



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1204: COLORADO INDIAN CHILD WELFARE ACT

Prime Sponsors:

Rep. Duran; Joseph

Sen. Danielson

Fiscal Analyst:

Shukria Maktabi, 303-866-4720

shukria.maktabi@coleg.gov

Published for: Signed into Law

Drafting number: LLS 25-0214

Version: Final Fiscal Note

Date: July 28, 2025

Fiscal note status: The fiscal note reflects the enacted bill.

Summary Information

Overview. The bill creates the Colorado Indian Child Welfare Act, which codifies federal protections for Indian children and adds additional state protections.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Workload
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures (General Fund)	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill codifies the federal Indian Child Welfare Act of 1978 (ICWA) into state statute as the Colorado Indian Child Welfare Act, which provides the minimum federal standards and protections for the removal and placement of Indian children in homes. It also provides additional protections for Indian children under state law.

For court proceedings involving Indian children, the bill outlines court procedures for determining a child's tribal membership, ensuring tribal participation in proceedings, and prioritizing placement preferences with family and tribe members. The bill requires active efforts in verifying a child's tribal status, requires providing notice to parents and tribes, and provides guidelines for emergency hearings involving Indian children. It recognizes tribal jurisdiction over cases involving Indian children, ensures court-appointed counsel for indigent families, and allows the state to enter into and revise agreements with tribes regarding child welfare cases.

The bill also requires the Judicial Department and Department of Human Services (CDHS) to report certain information on Indian children beginning in FY 2027-28, and every odd year after.

State Expenditures

The bill minimally affects workload in CDHS, the Judicial Department, and independent judicial agencies, as described below.

Department of Human Services

Workload will increase for CDHS to report ICWA-related information, including the tribes where Indian children were placed in protective custody, the number of children in foster care and adoptive homes, and the availability and common barriers to appropriate placements for Indian children. This workload is expected to be minimal and absorbable within current resources.

Judicial Department

The bill makes changes to current court processes for ICWA cases, including requiring translation services, allowing access to records by tribal courts, and appointing counsel for indigent families in non-dependency and neglect cases. Workload will also increase for required reporting by the Department. Based on the current number of ICWA cases heard annually, and as existing ICWA processes are already in place, the additional workload is expected to be minimal and absorbable within existing resources.

Independent Judicial Agencies

Workload will minimally increase for the Office of the Respondent Parents' Counsel and Office of the Child's Representative to train and support attorneys on the new ICWA requirements. Like the Judicial Department, this impact is expected to be absorbed within existing appropriations as the bill codifies federal law and clarifies state practices.

Local Government

The bill increases workload for county department of human services to comply and train staff on updated ICWA requirements. However, as the bill primarily codifies existing federal law, the impact is expected to be manageable within current resources.

Effective Date

The bill was signed into law by the Governor on May 31, 2025, and takes effect on August 6, 2025, assuming no referendum petition is filed.

State and Local Government Contacts

Child Welfare

Human Services

Counties

Judicial

Law

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).