

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0634.01 Chelsea Princell x4335

HOUSE BILL 23-1249

HOUSE SPONSORSHIP

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House Committees

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A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE OUTCOMES FOR YOUNG**
102 **CHILDREN BY REPLACING JUSTICE INVOLVEMENT WITH**
103 **COMMUNITY-BASED SERVICES, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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>.)

Under current law, counties are permitted to form a local collaborative management program to provide services to youth. The bill requires every county to participate in a local collaborative management

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

HOUSE
Amended 2nd Reading
April 15, 2023

program and requires the local collaborative management program to serve children 10 to 12 years of age and to form a service and support team to create service and support plans for children 10 to 12 years of age.

The bill provides an appropriation for local collaborative management programs and requires the department of human services to provide technical assistance to the programs.

The bill changes the minimum age of a child who is subject to the juvenile court's jurisdiction. Under current law, children who are 10 years of age or older can be prosecuted in juvenile court. The bill removes children who are 10 to 12 years of age from the juvenile court's jurisdiction and increases the age for prosecution in juvenile court to 13 years of age; except in the case of a homicide, then the juvenile court's jurisdiction extends to children who are 10 to 12 years of age.

The bill clarifies that children who are 10 to 12 years of age may be taken into temporary custody by law enforcement for safety.

The bill provides that when children who are 10 to 12 years of age have contact with law enforcement, law enforcement will complete a form to refer the child to the local collaborative management program. The local collaborative management program's individualized service and support team is required to complete an initial plan for every child who is referred, which may find that no services are needed, that one or more specific services are needed and can be provided without an individualized service and support team meeting, or that an individualized service and support team meeting is required to develop a service and support plan for the child and family. Victims have the right to be informed and provide input to the plan.

The individualized service and support team is required to hold a meeting and develop an individualized service and support plan for every child who is 10 to 12 years of age who allegedly engaged in behavior that would constitute a crime of violence or felony sex offense. The county department of human or social services is required to attend the meeting if the behavior would constitute a felony sex offense. The county department of human or social services is required to make a determination as to whether the department of human services will provide prevention and intervention services or conduct a formal assessment, investigate, provide services, or open a case.

The bill clarifies that victims of actions by children who are 10 to 12 years of age are still able to access existing victim services and compensation. The bill provides that victims shall receive a free copy of the form completed by law enforcement, which can be used to request victim's compensation.

The bill provides that a minor child, or a parent or guardian seeking relief on behalf of a minor child, shall not pay a fee to seek a protection order. Courts that issue protection orders shall provide

assistance to individuals in completing judicial forms to obtain a protection order. The bill changes the minimum age that a person can be held in custody for contempt of court for failing to comply with a protection order to a person who is 13 years of age. A child who is 10 to 12 years of age who fails to comply with a protection order may be court ordered to participate in a collaborative management program.

The bill changes the minimum age of a county court's concurrent original jurisdiction with the district court in criminal actions that constitute misdemeanors or petty offenses to 13 years of age.

The bill changes the minimum age to be charged by a municipal court for a municipal offense to 13 years of age.

Under current law, a juvenile court may transfer a child to district court for adult criminal proceedings under certain conditions. The bill eliminates the ability for the juvenile court to transfer children who are 12 or 13 years of age to the district court. For a child who is 14 years of age or older, the bill changes the current authority of the juvenile court to transfer the child's case for any delinquent act that constitutes any felony to only any delinquent act that constitutes a class 1 or class 2 felony or a crime of violence.

The bill extends certain sentencing protections that are currently provided to children who are 10 or 11 years of age to children who are 13 or 14 years of age.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Providing developmentally appropriate services to young
5 children to address the underlying causes of problematic behaviors
6 prevents future youth misbehavior, thereby reducing recidivism in both
7 adolescence and adulthood, which leads to safer communities;

8 (b) Behavioral health programs, schools, child welfare services,
9 and other community-based programs and services are better equipped
10 than the juvenile justice system to identify and address the needs of young
11 children and to provide developmentally appropriate services to improve
12 community safety and reduce the risk that young children commit future
13 crimes as adults;

1 (c) Ensuring that young children are served outside of the juvenile
2 justice system reduces the negative impacts for young children and their
3 communities. Young children who are charged with crimes and placed in
4 the juvenile justice system, as compared to similarly situated young
5 children who are served outside of the juvenile justice system, are more
6 likely to enter the criminal justice system as adults, present a future threat
7 to community safety, face mental health challenges, and are less likely to
8 graduate from high school.

9 (d) Colorado has an existing system of local collaborative
10 management programs that can be improved to ensure young children
11 receive appropriate services outside of the juvenile justice system, which
12 will improve outcomes for young children and make communities safer;

13 (e) Serving young children through local collaborative
14 management programs reduces future victimization. Young children in
15 the juvenile justice system are at a higher risk of becoming victims of
16 violence within the justice system.

17 (f) A community-based alternative to serve young children is more
18 equitable. Young children of color are more likely to be referred to the
19 juvenile justice system and detained in juvenile justice facilities than
20 White young children.

21 (g) Victims and survivors of criminal behavior must be able to
22 access services, compensation, and information to gain a new sense of
23 safety. In serving young children through more effective
24 community-based solutions, victim services must remain available to
25 meet these needs.

26 (h) Victims and survivors have the right to be treated with dignity
27 and respect and to be heard and kept informed, regardless of whether the

1 act committed against them was committed by a young child. These rights
2 must remain intact through more effective community-based solutions.

3 (2) (a) Therefore, the general assembly declares its intent to
4 empower community-based responses in the health, education, and child
5 welfare systems to serve children who are under thirteen years of age,
6 instead of the juvenile justice system.

7 (b) The general assembly further supports victims being heard,
8 informed, and supported through the community-based system.

9 (c) The general assembly further declares the prosecution of
10 children under the age of thirteen in municipal courts is a matter of
11 statewide concern because there is need for statewide uniformity in the
12 prosecution and treatment of young children, a municipal regulation that
13 allowed such prosecution would have a negative impact on children and
14 families living outside the municipality, and uniformity fulfills the state's
15 statutory obligation to serve children according to the Colorado children's
16 code.

17 (d) The general assembly further finds that a person that induces,
18 aids, or encourages a child to violate any federal or state law, municipal
19 or county ordinance, or court order, should be subject to investigation
20 and, as appropriate, prosecuted for a criminal act pursuant to section
21 18-6-701 or any other applicable section under title 18.

22 **SECTION 2.** In Colorado Revised Statutes, 17-1-103, **repeal**
23 (1)(n) as follows:

24 **17-1-103. Duties of the executive director.** (1) The duties of the
25 executive director are:

26 (n) ~~To contract with the department of human services to house~~
27 ~~in a facility operated by the department of human services any juvenile~~

1 ~~under the age of fourteen years who is sentenced as an adult to the~~
2 ~~department of corrections and to provide services for the juvenile~~
3 ~~pursuant to section 19-2.5-802 (1)(c);~~

4 **SECTION 3.** In Colorado Revised Statutes, 13-6-106, **amend** (1)
5 introductory portion and (1)(a) as follows:

6 **13-6-106. Original criminal jurisdiction.** (1) The county court
7 ~~shall have~~ HAS concurrent original jurisdiction with the district court in
8 the following criminal matters:

9 (a) Criminal actions AGAINST A PERSON THIRTEEN YEARS OF AGE
10 OR OLDER for the violation of state laws which constitute misdemeanors
11 or petty offenses, except those actions involving children over which the
12 juvenile court of the city and county of Denver or the district courts of the
13 state, other than in Denver, have exclusive jurisdiction;

14 **SECTION 4.** In Colorado Revised Statutes, **amend** 13-10-103 as
15 follows:

16 **13-10-103. Applicability.** This article 10 applies to and governs
17 the operation of municipal courts in the cities and towns of this state.
18 Except for the provisions relating to the method of salary payment for
19 municipal judges, the incarceration of children pursuant to sections
20 19-2.5-305 and 19-2.5-1511, THE PROHIBITION OF THE PROSECUTION OF
21 A CHILD UNDER THIRTEEN YEARS OF AGE, the appearance of the parent,
22 guardian, or lawful custodian of ~~any~~ A child THIRTEEN YEARS OF AGE OR
23 OLDER BUT under eighteen years of age who is charged with a municipal
24 offense as required by section 13-10-111, the right to a trial by jury for
25 petty offenses pursuant to section 16-10-109, relief from improperly
26 entered guilty pleas pursuant to section 18-1-410.6, rules of procedure
27 promulgated by the supreme court, and appellate procedure, this article

1 10 may be superseded by charter or ordinance enacted by a home rule
2 city.

3 **SECTION 5.** In Colorado Revised Statutes, **amend** 13-10-104 as
4 follows:

5 **13-10-104. Municipal court created - jurisdiction.** The
6 municipal governing body of each city or town shall create a municipal
7 court to hear and try all alleged violations of ordinance provisions of such
8 city or town AGAINST A PERSON WHO IS THIRTEEN YEARS OF AGE OR
9 OLDER.

10 **SECTION 6.** In Colorado Revised Statutes, 13-10-111, **amend**
11 (5) as follows:

12 **13-10-111. Commencement of actions - process.** (5) Upon the
13 request of the municipal court, the prosecuting municipality, or the
14 defendant, the clerk of the municipal court shall issue a subpoena for the
15 appearance, at any and all stages of the court's proceedings, of the parent,
16 guardian, or lawful custodian of any child THIRTEEN YEARS OF AGE OR
17 OLDER BUT under eighteen years of age who is charged with a municipal
18 offense. Whenever a person who is issued a subpoena pursuant to this
19 subsection (5) fails, without good cause, to appear, the court may issue an
20 order for the person to show cause to the court as to why the person
21 should not be held in contempt. Following a show cause hearing, the
22 court may make findings of fact and conclusions of law and may enter an
23 appropriate order, which may include finding the person in contempt.

24 **SECTION 7.** In Colorado Revised Statutes, 13-10-113, **amend**
25 (4) and (5) as follows:

26 **13-10-113. Fines and penalties.** (4) Notwithstanding any
27 provision of law to the contrary, a municipal court has the authority to

1 order a child THIRTEEN YEARS OF AGE OR OLDER BUT under eighteen years
2 of age confined in a juvenile detention facility operated or contracted by
3 the department of human services or a temporary holding facility operated
4 by or under contract with a municipal government for failure to comply
5 with a lawful order of the court, including an order to pay a fine. Any
6 confinement of a child for contempt of municipal court ~~shall~~ MUST not
7 exceed forty-eight hours.

8 (5) Notwithstanding any other provision of law, ~~a juvenile, as~~
9 ~~defined in section 19-2.5-102~~ A CHILD THIRTEEN YEARS OF AGE OR OLDER
10 BUT UNDER EIGHTEEN YEARS OF AGE WHO IS arrested for an alleged
11 violation of a municipal ordinance, convicted of violating a municipal
12 ordinance or probation conditions imposed by a municipal court, or found
13 in contempt of court in connection with a violation or alleged violation of
14 a municipal ordinance ~~must~~ SHALL not be confined in a jail, lockup, or
15 other place used for the confinement of adult offenders but may be held
16 in a juvenile detention facility operated by or under contract with the
17 department of human services or a temporary holding facility operated by
18 or under contract with a municipal government that ~~shall receive and~~
19 ~~provide~~ RECEIVES AND PROVIDES care for the ~~juvenile~~ CHILD THIRTEEN
20 YEARS OF AGE OR OLDER BUT UNDER EIGHTEEN YEARS OF AGE. A
21 municipal court imposing penalties for violation of probation conditions
22 imposed by such court or for contempt of court in connection with a
23 violation or alleged violation of a municipal ordinance may confine a
24 ~~juvenile~~ CHILD THIRTEEN YEARS OF AGE OR OLDER BUT UNDER EIGHTEEN
25 YEARS OF AGE pursuant to section 19-2.5-305 for up to forty-eight hours
26 in a juvenile detention facility operated by or under contract with the
27 department of human services. ~~In imposing any jail sentence upon a~~

1 juvenile for violating any municipal ordinance when the municipal court
2 has jurisdiction over the juvenile pursuant to section 19-2.5-103 (1)(a)(H);
3 A municipal court does not have the authority to order a juvenile CHILD
4 under eighteen years of age to a juvenile detention facility operated or
5 contracted by the department of human services.

6 **SECTION 8.** In Colorado Revised Statutes, 13-14-105, **add** (3)
7 as follows:

8 **13-14-105. Provisions relating to civil protection orders.** (3) A
9 MUNICIPAL COURT OF RECORD THAT IS AUTHORIZED BY ITS MUNICIPAL
10 GOVERNING BODY TO ISSUE PROTECTION ORDERS AND ANY COUNTY COURT
11 OR DISTRICT COURT THAT ISSUES PROTECTION ORDERS SHALL PROVIDE:

12 (a) IN-PERSON ASSISTANCE THAT IS AVAILABLE AT LEAST ONE TIME
13 PER WEEK TO ASSIST PETITIONERS COMPLETING JUDICIAL FORMS TO
14 OBTAIN A PROTECTION ORDER; OR

15 (b) AN ONLINE TUTORIAL TO ASSIST PETITIONERS COMPLETING
16 JUDICIAL FORMS TO OBTAIN A PROTECTION ORDER THAT IS ACCESSIBLE TO
17 THE PUBLIC AND CONTAINS LINKS TO THE FORMS AND INFORMATION
18 ABOUT WHERE A PETITIONER CAN GO TO COMPLETE JUDICIAL FORMS AND
19 REQUEST A PROTECTION ORDER.

20 **SECTION 9.** In Colorado Revised Statutes, 13-14-107, **amend**
21 (1); and **add** (4) as follows:

22 **13-14-107. Enforcement of protection order - duties of peace**
23 **officer.** (1) A person ~~failing~~ THIRTEEN YEARS OF AGE OR OLDER WHO
24 FAILS to comply with any order of the court issued pursuant to this ~~article~~
25 ARTICLE 14 is in contempt of court or may be prosecuted for violation of
26 a civil protection order pursuant to section 18-6-803.5; ~~C.R.S.~~

27 (4) (a) IF A CHILD TEN YEARS OF AGE OR OLDER BUT UNDER

1 THIRTEEN YEARS OF AGE FAILS TO COMPLY WITH ANY ORDER OF THE
2 COURT ISSUED PURSUANT TO THIS ARTICLE 14, THE COURT MAY ORDER THE
3 LOCAL COLLABORATIVE MANAGEMENT PROGRAM CREATED PURSUANT TO
4 SECTION 24-1.9-102 TO HOLD AN INDIVIDUALIZED SERVICE AND SUPPORT
5 TEAM MEETING.

6 (b) IF THE VIOLATION OF THE COURT ORDER DESCRIBED IN
7 SUBSECTION (4)(a) OF THIS SECTION OCCURRED AT A SCHOOL IN WHICH
8 THE CHILD IS ENROLLED, A REPRESENTATIVE FROM THE SCHOOL SHALL
9 ATTEND THE INDIVIDUALIZED SERVICE AND SUPPORT TEAM MEETING, AND
10 THE TEAM SHALL INCLUDE IN THE SERVICE AND SUPPORT PLAN A PLAN TO
11 PREVENT FUTURE VIOLATIONS OF THE ORDER.

12 (c) IF THE VIOLATION OF THE COURT ORDER DESCRIBED IN
13 SUBSECTION (4)(a) OF THIS SECTION DID NOT OCCUR AT A SCHOOL IN
14 WHICH THE CHILD IS ENROLLED, A REPRESENTATIVE OF THE LOCAL
15 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL ATTEND THE
16 MEETING, AND THE TEAM SHALL INCLUDE IN THE SERVICE AND SUPPORT
17 PLAN A PLAN TO PREVENT FUTURE VIOLATIONS OF THE ORDER. THE
18 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL MAKE A
19 DETERMINATION FOLLOWING THE MEETING AS TO WHETHER THE COUNTY
20 DEPARTMENT OF HUMAN OR SOCIAL SERVICES WILL PROVIDE PREVENTION
21 AND INTERVENTION SERVICES, IN ACCORDANCE WITH RULES ADOPTED BY
22 THE STATE BOARD OF HUMAN SERVICES, OR WHETHER THE COUNTY
23 DEPARTMENT OF HUMAN OR SOCIAL SERVICES WILL CONDUCT AN
24 ASSESSMENT OR INVESTIGATION PURSUANT TO SECTIONS 19-3-308,
25 19-3-308.3, AND 19-3-308.5 AND THE RULES ADOPTED BY THE STATE
26 BOARD OF HUMAN SERVICES. THE DETERMINATION MUST BE INCLUDED AS
27 A WRITTEN UPDATE TO THE CHILD'S SERVICE AND SUPPORT PLAN. IN

1 DETERMINING WHETHER TO CONDUCT AN ASSESSMENT, THE COUNTY
2 DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL CONSIDER:

3 (I) THE VULNERABILITY OF THE REFERRED CHILD WHO IS OVER TEN
4 YEARS OF AGE BUT UNDER THIRTEEN YEARS OF AGE, AND ANY CHILD
5 IDENTIFIED AS A VICTIM OF THE REFERRED CHILD'S CONDUCT;

6 (II) ANY INFORMATION IN THE CHILD WELFARE INFORMATION
7 SYSTEM AND ANY AVAILABLE COUNTY DEPARTMENT FILES;

8 (III) ANY ALLEGATION OF KNOWN OR SUSPECTED CHILD ABUSE OR
9 NEGLECT AS DESCRIBED IN SECTION 19-3-102, INCLUDING ALLEGATIONS
10 THAT THE CHILD:

11 (A) LACKS PROPER PARENTAL CARE OR SUPERVISION PURSUANT TO
12 SECTION 19-3-102; OR

13 (B) IS BEYOND THE CONTROL OF THE CHILD'S PARENT, GUARDIAN,
14 OR LEGAL CUSTODIAN PURSUANT TO SECTION 19-3-102; AND

15 (IV) WHETHER AN ASSESSMENT IS APPROPRIATE FOR ANY
16 PROGRAM AREAS IDENTIFIED IN THE RULES ADOPTED BY THE STATE BOARD
17 OF HUMAN SERVICES, INCLUDING ANY EXISTING PROGRAM AREAS CREATED
18 TO PROVIDE:

19 (A) PREVENTION AND INTERVENTION SERVICES TO CHILDREN,
20 YOUTH, AND FAMILIES AT RISK OF INVOLVEMENT WITH THE CHILD
21 WELFARE SYSTEM;

22 (B) SERVICES TO YOUTH IN CONFLICT WITH THEIR FAMILY
23 MEMBERS OR THE COMMUNITY;

24 (C) SERVICES TO CHILDREN IN NEED OF PROTECTION, INCLUDING
25 CHILDREN WHOSE PHYSICAL, MENTAL, OR EMOTIONAL WELL-BEING IS
26 THREATENED OR HARMED DUE TO ABUSE OR NEGLECT AS DESCRIBED IN
27 SECTION 19-3-102;

1 (D) SERVICES FOR CHILDREN AND FAMILIES IN NEED OF
2 SPECIALIZED SERVICES; AND

3 (E) SERVICES RELATED TO RESOURCE DEVELOPMENT.

4 (d) IF A CHILD ALLEGEDLY VIOLATES A PROTECTION ORDER THREE
5 OR MORE TIMES, TWO CERTIFIED CHILD WELFARE STAFF FROM THE SAME
6 COUNTY OR IN CONJUNCTION WITH ANOTHER COUNTY SHALL MAKE THE
7 DECISION TO REJECT A REFERRAL.

8 **SECTION 10.** In Colorado Revised Statutes, 13-14-109, **amend**
9 (1) and (2) as follows:

10 **13-14-109. Fees and costs.** (1) The court may assess a filing fee
11 against a petitioner seeking relief ~~under~~ PURSUANT TO this article 14;
12 except that the court may not assess a filing fee against a petitioner if THE
13 PETITIONER IS A MINOR CHILD OR A PARENT OR GUARDIAN SEEKING RELIEF
14 ON BEHALF OF A MINOR CHILD, OR the court determines the petitioner is
15 seeking the protection order as a victim of domestic abuse, domestic
16 violence as defined in section 18-6-800.3, ~~(1), C.R.S.~~, stalking, or sexual
17 assault or abuse. The court shall provide the necessary number of certified
18 copies at no cost to petitioners.

19 (2) A state or public agency may not assess fees for service of
20 process against a petitioner seeking relief ~~under~~ PURSUANT TO this ~~article~~
21 ARTICLE 14 AS A MINOR CHILD OR PARENT OR GUARDIAN SEEKING RELIEF
22 ON BEHALF OF A MINOR CHILD, OR as a victim of conduct consistent with
23 the following: Domestic abuse, domestic violence as defined in section
24 18-6-800.3, ~~(1), C.R.S.~~, stalking, or sexual assault or abuse.

25 **SECTION 11.** In Colorado Revised Statutes, 16-11.7-103, **add**
26 (4)(m) as follows:

27 **16-11.7-103. Sex offender management board - creation -**

1 **duties - repeal.** (4) **Duties of the board.** The board shall carry out the
2 following duties:

3 (m) **Education and training regarding young children.** THE
4 BOARD MAY DEVELOP AND REVISE, AS APPROPRIATE, EDUCATIONAL
5 MATERIALS AND TRAINING REGARDING BEST PRACTICES TO PROVIDE
6 DEVELOPMENTALLY APPROPRIATE THERAPY TO CHILDREN TEN YEARS OF
7 AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE WHEN THOSE
8 CHILDREN HAVE ENGAGED IN PROBLEMATIC SEXUAL BEHAVIOR THAT
9 WOULD CONSTITUTE A SEXUAL OFFENSE IF COMMITTED BY AN ADULT. THE
10 BOARD SHALL PROVIDE THE MATERIALS AND TRAINING TO THE
11 DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF EDUCATION SHALL
12 MAKE THE MATERIALS AND TRAINING AVAILABLE TO SCHOOLS IN THE
13 STATE.

14 **SECTION 12.** In Colorado Revised Statutes, 19-2.5-103, **amend**
15 (1)(a) introductory portion and (5); and **add** (1)(c) as follows:

16 **19-2.5-103. Jurisdiction.** (1) Except as otherwise provided by
17 law, the juvenile court has exclusive original jurisdiction in proceedings:

18 (a) Concerning ~~any~~ A juvenile ~~ten~~ THIRTEEN years of age or older
19 who ~~has violated~~ IS ACCUSED OF VIOLATING:

20 (c) CONCERNING A JUVENILE TEN YEARS OF AGE OR OLDER WHO IS
21 ACCUSED OF VIOLATING AN OFFENSE PURSUANT TO PART 1 OF ARTICLE 3
22 OF TITLE 18.

23 (5) Notwithstanding any other provision of this section to the
24 contrary, the juvenile court and the county court have concurrent
25 jurisdiction over a juvenile ~~who is~~ THIRTEEN YEARS OF AGE OR OLDER BUT
26 under eighteen years of age and who is charged with a violation of section
27 18-13-122, 18-18-406 (5)(b)(I) and (5)(b)(II), 18-18-428, 18-18-429,

1 18-18-430, or 42-4-1301; except that, if the juvenile court accepts
2 jurisdiction over such a juvenile, the county court jurisdiction terminates.

3 **SECTION 13.** In Colorado Revised Statutes, 19-2.5-208, **amend**
4 (1)(a) introductory portion as follows:

5 **19-2.5-208. Petty tickets - summons - contracts - data.**

6 (1) (a) If a law enforcement officer contacts a juvenile ~~ten~~ THIRTEEN
7 years of age or older for a delinquent act that would be a petty offense if
8 committed by an adult or a municipal ordinance violation, the officer may
9 issue the juvenile a petty ticket that requires the juvenile to go through an
10 assessment process or procedure as designated by the municipal, county,
11 or district court, including assessment by a law enforcement officer,
12 assessment officer, or a screening team, referred to in this section as the
13 "screening entity". When a petty ticket is issued, an assessment officer or
14 screening team officer shall offer a petty offense contract to the juvenile
15 and the juvenile's parent or legal guardian if:

16 **SECTION 14.** In Colorado Revised Statutes, 19-2.5-302, **amend**
17 (1) as follows:

18 **19-2.5-302. Local juvenile services planning committee -**
19 **creation - duties - identification and notification of dually identified**

20 **crossover youth.** (1) If all of the boards of commissioners of each
21 county or the city council of each city and county in a judicial district
22 agree, there may be created in the judicial district a local juvenile services
23 planning committee that is appointed by the chief judge of the judicial
24 district or, for the second judicial district, the presiding judge of the
25 Denver juvenile court, from persons recommended by the boards of
26 commissioners of each county or the city council of each city and county
27 within the judicial district. The committee, if practicable, must include,

1 but need not be limited to, a representative from a county department of
2 human or social services, a local school district, a local law enforcement
3 agency, a local probation department, the division of youth services,
4 private citizens, the district attorney's office, the public defender's office,
5 a community mental health representative, and a representative of the
6 concerns of municipalities. The committee, if created, shall meet as
7 necessary to develop a plan for the allocation of resources for local
8 juvenile services within the judicial district for the fiscal year. The
9 committee is strongly encouraged to consider programs with restorative
10 justice components when developing the plan. THE COMMITTEE IS
11 STRONGLY ENCOURAGED TO INCLUDE IN THE PLAN SERVICES FOR
12 CHILDREN WHO ARE TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN
13 YEARS OF AGE AND WHO COME INTO CONTACT WITH LAW ENFORCEMENT
14 IF A LAW ENFORCEMENT OFFICER DETERMINES THERE IS PROBABLE CAUSE
15 TO BELIEVE THAT THE CHILD COMMITTED AN ACT THAT WOULD BE A
16 MISDEMEANOR OR FELONY IF COMMITTED BY AN ADULT. The state
17 department of human services shall approve the plan. A local juvenile
18 services planning committee may be consolidated with other local
19 advisory boards pursuant to section 24-1.7-103.

20 **SECTION 15.** In Colorado Revised Statutes, 19-2.5-303, **amend**
21 (1); and **add** (6) as follows:

22 **19-2.5-303. Duty of officer - screening teams - notification -**
23 **release or detention.** (1) When a juvenile OVER WHOM THE JUVENILE
24 COURT HAS JURISDICTION PURSUANT TO SECTION 19-2.5-103 is taken into
25 temporary custody and not released pending charges, the officer shall
26 notify the screening team for the judicial district in which the juvenile is
27 taken into custody. The screening team shall notify the juvenile's parent,

1 guardian, or legal custodian without unnecessary delay and inform the
2 juvenile's parent, guardian, or legal custodian that, if the juvenile is
3 placed in detention or a temporary holding facility, all parties have a right
4 to a prompt hearing to determine whether the juvenile is to be detained
5 further. Such notification may be made to a person with whom the
6 juvenile is residing if a parent, guardian, or legal custodian cannot be
7 located. If the screening team is unable to make such notification, the
8 notification may be made by any law enforcement officer, juvenile
9 probation officer, detention center counselor, or detention facility staff in
10 whose physical custody the juvenile is placed.

11 (6) (a) NOTHING IN THIS SECTION PROHIBITS A LAW ENFORCEMENT
12 OFFICER FROM REQUESTING AN EMERGENCY PROTECTION ORDER FOR A
13 CHILD UNDER THIRTEEN YEARS OF AGE PURSUANT TO SECTION 19-3-405
14 OR 13-14-103, FROM TAKING A CHILD WHO IS UNDER THIRTEEN YEARS OF
15 AGE INTO TEMPORARY CUSTODY PURSUANT TO SECTION 19-3-401, OR
16 FROM PLACING A CHILD WHO IS UNDER THIRTEEN YEARS OF AGE OUT OF
17 THE HOME PURSUANT TO SECTION 19-3-402.

18 (b) WHEN A LAW ENFORCEMENT OFFICER HAS CONTACT WITH A
19 CHILD WHO IS TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS
20 OF AGE AND DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THE
21 CHILD COMMITTED AN ACT THAT WOULD BE A MISDEMEANOR OR FELONY
22 ACT IF THE CHILD WAS THIRTEEN YEARS OF AGE OR OLDER, THE LAW
23 ENFORCEMENT OFFICER SHALL:

24 (I) COMPLETE THE INFORMATION FORM FOR CHILDREN UNDER THE
25 AGE OF THIRTEEN CREATED PURSUANT TO SECTION 24-1.9-102.7;

26 (II) REQUEST THAT A PARENT, GUARDIAN, LEGAL CUSTODIAN, OR
27 ADULT WHO RESIDES WITH THE CHILD SIGN THE ATTESTATION ON THE

1 INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE, OR IF
2 LAW ENFORCEMENT IS UNABLE TO OBTAIN A SIGNATURE, LAW
3 ENFORCEMENT MUST DOCUMENT THE REASON ON THE INFORMATION FORM
4 FOR CHILDREN UNDER THIRTEEN YEARS OF AGE;

5 (III) PROVIDE A COPY OF THE INFORMATION FORM FOR CHILDREN
6 UNDER THIRTEEN YEARS OF AGE TO THE CHILD; THE PARENT, GUARDIAN,
7 LEGAL CUSTODIAN, OR ADULT WHO RESIDES WITH THE CHILD; AND THE
8 LOCAL COLLABORATIVE MANAGEMENT PROGRAM CREATED PURSUANT TO
9 SECTION 24-1.9-102; AND

10 (IV) IF THE INCIDENT INVOLVES A VICTIM, PROVIDE A COPY OF THE
11 INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE TO
12 THE VICTIM, IF A VICTIM IS PRESENT, OR THE VICTIM'S DESIGNEE, OR AT
13 ANY TIME UPON REQUEST OF THE VICTIM OR THE VICTIM'S DESIGNEE, AND
14 INFORM EACH VICTIM AS TO THE AVAILABILITY OF APPLICABLE SERVICES,
15 INCLUDING ASSISTANCE WITH FILING A CIVIL PROTECTION ORDER AS
16 DESCRIBED IN SECTION 13-14-105, AND INFORMATION AS DESCRIBED IN
17 SECTION 24-4.1-303 (9) AND (10).

18 (c) COPIES OF THE INFORMATION FORM PURSUANT TO SUBSECTION
19 (6)(b) OF THIS SECTION MUST BE PROVIDED AT NO COST.

20 **SECTION 16.** In Colorado Revised Statutes, 19-2.5-304, **repeal**
21 (2) as follows:

22 **19-2.5-304. Limitations on detention.** (2) ~~A juvenile court shall~~
23 ~~not order a juvenile who is ten years of age and older but less than~~
24 ~~thirteen years of age to detention unless the juvenile has been arrested for~~
25 ~~a felony or weapons charge pursuant to section 18-12-102, 18-12-105,~~
26 ~~18-12-106, or 18-12-108.5. A preadjudication service program created~~
27 ~~pursuant to section 19-2.5-606 shall evaluate a juvenile described in this~~

1 subsection (2). The evaluation may result in the juvenile:

2 (a) Remaining in the custody of a parent or legal guardian;

3 (b) ~~Being placed in the temporary legal custody of kin, for~~
4 ~~purposes of a kinship foster care home or noncertified kinship care~~
5 ~~placement, as defined in section 19-1-103, or other suitable person under~~
6 ~~such conditions as the court may impose;~~

7 (c) ~~Being placed in a temporary shelter facility; or~~

8 (d) ~~Being referred to a local county department of human or social~~
9 ~~services for assessment for placement.~~

10 **SECTION 17.** In Colorado Revised Statutes, 19-2.5-305, **amend**
11 (3)(a)(V) introductory portion and (6) as follows:

12 **19-2.5-305. Detention and shelter - hearing - time limits -**
13 **findings - review - confinement with adult offenders - restrictions.**

14 (3) (a) (V) ~~A court shall not order further detention for a juvenile who is~~
15 ~~ten years of age and older but less than thirteen years of age unless the~~
16 ~~juvenile has been arrested or adjudicated for a felony or weapons charge~~
17 ~~pursuant to section 18-12-102, 18-12-105, 18-12-106, or 18-12-108.5.~~

18 The court shall receive any information having probative value regardless
19 of its admissibility under the rules of evidence. In determining whether
20 a juvenile requires detention, the court shall consider the results of the
21 detention screening instrument. There is a rebuttable presumption that a
22 juvenile poses a substantial risk of serious harm to others if:

23 (6) ~~Except for a juvenile described in section 19-2.5-304(2); The~~
24 ~~court may also issue A temporary orders ORDER for legal custody pursuant~~
25 ~~to section 19-1-115.~~

26 **SECTION 18.** In Colorado Revised Statutes, 19-2.5-802, **amend**
27 (1)(a)(I); and **repeal** (1)(e) as follows:

1 **19-2.5-802. Transfers.** (1) (a) The juvenile court may enter an
2 order certifying a juvenile to be held for criminal proceedings in the
3 district court if:

4 (I) A petition filed in juvenile court alleges the juvenile is:

5 (A) ~~Twelve or thirteen years of age at the time of the commission~~
6 ~~of the alleged offense and is a juvenile delinquent by virtue of having~~
7 ~~committed a delinquent act that constitutes a class 1 or class 2 felony or~~
8 ~~a crime of violence, as defined in section 18-1.3-406; or~~

9 (B) Fourteen years of age or older at the time of the commission
10 of the alleged offense and is a juvenile delinquent by virtue of having
11 committed a delinquent act that constitutes a CLASS 1 OR CLASS 2 felony
12 OR A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406; and

13 (e) ~~Whenever a juvenile under the age of fourteen years is~~
14 ~~sentenced pursuant to section 18-1.3-401 as provided in subsection (1)(d)~~
15 ~~of this section, the department of corrections shall contract with the~~
16 ~~department of human services to house and provide services to the~~
17 ~~juvenile in a facility operated by the department of human services until~~
18 ~~the juvenile reaches the age of fourteen years. On reaching the age of~~
19 ~~fourteen years, the juvenile must be transferred to an appropriate facility~~
20 ~~operated by the department of corrections for the completion of the~~
21 ~~juvenile's sentence.~~

22 **SECTION 19.** In Colorado Revised Statutes, 19-2.5-1126,
23 **amend** (1)(c)(I)(A) as follows:

24 **19-2.5-1126. Sentencing - special offenders.** (1) The court shall
25 sentence a juvenile adjudicated as a special offender as follows:

26 (c) **Violent juvenile offender.** (I) (A) Upon adjudication as a
27 violent juvenile offender, as described in section 19-2.5-1125 (3), the

1 juvenile must be placed or committed out of the home for not less than
2 one year; except that this subsection (1)(c) does not apply to a juvenile
3 who is **ten** years of age or older, but ~~less than twelve~~ UNDER FIFTEEN years
4 of age, when the court finds that an alternative sentence or a commitment
5 of less than one year out of the home would be more appropriate.

6 **SECTION 20.** In Colorado Revised Statutes, 19-2.5-1511,
7 **amend** (1)(a); and **repeal** (1)(c) as follows:

8 **19-2.5-1511. Juvenile detention services and facilities to be**
9 **provided by department of human services - education - expenses -**
10 **definition.** (1) (a) ~~Except as set forth in subsection (1)(c) of this section,~~
11 ~~the~~ THE department of human services shall provide detention services
12 for temporary care of a juvenile, pursuant to this article 2.5. The
13 department of human services shall consult on a regular basis with the
14 court in any district where a detention facility is located concerning the
15 detention program at that facility. The department of human services may
16 use staff secure facilities to provide preadjudication and postadjudication
17 detention services.

18 (c) ~~The department of human services is not required to receive~~
19 ~~and provide care for any juvenile who is ten years of age and older but~~
20 ~~less than thirteen years of age, unless such juvenile has been arrested or~~
21 ~~adjudicated for a felony or weapons charge pursuant to section~~
22 ~~18-12-102, 18-12-105, 18-12-106, or 18-12-108.5.~~

23 **SECTION 21.** In Colorado Revised Statutes, 19-3-308, **amend**
24 (5.3)(a) as follows:

25 **19-3-308. Action upon report of intrafamilial, institutional, or**
26 **third-party abuse - investigations - child protection team - report -**
27 **rules.** (5.3) (a) Local law enforcement agencies have the responsibility

1 for the coordination and investigation of all reports of third-party abuse
2 or neglect by persons ~~ten~~ THIRTEEN years of age ~~or~~ AND older. Upon
3 receipt of a report, if the local law enforcement agency reasonably
4 believes that the protection and safety of a child is at risk due to an act or
5 omission on the part of persons responsible for the child's care, such
6 agency shall notify the county department of ~~human or social services~~ for
7 an assessment regarding neglect or dependency. In addition, the local law
8 enforcement agency shall refer to the county department of ~~human or~~
9 ~~social services~~ any report of third-party abuse or neglect in which the
10 person allegedly responsible for such abuse or neglect is under ~~age ten~~
11 THIRTEEN YEARS OF AGE. Upon the completion of an investigation, the
12 local law enforcement agency shall forward a copy of its investigative
13 report to the county department. ~~of human or social services.~~ The county
14 department shall review the law enforcement investigative report and
15 shall determine whether the report contains information that constitutes
16 a case of confirmed child abuse and requires it to be submitted to the state
17 department, which report, upon such determination, shall be submitted to
18 the state department in the manner prescribed by the state department
19 within sixty days after the receipt of the report by the county department.

20 **SECTION 22.** In Colorado Revised Statutes, 22-33-108, **amend**
21 (7)(c)(I) introductory portion as follows:

22 **22-33-108. Judicial proceedings.** (7) (c) (I) If the court finds that
23 the child or youth WHO IS THIRTEEN YEARS OF AGE OR OLDER BUT UNDER
24 SEVENTEEN YEARS OF AGE has refused to comply with the plan created for
25 the child or youth pursuant to section 22-33-107 (3), the court may
26 impose on the child or youth, as a sanction for contempt of court, a
27 sentence of detention for no more than forty-eight hours in a juvenile

1 detention facility operated by or under contract with the department of
2 human services pursuant to section 19-2.5-1511 and any rules
3 promulgated by the Colorado supreme court. The court shall not sentence
4 a child or youth WHO IS THIRTEEN YEARS OF AGE OR OLDER BUT UNDER
5 SEVENTEEN YEARS OF AGE to detention as a sanction for contempt of court
6 unless the court finds that detention is in the best interest of the child or
7 youth as well as the public. In making such a finding, the court shall
8 consider the following factors, including that:

9 **SECTION 23.** In Colorado Revised Statutes, 24-1.9-102, **amend**
10 (1)(a) introductory portion, (2)(a), (2)(c), (2)(d), and (2)(f); **repeal** (2)(i);
11 and **add** (1.3) and (2)(k) as follows:

12 **24-1.9-102. Memorandum of understanding - local-level**
13 **interagency oversight groups - individualized service and support**
14 **teams - coordination of services for children and families -**
15 **requirements - waiver.** (1) (a) Local representatives of each of the
16 agencies specified in this subsection (1)(a) and county departments of
17 human or social services ~~may~~ SHALL enter into memorandums of
18 understanding that are designed to promote a collaborative system of
19 local-level interagency oversight groups and individualized service and
20 support teams to coordinate and manage the provision of services to
21 children and families who would benefit from integrated multi-agency
22 services. The memorandums of understanding entered into pursuant to
23 this subsection (1) must be between interested county departments of
24 human or social services and local representatives of each of the
25 following agencies or entities:

26 (1.3) TO MEET THE REQUIREMENT IN SUBSECTION (1)(a) OF THIS
27 SECTION, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES MAY

1 COLLABORATE WITH ONE OR MORE NEARBY COUNTY DEPARTMENTS OF
2 HUMAN OR SOCIAL SERVICES WHEN ENTERING INTO MEMORANDUMS OF
3 UNDERSTANDING TO PROVIDE A LOCAL COLLABORATIVE MANAGEMENT
4 PROGRAM. EACH COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES
5 MUST PARTICIPATE IN A LOCAL COLLABORATIVE MANAGEMENT PROGRAM.

6 (2) (a) Each memorandum of understanding entered into ~~shall~~
7 MUST include, but is not limited to, the requirements specified in
8 ~~paragraphs (b) to (j) of this subsection (2). On or before October 1, 2004,~~
9 ~~utilizing moneys in the performance incentive cash fund created in~~
10 ~~section 26-5-105.5 (3.2)(a), C.R.S., the state department of human~~
11 ~~services, in conjunction with the judicial department, shall develop and~~
12 ~~make available to the parties specified in paragraph (a) of subsection (1)~~
13 ~~of this section, a model memorandum of understanding based on the~~
14 ~~requirements specified in paragraphs (b) to (j) of this subsection (2)~~
15 SUBSECTIONS (2)(b) TO (2)(k) OF THIS SECTION. ON OR BEFORE DECEMBER
16 1, 2023, THE STATE DEPARTMENT OF HUMAN SERVICES, IN CONJUNCTION
17 WITH THE JUDICIAL DEPARTMENT, SHALL DEVELOP AND MAKE AVAILABLE
18 TO THE PARTIES SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION A MODEL
19 MEMORANDUM OF UNDERSTANDING BASED ON THE REQUIREMENTS
20 SPECIFIED IN SUBSECTIONS (2)(b) TO (2)(k) OF THIS SECTION.

21 (c) **Definition of the population to be served.** The memorandum
22 of understanding must include a functional definition of "children and
23 families who would benefit from integrated multi-agency services". The
24 LOCAL collaborative management program target population consists of
25 at-risk children and youth from birth to twenty-one years of age, or
26 families of children or youth, who would benefit from a multi-system
27 integrated service plan that may include prevention, intervention, and

1 treatment services. THE DEFINITION OF THE "POPULATION TO BE SERVED"
2 MUST INCLUDE CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER
3 THIRTEEN YEARS OF AGE AND CHILDREN UNDER THE AGE OF EIGHTEEN
4 WHO ARE VICTIMS OF THE ALLEGED CONDUCT OF A CHILD TEN YEARS OF
5 AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO ARE REFERRED
6 TO THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM THROUGH THE
7 SUBMISSION OF AN INFORMATION FORM FOR CHILDREN UNDER THIRTEEN
8 YEARS OF AGE PURSUANT TO SECTIONS 24-1.9-102.3 AND 19-2.5-303.

9 (d) **Creation of an oversight group.** The memorandum of
10 understanding ~~shall~~ MUST create a local-level interagency oversight group
11 and identify the oversight group's membership requirements, procedures
12 for selection of officers, procedures for resolving disputes by a majority
13 vote of those members authorized to vote, and procedures for establishing
14 any necessary subcommittees of the interagency oversight group. Each
15 interagency oversight group ~~shall~~ MUST include a local representative of
16 each party to the memorandum of understanding specified in ~~paragraphs~~
17 ~~(a) and (a.5) of subsection (1)~~ SUBSECTIONS (1)(a) AND (1)(a.5) of this
18 section, each of whom ~~shall be~~ IS a voting member of the interagency
19 oversight group. In addition, the interagency oversight group may include,
20 but is not limited to, the following advisory nonvoting members:

21 (I) Representatives of interested local private sector entities; ~~and~~

22 (II) Family members or caregivers of children who would benefit
23 from integrated multi-agency services or current or previous consumers
24 of integrated multi-agency services; AND

25 (III) REPRESENTATIVES OR PRACTITIONERS FROM LOCAL,
26 REGIONAL, OR STATEWIDE RESTORATIVE JUSTICE PROGRAMS.

27 (f) **Authorization to create individualized service and support**

1 **teams.** The memorandum of understanding shall MUST include
2 authorization for the interagency oversight group to establish
3 individualized service and support teams to develop a service and support
4 plan and to provide services to children and families. ~~who would benefit~~
5 ~~from integrated multi-agency services.~~

6 (i) ~~**Performance-based measures.** The department of human~~
7 ~~services and the persons specified in section 24-1.9-103 (2)(b) shall~~
8 ~~develop performance measures for the system of collaborative~~
9 ~~management, which measures may be modified biennially to ensure that~~
10 ~~the measures remain valid. The memorandum of understanding must~~
11 ~~identify performance measures developed pursuant to this paragraph (i).~~
12 ~~If the parties to the memorandum of understanding meet the identified~~
13 ~~performance measures, the memorandum of understanding must require~~
14 ~~the interagency oversight group to create a procedure, subject to the~~
15 ~~approval of the head or director of each agency or department specified~~
16 ~~in paragraphs (a) and (a.5) of subsection (1) of this section, to allow any~~
17 ~~incentive moneys received by the department of human services and~~
18 ~~allocated pursuant to section 24-1.9-104 to be reinvested by the parties to~~
19 ~~the memorandum of understanding to provide appropriate services to~~
20 ~~children and families who would benefit from integrated multi-agency~~
21 ~~services, as such population is defined by the memorandum of~~
22 ~~understanding pursuant to paragraph (c) of this subsection (2). The parties~~
23 ~~to a memorandum of understanding shall report annually to the~~
24 ~~department of human services on the performance measures identified in~~
25 ~~the parties' memorandum of understanding pursuant to this paragraph (i).~~

26 (k) **Establishment of procedure to serve children ten years of**
27 **age or older but under thirteen years of age. (I) THE MEMORANDUM**

1 OF UNDERSTANDING MUST REQUIRE THE INTERAGENCY OVERSIGHT GROUP
2 TO ESTABLISH A WRITTEN PROCEDURE FOR THE LOCAL COLLABORATIVE
3 MANAGEMENT PROGRAM TO SERVE CHILDREN TEN YEARS OF AGE OR
4 OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO HAVE CONTACT WITH
5 LAW ENFORCEMENT. THE WRITTEN PROCEDURE MUST INCLUDE:

6 (A) A PROCESS FOR DEVELOPING THE WRITTEN PROCEDURE THAT
7 ENSURES THAT SERVICE AND SUPPORT PLANS FOCUS ON THE NEEDS OF THE
8 CHILD AND FAMILY UNIT AND CONSIDER THE RECOMMENDATIONS OF THE
9 PRE-ADOLESCENT SERVICES TASK FORCE CREATED IN SECTION 19-3-304.4;

10 (B) LANGUAGE ESTABLISHING WHICH POSITION, OR POSITIONS,
11 WILL HAVE DECISION MAKING AUTHORITY OVER INITIAL PLANS.

12 (C) A PROCESS FOR HOLDING INDIVIDUALIZED SERVICE AND
13 SUPPORT TEAM MEETINGS AND DEVELOPING A SERVICE AND SUPPORT
14 PLAN, WHEN APPROPRIATE, FOR A CHILD TEN YEARS OF AGE OR OLDER BUT
15 UNDER THIRTEEN YEARS OF AGE WHO IS REFERRED TO THE LOCAL
16 COLLABORATIVE MANAGEMENT PROGRAM FOR SERVICES;

17 (D) A PROCESS TO SERVE CHILDREN WHO ARE VICTIMS IDENTIFIED
18 ON THE INFORMATION FORM CREATED IN SECTION 24-1.9-102.7 AND WHO
19 ARE REFERRED TO THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM
20 FOR SERVICES; AND

21 (E) ANY OTHER MEASURE THE INTERAGENCY OVERSIGHT GROUP
22 FINDS NECESSARY TO SERVE CHILDREN TEN YEARS OF AGE OR OLDER BUT
23 UNDER THIRTEEN YEARS OF AGE INCLUDING, BUT NOT LIMITED TO,
24 MECHANISMS TO REFER THE CHILD TO BEHAVIORAL HEALTH SCREENINGS
25 AND CARE PURSUANT TO ARTICLE 67 OF TITLE 27; THE CHILD WELFARE
26 PROCESS PURSUANT TO ARTICLE 3 OF TITLE 19; OTHER COMMUNITY
27 SERVICES OR PROGRAMS, INCLUDING RESTORATIVE JUSTICE PROGRAMS,

1 WHETHER BASED IN THE LOCAL COMMUNITY OR ACCESSED THROUGH
2 COLLABORATIVE REGIONAL OR STATEWIDE REFERRAL MECHANISMS;
3 SERVICES FUNDED PURSUANT TO SECTION 19-2.5-1404;OR ASSESSMENTS
4 FACILITATED BY ASSESSMENT CENTERS PURSUANT TO SECTION 19-1-303.

5 (II) IN DEVELOPING THE WRITTEN PROCEDURE, THE INTERAGENCY
6 OVERSIGHT GROUP MUST ENSURE THAT SERVICE AND SUPPORT PLANS
7 FOCUS ON THE NEEDS OF THE CHILD AND FAMILY UNIT, AND CONSIDER THE
8 REPORT FROM THE PRE-ADOLESCENT SERVICES TASK FORCE CREATED IN
9 SECTION 19-3-304.4.

10 **SECTION 24.** In Colorado Revised Statutes, **add** 24-1.9-102.3
11 as follows:

12 **24-1.9-102.3. Duties of individualized service and support**
13 **teams.** (1) A LOCAL COLLABORATIVE MANAGEMENT PROGRAM MUST
14 CREATE ONE OR MORE INDIVIDUALIZED SERVICE AND SUPPORT TEAMS. THE
15 INDIVIDUALIZED SERVICE AND SUPPORT TEAM MAY REFER A CHILD TO
16 SERVICES AND MAY ESTABLISH A SERVICE AND SUPPORT PLAN FOR A CHILD
17 AFTER MEETING WITH THE CHILD, THE CHILD'S FAMILY, AND ANY OTHER
18 RELEVANT PARTY OR COMMUNITY PARTNERS.

19 (2) (a) AN INDIVIDUALIZED SERVICE AND SUPPORT TEAM SHALL
20 REVIEW ALL REFERRALS TO THE LOCAL COLLABORATIVE MANAGEMENT
21 PROGRAM FOR CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER
22 THIRTEEN YEARS OF AGE WHO ARE REFERRED THROUGH THE SUBMISSION
23 OF AN INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE
24 CREATED IN SECTION 24-1.9-102.7.

25 (b) THE INFORMATION FORM FOR CHILDREN UNDER THIRTEEN
26 YEARS OF AGE CREATED IN SECTION 24-1.9-102.7, OR ANY OTHER FORM
27 CREATED BY THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM, MAY

1 BE USED BY MULTIPLE AGENCIES TO REFER CHILDREN TEN YEARS OF AGE
2 OR OLDER BUT UNDER THIRTEEN YEARS OF AGE TO A LOCAL
3 COLLABORATIVE MANAGEMENT PROGRAM. SUCH AGENCIES INCLUDE, BUT
4 ARE NOT LIMITED TO:

5 (I) LAW ENFORCEMENT, WHICH SHALL REFER CHILDREN TEN YEARS
6 OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE TO THE LOCAL
7 COLLABORATIVE MANAGEMENT PROGRAM PURSUANT TO SECTION
8 19-2.5-303;

9 (II) A SCHOOL;

10 (III) A FAMILY RESOURCE CENTER;

11 (IV) A CHILD ADVOCACY CENTER;

12 (V) A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES; AND

13 (VI) A MANDATORY REPORTER.

14 (c) AGENCIES MAY USE THE INFORMATION FORM FOR CHILDREN
15 UNDER THIRTEEN YEARS OF AGE, CREATED PURSUANT TO SECTION
16 24-1.9-102.7, TO REFER A CHILD UNDER THE AGE OF EIGHTEEN WHO IS A
17 VICTIM OF THE ALLEGED CONDUCT BY A CHILD TEN YEARS OF AGE OR
18 OLDER BUT UNDER THIRTEEN YEARS OF AGE TO A LOCAL COLLABORATIVE
19 MANAGEMENT PROGRAM. IF AN ADULT VICTIM OF THE ALLEGED CONDUCT
20 BY A CHILD TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF
21 AGE SEEKS SERVICES FROM THE LOCAL COLLABORATIVE MANAGEMENT
22 PROGRAM, THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM SHALL
23 REFER THE ADULT TO THE APPROPRIATE VICTIMS' SERVICES COORDINATOR
24 PURSUANT TO SECTION 24-31-106.

25 (3) AN INDIVIDUALIZED SERVICE AND SUPPORT TEAM SHALL
26 CREATE AN INITIAL PLAN THAT IS CHILD-CENTERED FOR EVERY CHILD WHO
27 IS TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE AND

1 IS REFERRED TO THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM
2 THROUGH THE SUBMISSION OF AN INFORMATION FORM FOR CHILDREN
3 UNDER THIRTEEN YEARS OF AGE CREATED PURSUANT TO SECTION
4 24-1.9-102.7. THE INITIAL PLAN MAY INDICATE THAT NO SERVICES ARE
5 NEEDED, THAT ONE OR MORE SPECIFIC SERVICES ARE NEEDED AND CAN BE
6 PROVIDED WITHOUT A MEETING, OR THAT AN INDIVIDUALIZED SERVICE
7 AND SUPPORT TEAM MEETING MUST OCCUR TO DEVELOP A SERVICE AND
8 SUPPORT PLAN FOR THE CHILD. IF THE INFORMATION FORM FOR CHILDREN
9 UNDER THIRTEEN YEARS OF AGE INDICATES THAT A CHILD ENGAGED IN
10 EITHER BEHAVIOR THAT CONSTITUTES A CRIME OF VIOLENCE, AS DEFINED
11 IN SECTION 18-1.3-406, OR UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN
12 SECTION 16-22-102, THAT WOULD BE CONSIDERED A FELONY OFFENSE IF
13 COMMITTED BY AN ADULT, THE INDIVIDUALIZED SERVICE AND SUPPORT
14 TEAM SHALL HOLD A MEETING AND DEVELOP A SERVICE AND SUPPORT
15 PLAN, REGARDLESS OF ANY OTHER FACTORS INCLUDED ON THE
16 INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE.

17 (4) IF A CHILD WHO IS TEN YEARS OF AGE OR OLDER BUT UNDER
18 THIRTEEN YEARS OF AGE IS REFERRED TO A LOCAL COLLABORATIVE
19 MANAGEMENT PROGRAM THREE OR MORE TIMES DURING A PERIOD OF
20 TWELVE MONTHS, THE INDIVIDUALIZED SERVICE AND SUPPORT TEAM
21 SHALL HOLD A MEETING AND DEVELOP A SERVICE AND SUPPORT PLAN,
22 REGARDLESS OF ANY OTHER FACTORS INCLUDED ON THE INFORMATION
23 FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE DETAILED IN
24 SECTION 24-1.9-102.7.

25 (5) THE INDIVIDUALIZED SERVICE AND SUPPORT TEAM MAY REFER
26 A CHILD WHO IS OVER TEN YEARS OF AGE BUT UNDER THIRTEEN YEARS OF
27 AGE TO A TREATMENT PROVIDER APPROVED BY THE SEX OFFENDER

1 MANAGEMENT BOARD PURSUANT TO SECTION 16-11.7-106 (2)(b) FOR
2 DEVELOPMENTALLY APPROPRIATE THERAPY.

3 (6) IF A LAW ENFORCEMENT OFFICER INFORMS THE INDIVIDUALIZED
4 SERVICE AND SUPPORT TEAM THAT THERE IS PROBABLE CAUSE TO BELIEVE
5 THAT A CHILD WHO IS TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN
6 YEARS OF AGE COMMITTED AN ACT THAT WOULD BE FELONY SEXUAL
7 ASSAULT PURSUANT TO SECTION 18-3-402 OR FELONY UNLAWFUL SEXUAL
8 CONTACT PURSUANT TO SECTION 18-3-404 (2)(b) IF COMMITTED BY AN
9 ADULT, AND THE CHILD USED FORCE, INTIMIDATION, OR THREAT AS
10 SPECIFIED IN SECTION 18-3-402 (4)(a), (4)(b), OR (4)(c), THE
11 INDIVIDUALIZED SERVICE AND SUPPORT TEAM SHALL REFER THAT CHILD
12 FOR AN EVALUATION CONDUCTED BY A TREATMENT PROVIDER WHO
13 SPECIALIZES IN CHILDREN WHO DISPLAY PROBLEMATIC SEXUAL BEHAVIOR.

14 (7) BEFORE CREATING AN INITIAL PLAN, THE INDIVIDUALIZED
15 SERVICE AND SUPPORT TEAM SHALL:

16 (a) CONTACT ANY VICTIM, OR THE VICTIM'S DESIGNEE, IDENTIFIED
17 ON THE INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF
18 AGE CREATED PURSUANT TO THIS SECTION;

19 (b) NOTIFY THE VICTIM, OR THE VICTIM'S DESIGNEE, THAT THE
20 TEAM IS CREATING AN INITIAL PLAN; AND

21 (c) PROVIDE AN OPPORTUNITY FOR THE VICTIM, OR THE VICTIM'S
22 DESIGNEE, TO PROVIDE INPUT TO THE TEAM IN A TRAUMA-INFORMED
23 MANNER.

24 (8) AFTER CREATING AN INITIAL PLAN, THE INDIVIDUALIZED
25 SERVICE AND SUPPORT TEAM SHALL CONTACT ANY VICTIM, OR THE
26 VICTIM'S DESIGNEE, IDENTIFIED ON THE INFORMATION FORM FOR CHILDREN
27 UNDER THIRTEEN YEARS OF AGE CREATED PURSUANT TO THIS SECTION,

1 INFORM THE VICTIM, OR THE VICTIM'S DESIGNEE, THAT A PLAN HAS BEEN
2 CREATED, AND SHARE WHETHER OR NOT THE CHILD OR FAMILY HAS BEEN
3 REFERRED FOR SERVICES. THE INITIAL PLAN, THE SERVICE AND SUPPORT
4 PLAN, AND DETAILS ABOUT THE TYPES OF SERVICES THE CHILD OR FAMILY
5 WILL RECEIVE ARE CONFIDENTIAL AND MUST NOT BE SHARED WITH THE
6 VICTIM OR THE VICTIM'S DESIGNEE.

7 (9) (a) IF THE INDIVIDUALIZED SERVICE AND SUPPORT TEAM
8 DETERMINES THAT A CHILD OR FAMILY MEMBER IS NOT SUBSTANTIALLY
9 PARTICIPATING IN THE SERVICES RECOMMENDED IN THE SERVICE AND
10 SUPPORT PLAN, THE SERVICE AND SUPPORT TEAM SHALL CONSIDER
11 WHETHER PARTICIPATION IS WITHIN THE CHILD'S OR FAMILY MEMBER'S
12 CAPACITY AND PROVIDE ANY ADDITIONAL RESOURCES NECESSARY TO
13 ADDRESS BARRIERS TO PARTICIPATION.

14 (b) IF, AFTER THE SERVICE AND SUPPORT TEAM DETERMINES
15 PARTICIPATION IS WITHIN THE CHILD'S OR FAMILY MEMBER'S CAPACITY
16 AND RESOURCES PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION AND
17 THE CHILD OR FAMILY MEMBER CONTINUES TO FAIL TO SUBSTANTIALLY
18 PARTICIPATE IN THE RECOMMENDED SERVICES, THE INDIVIDUALIZED
19 SERVICE AND SUPPORT TEAM SHALL HOLD A MEETING. THE COUNTY
20 DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL PARTICIPATE IN THE
21 MEETING. THE CHILD AND THE CHILD'S FAMILY MUST BE GIVEN SUFFICIENT
22 NOTICE OF THE MEETING IN ORDER TO ATTEND THE MEETING. THE
23 MEETING MUST OCCUR EVEN IF THE CHILD OR THE CHILD'S FAMILY DOES
24 NOT ATTEND.

25 (c) DURING THE MEETING HELD PURSUANT TO SUBSECTION (9)(b)
26 OF THIS SECTION, THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL
27 SERVICES SHALL DETERMINE WHETHER TO PROVIDE PREVENTION AND

1 INTERVENTION SERVICES IN ACCORDANCE WITH THE RULES ADOPTED BY
2 THE STATE BOARD OF HUMAN SERVICES OR WHETHER THE COUNTY
3 DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL CONDUCT AN
4 ASSESSMENT OR INVESTIGATION PURSUANT TO SECTIONS 19-3-308,
5 19-3-308.3, AND 19-3-308.5 AND THE RULES ADOPTED BY THE STATE
6 BOARD OF HUMAN SERVICES.

7 (d) IN DETERMINING WHETHER TO CONDUCT AN ASSESSMENT, THE
8 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL CONSIDER
9 THE VULNERABILITY OF THE REFERRED CHILD AND ANY CHILDREN
10 IDENTIFIED AS VICTIMS OF THE REFERRED CHILD'S BEHAVIOR; ANY
11 INFORMATION IN THE CHILD WELFARE INFORMATION SYSTEM AND ANY
12 AVAILABLE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES FILES;
13 AND ANY ALLEGATIONS OF KNOWN OR SUSPECTED CHILD ABUSE OR
14 NEGLECT, AS DESCRIBED IN SECTION 19-3-102, INCLUDING ALLEGATIONS
15 THAT THE CHILD:

16 (I) LACKS PROPER PARENTAL CARE OR SUPERVISION PURSUANT TO
17 SECTION 19-3-102;

18 (II) IS BEYOND THE CONTROL OF THE CHILD'S PARENT, GUARDIAN,
19 OR LEGAL CUSTODIAN PURSUANT TO SECTION 19-3-102; OR

20 (III) IS NOT RECEIVING PROPER OR NECESSARY SUSTENANCE,
21 EDUCATION, MEDICAL CARE, OR ANY OTHER CARE NECESSARY FOR THE
22 CHILD'S HEALTH, GUIDANCE, OR WELL-BEING PURSUANT TO SECTION
23 19-3-102.

24 (e) IN DETERMINING WHETHER TO CONDUCT AN ASSESSMENT, THE
25 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL CONSIDER
26 WHETHER AN ASSESSMENT IS APPROPRIATE FOR ANY PROGRAM AREAS
27 IDENTIFIED IN THE RULES ADOPTED BY THE STATE BOARD OF HUMAN

1 SERVICES, INCLUDING ANY EXISTING PROGRAM AREAS CREATED TO
2 PROVIDE THE FOLLOWING:

3 (I) PREVENTION AND INTERVENTION SERVICES TO CHILDREN,
4 YOUTH, AND FAMILIES AT RISK OF INVOLVEMENT WITH THE CHILD
5 WELFARE SYSTEM;

6 (II) SERVICES TO YOUTH IN CONFLICT WITH THE YOUTH'S FAMILY
7 MEMBERS OR THE COMMUNITY;

8 (III) SERVICES TO CHILDREN IN NEED OF PROTECTION, INCLUDING
9 CHILDREN WHOSE PHYSICAL, MENTAL, OR EMOTIONAL WELL-BEING IS
10 THREATENED OR HARMED DUE TO CHILD ABUSE OR NEGLECT, AS
11 DESCRIBED IN SECTION 19-3-102;

12 (IV) SERVICES FOR CHILDREN AND THE CHILDREN'S FAMILIES IN
13 NEED OF SPECIALIZED SERVICES; AND

14 (V) SERVICES RELATED TO RESOURCE DEVELOPMENT.

15 (f) IF A CHILD ALLEGEDLY ENGAGED IN UNLAWFUL SEXUAL
16 BEHAVIOR, AS DEFINED IN SECTION 16-22-102, THAT WOULD BE A FELONY
17 OFFENSE IF COMMITTED BY AN ADULT, AND THE INDIVIDUALIZED SERVICE
18 AND SUPPORT TEAM DETERMINES THAT THE CHILD OR CHILD'S FAMILY
19 MEMBERS IS NOT SUBSTANTIALLY PARTICIPATING IN THE SERVICES
20 RECOMMENDED IN THE INITIAL PLAN OR THE SERVICE AND SUPPORT PLAN
21 AND PARTICIPATION IS WITHIN THE CHILD'S OR THE CHILD'S FAMILY
22 MEMBER'S CAPACITY AND RESOURCES, AND THE DECISION BY THE COUNTY
23 DEPARTMENT OF HUMAN OR SOCIAL SERVICES IS TO DECLINE AN
24 ASSESSMENT, AT LEAST TWO CERTIFIED CHILD WELFARE STAFF MEMBERS
25 FROM THE SAME COUNTY OR IN CONJUNCTION WITH ANOTHER COUNTY
26 SHALL MAKE THE DECISION.

27 (g) THE DETERMINATIONS MADE PURSUANT TO SUBSECTIONS (9)(c)

1 TO (9)(f) OF THIS SECTION MUST BE INCLUDED IN A WRITTEN UPDATE TO
2 THE CHILD'S SERVICE AND SUPPORT PLAN.

3 (10) IF THE INDIVIDUALIZED SERVICE AND SUPPORT TEAM
4 DETERMINES THAT THE CHILD OR FAMILY MEMBER IS NOT SUBSTANTIALLY
5 PARTICIPATING IN SERVICES, THE INDIVIDUALIZED SERVICE AND SUPPORT
6 TEAM SHALL:

7 (a) CONTACT THE VICTIM, OR THE VICTIM'S DESIGNEE, IDENTIFIED
8 ON THE INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF
9 AGE PURSUANT TO SECTION 24-1.9-102.7;

10 (b) NOTIFY THE VICTIM, OR THE VICTIM'S DESIGNEE, THAT THE
11 INDIVIDUALIZED SERVICE AND SUPPORT TEAM IS MEETING TO ADDRESS THE
12 LACK OF PARTICIPATION; AND

13 (c) PROVIDE AN OPPORTUNITY FOR THE VICTIM, OR THE VICTIM'S
14 DESIGNEE, TO RESPOND TO THE INDIVIDUALIZED SERVICE AND SUPPORT
15 TEAM.

16 (11) ONLY THE FOLLOWING PERSONS OR AGENCIES HAVE ACCESS
17 TO RECORDS CREATED BY AN INDIVIDUALIZED SERVICE AND SUPPORT
18 TEAM, INCLUDING INITIAL PLANS AND SERVICE AND SUPPORT PLANS:

19 (a) THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES
20 WHEN INVESTIGATING A REPORT OF A KNOWN OR SUSPECTED INCIDENT OF
21 CHILD ABUSE OR NEGLECT OR PROVIDING SERVICES FOR A CHILD OR
22 FAMILY THAT IS THE SUBJECT OF THE REPORT;

23 (b) AN AGENCY WITH LEGAL RESPONSIBILITY OR AUTHORIZATION
24 TO CARE FOR, TREAT, OR SUPERVISE A CHILD WHO IS THE SUBJECT OF THE
25 RECORD;

26 (c) A PARENT, LEGAL GUARDIAN OR CUSTODIAN, OR OTHER PERSON
27 RESPONSIBLE FOR THE HEALTH OR WELFARE OF A CHILD NAMED IN A

1 RECORD, OR THE ASSIGNED DESIGNEE OF ANY SUCH PERSON ACTING BY
2 AND THROUGH A VALIDLY EXECUTED POWER OF ATTORNEY;

3 (d) THE CHILD NAMED IN THE RECORD AND THE CHILD'S GUARDIAN
4 AD LITEM OR COUNSEL FOR YOUTH;

5 (e) (I) A SERVICE PROVIDER WHO IS AND CONTINUES TO BE
6 OFFICIALLY AND PROFESSIONALLY INVOLVED IN THE CARE OF THE CHILD
7 WHO IS THE SUBJECT OF THE RECORD, BUT ONLY WITH REGARD TO
8 INFORMATION THAT THE SERVICE PROVIDER HAS A NEED TO KNOW IN
9 ORDER TO FULFILL THE SERVICE PROVIDER'S PROFESSIONAL, OFFICIAL, AND
10 ONGOING ROLE, INCLUDING:

11 (A) HOSPITAL PERSONNEL ENGAGED IN THE ADMISSION, CARE, OR
12 TREATMENT OF THE CHILD;

13 (B) MENTAL HEALTH PROFESSIONALS;

14 (C) PHYSICIANS OR SURGEONS, INCLUDING PHYSICIANS IN
15 TRAINING;

16 (D) REGISTERED NURSES OR LICENSED PRACTICAL NURSES;

17 (E) DENTISTS;

18 (F) PSYCHOLOGISTS LICENSED PURSUANT TO PART 3 OF ARTICLE
19 245 OF TITLE 12;

20 (G) UNLICENSED PSYCHOTHERAPISTS;

21 (H) PROFESSIONAL COUNSELORS LICENSED PURSUANT TO PART 6
22 OF ARTICLE 245 OF TITLE 12;

23 (I) MARRIAGE AND FAMILY THERAPISTS LICENSED PURSUANT TO
24 PART 5 OF ARTICLE 245 OF TITLE 12;

25 (J) PUBLIC OR PRIVATE SCHOOL OFFICIALS OR EMPLOYEES;

26 (K) SOCIAL WORKERS LICENSED PURSUANT TO PART 4 OF ARTICLE
27 245 OF TITLE 12 OR INDIVIDUALS EMPLOYED BY AN AGENCY THAT IS

1 LICENSED OR CERTIFIED PURSUANT TO PART 9 OF ARTICLE 6 OF TITLE 26 OR
2 PART 3 OF ARTICLE 5 OF TITLE 26.5;

3 (L) VICTIM'S ADVOCATES, AS DEFINED IN SECTION 13-90-107
4 (1)(k)(II);

5 (M) CLERGY MEMBERS, AS DEFINED IN SECTION 19-3-304
6 (2)(aa)(III); AND

7 (N) EDUCATORS PROVIDING SERVICES THROUGH THE FEDERAL
8 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND
9 CHILDREN, AS PROVIDED FOR IN 42 U.S.C. SEC. 1786.

10 (II) INFORMATION DISCLOSED TO A SERVICE PROVIDER PURSUANT
11 TO THIS SUBSECTION (11)(e) IS CONFIDENTIAL AND SHALL NOT BE
12 DISCLOSED BY THE SERVICE PROVIDER TO ANY OTHER PERSON, EXCEPT AS
13 PROVIDED BY LAW.

14 (12) (a) UNLESS SPECIFICALLY STATED OTHERWISE, THE
15 REQUIREMENTS OF THIS SECTION TO PROVIDE INFORMATION TO THE
16 VICTIM, OR THE VICTIM'S DESIGNEE, AS IDENTIFIED ON THE INFORMATION
17 FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE CREATED PURSUANT
18 TO SECTION 24-1.9-102.7, MAY BE SATISFIED BY EITHER WRITTEN,
19 ELECTRONIC, OR ORAL COMMUNICATION WITH THE VICTIM OR THE VICTIM'S
20 DESIGNEE. THE PERSON RESPONSIBLE FOR PROVIDING THE INFORMATION
21 SHALL DO SO IN A TIMELY MANNER.

22 (b) AN AGENCY THAT IS REQUIRED TO NOTIFY ANY VICTIM, OR THE
23 VICTIM'S DESIGNEE, AS IDENTIFIED ON THE INFORMATION FORM FOR
24 CHILDREN UNDER THIRTEEN YEARS OF AGE CREATED PURSUANT TO
25 SECTION 24-1.9-102.7, SHALL MAKE REASONABLE ATTEMPTS TO CONTACT
26 THE VICTIM OR THE VICTIM'S DESIGNEE BY MAIL, ELECTRONIC
27 COMMUNICATION, AND TELEPHONE, IF THE VICTIM OR VICTIM'S DESIGNEE

1 HAS PROVIDED AN ADDRESS, ELECTRONIC MAIL ADDRESS, AND TELEPHONE
2 NUMBER ON THE INFORMATION FORM. IF THE VICTIM OR THE VICTIM'S
3 DESIGNEE DOES NOT PROVIDE THE AGENCY WITH A FORWARDING ADDRESS,
4 ELECTRONIC MAIL ADDRESS, AND TELEPHONE NUMBER AND THE AGENCY
5 IS UNABLE TO CONTACT THE VICTIM OR THE VICTIM'S DESIGNEE AFTER
6 REASONABLE ATTEMPTS HAVE BEEN MADE TO CONTACT THE VICTIM OR
7 THE VICTIM'S DESIGNEE, THE AGENCY SHALL BE DEEMED TO HAVE MET ITS
8 OBLIGATION AND SHALL NOT BE REQUIRED TO NOTIFY THE VICTIM OR
9 VICTIM'S DESIGNEE UNTIL THE VICTIM OR VICTIM'S DESIGNEE PROVIDES
10 THE AGENCY WITH THE CURRENT ADDRESS, ELECTRONIC MAIL ADDRESS,
11 IF AVAILABLE, AND TELEPHONE NUMBER OF THE VICTIM AND THE NAME OF
12 THE VICTIM'S CURRENT DESIGNEE, IF APPLICABLE.

13 (c) AN AGENCY THAT IS REQUIRED TO NOTIFY THE VICTIM, OR THE
14 VICTIM'S DESIGNEE, AS IDENTIFIED ON THE INFORMATION FORM FOR
15 CHILDREN UNDER THIRTEEN YEARS OF AGE CREATED PURSUANT SECTION
16 24-1.9-102.7, MAY USE AN AUTOMATED VICTIM NOTIFICATION SYSTEM.

17 (d) ANY VICTIM, OR THE VICTIM'S DESIGNEE, AS IDENTIFIED ON THE
18 INFORMATION FORM FOR CHILDREN UNDER THIRTEEN YEARS OF AGE
19 CREATED PURSUANT TO SECTION 24-1.9-102.7, MAY ENFORCE
20 COMPLIANCE WITH THIS ARTICLE 1.9 BY NOTIFYING THE INTERAGENCY
21 OVERSIGHT GROUP, CREATED IN SECTION 24-1.9-102, OF ANY
22 NONCOMPLIANCE WITH THIS ARTICLE 1.9. THE INTERAGENCY OVERSIGHT
23 GROUP SHALL REVIEW ANY REPORT OF NONCOMPLIANCE, AND, IF THE
24 INTERAGENCY OVERSIGHT GROUP DETERMINES THAT THE REPORT OF
25 NONCOMPLIANCE HAS A BASIS IN FACT AND CANNOT BE RESOLVED, THE
26 INTERAGENCY OVERSIGHT GROUP SHALL REFER THE REPORT OF
27 NONCOMPLIANCE TO THE GOVERNOR, WHO MAY REQUEST THAT THE

1 ATTORNEY GENERAL FILE SUIT TO ENFORCE COMPLIANCE WITH THIS
2 ARTICLE 1.9. A PERSON, CORPORATION, OR OTHER LEGAL ENTITY SHALL
3 NOT BE ENTITLED TO CLAIM OR RECEIVE DAMAGES OR OTHER FINANCIAL
4 REDRESS FOR ANY FAILURE TO COMPLY WITH THIS ARTICLE 1.9.

5 SECTION 25. In Colorado Revised Statutes, amend
6 24-1.9-102.5 as follows:

7 24-1.9-102.5. Evaluation. The department of human services
8 shall ensure that an annual external evaluation of the statewide program
9 and each county or regional program is conducted by an independent
10 outside entity. ~~The department may contract with the outside entity to~~
11 ~~conduct an external evaluation of those counties that opted not to~~
12 ~~participate in the collaborative management program.~~ The department of
13 human services shall utilize ~~moneys~~ MONEY in the ~~performance-based~~
14 collaborative management ~~incentive~~ cash fund created in section
15 24-1.9-104, or any general fund ~~moneys~~ MONEY appropriated for this
16 purpose, for annual external evaluations of the counties participating in
17 memorandums of understanding pursuant to section 24-1.9-102, also
18 known as the LOCAL collaborative management ~~program, as well as~~
19 ~~external evaluations as determined by the department of human services~~
20 ~~of those counties that opted to not participate in the collaborative~~
21 ~~management program.~~ The annual external evaluation must include any
22 evaluation that may be required in connection with a waiver authorized
23 pursuant to section 24-1.9-102 ~~(4)~~ and an evaluation of whether the
24 parties to a LOCAL collaborative management program have successfully
25 met or exceeded the ~~performance~~ measures identified in the parties'
26 memorandum of understanding pursuant to section 24-1.9-102. ~~(2)(i).~~
27 Each county participating in the LOCAL collaborative management

1 program shall participate fully in the annual external evaluation.

2 **SECTION 26.** In Colorado Revised Statutes, **amend**
3 24-1.9-102.7 as follows:

4 **24-1.9-102.7. Technical assistance.** (1) The department of
5 human services shall develop and implement training for counties
6 participating in ~~or interested in participating in~~ the LOCAL collaborative
7 management program. The department of human services shall utilize
8 ~~moneys~~ MONEY in the ~~performance-based~~ collaborative management
9 ~~incentive~~ cash fund created in section 24-1.9-104, or any general fund
10 ~~moneys~~ MONEY appropriated for this purpose, to develop and implement
11 training AND OVERSIGHT for counties. The training ~~shall~~ MUST identify
12 management strategies to collaborate effectively and efficiently to share
13 resources or to manage and integrate the treatment and services provided
14 to children and families receiving collaborative management services
15 pursuant to this ~~article~~ ARTICLE 1.9, AND STRATEGIES TO ADDRESS THE
16 NEEDS OF CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN
17 YEARS OF AGE WHO COME IN CONTACT WITH LAW ENFORCEMENT, AND THE
18 NEEDS OF CHILDREN WHO ARE VICTIMIZED, INCLUDING UNDERSTANDING
19 HARM TO A VICTIM AND EFFECTIVE TREATMENT AND SERVICES TO SUPPORT
20 A VICTIM'S SAFETY, HEALING, AND RECOVERY. IN DEVELOPING SERVICES
21 TO SUPPORT VICTIMS, THE DEPARTMENT OF HUMAN SERVICES SHALL
22 CONSULT WITH THE DEPARTMENT OF PUBLIC SAFETY. IN DEVELOPING THE
23 TRAINING AND STRATEGIES TO INTEGRATE RESTORATIVE JUSTICE SERVICES
24 AND PRINCIPLES, THE DEPARTMENT OF HUMAN SERVICES SHALL CONSULT
25 WITH THE COLORADO RESTORATIVE JUSTICE COORDINATING COUNCIL,
26 CREATED IN SECTION 19-2-213. IN DEVELOPING THE TRAINING AND
27 STRATEGIES TO INTEGRATE TREATMENT AND SERVICES FOR CHILDREN WHO

1 HAVE ENGAGED IN BEHAVIOR IN WHICH THE UNDERLYING FACTUAL BASIS
2 INVOLVES UNLAWFUL SEXUAL BEHAVIOR, THE DEPARTMENT OF HUMAN
3 SERVICES SHALL CONSULT THE SEX OFFENDER MANAGEMENT BOARD
4 CREATED PURSUANT TO SECTION 16-11.7-103. IN DEVELOPING THE
5 TRAINING AND OVERSIGHT, THE DEPARTMENT OF HUMAN SERVICES SHALL
6 CONSIDER THE REPORT FROM THE PRE-ADOLESCENT SERVICES TASK FORCE
7 CREATED IN SECTION 19-3-304.4.

8 (2)(a) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT OF
9 HUMAN SERVICES SHALL DEVELOP A MODEL WRITTEN PROCEDURE
10 PURSUANT TO SECTION 24-1.9-102 TO SERVE CHILDREN TEN YEARS OF AGE
11 OR OLDER BUT UNDER THIRTEEN YEARS OF AGE AND CHILDREN WHO ARE
12 VICTIMS IDENTIFIED ON THE INFORMATION FORM CREATED IN SUBSECTION
13 (3) OF THIS SECTION.

14 (b) IN DEVELOPING A MODEL WRITTEN PROCEDURE TO SUPPORT
15 CHILDREN WHO ARE VICTIMS, THE DEPARTMENT OF HUMAN SERVICES
16 SHALL CONSULT WITH REPRESENTATIVES FROM A COMMUNITY-BASED
17 ORGANIZATION THAT PROVIDES VICTIM SERVICES.

18 (3) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT OF
19 HUMAN SERVICES SHALL, IN CONSULTATION WITH REPRESENTATIVES FROM
20 LOCAL LAW ENFORCEMENT AGENCIES AND THE DEPARTMENT OF PUBLIC
21 SAFETY, CREATE AN INFORMATION FORM FOR CHILDREN UNDER THIRTEEN
22 YEARS OF AGE TO BE COMPLETED BY LAW ENFORCEMENT AND ANY OTHER
23 PARTY REFERRING A CHILD TO A LOCAL COLLABORATIVE MANAGEMENT
24 PROGRAM FOR ASSESSMENT AND SERVICES. THE INFORMATION FORM FOR
25 CHILDREN UNDER THIRTEEN YEARS OF AGE MUST INCLUDE:

26 (a) A DESCRIPTION OF THE ALLEGED CONDUCT OF THE CHILD,
27 INCLUDING IDENTIFICATION OF THE MISDEMEANOR OR FELONY THAT THE

1 OFFICER HAS PROBABLE CAUSE TO BELIEVE THE CHILD'S ACTIONS WOULD
2 CONSTITUTE, IF THE ACTIONS WERE COMMITTED BY AN ADULT;

3 (b) INFORMATION CONCERNING THE CHILD'S POTENTIAL NEED FOR
4 SERVICES, IF KNOWN;

5 (c) CONTACT INFORMATION FOR THE CHILD'S PARENT, LEGAL
6 GUARDIAN, OR ADULT WHO RESIDES WITH THE CHILD, AND THE ALLEGED
7 VICTIM, IF ANY, AND THE VICTIM'S DESIGNEE, IF ANY;

8 (d) A SPACE FOR LAW ENFORCEMENT TO INDICATE WHETHER THE
9 ALLEGED CONDUCT OF THE CHILD CONSTITUTES:

10 (I) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;

11 (II) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION
12 16-22-102, THAT WOULD CONSTITUTE A FELONY OFFENSE IF COMMITTED
13 BY AN ADULT;

14 (III) FELONY SEXUAL ASSAULT, PURSUANT TO SECTION 18-3-402;

15 OR

16 (IV) FELONY UNLAWFUL SEXUAL CONTACT, PURSUANT TO SECTION
17 18-3-404 (2)(b), AND THE CHILD USED FORCE, INTIMIDATION, OR THREAT.

18 (e) ANY INFORMATION REQUIRED FOR A VICTIM TO REQUEST
19 SERVICES OR COMPENSATION PURSUANT TO ARTICLE 4.1 OF TITLE 24; AND

20 (f) WHETHER THE LAW ENFORCEMENT OFFICER REQUESTED AN
21 EMERGENCY PROTECTION ORDER PURSUANT TO SECTION 19-3-405 OR
22 SECTION 13-14-103.

23 (g) AN ATTESTATION, TO BE SIGNED BY THE PARENT, LEGAL
24 GUARDIAN, LEGAL CUSTODIAN OF THE CHILD, OR ADULT RESIDING WITH
25 THE CHILD, AGREEING TO COOPERATE WITH THE LOCAL COLLABORATIVE
26 MANAGEMENT PROGRAM AND ATTEND ANY MEETINGS SCHEDULED BY THE
27 INDIVIDUALIZED SERVICE AND SUPPORT TEAM.

1 (4) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT OF
2 HUMAN SERVICES SHALL ESTABLISH A TIME FRAME FOR:

3 (a) SUBMITTING AN INFORMATION FORM FOR CHILDREN UNDER
4 THIRTEEN YEARS OF AGE TO A LOCAL COLLABORATIVE MANAGEMENT
5 PROGRAM;

6 (b) FINALIZING AN INITIAL PLAN AND SHARING THE PLAN WITH THE
7 CHILD AND THE CHILD'S FAMILY; AND

8 (c) COMPLETING AN INDIVIDUALIZED SERVICE AND SUPPORT TEAM
9 MEETING, SHOULD ONE BE NEEDED.

10 (5) THE DEPARTMENT OF HUMAN SERVICES SHALL DEVELOP A
11 SYSTEM TO REVIEW AND PROVIDE TECHNICAL ASSISTANCE FOR
12 IMPLEMENTING WRITTEN PROCEDURES TO SERVE CHILDREN TEN YEARS OF
13 AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO HAVE CONTACT
14 WITH LAW ENFORCEMENT PURSUANT TO SECTION 24-1.9-102.3.
15 BEGINNING JULY 1, 2024, AND EACH JULY 1 THEREAFTER, THE
16 DEPARTMENT OF HUMAN SERVICES SHALL REVIEW ALL WRITTEN
17 PROCEDURES TO SERVE CHILDREN TEN YEARS OF AGE OR OLDER BUT
18 UNDER THIRTEEN YEARS OF AGE WHO HAVE CONTACT WITH LAW
19 ENFORCEMENT AND CHILDREN WHO ARE VICTIMS IDENTIFIED ON THE
20 INFORMATION FORM CREATED IN SUBSECTION (3) OF THIS SECTION.

21 **SECTION 27.** In Colorado Revised Statutes, 24-1.9-103, **amend**
22 (1)(a), (1)(c), (2)(b)(II), (2)(b)(III), and (2)(b)(VI); and **add** (1)(b.5) as
23 follows:

24 **24-1.9-103. Reports - executive director review.**

25 (1) Commencing January 1, 2007, and on or before each January 1
26 thereafter, each interagency oversight group shall provide a report to the
27 executive director of each department and agency that is a party to any

1 memorandum of understanding entered into that includes:

2 (a) The number of children and families served through the
3 ~~local-level~~ individualized service and support teams and the outcomes of
4 the services provided, including THE NUMBER, AGE, RACE, GENDER, AND
5 DISABILITY STATUS OF THE CHILDREN SERVED, A DESCRIPTION OF THE
6 OUTCOMES FOR CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER
7 THIRTEEN YEARS OF AGE WHO HAVE CONTACT WITH LAW ENFORCEMENT,
8 A DESCRIPTION OF THE OUTCOMES FOR CHILDREN WHO ARE VICTIMS
9 IDENTIFIED ON THE INFORMATION FORM CREATED IN SECTION
10 24-1.9-102.7, AND a description of any reduction in duplication or
11 fragmentation of services provided and a description of any significant
12 improvement in outcomes for children and families;

13 (b.5) THE NUMBER OF CHILDREN AND FAMILIES THAT WERE
14 REFERRED TO A LOCAL COLLABORATIVE MANAGEMENT PROGRAM AND DID
15 NOT RECEIVE RECOMMENDED SERVICES, INCLUDING A DESCRIPTION OF THE
16 SERVICES THAT WERE RECOMMENDED BUT NOT PROVIDED, A
17 DESCRIPTION OF THE BARRIERS TO PROVIDING SUCH SERVICES, AND THE
18 AGE, RACE, GENDER, AND DISABILITY STATUS OF THE CHILDREN;

19 (c) An accounting of ~~moneys~~ MONEY that ~~were~~ WAS reinvested in
20 additional services provided to children or families who would benefit
21 from integrated multi-agency services due to cost-savings that may have
22 resulted; ~~or due to meeting or exceeding performance measures identified~~
23 ~~in the memorandum of understanding pursuant to section 24-1.9-102~~
24 ~~(2)(i);~~

25 (2) (b) The following persons or their designees shall attend the
26 annual meeting required pursuant to subsection (2)(a) of this section:

27 (II) A superintendent of a school district that has entered into a

1 memorandum of understanding, ~~and has met or exceeded the performance~~
2 ~~measures identified in the memorandum of understanding pursuant to~~
3 ~~section 24-1.9-102 (2)(i)~~, as such superintendent is selected by the
4 commissioner of education;

5 (III) A director of a county department of human or social services
6 that has entered into a memorandum of understanding, ~~and has met or~~
7 ~~exceeded the performance measures identified in the memorandum of~~
8 ~~understanding pursuant to section 24-1.9-102 (2)(i)~~, as such director is
9 selected by the executive director of the state department of human
10 services;

11 (VI) A director of a local mental health center that has entered
12 into a memorandum of understanding, ~~and has met or exceeded the~~
13 ~~performance measures identified in the memorandum of understanding~~
14 ~~pursuant to section 24-1.9-102 (2)(i)~~, as such director is selected by the
15 executive director of the department of human services;

16 **SECTION 28.** In Colorado Revised Statutes, **amend** 24-1.9-104
17 as follows:

18 **24-1.9-104. Cash fund - creation - grants, gifts, and donations.**

19 (1) On July 1, 2005, there shall be created in the state treasury the
20 ~~performance-based~~ collaborative management ~~incentive~~ cash fund, which
21 shall be referred to in this section as the "fund". The ~~moneys~~ MONEY in
22 the fund shall be subject to annual appropriation by the general assembly
23 to the department of human services for state fiscal year 2005-06 and
24 each fiscal year thereafter. The fund shall consist of ~~moneys~~ MONEY
25 received from docket fees in civil actions and transferred as specified in
26 section 13-32-101. ~~(5)(a)(II), C.R.S.~~

27 (1.5) ON JULY 1, 2024, AND ANNUALLY THEREAFTER, THE

1 GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO THE COLLABORATIVE
2 MANAGEMENT CASH FUND TO SERVE CHILDREN TEN YEARS OF AGE OR
3 OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO HAVE HAD CONTACT
4 WITH LAW ENFORCEMENT.

5 (2) The executive director of the department of human services is
6 authorized to accept and expend on behalf of the state any grants, gifts,
7 or donations from any private or public source for the purposes of this
8 section. All private and public funds received through grants, gifts, or
9 donations shall be transmitted to the state treasurer, who shall credit the
10 same to the fund in addition to ~~moneys~~ MONEY credited pursuant to
11 subsection (1) of this section and any ~~moneys~~ MONEY that may be
12 appropriated to the fund directly by the general assembly. All investment
13 earnings derived from the deposit and investment of ~~moneys~~ MONEY in
14 the fund shall remain in the fund and shall not be transferred or revert to
15 the general fund of the state or any other fund at the end of any fiscal
16 year.

17 (2.5) Notwithstanding any provision of this section to the
18 contrary, on June 1, 2009, the state treasurer shall deduct three hundred
19 thousand dollars from the fund and transfer such sum to the general fund.

20 (3) (a) On and after July 1, 2005, the executive director of the
21 department of human services shall allocate the ~~moneys~~ MONEY in the
22 fund, and any general fund ~~moneys~~ MONEY appropriated for this purpose,
23 ~~to provide incentives~~ to parties to a memorandum of understanding who
24 have agreed to ~~performance-based~~ collaborative management pursuant to
25 section 24-1.9-102. ~~(2)(i) and who, based upon the annual report to the~~
26 ~~department of human services pursuant to section 24-1.9-102 (2)(i), have~~
27 ~~successfully met or exceeded the performance measures identified in the~~

1 ~~parties' memorandum of understanding pursuant to section 24-1.9-102~~
2 ~~(2)(i). The incentives shall be used to provide services to children and~~
3 ~~families who would benefit from integrated multi-agency services, as~~
4 ~~such population is defined by the memorandum of understanding pursuant~~
5 ~~to section 24-1.9-102 (2)(c). THE EXECUTIVE DIRECTOR OF THE~~
6 DEPARTMENT OF HUMAN SERVICES SHALL:

7 (I) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION
8 (3)(a)(I), PROVIDE AN ANNUAL SUM TO EACH LOCAL COLLABORATIVE
9 MANAGEMENT PROGRAM TO SERVE CHILDREN TEN YEARS OF AGE OR
10 OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO HAVE HAD CONTACT
11 WITH LAW ENFORCEMENT. FOR THE 2023-24 STATE FISCAL YEAR, THE SUM
12 PROVIDED TO EACH LOCAL COLLABORATIVE MANAGEMENT PROGRAM
13 MUST BE USED TO SERVE CHILDREN TEN YEARS OF AGE OR OLDER BUT
14 UNDER THIRTEEN YEARS OF AGE WHO HAVE HAD CONTACT WITH LAW
15 ENFORCEMENT, INCLUDING HIRING ADDITIONAL STAFF, IF NEEDED. IN
16 SUBSEQUENT STATE FISCAL YEARS, THE AMOUNT OF THE SUM PROVIDED
17 TO EACH LOCAL COLLABORATIVE MANAGEMENT PROGRAM MUST BE
18 DETERMINED THROUGH A FUNDING FORMULA THAT CONSIDERS:

19 (A) THE AMOUNT OF MONEY AVAILABLE IN THE FUND;
20 (B) THE NEED FOR A BASE OF RESOURCES TO DIRECT A CHILD AND
21 THE CHILD'S FAMILY MEMBERS TO APPROPRIATE SERVICES; AND

22 (C) THE NUMBER OF CLIENTS TEN YEARS OF AGE OR OLDER BUT
23 UNDER THIRTEEN YEARS OF AGE WHO NEED TO BE SERVED IN EACH
24 COUNTY OR REGION; AND

25 (II) BEGINNING JULY 1, 2024, PROVIDE AN ANNUAL SUM TO EACH
26 LOCAL COLLABORATIVE MANAGEMENT PROGRAM TO PROVIDE SERVICES
27 TO A CHILD AND A CHILD'S FAMILY MEMBERS WHO WOULD BENEFIT FROM

1 INTEGRATED MULTI-AGENCY SERVICES, AS THE POPULATION IS DEFINED BY
2 THE MEMORANDUM OF UNDERSTANDING PURSUANT TO SECTION
3 24-1.9-102, AS DETERMINED THROUGH A FUNDING FORMULA THAT
4 CONSIDERS:

- 5 (A) THE AMOUNT OF MONEY AVAILABLE IN THE FUND;
- 6 (B) THE NEED FOR A BASE OF RESOURCES TO DIRECT A CHILD AND
7 THE CHILD'S FAMILY MEMBERS TO APPROPRIATE SERVICES; AND
- 8 (C) THE NUMBER OF CLIENTS IN THE POPULATION TO BE SERVED,
9 AS DEFINED BY THE MEMORANDUM OF UNDERSTANDING PURSUANT TO
10 SECTION 14-1.9-102, IN EACH COUNTY OR REGION.

11 (a.5) On and after July 1, 2008, the executive director of the
12 department of human services is authorized to allocate ~~moneys~~ MONEY in
13 the fund, and any general fund ~~moneys~~ MONEY appropriated for this
14 purpose, to be used to cover the direct and indirect costs of the external
15 evaluation of the ~~performance-based~~ collaborative management program
16 described in section 24-1.9-102 and the technical assistance and training
17 for counties as described in section 24-1.9-102.7.

18 (b) For purposes of allocating ~~incentive moneys~~ MONEY pursuant
19 to this subsection (3), the executive director of the department of human
20 services shall submit an accounting of ~~moneys~~ MONEY in the fund,
21 ~~available for incentives~~, and any general fund ~~moneys~~ MONEY
22 appropriated for this purpose, and a proposal for the allocation of
23 ~~incentive moneys~~ MONEY to the state board of human services for review
24 and approval prior to the allocation of the ~~moneys~~ MONEY. The state
25 board of human services shall approve the proposal not later than thirty
26 days after receipt of the proposal from the executive director of the
27 department of human services.

1 **SECTION 29.** In Colorado Revised Statutes, 24-4.1-102, **amend**
2 (1), (10)(a) introductory portion, (10)(a)(I), (10)(b), and (10)(c); and **add**
3 (3.5) as follows:

4 **24-4.1-102. Definitions.** As used in this part 1, unless the context
5 otherwise requires:

6 (1) "Applicant" means any victim of a compensable crime OR
7 COMPENSABLE ACT who applies to the fund for compensation ~~under~~
8 PURSUANT TO this part 1. In the case of such victim's death, the term
9 includes any person who was ~~his~~ THE VICTIM'S dependent at the time of
10 the death of that victim.

11 (3.5) "COMPENSABLE ACT" MEANS AN ACT COMMITTED BY A
12 JUVENILE WHO IS TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN
13 YEARS OF AGE THAT, IF COMMITTED BY A PERSON WHO IS THIRTEEN YEARS
14 OF AGE OR OLDER, IS PUNISHABLE AS A CRIME IN THIS STATE THAT IS AN
15 INTENTIONAL, KNOWING, RECKLESS, OR NEGLIGENT ACT, INCLUDING:

16 (a) AN ACT IN VIOLATION OF SECTION 42-4-1301 (1) OR (2) THAT
17 RESULTS IN RESIDENTIAL PROPERTY DAMAGE TO OR BODILY INJURY OR
18 DEATH OF ANOTHER PERSON OR RESULTS IN LOSS OF OR DAMAGE TO
19 EYEGLASSES, DENTURES, HEARING AIDS, OR OTHER PROSTHETIC OR
20 MEDICAL DEVICE;

21 (b) AN ACT IN VIOLATION OF SECTION 42-4-1402 OR 42-4-1601
22 THAT RESULTS IN THE DEATH OR BODILY INJURY OF ANOTHER PERSON; OR

23 (c) A FEDERAL OFFENSE THAT IS COMPARABLE TO THOSE SPECIFIED
24 IN THIS SUBSECTION (3.5) AND IS COMMITTED IN THIS STATE.

25 (10) (a) "Victim" means any of the following persons who suffer
26 property damage, economic loss, injury, or death as a result of a
27 compensable crime OR COMPENSABLE ACT perpetrated or attempted in

1 whole or in part in this state:

2 (I) Any person against whom a compensable crime OR
3 COMPENSABLE ACT is perpetrated or attempted. Such person shall be
4 referred to as a "primary victim".

5 (b) "Victim" also means a person who suffers injury or death, the
6 proximate cause of which is a compensable crime OR COMPENSABLE ACT
7 perpetrated or attempted in the person's presence against a primary victim.

8 (c) "Victim" also means a person who is a resident of this state
9 and who is a victim of a crime that occurred outside of this state, where
10 the crime would be a compensable crime OR COMPENSABLE ACT had it
11 occurred in this state and where the state or country in which the crime
12 occurred does not have a crime victim compensation program for which
13 the person would be eligible.

14 **SECTION 30.** In Colorado Revised Statutes, 24-4.1-105, **amend**
15 (2)(b) as follows:

16 **24-4.1-105. Application for compensation.** (2) (b) In order to
17 be eligible for compensation for property damage ~~under~~ PURSUANT TO
18 this part 1, the applicant shall submit a report or case number, if
19 reasonably available, from a law enforcement agency ~~which shall set~~
20 THAT SETS forth the nature of the property damage which is the result of
21 a compensable crime OR COMPENSABLE ACT. AN INFORMATION FORM FOR
22 CHILDREN UNDER THIRTEEN YEARS OF AGE, PURSUANT TO SECTION
23 24-1.9-102.3, MAY BE SUBMITTED BY THE APPLICANT IN PLACE OF A LAW
24 ENFORCEMENT REPORT.

25 **SECTION 31.** In Colorado Revised Statutes, 24-4.1-108, **amend**
26 (1) introductory portion, (1)(a), (1.5) introductory portion, and (1.5)(a) as
27 follows:

1 **24-4.1-108. Awarding compensation.** (1) A person is entitled to
2 an award of compensation ~~under~~ PURSUANT TO this part 1 if:

3 (a) The person is a victim or a dependent of a victim or a
4 successor in interest under the "Colorado Probate Code" of a victim of a
5 compensable crime ~~which was~~ perpetrated on or after July 1, 1982, OR A
6 COMPENSABLE ACT PERPETRATED ON OR AFTER JULY 1, 2024, and ~~which~~
7 THE COMPENSABLE CRIME OR COMPENSABLE ACT resulted in a loss;

8 (1.5) A person is entitled to an award of compensation for
9 property damage ~~under~~ PURSUANT TO this part 1 if:

10 (a) The person is a victim of a compensable crime ~~which was~~
11 perpetrated on or after July 1, 1983, OR A COMPENSABLE ACT
12 PERPETRATED ON OR AFTER JULY 1, 2024, and ~~which~~ THE COMPENSABLE
13 CRIME OR COMPENSABLE ACT resulted in property damage;

14 **SECTION 32.** In Colorado Revised Statutes, 24-4.1-109, **amend**
15 (1.5)(a) introductory portion and (1.5)(a)(I)(A) as follows:

16 **24-4.1-109. Losses compensable.** (1.5) (a) Losses compensable
17 ~~under~~ PURSUANT TO this part 1 resulting from property damage include:

18 (I) (A) Repair or replacement of property damaged as a result of
19 a compensable crime OR COMPENSABLE ACT; or

20 **SECTION 33.** In Colorado Revised Statutes, 24-4.1-117, **amend**
21 (2) as follows:

22 **24-4.1-117. Fund created - control of fund.** (2) The fund
23 consists of all money paid as a cost or surcharge levied on criminal
24 actions, as provided in section 24-4.1-119; any federal money available
25 to state or local governments for victim compensation; all money received
26 from any action or suit to recover damages from an assailant for a
27 compensable crime ~~which~~ OR COMPENSABLE ACT THAT was the basis for

1 an award of, and limited to, compensation received ~~under~~ PURSUANT TO
2 this part 1; any restitution paid by an assailant to a victim for damages for
3 a compensable crime ~~which~~ OR COMPENSABLE ACT THAT was the basis for
4 an award received ~~under~~ PURSUANT TO this part 1 and for damages for
5 which the victim has received an award of, and limited to, compensation
6 received ~~under~~ PURSUANT TO this part 1; money transferred from the
7 marijuana tax cash fund pursuant to section 39-28.8-501 (4.9)(b); and any
8 other money that the general assembly may appropriate or transfer to the
9 fund.

10 **SECTION 34. Appropriation.** (1) For the 2023-24 state fiscal
11 year, \$1,422,450 is appropriated to the department of human services for
12 use by the division of child welfare. This appropriation is from the
13 general fund. To implement this act, the division may use this
14 appropriation as follows:

15 (a) \$411,859 for collaborative management program
16 administration and evaluation, which amount is based on an assumption
17 that the division will require an additional 1.6 FTE;

18 (b) \$1,009,468 for performance-based collaborative management
19 incentives; and

20 (c) \$1,123 for Colorado trails.

21 (2) For the 2023-24 state fiscal year, the general assembly
22 anticipates that the department of human services will receive \$604 in
23 federal funds for use by the division of child welfare to implement this act.
24 The appropriation in subsection (1)(c) of this section is based on the
25 assumption that the department will receive this amount of federal funds,
26 which is subject to the "(I)" notation as defined in the annual general
27 appropriation act for the same fiscal year.

1 (3) For the 2023-24 state fiscal year, \$39,866 is appropriated to the
2 department of public safety for use by the division of criminal justice. This
3 appropriation is from the general fund, and is based on an assumption that
4 the division will require an additional 0.4 FTE. To implement this act, the
5 division may use this appropriation for the sex offender surcharge fund
6 program.

7 **SECTION 35. Act subject to petition - effective date -**
8 **applicability.** (1) Sections 23, 26, and 34 of this act, and section
9 24-1.9-104 (3)(a) introductory portion and (3)(a)(I) in section 28 of this
10 act, take effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after adjournment of the general assembly, and the
12 remainder of this act takes effect July 1, 2024; except that, if a referendum
13 petition is filed pursuant to section 1 (3) of article V of the state
14 constitution against this act or an item, section, or part of this act within
15 the ninety-day period after final adjournment of the general assembly, then
16 the act, item, section, or part will not take effect unless approved by the
17 people at the general election to be held in November 2024 and, in such
18 case, will take effect on the date of the official declaration of the vote
19 thereon by the governor.

20 (2) This act applies to offenses committed and to confinement or
21 detention ordered on or after the applicable effective date of this act.