

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0807.03 Jane Ritter x4342

SENATE BILL 14-203

SENATE SPONSORSHIP

Lambert and Newell,

HOUSE SPONSORSHIP

May and Gardner,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL IN
102 CASES OF ALLEGED CHILD ABUSE OR NEGLECT.

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/bills summaries>.)

The bill establishes the office of the respondent parents' counsel in the state judicial department, effective July 1, 2015, to provide high-quality legal representation to parents involved in dependency and neglect proceedings and who lack the financial means to obtain legal representation.

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.

1 (3) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ESTABLISH
2 THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL IN THE STATE
3 JUDICIAL DEPARTMENT, BEGINNING JULY 1, 2015. IT IS THE FURTHER
4 INTENT OF THE GENERAL ASSEMBLY THAT THE OPERATION OF THE OFFICE
5 BE TRANSFERRED ON OR BEFORE JULY 1, 2015, TO THE OPERATIONAL
6 STRUCTURE RECOMMENDED IN THE FINAL REPORT TO THE OFFICE OF THE
7 STATE COURT ADMINISTRATOR BY THE RESPONDENT PARENTS' COUNSEL
8 WORK GROUP, DUE ON OR BEFORE SEPTEMBER 30, 2014.

9 (4) (a) TO IMPLEMENT THE RECOMMENDATIONS FROM THE
10 RESPONDENT PARENTS' COUNSEL WORK GROUP, AS REFERENCED IN
11 SUBSECTION (3) OF THIS SECTION, THE STATE JUDICIAL DEPARTMENT
12 SHALL INCLUDE AN APPROPRIATE FISCAL REQUEST TO THE JOINT BUDGET
13 COMMITTEE ON OR BEFORE NOVEMBER 1, 2014.

14 (b) THE COSTS ASSOCIATED WITH THE ESTABLISHMENT OF THE
15 OFFICE, INCLUDING ANY ASSOCIATED FTE, SHALL BE PAID FOR BY A
16 TRANSFER FROM THE STATE JUDICIAL DEPARTMENT MANDATED COSTS
17 LINE ITEM. IT IS THE FURTHER INTENT OF THE GENERAL ASSEMBLY THAT,
18 FOR FISCAL YEAR 2015-16 AND FISCAL YEARS THEREAFTER, AN
19 APPROPRIATION SHALL BE MADE TO THE OFFICE OF THE RESPONDENT
20 PARENTS' COUNSEL FOR THE PURPOSE OF PAYMENT OF ALL FINANCIAL
21 OBLIGATIONS PREVIOUSLY COVERED BY THE STATE JUDICIAL DEPARTMENT
22 MANDATED COSTS LINE ITEM RELATING TO THE PROVISION OF SERVICES
23 PROVIDED BY THE RESPONDENT PARENTS' COUNSEL AS SET FORTH IN THIS
24 ARTICLE.

25 **13-92-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
26 CONTEXT OTHERWISE REQUIRES:

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

1 (2) "DEPARTMENT" MEANS THE JUDICIAL DEPARTMENT.

2 (3) "OFFICE" MEANS THE OFFICE OF THE RESPONDENT PARENTS'
3 COUNSEL ESTABLISHED IN SECTION 13-92-103.

4 (4) "PARENT" MEANS EITHER A NATURAL PARENT OF A CHILD, AS
5 MAY BE ESTABLISHED PURSUANT TO ARTICLE 4 OF TITLE 19, C.R.S., OR A
6 PARENT BY ADOPTION.

7 **13-92-103. Office of the respondent parents' counsel -**
8 **established.** ON AND AFTER JULY 1, 2015, THE OFFICE OF THE
9 RESPONDENT PARENTS' COUNSEL IS CREATED WITHIN THE JUDICIAL
10 DEPARTMENT. IT IS THE RESPONSIBILITY OF THE OFFICE TO WORK
11 COOPERATIVELY WITH LOCAL JUDICIAL DISTRICTS AND ATTORNEYS TO
12 FORM A PARTNERSHIP BETWEEN THOSE ENTITIES AND PERSONS, PARENTS,
13 AND THE STATE FOR THE PURPOSE OF ENSURING THE PROVISION OF
14 UNIFORM, HIGH-QUALITY LEGAL REPRESENTATION FOR PARENTS INVOLVED
15 IN JUDICIAL DEPENDENCY AND NEGLECT PROCEEDINGS IN COLORADO AND
16 WHO LACK THE FINANCIAL MEANS TO AFFORD LEGAL REPRESENTATION.

17 **13-92-104. Duties of the office of the respondent parents'**
18 **counsel.** (1) THE OFFICE HAS THE FOLLOWING DUTIES, AT A MINIMUM:

19 (a) ENHANCING THE PROVISION OF RESPONDENT PARENT COUNSEL
20 SERVICES IN COLORADO BY:

21 (I) ENSURING THE PROVISION AND AVAILABILITY OF HIGH-QUALITY
22 LEGAL REPRESENTATION FOR PARENTS INVOLVED IN DEPENDENCY AND
23 NEGLECT PROCEEDINGS BROUGHT PURSUANT TO ARTICLE 3 OF TITLE 19,
24 C.R.S., AND AS PROVIDED FOR IN SECTION 19-3-202, C.R.S.; AND

25 (II) MAKING RECOMMENDATIONS FOR MINIMUM PRACTICE
26 STANDARDS TO WHICH ATTORNEYS SERVING AS RESPONDENT PARENT
27 COUNSEL SHALL BE HELD;

1 (b) ESTABLISHING FAIR AND REALISTIC STATE RATES BY WHICH TO
2 COMPENSATE RESPONDENT PARENT COUNSEL. THE STATE RATES MUST
3 TAKE INTO CONSIDERATION ANY CASELOAD LIMITATIONS PLACED UPON
4 RESPONDENT PARENT COUNSEL AND MUST BE SUFFICIENT TO ATTRACT AND
5 RETAIN HIGH-QUALITY, EXPERIENCED ATTORNEYS TO SERVE AS
6 RESPONDENT PARENT COUNSEL.

7 (c) ENFORCING, AS APPROPRIATE, THE PROVISIONS OF THIS
8 SECTION;

9 (d) WORKING COOPERATIVELY WITH THE JUDICIAL DISTRICTS TO
10 ESTABLISH PILOT PROGRAMS, AS APPROPRIATE, DESIGNED TO ENHANCE
11 THE QUALITY OF RESPONDENT PARENT COUNSEL AT THE LOCAL LEVEL;
12 AND

13 (e) ANNUALLY REVIEWING AND EVALUATING THE OFFICE'S
14 PERFORMANCE TO DETERMINE WHETHER THE OFFICE IS EFFECTIVELY AND
15 EFFICIENTLY MEETING THE GOALS OF IMPROVING CHILD AND FAMILY
16 WELL-BEING AND THE DUTIES SET FORTH IN THIS SECTION. THE REPORT
17 MUST BE SUBMITTED ON OR BEFORE JANUARY 1, 2016, AND ANNUALLY
18 THEREAFTER, TO THE MEMBERS OF THE GENERAL ASSEMBLY AND THE
19 STATE COURT ADMINISTRATOR'S OFFICE.

20 **SECTION 2.** In Colorado Revised Statutes, 19-3-202, **amend** (1)
21 as follows:

22 **19-3-202. Right to counsel and jury trial.** (1) At the first
23 appearance of a respondent parent, guardian, or legal custodian, the court
24 shall fully advise ~~such party~~ THE RESPONDENT of his OR HER legal rights,
25 including the right to a jury trial, the right to be represented by counsel at
26 every stage of the proceedings, and the right to seek the appointment of
27 counsel THROUGH THE OFFICE OF RESPONDENT PARENTS' COUNSEL

1 ESTABLISHED IN SECTION 13-92-103, C.R.S., if the party RESPONDENT is
2 unable TO financially to secure counsel on his OR HER own. The court
3 shall fully explain to such party THE RESPONDENT the informational notice
4 of rights and remedies for families prepared pursuant to section 19-3-212
5 and shall recommend that the party RESPONDENT discuss such notice with
6 HIS OR HER counsel. Further, the court shall advise the party RESPONDENT
7 of the minimum and maximum time frames for the dependency and
8 neglect process, including the minimum and maximum time frames for
9 adjudication, disposition, and termination of parental rights for a child
10 who is under six years of age at the time the petition is filed in a county
11 designated pursuant to section 19-1-123.

12 **SECTION 3.** In Colorado Revised Statutes, **repeal** 19-3-312 (3).

13 **SECTION 4. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2014 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.