



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

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<b>Drafting Number:</b>	LLS 23-0221	<b>Date:</b>	July 10, 2023
<b>Prime Sponsors:</b>	Rep. Lindsay; Pugliese Sen. Ginal; Rich	<b>Bill Status:</b>	Signed into Law
		<b>Fiscal Analyst:</b>	Shukria Maktabi   303-866-4720 shukria.maktabi@coleg.gov

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**Bill Topic:** EMERGENCY & CONTINUED PLACEMENT WITH RELATIVE OR KIN

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill amends the procedures for emergency and non-emergency placements of a child or youth with a relative or kin, as well as updates the criminal offenses that would disqualify a relative or kin from being considered as a placement option. The bill increases state and local workload beginning in FY 2023-24.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** The fiscal note reflects the enacted bill.

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## Summary of Legislation

Under current law, when a child is placed with a relative or kin, the county department of human services or law enforcement performs an initial criminal history record check on the relative or kin and any adults living in the home. If the initial check reveals certain criminal convictions, the child cannot be placed there. Within five days of placement, the adults in the home must submit fingerprints for a state and national criminal history record check. If they fail to do so, or this check uncovers felony convictions, the child or youth must immediately be removed from the home, unless a motion for placement is pending in court.

This bill modifies the criminal offenses that may result in a denial of placement with relatives or kin and allows a county department to make an exception and place the child or youth with a disqualified relative or kin if the placement conforms with rules set by the state board of human services or if a court affirms the placement. Adults who fail to submit fingerprints within seven days of a placement, or within fourteen days if exigent circumstances exist, will be notified by county departments of human services and have 72 hours to file a motion in court to retain that placement.

## State Expenditures

In FY 2023-24 only, workload will increase by a minimal amount for the state Department of Human Services to revise guidance to counties on out-of-home placements of children with relatives and kin. Workload for the Judicial Department may also increase if there are a greater number of motions filed by relative or kin to retain custody following a failure to submit fingerprints within the required timeline. This workload can be accomplished within existing appropriations.

## Local Government

If the bill expands available options for youth and children who require out-of-home placement, workload for county departments and law enforcement involved in the process of finding emergency and nonemergency placement for children and youth may decrease. Workload may also increase for county departments to notify adults who fail to submit fingerprints.

## Effective Date

The bill was signed into law by the Governor on March 17, 2023, and takes effect on August 7, 2023, assuming no referendum petition is filed.

## State and Local Government Contacts

Child Welfare

Information Technology

Public Safety

Counties

Judicial

Human Services

Law