



**Colorado
Legislative
Council
Staff**

HB17-1110

**REVISED
FISCAL NOTE**

(replaces fiscal note dated February 13, 2017)

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

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

Date: March 22, 2017
Bill Status: Senate 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	Potential increase.	
General Fund	See State Expenditures section.	
Appropriation Required: None.		
Future Year Impacts: Potential state expenditure increase.		

Summary of Legislation

The **reengrossed 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, a dependency and neglect action, or an action for allocation of parental responsibilities concerning the juvenile is not pending in district court;
- proper notice is given at least seven days before the hearing stating in plain language that the hearing concerns parental responsibilities; and
- all parties, parents, guardians, and other legal custodians are in agreement, or after notice, no objection is filed.

For the court to take up allocation of parental responsibility in a juvenile delinquency case, all parties, parents, guardians, or other legal custodians must submit a stipulated agreement to the court on the use of the procedure under the bill. 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. In other cases, family members may pursue a separate action in family court to determine custody-related issues if a return to the parent is not possible or preferred.

State Expenditures

The bill affects workload and costs in several state agencies as discussed below. On net, these impact are assumed to be minimal and no change in appropriations is required at this time.

Office of the Child's Representative. The Office of the Child's Representative (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 proceedings 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.

Office of the State Public Defender. The Office of the State Public Defender (OSPD) represents youths charged with crimes in juvenile delinquency proceedings if his or her family cannot afford counsel. The process created by the bill occurs while an appointed public defender is still representing the juvenile concerning the criminal aspects of the delinquency case. Adding allocation of parental responsibilities during delinquency proceedings will increase the time that appointed public defenders spend in these hearings, which will increase costs for the OSPD. These increases may be offset to the extent additional custody options allow juvenile delinquency cases to be closed more quickly, rather than extended to allow more time in a temporary custody arrangement while the delinquency case is pending. Given the relatively small number of cases in which the procedure under the bill is expected to be used, overall impact to the OSPD will be minimal. Should additional appropriations be required, it is assumed they will be requested through the annual budget process.

Trial courts. The new process under the bill may result in fewer dependency and neglect and domestic relation 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.

Computer system changes. The Judicial Department may be required to make minor modifications to its case management data system to reflect the new process created by the bill. It is assumed that this work can be accomplished within existing appropriations. In the event a case in the juvenile court involving custody matters requires protection orders and other motions that cannot be tracked as part of a criminal delinquency proceeding in the data system, it is assumed that the case would likely not have the consent of all parties and a separate domestic relation or dependency and neglect action would need to be filed.

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 proceeding, 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 and Local Government Contacts

Counties	District Attorneys	Human Services
Information Technology	Judicial	Law