

# Parental Financial Liability for Juvenile Delinquents

by Daniel S. Foster and Nicole M. Mundt

*Parents will be financially liable for the unlawful acts of their child and must pay a portion of the costs associated with placing the child in a residential facility or foster care. Parents also may be liable for restitution to the victim.*

A common question asked of attorneys who practice juvenile delinquency law relates to parents' liability for the actions of their child. Related questions include: Can parents be sent to jail? Can they be ordered to pick up litter along the highway? Can they be forced to attend parental responsibility classes? Must parents pay restitution to the victim, court costs, or the costs associated with out-of-home placement? The short answer to all of these questions is "yes." Parents can be, and in many cases will be, held liable for the unlawful actions of their children.

The juvenile justice system governs proceedings for youths (between the ages of 10 and 17)<sup>1</sup> who are alleged to have violated the law.<sup>2</sup> The stated goal of the juvenile justice system is to balance the protection and rehabilitation of juvenile offenders with society's concern for safety and the application of appropriate sanctions and treatment.<sup>3</sup> The participation of parents of juvenile delinquents is an integral part of achieving this goal. Research suggests that the most successful juvenile justice programs involve the juvenile's parents and family.<sup>4</sup>

At least seventeen states, including Colorado, have passed legislation holding parents accountable for the delinquent acts committed by their children.<sup>5</sup> Parental sanctions range from paying the cost of incarceration of the juvenile to restitution and fines, and, in some cases, jail sentences.<sup>6</sup> In Colorado, parents are required to attend all court proceedings and may be subject to additional sentences at the court's discretion.<sup>7</sup>

In 2007, there were 46,376 juvenile arrests in Colorado.<sup>8</sup> This is an increase from the 44,985 juvenile arrests in 2006.<sup>9</sup> The issues addressed in this article affect a number of parents statewide,<sup>10</sup> and

Colorado attorneys must be aware of the state laws imposing liability on the parents of juvenile delinquents.

This article presents an overview of the statutory scheme by which parents are responsible for their children's delinquent acts. The article also focuses on the manner in which parents have a financial responsibility for the delinquent acts of their children; specifically, parents may be financially liable for the cost of restitution, as well as the cost of out-of-home placement. The accompanying sidebar highlights the potential parental liability.

## Overview of Parental Responsibility in Delinquency

As a general matter, parents are expected to participate in the adjudication and rehabilitation of their delinquent child. The parents of a juvenile delinquent are named as respondents in the petition, summoned to court, and generally held accountable for the actions of their child. A court may sentence the parents to participation in the rehabilitation of their child, holding them liable for the following nonfinancial sentences:

- 1) completing community service with the juvenile;
- 2) attending parental responsibility programs;
- 3) performing services to the victim designed to rehabilitate the juvenile; and
- 4) losing custody of the child (temporarily or permanently).<sup>11</sup>

Parents also can be held financially liable in a variety of ways. As explained in more detail later in this article, however, the statutory authority providing for parental responsibility does not authorize a court to sentence a parent to jail in relation to the delinquent acts of the juvenile.<sup>12</sup>

### Article Editors

Barbara Shaklee, Denver—(720) 944-2965, [barbara.shaklee@dhs.co.denver.co.us](mailto:barbara.shaklee@dhs.co.denver.co.us); Linda Weirnerman, Denver—(303) 860-1517, [linda.weirnerman@coloradochildrep.org](mailto:linda.weirnerman@coloradochildrep.org)



### About the Authors

Daniel S. Foster is the founding partner and co-managing partner of Foster, Graham, Milstein, Miller & Calisher, LLP. He specializes in criminal defense and personal injury law and is a trial attorney who has conducted more than 100 civil and criminal jury and bench trials—[danny@fostergraham.com](mailto:danny@fostergraham.com), (303) 333-9810. Nicole M. Mundt is a third-year law student at the University of Denver Sturm College of Law. She is the law clerk at Foster Graham Milstein Miller & Calisher, LLP and plans to practice international corporate law—[nmundt@fostergraham.com](mailto:nmundt@fostergraham.com).

Juvenile Law articles are sponsored by the CBA Juvenile Law Section and generally are intended to apprise practitioners of substantive and procedural information concerning the field of juvenile law.

### Parent as Party to Proceedings

When the court determines that it is in the best interests of the juvenile, the court may join the juvenile's parent or guardian as a respondent to the action and shall issue a summons requiring the parent or guardian to appear with the juvenile at all proceedings that involve the juvenile.<sup>13</sup> However, the statute does not apply to any person whose parental rights have been terminated.<sup>14</sup> The parent-child relationship may be terminated in one of three ways: (1) voluntary relinquishment of parental rights;<sup>15</sup> (2) a court order terminating the parental rights of a nonpetitioning parent in a relinquishment proceeding;<sup>16</sup> or (3) an involuntary termination by the court following a determination that the child is dependent or neglected.<sup>17</sup>

### Attendance at Proceedings

The parent, guardian, or legal custodian of any juvenile subject to proceedings under the Colorado juvenile justice system is required to attend all proceedings that may be brought concerning the juvenile.<sup>18</sup> According to statute, the court has the discretion to: (1) specify expectations for the juvenile's parent; and (2) exempt the parent from participation in the juvenile's treatment.<sup>19</sup> If a parent, guardian, or legal custodian fails to attend a proceeding without good cause or to abide by court-ordered participation in a juvenile delinquent's rehabilitation, he or she may be subject to contempt sanctions.<sup>20</sup> Contempt sanctions may include jail time for parents who fail to abide by court orders to assist the juvenile in rehabilitation.

In the example provided in the sidebar, if the court names George and Rose as respondents in the action against Elijah, they will be required to attend all court proceedings. The court also may impose responsibilities on George and Rose and hold them in contempt for failure to comply with such orders. Thus, if George and Rose are named as respondents, they can expect to be actively involved in Elijah's rehabilitation and be present at all proceedings, in addition to being financially liable for Elijah's actions. The judge in Elijah's case could order George and Rose to complete a parental responsibility course, but could not sentence them to jail.

### Financial Responsibilities: Restitution

Aside from the nonfinancial obligations of parents (community service, parental responsibility classes, and service to the victim), restitution is the most common financial responsibility for parents

of juvenile delinquents. Parental responsibility for the payment of restitution is primarily governed by two statutes: CRS Ann. §§ 19-2-919 and 13-21-107. A parent is considered to be the guardian or legal custodian of the juvenile, or the person allocated parental responsibilities with respect to the juvenile.<sup>21</sup>

Regardless of whether the court orders the juvenile to pay restitution, the court may order the parents to pay restitution to the victim(s), subject to a few exceptions.<sup>22</sup> First, for a court to impose restitution liability on a parent, the parent must be a party to the proceedings.<sup>23</sup> (See discussion about parents as parties to juvenile proceedings.) Second, the court may not impose an order for restitution exceeding \$25,000 for any one delinquent act.<sup>24</sup> Third, the court must hold a restitution hearing at which the juvenile's parent appears.<sup>25</sup> At the hearing, if the parent shows that he or she has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the parent shall be absolved of any liability for restitution.<sup>26</sup>

According to the provision of the Children's Code dealing with sentencing requirements imposed on parents, the liability of parents "must not exceed \$25,000 for any one delinquent act."<sup>27</sup> Courts have held that a \$3,500 limitation on damages applies individually to each victim of the child's act.<sup>28</sup> Therefore, the number of individuals who may recover restitution is somewhat unlimited, but will be capped at \$25,000 per act, regardless of how that amount is divided among the victims.

In *People in the Interest of A.R.M.*,<sup>29</sup> the Colorado Court of Appeals held that parents, guardians, or legal custodians may be required to pay restitution in certain circumstances. Specifically, in the absence of hardship or injustice, statutes mandate that courts require parents to pay restitution.<sup>30</sup> The General Assembly's intent in enacting statutes providing for parental payment of restitution is that "wherever possible, restitution should be required."<sup>31</sup> Requiring restitution serves society's interest in ensuring that delinquent children do not become delinquent adults by encouraging the juvenile to be responsible for the damage he or she caused.<sup>32</sup>

There is no authority directly interpreting the requirement that a parent pay restitution.<sup>33</sup> According to the Colorado Court of Appeals in *In re J.L.R.*, the following three requirements must be met to make a restitution order valid:

- 1) the person required to pay restitution must be given notice that the victim or the victim's family are claiming damages;
- 2) there must be notice of the amount of restitution requested; and

#### Example Scenario

Elijah, the 15-year-old son of George and Rose, recently was arrested for burglary and theft at a neighbor's home after shattering a sliding glass door and stealing a DVD player, a flat-screen television, and \$1,200 in cash. George and Rose contacted their lawyer out of concern that they might be held liable for Elijah's actions and that they might be forced to pay the neighbors for the damage Elijah caused. Further, George and Rose have a great deal of assets in stocks and other investments and are worried that the court might force them to pay more as a result of their wealth.

When they contacted their lawyer, George and Rose anticipated having to pay the neighbors for the cost of the sliding glass door and the items Elijah stole, but they were quite surprised to learn that the law requires them to pay for a portion of the cost of Elijah's placement in a residential facility or in foster care, in the event the court orders such placement. George and Rose expected to participate in their child's rehabilitation process; however, like many parents, they were surprised to learn of the additional financial contributions the court would require them to make. Because George and Rose spoke with a lawyer, they were prepared for their upcoming financial obligations, which enabled them to make appropriate arrangements. George and Rose would be listed as respondents in this delinquency action and would be required to appear in court with Elijah.

3) the person obligated to pay the restitution must be given the opportunity to challenge the victim's claimed damages.<sup>34</sup>

In the scenario from the sidebar, because George and Rose are financially stable and would not be subject to hardship or injustice as a result of paying restitution to the neighbors, a court may order them to pay restitution. However, if George and Rose can show at the hearing that they made diligent, good-faith efforts to prevent Elijah from committing the delinquent acts, the court may decide to absolve them of liability for restitution.

**Parental Jail Sentences**

Parents may be financially liable for the actions of their child, and may have to complete community service with the juvenile, attend parental responsibility programs, perform services to the victim designed to rehabilitate the juvenile, lose custody of the child (either temporarily or permanently), or pay damages to the victim(s).<sup>35</sup> However, a juvenile court does not have statutory authority to sentence a juvenile's parent to jail as part of the juvenile's sentence.<sup>36</sup> Although the court may sentence a parent to jail for violating a court order, juvenile courts cannot expand the statutorily authorized imposition of parental responsibility.<sup>37</sup> Under CRS § 19-2-919, juvenile courts possess statutory authority to require the parent to perform volunteer service, attend parental responsibility training, or pay restitution.<sup>38</sup>

In *People v. J.M.*,<sup>39</sup> the trial court sentenced a father who was a party to a juvenile delinquency proceeding to two days in jail, sus-

pending on the condition that he help his child comply with the terms of probation. The juvenile delinquent had missed three appointments for presentencing interviews, and one of the nonappearances was a result of the father's failure to make transportation arrangements.<sup>40</sup>

The court sentenced the juvenile to probation and sentenced the father to a two-day jail sentence, entering the father's sentence on the written judgment adjudicating the son delinquent.<sup>41</sup> The People argued that the statute allows that for any juvenile adjudicated, the court may specify its expectations for the juvenile's parent, as long as the parent is a party to the delinquency proceedings and, therefore, the court had the authority to impose a jail sentence on the father.<sup>42</sup> However, the Colorado Court of Appeals disagreed, finding that although a court can hold a parent in contempt for failure to comply with an order relating to the juvenile's treatment plan, statutes do not permit a court to impose a jail sentence beforehand as a means of preventing the parent from failing to comply with the juvenile's treatment plan.<sup>43</sup>

In the sidebar scenario, the court may hold George and Rose financially responsible for restitution for the damage caused to the neighbor's property—that is, the sliding glass door, DVD player, television, and cash. The court also may order George and Rose to participate in Elijah's rehabilitation, including completing community service, attending parental responsibility programs, performing services to the neighbors designed to rehabilitate Elijah, or removing Elijah from the family residence. However, if George and Rose can show that they have made diligent, good-faith efforts to

**BANKRUPTCY**

our *Only* **36** Years **business.**  
since 1972

A discharge in bankruptcy may be denied if transfers are made with the intent to hinder, delay or defraud creditors.

11 U.S.C. §727(a)(2)

303 **789-1313**  
4219 So. Broadway

**George T. Carlson & Associates**

Free Consultation  
Evenings & Saturdays [www.cobk.com](http://www.cobk.com)



**SULLAN,<sup>2</sup> SANDGRUND, SMITH  
& PERCZAK, P.C.**

EXPERIENCED IN CONSTRUCTION DEFECT LITIGATION, INCLUDING EXPANSIVE SOILS, BUILDING ENVELOPE, ROOF, WINDOW, CONSTRUCTION MATERIAL, SIDING AND MOISTURE INTRUSION FAILURES, LANDSLIDES, INFRASTRUCTURE PROBLEMS, CLASS ACTIONS, RESIDENTIAL AND COMMERCIAL CONSTRUCTION, AND PROFESSIONAL ENGINEERING AND DESIGN LIABILITY CASES. ALSO EXPERIENCED IN INSURANCE LITIGATION, INCLUDING BAD FAITH CLAIMS HANDLING.

ACCEPTING REFERRALS AND REQUESTS FOR CO-COUNSEL

SCOTT F. SULLAN, ESQ.	SUITE 850
CURT T. SULLAN, ESQ.	1875 LAWRENCE STREET
JOSEPH F. SMITH, ESQ.	DENVER, CO 80202
MARI K. PERCZAK, ESQ.	(303) 779-0077
MARCI M. ACHENBACH, ESQ.	FAX: (303) 779-4924
LESLIE A. TUFT, ESQ.	
JENNIFER A. SEIDMAN, ESQ.	
RONALD M. SANDGRUND, ESQ. (OF COUNSEL)	

prevent Elijah's delinquent actions, the court may not hold them financially liable for restitution to the neighbors.

### Financial Responsibilities: Foster Care or Residential Facility Placement

In the event the court removed Elijah from George and Rose's physical custody and placed him in a residential facility, George and Rose would be expected to pay a portion of the cost of his care. As a result of the duty to provide reasonable support for their children, the Colorado Children's Code imposes an obligation on parents to contribute to the cost of their delinquent child's residential placement.<sup>44</sup> The parents of a juvenile delinquent are obligated to pay, based on their ability to do so, the costs of a guardian *ad litem* and the residential care of the child as a result of a sentence of placement out of the home or a grant of probation.<sup>45</sup>

### A Tale of Two Statutes

CRS Ann. § 19-1-115 imposes obligations on parents to contribute to the cost of a child's placement by a public agency or when a child is committed to the Department of Human Services (DHS).<sup>46</sup> It states:

a decree vesting legal custody of a child or providing for placement of a child with an agency in which public mon[ies] are expended shall be accompanied by an order of the court that obligates the parent of the child to pay a fee, based on the parent's

ability to pay, to cover the costs of the guardian ad litem and of providing for residential care of the child.<sup>47</sup>

On the other hand, § 19-2-114 permits juvenile courts to order the juvenile or his or her parents to contribute to the cost of placement outside the home.<sup>48</sup>

Courts will attempt to harmonize the two statutes, because both address the cost of care of juveniles.<sup>49</sup> Nevertheless, a majority of opinions dealing with the cost of residential placement fees by parents in delinquency proceedings rely primarily on § 19-1-115.<sup>50</sup> For example, in *In re N.D.S.*,<sup>51</sup> the Colorado Court of Appeals relied on § 19-1-115 in requiring the parents of a child adjudicated delinquent to pay foster care fees when the child was placed out of the home. The juvenile pled guilty to misdemeanor menacing and felony criminal mischief, was adjudicated delinquent, and was committed to the custody of the DHS.<sup>52</sup> The court held that the parents of a juvenile delinquent are obligated by statute to contribute to the cost of the juvenile's residential placement.<sup>53</sup>

CRS Ann. § 19-2-114 also incorporates § 19-1-115. Specifically, it provides:

Where a juvenile is sentenced to a placement out of the home or is granted probation as a result of an adjudication, deferral of adjudication, or direct filing in or transfer to district court, the court may order the juvenile or the juvenile's parent to make such payments toward the cost of care as are appropriate under the circumstances.<sup>54</sup>

Section 19-2-114 lists factors the court should consider in setting the amount of payment. These factors include:

# 70

No, that's not how old we are! That's how many combined years' trial and litigation experience we have under our belts. And in this field, experience and knowledge count.

What can we do for you? Call and find out today.

**Kenney & Kall Mediation Services, LLP**  
303-757-5000

Providing Colorado attorneys with professional mediation, arbitration and special master services since 2000.



Kenney



Kall

- 1) criminal restitution;
- 2) maintenance and support of the juvenile's spouse or dependents, or others having rights out of the estate of the juvenile;
- 3) any persons having legal right to support and maintenance out of the estate of the parent; and
- 4) the financial needs of the juvenile for the six-month period following the juvenile's release, for the purpose of assisting the juvenile in seeking employment.<sup>55</sup>

In *In re M.L.M.*,<sup>56</sup> the Court of Appeals held that the estates of both the juvenile and the parents will be used in assessing the amount that parents must contribute to the cost of care of the juvenile. There, the county DHS sought fees from the parents of a juvenile who had been adjudicated delinquent and placed in a residential treatment center.<sup>57</sup> The court held that both statutes governed the dispute and under § 19-2-114, the burden is on the juvenile and his or her parents, not DHS, to present evidence regarding the juvenile's and the parents' estates, which will be used in calculating the appropriate amount of payment.<sup>58</sup> Importantly, § 19-2-114 requires that the parents be parties to the delinquency proceedings before the court may order payment.<sup>59</sup>

In the example scenario, if the court sentences Elijah to placement in a residential facility or in foster care, George and Rose will be obligated to pay a portion of the cost associated with such placement. However, George and Rose must be named as respondents in the action against Elijah before a court can require contributions for Elijah's placement. Further, it will be the burden of George, Rose, and Elijah to produce information related to their estates, including the assets George and Rose have in stocks and other in-

vestments, for the court to determine the amount George and Rose must contribute to Elijah's placement.

### Parents as Victims

Even where the parents are the victims of the juvenile's delinquency, the court will impose a mandatory financial obligation on the parent for the cost of care in a residential facility or foster care.<sup>60</sup> In *N.D.S.*, the parents argued that, because they were victims of the juvenile's criminal acts, the court erred in assessing foster care fees against them.<sup>61</sup> The Colorado Court of Appeals disagreed, holding that neither the Colorado Crime Victims Compensation Act nor the Colorado Children's Code obviates the parents' duty to provide reasonable support for their children if they are victims of their child's acts.<sup>62</sup> Under the Colorado Crime Victims Compensation Act, however, victims may be entitled to compensation from the Crime Victims' Compensation Fund for losses due to injury or property damage.<sup>63</sup>

### Assessment and Enforcement Process

Now that George and Rose can expect to be financially responsible for a portion of the fees for Elijah's placement, they will face an administrative procedure for the assessment and enforcement of parental financial obligations. First, the county department of social services (department) will issue a notice of financial responsibility to the parents of a juvenile delinquent.<sup>64</sup> Next, a negotiation conference will take place. At this conference, the parties will attempt to agree on an amount of monthly support.<sup>65</sup> If the parties cannot agree, the department will issue a temporary support

## The course of this journey was set long ago.

We listen. We ask. We learn about your dreams.  
 For yourself and your family. Then we help you  
 chart a course. Since everyone's journey is  
 different, so are the tools we use. It's relationship  
 banking as unique and individual as you are.  
 So go on. Dream big. We'll be there for you.



**THE PRIVATE BANK**  
 COLORADO STATE BANK AND TRUST

1600 Broadway, 3rd floor | Denver, Colorado 80202  
 303.864.7204



Private Banking | Fiduciary Trust Services | Investment Management | Wealth Advisory Services | Specialty Asset Management

©2008 The Private Bank and Trust, a Division of CSB. All rights reserved.

order, file a copy of the notice of financial responsibility in the district court of the county in which it was issued, and request the district court to set the matter for hearing.<sup>66</sup>

Although § 19-1-115 is mandatory, it does not require that parents be advised of their statutory obligation to pay the cost of residential care of their child.<sup>67</sup> Instead, notice of the obligation to pay for the cost of care is provided pursuant to this administrative procedure.

## Conclusion

Like George and Rose, most parents will have little chance of escaping financial liability for the actions of their delinquent juvenile. The most common parental financial liability is restitution to the victim of the juvenile's actions. The court, at its discretion, also may impose a sentence on a parent of a juvenile, including community service, parental responsibility programs, and services to the victim to aid in rehabilitation of the juvenile. Additionally, the court may hold a parent liable for a portion of the cost associated with placing a delinquent juvenile in a residential facility or in foster care.

In sum, the parents of a delinquent juvenile can expect to pay more than just attorney fees and court costs associated with the adjudication of a juvenile. Parents whose child is placed in a residential facility or foster care also must contribute to the cost of care and, regardless of whether the juvenile is ordered to pay restitution to the victim, should be prepared to contribute restitution to the victim in the event the court decides such restitution is appropriate.

## Notes

1. Children under the age of 10 who have violated the law typically are under the jurisdiction of the child welfare system, and those over 18 are under the jurisdiction of the adult criminal justice system. Colorado Legislative Council report to the Colorado General Assembly, Research Publication No. 472, "An Overview of Colorado's Juvenile Justice System," G.A. 62, 1st. Sess. at 1 (Feb. 2000).

2. *Id.*

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. Colorado Bureau of Investigation, "Crime in Colorado 2007," available at [cbi.state.co.us/dr/cic2k7/state%20totals/statewide\\_juvenile\\_arrests.html](http://cbi.state.co.us/dr/cic2k7/state%20totals/statewide_juvenile_arrests.html).

9. *Id.*

10. Over the years, arrest statistics have been used to gauge the amount of juvenile delinquent activity. However, many juvenile offenses go unreported and do not become part of statistics. Many offenses committed by juveniles are considered "part of growing up" and are handled informally instead of through arrest and adjudication. Office of Juvenile Justice & Delinquency Prevention, "Statistical Briefing Book: Juveniles as Offenders," available at [ojjdp.ncjrs.gov/ojstatbb/index.html](http://ojjdp.ncjrs.gov/ojstatbb/index.html).

11. CRS § 19-2-919; Colorado Judicial Branch, "Answers to Your Questions About Juvenile Delinquency" (April 2001), available at [www.courts.state.co.us/exec/pubed/brochures/juvenile.pdf](http://www.courts.state.co.us/exec/pubed/brochures/juvenile.pdf).

12. *People v. J.M.*, 22 P.3d 545, 547 (Colo.App. 2000). See *People v. Anaya*, 894 P.2d 28, 28 (Colo.App. 1994) (holding that courts are limited to imposing sentences authorized by the General Assembly and have no

jurisdiction to enter sentences that are inconsistent with their sentencing authority as statutorily defined).

13. CRS Ann. § 19-2-514(3)(a).

14. *Id.*

15. CRS Ann. § 19-5-103.

16. CRS Ann. § 19-5-105.

17. CRS Ann. §§ 19-1-104 and 19-3-601 through -611.

18. CRS Ann. § 19-2-113.

19. *Id.*

20. *Id.*

21. See CRS Ann. § 19-2-919.

22. *Id.*

23. CRS Ann. § 19-2-919(2)(b).

24. CRS Ann. § 19-2-919(2)(a).

25. CRS Ann. § 19-2-919(2)(b).

26. CRS Ann. § 19-2-919(2)(a).

27. *Id.*

28. *Id.*

29. *People in the Interest of A.R.M.*, 832 P.2d 1093, 1096 (Colo.App. 1992).

30. *Id.*

31. *Id.*

32. *Id.*

33. *People in Interest of J.L.R.*, 895 P.2d 1151, 1152 (Colo.App. 1995).

34. *Id.* at 1153.

35. Colorado Legislative Council, *supra* note 1.

36. *People v. In re D.A.M.*, 22 P.3d 545, 547 (Colo.App. 2000).

37. *Id.*

38. CRS Ann. § 19-2-919. See also *D.A.M.*, *supra* note 36 at 547; *Anaya*, *supra* note 12 at 28 (holding that courts are limited to imposing sentences authorized by the General Assembly and have no jurisdiction to enter sentences that are inconsistent with their sentencing authority as defined by statute).

39. *J.M.*, *supra* note 12 at 545.

40. *Id.* at 547.

41. *Id.*

42. *Id.* at 548; CRS Ann. § 19-2-113(1)(a).

43. *J.M.*, *supra* note 12 at 548.

44. CRS Ann. § 19-1-115(4); *In re N.D.S.*, 5 P.3d 382, 384 (Colo.App. 2000).

45. See CRS Ann. §§ 19-1-115(4)(d) and 19-2-114.

46. CRS Ann. § 19-1-115(4)(d).

47. CRS Ann. § 19-1-115(4)(d)(I).

48. CRS Ann. § 19-2-114.

49. See *In re M.L.M.*, 104 P.3d 324, 326 (Colo.App. 2004).

50. *Id.*

51. *N.D.S.*, *supra* note 44 at 382.

52. *Id.* at 383.

53. *Id.*

54. CRS Ann. § 19-2-114.

55. *Id.*

56. *M.L.M.*, *supra* note 49 at 324.

57. *Id.*

58. *Id.*

59. *Id.* at 326.

60. *N.D.S.*, *supra* note 44 at 384-85.

61. *Id.* at 384.

62. *Id.*

63. *Id.* at 385.

64. CRS Ann. §§ 26-13.5-103 and -101.

65. CRS Ann. § 26-13.5-105.

66. *Id.*

67. *N.D.S.*, *supra* note 44 at 384. ■