



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Fiscal Note

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<b>Drafting Number:</b>	LLS 21-0407	<b>Date:</b>	February 16, 2021
<b>Prime Sponsors:</b>	Rep. Daugherty Sen. Lee; Gardner	<b>Bill Status:</b>	House Judiciary
		<b>Fiscal Analyst:</b>	Will Clark   303-866-4720 Will.Clark@state.co.us

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**Bill Topic:** JURISDICTION TO MODIFY FAMILY LAW ORDERS ON APPEAL

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill gives trial courts continuing jurisdiction to modify parenting time, decision-making responsibilities and child support orders while an appeal is pending. The bill has the potential to increase trial court workload on an ongoing basis.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** This fiscal note reflects the introduced bill

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## Summary of Legislation

This bill gives trial courts continuing jurisdiction to conduct the following activities while there is a pending appeal in a case:

- modify child support or maintenance orders;
- make or modify an order granting or denying parenting time rights;
- modify an order allocating decision-making responsibilities;
- exercise temporary emergency jurisdiction under the Uniform Child-Custody Jurisdiction and Enforcement Act; and
- modify an order concerning allocation of parental rights and responsibilities under the Uniform Child Abduction Prevention Act and the Uniform Parentage Act.

## Background

On January 13, 2020, the Colorado Supreme Court issued an opinion in which it held that a trial court does not retain jurisdiction to modify parenting time or decision-making orders based on a change in circumstances when those orders are being appealed. In their decision, the Supreme Court reasoned that the statutes at issue did not specifically grant trial courts continuing jurisdiction after an appeal

has been perfected. This bill continues jurisdiction that was presumed prior to the January 2020 Supreme Court decision.

## **State Expenditures**

The bill will minimally increase workload in the Judicial Department and the Department of Human Services beginning in FY 2021-22.

**Judicial Department.** Workload will minimally increase in the trial courts and Court of Appeals to adjudicate additional cases under the bill. Prior to the Supreme Court's decision, these courts were managing these cases; therefore, no change in appropriations is required.

The provisions of the bill are expected to increase appeals of allocation of parental responsibility orders, which is expected to increase Office of the Respondent Parents' Counsel (ORPC) appellate appointments by an estimated two cases per year. This additional workload can be accomplished within existing appropriations. If the ORPC is involved in additional appellate cases, additional resources will be addressed through the annual budget process.

**Department of Human Services.** Workload will increase in the Department of Human Services to update materials and provide staff training. No change in appropriations is required.

## **Local Government**

Similar to the state, workload will minimally increase in county human services agencies to update materials and provide staff training.

## **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## **State and Local Government Contacts**

Child Welfare	Counties	Human Services
Information Technology	Law	