



Year	Case or law	What it means
1982	<i>McCall v. District Court</i> , 651 P.2d 392, 394 (Colo. 1982)	Colorado Supreme Court held that the State of Colorado is the “exclusive party” entitled to bring dependency and neglect proceedings. This remains good law and was affirmed in 2025 by Colorado Supreme Court in <i>R.M.P.</i>
1986	<i>People in Int. of R.E.</i> , 729 P.2d 1032, 1034 (Colo. App 1986)	“a division of the court of appeals carved out a narrow exception to that rule, holding that once the State has filed a dependency and neglect petition, a child, through a guardian ad litem, may pursue a determination of the petition’s merits—even if the State wishes to dismiss the case.” <i>R.M.P.</i> ¶11.
2023	HB 22-1038 goes into effect	HB 22-1038 provides client-directed counsel for youth ages 12 and older in dependency and neglect cases. It also clarifies that children are parties to the case. It does not state that children can prosecute adjudication against their parent or that they can prosecute terminations, and nothing in the Children’s Code provides these powers to parents or children.
2025	<i>In re People in the Interest of R.M.P.</i> , 569 P.3d 1202 (Colo. 2025)	On June 2, 2025, the Colorado Supreme Court holds that under the <i>parens patriae</i> doctrine and the Children’s Code, the State is the sole party with standing to prosecute dependency and neglect proceedings, overruling <i>People in Int. of R.E.</i> but affirming the <i>McCall</i> decision.
2026	HB 26-1227 introduced	The bill would reverse the Supreme Court’s decision in <i>R.M.P.</i> and provide statutory rights for children to pursue adjudication against their parents, even when the county moves to dismiss the case prior to adjudication.
		HB 26-1227 as introduced
	Avoids Fiscal impact	No – allowing CFYs to prosecute adjudications would fiscally impact ORPC, OCR, Judicial, & counties
	Protects children’s appellate rights	Yes
	Preserves counties as only party that can prosecute adjudication	No – children as young as 12 would be able to prosecute adjudication against their parents even if there is no safety concerns and no one believes it in their best interests.
	Keeps children safe	Yes
	Ensures both children and parents have strong voices	No – parents would not have the right to object to dismissal, but children would, and children over 12 would have veto power over case being dismissed
	Avoids constitutional concerns	No – gives children state paid attorney to prosecute their parents when parent is presumed fit and is not narrowly tailored to meet compelling gov’t interest
		HB 1227 if amended as requested by ORPC
	Avoids Fiscal impact	Yes – children already participate in appeals, and this would affirm what is already occurring
	Protects children’s appellate rights	Yes
	Preserves counties as only party that can prosecute adjudication	Yes – <i>R.M.P.</i> and <i>McCall</i> would remain good law, and only counties could prosecute adjudications.
	Keeps children safe	Yes – children could still be represented by GAL or CLR in DR or probate matters
	Ensures both children and parents have strong voices	Yes – both parents and children would be represented by counsel at all stages of the proceeding and able to request the same types of hearings
	Avoids constitutional concerns	Yes – preserves government’s role as <i>parens patriae</i> in protecting children

Amend **HB26-1227** to Avoid Weaponizing Our Juvenile Court System

THE COLORADO SUPREME COURT’S OPINION IN [R.M.P. AFFIRMED LONG STANDING PRECEDENT](#) – In June 2025, the Colorado Supreme Court affirmed that only the government may prosecute a dependency and neglect action, writing:

- “For over forty years, this court has consistently held that “[t]he State is the exclusive party entitled to bring an action in dependency and neglect.” *In re People ex rel. R.M.P.*, 2025 CO 34, ¶19.
- “[N]othing in the Children’s Code allows a child to prosecute a dependency and neglect petition in the name of the People.” *Id.* at ¶24.

YOUTH HAVE A STRONG VOICE IN JUVENILE COURT - ORPC supported the creation of client-directed counsel for youth in 2022. The parts of this bill that affirm youth’s appellate rights are important to securing youth’s rights to participate in appeals, and the ORPC supports them (page 2, lines 6-16 and page 3, lines 9-23).

ALLOWING CHILDREN TO PROSECUTE THEIR PARENTS WOULD WEAPONIZE THE CHILD WELFARE SYSTEM – As Chief Justice Monica Márquez wrote in the *R.M.P.* decision,

- “to allow a child (or another non-state party, such as a family member or foster parent) to prosecute the dependency and neglect actions risks transforming the government’s *parens patriae* authority to protect children into a weaponized family court system.” ¶124.
- This bill would appoint a state-paid attorney for children to prosecute their own parents, even when county departments of human services have determined a dependency and neglect case is not necessary for the child’s safety. This would leave parents with a dependency and neglect adjudication on their record even when the Department does not believe a case is necessary for the child’s safety.

COSTING THE STATE MONEY – This bill will cost the state more money because:

- **Placement:** Youth who wish to prosecute their parents are likely to be in higher cost placements. Some of these placements cost over \$150,000 a year. Counties will be forced to pay for these placements even when they don’t believe they are necessary for safety, possibly without federal matching funds.
- **Legal system costs:** 90% of parents have state-paid counsel, and all children have state- paid counsel. In her remarks to the JBC on January 6, 2026, Chief Justice Márquez identified counsel for youth as a driver of increased juvenile court costs. This will increase court time and costs for contested hearings unnecessarily.

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