



**Colorado
Legislative
Council
Staff**

HB17-1110

FISCAL NOTE

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

Drafting Number: LLS 17-0569
Prime Sponsor(s): Rep. Beckman

Date: February 6, 2017
Bill Status: House Judiciary
Fiscal Analyst: Bill Zepernick (303-866-4777)

BILL TOPIC: JURISDICTION JUVENILE COURT PARENTAL RESPONSIBILITIES

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	\$160,680	Potential increase.
General Fund	160,680	See State Expenditures section.
Appropriation Required: \$160,680 - Judicial Department (FY 2017-18).		
Future Year Impacts: Potential state expenditure increase.		

Summary of Legislation

The bill allows the juvenile court to enter orders involving allocation of parental responsibilities, parenting time, and child support as part of a juvenile delinquency case when the following conditions are met:

- the juvenile court has maintained jurisdiction in a case involving an adjudicated juvenile, a juvenile with a deferred adjudication, or a juvenile on a management plan;
- a child custody action or action for allocation of parental responsibilities concerning the juvenile is not pending in district court; and
- all parties involved are in agreement, or all parents, guardians or other legal custodians are given notice and no response or objection is filed.

Such orders concerning a juvenile may be entered upon the petition of any party to a juvenile delinquency case, the county department of human or social services, or the guardian ad litem for the juvenile. If an order is issued, the parent or other non-parent person with whom the juvenile resides the majority of the time pursuant to the juvenile court order must file a certified copy of the order with the district court in the county where the juvenile resides. The district court is required to treat the order in the same manner as any other decree concerning allocation of parental responsibilities.

Background

Under current law, orders concerning allocation of parental responsibility, parenting time, and child support may be issued in dissolution of marriage or other domestic relations proceedings. Such issues may also be addressed in juvenile court during dependency and neglect proceedings.

In certain circumstances during juvenile delinquency proceedings, the juvenile court may issue a temporary custody order to allow a juvenile to live outside their home and give custody to a relative or other person. Such temporary custody orders automatically expire once the juvenile's case closes and any probation period is successfully completed, and the juvenile may return to their parents, if possible. If the parents are unable or unwilling to care for the juvenile following expiration of the temporary order, the juvenile may be placed in foster care and a separate dependency and neglect action may be initiated to find an alternate custody arrangement.

State Expenditures

The bill increases costs in the Judicial Department by \$160,680 in FY 2017-18 for computer system changes. The bill may also increase costs in the Office of the Child's Representative (OCR) and result in a minimal reduction in trial court workload. These impacts are discussed below.

Computer system modifications. In order to track permanent orders relating to allocation of parental responsibility and civil protection orders during criminal juvenile delinquency proceedings, modifications to the Judicial Department's case management system are required. This work will require 1,560 hours of programming time and systems testing at a rate of \$103 per hour, resulting in a one-time cost of \$160,680 in FY 2017-18.

Office of the Child's Representative. The OCR provides contract attorneys to serve as guardians ad litem during juvenile delinquency proceedings when appointed by the court. During these proceedings, the guardian ad litem focuses on issues such as the juvenile's understanding of the proceedings, competency issues, and the due process and statutory rights of the juvenile. Adding allocation of parental responsibilities to these cases will increase workload for the guardian ad litem to conduct custody evaluations and to respond to permanent custody orders. Some of this increase in workload and costs may be partially offset by savings from fewer dependency and neglect cases following delinquency proceeding and fewer domestic relations cases involving indigent parents in which a child legal representative is appointed.

At this time, it is unknown how often allocation of parental responsibility will arise in juvenile delinquency proceedings and the exact impact on guardian ad litem workload. Assuming a rate of \$75 per hour and 10 hours per case, OCR costs may increase by \$775 for each juvenile delinquency proceeding in which permanent custody issues are addressed. The fiscal note assumes that any additional appropriations, if needed, will be requested by OCR through the annual budget process once more information is known on the actual use and costs of this process.

Trial courts. The new process under the bill may result in fewer dependency and neglect cases being filed if permanent custody can be settled as part of an initial delinquency case. Any savings are assumed to be minimal and no change in appropriations is required.

Department of Human Services. The bill may increase the amount of legal services required by the Division of Youth Corrections in the Department of Human Services to review and advise on custody matters concerning youth in custody of the department during juvenile delinquency proceedings. It is assumed this work can be accomplished within the existing legal service appropriations to the Department of Human Services.

Local Government Impact

The bill will likely reduce workload and costs for county departments of human services. By allowing permanent custody to be addressed in a juvenile delinquency proceedings, fewer juveniles may be placed in foster care and county departments will have fewer dependency and neglect cases to pursue following delinquency cases. In addition, the Denver County Court, funded and operated by the City and County of Denver, may also experience workload savings to the extent dependency and neglect cases are avoided. Overall savings to counties will depend on the frequency in which the new process is used.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2017-18, the bill requires a General Fund appropriation of \$160,680 to the Judicial Department.

State and Local Government Contacts

Counties
Information Technology

District Attorneys
Judicial

Human Services
Law