SB039_S_JUD.001

SENATE COMMITTEE OF REFERENCE REPORT

_____   February 13, 2023
Chair of Committee   Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB23-039   be amended as follows, and as so amended, be referred to the Committee on   Appropriations   with favorable recommendation:

1   Amend printed bill, page 5, line 18, after "19-1-106." insert "IF A
2   RESPONDENT VOLUNTARILY WAIVES THE RESPONDENT'S ATTENDANCE AND
3   PARTICIPATION, THE RESPONDENT WAIVES THE RESPONDENT'S ABILITY TO
4   CLAIM THAT THE RESPONDENT'S RIGHT TO ATTEND AND FULLY
5   PARTICIPATE IN ALL PROCEEDINGS WAS VIOLATED. IF THE RESPONDENT IS
6   REPRESENTED BY COUNSEL, COUNSEL SHALL MAKE DILIGENT EFFORTS TO
7   PROVIDE NOTICE TO THE RESPONDENT OF ALL HEARINGS.".

8   Page 5, line 23, strike "ATTENDANCE" and substitute "PERSONAL
9   ATTENDANCE OR ATTENDANCE THROUGH AUDIO-VISUAL COMMUNICATION
10   TECHNOLOGY".

11   Page 6, line 2, strike "ATTEND OR ATTEND" and substitute "ATTEND A
12   CONTESTED HEARING OR ATTEND ANY HEARING".

13   Page 6, line 6, after "TECHNOLOGY." insert "IF A WRIT FOR APPEARANCE
14   THROUGH AUDIO-VISUAL COMMUNICATION TECHNOLOGY IS ISSUED, THE
15   COURT SHALL INCLUDE INFORMATION ON THE WRIT CONCERNING THE
16   MANNER BY WHICH THE RESPONDENT MAY APPEAR AND SHALL ENSURE
17   THE WRIT IS PROVIDED TO THE LITIGATION COORDINATOR AT THE FACILITY
18   OR JAIL WHERE THE RESPONDENT IS INCARCERATED. IF THE RESPONDENT
19   IS REPRESENTED BY COUNSEL, THE COURT MAY ORDER THE COUNSEL TO
20   INFORM THE LITIGATION COORDINATOR.".

21   Page 6, line 17, strike "SHALL" and substitute "SHALL, WHEN POSSIBLE,".

22   Page 7, line 1, strike "TECHNOLOGY." and substitute "TECHNOLOGY, SO
23   LONG AS THE REQUIREMENTS PURSUANT TO SUBSECTION (5.5)(b)(I) OF

1   THIS SECTION ARE SATISFIED.".

2   Page 8, lines 1 and 2, strike "IS NOT THE PARENT'S PREFERENCE OR".

3   Page 8, after line 4 insert "THE COURT SHALL CONSIDER THE PREFERENCES
4   OF THE CHILD AND PARENT WHEN DETERMINING WHETHER IN-PERSON
5   FAMILY TIME SHOULD OCCUR.".

6   Page 10, lines 10 and 11, strike "INTERESTS OR IS NOT THE PARENT'S
7   PREFERENCE," and substitute "INTERESTS,".

8   Page 10 line 13, after "INTERESTS." insert "THE COURT SHALL CONSIDER
9   THE PREFERENCES OF THE CHILD AND PARENT WHEN DETERMINING
10   WHETHER IN-PERSON FAMILY TIME SHOULD OCCUR.".

11   Page 11, line 14, after "PLACEMENT" insert "FOR THE CHILD".

12   Page 11, strike lines 17 through 19 and substitute "REQUIRE THE CHILD TO
13   TRANSFER TO ANOTHER PLACEMENT, THE".

14   Page 13, line 15, after "LIMITATIONS" insert "BEYOND THE CONTROL OF
15   THE PARENT".

16   Page 15, line 17, strike "SHALL" and substitute "SHALL, WHEN POSSIBLE,".

17   Page 16, line 2, strike "TECHNOLOGY." and substitute "TECHNOLOGY, SO
18   LONG AS THE REQUIREMENTS PURSUANT TO SECTION 19-3-502 (5.5)(b)(I)
19   ARE SATISFIED.".

20   Page 16, line 16, strike "PARENT'S CASE MANAGER AT THE FACILITY" and
21   substitute "DESIGNATED INDIVIDUAL WITHIN THE LEGAL SERVICES UNIT".

22   Page 16, line 19, strike "DEVELOP" and substitute "ENSURE CHILDREN AND
23   PARENTS HAVE ACCESS TO".

24   Page 16, strike lines 21 through 23 and substitute "PARENTS WHO ARE
25   INCARCERATED, REGARDLESS OF WHETHER THEY ARE A RESPONDENT IN A
26   DEPENDENCY AND NEGLECT PROCEEDING. THE OPPORTUNITIES MUST
27   INCLUDE:".

28   Page 16, line 24, strike "REGULARLY SCHEDULED EVENTS" and substitute
29   "EVENTS".

1   Page 17, strike lines 7 and 8 and substitute "INDIVIDUAL WITHIN THE
2   LEGAL SERVICES UNIT TO ASSIST IN FAMILY SERVICES COORDINATION. THE
3   INDIVIDUAL'S DUTIES".

4   Page 18, strike line 12 and substitute:

5   "(6)   THE DEPARTMENT SHALL ENSURE THAT DEPARTMENTAL
6   POLICIES:".

7   Page 18, line 16, strike "DEPARTMENT." and substitute "DEPARTMENT,
8   REGARDLESS OF WHETHER THEY ARE A RESPONDENT IN A DEPENDENCY
9   AND NEGLECT PROCEEDING.".

10   Page 18, strike line 27 and substitute "PARENT, WHEN APPROPRIATE. THE
11   POLICIES MUST PRIORITIZE ACCESS TO SERVICES PROVIDED BY THE
12   DEPARTMENT FOR PARENTS WITH OPEN DEPENDENCY AND NEGLECT CASES;
13   AND".

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