

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0272.01 Alana Rosen x2606

**HOUSE BILL 22-1038**

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**HOUSE SPONSORSHIP**

**Daugherty and Van Beber,**

**SENATE SPONSORSHIP**

**Moreno and Gardner,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CLIENT-DIRECTED LEGAL REPRESENTATION FOR YOUTH**  
102 **IN COURT PROCEEDINGS FOR YOUTH.**

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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 requires the appointment of a guardian ad litem for children or youth in dependency and neglect cases. The bill requires that client-directed counsel for youth be appointed for children or youth 12 years of age or older to provide specialized client-directed legal representation.

The bill prohibits the waiver of a child's or youth's right to counsel

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

in dependency and neglect proceedings. The bill also allows a child or youth to be a party in a dependency and neglect proceeding. For a child or youth 12 years of age or older with diminished capacity, a guardian ad litem shall remain in the role and separate counsel for the child or youth must be appointed.

The bill makes conforming amendments.

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

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

4 (a) Every child or youth has a liberty interest in the child's or  
5 youth's own health, safety, well-being, and family relationships, which  
6 may be directly impacted by dependency and neglect proceedings;

7 (b) A child or youth deserves to have a voice when important and  
8 life-altering decisions are made about the child's or youth's life;

9 (c) A child or youth has the right to high-quality legal  
10 representation, to attend court proceedings, and to participate in  
11 dependency and neglect proceedings;

12 (d) Every child or youth deserves an attorney throughout the  
13 pendency of the court proceedings. Every child or youth twelve years of  
14 age or older deserves an attorney who will consider the child's or youth's  
15 position and reasons for the position, provide independent counsel and  
16 independent investigation to inform those positions, and represent the  
17 child's or youth's position diligently both inside and outside of court; and

18 (e) When a child or youth believes the child's or youth's position  
19 has been effectively advocated, procedural fairness and justice enhance  
20 the child's or youth's acceptance of the proceedings and the decisions  
21 made.

22 (2) Therefore, the general assembly finds that every child or youth

1 twelve years of age or older deserves a client-directed legal representative  
2 who can advocate for the child or youth, communicate and understand the  
3 complicated dynamics of trauma, guard against undue influence, and  
4 thoroughly grasp the law and practice standards established by rule or  
5 chief justice directives.

6 **SECTION 2.** In Colorado Revised Statutes, 13-91-103, **amend**  
7 (2.5) as follows:

8 **13-91-103. Definitions.** As used in this article 91, unless the  
9 context otherwise requires:

10 (2.5) "Counsel for youth" means an ~~attorney who is licensed to~~  
11 ~~practice law in Colorado and~~ ATTORNEY-AT-LAW WHO PROVIDES  
12 SPECIALIZED CLIENT-DIRECTED LEGAL REPRESENTATION FOR A CHILD OR  
13 YOUTH AND WHO OWES THE SAME DUTIES, INCLUDING UNDIVIDED  
14 LOYALTY, CONFIDENTIALITY, AND COMPETENT REPRESENTATION, TO THE  
15 CHILD OR YOUTH AS IS DUE AN ADULT CLIENT. COUNSEL FOR YOUTH MAY  
16 BE appointed by the court to represent a child or youth in a proceeding  
17 pursuant to article 1, 3, or 7 of title 19, or MAY BE assigned by the office  
18 of the child's representative pursuant to article 7 of title 19. "COUNSEL  
19 FOR YOUTH" DOES NOT MEAN DEFENSE COUNSEL FOR A JUVENILE  
20 PURSUANT TO ARTICLE 2.5 OF TITLE 19.

21 **SECTION 3.** In Colorado Revised Statutes, 13-91-105, **amend**  
22 (1)(a)(V) as follows:

23 **13-91-105. Duties of the office of the child's representative -**  
24 **guardian ad litem and counsel for youth programs.** (1) In addition to  
25 any responsibilities assigned to it by the chief justice, the office of the  
26 child's representative shall:

27 (a) Enhance the provision of GAL or counsel for youth services

1 in Colorado by:

2 (V) ~~Working cooperatively with the chief judge in each judicial~~  
3 ~~district or group of judicial districts to jointly establish a local body to~~  
4 ~~oversee the provision of guardian ad litem or counsel for youth services~~  
5 ~~in that judicial district or districts. The oversight bodies would operate~~  
6 ~~and report directly to the director concerning the practice of guardians ad~~  
7 ~~litem or counsel for youth in that judicial district or districts pursuant to~~  
8 ~~oversight procedures established by the office of the child's representative~~  
9 WORKING COOPERATIVELY WITH LOCAL JUDICIAL DISTRICTS, ATTORNEYS,  
10 AND CHILDREN AND YOUTH IMPACTED BY THE CHILD WELFARE AND  
11 JUSTICE SYSTEM TO FORM PARTNERSHIPS FOR THE PURPOSES OF ENSURING  
12 HIGH-QUALITY LEGAL REPRESENTATION FOR CHILDREN AND YOUTH IN  
13 COLORADO.

14 **SECTION 4.** In Colorado Revised Statutes, 19-1-103, **amend**  
15 (26); and **add** (41.5) and (55.5) as follows:

16 **19-1-103. Definitions.** As used in this title 19 or in the specified  
17 portion of this title 19, unless the context otherwise requires:

18 (26) "Child protection team", as used in part 3 of article 3 of this  
19 title 19, means a multidisciplinary team consisting, where possible, of a  
20 physician; a representative of the juvenile court or the district court with  
21 juvenile jurisdiction; a representative of a local law enforcement agency;  
22 a representative of the county department of human or social services; a  
23 representative of a mental health clinic; a representative of a county,  
24 district, or municipal public health agency; an attorney; a representative  
25 of a public school district; and one or more representatives of the lay  
26 community, at least one of whom must be a person who serves as a foster  
27 parent in the county. Each public agency may have more than one

1 participating member on the team; except that, in voting on procedural or  
2 policy matters, each public agency ~~shall have~~ HAS only one vote. In no  
3 event must an attorney member of the child protection team be appointed  
4 as guardian ad litem OR COUNSEL FOR YOUTH for the child OR YOUTH or  
5 as counsel for the parents at any subsequent court proceedings. The child  
6 protection team must never be composed of fewer than three persons.  
7 When any racial, ethnic, or linguistic minority group constitutes a  
8 significant portion of the population of the jurisdiction of the child  
9 protection team, a member of each such minority group must serve as an  
10 additional lay member of the child protection team. At least one of the  
11 preceding members of the team must be chosen on the basis of  
12 representing low-income families. The role of the child protection team  
13 is advisory only.

14 (41.5) "COUNSEL FOR YOUTH" MEANS AN ATTORNEY-AT-LAW WHO  
15 PROVIDES SPECIALIZED CLIENT-DIRECTED LEGAL REPRESENTATION FOR A  
16 CHILD OR YOUTH AND WHO OWES THE SAME DUTIES, INCLUDING  
17 UNDIVIDED LOYALTY, CONFIDENTIALITY, AND COMPETENT  
18 REPRESENTATION, TO THE CHILD OR YOUTH AS IS DUE AN ADULT CLIENT.  
19 "COUNSEL FOR YOUTH" DOES NOT MEAN DEFENSE COUNSEL FOR A  
20 JUVENILE PURSUANT TO ARTICLE 2.5 OF THIS TITLE 19.

21 (55.5) "DIMINISHED CAPACITY" MEANS A CHILD OR YOUTH WHO  
22 LACKS SUFFICIENT CAPACITY TO COMMUNICATE OR MAKE CONSIDERED  
23 DECISIONS ADEQUATELY IN CONNECTION WITH THE CHILD'S OR YOUTH'S  
24 LEGAL REPRESENTATION. AGE OR DEVELOPMENTAL MATURITY MUST NOT  
25 BE THE SOLE BASIS FOR A DETERMINATION OF DIMINISHED CAPACITY.

26 **SECTION 5.** In Colorado Revised Statutes, 19-1-105, **amend (2);**  
27 **and add (3)** as follows:

1           **19-1-105. Right to counsel and jury trial.** (2) The right to  
2 counsel shall be as IS provided in this title; except that, in all proceedings  
3 under the "School Attendance Law of 1963", article 33 of title 22, C.R.S.,  
4 the court may appoint counsel or a guardian ad litem for the child, unless  
5 the child is already represented by counsel. If the court finds that it is in  
6 the best interest and welfare of the child, the court may appoint both  
7 counsel and a guardian ad litem TITLE 19. Nothing in this title shall  
8 prevent TITLE 19 PREVENTS the court from appointing counsel IN  
9 ADDITION TO A GUARDIAN AD LITEM FOR A CHILD if it deems  
10 representation by counsel necessary to protect the interests of the child.  
11 or other parties. In addition, in all proceedings under the "School  
12 Attendance Law of 1963", article 33 of title 22, C.R.S., the court shall  
13 make available to the child's parent or guardian ad litem information  
14 concerning the truancy process.

15           (3) IN PROCEEDINGS PURSUANT TO THE "SCHOOL ATTENDANCE  
16 LAW OF 1963", ARTICLE 33 OF TITLE 22, THE COURT MAY APPOINT A  
17 GUARDIAN AD LITEM FOR THE CHILD, UNLESS THE CHILD IS ALREADY  
18 REPRESENTED BY COUNSEL. IF THE COURT FINDS THAT IT IS IN THE BEST  
19 INTEREST AND WELFARE OF THE CHILD, THE COURT MAY APPOINT BOTH  
20 COUNSEL AND A GUARDIAN AD LITEM. THE COURT SHALL MAKE  
21 INFORMATION REGARDING THE TRUANCY PROCESS AVAILABLE TO THE  
22 CHILD'S PARENT OR GUARDIAN AD LITEM.

23           **SECTION 6.** In Colorado Revised Statutes, 19-1-111, **amend** (1),  
24 (4)(b) introductory portion, (4)(b)(II), and (6); and **add** (2)(e) as follows:

25           **19-1-111. Appointment of guardian ad litem.** (1) The court  
26 shall appoint a guardian ad litem for ~~the~~ EVERY child UNDER TWELVE  
27 YEARS OF AGE in all dependency ~~or~~ AND neglect cases ~~under~~ PURSUANT

1 TO this ~~title~~ TITLE 19.

2 (2) The court may appoint a guardian ad litem in the following  
3 cases:

4 (e) FOR A YOUTH WHO IS TWELVE YEARS OF AGE OR OLDER IN A  
5 DEPENDENCY AND NEGLECT CASE WHEN THE COURT DETERMINES A  
6 GUARDIAN AD LITEM IS NECESSARY DUE TO THE YOUTH'S DIMINISHED  
7 CAPACITY. THE COURT SHALL NOT CONSIDER AGE OR DEVELOPMENTAL  
8 MATURITY AS THE SOLE BASIS FOR A DETERMINATION OF DIMINISHED  
9 CAPACITY. THE COURT SHALL NOT DEEM A GUARDIAN AD LITEM  
10 APPOINTED PURSUANT TO THIS SUBSECTION (2)(e) TO BE A SUBSTITUTE  
11 FOR A COUNSEL FOR YOUTH APPOINTED PURSUANT TO THIS SECTION.

12 (4) (b) The appointment of the guardian ad litem ~~shall terminate~~  
13 TERMINATES in a delinquency proceeding:

14 (II) When the child reaches eighteen years of age, unless ~~the child~~  
15 ~~has a developmental disability~~ THE COURT CONTINUES THE APPOINTMENT  
16 BECAUSE THE COURT DETERMINES THE APPOINTMENT IS NECESSARY  
17 BECAUSE OF THE YOUTH'S DIMINISHED CAPACITY.

18 (6) Any person appointed to serve as a guardian ad litem pursuant  
19 to this section shall comply with ~~the provisions set forth in~~ any chief  
20 justice directive concerning the court appointment of guardians ad litem  
21 and other representatives and of counsel for ~~children~~ YOUTH and indigent  
22 persons in titles 14, 15, ~~19 (dependency and neglect only)~~, 22, and 27  
23 ~~C.R.S.~~, AND THIS TITLE 19, and any subsequent chief justice directive or  
24 other practice standards established by rule or directive of the chief  
25 justice pursuant to section 13-91-105 ~~C.R.S.~~, concerning the duties or  
26 responsibilities of guardians ad litem in legal matters affecting children.

27 **SECTION 7.** In Colorado Revised Statutes, 19-1-115, **amend**

1 (8)(c) and (8)(d) as follows:

2 **19-1-115. Legal custody - guardianship - placement out of the**  
3 **home - petition for review for need of placement.** (8) (c) After a  
4 petition has been filed, the court shall promptly issue a summons reciting  
5 briefly the substance of the petition. The summons ~~shall~~ MUST be  
6 substantially in the form specified in section 19-3-502 and be dealt with  
7 in the manner provided in section 19-3-503 and ~~shall~~ MUST set forth the  
8 constitutional and legal rights of the child, ~~his or her~~ THE CHILD'S parents  
9 or guardian, and any other respondent, including the right to have an  
10 attorney present at the hearing on the petition. The petitioner shall send  
11 the summons to the child and ~~his or her~~ THE CHILD'S parents, guardian, or  
12 legal custodian by certified mail. THE COURT SHALL GIVE notice of the  
13 hearing ~~shall be given by the court~~ to the director of the facility or agency  
14 in which the child is placed and any person who has physical custody of  
15 the child and any attorney or guardian ad litem OR COUNSEL FOR YOUTH  
16 of record. Nothing in this subsection (8) ~~shall require~~ REQUIRES the  
17 presence of any person before the court unless the court so directs.

18 (d) The court shall appoint a guardian ad litem FOR A CHILD  
19 UNDER TWELVE YEARS OF AGE, OR COUNSEL FOR YOUTH IF THE YOUTH IS  
20 TWELVE YEARS OF AGE OR OLDER, to protect the interest of ~~the child for~~  
21 any child OR YOUTH who is the subject of a petition for review of  
22 placement, unless the court makes specific findings that no useful purpose  
23 would be served by such appointment. THE COURT MAY APPOINT BOTH A  
24 GUARDIAN AD LITEM AND A COUNSEL FOR YOUTH IF A YOUTH IS TWELVE  
25 YEARS OF AGE OR OLDER AND THE APPOINTMENT OF A GUARDIAN AD LITEM  
26 IS NECESSARY BECAUSE THE YOUTH HAS DIMINISHED CAPACITY.

27 **SECTION 8.** In Colorado Revised Statutes, 19-3-202, **amend** (2)



1 as follows:

2 **19-3-202. Right to counsel and jury trial.** (2) The petitioner,  
3 any respondent, ~~or~~ the guardian ad litem FOR THE CHILD, OR A CHILD WHO  
4 IS TWELVE YEARS OF AGE OR OLDER may demand a trial by jury of six  
5 persons at the adjudicatory hearing ~~under~~ PURSUANT TO section 19-3-505,  
6 or the court, on its own motion, may order such a jury to try any case at  
7 the adjudicatory hearing ~~under~~ PURSUANT TO section 19-3-505.

8 **SECTION 9.** In Colorado Revised Statutes, **amend** 19-3-203 as  
9 follows:

10 **19-3-203. Right to guardian ad litem and counsel for youth.**

11 (1) Upon the filing of a petition ~~under~~ PURSUANT TO section 19-3-502  
12 that alleges abuse or neglect of a ~~minor~~ child, the court shall appoint a  
13 guardian ad litem ~~who shall~~ FOR ANY CHILD WHO IS UNDER TWELVE YEARS  
14 OF AGE. THE GUARDIAN AD LITEM MUST be an attorney-at-law licensed to  
15 practice in Colorado AND APPROVED BY THE OFFICE OF THE CHILD'S  
16 REPRESENTATIVE CREATED IN SECTION 13-91-104. Nothing in this section  
17 ~~shall limit~~ LIMITS the power of the court to appoint a guardian ad litem  
18 prior to the filing of a petition for good cause.

19 (2) UPON THE FILING OF A PETITION PURSUANT TO SECTION  
20 19-3-502 THAT ALLEGES ABUSE OR NEGLECT OF A CHILD, THE COURT  
21 SHALL APPOINT COUNSEL FOR YOUTH FOR ANY CHILD OR YOUTH WHO IS  
22 TWELVE YEARS OF AGE OR OLDER. THE COUNSEL FOR YOUTH MUST BE AN  
23 ATTORNEY-AT-LAW LICENSED TO PRACTICE IN COLORADO AND APPROVED  
24 BY THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION  
25 13-91-104. THE COURT MAY APPOINT THE SAME ATTORNEY TO REPRESENT  
26 THE BEST INTERESTS OF YOUNGER SIBLINGS WHO ARE UNDER TWELVE  
27 YEARS OF AGE AS A GUARDIAN AD LITEM AND TO REPRESENT YOUTH IN

1 THE SIBLING GROUP WHO ARE TWELVE YEARS OF AGE OR OLDER AS A  
2 COUNSEL FOR YOUTH AS LONG AS THERE IS NO CONFLICT OF INTEREST AS  
3 DEFINED UNDER THE APPLICABLE RULES OF PROFESSIONAL CONDUCT.  
4 UNTIL THE COURT'S JURISDICTION IS TERMINATED, APPOINTMENT OF  
5 COUNSEL FOR YOUTH PURSUANT TO THIS SECTION CONTINUES. A CHILD'S  
6 OR YOUTH'S RIGHT TO COUNSEL MAY NOT BE WAIVED. NOTHING IN THIS  
7 SECTION LIMITS THE POWER OF THE COURT TO APPOINT COUNSEL FOR  
8 YOUTH PRIOR TO THE FILING OF A PETITION FOR GOOD CAUSE.

9 (3) A GUARDIAN AD LITEM WHO IS CURRENTLY APPOINTED TO  
10 REPRESENT THE BEST INTERESTS OF A CHILD OR YOUTH PURSUANT TO THIS  
11 SECTION SHALL TRANSITION TO CLIENT-DIRECTED COUNSEL FOR YOUTH  
12 IMMEDIATELY UPON A CHILD'S TWELFTH BIRTHDAY AND ACT IN THIS ROLE  
13 UNTIL EITHER THE CASE IS DISMISSED OR NEW COUNSEL IS APPOINTED,  
14 UNLESS THE COURT FINDS IT NECESSARY TO APPOINT A GUARDIAN AD  
15 LITEM BECAUSE THE CHILD OR YOUTH HAS DIMINISHED CAPACITY, IN  
16 WHICH CASE THE GUARDIAN AD LITEM REMAINS IN THAT ROLE AND THE  
17 COURT SHALL APPOINT SEPARATE COUNSEL FOR YOUTH FOR THE CHILD.  
18 COUNSEL FOR YOUTH SHALL NOTIFY THE COURT AND PARTIES OF THE  
19 CHANGE AND THE COURT SHALL ISSUE A NEW ORDER OF APPOINTMENT  
20 WITHIN SEVEN DAYS.

21 ~~(2)~~ (4) The guardian ad litem ~~shall~~ OR COUNSEL FOR YOUTH MUST  
22 be provided with all reports relevant to a case submitted to or made by  
23 any agency or person pursuant to this ~~article~~ ARTICLE 3, including reports  
24 of examination of the child OR YOUTH or persons responsible for the  
25 neglect or dependency of the child OR YOUTH. The county department  
26 shall share with the guardian ad litem OR THE COUNSEL FOR YOUTH the  
27 reports of fingerprint-based criminal history record checks from the

1 Colorado bureau of investigation and from the federal bureau of  
2 investigation if the court orders the county department to share that  
3 information with the guardian ad litem OR THE COUNSEL FOR YOUTH. THE  
4 GUARDIAN AD LITEM OR COUNSEL FOR YOUTH MUST HAVE ACCESS TO THE  
5 CHILD OR YOUTH AND CONFIDENTIAL INFORMATION REGARDING THE CHILD  
6 OR YOUTH, INCLUDING BUT NOT LIMITED TO THE CHILD'S OR YOUTH'S  
7 EDUCATIONAL, MEDICAL, AND MENTAL HEALTH RECORDS; SOCIAL SERVICE  
8 AGENCY FILES; COURT RECORDS, INCLUDING COURT FILES INVOLVING  
9 ALLEGATIONS OF ABUSE OR NEGLECT OF THE CHILD OR YOUTH;  
10 DELINQUENCY RECORDS INVOLVING THE CHILD OR YOUTH; AND ANY  
11 OTHER INFORMATION REGARDING THE CHILD RELEVANT TO THE ISSUES IN  
12 THE PROCEEDING AND REPORTS THAT FORM THE BASIS OF  
13 RECOMMENDATIONS MADE TO THE COURT. THIS SECTION DOES NOT  
14 CONFER AN INDEPENDENT RIGHT TO OBTAIN A PARENT'S INFORMATION OR  
15 PARENT'S RECORDS THAT ARE CONFIDENTIAL OR THAT ARE OTHERWISE  
16 PRIVILEGED UNDER STATE OR FEDERAL LAW. The court and social workers  
17 assigned to the case shall keep the guardian ad litem OR COUNSEL FOR  
18 YOUTH apprised of significant developments in the case, particularly prior  
19 to further neglect or dependency court appearances.

20 (3) (5) The guardian ad litem shall be IS charged in general with  
21 the representation of the child's BEST interests. To that end, the guardian  
22 ad litem shall make such further investigations as the guardian ad litem  
23 deems necessary to ascertain the facts and shall talk with or observe the  
24 child involved, examine and cross-examine witnesses in both the  
25 adjudicatory and dispositional hearings, introduce and examine the  
26 guardian ad litem's own witnesses, make recommendations to the court  
27 concerning the child's welfare, appeal matters to the court of appeals or

1 the supreme court, and participate further in the proceedings to the degree  
2 necessary to adequately represent the child. In addition, the guardian ad  
3 litem, if in the best interest of the child, shall seek to assure that  
4 reasonable efforts are being made to prevent unnecessary placement of  
5 the child out of the home and to facilitate reunification of the child with  
6 the child's family or, if reunification is not possible, to find another safe  
7 and permanent living arrangement for the child. In determining whether  
8 said reasonable efforts are made with respect to a child, and in making  
9 such reasonable efforts, the child's health and safety ~~shall be~~ ARE the  
10 paramount concern.

11 ~~(4) A guardian ad litem already appointed to represent a youth's~~  
12 ~~best interests pursuant to this article 3 shall begin acting as counsel and~~  
13 ~~providing client-directed representation immediately upon the youth's~~  
14 ~~eighteenth birthday and shall act in this role until either the case is~~  
15 ~~dismissed or new counsel is appointed, unless the youth is deemed~~  
16 ~~incapacitated pursuant to section 19-3-704, in which case the guardian ad~~  
17 ~~litem shall remain in that role and separate counsel for the youth shall be~~  
18 ~~appointed.~~

19 (5) ~~At the first hearing following a youth's eighteenth birthday, the~~  
20 ~~court shall advise each youth who has a current guardian ad litem~~  
21 ~~appointed pursuant to this section of the youth's right to counsel and the~~  
22 ~~option to either consent to have the same person continue as counsel, if~~  
23 ~~the lawyer remains available and has no conflict of interest, or to have a~~  
24 ~~new person appointed as counsel. If the youth elects to have a new person~~  
25 ~~appointed as counsel, the court shall appoint an attorney from the list of~~  
26 ~~attorneys approved by the office of the child's representative.~~

27 (6) A PERSON APPOINTED TO SERVE AS COUNSEL FOR YOUTH

1 PURSUANT TO THIS SECTION SHALL COMPLY WITH THE COLORADO RULES  
2 OF PROFESSIONAL CONDUCT, PROVISIONS SET FORTH IN A CHIEF JUSTICE  
3 DIRECTIVE CONCERNING THE COURT APPOINTMENT OF COUNSEL FOR  
4 YOUTH IN THIS TITLE 19, AND SUBSEQUENT CHIEF JUSTICE DIRECTIVES OR  
5 PRACTICE STANDARDS ESTABLISHED BY RULE OR DIRECTIVE OF THE CHIEF  
6 JUSTICE PURSUANT TO SECTION 13-91-105 CONCERNING THE DUTIES AND  
7 RESPONSIBILITIES OF A GUARDIAN AD LITEM AND COUNSEL FOR YOUTH IN  
8 LEGAL MATTERS AFFECTING CHILDREN OR YOUTH. COUNSEL FOR YOUTH  
9 SHALL ENSURE THAT THE CHILD OR YOUTH HAS REPRESENTATION  
10 THROUGH PENDING APPEALS.

11 (7) A GUARDIAN AD LITEM MAY BE APPOINTED FOR A CHILD OR  
12 YOUTH TWELVE YEARS OF AGE OR OLDER IF NECESSARY BECAUSE THE  
13 CHILD OR YOUTH HAS DIMINISHED CAPACITY. THE COURT SHALL NOT  
14 CONSIDER AGE OR DEVELOPMENTAL MATURITY AS THE SOLE BASIS FOR AN  
15 APPOINTMENT OF A GUARDIAN AD LITEM PURSUANT TO THIS SECTION.

16 **SECTION 10.** In Colorado Revised Statutes, 19-3-502, **amend**  
17 (7); and **add** (4.5) as follows:

18 **19-3-502. Petition form and content - limitations on claims in**  
19 **dependency or neglect actions.** (4.5) A CHILD NAMED IN THE PETITION  
20 SHALL BE A PARTY TO THE PROCEEDINGS AND HAVE THE RIGHT TO ATTEND  
21 AND FULLY PARTICIPATE IN ALL HEARINGS RELATED TO THE CHILD'S CASE.  
22 THE CHILD'S GUARDIAN AD LITEM OR COUNSEL FOR YOUTH SHALL PROVIDE  
23 DEVELOPMENTALLY APPROPRIATE NOTICE TO THE CHILD OF ALL HEARINGS  
24 RELATED TO THE CHILD'S CASE.

25 (7) In addition to notice to all parties, the court shall ensure that  
26 notice is provided of all hearings and reviews held regarding a child to the  
27 following persons with whom a child is placed: Foster parents,

1 pre-adoptive parents, or relatives. Such persons shall have the right to be  
2 heard at such hearings and reviews. ~~The persons with whom a child is~~  
3 ~~placed shall provide prior notice to the child of all hearings and reviews~~  
4 ~~held regarding the child.~~ The foster parent, pre-adoptive parent, or  
5 relative providing care to a child shall not be made a party to the action  
6 for purposes of any hearings or reviews solely on the basis of such notice  
7 and right to be heard. Notice of hearings and reviews shall MUST not  
8 reveal to the respondent parent or other relative the address, last name, or  
9 other such identifying information regarding any person providing care  
10 to the child.

11 **SECTION 11.** In Colorado Revised Statutes, 19-3-602, **repeal** (3)  
12 as follows:

13 **19-3-602. Motion for termination - separate hearing - right to**  
14 **counsel - no jury trial.** (3) ~~A guardian ad litem, who shall be an attorney~~  
15 ~~and who shall be the child's previously appointed guardian ad litem~~  
16 ~~whenever possible, shall be appointed to represent the child's best~~  
17 ~~interests in any hearing determining the involuntary termination of the~~  
18 ~~parent-child legal relationship. Additionally, said attorney shall be~~  
19 ~~experienced, whenever possible, in juvenile law. Such representation~~  
20 ~~shall continue until an appropriate permanent placement of the child is~~  
21 ~~effected or until the court's jurisdiction is terminated. If a respondent~~  
22 ~~parent is a minor, a guardian ad litem shall be appointed and shall serve~~  
23 ~~in addition to any counsel requested by the parent.~~

24 **SECTION 12.** In Colorado Revised Statutes, 19-3-606, **amend**  
25 (1) as follows:

26 **19-3-606. Review of child's disposition following termination**  
27 **of the parent-child legal relationship.** (1) The court, at the conclusion

1 of a hearing in which it ordered the termination of a parent-child legal  
2 relationship, shall order that a review hearing be held not later than ninety  
3 days ~~following~~ AFTER the date of the termination. At such hearing, the  
4 agency or individual vested with custody of the child shall report to the  
5 court what disposition of the child, if any, has occurred. ~~and~~ The guardian  
6 ad litem shall ~~submit~~ PROVIDE a written report ~~with recommendations~~  
7 STATING THE GUARDIAN AD LITEM'S POSITION to the court based upon an  
8 independent investigation ~~for the best disposition of the child~~ AND  
9 CONSULTATION WITH THE CHILD REGARDING THE DISPOSITION THAT IS IN  
10 THE BEST INTERESTS OF THE CHILD AND THE NECESSARY STEPS TO  
11 FINALIZE THE CHILD'S PERMANENCY. COUNSEL FOR YOUTH SHALL PROVIDE  
12 A POSITION STATEMENT THAT CONVEYS THE CHILD'S POSITION AND  
13 OBJECTIVES FOR THE CHILD'S DESIRED DISPOSITION AND NECESSARY STEPS  
14 TO FINALIZE PERMANENCY. Any report required ~~under~~ PURSUANT TO this  
15 subsection (1) ~~shall be~~ IS subject to the provisions of section 19-1-309.

16 **SECTION 13.** In Colorado Revised Statutes, 19-3-612, **amend**  
17 (3) as follows:

18 **19-3-612. Reinstatement of the parent-child legal relationship**  
19 **- circumstances - petition - hearings - legislative declaration.** (3) A  
20 child who is ~~sixteen~~ TWELVE years of age or older, or ~~his or her~~ THE  
21 CHILD'S guardian ad litem, may also file a petition to reinstate the  
22 parent-child legal relationship alleging that the conditions set forth in  
23 ~~paragraphs (b) to (f) of subsection (2)~~ SUBSECTIONS (2)(b) TO (2)(f) of  
24 this section are met.

25 **SECTION 14.** In Colorado Revised Statutes, 19-3-702, **amend**  
26 (4)(c), (5)(e), and (6) introductory portion as follows:

27 **19-3-702. Permanency hearing.** (4) (c) Prior to closing a case

1 before a youth's eighteenth birthday, the court or the youth's guardian ad  
2 litem OR COUNSEL FOR YOUTH shall notify the youth that the youth will  
3 lose the right to receive medicaid until the maximum age provided by  
4 federal law if the case is closed prior to the youth's eighteenth birthday.  
5 Prior to closing a case after a youth's sixteenth birthday, the court shall  
6 advise the youth of the youth's eligibility for the foster youth in transition  
7 program, created in section 19-7-303, should the youth later determine ~~he~~  
8 ~~or she~~ THE YOUTH needs child welfare assistance from a county  
9 department.

10 (5) For a child or youth in a case designated pursuant to section  
11 19-1-123 only:

12 (e) At each permanency planning hearing, the caseworker ~~and the~~  
13 ~~child's or youth's guardian ad litem~~ shall provide the court with a written  
14 or verbal report specifying what efforts have been made to identify a  
15 permanent home for the child ~~or youth~~ and what services have been  
16 provided to the child ~~or youth~~ to facilitate identification of a permanent  
17 home.

18 (6) If a placement change is contested by a ~~named party or child~~  
19 ~~or youth~~ and the child or youth is not reunifying with a parent or legal  
20 guardian, the court shall consider all pertinent information, including the  
21 child's or youth's wishes, related to modifying the placement of the child  
22 or youth prior to removing the child or youth from ~~his or her~~ THE CHILD'S  
23 OR YOUTH'S placement, and including the following:

24 **SECTION 15.** In Colorado Revised Statutes, 19-5-103, **amend**  
25 (9)(a)(I), (9)(a)(III), and (9)(b) as follows:

26 **19-5-103. Relinquishment procedure - petition - hearings.**

27 (9) (a) The court may appoint a guardian ad litem to protect the interests



1 of the child if:

2 (I) The court finds that there is a conflict of interest between the  
3 child and ~~his or her~~ THE CHILD'S parents, guardian, or legal custodian;

4 (III) The court determines that the child is twelve years of age or  
5 older and that the welfare of the child mandates such appointment. IF  
6 COUNSEL FOR YOUTH IS APPOINTED PURSUANT TO ARTICLE 3 OF THIS TITLE  
7 19, THE COUNSEL FOR YOUTH IS APPOINTED PURSUANT TO THIS SECTION.

8 (b) Reasonable fees for guardians ad litem OR COUNSEL FOR  
9 YOUTH appointed pursuant to this subsection (9) ~~shall~~ MUST be paid by  
10 the relinquishing parent or parents; except that, in the case of an indigent  
11 parent or parents, such fees ~~shall~~ MUST be paid as an expense of the state  
12 from annual appropriations to the ~~office of the state court administrator~~  
13 OFFICE OF THE CHILD'S REPRESENTATIVE.

14 **SECTION 16.** In Colorado Revised Statutes, 13-1-119.5, **amend**  
15 (1)(c) as follows:

16 **13-1-119.5. Electronic access to name index and register of**  
17 **actions.** (1) Statewide electronic read-only access to the name index and  
18 register of actions of public case types must be made available to the  
19 following agencies or attorneys appointed by the court:

20 (c) Guardians ad litem OR COUNSEL FOR YOUTH under contract  
21 with the office of the child's representative, created in section 13-91-104,  
22 or authorized by the office of the child's representative to act as a  
23 guardian ad litem OR COUNSEL FOR YOUTH, as it relates to a case in which  
24 they are appointed by the court;

25 **SECTION 17.** In Colorado Revised Statutes, 13-92-103, **amend**  
26 (2)(a) introductory portion and (2)(a)(V) as follows:

27 **13-92-103. Respondent parents' counsel - commission - office**

1    **- duties - qualifications of director.** (2) (a) The Colorado supreme court  
2 shall appoint a nine-member respondent parents' counsel governing  
3 commission on or before July 1, 2015. In appointing the membership of  
4 the commission, the court ~~must~~ SHALL, to the extent practicable, include  
5 persons from throughout the state and persons with disabilities and take  
6 into consideration race, gender, and the ethnic diversity of the state. The  
7 court shall make the appointments as follows:

8           (V) Commission members must not currently be under contract  
9 with the office or employed by the state department of human services,  
10 a county department of human or social services, or be serving currently  
11 as a city or county attorney, judge, magistrate, court-appointed special  
12 advocate, ~~or~~ guardian ad litem, OR COUNSEL FOR YOUTH.

13           **SECTION 18.** In Colorado Revised Statutes, 19-1-304, **amend**  
14 (1)(a)(IV), (1)(c)(IX), (2)(a)(XIII), and (7)(c) as follows:

15           **19-1-304. Juvenile delinquency records - division of youth**  
16 **services critical incident information - definitions.** (1) (a) **Court**  
17 **records - open.** Except as provided in subsection (1)(b.5) of this section,  
18 court records in juvenile delinquency proceedings or proceedings  
19 concerning a juvenile charged with the violation of any municipal  
20 ordinance except a traffic ordinance are open to inspection to the  
21 following persons without court order:

22           (IV) The juvenile's guardian ad litem OR COUNSEL FOR YOUTH;

23           (c) **Probation records - limited access.** Except as otherwise  
24 authorized by section 19-1-303, a juvenile probation officer's records,  
25 whether or not part of the court file, are not open to inspection except as  
26 provided in subsection (1)(c)(I) to (1)(c)(XI) of this section:

27           (IX) To the juvenile's guardian ad litem OR COUNSEL FOR YOUTH;

1           (2) (a) **Law enforcement records in general - closed.** Except as  
2 otherwise provided by subsection (1)(b.5) of this section and otherwise  
3 authorized by section 19-1-303, the records of law enforcement officers  
4 concerning juveniles, including identifying information, must be  
5 identified as juvenile records and must not be inspected by or disclosed  
6 to the public, except:

7           (XIII) To the juvenile's guardian ad litem OR COUNSEL FOR  
8 YOUTH;

9           (7) In addition to the persons who have access to court records  
10 pursuant to subsection (1)(a) of this section, statewide electronic  
11 read-only access to the name index and register of actions of the judicial  
12 department must be allowed to the following agencies or persons:

13           (c) Guardians ad litem OR COUNSEL FOR YOUTH under contract  
14 with the office of the child's representative, created in section 13-91-104,  
15 ~~C.R.S.~~, or authorized by the office of the child's representative to act as  
16 a guardian ad litem OR AN ATTORNEY UNDER CONTRACT OR EMPLOYED BY  
17 THE OFFICE OF THE CHILD'S REPRESENTATIVE, as it relates to a case in  
18 which they are appointed by the court;

19           **SECTION 19.** In Colorado Revised Statutes, 19-1-305, **amend**  
20 (1)(a) as follows:

21           **19-1-305. Operation of juvenile facilities.** (1) Except as  
22 otherwise authorized by section 19-1-303 or 19-1-304 (8), all records  
23 prepared or obtained by the department of human services in the course  
24 of carrying out its duties pursuant to article 2.5 of this title 19 are  
25 confidential and privileged. The records may be disclosed only:

26           (a) To the parents, legal guardian, legal custodian, attorney for the  
27 juvenile, district attorney, guardian ad litem, COUNSEL FOR YOUTH, law

1 enforcement official, and probation officer;

2 **SECTION 20.** In Colorado Revised Statutes, 19-1-307, **amend**  
3 (2) introductory portion, (2)(d), and (2.3)(c) as follows:

4 **19-1-307. Dependency and neglect records and information -**  
5 **access - fee - rules - records and reports fund - misuse of information**  
6 **- penalty - adult protective services data system check. (2) Records**  
7 **and reports - access to certain persons - agencies.** Except as set forth  
8 in section 19-1-303, only the following persons or agencies ~~shall~~ have  
9 access to child abuse or neglect records and reports:

10 (d) Any person named in the report or record who was alleged as  
11 ~~a child to be~~ AN abused or neglected CHILD or, if the child named in the  
12 report or record is ~~a minor or is~~ otherwise incompetent at the time of the  
13 request, ~~his or her~~ THE CHILD'S guardian ad litem OR COUNSEL FOR YOUTH;

14 (2.3) The following agencies or attorneys appointed by the court  
15 must be granted statewide read-only access to the name index and register  
16 of actions for the judiciary department:

17 (c) Guardians ad litem OR COUNSEL FOR YOUTH under contract  
18 with the office of the child's representative, created in section 13-91-104,  
19 ~~C.R.S.~~, or authorized by the office of the child's representative to act as  
20 a guardian ad litem OR COUNSEL FOR YOUTH, as it relates to a case in  
21 which they are appointed by the court; and

22 **SECTION 21.** In Colorado Revised Statutes, 19-3-201, **amend**  
23 (1), (4)(b) introductory portion, and (4)(b)(I) as follows:

24 **19-3-201. Venue.** (1) (a) Except as provided in ~~paragraph (b) of~~  
25 ~~this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION, all proceedings  
26 brought ~~under~~ PURSUANT TO this ~~article shall~~ ARTICLE 3 MUST be  
27 commenced in the county in which the child resides or is present.

1 (b) A county department, guardian ad litem OR COUNSEL FOR  
2 YOUTH, or other person filing a petition for reinstatement of the  
3 parent-child legal relationship as set forth in section 19-3-612 must file  
4 the petition for the reinstatement of the parent-child legal relationship in  
5 the county or city and county that has legal custody of the child.

6 (4) (b) The order granting a change of venue and transferring  
7 jurisdiction ~~shall~~ MUST include:

8 (I) Notice to the receiving court of whether a respondent parent's  
9 counsel and the guardian ad litem OR COUNSEL FOR YOUTH appointed for  
10 the child will remain on the case. If a respondent parent's counsel or the  
11 guardian ad litem OR COUNSEL FOR YOUTH for the child will not remain  
12 on the case, the order ~~shall~~ MUST inform the receiving court that the  
13 receiving court shall make a new appointment of counsel or guardian ad  
14 litem OR COUNSEL FOR YOUTH.

15 **SECTION 22.** In Colorado Revised Statutes, 19-3-208, **amend**  
16 (3)(a) as follows:

17 **19-3-208. Services - county required to provide - out-of-home**  
18 **placement options - rules - definitions.** (3) (a) The state board of  
19 human services shall promulgate rules creating a standard and deliberate  
20 process for determining, in coordination with the education provider,  
21 parents, if appropriate, guardian ad litem OR COUNSEL FOR YOUTH, and the  
22 child, ~~or youth~~, whether it is in the best interest of a child ~~or youth~~ in  
23 out-of-home placement to remain in ~~his or her~~ THE CHILD'S school of  
24 origin when the child ~~or youth~~ is placed in out-of-home placement or  
25 experiences a change in placement.

26 **SECTION 23.** In Colorado Revised Statutes, 19-3-213, **amend**  
27 (1)(a) as follows:

1           **19-3-213. Placement criteria.** (1) In any case in which the  
2 county department recommends placement out of the home for a child or  
3 in which a child is in out-of-home placement, the court, the guardian ad  
4 litem, the county department, any CASA volunteer, and other parties shall  
5 consider the best interests of the child and shall comply with the  
6 following placement criteria:

7           (a) Prior to the change of placement of a child, the county  
8 department shall, to the extent possible, notify the guardian ad litem OR  
9 COUNSEL FOR YOUTH, any CASA volunteer, and other parties. If ~~the~~  
10 ~~guardian ad litem or other~~ ANY party disagrees with the change of  
11 placement, ~~he or she~~ THE PARTY may seek an emergency hearing  
12 concerning the appropriate placement for a child. In an emergency, the  
13 county department may proceed to make the change of placement prior  
14 to any requested hearing.

15           **SECTION 24.** In Colorado Revised Statutes, 19-3-217, **amend**  
16 (3) as follows:

17           **19-3-217. Parent-child visitation upon removal.** (3) Absent the  
18 issuance of an emergency order, a parent granted visitation is entitled to  
19 a hearing prior to an ongoing reduction in, suspension of, or increase in  
20 the level of supervision, including a change from in-person visitation to  
21 virtual visitation. If the court issues an emergency order suspending,  
22 reducing, or restricting visitation, a parent is entitled to a hearing within  
23 seventy-two hours after the order is issued, excluding Saturdays, Sundays,  
24 and court holidays. The court need not hold a hearing if there is  
25 agreement by the petitioner, guardian ad litem OR COUNSEL FOR YOUTH,  
26 and parent to the reduction, suspension, or increase in level of supervision  
27 of visits. Any such agreement must be reduced to writing and filed with

1 the court. Nothing in this section prevents the county department from  
2 canceling a visit if the child's health or welfare would be endangered or  
3 if the parent consents to the cancellation of the visit.

4 **SECTION 25.** In Colorado Revised Statutes, 19-3-308, **amend**  
5 (10) introductory portion as follows:

6 **19-3-308. Action upon report of intrafamilial, institutional, or**  
7 **third-party abuse - investigations - child protection team - rules -**  
8 **report.** (10) In the event that the local department initiates a petition in  
9 the juvenile court or the district court with juvenile jurisdiction on behalf  
10 of the child who is the subject of a report, the department shall notify, in  
11 writing, the guardian ad litem OR COUNSEL FOR YOUTH appointed by the  
12 court ~~under~~ PURSUANT TO section 19-3-312 to represent the child's  
13 interest. Such notice ~~shall~~ MUST include:

14 **SECTION 26.** In Colorado Revised Statutes, 19-3-403, **amend**  
15 (3.6)(a)(III) as follows:

16 **19-3-403. Temporary custody - hearing - time limits -**  
17 **restriction - rules.** (3.6) (a) (III) The court shall advise the CHILD'S  
18 parents ~~of the child~~ that the child may be placed with a relative if, in the  
19 court's opinion, such placement is appropriate and in the child's best  
20 interests. The court shall order the parents to complete the form affidavit  
21 and advisement described in ~~subparagraph (I) of this paragraph (a)~~  
22 SUBSECTION (3.6)(a)(I) OF THIS SECTION no later than seven business days  
23 after the date of the hearing or prior to the next hearing on the matter,  
24 whichever occurs first. The original completed form ~~shall~~ MUST be filed  
25 with the court, and a copy delivered to the county department of human  
26 or social services no later than five business days after the date of the  
27 hearing. Each parent, the guardian ad litem OR COUNSEL FOR YOUTH, and

1 counsel for each parent, if any, shall also receive copies of the completed  
2 form. The court may advise each parent of the penalties associated with  
3 perjury and contempt of court, if necessary. Each parent may suggest an  
4 adult relative or relatives whom ~~he or she~~ THE PARENT believes to be the  
5 most appropriate caretaker or caretakers for the child. If appropriate, the  
6 child or children shall be consulted regarding suggested relative  
7 caretakers. The court shall order each parent to notify every relative who  
8 may be an appropriate relative caretaker for the child that failure to come  
9 forward in a timely manner may result in the child being placed  
10 permanently outside of the home of the child's relatives, if the child is not  
11 able to return to the child's home. In addition, the court shall advise each  
12 parent that failure to identify these relatives in a timely manner may result  
13 in the child being placed permanently outside of the home of the child's  
14 relatives.

15 **SECTION 27.** In Colorado Revised Statutes, 19-3-705, **amend**  
16 (3)(e) as follows:

17 **19-3-705. Transition hearing.** (3) The court shall advise the  
18 youth that:

19 ~~(e) The youth has the right to counsel who will represent the~~  
20 ~~youth's objectives, beginning on the youth's eighteenth birthday. The~~  
21 ~~youth has the right to choose whether to have the youth's current guardian~~  
22 ~~ad litem reappointed as counsel or to have a different individual~~  
23 ~~appointed as counsel pursuant to section 19-3-203. The youth has the~~  
24 ~~right to consult with the youth's counsel about the decision whether to~~  
25 **emancipate** THE YOUTH HAS THE RIGHT TO COUNSEL WHO SHALL  
26 REPRESENT THE YOUTH THROUGHOUT THE YOUTH'S PARTICIPATION IN THE  
27 FOSTER YOUTH TRANSITION PROGRAM. The court shall advise the youth



1 that the current emancipation transition hearing may be continued for up  
2 to one hundred nineteen days if the youth would like additional time to  
3 make a decision or to prepare for emancipation. The court shall ask the  
4 youth whether the youth has had sufficient opportunity to consult with  
5 counsel and if the youth is ready to make a decision at the current time or,  
6 alternatively, if the youth would like to request a continuance of up to one  
7 hundred nineteen days.

8 **SECTION 28.** In Colorado Revised Statutes, 19-5-208, **amend**  
9 (4.5)(h) as follows:

10 **19-5-208. Petition for adoption - open adoption - post-adoption**  
11 **contact agreement.** (4.5) (h) In any case where a post-adoption contact  
12 agreement is being considered by the court and a guardian ad litem OR  
13 COUNSEL FOR YOUTH is currently appointed for the child OR YOUTH  
14 pursuant to section 19-3-203, the court shall appoint the guardian ad litem  
15 to represent the best interests of the child OR YOUTH, OR THE COUNSEL FOR  
16 YOUTH TO REPRESENT THE POSITION AND OBJECTIVES THAT THE CHILD OR  
17 YOUTH WANT, with respect to the contact agreement. The guardian ad  
18 litem's OR COUNSEL FOR YOUTH'S representation in these proceedings is  
19 limited solely to making a recommendation as to whether the agreement  
20 proposed by the petitioner is in the best interests of the child and should  
21 be adopted as proposed. The court shall not make additions or  
22 modifications to the agreement in accordance with the recommendations  
23 of the guardian ad litem OR COUNSEL FOR YOUTH unless the petitioner  
24 consents to the additions or modifications. The duties of the guardian ad  
25 litem OR COUNSEL FOR YOUTH terminate upon the entry of the decree of  
26 adoption.

27 **SECTION 29.** In Colorado Revised Statutes, 19-5-217, **amend**

1 (2) as follows:

2 **19-5-217. Enforcement or termination of post-adoption**  
3 **contact agreement.** (2) The court may appoint a guardian ad litem for  
4 the adopted child, OR A COUNSEL FOR YOUTH FOR AN ADOPTED CHILD  
5 TWELVE YEARS OF AGE OR OLDER, at the time of any action for the  
6 enforcement or termination of the post-adoption contact agreement if the  
7 court determines that consideration of the factors set forth in section  
8 19-5-103 (9)(a) require the appointment of a guardian ad litem OR A  
9 COUNSEL FOR YOUTH. In all adoptions other than those in which the child  
10 is placed by the county department, a party or parties shall pay reasonable  
11 fees for the services of the guardian ad litem OR COUNSEL FOR YOUTH  
12 unless a party is indigent, in which case ~~such fees shall be paid by the~~  
13 office of the child's representative SHALL PAY THE FEES.

14 **SECTION 30.** In Colorado Revised Statutes, 19-7-101, **amend**  
15 (1)(bb) as follows:

16 **19-7-101. Legislative declaration.** (1) The general assembly  
17 finds and declares that youth in foster care, excluding those in the custody  
18 of the division of youth services or a state hospital for persons with  
19 mental health disorders, should enjoy the following:

20 (bb) Having a guardian ad litem appointed to represent the youth's  
21 best interests OR A COUNSEL FOR YOUTH APPOINTED TO REPRESENT THE  
22 OBJECTIVES AND POSITIONS OF A YOUTH TWELVE YEARS OF AGE OR OLDER;  
23 and

24 **SECTION 31.** In Colorado Revised Statutes, 19-7-102, **amend**  
25 (1) as follows:

26 **19-7-102. Protection against identity theft.** (1) The court shall  
27 ensure that each youth in foster care who is in the legal custody of a

1 county department of human or social services or the department of  
2 human services and who is at least sixteen years of age obtains or receives  
3 free annual credit reports from the department of human services or a  
4 county department of human or social services. The county department  
5 of human or social services or the department of human services shall  
6 inform the court with jurisdiction over the youth, if any, of any  
7 inaccuracies in a report and refer the matter to a governmental or  
8 nonprofit entity on the referral list developed pursuant to subsection (2)  
9 of this section for assistance in interpreting and resolving any  
10 inaccuracies in a report if the credit report shows evidence of possible  
11 identity theft. ~~The child's guardian ad litem~~ YOUTH'S COUNSEL FOR YOUTH  
12 shall advise the youth of possible consequences of and options to address  
13 the possible identity theft, including the right to report the matter to law  
14 enforcement and seek possible prosecution of the offender.

15 **SECTION 32.** In Colorado Revised Statutes, 19-7-202, **amend**  
16 (2) as follows:

17 **19-7-202. Legislative declaration.** (2) The general assembly  
18 further finds and declares that it is the responsibility of all adults involved  
19 in a youth's life, including but not limited to county departments, parents,  
20 foster parents, guardians ad litem, COUNSEL FOR YOUTH, court-appointed  
21 special advocates, next of kin, treatment providers, and others, to seek  
22 opportunities to foster those sibling relationships to promote continuity  
23 and help to sustain family relationships.

24 **SECTION 33.** In Colorado Revised Statutes, 22-32-138, **amend**  
25 (2)(b) introductory portion and (2)(b)(III) as follows:

26 **22-32-138. Out-of-home placement students - school stability,**  
27 **transfer, and enrollment procedures - absences - exemptions -**

1 **provision of academic supports - definitions.** (2) (b) The child welfare  
2 education liaison shall be IS responsible for working with child placement  
3 agencies, county departments, and the state department of human services  
4 to facilitate services to maintain students in out-of-home placement in  
5 their schools of origin or, if the county department determines that it is  
6 not in the students' best interests to remain in the school of origin,  
7 facilitate the prompt and appropriate placement, transfer, and enrollment  
8 in school of students in out-of-home placement within the school district  
9 or who are enrolled or enrolling in institute charter schools. The child  
10 welfare education liaison's specific duties include but need not be limited  
11 to:

12 (III) If a county department determines that it is not in the  
13 student's best interest to remain in the school of origin, working with  
14 county departments, juvenile probation officers, parents, guardian ad  
15 litem OR COUNSEL FOR YOUTH, and foster care parents to ensure that the  
16 student is enrolled in a new school immediately with transition planning,  
17 and that the student's complete education information and records are  
18 requested immediately by the student's new school upon enrollment;

19 **SECTION 34.** In Colorado Revised Statutes, 26-6-106.5, **amend**  
20 (2)(b) as follows:

21 **26-6-106.5. Foster care - kinship care - rules applying**  
22 **generally - rule-making.** (2) At a minimum, the rules described in  
23 subsection (1) of this section must include the following:

24 (b) The immediate notification of a child's guardian ad litem OR  
25 COUNSEL FOR YOUTH upon the child's placement in a foster care home,  
26 and the provision of the guardian ad litem's OR COUNSEL FOR YOUTH'S  
27 contact information to the foster parents;

1           **SECTION 35.** In Colorado Revised Statutes, 26-7-104, **amend**  
2 (1)(e)(I) as follows:

3           **26-7-104. General information for prospective adoptive**  
4 **families.** (1) At the time that the family is matched for adoption of a  
5 child or youth who is potentially eligible for benefits pursuant to this  
6 article 7, the state department, a county department, or a nonprofit child  
7 placement agency, as appropriate, shall provide the prospective adoptive  
8 family, in writing, with information concerning the following:

9           (e) Notice of the general right to bring to the adoption assistance  
10 negotiation process:

11           (I) Parties who possess relevant information about a child's or  
12 youth's history and needs, including the child's guardian ad litem OR  
13 COUNSEL FOR YOUTH or the family's advocate; and

14           **SECTION 36.** In Colorado Revised Statutes, 42-2-108, **amend**  
15 (1)(a)(II), (1)(a)(III), (1)(b)(I), (1)(b)(II)(B), and (2)(b) as follows:

16           **42-2-108. Application of minors - rules.** (1) (a) (II) When an  
17 applicant has been made a ward of any court in the state for any reason  
18 and has been placed in foster care, the foster parents or parent may sign  
19 the affidavit of liability for the minor. If the parent or foster parent is  
20 unwilling or unable to sign the affidavit of liability, a guardian ad litem  
21 OR COUNSEL FOR YOUTH, an official of the county department of human  
22 or social services having custody of the applicant, or an official of the  
23 division of youth services in the state department of human services  
24 having custody of the applicant may sign the application for an instruction  
25 permit without signing the affidavit of liability for the minor if the  
26 requirements of subsection (1)(b) of this section are met; except that,  
27 prior to signing the application for an instruction permit, the guardian ad

1 litem OR COUNSEL FOR YOUTH or other official shall notify the court of ~~his~~  
2 ~~or her~~ THE GUARDIAN AD LITEM'S OR COUNSEL FOR YOUTH'S OR OTHER  
3 OFFICIAL'S intent to sign the application, and except that the guardian ad  
4 litem OR COUNSEL FOR YOUTH or official shall not sign the application for  
5 an instruction permit for a minor who is placed in foster care and is under  
6 seventeen years of age without first obtaining the consent of the foster  
7 parent. If the minor is seventeen years of age or older and is in the care  
8 of a foster parent, in order to prepare the minor for emancipation from  
9 foster care and to assist the minor in obtaining important life skills, the  
10 guardian ad litem OR COUNSEL FOR YOUTH or official shall consult with  
11 the foster parent of the minor about the opportunity for the minor to learn  
12 driving skills under the restrictions provided in subsection (1)(b) of this  
13 section prior to signing an application for an instruction permit. The  
14 guardian ad litem OR COUNSEL FOR YOUTH or official shall solicit the  
15 opinion of the minor's foster parent concerning the minor's ability to  
16 exercise good judgment and make decisions as well as the minor's overall  
17 capacity to drive.

18 (III) When a minor to whom an instruction permit or minor  
19 driver's license has been issued is required to appear before the  
20 department for a hearing in accordance with this article 2, the person who  
21 signed the affidavit of liability for the minor or the guardian ad litem OR  
22 COUNSEL FOR YOUTH or official who signed the application for an  
23 instruction permit for the minor shall accompany the minor. If the person  
24 who signed the minor's affidavit of liability or application for an  
25 instruction permit is unable to attend the hearing, ~~he or she~~ THE PERSON  
26 shall submit to the department a verified signed statement certifying  
27 under oath that ~~he or she~~ THE PERSON is aware of the purpose of the

1 hearing but cannot attend.

2 (b) The department shall issue an instruction permit to an  
3 applicant under eighteen years of age who is otherwise eligible to obtain  
4 an instruction permit and who has been made a ward of the court and who  
5 is in out-of-home placement without the requirement of a person signing  
6 an affidavit of liability if the following requirements are met:

7 (I) The guardian ad litem OR COUNSEL FOR YOUTH, an official of  
8 the county department of human or social services having custody of the  
9 applicant, or an official of the division of youth services in the state  
10 department of human services having custody of the applicant signs the  
11 application for an instruction permit; and

12 (II) (B) If the minor is in the care of a foster parent and is at least  
13 seventeen years of age, the guardian ad litem OR COUNSEL FOR YOUTH or  
14 the official has consulted with the foster parent prior to signing the  
15 application for an instruction permit.

16 (2) (b) A guardian ad litem OR A COUNSEL FOR YOUTH, an official  
17 of a county or district department of human or social services, or an  
18 official of the division of youth services in the state department of human  
19 services who signs a minor's application for an instruction permit or a  
20 minor driver's license but does not sign an affidavit of liability does not  
21 impute liability on themselves, on the county, or on the state for any  
22 damages caused by the negligence or willful misconduct of the applicant.

23 **SECTION 37. Act subject to petition - effective date.** This act  
24 takes effect January 9, 2023; except that, if a referendum petition is filed  
25 pursuant to section 1 (3) of article V of the state constitution against this  
26 act or an item, section, or part of this act within such period, then the act,  
27 item, section, or part will not take effect unless approved by the people

1 at the general election to be held in November 2022 and, in such case,  
2 will take effect on January 9, 2023, or on the date of the official  
3 declaration of the vote thereon by the governor.