

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

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

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
Appropriations

House Committees

Judiciary
Appropriations

HOUSE
3rd Reading Unamended
May 5, 2014

HOUSE
2nd Reading Unamended
May 2, 2014

SENATE
3rd Reading Unamended
April 30, 2014

SENATE
Amended 2nd Reading
April 29, 2014

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/billsummaries>.)

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 JANUARY 1, 2016. IT IS THE FURTHER
4 INTENT OF THE GENERAL ASSEMBLY THAT ALL EXISTING AND NEW STATE
5 PAID RESPONDENT PARENT COUNSEL APPOINTMENTS BE TRANSFERRED ON
6 JANUARY 1, 2016, TO THE OPERATIONAL STRUCTURE RECOMMENDED IN
7 THE FINAL REPORT TO THE OFFICE OF THE STATE COURT ADMINISTRATOR
8 BY THE RESPONDENT PARENTS' COUNSEL WORK GROUP, DUE ON OR BEFORE
9 SEPTEMBER 30, 2014.

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

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

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

- 1 (1) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.
- 2 (2) "DEPARTMENT" MEANS THE JUDICIAL DEPARTMENT.
- 3 (3) "OFFICE" MEANS THE OFFICE OF THE RESPONDENT PARENTS'
- 4 COUNSEL ESTABLISHED IN SECTION 13-92-103.
- 5 (4) "PARENT" MEANS A NATURAL PARENT OF A CHILD, AS MAY
- 6 BE ESTABLISHED PURSUANT TO ARTICLE 4 OF TITLE 19, C.R.S., A
- 7 PARENT BY ADOPTION, OR A LEGAL GUARDIAN.

8 **13-92-103. Office of the respondent parents' counsel -**

9 **established.** ON AND AFTER JANUARY 1, 2016, THE OFFICE OF THE

10 RESPONDENT PARENTS' COUNSEL IS CREATED WITHIN THE JUDICIAL

11 DEPARTMENT. IT IS THE RESPONSIBILITY OF THE OFFICE TO WORK

12 COOPERATIVELY WITH LOCAL JUDICIAL DISTRICTS AND ATTORNEYS TO

13 FORM A PARTNERSHIP BETWEEN THOSE ENTITIES AND PERSONS, PARENTS,

14 AND THE STATE FOR THE PURPOSE OF ENSURING THE PROVISION OF

15 UNIFORM, HIGH-QUALITY LEGAL REPRESENTATION FOR PARENTS INVOLVED

16 IN JUDICIAL DEPENDENCY AND NEGLECT PROCEEDINGS IN COLORADO AND

17 WHO LACK THE FINANCIAL MEANS TO AFFORD LEGAL REPRESENTATION.

18 **13-92-104. Duties of the office of the respondent parents'**

19 **counsel.** (1) THE OFFICE HAS THE FOLLOWING DUTIES, AT A MINIMUM:

20 (a) ENHANCING THE PROVISION OF RESPONDENT PARENT COUNSEL

21 SERVICES IN COLORADO BY:

22 (I) ENSURING THE PROVISION AND AVAILABILITY OF HIGH-QUALITY

23 LEGAL REPRESENTATION FOR PARENTS INVOLVED IN DEPENDENCY AND

24 NEGLECT PROCEEDINGS BROUGHT PURSUANT TO ARTICLE 3 OF TITLE 19,

25 C.R.S., AND AS PROVIDED FOR IN SECTION 19-3-202, C.R.S.; AND

26 (II) MAKING RECOMMENDATIONS FOR MINIMUM PRACTICE

27 STANDARDS TO WHICH ATTORNEYS SERVING AS RESPONDENT PARENT

1 COUNSEL SHALL BE HELD;

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

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

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

14 (e) ANNUALLY REVIEWING AND EVALUATING THE OFFICE'S
15 PERFORMANCE TO DETERMINE WHETHER THE OFFICE IS EFFECTIVELY AND
16 EFFICIENTLY MEETING THE GOALS OF IMPROVING CHILD AND FAMILY
17 WELL-BEING AND THE DUTIES SET FORTH IN THIS SECTION. THE REPORT
18 MUST BE SUBMITTED ON OR BEFORE JANUARY 1, 2017, AND ANNUALLY
19 THEREAFTER, TO THE MEMBERS OF THE GENERAL ASSEMBLY AND THE
20 STATE COURT ADMINISTRATOR'S OFFICE.

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

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

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

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

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