



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 22-0272	Date:	January 24, 2022
Prime Sponsors:	Rep. Daugherty; Van Beber Sen. Moreno; Gardner	Bill Status:	House Judiciary
		Fiscal Analyst:	Will Clark 303-866-4720 Will.Clark@state.co.us

Bill Topic: **RIGHT TO COUNSEL FOR YOUTH**

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 requires youth, twelve years of age or older, to be appointed client-directed legal counsel in dependency and neglect hearings. It increases state and local workload on an ongoing basis beginning in FY 2022-23.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Currently, courts appoint a guardian ad litem (GAL) to children and youth in dependency and neglect proceedings. This bill requires that youth, age twelve or older, instead be appointed a client-directed counsel in proceedings for dependency and neglect, expedited permanency placement, and adoption. The counsel must be an attorney-at-law licensed to practice in Colorado and approved by the Office of the Child's Representative (OCR). A court may appoint both a GAL and a counsel if a youth has diminished capacity.

The bill also grants GALs and counsel for youth access to confidential information about youth that form the basis of recommendations made to the court, including:

- educational, medical, and mental health records;
- social service agency files;
- court records; and,
- delinquency records.

The bill gives youth, age twelve or older, the right to participate in all dependency and neglect hearings related to their case, and requires consultation with youth about their disposition when finalizing permanency after a hearing in which the parent-child legal relationship has been terminated.

State Expenditures

The bill will increase workload in the Judicial Department and Department of Human Services beginning in FY 2022-23.

Judicial Department. The bill will increase workload in the trial courts. Hearing time may increase for dependency and neglect cases involving youth, ages 12 to 17, to consider arguments based on a youth's desired placement outcome and then make findings based on what is in the best interest of the youth. In addition, the bill will require additional data entry to be made in electronic court systems. However, this fiscal note assumes that the additional hearing time and data entry will be minimal and can be absorbed within existing resources.

Office of the Child's Representative. The fiscal note assumes that new client-directed counsel will be reimbursed at the current rate of GALs. Because the bill is changing representation for some youth from best interest to client-directed, and does not increase the total number of appointments, OCR does not require additional appropriations. In addition, the bill will require contractors, attorneys, consultants and court staff to be provided with additional information, training and guidance. It will also increase technology and communication costs. These changes and additional workload can be accomplished within existing appropriations.

Department of Human Services. Workload will increase in the Department of Human Services to update rules and provide guidance to counties in partnership with the OCR. No change in appropriations is required.

Local Government

Workload will minimally increase in county human services agencies to update materials and provide staff training.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Counties	Human Services	Information Technology	Judicial
----------	----------------	------------------------	----------