

## CHAPTER 290

---

**GOVERNMENT - STATE**

---

**HOUSE BILL 08-1264**

BY REPRESENTATIVE(S) Roberts, Buescher, Carroll T., Gardner B., Hodge, Kerr J., King, Stafford, and Stephens;  
also SENATOR(S) Shaffer, Boyd, Penry, and Ward.

**AN ACT****CONCERNING STATEWIDE ELECTRONIC READ-ONLY ACCESS TO SPECIFIC INFORMATION MAINTAINED  
BY THE JUDICIAL DEPARTMENT.**

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

**SECTION 1.** Part 1 of article 1 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**13-1-119.5. Electronic access to name index and register of actions.**

(1) STATEWIDE ELECTRONIC READ-ONLY ACCESS TO THE NAME INDEX AND REGISTER OF ACTIONS OF PUBLIC CASE TYPES SHALL BE MADE AVAILABLE TO THE FOLLOWING AGENCIES OR ATTORNEYS APPOINTED BY THE COURT:

(a) COUNTY DEPARTMENTS AS DEFINED IN SECTION 19-1-103 (32), C.R.S., AND ATTORNEYS WHO REPRESENT THE COUNTY DEPARTMENTS AS COUNTY ATTORNEYS, AS DEFINED IN SECTION 19-1-103 (31.5), C.R.S., AS IT RELATES TO THE ATTORNEYS' WORK REPRESENTING THE COUNTY;

(b) THE OFFICE OF THE STATE PUBLIC DEFENDER, CREATED IN SECTION 21-1-101, C.R.S.;

(c) GUARDIANS AD LITEM UNDER CONTRACT WITH THE OFFICE OF THE CHILD'S REPRESENTATIVE, CREATED IN SECTION 13-91-104, OR AUTHORIZED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE TO ACT AS A GUARDIAN AD LITEM, AS IT RELATES TO A CASE IN WHICH THEY ARE APPOINTED BY THE COURT;

(d) ATTORNEYS UNDER CONTRACT WITH THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL, CREATED IN SECTION 21-2-101, C.R.S., AS IT RELATES TO A CASE IN WHICH THEY ARE APPOINTED BY THE COURT;

---

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

(e) RESPONDENT PARENT COUNSEL APPOINTED BY THE COURT AND PAID BY THE JUDICIAL DEPARTMENT AS IT RELATES TO A CASE IN WHICH THEY ARE APPOINTED BY THE COURT; AND

(f) CRIMINAL JUSTICE AGENCIES AS DESCRIBED IN SECTION 24-72-302 (3), C.R.S.

(2) THE SUPREME COURT MAY ADOPT RULES REGARDING ACCESS TO THE NAME INDEX AND REGISTER OF ACTIONS, INCLUDING RULES IDENTIFYING CONFIDENTIAL INFORMATION MAINTAINED IN THE SYSTEM AND STATE REQUIREMENTS FOR USING THE CONFIDENTIAL INFORMATION. ALL AGENCIES WITH ACCESS PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL ENSURE THAT INDIVIDUALS WHO USE THE SYSTEM RECEIVE TRAINING ON APPROPRIATE USAGE AND CONFIDENTIALITY OF REGISTER OF ACTION INFORMATION. ADDITIONALLY, THE STATE COURT ADMINISTRATOR MAY MONITOR THE USE OF THE SYSTEM AND INFORMATION THROUGH AUDITS AND THE REVIEW OF AD HOC QUERIES OR REPORTS.

**SECTION 2.** 19-1-103, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**19-1-103. Definitions.** As used in this title or in the specified portion of this title, unless the context otherwise requires:

(31.5) "COUNTY ATTORNEY" MEANS THE OFFICE OF THE COUNTY ATTORNEY OR CITY ATTORNEY REPRESENTING A COUNTY OR A CITY AND COUNTY, AND INCLUDES THE ATTORNEYS EMPLOYED OR RETAINED BY SUCH COUNTY OR CITY AND COUNTY.

(91.7) "REGISTER OF ACTIONS" MEANS THOSE PORTIONS OF THE ELECTRONIC CASE MANAGEMENT SYSTEM NECESSARY TO CARRY OUT A STATUTORY PURPOSE OR THE DUTIES OF A COURT APPOINTMENT.

**SECTION 3.** 19-1-302 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**19-1-302. Legislative declaration.** (1) (e) THE GENERAL ASSEMBLY RECOGNIZES THE NEED TO MAKE RECOMMENDATIONS TO THE COURT CONCERNING THE MANY ASPECTS OF A CHILD'S LEGAL STATUS, INCLUDING BUT NOT LIMITED TO EXISTING COURT ORDERS ON PLACEMENT OF THE CHILD, LEGAL CUSTODY OF THE CHILD, AND ORDERS OF PROTECTION. BECAUSE THE POPULATION OF THIS STATE IS TRANSITORY, AND JURISDICTIONAL LINES FOR THE PURPOSE OF COURT ACTIONS ARE ARBITRARY, COMMUNICATION OF CERTAIN INFORMATION AVAILABLE ELECTRONICALLY ON A STATEWIDE BASIS MAY ASSIST STATE AND COUNTY AGENCIES, ATTORNEYS REPRESENTING STATE OR COUNTY AGENCIES, AND ATTORNEYS APPOINTED BY THE COURT IN MAKING RECOMMENDATIONS TO THE COURT. THE GENERAL ASSEMBLY RECOGNIZES THAT ANY SUCH SHARING OF INFORMATION AMONG AGENCIES, ATTORNEYS REPRESENTING AGENCIES, AND ATTORNEYS APPOINTED BY THE COURT MANDATES AN AWARENESS OF THE RESPONSIBILITY ON THE PART OF THESE AGENCIES, ATTORNEYS REPRESENTING AGENCIES, AND ATTORNEYS APPOINTED BY THE COURT IN RECEIVING AND PROVIDING THE INFORMATION THAT IT BE USED ONLY FOR ITS INTENDED AND LIMITED PURPOSE AS AUTHORIZED BY LAW AND THAT THE CONFIDENTIAL NATURE OF THE

INFORMATION BE PRESERVED.

**SECTION 4.** 19-1-303 (1), (8), (9), and (10), Colorado Revised Statutes, are amended to read:

**19-1-303. General provisions - delinquency and dependency and neglect cases - exchange of information - civil penalty.** (1) (a) The judicial department or any agency that performs duties and functions under this title with respect to juvenile delinquency or dependency and neglect cases or any other provisions of this title may exchange information, to the extent necessary, for the acquisition, provision, oversight, or referral of services and support with the judicial department or any other agency or individual, INCLUDING AN ATTORNEY REPRESENTING STATE OR COUNTY AGENCIES AND AN ATTORNEY APPOINTED BY THE COURT, that performs duties and functions under this title with respect to such cases. In order to receive such information, the judicial department, ATTORNEY, or ~~the~~ agency shall have a need to know for purposes of investigations and case management in the PROVISION OF SERVICES OR THE administration of their respective programs. The judicial department or the agencies shall exchange information in accordance with paragraph (b) of this subsection (1).

(b) The judicial department, ~~or~~ an agency, AN ATTORNEY REPRESENTING AN AGENCY, OR AN ATTORNEY APPOINTED BY THE COURT described in paragraph (a) of this subsection (1) shall exchange information with the judicial department or similar agencies or individuals who have a need to know to the extent necessary for the acquisition, provision, oversight, and referral of services and support and if provided in the course of an investigation or for case management purposes. THE PROVISION OF INFORMATION BY THE JUDICIAL DEPARTMENT SHALL INCLUDE ELECTRONIC READ-ONLY ACCESS TO THE NAME INDEX AND REGISTER OF ACTIONS FOR AGENCIES OR ATTORNEYS APPOINTED BY THE COURT TO THOSE CASE TYPES NECESSARY TO CARRY OUT THEIR STATUTORY PURPOSE AND THE DUTIES OF THEIR COURT APPOINTMENT AS PROVIDED IN THIS PART 3. The state court administrator of the judicial department and the executive directors of the affected agencies shall ~~design~~ ENSURE THAT THERE IS A process for ELECTRONICALLY exchanging information pursuant to this section. AGENCIES, ATTORNEYS, AND INDIVIDUALS SHALL MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION OBTAINED.

(c) NOTHING IN THIS SECTION SHALL REQUIRE THE EXCHANGE OF INFORMATION THAT IS SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE UNDER SECTION 13-90-107 (1) (b), C.R.S.

~~(8) Notwithstanding any provision of law to the contrary, criminal justice agencies shall have statewide electronic read-only access to the name index and register of actions for dependency and neglect cases of the judicial department. Any information obtained pursuant to this subsection (8) shall be subject to the rules of confidentiality set forth in this part 3.~~

~~(9) County departments as defined in section 19-1-103 (32) and the office of the state public defender, created in section 21-1-101, C.R.S., shall have statewide electronic read-only access to the name index and register of actions of the judicial department for juvenile delinquency proceedings. Any information obtained pursuant to this subsection (9) shall be subject to the rules of confidentiality set forth~~

in this part 3:

~~(10) On or before August 1, 2007, the state court administrator's office shall convene a committee of governmental agencies, including but not limited to the office of the child's representative, the office of alternate defense counsel, criminal justice agencies, and the office of the state public defender concerning electronic access to information under this title and title 18, C.R.S. The committee shall identify and consider issues and make recommendations concerning access to information. The state court administrator's office shall report any recommendations of the committee to the legislative council of the general assembly on or before December 1, 2007.~~

**SECTION 5.** 19-1-304, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**19-1-304. Juvenile delinquency records.** (8.5) IN ADDITION TO THE PERSONS WHO HAVE ACCESS TO COURT RECORDS PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, STATEWIDE ELECTRONIC READ-ONLY ACCESS TO THE NAME INDEX AND REGISTER OF ACTIONS OF THE JUDICIAL DEPARTMENT SHALL BE ALLOWED TO THE FOLLOWING AGENCIES OR ATTORNEYS APPOINTED BY THE COURT:

(a) COUNTY DEPARTMENTS AS DEFINED IN SECTION 19-1-103 (32), AND ATTORNEYS WHO REPRESENT THE COUNTY DEPARTMENTS AS COUNTY ATTORNEYS, AS DEFINED IN SECTION 19-1-103 (31.5), AS IT RELATES TO THE ATTORNEYS' WORK REPRESENTING THE COUNTY;

(b) THE OFFICE OF THE STATE PUBLIC DEFENDER, CREATED IN SECTION 21-1-101, C.R.S.;

(c) GUARDIANS AD LITEM UNDER CONTRACT WITH THE OFFICE OF THE CHILD'S REPRESENTATIVE, CREATED IN SECTION 13-91-104, C.R.S., OR AUTHORIZED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE TO ACT AS A GUARDIAN AD LITEM, AS IT RELATES TO A CASE IN WHICH THEY ARE APPOINTED BY THE COURT;

(d) ATTORNEYS UNDER CONTRACT WITH THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL, CREATED IN SECTION 21-2-101, C.R.S., AS IT RELATES TO A CASE IN WHICH THEY ARE APPOINTED BY THE COURT; AND

(e) RESPONDENT PARENT COUNSEL APPOINTED BY THE COURT AND PAID BY THE JUDICIAL DEPARTMENT AS IT RELATES TO A CASE IN WHICH THEY ARE APPOINTED BY THE COURT.

**SECTION 6.** 19-1-307, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty.** (2.3) THE FOLLOWING AGENCIES OR ATTORNEYS APPOINTED BY THE COURT SHALL BE GRANTED STATEWIDE READ-ONLY ACCESS TO THE NAME INDEX AND REGISTER OF ACTIONS FOR THE JUDICIARY DEPARTMENT:

(a) CRIMINAL JUSTICE AGENCIES AS DESCRIBED IN SECTION 24-72-302(3), C.R.S.;

(b) COUNTY DEPARTMENTS AS DEFINED IN SECTION 19-1-103 (32) AND ATTORNEYS WHO REPRESENT THE COUNTY DEPARTMENTS AS COUNTY ATTORNEYS, AS DEFINED IN SECTION 19-1-103 (31.5), AS IT RELATES TO THE ATTORNEYS' WORK REPRESENTING THE COUNTY;

(c) GUARDIANS AD LITEM UNDER CONTRACT WITH THE OFFICE OF THE CHILD'S REPRESENTATIVE, CREATED IN SECTION 13-91-104, C.R.S., OR AUTHORIZED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE TO ACT AS A GUARDIAN AD LITEM, AS IT RELATES TO A CASE IN WHICH THEY ARE APPOINTED BY THE COURT; AND

(d) RESPONDENT PARENT COUNSEL APPOINTED BY THE COURT AND PAID BY THE JUDICIAL DEPARTMENT AS IT RELATES TO A CASE IN WHICH THEY ARE APPOINTED BY THE COURT.

**SECTION 7. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 27, 2008