds that an alternative sentence or a  
17 commitment of less than one year out of the home would be more  
18 appropriate; except that:

19 (I) If the person adjudicated as a repeat juvenile 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 repeat juvenile offender pursuant  
24 to this ~~article~~ ARTICLE 2.5 for acts committed prior to ~~such~~ THE person's  
25 eighteenth birthday; or

26 (II) The juvenile or person may be released by the committing  
27 judge upon a showing of exemplary behavior.

1           (c) **Violent juvenile offender.** (I) (A) Upon adjudication as a  
2 violent juvenile offender, as described in ~~section 19-2-516 (3)~~ SECTION  
3 19-2.5-1125 (3), the juvenile ~~shall~~ MUST be placed or committed out of the  
4 home for not less than one year; except that this ~~sub-subparagraph (A)~~  
5 ~~shall~~ SUBSECTION (1)(c) DOES not apply to a juvenile who is ten years of  
6 age or older, but less than twelve years of age, when the court finds that  
7 an alternative sentence or a commitment of less than one year out of the  
8 home would be more appropriate.

9           (B) Upon adjudication as a violent juvenile offender, if the person  
10 is eighteen years of age or older on the date of the sentencing hearing, the  
11 court may sentence such person to the county jail or to a community  
12 correctional facility or program for a period not to exceed two years, if  
13 ~~such~~ THE person has been adjudicated a violent juvenile offender pursuant  
14 to this ~~article~~ ARTICLE 2.5 for acts committed prior to ~~such~~ THE person's  
15 eighteenth birthday.

16           (II) The court may commit a violent juvenile offender to the  
17 department of human services. The court may impose a minimum sentence  
18 during which the juvenile ~~shall~~ MUST not be released from a residential  
19 program without prior written approval of the court that made the  
20 commitment.

21           (d) **Aggravated juvenile offender.** The court shall sentence an  
22 aggravated juvenile offender ~~as provided in section 19-2-601~~ AS  
23 DESCRIBED IN SECTION 19-2.5-1127.

24           **19-2.5-1127. [Formerly 19-2-601 (5) to (10)] Aggravated**  
25 **juvenile offender - definition.** ~~(5)~~ (1) (a) (I) Upon adjudication as an  
26 aggravated juvenile offender:

27           (A) For an offense other than an offense that would constitute a



1 class 1 or 2 felony if committed by an adult, the court may commit the  
2 juvenile to the department of human services for a determinate period of  
3 up to five years;

4 (B) For an offense that would constitute a class 2 felony if  
5 committed by an adult, the court shall commit the juvenile to the  
6 department of human services for a determinate period of at least three but  
7 not more than five years;

8 (C) For an offense that would constitute a class 1 felony if  
9 committed by an adult, the court shall commit the juvenile to the  
10 department of human services for a determinate period of at least three but  
11 not more than seven years; AND

12 (D) When the petition alleges the offense of murder in the first  
13 degree or murder in the second degree, or sexual assault ~~under~~ PURSUANT  
14 TO section 18-3-402 (3.5) or ~~18-3-402~~ (4) ~~€.~~R.S., and the juvenile is  
15 adjudicated a delinquent for either murder in the first degree or murder in  
16 the second degree, then the court may sentence the juvenile consecutively  
17 or concurrently for any crime of violence as described in section  
18 18-1.3-406 ~~€.~~R.S., or for a delinquent act contained in the petition for  
19 which the juvenile is an aggravated juvenile offender.

20 (II) An aggravated juvenile offender thus committed to the  
21 department of human services ~~shall~~ MUST not be transferred to a nonsecure  
22 or community setting for a period of more than forty-eight hours,  
23 excluding Saturdays, Sundays, and court holidays, nor released before the  
24 expiration of the determinate term imposed by the court without prior  
25 order of the court.

26 (b) (I) Upon court order, the department of human services may  
27 transfer a juvenile committed to its custody pursuant to ~~paragraph (a) of~~

1 ~~this subsection (5)~~ SUBSECTION (1)(a) OF THIS SECTION to the department  
2 of corrections if the juvenile has reached eighteen years of age and the  
3 department of human services has certified that the juvenile is no longer  
4 benefitting from its programs.

5 (II) THE DEPARTMENT OF HUMAN SERVICES SHALL INITIATE such  
6 transfer ~~shall be initiated by the filing of a request by the department of~~  
7 ~~human services~~ for transfer with the court of commitment that ~~shall~~ MUST  
8 state the basis for the request. Upon receipt of such a request, the court  
9 shall notify the interested parties and ~~shall~~ set the matter for a hearing.

10 (III) The court shall authorize ~~such~~ THE transfer only upon a  
11 finding by a preponderance of the evidence that the juvenile is no longer  
12 benefitting from the programs of the department of human services.

13 (IV) Upon entering an order of transfer to the department of  
14 corrections, pursuant to this ~~paragraph (b)~~ SUBSECTION (1)(b), the court  
15 shall amend the mittimus and transfer all further jurisdiction over the  
16 juvenile to the department of corrections. Thereafter the juvenile ~~shall be~~  
17 IS governed by the provisions for adult felony offenders in titles 16 and 17  
18 ~~C.R.S.~~, as if ~~he or she~~ THE JUVENILE had been sentenced as an adult felony  
19 offender for the unserved portion of sentence that remains upon transfer  
20 to the department of corrections.

21 ~~(6)~~ (2) (a) After a juvenile who is sentenced pursuant to  
22 ~~sub-subparagraph (B) or (C) of subparagraph (I) of paragraph (a) of~~  
23 ~~subsection (5)~~ SUBSECTION (1)(a)(I)(B) OR (1)(a)(I)(C) of this section has  
24 been in the custody of the department of human services for three years or  
25 more, the department may petition the court for an order authorizing the  
26 department to place the juvenile on juvenile parole upon approval by the  
27 juvenile parole board pursuant to ~~section 19-2-1002~~ SECTION 19-2.5-1203.

1 After a juvenile who is sentenced pursuant to ~~sub-subparagraph (A) of~~  
2 ~~subparagraph (I) of paragraph (a) of subsection (5)~~ SUBSECTION  
3 (1)(a)(I)(A) of this section has served the minimum mandatory period of  
4 the commitment or three years, whichever is sooner, the department of  
5 human services may petition the court for an order authorizing the  
6 department to place the juvenile on juvenile parole upon approval by the  
7 juvenile parole board pursuant to ~~section 19-2-1002~~ SECTION 19-2.5-1203.  
8 THE DEPARTMENT OF HUMAN SERVICES SHALL CONDUCT the parole  
9 supervision. ~~shall be conducted by the department of human services.~~  
10 Upon ~~the filing of~~ the petition, the court shall notify the interested parties  
11 and set the matter for a hearing. The court shall authorize the department  
12 of human services to place the juvenile on juvenile parole upon approval  
13 of the juvenile parole board pursuant to ~~section 19-2-1002~~ SECTION  
14 19-2.5-1203, only upon finding by a preponderance of the evidence that  
15 the safety of the community will not be jeopardized by ~~such~~ THE  
16 JUVENILE'S release.

17 (b) Parole supervision of a juvenile who has been transferred to the  
18 department of corrections is governed by the provisions for adult felony  
19 offenders in titles 16, 17, and 18 ~~C.R.S.~~, as if the juvenile had been  
20 sentenced as an adult felony offender; except that, if the juvenile was  
21 adjudicated and sentenced for a class 1 felony, then the juvenile ~~shall~~  
22 MUST serve a ten-year period of mandatory parole after completion of ~~his~~  
23 ~~or her~~ THE JUVENILE'S sentence.

24 ~~(7)~~ (3) Upon ~~the filing of~~ a petition with the committing court for  
25 transfer of the juvenile to a nonsecure or community setting, or for early  
26 release from the custody of the department of corrections or human  
27 services, the court shall notify the interested parties and set the matter for

1 a hearing. The court shall order such transfer or release only upon a  
2 finding by a preponderance of the evidence that the safety of the  
3 community will not be jeopardized by ~~such~~ THE transfer or release; except  
4 that early release of the juvenile from the department of corrections ~~shall~~  
5 ~~be~~ IS governed by the provisions for adult felony offenders in titles 16 and  
6 17 ~~C.R.S.~~, as if the juvenile had been sentenced as an adult felony  
7 offender.

8 ~~(8)~~ (4) (a) (I) When a juvenile in the custody of the department of  
9 human services pursuant to this section reaches the age of twenty years  
10 and six months, the department of human services shall file a motion with  
11 the court of commitment regarding further jurisdiction of the juvenile.  
12 Upon the filing of such a motion, the court shall notify the interested  
13 parties, appoint counsel for the juvenile, and set the matter for a hearing.  
14 The court shall, as part of this hearing, reconsider the length of the  
15 remaining sentence and consider the factors as set forth in ~~paragraph (c)~~  
16 ~~of this subsection (8) herein~~ SUBSECTION (4)(c) OF THIS SECTION.

17 (II) When the court notifies the interested parties, the court shall  
18 order that the juvenile submit to and cooperate with a psychological  
19 evaluation and risk assessment by a mental health professional to  
20 determine whether the juvenile is a danger either to himself or herself or  
21 to others. The mental health professional shall prepare a written report and  
22 ~~shall~~ provide a copy of the report to the court that ordered it, the  
23 prosecuting attorney, and counsel for the juvenile at least ~~fifteen~~  
24 FOURTEEN days before the hearing.

25 (b) At the hearing upon the motion, the court may either transfer  
26 the custody of and jurisdiction over the juvenile to the department of  
27 corrections for placement in a correctional facility, the youthful offender

1 system, or a community corrections program; authorize early release of the  
2 juvenile pursuant to ~~subsection (7)~~ SUBSECTION (3) of this section; place  
3 the juvenile on adult parole for a period of five years; or order that custody  
4 and jurisdiction over the juvenile ~~shall~~ MUST remain with the department  
5 of human services; except that the custody of and jurisdiction over the  
6 juvenile by the department of human services ~~shall terminate~~ TERMINATES  
7 when the juvenile reaches twenty-one years of age.

8 (c) In considering whether ~~or not~~ to transfer the custody of and  
9 jurisdiction over the juvenile to the department of corrections, the court  
10 shall consider all relevant factors including, but not limited to, the  
11 court-ordered psychological evaluation and risk assessment; the nature of  
12 the crimes committed; the OFFENDER'S prior criminal history; ~~of the~~  
13 ~~offender~~, the OFFENDER'S maturity; ~~of the offender~~, the offender's behavior  
14 in custody; the offender's progress and participation in classes, programs,  
15 and educational improvement; the impact of the crimes on the victims; the  
16 likelihood of rehabilitation; the placement where the offender is most  
17 likely to succeed in reintegrating in the community; and the interest of the  
18 community in the imposition of punishment commensurate with the  
19 gravity of the offense.

20 ~~(9)~~ (5) At any postadjudication hearing held pursuant to this  
21 section, the state ~~shall be~~ IS represented by the district attorney and by the  
22 attorney general; except that the attorney general may be excused from  
23 participation in the hearing with the permission of the district attorney and  
24 of the court. At any postadjudication hearing held pursuant to this section,  
25 the department of corrections ~~shall be~~ IS considered an interested party and  
26 ~~shall~~ MUST be sent notice of such hearing.

27 ~~(10)~~ (6) AS USED IN THIS SECTION, "mental health professional"

1 means a person who is employed by the department of human services or  
2 is employed under contract with the department of human services and is:

3 (a) A licensed physician with the appropriate training and expertise  
4 in psychiatry; or

5 (b) A licensed psychologist.

6

PART 12

7

JUVENILE PAROLE

8

**19-2.5-1201. Juvenile parole board - creation - membership -**

9

**authority - rules.** (1) [Formerly 19-2-206 (1)] There is hereby created a

10

juvenile parole board, referred to in this ~~section and section 19-2-207~~

11

PART 12 as the "board". ~~to consist~~ THE BOARD CONSISTS of nine members

12

appointed by the governor and confirmed by the senate. Any vacancy that

13

occurs when the general assembly is not in session may be filled by the

14

governor, and such member ~~shall serve~~ SERVES temporarily until

15

confirmed at the next regular session of the general assembly.

16

(2) [Formerly 19-2-206 (2)] All nine members ~~shall be~~ ARE voting

17

members. ~~and~~; Of the nine members:

18

(a) One member ~~shall be~~ IS from the department of human

19

services;

20

(b) One member ~~shall be~~ IS from the department of education;

21

(c) One member ~~shall be~~ IS from the department of public safety;

22

(d) One member ~~shall be~~ IS from the department of labor and

23

employment; and

24

(e) (~~Deleted by amendment, L. 2008, p. 1105, § 10, effective July~~

25

~~1, 2008.~~)

26

(f) (e) Five members ~~shall be~~ ARE from the public at large and

27

~~shall~~ MUST not be employees of the state government. At least one of the

1 members from the public at large ~~shall~~ MUST be a resident of the area west  
2 of the continental divide.

3 (3) [Formerly 19-2-206 (3)] All members ~~shall~~ serve at the  
4 pleasure of the governor, and the governor shall designate one member of  
5 the board to act as chairperson.

6 (4) [Formerly 19-2-206 (4)] The full board ~~shall meet~~ MEETS not  
7 less than once a month, and the presence of five members, at least two of  
8 whom are members described in ~~paragraph (f) of subsection (2)~~  
9 SUBSECTION (2)(e) of this section, ~~shall constitute~~ CONSTITUTES a quorum  
10 to transact official business of the full board.

11 (5) [Formerly 19-2-206 (5)] All members of the board ~~shall be~~ ARE  
12 reimbursed for expenses necessarily incurred in the performance of their  
13 duties. In addition to the reimbursement of expenses, the five citizen board  
14 members shall receive a per diem of one hundred fifty dollars per full day  
15 and seventy-five dollars per half day spent transacting official business of  
16 the board.

17 (6) [Formerly 19-2-206 (6)] THE DEPARTMENT OF HUMAN  
18 SERVICES SHALL FURNISH clerical and other assistance for the board. ~~shall~~  
19 ~~be furnished by the department of human services. Such clerical and other~~  
20 ~~assistance shall be supervised by~~ A juvenile parole board administrator  
21 appointed by the executive director of the department of human services  
22 SHALL SUPERVISE SUCH CLERICAL AND OTHER ASSISTANCE PROVIDED  
23 PURSUANT TO THIS SUBSECTION (6).

24 (7) [Formerly 19-2-207] The board may grant, deny, defer,  
25 suspend, revoke, or specify or modify the conditions of any parole for any  
26 juvenile committed to the department of human services ~~under section~~  
27 ~~19-2-601 or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1103 OR 19-2.5-1127

1 in a manner that is in the best interests of the juvenile and the public. In  
2 addition to any other conditions, the board may require, as a condition of  
3 parole, any adjudicated juvenile to attend school or an educational  
4 program or to work toward the attainment of a high school diploma or the  
5 successful completion of a high school equivalency examination, as that  
6 term is defined in section 22-33-102 (8.5); ~~C.R.S.~~; except that the board  
7 shall not require any such juvenile to attend a school from which ~~he or she~~  
8 THE JUVENILE has been expelled without the prior approval of that school's  
9 local board of education. The board shall promulgate rules that establish  
10 criteria under which its parole decisions are made. The board has the  
11 duties and responsibilities specified in ~~part 10 of this article~~ THIS PART 12.

12 **19-2.5-1202. [Formerly 19-2-209] Juvenile parole -**  
13 **organization.** (1) Juvenile parole services are administered by the  
14 division of youth services in the department of human services, under the  
15 direction of the director of the division of youth services, appointed  
16 pursuant to ~~section 19-2-203~~ SECTION 19-2.5-1601.

17 (2) The director of the division shall appoint juvenile parole  
18 officers and other personnel of the division of youth services pursuant to  
19 section 13 of article XII of the state constitution and with the consent of  
20 the department of human services. Juvenile parole officers have the  
21 powers and duties specified in ~~part 10 of this article~~ 2 SECTION  
22 19-2.5-1204 and the powers of peace officers, as described in sections  
23 16-2.5-101 and 16-2.5-138.

24 (3) The division of youth services may divide juvenile parole  
25 supervision into regions throughout the state. Within each region there  
26 may be more than one office location for parole officers.

27 ~~(4) and (5) (Deleted by amendment, L. 2008, p. 1097, § 1,~~



1 ~~effective July 1, 2008.)~~

2 **19-2.5-1203. [Formerly 19-2-1002] Juvenile parole - hearing**  
3 **panels - definition.** (1) ~~(a)~~ **Juvenile parole board - hearing panels**  
4 **authority.** The juvenile parole board, ~~referred to in this part 10 as the~~  
5 ~~"board"~~, established pursuant to ~~section 19-2-206~~ SECTION 19-2.5-1201,  
6 may grant, deny, defer, suspend, revoke, or specify or modify the  
7 conditions of any parole for any juvenile committed to the department of  
8 human services ~~as provided in sections 19-2-601 and 19-2-907~~ PURSUANT  
9 TO SECTIONS 19-2.5-1103 AND 19-2.5-1127. In addition to any other  
10 conditions, the board may require, as a condition of parole, any  
11 adjudicated juvenile to attend school or an educational program or to work  
12 toward the attainment of a high school diploma or the successful  
13 completion of a high school equivalency examination, as that term is  
14 defined in section 22-33-102 (8.5); ~~C.R.S.~~; except that the board shall not  
15 require any ~~such~~ juvenile to attend a school from which ~~he or she~~ THE  
16 JUVENILE has been expelled without the prior approval of that school's  
17 local board of education. The board may modify any of its decisions, or  
18 those of the hearing panel, except an order of discharge.

19 ~~(b) (Deleted by amendment, L. 2008, p. 1098, § 3, effective July~~  
20 ~~1, 2008.)~~

21 (2) (a) The board or a hearing panel ~~shall have~~ HAS subpoena  
22 power and the power to administer oaths to secure attendance and  
23 testimony at hearings before the board. All relevant records pertaining to  
24 the juvenile ~~shall~~ MUST be made available to the board.

25 (b) (I) The board or hearing panel shall take into consideration the  
26 results of the validated risk and needs assessment administered by the  
27 department of human services.

1 (II) In making release and discharge decisions, the board or  
2 hearing panel shall use the length of stay matrix and release criteria  
3 developed pursuant to ~~section 19-2-921 (3.3)~~ SECTION 19-2.5-1117 (7).

4 (3) (a) Hearing panels consisting of two members of the board  
5 shall interview and review the record of each juvenile who comes before  
6 the board for the granting of parole. Whenever possible, one of the  
7 hearing panel members ~~shall~~ MUST be a representative of an executive  
8 department, and the other ~~shall~~ MUST be a member from the public at  
9 large. A hearing panel may grant, deny, defer, suspend, revoke, or specify  
10 or modify the conditions of any parole of a juvenile that are in the best  
11 interests of the juvenile and the public; except that:

12 (I) If the members of a hearing panel disagree, a review of that  
13 case ~~shall~~ MUST be referred to the board for review and a decision made  
14 by a majority vote of the board members present. At least a quorum ~~as~~  
15 ~~defined in section 19-2-206 (4)~~, of the board, AS DEFINED IN SECTION  
16 19-2.5-1201 (4), must be present to a make a decision ~~under~~ PURSUANT TO  
17 this ~~subparagraph (I)~~ SUBSECTION (3)(a)(I).

18 (II) The hearing panel ~~shall~~ DOES not have authority to grant parole  
19 to juveniles committed as violent juvenile offenders as described in  
20 ~~section 19-2-516 (3)~~ SECTION 19-2.5-1125 (3) or aggravated juvenile  
21 offenders as described in ~~section 19-2-516 (4)~~ SECTION 19-2.5-1125 (4).  
22 In such cases, the board shall conduct a hearing and make a decision by  
23 a majority vote of the board members present at the hearing. However, if  
24 expiration of the juvenile's commitment is imminent, as defined by the  
25 ~~juvenile parole~~ board, the hearing panel shall hold a hearing and make a  
26 recommendation to the board. The board shall review the case and a make  
27 a decision by a majority vote of the board members present.

1 (III) If a written request is made by the juvenile, ~~his or her~~ THE  
2 JUVENILE'S parents ~~his or her~~ OR guardian, or the executive director of the  
3 department of human services or ~~his or her~~ THE EXECUTIVE DIRECTOR'S  
4 designee, the board may review the case of any juvenile who has been  
5 interviewed by a hearing panel. If such a review is made, the board ~~shall~~  
6 ~~have~~ HAS the authority to affirm or reverse the decision of the hearing  
7 panel or to impose such additional conditions for parole as the board  
8 deems appropriate.

9 (IV) ~~(Deleted by amendment, L. 2008, p. 1098, § 3, effective July~~  
10 ~~1, 2008.)~~

11 ~~(a.5)~~ (b) If a juvenile, while under a juvenile commitment, is in jail  
12 pending adult charges, the board may conduct a parole hearing without the  
13 JUVENILE'S presence. ~~of the juvenile.~~

14 ~~(a.7)~~ (c) When the board conducts a hearing pursuant to ~~paragraph~~  
15 ~~(a) or (a.5) of this subsection (3)~~ SUBSECTION (3)(a) OR (3)(b) OF THIS  
16 SECTION, a quorum, as defined in ~~section 19-2-206 (4)~~ SECTION  
17 19-2.5-1201 (4), ~~shall~~ MUST be present.

18 ~~(b)(f)~~ (d) In addition to any other conditions, the hearing panel  
19 may require, as a condition of parole, any adjudicated juvenile to attend  
20 school or an educational program or to work toward the attainment of a  
21 high school diploma or the successful completion of a high school  
22 equivalency examination, as that term is defined in section 22-33-102  
23 (8.5); ~~C.R.S.~~; except that the hearing panel shall not require any such  
24 juvenile to attend a school from which ~~he or she~~ THE JUVENILE has been  
25 expelled without the prior approval of that school's local board of  
26 education.

27 (H) ~~(Deleted by amendment, L. 2008, p. 1098, § 3, effective July~~

1 ~~1, 2008.)~~

2 (4) THE JUVENILE PAROLE BOARD ADMINISTRATOR APPOINTED  
3 PURSUANT TO SECTION 19-2.5-1201 (6) SHALL ASSIST the hearing panel  
4 ~~shall be assisted~~ in its duties. ~~by the juvenile parole board administrator~~  
5 ~~appointed pursuant to section 19-2-206 (6).~~ Said THE administrator shall  
6 also arrange training for the members of the ~~juvenile parole~~ board in all  
7 aspects of the juvenile justice system. It ~~shall be~~ IS mandatory for  
8 members of the board to attend such training.

9 (5) (a) If the hearing panel or the board determines that parole  
10 should be granted, the hearing panel shall establish six months as the  
11 length of the parole supervision. However, for a juvenile committed to the  
12 department of human services due to an adjudication for an offense  
13 specified in ~~paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b) OF THIS  
14 SECTION, the hearing panel may extend the period of parole supervision  
15 up to an additional fifteen months if the hearing panel makes findings of  
16 special circumstances that warrant an extended period of parole services  
17 for the juvenile.

18 (b) ~~The provisions of paragraph (a) of this subsection (5)~~  
19 SUBSECTION (5)(a) OF THIS SECTION allowing for extension of the period  
20 of parole ~~shall apply~~ APPLIES to juveniles committed to the department of  
21 human services due to an adjudication for one or more of the following  
22 offenses:

23 (I) Any offense specified in article 3 of title 18 or in part 3 of  
24 article 4 of title 18 ~~C.R.S.~~, that would constitute a felony if committed by  
25 an adult;

26 (II) Incest, as described in section 18-6-301; ~~C.R.S.~~;

27 (III) Aggravated incest, as described in section 18-6-302; ~~C.R.S.~~;

1 (IV) Child abuse, as described in section 18-6-401, ~~C.R.S.~~, that  
2 would constitute a felony if committed by an adult;

3 (V) Fourth degree arson, as described in section 18-4-105, ~~C.R.S.~~,  
4 that would constitute a felony if committed by an adult;

5 (VI) Assault during escape, as described in section 18-8-206,  
6 ~~C.R.S.~~, that would constitute a felony if committed by an adult;

7 (VII) FELONY illegal possession of a handgun by a juvenile, as  
8 described in ~~section 18-12-108.5, C.R.S., that would constitute a felony~~  
9 ~~if committed by an adult~~ SECTION 18-12-108.5 (1)(c)(II);

10 (VIII) MISDEMEANOR illegal possession of a handgun by a  
11 juvenile, as described in ~~section 18-12-108.5, C.R.S., that would constitute~~  
12 ~~a misdemeanor if committed by an adult~~ SECTION 18-12-108.5 (1)(c)(I),  
13 if the juvenile is contemporaneously committed to the department of  
14 human services for an offense that would constitute a felony if committed  
15 by an adult; or

16 (IX) Attempt, conspiracy, or solicitation to commit any of the  
17 offenses specified in this ~~paragraph (b)~~ SUBSECTION (5)(b), which attempt,  
18 conspiracy, or solicitation would constitute a felony if committed by an  
19 adult.

20 (c) Upon completion of the period of parole supervision as  
21 established by the board, the juvenile ~~shall be~~ IS deemed to have  
22 discharged the juvenile's sentence to commitment in the same manner as  
23 if the sentence were discharged pursuant to law.

24 (d) (I) If the juvenile court commits a juvenile to the department  
25 of human services for concurrent sentences based on the commission of  
26 two or more offenses or consecutive sentences based on commission of  
27 two or more offenses, the juvenile ~~shall be~~ IS subject to one six-month

1 mandatory period of parole, unless the period of parole is extended  
2 pursuant to ~~paragraph (a) of this subsection (5)~~ SUBSECTION (5)(a) OF THIS  
3 SECTION.

4 (II) As used in this ~~paragraph (d)~~ SUBSECTION (5)(d), "concurrent  
5 sentence" means sentences identified by the court as concurrent and any  
6 sentences, or portions thereof, that are served simultaneously and that are  
7 the basis of the juvenile's treatment services during the juvenile's  
8 commitment.

9 (e) (I) If a juvenile's parole is revoked pursuant to ~~section~~  
10 ~~19-2-1004~~ SECTION 19-2.5-1206, the juvenile shall serve all or a portion  
11 of the remainder of ~~his or her~~ THE sentence to commitment, and the period  
12 of reparole or extended period of reparole imposed pursuant to ~~paragraph~~  
13 ~~(a) of this subsection (5), shall~~ SUBSECTION (5)(a) OF THIS SECTION MUST  
14 be reduced by any time served on parole prior to the revocation. ~~The~~  
15 ~~provisions of this paragraph (e) shall~~ THIS SUBSECTION (5)(e) DOES not  
16 limit the board's authority to grant, deny, defer, suspend, revoke, or  
17 modify a juvenile's parole within the period of parole.

18 (II) If a juvenile's parole is revoked or modified pursuant to ~~section~~  
19 ~~19-2-1004~~ SECTION 19-2.5-1206, and the juvenile has completed the  
20 period of commitment imposed by the court, the period of parole, or  
21 extended period of parole imposed pursuant to ~~paragraph (a) of this~~  
22 ~~subsection (5), shall~~ SUBSECTION (5)(a) OF THIS SECTION MUST continue  
23 pursuant to ~~section 19-2-909 (1)(c)(II)~~ SECTION 19-2.5-1117 (1)(c)(II).  
24 The period of parole ~~shall continue~~ CONTINUES regardless of whether the  
25 revocation or modification authorizes the department of human services  
26 to place the juvenile in a residential placement while on parole status. This  
27 ~~provision shall~~ DOES not limit the board's authority to grant, deny, defer,

1 suspend, revoke, or modify a juvenile's parole within the period of parole.

2 (6) If the hearing panel or the board determines that parole should  
3 be granted, THE HEARING PANEL OR BOARD SHALL ORDER the parolee ~~shall~~  
4 ~~be ordered~~ to pay any unpaid restitution that has previously been ordered  
5 as a condition of parole.

6 (7) **Notice.** (a) The board, prior to consideration of the case of a  
7 juvenile for parole, shall notify the committing court, any affected juvenile  
8 community review board, the prosecuting attorney, and any victims of the  
9 juvenile's actions whose names and addresses have been provided by the  
10 district attorney of the time and place of the juvenile's hearing before the  
11 board or a hearing panel of the board. The notice ~~shall~~ MUST be given in  
12 order that the persons notified ~~will~~ have an opportunity to present written  
13 testimony to the hearing panel or the board. The board, in its sole  
14 discretion, may allow oral testimony at any hearing and has sole discretion  
15 regarding who may attend a juvenile parole hearing.

16 (b) (I) (A) Prior to consideration of the case of a juvenile for  
17 parole, the board shall provide notice of the time and place of the  
18 juvenile's hearing before the board or a hearing panel of the board to a  
19 victim who has provided to the division of youth services or the board a  
20 written statement pursuant to sections 24-4.1-302.5 and 24-4.1-303. The  
21 notice and subsequent interactions with the victim must be consistent with  
22 ~~the provisions of~~ article 4.1 of title 24.

23 (B) The board shall notify the victim of changes in the juvenile's  
24 parole pursuant to section 24-4.1-303 (14.3). ~~C.R.S.~~

25 (II) For a juvenile who is currently serving parole that implicates  
26 ~~the provisions of~~ article 4.1 of title 24, the division of youth services shall  
27 notify the board of any discharge as a matter of law and any placement

1 change that may impact public safety or victim safety as determined by the  
2 division of youth services, including any escape or recapture.

3 (8) **Representation of juvenile - parent.** The juvenile and ~~his or~~  
4 ~~her~~ THE JUVENILE'S parents or guardian ~~shall~~ MUST be informed that they  
5 may be represented by counsel in any hearing before the board or a  
6 hearing panel to grant, modify, or revoke parole.

7 (9) **Parole discharge.** (a) The board may discharge a juvenile  
8 from parole after the juvenile has served the mandatory parole period of  
9 six months but prior to the expiration of ~~his or her~~ THE period of parole  
10 supervision when it appears to the board that there is a reasonable  
11 probability that the juvenile will remain at liberty without violating the  
12 law.

13 (b) (I) Based upon a request and recommendation by the division  
14 of youth services, the board may discharge all or a portion of a juvenile's  
15 period of parole, as defined in ~~section 19-2-909 (1)(b)~~ SECTION  
16 19-2.5-1117 (1)(b), without holding a hearing before the board or a  
17 hearing panel of the board, if the board finds that:

18 (A) The juvenile is unavailable to complete the period of parole or  
19 the extended period of parole and the juvenile is not likely to become  
20 available in a time or manner in which ~~he or she~~ THE JUVENILE will benefit  
21 from parole services and neither community safety nor restorative justice  
22 interests will be served through the imposition or continuation of the  
23 juvenile's parole; or

24 (B) The community interest in safety or restorative justice will not  
25 be served through the imposition or continuation of juvenile parole  
26 because the juvenile is under the adult probation supervision of the district  
27 court.



1 (II) As used in this subsection (9), a juvenile is unavailable to  
2 complete the period of parole if:

3 (A) The juvenile, pursuant to an adult sentence, has been placed  
4 in a department of corrections facility, adult community corrections, the  
5 youthful offender system, or a local jail, as defined in section 17-1-102;  
6 ~~C.R.S.~~; or

7 (B) The juvenile has been or will be transferred out of the state of  
8 Colorado and the division of youth services determines that the discharge  
9 is not in conflict with the interstate compact on juveniles, part 7 of article  
10 60 of title 24; or

11 (C) The juvenile is in a medical, mental HEALTH, ~~or~~ treatment  
12 facility, or similar institution; or

13 (D) The board finds any other circumstance that constitutes  
14 unavailability as established in rule.

15 (c) The board may discharge a juvenile from parole before  
16 completion of the mandatory six-month parole period when the board  
17 finds that the juvenile meets, at a minimum, all of the following conditions  
18 of special achievement:

19 (I) Graduation from a ~~public~~ high school or successful completion  
20 of a high school equivalency examination, as that term is defined in  
21 section 22-33-102 (8.5);

22 (II) Payment of one hundred percent of any restitution the juvenile  
23 has been ordered to pay;

24 (III) Certification by the juvenile's parole officer that the juvenile  
25 is ready for discharge from parole, ~~which shall take~~ THAT TAKES into  
26 consideration the results of an objective risk assessment conducted by the  
27 department of human services and ~~shall be~~ IS based upon researched

1 factors that have been demonstrated to be correlative to risk to the  
2 community; and

3 (IV) Presentation to the board of a plan of action prepared by the  
4 juvenile that includes the steps the juvenile will accomplish to ensure ~~his~~  
5 ~~or her~~ A transition to law-abiding citizenship. If the juvenile's plan of  
6 action includes an intent to enlist in military service, the plan ~~shall~~ MUST  
7 specify the interim steps that the juvenile will take prior to entering  
8 military service.

9 (d) A discharge from parole pursuant to this subsection (9) ~~shall~~  
10 ~~have~~ HAS the same legal effect as if parole had been discharged upon  
11 completion of juvenile parole or when the sentence to commitment was  
12 discharged as a matter of law.

13 (10) Notwithstanding any provisions of law to the contrary, the  
14 department of human services shall not retain custody of or jurisdiction  
15 over an individual who reaches twenty-one years of age. The sentence to  
16 commitment and the period of parole are discharged as a matter of law  
17 when a juvenile reaches twenty-one years of age.

18 **19-2.5-1204. [Formerly 19-2-1003] Parole officers - powers -**  
19 **duties.** (1) Under the direction of the director of the division of youth  
20 services, the juvenile parole officer or officers in each region established  
21 in ~~section 19-2-209 (3)~~ SECTION 19-2.5-1202 (3) shall supervise all  
22 juveniles living in the region who, having been committed to the  
23 department of human services, are on parole from one of its facilities.

24 (2) The juvenile parole officer shall give to each juvenile granted  
25 parole a written statement of the conditions of ~~his or her~~ THE JUVENILE'S  
26 parole, shall explain such conditions fully, and shall aid the juvenile to  
27 observe them. ~~He or she~~ THE JUVENILE PAROLE OFFICER shall have

1 periodic conferences with and reports from the juvenile. The juvenile  
2 parole officer may conduct such investigations or other activities as ~~may~~  
3 ~~be~~ necessary to determine whether the conditions of parole are being met  
4 and to accomplish the JUVENILE'S rehabilitation. ~~of the juvenile.~~

5 (3) All juvenile parole officers ~~shall~~ have the powers of peace  
6 officers, as described in sections 16-2.5-101 and 16-2.5-138, ~~C.R.S.~~, in  
7 performing the duties of their position.

8 **19-2.5-1205. [Formerly 19-2-208] Administrative law judges.**  
9 An administrative law judge shall assist any hearing panel of the juvenile  
10 parole board that is considering the suspension, modification, or  
11 revocation of ~~the~~ A JUVENILE'S parole. ~~of a juvenile.~~

12 **19-2.5-1206. [Formerly 19-2-1004] Parole violation and**  
13 **revocation.** (1) The director of the division of youth services or any  
14 juvenile parole officer may arrest any parolee when:

15 (a) ~~He or she~~ THE DIRECTOR OR OFFICER has a warrant  
16 commanding that ~~such~~ THE parolee be arrested; or

17 (b) ~~He or she~~ THE DIRECTOR OR OFFICER has probable cause to  
18 believe that a warrant for the parolee's arrest has been issued in this state  
19 or another state for any criminal offense or for violation of a condition of  
20 parole; or

21 (c) Any offense under the laws of this state has been or is being  
22 committed by the parolee in ~~his or her~~ THE DIRECTOR'S OR OFFICER'S  
23 presence; or

24 (d) ~~He or she~~ THE DIRECTOR OR OFFICER has probable cause to  
25 believe that a violation of law has been committed ~~and that~~ BY the parolee;  
26 ~~has committed such a violation;~~ or

27 (e) ~~He or she~~ THE DIRECTOR OR OFFICER has probable cause to

1 believe that THE PAROLEE HAS VIOLATED a condition of the juvenile's  
2 parole ~~has been violated by the parolee~~ and probable cause to believe that  
3 the parolee is leaving or about to leave the state, or that the parolee will  
4 fail or refuse to appear before the hearing panel to answer charges of  
5 violations of one or more conditions of parole, or that the PAROLEE'S arrest  
6 ~~of the parolee~~ is necessary to prevent physical harm to the parolee or  
7 another person or to prevent the violation of a law.

8 (2) When an alleged parole violator is taken into custody, the  
9 director of the division of youth services or the juvenile parole officer  
10 shall notify the JUVENILE'S parents, guardian, or legal custodian ~~of the~~  
11 ~~juvenile~~ without unnecessary delay.

12 (3) When a juvenile parole officer has reasonable grounds to  
13 believe that A PAROLEE HAS VIOLATED a condition of parole, ~~has been~~  
14 ~~violated by any parolee, he or she~~ THE JUVENILE PAROLE OFFICER may  
15 issue a summons requiring the parolee to appear before the hearing panel  
16 at a specified time and place to answer charges of violation of one or more  
17 conditions of parole. ~~Such~~ THE summons, unless accompanied by a copy  
18 of a complaint filed before the hearing panel seeking revocation or  
19 suspension of parole or modification of parole conditions, ~~shall~~ MUST  
20 contain a brief statement of the alleged parole violation and the date and  
21 place ~~thereof~~ OF THE ALLEGED PAROLE VIOLATION. Failure of the parolee  
22 to appear before the hearing panel as required by ~~such~~ THE summons ~~shall~~  
23 ~~be deemed~~ IS a violation of a condition of parole.

24 (4) If, rather than issuing a summons, a parole officer ~~makes an~~  
25 ~~arrest of~~ ARRESTS a parolee with or without a warrant or takes custody of  
26 a parolee who has been arrested by another, the parole officer shall place  
27 the parolee in the nearest local juvenile detention facility or shelter care

1 facility approved by the department of human services, if under eighteen  
2 years of age, or in the nearest county jail, if eighteen years of age or older.  
3 Within forty-eight hours, not including Saturdays, Sundays, and legal  
4 holidays, the parole officer shall take one of the following actions:

5 (a) Notify the juvenile parole board that the parolee has been  
6 arrested or taken into custody and request that a juvenile parole  
7 preliminary hearing be conducted by an administrative law judge; or

8 ~~(b) Repealed.~~

9 ~~(c)~~ (b) Obtain from the parolee a written agreement that the  
10 parolee waives ~~his or her~~ THE right to a juvenile parole preliminary  
11 hearing. ~~which waiver shall also be signed by a~~ THE PAROLEE'S parent or  
12 guardian SHALL ALSO SIGN THE WAIVER of the parolee if the parolee is a  
13 juvenile; or

14 ~~(d)~~ (c) Release the parolee if ~~he or she~~ THE PAROLEE is not subject  
15 to other actions that require ~~his or her~~ further detention.

16 (5) An administrative law judge shall, upon the request of the  
17 juvenile parole board, conduct a preliminary hearing in a case in which a  
18 parole violation has been alleged to determine whether there is probable  
19 cause to believe that THE PAROLEE HAS VIOLATED a condition of parole,  
20 ~~has been violated by the parolee, as provided in~~ PURSUANT TO subsection  
21 (4) of this section.

22 (6) Whenever an administrative law judge schedules a preliminary  
23 hearing pursuant to subsection (5) of this section, the juvenile parole  
24 officer shall notify the parolee and ~~his or her~~ THE PAROLEE'S parent,  
25 guardian, or legal custodian of the following information:

26 (a) The date, the time, and the place of the preliminary hearing and  
27 the name of the administrative law judge;

1 (b) That the purpose of the hearing ~~will be~~ IS to determine whether  
2 there is probable cause to believe that the parolee has violated ~~his or her~~  
3 parole;

4 (c) That at the preliminary hearing the parolee will be permitted to  
5 present evidence, either oral or documentary, in person or by other  
6 witnesses, in defense of any alleged parole violation;

7 (d) A statement of any alleged parole violation;

8 (e) A brief summary of the evidence tending to establish any  
9 alleged parole violation; AND

10 (f) That the parolee has the right to counsel at the preliminary  
11 hearing.

12 (7) (a) At any preliminary hearing held pursuant to subsection (5)  
13 of this section, the administrative law judge shall hear ~~such~~ ANY OFFERED  
14 testimony ~~as shall be offered~~ and shall determine whether there is probable  
15 cause to believe that the parolee has violated ~~his or her~~ parole. If probable  
16 cause has not been shown, the administrative law judge shall order the  
17 PAROLEE'S release ~~of the parolee~~ and shall make a written report of ~~his or~~  
18 ~~her~~ THE JUDGE'S findings to the juvenile parole board within ~~ten~~ FOURTEEN  
19 days of the hearing.

20 (b) If the administrative law judge finds that probable cause exists  
21 to believe that the parolee has violated ~~his or her~~ parole, ~~he or she~~ THE  
22 ADMINISTRATIVE LAW JUDGE shall order that the parolee be held to answer  
23 the charge before a hearing panel and shall order that the juvenile parole  
24 officer return the parolee without unnecessary delay to any of the juvenile  
25 corrections facilities of the department of human services pending a  
26 hearing before a hearing panel on the complaint for revocation,  
27 suspension, or modification of the juvenile's parole.

1           (8) Within ~~ten~~ FOURTEEN working days after the finding of  
2 probable cause by the preliminary administrative law judge, the juvenile  
3 parole officer shall complete ~~his or her~~ THE OFFICER'S investigation and  
4 either:

5           (a) File a complaint before the hearing panel in which the facts are  
6 alleged upon which a revocation of parole is sought; or

7           (b) Recommend to the director of the division of youth services,  
8 or ~~his or her~~ THE DIRECTOR'S designee, that the parolee, if detained, be  
9 released and the violation proceedings be dismissed. The director, or ~~his~~  
10 ~~or her~~ THE DIRECTOR'S designee, shall determine whether to cause the  
11 violation proceedings to be dismissed, and, if he or she elects to cause  
12 dismissal, the parolee must be released or notified that ~~he or she~~ THE  
13 PAROLEE is relieved of obligation to appear before the hearing panel. In  
14 such event, the director, or ~~his or her~~ THE DIRECTOR'S designee, shall give  
15 written notification to the board of ~~his or her~~ SUCH action.

16           (9) A complaint filed by a juvenile parole officer in which  
17 revocation of parole is sought ~~shall~~ MUST contain the name of the parolee,  
18 ~~shall~~ identify the violation charged and the condition or conditions of  
19 parole alleged to have been violated, including the date and approximate  
20 location ~~thereof~~ OF THE VIOLATION, and ~~shall~~ be signed by the juvenile  
21 parole officer. A copy ~~thereof shall~~ MUST be given to the parolee and ~~his~~  
22 ~~or her~~ THE PAROLEE'S parents, guardian, or legal custodian at least ~~five~~  
23 SEVEN days before a hearing on the complaint is held before the hearing  
24 panel.

25           (10) The board may order the detention of any parolee for failure  
26 to appear as required by the summons issued ~~under~~ PURSUANT TO  
27 subsection (3) of this section.

1           (11) At least ~~five~~ SEVEN days before the appearance of a parolee  
2 before the hearing panel, THE JUVENILE PAROLE OFFICER SHALL PROVIDE,  
3 IN WRITING, TO the parolee and ~~his or her~~ THE PAROLEE'S parents,  
4 guardian, or legal custodian ~~shall be advised in writing by the parole~~  
5 ~~officer of~~ THE FOLLOWING:

6           (a) A STATEMENT OF the nature of the charges that are alleged to  
7 justify revocation or suspension of ~~his or her~~ parole and the substance of  
8 the evidence sustaining the charges;

9           (b) ~~he or she shall be given~~ A copy of the complaint unless he or  
10 she has already received one;

11           (c) ~~he or she shall be informed of~~ A LISTING OF the consequences  
12 that may follow in the event ~~his or her~~ parole is revoked; and

13           (d) ~~he or she shall be advised~~ AN ADVISEMENT that, if the parolee  
14 denies the charges, a hearing will be held before the hearing panel, that,  
15 at the hearing, ~~he or she~~ THE PAROLEE may testify and present witnesses  
16 and documentary evidence in defense of the charges or in mitigation or  
17 explanation, ~~thereof~~, and that ~~he or she~~ THE PAROLEE has the right to  
18 counsel at the hearing.

19           (12) At the hearing before the hearing panel, if the parolee denies  
20 the violation, the division of youth services has the burden of establishing  
21 by a preponderance of the evidence the violation of a condition or  
22 conditions of parole. The hearing panel shall, when it appears that the  
23 alleged violation of conditions of parole consists of an offense with which  
24 the parolee is charged in a criminal case then pending, continue the parole  
25 violation hearing until the termination of the criminal proceeding. Any  
26 evidence having probative value is admissible regardless of its  
27 admissibility under exclusionary rules of evidence if the parolee is



1 accorded a fair opportunity to rebut hearsay evidence. The parolee has the  
2 right to confront and to cross-examine adverse witnesses unless the  
3 administrative law judge specifically finds good cause for not allowing  
4 confrontation.

5 (13) If the hearing panel determines that a violation of a condition  
6 or conditions of parole has been committed, it shall hear further evidence  
7 related to the PAROLEE'S disposition. ~~of the parolee.~~ At the conclusion of  
8 the hearing, the hearing panel shall advise the parties ~~before it~~ of its  
9 findings and recommendations and of their right to request a review  
10 before the board. Such review may be held if a written request is filed  
11 within ~~ten~~ FOURTEEN days after the conclusion of the hearing before the  
12 hearing panel. If a review before the board is not requested or the right to  
13 review is waived, the findings and recommendations of the hearing panel,  
14 if unanimous, ~~shall~~ become the decision of the juvenile parole board  
15 unless the board on its own motion orders a review.

16 (14) The case of a juvenile alleged or found to have violated the  
17 conditions of ~~his or her~~ parole outside the state of Colorado ~~shall~~ MUST be  
18 handled according to ~~the provisions of~~ the interstate compact on juveniles,  
19 part 7 of article 60 of title 24. ~~C.R.S.~~

20 PART 13

21 APPEALS

22 **19-2.5-1301. [Formerly 19-2-903] Appeals.** (1) Appellate  
23 procedure ~~shall be provided~~ IS GOVERNED by the Colorado appellate rules.  
24 Initials ~~shall~~ MUST appear on the record on appeal in place of the ~~name of~~  
25 ~~the juvenile and other respondents~~ JUVENILE'S AND OTHER RESPONDENTS'  
26 NAMES. Appeals ~~shall~~ MUST be advanced on the calendar of the appellate  
27 court and ~~shall be~~ decided at the earliest practical time.

1 (2) The prosecution in a delinquency case may appeal any decision  
2 of the trial court as provided in section 16-12-102. ~~C.R.S.~~

3 **19-2.5-1302. [Formerly 19-2-904] Posttrial bail.** A juvenile's  
4 application for posttrial bail ~~shall be~~ IS governed by part 2 of article 4 of  
5 title 16 ~~C.R.S.~~, and ~~the provisions concerning bail in section 19-2-509~~  
6 SECTION 19-2.5-306, AS IT RELATES TO BAIL.

7 PART 14

8 JUVENILE JUSTICE RECORDS AND EXPUNGEMENT

9 **19-2.5-1401. [Formerly 19-1-302] Legislative declaration.**

10 (1)(a) The general assembly declares that information obtained by public  
11 agencies in the course of performing their duties and functions ~~under this~~  
12 ~~title~~ PURSUANT TO THIS TITLE 19 is considered public information ~~under~~  
13 PURSUANT TO the "Colorado Open Records Act", part 2 of article 72 of  
14 title 24. ~~C.R.S.~~ The general assembly, however, recognizes that certain  
15 information obtained in the course of the implementation of this ~~title~~ TITLE  
16 19 is highly sensitive and ~~has an impact on~~ IMPACTS the privacy of  
17 ~~children~~ YOUTH and members of their families. The disclosure of sensitive  
18 information carries the risk of stigmatizing children, JUVENILES, AND  
19 YOUTH; however, absolute confidentiality of such information may result  
20 in duplicated services in some cases, fragmented services in others, and  
21 the delivery of ineffective and costly programs and, in some situations,  
22 may put other members of the public at risk of harm. In addition,  
23 disclosure may result in serving the best interests of ~~the child~~ CHILDREN,  
24 JUVENILES, AND YOUTH and may be in the public interest.

25 (b) Furthermore, the general assembly specifically finds that:

26 (I) Schools, school districts, and criminal justice agencies  
27 attempting to protect ~~children~~ YOUTH and the public are often frustrated

1 by their lack of ability to exchange information concerning disruptive  
2 ~~children~~ YOUTH who may have experienced disciplinary actions at school  
3 or whose actions outside of a school setting may have resulted in contact  
4 with local law enforcement;

5 (II) ~~The general assembly finds that~~ Schools, school districts, and  
6 criminal justice agencies are often better able to assist such disruptive  
7 ~~children~~ YOUTH and to preserve school safety when they are equipped with  
8 knowledge concerning a ~~child's~~ YOUTH'S history and experiences;

9 (III) ~~The general assembly, however, recognizes that~~ Any such  
10 sharing of information, HOWEVER, among and between schools, school  
11 districts, and agencies to promote school safety or otherwise to assist  
12 disruptive ~~children~~ YOUTH mandates an awareness of the responsibility on  
13 the part of those schools, school districts, and agencies receiving or  
14 providing the information that it be used only for its intended and limited  
15 purpose as authorized by law and that the confidential nature of the  
16 information be preserved; AND

17 (IV) ~~The general assembly finds, therefore, that~~ It is THEREFORE  
18 desirable to authorize and encourage open communication among  
19 appropriate agencies, including criminal justice agencies, assessment  
20 centers for ~~children~~ YOUTH, school districts, and schools, in order to assist  
21 disruptive ~~children~~ YOUTH and to maintain safe schools.

22 (c) The general assembly further finds that partners in  
23 multi-agency assessment centers for ~~children~~ YOUTH are often frustrated  
24 by their lack of ability to exchange information with each other when  
25 attempting to serve ~~children~~ YOUTH and the public. The general assembly  
26 finds that assessment centers for ~~children~~ YOUTH are better able to assist  
27 ~~children~~ YOUTH when they are equipped with knowledge concerning a

1 ~~child's~~ YOUTH'S history and experiences. The general assembly, however,  
2 recognizes that any such sharing of information among agencies ~~who~~  
3 THAT are part of a multi-agency assessment center for ~~children~~ YOUTH  
4 mandates an awareness of the responsibility on the part of the agencies  
5 receiving or providing the information that it be used only for its intended  
6 and limited purpose as authorized by law and that the confidential nature  
7 of the information be preserved.

8 (d) The general assembly recognizes the importance of ~~children~~  
9 YOUTH receiving support from all responsible parties and further finds that  
10 the state child support enforcement agency and the delegate child support  
11 enforcement units have a need to exchange information with other state,  
12 federal, and local agencies in order to effectively locate responsible  
13 parties; establish paternity and child support, including child support debt  
14 pursuant to section 14-14-104; ~~C.R.S.~~; enforce support orders; disburse  
15 collected child support payments; and facilitate the efficient and effective  
16 delivery of services ~~under~~ PURSUANT TO articles 13 and 13.5 of title 26.  
17 ~~C.R.S.~~ Therefore, the general assembly recognizes that the state child  
18 support enforcement agency and the delegate child support enforcement  
19 units need access to the records and databases of the judicial department,  
20 the contents of which are otherwise protected ~~under the provisions of this~~  
21 ~~part 3~~ PURSUANT TO THIS PART 14. The general assembly, however,  
22 recognizes that any such information sharing mandates an awareness of  
23 responsibility on the part of the state child support enforcement agency  
24 and the delegate child support enforcement units receiving information  
25 that it be used only for its intended purposes as authorized by law and in  
26 accordance with ~~the provisions of~~ section 26-13-102.7, ~~C.R.S.~~; and that  
27 the confidential nature of the information be preserved.

1 (e) The general assembly recognizes the need to make  
2 recommendations to the court concerning the many aspects of a ~~child's~~  
3 YOUTH'S legal status, including but not limited to existing court orders on  
4 placement of the ~~child~~ YOUTH, legal custody of the ~~child~~ YOUTH, and  
5 orders of protection. Because the population of this state is transitory, and  
6 jurisdictional lines for the purpose of court actions are arbitrary,  
7 communication of certain information available electronically on a  
8 statewide basis may assist state and county agencies, attorneys  
9 representing state or county agencies, and attorneys appointed by the court  
10 in making recommendations to the court. The general assembly recognizes  
11 that any such sharing of information among agencies, attorneys  
12 representing agencies, and attorneys appointed by the court mandates an  
13 awareness of the responsibility on the part of these agencies, attorneys  
14 representing agencies, and attorneys appointed by the court in receiving  
15 and providing the information that it be used only for its intended and  
16 limited purpose as authorized by law and that the confidential nature of  
17 the information be preserved.

18 (f) (I) The general assembly further recognizes the need for the  
19 command authority of military installations under the United States  
20 secretary of defense to receive notice and information regarding any report  
21 that is assigned for an assessment by the state department of human  
22 services or a county department OF HUMAN OR SOCIAL SERVICES of known  
23 or suspected instances of child abuse or neglect in which the person  
24 having care of the child OR YOUTH in question is a member of the armed  
25 forces or a spouse, or a significant other or family member residing in the  
26 home of the member of the armed forces. The general assembly  
27 recognizes the need for the state department of human services and county

1 departments OF HUMAN OR SOCIAL SERVICES to collect information  
2 concerning the military affiliation of the individual having custody or  
3 control of a child OR YOUTH who is the subject of an investigation of child  
4 abuse or neglect.

5 (II) To further the fulfillment of these needs, the state department  
6 of human services and county departments OF HUMAN OR SOCIAL SERVICES  
7 should be able to enter into memorandums of understanding with the  
8 command authority of military installations. The memorandums of  
9 understanding may establish protocols for the sharing of information  
10 related to assessments of known or suspected instances of child abuse or  
11 neglect and for collaboration on the oversight of child abuse or neglect  
12 investigations involving a member of the armed forces or a spouse, or a  
13 significant other or family member residing in the home of the member of  
14 the armed forces.

15 (III) The general assembly, however, recognizes that any sharing  
16 of such information is critical for an awareness of the responsibility of the  
17 involved agencies and military installations that receive or provide the  
18 information that it be used only for its intended and limited purpose as  
19 authorized by law and that the confidential nature of the information must  
20 be preserved.

21 (IV) The general assembly finds, therefore, that it is desirable to  
22 authorize and encourage open communication between the state  
23 department of human services, county departments OF HUMAN OR SOCIAL  
24 SERVICES, and command authority of military installations to better serve  
25 children, JUVENILES, YOUTH, and families of Colorado.

26 (2) Therefore, in an effort to balance the best interests of children,  
27 JUVENILES, AND YOUTH and the privacy interests of children, JUVENILES,

1 YOUTH, and their families with the need to share information among  
2 service agencies and schools and the need to protect the safety of schools  
3 and the public at large, the general assembly enacts ~~the provisions of this~~  
4 ~~part 3~~ PART 14.

5 **19-2.5-1402. [Formerly 19-1-303] General provisions -**  
6 **delinquency and dependency and neglect cases - exchange of**  
7 **information - civil penalty - rules - definitions.** (1) (a) The judicial  
8 department or any agency that performs duties and functions ~~under this~~  
9 ~~title~~ PURSUANT TO THIS TITLE 19 with respect to juvenile delinquency or  
10 dependency and neglect cases or any other provisions of this ~~title~~ TITLE 19  
11 may exchange information, to the extent necessary, for the acquisition,  
12 provision, oversight, or referral of services and support with the judicial  
13 department or any other agency or individual, including an attorney  
14 representing state or county agencies and an attorney appointed by the  
15 court, that performs duties and functions ~~under this title~~ PURSUANT TO  
16 THIS TITLE 19 with respect to such cases. In order to receive such  
17 information, the judicial department, attorney, or agency ~~shall~~ MUST have  
18 a need to know for purposes of investigations and case management in the  
19 provision of services or the administration of their respective programs.  
20 The judicial department or the agencies shall exchange information in  
21 accordance with ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b)  
22 OF THIS SECTION.

23 (b) The judicial department, an agency, an attorney representing  
24 an agency, or an attorney appointed by the court described in ~~paragraph~~  
25 ~~(a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION shall  
26 exchange information with the judicial department or similar agencies or  
27 individuals who have a need to know to the extent necessary for the

1 acquisition, provision, oversight, and referral of services and support and  
2 if provided in the course of an investigation or for case management  
3 purposes. The provision of information by the judicial department shall  
4 MUST include electronic read-only access to the name index and register  
5 of actions for agencies or attorneys appointed by the court to those case  
6 types necessary to carry out their statutory purpose and the duties of their  
7 court appointment as provided in this part 3 PURSUANT TO THIS PART 14.  
8 The state court administrator of the judicial department and the executive  
9 directors of the affected agencies shall ensure that there is a process for  
10 electronically exchanging information pursuant to this section. Agencies,  
11 attorneys, and individuals shall maintain the confidentiality of the  
12 information obtained.

13 (c) Nothing in this section shall require REQUIRES the exchange of  
14 information that is subject to the attorney-client privilege under PURSUANT  
15 TO section 13-90-107 (1)(b). C.R.S.

16 (2) (a) School personnel may obtain from the judicial department  
17 or agencies described in paragraph (a) of subsection (1) SUBSECTION (1)(a)  
18 of this section any information required to perform their legal duties and  
19 responsibilities. Said SCHOOL personnel shall maintain the confidentiality  
20 of the information obtained.

21 (b) Notwithstanding any other provision of law to the contrary, any  
22 criminal justice agency or assessment center for children YOUTH in the  
23 state may share any information or records concerning a specific child  
24 YOUTH who is or will be enrolled as a student at a school with that school's  
25 principal or with the principal's designee and, if the student is or will be  
26 enrolled at a public school, with the superintendent of the school district  
27 in which the student is or will be enrolled or the superintendent's designee



1 as follows:

2 (I) Any information or records, except mental health or medical  
3 records, relating to incidents that, in the discretion of the agency or center,  
4 rise to the level of a public safety concern including, but not limited to,  
5 any information or records of threats made by the ~~child~~ YOUTH, any arrest  
6 or charging information, any information regarding municipal ordinance  
7 violations, and any arrest or charging information relating to acts that, if  
8 committed by an adult, would constitute misdemeanors or felonies; or

9 (II) Any records, except mental health or medical records, of  
10 incidents that such agency or center may have concerning the ~~child~~ YOUTH  
11 that, in the discretion of the agency or center, do not rise to the level of a  
12 public safety concern but that relate to the adjudication or conviction of  
13 ~~a child~~ THE YOUTH for a municipal ordinance violation or that relate to the  
14 charging, adjudication, deferred prosecution, deferred judgment, or  
15 diversion of ~~a child~~ THE YOUTH for an act that, if committed by an adult,  
16 would have constituted a misdemeanor or a felony.

17 (c) Notwithstanding any other provision of law to the contrary, a  
18 criminal justice agency investigating a criminal matter or a matter ~~under~~  
19 PURSUANT TO the "School Attendance Law of 1963", part 1 of article 33  
20 of title 22, ~~C.R.S.~~, concerning a ~~child~~ YOUTH may seek disciplinary and  
21 truancy information from the principal of a school, or the principal's  
22 designee, at which the ~~child~~ YOUTH is or will be enrolled as a student and,  
23 if the student is enrolled in a public school, from the superintendent of the  
24 school district in which the student is enrolled, or such superintendent's  
25 designee. Upon written certification by the criminal justice agency that the  
26 information will not be disclosed to any other party, except as specifically  
27 authorized or required by law, without the prior written consent of the

1 ~~child's~~ YOUTH'S parent, either the principal of the school in which the ~~child~~  
2 YOUTH is enrolled, or ~~such~~ THE principal's designee, or, if the student is  
3 enrolled in a public school, the superintendent of the school district in  
4 which the student is enrolled, or ~~such~~ THE superintendent's designee, shall  
5 provide the ~~child's~~ YOUTH'S attendance and disciplinary records to the  
6 requesting criminal justice agency. The criminal justice agency receiving  
7 such information shall use it only for the performance of its legal duties  
8 and responsibilities and shall maintain the confidentiality of the  
9 information received.

10 (d) School and school district personnel receiving information  
11 pursuant to this subsection (2) shall use it only in the performance of their  
12 legal duties and responsibilities and shall otherwise maintain the  
13 confidentiality of the information received. Any information received by  
14 a school or a school district pursuant to this subsection (2) that is shared  
15 with another school or a school district to which a student may be  
16 transferring ~~shall~~ MUST only be shared in compliance with the  
17 requirements of federal law.

18 ~~(2.5)~~ (3) (a) Notwithstanding any other provision of law to the  
19 contrary and in addition to ~~the provisions of~~ THE REQUIREMENTS OF  
20 subsections (1) and (2) of this section, assessment centers for ~~children~~  
21 YOUTH and the agencies, other than schools and school districts,  
22 participating in the local assessment centers for ~~children~~ YOUTH are  
23 authorized to provide and share information, except for mental health or  
24 medical records and information, with each other, without the necessity  
25 of signed releases, concerning ~~children~~ YOUTH who have been taken into  
26 temporary custody by law enforcement or who have been referred to the  
27 assessment center for ~~children~~ YOUTH for case management purposes.

1 ~~Agencies shall~~ TO BE CONSIDERED A PARTICIPATING AGENCY, AN AGENCY  
2 MUST have annually updated signed agreements with assessment centers  
3 for ~~children to be considered a participating agency~~ YOUTH.

4 (b) For purposes of sharing information pursuant to this ~~subsection~~  
5 ~~(2.5)~~ SUBSECTION (3) only, "mental health or medical records and  
6 information" does not include the standardized behavioral or mental health  
7 disorder screening. An assessment center that conducts a standardized  
8 behavioral or mental health disorder screening on a ~~child~~ YOUTH who has  
9 been taken into temporary custody by law enforcement or has been  
10 referred to the assessment center for ~~children~~ YOUTH for case management  
11 purposes may share the results of such screening, without the necessity of  
12 a signed release, with the agencies, other than schools and school districts,  
13 participating in the assessment center for ~~children~~ YOUTH. To receive the  
14 results of the standardized behavioral or mental health disorder screening,  
15 a participating agency must have a need to know for purposes of  
16 investigations and case management in the administration of its respective  
17 programs. Any participating agency receiving such information shall use  
18 it only for the performance of its legal duties and responsibilities and shall  
19 maintain the confidentiality of the information received, except as may be  
20 required pursuant to rule 16 of the Colorado rules of criminal procedure.

21 ~~(2.6)~~ (4) (a) The state department of human services and county  
22 departments OF HUMAN OR SOCIAL SERVICES:

23 (I) Shall collect information concerning the military affiliation of  
24 any person who has custody or control of a child OR YOUTH who is the  
25 subject of an investigation of child abuse or neglect;

26 (II) Shall provide notice and information to the command authority  
27 of military installations under the United States secretary of defense

1 regarding any report received of known or suspected instances of child  
2 abuse or neglect that is assigned for an assessment and in which the  
3 person having custody or control of the child OR YOUTH is a member of  
4 the armed forces or a spouse, or a significant other or family member  
5 residing in the home of the member of the armed forces assigned to that  
6 military installation; and

7 (III) May enter into memorandums of understanding with the  
8 command authority of military installations establishing protocols for the  
9 sharing of information and for collaboration on the oversight of  
10 investigations involving a member of the armed forces or a spouse, or a  
11 significant other or family member residing in the home of the member of  
12 the armed forces. The military installation receiving information shall  
13 ensure it is used only for its intended and limited purpose as authorized by  
14 law and that the confidential nature of the information is preserved.

15 (b) The state board of human services may promulgate any rules  
16 necessary for the implementation of this ~~subsection (2.6)~~ SUBSECTION (4).

17 ~~(2.7)~~ (5) (a) Upon the receipt of written notice sent by a foster  
18 parent, employees of the department of human services and of county  
19 departments OF HUMAN OR SOCIAL SERVICES, or other individuals with a  
20 need to know, ~~shall be~~ ARE prohibited from releasing personally  
21 identifiable information about a foster parent, other than the foster parent's  
22 first name, to any adult member of the foster ~~child's~~ YOUTH'S family,  
23 unless the foster parent subsequently provides ~~his or her~~ express written  
24 consent for the release of the information. The consent may consist of a  
25 hand-written note by the foster parent specifying the foster ~~child's~~ YOUTH'S  
26 name, the consent for release of information to the foster ~~child's~~ YOUTH'S  
27 family, the foster parent's signature, and the date. ~~The Consent shall~~ MUST

1 be given individually for each foster ~~child~~ YOUTH, unless the foster  
2 ~~children~~ YOUTH are members of a sibling group.

3 (b) The civil penalty described in ~~subsection (4.7)~~ SUBSECTION (8)  
4 of this section ~~shall~~ DOES not apply to any foster ~~child or~~ YOUTH OR THE  
5 YOUTH'S siblings. ~~of the foster child.~~

6 ~~(3) and (4) (Deleted by amendment, L. 2000, p. 315, § 2, effective~~  
7 ~~April 7, 2000.)~~

8 ~~(4.3)~~ (6) School and school district personnel, employees of the  
9 state judicial department, employees of state agencies, employees of  
10 criminal justice agencies, and employees of assessment centers for  
11 ~~children~~ YOUTH who share information concerning a ~~child~~ YOUTH  
12 pursuant to this ~~part 3 shall be~~ PART 14 ARE immune from civil and  
13 criminal liability if ~~such~~ THE personnel or employee acted in good-faith  
14 compliance with ~~the provisions of this part 3~~ THIS PART 14.

15 ~~(4.4)~~ (7) The judicial department, with respect to dependency or  
16 neglect cases or any other provisions ~~under this title~~ OF THIS TITLE 19,  
17 shall exchange information, to the extent necessary, with the state child  
18 support enforcement agency and the delegate child support enforcement  
19 units for the purposes of effectively locating responsible parties;  
20 establishing paternity and child support, including child support debt  
21 pursuant to section 14-14-104; ~~C.R.S.~~, enforcing support orders;  
22 disbursing collected child support payments; and facilitating the efficient  
23 and effective delivery of services ~~under~~ PURSUANT TO articles 13 and 13.5  
24 of title 26. ~~C.R.S.~~

25 ~~(4.7)~~ (8) ~~Any~~ A person who knowingly violates the confidentiality  
26 provisions of this section ~~shall be~~ IS subject to a civil penalty of up to one  
27 thousand dollars.

1           ~~(5)~~ (9) The provisions of this section are in addition to and not in  
2 lieu of other statutory provisions of law pertaining to the release of  
3 information. Access to or exchange of information not otherwise  
4 addressed by this section is governed as otherwise provided by law.

5           ~~(6)~~ (10) For purposes of this section:

6           (a) "Assessment center for ~~children~~ YOUTH" is defined in ~~section~~  
7 ~~19-1-103 (10.5)~~ SECTION 19-2.5-102.

8           ~~(a.1)~~ (b) "Case management purposes" ~~is defined in section~~  
9 ~~19-1-103 (16.5)~~ MEANS ASSESSMENTS; EVALUATIONS; TREATMENT;  
10 EDUCATION; PROPER DISPOSITION OR PLACEMENT OF THE CHILD, JUVENILE,  
11 OR YOUTH; INTERAGENCY COORDINATION; AND OTHER SERVICES THAT ARE  
12 INCIDENTAL TO THE ADMINISTRATION OF THE PROGRAM AND IN THE BEST  
13 INTERESTS OF THE CHILD, JUVENILE, OR YOUTH.

14           ~~(a.3)~~ (c) "Criminal justice agency" is defined in ~~section 19-1-103~~  
15 ~~(34.6)~~ SECTION 24-72-302 (3).

16           ~~(b)~~ (d) "Need to know" ~~is defined in section 19-1-103 (77.5)~~ MEANS  
17 AGENCIES OR INDIVIDUALS WHO NEED ACCESS TO CERTAIN INFORMATION  
18 FOR THE CARE, TREATMENT, SUPERVISION, OR PROTECTION OF A CHILD,  
19 JUVENILE, OR YOUTH.

20           (e) "School" is defined in ~~section 19-1-103 (94.3)~~ SECTION  
21 19-2.5-102.

22           ~~(7)~~ (11) This section ~~shall~~ MUST be interpreted to promote the best  
23 interests of the child, JUVENILE, OR YOUTH, and, where possible, the  
24 child's, JUVENILE'S, OR YOUTH'S family.

25           ~~(8) to (10) (Deleted by amendment, L. 2008, p. 1242, § 4, effective~~  
26 ~~August 5, 2008.)~~

27           ~~(11)~~ (12) (a) The judicial department or any agency described in

1 subsection (1)(a) of this section may provide a prospective foster parent,  
2 as defined by rule of the department of human services, or a foster parent  
3 who is responsible for the health or welfare of a foster ~~child~~ YOUTH named  
4 in a report who is residing in the foster parent's home, with information  
5 that is necessary to meet the foster ~~child's~~ YOUTH'S physical, mental,  
6 emotional, behavioral, and other identified trauma needs.

7 (b) The information described in ~~subsection (11)(a)~~ SUBSECTION  
8 (12)(a) of this section is only information directly relevant to meeting the  
9 foster ~~child's~~ YOUTH'S physical, mental, emotional, behavioral, and other  
10 identified trauma needs, and includes, but is not limited to, the following:

11 (I) A foster ~~child's~~ YOUTH'S educational records;

12 (II) Relevant information in the family services plan to meet the  
13 safety, permanency, and well-being needs of the foster ~~child~~ YOUTH,  
14 including any safety issues that impact the foster parent's ability to parent  
15 the foster ~~child~~ YOUTH;

16 (III) Circumstances related to the removal of the foster ~~child~~  
17 YOUTH from ~~his or her~~ THE home; and

18 (IV) Youth placement history, including safety concerns and  
19 reasons for unplanned placement moves.

20 (c) Mental health and medical records of a child, JUVENILE, OR  
21 YOUTH may be released pursuant to this ~~subsection (11)~~ SUBSECTION (12),  
22 subject to any privilege recognized or governed by state or federal law.

23 (d) The foster parent shall maintain the confidentiality of any  
24 information obtained pursuant to this ~~subsection (11)~~ SUBSECTION (12).

25 **19-2.5-1403. [Formerly 19-1-304] Juvenile delinquency records**  
26 **- division of youth services critical incident information - definitions.**

27 (1) (a) **Court records - open.** Except as provided in ~~subsection (1)(b.5)~~

1 SET FORTH IN SUBSECTION (1)(c) of this section, court records in juvenile  
2 delinquency proceedings or proceedings concerning a juvenile charged  
3 with the violation of any municipal ordinance except a traffic ordinance  
4 are open to inspection to the following persons without court order:

- 5 (I) The juvenile named in ~~said~~ THE record;
- 6 (II) The juvenile's parent, guardian, legal custodian, or attorney;
- 7 (III) Any attorney of record;
- 8 (IV) The juvenile's guardian ad litem;
- 9 (V) The juvenile probation department and the adult probation  
10 department for purposes of a presentence investigation and the preparation  
11 of a presentence report as described in section 16-11-102 (1)(a); ~~C.R.S.~~;
- 12 (VI) Any agency to which legal custody of the juvenile has been  
13 transferred;
- 14 (VII) Any law enforcement agency or police department in the  
15 state of Colorado;
- 16 ~~(VII.5)~~ (VIII) The Colorado bureau of investigation for purposes  
17 of conducting a criminal background investigation relating to  
18 authorization of a firearm purchase;
- 19 ~~(VIII)~~ (IX) A court ~~which has~~ WITH jurisdiction over a juvenile or  
20 domestic action in which the juvenile is named;
- 21 ~~(IX)~~ (X) Any attorney of record in a juvenile or domestic action in  
22 which the juvenile is named;
- 23 ~~(X)~~ (XI) The state department of human services;
- 24 ~~(XI)~~ (XII) Any person conducting an evaluation pursuant to  
25 section 14-10-127; ~~C.R.S.~~;
- 26 ~~(XII)~~ (XIII) All members of a child protection team, if one exists  
27 pursuant to section 19-3-308 (6)(a);



1           ~~(XIII)~~ (XIV) Any person or agency for research purposes, if all of  
2 the following conditions are met:

3           (A) The person or agency conducting the research is employed by  
4 the state of Colorado or is under contract with the state of Colorado and  
5 is authorized by the department of human services to conduct the research;  
6 except that the department of public safety is not required to obtain prior  
7 authorization from the department of human services for purposes of this  
8 ~~subsection (1)(a)(XIII)~~ SUBSECTION (1)(a)(XIV);

9           (B) The person or agency conducting the research ensures that all  
10 documents containing identifying information are maintained in secure  
11 locations and access to such documents by unauthorized persons is  
12 prohibited; that no identifying information is included in documents  
13 generated from the research conducted; and that all identifying  
14 information is deleted from documents used in the research when the  
15 research is completed; and

16           (C) Any data released must ~~only~~ be in aggregate form ONLY;

17           ~~(XIV)~~ (XV) The victim and the complaining party, if different,  
18 identified in the court file;

19           ~~(XV)~~ (XVI) The department of corrections for aid in  
20 determinations of recommended treatment, visitation approval, and  
21 supervised conditions;

22           ~~(XVI)~~ (XVII) The principal, or the principal's designee, of a school  
23 in which the juvenile is or will be enrolled as a student and, if the student  
24 is or will be enrolled in a public school, to the superintendent of the school  
25 district in which the student is or will be enrolled, or ~~such~~ THE  
26 superintendent's designee;

27           ~~(XVII)~~ (XVIII) The department of education when acting pursuant

1 to section 22-2-119 ~~C.R.S.~~, or pursuant to the "Colorado Educator  
2 Licensing Act of 1991", article 60.5 of title 22. ~~C.R.S.~~

3 (b) **Court records - limited.** With consent of the court, records of  
4 court proceedings in delinquency cases may be inspected by any other  
5 person having a legitimate interest in the proceedings.

6 ~~(b.5)~~(c) **Arrest and criminal records - certain juveniles - public  
7 access - information limited.** The public has access to information  
8 reporting the arrest or other formal filing of charges against a juvenile; the  
9 identity of the criminal justice agency taking ~~such~~ official action relative  
10 to an accused juvenile; the date and place that ~~such~~ THE official action was  
11 taken relative to an accused juvenile; the nature of the charges brought or  
12 the offenses alleged; and one or more dispositions relating to the charges  
13 brought against an accused juvenile, when this information:

14 (I) Is in the custody of the investigating law enforcement agency,  
15 the agency responsible for filing a petition against the juvenile, and the  
16 court; and

17 (II) Concerns a juvenile who:

18 (A) Is adjudicated a juvenile delinquent or is subject to a  
19 revocation of probation for committing the crime of possession of a  
20 handgun by a juvenile or for committing an act that would constitute a  
21 class 1, 2, 3, or 4 felony or would constitute any crime that involves the  
22 use or possession of a weapon if such act were committed by an adult; or

23 (B) Is charged with the commission of any act described in  
24 ~~sub-subparagraph (A) of this subparagraph (II)~~ SUBSECTION (1)(c)(II)(A)  
25 OF THIS SECTION.

26 ~~(b.7)~~ (d) The information that is open to the public pursuant to  
27 ~~subsection (1)(b.5)~~ SUBSECTION (1)(c) of this section regarding a juvenile

1 who is charged with the commission of a delinquent act ~~shall~~ MUST not  
2 include records of investigation as such records are described in section  
3 24-72-305 (5). In addition, any psychological profile of ~~any such~~ THE  
4 juvenile, any intelligence test results for ~~any such~~ THE juvenile, or any  
5 information regarding whether ~~such~~ THE juvenile has been sexually abused  
6 is not open to the public unless released by an order of the court. The  
7 information that is open to the public pursuant to ~~subsection (1)(b.5)~~  
8 SUBSECTION (1)(c) of this section regarding a juvenile who is charged with  
9 a delinquent act ~~shall~~ MUST not include the juvenile's name, birth date, or  
10 photograph.

11 ~~(b.8)~~ (e) The court shall report the final disposition concerning a  
12 juvenile who has been adjudicated a juvenile delinquent to the Colorado  
13 bureau of investigation in a form that is electronically consistent with  
14 applicable law. The report must be made within seventy-two hours after  
15 the final disposition, ~~except that the time period shall not include~~  
16 EXCLUDING Saturdays, Sundays, or legal holidays. The report must include  
17 the disposition of each charge and the court case number, and the  
18 Colorado bureau of investigation shall reflect any change of status but  
19 shall not delete or eliminate information concerning the original charge.  
20 Colorado bureau of investigation records regarding juvenile offenses are  
21 not open to the public.

22 ~~(e)~~ (f) **Probation records - limited access.** Except as otherwise  
23 authorized by ~~section 19-1-303~~ SECTION 19-2.5-1402, a juvenile probation  
24 officer's records, whether ~~or not~~ part of the court file, are not open to  
25 inspection except: ~~as provided in subsection (1)(c)(I) to (1)(c)(XI) of this~~  
26 ~~section:~~

27 (I) To persons who have the COURT'S consent; ~~of the court;~~

1 (II) To law enforcement officers, as defined in ~~section 19-1-103~~  
2 ~~(72)~~ SECTION 19-1-103, and to fire investigators, as defined in ~~section~~  
3 ~~19-1-103 (51)~~ SECTION 19-1-103. The inspection ~~shall be~~ IS limited to the  
4 following information:

5 (A) Basic identification information as defined in section  
6 24-72-302 (2); ~~C.R.S.;~~

7 (B) Details of the offense and delinquent acts charged;

8 (C) Restitution information;

9 (D) Juvenile record;

10 (E) Probation officer's assessment and recommendations;

11 (F) Conviction or plea and plea agreement, if any;

12 (G) Sentencing information; and

13 (H) Summary of behavior while the juvenile was in detention, if  
14 any;

15 ~~(H.5)~~ (III) To the Colorado bureau of investigation for purposes of  
16 conducting a criminal background investigation relating to authorization  
17 of a firearm purchase. The inspection ~~shall be~~ IS limited to the information  
18 identified in ~~sub-subparagraphs (A) to (H) of subparagraph (H) of this~~  
19 ~~paragraph (c)~~ SUBSECTION (1)(f)(II) OF THIS SECTION.

20 ~~(HH)~~ (IV) To a court ~~which has~~ WITH jurisdiction over a juvenile  
21 or domestic action in which the juvenile is named;

22 ~~(HV)~~ (V) To any attorney of record in a juvenile or domestic action  
23 in which the juvenile is named;

24 ~~(V)~~ (VI) To the state department of human services;

25 ~~(VH)~~ (VII) To any person conducting an evaluation pursuant to  
26 section 14-10-127; ~~C.R.S.;~~

27 ~~(VHH)~~ (VIII) To all members of a child protection team, if one

1 exists pursuant to section 19-3-308 (6)(a);  
2 ~~(VII.5)~~ (IX) To the juvenile named in the record;  
3 ~~(VIII)~~ (X) To the juvenile's parent, guardian, legal custodian, or  
4 attorney;  
5 ~~(IX)~~ (XI) To the juvenile's guardian ad litem;  
6 ~~(X)~~ (XII) To the principal of a school, or ~~such~~ THE principal's  
7 designee, in which the juvenile is or will be enrolled as a student and, if  
8 the student is or will be enrolled in a public school, to the superintendent  
9 of the school district in which the student is or will be enrolled, or ~~such~~  
10 THE superintendent's designee; or  
11 ~~(XI)~~ (XIII) To the department of education when acting pursuant  
12 to section 22-2-119 ~~C.R.S.~~, or pursuant to the "Colorado Educator  
13 Licensing Act of 1991", article 60.5 of title 22. ~~C.R.S.~~

14 ~~(d)~~ (g) **Social and clinical studies - closed - court authorization.**  
15 Except as otherwise authorized by ~~section 19-1-303~~ SECTION 19-2.5-1402,  
16 any social and clinical studies, including all formal evaluations of the  
17 juvenile completed by a professional, whether ~~or not~~ part of the court file  
18 or any other record, are not open to inspection, except:

- 19 (I) To the juvenile named in the record;
- 20 (II) To the juvenile's parent, guardian, legal custodian, or attorney;
- 21 or
- 22 (III) By order of the court, upon a finding of a legitimate interest  
23 in and need to review the social and clinical studies.

24 (2) (a) **Law enforcement records in general - closed.** Except as  
25 otherwise provided by ~~subsection (1)(b.5)~~ SUBSECTION (1)(c) of this  
26 section and otherwise authorized by ~~section 19-1-303~~ SECTION  
27 19-2.5-1402, the records of law enforcement officers concerning

1 juveniles, including identifying information, must be identified as juvenile  
2 records and must not be inspected by or disclosed to the public, except:

3 (I) To the juvenile and the juvenile's parent, guardian, legal  
4 custodian, or attorney;

5 (II) To other law enforcement agencies and to fire investigators,  
6 as defined in ~~section 19-1-103 (51)~~ SECTION 19-1-103, who have a  
7 legitimate need for such information;

8 ~~(H.5)~~ (III) To the Colorado bureau of investigation for purposes of  
9 conducting a criminal background investigation relating to authorization  
10 of a firearm purchase;

11 ~~(HH)~~ (IV) To the victim and the complaining party, if different, in  
12 each case after authorization by the district attorney or prosecuting  
13 attorney;

14 ~~(HV)~~ (V) When the juvenile has escaped from an institution to  
15 which ~~such~~ THE juvenile has been committed;

16 ~~(V)~~ (VI) When the court orders that the juvenile be tried as an  
17 adult criminal;

18 ~~(VH)~~ (VII) When there has been an adult criminal conviction and  
19 a presentence investigation has been ordered by the court;

20 ~~(VHH)~~ (VIII) By order of the court;

21 ~~(VHH)~~ (IX) To a court ~~which has~~ WITH jurisdiction over a juvenile  
22 or domestic action in which the juvenile is named;

23 ~~(HX)~~ (X) To any attorney of record in a juvenile or domestic action  
24 in which the juvenile is named;

25 ~~(X)~~ (XI) To the state department of human services;

26 ~~(XH)~~ (XII) To any person conducting an evaluation pursuant to  
27 section 14-10-127; ~~C.R.S.~~;

1           ~~(XII)~~ (XIII) To all members of a child protection team, if one  
2 exists pursuant to section 19-3-308 (6)(a);

3           ~~(XIII)~~ (XIV) To the juvenile's guardian ad litem;

4           ~~(XIV)~~ (XV) To any person or agency for research purposes, if all  
5 of the following conditions are met:

6           (A) The person or agency conducting such research is employed  
7 by the state of Colorado or is under contract with the state of Colorado and  
8 is authorized by the department of human services to conduct such  
9 research; except that the department of public safety does not need to  
10 obtain prior authorization from the department of human services for the  
11 purposes of this ~~subsection (2)(a)(XIV)(A)~~ SUBSECTION (2)(a)(XV)(A);  
12 and

13           (B) The person or agency conducting the research ensures that all  
14 documents containing identifying information are maintained in secure  
15 locations and access to such documents by unauthorized persons is  
16 prohibited, that no identifying information is included in documents  
17 generated from the research conducted, and that all identifying  
18 information is deleted from documents used in the research when the  
19 research is completed;

20           ~~(XV)~~ (XVI) To the principal of a school, or ~~such~~ THE principal's  
21 designee, in which the juvenile is or will be enrolled as a student and, if  
22 the student is or will be enrolled in a public school, to the superintendent  
23 of the school district in which the student is or will be enrolled, or ~~such~~  
24 THE superintendent's designee;

25           ~~(XVI)~~ (XVII) To assessment centers for ~~children~~ YOUTH;

26           ~~(XVII)~~ (XVIII) To the department of education when acting  
27 pursuant to section 22-2-119 ~~C.R.S.~~, or pursuant to the "Colorado

1 Educator Licensing Act of 1991", article 60.5 of title 22. ~~C.R.S.~~

2 (b) The fingerprints, photograph, name, address, and other  
3 identifying information regarding a juvenile may be transmitted to the  
4 Colorado bureau of investigation to assist in any apprehension or  
5 investigation and for purposes of conducting a criminal background  
6 investigation relating to authorization of a firearm purchase.

7 ~~(2.5)~~ (3) **Parole records.** Parole records are open to inspection by  
8 the principal of a school, or ~~such~~ THE principal's designee, in which the  
9 juvenile is or will be enrolled as a student and, if the student is or will be  
10 enrolled in a public school, by the superintendent of the school district in  
11 which the student is or will be enrolled, or ~~such~~ THE superintendent's  
12 designee. Parole records are also open to inspection by assessment centers  
13 for children and by the juvenile named in the record and the juvenile's  
14 parent, guardian, legal custodian, or attorney.

15 ~~(3)~~ (4) Prior to adjudication, the defense counsel, the district  
16 attorney, the prosecuting attorney, or any other party to a pending  
17 delinquency petition, with consent of the court, must have access to  
18 records of any proceedings pursuant to this title 19, except as ~~provided~~ SET  
19 FORTH in section 19-1-309, which involve a juvenile against whom  
20 criminal or delinquency charges have been filed. ~~No~~ A new criminal or  
21 delinquency ~~charges~~ CHARGE against ~~such~~ THE juvenile may NOT be  
22 brought based upon information gained initially or solely from such  
23 examination of records.

24 ~~(4)~~ (5) For the purpose of making recommendations concerning  
25 sentencing after an adjudication of delinquency, the defense counsel and  
26 the district attorney or prosecuting attorney shall have access to records of  
27 any proceedings involving the adjudicated juvenile pursuant to this title



1 TITLE 19, except as ~~provided~~ SET FORTH in sections 19-1-307, 19-1-308,  
2 and 19-1-309. ~~No~~ A new criminal or delinquency ~~charges~~ CHARGE against  
3 the adjudicated juvenile ~~shall~~ MUST NOT be brought based upon  
4 information gained initially or solely from such examination of records.

5 ~~(5)~~ (6) **Direct filings - arrest and criminal records open.**  
6 Whenever a petition filed in juvenile court alleges that a juvenile between  
7 the ages of twelve to eighteen years has committed an offense that would  
8 constitute unlawful sexual behavior, as defined in section 16-22-102 (9),  
9 ~~Č.R.S.~~, or a crime of violence, as defined in section 18-1.3-406, ~~Č.R.S.~~,  
10 if committed by an adult or whenever charges filed in district court allege  
11 that a juvenile has committed such an offense, then the arrest and criminal  
12 records information, as defined in section 24-72-302 (1), ~~Č.R.S.~~, and  
13 including a juvenile's physical description, concerning ~~such~~ THE juvenile  
14 ~~shall~~ MUST be made available to the public. The information is available  
15 only from the investigative law enforcement agency, the agency  
16 responsible for filing a petition, and the court and ~~shall~~ MUST not include  
17 records of investigation as such records are described in section 24-72-305  
18 ~~(5). Č.R.S.~~ Basic identification information, as defined in section  
19 24-72-302 (2), ~~Č.R.S.~~, along with the details of the alleged delinquent act  
20 or offense, ~~shall~~ MUST be provided immediately to the school district in  
21 which the juvenile is enrolled. ~~Such~~ THE information ~~shall~~ MUST be used  
22 by the board of education for purposes of section 22-33-105 (5), ~~Č.R.S.~~,  
23 but information made available to the school district and not otherwise  
24 available to the public ~~shall remain~~ REMAINS confidential.

25 ~~(5.5)~~ (7) Whenever a petition is filed in juvenile court alleging a  
26 class 1, class 2, class 3, or class 4 felony; a level 1, level 2, or level 3 drug  
27 felony; an offense involving unlawful sexual behavior, as defined in

1 section 16-22-102 (9); a crime of violence, as described in section  
2 18-1.3-406; a burglary offense, as described in part 2 of article 4 of title  
3 18; felony menacing, in violation of section 18-3-206; harassment, in  
4 violation of section 18-9-111; fourth degree arson, in violation of section  
5 18-4-105; aggravated motor vehicle theft, in violation of section 18-4-409;  
6 hazing, in violation of section 18-9-124; or possession of a handgun by a  
7 juvenile, in violation of section 18-12-108.5, or when a petition is filed in  
8 juvenile court in which the alleged victim of the crime is a student or staff  
9 person in the same school as the juvenile or in which it is alleged that the  
10 juvenile possessed a deadly weapon during the commission of the alleged  
11 crime, the prosecuting attorney, within three ~~working~~ days, EXCLUDING  
12 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, after the petition is filed,  
13 shall make good faith reasonable efforts to notify the principal of the  
14 school in which the juvenile is enrolled and shall provide ~~such~~ THE  
15 principal with the arrest and criminal records information, as defined in  
16 section 24-72-302 (1). In the event the prosecuting attorney, in good faith,  
17 is not able to either identify the school ~~that~~ the juvenile attends or contact  
18 the principal of the juvenile's school, then the prosecuting attorney shall  
19 contact the superintendent of the juvenile's school district.

20 ~~(6)~~ (8) The department of human services shall release to the  
21 committing court, the prosecuting attorney, the Colorado bureau of  
22 investigation, and local law enforcement agencies basic identification  
23 information, as defined in section 24-72-302 (2), concerning any juvenile  
24 released or released to parole supervision or any juvenile who escapes.  
25 This information is not open to the public.

26 ~~(7)~~ (9) In addition to the persons who have access to court records  
27 pursuant to subsection (1)(a) of this section, statewide electronic read-only

1 access to the name index and register of actions of the judicial department  
2 must be allowed to the following agencies or persons:

3 (a) County departments OF HUMAN OR SOCIAL SERVICES, as defined  
4 in ~~section 19-1-103 (32)~~ SECTION 19-1-103, and attorneys who represent  
5 the county departments as county attorneys, as defined in ~~section 19-1-103~~  
6 ~~(31.5)~~ SECTION 19-1-103, as it relates to the attorneys' work representing  
7 the county;

8 (b) The office of the state public defender, created in section  
9 21-1-101; ~~C.R.S.~~;

10 (c) Guardians ad litem under contract with the office of the child's  
11 representative, created in section 13-91-104, ~~C.R.S.~~; or authorized by the  
12 office of the child's representative to act as a guardian ad litem, as it  
13 relates to a case in which they are appointed by the court;

14 (d) Attorneys under contract with the office of the alternate  
15 defense counsel, created in section 21-2-101, as it relates to a case in  
16 which they are appointed by the court;

17 (e) A respondent parent's counsel under contract with the office of  
18 the respondent parents' counsel, created in section 13-92-103, or  
19 authorized by the office of the respondent parents' counsel to act as a  
20 respondent parent's counsel, as it relates to a case in which they are  
21 appointed by the court; and

22 (f) A licensed attorney working with a nonprofit association  
23 providing free legal assistance as it relates to screening an applicant for  
24 eligibility for free services or to a case in which the organization has  
25 entered an appearance to provide free representation, if the office of the  
26 alternate defense counsel agrees to monitor the attorney's use of the  
27 electronic name index and register of actions.

1           ~~(8)~~(10) **Division of youth services critical incident information.**

2           (a) For the purposes of this ~~subsection (8)~~ SUBSECTION (10), "critical  
3 incident" means any of the following:

4           (I) An intentional physical or sexual act of aggression that:

5           (A) Causes or attempts to cause serious bodily injury;

6           (B) Causes bodily injury that requires only first aid or lesser  
7 attention; or

8           (C) Causes no bodily injury;

9           (II) Unauthorized physical or sexual contact caused through  
10 recklessness or negligence, where physical or sexual harm was not  
11 intended; or

12           (III) An attempt to harm or gain power by blows or with weapons.

13           (b) The department of human services, the division of youth  
14 services, or any agency with relevant information shall release the  
15 following information related to any critical incident, or aggregate of  
16 critical incidents, that occurred in a facility operated by the division of  
17 youth services upon request ~~so long as~~ PROVIDED the disclosing agency,  
18 except as described in ~~subsection (8)(b)(V)~~ SUBSECTION (10)(b)(V) of this  
19 section, redacts any identifying information, any information concerning  
20 security procedures or protocols, and any information that would  
21 jeopardize the safety of the community, youths, or staff:

22           (I) The type of critical incident that occurred or a summary of  
23 types of critical incidents that have occurred within a given time frame;

24           (II) A summary of whether the number and types of critical  
25 incidents are increasing or decreasing in frequency and severity;

26           (III) On average, how many of the youth have been involved in  
27 multiple critical incidents and the average length of detainment;

1 (IV) A summary of responses to critical incidents by the facility  
2 involved, such as de-escalation or THE typical consequence imposed; and

3 (V) A summary of any critical incident that has occurred. ~~which~~  
4 THE summary must include a summary of any use of force on a youth,  
5 including any physical-management techniques or restraints utilized, and  
6 any seclusion of a youth. The division OF YOUTH SERVICES shall not redact  
7 the information other than to protect the personal identifying information  
8 of any individual.

9 (c) The division of youth services, the department of human  
10 services, or any agency with relevant information related to a critical  
11 incident shall provide redacted records related to the critical incident,  
12 provided confidentiality is maintained. The division OF YOUTH SERVICES  
13 may charge a fee in accordance with section 24-72-205.

14 (d) The division of youth services may release to the public  
15 information at any time to correct inaccurate information pertaining to the  
16 critical incident that was reported in the news media, ~~so long as~~ PROVIDED  
17 the release of information by the division OF YOUTH SERVICES protects the  
18 confidentiality of any youth involved; is not explicitly in conflict with  
19 federal law; is not contrary to the best interest of the ~~child~~ YOUTH who is  
20 the subject of the report or ~~his or her~~ THE YOUTH'S siblings; is in the  
21 public's best interest; and is consistent with the federal "Child Abuse  
22 Prevention and Treatment Reauthorization Act of 2010", Pub.L. 111-320.

23 (e) Except as otherwise authorized by ~~section 19-1-303~~ SECTION  
24 19-2.5-1402, all records prepared or obtained by the department of human  
25 services in the course of carrying out its duties pursuant to ~~article 2 of this~~  
26 ~~title~~ THIS ARTICLE 2.5 are confidential and privileged.

27 **19-2.5-1404. [Formerly 19-1-306] Expungement of juvenile**

1 **delinquent records - definition.** (1) (a) For the purposes of this section,  
2 "expungement" is defined in ~~section 19-1-103 (48)~~ SECTION 19-2.5-102.  
3 Upon the entry of an expungement order, the person who is the subject of  
4 the record that has been expunged may assert that he or she has no  
5 juvenile delinquency record. Further, the person who is the subject of the  
6 record that has been expunged may lawfully deny that he or she has ever  
7 been arrested, charged, adjudicated, convicted, or sentenced in regard to  
8 the expunged case, matter, or charge.

9 (b) The court, law enforcement, and all other agencies shall reply  
10 to any inquiry regarding an expunged record that no record exists with  
11 respect to the person named in the record, unless information may be  
12 shared with the inquiring party pursuant to subsection (3) of this section.

13 (c) The expungement order only applies to the named juvenile and  
14 not to any co-participant.

15 (2) (a) At the time of the adjudication, the court shall advise the  
16 adjudicated juvenile and any respondent parent or guardian, in writing, of  
17 the right to expunge and the time period and process for expunging the  
18 order. The court, on its own motion or the motion of the juvenile  
19 probation department, the juvenile parole department, the juvenile, a  
20 respondent parent or guardian, or a court-appointed guardian ad litem,  
21 may initiate expungement proceedings concerning the record of any  
22 juvenile who has been under the jurisdiction of the court.

23 (b) If a juvenile is supervised by probation, the probation  
24 department, upon the termination of the juvenile's supervision period,  
25 shall provide the juvenile with a written advisement of the right to  
26 expungement and the time period and process for expunging the record.

27 (c) If a juvenile is supervised by parole, the department or division

1 supervising the juvenile's parole, upon the termination of the juvenile's  
2 parole supervision period, shall provide the juvenile with a written  
3 advisement of the right to expungement and the time period and process  
4 for expunging the record.

5 (d) If the juvenile is supervised by a diversion officer or agency  
6 other than probation, the agency supervising the diversion program, upon  
7 the termination of the juvenile's diversion period, shall provide the  
8 juvenile with a written advisement of the right to expungement and the  
9 time period and process for expunging the record.

10 (e) If a juvenile is sentenced in municipal court, the municipal  
11 court, at sentencing, shall provide the juvenile and any respondent parent  
12 or guardian with a written advisement of the right to expungement and the  
13 time period and process for expunging the record. The municipal court  
14 may provide the notice through a municipal diversion program, the city  
15 attorney, or a municipal probation program.

16 (f) If a juvenile is committed to the division of youth services and  
17 is released without a requirement to complete further parole, the division  
18 shall provide the juvenile with a written advisement of the right to  
19 expungement and the time period and process for expunging the record.

20 (g) Expungement must be effectuated by physically sealing or  
21 conspicuously indicating on the face of the record or at the beginning of  
22 the computerized file of the record that the record has been designated as  
23 expunged.

24 (h) The prosecuting attorney shall not require as a condition of a  
25 plea agreement that the juvenile waive ~~his or her~~ THE right to  
26 expungement ~~under~~ PURSUANT TO this section upon the completion of the  
27 juvenile's sentence.

1 (i) Prior to the court ordering any records expunged, the court shall  
2 determine whether the juvenile has any felony, drug felony, misdemeanor,  
3 drug misdemeanor, petty offense, or delinquency actions pending, and, if  
4 the court determines that there is a felony, drug felony, misdemeanor, drug  
5 misdemeanor, petty offense, or delinquency action pending against the  
6 juvenile, the court shall stay the petition for expungement proceedings  
7 until the resolution of the pending case.

8 (3) (a) After expungement, basic identification information on the  
9 juvenile and a list of any state and local agencies and officials having  
10 contact with the juvenile, as they appear in the records, are not open to the  
11 public but are available to a prosecuting attorney, local law enforcement  
12 agency, the department of human services, the state judicial department,  
13 and the victim, as defined in section 24-4.1-302 (5); except that such  
14 information is not available to an agency of the military forces of the  
15 United States.

16 (b) Notwithstanding any order for expungement pursuant to this  
17 section, any record that is ordered expunged is available to any judge and  
18 the probation department for use in any future proceeding in which the  
19 person whose record was expunged is charged with an offense as either  
20 a juvenile or as an adult. A new criminal or delinquency charge may not  
21 be brought against the juvenile based upon information gained initially or  
22 solely from examination of the expunged records.

23 (c) Notwithstanding an order for expungement pursuant to this  
24 section, any criminal justice record of a juvenile who has been charged,  
25 adjudicated, or convicted of any offense shall MUST be available for use  
26 by the juvenile, the juvenile's attorney, a prosecuting attorney, any law  
27 enforcement agency, or any agency of the state judicial department in any



1 subsequent criminal investigation or prosecution as a substantive predicate  
2 offense conviction or adjudication of record.

3 (d) Notwithstanding any order for expungement issued pursuant  
4 to this section, nothing prevents the prosecuting attorney, including the  
5 staff of a prosecuting attorney's office or a victim or witness assistance  
6 program, or a law enforcement agency or law enforcement victim  
7 assistance program, from discussing with the victim the case, the results  
8 of any expungement proceedings, information regarding restitution, and  
9 information related to any victim services available to the victim, as  
10 defined in section 24-4.1-302 (5), but copies of expunged records must not  
11 be provided to the victim. The victim may petition the court ~~and request~~  
12 ~~that~~ FOR a copy of the expunged records. ~~be provided to the victim.~~ If the  
13 court finds that there are compelling reasons for the release, a copy of the  
14 expunged records may be released to the victim. If the court orders the  
15 release of a copy of the expunged records to the victim, the court ~~must~~  
16 SHALL issue a protective order regarding the usage of the expunged  
17 records.

18 (e) Notwithstanding any order for expungement issued pursuant  
19 to this section, any information, including police affidavits and reports and  
20 records related to any prior conviction or adjudication, are available  
21 without court order to the persons, government agencies, or entities  
22 allowed access to or allowed to exchange such information pursuant to  
23 ~~section 19-1-303 for the purposes described therein.~~ Any SECTION  
24 19-2.5-1402. A person who knowingly violates the confidentiality  
25 provisions of ~~section 19-1-303~~ SECTION 19-2.5-1402 is subject to the  
26 penalty in ~~section 19-1-303 (4.7)~~ SECTION 19-2.5-1402 (8).

27 (f) Notwithstanding any order for expungement issued pursuant to

1 this section, nothing in this section precludes a county department of  
2 human or social services employee from reviewing internal department  
3 records that are ordered expunged and are in the county department's  
4 possession for purposes of department investigations and case  
5 management in the provision of child welfare services.

6 (4) (a) The court shall order all records in a juvenile delinquency  
7 case in the custody of the court, and any records related to the case and  
8 charges in the custody of any other agency, person, company, or  
9 organization, expunged within forty-two days after:

10 (I) A finding of not guilty at an adjudicatory trial;

11 (II) Dismissal of the petition in its entirety prior to any disposition  
12 or alternative to sentencing, including diversion, a deferred adjudication,  
13 or an informal adjustment; or

14 (III) The completion of a sentence or alternative to sentencing,  
15 including diversion, a deferred adjudication, or an informal adjustment,  
16 for a petty offense, drug petty offense, class 2 or class 3 misdemeanor  
17 offense, or level 1 or level 2 drug misdemeanor if the offense does not  
18 involve unlawful sexual behavior as defined in section 16-22-102 (9), is  
19 not an act of domestic violence as defined in section 18-6-800.3, or is not  
20 a crime listed ~~under~~ PURSUANT TO section 24-4.1-302 (1), and the  
21 defendant was under eighteen years of age at the time the offense was  
22 committed.

23 (b) (I) Upon successful completion of diversion at the prefiling  
24 level as an alternative to the filing of a petition, the custodian of any  
25 record shall expunge the record in the custody of law enforcement, the  
26 juvenile's school, the diversion provider, and the district attorney without  
27 the need for a court order.

1           (II) The district attorney or other diversion provider shall notify the  
2 Colorado bureau of investigation, the law enforcement agency that had  
3 contact with the juvenile, and the juvenile's school, if the incident  
4 occurred at school or the district attorney notified the school of the case,  
5 that diversion is complete and the records are expunged. Any law  
6 enforcement agency or school that receives a notice shall acknowledge  
7 receipt of the notice. The Colorado bureau of investigation, law  
8 enforcement agency, school, diversion provider, and district attorney shall  
9 treat the records as expunged within thirty-five days after the completion  
10 of diversion, and all provisions of this section addressing expunged  
11 records apply to those records.

12           (III) If victim notification is required pursuant to part 4.1 of title  
13 24, the district attorney shall notify the victim prior to sending the notice  
14 pursuant to subsection (4)(b)(II) of this section, and offer the victim an  
15 opportunity to object. If the victim objects, the district attorney shall notify  
16 the court and the diversion provider. Upon receipt of the notice of  
17 objection from the district attorney, the diversion provider shall complete  
18 and file a report pursuant to ~~subsection (5)(c)~~ SUBSECTION (5)(b) of this  
19 section, and ~~the provisions of subsections (5)(c), (5)(c.5), (5)(f), and (5)(g)~~  
20 SUBSECTIONS (5)(d), (5)(e), (5)(f), AND (5)(g) of this section apply.

21           (c) The court shall, on or before November 1 of each year, review  
22 all juvenile delinquency court files during the two previous years that  
23 resulted in a finding of not guilty; a dismissal of the petition; a sentence  
24 for a petty offense; a sentence for a drug petty offense; a sentence for a  
25 drug misdemeanor offense; or a sentence for a class 2 or class 3  
26 misdemeanor offense if the offense does not involve unlawful sexual  
27 behavior as defined in section 16-22-102 (9), is not an act of domestic

1 violence as defined in section 18-6-800.3, or is not a crime listed ~~under~~  
2 PURSUANT TO section 24-4.1-302 (1), and the defendant was under  
3 eighteen years of age at the time the offense was committed. The court  
4 shall enter an expungement order for all juveniles eligible for  
5 expungement pursuant to this subsection (4), if the expungement order  
6 was not previously made.

7 (5) (a) At the time that the court orders the following sentences or  
8 alternatives to sentencing, the court shall make a finding that the juvenile  
9 is eligible for expungement pursuant to this subsection (5) and include that  
10 finding on the written mittimus or other sentencing document:

11 (I) A juvenile diversion program, a deferred adjudication, or an  
12 informal adjustment, except for those described in subsection (4)(a)(III)  
13 of this section;

14 (II) A juvenile sentence for an adjudication for a class 1  
15 misdemeanor or a petty or a misdemeanor offense that is not eligible for  
16 expungement pursuant to subsection (4) of this section; or

17 ~~(III) Repealed.~~

18 ~~(IV)~~ (III) A juvenile sentence for an adjudication for a felony  
19 offense or felony drug offense if:

20 (A) The felony offense did not constitute unlawful sexual behavior  
21 as defined in section 16-22-102 (9);

22 (B) The felony offense was not a crime of violence as described  
23 in section 18-1.3-406;

24 (C) The felony offense was not a class 1 or class 2 felony; and

25 (D) The juvenile had no prior felony adjudications.

26 ~~(b) Repealed.~~

27 ~~(c)~~ (b) (I) If the court makes a finding that a juvenile is eligible for

1 expungement pursuant to subsection (5)(a) of this section, the agency  
2 supervising the juvenile shall, at the conclusion of the agency's  
3 supervision, prepare a report and summary of supervision outlining the  
4 performance of the juvenile while under supervision. The supervising  
5 agency shall provide the report to the court and provide a copy of the  
6 report to the prosecuting attorney, the juvenile, and the juvenile's attorney  
7 of record no earlier than thirty-five days prior to the end of supervision  
8 and no later than fourteen days after the conclusion of supervision. If there  
9 is no supervising agency, the court shall send a notice that the  
10 unsupervised sentence is complete to the district attorney when the  
11 sentence is complete.

12 (II) Upon receipt of the report or notice pursuant to this ~~subsection~~  
13 ~~(5)(c)~~ SUBSECTION (5)(b), the prosecuting attorney shall contact the victim  
14 regarding expungement if notification is required pursuant to part 4.1 of  
15 title 24.

16 ~~(d)~~ (c) If neither the prosecuting attorney nor a victim files an  
17 objection within thirty-five days after the filing of the report or notice  
18 pursuant to ~~subsection (5)(c)~~ SUBSECTION (5)(b) of this section, the court  
19 shall order all records in the juvenile delinquency case in the custody of  
20 the court, ~~and~~ INCLUDING any records related to the case and charges in the  
21 custody of any other agency, person, company, or organization, expunged.

22 ~~(e)~~ (d) If the prosecuting attorney or a victim files an objection  
23 within thirty-five days after the filing of the report or notice pursuant to  
24 ~~subsection (5)(c)~~ SUBSECTION (5)(b) of this section, the court shall  
25 schedule a hearing on the issue of expungement. The court shall notify all  
26 objecting parties of the hearing date. The hearing must be set at least  
27 thirty-five days after the date the court sends notice of the hearing.

1           ~~(e.5)~~ (e) If the offense for which the records are eligible for  
2 expungement requires the juvenile to register pursuant to section  
3 16-22-103 and the court has not already issued a notice pursuant to section  
4 16-22-113 (1.3)(b), upon receipt of the report from the supervising agency  
5 pursuant to ~~subsection (5)(c)~~ SUBSECTION (5)(b) of this section, the court  
6 shall issue a notice pursuant to section 16-22-113 (1.3)(b) and this  
7 ~~subsection (5)(e.5)~~ SUBSECTION (5)(e), and the victim and prosecution  
8 have sixty-three days from the issuance of that notice to file an objection  
9 to expungement or the discontinuation of registration. All other  
10 requirements of ~~subsections (5)(d), (5)(e), (5)(f), and (5)(g)~~ SUBSECTIONS  
11 (5)(c), (5)(d), (5)(f), AND (5)(g) of this section apply to the expungement.  
12 ~~The provisions of Section 16-22-113 (1.3) apply~~ APPLIES to the issue of  
13 discontinuing registration. The court shall consider both issues at the same  
14 hearing. If the court has not already ordered that the juvenile may  
15 discontinue registration pursuant to section 16-22-113, the court shall  
16 enter an order granting expungement and discontinuing the registration  
17 requirement, denying expungement and discontinuing the registration  
18 requirement, or denying expungement and continuing the registration  
19 requirement.

20           (f) If a hearing is scheduled pursuant to ~~subsection (5)(e)~~  
21 SUBSECTION (5)(d) of this section, the court shall send notice to the last  
22 known address of the juvenile notifying the juvenile of the date of the  
23 hearing and of the juvenile's right to appear at the hearing and to present  
24 evidence to the court in writing prior to the hearing and in person at the  
25 hearing. The notice must indicate that, at the hearing, the court will  
26 consider whether the juvenile has been rehabilitated and whether  
27 expungement is in the best interest of the juvenile and the community. The

1 juvenile is not required to appear at the hearing.

2 (g) At a hearing held pursuant to this subsection (5), the court shall  
3 order all records of the case in the custody of the court, and any records  
4 related to the case or charges in the custody of any other agency, person,  
5 company, or organization, expunged if the court makes written findings  
6 that:

7 (I) The JUVENILE HAS ATTAINED rehabilitation ~~of the juvenile has~~  
8 ~~been attained~~ to the COURT'S satisfaction; ~~of the court;~~ and

9 (II) The expungement is in the best interest of the juvenile and the  
10 community.

11 (h) The court shall, starting on November 1, 2019, and each  
12 November 1 thereafter, review all juvenile delinquency court files during  
13 the two previous years that resulted in participation in diversion, a  
14 deferred adjudication, or an informal adjustment; a sentence for a class 1  
15 misdemeanor offense, any drug felony offense, or a misdemeanor offense  
16 involving domestic violence as defined in section 18-6-800.3; or a felony  
17 offense that did not constitute unlawful sexual behavior as defined in  
18 section 16-22-102 (9), was not a crime of violence as described in section  
19 18-1.3-406, and was not a class 1 or class 2 felony. The court shall send  
20 the notice required for all records eligible for a notice pursuant to this  
21 subsection (5) if the notice was not previously sent and an expungement  
22 order was not previously made. After the notice is sent, ~~the provisions of~~  
23 subsections (5)(b) to (5)(g) of this section apply.

24 (i) With the victim's consent, or if there is no named victim, the  
25 prosecuting attorney may agree at the time of a plea that there will be no  
26 objection to expungement upon the completion of the juvenile's sentence.  
27 In such a case, the court shall order all records of the case in the custody

1 of the court, and any records related to the case or charges in the custody  
2 of any other agency, person, company, or organization, expunged upon  
3 completion of the juvenile's sentence. A hearing is not required.

4 (j) A juvenile who was adjudicated as a mandatory sentence  
5 offender pursuant to ~~section 19-2-516 (1)~~ SECTION 19-2.5-1125 (1) or as  
6 a repeat juvenile offender pursuant to ~~section 19-2-516 (2)~~ SECTION  
7 19-2.5-1125 (2) is not eligible for expungement ~~under~~ PURSUANT TO this  
8 subsection (5), but may petition for expungement pursuant to subsection  
9 (6)(e) of this section.

10 (6) (a) A person may petition the juvenile court to expunge records  
11 in a closed case pursuant to subsection (4) of this section if the records are  
12 otherwise eligible for expungement; have not been expunged by the court;  
13 and a proceeding concerning a felony, misdemeanor, or delinquency  
14 action is not pending against the petitioner. A filing fee, notarization, or  
15 other formalities are not required. If the court determines the records are  
16 eligible for expungement pursuant to the requirements of subsection (4)  
17 of this section, the court shall grant the petition to expunge without a  
18 hearing and shall issue an order pursuant to subsection (4) of this section.

19 (b) A person may petition the juvenile court to expunge records in  
20 a closed case pursuant to subsection (5) of this section if the records are  
21 otherwise eligible for expungement;, have not been expunged by the court;  
22 and a proceeding concerning a felony, misdemeanor, or delinquency  
23 action is not pending against the petitioner. A filing fee, notarization, or  
24 other formalities are not required. If the records are eligible for  
25 expungement pursuant to subsection (5) of this section, the court shall  
26 request a report from the agency supervising the juvenile or issue a notice  
27 pursuant to ~~subsection (5)(c)~~ SUBSECTION (5)(b) of this section, and the



1 ~~provisions of subsection (5) of this section apply~~ APPLIES.

2 (c) A person may petition the juvenile court to expunge records  
3 related to a law enforcement contact that did not result in referral to  
4 another agency after one year has passed since the law enforcement  
5 contact and a proceeding concerning a felony, misdemeanor, or  
6 delinquency action is not pending against the petitioner. A filing fee,  
7 notarization, or other formalities are not required. If the records are  
8 eligible for expungement pursuant to subsection (5) of this section, the  
9 court shall issue a notice to the district attorney that the records will be  
10 expunged if no objection is received, and ~~the provisions of subsection (5)~~  
11 of this section ~~apply~~ APPLIES.

12 (d) A person may petition the juvenile court to expunge records in  
13 a closed case pursuant to subsection (5) of this section if the person was  
14 previously denied an expungement order for those same records pursuant  
15 to subsection (5) of this section and at least twelve months have passed  
16 since the date of the original denial order; the petitioner provides new  
17 information not previously considered by the prior reviewing court; and  
18 a proceeding concerning a felony, misdemeanor, or delinquency action is  
19 not pending against the petitioner. The court shall schedule a hearing and  
20 notify the prosecuting attorney of the hearing date. The court shall set the  
21 hearing at least thirty-five days after the court sends the notice of the  
22 hearing. All other provisions of subsection (5) of this section apply.

23 (e) A juvenile who does not qualify for expungement pursuant to  
24 subsection (4) or (5) of this section, including a mandatory sentence  
25 offender pursuant to ~~section 19-2-516 (1)~~ SECTION 19-2.5-1125 (1) or a  
26 repeat offender pursuant to ~~section 19-2-516 (2)~~ SECTION 19-2.5-1125 (2),  
27 and is not otherwise ineligible for expungement pursuant to ~~the provisions~~

1 of subsection (8) of this section and does not have a proceeding  
2 concerning a felony, misdemeanor, or delinquency action pending, ~~against~~  
3 ~~himself or herself~~, may petition the court to request expungement of ~~his~~  
4 ~~or her~~ THE JUVENILE'S record thirty-six months after the date of the  
5 petitioner's unconditional release from his or her juvenile sentence. A  
6 filing fee, notarization, or other formalities are not required. The court  
7 shall schedule a hearing, and ~~the provisions of subsections (5)(e), (5)(e.5),~~  
8 ~~(5)(f), and (5)(g)~~ SUBSECTIONS (5)(d), (5)(e), (5)(f), AND (5)(g) of this  
9 section apply.

10 (7) Unless otherwise stated in the applicable section, a person may  
11 file a petition with the court for expungement of ~~his or her~~ THE PERSON'S  
12 record pursuant to subsections (4), (5), and (6) of this section only once  
13 during a twelve-month period.

14 (8) Notwithstanding ~~the provisions of~~ subsections (4), (5), and (6)  
15 of this section, a court shall not expunge the record of a person who ~~is~~  
16 WAS:

17 (a) Adjudicated as an aggravated juvenile offender pursuant to  
18 ~~section 19-2-516 (4)~~ SECTION 19-2.5-1125 (4) or as a violent juvenile  
19 offender pursuant to ~~section 19-2-516 (3)~~ SECTION 19-2.5-1125 (3);

20 (b) Adjudicated of homicide and related offenses pursuant to part  
21 1 of article 3 of title 18;

22 (c) Adjudicated for a felony offense involving unlawful sexual  
23 behavior as described in section 16-22-102 (9); or

24 (d) Charged, adjudicated, or convicted of any offense or infraction  
25 pursuant to title 42.

26 (9) **Municipal court records.** (a) Municipal court records are  
27 expunged pursuant to section 13-10-115.5.

1 (b) If municipal court records have not been expunged within  
2 seventy days from the end of the case pursuant to section 13-10-115.5, ~~an~~  
3 ~~individual~~ A PERSON may petition the juvenile court in the judicial district  
4 where the municipality is located to expunge records of a municipal case  
5 brought against a juvenile. Expungement proceedings pursuant to this  
6 subsection (9) must be initiated by the filing of a petition requesting an  
7 order of expungement. A filing fee, notarization, or other formalities are  
8 not required. If the petition is not granted without a hearing, the court shall  
9 set a date for a hearing on the petition for expungement and shall notify  
10 the appropriate prosecuting attorney.

11 (10) Upon the entry of an order expunging a record pursuant to  
12 this section, the court shall order, in writing, the expungement of all case  
13 records in the custody of the court and any records related to the case and  
14 charges in the custody of any other agency, person, company, or  
15 organization. The court may order expunged any records, but, at a  
16 minimum, the following records must be expunged pursuant to every  
17 expungement order:

18 (a) All court records;

19 (b) All records retained within the office of the prosecuting  
20 attorney;

21 (c) All probation and parole records;

22 (d) All law enforcement records;

23 (e) All department of human services records;

24 (f) All division of youth services records;

25 (g) All department of corrections records; and

26 (h) References to the criminal case or charge contained in the  
27 school records.

1           (11) (a) When an expungement order is issued pursuant to this  
2 section, the court shall send a copy of the order to the juvenile, the  
3 juvenile's last attorney of record, the prosecuting attorney, any law  
4 enforcement agency that investigated the case, the state court  
5 administrator's office, and the Colorado bureau of investigation directing  
6 the entity to expunge its records within thirty-five days after the receipt of  
7 the order.

8           (b) The court shall send a copy of an expungement order to each  
9 of the following ENTITIES, directing the entity to expunge the records in  
10 its custody as soon as practicable but no later than ~~ninety~~ NINETY-ONE  
11 days after the receipt of the order:

12           (I) The probation office if the juvenile was placed on probation at  
13 any point during the case;

14           (II) The division of youth services if the juvenile was detained in  
15 a facility operated by the division, committed to the custody of the  
16 division, or screened through the Colorado youth detention continuum at  
17 any point during the case;

18           (III) Any county department of human or social services through  
19 which the juvenile received services at any point during the juvenile's  
20 case; and

21           (IV) Any other agency, person, company, or organization named  
22 in the order if the court is aware that the entity has records related to the  
23 case in its possession.

24           (c) Each entity described in this subsection (11) shall expunge the  
25 records in its custody as directed by the order.

26           (d) The person who is the subject of records expunged pursuant to  
27 this section may petition the court to permit inspection of the records held

1 by persons named in the order, and the court may so order.

2 (12) Any agency, person, company, or organization that violates  
3 this section and knew that the records in question were subject to an  
4 expungement order may be subject to criminal and civil contempt of court  
5 and may be punished by a fine.

6 (13) Employers; educational institutions; landlords; and state and  
7 local government agencies, officials, and employees shall not, in any  
8 application or interview or in any other way, require an applicant to  
9 disclose any information contained in expunged records. In answer to any  
10 question concerning arrest or juvenile and criminal records information  
11 that has been expunged, an applicant need not include a reference to or  
12 information concerning the expunged information and may state that no  
13 record exists. An application may not be denied solely because of the  
14 applicant's refusal to disclose records or information that has been  
15 expunged.

16 (14) Nothing in this section authorizes the physical destruction of  
17 any juvenile or criminal justice record.

18 **19-2.5-1405. [Formerly 19-1-305] Operation of juvenile**  
19 **facilities.** (1) Except as otherwise authorized by ~~section 19-1-303 or~~  
20 ~~19-1-304 (8)~~ SECTION 19-2.5-1402 OR 19-2.5-1403 (10), all records  
21 prepared or obtained by the department of human services in the course  
22 of carrying out its duties pursuant to ~~article 2 of this title~~ THIS ARTICLE 2.5  
23 are confidential and privileged. Said records may be disclosed only:

24 (a) To the parents, legal guardian, legal custodian, attorney for the  
25 juvenile, district attorney, guardian ad litem, law enforcement official, and  
26 probation officer;

27 (b) In communications between appropriate personnel in the

1 course of providing services or in order to facilitate appropriate referrals  
2 for services;

3 (c) To the extent necessary to make application for or to make  
4 claims on behalf of the juvenile who is eligible to receive aid, insurance,  
5 federal or state assistance, or medical assistance;

6 (d) To the court as necessary for the administration of ~~the~~  
7 ~~provisions of article 2 of this title~~ THIS ARTICLE 2.5;

8 (e) To persons authorized by court order after notice and a hearing,  
9 to the juvenile, and to the custodian of the record;

10 (f) For research or evaluation purposes pursuant to rules regarding  
11 research or evaluation promulgated by the department of human services.  
12 Any rules ~~so~~ promulgated ~~shall~~ MUST require that persons receiving  
13 information for research or evaluation purposes are required to keep such  
14 information confidential. ~~and~~

15 (g) To the department of revenue pursuant to sections 39-22-120  
16 and 39-22-2003. ~~C.R.S.~~

17 (2) Nothing in this section ~~shall be construed to limit~~ LIMITS the  
18 effect of ~~any other provision of this part 3 which requires~~ PART 14 THAT  
19 REQUIRES the confidentiality of records under the control of the  
20 department of human services.

21 PART 15

22 ADMINISTRATION

23 SUBPART A - IN GENERAL

24 **19-2.5-1501. [Formerly 19-2-202] Responsible agencies.** The  
25 department of human services is the single state agency responsible for the  
26 oversight of the administration of juvenile programs and the delivery of  
27 services for juveniles and their families in this state. In addition, the

1 department of human services is responsible for juvenile parole. The state  
2 judicial department is responsible for the oversight of juvenile probation.  
3 The department of public safety is responsible for the oversight of  
4 community diversion programs. The state agencies described in this  
5 section shall jointly oversee the application by judicial districts of the  
6 placement criteria established by the working group as provided in section  
7 ~~19-2-212~~ SECTION 19-2.5-1504.

8 **19-2.5-1502. [Formerly 19-2-210] Juvenile community review**  
9 **board.** (1) A board of county commissioners or the city council of the  
10 city and county of Denver or more than one board of county  
11 commissioners may adopt a written resolution requiring approval by a  
12 juvenile community review board of residential community placements  
13 within its county of juveniles under commitment to the department of  
14 human services. Upon the effective date of such resolution and notice to  
15 the department of human services, ~~no~~ A juvenile committed to the custody  
16 of the department of human services shall NOT be placed into a residential  
17 community placement in that county or region unless and until ~~such~~ THE  
18 placement is approved by the juvenile community review board.

19 ~~(1.5)~~ (2) A juvenile community review board may be consolidated  
20 with other local advisory boards pursuant to section 24-1.7-103. ~~C.R.S.~~

21 ~~(2)~~ (3) Notification of any placement of a juvenile under the  
22 jurisdiction of the juvenile parole board ~~shall~~ MUST be made to the  
23 juvenile community review board prior to or at the time of placement.

24 ~~(3)~~ (4) (a) Prior to placement of a juvenile in a residential  
25 community placement, the juvenile community review board shall review  
26 the JUVENILE'S case file. ~~of the juvenile.~~ It is the responsibility of the  
27 department of human services to provide accurate information regarding

1 the juvenile and the proposed placement to the juvenile community review  
2 board. ~~Such~~ THE information ~~shall~~ MUST include, but not be limited to, a  
3 history of delinquent adjudications, a social history, an educational  
4 history, a mental health treatment history, a drug and alcohol treatment  
5 history, and a summary of institutional progress. Each juvenile CASE  
6 referred to the board ~~shall~~ MUST be reviewed within ~~fifteen~~ FOURTEEN  
7 days from the date the referral is received.

8 (b) The board shall review the JUVENILE'S case file ~~of the juvenile~~  
9 and make a decision regarding residential community placement, taking  
10 into consideration the results of a validated risk and needs assessment  
11 adopted pursuant to section 24-33.5-2402 (1) by the department of human  
12 services, the criteria established by the juvenile community review board  
13 based on the interests of the community, and guidance established by the  
14 department of human services in consultation with the juvenile justice  
15 reform committee established pursuant to section 24-33.5-2401. The  
16 criteria must be based upon researched factors that have been  
17 demonstrated to be correlative to risk to the community.

18 (c) All names, addresses, and information regarding a juvenile  
19 CASE reviewed by the juvenile community review board ~~shall be~~ ARE  
20 confidential and not disclosed except to ~~such~~ THE board or its designees,  
21 the Colorado bureau of investigation, and any law enforcement agency,  
22 without express written permission of the juvenile and the legal custodian.

23 ~~(4) Repealed.~~

24 **19-2.5-1503. [Formerly 19-2-203.5] Division of youth services**  
25 **- community boards.** (1) There is created in each region of the division  
26 of youth services a community board to:

27 (a) Promote transparency and community involvement in division



1 OF YOUTH SERVICES' facilities within the region;

2 (b) Provide opportunities for ~~youths~~ YOUTH to build positive  
3 relationships with adult role models; and

4 (c) Promote youth involvement in the community.

5 (2) (a) Each community board must include six members with a  
6 diverse array of experience and perspectives related to incarcerated ~~youths~~  
7 YOUTH. Each member of each board ~~shall~~ MUST be a resident of, or work  
8 within, the region in which ~~he or she~~ THE MEMBER serves.

9 (b) The governor or ~~his or her~~ THE GOVERNOR'S designee shall  
10 appoint each member of each board to a term of three years, and each  
11 member may serve an unlimited number of terms. ~~Each member must~~  
12 MEMBERS serve without compensation.

13 (c) A member of a community board may not be employed by the  
14 department of human services or the division of youth services.

15 (d) Each community board shall elect a chair and a vice-chair from  
16 among its members.

17 (e) Each community board shall meet at least once every three  
18 months. The chair of each community board may call such additional  
19 meetings as are necessary for the community board to accomplish its  
20 duties.

21 (3) (a) Leadership and staff members of the department of human  
22 services and the division of youth services, as well as representatives of  
23 an organization in Colorado that exists for the purpose of dealing with the  
24 state as an employer concerning issues of mutual concern between  
25 employees and the state, are invited to attend community board meetings  
26 to provide their perspectives.

27 (b) A management-level employee of each facility in each region

1 shall attend each meeting of their regional community board. At least once  
2 every three months, a representative of the division of youth services shall  
3 update the community board regarding new policies, practices, and  
4 programs affecting the region and any issues of concern in the region  
5 during the past quarter.

6 (4) The division OF YOUTH SERVICES shall allow board members  
7 to have periodic access to enter facilities in their regions on at least a  
8 quarterly basis and speak with ~~youths~~ YOUTH and staff, unless an  
9 emergency prevents such access.

10 **19-2.5-1504. [Formerly 19-2-212] Working group for criteria**  
11 **for placement of juvenile offenders - establishment of formula -**  
12 **review of criteria - report.** (1) (a) The executive director of the  
13 department of human services and the state court administrator of the  
14 judicial department, or any designees of such persons, shall form a  
15 working group that ~~must include~~ INCLUDES representatives from:

16 (I) The division of criminal justice of the department of public  
17 safety;

18 (II) The office of state planning and budgeting;

19 (III) The Colorado district attorneys council;

20 (IV) Law enforcement;

21 (V) The public defender's office and the office of alternate defense  
22 counsel;

23 (VI) The office of the child representative;

24 (VII) Juvenile probation;

25 (VIII) Juvenile court judges and magistrates; and

26 (IX) Local and county governments, including county departments  
27 of human or social services.

1 (b) The working group shall carry out the following duties:

2 (I) To establish a set of criteria for both detention and  
3 commitment for the purposes of determining which juvenile offenders are  
4 appropriate for placement in the physical or legal custody of the  
5 department of human services. ~~Such~~ THE criteria must conform with  
6 ~~section 19-2-508~~ SECTION 19-2.5-305. This set of criteria, when adopted  
7 by the department of human services and the judicial department, must  
8 promote a more uniform system of determining which juveniles should be  
9 placed in the physical custody of the department of human services or in  
10 the legal custody of the department of human services so that decisions for  
11 ~~such~~ placement of a juvenile are made based upon a uniform set of criteria  
12 throughout the state. In addition, the criteria ~~shall~~ MUST specifically take  
13 into account the JUVENILE'S educational needs ~~of the juvenile~~ and ensure  
14 the juvenile's access to appropriate educational services. The working  
15 group established pursuant to this subsection (1) shall hold a meeting at  
16 least once each year and as necessary to review and propose revision to  
17 the criteria established pursuant to this subsection (1) and the formula  
18 created pursuant to subsection (1)(b)(V) of this section.

19 (II) Before January 1, 2021, to develop or adopt by a majority vote  
20 of the working group a research-based detention screening instrument to  
21 be used statewide to inform placement of juveniles in a detention facility.  
22 In developing or adopting the detention screening instrument, the working  
23 group shall consult with expert organizations and review research and best  
24 practices from other jurisdictions. The working group is also responsible  
25 for:

26 (A) Ensuring that the instrument identifies and mitigates any  
27 disparate impacts based on disability, race or ethnicity, gender, sexual

1 orientation, national origin, economic status, or child welfare  
2 involvement;

3 (B) Identifying measures and scoring for the detention screening  
4 instrument to determine eligibility for placement in a juvenile detention  
5 facility;

6 (C) Identifying how the instrument is validated and piloted; and

7 (D) Establishing statewide scoring override policies that minimize  
8 subjective decisions to hold a juvenile in a detention facility, while  
9 allowing for local flexibility;

10 (III) Before January 1, 2021, to develop a plan to provide training  
11 and technical assistance to screening teams on the implementation of the  
12 detention screening instrument, including at least annual refresher  
13 training;

14 (IV) Before January 1, 2021, to develop a plan for the division of  
15 youth services to collect, compile, and report to the judiciary committees  
16 of the senate and the house of representatives, the health and human  
17 services committee of the senate, and the public health care and human  
18 services committee of the house of representatives, or any successor  
19 committees, annually on the use of secure detention; number and  
20 justification of overrides of the detention screening instrument as  
21 conducted pursuant to ~~section 19-2-507~~ SECTION 19-2.5-303; and, if  
22 possible, an analysis of detention screening instrument data to determine  
23 if any disparate impacts resulted based on race, ethnicity, gender, sexual  
24 orientation, national origin, economic status, or child welfare involvement.  
25 The division of youth services shall recommend any necessary changes to  
26 appropriations that need to be made prior to fully implementing this  
27 section's recommendations. Notwithstanding ~~the provisions of section~~

1 24-1-136 (11)(a)(I), this reporting requirement continues indefinitely.

2 (V) To establish a formula for the purpose of allocating funds by  
3 each judicial district in the state of Colorado for alternative services to  
4 placing juveniles in the physical custody of the department of human  
5 services or in the legal custody of the department of human services. ~~Such~~  
6 THE allocation must take into consideration such factors as the population  
7 of the judicial district, the incidence of offenses committed by juveniles  
8 in such judicial district, and other factors as deemed appropriate. The  
9 working group shall consider and take into account whether any federal  
10 money or matching funds are available to cover the costs of juveniles  
11 within the system, including parent fees and third-party reimbursement as  
12 authorized by law or reimbursements under Title IV-E of the federal  
13 "Social Security Act", as amended.

14 (VI) Before January 1, 2021, to establish criteria for juveniles  
15 served through alternative services funded pursuant to subsection  
16 (1)(b)(V) of this section. ~~Such~~ THE criteria must prioritize:

17 (A) Preadjudicated juveniles eligible for placement in a detention  
18 facility as determined by results from a detention screening instrument;

19 (B) Juveniles who are in secure detention; and

20 (C) Juveniles under the supervision of probation when the results  
21 of a detention screening instrument indicate that the juvenile is eligible for  
22 detention.

23 (VII) At least every two years, to review data collected by the  
24 division of youth services on the use of funding pursuant to subsection  
25 (1)(b)(V) of this section and its impact on the use of juvenile detention.  
26 The working group shall identify the measures that it will collect as part  
27 of its review of the impact of preadjudicated funding on detention

1 pursuant to this section.

2 (VIII) Before January 1, 2021, to adopt a relative information form  
3 concerning a juvenile's potential need for services or placement. The  
4 information form must be available at each judicial district to each parent  
5 or legal guardian of a juvenile screened for detention and participation in  
6 alternative services. The information form must:

7 (A) Advise the parent or legal guardian that he or she is required  
8 to provide the requested information fully and completely; and

9 (B) Require the parent or legal guardian to list the names,  
10 addresses, e-mail addresses, and telephone numbers of every grandparent,  
11 relative, kin, and person with a significant relationship with the juvenile  
12 and any comments concerning the appropriateness of the juvenile's  
13 potential need for services from or placement with those persons.

14 (IX) Before January 1, 2021, to develop a system of graduated  
15 responses and rewards to guide parole officers in determining how best to  
16 motivate positive juvenile behavior change and the appropriate response  
17 to a violation of terms and conditions of juvenile parole. Graduated  
18 responses means an accountability-based series of sanctions and services  
19 designed to respond to a juvenile's violation of parole quickly,  
20 consistently, and proportionally and incentives to motivate positive  
21 behavior change and successful completion of parole and ~~his or her~~ THE  
22 JUVENILE'S reentry and treatment goals.

23 (2) Of the members of the working group established pursuant to  
24 subsection (1) of this section, the executive director of the department of  
25 human services and the state court administrator of the judicial  
26 department, or any designees of such persons, have final authority to carry  
27 out the duty of creating the set of criteria pursuant to subsections (1)(b)(I)

1 to (1)(b)(IV) of this section and creating the formula pursuant to  
2 subsections (1)(b)(V) to (1)(b)(VII) of this section. This authority can only  
3 be exercised after working with and participating in the working group  
4 process established in this section.

5 **19-2.5-1505. [Formerly 19-2-1202] Working group - allocation**  
6 **of beds.** (1) The executive director of the department of human services  
7 and the state court administrator in the judicial department, or a designee  
8 of such persons, in consultation with the division of criminal justice of the  
9 department of public safety, the office of state planning and budgeting, the  
10 Colorado district attorneys council, and law enforcement representatives  
11 shall form a working group ~~which shall carry out~~ THAT HAS the following  
12 duties:

13 (a) ~~The working group established pursuant to this subsection (1)~~  
14 ~~shall~~ TO annually allocate the number of juvenile detention beds to each  
15 catchment area in the state created pursuant to ~~section 19-2-402.5~~ SECTION  
16 19-2.5-1613, based on the number of juvenile beds established pursuant  
17 to ~~section 19-2-1201~~ SECTION 19-2.5-1614. Once the allocation of juvenile  
18 detention beds is made to the catchment areas, the working group shall  
19 allocate detention beds within the catchment areas to the judicial districts  
20 within each catchment area. Judicial districts shall not exceed the number  
21 of beds allocated to them except for circumstances provided for in  
22 ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION.

23 (b) ~~The working group shall~~ TO develop a mechanism for judicial  
24 districts within the same catchment area to loan detention beds to other  
25 judicial districts within the catchment area in cases of need;

26 (c) ~~The working group shall~~ TO develop emergency release  
27 guidelines that ~~shall~~ MUST be used by each judicial district to prevent

1 placement of a juvenile in a juvenile detention facility in excess of the  
2 number of beds allocated to the judicial district; AND

3 (d) ~~The working group shall~~ TO develop juvenile detention  
4 placement guidelines for each judicial district to use in complying with the  
5 number of juvenile detention beds allocated to the judicial district.

6 **19-2.5-1506. [Formerly 19-2-204] Juvenile probation**  
7 **departments or divisions - service agreements.** (1) The juvenile court  
8 is authorized to establish juvenile probation departments or divisions.

9 (2) Subject to ~~the provisions of~~ section 13-3-105, ~~C.R.S.~~, the  
10 juvenile court is authorized to appoint juvenile probation officers and such  
11 other professional and clerical personnel as may be required. Juvenile  
12 probation officers ~~shall~~ have the powers and duties specified in ~~section~~  
13 ~~19-2-926~~ SECTION 19-2.5-1107 and ~~shall~~ have the powers of peace  
14 officers, as described in sections 16-2.5-101 and 16-2.5-138. ~~C.R.S.~~

15 (3) Upon the agreement of the juvenile court judges, the approval  
16 of the chief judge in each district or, for the second judicial district, the  
17 presiding judge of the Denver juvenile court, and the approval of the chief  
18 justice of the supreme court, two or more contiguous judicial districts may  
19 combine to form an interdistrict juvenile probation department.

20 (4) (a) The juvenile court judges are authorized to enter into  
21 agreements with the state department of human services, county  
22 departments of human or social services, other public agencies, private  
23 agencies, or with other juvenile courts to provide supervision or other  
24 services for juveniles placed on probation by the court.

25 (b) The conditions and terms of any such agreement ~~shall~~ MUST be  
26 set forth in writing, including any payments to be made by the court for  
27 the services provided.



1 (c) Any agreement made ~~under~~ PURSUANT TO this subsection (4)  
2 may be terminated ~~upon ninety days'~~ WITH NINETY-ONE DAYS written  
3 notice by either party. ~~thereto.~~

4 **19-2.5-1507. [Formerly 19-2-310] Appropriations to**  
5 **department of human services for services to juveniles - definition.**

6 (1) The general assembly shall appropriate money for the provision of  
7 services to juveniles to the department of human services. The department  
8 of human services shall allocate such money by each judicial district in the  
9 state. ~~Such~~ THE appropriation and allocation ~~shall~~ MUST be made based  
10 upon the formula developed ~~in section 19-2-212 (1)(b)~~ PURSUANT TO  
11 SECTION 19-2.5-1504 (1)(b). The department of human services shall  
12 administer the appropriated money. The money appropriated to the  
13 department of human services for allocation by each judicial district must  
14 be expended in the judicial district by the department of human services  
15 for services to juveniles that are intended to prevent the juvenile from  
16 being held in detention prior to adjudication, sentenced to detention, or  
17 committed to the department of human services or to reduce the length of  
18 time the juvenile is held in preadjudication or postadjudication detention  
19 or held in a commitment facility operated ~~under section 19-2-403~~  
20 PURSUANT TO SECTION 19-2.5-1602. If a judicial district has a local  
21 juvenile services planning committee, the expenditure of money for  
22 juvenile services in the judicial district ~~shall~~ MUST be made in accordance  
23 with the plan developed pursuant to ~~section 19-2-211~~ SECTION 19-2.5-302.

24 (2) For the purposes of this section, a "juvenile" also includes a  
25 youth ten years of age or older but less than seventeen years of age who  
26 is habitually truant, as defined in section 22-33-102 (3.5), and who the  
27 court has ordered to show cause why ~~he or she~~ THE JUVENILE should not

1 be held in contempt of court pursuant to section 22-33-108 (7), when  
2 funds are expended for services that are intended to prevent the youth  
3 from being held in detention or sentenced to detention.

4 SUBPART B - PROGRAMS

5 **19-2.5-1508. [Formerly 19-2-311] Victim-offender conferences**  
6 **- pilot program.** The division of youth services is authorized to establish  
7 a pilot program, when funds become available, in its facilities to facilitate  
8 victim-initiated victim-offender conferences whereby a victim of a crime  
9 may request a facilitated conference with the juvenile who committed the  
10 crime, if the juvenile is in the custody of the division of youth services.  
11 After such a pilot program is established, the division of youth services  
12 may establish policies and procedures for the victim-offender conferences  
13 using volunteers to facilitate the conferences. The volunteers shall  
14 complete the division of youth services' volunteer and facility-specific  
15 training programs and complete high-risk victim-offender training and  
16 victim-advocacy training. The division of youth services shall not  
17 compensate or reimburse a volunteer or victim for any expenses. If a pilot  
18 program is available, and subsequent to the victim's or the victim  
19 representative's request, the division of youth services shall arrange ~~such~~  
20 a conference only after determining that the conference would be safe and  
21 only if the juvenile agrees to participate. The purposes of the conference  
22 are to enable the victim to meet the juvenile, to obtain answers to  
23 questions only the juvenile can answer, to assist the victim in healing from  
24 the impact of the crime, and to promote a sense of remorse and acceptance  
25 of responsibility by the juvenile that may contribute to ~~his or her~~ THE  
26 JUVENILE'S rehabilitation.

27 **19-2.5-1509. Juvenile intensive supervision program - creation**

1 - elements - role of judicial department. (1) [Formerly 19-2-306] The  
2 judicial department may establish and operate, either directly or by  
3 contracting with one or more private organizations, a juvenile intensive  
4 supervision program, which may be utilized by any judge in sentencing  
5 any juvenile who has been placed on probation and who presents a high  
6 risk of future placement within juvenile correctional facilities according  
7 to assessment criteria developed pursuant to ~~section 19-2-307 (2)~~ THIS  
8 SECTION.

9 (2) [Formerly 19-2-307 (1)] The juvenile intensive supervision  
10 program created by ~~section 19-2-306~~ shall PURSUANT TO SUBSECTION (1)  
11 OF THIS SECTION MUST include, but ~~shall not be~~ IS NOT limited to,  
12 utilization of any or all of the following elements:

13 (a) Increased supervision of the juvenile by probation officers;

14 (b) Utilization of specific youth case management approaches;

15 (c) Community service work assignments;

16 (d) Restitution programs;

17 (e) Structured group training regarding problem solving, social  
18 skills, negotiation skills, emotion management, creative thinking, value  
19 enhancement, and critical reasoning;

20 (f) Use of electronic or global position monitoring and substance  
21 abuse testing to monitor THE JUVENILE'S compliance with the program by  
22 ~~the juvenile~~ and providing sanctions for failure to comply with the  
23 program; and

24 (g) Individual and family treatment.

25 (3) [Formerly 19-2-307 (2)] The judicial department, with the  
26 assistance of a juvenile intensive supervision advisory committee, shall  
27 develop assessment criteria for placement in the juvenile intensive

1 supervision program, including the results of a validated risk and needs  
2 assessment tool, and judicial department guidelines for implementation of  
3 the program and measurement of the outcome of the program. The  
4 advisory committee is appointed by the state court administrator and  
5 includes, but is not limited to, representatives of the division of youth  
6 services in the department of human services and the division of criminal  
7 justice of the department of public safety.

8 **19-2.5-1510. [Formerly 19-2-309.5] Community accountability**  
9 **program - legislative declaration - creation.** (1) It is the intent of the  
10 general assembly that the program established pursuant to this section  
11 benefit the state by providing a structured program combining residential  
12 and community reintegration components under which certain adjudicated  
13 juveniles are subject to an ordered environment affirming the dignity of  
14 self and others; promoting the value of education, work, and  
15 accountability; adhering to the principals of restorative justice; and  
16 developing useful skills that can be applied when the juvenile is  
17 reintegrated into the community.

18 (2) (a) The division of youth services, pursuant to a contract with  
19 one or more private entities, shall establish, maintain, and operate a  
20 community accountability program, referred to in this section as the  
21 "program".

22 (b) The program ~~shall~~ MUST provide a sentencing option for  
23 adjudicated juveniles who are at least fourteen years of age but younger  
24 than eighteen years of age. An adjudicated juvenile may be sentenced to  
25 participate in the program only as a condition of probation. A sentence to  
26 the program may be in addition to, but ~~shall~~ MUST not be in lieu of, a  
27 mandatory sentence required by ~~section 19-2-911 (2)~~ SECTION

1 19-2.5-1123. The juvenile court shall consider the program as a sentencing  
2 option for higher risk juveniles who would have otherwise been sentenced  
3 to detention or out-of-home placement or committed to the department of  
4 human services.

5 (c) A sentence imposed pursuant to this section is conditioned on  
6 the availability of space in the program and the division of youth services'  
7 determination of whether the juvenile's participation in the program is  
8 appropriate. A juvenile may be denied participation in the program upon  
9 a determination by the division OF YOUTH SERVICES that a physical or  
10 ~~mental~~ BEHAVIORAL HEALTH condition, including severe substance abuse,  
11 will prevent the juvenile's full participation in the program. Any juvenile  
12 denied participation in the program must be returned to the juvenile court  
13 for resentencing.

14 (d) The judicial department shall provide information to the  
15 division of youth services concerning THE JUVENILE'S sentencing, ~~of the~~  
16 ~~juvenile~~, including but not limited to the juvenile's criminal history, the  
17 presentence investigation report, the risk-need assessment, and  
18 demographics pertaining to the juvenile.

19 (e) The program must be established for up to eighty beds. ~~Under~~  
20 PURSUANT TO the contract entered into pursuant to subsection (2)(a) of  
21 this section, the division of youth services shall pay only for the actual  
22 number of juveniles placed in the program.

23 (3) If feasible, the program may be established regionally, one in  
24 each of the division of youth services' regions. The division OF YOUTH  
25 SERVICES, through a competitive bid process, shall select one or more  
26 private entities to operate the program.

27 (4) (a) The program consists of two integrated components. Each

1 selected entity shall provide both components within the contracted region  
2 as follows:

3 (I) **Component I.** Component I ~~shall consist~~ CONSISTS of a  
4 sixty-day residential program, which may contain, but need not be limited  
5 to, the following program elements:

- 6 (A) Assessment and treatment planning;
- 7 (B) Behaviorally based programming with appropriate sanctions  
8 and reinforcements;
- 9 (C) Life and cognitive skill development;
- 10 (D) Treatment interventions;
- 11 (E) Educational and vocational training;
- 12 (F) Competency development;
- 13 (G) Victim awareness and empathy;
- 14 (H) Gender-specific programming; and
- 15 (I) Restorative justice programming.

16 (II) **Component II.** The division of youth services shall administer  
17 component II, which consists of a community reintegration phase. For  
18 each juvenile entering component II, the ~~department~~ DIVISION of youth  
19 services and the local probation department shall jointly establish a  
20 reintegration plan. Component II may contain, but need not be limited to,  
21 the following program elements:

- 22 (A) Multi-systemic therapy;
- 23 (B) Functional family therapy;
- 24 (C) Aggression replacement training;
- 25 (D) Life skills;
- 26 (E) Skills development;
- 27 (F) Behaviorally based programming with appropriate sanctions

1 and reinforcements;

2 (G) Education and vocational training;

3 (H) Work experience;

4 (I) Victim empathy;

5 (J) Victim-offender mediation;

6 (K) Gender-specific programming; and

7 (L) Restorative justice programming.

8 (b) The program may be housed in a privately owned and operated  
9 facility or in a state-owned and privately operated facility. The  
10 ~~departments~~ STATE DEPARTMENT OF HUMAN SERVICES and any private  
11 contractors in each region shall involve local governments in identifying  
12 locations for residential facilities.

13 (c) The division OF YOUTH SERVICES shall include a community  
14 involvement component in the development of reintegration plans, which  
15 may include the creation of community advisory boards.

16 (5) If a juvenile in the first component of the program would  
17 substantially benefit, the division of youth services shall notify the local  
18 department of probation who may petition the court for an extension of up  
19 to fifteen days in addition to the initial sixty-day period for the first  
20 component of the program. The period of time a juvenile spends in the  
21 second component of the program must not exceed one hundred twenty  
22 days. The entire period of a juvenile's participation in the program must  
23 not exceed the length of the juvenile's probation sentence. Whenever a  
24 juvenile fails to progress through or complete the first or second  
25 component of the program, the juvenile is subject to ~~the provisions of~~  
26 ~~section 19-2-925 (8)~~ SECTION 19-2.5-1108 (8) for violating a condition of  
27 probation.

1           (6) The division of youth services and the judicial department shall  
2 jointly establish guidelines for the program and for each of the  
3 components ~~thereof~~ described in subsection (4) of this section. The  
4 division of youth services shall make available necessary support services  
5 for the juvenile and the juvenile's family under both components of the  
6 program.

7           ~~(7) Repealed.~~

8           ~~(8)~~ (7) The division of youth services shall conduct an ongoing  
9 evaluation of the program. On or before January 15 each year, the division  
10 of youth services shall submit a report of the evaluation results to the  
11 general assembly. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
12 REPORTING REQUIREMENTS IN THIS SUBSECTION (7) CONTINUE  
13 INDEFINITELY. The division OF YOUTH SERVICES may contract for the  
14 services and labor necessary to perform the ongoing evaluation.

15           **19-2.5-1511. [Formerly 19-2-304] Parental responsibility**  
16 **training programs - criteria.** (1) The state department of human  
17 services, after consultation with the state department of public safety and  
18 the judicial department, shall establish standards and guidelines for  
19 parental responsibility training programs for the parent, guardian, or legal  
20 custodian of a juvenile or juvenile delinquent. ~~that shall~~ THE STANDARDS  
21 AND GUIDELINES MUST include, but ~~shall not be~~ ARE NOT limited to,  
22 instruction in the following:

23           (a) Physical, mental, social, and emotional child growth and  
24 development;

25           (b) Skill development for parents in providing for the ~~child's~~  
26 JUVENILE'S learning and development, including teaching the ~~child~~  
27 JUVENILE responsibility for ~~his or her~~ THE JUVENILE'S actions;



- 1 (c) Prevention of ~~drug abuse~~ SUBSTANCE ABUSE;
- 2 (d) Family structure, function, and management; and
- 3 (e) The physical, mental, emotional, social, economic, and
- 4 psychological aspects of interpersonal and family relationships.

5 (2) The state department of human services is authorized and  
6 directed to establish such standards and guidelines within the available  
7 resources of the state government and each of the state departments  
8 described in subsection (1) of this section.

9 **19-2.5-1512. [Formerly 19-2-312] Youth corrections monetary**  
10 **incentives award program - designated monetary custodian.** (1) The  
11 division of youth services in the department of human services is  
12 authorized to establish, at its discretion, a youth corrections monetary  
13 incentives award program, referred to in this section as the "program". The  
14 purpose of the program is to provide monetary awards and incentives for  
15 academic, social, and psychological achievement to juveniles who were  
16 formerly committed to the division of youth services who are on parole,  
17 in community corrections, or now off of parole.

18 (2) If the division of youth services establishes a program, it shall  
19 devise, in collaboration with the nonprofit organization designated  
20 pursuant to subsection (3) of this section, appropriate participation criteria,  
21 application procedures, any necessary organizational structure, and criteria  
22 for awarding individual scholarships. Criteria may, but are not required to,  
23 include that the juvenile:

- 24 (a) Maintains the highest grades possible each academic term;
- 25 (b) Makes consistent progress in ~~his or her~~ THE JUVENILE'S therapy  
26 or other assigned program, if applicable, during each academic term, as  
27 determined by the team of professionals who worked with the juvenile

1 while committed to the division of youth services; and

2 (c) ~~Use~~ USES the money earned only for expenses approved as  
3 necessary and valid by the division of youth services and the nonprofit  
4 organization designated pursuant to subsection (3) of this section.

5 (3) If the division of youth services establishes a program, it shall,  
6 in conjunction with the director of the legislative council, use a request for  
7 proposal process to contract with and designate a nonprofit organization,  
8 referred to in this section as the "designated nonprofit", to serve as the  
9 custodian of money donated to the program through the designated  
10 nonprofit. The designated nonprofit shall work with the division of youth  
11 services for the purpose of designing the program criteria, accepting funds  
12 for program scholarships, and providing a distribution mechanism for such  
13 scholarships.

14 (4) (a) The designated nonprofit and the division of youth services  
15 are authorized to solicit, accept, and expend monetary and in-kind gifts,  
16 grants, and donations on behalf of the program and for payment of  
17 scholarships to juveniles in the program. Any ~~such~~ money donated or  
18 awarded to the designated nonprofit for the benefit of the program is not  
19 subject to appropriation by the general assembly. The designated nonprofit  
20 ~~must~~ IS not be the custodian of any money appropriated by the state, which  
21 must be annually appropriated by the general assembly to the division of  
22 youth services in the department of human services. Any money obtained  
23 by the division of youth services or the designated nonprofit that is  
24 unexpended and unencumbered at such time the program is dissolved  
25 must be distributed according to appropriate federal and state laws  
26 governing nonprofit organizations.

27 (b) If a different nonprofit or private organization is subsequently

1 designated as the custodian of donated money in accordance with this  
2 subsection (4), the former designated nonprofit shall promptly transfer to  
3 the newly designated nonprofit or private organization any money that is  
4 unexpended and unencumbered at the time of the change in designation.

5 PART 16

6 FACILITIES

7 SUBPART A - IN GENERAL

8 **19-2.5-1601. [Formerly 19-2-203] Division of youth services -**  
9 **created - interagency agreements - duties of administrators of**  
10 **facilities in connection with voter registration and casting of ballots**  
11 **- reports - definitions.** (1) (a) There is ~~hereby~~ created within the  
12 department of human services the division of youth services, referred to  
13 within this section as the "division", the head of which is the director of  
14 the division. The executive director of the department of human services  
15 shall appoint the director of the division pursuant to section 13 of article  
16 XII of the state constitution and the laws and rules governing the state  
17 personnel system. The director shall exercise powers and perform duties  
18 and functions within the office of the executive director of the department  
19 of human services in accordance with the provisions of this ~~article 2~~  
20 ARTICLE 2.5 and as if transferred ~~thereto~~ by a **type 2** transfer as such  
21 transfer is defined in the "Administrative Organization Act of 1968",  
22 article 1 of title 24.

23 (b) The purposes of the division are to:

24 (I) Increase public safety by providing rehabilitative treatment to  
25 help ~~youths~~ YOUTH in the division's care make lasting behavioral changes  
26 to prepare themselves for successful transition back to the community;

27 (II) Promote the physical safety of ~~youths~~ YOUTH and staff within

1 the division;

2 (III) Promote a seamless continuum of care from the time of  
3 detention or commitment to discharge, in which youths' needs are met in  
4 a safe, structured environment with well-trained, caring staff who help  
5 ~~youths~~ YOUTH identify and address their issues, ~~hold youths~~ BE  
6 accountable, AND ACCEPT RESPONSIBILITY for their actions; ~~and help~~  
7 ~~youths accept responsibility for their actions;~~

8 (IV) Enable ~~youths~~ YOUTH to develop healthy, supportive  
9 relationships with peers, adults, family, and members of their  
10 neighborhoods and communities; and

11 (V) Provide ~~youths~~ YOUTH with the tools necessary to become  
12 law-abiding, contributing members of the community upon their release.

13 (2) The division may enter into agreements with the judicial  
14 department to combine provision of juvenile parole and probation  
15 services. Juvenile probation and parole supervision programs implemented  
16 pursuant to such agreements may not include provisions for supervision  
17 of juveniles sentenced to the department of corrections.

18 (3) (a) This subsection (3) applies to any individual committed to  
19 a juvenile facility and in the custody of the division who is eighteen years  
20 of age or older on the date of the next election.

21 (b) The administrator of a facility in which an individual described  
22 in ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION  
23 is committed shall facilitate the voting rights of the individual. In  
24 connection with such requirements, the administrator shall provide the  
25 individual WITH information regarding ~~his or her~~ voting rights and how ~~the~~  
26 ~~individual may~~ TO register to vote and cast a mail ballot, provide the  
27 individual with voter information materials upon the INDIVIDUAL'S request,

1 of the individual, and ensure that any mail ballot cast by the individual is  
2 timely delivered to the designated election official. For purposes of this  
3 subsection (3), "administrator" and "voter information materials" have the  
4 same meaning as set forth in section 1-2-210.5 (5), C.R.S.  
5 Notwithstanding any other provision of law, to satisfy the requirements of  
6 this paragraph (b) SUBSECTION (3)(b), the administrator is exempt from  
7 any restriction under law on the number of mail ballots an eligible elector  
8 may deliver in person to the designated election official.

9 (c) The administrator and the secretary of state shall post the type  
10 or kind of verification satisfying the requirements of section 1-1-104  
11 (19.5)(d) C.R.S., in a prominent place on the public websites maintained  
12 by the department of human services and the secretary, respectively. The  
13 secretary shall provide notice to the county clerk and recorders as well as  
14 other designated election officials throughout the state that such  
15 verification constitutes an acceptable form of identification under  
16 PURSUANT TO section 1-1-104 (19.5) C.R.S., permitting the individuals  
17 possessing such identification to register to vote and cast a ballot.

18 (d) The administrator shall forward applications made under  
19 PURSUANT TO this subsection (3) on a weekly basis, or on a daily basis  
20 during the last week allowed for registration prior to any election, to the  
21 county clerk and recorder of the county in which the facility is located,  
22 and, if the applicant resides in a different county from the facility, the  
23 application must then be forwarded to the county clerk and recorder of the  
24 county in which the applicant resides.

25 (e) FOR PURPOSES OF THIS SUBSECTION (3), "ADMINISTRATOR" AND  
26 "VOTER INFORMATION MATERIALS" HAVE THE SAME MEANING AS SET  
27 FORTH IN SECTION 1-2-210.5 (5).

1           ~~(4) Repealed.~~

2           ~~(5) Repealed.~~

3           ~~(6)~~ (4) On or before July 1, 2018, and on or before each July 1  
4 thereafter, the department of human services shall collect recidivism data  
5 and calculate the recidivism rates and the educational outcomes for  
6 juveniles committed to the custody of the department OF HUMAN SERVICES  
7 who complete their parole sentences and discharge from department  
8 supervision. In collecting the recidivism data, the department OF HUMAN  
9 SERVICES shall include any juvenile adjudication or adult conviction of a  
10 criminal offense within three years after parole discharge.  
11 Notwithstanding section 24-1-136 (11)(a)(I), the department OF HUMAN  
12 SERVICES shall report the recidivism data, recidivism rates, and  
13 educational outcomes to the general assembly annually. The report must  
14 denote the demographic characteristics of the population considered in the  
15 report. In reporting on recidivism rates, the report must denote the types  
16 of criminal offenses committed, delineating between felonies and  
17 misdemeanors and between crimes that are included as a "crime" pursuant  
18 to section 24-4.1-302 (1) and other crimes.

19           **19-2.5-1602. [Formerly 19-2-403] Human services facilities -**  
20 **authority.** (1) The department of human services shall establish and  
21 operate facilities necessary for the care, education, training, treatment, and  
22 rehabilitation of ~~those~~ juveniles legally committed to its custody ~~under~~  
23 ~~section 19-2-601 or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1127 OR  
24 19-2.5-1103. As necessary and when ~~funds are~~ MONEY IS available for  
25 such purposes, ~~such~~ THE facilities may include but ~~shall not be~~ ARE NOT  
26 limited to:

27           (a) Group care facilities and homes, including halfway houses,

1 nonresidential transition programs, day reporting and day treatment  
2 centers, and staff secure facilities;

3 (b) Training schools;

4 (c) Conservation camps;

5 (d) Diagnostic and evaluation centers and receiving centers; and

6 (e) Any programs necessary to implement the purposes of this  
7 section for juveniles in community placement.

8 (2) The department OF HUMAN SERVICES shall cooperate with other  
9 governmental units and agencies, including appropriate local units of  
10 government, state departments and institutions, and agencies of the federal  
11 government in order to facilitate ~~the~~ YOUTH training and rehabilitation. ~~of~~  
12 youth.

13 (3) Once a juvenile is committed to the department of human  
14 services, the juvenile shall remain in a facility directly operated by the  
15 department of human services or in a secure facility contracted for by the  
16 department of human services until ~~his or her~~ THE JUVENILE'S commitment  
17 expires as provided by law, parole status is granted pursuant to ~~part 10 of~~  
18 ~~this article~~ PART 12 OF THIS ARTICLE 2.5, or a community placement is  
19 approved by order of the juvenile court and by a juvenile community  
20 review board, if one exists in the county of proposed placement.

21 (4) The department of human services shall contract with the  
22 department of corrections to house in an appropriate facility operated by  
23 the department of human services and, as appropriate, to provide services  
24 to any juvenile under the age of fourteen years who is sentenced as an  
25 adult to the department of corrections. On reaching fourteen years of age,  
26 any juvenile sentenced to the department of corrections shall be  
27 transferred to an appropriate facility operated by the department of

1 corrections for the completion of the juvenile's sentence.

2 **19-2.5-1603. [Formerly 19-2-403.5] Eminent domain - detention**  
3 **facility site.** ~~(1) The general assembly hereby finds and declares that:~~

4 ~~(a) The juvenile detention facilities currently located within the~~  
5 ~~city and county of Denver are inadequate to house the dramatically~~  
6 ~~increasing number of juveniles being held in detention by or committed~~  
7 ~~to the custody of the department of human services and this inadequacy~~  
8 ~~poses a serious and immediate threat to public safety;~~

9 ~~(b) During the 1994 legislative session, the general assembly~~  
10 ~~attempted to address this situation by appropriating additional state~~  
11 ~~moneys MONEY for a new sixty-bed juvenile detention facility to be~~  
12 ~~located in the city and county of Denver;~~

13 ~~(c) Although the city and county of Denver was to select a~~  
14 ~~proposed site for this juvenile detention facility, the city and county of~~  
15 ~~Denver had refused to do so until just recently;~~

16 ~~(d) Due to numerous factors, the two proposed sites that the city~~  
17 ~~and county of Denver finally recommended are not suitable for a juvenile~~  
18 ~~detention facility;~~

19 ~~(e) Due to Denver's delays and refusal to recommend a suitable~~  
20 ~~site, the situation regarding the number of juvenile detention beds located~~  
21 ~~in the city and county of Denver has reached a critical point and it has~~  
22 ~~become necessary for the state of Colorado to take action in order to~~  
23 ~~address this situation;~~

24 ~~(f) Granting the department of human services the power of~~  
25 ~~eminent domain to acquire private or public property for juvenile~~  
26 ~~detention facilities in the city and county of Denver is reasonably related~~  
27 ~~to the legitimate state interest of providing a sufficient number of juvenile~~



1 ~~detention beds within the city and county of Denver so that the department~~  
2 ~~can adequately house the number of juveniles held in detention or~~  
3 ~~committed to the department's custody; and~~

4 ~~(g) A general law cannot be made applicable to address the~~  
5 ~~provision of juvenile detention facility beds within the city and county of~~  
6 ~~Denver.~~

7 ~~(2) (a) (1) (a) Subject to the provisions of subsection (3)~~  
8 ~~SUBSECTION (2) of this section, the department of human services has the~~  
9 ~~right to acquire by eminent domain any real property that is located within~~  
10 ~~the Denver metropolitan area that is necessary for the establishment of one~~  
11 ~~or more juvenile detention facilities. Such real property shall MUST be~~  
12 ~~acquired in accordance with articles 1 to 7 of title 38. C.R.S.~~

13 ~~(b) Any real property specified in paragraph (a) of this subsection~~  
14 ~~(2) SUBSECTION (1)(a) OF THIS SECTION that is already devoted to a public~~  
15 ~~use may be acquired by the department of human services pursuant to this~~  
16 ~~section; except that no property owned by the federal government may~~  
17 ~~NOT be acquired without the consent of the federal government.~~

18 ~~(3) (2) Prior to the acquisition of any real property pursuant to~~  
19 ~~subsection (2) SUBSECTION (1) of this section, the proposed acquisition~~  
20 ~~must be reviewed and approved by the joint budget committee established~~  
21 ~~pursuant to section 2-3-201, C.R.S. JOINT BUDGET COMMITTEE,~~  
22 ~~ESTABLISHED PURSUANT TO SECTION 2-3-201, MUST REVIEW AND APPROVE~~  
23 ~~THE PROPOSED ACQUISITION.~~

24 **19-2.5-1604. [Formerly 19-2-205] Facility directors - duties.**

25 (1) The director of the division of youth services shall appoint a director  
26 of each state-operated facility established by ~~section 19-2-403~~ SECTION  
27 19-2.5-1602 and ~~sections 19-2-406 to 19-2-408~~ SECTIONS 19-2.5-1627 TO

1 19-2.5-1629 pursuant to section 13 of article XII of the state constitution.

2 (2) It is the duty of the director of each facility established by  
3 ~~section 19-2-403 and sections 19-2-406 to 19-2-408~~ SECTION 19-2.5-1602  
4 AND SECTIONS 19-2.5-1627 TO 19-2.5-1629 TO:

5 (a) ~~To~~ Report to the executive director of the department of human  
6 services at such times and on such matters as the director may require;

7 (b) ~~To~~ Receive juveniles committed to the custody of the  
8 department of human services and placed in ~~his or her~~ THE DIRECTOR'S  
9 care ~~under the provisions of~~ PURSUANT TO this ~~article~~ ARTICLE 2.5 and to  
10 keep them for rehabilitation, education, and training until discharged by  
11 law or ~~under~~ PURSUANT TO the rules of the department of human services  
12 or released on parole;

13 (c) ~~To~~ Make a careful and thorough evaluation, AT INTERVALS NO  
14 GREATER THAN SIX MONTHS, of every juvenile placed under ~~his or her~~ THE  
15 DIRECTOR'S care. ~~at intervals no greater than six months, such~~ THE  
16 PURPOSE OF EACH evaluation IS to ascertain whether:

17 (I) The juvenile's program should be modified;

18 (II) ~~whether~~ The juvenile's transfer to another facility should be  
19 recommended to the ~~said~~ director; or

20 (III) ~~whether~~ The juvenile's release should be recommended to the  
21 juvenile parole board;

22 (d) ~~To~~ Take such measures as are necessary to prevent recruitment  
23 of new gang members from among the juveniles committed to the custody  
24 of the department of human services.

25 **19-2.5-1605. [Formerly 19-2-403.3] Juvenile facility employees**  
26 **- rules.** (1) On and after April 1, 2004, the department of human services  
27 shall not hire a person who is required to register as a sex offender

1 pursuant to ~~the provisions of~~ the "Colorado Sex Offender Registration  
2 Act", article 22 of title 16, ~~C.R.S.~~, to work at a juvenile facility.

3 (2) The department of human services shall ensure that any person  
4 who is employed to work at a juvenile facility as of April 1, 2004, and  
5 who is required to register as a sex offender pursuant to ~~the provisions of~~  
6 the "Colorado Sex Offender Registration Act", article 22 of title 16,  
7 ~~C.R.S.~~, does not have unsupervised contact with a juvenile in the facility  
8 on and after April 1, 2004.

9 (3) If a person, while employed by the department of human  
10 services, is convicted of an offense that requires the employee to register  
11 as a sex offender pursuant to ~~the provisions of~~ the "Colorado Sex  
12 Offender Registration Act", article 22 of title 16, ~~C.R.S.~~, the employee  
13 shall immediately notify the department of human services of the  
14 conviction and the registration requirement. The department of human  
15 services shall ensure that the employee does not have unsupervised  
16 contact with a juvenile in the facility on and after the date it receives  
17 notice pursuant to this subsection (3).

18 (4) The executive director of the department of human services  
19 shall adopt such rules as may be necessary to ensure compliance with the  
20 requirements of this section.

21 **19-2.5-1606. [Formerly 19-2-214] Detention center sexual**  
22 **assault prevention program - reports.** (1) The division of youth  
23 services created in ~~section 19-2-203~~ SECTION 19-2.5-1601 shall develop,  
24 with respect to sexual assaults that occur in juvenile facilities, policies and  
25 procedures to:

26 (a) Require disciplinary action for employees who fail to report  
27 incidences of sexual assault to the inspector general;

1 (b) Require the inspector general, after completing an investigation  
2 for sexual assault, to submit the findings to the district attorney with  
3 jurisdiction over the facility in which the alleged sexual assault occurred;

4 (c) Prohibit retaliation and disincentives for reporting sexual  
5 assaults;

6 (d) Provide, in situations in which there is reason to believe that  
7 a sexual assault has occurred, reasonable and appropriate measures to  
8 ensure victim safety by separating the victim from the assailant, if known;

9 (e) Ensure the confidentiality of prison rape ~~complaints~~  
10 ALLEGATIONS and protection of juveniles who make ~~complaints~~  
11 ALLEGATIONS 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 **19-2.5-1607. [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 **19-2.5-1608. [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 **19-2.5-1609. [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 **19-2.5-1610. [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 19-2.5-1602 AND  
5 SECTIONS 19-2.5-1627 TO 19-2.5-1629 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 **19-2.5-1611. [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 **19-2.5-1612. [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           **19-2.5-1613. [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 19-2.5-1504  
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 **19-2.5-1614. [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 **19-2.5-1615. [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 19-2.5-1505 (1)(a). The judicial district shall consider the  
20 emergency release guidelines and placement guidelines developed  
21 pursuant to ~~section 19-2-1202~~ SECTION 19-2.5-1505 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 19-2.5-1505.

26 **19-2.5-1616. [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 **19-2.5-1617. [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 **19-2.5-1618. 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 **19-2.5-1619. [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 **19-2.5-1620. [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 **19-2.5-1621. [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 **19-2.5-1622. [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 **19-2.5-1623. [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 **19-2.5-1624. [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 **19-2.5-1625. [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 19-2.5-1632 (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 19-2.5-1630 OR 19-2.5-1619, 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  
7 BEHAVIORAL OR mental health hospital placement prescreening on the  
8 juvenile.

9 (II) If the BEHAVIORAL OR mental health hospital placement  
10 prescreening report recommends that the juvenile be evaluated, the  
11 juvenile may be transferred to a BEHAVIORAL OR mental health facility  
12 operated by the department of human services for ~~such~~ evaluation.

13 (III) If the evaluation report states that the juvenile has a mental  
14 health disorder, as ~~provided~~ DESCRIBED in sections 27-65-105 and  
15 27-65-106, the department of human services shall initiate proceedings  
16 pursuant to article 65 of title 27 and notify the court.

17 **19-2.5-1626. [Formerly 19-2-414] Facility rules - academic and**  
18 **vocational courses.** (1) It is the duty of the department of human services  
19 to develop ~~such rules and regulations as may be~~ RULES necessary for  
20 imparting instruction, preserving health, and enforcing discipline of  
21 juveniles committed to the department OF HUMAN SERVICES.

22 (2) The academic courses of study and vocational training and  
23 instruction given in the facilities established by ~~section 19-2-403 and~~  
24 ~~sections 19-2-406 to 19-2-408 shall~~ SECTION 19-2.5-1602 AND SECTIONS  
25 19-2.5-1627 TO 19-2.5-1629 MUST include those approved by the  
26 department of education for the instruction of pupils in the primary and  
27 secondary schools of the state. Full credit ~~shall~~ MUST be given by school



1 districts in this state for completion of any semester, term, or year of study  
2 instruction by any juvenile who has SUCH earned credit. ~~therefor.~~

3 (3) The director of the division of youth services may appoint,  
4 pursuant to section 13 of article XII of the state constitution, a director and  
5 such other officers, teachers, instructors, counselors, and other personnel  
6 as the director ~~may consider~~ CONSIDERS necessary to transact the business  
7 of the schools and may designate their duties. ~~No~~ A person shall NOT be  
8 appointed as a teacher or instructor in the schools who is not qualified to  
9 serve as a teacher or instructor in the schools under the laws of the state  
10 and the standards established by the department of education.

11 **19-2.5-1627. [Formerly 19-2-406] Lookout Mountain school.**

12 (1) There is ~~hereby~~ established at Golden, Jefferson county, a training  
13 school known as the Lookout Mountain school, under the supervision and  
14 control of the department of human services.

15 (2) The school shall provide care, education, training, and  
16 rehabilitation for juveniles ten years of age or older who have been  
17 committed to the custody of the department ~~under section 19-2-601 or~~  
18 ~~19-2-907~~ OF HUMAN SERVICES PURSUANT TO SECTION 19-2.5-1127 OR  
19 19-2.5-1103. In addition, the school may provide care, education, training,  
20 and rehabilitation for any juvenile who has been sentenced to the  
21 department of corrections and is being housed in a facility operated by the  
22 department of human services pursuant to a contract with the department  
23 of corrections ~~as provided in section 19-2-403 (4)~~ PURSUANT TO SECTION  
24 19-2.5-1602 (4).

25 **19-2.5-1628. [Formerly 19-2-407] Mount View school.** (1) There  
26 is ~~hereby~~ established near Morrison, Jefferson county, a training school  
27 known as the Mount View school under the supervision and control of the

1 department of human services.

2 (2) The school shall provide care, education, training, and  
3 rehabilitation for juveniles ten years of age or older who have been  
4 committed to the custody of the department ~~under section 19-2-601 or~~  
5 ~~19-2-907~~ OF HUMAN SERVICES PURSUANT TO SECTION 19-2.5-1127 OR  
6 19-2.5-1103. In addition, the school may provide care, education, training,  
7 and rehabilitation for any juvenile who has been sentenced to the  
8 department of corrections and is being housed in a facility operated by the  
9 department of human services pursuant to a contract with the department  
10 of corrections ~~as provided in section 19-2-403 (4)~~ PURSUANT TO SECTION  
11 19-2.5-1602 (4).

12 **19-2.5-1629. [Formerly 19-2-408] Youth camps.** The department  
13 of human services may establish and administer youth camps. Staff at  
14 youth camps shall provide care, education, training, rehabilitation, and  
15 supervision 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.

19 **19-2.5-1630. [Formerly 19-2-409] Alternate placement.** The  
20 executive director of the department of human services may assign any  
21 juvenile placed by the department of human services in any facility  
22 established ~~under section 19-2-403, 19-2-406, or 19-2-407~~ PURSUANT TO  
23 SECTION 19-2.5-1602, 19-2.5-1627, OR 19-2.5-1628 to any other facility  
24 established by said sections for educational training, treatment, or  
25 rehabilitation programs. The assignment and the transportation of a  
26 juvenile to and from such programs on a daily basis ~~shall~~ DOES not  
27 constitute a transfer or change of placement of the juvenile.

1           **19-2.5-1631. [Formerly 19-2-924.7] Juveniles committed to the**  
2 **department of human services - prohibition against the use of**  
3 **restraints on pregnant juveniles.** (1) The staff of the department of  
4 human services, in restraining a female juvenile committed to the  
5 department of human services or detained in a juvenile facility, shall use  
6 the least restrictive restraints necessary to ensure safety if the staff have  
7 actual knowledge or a reasonable belief that the juvenile is pregnant. The  
8 requirement that staff use the least restrictive restraints necessary to ensure  
9 safety ~~shall~~ MUST continue during postpartum recovery and transport to or  
10 from a juvenile facility.

11           (2) (a) (I) Staff of the department of human services or medical  
12 facility staff shall not use restraints of any kind on a pregnant juvenile  
13 during labor and delivery of the child; except that staff may use restraints  
14 if:

15           (A) The medical staff determine that restraints are medically  
16 necessary for safe childbirth;

17           (B) The staff of the department of human services or medical staff  
18 determine that the juvenile presents an immediate and serious risk of harm  
19 to herself, to other patients, or to medical staff; or

20           (C) The staff of the department of human services determine that  
21 the juvenile poses a substantial risk of escape that cannot reasonably be  
22 reduced by the use of other existing means.

23           (II) Notwithstanding ~~any provision of subparagraph (I) of this~~  
24 ~~paragraph (a)~~ SUBSECTION (2)(a)(I) OF THIS SECTION to the contrary, under  
25 no circumstances shall staff use leg shackles or waist restraints on a  
26 juvenile during labor and delivery of the child, postpartum recovery while  
27 in a medical facility, or transport to or from a medical facility for

1 childbirth.

2 (b) The staff of the department of human services or medical  
3 facility authorizing the use of restraints on a pregnant juvenile during  
4 labor or delivery of the child shall make a written record of the use of  
5 restraints. ~~which~~ THE record ~~shall~~ MUST include, at a minimum, the type  
6 of restraint used, the circumstances that necessitated the use of the  
7 restraint, and the length of time the restraint was used. The department of  
8 human services staff shall retain the record for a minimum of five years  
9 and shall make the record available for public inspection with individually  
10 identifying information redacted from the record unless the juvenile who  
11 is the subject of the record gives prior written consent for the public  
12 release of the record. The written record of the use of restraint ~~shall~~ DOES  
13 not constitute a medical record under state or federal law.

14 (3) Upon return to a department of human services facility after  
15 childbirth, the juvenile ~~shall be~~ IS entitled to have a member of the  
16 department of human services' medical staff present during any strip  
17 search.

18 (4) When a juvenile's pregnancy is determined, the staff of the  
19 department of human services shall inform a pregnant juvenile committed  
20 to the department of human services in writing in a language and in a  
21 manner understandable to the juvenile of the provisions of this section  
22 concerning the use of restraints and the presence of medical staff during  
23 a strip search.

24 (5) The executive director of the department of human services  
25 shall ensure that the staff of the department of human services receive  
26 adequate training concerning the provisions of this section.

27 **19-2.5-1632. [Formerly 19-2-923] Juveniles committed to**

1 **department of human services - transfers.** (1) The executive director  
2 of the department of human services may transfer ~~any~~ A juvenile  
3 committed ~~under section 19-2-601 or 19-2-907~~ PURSUANT TO SECTION  
4 19-2.5-1127 OR 19-2.5-1103 among the facilities established ~~under~~  
5 ~~sections 19-2-403 and 19-2-406 to 19-2-408~~ PURSUANT TO SECTIONS  
6 19-2.5-1602 AND 19-2.5-1627 TO 19-2.5-1629; except that, before ~~any~~ THE  
7 juvenile is transferred, ~~he or she~~ THE JUVENILE shall be examined and  
8 evaluated, and ~~such~~ THE EXECUTIVE DIRECTOR SHALL REVIEW THE  
9 evaluation ~~shall be reviewed by the said executive director~~ before ~~he or~~  
10 ~~she~~ ~~approves~~ APPROVING the transfer.

11 (2) When the executive director of the department of human  
12 services finds that the welfare and protection of a juvenile or of others  
13 requires the juvenile's immediate transfer to another facility, ~~he or she~~ THE  
14 EXECUTIVE DIRECTOR shall make the transfer prior to having the juvenile  
15 examined and evaluated.

16 (3) (a) ~~Any~~ A juvenile committed to the department of human  
17 services may be transferred temporarily to any state treatment facility for  
18 persons with behavioral or mental health disorders or intellectual and  
19 developmental disabilities for purposes of diagnosis, evaluation, and  
20 emergency treatment; except that a juvenile may not be transferred to a  
21 ~~mental health~~ STATE TREATMENT facility FOR PERSONS WITH BEHAVIORAL  
22 OR MENTAL HEALTH DISORDERS until the juvenile has received a  
23 BEHAVIORAL OR mental health hospital placement prescreening resulting  
24 in a recommendation that the juvenile be placed in a facility for evaluation  
25 pursuant to section 27-65-105 or 27-65-106. A juvenile committed to the  
26 department OF HUMAN SERVICES as an aggravated juvenile offender or  
27 violent juvenile offender ~~shall~~ PURSUANT TO SECTION 19-2.5-1127 MUST

1 not be transferred until the treatment facility has a secure setting in which  
2 to house the juvenile. The period of temporary transfer pursuant to this  
3 subsection (3)(a) must not exceed sixty 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 19-2.5-1601 (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 19-2.5-1601 (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 19-2.5-1601 (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) and (1)(g) 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           (g) A licensed attorney working with a nonprofit association  
26 pursuant to ~~the provisions of section 19-1-304 (7)(f)~~ SECTION 19-2.5-1403  
27 (9)(f).



1           **SECTION 6.** In Colorado Revised Statutes, **amend** 13-1-123.5 as  
2 follows:

3           **13-1-123.5. Transfer of venue - actions involving related**  
4 **persons.** In addition to the authority to change venue granted by ~~sections~~  
5 ~~19-2-105 and 19-3-201, C.R.S.~~, SECTIONS 19-2.5-104 AND 19-3-201 for  
6 good cause shown, a court, on its own motion, on the motion of another  
7 court in this state, or on the motion of a party or guardian ad litem, may  
8 order the transfer of a pending action brought ~~under~~ PURSUANT TO title 14  
9 or title 19 ~~C.R.S.~~, or rule 365 of the Colorado rules of county court civil  
10 procedure to a court in another county when there is an action pending in  
11 the other county that names the parent, guardian, or legal custodian of a  
12 child who is the subject of the action brought ~~under~~ PURSUANT TO title 14  
13 or title 19. ~~C.R.S.~~ The county to which the action is being transferred must  
14 be one in which venue is proper. Upon an order for such transfer, the  
15 transferring court shall notify all parties of the transfer and transmit all  
16 documents to the receiving court. The transferred action ~~shall continue~~  
17 CONTINUES in the court to which it is transferred with the same force and  
18 effect as though originally docketed in the receiving court.

19           **SECTION 7.** In Colorado Revised Statutes, 13-3-101, **amend**  
20 (14)(h)(II) as follows:

21           **13-3-101. State court administrator - report - definition -**  
22 **repeal.** (14) (h) As used in this subsection (14), unless the context  
23 otherwise requires:

24           (II) "Juvenile participant" means a juvenile who has been alleged  
25 to have committed a delinquent act, as defined in ~~section 19-1-103 (36)~~  
26 SECTION 19-2.5-102, who is required to appear before an eligible court.  
27 "Juvenile participant" includes the juvenile's parent, guardian, or legal

1     custodian.

2             **SECTION 8.** In Colorado Revised Statutes, **amend** 13-8-103 as  
3 follows:

4             **13-8-103. Jurisdiction.** The jurisdiction of the juvenile court of  
5 the city and county of Denver is as set forth in ~~sections 19-1-104,~~  
6 ~~19-2-104, and 19-4-109, C.R.S.;~~ SECTIONS 19-1-104, 19-2.5-103, AND  
7 19-4-109 for juvenile courts, as defined in ~~section 19-1-103 (70), C.R.S.~~  
8 SECTION 19-1-103.

9             **SECTION 9.** In Colorado Revised Statutes, **amend** 13-8-119 as  
10 follows:

11             **13-8-119. Venue.** Venue in the juvenile court ~~shall be as provided~~  
12 ~~in sections 19-2-105, 19-3-201, 19-4-109, 19-5-102, 19-5-204, and~~  
13 ~~19-6-102, C.R.S.~~ IS DESCRIBED IN SECTIONS 19-2.5-104, 19-3-201,  
14 19-4-109, 19-5-102, 19-5-204, AND 19-6-102.

15             **SECTION 10.** In Colorado Revised Statutes, **amend** 13-10-103  
16 as follows:

17             **13-10-103. Applicability.** This ~~article shall apply to and govern~~  
18 ARTICLE 10 APPLIES TO AND GOVERNS the operation of municipal courts in  
19 the cities and towns of this state. Except for the provisions relating to the  
20 method of salary payment for municipal judges, the incarceration of  
21 children ~~provided for in sections 19-2-402 and 19-2-508, C.R.S.~~  
22 PURSUANT TO SECTIONS 19-2.5-305 AND 19-2.5-1611, the appearance of  
23 the parent, guardian, or lawful custodian of any child under eighteen years  
24 of age who is charged with a municipal offense as required by section  
25 13-10-111, the right to a trial by jury for petty offenses ~~provided for in~~  
26 PURSUANT TO section 16-10-109, ~~C.R.S.;~~ rules of procedure promulgated  
27 by the supreme court, and appellate procedure, this ~~article~~ ARTICLE 10 may

1 be superseded by charter or ordinance enacted by a home rule city.

2 **SECTION 11.** In Colorado Revised Statutes, 13-10-113, **amend**  
3 (5) as follows:

4 **13-10-113. Fines and penalties.** (5) Notwithstanding any other  
5 provision of law, a ~~child~~ JUVENILE, as defined in ~~section 19-1-103 (18),~~  
6 ~~C.R.S.~~ SECTION 19-1-103, arrested for an alleged violation of a municipal  
7 ordinance, convicted of violating a municipal ordinance or probation  
8 conditions imposed by a municipal court, or found in contempt of court  
9 in connection with a violation or alleged violation of a municipal  
10 ordinance ~~shall~~ MUST not be confined in a jail, lockup, or other place used  
11 for the confinement of adult offenders but may be held in a juvenile  
12 detention facility operated by or under contract with the department of  
13 human services or a temporary holding facility operated by or under  
14 contract with a municipal government that shall receive and provide care  
15 for ~~such child~~ THE JUVENILE. A municipal court imposing penalties for  
16 violation of probation conditions imposed by such court or for contempt  
17 of court in connection with a violation or alleged violation of a municipal  
18 ordinance may confine a ~~child~~ JUVENILE pursuant to ~~section 19-2-508,~~  
19 ~~C.R.S.~~, SECTION 19-2.5-305 for up to forty-eight hours in a juvenile  
20 detention facility operated by or under contract with the department of  
21 human services. In imposing any jail sentence upon a juvenile for  
22 violating any municipal ordinance when the municipal court has  
23 jurisdiction over the juvenile pursuant to ~~section 19-2-104 (1)(a)(II),~~  
24 ~~C.R.S.~~ SECTION 19-2.5-103 (1)(a)(II), a municipal court does not have the  
25 authority to order a ~~child~~ JUVENILE under eighteen years of age to a  
26 juvenile detention facility operated or contracted by the department of  
27 human services.

1           **SECTION 12.** In Colorado Revised Statutes, 13-10-115.5, **amend**  
2 (1)(a) and (3)(e) as follows:

3           **13-10-115.5. Expungement of juvenile delinquent records -**  
4 **definition.** (1) (a) For the purposes of this section, "expungement" is  
5 defined in section 19-1-103. ~~(48)~~. Upon the entry of an expungement  
6 order by a municipal court, the person who is the subject of the EXPUNGED  
7 record ~~that has been expunged~~ may assert that he or she has no juvenile  
8 municipal court record. The person who is the subject of the EXPUNGED  
9 record ~~that has been expunged~~ may lawfully deny that he or she has ever  
10 been arrested, charged, adjudicated, convicted, or sentenced in regard to  
11 the expunged case, matter, or charge.

12           (3) (e) Notwithstanding any order for expungement issued  
13 pursuant to this section, any information, including police affidavits and  
14 reports and records related to any prior conviction or adjudication, ~~are~~ IS  
15 available without court order to the persons, government agencies, or  
16 entities allowed access to or allowed to exchange such information  
17 pursuant to ~~section 19-1-303~~ SECTION 19-2.5-1402 for the purposes  
18 described ~~therein.~~ Any IN THAT SECTION. A person who knowingly  
19 violates the confidentiality provisions of ~~section 19-1-303~~ SECTION  
20 19-2.5-1402 is subject to the penalty in ~~section 19-1-303 (4.7)~~ SECTION  
21 19-2.5-1402 (8).

22           **SECTION 13.** In Colorado Revised Statutes, 13-14-101, **amend**  
23 (2.4)(a)(I) as follows:

24           **13-14-101. Definitions.** For purposes of this article 14, unless the  
25 context otherwise requires:

26           (2.4) (a) "Protection order" means any order that prohibits the  
27 restrained person from contacting, harassing, injuring, intimidating,

1 molesting, threatening, touching, stalking, or sexually assaulting or  
2 abusing any protected person or from entering or remaining on premises,  
3 or from coming within a specified distance of a protected person or  
4 premises, or from taking, transferring, concealing, harming, disposing of  
5 or threatening harm to an animal owned, possessed, leased, kept, or held  
6 by a protected person, or any other provision to protect the protected  
7 person from imminent danger to life or health that is issued by a court of  
8 this state or a municipal court and that is issued pursuant to:

9 (I) This ~~article~~ ARTICLE 14, section 18-1-1001, ~~C.R.S.~~, section  
10 ~~19-2-707, C.R.S.~~, 19-2.5-607, ~~section~~ OR19-4-111, ~~C.R.S.~~, or rule 365 of  
11 the Colorado rules of county court civil procedure;

12 **SECTION 14.** In Colorado Revised Statutes, 13-21-1002, **amend**  
13 (1) as follows:

14 **13-21-1002. Computer dissemination of indecent material to**  
15 **a child - prohibition.** (1) A person commits computer dissemination of  
16 indecent material to a child when:

17 (a) Knowing the character and content of the communication  
18 which, in whole or in part, depicts actual or simulated nudity, or sexual  
19 conduct, as defined in section 19-1-103, ~~(97), C.R.S.~~, the person willfully  
20 uses a computer, computer network, telephone network, data network, or  
21 computer system allowing the input, output, examination, or transfer of  
22 computer data or computer programs from one computer to another or a  
23 text-messaging or instant-messaging system to initiate or engage in such  
24 communication with a person he or she believes to be a child; and

25 (b) By means of such communication the person importunes,  
26 invites, entices, or induces a person he or she believes to be a child to  
27 engage in sexual contact, sexual intrusion, or sexual penetration with the

1 person, or to engage in a sexual performance or sexual conduct, as defined  
2 in section 19-1-103, ~~(97), C.R.S.~~, for the person's benefit.

3 **SECTION 15.** In Colorado Revised Statutes, 13-22-107, **amend**  
4 (2)(b) as follows:

5 **13-22-107. Legislative declaration - definitions - children -**  
6 **waiver by parent of prospective negligence claims.** (2) As used in this  
7 section, unless the context otherwise requires:

8 (b) For purposes of this section only, "parent" means a parent, as  
9 defined in section 19-1-103, ~~(82), C.R.S.~~, a person who has guardianship  
10 of the person, as defined in section 19-1-103, ~~(60), C.R.S.~~, a person who  
11 has legal custody, as defined in section 19-1-103, ~~(73), C.R.S.~~, a legal  
12 representative, as defined in section 19-1-103, ~~(73.5), C.R.S.~~, a physical  
13 custodian, as defined in ~~section 19-1-103 (84), C.R.S.~~ SECTION  
14 19-2.5-102, or a responsible person, as defined in section 19-1-103. ~~(94),~~  
15 ~~C.R.S.~~

16 **SECTION 16.** In Colorado Revised Statutes, 13-25-126, **amend**  
17 (1)(f) as follows:

18 **13-25-126. Genetic tests to determine parentage.** (1) (f) A  
19 report of genetic testing ~~shall~~ MUST be in a record, defined in section  
20 19-1-103, ~~(91.5), C.R.S.~~, and signed under penalty of perjury by a  
21 designee of the testing laboratory. A report made pursuant to the  
22 requirements of this ~~article~~ ARTICLE 25 is self-authenticating.

23 **SECTION 17.** In Colorado Revised Statutes, 13-90-107, **amend**  
24 (1) introductory portion and (1)(i) as follows:

25 **13-90-107. Who may not testify without consent - definitions.**  
26 (1) There are particular relations in which it is the policy of the law to  
27 encourage confidence and to preserve it inviolate; therefore, a person ~~shall~~

1 MUST not be examined as a witness in the following cases:

2 (i) A confidential intermediary, as defined in section 19-1-103,  
3 ~~(26), C.R.S., shall~~ MUST not be examined as to communications made to  
4 ~~him or her~~ THE INTERMEDIARY in official confidence when the public  
5 interests, in the judgment of the court, would suffer by the disclosure of  
6 such communications.

7 **SECTION 18.** In Colorado Revised Statutes, 14-2-108, **amend** (1)  
8 as follows:

9 **14-2-108. Judicial approval.** (1) The juvenile court, as defined  
10 in section 19-1-103, ~~(17)~~, after a reasonable effort has been made to notify  
11 the parents or legal guardians of each underage party, may order the  
12 county clerk and recorder pursuant to subsection (2) of this section to  
13 issue a marriage license and a marriage certificate form to a ~~party~~ PERSON  
14 sixteen or seventeen years of age.

15 **SECTION 19.** In Colorado Revised Statutes, 14-10-124, **amend**  
16 (1.3)(c) as follows:

17 **14-10-124. Best interests of child.** (1.3) **Definitions.** For  
18 purposes of this section and section 14-10-129 (2)(c), unless the context  
19 otherwise requires:

20 (c) "Sexual assault" has the same meaning as set forth in section  
21 19-1-103. ~~(96.5), C.R.S.~~

22 **SECTION 20.** In Colorado Revised Statutes, **amend** 16-2.5-138  
23 as follows:

24 **16-2.5-138. Juvenile probation officer - juvenile parole officer.**  
25 A juvenile probation officer and a juvenile parole officer are peace  
26 officers while engaged in the performance of their duties. ~~whose~~ THE  
27 authority ~~shall be~~ OF A JUVENILE PROBATION OFFICER AND A JUVENILE

1 PAROLE OFFICER IS limited pursuant to ~~sections 19-2-926 and 19-2-1003,~~  
2 ~~C.R.S.~~ SECTIONS 19-2.5-1107 AND 19-2.5-1204.

3 **SECTION 21.** In Colorado Revised Statutes, 16-5-301, **amend**  
4 (1)(b)(III) as follows:

5 **16-5-301. Preliminary hearing or waiver - dispositional**  
6 **hearing.** (1) (b) (III) The chief justice of the Colorado supreme court is  
7 encouraged to promulgate rules defining the term "dispositional hearing"  
8 for purposes of this ~~paragraph (b)~~ SUBSECTION (1)(b), section 18-1-404  
9 (2), ~~C.R.S.~~, and ~~section 19-2-705 (1.5), C.R.S.~~ SECTION 19-2.5-609 (2).

10 **SECTION 22.** In Colorado Revised Statutes, 16-5-401, **amend**  
11 (1)(c)(I), (1)(c)(II), and (1)(c)(III) as follows:

12 **16-5-401. Limitation for commencing criminal proceedings**  
13 **and juvenile delinquency proceedings.** (1) (c) For purposes of this  
14 section:

15 (I) "Delinquent act" has the same meaning as defined in ~~section~~  
16 ~~19-1-103 (36), C.R.S.~~ SECTION 19-2.5-102.

17 (II) "Juvenile" means a child as defined in section 19-1-103. ~~(18),~~  
18 ~~C.R.S.~~

19 (III) "Petition in delinquency" means any petition filed by a district  
20 attorney pursuant to ~~section 19-2-512, C.R.S.~~ SECTION 19-2.5-502.

21 **SECTION 23.** In Colorado Revised Statutes, 16-5-402, **amend** (4)  
22 as follows:

23 **16-5-402. Limitation for collateral attack upon trial judgment**  
24 **- definitions.** (4) For purposes of this section:

25 (a) "Adjudication", except as used in ~~paragraph (c) of subsection~~  
26 ~~(2)~~ SUBSECTION (2)(c) of this section, includes "adjudicated" and has the  
27 same meaning as defined in ~~section 19-1-103 (2), C.R.S.~~ SECTION



1 19-2.5-102.

2 (b) "Juvenile" means a child, as defined in section 19-1-103. ~~(18);~~  
3 ~~C.R.S.~~

4 **SECTION 24.** In Colorado Revised Statutes, 16-11-102, **amend**  
5 (1.8) as follows:

6 **16-11-102. Presentence or probation investigation.** (1.8) ~~Upon~~  
7 AT the request of either the prosecution or the defense, each presentence  
8 report prepared regarding a youthful offender, as defined in section  
9 18-1.3-407, ~~C.R.S.~~, who is eligible for sentencing to the youthful offender  
10 system pursuant to ~~section 18-1.3-407.5, 19-2-517 (6), or 19-2-518~~  
11 ~~(1)(d)(II), C.R.S., shall~~ SECTION 18-1.3-407.5, 19-2.5-801 (5), OR  
12 19-2.5-802 (1)(d)(II) MUST include a determination by the warden of the  
13 youthful offender system whether the youthful offender is acceptable for  
14 sentencing to the youthful offender system. When making a determination,  
15 the warden shall consider the nature and circumstances of the crime, the  
16 circumstances and criminal history of the youthful offender, the available  
17 bed space in the youthful offender system, and any other appropriate  
18 considerations.

19 **SECTION 25.** In Colorado Revised Statutes, 16-11-214, **amend**  
20 (1)(a) as follows:

21 **16-11-214. Fund created - probation services.** (1) (a) There is  
22 ~~hereby~~ created in the state treasury the offender services fund to which  
23 ~~shall~~ MUST be credited one hundred percent of any cost of care payments  
24 or probation supervision fees paid to the state pursuant to section  
25 18-1.3-204 (2)(a)(V) ~~or 19-2-114(1), C.R.S.,~~ OR 19-2.5-1018(1) and from  
26 which the general assembly shall make annual appropriations for  
27 administrative and personnel costs for adult and juvenile probation

1 services, as well as for adjunct adult and juvenile probation services in the  
2 judicial department, including treatment services, contract services, drug  
3 and alcohol treatment services, and program development, and for  
4 associated administrative and personnel costs. Any ~~moneys~~ MONEY  
5 remaining in ~~said~~ THE fund at the end of any fiscal year ~~shall~~ DOES not  
6 revert to the general fund.

7 **SECTION 26.** In Colorado Revised Statutes, 16-11.3-103, **amend**  
8 (2)(g)(II) as follows:

9 **16-11.3-103. Duties of the commission - mission - staffing -**  
10 **report - definition - repeal.** (2) The commission has the following  
11 duties:

12 (g) (II) For purposes of this subsection (2)(g), "facility" means a  
13 residential child care facility, specialized group facility, foster care home,  
14 family child care home, or any other facility subject to the Colorado  
15 "Child Care Licensing Act", part 1 of article 6 of title 26; noncertified  
16 kinship care providers that provide care for children with an open child  
17 welfare case who are in the legal custody of a county department; or a  
18 facility or community placement, as described in ~~section 19-2-403~~  
19 SECTION 19-2.5-1602, for a juvenile committed to the custody of the  
20 department of human services. "Facility" does not include any adult  
21 detention or correctional facility.

22 **SECTION 27.** In Colorado Revised Statutes, 16-13-1002, **amend**  
23 (1) introductory portion and (1)(b) as follows:

24 **16-13-1002. Resentencing hearing for persons serving life**  
25 **sentences without the possibility of parole as the result of a direct file**  
26 **or transfer.** (1) A person may petition the sentencing court for a  
27 resentencing hearing if ~~he or she~~ THE PERSON was:

1 (b) Convicted as an adult of a class 1 felony following direct filing  
2 of an information or indictment in the district court pursuant to ~~section~~  
3 ~~19-2-517, C.R.S.~~, SECTION 19-2.5-801 or transfer of proceedings to the  
4 district court pursuant to ~~section 19-2-518, C.R.S.~~, SECTION 19-2.5-802 or  
5 pursuant to either of these sections as they existed prior to their repeal and  
6 reenactment, with amendments, by House Bill 96-1005; and

7 **SECTION 28.** In Colorado Revised Statutes, 16-18.5-106.5,  
8 **amend** (1)(a) as follows:

9 **16-18.5-106.5. Lottery winnings offset - restitution.** (1) (a) The  
10 judicial department shall, on no less than a monthly basis, certify to the  
11 department of revenue information regarding any defendant who has been  
12 ordered to pay restitution pursuant to section 18-1.3-603 ~~or 19-2-918,~~  
13 ~~C.R.S.~~ OR 19-2.5-1104.

14 **SECTION 29.** In Colorado Revised Statutes, 16-18.5-106.7,  
15 **amend** (1) as follows:

16 **16-18.5-106.7. Unclaimed property offset - definition.** (1) The  
17 judicial department may enter into a memorandum of understanding with  
18 the state treasurer, acting as the administrator of unclaimed property under  
19 the "Revised Uniform Unclaimed Property Act", article 13 of title 38, for  
20 the purpose of offsetting against a claim for unclaimed property the  
21 unpaid amount of restitution the person making the claim has been  
22 ordered to pay pursuant to section 18-1.3-603 ~~or 19-2-918~~ OR 19-2.5-1104.  
23 When an offset is to be made, the judicial department or the court in  
24 which the person's restitution obligation is pending shall notify the person  
25 in writing that the state intends to offset the amount of the person's unpaid  
26 restitution obligation against ~~his or her~~ THE PERSON'S claim for unclaimed  
27 property.

1           **SECTION 30.** In Colorado Revised Statutes, 16-18.5-106.8,  
2 **amend** (1) introductory portion and (5) as follows:

3           **16-18.5-106.8. State income tax refund offsets - restitution -**  
4 **definitions.** (1) In any case in which a defendant has an unsatisfied  
5 restitution obligation ordered pursuant to section 18-1.3-603 ~~or 19-2-918,~~  
6 ~~C.R.S.~~ OR 19-2.5-1104, the judicial department is authorized to transmit  
7 data concerning the obligation to the department of revenue for the  
8 purpose of conducting a data match and offsetting the restitution  
9 obligation against a state income tax refund pursuant to section 39-21-108  
10 (3). ~~C.R.S.~~ For any restitution obligation identified by the judicial  
11 department for offset, the state court administrator shall:

12           (5) As used in this section, "defendant" means any person,  
13 including an adult or juvenile, who has been ordered to pay restitution  
14 pursuant to section 18-1.3-603 ~~or 19-2-918,~~ ~~C.R.S.~~ OR 19-2.5-1104.

15           **SECTION 31.** In Colorado Revised Statutes, **amend** 16-18.5-111  
16 as follows:

17           **16-18.5-111. Effect of termination of deferred judgment and**  
18 **sentence or deferred adjudication, expungement, or sealing.** The  
19 provisions of this ~~article~~ ARTICLE 18.5 apply notwithstanding the  
20 termination of a deferred judgment and sentence or a deferred  
21 adjudication, the entry of an order of expungement pursuant to ~~section~~  
22 ~~19-1-306,~~ ~~C.R.S.~~ SECTION 19-2.5-1404, or an order to seal entered  
23 pursuant to part 7 of article 72 of title 24. ~~C.R.S.~~

24           **SECTION 32.** In Colorado Revised Statutes, **amend** 16-18.5-112  
25 as follows:

26           **16-18.5-112. Effect of expungement.** Notwithstanding the entry  
27 of an order of expungement pursuant to ~~section 19-1-306~~ the provisions

1 of SECTION 19-2.5-1404, this article 18.5 ~~apply~~ APPLIES.

2           **SECTION 33.** In Colorado Revised Statutes, 16-22-113, **amend**  
3 (1) introductory portion and (1)(e) as follows:

4           **16-22-113. Petition for removal from registry.** (1) Except as  
5 ~~otherwise provided~~ REQUIRED in subsection (3) of this section, any person  
6 required to register pursuant to section 16-22-103 or whose information  
7 is required to be posted on the internet pursuant to section 16-22-111 may  
8 file a petition with the court that issued the order of judgment for the  
9 conviction that requires the person to register for an order to discontinue  
10 the requirement for such registration or internet posting, or both, as  
11 follows:

12           (e) ~~Except as otherwise provided in subparagraph (II) of paragraph~~  
13 ~~(b) of subsection (1.3)~~ EXCEPT AS REQUIRED IN SUBSECTION (1.3)(b)(II) of  
14 this section, if the person was younger than eighteen years of age at the  
15 time of commission of the offense, after the successful completion of and  
16 discharge from a juvenile sentence or disposition, and if the person prior  
17 to such time has not been subsequently convicted or has a pending  
18 prosecution for unlawful sexual behavior or for any other offense, the  
19 underlying factual basis of which involved unlawful sexual behavior, and  
20 the court did not issue an order either continuing the duty to register or  
21 discontinuing the duty to register pursuant to ~~paragraph (b) of subsection~~  
22 ~~(1.3)~~ SUBSECTION (1.3)(b) of this section. ~~Any~~ A person petitioning  
23 pursuant to this ~~paragraph (e)~~ SUBSECTION (1)(e) may also petition for an  
24 order removing ~~his or her~~ THE PERSON'S name from the sex offender  
25 registry. In determining whether to grant the order, the court shall consider  
26 whether the person is likely to commit a subsequent offense of or  
27 involving unlawful sexual behavior. The court shall base its determination

1 on recommendations from the person's probation or community parole  
2 officer, the person's treatment provider, and the prosecuting attorney for  
3 the jurisdiction in which the person was tried and on the recommendations  
4 included in the person's presentence investigation report. In addition, the  
5 court shall consider any written or oral testimony submitted by the victim  
6 of the offense for which the petitioner was required to register.  
7 Notwithstanding the provisions of this subsection (1), a juvenile who files  
8 a petition pursuant to this section may file the petition with the court to  
9 which venue is transferred pursuant to ~~section 19-2-105, C.R.S.~~ SECTION  
10 19-2.5-104, if any.

11 **SECTION 34.** In Colorado Revised Statutes, 17-1-103, **amend**  
12 (1)(n) and (4) as follows:

13 **17-1-103. Duties of the executive director.** (1) The duties of the  
14 executive director are:

15 (n) To contract with the department of human services to house in  
16 a facility operated by the department of human services any juvenile under  
17 the age of fourteen years who is sentenced as an adult to the department  
18 of corrections and to provide services for the juvenile ~~as provided in~~  
19 ~~section 19-2-518 (1)(c), C.R.S.~~ PURSUANT TO SECTION 19-2.5-802 (1)(e);

20 (4) For an inmate who was convicted as an adult of a class 1  
21 felony following direct filing of an information or indictment in the  
22 district court pursuant to ~~section 19-2-517, C.R.S.~~, SECTION 19-2.5-801 or  
23 transfer of proceedings to the district court pursuant to ~~section 19-2-518,~~  
24 ~~C.R.S.~~ SECTION 19-2.5-802, the executive director shall ensure that the  
25 inmate has the opportunity to participate in treatment, programs, and  
26 services that is equal to the opportunities granted to other inmates who  
27 will be eligible for parole or discharge.

1           **SECTION 35.** In Colorado Revised Statutes, 17-22.5-104, **amend**  
2 (2)(d)(IV) and (2)(d)(V) as follows:

3           **17-22.5-104. Parole - regulations.** (2) (d) (IV) Notwithstanding  
4 ~~the provisions of subparagraph (f) of this paragraph (d)~~ SUBSECTION  
5 (2)(d)(I) OF THIS SECTION, an inmate imprisoned ~~under~~ TO a life sentence  
6 for a class 1 felony committed before July 1, 1990, or on or after July 1,  
7 2006, who was convicted as an adult following direct filing of an  
8 information or indictment in the district court pursuant to ~~section~~  
9 ~~19-2-517, C.R.S.~~, SECTION 19-2.5-801 or transfer of proceedings to the  
10 district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802,  
11 may be eligible for parole after the inmate has served at least forty years,  
12 less any earned time granted pursuant to section 17-22.5-405. An  
13 application for parole may not be made or considered during this period.

14           (V) Notwithstanding ~~the provisions of subparagraph (f) of this~~  
15 ~~paragraph (d)~~ SUBSECTION (2)(d)(I) OF THIS SECTION, an inmate sentenced  
16 to life imprisonment for a class 1 felony committed on or after July 1,  
17 1990, and before July 1, 2006, who was convicted as an adult following  
18 direct filing of an information or indictment in the district court pursuant  
19 to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801, or transfer of  
20 proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~  
21 SECTION 19-2.5-802, or pursuant to either of these sections as they existed  
22 prior to their repeal and reenactment, with amendments, by House Bill  
23 96-1005, may be eligible for parole after serving forty years, less any  
24 earned time granted pursuant to section 17-22.5-405.

25           **SECTION 36.** In Colorado Revised Statutes, 17-22.5-403, **amend**  
26 (2)(c)(I) as follows:

27           **17-22.5-403. Parole eligibility.** (2) (c) (I) A person who is

1 convicted as an adult of a class 1 felony following a direct filing of an  
2 information or indictment in the district court pursuant to ~~section~~  
3 ~~19-2-517, C.R.S.~~ SECTION 19-2.5-801, or transfer of proceedings to the  
4 district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802, or  
5 pursuant to either of these sections as they existed prior to their repeal and  
6 reenactment, with amendments, by House Bill 96-1005, which felony was  
7 committed on or after July 1, 1990, and before July 1, 2006, and who is  
8 resentenced pursuant to section 18-1.3-401 (4)(c), ~~C.R.S.~~, is not entitled  
9 to receive any reduction of ~~his or her~~ THE PERSON'S sentence pursuant to  
10 this section.

11 **SECTION 37.** In Colorado Revised Statutes, 17-22.5-403.7,  
12 **amend** (1)(a)(I) and (1)(a)(II) as follows:

13 **17-22.5-403.7. Parole eligibility - class 1 felony - juvenile**  
14 **offender convicted as adult - definition.** (1) As used in this section,  
15 "inmate" means a person:

16 (a) (I) Who is convicted as an adult of a class 1 felony following  
17 direct filing of an information or indictment in the district court pursuant  
18 to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801; or

19 (II) Who is convicted as an adult of a class 1 felony following  
20 transfer of proceedings to the district court pursuant to ~~section 19-2-518,~~  
21 ~~C.R.S.~~ SECTION 19-2.5-802; and

22 **SECTION 38.** In Colorado Revised Statutes, **amend** 17-26-121  
23 as follows:

24 **17-26-121. Juveniles - confinement - when.** ~~No jail shall~~ A JAIL  
25 SHALL NOT receive a juvenile ~~prisoner~~ for confinement unless the juvenile  
26 has been charged by the direct filing of an information in the district court  
27 or by indictment pursuant to ~~section 19-2-517, C.R.S.,~~ SECTION 19-2.5-801



1 or the juvenile has been ordered by the court to be held for criminal  
2 proceedings pursuant to ~~section 19-2-518 (1), C.R.S.~~ SECTION 19-2.5-802.

3 **SECTION 39.** In Colorado Revised Statutes, 17-31-102, **amend**  
4 (3)(c), (3)(d), and (3)(e) as follows:

5 **17-31-102. Definitions.** As used in this article 31, unless the  
6 context otherwise requires:

7 (3) "Institution" means any of the following:

8 (c) A halfway house, as that term is defined in ~~section 19-1-103~~  
9 ~~(62), C.R.S.~~ SECTION 19-2.5-102;

10 (d) A diagnostic and evaluation center, as that term is defined in  
11 ~~section 19-1-103 (41), C.R.S.~~ SECTION 19-2.5-102;

12 (e) A receiving center, as that term is defined in ~~section 19-1-103~~  
13 ~~(90), C.R.S.~~ SECTION 19-2.5-102;

14 **SECTION 40.** In Colorado Revised Statutes, 17-34-101, **amend**  
15 (1)(a) introductory portion as follows:

16 **17-34-101. Juveniles who are convicted as adults in district**  
17 **court - eligibility for specialized program placement - petitions.**

18 (1) (a) Notwithstanding any other provision of law, an offender serving  
19 a sentence in the department for a felony offense as a result of the filing  
20 of criminal charges by an information or indictment pursuant to ~~section~~  
21 ~~19-2-517~~ SECTION 19-2.5-801, or the transfer of proceedings to the district  
22 court pursuant to ~~section 19-2-518~~ SECTION 19-2.5-802, or pursuant to  
23 either of these sections as they existed prior to their repeal and  
24 reenactment, with amendments, by House Bill 96-1005, and who remains  
25 in the custody of the department for that felony offense, may petition for  
26 placement in the specialized program described in section 17-34-102,  
27 referred to within this section as the "specialized program", as follows:

1           **SECTION 41.** In Colorado Revised Statutes, 17-34-102, **amend**  
2 (1) as follows:

3           **17-34-102. Specialized program for juveniles convicted as**  
4 **adults - report.** (1) The department shall develop and implement a  
5 specialized program for offenders who have been sentenced to an adult  
6 prison for a felony offense committed while the offender was less than  
7 eighteen years of age as a result of the filing of criminal charges by an  
8 information or indictment pursuant to ~~section 19-2-517, C.R.S.~~ SECTION  
9 19-2.5-801, or the transfer of proceedings to the district court pursuant to  
10 ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802, or pursuant to either of  
11 these sections as they existed prior to their repeal and reenactment, with  
12 amendments, by House Bill 96-1005, and who are determined to be  
13 appropriate for placement in the specialized program. The department  
14 shall implement the specialized program within or in conjunction with a  
15 facility operated by, or under contract with, the department.

16           **SECTION 42.** In Colorado Revised Statutes, 18-1.3-104, **amend**  
17 (1)(h)(I) as follows:

18           **18-1.3-104. Alternatives in imposition of sentence.** (1) Within  
19 the limitations of the applicable statute pertaining to sentencing and  
20 subject to the provisions of this title 18, the trial court has the following  
21 alternatives in entering judgment imposing a sentence:

22           (h) (I) If the defendant is eligible pursuant to section 18-1.3-407.5  
23 or ~~section 19-2-517(6), C.R.S.~~ SECTION 19-2.5-801 (5), the defendant may  
24 be sentenced to the youthful offender system in accordance with section  
25 18-1.3-407.

26           **SECTION 43.** In Colorado Revised Statutes, 18-1.3-301, **amend**  
27 (1)(a) as follows:

1           **18-1.3-301. Authority to place offenders in community**  
2 **corrections programs.** (1) (a) ~~Any~~ A judge of a district court may refer  
3 ~~any~~ AN offender convicted of a felony to a community corrections  
4 program unless ~~such~~ THE offender is required to be sentenced pursuant to  
5 section 18-1.3-406 (1) or a sentencing provision that requires a sentence  
6 to the department of corrections. If an offender who is sentenced pursuant  
7 to section 18-1.3-406 (1) has such sentence modified upon the finding of  
8 unusual and extenuating circumstances pursuant to such section, ~~such~~ THE  
9 offender may be referred to a community corrections program if ~~such~~ THE  
10 offender is otherwise eligible for such program and is approved for  
11 placement pursuant to section 17-27-103 (5) ~~C.R.S.~~, and section  
12 17-27-104 (3). ~~C.R.S.~~ For the purposes of this ~~article~~ ARTICLE 1.3, persons  
13 sentenced pursuant to ~~the provisions of sections 19-2-908 (1)(a)(I) and~~  
14 ~~(1)(c)(I)(B) and 19-2-910 (2), C.R.S., shall be~~ SECTIONS 19-2.5-1118 (2)  
15 AND 19-2.5-1126 (1)(a)(I) AND (1)(c)(I)(B) ARE deemed to be offenders.

16           **SECTION 44.** In Colorado Revised Statutes, 18-1.3-401, **amend**  
17 (4)(b)(I) and (4)(c)(I) introductory portion as follows:

18           **18-1.3-401. Felonies classified - presumptive penalties.**  
19 (4) (b) (I) Notwithstanding ~~the provisions of sub-subparagraph (A) of~~  
20 ~~subparagraph (V) of paragraph (a) of subsection (1)~~ SUBSECTION  
21 (1)(a)(V)(A) of this section and notwithstanding ~~the provisions of~~  
22 ~~paragraph (a) of this subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION,  
23 as to a person who is convicted as an adult of a class 1 felony following  
24 direct filing of an information or indictment in the district court pursuant  
25 to ~~section 19-2-517, C.R.S.,~~ SECTION 19-2.5-801 or transfer of  
26 proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~  
27 SECTION 19-2.5-802, the district court judge shall sentence the person to

1 a term of life imprisonment with the possibility of parole after serving a  
2 period of forty years, less any earned time granted pursuant to section  
3 17-22.5-405. ~~C.R.S.~~ Regardless of whether the state board of parole  
4 releases the person on parole, the person shall remain in the legal custody  
5 of the department of corrections for the remainder of the person's life and  
6 shall not be discharged.

7 (c) (I) Notwithstanding ~~the provisions of sub-subparagraph (A) of~~  
8 ~~subparagraph (V) of paragraph (a) of subsection (1)~~ SUBSECTION  
9 (1)(a)(V)(A) of this section and notwithstanding ~~the provisions of~~  
10 ~~paragraphs (a) and (b) of this subsection (4)~~ SUBSECTIONS (4)(a) AND  
11 (4)(b) OF THIS SECTION, as to a person who is convicted as an adult of a  
12 class 1 felony following a direct filing of an information or indictment in  
13 the district court pursuant to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801,  
14 or transfer of proceedings to the district court pursuant to ~~section~~  
15 ~~19-2-518, C.R.S.~~ SECTION 19-2.5-802, or pursuant to either of these  
16 sections as they existed prior to their repeal and reenactment, with  
17 amendments, by House Bill 96-1005, which felony was committed on or  
18 after July 1, 1990, and before July 1, 2006, and who received a sentence  
19 to life imprisonment without the possibility of parole:

20 **SECTION 45.** In Colorado Revised Statutes, 18-1.3-407, **amend**  
21 (1)(b), (2)(a)(I), (2.1)(a) introductory portion, and (5)(b)(II) as follows:

22 **18-1.3-407. Sentences - youthful offenders - powers and duties**  
23 **of district court - authorization for youthful offender system - powers**  
24 **and duties of department of corrections - legislative declaration -**  
25 **definitions.** (1) (b) It is the further intent of the general assembly in  
26 enacting this section that female and male offenders who are eligible for  
27 sentencing to the youthful offender system pursuant to section

1 18-1.3-407.5 or ~~section 19-2-517 (6) or 19-2-518 (1)(d)(II), C.R.S.,~~  
2 SECTION 19-2.5-801 (5) OR 19-2.5-802 (1)(d)(II) receive equitable  
3 treatment in sentencing, particularly in regard to the option of being  
4 sentenced to the youthful offender system. Accordingly, it is the general  
5 assembly's intent that THE DEPARTMENT OF CORRECTIONS TAKE necessary  
6 measures ~~be taken by the department of corrections~~ to establish separate  
7 housing for female and male offenders who are sentenced to the youthful  
8 offender system without compromising the equitable treatment of either.

9 (2) (a) (I) A juvenile may be sentenced to the youthful offender  
10 system created pursuant to this section under the circumstances set forth  
11 in ~~section 19-2-517 (6)(a)(II) or 19-2-518 (1)(d)(II), C.R.S.~~ SECTION  
12 19-2.5-801 (5)(a)(II) OR 19-2.5-802 (1)(d)(II). A young adult offender  
13 may be sentenced to the youthful offender system created pursuant to this  
14 section under the circumstances set forth in section 18-1.3-407.5. In order  
15 to sentence a juvenile or young adult offender to the youthful offender  
16 system, the court shall first impose upon such person a sentence to the  
17 department of corrections in accordance with section 18-1.3-401. The  
18 court shall thereafter suspend such sentence conditioned on completion of  
19 a sentence to the youthful offender system, including a period of  
20 community supervision. The court shall impose any such sentence to the  
21 youthful offender system for a determinate period of not fewer than two  
22 years nor more than six years; except that a juvenile or young adult  
23 offender convicted of a class 2 felony may be sentenced for a determinate  
24 period of up to seven years. In imposing ~~such~~ THE sentence, the court shall  
25 grant authority to the department of corrections to place the offender  
26 under a period of community supervision for a period of not fewer than  
27 six months and up to twelve months any time after the date on which the

1 offender has twelve months remaining to complete the determinate  
2 sentence. The court may award an offender sentenced to the youthful  
3 offender system credit for presentence confinement; except that such  
4 credit shall not reduce the offender's actual time served in the youthful  
5 offender system to fewer than two years. The court shall have a  
6 presentence investigation conducted before sentencing a juvenile or young  
7 adult offender pursuant to this section. Upon the request of either the  
8 prosecution or the defense, the presentence report ~~shall~~ MUST include a  
9 determination by the warden of the youthful offender system whether the  
10 offender is acceptable for sentencing to the youthful offender system.  
11 When making a determination, the warden shall consider the nature and  
12 circumstances of the crime; the age, circumstances, and criminal history  
13 of the offender; the available bed space in the youthful offender system;  
14 and any other appropriate considerations.

15 (2.1) (a) As originally enacted, this section applied only to offenses  
16 committed by juveniles on or after September 13, 1993. For purposes of  
17 extending the availability of sentencing options, a juvenile who meets the  
18 criteria set forth in ~~section 19-2-517(6)(a)(II), C.R.S.~~, SECTION 19-2.5-801  
19 (5)(a)(II) may be sentenced to the youthful offender system pursuant to  
20 this section under the following circumstances:

21 (5) (b) (II) ~~Any~~ AN offender who is resentenced pursuant to this  
22 ~~paragraph (b)~~ SUBSECTION (5)(b) shall continue to be treated as an adult  
23 for purposes of sentencing and shall not be sentenced pursuant to ~~article~~  
24 ~~2 of title 19, C.R.S.~~ ARTICLE 2.5 OF TITLE 19.

25 **SECTION 46.** In Colorado Revised Statutes, 18-1.3-407.5,  
26 **amend** (1)(a) introductory portion and (1)(a)(VI) as follows:

27 **18-1.3-407.5. Sentences - young adult offenders - youthful**

1 **offender system - definitions.** (1) (a) A young adult offender may be  
2 sentenced to the youthful offender system in the department of corrections  
3 in accordance with section 18-1.3-407, ~~under~~ IN the following  
4 circumstances:

5 (VI) The young adult offender is convicted of a felony offense,  
6 and is determined to have been an "~~habitual~~" REPEAT juvenile offender",  
7 as ~~defined in section 19-1-103 (61), C.R.S.~~ DESCRIBED IN SECTION  
8 19-2.5-1125.

9 **SECTION 47.** In Colorado Revised Statutes, **amend** 18-1.3-502  
10 as follows:

11 **18-1.3-502. Duration of sentences for misdemeanors.** Courts  
12 sentencing ~~any~~ A person for the commission of a misdemeanor to the  
13 custody of the executive director of the department of corrections shall not  
14 fix a minimum term but may fix a maximum term less than the maximum  
15 provided by law for the offense. ~~The persons~~ A PERSON so sentenced ~~shall~~  
16 MUST be imprisoned, released under parole, and discharged as provided  
17 by other applicable statutes. ~~No~~ A person sentenced to a correctional  
18 facility for the commission of a misdemeanor shall NOT be subjected to  
19 imprisonment for a term exceeding the maximum term provided by the  
20 statute fixing the maximum length of the sentence for the crime of which  
21 ~~he or she~~ THE PERSON was convicted and for which ~~he or she~~ THE PERSON  
22 was sentenced. A person sentenced to a term of imprisonment for the  
23 commission of a misdemeanor ~~shall be~~ IS entitled to the same time credits  
24 as if ~~he or she~~ THE PERSON were sentenced to a term of imprisonment for  
25 the commission of a felony. ~~No~~ A person committed as a juvenile  
26 delinquent shall NOT be imprisoned for a term exceeding two years, except  
27 as otherwise provided for aggravated juvenile offenders in ~~section~~

1 ~~19-2-601, C.R.S.~~ SECTION 19-2.5-1127.

2           **SECTION 48.** In Colorado Revised Statutes, 18-1.3-603, **amend**  
3 (4)(a)(I) as follows:

4           **18-1.3-603. Assessment of restitution - corrective orders.**

5 (4) (a) (I) ~~Any~~ AN order for restitution entered pursuant to this section is  
6 a final civil judgment in favor of the state and any victim.  
7 Notwithstanding any other civil or criminal statute or rule, any such  
8 judgment remains in force until the restitution is paid in full. ~~The~~  
9 ~~provisions of~~ Article 18.5 of title 16 ~~C.R.S., apply~~ APPLIES,  
10 notwithstanding the termination of a deferred judgment and sentence or  
11 a deferred adjudication, the entry of an order of expungement pursuant to  
12 ~~section 19-1-306, C.R.S.~~ SECTION 19-2.5-1404, or an order to seal entered  
13 pursuant to part 7 of article 72 of title 24. ~~C.R.S.~~

14           **SECTION 49.** In Colorado Revised Statutes, 18-1.3-701, **amend**  
15 (4.5) as follows:

16           **18-1.3-701. Judgment for costs and fines - definitions.**

17 (4.5) Notwithstanding the entry of an order of expungement pursuant to  
18 ~~section 19-1-306 the provisions of this part 7 apply~~ SECTION 19-2.5-1404,  
19 THIS PART 7 APPLIES.

20           **SECTION 50.** In Colorado Revised Statutes, 18-1.3-801, **amend**  
21 (5) as follows:

22           **18-1.3-801. Punishment for habitual criminals.** (5) A current  
23 or prior conviction for escape, as described in section 18-8-208 (1), (2),  
24 or (3), or attempt to escape, as described in section 18-8-208.1 (1) or (2),  
25 may not be used for the purpose of adjudicating a person an habitual  
26 criminal as described in subsection (1.5) or subsection (2) of this section  
27 unless the conviction is based on the offender's escape or attempt to



1 escape from a correctional facility, as defined in section 17-1-102, or from  
2 physical custody within a county jail; except that, for the purposes of this  
3 section, "correctional facility" does not include a community corrections  
4 facility, as defined in section 17-27-102 (2.5), or a halfway house, as  
5 defined in ~~section 19-1-103 (62)~~ SECTION 19-2.5-102.

6 **SECTION 51.** In Colorado Revised Statutes, 18-3-414.5, **amend**  
7 (1)(a)(I) as follows:

8 **18-3-414.5. Sexually violent predators - assessment - annual**  
9 **report - definitions.** (1) As used in this section, unless the context  
10 otherwise requires:

11 (a) "Sexually violent predator" means an offender:

12 (I) Who is eighteen years of age or older as of the date the offense  
13 is committed or who is less than eighteen years of age as of the date the  
14 offense is committed but is tried as an adult pursuant to ~~section 19-2-517~~  
15 ~~or 19-2-518, C.R.S.~~ SECTION 19-2.5-801 OR 19-2.5-802;

16 **SECTION 52.** In Colorado Revised Statutes, 18-4-509, **amend**  
17 (1)(c)(II)(B.5), (2)(a)(II), and (2)(a)(IV) as follows:

18 **18-4-509. Defacing property - definitions.** (1) (c) (II) For  
19 purposes of this section:

20 (B.5) "Juvenile" ~~shall have~~ HAS the same meaning as set forth in  
21 ~~section 19-1-103 (68), C.R.S.~~ SECTION 19-2.5-102.

22 (2) (a) (II) In sentencing a person who violates this section, the  
23 court has discretion to impose alternatives in sentencing as described in  
24 part 1 of article 1.3 of this ~~title~~ TITLE 18, including but not limited to  
25 restorative justice practices, as defined in section 18-1-901 (3)(o.5), or in  
26 the case of a juvenile offender, to impose restorative justice, as defined in  
27 ~~section 19-1-103 (94.1), C.R.S.~~ SECTION 19-2.5-102.

1 (IV) Fifty percent of the fines collected pursuant to this ~~paragraph~~  
2 ~~(a)~~ SUBSECTION (2)(a) shall be credited to the highway users tax fund,  
3 created in section 43-4-201, ~~C.R.S.~~, and allocated and expended as  
4 specified in section 43-4-205 (5.5)(a), ~~C.R.S.~~, and fifty percent of the fines  
5 collected pursuant to this ~~paragraph~~ ~~(a)~~ SUBSECTION (2)(a) shall be  
6 credited to the juvenile diversion cash fund created in ~~section 19-2-303.5,~~  
7 ~~C.R.S.~~ SECTION 19-2.5-403; except that the fines collected pursuant to  
8 ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section shall be  
9 credited to the Colorado travel and tourism promotion fund created in  
10 section 24-49.7-106. ~~C.R.S.~~

11 **SECTION 53.** In Colorado Revised Statutes, 18-6-803.5, **amend**  
12 (1.5)(a.5)(I)(A) as follows:

13 **18-6-803.5. Crime of violation of a protection order - penalty**  
14 **- peace officers' duties - definitions.** (1.5) As used in this section:

15 (a.5) (I) "Protection order" means any order that prohibits the  
16 restrained person from contacting, harassing, injuring, intimidating,  
17 molesting, threatening, or touching any protected person or protected  
18 animal, or from entering or remaining on premises, or from coming within  
19 a specified distance of a protected person or protected animal or premises  
20 or any other provision to protect the protected person or protected animal  
21 from imminent danger to life or health, that is issued by a court of this  
22 state or a municipal court, and that is issued pursuant to:

23 (A) Article 14 of title 13, ~~C.R.S.~~, section 18-1-1001, ~~section~~  
24 ~~19-2-707, C.R.S.~~ SECTION 19-2.5-607, section 19-4-111, ~~C.R.S.~~, or rule  
25 365 of the Colorado rules of county court civil procedure;

26 **SECTION 54.** In Colorado Revised Statutes, 18-6-803.7, **amend**  
27 (1)(b.5)(I)(A) and (2)(b) as follows:

1           **18-6-803.7. Central registry of protection orders - creation.**

2           (1) As used in this section:

3                   (b.5) (I) "Protection order" means any order that prohibits the  
4 restrained person from contacting, harassing, injuring, intimidating,  
5 molesting, threatening, or touching any protected person, or from entering  
6 or remaining on premises, or from coming within a specified distance of  
7 a protected person or premises, that is issued by a court of this state or an  
8 authorized 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                   (2) (b) THE CLERK OF THE COURT ISSUING THE PROTECTION ORDER  
13 SHALLENTER protection orders and subsequent orders ~~shall be entered~~ into  
14 the registry; ~~by the clerk of the court issuing the protection order;~~ except  
15 that orders issued pursuant to sections 18-1-1001 ~~and 19-2-707, C.R.S.,~~  
16 ~~shall~~ AND 19-2.5-607 MUST be entered into the registry only at the  
17 discretion of the court or upon motion of the district attorney. The clerk  
18 of the court issuing the protection order ~~shall be~~ IS responsible for  
19 updating the registry electronically in a timely manner to ensure the notice  
20 is as complete and accurate as is reasonably possible with regard to the  
21 information specified in subsection (3) of this section.

22           **SECTION 55.** In Colorado Revised Statutes, 18-8-208, **amend**  
23 (4.5) and (11) as follows:

24           **18-8-208. Escapes.** (4.5) A person commits a class 3  
25 misdemeanor if ~~he or she~~ THE PERSON has been committed to the division  
26 of youth services in the department of human services for a delinquent act,  
27 is ~~over~~ MORE THAN eighteen years of age, and escapes from a staff secure

1 facility as defined in ~~section 19-1-103 (101.5)~~ SECTION 19-2.5-102, other  
2 than a state-operated locked facility.

3 (11) If a person is serving a direct sentence to a community  
4 corrections program pursuant to section 18-1.3-301, or is transitioning  
5 from the department of corrections to a community corrections program,  
6 or is placed in an intensive supervision program pursuant to section  
7 17-27.5-101, or is participating in a work release or home detention  
8 program pursuant to section 18-1.3-106 (1.1), intensive supervision  
9 program or any other similar authorized supervised or unsupervised  
10 absence from a detention facility as defined in section 18-8-203 (3), is  
11 housed in a staff secure facility as defined in ~~section 19-1-103 (101.5)~~  
12 SECTION 19-2.5-102, or is placed in a community corrections program for  
13 purposes of obtaining residential treatment as a condition of probation  
14 pursuant to section 18-1.3-204 (2.2) or 18-1.3-301 (4)(b), then the person  
15 is not in custody or confinement for purposes of this section.

16 **SECTION 56.** In Colorado Revised Statutes, 18-8-208.1, **amend**  
17 (1.5) and (7) as follows:

18 **18-8-208.1. Attempt to escape.** (1.5) If a person is serving a  
19 direct sentence to a community corrections program pursuant to section  
20 18-1.3-301, or is transitioning from the department of corrections to a  
21 community corrections program, or is placed in an intensive supervision  
22 program pursuant to section 17-27.5-101, or is participating in a work  
23 release or home detention program pursuant to section 18-1.3-106 (1.1),  
24 intensive supervision program, or any other similar authorized supervised  
25 or unsupervised absence from a detention facility as defined in section  
26 18-8-203 (3), is housed in a staff secure facility as defined in ~~section~~  
27 ~~19-1-103 (101.5)~~ SECTION 19-2.5-102, or is placed in a community

1 corrections program for purposes of obtaining residential treatment as a  
2 condition of probation pursuant to section 18-1.3-204 (2.2) or 18-1.3-301  
3 (4)(b), then the person is not in custody or confinement for purposes of  
4 this section.

5 (7) ~~Any~~ A person held in a staff secure facility, as defined in  
6 ~~section 19-1-103 (101.5), C.R.S., shall be~~ SECTION 19-2.5-102, IS deemed  
7 ~~to be~~ in custody or confinement for purposes of this section.

8 **SECTION 57.** In Colorado Revised Statutes, 18-8-208.2, **amend**  
9 (1) introductory portion as follows:

10 **18-8-208.2. Unauthorized absence.** (1) A person who is serving  
11 a direct sentence to a community corrections program pursuant to section  
12 18-1.3-301; transitioning from the department of corrections to a  
13 community corrections program or placed in an intensive supervision  
14 program pursuant to section 17-27.5-101; participating in a work release  
15 or home detention program pursuant to 18-1.3-106 (1.1), intensive  
16 supervision program, or any other similar authorized supervised or  
17 unsupervised absence from a detention facility as defined in section  
18 18-8-203 (3); or is housed in a staff secure facility as defined in ~~section~~  
19 ~~19-1-103 (101.5)~~ SECTION 19-2.5-102 commits the crime of unauthorized  
20 absence if the person knowingly:

21 **SECTION 58.** In Colorado Revised Statutes, **amend** 18-8-210.1  
22 as follows:

23 **18-8-210.1. Persons in custody or confinement - juvenile**  
24 **offenders.** For the purposes of this part 2, any reference to custody,  
25 confinement, charged with, held for, convicted of, a felony, misdemeanor,  
26 or petty offense ~~shall be deemed to include~~ INCLUDES a juvenile who is  
27 detained or committed for the commission of an act ~~which~~ THAT would

1 constitute such a felony, misdemeanor, or petty offense if committed by  
2 an adult or who is the subject of a petition filed pursuant to ~~article 2 of~~  
3 ~~title 19, C.R.S.~~, ARTICLE 2.5 OF TITLE 19 alleging the commission of such  
4 a delinquent act or a juvenile who has been adjudicated a juvenile  
5 delinquent ~~as provided for in article 2 of title 19, C.R.S.~~, PURSUANT TO  
6 ARTICLE 2.5 OF TITLE 19 for an act ~~which~~ THAT would constitute a felony,  
7 misdemeanor, or petty offense if committed by an adult.

8 **SECTION 59.** In Colorado Revised Statutes, 18-9-313, **amend**  
9 (1)(a)(V) as follows:

10 **18-9-313. Personal information on the internet - law**  
11 **enforcement official - victims of domestic violence, sexual assault, and**  
12 **stalking - protection for human services workers - definitions.** (1) As  
13 used in this section:

14 (a) "Human services worker" means:

15 (V) An employee of a juvenile detention facility established and  
16 operated pursuant to ~~section 19-2-403~~ SECTION 19-2.5-1602 or an  
17 employee of the division of youth services within the department of  
18 human services, including an employee under contract with the division  
19 of youth services, who has contact with juveniles involved with youth  
20 services.

21 **SECTION 60.** In Colorado Revised Statutes, 18-12-108.5, **amend**  
22 (1)(d) as follows:

23 **18-12-108.5. Possession of handguns by juveniles - prohibited**  
24 **- exceptions - penalty.** (1) (d) ~~Any~~ A person under the age of eighteen  
25 years who is taken into custody by a law enforcement officer for an  
26 offense pursuant to this section ~~shall~~ MUST be taken into temporary  
27 custody in the manner described in ~~section 19-2-508, C.R.S.~~ SECTION

1 19-2.5-305.

2 **SECTION 61.** In Colorado Revised Statutes, 18-12-203, **amend**  
3 (1)(g)(I) as follows:

4 **18-12-203. Criteria for obtaining a permit.** (1) Beginning May  
5 17, 2003, except as ~~otherwise provided in~~ SET FORTH IN this section, a  
6 sheriff shall issue a permit to carry a concealed handgun to an applicant  
7 who:

8 (g) Is not subject to:

9 (I) A protection order issued pursuant to section 18-1-1001 or  
10 ~~section 19-2-707, C.R.S.,~~ SECTION 19-2.5-607 that is in effect at the time  
11 the application is submitted; or

12 **SECTION 62.** In Colorado Revised Statutes, 18-18-407, **amend**  
13 (1)(e) as follows:

14 **18-18-407. Special offender - definitions.** (1) A person who  
15 commits a felony offense ~~under~~ PURSUANT TO this part 4 under any one or  
16 more of the following aggravating circumstances commits a level 1 drug  
17 felony and is a special offender:

18 (e) The defendant solicited, induced, encouraged, intimidated,  
19 employed, hired, or procured a child, as defined in section 19-1-103, ~~(18),~~  
20 ~~C.R.S.,~~ to act as ~~his or her~~ THE DEFENDANT'S agent to assist in the  
21 unlawful distribution, manufacturing, dispensing, sale, or possession for  
22 the purposes of sale of any controlled substance at the time of the  
23 commission of the violation. It ~~shall not be~~ IS NOT a defense ~~under~~  
24 PURSUANT TO this ~~paragraph (e)~~ SUBSECTION (1)(e) that the defendant did  
25 not know the age of ~~any such~~ THE child.

26 **SECTION 63.** In Colorado Revised Statutes, 18-18-412, **amend**  
27 (5) as follows:

1           **18-18-412. Abusing toxic vapors - prohibited.** (5) Any A  
2 juvenile charged with an offense pursuant to this section shall be IS subject  
3 to the jurisdiction of the juvenile court pursuant to ~~section 19-2-104,~~  
4 ~~C.R.S.~~ SECTION 19-2.5-103.

5           **SECTION 64.** In Colorado Revised Statutes, 19-1-104, **amend**  
6 (1)(a), (5), and (8)(a)(I) as follows:

7           **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,  
8 the juvenile court has exclusive original jurisdiction in proceedings:

9           (a) Concerning any child committing a delinquent act, as defined  
10 in ~~section 19-1-103 (36)~~ SECTION 19-2.5-102;

11           (5) Where a custody award or an order allocating parental  
12 responsibilities with respect to a child has been made in a district court in  
13 a dissolution of marriage action or another proceeding and the jurisdiction  
14 of the district court in the case is continuing, the juvenile court may take  
15 jurisdiction in a case involving the same child if ~~he or she~~ THE CHILD  
16 comes within the jurisdiction of the juvenile court. The juvenile court shall  
17 provide notice in compliance with the Colorado rules of civil procedure;  
18 except that service must be effected not less than seven business days  
19 prior to the hearing. The notice must be written in clear language stating  
20 that the hearing concerns the allocation of parental responsibilities. When  
21 creating or modifying an existing order, the juvenile court shall proceed  
22 as set forth in subsection (6) of this section for a dependency and neglect  
23 proceeding pursuant to article 3 of this title 19, or as set forth in  
24 subsection (8) of this section for a juvenile delinquency case pursuant to  
25 ~~article 2 of this title 19~~ ARTICLE 2.5 OF THIS TITLE 19.

26           (8) (a) Upon submission of a stipulated agreement of all parties,  
27 parents, guardians, and other legal custodians, if the juvenile court finds



1 that it is in the best interests of the juvenile, the juvenile court may enter  
2 an order allocating parental responsibilities and addressing parenting time  
3 and child support matters when:

4 (I) The juvenile court has maintained jurisdiction in a case  
5 involving an adjudicated juvenile, a juvenile with a deferred adjudication,  
6 or a juvenile on a management plan developed pursuant to ~~section~~  
7 ~~19-2-1303 (3)~~ SECTION 19-2.5-704 (3);

8 **SECTION 65.** In Colorado Revised Statutes, 19-1-107, **amend** (3)  
9 as follows:

10 **19-1-107. Social study and other reports.** (3) In ~~any~~ A case  
11 where placement out of the home is recommended, the social study  
12 required by subsection (1) of this section ~~shall~~ MUST include the cost of  
13 the recommended placement and an evaluation for placement containing  
14 the information required by section 19-1-115 (8)(e). ~~Placement criteria~~  
15 ~~shall be developed jointly by~~ The department of education and the  
16 department of human services SHALL JOINTLY DEVELOP PLACEMENT  
17 CRITERIA, and, in the case of matters involving juvenile delinquency, THE  
18 CRITERIA MUST BE in accordance with the criteria for the placement of  
19 juveniles specified in ~~section 19-2-212 (1)(a)~~ SECTION 19-2.5-1504. Such  
20 criteria ~~shall~~ MUST be used by the agency designated by the court to  
21 determine its recommendation about the need for placement.

22 **SECTION 66.** In Colorado Revised Statutes, 19-1-108, **amend**  
23 (1), (3)(a.5), (3)(b), and (6) as follows:

24 **19-1-108. Magistrates - qualifications - duties.** (1) The juvenile  
25 court may appoint one or more magistrates to hear any case or matter  
26 under the court's jurisdiction, except where a jury trial has been requested  
27 pursuant to ~~section 19-2-107~~ SECTION 19-2.5-610 and in transfer hearings

1 held pursuant to ~~section 19-2-518~~ SECTION 19-2.5-802. Magistrates shall  
2 serve at the pleasure of the court, unless otherwise provided by law.

3 (3) (a.5) Magistrates shall conduct hearings in the manner  
4 provided for the hearing of cases by the court. During the initial  
5 advisement of the rights of any party, the magistrate shall inform the party  
6 that, except as ~~provided~~ SET FORTH in this subsection (3), ~~he or she~~ THE  
7 PARTY has the right to a hearing before the judge in the first instance and  
8 ~~that he or she~~ THE PARTY may waive that right but that, by waiving that  
9 right, ~~he or she~~ THE PARTY is bound by the findings and recommendations  
10 of the magistrate, subject to a request for review as ~~provided~~ SET FORTH  
11 in subsection (5.5) of this section. The right to require a hearing before a  
12 judge does not apply to hearings at which a child is advised of his or her  
13 rights pursuant to ~~section 19-2-706~~ SECTION 19-2.5-605; detention  
14 hearings held pursuant to ~~sections 19-2-507, 19-2-507.5, and 19-2-508~~  
15 SECTIONS 19-2.5-303, 19-2.5-304, AND 19-2.5-305; preliminary hearings  
16 held pursuant to ~~section 19-2-705~~ SECTION 19-2.5-609; temporary custody  
17 hearings held pursuant to section 19-3-403; proceedings held pursuant to  
18 article 4 of this title 19; and support proceedings held pursuant to article  
19 6 of this title 19. In proceedings held pursuant to article 4 or 6 of this title  
20 19, contested final orders regarding allocation of parental responsibilities  
21 may be heard by the magistrate only with the consent of all parties.

22 (b) In proceedings ~~under article 2 of this title~~ PURSUANT TO  
23 ARTICLE 2.5 OF THIS TITLE 19, the right to require a hearing before a judge  
24 ~~shall be~~ IS deemed waived unless a request is made by any party that the  
25 hearing be held before a judge at the time the matter is set for hearing.

26 (6) A magistrate may issue a lawful warrant taking a child into  
27 custody pursuant to ~~section 19-2-503~~ SECTION 19-2.5-204 and may issue

1 search warrants as provided in ~~sections 19-1-112 and 19-2-504~~ SECTIONS  
2 19-1-112 AND 19-2.5-205.

3 **SECTION 67.** In Colorado Revised Statutes, 19-1-112, **amend** (8)  
4 as follows:

5 **19-1-112. Search warrants for the protection of children.** (8) If  
6 the child is found, the child may be taken into custody ~~in conformance~~  
7 ~~with the provisions of section 19-2-201~~ PURSUANT TO SECTION 19-2.5-209  
8 or ~~section~~ 19-3-401.

9 **SECTION 68.** In Colorado Revised Statutes, 19-1-114, **amend**  
10 (3)(b) as follows:

11 **19-1-114. Order of protection.** (3) (b) The court may, when the  
12 court determines that it is in the best interests of the child, make an order  
13 of protection ~~which shall be~~ THAT IS applicable to a parent or guardian of  
14 a child and the person with whom the child resides, if other than the  
15 child's parent or guardian, subject to ~~the provisions of article 2 of this title~~  
16 ARTICLE 2.5 OF THIS TITLE 19. The order ~~shall~~ MUST require the parent or  
17 guardian and the person with whom the child resides, if other than the  
18 parent or guardian, to be present at any juvenile proceeding concerning the  
19 child.

20 **SECTION 69.** In Colorado Revised Statutes, 19-1-115, **amend**  
21 (1), (4)(a), (4)(d)(II), and (6.7) as follows:

22 **19-1-115. Legal custody - guardianship - placement out of the**  
23 **home - petition for review for need of placement.** (1) (a) Except as  
24 otherwise provided by law, in awarding legal custody of a child pursuant  
25 to ~~the provisions of this title~~ THIS TITLE 19, the court may, if in the best  
26 interests of the child, give preference to the child's grandparent who is  
27 appropriate, capable, willing, and available to care for the child, if the

1 court finds that there is no suitable natural or adoptive parent available,  
2 with due diligence having been exercised in attempting to locate any such  
3 natural or adoptive parent. Any individual, agency, or institution vested by  
4 the court with legal custody of a child ~~shall have~~ HAS the rights and duties  
5 defined in ~~section 19-1-103 (73)~~ SECTION 19-1-103 (85).

6 (b) Any individual, agency, or institution vested by the court with  
7 the guardianship of the person of a child ~~shall have~~ HAS the rights and  
8 duties defined in ~~section 19-1-103 (60)~~ SECTION 19-1-103 (66); except that  
9 ~~no~~ A guardian of the person may NOT consent to the adoption of a child  
10 unless THE COURT HAS EXPRESSLY GIVEN that authority. ~~is expressly given~~  
11 ~~by the court.~~

12 (4) (a) A decree vesting legal custody of a child in an individual,  
13 institution, or agency or providing for placement of a child pursuant to  
14 ~~section 19-2-906~~ SECTION 19-2.5-1102 or 19-3-403 or subsection (8) of  
15 this section ~~shall~~ MUST be for a determinate period. ~~Such decree shall be~~  
16 ~~reviewed by~~ The court SHALL REVIEW THE DECREE no later than three  
17 months after it is entered, except a decree vesting legal custody of a child  
18 with the department of human services.

19 (d) (II) For an adoptive family who receives an approved Title  
20 IV-E adoption assistance subsidy pursuant to the federal "Social Security  
21 Act", 42 U.S.C. sec. 673 et seq., or an approved payment in subsidization  
22 of adoption pursuant to article 7 of title 26, the cost of care, as defined in  
23 section 19-1-103, ~~(30)~~, must not exceed the amount of the adoption  
24 assistance payment.

25 (6.7) Any time the court enters an order related to out-of-home  
26 placement pursuant to subsections (6)(a) to (6)(c) or subsection (6.5)(b)  
27 of this section; subsection (8)(f) of this section; ~~section 19-2-508~~

1 ~~(3)(a)(XI)(A) and (3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and~~  
2 ~~(3)(a)(III) SECTION 19-2.5-305 (3)(a)(XI)(A) AND (3)(a)(XI)(B); SECTION~~  
3 19-2.5-1116 (1)(a), (1)(b), AND (3)(a)(III); or sections 19-3-702 (3)(b) and  
4 19-3-702.5 (1)(b), the order is effective as of the date the findings were  
5 made by the court, notwithstanding the date that a written order may be  
6 signed by the court. Written orders entered pursuant to subsections (6)(a)  
7 to (6)(c) or subsection (6.5)(b) of this section; subsection (8)(f) of this  
8 section; ~~section 19-2-508 (3)(a)(XI)(A) and (3)(a)(XI)(B); section~~  
9 ~~19-2-906.5 (1)(a), (1)(b), and (3)(a)(III) SECTION 19-2.5-305 (3)(a)(XI)(A)~~  
10 ~~AND (3)(a)(XI)(B); SECTION 19-2.5-1116 (1)(a), (1)(b), AND (3)(a)(III); or~~  
11 sections 19-3-702 (3)(b) and 19-3-702.5 (1)(b) must state "the effective  
12 date of this order is" and must not use the words "nunc pro tunc".

13 **SECTION 70.** In Colorado Revised Statutes, **amend** 19-1-115.3  
14 as follows:

15 **19-1-115.3. Missing children and youth from out-of-home**  
16 **placement - required reporting to law enforcement.** If a child or youth  
17 for whom the department of human services or a county department of  
18 human or social services has legal custody pursuant to the provisions of  
19 this ~~title~~ TITLE 19 is determined by the agency to be missing, the agency  
20 having legal custody of ~~said~~ THE child or youth shall report the  
21 disappearance immediately, and in no case later than twenty-four hours  
22 after learning of the disappearance, to the National Center for Missing and  
23 Exploited Children and to law enforcement. Law enforcement authorities  
24 shall notify the Colorado bureau of investigation for transmission to the  
25 federal bureau of investigation for entry into the national crime  
26 information center database pursuant to section 16-2.7-103. ~~C.R.S.~~  
27 ~~Notwithstanding the provisions of this section,~~ The reporting requirements

1 set forth for foster parents and out-of-home placement facilities in ~~section~~  
2 ~~19-2-920 shall still~~ SECTION 19-2.5-1608 apply.

3 **SECTION 71.** In Colorado Revised Statutes, 19-1-115.7, **amend**  
4 (1) as follows:

5 **19-1-115.7. Foster care prevention services - provision of**  
6 **services - rights and remedies - exchange of information.** (1) A county  
7 department of human or social services may provide both child welfare  
8 and prevention services, including but not limited to foster care prevention  
9 services, as defined in section 19-1-103, ~~(51.7)~~; to families, kin caregivers,  
10 children, juveniles, and youth.

11 **SECTION 72.** In Colorado Revised Statutes, 19-1-208, **amend** (1)  
12 introductory portion and (1)(b) as follows:

13 **19-1-208. Duties of CASA volunteer.** (1) **Independent case**  
14 **investigation.** Upon appointment in an action, a CASA volunteer may:  
15 ~~have the duty to:~~

16 (b) Determine if an appropriate treatment plan, as described in  
17 section 19-1-103, ~~(10)~~, has been created for the child, whether appropriate  
18 services are being provided to the child and family, and whether the  
19 treatment plan is progressing in a timely manner;

20 **SECTION 73.** In Colorado Revised Statutes, 19-1-304, **amend**  
21 (1)(c) introductory portion, (1)(d) introductory portion, (2)(a) introductory  
22 portion, and (8)(e) as follows:

23 **19-1-304. Juvenile delinquency records - division of youth**  
24 **services critical incident information - definitions.** (1) (c) **Probation**  
25 **records - limited access.** Except as otherwise authorized by ~~section~~  
26 ~~19-1-303~~ SECTION 19-2.5-1402, a juvenile probation officer's records,  
27 whether or not part of the court file, are not open to inspection except as

1 ~~provided~~ SET FORTH in subsection (1)(c)(I) to (1)(c)(XI) of this section:

2 (d) **Social and clinical studies - closed - court authorization.**

3 Except as otherwise authorized by ~~section 19-1-303~~ SECTION 19-2.5-1402,  
4 any social and clinical studies, including all formal evaluations of the  
5 juvenile completed by a professional, whether or not part of the court file  
6 or any other record, are not open to inspection, except:

7 (2) (a) **Law enforcement records in general - closed.** Except as  
8 otherwise ~~provided~~ AUTHORIZED by subsection (1)(b.5) of this section and  
9 otherwise authorized by ~~section 19-1-303~~ SECTION 19-2.5-1402, the  
10 records of law enforcement officers concerning juveniles, including  
11 identifying information, must be identified as juvenile records and must  
12 not be inspected by or disclosed to the public, except:

13 (8) **Division of youth services critical incident information.**

14 (e) Except as otherwise authorized by ~~section 19-1-303~~ SECTION  
15 19-2.5-1402, all records prepared or obtained by the department of human  
16 services in the course of carrying out its duties pursuant to ~~article 2~~  
17 ARTICLE 2.5 of this ~~title~~ TITLE 19 are confidential and privileged.

18 **SECTION 74.** In Colorado Revised Statutes, 19-1-305, **amend** (1)  
19 introductory portion as follows:

20 **19-1-305. Operation of juvenile facilities.** (1) Except as  
21 otherwise authorized by ~~section 19-1-303 or 19-1-304~~ (8) SECTION  
22 19-2.5-1402 OR 19-2.5-1403 (10), all records prepared or obtained by the  
23 department of human services in the course of carrying out its duties  
24 pursuant to ~~article 2 of this title~~ ARTICLE 2.5 OF THIS TITLE 19 are  
25 confidential and privileged. ~~Said~~ THE records may be disclosed only:

26 **SECTION 75.** In Colorado Revised Statutes, 19-1-306, **amend**  
27 (1)(a), (3)(e), (5)(j), (6)(e), and (8)(a) as follows:

1           **19-1-306. 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)~~ SECTION 19-2.5-102. Upon the entry of  
4 an expungement order, 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 delinquency record. Further, the person who is the subject of the  
7 EXPUNGED record ~~that has been expunged~~ may lawfully deny that he or  
8 she has ever been arrested, charged, adjudicated, convicted, or sentenced  
9 in regard to the expunged case, matter, or charge.

10           (3) (e) Notwithstanding any order for expungement issued  
11 pursuant to this section, any information, including police affidavits and  
12 reports and records related to any prior conviction or adjudication, are  
13 available without court order to the persons, government agencies, or  
14 entities allowed access to or allowed to exchange such information  
15 pursuant to ~~section 19-1-303~~ SECTION 19-2.5-1402 for the purposes  
16 described therein. Any person who knowingly violates the confidentiality  
17 provisions of ~~section 19-1-303~~ SECTION 19-2.5-1402 is subject to the  
18 penalty in ~~section 19-1-303 (4.7)~~ SECTION 19-2.5-1402 (8).

19           (5) (j) A juvenile who was adjudicated as a mandatory sentence  
20 offender pursuant to ~~section 19-2-516 (1)~~ SECTION 19-2.5-1125 (1) or as  
21 a repeat juvenile offender pursuant to ~~section 19-2-516 (2)~~ SECTION  
22 19-2.5-1125 (2) is not eligible for expungement ~~under~~ PURSUANT TO this  
23 subsection (5) but may petition for expungement pursuant to subsection  
24 (6)(e) of this section.

25           (6) (e) A juvenile who does not qualify for expungement pursuant  
26 to subsection (4) or (5) of this section, including a mandatory sentence  
27 offender pursuant to ~~section 19-2-516 (1)~~ SECTION 19-2.5-1125 (1) or a



1 repeat offender pursuant to ~~section 19-2-516 (2)~~ SECTION 19-2.5-1125 (2),  
2 and is not otherwise ineligible for expungement pursuant to ~~the provisions~~  
3 of subsection (8) of this section and does not have a proceeding  
4 concerning a felony, misdemeanor, or delinquency action pending against  
5 himself or herself, may petition the court to request expungement of ~~his~~  
6 ~~or her~~ THE JUVENILE'S record thirty-six months after the date of the  
7 petitioner's unconditional release from ~~his or her~~ THE juvenile sentence.  
8 A filing fee, notarization, or other formalities are not required. The court  
9 shall schedule a hearing, and ~~the provisions of~~ subsections (5)(e), (5)(e.5),  
10 (5)(f), and (5)(g) of this section apply.

11 (8) Notwithstanding ~~the provisions of~~ subsections (4), (5), and (6)  
12 of this section, a court shall not expunge the record of a person who is:

13 (a) Adjudicated as an aggravated juvenile offender pursuant to  
14 ~~section 19-2-516 (4)~~ SECTION 19-2.5-1125 (4) or as a violent juvenile  
15 offender pursuant to ~~section 19-2-516 (3)~~ SECTION 19-2.5-1125 (3);

16 **SECTION 76.** In Colorado Revised Statutes, 19-1-307, **amend**  
17 (1)(a), (2) introductory portion, (2)(p), (2)(w), (2.3)(b), and (4) as follows:

18 **19-1-307. Dependency and neglect records and information -**  
19 **access - fee - rules - records and reports fund - misuse of information**  
20 **- penalty - adult protective services data system check.**

21 (1) (a) **Identifying information - confidential.** Except as otherwise  
22 ~~provided~~ SET FORTH in this section and ~~section 19-1-303~~ SECTION  
23 19-2.5-1402, reports of child abuse or neglect and the name and address  
24 of any child, family, or informant or any other identifying information  
25 contained in such reports ~~shall be~~ IS confidential and ~~shall be~~ IS not ~~be~~ public  
26 information.

27 (2) **Records and reports - access to certain persons - agencies.**

1 Except as otherwise ~~provided in section 19-1-303~~ SET FORTH IN SECTION  
2 19-2.5-1402, only the following persons or agencies shall have access to  
3 child abuse or neglect records and reports:

4 (p) The governing body as defined in section 19-1-103 ~~(54)~~ and  
5 the citizen review panels created pursuant to section 19-3-211, for the  
6 purposes of carrying out their conflict resolution duties as set forth in  
7 section 19-3-211 and rules promulgated by the state department of human  
8 services;

9 (w) The designated authorities at the military base of assignment  
10 or installation for a member of the armed forces or a spouse, or a  
11 significant other or family member residing in the home of the member of  
12 the armed forces who is the individual responsible for the abused or  
13 neglected child. The authorities may be designated in a memorandum of  
14 understanding as described and authorized in ~~section 19-1-303 (2.6)~~  
15 SECTION 19-2.5-1402 (4).

16 (2.3) The following agencies or attorneys appointed by the court  
17 must be granted statewide read-only access to the name index and register  
18 of actions for the judiciary department:

19 (b) County departments, as defined in section 19-1-103, ~~(32)~~ and  
20 attorneys who represent the county departments as county attorneys, as  
21 defined in section 19-1-103, ~~(31.5)~~, as it relates to the attorneys' work  
22 representing the county;

23 (4) Any person who improperly releases or who willfully permits  
24 or encourages the release of data or information contained in the records  
25 and reports of child abuse or neglect to persons not permitted access to  
26 such information by this section or by ~~section 19-1-303~~ SECTION  
27 19-2.5-1402 commits a class 1 misdemeanor and shall be punished as

1 provided in section 18-1.3-501. ~~C.R.S.~~

2 **SECTION 77.** In Colorado Revised Statutes, **amend** 19-1-308 as  
3 follows:

4 **19-1-308. Parentage information.** Notwithstanding any other law  
5 concerning public hearings and records, any hearing or trial held pursuant  
6 to article 4 of this title 19 must be held in closed court without admittance  
7 of any person other than those necessary to the action or proceeding. In  
8 addition to access ~~otherwise~~ provided for pursuant to ~~section 19-1-303~~  
9 SECTION 19-2.5-1402, all papers and records pertaining to the action or  
10 proceeding that are part of the permanent record of the court are subject  
11 to inspection by the parties to the action and their attorneys of record, and  
12 such parties and their attorneys are subject to a court order that must be in  
13 effect against all parties to the action prohibiting the parties from  
14 disclosing the genetic testing information contained in the court's record.  
15 Such court papers and records are not subject to inspection by any person  
16 not a party to the action except the state child support enforcement agency  
17 or delegate child support enforcement units for the purposes set forth in  
18 ~~section 19-1-303 (4.4)~~ SECTION 19-2.5-1402 (7) or upon consent of the  
19 court and all parties to the action, or, in exceptional cases only, upon an  
20 order of the court for good cause shown. All papers and records in the  
21 custody of the county department of human or social services ~~must be~~ ARE  
22 available for inspection by the parties to the action only upon the consent  
23 of all parties to the action and ~~as provided by~~ PURSUANT TO section  
24 26-1-114, or by the rules governing discovery, but the papers and records  
25 ~~must not be~~ ARE NOT subject to inspection by any person not a party to the  
26 action except upon consent of all parties to the action; except that the  
27 results of genetic testing may be provided to all parties, when available,

1 notwithstanding laws governing confidentiality and without the necessity  
2 of formal discovery. Any person receiving or inspecting paternity  
3 information in the custody of the county department of human or social  
4 services is subject to a court order that must be in effect prohibiting such  
5 persons from disclosing the genetic testing information contained in the  
6 department's record.

7 **SECTION 78.** In Colorado Revised Statutes, **amend** 19-1-309 as  
8 follows:

9 **19-1-309. Relinquishments and adoption information.** Except  
10 as ~~provided~~ SET FORTH in parts 3 and 4 of article 5 of this ~~title~~ TITLE 19  
11 and ~~section 19-1-303~~ SECTION 19-2.5-1402, all records and proceedings  
12 in relinquishment or adoption ~~shall be~~ ARE confidential and open to  
13 inspection upon order of the court for good cause shown or as otherwise  
14 authorized pursuant to article 5 of this ~~title~~ TITLE 19. The court shall act  
15 to preserve the anonymity of the biological parents, the adoptive parents,  
16 and the child from the general public, except as ordered by the court for  
17 good cause shown pursuant to this section or except as authorized  
18 pursuant to a designated adoption or pursuant to section 19-5-104 (2) or  
19 part 3 or 4 of article 5 of this ~~title~~ TITLE 19. A separate docket ~~shall~~ MUST  
20 be maintained for relinquishment proceedings and for adoption  
21 proceedings.

22 **SECTION 79.** In Colorado Revised Statutes, **amend** 19-1-309.3  
23 as follows:

24 **19-1-309.3. Exchange of information for child support**  
25 **purposes - process.** The state court administrator of the judicial  
26 department and the executive director of the state department of human  
27 services, or their designees, shall design a process for exchanging

1 information related to dependency or neglect actions, parentage actions,  
2 and any other actions brought pursuant to this ~~title~~ TITLE 19, as  
3 contemplated in ~~sections 19-1-303 (4.4), 19-1-308, and 19-1-309,~~  
4 SECTIONS 19-1-308, 19-1-309, AND 19-2.5-1402 (7) for purposes of  
5 locating responsible parties to pay child support, establishing paternity and  
6 child support, including child support debt pursuant to section 14-14-104,  
7 ~~C.R.S.~~, enforcing child support orders, disbursing collected child support  
8 payments, and facilitating the efficient and effective delivery of services  
9 ~~under~~ PURSUANT TO articles 13 and 13.5 of title 26. ~~C.R.S.~~ The process  
10 ~~shall~~ MUST allow for the exchange of information by the state child  
11 support enforcement agency or the delegate child support enforcement  
12 units prior to or after intervention by the agency or units in an action  
13 brought pursuant to this ~~title~~ TITLE 19. Except for the limited purposes of  
14 the duties described in this section, the state child support enforcement  
15 agency or a delegate child support enforcement unit shall maintain the  
16 confidentiality of the information received pursuant to this part 3 and such  
17 information ~~shall not be~~ IS NOT subject to discovery.

18 **SECTION 80.** In Colorado Revised Statutes, 19-3-213, **amend**  
19 (1)(c)(I) as follows:

20 **19-3-213. Placement criteria.** (1) In any case in which the county  
21 department recommends placement out of the home for a child or in which  
22 a child is in out-of-home placement, the court, the guardian ad litem, the  
23 county department, any CASA volunteer, and other parties shall consider  
24 the best interests of the child and shall comply with the following  
25 placement criteria:

26 (c) (I) If the child is part of a sibling group, as defined in section  
27 19-1-103, ~~(98.5)~~, and the sibling group is being placed in foster care, the

1 county department shall make thorough efforts to locate a joint placement  
2 for all of the children in the sibling group. If the county department locates  
3 an appropriate, capable, willing, and available joint placement for all of  
4 the children in the sibling group, it ~~shall be~~ IS presumed that placement of  
5 the entire sibling group in the joint placement is in the best interests of the  
6 children. ~~Such~~ THE presumption may be rebutted by a preponderance of  
7 the evidence that placement of the entire sibling group in the joint  
8 placement is not in the best interests of a child or of the children.

9 **SECTION 81.** In Colorado Revised Statutes, 19-3-307, **amend**  
10 (2)(i) as follows:

11 **19-3-307. Reporting procedures.** (2) Reports of known or  
12 suspected child abuse or neglect made pursuant to this article 3 must  
13 include the following information whenever possible:

14 (i) The military affiliation of the individual who has custody or  
15 control of the child who is the subject of the investigation of child abuse  
16 or neglect, if ~~such~~ THE individual is a member of the armed forces or a  
17 spouse, or a significant other or family member residing in the home of  
18 the member of the armed forces. This information ~~shall~~ MUST be shared  
19 with the appropriate military installation authorities pursuant to ~~the~~  
20 ~~requirements set forth in sections 19-1-303 (2.6)~~ SECTIONS 19-2.5-1402 (4)  
21 and 19-1-307 (2)(w).

22 **SECTION 82.** In Colorado Revised Statutes, 19-3-308.5, **amend**  
23 (1) as follows:

24 **19-3-308.5. Recorded interviews of child.** (1) Any interview of  
25 a child conducted pursuant to section 19-3-308, concerning a report of  
26 child abuse, may be audiotaped or videotaped. However, interviews  
27 concerning reports of sexual child abuse are strongly encouraged to be

1 videotaped. ~~Any audiotaped or videotaped interview shall be conducted~~  
2 ~~by~~ A competent interviewer at a child advocacy center, as that term is  
3 defined in section 19-1-103, ~~(19.5)~~, that has a memorandum of  
4 understanding with the agency responsible for the investigation or ~~by~~ a  
5 competent interviewer for the agency responsible for the investigation in  
6 accordance with such section SHALL CONDUCT AN AUDIOTAPED OR  
7 VIDEOTAPED INTERVIEW; except that an interview ~~shall~~ MUST not be  
8 videotaped when doing so is impracticable under the circumstances or will  
9 result in trauma to the child, as determined by the investigating agency.  
10 No more than one videotaped interview ~~shall be~~ IS required unless the  
11 interviewer or the investigating agency determines that additional  
12 interviews are necessary to complete an investigation. THE SAME  
13 INTERVIEWER SHALL CONDUCT additional interviews, ~~shall be conducted,~~  
14 to the extent possible. ~~by the same interviewer. Such~~ THE recordings ~~shall~~  
15 MUST be preserved as evidence in the manner and for a period provided  
16 by law for maintaining such evidence. In addition, access to ~~such~~  
17 ~~recordings shall be~~ THE RECORDINGS IS subject to the rules of discovery  
18 under the Colorado rules of criminal and civil procedure.

19           **SECTION 83.** In Colorado Revised Statutes, 19-3-313.5, **amend**  
20 (4) introductory portion as follows:

21           **19-3-313.5. State department duties - reports of child abuse or**  
22 **neglect - training of county departments - rules - notice and appeal**  
23 **process - confidentiality. (4) Confidentiality - rules.** On or before  
24 January 1, 2004, the state board shall promulgate rules to establish  
25 guidelines for the release of information contained in records and reports  
26 of child abuse or neglect for screening purposes to assure compliance with  
27 ~~sections 19-1-303~~ SECTIONS 19-2.5-1402 and 19-1-307 and any other state

1 or federal law relating to confidentiality of records and reports of child  
2 abuse or neglect. Rules promulgated by the state board ~~shall~~ MUST address  
3 the following:

4 **SECTION 84.** In Colorado Revised Statutes, **amend** 19-3-317 as  
5 follows:

6 **19-3-317. Screening tool - human trafficking.** On and after  
7 January 1, 2017, pursuant to the federal "Preventing Sex Trafficking and  
8 Strengthening Families Act", Pub.L. 113-183, the department and each  
9 county department, as defined in section 19-1-103, ~~(32)(a)~~, shall  
10 implement a uniform screening tool that includes questions that are  
11 intended to identify children who are victims of human trafficking of a  
12 minor for sexual servitude, as described in section 18-3-504, ~~C.R.S.~~, or  
13 commercial sexual exploitation of a child, or who are at risk of being such  
14 victims.

15 **SECTION 85.** In Colorado Revised Statutes, 19-3-401, **amend**  
16 (3)(a) and (3)(b) as follows:

17 **19-3-401. Taking children into custody.** (3) (a) Notwithstanding  
18 ~~the provisions of~~ subsections (1) and (1.5) of this section and except as  
19 otherwise provided in ~~paragraphs (b) and (c) of this subsection~~ (3)  
20 SUBSECTIONS (3)(b) AND (3)(c) OF THIS SECTION, a newborn child, as  
21 defined in section 19-1-103, ~~(78.5)~~, who is not in a hospital setting ~~shall~~  
22 MUST not be taken into temporary protective custody for a period of longer  
23 than twenty-four hours without an order of the court made pursuant to  
24 section 19-3-405 (1). ~~which order includes~~ THE ORDER MUST INCLUDE  
25 findings that an emergency situation exists and that the newborn child is  
26 seriously endangered as described in ~~paragraph (a) of subsection (1)~~  
27 SUBSECTION (1)(a) of this section.



1 (b) A newborn child, as defined in section 19-1-103, ~~(78.5)~~, who  
2 is in a hospital setting must not be taken into temporary protective custody  
3 without an order of the court made pursuant to section 19-3-405 (1).  
4 ~~which order includes~~ THE ORDER MUST INCLUDE findings that an  
5 emergency situation exists and that the newborn child is seriously  
6 endangered as described in subsection (1)(a) of this section. A newborn  
7 child may be detained in a hospital by a law enforcement officer upon the  
8 recommendation of a county department of human or social services or by  
9 a physician, registered nurse, licensed practical nurse, or physician  
10 assistant while an order of the court pursuant to section 19-3-405 (1) is  
11 being pursued, but the newborn child must be released if a court order  
12 pursuant to section 19-3-405 (1) is denied.

13 **SECTION 86.** In Colorado Revised Statutes, 19-3-407, **amend** (4)  
14 as follows:

15 **19-3-407. Noncertified kinship care - requirement for**  
16 **background checks and other checks - definitions.** (4) For the purposes  
17 of this section, "convicted" means a conviction by a jury or by a court and  
18 includes a deferred judgment and sentence agreement, a deferred  
19 prosecution agreement, a deferred adjudication agreement, an  
20 adjudication, or a plea of guilty or nolo contendere; except that this does  
21 not apply to a diversion or deferral or plea for a juvenile who participated  
22 in diversion, as defined in ~~section 19-1-103 (44)~~ SECTION 19-2.5-102, and  
23 does not apply to a diversion or deferral or plea for a person who  
24 participated in and successfully completed the child abuse and child  
25 neglect diversion program as described in section 19-3-310.

26 **SECTION 87.** In Colorado Revised Statutes, 19-3-506, **amend**  
27 (1)(d) as follows:

1           **19-3-506. Child with a mental health disorder or an intellectual**  
2           **and developmental disability - procedure.** (1) (d) ~~Any~~ AN evaluation  
3           conducted pursuant to this subsection (1) must be completed within  
4           seventy-two hours, excluding Saturdays, Sundays, and legal holidays. A  
5           county jail or a detention facility, as described in ~~article 2 of this title 19~~  
6           ARTICLE 2.5 OF THIS TITLE 19, is not considered a suitable facility for  
7           evaluation, although a mental health disorder prescreening may be  
8           conducted in any appropriate setting.

9           **SECTION 88.** In Colorado Revised Statutes, 19-3-507, **amend**  
10          (1)(b) as follows:

11          **19-3-507. Dispositional hearing.** (1)(b) Prior to any dispositional  
12          hearing, the caseworker of the COUNTY department ~~of human services~~  
13          assigned to the case shall submit to the court a statement that details the  
14          services that were offered to or provided to the family to prevent  
15          unnecessary out-of-home placement of the child and to facilitate the  
16          reunification of the child with the family. The statement ~~shall~~ MUST  
17          contain an explanation of the services or actions that, had such services or  
18          actions been available, would have been necessary to enable the child to  
19          remain at home safely. In the alternative, the caseworker may submit a  
20          statement as to why no services or actions would have made it possible for  
21          the child to remain at home safely. If the child is part of a sibling group,  
22          as defined in section 19-1-103, ~~(98.5)~~, and the child was not placed with  
23          his or her siblings, the caseworker shall submit to the court a statement  
24          about whether it continues to be in the best interests of the child or the  
25          children in the sibling group to be placed separately. If the caseworker  
26          locates an appropriate, capable, willing, and available joint placement for  
27          all of the children in the sibling group, it ~~shall be~~ IS presumed that

1 placement of the entire sibling group in the joint placement is in the best  
2 interests of the children. Such presumption may be rebutted by a  
3 preponderance of the evidence that placement of the entire sibling group  
4 in the joint placement is not in the best interests of a child or of the  
5 children.

6 **SECTION 89.** In Colorado Revised Statutes, 19-3-612, **amend**  
7 (2)(a)(II) as follows:

8 **19-3-612. Reinstatement of the parent-child legal relationship**  
9 **- circumstances - petition - hearings - legislative declaration.** (2) A  
10 county department with custody of a child whose parent's rights were  
11 terminated voluntarily or involuntarily, including a child whose parent  
12 relinquished the child pursuant to the requirements of article 5 of this title  
13 19, or the guardian ad litem of such a child, may file a petition to reinstate  
14 the parent-child legal relationship alleging the following:

15 (a) (II) The child is younger than twelve years of age and is part of  
16 a sibling group, as defined in section 19-1-103, ~~(98.5)~~, that includes a  
17 child described in ~~subparagraph (f) of this paragraph (a)~~ SUBSECTION  
18 (2)(a)(I) OF THIS SECTION for whom a petition to reinstate the parent-child  
19 legal relationship has been filed, and the younger sibling independently  
20 meets the conditions set forth in ~~paragraphs (b) to (f) of this subsection (2)~~  
21 SUBSECTIONS (2)(b) TO (2)(f) OF THIS SECTION;

22 **SECTION 90.** In Colorado Revised Statutes, 19-3-702, **amend**  
23 (5)(a) and (5)(d) as follows:

24 **19-3-702. Permanency hearing.** (5) For a child or youth in a case  
25 designated pursuant to section 19-1-123 only:

26 (a) A permanent home is the place in which the child or youth may  
27 reside if the child or youth is unable to return home to a parent or legal

1 guardian. If the court determines by a preponderance of the evidence that  
2 a permanent home is not currently available or that the child's or youth's  
3 current needs or situation prohibit placement, the court must be shown and  
4 the court must find that reasonable efforts, as defined in section 19-1-103,  
5 ~~(89)~~, were made to find the child or youth an appropriate permanent home  
6 and such a home is not currently available or that a child's or youth's needs  
7 or situation prohibit the child or youth from a successful placement in a  
8 permanent home.

9 (d) The court shall review the case at a permanency planning  
10 hearing at least every six months until the court finds that the child or  
11 youth is in a permanent home. The permanency planning hearings ~~shall~~  
12 MUST continue as long as the court is unable to find that the child or youth  
13 is in a permanent home. At each hearing, the court must be provided  
14 evidence that a child or youth is in a permanent home or that reasonable  
15 efforts, as defined in section 19-1-103, ~~(89)~~, continue to be made to find  
16 the child or youth an appropriate permanent home and such a home is not  
17 currently available or that a child's or youth's needs or situation prohibit  
18 the child or youth from successful placement in a permanent home.

19 **SECTION 91.** In Colorado Revised Statutes, 19-4-106, **amend**  
20 (10) as follows:

21 **19-4-106. Assisted reproduction.** (10) For purposes of this  
22 section, "donor" is defined in section 19-1-103. ~~(44.5)~~.

23 **SECTION 92.** In Colorado Revised Statutes, 19-5-103, **amend** (2)  
24 introductory portion, (2)(g), and (4)(b) as follows:

25 **19-5-103. Relinquishment procedure - petition - hearings.**  
26 (2) The counseling specified in ~~paragraph (a) of subsection (1)~~  
27 SUBSECTION (1)(a) of this section and provided by the department or the

1 child placement agency shall include, but not be limited to, the following:

2 (g) The confidentiality of all information, except for  
3 nonidentifying information as defined in section 19-1-103 (80) that may  
4 be accessed ~~as provided in~~ PURSUANT TO part 4 of this ~~article~~ ARTICLE 19,  
5 obtained by the department and the child placement agency in the course  
6 of relinquishment counseling unless the parent provides written  
7 permission or a release of information is ordered by a court of competent  
8 jurisdiction and except for a copy of an original birth certificate that may  
9 be obtained by an adult adoptee, adult descendant of an adoptee, or a legal  
10 representative of the adoptee or descendant as authorized by section  
11 19-5-305. The counseling ~~shall~~ MUST also include notice that a birth  
12 parent has the opportunity to file a written statement specifying that the  
13 birth parent's information remain confidential, an explanation of the rights  
14 and responsibilities of birth parents who disagree about consent as set  
15 forth in section 19-5-305, and notice that a birth parent has the opportunity  
16 to sign and submit a contact preference form and updated medical history  
17 statements to the state registrar as set forth in section 19-5-305 (1.5).

18 (4) (b) The relinquishing parent, child placement agency, and  
19 county department of human or social services shall provide the court any  
20 and all information described in ~~section 19-1-103 (80)~~ SECTION 19-1-103  
21 (93) that is available to the relinquishing parent, agency, or county  
22 department.

23 **SECTION 93.** In Colorado Revised Statutes, 19-5-105, **amend**  
24 (3.1)(a)(IV) as follows:

25 **19-5-105. Proceeding to terminate parent-child legal**  
26 **relationship.** (3.1) The court may order the termination of the other birth  
27 parent's parental rights upon a finding that termination is in the best

1 interests of the child and that there is clear and convincing evidence of one  
2 or more of the following:

3 (a) That the parent is unfit. In considering the fitness of the child's  
4 parent, the court shall consider the following:

5 (IV) A history of violent behavior that demonstrates that the  
6 individual is unfit to maintain a parent-child relationship with the minor,  
7 which may include an incidence of sexual assault, as defined in section  
8 19-1-103, ~~(96.5)~~, that resulted in the conception of the child;

9 **SECTION 94.** In Colorado Revised Statutes, 19-5-105.5, **amend**  
10 (2)(a), (2)(b), and (2)(c) as follows:

11 **19-5-105.5. Termination of parent-child legal relationship**  
12 **upon a finding that the child was conceived as a result of sexual**  
13 **assault - legislative declaration - definitions.** (2) As used in this section,  
14 unless the context otherwise requires:

15 (a) "Convicted" or "conviction" has the same meaning as defined  
16 in section 19-1-103. ~~(29.3)~~.

17 (b) "Sexual assault" has the same meaning as defined in section  
18 19-1-103. ~~(96.5)~~.

19 (c) "Victim" has the same meaning as defined in section 19-1-103.  
20 ~~(112)(b)~~.

21 **SECTION 95.** In Colorado Revised Statutes, 19-5-105.7, **amend**  
22 (2)(a) and (2)(d) as follows:

23 **19-5-105.7. Termination of parent-child legal relationship in**  
24 **a case of an allegation that a child was conceived as a result of sexual**  
25 **assault but in which no conviction occurred - legislative declaration**  
26 **- definitions.** (2) As used in this section, unless the context otherwise  
27 requires:

1 (a) "Conviction" has the same meaning as defined in section  
2 19-1-103. ~~(29.3)~~.

3 (d) "Sexual assault" has the same meaning as defined in section  
4 19-1-103. ~~(96.5)~~.

5 **SECTION 96.** In Colorado Revised Statutes, 19-5-203, **amend**  
6 (1)(f) as follows:

7 **19-5-203. Availability for adoption.** (1) A child may be available  
8 for adoption only upon:

9 (f) Written and verified consent of the parent or parents, as defined  
10 in section 19-1-103, ~~(82)~~ in a stepparent adoption where the child's parents  
11 were not married at the time the child was conceived and born;

12 **SECTION 97.** In Colorado Revised Statutes, 19-5-205.5, **amend**  
13 (5) as follows:

14 **19-5-205.5. Nonpublic agency interstate and foreign adoptions**  
15 **- legislative declaration - authority for state department to select**  
16 **agencies.** (5) For purposes of this section, "nonpublic agency interstate  
17 and foreign adoption" is defined in section 19-1-103. ~~(81)~~.

18 **SECTION 98.** In Colorado Revised Statutes, 19-5-207.3, **amend**  
19 (1) and (3) as follows:

20 **19-5-207.3. Placement of sibling groups.** (1) When a child is  
21 placed for adoption by the county department, if the child is part of a  
22 sibling group, as defined in section 19-1-103, ~~(98.5)~~, the county  
23 department shall include in the adoption report prepared for the court, the  
24 names and current physical custody and location of any siblings of the  
25 child who are also available for adoption; except that the names of  
26 children, parents, caretakers, and adoptive parents and any means of  
27 identifying such persons ~~shall~~ MUST not be made available to any party to

1 the adoption proceeding except upon order of the court or as otherwise  
2 permitted by law.

3 (3) If the child is part of a sibling group, as defined in section  
4 19-1-103, ~~(98.5)~~, and is being placed for adoption by a child placement  
5 agency in either a circumstance involving siblings who are the result of a  
6 multiple birth or a circumstance in which a parent has relinquished  
7 parental rights to the children to a child placement agency, the child  
8 placement agency shall make thorough efforts to locate a joint placement  
9 for all of the children in the sibling group who are available for adoption.  
10 If the child placement agency locates an appropriate, capable, willing, and  
11 available joint placement for all of the children in the sibling group, it  
12 ~~shall be~~ IS presumed that placement of the entire sibling group in the joint  
13 placement is in the best interests of the children. Such presumption may  
14 be rebutted by a preponderance of the evidence that placement of the  
15 entire sibling group in the joint placement is not in the best interests of a  
16 child or of the children. If an entire sibling group is not placed together in  
17 an adoptive placement, the child placement agency shall place as many  
18 siblings of the group together as possible, considering their relationship  
19 and the best interests of each child.

20 **SECTION 99.** In Colorado Revised Statutes, 19-5-305, **amend**  
21 (2)(b) introductory portion, (2)(b)(I)(A), (2)(b)(V), and (3)(a) as follows:

22 **19-5-305. Access to adoption records - contact with parties to**  
23 **adoption - contact preference form and updated medical history**  
24 **statement - definitions. (2) Legislative declaration - access to adoption**  
25 **records.** (b) Subject to the provisions of subsection (4) of this section and  
26 in addition to information exchanged in a designated adoption or  
27 inspection authorized by a court upon good cause shown pursuant to



1 section 19-1-309, access to adoption records by certain parties is governed  
2 by the following provisions:

3 (I) (A) **Adult adoptees, their descendants, and adoptive family**  
4 **members.** Upon request, the custodian of records shall provide direct  
5 access, without redaction, to all adoption records, as defined in section  
6 19-1-103, ~~(6.5)(a.5)~~; for inspection and copying by an adult adoptee, an  
7 adoptive parent of a minor adoptee, a custodial grandparent of a minor  
8 adoptee, or the legal representative of any such individual. In addition, the  
9 custodian of records shall provide direct access to adoption records for  
10 inspection and copying by a spouse of an adult adoptee, an adult  
11 descendant of an adoptee, an adult sibling or half-sibling of an adult  
12 adoptee, an adoptive parent or grandparent of an adult adoptee, or the  
13 legal representative of any such individual, if the individual requesting  
14 access has the notarized written consent of the adult adoptee or if the adult  
15 adoptee is deceased.

16 (V) **Release of records by child placement agencies and prior**  
17 **written statements of birth parents.** Notwithstanding the provisions of  
18 ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (2)(b)(I) OF THIS  
19 SECTION, the adoption records, as defined in section 19-1-103, ~~(6.5)(a)~~; in  
20 the possession of a child placement agency ~~may not be~~ ARE NOT open for  
21 inspection or ~~made~~ available for copying with respect to any identifying  
22 information concerning a birth parent if the birth parent has previously  
23 provided the court and the child placement agency, if applicable, with a  
24 signed and notarized written statement, within three years after the final  
25 order of relinquishment or termination of the parent-child legal  
26 relationship, specifying that such parent wishes the identifying  
27 information concerning that parent to remain confidential; except that the

1 adoption records in the possession of a child placement agency may be  
2 open for inspection and made available for copying with respect to  
3 identifying information concerning a birth parent if a birth parent provides  
4 a consent form, as defined in section 19-1-103, ~~(28.5)~~, to the child  
5 placement agency consenting to the release of identifying information and  
6 the release of identifying information is consistent with the provisions of  
7 subsection (3) of this section. A written statement specifying that a birth  
8 parent wishes the identifying information concerning that parent on file  
9 with a child placement agency to remain confidential must remain in the  
10 court's and the child placement agency's relinquishment or termination file  
11 unless later withdrawn by the parent or superceded by a consent form. A  
12 child placement agency is not liable to any individual for the failure of a  
13 birth parent to submit such a written statement to the court. In addition to  
14 such a statement, the birth parent may also submit to the court and to the  
15 child placement agency a letter of explanation that the court and the child  
16 placement agency must release to the adoptee at the time that the adoptee  
17 makes a request for inspection of the adoption records. This ~~subparagraph~~  
18 ~~(V)~~ SUBSECTION (2)(b)(V) applies only to adoption records in the  
19 possession of child placement agencies and does not apply to adoption  
20 records in the possession of the court or any other agency, entity, or  
21 person.

22 (3) **Access to identifying information through child placement**  
23 **agencies.** (a) Upon proof of identity of the person submitting the consent  
24 form, a licensed child placement agency shall accept and may seek a  
25 consent form, as that term is defined in section 19-1-103, ~~(28.5)~~, from an  
26 adult adoptee or from either adult adoptee's birth parent or from an  
27 adoptive parent of a minor adoptee or from the legal representative of a

1 minor adoptee authorizing the release of identifying information, as that  
2 term is defined in section 19-1-103, ~~(63.5)~~, concerning the person  
3 submitting the consent form, to the extent such information is available to  
4 the child placement agency. If only one birth parent has filed a consent  
5 form with the child placement agency, the child placement agency or any  
6 succeeding custodian of the records shall provide a copy of the identifying  
7 information without the name of and without identifying information  
8 about the nonconsenting birth parent.

9 **SECTION 100.** In Colorado Revised Statutes, 19-5-305.5, **amend**  
10 (2) as follows:

11 **19-5-305.5. Access to personal records relating to a former**  
12 **ward of the state home for dependent and neglected children - other**  
13 **eligible parties - definitions.** (2) Upon proof of identification and upon  
14 request, the custodian of records, as defined in section 19-1-103, ~~(35.3)(a)~~,  
15 shall provide direct access, without redaction, to all personal records for  
16 inspection and copying by an eligible party relating to a former ward who,  
17 regardless of adoption status, as a minor was in the custody of the state  
18 home for dependent and neglected children.

19 **SECTION 101.** In Colorado Revised Statutes, 19-7-203, **amend**  
20 (1) introductory portion and (1)(i) as follows:

21 **19-7-203. Foster care sibling rights.** (1) Sibling youth in foster  
22 care, except youth in the custody of the division of youth services created  
23 pursuant to ~~section 19-2-203~~ SECTION 19-2.5-1601 or a state hospital for  
24 persons with BEHAVIORAL OR mental health disorders, ~~shall enjoy~~ HAVE  
25 the following rights, unless they are not in the best interests of each  
26 sibling, regardless of whether the parental rights of one or more of the  
27 foster youth's parents have been terminated:

1 (i) To annually receive contact information for all siblings in foster  
2 care, which may include a telephone number, address, social media  
3 accounts, and e-mail address, unless a foster parent has requested the  
4 foster parent's identifiable information not be disclosed pursuant to ~~section~~  
5 ~~19-1-303 (2.7)(a)~~ SECTION 19-2.5-1402 (5)(a), and to receive updated  
6 photos of siblings regularly by mail or e-mail, as appropriate;

7 **SECTION 102.** In Colorado Revised Statutes, 20-1-113, **amend**  
8 (4) and (5) as follows:

9 **20-1-113. Reporting of criminal proceedings involving public**  
10 **school students.** (4) Notwithstanding ~~the provisions of section 19-1-303~~  
11 ~~(5), C.R.S.~~ SECTION 19-2.5-1402 (9), commencing August 1, 2015, and  
12 continuing every August 1 ~~every year~~ thereafter, each district attorney  
13 shall report to the division of criminal justice the name of any student who  
14 was granted pre-file juvenile or adult diversion for a ticket, summons, or  
15 offense that occurred at a public elementary school, middle or junior high  
16 school, or high school; in a school vehicle; or at a school activity or  
17 sanctioned event. In addition to the full name of the student, the district  
18 attorney shall report the student's date of birth, race, ethnicity, and gender  
19 and the arrest or incident report number, as recorded by a law enforcement  
20 agency. Information, including expunged record information, released by  
21 a district attorney to the division of criminal justice pursuant to this  
22 section must only be used for research purposes related to school  
23 discipline.

24 (5) Notwithstanding ~~the provisions of section 19-1-303 (4.7),~~  
25 ~~C.R.S.~~ SECTION 19-2.5-1402 (8), a district attorney or ~~his or her~~ THE  
26 DISTRICT ATTORNEY'S designee is not subject to any criminal or civil  
27 penalty for compliance with the reporting obligations of this section.

1           **SECTION 103.** In Colorado Revised Statutes, 21-1-103, **amend**  
2 (2) as follows:

3           **21-1-103. Representation of indigent persons.** (2) The state  
4 public defender shall represent indigent persons charged in any court with  
5 crimes ~~which~~ THAT constitute misdemeanors and in which the charged  
6 offense includes a possible sentence of incarceration; juveniles upon  
7 whom a delinquency petition is filed or who are in any way restrained by  
8 court order, process, or otherwise; persons held in any institution against  
9 their will by process or otherwise for the treatment of any disease or  
10 disorder or confined for the protection of the public; and ~~such~~ persons  
11 charged with municipal code violations as the state public defender in his  
12 or her discretion may determine, subject to review by the court if:

13           (a) The indigent person or ~~his~~ THE INDIGENT PERSON'S parent or  
14 legal guardian in delinquency or other actions ~~under article 2 of title 19,~~  
15 ~~C.R.S.,~~ PURSUANT TO ARTICLE 2.5 OF TITLE 19 requests it and complies  
16 with subsection (3) of this section; or

17           (b) The court, on its own motion or otherwise, so orders or  
18 requests and the defendant or ~~his or her~~ THE DEFENDANT'S parent or legal  
19 guardian in delinquency or other actions ~~under article 2 of title 19, C.R.S.,~~  
20 PURSUANT TO ARTICLE 2.5 OF TITLE 19 does not affirmatively reject, of  
21 record, the opportunity to be represented by legal counsel in the  
22 proceeding. The court shall not appoint a public defender to represent the  
23 defendant, or ~~his or her~~ THE DEFENDANT'S parent or legal guardian, if ~~such~~  
24 THE person does not fall within the fiscal standards or guidelines  
25 established by the supreme court.

26           **SECTION 104.** In Colorado Revised Statutes, 22-1-120, **amend**  
27 (8) as follows:

1           **22-1-120. Rights of free expression for public school students.**

2           (8) Nothing in this section ~~shall be construed to limit~~ LIMITS the  
3 promulgation or enforcement of lawful school regulations designed to  
4 control gangs. For the purposes of this section, ~~the definition of "gang"~~  
5 ~~shall be the definition found~~ HAS THE SAME MEANING AS SET FORTH in  
6 ~~section 19-1-103 (52), C.R.S.~~ SECTION 19-2.5-102.

7           **SECTION 105.** In Colorado Revised Statutes, 22-32-109.3,  
8 **amend** (3) as follows:

9           **22-32-109.3. Board of education - specific duties - student**  
10 **records.** (3) Notwithstanding ~~the provisions of~~ THE REQUIREMENTS SET  
11 FORTH IN subsection (1) of this section, either the principal of a school, or  
12 ~~such~~ THE principal's designee, or, if the student is enrolled in a public  
13 school, the superintendent of a school district in which the student is  
14 enrolled, or ~~such~~ THE superintendent's designee, shall provide attendance  
15 and disciplinary records to a criminal justice agency pursuant to ~~the~~  
16 ~~provisions of section 19-1-303 (2), C.R.S.~~ SECTION 19-2.5-1402 (2).

17           **SECTION 106.** In Colorado Revised Statutes, 22-32-138, **amend**  
18 (1)(a), (1)(b), and (1)(h) as follows:

19           **22-32-138. Out-of-home placement students - school stability,**  
20 **transfer, and enrollment procedures - absences - exemptions -**  
21 **provision of academic supports - definitions.** (1) As used in this section  
22 and in section 22-32-138.5, unless the context otherwise requires:

23           (a) "Child placement agency" has the same meaning as provided  
24 in section 19-1-103. ~~(21)~~.

25           (b) "County department" has the same meaning as provided in  
26 section 19-1-103. ~~(32)~~.

27           (h) "Student in out-of-home placement" means a child or youth

1 who at any time during an academic semester or term is in foster care and  
2 receiving educational services through a state-licensed day treatment  
3 facility or who at any time during an academic semester or term is in  
4 placement out of the home, as that term is defined in ~~section 19-1-103 (85)~~  
5 SECTION 19-1-103, including but not limited to any child or youth who is  
6 in placement outside of the home at any time during an academic semester  
7 or term as a result of an adjudication pursuant to ~~article 2 of title 19~~  
8 ARTICLE 2.5 OF TITLE 19. "Student in out-of-home placement" includes a  
9 child or youth who transfers enrollment as a result of being returned to ~~his~~  
10 ~~or her~~ THE CHILD'S OR YOUTH'S home at the conclusion of out-of-home  
11 placement.

12 **SECTION 107.** In Colorado Revised Statutes, 22-32-141, **amend**  
13 (1)(b)(I), (2)(a), and (2)(e) as follows:

14 **22-32-141. Student awaiting trial as adult - educational**  
15 **services - definitions.** (1) As used in this section, unless the context  
16 otherwise requires:

17 (b) "Juvenile" means a person:

18 (I) Against whom criminal charges are directly filed in district  
19 court pursuant to ~~section 19-2-517, C.R.S.~~, SECTION 19-2.5-801 or for  
20 whom criminal charges are transferred to district court pursuant to ~~section~~  
21 ~~19-2-518, C.R.S.~~ SECTION 19-2.5-802;

22 (2) (a) Except as ~~otherwise provided~~ SET FORTH in subsections  
23 (2)(c) to (2)(g) of this section, if a juvenile is held in a jail or other facility  
24 for the detention of adult offenders pending criminal proceedings as an  
25 adult, the school district in which the jail or facility is located shall  
26 provide educational services for the juvenile upon request of the official  
27 in charge of the jail or facility, or ~~his or her~~ THE OFFICIAL'S designee,

1 pursuant to ~~section 19-2-508 (4)(c)(I)~~ SECTION 19-2.5-305 (4)(c)(I). A  
2 school district may provide educational services directly using one or  
3 more of its employees or may ensure that educational services are  
4 provided through a board of cooperative services, an administrative unit,  
5 or otherwise through contract with a person or entity.

6 (e) If a school district or the official in charge of the jail or facility  
7 determines ~~as provided in section 19-2-508 (4)(c)(II)~~ PURSUANT TO  
8 SECTION 19-2.5-305 (4)(c)(II) that an appropriate and safe environment for  
9 school district employees or contractors is not available in which to  
10 provide educational services to a specific juvenile, the school district is  
11 exempt from the requirement of providing educational services to the  
12 juvenile until such time as both the school district and the official in  
13 charge of the jail or facility determine that an appropriate and safe  
14 environment for school district employees or contractors is available. If  
15 the school district will not be providing educational services to a juvenile  
16 because of the lack of an appropriate and safe environment for school  
17 district employees or contractors, the official in charge of the jail or  
18 facility shall notify the juvenile, ~~his or her~~ THE JUVENILE'S parent or legal  
19 guardian, the juvenile's defense attorney, and the court having jurisdiction  
20 over the juvenile's case.

21 **SECTION 108.** In Colorado Revised Statutes, 22-32-146, **amend**  
22 (5)(b) as follows:

23 **22-32-146. School use of on-site peace officers as school**  
24 **resource officers.** (5) (b) Notwithstanding ~~the provisions of section~~  
25 ~~19-1-303 (5), C.R.S.~~ SECTION 19-2.5-1402 (9), on or before August 1,  
26 2016, and every August 1 thereafter, each law enforcement agency that is  
27 acting or has acted in its official capacity on school grounds, in a school



1 vehicle, or at a school activity or sanctioned event shall report to the  
2 division of criminal justice, in formats developed by the division in  
3 conjunction with local law enforcement agencies, the information required  
4 pursuant to ~~paragraph (c) of this subsection (5)~~ SUBSECTION (5)(c) OF THIS  
5 SECTION that is related to all student tickets, summons, or arrests that  
6 occurred for the previous academic year, including incidents that occurred  
7 during the previous summer months, at a public elementary school, middle  
8 or junior high school, or high school; in a school vehicle; or at a school  
9 activity or sanctioned event.

10 **SECTION 109.** In Colorado Revised Statutes, 22-33-102, **amend**  
11 (5) as follows:

12 **22-33-102. Definitions.** As used in this article 33, unless the  
13 context otherwise requires:

14 (5) "Delinquent act" means a violation of any statute, ordinance,  
15 or order enumerated in ~~section 19-2-104(1)(a)~~ SECTION 19-2.5-103 (1)(a).  
16 If a juvenile is alleged to have committed or is found guilty of a  
17 delinquent act, the classification and degree of the offense is determined  
18 by the statute, ordinance, or order that the petition alleges was violated.  
19 "Delinquent act" does not include truancy or habitual truancy.

20 **SECTION 110.** In Colorado Revised Statutes, 22-33-105, **amend**  
21 (5)(a) as follows:

22 **22-33-105. Suspension, expulsion, and denial of admission.**

23 (5) (a) Whenever a petition filed in juvenile court alleges that a child at  
24 least twelve years of age but under eighteen years of age has committed  
25 an offense that would constitute unlawful sexual behavior, as defined in  
26 section 16-22-102 (9), ~~C.R.S.~~, or a crime of violence, as defined in section  
27 18-1.3-406, ~~C.R.S.~~, if committed by an adult, or whenever charges filed

1 in district court allege that a child has committed such an offense, basic  
2 identification information concerning ~~such~~ THE child and the details of the  
3 alleged delinquent act or offense ~~shall~~ MUST be provided immediately to  
4 the school district in which the child is enrolled ~~in accordance with the~~  
5 ~~provisions of section 19-1-304 (5), C.R.S.~~ PURSUANT TO SECTION  
6 19-2.5-1403 (6). Upon receipt of such information, the board of education  
7 of the school district or its designee shall determine whether the student  
8 has exhibited behavior that is detrimental to the safety, welfare, and  
9 morals of the other students or of school personnel in the school and  
10 whether educating the student in the school may disrupt the learning  
11 environment in the school, provide a negative example for other students,  
12 or create a dangerous and unsafe environment for students, teachers, and  
13 other school personnel. The determination may be made in executive  
14 session to the extent allowed by section 24-6-402 (4)(h). ~~C.R.S.~~ If the  
15 board of education or its designee, in accordance with ~~the provisions of~~  
16 this subsection (5), makes a determination that the student should not be  
17 educated in the school, it may proceed with suspension or expulsion in  
18 accordance with subsection (2) of this section and section 22-33-106.  
19 Alternatively, the board of education or its designee may determine that  
20 it will wait until the conclusion of the juvenile proceedings to consider the  
21 expulsion matter, in which case it ~~shall be~~ IS the responsibility of the  
22 district to provide the student with an appropriate alternate education  
23 program, including but not limited to an online program or online school  
24 authorized pursuant to article 30.7 of this ~~title~~ TITLE 22, or a home-based  
25 education program during the period pending the resolution of the juvenile  
26 proceedings. Information made available to the school district and not  
27 otherwise available to the public pursuant to ~~the provisions of section~~

1 ~~19-1-304, C.R.S., shall remain~~ SECTION 19-2.5-1403 IS confidential.

2           **SECTION 111.** In Colorado Revised Statutes, 22-33-106, **amend**  
3 (4)(d) as follows:

4           **22-33-106. Grounds for suspension, expulsion, and denial of**  
5 **admission.** (4) (d) ~~The provisions of This subsection (4) shall apply~~  
6 APPLIES only if the expelled student is convicted, is adjudicated a juvenile  
7 delinquent, receives a deferred judgment, or is placed in a diversion  
8 program as a result of committing the offense for which the student was  
9 expelled. Prior to ~~implementation of the provisions of~~ IMPLEMENTING this  
10 subsection (4), the school district shall contact the appropriate court to  
11 determine whether ~~the provisions of this subsection (4) apply~~ APPLIES to  
12 an expelled student. The school district ~~shall be~~ IS authorized by ~~the~~  
13 ~~provisions of section 19-1-303 (1)(b), C.R.S.,~~ SECTION 19-2.5-1402 (1)(b)  
14 to obtain such information.

15           **SECTION 112.** In Colorado Revised Statutes, 22-33-106.3,  
16 **amend** (5) as follows:

17           **22-33-106.3. Disciplinary investigations - parental presence -**  
18 **student statements - definition.** (5) For the purposes of this section,  
19 "physical custodian" ~~shall have~~ HAS the same meaning as that term is  
20 defined in ~~section 19-1-103 (84), C.R.S.~~ SECTION 19-2.5-102.

21           **SECTION 113.** In Colorado Revised Statutes, 22-33-107, **amend**  
22 (3)(a)(II) as follows:

23           **22-33-107. Enforcement of compulsory school attendance -**  
24 **definitions.** (3) (a) As used in this subsection (3):

25           (II) "Local community services group" means the local juvenile  
26 services planning committee created pursuant to ~~section 19-2-211, C.R.S.~~  
27 SECTION 19-2.5-302, the local collaborative management group created by

1 a memorandum of understanding entered into pursuant to section  
2 24-1.9-102, C.R.S., or another local group of public agencies that  
3 collaborate with the school district to identify and provide support services  
4 for students.

5 **SECTION 114.** In Colorado Revised Statutes, 22-33-107.5,  
6 **amend** (1) introductory portion, (1)(a), and (1)(b) as follows:

7 **22-33-107.5. Notice of failure to attend.** (1) Except as otherwise  
8 ~~provided in~~ SET FORTH IN subsection (2) of this section, a school district  
9 shall notify the appropriate court or parole board if a student fails to attend  
10 all or any portion of a school day, where the school district has received  
11 notice from the court or parole board:

12 (a) Pursuant to ~~section 19-2-508 (3)(a)(X)~~ SECTION 19-2.5-305  
13 (3)(a)(X) that the student is required to attend school as a condition of  
14 release pending an adjudicatory trial;

15 (b) Pursuant to ~~section 17-22.5-404, 18-1.3-204 (2.3), 19-2-907~~  
16 ~~(4), 19-2-925 (9), or 19-2-1002 (1) or (3)~~ SECTION 17-22.5-404,  
17 18-1.3-204, 19-2.5-1103 (4), 19-2.5-1108 (9), OR 19-2.5-1203 (1) OR (3)  
18 that the student is required to attend school as a condition of or in  
19 connection with any sentence imposed by the court, including a condition  
20 of probation or parole; or

21 **SECTION 115.** In Colorado Revised Statutes, 22-33-108, **amend**  
22 (7)(c)(I) introductory portion as follows:

23 **22-33-108. Judicial proceedings.** (7) (c) (I) If the court finds that  
24 the child or youth has refused to comply with the plan created for the child  
25 or youth pursuant to section 22-33-107 (3), the court may impose on the  
26 child or youth, as a sanction for contempt of court, a sentence of detention  
27 for no more than forty-eight hours in a juvenile detention facility operated

1 by or under contract with the department of human services pursuant to  
2 ~~section 19-2-402~~ SECTION 19-2.5-1611 and any rules promulgated by the  
3 Colorado supreme court. The court shall not sentence a child or youth to  
4 detention as a sanction for contempt of court unless the court finds that  
5 detention is in the best interest of the child or youth as well as the public.  
6 In making such a finding, the court shall consider the following factors,  
7 including that:

8 **SECTION 116.** In Colorado Revised Statutes, 22-33-203, **amend**  
9 (3) as follows:

10 **22-33-203. Educational alternatives for expelled students.**

11 (3) If a student is expelled and the student is not receiving educational  
12 services pursuant to this section, the school district shall contact the  
13 expelled student's parent or guardian at least once every sixty days until  
14 the beginning of the next school year to determine whether the student is  
15 receiving educational services from some other source; except that the  
16 school district need not contact a student's parent or guardian after the  
17 student is enrolled in another school district or in an independent or  
18 parochial school or if the student is committed to the department of human  
19 services or is sentenced pursuant to ~~article 2 of title 19, C.R.S.~~ ARTICLE  
20 2.5 OF TITLE 19.

21 **SECTION 117.** In Colorado Revised Statutes, 22-60.5-103,  
22 **amend** (4) and (6)(b) as follows:

23 **22-60.5-103. Applicants - licenses - authorizations - submittal**  
24 **of form and fingerprints - failure to comply constitutes grounds for**  
25 **denial.** (4) To facilitate a criminal history record check conducted  
26 pursuant to subsection (1) of this section, the department of education may  
27 conduct a search on the ICON system at the state judicial department, as

1 defined in section 24-33.5-102 (3), ~~C.R.S.~~, and may use any other  
2 available source of criminal history information that the department of  
3 education determines is appropriate, including obtaining records from any  
4 law enforcement agency and juvenile delinquency records pursuant to  
5 ~~section 19-1-304, C.R.S.~~ SECTION 19-2.5-1403. The department of  
6 education may use the specified sources to determine any crime or crimes  
7 for which the person was arrested or charged and the disposition of any  
8 criminal charges.

9 (6) (b) The department of education shall forward fingerprints  
10 submitted pursuant to this subsection (6) to the Colorado bureau of  
11 investigation for the purpose of obtaining a fingerprint-based criminal  
12 history record check through the Colorado bureau of investigation and the  
13 federal bureau of investigation, to determine whether the educator has a  
14 criminal history. In addition, the department of education may use the  
15 records of the ICON system at the state judicial department, as defined in  
16 section 24-33.5-102 (3), ~~C.R.S.~~, or any other source available, including  
17 obtaining records from any law enforcement agency and juvenile  
18 delinquent records pursuant to ~~section 19-1-304, C.R.S.~~ SECTION  
19 19-2.5-1403, to ascertain whether the educator has been convicted of an  
20 offense described in section 22-60.5-107 (2), (2.5), or (2.6).

21 **SECTION 118.** In Colorado Revised Statutes, 22-60.5-107,  
22 **amend** (9) as follows:

23 **22-60.5-107. Grounds for denying, annulling, suspending, or**  
24 **revoking license, certificate, endorsement, or authorization.** (9) In  
25 furtherance of its duties ~~under~~ PURSUANT TO this section and section  
26 22-60.5-103, the department of education may conduct a search on the  
27 ICON system at the state judicial department, as defined in section

1 24-33.5-102 (3), ~~C.R.S.~~, and may use any other available source of  
2 criminal history information the department of education deems  
3 appropriate, including obtaining records from any law enforcement agency  
4 and juvenile delinquency records pursuant to ~~section 19-1-304, C.R.S.~~  
5 SECTION 19-2.5-1403.

6 **SECTION 119.** In Colorado Revised Statutes, 23-7-103, **amend**  
7 (1) introductory portion and (1)(a) as follows:

8 **23-7-103. Presumptions and rules for determination of status**  
9 **- definition.** (1) Unless the contrary appears to the satisfaction of the  
10 registering authority of the institution at which a student is registering, it  
11 ~~shall be~~ IS presumed that:

12 (a) The domicile of an unemancipated minor is that of the parent  
13 with whom ~~he or she~~ THE MINOR resides or, if ~~there is a guardian of his or~~  
14 ~~her person~~ THE MINOR HAS A GUARDIAN, that of ~~such~~ THE guardian, but  
15 only if the court appointing ~~such~~ THE guardian (who has legal custody of  
16 the minor child as defined in ~~section 19-1-103 (73), C.R.S.~~) SECTION  
17 19-1-103 (85)) certifies that the primary purpose of ~~such~~ THE appointment  
18 is not to qualify ~~such~~ THE unemancipated minor as a resident of this state  
19 and that ~~his or her~~ THE MINOR'S parents, if living, do not provide  
20 substantial support to the minor child;

21 **SECTION 120.** In Colorado Revised Statutes, 24-1-120, **amend**  
22 (6)(c) and (6)(e) as follows:

23 **24-1-120. Department of human services - creation.** (6) The  
24 department consists of the following divisions, units, and offices:

25 (c) The juvenile parole board, created pursuant to ~~section~~  
26 ~~19-2-206, C.R.S.~~ SECTION 19-2.5-1201. The juvenile parole board and its  
27 powers, duties, and functions are transferred by a **type 1** transfer to the

1 department of human services as a division. ~~thereof.~~

2 (e) The division of youth services, created pursuant to ~~section~~  
3 ~~19-2-203~~ SECTION 19-2.5-1601. The division of youth services and the  
4 office of the director of the division of youth services and their powers,  
5 duties, and functions are transferred by a **type 2** transfer to the department  
6 of human services as a division. ~~thereof.~~

7 **SECTION 121.** In Colorado Revised Statutes, 24-1.7-103, **amend**  
8 (2)(b) and (2)(c) as follows:

9 **24-1.7-103. Consolidation of local boards - process -**  
10 **requirements.** (2) Any combination of the following boards or groups  
11 may be consolidated into a single advisory board:

12 (b) Juvenile community review boards, as defined in ~~section~~  
13 ~~19-1-103 (69), C.R.S.,~~ SECTION 19-2.5-102 and described in ~~section~~  
14 ~~19-2-210, C.R.S.~~ SECTION 19-2.5-1502;

15 (c) Local juvenile services planning committees, created pursuant  
16 to ~~section 19-2-211, C.R.S.~~ SECTION 19-2.5-302;

17 **SECTION 122.** In Colorado Revised Statutes, 24-1.9-102, **amend**  
18 (1)(e) as follows:

19 **24-1.9-102. Memorandum of understanding - local-level**  
20 **interagency oversight groups - individualized service and support**  
21 **teams - coordination of services for children and families -**  
22 **requirements - waiver.** (1) (e) Nothing ~~shall preclude~~ PRECLUDES the  
23 agencies specified in subsections (1)(a) and (1)(a.5) of this section from  
24 including parties in addition to the agencies specified in subsections (1)(a)  
25 and (1)(a.5) of this section in the memorandums of understanding  
26 developed for purposes of this section, and which may include the LOCAL  
27 juvenile services planning committee as described in ~~section 19-2-211~~



1 SECTION 19-2.5-302.

2 **SECTION 123.** In Colorado Revised Statutes, 24-4.1-119, **amend**  
3 (1)(d) as follows:

4 **24-4.1-119. Costs and surcharges levied on criminal actions**  
5 **and traffic offenses.** (1) (d) A cost, in an amount determined pursuant to  
6 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION,  
7 is ~~hereby~~ levied on every action upon the filing of a petition alleging a  
8 child is delinquent ~~which~~ THAT results in a finding of guilty pursuant to  
9 ~~part 8 of article 2 of title 19, C.R.S., PART 9 OF ARTICLE 2.5 OF TITLE 19 or~~  
10 a deferral of adjudication pursuant to ~~section 19-2-709, C.R.S.~~ SECTION  
11 19-2.5-903. This cost ~~shall~~ MUST be paid to the clerk of the court, who  
12 shall deposit the same in the fund established in section 24-4.1-117.

13 **SECTION 124.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
14 (2)(j.5) and (2)(r.3)(I) as follows:

15 **24-4.1-302. Definitions.** As used in this part 3, and for no other  
16 purpose, including the expansion of the rights of any defendant:

17 (2) "Critical stages" means the following stages of the criminal  
18 justice process:

19 (j.5) Any court-ordered modification of the terms and conditions  
20 of probation as described in section 18-1.3-204 ~~or 19-2-925~~ OR  
21 19-2.5-1108 and as outlined in section 24-4.1-303 (13.5)(a);

22 (r.3) (I) ~~Except as provided~~ SET FORTH in subsection (2)(r.3)(II) of  
23 this section, any hearing concerning a petition for expungement as  
24 described in ~~section 19-1-306~~ SECTION 19-2.5-1404.

25 **SECTION 125.** In Colorado Revised Statutes, 24-4.1-302.5,  
26 **amend** (1)(d)(VI), (1)(d)(VIII), and (1.6) as follows:

27 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In

1 order to preserve and protect a victim's rights to justice and due process,  
2 each victim of a crime has the following rights:

3 (d) The right to be heard at any court proceeding:

4 (VI) At which the defendant requests a modification of the no  
5 contact provision of the mandatory criminal protection order ~~under~~  
6 PURSUANT TO section 18-1-1001 ~~C.R.S., or section 19-2-707, C.R.S.~~ OR  
7 19-2.5-607;

8 (VIII) Involving a petition for expungement as described in ~~section~~  
9 ~~19-1-306~~ SECTION 19-2.5-1404; or

10 (1.6) The right to be informed of the existence of a criminal  
11 protection order ~~under~~ PURSUANT TO section 18-1-1001 ~~C.R.S., or section~~  
12 ~~19-2-707, C.R.S.~~, OR 19-2.5-607 and, upon request of the victim,  
13 information about provisions that may be added or modified, and the  
14 process for requesting such an addition or modification.

15 **SECTION 126.** In Colorado Revised Statutes, 24-4.1-303, **amend**  
16 (9)(h), (13.5)(a)(V), (13.5)(a)(IX), and (14.3)(a) as follows:

17 **24-4.1-303. Procedures for ensuring rights of victims of crimes.**

18 (9) The district attorney and any law enforcement agency shall inform  
19 each victim as to the availability of the following services:

20 (h) The existence of a criminal protection order ~~under~~ PURSUANT  
21 TO section 18-1-1001 ~~C.R.S., or section 19-2-707, C.R.S.~~, OR 19-2.5-607  
22 and, upon request of the victim, information about provisions that may be  
23 added or modified and the process for requesting such an addition or  
24 modification.

25 (13.5) (a) Following a sentence to probation and upon the written  
26 request of a victim, the probation department shall notify the victim of the  
27 following information regarding any person who was charged with or

1 convicted of a crime against the victim:

2 (V) Any motion filed by the probation department requesting  
3 permission from the court to modify the terms and conditions of probation  
4 as described in section 18-1.3-204 ~~or 19-2-925~~ OR 19-2.5-1108 if the  
5 motion has not been denied by the court without a hearing;

6 (IX) Any court-ordered modification of the terms and conditions  
7 of probation as described in section 18-1.3-204 ~~or 19-2-925~~ OR  
8 19-2.5-1108.

9 (14.3) Upon receipt of a written statement from the victim, the  
10 juvenile parole board shall notify the victim of the following information  
11 regarding any person who was charged with or adjudicated of an offense  
12 against the victim:

13 (a) Any scheduled juvenile parole hearings pursuant to ~~sections~~  
14 ~~19-2-1002 and 19-2-1004~~ SECTIONS 19-2.5-1203 AND 19-2.5-1206  
15 regarding the person, any change in the scheduling of such a hearing in  
16 advance of the hearing, the victim's right to be present and heard at such  
17 hearings, the results of any such hearing, any parole decision to release the  
18 person, and the terms and conditions of any such release;

19 **SECTION 127.** In Colorado Revised Statutes, 24-4.2-104, **amend**  
20 (1)(a)(I) as follows:

21 **24-4.2-104. Surcharges levied on criminal actions and traffic**  
22 **offenses.** (1) (a) (I) A surcharge equal to thirty-seven percent of the fine  
23 imposed for each felony, misdemeanor, or class 1 or class 2 misdemeanor  
24 traffic offense, or a surcharge of one hundred sixty-three dollars for  
25 felonies, seventy-eight dollars for misdemeanors, forty-six dollars for  
26 class 1 misdemeanor traffic offenses, and thirty-three dollars for class 2  
27 misdemeanor traffic offenses, whichever amount is greater, except as

1 otherwise ~~provided in paragraph (b) of this subsection (1)~~ SET FORTH IN  
2 SUBSECTION (1)(b) OF THIS SECTION, is ~~hereby~~ levied on each criminal  
3 action resulting in a conviction or in a deferred judgment and sentence, as  
4 ~~provided in~~ PURSUANT TO section 18-1.3-102, ~~C.R.S.~~, which criminal  
5 action is charged pursuant to state statute, or upon each petition alleging  
6 that a child is delinquent that results in a finding of guilty pursuant to ~~part~~  
7 ~~8 of article 2 of title 19, C.R.S.~~ PART 9 OF ARTICLE 2.5 OF TITLE 19, or a  
8 deferral of adjudication pursuant to ~~section 19-2-709. C.R.S.~~ SECTION  
9 19-2.5-903. THE DEFENDANT SHALL PAY these surcharges ~~shall be paid to~~  
10 the clerk of the court. ~~by the defendant.~~ Each clerk shall transmit the  
11 ~~moneys~~ MONEY to the court administrator of the judicial district in which  
12 the offense occurred for credit to the victims and witnesses assistance and  
13 law enforcement fund established in that judicial district.

14 **SECTION 128.** In Colorado Revised Statutes, 24-5-101, **amend**  
15 (1)(b) introductory portion and (1)(b)(V) as follows:

16 **24-5-101. Effect of criminal conviction on employment rights.**

17 (1) (b) This subsection (1) ~~shall~~ DOES not apply to:

18 (V) The employment of persons in public or private correctional  
19 facilities pursuant to ~~the provisions of~~ sections 17-1-109.5 and 17-1-202  
20 (1)(a)(I) and (1.5), ~~C.R.S.~~, and the employment of persons in public or  
21 private juvenile facilities pursuant to ~~the provisions of~~ sections 19-2-403.3  
22 ~~and 19-2-410 (4), C.R.S.~~ SECTIONS 19-2.5-1605 AND 19-2.5-1619 (4);

23 **SECTION 129.** In Colorado Revised Statutes, 24-33.5-412,  
24 **amend** (3)(b) as follows:

25 **24-33.5-412. Functions of bureau - legislative review -**  
26 **interagency cooperation with reporting functions - processing time**  
27 **for criminal history record checks - computer crime - synthetic**

1 **cannabinoids enforcement.** (3) (b) On or after July 1, 1983, the bureau  
2 may establish a program under which every entity, agency, or facility  
3 specified in ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS  
4 SECTION shall furnish to the bureau the information specified in ~~section~~  
5 ~~19-1-306 (3), C.R.S.~~ SECTION 19-2.5-1404 (3).

6 **SECTION 130.** In Colorado Revised Statutes, 24-33.5-415.6,  
7 **amend** (1) as follows:

8 **24-33.5-415.6. Offender identification - fund.** (1) There is  
9 ~~hereby~~ created in the state treasury the offender identification fund,  
10 referred to in this section as the "fund". ~~Moneys~~ MONEY in the fund ~~shall~~  
11 ~~consist~~ CONSISTS of costs and surcharges levied pursuant to this section  
12 and payments for genetic testing received from offenders pursuant to  
13 sections 16-11-102.4, 18-1.3-407, ~~and 19-2-925.6, C.R.S.~~ AND  
14 19-2.5-1119. Subject to annual appropriations by the general assembly, the  
15 executive director and the state court administrator are authorized to  
16 expend ~~moneys~~ MONEY in the fund to pay for genetic testing of offenders  
17 pursuant to sections 16-11-102.4 and 18-1.3-407. ~~C.R.S.~~ At the end of any  
18 fiscal year, all unexpended and unencumbered ~~moneys~~ MONEY in the fund  
19 ~~shall remain therein~~ REMAINS IN THE FUND and shall not be credited or  
20 transferred to the general fund or any other fund.

21 **SECTION 131.** In Colorado Revised Statutes, 24-33.5-424,  
22 **amend** (4) as follows:

23 **24-33.5-424. National instant criminal background check**  
24 **system - state point of contact - fee - grounds for denial of firearm**  
25 **transfer - appeal - rule-making - unlawful acts - instant criminal**  
26 **background check cash fund - creation.** (4) Pursuant to ~~section~~  
27 ~~16-21-103 (4)(c), C.R.S., and section 19-1-304 (1)(b.8), C.R.S.~~ SECTIONS

1 16-21-103 (4)(c) AND 19-2.5-1403 (1)(e), the bureau shall receive and  
2 process information concerning final case disposition data of any cases  
3 prosecuted in a court in this state within seventy-two hours after the final  
4 disposition of the case for purposes of carrying out its duties ~~under~~  
5 PURSUANT TO this section.

6 **SECTION 132.** In Colorado Revised Statutes, 24-33.5-503,  
7 **amend** (1)(i) as follows:

8 **24-33.5-503. Duties of division.** (1) The division has the  
9 following duties:

10 (i) To promulgate rules and regulations which set minimum  
11 standards for temporary holding facilities as defined in section 19-1-103;  
12 ~~(106), C.R.S.;~~

13 **SECTION 133.** In Colorado Revised Statutes, 24-33.5-2401,  
14 **amend** (2)(a)(IV) as follows:

15 **24-33.5-2401. Committee on juvenile justice reform - creation**  
16 **- membership.** (2) (a) The committee consists of the following thirty  
17 members:

18 (IV) The director of the division of youth services pursuant to  
19 ~~section 19-2-203~~ SECTION 19-2.5-1601, or the director's designee;

20 **SECTION 134.** In Colorado Revised Statutes, 24-33.5-2402,  
21 **amend** (1)(c) as follows:

22 **24-33.5-2402. Juvenile justice reform committee - duties.**  
23 (1) The committee has the following duties:

24 (c) Select a validated risk screening tool to be used statewide to  
25 inform district attorney decisions on a juvenile's eligibility for diversion.  
26 The validated risk screening tool must be implemented pursuant to ~~section~~  
27 ~~19-2-303~~ SECTION 19-2.5-402.

1           **SECTION 135.** In Colorado Revised Statutes, 24-48.5-313,  
2 **amend** (3)(b) as follows:

3           **24-48.5-313. Art in public places - works of art in correctional**  
4 **and juvenile facilities.** (3) (b) As used in this subsection (3), "juvenile  
5 correctional facility" means any facility operated by or under contract with  
6 the department of human services pursuant to ~~section 19-2-403, C.R.S.~~  
7 SECTION 19-2.5-1602.

8           **SECTION 136.** In Colorado Revised Statutes, 24-72-113, **amend**  
9 (2)(b) as follows:

10           **24-72-113. Limit on retention of passive surveillance records**  
11 **- definition.** (2) (b) This section does not apply to passive surveillance  
12 records of any correctional facility, local jail, or private contract prison,  
13 as defined in section 17-1-102, ~~C.R.S.~~, any juvenile facility operated by  
14 the Colorado department of human services, as listed in ~~sections 19-2-402,~~  
15 ~~19-2-403, and 19-2-406 through 19-2-408, C.R.S.~~ SECTIONS 19-2.5-1602,  
16 19-2.5-1611, AND 19-2.5-1627 TO 19-2.5-1629, or any passive surveillance  
17 records made or maintained as required under federal law.

18           **SECTION 137.** In Colorado Revised Statutes, 24-72-304, **amend**  
19 (4.5)(d) introductory portion, (4.5)(d)(I), and (4.5)(d)(II) as follows:

20           **24-72-304. Inspection of criminal justice records.** (4.5) (d) The  
21 ~~provisions of this subsection (4.5) shall~~ THIS SUBSECTION (4.5) DOES not  
22 apply to the sharing of information between:

23           (I) Criminal justice agencies, school districts, state institution of  
24 higher education police departments and authorized university  
25 administrators pursuant to section 23-5-141, ~~C.R.S.~~, assessment centers  
26 for ~~children~~ YOUTH as defined in ~~section 19-1-103 (10.5), C.R.S.~~ SECTION  
27 19-2.5-102, or social services agencies as authorized by section

1 22-32-109.1 (3); ~~C.R.S.~~;

2 (II) Public schools and school districts for the purposes of  
3 suspension, expulsion, and reenrollment determinations pursuant to  
4 sections 22-33-105 (5)(a), 22-33-106 (1.2) and (4)(a), ~~and 19-1-303,~~  
5 ~~C.R.S.~~ AND 19-2.5-1402; and

6 **SECTION 138.** In Colorado Revised Statutes, 25-1.5-301, **amend**  
7 (2)(b) as follows:

8 **25-1.5-301. Definitions.** As used in this part 3, unless the context  
9 otherwise requires:

10 (2) "Facility" means:

11 (b) Institutions for juveniles ~~provided for in part 4 of article 2 of~~  
12 ~~title 19, C.R.S.~~ ESTABLISHED IN PART 16 OF ARTICLE 2.5 OF TITLE 19;

13 **SECTION 139.** In Colorado Revised Statutes, 25-2-113.5, **amend**  
14 (2)(g.5) as follows:

15 **25-2-113.5. Limited access to information upon consent of all**  
16 **parties - voluntary adoption registry.** (2) As used in this section, unless  
17 the context otherwise requires:

18 (g.5) "Sibling" ~~shall have~~ HAS the same meaning as "biological  
19 sibling" PURSUANT TO section 19-1-103. ~~(14), C.R.S.~~

20 **SECTION 140.** In Colorado Revised Statutes, 25.5-4-205.5,  
21 **amend** (2) as follows:

22 **25.5-4-205.5. Confined persons - suspension of benefits.**

23 (2) Notwithstanding any other provision of law, a person who,  
24 immediately prior to becoming a confined person, was a recipient of  
25 medical assistance pursuant to this article 4 or article 5 or 6 of this title  
26 25.5, remains eligible for medical assistance while a confined person;  
27 except that ~~no~~ medical assistance may NOT be furnished pursuant to this



1 article 4 or article 5 or 6 of this title 25.5 while the person is a confined  
2 person unless federal financial participation is available for the cost of the  
3 assistance, including but not limited to juveniles held in a facility operated  
4 by or under contract to the division of youth services established pursuant  
5 to ~~section 19-2-203~~ SECTION 19-2.5-1601 or the department of human  
6 services. Once a person is no longer a confined person, the person  
7 continues to be eligible for receipt of medical benefits pursuant to this  
8 article 4 or article 5 or 6 of this title 25.5 until the person is determined to  
9 be ineligible for the receipt of the assistance. To the extent permitted by  
10 federal law, the time during which a person is a confined person is not  
11 included in any calculation of when the person must recertify his or her  
12 eligibility for medical assistance pursuant to this article 4 or article 5 or 6  
13 of this title 25.5.

14 **SECTION 141.** In Colorado Revised Statutes, 25.5-5-402, **amend**  
15 (6)(b) as follows:

16 **25.5-5-402. Statewide managed care system - definition - rules.**

17 (6) (b) For a child or youth who obtains eligibility for services under the  
18 state's medicaid program through a dependency and neglect action  
19 resulting in out-of-home placement pursuant to article 3 of title 19 or a  
20 juvenile delinquency action resulting in out-of-home placement pursuant  
21 to ~~article 2~~ ARTICLE 2.5 of title 19, the state department shall assign the  
22 child or youth to the MCE covering the county with jurisdiction over the  
23 action. The state department shall only change the assignment if the  
24 change is requested by the county with jurisdiction over the action or by  
25 the child's or youth's legal guardian.

26 **SECTION 142.** In Colorado Revised Statutes, 26-1-139, **amend**  
27 (5)(b), (5)(g) introductory portion, and (5)(h) introductory portion as

1 follows:

2           **26-1-139. Child fatality and near fatality prevention -**  
3 **legislative declaration - process - department of human services child**  
4 **fatality review team - reporting - rules - definitions.** (5) (b) Within  
5 three business days after receiving from a county department the  
6 information provided ~~under paragraph (a) of this subsection (5)~~ PURSUANT  
7 TO SUBSECTION (5)(a) OF THIS SECTION, the department shall disclose to  
8 the public that information has been received, whether the department is  
9 conducting a review of the incident, whether the child was in ~~his or her~~  
10 THE CHILD'S own home or in foster care, as defined in section 19-1-103,  
11 ~~(51.3), C.R.S.~~, and the child's gender and age. The department may  
12 disclose the scope of the review.

13           (g) The case-specific executive summary for a child who was not  
14 in foster care, as defined in section 19-1-103, ~~(51.3), C.R.S.~~, at the time  
15 of the fatality must include:

16           (h) The case-specific executive summary for a child who was in  
17 foster care, as defined in section 19-1-103, ~~(51.3), C.R.S.~~, at the time of  
18 the incident must include:

19           **SECTION 143.** In Colorado Revised Statutes, 26-5-104, **amend**  
20 (2) as follows:

21           **26-5-104. Funding of child welfare services provider contracts**  
22 **- funding mechanism review - fund - report - rules - definitions -**  
23 **repeal.** (2) **Parental fees.** The fiscal year beginning July 1, 1990, ~~shall~~  
24 ~~constitute~~ CONSTITUTES the base fiscal year for the purpose of computing  
25 a base amount of parental fee collections by each county on behalf of  
26 children in foster care. Commencing with the fiscal year beginning July  
27 1, 1991, any increased amount of parental fees over and above the base

1 amount ~~shall be~~ IS retained by the county that collected ~~such~~ THE parental  
2 fees. Any ~~moneys~~ MONEY retained by each county pursuant to this  
3 subsection (2) may be used for child welfare services directed toward  
4 early intervention, placement prevention, and family preservation, or any  
5 other program funded pursuant to ~~sections 19-2-211, 19-2-212, and~~  
6 ~~19-2-310, C.R.S.~~ SECTIONS 19-2.5-302, 19-2.5-1504, AND 19-2.5-1507.

7 **SECTION 144.** In Colorado Revised Statutes, 26-6-102, **amend**  
8 (14) and (35) as follows:

9 **26-6-102. Definitions.** As used in this article 6, unless the context  
10 otherwise requires:

11 (14) "Foster care home" means a home that is certified by a county  
12 department or child placement agency pursuant to section 26-6-106.3 for  
13 child care in a place of residence of a family or person for the purpose of  
14 providing twenty-four-hour family foster care for a child under the age of  
15 twenty-one years. A foster care home may include foster care for a child  
16 who is unrelated to the head of the home or foster care provided through  
17 a kinship foster care home but does not include noncertified kinship care,  
18 as defined in section 19-1-103. ~~(78.7), C.R.S.~~ The term includes any foster  
19 care home receiving a child for regular twenty-four-hour care and any  
20 home receiving a child from any state-operated institution for child care  
21 or from any child placement agency, as defined in subsection (7) of this  
22 section. "Foster care home" also includes those homes licensed by the  
23 department of human services pursuant to section 26-6-104 that receive  
24 neither moneys from the counties nor children placed by the counties.

25 (35) "Secure residential treatment center" means a facility operated  
26 under private ownership that is licensed by the department pursuant to this  
27 part 1 to provide twenty-four-hour group care and treatment in a secure

1 setting for five or more children or persons up to the age of twenty-one  
2 years over whom the juvenile court retains jurisdiction pursuant to ~~section~~  
3 ~~19-2-104 (6), C.R.S.~~, SECTION 19-2.5-103 (6) who are committed by a  
4 court pursuant to an adjudication of delinquency or pursuant to a  
5 determination of guilt of a delinquent act or having been convicted as an  
6 adult and sentenced for an act that would be a crime if committed in  
7 Colorado, or in the committing jurisdiction, to be placed in a secure  
8 facility.

9 **SECTION 145.** In Colorado Revised Statutes, 26-6-106.3, **amend**  
10 (7) as follows:

11 **26-6-106.3. Certification and annual recertification of foster**  
12 **care homes by county departments and licensed child placement**  
13 **agencies - background and reference check requirements - definitions.**

14 (7) For purposes of this section, "convicted" means a conviction by a jury  
15 or by a court and includes a deferred judgment and sentence agreement,  
16 a deferred prosecution agreement, a deferred adjudication agreement, an  
17 adjudication, or a plea of guilty or nolo contendere; except that this does  
18 not apply to a diversion or deferral or plea for a juvenile who participated  
19 in diversion, as defined in ~~section 19-1-103 (44), C.R.S.~~ SECTION  
20 19-2.5-102, and does not apply to a diversion or deferral or plea for a  
21 person who participated in and successfully completed the child abuse and  
22 child neglect diversion program as described in section 19-3-310. ~~C.R.S.~~

23 **SECTION 146.** In Colorado Revised Statutes, 26-6-106.5, **amend**  
24 (2)(a) as follows:

25 **26-6-106.5. Foster care - kinship care - rules applying**  
26 **generally - rule-making.** (2) At a minimum, the rules described in  
27 subsection (1) of this section must include the following:

1 (a) Using the state department's automated database, the  
2 procedures for notifying all county departments and child placement  
3 agencies that place children in foster care when the state department has  
4 identified a confirmed report of child abuse or neglect, as defined in  
5 ~~section 19-1-103 (27), C.R.S.~~ SECTION 19-1-103 (28), that involves a  
6 foster care home, as well as the suspension of any further placements in  
7 the foster care home until the investigation is concluded;

8 **SECTION 147.** In Colorado Revised Statutes, 26-6-706, **amend**  
9 (1) as follows:

10 **26-6-706. Rules.** (1) A temporary care assistance program and a  
11 temporary care provider are subject to any rule promulgated by the  
12 department that is applicable to noncertified kinship care, defined in  
13 section 19-1-103; ~~(78.7)~~; except that a temporary care assistance program  
14 and a temporary care provider are not subject to ~~such~~ a rule that is  
15 inconsistent with this part 7.

16 **SECTION 148.** In Colorado Revised Statutes, 26-20-102, **amend**  
17 (1)(b)(III) and (2.5) as follows:

18 **26-20-102. Definitions.** As used in this article 20, unless the  
19 context otherwise requires:

20 (1) (b) "Agency" does not include:

21 (III) A juvenile probation department or division authorized  
22 pursuant to ~~section 19-2-204, C.R.S.~~ SECTION 19-2.5-1506;

23 (2.5) "Division of youth services" means the division of youth  
24 services within the state department created pursuant to ~~section 19-2-203~~  
25 SECTION 19-2.5-1601.

26 **SECTION 149.** In Colorado Revised Statutes, 27-60-105, **amend**  
27 (2) as follows:

1           **27-60-105. Outpatient restoration to competency services -**  
2 **jail-based behavioral health services - responsible entity - duties -**  
3 **report - legislative declaration.** (2) The office of behavioral health ~~shall~~  
4 ~~serve~~ SERVES as a central organizing structure and responsible entity for  
5 the provision of competency restoration education services, coordination  
6 of competency restoration services ordered by the court pursuant to  
7 section 16-8.5-111 (2)(b) ~~or 19-2-1303 (2)~~ OR 19-2.5-704 (2), and  
8 jail-based behavioral health services pursuant to section 27-60-106.

9           **SECTION 150.** In Colorado Revised Statutes, 27-81-111, **amend**  
10 (1)(a) as follows:

11           **27-81-111. Emergency commitment.** (1) (a) When a person is  
12 under the influence of or incapacitated by substances and clearly  
13 dangerous to the health and safety of himself, herself, or others, law  
14 enforcement authorities or an emergency service patrol, acting with  
15 probable cause, shall take the person into protective custody in an  
16 approved treatment facility. If no such facilities are available, the person  
17 may be detained in an emergency medical facility or jail, but only for so  
18 long as may be necessary to prevent injury to himself, herself, or others or  
19 to prevent a breach of the peace. If the person being detained is a juvenile,  
20 as defined in ~~section 19-1-103 (68)~~ SECTION 19-2.5-102, the juvenile ~~shall~~  
21 ~~MUST~~ be placed in a setting that is nonsecure and physically segregated by  
22 sight and sound from the adult offenders. A law enforcement officer or  
23 emergency service patrol officer, in detaining the person, is taking the  
24 person into protective custody. In so doing, the detaining officer may  
25 protect himself or herself by reasonable methods but shall make every  
26 reasonable effort to protect the detainee's health and safety. A taking into  
27 protective custody ~~under~~ PURSUANT TO this section is not an arrest, and ~~no~~

1 AN entry or other record shall NOT be made to indicate that the person has  
2 been arrested or charged with a crime. Law enforcement or emergency  
3 service personnel who act in compliance with this section are acting in the  
4 course of their official duties and are not criminally or civilly liable.  
5 ~~therefor.~~ Nothing in this subsection (1) precludes a person intoxicated by  
6 alcohol, under the influence of drugs, or incapacitated by substances who  
7 is not dangerous to the health and safety of himself, herself, or others from  
8 being assisted to the person's home or like location by the law  
9 enforcement officer or emergency service patrol officer.

10 **SECTION 151.** In Colorado Revised Statutes, 27-90-102, **amend**  
11 (1)(f), (1)(g), and (4)(d) as follows:

12 **27-90-102. Duties of executive director - governor acquire**  
13 **water rights - rules.** (1) The duties of the executive director are:

14 (f) To examine and evaluate each child committed to the  
15 department and to place each child ~~so committed as provided in section~~  
16 ~~19-2-922, C.R.S.~~ COMMITTED PURSUANT TO SECTION 19-2.5-1625;

17 (g) To transfer between appropriate state institutions children  
18 committed to the department ~~as provided in section 19-2-923, C.R.S.~~  
19 PURSUANT TO SECTION 19-2.5-1632;

20 (4) (d) The board members shall act as medical consultants to the  
21 department with respect to persons receiving services from the institutions  
22 listed in section 27-90-104 and from any institution operated pursuant to  
23 ~~part 11 of article 2 of title 19, C.R.S.~~ PART 10 OF ARTICLE 2.5 OF TITLE 19.

24 **SECTION 152.** In Colorado Revised Statutes, **amend** 27-90-110  
25 as follows:

26 **27-90-110. Rules for this article 90 and certain provisions in**  
27 **title 19.** Pursuant to section 24-4-103, the department shall promulgate

1 such rules as are necessary to implement the provisions of this article 90  
2 and the procedures specified in ~~sections 19-2-508, 19-2-906, 19-2-922,~~  
3 ~~19-2-923, 19-3-403, 19-3-506, 19-3-507, and 19-3-508~~ SECTIONS  
4 19-2.5-305, 19-2.5-1102, 19-2.5-1625, 19-2.5-1632, 19-3-403, 19-3-506,  
5 19-3-507, AND 19-3-508 regarding children who are in detention or who  
6 have or may have a behavioral or mental health disorder or an intellectual  
7 and developmental disability.

8 **SECTION 153.** In Colorado Revised Statutes, 27-90-111, **amend**  
9 (3)(g) as follows:

10 **27-90-111. Employment of personnel - screening of applicants**  
11 **- disqualifications from employment - contracts - rules - definitions.**

12 (3) The employment screening and disqualification requirements in this  
13 section apply to the following facilities or programs operated by the  
14 department:

15 (g) Any secure facility contracted for by the department pursuant  
16 to ~~section 19-2-403, C.R.S.~~, SECTION 19-2.5-1602 in which juveniles who  
17 are in the custody of the department reside.

18 **SECTION 154.** In Colorado Revised Statutes, 27-92-101, **amend**  
19 (2) as follows:

20 **27-92-101. Liability.** (2) ~~The provisions of this article shall apply~~  
21 ~~also~~ THIS ARTICLE 92 ALSO APPLIES to those persons received ~~under the~~  
22 ~~provisions of~~ PURSUANT TO article 8 of title 16 and ~~sections 16-13-216,~~  
23 ~~19-2-922, and 19-2-923, C.R.S.~~ SECTIONS 16-13-216, 19-2.5-1625, AND  
24 19-2.5-1632, but not by way of exclusion.

25 **SECTION 155.** In Colorado Revised Statutes, 30-15-401, **amend**  
26 (1)(d.5) as follows:

27 **30-15-401. General regulations - definitions.** (1) In addition to



1 those powers granted by sections 30-11-101 and 30-11-107 and by parts  
2 1, 2, and 3 of this article 15, the board of county commissioners may adopt  
3 ordinances for control or licensing of those matters of purely local concern  
4 that are described in the following enumerated powers:

5 (d.5) To discourage juvenile delinquency through the imposition  
6 of curfews applicable to juveniles, the restraint and punishment of  
7 loitering by juveniles, and the restraint and punishment of defacement of,  
8 including the affixing of graffiti to, buildings and other public or private  
9 property by juveniles by means that may include restrictions on the  
10 purchase or possession of graffiti implements by juveniles. The board of  
11 county commissioners, when enacting an ordinance to carry out the  
12 powers granted by this ~~paragraph (d.5)~~ SUBSECTION (1)(d.5), may make it  
13 unlawful for a retailer to sell graffiti implements to juveniles but shall not  
14 dictate the manner in which the retailer displays graffiti implements. For  
15 purposes of this ~~paragraph (d.5)~~ SUBSECTION (1)(d.5), "juvenile" means  
16 a juvenile as defined in ~~section 19-2-103(10), C.R.S.,~~ SECTION 19-2.5-102  
17 and "graffiti implement" means an aerosol paint container, broad-tipped  
18 marker, gum label, paint stick or graffiti stick, or etching equipment.

19 **SECTION 156.** In Colorado Revised Statutes, 38-1-202, **amend**  
20 (1)(b)(IV)(A) as follows:

21 **38-1-202. Governmental entities, corporations, and persons**  
22 **authorized to use eminent domain.** (1) The following governmental  
23 entities, types of governmental entities, and public corporations, in  
24 accordance with all procedural and other requirements specified in this  
25 article 1 and articles 2 to 7 of this title 38 and to the extent and within any  
26 time frame specified in the applicable authorizing statute, may exercise the  
27 power of eminent domain:

1 (b) The state:

2 (IV) By action of the general assembly or by action of any of the  
3 following officers and agencies of the state:

4 (A) The department of human services as authorized in ~~section~~  
5 ~~19-2-403.5, C.R.S.~~ SECTION 19-2.5-1603;

6 **SECTION 157.** In Colorado Revised Statutes, 39-28.8-501,  
7 **amend** (2)(b)(IV)(O) as follows:

8 **39-28.8-501. Marijuana tax cash fund - creation - distribution**  
9 **- legislative declaration - repeal.** (2) (b) (IV) Subject to the limitation  
10 in subsection (5) of this section, the general assembly may annually  
11 appropriate any money in the fund for any fiscal year following the fiscal  
12 year in which it was received by the state for the following purposes:

13 (O) For the development of local dually identified crossover youth  
14 plans and services as described in ~~section 19-2-211 (2)~~ SECTION  
15 19-2.5-302;

16 **SECTION 158.** In Colorado Revised Statutes, 42-4-1705, **amend**  
17 (2.5) as follows:

18 **42-4-1705. Person arrested to be taken before the proper court.**  
19 (2.5) In any case in which the arrested person ~~that~~ WHO is taken before a  
20 county judge pursuant to subsection (1) or (2) of this section is a child, as  
21 defined in section 19-1-103, (18), C.R.S., ~~the provisions of section~~  
22 42-4-1706 (2) ~~shall apply~~ APPLIES.

23 **SECTION 159.** In Colorado Revised Statutes, 42-4-1706, **amend**  
24 (1) and (2)(a) as follows:

25 **42-4-1706. Juveniles - convicted - arrested and incarcerated -**  
26 **provisions for confinement.** (1) Notwithstanding any other provision of  
27 law, a child, as defined in ~~section 19-1-103 (18), C.R.S.~~ SECTION

1 19-1-103, convicted of a misdemeanor traffic offense ~~under this article~~  
2 PURSUANT TO THIS ARTICLE 4, violating the conditions of probation  
3 imposed ~~under this article~~ PURSUANT TO THIS ARTICLE 4, or found in  
4 contempt of court in connection with a violation or alleged violation ~~under~~  
5 ~~this article shall~~ PURSUANT TO THIS ARTICLE 4 MUST not be confined in a  
6 jail, lockup, or other place used for the confinement of adult offenders if  
7 the court with jurisdiction is located in a county in which there is a  
8 juvenile detention facility operated by or under contract with the  
9 department of human services that ~~shall receive~~ RECEIVES and ~~provide~~  
10 PROVIDES care for ~~such child~~ CHILDREN or if the jail is located within forty  
11 miles of such facility. The court imposing penalties ~~under~~ PURSUANT TO  
12 this section may confine a child for a determinate period of time in a  
13 juvenile detention facility operated by or under contract with the  
14 department of human services. If a juvenile detention facility operated by  
15 or under contract with the department of human services is not located  
16 within the county or within forty miles of the jail, a child may be confined  
17 for up to forty-eight hours in a jail pursuant to ~~section 19-2-508 (4),~~  
18 ~~C.R.S.~~ SECTION 19-2.5-305 (4).

19 (2) (a) Notwithstanding any other provision of law, a child, as  
20 defined in ~~section 19-1-103 (18)~~ SECTION 19-1-103, arrested and  
21 incarcerated for an alleged misdemeanor traffic offense pursuant to this  
22 article 4, and not released on bond, ~~shall~~ MUST be taken before a county  
23 judge who has jurisdiction of such offense within forty-eight hours for  
24 fixing of bail and conditions of bond pursuant to ~~section 19-2-508 (4)(e)~~  
25 SECTION 19-2.5-305 (4)(e). ~~Such~~ THE child ~~shall~~ MUST not be confined in  
26 a jail, lockup, or other place used for the confinement of adult offenders  
27 for longer than seventy-two hours, after which the child may be further

1 detained only in a juvenile detention facility operated by or under contract  
2 with the department of human services. In calculating time ~~under~~  
3 PURSUANT TO this subsection (2), Saturdays, Sundays, and court holidays  
4 ~~must be~~ ARE included.

5 **SECTION 160.** In Colorado Revised Statutes, 44-33-103, **amend**  
6 (2)(a)(II) as follows:

7 **44-33-103. Definitions.** As used in this article 33, unless the  
8 context otherwise requires:

9 (2) (a) "Outstanding debt" means:

10 (II) Restitution that a person has been ordered to pay pursuant to  
11 section 18-1.3-603 ~~or 19-2-918~~ OR 19-2.5-1104, regardless of the date that  
12 the restitution was ordered; and

13 **SECTION 161.** In Colorado Revised Statutes, 44-33-106, **amend**  
14 (2)(a) as follows:

15 **44-33-106. Gambling payment intercept cash fund - creation**  
16 **- gifts, grants, and donations - intercepts for restitution.** (2) (a) The  
17 money in the fund ~~shall be~~ IS continuously appropriated to the department  
18 of revenue for the purpose of expanding the program established by this  
19 article 33 to include intercepts of restitution that a person has been ordered  
20 to pay pursuant to section 18-1.3-603 ~~or 19-2-918~~ OR 19-2.5-1104, as  
21 certified by the judicial department. As soon as there is sufficient money  
22 in the fund, the department of revenue shall expand the program for that  
23 purpose.

24 **SECTION 162.** In Colorado Revised Statutes, **repeal and**  
25 **reenact, with amendments,** 19-1-103 as follows:

26 **19-1-103. Definitions.** AS USED IN THIS TITLE 19 OR IN THE  
27 SPECIFIED PORTION OF THIS TITLE 19, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (1) (a) "ABUSE" OR "CHILD ABUSE OR NEGLECT", AS USED IN PART  
3 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS AN ACT OR OMISSION IN ONE OF  
4 THE FOLLOWING CATEGORIES THAT THREATENS THE HEALTH OR WELFARE  
5 OF A CHILD:

6 (I) ANY CASE IN WHICH A CHILD EXHIBITS EVIDENCE OF SKIN  
7 BRUISING, BLEEDING, MALNUTRITION, FAILURE TO THRIVE, BURNS,  
8 FRACTURE OF ANY BONE, SUBDURAL HEMATOMA, SOFT TISSUE SWELLING,  
9 OR DEATH AND EITHER: SUCH CONDITION OR DEATH IS NOT JUSTIFIABLY  
10 EXPLAINED, THE HISTORY GIVEN CONCERNING SUCH CONDITION IS AT  
11 VARIANCE WITH THE DEGREE OR TYPE OF SUCH CONDITION OR DEATH, OR  
12 THE CIRCUMSTANCES INDICATE THAT SUCH CONDITION MAY NOT BE THE  
13 PRODUCT OF AN ACCIDENTAL OCCURRENCE;

14 (II) ANY CASE IN WHICH A CHILD IS SUBJECTED TO UNLAWFUL  
15 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9);

16 (III) ANY CASE IN WHICH A CHILD IS IN NEED OF SERVICES BECAUSE  
17 THE CHILD'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN FAILS TO TAKE THE  
18 SAME ACTIONS TO PROVIDE ADEQUATE FOOD, CLOTHING, SHELTER,  
19 MEDICAL CARE, OR SUPERVISION THAT A PRUDENT PARENT WOULD TAKE.  
20 THE REQUIREMENTS OF THIS SUBSECTION (1)(a)(III) ARE SUBJECT TO THE  
21 PROVISIONS OF SECTION 19-3-103.

22 (IV) ANY CASE IN WHICH A CHILD IS SUBJECTED TO EMOTIONAL  
23 ABUSE. AS USED IN THIS SUBSECTION (1)(a)(IV), "EMOTIONAL ABUSE"  
24 MEANS AN IDENTIFIABLE AND SUBSTANTIAL IMPAIRMENT OF THE CHILD'S  
25 INTELLECTUAL OR PSYCHOLOGICAL FUNCTIONING OR DEVELOPMENT OR A  
26 SUBSTANTIAL RISK OF IMPAIRMENT OF THE CHILD'S INTELLECTUAL OR  
27 PSYCHOLOGICAL FUNCTIONING OR DEVELOPMENT.

1 (V) ANY ACT OR OMISSION DESCRIBED IN SECTION 19-3-102 (1)(a),  
2 (1)(b), OR (1)(c);

3 (VI) ANY CASE IN WHICH, IN THE PRESENCE OF A CHILD, OR ON THE  
4 PREMISES WHERE A CHILD IS FOUND, OR WHERE A CHILD RESIDES, A  
5 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), IS  
6 MANUFACTURED OR ATTEMPTED TO BE MANUFACTURED;

7 (VII) ANY CASE IN WHICH A CHILD IS BORN AFFECTED BY ALCOHOL  
8 OR SUBSTANCE EXPOSURE, EXCEPT WHEN TAKEN AS PRESCRIBED OR  
9 RECOMMENDED AND MONITORED BY A LICENSED HEALTH CARE PROVIDER,  
10 AND THE NEWBORN CHILD'S HEALTH OR WELFARE IS THREATENED BY  
11 SUBSTANCE USE;

12 (VIII) ANY CASE IN WHICH A CHILD IS SUBJECTED TO HUMAN  
13 TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE, AS DESCRIBED IN  
14 SECTION 18-3-503, OR HUMAN TRAFFICKING OF A MINOR FOR SEXUAL  
15 SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (2).

16 (b) IN ALL CASES, THOSE INVESTIGATING REPORTS OF CHILD ABUSE  
17 SHALL TAKE INTO ACCOUNT ACCEPTED CHILD-REARING PRACTICES OF THE  
18 CULTURE IN WHICH THE CHILD PARTICIPATES, INCLUDING BUT NOT LIMITED  
19 TO ACCEPTED WORK-RELATED PRACTICES OF AGRICULTURAL  
20 COMMUNITIES. NOTHING IN THIS SUBSECTION (1) REFERS TO ACTS THAT  
21 COULD BE CONSTRUED TO BE A REASONABLE EXERCISE OF PARENTAL  
22 DISCIPLINE OR TO ACTS REASONABLY NECESSARY TO SUBDUE A CHILD  
23 BEING TAKEN INTO CUSTODY PURSUANT TO SECTION 19-2.5-209 THAT ARE  
24 PERFORMED BY A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101,  
25 ACTING IN THE GOOD-FAITH PERFORMANCE OF THE OFFICER'S DUTIES.

26 (2) "ADJUDICATION" HAS THE SAME MEANING AS SET FORTH IN  
27 SECTION 19-2.5-102.

1           (3) "ADJUDICATORY HEARING" MEANS A HEARING TO DETERMINE  
2 WHETHER THE ALLEGATIONS OF A PETITION IN DEPENDENCY AND NEGLECT  
3 ARE SUPPORTED BY THE EVIDENCE.

4           (4) "ADMINISTRATIVE REVIEW" MEANS A REVIEW CONDUCTED BY  
5 THE DEPARTMENT OF HUMAN SERVICES THAT IS OPEN TO THE  
6 PARTICIPATION OF THE PARENTS OF THE CHILD AND CONDUCTED BY AN  
7 ADMINISTRATIVE REVIEWER WHO IS NOT RESPONSIBLE FOR THE CASE  
8 MANAGEMENT OF, OR THE DELIVERY OF SERVICES TO, EITHER THE CHILD OR  
9 THE PARENTS WHO ARE THE SUBJECT OF THE REVIEW.

10          (5) "ADOPTEE", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19,  
11 MEANS A PERSON WHO, AS A MINOR, WAS ADOPTED PURSUANT TO A FINAL  
12 DECREE OF ADOPTION ENTERED BY A COURT.

13          (6) (a) "ADOPTION RECORD", AS USED IN PART 3 OF ARTICLE 5 OF  
14 THIS TITLE 19, WITH THE EXCEPTION OF SECTION 19-5-305 (2)(b)(I) TO  
15 (2)(b)(IV), MEANS THE FOLLOWING DOCUMENTS AND INFORMATION:

16           (I) THE ADOPTEE'S ORIGINAL BIRTH CERTIFICATE AND AMENDED  
17 BIRTH CERTIFICATE;

18           (II) THE FINAL DECREE OF ADOPTION;

19           (III) NONIDENTIFYING INFORMATION, AS DEFINED IN SUBSECTION  
20 (93) OF THIS SECTION;

21           (IV) THE FINAL ORDER OF RELINQUISHMENT; AND

22           (V) THE ORDER OF TERMINATION OF PARENTAL RIGHTS.

23          (b) "ADOPTION RECORD", AS USED IN SECTION 19-5-305 (2)(b)(I)  
24 TO (2)(b)(IV), MEANS THE FOLLOWING DOCUMENTS AND INFORMATION,  
25 WITHOUT REDACTION:

26           (I) THE ADOPTEE'S ORIGINAL BIRTH CERTIFICATE AND AMENDED  
27 BIRTH CERTIFICATE;

1 (II) THE FINAL DECREE OF ADOPTION;

2 (III) ANY IDENTIFYING INFORMATION, SUCH AS THE NAME OF THE  
3 ADOPTEE BEFORE PLACEMENT IN ADOPTION; THE NAME AND ADDRESS OF  
4 EACH BIRTH PARENT AS THEY APPEAR IN THE BIRTH RECORDS; THE NAME,  
5 ADDRESS, AND CONTACT INFORMATION OF THE ADULT ADOPTEE; AND THE  
6 CURRENT NAME, ADDRESS, AND CONTACT INFORMATION OF EACH BIRTH  
7 PARENT, IF KNOWN, OR OTHER INFORMATION THAT MIGHT PERSONALLY  
8 IDENTIFY A BIRTH PARENT;

9 (IV) ANY NONIDENTIFYING INFORMATION, AS DEFINED IN  
10 SUBSECTION (93) OF THIS SECTION;

11 (V) THE FINAL ORDER OF RELINQUISHMENT; AND

12 (VI) THE ORDER OF TERMINATION OF PARENTAL RIGHTS.

13 (c) "ADOPTION RECORD", AS USED IN EITHER SUBSECTION (6)(a) OR  
14 (6)(b) OF THIS SECTION, MUST NOT INCLUDE PRE-RELINQUISHMENT  
15 COUNSELING RECORDS, WHICH MUST REMAIN CONFIDENTIAL.

16 (7) "ADOPTION TRIAD" MEANS THE THREE PARTIES INVOLVED IN AN  
17 ADOPTION: THE ADOPTEE, THE BIRTH PARENT, AND THE ADOPTIVE PARENT.

18 (8) "ADOPTIVE PARENT", AS USED IN PARTS 3 AND 4 OF ARTICLE 5  
19 OF THIS TITLE 19, MEANS AN ADULT WHO HAS BECOME A PARENT OF A  
20 MINOR THROUGH THE LEGAL PROCESS OF ADOPTION.

21 (9) "ADULT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER;  
22 EXCEPT THAT ANY PERSON EIGHTEEN YEARS OF AGE OR OLDER WHO IS  
23 UNDER THE CONTINUING JURISDICTION OF THE COURT, WHO IS BEFORE THE  
24 COURT FOR AN ALLEGED DELINQUENT ACT COMMITTED PRIOR TO THE  
25 PERSON'S EIGHTEENTH BIRTHDAY, OR CONCERNING WHOM A PETITION HAS  
26 BEEN FILED FOR THE PERSON'S ADOPTION OTHER THAN PURSUANT TO THIS  
27 TITLE 19 MUST BE REFERRED TO AS A JUVENILE.



1 (10) "ADULT ADOPTEE", AS USED IN PARTS 3 AND 4 OF ARTICLE 5  
2 OF THIS TITLE 19, MEANS AN INDIVIDUAL WHO IS EIGHTEEN YEARS OF AGE  
3 OR OLDER AND WHO, AS A MINOR, WAS ADOPTED PURSUANT TO A FINAL  
4 DECREE OF ADOPTION ENTERED BY A COURT.

5 (11) "APPROPRIATE TREATMENT PLAN", AS USED IN SECTION  
6 19-3-508 (1)(e), MEANS A TREATMENT PLAN APPROVED BY THE COURT  
7 THAT IS REASONABLY CALCULATED TO RENDER THE PARTICULAR  
8 RESPONDENT FIT TO PROVIDE ADEQUATE PARENTING TO THE CHILD WITHIN  
9 A REASONABLE TIME AND THAT RELATES TO THE CHILD'S NEEDS.

10 (12) "BIOLOGICAL PARENT" OR "BIRTH PARENT", AS USED IN PART  
11 3 OF ARTICLE 5 OF THIS TITLE 19, MEANS A PARENT, BY BIRTH, OF AN  
12 ADOPTED PERSON.

13 (13) "BIOLOGICAL SIBLING", AS USED IN PART 3 OF ARTICLE 5 OF  
14 THIS TITLE 19, MEANS A SIBLING, BY BIRTH, OF AN ADOPTED PERSON.  
15 "BIOLOGICAL SIBLING", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19,  
16 FOR PURPOSES OF THE DEFINITION OF SIBLING GROUP, AS DEFINED IN  
17 SUBSECTION (115) OF THIS SECTION, MEANS A BROTHER, SISTER, OR  
18 HALF-SIBLING OF A CHILD WHO IS BEING PLACED IN FOSTER CARE OR BEING  
19 PLACED FOR ADOPTION.

20 (14) "BIRTH PARENTS", AS USED IN PART 4 OF ARTICLE 5 OF THIS  
21 TITLE 19, MEANS GENETIC, BIOLOGICAL, OR NATURAL PARENTS WHOSE  
22 RIGHTS WERE VOLUNTARILY OR INVOLUNTARILY TERMINATED BY A COURT  
23 OR OTHERWISE. "BIRTH PARENTS" INCLUDES A MAN WHO IS THE PARENT OF  
24 A CHILD AS ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE  
25 "UNIFORM PARENTAGE ACT", ARTICLE 4 OF THIS TITLE 19, PRIOR TO THE  
26 TERMINATION OF PARENTAL RIGHTS.

27 (15) "BOARD", AS USED IN ARTICLE 3.5 OF THIS TITLE 19, MEANS

1 THE COLORADO CHILDREN'S TRUST FUND BOARD CREATED IN SECTION  
2 19-3.5-104.

3 (16) "CHIEF JUSTICE", AS USED IN PART 3 OF ARTICLE 5 OF THIS  
4 TITLE 19, MEANS THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT.

5 (17) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

6 (18) "CHILD ABUSE", AS USED IN ARTICLE 3.5 OF THIS TITLE 19,  
7 MEANS ANY ACT THAT REASONABLY MAY BE CONSTRUED TO FALL UNDER  
8 THE DEFINITION OF ABUSE OR CHILD ABUSE OR NEGLECT IN SUBSECTION (1)  
9 OF THIS SECTION.

10 (19) "CHILD ADVOCACY CENTER", AS USED IN PART 3 OF ARTICLE  
11 3 OF THIS TITLE 19, MEANS A CENTER THAT PROVIDES A COMPREHENSIVE  
12 MULTIDISCIPLINARY TEAM RESPONSE TO ALLEGATIONS OF CHILD ABUSE OR  
13 NEGLECT IN A DEDICATED, CHILD-FRIENDLY SETTING. THE TEAM RESPONSE  
14 TO ALLEGATIONS OF CHILD ABUSE OR NEGLECT INCLUDES BUT IS NOT  
15 LIMITED TO TECHNICAL ASSISTANCE FOR FORENSIC INTERVIEWS, FORENSIC  
16 MEDICAL EXAMINATIONS, MENTAL HEALTH AND RELATED SUPPORT  
17 SERVICES, CONSULTATION, TRAINING, AND EDUCATION.

18 (20) "CHILD CARE CENTER" MEANS A CHILD CARE CENTER  
19 LICENSED AND APPROVED PURSUANT TO ARTICLE 6 OF TITLE 26. IF THE  
20 FACILITY IS LOCATED IN ANOTHER STATE, THE DEPARTMENT OF HUMAN  
21 SERVICES SHALL DESIGNATE, UPON CERTIFICATION, THAT AN APPROPRIATE  
22 AVAILABLE SPACE DOES NOT EXIST IN A CHILD CARE FACILITY IN THIS  
23 STATE, AND THE FACILITY MUST BE LICENSED OR APPROVED AS REQUIRED  
24 BY LAW IN THAT STATE.

25 (21) "CHILD PLACEMENT AGENCY" MEANS AN AGENCY LICENSED  
26 OR APPROVED PURSUANT TO LAW. IF SUCH AGENCY IS LOCATED IN  
27 ANOTHER STATE, IT MUST BE LICENSED OR APPROVED AS REQUIRED BY LAW

1 IN THAT STATE.

2 (22) "CHILD PROTECTION TEAM", AS USED IN PART 3 OF ARTICLE 3  
3 OF THIS TITLE 19, MEANS A MULTIDISCIPLINARY TEAM CONSISTING, WHERE  
4 POSSIBLE, OF A PHYSICIAN; A REPRESENTATIVE OF THE JUVENILE COURT OR  
5 THE DISTRICT COURT WITH JUVENILE JURISDICTION; A REPRESENTATIVE OF  
6 A LOCAL LAW ENFORCEMENT AGENCY; A REPRESENTATIVE OF THE COUNTY  
7 DEPARTMENT OF HUMAN OR SOCIAL SERVICES; A REPRESENTATIVE OF A  
8 MENTAL HEALTH CLINIC; A REPRESENTATIVE OF A COUNTY, DISTRICT, OR  
9 MUNICIPAL PUBLIC HEALTH AGENCY; AN ATTORNEY; A REPRESENTATIVE OF  
10 A PUBLIC SCHOOL DISTRICT; AND ONE OR MORE REPRESENTATIVES OF THE  
11 LAY COMMUNITY, AT LEAST ONE OF WHOM MUST BE A PERSON WHO SERVES  
12 AS A FOSTER PARENT IN THE COUNTY. EACH PUBLIC AGENCY MAY HAVE  
13 MORE THAN ONE PARTICIPATING MEMBER ON THE TEAM; EXCEPT THAT, IN  
14 VOTING ON PROCEDURAL OR POLICY MATTERS, EACH PUBLIC AGENCY  
15 SHALL HAVE ONLY ONE VOTE. IN NO EVENT MUST AN ATTORNEY MEMBER  
16 OF THE CHILD PROTECTION TEAM BE APPOINTED AS GUARDIAN AD LITEM  
17 FOR THE CHILD OR AS COUNSEL FOR THE PARENTS AT ANY SUBSEQUENT  
18 COURT PROCEEDINGS. THE CHILD PROTECTION TEAM MUST NEVER BE  
19 COMPOSED OF FEWER THAN THREE PERSONS. WHEN ANY RACIAL, ETHNIC,  
20 OR LINGUISTIC MINORITY GROUP CONSTITUTES A SIGNIFICANT PORTION OF  
21 THE POPULATION OF THE JURISDICTION OF THE CHILD PROTECTION TEAM,  
22 A MEMBER OF EACH SUCH MINORITY GROUP MUST SERVE AS AN  
23 ADDITIONAL LAY MEMBER OF THE CHILD PROTECTION TEAM. AT LEAST ONE  
24 OF THE PRECEDING MEMBERS OF THE TEAM MUST BE CHOSEN ON THE BASIS  
25 OF REPRESENTING LOW-INCOME FAMILIES. THE ROLE OF THE CHILD  
26 PROTECTION TEAM IS ADVISORY ONLY.

27 (23) "CITIZEN REVIEW PANEL", AS USED IN SECTION 19-3-211,

1 MEANS THE PANEL CREATED IN A COUNTY BY THE BOARD OF COUNTY  
2 COMMISSIONERS OR IN A CITY AND COUNTY BY THE CITY COUNCIL THAT  
3 REVIEWS AND MAKES RECOMMENDATIONS REGARDING GRIEVANCES  
4 REFERRED TO THE PANEL BY THE COUNTY DIRECTOR PURSUANT TO THE  
5 CONFLICT RESOLUTION PROCESS.

6 (24) "COMMERCIAL SEXUAL EXPLOITATION OF A CHILD" MEANS A  
7 CRIME OF A SEXUAL NATURE COMMITTED AGAINST A CHILD FOR FINANCIAL  
8 OR OTHER ECONOMIC REASONS.

9 (25) "COMMUNITY PLACEMENT" MEANS THE PLACEMENT OF A  
10 CHILD FOR WHOM THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY  
11 DEPARTMENT HAS PLACEMENT AND CARE RESPONSIBILITY PURSUANT TO  
12 ARTICLE 2.5 OR 3 OF THIS TITLE 19 IN ANY LICENSED OR CERTIFIED  
13 TWENTY-FOUR-HOUR NONSECURE CARE AND TREATMENT FACILITY AWAY  
14 FROM THE CHILD'S PARENT OR GUARDIAN. "COMMUNITY PLACEMENT"  
15 INCLUDES BUT IS NOT LIMITED TO PLACEMENT IN A FOSTER CARE HOME,  
16 GROUP HOME, RESIDENTIAL CHILD CARE FACILITY, OR RESIDENTIAL  
17 TREATMENT FACILITY.

18 (26) "COMPLAINANT", AS USED IN SECTION 19-3-211, MEANS ANY  
19 PERSON WHO WAS THE SUBJECT OF AN INVESTIGATION OF A REPORT OF  
20 CHILD ABUSE OR NEGLECT OR ANY PARENT, GUARDIAN, OR LEGAL  
21 CUSTODIAN OF A CHILD WHO IS THE SUBJECT OF A REPORT OF CHILD ABUSE  
22 OR NEGLECT AND BRINGS A GRIEVANCE AGAINST A COUNTY DEPARTMENT  
23 OF HUMAN OR SOCIAL SERVICES IN ACCORDANCE WITH THE PROVISIONS OF  
24 SECTION 19-3-211.

25 (27) "CONFIDENTIAL INTERMEDIARY", AS USED IN PART 3 OF  
26 ARTICLE 5 OF THIS TITLE 19, MEANS A PERSON TWENTY-ONE YEARS OF AGE  
27 OR OLDER WHO HAS COMPLETED A TRAINING PROGRAM FOR CONFIDENTIAL

1 INTERMEDIARIES THAT MEETS THE STANDARDS SET FORTH BY THE  
2 COMMISSION PURSUANT TO SECTION 19-5-303 AND WHO IS AUTHORIZED TO  
3 INSPECT CONFIDENTIAL RELINQUISHMENT AND ADOPTION RECORDS AT THE  
4 REQUEST OF AN ADULT ADOPTEE, ADOPTIVE PARENT, BIOLOGICAL PARENT,  
5 OR BIOLOGICAL SIBLING.

6 (28) "CONFIRMED", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE  
7 19, MEANS ANY REPORT MADE PURSUANT TO ARTICLE 3 OF THIS TITLE 19  
8 THAT IS FOUND BY A COUNTY DEPARTMENT OF HUMAN OR SOCIAL  
9 SERVICES, LAW ENFORCEMENT AGENCY, OR ENTITY AUTHORIZED TO  
10 INVESTIGATE INSTITUTIONAL ABUSE TO BE SUPPORTED BY A  
11 PREPONDERANCE OF THE EVIDENCE.

12 (29) "CONSENT", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19,  
13 MEANS VOLUNTARY, INFORMED, WRITTEN CONSENT. WHEN USED IN THE  
14 CONTEXT OF CONFIDENTIAL INTERMEDIARIES, "CONSENT" ALWAYS MUST  
15 BE PRECEDED BY AN EXPLANATION THAT CONSENT PERMITS THE  
16 CONFIDENTIAL INTERMEDIARY TO ARRANGE A PERSONAL CONTACT AMONG  
17 BIOLOGICAL RELATIVES. "CONSENT" MAY ALSO MEAN THE AGREEMENT FOR  
18 CONTACT OR DISCLOSURE OF RECORDS BY ANY OF THE PARTIES IDENTIFIED  
19 IN SECTION 19-5-304 (2) AS A RESULT OF AN INQUIRY BY A CONFIDENTIAL  
20 INTERMEDIARY PURSUANT TO SECTION 19-5-304.

21 (30) "CONSENT FORM", AS USED IN SECTION 19-5-305 (3), MEANS  
22 A VERIFIED WRITTEN STATEMENT SIGNED BY AN ADULT ADOPTEE OR AN  
23 ADULT ADOPTEE'S CONSENTING BIRTH PARENT OR AN ADOPTIVE PARENT OF  
24 A MINOR ADOPTEE, AND NOTARIZED, AND THAT AUTHORIZES THE RELEASE  
25 OF ADOPTION RECORDS OR IDENTIFYING INFORMATION, TO THE EXTENT  
26 AVAILABLE, BY A LICENSED CHILD PLACEMENT AGENCY.

27 (31) "CONTACT INFORMATION" MEANS INFORMATION SUPPLIED

1 VOLUNTARILY BY A BIRTH PARENT ON A CONTACT PREFERENCE FORM,  
2 INCLUDING THE NAME OF THE BIRTH PARENT AT THE TIME OF  
3 RELINQUISHMENT OF THE ADOPTEE; THE ALIAS, IF ANY, USED AT THE TIME  
4 OF RELINQUISHMENT OF THE ADOPTEE; AND THE CURRENT NAME, CURRENT  
5 ADDRESS, AND CURRENT TELEPHONE NUMBER OF THE BIRTH PARENT.

6 (32) "CONTACT PREFERENCE FORM" MEANS A WRITTEN STATEMENT  
7 SIGNED BY A BIRTH PARENT INDICATING WHETHER THE BIRTH PARENT  
8 PREFERS FUTURE CONTACT WITH AN ADULT ADOPTEE, AN ADULT  
9 DESCENDANT OF THE ADOPTEE, OR A LEGAL REPRESENTATIVE OF THE  
10 ADOPTEE OR THE DESCENDANT AND, IF CONTACT IS PREFERRED, WHETHER  
11 THE CONTACT SHOULD BE THROUGH A CONFIDENTIAL INTERMEDIARY OR A  
12 DESIGNATED EMPLOYEE OF A CHILD PLACEMENT AGENCY.

13 (33) "CONTINUOUSLY AVAILABLE", AS USED IN SECTION 19-3-308  
14 (4), MEANS THE ASSIGNMENT OF A PERSON TO BE NEAR AN OPERABLE  
15 TELEPHONE NOT NECESSARILY LOCATED ON THE PREMISES ORDINARILY  
16 USED FOR BUSINESS BY THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL  
17 SERVICES OR TO HAVE SUCH ARRANGEMENTS MADE THROUGH  
18 AGREEMENTS WITH LOCAL LAW ENFORCEMENT AGENCIES.

19 (34) "CONVICTED" OR "CONVICTION", AS USED IN SECTION  
20 19-5-105.5, MEANS A PLEA OF GUILTY ACCEPTED BY THE COURT,  
21 INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED  
22 SENTENCE PURSUANT TO SECTION 18-1.3-102, A VERDICT OF GUILTY BY A  
23 JUDGE OR JURY, OR A PLEA OF NO CONTEST ACCEPTED BY THE COURT, OR  
24 HAVING RECEIVED A DISPOSITION AS A JUVENILE OR HAVING BEEN  
25 ADJUDICATED A JUVENILE DELINQUENT BASED ON THE COMMISSION OF ANY  
26 ACT THAT CONSTITUTES SEXUAL ASSAULT, AS DEFINED IN SUBSECTION  
27 (112) OF THIS SECTION.

1           (35) "COST OF CARE" MEANS THE COST TO THE DEPARTMENT OF  
2 HUMAN SERVICES OR THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL  
3 SERVICES FOR A CHILD PLACED OUT OF THE HOME; OR THE COST TO THE  
4 DEPARTMENT OF HUMAN SERVICES OR THE COUNTY DEPARTMENT OF  
5 HUMAN OR SOCIAL SERVICES CHARGED WITH THE CUSTODY OF THE  
6 JUVENILE FOR PROVIDING ROOM, BOARD, CLOTHING, EDUCATION, MEDICAL  
7 CARE, AND OTHER NORMAL LIVING EXPENSES FOR A CHILD PLACED OUT OF  
8 THE HOME; OR THE COST TO THE DEPARTMENT OF HUMAN SERVICES OR THE  
9 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES FOR A JUVENILE  
10 SENTENCED TO A PLACEMENT OUT OF THE HOME AS DETERMINED BY THE  
11 COURT. AS USED IN THIS TITLE 19, "COST OF CARE" ALSO INCLUDES ANY  
12 COSTS ASSOCIATED WITH MAINTENANCE OF A JUVENILE IN A HOME  
13 DETENTION PROGRAM, SUPERVISION OF PROBATION WHEN THE JUVENILE IS  
14 GRANTED PROBATION, OR SUPERVISION OF PAROLE WHEN THE JUVENILE IS  
15 PLACED ON PAROLE.

16           (36) "COUNSEL" MEANS AN ATTORNEY-AT-LAW WHO ACTS AS A  
17 PERSON'S LEGAL ADVISOR OR WHO REPRESENTS A PERSON IN COURT.

18           (37) "COUNTY ATTORNEY" MEANS THE OFFICE OF THE COUNTY  
19 ATTORNEY OR CITY ATTORNEY REPRESENTING A COUNTY OR A CITY AND  
20 COUNTY AND INCLUDES THE ATTORNEYS EMPLOYED OR RETAINED BY SUCH  
21 COUNTY OR CITY AND COUNTY.

22           (38) "COUNTY DEPARTMENT" MEANS THE COUNTY, CITY AND  
23 COUNTY, OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

24           (39) "COUNTY DIRECTOR", AS USED IN SECTION 19-3-211 AND PART  
25 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS THE COUNTY DIRECTOR OR  
26 DISTRICT DIRECTOR APPOINTED PURSUANT TO SECTION 26-1-117.

27           (40) "COURT", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19,

1 MEANS ANY COURT OF RECORD WITH JURISDICTION OVER THE MATTER AT  
2 ISSUE.

3 (41) "COURT-APPOINTED SPECIAL ADVOCATE" OR "CASA  
4 VOLUNTEER" MEANS A VOLUNTEER APPOINTED BY A COURT PURSUANT TO  
5 PART 2 OF THIS ARTICLE 1 TO ASSIST IN ADVOCACY FOR CHILDREN.

6 (42) "COURT-APPOINTED SPECIAL ADVOCATE PROGRAM" OR  
7 "CASA PROGRAM" MEANS A PROGRAM ESTABLISHED PURSUANT TO PART  
8 2 OF THIS ARTICLE 1.

9 (43) "CUSTODIAL ADOPTION", AS USED IN PART 2 OF ARTICLE 5 OF  
10 THIS TITLE 19, MEANS AN ADOPTION OF A CHILD BY ANY PERSON AND THE  
11 PERSON'S SPOUSE, AS REQUIRED PURSUANT TO SECTION 19-5-202 (3), WHO:

12 (a) HAS BEEN AWARDED CUSTODY OR ALLOCATED PARENTAL  
13 RESPONSIBILITIES BY A COURT OF LAW IN A DISSOLUTION OF MARRIAGE,  
14 CUSTODY OR ALLOCATION OF PARENTAL RESPONSIBILITIES PROCEEDING, OR  
15 HAS BEEN AWARDED GUARDIANSHIP OF THE CHILD BY A COURT OF LAW IN  
16 A PROBATE ACTION, SUCH AS PURSUANT TO PART 2 OF ARTICLE 14 OF TITLE  
17 15; AND

18 (b) HAS HAD PHYSICAL CUSTODY OF THE CHILD FOR A PERIOD OF  
19 ONE YEAR OR MORE.

20 (44) "CUSTODIAN" MEANS A PERSON WHO HAS BEEN PROVIDING  
21 SHELTER, FOOD, CLOTHING, AND OTHER CARE FOR A CHILD IN THE SAME  
22 FASHION AS A PARENT WOULD, WHETHER OR NOT BY ORDER OF COURT.

23 (45) (a) (I) "CUSTODIAN OF RECORDS", AS USED IN SECTIONS  
24 19-5-305 (2) AND 19-5-305.5, MEANS ANY OF THE FOLLOWING INDIVIDUALS  
25 OR ENTITIES THAT HAVE CUSTODY OF RECORDS RELATING TO THE  
26 RELINQUISHMENT OR ADOPTION OF A CHILD:

27 (A) A COURT;



1 (B) A STATE AGENCY; OR

2 (C) THE LEGAL AGENT OR REPRESENTATIVE OF ANY ENTITY  
3 DESCRIBED IN SUBSECTIONS (45)(a)(I)(A) AND (45)(a)(I)(B) OF THIS  
4 SECTION.

5 (II) "CUSTODIAN OF RECORDS", AS USED IN SECTIONS 19-5-305 (2)  
6 AND 19-5-305.5, DOES NOT INCLUDE A LICENSED CHILD PLACEMENT  
7 AGENCY.

8 (b) "CUSTODIAN OF RECORDS", AS USED IN SECTION 19-5-109,  
9 MEANS AN ENTITY THAT HAS CUSTODY OF RECORDS RELATING TO THE  
10 RELINQUISHMENT OF A CHILD, INCLUDING A COURT, STATE AGENCY,  
11 LICENSED CHILD PLACEMENT AGENCY, MATERNITY HOME, OR THE LEGAL  
12 AGENT OR REPRESENTATIVE OF ANY SUCH ENTITY.

13 (46) "DEPARTMENT" OR "STATE DEPARTMENT" MEANS THE STATE  
14 DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 24-1-120.

15 (47) "DESIGNATED ADOPTION" MEANS AN ADOPTION IN WHICH:

16 (a) THE BIRTH PARENT OR PARENTS DESIGNATE A SPECIFIC  
17 APPLICANT WITH WHOM THEY WISH TO PLACE THEIR CHILD FOR PURPOSES  
18 OF ADOPTION; AND

19 (b) THE ANONYMITY REQUIREMENTS OF SECTION 19-1-309 ARE  
20 WAIVED.

21 (48) "DETENTION" MEANS THE TEMPORARY CARE OF A CHILD WHO  
22 REQUIRES SECURE CUSTODY IN PHYSICALLY RESTRICTING FACILITIES  
23 PENDING COURT DISPOSITION OR AN EXECUTION OF A COURT ORDER FOR  
24 PLACEMENT OR COMMITMENT.

25 (49) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE  
26 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
27 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING

1 REGULATIONS.

2 (50) "DISPOSITIONAL HEARING" MEANS A HEARING TO DETERMINE  
3 WHAT ORDER OF DISPOSITION SHOULD BE MADE CONCERNING A CHILD WHO  
4 IS NEGLECTED OR DEPENDENT. THE HEARING MAY BE PART OF THE  
5 PROCEEDING THAT INCLUDES THE ADJUDICATORY HEARING, OR IT MAY BE  
6 HELD AT A TIME SUBSEQUENT TO THE ADJUDICATORY HEARING.

7 (51) "DIVERSION" HAS THE SAME MEANING AS SET FORTH IN  
8 SECTION 19-2.5-102.

9 (52) "DONOR", AS USED IN SECTION 19-4-106, MEANS AN  
10 INDIVIDUAL WHO PRODUCES EGGS OR SPERM USED FOR ASSISTED  
11 REPRODUCTION, WHETHER OR NOT FOR CONSIDERATION. "DONOR" DOES  
12 NOT INCLUDE A SPOUSE WHO PROVIDES SPERM OR EGGS TO BE USED FOR  
13 ASSISTED REPRODUCTION BY THE OTHER SPOUSE.

14 (53) "EXECUTIVE DIRECTOR", AS USED IN ARTICLE 3.3 OF THIS TITLE  
15 19, MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN  
16 SERVICES.

17 (54) "EXPUNGEMENT", AS USED IN SECTION 19-2.5-1404, MEANS  
18 THE DESIGNATION OF JUVENILE DELINQUENCY RECORDS WHEREBY SUCH  
19 RECORDS ARE DEEMED NEVER TO HAVE EXISTED.

20 (55) "FAMILY CHILD CARE HOME" MEANS A FAMILY CHILD CARE  
21 HOME LICENSED AND APPROVED PURSUANT TO ARTICLE 6 OF TITLE 26. IF  
22 SUCH FACILITY IS LOCATED IN ANOTHER STATE, THE DEPARTMENT OF  
23 HUMAN SERVICES SHALL DESIGNATE, UPON CERTIFICATION, THAT AN  
24 APPROPRIATE AVAILABLE SPACE DOES NOT EXIST IN A FACILITY IN THIS  
25 STATE. AN OUT-OF-STATE FAMILY CHILD CARE HOME MUST BE LICENSED  
26 OR APPROVED AS REQUIRED BY LAW IN THAT STATE.

27 (56) "FIRE INVESTIGATOR" MEANS A PERSON WHO:

1 (a) IS AN OFFICER OR MEMBER OF A FIRE DEPARTMENT, FIRE  
2 PROTECTION DISTRICT, OR FIREFIGHTING AGENCY OF THE STATE OR ANY OF  
3 ITS POLITICAL SUBDIVISIONS;

4 (b) IS ENGAGED IN CONDUCTING OR IS PRESENT FOR THE PURPOSE  
5 OF ENGAGING IN THE CONDUCT OF A FIRE INVESTIGATION; AND

6 (c) IS EITHER A VOLUNTEER OR IS COMPENSATED FOR SERVICES  
7 RENDERED BY THE PERSON.

8 (57) "FOSTER CARE" MEANS THE PLACEMENT OF A CHILD INTO THE  
9 LEGAL CUSTODY OR LEGAL AUTHORITY OF A COUNTY DEPARTMENT OF  
10 HUMAN OR SOCIAL SERVICES FOR PHYSICAL PLACEMENT OF THE CHILD IN  
11 A KINSHIP CARE PLACEMENT OR CERTIFIED OR LICENSED FACILITY, OR THE  
12 PHYSICAL PLACEMENT OF A JUVENILE COMMITTED TO THE CUSTODY OF THE  
13 DEPARTMENT OF HUMAN SERVICES INTO A COMMUNITY PLACEMENT.

14 (58) "FOSTER CARE HOME" MEANS A FOSTER CARE HOME CERTIFIED  
15 PURSUANT TO ARTICLE 6 OF TITLE 26.

16 (59) "FOSTER CARE PREVENTION SERVICES" MEANS MENTAL  
17 HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES,  
18 IN-HOME PARENT SKILL-BASED PROGRAMS, KINSHIP NAVIGATOR  
19 PROGRAMS, AND OTHER PROGRAMS ELIGIBLE FOR REIMBURSEMENT UNDER  
20 THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT" THAT ARE  
21 TRAUMA-INFORMED, PROMISING, SUPPORTED OR WELL-SUPPORTED, AND  
22 PROVIDED TO PREVENT FOSTER CARE PLACEMENT.

23 (60) "GOVERNING BODY", AS USED IN SECTION 19-3-211, MEANS  
24 THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY OR THE CITY  
25 COUNCIL OF A CITY AND COUNTY.

26 (61) (a) "GRANDPARENT" MEANS A PERSON WHO IS THE PARENT OF  
27 A CHILD'S FATHER OR MOTHER, WHO IS RELATED TO THE CHILD BY BLOOD,

1 IN WHOLE OR BY HALF, ADOPTION, OR MARRIAGE.

2 (b) "GRANDPARENT", AS USED IN SECTIONS 19-1-117 AND  
3 19-1-117.5, HAS THE SAME MEANING AS SET FORTH IN SUBSECTION (61)(a)  
4 OF THIS SECTION; EXCEPT THAT "GRANDPARENT" DOES NOT INCLUDE THE  
5 PARENT OF A CHILD'S LEGAL FATHER OR MOTHER WHOSE PARENTAL RIGHTS  
6 HAVE BEEN TERMINATED IN ACCORDANCE WITH SECTIONS 19-5-101 AND  
7 19-1-104 (1)(d).

8 (62) "GREAT-GRANDPARENT", AS USED IN SECTIONS 19-1-117 AND  
9 19-1-117.5, MEANS A PERSON WHO IS THE GRANDPARENT OF A CHILD'S  
10 FATHER OR MOTHER, WHO IS RELATED TO THE CHILD BY BLOOD, IN WHOLE  
11 OR BY HALF, ADOPTION, OR MARRIAGE. "GREAT-GRANDPARENT" DOES NOT  
12 INCLUDE THE GRANDPARENT OF A CHILD'S LEGAL FATHER OR MOTHER  
13 WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED IN ACCORDANCE WITH  
14 SECTIONS 19-5-101 AND 19-1-104 (1)(d).

15 (63) "GRIEVANCE", AS USED IN SECTION 19-3-211, MEANS A  
16 DISPUTE BETWEEN A COMPLAINANT AND A COUNTY DEPARTMENT OF  
17 HUMAN OR SOCIAL SERVICES CONCERNING THE CONDUCT OF COUNTY  
18 DEPARTMENT PERSONNEL IN PERFORMING THEIR DUTIES PURSUANT TO  
19 ARTICLE 3 OF THIS TITLE 19.

20 (64) "GROUP CARE FACILITIES AND HOMES" MEANS PLACES OTHER  
21 THAN FOSTER FAMILY CARE HOMES PROVIDING CARE FOR SMALL GROUPS  
22 OF CHILDREN. GROUP CARE FACILITIES AND HOMES ARE LICENSED AS  
23 PROVIDED IN ARTICLE 6 OF TITLE 26 OR MEET THE REQUIREMENTS OF  
24 SECTION 25.5-10-214.

25 (65) "GUARDIAN AD LITEM" MEANS A PERSON APPOINTED BY A  
26 COURT TO ACT IN THE BEST INTERESTS OF A PERSON WHOM THE PERSON  
27 APPOINTED IS REPRESENTING IN PROCEEDINGS PURSUANT TO THIS TITLE 19

1 AND WHO, IF APPOINTED TO REPRESENT A PERSON IN A DEPENDENCY AND  
2 NEGLECT PROCEEDING PURSUANT TO ARTICLE 3 OF THIS TITLE 19, MUST BE  
3 AN ATTORNEY-AT-LAW LICENSED TO PRACTICE IN COLORADO.

4 (66) "GUARDIANSHIP OF THE PERSON" MEANS THE DUTY AND  
5 AUTHORITY VESTED BY COURT ACTION TO MAKE MAJOR DECISIONS  
6 AFFECTING A CHILD, INCLUDING BUT NOT LIMITED TO:

7 (a) THE AUTHORITY TO CONSENT TO MARRIAGE, TO ENLISTMENT IN  
8 THE ARMED FORCES, AND TO MEDICAL OR SURGICAL TREATMENT;

9 (b) THE AUTHORITY TO REPRESENT A CHILD IN LEGAL ACTIONS AND  
10 TO MAKE OTHER DECISIONS OF SUBSTANTIAL LEGAL SIGNIFICANCE  
11 CONCERNING THE CHILD;

12 (c) THE AUTHORITY TO CONSENT TO THE ADOPTION OF A CHILD  
13 WHEN THE PARENT-CHILD LEGAL RELATIONSHIP HAS BEEN TERMINATED BY  
14 JUDICIAL DECREE; AND

15 (d) THE RIGHTS AND RESPONSIBILITIES OF LEGAL CUSTODY WHEN  
16 LEGAL CUSTODY HAS NOT BEEN VESTED IN ANOTHER PERSON, AGENCY, OR  
17 INSTITUTION.

18 (67) "HALF-SIBLING" HAS THE SAME MEANING AS SET FORTH FOR  
19 "BIOLOGICAL SIBLING" IN SUBSECTION (13) OF THIS SECTION.

20 (68) "HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY  
21 SERVITUDE" MEANS AN ACT AS DESCRIBED IN SECTION 18-3-503.

22 (69) "HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE"  
23 MEANS AN ACT AS DESCRIBED IN SECTION 18-3-504 (2).

24 (70) "IDENTIFYING" MEANS GIVING, SHARING, OR OBTAINING  
25 INFORMATION.

26 (71) "IDENTIFYING INFORMATION", AS USED IN SECTION 19-5-305  
27 (3), MEANS COPIES OF ANY ADOPTION RECORDS, AS THAT TERM IS DEFINED

1 IN SUBSECTION (6) OF THIS SECTION, THAT ARE IN THE POSSESSION OF THE  
2 CHILD PLACEMENT AGENCY. "IDENTIFYING INFORMATION" ALSO INCLUDES  
3 THE NAME OF THE ADOPTEE BEFORE PLACEMENT IN ADOPTION; THE NAME  
4 AND ADDRESS OF EACH CONSENTING BIRTH PARENT AS THEY APPEAR IN THE  
5 BIRTH RECORDS; THE CURRENT NAME, ADDRESS, AND TELEPHONE NUMBER  
6 OF THE ADULT ADOPTEE; AND THE CURRENT NAME, ADDRESS, AND  
7 TELEPHONE NUMBER OF EACH CONSENTING BIRTH PARENT TO THE EXTENT  
8 SUCH INFORMATION IS AVAILABLE TO THE CHILD PLACEMENT AGENCY.

9 (72) "IMMINENT PLACEMENT OUT OF THE HOME", AS USED IN  
10 SECTION 19-1-116 (2), MEANS THAT WITHOUT INTERCESSION THE CHILD  
11 WILL BE PLACED OUT OF THE HOME IMMEDIATELY.

12 (73) "INDEPENDENT LIVING" MEANS A FORM OF PLACEMENT OUT OF  
13 THE HOME ARRANGED AND SUPERVISED BY THE COUNTY DEPARTMENT OF  
14 HUMAN OR SOCIAL SERVICES WHERE THE CHILD IS ESTABLISHED IN A LIVING  
15 SITUATION DESIGNED TO PROMOTE AND LEAD TO THE CHILD'S  
16 EMANCIPATION. INDEPENDENT LIVING MUST ONLY FOLLOW SOME OTHER  
17 FORM OF PLACEMENT OUT OF THE HOME.

18 (74) "INDIAN CHILD" MEANS AN UNMARRIED PERSON WHO IS  
19 YOUNGER THAN EIGHTEEN YEARS OF AGE AND WHO IS EITHER:

20 (a) A MEMBER OF AN INDIAN TRIBE; OR

21 (b) ELIGIBLE FOR MEMBERSHIP IN AN INDIAN TRIBE AND WHO IS THE  
22 BIOLOGICAL CHILD OF A MEMBER OF AN INDIAN TRIBE.

23 (75) "INDIAN CHILD'S TRIBE" MEANS:

24 (a) THE INDIAN TRIBE IN WHICH AN INDIAN CHILD IS A MEMBER OR  
25 ELIGIBLE FOR MEMBERSHIP; OR

26 (b) IN THE CASE OF AN INDIAN CHILD WHO IS A MEMBER OF OR  
27 ELIGIBLE FOR MEMBERSHIP IN MORE THAN ONE TRIBE, THE INDIAN TRIBE

1 WITH WHICH THE INDIAN CHILD HAS THE MOST SIGNIFICANT CONTACTS.

2 (76) "INDIAN TRIBE" MEANS AN INDIAN TRIBE, BAND, NATION, OR  
3 OTHER ORGANIZED GROUP OR COMMUNITY OF INDIANS RECOGNIZED AS  
4 ELIGIBLE FOR THE FEDERAL GOVERNMENTAL SERVICES PROVIDED TO  
5 INDIANS BECAUSE OF THEIR STATUS AS INDIANS.

6 (77) "INSTITUTIONAL ABUSE", AS USED IN PART 3 OF ARTICLE 3 OF  
7 THIS TITLE 19, MEANS ANY CASE OF ABUSE, AS DEFINED IN SUBSECTION (1)  
8 OF THIS SECTION, THAT OCCURS IN ANY PUBLIC OR PRIVATE FACILITY IN THE  
9 STATE THAT PROVIDES CHILD CARE OUT OF THE HOME, SUPERVISION, OR  
10 MAINTENANCE. "INSTITUTIONAL ABUSE" INCLUDES AN ACT OR OMISSION  
11 THAT THREATENS THE LIFE, HEALTH, OR WELFARE OF A CHILD OR A PERSON  
12 WHO IS YOUNGER THAN TWENTY-ONE YEARS OF AGE WHO IS UNDER THE  
13 CONTINUING JURISDICTION OF THE COURT PURSUANT TO THIS TITLE 19.  
14 "INSTITUTIONAL ABUSE" DOES NOT INCLUDE ABUSE THAT OCCURS IN ANY  
15 PUBLIC, PRIVATE, OR PAROCHIAL SCHOOL SYSTEM, INCLUDING ANY  
16 PRESCHOOL OPERATED IN CONNECTION WITH SAID SYSTEM; EXCEPT THAT,  
17 TO THE EXTENT THE SCHOOL SYSTEM PROVIDES EXTENDED DAY SERVICES,  
18 ABUSE THAT OCCURS WHILE SUCH SERVICES ARE PROVIDED IS  
19 INSTITUTIONAL ABUSE. FOR THE PURPOSES OF THIS SUBSECTION (77),  
20 "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, SPECIALIZED  
21 GROUP FACILITY, FOSTER CARE HOME, FAMILY CHILD CARE HOME, OR ANY  
22 OTHER FACILITY SUBJECT TO THE COLORADO "CHILD CARE LICENSING  
23 ACT", PART 1 OF ARTICLE 6 OF TITLE 26; NONCERTIFIED KINSHIP CARE  
24 PROVIDERS THAT PROVIDE CARE FOR CHILDREN WITH AN OPEN CHILD  
25 WELFARE CASE WHO ARE IN THE LEGAL CUSTODY OF A COUNTY  
26 DEPARTMENT OF HUMAN OR SOCIAL SERVICES; OR A FACILITY OR  
27 COMMUNITY PLACEMENT, AS DESCRIBED IN SECTION 19-2.5-1602, FOR A

1 JUVENILE COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF HUMAN  
2 SERVICES. "FACILITY" DOES NOT INCLUDE ANY ADULT DETENTION OR  
3 CORRECTIONAL FACILITY.

4 (78) "INTRAFAMILIAL ABUSE", AS USED IN PART 3 OF ARTICLE 3 OF  
5 THIS TITLE 19, MEANS ANY CASE OF ABUSE, AS DEFINED IN SUBSECTION (1)  
6 OF THIS SECTION, THAT OCCURS WITHIN A FAMILY CONTEXT BY A CHILD'S  
7 PARENT, STEPPARENT, GUARDIAN, LEGAL CUSTODIAN, OR RELATIVE; BY A  
8 SPOUSAL EQUIVALENT, AS DEFINED IN SUBSECTION (118) OF THIS SECTION;  
9 OR BY ANY OTHER PERSON WHO RESIDES IN THE CHILD'S HOME OR WHO IS  
10 REGULARLY IN THE CHILD'S HOME FOR THE PURPOSE OF EXERCISING  
11 AUTHORITY OVER OR CARE FOR THE CHILD; EXCEPT THAT "INTRAFAMILIAL  
12 ABUSE" DOES NOT INCLUDE ABUSE BY A PERSON WHO IS REGULARLY IN THE  
13 CHILD'S HOME FOR THE PURPOSE OF RENDERING CARE FOR THE CHILD IF  
14 SUCH PERSON IS PAID FOR RENDERING CARE AND IS NOT RELATED TO THE  
15 CHILD.

16 (79) "JUVENILE" HAS THE SAME MEANING AS SET FORTH IN SECTION  
17 19-2.5-102.

18 (80) "JUVENILE COURT" OR "COURT" MEANS THE JUVENILE COURT  
19 OF THE CITY AND COUNTY OF DENVER OR THE JUVENILE DIVISION OF THE  
20 DISTRICT COURT OUTSIDE OF THE CITY AND COUNTY OF DENVER.

21 (81) "JUVENILE DELINQUENT" HAS THE SAME MEANING AS SET  
22 FORTH IN SECTION 19-2.5-102.

23 (82) "KIN" MAY BE A RELATIVE OF THE CHILD, A PERSON ASCRIBED  
24 BY THE FAMILY AS HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD,  
25 OR A PERSON WHO HAS A PRIOR SIGNIFICANT RELATIONSHIP WITH THE  
26 CHILD. THESE RELATIONSHIPS TAKE INTO ACCOUNT CULTURAL VALUES  
27 AND CONTINUITY OF SIGNIFICANT RELATIONSHIPS WITH THE CHILD.



1 (83) "KINSHIP ADOPTION", AS USED IN PART 2 OF ARTICLE 5 OF THIS  
2 TITLE 19, MEANS AN ADOPTION OF A CHILD BY A RELATIVE OF THE CHILD  
3 AND SUCH RELATIVE'S SPOUSE, AS REQUIRED PURSUANT TO SECTION  
4 19-5-202 (3), WHO:

5 (a) IS EITHER A GRANDPARENT, BROTHER, SISTER, HALF-SIBLING,  
6 AUNT, UNCLE, OR FIRST COUSIN; AND

7 (b) HAS HAD PHYSICAL CUSTODY OF THE CHILD FOR A PERIOD OF  
8 ONE YEAR OR MORE AND THE CHILD IS NOT THE SUBJECT OF A PENDING  
9 DEPENDENCY AND NEGLECT PROCEEDING PURSUANT TO ARTICLE 3 OF THIS  
10 TITLE 19.

11 (84) "LAW ENFORCEMENT OFFICER" MEANS A PEACE OFFICER, AS  
12 DESCRIBED IN SECTION 16-2.5-101.

13 (85) (a) "LEGAL CUSTODY" MEANS THE RIGHT TO THE CARE,  
14 CUSTODY, AND CONTROL OF A CHILD AND THE DUTY TO PROVIDE FOOD,  
15 CLOTHING, SHELTER, ORDINARY MEDICAL CARE, EDUCATION, AND  
16 DISCIPLINE FOR A CHILD AND, IN AN EMERGENCY, TO AUTHORIZE SURGERY  
17 OR OTHER EXTRAORDINARY CARE. "LEGAL CUSTODY" MAY BE TAKEN FROM  
18 A PARENT ONLY BY COURT ACTION.

19 (b) FOR PURPOSES OF DETERMINING THE RESIDENCE OF A CHILD AS  
20 PROVIDED IN SECTION 22-1-102 (2)(b), GUARDIANSHIP IS IN THE PERSON TO  
21 WHOM LEGAL CUSTODY HAS BEEN GRANTED BY THE COURT.

22 (86) (a) "LEGAL REPRESENTATIVE", AS USED IN SECTIONS 19-5-304  
23 AND 19-5-305, MEANS THE PERSON DESIGNATED BY A COURT TO ACT ON  
24 BEHALF OF ANY PERSON DESCRIBED IN SECTION 19-5-304 (1)(b)(I) OR  
25 19-5-305 (2).

26 (b) FOR PURPOSES OF THE TERM "LEGAL REPRESENTATIVE", AS  
27 USED IN SECTIONS 19-5-304 AND 19-5-305 AND AS DEFINED IN SUBSECTION

1 (86)(a) OF THIS SECTION, "LEGAL GUARDIAN" DOES NOT INCLUDE A  
2 GOVERNMENTAL ENTITY OF ANY FOREIGN COUNTRY FROM WHICH A CHILD  
3 HAS BEEN ADOPTED OR ANY REPRESENTATIVE OF SUCH GOVERNMENTAL  
4 ENTITY.

5 (87) "LOCAL LAW ENFORCEMENT AGENCY", AS USED IN PART 3 OF  
6 ARTICLE 3 OF THIS TITLE 19, MEANS A POLICE DEPARTMENT IN  
7 INCORPORATED MUNICIPALITIES OR THE OFFICE OF THE COUNTY SHERIFF.

8 (88) "LOCATING" MEANS ENGAGING IN THE PROCESS OF SEARCHING  
9 FOR OR SEEKING OUT.

10 (89) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON LICENSED  
11 TO PRACTICE MEDICINE OR PSYCHOLOGY IN THIS STATE OR ANY PERSON ON  
12 THE STAFF OF A FACILITY DESIGNATED BY THE EXECUTIVE DIRECTOR OF  
13 THE DEPARTMENT OF HUMAN SERVICES FOR SEVENTY-TWO-HOUR  
14 TREATMENT AND EVALUATION WHO IS AUTHORIZED BY THE FACILITY TO DO  
15 MENTAL HEALTH HOSPITAL PLACEMENT PRESCREENINGS AND WHO IS  
16 UNDER THE SUPERVISION OF A PERSON LICENSED TO PRACTICE MEDICINE OR  
17 PSYCHOLOGY IN THIS STATE.

18 (90) "NEGLECT", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19,  
19 MEANS ACTS THAT CAN REASONABLY BE CONSTRUED TO FALL UNDER THE  
20 DEFINITION OF "CHILD ABUSE OR NEGLECT" AS DEFINED IN SUBSECTION (1)  
21 OF THIS SECTION.

22 (91) "NEWBORN CHILD" MEANS A CHILD WHO IS LESS THAN  
23 SEVENTY-TWO HOURS OLD.

24 (92) "NONCERTIFIED KINSHIP CARE" MEANS A CHILD IS BEING  
25 CARED FOR BY A RELATIVE OR KIN WHO HAS A SIGNIFICANT RELATIONSHIP  
26 WITH THE CHILD IN CIRCUMSTANCES WHEN THERE IS A SAFETY CONCERN BY  
27 A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES AND WHERE THE

1 RELATIVE OR KIN HAS NOT MET THE FOSTER CARE CERTIFICATION  
2 REQUIREMENTS FOR A KINSHIP FOSTER CARE HOME OR HAS CHOSEN NOT TO  
3 PURSUE THAT CERTIFICATION PROCESS.

4 (93) "NONIDENTIFYING INFORMATION", AS USED IN PART 4 OF  
5 ARTICLE 5 OF THIS TITLE 19, MEANS INFORMATION THAT DOES NOT  
6 DISCLOSE THE NAME, ADDRESS, PLACE OF EMPLOYMENT, OR ANY OTHER  
7 MATERIAL INFORMATION THAT WOULD LEAD TO THE IDENTIFICATION OF  
8 THE BIRTH PARENTS AND THAT INCLUDES BUT IS NOT LIMITED TO THE  
9 FOLLOWING:

- 10 (a) THE PHYSICAL DESCRIPTION OF THE BIRTH PARENTS;
- 11 (b) THE EDUCATIONAL BACKGROUND OF THE BIRTH PARENTS;
- 12 (c) THE OCCUPATION OF THE BIRTH PARENTS;
- 13 (d) GENETIC INFORMATION ABOUT THE BIRTH FAMILY;
- 14 (e) MEDICAL INFORMATION ABOUT THE ADULT ADOPTEE'S BIRTH;
- 15 (f) SOCIAL INFORMATION ABOUT THE BIRTH PARENTS; AND
- 16 (g) THE PLACEMENT HISTORY OF THE ADOPTEE.

17 (94) "NONPUBLIC AGENCY INTERSTATE AND FOREIGN ADOPTION",  
18 AS USED IN SECTION 19-5-205.5, MEANS AN INTERSTATE OR FOREIGN  
19 ADOPTION THAT IS HANDLED BY A PRIVATE, LICENSED CHILD PLACEMENT  
20 AGENCY.

21 (95) (a) "PARENT" MEANS EITHER A NATURAL PARENT OF A CHILD,  
22 AS MAY BE ESTABLISHED PURSUANT TO ARTICLE 4 OF THIS TITLE 19, OR A  
23 PARENT BY ADOPTION.

24 (b) "PARENT", AS USED IN SECTIONS 19-1-114, 19-2.5-501, AND  
25 19-2.5-611, INCLUDES A NATURAL PARENT HAVING SOLE OR JOINT  
26 CUSTODY, REGARDLESS OF WHETHER THE PARENT IS DESIGNATED AS THE  
27 PRIMARY RESIDENTIAL CUSTODIAN, OR A PARENT ALLOCATED PARENTAL

1 RESPONSIBILITIES WITH RESPECT TO A CHILD, OR AN ADOPTIVE PARENT.  
2 FOR THE PURPOSES OF SECTION 19-1-114, "PARENT" DOES NOT INCLUDE A  
3 PERSON WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED PURSUANT TO  
4 THE PROVISIONS OF THIS TITLE 19 OR THE PARENT OF AN EMANCIPATED  
5 MINOR.

6 (96) "PERMANENCY HEARING" MEANS A HEARING IN WHICH THE  
7 PERMANENCY PLAN FOR A CHILD IN FOSTER CARE IS DETERMINED BY THE  
8 COURT.

9 (97) "PLACEMENT OUT OF THE HOME" MEANS PLACEMENT FOR  
10 TWENTY-FOUR-HOUR RESIDENTIAL CARE IN ANY FACILITY OR CENTER  
11 OPERATED OR LICENSED BY THE DEPARTMENT OF HUMAN SERVICES, BUT  
12 "PLACEMENT OUT OF THE HOME" DOES NOT INCLUDE ANY PLACEMENT  
13 THAT IS PAID FOR TOTALLY BY PRIVATE MONEY OR ANY PLACEMENT IN A  
14 HOME FOR THE PURPOSES OF ADOPTION IN ACCORDANCE WITH SECTION  
15 19-5-205. "PLACEMENT OUT OF THE HOME" MAY BE VOLUNTARY OR COURT  
16 ORDERED. "PLACEMENT OUT OF THE HOME" INCLUDES INDEPENDENT  
17 LIVING.

18 (98) (a) "POST-ADOPTION RECORD", AS USED IN PART 3 OF ARTICLE  
19 5 OF THIS TITLE 19, MEANS INFORMATION CONTAINED IN THE FILES  
20 SUBSEQUENT TO THE COMPLETION OF AN ADOPTION PROCEEDING.

21 (b) THE POST-ADOPTION RECORD MAY CONTAIN INFORMATION  
22 CONCERNING BUT NOT LIMITED TO:

23 (I) THE WRITTEN INQUIRIES FROM PERSONS REQUESTING ACCESS TO  
24 RECORDS;

25 (II) THE SEARCH EFFORTS OF THE CONFIDENTIAL INTERMEDIARY;

26 (III) THE RESPONSE, IF ANY, TO THOSE SEARCH EFFORTS BY THE  
27 PERSONS SOUGHT;

1 (IV) ANY UPDATED MEDICAL INFORMATION GATHERED PURSUANT  
2 TO PART 3 OF ARTICLE 5 OF THIS TITLE 19; AND

3 (V) ANY PERSONAL IDENTIFYING INFORMATION CONCERNING ANY  
4 PERSONS SUBJECT TO PART 3 OF ARTICLE 5 OF THIS TITLE 19.

5 (99) "PREVENTION PROGRAM", AS USED IN ARTICLE 3.5 OF THIS  
6 TITLE 19, MEANS A PROGRAM OF DIRECT CHILD ABUSE PREVENTION  
7 SERVICES TO A CHILD, PARENT, OR GUARDIAN AND INCLUDES RESEARCH OR  
8 EDUCATION PROGRAMS RELATED TO THE PREVENTION OF CHILD ABUSE.  
9 SUCH A PREVENTION PROGRAM MAY BE CLASSIFIED AS A PRIMARY  
10 PREVENTION PROGRAM WHEN IT IS AVAILABLE TO THE COMMUNITY ON A  
11 VOLUNTARY BASIS AND AS A SECONDARY PREVENTION PROGRAM WHEN IT  
12 IS DIRECTED TOWARD GROUPS OF INDIVIDUALS WHO HAVE BEEN IDENTIFIED  
13 AS HIGH RISK.

14 (100) "PROTECTIVE SUPERVISION" MEANS A LEGAL STATUS  
15 CREATED BY COURT ORDER UNDER WHICH THE CHILD IS PERMITTED TO  
16 REMAIN IN THE CHILD'S HOME OR IS PLACED WITH A RELATIVE OR OTHER  
17 SUITABLE PERSON AND SUPERVISION AND ASSISTANCE IS PROVIDED BY THE  
18 COURT, DEPARTMENT OF HUMAN SERVICES, OR OTHER AGENCY  
19 DESIGNATED BY THE COURT.

20 (101) "PUBLIC ADOPTION", AS USED IN PART 2 OF ARTICLE 5 OF THIS  
21 TITLE 19, MEANS AN ADOPTION INVOLVING A CHILD WHO IS IN THE LEGAL  
22 CUSTODY AND GUARDIANSHIP OF THE COUNTY DEPARTMENT OF HUMAN OR  
23 SOCIAL SERVICES THAT HAS THE RIGHT TO CONSENT TO ADOPTION FOR  
24 THAT CHILD.

25 (102) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL  
26 OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST  
27 PREVENTION SERVICES ACT". "QUALIFIED INDIVIDUAL" MUST BE

1 APPROVED TO SERVE AS A QUALIFIED INDIVIDUAL ACCORDING TO THE  
2 STATE PLAN. "QUALIFIED INDIVIDUAL" MUST NOT BE AN INTERESTED  
3 PARTY OR PARTICIPANT IN THE JUVENILE COURT PROCEEDING AND MUST BE  
4 FREE OF ANY PERSONAL OR BUSINESS RELATIONSHIP THAT WOULD CAUSE  
5 A CONFLICT OF INTEREST IN EVALUATING THE CHILD, JUVENILE, OR YOUTH  
6 AND MAKING RECOMMENDATIONS CONCERNING THE CHILD'S, JUVENILE'S,  
7 OR YOUTH'S PLACEMENT AND THERAPEUTIC NEEDS ACCORDING TO THE  
8 FEDERAL TITLE IV-E STATE PLAN OR ANY WAIVER IN ACCORDANCE WITH  
9 42 U.S.C. SEC. 675a.

10 (103) "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" MEANS A  
11 LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED  
12 TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE NEEDS, INCLUDING  
13 CLINICAL NEEDS, AS APPROPRIATE, OF CHILDREN AND YOUTH WITH SERIOUS  
14 EMOTIONAL OR BEHAVIORAL DISORDERS OR DISTURBANCES IN  
15 ACCORDANCE WITH THE FEDERAL "FAMILY FIRST PREVENTION SERVICES  
16 ACT", 42 U.S.C. SEC. 672 (k)(4), AND IS ABLE TO IMPLEMENT THE  
17 TREATMENT IDENTIFIED FOR THE CHILD OR YOUTH BY THE ASSESSMENT OF  
18 THE CHILD REQUIRED IN SECTION 19-1-115 (4)(e)(I).

19 (104) "REASONABLE EFFORTS", AS USED IN ARTICLES 1, 2.5, AND  
20 3 OF THIS TITLE 19, MEANS THE EXERCISE OF DILIGENCE AND CARE  
21 THROUGHOUT THE STATE OF COLORADO FOR CHILDREN WHO ARE IN  
22 OUT-OF-HOME PLACEMENT OR ARE AT IMMINENT RISK OF OUT-OF-HOME  
23 PLACEMENT. IN DETERMINING WHETHER IT IS APPROPRIATE TO PROVIDE,  
24 PURCHASE, OR DEVELOP THE SUPPORTIVE AND REHABILITATIVE SERVICES  
25 THAT ARE REQUIRED TO PREVENT UNNECESSARY PLACEMENT OF A CHILD  
26 OUTSIDE OF A CHILD'S HOME OR TO FOSTER THE SAFE REUNIFICATION OF A  
27 CHILD WITH A CHILD'S FAMILY, AS DESCRIBED IN SECTION 19-3-208, OR

1 WHETHER IT IS APPROPRIATE TO FIND AND FINALIZE AN ALTERNATIVE  
2 PERMANENT PLAN FOR A CHILD, AND IN MAKING REASONABLE EFFORTS,  
3 THE CHILD'S HEALTH AND SAFETY ARE THE PARAMOUNT CONCERN.  
4 SERVICES PROVIDED BY A COUNTY OR CITY AND COUNTY IN ACCORDANCE  
5 WITH SECTION 19-3-208 ARE DEEMED TO MEET THE REASONABLE EFFORT  
6 STANDARD DESCRIBED IN THIS SUBSECTION (104). NOTHING IN THIS  
7 SUBSECTION (104) IS CONSTRUED TO CONFLICT WITH FEDERAL LAW.

8 (105) "RECIPIENT", AS USED IN ARTICLE 3.5 OF THIS TITLE 19,  
9 MEANS AND IS LIMITED TO A NONPROFIT OR PUBLIC ORGANIZATION THAT  
10 RECEIVES A GRANT FROM THE TRUST FUND CREATED IN SECTION  
11 19-3.5-106.

12 (106) "RECORD", AS USED IN SECTION 19-4-106, MEANS  
13 INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS  
14 STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN  
15 PERCEIVABLE FORM.

16 (107) "REGISTER OF ACTIONS" MEANS THOSE PORTIONS OF THE  
17 ELECTRONIC CASE MANAGEMENT SYSTEM NECESSARY TO CARRY OUT A  
18 STATUTORY PURPOSE OR THE DUTIES OF A COURT APPOINTMENT.

19 (108) "RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES" MEANS  
20 THOSE RIGHTS AND RESPONSIBILITIES REMAINING WITH THE PARENT AFTER  
21 LEGAL CUSTODY, GUARDIANSHIP OF THE PERSON, OR BOTH, HAVE BEEN  
22 VESTED IN ANOTHER PERSON, AGENCY, OR INSTITUTION, INCLUDING BUT  
23 NOT LIMITED TO THE RESPONSIBILITY FOR SUPPORT, THE RIGHT TO CONSENT  
24 TO ADOPTION, THE RIGHT TO REASONABLE PARENTING TIME UNLESS  
25 RESTRICTED BY THE COURT, AND THE RIGHT TO DETERMINE THE CHILD'S  
26 RELIGIOUS AFFILIATION.

27 (109) "RESPONSIBLE PERSON", AS USED IN PART 3 OF ARTICLE 3 OF

1 THIS TITLE 19, MEANS A CHILD'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN  
2 OR ANY OTHER PERSON RESPONSIBLE FOR THE CHILD'S HEALTH AND  
3 WELFARE.

4 (110) "RESTORATIVE JUSTICE" HAS THE SAME MEANING AS SET  
5 FORTH IN SECTION 19-2.5-102.

6 (111) "REUNITED PARTIES", AS USED IN SECTION 19-5-305, MEANS  
7 ANY TWO PERSONS WHO QUALIFY AS AND MEET ANY SPECIFIED  
8 REQUIREMENTS FOR PARTIES UNDER THE LIST OF INDIVIDUALS IN SECTION  
9 19-5-304 (1)(b)(I).

10 (112) "SEXUAL ASSAULT", AS USED IN SECTIONS 19-5-105,  
11 19-5-105.5, AND 19-5-105.7, MEANS:

12 (a) "SEXUAL ASSAULT", AS DEFINED IN SECTION 18-3-402;

13 (b) "SEXUAL ASSAULT ON A CHILD", AS DEFINED IN SECTION  
14 18-3-405;

15 (c) "SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST",  
16 AS DEFINED IN SECTION 18-3-405.3;

17 (d) "SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST", AS  
18 DEFINED IN SECTION 18-3-405.5; OR

19 (e) "UNLAWFUL SEXUAL CONTACT", AS DEFINED IN SECTION  
20 18-3-404.

21 (113) "SEXUAL CONDUCT", AS USED IN SECTION 19-3-304 (2.5),  
22 MEANS ANY OF THE FOLLOWING:

23 (a) SEXUAL INTERCOURSE, INCLUDING GENITAL-GENITAL,  
24 ORAL-GENITAL, ANAL-GENITAL, OR ORAL-ANAL, WHETHER BETWEEN  
25 PERSONS OF THE SAME OR OPPOSITE SEX OR BETWEEN HUMANS AND  
26 ANIMALS;

27 (b) PENETRATION OF THE VAGINA OR RECTUM BY ANY OBJECT;



1 (c) MASTURBATION; OR

2 (d) SEXUAL SADOMASOCHISTIC ABUSE.

3 (114) "SHELTER" MEANS THE TEMPORARY CARE OF A CHILD IN  
4 PHYSICALLY UNRESTRICTING FACILITIES PENDING COURT DISPOSITION OR  
5 EXECUTION OF A COURT ORDER FOR PLACEMENT.

6 (115) "SIBLING GROUP", AS USED IN ARTICLES 3 AND 5 OF THIS  
7 TITLE 19, MEANS BIOLOGICAL SIBLINGS.

8 (116) "SPECIAL COUNTY ATTORNEY", AS USED IN ARTICLE 3 OF THIS  
9 TITLE 19, MEANS AN ATTORNEY HIRED BY A COUNTY ATTORNEY OR CITY  
10 ATTORNEY OF A CITY AND COUNTY OR HIRED BY A COUNTY DEPARTMENT  
11 OF HUMAN OR SOCIAL SERVICES WITH THE CONCURRENCE OF THE COUNTY  
12 ATTORNEY OR CITY ATTORNEY OF A CITY AND COUNTY TO PROSECUTE  
13 DEPENDENCY AND NEGLECT CASES.

14 (117) "SPECIAL RESPONDENT", AS USED IN ARTICLE 3 OF THIS TITLE  
15 19, MEANS ANY PERSON WHO IS NOT A PARENT, GUARDIAN, OR LEGAL  
16 CUSTODIAN AND WHO IS VOLUNTARILY OR INVOLUNTARILY JOINED IN A  
17 DEPENDENCY OR NEGLECT PROCEEDING FOR THE LIMITED PURPOSES OF  
18 PROTECTIVE ORDERS OR INCLUSION IN A TREATMENT PLAN AND FOR THE  
19 GROUNDS OUTLINED IN SECTIONS 19-3-502 (6) AND 19-3-503 (4).

20 (118) "SPOUSAL EQUIVALENT" MEANS A PERSON WHO IS IN A  
21 FAMILY-TYPE LIVING ARRANGEMENT WITH A PARENT AND WHO WOULD BE  
22 A STEPPARENT IF MARRIED TO THAT PARENT.

23 (119) "STATE BOARD", AS USED IN PART 3 OF ARTICLE 3 OF THIS  
24 TITLE 19, MEANS THE STATE BOARD OF HUMAN SERVICES.

25 (120) "STATE DEPARTMENT", AS USED IN SECTION 19-3-211, PART  
26 3 OF ARTICLE 3 OF THIS TITLE 19, AND ARTICLE 3.3 OF THIS TITLE 19,  
27 MEANS THE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION

1 24-1-120.

2 (121) "STATE REGISTRAR" MEANS THE STATE REGISTRAR OF VITAL  
3 STATISTICS IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

4 (122) "STEPPARENT" MEANS A PERSON WHO IS MARRIED TO A  
5 PARENT OF A CHILD BUT WHO HAS NOT ADOPTED THE CHILD.

6 (123) "TEMPORARY HOLDING FACILITY" MEANS AN AREA USED FOR  
7 THE TEMPORARY HOLDING OF A CHILD FROM THE TIME THAT THE CHILD IS  
8 TAKEN INTO TEMPORARY CUSTODY UNTIL A DETENTION HEARING IS HELD,  
9 IF IT HAS BEEN DETERMINED THAT THE CHILD REQUIRES A STAFF-SECURE  
10 SETTING. SUCH AN AREA MUST BE SEPARATED BY SIGHT AND SOUND FROM  
11 ANY AREA THAT HOUSES ADULT OFFENDERS.

12 (124) "TEMPORARY SHELTER" MEANS THE TEMPORARY PLACEMENT  
13 OF A CHILD WITH KIN, AS DEFINED IN SUBSECTION (82) OF THIS SECTION;  
14 WITH AN ADULT WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD; OR  
15 IN A LICENSED AND CERTIFIED TWENTY-FOUR-HOUR CARE FACILITY.

16 (125) "TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP",  
17 AS USED IN ARTICLES 3 AND 5 OF THIS TITLE 19, MEANS THE PERMANENT  
18 ELIMINATION BY COURT ORDER OF ALL PARENTAL RIGHTS AND DUTIES,  
19 INCLUDING RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES, AS  
20 PROVIDED IN SECTION 19-3-608.

21 (126) "THIRD-PARTY ABUSE", AS USED IN PART 3 OF ARTICLE 3 OF  
22 THIS TITLE 19, MEANS A CASE IN WHICH A CHILD IS SUBJECTED TO ABUSE,  
23 AS DEFINED IN SUBSECTION (1) OF THIS SECTION, BY ANY PERSON WHO IS  
24 NOT A PARENT; STEPPARENT; GUARDIAN; LEGAL CUSTODIAN; SPOUSAL  
25 EQUIVALENT, AS DEFINED IN SUBSECTION (118) OF THIS SECTION; OR ANY  
26 OTHER PERSON NOT INCLUDED IN THE DEFINITION OF "INTRAFAMILIAL  
27 ABUSE", AS DEFINED IN SUBSECTION (78) OF THIS SECTION.

1           (127) "TRAUMA-INFORMED" REFERS TO THE SERVICES TO BE  
2 PROVIDED TO OR ON BEHALF OF A CHILD OR YOUTH UNDER AN  
3 ORGANIZATIONAL STRUCTURE AND TREATMENT FRAMEWORK THAT  
4 INVOLVES UNDERSTANDING, RECOGNIZING, AND RESPONDING TO THE  
5 EFFECTS OF ALL TYPES OF TRAUMA IN ACCORDANCE WITH RECOGNIZED  
6 PRINCIPLES OF A TRAUMA-INFORMED APPROACH AND TRAUMA-SPECIFIC  
7 INTERVENTIONS TO ADDRESS TRAUMA'S CONSEQUENCES AND FACILITATE  
8 HEALING.

9           (128) "TRUST FUND", AS USED IN ARTICLE 3.5 OF THIS TITLE 19,  
10 MEANS THE COLORADO CHILDREN'S TRUST FUND CREATED IN SECTION  
11 19-3.5-106.

12           (129) "UPDATED MEDICAL HISTORY STATEMENT" MEANS A  
13 WRITTEN NARRATIVE STATEMENT DATED AND SIGNED BY A BIRTH PARENT  
14 ABOUT THE MEDICAL HISTORY OF THE BIRTH PARENT OR OTHER  
15 BIOLOGICAL RELATIVES OF THE ADOPTEE THAT CAN BE VOLUNTARILY  
16 SUBMITTED BY THE BIRTH PARENT TO THE STATE REGISTRAR FOR FUTURE  
17 DISCLOSURE TO THE BIRTH PARENT'S ADULT CHILD WHO IS AN ADULT  
18 ADOPTEE OR AN ADULT DESCENDANT OF THE ADOPTEE OR LEGAL  
19 REPRESENTATIVE OF SUCH PERSON IN ACCORDANCE WITH THE PROVISIONS  
20 OF SECTION 19-5-305 (1.5).

21           (130) (a) "VICTIM", AS USED IN THIS TITLE 19 AND EXCEPT AS  
22 PROVIDED IN SUBSECTION (130)(b) OF THIS SECTION, HAS THE SAME  
23 MEANING AS SET FORTH IN SECTION 19-2.5-102.

24           (b) "VICTIM", AS USED IN SECTION 19-5-105.5, MEANS ANY  
25 NATURAL PERSON AGAINST WHOM A CRIME OF SEXUAL ASSAULT OR A  
26 CRIME IN WHICH THE UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT  
27 IS PERPETRATED OR IS ALLEGED TO HAVE BEEN PERPETRATED.

1           (131) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN  
2 TWENTY-ONE YEARS OF AGE.

3           **SECTION 163. Safety clause.** The general assembly hereby  
4 finds, determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, or safety.