

CHAPTER 263

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**CHILDREN AND DOMESTIC MATTERS**

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**SENATE BILL 94-021**

BY SENATORS Hopper, Lacy, Ruddick, Bird, Bishop, Blickensderfer, Casey, Cassidy, Feeley, Mares, Martinez, Mutzebaugh, Norton, Tanner, Tebedo, Thiebaut, Traylor, and Wham;  
also REPRESENTATIVES Adkins, Blue, DeGette, George, Greenwood, Lyle, Morrison, Nichol, Strom, and Tucker.

**AN ACT**

**CONCERNING A TASK FORCE STUDY FOR THE RECODIFICATION OF THE "COLORADO CHILDREN'S CODE".**

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

**SECTION 1.** Title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 1.5**  
**Task Force Study to Recodify Code**

**19-1.5-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT, BASED UPON THE RECOMMENDATIONS OF THE 1993 INTERIM COMMITTEE ON YOUTH VIOLENCE FOLLOWING ITS CHARGE TO STUDY VIOLENCE AND YOUTH, THE "COLORADO CHILDREN'S CODE" IS IN NEED OF REVISION FOR THE FOLLOWING REASONS:

(a) THE CODE WAS LAST REVISED IN 1987, AND SINCE THAT TIME THE NEED FOR SUPPORTIVE SERVICES AND THE BURDEN UPON THE JUDICIAL SYSTEM HAVE INCREASED DRAMATICALLY;

(b) THESE INCREASED NEEDS HAVE STRAINED THE STATE'S HUMAN SERVICES SYSTEM, THE COURTS, THE GENERAL FUND, AND CHILDREN AND THEIR FAMILIES;

(c) REVISIONS TO THE CODE SINCE 1987 ARE NOT COMPREHENSIVE AND HAVE NOT KEPT PACE WITH THE CHANGING NEEDS OF CHILDREN AND THEIR FAMILIES;

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

(d) THERE IS AN IMBALANCE OF TREATMENT AND AFTERCARE SERVICES FOR CHILDREN UNDER CURRENT CHILDREN'S SERVICES PROGRAMS AND A GREAT NEED FOR INCREASED INTERVENTION AND PREVENTION SERVICES WHICH CAN AND SHOULD BE PROVIDED IN THE SCHOOLS, FAMILY DEVELOPMENT CENTERS, OR THROUGH OTHER COMMUNITY RESOURCES;

(e) THE LACK OF PREVENTION AND INTERVENTION SERVICES AVAILABLE TO CHILDREN INVOLVED IN THE CHILD WELFARE SYSTEM OR FOR CHILDREN WHO COMMIT MINOR STATUS OFFENSES OFTEN RESULTS IN THE PROGRESSION OF A CHILD INTO THE JUVENILE JUSTICE SYSTEM FOR GREATER OFFENSES;

(f) SERVICES TO CHILDREN AND THEIR FAMILIES ARE DUPLICATED AND FRAGMENTED AND THE EFFECTIVENESS OF A NUMBER OF CHILDREN'S SERVICES PROGRAMS ARE UNDOCUMENTED;

(g) LEGAL OUTCOMES UNDER THE CODE ARE INCONSISTENT.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS NECESSARY TO CREATE A TASK FORCE TO STUDY THE RECODIFICATION OF THE "COLORADO CHILDREN'S CODE" AND TO MAKE RECOMMENDATIONS TO A LEGISLATIVE OVERSIGHT COMMITTEE WHICH WILL DEVELOP A LEGISLATIVE PROPOSAL FOR SUCH RECODIFICATION.

**19-1.5-102. Legislative oversight committee - duties.** (1) THERE IS HEREBY CREATED A LEGISLATIVE OVERSIGHT COMMITTEE FOR THE RECODIFICATION OF THE "COLORADO CHILDREN'S CODE". THE MEMBERS OF THE COMMITTEE SHALL BE RESPONSIBLE FOR CONSULTING WITH MEMBERS OF THE RECODIFICATION TASK FORCE CREATED IN SECTION 19-1.5-103 AND DEVELOPING A LEGISLATIVE PROPOSAL FOR THE RECODIFICATION OF THE CODE.

(2) THE MEMBERS OF THE LEGISLATIVE OVERSIGHT COMMITTEE SHALL BE AS FOLLOWS:

(a) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE OF WHOM SHALL BE A MEMBER OF THE MINORITY PARTY;

(b) THREE MEMBERS OF THE SENATE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE, ONE OF WHOM SHALL BE A MEMBER OF THE MINORITY PARTY.

(3) THE COMMITTEE SHALL COMPLETE THE RECODIFICATION LEGISLATIVE PROPOSAL ON OR BEFORE NOVEMBER 15, 1995.

**19-1.5-103. Recodification task force - duties.** (1) THERE IS HEREBY CREATED A TASK FORCE FOR THE RECODIFICATION OF THE "COLORADO CHILDREN'S CODE". THE TASK FORCE SHALL CONSIST OF TWENTY-FOUR MEMBERS AS FOLLOWS:

(a) FIFTEEN MEMBERS APPOINTED BY THE GOVERNOR. OF THESE MEMBERS, FIVE SHALL BE REPRESENTATIVES OF THE EXECUTIVE DEPARTMENTS AFFECTED BY THE RECODIFICATION OF THE CODE, INCLUDING THE DEPARTMENTS OF HUMAN SERVICES, CORRECTIONS, PUBLIC HEALTH AND ENVIRONMENT, PUBLIC SAFETY, AND EDUCATION;

NINE SHALL BE REPRESENTATIVES OF ORGANIZATIONS AFFECTED BY THE RECODIFICATION, INCLUDING BUT NOT LIMITED TO LAW ENFORCEMENT AGENCIES SUCH AS THE DISTRICT ATTORNEYS COUNCIL, SHERIFFS, AND CHIEFS OF POLICE AND POLICE DEPARTMENTS, THE COLORADO JUVENILE JUSTICE AND DELINQUENCY PREVENTION COUNCIL, MENTAL AND FAMILY HEALTH PRACTITIONERS, APPROPRIATE SECTIONS OF THE STATE BAR ASSOCIATION, PUBLIC DEFENDERS, FOSTER PARENTS ASSOCIATIONS, GUARDIANS AD LITEM, AND THE PUBLIC AT LARGE; AND ONE SHALL BE A REPRESENTATIVE OF FAMILIES INVOLVED IN OR IMPACTED BY THE CHILDREN'S CODE. IN MAKING THE APPOINTMENTS, CONSIDERATION SHALL BE GIVEN TO THE DIVERSITIES OF GEOGRAPHY, DISCIPLINES, AND APPROACHES TO THE DELIVERY OF CHILDREN'S SERVICES THROUGHOUT THE STATE.

(b) FIVE LOCAL GOVERNMENT REPRESENTATIVE MEMBERS APPOINTED BY THE LEGISLATIVE OVERSIGHT COMMITTEE ESTABLISHED PURSUANT TO SECTION 19-1.5-102;

(c) FOUR MEMBERS APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT. OF THESE MEMBERS, ONE SHALL BE A REPRESENTATIVE OF THE SUPREME COURT ADMINISTRATOR'S OFFICE AND AT MOST TWO OF THE REMAINING MEMBERS SHALL BE REPRESENTATIVE OF DISTRICT COURT JUDGES OR MAGISTRATES WHO HANDLE JUVENILE MATTERS.

(2) MEMBERS OF THE TASK FORCE SHALL SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY. MEMBERS SHALL SERVE WITHOUT COMPENSATION.

(3) THE TASK FORCE SHALL HAVE THE FOLLOWING DUTIES:

(a) TO EVALUATE THE OVERALL EFFECTIVENESS OF THE "COLORADO CHILDREN'S CODE", IDENTIFY AREAS IN NEED OF REVISION, AND PROVIDE GUIDANCE AND MAKE RECOMMENDATIONS TO THE LEGISLATIVE OVERSIGHT COMMITTEE ESTABLISHED PURSUANT TO SECTION 19-1.5-102 IN ITS DEVELOPMENT OF A LEGISLATIVE PROPOSAL FOR THE RECODIFICATION OF THE CHILDREN'S CODE;

(b) TO COMMUNICATE WITH AND OBTAIN INPUT FROM GROUPS THROUGHOUT THE STATE AFFECTED BY THE RECODIFICATION OF THE CODE;

(c) TO CREATE SUBCOMMITTEES OR SUBGROUPS AS NECESSARY, WHICH GROUPS MAY INCLUDE INDIVIDUALS NOT SERVING ON THE TASK FORCE, IN ORDER TO AID IN THE COMPLETION OF THE TASK FORCE STUDY AND THE DEVELOPMENT OF A LEGISLATIVE PROPOSAL FOR THE RECODIFICATION OF THE CODE;

(d) TO REPORT AT LEAST MONTHLY TO THE MEMBERS OF THE LEGISLATIVE OVERSIGHT COMMITTEE ESTABLISHED PURSUANT TO SECTION 19-1.5-102.

**19-1.5-104. Issues to be addressed by task force study and proposed legislation - consistency with restructuring efforts.** (1) THE TASK FORCE STUDY AND THE PROPOSED LEGISLATION FOR RECODIFICATION OF THE CHILDREN'S CODE SHALL ADDRESS ISSUES AFFECTING CHILDREN IN THE STATE INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(a) AN EFFECTIVE METHOD FOR IDENTIFYING AND RESPONDING TO CHILD

PROTECTION ISSUES SUCH AS ABUSE AND NEGLECT;

(b) AN EFFECTIVE JUVENILE JUSTICE SYSTEM THAT ADDRESSES THE NEEDS OF CHILDREN AND THEIR FAMILIES AND PRESERVES THE SAFETY OF THE COMMUNITY, AND UNDER WHICH EARLY INTERVENTION AND PREVENTION SERVICES ARE AVAILABLE;

(c) AN APPROPRIATE METHOD FOR ESTABLISHING PATERNITY AND APPROPRIATE CHILD SUPPORT, RELINQUISHMENT, AND ADOPTION PROCEEDINGS;

(d) THE ADOPTION OF LEGAL AND ADMINISTRATIVE PROCEDURES AND THE ESTABLISHMENT OF PROGRAMS THAT ARE FAMILY-FOCUSED RATHER THAN FOCUSED ON SPECIFIC FAMILY MEMBERS, EXCEPT WHERE THE BEST INTEREST OF THE CHILD AND THE SAFETY OF THE COMMUNITY ARE AT RISK;

(e) THE ESTABLISHMENT OF LEGAL AND ADMINISTRATIVE PROCEDURES AND SERVICE PROGRAMS FOR HOMELESS YOUTH;

(f) THE ESTABLISHMENT OF PERFORMANCE-BASED STANDARDS FOR SERVICE PROVIDERS INCLUDING CLIENT MONITORING AND TRACKING REQUIREMENTS;

(g) THE ADOPTION OF A SINGLE, UNIFORM ASSESSMENT INSTRUMENT FOR EVALUATING CHILDREN'S NEEDS.

(2) THE TASK FORCE STUDY AND THE LEGISLATIVE PROPOSAL FOR THE RECODIFICATION OF THE "COLORADO CHILDREN'S CODE" SHALL BE CONSISTENT WITH THE RESTRUCTURING OF THE HEALTH AND HUMAN SERVICES DELIVERY SYSTEM PURSUANT TO ARTICLE 1.7 OF TITLE 24, C.R.S.

**19-1.5-105. Private source of funding - staff support for recodification.**

(1) THE TASK FORCE FOR THE RECODIFICATION OF THE CHILDREN'S CODE IS AUTHORIZED TO RECEIVE CONTRIBUTIONS, GRANTS, SERVICES, AND IN-KIND DONATIONS FROM ANY PRIVATE ENTITY TO BE EXPENDED FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED WITH THE DUTIES OF THE TASK FORCE SET FORTH IN THIS ARTICLE.

(2) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES, AND THE EXECUTIVE DIRECTORS OF THE DEPARTMENTS REPRESENTED ON THE TASK FORCE SHALL SUPPLY STAFF ASSISTANCE TO THE COMMITTEE AS THEY DEEM APPROPRIATE. THE COMMITTEE MAY ALSO ACCEPT STAFF SUPPORT FROM THE PRIVATE SECTOR.

**19-1.5-106. Repeal of article.** THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 1997.

**SECTION 2. Appropriation - appropriation to one agency to purchase services from another - spending authority given to second agency.** (1) In addition to any other appropriation, there is hereby appropriated, to the department of public safety for allocation to the division of criminal justice, for the fiscal year beginning July 1, 1994, the sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, for the implementation of this act. Such sum of money shall be from federal funds.

(2) In addition to any other appropriation, there is hereby appropriated, to the general assembly for allocation to the legislative service agencies, for the fiscal year beginning July 1, 1994, the sum of sixteen thousand eight hundred thirty-two dollars (\$16,832) and 0.4 FTE, or so much thereof as may be necessary, for the provision of staff assistance to the legislative oversight committee for the recodification of the "Colorado Children's Code" pursuant to this act. The sum of moneys shall be from federal funds received by the division of criminal justice out of the appropriation made in subsection (1) of this section.

**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 31, 1994