

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0441.01 Shelby Ross x4510

HOUSE BILL 26-1227

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HOUSE SPONSORSHIP

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House Committees  
Health & Human Services

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A BILL FOR AN ACT

101 CONCERNING AFFIRMING THE RIGHTS OF CHILDREN AND YOUTH IN  
102 DEPENDENCY AND NEGLECT PROCEEDINGS.

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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>.)*

Current law states that a child or youth named in a petition related to dependency and neglect proceedings is a party to the proceedings and has a right to attend and fully participate in all hearings related to the case. The bill affirms that as a party to the proceedings, the child or youth has legal standing regarding all matters related to the child's or youth's interests and the right to have the child's or youth's interests fully

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

represented by the guardian ad litem or counsel for youth throughout the proceedings, including appeals.

Once a petition is filed, ordered, or authorized for a dependency and neglect proceeding, if a county department of human or social services seeks dismissal of the petition prior to the adjudicatory hearing and the child or youth, through the child's or youth's guardian ad litem or counsel for youth, objects to the dismissal, the child has a right to a determination by the court as to whether the child or youth is dependent or neglected.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-3-502, **amend**  
3 (4.5); and **add** (4.7) as follows:

4 **19-3-502. Petition form and content - limitations on claims in**  
5 **dependency or neglect actions.**

6 (4.5) A child OR YOUTH named in the petition shall be a party to  
7 the proceedings and have the right to attend and fully participate in all  
8 hearings related to the child's OR YOUTH'S case. AS A PARTY TO THE  
9 PROCEEDINGS, A CHILD OR YOUTH HAS LEGAL STANDING REGARDING ALL  
10 MATTERS RELATED TO THE CHILD'S OR YOUTH'S INTERESTS AND THE RIGHT  
11 TO HAVE THE CHILD'S OR YOUTH'S INTERESTS FULLY REPRESENTED BY THE  
12 GUARDIAN AD LITEM OR COUNSEL FOR YOUTH THROUGHOUT THE  
13 PROCEEDINGS, INCLUDING APPEALS. The child's OR YOUTH'S guardian ad  
14 litem or counsel for youth shall provide developmentally appropriate  
15 notice to the child OR YOUTH of all hearings related to the child's OR  
16 YOUTH'S case.

17 (4.7) (a) ONCE A PETITION HAS BEEN FILED, ORDERED, OR  
18 AUTHORIZED, IF A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES  
19 SEEKS DISMISSAL OF THE PETITION PRIOR TO THE ADJUDICATORY HEARING  
20 AND THE CHILD OR YOUTH, THROUGH THE CHILD'S OR YOUTH'S GUARDIAN

1 AD LITEM OR COUNSEL FOR YOUTH, OBJECTS TO THE DISMISSAL, THE CHILD  
2 OR YOUTH HAS A RIGHT TO PURSUE A DETERMINATION BY THE COURT AS  
3 TO WHETHER THE CHILD OR YOUTH IS DEPENDENT OR NEGLECTED, UNLESS  
4 THE CHILD OR YOUTH, THROUGH THE CHILD'S OR YOUTH'S GUARDIAN AD  
5 LITEM OR COUNSEL FOR YOUTH, CANNOT ARTICULATE A BASIS UPON  
6 WHICH ADJUDICATION CAN BE GRANTED.

7 (b) THIS SUBSECTION (4.7) DOES NOT LIMIT A PARENT'S RIGHT TO  
8 DEMAND A JURY TRIAL PURSUANT TO SECTION 19-3-202.

9 **SECTION 2.** In Colorado Revised Statutes, 19-3-203, **amend** (6)  
10 as follows:

11 **19-3-203. Right to guardian ad litem and counsel for youth.**

12 (6) A person appointed to serve as counsel for youth pursuant to  
13 this section shall comply with the Colorado rules of professional conduct,  
14 provisions set forth in a chief justice directive concerning the court  
15 appointment of counsel for youth in this title 19, and subsequent chief  
16 justice directives or practice standards established by rule or directive of  
17 the chief justice pursuant to section 13-91-105 concerning the duties and  
18 responsibilities of a guardian ad litem and counsel for youth in legal  
19 matters affecting children or youth. Counsel for youth shall ~~ensure that~~  
20 ~~the child or youth has representation through pending appeals~~  
21 PARTICIPATE FULLY IN THE PROCEEDINGS TO THE DEGREE NECESSARY TO  
22 REPRESENT THE YOUTH, INCLUDING APPEALING MATTERS TO THE COURT  
23 OF APPEALS OR THE SUPREME COURT.

24 **SECTION 3. Safety clause.** The general assembly finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.