



## 2023 Legislative Issue Form

To propose a CCI legislative issue, please complete this form.

Feel free to use more than one page and include any supplemental materials.

1.) **Contact Information** (of person bringing forth issue):

- a. **Name:** Heather O’Hayre / Thaddeus Paul
- b. **Title:** Director / Division Manager
- c. **County:** Larimer
- d. **Phone Number:** (970) 498-6310 / (970) 498-6584
- e. **E-Mail Address:** [ohayrehj@co.larimer.co.us](mailto:ohayrehj@co.larimer.co.us) / [tpaul@co.larimer.co.us](mailto:tpaul@co.larimer.co.us)

2.) **Issue/Problem to be addressed** (What is the problem this legislation is seeking to solve?)

Currently, persons involved with child welfare dependency and neglect civil actions in the jurisdiction of juvenile courts cannot be *required* or *ordered* to undergo sexual offense treatment or services overseen by the Sex Offender Management Board (SOMB) as part of the juvenile court’s orders.

3.) **Background on this Issue/Problem** (How did this come to be? Why are you seeking a legislative remedy?)

Currently, in order for a person to be ordered to undergo sexual offender treatment or services provided by entities who adhere to practices and regulations issued by the SOMB, the individual must be involved in a criminal action (and not a civil child welfare dependency and neglect action). If this legislation is presented and passes, dependency and neglect proceedings involving sexual offenses could result in an order for SOMB-approved sexual offender treatment and services without requiring the individual to be engaged with the criminal justice system.

4.) **Proposed Solution/Legislative Remedy to this issue.**

Modify relevant sections of the Colorado Revised Statutes (C.R.S.) to specifically allow for juvenile courts having jurisdiction over dependency and neglect civil proceedings to be authorized to include sexual offender treatment through SOMB-overseen providers as part of their treatment orders and court findings.

5.) **Have you explored a non-legislative solution to this problem?**

Not to this county’s knowledge.

6.) **Statutory Citation to be modified AND proposed/revised language (The Colorado Revised Statute is available for free at [this link](#), by selecting “Colorado Revised Statutes”).**

Statute to Be Modified:

C.R.S. 19-3-505(7)(a)

Proposed Language(*yellow highlighting indicates proposed addition to existing statute*):

**(7)**

- (a)** When the court finds that the allegations of the petition are supported by a preponderance of the evidence, except when the case is continued as provided in the introductory portion to subsection (5) of this section, the court shall sustain the petition and shall make an order of adjudication setting forth whether the child is neglected or dependent. Evidence that child abuse or nonaccidental injury has occurred shall constitute prima facie evidence that such child is neglected or dependent, and such evidence shall be sufficient to support an adjudication under this section.

**(I)** In making its finding, the court may impose an order for sexual offender treatment or services upon the appropriate party(ies).

**(II)** Such sexual offender treatment will be administered by a treatment provider who follows the standards and guidelines established by the sexual offender management board pursuant to section 16-11.7-103.

**Please submit this completed form to Katie First at [kfirst@ccionline.org](mailto:kfirst@ccionline.org)**

**By Friday, July 8.**



7.) **Relationship of this issue to County Commissioner's roles and/or authorities.**

This potential legislation is in alignment with Larimer County's Guiding Principles and Legislative Position Guide, in that this legislation could advance our community's health by requiring sexual offenders to obtain SOMB-approved treatment and accept their accountability for their actions, while not requiring the sexual offender treatment to be ordered through the only currently-available avenue of criminal action.

8.) **Has this proposal been approved by the Board of County Commissioners?**

Yes

9.) **List any potential Proponents/Opponents & their perspective; indicate any groups/individuals with whom you have already discussed this issue.**

Potential Opponent:

The **Office of Respondent Parents' Council** may oppose this proposed legislation, because, if passed, it could affect their clientele (i.e., indigent parents in child welfare proceedings) and require additional involvement or a heightened caseload.

Potential Proponent:

- The **Colorado District Attorneys' Council** may support this legislation because, if passed, it could reduce the number of criminal cases they would have to prosecute to put sexual offenders in contact with treatment oriented for the sexual nature of their crime
- **The Colorado Office of Child Protection Ombudsman, the Colorado Commission on Criminal and Juvenile Justice, the Office of Child Representatives, other County Department of Human Services and Colorado's Children's Alliance** may support this legislation because, if passed, it could provide a non-criminal avenue to require sexual offenders to receive treatment from a provider who adheres to SOMB standards

10.) **Have you visited with your legislator(s) about this proposal? What was their reaction? Are members of your delegation likely to sponsor, support, or oppose this proposal?**

[Answer TBD]

11.) **Anticipated Fiscal Impact (to counties, state, other stakeholders, etc.).**

There is a potential fiscal impact to counties, in that counties may be required to support payment for services provided by an SOMB provider for individuals that do not have the means to do so. In Larimer County, it is the responsibility of the person responsible for abuse to pay for SOMB treatment, although avenues may be explored to provide other fiscal supports. Based on the nature of this treatment, Medicaid and other insurances will not cover the cost of this type of treatment, resulting in the majority of treatment being private pay.

12.) **Please list the local subject matter experts CCI staff can follow-up with for more information on this proposal.**

Thaddeus Paul (Division Manager) and Jennifer Stewart (Senior County Attorney)

13.) **If your county is submitting multiple issue forms, please rank each issue.**

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