

CHAPTER 39

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 93-1124

BY REPRESENTATIVES George, Acquafresca, Foster, Lyle, and Morrison;
also SENATORS Cassidy and L. Powers.**AN ACT****CONCERNING THE ROLE OF COUNTY DEPARTMENTS OF SOCIAL SERVICES IN DELINQUENCY PROCEEDINGS.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 19-2-703 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-2-703. Juvenile delinquent - sentencing - disposition - restitution - parental liability. (2) (a) If the court finds that placement out of the home is necessary and is in the best ~~interest~~ INTERESTS of the juvenile and the community, the court shall place the juvenile, following any criteria established pursuant to section 19-2-1602, in the facility or setting which most appropriately meets the needs of the juvenile, the JUVENILE'S family, and the community. In making its decision as to proper placement, the court shall utilize the evaluation for placement prepared pursuant to section 19-1-107 or the evaluation for placement required by section 19-3-701 (5). ANY PLACEMENT RECOMMENDATION IN THE EVALUATION PREPARED BY THE COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL BE ACCORDED GREAT WEIGHT AS THE PLACEMENT THAT MOST APPROPRIATELY MEETS THE NEEDS OF THE JUVENILE, THE JUVENILE'S FAMILY, AND THE COMMUNITY. ANY DEVIATION FROM SUCH RECOMMENDATION SHALL BE SUPPORTED BY SPECIFIC FINDINGS ON THE RECORD OF THE CASE DETAILING THE SPECIFIC EXTRAORDINARY CIRCUMSTANCES WHICH CONSTITUTE THE REASONS FOR DEVIATIONS FROM THE PLACEMENT RECOMMENDATION OF THE COUNTY DEPARTMENT OF SOCIAL SERVICES. SUCH RECOMMENDATION PREPARED BY THE COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL SET FORTH SPECIFIC FACTS AND REASONS FOR THE PLACEMENT RECOMMENDATION. If the evaluation for placement recommends placement in a facility located in Colorado which can provide appropriate treatment and which will accept the juvenile, then the court shall not place the juvenile in a facility outside this state. If the court places the

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

juvenile in a facility located in Colorado other than one recommended by the evaluation for placement, in a facility located outside this state in accordance with the evaluation for placement, or in a facility in which the average monthly cost exceeds the amount established by the general assembly in the general appropriation bill, it shall make specific findings of fact, including the monthly cost of the facility in which such juvenile is placed, relating to its placement decision. A copy of such findings shall be sent to the chief justice of the supreme court, who shall report monthly to the joint budget committee and annually to the general assembly on such placements. If the court commits the juvenile to the department of institutions, it shall not make a specific placement, nor shall the provisions of this subsection (2) relating to specific findings of fact be applicable.

(b) If the court sentences a juvenile to an ~~out-of-home~~ OUT-OF-HOME placement funded by the department of social services or any county, or commits a juvenile to the department of institutions, and the receiving agency determines that such placement or commitment does not follow the criteria established pursuant to section 19-2-1602, INCLUDING THE PLACEMENT RECOMMENDED BY THE RECEIVING AGENCY, the receiving agency may, after assessing such juvenile's needs, file a petition with the court for reconsideration of the placement or commitment. Any such petition shall be filed not later than thirty days after the placement or commitment. The court shall hear such petition and enter an order thereon not later than thirty days after the filing of the petition, and after notice to all agencies or departments which might be affected by the resolution of the petition, and all such agencies or departments have had an opportunity to participate in the hearing on the petition. Failure of any such agency or department to appear may be a basis for refusal to accept a subsequent petition by any such agency or department which had an opportunity to appear and be present at the original petition hearing. The notification to the parties required pursuant to this paragraph (b) shall be made by the petitioning party and proof of such service shall be filed with the court. IF THE COURT SENTENCES A JUVENILE TO AN OUT-OF-HOME PLACEMENT FUNDED BY THE COUNTY DEPARTMENT OF SOCIAL SERVICES, TEMPORARY LEGAL CUSTODY OF SUCH JUVENILE SHALL BE PLACED WITH THE COUNTY DEPARTMENT OF SOCIAL SERVICES, AND THE PLACEMENT RECOMMENDED BY SUCH COUNTY DEPARTMENT SHALL BE ACCORDED GREAT WEIGHT AS THE PLACEMENT THAT MOST APPROPRIATELY MEETS THE NEEDS OF THE JUVENILE, THE JUVENILE'S FAMILY, AND THE COMMUNITY. ANY DEVIATION FROM SUCH RECOMMENDATION SHALL BE SUPPORTED BY SPECIFIC FINDINGS ON THE RECORD OF THE CASE DETAILING THE SPECIFIC EXTRAORDINARY CIRCUMSTANCES WHICH CONSTITUTE THE REASONS FOR DEVIATIONS FROM THE PLACEMENT RECOMMENDATION OF THE COUNTY DEPARTMENT OF SOCIAL SERVICES.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 1993, and shall apply to the placement of any juvenile who is the subject of a juvenile proceeding on or after said date.

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: March 30, 1993