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HOUSE BILL 22-1038

BY REPRESENTATIVE(S) Daugherty and Van Beber, Amabile, Bacon, Benavidez, Bennett, Bird, Boesenecker, Carver, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jodeh, Lindsay, Lontine, Lynch, McCluskie, McCormick, Michaelson Jenet, Ortiz, Pelton, Pico, Rich, Ricks, Sandridge, Sirota, Snyder, Soper, Titone, Valdez A., Weissman, Will, Woodrow, Young;
also SENATOR(S) Moreno and Gardner, Buckner, Ginal, Gonzales, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Pettersen, Priola, Smallwood, Woodward, Zenzinger, Fenberg.

CONCERNING CLIENT-DIRECTED LEGAL REPRESENTATION FOR YOUTH IN COURT PROCEEDINGS FOR YOUTH.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Every child or youth has a liberty interest in the child's or youth's own health, safety, well-being, and family relationships, which may be directly impacted by dependency and neglect proceedings;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) A child or youth deserves to have a voice when important and life-altering decisions are made about the child's or youth's life;

(c) A child or youth has the right to high-quality legal representation, to attend court proceedings, and to participate in dependency and neglect proceedings;

(d) Every child or youth deserves an attorney throughout the pendency of the court proceedings. Every child or youth twelve years of age or older deserves an attorney who will consider the child's or youth's position and reasons for the position, provide independent counsel and independent investigation to inform those positions, and represent the child's or youth's position diligently both inside and outside of court; and

(e) When a child or youth believes the child's or youth's position has been effectively advocated, procedural fairness and justice enhance the child's or youth's acceptance of the proceedings and the decisions made.

(2) Therefore, the general assembly finds that every child or youth twelve years of age or older deserves a client-directed legal representative who can advocate for the child or youth, communicate and understand the complicated dynamics of trauma, guard against undue influence, and thoroughly grasp the law and practice standards established by rule or chief justice directives.

SECTION 2. In Colorado Revised Statutes, 13-91-103, **amend** (2.5) as follows:

13-91-103. Definitions. As used in this article 91, unless the context otherwise requires:

(2.5) "Counsel for youth" means an ~~attorney who is licensed to practice law in Colorado and~~ ATTORNEY-AT-LAW WHO PROVIDES SPECIALIZED CLIENT-DIRECTED LEGAL REPRESENTATION FOR A CHILD OR YOUTH AND WHO OWES THE SAME DUTIES, INCLUDING UNDIVIDED LOYALTY, CONFIDENTIALITY, AND COMPETENT REPRESENTATION, TO THE CHILD OR YOUTH AS IS DUE AN ADULT CLIENT. COUNSEL FOR YOUTH MAY BE appointed by the court to represent a child or youth in a proceeding pursuant to article 1, 3, or 7 of title 19, or MAY BE assigned by the office of the child's representative pursuant to article 7 of title 19. "COUNSEL FOR YOUTH" DOES

NOT MEAN DEFENSE COUNSEL FOR A JUVENILE PURSUANT TO ARTICLE 2.5 OF TITLE 19.

SECTION 3. In Colorado Revised Statutes, 13-91-105, **amend** (1)(a)(V) as follows:

13-91-105. Duties of the office of the child's representative - guardian ad litem and counsel for youth programs. (1) In addition to any responsibilities assigned to it by the chief justice, the office of the child's representative shall:

(a) Enhance the provision of GAL or counsel for youth services in Colorado by:

~~(V) Working cooperatively with the chief judge in each judicial district or group of judicial districts to jointly establish a local body to oversee the provision of guardian ad litem or counsel for youth services in that judicial district or districts. The oversight bodies would operate and report directly to the director concerning the practice of guardians ad litem or counsel for youth in that judicial district or districts pursuant to oversight procedures established by the office of the child's representative~~ WORKING COOPERATIVELY WITH LOCAL JUDICIAL DISTRICTS, ATTORNEYS, AND CHILDREN AND YOUTH IMPACTED BY THE CHILD WELFARE AND JUSTICE SYSTEM TO FORM PARTNERSHIPS FOR THE PURPOSES OF ENSURING HIGH-QUALITY LEGAL REPRESENTATION FOR CHILDREN AND YOUTH IN COLORADO.

SECTION 4. In Colorado Revised Statutes, 19-1-103, **amend** (26); and **add** (41.5) and (55.5) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(26) "Child protection team", as used in part 3 of article 3 of this title 19, means a multidisciplinary team consisting, where possible, of a physician; a representative of the juvenile court or the district court with juvenile jurisdiction; a representative of a local law enforcement agency; a representative of the county department of human or social services; a representative of a mental health clinic; a representative of a county, district, or municipal public health agency; an attorney; a representative of

a public school district; and one or more representatives of the lay community, at least one of whom must be a person who serves as a foster parent in the county. Each public agency may have more than one participating member on the team; except that, in voting on procedural or policy matters, each public agency ~~shall have~~ HAS only one vote. In no event must an attorney member of the child protection team be appointed as guardian ad litem OR COUNSEL FOR YOUTH for the child OR YOUTH or as counsel for the parents at any subsequent court proceedings. The child protection team must never be composed of fewer than three persons. When any racial, ethnic, or linguistic minority group constitutes a significant portion of the population of the jurisdiction of the child protection team, a member of each such minority group must serve as an additional lay member of the child protection team. At least one of the preceding members of the team must be chosen on the basis of representing low-income families. The role of the child protection team is advisory only.

(41.5) "COUNSEL FOR YOUTH" MEANS AN ATTORNEY-AT-LAW WHO PROVIDES SPECIALIZED CLIENT-DIRECTED LEGAL REPRESENTATION FOR A CHILD OR YOUTH AND WHO OWES THE SAME DUTIES, INCLUDING UNDIVIDED LOYALTY, CONFIDENTIALITY, AND COMPETENT REPRESENTATION, TO THE CHILD OR YOUTH AS IS DUE AN ADULT CLIENT. "COUNSEL FOR YOUTH" DOES NOT MEAN DEFENSE COUNSEL FOR A JUVENILE PURSUANT TO ARTICLE 2.5 OF THIS TITLE 19.

(55.5) "DIMINISHED CAPACITY" MEANS A CHILD OR YOUTH WHO LACKS SUFFICIENT CAPACITY TO COMMUNICATE OR MAKE CONSIDERED DECISIONS ADEQUATELY IN CONNECTION WITH THE CHILD'S OR YOUTH'S LEGAL REPRESENTATION. AGE OR DEVELOPMENTAL MATURITY MUST NOT BE THE SOLE BASIS FOR A DETERMINATION OF DIMINISHED CAPACITY.

SECTION 5. In Colorado Revised Statutes, 19-1-105, **amend** (2); and **add** (3) as follows:

19-1-105. Right to counsel and jury trial. (2) The right to counsel ~~shall be as IS provided in this title; except that, in all proceedings under the "School Attendance Law of 1963", article 33 of title 22, C.R.S., the court may appoint counsel or a guardian ad litem for the child, unless the child is already represented by counsel. If the court finds that it is in the best interest and welfare of the child, the court may appoint both counsel and a guardian ad litem~~ TITLE 19. Nothing in this title ~~shall prevent~~ TITLE 19 PREVENTS the

court from appointing counsel IN ADDITION TO A GUARDIAN AD LITEM FOR A CHILD if it deems representation by counsel necessary to protect the interests of the child. ~~or other parties. In addition, in all proceedings under the "School Attendance Law of 1963", article 33 of title 22, C.R.S., the court shall make available to the child's parent or guardian ad litem information concerning the truancy process.~~

(3) IN PROCEEDINGS PURSUANT TO THE "SCHOOL ATTENDANCE LAW OF 1963", ARTICLE 33 OF TITLE 22, THE COURT MAY APPOINT A GUARDIAN AD LITEM FOR THE CHILD, UNLESS THE CHILD IS ALREADY REPRESENTED BY COUNSEL. IF THE COURT FINDS THAT IT IS IN THE BEST INTEREST AND WELFARE OF THE CHILD, THE COURT MAY APPOINT BOTH COUNSEL AND A GUARDIAN AD LITEM. THE COURT SHALL MAKE INFORMATION REGARDING THE TRUANCY PROCESS AVAILABLE TO THE CHILD'S PARENT OR GUARDIAN AD LITEM.

SECTION 6. In Colorado Revised Statutes, 19-1-111, **amend** (1), (4)(b) introductory portion, (4)(b)(II), and (6); and **add** (2)(e) as follows:

19-1-111. Appointment of guardian ad litem. (1) The court shall appoint a guardian ad litem for ~~the~~ EVERY child UNDER TWELVE YEARS OF AGE in all dependency ~~or~~ AND neglect cases ~~under~~ PURSUANT TO this ~~title~~ TITLE 19.

(2) The court may appoint a guardian ad litem in the following cases:

(e) FOR A YOUTH WHO IS TWELVE YEARS OF AGE OR OLDER IN A DEPENDENCY AND NEGLECT CASE WHEN THE COURT DETERMINES A GUARDIAN AD LITEM IS NECESSARY DUE TO THE YOUTH'S DIMINISHED CAPACITY. THE COURT SHALL NOT CONSIDER AGE OR DEVELOPMENTAL MATURITY AS THE SOLE BASIS FOR A DETERMINATION OF DIMINISHED CAPACITY. THE COURT SHALL NOT DEEM A GUARDIAN AD LITEM APPOINTED PURSUANT TO THIS SUBSECTION (2)(e) TO BE A SUBSTITUTE FOR A COUNSEL FOR YOUTH APPOINTED PURSUANT TO THIS SECTION.

(4) (b) The appointment of the guardian ad litem ~~shall terminate~~ TERMINATES in a delinquency proceeding:

(II) When the child reaches eighteen years of age, unless ~~the child~~

~~has a developmental disability~~ THE COURT CONTINUES THE APPOINTMENT BECAUSE THE COURT DETERMINES THE APPOINTMENT IS NECESSARY BECAUSE OF THE YOUTH'S DIMINISHED CAPACITY.

(6) Any person appointed to serve as a guardian ad litem pursuant to this section shall comply with ~~the provisions set forth in~~ any chief justice directive concerning the court appointment of guardians ad litem and other representatives and of counsel for ~~children~~ YOUTH and indigent persons in titles 14, 15, ~~19 (dependency and neglect only)~~, 22, and 27 C.R.S., AND THIS TITLE 19, and any subsequent chief justice directive or other practice standards established by rule or directive of the chief justice pursuant to section 13-91-105 C.R.S., concerning the duties or responsibilities of guardians ad litem in legal matters affecting children.

SECTION 7. In Colorado Revised Statutes, 19-1-115, **amend** (8)(c) and (8)(d) as follows:

19-1-115. Legal custody - guardianship - placement out of the home - petition for review for need of placement. (8) (c) After a petition has been filed, the court shall promptly issue a summons reciting briefly the substance of the petition. The summons ~~shall~~ MUST be substantially in the form specified in section 19-3-502 and be dealt with in the manner provided in section 19-3-503 and ~~shall~~ MUST set forth the constitutional and legal rights of the child, ~~his or her~~ THE CHILD'S parents or guardian, and any other respondent, including the right to have an attorney present at the hearing on the petition. The petitioner shall send the summons to the child and ~~his or her~~ THE CHILD'S parents, guardian, or legal custodian by certified mail. THE COURT SHALL GIVE notice of the hearing ~~shall be given by the court~~ to the director of the facility or agency in which the child is placed and any person who has physical custody of the child and any attorney or guardian ad litem OR COUNSEL FOR YOUTH of record. Nothing in this subsection (8) ~~shall require~~ REQUIRES the presence of any person before the court unless the court so directs.

(d) The court shall appoint a guardian ad litem FOR A CHILD UNDER TWELVE YEARS OF AGE, OR COUNSEL FOR YOUTH IF THE YOUTH IS TWELVE YEARS OF AGE OR OLDER, to protect the interest of ~~the child~~ for any child OR YOUTH who is the subject of a petition for review of placement, unless the court makes specific findings that no useful purpose would be served by such appointment. THE COURT MAY APPOINT BOTH A GUARDIAN AD LITEM

AND A COUNSEL FOR YOUTH IF A YOUTH IS TWELVE YEARS OF AGE OR OLDER AND THE APPOINTMENT OF A GUARDIAN AD LITEM IS NECESSARY BECAUSE THE YOUTH HAS DIMINISHED CAPACITY.

SECTION 8. In Colorado Revised Statutes, 19-3-202, **amend** (2) as follows:

19-3-202. Right to counsel and jury trial. (2) The petitioner, any respondent, ~~or~~ the guardian ad litem FOR THE CHILD, OR A CHILD WHO IS TWELVE YEARS OF AGE OR OLDER may demand a trial by jury of six persons at the adjudicatory hearing ~~under~~ PURSUANT TO section 19-3-505, or the court, on its own motion, may order such a jury to try any case at the adjudicatory hearing ~~under~~ PURSUANT TO section 19-3-505.

SECTION 9. In Colorado Revised Statutes, **amend** 19-3-203 as follows:

19-3-203. Right to guardian ad litem and counsel for youth. (1) Upon the filing of a petition ~~under~~ PURSUANT TO section 19-3-502 that alleges abuse or neglect of a ~~minor~~ child, the court shall appoint a guardian ad litem ~~who shall~~ FOR ANY CHILD WHO IS UNDER TWELVE YEARS OF AGE. THE GUARDIAN AD LITEM MUST BE AN ATTORNEY-AT-LAW LICENSED TO PRACTICE IN COLORADO AND APPROVED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104. Nothing in this section ~~shall limit~~ LIMITS the power of the court to appoint a guardian ad litem prior to the filing of a petition for good cause.

(2) UPON THE FILING OF A PETITION PURSUANT TO SECTION 19-3-502 THAT ALLEGES ABUSE OR NEGLECT OF A CHILD, THE COURT SHALL APPOINT COUNSEL FOR YOUTH FOR ANY CHILD OR YOUTH WHO IS TWELVE YEARS OF AGE OR OLDER. THE COUNSEL FOR YOUTH MUST BE AN ATTORNEY-AT-LAW LICENSED TO PRACTICE IN COLORADO AND APPROVED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104. THE COURT MAY APPOINT THE SAME ATTORNEY, AS LONG AS THE ATTORNEY DOES NOT ASSERT THERE IS A CONFLICT OF INTEREST AS DEFINED UNDER THE APPLICABLE RULES OF PROFESSIONAL CONDUCT, TO REPRESENT THE BEST INTERESTS OF YOUNGER SIBLINGS WHO ARE UNDER TWELVE YEARS OF AGE AS A GUARDIAN AD LITEM AND TO REPRESENT YOUTH IN THE SIBLING GROUP WHO ARE TWELVE YEARS OF AGE OR OLDER AS A COUNSEL FOR YOUTH. UNTIL THE COURT'S JURISDICTION IS TERMINATED, APPOINTMENT OF

COUNSEL FOR YOUTH PURSUANT TO THIS SECTION CONTINUES. A CHILD'S OR YOUTH'S RIGHT TO COUNSEL MAY NOT BE WAIVED. NOTHING IN THIS SECTION LIMITS THE POWER OF THE COURT TO APPOINT COUNSEL FOR YOUTH PRIOR TO THE FILING OF A PETITION FOR GOOD CAUSE.

(3) A GUARDIAN AD LITEM WHO IS CURRENTLY APPOINTED TO REPRESENT THE BEST INTERESTS OF A CHILD OR YOUTH PURSUANT TO THIS SECTION SHALL TRANSITION TO CLIENT-DIRECTED COUNSEL FOR YOUTH IMMEDIATELY UPON A CHILD'S TWELFTH BIRTHDAY AND ACT IN THIS ROLE UNTIL EITHER THE CASE IS DISMISSED OR NEW COUNSEL IS APPOINTED, UNLESS THE COURT FINDS IT NECESSARY TO APPOINT A GUARDIAN AD LITEM BECAUSE THE CHILD OR YOUTH HAS DIMINISHED CAPACITY, IN WHICH CASE THE GUARDIAN AD LITEM REMAINS IN THAT ROLE AND THE COURT SHALL APPOINT SEPARATE COUNSEL FOR YOUTH FOR THE CHILD. COUNSEL FOR YOUTH SHALL NOTIFY THE COURT AND PARTIES OF THE CHANGE AND THE COURT SHALL ISSUE A NEW ORDER OF APPOINTMENT WITHIN SEVEN DAYS.

~~(2)~~ (4) The guardian ad litem ~~shall~~ OR COUNSEL FOR YOUTH MUST be provided with all reports relevant to a case submitted to or made by any agency or person pursuant to this ~~article~~ ARTICLE 3, including reports of examination of the child OR YOUTH or persons responsible for the neglect or dependency of the child OR YOUTH. The county department shall share with the guardian ad litem OR THE COUNSEL FOR YOUTH the reports of fingerprint-based criminal history record checks from the Colorado bureau of investigation and from the federal bureau of investigation if the court orders the county department to share that information with the guardian ad litem OR THE COUNSEL FOR YOUTH. THE GUARDIAN AD LITEM OR COUNSEL FOR YOUTH MUST HAVE ACCESS TO THE CHILD OR YOUTH AND CONFIDENTIAL INFORMATION REGARDING THE CHILD OR YOUTH, INCLUDING BUT NOT LIMITED TO THE CHILD'S OR YOUTH'S EDUCATIONAL, MEDICAL, AND MENTAL HEALTH RECORDS; SOCIAL SERVICE AGENCY FILES; COURT RECORDS, INCLUDING COURT FILES INVOLVING ALLEGATIONS OF ABUSE OR NEGLECT OF THE CHILD OR YOUTH; DELINQUENCY RECORDS INVOLVING THE CHILD OR YOUTH; AND ANY OTHER INFORMATION REGARDING THE CHILD RELEVANT TO THE ISSUES IN THE PROCEEDING AND REPORTS THAT FORM THE BASIS OF RECOMMENDATIONS MADE TO THE COURT. THIS SECTION DOES NOT CONFER AN INDEPENDENT RIGHT TO OBTAIN A PARENT'S INFORMATION OR PARENT'S RECORDS THAT ARE CONFIDENTIAL OR THAT ARE OTHERWISE PRIVILEGED UNDER STATE OR FEDERAL LAW. The court and social workers assigned to the case shall keep the guardian ad litem OR COUNSEL FOR YOUTH apprised

of significant developments in the case, particularly prior to further neglect or dependency court appearances.

~~(3)~~ (5) The guardian ad litem ~~shall be~~ IS charged in general with the representation of the child's BEST interests. To that end, the guardian ad litem shall make such further investigations as the guardian ad litem deems necessary to ascertain the facts and shall talk with or observe the child involved, examine and cross-examine witnesses in both the adjudicatory and dispositional hearings, introduce and examine the guardian ad litem's own witnesses, make recommendations to the court concerning the child's welfare, appeal matters to the court of appeals or the supreme court, and participate further in the proceedings to the degree necessary to adequately represent the child. In addition, the guardian ad litem, if in the best interest of the child, shall seek to assure that reasonable efforts are being made to prevent unnecessary placement of the child out of the home and to facilitate reunification of the child with the child's family or, if reunification is not possible, to find another safe and permanent living arrangement for the child. In determining whether said reasonable efforts are made with respect to a child, and in making such reasonable efforts, the child's health and safety ~~shall be~~ ARE the paramount concern.

~~(4) A guardian ad litem already appointed to represent a youth's best interests pursuant to this article 3 shall begin acting as counsel and providing client-directed representation immediately upon the youth's eighteenth birthday and shall act in this role until either the case is dismissed or new counsel is appointed, unless the youth is deemed incapacitated pursuant to section 19-3-704, in which case the guardian ad litem shall remain in that role and separate counsel for the youth shall be appointed.~~

~~(5) At the first hearing following a youth's eighteenth birthday, the court shall advise each youth who has a current guardian ad litem appointed pursuant to this section of the youth's right to counsel and the option to either consent to have the same person continue as counsel, if the lawyer remains available and has no conflict of interest, or to have a new person appointed as counsel. If the youth elects to have a new person appointed as counsel, the court shall appoint an attorney from the list of attorneys approved by the office of the child's representative.~~

(6) A PERSON APPOINTED TO SERVE AS COUNSEL FOR YOUTH

PURSUANT TO THIS SECTION SHALL COMPLY WITH THE COLORADO RULES OF PROFESSIONAL CONDUCT, PROVISIONS SET FORTH IN A CHIEF JUSTICE DIRECTIVE CONCERNING THE COURT APPOINTMENT OF COUNSEL FOR YOUTH IN THIS TITLE 19, AND SUBSEQUENT CHIEF JUSTICE DIRECTIVES OR PRACTICE STANDARDS ESTABLISHED BY RULE OR DIRECTIVE OF THE CHIEF JUSTICE PURSUANT TO SECTION 13-91-105 CONCERNING THE DUTIES AND RESPONSIBILITIES OF A GUARDIAN AD LITEM AND COUNSEL FOR YOUTH IN LEGAL MATTERS AFFECTING CHILDREN OR YOUTH. COUNSEL FOR YOUTH SHALL ENSURE THAT THE CHILD OR YOUTH HAS REPRESENTATION THROUGH PENDING APPEALS.

(7) A GUARDIAN AD LITEM MAY BE APPOINTED FOR A CHILD OR YOUTH TWELVE YEARS OF AGE OR OLDER IF NECESSARY BECAUSE THE CHILD OR YOUTH HAS DIMINISHED CAPACITY. THE COURT SHALL NOT CONSIDER AGE OR DEVELOPMENTAL MATURITY AS THE SOLE BASIS FOR AN APPOINTMENT OF A GUARDIAN AD LITEM PURSUANT TO THIS SECTION.

SECTION 10. In Colorado Revised Statutes, 19-3-502, **amend** (7); and **add** (4.5) as follows:

19-3-502. Petition form and content - limitations on claims in dependency or neglect actions. (4.5) A CHILD NAMED IN THE PETITION SHALL BE A PARTY TO THE PROCEEDINGS AND HAVE THE RIGHT TO ATTEND AND FULLY PARTICIPATE IN ALL HEARINGS RELATED TO THE CHILD'S CASE. THE CHILD'S GUARDIAN AD LITEM OR COUNSEL FOR YOUTH SHALL PROVIDE DEVELOPMENTALLY APPROPRIATE NOTICE TO THE CHILD OF ALL HEARINGS RELATED TO THE CHILD'S CASE.

(7) In addition to notice to all parties, the court shall ensure that notice is provided of all hearings and reviews held regarding a child to the following persons with whom a child is placed: Foster parents, pre-adoptive parents, or relatives. Such persons ~~shall~~ have the right to be heard at such hearings and reviews. ~~The persons with whom a child is placed shall provide prior notice to the child of all hearings and reviews held regarding the child.~~ The foster parent, pre-adoptive parent, or relative providing care to a child shall not be made a party to the action for purposes of any hearings or reviews solely on the basis of such notice and right to be heard. Notice of hearings and reviews ~~shall~~ **MUST** not reveal to the respondent parent or other relative the address, last name, or other such identifying information regarding any person providing care to the child.

SECTION 11. In Colorado Revised Statutes, 19-3-602, **repeal** (3) as follows:

19-3-602. Motion for termination - separate hearing - right to counsel - no jury trial. (3) ~~A guardian ad litem, who shall be an attorney and who shall be the child's previously appointed guardian ad litem whenever possible, shall be appointed to represent the child's best interests in any hearing determining the involuntary termination of the parent-child legal relationship. Additionally, said attorney shall be experienced, whenever possible, in juvenile law. Such representation shall continue until an appropriate permanent placement of the child is effected or until the court's jurisdiction is terminated. If a respondent parent is a minor, a guardian ad litem shall be appointed and shall serve in addition to any counsel requested by the parent.~~

SECTION 12. In Colorado Revised Statutes, 19-3-606, **amend** (1) as follows:

19-3-606. Review of child's disposition following termination of the parent-child legal relationship. (1) The court, at the conclusion of a hearing in which it ordered the termination of a parent-child legal relationship, shall order that a review hearing be held not later than ninety days ~~following~~ AFTER the date of the termination. At such hearing, the agency or individual vested with custody of the child shall report to the court what disposition of the child, if any, has occurred. ~~and~~ The guardian ad litem shall ~~submit~~ PROVIDE a written report ~~with recommendations~~ STATING THE GUARDIAN AD LITEM'S POSITION to the court based upon an independent investigation ~~for the best disposition of the child~~ AND CONSULTATION WITH THE CHILD REGARDING THE DISPOSITION THAT IS IN THE BEST INTERESTS OF THE CHILD AND THE NECESSARY STEPS TO FINALIZE THE CHILD'S PERMANENCY. COUNSEL FOR YOUTH SHALL PROVIDE A POSITION STATEMENT THAT CONVEYS THE CHILD'S POSITION AND OBJECTIVES FOR THE CHILD'S DESIRED DISPOSITION AND NECESSARY STEPS TO FINALIZE PERMANENCY. Any report required ~~under~~ PURSUANT TO this subsection (1) ~~shall be~~ IS subject to the provisions of section 19-1-309.

SECTION 13. In Colorado Revised Statutes, 19-3-612, **amend** (3) as follows:

19-3-612. Reinstatement of the parent-child legal relationship -

circumstances - petition - hearings - legislative declaration. (3) A child who is ~~sixteen~~ TWELVE years of age or older, or ~~his or her~~ THE CHILD'S guardian ad litem, may also file a petition to reinstate the parent-child legal relationship alleging that the conditions set forth in ~~paragraphs (b) to (f) of subsection (2)~~ SUBSECTIONS (2)(b) TO (2)(f) of this section are met.

SECTION 14. In Colorado Revised Statutes, 19-3-702, **amend** (4)(c), (5)(e), and (6) introductory portion as follows:

19-3-702. Permanency hearing. (4) (c) Prior to closing a case before a youth's eighteenth birthday, the court or the youth's guardian ad litem OR COUNSEL FOR YOUTH shall notify the youth that the youth will lose the right to receive medicaid until the maximum age provided by federal law if the case is closed prior to the youth's eighteenth birthday. Prior to closing a case after a youth's sixteenth birthday, the court shall advise the youth of the youth's eligibility for the foster youth in transition program, created in section 19-7-303, should the youth later determine ~~he or she~~ THE YOUTH needs child welfare assistance from a county department.

(5) For a child or youth in a case designated pursuant to section 19-1-123 only:

(e) At each permanency planning hearing, the caseworker ~~and the child's or youth's guardian ad litem~~ shall provide the court with a written or verbal report specifying what efforts have been made to identify a permanent home for the child ~~or youth~~ and what services have been provided to the child ~~or youth~~ to facilitate identification of a permanent home.

(6) If a placement change is contested by a ~~named party or child or youth~~ and the child or youth is not reunifying with a parent or legal guardian, the court shall consider all pertinent information, including the child's or youth's wishes, related to modifying the placement of the child or youth prior to removing the child or youth from ~~his or her~~ THE CHILD'S OR YOUTH'S placement, and including the following:

SECTION 15. In Colorado Revised Statutes, 19-5-103, **amend** (9)(a)(I), (9)(a)(III), and (9)(b) as follows:

19-5-103. Relinquishment procedure - petition - hearings.

(9) (a) The court may appoint a guardian ad litem to protect the interests of the child if:

(I) The court finds that there is a conflict of interest between the child and ~~his or her~~ THE CHILD'S parents, guardian, or legal custodian;

(III) The court determines that the child is twelve years of age or older and that the welfare of the child mandates such appointment. IF COUNSEL FOR YOUTH IS APPOINTED PURSUANT TO ARTICLE 3 OF THIS TITLE 19, THE COUNSEL FOR YOUTH IS APPOINTED PURSUANT TO THIS SECTION.

(b) Reasonable fees for guardians ad litem OR COUNSEL FOR YOUTH appointed pursuant to this subsection (9) ~~shall~~ MUST be paid by the relinquishing parent or parents; except that, in the case of an indigent parent or parents, such fees ~~shall~~ MUST be paid as an expense of the state from annual appropriations to the ~~office of the state court administrator~~ OFFICE OF THE CHILD'S REPRESENTATIVE.

SECTION 16. In Colorado Revised Statutes, 13-1-119.5, **amend** (1)(c) as follows:

13-1-119.5. Electronic access to name index and register of actions. (1) Statewide electronic read-only access to the name index and register of actions of public case types must be made available to the following agencies or attorneys appointed by the court:

(c) Guardians ad litem OR COUNSEL FOR YOUTH under contract with the office of the child's representative, created in section 13-91-104, or authorized by the office of the child's representative to act as a guardian ad litem OR COUNSEL FOR YOUTH, as it relates to a case in which they are appointed by the court;

SECTION 17. In Colorado Revised Statutes, 13-92-103, **amend** (2)(a) introductory portion and (2)(a)(V) as follows:

13-92-103. Respondent parents' counsel - commission - office - duties - qualifications of director. (2) (a) The Colorado supreme court shall appoint a nine-member respondent parents' counsel governing commission on or before July 1, 2015. In appointing the membership of the commission, the court ~~must~~ SHALL, to the extent practicable, include

persons from throughout the state and persons with disabilities and take into consideration race, gender, and the ethnic diversity of the state. The court shall make the appointments as follows:

(V) Commission members must not currently be under contract with the office or employed by the state department of human services, a county department of human or social services, or be serving currently as a city or county attorney, judge, magistrate, court-appointed special advocate, or guardian ad litem, OR COUNSEL FOR YOUTH.

SECTION 18. In Colorado Revised Statutes, 19-1-304, **amend** (1)(a)(IV), (1)(c)(IX), (2)(a)(XIII), and (7)(c) as follows:

19-1-304. Juvenile delinquency records - division of youth services critical incident information - definitions. (1)(a) **Court records - open.** Except as provided in subsection (1)(b.5) of this section, court records in juvenile delinquency proceedings or proceedings concerning a juvenile charged with the violation of any municipal ordinance except a traffic ordinance are open to inspection to the following persons without court order:

(IV) The juvenile's guardian ad litem OR COUNSEL FOR YOUTH;

(c) **Probation records - limited access.** Except as otherwise authorized by section 19-1-303, a juvenile probation officer's records, whether or not part of the court file, are not open to inspection except as provided in subsection (1)(c)(I) to (1)(c)(XI) of this section:

(IX) To the juvenile's guardian ad litem OR COUNSEL FOR YOUTH;

(2) (a) **Law enforcement records in general - closed.** Except as otherwise provided by subsection (1)(b.5) of this section and otherwise authorized by section 19-1-303, the records of law enforcement officers concerning juveniles, including identifying information, must be identified as juvenile records and must not be inspected by or disclosed to the public, except:

(XIII) To the juvenile's guardian ad litem OR COUNSEL FOR YOUTH;

(7) In addition to the persons who have access to court records

pursuant to subsection (1)(a) of this section, statewide electronic read-only access to the name index and register of actions of the judicial department must be allowed to the following agencies or persons:

(c) Guardians ad litem OR COUNSEL FOR YOUTH under contract with the office of the child's representative, created in section 13-91-104, ~~C.R.S.~~, or authorized by the office of the child's representative to act as a guardian ad litem OR AN ATTORNEY UNDER CONTRACT OR EMPLOYED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE, as it relates to a case in which they are appointed by the court;

SECTION 19. In Colorado Revised Statutes, 19-1-305, **amend** (1)(a) as follows:

19-1-305. Operation of juvenile facilities. (1) Except as otherwise authorized by section 19-1-303 or 19-1-304 (8), all records prepared or obtained by the department of human services in the course of carrying out its duties pursuant to article 2.5 of this title 19 are confidential and privileged. The records may be disclosed only:

(a) To the parents, legal guardian, legal custodian, attorney for the juvenile, district attorney, guardian ad litem, COUNSEL FOR YOUTH, law enforcement official, and probation officer;

SECTION 20. In Colorado Revised Statutes, 19-1-307, **amend** (2) introductory portion, (2)(d), and (2.3)(c) as follows:

19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty - adult protective services data system check. (2) **Records and reports - access to certain persons - agencies.** Except as set forth in section 19-1-303, only the following persons or agencies ~~shall~~ have access to child abuse or neglect records and reports:

(d) Any person named in the report or record who was alleged as a ~~child to be~~ AN abused or neglected CHILD or, if the child named in the report or record is a ~~minor or is~~ otherwise incompetent at the time of the request, ~~his or her~~ THE CHILD'S guardian ad litem OR COUNSEL FOR YOUTH;

(2.3) The following agencies or attorneys appointed by the court

must be granted statewide read-only access to the name index and register of actions for the judiciary department:

(c) Guardians ad litem OR COUNSEL FOR YOUTH under contract with the office of the child's representative, created in section 13-91-104, ~~C.R.S.~~, or authorized by the office of the child's representative to act as a guardian ad litem OR COUNSEL FOR YOUTH, as it relates to a case in which they are appointed by the court; and

SECTION 21. In Colorado Revised Statutes, 19-3-201, **amend** (1), (4)(b) introductory portion, and (4)(b)(I) as follows:

19-3-201. Venue. (1)(a) Except as provided in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION, all proceedings brought ~~under~~ PURSUANT TO this ~~article shall~~ ARTICLE 3 MUST be commenced in the county in which the child resides or is present.

(b) A county department, guardian ad litem OR COUNSEL FOR YOUTH, or other person filing a petition for reinstatement of the parent-child legal relationship as set forth in section 19-3-612 must file the petition for the reinstatement of the parent-child legal relationship in the county or city and county that has legal custody of the child.

(4) (b) The order granting a change of venue and transferring jurisdiction ~~shall~~ MUST include:

(I) Notice to the receiving court of whether a respondent parent's counsel and the guardian ad litem OR COUNSEL FOR YOUTH appointed for the child will remain on the case. If a respondent parent's counsel or the guardian ad litem OR COUNSEL FOR YOUTH for the child will not remain on the case, the order ~~shall~~ MUST inform the receiving court that the receiving court shall make a new appointment of counsel or guardian ad litem OR COUNSEL FOR YOUTH.

SECTION 22. In Colorado Revised Statutes, 19-3-208, **amend** (3)(a) as follows:

19-3-208. Services - county required to provide - out-of-home placement options - rules - definitions. (3) (a) The state board of human services shall promulgate rules creating a standard and deliberate process

for determining, in coordination with the education provider, parents, if appropriate, guardian ad litem OR COUNSEL FOR YOUTH, and the child, ~~or youth~~, whether it is in the best interest of a child ~~or youth~~ in out-of-home placement to remain in ~~his or her~~ THE CHILD'S school of origin when the child ~~or youth~~ is placed in out-of-home placement or experiences a change in placement.

SECTION 23. In Colorado Revised Statutes, 19-3-213, **amend** (1)(a) as follows:

19-3-213. Placement criteria. (1) In any case in which the county department recommends placement out of the home for a child or in which a child is in out-of-home placement, the court, the guardian ad litem, the county department, any CASA volunteer, and other parties shall consider the best interests of the child and shall comply with the following placement criteria:

(a) Prior to the change of placement of a child, the county department shall, to the extent possible, notify the guardian ad litem OR COUNSEL FOR YOUTH, any CASA volunteer, and other parties. If ~~the guardian ad litem or other~~ ANY party disagrees with the change of placement, ~~he or she~~ THE PARTY may seek an emergency hearing concerning the appropriate placement for a child. In an emergency, the county department may proceed to make the change of placement prior to any requested hearing.

SECTION 24. In Colorado Revised Statutes, 19-3-217, **amend** (3) as follows:

19-3-217. Parent-child visitation upon removal. (3) Absent the issuance of an emergency order, a parent granted visitation is entitled to a hearing prior to an ongoing reduction in, suspension of, or increase in the level of supervision, including a change from in-person visitation to virtual visitation. If the court issues an emergency order suspending, reducing, or restricting visitation, a parent is entitled to a hearing within seventy-two hours after the order is issued, excluding Saturdays, Sundays, and court holidays. The court need not hold a hearing if there is agreement by the petitioner, guardian ad litem OR COUNSEL FOR YOUTH, and parent to the reduction, suspension, or increase in level of supervision of visits. Any such agreement must be reduced to writing and filed with the court. Nothing in

this section prevents the county department from canceling a visit if the child's health or welfare would be endangered or if the parent consents to the cancellation of the visit.

SECTION 25. In Colorado Revised Statutes, 19-3-308, **amend** (10) introductory portion as follows:

19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - investigations - child protection team - rules - report. (10) In the event that the local department initiates a petition in the juvenile court or the district court with juvenile jurisdiction on behalf of the child who is the subject of a report, the department shall notify, in writing, the guardian ad litem OR COUNSEL FOR YOUTH appointed by the court ~~under~~ PURSUANT TO section 19-3-312 to represent the child's interest. Such notice ~~shall~~ MUST include:

SECTION 26. In Colorado Revised Statutes, 19-3-403, **amend** (3.6)(a)(III) as follows:

19-3-403. Temporary custody - hearing - time limits - restriction - rules. (3.6) (a) (III) The court shall advise the CHILD'S parents ~~of the child~~ that the child may be placed with a relative if, in the court's opinion, such placement is appropriate and in the child's best interests. The court shall order the parents to complete the form affidavit and advisement described in ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (3.6)(a)(I) OF THIS SECTION no later than seven business days after the date of the hearing or prior to the next hearing on the matter, whichever occurs first. The original completed form ~~shall~~ MUST be filed with the court, and a copy delivered to the county department of human or social services no later than five business days after the date of the hearing. Each parent, the guardian ad litem OR COUNSEL FOR YOUTH, and counsel for each parent, if any, shall also receive copies of the completed form. The court may advise each parent of the penalties associated with perjury and contempt of court, if necessary. Each parent may suggest an adult relative or relatives whom ~~he or she~~ THE PARENT believes to be the most appropriate caretaker or caretakers for the child. If appropriate, the child or children shall be consulted regarding suggested relative caretakers. The court shall order each parent to notify every relative who may be an appropriate relative caretaker for the child that failure to come forward in a timely manner may result in the child being placed permanently outside of the home of the child's relatives, if the child

is not able to return to the child's home. In addition, the court shall advise each parent that failure to identify these relatives in a timely manner may result in the child being placed permanently outside of the home of the child's relatives.

SECTION 27. In Colorado Revised Statutes, 19-3-705, **amend** (3)(e) as follows:

19-3-705. Transition hearing. (3) The court shall advise the youth that:

~~(e) The youth has the right to counsel who will represent the youth's objectives, beginning on the youth's eighteenth birthday. The youth has the right to choose whether to have the youth's current guardian ad litem reappointed as counsel or to have a different individual appointed as counsel pursuant to section 19-3-203. The youth has the right to consult with the youth's counsel about the decision whether to emancipate~~ THE YOUTH HAS THE RIGHT TO COUNSEL WHO SHALL REPRESENT THE YOUTH THROUGHOUT THE YOUTH'S PARTICIPATION IN THE FOSTER YOUTH TRANSITION PROGRAM. The court shall advise the youth that the current emancipation transition hearing may be continued for up to one hundred nineteen days if the youth would like additional time to make a decision or to prepare for emancipation. The court shall ask the youth whether the youth has had sufficient opportunity to consult with counsel and if the youth is ready to make a decision at the current time or, alternatively, if the youth would like to request a continuance of up to one hundred nineteen days.

SECTION 28. In Colorado Revised Statutes, 19-5-208, **amend** (4.5)(h) as follows:

19-5-208. Petition for adoption - open adoption - post-adoption contact agreement. (4.5) (h) In any case where a post-adoption contact agreement is being considered by the court and a guardian ad litem OR COUNSEL FOR YOUTH is currently appointed for the child OR YOUTH pursuant to section 19-3-203, the court shall appoint the guardian ad litem to represent the best interests of the child OR YOUTH, OR THE COUNSEL FOR YOUTH TO REPRESENT THE POSITION AND OBJECTIVES THAT THE CHILD OR YOUTH WANT, with respect to the contact agreement. The guardian ad litem's OR COUNSEL FOR YOUTH'S representation in these proceedings is limited solely to making a recommendation as to whether the agreement

proposed by the petitioner is in the best interests of the child and should be adopted as proposed. The court shall not make additions or modifications to the agreement in accordance with the recommendations of the guardian ad litem OR COUNSEL FOR YOUTH unless the petitioner consents to the additions or modifications. The duties of the guardian ad litem OR COUNSEL FOR YOUTH terminate upon the entry of the decree of adoption.

SECTION 29. In Colorado Revised Statutes, 19-5-217, **amend** (2) as follows:

19-5-217. Enforcement or termination of post-adoption contact agreement. (2) The court may appoint a guardian ad litem for the adopted child, OR A COUNSEL FOR YOUTH FOR AN ADOPTED CHILD TWELVE YEARS OF AGE OR OLDER, at the time of any action for the enforcement or termination of the post-adoption contact agreement if the court determines that consideration of the factors set forth in section 19-5-103 (9)(a) require the appointment of a guardian ad litem OR A COUNSEL FOR YOUTH. In all adoptions other than those in which the child is placed by the county department, a party or parties shall pay reasonable fees for the services of the guardian ad litem OR COUNSEL FOR YOUTH unless a party is indigent, in which case ~~such fees shall be paid by~~ the office of the child's representative SHALL PAY THE FEES.

SECTION 30. In Colorado Revised Statutes, 19-7-101, **amend** (1)(bb) as follows:

19-7-101. Legislative declaration. (1) The general assembly finds and declares that youth in foster care, excluding those in the custody of the division of youth services or a state hospital for persons with mental health disorders, should enjoy the following:

(bb) Having a guardian ad litem appointed to represent the youth's best interests OR A COUNSEL FOR YOUTH APPOINTED TO REPRESENT THE OBJECTIVES AND POSITIONS OF A YOUTH TWELVE YEARS OF AGE OR OLDER; and

SECTION 31. In Colorado Revised Statutes, 19-7-102, **amend** (1) as follows:

19-7-102. Protection against identity theft. (1) The court shall

ensure that each youth in foster care who is in the legal custody of a county department of human or social services or the department of human services and who is at least sixteen years of age obtains or receives free annual credit reports from the department of human services or a county department of human or social services. The county department of human or social services or the department of human services shall inform the court with jurisdiction over the youth, if any, of any inaccuracies in a report and refer the matter to a governmental or nonprofit entity on the referral list developed pursuant to subsection (2) of this section for assistance in interpreting and resolving any inaccuracies in a report if the credit report shows evidence of possible identity theft. The ~~child's guardian ad litem~~ YOUTH'S COUNSEL FOR YOUTH shall advise the youth of possible consequences of and options to address the possible identity theft, including the right to report the matter to law enforcement and seek possible prosecution of the offender.

SECTION 32. In Colorado Revised Statutes, 19-7-202, **amend** (2) as follows:

19-7-202. Legislative declaration. (2) The general assembly further finds and declares that it is the responsibility of all adults involved in a youth's life, including but not limited to county departments, parents, foster parents, guardians ad litem, COUNSEL FOR YOUTH, court-appointed special advocates, next of kin, treatment providers, and others, to seek opportunities to foster those sibling relationships to promote continuity and help to sustain family relationships.

SECTION 33. In Colorado Revised Statutes, 22-32-138, **amend** (2)(b) introductory portion and (2)(b)(III) as follows:

22-32-138. Out-of-home placement students - school stability, transfer, and enrollment procedures - absences - exemptions - provision of academic supports - definitions. (2) (b) The child welfare education liaison ~~shall be~~ IS responsible for working with child placement agencies, county departments, and the state department of human services to facilitate services to maintain students in out-of-home placement in their schools of origin or, if the county department determines that it is not in the students' best interests to remain in the school of origin, facilitate the prompt and appropriate placement, transfer, and enrollment in school of students in out-of-home placement within the school district or who are enrolled or

enrolling in institute charter schools. The child welfare education liaison's specific duties include but need not be limited to:

(III) If a county department determines that it is not in the student's best interest to remain in the school of origin, working with county departments, juvenile probation officers, parents, guardian ad litem OR COUNSEL FOR YOUTH, and foster care parents to ensure that the student is enrolled in a new school immediately with transition planning, and that the student's complete education information and records are requested immediately by the student's new school upon enrollment;

SECTION 34. In Colorado Revised Statutes, 26-6-106.5, **amend** (2)(b) as follows:

26-6-106.5. Foster care - kinship care - rules applying generally - rule-making. (2) At a minimum, the rules described in subsection (1) of this section must include the following:

(b) The immediate notification of a child's guardian ad litem OR COUNSEL FOR YOUTH upon the child's placement in a foster care home, and the provision of the guardian ad litem's OR COUNSEL FOR YOUTH'S contact information to the foster parents;

SECTION 35. In Colorado Revised Statutes, 26-7-104, **amend** (1)(e)(I) as follows:

26-7-104. General information for prospective adoptive families. (1) At the time that the family is matched for adoption of a child or youth who is potentially eligible for benefits pursuant to this article 7, the state department, a county department, or a nonprofit child placement agency, as appropriate, shall provide the prospective adoptive family, in writing, with information concerning the following:

(e) Notice of the general right to bring to the adoption assistance negotiation process:

(I) Parties who possess relevant information about a child's or youth's history and needs, including the child's guardian ad litem OR COUNSEL FOR YOUTH or the family's advocate; and

SECTION 36. In Colorado Revised Statutes, 42-2-108, **amend** (1)(a)(II), (1)(a)(III), (1)(b)(I), (1)(b)(II)(B), and (2)(b) as follows:

42-2-108. Application of minors - rules. (1) (a) (II) When an applicant has been made a ward of any court in the state for any reason and has been placed in foster care, the foster parents or parent may sign the affidavit of liability for the minor. If the parent or foster parent is unwilling or unable to sign the affidavit of liability, a guardian ad litem OR COUNSEL FOR YOUTH, an official of the county department of human or social services having custody of the applicant, or an official of the division of youth services in the state department of human services having custody of the applicant may sign the application for an instruction permit without signing the affidavit of liability for the minor if the requirements of subsection (1)(b) of this section are met; except that, prior to signing the application for an instruction permit, the guardian ad litem OR COUNSEL FOR YOUTH or other official shall notify the court of ~~his or her~~ THE GUARDIAN AD LITEM'S OR COUNSEL FOR YOUTH'S OR OTHER OFFICIAL'S intent to sign the application, and except that the guardian ad litem OR COUNSEL FOR YOUTH or official shall not sign the application for an instruction permit for a minor who is placed in foster care and is under seventeen years of age without first obtaining the consent of the foster parent. If the minor is seventeen years of age or older and is in the care of a foster parent, in order to prepare the minor for emancipation from foster care and to assist the minor in obtaining important life skills, the guardian ad litem OR COUNSEL FOR YOUTH or official shall consult with the foster parent of the minor about the opportunity for the minor to learn driving skills under the restrictions provided in subsection (1)(b) of this section prior to signing an application for an instruction permit. The guardian ad litem OR COUNSEL FOR YOUTH or official shall solicit the opinion of the minor's foster parent concerning the minor's ability to exercise good judgment and make decisions as well as the minor's overall capacity to drive.

(III) When a minor to whom an instruction permit or minor driver's license has been issued is required to appear before the department for a hearing in accordance with this article 2, the person who signed the affidavit of liability for the minor or the guardian ad litem OR COUNSEL FOR YOUTH or official who signed the application for an instruction permit for the minor shall accompany the minor. If the person who signed the minor's affidavit of liability or application for an instruction permit is unable to attend the hearing, ~~he or she~~ THE PERSON shall submit to the department a

verified signed statement certifying under oath that ~~he or she~~ THE PERSON is aware of the purpose of the hearing but cannot attend.

(b) The department shall issue an instruction permit to an applicant under eighteen years of age who is otherwise eligible to obtain an instruction permit and who has been made a ward of the court and who is in out-of-home placement without the requirement of a person signing an affidavit of liability if the following requirements are met:

(I) The guardian ad litem OR COUNSEL FOR YOUTH, an official of the county department of human or social services having custody of the applicant, or an official of the division of youth services in the state department of human services having custody of the applicant signs the application for an instruction permit; and

(II) (B) If the minor is in the care of a foster parent and is at least seventeen years of age, the guardian ad litem OR COUNSEL FOR YOUTH or the official has consulted with the foster parent prior to signing the application for an instruction permit.

(2) (b) A guardian ad litem OR A COUNSEL FOR YOUTH, an official of a county or district department of human or social services, or an official of the division of youth services in the state department of human services who signs a minor's application for an instruction permit or a minor driver's license but does not sign an affidavit of liability does not impute liability on themselves, on the county, or on the state for any damages caused by the negligence or willful misconduct of the applicant.

SECTION 37. Act subject to petition - effective date. This act takes effect January 9, 2023; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be

held in November 2022 and, in such case, will take effect January 9, 2023, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO