

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0569.01 Jane Ritter x4342

HOUSE BILL 17-1110

HOUSE SPONSORSHIP

Beckman,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING JUVENILE COURT JURISDICTION REGARDING MATTERS
102 RELATED TO PARENTAL RESPONSIBILITIES IN A JUVENILE
103 DELINQUENCY CASE.

Bill Summary

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

The bill allows the juvenile court to take jurisdiction involving a juvenile in a juvenile delinquency case and subsequently enter orders involving parental responsibilities, parenting time, and child support when:

! The juvenile court has maintained jurisdiction in a case

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

- ! involving an adjudicated juvenile, a juvenile with a deferred adjudication, or a juvenile on a management plan;
- ! An action related to parental responsibilities or custody involving the same juvenile is not pending in a district court; and
- ! All parties are in agreement or have been given proper notice.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-104, **amend** (5);
3 and **add** (7) as follows:

4 **19-1-104. Jurisdiction.** (5) Where a custody award or an order
5 allocating parental responsibilities with respect to a child has been made
6 in a district court in a dissolution of marriage action or another
7 proceeding and the jurisdiction of the district court in the case is
8 continuing, the juvenile court may take jurisdiction in a case involving the
9 same child if he or she is ~~dependent or neglected or otherwise~~ comes
10 within the jurisdiction ~~set forth in this section~~ OF THE JUVENILE COURT.
11 WHEN CREATING OR MODIFYING AN EXISTING ORDER, THE JUVENILE
12 COURT SHALL CONSIDER THE FACTORS OR PROCEDURES SET FORTH IN
13 SUBSECTIONS (6) AND (7) OF THIS SECTION.

14 (7) (a) UPON THE PETITION OF ANY PARTY TO A JUVENILE
15 DELINQUENCY CASE, THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL
16 SERVICES, OR THE GUARDIAN AD LITEM FOR THE JUVENILE, THE JUVENILE
17 COURT MAY ENTER AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES
18 AND ADDRESSING PARENTING TIME AND CHILD SUPPORT MATTERS WHEN:

19 (I) THE JUVENILE COURT HAS MAINTAINED JURISDICTION IN A CASE
20 INVOLVING AN ADJUDICATED JUVENILE, A JUVENILE WITH A DEFERRED
21 ADJUDICATION, OR A JUVENILE ON A MANAGEMENT PLAN DEVELOPED
22 PURSUANT TO SECTION 19-2-1303 (3);

1 (II) A CHILD CUSTODY ACTION OR ACTION FOR ALLOCATION OF
2 PARENTAL RESPONSIBILITIES CONCERNING THE SAME JUVENILE IS NOT
3 PENDING IN A DISTRICT COURT OF THIS STATE; AND

4 (III) ALL PARTIES INVOLVED ARE IN AGREEMENT, OR AFTER NOTICE
5 IS GIVEN TO ALL PARENTS, GUARDIANS, OR OTHER LEGAL CUSTODIANS AND
6 A RESPONSE OR OBJECTION IS NOT FILED.

7 (b) THE PARENT OR PERSON OTHER THAN A PARENT WITH WHOM
8 THE JUVENILE RESIDES THE MAJORITY OF THE TIME PURSUANT TO A
9 JUVENILE COURT ORDER SHALL FILE A CERTIFIED COPY OF THE ORDER IN
10 THE DISTRICT COURT IN THE COUNTY WHERE THE JUVENILE IS A
11 PERMANENT RESIDENT. THE DISTRICT COURT SHALL TREAT THE ORDER AS
12 WITH ANY OTHER DECREE ISSUED IN A PROCEEDING CONCERNING THE
13 ALLOCATION OF PARENTAL RESPONSIBILITIES.

14 **SECTION 2.** In Colorado Revised Statutes, 19-2-104, **add** (8) as
15 follows:

16 **19-2-104. Jurisdiction.** (8) NOTWITHSTANDING ANY OTHER
17 PROVISION OF THIS SECTION TO THE CONTRARY, THE JUVENILE COURT MAY
18 EXERCISE JURISDICTION OVER A JUVENILE TO DETERMINE THE LEGAL
19 CUSTODY OF A JUVENILE OR TO APPOINT A GUARDIAN OR THE PERSON OR
20 LEGAL CUSTODIAN OF ANY CHILD WHO COMES WITHIN THE JUVENILE
21 COURT'S JURISDICTION UNDER THE PROVISIONS OF SECTION 19-1-104.

22 **SECTION 3. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2018 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.