

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 26-1227

BY REPRESENTATIVE(S) Gilchrist and Bradfield, Brown, Camacho, Duran, Froelich, Lindsay, McCormick, Nguyen, Paschal, Ricks, Rydin, Stewart K., Story;
also SENATOR(S) Mullica and Daugherty, Amabile, Benavidez, Exum, Hinrichsen, Jodeh, Kipp, Lindstedt, Snyder, Weissman, Coleman.

CONCERNING AFFIRMING THE RIGHTS OF CHILDREN AND YOUTH IN
DEPENDENCY AND NEGLECT PROCEEDINGS.

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

SECTION 1. In Colorado Revised Statutes, 19-3-502, **amend** (4.5);
and **add** (4.7) as follows:

**19-3-502. Petition form and content - limitations on claims in
dependency or neglect actions.**

(4.5) A child OR YOUTH named in the petition shall be a party to the proceedings and have the right to attend and fully participate in all hearings related to the child's OR YOUTH'S case. AS A PARTY TO THE PROCEEDINGS, A CHILD OR YOUTH HAS LEGAL STANDING REGARDING ALL MATTERS RELATED TO THE CHILD'S OR YOUTH'S INTERESTS AND THE RIGHT TO HAVE THE CHILD'S

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OR YOUTH'S INTERESTS FULLY REPRESENTED BY THE GUARDIAN AD LITEM OR COUNSEL FOR YOUTH THROUGHOUT THE PROCEEDINGS, INCLUDING APPEALS. The child's OR YOUTH'S guardian ad litem or counsel for youth shall provide developmentally appropriate notice to the child OR YOUTH of all hearings related to the child's OR YOUTH'S case.

(4.7) (a) IF A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SEEKS DISMISSAL OF A PETITION FILED PURSUANT TO SECTION 19-3-501 PRIOR TO THE ADJUDICATORY HEARING HELD PURSUANT TO SECTION 19-3-505, AND THE CHILD OR YOUTH, THROUGH THE CHILD'S OR YOUTH'S GUARDIAN AD LITEM OR COUNSEL FOR YOUTH, OBJECTS TO THE DISMISSAL AND ARTICULATES A BASIS UPON WHICH THE CHILD IS ABUSED OR NEGLECTED PURSUANT TO SECTION 19-1-103 (1)(a), THE COURT SHALL SET A HEARING TO DETERMINE WHETHER OR NOT THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES HAS A REASONABLE BASIS TO DISMISS THE CASE. THE COURT MAY HEAR FROM THE PARTIES REGARDING THE APPROPRIATENESS OF THE DISMISSAL. IF THE COURT DETERMINES THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHOWS A REASONABLE BASIS FOR DISMISSAL, THE COURT SHALL DISMISS THE PETITION, BUT IF THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES DOES NOT SHOW REASONABLE BASIS TO DISMISS THE CASE, THE COURT MUST ALLOW THE CASE TO PROCEED.

(b) THIS SUBSECTION (4.7) DOES NOT AUTHORIZE A CHILD OR YOUTH TO FILE A PETITION ON THE CHILD'S OR YOUTH'S BEHALF.

(c) THIS SUBSECTION (4.7) DOES NOT LIMIT A PARTY'S RIGHT TO DEMAND A JURY TRIAL PURSUANT TO SECTION 19-3-202.

SECTION 2. In Colorado Revised Statutes, 19-3-203, **amend** (6) as follows:

19-3-203. Right to guardian ad litem and counsel for youth.

(6) A person appointed to serve as counsel for youth pursuant to this section shall comply with the Colorado rules of professional conduct, provisions set forth in a chief justice directive concerning the court appointment of counsel for youth in this title 19, and subsequent chief justice directives or practice standards established by rule or directive of the chief justice pursuant to section 13-91-105 concerning the duties and

responsibilities of a guardian ad litem and counsel for youth in legal matters affecting children or youth. Counsel for youth shall ~~ensure that the child or youth has representation through pending appeals~~ PARTICIPATE FULLY IN THE PROCEEDINGS TO THE DEGREE NECESSARY TO REPRESENT THE YOUTH, INCLUDING APPEALING MATTERS TO THE COURT OF APPEALS OR THE SUPREME COURT.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO