

## COLORADO

\*\*Lexis operates the database that houses the Colorado Revised Statutes. I can't link to individual provisions, but the database may be accessed at <http://www.lexisnexis.com/hottopics/Colorado/>.

<p>Structure, organization, and delivery of Child Representation State-by-state, county-by-county, etc.</p>	<p>(1) The office of the child's representative is hereby created and established as an agency of the judicial department of state government. It shall be the responsibility of the office of the child's representative to work cooperatively with local judicial districts, attorneys, and any contract entity in order to form a partnership between those entities and persons and the state for the purpose of ensuring the provision of uniform, high-quality legal representation and non-legal advocacy to children involved in judicial proceedings in Colorado. Colo. Rev. Stat. Ann. § 13-91-104(1).</p> <p>While judges make appointments in individual cases, the Office of the Child's Representative contracts with attorneys and provides courts with lists of attorneys that may serve as the child's representative. <a href="#">Col. Chief Justice Directive 04-06(II)</a>.</p>
<p>Funding Child Representation</p>	<p>(3) The board shall have the following responsibilities:</p> <p>(c) To work cooperatively with the director to provide governance to the office of the child's representative, to provide fiscal oversight of the general operating budget of the office of the child's representative, to participate in funding decisions relating to the provision of GAL, CASA, and representative of the child services throughout the state...Colo. Rev. Stat. Ann. § 13-91-104(3)(c).</p> <p>(1) The board shall have the following powers and duties:</p> <p>(b) To develop and publicize criteria regarding grants from the trust fund, including the duration of grants and any requirements for matching funds which are received from the trust fund;</p> <p>(e) To accept grants from the federal government as well as to solicit and accept contributions, grants, gifts, bequests, and donations from individuals, private organizations, and foundations;</p> <p>(f) To expend moneys of the trust fund for the establishment, promotion, and maintenance of primary and secondary prevention programs, including pilot programs, for programs to prevent and reduce the occurrence of prenatal drug exposure, and for operational expenses of the board Colo. Rev. Stat. Ann. § 19-3.5-105(1)(b), (e), (f).</p> <p>The State, through the OCR, shall bear the costs of a child's representative. <a href="#">Col. Chief Justice Directive 04-06(III)</a>.</p>
<p>1. General Duties: Timely appointment, mandatory or discretionary, attorney or lay person, represent child's interests, undertake basic obligations, address conflict situations, address special needs and disabilities, and</p>	<p>(4) "Guardian ad litem" or "GAL" means a person appointed by a court to act in the best interests of a child involved in a proceeding under title 19, C.R.S., or the "School Attendance Law of 1963", set forth in article 33 of title 22, C.R.S., and who, if appointed to represent a child in a dependency or neglect proceeding pursuant to article 3 of title 19, C.R.S., shall be an attorney-at-law licensed to practice in Colorado.</p> <p>(6) "Representative of a child" means an attorney appointed by a court pursuant to section 14-10-116, C.R.S., to represent the best interests of a minor or dependent child. Colo. Rev. Stat. Ann. § 13-91-103(4), (6).</p> <p>(1) Upon the filing of a petition under section 19-3-502 that alleges abuse or neglect of a minor child, the court shall appoint</p>

<p>accommodate client preferences.</p>	<p>a guardian ad litem. Nothing in this section shall limit the power of the court to appoint a guardian ad litem prior to the filing of a petition for good cause. Colo. Rev. Stat. Ann. § 19-3-203 (West)</p> <p>All attorneys appointed as a GAL...shall be subject to all of the rules and standards of the legal profession, including the additional responsibilities set forth by Colorado Rule of Professional Conduct 1.14; <a href="#">Col. Chief Justice Directive 04 06(V)(B)</a>.</p> <p>The court shall appoint a GAL for the child in all dependency or neglect cases. The GAL shall have the right to participate in all dependency or neglect proceedings as a party. The appointment of the GAL shall continue until court’s jurisdiction is terminated. C.R.S. § 19-1-111(1), (3), (4)(a); <a href="#">Col. Chief Justice Directive 04-06(III)(A)</a>.</p> <p>Upon the filing of a petition under alleging abuse or neglect of a minor child, the court shall appoint a GAL. Nothing in this section shall limit the power of the court to appoint a GAL prior to the filing of a petition for good cause. C.R.S. § 19-3-203(1).</p> <p>GAL shall comply w/ provisions in chief justice directive 97-02, concerning appointment of GALs and other representatives and of counsel for children in C.R.S. ... 19 (dependency and neglect only), ... and any subsequent chief justice directive or other practice standards established by rule or directive of the chief justice pursuant to C.R.S. § 13-91-105 concerning the duties or responsibilities of GALs in legal matters affecting children. C.R.S. § 19-1-111(6).</p> <p>(1)(a) Any guardian ad litem, and all state and local agencies, departments, authorities, and institutions shall cooperate and share information with any CASA volunteer appointed to serve on a case and with each local CASA program to facilitate the implementation of its program.</p> <p>(2) In any case in which the court has appointed both a CASA volunteer and a guardian ad litem, the CASA volunteer and the guardian ad litem shall cooperate to represent the best interests of the child. Colo. Rev. Stat. Ann. § 19-1-209(1)(a), (2).</p>
<p>2. Out of Court - Actions to be Taken: Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements</p>	<p>The GAL shall be charged in general with the representation of the child’s interests....In addition, the GAL, if in the best interest of the child, shall seek to assure that reasonable efforts are being made to prevent unnecessary placement of the child out of the home and facilitate reunification of the child with the child’s family or, if reunification is not possible, to find another safe and permanent living arrangement for the child. In determining whether said reasonable efforts are made with respect to a child, and in making such reasonable efforts, the child’s health and safety shall be the paramount concern. C.R.S. § 19-3-203(3).</p> <p>The attorney appointed shall diligently take steps that s/he deems necessary to protect the interest of the person whom s/he was appointed to represent, under the terms and conditions of the order of appointment, including any specific duties set forth in that or any subsequent order. If the appointee finds it necessary and in the best interests of the child(ren), the appointee may request that the court expand the terms of the appointment and scope of the duties. <a href="#">Col. Chief Justice Directive 04-06(V)(C)</a>.</p>

(3) The guardian ad litem shall be charged in general with the representation of the child's interests. To that end, the guardian ad litem shall make such further investigations as the guardian ad litem deems necessary to ascertain the facts and shall talk with or observe the child involved.... In addition, the guardian ad litem, if in the best interest of the child, shall seek to assure that reasonable efforts are being made to prevent unnecessary placement of the child out of the home and to facilitate reunification of the child with the child's family or, if reunification is not possible, to find another safe and permanent living arrangement for the child. In determining whether said reasonable efforts are made with respect to a child, and in making such reasonable efforts, the child's health and safety shall be the paramount concern. Colo. Rev. Stat. Ann. § 19-3-203(3).

GAL in a dependency and neglect case shall specifically:

(1) ...

(2) at the court's direction and in compliance with Section 19-3-606(1), 6 C.R.S. (2003), file written or oral report(s) with the court and all other parties;

(3) take actions within the scope of his or her statutory authority and ethical obligations necessary to represent the best interests of the child (commentary: the GAL has the right to and should actively participate and be included in all aspects of litigation including but not limited to discovery, motions practice, settlement negotiations, court appearances, jury selection, presentation of evidence and appeals, except as limited by applicable law);

(4) conduct an independent investigation in a timely manner which shall include at a minimum:

(a) personally interviewing the child (if age-appropriate) and meeting with and observing the child in his or her placement as soon as is reasonable, but, in no event, later than 30 days following the GAL's appointment;

(b) personally meeting with and observe the child(ren)'s interaction with the parents, proposed custodians or foster parents including kinship care providers (commentary: The GAL shall meet with the foster parent, kinship care provider or other custodian who is providing ongoing care for the child and observe the child in that home. This requirement neither mandates nor is fulfilled by a GAL's meeting with the care provider(s) and observing the child(ren) in a temporary intake placement service, respite care or juvenile detention holding facility, unless that is the only opportunity to observe the child(ren).);

(c) reviewing court files and relevant records, reports and documents;

(d) Interviewing, with the consent of counsel, respondent parents;

(e) Interviewing other people involved in the child's life, including: foster parents; caseworkers; CASA volunteers; relatives; and school personnel, therapists and any other persons or professionals necessary to assess and serve the child's best interests;

(f) Confirm that the county department's investigation has included a search for any prospective kinship, placement and/or adoption or potential tribal affiliation, or personally conduct such investigation, in case attempts to reunify fail. This part of the investigation should be conducted in the initial stages of the case;

(g) When appropriate, visiting the home from which the child was removed. (Commentary on items 4a - g: The initial investigation sets the groundwork for the entire Dependency and Neglect case, and an effective initial investigation is critical to serving a child's best interest and advancing permanency for a child. An effective initial investigation allows the GAL to make recommendations early on in a case that will: implement services that will advance the goals of the case and the best interests of the child(ren) with the least delay possible; reduce the risk of harm that involvement in the Dependency and Neglect system may present to the well being of the child(ren); reduce the risk of disruption in the child's placement

	<p>and potential harm from the child from such disruption; and preserve relationships significant to the child(ren), such as sibling relationships. Hence, it is expected that the initial duties described in this subsection shall be completed within 45 days of the GAL's appointment, with the exception of the in placement interview/observation, which shall occur within 30 days. Duties (e) and(f) may be performed, under the supervision of the appointee, by a qualified person other than the appointee.)</p> <p>(5) Continue to perform an ongoing investigation as is necessary to represent the best interest of the child for the duration of the case unless relieved of such duty by the court. Said investigation shall include, but shall not be limited to:</p> <p>(a) If the child's placement is changed, the GAL shall personally meet with and observe the child in each new home or placement of the child, as soon as is practicable after the child's entry into the placement. (Commentary: Continuing contact and ongoing investigation constitute important components of the GAL's role. Additionally, because each disruption in the child(ren)'s placement presents new risks of harm and is potentially detrimental to the child(ren)'s emotional and psychological well being, it is critical that the GAL meet with and observe the child(ren) in each new placement to assess the appropriateness, risks and potential permanency of that placement, as part of the GAL's ongoing investigation. This inplacement meeting/observation shall ideally occur no later than 30 days after the child's entry into the new placement. When circumstances make it impracticable for a GAL to visit a child within 30 days of a child's entry into a new placement, the GAL may send a properly trained representative to visit the child in the placement within thirty days of the placement, the GAL to follow up with a visit within a reasonable time thereafter.);</p> <p>(b) Maintaining contact and ongoing communication with the child, foster parents, caseworker, CASA and any other parties, persons or professionals necessary to ensure that the child's best interest are continually met;</p> <p>(c) Other applicable duties listed above in (V)(C)(3).</p> <p>(6) In cases in which the parents or child are living or placed more than 100 miles outside of the jurisdiction of the court, the requirements to personally meet with and interview the person or child are waived. However, to the extent possible, the appointee shall endeavor to see the child in his or her extended placement and the OCR will pay reasonable costs associated with meeting these obligations.</p> <p>(7) All GALs paid by the state shall submit a standard affidavit of compliance to the OCR by May 30 of each year for appointments made in the previous contract year. For any cases in which the attorney has not complied with the above requirements, a standard exception form shall be attached to the affidavit. The standard affidavit of compliance and exception form shall be developed by the OCR and made available to all GALs and child and family investigators. <a href="#">Col. Chief Justice Directive 04-06(V)(D)</a>.</p> <p>Upon appointment, a CASA volunteer may have the duty to:</p> <p>(a) conduct an independent investigation regarding the best interests of the child that will provide factual information to the court regarding the child and the child's family. The investigation shall include interviews with and observations of the child, interviews with other appropriate individuals, and the review of relevant records and reports;</p> <p>(b) determine whether an appropriate treatment plan has been created for the child, whether appropriate services are being provided to the child and family, and whether the treatment plan is progressing in a timely manner. C.R.S. § 19-1-208(1).</p>
<p>3. In Court – Active Participation in Hearings: Appear in court, explain</p>	<p>(3) The guardian ad litem shall be charged in general with the representation of the child's interests. To that end, the guardian ad litem shall ... examine and cross-examine witnesses in both the adjudicatory and dispositional hearings, introduce and examine the guardian ad litem's own witnesses, make recommendations to the court concerning the child's</p>

<p>proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas, and undertake certain obligations post-disposition.</p>	<p>welfare, appeal matters to the court of appeals or the supreme court, and participate further in the proceedings to the degree necessary to adequately represent the child. In addition, the guardian ad litem, if in the best interest of the child, shall seek to assure that reasonable efforts are being made to prevent unnecessary placement of the child out of the home and to facilitate reunification of the child with the child's family.... Colo. Rev. Stat. Ann. § 19-3-203(3).</p>
<p>4. Post-Hearing: Review courts order, communicate order to child, and monitor implementation of orders</p>	<p>In addition, the GAL, if in the best interest of the child, shall seek to assure that reasonable efforts are being made to prevent unnecessary placement of the child out of the home and facilitate reunification of the child with the child's family or, if reunification is not possible, to find another safe and permanent living arrangement for the child. In determining whether said reasonable efforts are made with respect to a child, and in making such reasonable efforts, the child's health and safety shall be the paramount concern. C.R.S. § 19-3-203(3).</p>
<p>5. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</p>	<p>GAL shall be charged in general with the representation of the child's interests. To that end, the GAL shall ... appeal matters to the court of appeals or the supreme court, and participate further in the proceedings to the degree necessary to adequately represent the child. ...C.R.S. § 19-3-203(3).</p>
<p>6. Cessation of Representation: Contacts post representation, if any</p>	<p>(4)(a) Except as provided in paragraphs (b) and (c) of this subsection (4), the appointment of a guardian ad litem pursuant to this section shall continue until such time as the court's jurisdiction is terminated. Colo. Rev. Stat. Ann. § 19-1-111(4)(a).</p>
<p>7. General Representation Rules: Administrative structure is clear for appointment, support and accountability of the CR. The child's representative is independent from the court</p>	<p>Office of Child's Representative provides a statewide administrative structure for CR.</p> <p>Office of the Child's Representative:  In addition to any responsibilities assigned to it by the chief justice, the office of the child's representative shall enhance the provision of GAL services in Colorado by: ...  (VI) Establishing fair and realistic state rates by which to compensate state-appointed guardians ad litem, which will take into consideration the caseload limitations placed on guardians ad litem and which will be sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem;  (VII) Seeking to enhance existing funding sources for the provision of high-quality guardian ad litem services in Colorado;  (VIII) Studying the availability of or developing new funding sources for the provision of guardian ad litem services in Colorado, including but not limited to, long-term pooling of funds programs;  (IX) Accepting grants, gifts, donations, and other nongovernmental contributions to be used to fund the work of the office of the child's representative relating to guardians ad litem. Such grants, gifts, donations, and other nongovernmental contributions shall be credited to the guardian ad litem fund, created in section 13-91-106(1). Moneys in such fund shall be subject to annual appropriation by the general assembly for the purposes of this paragraph (a) and for the purposes of enhancing the provision of guardian ad litem services in Colorado; and (X) Effective July 1, 2001, allocating moneys appropriated to the office of the child's representative in the state judicial department for the provision of GAL services.</p>

	<p>C.R.S. § 13-91-105(1)(a)(VI)-(X).</p> <p>(1) The court shall appoint a guardian ad litem for the child in all dependency or neglect cases under this title.</p> <p>(2) The court may appoint a guardian ad litem in the following cases:</p> <p>(a) For a child in a delinquency proceeding where:</p> <p>(I) No parent, guardian, legal custodian, custodian, person to whom parental responsibilities have been allocated, relative, stepparent, or spousal equivalent appears at the first or any subsequent hearing in the case;</p> <p>(II) The court finds that a conflict of interest exists between the child and parent, guardian, legal custodian, custodian, person to whom parental responsibilities have been allocated, relative, stepparent, or spousal equivalent; or</p> <p>(III) The court makes specific findings that the appointment of a guardian ad litem is necessary to serve the best interests of the child and such specific findings are included in the court's order of appointment. Colo. Rev. Stat. Ann. § 19-1-111(1), (2).</p>
<p>8. Lawyer Training: Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</p>	<p>A GAL who is appointed to represent a child in a dependency or neglect proceeding shall be an attorney-at-law licensed to practice in Colorado. C.R.S. § 13-91-103(4).</p> <p>Attorneys appointed as GALs...shall possess the knowledge, expertise, and training necessary to perform the court appointment. In addition, GALs...shall obtain 10 hours of the required CLE courses or any other modified training requirements established by subsequent Chief Justice Directive practice standards, rule, or statute that are relevant to the appointment and that enhance the attorney's knowledge of the issues in best interest representation. These requirements should be met prior to attorney's first appointment and per legal education reporting period. The attorney shall provide the OCR with proof of compliance with this requirement with his/her application to provide attorney services or contract renewal for the OCR. <a href="#">Col. Chief Justice Directive 04-06(V)(A)(1), (2)</a>.</p> <p>In addition to any responsibilities assigned to it by the chief justice, the office of the child's representative shall enhance the provision of GAL services in Colorado by:</p> <p>(I) Ensuring the provision and availability of high-quality, accessible training throughout the state for persons seeking to serve as guardians ad litem as well as to judges and magistrates who regularly hear matters involving children and families;</p> <p>(II) Making recommendations to the chief justice concerning the establishment, by rule or chief justice directive, of the minimum training requirements that an attorney seeking to serve as a guardian ad litem shall meet... C.R.S. § 13-91-105(1)(a)(I)-(II).</p> <p>Making recommendations to the chief justice concerning the establishment, by rule or chief justice directive, of standards to which attorneys serving as guardians ad litem shall be held, including but not limited to minimum practice standards, which standards shall include:</p> <p>(A) Incorporation of the federal guidelines for persons serving as guardians ad litem as set forth in the federal department of health and human services' "Adoption 2002" guidelines and incorporation of the guidelines for guardians ad litem adopted by the Colorado bar association in 1993;</p> <p>(B) Minimum duties of guardians ad litem in representing children involved in judicial proceedings;</p> <p>(C) Minimum responsibilities of guardians ad litem in representing children involved in judicial proceedings...</p>

	<p>(IV) Overseeing the practice of guardians ad litem to ensure compliance with all relevant statutes, orders, rules, directives, policies, and procedures;</p> <p>(V) Working cooperatively with the chief judge in each judicial district or group of judicial districts to jointly establish a local body to oversee the provision of guardian ad litem services in that judicial district or districts, which oversight bodies would operate and report directly to the director concerning the practice of guardians ad litem in that judicial district or districts pursuant to oversight procedures established by the office of the child's representative. C.R.S. § 13-91-105(1)(a)(III)(A)-(C), (IV)-(V).</p> <p>The Office of the Child's Representative (OCR) shall maintain and provide to the courts, on an ongoing basis, a list of qualified attorneys to whom appointments may be given. The courts shall appoint from this list. It is within OCR's sole discretion to determine which attorneys are placed on the appointment list. A court is not required to use all attorneys on the list but only those it chooses to appoint. <a href="#">Col. Chief Justice Directive 04-06(II)(B)</a>.</p> <p>In addition to any responsibilities assigned to it by the chief justice, the office of the child's representative shall enhance the provision of GAL services in Colorado by: ...</p> <p>(II) Seeking to enhance existing funding sources and to develop private-public partnership funding for the provision of high-quality, volunteer local CASA programs in each judicial district or in adjacent judicial districts;</p> <p>(III) Studying the availability of or developing new funding sources for CASA programs, including but not limited to long-term pooling of funds programs;</p> <p>(IV) Effective July 1, 2001, allocating moneys appropriated to the state judicial department for CASA programs to local CASA programs based upon recommendations made by the contract entity. C.R.S. § 13-91-105(1)(b)(II)-(IV).</p>
<p>9. Lawyer Compensation: Adequate and timely compensation, reimbursement provided for expenses.</p>	<p>GAL Fund created in the State treasury. The money in the fund shall be subject to annual appropriation by the general assembly to the State Judicial Department for allocation to the Office of the Child's Representative for the provision of GAL services in Colorado. C.R.S. § 13-91-106(1).</p> <p>In addition to any responsibilities assigned to it by the chief justice, the office of the child's representative shall enhance the provision of GAL services in Colorado by:</p> <p>...</p> <p>(III) Making recommendations to the chief justice concerning the establishment, by rule or chief justice directive, of standards to which attorneys serving as guardians ad litem shall be held, including but not limited to minimum practice standards, which standards shall include</p> <p>...</p> <p>(D) A determination of an appropriate maximum-caseload limitation for persons serving as guardians ad litem;</p> <p>...</p> <p>(VI) Establishing fair and realistic state rates by which to compensate state-appointed guardians ad litem, which will take into consideration the caseload limitations placed on guardians ad litem and which will be sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem. C.R.S. § 13-91-105(1)(a)(III)(A)-(C), (VI).</p> <p><a href="#">An indigency determination is not required for state payment of GAL services [in dependency cases]. Col. Chief Justice</a></p>

	<a href="#">Directive 04-06(IV)(1).</a>
10. Caseload Levels: Caseloads are of a manageable size.	<i>No explicit legal authority or requirement.</i>