

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

February 14, 2007  
Date

Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

SB07-033 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute the following:

3 **"SECTION 1. Legislative declaration.** (1) The general  
4 assembly hereby finds and declares:

5 (a) That although the state of Colorado encourages the adoption  
6 of children in foster care, a family that adopts or seeks to adopt a foster  
7 child with challenging behaviors and emotional problems is frequently  
8 provided inadequate support to address the long-term needs of the child;

9 (b) There will be a decrease in the number of adoptions of  
10 children with challenging behaviors and emotional problems and an  
11 increase in the number of failed adoptions of these children unless  
12 adoptive families are provided with adequate support to meet the unique  
13 needs of these children;

14 (c) Adopted children are disproportionately represented in the  
15 population of children diagnosed with behavioral or mental disorders.  
16 More often than not, these behaviors are related to a history of  
17 maltreatment and prolonged stays in foster care;

18 (d) It is in the state's best interest to provide a continuum of  
19 services to adoptive families to meet the needs of adopted children with

1 serious challenging behaviors, emotional problems, or mental illness.  
2 These services should be provided without requiring the adoptive family  
3 to relinquish custody of the adopted child to the state or county and  
4 without charging the adoptive family for support payments in excess of  
5 the child's monthly adoption subsidy payment to pay for the cost of  
6 services.

7           **SECTION 2.** 19-1-103 (30), Colorado Revised Statutes, is  
8 amended to read:

9           (30) "Cost of care" ~~as used in section 19-2-114,~~ means the cost to  
10 the department or the county charged with the custody of the juvenile for  
11 providing room, board, clothing, education, medical care, and other  
12 normal living expenses to a juvenile sentenced to a placement out of the  
13 home, as determined by the court. AS USED IN PART 2 OF THIS TITLE,  
14 "COST OF CARE" ALSO INCLUDES ANY COSTS ASSOCIATED WITH  
15 MAINTENANCE OF A JUVENILE IN A HOME DETENTION PROGRAM,  
16 SUPERVISION OF PROBATION WHEN THE JUVENILE IS GRANTED PROBATION,  
17 OR SUPERVISION OF PAROLE WHEN THE JUVENILE IS PLACED ON PAROLE.

18           **SECTION 3.** 19-2-114 (1), Colorado Revised Statutes, is  
19 amended to read:

20           **19-2-114. Cost of care.** (1) (a) Notwithstanding the provisions  
21 of section 19-1-115 (4) (d), where a juvenile is sentenced to a placement  
22 out of the home or is granted probation as a result of an adjudication,  
23 deferral of adjudication, or direct filing in or transfer to district court, the  
24 court may order the juvenile or the juvenile's parent to make such  
25 payments toward the cost of care as are appropriate under the  
26 circumstances. In setting the amount of such payments, the court shall  
27 take into consideration and make allowances for any restitution ordered  
28 to the victim or victims of a crime, which shall take priority over any  
29 payments ordered pursuant to this section, and for the maintenance and  
30 support of the juvenile's spouse, dependent children, any other persons  
31 having a legal right to support and maintenance out of the estate of the  
32 juvenile, or any persons having a legal right to support and maintenance  
33 out of the estate of the juvenile's parent. The court shall also consider the  
34 financial needs of the juvenile for the six-month period immediately  
35 following the juvenile's release, for the purpose of allowing said juvenile  
36 to seek employment.

1 (b) FOR AN ADOPTIVE FAMILY WHO RECEIVES AN APPROVED TITLE  
2 IV-E ADOPTION ASSISTANCE SUBSIDY PURSUANT TO THE FEDERAL "SOCIAL  
3 SECURITY ACT", 42 U.S.C. SEC. 673 ET SEQ., OR AN APPROVED PAYMENT  
4 IN SUBSIDIZATION OF ADOPTION PURSUANT TO SECTION 26-7-103, C.R.S.,  
5 THE COST OF CARE, AS DEFINED IN SECTION 19-1-103 (30), SHALL NOT  
6 EXCEED THE AMOUNT OF THE ADOPTION ASSISTANCE PAYMENT.

7 **SECTION 4.** 19-1-115 (4) (d), Colorado Revised Statutes, is  
8 amended to read:

9 **19-1-115. Legal custody - guardianship - placement out of the**  
10 **home.** (4) (d) (I) A decree vesting legal custody of a child or providing  
11 for placement of a child with an agency in which public moneys are  
12 expended shall be accompanied by an order of the court ~~which~~ THAT  
13 obligates the parent of the child to pay a fee, based on the parent's ability  
14 to pay, to cover the costs of the guardian ad litem and of providing for  
15 residential care of the child. When custody of the child is given to the  
16 county department of social services, such fee for residential care shall be  
17 in accordance with the fee requirements as provided by rule of the  
18 department of human services, and such fee shall apply, to the extent  
19 unpaid, to the entire period of placement. When a child is committed to  
20 the department of human services, such fee for care and treatment shall  
21 be in accordance with the fee requirements as provided by rule of the  
22 department of human services, and such fee shall apply, to the extent  
23 unpaid, to the entire period of placement.

24 (II) FOR AN ADOPTIVE FAMILY WHO RECEIVES AN APPROVED TITLE  
25 IV-E ADOPTION ASSISTANCE SUBSIDY PURSUANT TO THE FEDERAL "SOCIAL  
26 SECURITY ACT", 42 U.S.C. SEC. 673 ET SEQ., OR AN APPROVED PAYMENT  
27 IN SUBSIDIZATION OF ADOPTION PURSUANT TO SECTION 26-7-103,  
28 C.R.S., THE COST OF CARE, AS DEFINED IN SECTION 19-1-103 (30), SHALL  
29 NOT EXCEED THE AMOUNT OF THE ADOPTION ASSISTANCE PAYMENT.

30 **SECTION 5.** 26-7-104, Colorado Revised Statutes, is amended  
31 BY THE ADDITION OF A NEW SUBSECTION to read:

32 **26-7-104. Administration.** (5) FOR AN ADOPTIVE FAMILY WHO  
33 RECEIVES AN APPROVED TITLE IV-E ADOPTION ASSISTANCE SUBSIDY  
34 PURSUANT TO THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 673  
35 ET SEQ., OR AN APPROVED PAYMENT IN SUBSIDIZATION OF ADOPTION  
36 PURSUANT TO SECTION 26-7-103, THE COST OF CARE, AS DEFINED IN

1 SECTION 19-1-103 (30), C.R.S., SHALL NOT EXCEED THE AMOUNT OF THE  
2 ADOPTION ASSISTANCE PAYMENT.

3           **SECTION 6. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety."

\*\* \*\*\* \*\* \*\*\* \*\*

