



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 19-1042

FISCAL NOTE

Drafting Number:	LLS 19-0627	Date:	January 14, 2019
Prime Sponsors:	Rep. Gonzales-Gutierrez	Bill Status:	House Judiciary
		Fiscal Analyst:	Aaron Carpenter 303-866-4918 Aaron.Carpenter@state.co.us

Bill Topic: EXTEND COURT JURISDICTION FOR VULNERABLE YOUTH

Summary of Fiscal Impact:

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

The bill extends the jurisdiction of the court to appoint guardians and to rule on the allocation of parental responsibilities of an individual under the age of 21 if certain conditions are met. The bill will minimally increase state revenue and expenditures and may increase local government expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under current law, courts have the ability to appoint guardians and to rule on the allocation of parental responsibilities for minors up to the age of 18. This bill extends the jurisdiction of the court in these matters up to the age of 21, if that individual is residing with and dependent upon a caregiver and is requesting a finding from the court to establish the special immigrant juvenile classification under federal law. If the court finds sufficient credible evidence to support the findings for an individual's eligibility for classification as a special immigrant juvenile, the court must enter an order that determines that the individual has been placed under the custody of an individual appointed by the court; reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis; and it is not in the best interest of the individual to be returned to the their previous county.

Background

Special immigrant juveniles. The special immigrant juvenile classification is a status under federal law that is available to juveniles under the age of 21 who are present in the United States without legal immigration status and are in need of humanitarian protection. Youths with special immigrant juvenile status may immediately apply for permanent legal residency, if certain conditions are met. To be eligible, the child must be unmarried, under the age of 21, physically present in the United States, and have a juvenile court order. The court order must find that the child is dependent on the court, or is placed in the care of a guardian; that the child cannot be reunited with

his or her parent's due to abuse, neglect, or abandonment; and that it is not in the best interest of the child to return to his or her's country of nationality or last habitual residence. Once a court order is obtained, the child may then apply to the United States Citizenship and Immigration Services (USCIS) for the classification and for permanent legal residency.

State Revenue

Starting in the current FY 2018-19, to the extent that the bill results in more probate filings, cash fund revenue from court fees to the Judicial Department will increase. Based on the specific conditions on which someone between the ages of 18 and 21 may be considered a minor, the potential increase in cases and revenue is assumed to be minimal. Court fee revenue is subject to TABOR.

State Expenditures

Starting in the current FY 2018-19, workload for the Judicial Department and the Office of the Child's Representative will minimally increase, as discussed below.

Judicial Department. To the extent that the bill results in more guardianship hearings or hearings for the allocation of parental rights, workload for the courts will increase. However, it is assumed that any increase will be minimal and can be accomplished within existing appropriations.

Office of the Child's Representative. By expanding the definition of a minor, workload for the Office of the Child's Representative may increase if more guardians ad litem are appointed to assist individuals between the ages of 18 and 21 in hearings under the bill. Based on the specific conditions on which someone between the ages of 18 and 21 may be considered a minor, the increase in workload is assumed to be minimal and any increased costs will be addressed through the annual budget process, as necessary.

TABOR refunds. The bill may minimally increase state General Fund obligations for TABOR refunds in FY 2019-20. Under current law and Legislative Council Staff's December 2018 forecast, the bill will correspondingly increase the amount refunded to taxpayers via sales tax refunds on income tax returns for tax year 2020. The state is not expected to collect a TABOR surplus in FY 2020-21.

Local Government

To the extent that county departments of human services are involved in a guardianship or allocation of parental rights hearings for the population under the bill, workload will increase for those counties to provide services to those 18 to 21 year olds who meet the conditions of the bill.

Effective Date

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

State and Local Government Contacts

Counties
Information Technology
Office of the Child's Representative

Human Services
Judicial
Office of Respondent Parents' Counsel