

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0736.01 Jane Ritter x4342

HOUSE BILL 15-1149

HOUSE SPONSORSHIP

Hamner, Young, Rankin

SENATE SPONSORSHIP

Lambert, Grantham, Steadman

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE RESPONDENT PARENTS' COUNSEL.**

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. The bill establishes a 9-member governing respondent parents' counsel commission (commission) to oversee operations for the office of the respondent parents' counsel (office). The commission membership is outlined. The duties of the commission include appointing a director for the office and providing support and guidance on issues concerning the office. Transfer of existing respondent parent counsel appointments to the office is delayed 6 months until July 1, 2016, after which time the office shall make all new

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.*

appointments. The office is given up to 2 years to transfer the contracts and bill payment system from the judicial department.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-92-101, **amend**
3 (3) as follows:

4 **13-92-101. Legislative declaration.** (3) It is the intent of the
5 general assembly to establish A RESPONDENT PARENTS' COUNSEL
6 GOVERNING COMMISSION BY JULY 1, 2015, AND the office of the
7 respondent parents' counsel in the state judicial department, beginning
8 January 1, 2016. It is the further intent of the general assembly that all
9 existing and new state paid respondent parent counsel appointments be
10 transferred on ~~January~~ JULY 1, 2016, to the operational structure
11 recommended in the final report to the office of the state court
12 administrator by the respondent parents' counsel work group, due on or
13 before September 30, 2014, AND SET FORTH IN SECTION 13-92-103 (1) (b).

14 **SECTION 2.** In Colorado Revised Statutes, 13-92-102, **add** (1.5)
15 and (2.5) as follows:

16 **13-92-102. Definitions.** As used in this article, unless the context
17 otherwise requires:

18 (1.5) "COMMISSION" MEANS THE RESPONDENT PARENTS' COUNSEL
19 GOVERNING COMMISSION ESTABLISHED IN SECTION 13-92-103.

20 (2.5) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF THE
21 RESPONDENT PARENTS' COUNSEL.

22 **SECTION 3.** In Colorado Revised Statutes, **amend** 13-92-103 as
23 follows:

24 **13-92-103. Respondent parents' counsel - commission - office**
25 **- duties - qualifications of director.** (1) (a) On and after January 1,

1 2016, the office of the respondent parents' counsel is created within the
2 judicial department. It is the responsibility of the office to work
3 cooperatively with local judicial districts and attorneys to form a
4 partnership between those entities and persons, parents, and the state for
5 the purpose of ensuring the provision of uniform, high-quality legal
6 representation for parents involved in judicial dependency and neglect
7 proceedings in Colorado and who lack the financial means to afford legal
8 representation.

9 (b) AS OF JULY 1, 2016, ALL EXISTING RESPONDENT PARENT
10 COUNSEL APPOINTMENTS MUST BE TRANSFERRED TO THE OFFICE AND,
11 AFTER JULY 1, 2016, THE OFFICE SHALL MAKE ALL NEW RESPONDENT
12 PARENT COUNSEL APPOINTMENTS.

13

14 (2) (a) THE COLORADO SUPREME COURT SHALL APPOINT A
15 NINE-MEMBER RESPONDENT PARENTS' COUNSEL GOVERNING COMMISSION
16 ON OR BEFORE JULY 1, 2015. THE MEMBERSHIP OF THE COMMISSION MUST,
17 TO THE EXTENT PRACTICABLE, INCLUDE PERSONS FROM THROUGHOUT THE
18 STATE, PERSONS WITH DISABILITIES, AND TAKE INTO CONSIDERATION
19 RACE, GENDER, AND THE ETHNIC DIVERSITY OF THE STATE. APPOINTMENTS
20 SHALL BE MADE AS FOLLOWS:

21 (I) NO MORE THAN FIVE MEMBERS OF THE COMMISSION MAY BE
22 FROM THE SAME POLITICAL PARTY;

23 (II) THE MEMBERS MUST REPRESENT EACH OF THE CONGRESSIONAL
24 DISTRICTS IN THE STATE;

25 (III) AT LEAST SIX MEMBERS MUST BE ATTORNEYS ADMITTED TO
26 PRACTICE LAW IN THIS STATE, THREE OF WHOM HAVE EXPERIENCE IN
27 SERVING AS A RESPONDENT PARENT COUNSEL;

1 (IV) THE REMAINING THREE MEMBERS MAY BE SELECTED AS
2 APPROPRIATE, BUT THE SUPREME COURT IS ENCOURAGED TO APPOINT AT
3 LEAST ONE MEMBER WHO WAS A FORMER RESPONDENT PARENT; AND

4 (V) COMMISSION MEMBERS MUST NOT CURRENTLY BE UNDER
5 CONTRACT WITH THE OFFICE OR EMPLOYED BY THE STATE DEPARTMENT
6 OF HUMAN SERVICES, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
7 SERVICES, OR BE SERVING CURRENTLY AS A CITY OR COUNTY ATTORNEY,
8 JUDGE, MAGISTRATE, COURT-APPOINTED SPECIAL ADVOCATE, OR
9 GUARDIAN AD LITEM.

10 (b) COMMISSION MEMBERS SERVE FOR TERMS OF FOUR YEARS;
11 EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, FIVE SHALL SERVE FOR
12 TERMS OF TWO YEARS. THE SUPREME COURT SHALL FILL ANY VACANCIES
13 ON THE COMMISSION FOR THE REMAINDER OF ANY UNEXPIRED TERM.

14 (c) THE SUPREME COURT SHALL ESTABLISH PROCEDURES FOR THE
15 OPERATION OF THE COMMISSION.

16 (d) COMMISSION MEMBERS SHALL SERVE WITHOUT COMPENSATION
17 BUT MUST BE REIMBURSED FOR ACTUAL AND REASONABLE EXPENSES
18 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

19 (e) EXPENSES INCURRED BY THE COMMISSION MUST BE PAID FROM
20 THE GENERAL OPERATING BUDGET OF THE OFFICE OF THE RESPONDENT
21 PARENTS' COUNSEL.

22 (3) THE COMMISSION HAS THE FOLLOWING DUTIES:

23 (a) ON OR BEFORE JANUARY 1, 2016, AND AS NECESSARY
24 THEREAFTER, TO APPOINT, AND DISCHARGE FOR CAUSE, A PERSON TO
25 SERVE AS THE DIRECTOR OF THE OFFICE;

26 (b) TO FILL ANY VACANCY IN THE DIRECTORSHIP; AND

27 (c) TO WORK COOPERATIVELY WITH THE DIRECTOR TO PROVIDE

1 GOVERNANCE TO THE OFFICE, TO PROVIDE FISCAL OVERSIGHT OF THE
2 GENERAL OPERATING BUDGET OF THE OFFICE, TO PARTICIPATE IN FUNDING
3 DECISIONS RELATING TO THE PROVISION OF RESPONDENT PARENT
4 COUNSEL, AND TO ASSIST WITH THE DUTIES OF THE OFFICE CONCERNING
5 RESPONDENT PARENT COUNSEL TRAINING, AS NEEDED.

6 (4) (a) THE DIRECTOR MUST HAVE AT LEAST FIVE YEARS OF
7 EXPERIENCE AS A LICENSED ATTORNEY PRIOR TO APPOINTMENT, BE
8 LICENSED TO PRACTICE LAW IN COLORADO AT THE TIME OF APPOINTMENT,
9 AND BE FAMILIAR WITH THE UNIQUE DEMANDS OF REPRESENTING
10 RESPONDENT PARENTS IN DEPENDENCY AND NEGLECT CASES IN
11 COLORADO. THE DIRECTOR SHALL DEVOTE HIMSELF OR HERSELF FULL
12 TIME TO THE PERFORMANCE OF HIS OR HER DUTIES AS DIRECTOR AND
13 SHALL NOT ENGAGE IN THE PRIVATE PRACTICE OF LAW.

14 (b) THE GENERAL ASSEMBLY SHALL FIX THE DIRECTOR'S
15 COMPENSATION, WHICH MAY NOT BE REDUCED DURING HIS OR HER
16 APPOINTMENT.

17 **SECTION 4.** In Colorado Revised Statutes, 19-3-202, **amend** (1)
18 as follows:

19 **19-3-202. Right to counsel and jury trial.** (1) At the first
20 appearance of a respondent parent, guardian, or legal custodian, the court
21 shall fully advise the respondent of his or her legal rights, including the
22 right to a jury trial, the right to be represented by counsel at every stage
23 of the proceedings, and the right to seek the appointment of counsel
24 through the office of respondent parents' counsel established in section
25 13-92-103, C.R.S., if the respondent is unable to financially secure
26 counsel on his or her own. The court shall fully explain to the respondent
27 the informational notice of rights and remedies for families prepared

1 pursuant to section 19-3-212 and shall recommend that the respondent
2 discuss such notice with his or her counsel. Further, the court shall advise
3 the respondent of the minimum and maximum time frames for the
4 dependency and neglect process, including the minimum and maximum
5 time frames for adjudication, disposition, and termination of parental
6 rights for a child who is under six years of age at the time the petition is
7 filed in a county designated pursuant to section 19-1-123. NOTHING IN
8 THIS SECTION LIMITS THE POWER OF THE COURT TO APPOINT COUNSEL
9 PRIOR TO THE FILING OF A PETITION FOR GOOD CAUSE.

10 **SECTION 5. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.