

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0045.02 Jane Ritter x4342

HOUSE BILL 22-1113

HOUSE SPONSORSHIP

Van Beber,

SENATE SPONSORSHIP

(None),

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AMENDING THE APPEALS PROCEDURES IN DEPENDENCY
102 AND NEGLECT CASES TO MINIMIZE DELAY IN ACHIEVING
103 PERMANENCY FOR CHILDREN.

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>.)

There is a child welfare appeals workgroup established in the state judicial department that made recommendations for changes in 2021. The bill requires the child welfare appeals workgroup to monitor those changes, study changes to the child welfare appeals system, and submit reports in January 2023 and July 2024.

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.

The bill requires the district court to make written orders within 35 days after a hearing.

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) When an appeal is pending in a dependency and neglect case,
5 families face an uncertain future. Children do not know where they will
6 live or who will care for them.

7 (b) In 2019, it took three hundred ten days, almost one year, for
8 the court of appeals to issue an opinion in one of these cases. As a result,
9 the Colorado general assembly established the child welfare appeals
10 workgroup in the judicial department to consider necessary changes to
11 practices, rules, and statutes to ensure that appeals in cases concerning
12 relinquishment, adoption, and dependency and neglect are resolved within
13 six months after filing.

14 (c) The workgroup published its final report to the Colorado
15 supreme court on April 23, 2021. It included recommendations for
16 training for judges and court staff on the requirements of the federal
17 "Indian Child Welfare Act of 1978", 25 U.S.C. sec. 1901 et seq.;
18 improvement of courtroom recording technology; training for judges,
19 attorneys, court staff, and court reporters on appellate issues; timelines for
20 appellate attorneys to review the electronically filed record and for filing
21 motions to supplement and complete the record; creation of appellate
22 forms for attorney use; modification of appellate rules to allow law
23 student externs to appear in these proceedings before the court of appeals;
24 ways for the judicial branch to prioritize obtaining additional resources;
25 and the continuation of the workgroup. The majority of these workgroup

1 recommendations await direction on implementation.

2 (d) It is in the best interest of children to achieve permanency in
3 a timely manner, while still respecting the rights of the parents and
4 valuing the roles of kinship placement and foster parents.

5 (2) Therefore, the general assembly finds that it is in the state's
6 best interest to allow the workgroup to continue its important work for
7 two and a half additional years, from January 1, 2022, to July 1, 2024.

8 **SECTION 2.** In Colorado Revised Statutes, 19-1-109, **amend** (3)
9 as follows:

10 **19-1-109. Appeals - child welfare appeals workgroup - created**
11 **- reports.** (3) (a) ~~A workgroup~~ THE CHILD WELFARE APPEALS
12 WORKGROUP IS ESTABLISHED IN THE STATE JUDICIAL DEPARTMENT AND
13 REFERRED TO IN THIS SUBSECTION (3) AS THE "WORKGROUP". THE
14 PURPOSE OF THE WORKGROUP IS to consider necessary changes to
15 practices, rules, and statutes ~~in order~~ to ensure that appeals in cases
16 concerning relinquishment, adoption, and dependency and neglect ~~be~~ ARE
17 resolved within six months after being filed. ~~shall be established. The~~
18 ~~workgroup shall be known as the child welfare appeals workgroup and~~
19 ~~shall be created in the state judicial department.~~

20 (b) BEGINNING JANUARY 1, 2022, THE WORKGROUP SHALL
21 MONITOR, FOR TWO YEARS, THE IMPLEMENTATION OF THE
22 RECOMMENDATIONS OF THE WORKGROUP'S 2021 FINAL REPORT,
23 DETERMINE IF OTHER ISSUES ARE CONTRIBUTING TO APPELLATE DELAY,
24 STUDY OPPORTUNITIES TO REDUCE DELAY IN CHILD WELFARE APPEALS,
25 AND PROVIDE TRAINING. NO LATER THAN JANUARY 1, 2023, THE JUDICIAL
26 DEPARTMENT SHALL REPORT TO THE HEALTH AND HUMAN SERVICES
27 COMMITTEE OF THE SENATE AND THE PUBLIC AND BEHAVIORAL HEALTH

1 AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES,
2 OR ANY SUCCESSOR COMMITTEES, ON THE STATUS OF THE WORKGROUP'S
3 DATA COLLECTION; IDENTIFIED NECESSARY RESOURCES; PROGRESS MADE
4 ON IMPLEMENTATION OF THE RECOMMENDATIONS; OUTSTANDING
5 RECOMMENDATIONS; ADDITIONAL CHANGES TO PRACTICES, RULES, AND
6 STATUTES NECESSARY TO ENSURE THAT APPEALS ARE RESOLVED WITHIN
7 SIX MONTHS OF FILING; AND THE IMPACT THOSE RECOMMENDATIONS ARE
8 HAVING ON APPELLATE DELAY. NO LATER THAN JULY 1, 2024, THE
9 WORKGROUP SHALL ALSO ISSUE A FINAL REPORT.

10 **SECTION 3.** In Colorado Revised Statutes, 19-3-609, **add** (3) as
11 follows:

12 **19-3-609. Appeals - time requirements.** (3) ALL WRITTEN
13 ORDERS BY THE DISTRICT COURT FROM ANY APPEALABLE HEARING MUST
14 BE MADE WITHIN THIRTY-FIVE DAYS AFTER THE HEARING TO PROVIDE
15 TIMELY PERMANENCY FOR THE CHILD OR CHILDREN WHO ARE THE SUBJECT
16 OF THE APPEAL.

17 **SECTION 4. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2022 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.