



Legislative
Council Staff

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FISCAL NOTE

Drafting Number: LLS 18-0695
Prime Sponsors: Rep. Lee
 Sen. Holbert

Date: March 1, 2018
Bill Status: House Judiciary
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Bill Topic: LIMIT PENALTIES FOR JUVENILE TRUANCY

Summary of Fiscal Impact:

| | |
|--|---|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>) | <input checked="" type="checkbox"/> Local Government (<i>minimal</i>) |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

This bill prohibits the courts from placing a habitually truant child in a juvenile detention facility for truancy. The bill may increase state and local government costs and workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

This bill prohibits the courts from ordering that a youth be placed in detention at a Division of Youth Services facility for being habitually truant. Instead, the court may impose other age appropriate sanctions on the youth for failure to comply with a truancy plan. In addition, the bill removes the authority of the court to issue a warrant to take a youth into temporary custody as part of a truancy action. It instead allows the court to require the youth to appear in court.

Background

Under current law, a child who does not comply with a plan to fix their habitual truancy behavior can be sanctioned for contempt of court and placed to no more than five days detention in a Division of Youth Services facility within the Department of Human Services (DHS). From October 2016 to September 2017, there were 15 truant youths that were placed in a detention facility.

State Expenditures

This bill will increase state workload and costs starting in FY 2018-19, as discussed below.

Judicial Department. Under the bill, the trial courts in the Judicial Department will hold fewer detention hearings in truancy cases. However, additional or longer hearings may be required to discuss alternative sanctions for youths who do not comply with a truancy plan. Overall, the workload impact on the trial courts are expected to be minimal and can be accomplished within existing appropriations.

The Office of the Child's Representative. In truancy cases where the courts are considering alternative sanctions, the court may be more likely to appoint a guardian ad litem to represent the interest of the youth. To the extent that this occurs, the Office of the Child's Representative will have an increase in costs. Because of the low number of truancy cases in the last two years, it is assumed that the increase in costs will be minimal and can be accomplished within existing appropriations.

Department of Human Services. The bill will decrease the number of children sentenced to the Division of Youth Services in the DHS. Because courts already issue sanctions other than detention, it is assumed that any reduction in the number of youths placed in detention at a Division of Youth Services facility for being habitually truant will be minimal. No change in appropriations are required at this time.

Local Government

The bill may increase costs and workload to county departments of human or social services if sanctions issued by the court increases services that must be provided by counties or if a youth is placed in out of home care as part of a related dependency and neglect proceeding. However, given that many of these youths and families are already involved with the child welfare system, any change to county workload and costs is assumed to be minimal.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties
Judicial
Law

Education
Local Affairs
Sheriffs

Human Services
Municipalities
Information Technology