

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 19, 2017  
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB17-1207 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 4, strike line 11, and substitute "(3)(a)(III)  
2 introductory portion, (3)(a)(IV) introductory portion, and (6); and **add**  
3 (3)(a)(IV.5) as".

4 Page 5, line 6, after the period add "A PREADJUDICATION SERVICE  
5 PROGRAM CREATED PURSUANT TO SECTION 19-2-302 SHALL EVALUATE A  
6 JUVENILE DESCRIBED IN THIS SUBSECTION (2)(b). THE EVALUATION MAY  
7 RESULT IN THE JUVENILE:

8 (I) REMAINING IN THE CUSTODY OF A PARENT, GUARDIAN, OR  
9 LEGAL CUSTODIAN; OR

10 (II) BEING PLACED IN THE TEMPORARY LEGAL CUSTODY OF KIN,  
11 FOR PURPOSES OF A KINSHIP FOSTER CARE HOME OR NONCERTIFIED KINSHIP  
12 CARE PLACEMENT, AS DEFINED IN SECTION 19-1-103 (71.3), OR OTHER  
13 SUITABLE PERSON UNDER SUCH CONDITIONS AS THE COURT MAY IMPOSE;  
14 OR

15 (III) BEING PLACED IN A SHELTER FACILITY; OR

16 (IV) BEING REFERRED TO THE A LOCAL COUNTY DEPARTMENT OF  
17 HUMAN OR SOCIAL SERVICES FOR ASSESSMENT FOR PLACEMENT IN A  
18 FOSTER CARE HOME, AS DEFINED IN SECTION 19-1-103 (51.5).".

19 Page 5, line 21, strike "At" and substitute "EXCEPT AS PROVIDED IN  
20 SUBSECTION (3)(a)(IV.5) OF THIS SECTION, at".

21 Page 5, after line 24 insert:

1           "(IV.5) A PREADJUDICATION SERVICE PROGRAM CREATED  
2 PURSUANT TO SECTION 19-2-302 SHALL EVALUATE A JUVENILE DESCRIBED  
3 IN SUBSECTION (2)(b) OF THIS SECTION. THE EVALUATION MAY RESULT IN  
4 THE JUVENILE:  
5           (A) REMAINING IN THE CUSTODY OF A PARENT, GUARDIAN, OR  
6 LEGAL CUSTODIAN; OR  
7           (B) BEING PLACED IN THE TEMPORARY LEGAL CUSTODY OF KIN,  
8 FOR PURPOSES OF A KINSHIP FOSTER CARE HOME OR NONCERTIFIED KINSHIP  
9 CARE PLACEMENT, AS DEFINED IN SECTION 19-1-103 (71.3), OR OTHER  
10 SUITABLE PERSON UNDER SUCH CONDITIONS AS THE COURT MAY IMPOSE;  
11 OR  
12           (C) BEING PLACED IN A SHELTER FACILITY; OR  
13           (D) BEING REFERRED TO A LOCAL COUNTY DEPARTMENT OF  
14 HUMAN OR SOCIAL SERVICES FOR ASSESSMENT FOR PLACEMENT.  
15           (6) EXCEPT FOR A JUVENILE DESCRIBED IN SUBSECTION (2)(b) OF  
16 THIS SECTION, the court may also issue temporary orders for legal custody  
17 as provided in section 19-1-115."

18 Page 5, line 25, strike "(1)" and substitute "(1); and **add** (3)".

19 Page 6, after line 15 insert:

20           "(3) A JUVENILE WHO IS LESS THAN THIRTEEN YEARS OF AGE MAY  
21 NOT BE SENTENCED TO DETENTION UNLESS HE OR SHE HAS BEEN  
22 ADJUDICATED FOR A FELONY OR WEAPONS CHARGE PURSUANT TO SECTION  
23 18-12-102, 18-12-105, 18-12-106, OR 18-12-108.5. AS AN ALTERNATIVE,  
24 THE JUVENILE PROBATION DEPARTMENT MAY CONDUCT A PRESENTENCE  
25 INVESTIGATION PURSUANT TO SECTION 19-2-905. THE INVESTIGATION  
26 MAY RESULT IN THE JUVENILE:  
27           (a) REMAINING IN THE CUSTODY OF A PARENT, GUARDIAN, OR  
28 LEGAL CUSTODIAN; OR  
29           (b) BEING PLACED IN THE TEMPORARY LEGAL CUSTODY OF KIN,  
30 FOR PURPOSES OF A KINSHIP FOSTER CARE HOME OR NONCERTIFIED KINSHIP  
31 CARE PLACEMENT, AS DEFINED IN SECTION 19-1-103 (71.3), OR OTHER  
32 SUITABLE PERSON UNDER SUCH CONDITIONS AS THE COURT MAY IMPOSE;  
33 OR  
34           (c) BEING PLACED IN A SHELTER FACILITY; OR  
35           (d) BEING REFERRED TO A LOCAL COUNTY DEPARTMENT OF HUMAN  
36 OR SOCIAL SERVICES FOR ASSESSMENT FOR PLACEMENT IN A FOSTER CARE  
37 HOME, AS DEFINED IN SECTION 19-1-103 (51.5)."

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