

CHAPTER 254

COURTS

SENATE BILL 05-030

BY SENATOR(S) Shaffer, Bacon, Fitz-Gerald, Groff, Grossman, Hanna, Isgar, Keller, Kester, Tapia, Tupa, Veiga, Williams, and Windels;
also REPRESENTATIVE(S) Hefley, Berens, Boyd, Carroll T., Coleman, Madden, Marshall, McGihon, Paccione, Solano, Stafford, Todd, and Vigil.

AN ACT**CONCERNING THE "FAMILY-FRIENDLY COURTS ACT".**

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

SECTION 1. 13-3-113 (2), (3) (d), (4), (5), and (8), Colorado Revised Statutes, are amended to read:

13-3-113. "Family-friendly Courts Act". (2) Legislative declaration.
(a) The general assembly hereby finds and declares that many families experience challenges and transitions with legal ramifications that ~~oftentimes~~ OFTEN necessitate court involvement. Frequently ~~these legal matters are manifested in~~ INDIVIDUALS AND FAMILY MEMBERS ATTEND COURT OR VISIT OTHER GOVERNMENTAL OFFICES FOR juvenile delinquency proceedings, domestic relations proceedings, protective proceedings related to domestic abuse or domestic violence, child protection proceedings, MEETINGS WITH PROBATION OFFICERS, and other matters. ~~that require the presence of individuals and family members at court proceedings.~~ Many persons ~~whose attendance is required at such~~ WHO ATTEND court proceedings are responsible for the care of young children. For many such individuals, child care issues can distract from, if not present obstacles or even barriers to, effective and complete participation in ongoing court proceedings. The general assembly finds that these issues were acknowledged and addressed in the 1999 report entitled "Creating Family Friendly Courts in Colorado: Children's Centers for the Courthouse", which report was submitted by the Colorado supreme court family friendly facilities task force and which report recommended the establishment of children's centers in courthouses.

(b) The general assembly further finds that the same individuals who are in need of child care services when they are participating in court proceedings may also

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

benefit from the availability of information and resource referrals relating to certain types of services within the community, including services addressing at-risk youth, employment counseling, employment training and placement, health education and counseling, financial management, education, legal counseling and referral, MEDIATION, domestic abuse and domestic violence, FATHERHOOD PROGRAMS, and substance abuse.

(c) THE GENERAL ASSEMBLY FURTHER FINDS THAT INDIVIDUALS WHO ARE INVOLVED IN COURT PROCEEDINGS MAY HAVE ADDITIONAL COURT-ORDERED SERVICE NEEDS INVOLVING THEIR CHILDREN, INCLUDING, BUT NOT LIMITED TO, SUPERVISED PARENTING TIME AND THE TRANSFER OF THE PHYSICAL CUSTODY OF A CHILD FROM ONE PARENT TO THE OTHER.

~~(c)~~ (d) The general assembly therefore determines and declares that the creation of family-friendly court programs ~~would be~~ IS beneficial to and in the best interests of the citizens of Colorado. The general assembly further finds that the goal of such programs shall primarily be providing quality child care in or near courthouses to the children of individuals and families ~~whose presence is required at~~ WHO ATTEND court-related proceedings, but that such programs ~~would~~ MAY also PROVIDE ADDITIONAL COURT-RELATED FAMILY SERVICES AT THE FACILITY AND SHALL serve as a clearinghouse of information and resource referrals for program patrons concerning the wide variety of available services IN THE COMMUNITY, including services that provide help to at-risk youth, educational services, health services, mental health services, substance abuse services, legal services, and domestic abuse information.

(3) **Definitions.** For purposes of this section:

(d) ~~"In-court child care"~~ "FAMILY-FRIENDLY COURT SERVICES" means child care AND COURT-RELATED FAMILY services provided in the courthouse or courthouse complex or in ~~close~~ REASONABLE proximity to the courthouse.

(4) **Provision of family-friendly court services.** There is hereby created the family-friendly court program. ~~which program shall operate as a three-year pilot program.~~ The purpose of the program shall be to provide quality ~~in-court child care~~ FAMILY-FRIENDLY COURT services to FAMILIES AND the children of individuals who are attending court proceedings or related matters and to serve as a central location for the dissemination of information to families about resources and services relating to at-risk youth, employment counseling, employment training and placement, health education and counseling, financial management, education, legal counseling and referral, MEDIATION, domestic abuse and domestic violence, FATHERHOOD PROGRAMS, and substance abuse. Grants awarded pursuant to this section shall be used to establish and maintain new family-friendly court programs in judicial districts throughout the state that do not have comparable existing programs, as well as to enhance existing family-friendly court programs.

(5) **Grant applications - duties of judicial districts.** (a) To be eligible for moneys from the family-friendly court program cash fund, created in subsection (6) of this section, for the provision of family-friendly court services, a judicial district shall apply to the state court administrator in accordance with the timelines and guidelines adopted by the state court administrator, using an application form provided by the state court administrator. ~~and shall meet the requirements of~~

~~paragraph (b) of this subsection (5):~~

~~(b) The judicial districts that are selected by the state court administrator to provide family-friendly court services shall be responsible for:~~ THE STATE COURT ADMINISTRATOR, IN DETERMINING WHICH JUDICIAL DISTRICTS MAY RECEIVE GRANT MONEYS PURSUANT TO THIS SECTION, SHALL CONSIDER THE EXTENT THAT A JUDICIAL DISTRICT IS RESPONSIBLE FOR:

(I) Actively recruiting qualified and skilled child care providers TO PROVIDE QUALITY CHILD CARE SERVICES TO FAMILIES AND CHILDREN OF INDIVIDUALS WHO ARE ATTENDING COURT PROCEEDINGS OR RELATED MATTERS;

(II) Conducting the necessary criminal history checks through the Colorado bureau of investigation and hiring qualified and appropriate child care providers;

(III) Selecting and establishing a safe physical location in the courthouse or in the courthouse complex or in ~~close~~ REASONABLE proximity to the courthouse, for the provision of child care services;

~~(IV) Meeting the licensing requirements for child care facilities set forth in part 1 of article 6 of title 26, C.R.S., and all child care licencing rules promulgated by the state board of human services in connection therewith;~~

(IV) WHEN REASONABLY PRACTICABLE IN CONSIDERATION OF FUNDING, STAFFING, AND ASSISTANCE FROM OTHER PUBLIC AND PRIVATE ORGANIZATIONS, PROVIDING ADDITIONAL COURT-RELATED FAMILY SERVICES TO FAMILIES AND CHILDREN EXPERIENCING THE CHALLENGES AND TRANSITIONS THAT NECESSITATE COURT INVOLVEMENT, INCLUDING, BUT NOT LIMITED TO, SUPERVISED PARENTING TIME AND TRANSFER OF THE PHYSICAL CUSTODY OF A CHILD FROM ONE PARENT TO THE OTHER;

(V) Soliciting information from community-based organizations, faith communities, governmental entities, schools, community mental health centers, local nonprofit or not-for-profit agencies, local law enforcement agencies, businesses, and other community service providers about the following services and resources for the purpose of providing such information to patrons of the family-friendly court services:

(A) Youth services, including but not limited to youth mentoring services, services to prevent or reduce youth crime and violence, student dropout prevention and intervention services, and any other services that may be available in the community, the goal and purpose of which are to assist at-risk youth;

(B) Multipurpose service centers for displaced homemakers pursuant to article 15.5 of title 8, C.R.S., and other information to assist displaced homemakers, which information shall relate to employment counseling, employment training, employment placement, health education and counseling services, financial management services, educational services, and legal counseling and services;

(C) Information related to health insurance and health care coverage, including but not limited to ~~"The Colorado Care Health Insurance Program", established pursuant to article 21 of title 10, C.R.S.~~, the children's basic health plan and dental health plan,

established pursuant to article 19 of title 26, C.R.S., and the baby and kid care program, established pursuant to section 26-4-508, C.R.S.;

(D) Substance abuse programs that are available in the community;

(E) Services and potential financial resources that may be available for victims of domestic abuse or domestic violence, including but not limited to counseling for persons who are victims of domestic abuse and their dependents, advocacy programs that assist victims in obtaining services and information, and educational services for victims of domestic violence; ~~and~~

(F) FATHERHOOD PROGRAMS THAT ARE AVAILABLE IN THE COMMUNITY; AND

~~(F)~~ (G) Any other services that would be beneficial to families experiencing challenges and transition necessitating court involvement, including but not limited to family stabilization services as provided in section 19-1-125, C.R.S., and MEDIATION SERVICES; AND

(VI) Providing to persons staffing the program training and ongoing support with regard to the available resources and additional referrals provided through the program at each court location.

~~(VII)~~ (c) THE JUDICIAL DISTRICTS THAT ARE SELECTED BY THE STATE COURT ADMINISTRATOR TO PROVIDE FAMILY-FRIENDLY COURT SERVICES SHALL BE RESPONSIBLE FOR:

(I) Implementing a method of evaluating the effectiveness of the family-friendly court program and assessing the impact of the child care and informational services provided through the program; and

~~(VIII)~~ (II) Reporting annually to the state court administrator concerning the results of the judicial district's evaluation of the family-friendly court program as well as an accounting of fiscal contributions received and expenditures made by the judicial district for the implementation, administration, and maintenance of the program and such other information that the state court administrator may require or that the judicial district determines to be relevant and informative.

(d) THE JUDICIAL DISTRICTS THAT ARE SELECTED BY THE STATE COURT ADMINISTRATOR TO PROVIDE FAMILY-FRIENDLY COURT SERVICES THAT PROVIDE CHILD CARE SERVICES SHALL MEET THE LICENSING REQUIREMENTS FOR CHILD CARE FACILITIES SET FORTH IN PART 1 OF ARTICLE 6 OF TITLE 26, C.R.S., AND ALL CHILD CARE LICENSING RULES PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES IN CONNECTION THEREWITH.

~~(e)~~ (e) In addition to grants received from the state court administrator pursuant to this section, judicial districts implementing or enhancing existing family-friendly court programs pursuant to this section are authorized to accept any funds, grants, gifts, or donations from any private or public source for the purpose of implementing this section; except that no grant or donation shall be accepted if the conditions attached to the grant or donation require the expenditure thereof in a manner contrary to law. Any such moneys received by a judicial district shall be credited to the

family-friendly court program cash fund created in subsection (6) of this section for grants awarded by the board pursuant to this section.

(8) **Repeal.** ~~This section is repealed, effective July 1, 2005.~~

SECTION 2. Repeal. 13-3-101 (7) (b), Colorado Revised Statutes, is repealed as follows:

13-3-101. State court administrator. (7) (b) ~~This subsection (7) is repealed, effective July 1, 2005.~~

SECTION 3. Repeal. 42-4-1701 (4) (a) (VI) (B), Colorado Revised Statutes, is repealed as follows:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (4) (a) (VI) (B) ~~This subparagraph (VI) is repealed, effective July 1, 2005.~~

SECTION 4. 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: June 2, 2005