

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0483.01 Jane Ritter x4342

SENATE BILL 15-004

SENATE SPONSORSHIP

Jahn,

HOUSE SPONSORSHIP

Primavera,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING TRAINED VOLUNTEER COURT-APPOINTED SPECIAL**
102 **ADVOCATES FOR YOUTH BROUGHT BEFORE A COURT IN A**
103 **TRUANCY PROCEEDING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill allows for the memorandum of understanding that establishes a court-appointed special advocate (CASA) program to be amended or modified at any time. CASA programs and volunteers are allowed to advocate for a child in a truancy proceeding. A judge or a magistrate may appoint a CASA volunteer in a truancy proceeding

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

brought pursuant to the "School Attendance Law of 1963". Training requirements for CASA volunteers are expanded to include information related to educational standards. The duties of a CASA volunteer are expanded to include services necessary to ensure educational success for a child appointed to the CASA volunteer as a result of a truancy proceeding.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-202, **amend** (1),
3 (2) introductory portion, and (2) (a) as follows:

4 **19-1-202. Creation of CASA programs.** (1) CASA programs
5 may be established in each judicial district or any two or more judicial
6 districts and shall operate pursuant to a memorandum of understanding
7 between the chief judge of the judicial district and the CASA program.
8 The memorandum of understanding ~~shall~~ **MUST** identify the roles and
9 responsibilities of any CASA volunteer appointed in the judicial district
10 or districts and ~~shall~~ **MUST** indicate whether any CASA volunteer may be
11 made a party to the action. **THE MEMORANDUM OF UNDERSTANDING MAY**
12 **BE AMENDED OR MODIFIED AT ANY TIME TO ADD OR DELETE ROLES AND**
13 **RESPONSIBILITIES PURSUANT TO THIS PART 2.**

14 (2) A CASA program established pursuant to the provisions of
15 this part 2 ~~shall~~ **MUST**:

16 (a) Be a community organization that screens, trains, and
17 supervises CASA volunteers to advocate for the best interests of children
18 in actions brought pursuant to this title and titles 14 and 15, C.R.S., OR
19 FOR A CHILD IN A TRUANCY PROCEEDING PURSUANT TO THE "SCHOOL
20 ATTENDANCE LAW OF 1963", PART 1 OF ARTICLE 33 OF TITLE 22, C.R.S.;

21 **SECTION 2.** In Colorado Revised Statutes, 19-1-204, **amend** (1)
22 as follows:

1 **19-1-204. Training requirements.** (1) All CASA volunteers
2 shall participate fully in preservice training, including instruction on
3 recognizing child abuse and neglect, cultural awareness, child
4 development, EDUCATION STANDARDS, the juvenile court process,
5 permanency planning, volunteer roles and responsibilities, advocacy,
6 information gathering, and documentation. CASA volunteers shall be
7 required to participate in observation of court proceedings prior to
8 appointment.

9 **SECTION 3.** In Colorado Revised Statutes, 19-1-206, **amend (1)**
10 **and (3)** as follows:

11 **19-1-206. Appointment of CASA volunteers.** (1) (a) Any A
12 judge or magistrate may appoint a CASA volunteer in any action brought
13 pursuant to this title and titles 14 and 15, C.R.S., when, in the opinion
14 of the judge or magistrate, a child who may be affected by such action
15 requires services that a CASA volunteer can provide. At the discretion of
16 the judge or magistrate, a CASA volunteer may be a party to the action
17 if so provided for in the memorandum of understanding.

18 (b) A JUDGE OR MAGISTRATE MAY APPOINT A CASA VOLUNTEER
19 IN ANY ACTION BROUGHT IN A PROCEEDING PURSUANT TO THE "SCHOOL
20 ATTENDANCE LAW OF 1963", PART 1 OF ARTICLE 33 OF TITLE 22, C.R.S.,
21 PROVIDED THAT AT LEAST ONE PARENT OR LEGAL GUARDIAN OF THE CHILD
22 INVOLVED IS PROVIDED WITH NOTICE AND SUBSEQUENTLY PROVIDES THE
23 COURT WITH WRITTEN CONSENT OF THE APPOINTMENT OF A CASA
24 VOLUNTEER.

25 (3) The CASA volunteer's appointment shall conclude
26 CONCLUDES:

27 (a) When the court's jurisdiction over the child terminates; or

1 (b) Upon discharge by the court on its own motion or at the
2 request of the program director of the CASA program to which the CASA
3 volunteer is assigned; OR

4 (c) AT ANY TIME WHEN A PARENT OR LEGAL GUARDIAN
5 WITHDRAWS HIS OR HER CONSENT THAT WAS PROVIDED PURSUANT TO
6 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION.

7 **SECTION 4.** In Colorado Revised Statutes, 19-1-208, **add** (1) (c)
8 as follows:

9 **19-1-208. Duties of CASA volunteer. (1) Independent case**
10 **investigation.** Upon appointment in an action, a CASA volunteer may
11 have the duty to:

12 (c) DETERMINE IF ADDITIONAL SERVICES ARE NECESSARY TO
13 ENSURE EDUCATIONAL SUCCESS FOR A CHILD IN A PROCEEDING PURSUANT
14 TO THE "SCHOOL ATTENDANCE LAW OF 1963", PART 1 OF ARTICLE 33 OF
15 TITLE 22, C.R.S.

16 **SECTION 5. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2016 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.