

CHAPTER 366

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 00-1371

BY REPRESENTATIVES Alexander, Kaufman, Larson, Spradley, Clarke, Coleman, George, Keller, Mace, Miller, Morrison, Tate, Tochtrop, S. Williams, and Zimmerman;
also SENATORS Anderson, Hernandez, Perlmutter, Reeves, and Wham.

AN ACT

CONCERNING FAMILIES IN THE COURT SYSTEM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 91
Office of the Child's Representative

13-91-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "OFFICE OF THE CHILD'S REPRESENTATIVE ACT".

13-91-102. Legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE LEGAL REPRESENTATION OF AND NON-LEGAL ADVOCACY ON BEHALF OF CHILDREN IS A CRITICAL ELEMENT IN GIVING CHILDREN A VOICE IN THE COLORADO COURT SYSTEM. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE REPRESENTATION OF CHILDREN IS UNIQUE IN THAT CHILDREN OFTEN HAVE NO RESOURCES WITH WHICH TO RETAIN THE SERVICES OF AN ATTORNEY OR ADVOCATE, THEY ARE UNABLE TO EFFICIENTLY PROVIDE OR COMMUNICATE TO SUCH AN ATTORNEY OR ADVOCATE THE INFORMATION NEEDED TO EFFECTIVELY SERVE THE BEST INTERESTS OR DESIRES OF THAT CHILD, AND THEY LACK THE ABILITY AND UNDERSTANDING TO EFFECTIVELY EVALUATE AND, IF NECESSARY, COMPLAIN ABOUT THE QUALITY OF REPRESENTATION THEY RECEIVE. ACCORDINGLY, THE GENERAL ASSEMBLY FINDS THAT THE REPRESENTATION OF CHILDREN NECESSITATES SIGNIFICANT EXPERTISE AS WELL AS A SUBSTANTIAL INVESTMENT IN TIME AND FISCAL RESOURCES. THE GENERAL ASSEMBLY FINDS THAT, TO DATE, THE STATE HAS BEEN SPORADIC, AT BEST, IN THE PROVISION OF

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

QUALIFIED SERVICES AND FINANCIAL RESOURCES TO THIS DISADVANTAGED AND VOICELESS POPULATION.

(b) ACCORDINGLY, THE GENERAL ASSEMBLY HEREBY DETERMINES AND DECLARES THAT IT IS IN THE BEST INTERESTS OF THE CHILDREN OF THE STATE OF COLORADO, IN ORDER TO REDUCE NEEDLESS EXPENDITURES, ESTABLISH ENHANCED FUNDING RESOURCES, AND IMPROVE THE QUALITY OF REPRESENTATION AND ADVOCACY PROVIDED TO CHILDREN IN THE COLORADO COURT SYSTEM, THAT AN OFFICE OF THE CHILD'S REPRESENTATIVE BE ESTABLISHED IN THE STATE JUDICIAL DEPARTMENT.

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT AN OFFICE OF THE CHILD'S REPRESENTATIVE SHALL BE ESTABLISHED PURSUANT TO THIS ARTICLE AND OPERATIONAL OVER THE COURSE OF A TWO-YEAR PERIOD. IT IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT A BOARD AND A DIRECTOR OF THE OFFICE SHALL BE APPOINTED AS SPECIFIED IN SECTION 13-91-104 AND THAT THE OPERATIONAL STRUCTURE OF THE OFFICE SHALL BE ESTABLISHED DURING FISCAL YEAR 2000-01. THE COSTS ASSOCIATED WITH THE ESTABLISHMENT OF THE OFFICE, INCLUDING THE ASSOCIATED FTE, SHALL BE PAID FOR BY A TRANSFER FROM THE STATE JUDICIAL, TRIAL COURTS, MANDATED COSTS LINE ITEM. IN ADDITION, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, FOR FISCAL YEAR 2001-02 AND FISCAL YEARS THEREAFTER, AN APPROPRIATION SHALL BE MADE TO THE OFFICE OF THE CHILD'S REPRESENTATIVE IN THE STATE JUDICIAL DEPARTMENT FOR THE PURPOSE OF PAYMENT OF ALL FINANCIAL OBLIGATIONS PREVIOUSLY COVERED BY THE JUDICIAL DEPARTMENT, TRIAL COURTS, MANDATED COSTS LINE ITEM RELATING TO THE PROVISION OF THOSE LEGAL SERVICES TO CHILDREN THAT ARE ADDRESSED IN THIS ARTICLE.

13-91-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

(2) "CONTRACT ENTITY" MEANS A NONPROFIT ENTITY WITH WHICH THE STATE JUDICIAL DEPARTMENT MAY CONTRACT FOR THE COORDINATION AND SUPPORT OF CASA ACTIVITIES IN THE STATE OF COLORADO.

(3) "COURT-APPOINTED SPECIAL ADVOCATE" OR "CASA" MEANS A TRAINED VOLUNTEER APPOINTED BY THE COURT PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 1 OF TITLE 19, C.R.S., SECTION 14-10-116, C.R.S., OR TITLE 15, C.R.S., IN A JUDICIAL DISTRICT TO AID THE COURT BY PROVIDING INDEPENDENT AND OBJECTIVE INFORMATION, AS DIRECTED BY THE COURT, REGARDING CHILDREN INVOLVED IN ACTIONS BROUGHT PURSUANT TO SECTION 14-10-116, C.R.S., OR TITLE 15 OR 19, C.R.S.

(4) "GUARDIAN AD LITEM" OR "GAL" MEANS A PERSON APPOINTED BY A COURT TO ACT IN THE BEST INTERESTS OF A CHILD INVOLVED IN A PROCEEDING UNDER TITLE 19, C.R.S., OR THE "SCHOOL ATTENDANCE LAW OF 1963", SET FORTH IN ARTICLE 33 OF TITLE 22, C.R.S., AND WHO, IF APPOINTED TO REPRESENT A CHILD IN A DEPENDENCY OR NEGLECT PROCEEDING PURSUANT TO ARTICLE 3 OF TITLE 19, C.R.S., SHALL BE AN ATTORNEY-AT-LAW LICENSED TO PRACTICE IN COLORADO.

(5) "LOCAL CASA PROGRAM" MEANS A CASA PROGRAM ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 1 OF TITLE 19, C.R.S.

(6) "REPRESENTATIVE OF A CHILD" MEANS AN ATTORNEY APPOINTED BY A COURT PURSUANT TO SECTION 14-10-116, C.R.S., TO REPRESENT THE BEST INTERESTS OF A MINOR OR DEPENDENT CHILD.

13-91-104. Office of the child's representative - board - qualifications of director. (1) THE OFFICE OF THE CHILD'S REPRESENTATIVE IS HEREBY CREATED AND ESTABLISHED AS AN AGENCY OF THE JUDICIAL DEPARTMENT OF STATE GOVERNMENT. IT SHALL BE THE RESPONSIBILITY OF THE OFFICE OF THE CHILD'S REPRESENTATIVE TO WORK COOPERATIVELY WITH LOCAL JUDICIAL DISTRICTS, ATTORNEYS, AND ANY CONTRACT ENTITY IN ORDER TO FORM A PARTNERSHIP BETWEEN THOSE ENTITIES AND PERSONS AND THE STATE FOR THE PURPOSE OF ENSURING THE PROVISION OF UNIFORM, HIGH-QUALITY LEGAL REPRESENTATION AND NON-LEGAL ADVOCACY TO CHILDREN INVOLVED IN JUDICIAL PROCEEDINGS IN COLORADO.

(2) (a) THE COLORADO SUPREME COURT SHALL APPOINT A NINE-MEMBER CHILD'S REPRESENTATIVE BOARD, REFERRED TO IN THIS ARTICLE AS THE "BOARD". NO MORE THAN FIVE MEMBERS OF THE BOARD SHALL BE FROM THE SAME POLITICAL PARTY. THE MEMBERS OF THE BOARD SHALL BE REPRESENTATIVE OF EACH OF THE SIX CONGRESSIONAL DISTRICTS. THREE MEMBERS OF THE BOARD SHALL BE ATTORNEYS ADMITTED TO PRACTICE LAW IN THIS STATE WHO HAVE EXPERIENCE IN REPRESENTING CHILDREN AS GUARDIANS AD LITEM OR AS LEGAL REPRESENTATIVES OF CHILDREN. THREE MEMBERS OF THE BOARD SHALL BE CITIZENS OF COLORADO NOT ADMITTED TO PRACTICE LAW IN THIS STATE, WHO SHALL HAVE EXPERIENCE AT ADVOCATING FOR CHILDREN IN THE COURT SYSTEM. THREE MEMBERS OF THE BOARD SHALL BE CITIZENS OF THE STATE WHO ARE NOT ATTORNEYS AND WHO HAVE NOT SERVED AS COURT-APPOINTED SPECIAL ADVOCATES OR SPECIAL ADVOCATES.

(b) MEMBERS OF THE BOARD SHALL SERVE FOR TERMS OF FOUR YEARS; EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, FIVE SHALL SERVE FOR TERMS OF TWO YEARS. VACANCIES ON THE BOARD SHALL BE FILLED BY THE SUPREME COURT FOR THE REMAINDER OF ANY UNEXPIRED TERM. IN MAKING APPOINTMENTS TO THE BOARD, THE SUPREME COURT SHALL CONSIDER PLACE OF RESIDENCE, GENDER, RACE, AND ETHNIC BACKGROUND. THE SUPREME COURT SHALL ESTABLISH PROCEDURES FOR THE OPERATION OF THE BOARD.

(c) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION BUT SHALL BE REIMBURSED FOR ACTUAL AND REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(d) ANY EXPENSES INCURRED FOR THE BOARD SHALL BE PAID FROM THE GENERAL OPERATING BUDGET OF THE OFFICE OF THE CHILD'S REPRESENTATIVE.

(3) THE BOARD SHALL HAVE THE FOLLOWING RESPONSIBILITIES:

(a) (I) TO APPOINT, AND DISCHARGE FOR CAUSE, A PERSON TO SERVE AS THE DIRECTOR OF THE OFFICE OF THE CHILD'S REPRESENTATIVE, REFERRED TO IN THIS SECTION AS THE "DIRECTOR".

(II) THE DIRECTOR SHALL HAVE BEEN LICENSED TO PRACTICE LAW IN THIS STATE FOR AT LEAST FIVE YEARS PRIOR TO APPOINTMENT AND SHALL BE FAMILIAR WITH THE UNIQUE DEMANDS OF REPRESENTING A CHILD IN THE COURT SYSTEM. THE DIRECTOR SHALL DEVOTE HIS OR HER FULL TIME TO THE PERFORMANCE OF HIS OR HER DUTIES AND SHALL NOT ENGAGE IN THE PRIVATE PRACTICE OF LAW.

(III) THE COMPENSATION OF THE DIRECTOR SHALL BE FIXED BY THE GENERAL ASSEMBLY AND MAY NOT BE REDUCED DURING THE TERM OF THE DIRECTOR'S APPOINTMENT.

(b) TO FILL ANY VACANCY IN THE DIRECTORSHIP FOR THE REMAINDER OF THE UNEXPIRED TERM;

(c) TO WORK COOPERATIVELY WITH THE DIRECTOR TO PROVIDE GOVERNANCE TO THE OFFICE OF THE CHILD'S REPRESENTATIVE, TO PROVIDE FISCAL OVERSIGHT OF THE GENERAL OPERATING BUDGET OF THE OFFICE OF THE CHILD'S REPRESENTATIVE, TO PARTICIPATE IN FUNDING DECISIONS RELATING TO THE PROVISION OF GAL, CASA, AND REPRESENTATIVE OF THE CHILD SERVICES THROUGHOUT THE STATE, AND TO ASSIST WITH THE DUTIES OF THE OFFICE OF THE CHILD'S REPRESENTATIVE CONCERNING GAL AND CASA TRAINING, AS NEEDED.

13-91-105. Duties of the office of the child's representative - guardian ad litem programs - CASA programs. (1) IN ADDITION TO ANY RESPONSIBILITIES ASSIGNED TO IT BY THE CHIEF JUSTICE, THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL:

(a) ENHANCE THE PROVISION OF GAL SERVICES IN COLORADO BY:

(I) ENSURING THE PROVISION AND AVAILABILITY OF HIGH-QUALITY, ACCESSIBLE TRAINING THROUGHOUT THE STATE FOR PERSONS SEEKING TO SERVE AS GUARDIANS AD LITEM AS WELL AS TO JUDGES AND MAGISTRATES WHO REGULARLY HEAR MATTERS INVOLVING CHILDREN AND FAMILIES;

(II) MAKING RECOMMENDATIONS TO THE CHIEF JUSTICE CONCERNING THE ESTABLISHMENT, BY RULE OR CHIEF JUSTICE DIRECTIVE, OF THE MINIMUM TRAINING REQUIREMENTS THAT AN ATTORNEY SEEKING TO SERVE AS A GUARDIAN AD LITEM SHALL MEET;

(III) MAKING RECOMMENDATIONS TO THE CHIEF JUSTICE CONCERNING THE ESTABLISHMENT, BY RULE OR CHIEF JUSTICE DIRECTIVE, OF STANDARDS TO WHICH ATTORNEYS SERVING AS GUARDIANS AD LITEM SHALL BE HELD, INCLUDING BUT NOT LIMITED TO MINIMUM PRACTICE STANDARDS, WHICH STANDARDS SHALL INCLUDE:

(A) INCORPORATION OF THE FEDERAL GUIDELINES FOR PERSONS SERVING AS GUARDIANS AD LITEM AS SET FORTH IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES' "ADOPTION 2002" GUIDELINES AND INCORPORATION OF THE GUIDELINES FOR GUARDIANS AD LITEM ADOPTED BY THE COLORADO BAR ASSOCIATION IN 1993;

(B) MINIMUM DUTIES OF GUARDIANS AD LITEM IN REPRESENTING CHILDREN INVOLVED IN JUDICIAL PROCEEDINGS;

(C) MINIMUM RESPONSIBILITIES OF GUARDIANS AD LITEM IN REPRESENTING CHILDREN INVOLVED IN JUDICIAL PROCEEDINGS; AND

(D) A DETERMINATION OF AN APPROPRIATE MAXIMUM-CASELOAD LIMITATION FOR PERSONS SERVING AS GUARDIANS AD LITEM;

(IV) OVERSEEING THE PRACTICE OF GUARDIANS AD LITEM TO ENSURE COMPLIANCE WITH ALL RELEVANT STATUTES, ORDERS, RULES, DIRECTIVES, POLICIES, AND PROCEDURES;

(V) WORKING COOPERATIVELY WITH THE CHIEF JUDGE IN EACH JUDICIAL DISTRICT OR GROUP OF JUDICIAL DISTRICTS TO JOINTLY ESTABLISH A LOCAL BODY TO OVERSEE THE PROVISION OF GUARDIAN AD LITEM SERVICES IN THAT JUDICIAL DISTRICT OR DISTRICTS, WHICH OVERSIGHT BODIES WOULD OPERATE AND REPORT DIRECTLY TO THE DIRECTOR CONCERNING THE PRACTICE OF GUARDIANS AD LITEM IN THAT JUDICIAL DISTRICT OR DISTRICTS PURSUANT TO OVERSIGHT PROCEDURES ESTABLISHED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE;

(VI) ESTABLISHING FAIR AND REALISTIC STATE RATES BY WHICH TO COMPENSATE STATE-APPOINTED GUARDIANS AD LITEM, WHICH WILL TAKE INTO CONSIDERATION THE CASELOAD LIMITATIONS PLACED ON GUARDIANS AD LITEM AND WHICH WILL BE SUFFICIENT TO ATTRACT AND RETAIN HIGH-QUALITY, EXPERIENCED ATTORNEYS TO SERVE AS GUARDIANS AD LITEM;

(VII) SEEKING TO ENHANCE EXISTING FUNDING SOURCES FOR THE PROVISION OF HIGH-QUALITY GUARDIAN AD LITEM SERVICES IN COLORADO;

(VIII) STUDYING THE AVAILABILITY OF OR DEVELOPING NEW FUNDING SOURCES FOR THE PROVISION OF GUARDIAN AD LITEM SERVICES IN COLORADO, INCLUDING BUT NOT LIMITED TO, LONG-TERM POOLING OF FUNDS PROGRAMS;

(IX) ACCEPTING GRANTS, GIFTS, DONATIONS, AND OTHER NONGOVERNMENTAL CONTRIBUTIONS TO BE USED TO FUND THE WORK OF THE OFFICE OF THE CHILD'S REPRESENTATIVE RELATING TO GUARDIANS AD LITEM. SUCH GRANTS, GIFTS, DONATIONS, AND OTHER NONGOVERNMENTAL CONTRIBUTIONS SHALL BE CREDITED TO THE GUARDIAN AD LITEM FUND, CREATED IN SECTION 13-91-106 (1). MONEYS IN SUCH FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS PARAGRAPH (a) AND FOR THE PURPOSES OF ENHANCING THE PROVISION OF GUARDIAN AD LITEM SERVICES IN COLORADO; AND

(X) EFFECTIVE JULY 1, 2001, ALLOCATING MONEYS APPROPRIATED TO THE OFFICE OF THE CHILD'S REPRESENTATIVE IN THE STATE JUDICIAL DEPARTMENT FOR THE PROVISION OF GAL SERVICES;

(b) ENHANCE THE CASA PROGRAM IN COLORADO BY:

(I) WORKING COOPERATIVELY WITH THE CONTRACT ENTITY TO ENSURE THE DEVELOPMENT OF LOCAL CASA PROGRAMS IN EACH JUDICIAL DISTRICT OR IN ADJACENT JUDICIAL DISTRICTS;

(II) SEEKING TO ENHANCE EXISTING FUNDING SOURCES AND TO DEVELOP

PRIVATE-PUBLIC PARTNERSHIP FUNDING FOR THE PROVISION OF HIGH-QUALITY, VOLUNTEER LOCAL CASA PROGRAMS IN EACH JUDICIAL DISTRICT OR IN ADJACENT JUDICIAL DISTRICTS;

(III) STUDYING THE AVAILABILITY OF OR DEVELOPING NEW FUNDING SOURCES FOR CASA PROGRAMS, INCLUDING BUT NOT LIMITED TO LONG-TERM POOLING OF FUNDS PROGRAMS;

(IV) EFFECTIVE JULY 1, 2001, ALLOCATING MONEYS APPROPRIATED TO THE STATE JUDICIAL DEPARTMENT FOR CASA PROGRAMS TO LOCAL CASA PROGRAMS BASED UPON RECOMMENDATIONS MADE BY THE CONTRACT ENTITY;

(V) WORKING COOPERATIVELY WITH THE CONTRACT ENTITY TO ENSURE THE PROVISION AND AVAILABILITY OF HIGH-QUALITY, ACCESSIBLE TRAINING IN LOCATIONS OF THE STATE WHERE CASA PROGRAMS HAVE BEEN ESTABLISHED FOR THE BENEFIT OF PERSONS SEEKING TO SERVE AS CASA VOLUNTEERS AS WELL AS FOR JUDGES AND MAGISTRATES WHO REGULARLY HEAR MATTERS INVOLVING CHILDREN AND FAMILIES;

(VI) SERVING AS A RESOURCE TO THE CONTRACT ENTITY; AND

(VII) ACCEPTING GRANTS, GIFTS, DONATIONS, AND OTHER NONGOVERNMENTAL CONTRIBUTIONS TO BE USED TO FUND THE WORK OF THE OFFICE OF THE CHILD'S REPRESENTATIVE RELATING TO CASA PROGRAMS. SUCH GRANTS, GIFTS, DONATIONS, AND OTHER NONGOVERNMENTAL CONTRIBUTIONS SHALL BE CREDITED TO THE COURT-APPOINTED SPECIAL ADVOCATE FUND CREATED IN SECTION 13-91-106 (2). MONEYS IN SUCH FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS PARAGRAPH (b) AND FOR THE PURPOSES OF THE LOCAL CASA PROGRAMS.

(c) ENHANCE THE PROVISION OF SERVICES IN COLORADO BY ATTORNEYS APPOINTED TO SERVE AS REPRESENTATIVES OF CHILDREN PURSUANT TO SECTION 14-10-116, C.R.S., BY:

(I) ENSURING THE PROVISION AND AVAILABILITY OF HIGH-QUALITY, ACCESSIBLE TRAINING THROUGHOUT THE STATE FOR ATTORNEYS SEEKING TO SERVE AS REPRESENTATIVES OF CHILDREN, AS WELL AS TO JUDGES AND MAGISTRATES WHO REGULARLY HEAR DOMESTIC MATTERS UNDER ARTICLE 10 OF TITLE 14, C.R.S.;

(II) MAKING RECOMMENDATIONS TO THE CHIEF JUSTICE CONCERNING THE ESTABLISHMENT, BY RULE OR CHIEF JUSTICE DIRECTIVE, OF THE MINIMUM TRAINING REQUIREMENTS THAT AN ATTORNEY SEEKING TO SERVE AS A REPRESENTATIVE OF A CHILD SHALL MEET;

(III) MAKING RECOMMENDATIONS TO THE CHIEF JUSTICE CONCERNING THE ESTABLISHMENT, BY RULE OR CHIEF JUSTICE DIRECTIVE, OF STANDARDS TO WHICH ATTORNEYS SERVING AS REPRESENTATIVES OF CHILDREN SHALL BE HELD;

(IV) OVERSEEING THE PRACTICE OF REPRESENTATIVES OF CHILDREN APPOINTED PURSUANT TO SECTION 14-10-116, C.R.S., TO ENSURE COMPLIANCE WITH ALL RELEVANT STATUTES, ORDERS, RULES, DIRECTIVES, POLICIES, AND PROCEDURES;

(V) SEEKING TO ENHANCE EXISTING FUNDING SOURCES FOR AND STUDYING THE AVAILABILITY OF OR DEVELOPING NEW FUNDING SOURCES FOR THE PROVISION OF SERVICES BY COURT-APPOINTED REPRESENTATIVES OF CHILDREN;

(VI) EFFECTIVE JULY 1, 2001, ALLOCATING MONEYS APPROPRIATED TO THE OFFICE OF THE CHILD'S REPRESENTATIVE IN THE STATE JUDICIAL DEPARTMENT FOR THE PROVISION OF SERVICES BY COURT-APPOINTED REPRESENTATIVES OF CHILDREN;

(d) ENFORCE, AS APPROPRIATE, THE PROVISIONS OF THIS SECTION;

(e) WORK COOPERATIVELY WITH THE JUDICIAL DISTRICTS TO ESTABLISH PILOT PROGRAMS DESIGNED TO ENHANCE THE QUALITY OF CHILD REPRESENTATIVES AT THE LOCAL LEVEL;

(f) DEVELOP MEASUREMENT INSTRUMENTS DESIGNED TO ASSESS AND DOCUMENT THE EFFECTIVENESS OF VARIOUS MODELS OF REPRESENTATION AND THE OUTCOMES ACHIEVED BY REPRESENTATIVES AND ADVOCATES FOR CHILDREN, INCLUDING COLLABORATIVE MODELS WITH LOCAL CASA PROGRAMS;

(g) CAUSE AN ANNUAL, INDEPENDENT FINANCIAL AUDIT TO BE PERFORMED ON THE FINANCIAL ASPECTS OF THE OFFICE OF THE CHILD'S REPRESENTATIVE, THE REPORTS FOR WHICH SHALL BE SUBMITTED TO THE MEMBERS OF THE GENERAL ASSEMBLY AND THE STATE COURT ADMINISTRATOR'S OFFICE, TOGETHER WITH THE REPORTS SPECIFIED IN PARAGRAPHS (h) AND (i) OF THIS SUBSECTION (1);

(h) CAUSE A PROGRAM REVIEW AND OUTCOME-BASED EVALUATION OF THE PERFORMANCE OF THE OFFICE OF THE CHILD'S REPRESENTATIVE TO BE CONDUCTED ANNUALLY TO DETERMINE WHETHER THE OFFICE IS EFFECTIVELY AND EFFICIENTLY MEETING THE GOALS OF IMPROVING CHILD AND FAMILY WELL-BEING AND THE DUTIES SET FORTH IN THIS SECTION, THE REPORTS FOR WHICH SHALL BE SUBMITTED TO THE MEMBERS OF THE GENERAL ASSEMBLY AND THE STATE COURT ADMINISTRATOR'S OFFICE, TOGETHER WITH THE REPORTS SPECIFIED IN PARAGRAPHS (g) AND (i) OF THIS SUBSECTION (1); AND

(i) REPORT THE ACTIVITIES OF THE OFFICE OF THE CHILD'S REPRESENTATIVE TO THE MEMBERS OF THE GENERAL ASSEMBLY AND TO THE STATE COURT ADMINISTRATOR'S OFFICE, TOGETHER WITH THE REPORTS SPECIFIED IN PARAGRAPHS (g) AND (h) OF THIS SUBSECTION (1), ON OR BEFORE SEPTEMBER 1, 2001, AND ON OR BEFORE SEPTEMBER 1 OF EACH YEAR THEREAFTER.

13-91-106. Guardian ad litem fund - court-appointed special advocate fund - created. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE GUARDIAN AD LITEM FUND, REFERRED TO IN THIS SUBSECTION (1) AS THE "FUND". THE FUND SHALL CONSIST OF SUCH GENERAL FUND MONEYS AS MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY AND ANY MONEYS RECEIVED PURSUANT TO SECTION 13-91-105 (1) (a) (IX). THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE JUDICIAL DEPARTMENT FOR ALLOCATION TO THE OFFICE OF THE CHILD'S REPRESENTATIVE FOR THE PURPOSES OF FUNDING THE WORK OF THE OFFICE OF THE CHILD'S REPRESENTATIVE RELATING TO THE PROVISION OF GUARDIAN AD LITEM SERVICES AND FOR THE PROVISION OF GUARDIAN AD LITEM SERVICES IN COLORADO. ALL INTEREST DERIVED FROM THE

DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS NOT APPROPRIATED SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

(2) THERE IS HEREBY CREATED IN THE STATE TREASURY THE COURT-APPOINTED SPECIAL ADVOCATE FUND REFERRED TO IN THIS SUBSECTION (2) AS THE "FUND". THE FUND SHALL CONSIST OF SUCH GENERAL FUND MONEYS AS MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY AND ANY MONEYS RECEIVED PURSUANT TO SECTION 13-91-105 (1) (b) (VII). THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE JUDICIAL DEPARTMENT FOR ALLOCATION TO THE OFFICE OF THE CHILD'S REPRESENTATIVE FOR THE PURPOSES OF FUNDING THE CASA PROGRAMS ESTABLISHED IN EACH JUDICIAL DISTRICT, OR IN ADJACENT JUDICIAL DISTRICTS, PURSUANT TO PART 2 OF ARTICLE 1 OF TITLE 19, C.R.S., AND THE WORK OF THE OFFICE OF THE CHILD'S REPRESENTATIVE RELATING TO THE ENHANCEMENT OF CASA PROGRAMS. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS NOT APPROPRIATED SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

13-91-107. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 2. Legislative declaration. (1) The general assembly hereby finds and declares that legal matters relating to children frequently involve the court system. The general assembly further finds that the adversarial process inherent in the court system is often detrimental to the best interests of children in legal matters affecting children's lives. In addition, children and families in need of services may find themselves involved in the court system in multiple ways; however, due to the nature of the current judicial system, a judge hearing a juvenile or domestic matter may be unaware that the family has appeared before another judge on a different, but related, legal matter. Although the legal matters may stem from the same systemic family problems or issues, services provided to the family through the various court proceedings may be fragmented or duplicative and, accordingly, may not meet the family's needs in the most effective and efficient manner. Moreover, such an approach often results in a less optimal use of judicial resources than could otherwise be achieved through a coordinated family court. The general assembly hereby finds that a family court with a court case manager would provide a mechanism for the coordinated provision of services to families experiencing multiple legal issues and would better serve the needs of families in a more integrated, efficient, and effective manner.

(2) The general assembly hereby acknowledges and applauds the undertakings of the Colorado supreme court in studying and investigating the different models implemented throughout the country supporting the principles of a family court. The general assembly further supports and encourages the efforts of the judicial branch in implementing such principles toward improved delivery of judicial services to families in Colorado.

SECTION 3. 14-10-116 (1), Colorado Revised Statutes, is amended to read:

14-10-116. Appointments in domestic relations cases - representation of child - special advocates. (1) The court may, upon the motion of either party or upon its own motion, appoint an individual for the parties' minor or dependent children or to assist the court in any domestic relations proceeding pursuant to subsection (2) of this section. The court shall set forth the duties of such individual in a written order of appointment, WHICH ORDER SHALL INCLUDE A REQUIREMENT THAT ANY ATTORNEY APPOINTED PURSUANT TO THIS SECTION TO SERVE AS EITHER A REPRESENTATIVE OF THE CHILD OR AS A SPECIAL ADVOCATE SHALL COMPLY WITH THE APPLICABLE PROVISIONS SET FORTH IN THE CHIEF JUSTICE DIRECTIVE 97-02, CONCERNING THE COURT APPOINTMENT OF GUARDIANS AD LITEM AND OTHER REPRESENTATIVES AND OF COUNSEL FOR CHILDREN AND INDIGENT PERSONS IN TITLES 14, 15, 19 (DEPENDENCY AND NEGLECT ONLY), 22, AND 27, C.R.S., AND ANY SUBSEQUENT CHIEF JUSTICE DIRECTIVE OR OTHER PRACTICE STANDARDS ESTABLISHED BY RULE OR DIRECTIVE OF THE CHIEF JUSTICE PURSUANT TO SECTION 13-91-105 (1) (a), C.R.S., CONCERNING THE DUTIES OR RESPONSIBILITIES OF GUARDIANS AD LITEM AND SPECIAL ADVOCATES IN LEGAL MATTERS AFFECTING CHILDREN. In no instance may the same person serve as both the child's representative pursuant to paragraph (a) of subsection (2) of this section and as the special advocate pursuant to paragraph (b) of subsection (2) of this section.

SECTION 4. 19-1-111, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-1-111. Appointment of guardian ad litem. (6) ANY PERSON APPOINTED TO SERVE AS A GUARDIAN AD LITEM PURSUANT TO THIS SECTION SHALL COMPLY WITH THE PROVISIONS SET FORTH IN THE CHIEF JUSTICE DIRECTIVE 97-02, CONCERNING THE COURT APPOINTMENT OF GUARDIANS AD LITEM AND OTHER REPRESENTATIVES AND OF COUNSEL FOR CHILDREN AND INDIGENT PERSONS IN TITLES 14, 15, 19 (DEPENDENCY AND NEGLECT ONLY), 22, AND 27, C.R.S., AND ANY SUBSEQUENT CHIEF JUSTICE DIRECTIVE OR OTHER PRACTICE STANDARDS ESTABLISHED BY RULE OR DIRECTIVE OF THE CHIEF JUSTICE PURSUANT TO SECTION 13-91-105, C.R.S., CONCERNING THE DUTIES OR RESPONSIBILITIES OF GUARDIANS AD LITEM IN LEGAL MATTERS AFFECTING CHILDREN.

SECTION 5. Appropriation - adjustment in 2000 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the state judicial department for allocation to the office of the child's representative established in article 91 of title 13, Colorado Revised Statutes, for the fiscal year beginning July 1, 2000, the sum of one hundred forty-seven thousand six hundred fifty-nine dollars (\$147,659) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2000, shall be adjusted as follows: The appropriation to the judicial department, trial courts, for mandated costs, is reduced by one hundred forty-seven thousand six hundred fifty-nine dollars (\$147,659) general fund.

SECTION 6. Effective date. This act shall take effect July 1, 2000.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2000