



Children and Domestic Matters

During the 2018 legislative session, the General Assembly considered measures related to child welfare and foster care, youth mental health and suicide prevention, child abuse prevention, the juvenile justice system, and other aspects of family law. The bills described below passed and became law, unless otherwise noted.

Child Welfare and Out-of-Home Placement

The Division of Child Welfare in the Colorado Department of Human Services (DHS) supervises the county administration of programs that protect children from harm and assist families in caring for their children. Counties also administer foster care and adoption services.

Child welfare. [Senate Bill 18-254](#) made numerous changes to child welfare services funding. The bill does the following:

- adds provisions to align with the federal Family First Prevention Services Act of 2018;
- requires DHS to retain unspent child welfare services allocation money and transfer it to the Child Welfare Prevention and Intervention Services Cash Fund;
- requires DHS to create a program to serve children with intellectual and developmental disabilities who are in out-of-home placement;

- adjusts the membership, appointment, and representation of the Child Welfare Allocations Committee and makes adjustments to the child welfare allocation formula;
- requires DHS to contract with an outside entity to develop a child welfare system funding model;
- increases the state reimbursement to counties for adoption and relative guardianship services from 80 percent to 90 percent;
- makes changes to the negotiation process between counties and child welfare providers; and
- clarifies how certain child welfare appropriations may be spent or requested.

The bill also requires DHS to report on utilization, capacity, and cost projections for child welfare placements. Finally, the bill creates the Delivery of Child Welfare Services Task Force in DHS.

Youth in out-of-home placement. The General Assembly considered a package of bills to assist youth who are in out-of-home placement or homeless. [House Bill 18-1319](#) allows counties to provide services to former foster youth until age 21. Previously these services were only available to youth age 18 or younger. The bill also creates a former foster youth steering committee in DHS to make recommendations

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on the implementation of long-term services for former foster youth.

House Bill 18-1346 directs the Colorado Commission on Criminal and Juvenile Justice to study and report on child abuse in youth facilities operated by DHS. The bill also expands the definition of 'institutional abuse' to include youth age 18 to 21 who are abused in a facility in which they are being cared for.

House Bill 18-1306 allows students in out-of-home placement to remain in the school of origin at any time during the school year, rather than move to a different school as a result of a change in placement, unless it is not in a child's best interest to remain the school of origin. The bill also:

- requires the Department of Education to hire a foster care education coordinator;
- requires local education providers (LEPs) to enroll students in out-of-home placement into school immediately;
- requires LEPs and counties to provide transportation and other services for students in out-of-home placement; and
- allows LEPs to waive certain course or graduation requirements.

House Bill 18-1348 authorizes prospective and current foster parents to receive information about a foster child that is necessary to meet the child's physical, mental, emotional and behavioral needs. The information may include education records, information from a family service plan, placement history, and medical records. The bill also requires counties to prioritize Colorado Child Care Assistance Program (CCCAP) funds to foster parents, certified kinship foster parents, and certain non-certified kinship care providers.

Regarding homeless youth in Colorado, *House Bill 18-1021* would have created a task force in

the Department of Local Affairs to study and make recommendations on Colorado's current system of care and services to prevent and end youth homelessness. The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

Finally, *House Bill 18-1390* would have created a voluntary program to allow parents to enter into an agreement with a certified caregiver to temporarily care for their child or children for up to six months. Under the agreement, parents would not be required to give up parental rights. The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

Child Abuse Prevention

The Colorado Children's Trust Fund (CCTF) was created in 1989 to prevent the abuse and neglect of children and is funded through fees from dissolution of marriage or civil union proceedings.

Two bills related to the CCTF were introduced. The first, *House Bill 18-1044*, would have increased the CCTF board membership from 9 to 21 members and would have allowed the board to allocate grant money for programs that prevent child maltreatment fatalities and help reduce adverse childhood experiences. The bill was postponed indefinitely by the Senate Committee on State, Veterans, and Military Affairs. *House Bill 18-1064* allows funds from the CCTF to be used to promote, maintain, and monitor an evidence-based child sexual abuse training model. In addition, the bill expands the current training to all persons who interact with young children (parents, child care workers, etc.).

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Youth Mental Health and Suicide Prevention

Multiple bills were introduced to increase funding and program support for youth mental health and suicide prevention. *House Bill 18-1094* extended and made changes to the Child Mental Health Treatment Act (act). The act allows families to access residential or community-based mental health services for youth with a diagnosed mental illness, without requiring a dependency or neglect action. The bill:

- expands eligibility to age 21;
- requires DHS to list available providers on its website; and
- allows non family members to assist a family in accessing services through the act.

House Bill 18-1245 would have prohibited mental health providers from engaging in conversion therapy with a patient under 18 years of age. Conversion therapy is the practice by which a mental health provider seeks to change a person's sexual orientation or gender identity. The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

Finally, *Senate Bill 18-272* creates the Crisis and Suicide Prevention Training Grant Program in the Department of Public Health and Environment (CDPHE). Public schools or school districts may apply for grant funding (up to \$400,000 annually) to provide comprehensive crisis and suicide prevention training to teachers and staff.

Juvenile Justice System

A few bills made adjustments to Colorado's juvenile justice system. *House Bill 18-1050* made changes to the law regarding juvenile competency to proceed in criminal trials. The bill defines the following terms in the Colorado Children's Code: mental and developmental disabilities, competent to proceed, incompetent to proceed, mental capacity, mental disability, and restoration to competency hearing. The bill specifies that the determination of a juvenile's competency must include an evaluation of developmental disabilities, mental disabilities, and mental capacity; that age alone cannot be a determining factor of juvenile incompetency; and that court-ordered juvenile competency evaluation may occur in the home or community.

Senate Bill 18-154 requires local juvenile services planning committees to create a plan to identify, provide case management, and decide on placement for crossover youth, who are youth that are involved in both the juvenile justice and child welfare systems. Local juvenile planning committees are housed in Colorado judicial districts and develop plans for the allocation of resources for local juvenile services.

House Bill 18-1156 prohibits the court from sentencing a child to a juvenile detention facility for being habitually truant, unless detention is in the best interest of the child and the public. A habitually truant child is defined as a child who has four unexcused absences from school in a month or ten unexcused absences in a year.

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Access to Dangerous Substances

House Bill 18-1307 prohibits the sale or distribution of products containing dextromethorphan to persons less than 18 years of age. Dextromethorphan is a cough suppressant that is found in some over-the-counter cough and cold medicines.

Other Family Law

Other measures that passed during the 2018 session involved parents with disabilities, child care funding, and child support guidelines.

House Bill 18-1104 ensures that a parent's disability cannot be:

- a basis for denial or restriction of parenting time or responsibilities in domestic relations or dependency and neglect proceedings; or
- a basis for denial of participation in adoption, foster care, or guardianship.

The bill also requires that courts consider the benefit of providing supportive parenting services to a parent with a disability when making determinations or decisions.

House Bill 18-1335 requires DHS to calculate the amount of each county's CCCAP block grant based on the local child care provider market rate for services and each county's percentage of the total number of children eligible to participate in the program. In addition, the bill increases the eligibility for the program from 165 percent to 185 percent of the federal poverty level.

The Child Support Commission in DHS reviews Colorado child support guidelines and recommends statutory changes. *House Bill 18-1363* implements various commission recommendations, including:

- authorizes county delegate child support enforcement units (CSEUs) to file a notice of withdrawal in a proceeding;
- authorizes CSEUs to produce and serve a subpoena to compel a party to provide a genetic sample to determine paternity and establishes requirements for filing genetic test results with the court;
- defines the term 'administrative process action' and related terms; and
- establishes parameters for negotiation conferences to establish child support obligations and timelines for service of notice of financial responsibility.

The bill also requires insurance companies to participate in the Child Support Lien Network and creates the Child Support Insurance Lien Fund.