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Fiscal Note

Drafting Number: LLS 23-0427 Date: February 6, 2023
Prime Sponsors: Rep. Joseph; Weissman Bill Status: House Judiciary
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Bill Topic: PARENT AND CHILD FAMILY TIME

- Summary of Fiscal Impact:
- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill enacts new requirements for family time during dependency and neglect proceedings and extends the task force on High-Quality Family Time by one year to commission and evaluate a study. The bill increases state expenditures in FY 2023-24 only, and increases local government workload and costs on an ongoing basis.

Appropriation Summary: For FY 2023-24, the bill requires appropriations totaling \$163,352 to multiple agencies.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 23-1027

Table with 4 columns: Category, Sub-category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include Revenue, Expenditures (General Fund, Federal Funds, Total Expenditures), Transfers, and Other Budget Impacts (General Fund Reserve).

## **Summary of Legislation**

The bill enacts new requirements for dependency and neglect cases, including:

- requiring county department of human services to encourage maximum family time;
- allowing the court and county departments to rely on community resources, foster parents, or relatives to provide transportation or supervision for family time;
- creating the presumption that family time must be supervised by a relative, kin, foster parents, or other persons identified by the family and occur in the community, unless the health or safety of child is at risk;
- limiting the court's ability to restrict or deny family time, except when the health or safety of the child is at risk;
- requiring courts to order family time to occur in the least restrictive setting and at least every seven days;
- requiring county departments to provide a proposed family time plan to the court;
- prohibiting courts or county departments from limiting family time as a sanction or incentive for the parents or child; and
- authorizing the Colorado Department of Human Services (CDHS) to promulgate rules on family time.

The bill also extends the High-Quality Family Time Task Force, administered by the Office of Respondent Parents' Counsel, and requires the task force to commission and evaluate a study about family time by December 1, 2024. The task force will make recommendations to the Governor, committees of the General Assembly, and state agencies.

The bill also requires a permanency hearing to be held within 12 months after a child enters foster care and changes "visitation time" to "family time" in statute.

## **State Expenditures**

In FY 2023-24 only, the bill increases state expenditures by about \$163,000 in the Office of Respondent Parents' Counsel and the Department of Human Services, paid from the General Fund and federal funds, as shown in Table 2 and detailed below. The bill also may increase workload in the Judicial Department and Office of Child's Representative on an ongoing basis.

**Table 2  
Expenditures Under HB 23-1027**

	FY 2023-24	FY 2024-25
<b>Office of Respondent Parents' Counsel</b>		
Task Force Facilitator	\$42,000	-
Contracted Family Time Study	\$100,000	-
<b>ORPC Subtotal</b>	<b>\$142,000</b>	<b>-</b>
<b>Department of Human Services</b>		
Trails Modification	\$21,352	-
<b>DHS Subtotal</b>	<b>\$21,352</b>	<b>-</b>
<b>Total</b>	<b>\$163,352</b>	<b>-</b>

**Office of Respondent Parents' Counsel.** The ORPC will have a one-time cost of \$142,000 to contract with third parties to facilitate and support the task force (\$42,000) and to perform the required study on family time (\$100,000). These estimates are based on current task force costs and cost estimates from potential third-party providers.

**Department of Human Services.** The CDHS will have a one-time cost of \$21,352 to modify TRAILS, its child welfare data system, to replace all references of "visitation" with "family time" and add additional functionality for caseworkers. This cost includes business analysis, development, quality assurance, and training. TRAILS upgrade costs receive a 35 percent federal match, with the remaining costs coming from the General Fund.

**Judicial Branch impacts.** The Office of the Child's Representative, the ORPC, and the trial courts may have an increase in costs and workload due to additional or longer hearings and the review of family time plans filed by county departments. However, this increase can be managed within existing appropriations.

## **Local Government**

The bill will increase workload and costs for county departments of human services in several areas. County department may be required to reimburse relatives, kin and others for transportation and supervision of family time. Second, county departments will also need to provide training to persons involved in supervising family time and caseworkers will have additional workload coordinating family time among different people involved in the child's care. Also, the bill requires county departments to submit additional information on family time plans to the courts, which must be developed by caseworkers. The costs and extent of these workload impacts will vary and depend on the specific county.

## **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State Appropriations

For FY 2023-24, the bill requires appropriations totaling \$163,352, as follows:

- \$142,000 from the General Fund to the Office of Respondent Parents' Counsel; and
- \$21,352 to the Colorado Department of Human Services, of which \$13,879 is from the General Fund and \$7,473 is from federal funds.

## State and Local Government Contacts

Child Welfare Counties  
Law

Human Services

Information Technology