

An Act

HOUSE BILL 22-1113

BY REPRESENTATIVE(S) Van Beber and Kipp, Boesenecker, Duran, Exum, Jodeh, Lindsay, Rich, Valdez D.;
also SENATOR(S) Kirkmeyer and Ginal, Bridges, Buckner, Cooke, Fields, Gonzales, Hansen, Hinrichsen, Kolker, Liston, Lundeen, Moreno, Priola, Rankin, Scott, Simpson, Smallwood, Winter, Woodward, Zenzinger, Fenberg.

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

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

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

(b) In 2019, it took three hundred ten days, almost one year, for the court of appeals to issue an opinion in one of these cases. As a result, the

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

Colorado general assembly established the child welfare appeals workgroup in the judicial department to consider necessary changes to practices, rules, and statutes to ensure that appeals in cases concerning relinquishment, adoption, and dependency and neglect are resolved within six months after filing.

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

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

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

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

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

department.

(b) BEGINNING JANUARY 1, 2022, THE WORKGROUP SHALL MONITOR, FOR TWO YEARS, THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE WORKGROUP'S 2021 FINAL REPORT, DETERMINE IF OTHER ISSUES ARE CONTRIBUTING TO APPELLATE DELAY, STUDY OPPORTUNITIES TO REDUCE DELAY IN CHILD WELFARE APPEALS, AND PROVIDE TRAINING. NO LATER THAN JANUARY 1, 2023, THE JUDICIAL DEPARTMENT SHALL REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON THE STATUS OF THE WORKGROUP'S DATA COLLECTION; IDENTIFIED NECESSARY RESOURCES; PROGRESS MADE ON IMPLEMENTATION OF THE RECOMMENDATIONS; OUTSTANDING RECOMMENDATIONS; ADDITIONAL CHANGES TO PRACTICES, RULES, AND STATUTES NECESSARY TO ENSURE THAT APPEALS ARE RESOLVED WITHIN SIX MONTHS OF FILING; AND THE IMPACT THOSE RECOMMENDATIONS ARE HAVING ON APPELLATE DELAY. NO LATER THAN JULY 1, 2024, THE WORKGROUP SHALL ALSO ISSUE A FINAL REPORT.

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

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

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO