

HB1094\_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public & Behavioral Health & Human Services.

HB21-1094 be amended as follows:

- 1 Amend printed bill, page 4, line 13, strike "DISAPPEAR" and substitute
- 2 "DIMINISH".
  
- 3 Page 5, strike lines 9 through 13 and substitute:
- 4 "(2) "COUNTY DEPARTMENT" HAS THE SAME MEANING AS SET
- 5 FORTH IN SECTION 19-1-103."
  
- 6 Renumber succeeding subsections accordingly.
  
- 7 Page 5, strike lines 22 and 23 and substitute:
- 8 "(5) "EXECUTIVE DIRECTOR" HAS THE SAME MEANING AS SET
- 9 FORTH IN SECTION 19-1-103."
  
- 10 Page 6, strike lines 15 through 27 and substitute:
- 11 "(12) "STATE DEPARTMENT" HAS THE SAME MEANING AS SET
- 12 FORTH IN SECTION 19-1-103.
- 13 "(13) "SUPERVISED INDEPENDENT LIVING PLACEMENT" MEANS A
- 14 SETTING IN WHICH A YOUTH IS LIVING INDEPENDENTLY WITH COUNTY
- 15 DEPARTMENT SUPERVISION. "SUPERVISED INDEPENDENT LIVING
- 16 PLACEMENT" IS DESIGNED TO PROMOTE AND LEAD TO A YOUTH'S
- 17 SUCCESSFUL EMANCIPATION."
  
- 18 Renumber succeeding subsections accordingly.
  
- 19 Page 7, line 7, after "A" insert "STANDARDIZED".
  
- 20 Page 7, line 16, strike "ON A VOLUNTARY".
  
- 21 Page 7, line 17, strike "BASIS TO ELIGIBLE YOUTH." and substitute "TO
- 22 ELIGIBLE YOUTH ON A VOLUNTARY BASIS."
  
- 23 Page 7, line 21, strike "AND" and substitute "AND, WHEN REQUIRED,".
  
- 24 Page 8, line 1, after "HAS" insert "CURRENT OR".
  
- 25 Page 8, line 6, strike "19-1-103 (78.7)," and substitute "19-1-103,".
  
- 26 Page 8, line 24, strike "OR BEHAVIORAL HEALTH".
  
- 27 Page 9, line 4, strike "(a)".

- 1 Page 9, strike line 7 and substitute "PROGRAM BY MAKING A REQUEST TO  
2 THE".
- 3 Page 9, line 9, strike "REQUEST MUST INCLUDE" and substitute "YOUTH  
4 SHALL PROVIDE".
- 5 Page 9, lines 11 and 12, strike "SIGN AN AFFIDAVIT ATTESTING" and  
6 substitute "ATTEST".
- 7 Page 9, line 13, strike "INFORMATION AND A BRIEF" and substitute  
8 "INFORMATION.".
- 9 Page 9, strike lines 14 through 24.
- 10 Page 9, line 26, before "AND," insert "WITHIN THREE BUSINESS DAYS OF  
11 THE YOUTH'S REQUEST".
- 12 Page 9, line 27, strike "IF THE".
- 13 Page 10, strike line 1 and substitute "WITHIN THREE BUSINESS DAYS OF AN  
14 ELIGIBLE YOUTH'S DECISION TO ENTER THE PROGRAM,".
- 15 Page 10, line 6, strike "SEVEN DAYS," and substitute "NINETY DAYS OF A  
16 VOLUNTARY SERVICES AGREEMENT REMAINING IN EFFECT,".
- 17 Page 10, strike line 10.
- 18 Page 10, line 11, strike "JUVENILE COURT,".
- 19 Page 10, line 12, strike "DETERMINATION." and substitute  
20 "DETERMINATION, AND HOW TO APPEAL A DENIAL OF ELIGIBILITY.".
- 21 Page 10, line 19, strike "REGARDLESS".
- 22 Page 10, strike lines 20 through 22 and substitute "INCLUDING BUT NOT  
23 LIMITED TO CONSENTING TO THE YOUTH'S OWN MEDICAL CARE; ENTERING  
24 INTO CONTRACTS, INCLUDING BUT NOT LIMITED TO LEASING CONTRACTS,  
25 EMPLOYMENT CONTRACTS, AND CONTRACTS FOR PURCHASE; AND  
26 OBTAINING AND MAINTAINING ACCOUNTS WITH FINANCIAL INSTITUTIONS.".
- 27 Page 11, line 1, strike "SAFE" and substitute "SAFE, AFFORDABLE," and  
28 after the period add "IF A COUNTY DEPARTMENT HAS LEGAL AUTHORITY  
29 FOR PHYSICAL PLACEMENT:".

- 1 Page 11, strike lines 2 and 3.
- 2 Page 11, line 4, strike "FUNDED THROUGH" and substitute "FULLY OR  
3 PARTIALLY FUNDED THROUGH FOSTER CARE MAINTENANCE PAYMENTS, IN  
4 ADDITION TO ANY OTHER HOUSING ASSISTANCE THE YOUTH IS ELIGIBLE TO  
5 RECEIVE. ANY EXPECTATIONS FOR THE YOUTH TO CONTRIBUTE TO THE  
6 YOUTH'S OWN EXPENSES MUST BE BASED UPON THE YOUTH'S ABILITY TO  
7 PAY."
- 8 Page 11, strike line 5.
- 9 Page 11, line 7, after "PLACEMENT" insert "APPROVED BY THE STATE  
10 DEPARTMENT OR THE COURT".
- 11 Page 11, strike lines 16 and 17 and substitute:  
12 "(II) IF A COUNTY DEPARTMENT DOES NOT HAVE LEGAL  
13 AUTHORITY FOR PHYSICAL PLACEMENT, THE PARTICIPATING YOUTH MAY:".
- 14 Page 12, strike line 8 and substitute:  
15 "(V) UPON REQUEST, AND IF SERVICES ARE AVAILABLE, REFERRAL  
16 TO SERVICES SATISFYING ANY JUVENILE OR CRIMINAL JUSTICE SYSTEM".
- 17 Page 12, strike line 14 and substitute:  
18 "(VII) UPON REQUEST, AND IF SERVICES ARE AVAILABLE,  
19 REFERRAL TO OBTAINING THE NECESSARY STATE COURT FINDINGS AND".
- 20 Page 12, line 27, after "BINDING" insert "STANDARDIZED".
- 21 Page 13, strike lines 5 through 9 and substitute:  
22 "(a) THE PARTICIPATING YOUTH'S STATUS AS A LEGAL ADULT, AS  
23 DESCRIBED IN SECTION 19-7-304 (5)".
- 24 Page 13, line 11, strike "COUNSEL;" and substitute "COUNSEL. UPON  
25 ENTERING INTO A VOLUNTARY EXTENDED FOSTER CARE AGREEMENT WITH  
26 AN ELIGIBLE YOUTH, THE COUNTY DEPARTMENT SHALL MAKE A REFERRAL  
27 AND PROVIDE THE YOUTH WITH CONTACT INFORMATION AND AN  
28 APPLICATION FOR THE OFFICE OF THE CHILD'S REPRESENTATIVE FOR  
29 APPOINTMENT OF COUNSEL IF THE YOUTH NEEDS COUNSEL. NOTHING IN  
30 THIS SECTION LIMITS THE POWER OF THE COURT TO APPOINT COUNSEL OR  
31 THE POWER OF THE OFFICE OF THE CHILD'S REPRESENTATIVE TO ASSIGN  
32 COUNSEL PRIOR TO THE FILING OF A PETITION."
- 33 Page 13, line 19, strike "PROGRAM;" and substitute "PROGRAM, AS

- 1 SPECIFIED IN THE ROADMAP TO SUCCESS;".
- 2 Page 13, strike line 24 and substitute:  
3 **"19-1-307. Petition - form and content. (1) A YOUTH OR A**  
4 **PARTICIPATING YOUTH MAY FILE A PETITION ON THE YOUTH'S OWN BEHALF**  
5 **AT ANY TIME. OR, IF SUCH A PETITION HAS NOT YET BEEN FILED AND IF NO**  
6 **MORE THAN NINETY DAYS OF A VOLUNTARY SERVICES AGREEMENT**  
7 **REMAINS IN EFFECT".**
- 8 Page 13, line 25, strike "COURT DAYS".
- 9 Page 14, line 17, strike "CUSTODY" and substitute "AUTHORITY FOR  
10 PHYSICAL PLACEMENT".
- 11 Page 14, strike lines 24 through 26 and substitute "OTHERWISE HAVE, AS  
12 DESCRIBED IN SECTION 19-7-304 (5); AND".
- 13 Page 15, strike lines 6 through 20.
- 14 Renumber succeeding subsections accordingly.
- 15 Page 16, strike lines 10 and 11 and substitute "**of petitioner. (1) A**  
16 **PARTICIPATING YOUTH HAS A RIGHT TO COUNSEL. IF THE YOUTH ACCEPTS**  
17 **THE PUBLICLY PROVIDED COUNSEL, COUNSEL MUST BE ASSIGNED BY THE**  
18 **OFFICE OF THE CHILD'S REPRESENTATIVE OR APPROVED BY THE COURT**  
19 **FROM A LIST OF ATTORNEYS APPROVED BY THE OFFICE OF THE CHILD'S**  
20 **REPRESENTATIVE."**
- 21 Page 16, line 12, strike "REPRESENTATIVE."
- 22 Page 16, line 21, strike "PETITIONER" and substitute "COUNTY  
23 DEPARTMENT".
- 24 Page 20, line 13, strike "19-3-702." and substitute "19-3-702; EXCEPT  
25 THAT PERMANENCY HEARINGS NEED ONLY BE HELD AT LEAST EVERY  
26 TWELVE MONTHS."
- 27 Page 20, line 16, after "MONTHS." insert "A REVIEW HEARING NOT  
28 COINCIDING WITH A PERMANENCY HEARING MAY BE HELD ON THE COURT'S  
29 ADMINISTRATIVE DOCKET BY WRITTEN REPORT UPON AGREEMENT OF THE  
30 PARTIES."
- 31 Page 20, line 17, strike "HEARING." and substitute "HEARING WHEN

1 POSSIBLE."

2 Page 25, line 22, strike "IN ADDITION TO MONEY".

3 Page 25, strike lines 23 through 25.

4 Page 27, strike line 10 and substitute "(32)(a), (47.5), (51.3), (89), and  
5 (103) as follows:"

6 Page 27, after line 12 insert:  
7 "(32)(a) "County department", as used in this ~~article~~; and ARTICLE  
8 1; part 2, part 3, and part 7 of article 3 of this ~~title~~; and TITLE 19; part 2 of  
9 article 5 OF THIS TITLE 19; AND PART 3 OF ARTICLE 7 of this ~~title~~ TITLE 19,  
10 means the county or district department of human or social services.  
11 (47.5) "Executive director", as used in article 3.3 of this ~~title~~ TITLE  
12 19 AND PART 3 OF ARTICLE 7 OF THIS TITLE 19, means the executive  
13 director of the department of human services."

14 Page 28, after line 8 insert:  
15 "(103) "State department", as used in section 19-3-211, part 3 of  
16 article 3 of this ~~title~~; and TITLE 19, article 3.3 of this ~~title~~ TITLE 19, AND  
17 PART 3 OF ARTICLE 7 OF THIS TITLE 19, means the department of human  
18 services created by section 24-1-120. ~~C.R.S.~~".

19 Page 29, line 25, after "YOUTH'S" insert "RIGHT TO COUNSEL AND THE".

20 Page 29, line 26, strike "COUNSEL" and substitute "COUNSEL, IF THE  
21 LAWYER REMAINS AVAILABLE AND HAS NO CONFLICT OF INTEREST,".

22 Page 30, strike line 22 and substitute:  
23 "(3) "AN ELIGIBLE YOUTH".

24 Page 36, line 27, after the period add:  
25 "**SECTION 8.** In Colorado Revised Statutes, 13-91-103, **amend**  
26 introductory portion; and **add** (2.5) and (7) as follows:  
27 **13-91-103. Definitions.** As used in this ~~article~~ ARTICLE 91, unless  
28 the context otherwise requires:  
29 (2.5) "COUNSEL FOR YOUTH" MEANS AN ATTORNEY WHO IS  
30 LICENSED TO PRACTICE LAW IN COLORADO AND APPOINTED BY THE COURT  
31 TO REPRESENT A CHILD OR YOUTH IN A PROCEEDING PURSUANT TO ARTICLE  
32 3 OR 7 OF TITLE 19, OR ASSIGNED BY THE OFFICE OF THE CHILD'S  
33 REPRESENTATIVE PURSUANT TO ARTICLE 7 OF TITLE 19.  
34 (7) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN

1 TWENTY-ONE YEARS OF AGE."

2 **SECTION 9.** In Colorado Revised Statutes, 13-91-105, **amend**  
3 (1)(a) as follows:

4 **13-91-105. Duties of the office of the child's representative -**  
5 **guardian ad litem and counsel for youth programs.** (1) In addition to  
6 any responsibilities assigned to it by the chief justice, the office of the  
7 child's representative shall:

8 (a) Enhance the provision of GAL OR COUNSEL FOR YOUTH  
9 services in Colorado by:

10 (I) Ensuring the provision and availability of high-quality,  
11 accessible training throughout the state for persons seeking to serve as  
12 guardians ad litem OR COUNSEL FOR YOUTH, as well as to judges and  
13 magistrates who regularly hear matters involving children and families;

14 (II) Making recommendations to the chief justice concerning the  
15 establishment, by rule or chief justice directive, of the minimum training  
16 requirements that an attorney seeking to serve as a guardian ad litem OR  
17 COUNSEL FOR YOUTH shall meet;

18 (III) Making recommendations to the chief justice concerning the  
19 establishment, by rule or chief justice directive, of standards to which  
20 attorneys serving as guardians ad litem ~~shall~~ OR COUNSEL FOR YOUTH  
21 MUST be held, including but not limited to minimum practice standards.  
22 ~~which standards shall~~ MINIMUM PRACTICE STANDARDS MUST include:

23 (A) Incorporation of the federal guidelines for persons serving as  
24 guardians ad litem OR COUNSEL FOR YOUTH, as set forth in the federal  
25 department of health and human services' "Adoption 2002" guidelines,  
26 and incorporation of the guidelines for guardians ad litem OR COUNSEL  
27 FOR YOUTH adopted by the Colorado bar association in 1993;

28 (B) Minimum duties of guardians ad litem OR COUNSEL FOR  
29 YOUTH in representing children involved in judicial proceedings;

30 (C) Minimum responsibilities of guardians ad litem OR COUNSEL  
31 FOR YOUTH in representing children involved in judicial proceedings; and

32 (D) A determination of an appropriate maximum-caseload  
33 limitation for persons serving as guardians ad litem OR COUNSEL FOR  
34 YOUTH;

35 (IV) Overseeing the practice of guardians ad litem OR COUNSEL  
36 FOR YOUTH to ensure compliance with all relevant statutes, orders, rules,  
37 directives, policies, and procedures;

38 (V) Working cooperatively with the chief judge in each judicial  
39 district or group of judicial districts to jointly establish a local body to  
40 oversee the provision of guardian ad litem OR COUNSEL FOR YOUTH  
41 services in that judicial district or districts. ~~which~~ THE oversight bodies  
42 would operate and report directly to the director concerning the practice  
43 of guardians ad litem OR COUNSEL FOR YOUTH in that judicial district or

1 districts pursuant to oversight procedures established by the office of the  
2 child's representative.

3 (VI) Establishing fair and realistic state rates by which to  
4 compensate state-appointed guardians ad litem ~~which will~~ OR COUNSEL  
5 FOR YOUTH THAT take into consideration the caseload limitations placed  
6 on guardians ad litem OR COUNSEL FOR YOUTH and ~~which will be~~ THAT  
7 ARE sufficient to attract and retain high-quality, experienced attorneys to  
8 serve as guardians ad litem OR COUNSEL FOR YOUTH;

9 (VII) Seeking to enhance existing funding sources for the  
10 provision of high-quality guardian ad litem OR COUNSEL FOR YOUTH  
11 services in Colorado;

12 (VIII) Studying the availability of or developing new funding  
13 sources for the provision of guardian ad litem OR COUNSEL FOR YOUTH  
14 services in Colorado, including but not limited to long-term pooling of  
15 funds programs;

16 (IX) Accepting grants, gifts, donations, and other  
17 nongovernmental contributions to be used to fund the work of the office  
18 of the child's representative relating to guardians ad litem OR COUNSEL  
19 FOR YOUTH. Such grants, gifts, donations, and other nongovernmental  
20 contributions ~~shall~~ MUST be credited to the guardian ad litem fund,  
21 created in section 13-91-106 (1). ~~Moneys in such fund shall be~~ MONEY  
22 IN THE FUND IS subject to annual appropriation by the general assembly  
23 for the purposes of this ~~paragraph (a)~~ SUBSECTION (1)(a) and for the  
24 purposes of enhancing the provision of guardian ad litem OR COUNSEL  
25 FOR YOUTH services in Colorado.

26 (X) Effective July 1, 2001, allocating ~~moneys~~ MONEY  
27 appropriated to the office of the child's representative in the state judicial  
28 department for the provision of GAL OR COUNSEL FOR YOUTH services;

29 **SECTION 10.** In Colorado Revised Statutes, 13-91-106, **amend**  
30 (1) as follows:

31 **13-91-106. Guardian ad litem fund - court-appointed special**  
32 **advocate (CASA) fund - created.** (1) There is ~~hereby~~ created in the  
33 state treasury the guardian ad litem fund, referred to in this subsection (1)  
34 as the "fund". The fund ~~shall consist of such~~ CONSISTS OF general fund  
35 ~~moneys~~ MONEY as may be appropriated ~~thereto~~ by the general assembly  
36 and any ~~moneys~~ MONEY received pursuant to section 13-91-105  
37 (1)(a)(IX). The ~~moneys~~ MONEY in the fund ~~shall be~~ IS subject to annual  
38 appropriation by the general assembly to the state judicial department for  
39 allocation to the office of the child's representative for the purposes of  
40 funding the work of the office of the child's representative relating to the  
41 provision of guardian ad litem OR COUNSEL FOR YOUTH services and for  
42 the provision of guardian ad litem OR COUNSEL FOR YOUTH services in  
43 Colorado. All interest derived from the deposit and investment of ~~moneys~~

1 MONEY in the fund ~~shall~~ MUST be credited to the fund. Any ~~moneys~~  
2 MONEY not appropriated ~~shall remain~~ REMAINS in the fund and ~~shall~~ MUST  
3 not be transferred or revert to the general fund of the state at the end of  
4 any fiscal year."

5 Renumber succeeding section accordingly.

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