ADVANCE SHEET HEADNOTE
April 24, 2023

2023 CO 19

No. 22SA323, *People in the Interest of A.T.C.*—Juveniles—Competency to Stand Trial—Statutory Interpretation—Juvenile Competency.

In this original proceeding involving an issue of first impression, the supreme court considers whether a juvenile in a delinquency case can seek interlocutory review of a magistrate's competency finding in the juvenile court. The supreme court holds that they can.

The supreme court concludes that a magistrate's finding of competency pursuant to section 19-1-108(3)(a.5), C.R.S. (2022), is subject to review in the juvenile court under the ground rules laid out in section 19-1-108(5.5). The court looks to the specific text of section 19-1-108, rather than the general provisions of C.R.M. 7(a)(3), and concludes that, when a party waives their right to a hearing before a juvenile judge in the first instance, the party is then "bound by the findings and recommendations of the magistrate, subject to a request for review as set forth in subsection (5.5) of this section." § 19-1-108(3)(a.5).

The supreme court, accordingly, reverses the juvenile court's order denying the petition for review for lack of jurisdiction and makes the rule to show cause absolute.

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

2023 CO 19

Supreme Court Case No. 22SA323
Original Proceeding Pursuant to C.A.R. 21
El Paso County District Court Case No. 21JD80
Honorable Linda Billings Vela, Judge

In Re

The People of the State of Colorado,

In the Interest of
Juvenile:

A.T.C.

Rule Made Absolute
en banc
April 24, 2023

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JUSTICE BERKENKOTTER delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT, JUSTICE MÁRQUEZ, JUSTICE HOOD, JUSTICE GABRIEL, JUSTICE HART,** and **JUSTICE SAMOUR** joined.

JUSTICE BERKENKOTTER delivered the Opinion of the Court.

¶1 This original proceeding, brought pursuant to C.A.R. 21, requires us to consider whether a juvenile in a delinquency case can seek interlocutory review of a magistrate's competency finding in the juvenile court.

¶2 Addressing this question of first impression, we conclude that a magistrate's finding of competency pursuant to section 19-1-108(3)(a.5), C.R.S. (2022), is subject to review in the juvenile court under section 19-1-108(5.5). We, accordingly, make the rule absolute.

I. Facts and Procedural History

¶3 After defense counsel raised concerns regarding seventeen-year-old A.T.C.'s competency, the magistrate ordered a competency evaluation. A psychologist from the Office of Behavioral Health ("OBH") subsequently evaluated A.T.C. and determined that he was incompetent but restorable. Shortly thereafter, based on OBH's evaluation, the magistrate entered a preliminary finding that A.T.C. was incompetent but restorable.

¶4 The People moved for a second competency evaluation, asking the magistrate to allow a psychologist of the People's choosing to evaluate A.T.C. Over defense counsel's objection, the magistrate granted the motion.[1]

¶5 The psychologist retained by the People evaluated A.T.C. and concluded that he was competent to proceed. Following a contested hearing at which OBH's psychologist, the psychologist retained by the People, and a third psychologist all testified, the magistrate found that A.T.C. was competent to proceed.

¶6 Defense counsel then timely petitioned the juvenile court for review pursuant to C.R.M. 7(a)(3) and section 19-1-108(5.5). The juvenile court denied the petition on the grounds that a "finding that an individual has been restored to competency is not a final order pursuant to C.R.M. 7(a)(3), and . . . no other independent statutory authority exists allowing for an interlocutory appeal of such a finding." Defense counsel petitioned this court to exercise its original jurisdiction pursuant to C.A.R. 21. For the reasons described below, we issued an order to show cause.

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[1] We have recently held "that when a juvenile court determines during a restoration review, pursuant to section 19-2.5-704[, C.R.S. (2022)], or after a restoration hearing, pursuant to section 19-2.5-705[, C.R.S. (2022)], that a juvenile remains incompetent, the court has the authority to order the juvenile to submit to a reassessment evaluation to determine whether the juvenile has been restored to competency." *People in Int. of A.C.*, 2022 CO 49, ¶ 23, 517 P.3d 1228, 1236.

II. Original Jurisdiction

¶7 "Whether to exercise original jurisdiction under C.A.R. 21 is a matter within our sole discretion." *State ex rel. Weiser v. JUUL Labs, Inc.*, 2022 CO 46, ¶ 28, 517 P.3d 682, 689. Relief may be available where "an appellate remedy would be inadequate, when a party may otherwise suffer irreparable harm, [or] when a petition raises issues of significant public importance that we have not yet considered." *People v. Viburg*, 2021 CO 81M, ¶ 9, 500 P.3d 1123, 1127 (alteration in original) (quoting *People v. Huckabay*, 2020 CO 42, ¶ 9, 463 P.3d 283, 285); *see also People v. Manaois*, 2021 CO 49, ¶ 18, 488 P.3d 1099, 1105 (concluding C.A.R. 21 jurisdiction was appropriate where "waiting to act would foster uncertainty and do a disservice to our district courts and the court of appeals, not to mention Coloradans in general"). We have also previously "exercised our original jurisdiction to review questions of statutory interpretation." *Ronquillo v. EcoClean Home Servs., Inc.*, 2021 CO 82, ¶ 10, 500 P.3d 1130, 1133 (quoting *Smith v. Jeppsen*, 2012 CO 32, ¶ 6, 277 P.3d 224, 226).

¶8 A.T.C. argues that this matter raises an issue of first impression of significant public importance and that the normal appellate process would prove inadequate. We agree.

¶9 To begin with, A.T.C. has no adequate appellate remedy. The juvenile court's alleged error arguably implicates A.T.C.'s right to appeal the magistrate's

competency finding. Forcing A.T.C. to wait to advance his claim on direct appeal, in the event he is adjudicated, is not an adequate remedy. *See, e.g.*, *People v. Rowell*, 2019 CO 104, ¶ 11, 453 P.3d 1156, 1159 (forcing a defendant to wait to advance his claim until his direct appeal, in the event of a conviction, is not an adequate remedy).

¶10 Next, the juvenile court's denial of A.T.C.'s request for review, if incorrect, risks causing A.T.C. to proceed while incompetent. *See People v. Roina*, 2019 CO 20, ¶ 7, 437 P.3d 919, 920. A juvenile may not be tried or sentenced if the juvenile is incompetent to proceed. § 19-2.5-702(2), (3), C.R.S. (2022). Thus, absent exercise of our original jurisdiction, A.T.C. may suffer irreparable harm. *See People in Int. of A.C.*, 2022 CO 49, ¶ 6, 517 P.3d 1228, 1233.

¶11 Finally, A.T.C. raises a question of significant public importance that has not been considered by Colorado's appellate courts: Is a juvenile entitled to have a juvenile court review a magistrate's finding of competency in a delinquency case? Like a similar issue we recently addressed in *People v. A.S.M.*, 2022 CO 47, ¶ 12, 517 P.3d 675, 678, this also appears to be an issue that is mired in confusion and that is likely to recur. *See People in Int. of B.B.A.M.*, 2019 CO 103, ¶ 22, 453 P.3d 1161, 1166 ("[W]e are convinced that today's decision will have ramifications for many juveniles throughout the state because the issue before us is likely to recur.").

¶12 For all these reasons, we conclude that we should decide this question now.

III. Analysis

¶13 We start by identifying the relevant standard of review and applicable law. Then we apply these principles to the matter at hand and conclude that a magistrate's finding that a juvenile is competent to proceed pursuant to section 19-2.5-703, C.R.S. (2022), is subject to a request for review under section 19-1-108(3)(a.5), through the procedural roadmap laid out in section 19-1-108(5.5). We, accordingly, make the rule absolute. On remand, the juvenile court should review the magistrate's competency finding, as section 19-1-108(5.5) directs, under the limited grounds set forth in C.R.C.P. 59.

A. Standard of Review and Applicable Law

¶14 Whether A.T.C. is entitled to have the juvenile court review the magistrate's competency finding turns on our interpretation of section 19-1-108(3)(a.5) and C.R.M. 7(a)(3). Questions of statutory interpretation are questions of law that are subject to de novo review. *Rowell*, ¶ 14, 453 P.3d at 1159. So are questions of rule interpretation. *See Northstar Project Mgmt., Inc. v. DLR Grp., Inc.*, 2013 CO 12, ¶ 12, 295 P.3d 956, 959 ("We interpret rules of procedure consistent with principles of statutory construction and, thus, review procedural rules de novo as well."); *Colo. Jud. Dep't v. Colo. Jud. Dep't Pers. Bd. of Rev.*, 2022 CO 52, ¶¶ 18–19, 519 P.3d 1035, 1039.

¶15 "As always, we begin with the text." *Sw. Airlines Co. v. Saxon*, 142 S. Ct. 1783, 1789 (2022); *accord Am. Fam. Mut. Ins. v. Barriga*, 2018 CO 42, ¶ 8, 418 P.3d 1181, 1183. When interpreting that text, we aim to "give effect to the intent of the legislature" and give the "text its plain and ordinary meaning." *Am. Fam.*, ¶ 8, 418 P.3d at 1183. "A statute must also be considered 'as a whole, construing each provision consistently and in harmony with the overall statutory design.'" *People v. Burnett*, 2019 CO 2, ¶ 20, 432 P.3d 617, 622 (quoting *Perfect Place, LLC v. Semler*, 2018 CO 74, ¶ 40, 426 P.3d 325, 332).

¶16 As well, we must "avoid constructions that would render any words or phrases superfluous or lead to illogical or absurd results." *McBride v. People*, 2022 CO 30, ¶ 23, 511 P.3d 613, 617; *accord Ysleta Del Sur Pueblo v. Texas*, 142 S. Ct. 1929, 1939 (2022). In construing a statute, we may not add words to it, *A.S.M.*, ¶ 20, 517 P.3d at 679, nor can we subtract them, *see Mook v. Bd. of Cnty. Comm'rs*, 2020 CO 12, ¶ 35, 457 P.3d 568, 576 ("[J]ust as important as what the statute says is what the statute does not say." (quoting *Auman v. People*, 109 P.3d 647, 656 (Colo. 2005))).

B. Application

¶17 A.T.C., the People, and the juvenile court each present us with different interpretations of section 19-1-108(5.5) and C.R.M. 7(a)(3). A.T.C. contends that the juvenile court erred because a finding that a juvenile is competent is a final

order under C.R.M. 7(a)(3). The People, conversely, argue that the juvenile court correctly concluded that a magistrate's finding that a juvenile is competent is not a final order under C.R.M. 7(a)(3). The juvenile court takes yet a different tack. It asserts, in the alternative, that either the juvenile court has no authority to review a magistrate's competency determination because the parties consented pursuant to C.R.M. 7(b) or that section 19-1-108(5.5) limits juvenile court review to a magistrate's final judgment within the meaning of C.R.C.P. 58 and 54. It further argues that a juvenile court cannot review any interlocutory order entered by a magistrate in a delinquency proceeding other than a probable cause determination under section 19-2.5-609(3), C.R.S. (2022). We are not persuaded by any of these arguments.

¶18 We begin our consideration of these issues with an overview of the General Assembly's intent in creating Colorado's juvenile justice system. We then provide a brief review of the specific statutes governing juvenile competency proceedings and, finally, turn to the legal framework governing requests for juvenile court review of magistrate rulings, findings, and recommendations following a hearing.

¶19 When interpreting provisions of the Children's Code, §§ 19-1-101 to 19-7-315, C.R.S. (2022), concerning Colorado's juvenile justice system, we follow certain important principles. The General Assembly has explained that its intent in enacting the Children's Code "is to protect, restore, and improve the public

safety." § 19-2.5-101(1)(a), C.R.S. (2022). It has further instructed that "the juvenile justice system must take into consideration the best interests of the juvenile, the victim, and the community." § 19-2.5-101(1)(b); *see A.S. v. People*, 2013 CO 63, ¶ 14, 312 P.3d 168, 172 ("The juvenile justice system aims to provide guidance, rehabilitation, and restoration for the juvenile and to protect society, rather than focusing principally on criminal conduct and assigning criminal responsibility, guilt, and punishment."); *S.G.W. v. People*, 752 P.2d 86, 91 (Colo. 1988) ("[A] child who is adjudicated a delinquent under the Colorado Children's Code stands before the juvenile court not as a convicted criminal but as a child in need of reformation.").

¶20 This is why juvenile justice proceedings are "civil, rather than criminal, in nature." *People in Int. of W.P.*, 2013 CO 11, ¶ 21, 295 P.3d 514, 521. So, as we interpret the statutory scheme surrounding juvenile proceedings, we must adhere to the "general rule that provisions of the Children's Code should be liberally construed to accomplish the purpose [of] and to effectuate the intent of the legislature." *R.M. v. Dist. Ct.,* 550 P.2d 346, 348 (Colo. 1976); *see also Bostelman v. People*, 162 P.3d 686, 691 (Colo. 2007); *C.S. v. People*, 83 P.3d 627, 634–35 (Colo. 2004).

¶21 Whenever the question of a juvenile's competency to proceed is raised, section 19-2.5-703(1) requires a juvenile court to "make a preliminary finding that

the juvenile is or is not competent to proceed." But, if the court believes "that the information available to it is inadequate," section 19-2.5-703(1) further requires the juvenile court to "order a competency examination." If the court finds, based on the competency evaluation, that the juvenile is incompetent to proceed, the court cannot try or sentence the juvenile, § 19-2.5-702(2), until the juvenile has been restored to competency, § 19-2.5-706(1), C.R.S. (2022). And, "[i]f the court finally determines pursuant to 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." § 19-2.5-704(1), C.R.S. (2022).

¶22 Magistrates are empowered to hear a broad range of matters under the Children's Code, including disputes—like the one here—over whether a juvenile is competent to proceed. Section 19-1-108(1) explicitly provides that a "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 19-2.5-610[, C.R.S. (2022),] and in transfer hearings held pursuant to section 19-2.5-802[, C.R.S. (2022)]." And while a party has the right to a hearing before a juvenile judge in the first instance, the party may waive that right. § 19-1-108(3)(a.5). By doing so, the party is then "bound by the findings and

recommendations of the magistrate, *subject to a request for review as set forth in subsection (5.5) of this section*." *Id.* (emphasis added).

¶23 That subsection, § 19-1-108(5.5), provides—among other things—that a "request for review must be filed within fourteen days for proceedings under article[] 2.5 . . . [of title 19] after the parties have received notice of the magistrate's ruling and must clearly set forth the grounds relied upon." This review is based "solely upon the record of the hearing before the magistrate and is reviewable upon the grounds set forth in rule 59 of the Colorado rules of civil procedure."[2] § 19-1-108(5.5). Subsection 108(5.5) goes on to provide that "a petition for review is a prerequisite before an appeal may be filed with the Colorado court of appeals or [this court]." *Id.*

¶24 C.R.M. 7, in contrast, more broadly addresses district court review of magistrates' judgments and orders. It states, "[u]nless otherwise provided by statute, [C.R.M. 7] is the exclusive method to obtain review of a district court magistrate's order or judgment" in a proceeding that does not require the consent

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[2] These grounds include errors in law, accident or surprise which ordinary prudence could not have guarded against, insufficiency of the evidence as a matter of law, no genuine issue as to any material fact, and the moving party being entitled to judgment as a matter of law. C.R.C.P. 59.

of the parties. C.R.M. 7(a)(1). Notably, C.R.M. 7(a)(3) provides that "[o]nly a final order or judgment of a magistrate is reviewable under this Rule."

¶25 We recently addressed the intersection between the general magistrate review provisions set forth in C.R.M. 7(a)(3), which, as noted, limits review to final orders or judgments, and the more specific magistrate review provisions of the Children's Code, § 19-1-108, which contain no explicit restriction related to final orders or judgments. *A.S.M.*, ¶ 18, 517 P.3d at 679. In *A.S.M.*, a magistrate determined, after holding a preliminary hearing, "that probable cause existed to believe that A.S.M. had committed the delinquent acts alleged." ¶ 2, 517 P.3d at 676. When A.S.M. challenged the magistrate's finding and sought juvenile court review, "the juvenile court declined to review the matter on the merits, ruling that it lacked subject matter jurisdiction because the magistrate's preliminary hearing finding did not constitute a final order." *Id.* We issued, and subsequently made absolute, our rule to show cause, holding that magistrates' findings of probable cause are in fact reviewable before a juvenile court. *Id.* at ¶¶ 2–3, 517 P.3d at 676.

¶26 There, the dispute centered on the interplay between the specific juvenile magistrate statute, § 19-1-108(5.5); the general magistrate review rule, C.R.M. 7(a)(3); and section 19-2.5-609(3), which explicitly permits a request for review under subsection 108(5.5) of a probable cause determination made by a magistrate following a preliminary hearing. *Id.* at ¶ 3, 517 P.3d at 676–77. For the

juvenile court, the cross-reference to section 19-1-108(5.5) meant that any order reviewed under that subsection, including review sought pursuant to section 19-2.5-609(3), must constitute a "final order or judgment" as prescribed in C.R.M. 7(a)(3). *Id.* at ¶ 7, 517 P.3d at 677.

¶27 We were not persuaded. We explained that C.R.M. 7(a)(3) is part of a general rule that controls review of district court magistrate final orders and judgments and that it is not specific to delinquency cases. *Id.* at ¶ 25, 517 P.3d at 680. And we held that when a specific statute offers its own authority for juvenile court review, it trumps C.R.M. 7(a)(3)'s restrictive language that limits juvenile court review to final orders or judgments. *Id.* at ¶ 26, 517 P.3d at 680. We observed that subsection 108(5.5) contains no restrictions as to final orders, and instead applies to a magistrate's rulings, findings, and recommendations following a hearing. *Id.* at ¶¶ 18–19, 517 P.3d at 679.

¶28 For those reasons, we interpreted section 19-1-108(5.5) "not as modifying a party's right to seek review of a magistrate's preliminary hearing finding under section 19-2.5-609(3), but rather as establishing the ground rules for such review." *Id.* at ¶ 19, 517 P.3d at 679. We emphasized that "[w]e have no authority to erect a final-order boundary around section 19-1-108(5.5)." *Id.* at ¶ 20, 517 P.3d at 679. And because section 19-2.5-609(3) provided the statutory authority for a juvenile court to review a magistrate's probable cause determination, we did not need to

reach the parties' competing interpretations of C.R.M. 7(a)(3). *Id.* at ¶ 3, 517 P.3d at 676; *see also id.* at ¶ 27, 517 P.3d at 680 ("A request for review related to a magistrate's preliminary hearing finding in a delinquency proceeding is governed by section 19-2.5-609(3), while a more general request for review challenging a district court magistrate's order and brought pursuant to C.R.M. 7 . . . is governed by C.R.M. 7."). Finally, since the juvenile court's interpretation of section 19-1-108(5.5) disregarded juveniles' statutory right to interlocutory review by the juvenile court, we made absolute our rule to show cause and reversed the juvenile court. *Id.* at ¶ 33, 517 P.3d at 681.

¶29 With this background in mind, we turn to the juvenile court's argument that a juvenile court cannot properly review a magistrate's competency determination in a delinquency proceeding when the parties have consented to the magistrate's jurisdiction under C.R.M. 7(b). In the juvenile court's view, the parties consented to the magistrate's order pursuant to C.R.M. 7(b), and thus the magistrate's ruling finding A.T.C. competent to proceed was the same as an order of the juvenile court, leaving nothing for the juvenile court to review. We are unpersuaded.

¶30 C.R.M. 7(a)(1) explicitly provides that, "[*u*]*nless otherwise provided by statute*, this Rule is the exclusive method to obtain review of a district court magistrate's order or judgment." (Emphasis added.) A request for review of a magistrate's ruling in a delinquency proceeding is explicitly governed by the juvenile

magistrate statute—specifically sections 19-1-108(3)(a.5) and (5.5). As a result, C.R.M. 7 does not apply here, and the juvenile court's argument regarding consent under C.R.M. 7(b) falls short.

¶31 Next, the juvenile court asserts that review should only be available when some other provision of the Children's Code explicitly authorizes a party to request juvenile court review of a magistrate's interlocutory order under section 19-1-108(5.5), as this court concluded section 19-2.5-609(3) does in *A.S.M.* The juvenile court further contends that section 19-1-108(5.5) limits its review to a magistrate's final judgment within the meaning of C.R.C.P. 58 and 54. We remain unpersuaded.

¶32 True, there is no statute that expressly mentions juvenile court review of a magistrate's finding that a juvenile is competent. But section 19-1-108(3)(a.5) explicitly provides that, when a party with a right to a hearing before a juvenile judge in the first instance waives that right, "the party is bound by the findings and recommendations of the magistrate, *subject to a request for review as set forth in subsection (5.5) of this section*." (Emphasis added.) And that same subsection, 108(3)(a.5), makes clear that the hearing to which the statute refers isn't limited to a trial on the delinquency petition: It includes all hearings save for the ones explicitly referenced in the statute.

¶33 That is all to say, a party that has waived its right to a hearing before a juvenile court judge does so pursuant to the "ground rules" laid out in section 19-1-108(5.5). *A.S.M.*, ¶ 3, 517 P.3d at 676. And those ground rules provide that when a party who is entitled to a hearing before a juvenile judge in the first instance waives that right, that party is entitled to seek interlocutory review of the magistrate's findings and recommendations following a hearing. We will not, as we emphasized in *A.S.M.*, "erect a final-order boundary around section 19-1-108(5.5)." ¶ 20, 517 P.3d at 679. To that end, we decline the parties' request to add or subtract words from section 19-1-108(3)(a.5). *See Colo. State Bd. of Educ. v. Brannberg*, 2023 CO 11, ¶ 15, 525 P.3d 290, 293. Instead, we conclude that the magistrate's finding, following the competency hearing, that A.T.C. was competent to proceed is the type of ruling under section 19-1-108(3)(a.5) that is reviewable by the juvenile court under section 19-1-108(5.5).

¶34 Other provisions of section 19-1-108 confirm this reading. *See Burnett*, ¶ 20, 432 P.3d at 622. Subsection (4)(c) explains that "[a]t the conclusion of a hearing, the magistrate shall . . . [p]repare findings and a written order that shall become the order of the court, *absent a petition for review being filed as provided in subsection (5.5) of this section*." § 19-1-108(4)(c) (emphasis added). We cannot impose the language of C.R.C.P. 54 and 58 onto the juvenile magistrate statute and ignore the plain meaning of sections 19-1-108(3)(a.5) and (4)(c). The juvenile

court's reading of these statutes renders these two provisions meaningless. *See McBride*, ¶ 23, 511 P.3d at 617; *accord Ysleta Del Sur Pueblo*, 142 S. Ct. at 1939.

¶35 The juvenile court additionally contends that the language in section 19-1-108(5.5) that "[s]uch review is solely upon the record of the hearing before the magistrate and is reviewable upon the grounds set forth in rule 59 of the Colorado rules of civil procedure" means only "final judgment[s] of a magistrate who presides over the merits of a delinquency petition" are reviewable under subsection 108(5.5). But this misses the mark. Rather, the cross-reference to C.R.C.P. 59 simply lays out the limited types of grounds for relief that a juvenile court may consider in connection with a petition for review, such as errors in law and insufficiency of the evidence as a matter of law.

¶36 Additionally, given the purposes of the Children's Code, it makes sense that the General Assembly created a robust, albeit narrow, mechanism to review competency determinations in delinquency adjudication proceedings. The interlocutory review provisions set forth in section 19-1-108 ensure that a juvenile can, for instance, seek juvenile court review if a magistrate makes a competency finding based on the wrong legal standard or based on a record that is insufficient as a matter of law. Here, that means A.T.C. can seek review of the magistrate's finding of competency on the limited grounds set forth in C.R.C.P. 59.

¶37 The People caution that such a holding "would functionally open all district court magistrate determinations to immediate interlocutory review" and would lead to "an endless morass of piecemeal litigation." Not so. We emphasize that today's holding is limited to competency findings made by magistrates as contemplated in section 19-1-108(3)(a.5). While this may result in more requests to review competency determinations, that is what the statute commands, and we are bound by its words. *See Owens v. Carlson*, 2022 CO 33, ¶ 30, 511 P.3d 637, 643 ("Even assuming inartful drafting by the legislature, we have no authority to rewrite a statute."); *People in Int. of L.S.*, 2023 CO 3M, ¶ 29 n.3, 524 P.3d 847, 854 n.3 ("To the extent that Mother's argument 'may highlight shortcomings in the statute,' it is for the legislature, not the courts, to rewrite it." (quoting *People v. Butler*, 2017 COA 117, ¶ 35, 431 P.3d 643, 650)); *accord Nat'l Ass'n of Mfrs. v. Dep't of Def.*, 138 S. Ct. 617, 629 (2018). And, even if the universe of magistrate rulings that falls within the ambit of subsection 108(3)(a.5) is perceived by some as expanding, that is not a reason to disregard the statute. Further, to hold otherwise fails to take into proper consideration the general rule that provisions of the Children's Code should be liberally construed to accomplish and effectuate the purpose and intent of the legislature and risks forcing incompetent juveniles to proceed without any opportunity to seek juvenile court review. We need not, and thus do not, weigh in on whether other magistrate findings in other contexts are

reviewable under section 19-1-108(3)(a.5) or what remains of C.R.M. 7(a)(3)'s role in other juvenile matters.[3] *See A.S.M.*, ¶ 18 n.4, 517 P.3d at 679 n.4.

IV. Conclusion

¶38 Today we follow the text before us and hold that a magistrate's finding that a juvenile is competent to proceed pursuant to section 19-1-108(3)(a.5) is reviewable by the juvenile court under the ground rules laid out in subsection 108(5.5). Any other interpretation would contravene the clear text of section 19-1-108(3)(a.5). Accordingly, we make the rule to show cause absolute and reverse the juvenile court's order denying the petition for review for lack of jurisdiction. On remand, the juvenile court should review the magistrate's competency findings, as section 19-1-108(5.5) directs, under the limited grounds set forth in C.R.C.P. 59.

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[3] We would be remiss if we did not acknowledge a division of the court of appeals' opinion analyzing a similar matter within the juvenile competency context. In *People in Interest of C.Y.*, the division held that magistrates' orders finding a juvenile incompetent to proceed and unrestorable constitutes a final order under C.R.M. 7(a)(3) and may be reviewed under the statutory ground rules laid out in section 19-1-108(5.5). 2012 COA 31,¶ 24, 275 P.3d 762, 767. We note the division's analysis there rested on the specific wording of C.R.M. 7(a)(3), not section 19-1-108(3)(a.5). *Id.* at ¶ 17, 275 P.3d at 766.