

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 15-0737.01 Jane Ritter x4342

HOUSE BILL 15-1153

HOUSE SPONSORSHIP

Young, Hamner, Rankin

SENATE SPONSORSHIP

Steadman, Grantham, Lambert

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING OVERSIGHT OF CHILD AND FAMILY INVESTIGATORS, AND,**
102 **IN CONNECTION THEREWITH, MAKING AND REDUCING**
103 **APPROPRIATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. Currently, the office of the child's representative has oversight for state-paid child and family investigators (investigators) who are attorneys, and the state court administrator's office has oversight of state-paid investigators who are nonattorneys, as well as privately paid investigators. The bill consolidates oversight and funding

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 16, 2015

SENATE
2nd Reading Unamended
April 15, 2015

HOUSE
3rd Reading Unamended
March 10, 2015

HOUSE
Amended 2nd Reading
March 9, 2015

of both attorney and nonattorney investigators under the state court administrator's office as of January 1, 2016.

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

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

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

8 (c) Enhance the provision of services in Colorado by attorneys
9 appointed to serve as legal representatives of children pursuant to section
10 14-10-116, C.R.S., ~~and attorneys appointed to serve as child and family~~
11 ~~investigators pursuant to section 14-10-116.5, C.R.S.,~~ when the costs of
12 such appointments are borne by the state, by:

13 (I) Ensuring the provision and availability of high-quality,
14 accessible training throughout the state for attorneys seeking to serve as
15 legal representatives of children, ~~and attorneys seeking to serve as child~~
16 ~~and family investigators,~~ as well as to judges and magistrates who
17 regularly hear domestic matters under article 10 of title 14, C.R.S.;

18 (II) Making recommendations to the chief justice concerning the
19 establishment, by rule or chief justice directive, of the minimum training
20 requirements that an attorney seeking to serve as a legal representative of
21 a child ~~and an attorney seeking to serve as a child and family investigator~~
22 ~~shall~~ MUST meet;

23 (III) Making recommendations to the chief justice concerning the
24 establishment, by rule or chief justice directive, of standards to which
25 attorneys serving as legal representatives of children ~~and attorneys~~

1 ~~servicing as child and family investigators shall~~ MUST be held;

2 (IV) Overseeing the practice of legal representatives of children
3 appointed pursuant to section 14-10-116, C.R.S., ~~and overseeing the~~
4 ~~practice of attorneys serving as child and family investigators appointed~~
5 ~~pursuant to section 14-10-116.5, C.R.S.~~, to ensure compliance with all
6 relevant statutes, orders, rules, directives, policies, and procedures;

7 (V) Seeking to enhance existing funding sources for and studying
8 the availability of or developing new funding sources for the provision of
9 services by attorneys serving as court-appointed legal representatives of
10 children; ~~and attorneys serving as court-appointed child and family~~
11 ~~investigators;~~

12 (VI) Effective July 1, 2001, allocating moneys appropriated to the
13 office of the child's representative in the state judicial department for the
14 provision of services by attorneys serving as court-appointed legal
15 representatives of children; ~~and attorneys serving as court-appointed child~~
16 ~~and family investigators;~~

17 **SECTION 2. Appropriation - adjustments to 2015 long bill.**

18 (1) To implement this act, appropriations made in the annual general
19 appropriation act for the 2015-16 state fiscal year to the judicial
20 department are adjusted as follows:

21 (a) The general fund appropriation for trial court programs is
22 increased by \$12,500;

23 (b) The general fund appropriation for court costs, jury costs, and
24 court-appointed counsel is increased by \$131,419; and

25 (c) The general fund appropriation for use by the office of the
26 child's representative for court-appointed counsel is decreased by
27 \$143,919.

1 (2) For the 2015-16 state fiscal year, \$27,580 is appropriated to
2 the judicial department. This appropriation is from the general fund and
3 is based on an assumption that the department will require an additional
4 0.5 FTE. To implement this act, the department may use this
5 appropriation for general courts administration.

6 **SECTION 3. Act subject to petition - effective date -**
7 **applicability.** (1) This act takes effect January 1, 2016; except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within the ninety-day period after final adjournment of the general
11 assembly, then the act, item, section, or part will not take effect unless
12 approved by the people at the general election to be held in November
13 2016 and, in such case, will take effect on the date of the official
14 declaration of the vote thereon by the governor.

15 (2) This act applies to existing and new child and family
16 investigator appointments.