

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0569.01 Jane Ritter x4342

HOUSE BILL 17-1110

HOUSE SPONSORSHIP

Beckman,

SENATE SPONSORSHIP

Todd,

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 ~~THE JUVENILE COURT SHALL PROVIDE NOTICE IN COMPLIANCE WITH THE~~
12 ~~COLORADO RULES OF CIVIL PROCEDURE, EXCEPT THAT SERVICE MUST BE~~
13 ~~EFFECTED NOT LESS THAN SEVEN BUSINESS DAYS PRIOR TO THE HEARING.~~

14 ~~THE NOTICE MUST BE WRITTEN IN CLEAR LANGUAGE STATING THAT THE~~
15 ~~HEARING CONCERNS THE ALLOCATION OF PARENTAL RESPONSIBILITIES.~~

16 WHEN CREATING OR MODIFYING AN EXISTING ORDER, THE JUVENILE
17 COURT SHALL PROCEED AS SET FORTH IN SUBSECTION (6) OF THIS SECTION
18 FOR A DEPENDENCY AND NEGLECT PROCEEDING PURSUANT TO ARTICLE 3
19 OF THIS TITLE 19, OR AS SET FORTH IN SUBSECTION (7) OF THIS SECTION
20 FOR A JUVENILE DELINQUENCY CASE PURSUANT TO ARTICLE 2 OF THIS
21 TITLE 19.

22 (7) (a) UPON SUBMISSION OF A STIPULATED AGREEMENT OF ALL

1 PARTIES, PARENTS, GUARDIANS, AND OTHER LEGAL CUSTODIANS, IF THE
2 JUVENILE COURT FINDS THAT IT IS IN THE BEST INTERESTS OF THE
3 JUVENILE, THE JUVENILE COURT MAY ENTER AN ORDER ALLOCATING
4 PARENTAL RESPONSIBILITIES AND ADDRESSING PARENTING TIME AND
5 CHILD SUPPORT MATTERS WHEN:

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

10 (II) A CHILD CUSTODY ACTION, A DEPENDENCY AND NEGLECT
11 ACTION, OR AN ACTION FOR ALLOCATION OF PARENTAL RESPONSIBILITIES
12 CONCERNING THE SAME JUVENILE IS NOT PENDING IN A DISTRICT COURT OF
13 THIS STATE, AND THE COURT COMPLIES, AS APPLICABLE, WITH THE
14 REQUIREMENTS OF THE "UNIFORM CHILD-CUSTODY JURISDICTION AND
15 ENFORCEMENT ACT", AS SET FORTH IN ARTICLE 13 OF TITLE 14; AND

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

20 (b) THE PARENT OR PERSON OTHER THAN A PARENT WITH WHOM
21 THE JUVENILE RESIDES THE MAJORITY OF THE TIME PURSUANT TO A
22 JUVENILE COURT ORDER SHALL FILE A CERTIFIED COPY OF THE ORDER IN
23 THE DISTRICT COURT IN THE COUNTY WHERE THE JUVENILE IS A
24 PERMANENT RESIDENT. THE DISTRICT COURT SHALL TREAT THE ORDER AS
25 WITH ANY OTHER DECREE ISSUED IN A PROCEEDING CONCERNING THE
26 ALLOCATION OF PARENTAL RESPONSIBILITIES.

27 **SECTION 2.** In Colorado Revised Statutes, 19-2-104, **add** (8) as

1 follows:

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

8 **SECTION 3.** In Colorado Revised Statutes, 14-13-102, **amend**
9 the introductory portion and (4) as follows:

10 **14-13-102. Definitions.** As used in this ~~article~~ ARTICLE 13, unless
11 the context otherwise requires:

12 (4) "Child-custody proceeding" means a proceeding in which legal
13 custody or physical custody with respect to a child or the allocation of
14 parental responsibilities with respect to a child or visitation, parenting
15 time, or grandparent or great-grandparent visitation with respect to a child
16 is an issue. The term includes a proceeding for divorce, dissolution of
17 marriage, legal separation, neglect, abuse, dependency, guardianship,
18 paternity, termination of parental rights, and protection from domestic
19 violence and domestic abuse, in which the issue may appear. The term
20 does not include a proceeding involving juvenile delinquency, EXCEPT
21 WHEN SUCH COURT IS ENTERING AN ORDER TO ALLOCATE PARENTAL
22 RESPONSIBILITIES; contractual emancipation; or enforcement under part
23 3 of this ~~article~~ ARTICLE 13.

24 **SECTION 4. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2018 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.