

Colorado Legislative Council Staff Fiscal Note

NO FISCAL IMPACT

Drafting Number: LLS 08-0095**Date:** January 7, 2008**Prime Sponsor(s):** Rep. Solano
Sen. Boyd**Bill Status:** House Judiciary**Fiscal Analyst:** Jessika Shipley (303-866-3528)

TITLE: CONCERNING JUVENILE JUSTICE PROCEDURES FOR JUVENILES WHO MAY BENEFIT FROM MENTAL HEALTH SERVICES.**Summary of Legislation**

This bill from the Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Criminal and Juvenile Justice Systems requires the court, prosecution, defense, probation officer, guardian ad litem (appointed by the court to represent the best interests of a juvenile), parent, or legal guardian in a juvenile delinquency proceeding to advise the court if there is a reasonable belief that the juvenile could benefit from mental health services. Upon being advised of such a belief, the bill requires the court to order a mental health *screening* of the juvenile, unless sufficient information regarding the juvenile's mental state already exists in the record. The bill does not allow delinquency proceedings to be suspended pending the results of a mental health screening.

The court may order a mental health *assessment* when a screening indicates that the juvenile could benefit from mental health services. The cost of the assessment may be assigned to any party having legal custody or legal guardianship of the juvenile. The bill also defines a "juvenile who could benefit from mental health services" and "assessment." It provides minimum requirements for what must be included in an assessment. Finally, the bill permits the court to order mental health services as part of the disposition of the delinquency proceeding. This bill is effective upon the signature of the Governor or upon the bill becoming law without his signature.

Assessment

Department of Human Services. All juveniles admitted to detention are currently provided with a mental health screening. This bill allows the court to assign the cost of a mental health assessment to any party having legal custody or legal guardianship of the juvenile. The Division of Youth Corrections does not have legal custody of detained youth and would not be assigned the cost of providing mental health assessments for these juveniles.

In some cases, juveniles who are committed to and in the legal custody of the Division of Youth Corrections may become involved in a new delinquency proceeding subject to the provisions of this bill. Most of those juveniles will have already received a mental health assessment, but any additional impact is expected to be minor and can be absorbed within existing resources.

Judicial Department. The bill requires notification to the court that a mental health issue might exist and adds the possibility that a mental health assessment could be ordered. Sentencing and disposition hearings could be delayed in cases where the court is awaiting the results of a mental health screening/assessment. The procedures established in this bill are not expected to result in a significant increase in the workload of the trial courts.

In some cases the Probation Department has legal custody of a juvenile and may be ordered by the court to pay for a mental health assessment and treatment under the provisions of this bill. The Probation Department currently has that responsibility and it is not expected that the bill will substantially increase the number of mental health assessment payments assigned to the department.

The bill will also require adjustment of the Judicial and Colorado Integrated Criminal Justice Information System computer databases, but it will require only minor programming changes. Overall, the fiscal impact to the Judicial Department is expected to be minimal and can be absorbed within existing resources.

Departments Contacted

Human Services Judicial