



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 26-1227: MINORS' RIGHTS IN DEPENDENCY & NEGLECT PROCEEDINGS

**Prime Sponsors:**

Rep. Gilchrist; Bradfield  
Sen. Mullica

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### Summary Information

**Overview.** The bill gives children and youth in dependency and neglect proceedings legal standing and the right to contest a county's dismissal of a case prior to a ruling.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures
- Local Government

**Appropriations.** The bill requires an appropriation of \$224,996 to multiple state agencies

**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$224,996	\$236,584
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## Summary of Legislation

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This bill clarifies that children and youth involved in dependency and neglect cases have legal standing on all matters affecting their interests, have the right to have their interests fully represented by a guardian ad litem (GAL) or counsel for youth (CFY), and have the right to participate in all proceedings, including appeals.

The bill also allows a child or youth, through their GAL or CFY, to pursue a determination of whether they are dependent or neglected if the county seeks to dismiss the case before a ruling.

## Background

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Under Colorado law, a child named in a dependency and neglect case is a party to the proceedings and is represented by either a GAL or CFY. Children and youth have the right to attend and participate in hearings related to their case.

Historically, following the Colorado Court of Appeals decision in *People in the Interest of R.E.*, courts permitted a hearing when a county department sought to dismiss a petition prior to adjudication over the objection of a child's GAL. In June 2025, the Colorado Supreme Court's decision in *People in Interest of R.M.P* held that only the state has the authority to prosecute a dependency and neglect petition, and that a child, through a GAL or CFY, may not continue to litigate a case once the county department has determined it should be dismissed. As a result, counties may have a dependency and neglect petition dismissed prior to adjudication without further litigation by the child.

In their FY 2026-27 budget requests, both the Office of the Child's Representative (OCR) and Office of the Respondent Parents' Counsel (ORPC) have requested decreases to their court-appointed attorney line items due to an overall decline in case filings. This overall decrease is being driven by a number of factors but one factor is the Colorado Supreme Court's decision. For FY 2026-27, the ORPC has requested a decrease of \$900,000 and the OCR has requested a decrease of \$871,000.

## State Expenditures

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The bill increases state General Fund expenditures by \$224,996 in FY 2026-27 and \$236,584 in FY 2027-28 and future years in the ORPC and the OCR. It will also increase workload for the trial courts in the Judicial Department. These costs are shown in Table 2 and described in the sections below.

**Table 2**  
**State Expenditures**  
**All Departments**

<b>Department</b>	<b>Budget Year FY 2026-27</b>	<b>Out Year FY 2027-28</b>
Office of Respondent Parent's Council	\$116,052	\$121,846
Office of the Child's Representative	\$108,944	\$114,738
<b>Total Costs</b>	<b>\$224,996</b>	<b>\$236,584</b>

### **Representation for Children and Parents in Dependency and Neglect Cases**

Beginning in FY 2026-27, expenditures will increase for the ORPC and the OCR to the extent that additional cases proceed to adjudication when a child or youth objects to a county's request to dismiss a case prior to a ruling. The fiscal note assumes that about 650 dependency and neglect cases per year are dismissed prior to adjudication. Of these cases, it is assumed that the GAL or CFY will object to the dismissal in about 12 percent (75 cases). Further, in about 20 percent of those cases (about 15 cases per year), the court will permit the petition to continue due to the objection of the GAL or CFY and proceed further in the adjudicatory process.

Based on these 15 cases proceeding further rather than being dismissed, costs for both the ORPC and OCR will increase for additional attorney time for hearing preparation and litigation, as well as potential appellate litigation, and related expenses such as transcripts, expert witnesses, and discovery. ORPC will also have costs of interdisciplinary advocates, utilized in approximately one-third of cases.

### **Trial Courts**

The bill may also impact workload in the Judicial Department. In cases where a child or youth objects to a county's dismissal prior to a ruling, the court may be required to conduct additional proceedings to resolve the issue. No change in appropriation is required.

## **Local Government**

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To the extent that the bill results in additional cases proceeding to adjudication after a county seeks dismissal prior to a ruling, counties will incur workload and placement-related costs. Costs will vary based on the individual circumstances of each case, including whether out-of-home placements is needed and duration of that placement. Additional costs may include attorney time, caseworker time, and case aide support. For every three months a case is extended, potential per-case court and administrative costs to a county are estimated at approximately \$6,580, including attorney fees of \$4,000, caseworker time of \$1,968, and case aide time of \$612.

Out-of-home placement costs, if applicable, would vary depending on the length and type of placement from a family-like home settings at \$60 per day to congregate care settings at \$160 per day.

Because the number of contested dismissals varies by jurisdiction, fiscal impacts to counties will vary. Counties with higher dependency and neglect caseloads would likely experience a greater share of any additional costs. Because the state did not reduce appropriations to the Child Welfare Block Grant specifically due to the Supreme Court's decision (unlike is assumed for the OCR and the ORPC based on their current budget requests), the fiscal note assumes additional appropriations are not required. The state currently covers 80 percent of child welfare costs to counties (from the General Fund and federal funds) and counties cover the remaining 20 percent.

## **Effective Date**

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

## **State Appropriations**

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For FY 2026-27, the bill requires the following General Fund appropriations:

- \$116,052 to the Office of Respondent Parent Counsel; and
- \$108,944 to the Office of the Child's Representative.

## Departmental Difference

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### Office of the Child’s Representative

The Office of the Child’s Representative does not anticipate that the bill will result in an increase in state expenditures. OCR indicates that the bill largely restores prior practice that was in place for decades before the Colorado Supreme Court’s Decision in *People in Interest of R.M.P.*, and that the number of cases in which a child objects to dismissal prior to adjudication has historically been limited. As a result, OCR does not believe the bill will require additional appropriations.

The fiscal note assumes that the current law baseline is state law as it exists after the Colorado Supreme Court ruling, not the previous status quo that existed prior to the ruling. In addition, because the OCR has requested a decrease in appropriations, in part due to a decrease of cases resulting from the Colorado Supreme Court decision. Based on this, the fiscal note accounts for the costs that OCR will have for an additional 15 cases. Even though the department states that an appropriation is not required, the fiscal note is required to provide information to the General Assembly on the likely costs that will be incurred and that will affect current and future year budget decisions.

### Office of the Respondent Parents’ Counsel

The Office of the Respondent Parents’ Counsel estimates that it will have costs of \$232,519 in FY 2026-27, and \$241,545 in FY 2027-28 and future years. This estimate is based on the assumption that there will be an additional 29 cases under the bill. The fiscal note assumes a smaller number of cases (15) due to the assumption that the court will deny the objection of the GAL or CFY in a higher percentage of cases.

## State and Local Government Contacts

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Child Welfare

Human Services

Counties

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).