



Colorado Legislative Council Staff Fiscal Note
NO FISCAL IMPACT

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Prime Sponsor(s): Sen. Brophy

Bill Status: Senate Health and Human Services

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TITLE: CONCERNING ADOPTION OF HIGH-RISK CHILDREN.

Summary of Assessment

Currently, most families who adopt children in the state's child welfare system receive adoption subsidy payments intended to reduce the financial burden of caring for children who frequently have physical and mental health needs. The bill requires the Department of Human Services to make or continue to make the adoption subsidy payments to a family, if, after the child is placed with the family, it is determined that the child has mental health treatment needs that are not the result of abuse or neglect caused by the family. In addition, if the child is placed in a mental health treatment facility, the fee assessed to parents to pay for the treatment may not exceed the amount of the adoption subsidy received by the family.

In addition, the "Child Mental Health Treatment Act" (CMHTA) allows families to access residential treatment services for their child without requiring the child to be declared dependent or neglected by the state. The CMHTA applies to both Medicaid and non-Medicaid eligible children. The bill expands the definition of "child at risk of out-of-home placement" for purposes of the CMHTA to include an adopted child whose family is receiving adoption subsidies. The bill further specifies that the adoptive family is not responsible for paying any portion of the cost of mental health services obtained pursuant to the CMHTA that are not covered by private insurance or federal Medicaid funding. The bill takes effect upon the signature of the Governor.

Currently, an adoptive family may continue to receive adoption subsidies if their adopted child is placed outside of the home. However, the family is also assessed a fee to cover a portion of the costs of the placement. Under current state rule, this fee may not exceed the amount of the family's adoption subsidy payment. This is current practice and will not change under the bill.

In addition, adopted children whose families receive adoption subsidies and who seek residential mental health treatment services pursuant to the CMHTA are Medicaid-eligible. Families of these children are not currently required to pay a fee towards the cost of the child's mental health treatment; Medicaid covers the cost of the residential care. The bill codifies this practice. The bill will not change the Medicaid-eligibility status of adopted children who receive adoption subsidies. Therefore, this bill is assessed as having no fiscal impact.

Departments Contacted

Human Services

Health Care Policy and Financing

Judicial