

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 17-1110

BY REPRESENTATIVE(S) Beckman, Leonard, Lewis, Liston,
Mitsch Bush, Singer, Williams D.;
also SENATOR(S) Todd, Court, Fields, Kerr, Merrifield, Williams A.

CONCERNING JUVENILE COURT JURISDICTION REGARDING MATTERS
RELATED TO PARENTAL RESPONSIBILITIES IN A JUVENILE
DELINQUENCY CASE.

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

SECTION 1. In Colorado Revised Statutes, 19-1-104, **amend** (5);
and **add** (8) as follows:

19-1-104. Jurisdiction. (5) Where a custody award or an order allocating parental responsibilities with respect to a child has been made in a district court in a dissolution of marriage action or another proceeding and the jurisdiction of the district court in the case is continuing, the juvenile court may take jurisdiction in a case involving the same child if he or she is ~~dependent or neglected or otherwise~~ comes within the jurisdiction ~~set forth in this section~~ OF THE JUVENILE COURT. THE JUVENILE COURT SHALL PROVIDE NOTICE IN COMPLIANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE; EXCEPT THAT SERVICE MUST BE EFFECTED NOT LESS THAN SEVEN BUSINESS DAYS PRIOR TO THE HEARING. THE NOTICE MUST BE

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

WRITTEN IN CLEAR LANGUAGE STATING THAT THE HEARING CONCERNS THE ALLOCATION OF PARENTAL RESPONSIBILITIES. WHEN CREATING OR MODIFYING AN EXISTING ORDER, THE JUVENILE COURT SHALL PROCEED AS SET FORTH IN SUBSECTION (6) OF THIS SECTION FOR A DEPENDENCY AND NEGLECT PROCEEDING PURSUANT TO ARTICLE 3 OF THIS TITLE 19, OR AS SET FORTH IN SUBSECTION (8) OF THIS SECTION FOR A JUVENILE DELINQUENCY CASE PURSUANT TO ARTICLE 2 OF THIS TITLE 19.

(8) (a) UPON SUBMISSION OF A STIPULATED AGREEMENT OF ALL PARTIES, PARENTS, GUARDIANS, AND OTHER LEGAL CUSTODIANS, IF THE JUVENILE COURT FINDS THAT IT IS IN THE BEST INTERESTS OF THE JUVENILE, THE JUVENILE COURT MAY ENTER AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES AND ADDRESSING PARENTING TIME AND CHILD SUPPORT MATTERS WHEN:

(I) THE JUVENILE COURT HAS MAINTAINED JURISDICTION IN A CASE INVOLVING AN ADJUDICATED JUVENILE, A JUVENILE WITH A DEFERRED ADJUDICATION, OR A JUVENILE ON A MANAGEMENT PLAN DEVELOPED PURSUANT TO SECTION 19-2-1303 (3);

(II) A CHILD CUSTODY ACTION, A DEPENDENCY AND NEGLECT ACTION, OR AN ACTION FOR ALLOCATION OF PARENTAL RESPONSIBILITIES CONCERNING THE SAME JUVENILE IS NOT PENDING IN A DISTRICT COURT OF THIS STATE, AND THE COURT COMPLIES, AS APPLICABLE, WITH THE REQUIREMENTS OF THE "UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT", AS SET FORTH IN ARTICLE 13 OF TITLE 14; AND

(III) ALL PARTIES, PARENTS, GUARDIANS, AND OTHER LEGAL CUSTODIANS INVOLVED ARE IN AGREEMENT, OR AFTER NOTICE IS GIVEN TO ALL PARENTS, GUARDIANS, AND OTHER LEGAL CUSTODIANS AND A RESPONSE OR OBJECTION IS NOT FILED.

(b) THE PARENT OR PERSON OTHER THAN A PARENT WITH WHOM THE JUVENILE RESIDES THE MAJORITY OF THE TIME PURSUANT TO A JUVENILE COURT ORDER SHALL FILE A CERTIFIED COPY OF THE ORDER IN THE DISTRICT COURT IN THE COUNTY WHERE THE JUVENILE IS A PERMANENT RESIDENT. THE DISTRICT COURT SHALL TREAT THE ORDER AS WITH ANY OTHER DECREE ISSUED IN A PROCEEDING CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES.

SECTION 2. In Colorado Revised Statutes, 19-2-104, **add** (8) as follows:

19-2-104. Jurisdiction. (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, THE JUVENILE COURT MAY EXERCISE JURISDICTION OVER A JUVENILE TO DETERMINE THE LEGAL CUSTODY OF A JUVENILE OR TO APPOINT A GUARDIAN OF THE PERSON OR LEGAL CUSTODIAN OF ANY CHILD WHO COMES WITHIN THE JUVENILE COURT'S JURISDICTION UNDER THE PROVISIONS OF SECTION 19-1-104.

SECTION 3. In Colorado Revised Statutes, 14-13-102, **amend** the introductory portion and (4) as follows:

14-13-102. Definitions. As used in this ~~article~~ ARTICLE 13, unless the context otherwise requires:

(4) "Child-custody proceeding" means a proceeding in which legal custody or physical custody with respect to a child or the allocation of parental responsibilities with respect to a child or visitation, parenting time, or grandparent or great-grandparent visitation with respect to a child is an issue. The term includes a proceeding for divorce, dissolution of marriage, legal separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence and domestic abuse, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, EXCEPT WHEN SUCH COURT IS ENTERING AN ORDER TO ALLOCATE PARENTAL RESPONSIBILITIES; contractual emancipation; or enforcement under part 3 of this ~~article~~ ARTICLE 13.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO