

Fact Sheet SB 09-245

Senator Sandoval and Representative Schafer

Title: Concerning Changes to Conform to Portions of Federal Public Law 110-351 Relating to Kinship.

Purpose: SB09-245 contains two provisions related to kinship issues in the "Fostering Connections to Success and Increasing Adoptions Act of 2008." Both provisions focus on the role that kinship relationships can play in the foremost purpose of the federal law, which is achieving a permanent home for children and youth. The increased emphasis on kinship is to maintain family connections, to reduce the trauma of placement into non-relative foster homes, and to support the use of kin as a permanent placement resource for children and youth.

What the Bill Does:

- I. **Diligent Search and Notification (Section 1):** The first section of the bill implements a mandatory provision of Public Law 110-351 by amending state statute to comply with new federal requirements:
 - Requires that a diligent search for and notification of all grandparents and other adult relatives occur within 30 days of the placement of children/youth into out-of-home care. Current law allows for up to 90 days.
 - Requires the parent(s) to inform the court concerning adult relatives within time frames specified in the bill.
- II. **Kinship Guardianship Assistance Program (Section II):** The second section of the bill authorizes, subject to receipt of an appropriation, the establishment of a "kinship guardianship assistance program." While a kinship guardianship program is an optional provision of Public Law 110-351, the program would promote permanency for children/youth who cannot be reunified safely with their family, and where adoption is not appropriate as the permanency goal. A kinship guardianship assistance program provides a subsidy similar to the "subsidized adoption program" to assure the child's needs are met. The amount of subsidy is determined by the needs of each child. Although this program is positive public policy for children/youth, and is projected to reduce costs in future years, because of the one-time costs at the start of the program the implementation of this section of SB09-245 is contingent on receipt of an appropriation to cover those initial costs.

Fiscal Implications: The first section of the bill (diligent search) does not have a fiscal impact. However, because it is a federal mandate, the state is required to be in compliance with this section of the federal law under Title IV-E of the Social Security Act. Colorado receives over \$85 million in IV-E funding annually.

As outlined in the fiscal note, there are up-front costs to implement the second section of the bill (kinship guardianship) in the first year, but savings to the state and counties in the out years. Given the state's fiscal situation, specific language was included on page 4, lines 6 and 7 of the bill to specify that the implementation of this section of the bill is subject to the receipt of an appropriation from the general assembly. The Department of Human Services would need to request the funding identified in the fiscal note be included in its budget in a future fiscal year.