

# An Act

SENATE BILL 21-059

BY SENATOR(S) Lee and Gardner, Buckner, Cooke, Gonzales, Holbert, Moreno;

also REPRESENTATIVE(S) Gonzales-Gutierrez and Geitner, Bacon, Bennett, Bird, Duran, Exum, Herod, Lontine, McCluskie, Michaelson Jenet, Ortiz, Ricks, Sandridge, Sirota, Titone, Van Beber, Woodrow, Young.

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

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Repeal of relocated provisions in this act. In Colorado Revised Statutes, repeal article 2 of title 19.

**SECTION 2.** In Colorado Revised Statutes, add with amended and relocated provisions article 2.5 to title 19 as follows:

## **ARTICLE 2.5** **The Colorado Juvenile Justice System**

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

PART 1  
GENERAL PROVISIONS

**19-2.5-101. Legislative declaration.** (1) [Formerly 19-2-102 (1)] (a) The general assembly hereby finds that the intent of this article ARTICLE 2.5 is to protect, restore, and improve the public safety by creating a system of juvenile justice that will appropriately sanction juveniles who violate the law and, in certain cases, will also provide the opportunity to bring together affected victims, the community, and juvenile offenders for restorative purposes.

(b) The general assembly further finds that, while holding paramount the public safety, the juvenile justice system shall MUST take into consideration the best interests of the juvenile, the victim, and the community in providing appropriate treatment to reduce the rate of recidivism in the juvenile justice system and to assist the juvenile in becoming a productive member of society.

(2) [Formerly 19-2-102 (2)] The general assembly hereby finds that the public has the right to safe and secure homes and communities and that when a delinquent act occurs, such safety and security is compromised; and the result is harm to the victim, the community, and the juvenile offender. The general assembly finds that the juvenile justice system should seek to repair such harm and that victims and communities should be provided with the opportunity to elect to participate actively in a restorative process that would hold the juvenile offender accountable for his or her THE offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) "DETERMINATE PERIOD" MEANS THAT THE DEPARTMENT OF HUMAN SERVICES MAY NOT TRANSFER LEGAL OR PHYSICAL CUSTODY OF A JUVENILE UNTIL THE JUVENILE HAS COMPLETED THE PERIOD OF COMMITMENT IMPOSED BY THE COURT, UNLESS OTHERWISE ORDERED BY THE COURT; EXCEPT THAT THE DEPARTMENT OF HUMAN SERVICES MAY RELEASE THE JUVENILE ON PAROLE PRIOR TO COMPLETION OF THE DETERMINATE PERIOD,

PURSUANT TO SECTION 19-2.5-1203.

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

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

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

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

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

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

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

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

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

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

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

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

(22) "GOVERNMENTAL UNIT", AS USED IN SECTIONS 19-2.5-402, 19-2.5-1502, AND 19-2.5-1519, MEANS ANY COUNTY, CITY AND COUNTY, CITY, TOWN, JUDICIAL DISTRICT ATTORNEY'S OFFICE, OR SCHOOL DISTRICT.

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

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

~~(9.5)~~ (25) "Incompetent to proceed" means that, based on an

intellectual or developmental disability, mental ~~disability~~ HEALTH DISORDER, or lack of mental capacity, a juvenile does not have sufficient present ability to consult with ~~his or her~~ THE JUVENILE'S attorney with a reasonable degree of rational understanding in order to assist in the defense or that ~~he or she~~ THE JUVENILE does not have a rational as well as a factual understanding of the proceedings ~~against him or her~~ TAKING PLACE.

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

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

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

~~(11)~~ (29) "Juvenile community review board" ~~is defined in section 19-1-103 (69)~~ MEANS ANY BOARD APPOINTED BY A BOARD OF COUNTY COMMISSIONERS FOR THE PURPOSE OF REVIEWING COMMUNITY PLACEMENTS PURSUANT TO THIS ARTICLE 2.5. A JUVENILE COMMUNITY REVIEW BOARD, IF PRACTICABLE, INCLUDES BUT IS NOT LIMITED TO A REPRESENTATIVE FROM A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A LOCAL SCHOOL DISTRICT, A LOCAL LAW ENFORCEMENT AGENCY, A LOCAL PROBATION DEPARTMENT, A LOCAL BAR ASSOCIATION, THE DIVISION OF YOUTH SERVICES, AND PRIVATE CITIZENS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(39) "PHYSICAL CUSTODIAN", AS USED IN SECTIONS 19-2.5-203 AND 19-2.5-501, MEANS A GUARDIAN, WHETHER OR NOT APPOINTED BY COURT ORDER, WITH WHOM THE JUVENILE HAS RESIDED.

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

~~(13)~~ (41) "Receiving center" ~~is defined in section 19-1-103 (90)~~ MEANS A FACILITY USED BY THE DEPARTMENT OF HUMAN SERVICES TO PROVIDE TEMPORARY DETENTION AND CARE FOR JUVENILES PENDING PLACEMENT IN A TRAINING SCHOOL, CAMP, OR OTHER FACILITY.

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

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

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

(45) (a) "RESTORATIVE JUSTICE" MEANS THOSE PRACTICES THAT EMPHASIZE REPAIRING THE HARM TO THE VICTIM AND COMMUNITY CAUSED BY DELINQUENT ACTS. RESTORATIVE JUSTICE PRACTICES MAY INCLUDE VICTIM-OFFENDER CONFERENCES ATTENDED VOLUNTARILY BY THE VICTIM, A VICTIM ADVOCATE, THE OFFENDER, COMMUNITY MEMBERS, AND SUPPORTERS OF THE VICTIM OR THE OFFENDER THAT PROVIDE AN

OPPORTUNITY FOR THE OFFENDER TO ACCEPT RESPONSIBILITY FOR THE HARM CAUSED TO THOSE AFFECTED BY THE CRIME AND TO PARTICIPATE IN SETTING CONSEQUENCES TO REPAIR THE HARM. CONSEQUENCES RECOMMENDED BY THE PARTICIPANTS MAY INCLUDE BUT NEED NOT BE LIMITED TO APOLOGIES, COMMUNITY SERVICE, RESTORATION, AND COUNSELING. THE SELECTED CONSEQUENCES ARE INCORPORATED INTO AN AGREEMENT THAT SETS TIME LIMITS FOR COMPLETION OF THE CONSEQUENCES AND IS SIGNED BY ALL PARTICIPANTS.

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

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

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

~~(16)~~ (47) "Sentencing hearing" ~~is defined in section 19-1-103 (95)~~ MEANS A HEARING TO DETERMINE WHAT SENTENCE MUST BE IMPOSED ON A JUVENILE DELINQUENT OR WHAT OTHER ORDER OF DISPOSITION MUST BE MADE CONCERNING A JUVENILE DELINQUENT, INCLUDING COMMITMENT. A SENTENCING HEARING MAY BE PART OF THE PROCEEDING THAT INCLUDES THE ADJUDICATORY TRIAL, OR IT MAY BE HELD AT A TIME SUBSEQUENT TO THE ADJUDICATORY TRIAL.

~~(17)~~ (48) "Staff secure facility" ~~is defined in section 19-1-103 (101.5)~~ MEANS A GROUP FACILITY OR HOME AT WHICH EACH JUVENILE IS

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

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

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

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

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

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

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

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

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

(I) Any federal or state law, except nonfelony state traffic, game and fish, and parks and recreation laws or rules; the offense specified in section

18-13-122, concerning the illegal possession or consumption of ethyl alcohol or marijuana by an underage person or illegal possession of marijuana paraphernalia by an underage person; the offenses specified in section 18-18-406 (5)(a)(I), (5)(b)(I), and (5)(b)(II), concerning marijuana and marijuana concentrate; and the civil infraction in section 18-7-109 (3) concerning exchange of a private image by a juvenile;

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

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

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

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

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

(4) Notwithstanding any other provision of this section to the contrary, the juvenile court may exercise jurisdiction over a juvenile who is under sixteen years of age and who has violated a traffic law or ordinance if ~~his or her~~ THE JUVENILE'S case is transferred to the juvenile court from the

county court. Such a transfer ~~shall be~~ IS subject to approval by the juvenile court.

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

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

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

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

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

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

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

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

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

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

**19-2.5-106. [Formerly 19-2-112] Victim's right to attend dispositional, review, and restitution proceedings.** The victim of any delinquent act, or a relative of the victim, if the victim has died, has the right to attend all dispositional, review, and restitution proceedings resulting from the adjudication of such act. The victim or ~~his or her~~ THE VICTIM'S relative has the right to appear at the proceedings personally or with counsel and to adequately and reasonably express ~~his or her~~ THE VICTIM'S views concerning the act, the juvenile, the need for restitution, and the type of dispositional orders that THE COURT should ~~be issued by the court~~ ISSUE. When issuing such orders, the court shall consider the statements made by the victim, or ~~his or her~~ THE VICTIM'S relative, and shall make a finding, on

the record, when appropriate, as to whether or not the juvenile would pose a threat to public safety if granted probation.

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

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

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

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

- (I) Maximum parent involvement in the sentencing orders;
- (II) Participation by the parent in parental responsibility training;
- (III) Cooperation by the parent in treatment plans for the juvenile;
- (IV) Performance of public service by the parent;
- (V) Cost of care reimbursement by the parent;

(VI) Supervision of the juvenile; and

(VII) Any other provisions the court deems to be in the best interests of the juvenile, the parent's other children, or the community.

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

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

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

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

## PART 2 INVESTIGATIONS AND LAW ENFORCEMENT

**19-2.5-201. [Formerly 19-2-510] Preliminary investigation.**  
(1) Whenever it appears to a law enforcement officer or any other person that a juvenile is or appears to be within the court's jurisdiction, as provided in ~~section 19-2-104~~ SECTION 19-2.5-103, the law enforcement officer or other person may refer the matter conferring or appearing to confer jurisdiction to the district attorney, who shall determine whether the interests of the juvenile or of the community require ~~that~~ further action. ~~be taken.~~

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

recommendation.

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

**19-2.5-203. [Formerly 19-2-511] Statements - definitions.** (1) ~~No statements or admissions~~ A STATEMENT OR ADMISSION of a juvenile made as a result of the custodial interrogation of ~~such~~ THE juvenile by a law enforcement official concerning delinquent acts alleged to have been committed by the juvenile ~~shall be~~ ARE NOT admissible in evidence against ~~such~~ THE juvenile unless a parent, guardian, or legal or physical custodian of the juvenile was present at such interrogation and the juvenile and ~~his or her~~ THE JUVENILE'S parent, guardian, or legal or physical custodian were advised of the juvenile's right to remain silent and that any statements made may be used against ~~him or her~~ THE JUVENILE in a court of law, of ~~his or her~~ THE JUVENILE'S right to the presence of an attorney during such interrogation, and of ~~his or her~~ THE JUVENILE'S right to have counsel appointed if ~~he or she~~ THE JUVENILE so requests at the time of the interrogation; except that, if a public defender or counsel representing the juvenile is present at such interrogation, such statements or admissions may be admissible in evidence even though the juvenile's parent, guardian, or legal or physical custodian was not present.

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

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

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

(III) The juvenile is a runaway from a state other than Colorado and

is of sufficient age and understanding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) That is stolen or embezzled; or

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

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

(d) The possession of which is illegal; or

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

(f) The seizure of which is expressly required, authorized, or

permitted by any statute of this state; or

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

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

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

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

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

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

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

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

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

**19-2.5-207. Fingerprinting - juvenile under arrest - ordered by court - definition.** (1) [Formerly 19-2-503.5 (1)] For purposes of this section, "juvenile" means any juvenile who is charged with committing, summoned, or held in detention for committing a delinquent act that constitutes a felony, a class 1 misdemeanor, or a misdemeanor pursuant to section 42-4-1301 ~~C.R.S.~~, or a crime, the underlying factual basis of which

included an act of domestic violence, as defined in section 18-6-800.3 (1), ~~C.R.S.~~, as if committed by an adult.

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

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

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

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

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

(III) The juvenile admits to the offense; and

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

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

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

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

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

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

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

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

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

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

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

(4) Upon the successful completion of the contract to the satisfaction of the screening entity, the juvenile is released from any further obligation, and the prosecuting attorney shall not file a petition in delinquency for the admitted act. The completed contract remains confidential except to the ticketing agency, the screening and supervisory

entity, the juvenile, and the juvenile's parent or legal guardian.

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

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

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

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

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

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

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

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

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

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

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

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

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

### PART 3 DETENTION

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

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

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

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

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

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

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

guardians ad litem.

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

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

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

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

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

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

**19-2.5-303. [Formerly 19-2-507] Duty of officer - screening teams - notification - release or detention.** (1) When a juvenile is taken into temporary custody and not released pending charges, the officer shall notify the screening team for the judicial district in which the juvenile is taken into custody. The screening team shall notify the juvenile's parent, guardian, or legal custodian without unnecessary delay and inform ~~him or her~~ THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN that, if the juvenile is placed in detention or a temporary holding facility, all parties have a right to a prompt hearing to determine whether the juvenile is to be detained further. Such notification may be made to a person with whom the juvenile is residing if a parent, guardian, or legal custodian cannot be located. If the screening team is unable to make such notification, ~~it~~ THE NOTIFICATION

may be made by any law enforcement officer, juvenile probation officer, detention center counselor, or ~~common jailor~~ DETENTION FACILITY STAFF in whose physical custody the juvenile is placed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(IV) That, to avoid delay in obtaining counsel, the juvenile's parent,

guardian, or legal custodian is advised to apply for court-appointed counsel at least five days, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, before the juvenile's promised date of appearance; and

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

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

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

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

(1) Detention is not permitted for the following:

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

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

(c) Juveniles who at admission require medical care, are intoxicated,

or are under the influence of drugs, to an extent that custody of the juvenile is beyond the scope of the detention facility's medical service capacity;

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

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

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

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

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

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

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

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

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

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

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

(d) In order to allow a parent, guardian, or legal custodian to avoid ~~his or her~~ legal responsibility;

(e) Due to a risk of the juvenile's self-harm;

(f) In order to attempt to punish, treat, or rehabilitate the juvenile;

(g) Due to a request by a victim, law enforcement, or the community;

(h) In order to permit more convenient administrative access to the juvenile;

(i) In order to facilitate further interrogation or investigation; or

(j) As a response to technical violations of probation unless the results of a detention screening instrument indicate that the juvenile poses a substantial risk of serious harm to others or if the applicable graduated responses system adopted pursuant to ~~section 19-2-925~~ SECTION 19-2.5-1108 allows for such a placement.

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

(2) A juvenile who is detained for committing a delinquent act must be represented at the detention hearing by counsel. If the juvenile has not

retained his or her own counsel, the court shall appoint the office of the state public defender or, in the case of a conflict, the office of alternate defense counsel to represent the juvenile. This appointment continues if the court appoints the office of the state public defender or the office of alternate defense counsel pursuant to ~~section 19-2-706 (2)(a)~~ SECTION 19-2.5-605 (2)(a) unless:

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

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

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

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

(III) The only purposes of a detention hearing are to determine if a juvenile should be detained further and to define conditions under which ~~he or she~~ THE JUVENILE may be released, if ~~his or her~~ release is appropriate. A detention hearing ~~shall~~ MUST not be combined with a preliminary hearing

or a first advisement. Due to the limited scope of a detention hearing, the representation of a juvenile by appointed counsel at a detention hearing does not, by itself, create a basis for disqualification in the event that such counsel is subsequently appointed to represent another individual whose case is related to the juvenile's case.

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

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

(B) On and after ~~thirty~~ THIRTY-FIVE days after the screening instrument has been developed or adopted pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1404, the validated detention screening instrument has been administered and the juvenile scored as detention-eligible; or there are grounds to override the result of the detention screening instrument based on the criteria developed in accordance with ~~section 19-2-212~~ SECTION 19-2.5-1404; and

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

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

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

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

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

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

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

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

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

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

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

an adjudicatory trial pursuant to ~~section 19-2-107(4)~~ SECTION 19-2.5-610 (4).

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

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

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

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

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

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

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

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

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

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

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

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

(b) (I) If it appears that ~~any~~ A juvenile being held in detention or temporary shelter may have an intellectual and developmental disability, as ~~provided~~ DESCRIBED in article 10.5 of title 27, the court or detention personnel shall refer the juvenile to the nearest community-centered board for an eligibility determination. If it appears that ~~any~~ A juvenile being held in a detention or temporary shelter facility pursuant to ~~the provisions of this article 2~~ ARTICLE 2.5 may have a mental health disorder, as provided in sections 27-65-105 and 27-65-106, the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health hospital placement prescreening on the juvenile. The court ~~shall~~ MUST be notified of the contact and may take appropriate action. If a mental health hospital placement prescreening is requested, it must be conducted in an appropriate place accessible to the juvenile and the mental health professional. A request for a mental health hospital placement prescreening must not extend the time within which a detention hearing must be held pursuant to this section. If a detention hearing has been set but has not yet occurred, the mental health hospital placement prescreening must be conducted prior to the hearing; except that the prescreening must not extend the time within which a detention hearing must be held.

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

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

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

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

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

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

factors:

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

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

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

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

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

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

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

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

(I) Any other relevant factors.

(IV) After charges are filed directly in district court against a juvenile pursuant to ~~section 19-2-517~~ SECTION 19-2.5-801 or a juvenile is transferred to district court pursuant to ~~section 19-2-518~~ SECTION 19-2.5-802, the division of youth services may petition the district court to transport the juvenile to an adult jail. The district court shall hold a hearing

on the place of pretrial detention for the juvenile as soon as practicable, but no later than twenty-one days after the receipt of the division's petition to transport. The district attorney, sheriff, or juvenile may file a response to the petition and participate in the hearing. The juvenile ~~shall remain~~ REMAINS in a juvenile detention facility pending hearing and decision by the district court.

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

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

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

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

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

(II) Notwithstanding ~~the provisions of~~ subsection (4)(c)(I) OF THIS SECTION, if either the official in charge of the jail or facility or the school district determines that an appropriate and safe environment cannot be provided for a specific juvenile, the official and the school district are exempt from the requirement to provide educational services to the juvenile until such time as an environment that is determined to be appropriate and safe by both the official and the school district can be provided. If the school district will not be providing educational services to a juvenile because of the lack of an appropriate and safe environment, the official in charge of the jail or facility shall notify the juvenile, ~~his or her~~ THE JUVENILE'S parent or legal guardian, the juvenile's defense attorney, and the court having jurisdiction over the juvenile's case.

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

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

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

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

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

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

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

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

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

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

(e) (I) Any juvenile arrested and detained for an alleged violation of any article of title 42, or for any alleged violation of a municipal or county ordinance, and not released on bond, must be taken before a judge with jurisdiction of such violation within forty-eight hours for the fixing of bail and conditions of bond pursuant to subsection (3)(a)(VII) of this section. A juvenile may be detained in a jail, lockup, or other place used for the confinement of adult offenders only for processing for no longer than six

hours and during such time must be placed in a setting that is physically segregated by sight and sound from the adult offenders, and in no case may the juvenile be detained in such place overnight. After six hours, the juvenile may be further detained only in a juvenile detention facility operated by or under contract with the department of human services. In calculating time pursuant to this subsection (4), Saturdays, Sundays, and legal holidays are included.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### PART 4 DIVERSION

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

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

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

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

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

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

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

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

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

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

(3) For purposes of this section:

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

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

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

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

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

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

(a) On and after January 1, 2021, conduct a risk screening using a risk screening tool selected pursuant to section 24-33.5-2402 (1)(c) for all juveniles referred to the district attorney pursuant to ~~section 19-2-510~~ SECTION 19-2.5-201, unless a determination has already been made to divert the juvenile, the district attorney declines to file charges, dismisses the case, or charges the juvenile with a class 1 or class 2 felony. The district attorney's office shall conduct the risk screening or contract with an alternative agency that has been formally designated by the district attorney's office to conduct the screening, in which case the results of the screening must be made available to the district attorney's office. The entity conducting the screening shall make the results of the risk screening available to the ~~youth~~ JUVENILE and THE JUVENILE'S family. All individuals using the risk screening tool must receive training on the appropriate use of the tool. The risk screening tool is to be used to inform about decisions

about diversion. The risk screening tool and any information obtained from a juvenile in the course of any screening, including any admission, confession, or incriminating evidence, obtained from a juvenile in the course of any screening or assessment in conjunction with proceedings ~~under~~ PURSUANT TO this section or made in order to participate in a diversion or restorative justice program is not admissible into evidence in any adjudicatory hearing in which the juvenile is accused and is not subject to subpoena or any other court process for use in any other proceeding or for any other purpose.

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

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

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

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

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

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

(I) Ability to pay;

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

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

(IV) Legal representation;

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

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

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

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

(b) Risk screening conducted;

(c) Risk level as determined by the risk screening or, if no A screening was NOT completed, the reason why the screening was not completed;

(d) Offense;

(e) Diversion status;

(f) Service participation;

(g) Program completion data;

(h) Child welfare involvement; and

(i) Identifying data necessary to track the long-term outcomes of diverted juveniles.

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

(b) The director shall regularly monitor these diversion programs to ensure that progress is being made to accomplish the objectives of this section. The division of criminal justice shall offer technical assistance to

district attorneys' offices, governmental units, nongovernmental agencies, and diversion programs to support the uniform collection and reporting of data and to support program development and adherence to program requirements. The division of criminal justice shall provide annual program-level reports to district attorneys' offices and submit a consolidated statewide report annually to the governor and to the judiciary committees of the senate and the house of representatives, the health and human services committee of the senate, and the public health care and human services committee of the house of representatives, or any successor committees. Notwithstanding ~~the provisions of section 24-1-136 (11)(a)(I),~~ these reports continue indefinitely.

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

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

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

**19-2.5-403. [Formerly 19-2-303.5] Juvenile diversion cash fund - creation.** (1) Fifty percent of the ~~moneys~~ MONEY collected pursuant to

section 18-4-509 (2)(a) ~~C.R.S.~~, shall MUST be transmitted to the state treasurer, who shall credit the same to the juvenile diversion cash fund, which fund is hereby created and referred to in this section as the "fund". The moneys MONEY in the fund shall be IS subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of the juvenile diversion program pursuant to ~~section 19-2-303~~ SECTION 19-2.5-402.

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

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

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

## PART 5 INITIATION OF PROCEEDINGS

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

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

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

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

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

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

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

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

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

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

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

~~(b) Repealed.~~

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

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

(8) (a) A summons issued ~~under~~ PURSUANT TO this section may be served in the same manner as the summons in a civil action or by mailing it THE SUMMONS to the juvenile's last-known address by certified mail with return receipt requested not less than ~~five~~ SEVEN days prior to the time the juvenile is requested to appear in court. Service by mail is complete upon

return of the receipt signed by the juvenile, ~~his or her~~ THE JUVENILE'S parents, guardian, legal custodian, physical custodian, or spousal equivalent as defined in ~~section 19-1-103 (10)~~ SECTION 19-1-103.

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

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

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

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

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

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

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

victim and the community by the offender, subject to approval by the court.

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

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

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

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

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

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

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

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

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

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

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

(3) (a) In addition to the rights specified in ~~section 19-2-706~~ SECTION 19-2.5-605, a juvenile who is alleged to be an aggravated juvenile

offender, AS DESCRIBED IN SECTION 19-2.5-1125 (4), may file a written request that adjudication of the act that is the subject of the petition ~~shall~~ MUST be to a jury of twelve persons, and the court shall so order it. ~~Any~~ A juvenile who requests a jury ~~shall be~~ IS deemed to have waived the time limit for an adjudicatory trial pursuant to ~~section 19-2-107 (4)~~ SECTION 19-2.5-610 (4).

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

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

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

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

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

(b) If a juvenile alleged to be an aggravated juvenile offender,

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

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

## PART 6 COURT PROCEEDINGS

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

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

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

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

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

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

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

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

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

**19-2.5-605. [Formerly 19-2-706] Advisement - right to counsel -**

**waiver of right to counsel - definition.** (1) (a) At the juvenile's first appearance before the court, after the detention hearing or at the first appearance if the juvenile appears on a summons, the court shall advise the juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian, or other legal custodian of the juvenile's constitutional rights and legal rights as set forth in rule 3 of the Colorado rules of juvenile procedure, including but not limited to the right to counsel. The advisement ~~shall~~ MUST include the possibility of restorative justice practices, including victim-offender conferences if restorative justice practices are available in the jurisdiction. The advisement regarding restorative justice practices does not establish any right to restorative justice practices on THE JUVENILE'S behalf. ~~of the juvenile.~~

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

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

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

(e) Failure of the juvenile's parent, guardian, or legal custodian to apply for court-appointed counsel may not be construed as a waiver of the

right to counsel or any other rights held by the juvenile.

(2) (a) If the juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian, or other legal custodian are found to be indigent pursuant to section 21-1-103 (3), or the juvenile's parents, guardian, or other legal custodian refuses to retain counsel for the juvenile, or the court, on its own motion, determines that counsel is necessary to protect the interests of the juvenile or other parties, or the juvenile is in the custody of the state department of human services or a county department of human or social services, the court shall appoint the office of state public defender or, in the case of a conflict, the office of alternate defense counsel for the juvenile; except that the court shall not appoint the office of the state public defender or the office of alternate defense counsel if:

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

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

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

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

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

cases; and

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

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

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

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

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

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

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

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

(d) The appointment of counsel pursuant to this subsection (2) ~~shall~~

~~continue~~ CONTINUES until:

(I) The court's jurisdiction is terminated;

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

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

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

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

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

or social services no later than ~~five~~ SEVEN business days after the date of the detention hearing.

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

(3) The local justice plan must provide for the assessment of juveniles taken into custody and detained by law enforcement officers. ~~which~~ THE assessment must be based on criteria for the placement of juveniles established pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1404, so that relevant information may be presented to the judge presiding over the detention hearing. The information provided to the court through the screening process, ~~which information must include~~ INCLUDING the record of any prior adjudication of the juvenile, is intended to enhance the court's ability to make a more appropriate detention and bond decision, based on facts relative to the juvenile's substantial risk of serious harm to others.

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

(a) Periodic telephone communications with the juvenile;

(b) Periodic office visits by the juvenile to the preadjudication service ~~agency~~ PROGRAM;

(c) Periodic home visits to the juvenile's home;

(d) If a validated mental health or substance use screening and subsequent mental health or substance use assessment indicates that the juvenile has a need:

(I) Periodic drug testing of the juvenile; or

(II) BEHAVIORAL OR mental health or substance use treatment for the juvenile, which ~~treatment~~ may include residential treatment;

(e) Periodic visits to the juvenile's school;

(f) Domestic violence or child abuse counseling for the juvenile, if applicable;

(g) Electronic or global position monitoring of the juvenile;

(h) Work release for the juvenile, if school attendance is not applicable or appropriate under the circumstances; or

(i) Juvenile day reporting and day treatment programs.

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

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

~~(b) Repealed.~~

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

(2) At the time of the juvenile's first appearance before the court, the

court shall inform the juvenile and the juvenile's parents or legal guardian of the protection order effective pursuant to this section and shall also inform the juvenile and the juvenile's parents or legal guardian that a violation of such order is punishable as contempt of court.

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

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

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

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

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

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

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

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

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

(c) At the preliminary hearing, the juvenile shall not be called upon to plead, although the juvenile may cross-examine the prosecution witnesses

and may introduce evidence in ~~his or her~~ THE JUVENILE'S own behalf. The prosecution ~~shall have~~ HAS the burden of establishing probable cause. The court at the hearing may temper the rules of evidence in the exercise of sound judicial discretion.

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

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

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

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

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

**19-2.5-610. [Formerly 19-2-107] Right to jury trial.** (1) In any action in delinquency in which a juvenile is alleged to be an aggravated juvenile offender, as described in ~~section 19-2-516~~ SECTION 19-2.5-1125, or is alleged to have committed an act that would constitute a crime of violence, as defined in section 18-1.3-406, ~~C.R.S.~~; if committed by an adult, the juvenile or the district attorney may demand a trial by a jury of not more than six persons, except as provided in ~~section 19-2-601 (3)(a)~~ SECTION 19-2.5-503 (3)(a), or the court, on its own motion, may order ~~such a~~ THE jury to try any case brought ~~under~~ PURSUANT TO this ~~title~~ TITLE 19, except as provided in subsection (2) of this section.

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

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

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

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

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

(3) (a) When a parent or other person who signed a written promise to appear and bring the juvenile to court or who has waived or

acknowledged service fails to appear with the juvenile on the date set by the court, a bench warrant may be issued for the parent or other person, the juvenile, or both.

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

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

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

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

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

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

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

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

(g) Nothing in this subsection (3) ~~shall be construed to create~~

CREATES a right for any juvenile to have ~~his or her~~ THE JUVENILE'S parent or guardian present at any proceeding at which ~~such~~ THE juvenile is present.

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

(2) After the party advises the court of the party's belief that the juvenile could benefit from mental health services, the court shall immediately order a mental health screening of the juvenile pursuant to section 16-11.9-102 using the mental health screening tool selected pursuant to section 24-33.5-2402 (1)(b), unless the court already has sufficient information to determine whether the juvenile could benefit from mental health services or unless a mental health screening of the juvenile has been completed within the last three months. Before sentencing a juvenile, the court shall order a mental health screening using the mental health screening tool selected pursuant to section 24-33.5-2402 (1)(b) or make a finding that the screening would not provide information that would be helpful in sentencing the juvenile. The ~~delinquency proceedings~~ COURT shall not be ~~stayed or suspended~~ STAY OR SUSPEND DELINQUENCY PROCEEDINGS pending the results of the mental health screening ordered pursuant this section. However, the court may continue the dispositional and sentencing hearing to await the results of the mental health screening.

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

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

(5) The assessment, at a minimum, ~~shall~~ MUST include an opinion regarding whether the juvenile could benefit from mental health services. If the assessment concludes that the juvenile could benefit from mental

health services, the assessment ~~shall~~ MUST identify the juvenile's mental health issues and the appropriate services and treatment.

(6) Evidence or treatment obtained as a result of a mental health screening or assessment ordered pursuant to this section, including any information obtained from the juvenile in the course of a mental health screening or assessment, ~~shall~~ MUST be used only for purposes of sentencing; to determine what mental health treatment, if any, to provide to the juvenile; and to determine whether the juvenile justice or another service system is most appropriate to provide this treatment, and must not be used for any other purpose. The mental health screening or assessment ~~and~~ OR any information obtained in the course of the mental health screening or assessment is not subject to subpoena or any other court process for use in any other court proceeding and is not admissible on the issues raised by a plea of not guilty unless the juvenile places ~~his or her~~ THE JUVENILE'S mental health at issue. If the juvenile places ~~his or her~~ THE JUVENILE'S mental health at issue, then either party may introduce evidence obtained as a result of a mental health screening or assessment. The court shall keep any mental health screening or assessment in the court file under seal.

(7) For purposes of this section:

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

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

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

(II) Significant abnormal behaviors under normal circumstances;

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

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

~~(V)~~ (IV) A pervasive mood of unhappiness or of depression; or

~~(VI)~~ (V) A history that includes mental health treatment, a suicide attempt, or the use of psychotropic medication.

(c) "Screening" means a short validated mental health screening to identify juveniles who may have mental health needs adopted by the juvenile justice reform committee pursuant to section 24-33.5-2402 (1)(b) TO IDENTIFY JUVENILES WHO MAY HAVE MENTAL HEALTH NEEDS.

~~(8) Repeated.~~

## PART 7 COMPETENCY TO PROCEED

**19-2.5-701 [Formerly 19-2-1300.2] Legislative declaration.**

(1) The general assembly finds and declares that:

(a) The juvenile justice system is civil in nature and focused on rehabilitation rather than punishment;

(b) Juveniles differ in significant and substantive ways from adults; therefore, different standards for competency are necessary for juveniles and adults; and

(c) Notwithstanding the differences between adults and juveniles, age alone is not determinative of incompetence without a finding that the juvenile actually lacks the relevant capacities for competence.

**19-2.5-702. [Formerly 19-2-1301] Incompetent to proceed - effect - how and when raised.** (1) ~~The provisions of this part 13 shall only apply~~ THIS PART 7 APPLIES ONLY to proceedings ~~under this title~~ BROUGHT PURSUANT TO THIS TITLE 19.

(2) A juvenile ~~shall~~ MUST not be tried or sentenced if the juvenile is incompetent to proceed, as defined in ~~section 19-2-103 (9.5)~~ SECTION 19-2.5-102, at that stage of the proceedings. ~~against him or her.~~ Juveniles, like adults, are presumed competent to proceed, as defined in ~~section 19-2-103 (3.3)~~ SECTION 19-2.5-102, until such time as they are found incompetent to proceed through a decision by the court. A determination of

competency must include an evaluation of INTELLECTUAL AND developmental disabilities, mental ~~disabilities~~ HEALTH DISORDERS, and mental capacity. Age alone is not determinative of incompetence without a finding that the juvenile actually lacks the relevant capacities for competence.

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

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

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

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

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

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

(2) The court shall immediately notify the prosecuting attorney and defense counsel of the preliminary finding regarding competency. The prosecuting attorney or the defense counsel may request a hearing on the

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The management plan may include:

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

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

(III) An informed supervision model;

(IV) Institution of a guardianship petition; or

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

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

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

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

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

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

**19-2.5-706. [Formerly 19-2-1305] Procedure after restoration to competency hearing.** (1) If a juvenile is found to have achieved or been restored to competency after a restoration to competency hearing, ~~as provided in section 19-2-1304~~ PURSUANT TO SECTION 19-2.5-705, or by the court during a review, ~~as provided in section 19-2-1303 (2)~~ PURSUANT TO

SECTION 19-2.5-704 (2), the court shall resume or recommence the trial or sentencing proceeding or order the sentence carried out. The court may credit any time the juvenile spent in confinement or detention while incompetent to proceed against any term of commitment imposed after achievement of or restoration to competency.

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

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

#### PART 8 DIRECT FILING AND TRANSFER HEARINGS

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

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

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

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

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

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

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

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

(B) If the juvenile is convicted in district court in the prior case of a lesser included or nonenumerated offense for which criminal charges could not have been originally filed by information or indictment in the district court pursuant to this section, the subsequent charge may be remanded to the juvenile court.

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

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

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

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

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

The district attorney shall file the response no later than fourteen days before the reverse-transfer hearing.

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

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

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

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

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

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

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

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

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

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

(X) Whether the juvenile was previously committed to the department of human services following an adjudication for a delinquent act

that constitutes a felony; and

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

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

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

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

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

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

(A) A class 1 felony;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Convicted of a class 1 felony;

(B) Convicted of a crime of violence, as defined in section

18-1.3-406; ~~C.R.S.~~; or

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

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

(A) A class 1 felony;

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

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

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

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

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

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

(2) After filing charges in the juvenile court but prior to the time that the juvenile court conducts a transfer hearing, the district attorney may file the same or different charges against the juvenile by direct filing of an information in the district court or by indictment pursuant to ~~section 19-2-517~~ SECTION 19-2.5-801. Upon ~~said~~ THE filing or indictment in the district court, the juvenile court ~~shall~~ no longer ~~have~~ HAS jurisdiction over proceedings concerning ~~said~~ THE charges.

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

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

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

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

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

(I) The seriousness of the offense and whether the protection of the community requires isolation of the juvenile beyond that afforded by

juvenile facilities;

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

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

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

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

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

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

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

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

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

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

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

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

felonies; and

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

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

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

~~(5) Repealed.~~

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

~~(7)~~ (6) (a) If the court finds that its jurisdiction over a juvenile should be waived, it shall enter an order to that effect; except that such order of waiver ~~shall be~~ IS null and void if the district attorney fails to file an information in the criminal division of the district court within five days ~~of~~ AFTER issuance of the written order of waiver, exclusive of Saturdays, Sundays, and court holidays. Upon failure of the district attorney to file an information within five days of the issuance of the written order of waiver, exclusive of Saturdays, Sundays, and court holidays, the juvenile court shall retain jurisdiction and shall proceed ~~as provided in this article~~ PURSUANT TO THIS ARTICLE 2.5.

(b) As a condition of the waiver of jurisdiction, the court in its

discretion may provide that a juvenile shall continue to be held in custody pending the filing of an information in the criminal division of the district court. Where the juvenile has made bond in proceedings in the juvenile court, the bond may be continued and made returnable in and transmitted to the district court, where it ~~shall~~ MUST continue in full force and effect unless modified by order of the district court.

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

## PART 9 ADJUDICATORY PROCEEDINGS

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

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

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

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

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

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

(4) ~~No~~ A juvenile shall NOT be granted an informal adjustment if

~~such~~ THE juvenile has been adjudicated a juvenile delinquent within the preceding twelve months, has had a prior deferred adjudication, or has had an informal adjustment granted within the preceding twelve months.

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

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

**19-2.5-903. [Formerly 19-2-709] Deferral of adjudication.** (1) Except as ~~otherwise provided in subsection (1.5)~~ SET FORTH IN SUBSECTION (2) of this section, in any case in which the juvenile has agreed with the district attorney to enter a plea of guilty, the court, with the consent of the juvenile and the district attorney, upon accepting the guilty plea and entering an order deferring adjudication, may continue the case for a period not to exceed one year ~~from~~ AFTER the date of entry of the order deferring adjudication. The court may continue the case for an additional one-year period for good cause.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) For purposes of this section:

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

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

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

(3) THE COURT SHALL NOT SUPPRESS evidence sought to be excluded in a delinquency proceeding because of the conduct of the peace officer leading to its discovery ~~shall not be suppressed by the court~~ if the court finds that the evidence was seized by the peace officer as a result of a

good-faith mistake or a technical violation and the evidence is otherwise admissible.

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

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

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

(2) If the juvenile is found not guilty after an adjudicatory trial, the court shall order the petition dismissed and the juvenile discharged from any detention or restriction previously ordered. The juvenile's parents, guardian, or other legal custodian ~~shall be~~ ARE also discharged from any restriction or other previous temporary order.

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

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

**19-2.5-909. [Formerly 19-2-902] Motion for new trial.** (1) All

motions for a new trial ~~shall~~ MUST be made pursuant to rule 33 of the Colorado rules of criminal procedure.

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

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

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

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

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

(3) An order of collateral relief may relieve an adjudicated juvenile of any collateral consequences of the adjudication, whether in housing or employment barriers or any other sanction or disqualification that the court shall specify, including but not limited to statutory, regulatory, or other

collateral consequences that the court may see fit to relieve that will assist the adjudicated juvenile in successfully reintegrating into the community.

(4) (a) Notwithstanding any other provision of law, an order of collateral relief cannot relieve any collateral consequences imposed by law for licensure by the department of education or any collateral consequences imposed by law for employment with the judicial branch, the department of corrections, the division of youth services in the department of human services, or any other law enforcement agency in the state of Colorado.

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

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

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

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

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

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

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

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

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

interest.

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

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

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

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

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

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

(c) "Collateral sanction" means a penalty, prohibition, bar, or disadvantage, however denominated, imposed on an individual as a result

of the individual's adjudication for an offense, which penalty, prohibition, bar, or disadvantage applies by operation of law regardless of whether the penalty, prohibition, bar, or disadvantage is included in the judgment or sentence. "Collateral sanction" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, costs of prosecution, or a restraint or sanction on an individual's driving privilege.

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

## PART 10 TEEN COURTS

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

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

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

(2) "Supervising court" means the juvenile court for the city and county of Denver, the district courts of the state other than that of Denver, and any municipal court that establishes a teen court program pursuant to this ~~part 11~~ PART 10.

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

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

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

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

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

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

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

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

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

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

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

(d) The supervising court may accept the teen's plea, order that the

teen participate in the teen court program, and defer further proceedings in the supervising court for up to six months; AND

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

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

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

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

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

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

(b) The approval of teen court judges;

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

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

(I) Community service supervised by the supervising court;

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

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

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

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

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

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

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

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

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

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

(h) Unless otherwise ordered by the teen court judge, the teen jury shall deliberate in private and shall unanimously agree upon the sentence to

be imposed against the teen defendant, pursuant to guidelines adopted by the court; AND

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

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

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

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

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

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

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

PART 11  
SENTENCING  
SUBPART A - IN GENERAL

**19-2.5-1101. [Formerly 19-2-905] Presentence investigation.**  
(1) (a) Prior to the sentencing hearing, juvenile probation for the judicial district in which the juvenile is adjudicated shall conduct a presentence investigation unless waived by the court on its own determination or on

recommendation of the prosecution or the juvenile. The presentence investigation must take into consideration and build on the intake assessment performed by the screening team. The presentence investigation may address, but is not limited to, the following:

(I) The details of the offense;

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

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

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

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

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

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

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

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

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

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

~~(XI)~~ (XII) Review of placement and commitment criteria adopted pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1404, which ~~shall be~~ ARE the criteria for any sentencing recommendations included in the presentence investigation;

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

~~(XIII)~~ (XIV) Recommendations and a proposed treatment plan for the juvenile.

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

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

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

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

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

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

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

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

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

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

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

(4) Prior to sentencing a juvenile who was adjudicated for an offense that would be a felony or misdemeanor not contained in title 42 ~~C.R.S.~~, if committed by an adult, the court may order the juvenile to participate in an assessment to determine whether the juvenile would be suitable for participation in restorative justice practices that would be a part of the juvenile's sentence; except that the court may not order participation in a restorative justice practice if the juvenile was adjudicated a delinquent for unlawful sexual behavior, as defined in section 16-22-102 (9); ~~C.R.S.~~, a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1); ~~C.R.S.~~, stalking, as defined in section 18-3-602; ~~C.R.S.~~, or violation of a protection order, as defined in section 18-6-803.5. ~~C.R.S.~~ If the court orders a suitability assessment, the assessor shall provide the services for a fee of no more than forty dollars based on a sliding scale; however, the fee may be reduced by the court based on a sliding scale consistent with guidelines used to determine eligibility for appointment of counsel. If a juvenile wants to participate in restorative justice practices, the juvenile must make the request to the district attorney or the law enforcement agency administering the program and may not make the request to the victim. If requested by the juvenile or law

enforcement agency, a victim-offender conference may only be conducted after the victim is consulted by the district attorney and offered an opportunity to participate or submit a victim impact statement. If a victim elects not to attend, a victim-offender conference may be held with a suitable victim surrogate or victim advocate, and the victim may submit a victim impact statement. If the juvenile participates in a restorative justice practices victim-offender conference, the facilitator shall provide these services for a fee of no more than one hundred twenty-five dollars based on a sliding scale; however, the fee may be waived by the court.

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

(1) (a) After making a finding of guilt, the court shall hear evidence on the question of the proper disposition best serving the interests of the juvenile and the public. Such evidence ~~shall include, but~~ INCLUDES BUT IS not necessarily ~~be~~ limited to the social study and other reports as provided in section 19-1-107.

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

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

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

~~(b) Repeated.~~

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

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

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

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

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

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

(a) Commitment to the department of human services ~~as provided in section 19-2-909~~ PURSUANT TO SECTION 19-2.5-1117;

(b) Confinement in the county jail or in community corrections ~~as provided in section 19-2-910~~ PURSUANT TO SECTION 19-2.5-1118;

(c) Detention ~~as provided in section 19-2-911~~ PURSUANT TO SECTION 19-2.5-1123;

(d) Placement of legal custody of the juvenile with a relative or other suitable person ~~as provided in section 19-2-912~~ PURSUANT TO SECTION 19-2.5-1112;

(e) Probation ~~as provided in section 19-2-913~~ PURSUANT TO SECTION 19-2.5-1106;

(f) Commitment to the community accountability program ~~as provided in section 19-2-914~~ PURSUANT TO SECTION 19-2.5-1111;

(g) Placement of legal custody of the juvenile in the county department of human or social services or a child placement agency ~~as provided in section 19-2-915~~ PURSUANT TO SECTION 19-2.5-1115;

(h) Placement of the juvenile in a hospital or other suitable facility for receipt of special care ~~as provided in section 19-2-916~~ PURSUANT TO SECTION 19-2.5-1114;

(i) Imposition of a fine ~~as provided in section 19-2-917~~ PURSUANT TO SECTION 19-2.5-1105;

(j) Ordering the juvenile to pay restitution ~~as provided in section 19-2-918~~ PURSUANT TO SECTION 19-2.5-1104;

(k) Ordering the juvenile to complete an anger management treatment program or any other appropriate treatment program ~~as provided in section 19-2-918.5~~ PURSUANT TO SECTION 19-2.5-1122;

(l) Participation in an evaluation to determine whether the juvenile would be suitable for restorative justice practices that would be a part of the juvenile's sentence; except that the court may not order participation in restorative justice practices if the juvenile was adjudicated a delinquent for unlawful sexual behavior, as defined in section 16-22-102 (9); ~~C.R.S.~~, a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1); ~~C.R.S.~~, stalking, as defined in section 18-3-602; ~~C.R.S.~~, or violation of a protection order, as defined in section 18-6-803.5. ~~C.R.S.~~ If the court orders participation in restorative justice

practices, the facilitator shall provide these services for a fee of no more than one hundred twenty-five dollars based on a sliding scale; however, the fee may be waived by the court. Nothing in this ~~paragraph (1) shall be construed to require~~ SUBSECTION (1)(1) REQUIRES a victim to participate in a restorative justice victim-offender conference.

(2) The judge shall sentence any juvenile adjudicated as a special offender ~~as provided in section 19-2-908~~ PURSUANT TO SECTION 19-2.5-1126.

(3) Any sentence imposed on a juvenile pursuant to this section may include the juvenile's parent or guardian ~~as provided in section 19-2-919~~ PURSUANT TO SECTION 19-2.5-1110.

(4) If, as a condition of or in connection with any sentence imposed pursuant to this section, the court requires a juvenile to attend school, the court shall notify the school district in which the juvenile is enrolled of such requirement.

(5) (a) Except as otherwise ~~provided in section 19-2-601~~ SET FORTH IN SECTION 19-2.5-1127 for an aggravated juvenile offender, if the court finds that placement out of the home is necessary and is in the best interests of the juvenile and the community, the court shall place the juvenile, following the criteria established pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1404, in the facility or setting that most appropriately meets the needs of the juvenile, the juvenile's family, and the community. In making its decision as to proper placement, the court shall utilize the evaluation for placement prepared pursuant to section 19-1-107 or the evaluation for placement required by section 19-1-115 (8)(e). Any placement recommendation in the evaluation prepared by the county department of human or social services must be accorded great weight as the placement that most appropriately meets the needs of the juvenile, the juvenile's family, and the community. A recommendation prepared by the county department of human or social services must set forth specific facts and reasons for the placement recommendation. If the evaluation for placement recommends placement in a facility located in Colorado that can provide appropriate treatment and that will accept the juvenile, then the court shall not place the juvenile in a facility outside this state. If the court places the juvenile in a facility located in Colorado other than one recommended by the evaluation for placement, in a facility located outside this state in

accordance with the evaluation for placement, or in a facility in which the average monthly cost exceeds the amount established by the general assembly in the general appropriation bill, it shall make specific findings of fact, including the monthly cost of the facility in which ~~such~~ THE juvenile is placed, relating to its placement decision. A copy of ~~such~~ THE findings must be sent to the chief justice of the supreme court, who shall, notwithstanding section 24-1-136 (11)(a)(I), report monthly to the joint budget committee and annually to the house and senate committees on health and human services, or any successor committees, on such placements. If the court commits the juvenile to the state department of human services, it shall not make a specific placement, nor ~~are the provisions of~~ IS this subsection (5) relating to specific findings of fact applicable.

(b) If the court sentences a juvenile to an out-of-home placement funded by the state department of human services or any county, or commits a juvenile to the state department of human services, and the receiving agency determines that ~~such~~ THE placement or commitment does not follow the criteria established pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1404, including the placement recommended by the receiving agency, the receiving agency may, after assessing ~~such~~ THE juvenile's needs, file a petition with the court for reconsideration of the placement or commitment. ~~Any such~~ THE petition must be filed not later than ~~thirty~~ THIRTY-FIVE days after the placement or commitment. The court shall hear ~~such~~ THE petition and enter an order thereon not later than ~~thirty~~ THIRTY-FIVE days after the filing of the petition, and after notice to all agencies or departments that might be affected by the resolution of the petition, and after all such agencies or departments have had an opportunity to participate in the hearing on the petition. Failure of any such agency or department to appear may be a basis for refusal to accept a subsequent petition by ~~any such~~ THE agency or department that had an opportunity to appear and be present at the original petition hearing. The notification to the parties required pursuant to this subsection (5)(b) must be made by the petitioning party, and proof of ~~such~~ THE service must be filed with the court. If the court sentences a juvenile to an out-of-home placement funded by the county department of human or social services, temporary legal custody of ~~such~~ THE juvenile must be placed with the county department of human or social services, and the placement recommended by ~~such~~ THE county department must be accorded great weight as the placement that most appropriately meets the needs of the juvenile, the juvenile's family, and the community. Any deviation from ~~such~~

THE recommendation must be supported by specific findings on the record of the case detailing the specific extraordinary circumstances that constitute the reasons for deviations from the placement recommendation of the county department of human or social services.

(6) On and after July 1, 2000, each juvenile who is adjudicated for commission of an offense that would constitute a sex offense if committed by an adult or who receives for such offense a deferred adjudication ~~shall~~ ~~be~~ IS required to pay a surcharge to the sex offender surcharge fund, as provided in section 18-21-103; ~~C.R.S.~~; except that the judge may waive payment of all or any portion of ~~such~~ THE surcharge ~~as provided in~~ PURSUANT TO section 18-21-103 (4). ~~C.R.S.~~

(7) The juvenile court in each judicial district may implement a behavioral or mental health disorder screening program to screen juveniles sentenced pursuant to this ~~part 9~~ PART 11. If the juvenile court chooses to implement a behavioral or mental health disorder screening program, the juvenile court shall use the standardized behavioral or mental health disorder screening developed pursuant to section 16-11.9-102 and conduct the screening in accordance with procedures established pursuant to ~~said~~ ~~section~~ SECTION 16-11.9-102.

**19-2.5-1104. [Formerly 19-2-918] Sentencing - restitution by juvenile.** (1) If the court finds that a juvenile who receives a deferral of adjudication or who is adjudicated a juvenile delinquent has damaged ~~the~~ A VICTIM'S personal or real property, ~~of a victim~~; that the victim's personal property has been lost, or that personal injury has been caused to a victim as a result of the juvenile's delinquent act, the court, in addition to any other sentence or commitment that it may impose on the juvenile pursuant to ~~section 19-2-907~~ SECTION 19-2.5-1103, shall enter a sentencing order requiring the juvenile to make restitution as required by article 18.5 of title 16 and part 6 of article 1.3 of title 18. ~~C.R.S.~~

(2) Restitution ~~shall~~ MUST be ordered to be paid in a reasonable manner, as determined by the court and in accordance with article 18.5 of title 16 and part 6 of article 1.3 of title 18. ~~C.R.S.~~

**19-2.5-1105. [Formerly 19-2-917] Sentencing - fines.** Except as otherwise ~~provided in section 19-2-601~~ SET FORTH IN SECTION 19-2.5-1127 for an aggravated juvenile offender, the court may, as the sole punishment

or in addition to any other sentence or commitment specified in ~~section 19-2-907~~ SECTION 19-2.5-1103, impose on the juvenile a fine of not more than three hundred dollars.

**19-2.5-1106. Sentencing - probation - supervised community service or work program.** (1) [Formerly 19-2-913] Except as otherwise provided in ~~section 19-2-601~~ SECTION 19-2.5-1127 for an aggravated juvenile offender:

(a) The court may place the juvenile on probation or under protective supervision in the legal custody of one or both OF THE JUVENILE'S parents or ~~the~~ guardian under such conditions as the court may impose;

(b) The court may place the juvenile on probation and place the juvenile in the juvenile intensive supervision program created pursuant to ~~section 19-2-306~~ SECTION 19-2.5-1409;

(c) The court may require as a condition of probation that the juvenile report for assignment to a supervised work program, place ~~such~~ THE juvenile in a child care facility that ~~shall provide~~ PROVIDES a supervised work program, or require that the JUVENILE'S custodial parent or guardian ~~of the juvenile~~ assist the juvenile in participating in a supervised work program, if:

(I) The juvenile is not deprived of the schooling that is appropriate to ~~his or her~~ THE JUVENILE'S age, needs, and specific rehabilitative goals;

(II) The supervised work program is of a constructive nature designed to promote rehabilitation, is appropriate to the JUVENILE'S age level and physical ability, ~~of the juvenile~~, and is combined with counseling from a juvenile probation officer or other guidance personnel; AND

(III) The supervised work program assignment is made for a period of time consistent with the juvenile's best interest, but not exceeding one hundred eighty days.

(2) [Formerly 19-2-308 (1)] EXCEPT AS SET FORTH IN SUBSECTION (1) OF THIS SECTION, as a condition of a deferral of adjudication or of probation, in conjunction with other dispositional orders, or otherwise, the court may order the juvenile to participate in a supervised community

service or community work program if the court finds that the program will promote the purposes of this ~~title~~ TITLE 19 as set forth in section 19-1-102.

(3) [Formerly 19-2-308 (2)] Participation by the juvenile, or by both the juvenile and the JUVENILE'S parent or guardian, ~~of the juvenile~~ in a community service or work program may be ordered in addition to or in conjunction with an order to pay restitution pursuant to ~~section 19-2-918 or 19-2-919~~ SECTION 19-2.5-1104 OR 19-2.5-1110.

(4) [Formerly 19-2-308 (3)] With the written consent of the victim of the juvenile's delinquent act, the juvenile, or both the juvenile and the custodial parent, the juvenile's parent who has parental responsibilities, or the JUVENILE'S guardian ~~of the juvenile~~ may be ordered to perform work for the victim.

(5) [Formerly 19-2-308 (4)] Any order issued by the court pursuant to this section ~~shall~~ MUST be structured to allow the juvenile to continue regular school attendance and any employment, if appropriate, and ~~shall~~ MUST be suitable to the JUVENILE'S age and abilities. ~~of the juvenile~~: The amount of community service or work ordered ~~shall~~ MUST be reasonably related to the seriousness of the juvenile's delinquent act.

(6) [Formerly 19-2-308 (5)] The court may order any agency or person supervising a juvenile in a community service or work program to advise the court concerning the juvenile's participation in the program in such manner as the court requires.

(7) [Formerly 19-2-308 (6)] The court may order, as a condition of probation, that the juvenile be placed out of the home in a residential child care facility providing a supervised work program or that the juvenile in such facility report to a supervised work program if the court finds the following:

(a) That the juvenile will not be deprived of the education that is appropriate to ~~his or her~~ THE JUVENILE'S age, needs, and specific rehabilitative goals;

(b) That the supervised work program is of a constructive nature designed to promote rehabilitation, is appropriate to the JUVENILE'S age level and physical ability, ~~of the juvenile~~, and is combined with counseling

from a probation officer or other guidance personnel; and

(c) That the supervised work program assignment is made for a period of time consistent with the juvenile's best interest but not exceeding one hundred eighty days.

(8) [Formerly 19-2-308 (7)] The probation department of the court ~~shall be~~ IS responsible for establishing and identifying suitable work programs and assignments. ~~There shall be cooperation of~~ Boards of county commissioners, county sheriffs, and political subdivisions ~~in helping~~ SHALL COOPERATE to establish work programs. The cooperation of suitable nonprofit organizations and other entities may be sought to establish suitable work programs.

(9) [Formerly 19-2-308 (8)] For purposes of the "Colorado Governmental Immunity Act", article 10 of title 24, ~~C.R.S.~~, "public employee" does not include any juvenile who is ordered to participate in a work or community service program ~~under~~ PURSUANT TO this section.

(10) [Formerly 19-2-308 (9)] ~~No~~ A governmental entity or cooperating nonprofit organization ~~shall be~~ IS NOT liable ~~under~~ PURSUANT TO the "Workers' Compensation Act of Colorado", articles 40 to 47 of title 8, ~~C.R.S.~~, or ~~under~~ PURSUANT TO the "Colorado Employment Security Act", articles 70 to 82 of title 8, ~~C.R.S.~~, for any benefits on account of any juvenile who is ordered to participate in a work or community service program ~~under~~ PURSUANT TO this section, but nothing in this ~~subsection (9)~~ shall ~~prohibit~~ SUBSECTION (10) PROHIBITS a governmental entity or cooperating nonprofit organization from electing to accept the provisions of the "Workers' Compensation Act of Colorado" by purchasing and keeping in force a policy of workers' compensation insurance covering ~~such~~ THE person.

(11) [Formerly 19-2-308 (10)] ~~Any~~ A general public liability insurance policy obtained to cover juveniles performing work or community service pursuant to this section and to provide coverage for injuries caused to or by juveniles performing work or community service pursuant to this section ~~shall~~ MUST be in a sum of not less than the current limit on government liability under the "Colorado Governmental Immunity Act", article 10 of title 24. ~~C.R.S.~~

**19-2.5-1107. [Formerly 19-2-926] Juvenile probation officers - powers and duties.** (1) A juvenile probation ~~officers~~ OFFICER appointed ~~under the provisions of section 19-2-204~~ PURSUANT TO SECTION 19-2.5-1406 shall ~~make such investigations~~ INVESTIGATE and keep written records ~~thereof~~ OF SUCH INVESTIGATIONS as the court may direct.

(2) When ~~any~~ A juvenile is placed on probation, the juvenile probation officer shall give the juvenile a written statement of the terms and conditions of ~~his or her~~ THE JUVENILE'S probation and shall explain fully ~~such~~ THE terms and conditions to ~~him or her~~ THE JUVENILE, unless ~~such~~ THE COURT GAVE AND EXPLAINED THE statement ~~has been given him or her and explanation made by the court~~ TO THE JUVENILE pursuant to ~~section 19-2-925~~ SECTION 19-2.5-1108.

(3) (a) Each juvenile probation officer shall keep informed as to the condition and conduct of each juvenile placed under ~~his or her~~ THE JUVENILE PROBATION OFFICER'S supervision and shall report ~~thereon~~ to the court as it ~~may direct~~ DIRECTED.

(b) Each juvenile probation officer shall use all suitable methods, including counseling, to aid each juvenile under ~~his or her~~ THE JUVENILE PROBATION OFFICER'S supervision and shall perform such other duties in connection with the care and custody of juveniles as the court may direct.

(c) Each juvenile probation officer shall keep complete records of all work done, as well as complete accounts of all money collected from those under supervision.

(4) A juvenile probation ~~officers~~ OFFICER, for the purpose of performing ~~their~~ THE JUVENILE PROBATION OFFICER'S duties, shall ~~have~~ HAS all the powers of A peace ~~officers~~ OFFICER, as described in sections 16-2.5-101 and 16-2.5-138. ~~C.R.S.~~

(5) (a) When a juvenile probation officer learns that a juvenile under ~~his or her~~ THE JUVENILE PROBATION OFFICER'S supervision has changed ~~his or her~~ residence to another county, temporarily or permanently, ~~such~~ THE JUVENILE PROBATION officer shall immediately notify the court.

(b) If, after ~~such notification~~ THE COURT IS NOTIFIED PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION, the court determines that it is in the

best interest of the juvenile to transfer jurisdiction to the court in the county in which the juvenile resides or is to reside, the court shall immediately notify such court and shall enter an order transferring jurisdiction to such court. The court transferring jurisdiction pursuant to this ~~paragraph (b)~~ SUBSECTION (5)(b) shall transmit all documents and legal and social records, or certified copies thereof, to the receiving court, together with the order transferring jurisdiction. The receiving court shall proceed with the case as if the petition had been originally filed in said court.

**19-2.5-1108. [Formerly 19-2-925] Probation - terms - release - revocation - graduated responses system - rules - report - definition.**

(1) (a) The terms and conditions of probation must be specified by rules or orders of the court. The court, as a condition of probation for a juvenile who is ten years of age or older but less than eighteen years of age on the date of the sentencing hearing, may impose a commitment or detention. The aggregate length of any such commitment or detention, whether continuous or at designated intervals, must not exceed forty-five days; except that such limit does not apply to any placement out of the home through a county department of human or social services. Each juvenile placed on probation must be given a written statement of the terms and conditions of ~~his or her~~ THE JUVENILE'S probation and have the terms and conditions fully explained. ~~to him or her.~~

(b) The court, as a condition of probation for a youth eighteen years of age or older at the time of sentencing for delinquent acts committed prior to ~~his or her~~ THE YOUTH'S eighteenth birthday, may impose as a condition of probation a sentence to the county jail that ~~shall~~ MUST not exceed ninety days; except that ~~such~~ THE sentence may be for a period of up to one hundred eighty days if the court orders the youth released for school attendance, job training, or employment.

(2) (a) Conditions of probation ~~shall~~ MUST be customized to each juvenile based on the guidelines developed by the committee on juvenile justice reform pursuant to section 24-33.5-2402. The court shall, as minimum conditions of probation, order that the juvenile:

(I) Not violate any federal or state statutes, municipal ordinances, or orders of the court;

(II) Not use or possess a firearm, a dangerous or illegal weapon, or

an explosive or incendiary device, unless granted written permission by the court or probation officer;

(III) Report to a probation officer at reasonable times as directed by the court or probation officer;

(IV) Permit the probation officer to visit the juvenile at reasonable times at ~~his or her~~ THE JUVENILE'S home or elsewhere;

(V) Remain within the jurisdiction of the court, unless granted permission to leave by the court or the probation officer;

(VI) Answer all reasonable inquiries by the probation officer and promptly notify the probation officer of any change in address or employment;

(VII) Make restitution as ordered by the court;

(VIII) Pay the victim compensation fee as ordered by the court;

(IX) Pay the surcharge levied pursuant to section 24-4.2-104 (1)(a)(I); and

(X) May be evaluated to determine whether the juvenile would be suitable for restorative justice practices that would be a part of the juvenile's probation program; except that the court may not order participation in restorative justice practices if the juvenile was adjudicated a delinquent for unlawful sexual behavior, as defined in section 16-22-102 (9); a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1); stalking, as defined in section 18-3-602; or violation of a protection order, as defined in section 18-6-803.5.

(b) The court shall use the results from a validated risk and needs assessment adopted by the juvenile justice reform committee pursuant to ~~section 24-33.5-2402 (1)(b)~~ SECTION 24-33.5-2402 to inform the court of additional conditions of probation, as necessary.

(3) (a) The court may periodically review the terms and conditions of probation and the progress of each juvenile placed on probation. Counsel for the juvenile does not have to be present at any probation review hearing

unless notified by the court that a petition to revoke probation has been filed.

(b) The court may release a juvenile from probation prior to the completion of ~~his or her~~ THE JUVENILE'S term of probation, pursuant to ~~section 19-2-925~~ THIS SECTION, or modify the terms and conditions of ~~his or her~~ THE JUVENILE'S probation at any time, but ~~any~~ A juvenile who has complied satisfactorily with the terms and conditions of ~~his or her~~ THE JUVENILE'S probation for a period of two years ~~shall~~ MUST be released from probation and the jurisdiction of the court ~~shall be~~ terminated.

(4) Before January 1, 2021, the state court administrator shall establish rules to develop a statewide system of structured community-based graduated responses, including incentives and sanctions, to guide probation officers in determining how best to motivate positive juvenile behavior change and the appropriate response to a violation of terms and conditions of juvenile probation. "Graduated responses" means an accountability-based series of sanctions and services designed to respond to a juvenile's violation of probation quickly, consistently, and proportionally and incentives to motivate positive behavior change and successful completion of probation and ~~his or her~~ treatment goals. Juvenile probation shall adopt and use a state juvenile graduated responses and incentives system developed pursuant to this subsection (4) or develop and use a locally developed system that is aligned to best practices. Policies and procedures for the graduated responses system must:

(a) Include incentives that encourage the completion of treatment milestones as well as compliance with the terms and conditions of a juvenile's probation and that reward behavior aligned with the expectations of supervision and the juvenile's case plan; and

(b) Require that a response to a juvenile's violation of the terms and conditions of ~~his or her~~ THE JUVENILE'S supervision take into consideration:

(I) The JUVENILE'S risk ~~of the juvenile~~ to reoffend, as determined by the results of a validated risk and needs assessment;

(II) The previous history of violations and the underlying cause of the juvenile's behavior leading to the violation;

(III) The severity of the current violation;

(IV) The juvenile's case plan; and

(V) The JUVENILE'S previous responses ~~by the juvenile~~ to past violations.

(5) Whenever a probation office has reasonable cause to believe that a juvenile has committed a violation of the terms and conditions of probation and that graduated responses developed pursuant to subsection (4) of this section have previously been applied, or when the nature of the violation poses a substantial risk of serious harm to others, the probation officer, following the approval of ~~his or her~~ THE chief probation officer or the chief's designee, shall petition the court for revocation and shall file written information with the court concerning the juvenile's violation behavior history and the responses applied ~~pursuant to~~ USING the graduated response system DEVELOPED pursuant to subsection (4) of this section.

(6) Unless there is reason to believe that a juvenile would not appear, would interfere with the juvenile justice process, or poses substantial risk of serious harm to others, THE probation ~~officers~~ OFFICER shall issue a summons, or other method approved by local court rule, rather than a warrant when filing a petition for revocation.

(7) The state court administrator shall collect data related to the use of the graduated responses and incentives system DEVELOPED PURSUANT TO SUBSECTION (4) OF THIS SECTION and report ~~this~~ THE data annually to the judiciary committees of the senate and house of representatives, the health and human services committee of the senate, and the public health care and human services committee of the house of representatives, or any successor committees, and the chief justice of the Colorado supreme court. Notwithstanding ~~the provisions of~~ section 24-1-136 (11)(a)(I), the reports to the committees continue indefinitely. Data collected by the state court administrator must include, at a minimum, the types of responses and incentives that were issued, the number of formal violations filed, and the behavior resulting in the violation.

(8) (a) When it is alleged that a juvenile has violated the terms and conditions of ~~his or her~~ probation, and graduated responses have been imposed and exhausted, pursuant to ~~subsection (7)~~ SUBSECTION (5) of this

section, the court shall set a hearing on the alleged violation and shall give notice to the juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian, or other legal custodian and any other parties to the proceeding as provided in ~~section 19-2-514~~ SECTION 19-2.5-501.

(b) The juvenile and ~~his or her~~ THE JUVENILE'S parents, guardian, or other legal custodian ~~shall~~ MUST be given a written statement concerning the alleged violation, and ~~shall~~ have the right to be represented by counsel at the hearing, and ~~shall be~~ ARE entitled to the issuance of compulsory process for the attendance of witnesses.

(c) When the juvenile has been taken into custody because of the alleged violation, ~~the provisions of sections 19-2-507, 19-2-507.5, and 19-2-508~~ SECTIONS 19-2.5-303, 19-2.5-304, AND 19-2.5-305 apply.

(d) (I) The hearing on the alleged violation ~~shall~~ MUST be conducted ~~as provided in~~ PURSUANT TO section 19-1-106.

(II) ~~Subject to the provisions of section 19-2-907~~ PURSUANT TO SECTION 19-2.5-1103, if the court finds that the juvenile violated the terms and conditions of probation, it may modify the terms and conditions of probation, revoke probation, or take such other action permitted by this ~~article 2~~ ARTICLE 2.5 that is in the best interest of the juvenile and the public.

(III) If the court finds that the juvenile did not violate the terms and conditions of ~~his or her~~ probation as alleged, it shall dismiss the proceedings and continue the juvenile on probation under the terms and conditions previously prescribed.

(e) If the court revokes the probation of a person ~~over~~ eighteen years of age OR OLDER, in addition to other action permitted by this ~~article 2~~ ARTICLE 2.5, the court may sentence ~~him or her~~ THE PERSON to the county jail for a period not to exceed one hundred eighty days, during which time ~~he or she~~ THE PERSON may be released during the day for school attendance, job training, or employment, as ordered by the court; except that, if the sentence imposed exceeds ninety days, the court shall order the person released for school attendance, job training, or employment while serving ~~his or her~~ THE sentence.

(9) Following specification of the terms and conditions of probation, where the conditions of probation include requiring the juvenile to attend school, the court shall notify the school district in which the juvenile is enrolled of ~~such~~ THE requirement.

**19-2.5-1109. [Formerly 19-2-925.2] Juvenile probation standards - development.** (1) Before July 1, 2021, the state court administrator, in consultation with judges, the judicial branch, district attorneys, defense counsel, the delivery of the child welfare services task force created in section 26-5-105.8, and other interested parties shall establish statewide standards for juvenile probation supervision and services that are aligned with research-based practices and based on the juvenile's risk of reoffending, as determined by a validated risk and needs assessment tool adopted pursuant to section 24-33.5-2402. The state court administrator shall at least annually provide training to juvenile probation on the adoption and implementation of these standards. Juvenile standards must include, but need not be limited to:

(a) Guidelines to support juvenile probation in adopting the most effective staffing and workloads in order to allocate probation resources most appropriately;

(b) Standards for minimum case contacts, including contacts with juveniles as well as their family members;

(c) (I) Common elements for written individualized case plans for each juvenile placed under the supervision of a probation officer. In developing such a case plan, juvenile probation shall use, but need not be limited to:

(A) The results of a validated risk and needs assessment;

(B) The results of a validated mental health screening, and full assessment if conducted;

(C) The trauma, if any, experienced by the juvenile;

(D) The JUVENILE'S education level ~~of the juvenile~~ and any intellectual and developmental disability;

(E) The seriousness of the offense committed by the juvenile; and

(F) Any relevant information provided by the JUVENILE'S family, ~~of the juvenile~~, including the JUVENILE'S pro-social interests. ~~of the juvenile~~.

(II) A case plan developed pursuant to this section must:

(A) Address the risks the juvenile presents and the juvenile's service needs based on the results of the validated risk and needs assessment, including specific treatment goals;

(B) Specify the level of supervision and intensity of services that the juvenile ~~shall~~ MUST receive;

(C) Provide referrals to treatment providers that may address the juvenile's risks and needs;

(D) Be developed in consultation with the juvenile and the juvenile's family or guardian;

(E) Specify the responsibilities of each person or agency involved with the juvenile; and

(F) Provide for the full reentry of the juvenile into the community;

(d) (I) Criteria and policies for the early termination of ~~juveniles under the supervision of juvenile~~ THE JUVENILE'S SUPERVISED probation;

(II) Juvenile probation and the juvenile court shall consider the following factors, among others, in determining the early termination of supervision:

(A) The seriousness of the offense committed by the juvenile resulting in placement under the supervision of a probation officer;

(B) The results of a validated risk and needs assessment, which ~~shall~~ MUST be conducted at least every six months to determine whether the juvenile's risk of reoffending or risk scores in key domains have been reduced;

(C) The juvenile's progress in meeting the goals of the juvenile's individualized case plan; and

(D) The juvenile's offense history, if any, during the juvenile's probation term.

(e) Common criteria for when juvenile probation officers may recommend the use of out-of-home placements and commitment to the division of youth services. The court shall consider the results of a validated risk and needs assessment, a validated mental health screening, and, if applicable, a full mental health assessment conducted pursuant to section 24-33.5-2402 to make decisions concerning the JUVENILE'S placement. ~~of the juvenile.~~

**19-2.5-1110. [Formerly 19-2-919] Sentencing - requirements imposed on parents - definition.** (1) In addition to any ~~of the provisions~~ REQUIREMENTS specified in ~~sections 19-2-907 to 19-2-918~~ SECTIONS 19-2.5-1103 TO 19-2.5-1106, 19-2.5-1111 TO 19-2.5-1115, 19-2.5-1117, 19-2.5-1118, 19-2.5-1123, AND 19-2.5-1126 any sentence imposed pursuant to ~~section 19-2-907~~ SECTION 19-2.5-1103 may require:

(a) The juvenile or both the juvenile and ~~his or her~~ THE JUVENILE'S parent or guardian to perform volunteer service in the community designed to contribute to the JUVENILE'S rehabilitation ~~of the juvenile~~ or to the ability of the parent or guardian to provide proper parental care and supervision of the juvenile;

(b) The JUVENILE'S parent or guardian ~~of a juvenile~~ or both the parent or guardian and the juvenile to attend the parental responsibility training program described in ~~section 19-2-304~~ SECTION 19-2.5-1411. The court may make reasonable orders requiring proof of completion of ~~such~~ THE training course within a certain time period and may provide that any violation of such orders ~~shall subject~~ SUBJECTS the parent or guardian to the contempt sanctions of the court.

(c) The juvenile or both the juvenile and ~~his or her~~ THE JUVENILE'S custodial parent or parent with parental responsibilities or guardian to perform services for the victim ~~as provided in section 19-2-308~~ PURSUANT TO SECTION 19-2.5-1106, designed to contribute to the JUVENILE'S rehabilitation, ~~of the juvenile~~, if the victim consents in writing to such

services. However, the value of the services required to be rendered by the parent, guardian, legal custodian of, or parent with parental responsibilities with respect to the juvenile ~~under this paragraph (c)~~ shall PURSUANT TO THIS SUBSECTION (1)(c) MUST not exceed twenty-five thousand dollars for any one delinquent act.

(2) In addition to any sentence imposed pursuant to ~~section 19-2-907~~ SECTION 19-2.5-1103 or subsection (1) of this section and regardless of whether the court orders the juvenile to pay restitution pursuant to ~~section 19-2-918~~ SECTION 19-2.5-1104, the court may order:

(a) The JUVENILE'S guardian or legal custodian ~~of the juvenile~~ or the parent allocated parental responsibilities with respect to the juvenile to make restitution to one or more victims pursuant to the terms and conditions set forth in this subsection (2); except that the liability of the JUVENILE'S guardian or legal custodian ~~of the juvenile~~ or parent allocated parental responsibilities with respect to the juvenile ~~under~~ PURSUANT TO this subsection (2) shall MUST not exceed twenty-five thousand dollars for any one delinquent act. If the court finds, after a hearing, that the JUVENILE'S guardian or legal custodian ~~of the juvenile~~ or the parent allocated parental responsibilities with respect to the juvenile has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the court shall absolve the guardian or legal custodian or parent allocated parental responsibilities with respect to the juvenile of liability for restitution ~~under~~ PURSUANT TO this subsection (2).

(b) The juvenile's parent, so long as the parent is a party to the delinquency proceedings, to make restitution to one or more victims pursuant to the terms and conditions set forth in this ~~paragraph (b)~~ SUBSECTION (2)(b); except that the liability of the juvenile's parent ~~under this paragraph (b)~~ shall PURSUANT TO THIS SUBSECTION (2)(b) MUST not exceed the amount of twenty-five thousand dollars for any one delinquent act. Notwithstanding the ~~provisions~~ REQUIREMENTS of this subsection (2), the court may not enter an order of restitution against a juvenile's parent unless the court, prior to entering the order of restitution, holds a restitution hearing at which the juvenile's parent is present. If the court finds, after the hearing, that the juvenile's parent has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the court shall absolve the parent of liability for restitution ~~under this paragraph (b)~~ PURSUANT TO THIS SUBSECTION (2)(b). For purposes of this ~~paragraph (b)~~

(b) SUBSECTION (2)(b), "parent" is defined in ~~section 19-1-103 (82)(a)~~  
SECTION 19-1-103.

(3) ~~Any~~ AN order of restitution entered pursuant to this section may be collected pursuant to ~~the provisions of article 18.5 of title 16. C.R.S.~~

**19-2.5-1111. [Formerly 19-2-914] Sentencing - community accountability program.** Except as otherwise ~~provided in section 19-2-601~~ REQUIRED BY SECTION 19-2.5-1127, the court may sentence the juvenile to participate in the community accountability program as set forth in ~~section 19-2-309.5~~ SECTION 19-2.5-1410. Such a sentence is a condition of probation for higher-risk juveniles who would have otherwise been sentenced to detention or out-of-home placement or committed to the department of human services. A sentence pursuant to this section is conditioned on the availability of space in the community accountability program and on a determination by the division of youth services that the juvenile's participation in the program is appropriate. In the event that the division of youth services determines the program is at maximum capacity or that a juvenile's participation is not appropriate, the juvenile must be ordered to return to the sentencing court for another sentencing hearing.

**19-2.5-1112. [Formerly 19-2-912] Sentencing - placement with relative.** Except as otherwise ~~provided in section 19-2-601~~ REQUIRED BY SECTION 19-2.5-1127 for an aggravated juvenile offender, the court may place the juvenile in the legal custody of a relative or other suitable person under such conditions as the court may impose, which may include placing the juvenile on probation ~~as provided in section 19-2-913~~ PURSUANT TO SECTION 19-2.5-1106 or under protective supervision.

**19-2.5-1113. [Formerly 19-2-911 (1)] Sentencing - alternative services - detention.** Except as otherwise ~~provided in section 19-2-601~~ REQUIRED BY SECTION 19-2.5-1127 for an aggravated juvenile offender and except as ~~provided in subsection (2) of this section~~ REQUIRED BY SECTION 19-2.5-1123, the court may sentence the juvenile to alternative services funded through ~~section 19-2-212~~ SECTION 19-2.5-1404 or other alternative services programs. If a juvenile who is thirteen years of age or older fails to make satisfactory progress in the alternative services to which ~~he or she~~ THE JUVENILE is sentenced or if the court finds that a sentence to alternative services would be contrary to the community interest, the court may sentence ~~any~~ A juvenile adjudicated for an offense that would constitute a

class 3, class 4, class 5, or class 6 felony or a misdemeanor weapons charge if committed by an adult to detention for a period not to exceed forty-five days. Release for purposes of work, therapy, education, or other good cause may be granted by the court. The court may not sentence to detention any A juvenile adjudicated for an offense that would constitute a class 1 or class 2 felony if committed by an adult.

**19-2.5-1114. [Formerly 19-2-916] Sentencing - placement based on special needs of the juvenile.** (1) Except as otherwise provided in ~~section 19-2-601~~ REQUIRED BY SECTION 19-2.5-1127 for an aggravated juvenile offender, the court may order that the juvenile be examined or treated by a physician, surgeon, psychiatrist, or psychologist or that ~~he or she~~ THE JUVENILE receive other special care and may place the juvenile in a hospital or other suitable facility for such purposes; except that ~~no~~ A juvenile may NOT be placed in a mental health facility operated by the department of human services until the juvenile has received a mental health ~~hospital~~ placement prescreening resulting in a recommendation that the juvenile be placed in a facility for an evaluation pursuant to section 27-65-105 or 27-65-106, or a hearing has been held by the court after notice to all parties, including the department of human services. An order for a seventy-two-hour treatment and evaluation ~~shall~~ MUST not be entered unless a hearing is held and evidence indicates that the prescreening report is inadequate, incomplete, or incorrect and that competent professional evidence is presented by a mental health professional that indicates that the juvenile has a behavioral or mental health disorder. The court shall make, prior to the hearing, ~~such~~ orders regarding temporary custody of the juvenile as are deemed appropriate.

(2) Placement in any mental health facility operated by the department of human services ~~shall~~ MUST continue for such time as ordered by the court or until the professional person in charge of the juvenile's treatment concludes that the treatment or placement is no longer appropriate. If placement or treatment is no longer deemed appropriate, the court ~~shall~~ MUST be notified and a hearing held for further disposition of the juvenile within five days excluding Saturdays, Sundays, and legal holidays. The court shall make, prior to the hearing, ~~such~~ orders regarding temporary custody of the juvenile as are deemed appropriate.

**19-2.5-1115. [Formerly 19-2-915] Sentencing - legal custody - county department of human or social services.** Except as otherwise

~~provided in section 19-2-601~~ REQUIRED BY SECTION 19-2.5-1127 for an aggravated juvenile offender, the court, following the criteria for out-of-home placement established pursuant to ~~section 19-2-212~~ SECTION 19-2.5-1404, may place legal custody of the juvenile in the county department of human or social services.

**19-2.5-1116. [Formerly 19-2-906.5] Orders - community placement - reasonable efforts required - reviews.** (1) If the court orders legal custody of a juvenile to a county department of human or social services pursuant to ~~the provisions of this article 2~~ THIS ARTICLE 2.5, the order must contain specific findings as follows:

(a) Whether placement of the juvenile out of the home would be in the juvenile's and the community's best interests;

(b) Whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the home, whether it is reasonable that such efforts are not made because an emergency situation exists that requires the immediate removal of the juvenile from the home, or whether such efforts are not required because of circumstances described in section 19-1-115 (7); and

~~(c) (Deleted by amendment, L. 2006, p. 508, § 3, effective April 18, 2006.)~~

~~(d)~~ (c) Whether reasonable efforts have been made to identify kin or a suitable adult with whom to place the juvenile.

~~(1.5)~~ (2) For all hearings and reviews concerning the juvenile, the court shall ensure that notice is provided to the juvenile and to the following persons with whom the juvenile is placed:

(a) Foster parents;

(b) Pre-adoptive parents;

(c) Relatives; or

(d) Kin, as defined in ~~section 19-1-103 (71.3)~~ SECTION 19-1-103.

~~(2)~~ (3) (a) Every six months after the sentencing hearing ~~provided in section 19-2-906~~ HELD PURSUANT TO SECTION 19-2.5-1102, the court shall hold a hearing to review ~~any~~ AN order of community placement or, if there is no objection by ~~any~~ A party to the action, the court may require the department of human services to conduct an administrative review. The entity scheduling the review shall provide notice of the review to the juvenile; the juvenile's parents or guardian; any service providers working with the juvenile; the juvenile's guardian ad litem, if one has been appointed; and all attorneys of record to allow appearances of any of said persons at the review. At the review conducted pursuant to this ~~subsection~~ ~~(2)~~ SUBSECTION (3), the reviewing entity shall determine WHETHER:

(I) ~~Whether~~ Continued community placement is in the best interests of the juvenile and the community;

(II) ~~Whether~~ The juvenile's safety is protected in the community placement;

(III) ~~Whether~~ Reasonable efforts have been made to return the juvenile to the home or ~~whether~~ the juvenile should be permanently removed from ~~his or her~~ THE home;

(IV) ~~Whether~~ Continued community placement is necessary and appropriate;

(V) ~~Whether~~ There has been compliance with the juvenile's case plan;

(VI) ~~Whether~~ Progress has been made toward alleviating or mitigating the causes that necessitated the community placement; and

(VII) ~~Whether~~ There is a date projected by which the juvenile will be returned and safely maintained in ~~his or her~~ THE home, placed for legal guardianship, or placed in a planned permanent living arrangement.

(b) If the juvenile resides in ~~a placement out of state~~ AN OUT-OF-STATE PLACEMENT, the entity conducting the review shall make a determination that the out-of-state placement continues to be appropriate and in the best interests of the juvenile.

(c) ~~(Deleted by amendment, L. 2001, p. 844, § 5, effective June 1, 2001.)~~

~~(3)~~ (4) (a) If the juvenile is in the legal custody of a county department of human or social services and is placed in a community placement for a period of twelve months or longer, the district court, another court of competent jurisdiction, or an administrative body appointed or approved by the court that is not under the COUNTY DEPARTMENT'S supervision ~~of the department~~ shall conduct a permanency hearing within said twelve months and every twelve months thereafter for as long as the juvenile remains in community placement. At the permanency hearing, the entity conducting the hearing shall ~~make the following determinations~~ DETERMINE WHETHER:

(I) ~~Whether~~ Continued community placement is in the best interests of the juvenile and the community;

(II) ~~Whether~~ The juvenile's safety is protected in the community placement;

(III) ~~Whether~~ Reasonable efforts have been made to finalize the juvenile's permanency plan that is in effect at that time;

(IV) ~~Whether~~ Continued community placement is necessary and appropriate;

(V) ~~Whether~~ There has been compliance with the juvenile's case plan;

(VI) ~~Whether~~ Progress has been made toward alleviating or mitigating the causes that necessitated the community placement;

(VII) ~~Whether~~ There is a date projected by which the juvenile will be returned and safely maintained in ~~his or her~~ THE home, placed for legal guardianship, or placed in a planned permanent living arrangement; and

(VIII) ~~Whether~~ Procedural safeguards to preserve parental rights have been applied in connection with the removal of the juvenile from the home, any change in the juvenile's community placement, or any determination affecting parental visitation.

(b) If the juvenile resides in a ~~placement out of state~~ AN OUT-OF-STATE PLACEMENT, the entity conducting the review shall make a determination that the out-of-state placement continues to be appropriate and in the best interests of the juvenile.

(c) ~~(Deleted by amendment, L. 2001, p. 844, § 5, effective June 1, 2001.)~~

~~(d)~~ (c) The entity conducting the permanency hearing shall consult with the juvenile, in an age-appropriate manner, concerning the juvenile's permanency plan.

**19-2.5-1117. Sentencing - commitment to the department of human services - definitions.** (1) [Formerly 19-2-909 (1)] (a) Except as otherwise ~~provided in sections 19-2-601 and 19-2-921~~ REQUIRED IN SUBSECTION (6) OF THIS SECTION AND SECTION 19-2.5-1127 for an aggravated juvenile offender, the court may commit a juvenile to the department of human services for a determinate period of up to two years if the juvenile is adjudicated for an offense that would constitute a felony or a misdemeanor if committed by an adult; except that, if the juvenile is younger than twelve years of age and is not adjudicated an aggravated juvenile offender, the court may commit the juvenile to the department of human services only if the juvenile is adjudicated for an offense that would constitute a class 1, class 2, or class 3 felony if committed by an adult.

(b) Any commitment to the department of human services pursuant to ~~section 19-2-601 or paragraph (a) of this subsection (1)~~ shall SECTION 19-2.5-1127 OR SUBSECTION (1)(a) OF THIS SECTION MUST be followed by a mandatory period of parole of six months, unless the period of parole is extended by the juvenile parole board pursuant to ~~section 19-2-1002 (5)~~ SECTION 19-2.5-1203 (5).

(c) For purposes of this section:

(I) "Determinate period" is defined in ~~section 19-1-103 (40.5)~~ SECTION 19-2.5-102.

(II) "Period of parole" means the period between the parole period start date and the parole period end date as determined by the juvenile parole board. The period of parole applies to both mandatory six-month

parole and extended parole pursuant to ~~section 19-2-1002 (5)~~ SECTION 19-2.5-1203 (5). The period of parole continues unless the juvenile is deemed to be on escape status, parole has been suspended pursuant to ~~section 19-2-1002~~ SECTION 19-2.5-1203, or the juvenile returns to commitment status pursuant to ~~section 19-2-1004~~ SECTION 19-2.5-1206. In such circumstances, the period of parole stops until the juvenile has returned to parole status.

(2) [Formerly 19-2-909 (2) and (3)] Any A juvenile committed to the department of human services may be placed in the Lookout Mountain school, the Mount View school, or any other training school or facility, or any other disposition may be made that the department may determine as provided by law.

~~(3) (Deleted by amendment, L. 2008, p. 1106, § 12, effective July 1, 2008.)~~

(3) [Formerly 19-2-921 (1)] (a) When a juvenile is committed to the department of human services, the court shall transmit, with the commitment order, a copy of the petition, the order of adjudication, copies of the social study, any clinical or educational reports, and other information pertinent to the JUVENILE'S care and treatment. ~~of the juvenile.~~

(b) The department of human services shall provide the court with any information concerning a juvenile committed to its care that the court at any time may require.

(4) [Formerly 19-2-921 (1.5)] (a) When a court commits a juvenile to the state department of human services pursuant to this ~~article 2~~ ARTICLE 2.5, the court shall make the following specific determinations:

(I) Whether placement of the juvenile outside the home would be in the juvenile's and community's best interest; and

(II) Whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the home; whether it is reasonable that such efforts are not made because an emergency situation exists that requires the immediate removal of the juvenile from the home; or whether such efforts are not required because of circumstances described in section 19-1-115 (7).

(III) HOW to assist in the evaluation of the impact of Colorado's implementation of the federal "Family First Prevention Services Act" on the state's juvenile justice system and make a finding of whether the lack of available and appropriate congregate care placements is a contributing factor in committing a juvenile to the division of youth services.

(b) If a juvenile is making a transition from the legal custody of a county department of human or social services to commitment with the state department of human services, the court shall conduct a permanency hearing in combination with the sentencing hearing. The court shall consider multidisciplinary recommendations for sentencing and permanency planning. In conducting such a permanency hearing, the court shall make determinations pursuant to ~~section 19-2-906.5 (3)(a)~~ SECTION 19-2.5-1116 (4)(a).

(5) [Formerly 19-2-921 (2)] (a) The department of human services shall designate receiving centers for ~~juvenile delinquents~~ JUVENILES committed to the department.

(b) If THE DEPARTMENT OF HUMAN SERVICES MAKES a change is ~~made~~ in the designation of a receiving center, ~~by the department,~~ it shall so notify the juvenile courts at least ~~thirty~~ THIRTY-FIVE days prior to the date that the change takes effect.

(6) [Formerly 19-2-921 (3)] (a) ~~As provided in section 19-2-907~~ PURSUANT TO SECTION 19-2.5-1103, commitment of a juvenile to the department of human services ~~shall~~ MUST be for a determinate period.

(b) (I) The juvenile court may commit any juvenile adjudicated as an aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127 for an offense other than an offense that would constitute a class 1 or class 2 felony if committed by an adult to the department of human services for a determinate period of up to five years.

(II) The juvenile court shall commit any juvenile adjudicated as an aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127 for an offense that would constitute a class 2 felony if committed by an adult to the department of human services for a determinate period of at least three but not more than five years.

(III) The juvenile court shall commit any juvenile adjudicated as an aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127 for an offense that would constitute a class 1 felony if committed by an adult to the department of human services for a determinate period of at least three but not more than seven years.

(c) The juvenile court may commit any juvenile who is not adjudicated an aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127 but WHO is adjudicated for an offense that would constitute a felony or a misdemeanor to the department of human services, and the determinate period of commitment shall MUST not exceed two years; except that, if the juvenile is ten or eleven years of age and is not adjudicated an aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127, the juvenile may be committed to the department of human services only if the juvenile is adjudicated for an offense that would constitute a class 1, class 2, or class 3 felony if committed by an adult.

(7) [Formerly 19-2-921 (3.3)] (a) On or before January 1, 2021, the department of human services, in consultation with the juvenile justice reform committee established pursuant to section 24-33.5-2401, shall develop a length of stay matrix and establish criteria to guide the release of juveniles from a state facility that are based on:

(I) A juvenile's risk of reoffending, as determined by the results of a validated risk and needs assessment adopted pursuant to section 24-33.5-2402 (1)(a);

(II) The seriousness of the offense for which the juvenile was adjudicated delinquent;

(III) The juvenile's progress in meeting treatment goals; and

(IV) Other criteria as determined by the department and the juvenile justice reform committee.

(b) In making release and discharge decisions, the department of human services shall use the matrix and release criteria developed pursuant to this ~~subsection (3.3)~~ SUBSECTION (7).

(8) [Formerly 19-2-921 (3.5)] For all hearings and reviews

concerning a juvenile who is committed to the department of human services, the entity conducting the hearing or review shall ensure that notice is provided to the juvenile and to ANY OF the following persons with whom the juvenile is placed:

- (a) Foster parents;
- (b) Pre-adoptive parents; or
- (c) Relatives.

(9) [Formerly 19-2-921 (4)] The department of human services may petition the committing court to extend the commitment for an additional period not to exceed two years. The petition shall MUST set forth the reasons why it would be in the best interest of the juvenile or the public to extend the commitment. Upon filing the petition, the court shall set a hearing to determine whether the petition should be granted or denied and shall notify all interested parties.

**19-2.5-1118. [Formerly 19-2-910] Sentencing - persons eighteen years of age or older - county jail - community corrections - definitions.**

(1) Except as otherwise provided in ~~section 19-2-601~~ REQUIRED BY SECTION 19-2.5-1127 for an aggravated juvenile offender, the court may commit a person eighteen years of age or older but less than twenty-one years of age to the department of human services if ~~he or she~~ THE PERSON is adjudicated a juvenile delinquent for an act committed prior to ~~his or her~~ THE PERSON'S eighteenth birthday or upon revocation of probation.

(2) Except as otherwise provided in ~~section 19-2-601~~ REQUIRED BY SECTION 19-2.5-1127 for an aggravated juvenile offender, the court may sentence a person who is eighteen years of age or older on the date of a sentencing hearing to the county jail for a period not to exceed six months or to a community correctional facility or program for a period not to exceed one year, which may be served consecutively or in intervals, if ~~he or she~~ THE PERSON is adjudicated a juvenile delinquent for an act committed prior to ~~his or her~~ THE PERSON'S eighteenth birthday.

**19-2.5-1119. [Formerly 19-2-925.6] Genetic testing of adjudicated offenders - definitions.** (1) Beginning July 1, 2007, each of the following adjudicated offenders shall submit to and pay for collection and a chemical

testing of the offender's biological substance sample to determine the OFFENDER'S genetic markers, ~~thereof~~, unless the offender has already provided a biological substance sample for such testing pursuant to a statute of this state:

(a) Every offender who, on or after July 1, 2007, is in the custody of the department of human services for a commitment imposed before that date, including an offender on parole, based on adjudication for an offense involving unlawful sexual behavior, or for which the underlying factual basis involved an offense involving unlawful sexual behavior. The department shall collect the sample as soon as possible.

(b) Every offender who, on or after July 1, 2007, is on probation or supervision for a sentence that was imposed before that date, or is on a deferred adjudication that was before that date, for an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior. The judicial department shall collect the sample at least ~~thirty~~ THIRTY-FIVE days prior to the offender's scheduled termination of probation, supervision, or deferred adjudication.

(c) Every offender who, on or after July 1, 2007, is in a county jail or a community corrections facility for a sentence imposed before that date based on adjudication for an offense that would constitute a felony if committed by an adult. The sheriff or the community corrections program shall collect the sample at least ~~thirty~~ THIRTY-FIVE days prior to the offender's release from the custody of the county jail or community corrections facility.

(d) Every offender who, on or after July 1, 2007, is in a county jail or a community corrections facility for a sentence imposed before that date based on adjudication for a misdemeanor offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior. The sheriff or the community corrections program shall collect the sample at least ~~thirty~~ THIRTY-FIVE days prior to the offender's release from the custody of the county jail or community corrections facility.

(e) Every offender sentenced on or after July 1, 2007, for an offense that would constitute a felony if committed by an adult. This ~~paragraph (e)~~ ~~shall~~ SUBSECTION (1)(e) DOES not apply to an offender granted a deferred

adjudication, unless otherwise required to submit to a sample pursuant to this section or unless the deferred adjudication is revoked and a sentence is imposed. The sample ~~shall~~ MUST be collected:

(I) From an offender committed to the department of human services, by the department during the intake process but in any event within ~~thirty~~ THIRTY-FIVE days after the offender is received by the department;

(II) From an offender sentenced to county jail or to community corrections, by the sheriff or by the community corrections program within ~~thirty~~ THIRTY-FIVE days after the offender is received into the custody of the county jail or the community corrections facility;

(III) From an offender sentenced to probation, by the judicial department within ~~thirty~~ THIRTY-FIVE days after the offender is placed on probation; and

(IV) From an offender who receives any other sentence, by the judicial department within ~~thirty~~ THIRTY-FIVE days after the offender is sentenced.

(f) Every offender who, on or after July 1, 2007, is sentenced for an adjudication of, or who receives a deferred adjudication for, an offense involving unlawful sexual behavior or for which the underlying factual basis involves unlawful sexual behavior. The sample ~~shall~~ MUST be collected:

(I) From an offender committed to the department of human services, by the department during the intake process but in any event within ~~thirty~~ THIRTY-FIVE days after the offender is received by the department;

(II) From an offender sentenced to county jail or community corrections, by the sheriff or by the community corrections facility within ~~thirty~~ THIRTY-FIVE days after the offender is received into the custody of the county jail or the community corrections facility;

(III) From an offender sentenced to probation, by the judicial department within ~~thirty~~ THIRTY-FIVE days after the offender is placed on

probation;

(IV) From an offender who receives a deferred adjudication, by the judicial department within ~~thirty~~ THIRTY-FIVE days after the offender is granted the deferred adjudication; and

(V) From an offender who receives any other sentence, by the judicial department within ~~thirty~~ THIRTY-FIVE days after the offender is sentenced.

(2) For purposes of this section ONLY:

(a) "Adjudicated" means having received a verdict of guilty by a judge or jury or having pled guilty or nolo contendere. Except where otherwise indicated, "adjudicated" does not include deferred adjudication unless the deferred adjudication is revoked and a sentence is imposed.

(b) "Unlawful sexual behavior" ~~shall have~~ HAS the same meaning as in section 16-22-102 (9). ~~C.R.S.~~

(3) The judicial department, the department of human services, a sheriff, or a contractor may:

(a) Use reasonable force to obtain biological substance samples in accordance with this section using medically recognized procedures. In addition, an offender's refusal to comply with this section may be grounds for revocation or denial of parole, probation, or deferred adjudication. Failure to pay for collection and a chemical testing of a biological substance sample ~~shall be~~ IS considered a refusal to comply if the offender has the present ability to pay.

(b) Collect biological substance samples notwithstanding that the collection was not accomplished within an applicable deadline set forth in this section.

(4) Any ~~moneys~~ MONEY received from an offender pursuant to this section ~~shall~~ MUST be deposited in the offender identification fund created in section 24-33.5-415.6. ~~C.R.S.~~

(5) The Colorado bureau of investigation shall conduct the chemical

testing of the biological substance samples obtained pursuant to this section. The Colorado bureau of investigation shall file and maintain the results ~~thereof~~ OF THE CHEMICAL TESTING OF BIOLOGICAL SAMPLES OBTAINED PURSUANT TO THIS SECTION and shall furnish the results to a law enforcement agency upon request. The Colorado bureau of investigation shall store and preserve all biological substance samples obtained pursuant to this section.

**19-2.5-1120. [Formerly 19-2-114] Cost of care.**

(1) (a) Notwithstanding ~~the provisions of~~ section 19-1-115 (4)(d), ~~where~~ IF a juvenile is sentenced to a AN OUT-OF-HOME placement ~~out of the home~~ or is granted probation as a result of an adjudication, deferral of adjudication, or direct filing in or transfer to district court, the court may order the juvenile or the juvenile's parent to make ~~such~~ payments toward the cost of care as are appropriate under the circumstances. In setting the amount of such payments, the court shall take into consideration and make allowances for any restitution ordered to the victim or victims of a crime, which ~~shall~~ take priority over any payments ordered pursuant to this section, and for the maintenance and support of the juvenile's spouse, dependent children, any other persons having a legal right to support and maintenance out of the JUVENILE'S estate, ~~of the juvenile~~; or any persons having a legal right to support and maintenance out of the estate of the juvenile's parent. The court shall also consider the financial needs of the juvenile for the six-month period immediately following the juvenile's release, for the purpose of allowing ~~said~~ THE juvenile to seek employment.

(b) For an adoptive family who receives an approved Title IV-E adoption assistance subsidy pursuant to the federal "Social Security Act", 42 U.S.C. sec. 673 et seq., or an approved payment in subsidization of adoption pursuant to article 7 of title 26, the cost of care, as defined in ~~section 19-1-103(30)~~ SECTION 19-1-103, must not exceed the amount of the adoption assistance payment.

(2) ~~Any~~ AN order for payment toward the cost of care entered by the court pursuant to subsection (1) of this section ~~shall constitute~~ CONSTITUTES a judgment ~~which shall be~~ enforceable by the state or the governmental agency that would otherwise incur the cost of care for the juvenile in the same manner as are civil judgments.

(3) In order to effectuate ~~the provisions of~~ this section, a juvenile

and ~~such~~ THE juvenile's parent ~~shall be~~ ARE required to provide information to the court regarding the juvenile's estate and the estate of ~~such~~ THE juvenile's parent. Such financial information ~~shall~~ MUST be submitted in writing and under oath.

~~(4) and (5) Repealed.~~

**19-2.5-1121. [Formerly 19-2-415] Fees for transporting juveniles.** It is the duty of the sheriff, undersheriff, or deputy, or in their absence any suitable person appointed by the court for such purpose, to convey any juvenile committed ~~under the provisions of section 19-2-601 or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1103 OR 19-2.5-1127 to facilities of the division of youth services. All officers performing services ~~under~~ PURSUANT TO this ~~part 4~~ PART 11 must be paid the same fees as are allowed for similar services in criminal cases, ~~such fees~~ to be paid by the county from which ~~such~~ THE juvenile was committed.

#### SUBPART B OFFENSE-SPECIFIC SPECIALIZED SENTENCING

**19-2.5-1122. [Formerly 19-2-918.5] Sentencing - animal cruelty - anger management treatment.** (1) In addition to any sentence imposed pursuant to this section, ~~any~~ A juvenile who has been adjudicated a juvenile delinquent for the commission of cruelty to animals, as described in section 18-9-202, in which the underlying factual basis ~~of which~~ has been found by the court to include the knowing torture or torment of an animal AND that needlessly injured, mutilated, or killed an animal, may be ordered to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.

(2) The court may order an evaluation to be conducted prior to disposition if an evaluation would assist the court in determining an appropriate disposition. The parents or legal guardian of the juvenile ordered to undergo an evaluation shall ~~be required to~~ pay the cost of the evaluation. If the evaluation results in a recommendation of treatment and if the court so finds, the juvenile must be ordered to complete an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.

(3) The disposition for any A juvenile who has been adjudicated a juvenile delinquent a second or subsequent time, the underlying factual basis of which has been found by the court to include an act of cruelty to animals, as described in section 18-9-202, must include the completion of an anger management treatment program, a mental health treatment program, or any other appropriate treatment program designed to address the underlying causative factors for the violation.

~~(3.5)~~ (4) In addition to any sentence imposed pursuant to this section for any juvenile who has been adjudicated a juvenile delinquent for the commission of cruelty to animals, as described in section 18-9-202, the court may enter an order prohibiting the juvenile or other party from owning, possessing, or caring for a pet animal as defined in section 35-80-102 (10), unless the juvenile's treatment provider makes a specific recommendation not to impose the ban and the court agrees with the recommendation.

~~(4)~~ (5) Nothing in this section ~~shall preclude~~ PRECLUDES the court from ordering treatment in any appropriate case.

~~(5)~~ (6) This section does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when the treatment is in accordance with accepted animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 32 of title 44, the treatment of animals involved in research if the research facility is operating under rules set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.

**19-2.5-1123. Sentencing - mandatory detention - weapons and crimes of violence.** (1) [Formerly 19-2-911 (2)] In the case of a juvenile who has been adjudicated a juvenile delinquent for the commission of one of the offenses described in ~~section 19-2-508 (3)(a)(IV)~~ SECTION 19-2.5-305 (3)(a)(V), the court shall sentence the juvenile to a minimum mandatory period of detention of not fewer than five days.

(2) [Formerly 19-2-911 (3)] A juvenile who is less than thirteen

years of age may not be sentenced to detention unless ~~he or she~~ THE JUVENILE has been adjudicated for a felony or weapons charge pursuant to section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5. As an alternative, the juvenile probation department may conduct a presentence investigation pursuant to ~~section 19-2-905~~ SECTION 19-2.5-1101. The investigation may result in the juvenile:

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

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

(c) Being placed in a shelter facility; or

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

**19-2.5-1124. (Reserved)**

SUBPART C  
SENTENCING - SPECIAL OFFENDERS

**19-2.5-1125. [Formerly 19-2-516] Petitions - special offenders.**

(1) **Mandatory sentence offender.** A juvenile is a mandatory sentence offender if ~~he or she~~ THE JUVENILE:

(a) ~~(I)~~ Has been adjudicated a juvenile delinquent twice; or

~~(II)~~ (b) Has been adjudicated a juvenile delinquent and if ~~his or her~~ THE JUVENILE'S probation has been revoked for a delinquent act, and:

~~(b)~~ (I) Is subsequently adjudicated a juvenile delinquent; or

(II) Has probation revoked for a delinquent act.

(2) **Repeat juvenile offender.** A juvenile is a repeat juvenile offender if ~~he or she~~ THE JUVENILE has been previously adjudicated a

juvenile delinquent and is adjudicated a juvenile delinquent for a delinquent act that constitutes a felony or if ~~his or her~~ THE JUVENILE'S probation is revoked for a delinquent act that constitutes a felony.

(3) **Violent juvenile offender.** A juvenile is a violent juvenile offender if ~~he or she~~ THE JUVENILE is adjudicated a juvenile delinquent for a delinquent act that constitutes a crime of violence as defined in section 18-1.3-406 (2). ~~C.R.S.~~

(4) **Aggravated juvenile offender.** (a) A juvenile offender is an aggravated juvenile offender if ~~he or she~~ THE JUVENILE is:

(I) Adjudicated a juvenile delinquent for a delinquent act that constitutes a class 1 or class 2 felony or if ~~his or her~~ THE JUVENILE'S probation is revoked for a delinquent act that constitutes a class 1 or class 2 felony; or

(II) Adjudicated a juvenile delinquent for a delinquent act that constitutes a felony and either is subsequently adjudicated a juvenile delinquent for a delinquent act that constitutes a crime of violence, as defined in section 18-1.3-406 (2), ~~C.R.S.~~; or has ~~his or her~~ probation revoked for a delinquent act that constitutes a crime of violence, as defined in section 18-1.3-406 (2); ~~C.R.S.~~; or

(III) Adjudicated a juvenile delinquent or if ~~his or her~~ THE JUVENILE'S probation is revoked for a delinquent act that constitutes felonious unlawful sexual behavior ~~under~~ PURSUANT TO part 4 of article 3 of title 18, ~~C.R.S.~~; incest ~~under~~ PURSUANT TO section 18-6-301, ~~C.R.S.~~; or aggravated incest ~~under~~ PURSUANT TO section 18-6-302. ~~C.R.S.~~

(b) Provisions concerning aggravated juvenile offenders are located in ~~section 19-2-601~~ SECTIONS 19-2.5-503 AND 19-2.5-1127.

**19-2.5-1126. [Formerly 19-2-908] Sentencing - special offenders.**

(1) The court shall sentence a juvenile adjudicated as a special offender as follows:

(a) **Mandatory sentence offender.** The court shall place or commit ~~any~~ A juvenile adjudicated as a mandatory sentence offender, as described in ~~section 19-2-516 (1)~~ SECTION 19-2.5-1125 (1), out of the home for not

less than one year, unless the court finds that an alternative sentence or a commitment of less than one year out of the home would be more appropriate; except that:

(I) If the person adjudicated as a mandatory sentence offender is eighteen years of age or older on the date of the sentencing hearing, the court may sentence that person to the county jail or to a community correctional facility or program for a period not to exceed two years, if ~~such~~ THE person has been adjudicated a mandatory sentence offender pursuant to this ~~article~~ ARTICLE 2.5 for acts committed prior to ~~such~~ THE person's eighteenth birthday; or

(II) The juvenile or person may be released by the committing judge upon a showing of exemplary behavior.

(b) **Repeat juvenile offender.** The court shall sentence ~~any~~ A juvenile adjudicated as a repeat juvenile offender, as described in ~~section 19-2-516 (2)~~ SECTION 19-2.5-1125 (2), out of the home for not less than one year, unless the court finds that an alternative sentence or a commitment of less than one year out of the home would be more appropriate; except that:

(I) If the person adjudicated as a repeat juvenile offender is eighteen years of age or older on the date of the sentencing hearing, the court may sentence that person to the county jail or to a community correctional facility or program for a period not to exceed two years, if ~~such~~ THE person has been adjudicated a repeat juvenile offender pursuant to this ~~article~~ ARTICLE 2.5 for acts committed prior to ~~such~~ THE person's eighteenth birthday; or

(II) The juvenile or person may be released by the committing judge upon a showing of exemplary behavior.

(c) **Violent juvenile offender.** (I) (A) Upon adjudication as a violent juvenile offender, as described in ~~section 19-2-516 (3)~~ SECTION 19-2.5-1125 (3), the juvenile ~~shall~~ MUST be placed or committed out of the home for not less than one year; except that this ~~sub-subparagraph (A) shall~~ SUBSECTION (1)(c) DOES not apply to a juvenile who is ten years of age or older, but less than twelve years of age, when the court finds that an alternative sentence or a commitment of less than one year out of the home would be more appropriate.

(B) Upon adjudication as a violent juvenile offender, if the person is eighteen years of age or older on the date of the sentencing hearing, the court may sentence such person to the county jail or to a community correctional facility or program for a period not to exceed two years, if ~~such~~ THE person has been adjudicated a violent juvenile offender pursuant to this ~~article~~ ARTICLE 2.5 for acts committed prior to ~~such~~ THE person's eighteenth birthday.

(II) The court may commit a violent juvenile offender to the department of human services. The court may impose a minimum sentence during which the juvenile ~~shall~~ MUST not be released from a residential program without prior written approval of the court that made the commitment.

(d) **Aggravated juvenile offender.** The court shall sentence an aggravated juvenile offender ~~as provided in section 19-2-601~~ AS DESCRIBED IN SECTION 19-2.5-1127.

**19-2.5-1127. [Formerly 19-2-601 (5) to (10)] Aggravated juvenile offender - definition.** ~~(5)~~ (1) (a) (I) Upon adjudication as an aggravated juvenile offender:

(A) For an offense other than an offense that would constitute a class 1 or 2 felony if committed by an adult, the court may commit the juvenile to the department of human services for a determinate period of up to five years;

(B) For an offense that would constitute a class 2 felony if committed by an adult, the court shall commit the juvenile to the department of human services for a determinate period of at least three but not more than five years;

(C) For an offense that would constitute a class 1 felony if committed by an adult, the court shall commit the juvenile to the department of human services for a determinate period of at least three but not more than seven years; AND

(D) When the petition alleges the offense of murder in the first degree or murder in the second degree, or sexual assault ~~under~~ PURSUANT TO section 18-3-402 (3.5) or ~~18-3-402~~ (4) ~~C.R.S.~~, and the juvenile is

adjudicated a delinquent for either murder in the first degree or murder in the second degree, then the court may sentence the juvenile consecutively or concurrently for any crime of violence as described in section 18-1.3-406 ~~C.R.S.~~, or for a delinquent act contained in the petition for which the juvenile is an aggravated juvenile offender.

(II) An aggravated juvenile offender thus committed to the department of human services ~~shall~~ MUST not be transferred to a nonsecure or community setting for a period of more than forty-eight hours, excluding Saturdays, Sundays, and court holidays, nor released before the expiration of the determinate term imposed by the court without prior order of the court.

(b) (I) Upon court order, the department of human services may transfer a juvenile committed to its custody pursuant to ~~paragraph (a) of this subsection (5)~~ SUBSECTION (1)(a) OF THIS SECTION to the department of corrections if the juvenile has reached eighteen years of age and the department of human services has certified that the juvenile is no longer benefitting from its programs.

(II) THE DEPARTMENT OF HUMAN SERVICES SHALL INITIATE such transfer ~~shall be initiated by the filing of a request by the department of human services~~ for transfer with the court of commitment that ~~shall~~ MUST state the basis for the request. Upon receipt of such a request, the court shall notify the interested parties and ~~shall~~ set the matter for a hearing.

(III) The court shall authorize ~~such~~ THE transfer only upon a finding by a preponderance of the evidence that the juvenile is no longer benefitting from the programs of the department of human services.

(IV) Upon entering an order of transfer to the department of corrections, pursuant to this ~~paragraph (b)~~ SUBSECTION (1)(b), the court shall amend the mittimus and transfer all further jurisdiction over the juvenile to the department of corrections. Thereafter the juvenile ~~shall be~~ IS governed by the provisions for adult felony offenders in titles 16 and 17 ~~C.R.S.~~, as if ~~he or she~~ THE JUVENILE had been sentenced as an adult felony offender for the unserved portion of sentence that remains upon transfer to the department of corrections.

~~(6)~~ (2) (a) After a juvenile who is sentenced pursuant to

~~sub-subparagraph (B) or (C) of subparagraph (I) of paragraph (a) of subsection (5)~~ SUBSECTION (1)(a)(I)(B) OR (1)(a)(I)(C) of this section has been in the custody of the department of human services for three years or more, the department may petition the court for an order authorizing the department to place the juvenile on juvenile parole upon approval by the juvenile parole board pursuant to ~~section 19-2-1002~~ SECTION 19-2.5-1203. After a juvenile who is sentenced pursuant to ~~sub-subparagraph (A) of subparagraph (I) of paragraph (a) of subsection (5)~~ SUBSECTION (1)(a)(I)(A) of this section has served the minimum mandatory period of the commitment or three years, whichever is sooner, the department of human services may petition the court for an order authorizing the department to place the juvenile on juvenile parole upon approval by the juvenile parole board pursuant to ~~section 19-2-1002~~ SECTION 19-2.5-1203. THE DEPARTMENT OF HUMAN SERVICES SHALL CONDUCT the parole supervision. ~~shall be conducted by the department of human services.~~ Upon the filing of the petition, the court shall notify the interested parties and set the matter for a hearing. The court shall authorize the department of human services to place the juvenile on juvenile parole upon approval of the juvenile parole board pursuant to ~~section 19-2-1002~~ SECTION 19-2.5-1203, only upon finding by a preponderance of the evidence that the safety of the community will not be jeopardized by ~~such~~ THE JUVENILE'S release.

(b) Parole supervision of a juvenile who has been transferred to the department of corrections is governed by the provisions for adult felony offenders in titles 16, 17, and 18 ~~C.R.S.~~, as if the juvenile had been sentenced as an adult felony offender; except that, if the juvenile was adjudicated and sentenced for a class 1 felony, then the juvenile ~~shall~~ MUST serve a ten-year period of mandatory parole after completion of ~~his or her~~ THE JUVENILE'S sentence.

~~(7)~~ (3) Upon ~~the~~ filing of a petition with the committing court for transfer of the juvenile to a nonsecure or community setting, or for early release from the custody of the department of corrections or human services, the court shall notify the interested parties and set the matter for a hearing. The court shall order such transfer or release only upon a finding by a preponderance of the evidence that the safety of the community will not be jeopardized by ~~such~~ THE transfer or release; except that early release of the juvenile from the department of corrections ~~shall be~~ IS governed by the provisions for adult felony offenders in titles 16 and 17 ~~C.R.S.~~, as if the juvenile had been sentenced as an adult felony offender.

~~(8)~~ (4) (a) (I) When a juvenile in the custody of the department of human services pursuant to this section reaches the age of twenty years and six months, the department of human services shall file a motion with the court of commitment regarding further jurisdiction of the juvenile. Upon the filing of such a motion, the court shall notify the interested parties, appoint counsel for the juvenile, and set the matter for a hearing. The court shall, as part of this hearing, reconsider the length of the remaining sentence and consider the factors as set forth in ~~paragraph (c) of this subsection (8) herein~~ SUBSECTION (4)(c) OF THIS SECTION.

(II) When the court notifies the interested parties, the court shall order that the juvenile submit to and cooperate with a psychological evaluation and risk assessment by a mental health professional to determine whether the juvenile is a danger either to himself or herself or to others. The mental health professional shall prepare a written report and ~~shall~~ provide a copy of the report to the court that ordered it, the prosecuting attorney, and counsel for the juvenile at least ~~fifteen~~ FOURTEEN days before the hearing.

(b) At the hearing upon the motion, the court may either transfer the custody of and jurisdiction over the juvenile to the department of corrections for placement in a correctional facility, the youthful offender system, or a community corrections program; authorize early release of the juvenile pursuant to ~~subsection (7)~~ SUBSECTION (3) of this section; place the juvenile on adult parole for a period of five years; or order that custody and jurisdiction over the juvenile ~~shall~~ MUST remain with the department of human services; except that the custody of and jurisdiction over the juvenile by the department of human services ~~shall terminate~~ TERMINATES when the juvenile reaches twenty-one years of age.

(c) In considering whether ~~or not~~ to transfer the custody of and jurisdiction over the juvenile to the department of corrections, the court shall consider all relevant factors including, but not limited to, the court-ordered psychological evaluation and risk assessment; the nature of the crimes committed; the OFFENDER'S prior criminal history; ~~of the offender~~; the OFFENDER'S maturity; ~~of the offender~~; the offender's behavior in custody; the offender's progress and participation in classes, programs, and educational improvement; the impact of the crimes on the victims; the likelihood of rehabilitation; the placement where the offender is most likely to succeed in reintegrating in the community; and the interest of the community in the imposition of punishment commensurate with the gravity

of the offense.

~~(9)~~ (5) At any postadjudication hearing held pursuant to this section, the state ~~shall be~~ IS represented by the district attorney and ~~by~~ the attorney general; except that the attorney general may be excused from participation in the hearing with the permission of the district attorney and of the court. At any postadjudication hearing held pursuant to this section, the department of corrections ~~shall be~~ IS considered an interested party and ~~shall~~ MUST be sent notice of such hearing.

~~(10)~~ (6) AS USED IN THIS SECTION, "mental health professional" means a person who is employed by the department of human services or is employed under contract with the department of human services and is:

(a) A licensed physician with the appropriate training and expertise in psychiatry; or

(b) A licensed psychologist.

## PART 12 JUVENILE PAROLE

**19-2.5-1201. Juvenile parole board - creation - membership - authority - rules.** (1) [Formerly 19-2-206 (1)] There is ~~hereby~~ created a juvenile parole board, referred to in this section and section 19-2-207 PART 12 as the "board". ~~to consist~~ THE BOARD CONSISTS of nine members appointed by the governor and confirmed by the senate. Any vacancy that occurs when the general assembly is not in session may be filled by the governor, and such member ~~shall serve~~ SERVES temporarily until confirmed at the next regular session of the general assembly.

(2) [Formerly 19-2-206 (2)] All nine members ~~shall be~~ ARE voting members. ~~and~~; Of the nine members:

(a) One member ~~shall be~~ IS from the department of human services;

(b) One member ~~shall be~~ IS from the department of education;

(c) One member ~~shall be~~ IS from the department of public safety;

(d) One member ~~shall be~~ IS from the department of labor and employment; and

~~(e) (Deleted by amendment, L. 2008, p. 1105, § 10, effective July 1, 2008.)~~

~~(f)~~ (e) Five members ~~shall be~~ ARE from the public at large and ~~shall~~ MUST not be employees of the state government. At least one of the members from the public at large ~~shall~~ MUST be a resident of the area west of the continental divide.

(3) [Formerly 19-2-206 (3)] All members ~~shall~~ serve at the pleasure of the governor, and the governor shall designate one member of the board to act as chairperson.

(4) [Formerly 19-2-206 (4)] The full board ~~shall meet~~ MEETS not less than once a month, and the presence of five members, at least two of whom are members described in ~~paragraph (f) of subsection (2)~~ SUBSECTION (2)(e) of this section, ~~shall constitute~~ CONSTITUTES a quorum to transact official business of the full board.

(5) [Formerly 19-2-206 (5)] All members of the board ~~shall be~~ ARE reimbursed for expenses necessarily incurred in the performance of their duties. In addition to the reimbursement of expenses, the five citizen board members shall receive a per diem of one hundred fifty dollars per full day and seventy-five dollars per half day spent transacting official business of the board.

(6) [Formerly 19-2-206 (6)] THE DEPARTMENT OF HUMAN SERVICES SHALL FURNISH clerical and other assistance for the board. ~~shall be furnished by the department of human services. Such clerical and other assistance shall be supervised by~~ A juvenile parole board administrator appointed by the executive director of the department of human services SHALL SUPERVISE SUCH CLERICAL AND OTHER ASSISTANCE PROVIDED PURSUANT TO THIS SUBSECTION (6).

(7) [Formerly 19-2-207] The board may grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services ~~under section 19-2-601 or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1103 OR 19-2.5-1127 in a manner

that is in the best interests of the juvenile and the public. In addition to any other conditions, the board may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or the successful completion of a high school equivalency examination, as that term is defined in section 22-33-102 (8.5); ~~C.R.S.~~, except that the board shall not require any such juvenile to attend a school from which ~~he or she~~ THE JUVENILE has been expelled without the prior approval of that school's local board of education. The board shall promulgate rules that establish criteria under which its parole decisions are made. The board has the duties and responsibilities specified in ~~part 10 of this article~~ THIS PART 12.

**19-2.5-1202. [Formerly 19-2-209] Juvenile parole - organization.**

(1) Juvenile parole services are administered by the division of youth services in the department of human services, under the direction of the director of the division of youth services, appointed pursuant to ~~section 19-2-203~~ SECTION 19-2.5-1501.

(2) The director of the division shall appoint juvenile parole officers and other personnel of the division of youth services pursuant to section 13 of article XII of the state constitution and with the consent of the department of human services. Juvenile parole officers have the powers and duties specified in ~~part 10 of this article 2~~ SECTION 19-2.5-1204 and the powers of peace officers, as described in sections 16-2.5-101 and 16-2.5-138.

(3) The division of youth services may divide juvenile parole supervision into regions throughout the state. Within each region there may be more than one office location for parole officers.

~~(4) and (5) (Deleted by amendment, L. 2008, p. 1097, § 1, effective July 1, 2008.)~~

**19-2.5-1203. [Formerly 19-2-1002] Juvenile parole - hearing panels - definition.** (1) ~~(a) Juvenile parole board - hearing panels authority.~~ The juvenile parole board, ~~referred to in this part 10 as the "board"~~, established pursuant to ~~section 19-2-206~~ SECTION 19-2.5-1201, may grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services ~~as provided in sections 19-2-601 and 19-2-907~~ PURSUANT TO

SECTIONS 19-2.5-1103 AND 19-2.5-1127. In addition to any other conditions, the board may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or the successful completion of a high school equivalency examination, as that term is defined in section 22-33-102 (8.5); C.R.S.; except that the board shall not require any ~~such~~ juvenile to attend a school from which ~~he or she~~ THE JUVENILE has been expelled without the prior approval of that school's local board of education. The board may modify any of its decisions, or those of the hearing panel, except an order of discharge.

~~(b) (Deleted by amendment, L. 2008, p. 1098, § 3, effective July 1, 2008.)~~

(2) (a) The board or a hearing panel ~~shall have~~ HAS subpoena power and the power to administer oaths to secure attendance and testimony at hearings before the board. All relevant records pertaining to the juvenile ~~shall~~ MUST be made available to the board.

(b) (I) The board or hearing panel shall take into consideration the results of the validated risk and needs assessment administered by the department of human services.

(II) In making release and discharge decisions, the board or hearing panel shall use the length of stay matrix and release criteria developed pursuant to ~~section 19-2-921 (3.3)~~ SECTION 19-2.5-1117 (7).

(3) (a) Hearing panels consisting of two members of the board shall interview and review the record of each juvenile who comes before the board for the granting of parole. Whenever possible, one of the hearing panel members ~~shall~~ MUST be a representative of an executive department, and the other ~~shall~~ MUST be a member from the public at large. A hearing panel may grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole of a juvenile that are in the best interests of the juvenile and the public; except that:

(I) If the members of a hearing panel disagree, a review of that case ~~shall~~ MUST be referred to the board for review and a decision made by a majority vote of the board members present. At least a quorum ~~as defined in section 19-2-206 (4);~~ of the board, AS DEFINED IN SECTION 19-2.5-1201

(4), must be present to a make a decision ~~under~~ PURSUANT TO this subparagraph ~~(I)~~ SUBSECTION (3)(a)(I).

(II) The hearing panel ~~shall~~ DOES not have authority to grant parole to juveniles committed as violent juvenile offenders as described in ~~section 19-2-516 (3)~~ SECTION 19-2.5-1125 (3) or aggravated juvenile offenders as described in ~~section 19-2-516 (4)~~ SECTION 19-2.5-1125 (4). In such cases, the board shall conduct a hearing and make a decision by a majority vote of the board members present at the hearing. However, if expiration of the juvenile's commitment is imminent, as defined by the ~~juvenile parole~~ board, the hearing panel shall hold a hearing and make a recommendation to the board. The board shall review the case and a make a decision by a majority vote of the board members present.

(III) If a written request is made by the juvenile, ~~his or her~~ THE JUVENILE'S parents ~~his or her~~ OR guardian, or the executive director of the department of human services or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee, the board may review the case of any juvenile who has been interviewed by a hearing panel. If such a review is made, the board ~~shall have~~ HAS the authority to affirm or reverse the decision of the hearing panel or to impose such additional conditions for parole as the board deems appropriate.

~~(IV) (Deleted by amendment, L. 2008, p. 1098, § 3, effective July 1, 2008.)~~

~~(a.5)~~ (b) If a juvenile, while under a juvenile commitment, is in jail pending adult charges, the board may conduct a parole hearing without the JUVENILE'S presence. ~~of the juvenile.~~

~~(a.7)~~ (c) When the board conducts a hearing pursuant to ~~paragraph (a) or (a.5) of this subsection (3)~~ SUBSECTION (3)(a) OR (3)(b) OF THIS SECTION, a quorum, as defined in ~~section 19-2-206 (4)~~ SECTION 19-2.5-1201 (4), ~~shall~~ MUST be present.

~~(b)(I)~~ (d) In addition to any other conditions, the hearing panel may require, as a condition of parole, any adjudicated juvenile to attend school or an educational program or to work toward the attainment of a high school diploma or the successful completion of a high school equivalency examination, as that term is defined in section 22-33-102 (8.5); ~~C.R.S.;~~

except that the hearing panel shall not require any such juvenile to attend a school from which ~~he or she~~ THE JUVENILE has been expelled without the prior approval of that school's local board of education.

~~(H) (Deleted by amendment, L. 2008, p. 1098, § 3, effective July 1, 2008.)~~

(4) THE JUVENILE PAROLE BOARD ADMINISTRATOR APPOINTED PURSUANT TO SECTION 19-2.5-1201 (6) SHALL ASSIST the hearing panel ~~shall be assisted~~ in its duties. ~~by the juvenile parole board administrator appointed pursuant to section 19-2-206 (6).~~ Said THE administrator shall also arrange training for the members of the ~~juvenile parole~~ board in all aspects of the juvenile justice system. It ~~shall be~~ IS mandatory for members of the board to attend such training.

(5) (a) If the hearing panel or the board determines that parole should be granted, the hearing panel shall establish six months as the length of the parole supervision. However, for a juvenile committed to the department of human services due to an adjudication for an offense specified in ~~paragraph (b) of this subsection~~ (5) SUBSECTION (5)(b) OF THIS SECTION, the hearing panel may extend the period of parole supervision up to an additional fifteen months if the hearing panel makes findings of special circumstances that warrant an extended period of parole services for the juvenile.

~~(b) The provisions of paragraph (a) of this subsection~~ (5) SUBSECTION (5)(a) OF THIS SECTION allowing for extension of the period of parole ~~shall apply~~ APPLIES to juveniles committed to the department of human services due to an adjudication for one or more of the following offenses:

(I) Any offense specified in article 3 of title 18 or in part 3 of article 4 of title 18 ~~C.R.S.~~; that would constitute a felony if committed by an adult;

(II) Incest, as described in section 18-6-301; ~~C.R.S.~~;

(III) Aggravated incest, as described in section 18-6-302; ~~C.R.S.~~;

(IV) Child abuse, as described in section 18-6-401, ~~C.R.S.~~; that would constitute a felony if committed by an adult;

(V) Fourth degree arson, as described in section 18-4-105, ~~C.R.S.~~, that would constitute a felony if committed by an adult;

(VI) Assault during escape, as described in section 18-8-206, ~~C.R.S.~~, that would constitute a felony if committed by an adult;

(VII) FELONY illegal possession of a handgun by a juvenile, as described in section 18-12-108.5, ~~C.R.S.~~, that would constitute a felony if committed by an adult;

(VIII) MISDEMEANOR illegal possession of a handgun by a juvenile, as described in section 18-12-108.5, ~~C.R.S.~~, that would constitute a misdemeanor if committed by an adult, if the juvenile is contemporaneously committed to the department of human services for an offense that would constitute a felony if committed by an adult; or

(IX) Attempt, conspiracy, or solicitation to commit any of the offenses specified in this ~~paragraph (b)~~ SUBSECTION (5)(b), which attempt, conspiracy, or solicitation would constitute a felony if committed by an adult.

(c) Upon completion of the period of parole supervision as established by the board, the juvenile ~~shall be~~ IS deemed to have discharged the juvenile's sentence to commitment in the same manner as if the sentence were discharged pursuant to law.

(d) (I) If the juvenile court commits a juvenile to the department of human services for concurrent sentences based on the commission of two or more offenses or consecutive sentences based on commission of two or more offenses, the juvenile ~~shall be~~ IS subject to one six-month mandatory period of parole, unless the period of parole is extended pursuant to ~~paragraph (a) of this subsection (5)~~ SUBSECTION (5)(a) OF THIS SECTION.

(II) As used in this ~~paragraph (d)~~ SUBSECTION (5)(d), "concurrent sentence" means sentences identified by the court as concurrent and any sentences, or portions thereof, that are served simultaneously and that are the basis of the juvenile's treatment services during the juvenile's commitment.

(e) (I) If a juvenile's parole is revoked pursuant to ~~section 19-2-1004~~

SECTION 19-2.5-1206, the juvenile shall serve all or a portion of the remainder of ~~his or her~~ THE sentence to commitment, and the period of reparole or extended period of reparole imposed pursuant to ~~paragraph (a) of this subsection (5); shall~~ SUBSECTION (5)(a) OF THIS SECTION MUST be reduced by any time served on parole prior to the revocation. ~~The provisions of this paragraph (c) shall~~ THIS SUBSECTION (5)(e) DOES not limit the board's authority to grant, deny, defer, suspend, revoke, or modify a juvenile's parole within the period of parole.

(II) If a juvenile's parole is revoked or modified pursuant to ~~section 19-2-1004~~ SECTION 19-2.5-1206, and the juvenile has completed the period of commitment imposed by the court, the period of parole, or extended period of parole imposed pursuant to ~~paragraph (a) of this subsection (5); shall~~ SUBSECTION (5)(a) OF THIS SECTION MUST continue pursuant to ~~section 19-2-909 (1)(c)(II)~~ SECTION 19-2.5-1117 (1)(c)(II). The period of parole ~~shall continue~~ CONTINUES regardless of whether the revocation or modification authorizes the department of human services to place the juvenile in a residential placement while on parole status. This ~~provision shall~~ DOES not limit the board's authority to grant, deny, defer, suspend, revoke, or modify a juvenile's parole within the period of parole.

(6) If the hearing panel or the board determines that parole should be granted, THE HEARING PANEL OR BOARD SHALL ORDER the parolee ~~shall be ordered~~ to pay any unpaid restitution that has previously been ordered as a condition of parole.

(7) **Notice.** (a) The board, prior to consideration of the case of a juvenile for parole, shall notify the committing court, any affected juvenile community review board, the prosecuting attorney, and any victims of the juvenile's actions whose names and addresses have been provided by the district attorney of the time and place of the juvenile's hearing before the board or a hearing panel of the board. The notice ~~shall~~ MUST be given in order that the persons notified ~~will~~ have an opportunity to present written testimony to the hearing panel or the board. The board, in its sole discretion, may allow oral testimony at any hearing and has sole discretion regarding who may attend a juvenile parole hearing.

(b) (I) (A) Prior to consideration of the case of a juvenile for parole, the board shall provide notice of the time and place of the juvenile's hearing before the board or a hearing panel of the board to a victim who has

provided to the division of youth services or the board a written statement pursuant to sections 24-4.1-302.5 and 24-4.1-303. The notice and subsequent interactions with the victim must be consistent with ~~the provisions of~~ article 4.1 of title 24.

(B) The board shall notify the victim of changes in the juvenile's parole pursuant to section 24-4.1-303 (14.3). ~~C.R.S.~~

(II) For a juvenile who is currently serving parole that implicates ~~the provisions of~~ article 4.1 of title 24, the division of youth services shall notify the board of any discharge as a matter of law and any placement change that may impact public safety or victim safety as determined by the division of youth services, including any escape or recapture.

**(8) Representation of juvenile - parent.** The juvenile and ~~his or her~~ THE JUVENILE'S parents or guardian ~~shall~~ MUST be informed that they may be represented by counsel in any hearing before the board or a hearing panel to grant, modify, or revoke parole.

**(9) Parole discharge.** (a) The board may discharge a juvenile from parole after the juvenile has served the mandatory parole period of six months but prior to the expiration of ~~his or her~~ THE period of parole supervision when it appears to the board that there is a reasonable probability that the juvenile will remain at liberty without violating the law.

(b) (I) Based upon a request and recommendation by the division of youth services, the board may discharge all or a portion of a juvenile's period of parole, as defined in ~~section 19-2-909 (1)(b)~~ SECTION 19-2.5-1117 (1)(b), without holding a hearing before the board or a hearing panel of the board, if the board finds that:

(A) The juvenile is unavailable to complete the period of parole or the extended period of parole and the juvenile is not likely to become available in a time or manner in which ~~he or she~~ THE JUVENILE will benefit from parole services and neither community safety nor restorative justice interests will be served through the imposition or continuation of the juvenile's parole; or

(B) The community interest in safety or restorative justice will not be served through the imposition or continuation of juvenile parole because

the juvenile is under the adult probation supervision of the district court.

(II) As used in this subsection (9), a juvenile is unavailable to complete the period of parole if:

(A) The juvenile, pursuant to an adult sentence, has been placed in a department of corrections facility, adult community corrections, the youthful offender system, or a local jail, as defined in section 17-1-102; ~~C.R.S.~~; or

(B) The juvenile has been or will be transferred out of the state of Colorado and the division of youth services determines that the discharge is not in conflict with the interstate compact on juveniles, part 7 of article 60 of title 24; or

(C) The juvenile is in a medical, mental HEALTH, ~~or~~ treatment facility, or similar institution; or

(D) The board finds any other circumstance that constitutes unavailability as established in rule.

(c) The board may discharge a juvenile from parole before completion of the mandatory six-month parole period when the board finds that the juvenile meets, at a minimum, all of the following conditions of special achievement:

(I) Graduation from a ~~public~~ high school or successful completion of a high school equivalency examination, as that term is defined in section 22-33-102 (8.5);

(II) Payment of one hundred percent of any restitution the juvenile has been ordered to pay;

(III) Certification by the juvenile's parole officer that the juvenile is ready for discharge from parole, ~~which shall take~~ THAT TAKES into consideration the results of an objective risk assessment conducted by the department of human services and ~~shall be~~ IS based upon researched factors that have been demonstrated to be correlative to risk to the community; and

(IV) Presentation to the board of a plan of action prepared by the

juvenile that includes the steps the juvenile will accomplish to ensure ~~his or her~~ A transition to law-abiding citizenship. If the juvenile's plan of action includes an intent to enlist in military service, the plan ~~shall~~ MUST specify the interim steps that the juvenile will take prior to entering military service.

(d) A discharge from parole pursuant to this subsection (9) ~~shall have~~ HAS the same legal effect as if parole had been discharged upon completion of juvenile parole or when the sentence to commitment was discharged as a matter of law.

(10) Notwithstanding any provisions of law to the contrary, the department of human services shall not retain custody of or jurisdiction over an individual who reaches twenty-one years of age. The sentence to commitment and the period of parole are discharged as a matter of law when a juvenile reaches twenty-one years of age.

**19-2.5-1204. [Formerly 19-2-1003] Parole officers - powers - duties.** (1) Under the direction of the director of the division of youth services, the juvenile parole officer or officers in each region established in ~~section 19-2-209 (3)~~ SECTION 19-2.5-1202 (3) shall supervise all juveniles living in the region who, having been committed to the department of human services, are on parole from one of its facilities.

(2) The juvenile parole officer shall give to each juvenile granted parole a written statement of the conditions of ~~his or her~~ THE JUVENILE'S parole, shall explain such conditions fully, and shall aid the juvenile to observe them. ~~He or she~~ THE JUVENILE PAROLE OFFICER shall have periodic conferences with and reports from the juvenile. The juvenile parole officer may conduct such investigations or other activities as ~~may be~~ necessary to determine whether the conditions of parole are being met and to accomplish the JUVENILE'S rehabilitation. ~~of the juvenile.~~

(3) All juvenile parole officers ~~shall~~ have the powers of peace officers, as described in sections 16-2.5-101 and 16-2.5-138, ~~C.R.S.~~, in performing the duties of their position.

**19-2.5-1205. [Formerly 19-2-208] Administrative law judges.** An administrative law judge shall assist any hearing panel of the juvenile parole board that is considering the suspension, modification, or revocation of ~~the~~ A JUVENILE'S parole. ~~of a juvenile.~~

**19-2.5-1206. [Formerly 19-2-1004] Parole violation and revocation.** (1) The director of the division of youth services or any juvenile parole officer may arrest any parolee when:

(a) ~~He or she~~ THE DIRECTOR OR OFFICER has a warrant commanding that ~~such~~ THE parolee be arrested; or

(b) ~~He or she~~ THE DIRECTOR OR OFFICER has probable cause to believe that a warrant for the parolee's arrest has been issued in this state or another state for any criminal offense or for violation of a condition of parole; or

(c) Any offense under the laws of this state has been or is being committed by the parolee in ~~his or her~~ THE DIRECTOR'S OR OFFICER'S presence; or

(d) ~~He or she~~ THE DIRECTOR OR OFFICER has probable cause to believe that a violation of law has been committed ~~and that~~ BY the parolee; ~~has committed such a violation;~~ or

(e) ~~He or she~~ THE DIRECTOR OR OFFICER has probable cause to believe that THE PAROLEE HAS VIOLATED a condition of the juvenile's parole ~~has been violated by the parolee~~ and probable cause to believe that the parolee is leaving or about to leave the state, or that the parolee will fail or refuse to appear before the hearing panel to answer charges of violations of one or more conditions of parole, or that the PAROLEE'S arrest ~~of the parolee~~ is necessary to prevent physical harm to the parolee or another person or to prevent the violation of a law.

(2) When an alleged parole violator is taken into custody, the director of the division of youth services or the juvenile parole officer shall notify the JUVENILE'S parents, guardian, or legal custodian ~~of the juvenile~~ without unnecessary delay.

(3) When a juvenile parole officer has reasonable grounds to believe that A PAROLEE HAS VIOLATED a condition of parole, ~~has been violated by any parolee,~~ ~~he or she~~ THE JUVENILE PAROLE OFFICER may issue a summons requiring the parolee to appear before the hearing panel at a specified time and place to answer charges of violation of one or more conditions of parole. ~~Such~~ THE summons, unless accompanied by a copy of a complaint

filed before the hearing panel seeking revocation or suspension of parole or modification of parole conditions, ~~shall~~ MUST contain a brief statement of the alleged parole violation and the date and place ~~thereof~~ OF THE ALLEGED PAROLE VIOLATION. Failure of the parolee to appear before the hearing panel as required by ~~such~~ THE summons ~~shall be deemed~~ IS a violation of a condition of parole.

(4) If, rather than issuing a summons, a parole officer ~~makes an arrest of~~ ARRESTS a parolee with or without a warrant or takes custody of a parolee who has been arrested by another, the parole officer shall place the parolee in the nearest local juvenile detention facility or shelter care facility approved by the department of human services, if under eighteen years of age, or in the nearest county jail, if eighteen years of age or older. Within forty-eight hours, not including Saturdays, Sundays, and legal holidays, the parole officer shall take one of the following actions:

(a) Notify the juvenile parole board that the parolee has been arrested or taken into custody and request that a juvenile parole preliminary hearing be conducted by an administrative law judge; or

~~(b) Repealed.~~

~~(c)~~ (b) Obtain from the parolee a written agreement that the parolee waives ~~his or her~~ THE right to a juvenile parole preliminary hearing. ~~which waiver shall also be signed by a~~ THE PAROLEE'S parent or guardian SHALL ALSO SIGN THE WAIVER of the parolee if the parolee is a juvenile; or

~~(d)~~ (c) Release the parolee if ~~he or she~~ THE PAROLEE is not subject to other actions that require ~~his or her~~ further detention.

(5) An administrative law judge shall, upon the request of the juvenile parole board, conduct a preliminary hearing in a case in which a parole violation has been alleged to determine whether there is probable cause to believe that THE PAROLEE HAS VIOLATED a condition of parole, ~~has been violated by the parolee, as provided in~~ PURSUANT TO subsection (4) of this section.

(6) Whenever an administrative law judge schedules a preliminary hearing pursuant to subsection (5) of this section, the juvenile parole officer shall notify the parolee and ~~his or her~~ THE PAROLEE'S parent, guardian, or

legal custodian of the following information:

(a) The date, the time, and the place of the preliminary hearing and the name of the administrative law judge;

(b) That the purpose of the hearing ~~will be~~ IS to determine whether there is probable cause to believe that the parolee has violated ~~his or her~~ parole;

(c) That at the preliminary hearing the parolee will be permitted to present evidence, either oral or documentary, in person or by other witnesses, in defense of any alleged parole violation;

(d) A statement of any alleged parole violation;

(e) A brief summary of the evidence tending to establish any alleged parole violation; AND

(f) That the parolee has the right to counsel at the preliminary hearing.

(7) (a) At any preliminary hearing held pursuant to subsection (5) of this section, the administrative law judge shall hear ~~such~~ ANY OFFERED testimony ~~as shall be offered~~ and shall determine whether there is probable cause to believe that the parolee has violated ~~his or her~~ parole. If probable cause has not been shown, the administrative law judge shall order the PAROLEE'S release ~~of the parolee~~ and shall make a written report of ~~his or her~~ THE JUDGE'S findings to the juvenile parole board within ~~ten~~ FOURTEEN days of the hearing.

(b) If the administrative law judge finds that probable cause exists to believe that the parolee has violated ~~his or her~~ parole, ~~he or she~~ THE ADMINISTRATIVE LAW JUDGE shall order that the parolee be held to answer the charge before a hearing panel and shall order that the juvenile parole officer return the parolee without unnecessary delay to any of the juvenile corrections facilities of the department of human services pending a hearing before a hearing panel on the complaint for revocation, suspension, or modification of the juvenile's parole.

(8) Within ~~ten~~ FOURTEEN working days after the finding of probable

cause by the preliminary administrative law judge, the juvenile parole officer shall complete ~~his or her~~ THE OFFICER'S investigation and either:

(a) File a complaint before the hearing panel in which the facts are alleged upon which a revocation of parole is sought; or

(b) Recommend to the director of the division of youth services, or ~~his or her~~ THE DIRECTOR'S designee, that the parolee, if detained, be released and the violation proceedings be dismissed. The director, or ~~his or her~~ THE DIRECTOR'S designee, shall determine whether to cause the violation proceedings to be dismissed, and, if he or she elects to cause dismissal, the parolee must be released or notified that ~~he or she~~ THE PAROLEE is relieved of obligation to appear before the hearing panel. In such event, the director, or ~~his or her~~ THE DIRECTOR'S designee, shall give written notification to the board of ~~his or her~~ SUCH action.

(9) A complaint filed by a juvenile parole officer in which revocation of parole is sought ~~shall~~ MUST contain the name of the parolee, ~~shall~~ identify the violation charged and the condition or conditions of parole alleged to have been violated, including the date and approximate location ~~thereof~~ OF THE VIOLATION, and ~~shall~~ be signed by the juvenile parole officer. A copy ~~thereof shall~~ MUST be given to the parolee and ~~his or her~~ THE PAROLEE'S parents, guardian, or legal custodian at least ~~five~~ SEVEN days before a hearing on the complaint is held before the hearing panel.

(10) The board may order the detention of any parolee for failure to appear as required by the summons issued ~~under~~ PURSUANT TO subsection (3) of this section.

(11) At least ~~five~~ SEVEN days before the appearance of a parolee before the hearing panel, THE JUVENILE PAROLE OFFICER SHALL PROVIDE, IN WRITING, TO the parolee and ~~his or her~~ THE PAROLEE'S parents, guardian, or legal custodian ~~shall be advised in writing by the parole officer of~~ THE FOLLOWING:

(a) A STATEMENT OF the nature of the charges that are alleged to justify revocation or suspension of ~~his or her~~ parole and the substance of the evidence sustaining the charges;

(b) ~~he or she shall be given~~ A copy of the complaint unless he or she

has already received one;

(c) ~~he or she shall be informed of~~ A LISTING OF the consequences that may follow in the event ~~his or her~~ parole is revoked; and

(d) ~~he or she shall be advised~~ AN ADVISEMENT that, if the parolee denies the charges, a hearing will be held before the hearing panel, that, at the hearing, ~~he or she~~ THE PAROLEE may testify and present witnesses and documentary evidence in defense of the charges or in mitigation or explanation, ~~thereof~~, and that ~~he or she~~ THE PAROLEE has the right to counsel at the hearing.

(12) At the hearing before the hearing panel, if the parolee denies the violation, the division of youth services has the burden of establishing by a preponderance of the evidence the violation of a condition or conditions of parole. The hearing panel shall, when it appears that the alleged violation of conditions of parole consists of an offense with which the parolee is charged in a criminal case then pending, continue the parole violation hearing until the termination of the criminal proceeding. Any evidence having probative value is admissible regardless of its admissibility under exclusionary rules of evidence if the parolee is accorded a fair opportunity to rebut hearsay evidence. The parolee has the right to confront and to cross-examine adverse witnesses unless the administrative law judge specifically finds good cause for not allowing confrontation.

(13) If the hearing panel determines that a violation of a condition or conditions of parole has been committed, it shall hear further evidence related to the PAROLEE'S disposition. ~~of the parolee~~. At the conclusion of the hearing, the hearing panel shall advise the parties ~~before it~~ of its findings and recommendations and of their right to request a review before the board. Such review may be held if a written request is filed within ~~ten~~ FOURTEEN days after the conclusion of the hearing before the hearing panel. If a review before the board is not requested or the right to review is waived, the findings and recommendations of the hearing panel, if unanimous, ~~shall~~ become the decision of the juvenile parole board unless the board on its own motion orders a review.

(14) The case of a juvenile alleged or found to have violated the conditions of ~~his or her~~ parole outside the state of Colorado ~~shall~~ MUST be handled according to ~~the provisions of~~ the interstate compact on juveniles,

part 7 of article 60 of title 24. ~~C.R.S.~~

PART 13  
APPEALS

**19-2.5-1301. [Formerly 19-2-903] Appeals.** (1) Appellate procedure ~~shall be provided~~ IS GOVERNED by the Colorado appellate rules. Initials ~~shall~~ MUST appear on the record on appeal in place of the ~~name of the juvenile and other respondents~~ JUVENILE'S AND OTHER RESPONDENTS' NAMES. Appeals ~~shall~~ MUST be advanced on the calendar of the appellate court and ~~shall be~~ decided at the earliest practical time.

(2) The prosecution in a delinquency case may appeal any decision of the trial court as provided in section 16-12-102. ~~C.R.S.~~

**19-2.5-1302. [Formerly 19-2-904] Posttrial bail.** A juvenile's application for posttrial bail ~~shall be~~ IS governed by part 2 of article 4 of title 16 ~~C.R.S.~~; and the ~~provisions concerning bail in section 19-2-509~~ SECTION 19-2.5-306, AS IT RELATES TO BAIL.

PART 14  
ADMINISTRATION

SUBPART A - IN GENERAL

**19-2.5-1401. [Formerly 19-2-202] Responsible agencies.** The department of human services is the single state agency responsible for the oversight of the administration of juvenile programs and the delivery of services for juveniles and their families in this state. In addition, the department of human services is responsible for juvenile parole. The state judicial department is responsible for the oversight of juvenile probation. The department of public safety is responsible for the oversight of community diversion programs. The state agencies described in this section shall jointly oversee the application by judicial districts of the placement criteria established by the working group ~~as provided in section 19-2-212~~ SECTION 19-2.5-1404.

**19-2.5-1402. [Formerly 19-2-210] Juvenile community review board.** (1) A board of county commissioners or the city council of the city and county of Denver or more than one board of county commissioners may

adopt a written resolution requiring approval by a juvenile community review board of residential community placements within its county of juveniles under commitment to the department of human services. Upon the effective date of such resolution and notice to the department of human services, ~~no~~ A juvenile committed to the custody of the department of human services shall NOT be placed into a residential community placement in that county or region unless and until ~~such~~ THE placement is approved by the juvenile community review board.

~~(1.5)~~ (2) A juvenile community review board may be consolidated with other local advisory boards pursuant to section 24-1.7-103. ~~C.R.S.~~

~~(2)~~ (3) Notification of any placement of a juvenile under the jurisdiction of the juvenile parole board ~~shall~~ MUST be made to the juvenile community review board prior to or at the time of placement.

~~(3)~~ (4) (a) Prior to placement of a juvenile in a residential community placement, the juvenile community review board shall review the JUVENILE'S case file. ~~of the juvenile.~~ It is the responsibility of the department of human services to provide accurate information regarding the juvenile and the proposed placement to the juvenile community review board. ~~Such~~ THE information ~~shall~~ MUST include, but not be limited to, a history of delinquent adjudications, a social history, an educational history, a mental health treatment history, a drug and alcohol treatment history, and a summary of institutional progress. Each juvenile CASE referred to the board ~~shall~~ MUST be reviewed within ~~fifteen~~ FOURTEEN days from the date the referral is received.

(b) The board shall review the JUVENILE'S case file ~~of the juvenile~~ and make a decision regarding residential community placement, taking into consideration the results of a validated risk and needs assessment adopted pursuant to section 24-33.5-2402 (1) by the department of human services, the criteria established by the juvenile community review board based on the interests of the community, and guidance established by the department of human services in consultation with the juvenile justice reform committee established pursuant to section 24-33.5-2401. The criteria must be based upon researched factors that have been demonstrated to be correlative to risk to the community.

(c) All names, addresses, and information regarding a juvenile CASE

reviewed by the juvenile community review board ~~shall be~~ ARE confidential and not disclosed except to ~~such~~ THE board or its designees, the Colorado bureau of investigation, and any law enforcement agency, without express written permission of the juvenile and the legal custodian.

~~(4) Repealed.~~

**19-2.5-1403. [Formerly 19-2-203.5] Division of youth services - community boards.** (1) There is created in each region of the division of youth services a community board to:

(a) Promote transparency and community involvement in division OF YOUTH SERVICES' facilities within the region;

(b) Provide opportunities for ~~youths~~ YOUTH to build positive relationships with adult role models; and

(c) Promote youth involvement in the community.

(2) (a) Each community board must include six members with a diverse array of experience and perspectives related to incarcerated ~~youths~~ YOUTH. Each member of each board ~~shall~~ MUST be a resident of, or work within, the region in which ~~he or she~~ THE MEMBER serves.

(b) The governor or ~~his or her~~ THE GOVERNOR'S designee shall appoint each member of each board to a term of three years, and each member may serve an unlimited number of terms. ~~Each member must~~ MEMBERS serve without compensation.

(c) A member of a community board may not be employed by the department of human services or the division of youth services.

(d) Each community board shall elect a chair and a vice-chair from among its members.

(e) Each community board shall meet at least once every three months. The chair of each community board may call such additional meetings as are necessary for the community board to accomplish its duties.

(3) (a) Leadership and staff members of the department of human

services and the division of youth services, as well as representatives of an organization in Colorado that exists for the purpose of dealing with the state as an employer concerning issues of mutual concern between employees and the state, are invited to attend community board meetings to provide their perspectives.

(b) A management-level employee of each facility in each region shall attend each meeting of their regional community board. At least once every three months, a representative of the division of youth services shall update the community board regarding new policies, practices, and programs affecting the region and any issues of concern in the region during the past quarter.

(4) The division OF YOUTH SERVICES shall allow board members to have periodic access to enter facilities in their regions on at least a quarterly basis and speak with youths YOUTH and staff, unless an emergency prevents such access.

**19-2.5-1404. [Formerly 19-2-212] Working group for criteria for placement of juvenile offenders - establishment of formula - review of criteria - report.** (1) (a) The executive director of the department of human services and the state court administrator of the judicial department, or any designees of such persons, shall form a working group that ~~must include~~ INCLUDES representatives from:

(I) The division of criminal justice of the department of public safety;

(II) The office of state planning and budgeting;

(III) The Colorado district attorneys council;

(IV) Law enforcement;

(V) The public defender's office and the office of alternate defense counsel;

(VI) The office of the child representative;

(VII) Juvenile probation;

(VIII) Juvenile court judges and magistrates; and

(IX) Local and county governments, including county departments of human or social services.

(b) The working group shall carry out the following duties:

(I) To establish a set of criteria for both detention and commitment for the purposes of determining which juvenile offenders are appropriate for placement in the physical or legal custody of the department of human services. ~~Such~~ THE criteria must conform with ~~section 19-2-508~~ SECTION 19-2.5-305. This set of criteria, when adopted by the department of human services and the judicial department, must promote a more uniform system of determining which juveniles should be placed in the physical custody of the department of human services or in the legal custody of the department of human services so that decisions for ~~such~~ placement of a juvenile are made based upon a uniform set of criteria throughout the state. In addition, the criteria ~~shall~~ MUST specifically take into account the JUVENILE'S educational needs ~~of the juvenile~~ and ensure the juvenile's access to appropriate educational services. The working group established pursuant to this subsection (1) shall hold a meeting at least once each year and as necessary to review and propose revision to the criteria established pursuant to this subsection (1) and the formula created pursuant to subsection (1)(b)(V) of this section.

(II) Before January 1, 2021, to develop or adopt by a majority vote of the working group a research-based detention screening instrument to be used statewide to inform placement of juveniles in a detention facility. In developing or adopting the detention screening instrument, the working group shall consult with expert organizations and review research and best practices from other jurisdictions. The working group is also responsible for:

(A) Ensuring that the instrument identifies and mitigates any disparate impacts based on disability, race or ethnicity, gender, sexual orientation, national origin, economic status, or child welfare involvement;

(B) Identifying measures and scoring for the detention screening instrument to determine eligibility for placement in a juvenile detention facility;

(C) Identifying how the instrument is validated and piloted; and

(D) Establishing statewide scoring override policies that minimize subjective decisions to hold a juvenile in a detention facility, while allowing for local flexibility;

(III) Before January 1, 2021, to develop a plan to provide training and technical assistance to screening teams on the implementation of the detention screening instrument, including at least annual refresher training;

(IV) Before January 1, 2021, to develop a plan for the division of youth services to collect, compile, and report to the judiciary committees of the senate and the house of representatives, the health and human services committee of the senate, and the public health care and human services committee of the house of representatives, or any successor committees, annually on the use of secure detention; number and justification of overrides of the detention screening instrument as conducted pursuant to ~~section 19-2-507~~ SECTION 19-2.5-303; and, if possible, an analysis of detention screening instrument data to determine if any disparate impacts resulted based on race, ethnicity, gender, sexual orientation, national origin, economic status, or child welfare involvement. The division of youth services shall recommend any necessary changes to appropriations that need to be made prior to fully implementing this section's recommendations. Notwithstanding the provisions of section 24-1-136 (11)(a)(I), this reporting requirement continues indefinitely.

(V) To establish a formula for the purpose of allocating funds by each judicial district in the state of Colorado for alternative services to placing juveniles in the physical custody of the department of human services or in the legal custody of the department of human services. ~~Such~~ THE allocation must take into consideration such factors as the population of the judicial district, the incidence of offenses committed by juveniles in such judicial district, and other factors as deemed appropriate. The working group shall consider and take into account whether any federal money or matching funds are available to cover the costs of juveniles within the system, including parent fees and third-party reimbursement as authorized by law or reimbursements under Title IV-E of the federal "Social Security Act", as amended.

(VI) Before January 1, 2021, to establish criteria for juveniles served

through alternative services funded pursuant to subsection (1)(b)(V) of this section. Such THE criteria must prioritize:

(A) Preadjudicated juveniles eligible for placement in a detention facility as determined by results from a detention screening instrument;

(B) Juveniles who are in secure detention; and

(C) Juveniles under the supervision of probation when the results of a detention screening instrument indicate that the juvenile is eligible for detention.

(VII) At least every two years, to review data collected by the division of youth services on the use of funding pursuant to subsection (1)(b)(V) of this section and its impact on the use of juvenile detention. The working group shall identify the measures that it will collect as part of its review of the impact of preadjudicated funding on detention pursuant to this section.

(VIII) Before January 1, 2021, to adopt a relative information form concerning a juvenile's potential need for services or placement. The information form must be available at each judicial district to each parent or legal guardian of a juvenile screened for detention and participation in alternative services. The information form must:

(A) Advise the parent or legal guardian that he or she is required to provide the requested information fully and completely; and

(B) Require the parent or legal guardian to list the names, addresses, e-mail addresses, and telephone numbers of every grandparent, relative, kin, and person with a significant relationship with the juvenile and any comments concerning the appropriateness of the juvenile's potential need for services from or placement with those persons.

(IX) Before January 1, 2021, to develop a system of graduated responses and rewards to guide parole officers in determining how best to motivate positive juvenile behavior change and the appropriate response to a violation of terms and conditions of juvenile parole. Graduated responses means an accountability-based series of sanctions and services designed to respond to a juvenile's violation of parole quickly, consistently, and

proportionally and incentives to motivate positive behavior change and successful completion of parole and ~~his or her~~ THE JUVENILE'S reentry and treatment goals.

(2) Of the members of the working group established pursuant to subsection (1) of this section, the executive director of the department of human services and the state court administrator of the judicial department, or any designees of such persons, have final authority to carry out the duty of creating the set of criteria pursuant to subsections (1)(b)(I) to (1)(b)(IV) of this section and creating the formula pursuant to subsections (1)(b)(V) to (1)(b)(VII) of this section. This authority can only be exercised after working with and participating in the working group process established in this section.

**19-2.5-1405. [Formerly 19-2-1202] Working group - allocation of beds.** (1) The executive director of the department of human services and the state court administrator in the judicial department, or a designee of such persons, in consultation with the division of criminal justice of the department of public safety, the office of state planning and budgeting, the Colorado district attorneys council, and law enforcement representatives shall form a working group ~~which shall carry out~~ THAT HAS the following duties:

(a) ~~The working group established pursuant to this subsection (1) shall~~ TO annually allocate the number of juvenile detention beds to each catchment area in the state created pursuant to ~~section 19-2-402.5~~ SECTION 19-2.5-1513, based on the number of juvenile beds established pursuant to ~~section 19-2-1201~~ SECTION 19-2.5-1514. Once the allocation of juvenile detention beds is made to the catchment areas, the working group shall allocate detention beds within the catchment areas to the judicial districts within each catchment area. Judicial districts shall not exceed the number of beds allocated to them except for circumstances provided for in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION.

(b) ~~The working group shall~~ TO develop a mechanism for judicial districts within the same catchment area to loan detention beds to other judicial districts within the catchment area in cases of need;

(c) ~~The working group shall~~ TO develop emergency release guidelines that ~~shall~~ MUST be used by each judicial district to prevent

placement of a juvenile in a juvenile detention facility in excess of the number of beds allocated to the judicial district; AND

(d) ~~The working group shall~~ TO develop juvenile detention placement guidelines for each judicial district to use in complying with the number of juvenile detention beds allocated to the judicial district.

**19-2.5-1406. [Formerly 19-2-204] Juvenile probation departments or divisions - service agreements.** (1) The juvenile court is authorized to establish juvenile probation departments or divisions.

(2) Subject to ~~the provisions of~~ section 13-3-105, ~~C.R.S.~~, the juvenile court is authorized to appoint juvenile probation officers and such other professional and clerical personnel as may be required. Juvenile probation officers ~~shall~~ have the powers and duties specified in ~~section 19-2-926~~ SECTION 19-2.5-1107 and ~~shall~~ have the powers of peace officers, as described in sections 16-2.5-101 and 16-2.5-138. ~~C.R.S.~~

(3) Upon the agreement of the juvenile court judges, the approval of the chief judge in each district or, for the second judicial district, the presiding judge of the Denver juvenile court, and the approval of the chief justice of the supreme court, two or more contiguous judicial districts may combine to form an interdistrict juvenile probation department.

(4) (a) The juvenile court judges are authorized to enter into agreements with the state department of human services, county departments of human or social services, other public agencies, private agencies, or with other juvenile courts to provide supervision or other services for juveniles placed on probation by the court.

(b) The conditions and terms of any such agreement ~~shall~~ MUST be set forth in writing, including any payments to be made by the court for the services provided.

(c) Any agreement made ~~under~~ PURSUANT TO this subsection (4) may be terminated ~~upon ninety days'~~ WITH NINETY-ONE DAYS written notice by either party. ~~thereto.~~

**19-2.5-1407. [Formerly 19-2-310] Appropriations to department of human services for services to juveniles - definition.** (1) The general

assembly shall appropriate money for the provision of services to juveniles to the department of human services. The department of human services shall allocate such money by each judicial district in the state. ~~Such~~ THE appropriation and allocation ~~shall~~ MUST be made based upon the formula developed ~~in section 19-2-212 (1)(b)~~ PURSUANT TO SECTION 19-2.5-1404 (1)(b). The department of human services shall administer the appropriated money. The money appropriated to the department of human services for allocation by each judicial district must be expended in the judicial district by the department of human services for services to juveniles that are intended to prevent the juvenile from being held in detention prior to adjudication, sentenced to detention, or committed to the department of human services or to reduce the length of time the juvenile is held in preadjudication or postadjudication detention or held in a commitment facility operated ~~under section 19-2-403~~ PURSUANT TO SECTION 19-2.5-1502. If a judicial district has a local juvenile services planning committee, the expenditure of money for juvenile services in the judicial district ~~shall~~ MUST be made in accordance with the plan developed pursuant to ~~section 19-2-211~~ SECTION 19-2.5-302.

(2) For the purposes of this section, a "juvenile" also includes a youth ten years of age or older but less than seventeen years of age who is habitually truant, as defined in section 22-33-102 (3.5), and who the court has ordered to show cause why ~~he or she~~ THE JUVENILE should not be held in contempt of court pursuant to section 22-33-108 (7), when funds are expended for services that are intended to prevent the youth from being held in detention or sentenced to detention.

#### SUBPART B - PROGRAMS

**19-2.5-1408. [Formerly 19-2-311] Victim-offender conferences - pilot program.** The division of youth services is authorized to establish a pilot program, when funds become available, in its facilities to facilitate victim-initiated victim-offender conferences whereby a victim of a crime may request a facilitated conference with the juvenile who committed the crime, if the juvenile is in the custody of the division of youth services. After such a pilot program is established, the division of youth services may establish policies and procedures for the victim-offender conferences using volunteers to facilitate the conferences. The volunteers shall complete the division of youth services' volunteer and facility-specific training programs and complete high-risk victim-offender training and victim-advocacy

training. The division of youth services shall not compensate or reimburse a volunteer or victim for any expenses. If a pilot program is available, and subsequent to the victim's or the victim representative's request, the division of youth services shall arrange ~~such~~ a conference only after determining that the conference would be safe and only if the juvenile agrees to participate. The purposes of the conference are to enable the victim to meet the juvenile, to obtain answers to questions only the juvenile can answer, to assist the victim in healing from the impact of the crime, and to promote a sense of remorse and acceptance of responsibility by the juvenile that may contribute to ~~his or her~~ THE JUVENILE'S rehabilitation.

**19-2.5-1409. Juvenile intensive supervision program - creation - elements - role of judicial department.** (1) [Formerly 19-2-306] The judicial department may establish and operate, either directly or by contracting with one or more private organizations, a juvenile intensive supervision program, which may be utilized by any judge in sentencing any juvenile who has been placed on probation and who presents a high risk of future placement within juvenile correctional facilities according to assessment criteria developed pursuant to ~~section 19-2-307 (2)~~ THIS SECTION.

(2) [Formerly 19-2-307 (1)] The juvenile intensive supervision program created by ~~section 19-2-306 shall~~ PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST include, but ~~shall not be~~ IS NOT limited to, utilization of any or all of the following elements:

- (a) Increased supervision of the juvenile by probation officers;
- (b) Utilization of specific youth case management approaches;
- (c) Community service work assignments;
- (d) Restitution programs;
- (e) Structured group training regarding problem solving, social skills, negotiation skills, emotion management, creative thinking, value enhancement, and critical reasoning;
- (f) Use of electronic or global position monitoring and substance abuse testing to monitor THE JUVENILE'S compliance with the program by

the juvenile and providing sanctions for failure to comply with the program;  
and

(g) Individual and family treatment.

(3) [Formerly 19-2-307 (2)] The judicial department, with the assistance of a juvenile intensive supervision advisory committee, shall develop assessment criteria for placement in the juvenile intensive supervision program, including the results of a validated risk and needs assessment tool, and judicial department guidelines for implementation of the program and measurement of the outcome of the program. The advisory committee is appointed by the state court administrator and includes, but is not limited to, representatives of the division of youth services in the department of human services and the division of criminal justice of the department of public safety.

**19-2.5-1410. [Formerly 19-2-309.5] Community accountability program - legislative declaration - creation.** (1) It is the intent of the general assembly that the program established pursuant to this section benefit the state by providing a structured program combining residential and community reintegration components under which certain adjudicated juveniles are subject to an ordered environment affirming the dignity of self and others; promoting the value of education, work, and accountability; adhering to the principals of restorative justice; and developing useful skills that can be applied when the juvenile is reintegrated into the community.

(2) (a) The division of youth services, pursuant to a contract with one or more private entities, shall establish, maintain, and operate a community accountability program, referred to in this section as the "program".

(b) The program shall MUST provide a sentencing option for adjudicated juveniles who are at least fourteen years of age but younger than eighteen years of age. An adjudicated juvenile may be sentenced to participate in the program only as a condition of probation. A sentence to the program may be in addition to, but shall MUST not be in lieu of, a mandatory sentence required by ~~section 19-2-911(2)~~ SECTION 19-2.5-1123. The juvenile court shall consider the program as a sentencing option for higher risk juveniles who would have otherwise been sentenced to detention or out-of-home placement or committed to the department of human

services.

(c) A sentence imposed pursuant to this section is conditioned on the availability of space in the program and the division of youth services' determination of whether the juvenile's participation in the program is appropriate. A juvenile may be denied participation in the program upon a determination by the division OF YOUTH SERVICES that a physical or mental HEALTH condition, including severe substance abuse, will prevent the juvenile's full participation in the program. Any juvenile denied participation in the program must be returned to the juvenile court for resentencing.

(d) The judicial department shall provide information to the division of youth services concerning THE JUVENILE'S sentencing, ~~of the juvenile~~, including but not limited to the juvenile's criminal history, the presentence investigation report, the risk-need assessment, and demographics pertaining to the juvenile.

(e) The program must be established for up to eighty beds. ~~Under~~ PURSUANT TO the contract entered into pursuant to subsection (2)(a) of this section, the division of youth services shall pay only for the actual number of juveniles placed in the program.

(3) If feasible, the program may be established regionally, one in each of the division of youth services' regions. The division OF YOUTH SERVICES, through a competitive bid process, shall select one or more private entities to operate the program.

(4) (a) The program consists of two integrated components. Each selected entity shall provide both components within the contracted region as follows:

(I) **Component I.** Component I ~~shall consist~~ CONSISTS of a sixty-day residential program, which may contain, but need not be limited to, the following program elements:

(A) Assessment and treatment planning;

(B) Behaviorally based programming with appropriate sanctions and reinforcements;

- (C) Life and cognitive skill development;
- (D) Treatment interventions;
- (E) Educational and vocational training;
- (F) Competency development;
- (G) Victim awareness and empathy;
- (H) Gender-specific programming; and
- (I) Restorative justice programming.

(II) **Component II.** The division of youth services shall administer component II, which consists of a community reintegration phase. For each juvenile entering component II, the ~~department~~ DIVISION of youth services and the local probation department shall jointly establish a reintegration plan. Component II may contain, but need not be limited to, the following program elements:

- (A) Multi-systemic therapy;
- (B) Functional family therapy;
- (C) Aggression replacement training;
- (D) Life skills;
- (E) Skills development;
- (F) Behaviorally based programming with appropriate sanctions and reinforcements;
- (G) Education and vocational training;
- (H) Work experience;
- (I) Victim empathy;

- (J) Victim-offender mediation;
- (K) Gender-specific programming; and
- (L) Restorative justice programming.

(b) The program may be housed in a privately owned and operated facility or in a state-owned and privately operated facility. The ~~departments~~ STATE DEPARTMENT OF HUMAN SERVICES and any private contractors in each region shall involve local governments in identifying locations for residential facilities.

(c) The division OF YOUTH SERVICES shall include a community involvement component in the development of reintegration plans, which may include the creation of community advisory boards.

(5) If a juvenile in the first component of the program would substantially benefit, the division of youth services shall notify the local department of probation who may petition the court for an extension of up to fifteen days in addition to the initial sixty-day period for the first component of the program. The period of time a juvenile spends in the second component of the program must not exceed one hundred twenty days. The entire period of a juvenile's participation in the program must not exceed the length of the juvenile's probation sentence. Whenever a juvenile fails to progress through or complete the first or second component of the program, the juvenile is subject to ~~the provisions of section 19-2-925 (8)~~ SECTION 19-2.5-1108 (8) for violating a condition of probation.

(6) The division of youth services and the judicial department shall jointly establish guidelines for the program and for each of the components ~~thereof~~ described in subsection (4) of this section. The division of youth services shall make available necessary support services for the juvenile and the juvenile's family under both components of the program.

~~(7) Repeated.~~

~~(8)~~ (7) The division of youth services shall conduct an ongoing evaluation of the program. On or before January 15 each year, the division of youth services shall submit a report of the evaluation results to the general assembly. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE

REPORTING REQUIREMENTS IN THIS SUBSECTION (7) CONTINUE INDEFINITELY. The division OF YOUTH SERVICES may contract for the services and labor necessary to perform the ongoing evaluation.

**19-2.5-1411. [Formerly 19-2-304] Parental responsibility training programs - criteria.** (1) The state department of human services, after consultation with the state department of public safety and the judicial department, shall establish standards and guidelines for parental responsibility training programs for the parent, guardian, or legal custodian of a juvenile or juvenile delinquent. ~~that shall~~ THE STANDARDS AND GUIDELINES MUST include, but ~~shall not be~~ ARE NOT limited to, instruction in the following:

(a) Physical, mental, social, and emotional child growth and development;

(b) Skill development for parents in providing for the ~~child's~~ JUVENILE'S learning and development, including teaching the ~~child~~ JUVENILE responsibility for ~~his or her~~ THE JUVENILE'S actions;

(c) Prevention of ~~drug abuse~~ SUBSTANCE ABUSE;

(d) Family structure, function, and management; and

(e) The physical, mental, emotional, social, economic, and psychological aspects of interpersonal and family relationships.

(2) The state department of human services is authorized and directed to establish such standards and guidelines within the available resources of the state government and each of the state departments described in subsection (1) of this section.

**19-2.5-1412. [Formerly 19-2-312] Youth corrections monetary incentives award program - designated monetary custodian.** (1) The division of youth services in the department of human services is authorized to establish, at its discretion, a youth corrections monetary incentives award program, referred to in this section as the "program". The purpose of the program is to provide monetary awards and incentives for academic, social, and psychological achievement to juveniles who were formerly committed to the division of youth services who are on parole, in community

corrections, or now off of parole.

(2) If the division of youth services establishes a program, it shall devise, in collaboration with the nonprofit organization designated pursuant to subsection (3) of this section, appropriate participation criteria, application procedures, any necessary organizational structure, and criteria for awarding individual scholarships. Criteria may, but are not required to, include that the juvenile:

(a) Maintains the highest grades possible each academic term;

(b) Makes consistent progress in ~~his or her~~ THE JUVENILE'S therapy or other assigned program, if applicable, during each academic term, as determined by the team of professionals who worked with the juvenile while committed to the division of youth services; and

(c) ~~Use~~ USES the money earned only for expenses approved as necessary and valid by the division of youth services and the nonprofit organization designated pursuant to subsection (3) of this section.

(3) If the division of youth services establishes a program, it shall, in conjunction with the director of the legislative council, use a request for proposal process to contract with and designate a nonprofit organization, referred to in this section as the "designated nonprofit", to serve as the custodian of money donated to the program through the designated nonprofit. The designated nonprofit shall work with the division of youth services for the purpose of designing the program criteria, accepting funds for program scholarships, and providing a distribution mechanism for such scholarships.

(4) (a) The designated nonprofit and the division of youth services are authorized to solicit, accept, and expend monetary and in-kind gifts, grants, and donations on behalf of the program and for payment of scholarships to juveniles in the program. Any ~~such~~ money donated or awarded to the designated nonprofit for the benefit of the program is not subject to appropriation by the general assembly. The designated nonprofit ~~must~~ IS not be the custodian of any money appropriated by the state, which must be annually appropriated by the general assembly to the division of youth services in the department of human services. Any money obtained by the division of youth services or the designated nonprofit that is

unexpended and unencumbered at such time the program is dissolved must be distributed according to appropriate federal and state laws governing nonprofit organizations.

(b) If a different nonprofit or private organization is subsequently designated as the custodian of donated money in accordance with this subsection (4), the former designated nonprofit shall promptly transfer to the newly designated nonprofit or private organization any money that is unexpended and unencumbered at the time of the change in designation.

## PART 15 FACILITIES

### SUBPART A - IN GENERAL

**19-2.5-1501. [Formerly 19-2-203] Division of youth services - created - interagency agreements - duties of administrators of facilities in connection with voter registration and casting of ballots - reports - definitions.** (1) (a) There is ~~hereby~~ created within the department of human services the division of youth services, referred to within this section as the "division", the head of which is the director of the division. The executive director of the department of human services shall appoint the director of the division pursuant to section 13 of article XII of the state constitution and the laws and rules governing the state personnel system. The director shall exercise powers and perform duties and functions within the office of the executive director of the department of human services in accordance with the provisions of this ~~article 2~~ ARTICLE 2.5 and as if transferred ~~thereto~~ by a **type 2** transfer as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24.

(b) The purposes of the division are to:

(I) Increase public safety by providing rehabilitative treatment to help ~~youths~~ YOUTH in the division's care make lasting behavioral changes to prepare themselves for successful transition back to the community;

(II) Promote the physical safety of ~~youths~~ YOUTH and staff within the division;

(III) Promote a seamless continuum of care from the time of

detention or commitment to discharge, in which youths' needs are met in a safe, structured environment with well-trained, caring staff who help youths YOUTH identify and address their issues, ~~hold youths~~ BE accountable, AND ACCEPT RESPONSIBILITY for their actions; ~~and help youths accept responsibility for their actions;~~

(IV) Enable youths YOUTH to develop healthy, supportive relationships with peers, adults, family, and members of their neighborhoods and communities; and

(V) Provide youths YOUTH with the tools necessary to become law-abiding, contributing members of the community upon their release.

(2) The division may enter into agreements with the judicial department to combine provision of juvenile parole and probation services. Juvenile probation and parole supervision programs implemented pursuant to such agreements may not include provisions for supervision of juveniles sentenced to the department of corrections.

(3) (a) This subsection (3) applies to any individual committed to a juvenile facility and in the custody of the division who is eighteen years of age or older on the date of the next election.

(b) The administrator of a facility in which an individual described in ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION is committed shall facilitate the voting rights of the individual. In connection with such requirements, the administrator shall provide the individual WITH information regarding ~~his or her~~ voting rights and how ~~the individual may~~ TO register to vote and cast a mail ballot, provide the individual with voter information materials upon the INDIVIDUAL'S request, ~~of the individual~~, and ensure that any mail ballot cast by the individual is timely delivered to the designated election official. ~~For purposes of this subsection (3), "administrator" and "voter information materials" have the same meaning as set forth in section 1-2-210.5 (5), C.R.S.~~ Notwithstanding any other provision of law, to satisfy the requirements of this ~~paragraph (b)~~ SUBSECTION (3)(b), the administrator is exempt from any restriction under law on the number of mail ballots an eligible elector may deliver in person to the designated election official.

(c) The administrator and the secretary of state shall post the type or

kind of verification satisfying the requirements of section 1-1-104 (19.5)(d) ~~C.R.S.~~, in a prominent place on the public websites maintained by the department of human services and the secretary, respectively. The secretary shall provide notice to the county clerk and recorders as well as other designated election officials throughout the state that such verification constitutes an acceptable form of identification ~~under~~ PURSUANT TO section 1-1-104 (19.5) ~~C.R.S.~~, permitting the individuals possessing such identification to register to vote and cast a ballot.

(d) The administrator shall forward applications made ~~under~~ PURSUANT TO this subsection (3) on a weekly basis, or on a daily basis during the last week allowed for registration prior to any election, to the county clerk and recorder of the county in which the facility is located, and, if the applicant resides in a different county from the facility, the application must then be forwarded to the county clerk and recorder of the county in which the applicant resides.

(e) FOR PURPOSES OF THIS SUBSECTION (3), "ADMINISTRATOR" AND "VOTER INFORMATION MATERIALS" HAVE THE SAME MEANING AS SET FORTH IN SECTION 1-2-210.5 (5).

~~(4) Repealed.~~

~~(5) Repealed.~~

~~(6)~~ (4) On or before July 1, 2018, and on or before each July 1 thereafter, the department of human services shall collect recidivism data and calculate the recidivism rates and the educational outcomes for juveniles committed to the custody of the department OF HUMAN SERVICES who complete their parole sentences and discharge from department supervision. In collecting the recidivism data, the department OF HUMAN SERVICES shall include any juvenile adjudication or adult conviction of a criminal offense within three years after parole discharge. Notwithstanding section 24-1-136 (11)(a)(I), the department OF HUMAN SERVICES shall report the recidivism data, recidivism rates, and educational outcomes to the general assembly annually. The report must denote the demographic characteristics of the population considered in the report. In reporting on recidivism rates, the report must denote the types of criminal offenses committed, delineating between felonies and misdemeanors and between crimes that are included as a "crime" pursuant to section 24-4.1-302 (1) and

other crimes.

**19-2.5-1502. [Formerly 19-2-403] Human services facilities - authority.** (1) The department of human services shall establish and operate facilities necessary for the care, education, training, treatment, and rehabilitation of ~~those~~ juveniles legally committed to its custody ~~under section 19-2-601 or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1127 OR 19-2.5-1103. As necessary and when ~~funds are~~ MONEY IS available for such purposes, ~~such~~ THE facilities may include but ~~shall not be~~ ARE NOT limited to:

(a) Group care facilities and homes, including halfway houses, nonresidential transition programs, day reporting and day treatment centers, and staff secure facilities;

(b) Training schools;

(c) Conservation camps;

(d) Diagnostic and evaluation centers and receiving centers; and

(e) Any programs necessary to implement the purposes of this section for juveniles in community placement.

(2) The department OF HUMAN SERVICES shall cooperate with other governmental units and agencies, including appropriate local units of government, state departments and institutions, and agencies of the federal government in order to facilitate the YOUTH training and rehabilitation. ~~of youth.~~

(3) Once a juvenile is committed to the department of human services, the juvenile shall remain in a facility directly operated by the department of human services or in a secure facility contracted for by the department of human services until ~~his or her~~ THE JUVENILE'S commitment expires as provided by law, parole status is granted pursuant to ~~part 10 of this article~~ PART 12 OF THIS ARTICLE 2.5, or a community placement is approved by order of the juvenile court and by a juvenile community review board, if one exists in the county of proposed placement.

(4) The department of human services shall contract with the

department of corrections to house in an appropriate facility operated by the department of human services and, as appropriate, to provide services to any juvenile under the age of fourteen years who is sentenced as an adult to the department of corrections. On reaching fourteen years of age, any juvenile sentenced to the department of corrections shall be transferred to an appropriate facility operated by the department of corrections for the completion of the juvenile's sentence.

**19-2.5-1503. [Formerly 19-2-403.5] Eminent domain - detention facility site.** ~~(1) The general assembly hereby finds and declares that:~~

~~(a) The juvenile detention facilities currently located within the city and county of Denver are inadequate to house the dramatically increasing number of juveniles being held in detention by or committed to the custody of the department of human services and this inadequacy poses a serious and immediate threat to public safety;~~

~~(b) During the 1994 legislative session, the general assembly attempted to address this situation by appropriating additional state moneys for a new sixty-bed juvenile detention facility to be located in the city and county of Denver;~~

~~(c) Although the city and county of Denver was to select a proposed site for this juvenile detention facility, the city and county of Denver had refused to do so until just recently;~~

~~(d) Due to numerous factors, the two proposed sites that the city and county of Denver finally recommended are not suitable for a juvenile detention facility;~~

~~(e) Due to Denver's delays and refusal to recommend a suitable site, the situation regarding the number of juvenile detention beds located in the city and county of Denver has reached a critical point and it has become necessary for the state of Colorado to take action in order to address this situation;~~

~~(f) Granting the department of human services the power of eminent domain to acquire private or public property for juvenile detention facilities in the city and county of Denver is reasonably related to the legitimate state interest of providing a sufficient number of juvenile detention beds within~~

the city and county of Denver so that the department can adequately house the number of juveniles held in detention or committed to the department's custody; and

~~(g) A general law cannot be made applicable to address the provision of juvenile detention facility beds within the city and county of Denver.~~

~~(2) (a) (1) (a) Subject to the provisions of subsection (3) SUBSECTION (2) of this section, the department of human services has the right to acquire by eminent domain any real property that is located within the Denver metropolitan area that is necessary for the establishment of one or more juvenile detention facilities. Such real property shall MUST be acquired in accordance with articles 1 to 7 of title 38. C.R.S.~~

~~(b) Any real property specified in paragraph (a) of this subsection (2) SUBSECTION (1)(a) OF THIS SECTION that is already devoted to a public use may be acquired by the department of human services pursuant to this section; except that no property owned by the federal government may NOT be acquired without the consent of the federal government.~~

~~(3) (2) Prior to the acquisition of any real property pursuant to subsection (2) SUBSECTION (1) of this section, the proposed acquisition must be reviewed and approved by the joint budget committee established pursuant to section 2-3-201, C.R.S. JOINT BUDGET COMMITTEE, ESTABLISHED PURSUANT TO SECTION 2-3-201, MUST REVIEW AND APPROVE THE PROPOSED ACQUISITION.~~

**19-2.5-1504. [Formerly 19-2-205] Facility directors - duties.**

(1) The director of the division of youth services shall appoint a director of each state-operated facility established by ~~section 19-2-403~~ SECTION 19-2.5-1502 and ~~sections 19-2-406 to 19-2-408~~ SECTIONS 19-2.5-1527 TO 19-2.5-1529 pursuant to section 13 of article XII of the state constitution.

(2) It is the duty of the director of each facility established by ~~section 19-2-403 and sections 19-2-406 to 19-2-408~~ SECTION 19-2.5-1502 AND SECTIONS 19-2.5-1527 TO 19-2.5-1529 TO:

(a) ~~To~~ Report to the executive director of the department of human services at such times and on such matters as the director may require;

(b) ~~To~~ Receive juveniles committed to the custody of the department of human services and placed in ~~his or her~~ THE DIRECTOR'S care ~~under the provisions of~~ PURSUANT TO this ~~article~~ ARTICLE 2.5 and to keep them for rehabilitation, education, and training until discharged by law or ~~under~~ PURSUANT TO the rules of the department of human services or released on parole;

(c) ~~To~~ Make a careful and thorough evaluation, AT INTERVALS NO GREATER THAN SIX MONTHS, of every juvenile placed under ~~his or her~~ THE DIRECTOR'S care. ~~at intervals no greater than six months, such~~ THE PURPOSE OF EACH evaluation IS to ascertain whether:

(I) The juvenile's program should be modified;

(II) ~~whether~~ The juvenile's transfer to another facility should be recommended to the ~~said~~ director; or

(III) ~~whether~~ The juvenile's release should be recommended to the juvenile parole board;

(d) ~~To~~ Take such measures as are necessary to prevent recruitment of new gang members from among the juveniles committed to the custody of the department of human services.

**19-2.5-1505. [Formerly 19-2-403.3] Juvenile facility employees - rules.** (1) On and after April 1, 2004, the department of human services shall not hire a person who is required to register as a sex offender pursuant to ~~the provisions of~~ the "Colorado Sex Offender Registration Act", article 22 of title 16, ~~C.R.S.~~, to work at a juvenile facility.

(2) The department of human services shall ensure that any person who is employed to work at a juvenile facility as of April 1, 2004, and who is required to register as a sex offender pursuant to ~~the provisions of~~ the "Colorado Sex Offender Registration Act", article 22 of title 16, ~~C.R.S.~~, does not have unsupervised contact with a juvenile in the facility on and after April 1, 2004.

(3) If a person, while employed by the department of human services, is convicted of an offense that requires the employee to register as a sex offender pursuant to ~~the provisions of~~ the "Colorado Sex Offender

Registration Act", article 22 of title 16, ~~C.R.S.~~; the employee shall immediately notify the department of human services of the conviction and the registration requirement. The department of human services shall ensure that the employee does not have unsupervised contact with a juvenile in the facility on and after the date it receives notice pursuant to this subsection (3).

(4) The executive director of the department of human services shall adopt such rules as may be necessary to ensure compliance with the requirements of this section.

**19-2.5-1506. [Formerly 19-2-214] Detention center sexual assault prevention program - reports.** (1) The division of youth services created in ~~section 19-2-203~~ SECTION 19-2.5-1601 shall develop, with respect to sexual assaults that occur in juvenile facilities, policies and procedures to:

(a) Require disciplinary action for employees who fail to report incidences of sexual assault to the inspector general;

(b) Require the inspector general, after completing an investigation for sexual assault, to submit the findings to the district attorney with jurisdiction over the facility in which the alleged sexual assault occurred;

(c) Prohibit retaliation and disincentives for reporting sexual assaults;

(d) Provide, in situations in which there is reason to believe that a sexual assault has occurred, reasonable and appropriate measures to ensure victim safety by separating the victim from the assailant, if known;

(e) Ensure the confidentiality of prison rape complaints and protection of juveniles who make complaints of prison rape;

(f) Provide acute trauma care for sexual assault victims, including treatment of injuries, HIV prophylaxis measures, and testing for sexually transmitted infections;

(g) Provide, at intake and periodically thereafter, ~~division-approved~~ DIVISION-OF-YOUTH-SERVICES-APPROVED, easy-to-understand information developed by the division OF YOUTH SERVICES on sexual assault prevention,

treatment, reporting, and counseling in consultation with community groups with expertise in sexual assault prevention, treatment, reporting, and counseling;

(h) Provide sexual-assault-specific training to division OF YOUTH SERVICES mental health professionals and all employees who have direct contact with juveniles regarding treatment and methods of prevention and investigation;

(i) Provide confidential mental health counseling to victims of sexual assault;

(j) Monitor victims of sexual assault for suicidal impulses, post-traumatic stress disorder, depression, and other mental health consequences resulting from the sexual assault; and

(k) Require termination of an employee who engages in a sexual assault on or sexual conduct with a juvenile consistent with constitutional due process protections and state personnel system laws and rules.

(2) ~~Investigation~~ INVESTIGATORS TRAINED IN THE INVESTIGATION OF SEX CRIMES SHALL INVESTIGATE ALLEGATIONS of a sexual assault. ~~shall be conducted by investigators trained in the investigation of sex crimes.~~ The investigation shall MUST include, but need not be limited to, use of forensic rape kits, questioning of suspects and witnesses, and gathering and preserving relevant evidence.

(3) The division OF YOUTH SERVICES shall annually report the data that it is required to compile and report to the federal bureau of justice statistics as required by the federal "Prison Rape Elimination Act of 2003", Pub.L. 108-79, as amended, to the judiciary committees of the house of representatives and the senate, or any successor committees. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I) TO THE CONTRARY, THE REPORTING REQUIREMENTS IN THIS SUBSECTION (3) CONTINUE INDEFINITELY.

**19-2.5-1507. [Formerly 19-2-404] Facilities - control and restraint - liability - duty to pursue runaways.** (1) Any facility that houses or provides nonresidential services to adjudicated juveniles pursuant to this ~~article~~ ARTICLE 2.5, whether publicly or privately operated, for short-term or long-term commitment or detention is authorized to respond

in a reasonable manner to issues of control and restraint of adjudicated juveniles when necessary. Each facility or program shall establish clearly defined policies and procedures for the short-term restraint and control of adjudicated juveniles housed within the facility or receiving services in the nonresidential program.

(2) Any facility that houses or provides nonresidential services to adjudicated juveniles pursuant to this ~~article~~ ARTICLE 2.5 and any person employed by ~~said~~ THE facility or program ~~shall not be~~ IS NOT liable for damages arising from acts committed in the good faith implementation of this section; except that the facility or program and any person employed by the facility or program may be liable for acts that are committed in a willful and wanton manner.

(3) Any facility that houses adjudicated juveniles pursuant to this ~~article shall have~~ ARTICLE 2.5 HAS a duty to notify the court and the local law enforcement agency as soon as possible after discovering that an adjudicated juvenile housed at the facility has run away.

**19-2.5-1508. [Formerly 19-2-920] Out-of-home placement - runaways - duty to notify.** When a juvenile who is sentenced to detention, committed to the department of human services, or otherwise sentenced or placed in out-of-home placement pursuant to ~~section 19-2-907~~ SECTION 19-2.5-1103 runs away from the facility or home in which the juvenile is placed, the person in charge of the facility or the foster parent shall notify the court and the local law enforcement agency as soon as possible after discovering that the juvenile has run away from the facility or home.

**19-2.5-1509. [Formerly 19-2-416] Administration or monitoring of medications to persons in juvenile institutional facilities.** The executive director of the department of human services has the power to direct the administration or monitoring of medications to persons in juvenile institutional facilities, as defined in section 25-1.5-301 (2)(b), ~~C.R.S.~~, in a manner consistent with part 3 of article 1.5 of title 25. ~~C.R.S.~~

**19-2.5-1510. [Formerly 19-2-413] Facility publications.** Publications of any of the facilities established by ~~section 19-2-403 and sections 19-2-406 to 19-2-408~~ PURSUANT TO SECTION 19-2.5-1502 AND SECTIONS 19-2.5-1527 TO 19-2.5-1529 intended for circulation in quantity outside such facility ~~shall be~~ IS subject to the "Information Coordination

Act", section 24-1-136. ~~C.R.S.~~

SUBPART B  
BEDS AND FACILITIES

**19-2.5-1511. [Formerly 19-2-402] Juvenile detention services and facilities to be provided by department of human services - education - expenses - definition.** (1) (a) Except as ~~provided~~ SET FORTH in subsection (1)(c) of this section, the department of human services shall provide detention services for temporary care of a juvenile, pursuant to this ~~article~~ ~~2~~ ARTICLE 2.5. The department of human services shall consult on a regular basis with the court in any district where a detention facility is located concerning the detention program at that facility. The department of human services may use staff secure facilities to provide preadjudication and postadjudication detention services.

(b) Detention facilities operated by or under contract with the department of human services, subject to limitations on physical capacity and programs, shall receive and provide care for any juvenile arrested for or convicted of a violation of any provision of articles 1 to 15 of title 33, ~~C.R.S.~~, or any rule or ~~regulation~~ promulgated thereunder, or any article of title 42, ~~C.R.S.~~, or any municipal or county ordinance and for any juvenile found in contempt of court in connection with a violation or an alleged violation of any of those articles or any municipal or county ordinance.

(c) The department of human services is not required to receive and provide care for any juvenile who is ten years of age and older but less than thirteen years of age, unless such juvenile has been arrested or adjudicated for a felony or weapons charge pursuant to section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5.

(2) Detention facilities operated in part by a state court, pursuant to section 13-3-108, ~~C.R.S.~~, ~~shall~~ MUST be operated in the same manner by the department of human services, within the limits of available funds appropriated for such purpose.

(3) (a) (I) Juveniles in a juvenile detention facility are exempt from compulsory school attendance requirements pursuant to section 22-33-104 (2)(f). ~~C.R.S.~~ However, it is the intent of the general assembly that the juvenile detention facility and school district in which the facility is located

cooperate to ensure that each juvenile who is in detention is offered educational services at the grade level identified for the juvenile in a time frame that aligns with the hourly requirements for attendance specified in section 22-33-104 (1). ~~C.R.S.~~

(II) The school boards of the school districts that a juvenile detention facility serves or in which the juvenile detention facility is located, when requested by the judge of the juvenile court, shall furnish teachers and any books or equipment needed to provide educational services that align with, and are designed to assist each juvenile in achieving, the statewide model content standards adopted pursuant to section 22-7-1005 ~~C.R.S.~~, for each juvenile's identified grade level. The school districts and the personnel at the detention facility shall cooperate to ensure that the educational services are available to the juveniles in the facility in a time frame that aligns with the hourly requirements for attendance specified in section 22-33-104 (1). ~~C.R.S.~~

(b) The expenses incurred by a school district pursuant to ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION, minus the total amount of per-pupil revenues that the school district receives pursuant to article 54 of title 22 ~~C.R.S.~~, for the juveniles in the juvenile detention facility, shall be shared and paid by each school district served in the proportion that the enrollment of each school district bears to the total enrollment of all the districts served.

(c) (I) For the 2006-07 budget year and each budget year thereafter, the expenses incurred by a school district pursuant to ~~paragraph (b) of this subsection (3)~~ SUBSECTION (3)(b) OF THIS SECTION shall be shared and paid by the school district, each charter school of the district, and each institute charter school located in the school district. Each charter school of the district and institute charter school shall pay in the proportion that the charter school of the district's or institute charter school's enrollment bears to the total district enrollment.

(II) For the purpose of this ~~paragraph (c)~~ SUBSECTION (3)(c), "total district enrollment" means the total of the pupil enrollment in the school district, plus the district online enrollment, the district preschool program enrollment, and the pupil enrollment in each institute charter school that is located within the school district, as determined in accordance with article 54 of title 22. ~~C.R.S.~~

**19-2.5-1512. [Formerly 19-2-1204] Use of juvenile detention beds.** A juvenile committed to the department of human services pursuant to article 3 of this title ~~shall~~ TITLE 19 MUST not be placed in a juvenile detention bed unless the juvenile is subject to an action proceeding ~~under this article~~ PURSUANT TO THIS ARTICLE 2.5.

**19-2.5-1513. [Formerly 19-2-402.5] Juvenile detention facilities - catchment areas.** (1) (a) The executive director of the department of human services and the state court administrator in the judicial department shall together establish geographical catchment areas for the juvenile detention facilities operated by or under contract with the department of human services. To the extent practicable, the detention catchment areas ~~shall~~ MUST be established to ensure that the juvenile is held in a juvenile detention facility located within the judicial district in which the JUVENILE'S offense is committed. For judicial districts in which ~~no~~ A juvenile detention facility is NOT located, the department OF HUMAN SERVICES shall establish the catchment areas based on considerations of proximity, bed availability, workload, and cost efficiency.

(b) On or before October 1, 1998, and each October 1 thereafter, the working group established in ~~section 19-2-212~~ SECTION 19-2.5-1404 shall submit recommendations to the executive director of the department of human services and the state court administrator concerning configuration of the detention catchment areas and the placement of detained juveniles.

(2) On or before December 1, 1998, the executive director of the department of human services and the state court administrator shall submit a description of the detention catchment areas to the joint budget committee and to the judiciary committees of the senate and house of representatives. The executive director and the state court administrator shall annually reexamine the detention catchment areas and submit a description of any changes in the detention catchment area boundaries to the joint budget committee and to the judiciary committees of the senate and house of representatives, OR ANY SUCCESSOR COMMITTEES, by December 1.

**19-2.5-1514. [Formerly 19-2-1201] Juvenile detention bed cap.** (1) For the fiscal year 2003-04 through fiscal year 2010-11, the number of available juvenile detention beds statewide ~~shall be~~ IS limited to four hundred seventy-nine.

(2) For the fiscal year 2011-12 and from July 1, 2012, through March 31, 2013, the number of available juvenile detention beds statewide ~~shall be~~ is limited to four hundred twenty-two.

(3) From April 1, 2013, through June 30, 2013, and for the fiscal year 2013-14 through fiscal year 2018-19, the number of available juvenile detention beds statewide is limited to three hundred eighty-two.

(4) For the fiscal year 2019-20 and each fiscal year thereafter, the number of available juvenile detention beds statewide is limited to three hundred twenty-seven.

**19-2.5-1515. [Formerly 19-2-1203] Judicial districts - plans for the cap.** Each judicial district shall annually develop a plan to manage the limit on the number of juvenile detention beds allocated to the judicial district by the working group pursuant to ~~section 19-2-1202 (1)(a)~~ SECTION 19-2.5-1405 (1)(a). The judicial district shall consider the emergency release guidelines and placement guidelines developed pursuant to ~~section 19-2-1202~~ SECTION 19-2.5-1405 in its annual plan to manage the limit. The annual plan developed by the judicial district ~~shall~~ MUST ensure the judicial district does not exceed the number of juvenile detention beds allocated to it pursuant to ~~section 19-2-1202~~ SECTION 19-2.5-1405.

**19-2.5-1516. [Formerly 19-2-417] Juvenile detention facilities - behavioral or mental health disorder screening.** (1) The executive director of the department of human services may implement a behavioral or mental health disorder screening program to screen juveniles held in juvenile detention facilities following adjudication. If the executive director chooses to implement a behavioral or mental health disorder screening program, the executive director shall use the standardized behavioral or mental health disorder screening developed pursuant to section 16-11.9-102 and conduct the screening in accordance with procedures established pursuant to said section.

(2) Prior to implementation of a behavioral or mental health disorder screening program pursuant to this section, if implementation of the program would require an increase in appropriations, the executive director shall submit to the joint budget committee a request for funding in the amount necessary to implement the behavioral or mental health disorder screening program. If implementation of the behavioral or mental health

disorder screening program would require an increase in appropriations, implementation of the program is conditional upon approval of the funding request.

**19-2.5-1517. [Formerly 19-2-412] Transfer of detention facilities and equipment.** Whenever the department of human services determines that any property, facilities, and equipment are no longer needed for juvenile detention facilities, the department shall transfer said property, facilities, and equipment back to the county without any cost to the county.

SUBPART C  
FACILITIES - COMMITMENT

**19-2.5-1518. Commitment to department of human services.**

(1) [Formerly 19-2-921 (5)] (a) When a juvenile is placed in a community placement by the department of human services following commitment pursuant to ~~section 19-2-601 or 19-2-907~~ SECTION 19-2.5-1127 OR 19-2.5-1103, an administrative review ~~shall~~ MUST be conducted every six months after ~~said~~ THE placement for as long as the juvenile remains in a community placement under the department of human services.

(b) When a juvenile is placed in a community placement for a period of twelve months or longer, a court of competent jurisdiction or an administrative body appointed or approved by the court that is not under the supervision of the department OF HUMAN SERVICES shall conduct a permanency hearing pursuant to the federal "Social Security Act", 42 U.S.C. sec. 675 (5)(C) no later than the twelfth month of the community placement and at least every twelve months thereafter while the juvenile remains in a community placement. At the permanency hearing, the entity conducting the hearing shall ~~make the following determinations~~ DETERMINE WHETHER:

(I) ~~Whether~~ Continued community placement is in the best interests of the juvenile and the community;

(II) ~~Whether~~ The juvenile's safety is protected in the community placement;

(III) ~~Whether~~ Reasonable efforts have been made to finalize the juvenile's permanency plan that is in effect at that time;

(IV) ~~Whether~~ Continued community placement is necessary and appropriate;

(V) ~~Whether~~ There has been compliance with the juvenile's case plan;

(VI) ~~Whether~~ Progress has been made toward alleviating or mitigating the causes that necessitated the community placement;

(VII) ~~Whether~~ There is a date projected by which the juvenile will be returned and safely maintained in ~~his or her~~ THE home, placed for legal guardianship, or placed in a planned and permanent living arrangement; and

(VIII) ~~Whether~~ Procedural safeguards to preserve parental rights have been applied in connection with the removal of the juvenile from the home, any change in the juvenile's community placement, or any determination affecting parental visitation.

(c) The entity conducting the permanency hearing shall consult with the juvenile, in an age-appropriate manner, concerning the juvenile's permanency plan.

(2) [Formerly 19-2-921 (6)] Parole supervision of juveniles committed to the department of human services ~~under section 19-2-601 or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1127 OR 19-2.5-1103, as determined by the juvenile parole board, ~~shall~~ MUST not exceed six months, except as otherwise provided by statute.

(3) [Formerly 19-2-921 (7)] When a juvenile is released or released to parole supervision by the department of human services or escapes from ~~said~~ THE department, the department shall notify the committing court, the district attorney, the Colorado bureau of investigation, and the initiating law enforcement agency. If the juvenile is on parole status, the division of youth services shall notify the juvenile parole board, pursuant to ~~section 19-2-1002 (7)(b)(II)~~ SECTION 19-2.5-1203 (7)(b)(II), of any discharge as a matter of law, any placement change that may impact public safety or victim safety as determined by the division of youth services, and any escape and recapture that occurs during the period of parole.

(4) [Formerly 19-2-921 (7.5)] If the terms and conditions of a

juvenile's parole include the condition that the juvenile attend school, the department of human services shall notify the school district in which the juvenile will be enrolled of this condition.

(5) [Formerly 19-2-921 (8)] When a juvenile is released by the department of human services to parole supervision, the payment of any remaining restitution ~~shall~~ MUST be a condition of parole.

(6) [Formerly 19-2-921 (9)] At least ~~ninety~~ NINETY-ONE days prior to expiration of commitment to the department of human services, notification ~~shall~~ MUST be given to the responsible person who had custody of the juvenile immediately prior to the commitment. Reasonable efforts ~~shall~~ MUST be made to return custody of the juvenile to the family or responsible person who had custody of the juvenile immediately prior to the commitment, unless a court of competent jurisdiction orders that custody of the juvenile ~~shall be~~ IS with a different person.

(7) [Formerly 19-2-921 (10)] When custody of a juvenile who will be under the age of eighteen years at the time of expiration of commitment cannot be determined or none of the resources described in ~~subsection (9)~~ SUBSECTION (6) of this section exist, the division of youth services shall make a referral to the last-known county of residence of the responsible person having custody of the juvenile immediately prior to the commitment. The referral to the county must be made by the division of youth services at least ~~ninety~~ NINETY-ONE days prior to the expiration of the juvenile's commitment. The county department of human or social services shall conduct an assessment of the JUVENILE'S child protection needs ~~of the juvenile~~ and, pursuant to rules adopted by the state board, provide services in the best interest of the juvenile. The division of youth services shall work in collaboration with the county department of human or social services conducting the assessment and shall provide parole supervision services as described in ~~section 19-2-1003~~ SECTION 19-2.5-1204.

(8) [Formerly 19-2-921 (11)] If a juvenile who is committed to the department of human services escapes from a facility operated by the department or a facility with which the department contracts, the department shall not count the time the juvenile is on escape status toward completion of the juvenile's commitment.

**19-2.5-1519. [Formerly 19-2-410] Contracts and agreements with**

**public and private agencies.** (1) The executive director of the department of human services shall, subject to available appropriations, enter into agreements or contracts deemed necessary and appropriate with any governmental unit or agency or private facility or provider cooperating or willing to cooperate in a program to carry out the purposes of this ~~article~~: ~~Such~~ ARTICLE 2.5. THE contracts or agreements may provide, among other things, for the type of work to be performed at a camp or other facility, for the rate of payment for such work, and for other matters relating to the care and treatment of juveniles.

(2) Placement of juveniles by the department of human services in any public or private facility not under the jurisdiction of the department shall not terminate the legal custody of the department.

(3) The department ~~shall have~~ OF HUMAN SERVICES HAS the right to inspect all facilities used by it and to examine and consult with persons in its legal custody who have been placed in any such facility.

(4) (a) On and after April 1, 2004, an entity that contracts with the department of human services for the operation of a private juvenile facility shall not employ a person who is required to register pursuant to ~~the provisions of~~ the "Colorado Sex Offender Registration Act", article 22 of title 16, ~~C.R.S.~~, to work in the private juvenile facility.

(b) For the purposes of a contract in existence as of April 1, 2004, if a contractor employs a person in a private juvenile facility who is required to register as a sex offender pursuant to ~~the provisions of~~ the "Colorado Sex Offender Registration Act", article 22 of title 16, ~~C.R.S.~~, the contractor shall ensure that the person does not have unsupervised contact with a juvenile in the facility on and after April 1, 2004. Failure to comply with ~~the provisions of~~ this subsection (4) ~~shall constitute~~ CONSTITUTES a breach and grounds for termination of the contract.

**19-2.5-1520. [Formerly 19-2-411] Private facilities for juvenile offenders - requests for proposals - rules .** The executive director of the department of human services shall adopt rules and implement a process to issue requests for proposals with respect to contracts for designing, financing, acquiring, constructing, and operating private facilities for juvenile offenders. The process to issue requests for proposals and privatization contracts ~~shall~~ MUST meet the requirements set forth in part 2

of article 1 of title 17 ~~C.R.S.~~, with respect to private adult correctional facilities.

**19-2.5-1521. [Formerly 19-2-411.5] Juvenile facility - contract for operation.** (1) The state department of human services is authorized to contract with a private contractor for the operation of a five-hundred-bed facility to house juveniles who are in the custody of the state department of human services and to house juveniles who are in the temporary custody of a county department of human or social services. The facility shall follow an academic model, providing educational, vocational, and positive developmental programming. The contractor shall work with the state department of human services to develop and maintain high-quality programming that is appropriate for and meets the needs of the juveniles placed in the facility. The facility must be constructed in a campus-style design and located on the parcel of real property formerly known as the Lowry bombing range. The state retains ownership of the facility constructed and operated pursuant to this section. Nothing in this section requires that the parcel of real property formerly known as the Lowry bombing range be used exclusively for the facility constructed pursuant to this section.

(2) ~~In choosing a contractor, the executive director of the department of human services shall ensure that~~ THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, the contractor SELECTED, and the contract SHALL meet the following requirements:

(a) The executive director of the department of human services shall select the lowest responsible bid by the contractor most qualified to operate the facility on an academic model, subject to available appropriations. Prior to final selection, the executive director shall confirm that the contractor has the qualifications, experience, and management personnel necessary to carry out the terms of the contract.

(b) The contractor shall agree to indemnify the state and the department of human services, including their officials and agents, against any and all liability, including but not limited to any civil rights claims. The department of human services shall require proof of satisfactory insurance, the amount of which shall TO be determined by the department of human services following consultation with the division of insurance in the department of regulatory agencies.

(c) The facility and the management plan for juveniles housed at the facility shall meet the requirements of applicable court orders and state law.

(d) The contractor ~~shall be~~ IS responsible for a range of dental, medical, and psychological services and diet, education, and work programs at least equal to those services and programs provided by the department of human services at comparable state juvenile facilities. The work and education programs ~~shall~~ MUST be designed to reduce recidivism.

(e) The department of human services shall monitor the facility, and the contractor shall bear the costs of monitoring.

(3) The contract for operation of the facility ~~shall be~~ IS subject to annual renewal. The contract for operation of the facility ~~shall~~ MUST specify the responsibilities the department of human services ~~shall retain~~ RETAINS with regard to juveniles housed at the facility and the responsibilities the contractor shall exercise.

(4) The contractor shall require applicants for employment at the facility to submit a set of fingerprints to the Colorado bureau of investigation for a FINGERPRINT-BASED criminal ~~background~~ HISTORY RECORD check, and the Colorado bureau of investigation may accept such fingerprints. For the purpose of conducting ~~background checks~~ A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, to the extent authorized by federal law, the Colorado bureau of investigation may exchange with the department OF HUMAN SERVICES any state, multistate, and federal criminal history records of individuals who apply for employment at the facility. When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition, the contractor shall require that applicant to submit to a name-based criminal history record check, as defined in section 22-2-119.3 (6)(d).

~~(5) Repealed.~~

**19-2.5-1522. [Formerly 19-2-924] Juveniles committed to department of human services - emergency release.** The department of human services and the judicial department shall establish guidelines for the emergency release of juveniles committed to the custody of the department of human services during periods of crisis overcrowding of facilities

operated by ~~such~~ THE department ~~Such~~ OF HUMAN SERVICES. THE guidelines ~~shall~~ MUST take into consideration the best interests of juveniles, the capacity of individual facilities, and the safety of the public.

**19-2.5-1523. [Formerly 19-2-405] Receiving centers - designation.**

(1) The department of human services shall designate receiving centers for juvenile delinquents committed to the department ~~under section 19-2-601 or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1127 OR 19-2.5-1103.

(2) If a change is made in the designation of a receiving center by the department of human services, it shall ~~so~~ notify the juvenile courts at least ~~thirty~~ THIRTY-FIVE days prior to the date that the change takes effect.

**19-2.5-1524. [Formerly 19-2-418] Juveniles - medical benefits application assistance - county of residence - rules.** (1) Beginning as soon as practicable, but no later than January 1, 2009, no later than one hundred twenty days prior to release, commitment facility personnel or state personnel shall assist the parent or legal guardian of the following juveniles in applying for medical assistance pursuant to part 1 or 2 of article 5 of title 25.5 ~~C.R.S.~~; or in applying to the children's basic health plan pursuant to section 25.5-8-109: ~~C.R.S.~~:

(a) A juvenile who was receiving medical assistance pursuant to section 25.5-5-101 (1)(f) or 25.5-5-201 (1)(j), ~~C.R.S.~~, or pursuant to the children's basic health plan pursuant to section 25.5-8-109, ~~C.R.S.~~, immediately prior to entering the juvenile commitment facility and is likely to be terminated from receiving medical assistance while committed or is reasonably expected to meet the eligibility criteria specified in section 25.5-5-101 (1)(f), 25.5-5-201 (1)(j), or 25.5-8-109 ~~C.R.S.~~, upon release; and

(b) A juvenile who is committed to a juvenile commitment facility.

~~(1.5)~~ (2) If a juvenile is committed or placed for ~~less~~ FEWER than one hundred twenty days, commitment facility personnel or state personnel shall make a reasonable effort to assist the JUVENILE'S parent or legal guardian ~~of the juvenile~~ in applying for medical assistance as soon as practicable.

~~(2)~~ (3) The department of health care policy and financing shall provide information and training on medical assistance eligibility

requirements and assistance to the personnel at each commitment facility to assist in and expedite the application process for medical assistance for a juvenile held in custody who meets the requirements of ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section.

~~(3)~~(4) (a) For purposes of determining eligibility pursuant to section 25.5-4-205, ~~C.R.S.~~, ~~the A JUVENILE'S county of residence of a juvenile shall be~~ IS the county specified by the juvenile as his or her county of residence upon THE JUVENILE'S release.

(b) The executive director of the department of health care policy and financing shall promulgate rules to simplify the processing of applications for medical assistance pursuant to subsection (1) of this section and to allow a juvenile determined to be eligible for ~~such~~ medical assistance to access the medical assistance upon release and thereafter. If a county department of human or social services determines that a juvenile is eligible for medical assistance, the county shall enroll the juvenile in medical assistance or the children's basic health plan effective upon release of the juvenile. At the time of the juvenile's release, the commitment facility shall give the juvenile or the juvenile's parent or legal guardian information and paperwork necessary for the juvenile to access medical assistance. The applicable county department of human or social services shall provide the commitment facility with the necessary information.

(c) Each juvenile commitment facility administrator shall attempt to enter into prerelease agreements, if appropriate, with the county department of human or social services, the state department of human services, or the department of health care policy and financing in order to:

(I) Simplify the processing of applications for medical assistance or for the children's basic health plan benefits pursuant to section 25.5-8-109, ~~C.R.S.~~; to enroll, effective upon release, a juvenile who is eligible for medical assistance pursuant to section 25.5-5-101 (1)(f) or 25.5-5-201 (1)(j) ~~C.R.S.~~; or the children's basic health plan pursuant to section 25.5-8-109; ~~C.R.S.~~; and

(II) Provide the juvenile or the juvenile's parent or legal guardian with the information and paperwork necessary to access medical assistance immediately upon release.

**19-2.5-1525. [Formerly 19-2-922] Juveniles committed to department of human services - evaluation and placement.** (1) (a) Each juvenile committed to the custody of the department of human services shall be examined and evaluated by the department prior to institutional placement or other disposition.

(b) ~~Such~~ THE evaluation and examination ~~shall~~ MUST be conducted at a detention facility and ~~shall~~ be completed within ~~thirty~~ THIRTY-FIVE days. The department of human services may, by rule, determine the extent and scope of the evaluation and examination. To the extent possible and relevant, the evidence, reports, examination, studies, and other materials utilized in a sentencing hearing conducted ~~under section 19-2-906 shall~~ PURSUANT TO SECTION 19-2.5-1102 MUST also be utilized in evaluation and examination conducted ~~under~~ PURSUANT TO this section. ~~The provisions of this paragraph (b) shall~~ THIS SUBSECTION (1)(b) DOES not apply to AN examination and evaluation conducted pursuant to ~~section 19-2-923 (1)~~ SECTION 19-2.5-1532 (1).

(c) The examination and evaluation ~~shall~~ MUST include the use of an objective risk assessment that is based upon researched factors that correlate to a risk to the community. The results of the objective risk assessment ~~shall~~ MUST be used to help identify treatment services for the juvenile during ~~his~~ ~~or her~~ THE JUVENILE'S commitment and ~~the~~ period of parole supervision.

(2) THE DEPARTMENT OF HUMAN SERVICES SHALL THEN PLACE each juvenile ~~shall then be placed by the department~~ in the appropriate state institution or facility ~~or placed as provided in section 19-2-409 or 19-2-410~~ SECTION 19-2.5-1530 OR 19-2.5-1519, as indicated by the examination and evaluation.

(3) (a) When the department of human services determines that a juvenile requires placement in a state facility for children with intellectual and developmental disabilities, as defined in article 10.5 of title 27, it shall initiate proceedings pursuant to article 10.5 of title 27 and notify the court.

(b) (I) When the department of human services determines that a juvenile may require treatment for a behavioral or mental health disorder, it shall conduct or have a mental health professional conduct a mental health hospital placement prescreening on the juvenile.

(II) If the mental health hospital placement prescreening report recommends that the juvenile be evaluated, the juvenile may be transferred to a mental health facility operated by the department of human services for such evaluation.

(III) If the evaluation report states that the juvenile has a mental health disorder, as ~~provided~~ DESCRIBED in sections 27-65-105 and 27-65-106, the department of human services shall initiate proceedings pursuant to article 65 of title 27 and notify the court.

**19-2.5-1526. [Formerly 19-2-414] Facility rules - academic and vocational courses.** (1) It is the duty of the department of human services to develop ~~such rules and regulations as may be~~ RULES necessary for imparting instruction, preserving health, and enforcing discipline of juveniles committed to the department OF HUMAN SERVICES.

(2) The academic courses of study and vocational training and instruction given in the facilities established by ~~section 19-2-403 and sections 19-2-406 to 19-2-408 shall~~ SECTION 19-2.5-1502 AND SECTIONS 19-2.5-1527 TO 19-2.5-1529 MUST include those approved by the department of education for the instruction of pupils in the primary and secondary schools of the state. Full credit ~~shall~~ MUST be given by school districts in this state for completion of any semester, term, or year of study instruction by any juvenile who has SUCH earned credit. ~~therefor.~~

(3) The director of the division of youth services may appoint, pursuant to section 13 of article XII of the state constitution, a director and such other officers, teachers, instructors, counselors, and other personnel as the director ~~may consider~~ CONSIDERS necessary to transact the business of the schools and may designate their duties. ~~No~~ A person shall NOT be appointed as a teacher or instructor in the schools who is not qualified to serve as a teacher or instructor in the schools under the laws of the state and the standards established by the department of education.

**19-2.5-1527. [Formerly 19-2-406] Lookout Mountain school.** (1) There is ~~hereby~~ established at Golden, Jefferson county, a training school known as the Lookout Mountain school, under the supervision and control of the department of human services.

(2) The school shall provide care, education, training, and

rehabilitation for juveniles ten years of age or older who have been committed to the custody of the department ~~under section 19-2-601 or 19-2-907~~ OF HUMAN SERVICES PURSUANT TO SECTION 19-2.5-1127 OR 19-2.5-1103. In addition, the school may provide care, education, training, and rehabilitation for any juvenile who has been sentenced to the department of corrections and is being housed in a facility operated by the department of human services pursuant to a contract with the department of corrections ~~as provided in section 19-2-403 (4)~~ PURSUANT TO SECTION 19-2.5-1502 (4).

**19-2.5-1528. [Formerly 19-2-407] Mount View school.** (1) There is hereby established near Morrison, Jefferson county, a training school known as the Mount View school under the supervision and control of the department of human services.

(2) The school shall provide care, education, training, and rehabilitation for juveniles ten years of age or older who have been committed to the custody of the department ~~under section 19-2-601 or 19-2-907~~ OF HUMAN SERVICES PURSUANT TO SECTION 19-2.5-1127 OR 19-2.5-1103. In addition, the school may provide care, education, training, and rehabilitation for any juvenile who has been sentenced to the department of corrections and is being housed in a facility operated by the department of human services pursuant to a contract with the department of corrections ~~as provided in section 19-2-403 (4)~~ PURSUANT TO SECTION 19-2.5-1502 (4).

**19-2.5-1529. [Formerly 19-2-408] Youth camps.** The department of human services may establish and administer youth camps. Staff at youth camps shall provide care, education, training, rehabilitation, and supervision for juveniles ten years of age or older who have been committed to the custody of the department ~~under section 19-2-601 or 19-2-907~~ OF HUMAN SERVICES PURSUANT TO SECTION 19-2.5-1127 OR 19-2.5-1103.

**19-2.5-1530. [Formerly 19-2-409] Alternate placement.** The executive director of the department of human services may assign any juvenile placed by the department of human services in any facility established ~~under section 19-2-403, 19-2-406, or 19-2-407~~ PURSUANT TO SECTION 19-2.5-1502, 19-2.5-1527, OR 19-2.5-1528 to any other facility established by said sections for educational training, treatment, or rehabilitation programs. The assignment and the transportation of a juvenile

to and from such programs on a daily basis ~~shall~~ DOES not constitute a transfer or change of placement of the juvenile.

**19-2.5-1531. [Formerly 19-2-924.7] Juveniles committed to the department of human services - prohibition against the use of restraints on pregnant juveniles.** (1) The staff of the department of human services, in restraining a female juvenile committed to the department of human services or detained in a juvenile facility, shall use the least restrictive restraints necessary to ensure safety if the staff have actual knowledge or a reasonable belief that the juvenile is pregnant. The requirement that staff use the least restrictive restraints necessary to ensure safety ~~shall~~ MUST continue during postpartum recovery and transport to or from a juvenile facility.

(2) (a) (I) Staff of the department of human services or medical facility staff shall not use restraints of any kind on a pregnant juvenile during labor and delivery of the child; except that staff may use restraints if:

(A) The medical staff determine that restraints are medically necessary for safe childbirth;

(B) The staff of the department of human services or medical staff determine that the juvenile presents an immediate and serious risk of harm to herself, to other patients, or to medical staff; or

(C) The staff of the department of human services determine that the juvenile poses a substantial risk of escape that cannot reasonably be reduced by the use of other existing means.

(II) Notwithstanding ~~any provision of subparagraph (I) of this paragraph (a)~~ SUBSECTION (2)(a)(I) OF THIS SECTION to the contrary, under no circumstances shall staff use leg shackles or waist restraints on a juvenile during labor and delivery of the child, postpartum recovery while in a medical facility, or transport to or from a medical facility for childbirth.

(b) The staff of the department of human services or medical facility authorizing the use of restraints on a pregnant juvenile during labor or delivery of the child shall make a written record of the use of restraints. ~~which~~ THE record ~~shall~~ MUST include, at a minimum, the type of restraint

used, the circumstances that necessitated the use of the restraint, and the length of time the restraint was used. The department of human services staff shall retain the record for a minimum of five years and shall make the record available for public inspection with individually identifying information redacted from the record unless the juvenile who is the subject of the record gives prior written consent for the public release of the record. The written record of the use of restraint ~~shall~~ DOES not constitute a medical record under state or federal law.

(3) Upon return to a department of human services facility after childbirth, the juvenile ~~shall be~~ IS entitled to have a member of the department of human services' medical staff present during any strip search.

(4) When a juvenile's pregnancy is determined, the staff of the department of human services shall inform a pregnant juvenile committed to the department of human services in writing in a language and in a manner understandable to the juvenile of the provisions of this section concerning the use of restraints and the presence of medical staff during a strip search.

(5) The executive director of the department of human services shall ensure that the staff of the department of human services receive adequate training concerning the provisions of this section.

**19-2.5-1532. [Formerly 19-2-923] Juveniles committed to department of human services - transfers.** (1) The executive director of the department of human services may transfer ~~any~~ A juvenile committed ~~under section 19-2-601 or 19-2-907~~ PURSUANT TO SECTION 19-2.5-1127 OR 19-2.5-1103 among the facilities established ~~under sections 19-2-403 and 19-2-406 to 19-2-408~~ PURSUANT TO SECTIONS 19-2.5-1502 AND 19-2.5-1527 TO 19-2.5-1529; except that, before ~~any~~ THE juvenile is transferred, ~~he or she~~ THE JUVENILE shall be examined and evaluated, and ~~such~~ THE EXECUTIVE DIRECTOR SHALL REVIEW THE evaluation ~~shall be reviewed by the said executive director before he or she approves~~ APPROVING the transfer.

(2) When the executive director of the department of human services finds that the welfare and protection of a juvenile or of others requires the juvenile's immediate transfer to another facility, ~~he or she~~ THE EXECUTIVE DIRECTOR shall make the transfer prior to having the juvenile examined and

evaluated.

(3) (a) ~~Any~~ A juvenile committed to the department of human services may be transferred temporarily to any state treatment facility for persons with behavioral or mental health disorders or intellectual and developmental disabilities for purposes of diagnosis, evaluation, and emergency treatment; except that a juvenile may not be transferred to a ~~mental health~~ STATE TREATMENT facility FOR PERSONS WITH MENTAL HEALTH DISORDERS until the juvenile has received a mental health hospital placement prescreening resulting in a recommendation that the juvenile be placed in a facility for evaluation pursuant to section 27-65-105 or 27-65-106. A juvenile committed to the department OF HUMAN SERVICES as an aggravated juvenile offender PURSUANT TO SECTION 19-2.5-1127 or violent juvenile offender ~~shall~~ PURSUANT TO SECTION 19-2.5-1126 (1)(c) MUST not be transferred until the treatment facility has a secure setting in which to house the juvenile. The period of temporary transfer pursuant to this subsection (3)(a) must not exceed sixty days.

(b) When a juvenile has remained in the treatment facility for sixty days, the treatment facility shall determine whether the juvenile requires further treatment or services, and, if so, the treatment facility shall confer with the sending facility concerning continued placement. If both facilities agree that the juvenile should remain in the treatment facility, the executive director of the department of human services shall be notified of the recommendation and ~~he or she~~ may authorize an additional sixty-day placement. When an additional placement is authorized, the court ~~shall~~ MUST be notified of the transferred placement.

(c) During each subsequent sixty-day placement period, the juvenile shall be reevaluated by both the treatment facility and the sending facility to determine the need for continued transferred placement. The juvenile ~~shall remain~~ REMAINS in transferred placement until the facilities agree that such placement is no longer appropriate. At that time the juvenile ~~shall~~ MUST be transferred back to the sending facility or to any other facility that the department OF HUMAN SERVICES determines to be appropriate. The period of placement ~~shall~~ MUST not exceed the length of the original commitment to the department of human services unless authorized by the court after notice and a hearing.

(d) When a juvenile is in continued transferred placement and the

treatment facility and the sending facility agree that the need for placement of the juvenile is likely to continue beyond the original period of commitment to the department of human services, the treatment facility shall initiate proceedings with the court having jurisdiction over the juvenile pursuant to article 65 of title 27 if the juvenile has a mental health disorder or pursuant to article 10.5 of title 27 if the juvenile has intellectual and developmental disabilities.

**SECTION 3.** In Colorado Revised Statutes, 1-2-210.5, **amend** (1) and (5)(a) as follows:

**1-2-210.5. Registration of and voting by persons in custody of division of youth services - definitions.** (1) In the case of any individual committed to a juvenile facility and in the custody of the division of youth services in the department of human services created in ~~section 19-2-203(1)~~ SECTION 19-2.5-1501 (1) who is eighteen years of age or older on the date of the next election, the administrator of the facility in which the individual is committed shall facilitate the registration for voting purposes of, and voting by, the individual. In connection with this requirement, the administrator shall provide the individual information regarding ~~his or her~~ THE INDIVIDUAL'S voting rights and how the individual may register to vote and cast a mail ballot, provide the individual with voter information materials upon the request of the individual, and ensure that any mail ballot cast by the individual is timely delivered to the designated election official.

(5) As used in this section:

(a) "Administrator" means the administrator, or ~~his or her~~ THE ADMINISTRATOR'S designee, of the division of youth services created in ~~section 19-2-203(1)~~ SECTION 19-2.5-1501 (1), a residential facility operated by the division of youth services, or a residential facility that contracts with the division of youth services in which a person committed to the department of human services is confined and eligible to register to vote and cast a ballot.

**SECTION 4.** In Colorado Revised Statutes, 2-3-124, **amend** (1) as follows:

**2-3-124. Audits of reports of recidivism and educational outcomes by the division of youth services.** (1) On or before January 1,

2019, and on or before January 1, 2024, the state auditor shall audit the reports of recidivism rates and educational outcomes for youths YOUTH committed to the division of youth services in the state department of human services, ~~which reports are provided~~ PREPARED pursuant to ~~section 19-2-203 (6)~~ SECTION 19-2.5-1501 (5). Each such audit must examine the division's reports during the preceding five years for accuracy and quality. After January 1, 2024, the state auditor, at ~~his or her~~ THE AUDITOR'S discretion, may conduct additional audits of the division of youth services reports of recidivism rates and educational outcomes for youths YOUTH committed to the division.

**SECTION 5.** In Colorado Revised Statutes, 13-1-119.5, amend (1)(a) as follows:

**13-1-119.5. Electronic access to name index and register of actions.** (1) Statewide electronic read-only access to the name index and register of actions of public case types must be made available to the following agencies or attorneys appointed by the court:

(a) County departments as defined in section 19-1-103 ~~(32), C.R.S.~~, and attorneys who represent the county departments as county attorneys, as defined in section 19-1-103, ~~(31.5), C.R.S.~~, as it relates to the attorneys' work representing the county;

**SECTION 6.** In Colorado Revised Statutes, amend 13-1-123.5 as follows:

**13-1-123.5. Transfer of venue - actions involving related persons.** In addition to the authority to change venue granted by ~~sections 19-2-105 and 19-3-201, C.R.S.~~, SECTIONS 19-2.5-104 AND 19-3-201 for good cause shown, a court, on its own motion, on the motion of another court in this state, or on the motion of a party or guardian ad litem, may order the transfer of a pending action brought ~~under~~ PURSUANT TO title 14 or title 19 ~~C.R.S.~~, or rule 365 of the Colorado rules of county court civil procedure to a court in another county when there is an action pending in the other county that names the parent, guardian, or legal custodian of a child who is the subject of the action brought ~~under~~ PURSUANT TO title 14 or title 19. ~~C.R.S.~~ The county to which the action is being transferred must be one in which venue is proper. Upon an order for such transfer, the transferring court shall notify all parties of the transfer and transmit all

documents to the receiving court. The transferred action ~~shall continue~~ CONTINUES in the court to which it is transferred with the same force and effect as though originally docketed in the receiving court.

**SECTION 7.** In Colorado Revised Statutes, 13-3-101, **amend** (14)(h)(II) as follows:

**13-3-101. State court administrator - report - definition - repeal.** (14) (h) As used in this subsection (14), unless the context otherwise requires:

(II) "Juvenile participant" means a juvenile who has been alleged to have committed a delinquent act, as defined in ~~section 19-1-103 (36)~~ SECTION 19-2.5-102, who is required to appear before an eligible court. "Juvenile participant" includes the juvenile's parent, guardian, or legal custodian.

**SECTION 8.** In Colorado Revised Statutes, **amend** 13-8-103 as follows:

**13-8-103. Jurisdiction.** The jurisdiction of the juvenile court of the city and county of Denver is as set forth in ~~sections 19-1-104, 19-2-104, and 19-4-109, C.R.S.~~ SECTIONS 19-1-104, 19-2.5-103, AND 19-4-109 for juvenile courts, as defined in ~~section 19-1-103 (70), C.R.S.~~ SECTION 19-1-103.

**SECTION 9.** In Colorado Revised Statutes, **amend** 13-8-119 as follows:

**13-8-119. Venue.** Venue in the juvenile court ~~shall be as provided in sections 19-2-105, 19-3-201, 19-4-109, 19-5-102, 19-5-204, and 19-6-102, C.R.S.~~ IS DESCRIBED IN SECTIONS 19-2.5-104, 19-3-201, 19-4-109, 19-5-102, 19-5-204, AND 19-6-102.

**SECTION 10.** In Colorado Revised Statutes, **amend** 13-10-103 as follows:

**13-10-103. Applicability.** This ~~article shall apply to and govern~~ ARTICLE 10 APPLIES TO AND GOVERNS the operation of municipal courts in the cities and towns of this state. Except for the provisions relating to the

method of salary payment for municipal judges, the incarceration of children ~~provided for in sections 19-2-402 and 19-2-508, C.R.S.~~ PURSUANT TO SECTIONS 19-2.5-305 AND 19-2.5-1511, the appearance of the parent, guardian, or lawful custodian of any child under eighteen years of age who is charged with a municipal offense as required by section 13-10-111, the right to a trial by jury for petty offenses ~~provided for in~~ PURSUANT TO section 16-10-109, ~~C.R.S.~~; rules of procedure promulgated by the supreme court, and appellate procedure, this ~~article~~ ARTICLE 10 may be superseded by charter or ordinance enacted by a home rule city.

**SECTION 11.** In Colorado Revised Statutes, 13-10-113, **amend** (5) as follows:

**13-10-113. Fines and penalties.** (5) Notwithstanding any other provision of law, a ~~child~~ JUVENILE, as defined in ~~section 19-1-103 (18), C.R.S.~~ SECTION 19-2.5-102, arrested for an alleged violation of a municipal ordinance, convicted of violating a municipal ordinance or probation conditions imposed by a municipal court, or found in contempt of court in connection with a violation or alleged violation of a municipal ordinance ~~shall~~ MUST not be confined in a jail, lockup, or other place used for the confinement of adult offenders but may be held in a juvenile detention facility operated by or under contract with the department of human services or a temporary holding facility operated by or under contract with a municipal government that shall receive and provide care for ~~such child~~ THE JUVENILE. A municipal court imposing penalties for violation of probation conditions imposed by such court or for contempt of court in connection with a violation or alleged violation of a municipal ordinance may confine a ~~child~~ JUVENILE pursuant to ~~section 19-2-508, C.R.S.~~ SECTION 19-2.5-305 for up to forty-eight hours in a juvenile detention facility operated by or under contract with the department of human services. In imposing any jail sentence upon a juvenile for violating any municipal ordinance when the municipal court has jurisdiction over the juvenile pursuant to ~~section 19-2-104(1)(a)(II), C.R.S.~~ SECTION 19-2.5-103 (1)(a)(II), a municipal court does not have the authority to order a ~~child~~ JUVENILE under eighteen years of age to a juvenile detention facility operated or contracted by the department of human services.

**SECTION 12.** In Colorado Revised Statutes, 13-10-115.5, **amend** (1)(a) as follows:

**13-10-115.5. Expungement of juvenile delinquent records - definition.** (1) (a) For the purposes of this section, "expungement" is defined in section 19-1-103. ~~(48)~~. Upon the entry of an expungement order by a municipal court, the person who is the subject of the EXPUNGED record ~~that has been expunged~~ may assert that he or she has no juvenile municipal court record. The person who is the subject of the EXPUNGED record ~~that has been expunged~~ may lawfully deny that he or she has ever been arrested, charged, adjudicated, convicted, or sentenced in regard to the expunged case, matter, or charge.

**SECTION 13.** In Colorado Revised Statutes, 13-14-101, **amend** (2.4)(a)(I) as follows:

**13-14-101. Definitions.** For purposes of this article 14, unless the context otherwise requires:

(2.4) (a) "Protection order" means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, or sexually assaulting or abusing any protected person or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises, or from taking, transferring, concealing, harming, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by a protected person, or any other provision to protect the protected person from imminent danger to life or health that is issued by a court of this state or a municipal court and that is issued pursuant to:

(I) ~~This article, section 18-1-1001, C.R.S., section 19-2-707, C.R.S., section 19-4-111, C.R.S.~~ ARTICLE 14, SECTION 18-1-1001, 19-2.5-607, OR 19-4-111, or rule 365 of the Colorado rules of county court civil procedure;

**SECTION 14.** In Colorado Revised Statutes, 13-21-1002, **amend** (1) as follows:

**13-21-1002. Computer dissemination of indecent material to a child - prohibition.** (1) A person commits computer dissemination of indecent material to a child when:

(a) Knowing the character and content of the communication which, in whole or in part, depicts actual or simulated nudity, or sexual conduct, as

defined in section 19-1-103, ~~(97), C.R.S.~~, the person willfully uses a computer, computer network, telephone network, data network, or computer system allowing the input, output, examination, or transfer of computer data or computer programs from one computer to another or a text-messaging or instant-messaging system to initiate or engage in such communication with a person he or she believes to be a child; and

(b) By means of such communication the person importunes, invites, entices, or induces a person he or she believes to be a child to engage in sexual contact, sexual intrusion, or sexual penetration with the person, or to engage in a sexual performance or sexual conduct, as defined in section 19-1-103, ~~(97), C.R.S.~~, for the person's benefit.

**SECTION 15.** In Colorado Revised Statutes, 13-22-107, **amend** (2)(b) as follows:

**13-22-107. Legislative declaration - definitions - children - waiver by parent of prospective negligence claims.** (2) As used in this section, unless the context otherwise requires:

(b) For purposes of this section only, "parent" means a parent, as defined in section 19-1-103, ~~(82), C.R.S.~~, a person who has guardianship of the person, as defined in section 19-1-103, ~~(60), C.R.S.~~, a person who has legal custody, as defined in section 19-1-103, ~~(73), C.R.S.~~, a legal representative, as defined in section 19-1-103, ~~(73.5), C.R.S.~~, a physical custodian, as defined in ~~section 19-1-103 (84), C.R.S.~~ SECTION 19-2.5-102, or a responsible person, as defined in section 19-1-103. ~~(94), C.R.S.~~

**SECTION 16.** In Colorado Revised Statutes, 13-25-126, **amend** (1)(f) as follows:

**13-25-126. Genetic tests to determine parentage.** (1) (f) A report of genetic testing ~~shall~~ **MUST** be in a record, defined in section 19-1-103, ~~(91.5), C.R.S.~~, and signed under penalty of perjury by a designee of the testing laboratory. A report made pursuant to the requirements of this ~~article~~ **ARTICLE 25** is self-authenticating.

**SECTION 17.** In Colorado Revised Statutes, 13-90-107, **amend** (1) introductory portion and (1)(i) as follows:

**13-90-107. Who may not testify without consent - definitions.**  
(1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person shall MUST not be examined as a witness in the following cases:

(i) A confidential intermediary, as defined in section 19-1-103, ~~(26), C.R.S.~~, shall MUST not be examined as to communications made to ~~him or her~~ THE INTERMEDIARY in official confidence when the public interests, in the judgment of the court, would suffer by the disclosure of such communications.

**SECTION 18.** In Colorado Revised Statutes, 14-2-108, **amend** (1) as follows:

**14-2-108. Judicial approval.** (1) The juvenile court, as defined in section 19-1-103, ~~(17)~~, after a reasonable effort has been made to notify the parents or legal guardians of each underage party, may order the county clerk and recorder pursuant to subsection (2) of this section to issue a marriage license and a marriage certificate form to a ~~party~~ PERSON sixteen or seventeen years of age.

**SECTION 19.** In Colorado Revised Statutes, 14-10-124, **amend** (1.3)(c) as follows:

**14-10-124. Best interests of child.** (1.3) **Definitions.** For purposes of this section and section 14-10-129 (2)(c), unless the context otherwise requires:

(c) "Sexual assault" has the same meaning as set forth in section 19-1-103. ~~(96.5), C.R.S.~~

**SECTION 20.** In Colorado Revised Statutes, **amend** 16-2.5-138 as follows:

**16-2.5-138. Juvenile probation officer - juvenile parole officer.** A juvenile probation officer and a juvenile parole officer are peace officers while engaged in the performance of their duties. ~~whose~~ THE authority shall ~~be~~ OF A JUVENILE PROBATION OFFICER AND A JUVENILE PAROLE OFFICER IS limited pursuant to ~~sections 19-2-926 and 19-2-1003, C.R.S.~~ SECTIONS 19-2.5-1107 AND 19-2.5-1204.

**SECTION 21.** In Colorado Revised Statutes, 16-5-301, amend (1)(b)(III) as follows:

**16-5-301. Preliminary hearing or waiver - dispositional hearing.** (1) (b) (III) The chief justice of the Colorado supreme court is encouraged to promulgate rules defining the term "dispositional hearing" for purposes of this paragraph ~~(b)~~ SUBSECTION (1)(b), section 18-1-404 (2), C.R.S., and ~~section 19-2-705 (1.5), C.R.S.~~ SECTION 19-2.5-609 (2).

**SECTION 22.** In Colorado Revised Statutes, 16-5-401, amend (1)(c)(I), (1)(c)(II), and (1)(c)(III) as follows:

**16-5-401. Limitation for commencing criminal proceedings and juvenile delinquency proceedings.** (1) (c) For purposes of this section:

(I) "Delinquent act" has the same meaning as defined in ~~section 19-1-103 (36), C.R.S.~~ SECTION 19-2.5-102.

(II) "Juvenile" ~~means a child as defined in section 19-1-103 (18), C.R.S.~~ HAS THE SAME MEANING AS SET FORTH IN SECTION 19-1-103.

(III) "Petition in delinquency" means any petition filed by a district attorney pursuant to ~~section 19-2-512, C.R.S.~~ SECTION 19-2.5-502.

**SECTION 23.** In Colorado Revised Statutes, 16-5-402, amend (4) as follows:

**16-5-402. Limitation for collateral attack upon trial judgment - definitions.** (4) For purposes of this section:

(a) "Adjudication", except as used in ~~paragraph (c) of subsection (2)~~ SUBSECTION (2)(c) of this section, includes "adjudicated" and has the same meaning as defined in ~~section 19-1-103 (2), C.R.S.~~ SECTION 19-2.5-102.

(b) "Juvenile" ~~means a child, as defined in section 19-1-103 (18), C.R.S.~~ HAS THE SAME MEANING AS SET FORTH IN SECTION 19-1-103.

**SECTION 24.** In Colorado Revised Statutes, 16-11-102, amend (1.8) as follows:

**16-11-102. Presentence or probation investigation.** (1.8) Upon AT the request of either the prosecution or the defense, each presentence report prepared regarding a youthful offender, as defined in section 18-1.3-407, ~~C.R.S.~~, who is eligible for sentencing to the youthful offender system pursuant to ~~section 18-1.3-407.5, 19-2-517 (6), or 19-2-518 (1)(d)(II), C.R.S., shall~~ SECTION 18-1.3-407.5, 19-2.5-801 (5), OR 19-2.5-802 (1)(d)(II) MUST include a determination by the warden of the youthful offender system whether the youthful offender is acceptable for sentencing to the youthful offender system. When making a determination, the warden shall consider the nature and circumstances of the crime, the circumstances and criminal history of the youthful offender, the available bed space in the youthful offender system, and any other appropriate considerations.

**SECTION 25.** In Colorado Revised Statutes, 16-11-214, **amend** (1)(a) as follows:

**16-11-214. Fund created - probation services.** (1) (a) There is ~~hereby~~ created in the state treasury the offender services fund to which ~~shall~~ MUST be credited one hundred percent of any cost of care payments or probation supervision fees paid to the state pursuant to section 18-1.3-204 (2)(a)(V) ~~or 19-2-114 (1), C.R.S., OR 19-2.5-1120~~ and from which the general assembly shall make annual appropriations for administrative and personnel costs for adult and juvenile probation services, as well as for adjunct adult and juvenile probation services in the judicial department, including treatment services, contract services, drug and alcohol treatment services, and program development, and for associated administrative and personnel costs. Any ~~moneys~~ MONEY remaining in ~~said~~ THE fund at the end of any fiscal year ~~shall~~ DOES not revert to the general fund.

**SECTION 26.** In Colorado Revised Statutes, 16-11.3-103, **amend** (2)(g)(II) as follows:

**16-11.3-103. Duties of the commission - mission - staffing - report - definition - repeal.** (2) The commission has the following duties:

(g) (II) For purposes of this subsection (2)(g), "facility" means a residential child care facility, specialized group facility, foster care home, family child care home, or any other facility subject to the Colorado "Child Care Licensing Act", part 1 of article 6 of title 26; noncertified kinship care providers that provide care for children with an open child welfare case who

are in the legal custody of a county department; or a facility or community placement, as described in ~~section 19-2-403~~ SECTION 19-2.5-1502, for a juvenile committed to the custody of the department of human services. "Facility" does not include any adult detention or correctional facility.

**SECTION 27.** In Colorado Revised Statutes, 16-13-1002, amend (1) introductory portion and (1)(b) as follows:

**16-13-1002. Resentencing hearing for persons serving life sentences without the possibility of parole as the result of a direct file or transfer.** (1) A person may petition the sentencing court for a resentencing hearing if ~~he or she~~ THE PERSON was:

(b) Convicted as an adult of a class 1 felony following direct filing of an information or indictment in the district court pursuant to ~~section 19-2-517, C.R.S.~~, SECTION 19-2.5-801 or transfer of proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~, SECTION 19-2.5-802 or pursuant to either of these sections as they existed prior to their repeal and reenactment, with amendments, by House Bill 96-1005; and

**SECTION 28.** In Colorado Revised Statutes, 16-18.5-106.5, amend (1)(a) as follows:

**16-18.5-106.5. Lottery winnings offset - restitution.** (1) (a) The judicial department shall, on no less than a monthly basis, certify to the department of revenue information regarding any defendant who has been ordered to pay restitution pursuant to section 18-1.3-603 ~~or 19-2-918, C.R.S.~~ OR 19-2.5-1104.

**SECTION 29.** In Colorado Revised Statutes, 16-18.5-106.7, amend (1) as follows:

**16-18.5-106.7. Unclaimed property offset - definition.** (1) The judicial department may enter into a memorandum of understanding with the state treasurer, acting as the administrator of unclaimed property under the "Revised Uniform Unclaimed Property Act", article 13 of title 38, for the purpose of offsetting against a claim for unclaimed property the unpaid amount of restitution the person making the claim has been ordered to pay pursuant to section 18-1.3-603 ~~or 19-2-918~~ OR 19-2.5-1104. When an offset is to be made, the judicial department or the court in which the person's

restitution obligation is pending shall notify the person in writing that the state intends to offset the amount of the person's unpaid restitution obligation against ~~his or her~~ THE PERSON'S claim for unclaimed property.

**SECTION 30.** In Colorado Revised Statutes, 16-18.5-106.8, **amend** (1) introductory portion and (5) as follows:

**16-18.5-106.8. State income tax refund offsets - restitution - definitions.** (1) In any case in which a defendant has an unsatisfied restitution obligation ordered pursuant to section 18-1.3-603 ~~or 19-2-918, C.R.S.~~ OR 19-2.5-1104, the judicial department is authorized to transmit data concerning the obligation to the department of revenue for the purpose of conducting a data match and offsetting the restitution obligation against a state income tax refund pursuant to section 39-21-108 (3). ~~C.R.S.~~ For any restitution obligation identified by the judicial department for offset, the state court administrator shall:

(5) As used in this section, "defendant" means any person, including an adult or juvenile, who has been ordered to pay restitution pursuant to section 18-1.3-603 ~~or 19-2-918, C.R.S.~~ OR 19-2.5-1104.

**SECTION 31.** In Colorado Revised Statutes, 16-22-113, **amend** (1) introductory portion and (1)(e) as follows:

**16-22-113. Petition for removal from registry.** (1) Except as ~~otherwise provided~~ REQUIRED in subsection (3) of this section, any person required to register pursuant to section 16-22-103 or whose information is required to be posted on the internet pursuant to section 16-22-111 may file a petition with the court that issued the order of judgment for the conviction that requires the person to register for an order to discontinue the requirement for such registration or internet posting, or both, as follows:

(e) Except as otherwise provided in ~~subparagraph (II) of paragraph (b) of subsection (1.3)~~ SUBSECTION (1.3)(b)(II) of this section, if the person was younger than eighteen years of age at the time of commission of the offense, after the successful completion of and discharge from a juvenile sentence or disposition, and if the person prior to such time has not been subsequently convicted or has a pending prosecution for unlawful sexual behavior or for any other offense, the underlying factual basis of which involved unlawful sexual behavior, and the court did not issue an order

either continuing the duty to register or discontinuing the duty to register pursuant to ~~paragraph (b) of subsection (1.3)~~ SUBSECTION (1.3)(b) of this section. ~~Any~~ A person petitioning pursuant to this ~~paragraph (c)~~ SUBSECTION (1)(e) may also petition for an order removing ~~his or her~~ THE PERSON'S name from the sex offender registry. In determining whether to grant the order, the court shall consider whether the person is likely to commit a subsequent offense of or involving unlawful sexual behavior. The court shall base its determination on recommendations from the person's probation or community parole officer, the person's treatment provider, and the prosecuting attorney for the jurisdiction in which the person was tried and on the recommendations included in the person's presentence investigation report. In addition, the court shall consider any written or oral testimony submitted by the victim of the offense for which the petitioner was required to register. Notwithstanding the provisions of this subsection (1), a juvenile who files a petition pursuant to this section may file the petition with the court to which venue is transferred pursuant to ~~section 19-2-105, C.R.S.~~ SECTION 19-2.5-104, if any.

**SECTION 32.** In Colorado Revised Statutes, 17-1-103, **amend** (1)(n) and (4) as follows:

**17-1-103. Duties of the executive director.** (1) The duties of the executive director are:

(n) To contract with the department of human services to house in a facility operated by the department of human services any juvenile under the age of fourteen years who is sentenced as an adult to the department of corrections and to provide services for the juvenile ~~as provided in section 19-2-518 (1)(c), C.R.S.~~ PURSUANT TO SECTION 19-2.5-802 (1)(e);

(4) For an inmate who was convicted as an adult of a class 1 felony following direct filing of an information or indictment in the district court pursuant to ~~section 19-2-517, C.R.S.~~, SECTION 19-2.5-801 or transfer of proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802, the executive director shall ensure that the inmate has the opportunity to participate in treatment, programs, and services that is equal to the opportunities granted to other inmates who will be eligible for parole or discharge.

**SECTION 33.** In Colorado Revised Statutes, 17-22.5-104, **amend**

(2)(d)(IV) and (2)(d)(V) as follows:

**17-22.5-104. Parole - regulations.** (2) (d) (IV) Notwithstanding the provisions of subparagraph (I) of this paragraph (d) SUBSECTION (2)(d)(I) OF THIS SECTION, an inmate imprisoned ~~under~~ TO a life sentence for a class 1 felony committed before July 1, 1990, or on or after July 1, 2006, who was convicted as an adult following direct filing of an information or indictment in the district court pursuant to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801 or transfer of proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802, may be eligible for parole after the inmate has served at least forty years, less any earned time granted pursuant to section 17-22.5-405. An application for parole may not be made or considered during this period.

(V) Notwithstanding the provisions of subparagraph (I) of this paragraph (d) SUBSECTION (2)(d)(I) OF THIS SECTION, an inmate sentenced to life imprisonment for a class 1 felony committed on or after July 1, 1990, and before July 1, 2006, who was convicted as an adult following direct filing of an information or indictment in the district court pursuant to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801, or transfer of proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802, or pursuant to either of these sections as they existed prior to their repeal and reenactment, with amendments, by House Bill 96-1005, may be eligible for parole after serving forty years, less any earned time granted pursuant to section 17-22.5-405.

**SECTION 34.** In Colorado Revised Statutes, 17-22.5-403, amend (2)(c)(I) as follows:

**17-22.5-403. Parole eligibility.** (2) (c) (I) A person who is convicted as an adult of a class 1 felony following a direct filing of an information or indictment in the district court pursuant to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801, or transfer of proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802, or pursuant to either of these sections as they existed prior to their repeal and reenactment, with amendments, by House Bill 96-1005, which felony was committed on or after July 1, 1990, and before July 1, 2006, and who is resentenced pursuant to section 18-1.3-401 (4)(c), ~~C.R.S.~~, is not entitled to receive any reduction of ~~his or her~~ THE PERSON'S sentence pursuant to this section.

**SECTION 35.** In Colorado Revised Statutes, 17-22.5-403.7, **amend** (1)(a) as follows:

**17-22.5-403.7. Parole eligibility - class 1 felony - juvenile offender convicted as adult - definition.** (1) As used in this section, "inmate" means a person:

(a) (I) Who is convicted as an adult of a class 1 felony following direct filing of an information or indictment in the district court pursuant to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801; or

(II) Who is convicted as an adult of a class 1 felony following transfer of proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802; and

**SECTION 36.** In Colorado Revised Statutes, **amend** 17-26-121 as follows:

**17-26-121. Juveniles - confinement - when.** ~~No jail shall~~ A JAIL SHALL NOT receive a juvenile ~~prisoner~~ for confinement unless the juvenile has been charged by the direct filing of an information in the district court or by indictment pursuant to ~~section 19-2-517, C.R.S.~~, SECTION 19-2.5-801 or the juvenile has been ordered by the court to be held for criminal proceedings pursuant to ~~section 19-2-518 (1), C.R.S.~~ SECTION 19-2.5-802.

**SECTION 37.** In Colorado Revised Statutes, 17-31-102, **amend** (3)(c), (3)(d), and (3)(e) as follows:

**17-31-102. Definitions.** As used in this article 31, unless the context otherwise requires:

(3) "Institution" means any of the following:

(c) A halfway house, as that term is defined in ~~section 19-1-103 (62), C.R.S.~~ SECTION 19-2.5-102;

(d) A diagnostic and evaluation center, as that term is defined in ~~section 19-1-103 (41), C.R.S.~~ SECTION 19-2.5-102;

(e) A receiving center, as that term is defined in ~~section 19-1-103~~

~~(90), C.R.S.~~ SECTION 19-2.5-102;

**SECTION 38.** In Colorado Revised Statutes, 17-34-101, amend (1)(a) introductory portion as follows:

**17-34-101. Juveniles who are convicted as adults in district court - eligibility for specialized program placement - petitions.** (1) (a) Notwithstanding any other provision of law, an offender serving a sentence in the department for a felony offense as a result of the filing of criminal charges by an information or indictment pursuant to ~~section 19-2-517~~ SECTION 19-2.5-801, or the transfer of proceedings to the district court pursuant to ~~section 19-2-518~~ SECTION 19-2.5-802, or pursuant to either of these sections as they existed prior to their repeal and reenactment, with amendments, by House Bill 96-1005, and who remains in the custody of the department for that felony offense, may petition for placement in the specialized program described in section 17-34-102, referred to within this section as the "specialized program", as follows:

**SECTION 39.** In Colorado Revised Statutes, 17-34-102, amend (1) as follows:

**17-34-102. Specialized program for juveniles convicted as adults - report.** (1) The department shall develop and implement a specialized program for offenders who have been sentenced to an adult prison for a felony offense committed while the offender was less than eighteen years of age as a result of the filing of criminal charges by an information or indictment pursuant to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801, or the transfer of proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802, or pursuant to either of these sections as they existed prior to their repeal and reenactment, with amendments, by House Bill 96-1005, and who are determined to be appropriate for placement in the specialized program. The department shall implement the specialized program within or in conjunction with a facility operated by, or under contract with, the department.

**SECTION 40.** In Colorado Revised Statutes, 18-1.3-104, amend (1)(h)(I) as follows:

**18-1.3-104. Alternatives in imposition of sentence.** (1) Within the limitations of the applicable statute pertaining to sentencing and subject to

the provisions of this title 18, the trial court has the following alternatives in entering judgment imposing a sentence:

(h) (I) If the defendant is eligible pursuant to section 18-1.3-407.5 or ~~section 19-2-517 (6), C.R.S.~~ SECTION 19-2.5-801 (5), the defendant may be sentenced to the youthful offender system in accordance with section 18-1.3-407.

**SECTION 41.** In Colorado Revised Statutes, 18-1.3-301, **amend** (1)(a) as follows:

**18-1.3-301. Authority to place offenders in community corrections programs.** (1) (a) ~~Any~~ AN judge of a district court may refer ~~any~~ AN offender convicted of a felony to a community corrections program unless ~~such~~ THE offender is required to be sentenced pursuant to section 18-1.3-406 (1) or a sentencing provision that requires a sentence to the department of corrections. If an offender who is sentenced pursuant to section 18-1.3-406 (1) has such sentence modified upon the finding of unusual and extenuating circumstances pursuant to such section, ~~such~~ THE offender may be referred to a community corrections program if ~~such~~ THE offender is otherwise eligible for such program and is approved for placement pursuant to section 17-27-103 (5) ~~C.R.S.~~; and section 17-27-104 (3). ~~C.R.S.~~ For the purposes of this ~~article~~ ARTICLE 1.3, persons sentenced pursuant to ~~the provisions of sections 19-2-908 (1)(a)(I) and (1)(c)(I)(B) and 19-2-910 (2), C.R.S., shall be~~ SECTIONS 19-2.5-1118 (2) AND 19-2.5-1126 (1)(a)(I) AND (1)(c)(I)(B) ARE deemed to be offenders.

**SECTION 42.** In Colorado Revised Statutes, 18-1.3-401, **amend** (4)(b)(I) and (4)(c)(I) introductory portion as follows:

**18-1.3-401. Felonies classified - presumptive penalties.** (4) (b) (I) Notwithstanding ~~the provisions of sub-subparagraph (A) of subparagraph (V) of paragraph (a) of subsection (1)~~ SUBSECTION (1)(a)(V)(A) of this section and notwithstanding ~~the provisions of paragraph (a) of this subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION, as to a person who is convicted as an adult of a class 1 felony following direct filing of an information or indictment in the district court pursuant to ~~section 19-2-517, C.R.S.~~; SECTION 19-2.5-801 or transfer of proceedings to the district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802, the district court judge shall sentence the person to a term of life imprisonment with the

possibility of parole after serving a period of forty years, less any earned time granted pursuant to section 17-22.5-405, C.R.S. Regardless of whether the state board of parole releases the person on parole, the person shall remain in the legal custody of the department of corrections for the remainder of the person's life and shall not be discharged.

(c) (I) ~~Notwithstanding the provisions of sub-subparagraph (A) of subparagraph (V) of paragraph (a) of subsection (1) SUBSECTION (1)(a)(V)(A) of this section and notwithstanding the provisions of paragraphs (a) and (b) of this subsection (4) SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION, as to a person who is convicted as an adult of a class 1 felony following a direct filing of an information or indictment in the district court pursuant to section 19-2-517, C.R.S. SECTION 19-2.5-801, or transfer of proceedings to the district court pursuant to section 19-2-518, C.R.S. SECTION 19-2.5-802, or pursuant to either of these sections as they existed prior to their repeal and reenactment, with amendments, by House Bill 96-1005, which felony was committed on or after July 1, 1990, and before July 1, 2006, and who received a sentence to life imprisonment without the possibility of parole:~~

**SECTION 43.** In Colorado Revised Statutes, 18-1.3-407, amend (1)(b), (2)(a)(I), (2.1)(a) introductory portion, and (5)(b)(II) as follows:

**18-1.3-407. Sentences - youthful offenders - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - legislative declaration - definitions.** (1) (b) It is the further intent of the general assembly in enacting this section that female and male offenders who are eligible for sentencing to the youthful offender system pursuant to section 18-1.3-407.5 or ~~section 19-2-517 (6) or 19-2-518 (1)(d)(II), C.R.S.;~~ SECTION 19-2.5-801 (5) OR 19-2.5-802 (1)(d)(II) receive equitable treatment in sentencing, particularly in regard to the option of being sentenced to the youthful offender system. Accordingly, it is the general assembly's intent that THE DEPARTMENT OF CORRECTIONS TAKE necessary measures ~~be taken by the department of corrections~~ to establish separate housing for female and male offenders who are sentenced to the youthful offender system without compromising the equitable treatment of either.

(2) (a) (I) A juvenile may be sentenced to the youthful offender system created pursuant to this section under the circumstances set forth in

~~section 19-2-517 (6)(a)(II) or 19-2-518 (1)(d)(II), C.R.S.~~ SECTION 19-2.5-801 (5)(a)(II) OR 19-2.5-802 (1)(d)(II). A young adult offender may be sentenced to the youthful offender system created pursuant to this section under the circumstances set forth in section 18-1.3-407.5. In order to sentence a juvenile or young adult offender to the youthful offender system, the court shall first impose upon such person a sentence to the department of corrections in accordance with section 18-1.3-401. The court shall thereafter suspend such sentence conditioned on completion of a sentence to the youthful offender system, including a period of community supervision. The court shall impose any such sentence to the youthful offender system for a determinate period of not fewer than two years nor more than six years; except that a juvenile or young adult offender convicted of a class 2 felony may be sentenced for a determinate period of up to seven years. In imposing such THE sentence, the court shall grant authority to the department of corrections to place the offender under a period of community supervision for a period of not fewer than six months and up to twelve months any time after the date on which the offender has twelve months remaining to complete the determinate sentence. The court may award an offender sentenced to the youthful offender system credit for presentence confinement; except that such credit shall not reduce the offender's actual time served in the youthful offender system to fewer than two years. The court shall have a presentence investigation conducted before sentencing a juvenile or young adult offender pursuant to this section. Upon the request of either the prosecution or the defense, the presentence report shall MUST include a determination by the warden of the youthful offender system whether the offender is acceptable for sentencing to the youthful offender system. When making a determination, the warden shall consider the nature and circumstances of the crime; the age, circumstances, and criminal history of the offender; the available bed space in the youthful offender system; and any other appropriate considerations.

(2.1) (a) As originally enacted, this section applied only to offenses committed by juveniles on or after September 13, 1993. For purposes of extending the availability of sentencing options, a juvenile who meets the criteria set forth in ~~section 19-2-517 (6)(a)(II), C.R.S.~~, SECTION 19-2.5-801 (5)(a)(II) may be sentenced to the youthful offender system pursuant to this section under the following circumstances:

(5) (b) (II) ~~Any~~ AN offender who is resentenced pursuant to this paragraph (b) SUBSECTION (5)(b) shall continue to be treated as an adult for

purposes of sentencing and shall not be sentenced pursuant to ~~article 2 of title 19, C.R.S.~~ ARTICLE 2.5 OF TITLE 19.

**SECTION 44.** In Colorado Revised Statutes, 18-1.3-407.5, **amend** (1)(a) introductory portion and (1)(a)(VI) as follows:

**18-1.3-407.5. Sentences - young adult offenders - youthful offender system - definitions.** (1) (a) A young adult offender may be sentenced to the youthful offender system in the department of corrections in accordance with section 18-1.3-407, ~~under~~ **IN** the following circumstances:

(VI) The young adult offender is convicted of a felony offense, and is determined to have been an ~~"habitual "~~ **"REPEAT juvenile offender"**, as ~~defined in section 19-1-103 (61), C.R.S.~~ DESCRIBED IN SECTION 19-2.5-1125.

**SECTION 45.** In Colorado Revised Statutes, **amend** 18-1.3-502 as follows:

**18-1.3-502. Duration of sentences for misdemeanors.** Courts sentencing ~~any~~ A person for the commission of a misdemeanor to the custody of the executive director of the department of corrections shall not fix a minimum term but may fix a maximum term less than the maximum provided by law for the offense. ~~The persons~~ A PERSON so sentenced ~~shall~~ **MUST** be imprisoned, released under parole, and discharged as provided by other applicable statutes. ~~No~~ A person sentenced to a correctional facility for the commission of a misdemeanor shall **NOT** be subjected to imprisonment for a term exceeding the maximum term provided by the statute fixing the maximum length of the sentence for the crime of which ~~he or she~~ THE PERSON was convicted and for which ~~he or she~~ THE PERSON was sentenced. A person sentenced to a term of imprisonment for the commission of a misdemeanor ~~shall be~~ **IS** entitled to the same time credits as if ~~he or she~~ THE PERSON were sentenced to a term of imprisonment for the commission of a felony. ~~No~~ A person committed as a juvenile delinquent shall **NOT** be imprisoned for a term exceeding two years, except as otherwise provided for aggravated juvenile offenders in ~~section 19-2-601, C.R.S.~~ SECTION 19-2.5-1127.

**SECTION 46.** In Colorado Revised Statutes, 18-1.3-801, **amend**

(5) as follows:

**18-1.3-801. Punishment for habitual criminals.** (5) A current or prior conviction for escape, as described in section 18-8-208 (1), (2), or (3), or attempt to escape, as described in section 18-8-208.1 (1) or (2), may not be used for the purpose of adjudicating a person an habitual criminal as described in subsection (1.5) or subsection (2) of this section unless the conviction is based on the offender's escape or attempt to escape from a correctional facility, as defined in section 17-1-102, or from physical custody within a county jail; except that, for the purposes of this section, "correctional facility" does not include a community corrections facility, as defined in section 17-27-102 (2.5), or a halfway house, as defined in ~~section 19-1-103 (62)~~ SECTION 19-2.5-102.

**SECTION 47.** In Colorado Revised Statutes, 18-3-414.5, amend (1)(a)(I) as follows:

**18-3-414.5. Sexually violent predators - assessment - annual report - definitions.** (1) As used in this section, unless the context otherwise requires:

(a) "Sexually violent predator" means an offender:

(I) Who is eighteen years of age or older as of the date the offense is committed or who is less than eighteen years of age as of the date the offense is committed but is tried as an adult pursuant to ~~section 19-2-517 or 19-2-518, C.R.S.~~ SECTION 19-2.5-801 OR 19-2.5-802;

**SECTION 48.** In Colorado Revised Statutes, 18-4-509, amend (1)(c)(II)(B.5), (2)(a)(II), and (2)(a)(IV) as follows:

**18-4-509. Defacing property - definitions.** (1) (c) (II) For purposes of this section:

(B.5) "Juvenile" ~~shall have~~ HAS the same meaning as set forth in ~~section 19-1-103 (68), C.R.S.~~ SECTION 19-2.5-102.

(2) (a) (II) In sentencing a person who violates this section, the court has discretion to impose alternatives in sentencing as described in part 1 of article 1.3 of this ~~title~~ TITLE 18, including but not limited to restorative

justice practices, as defined in section 18-1-901 (3)(o.5), or in the case of a juvenile offender, to impose restorative justice, as defined in ~~section 19-1-103 (94.1), C.R.S.~~ SECTION 19-2.5-102.

(IV) Fifty percent of the fines collected pursuant to this ~~paragraph (a)~~ SUBSECTION (2)(a) shall be credited to the highway users tax fund, created in section 43-4-201, ~~C.R.S.~~, and allocated and expended as specified in section 43-4-205 (5.5)(a), ~~C.R.S.~~; and fifty percent of the fines collected pursuant to this ~~paragraph (a)~~ SUBSECTION (2)(a) shall be credited to the juvenile diversion cash fund created in ~~section 19-2-303.5, C.R.S.~~ SECTION 19-2.5-403; except that the fines collected pursuant to ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section shall be credited to the Colorado travel and tourism promotion fund created in section 24-49.7-106. ~~C.R.S.~~

**SECTION 49.** In Colorado Revised Statutes, 18-6-803.5, **amend** (1.5)(a.5)(I)(A) as follows:

**18-6-803.5. Crime of violation of a protection order - penalty - peace officers' duties - definitions.** (1.5) As used in this section:

(a.5) (I) "Protection order" means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any protected person or protected animal, or from entering or remaining on premises, or from coming within a specified distance of a protected person or protected animal or premises or any other provision to protect the protected person or protected animal from imminent danger to life or health, that is issued by a court of this state or a municipal court, and that is issued pursuant to:

(A) Article 14 of title 13, ~~C.R.S.~~, section 18-1-1001, ~~section 19-2-707, C.R.S.~~ SECTION 19-2.5-607, section 19-4-111, ~~C.R.S.~~, or rule 365 of the Colorado rules of county court civil procedure;

**SECTION 50.** In Colorado Revised Statutes, 18-6-803.7, **amend** (1)(b.5)(I)(A) and (2)(b) as follows:

**18-6-803.7. Central registry of protection orders - creation.** (1) As used in this section:

(b.5) (I) "Protection order" means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any protected person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises, that is issued by a court of this state or an authorized municipal court, and that is issued pursuant to:

(A) Article 14 of title 13, ~~C.R.S.~~, section 18-1-1001, ~~section 19-2-707, C.R.S.~~ SECTION 19-2.5-607, section 19-4-111, ~~C.R.S.~~, or rule 365 of the Colorado rules of county court civil procedure;

(2) (b) THE CLERK OF THE COURT ISSUING THE PROTECTION ORDER SHALL ENTER protection orders and subsequent orders ~~shall be entered~~ into the registry; ~~by the clerk of the court issuing the protection order;~~ except that orders issued pursuant to sections 18-1-1001 ~~and 19-2-707, C.R.S.;~~ ~~shall~~ AND 19-2.5-607 MUST be entered into the registry only at the discretion of the court or upon motion of the district attorney. The clerk of the court issuing the protection order ~~shall be~~ IS responsible for updating the registry electronically in a timely manner to ensure the notice is as complete and accurate as is reasonably possible with regard to the information specified in subsection (3) of this section.

**SECTION 51.** In Colorado Revised Statutes, 18-8-208, amend (4.5) and (11) as follows:

**18-8-208. Escapes.** (4.5) A person commits a class 3 misdemeanor if ~~he or she~~ THE PERSON has been committed to the division of youth services in the department of human services for a delinquent act, is ~~over~~ MORE THAN eighteen years of age, and escapes from a staff secure facility as defined in ~~section 19-1-103 (101.5)~~ SECTION 19-2.5-102, other than a state-operated locked facility.

(11) If a person is serving a direct sentence to a community corrections program pursuant to section 18-1.3-301, or is transitioning from the department of corrections to a community corrections program, or is placed in an intensive supervision program pursuant to section 17-27.5-101, or is participating in a work release or home detention program pursuant to section 18-1.3-106 (1.1), intensive supervision program or any other similar authorized supervised or unsupervised absence from a detention facility as defined in section 18-8-203 (3), is housed in a staff secure facility as

defined in ~~section 19-1-103 (101.5)~~ SECTION 19-2.5-102, or is placed in a community corrections program for purposes of obtaining residential treatment as a condition of probation pursuant to section 18-1.3-204 (2.2) or 18-1.3-301 (4)(b), then the person is not in custody or confinement for purposes of this section.

**SECTION 52.** In Colorado Revised Statutes, 18-8-208.1, amend (1.5) and (7) as follows:

**18-8-208.1. Attempt to escape.** (1.5) If a person is serving a direct sentence to a community corrections program pursuant to section 18-1.3-301, or is transitioning from the department of corrections to a community corrections program, or is placed in an intensive supervision program pursuant to section 17-27.5-101, or is participating in a work release or home detention program pursuant to section 18-1.3-106 (1.1), intensive supervision program, or any other similar authorized supervised or unsupervised absence from a detention facility as defined in section 18-8-203 (3), is housed in a staff secure facility as defined in ~~section 19-1-103 (101.5)~~ SECTION 19-2.5-102, or is placed in a community corrections program for purposes of obtaining residential treatment as a condition of probation pursuant to section 18-1.3-204 (2.2) or 18-1.3-301 (4)(b), then the person is not in custody or confinement for purposes of this section.

(7) ~~Any~~ A person held in a staff secure facility, as defined in ~~section 19-1-103 (101.5), C.R.S., shall be~~ SECTION 19-2.5-102, is deemed to be in custody or confinement for purposes of this section.

**SECTION 53.** In Colorado Revised Statutes, 18-8-208.2, amend (1) introductory portion as follows:

**18-8-208.2. Unauthorized absence.** (1) A person who is serving a direct sentence to a community corrections program pursuant to section 18-1.3-301; transitioning from the department of corrections to a community corrections program or placed in an intensive supervision program pursuant to section 17-27.5-101; participating in a work release or home detention program pursuant to 18-1.3-106 (1.1), intensive supervision program, or any other similar authorized supervised or unsupervised absence from a detention facility as defined in section 18-8-203 (3); or is housed in a staff secure facility as defined in ~~section 19-1-103 (101.5)~~

SECTION 19-2.5-102 commits the crime of unauthorized absence if the person knowingly:

**SECTION 54.** In Colorado Revised Statutes, amend 18-8-210.1 as follows:

**18-8-210.1. Persons in custody or confinement - juvenile offenders.** For the purposes of this part 2, any reference to custody, confinement, charged with, held for, convicted of, a felony, misdemeanor, or petty offense ~~shall be deemed to include~~ INCLUDES a juvenile who is detained or committed for the commission of an act ~~which~~ THAT would constitute such a felony, misdemeanor, or petty offense if committed by an adult or who is the subject of a petition filed pursuant to ~~article 2 of title 19, C.R.S.,~~ ARTICLE 2.5 OF TITLE 19 alleging the commission of such a delinquent act or a juvenile who has been adjudicated a juvenile delinquent ~~as provided for in article 2 of title 19, C.R.S.,~~ PURSUANT TO ARTICLE 2.5 OF TITLE 19 for an act ~~which~~ THAT would constitute a felony, misdemeanor, or petty offense if committed by an adult.

**SECTION 55.** In Colorado Revised Statutes, 18-9-313, amend (1)(a)(V) as follows:

**18-9-313. Personal information on the internet - law enforcement official - victims of domestic violence, sexual assault, and stalking - protection for human services workers - definitions.** (1) As used in this section:

(a) "Human services worker" means:

(V) An employee of a juvenile detention facility established and operated pursuant to ~~section 19-2-403~~ SECTION 19-2.5-1502 or an employee of the division of youth services within the department of human services, including an employee under contract with the division of youth services, who has contact with juveniles involved with youth services.

**SECTION 56.** In Colorado Revised Statutes, 18-12-108.5, amend (1)(d) as follows:

**18-12-108.5. Possession of handguns by juveniles - prohibited - exceptions - penalty.** (1) (d) ~~Any~~ A person under the age of eighteen years

who is taken into custody by a law enforcement officer for an offense pursuant to this section ~~shall~~ MUST be taken into temporary custody in the manner described in ~~section 19-2-508, C.R.S.~~ SECTION 19-2.5-305.

**SECTION 57.** In Colorado Revised Statutes, 18-12-203, **amend** (1) introductory portion and (1)(g)(I) as follows:

**18-12-203. Criteria for obtaining a permit.** (1) Beginning May 17, 2003, except as ~~otherwise provided in~~ SET FORTH IN this section, a sheriff shall issue a permit to carry a concealed handgun to an applicant who:

(g) Is not subject to:

(I) A protection order issued pursuant to section 18-1-1001 or ~~section 19-2-707, C.R.S.~~, SECTION 19-2.5-607 that is in effect at the time the application is submitted; or

**SECTION 58.** In Colorado Revised Statutes, 18-18-407, **amend** (1)(e) as follows:

**18-18-407. Special offender - definitions.** (1) A person who commits a felony offense ~~under~~ PURSUANT TO this part 4 under any one or more of the following aggravating circumstances commits a level 1 drug felony and is a special offender:

(e) The defendant solicited, induced, encouraged, intimidated, employed, hired, or procured a child, as defined in section 19-1-103, ~~(18); C.R.S.~~, to act as ~~his or her~~ THE DEFENDANT'S agent to assist in the unlawful distribution, manufacturing, dispensing, sale, or possession for the purposes of sale of any controlled substance at the time of the commission of the violation. It ~~shall not be~~ IS NOT a defense ~~under~~ PURSUANT TO this paragraph ~~(e)~~ SUBSECTION (1)(e) that the defendant did not know the age of ~~any such~~ THE child.

**SECTION 59.** In Colorado Revised Statutes, 18-18-412, **amend** (5) as follows:

**18-18-412. Abusing toxic vapors - prohibited.** (5) ~~Any~~ A juvenile charged with an offense pursuant to this section ~~shall be~~ IS subject to the

jurisdiction of the juvenile court pursuant to ~~section 19-2-104, C.R.S.~~  
SECTION 19-2.5-103.

**SECTION 60.** In Colorado Revised Statutes, 19-1-104, **amend**  
(1)(a), (5), and (8)(a)(I) as follows:

**19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,  
the juvenile court has exclusive original jurisdiction in proceedings:

(a) Concerning any child committing a delinquent act, as defined in  
~~section 19-1-103(36)~~ SECTION 19-2.5-102;

(5) Where a custody award or an order allocating parental  
responsibilities with respect to a child has been made in a district court in  
a dissolution of marriage action or another proceeding and the jurisdiction  
of the district court in the case is continuing, the juvenile court may take  
jurisdiction in a case involving the same child if ~~he or she~~ THE CHILD comes  
within the jurisdiction of the juvenile court. The juvenile court shall provide  
notice in compliance with the Colorado rules of civil procedure; except that  
service must be effected not less than seven business days prior to the  
hearing. The notice must be written in clear language stating that the  
hearing concerns the allocation of parental responsibilities. When creating  
or modifying an existing order, the juvenile court shall proceed as set forth  
in subsection (6) of this section for a dependency and neglect proceeding  
pursuant to article 3 of this title 19, or as set forth in subsection (8) of this  
section for a juvenile delinquency case pursuant to ~~article 2 of this title 19~~  
ARTICLE 2.5 OF THIS TITLE 19.

(8) (a) Upon submission of a stipulated agreement of all parties,  
parents, guardians, and other legal custodians, if the juvenile court finds that  
it is in the best interests of the juvenile, the juvenile court may enter an  
order allocating parental responsibilities and addressing parenting time and  
child support matters when:

(I) The juvenile court has maintained jurisdiction in a case involving  
an adjudicated juvenile, a juvenile with a deferred adjudication, or a  
juvenile on a management plan developed pursuant to ~~section 19-2-1303(3)~~  
SECTION 19-2.5-704 (3);

**SECTION 61.** In Colorado Revised Statutes, 19-1-107, **amend** (3)

as follows:

**19-1-107. Social study and other reports.** (3) In any A case where placement out of the home is recommended, the social study required by subsection (1) of this section shall MUST include the cost of the recommended placement and an evaluation for placement containing the information required by section 19-1-115 (8)(e). Placement criteria shall be developed jointly by The department of education and the department of human services SHALL JOINTLY DEVELOP PLACEMENT CRITERIA, and, in the case of matters involving juvenile delinquency, THE CRITERIA MUST BE in accordance with the criteria for the placement of juveniles specified in section 19-2-212 (1)(a) SECTION 19-2.5-1404. Such criteria shall MUST be used by the agency designated by the court to determine its recommendation about the need for placement.

**SECTION 62.** In Colorado Revised Statutes, 19-1-108, amend (1), (3)(a.5), (3)(b), and (6) as follows:

**19-1-108. Magistrates - qualifications - duties.** (1) The juvenile court may appoint one or more magistrates to hear any case or matter under the court's jurisdiction, except where a jury trial has been requested pursuant to section 19-2-107 SECTION 19-2.5-610 and in transfer hearings held pursuant to section 19-2-518 SECTION 19-2.5-802. Magistrates shall serve at the pleasure of the court, unless otherwise provided by law.

(3) (a.5) Magistrates shall conduct hearings in the manner provided for the hearing of cases by the court. During the initial advisement of the rights of any party, the magistrate shall inform the party that, except as provided SET FORTH in this subsection (3), he or she THE PARTY has the right to a hearing before the judge in the first instance and that he or she THE PARTY may waive that right but that, by waiving that right, he or she THE PARTY is bound by the findings and recommendations of the magistrate, subject to a request for review as provided SET FORTH in subsection (5.5) of this section. The right to require a hearing before a judge does not apply to hearings at which a child is advised of his or her rights pursuant to section 19-2-706 SECTION 19-2.5-605; detention hearings held pursuant to sections 19-2-507, 19-2-507.5, and 19-2-508 SECTIONS 19-2.5-303, 19-2.5-304, AND 19-2.5-305; preliminary hearings held pursuant to section 19-2-705 SECTION 19-2.5-609; temporary custody hearings held pursuant to section 19-3-403; proceedings held pursuant to article 4 of this title 19; and support

proceedings held pursuant to article 6 of this title 19. In proceedings held pursuant to article 4 or 6 of this title 19, contested final orders regarding allocation of parental responsibilities may be heard by the magistrate only with the consent of all parties.

(b) In proceedings ~~under article 2 of this title~~ PURSUANT TO ARTICLE 2.5 OF THIS TITLE 19, the right to require a hearing before a judge ~~shall be~~ IS deemed waived unless a request is made by any party that the hearing be held before a judge at the time the matter is set for hearing.

(6) A magistrate may issue a lawful warrant taking a child into custody pursuant to ~~section 19-2-503~~ SECTION 19-2.5-204 and may issue search warrants as provided in ~~sections 19-1-112 and 19-2-504~~ SECTIONS 19-1-112 AND 19-2.5-205.

**SECTION 63.** In Colorado Revised Statutes, 19-1-112, **amend** (8) as follows:

**19-1-112. Search warrants for the protection of children.** (8) If the child is found, the child may be taken into custody ~~in conformance with the provisions of section 19-2-201~~ PURSUANT TO SECTION 19-2.5-209 or ~~section 19-3-401.~~

**SECTION 64.** In Colorado Revised Statutes, 19-1-114, **amend** (3)(b) as follows:

**19-1-114. Order of protection.** (3) (b) The court may, when the court determines that it is in the best interests of the child, make an order of protection ~~which shall be~~ THAT IS applicable to a parent or guardian of a child and the person with whom the child resides, if other than the child's parent or guardian, subject to ~~the provisions of article 2 of this title~~ ARTICLE 2.5 OF THIS TITLE 19. The order ~~shall~~ MUST require the parent or guardian and the person with whom the child resides, if other than the parent or guardian, to be present at any juvenile proceeding concerning the child.

**SECTION 65.** In Colorado Revised Statutes, 19-1-115, **amend** (1), (4)(a), (4)(d)(II), and (6.7) as follows:

**19-1-115. Legal custody - guardianship - placement out of the home - petition for review for need of placement.** (1) (a) Except as

otherwise provided by law, in awarding legal custody of a child pursuant to ~~the provisions of this title~~ THIS TITLE 19, the court may, if in the best interests of the child, give preference to the child's grandparent who is appropriate, capable, willing, and available to care for the child, if the court finds that there is no suitable natural or adoptive parent available, with due diligence having been exercised in attempting to locate any such natural or adoptive parent. Any individual, agency, or institution vested by the court with legal custody of a child ~~shall have~~ HAS the rights and duties defined in ~~section 19-1-103 (73)~~ SECTION 19-1-103.

(b) Any individual, agency, or institution vested by the court with the guardianship of the person of a child ~~shall have~~ HAS the rights and duties defined in ~~section 19-1-103 (60)~~ SECTION 19-1-103; except that no A guardian of the person may NOT consent to the adoption of a child unless THE COURT HAS EXPRESSLY GIVEN that authority. ~~is expressly given by the court.~~

(4) (a) A decree vesting legal custody of a child in an individual, institution, or agency or providing for placement of a child pursuant to ~~section 19-2-906~~ SECTION 19-2.5-1102 or 19-3-403 or subsection (8) of this section ~~shall~~ MUST be for a determinate period. ~~Such decree shall be reviewed by~~ The court SHALL REVIEW THE DECREE no later than three months after it is entered, except a decree vesting legal custody of a child with the department of human services.

(d) (II) For an adoptive family who receives an approved Title IV-E adoption assistance subsidy pursuant to the federal "Social Security Act", 42 U.S.C. sec. 673 et seq., or an approved payment in subsidization of adoption pursuant to article 7 of title 26, the cost of care, as defined in section 19-1-103, ~~(30)~~; must not exceed the amount of the adoption assistance payment.

(6.7) Any time the court enters an order related to out-of-home placement pursuant to subsections (6)(a) to (6)(c) or subsection (6.5)(b) of this section; subsection (8)(f) of this section; ~~section 19-2-508 (3)(a)(XI)(A) and (3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III)~~ SECTION 19-2.5-305 (3)(a)(XI)(A) AND (3)(a)(XI)(B); SECTION 19-2.5-1116 (1)(a), (1)(b), AND (3)(a)(III); or sections 19-3-702 (3)(b) and 19-3-702.5 (1)(b), the order is effective as of the date the findings were made by the court, notwithstanding the date that a written order may be signed by the court.

Written orders entered pursuant to subsections (6)(a) to (6)(c) or subsection (6.5)(b) of this section; subsection (8)(f) of this section; ~~section 19-2-508 (3)(a)(XI)(A) and (3)(a)(XI)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(HH)~~ SECTION 19-2.5-305 (3)(a)(XI)(A) AND (3)(a)(XI)(B); SECTION 19-2.5-1116 (1)(a), (1)(b), AND (3)(a)(III); or sections 19-3-702 (3)(b) and 19-3-702.5 (1)(b) must state "the effective date of this order is" and must not use the words "nunc pro tunc".

**SECTION 66.** In Colorado Revised Statutes, **amend** 19-1-115.3 as follows:

**19-1-115.3. Missing children and youth from out-of-home placement - required reporting to law enforcement.** If a child or youth for whom the department of human services or a county department of human or social services has legal custody pursuant to the provisions of this title TITLE 19 is determined by the agency to be missing, the agency having legal custody of ~~said~~ THE child or youth shall report the disappearance immediately, and in no case later than twenty-four hours after learning of the disappearance, to the National Center for Missing and Exploited Children and to law enforcement. Law enforcement authorities shall notify the Colorado bureau of investigation for transmission to the federal bureau of investigation for entry into the national crime information center database pursuant to section 16-2.7-103. ~~C.R.S. Notwithstanding the provisions of this section;~~ The reporting requirements set forth for foster parents and out-of-home placement facilities in ~~section 19-2-920 shall still~~ SECTION 19-2.5-1508 apply.

**SECTION 67.** In Colorado Revised Statutes, 19-1-115.7, **amend** (1) as follows:

**19-1-115.7. Foster care prevention services - provision of services - rights and remedies - exchange of information.** (1) A county department of human or social services may provide both child welfare and prevention services, including but not limited to foster care prevention services, as defined in section 19-1-103, ~~(51.7)~~, to families, kin caregivers, children, juveniles, and youth.

**SECTION 68.** In Colorado Revised Statutes, 19-1-208, **amend** (1) introductory portion and (1)(b) as follows:

**19-1-208. Duties of CASA volunteer.** (1) **Independent case investigation.** Upon appointment in an action, a CASA volunteer may: ~~have~~ the duty to:

(b) Determine if an appropriate treatment plan, as described in section 19-1-103, ~~(10)~~; has been created for the child, whether appropriate services are being provided to the child and family, and whether the treatment plan is progressing in a timely manner;

**SECTION 69.** In Colorado Revised Statutes, 19-1-304, **amend** (8)(e) as follows:

**19-1-304. Juvenile delinquency records - division of youth services critical incident information - definitions.** (8) **Division of youth services critical incident information.** (e) Except as otherwise authorized by section 19-1-303, all records prepared or obtained by the department of human services in the course of carrying out its duties pursuant to ~~article 2~~ ARTICLE 2.5 of this ~~title~~ TITLE 19 are confidential and privileged.

**SECTION 70.** In Colorado Revised Statutes, 19-1-305, **amend** (1) introductory portion as follows:

**19-1-305. Operation of juvenile facilities.** (1) Except as otherwise authorized by section 19-1-303 or 19-1-304 (8), all records prepared or obtained by the department of human services in the course of carrying out its duties pursuant to ~~article 2 of this title~~ ARTICLE 2.5 OF THIS TITLE 19 are confidential and privileged. ~~Said~~ THE records may be disclosed only:

**SECTION 71.** In Colorado Revised Statutes, 19-1-306, **amend** (5)(j), (6)(e), (8) introductory portion, and (8)(a) as follows:

**19-1-306. Expungement of juvenile delinquent records - definition.** (5) (j) A juvenile who was adjudicated as a mandatory sentence offender pursuant to ~~section 19-2-516 (1)~~ SECTION 19-2.5-1125 (1) or as a repeat juvenile offender pursuant to ~~section 19-2-516 (2)~~ SECTION 19-2.5-1125 (2) is not eligible for expungement ~~under~~ PURSUANT TO this subsection (5) but may petition for expungement pursuant to subsection (6)(e) of this section.

(6) (e) A juvenile who does not qualify for expungement pursuant

to subsection (4) or (5) of this section, including a mandatory sentence offender pursuant to ~~section 19-2-516 (1)~~ SECTION 19-2.5-1125 (1) or a repeat offender pursuant to ~~section 19-2-516 (2)~~ SECTION 19-2.5-1125 (2), and is not otherwise ineligible for expungement pursuant to the provisions of subsection (8) of this section and does not have a proceeding concerning a felony, misdemeanor, or delinquency action pending against himself or herself, may petition the court to request expungement of ~~his or her~~ THE JUVENILE'S record thirty-six months after the date of the petitioner's unconditional release from ~~his or her~~ THE juvenile sentence. A filing fee, notarization, or other formalities are not required. The court shall schedule a hearing, and ~~the provisions of~~ subsections (5)(e), (5)(e.5), (5)(f), and (5)(g) of this section apply.

(8) Notwithstanding ~~the provisions of~~ subsections (4), (5), and (6) of this section, a court shall not expunge the record of a person who is:

(a) Adjudicated as an aggravated juvenile offender pursuant to ~~section 19-2-516 (4)~~ SECTION 19-2.5-1125 (4) or as a violent juvenile offender pursuant to ~~section 19-2-516 (3)~~ SECTION 19-2.5-1125 (3);

**SECTION 72.** In Colorado Revised Statutes, 19-1-307, **amend** (2) introductory portion, (2)(p), and (2.3)(b) as follows:

**19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty - adult protective services data system check. (2) Records and reports - access to certain persons - agencies.** Except as ~~otherwise provided~~ SET FORTH in section 19-1-303, only the following persons or agencies shall have access to child abuse or neglect records and reports:

(p) The governing body as defined in section 19-1-103 ~~(54)~~ and the citizen review panels created pursuant to section 19-3-211, for the purposes of carrying out their conflict resolution duties as set forth in section 19-3-211 and rules promulgated by the state department of human services;

(2.3) The following agencies or attorneys appointed by the court must be granted statewide read-only access to the name index and register of actions for the judiciary department:

(b) County departments, as defined in section 19-1-103, ~~(32)~~ and

attorneys who represent the county departments as county attorneys, as defined in section 19-1-103, ~~(31.5)~~; as it relates to the attorneys' work representing the county;

**SECTION 73.** In Colorado Revised Statutes, 19-3-213, **amend** (1)(c)(I) as follows:

**19-3-213. Placement criteria.** (1) In any case in which the county department recommends placement out of the home for a child or in which a child is in out-of-home placement, the court, the guardian ad litem, the county department, any CASA volunteer, and other parties shall consider the best interests of the child and shall comply with the following placement criteria:

(c) (I) If the child is part of a sibling group, as defined in section 19-1-103, ~~(98.5)~~; and the sibling group is being placed in foster care, the county department shall make thorough efforts to locate a joint placement for all of the children in the sibling group. If the county department locates an appropriate, capable, willing, and available joint placement for all of the children in the sibling group, it ~~shall be~~ IS presumed that placement of the entire sibling group in the joint placement is in the best interests of the children. ~~Such~~ THE presumption may be rebutted by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child or of the children.

**SECTION 74.** In Colorado Revised Statutes, 19-3-308.5, **amend** (1) as follows:

**19-3-308.5. Recorded interviews of child.** (1) Any interview of a child conducted pursuant to section 19-3-308, concerning a report of child abuse, may be audiotaped or videotaped. However, interviews concerning reports of sexual child abuse are strongly encouraged to be videotaped. ~~Any audiotaped or videotaped interview shall be conducted by~~ A competent interviewer at a child advocacy center, as that term is defined in section 19-1-103, ~~(19.5)~~; that has a memorandum of understanding with the agency responsible for the investigation or ~~by~~ a competent interviewer for the agency responsible for the investigation in accordance with such section SHALL CONDUCT AN AUDIOTAPED OR VIDEOTAPED INTERVIEW; except that an interview ~~shall~~ MUST not be videotaped when doing so is impracticable under the circumstances or will result in trauma to the child, as determined

by the investigating agency. No more than one videotaped interview shall be required unless the interviewer or the investigating agency determines that additional interviews are necessary to complete an investigation. THE SAME INTERVIEWER SHALL CONDUCT additional interviews, shall be conducted, to the extent possible. by the same interviewer. Such THE recordings shall MUST be preserved as evidence in the manner and for a period provided by law for maintaining such evidence. In addition, access to such recordings shall be THE RECORDINGS IS subject to the rules of discovery under the Colorado rules of criminal and civil procedure.

**SECTION 75.** In Colorado Revised Statutes, amend 19-3-317 as follows:

**19-3-317. Screening tool - human trafficking.** On and after January 1, 2017, pursuant to the federal "Preventing Sex Trafficking and Strengthening Families Act", Pub.L. 113-183, the department and each county department, as defined in section 19-1-103, ~~(32)(a)~~, shall implement a uniform screening tool that includes questions that are intended to identify children who are victims of human trafficking of a minor for sexual servitude, as described in section 18-3-504, C.R.S., or commercial sexual exploitation of a child, or who are at risk of being such victims.

**SECTION 76.** In Colorado Revised Statutes, 19-3-401, amend (3)(a) and (3)(b) as follows:

**19-3-401. Taking children into custody.** (3) (a) Notwithstanding ~~the provisions of subsections (1) and (1.5) of this section and except as otherwise provided in paragraphs (b) and (c) of this subsection~~ (3) SUBSECTIONS (3)(b) AND (3)(c) OF THIS SECTION, a newborn child, as defined in section 19-1-103, ~~(78.5)~~, who is not in a hospital setting shall MUST not be taken into temporary protective custody for a period of longer than twenty-four hours without an order of the court made pursuant to section 19-3-405 (1). ~~which order includes~~ THE ORDER MUST INCLUDE findings that an emergency situation exists and that the newborn child is seriously endangered as described in ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section.

(b) A newborn child, as defined in section 19-1-103, ~~(78.5)~~, who is in a hospital setting must not be taken into temporary protective custody without an order of the court made pursuant to section 19-3-405 (1). ~~which~~

~~order includes~~ THE ORDER MUST INCLUDE findings that an emergency situation exists and that the newborn child is seriously endangered as described in subsection (1)(a) of this section. A newborn child may be detained in a hospital by a law enforcement officer upon the recommendation of a county department of ~~human or social services~~ or by a physician, registered nurse, licensed practical nurse, or physician assistant while an order of the court pursuant to section 19-3-405 (1) is being pursued, but the newborn child must be released if a court order pursuant to section 19-3-405 (1) is denied.

**SECTION 77.** In Colorado Revised Statutes, 19-3-407, **amend** (4) as follows:

**19-3-407. Noncertified kinship care - requirement for background checks and other checks - definitions.** (4) For the purposes of this section, "convicted" means a conviction by a jury or by a court and includes a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, or a plea of guilty or nolo contendere; except that this does not apply to a diversion or deferral or plea for a juvenile who participated in diversion, as defined in ~~section 19-1-103(44)~~ SECTION 19-2.5-102, and does not apply to a diversion or deferral or plea for a person who participated in and successfully completed the child abuse and child neglect diversion program as described in section 19-3-310.

**SECTION 78.** In Colorado Revised Statutes, 19-3-506, **amend** (1)(d) as follows:

**19-3-506. Child with a mental health disorder or an intellectual and developmental disability - procedure.** (1) (d) ~~Any~~ AN evaluation conducted pursuant to this subsection (1) must be completed within seventy-two hours, excluding Saturdays, Sundays, and legal holidays. A county jail or a detention facility, as described in ~~article 2 of this title 19~~ ARTICLE 2.5 OF THIS TITLE 19, is not considered a suitable facility for evaluation, although a mental health disorder prescreening may be conducted in any appropriate setting.

**SECTION 79.** In Colorado Revised Statutes, 19-3-507, **amend** (1)(b) as follows:

**19-3-507. Dispositional hearing.** (1) (b) Prior to any dispositional hearing, the caseworker of the COUNTY department of ~~human services~~ assigned to the case shall submit to the court a statement that details the services that were offered to or provided to the family to prevent unnecessary out-of-home placement of the child and to facilitate the reunification of the child with the family. The statement ~~shall~~ MUST contain an explanation of the services or actions that, had such services or actions been available, would have been necessary to enable the child to remain at home safely. In the alternative, the caseworker may submit a statement as to why no services or actions would have made it possible for the child to remain at home safely. If the child is part of a sibling group, as defined in section 19-1-103, ~~(98.5)~~, and the child was not placed with his or her siblings, the caseworker shall submit to the court a statement about whether it continues to be in the best interests of the child or the children in the sibling group to be placed separately. If the caseworker locates an appropriate, capable, willing, and available joint placement for all of the children in the sibling group, it ~~shall be~~ IS presumed that placement of the entire sibling group in the joint placement is in the best interests of the children. Such presumption may be rebutted by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child or of the children.

**SECTION 80.** In Colorado Revised Statutes, 19-3-612, **amend** (2)(a)(II) as follows:

**19-3-612. Reinstatement of the parent-child legal relationship - circumstances - petition - hearings - legislative declaration.** (2) A county department with custody of a child whose parent's rights were terminated voluntarily or involuntarily, including a child whose parent relinquished the child pursuant to the requirements of article 5 of this title 19, or the guardian ad litem of such a child, may file a petition to reinstate the parent-child legal relationship alleging the following:

(a) (II) The child is younger than twelve years of age and is part of a sibling group, as defined in section 19-1-103, ~~(98.5)~~, that includes a child described in ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (2)(a)(I) OF THIS SECTION for whom a petition to reinstate the parent-child legal relationship has been filed, and the younger sibling independently meets the conditions set forth in ~~paragraphs (b) to (f) of this subsection (2)~~ SUBSECTIONS (2)(b) TO (2)(f) OF THIS SECTION;

**SECTION 81.** In Colorado Revised Statutes, 19-3-702, amend (5)(a) and (5)(d) as follows:

**19-3-702. Permanency hearing.** (5) For a child or youth in a case designated pursuant to section 19-1-123 only:

(a) A permanent home is the place in which the child or youth may reside if the child or youth is unable to return home to a parent or legal guardian. If the court determines by a preponderance of the evidence that a permanent home is not currently available or that the child's or youth's current needs or situation prohibit placement, the court must be shown and the court must find that reasonable efforts, as defined in section 19-1-103, ~~(89)~~; were made to find the child or youth an appropriate permanent home and such a home is not currently available or that a child's or youth's needs or situation prohibit the child or youth from a successful placement in a permanent home.

(d) The court shall review the case at a permanency planning hearing at least every six months until the court finds that the child or youth is in a permanent home. The permanency planning hearings ~~shall~~ MUST continue as long as the court is unable to find that the child or youth is in a permanent home. At each hearing, the court must be provided evidence that a child or youth is in a permanent home or that reasonable efforts, as defined in section 19-1-103, ~~(89)~~; continue to be made to find the child or youth an appropriate permanent home and such a home is not currently available or that a child's or youth's needs or situation prohibit the child or youth from successful placement in a permanent home.

**SECTION 82.** In Colorado Revised Statutes, 19-4-106, amend (10) as follows:

**19-4-106. Assisted reproduction.** (10) For purposes of this section, "donor" is defined in section 19-1-103. ~~(44.5)~~.

**SECTION 83.** In Colorado Revised Statutes, 19-5-103, amend (2) introductory portion, (2)(g), and (4)(b) as follows:

**19-5-103. Relinquishment procedure - petition - hearings.** (2) The counseling specified in ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section and provided by the department or the child placement

agency shall include, but not be limited to, the following:

(g) The confidentiality of all information, except for nonidentifying information as defined in section 19-1-103 (~~80~~) that may be accessed as ~~provided in~~ PURSUANT TO part 4 of this ~~article~~ ARTICLE 19, obtained by the department and the child placement agency in the course of relinquishment counseling unless the parent provides written permission or a release of information is ordered by a court of competent jurisdiction and except for a copy of an original birth certificate that may be obtained by an adult adoptee, adult descendant of an adoptee, or a legal representative of the adoptee or descendant as authorized by section 19-5-305. The counseling ~~shall~~ MUST also include notice that a birth parent has the opportunity to file a written statement specifying that the birth parent's information remain confidential, an explanation of the rights and responsibilities of birth parents who disagree about consent as set forth in section 19-5-305, and notice that a birth parent has the opportunity to sign and submit a contact preference form and updated medical history statements to the state registrar as set forth in section 19-5-305 (1.5).

(4)(b) The relinquishing parent, child placement agency, and county department of human or social services shall provide the court any and all information described in ~~section 19-1-103(80)~~ SECTION 19-1-103 (103) that is available to the relinquishing parent, agency, or county department.

**SECTION 84.** In Colorado Revised Statutes, 19-5-105, amend (3.1)(a)(IV) as follows:

**19-5-105. Proceeding to terminate parent-child legal relationship.** (3.1) The court may order the termination of the other birth parent's parental rights upon a finding that termination is in the best interests of the child and that there is clear and convincing evidence of one or more of the following:

(a) That the parent is unfit. In considering the fitness of the child's parent, the court shall consider the following:

(IV) A history of violent behavior that demonstrates that the individual is unfit to maintain a parent-child relationship with the minor, which may include an incidence of sexual assault, as defined in section 19-1-103, (~~96.5~~); that resulted in the conception of the child;

**SECTION 85.** In Colorado Revised Statutes, 19-5-105.5, amend (2)(a), (2)(b), and (2)(c) as follows:

**19-5-105.5. Termination of parent-child legal relationship upon a finding that the child was conceived as a result of sexual assault - legislative declaration - definitions.** (2) As used in this section, unless the context otherwise requires:

(a) "Convicted" or "conviction" has the same meaning as defined in section 19-1-103. ~~(29.3)~~.

(b) "Sexual assault" has the same meaning as defined in section 19-1-103. ~~(96.5)~~.

(c) "Victim" has the same meaning as defined in section 19-1-103. ~~(112)(b)~~.

**SECTION 86.** In Colorado Revised Statutes, 19-5-105.7, amend (2)(a) and (2)(d) as follows:

**19-5-105.7. Termination of parent-child legal relationship in a case of an allegation that a child was conceived as a result of sexual assault but in which no conviction occurred - legislative declaration - definitions.** (2) As used in this section, unless the context otherwise requires:

(a) "Conviction" has the same meaning as defined in section 19-1-103. ~~(29.3)~~.

(d) "Sexual assault" has the same meaning as defined in section 19-1-103. ~~(96.5)~~.

**SECTION 87.** In Colorado Revised Statutes, 19-5-203, amend (1)(f) as follows:

**19-5-203. Availability for adoption.** (1) A child may be available for adoption only upon:

(f) Written and verified consent of the parent or parents, as defined in section 19-1-103, ~~(82)~~ in a stepparent adoption where the child's parents

were not married at the time the child was conceived and born;

**SECTION 88.** In Colorado Revised Statutes, 19-5-205.5, amend (5) as follows:

**19-5-205.5. Nonpublic agency interstate and foreign adoptions - legislative declaration - authority for state department to select agencies.** (5) For purposes of this section, "nonpublic agency interstate and foreign adoption" is defined in section 19-1-103. ~~(81)~~:

**SECTION 89.** In Colorado Revised Statutes, 19-5-207.3, amend (1) and (3) as follows:

**19-5-207.3. Placement of sibling groups.** (1) When a child is placed for adoption by the county department, if the child is part of a sibling group, as defined in section 19-1-103, ~~(98.5)~~; the county department shall include in the adoption report prepared for the court, the names and current physical custody and location of any siblings of the child who are also available for adoption; except that the names of children, parents, caretakers, and adoptive parents and any means of identifying such persons ~~shall~~ MUST not be made available to any party to the adoption proceeding except upon order of the court or as otherwise permitted by law.

(3) If the child is part of a sibling group, as defined in section 19-1-103, ~~(98.5)~~; and is being placed for adoption by a child placement agency in either a circumstance involving siblings who are the result of a multiple birth or a circumstance in which a parent has relinquished parental rights to the children to a child placement agency, the child placement agency shall make thorough efforts to locate a joint placement for all of the children in the sibling group who are available for adoption. If the child placement agency locates an appropriate, capable, willing, and available joint placement for all of the children in the sibling group, it ~~shall be~~ IS presumed that placement of the entire sibling group in the joint placement is in the best interests of the children. Such presumption may be rebutted by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child or of the children. If an entire sibling group is not placed together in an adoptive placement, the child placement agency shall place as many siblings of the group together as possible, considering their relationship and the best interests of each child.

**SECTION 90.** In Colorado Revised Statutes, 19-5-305, amend (2)(b) introductory portion, (2)(b)(I)(A), (2)(b)(V), and (3)(a) as follows:

**19-5-305. Access to adoption records - contact with parties to adoption - contact preference form and updated medical history statement - definitions.** (2) **Legislative declaration - access to adoption records.** (b) Subject to ~~the provisions of~~ subsection (4) of this section and in addition to information exchanged in a designated adoption or inspection authorized by a court upon good cause shown pursuant to section 19-1-309, access to adoption records by certain parties is governed by the following provisions:

(I) (A) **Adult adoptees, their descendants, and adoptive family members.** Upon request, the custodian of records shall provide direct access, without redaction, to all adoption records, as defined in section 19-1-103, ~~(6.5)(a.5)~~, for inspection and copying by an adult adoptee, an adoptive parent of a minor adoptee, a custodial grandparent of a minor adoptee, or the legal representative of any such individual. In addition, the custodian of records shall provide direct access to adoption records for inspection and copying by a spouse of an adult adoptee, an adult descendant of an adoptee, an adult sibling or half-sibling of an adult adoptee, an adoptive parent or grandparent of an adult adoptee, or the legal representative of any such individual, if the individual requesting access has the notarized written consent of the adult adoptee or if the adult adoptee is deceased.

(V) **Release of records by child placement agencies and prior written statements of birth parents.** Notwithstanding ~~the provisions of subparagraph (I) of this paragraph (b)~~ SUBSECTION (2)(b)(I) OF THIS SECTION, the adoption records, as defined in section 19-1-103, ~~(6.5)(a)~~, in the possession of a child placement agency ~~may not be~~ ARE NOT open for inspection or ~~made~~ available for copying with respect to any identifying information concerning a birth parent if the birth parent has previously provided the court and the child placement agency, if applicable, with a signed and notarized written statement, within three years after the final order of relinquishment or termination of the parent-child legal relationship, specifying that such parent wishes the identifying information concerning that parent to remain confidential; except that the adoption records in the possession of a child placement agency may be open for inspection and made available for copying with respect to identifying information

concerning a birth parent if a birth parent provides a consent form, as defined in section 19-1-103, ~~(28.5)~~; to the child placement agency consenting to the release of identifying information and the release of identifying information is consistent with the provisions of subsection (3) of this section. A written statement specifying that a birth parent wishes the identifying information concerning that parent on file with a child placement agency to remain confidential must remain in the court's and the child placement agency's relinquishment or termination file unless later withdrawn by the parent or superceded by a consent form. A child placement agency is not liable to any individual for the failure of a birth parent to submit such a written statement to the court. In addition to such a statement, the birth parent may also submit to the court and to the child placement agency a letter of explanation that the court and the child placement agency must release to the adoptee at the time that the adoptee makes a request for inspection of the adoption records. This subparagraph ~~(V)~~ SUBSECTION (2)(b)(V) applies only to adoption records in the possession of child placement agencies and does not apply to adoption records in the possession of the court or any other agency, entity, or person.

**(3) Access to identifying information through child placement agencies.** (a) Upon proof of identity of the person submitting the consent form, a licensed child placement agency shall accept and may seek a consent form, as that term is defined in section 19-1-103, ~~(28.5)~~; from an adult adoptee or from either adult adoptee's birth parent or from an adoptive parent of a minor adoptee or from the legal representative of a minor adoptee authorizing the release of identifying information, as that term is defined in section 19-1-103, ~~(63.5)~~; concerning the person submitting the consent form, to the extent such information is available to the child placement agency. If only one birth parent has filed a consent form with the child placement agency, the child placement agency or any succeeding custodian of the records shall provide a copy of the identifying information without the name of and without identifying information about the nonconsenting birth parent.

**SECTION 91.** In Colorado Revised Statutes, 19-5-305.5, amend (2) as follows:

**19-5-305.5. Access to personal records relating to a former ward of the state home for dependent and neglected children - other eligible parties - definitions.** (2) Upon proof of identification and upon request, the

custodian of records, as defined in section 19-1-103, ~~(35.3)(a)~~, shall provide direct access, without redaction, to all personal records for inspection and copying by an eligible party relating to a former ward who, regardless of adoption status, as a minor was in the custody of the state home for dependent and neglected children.

**SECTION 92.** In Colorado Revised Statutes, 19-7-203, **amend** (1) introductory portion as follows:

**19-7-203. Foster care sibling rights.** (1) Sibling youth in foster care, except youth in the custody of the division of youth services created pursuant to ~~section 19-2-203~~ SECTION 19-2.5-1501 or a state hospital for persons with BEHAVIORAL OR mental health disorders, ~~shall enjoy~~ HAVE the following rights, unless they are not in the best interests of each sibling, regardless of whether the parental rights of one or more of the foster youth's parents have been terminated:

**SECTION 93.** In Colorado Revised Statutes, 21-1-103, **amend** (2) as follows:

**21-1-103. Representation of indigent persons.** (2) The state public defender shall represent indigent persons charged in any court with crimes ~~which~~ THAT constitute misdemeanors and in which the charged offense includes a possible sentence of incarceration; juveniles upon whom a delinquency petition is filed or who are in any way restrained by court order, process, or otherwise; persons held in any institution against their will by process or otherwise for the treatment of any disease or disorder or confined for the protection of the public; and ~~such~~ persons charged with municipal code violations as the state public defender in his or her discretion may determine, subject to review by the court if:

(a) The indigent person or ~~his~~ THE INDIGENT PERSON'S parent or legal guardian in delinquency or other actions ~~under article 2 of title 19, C.R.S.~~, PURSUANT TO ARTICLE 2.5 OF TITLE 19 requests it and complies with subsection (3) of this section; or

(b) The court, on its own motion or otherwise, so orders or requests and the defendant or ~~his or her~~ THE DEFENDANT'S parent or legal guardian in delinquency or other actions ~~under article 2 of title 19, C.R.S.~~, PURSUANT TO ARTICLE 2.5 OF TITLE 19 does not affirmatively reject, of record, the

opportunity to be represented by legal counsel in the proceeding. The court shall not appoint a public defender to represent the defendant, or ~~his or her~~ THE DEFENDANT'S parent or legal guardian, if ~~such~~ THE person does not fall within the fiscal standards or guidelines established by the supreme court.

**SECTION 94.** In Colorado Revised Statutes, 22-1-120, amend (8) as follows:

**22-1-120. Rights of free expression for public school students.** (8) Nothing in this section ~~shall be construed to limit~~ LIMITS the promulgation or enforcement of lawful school regulations designed to control gangs. For the purposes of this section, ~~the definition of "gang" shall be the definition found~~ HAS THE SAME MEANING AS SET FORTH in ~~section 19-1-103 (52), C.R.S.~~ SECTION 19-2.5-102.

**SECTION 95.** In Colorado Revised Statutes, 22-32-138, amend (1)(a), (1)(b), and (1)(h) as follows:

**22-32-138. Out-of-home placement students - school stability, transfer, and enrollment procedures - absences - exemptions - provision of academic supports - definitions.** (1) As used in this section and in section 22-32-138.5, unless the context otherwise requires:

(a) "Child placement agency" has the same meaning as provided in section 19-1-103. ~~(21)~~.

(b) "County department" has the same meaning as provided in section 19-1-103. ~~(32)~~.

(h) "Student in out-of-home placement" means a child or youth who at any time during an academic semester or term is in foster care and receiving educational services through a state-licensed day treatment facility or who at any time during an academic semester or term is in placement out of the home, as that term is defined in ~~section 19-1-103 (85)~~ SECTION 19-1-103, including but not limited to any child or youth who is in placement outside of the home at any time during an academic semester or term as a result of an adjudication pursuant to ~~article 2 of title 19~~ ARTICLE 2.5 OF TITLE 19. "Student in out-of-home placement" includes a child or youth who transfers enrollment as a result of being returned to ~~his or her~~ THE CHILD'S OR YOUTH'S home at the conclusion of out-of-home placement.

**SECTION 96.** In Colorado Revised Statutes, 22-32-141, amend (1)(b)(I), (2)(a), and (2)(e) as follows:

**22-32-141. Student awaiting trial as adult - educational services - definitions.** (1) As used in this section, unless the context otherwise requires:

(b) "Juvenile" means a person:

(I) Against whom criminal charges are directly filed in district court pursuant to ~~section 19-2-517, C.R.S.~~ SECTION 19-2.5-801 or for whom criminal charges are transferred to district court pursuant to ~~section 19-2-518, C.R.S.~~ SECTION 19-2.5-802;

(2)(a) Except as ~~otherwise provided~~ SET FORTH in subsections (2)(c) to (2)(g) of this section, if a juvenile is held in a jail or other facility for the detention of adult offenders pending criminal proceedings as an adult, the school district in which the jail or facility is located shall provide educational services for the juvenile upon request of the official in charge of the jail or facility, or ~~his or her~~ THE OFFICIAL'S designee, pursuant to ~~section 19-2-508 (4)(c)(I)~~ SECTION 19-2.5-305 (4)(c)(I). A school district may provide educational services directly using one or more of its employees or may ensure that educational services are provided through a board of cooperative services, an administrative unit, or otherwise through contract with a person or entity.

(e) If a school district or the official in charge of the jail or facility determines ~~as provided in section 19-2-508 (4)(c)(II)~~ PURSUANT TO SECTION 19-2.5-305 (4)(c)(II) that an appropriate and safe environment for school district employees or contractors is not available in which to provide educational services to a specific juvenile, the school district is exempt from the requirement of providing educational services to the juvenile until such time as both the school district and the official in charge of the jail or facility determine that an appropriate and safe environment for school district employees or contractors is available. If the school district will not be providing educational services to a juvenile because of the lack of an appropriate and safe environment for school district employees or contractors, the official in charge of the jail or facility shall notify the juvenile, ~~his or her~~ THE JUVENILE'S parent or legal guardian, the juvenile's defense attorney, and the court having jurisdiction over the juvenile's case.

**SECTION 97.** In Colorado Revised Statutes, 22-33-102, amend (5) as follows:

**22-33-102. Definitions.** As used in this article 33, unless the context otherwise requires:

(5) "Delinquent act" means a violation of any statute, ordinance, or order enumerated in ~~section 19-2-104 (1)(a)~~ SECTION 19-2.5-103 (1)(a). If a juvenile is alleged to have committed or is found guilty of a delinquent act, the classification and degree of the offense is determined by the statute, ordinance, or order that the petition alleges was violated. "Delinquent act" does not include truancy or habitual truancy.

**SECTION 98.** In Colorado Revised Statutes, 22-33-106.3, amend (5) as follows:

**22-33-106.3. Disciplinary investigations - parental presence - student statements - definition.** (5) For the purposes of this section, "physical custodian" ~~shall have~~ HAS the same meaning as that term is defined in ~~section 19-1-103 (84), C.R.S.~~ SECTION 19-2.5-102.

**SECTION 99.** In Colorado Revised Statutes, 22-33-107, amend (3)(a)(II) as follows:

**22-33-107. Enforcement of compulsory school attendance - definitions.** (3) (a) As used in this subsection (3):

(II) "Local community services group" means the local juvenile services planning committee created pursuant to ~~section 19-2-211, C.R.S.~~ SECTION 19-2.5-302, the local collaborative management group created by a memorandum of understanding entered into pursuant to section 24-1.9-102, ~~C.R.S.~~, or another local group of public agencies that collaborate with the school district to identify and provide support services for students.

**SECTION 100.** In Colorado Revised Statutes, 22-33-107.5, amend (1) introductory portion, (1)(a), and (1)(b) as follows:

**22-33-107.5. Notice of failure to attend.** (1) Except as otherwise ~~provided in~~ SET FORTH IN subsection (2) of this section, a school district

shall notify the appropriate court or parole board if a student fails to attend all or any portion of a school day, where the school district has received notice from the court or parole board:

(a) Pursuant to ~~section 19-2-508 (3)(a)(X)~~ SECTION 19-2.5-305 (3)(a)(X) that the student is required to attend school as a condition of release pending an adjudicatory trial;

(b) Pursuant to ~~section 17-22.5-404, 18-1.3-204 (2.3), 19-2-907 (4), 19-2-925 (9), or 19-2-1002 (1) or (3)~~ SECTION 17-22.5-404, 18-1.3-204, 19-2.5-1103 (4), 19-2.5-1108 (9), OR 19-2.5-1203 (1) OR (3) that the student is required to attend school as a condition of or in connection with any sentence imposed by the court, including a condition of probation or parole; or

**SECTION 101.** In Colorado Revised Statutes, 22-33-108, amend (7)(c)(I) introductory portion as follows:

**22-33-108. Judicial proceedings.** (7) (c) (I) If the court finds that the child or youth has refused to comply with the plan created for the child or youth pursuant to section 22-33-107 (3), the court may impose on the child or youth, as a sanction for contempt of court, a sentence of detention for no more than forty-eight hours in a juvenile detention facility operated by or under contract with the department of human services pursuant to ~~section 19-2-402~~ SECTION 19-2.5-1511 and any rules promulgated by the Colorado supreme court. The court shall not sentence a child or youth to detention as a sanction for contempt of court unless the court finds that detention is in the best interest of the child or youth as well as the public. In making such a finding, the court shall consider the following factors, including that:

**SECTION 102.** In Colorado Revised Statutes, 22-33-203, amend (3) as follows:

**22-33-203. Educational alternatives for expelled students.** (3) If a student is expelled and the student is not receiving educational services pursuant to this section, the school district shall contact the expelled student's parent or guardian at least once every sixty days until the beginning of the next school year to determine whether the student is receiving educational services from some other source; except that the

school district need not contact a student's parent or guardian after the student is enrolled in another school district or in an independent or parochial school or if the student is committed to the department of human services or is sentenced pursuant to ~~article 2 of title 19, C.R.S.~~ ARTICLE 2.5 OF TITLE 19.

**SECTION 103.** In Colorado Revised Statutes, 23-7-103, **amend** (1) introductory portion and (1)(a) as follows:

**23-7-103. Presumptions and rules for determination of status - definition.** (1) Unless the contrary appears to the satisfaction of the registering authority of the institution at which a student is registering, it ~~shall be~~ IS presumed that:

(a) The domicile of an unemancipated minor is that of the parent with whom ~~he or she~~ THE MINOR resides or, if ~~there is a guardian of his or her person~~ THE MINOR HAS A GUARDIAN, that of ~~such~~ THE guardian, but only if the court appointing ~~such~~ THE guardian (who has legal custody of the minor child as defined in ~~section 19-1-103 (73), C.R.S.~~) SECTION 19-1-103) certifies that the primary purpose of ~~such~~ THE appointment is not to qualify ~~such~~ THE unemancipated minor as a resident of this state and that ~~his or her~~ THE MINOR'S parents, if living, do not provide substantial support to the minor child;

**SECTION 104.** In Colorado Revised Statutes, 24-1-120, **amend** (6)(c) and (6)(e) as follows:

**24-1-120. Department of human services - creation.** (6) The department consists of the following divisions, units, and offices:

(c) The juvenile parole board, created pursuant to ~~section 19-2-206; C.R.S.~~ SECTION 19-2.5-1201. The juvenile parole board and its powers, duties, and functions are transferred by a **type 1** transfer to the department of human services as a division. ~~thereof.~~

(e) The division of youth services, created pursuant to ~~section 19-2-203~~ SECTION 19-2.5-1501. The division of youth services and the office of the director of the division of youth services and their powers, duties, and functions are transferred by a **type 2** transfer to the department of human services as a division. ~~thereof.~~

**SECTION 105.** In Colorado Revised Statutes, 24-1.7-103, amend (2)(b) and (2)(c) as follows:

**24-1.7-103. Consolidation of local boards - process - requirements.** (2) Any combination of the following boards or groups may be consolidated into a single advisory board:

(b) Juvenile community review boards, as defined in ~~section 19-1-103 (69), C.R.S.~~, SECTION 19-2.5-102 and described in ~~section 19-2-210, C.R.S.~~ SECTION 19-2.5-1402;

(c) Local juvenile services planning committees, created pursuant to ~~section 19-2-211, C.R.S.~~ SECTION 19-2.5-302;

**SECTION 106.** In Colorado Revised Statutes, 24-1.9-102, amend (1)(e) as follows:

**24-1.9-102. Memorandum of understanding - local-level interagency oversight groups - individualized service and support teams - coordination of services for children and families - requirements - waiver.** (1) (e) Nothing ~~shall preclude~~ PRECLUDES the agencies specified in subsections (1)(a) and (1)(a.5) of this section from including parties in addition to the agencies specified in subsections (1)(a) and (1)(a.5) of this section in the memorandums of understanding developed for purposes of this section, and which may include the LOCAL juvenile services planning committee as described in ~~section 19-2-211~~ SECTION 19-2.5-302.

**SECTION 107.** In Colorado Revised Statutes, 24-4.1-119, amend (1)(d) as follows:

**24-4.1-119. Costs and surcharges levied on criminal actions and traffic offenses.** (1) (d) A cost, in an amount determined pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, is ~~hereby~~ levied on every action upon the filing of a petition alleging a child is delinquent ~~which~~ THAT results in a finding of guilty pursuant to ~~part 8 of article 2 of title 19, C.R.S.~~, PART 9 OF ARTICLE 2.5 OF TITLE 19 or a deferral of adjudication pursuant to ~~section 19-2-709, C.R.S.~~ SECTION 19-2.5-903. This cost ~~shall~~ MUST be paid to the clerk of the court, who shall deposit the same in the fund established in section 24-4.1-117.

**SECTION 108.** In Colorado Revised Statutes, 24-4.1-302, **amend** (2)(j.5) as follows:

**24-4.1-302. Definitions.** As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(2) "Critical stages" means the following stages of the criminal justice process:

(j.5) Any court-ordered modification of the terms and conditions of probation as described in section 18-1.3-204 ~~or 19-2-925~~ OR 19-2.5-1108 and as outlined in section 24-4.1-303 (13.5)(a);

**SECTION 109.** In Colorado Revised Statutes, 24-4.1-302.5, **amend** (1)(d)(VI) and (1.6) as follows:

**24-4.1-302.5. Rights afforded to victims - definitions.** (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime has the following rights:

(d) The right to be heard at any court proceeding:

(VI) At which the defendant requests a modification of the no contact provision of the mandatory criminal protection order ~~under PURSUANT TO section 18-1-1001 C.R.S., or section 19-2-707, C.R.S.~~ OR 19-2.5-607;

(1.6) The right to be informed of the existence of a criminal protection order ~~under PURSUANT TO section 18-1-1001 C.R.S., or section 19-2-707, C.R.S.~~ OR 19-2.5-607 and, upon request of the victim, information about provisions that may be added or modified, and the process for requesting such an addition or modification.

**SECTION 110.** In Colorado Revised Statutes, 24-4.1-303, **amend** (9)(h), (13.5)(a)(V), (13.5)(a)(IX), and (14.3)(a) as follows:

**24-4.1-303. Procedures for ensuring rights of victims of crimes.** (9) The district attorney and any law enforcement agency shall inform each victim as to the availability of the following services:

(h) The existence of a criminal protection order ~~under~~ PURSUANT TO section 18-1-1001 C.R.S., or ~~section 19-2-707, C.R.S.,~~ OR 19-2.5-607 and, upon request of the victim, information about provisions that may be added or modified and the process for requesting such an addition or modification.

(13.5) (a) Following a sentence to probation and upon the written request of a victim, the probation department shall notify the victim of the following information regarding any person who was charged with or convicted of a crime against the victim:

(V) Any motion filed by the probation department requesting permission from the court to modify the terms and conditions of probation as described in section 18-1.3-204 ~~or 19-2-925~~ OR 19-2.5-1108 if the motion has not been denied by the court without a hearing;

(IX) Any court-ordered modification of the terms and conditions of probation as described in section 18-1.3-204 ~~or 19-2-925~~ OR 19-2.5-1108.

(14.3) Upon receipt of a written statement from the victim, the juvenile parole board shall notify the victim of the following information regarding any person who was charged with or adjudicated of an offense against the victim:

(a) Any scheduled juvenile parole hearings pursuant to ~~sections 19-2-1002 and 19-2-1004~~ SECTIONS 19-2.5-1203 AND 19-2.5-1206 regarding the person, any change in the scheduling of such a hearing in advance of the hearing, the victim's right to be present and heard at such hearings, the results of any such hearing, any parole decision to release the person, and the terms and conditions of any such release;

**SECTION 111.** In Colorado Revised Statutes, 24-4.2-104, **amend** (1)(a)(I) as follows:

**24-4.2-104. Surcharges levied on criminal actions and traffic offenses.** (1) (a) (I) A surcharge equal to thirty-seven percent of the fine imposed for each felony, misdemeanor, or class 1 or class 2 misdemeanor traffic offense, or a surcharge of one hundred sixty-three dollars for felonies, seventy-eight dollars for misdemeanors, forty-six dollars for class 1 misdemeanor traffic offenses, and thirty-three dollars for class 2 misdemeanor traffic offenses, whichever amount is greater, except as

otherwise provided in paragraph (b) of this subsection (1) SET FORTH IN SUBSECTION (1)(b) OF THIS SECTION, is hereby levied on each criminal action resulting in a conviction or in a deferred judgment and sentence, as provided in PURSUANT TO section 18-1.3-102, C.R.S., which criminal action is charged pursuant to state statute, or upon each petition alleging that a child is delinquent that results in a finding of guilty pursuant to part 8 of article 2 of title 19, C.R.S. PART 9 OF ARTICLE 2.5 OF TITLE 19, or a deferral of adjudication pursuant to section 19-2-709, C.R.S. SECTION 19-2.5-903. THE DEFENDANT SHALL PAY these surcharges shall be paid to the clerk of the court. by the defendant. Each clerk shall transmit the moneys MONEY to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district.

**SECTION 112.** In Colorado Revised Statutes, 24-5-101, amend (1)(b) introductory portion and (1)(b)(V) as follows:

**24-5-101. Effect of criminal conviction on employment rights.** (1) (b) This subsection (1) shall DOES not apply to:

(V) The employment of persons in public or private correctional facilities pursuant to the provisions of sections 17-1-109.5 and 17-1-202 (1)(a)(I) and (1.5), C.R.S., and the employment of persons in public or private juvenile facilities pursuant to the provisions of sections 19-2-403.3 and 19-2-410 (4), C.R.S. SECTIONS 19-2.5-1505 AND 19-2.5-1519 (4);

**SECTION 113.** In Colorado Revised Statutes, 24-33.5-415.6, amend (1) as follows:

**24-33.5-415.6. Offender identification - fund.** (1) There is hereby created in the state treasury the offender identification fund, referred to in this section as the "fund". Moneys MONEY in the fund shall consist CONSISTS of costs and surcharges levied pursuant to this section and payments for genetic testing received from offenders pursuant to sections 16-11-102.4, 18-1.3-407, and 19-2-925.6, C.R.S. AND 19-2.5-1119. Subject to annual appropriations by the general assembly, the executive director and the state court administrator are authorized to expend moneys MONEY in the fund to pay for genetic testing of offenders pursuant to sections 16-11-102.4 and 18-1.3-407. C.R.S. At the end of any fiscal year, all unexpended and unencumbered moneys MONEY in the fund shall remain therein REMAINS IN

THE FUND and shall not be credited or transferred to the general fund or any other fund.

**SECTION 114.** In Colorado Revised Statutes, 24-33.5-503, **amend** (1)(i) as follows:

**24-33.5-503. Duties of division.** (1) The division has the following duties:

(i) To promulgate rules and regulations which set minimum standards for temporary holding facilities as defined in section 19-1-103; ~~(106), C.R.S.;~~

**SECTION 115.** In Colorado Revised Statutes, 24-33.5-2401, **amend** (2)(a)(IV) as follows:

**24-33.5-2401. Committee on juvenile justice reform - creation - membership.** (2) (a) The committee consists of the following thirty members:

(IV) The director of the division of youth services pursuant to ~~section 19-2-203~~ SECTION 19-2.5-1501, or the director's designee;

**SECTION 116.** In Colorado Revised Statutes, 24-33.5-2402, **amend** (1)(c) as follows:

**24-33.5-2402. Juvenile justice reform committee - duties.** (1) The committee has the following duties:

(c) Select a validated risk screening tool to be used statewide to inform district attorney decisions on a juvenile's eligibility for diversion. The validated risk screening tool must be implemented pursuant to ~~section 19-2-303~~ SECTION 19-2.5-402.

**SECTION 117.** In Colorado Revised Statutes, 24-48.5-313, **amend** (3)(b) as follows:

**24-48.5-313. Art in public places - works of art in correctional and juvenile facilities.** (3) (b) As used in this subsection (3), "juvenile correctional facility" means any facility operated by or under contract with

the department of human services pursuant to ~~section 19-2-403, C.R.S.~~  
SECTION 19-2.5-1502.

**SECTION 118.** In Colorado Revised Statutes, 24-72-113, **amend**  
(2)(b) as follows:

**24-72-113. Limit on retention of passive surveillance records - definition.** (2) (b) This section does not apply to passive surveillance records of any correctional facility, local jail, or private contract prison, as defined in section 17-1-102, ~~C.R.S.~~; any juvenile facility operated by the Colorado department of human services, as listed in ~~sections 19-2-402, 19-2-403, and 19-2-406 through 19-2-408, C.R.S.~~ SECTIONS 19-2.5-1502, 19-2.5-1511, AND 19-2.5-1527 TO 19-2.5-1529, or any passive surveillance records made or maintained as required under federal law.

**SECTION 119.** In Colorado Revised Statutes, 24-72-304, **amend**  
(4.5)(d) introductory portion and (4.5)(d)(I) as follows:

**24-72-304. Inspection of criminal justice records.** (4.5) (d) ~~The provisions of this subsection (4.5) shall~~ THIS SUBSECTION (4.5) DOES not apply to the sharing of information between:

(I) Criminal justice agencies, school districts, state institution of higher education police departments and authorized university administrators pursuant to section 23-5-141, ~~C.R.S.~~; assessment centers for children as defined in section 19-1-103, ~~(10.5), C.R.S.~~; or social services agencies as authorized by section 22-32-109.1 (3); ~~C.R.S.~~;

**SECTION 120.** In Colorado Revised Statutes, 25-1.5-301, **amend**  
(2)(b) as follows:

**25-1.5-301. Definitions.** As used in this part 3, unless the context otherwise requires:

(2) "Facility" means:

(b) Institutions for juveniles ~~provided for in part 4 of article 2 of title 19, C.R.S.~~ ESTABLISHED IN PART 15 OF ARTICLE 2.5 OF TITLE 19;

**SECTION 121.** In Colorado Revised Statutes, 25-2-113.5, **amend**

(2)(g.5) as follows:

**25-2-113.5. Limited access to information upon consent of all parties - voluntary adoption registry.** (2) As used in this section, unless the context otherwise requires:

(g.5) "Sibling" ~~shall have~~ HAS the same meaning as "biological sibling" PURSUANT TO section 19-1-103. ~~(14), C.R.S.~~

**SECTION 122.** In Colorado Revised Statutes, 25.5-4-205.5, **amend** (2) as follows:

**25.5-4-205.5. Confined persons - suspension of benefits.** (2) Notwithstanding any other provision of law, a person who, immediately prior to becoming a confined person, was a recipient of medical assistance pursuant to this article 4 or article 5 or 6 of this title 25.5, remains eligible for medical assistance while a confined person; except that ~~no~~ medical assistance may NOT be furnished pursuant to this article 4 or article 5 or 6 of this title 25.5 while the person is a confined person unless federal financial participation is available for the cost of the assistance, including but not limited to juveniles held in a facility operated by or under contract to the division of youth services established pursuant to ~~section 19-2-203~~ SECTION 19-2.5-1501 or the department of human services. Once a person is no longer a confined person, the person continues to be eligible for receipt of medical benefits pursuant to this article 4 or article 5 or 6 of this title 25.5 until the person is determined to be ineligible for the receipt of the assistance. To the extent permitted by federal law, the time during which a person is a confined person is not included in any calculation of when the person must recertify his or her eligibility for medical assistance pursuant to this article 4 or article 5 or 6 of this title 25.5.

**SECTION 123.** In Colorado Revised Statutes, 25.5-5-402, **amend** (6)(b) as follows:

**25.5-5-402. Statewide managed care system - definition - rules.** (6) (b) For a child or youth who obtains eligibility for services under the state's medicaid program through a dependency and neglect action resulting in out-of-home placement pursuant to article 3 of title 19 or a juvenile delinquency action resulting in out-of-home placement pursuant to ~~article 2~~ ARTICLE 2.5 of title 19, the state department shall assign the child or youth

to the MCE covering the county with jurisdiction over the action. The state department shall only change the assignment if the change is requested by the county with jurisdiction over the action or by the child's or youth's legal guardian.

**SECTION 124.** In Colorado Revised Statutes, 26-1-139, amend (5)(b), (5)(g) introductory portion, and (5)(h) introductory portion as follows:

**26-1-139. Child fatality and near fatality prevention - legislative declaration - process - department of human services child fatality review team - reporting - rules - definitions.** (5) (b) Within three business days after receiving from a county department the information provided ~~under paragraph (a) of this subsection (5)~~ PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION, the department shall disclose to the public that information has been received, whether the department is conducting a review of the incident, whether the child was in his or her THE CHILD'S own home or in foster care, as defined in section 19-1-103, ~~(51.3), C.R.S.~~, and the child's gender and age. The department may disclose the scope of the review.

(g) The case-specific executive summary for a child who was not in foster care, as defined in section 19-1-103, ~~(51.3), C.R.S.~~, at the time of the fatality must include:

(h) The case-specific executive summary for a child who was in foster care, as defined in section 19-1-103, ~~(51.3), C.R.S.~~, at the time of the incident must include:

**SECTION 125.** In Colorado Revised Statutes, 26-5-104, amend (2) as follows:

**26-5-104. Funding of child welfare services provider contracts - funding mechanism review - fund - report - rules - definitions - repeal.** (2) **Parental fees.** The fiscal year beginning July 1, 1990, ~~shall constitute~~ CONSTITUTES the base fiscal year for the purpose of computing a base amount of parental fee collections by each county on behalf of children in foster care. Commencing with the fiscal year beginning July 1, 1991, any increased amount of parental fees over and above the base amount ~~shall be~~ IS retained by the county that collected ~~such~~ THE parental fees. Any ~~moneys~~

MONEY retained by each county pursuant to this subsection (2) may be used for child welfare services directed toward early intervention, placement prevention, and family preservation, or any other program funded pursuant to ~~sections 19-2-211, 19-2-212, and 19-2-310, C.R.S.~~ SECTIONS 19-2.5-302, 19-2.5-1404 AND 19-2.5-1407.

**SECTION 126.** In Colorado Revised Statutes, 26-6-102, **amend** (14) and (35) as follows:

**26-6-102. Definitions.** As used in this article 6, unless the context otherwise requires:

(14) "Foster care home" means a home that is certified by a county department or child placement agency pursuant to section 26-6-106.3 for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family foster care for a child under the age of twenty-one years. A foster care home may include foster care for a child who is unrelated to the head of the home or foster care provided through a kinship foster care home but does not include noncertified kinship care, as defined in section 19-1-103. ~~(78.7), C.R.S.~~ The term includes any foster care home receiving a child for regular twenty-four-hour care and any home receiving a child from any state-operated institution for child care or from any child placement agency, as defined in subsection (7) of this section. "Foster care home" also includes those homes licensed by the department of human services pursuant to section 26-6-104 that receive neither moneys from the counties nor children placed by the counties.

(35) "Secure residential treatment center" means a facility operated under private ownership that is licensed by the department pursuant to this part 1 to provide twenty-four-hour group care and treatment in a secure setting for five or more children or persons up to the age of twenty-one years over whom the juvenile court retains jurisdiction pursuant to ~~section 19-2-104 (6), C.R.S.,~~ SECTION 19-2.5-103 (6) who are committed by a court pursuant to an adjudication of delinquency or pursuant to a determination of guilt of a delinquent act or having been convicted as an adult and sentenced for an act that would be a crime if committed in Colorado, or in the committing jurisdiction, to be placed in a secure facility.

**SECTION 127.** In Colorado Revised Statutes, 26-6-106.3, **amend** (7) as follows:

**26-6-106.3. Certification and annual recertification of foster care homes by county departments and licensed child placement agencies - background and reference check requirements - definitions.**

(7) For purposes of this section, "convicted" means a conviction by a jury or by a court and includes a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, or a plea of guilty or nolo contendere; except that this does not apply to a diversion or deferral or plea for a juvenile who participated in diversion, as defined in ~~section 19-1-103 (44), C.R.S.~~ SECTION 19-2.5-102, and does not apply to a diversion or deferral or plea for a person who participated in and successfully completed the child abuse and child neglect diversion program as described in section 19-3-310. ~~C.R.S.~~

**SECTION 128.** In Colorado Revised Statutes, 26-6-106.5, **amend** (2)(a) as follows:

**26-6-106.5. Foster care - kinship care - rules applying generally - rule-making.** (2) At a minimum, the rules described in subsection (1) of this section must include the following:

(a) Using the state department's automated database, the procedures for notifying all county departments and child placement agencies that place children in foster care when the state department has identified a confirmed report of child abuse or neglect, as defined in ~~section 19-1-103 (27), C.R.S.~~ SECTION 19-1-103 that involves a foster care home, as well as the suspension of any further placements in the foster care home until the investigation is concluded;

**SECTION 129.** In Colorado Revised Statutes, 26-6-706, **amend** (1) as follows:

**26-6-706. Rules.** (1) A temporary care assistance program and a temporary care provider are subject to any rule promulgated by the department that is applicable to noncertified kinship care, defined in section 19-1-103; ~~(78.7)~~; except that a temporary care assistance program and a temporary care provider are not subject to ~~such~~ a rule that is inconsistent with this part 7.

**SECTION 130.** In Colorado Revised Statutes, 26-20-102, **amend** (1)(b)(III) and (2.5) as follows:

**26-20-102. Definitions.** As used in this article 20, unless the context otherwise requires:

(1) (b) "Agency" does not include:

(III) A juvenile probation department or division authorized pursuant to ~~section 19-2-204, C.R.S.~~ SECTION 19-2.5-1406;

(2.5) "Division of youth services" means the division of youth services within the state department created pursuant to ~~section 19-2-203~~ SECTION 19-2.5-1501.

**SECTION 131.** In Colorado Revised Statutes, 27-60-105, amend (2) as follows:

**27-60-105. Outpatient restoration to competency services - jail-based behavioral health services - responsible entity - duties - report - legislative declaration.** (2) The office of behavioral health ~~shall~~ ~~serve~~ SERVES as a central organizing structure and responsible entity for the provision of competency restoration education services, coordination of competency restoration services ordered by the court pursuant to section 16-8.5-111 (2)(b) ~~or 19-2-1303 (2)~~ OR 19-2.5-704 (2), and jail-based behavioral health services pursuant to section 27-60-106.

**SECTION 132.** In Colorado Revised Statutes, 27-81-111, amend (1)(a) as follows:

**27-81-111. Emergency commitment.** (1) (a) When a person is under the influence of or incapacitated by substances and clearly dangerous to the health and safety of himself, herself, or others, law enforcement authorities or an emergency service patrol, acting with probable cause, shall take the person into protective custody in an approved treatment facility. If no such facilities are available, the person may be detained in an emergency medical facility or jail, but only for so long as may be necessary to prevent injury to himself, herself, or others or to prevent a breach of the peace. If the person being detained is a juvenile, as defined in ~~section 19-1-103 (68)~~ SECTION 19-2.5-102, the juvenile ~~shall~~ MUST be placed in a setting that is nonsecure and physically segregated by sight and sound from the adult offenders. A law enforcement officer or emergency service patrol officer, in detaining the person, is taking the person into protective custody. In so

doing, the detaining officer may protect himself or herself by reasonable methods but shall make every reasonable effort to protect the detainee's health and safety. A taking into protective custody ~~under~~ PURSUANT TO this section is not an arrest, and ~~no~~ AN entry or other record shall NOT be made to indicate that the person has been arrested or charged with a crime. Law enforcement or emergency service personnel who act in compliance with this section are acting in the course of their official duties and are not criminally or civilly liable. ~~therefor~~. Nothing in this subsection (1) precludes a person intoxicated by alcohol, under the influence of drugs, or incapacitated by substances who is not dangerous to the health and safety of himself, herself, or others from being assisted to the person's home or like location by the law enforcement officer or emergency service patrol officer.

**SECTION 133.** In Colorado Revised Statutes, 27-90-102, **amend** (1)(f), (1)(g), and (4)(d) as follows:

**27-90-102. Duties of executive director - governor acquire water rights - rules.** (1) The duties of the executive director are:

(f) To examine and evaluate each child committed to the department and to place each child ~~so committed as provided in section 19-2-922, C.R.S.~~ COMMITTED PURSUANT TO SECTION 19-2.5-1525;

(g) To transfer between appropriate state institutions children committed to the department ~~as provided in section 19-2-923, C.R.S.~~ PURSUANT TO SECTION 19-2.5-1532;

(4) (d) The board members shall act as medical consultants to the department with respect to persons receiving services from the institutions listed in section 27-90-104 and from any institution operated pursuant to ~~part 11 of article 2 of title 19, C.R.S.~~ PART 10 OF ARTICLE 2.5 OF TITLE 19.

**SECTION 134.** In Colorado Revised Statutes, **amend** 27-90-110 as follows:

**27-90-110. Rules for this article 90 and certain provisions in title 19.** Pursuant to section 24-4-103, the department shall promulgate such rules as are necessary to implement the provisions of this article 90 and the procedures specified in ~~sections 19-2-508, 19-2-906, 19-2-922, 19-2-923,~~

~~19-3-403, 19-3-506, 19-3-507, and 19-3-508~~ SECTIONS 19-2.5-305, 19-2.5-1102, 19-2.5-1525, 19-2.5-1532, 19-3-403, 19-3-506, 19-3-507, AND 19-3-508 regarding children who are in detention or who have or may have a behavioral or mental health disorder or an intellectual and developmental disability.

**SECTION 135.** In Colorado Revised Statutes, 27-90-111, **amend** (3)(g) as follows:

**27-90-111. Employment of personnel - screening of applicants - disqualifications from employment - contracts - rules - definitions.** (3) The employment screening and disqualification requirements in this section apply to the following facilities or programs operated by the department:

(g) Any secure facility contracted for by the department pursuant to ~~section 19-2-403, C.R.S.~~, SECTION 19-2.5-1502 in which juveniles who are in the custody of the department reside.

**SECTION 136.** In Colorado Revised Statutes, 27-92-101, **amend** (2) as follows:

**27-92-101. Liability.** (2) ~~The provisions of this article shall apply also~~ THIS ARTICLE 92 ALSO APPLIES to those persons received under the ~~provisions of~~ PURSUANT TO article 8 of title 16 and ~~sections 16-13-216, 19-2-922, and 19-2-923, C.R.S.~~ SECTIONS 16-13-216, 19-2.5-1525, AND 19-2.5-1532, but not by way of exclusion.

**SECTION 137.** In Colorado Revised Statutes, 30-15-401, **amend** (1)(d.5) as follows:

**30-15-401. General regulations - definitions.** (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article 15, the board of county commissioners may adopt ordinances for control or licensing of those matters of purely local concern that are described in the following enumerated powers:

(d.5) To discourage juvenile delinquency through the imposition of curfews applicable to juveniles, the restraint and punishment of loitering by juveniles, and the restraint and punishment of defacement of, including the

affixing of graffiti to, buildings and other public or private property by juveniles by means that may include restrictions on the purchase or possession of graffiti implements by juveniles. The board of county commissioners, when enacting an ordinance to carry out the powers granted by this ~~paragraph (d.5)~~ SUBSECTION (1)(d.5), may make it unlawful for a retailer to sell graffiti implements to juveniles but shall not dictate the manner in which the retailer displays graffiti implements. For purposes of this ~~paragraph (d.5)~~ SUBSECTION (1)(d.5), "juvenile" means a juvenile as defined in ~~section 19-2-103 (10)~~, C.R.S.; SECTION 19-2.5-102 and "graffiti implement" means an aerosol paint container, broad-tipped marker, gum label, paint stick or graffiti stick, or etching equipment.

**SECTION 138.** In Colorado Revised Statutes, 38-1-202, **amend** (1)(b)(IV)(A) as follows:

**38-1-202. Governmental entities, corporations, and persons authorized to use eminent domain.** (1) The following governmental entities, types of governmental entities, and public corporations, in accordance with all procedural and other requirements specified in this article 1 and articles 2 to 7 of this title 38 and to the extent and within any time frame specified in the applicable authorizing statute, may exercise the power of eminent domain:

(b) The state:

(IV) By action of the general assembly or by action of any of the following officers and agencies of the state:

(A) The department of human services as authorized in ~~section 19-2-403.5~~, C.R.S. SECTION 19-2.5-1503;

**SECTION 139.** In Colorado Revised Statutes, 39-28.8-501, **amend** (2)(b)(IV) introductory portion and (2)(b)(IV)(O) as follows:

**39-28.8-501. Marijuana tax cash fund - creation - distribution - legislative declaration - repeal.** (2) (b) (IV) Subject to the limitation in subsection (5) of this section, the general assembly may annually appropriate any money in the fund for ANY FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH IT WAS RECEIVED BY THE STATE FOR the following purposes:

(O) For the development of local dually identified crossover youth plans and services as described in ~~section 19-2-211(2)~~ SECTION 19-2.5-302;

**SECTION 140.** In Colorado Revised Statutes, 42-4-1705, amend (2.5) as follows:

**42-4-1705. Person arrested to be taken before the proper court.** (2.5) In any case in which the arrested person ~~that~~ WHO is taken before a county judge pursuant to subsection (1) or (2) of this section is a child, as defined in section 19-1-103, ~~(18), C.R.S., the provisions of section 42-4-1706 (2) shall apply~~ APPLIES.

**SECTION 141.** In Colorado Revised Statutes, 42-4-1706, amend (1) and (2)(a) as follows:

**42-4-1706. Juveniles - convicted - arrested and incarcerated - provisions for confinement.** (1) Notwithstanding any other provision of law, a child, as defined in ~~section 19-1-103 (18), C.R.S.~~ SECTION 19-1-103, convicted of a misdemeanor traffic offense ~~under this article~~ PURSUANT TO THIS ARTICLE 4, violating the conditions of probation imposed ~~under this article~~ PURSUANT TO THIS ARTICLE 4, or found in contempt of court in connection with a violation or alleged violation ~~under this article shall~~ PURSUANT TO THIS ARTICLE 4 MUST not be confined in a jail, lockup, or other place used for the confinement of adult offenders if the court with jurisdiction is located in a county in which there is a juvenile detention facility operated by or under contract with the department of human services that ~~shall receive~~ RECEIVES and ~~provide~~ PROVIDES care for ~~such child~~ CHILDREN or if the jail is located within forty miles of such facility. The court imposing penalties ~~under~~ PURSUANT TO this section may confine a child for a determinate period of time in a juvenile detention facility operated by or under contract with the department of human services. If a juvenile detention facility operated by or under contract with the department of human services is not located within the county or within forty miles of the jail, a child may be confined for up to forty-eight hours in a jail pursuant to ~~section 19-2-508 (4), C.R.S.~~ SECTION 19-2.5-305 (4).

(2) (a) Notwithstanding any other provision of law, a child, as defined in ~~section 19-1-103 (18)~~ SECTION 19-1-103, arrested and incarcerated for an alleged misdemeanor traffic offense pursuant to this article 4, and not released on bond, ~~shall~~ MUST be taken before a county

judge who has jurisdiction of such offense within forty-eight hours for fixing of bail and conditions of bond pursuant to ~~section 19-2-508 (4)(e)~~. ~~Such~~ SECTION 19-2.5-305 (4)(e). THE child ~~shall~~ MUST not be confined in a jail, lockup, or other place used for the confinement of adult offenders for longer than seventy-two hours, after which the child may be further detained only in a juvenile detention facility operated by or under contract with the department of human services. In calculating time ~~under~~ PURSUANT TO this subsection (2), Saturdays, Sundays, and court holidays ~~must be~~ ARE included.

**SECTION 142.** In Colorado Revised Statutes, 44-33-103, **amend** (2)(a)(II) as follows:

**44-33-103. Definitions.** As used in this article 33, unless the context otherwise requires:

(2) (a) "Outstanding debt" means:

(II) Restitution that a person has been ordered to pay pursuant to section 18-1.3-603 ~~or 19-2-918~~ OR 19-2.5-1104, regardless of the date that the restitution was ordered; and

**SECTION 143.** In Colorado Revised Statutes, 44-33-106, **amend** (2)(a) as follows:

**44-33-106. Gambling payment intercept cash fund - creation - gifts, grants, and donations - intercepts for restitution.** (2) (a) The money in the fund ~~shall be~~ IS continuously appropriated to the department of revenue for the purpose of expanding the program established by this article 33 to include intercepts of restitution that a person has been ordered to pay pursuant to section 18-1.3-603 ~~or 19-2-918~~ OR 19-2.5-1104, as certified by the judicial department. As soon as there is sufficient money in the fund, the department of revenue shall expand the program for that purpose.

**SECTION 144.** In Colorado Revised Statutes, **repeal and reenact, with amendments,** 19-1-103 as follows:

**19-1-103. Definitions.** AS USED IN THIS TITLE 19 OR IN THE SPECIFIED PORTION OF THIS TITLE 19, UNLESS THE CONTEXT OTHERWISE

REQUIRES:

(1) (a) "ABUSE" OR "CHILD ABUSE OR NEGLECT", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS AN ACT OR OMISSION IN ONE OF THE FOLLOWING CATEGORIES THAT THREATENS THE HEALTH OR WELFARE OF A CHILD:

(I) ANY CASE IN WHICH A CHILD EXHIBITS EVIDENCE OF SKIN BRUISING, BLEEDING, MALNUTRITION, FAILURE TO THRIVE, BURNS, FRACTURE OF ANY BONE, SUBDURAL HEMATOMA, SOFT TISSUE SWELLING, OR DEATH AND EITHER: SUCH CONDITION OR DEATH IS NOT JUSTIFIABLY EXPLAINED, THE HISTORY GIVEN CONCERNING SUCH CONDITION IS AT VARIANCE WITH THE DEGREE OR TYPE OF SUCH CONDITION OR DEATH, OR THE CIRCUMSTANCES INDICATE THAT SUCH CONDITION MAY NOT BE THE PRODUCT OF AN ACCIDENTAL OCCURRENCE;

(II) ANY CASE IN WHICH A CHILD IS SUBJECTED TO UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9);

(III) ANY CASE IN WHICH A CHILD IS IN NEED OF SERVICES BECAUSE THE CHILD'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN FAILS TO TAKE THE SAME ACTIONS TO PROVIDE ADEQUATE FOOD, CLOTHING, SHELTER, MEDICAL CARE, OR SUPERVISION THAT A PRUDENT PARENT WOULD TAKE. THE REQUIREMENTS OF THIS SUBSECTION (1)(a)(III) ARE SUBJECT TO THE PROVISIONS OF SECTION 19-3-103.

(IV) ANY CASE IN WHICH A CHILD IS SUBJECTED TO EMOTIONAL ABUSE. AS USED IN THIS SUBSECTION (1)(a)(IV), "EMOTIONAL ABUSE" MEANS AN IDENTIFIABLE AND SUBSTANTIAL IMPAIRMENT OF THE CHILD'S INTELLECTUAL OR PSYCHOLOGICAL FUNCTIONING OR DEVELOPMENT OR A SUBSTANTIAL RISK OF IMPAIRMENT OF THE CHILD'S INTELLECTUAL OR PSYCHOLOGICAL FUNCTIONING OR DEVELOPMENT.

(V) ANY ACT OR OMISSION DESCRIBED IN SECTION 19-3-102 (1)(a), (1)(b), OR (1)(c);

(VI) ANY CASE IN WHICH, IN THE PRESENCE OF A CHILD, OR ON THE PREMISES WHERE A CHILD IS FOUND, OR WHERE A CHILD RESIDES, A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), IS MANUFACTURED OR ATTEMPTED TO BE MANUFACTURED;

(VII) ANY CASE IN WHICH A CHILD IS BORN AFFECTED BY ALCOHOL OR SUBSTANCE EXPOSURE, EXCEPT WHEN TAKEN AS PRESCRIBED OR RECOMMENDED AND MONITORED BY A LICENSED HEALTH CARE PROVIDER, AND THE NEWBORN CHILD'S HEALTH OR WELFARE IS THREATENED BY SUBSTANCE USE;

(VIII) ANY CASE IN WHICH A CHILD IS SUBJECTED TO HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE, AS DESCRIBED IN SECTION 18-3-503, OR HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS DESCRIBED IN SECTION 18-3-504 (2).

(b) IN ALL CASES, THOSE INVESTIGATING REPORTS OF CHILD ABUSE SHALL TAKE INTO ACCOUNT ACCEPTED CHILD-REARING PRACTICES OF THE CULTURE IN WHICH THE CHILD PARTICIPATES, INCLUDING BUT NOT LIMITED TO ACCEPTED WORK-RELATED PRACTICES OF AGRICULTURAL COMMUNITIES. NOTHING IN THIS SUBSECTION (1) REFERS TO ACTS THAT COULD BE CONSTRUED TO BE A REASONABLE EXERCISE OF PARENTAL DISCIPLINE OR TO ACTS REASONABLY NECESSARY TO SUBDUE A CHILD BEING TAKEN INTO CUSTODY PURSUANT TO SECTION 19-2.5-209 THAT ARE PERFORMED BY A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101, ACTING IN THE GOOD-FAITH PERFORMANCE OF THE OFFICER'S DUTIES.

(2) "ADJUDICATION" HAS THE SAME MEANING AS SET FORTH IN SECTION 19-2.5-102.

(3) "ADJUDICATORY HEARING" MEANS A HEARING TO DETERMINE WHETHER THE ALLEGATIONS OF A PETITION IN DEPENDENCY AND NEGLECT ARE SUPPORTED BY THE EVIDENCE.

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

(5) "ADMINISTRATIVE REVIEW" MEANS A REVIEW CONDUCTED BY THE DEPARTMENT OF HUMAN SERVICES THAT IS OPEN TO THE PARTICIPATION OF THE PARENTS OF THE CHILD AND CONDUCTED BY AN ADMINISTRATIVE REVIEWER WHO IS NOT RESPONSIBLE FOR THE CASE MANAGEMENT OF, OR THE DELIVERY OF SERVICES TO, EITHER THE CHILD OR THE PARENTS WHO ARE THE SUBJECT OF THE REVIEW.

(6) "ADOPTEE", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19, MEANS A PERSON WHO, AS A MINOR, WAS ADOPTED PURSUANT TO A FINAL DECREE OF ADOPTION ENTERED BY A COURT.

(7) (a) "ADOPTION RECORD", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19, WITH THE EXCEPTION OF SECTION 19-5-305 (2)(b)(I) TO (2)(b)(IV), MEANS THE FOLLOWING DOCUMENTS AND INFORMATION:

(I) THE ADOPTEE'S ORIGINAL BIRTH CERTIFICATE AND AMENDED BIRTH CERTIFICATE;

(II) THE FINAL DECREE OF ADOPTION;

(III) NONIDENTIFYING INFORMATION, AS DEFINED IN SUBSECTION (103) OF THIS SECTION;

(IV) THE FINAL ORDER OF RELINQUISHMENT; AND

(V) THE ORDER OF TERMINATION OF PARENTAL RIGHTS.

(b) "ADOPTION RECORD", AS USED IN SECTION 19-5-305 (2)(b)(I) TO (2)(b)(IV), MEANS THE FOLLOWING DOCUMENTS AND INFORMATION, WITHOUT REDACTION:

(I) THE ADOPTEE'S ORIGINAL BIRTH CERTIFICATE AND AMENDED BIRTH CERTIFICATE;

(II) THE FINAL DECREE OF ADOPTION;

(III) ANY IDENTIFYING INFORMATION, SUCH AS THE NAME OF THE ADOPTEE BEFORE PLACEMENT IN ADOPTION; THE NAME AND ADDRESS OF EACH BIRTH PARENT AS THEY APPEAR IN THE BIRTH RECORDS; THE NAME, ADDRESS, AND CONTACT INFORMATION OF THE ADULT ADOPTEE; AND THE CURRENT NAME, ADDRESS, AND CONTACT INFORMATION OF EACH BIRTH PARENT, IF KNOWN, OR OTHER INFORMATION THAT MIGHT PERSONALLY IDENTIFY A BIRTH PARENT;

(IV) ANY NONIDENTIFYING INFORMATION, AS DEFINED IN SUBSECTION (103) OF THIS SECTION;

(V) THE FINAL ORDER OF RELINQUISHMENT; AND

(VI) THE ORDER OF TERMINATION OF PARENTAL RIGHTS.

(c) "ADOPTION RECORD", AS USED IN EITHER SUBSECTION (6)(a) OR (6)(b) OF THIS SECTION, MUST NOT INCLUDE PRE-RELINQUISHMENT COUNSELING RECORDS, WHICH MUST REMAIN CONFIDENTIAL.

(8) "ADOPTION TRIAD" MEANS THE THREE PARTIES INVOLVED IN AN ADOPTION: THE ADOPTEE, THE BIRTH PARENT, AND THE ADOPTIVE PARENT.

(9) "ADOPTIVE PARENT", AS USED IN PARTS 3 AND 4 OF ARTICLE 5 OF THIS TITLE 19, MEANS AN ADULT WHO HAS BECOME A PARENT OF A MINOR THROUGH THE LEGAL PROCESS OF ADOPTION.

(10) "ADULT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER; EXCEPT THAT ANY PERSON EIGHTEEN YEARS OF AGE OR OLDER WHO IS UNDER THE CONTINUING JURISDICTION OF THE COURT, WHO IS BEFORE THE COURT FOR AN ALLEGED DELINQUENT ACT COMMITTED PRIOR TO THE PERSON'S EIGHTEENTH BIRTHDAY, OR CONCERNING WHOM A PETITION HAS BEEN FILED FOR THE PERSON'S ADOPTION OTHER THAN PURSUANT TO THIS TITLE 19 MUST BE REFERRED TO AS A JUVENILE.

(11) "ADULT ADOPTEE", AS USED IN PARTS 3 AND 4 OF ARTICLE 5 OF THIS TITLE 19, MEANS AN INDIVIDUAL WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO, AS A MINOR, WAS ADOPTED PURSUANT TO A FINAL DECREE OF ADOPTION ENTERED BY A COURT.

(12) "APPROPRIATE TREATMENT PLAN", AS USED IN SECTION 19-3-508 (1)(e), MEANS A TREATMENT PLAN APPROVED BY THE COURT THAT IS REASONABLY CALCULATED TO RENDER THE PARTICULAR RESPONDENT FIT TO PROVIDE ADEQUATE PARENTING TO THE CHILD WITHIN A REASONABLE TIME AND THAT RELATES TO THE CHILD'S NEEDS.

(13) "ASSESSMENT CENTER FOR CHILDREN", AS USED IN PART 3 OF THIS ARTICLE 1, MEANS A MULTI-DISCIPLINARY, COMMUNITY-BASED CENTER THAT PROVIDES SERVICES TO CHILDREN AND THEIR FAMILIES, INCLUDING, BUT NOT LIMITED TO, DETENTION, SCREENING, CASE MANAGEMENT, AND THERAPEUTIC INTERVENTION RELATING TO DELINQUENCY, ABUSE OR NEGLECT, FAMILY CONFLICT, AND TRUANCY.

(14) "BASIC IDENTIFICATION INFORMATION", AS USED IN ARTICLE 2.5 OF THIS TITLE 19, MEANS THE NAME, PLACE AND DATE OF BIRTH, LAST-KNOWN ADDRESS, SOCIAL SECURITY NUMBER, OCCUPATION AND ADDRESS OF EMPLOYMENT, LAST SCHOOL ATTENDED, PHYSICAL DESCRIPTION, PHOTOGRAPH, HANDWRITTEN SIGNATURE, SEX, FINGERPRINTS, AND ANY KNOWN ALIASES OF ANY PERSON.

(15) "BIOLOGICAL PARENT" OR "BIRTH PARENT", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19, MEANS A PARENT, BY BIRTH, OF AN ADOPTED PERSON.

(16) "BIOLOGICAL SIBLING", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19, MEANS A SIBLING, BY BIRTH, OF AN ADOPTED PERSON. "BIOLOGICAL SIBLING", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19, FOR PURPOSES OF THE DEFINITION OF SIBLING GROUP, AS DEFINED IN SUBSECTION (127) OF THIS SECTION, MEANS A BROTHER, SISTER, OR HALF-SIBLING OF A CHILD WHO IS BEING PLACED IN FOSTER CARE OR BEING PLACED FOR ADOPTION.

(17) "BIRTH PARENTS", AS USED IN PART 4 OF ARTICLE 5 OF THIS TITLE 19, MEANS GENETIC, BIOLOGICAL, OR NATURAL PARENTS WHOSE RIGHTS WERE VOLUNTARILY OR INVOLUNTARILY TERMINATED BY A COURT OR OTHERWISE. "BIRTH PARENTS" INCLUDES A MAN WHO IS THE PARENT OF A CHILD AS ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM PARENTAGE ACT", ARTICLE 4 OF THIS TITLE 19, PRIOR TO THE TERMINATION OF PARENTAL RIGHTS.

(18) "BOARD", AS USED IN ARTICLE 3.5 OF THIS TITLE 19, MEANS THE COLORADO CHILDREN'S TRUST FUND BOARD CREATED IN SECTION 19-3.5-104.

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

(20) "CHIEF JUSTICE", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19, MEANS THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT.

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

(22) "CHILD ABUSE", AS USED IN ARTICLE 3.5 OF THIS TITLE 19, MEANS ANY ACT THAT REASONABLY MAY BE CONSTRUED TO FALL UNDER THE DEFINITION OF ABUSE OR CHILD ABUSE OR NEGLECT IN SUBSECTION (1) OF THIS SECTION.

(23) "CHILD ADVOCACY CENTER", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS A CENTER THAT PROVIDES A COMPREHENSIVE MULTIDISCIPLINARY TEAM RESPONSE TO ALLEGATIONS OF CHILD ABUSE OR NEGLECT IN A DEDICATED, CHILD-FRIENDLY SETTING. THE TEAM RESPONSE TO ALLEGATIONS OF CHILD ABUSE OR NEGLECT INCLUDES BUT IS NOT LIMITED TO TECHNICAL ASSISTANCE FOR FORENSIC INTERVIEWS, FORENSIC MEDICAL EXAMINATIONS, MENTAL HEALTH AND RELATED SUPPORT SERVICES, CONSULTATION, TRAINING, AND EDUCATION.

(24) "CHILD CARE CENTER" MEANS A CHILD CARE CENTER LICENSED AND APPROVED PURSUANT TO ARTICLE 6 OF TITLE 26. IF THE FACILITY IS LOCATED IN ANOTHER STATE, THE DEPARTMENT OF HUMAN SERVICES SHALL DESIGNATE, UPON CERTIFICATION, THAT AN APPROPRIATE AVAILABLE SPACE DOES NOT EXIST IN A CHILD CARE FACILITY IN THIS STATE, AND THE FACILITY MUST BE LICENSED OR APPROVED AS REQUIRED BY LAW IN THAT STATE.

(25) "CHILD PLACEMENT AGENCY" MEANS AN AGENCY LICENSED OR APPROVED PURSUANT TO LAW. IF SUCH AGENCY IS LOCATED IN ANOTHER STATE, IT MUST BE LICENSED OR APPROVED AS REQUIRED BY LAW IN THAT STATE.

(26) "CHILD PROTECTION TEAM", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS A MULTIDISCIPLINARY TEAM CONSISTING, WHERE POSSIBLE, OF A PHYSICIAN; A REPRESENTATIVE OF THE JUVENILE COURT OR THE DISTRICT COURT WITH JUVENILE JURISDICTION; A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT AGENCY; A REPRESENTATIVE OF THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES; A REPRESENTATIVE OF A MENTAL HEALTH CLINIC; A REPRESENTATIVE OF A COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY; AN ATTORNEY; A REPRESENTATIVE OF A PUBLIC SCHOOL DISTRICT; AND ONE OR MORE REPRESENTATIVES OF THE LAY COMMUNITY, AT LEAST ONE OF WHOM MUST BE A PERSON WHO SERVES AS A FOSTER PARENT IN THE COUNTY. EACH PUBLIC AGENCY MAY HAVE MORE THAN ONE PARTICIPATING MEMBER ON THE TEAM; EXCEPT THAT, IN

VOTING ON PROCEDURAL OR POLICY MATTERS, EACH PUBLIC AGENCY SHALL HAVE ONLY ONE VOTE. IN NO EVENT MUST AN ATTORNEY MEMBER OF THE CHILD PROTECTION TEAM BE APPOINTED AS GUARDIAN AD LITEM FOR THE CHILD OR AS COUNSEL FOR THE PARENTS AT ANY SUBSEQUENT COURT PROCEEDINGS. THE CHILD PROTECTION TEAM MUST NEVER BE COMPOSED OF FEWER THAN THREE PERSONS. WHEN ANY RACIAL, ETHNIC, OR LINGUISTIC MINORITY GROUP CONSTITUTES A SIGNIFICANT PORTION OF THE POPULATION OF THE JURISDICTION OF THE CHILD PROTECTION TEAM, A MEMBER OF EACH SUCH MINORITY GROUP MUST SERVE AS AN ADDITIONAL LAY MEMBER OF THE CHILD PROTECTION TEAM. AT LEAST ONE OF THE PRECEDING MEMBERS OF THE TEAM MUST BE CHOSEN ON THE BASIS OF REPRESENTING LOW-INCOME FAMILIES. THE ROLE OF THE CHILD PROTECTION TEAM IS ADVISORY ONLY.

(27) "CITIZEN REVIEW PANEL", AS USED IN SECTION 19-3-211, MEANS THE PANEL CREATED IN A COUNTY BY THE BOARD OF COUNTY COMMISSIONERS OR IN A CITY AND COUNTY BY THE CITY COUNCIL THAT REVIEWS AND MAKES RECOMMENDATIONS REGARDING GRIEVANCES REFERRED TO THE PANEL BY THE COUNTY DIRECTOR PURSUANT TO THE CONFLICT RESOLUTION PROCESS.

(28) "COMMERCIAL SEXUAL EXPLOITATION OF A CHILD" MEANS A CRIME OF A SEXUAL NATURE COMMITTED AGAINST A CHILD FOR FINANCIAL OR OTHER ECONOMIC REASONS.

(29) "COMMIT", AS USED IN ARTICLE 2.5 OF THIS TITLE 19, MEANS TO TRANSFER LEGAL CUSTODY.

(30) "COMMUNITY PLACEMENT" MEANS THE PLACEMENT OF A CHILD FOR WHOM THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT HAS PLACEMENT AND CARE RESPONSIBILITY PURSUANT TO ARTICLE 2.5 OR 3 OF THIS TITLE 19 IN ANY LICENSED OR CERTIFIED TWENTY-FOUR-HOUR NONSECURE CARE AND TREATMENT FACILITY AWAY FROM THE CHILD'S PARENT OR GUARDIAN. "COMMUNITY PLACEMENT" INCLUDES BUT IS NOT LIMITED TO PLACEMENT IN A FOSTER CARE HOME, GROUP HOME, RESIDENTIAL CHILD CARE FACILITY, OR RESIDENTIAL TREATMENT FACILITY.

(31) "COMPLAINANT", AS USED IN SECTION 19-3-211, MEANS ANY PERSON WHO WAS THE SUBJECT OF AN INVESTIGATION OF A REPORT OF CHILD ABUSE OR NEGLECT OR ANY PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF

A CHILD WHO IS THE SUBJECT OF A REPORT OF CHILD ABUSE OR NEGLECT AND BRINGS A GRIEVANCE AGAINST A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 19-3-211.

(32) "CONFIDENTIAL INTERMEDIARY", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19, MEANS A PERSON TWENTY-ONE YEARS OF AGE OR OLDER WHO HAS COMPLETED A TRAINING PROGRAM FOR CONFIDENTIAL INTERMEDIARIES THAT MEETS THE STANDARDS SET FORTH BY THE COMMISSION PURSUANT TO SECTION 19-5-303 AND WHO IS AUTHORIZED TO INSPECT CONFIDENTIAL RELINQUISHMENT AND ADOPTION RECORDS AT THE REQUEST OF AN ADULT ADOPTEE, ADOPTIVE PARENT, BIOLOGICAL PARENT, OR BIOLOGICAL SIBLING.

(33) "CONFIRMED", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS ANY REPORT MADE PURSUANT TO ARTICLE 3 OF THIS TITLE 19 THAT IS FOUND BY A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, LAW ENFORCEMENT AGENCY, OR ENTITY AUTHORIZED TO INVESTIGATE INSTITUTIONAL ABUSE TO BE SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE.

(34) "CONSENT", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19, MEANS VOLUNTARY, INFORMED, WRITTEN CONSENT. WHEN USED IN THE CONTEXT OF CONFIDENTIAL INTERMEDIARIES, "CONSENT" ALWAYS MUST BE PRECEDED BY AN EXPLANATION THAT CONSENT PERMITS THE CONFIDENTIAL INTERMEDIARY TO ARRANGE A PERSONAL CONTACT AMONG BIOLOGICAL RELATIVES. "CONSENT" MAY ALSO MEAN THE AGREEMENT FOR CONTACT OR DISCLOSURE OF RECORDS BY ANY OF THE PARTIES IDENTIFIED IN SECTION 19-5-304 (2) AS A RESULT OF AN INQUIRY BY A CONFIDENTIAL INTERMEDIARY PURSUANT TO SECTION 19-5-304.

(35) "CONSENT FORM", AS USED IN SECTION 19-5-305 (3), MEANS A VERIFIED WRITTEN STATEMENT SIGNED BY AN ADULT ADOPTEE OR AN ADULT ADOPTEE'S CONSENTING BIRTH PARENT OR AN ADOPTIVE PARENT OF A MINOR ADOPTEE, AND NOTARIZED, AND THAT AUTHORIZES THE RELEASE OF ADOPTION RECORDS OR IDENTIFYING INFORMATION, TO THE EXTENT AVAILABLE, BY A LICENSED CHILD PLACEMENT AGENCY.

(36) "CONTACT INFORMATION" MEANS INFORMATION SUPPLIED VOLUNTARILY BY A BIRTH PARENT ON A CONTACT PREFERENCE FORM,

INCLUDING THE NAME OF THE BIRTH PARENT AT THE TIME OF RELINQUISHMENT OF THE ADOPTEE; THE ALIAS, IF ANY, USED AT THE TIME OF RELINQUISHMENT OF THE ADOPTEE; AND THE CURRENT NAME, CURRENT ADDRESS, AND CURRENT TELEPHONE NUMBER OF THE BIRTH PARENT.

(37) "CONTACT PREFERENCE FORM" MEANS A WRITTEN STATEMENT SIGNED BY A BIRTH PARENT INDICATING WHETHER THE BIRTH PARENT PREFERS FUTURE CONTACT WITH AN ADULT ADOPTEE, AN ADULT DESCENDANT OF THE ADOPTEE, OR A LEGAL REPRESENTATIVE OF THE ADOPTEE OR THE DESCENDANT AND, IF CONTACT IS PREFERRED, WHETHER THE CONTACT SHOULD BE THROUGH A CONFIDENTIAL INTERMEDIARY OR A DESIGNATED EMPLOYEE OF A CHILD PLACEMENT AGENCY.

(38) "CONTINUOUSLY AVAILABLE", AS USED IN SECTION 19-3-308 (4), MEANS THE ASSIGNMENT OF A PERSON TO BE NEAR AN OPERABLE TELEPHONE NOT NECESSARILY LOCATED ON THE PREMISES ORDINARILY USED FOR BUSINESS BY THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES OR TO HAVE SUCH ARRANGEMENTS MADE THROUGH AGREEMENTS WITH LOCAL LAW ENFORCEMENT AGENCIES.

(39) "CONVICTED" OR "CONVICTION", AS USED IN SECTION 19-5-105.5, MEANS A PLEA OF GUILTY ACCEPTED BY THE COURT, INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED SENTENCE PURSUANT TO SECTION 18-1.3-102, A VERDICT OF GUILTY BY A JUDGE OR JURY, OR A PLEA OF NO CONTEST ACCEPTED BY THE COURT, OR HAVING RECEIVED A DISPOSITION AS A JUVENILE OR HAVING BEEN ADJUDICATED A JUVENILE DELINQUENT BASED ON THE COMMISSION OF ANY ACT THAT CONSTITUTES SEXUAL ASSAULT, AS DEFINED IN SUBSECTION (124) OF THIS SECTION.

(40) "COST OF CARE" MEANS THE COST TO THE DEPARTMENT OF HUMAN SERVICES OR THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES FOR A CHILD PLACED OUT OF THE HOME; OR THE COST TO THE DEPARTMENT OF HUMAN SERVICES OR THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES CHARGED WITH THE CUSTODY OF THE JUVENILE FOR PROVIDING ROOM, BOARD, CLOTHING, EDUCATION, MEDICAL CARE, AND OTHER NORMAL LIVING EXPENSES FOR A CHILD PLACED OUT OF THE HOME; OR THE COST TO THE DEPARTMENT OF HUMAN SERVICES OR THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES FOR A JUVENILE SENTENCED TO A PLACEMENT OUT OF THE HOME AS DETERMINED BY THE COURT. AS USED IN THIS TITLE 19, "COST OF CARE" ALSO INCLUDES ANY COSTS

ASSOCIATED WITH MAINTENANCE OF A JUVENILE IN A HOME DETENTION PROGRAM, SUPERVISION OF PROBATION WHEN THE JUVENILE IS GRANTED PROBATION, OR SUPERVISION OF PAROLE WHEN THE JUVENILE IS PLACED ON PAROLE.

(41) "COUNSEL" MEANS AN ATTORNEY-AT-LAW WHO ACTS AS A PERSON'S LEGAL ADVISOR OR WHO REPRESENTS A PERSON IN COURT.

(42) "COUNTY ATTORNEY" MEANS THE OFFICE OF THE COUNTY ATTORNEY OR CITY ATTORNEY REPRESENTING A COUNTY OR A CITY AND COUNTY AND INCLUDES THE ATTORNEYS EMPLOYED OR RETAINED BY SUCH COUNTY OR CITY AND COUNTY.

(43) (a) "COUNTY DEPARTMENT", AS USED IN THIS ARTICLE 1, PART 2, PART 3, AND PART 7 OF ARTICLE 3 OF THIS TITLE 19, AND PART 2 OF ARTICLE 5 OF THIS TITLE 19, MEANS THE COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

(b) "COUNTY DEPARTMENT" MEANS A COUNTY OR A CITY AND COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

(44) "COUNTY DIRECTOR", AS USED IN SECTION 19-3-211 AND PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS THE COUNTY DIRECTOR OR DISTRICT DIRECTOR APPOINTED PURSUANT TO SECTION 26-1-117.

(45) "COURT", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19, MEANS ANY COURT OF RECORD WITH JURISDICTION OVER THE MATTER AT ISSUE.

(46) "COURT-APPOINTED SPECIAL ADVOCATE" OR "CASA VOLUNTEER" MEANS A VOLUNTEER APPOINTED BY A COURT PURSUANT TO PART 2 OF THIS ARTICLE 1 TO ASSIST IN ADVOCACY FOR CHILDREN.

(47) "COURT-APPOINTED SPECIAL ADVOCATE PROGRAM" OR "CASA PROGRAM" MEANS A PROGRAM ESTABLISHED PURSUANT TO PART 2 OF THIS ARTICLE 1.

(48) "CRIMINAL JUSTICE AGENCY", AS USED IN THIS SECTION, HAS THE SAME MEANING AS SET FORTH IN SECTION 24-72-302 (3).

(49) "CUSTODIAL ADOPTION", AS USED IN PART 2 OF ARTICLE 5 OF THIS TITLE 19, MEANS AN ADOPTION OF A CHILD BY ANY PERSON AND THE PERSON'S SPOUSE, AS REQUIRED PURSUANT TO SECTION 19-5-202 (3), WHO:

(a) HAS BEEN AWARDED CUSTODY OR ALLOCATED PARENTAL RESPONSIBILITIES BY A COURT OF LAW IN A DISSOLUTION OF MARRIAGE, CUSTODY OR ALLOCATION OF PARENTAL RESPONSIBILITIES PROCEEDING, OR HAS BEEN AWARDED GUARDIANSHIP OF THE CHILD BY A COURT OF LAW IN A PROBATE ACTION, SUCH AS PURSUANT TO PART 2 OF ARTICLE 14 OF TITLE 15; AND

(b) HAS HAD PHYSICAL CUSTODY OF THE CHILD FOR A PERIOD OF ONE YEAR OR MORE.

(50) "CUSTODIAN" MEANS A PERSON WHO HAS BEEN PROVIDING SHELTER, FOOD, CLOTHING, AND OTHER CARE FOR A CHILD IN THE SAME FASHION AS A PARENT WOULD, WHETHER OR NOT BY ORDER OF COURT.

(51) (a) (I) "CUSTODIAN OF RECORDS", AS USED IN SECTIONS 19-5-305 (2) AND 19-5-305.5, MEANS ANY OF THE FOLLOWING INDIVIDUALS OR ENTITIES THAT HAVE CUSTODY OF RECORDS RELATING TO THE RELINQUISHMENT OR ADOPTION OF A CHILD:

(A) A COURT;

(B) A STATE AGENCY; OR

(C) THE LEGAL AGENT OR REPRESENTATIVE OF ANY ENTITY DESCRIBED IN SUBSECTIONS (51)(a)(I)(A) AND (51)(a)(I)(B) OF THIS SECTION.

(II) "CUSTODIAN OF RECORDS", AS USED IN SECTIONS 19-5-305 (2) AND 19-5-305.5, DOES NOT INCLUDE A LICENSED CHILD PLACEMENT AGENCY.

(b) "CUSTODIAN OF RECORDS", AS USED IN SECTION 19-5-109, MEANS AN ENTITY THAT HAS CUSTODY OF RECORDS RELATING TO THE RELINQUISHMENT OF A CHILD, INCLUDING A COURT, STATE AGENCY, LICENSED CHILD PLACEMENT AGENCY, MATERNITY HOME, OR THE LEGAL AGENT OR REPRESENTATIVE OF ANY SUCH ENTITY.

(52) "DELINQUENT ACT", AS USED IN ARTICLE 2.5 OF THIS TITLE 19, MEANS A VIOLATION OF ANY STATUTE, ORDINANCE, OR ORDER ENUMERATED IN SECTION 19-2.5-103. IF A JUVENILE IS ALLEGED TO HAVE COMMITTED OR IS FOUND GUILTY OF A DELINQUENT ACT, THE CLASSIFICATION AND DEGREE OF THE OFFENSE IS DETERMINED BY THE STATUTE, ORDINANCE, OR ORDER THAT THE PETITION ALLEGES WAS VIOLATED. "DELINQUENT ACT" DOES NOT INCLUDE TRUANCY OR HABITUAL TRUANCY.

(53) "DEPARTMENT" OR "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 24-1-120.

(54) "DESIGNATED ADOPTION" MEANS AN ADOPTION IN WHICH:

(a) THE BIRTH PARENT OR PARENTS DESIGNATE A SPECIFIC APPLICANT WITH WHOM THEY WISH TO PLACE THEIR CHILD FOR PURPOSES OF ADOPTION; AND

(b) THE ANONYMITY REQUIREMENTS OF SECTION 19-1-309 ARE WAIVED.

(55) "DETENTION" MEANS THE TEMPORARY CARE OF A CHILD WHO REQUIRES SECURE CUSTODY IN PHYSICALLY RESTRICTING FACILITIES PENDING COURT DISPOSITION OR AN EXECUTION OF A COURT ORDER FOR PLACEMENT OR COMMITMENT.

(56) "DIRECTOR", AS USED IN ARTICLE 2.5 OF THIS TITLE 19, IS DEFINED IN SECTION 19-2.5-102.

(57) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS.

(58) "DISPOSITIONAL HEARING" MEANS A HEARING TO DETERMINE WHAT ORDER OF DISPOSITION SHOULD BE MADE CONCERNING A CHILD WHO IS NEGLECTED OR DEPENDENT. THE HEARING MAY BE PART OF THE PROCEEDING THAT INCLUDES THE ADJUDICATORY HEARING, OR IT MAY BE HELD AT A TIME SUBSEQUENT TO THE ADJUDICATORY HEARING.

(59) "DIVERSION" HAS THE SAME MEANING AS SET FORTH IN SECTION

19-2.5-102.

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

(61) "DONOR", AS USED IN SECTION 19-4-106, MEANS AN INDIVIDUAL WHO PRODUCES EGGS OR SPERM USED FOR ASSISTED REPRODUCTION, WHETHER OR NOT FOR CONSIDERATION. "DONOR" DOES NOT INCLUDE A SPOUSE WHO PROVIDES SPERM OR EGGS TO BE USED FOR ASSISTED REPRODUCTION BY THE OTHER SPOUSE.

(62) "EXECUTIVE DIRECTOR", AS USED IN ARTICLE 3.3 OF THIS TITLE 19, MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES.

(63) "EXPUNGEMENT", AS USED IN SECTION 19-1-306, MEANS THE DESIGNATION OF JUVENILE DELINQUENCY RECORDS WHEREBY SUCH RECORDS ARE DEEMED NEVER TO HAVE EXISTED.

(64) "FAMILY CHILD CARE HOME" MEANS A FAMILY CHILD CARE HOME LICENSED AND APPROVED PURSUANT TO ARTICLE 6 OF TITLE 26. IF SUCH FACILITY IS LOCATED IN ANOTHER STATE, THE DEPARTMENT OF HUMAN SERVICES SHALL DESIGNATE, UPON CERTIFICATION, THAT AN APPROPRIATE AVAILABLE SPACE DOES NOT EXIST IN A FACILITY IN THIS STATE. AN OUT-OF-STATE FAMILY CHILD CARE HOME MUST BE LICENSED OR APPROVED AS REQUIRED BY LAW IN THAT STATE.

(65) "FIRE INVESTIGATOR" MEANS A PERSON WHO:

(a) IS AN OFFICER OR MEMBER OF A FIRE DEPARTMENT, FIRE PROTECTION DISTRICT, OR FIREFIGHTING AGENCY OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS;

(b) IS ENGAGED IN CONDUCTING OR IS PRESENT FOR THE PURPOSE OF ENGAGING IN THE CONDUCT OF A FIRE INVESTIGATION; AND

(c) IS EITHER A VOLUNTEER OR IS COMPENSATED FOR SERVICES RENDERED BY THE PERSON.

(66) "FOSTER CARE" MEANS THE PLACEMENT OF A CHILD INTO THE

LEGAL CUSTODY OR LEGAL AUTHORITY OF A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES FOR PHYSICAL PLACEMENT OF THE CHILD IN A KINSHIP CARE PLACEMENT OR CERTIFIED OR LICENSED FACILITY, OR THE PHYSICAL PLACEMENT OF A JUVENILE COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES INTO A COMMUNITY PLACEMENT.

(67) "FOSTER CARE HOME" MEANS A FOSTER CARE HOME CERTIFIED PURSUANT TO ARTICLE 6 OF TITLE 26.

(68) "FOSTER CARE PREVENTION SERVICES" MEANS MENTAL HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES, IN-HOME PARENT SKILL-BASED PROGRAMS, KINSHIP NAVIGATOR PROGRAMS, AND OTHER PROGRAMS ELIGIBLE FOR REIMBURSEMENT UNDER THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT" THAT ARE TRAUMA-INFORMED, PROMISING, SUPPORTED OR WELL-SUPPORTED, AND PROVIDED TO PREVENT FOSTER CARE PLACEMENT.

(69) "GOVERNING BODY", AS USED IN SECTION 19-3-211, MEANS THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY OR THE CITY COUNCIL OF A CITY AND COUNTY.

(70) (a) "GRANDPARENT" MEANS A PERSON WHO IS THE PARENT OF A CHILD'S FATHER OR MOTHER, WHO IS RELATED TO THE CHILD BY BLOOD, IN WHOLE OR BY HALF, ADOPTION, OR MARRIAGE.

(b) "GRANDPARENT", AS USED IN SECTIONS 19-1-117 AND 19-1-117.5, HAS THE SAME MEANING AS SET FORTH IN SUBSECTION (70)(a) OF THIS SECTION; EXCEPT THAT "GRANDPARENT" DOES NOT INCLUDE THE PARENT OF A CHILD'S LEGAL FATHER OR MOTHER WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED IN ACCORDANCE WITH SECTIONS 19-5-101 AND 19-1-104 (1)(d).

(71) "GREAT-GRANDPARENT", AS USED IN SECTIONS 19-1-117 AND 19-1-117.5, MEANS A PERSON WHO IS THE GRANDPARENT OF A CHILD'S FATHER OR MOTHER, WHO IS RELATED TO THE CHILD BY BLOOD, IN WHOLE OR BY HALF, ADOPTION, OR MARRIAGE. "GREAT-GRANDPARENT" DOES NOT INCLUDE THE GRANDPARENT OF A CHILD'S LEGAL FATHER OR MOTHER WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED IN ACCORDANCE WITH SECTIONS 19-5-101 AND 19-1-104 (1)(d).

(72) "GRIEVANCE", AS USED IN SECTION 19-3-211, MEANS A DISPUTE BETWEEN A COMPLAINANT AND A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES CONCERNING THE CONDUCT OF COUNTY DEPARTMENT PERSONNEL IN PERFORMING THEIR DUTIES PURSUANT TO ARTICLE 3 OF THIS TITLE 19.

(73) "GROUP CARE FACILITIES AND HOMES" MEANS PLACES OTHER THAN FOSTER FAMILY CARE HOMES PROVIDING CARE FOR SMALL GROUPS OF CHILDREN. GROUP CARE FACILITIES AND HOMES ARE LICENSED AS PROVIDED IN ARTICLE 6 OF TITLE 26 OR MEET THE REQUIREMENTS OF SECTION 25.5-10-214.

(74) "GUARDIAN AD LITEM" MEANS A PERSON APPOINTED BY A COURT TO ACT IN THE BEST INTERESTS OF A PERSON WHOM THE PERSON APPOINTED IS REPRESENTING IN PROCEEDINGS PURSUANT TO THIS TITLE 19 AND WHO, IF APPOINTED TO REPRESENT A PERSON IN A DEPENDENCY AND NEGLECT PROCEEDING PURSUANT TO ARTICLE 3 OF THIS TITLE 19, MUST BE AN ATTORNEY-AT-LAW LICENSED TO PRACTICE IN COLORADO.

(75) "GUARDIANSHIP OF THE PERSON" MEANS THE DUTY AND AUTHORITY VESTED BY COURT ACTION TO MAKE MAJOR DECISIONS AFFECTING A CHILD, INCLUDING BUT NOT LIMITED TO:

(a) THE AUTHORITY TO CONSENT TO MARRIAGE, TO ENLISTMENT IN THE ARMED FORCES, AND TO MEDICAL OR SURGICAL TREATMENT;

(b) THE AUTHORITY TO REPRESENT A CHILD IN LEGAL ACTIONS AND TO MAKE OTHER DECISIONS OF SUBSTANTIAL LEGAL SIGNIFICANCE CONCERNING THE CHILD;

(c) THE AUTHORITY TO CONSENT TO THE ADOPTION OF A CHILD WHEN THE PARENT-CHILD LEGAL RELATIONSHIP HAS BEEN TERMINATED BY JUDICIAL DECREE; AND

(d) THE RIGHTS AND RESPONSIBILITIES OF LEGAL CUSTODY WHEN LEGAL CUSTODY HAS NOT BEEN VESTED IN ANOTHER PERSON, AGENCY, OR INSTITUTION.

(76) "HALF-SIBLING" HAS THE SAME MEANING AS SET FORTH FOR "BIOLOGICAL SIBLING" IN SUBSECTION (16) OF THIS SECTION.

(77) "HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE" MEANS AN ACT AS DESCRIBED IN SECTION 18-3-503.

(78) "HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE" MEANS AN ACT AS DESCRIBED IN SECTION 18-3-504 (2).

(79) "IDENTIFYING" MEANS GIVING, SHARING, OR OBTAINING INFORMATION.

(80) "IDENTIFYING INFORMATION", AS USED IN SECTION 19-5-305 (3), MEANS COPIES OF ANY ADOPTION RECORDS, AS THAT TERM IS DEFINED IN SUBSECTION (6) OF THIS SECTION, THAT ARE IN THE POSSESSION OF THE CHILD PLACEMENT AGENCY. "IDENTIFYING INFORMATION" ALSO INCLUDES THE NAME OF THE ADOPTEE BEFORE PLACEMENT IN ADOPTION; THE NAME AND ADDRESS OF EACH CONSENTING BIRTH PARENT AS THEY APPEAR IN THE BIRTH RECORDS; THE CURRENT NAME, ADDRESS, AND TELEPHONE NUMBER OF THE ADULT ADOPTEE; AND THE CURRENT NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH CONSENTING BIRTH PARENT TO THE EXTENT SUCH INFORMATION IS AVAILABLE TO THE CHILD PLACEMENT AGENCY.

(81) "IMMINENT PLACEMENT OUT OF THE HOME", AS USED IN SECTION 19-1-116 (2), MEANS THAT WITHOUT INTERCESSION THE CHILD WILL BE PLACED OUT OF THE HOME IMMEDIATELY.

(82) "INDEPENDENT LIVING" MEANS A FORM OF PLACEMENT OUT OF THE HOME ARRANGED AND SUPERVISED BY THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES WHERE THE CHILD IS ESTABLISHED IN A LIVING SITUATION DESIGNED TO PROMOTE AND LEAD TO THE CHILD'S EMANCIPATION. INDEPENDENT LIVING MUST ONLY FOLLOW SOME OTHER FORM OF PLACEMENT OUT OF THE HOME.

(83) "INDIAN CHILD" MEANS AN UNMARRIED PERSON WHO IS YOUNGER THAN EIGHTEEN YEARS OF AGE AND WHO IS EITHER:

(a) A MEMBER OF AN INDIAN TRIBE; OR

(b) ELIGIBLE FOR MEMBERSHIP IN AN INDIAN TRIBE AND WHO IS THE BIOLOGICAL CHILD OF A MEMBER OF AN INDIAN TRIBE.

(84) "INDIAN CHILD'S TRIBE" MEANS:

(a) THE INDIAN TRIBE IN WHICH AN INDIAN CHILD IS A MEMBER OR ELIGIBLE FOR MEMBERSHIP; OR

(b) IN THE CASE OF AN INDIAN CHILD WHO IS A MEMBER OF OR ELIGIBLE FOR MEMBERSHIP IN MORE THAN ONE TRIBE, THE INDIAN TRIBE WITH WHICH THE INDIAN CHILD HAS THE MOST SIGNIFICANT CONTACTS.

(85) "INDIAN TRIBE" MEANS AN INDIAN TRIBE, BAND, NATION, OR OTHER ORGANIZED GROUP OR COMMUNITY OF INDIANS RECOGNIZED AS ELIGIBLE FOR THE FEDERAL GOVERNMENTAL SERVICES PROVIDED TO INDIANS BECAUSE OF THEIR STATUS AS INDIANS.

(86) "INSTITUTIONAL ABUSE", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS ANY CASE OF ABUSE, AS DEFINED IN SUBSECTION (1) OF THIS SECTION, THAT OCCURS IN ANY PUBLIC OR PRIVATE FACILITY IN THE STATE THAT PROVIDES CHILD CARE OUT OF THE HOME, SUPERVISION, OR MAINTENANCE. "INSTITUTIONAL ABUSE" INCLUDES AN ACT OR OMISSION THAT THREATENS THE LIFE, HEALTH, OR WELFARE OF A CHILD OR A PERSON WHO IS YOUNGER THAN TWENTY-ONE YEARS OF AGE WHO IS UNDER THE CONTINUING JURISDICTION OF THE COURT PURSUANT TO THIS TITLE 19. "INSTITUTIONAL ABUSE" DOES NOT INCLUDE ABUSE THAT OCCURS IN ANY PUBLIC, PRIVATE, OR PAROCHIAL SCHOOL SYSTEM, INCLUDING ANY PRESCHOOL OPERATED IN CONNECTION WITH SAID SYSTEM; EXCEPT THAT, TO THE EXTENT THE SCHOOL SYSTEM PROVIDES EXTENDED DAY SERVICES, ABUSE THAT OCCURS WHILE SUCH SERVICES ARE PROVIDED IS INSTITUTIONAL ABUSE. FOR THE PURPOSES OF THIS SUBSECTION (86), "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, SPECIALIZED GROUP FACILITY, FOSTER CARE HOME, FAMILY CHILD CARE HOME, OR ANY OTHER FACILITY SUBJECT TO THE COLORADO "CHILD CARE LICENSING ACT", PART 1 OF ARTICLE 6 OF TITLE 26; NONCERTIFIED KINSHIP CARE PROVIDERS THAT PROVIDE CARE FOR CHILDREN WITH AN OPEN CHILD WELFARE CASE WHO ARE IN THE LEGAL CUSTODY OF A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES; OR A FACILITY OR COMMUNITY PLACEMENT, AS DESCRIBED IN SECTION 19-2.5-1502, FOR A JUVENILE COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES. "FACILITY" DOES NOT INCLUDE ANY ADULT DETENTION OR CORRECTIONAL FACILITY.

(87) "INTRAFAMILIAL ABUSE", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS ANY CASE OF ABUSE, AS DEFINED IN SUBSECTION (1) OF THIS SECTION, THAT OCCURS WITHIN A FAMILY CONTEXT BY A CHILD'S

PARENT, STEPPARENT, GUARDIAN, LEGAL CUSTODIAN, OR RELATIVE; BY A SPOUSAL EQUIVALENT, AS DEFINED IN SUBSECTION (130) OF THIS SECTION; OR BY ANY OTHER PERSON WHO RESIDES IN THE CHILD'S HOME OR WHO IS REGULARLY IN THE CHILD'S HOME FOR THE PURPOSE OF EXERCISING AUTHORITY OVER OR CARE FOR THE CHILD; EXCEPT THAT "INTRAFAMILIAL ABUSE" DOES NOT INCLUDE ABUSE BY A PERSON WHO IS REGULARLY IN THE CHILD'S HOME FOR THE PURPOSE OF RENDERING CARE FOR THE CHILD IF SUCH PERSON IS PAID FOR RENDERING CARE AND IS NOT RELATED TO THE CHILD.

(88) "JUVENILE" MEANS A CHILD AS DEFINED IN SUBSECTION (21) OF THIS SECTION.

(89) "JUVENILE COURT" OR "COURT" MEANS THE JUVENILE COURT OF THE CITY AND COUNTY OF DENVER OR THE JUVENILE DIVISION OF THE DISTRICT COURT OUTSIDE OF THE CITY AND COUNTY OF DENVER.

(90) "JUVENILE DELINQUENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 19-2.5-102.

(91) "KIN" MAY BE A RELATIVE OF THE CHILD, A PERSON ASCRIBED BY THE FAMILY AS HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD, OR A PERSON WHO HAS A PRIOR SIGNIFICANT RELATIONSHIP WITH THE CHILD. THESE RELATIONSHIPS TAKE INTO ACCOUNT CULTURAL VALUES AND CONTINUITY OF SIGNIFICANT RELATIONSHIPS WITH THE CHILD.

(92) "KINSHIP ADOPTION", AS USED IN PART 2 OF ARTICLE 5 OF THIS TITLE 19, MEANS AN ADOPTION OF A CHILD BY A RELATIVE OF THE CHILD AND SUCH RELATIVE'S SPOUSE, AS REQUIRED PURSUANT TO SECTION 19-5-202 (3), WHO:

(a) IS EITHER A GRANDPARENT, BROTHER, SISTER, HALF-SIBLING, AUNT, UNCLE, OR FIRST COUSIN; AND

(b) HAS HAD PHYSICAL CUSTODY OF THE CHILD FOR A PERIOD OF ONE YEAR OR MORE AND THE CHILD IS NOT THE SUBJECT OF A PENDING DEPENDENCY AND NEGLECT PROCEEDING PURSUANT TO ARTICLE 3 OF THIS TITLE 19.

(93) "LAW ENFORCEMENT OFFICER" MEANS A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101.

(94) (a) "LEGAL CUSTODY" MEANS THE RIGHT TO THE CARE, CUSTODY, AND CONTROL OF A CHILD AND THE DUTY TO PROVIDE FOOD, CLOTHING, SHELTER, ORDINARY MEDICAL CARE, EDUCATION, AND DISCIPLINE FOR A CHILD AND, IN AN EMERGENCY, TO AUTHORIZE SURGERY OR OTHER EXTRAORDINARY CARE. "LEGAL CUSTODY" MAY BE TAKEN FROM A PARENT ONLY BY COURT ACTION.

(b) FOR PURPOSES OF DETERMINING THE RESIDENCE OF A CHILD AS PROVIDED IN SECTION 22-1-102 (2)(b), GUARDIANSHIP IS IN THE PERSON TO WHOM LEGAL CUSTODY HAS BEEN GRANTED BY THE COURT.

(95) (a) "LEGAL REPRESENTATIVE", AS USED IN SECTIONS 19-5-304 AND 19-5-305, MEANS THE PERSON DESIGNATED BY A COURT TO ACT ON BEHALF OF ANY PERSON DESCRIBED IN SECTION 19-5-304 (1)(b)(I) OR 19-5-305 (2).

(b) FOR PURPOSES OF THE TERM "LEGAL REPRESENTATIVE", AS USED IN SECTIONS 19-5-304 AND 19-5-305 AND AS DEFINED IN SUBSECTION (95)(a) OF THIS SECTION, "LEGAL GUARDIAN" DOES NOT INCLUDE A GOVERNMENTAL ENTITY OF ANY FOREIGN COUNTRY FROM WHICH A CHILD HAS BEEN ADOPTED OR ANY REPRESENTATIVE OF SUCH GOVERNMENTAL ENTITY.

(96) "LOCAL LAW ENFORCEMENT AGENCY", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS A POLICE DEPARTMENT IN INCORPORATED MUNICIPALITIES OR THE OFFICE OF THE COUNTY SHERIFF.

(97) "LOCATING" MEANS ENGAGING IN THE PROCESS OF SEARCHING FOR OR SEEKING OUT.

(98) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON LICENSED TO PRACTICE MEDICINE OR PSYCHOLOGY IN THIS STATE OR ANY PERSON ON THE STAFF OF A FACILITY DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES FOR SEVENTY-TWO-HOUR TREATMENT AND EVALUATION WHO IS AUTHORIZED BY THE FACILITY TO DO MENTAL OR BEHAVIORAL HEALTH HOSPITAL PLACEMENT PRESCREENINGS, AS DEFINED IN SECTION 19-2.5-102, AND WHO IS UNDER THE SUPERVISION OF A PERSON LICENSED TO PRACTICE MEDICINE OR PSYCHOLOGY IN THIS STATE.

(99) "NEED TO KNOW", AS USED IN SECTION 19-1-303, MEANS AGENCIES OR INDIVIDUALS WHO NEED ACCESS TO CERTAIN INFORMATION

FOR THE CARE, TREATMENT, SUPERVISION, OR PROTECTION OF A CHILD.

(100) "NEGLECT", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS ACTS THAT CAN REASONABLY BE CONSTRUED TO FALL UNDER THE DEFINITION OF "CHILD ABUSE OR NEGLECT" AS DEFINED IN SUBSECTION (1) OF THIS SECTION.

(101) "NEWBORN CHILD" MEANS A CHILD WHO IS LESS THAN SEVENTY-TWO HOURS OLD.

(102) "NONCERTIFIED KINSHIP CARE" MEANS A CHILD IS BEING CARED FOR BY A RELATIVE OR KIN WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE CHILD IN CIRCUMSTANCES WHEN THERE IS A SAFETY CONCERN BY A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES AND WHERE THE RELATIVE OR KIN HAS NOT MET THE FOSTER CARE CERTIFICATION REQUIREMENTS FOR A KINSHIP FOSTER CARE HOME OR HAS CHOSEN NOT TO PURSUE THAT CERTIFICATION PROCESS.

(103) "NONIDENTIFYING INFORMATION", AS USED IN PART 4 OF ARTICLE 5 OF THIS TITLE 19, MEANS INFORMATION THAT DOES NOT DISCLOSE THE NAME, ADDRESS, PLACE OF EMPLOYMENT, OR ANY OTHER MATERIAL INFORMATION THAT WOULD LEAD TO THE IDENTIFICATION OF THE BIRTH PARENTS AND THAT INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING:

- (a) THE PHYSICAL DESCRIPTION OF THE BIRTH PARENTS;
- (b) THE EDUCATIONAL BACKGROUND OF THE BIRTH PARENTS;
- (c) THE OCCUPATION OF THE BIRTH PARENTS;
- (d) GENETIC INFORMATION ABOUT THE BIRTH FAMILY;
- (e) MEDICAL INFORMATION ABOUT THE ADULT ADOPTEE'S BIRTH;
- (f) SOCIAL INFORMATION ABOUT THE BIRTH PARENTS; AND
- (g) THE PLACEMENT HISTORY OF THE ADOPTEE.

(104) "NONPUBLIC AGENCY INTERSTATE AND FOREIGN ADOPTION", AS USED IN SECTION 19-5-205.5, MEANS AN INTERSTATE OR FOREIGN

ADOPTION THAT IS HANDLED BY A PRIVATE, LICENSED CHILD PLACEMENT AGENCY.

(105) (a) "PARENT" MEANS EITHER A NATURAL PARENT OF A CHILD, AS MAY BE ESTABLISHED PURSUANT TO ARTICLE 4 OF THIS TITLE 19, OR A PARENT BY ADOPTION.

(b) "PARENT", AS USED IN SECTIONS 19-1-114, 19-2.5-501, AND 19-2.5-611, INCLUDES A NATURAL PARENT HAVING SOLE OR JOINT CUSTODY, REGARDLESS OF WHETHER THE PARENT IS DESIGNATED AS THE PRIMARY RESIDENTIAL CUSTODIAN, OR A PARENT ALLOCATED PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD, OR AN ADOPTIVE PARENT. FOR THE PURPOSES OF SECTION 19-1-114, "PARENT" DOES NOT INCLUDE A PERSON WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED PURSUANT TO THE PROVISIONS OF THIS TITLE 19 OR THE PARENT OF AN EMANCIPATED MINOR.

(106) "PERMANENCY HEARING" MEANS A HEARING IN WHICH THE PERMANENCY PLAN FOR A CHILD IN FOSTER CARE IS DETERMINED BY THE COURT.

(107) "PLACEMENT OUT OF THE HOME" MEANS PLACEMENT FOR TWENTY-FOUR-HOUR RESIDENTIAL CARE IN ANY FACILITY OR CENTER OPERATED OR LICENSED BY THE DEPARTMENT OF HUMAN SERVICES, BUT "PLACEMENT OUT OF THE HOME" DOES NOT INCLUDE ANY PLACEMENT THAT IS PAID FOR TOTALLY BY PRIVATE MONEY OR ANY PLACEMENT IN A HOME FOR THE PURPOSES OF ADOPTION IN ACCORDANCE WITH SECTION 19-5-205. "PLACEMENT OUT OF THE HOME" MAY BE VOLUNTARY OR COURT ORDERED. "PLACEMENT OUT OF THE HOME" INCLUDES INDEPENDENT LIVING.

(108) (a) "POST-ADOPTION RECORD", AS USED IN PART 3 OF ARTICLE 5 OF THIS TITLE 19, MEANS INFORMATION CONTAINED IN THE FILES SUBSEQUENT TO THE COMPLETION OF AN ADOPTION PROCEEDING.

(b) THE POST-ADOPTION RECORD MAY CONTAIN INFORMATION CONCERNING BUT NOT LIMITED TO:

(I) THE WRITTEN INQUIRIES FROM PERSONS REQUESTING ACCESS TO RECORDS;

(II) THE SEARCH EFFORTS OF THE CONFIDENTIAL INTERMEDIARY;

(III) THE RESPONSE, IF ANY, TO THOSE SEARCH EFFORTS BY THE PERSONS SOUGHT;

(IV) ANY UPDATED MEDICAL INFORMATION GATHERED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 19; AND

(V) ANY PERSONAL IDENTIFYING INFORMATION CONCERNING ANY PERSONS SUBJECT TO PART 3 OF ARTICLE 5 OF THIS TITLE 19.

(109) "PREVENTION PROGRAM", AS USED IN ARTICLE 3.5 OF THIS TITLE 19, MEANS A PROGRAM OF DIRECT CHILD ABUSE PREVENTION SERVICES TO A CHILD, PARENT, OR GUARDIAN AND INCLUDES RESEARCH OR EDUCATION PROGRAMS RELATED TO THE PREVENTION OF CHILD ABUSE. SUCH A PREVENTION PROGRAM MAY BE CLASSIFIED AS A PRIMARY PREVENTION PROGRAM WHEN IT IS AVAILABLE TO THE COMMUNITY ON A VOLUNTARY BASIS AND AS A SECONDARY PREVENTION PROGRAM WHEN IT IS DIRECTED TOWARD GROUPS OF INDIVIDUALS WHO HAVE BEEN IDENTIFIED AS HIGH RISK.

(110) "PROTECTIVE SUPERVISION" MEANS A LEGAL STATUS CREATED BY COURT ORDER UNDER WHICH THE CHILD IS PERMITTED TO REMAIN IN THE CHILD'S HOME OR IS PLACED WITH A RELATIVE OR OTHER SUITABLE PERSON AND SUPERVISION AND ASSISTANCE IS PROVIDED BY THE COURT, DEPARTMENT OF HUMAN SERVICES, OR OTHER AGENCY DESIGNATED BY THE COURT.

(111) "PUBLIC ADOPTION", AS USED IN PART 2 OF ARTICLE 5 OF THIS TITLE 19, MEANS AN ADOPTION INVOLVING A CHILD WHO IS IN THE LEGAL CUSTODY AND GUARDIANSHIP OF THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES THAT HAS THE RIGHT TO CONSENT TO ADOPTION FOR THAT CHILD.

(112) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT". "QUALIFIED INDIVIDUAL" MUST BE APPROVED TO SERVE AS A QUALIFIED INDIVIDUAL ACCORDING TO THE STATE PLAN. "QUALIFIED INDIVIDUAL" MUST NOT BE AN INTERESTED PARTY OR PARTICIPANT IN THE JUVENILE COURT PROCEEDING AND MUST BE FREE OF ANY PERSONAL OR BUSINESS RELATIONSHIP THAT WOULD CAUSE A CONFLICT OF INTEREST IN EVALUATING THE CHILD, JUVENILE, OR YOUTH AND MAKING RECOMMENDATIONS CONCERNING THE CHILD'S, JUVENILE'S, OR YOUTH'S

PLACEMENT AND THERAPEUTIC NEEDS ACCORDING TO THE FEDERAL TITLE IV-E STATE PLAN OR ANY WAIVER IN ACCORDANCE WITH 42 U.S.C. SEC. 675a.

(113) "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" MEANS A LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE NEEDS, INCLUDING CLINICAL NEEDS, AS APPROPRIATE, OF CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL OR BEHAVIORAL DISORDERS OR DISTURBANCES IN ACCORDANCE WITH THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT", 42 U.S.C. SEC. 672 (k)(4), AND IS ABLE TO IMPLEMENT THE TREATMENT IDENTIFIED FOR THE CHILD OR YOUTH BY THE ASSESSMENT OF THE CHILD REQUIRED IN SECTION 19-1-115 (4)(e)(I).

(114) "REASONABLE EFFORTS", AS USED IN ARTICLES 1, 2.5, AND 3 OF THIS TITLE 19, MEANS THE EXERCISE OF DILIGENCE AND CARE THROUGHOUT THE STATE OF COLORADO FOR CHILDREN WHO ARE IN OUT-OF-HOME PLACEMENT OR ARE AT IMMINENT RISK OF OUT-OF-HOME PLACEMENT. IN DETERMINING WHETHER IT IS APPROPRIATE TO PROVIDE, PURCHASE, OR DEVELOP THE SUPPORTIVE AND REHABILITATIVE SERVICES THAT ARE REQUIRED TO PREVENT UNNECESSARY PLACEMENT OF A CHILD OUTSIDE OF A CHILD'S HOME OR TO FOSTER THE SAFE REUNIFICATION OF A CHILD WITH A CHILD'S FAMILY, AS DESCRIBED IN SECTION 19-3-208, OR WHETHER IT IS APPROPRIATE TO FIND AND FINALIZE AN ALTERNATIVE PERMANENT PLAN FOR A CHILD, AND IN MAKING REASONABLE EFFORTS, THE CHILD'S HEALTH AND SAFETY ARE THE PARAMOUNT CONCERN. SERVICES PROVIDED BY A COUNTY OR CITY AND COUNTY IN ACCORDANCE WITH SECTION 19-3-208 ARE DEEMED TO MEET THE REASONABLE EFFORT STANDARD DESCRIBED IN THIS SUBSECTION (114). NOTHING IN THIS SUBSECTION (114) IS CONSTRUED TO CONFLICT WITH FEDERAL LAW.

(115) "RECIPIENT", AS USED IN ARTICLE 3.5 OF THIS TITLE 19, MEANS AND IS LIMITED TO A NONPROFIT OR PUBLIC ORGANIZATION THAT RECEIVES A GRANT FROM THE TRUST FUND CREATED IN SECTION 19-3.5-106.

(116) "RECORD", AS USED IN SECTION 19-4-106, MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

(117) "REGISTER OF ACTIONS" MEANS THOSE PORTIONS OF THE ELECTRONIC CASE MANAGEMENT SYSTEM NECESSARY TO CARRY OUT A STATUTORY PURPOSE OR THE DUTIES OF A COURT APPOINTMENT.

(118) "REPEAT JUVENILE OFFENDER" IS DESCRIBED IN SECTION 19-2.5-1125.

(119) "RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES" MEANS THOSE RIGHTS AND RESPONSIBILITIES REMAINING WITH THE PARENT AFTER LEGAL CUSTODY, GUARDIANSHIP OF THE PERSON, OR BOTH, HAVE BEEN VESTED IN ANOTHER PERSON, AGENCY, OR INSTITUTION, INCLUDING BUT NOT LIMITED TO THE RESPONSIBILITY FOR SUPPORT, THE RIGHT TO CONSENT TO ADOPTION, THE RIGHT TO REASONABLE PARENTING TIME UNLESS RESTRICTED BY THE COURT, AND THE RIGHT TO DETERMINE THE CHILD'S RELIGIOUS AFFILIATION.

(120) "RESPONSIBLE PERSON", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS A CHILD'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN OR ANY OTHER PERSON RESPONSIBLE FOR THE CHILD'S HEALTH AND WELFARE.

(121) "RESTORATIVE JUSTICE" HAS THE SAME MEANING AS SET FORTH IN SECTION 19-2.5-102.

(122) "REUNITED PARTIES", AS USED IN SECTION 19-5-305, MEANS ANY TWO PERSONS WHO QUALIFY AS AND MEET ANY SPECIFIED REQUIREMENTS FOR PARTIES UNDER THE LIST OF INDIVIDUALS IN SECTION 19-5-304 (1)(b)(I).

(123) "SCHOOL", AS USED IN SECTIONS 19-1-303 AND 19-1-304, MEANS A PUBLIC OR PAROCHIAL OR OTHER NONPUBLIC SCHOOL THAT PROVIDES A BASIC ACADEMIC EDUCATION IN COMPLIANCE WITH SCHOOL ATTENDANCE LAWS FOR STUDENTS IN GRADES ONE TO TWELVE. "BASIC ACADEMIC EDUCATION" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-104 (2)(b).

(124) "SEXUAL ASSAULT", AS USED IN SECTIONS 19-5-105, 19-5-105.5, AND 19-5-105.7, MEANS:

(a) "SEXUAL ASSAULT", AS DEFINED IN SECTION 18-3-402;

(b) "SEXUAL ASSAULT ON A CHILD", AS DEFINED IN SECTION 18-3-405;

(c) "SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST", AS DEFINED IN SECTION 18-3-405.3;

(d) "SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST", AS DEFINED IN SECTION 18-3-405.5; OR

(e) "UNLAWFUL SEXUAL CONTACT", AS DEFINED IN SECTION 18-3-404.

(125) "SEXUAL CONDUCT", AS USED IN SECTION 19-3-304 (2.5), MEANS ANY OF THE FOLLOWING:

(a) SEXUAL INTERCOURSE, INCLUDING GENITAL-GENITAL, ORAL-GENITAL, ANAL-GENITAL, OR ORAL-ANAL, WHETHER BETWEEN PERSONS OF THE SAME OR OPPOSITE SEX OR BETWEEN HUMANS AND ANIMALS;

(b) PENETRATION OF THE VAGINA OR RECTUM BY ANY OBJECT;

(c) MASTURBATION; OR

(d) SEXUAL SADOMASOCHISTIC ABUSE.

(126) "SHELTER" MEANS THE TEMPORARY CARE OF A CHILD IN PHYSICALLY UNRESTRICTING FACILITIES PENDING COURT DISPOSITION OR EXECUTION OF A COURT ORDER FOR PLACEMENT.

(127) "SIBLING GROUP", AS USED IN ARTICLES 3 AND 5 OF THIS TITLE 19, MEANS BIOLOGICAL SIBLINGS.

(128) "SPECIAL COUNTY ATTORNEY", AS USED IN ARTICLE 3 OF THIS TITLE 19, MEANS AN ATTORNEY HIRED BY A COUNTY ATTORNEY OR CITY ATTORNEY OF A CITY AND COUNTY OR HIRED BY A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES WITH THE CONCURRENCE OF THE COUNTY ATTORNEY OR CITY ATTORNEY OF A CITY AND COUNTY TO PROSECUTE DEPENDENCY AND NEGLECT CASES.

(129) "SPECIAL RESPONDENT", AS USED IN ARTICLE 3 OF THIS TITLE 19, MEANS ANY PERSON WHO IS NOT A PARENT, GUARDIAN, OR LEGAL CUSTODIAN AND WHO IS VOLUNTARILY OR INVOLUNTARILY JOINED IN A DEPENDENCY OR NEGLECT PROCEEDING FOR THE LIMITED PURPOSES OF PROTECTIVE ORDERS OR INCLUSION IN A TREATMENT PLAN AND FOR THE GROUNDS OUTLINED IN SECTIONS 19-3-502 (6) AND 19-3-503 (4).

(130) "SPOUSAL EQUIVALENT" MEANS A PERSON WHO IS IN A FAMILY-TYPE LIVING ARRANGEMENT WITH A PARENT AND WHO WOULD BE A STEPPARENT IF MARRIED TO THAT PARENT.

(131) "STANDARDIZED BEHAVIORAL OR MENTAL HEALTH DISORDER SCREENING" MEANS THE BEHAVIORAL OR MENTAL HEALTH DISORDER SCREENING CONDUCTED USING THE JUVENILE STANDARDIZED SCREENING INSTRUMENTS AND THE PROCEDURES ADOPTED PURSUANT TO SECTION 16-11.9-102.

(132) "STATE BOARD", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS THE STATE BOARD OF HUMAN SERVICES.

(133) "STATE DEPARTMENT", AS USED IN SECTION 19-3-211, PART 3 OF ARTICLE 3 OF THIS TITLE 19, AND ARTICLE 3.3 OF THIS TITLE 19, MEANS THE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 24-1-120.

(134) "STATE REGISTRAR" MEANS THE STATE REGISTRAR OF VITAL STATISTICS IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

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

(136) "STEPPARENT" MEANS A PERSON WHO IS MARRIED TO A PARENT OF A CHILD BUT WHO HAS NOT ADOPTED THE CHILD.

(137) "TEMPORARY HOLDING FACILITY" MEANS AN AREA USED FOR THE TEMPORARY HOLDING OF A CHILD FROM THE TIME THAT THE CHILD IS TAKEN INTO TEMPORARY CUSTODY UNTIL A DETENTION HEARING IS HELD, IF IT HAS BEEN DETERMINED THAT THE CHILD REQUIRES A STAFF-SECURE SETTING. SUCH AN AREA MUST BE SEPARATED BY SIGHT AND SOUND FROM ANY AREA THAT HOUSES ADULT OFFENDERS.

(138) "TEMPORARY SHELTER" MEANS THE TEMPORARY PLACEMENT OF A CHILD WITH KIN, AS DEFINED IN SUBSECTION (91) OF THIS SECTION; WITH AN ADULT WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD; OR IN A LICENSED AND CERTIFIED TWENTY-FOUR-HOUR CARE FACILITY.

(139) "TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP", AS USED IN ARTICLES 3 AND 5 OF THIS TITLE 19, MEANS THE PERMANENT ELIMINATION BY COURT ORDER OF ALL PARENTAL RIGHTS AND DUTIES, INCLUDING RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES, AS PROVIDED IN SECTION 19-3-608.

(140) "THIRD-PARTY ABUSE", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE 19, MEANS A CASE IN WHICH A CHILD IS SUBJECTED TO ABUSE, AS DEFINED IN SUBSECTION (1) OF THIS SECTION, BY ANY PERSON WHO IS NOT A PARENT; STEPPARENT; GUARDIAN; LEGAL CUSTODIAN; SPOUSAL EQUIVALENT, AS DEFINED IN SUBSECTION (130) OF THIS SECTION; OR ANY OTHER PERSON NOT INCLUDED IN THE DEFINITION OF "INTRAFAMILIAL ABUSE", AS DEFINED IN SUBSECTION (87) OF THIS SECTION.

(141) "TRAUMA-INFORMED" REFERS TO THE SERVICES TO BE PROVIDED TO OR ON BEHALF OF A CHILD OR YOUTH UNDER AN ORGANIZATIONAL STRUCTURE AND TREATMENT FRAMEWORK THAT INVOLVES UNDERSTANDING, RECOGNIZING, AND RESPONDING TO THE EFFECTS OF ALL TYPES OF TRAUMA IN ACCORDANCE WITH RECOGNIZED PRINCIPLES OF A TRAUMA-INFORMED APPROACH AND TRAUMA-SPECIFIC INTERVENTIONS TO ADDRESS TRAUMA'S CONSEQUENCES AND FACILITATE HEALING.

(142) "TRUST FUND", AS USED IN ARTICLE 3.5 OF THIS TITLE 19, MEANS THE COLORADO CHILDREN'S TRUST FUND CREATED IN SECTION 19-3.5-106.

(143) "UPDATED MEDICAL HISTORY STATEMENT" MEANS A WRITTEN NARRATIVE STATEMENT DATED AND SIGNED BY A BIRTH PARENT ABOUT THE MEDICAL HISTORY OF THE BIRTH PARENT OR OTHER BIOLOGICAL RELATIVES OF THE ADOPTEE THAT CAN BE VOLUNTARILY SUBMITTED BY THE BIRTH PARENT TO THE STATE REGISTRAR FOR FUTURE DISCLOSURE TO THE BIRTH PARENT'S ADULT CHILD WHO IS AN ADULT ADOPTEE OR AN ADULT DESCENDANT OF THE ADOPTEE OR LEGAL REPRESENTATIVE OF SUCH PERSON IN ACCORDANCE WITH THE PROVISIONS OF SECTION 19-5-305 (1.5).

(144) (a) "VICTIM", AS USED IN THIS TITLE 19 AND EXCEPT AS PROVIDED IN SUBSECTION (144)(b) OF THIS SECTION, HAS THE SAME MEANING AS SET FORTH IN SECTION 19-2.5-102.

(b) "VICTIM", AS USED IN SECTION 19-5-105.5, MEANS ANY NATURAL PERSON AGAINST WHOM A CRIME OF SEXUAL ASSAULT OR A CRIME IN WHICH THE UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT IS PERPETRATED OR IS ALLEGED TO HAVE BEEN PERPETRATED.

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

**SECTION 145. Effective date.** This act takes effect October 1, 2021.

**SECTION 146. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



Leroy M. Garcia  
PRESIDENT OF  
THE SENATE



Alec Garnett  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

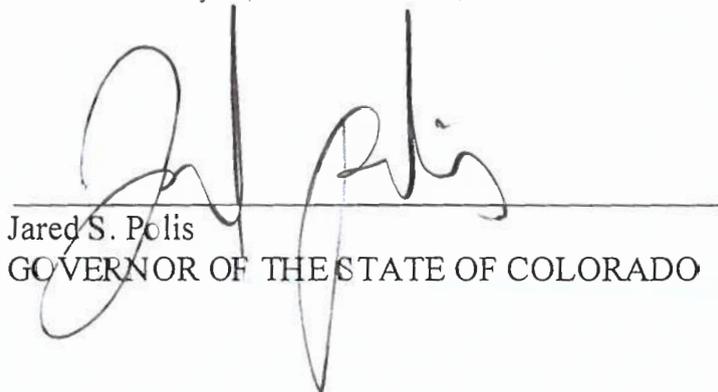


Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED May 13, 2021 at 12:05 pm,  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO