

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 17, 2023
Date

Committee on Appropriations.

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

SB23-039 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 4, line 8, after "APPROPRIATE." insert "THE
- 2 RULES MUST CONSIDER THE IMPACT OF RULES PROMULGATED PURSUANT
- 3 TO THIS SECTION ON DEPARTMENT OF CORRECTIONS FACILITIES, PRIVATE
- 4 CORRECTIONAL FACILITIES UNDER CONTRACT WITH THE DEPARTMENT OF
- 5 CORRECTIONS, JAILS, AND COUNTY DEPARTMENTS THAT MUST IMPLEMENT
- 6 THE RULES. THE DEPARTMENT SHALL CONSIDER OPPORTUNITIES TO ASSESS
- 7 THE EFFICACY OF THE RULES PROMULGATED PURSUANT TO THIS SECTION."

- 8 Page 4 of the bill, line 24, strike "OWN." and substitute "OWN OR THE
- 9 RESPONDENT CHOOSES TO PROCEED WITHOUT COUNSEL."

- 10 Page 6 of the bill, line 7, before "WRIT" insert "PERSONAL ATTENDANCE".

- 11 Page 7 of the bill, line 3, strike "and (1)(e)".

- 12 Page 7 of the bill, line 4, strike "IF A CHILD'S" and substitute "(I) IF A
- 13 CHILD IS ELIGIBLE FOR SERVICES PURSUANT TO SECTION".

- 14 Page 7 of the bill, strike lines 5 through 14.

- 15 Page 7 of the bill, line 18, strike "DEPARTMENT" and substitute
- 16 "DEPARTMENT, UPON KNOWLEDGE OF THE INCARCERATION,".

- 17 Page 7 of the bill, line 20, strike "CHILD." and substitute "CHILD, OR
- 18 DOCUMENT THE CASEWORKER'S EFFORTS TO INCLUDE THE PARENT WHO IS
- 19 INCARCERATED IN THE PLANNING."

- 20 Page 7 of the bill, line 25, strike "AND".

- 1 Page 7 of the bill, line 26, strike "IN-PERSON".
- 2 Page 8 of the bill, line 11, strike "JAIL." and substitute "JAIL; AND"
- 3 Page 8 of the bill, after line 11 insert:
- 4 "(C) COMMUNICATING WITH THE FACILITY'S OR JAIL'S DESIGNEE."
- 5 Page 8, line 13, strike "(1)(e)" and substitute "(1)(d)".
- 6 Page 10 of the bill, line 18, strike "TWENTY-EIGHT" and substitute
7 "THIRTY-FIVE".
- 8 Page 13 of the bill, line 22, after "(4)(e)(V)" insert "and (7)".
- 9 Page 14 of the bill, line 19, strike "WHEN".
- 10 Page 14 of the bill, strike lines 20 through 23.
- 11 Page 14 of the bill, after line 23 insert:
- 12 "(7) (a) IF A CHILD'S PARENT IS INCARCERATED IN A DEPARTMENT
13 OF CORRECTIONS FACILITY, A PRIVATE CORRECTIONAL FACILITY UNDER
14 CONTRACT WITH THE DEPARTMENT OF CORRECTIONS, OR A JAIL, AND THE
15 PARENT HAS MAINTAINED A MEANINGFUL AND SAFE RELATIONSHIP WITH
16 THE CHILD WHILE INCARCERATED, THE COURT SHALL MAKE FINDINGS
17 REGARDING WHETHER A PERMANENT PLACEMENT FOR THE CHILD EXISTS
18 THAT PERMITS THE PARENT TO MAINTAIN A RELATIONSHIP WITH THE
19 CHILD, INCLUDING GUARDIANSHIP OR ALLOCATION OF PARENTAL
20 RESPONSIBILITIES, GIVING PRIMARY CONSIDERATION TO THE CHILD'S
21 MENTAL, PHYSICAL, AND EMOTIONAL NEEDS. IF THE PROPOSED
22 PERMANENT PLACEMENT WOULD REQUIRE THE CHILD TO TRANSFER TO
23 ANOTHER PLACEMENT, THE COURT SHALL CONSIDER THE FACTORS IN
24 SUBSECTION (6) OF THIS SECTION IN MAKING ITS DETERMINATION.
- 25 (b) IN MAKING A DETERMINATION WHETHER THE PARENT WHO IS
26 INCARCERATED HAS MAINTAINED A MEANINGFUL AND SAFE RELATIONSHIP
27 WITH THE CHILD, THE COURT SHALL GIVE PRIMARY CONSIDERATION TO THE
28 CHILD'S MENTAL, EMOTIONAL, AND PHYSICAL NEEDS, AND WHETHER THE
29 INVOLVEMENT OF THE PARENT WHO IS INCARCERATED IN THE CHILD'S LIFE
30 SERVES THE CHILD'S BEST INTERESTS. THE COURT SHALL NOT FIND THAT
31 THE PARENT'S INCARCERATION IS THE SOLE REASON THAT A RELATIONSHIP
32 WITH THE PARENT IS NOT IN THE CHILD'S BEST INTERESTS, AND SHALL

1 CONSIDER THE PARENT'S EFFORTS TO COMPLY WITH THE TREATMENT PLAN
2 UNDER THE CIRCUMSTANCES OF INCARCERATION."

3 Page 19 of the bill, after line 2 insert:

4 "SECTION 11. In Colorado Revised Statutes, **add** 30-10-528 as
5 follows:

6 **30-10-528. Incarcerated parents - family services coordinator.**
7 EACH SHERIFF SHALL DESIGNATE AT LEAST ONE INDIVIDUAL TO SERVE AS
8 A COMMUNICATION LIAISON BETWEEN THE COUNTY JAIL AND COUNTY
9 DEPARTMENTS OF HUMAN SERVICES CONCERNING CHILDREN SUBJECT TO
10 AN OPEN DEPENDENCY AND NEGLECT CASE WHOSE PARENTS ARE
11 INCARCERATED IN THE JAIL FOR THE PURPOSE OF IMPROVING
12 COMMUNICATION AND ENSURING OPPORTUNITIES FOR FAMILY TIME."

13 Page 19 of the bill, before line 3 insert:

14 "SECTION 12. **Appropriation.** (1) For the 2023-24 state fiscal
15 year, \$31,110 is appropriated to the department of corrections. This
16 appropriation is from the general fund. To implement this act, the
17 department may use this appropriation as follows:

18 (a) \$2,050 for use by institutions for start-up costs related to the
19 superintendents subprogram;

20 (b) \$26,385 for use by support services for personal services
21 related to the business operations subprogram, which amount is based on
22 an assumption that the program will require an additional 0.4 FTE;

23 (c) \$2,250 for use by support services for operating expenses
24 related to the business operations subprogram;

25 (d) \$225 for use by support services for operating expenses related
26 to the communications subprogram; and

27 (e) \$200 for use by support services for operating expenses related
28 to the information systems subprogram.

29 (2) For the 2023-24 state fiscal year, \$15,111 is appropriated to
30 the department of human services for use by the division of child welfare.
31 This appropriation is from the general fund. To implement this act, the
32 division may use this appropriation as follows:

33 (a) \$9,396 for administration; and

34 (b) \$5,715 for Colorado trails.

35 (3) For the 2023-24 state fiscal year, the general assembly
36 anticipates that the department of human services will receive \$4,481 in
37 federal funds for use by the division of child welfare to implement this
38 act, which amount is subject to the "(I)" notation as defined in the annual
39 general appropriation act for the same fiscal year. The appropriation in

1 subsection (2) of this section is based on the assumption that the division
2 will receive this amount of federal funds to be used as follows:

3 (a) \$1,404 for administration; and

4 (b) \$3,077 for Colorado trails.

5 (4) For the 2023-24 state fiscal year, \$7,425 is appropriated to the
6 judicial department for use by the office of the respondent parents'
7 counsel. This appropriation is from the general fund, and is based on an
8 assumption that the office will require an additional 0.1 FTE. To
9 implement this act, the office may use this appropriation for personal
10 services."

11 Renumber succeeding sections accordingly.

12 Page 1 of the bill, line 102, strike "**DETENTION.**" and insert "**DETENTION,**
13 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**".

14 Amend the Judiciary Committee Report, dated February 13, 2023, page
15 1, line 7, strike "HEARINGS." and insert "HEARINGS. IF A PARENT FAILS TO
16 APPEAR, THE COURT SHALL MAKE FINDINGS ABOUT THE REASON FOR THE
17 ABSENCE AND MAKE A RECORD REGARDING THE ABSENCE. NOTHING IN
18 THIS SECTION PROHIBITS THE COURT FROM PROCEEDING IF A RESPONDENT
19 FAILS TO APPEAR."."

20 Page 2 of the report, strike line 2 and substitute:

21 "Page 7 of the bill, strike line 27 and substitute "BETWEEN THE CHILD AND
22 PARENT. IF IN-PERSON FAMILY TIME IS NOT REASONABLY PRACTICABLE,
23 THE CASEWORKER SHALL COMMUNICATE WITH THE FACILITY OR JAIL
24 REGARDING THE FACILITY'S OR JAIL'S ABILITY TO FACILITATE FAMILY TIME
25 BETWEEN THE CHILD AND PARENT THROUGH AUDIO-VISUAL
26 COMMUNICATION TECHNOLOGY AND ARRANGE FOR AVAILABLE VIRTUAL
27 FAMILY TIME."."

28 Page 8 of the bill, strike lines 1 through 4."

29 Page 2 of the report, strike lines 6 through 10 and substitute:

30 "Page 8 of the bill, line 14, before "**add**" insert "**amend** (1)(e)(I); and".

31 Page 8 of the bill, line 15, strike "(1)(e)(III), (1)(e)(IV)," and substitute
32 "(1)(e)(III)".

33 Page 9 of the bill, strike lines 16 through 27 and substitute:

1 "(e) (I) Except where the proposed disposition is termination of
2 the parent-child legal relationship, THE CASEWORKER ASSIGNED TO THE
3 CASE SHALL SUBMIT AN APPROPRIATE TREATMENT PLAN AND the court
4 shall approve an appropriate treatment plan involving the child named
5 and each respondent named and served in the action. IF A CHILD'S PARENT
6 IS INCARCERATED IN A DEPARTMENT OF CORRECTIONS FACILITY, A
7 PRIVATE CORRECTIONAL FACILITY UNDER CONTRACT WITH THE
8 DEPARTMENT OF CORRECTIONS, OR A JAIL, THE CASEWORKER ASSIGNED TO
9 THE CASE, UPON KNOWLEDGE OF THE INCARCERATION, SHALL INCLUDE
10 INFORMATION IN THE REPORT THAT DETAILS THE SERVICES AND
11 TREATMENT AVAILABLE TO A PARENT AT THE FACILITY OR JAIL WHERE THE
12 PARENT IS INCARCERATED OR THE CASEWORKER'S EFFORTS TO OBTAIN
13 THAT INFORMATION. THE COUNTY DEPARTMENT SHALL COMMUNICATE
14 WITH THE FACILITY OR JAIL WHERE THE PARENT IS INCARCERATED
15 REGARDING THE REQUIREMENTS OF THE COURT-ORDERED TREATMENT
16 PLAN. However, the court may find that an appropriate treatment plan
17 cannot be devised as to a particular respondent because the child has been
18 abandoned as set forth in section 19-3-604 (1)(a) and the parents cannot
19 be located, or because the child has been adjudicated as neglected or
20 dependent based upon section 19-3-102 (2), or due to the unfitness of the
21 parents as set forth in section 19-3-604 (1)(b). When the court finds that
22 an appropriate treatment plan cannot be devised, the court shall conduct
23 a permanency hearing as set forth in section 19-3-702 (1), unless a motion
24 for termination of parental rights has been filed within thirty days after
25 the court's finding."

26 Page 10 of the bill, strike lines 1 through 13.

27 Page 10 of the bill, line 14, strike "(IV)" and substitute "(III)".

28 Page 2 of the report, strike lines 11 through 13 and substitute:

29 "Page 10 of the bill, strike lines 19 through 27 and substitute "CASE, UPON
30 KNOWLEDGE OF INCARCERATION, SHALL PROVIDE INFORMATION THAT
31 DETAILS THE SERVICES AND TREATMENT AVAILABLE TO A PARENT AT THE
32 FACILITY OR JAIL WHERE THE PARENT IS INCARCERATED OR THE
33 CASEWORKER'S EFFORTS TO OBTAIN THE INFORMATION AT THE NEXT
34 SCHEDULED COURT HEARING."

35 Strike page 11 of the bill.

36 Page 12 of the bill, strike lines 1 through 15."

- 1 Page 2 of the report, strike lines 14 and 15 and substitute:
- 2 "Page 12 of the bill, line 17, strike "(1)(b)(III); and **add** (1.5)" and
- 3 substitute "(1)(b)(III)".
- 4 Page 13 of the bill, strike lines 9 through 20."

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