

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0272.01 Alana Rosen x2606

HOUSE BILL 22-1038

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A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law requires the appointment of a guardian ad litem for children or youth in dependency and neglect cases. The bill requires that client-directed counsel for youth be appointed for children or youth 12 years of age or older to provide specialized client-directed legal representation.

The bill prohibits the waiver of a child's or youth's right to counsel

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
February 28, 2022

HOUSE
Amended 2nd Reading
February 25, 2022

in dependency and neglect proceedings. The bill also allows a child or youth to be a party in a dependency and neglect proceeding. For a child or youth 12 years of age or older with diminished capacity, a guardian ad litem shall remain in the role and separate counsel for the child or youth must be appointed.

The bill makes conforming amendments.

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

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

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

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

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

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

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

22 (2) Therefore, the general assembly finds that every child or youth

1 twelve years of age or older deserves a client-directed legal representative
2 who can advocate for the child or youth, communicate and understand the
3 complicated dynamics of trauma, guard against undue influence, and
4 thoroughly grasp the law and practice standards established by rule or
5 chief justice directives.

6 **SECTION 2.** In Colorado Revised Statutes, 13-91-103, **amend**
7 (2.5) as follows:

8 **13-91-103. Definitions.** As used in this article 91, unless the
9 context otherwise requires:

10 (2.5) "Counsel for youth" means an ~~attorney who is licensed to~~
11 ~~practice law in Colorado and~~ ATTORNEY-AT-LAW WHO PROVIDES
12 SPECIALIZED CLIENT-DIRECTED LEGAL REPRESENTATION FOR A CHILD OR
13 YOUTH AND WHO OWES THE SAME DUTIES, INCLUDING UNDIVIDED
14 LOYALTY, CONFIDENTIALITY, AND COMPETENT REPRESENTATION, TO THE
15 CHILD OR YOUTH AS IS DUE AN ADULT CLIENT. COUNSEL FOR YOUTH MAY
16 BE appointed by the court to represent a child or youth in a proceeding
17 pursuant to article 1, 3, or 7 of title 19, or MAY BE assigned by the office
18 of the child's representative pursuant to article 7 of title 19. "COUNSEL
19 FOR YOUTH" DOES NOT MEAN DEFENSE COUNSEL FOR A JUVENILE
20 PURSUANT TO ARTICLE 2.5 OF TITLE 19.

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

23 **13-91-105. Duties of the office of the child's representative -**
24 **guardian ad litem and counsel for youth programs.** (1) In addition to
25 any responsibilities assigned to it by the chief justice, the office of the
26 child's representative shall:

27 (a) Enhance the provision of GAL or counsel for youth services

1 in Colorado by:

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

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

16 **19-1-103. Definitions.** As used in this title 19 or in the specified
17 portion of this title 19, unless the context otherwise requires:

18 (26) "Child protection team", as used in part 3 of article 3 of this
19 title 19, means a multidisciplinary team consisting, where possible, of a
20 physician; a representative of the juvenile court or the district court with
21 juvenile jurisdiction; a representative of a local law enforcement agency;
22 a representative of the county department of human or social services; a
23 representative of a mental health clinic; a representative of a county,
24 district, or municipal public health agency; an attorney; a representative
25 of a public school district; and one or more representatives of the lay
26 community, at least one of whom must be a person who serves as a foster
27 parent in the county. Each public agency may have more than one

1 participating member on the team; except that, in voting on procedural or
2 policy matters, each public agency ~~shall have~~ HAS only one vote. In no
3 event must an attorney member of the child protection team be appointed
4 as guardian ad litem OR COUNSEL FOR YOUTH for the child OR YOUTH or
5 as counsel for the parents at any subsequent court proceedings. The child
6 protection team must never be composed of fewer than three persons.
7 When any racial, ethnic, or linguistic minority group constitutes a
8 significant portion of the population of the jurisdiction of the child
9 protection team, a member of each such minority group must serve as an
10 additional lay member of the child protection team. At least one of the
11 preceding members of the team must be chosen on the basis of
12 representing low-income families. The role of the child protection team
13 is advisory only.

14 (41.5) "COUNSEL FOR YOUTH" MEANS AN ATTORNEY-AT-LAW WHO
15 PROVIDES SPECIALIZED CLIENT-DIRECTED LEGAL REPRESENTATION FOR A
16 CHILD OR YOUTH AND WHO OWES THE SAME DUTIES, INCLUDING
17 UNDIVIDED LOYALTY, CONFIDENTIALITY, AND COMPETENT
18 REPRESENTATION, TO THE CHILD OR YOUTH AS IS DUE AN ADULT CLIENT.
19 "COUNSEL FOR YOUTH" DOES NOT MEAN DEFENSE COUNSEL FOR A
20 JUVENILE PURSUANT TO ARTICLE 2.5 OF THIS TITLE 19.

21 (55.5) "DIMINISHED CAPACITY" MEANS A CHILD OR YOUTH WHO
22 LACKS SUFFICIENT CAPACITY TO COMMUNICATE OR MAKE CONSIDERED
23 DECISIONS ADEQUATELY IN CONNECTION WITH THE CHILD'S OR YOUTH'S
24 LEGAL REPRESENTATION. AGE OR DEVELOPMENTAL MATURITY MUST NOT
25 BE THE SOLE BASIS FOR A DETERMINATION OF DIMINISHED CAPACITY.

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

1 **19-1-105. Right to counsel and jury trial.** (2) The right to
2 counsel shall be as IS provided in this title; except that, in all proceedings
3 under the "School Attendance Law of 1963", article 33 of title 22, C.R.S.,
4 the court may appoint counsel or a guardian ad litem for the child, unless
5 the child is already represented by counsel. If the court finds that it is in
6 the best interest and welfare of the child, the court may appoint both
7 counsel and a guardian ad litem TITLE 19. Nothing in this title shall
8 prevent TITLE 19 PREVENTS the court from appointing counsel IN
9 ADDITION TO A GUARDIAN AD LITEM FOR A CHILD if it deems
10 representation by counsel necessary to protect the interests of the child.
11 or other parties. In addition, in all proceedings under the "School
12 Attendance Law of 1963", article 33 of title 22, C.R.S., the court shall
13 make available to the child's parent or guardian ad litem information
14 concerning the truancy process.

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

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

25 **19-1-111. Appointment of guardian ad litem.** (1) The court
26 shall appoint a guardian ad litem for ~~the~~ EVERY child UNDER TWELVE
27 YEARS OF AGE in all dependency ~~or~~ AND neglect cases ~~under~~ PURSUANT

1 TO this ~~title~~ TITLE 19.

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

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

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

14 (II) When the child reaches eighteen years of age, unless ~~the child~~
15 ~~has a developmental disability~~ THE COURT CONTINUES THE APPOINTMENT
16 BECAUSE THE COURT DETERMINES THE APPOINTMENT IS NECESSARY
17 BECAUSE OF THE YOUTH'S DIMINISHED CAPACITY.

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

27 **SECTION 7.** In Colorado Revised Statutes, 19-1-115, **amend**

1 (8)(c) and (8)(d) as follows:

2 **19-1-115. Legal custody - guardianship - placement out of the**
3 **home - petition for review for need of placement.** (8) (c) After a
4 petition has been filed, the court shall promptly issue a summons reciting
5 briefly the substance of the petition. The summons ~~shall~~ MUST be
6 substantially in the form specified in section 19-3-502 and be dealt with
7 in the manner provided in section 19-3-503 and ~~shall~~ MUST set forth the
8 constitutional and legal rights of the child, ~~his or her~~ THE CHILD'S parents
9 or guardian, and any other respondent, including the right to have an
10 attorney present at the hearing on the petition. The petitioner shall send
11 the summons to the child and ~~his or her~~ THE CHILD'S parents, guardian, or
12 legal custodian by certified mail. THE COURT SHALL GIVE notice of the
13 hearing ~~shall be given by the court~~ to the director of the facility or agency
14 in which the child is placed and any person who has physical custody of
15 the child and any attorney or guardian ad litem OR COUNSEL FOR YOUTH
16 of record. Nothing in this subsection (8) ~~shall require~~ REQUIRES the
17 presence of any person before the court unless the court so directs.

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

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

1 as follows:

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

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

10 **19-3-203. Right to guardian ad litem and counsel for youth.**

11 (1) Upon the filing of a petition ~~under~~ PURSUANT TO section 19-3-502
12 that alleges abuse or neglect of a ~~minor~~ child, the court shall appoint a
13 guardian ad litem ~~who shall~~ FOR ANY CHILD WHO IS UNDER TWELVE YEARS
14 OF AGE. THE GUARDIAN AD LITEM MUST be an attorney-at-law licensed to
15 practice in Colorado AND APPROVED BY THE OFFICE OF THE CHILD'S
16 REPRESENTATIVE CREATED IN SECTION 13-91-104. Nothing in this section
17 ~~shall limit~~ LIMITS the power of the court to appoint a guardian ad litem
18 prior to the filing of a petition for good cause.

19 (2) UPON THE FILING OF A PETITION PURSUANT TO SECTION
20 19-3-502 THAT ALLEGES ABUSE OR NEGLECT OF A CHILD, THE COURT
21 SHALL APPOINT COUNSEL FOR YOUTH FOR ANY CHILD OR YOUTH WHO IS
22 TWELVE YEARS OF AGE OR OLDER. THE COUNSEL FOR YOUTH MUST BE AN
23 ATTORNEY-AT-LAW LICENSED TO PRACTICE IN COLORADO AND APPROVED
24 BY THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION
25 13-91-104. THE COURT MAY APPOINT THE SAME ATTORNEY, AS LONG AS
26 THE ATTORNEY DOES NOT ASSERT THERE IS A CONFLICT OF INTEREST AS
27 DEFINED UNDER THE APPLICABLE RULES OF PROFESSIONAL CONDUCT, TO

1 REPRESENT THE BEST INTERESTS OF YOUNGER SIBLINGS WHO ARE UNDER
2 TWELVE YEARS OF AGE AS A GUARDIAN AD LITEM AND TO REPRESENT
3 YOUTH IN THE SIBLING GROUP WHO ARE TWELVE YEARS OF AGE OR OLDER
4 AS A COUNSEL FOR YOUTH. UNTIL THE COURT'S JURISDICTION IS
5 TERMINATED, APPOINTMENT OF COUNSEL FOR YOUTH PURSUANT TO THIS
6 SECTION CONTINUES. A CHILD'S OR YOUTH'S RIGHT TO COUNSEL MAY NOT
7 BE WAIVED. NOTHING IN THIS SECTION LIMITS THE POWER OF THE COURT
8 TO APPOINT COUNSEL FOR YOUTH PRIOR TO THE FILING OF A PETITION FOR
9 GOOD CAUSE.

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

22 ~~(2)~~ (4) The guardian ad litem ~~shall~~ OR COUNSEL FOR YOUTH MUST
23 be provided with all reports relevant to a case submitted to or made by
24 any agency or person pursuant to this ~~article~~ ARTICLE 3, including reports
25 of examination of the child OR YOUTH or persons responsible for the
26 neglect or dependency of the child OR YOUTH. The county department
27 shall share with the guardian ad litem OR THE COUNSEL FOR YOUTH the

1 reports of fingerprint-based criminal history record checks from the
2 Colorado bureau of investigation and from the federal bureau of
3 investigation if the court orders the county department to share that
4 information with the guardian ad litem OR THE COUNSEL FOR YOUTH. THE
5 GUARDIAN AD LITEM OR COUNSEL FOR YOUTH MUST HAVE ACCESS TO THE
6 CHILD OR YOUTH AND CONFIDENTIAL INFORMATION REGARDING THE CHILD
7 OR YOUTH, INCLUDING BUT NOT LIMITED TO THE CHILD'S OR YOUTH'S
8 EDUCATIONAL, MEDICAL, AND MENTAL HEALTH RECORDS; SOCIAL SERVICE
9 AGENCY FILES; COURT RECORDS, INCLUDING COURT FILES INVOLVING
10 ALLEGATIONS OF ABUSE OR NEGLECT OF THE CHILD OR YOUTH;
11 DELINQUENCY RECORDS INVOLVING THE CHILD OR YOUTH; AND ANY
12 OTHER INFORMATION REGARDING THE CHILD RELEVANT TO THE ISSUES IN
13 THE PROCEEDING AND REPORTS THAT FORM THE BASIS OF
14 RECOMMENDATIONS MADE TO THE COURT. THIS SECTION DOES NOT
15 CONFER AN INDEPENDENT RIGHT TO OBTAIN A PARENT'S INFORMATION OR
16 PARENT'S RECORDS THAT ARE CONFIDENTIAL OR THAT ARE OTHERWISE
17 PRIVILEGED UNDER STATE OR FEDERAL LAW. The court and social workers
18 assigned to the case shall keep the guardian ad litem OR COUNSEL FOR
19 YOUTH apprised of significant developments in the case, particularly prior
20 to further neglect or dependency court appearances.

21 (3) (5) The guardian ad litem shall be IS charged in general with
22 the representation of the child's BEST interests. To that end, the guardian
23 ad litem shall make such further investigations as the guardian ad litem
24 deems necessary to ascertain the facts and shall talk with or observe the
25 child involved, examine and cross-examine witnesses in both the
26 adjudicatory and dispositional hearings, introduce and examine the
27 guardian ad litem's own witnesses, make recommendations to the court

1 concerning the child's welfare, appeal matters to the court of appeals or
2 the supreme court, and participate further in the proceedings to the degree
3 necessary to adequately represent the child. In addition, the guardian ad
4 litem, if in the best interest of the child, shall seek to assure that
5 reasonable efforts are being made to prevent unnecessary placement of
6 the child out of the home and to facilitate reunification of the child with
7 the child's family or, if reunification is not possible, to find another safe
8 and permanent living arrangement for the child. In determining whether
9 said reasonable efforts are made with respect to a child, and in making
10 such reasonable efforts, the child's health and safety shall be ARE the
11 paramount concern.

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

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

1 (6) A PERSON APPOINTED TO SERVE AS COUNSEL FOR YOUTH
2 PURSUANT TO THIS SECTION SHALL COMPLY WITH THE COLORADO RULES
3 OF PROFESSIONAL CONDUCT, PROVISIONS SET FORTH IN A CHIEF JUSTICE
4 DIRECTIVE CONCERNING THE COURT APPOINTMENT OF COUNSEL FOR
5 YOUTH IN THIS TITLE 19, AND SUBSEQUENT CHIEF JUSTICE DIRECTIVES OR
6 PRACTICE STANDARDS ESTABLISHED BY RULE OR DIRECTIVE OF THE CHIEF
7 JUSTICE PURSUANT TO SECTION 13-91-105 CONCERNING THE DUTIES AND
8 RESPONSIBILITIES OF A GUARDIAN AD LITEM AND COUNSEL FOR YOUTH IN
9 LEGAL MATTERS AFFECTING CHILDREN OR YOUTH. COUNSEL FOR YOUTH
10 SHALL ENSURE THAT THE CHILD OR YOUTH HAS REPRESENTATION
11 THROUGH PENDING APPEALS.

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

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

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

26 (7) In addition to notice to all parties, the court shall ensure that
27 notice is provided of all hearings and reviews held regarding a child to the

1 following persons with whom a child is placed: Foster parents,
2 pre-adoptive parents, or relatives. Such persons shall have the right to be
3 heard at such hearings and reviews. ~~The persons with whom a child is~~
4 ~~placed shall provide prior notice to the child of all hearings and reviews~~
5 ~~held regarding the child.~~ The foster parent, pre-adoptive parent, or
6 relative providing care to a child shall not be made a party to the action
7 for purposes of any hearings or reviews solely on the basis of such notice
8 and right to be heard. Notice of hearings and reviews shall MUST not
9 reveal to the respondent parent or other relative the address, last name, or
10 other such identifying information regarding any person providing care
11 to the child.

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

14 **19-3-602. Motion for termination - separate hearing - right to**
15 **counsel - no jury trial.** (3) ~~A guardian ad litem, who shall be an attorney~~
16 ~~and who shall be the child's previously appointed guardian ad litem~~
17 ~~whenever possible, shall be appointed to represent the child's best~~
18 ~~interests in any hearing determining the involuntary termination of the~~
19 ~~parent-child legal relationship. Additionally, said attorney shall be~~
20 ~~experienced, whenever possible, in juvenile law. Such representation~~
21 ~~shall continue until an appropriate permanent placement of the child is~~
22 ~~effected or until the court's jurisdiction is terminated. If a respondent~~
23 ~~parent is a minor, a guardian ad litem shall be appointed and shall serve~~
24 ~~in addition to any counsel requested by the parent.~~

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

27 **19-3-606. Review of child's disposition following termination**

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

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

19 **19-3-612. Reinstatement of the parent-child legal relationship**
20 **- circumstances - petition - hearings - legislative declaration.** (3) A
21 child who is ~~sixteen~~ TWELVE years of age or older, or ~~his or her~~ THE
22 CHILD'S guardian ad litem, may also file a petition to reinstate the
23 parent-child legal relationship alleging that the conditions set forth in
24 ~~paragraphs (b) to (f) of subsection (2)~~ SUBSECTIONS (2)(b) TO (2)(f) of
25 this section are met.

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

1 **19-3-702. Permanency hearing.** (4) (c) Prior to closing a case
2 before a youth's eighteenth birthday, the court or the youth's guardian ad
3 litem OR COUNSEL FOR YOUTH shall notify the youth that the youth will
4 lose the right to receive medicaid until the maximum age provided by
5 federal law if the case is closed prior to the youth's eighteenth birthday.
6 Prior to closing a case after a youth's sixteenth birthday, the court shall
7 advise the youth of the youth's eligibility for the foster youth in transition
8 program, created in section 19-7-303, should the youth later determine ~~he~~
9 ~~or she~~ THE YOUTH needs child welfare assistance from a county
10 department.

11 (5) For a child or youth in a case designated pursuant to section
12 19-1-123 only:

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

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

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

27 **19-5-103. Relinquishment procedure - petition - hearings.**

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

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

5 (III) The court determines that the child is twelve years of age or
6 older and that the welfare of the child mandates such appointment. IF
7 COUNSEL FOR YOUTH IS APPOINTED PURSUANT TO ARTICLE 3 OF THIS TITLE
8 19, THE COUNSEL FOR YOUTH IS APPOINTED PURSUANT TO THIS SECTION.

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

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

17 **13-1-119.5. Electronic access to name index and register of**
18 **actions.** (1) Statewide electronic read-only access to the name index and
19 register of actions of public case types must be made available to the
20 following agencies or attorneys appointed by the court:

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

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

1 **13-92-103. Respondent parents' counsel - commission - office**
2 **- duties - qualifications of director.** (2) (a) The Colorado supreme court
3 shall appoint a nine-member respondent parents' counsel governing
4 commission on or before July 1, 2015. In appointing the membership of
5 the commission, the court ~~must~~ SHALL, to the extent practicable, include
6 persons from throughout the state and persons with disabilities and take
7 into consideration race, gender, and the ethnic diversity of the state. The
8 court shall make the appointments as follows:

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

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

16 **19-1-304. Juvenile delinquency records - division of youth**
17 **services critical incident information - definitions.** (1) (a) **Court**
18 **records - open.** Except as provided in subsection (1)(b.5) of this section,
19 court records in juvenile delinquency proceedings or proceedings
20 concerning a juvenile charged with the violation of any municipal
21 ordinance except a traffic ordinance are open to inspection to the
22 following persons without court order:

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

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

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

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

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

10 (7) In addition to the persons who have access to court records
11 pursuant to subsection (1)(a) of this section, statewide electronic
12 read-only access to the name index and register of actions of the judicial
13 department must be allowed to the following agencies or persons:

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

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

22 **19-1-305. Operation of juvenile facilities.** (1) Except as
23 otherwise authorized by section 19-1-303 or 19-1-304 (8), all records
24 prepared or obtained by the department of human services in the course
25 of carrying out its duties pursuant to article 2.5 of this title 19 are
26 confidential and privileged. The records may be disclosed only:

27 (a) To the parents, legal guardian, legal custodian, attorney for the

1 juvenile, district attorney, guardian ad litem, COUNSEL FOR YOUTH, law
2 enforcement official, and probation officer;

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

5 **19-1-307. Dependency and neglect records and information -**
6 **access - fee - rules - records and reports fund - misuse of information**
7 **- penalty - adult protective services data system check. (2) Records**
8 **and reports - access to certain persons - agencies.** Except as set forth
9 in section 19-1-303, only the following persons or agencies ~~shall~~ have
10 access to child abuse or neglect records and reports:

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

15 (2.3) The following agencies or attorneys appointed by the court
16 must be granted statewide read-only access to the name index and register
17 of actions for the judiciary department:

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

23 **SECTION 21.** In Colorado Revised Statutes, 19-3-201, **amend**
24 (1), (4)(b) introductory portion, and (4)(b)(I) as follows:

25 **19-3-201. Venue.** (1) (a) Except as provided in ~~paragraph (b) of~~
26 ~~this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION, all proceedings
27 brought ~~under~~ PURSUANT TO this ~~article shall~~ ARTICLE 3 MUST be

1 commenced in the county in which the child resides or is present.

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

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

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

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

18 **19-3-208. Services - county required to provide - out-of-home**
19 **placement options - rules - definitions.** (3) (a) The state board of
20 human services shall promulgate rules creating a standard and deliberate
21 process for determining, in coordination with the education provider,
22 parents, if appropriate, guardian ad litem OR COUNSEL FOR YOUTH, and the
23 child, ~~or youth~~, whether it is in the best interest of a child ~~or youth~~ in
24 out-of-home placement to remain in ~~his or her~~ THE CHILD'S school of
25 origin when the child ~~or youth~~ is placed in out-of-home placement or
26 experiences a change in placement.

27 **SECTION 23.** In Colorado Revised Statutes, 19-3-213, **amend**

1 (1)(a) as follows:

2 **19-3-213. Placement criteria.** (1) In any case in which the
3 county department recommends placement out of the home for a child or
4 in which a child is in out-of-home placement, the court, the guardian ad
5 litem, the county department, any CASA volunteer, and other parties shall
6 consider the best interests of the child and shall comply with the
7 following placement criteria:

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

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

18 **19-3-217. Parent-child visitation upon removal.** (3) Absent the
19 issuance of an emergency order, a parent granted visitation is entitled to
20 a hearing prior to an ongoing reduction in, suspension of, or increase in
21 the level of supervision, including a change from in-person visitation to
22 virtual visitation. If the court issues an emergency order suspending,
23 reducing, or restricting visitation, a parent is entitled to a hearing within
24 seventy-two hours after the order is issued, excluding Saturdays, Sundays,
25 and court holidays. The court need not hold a hearing if there is
26 agreement by the petitioner, guardian ad litem OR COUNSEL FOR YOUTH,
27 and parent to the reduction, suspension, or increase in level of supervision

1 of visits. Any such agreement must be reduced to writing and filed with
2 the court. Nothing in this section prevents the county department from
3 canceling a visit if the child's health or welfare would be endangered or
4 if the parent consents to the cancellation of the visit.

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

7 **19-3-308. Action upon report of intrafamilial, institutional, or**
8 **third-party abuse - investigations - child protection team - rules -**
9 **report.** (10) In the event that the local department initiates a petition in
10 the juvenile court or the district court with juvenile jurisdiction on behalf
11 of the child who is the subject of a report, the department shall notify, in
12 writing, the guardian ad litem OR COUNSEL FOR YOUTH appointed by the
13 court ~~under~~ PURSUANT TO section 19-3-312 to represent the child's
14 interest. Such notice ~~shall~~ MUST include:

15 **SECTION 26.** In Colorado Revised Statutes, 19-3-403, **amend**
16 (3.6)(a)(III) as follows:

17 **19-3-403. Temporary custody - hearing - time limits -**
18 **restriction - rules.** (3.6) (a) (III) The court shall advise the CHILD'S
19 parents ~~of the child~~ that the child may be placed with a relative if, in the
20 court's opinion, such placement is appropriate and in the child's best
21 interests. The court shall order the parents to complete the form affidavit
22 and advisement described in ~~subparagraph (I) of this paragraph (a)~~
23 SUBSECTION (3.6)(a)(I) OF THIS SECTION no later than seven business days
24 after the date of the hearing or prior to the next hearing on the matter,
25 whichever occurs first. The original completed form ~~shall~~ MUST be filed
26 with the court, and a copy delivered to the county department of human
27 or social services no later than five business days after the date of the

1 hearing. Each parent, the guardian ad litem OR COUNSEL FOR YOUTH, and
2 counsel for each parent, if any, shall also receive copies of the completed
3 form. The court may advise each parent of the penalties associated with
4 perjury and contempt of court, if necessary. Each parent may suggest an
5 adult relative or relatives whom ~~he or she~~ THE PARENT believes to be the
6 most appropriate caretaker or caretakers for the child. If appropriate, the
7 child or children shall be consulted regarding suggested relative
8 caretakers. The court shall order each parent to notify every relative who
9 may be an appropriate relative caretaker for the child that failure to come
10 forward in a timely manner may result in the child being placed
11 permanently outside of the home of the child's relatives, if the child is not
12 able to return to the child's home. In addition, the court shall advise each
13 parent that failure to identify these relatives in a timely manner may result
14 in the child being placed permanently outside of the home of the child's
15 relatives.

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

18 **19-3-705. Transition hearing.** (3) The court shall advise the
19 youth that:

20 (e) ~~The youth has the right to counsel who will represent the~~
21 ~~youth's objectives, beginning on the youth's eighteenth birthday. The~~
22 ~~youth has the right to choose whether to have the youth's current guardian~~
23 ~~ad litem reappointed as counsel or to have a different individual~~
24 ~~appointed as counsel pursuant to section 19-3-203. The youth has the~~
25 ~~right to consult with the youth's counsel about the decision whether to~~
26 **emancipate** THE YOUTH HAS THE RIGHT TO COUNSEL WHO SHALL
27 REPRESENT THE YOUTH THROUGHOUT THE YOUTH'S PARTICIPATION IN THE

1 FOSTER YOUTH TRANSITION PROGRAM. The court shall advise the youth
2 that the current emancipation transition hearing may be continued for up
3 to one hundred nineteen days if the youth would like additional time to
4 make a decision or to prepare for emancipation. The court shall ask the
5 youth whether the youth has had sufficient opportunity to consult with
6 counsel and if the youth is ready to make a decision at the current time or,
7 alternatively, if the youth would like to request a continuance of up to one
8 hundred nineteen days.

9 **SECTION 28.** In Colorado Revised Statutes, 19-5-208, **amend**
10 (4.5)(h) as follows:

11 **19-5-208. Petition for adoption - open adoption - post-adoption**
12 **contact agreement.** (4.5) (h) In any case where a post-adoption contact
13 agreement is being considered by the court and a guardian ad litem OR
14 COUNSEL FOR YOUTH is currently appointed for the child OR YOUTH
15 pursuant to section 19-3-203, the court shall appoint the guardian ad litem
16 to represent the best interests of the child OR YOUTH, OR THE COUNSEL FOR
17 YOUTH TO REPRESENT THE POSITION AND OBJECTIVES THAT THE CHILD OR
18 YOUTH WANT, with respect to the contact agreement. The guardian ad
19 litem's OR COUNSEL FOR YOUTH'S representation in these proceedings is
20 limited solely to making a recommendation as to whether the agreement
21 proposed by the petitioner is in the best interests of the child and should
22 be adopted as proposed. The court shall not make additions or
23 modifications to the agreement in accordance with the recommendations
24 of the guardian ad litem OR COUNSEL FOR YOUTH unless the petitioner
25 consents to the additions or modifications. The duties of the guardian ad
26 litem OR COUNSEL FOR YOUTH terminate upon the entry of the decree of
27 adoption.

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

3 **19-5-217. Enforcement or termination of post-adoption**
4 **contact agreement.** (2) The court may appoint a guardian ad litem for
5 the adopted child, OR A COUNSEL FOR YOUTH FOR AN ADOPTED CHILD
6 TWELVE YEARS OF AGE OR OLDER, at the time of any action for the
7 enforcement or termination of the post-adoption contact agreement if the
8 court determines that consideration of the factors set forth in section
9 19-5-103 (9)(a) require the appointment of a guardian ad litem OR A
10 COUNSEL FOR YOUTH. In all adoptions other than those in which the child
11 is placed by the county department, a party or parties shall pay reasonable
12 fees for the services of the guardian ad litem OR COUNSEL FOR YOUTH
13 unless a party is indigent, in which case ~~such fees shall be paid by the~~
14 office of the child's representative SHALL PAY THE FEES.

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

17 **19-7-101. Legislative declaration.** (1) The general assembly
18 finds and declares that youth in foster care, excluding those in the custody
19 of the division of youth services or a state hospital for persons with
20 mental health disorders, should enjoy the following:

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

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

27 **19-7-102. Protection against identity theft.** (1) The court shall

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

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

18 **19-7-202. Legislative declaration.** (2) The general assembly
19 further finds and declares that it is the responsibility of all adults involved
20 in a youth's life, including but not limited to county departments, parents,
21 foster parents, guardians ad litem, COUNSEL FOR YOUTH, court-appointed
22 special advocates, next of kin, treatment providers, and others, to seek
23 opportunities to foster those sibling relationships to promote continuity
24 and help to sustain family relationships.

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

27 **22-32-138. Out-of-home placement students - school stability,**

1 **transfer, and enrollment procedures - absences - exemptions -**
2 **provision of academic supports - definitions.** (2) (b) The child welfare
3 education liaison shall be responsible for working with child placement
4 agencies, county departments, and the state department of human services
5 to facilitate services to maintain students in out-of-home placement in
6 their schools of origin or, if the county department determines that it is
7 not in the students' best interests to remain in the school of origin,
8 facilitate the prompt and appropriate placement, transfer, and enrollment
9 in school of students in out-of-home placement within the school district
10 or who are enrolled or enrolling in institute charter schools. The child
11 welfare education liaison's specific duties include but need not be limited
12 to:

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

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

22 **26-6-106.5. Foster care - kinship care - rules applying**
23 **generally - rule-making.** (2) At a minimum, the rules described in
24 subsection (1) of this section must include the following:

25 (b) The immediate notification of a child's guardian ad litem OR
26 COUNSEL FOR YOUTH upon the child's placement in a foster care home,
27 and the provision of the guardian ad litem's OR COUNSEL FOR YOUTH'S

1 contact information to the foster parents;

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

4 **26-7-104. General information for prospective adoptive**
5 **families.** (1) At the time that the family is matched for adoption of a
6 child or youth who is potentially eligible for benefits pursuant to this
7 article 7, the state department, a county department, or a nonprofit child
8 placement agency, as appropriate, shall provide the prospective adoptive
9 family, in writing, with information concerning the following:

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

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

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

17 **42-2-108. Application of minors - rules.** (1) (a) (II) When an
18 applicant has been made a ward of any court in the state for any reason
19 and has been placed in foster care, the foster parents or parent may sign
20 the affidavit of liability for the minor. If the parent or foster parent is
21 unwilling or unable to sign the affidavit of liability, a guardian ad litem
22 OR COUNSEL FOR YOUTH, an official of the county department of human
23 or social services having custody of the applicant, or an official of the
24 division of youth services in the state department of human services
25 having custody of the applicant may sign the application for an instruction
26 permit without signing the affidavit of liability for the minor if the
27 requirements of subsection (1)(b) of this section are met; except that,

1 prior to signing the application for an instruction permit, the guardian ad
2 litem OR COUNSEL FOR YOUTH or other official shall notify the court of ~~his~~
3 ~~or her~~ THE GUARDIAN AD LITEM'S OR COUNSEL FOR YOUTH'S OR OTHER
4 OFFICIAL'S intent to sign the application, and except that the guardian ad
5 litem OR COUNSEL FOR YOUTH or official shall not sign the application for
6 an instruction permit for a minor who is placed in foster care and is under
7 seventeen years of age without first obtaining the consent of the foster
8 parent. If the minor is seventeen years of age or older and is in the care
9 of a foster parent, in order to prepare the minor for emancipation from
10 foster care and to assist the minor in obtaining important life skills, the
11 guardian ad litem OR COUNSEL FOR YOUTH or official shall consult with
12 the foster parent of the minor about the opportunity for the minor to learn
13 driving skills under the restrictions provided in subsection (1)(b) of this
14 section prior to signing an application for an instruction permit. The
15 guardian ad litem OR COUNSEL FOR YOUTH or official shall solicit the
16 opinion of the minor's foster parent concerning the minor's ability to
17 exercise good judgment and make decisions as well as the minor's overall
18 capacity to drive.

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

1 under oath that ~~he or she~~ THE PERSON is aware of the purpose of the
2 hearing but cannot attend.

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

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

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

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

24 **SECTION 37. Act subject to petition - effective date.** This act
25 takes effect January 9, 2023; except that, if a referendum petition is filed
26 pursuant to section 1 (3) of article V of the state constitution against this
27 act or an item, section, or part of this act within the ninety-day period

1 after final adjournment of the general assembly, then the act, item,
2 section, or part will not take effect unless approved by the people at the
3 general election to be held in November 2022 and, in such case, will take
4 effect ___ January 9, 2023, or on the date of the official declaration of the
5 vote thereon by the governor, whichever is later.