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Re: HB26-1227 – Minors' Rights in Dependency & Neglect Proceedings
Written Testimony (Amendment Perspective)

Submitted by:
Stephen Gladstone
Full Disclosure Act

April 30, 2026

Good afternoon Chair and Members of the Committee, and to the bill sponsors, Representative Gilchrist, Representative Bradfield, and Senator Mullica,

My name is Stephen Gladstone, and I am here in support of HB26-1227—but from an amendment perspective.

I represent the **Full Disclosure Act**, a grassroots movement I started after experiencing firsthand how a lack of transparency in the system can lead to devastating outcomes for families and children. This is why I started it—because transparency is not optional in a system that claims to deliver justice.

I agree with the intent of this bill: children in these cases need a real voice. But in practice, children are often in a state of fear and survival. What they say—and how it is interpreted—can be heavily influenced by the adults around them.

That is why I believe this bill needs an additional safeguard.

Both parents should have the right to retain a qualified, independent expert to speak with—and, when appropriate, speak for—the child.

Right now, too much weight is placed on a single channel, such as a GAL or CLR. When that channel becomes one-sided or mistaken, there is no meaningful way to challenge it—and the consequences for the child can be severe.

In my case, I lost my relationship with my son based on what others said he said. Yet I have not been allowed to have my own expert speak with him. As a result, my child has experienced severe emotional and physical harm. I have qualified doctors demanding a wellness check, which has been denied by the court, CLR, and OCR. The system is protecting the system—not the child.

That is not a balanced process.

Right now, our courts do not always operate like open courts—they operate like closed systems. Decisions are made without clear explanations, evidence is not always fully accessible, and accountability is limited.

When that happens, the process begins to resemble a star chamber more than a transparent judicial system. And we have to ask why.

Why are there fraternal networks embedded within our institutions? Why does law enforcement include organizations like the Fraternal Order of Police—a private, membership-based group—operating alongside public authority?

Whether intentional or not, these overlapping relationships create the appearance—and sometimes the reality—of insider influence and self-protection.

That erodes public trust.

Great Britain's High Court has already moved toward transparency by requiring members of the Metropolitan Police to disclose whether they are Freemasons. Why is Colorado lagging behind?

Our judges, law enforcement, and legislatures should also be required to identify whether their loyalty is to the Constitution and the people—or to a lodge and a Grand Master. That is what the Full Disclosure Act is all about.

If this bill is truly about the rights of the child, then it must also ensure that no single voice controls the narrative.

A child's well-being is best protected when perspectives are tested—not assumed.

I respectfully urge this committee to consider an amendment that allows both parents the opportunity to engage independent experts, so the child's voice is not filtered through a single, potentially biased lens.

Because when only one perspective is allowed, it's not the child's voice we're hearing—it's the system's interpretation of it.

Thank you.

Stephen Gladstone

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Senate Health & Human Services

04/30/2026

HB26-1227 Minors' Rights in Dependency & Neglect Proceedings

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Dani Diercks Farrell For themself	A child who learns to use their voice becomes a future advocate in our community. For the past 15 years, I have served as a Guardian ad Litem (GAL), and I now serve as Counsel for Youth (CFY). In those roles, I have worked closely with vulnerable children, often building the most consistent and authentic rapport in their lives. That perspective compels me to express deep concern regarding the recent RMP ruling and the rhetoric that has followed from ORPC and certain Department of Human Services agencies. Justice is symbolized by balance. The RMP ruling has disrupted the long-standing balance between child safety, system accountability, and appropriate judicial oversight by the trained bench of Juvenile Court. By granting unilateral authority to the Department of Human Services, the ruling effectively sidelines the childâ€™s voice. GALs and CFYs are independent investigators charged with determining and advocating for a childâ€™s best interests. Our obligation is to the child not to agency metrics, funding streams, performance evaluations, or institutional interests. While DHS plays a critical and necessary role, its priorities are inherently broader and system-driven. The childâ€™s voice is not always central within that framework. When a youth asks for a hearing before an impartial Juvenile Judge, it is rarely impulsive. It is often the final plea for help after years of feeling unheard. In many cases, when DHS/TRAILS records are reviewed, they reveal numerous reports from concerned parties that were ruled out or screened away. These patterns underscore the importance of independent judicial review. If HB26-1227 is not passed, those reports will continue to accumulate, and the systemic cracks will widen. Restoring the process that has existed for nearly 40 years is not radical as it is a return to a balanced framework that has protected countless youth. Unchecked power in any system risks silencing the very individuals it is meant to protect. We must ensure that children and especially those in the dependency and neglect system can retain access to impartial judicial oversight and independent advocacy. Their voices matter. Their safety matters. And balance within the system matters.

Nicole Lyells For Office of the Child's Representative - El Paso County Office	Your experience doesn't matter. The facts don't matter. The court cannot hear any of it unless the Department chooses to act on your behalf. This is the message that youth and children are receiving under the current state of the law following the Supreme Court decision In the Interest of RMP. The loss of youth agency and voice as a result of this decision has been profound. I am the Managing Attorney for the Office of the Child's Representative's El Paso County office. My office has represented children and youth that were ready and willing to testify regarding abuse at the hands of their parents, but were denied the forum to do so. Under the current state of the law, an attorney that represents youth and children can have photographs of injuries, a pile of child welfare hotline reports, witness statements from therapeutic providers that have observed a child in unsafe conditions and evidence that a youth will be at significant physical risk if forced to go home but still have no ability to put this information before the court if the Department of Human Services chooses to dismiss the case. Currently, regardless of how overwhelming the evidence may be that a child or youth is unsafe, the court cannot even hear the case if the Department of Human Services chooses to dismiss their petition. If an adult is in an abusive relationship, they can seek protection through the court via a civil protection order or other court proceedings. Not only can a minor not protect themselves against an abusive parent or guardian via these mechanisms, they are also unable to simply walk away from an abusive home as an adult may be able to. Children and youth are unable to provide for their basic needs on their own. Young children simply do not have the skills and resources, and older youth do not have the legal standing to meet their needs as they cannot take the actions necessary to get those needs met. They cannot enroll themselves in school, they cannot sign for a lease, etc. If a minor is being harmed by their parents, they are fully reliant on the government to step in and stop the harm. The common phrase that I've heard over the past year is that hands are tied. Attorneys' hands are tied. Judges' hands are tied. youth and children are left to be protected by a single entity with no recourse to challenge if that entity has made a mistake. Children and youth deserve more than that. Everyone deserves more than that. Sincerely, Nicole Lyells
Veronica Pacheco For	I have been practicing as a Guardian ad Litem for the past 8 years, and once legislation passed to allow for direct representation of youth, I have also practiced as a Counsel for Youth. I am concerned about the

themself	recent shift I have seen that villainizes the youth I represent in this system and steals their voices. The child welfare system exists under what should be one common goal - to promote the welfare of children. I donâ€™t know how we can do that if they are not given an opportunity to be heard. They do not ask for the circumstances they are subjected to that lead to dependency and neglect proceedings and they have very little control as their lives get turned upside down and adults argue about budgets and resources and parentsâ€™ rights. I have watched the Department dismiss a case with egregious concerns, even when one parent was willing to accept an adjudication and was asking for support, and explicitly state they were doing so because they didnâ€™t want to pay for the court ordered services. The Department cannot be the sole gatekeeper to a childâ€™s safety when they have other interests at stake. Meanwhile, it is the course of childrenâ€™s lives that we are actively defining for them. This legislation does not make them a final decision-maker. It does not allow them to run the show. It simply gives them a seat at the table and an opportunity to speak in a case that is supposed to be about their well-being. We also cannot villainize youth and simplify it to â€œa child is trying to prosecute their parentâ€ when it is actually â€œa child is asking for safety.â€ How can we call ourselves child welfare without allowing the welfare of the child to be the focus? And how can that ever be the focus if we donâ€™t let them have a voice?

Madame Vice-Chair Jodeh, members of the committee, thank you for the opportunity to present to you today. My name is Adam Graber, and I representing myself as a Guardian *ad Litem* ("GAL") and Counsel for Youth ("CFY") in Colorado, and I am here in support of HB26-1227 because I have seen first-hand how the current law can play out and create absurd and potentially detrimental outcome for families and youth. I have seen the lack of standing in the current law restrict what the courts can consider when making decisions in a child's best interests. I have seen the current law force the court to ignore the child's position and evidence, and I have seen this prevent the court from receiving relevant information that may only be available from the youth's perspective.

Family relationships are multi-faceted and to get the whole picture every side of the story should have the opportunity to be told. Youth in particular, being the most vulnerable parties in Dependency and Neglect ("D&N") cases, deserve the benefit of a voice and judicial oversight when decisions are being made that will often affect their lives permanently. In my own work I have witnessed how the lack of standing has prevented at least one biological family from reunification, and how the unbalanced power dynamic not only left my client without a voice in the matter, but it left the court without the authority to do anything about it. I watched as the ultimate decision regarding this youth's custody not being made by an impartial court, but by one attorney who disregarded the youth's position and vulnerability, and used the power imbalance to dismiss a case that deserved to be heard.

To provide some background, the youth I was working with was previously the subject of a D&N case when they were very young, their biological parents' rights were ultimately terminated, and they were adopted by a family friend. Over time the adoptive parent's relationship with the biological father became adversarial, and as the child got older the adoptive parents effectively stopped parenting the child and the youth was left to their own devices in their early teens. They eventually ended up with delinquency charges for possession of substances and trespassing into vehicles while unhoused and living on the streets without any support from their adoptive family.

Shortly after the youth received delinquency charges they regained contact with their biological father. It turns out that the biological father had turned his life around in the time since his rights were terminated and was now married with children and had been sober for several years and had built a career for himself. At the youth's first court appearance in their delinquency case it was the biological father who showed up to support his child and the adoptive parent was nowhere to be found. The court released the youth into the temporary custody of their biological father and later ordered a D&N case to be opened.

The D&N case was opened and adoptive mother was contacted and made it clear that she did not want the youth returned to her care. She also voiced her animosity towards the father and her position that the youth should be placed in foster care. The court held a hearing and determined that the youth would stay with their father, who demonstrated that he was a safe and fit caregiver and had been going above and beyond to address his child's needs. With the father's support and stability the youth began attending school for the first time in over a year and was engaged in treatment and was remaining sober and law-abiding.

The adoptive mother contested her adjudication and a trial was set. The youth was represented by a Counsel for Youth ("CFY") and their position was that adjudication should enter and subsequently they should be permanently placed with their father, stepmom, and siblings. The father, who was not provided with counsel and was not a Respondent in the case (and only had limited standing himself as a Special Respondent due to his rights previously being terminated), was aligned with his child and desperately wanted the opportunity to care for his child into adulthood. The DHS caseworker and other professionals involved agreed that the family was successfully reunified and the only missing piece was a lasting court order that provided the father with ongoing custody. The father and child had every reason to believe that they would have the backing of the county and this would be a straightforward case to prove at the adjudicatory trial.

Unfortunately, as the trial date got closer, the county attorney inexplicably decided that the youth was "safe" and there was no need to proceed with the case. They explained that the youth was safe due to them being in their biological father's home, despite knowing that there was no permanency in this arrangement. The orders and authority keeping this youth with their family would be vacated if the case was dismissed. And once the county moved to dismiss the case, the court had no choice but to grant the motion. The motion was filed and the court held a hearing to put the youth's position on the record, but there was only one outcome that the current law allowed.

I don't know what the outcome of my client's case would have been if it went to the adjudicatory trial and a subsequent custody hearing, but it is the finality though a fair process that they were seeking and deserved. Instead they were left feeling disrespected and disregarded by the D&N system.

The failure to see this case through also left this youth and family in limbo – the father was left without rights or legal authority to enroll his child in school or make medical appointments or decisions on their behalf, and the youth was left knowing that their adoptive parents could call at any time and demand they be returned. This youth's ongoing uncertainty and instability was a direct result of the imbalance in the laws as they stand

today. HB26-1227 intends to correct this by allowing youth a voice, a chance to present their case to the court though a fair and impartial process. This bill would ensure court oversight in situations like my client's, while conversely the current law allows for decisions to be made unilaterally and without the need for justification or (at times) even common sense.

I know that every situation isn't like the one I described above, and there are certainly situations where a young person may present an unrealistic or inaccurate position in their own case. With that in mind this bill doesn't tilt the scales in favor of a youth's position and it certainly doesn't guarantee any particular outcome. What this bill would do is ensure Colorado's youth and children have the right to tell their story and be heard, and they deserve it.

Respectfully,

Adam S. Graber

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April 29, 2026

Dear Chair Mullica, Vice Chair Jodeh, and Members of the Senate Health and Human Services Committee:

I am writing to express my support of HB26-1227 as a Guardian *ad litem* and Counsel for Youth, having practiced in the Denver Juvenile Court for 12 years. The children and youth whose lives come before the court through dependency and neglect petitions deserve to have a neutral fact-finder – not solely an agency with multiple interests – determine whether or not their families require the ongoing support and intervention of the judicial system.

In dependency and neglect cases, county Departments of Human Services are tasked, appropriately, with balancing a number of interests. These interests include distributing (now even more limited) resources funded by taxpayer dollars across numerous families, as well as advocating for families as a whole. DHS factors in the best interests of the child and the wishes of youth in determining their positions, but county agencies inherently give weight to their other interests too. Over my 12 years as a GAL/CFY, I have seen DHS's financial interests and other interests conflict directly with what is in a child's best interest numerous times, in many scenarios, and at all stages of a dependency case.

One recent example highlights this conflict. Shortly after the *R.M.P.* ruling was issued, DHS threatened to dismiss one of my cases because they did not have an appropriate, available placement for my youth client. This young person had been placed outside of the family home because the parent had significantly neglected the youth's mental health needs and the youth did not feel safe with their parents. My youth client had recently been on an M1 hold but no longer met criteria and was ready to leave the hospital. The parent also agreed that the youth should not stay in the hospital on a voluntary basis after the M1 hold expired. DHS sought an emergency

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order from the court to keep the youth in the hospital against the youth's and parent's wishes while DHS located placement. The court held a forthwith hearing to address DHS's request.

Denver DHS, through a its placement navigator and the city attorney, told the court: "As of close of business yesterday, we had no appropriate placements identified for [youth], and so the hospital staff had basically stated that if [youth] was not willing to stay and if a parent was not willing to sign [youth] involuntarily, that they would discharge [youth] with shelter information. And given the fact that [youth] was very recently meeting criteria for that M1 hold, we did not feel that that would be a safe placement option for [youth] and did not want [youth] to end up on the street," and ". . .the youth just simply cannot be in the community at this point, as [youth] is a danger to [themselves] and others, and we -- because the youth had previously -- the youth and [parent] had not consented to [youth's] ongoing stay in inpatient, we are operating under the knowledge that that continues to be the case, and we are asking for authorization to continue the placement -- or the inpatient services at [hospital.]"

After hearing from the parties, the court denied DHS's request for an emergency order to keep the youth in the hospital and instead ordered DHS to locate placement for the youth immediately. In response, DHS threatened to dismiss the case, after having argued moments ago that the youth's mental health needs were so severe that they would not be safe at home or in the community: "Your Honor, hearing what the Court is saying today, essentially the child will be -- the youth will be released without placement. I think the Department's position, at this point, would be to -- for the youth to return to [parent] and we close the case. We have deferred adjudications for both parents, and **under recent case law,** the Department can choose, prior to adjudication, whether to continue with the case or not, and so, at this point, that may be what the Department pursues."

The court responded: "And that's fine. You were just asking to continue to have custody and asking for consent to keep the child at the hospital against [youth's] wishes, and now because the ruling is not how you want it, you're asking to dismiss the case. The Department is ordered to place

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[youth]. That is the Department's job, and I know it's challenging, but that's the Department's job. So [youth] is ordered to be placed."

Ultimately, DHS did not follow through on its threat, but as the law stands, my client, who could not safely return home and was asking for a place to live where they could have their needs met, would have had no recourse if DHS had moved to dismiss the petition. My client would have been returned to the custody of a parent who was not prepared to meet the youth's needs (and was requesting ongoing assistance from DHS), potentially resulting in this youth living on the streets as DHS had warned. This, the likely result for this vulnerable young person, had DHS dismissed its petition in response to being ordered to fulfill a difficult but important aspect of its duties. As this example demonstrates, County agencies have multiple and sometimes competing interests and as a result are not in fact in the best position to determine, independently, whether a family needs the intervention of the court – *the court is*.

And this is precisely why children and youth are appointed their own attorneys whose sole mandate is to represent the child's best interest or the youth's wishes. For CFY in particular, we often have a fuller understanding of the youth's perspective due to the nature of our privileged relationship with our clients. Even for younger children, the fact that we are independent of DHS – often viewed skeptically as "the system" or "the state" by families – makes a difference in our relationships with our clients. As GALs and CFY, our responsibility is to bring the experiences and perspectives of children and youth before the court, with no competing interests driving our advocacy, so that a neutral fact-finder can make these life-changing decisions for children with a full picture of the family's challenges and needs.

In my 12 years doing this work with hundreds of families, I have never seen a child "weaponize" the system against a parent. When cases are filed, the precise facts of what happened can be grey, and various family members can have differing accounts of the facts. However, the facts do come into clearer focus as cases go on, and in my experience, whether it is obvious at the outset of a case or not until a few months later, when a child or youth goes so far as to ask for the help of a state

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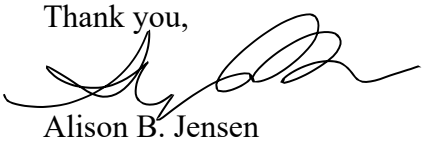
agency, *there is a reason*. I say this routinely to parents who disagree with their (often teenage) child's account of the situation, and I believe it wholeheartedly: If things have reached a point where your child refuses to speak to you or to live in your home, your family needs help.

I have never worked with a child who would prefer all that comes with being system-involved – probing questions from caseworkers, background checks just to attend a sleepover, meaningful belongings lost forever in transit between placements, a frequent feeling of powerlessness – to living in a safe and healthy home. The focus of these cases is helping *parents* to better and more safely meet the needs of their children. If a child reaches the point where they are asking a judge to oversee the most personal aspects of their life, with all the corresponding downsides that brings, it is very likely that something has gone awry and the parent in fact needs that help.

I urge the Committee Members to vote yes on HB26-1227 to ensure that children and youth have a voice and a process through which a judge – not solely an agency with multiple, competing interests – can make a decision that may alter these children's lives forever.

Thank you,



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