



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1204: CO INDIAN CHILD WELFARE ACT

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**Prime Sponsors:**

Rep. Duran; Joseph

**Fiscal Analyst:**

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**Version:** First Revised Note

**Date:** March 10, 20255

**Fiscal note status:** The fiscal note reflects the introduced bill, as amended by the House Health and Human Services Committee.

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### Summary Information

**Overview.** The bill creates the Colorado Indian Child Welfare Act, which codifies federal protections for Indian children and adds additional state protections.

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

- Minimal State Workload
- Local Government

**Appropriations.** No appropriation is required.

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

<b>Type of Impact</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
State Revenue	\$0	\$0
State Expenditures (General Fund)	\$0	\$0
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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The bill codifies the federal Indian Child Welfare Act of 1978 (ICWA) into state statute as the Colorado Indian Child Welfare Act, which provides the minimum federal standards and protections for the removal and placement of Indian children in homes. It also provides additional protections for Indian children under state law.

For court proceedings involving Indian children, the bill outlines court procedures for determining a child's tribal membership, ensuring tribal participation in proceedings, and prioritizing placement preferences with family and tribe members. The bill requires active efforts in verifying a child's tribal status, requires providing notice to parents and tribes, and provides guidelines for emergency hearings involving Indian children. It recognizes tribal jurisdiction over cases involving Indian children, ensures court-appointed counsel for indigent families, and allows the state to enter into and revise agreements with tribes regarding child welfare cases.

The bill also requires the Judicial Department and Department of Human Services (CDHS) to report certain information on Indian children beginning in FY 2027-28, and every odd year after.

## **State Expenditures**

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The bill minimally affects workload in CDHS, the Judicial Department, and independent judicial agencies, as described below.

### **Department of Human Services**

Workload will increase for CDHS to report ICWA-related information, including the tribes where Indian children were placed in protective custody, the number of children in foster care and adoptive homes, and the availability and common barriers to appropriate placements for Indian children. This workload is expected to be minimal and absorbable within current resources.

### **Judicial Department**

The bill makes changes to current court processes for ICWA cases, including requiring translation services, allowing access to records by tribal courts, and appointing counsel for indigent families in non-dependency and neglect cases. Workload will also increase for required reporting by the Department. Based on the current number of ICWA cases heard annually, and as existing ICWA processes are already in place, the additional workload is expected to be minimal and absorbable within existing resources.

### **Independent Judicial Agencies**

Workload will minimally increase for the Office of the Respondent Parents' Counsel and Office of the Child's Representative to train and support attorneys on the new ICWA requirements. Like the Judicial Department, this impact is expected to be absorbed within existing appropriations as the bill codifies federal law and clarifies state practices.

## Local Government

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The bill increases workload for county department of human services to comply and train staff on updated ICWA requirements. However, as the bill primarily codifies existing federal law, the impact is expected to be manageable within current resources.

## Effective Date

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

## State and Local Government Contacts

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Child Welfare

Human Services

Counties

Judicial

Law

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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](#).