



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 22-0952	Date:	August 22, 2022
Prime Sponsors:	Rep. Gonzales-Gutierrez; Jodeh Sen. Gonzales	Bill Status:	Signed into Law
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Bill Topic: **DEPENDENCY PROCEEDINGS UNACCOMPANIED CHILD**

Summary of Fiscal Impact:

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

The bill allows unaccompanied children in custody of the Office of Refugee Resettlement at Colorado facilities to petition to be declared dependent on the court. Starting in FY 2022-23, the bill increases state workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill allows unaccompanied children in the custody of the federal Office of Refugee Resettlement at a Colorado facility to petition Colorado courts for a dependency order. The petition must include:

- facts that bring the child under the court's jurisdiction;
- the child's name, age and country of birth; and
- the facility where the child is being held in custody.

The child's parents may not be named as respondents, and parental rights may not be terminated through these proceedings.

If the court determines a child is dependent on the court, the child is eligible for services and oversight by the Office of the Child Protection Ombudsman (CPO), and the court may issue an order establishing the child's eligibility for classification as a Special Immigrant Juvenile (SIJ) under federal law. The court may not alter a child's custody status or placement without consent from the U.S. Department of Health and Human Services (HHS), and may have jurisdiction over a child until they turn 18 or upon further order of the court.

Background

Unaccompanied children and youth who enter the United States and have been abused, abandoned or neglected by a parent may be eligible for SIJ classification, which allows them to apply for lawful permanent residence in the United States. To be eligible for SIJ classification, an applicant must:

- be under 21 years of age;
- currently live in the United States;
- be unmarried; and
- have a valid juvenile court order issued by a state court.

To be valid, court orders must find that it is not in the best interests of an applicant to return to their country of nationality or last residence, and that they sought relief from abuse, neglect and abandonment, not primarily to obtain an immigration benefit. A court must receive written consent before changing the custody status or placement of a child or youth that is in custody of the HHS and Office of Refugee Resettlement. There is currently one facility in Colorado that houses unaccompanied children in custody of the federal Office of Refugee Resettlement. It can house up to 44 children at a time.

State Expenditures

Starting in FY 2022-23, the bill increases workload in the Judicial Department and the Office of the CPO.

Judicial Department. The fiscal note assumes that workload will increase for trial courts to hear up to 20 new petitions for unaccompanied children in dependency and neglect cases each year. This workload can be accomplished using existing appropriations. However, if the number of petitions and cases increases significantly above this assumption, the Judicial Department will require additional FTE, which will be requested through the annual budget process.

Office of the Child Protection Ombudsman. Workload will increase for the CPO to provide services to unaccompanied children who are ordered dependent on Colorado courts. This workload can be accomplished using existing appropriations.

Effective Date

This bill was signed into law by the Governor and took effect on June 7, 2022.

State and Local Government Contacts

Counties
Judicial

Human Services
Law

Information Technology