



**Colorado  
Legislative  
Council  
Staff**

**HB16-1316**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0976  
**Prime Sponsor(s):** Rep. Rosenthal  
Sen. Cooke

**Date:** September 7, 2016  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Bill Zepernick (303-866-4777)

**BILL TOPIC:** CHANGE VENUE CHILDREN IN OUT-OF-HOME PLACEMENT

<b>Fiscal Impact Summary</b>	<b>FY 2016-2017</b>	<b>FY 2017-2018</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	Potential increase in workload and costs.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Potential ongoing increase in workload and costs.		

**Summary of Legislation**

The bill amends the Colorado Children's Code to clarify the procedures for determining proper venue in dependency and neglect cases. Specifically, the bill states that a child who is placed in the legal custody of a county department shall be deemed, for the entire period of the placement, to reside in the county in which the child's legal parent or guardian resides or is located. This applies even if the child physically resides in an out-of-home placement located in another county.

When proceedings begin in a county other than the child's county of residence, the court may transfer the case to the county where the child's parent or legal guardian resides, unless:

- the legal parent or guardian has a history of frequent moves, unless there is evidence of stability and the intent to remain in the new residence for six or more months;
- the transfer of venue will disrupt continuity of care or provision of services;
- the case is likely to close within three to six months; and
- the case is an expedited permanency planning case for a child under six years of age, unless it has been proven that a transfer of the proceedings is in the child's best interest.

The bill also sets forth procedures for holding hearings related to venue change requests and requires that the county attorney in the receiving county be notified that a motion to change venue has been filed. The county attorney in the proposed receiving county may file responsive pleadings and appear at the hearing set by the court.

## State Expenditures

The bill may increase workload and costs in the Judicial Department, likely by a minimal amount. First, the bill may increase workload for the trial courts to hold additional or lengthier hearings concerning the venue of dependency and neglect cases. However, any increase in trial court workload may be offset by a reduction in the number of hearings under the bill from imposing restrictions on requesting a change in venue under certain conditions. Second, the bill may increase workload and costs for respondent parents' counsel that represent indigent parents involved in dependency and neglect cases and for guardians ad litem that represent the best interest of the child. To the extent additional hearings are conducted or other costs are incurred by appointed counsel for things such as mileage reimbursement to attend hearings outside the usual venue, costs to the Office of Respondent Parents' Counsel and the Office of the Child's Representative may increase. It is assumed any increase in costs, if incurred, can be addressed through the annual budget process.

## Local Government Impact

The bill may increase workload for county attorneys and county departments of human services to participate in additional hearings concerning the venue of dependency and neglect cases. Overall, any impact to counties is assumed to be minimal.

## Effective Date

The bill was signed into law by the Governor on April 21, 2016, and it became effective on August 10, 2016.

## State and Local Government Contacts

Counties  
Judicial

Human Services  
Law

Information Technology  
Sheriffs