

SENATE COMMITTEE OF REFERENCE AMENDMENT
Committee on Judiciary.

SB20-162 be amended as follows:

- 1 Amend printed bill, page 3, line 5, strike "foster care" and substitute
2 "foster care".
- 3 Page 3, line 22, strike "PLAN AND APPLIES" and substitute "PLAN.".
- 4 Page 3, strike lines 23 through 27 and substitute ""QUALIFIED".
- 5 Page 4, line 6, strike "NEEDS." and substitute "NEEDS ACCORDING TO THE
6 FEDERAL TITLE IV-E STATE PLAN. THE STATE DEPARTMENT MAY SEEK A
7 WAIVER FOR THESE REQUIREMENTS IN ACCORDANCE WITH 42 U.S.C.
8 SECTION 675a.".
- 9 Page 4, line 8, before "as" insert "and (4)(h)".
- 10 Page 4, line 15, strike "INITIAL" and substitute "NEW".
- 11 Page 4, line 17, strike "PLACEMENT IF" and substitute "RECOMMENDATION
12 THAT".
- 13 Page 4, line 20, after "COURT" insert "OR THE ADMINISTRATIVE REVIEW
14 DIVISION OF THE STATE DEPARTMENT WHEN A JUVENILE HAS BEEN
15 COMMITTED TO THE DIVISION OF YOUTH SERVICES".
- 16 Page 6, strike lines 9 and 10 and substitute "LATTER. THE COURT SHALL
17 REVIEW THE EVIDENCE".
- 18 Page 6, line 15, after the period add "IF THE PARTIES CONSENT TO A
19 REVIEW BY THE ADMINISTRATIVE REVIEW DIVISION, ALL COUNSEL OF
20 RECORD MUST BE NOTIFIED AND MAY APPEAR AT THE REVIEW. THE
21 ADMINISTRATIVE REVIEW DIVISION SHALL REVIEW THE EVIDENCE
22 SUBMITTED PURSUANT TO SUBSECTION (4)(f) OF THIS SECTION AT LEAST
23 EVERY NINETY DAYS DURING THE DURATION OF THE PLACEMENT OF THE
24 CHILD, JUVENILE, OR YOUTH IN THE QUALIFIED RESIDENTIAL TREATMENT
25 PROGRAM.
- 26 (h) IN MAKING A DECISION AS TO PROPER PLACEMENT IN A
27 QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THE COURT SHALL
28 CONSIDER THE ASSESSMENT PROVIDED BY THE QUALIFIED INDIVIDUAL, AS
29 DESCRIBED IN SUBSECTION (4)(e) OF THIS SECTION, AND SHALL GIVE
30 GREAT WEIGHT TO THE RECOMMENDATION IN THE ASSESSMENT WHEN
31 MAKING A QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT
32 DECISION. AN ASSESSMENT PREPARED BY THE QUALIFIED INDIVIDUAL

1 MUST IDENTIFY WHETHER A QUALIFIED RESIDENTIAL TREATMENT
2 PROGRAM IS THE MOST EFFECTIVE, APPROPRIATE, AND LEAST RESTRICTIVE
3 PLACEMENT FOR THE CHILD OR YOUTH. THE ASSESSMENT MUST ALSO
4 IDENTIFY CHILD- OR YOUTH-SPECIFIC SHORT- AND LONG-TERM GOALS FOR
5 THE CHILD OR YOUTH AND THE FAMILY. IF THE COURT DEVIATES FROM THE
6 QUALIFIED INDIVIDUAL'S ASSESSMENT AND RECOMMENDATION, THE COURT
7 SHALL MAKE SPECIFIC FINDINGS OF FACT REGARDING THE MOST EFFECTIVE,
8 APPROPRIATE, AND LEAST RESTRICTIVE PLACEMENT FOR THE CHILD OR
9 YOUTH AND WHETHER THE PLACEMENT IS CONSISTENT WITH CHILD- OR
10 YOUTH-SPECIFIC SHORT- AND LONG-TERM GOALS FOR THE CHILD OR
11 YOUTH AND THE FAMILY. WHEN MAKING SUCH FINDINGS OF FACT, THE
12 COURT SHALL CONSIDER ALL RELEVANT INFORMATION, INCLUDING:

13 (I) WHETHER THE PROTOCOL FOR THE QUALIFIED RESIDENTIAL
14 TREATMENT PROGRAM ASSESSMENT WAS FOLLOWED;
15 (II) THE STRENGTHS AND SPECIFIC TREATMENT OR SERVICE NEEDS
16 OF THE CHILD OR YOUTH AND THE FAMILY;
17 (III) THE EXPECTED LENGTH OF STAY; AND
18 (IV) THE PLACEMENT PREFERENCE OF THE CHILD OR YOUTH AND
19 THE FAMILY.".

20 Page 6, strike line 21 and substitute "CHILD WELFARE AND PREVENTION
21 SERVICES, INCLUDING BUT NOT LIMITED TO FOSTER CARE PREVENTION".

22 Page 6, strike lines 24 through 27.

23 Page 7, line 1, strike "(3)" and substitute "(2)".

24 Page 7, line 3 strike "(4) (a)" and substitute "(3)".

25 Page 7, line 6, strike "ALL" and substitute "ANY".

26 Page 7, strike lines 11 through 14.

27 Page 10, strike lines 5 through 27.

28 Strike page 11.

29 Rerumber succeeding sections accordingly.

30 Page 15, line 20, strike "FOSTER CARE" and before "AS" insert "INCLUDING
31 BUT NOT LIMITED TO FOSTER CARE PREVENTION SERVICES,".

32 Page 15, strike lines 22 through 25.

- 1 Page 15, line 26, strike "(3)" and substitute "(2)".
- 2 Page 16, line 3, strike "(4) (a)" and substitute "(3)".
- 3 Page 16, strike lines 7 through 10.
- 4 Page 16, strike lines 21 through 27.
- 5 Page 17, strike lines 1 through 6 and substitute:

6 "(30.3) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL
7 OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST
8 PREVENTION SERVICES ACT". "QUALIFIED INDIVIDUAL" MUST BE
9 APPROVED TO SERVE AS A QUALIFIED INDIVIDUAL ACCORDING TO THE
10 STATE PLAN. "QUALIFIED INDIVIDUAL" MUST NOT BE AN INTERESTED
11 PARTY OR PARTICIPANT IN THE JUVENILE COURT PROCEEDING AND MUST
12 BE FREE OF ANY PERSONAL OR BUSINESS RELATIONSHIP THAT WOULD
13 CAUSE A CONFLICT OF INTEREST IN EVALUATING THE CHILD, JUVENILE, OR
14 YOUTH AND MAKING RECOMMENDATIONS CONCERNING THE CHILD'S,
15 JUVENILE'S, OR YOUTH'S PLACEMENT AND THERAPEUTIC NEEDS,
16 ACCORDING TO THE FEDERAL TITLE IV-E STATE PLAN. THE STATE
17 DEPARTMENT MAY SEEK A WAIVER FOR THESE REQUIREMENTS IN
18 ACCORDANCE WITH 42 U.S.C. SECTION 675a."

- 19 Page 17, line 20, after the semicolon add "OR".
- 20 Page 17, line 22, after "ORDER" insert "OR VOLUNTARY PLACEMENT".
- 21 Page 18, line 2, strike "RESIDENTIAL CHILD CARE" and substitute
22 "SPECIALIZED GROUP".

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