



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 24-0344
Prime Sponsors:

Date: October 23, 2023
Bill Status: Bill Request
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Bill Topic: **KEEPING FAMILIES TOGETHER ACT**

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 makes several changes to the standards and procedures used in dependency and neglect cases. The bill increases state and local expenditures on an ongoing basis beginning in FY 2024-25.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the bill draft requested by the Colorado Child Welfare System Interim Study Committee.

Summary of Legislation

The bill modifies the criteria for determining dependency and neglect, stating that a child is neglected or dependent if the child's environment is harmful to their health and the legal guardian fails to take action despite being able to, and if the legal guardian fails to provide necessary subsistence, education, or medical care which risks harm to the child's health or welfare.

The bill requires forensic consultants working on assessments of interfamilial abuse or neglect to identify themselves as such when in contact with the child or child's family. It also requires that county departments inform the person being investigated to allow them the opportunity to provide a second opinion to the county.

The bill establishes standards and procedures for a court to remove a child from their home. A person seeking custody or removal of a child from their legal guardian shall file a statement describing the harm that will occur if the child remains in their current care. A child's attorney or guardian who is unable to attend the hearing can request a postponement. If the court orders a

removal, they must include a finding that continued stay is contrary to the child's welfare, an out-of-home placement is in the child's best interest, and the risk of allowing the child to remain outweighs the harm of removal. Counties must provide courts with certain information if they request a temporary protective custody order.

The bill prohibits licensed health care professionals from performing drug, marijuana, or alcohol testing without consent on someone pregnant or up to one year postpartum, or on a newborn child, except in emergency situations.

State Expenditures

The bill may increase workload in the Judicial Department and its independent agencies involved in the child welfare process, and will increase workload in the Department of Human Services (CDHS), and the Department of Regulatory Agencies (DORA), as described below.

Judicial Department. The bill may decrease the number of dependency and neglect cases brought before the courts as a result of its more stringent definitions of what constitutes dependency and neglect, reducing overall workload and costs for trial courts. However, this is offset by the bill's potential to increase the time required for trials and litigation when dependency and neglect cases proceed to court, particularly in cases when it may be challenging to determine whether the guardian had the power to change the child's environment and may entail additional testimony or additional evidence to be reviewed. Overall, the net change in workload is anticipated to be absorbable within existing resources, but may result in the need for additional appropriations depending on the extent of the reductions in overall filings and additional trial lengths. Additional resources will be sought through the annual budget process, if necessary.

Independent Judicial Agencies. Similar to the Judicial Department, to the extent that there are fewer cases or lengthier trials, this may impact costs for legal representation provided by the Office of the Child's Representative and the Office of Respondent Parents Counsel.

Department of Human Services. Workload will increase for the CDHS to update counties on changes in practices and rules, as well as to make updates to training materials. This work can be accomplished within existing resources.

Department of Regulatory Agencies. Workload will increase for the DORA to perform education and outreach to licensed health care professionals and other mandatory reporters of child abuse and neglect that are regulated by the department. This work can be accomplished within existing resources.

Local Government

To the extent that there are fewer referrals, assessments, and cases for child welfare, workload for county departments of human services could decrease. However, if counties are required to cover costs when persons being investigated submit a request for a second medical opinion, this would lead to increased costs for county departments. Additionally, the workload for county departments will increase to provide written motions for temporary custody or emergency protection order hearings and to provide additional information to courts when requesting temporary protective custody orders.

Effective Date

The bill takes effect January 1, 2025, assuming no referendum petition is filed.

State and Local Government Contacts

Child Welfare
Judicial

Counties
Public Health and Environment

Human Services
Regulatory Agencies