

CHAPTER 206

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 93-1024

BY REPRESENTATIVES Adkins, Lawrence, and Rupert;
also SENATOR Hopper.

AN ACT

CONCERNING THE EXCHANGE OF INFORMATION BETWEEN PERSONS INVOLVED IN FAMILY-RELATED MATTERS.

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

SECTION 1. Article 1 of title 13, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

13-1-134. Court automation system - juvenile or domestic actions. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE ACCURATE AND EFFICIENT EXCHANGE OF INFORMATION BETWEEN THE COURTS AND STATE FAMILY SERVICE AGENCIES IS BENEFICIAL IN PROVIDING AID TO FAMILIES IN NEED IN COLORADO. FURTHER, THE GENERAL ASSEMBLY DECLARES THAT THE USE OF A COMPUTER AUTOMATION SYSTEM TO LINK THE COURTS WITH EACH OTHER AND WITH STATE FAMILY SERVICE AGENCIES FOR THE PURPOSE OF THE EXCHANGE OF INFORMATION REGARDING FAMILIES WOULD AID IN IDENTIFYING AND PROVIDING SERVICES TO FAMILIES IN NEED. IT IS FOR THIS REASON THAT THE GENERAL ASSEMBLY HAS ADOPTED THIS SECTION.

(2) (a) ON OR BEFORE JANUARY 15, 1996, THE STATE COURT ADMINISTRATOR SHALL ESTABLISH AND ADMINISTER A PROGRAM FOR AUTOMATION OF THE COURT COMPUTER TECHNOLOGY SYSTEMS IN ORDER TO LINK THE JUVENILE COURTS AND DISTRICT COURTS INVOLVED IN DOMESTIC ACTIONS AROUND THE STATE WITH EACH OTHER AND WITH STATE FAMILY SERVICE AGENCIES, INCLUDING, BUT NOT LIMITED TO, THE DEPARTMENT OF SOCIAL SERVICES, THE JUVENILE PROBATION DEPARTMENT, LAW ENFORCEMENT OFFICES, AND ANY OTHER AGENCY INVOLVED IN THE INVESTIGATION, EVALUATION, OR PROVISION OF SERVICES TO FAMILIES INVOLVED IN DOMESTIC

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

ACTIONS PURSUANT TO TITLE 19, C.R.S., AND ARTICLES 4 AND 10 OF TITLE 14, C.R.S. SAID AUTOMATION SYSTEM SHALL PROVIDE THOSE PARTIES LINKED TO THE SYSTEM WITH AUTOMATIC ACCESS TO INFORMATION OBTAINED BY ANY ONE OF THE PARTIES IN REGARD TO A FAMILY OR FAMILY MEMBER INVOLVED IN SAID DOMESTIC ACTIONS; EXCEPT THAT SAID AUTOMATION SYSTEM SHALL NOT INCLUDE INFORMATION WHICH IS REQUIRED TO BE KEPT CONFIDENTIAL UNDER ANY STATE OR FEDERAL LAW.

(b) ON OR BEFORE JANUARY 1, 1994, THE COURT ADMINISTRATOR SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY WHICH DESCRIBES THE PROGRAM AND SPECIFIES THE COSTS AND BENEFITS OF IMPLEMENTING AND ADMINISTERING THE PROGRAM. THIS REPORT SHALL INCLUDE THE COSTS AND FEASIBILITY OF ESTABLISHING AN AUTOMATION PROGRAM USING SELECTED JUDICIAL DISTRICTS AS THEY BECOME AUTOMATED. THE REPORT SHALL BE COMPLETED IN COORDINATION WITH THE DEPARTMENT OF SOCIAL SERVICES. THE JOINT BUDGET COMMITTEE SHALL REVIEW THE REPORT AND ON OR BEFORE FEBRUARY 15, 1994, MAY EITHER APPROVE THE PROGRAM FOR IMPLEMENTATION OR REPORT TO THE MEMBERS OF THE GENERAL ASSEMBLY THAT THE COMMITTEE HAS DETERMINED THAT IT IS UNABLE TO APPROVE THE PROGRAM FOR IMPLEMENTATION AND THE REASONS FOR REACHING SUCH A DETERMINATION.

(3) THE PROVISIONS OF THIS SECTION SHALL NOT AFFECT THE CONFIDENTIALITY OF JUVENILE RECORDS.

SECTION 2. 19-1-119, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-1-119. Confidentiality of juvenile records - delinquency. (1) (a) Except as provided in paragraph (b.5) of this subsection (1), court records in juvenile delinquency proceedings or proceedings concerning a juvenile charged with the violation of any municipal ordinance except a traffic ordinance shall be open to inspection to the following persons without court order:

- (I) The juvenile named in said record;
- (II) The juvenile's parent, guardian, or legal custodian;
- (III) Any attorney of record;
- (IV) The juvenile's guardian ad litem;
- (V) The juvenile probation department;
- (VI) Any agency to which legal custody of the juvenile has been transferred; ~~or~~
- (VII) Any local law enforcement agency;
- (VIII) A COURT WHICH HAS JURISDICTION OVER A JUVENILE OR DOMESTIC ACTION IN WHICH THE JUVENILE IS NAMED;
- (IX) ANY ATTORNEY OF RECORD IN A JUVENILE OR DOMESTIC ACTION IN WHICH THE JUVENILE IS NAMED;

(X) THE STATE DEPARTMENT OF SOCIAL SERVICES;

(XI) ANY PERSON CONDUCTING A CUSTODY EVALUATION PURSUANT TO SECTION 14-10-127, C.R.S.; OR

(XII) ALL MEMBERS OF A CHILD PROTECTION TEAM.

(b) With consent of the court, records of court proceedings in delinquency cases may be inspected by any other person having a legitimate interest in the proceedings and by persons conducting pertinent research studies.

(b.5) Court records in juvenile delinquency proceedings concerning a juvenile who is adjudicated a juvenile delinquent for the commission of a delinquent act which would constitute a class 1, 2, 3, or 4 felony if such juvenile were an adult shall be open to the public. However, any psychological profile of any such juvenile, any intelligence test results for any such juvenile, or any information regarding whether such juvenile has been sexually abused shall not be open to the public unless released by an order of the court.

(c) A juvenile probation officer's records, whether or not part of the court file, shall not be open to inspection except as provided in subparagraphs (I) ~~and (H)~~ TO (IX) of this paragraph (c):

(I) To persons who have the consent of the court;

(II) To law enforcement officers, as defined in section 19-1-103 (17.5), the inspection shall be limited to the following information:

(A) Basic identification information as defined in section 24-72-302 (2), C.R.S.;

(B) Details of the offense and delinquent acts charged;

(C) Restitution information;

(D) Juvenile record;

(E) Probation officer's assessment and recommendations;

(F) Conviction or plea and plea agreement, if any;

(G) Sentencing information; and

(H) Summary of behavior while the juvenile was in detention, if any.

(III) TO A COURT WHICH HAS JURISDICTION OVER A JUVENILE OR DOMESTIC ACTION IN WHICH THE JUVENILE IS NAMED;

(IV) TO ANY ATTORNEY OF RECORD IN A JUVENILE OR DOMESTIC ACTION IN WHICH THE JUVENILE IS NAMED;

(V) TO THE STATE DEPARTMENT OF SOCIAL SERVICES;

(VI) TO ANY PERSON CONDUCTING A CUSTODY EVALUATION PURSUANT TO SECTION 14-10-127, C.R.S.;

(VII) TO ALL MEMBERS OF A CHILD PROTECTION TEAM;

(VIII) TO THE JUVENILE'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN; OR

(IX) TO THE JUVENILE'S GUARDIAN AD LITEM.

(d) Any social and clinical studies, whether or not part of the court file, shall not be open to inspection except by consent of the court.

(2) (a) The records of law enforcement officers concerning juveniles, including identifying information, shall be identified as juvenile records and shall not be inspected by or disclosed to the public, except:

(I) To the juvenile and his parent, guardian, or legal custodian;

(II) To other law enforcement agencies who have a legitimate need for such information;

(III) To the victim in each case after authorization by the district attorney or prosecuting attorney;

(IV) When the juvenile has escaped from an institution to which he has been committed;

(V) When the court orders that the juvenile be tried as an adult criminal;

(VI) When there has been an adult criminal conviction and a presentence investigation has been ordered by the court; ~~or~~

(VII) By order of the court;

(VIII) TO A COURT WHICH HAS JURISDICTION OVER A JUVENILE OR DOMESTIC ACTION IN WHICH THE JUVENILE IS NAMED;

(IX) TO ANY ATTORNEY OF RECORD IN A JUVENILE OR DOMESTIC ACTION IN WHICH THE JUVENILE IS NAMED;

(X) TO THE STATE DEPARTMENT OF SOCIAL SERVICES;

(XI) TO ANY PERSON CONDUCTING A CUSTODY EVALUATION PURSUANT TO SECTION 14-10-127, C.R.S.;

(XII) TO ALL MEMBERS OF A CHILD PROTECTION TEAM; OR

(XIII) TO THE JUVENILE'S GUARDIAN AD LITEM.

(b) The fingerprints, photograph, name, address, and other identifying information regarding a juvenile may be transmitted to the Colorado bureau of investigation to

assist in any apprehension or investigation.

(3) Prior to adjudication, the defense counsel, the district attorney, the prosecuting attorney, or any other party with consent of the court shall have access to records of any proceedings pursuant to this title, except as provided in section 19-1-122, which involve a juvenile against whom criminal or delinquency charges have been filed. No new criminal or delinquency charges against such juvenile shall be brought based upon information gained initially or solely from such examination of records.

(4) For the purpose of making recommendations concerning sentencing after an adjudication of delinquency, the defense counsel and the district attorney or prosecuting attorney shall have access to records of any proceedings involving the adjudicated juvenile pursuant to this title, except as provided in sections 19-1-120, 19-1-121, and 19-1-122. No new criminal or delinquency charges against the adjudicated juvenile shall be brought based upon information gained initially or solely from such examination of records.

(5) Whenever a petition filed in juvenile court alleges that a child between the ages of fourteen to eighteen has committed an offense that would constitute a crime of violence, as defined in section 16-11-309, C.R.S., if committed by an adult or whenever charges filed in district court allege that a child has committed such an offense, basic identification information concerning such child shall be made available to the public.

(6) The department of institutions shall release to the committing court, the district attorney, the Colorado bureau of investigation, and local law enforcement agencies basic identification information as defined in section 24-72-302 (2), C.R.S., concerning any juvenile released or released to parole supervision or any juvenile who escapes.

SECTION 3. 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 28, 1993