

CHAPTER 182

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**COURTS**

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**HOUSE BILL 02-1101**

BY REPRESENTATIVE(S) Williams T., Boyd, Groff, Jahn, Lawrence, Madden, Marshall, Harvey, Plant, Ragsdale, Romanoff, Vigil, Weddig, and Williams S.;  
also SENATOR(S) Gordon, Hernandez, Tate, and Windels.

**AN ACT**

**CONCERNING FAMILY-FRIENDLY COURTS, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** Article 3 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**13-3-113. "Family-friendly Courts Act" - repeal.** (1) **Short title.** THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "FAMILY-FRIENDLY COURTS ACT".

(2) **Legislative declaration.** (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT MANY FAMILIES EXPERIENCE CHALLENGES AND TRANSITIONS WITH LEGAL RAMIFICATIONS THAT OFTENTIMES NECESSITATE COURT INVOLVEMENT. FREQUENTLY THESE LEGAL MATTERS ARE MANIFESTED IN JUVENILE DELINQUENCY PROCEEDINGS, DOMESTIC RELATIONS PROCEEDINGS, PROTECTIVE PROCEEDINGS RELATED TO DOMESTIC ABUSE OR DOMESTIC VIOLENCE, CHILD PROTECTION PROCEEDINGS, AND OTHER MATTERS THAT REQUIRE THE PRESENCE OF INDIVIDUALS AND FAMILY MEMBERS AT COURT PROCEEDINGS. MANY PERSONS WHOSE ATTENDANCE IS REQUIRED AT SUCH COURT PROCEEDINGS ARE RESPONSIBLE FOR THE CARE OF YOUNG CHILDREN. FOR MANY SUCH INDIVIDUALS, CHILD CARE ISSUES CAN DISTRACT FROM, IF NOT PRESENT OBSTACLES OR EVEN BARRIERS TO, EFFECTIVE AND COMPLETE PARTICIPATION IN ONGOING COURT PROCEEDINGS. THE GENERAL ASSEMBLY FINDS THAT THESE ISSUES WERE ACKNOWLEDGED AND ADDRESSED IN THE 1999 REPORT ENTITLED "CREATING FAMILY FRIENDLY COURTS IN COLORADO: CHILDREN'S CENTERS FOR THE COURTHOUSE", WHICH REPORT WAS SUBMITTED BY THE COLORADO SUPREME COURT FAMILY FRIENDLY FACILITIES TASK FORCE AND WHICH REPORT RECOMMENDED THE ESTABLISHMENT OF CHILDREN'S CENTERS IN

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

## COURTHOUSES.

(b) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE SAME INDIVIDUALS WHO ARE IN NEED OF CHILD CARE SERVICES WHEN THEY ARE PARTICIPATING IN COURT PROCEEDINGS MAY ALSO BENEFIT FROM THE AVAILABILITY OF INFORMATION AND RESOURCE REFERRALS RELATING TO CERTAIN TYPES OF SERVICES WITHIN THE COMMUNITY, INCLUDING SERVICES ADDRESSING AT-RISK YOUTH, EMPLOYMENT COUNSELING, EMPLOYMENT TRAINING AND PLACEMENT, HEALTH EDUCATION AND COUNSELING, FINANCIAL MANAGEMENT, EDUCATION, LEGAL COUNSELING AND REFERRAL, DOMESTIC ABUSE AND DOMESTIC VIOLENCE, AND SUBSTANCE ABUSE.

(c) THE GENERAL ASSEMBLY THEREFORE DETERMINES AND DECLARES THAT THE CREATION OF FAMILY-FRIENDLY COURT PROGRAMS WOULD BE BENEFICIAL TO AND IN THE BEST INTERESTS OF THE CITIZENS OF COLORADO. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE GOAL OF SUCH PROGRAMS SHALL PRIMARILY BE PROVIDING QUALITY CHILD CARE IN OR NEAR COURTHOUSES TO THE CHILDREN OF INDIVIDUALS AND FAMILIES WHOSE PRESENCE IS REQUIRED AT COURT-RELATED PROCEEDINGS, BUT THAT SUCH PROGRAMS WOULD ALSO SERVE AS A CLEARINGHOUSE OF INFORMATION AND RESOURCE REFERRALS FOR PROGRAM PATRONS CONCERNING THE WIDE VARIETY OF AVAILABLE SERVICES, INCLUDING SERVICES THAT PROVIDE HELP TO AT-RISK YOUTH, EDUCATIONAL SERVICES, HEALTH SERVICES, MENTAL HEALTH SERVICES, SUBSTANCE ABUSE SERVICES, LEGAL SERVICES, AND DOMESTIC ABUSE INFORMATION.

(3) **Definitions.** FOR PURPOSES OF THIS SECTION:

(a) "AT-RISK YOUTH" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 25-20.5-203 (3), C.R.S.

(b) "DOMESTIC ABUSE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 14-4-101 (2), C.R.S.

(c) "DOMESTIC VIOLENCE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 18-6-800.3 (1), C.R.S.

(d) "IN-COURT CHILD CARE" MEANS CHILD CARE SERVICES PROVIDED IN THE COURTHOUSE OR COURTHOUSE COMPLEX OR IN CLOSE PROXIMITY TO THE COURTHOUSE.

(e) "PROGRAM" MEANS THE FAMILY-FRIENDLY COURT PROGRAM ESTABLISHED PURSUANT TO THIS SECTION.

(4) **Provision of family-friendly court services.** THERE IS HEREBY CREATED THE FAMILY-FRIENDLY COURT PROGRAM, WHICH PROGRAM SHALL OPERATE AS A THREE-YEAR PILOT PROGRAM. THE PURPOSE OF THE PROGRAM SHALL BE TO PROVIDE QUALITY IN-COURT CHILD CARE SERVICES TO THE CHILDREN OF INDIVIDUALS WHO ARE ATTENDING COURT PROCEEDINGS OR RELATED MATTERS AND TO SERVE AS A CENTRAL LOCATION FOR THE DISSEMINATION OF INFORMATION TO FAMILIES ABOUT RESOURCES AND SERVICES RELATING TO AT-RISK YOUTH, EMPLOYMENT COUNSELING, EMPLOYMENT TRAINING AND PLACEMENT, HEALTH EDUCATION AND COUNSELING, FINANCIAL MANAGEMENT, EDUCATION, LEGAL COUNSELING AND REFERRAL, DOMESTIC ABUSE AND DOMESTIC VIOLENCE, AND SUBSTANCE ABUSE. GRANTS AWARDED

PURSUANT TO THIS SECTION SHALL BE USED TO ESTABLISH AND MAINTAIN NEW FAMILY-FRIENDLY COURT PROGRAMS IN JUDICIAL DISTRICTS THROUGHOUT THE STATE THAT DO NOT HAVE COMPARABLE EXISTING PROGRAMS, AS WELL AS TO ENHANCE EXISTING FAMILY-FRIENDLY COURT PROGRAMS.

**(5) Grant applications - duties of judicial districts.** (a) TO BE ELIGIBLE FOR MONEYS FROM THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND, CREATED IN SUBSECTION (6) OF THIS SECTION, FOR THE PROVISION OF FAMILY-FRIENDLY COURT SERVICES, A JUDICIAL DISTRICT SHALL APPLY TO THE STATE COURT ADMINISTRATOR IN ACCORDANCE WITH THE TIMELINES AND GUIDELINES ADOPTED BY THE STATE COURT ADMINISTRATOR, USING AN APPLICATION FORM PROVIDED BY THE STATE COURT ADMINISTRATOR, AND SHALL MEET THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (5).

(b) THE JUDICIAL DISTRICTS THAT ARE SELECTED BY THE STATE COURT ADMINISTRATOR TO PROVIDE FAMILY-FRIENDLY COURT SERVICES SHALL BE RESPONSIBLE FOR:

(I) ACTIVELY RECRUITING QUALIFIED AND SKILLED CHILD CARE PROVIDERS;

(II) CONDUCTING THE NECESSARY CRIMINAL HISTORY CHECKS THROUGH THE COLORADO BUREAU OF INVESTIGATION AND HIRING QUALIFIED AND APPROPRIATE CHILD CARE PROVIDERS;

(III) SELECTING AND ESTABLISHING A SAFE PHYSICAL LOCATION IN THE COURTHOUSE OR IN THE COURTHOUSE COMPLEX OR IN CLOSE PROXIMITY TO THE COURTHOUSE, FOR THE PROVISION OF CHILD CARE SERVICES;

(IV) MEETING THE LICENSING REQUIREMENTS FOR CHILD CARE FACILITIES SET FORTH IN PART 1 OF ARTICLE 6 OF TITLE 26, C.R.S., AND ALL CHILD CARE LICENSING RULES PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES IN CONNECTION THEREWITH;

(V) SOLICITING INFORMATION FROM COMMUNITY-BASED ORGANIZATIONS, FAITH COMMUNITIES, GOVERNMENTAL ENTITIES, SCHOOLS, COMMUNITY MENTAL HEALTH CENTERS, LOCAL NONPROFIT OR NOT-FOR-PROFIT AGENCIES, LOCAL LAW ENFORCEMENT AGENCIES, BUSINESSES, AND OTHER COMMUNITY SERVICE PROVIDERS ABOUT THE FOLLOWING SERVICES AND RESOURCES FOR THE PURPOSE OF PROVIDING SUCH INFORMATION TO PATRONS OF THE FAMILY-FRIENDLY COURT SERVICES:

(A) YOUTH SERVICES, INCLUDING BUT NOT LIMITED TO YOUTH MENTORING SERVICES, SERVICES TO PREVENT OR REDUCE YOUTH CRIME AND VIOLENCE, STUDENT DROPOUT PREVENTION AND INTERVENTION SERVICES, AND ANY OTHER SERVICES THAT MAY BE AVAILABLE IN THE COMMUNITY, THE GOAL AND PURPOSE OF WHICH ARE TO ASSIST AT-RISK YOUTH;

(B) MULTIPURPOSE SERVICE CENTERS FOR DISPLACED HOMEMAKERS PURSUANT TO ARTICLE 15.5 OF TITLE 8, C.R.S., AND OTHER INFORMATION TO ASSIST DISPLACED HOMEMAKERS, WHICH INFORMATION SHALL RELATE TO EMPLOYMENT COUNSELING, EMPLOYMENT TRAINING, EMPLOYMENT PLACEMENT, HEALTH EDUCATION AND COUNSELING SERVICES, FINANCIAL MANAGEMENT SERVICES, EDUCATIONAL SERVICES,

AND LEGAL COUNSELING AND SERVICES;

(C) INFORMATION RELATED TO HEALTH INSURANCE AND HEALTH CARE COVERAGE, INCLUDING BUT NOT LIMITED TO "THE COLORADO CARE HEALTH INSURANCE PROGRAM", ESTABLISHED PURSUANT TO ARTICLE 21 OF TITLE 10, C.R.S., THE CHILDREN'S BASIC HEALTH PLAN AND DENTAL HEALTH PLAN, ESTABLISHED PURSUANT TO ARTICLE 19 OF TITLE 26, C.R.S., AND THE BABY AND KID CARE PROGRAM, ESTABLISHED PURSUANT TO SECTION 26-4-508, C.R.S.;

(D) SUBSTANCE ABUSE PROGRAMS THAT ARE AVAILABLE IN THE COMMUNITY;

(E) SERVICES AND POTENTIAL FINANCIAL RESOURCES THAT MAY BE AVAILABLE FOR VICTIMS OF DOMESTIC ABUSE OR DOMESTIC VIOLENCE, INCLUDING BUT NOT LIMITED TO COUNSELING FOR PERSONS WHO ARE VICTIMS OF DOMESTIC ABUSE AND THEIR DEPENDENTS, ADVOCACY PROGRAMS THAT ASSIST VICTIMS IN OBTAINING SERVICES AND INFORMATION, AND EDUCATIONAL SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE; AND

(F) ANY OTHER SERVICES THAT WOULD BE BENEFICIAL TO FAMILIES EXPERIENCING CHALLENGES AND TRANSITION NECESSITATING COURT INVOLVEMENT, INCLUDING BUT NOT LIMITED TO FAMILY STABILIZATION SERVICES AS PROVIDED IN SECTION 19-1-125, C.R.S.;

(VI) PROVIDING TO PERSONS STAFFING THE PROGRAM TRAINING AND ONGOING SUPPORT WITH REGARD TO THE AVAILABLE RESOURCES AND ADDITIONAL REFERRALS PROVIDED THROUGH THE PROGRAM AT EACH COURT LOCATION;

(VII) IMPLEMENTING A METHOD OF EVALUATING THE EFFECTIVENESS OF THE FAMILY-FRIENDLY COURT PROGRAM AND ASSESSING THE IMPACT OF THE CHILD CARE AND INFORMATIONAL SERVICES PROVIDED THROUGH THE PROGRAM; AND

(VIII) REPORTING ANNUALLY TO THE STATE COURT ADMINISTRATOR CONCERNING THE RESULTS OF THE JUDICIAL DISTRICT'S EVALUATION OF THE FAMILY-FRIENDLY COURT PROGRAM AS WELL AS AN ACCOUNTING OF FISCAL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY THE JUDICIAL DISTRICT FOR THE IMPLEMENTATION, ADMINISTRATION, AND MAINTENANCE OF THE PROGRAM AND SUCH OTHER INFORMATION THAT THE STATE COURT ADMINISTRATOR MAY REQUIRE OR THAT THE JUDICIAL DISTRICT DETERMINES TO BE RELEVANT AND INFORMATIVE.

(c) IN ADDITION TO GRANTS RECEIVED FROM THE STATE COURT ADMINISTRATOR PURSUANT TO THIS SECTION, JUDICIAL DISTRICTS IMPLEMENTING OR ENHANCING EXISTING FAMILY-FRIENDLY COURT PROGRAMS PURSUANT TO THIS SECTION ARE AUTHORIZED TO ACCEPT ANY FUNDS, GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS SECTION; EXCEPT THAT NO GRANT OR DONATION SHALL BE ACCEPTED IF THE CONDITIONS ATTACHED TO THE GRANT OR DONATION REQUIRE THE EXPENDITURE THEREOF IN A MANNER CONTRARY TO LAW. ANY SUCH MONEYS RECEIVED BY A JUDICIAL DISTRICT SHALL BE CREDITED TO THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND CREATED IN SUBSECTION (6) OF THIS SECTION FOR GRANTS AWARDED BY THE BOARD PURSUANT TO THIS SECTION.

(6) **Family-friendly court program cash fund.** (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND. THE MONEYS IN THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE IMPLEMENTATION OF THIS SECTION. THE STATE COURT ADMINISTRATOR IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF THIS SECTION. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GRANTS, GIFTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND IN ADDITION TO ANY MONEYS THAT MAY BE APPROPRIATED TO THE CASH FUND DIRECTLY BY THE GENERAL ASSEMBLY. IN ADDITION, COMMENCING JULY 1, 2002, THE ONE-DOLLAR SURCHARGE SET FORTH IN SECTION 42-4-1701 (4) (a) (VI), C.R.S., SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND CREATED IN THIS SUBSECTION (6). ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

(b) ALL MONEYS IN THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND, CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (6), SHALL BE AVAILABLE FOR GRANTS AWARDED BY THE STATE COURT ADMINISTRATOR TO JUDICIAL DISTRICTS SEEKING TO IMPLEMENT OR ENHANCE EXISTING FAMILY-FRIENDLY COURT PROGRAMS AND ADMINISTRATIVE COSTS ASSOCIATED WITH THE IMPLEMENTATION AND ADMINISTRATION OF THIS SECTION. THE STATE COURT ADMINISTRATOR, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, IS HEREBY AUTHORIZED TO EXPEND MONEYS APPROPRIATED TO THE JUDICIAL DEPARTMENT FROM THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND TO JUDICIAL DISTRICTS SEEKING TO ESTABLISH OR ENHANCE FAMILY-FRIENDLY COURT PROGRAMS PURSUANT TO THIS SECTION.

(7) THE STATE COURT ADMINISTRATOR SHALL ANNOUNCE TO ALL JUDICIAL DISTRICTS THE AVAILABILITY OF GRANTS PURSUANT TO THIS SECTION FOR THE ESTABLISHMENT AND MAINTENANCE OR ENHANCEMENT OF FAMILY-FRIENDLY COURT SERVICES PROGRAMS IN THE JUDICIAL DISTRICTS.

(8) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005.

**SECTION 2.** 13-3-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**13-3-101. State court administrator - repeal.** (7) (a) THE STATE COURT ADMINISTRATOR SHALL MAKE GRANTS FROM THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND PURSUANT TO THE PROVISIONS OF SECTION 13-3-113.

(b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2005.

**SECTION 3.** 42-4-1701 (4) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and**

**surcharge schedule - repeal.** (4) (a) (VI) (A) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF SUBSECTION (5) OF THIS SECTION, EVERY PERSON WHO IS CONVICTED OF, WHO ADMITS LIABILITY FOR, OR AGAINST WHOM A JUDGMENT IS ENTERED FOR A VIOLATION OF ANY PROVISION OF THIS TITLE TO WHICH THE PROVISIONS OF PARAGRAPH (a) OR (b) OF SUBSECTION (5) OF THIS SECTION APPLY, SHALL, IN ADDITION TO ANY OTHER FINE OR PENALTY OR SURCHARGE, BE ASSESSED A SURCHARGE OF ONE DOLLAR, WHICH AMOUNT SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND CREATED IN SECTION 13-3-113 (6), C.R.S. THIS SURCHARGE SHALL APPLY WHETHER THE DEFENDANT ACKNOWLEDGES THE DEFENDANT'S GUILT OR LIABILITY IN ACCORDANCE WITH THE PROCEDURE SET FORTH BY PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION OR IS FOUND GUILTY BY A COURT OF COMPETENT JURISDICTION OR HAS JUDGMENT ENTERED AGAINST THE DEFENDANT BY A COUNTY COURT MAGISTRATE.

(B) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1, 2005.

**SECTION 4. Appropriation.** (1) In addition to any other appropriations, there is hereby appropriated, out of any moneys in the family-friendly court program cash fund created in section 13-3-113 (6), Colorado Revised Statutes, not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2002, the sum of one hundred twenty-two thousand two hundred dollars (\$122,200) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 5. Effective date - applicability.** This act shall take effect July 1, 2002, and shall apply to offenses committed on or after said date.

**SECTION 6. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 24, 2002