

CHAPTER 99

COURTS

SENATE BILL 15-099

BY SENATOR(S) Cooke, Grantham, Guzman, Jahn, Martinez Humenik, Roberts;
also REPRESENTATIVE(S) Lawrence, Brown, Fields, Kagan, Kraft-Tharp, Priola, Roupe.

AN ACT**CONCERNING ELIMINATING CERTAIN DUTIES FOR PROBATION OFFICERS.**

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

SECTION 1. In Colorado Revised Statutes, 14-10-127, **amend** (1) (a) (II) as follows:

14-10-127. Evaluation and reports - disclosure. (1) (a) (II) Each party and the child shall cooperate in the supplemental evaluation. If the court finds that the supplemental evaluation was necessary and materially assisted the court, the court may order the costs of such supplemental evaluation to be assessed as costs between the parties. Except as otherwise provided in this section, such report shall be considered confidential and shall not be available for public inspection unless by order of court. The cost of each ~~probation department or~~ department of human services evaluation shall be based on an ability to pay and shall be assessed as part of the costs of the action or proceeding, and, upon receipt of such sum by the clerk of court, it shall be transmitted to the department or agency performing the evaluation.

SECTION 2. In Colorado Revised Statutes, 14-10-130, **amend** (2) as follows:

14-10-130. Judicial supervision. (2) If both parties or all contestants agree to the order or if the court finds that in the absence of the order the child's physical health would be endangered or the child's emotional development significantly impaired, the court may order the county or district welfare department ~~or the court's probation department~~ to exercise continuing supervision over the case to assure that the terms relating to the allocation of parental responsibilities with respect to the child or parenting time terms of the decree are carried out.

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

SECTION 3. In Colorado Revised Statutes, 19-1-107, **amend** (1) introductory portion and (3); and **repeal** (1) (a) as follows:

19-1-107. Social study and other reports. (1) Unless waived by the court, ~~the probation department or other~~ AN agency designated by the court shall make a social study and report in writing in all children's cases; except that:

(a) ~~No report is necessary in a delinquency case until after an order of adjudication has been entered, unless otherwise ordered by the court; and~~

(3) In any case where placement out of the home is recommended, the social study required by subsection (1) of this section shall include the cost of the recommended placement and an evaluation for placement containing the information required by section 19-1-115 (8) (e). Placement criteria shall be developed jointly by the department of education and the department of human services and, in the case of matters involving juvenile delinquency, in accordance with the criteria for the placement of juveniles specified in section 19-2-212 (1) (a). Such criteria shall be used by the ~~probation department or~~ agency designated by the court to determine its recommendation about the need for placement.

SECTION 4. In Colorado Revised Statutes, 22-33-107, **amend** (1) as follows:

22-33-107. Enforcement of compulsory school attendance - definitions.

(1) The board of education of each school district shall designate one or more of the employees of the district to act as attendance officer for the district. ~~or in cooperation with any court of record in the county, the probation officer of that court may be appointed the attendance officer.~~ It is the attendance officer's duty in appropriate cases to counsel with students and parents and investigate the causes of nonattendance and report to the local board of education so as to enforce the provisions of this article which relate to compulsory attendance.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 16, 2015