

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0904.01 Michael Dohr x4347

SENATE BILL 18-154

SENATE SPONSORSHIP

Fields,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT FOR A LOCAL JUVENILE SERVICES
102 PLANNING COMMITTEE TO DEVISE A PLAN TO MANAGE DUALY
103 IDENTIFIED CROSSOVER YOUTH.

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 requires local juvenile services planning committees to devise a plan to manage dually identified crossover youth. A dually identified crossover youth is a youth involved in both the juvenile justice system and the child welfare system. The plan must contain descriptions and processes to include the following:

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

- ! A process for the identification of dually identified crossover youth at the earliest reasonable point of contact;
- ! A method for collaborating and exchanging information with other judicial districts;
- ! 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;
- ! A process for identifying the least restrictive appropriate placement;
- ! A process for sharing and gathering information in accordance with applicable laws and rules;
- ! A process for the development of a single case management plan and identification of the lead agency for case management purposes;
- ! A process that facilitates the sharing of assessments and case planning information;
- ! A process for a multi-disciplinary group of professionals to consider decisions that include: Youth and community safety, placement, provision of needed services, alternatives to detention and commitment, probation, parole, permanency, education stability, and case closure; and
- ! 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.

The bill allows marijuana tax cash fund money to be used for the development of local dually identified crossover youth plans and services.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **amend**
 3 (34.7); and **add** (34.8) and (44.7) as follows:

4 **19-1-103. Definitions.** As used in this title 19 or in the specified
 5 portion of this title 19, unless the context otherwise requires:

6 (34.7) "~~Custodial adoption~~", as used in part 2 of article 5 of this

1 ~~title, means an adoption of a child by any person and such person's~~
2 ~~spouse, as required under section 19-5-202 (3), who: "CROSSOVER YOUTH~~
3 ~~PLAN" MEANS THE PORTION OF THE ANNUAL PLAN AS SET FORTH IN~~
4 ~~SECTION 19-2-211 DEVISED IN EACH JUDICIAL DISTRICT BY THE JUVENILE~~
5 ~~SERVICES PLANNING COMMITTEE THAT OUTLINES IDENTIFICATION AND~~
6 ~~NOTIFICATION OF DUALY IDENTIFIED CROSSOVER YOUTH AS DESCRIBED~~
7 ~~IN SECTION 19-2-211 (2).~~

8 ~~(a) Has been awarded custody or allocated parental~~
9 ~~responsibilities by a court of law in a dissolution of marriage, custody or~~
10 ~~allocation of parental responsibilities proceeding, or has been awarded~~
11 ~~guardianship of the child by a court of law in a probate action, such as~~
12 ~~pursuant to part 2 of article 14 of title 15, C.R.S.; and~~

13 ~~(b) Has had physical custody of the child for a period of one year~~
14 ~~or more.~~

15 (34.8) "CUSTODIAL ADOPTION", AS USED IN PART 2 OF ARTICLE 5
16 OF THIS TITLE 19, MEANS AN ADOPTION OF A CHILD BY ANY PERSON AND
17 SUCH PERSON'S SPOUSE, AS REQUIRED UNDER SECTION 19-5-202 (3), WHO:

18 (a) HAS BEEN AWARDED CUSTODY OR ALLOCATED PARENTAL
19 RESPONSIBILITIES BY A COURT OF LAW IN A DISSOLUTION OF MARRIAGE,
20 CUSTODY OR ALLOCATION OF PARENTAL RESPONSIBILITIES PROCEEDING,
21 OR HAS BEEN AWARDED GUARDIANSHIP OF THE CHILD BY A COURT OF LAW
22 IN A PROBATE ACTION, SUCH AS PURSUANT TO PART 2 OF ARTICLE 14 OF
23 TITLE 15; AND

24 (b) HAS HAD PHYSICAL CUSTODY OF THE CHILD FOR A PERIOD OF
25 ONE YEAR OR MORE.

26 (44.7) "DUALY IDENTIFIED CROSSOVER YOUTH" MEANS YOUTH
27 WHO ARE CURRENTLY INVOLVED IN THE JUVENILE JUSTICE SYSTEM AND

1 THE CHILD WELFARE SYSTEM OR HAVE A HISTORY IN THE CHILD WELFARE
2 SYSTEM.

3 **SECTION 2.** In Colorado Revised Statutes, **amend** 19-2-211 as
4 follows:

5 **19-2-211. Local juvenile services planning committee -**
6 **creation - duties - identification and notification of dually identified**
7 **crossover youth.** (1) If all of the boards of commissioners of each
8 county or the city council of each city and county in a judicial district
9 agree, there may be created in the judicial district a local juvenile services
10 planning committee that is appointed by the chief judge of the judicial
11 district or, for the second judicial district, the presiding judge of the
12 Denver juvenile court from persons recommended by the boards of
13 commissioners of each county or the city council of each city and county
14 within the judicial district. The committee, if practicable, must include,
15 but need not be limited to, a representative from the county department
16 of HUMAN OR social services, a local school district, a local law
17 enforcement agency, a local probation department, the division of youth
18 services, private citizens, the district attorney's office, and the public
19 defender's office and a community mental health representative and a
20 representative of the concerns of municipalities. The committee, if
21 created, shall meet as necessary to develop a plan for the allocation of
22 resources for local juvenile services within the judicial district for the
23 fiscal year. The committee is strongly encouraged to consider programs
24 with restorative justice components when developing the plan. The plan
25 must be approved by the department of human services. A local juvenile
26 services planning committee may be consolidated with other local
27 advisory boards pursuant to section 24-1.7-103.

1 (2) THE PLAN MUST INCLUDE FOR THE MANAGEMENT OF DUALY
2 IDENTIFIED CROSSOVER YOUTH. THE PLAN MUST CONTAIN DESCRIPTIONS
3 AND PROCESSES TO INCLUDE THE FOLLOWING:

4 (a) A PROCESS FOR THE IDENTIFICATION OF DUALY IDENTIFIED
5 CROSSOVER YOUTH AT THE EARLIEST REASONABLE POINT OF CONTACT;

6 (b) A METHOD FOR COLLABORATING AND EXCHANGING
7 INFORMATION WITH OTHER JUDICIAL DISTRICTS, INCLUDING WITH THE
8 COLLABORATIVE MANAGEMENT PROGRAM DESCRIBED IN SECTION
9 24-1.9-102;

10 (c) A PROCESS FOR PROMPTLY COMMUNICATING INFORMATION
11 ABOUT THE YOUTH'S CROSSOVER STATUS BETWEEN THE CHILD WELFARE
12 AND JUVENILE JUSTICE SYSTEMS AND TO NOTIFY EACH OTHER OF THE NEW
13 INVOLVEMENT IN THE RESPECTIVE SYSTEM OR INFORMATION THAT MAY
14 AID IN THE IDENTIFICATION OF DUALY IDENTIFIED CROSSOVER YOUTH.
15 THE FOLLOWING PARTIES SHOULD BE NOTIFIED OF A JUVENILE'S STATUS AS
16 A DUALY IDENTIFIED CROSSOVER YOUTH IF APPLICABLE: PUBLIC
17 DEFENDERS, DISTRICT ATTORNEYS, LOCAL JUVENILE SERVICES PLANNING
18 COMMITTEE COORDINATORS, HUMAN OR SOCIAL SERVICES
19 REPRESENTATIVES, PROBATION REPRESENTATIVES, JUVENILE COURT
20 REPRESENTATIVES, PARENTS, AND GUARDIANS AD LITEM.

21 (d) A PROCESS FOR IDENTIFYING THE LEAST RESTRICTIVE
22 APPROPRIATE PLACEMENT FOR A DUALY IDENTIFIED CROSSOVER YOUTH;

23 (e) A PROCESS FOR SHARING AND GATHERING INFORMATION IN
24 ACCORDANCE WITH APPLICABLE LAWS AND RULES;

25 (f) A PROCESS FOR THE DEVELOPMENT OF A SINGLE CASE
26 MANAGEMENT PLAN AND IDENTIFICATION OF THE LEAD AGENCY FOR CASE
27 MANAGEMENT PURPOSES AND THE ENGAGEMENT OF DUALY IDENTIFIED

1 CROSSOVER YOUTH AND THEIR CAREGIVERS;

2 (g) A PROCESS THAT FACILITATES THE SHARING OF ASSESSMENTS
3 AND CASE PLANNING INFORMATION;

4 (h) A PROCESS FOR A MULTIDISCIPLINARY GROUP OF
5 PROFESSIONALS TO CONSIDER DECISIONS THAT INCLUDE: YOUTH AND
6 COMMUNITY SAFETY, PLACEMENT, PROVISION OF NEEDED SERVICES,
7 ALTERNATIVES TO DETENTION AND COMMITMENT, PROBATION, PAROLE,
8 PERMANENCY, EDUCATION STABILITY, AND CASE CLOSURE; AND

9 (i) A REQUIREMENT THAT DUALY IDENTIFIED CROSSOVER YOUTH
10 PLACED IN A SECURE DETENTION FACILITY WHO ARE DEEMED ELIGIBLE FOR
11 RELEASE BY THE COURT BE PLACED IN THE LEAST RESTRICTIVE SETTING
12 WHENEVER POSSIBLE TO REDUCE THE DISPARITY BETWEEN DUALY
13 IDENTIFIED CROSSOVER YOUTH AND NONDUALY IDENTIFIED CROSSOVER
14 YOUTH IN SECURE DETENTION.

15 **SECTION 3.** In Colorado Revised Statutes, 24-1.9-102, **amend**
16 (1)(e) as follows:

17 **24-1.9-102. Memorandum of understanding - local-level**
18 **interagency oversight groups - individualized service and support**
19 **teams - coordination of services for children and families -**
20 **requirements - waiver.** (1) (e) Nothing shall preclude the agencies
21 specified in ~~paragraphs (a) and (a.5) of this subsection (1)~~ SUBSECTIONS
22 (1)(a) AND (1)(a.5) OF THIS SECTION from including parties in addition to
23 the agencies specified in ~~paragraphs (a) and (a.5) of this subsection (1)~~
24 SUBSECTIONS (1)(a) AND (1)(a.5) OF THIS SECTION in the memorandums
25 of understanding developed for purposes of this section, AND WHICH MAY
26 INCLUDE THE JUVENILE SERVICES PLANNING COMMITTEE AS DESCRIBED IN
27 SECTION 19-2-211.

1 **SECTION 4.** In Colorado Revised Statutes, 39-28.8-501, **amend**
2 (2)(b)(IV)(M) and (2)(b)(IV)(N); and **add** (2)(b)(IV)(O) as follows:

3 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
4 **- legislative declaration.** (2) (b) (IV) Subject to the limitation in
5 subsection (5) of this section, the general assembly may annually
6 appropriate any money in the fund for any fiscal year following the fiscal
7 year in which it was received by the state for the following purposes:

8 (M) For the expenses of the department of education and the
9 department of public health and environment in developing and
10 maintaining the resource bank for educational materials on marijuana and
11 providing technical assistance as required in section 22-2-127.7; ~~and~~

12 (N) For housing, rental assistance, and supportive services,
13 including reentry services, pursuant to section 24-32-721; AND

14 (O) FOR THE DEVELOPMENT OF LOCAL DUALY IDENTIFIED
15 CROSSOVER YOUTH PLANS AND SERVICES AS DESCRIBED IN SECTION
16 19-2-211 (2).

17 **SECTION 5. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.