



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1227: MINORS' RIGHTS IN DEPENDENCY & NEGLECT PROCEEDINGS

Prime Sponsors:

Rep. Gilchrist; Bradfield
Sen. Mullica

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Published for: Senate Health & Human Services**Drafting number:** LLS 26-0441**Version:** First Revised Note**Date:** April 28, 2026**Fiscal note status:** This revised fiscal note reflects the reengrossed bill.

Summary Information

Overview. The bill gives children and youth in dependency and neglect proceedings legal standing and the right to contest a county's dismissal of a case prior to a ruling.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Workload
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

This bill clarifies that children and youth involved in dependency and neglect cases have legal standing on all matters affecting their interests, have the right to have their interests fully represented by a guardian ad litem (GAL) or counsel for youth (CFY), and have the right to participate in all proceedings, including appeals.

If the county seeks to dismiss a dependency and neglect case before a ruling and the child or youth through their GAL or CFY objects to the dismissal, the bill requires the court to hold a hearing to determine whether or not the county has a reasonable basis to dismiss the case. If the court determines there was a reasonable basis to dismiss the case, they must dismiss the petition. If there is not a reasonable basis, the case must be allowed to proceed. The process under the bill does not authorize a child or youth to file a dependency and neglect petition and does not limit a party's right to demand a jury trial if the case proceeds.

Background

Under Colorado law, a child named in a dependency and neglect case is a party to the proceedings and is represented by either a GAL or CFY. A GAL represents the best interests of the child as determined by the attorney, while a CFY represents the direct wishes of the child. [HB 22-1038](#) created the CFY role for children age 12 and older. Children and youth have the right to attend and participate in hearings related to their case.

Historically, following the Colorado Court of Appeals decision in *People in the Interest of R.E.*, courts permitted a hearing when a county department sought to dismiss a petition prior to adjudication over the objection of a child's GAL. In June 2025, the Colorado Supreme Court's decision in *People in Interest of R.M.P* held that only the state has the authority to prosecute a dependency and neglect petition, and that a child, through a GAL or CFY, may not continue to litigate a case once the county department has determined it should be dismissed. As a result, counties may have a dependency and neglect petition dismissed prior to adjudication without further litigation by the child.

State Expenditures

The bill minimally increases workload and costs for the Judicial Department, including the Office of the Child's Representative, Office of the Respondent Parents' Counsel, and the trial courts, as discussed below. No change in appropriations is required.

Independent Judicial Agencies involved in the Child Welfare System

Workload and costs in the Office of Respondent Parent's Counsel (ORPC) and the Office of the Child's Representative (OCR) may increase to the extent that additional hearings are held when a child or youth objects to a county's dismissal of their case. These hearings are limited to determining whether the county has a reasonable basis for dismissal and do not constitute full adjudicatory proceedings. As a result, any attorney time for hearing preparation or participation is expected to be minimal and can be accomplished within existing appropriations.

Trial Courts

The bill may also impact workload in the Judicial Department. In cases where a child or youth objects to a county's dismissal prior to a ruling, the court may be required to conduct additional hearings. No change in appropriation is required.

Local Government

To the extent that the bill results in additional cases proceeding to adjudication after a county seeks dismissal prior to a ruling, counties will incur additional workload and placement-related costs. This fiscal note assumes that the number of cases that will proceed to adjudication will be minimal, as courts are generally assumed to agree with the county decision to dismiss a case in most situations. Costs for counties will vary based on the individual circumstances of each case, including whether out-of-home placements are needed and the duration of that placement.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

Departmental Difference

Office of the Respondent Parents' Counsel

The Office of Respondent Parents' Counsel (ORPC) estimates that the bill will increase expenditures by approximately \$31,900 in FY 2026-27 and \$33,350 in FY 2027-28 and future years due to additional hearings when a child or youth objects to a county's dismissal of a dependency and neglect case prior to adjudication. ORPC assumes there will be an additional 29 cases under the bill. For each case, ORPC estimates approximately 10 hours of attorney time for hearing preparation, client communication, response to written motions, and participation in the hearing. The fiscal note assumes a smaller number of cases will proceed to a hearing due to

the assumption that the court will deny the objection of the GAL or CFY in a higher percentage of cases, and, to the extent additional workload or attorney costs occur, they can be absorbed within existing appropriations.

State and Local Government Contacts

Child Welfare

Human Services

Counties