

House Bill 22-1038

Colorado Continues its History of
Expanding Children's Voice
and Representation in D&N Proceedings

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This article outlines Colorado's history of supporting legal representation of children and describes recent legislation affecting children's rights in dependency and neglect proceedings.

Colorado's history of championing children's voice and legal representation in dependency and neglect (D&N) cases set the stage for Colorado House Bill 22-1038 (HB 22-1038), which amends the Children's Code to provide client-directed legal representation to children aged 12 and older in D&N proceedings and other rights to children and youth involved in D&N proceedings. This article summarizes that history and HB 22-1038.

History of Children's Legal Representation in Colorado

HB 22-1038 is the most recent development in Colorado's long history of supporting children's voice and legal representation in child welfare cases. Colorado began recognizing the rights and interests of children in the child welfare system as early as 1901 with the creation of the Denver juvenile court, the second in the country.¹ In 1903, the General Assembly created Colorado's first statewide juvenile delinquency court.² Four years later, county-specific juvenile courts were created. These courts had original jurisdiction over children who were dependent or neglected.³

Colorado later enhanced the juvenile court process by advancing legal representation for children. In 1967, the US Supreme Court decided the seminal juvenile rights case *In re Gault*, recognizing children's due process rights in delinquency proceedings, including the right to counsel.⁴ That same year, Colorado adopted the Children's Code, which allowed courts to appoint guardians ad litem (GAL) to children involved in D&N cases.⁵ In 1971, the General Assembly modified the Children's Code to require the appointment of a GAL instead of leaving that appointment to the discretion of the court.⁶ In 1974, the Child Abuse Prevention and Treatment

Act (CAPTA) established a mandate for the appointment of GALs to represent children in every court proceeding involving an abused or neglected child.⁷ At the time of the hearings for this federal legislation in 1973, Colorado was one of two states that already required a GAL to be appointed for children,⁸ and Colorado was held out throughout the hearings as being a leader in child welfare.⁹

In 1987, the Colorado General Assembly recodified the Children's Code and required GALs appointed in D&N proceedings to be attorneys.¹⁰ Attorney GALs provide best-interests legal representation for every child named in a D&N case throughout D&N proceedings.¹¹

In 2000, the General Assembly created the Office of the Child's Representative (OCR),¹² one of the first statewide children's law offices.¹³ In doing so, the legislature found that "the legal representation of and non-legal advocacy on behalf of children is a critical element in giving children a voice in the Colorado Court system."¹⁴ Additionally, the General Assembly recognized the unique nature of child representation:

As children often have no resources with which to retain the services of an attorney or advocate, they are unable to efficiently provide or communicate to such an attorney or advocate the information needed to effectively serve the best interests or desires of that child, and they lack the ability and understanding to effectively evaluate and, if necessary, complain about the quality of representation they receive.¹⁵

The General Assembly required OCR to ensure best-interests attorney GAL services by providing high-quality accessible trainings to attorneys interested in becoming GALs, making recommendations to the Colorado Supreme Court chief justice regarding minimum GAL training and practice standards, and overseeing

the practice of GALs to ensure compliance with relevant statutes, orders, rules, directives, policies, and procedures.¹⁶ In 2004, the promulgation of Chief Justice Directive (CJD) 04-06 provided practice standards and guidance; this directive has been amended over time to reflect legal and practice developments.¹⁷

Even with practice standards, a best-interests model of child legal representation presents complications from the perspective of youth empowerment and advancing youth voice. Because a best-interests attorney represents their determination of what is in the best interests of a child, rather than a child's objectives, a child may feel unheard and/or unrepresented. In 1996, the American Bar Association (ABA) House of Delegates approved standards of practice for attorneys who represent children in D&N cases.¹⁸ The ABA standards explicitly state that a child's attorney means "a lawyer who provides legal services for a child and who owes the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due an adult client."¹⁹ The ABA prefers this child attorney model over the attorney GAL model, where the attorney is not bound by the child's expressed preferences.²⁰

In 2011, the Colorado Supreme Court held that a child in a D&N proceeding is not the client of their court-appointed GAL and that the obligations of confidentiality did not strictly apply.²¹ This decision elevated dialogue throughout the country about the importance of attorney-client relationships in child welfare proceedings.²² The ABA cemented its preference for client-directed counsel in 2011 when it adopted the ABA Model Act on Child Representation.²³ Although the 1987 Children's Code began providing for the possibility of counsel for children in addition to the appointment of a GAL,²⁴ this provision was rarely used in D&N cases and there was no

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In addition to changing the model of legal representation for youth aged 12 and older in D&N cases, HB 22-1038 makes every child and youth a party to their D&N proceedings, establishes that children and youth have the right to attend and fully participate in all hearings related to their case, and requires GALs or CFY to provide children and youth with developmentally appropriate notice of court hearings.

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clear statutory guidance around when counsel was necessary.²⁵ Colorado worked to enhance youth voice under the best-interests model through practice standards,²⁶ but the state’s legal model of child representation in D&N cases was not consistent with the ABA Model Act. Colorado’s best-interests attorney GAL model started to change in 2021 when the Colorado General Assembly created the Foster Youth in Transition Program.²⁷

Through this program, eligible youth²⁸ can choose to remain in the child welfare system or reenter the system and make important decisions about their lives while receiving the developmentally appropriate services and supports they need to assist their transition into adulthood.²⁹ Consistent with these youth-centered purposes and principles, youth are provided a client-directed attorney, counsel for youth (CFY), when they reach age 18.³⁰ Youth have access to CFY until they reach the maximum age of foster care eligibility as determined by

the federal government, which is currently age 21.³¹ This was the first time youth outside of the juvenile justice system were mandated to have client-directed counsel under Colorado’s Children’s Code.

Legislative History of HB 22-1038

Building on the success of Colorado’s Foster Youth in Transition Program, Representatives Lindsey Daugherty and Tonya Van Beber introduced HB 22-1038 in the Colorado House of Representatives on January 12, 2022.³² Both representatives have experience with the child welfare system—Representative Daugherty as an attorney for children and Representative Van Beber as a former foster parent and educator. HB 22-1038 garnered strong support and moved quickly through the legislative process.

The House Judiciary Committee heard from supporters across the state and nation, including testimony from three individuals who had been involved in D&N cases as children. One of them

highlighted some of the benefits as follows: “If this bill is passed, Colorado youth who are in the foster care system will finally know what it is like to be heard. . . . It will help us feel like we have power in our lives and in our future. . . . I believe it will also help us become better problem solvers when we are adults. . . .”³³ The House Judiciary Committee voted unanimously to refer HB 22-1038 to the House Committee of the Whole, where it passed on a 64-0 (with 1 excused) vote on February 28, 2022.³⁴

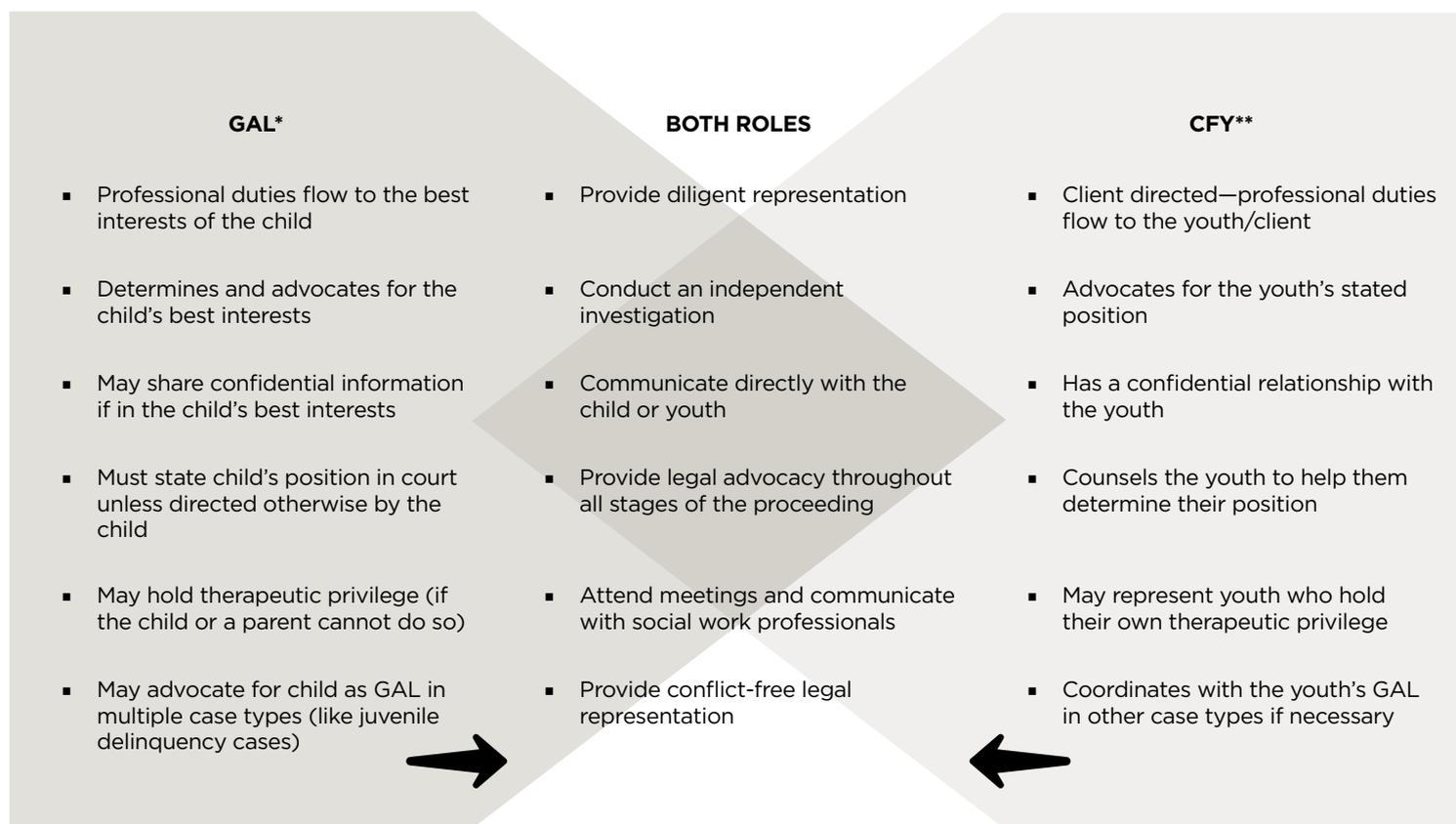
On March 3, 2022, Senators Dominick Moreno and Bob Gardner introduced HB 22-1038 in the Senate, where it was assigned to the Senate Judiciary Committee.³⁵ On March 16, 2022, the Senate Judiciary Committee heard support from state and national leaders and those with lived experience who had testified in the House, and then voted unanimously to refer HB 22-1038 to the Senate Committee of the Whole, with a request that it be placed on the consent calendar.³⁶ On March 22, 2022, the Senate voted 35-0 in favor of the bill.³⁷ Governor Polis signed HB 22-1038 on April 12, 2022, and it became effective on January 9, 2023.³⁸

Basics of HB 22-1038

HB 22-1038’s legislative declaration made numerous findings about the importance of children’s voice and legal representation in D&N proceedings, including:³⁹

- “Every child or youth has a liberty interest in their own health, safety, well-being, and family relationships.”
- “Children and youth deserve to have a voice when important and life-altering decisions are made about them and have the right to high-quality legal representation by an attorney who will consider the child or youth’s position and reasons for the position, provide independent counsel and independent investigation to inform those positions, and represent the child’s or youth’s position diligently both inside and outside of court.”
- “When a child or youth believes their position has been effectively advocated, procedural fairness and justice enhance the child’s acceptance of the proceedings and the decisions made.”

LEGAL REPRESENTATIVES FOR CHILDREN AND YOUTH IN D&N PROCEEDINGS



* required for children aged 11 and younger; may be appointed for youth aged 12 or older with diminished capacity

** required for youth aged 12 and older; may transition from GAL to CFY upon child's 12th birthday

Consistent with those findings, HB 22-1038 requires client-directed CFY for youth aged 12 and older in D&N cases.⁴⁰ CFY must represent a youth's stated interests throughout the youth's D&N proceedings.⁴¹ Children aged 11 and younger continue to have a best-interests attorney GAL.⁴² Youth aged 12 and older have a confidential relationship with their CFY,⁴³ while GALs' professional duties flow to the best interests of the child.⁴⁴

The new law also ensures that children maintain continuity of representation by permitting an attorney appointed as GAL to transition to a CFY role upon a child's 12th birthday⁴⁵ and by permitting attorneys to continue representing sibling groups as GAL for siblings younger than 12 and CFY for siblings aged 12 and older, as long as the attorney does not assert a conflict of

interest.⁴⁶ D&N courts now have the authority to appoint a GAL in addition to the CFY for youth aged 12 or older when necessary due to diminished capacity.⁴⁷ Diminished capacity is defined as lacking "sufficient capacity to communicate or make considered decisions adequately in connection with the child's . . . legal representation."⁴⁸ The legislation makes clear that "[a]ge or developmental maturity must not be the sole basis of a determination of diminished capacity."⁴⁹

Additional Objectives

In addition to changing the model of legal representation for youth aged 12 and older in D&N cases, HB 22-1038 makes every child and youth a party to their D&N proceedings, establishes that children and youth have the

right to attend and fully participate in all hearings related to their case, and requires GALs or CFY to provide children and youth with developmentally appropriate notice of court hearings.⁵⁰ These provisions are an important step toward (1) affording youth an authentic voice in their D&N proceedings and (2) ensuring that youth have parity in the courtroom.

Youth Voice

Youth voice was a major inspiration driving HB 22-1038. In 2019, the US Administration for Children and Families Children's Bureau (ACF Children's Bureau) issued an information memorandum highlighting the importance of family and youth voice to a well-functioning child welfare system and encouraging "all public child welfare agencies, dependency courts, and

Court Improvement Programs to work together to ensure that family and youth voice are central in child welfare program planning and improvement efforts.⁵¹ The memorandum noted that promoting youth voice is a critical component of supporting youth brain development and their ability to plan for their future.⁵²

Consistent with OCR's mission to give children and youth a voice in Colorado legal proceedings through high-quality legal representation, OCR's training, litigation support, practice standards, and attorney oversight have maintained a strong emphasis on youth contact and supporting attorneys in maximizing youth voice throughout all aspects of their cases.⁵³ OCR's Engaging and Empowering Youth program, launched in 2019, aims to provide children a voice in legal systems through effective attorney services and advocacy and to ensure that youth voice and interests are paramount in the development of law, policy, and practice.⁵⁴ As part of this program, OCR collects feedback from youth about OCR attorney services they receive and uses that feedback in attorney evaluations and in the development of law, policy, and practice.⁵⁵ OCR has obtained youth feedback through surveys and focus groups, as well as the establishment of a Lived Experts Action Panel of young adults with lived expertise in D&N, juvenile delinquency, and truancy proceedings.

Youth comments in OCR surveys and focus groups have included overall positive feedback about their GALs, along with concerns that they had not been listened to and had not received the information they needed about their cases.⁵⁶

The ACF Children's Bureau has recognized that high-quality legal representation is a powerful tool for advancing youth voice.⁵⁷ The National Association of Counsel for Children (NACC) reports that a client-directed legal model highlights youth voice while minimizing attorney bias.⁵⁸ Legal scholars have noted that given the confidential nature of the relationship between the youth and their counsel, it is likely that the youth will be more candid with their counsel regarding issues germane to the case.⁵⁹ While the ultimate decision of what is in the best interests of the child or youth remains with the court, the feelings of procedural justice

and fairness inherent in having their position advocated in court enhances youth acceptance of the proceedings and the decisions made.⁶⁰ Providing courts unfiltered information from the youth's perspective provides better information to guide courts' determinations.⁶¹

Youth Participation in Court

For some time, best practice recommendations from national organizations have indicated that children of all ages should be included in D&N proceedings.⁶² The Model Act adopted by the ABA over a decade ago provides that every child with a D&N proceeding has a right to notice and to attend and participate in all hearings related to their case.⁶³ The Model Act further provides that, when children are not present at a hearing, courts must determine their reasons for not attending, whether they were properly notified of their right to attend, and whether they had means to attend.⁶⁴ Courts must continue hearings when children wanted to attend but were not transported, and courts could only excuse a children's presence at a hearing after their lawyer consulted with them and they waived their right to attend with informed consent.⁶⁵ More recently, in 2022, the ABA issued a resolution urging all legislatures and courts, as well as all children's attorneys, to create, enforce, and/or advocate for a presumption of child attendance at all D&N proceedings.⁶⁶

In its 2012 Children in Court Policy Statement, the National Council of Juvenile and Family Court Judges (NCJFCJ) articulated some of the many reasons for child court participation, including ensuring that children have a voice in decisions that affect them and allowing courts to hear evidence that may not otherwise be available.⁶⁷

Despite the above best practices, policies, and youth comments in OCR surveys supporting youth court participation, youth attendance at Colorado D&N proceedings is typically low. OCR's court observations during fiscal year 2018-19 approximated that only 15% of children aged 5 and older attended their D&N hearings. Reports from OCR's online case management and billing system, in which attorneys must enter data regarding youth attendance at hearings, indicated that only 30% of children aged 12

or older attended permanency planning and benchmark hearings between July 1, 2019, and March 31, 2020.⁶⁸

The lack of a clear right to attend court in D&N proceedings may have contributed to Colorado's low attendance rates. Although many D&N statutes referenced children's rights and interests related to court,⁶⁹ whether children had the right to attend and participate in their hearings was less clear. A Colorado statute provides that courts can exclude the public from D&N hearings when in the best interests of the child or community but that they must admit people with an interest in the case, including people the child wished to be present.⁷⁰ HB 22-1038 significantly changes this landscape by clearly articulating a right for children to attend and fully participate in court hearings.⁷¹

National Recommendations and Trends

The passage of HB 22-1038 represents a significant effort by Colorado to continue to push for system improvements to preserve its rich history of championing children's voices and legal representation in D&N proceedings. By aligning its model of legal representation for children with nationally recognized best practices, Colorado maintains its status as a national leader. The NACC endorsed the ABA Model Act (and its preference for client-directed counsel) in 2019. The NACC then updated its own recommendations for legal representation of children and youth in neglect and abuse cases in 2021. The updated NACC recommendations state a clear preference for the expressed interest model of children's representation.⁷² Consistent with the ABA and NACC, many states have enacted client-directed models of representation.⁷³ Currently, although children are still not afforded the right to counsel throughout D&N proceedings in 14 states,⁷⁴ over half of the states have some form of client-directed representation for children in D&N cases.⁷⁵

Why Age 12

While the ABA and NACC recognize client-directed counsel as the best model for children of all ages, Colorado created a statutory

transition to this model at the age of 12.⁷⁶ Selecting the age of 12 responded to stakeholder concerns about making the transition for all youth or for those at a younger age. Age 12 is consistent with many other areas of Colorado law, including:

- CRS § 19-503(2), which requires a youth aged 12 and older to consent to their own adoption;
- CRS § 15-14-203(2), which allows youth aged 12 and older to consent to or refuse the appointment of a guardian;
- CRS § 19-7-101(z), which states that youth aged 12 and older should be involved in meetings at which decisions are made about their future; and
- CRS § 12-43-202.5(2), which allows youth aged 12 and older to seek mental health treatment without the consent of a parent or guardian.

The Colorado Rules of Professional Conduct recognize age 12 as an age at which children should have a say in custody and care decisions, such as those that courts make in D&N proceedings.⁷⁷ Developmentally, youth of this age are becoming more independent, have more ability for complex thought, are better able to express feelings through words, and are developing a stronger sense of right and wrong.⁷⁸ It is important to encourage youth aged 12 and older to make their own decisions and for courts to respect their opinions, take into account their thoughts and feelings, and to reassure them that they are being heard.⁷⁹ While youth of this age can be more prone to making risky decisions and are still developing the prefrontal cortex, “hot” and “cold” cognition research shows that when youth are provided the guidance of a supportive adult who can help the youth deliberate, youth are able to make reasoned and rational decisions.⁸⁰ Additionally, the fact that the court will ultimately make the final decision serves as an important safeguard.

Implementation of HB 22-1038

HB 22-1038 effectuates the biggest reform to Colorado’s legal representation of children and youth in D&N proceedings since the inception of OCR. Thoughtful implementation is vital to successfully advancing youth voice

and rights. The nine-month period between the passage of HB 22-1038 and its effective date provided time for high-quality training, resource development, and necessary updates to CJD 04-06. In the summer of 2022, OCR recommended CJD revisions to implement HB 22-1038 after an extensive and inclusive process that sought feedback from practitioners and other stakeholders. Those recommendations contained practice standards for attorneys appointed as CFY and became effective in January 2023.⁸¹

OCR also developed a comprehensive plan to train current practitioners and other stakeholders about HB 22-1038 and its implications. That plan kicked off with an annual

conference in September 2022 that featured a full day of content dedicated to the transition to client-directed counsel. Multiple speakers, including former foster youth, an ABA ethics expert, and practitioners from client-directed states, presented to over 200 practitioners.

Conclusion

Colorado continues its rich history of championing children’s voices and legal representation in D&N proceedings with this most recent amendment to the Children’s Code. Colorado youth will have their voice elevated in their D&N proceedings, which will provide courts with vital insight into what youth need to be successful. 



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NOTES

1. Ventrell, “From Cause to Profession: The Development of Children’s Law and Practice,” 32 *Colo. Law.* 65, 67 (Jan. 2003).
2. Act of March 7, 1903, ch. 85, 1903 Colo. Sess. Laws 178; King, “Colorado Juvenile Court History: The First Hundred Years,” 32 *Colo. Law.* 63, 63 (Apr. 2003).
3. Act of April 3, 1907, ch. 149, 1907 Colo. Sess. Laws 324; King, *supra* note 2 at 64.
4. *In re Gault*, 387 U.S. 1, 34 (1967); King, *supra* note 2 at 64.
5. Act of June 16, 1967, ch. 443, 1967 Colo. Sess. Laws 1007; King, *supra* note 2 at 65.
6. Act of March 31, 1971, ch. 87, 1971 Colo. Sess. Laws 288.
7. CAPTA, Pub. L. No. 93-247 (S. 1191), Pub. L. No. 93-247, 88 Stat 4 (1974) (codified as amended at 42 USC §§ 5101 et seq.).
8. Act of March 31, 1971, ch. 87, 1971 Colo. Sess. Laws 288.
9. CAPTA, Hearings before the Subcommittee on Children and Youth of the Committee on Labor and Public Welfare, US Senate, 93rd Congress, First Session on S. 1191 (1973).
10. Act of July 10, 1987, ch. 138, 1987 Colo. Sess. Laws 695.
11. CRS §§ 19-1-111 and 19-3-203 (2021).
12. OCR Act, Colo. Sess. Laws 2000, Ch. 366, § 1, eff. July 1, 2000.
13. Heimov et al., “The Rise of the Organizational Practice of Child Welfare Law: The Child Welfare Law Office,” 78 *U. Colo. L. Rev.* 1097, 1109 (2007).
14. HB 00-1371, Legislative Declaration (July 2000) (codified at CRS § 13-91-102).
15. OCR Act, *supra* note 12.

16. *Id.*
17. CJD 04-06, https://www.courts.state.co.us/Courts/Supreme_Court/Directives/FINAL%20CJD%2004-06%20October%202022%20eff%20January%202023%20WEB%20.pdf.
18. ABA, Standards of Practice for Lawyers who Represent Children in Abuse and Neglect Cases (1996), https://www.americanbar.org/content/dam/aba/administrative/child_law/repstandwhole.pdf.
19. *Id.* at 1.
20. *Id.* at 2.
21. *People v. Gabriesheski*, 262 P.3d 653, 655 (Colo. 2011).
22. See Khoury, “Children’s Right to Lawyer-Client Relationship Tested in Colorado,” 31 *Child L. Prac.* 12 (2012).
23. ABA, Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings (Aug. 2011), https://www.americanbar.org/content/dam/aba/administrative/child_law/aba_model_act_2011.pdf.
24. Act of July 10, 1987, ch. 138, 1987 Colo. Sess. Laws 695 at 700.
25. *Id.*; CRS § 19-1-105.
26. See, e.g., CJD 04-06, *supra* note 17 §§ V.B., V.D.1 (requiring GALs to consider the position of children in assessing best interests and to state the child’s position in court unless directed not to by the child).
27. HB 21-1094, <http://leg.colorado.gov/bills/hb21-1094>, as amended by HB 21-1245, <http://leg.colorado.gov/bills/hb22-1245>.
28. Under CRS § 19-7-304(1)(a)-(d), an eligible youth (a) is at least 18 but not yet 21 years old (or the greater age of foster care eligibility defined by federal law); (b) is named in a current D&N case or has current or recent prior foster or kinship care in at least one of the ways listed in the statute; (c) is engaged or intends to engage in educational or employment activities listed in the statute unless incapable of engaging in such activities due to a medical condition supported by regularly updated documentation in their case plan (or such activities are waived by federal law); and (d) seeks to enter into or has entered into and is substantially fulfilling their obligations pursuant to a voluntary services agreement developed with the appropriate county department.
29. *Id.*; CRS § 19-7-301.
30. CRS § 19-7-308.
31. CRS § 19-7-303.
32. See <https://leg.colorado.gov/bills/hb22-1038> for bill history.
33. Concerning Client-Directed Legal Representation for Youth in Court Proceedings for Youth: Hearing before the House Judicial Committee, HB 22-1038 (2022) (Makita Cotto’s statement).
34. HB 22-1038, House Calendar 3d, Feb. 28, 2022, <https://leg.colorado.gov/content/hb22-1038vote5ebf14> (vote document).
35. See <https://leg.colorado.gov/bills/hb22-1038> for bill history.
36. HB 22-1038 Committee Actions, Mar. 16, 2022, Senate Judiciary, <https://leg.colorado.gov/bills/hb22-1038>.
37. HB 22-1038, Senate Calendar Third Reading, <https://leg.colorado.gov/content/hb22-1038vote55769e> (vote document).
38. Act of Apr. 12, 2022, ch. 92, 2022 Colo. Sess. Laws 430, https://leg.colorado.gov/sites/default/files/2022a_1038_signed.pdf (signed bill).
39. *Id.* at 1-2.
40. CRS § 19-3-203(2).
41. *Id.*
42. CRS § 19-1-111(1).
43. CRS § 19-1-103(41.5); CJD 04-06, *supra* note 17 § V.B.2.
44. CRS § 19-1-103(74); CJD 04-06, *supra* note 17 § V.B.1.
45. CRS § 19-3-203(3).
46. CRS § 19-3-203(2). It is common practice for a GAL to be appointed to represent the best interests of a sibling group, unless the best interests of a sibling conflicts with the best interests of another sibling.
47. CRS §§ 19-1-111(2)(e), 19-3-203(3), 19-3-203(7).
48. CRS § 19-1-103(55.5).
49. *Id.*
50. CRS § 19-3-502(4.5).
51. ACYF-CB-IM-19-03 at 1 (Aug. 1, 2019), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1903.pdf>.
52. *Id.* at 4.
53. OCR, “Engaging and Empowering Youth: Youth Feedback About their GAL and Court Experiences, as Well as Other Youth Participation Data,” at 2 (Nov. 2021), <https://coloradochildrep.org/wp-content/uploads/2020/11/Engaging-and-Empowering-Youth-Paper.pdf>.
54. *Id.*
55. *Id.*
56. *Id.* at 1.
57. ACYF-CB-IM-19-03, *supra* note 51 at 7.
58. NACC, Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings (2021), comment to section I at 6, <https://nacchildlaw.app.box.com/s/vsg6w5g2i8je6jrut3ae0zjt2fvgltsn>.
59. See Khoury, “Why A Lawyer? The Importance of Client-Directed Legal Representation for Youth,” 48 *Fam. Ct. Rev.* 277, 278 (Apr. 2010).
60. See *id.* at 279; Taylor, “A Lawyer for Every Child: Client-Directed Representation in Dependency Cases,” 47 *Fam. Ct. Rev.* 605, 619 (Oct. 2009).
61. Haralambie, “Humility and Child Autonomy in Child Welfare and Custody Representation of Children,” 28 *Hamline J. Pub. L. & Pol’y* 177, 195 (2006).
62. See, e.g., ABA Model Act, *supra* note 23 § 9; NCJFCJ Children in Court Policy Statement (Jan. 20, 2012), <https://www.ncjfcj.org/wp-content/uploads/2019/08/ncjfcj-children-in-court-policy-statement.pdf>. In 2019, NACC endorsed the ABA Model Act. NACC, Recommendations, *supra* note 58 at 1.
63. See, e.g., ABA Model Act, *supra* note 23 § 9.
64. *Id.*
65. *Id.* at § 9(e).
66. ABA Resolution 613, https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-resolution-613.pdf.
67. NCJFCJ Children in Court Policy Statement, *supra* note 62.
68. *Id.* 31-32.
69. See, e.g., CRS § 19-1-106(5) (requiring children’s court cases to be heard separately from adults’ cases and permitting children to be heard separately when found necessary by a court); CRS § 19-3-502(7) (2021) (requiring children’s placements to provide children prior notice of all D&N hearings); CRS § 19-3-702(1) (2)(a) (requiring notice of permanency planning hearings to be sent to children and to include children’s constitutional and statutory rights, in addition to requiring courts hearing permanency planning hearings to consult with children in a developmentally appropriate manner about their permanency plan).
70. CRS § 19-1-106(2).
71. CRS § 19-3-502(4.5).
72. NACC Recommendations, *supra* note 58 at 6-8.
73. See, e.g., Ariz. Rev. Stat. § 8-221(A), (G) (requiring courts to appoint an attorney for a child in all delinquency, dependency or termination of parental rights proceedings and clarifying that “[t]he guardian ad litem is not the child’s attorney”); Wash. Rev. Code § 13.34.090 (requiring the appointment of counsel upon the filing of the dependency petition for children aged eight and older).
74. See <https://counselforkids.org>.
75. See NACC State Models of Children’s Legal Representation v2.3 (updated July 2022), <https://secureservercdn.net/50.62.198.124/zmc.c18.myftpupload.com/wp-content/uploads/2022/07/Model-of-Rep-Chart-2022.pdf>.
76. CRS § 19-3-203(2).
77. Colo. RPC 1.14, comment 1.
78. See CDC, “Positive Parenting Tips for Healthy Child Development, Young Teens,” <https://www.cdc.gov/ncbddd/childdevelopment/positiveparenting/pdfs/young-teen-12-14-w-npa.pdf>.
79. *Id.*
80. See National Juvenile Justice Network, “Using Adolescent Brain Research to Inform Policy: A Guide for Juvenile Justice Advocates” (Sept. 2012), <http://www.njjn.org/our-work/adolescent-brain-research-inform-policy-guide-for-juvenile-justice>.
81. CJD 04-06, *supra* note 17.