

## CHAPTER 161

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**CHILDREN AND DOMESTIC MATTERS**


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## SENATE BILL 18-154

BY SENATOR(S) Fields, Aguilar, Court, Donovan, Garcia, Jahn, Jones, Kagan, Kefalas, Kerr, Martinez Humenik, Merrifield, Moreno, Todd, Williams A., Zenzinger;  
 also REPRESENTATIVE(S) Salazar, Arndt, Coleman, Exum, Herod, Hooton, Kennedy, Kraft-Tharp, Lee, Lontine, Melton, Michaelson Jenet, Rosenthal, Weissman, Young, Duran.

## AN ACT

**CONCERNING A REQUIREMENT FOR A LOCAL JUVENILE SERVICES PLANNING COMMITTEE TO DEVISE  
 A PLAN TO MANAGE DUALY IDENTIFIED CROSSOVER YOUTH.**

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

**SECTION 1.** In Colorado Revised Statutes, 19-1-103, **amend** (34.7); and **add** (34.8) and (44.7) as follows:

**19-1-103. Definitions.** As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(34.7) "~~Custodial adoption~~", as used in part 2 of article 5 of this title, means an adoption of a child by any person and such person's spouse, as required under ~~section 19-5-202(3)~~, who: "CROSSOVER YOUTH PLAN" MEANS THE PORTION OF THE ANNUAL PLAN AS SET FORTH IN SECTION 19-2-211 DEvised IN EACH JUDICIAL DISTRICT BY THE JUVENILE SERVICES PLANNING COMMITTEE THAT OUTLINES IDENTIFICATION AND NOTIFICATION OF DUALY IDENTIFIED CROSSOVER YOUTH AS DESCRIBED IN SECTION 19-2-211 (2).

(a) ~~Has been awarded custody or allocated parental responsibilities by a court of law in a dissolution of marriage, custody or allocation of parental responsibilities proceeding, or has been awarded guardianship of the child by a court of law in a probate action, such as pursuant to part 2 of article 14 of title 15, C.R.S.; and~~

(b) ~~Has had physical custody of the child for a period of one year or more.~~

(34.8) "CUSTODIAL ADOPTION", AS USED IN PART 2 OF ARTICLE 5 OF THIS TITLE 19,

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

MEANS AN ADOPTION OF A CHILD BY ANY PERSON AND SUCH PERSON'S SPOUSE, AS REQUIRED UNDER SECTION 19-5-202 (3), WHO:

(a) HAS BEEN AWARDED CUSTODY OR ALLOCATED PARENTAL RESPONSIBILITIES BY A COURT OF LAW IN A DISSOLUTION OF MARRIAGE, CUSTODY OR ALLOCATION OF PARENTAL RESPONSIBILITIES PROCEEDING, OR HAS BEEN AWARDED GUARDIANSHIP OF THE CHILD BY A COURT OF LAW IN A PROBATE ACTION, SUCH AS PURSUANT TO PART 2 OF ARTICLE 14 OF TITLE 15; AND

(b) HAS HAD PHYSICAL CUSTODY OF THE CHILD FOR A PERIOD OF ONE YEAR OR MORE.

(44.7) "DUALY IDENTIFIED CROSSOVER YOUTH" MEANS YOUTH WHO ARE CURRENTLY INVOLVED IN THE JUVENILE JUSTICE SYSTEM AND THE CHILD WELFARE SYSTEM OR HAVE A HISTORY IN THE CHILD WELFARE SYSTEM THAT INCLUDES, BUT IS NOT LIMITED TO, A FAMILY ASSESSMENT RESPONSE SERVICE PLAN OR AN OPEN CASE.

**SECTION 2.** In Colorado Revised Statutes, **amend** 19-2-211 as follows:

**19-2-211. Local juvenile services planning committee - creation - duties - identification and notification of dually identified crossover youth.** (1) If all of the boards of commissioners of each county or the city council of each city and county in a judicial district agree, there may be created in the judicial district a local juvenile services planning committee that is appointed by the chief judge of the judicial district or, for the second judicial district, the presiding judge of the Denver juvenile court from persons recommended by the boards of commissioners of each county or the city council of each city and county within the judicial district. The committee, if practicable, must include, but need not be limited to, a representative from the county department of HUMAN OR social services, a local school district, a local law enforcement agency, a local probation department, the division of youth services, private citizens, the district attorney's office, and the public defender's office and a community mental health representative and a representative of the concerns of municipalities. The committee, if created, shall meet as necessary to develop a plan for the allocation of resources for local juvenile services within the judicial district for the fiscal year. The committee is strongly encouraged to consider programs with restorative justice components when developing the plan. The plan must be approved by the department of human services. A local juvenile services planning committee may be consolidated with other local advisory boards pursuant to section 24-1.7-103.

(2) THE PLAN MUST INCLUDE FOR THE MANAGEMENT OF DUALY IDENTIFIED CROSSOVER YOUTH. THE PLAN MUST CONTAIN DESCRIPTIONS AND PROCESSES TO INCLUDE THE FOLLOWING:

(a) A PROCESS FOR THE IDENTIFICATION OF DUALY IDENTIFIED CROSSOVER YOUTH AT THE EARLIEST REASONABLE POINT OF CONTACT;

(b) A METHOD FOR COLLABORATING AND EXCHANGING INFORMATION WITH OTHER JUDICIAL DISTRICTS, INCLUDING WITH THE COLLABORATIVE MANAGEMENT PROGRAM DESCRIBED IN SECTION 24-1.9-102 AND CONSISTENT WITH THE

## DATA-SHARING POLICIES OF THE COLLABORATIVE MANAGEMENT PROGRAM;

(c) A PROCESS FOR PROMPTLY COMMUNICATING INFORMATION ABOUT THE YOUTH'S CROSSOVER STATUS BETWEEN THE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS AND TO NOTIFY EACH OTHER OF THE NEW INVOLVEMENT IN THE RESPECTIVE SYSTEM OR INFORMATION THAT MAY AID IN THE IDENTIFICATION OF DUALY IDENTIFIED CROSSOVER YOUTH. THE FOLLOWING PARTIES SHOULD BE NOTIFIED OF A JUVENILE'S STATUS AS A DUALY IDENTIFIED CROSSOVER YOUTH IF APPLICABLE: PUBLIC DEFENDERS, DISTRICT ATTORNEYS, LOCAL JUVENILE SERVICES PLANNING COMMITTEE COORDINATORS, HUMAN OR SOCIAL SERVICES REPRESENTATIVES, PROBATION REPRESENTATIVES, JUVENILE COURT REPRESENTATIVES, PARENTS, AND GUARDIANS AD LITEM.

(d) A PROCESS FOR IDENTIFYING THE APPROPRIATE SERVICES OR PLACEMENT-BASED ASSESSMENT FOR A DUALY IDENTIFIED CROSSOVER YOUTH;

(e) A PROCESS FOR SHARING AND GATHERING INFORMATION IN ACCORDANCE WITH APPLICABLE LAWS, RULES, AND COUNTY POLICY;

(f) A PROCESS FOR THE DEVELOPMENT OF A SINGLE CASE MANAGEMENT PLAN AND IDENTIFICATION OF THE LEAD AGENCY FOR CASE MANAGEMENT PURPOSES AND THE ENGAGEMENT OF DUALY IDENTIFIED CROSSOVER YOUTH AND THEIR CAREGIVERS;

(g) A PROCESS THAT FACILITATES THE SHARING OF ASSESSMENTS AND CASE PLANNING INFORMATION AND INCLUDES POLICIES AROUND SHARING INFORMATION WITH OTHER JUDICIAL DISTRICTS;

(h) A PROCESS FOR A MULTIDISCIPLINARY GROUP OF PROFESSIONALS TO CONSIDER DECISIONS THAT INCLUDE: YOUTH AND COMMUNITY SAFETY, PLACEMENT, PROVISION OF NEEDED SERVICES, ALTERNATIVES TO DETENTION AND COMMITMENT, PROBATION, PAROLE, PERMANENCY, EDUCATION STABILITY, AND CASE CLOSURE; AND

(i) A REQUIREMENT THAT DUALY IDENTIFIED CROSSOVER YOUTH PLACED IN A SECURE DETENTION FACILITY WHO ARE DEEMED ELIGIBLE FOR RELEASE BY THE COURT BE PLACED IN THE LEAST RESTRICTIVE SETTING WHENEVER POSSIBLE TO REDUCE THE DISPARITY BETWEEN DUALY IDENTIFIED CROSSOVER YOUTH AND NONDUALY IDENTIFIED CROSSOVER YOUTH IN SECURE DETENTION.

**SECTION 3.** In Colorado Revised Statutes, 24-1.9-102, **amend** (1)(e) as follows:

**24-1.9-102. Memorandum of understanding - local-level interagency oversight groups - individualized service and support teams - coordination of services for children and families - requirements - waiver.** (1) (e) Nothing shall preclude the agencies specified in ~~paragraphs (a) and (a.5) of this subsection (1) SUBSECTIONS (1)(a) AND (1)(a.5) OF THIS SECTION~~ from including parties in addition to the agencies specified in ~~paragraphs (a) and (a.5) of this subsection (1) SUBSECTIONS (1)(a) AND (1)(a.5) OF THIS SECTION~~ in the memorandums of understanding developed for purposes of this section, AND WHICH MAY INCLUDE THE JUVENILE SERVICES PLANNING COMMITTEE AS DESCRIBED IN SECTION 19-2-211.

**SECTION 4.** In Colorado Revised Statutes, 39-28.8-501, **amend** (2)(b)(IV)(M) and (2)(b)(IV)(N); and **add** (2)(b)(IV)(O) as follows:

**39-28.8-501. Marijuana tax cash fund - creation - distribution - legislative declaration.** (2) (b) (IV) Subject to the limitation in subsection (5) of this section, the general assembly may annually appropriate any money in the fund for any fiscal year following the fiscal year in which it was received by the state for the following purposes:

(M) For the expenses of the department of education and the department of public health and environment in developing and maintaining the resource bank for educational materials on marijuana and providing technical assistance as required in section 22-2-127.7; ~~and~~

(N) For housing, rental assistance, and supportive services, including reentry services, pursuant to section 24-32-721; AND

(O) FOR THE DEVELOPMENT OF LOCAL DUALY IDENTIFIED CROSSOVER YOUTH PLANS AND SERVICES AS DESCRIBED IN SECTION 19-2-211 (2).

**SECTION 5. 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: April 25, 2018