

CHAPTER 73

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 03-1014

BY REPRESENTATIVE(S) Ragsdale, Coleman, Frangas, Fritz, Garcia, Groff, McCluskey, Paccione, Stafford, Tochtrop, and Weddig;
also SENATOR(S) Takis, Hanna, Isgar, and Windels.

AN ACT

CONCERNING THE CLARIFICATION OF TERMS RELATING TO THE COURT-APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM.

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

SECTION 1. 13-91-103 (3), Colorado Revised Statutes, is amended to read:

13-91-103. Definitions. As used in this article, unless the context otherwise requires:

(3) "Court-appointed special advocate" or "CASA VOLUNTEER" means a trained volunteer appointed by the court pursuant to the provisions of part 2 of article 1 of title 19, C.R.S., section 14-10-116, C.R.S., or title 15, C.R.S., in a judicial district to aid the court by providing independent and objective information, as directed by the court, regarding children involved in actions brought pursuant to section 14-10-116, C.R.S., or title 15 or 19, C.R.S.

SECTION 2. 13-91-104 (2) (a), Colorado Revised Statutes, is amended to read:

13-91-104. Office of the child's representative - board - qualifications of director. (2) (a) The Colorado supreme court shall appoint a nine-member child's representative board, referred to in this article as the "board". No more than five members of the board shall be from the same political party. The members of the board shall be representative of each of the congressional districts in the state. Three members of the board shall be attorneys admitted to practice law in this state who have experience in representing children as guardians ad litem or as legal representatives of children. Three members of the board shall be citizens of Colorado not admitted to practice law in this state, who shall have experience at advocating for

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

children in the court system. Three members of the board shall be citizens of the state who are not attorneys and who have not served as ~~court-appointed special advocates~~ CASA VOLUNTEERS or special advocates.

SECTION 3. 13-91-105 (1) (b) (VII), Colorado Revised Statutes, is amended to read:

13-91-105. Duties of the office of the child's representative - guardian ad litem programs - CASA programs. (1) In addition to any responsibilities assigned to it by the chief justice, the office of the child's representative shall:

(b) Enhance the CASA program in Colorado by:

(VII) Accepting grants, gifts, donations, and other nongovernmental contributions to be used to fund the work of the office of the child's representative relating to CASA programs. Such grants, gifts, donations, and other nongovernmental contributions shall be credited to the court-appointed special advocate (CASA) fund created in section 13-91-106 (2). Moneys in such fund shall be subject to annual appropriation by the general assembly for the purposes of this paragraph (b) and for the purposes of the local CASA programs.

SECTION 4. 13-91-106 (2), Colorado Revised Statutes, is amended to read:

13-91-106. Guardian ad litem fund - court-appointed special advocate (CASA) fund - created. (2) There is hereby created in the state treasury the court-appointed special advocate (CASA) fund referred to in this subsection (2) as the "fund". The fund shall consist of such general fund moneys as may be appropriated thereto by the general assembly and any moneys received pursuant to section 13-91-105 (1) (b) (VII). The moneys in the fund shall be subject to annual appropriation by the general assembly to the state judicial department for allocation to the office of the child's representative for the purposes of funding the CASA programs established in each judicial district, or in adjacent judicial districts, pursuant to part 2 of article 1 of title 19, C.R.S., and the work of the office of the child's representative relating to the enhancement of CASA programs. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

SECTION 5. 19-1-201 (2), Colorado Revised Statutes, is amended to read:

19-1-201. Legislative intent. (2) Therefore, the general assembly hereby authorizes the creation of volunteer court-appointed special advocate (CASA) programs in order to enhance the quality of representation of children.

SECTION 6. 19-3-604 (1) (c) (I) (B), Colorado Revised Statutes, is amended to read:

19-3-604. Criteria for termination. (1) The court may order a termination of the parent-child legal relationship upon the finding by clear and convincing evidence of any one of the following:

(c) That the child is adjudicated dependent or neglected and all of the following exist:

(I) That an appropriate treatment plan approved by the court has not been reasonably complied with by the parent or parents or has not been successful or that the court has previously found, pursuant to section 19-3-508 (1) (e), that an appropriate treatment plan could not be devised. In a county designated pursuant to section 19-1-123, if a child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), no parent or parents shall be found to be in reasonable compliance with or to have been successful at a court-approved treatment plan when:

(B) The parent exhibits the same problems addressed in the treatment plan without adequate improvement, including but not limited to improvement in the relationship with the child, and is unable or unwilling to provide nurturing and safe parenting sufficiently adequate to meet the child's physical, emotional, and mental health needs and conditions despite earlier intervention and treatment for the family. The court may receive testimony regarding the family's progress under the treatment plan from the child's physician or therapist, foster parent, educational or religious teachers, ~~court-appointed special advocate~~ CASA VOLUNTEER, or caseworker.

SECTION 7. 24-4.2-105 (7) (b), Colorado Revised Statutes, is amended to read:

24-4.2-105. Allocation of moneys from fund - application for grants - disbursements. (7) For purposes of this section:

(b) "Special advocate services" means the services offered to aid victims who are children, including, but not limited to, court-appointed special advocate (CASA) programs, sexual assault treatment and prevention programs, community-based youth and family servicing programs, gang alternative programs, school-based intervention and prevention programs, big brother and big sister programs offering aid to children who are victims, restitution programs, partners programs offering aid to children who are victims, and child abuse treatment programs.

SECTION 8. 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 25, 2003