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February 9, 2022

Mike Weissman  
Chair  
House Judiciary Committee  
Colorado General Assembly  
200 E Colfax Avenue  
Denver, CO 80203

Kerry Tipper  
Vice Chair  
House Judiciary Committee  
Colorado General Assembly  
200 E Colfax Avenue  
Denver, CO 80203

Re: ABA Support for Colorado House Bill 22-1038

Dear Chair Weissman and Vice Chair Tipper:

On behalf of the American Bar Association, the largest voluntary association of lawyers and legal professionals in the world, I write to express our support for Colorado's proposed [House Bill 22-1038](#), which requires client-directed counsel for youth 12 years of age or older in dependency and neglect proceedings.

The ABA has long recognized that children and youth need legal representation in dependency court proceedings. In 1996, the Association approved the [Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases](#), which state that “[a]ll children subject to court proceedings involving allegations of child abuse and neglect should have legal representation as long as the court jurisdiction continues.”

In 2011, after a three-year drafting process that invited input from children's lawyers across the country, the ABA House of Delegates adopted the [ABA Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings](#) (ABA Model Act).<sup>1</sup> The ABA Model Act reaffirms the Association's support for the appointment of a lawyer for every child and states:

“[W]hen the child is capable of directing the representation by expressing his or her objectives, the child's lawyer shall maintain a normal client-lawyer relationship with the child in accordance with the rules of professional conduct.”

Colorado's proposed House Bill 22-1038 aligns directly with the ABA Model Act by requiring appointment of client-directed counsel for children or youth 12 years of age or older. Although all of Colorado's children in foster care currently receive legal representation from guardians ad litem (GALs), that support is not the same as client-directed legal representation in a complex system of laws where children's most fundamental interests are at issue, including their right to family integrity, education, safety, and health care access while in state custody. We encourage the

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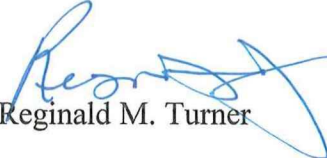
Judiciary Committee to support this legislation, which reflects the best thinking of children's law experts in Colorado and throughout the country.

In addition to aligning with the 1996 ABA standards of legal representation and the ABA Model Act, HB 22-1038 also is consistent with Federal guidance, which recognizes that child welfare court proceedings are complex and "all parties, especially children, need an attorney to protect and advance their interests in court."<sup>2</sup>

The American Bar Association urges the Judiciary Committee to vote in favor of HB 22-1038, and to ensure that all children 12 and older living in foster care in Colorado have a right to counsel in their dependency and neglect proceedings.

Thank you for your consideration of these comments. Should you have any questions or need additional information, please contact David Eppstein, Legislative Counsel, ABA Governmental Affairs Office at [David.Eppstein@americanbar.org](mailto:David.Eppstein@americanbar.org).

Sincerely,



Reginald M. Turner

cc. Members of the House Judiciary Committee

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<sup>2</sup> See U.S. Department of Health and Human Services Administration for Children, Youth and Families Information Memo, ACYF-CB-IM-17-02, January 17, 2017 at 11, which "strongly encourages all jurisdictions to provide legal representation to all children and youth at all stages of child welfare proceedings."