COLORADO STATE LAWS

**Under the Colorado Revised Statues (C.R.S.) both Titles 18 and 19 define and address issues of detaining juveniles.**

**Colorado Revised Statutes 2016**

**TITLE 19**

**CHILDREN'S CODE**

**ARTICLE 1**

**General Provisions**

**PART 1**

**GENERAL PROVISIONS**

**19-1-101.** Short title. This title shall be known and may be cited as the "Colorado Children's Code".

**19-1-102.** Legislative declaration.

(1) The general assembly declares that the purposes of this title are:

(a) To secure for each child subject to these provisions such care and guidance, preferably

in his own home, as will best serve his welfare and the interests of society;

(b) To preserve and strengthen family ties whenever possible, including improvement of

home environment;

(c) To remove a child from the custody of his parents only when his welfare and safety or

the protection of the public would otherwise be endangered and, in either instance, for the courts to proceed with all possible speed to a legal determination that will serve the best interests of the child; and

(d) To secure for any child removed from the custody of his parents the necessary care,

guidance, and discipline to assist him in becoming a responsible and productive member of society.

(1.5) (a) The general assembly declares that it is in the best interests of the child who has

been removed from his own home to have the following guarantees:

(I) To be placed in a secure and stable environment;

(II) To not be indiscriminately moved from foster home to foster home; and

(III) To have assurance of long-term permanency planning.

(b) (Deleted by amendment, L. 92, p. 220, § 1, effective July 1, 1992.)

(1.6) The general assembly recognizes the numerous studies establishing that children

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undergo a critical bonding and attachment process prior to the time they reach six years of age. Such

studies further disclose that a child who has not bonded with a primary adult during this critical stage

will suffer significant emotional damage which frequently leads to chronic psychological problems

and antisocial behavior when the child reaches adolescence and adulthood. Accordingly, the general

assembly finds and declares that it is appropriate to provide for an expedited placement procedure

to ensure that children under the age of six years who have been removed from their homes are

placed in permanent homes as expeditiously as possible.

(1.7) The general assembly further declares that it is the intent of the general assembly to

have the media and the courts refrain from causing undue hardship, discomfort, and distress to any

juvenile victims of sexual assault, child abuse, incest, or any offenses listed in wrongs to children

pursuant to part 4 of article 6 of title 18, C.R.S., by not disseminating or publishing the names of

such victims.

(2) To carry out these purposes, the provisions of this title shall be liberally construed to

serve the welfare of children and the best interests of society.

###### **19-1-103**. Definitions. As used in this title or in the specified portion of this title, unless the

###### context otherwise requires:

(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title, means

an act or omission in one of the following categories that threatens the health or welfare of a child:

(I) Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition,

failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and

either: Such condition or death is not justifiably explained; the history given concerning such

condition is at variance with the degree or type of such condition or death; or the circumstances

indicate that such condition may not be the product of an accidental occurrence;

(II) Any case in which a child is subjected to unlawful sexual behavior as defined in section

16-22-102 (9), C.R.S.;

(III) Any case in which a child is a child in need of services because the child's parents, legal

guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter,

medical care, or supervision that a prudent parent would take. The requirements of this subparagraph

(III) shall be subject to the provisions of section 19-3-103.

(IV) Any case in which a child is subjected to emotional abuse. As used in this subparagraph

(IV), "emotional abuse" means an identifiable and substantial impairment of the child's intellectual

or psychological functioning or development or a substantial risk of impairment of the child's

intellectual or psychological functioning or development.

(V) Any act or omission described in section 19-3-102 (1) (a), (1) (b), or (1) (c);

(VI) Any case in which, in the presence of a child, or on the premises where a child is found,

or where a child resides, a controlled substance, as defined in section 18-18-102 (5), C.R.S., is

manufactured or attempted to be manufactured;

(VII) Any case in which a child tests positive at birth for either a schedule I controlled

substance, as defined in section 18-18-203, C.R.S., or a schedule II controlled substance, as defined

in section 18-18-204, C.R.S., unless the child tests positive for a schedule II controlled substance as

a result of the mother's lawful intake of such substance as prescribed.

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(VIII) [Editor's note: Subparagraph (VIII) is effective January 1, 2017.]Anycase in which

a child is subjected to human trafficking of a minor for sexual servitude, as described in section 18-

3-504, C.R.S.

(b) In all cases, those investigating reports of child abuse shall take into account accepted

child-rearing practices of the culture in which the child participates including, but not limited to,

accepted work-related practices of agricultural communities. Nothing in this subsection (1) shall

refer to acts that could be construed to be a reasonable exercise of parental discipline or to acts

reasonably necessary to subdue a child being taken into custody pursuant to section 19-2-502 that

are performed by a peace officer, as described in section 16-2.5-101, C.R.S., acting in the good faith

performance of the officer's duties.

(2) "Adjudication" means a determination by the court that it has been proven beyond a

reasonable doubt to the trier of fact that the juvenile has committed a delinquent act or that a juvenile

has pled guilty to committing a delinquent act. In addition, when a previous conviction must be pled

and proven as an element of an offense or for purposes of sentence enhancement, "adjudication"

means conviction.

(3) "Adjudicatory hearing"means a hearing to determine whetherthe allegations of a petition

in dependency and neglect are supported by the evidence.

(4) "Adjudicatory trial" means a trial to determine whether the allegations of a petition in

delinquency are supported by the evidence.

(5) "Administrative review" means a review conducted by the state department of human

services that is open to the participation of the parents of the child and conducted by an

administrative reviewer who is not responsible for the case management of, or the delivery of

services to, either the child or the parents who are the subject of the review.

(6) "Adoptee", as used in part 3 of article 5 of this title, means a person who, as a minor, was

adopted pursuant to a final decree of adoption entered by a court.

(6.5) (a) "Adoption record", as used in part 3 of article 5 of this title, with the exception of

section 19-5-305 (2) (b) (I) to (2) (b) (IV), means the following documents and information:

(I) The adoptee's original birth certificate and amended birth certificate;

(II) The final decree of adoption;

(III) Non-identifying information, as defined in section 19-1-103 (80);

(IV) The final order of relinquishment; and

(V) The order of termination of parental rights.

(a.5) "Adoption record", as used in section 19-5-305 (2) (b) (I) to (2) (b) (IV), means the

following documents and information, without redaction:

(I) The adoptee's original birth certificate and amended birth certificate;

(II) The final decree of adoption;

(III) Any identifying information, such as the name of the adoptee before placement in

adoption, the name and address of each birth parent as they appear in the birth records, the name,

address, and contact information of the adult adoptee, and the current name, address, and contact

information of each birth parent, if known, or other information that might personallyidentify a birth

parent;

(IV) Any non-identifying information, as defined in section 19-1-103 (80);

(V) The final order of relinquishment; and

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(VI) The order of termination of parental rights.

(b) "Adoption record", as used in either paragraph (a) or paragraph (a.5) of this subsection

(6.5), shall not include pre-relinquishment counseling records, which records shall remain

confidential.

(6.7) "Adoption triad" means the three parties involved in an adoption: The adoptee, the birth

parent, and the adoptive parent.

(7) "Adoptive parent", as used in parts 3 and 4 of article 5 of this title, means an adult who

has become a parent of a minor through the legal process of adoption.

(8) (a) "Adult" means a person eighteen years of age or older; except that any person

eighteen years of age or older who is under the continuing jurisdiction of the court, who is before

the court for an alleged delinquent act committed prior to the person's eighteenth birthday, or

concerning whom a petition has been filed for the person's adoption other than under this title shall

be referred to as a juvenile.

(b) (Deleted by amendment, L. 97, p. 1167, § 14, effective July 1, 1997.)

(9) "Adult adoptee", as used in parts 3 and 4 of article 5 of this title, means an individual

who is eighteen years of age or older and who, as a minor, was adopted pursuant to a final decree

of adoption entered by a court.

(10) "Appropriate treatment plan", as used in section 19-3-508 (1) (e), means a treatment

plan approved by the court that is reasonably calculated to render the particular respondent fit to

provide adequate parenting to the child within a reasonable time and that relates to the child's needs.

(10.5) "Assessment center for children", as used in sections 19-1-303 and 19-1-304, means

a multi-disciplinary, community-based center that provides services to children and their families,

including, but not limited to, detention screening, case management, and therapeutic intervention

relating to delinquency, abuse or neglect, family conflict, and truancy.

(11) "Assessment instrument" means an objective tool used to collect pertinent information

regarding a juvenile taken into temporary custody in order to determine the appropriate level of

security, supervision, and services pending adjudication.

(12) "Basic identification information", as used in article 2 of this title, means the name,

place and date of birth, last-known address, social security number, occupation and address of

employment, last school attended, physical description, photograph, handwritten signature, sex,

fingerprints, and any known aliases of any person.

(13) "Biological parent" or "birth parent", as used in part 3 of article 5 of this title, means

a parent, by birth, of an adopted person.

(14) "Biological sibling", as used in part 3 of article 5 of this title, means a sibling, by birth,

of an adopted person. "Biological sibling", as used in article 3 and article 5 of this title, for purposes

of the definition of sibling group, as defined in subsection (98.5) of this section, means a brother,

sister, or half-sibling of a child who is being placed in foster care or being placed for adoption.

(15) "Birth parents", as used in part 4 of article 5 of this title, means genetic, biological, or

natural parents whose rights were voluntarily or involuntarily terminated by a court or otherwise.

"Birth parents" includes a man who is the parent of a child as established in accordance with the

provisions of the "Uniform Parentage Act", article 4 of this title, prior to the termination of parental

rights.

(16) "Board", as used in article 3.5 of this title, means the Colorado children's trust fund

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board created in section 19-3.5-104.

(16.5) "Case management purposes", as used in section 19-1-303, means assessments,

evaluations, treatment, education, proper disposition or placement of the child, interagency

coordination, and other services that are incidental to the administration of the program and in the

best interests of the child.

(17) "Chief justice", as used in part 3 of article 5 of this title, means the chief justice of the

Colorado supreme court.

(18) "Child" means a person under eighteen years of age.

(19) "Child abuse", as used in article 3.5 of this title, means any act that reasonably may be

construed to fall under the definition of abuse or child abuse or neglect in subsection (1) of this

section.

(19.5) "Child advocacy center", as used in part 3 of article 3 of this title, means a center that

provides a comprehensive multi-disciplinary team response to allegations of child abuse or neglect

in a dedicated, child-friendly setting. The team response to allegations of child abuse or neglect

includes, but is not limited to, technical assistance for forensic interviews, forensic medical

examinations, mental health and related support services, consultation, training, and education.

(20) "Child care center" means a child care center licensed and approved pursuant to article

6 of title 26, C.R.S. If such facility is located in another state, it shall be designated by the

department of human services upon certification that no appropriate available space exists in a child

care facility in this state and shall be licensed or approved as required by law in that state.

(21) "Child placement agency" means an agency licensed or approved pursuant to law. If

such agency is located in another state, it shall be licensed or approved as required by law in that

state.

(22) "Child protection team", as used in part 3 of article 3 of this title, means a

multidisciplinary team consisting, where possible, of a physician, a representative of the juvenile

court or the district court with juvenile jurisdiction, a representative of a local law enforcement

agency, a representative of the county department, a representative of a mental health clinic, a

representative of a county, district, or municipal public health agency, an attorney, a representative

of a public school district, and one or more representatives of the lay community, at least one of

whom shall be a person who serves as a foster parent in the county. Each public agency may have

more than one participating member on the team; except that, in voting on procedural or policy

matters, each public agency shall have only one vote. In no event shall an attorney member of the

child protection team be appointed as guardian ad litem for the child or as counsel for the parents

at any subsequent court proceedings, nor shall the child protection team be composed of fewer than

three persons. When any racial, ethnic, or linguistic minority group constitutes a significant portion

of the population of the jurisdiction of the child protection team, a member of each such minority

group shall serve as an additional lay member of the child protection team. At least one of the

preceding members of the team shall be chosen on the basis of representing low-income families.

The role of the child protection team shall be advisory only.

(23) "Citizen review panel", as used in section 19-3-211, means the panel created in a county

by the board of county commissioners or in a city and county by the city council that shall review

and make recommendations regarding grievances referred to the panel by the county director

pursuant to the conflict resolution process.

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(23.5) [Editor's note: Subsection (23.5) is effective January 1, 2017.] "Commercial sexual

exploitation of children" involves crimes of a sexual nature committed against juvenile victims for

financial or other economic reasons.

(24) "Commit", as used in article 2 of this title, means to transfer legal custody.

(24.5) "Community placement" means the placement of a child for whom the state

department of human services or a countydepartment has placement and care responsibilitypursuant

to article 2 or 3 of this title in any licensed or certified twenty-four-hour, non-secure, care and

treatment facility away from the child's parent or guardian. "Community placement" includes, but

is not limited to, placement in a foster care home, group home, residential child care facility, or

residential treatment facility.

(25) "Complainant", as used in section 19-3-211, means any person who was the subject of

an investigation of a report of child abuse or neglect or any parent, guardian, or legal custodian of

a child who is the subject of a report of child abuse or neglect and brings a grievance against a county

department in accordance with the provisions of section 19-3-211.

(26) "Confidential intermediary", as used in part 3 of article 5 of this title, means a person

twenty-one years of age or older who has completed a training program for confidential

intermediaries that meets the standards set forth by the commission pursuant to section 19-5-303 and

who is authorized to inspect confidential relinquishment and adoption records at the request of an

adult adoptee, adoptive parent, biological parent, or biological sibling.

(27) "Confirmed", as used in part 3 of article 3 of this title, means any report made pursuant

to article 3 of this title that is found by a county department, law enforcement agency, or entity

authorized to investigate institutional abuse to be supported by a preponderance of the evidence.

(28) "Consent", as used in part 3 of article 5 of this title, means voluntary, informed, written

consent. When used in the context of confidential intermediaries, "consent" always shall be preceded

by an explanation that consent permits the confidential intermediary to arrange a personal contact

among biological relatives. "Consent" may also mean the agreement for contact or disclosure of

records by any of the parties identified in section 19-5-304 (2) as a result of an inquiry by a

confidential intermediary pursuant to section 19-5-304.

(28.5) "Consent form", as used in section 19-5-305 (3), means a verified written statement

signed by an adult adoptee or an adult adoptee's consenting birth parent or an adoptive parent of a

minor adoptee that has been notarized and that authorizes the release of adoption records or

identifying information, to the extent available, by a licensed child placement agency.

(28.6) "Contact information" means information supplied voluntarily by a birth parent on

a contact preference form, including the name of the birth parent at the time of relinquishment of the

adoptee; the alias, if any, used at the time of relinquishment of the adoptee; and the current name,

current address, and current telephone number of the birth parent.

(28.7) (a) "Contact preference form" means a written statement signed by a birth parent

indicating whether the birth parent prefers future contact with an adult adoptee, an adult descendant

of the adoptee, or a legal representative of the adoptee or the descendant and, if contact is preferred,

whether the contact should be through a confidential intermediary or a designated employee of a

child placement agency.

(b) Repealed.

(29) "Continuously available", as used in section 19-3-308 (4), means the assignment of a

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person to be near an operable telephone not necessarily located in the premises ordinarily used for

business by the count ydepartment or to have such arrangements made through agreements with local

law enforcement agencies.

(29.3) "Convicted" or "conviction", as used in section 19-5-105.5, means a plea of guilty

accepted by the court, including a plea of guilty entered pursuant to a deferred sentence under section

18-1.3-102, C.R.S., a verdict of guilty by a judge or jury, or a plea of no contest accepted by the

court, or having received a disposition as a juvenile or having been adjudicated a juvenile delinquent

based on the commission of any act that constitutes sexual assault, as defined in subsection (96.5)

of this section.

(29.5) Repealed.

(30) "Cost of care" means the cost to the department or the county for a child placed out of

the home or charged with the custody of the juvenile for providing room, board, clothing, education,

medical care, and other normal living expenses for a child placed out of the home or to a juvenile

sentenced to a placement out of the home, as determined by the court. As used in this title, "cost of

care" also includes any costs associated with maintenance of a juvenile in a home detention program,

supervision of probation when the juvenile is granted probation, or supervision of parole when the

juvenile is placed on parole.

(31) "Counsel" means an attorney-at-law who acts as a person's legal advisor or who

represents a person in court.

(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.

(32) (a) "County department", as used in this article and part 2, part 3, and part 7 of article

3 of this title and part 2 of article 5 of this title, means the county or district department of human

or social services.

(b) "County department" means a county or a city and county department of human or social

services.

(33) "County director", as used in section 19-3-211 and part 3 of article 3 of this title, means

the county director or district director appointed pursuant to section 26-1-117, C.R.S.

(34) "Court", as used in part 3 of article 5 of this title, means any court of record with

jurisdiction over the matter at issue.

(34.3) "Court-appointed special advocate" or "CASA volunteer" means a volunteer

appointed by a court pursuant to the provisions of part 2 of this article to assist in advocacy for

children.

(34.5) "Court-appointed special advocate program" or "CASA program" means a program

established pursuant to the provisions of part 2 of this article.

(34.6) "Criminal justice agency", as used in section 19-1-303, shall have the same meaning

as set forth in section 24-72-302 (3), C.R.S.

(34.7) "Custodial adoption", as used in part 2 of article 5 of this title, means an adoption of

a child by any person and such person's spouse, as required under section 19-5-202 (3), who:

(a) Has been awarded custody or allocated parental responsibilities by a court of law in a

dissolution of marriage, custody or allocation of parental responsibilities proceeding, or has been

awarded guardianship of the child by a court of law in a probate action, such as pursuant to part 2

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of article 14 of title 15, C.R.S.; and

(b) Has had physical custody of the child for a period of one year or more.

(35) "Custodian" means a person who has been providing shelter, food, clothing, and other

care for a child in the same fashion as a parent would, whether or not by order of court.

(35.3) (a) (I) "Custodian of records", as used in section 19-5-305 (1.5) and (2) and as used

in section 19-5-305.5, means any of the following individuals or entities that have custody of records

relating to the relinquishment or adoption of a child:

(A) A court;

(B) A state agency; or

(C) The legal agent or representative of any entity described in sub-subparagraphs (A) and

(B) of this paragraph (I).

(II) "Custodian of records", as used in section 19-5-305 (1.5) and (2) and as used in section

19-5-305.5, does not include a licensed child placement agency.

(b) "Custodian of records", as used in section 19-5-109, means an entity that has custody of

records relating to the relinquishment of a child, including a court, state agency, licensed child

placement agency, maternity home, or the legal agent or representative of any such entity.

(36) "Delinquent act", as used in article 2 of this title, means a violation of any statute,

ordinance, or order enumerated in section 19-2-104 (1) (a). If a juvenile is alleged to have committed

or is found guilty of a delinquent act, the classification and degree of the offense shall be determined

by the statute, ordinance, or order that the petition alleges was violated.

(37) "Department", as used in article 5 of this title, means the department of human services.

(38) "Deprivation of custody" means the transfer of legal custody by the court from a parent

or a previous legal custodian to another person, agency, or institution.

(39) "Designated adoption" means an adoption in which:

(a) The birth parent or parents designate a specific applicant with whom they wish to place

their child for purposes of adoption; and

(b) The anonymity requirements of section 19-1-309 are waived.

(40) "Detention" means the temporary care of a child who requires secure custody in

physically restricting facilities pending court disposition or an execution of a court order for

placement or commitment.

(40.5) "Determinate period", as used in article 2 of this title, means that the department of

human services may not transfer legal or physical custody of a juvenile until the juvenile has

completed the period of commitment imposed by the court, unless otherwise ordered by the court;

except that the department may release the juvenile on parole prior to completion of the determinate

period, as provided in section 19-2-1002.

(41) "Diagnostic and evaluation center", as used in article 2 of this title, means a facility for

the examination and study of persons committed to the custody of the department of human services.

(42) "Director", as used in section 19-2-303, means the executive director of the department

of public safety.

(43) "Dispositional hearing" means a hearing to determine what order of disposition should

be made concerning a child who is neglected or dependent. Such hearing may be part of the

proceeding that includes the adjudicatory hearing, or it may be held at a time subsequent to the

adjudicatory hearing.

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(44) "Diversion" means a decision made by a person with authority or a delegate of that

person that results in specific official action of the legal system not being taken in regard to a specific

juvenile or child and in lieu thereof providing individually designed services by a specific program.

The goal of diversion is to prevent further involvement of the juvenile or child in the formal legal

system. Diversion of a juvenile or child may take place either at the pre-filing level as an alternative

to the filing of a petition pursuant to section 19-2-512 or at the post-adjudication level as an adjunct

to probation services following an adjudicatory hearing pursuant to section 19-3-505 or a disposition

as a part of sentencing pursuant to section 19-2-907. "Services", as used in this subsection (44),

includes but is not limited to diagnostic needs assessment, restitution programs, community service,

job training and placement, specialized tutoring, constructive recreational activities, general

counseling and counseling during a crisis situation, and follow-up activities. Services may include

restorative justice practices as defined in section 18-1-901 (3) (o.5), C.R.S., and as deemed suitable

by the probation department or a designated restorative justice practices facilitator. Restorative

justice practices shall be conducted by facilitators recommended by the district attorney.

(44.5) "Donor", as used in section 19-4-106, means an individual who produces eggs or

sperm used for assisted reproduction, whether or not for consideration. "Donor" does not include a

husband who provides sperm, or a wife who provides eggs, to be used for assisted reproduction by

the wife.

(45) "Emancipated juvenile", as used in section 19-2-511, means a juvenile over fifteen years

of age and under eighteen years of age who has, with the real or apparent assent of the juvenile's

parents, demonstrated independence from the juvenile's parents in matters of care, custody, and

earnings. The term may include, but shall not be limited to, any such juvenile who has the sole

responsibility for the juvenile's own support, who is married, or who is in the military.

(46) (Deleted by amendment, L. 96, p. 1684, § 12, effective January 1, 1997.)

(47) (a) "Estate", as used in section 19-2-114, means any tangible or intangible properties,

real or personal, belonging to or due to a person, including income or payments to such person from

previously earned salary or wages, bonuses, annuities, pensions, or retirement benefits, or any source

whatsoever except federal benefits of any kind.

(b) (I) Real property that is held in joint ownership or ownership in common with the

juvenile's spouse, while being used and occupied by the spouse as a place of residence, shall not be

considered a part of the estate of the juvenile for the purposes of section 19-2-114.

(II) Real property that is held by the juvenile's parent, while being used and occupied by such

parent as a place of residence, shall not be considered a part of the estate of the parent for the

purposes of section 19-2-114.

(47.5) "Executive director", as used in article 3.3 of this title, means the executive director

of the department of human services.

(48) "Expungement", as used in section 19-1-306, means the designation of juvenile

delinquency records whereby such records are deemed never to have existed.

(49) "Family child care home" means a family child care home licensed and approved

pursuant to article 6 of title 26, C.R.S. If such facility is located in another state, it shall be

designated by the department of human services upon certification that no appropriate available

space exists in a facility in this state and shall be licensed or approved as required by law in that

state.

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(50) (Deleted by amendment, L. 96, p. 1684, § 12, effective January 1, 1997.)

(51) "Fire investigator" means a person who:

(a) Is an officer or member of a fire department, fire protection district, or fire fighting

agency of the state or any of its political subdivisions;

(b) Is engaged in conducting or is present for the purpose of engaging in the conduct of a fire

investigation; and

(c) Is either a volunteer or is compensated for services rendered by the person.

(51.3) "Foster care" means the placement of a child into the legal custody or legal authority

of a county department of social services for physical placement of the child in a kinship care

placement or certified or licensed facility or the physical placement of a juvenile committed to the

custody of the state department of human services into a community placement.

(51.5) "Foster care home" means a foster care home certified pursuant to article 6 of title 26,

C.R.S.

(52) "Gang", as used in sections 19-2-205 and 19-2-508, means a group of three or more

individuals with a common interest, bond, or activity, characterized by criminal or delinquent

conduct, engaged in either collectively or individually.

(53) "Good faith mistake", as used in section 19-2-803, means a reasonable error of

judgment concerning the existence of facts or law that, if true, would be sufficient to constitute

probable cause.

(54) "Governing body", as used in section 19-3-211, means the board of county

commissioners of a county or the city council of a city and county.

(55) "Governmental unit", as used in section 19-2-303, means any county, city and county,

city, town, judicial district attorney office, or school district.

(56) (a) "Grandparent" means a person who is the parent of a child's father or mother, who

is related to the child by blood, in whole or by half, adoption, or marriage.

(b) "Grandparent", as used in sections 19-1-117 and 19-1-117.5, has the same meaning as

set forth in paragraph (a) of this subsection (56); except that "grandparent" does not include the

parent of a child's legal father or mother whose parental rights have been terminated in accordance

with sections 19-5-101 and 19-1-104 (1) (d).

(56.5) "Great-grandparent", as used in sections 19-1-117 and 19-1-117.5, means a person

who is the grandparent of a child's father or mother, who is related to the child by blood, in whole

or by half, adoption, or marriage. "Great-grandparent" does not include the grandparent of a child's

legal father or mother whose parental rights have been terminated in accordance with sections 19-5-

101 and 19-1-104 (1) (d).

(57) "Grievance", as used in section 19-3-211, means a dispute between a complainant and

a county department concerning the conduct of county department personnel in performing their

duties pursuant to article 3 of this title.

(58) "Group care facilities and homes" means places other than foster family care homes

providing care for small groups of children that are licensed as provided in article 6 of title 26,

C.R.S., or meet the requirements of section 25.5-10-214, C.R.S.

(59) "Guardian ad litem" means a person appointed by a court to act in the best interests of

a person whom the person appointed is representing in proceedings under this title and who, if

appointed to represent a person in a dependency and neglect proceeding under article 3 of this title,

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shall be an attorney-at-law licensed to practice in Colorado.

(60) "Guardianship of the person" means the duty and authority vested by court action to

make major decisions affecting a child, including, but not limited to:

(a) The authority to consent to marriage, to enlistment in the armed forces, and to medical

or surgical treatment;

(b) The authority to represent a child in legal actions and to make other decisions of

substantial legal significance concerning the child;

(c) The authority to consent to the adoption of a child when the parent-child legal

relationship has been terminated by judicial decree; and

(d) The rights and responsibilities of legal custody when legal custody has not been vested

in another person, agency, or institution.

(61) "Habitual juvenile offender", as used in section 19-2-517, means a juvenile offender

who has previously been twice adjudicated a juvenile delinquent for separate delinquent acts, arising

out of separate and distinct criminal episodes, that constitute felonies.

(61.5) "Half-sibling" shall have the same meaning as biological sibling provided in

subsection (14) of this section.

(62) "Halfway house", as used in article 2 of this title, means a group care facility for

juveniles who have been placed on probation or parole under the terms of this title.

(63) "Identifying" means giving, sharing, or obtaining information.

(63.5) "Identifying information", as used in section 19-5-305 (3), means copies of any

adoption records, as that term is defined in subsection (6.5) of this section, that are in the possession

of the child placement agency. "Identifying information" also includes the name of the adoptee

before placement in adoption; the name and address of each consenting birth parent as they appear

in the birth records; the current name, address, and telephone number of the adult adoptee; and the

current name, address, and telephone number of each consenting birth parent to the extent such

information is available to the child placement agency.

(64) "Imminent placement out of the home", as used in section 19-1-116 (2), means that

without intercession the child will be placed out of the home immediately.

(65) "Independent living" means a form of placement out of the home arranged and

supervised by the county department of social services wherein the child is established in a living

situation designed to promote and lead to the child's emancipation. Independent living shall only

follow some other form of placement out of the home.

(65.3) "Indian child" means an unmarried person who is younger than eighteen years of age

and who is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and who is the biological child of a member

of an Indian tribe.

(65.5) "Indian child's tribe" means:

(a) The Indian tribe in which an Indian child is a member or eligible for membership; or

(b) In the case of an Indian child who is a member of or eligible for membership in more

than one tribe, the Indian tribe with which the Indian child has the most significant contacts.

(65.7) "Indian tribe" means an Indian tribe, band, nation, or other organized group or

community of Indians recognized as eligible for the federal governmental services provided to

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Indians because of their status as Indians.

(66) "Institutional abuse", as used in part 3 of article 3 of this title, means any case of abuse,

as defined in subsection (1) of this section, that occurs in any public or private facility in the state

that provides child care out of the home, supervision, or maintenance. "Facility" includes, but is not

limited to, family child care homes, foster care homes, and any other facility subject to the Colorado

"Child Care Licensing Act" and described in section 26-6-102, C.R.S. "Institutional abuse" shall not

include abuse that occurs in any public, private, or parochial school system, including any preschool

operated in connection with said system; except that, to the extent the school system provides

extended day services, abuse that occurs while such services are provided shall be institutional abuse.

(67) "Intra-familial abuse", as used in part 3 of article 3 of this title, means any case of abuse,

as defined in subsection (1) of this section, that occurs within a family context by a child's parent,

stepparent, guardian, legal custodian, or relative, by a spousal equivalent, as defined in subsection

(101) of this section, or by any other person who resides in the child's home or who is regularly in

the child's home for the purpose of exercising authority over or care for the child; except that

"intra-familial abuse" shall not include abuse by a person who is regularly in the child's home for the

purpose of rendering care for the child if such person is paid for rendering care and is not related to

the child.

(68) "Juvenile", as used in article 2 of this title, means a child as defined in subsection (18)

of this section.

(69) "Juvenile community review board", as used in article 2 of this title, means any board

appointed by a board of county commissioners for the purpose of reviewing community placements

under article 2 of this title. The board, if practicable, shall include but not be limited to a

representative from a county department of social services, a local school district, a local law

enforcement agency, a local probation department, a local bar association, the division of youth

corrections, and private citizens.

(70) "Juvenile court" or "court" means the juvenile court of the city and county of Denver

or the juvenile division of the district court outside of the city and county of Denver.

(71) "Juvenile delinquent", as used in article 2 of this title, means a juvenile who has been

found guilty of a delinquent act.

(71.3) "Kin", for purposes of a "kinship foster care home" or for purposes of "noncertified

kinship care", may be a relative of the child, a person ascribed by the family as having a family-like

relationship with the child, or a person that has a prior significant relationship with the child. These

relationships take into account cultural values and continuity of significant relationships with the

child.

(71.5) "Kinship adoption", as used in part 2 of article 5 of this title, means an adoption of

a child by a relative of the child and such relative's spouse, as required under section 19-5-202 (3),

who:

(a) Is either a grandparent, brother, sister, half-sibling, aunt, uncle, or first cousin; and

(b) Has had physical custody of the child for a period of one year or more and the child is

not the subject of a pending dependency and neglect proceeding pursuant to article 3 of this title.

(72) "Law enforcement officer" means a peace officer, as described in section 16-2.5-101,

C.R.S.

(73) (a) "Legal custody" means the right to the care, custody, and control of a child and the

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duty to provide food, clothing, shelter, ordinary medical care, education, and discipline for a child

and, in an emergency, to authorize surgery or other extraordinary care. "Legal custody" may be taken

from a parent only by court action.

(b) For purposes of determining the residence of a child as provided in section 22-1-102 (2)

(b), C.R.S., guardianship shall be in the person to whom legal custody has been granted by the court.

(73.5) (a) "Legal representative", as used in sections 19-5-304 and 19-5-305, means the

person designated by a court to act on behalf of any person described in section 19-5-304 (1) (b) (I)

or 19-5-305 (2).

(b) For purposes of the term "legal representative", as used in section 19-5-304 and 19-5-305

and as defined in paragraph (a) of this subsection (73.5), "legal guardian" shall not include a

governmental entity of any foreign country from which a child has been adopted or any

representative of such governmental entity.

(74) "Local law enforcement agency", as used in part 3 of article 3 of this title, means a

police department in incorporated municipalities or the office of the county sheriff.

(75) "Locating" means engaging in the process of searching for or seeking out.

(76) "Mental health hospital placement prescreening" means a face-to-face mental health

examination, conducted by a mental health professional, to determine whether a child should be

placed in a facility for evaluation pursuant to section 27-65-105 or 27-65-106, C.R.S., and may

include consultation with other mental health professionals and review of all available records on

the child.

(77) "Mental health professional" means a person licensed to practice medicine or

psychology in this state or any person on the staff of a facility designated by the executive director

of the department of human services for seventy-two-hour treatment and evaluation authorized by

the facility to do mental health hospital placement prescreenings and under the supervision of a

person licensed to practice medicine or psychology in this state.

(77.5) "Need to know", as used in section 19-1-303, means agencies or individuals who need

access to certain information for the care, treatment, supervision, or protection of a child.

(78) "Neglect", as used in part 3 of article 3 of this title, means acts that can reasonably be

construed to fall under the definition of child abuse or neglect as defined in subsection (1) of this

section.

(78.5) "Newborn child" means a child who is less than seventy-two hours old.

(78.7) "Noncertified kinship care" means a child is being cared for by a relative or kin who

has a significant relationship with the child in circumstances when there is a safety concern by a

county department and where the relative or kin has not met the foster care certification requirements

for a kinship foster care home or has chosen not to pursue that certification process.

(79) "Nongovernmental agency", as used in section 19-2-303, means any person, private

nonprofit agency, corporation, association, or other nongovernmental agency.

(80) "Non-identifying information", as used in part 4 of article 5 of this title, means

information that does not disclose the name, address, place of employment, or any other material

information that would lead to the identification of the birth parents and that includes, but is not

limited to, the following:

(a) The physical description of the birth parents;

(b) The educational background of the birth parents;

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(c) The occupation of the birth parents;

(d) Genetic information about the birth family;

(e) Medical information about the adult adoptee's birth;

(f) Social information about the birth parents;

(g) The placement history of the adoptee.

(81) "Nonpublic agency interstate and foreign adoption", as used in section 19-5-205.5,

means an interstate or foreign adoption that is handled by a private, licensed child placement agency.

(82) (a) "Parent" means either a natural parent of a child, as may be established pursuant to

article 4 of this title, or a parent by adoption.

(b) "Parent", as used in sections 19-1-114, 19-2-514, and 19-2-515, includes a natural parent

having sole or joint custody, regardless of whether the parent is designated as the primary residential

custodian, or a parent allocated parental responsibilities with respect to a child, or an adoptive parent.

For the purposes of section 19-1-114, "parent" does not include a person whose parental rights have

been terminated pursuant to the provisions of this title or the parent of an emancipated minor.

(83) (Deleted by amendment, L. 96, p. 1684, § 12, effective January 1, 1997.)

(83.5) "Permanency hearing" means a hearing in which the permanency plan for a child in

foster care is determined by the court.

(84) "Physical custodian", as used in section 19-2-511, means a guardian, whether or not

appointed by court order, with whom the juvenile has resided.

(85) "Placement out of the home" means placement for twenty-four-hour residential care in

any facility or center operated or licensed by the department of human services, but the term does

not include any placement that is paid for totally by private moneys or any placement in a home for

the purposes of adoption in accordance with section 19-5-205. "Placement out of the home" may be

voluntary or court-ordered. "Placement out of the home" includes independent living.

(85.5) (a) "Post-adoption record", as used in part 3 of article 5 of this title, means

information contained in the files subsequent to the completion of an adoption proceeding.

(b) The post-adoption record may contain information concerning, but not limited to:

(I) The written inquiries from persons requesting access to records;

(II) The search efforts of the confidential intermediary;

(III) The response, if any, to those search efforts by the persons sought;

(IV) Any updated medical information gathered pursuant to part 3 of article 5 of this title;

and

(V) Any personal identifying information concerning any persons subject to the provisions

of part 3 of article 5 of this title.

(86) "Prevention program", as used in article 3.5 of this title, means a program of direct child

abuse prevention services to a child, parent, or guardian and includes research or education programs

related to the prevention of child abuse. Such a prevention program may be classified as a primary

prevention program when it is available to the community on a voluntary basis and as a secondary

prevention program when it is directed toward groups of individuals who have been identified as

high risk.

(87) "Protective supervision" means a legal status created by court order under which the

child is permitted to remain in the child's home or is placed with a relative or other suitable person

and supervision and assistance is provided by the court, department of human services, or other

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agency designated by the court.

(87.5) "Public adoption", as used in part 2 of article 5 of this title, means an adoption

involving a child who is in the legal custody and guardianship of the county department of social

services that has the right to consent to adoption for that child.

(88) (Deleted by amendment, L. 96, p. 1684, § 12, effective January 1, 1997.)

(89) "Reasonable efforts", as used in articles 1, 2, and 3 of this title, means the exercise of

diligence and care throughout the state of Colorado for children who are in out-of-home placement,

or are at imminent risk of out-of-home placement. In determining whether it is appropriate to

provide, purchase, or develop the supportive and rehabilitative services that are required to prevent

unnecessary placement of a child outside of a child's home or to foster the safe reunification of a

child with a child's family, as described in section 19-3-208, or whether it is appropriate to find and

finalize an alternative permanent plan for a child, and in making reasonable efforts, the child's health

and safety shall be the paramount concern. Services provided by a county or city and county in

accordance with section 19-3-208 are deemed to meet the reasonable effort standard described in this

subsection (89). Nothing in this subsection (89) shall be construed to conflict with federal law.

(90) "Receiving center", as used in article 2 of this title, means a facility used to provide

temporary detention and care for juveniles by the department of human services pending placement

in a training school, camp, or other facility.

(91) "Recipient", as used in article 3.5 of this title, means and is limited to a nonprofit or

public organization that receives a grant from the trust fund created in section 19-3.5-106.

(91.5) "Record", as used in section 19-4-106, means information that is inscribed on a

tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable

form.

(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.

(92) "Residential community placement", as used in article 2 of this title, means any

placement for residential purposes permitted under this title except in an institutional facilitydirectly

operated by, or a secure facility under contract with, the department of human services and except

while a juvenile is under the jurisdiction of the juvenile parole board.

(93) "Residual parental rights and responsibilities", as used in article 3 of this title, means

those rights and responsibilities remaining with the parent after legal custody, guardianship of the

person, or both have been vested in another person, agency, or institution, including, but not

necessarily limited to, the responsibility for support, the right to consent to adoption, the right to

reasonable parenting time unless restricted by the court, and the right to determine the child's

religious affiliation.

(94) "Responsible person", as used in part 3 of article 3 of this title, means a child's parent,

legal guardian, or custodian or any other person responsible for the child's health and welfare.

(94.1) "Restorative justice" means those practices that emphasize repairing the harm to the

victim and the community caused by criminal acts. Restorative justice practices may include victim offender conferences attended voluntarily by the victim, a victim advocate, the offender, community

members, and supporters of the victim or the offender that provide an opportunity for the offender

to accept responsibility for the harm caused to those affected by the crime and to participate in

setting consequences to repair the harm. Consequences recommended by the participants may

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include, but need not be limited to, apologies, community service, restoration, and counseling. The

selected consequences are incorporated into an agreement that sets time limits for completion of the

consequences and is signed by all participants.

(94.2) "Reunited parties", as used in section 19-5-305, means any two persons who qualify

as and meet any specified requirements for parties under the list of individuals in section 19-5-304

(1) (b) (I).

(94.3) "School", as used in sections 19-1-303 and 19-1-304, means a public or parochial or

other nonpublic school that provides a basic academic education in compliance with school

attendance laws for students in grades one to twelve. "Basic academic education" has the same

meaning as set forth in section 22-33-104 (2) (b), C.R.S.

(94.5) "Screening team" means the person or persons designated, pursuant to rule 3.7 of the

Colorado rules of juvenile procedure, by the chief judge in each judicial district or, for the second

judicial district, the presiding judge of the Denver juvenile court to make recommendations to the

juvenile court concerning whether a juvenile taken into temporary custody should be released or

admitted to a detention or shelter facility pursuant to section 19-2-508.

(95) "Sentencing hearing", as used in article 2 of this title, means a hearing to determine

what sentence shall be imposed on a juvenile delinquent or what other order of disposition shall be

made concerning a juvenile delinquent, including commitment. Such hearing may be part of the

proceeding that includes the adjudicatory trial, or it may be held at a time subsequent to the

adjudicatory trial.

(96) "Services", as used in section 19-2-303, may include, but is not limited to, provision

of diagnostic needs assessment, general counseling and counseling during a crisis situation,

specialized tutoring, job training and placement, restitution programs, community service,

constructive recreational activities, day reporting and day treatment programs, and follow-up

activities.

(96.5) "Sexual assault", as used in sections 19-5-105, 19-5-105.5, and 19-5-105.7, means:

(a) "Sexual assault" as defined in section 18-3-402, C.R.S.;

(b) "Sexual assault on a child" as defined in section 18-3-405, C.R.S.;

(c) "Sexual assault on a child by one in a position of trust" as defined in section 18-3-405.3,

C.R.S.;

(d) "Sexual assault on a client by a psychotherapist" as defined in section 18-3-405.5, C.R.S.;

or

(e) "Unlawful sexual contact" as defined in section 18-3-404, C.R.S.

(97) "Sexual conduct", as used in section 19-3-304 (2.5), means any of the following:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal,

whether between persons of the same or opposite sex or between humans and animals;

(b) Penetration of the vagina or rectum by any object;

(c) Masturbation;

(d) Sexual sadomasochistic abuse.

(98) "Shelter" means the temporary care of a child in physically unrestricting facilities

pending court disposition or execution of a court order for placement.

(98.5) "Sibling group", as used in article 3 and article 5 of this title, means biological siblings

who have been raised together or have lived together.

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(99) "Special county attorney", as used in article 3 of this title, means an attorney hired by

a county attorney or city attorney of a city and county or hired by a county department of social

services with the concurrence of the county attorney or city attorney of a city and county to prosecute

dependency and neglect cases.

(100) "Special respondent", as used in article 3 of this title, means any person who is not a

parent, guardian, or legal custodian and who is involuntarily joined as a party in a dependency or

neglect proceeding for the limited purposes of protective orders or inclusion in a treatment plan.

(101) "Spousal equivalent" means a person who is in a family-type living arrangement with

a parent and who would be a stepparent if married to that parent.

(101.5) "Staff secure facility" means a group facility or home at which each juvenile is

continuously under staff supervision and at which all services, including but not limited to education

and treatment, are provided on site. A staff secure facility may or may not be a locked facility.

(101.7) "Standardized mental illness screening" means the mental illness screening

conducted using the juvenile standardized screening instruments and the procedures adopted

pursuant to section 16-11.9-102, C.R.S.

(102) "State board", as used in part 3 of article 3 of this title, means the state board of human

services.

(103) "State department", as used in section 19-3-211, part 3 of article 3 of this title, and

article 3.3 of this title, means the department of human services created by section 24-1-120, C.R.S.

(103.5) "State registrar" means the state registrar of vital statistics in the department of

public health and environment.

(103.7) "Status offense" shall have the same meaning as is defined in federal law in 28 CFR

31.304, as amended.

(104) "Stepparent" means a person who is married to a parent of a child but who has not

adopted the child.

(105) "Technical violation", as used in section 19-2-803, means a reasonable, good faith

reliance upon a statute that is later ruled unconstitutional, a warrant that is later invalidated due to

a good faith mistake, or a court precedent that is later overruled.

(106) "Temporary holding facility" means an area used for the temporary holding of a child

from the time that the child is taken into temporary custody until a detention hearing is held, if it has

been determined that the child requires a staff-secure setting. Such an area must be separated by

sight and sound from any area that houses adult offenders.

(107) "Termination of the parent-child legal relationship", as used in articles 3 and 5 of this

title, means the permanent elimination by court order of all parental rights and duties, including

residual parental rights and responsibilities, as provided in section 19-3-608.

(108) "Third-party abuse", as used in part 3 of article 3 of this title, means a case in which

a child is subjected to abuse, as defined in subsection (1) of this section, by any person who is not

a parent, stepparent, guardian, legal custodian, spousal equivalent, as defined in subsection (101) of

this section, or any other person not included in the definition of intra-familial abuse, as defined in

subsection (67) of this section.

(109) "Training school", as used in article 2 of this title, means an institution providing care,

education, treatment, and rehabilitation for juveniles in a closed setting and includes a regional center

established in part 3 of article 10.5 of title 27, C.R.S.

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(110) "Trust fund", as used in article 3.5 of this title, means the Colorado children's trust

fund created in section 19-3.5-106.

(111) "Unfounded report", as used in part 3 of article 3 of this title, means any report made

pursuant to article 3 of this title that is not supported by a preponderance of the evidence.

(111.5) "Updated medical history statement" means a written narrative statement dated and

signed by a birth parent about the medical history of the birth parent or other biological relatives of

the adoptee that can be voluntarily submitted by the birth parent to the state registrar for future

disclosure to the birth parent's adult child who is an adult adoptee or an adult descendant of the

adoptee or legal representative of such person in accordance with the provisions of section 19-5-305

(1.5).

(112) (a) "Victim", as used in article 2 of this title, means the party immediately and directly

aggrieved by the juvenile, that party's spouse, the party's parent, sibling, or child who is living with

the party, a victim compensation board that has paid a victim compensation claim, a person or entity

who has suffered losses because of a contractual relationship with such party, including, but not

limited to, an insurer, or because of liability under section 14-6-110, C.R.S., or, in the absence of any

of the above, the state.

(b) "Victim", as used in section 19-5-105.5, means any natural person against whom a crime

of sexual assault or a crime in which the underlying factual basis was sexual assault has been

perpetrated or is alleged to have been perpetrated.

###### **State Laws or legislation that could impact our compliance with DSO**

###### House Bill 17 – 1207

The bill creates provisions that remove the requirements for the department of human services to receive, detain, or provide care for any juvenile who is 10 years of age and older but less than 13 years of age, unless the juvenile has been arrested or adjudicated for a felony or a weapons charge that is a misdemeanor or felony. Provisions remain in statute for other programs and services for the age group that will no longer require placement of the juvenile in a detention facility.

###### House Bill 18-1156

The truancy bill CONCERNING LIMITATIONS ON PENALTIES FOR TRUANCY that is intending to further limit the use of detention for failing to obey by a valid court order. It would change the cap from 5 days to 48 hours which would also be inclusive of any time the juvenile was securely held prior to the hearing and after they were picked up by law enforcement on a court warrant.  The court would also have to find it was in the child’s and public’s best interest and address a number of enumerated factors which include evidence of the adverse effects of detention on truants.

See <https://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_1156_ren.pdf>.

###### CRS 13-5-145 Truancy detention reduction policy (Senate Bill 15 184)

No later than March 15, 2016, the Chief Judge in each Judicial District shall convene a meeting of community stakeholders to create a policy for addressing truancy cases that seeks alternatives to the use of detention as a sanction for truancy. In developing the policy, the Chief Judge and community stakeholders shall consider best practices for addressing truancy, evidence-based practices to address and reduce truancy, using a wide array of reasonable sanctions and reasonable incentives to address and reduce truancy, using detention only as a last resort after exhausting all reasonable sanctions and, when imposing detention, appropriately reducing the number of days served, and research regarding the effect of detention on juveniles.

###### CRS 19-3-403 (2) Time limitations on holding status offenders securely

“A child requiring physical restraint may be placed in a juvenile detention facility operated by or under contract with the department of human services for a period of not more than twenty-four hours, including Saturdays, Sundays, and legal holidays.”

###### CRS 19-2-508 (2) Time limitations on processing valid court order offenders

A new law was passed in 2014 under House Bill 12-0213 which states that a juvenile being held in (juvenile) detention on a warrant for violating a valid court order on a status offense the court will hold the next hearing within 24 hours of admission, excluding weekends and legal holidays.

###### CRS 22-33-104 Compulsory school attendance

Boards of Education are encouraged to establish attendance procedures to identify students who are chronically absent and to implement best practices and research-based strategies to improve attendance.

###### CRS 22-33-107 Enforcement of compulsory school attendance

* Defines “Local Community Services Group” as the local juvenile services planning group, local collaborative management group or another local group of public agencies that collaborate with the school district to identify and support services for students.
* Boards of Education shall adopt and implement policies and procedures concerning elementary and secondary school attendance, including but not limited to policies and procedures to work with children who are habitually truant.
* The policies and procedures must include provisions for development of a plan which must be developed with the goal of assisting the child to remain in school.
* Appropriate school personnel are encouraged to work with the local community services group to develop the plan.
* Policies and procedures may include procedures to monitor the attendance of each child enrolled in the school district to identify each child who has a significant number of unexcused absences and to work with the local community services group and the child’s parent to identify and address the likely issues underlying the child’s truancy including any non-academic issues.

###### CRS 22-33-108 Judicial Proceedings relating to truants (House Bill 13-1021)

* Schools can file a truancy petition only as a last resort approach and only after the plan developed pursuant to 22-33-107, C.R.S. has been created and implemented and child continues to be habitually truant.
* Before initiating court proceedings, the school district shall give the child and parent written notice that the schools district will initiate proceedings if the child does not comply with attendance requirements.
* School must at a minimum submit to court 1) attendance record of student before and after the student was identified as habitually truant, 2) whether the child was identified as chronically absent (22-33-104, C.R.S.) and if so, the strategies the school district used to improve the child’s attendance, 3) the interventions and strategies used to improve the student’s attendance before the school created the plan identified in 22-33-107(3), C.R.S., 4) the child’s plan and efforts by the child, child’s parent and school or school district personnel to implement the plan.
* The court may issue an order against the child, the child’s parent, or both compelling the parent to take reasonable steps to assure the child’s attendance. The order must require the child and parent to cooperate with the school district in complying with the plan created for the child.
* If the child does not comply with the court order, the court may order an assessment for neglect be conducted by DSS pursuant to 19-3-102 (1), C.R.S.
* If the court finds the child has refused to comply with the plan approved by the court, the court may impose on the child as a sanction for contempt of court a sentence of detention for no more than five days in a juvenile detention facility.
* As a result of the work and discussions around House Bill 13-1021 the number of status offenders sentenced to detention dropped from 360 in 2012 to 267 in 2013. One District Court (Arapahoe) ruled against using detention for status offenders. Other District Courts (El Paso and Jefferson) are limiting the use of detention to historic lows.

###### CRS 22-22-108 requires a valid court order to sentence status offenders

Please note that it is a violation of State law to sentence status offenders to detention without benefit of the Valid Court Order, see C.R.S. 22-22-108, Judicial Proceedings, “After the petition is filed, the court shall notify the board and shall hold a hearing on the matter. The court shall conduct judicial review of a hearing decision pursuant to rule 106(a) (4) of the Colorado rules of civil procedure and Rule 3.8 of the Colorado Rules of Juvenile Procedures.” Rule 3.8 refers to the Colorado Valid Court Order process which is identical to the OJJDP VCO process prior to the 2002 Act reauthorization.

###### CRS 19-2-508 (8) (a) Secure holding of status offenders in adult jails and lockups a violation

Please note that holding these youth securely is a violation of State law “A juvenile who allegedly commits a status offense or is convicted of a status offense shall not be held in a secure area of a jail or lockup.”

###### CRS 19-2-508 (8) (b) Establishment of a fine for holding a status offender in a jail or lockup

A sheriff or police chief who violations the provisions of paragraph (8) (a) may be subject to a civil fine of no more than one thousand dollars.