

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1137.01 Jane Ritter x4342

SENATE BILL 18-224

SENATE SPONSORSHIP

Smallwood,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE SUBSIDIZATION OF ADOPTION OF CHILDREN AND
102 YOUTH IN COLORADO WHO HAVE SPECIAL NEEDS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill updates provisions of the state's adoption assistance program (adoption program) that provides cash subsidies and other noncash benefits to families who adopt children who, because of one or more special needs, might not otherwise be adopted. The department of human services (state department) administers the adoption program in conjunction with county departments of human or social services (county

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 COLORADO'S ABUSED AND NEGLECTED CHILDREN AND YOUTH; AND

2 (c) MANY CHILDREN AND YOUTH WHO ARE ADOPTED IN COLORADO

3 HAVE EXPERIENCED PRIOR ABUSE, NEGLECT, MULTIPLE PLACEMENTS, AND

4 INSTITUTIONALIZATION. THESE PRIOR EXPERIENCES OFTEN CAUSE

5 PHYSICAL, PSYCHOLOGICAL, EMOTIONAL, AND DEVELOPMENTAL HARM

6 THAT AFFECTS THESE CHILDREN AND YOUTH THROUGHOUT THEIR LIVES.

7 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS THE

8 INTENT OF THIS ARTICLE 7 TO:

9 (a) ENCOURAGE FAMILIES OF ANY ECONOMIC STATUS TO ADOPT

10 CHILDREN AND YOUTH WITH SPECIAL NEEDS AND PROVIDE SUCH FAMILIES

11 WITH BENEFITS THAT WILL ENABLE THEM TO MEET THE CURRENT AND

12 ANTICIPATED NEEDS OF CHILDREN AND YOUTH WHO MEET THE CRITERIA

13 FOR SUCH BENEFITS AS ESTABLISHED IN THIS ARTICLE 7;

14 (b) ENSURE THAT ALL CHILDREN AND YOUTH AND FAMILIES IN

15 COLORADO HAVE EQUAL OPPORTUNITIES TO ACCESS THE BENEFITS

16 ESTABLISHED IN THIS ARTICLE 7;

17 (c) ENSURE THAT ALL CHILDREN AND YOUTH AND FAMILIES IN

18 COLORADO HAVE EQUAL ACCESS TO CONSISTENT INFORMATION,

19 GUIDANCE, AND PRACTICES TO ENSURE THAT THE UNIQUE NEEDS OF EACH

20 CHILD OR YOUTH RECEIVE CONSISTENT CONSIDERATION, REGARDLESS OF

21 THE AGENCY THAT IS ADMINISTERING BENEFITS PURSUANT TO THIS

22 ARTICLE 7;

23 (d) ENSURE THAT FAMILIES ARE ABLE TO MAINTAIN SAFE AND

24 STABLE HOMES FOR THE CHILDREN AND YOUTH THEY ADOPT THROUGH

25 BENEFITS TAILORED TO ACCOMMODATE AND SUPPORT BOTH THE SPECIAL

26 AND ORDINARY NEEDS OF THE ADOPTED CHILDREN AND YOUTH; AND

27 (e) ENSURE THAT ANY AGENCY THAT IS PROVIDING BENEFITS

1 PURSUANT TO THIS ARTICLE 7 HAS CLEAR GUIDANCE AND SUPPORT IN ITS
2 EFFORTS TO HELP CHILDREN AND YOUTH FIND AND MAINTAIN SAFE,
3 PERMANENT ADOPTIVE HOMES.

4 **26-7-102. Definitions.** AS USED IN THIS ARTICLE 7, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "AGREEMENT" MEANS AN ADOPTION ASSISTANCE AGREEMENT
7 NEGOTIATED AND ENTERED INTO PURSUANT TO SECTION 26-7-107.

8 (2) "BENEFITS" MEANS ANY SUBSIDY OR SERVICE AVAILABLE TO
9 ADOPTIVE FAMILIES PURSUANT TO THIS ARTICLE 7.

10 (3) "CHILD PLACEMENT AGENCY" MEANS ANY CORPORATION,
11 PARTNERSHIP, ASSOCIATION, FIRM, AGENCY, INSTITUTION, OR PERSON
12 LICENSED BY THE STATE DEPARTMENT PURSUANT TO ARTICLE 6 OF THIS
13 TITLE 26 TO PLACE, FACILITATE PLACEMENT, OR ARRANGE FOR THE
14 PLACEMENT OF A CHILD OR YOUTH FOR THE PURPOSE OF ADOPTION,
15 TREATMENT, OR FOSTER CARE. ONLY CHILDREN OR YOUTH WHO ARE
16 PLACED THROUGH A CHILD PLACEMENT AGENCY THAT IS DESIGNATED AS
17 A NONPROFIT ENTITY ARE ELIGIBLE TO RECEIVE BENEFITS PURSUANT TO
18 THIS ARTICLE 7.

19 (4) "COUNTY DEPARTMENT" MEANS A COUNTY DEPARTMENT OF
20 HUMAN OR SOCIAL SERVICES.

21 (5) "PROGRAM" MEANS THE ADOPTION ASSISTANCE PROGRAM
22 CREATED IN SECTION 26-7-103.

23 (6) "SERVICES" MEANS ANY BENEFITS OTHER THAN CASH
24 ASSISTANCE THAT A FAMILY MAY RECEIVE AS PART OF AN ADOPTION
25 ASSISTANCE AGREEMENT.

26 (7) "SPECIAL NEEDS" MEANS ONE OR MORE SPECIFIC FACTORS OR
27 CONDITIONS THAT WOULD MAKE IT REASONABLE TO CONCLUDE THAT A

1 CHILD OR YOUTH CANNOT BE ADOPTED WITHOUT PROVIDING BENEFITS TO
2 ASSIST IN SUCH ADOPTION. SUCH FACTORS MAY INCLUDE, BUT ARE NOT
3 LIMITED TO:

4 (a) A PHYSICAL DISABILITY, SUCH AS HEARING, VISION, OR
5 PHYSICAL IMPAIRMENT; NEUROLOGICAL CONDITIONS; DISFIGURING
6 DEFECTS; OR HEART DEFECTS;

7 (b) A MENTAL, INTELLECTUAL, OR DEVELOPMENTAL DISABILITY,
8 SUCH AS A PERCEPTUAL, SPEECH, OR LANGUAGE DISABILITY; A METABOLIC
9 DISORDER; OR ANY DISABILITY THAT RESULTS IN EDUCATIONAL DELAYS OR
10 SIGNIFICANT LEARNING PROCESSING DIFFICULTIES;

11 (c) AN EDUCATIONAL DISABILITY THAT QUALIFIES FOR SECTION
12 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED, 29
13 U.S.C. SEC. 701 ET SEQ., OR SPECIAL EDUCATION SERVICES;

14 (d) AN EMOTIONAL DISTURBANCE, SUCH AS POST-TRAUMATIC
15 STRESS DISORDER, BIPOLAR DISORDER, AND OTHER MENTAL HEALTH
16 DISORDERS;

17 (e) HEREDITARY FACTORS THAT HAVE BEEN DOCUMENTED BY A
18 PHYSICIAN OR PSYCHOLOGIST;

19 (f) FACTORS THAT PLACE A CHILD OR YOUTH IN A "HIGH-RISK"
20 CATEGORY, SUCH AS BEING HIV-POSITIVE OR DRUG- OR
21 ALCOHOL-EXPOSED IN UTERO;

22 (g) OTHER CONDITIONS THAT ACT AS A BARRIER TO THE CHILD'S OR
23 YOUTH'S ADOPTION, INCLUDING, BUT NOT LIMITED TO, A HEALTHY CHILD
24 OR YOUTH OVER SEVEN YEARS OF AGE OR A SIBLING GROUP THAT SHOULD
25 REMAIN INTACT, AND MEDICAL CONDITIONS LIKELY TO REQUIRE FURTHER
26 TREATMENT; OR

27 (h) ETHNIC BACKGROUND OR MEMBERSHIP IN A MINORITY GROUP

1 WHOSE CHILDREN OR YOUTH MIGHT BE DIFFICULT TO PLACE.

2 (8) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
3 HUMAN SERVICES.

4 (9) "SUBSIDY" REFERS EXCLUSIVELY TO MONTHLY CASH
5 ASSISTANCE THAT IS PROVIDED TO ELIGIBLE FAMILIES AS PART OF AN
6 ADOPTION ASSISTANCE AGREEMENT.

7 **26-7-103. Adoption assistance program - created -**
8 **administration - funding - reporting - rules - definition.** (1) THE
9 ADOPTION ASSISTANCE PROGRAM IS CREATED IN THE STATE DEPARTMENT
10 AND SHALL BE ADMINISTERED BY THE STATE DEPARTMENT AND COUNTY
11 DEPARTMENTS PURSUANT TO THIS ARTICLE 7. THE STATE DEPARTMENT
12 SHALL, THROUGH THE STATE BOARD OF HUMAN SERVICES, ADOPT ANY
13 RULES NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE 7.

14 (2) IN ADDITION TO ANY MONEY APPROPRIATED TO THE STATE
15 DEPARTMENT BY THE GENERAL ASSEMBLY FOR THE PROGRAM, THE STATE
16 DEPARTMENT IS ALSO AUTHORIZED TO ACCEPT, ON BEHALF OF THE
17 PROGRAM, ANY FEDERAL FUNDS MADE AVAILABLE FOR ANY PURPOSE
18 CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE 7.

19 (3) THE STATE DEPARTMENT SHALL KEEP SUCH DATA AS
20 NECESSARY TO EVALUATE THE PROGRAM'S EFFECTIVENESS IN PROVIDING
21 STABILITY TO ELIGIBLE CHILDREN, YOUTH, AND FAMILIES INVOLVED IN
22 ADOPTION. ON OR BEFORE JULY 1, 2019, AND EVERY JULY 1 THEREAFTER,
23 THE STATE DEPARTMENT SHALL PREPARE AND MAKE AVAILABLE TO THE
24 PUBLIC A REPORT THAT INCLUDES, BUT IS NOT LIMITED TO, INFORMATION
25 CONCERNING:

26 (a) THE COST OF ADMINISTERING THE PROGRAM, INCLUDING
27 EXPENDITURES FOR MONTHLY SUBSIDIES AND OTHER BENEFITS;

1 (b) THE TYPES OF SERVICES AWARDED THROUGH THE PROGRAM ON
2 A STATEWIDE BASIS;

3 (c) THE NUMBER OF DISSOLVED ADOPTIONS INVOLVING CHILDREN
4 AND YOUTH WHO QUALIFIED FOR OR RECEIVED BENEFITS FROM THE
5 PROGRAM. FOR THE PURPOSES OF THIS SECTION, "DISSOLVED ADOPTION"
6 MEANS A SITUATION IN WHICH THE CHILD OR YOUTH IS RETURNED TO THE
7 CUSTODY OF A COUNTY DEPARTMENT, NONPROFIT CHILD PLACEMENT
8 AGENCY, OR TRIBAL ORGANIZATION AT ANY TIME AFTER THE FINALIZATION
9 OF AN ADOPTION.

10 (d) THE RESULTS OF ANY PROGRAM EVALUATION PERFORMED BY
11 THE STATE DEPARTMENT.

12 **26-7-104. Information for prospective adoptive families.**

13 (1) AT THE TIME THAT A FAMILY MAKES AN APPLICATION FOR ADOPTION
14 OF A CHILD OR YOUTH WHO IS POTENTIALLY ELIGIBLE FOR BENEFITS
15 PURSUANT TO THIS ARTICLE 7, THE STATE DEPARTMENT, A COUNTY
16 DEPARTMENT, A NONPROFIT CHILD PLACEMENT AGENCY, OR A TRIBAL
17 ORGANIZATION, AS APPROPRIATE, SHALL PROVIDE THE PROSPECTIVE
18 ADOPTIVE FAMILY, IN WRITING, WITH INFORMATION CONCERNING THE
19 FOLLOWING:

20 (a) THE AVAILABILITY OF BENEFITS, WITH AN EXPLANATION OF THE
21 DIFFERENCE BETWEEN THESE BENEFITS AND FOSTER CARE PAYMENTS;

22 (b) THE AVAILABILITY OF REIMBURSEMENT FOR ANY
23 NONRECURRING EXPENSES INCURRED IN THE ADOPTION OF AN ELIGIBLE
24 CHILD OR YOUTH;

25 (c) THE AVAILABILITY OF MENTAL HEALTH SERVICES THROUGH
26 MEDICAID OR OTHER PROGRAMS;

27 (d) THE FEDERAL ADOPTION TAX CREDIT FOR AN INDIVIDUAL WHO

1 IS ADOPTING OR IS CONSIDERING ADOPTING A CHILD OR YOUTH IN FOSTER
2 CARE OR THROUGH A NONPROFIT CHILD PLACEMENT AGENCY, IN
3 ACCORDANCE WITH SECTION 403 OF THE FEDERAL "FOSTERING
4 CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008",
5 PUB.L. 110-351;

6 (e) NOTICE OF THE RIGHT TO BRING TO THE ADOPTION ASSISTANCE
7 NEGOTIATION PROCESS:

8 (I) PARTIES WHO POSSESS RELEVANT INFORMATION ABOUT THE
9 CHILD'S OR YOUTH'S HISTORY AND NEEDS; AND

10 (II) LEGAL REPRESENTATION FOR THE CHILD OR YOUTH AND
11 FAMILY; AND

12 (f) NOTICE OF THE RIGHT TO APPEAL AND BE REPRESENTED BY
13 LEGAL COUNSEL, AT THE PROSPECTIVE ADOPTIVE PARENTS' EXPENSE, IN
14 ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",
15 ARTICLE 4 OF TITLE 24, FOR ANY OF THE FOLLOWING:

16 (I) THE DETERMINATION OF A CHILD'S OR YOUTH'S ELIGIBILITY FOR
17 BENEFITS;

18 (II) THE DETERMINATION OR REDUCTION OF BENEFITS; AND

19 (III) THE TERMINATION OF AN ADOPTION ASSISTANCE AGREEMENT.

20 **26-7-105. Eligibility for adoption benefits.** (1) THE PARTIES
21 MAY NEGOTIATE AVAILABLE BENEFITS ONLY AFTER A DETERMINATION HAS
22 BEEN MADE THAT ALL OF THE FOLLOWING CONDITIONS ARE PRESENT AT
23 THE TIME THE CHILD OR YOUTH WAS PLACED FOR ADOPTION:

24 (a) THE CHILD OR YOUTH WAS IN THE CUSTODY OF A COUNTY
25 DEPARTMENT, NONPROFIT CHILD PLACEMENT AGENCY, OR TRIBAL
26 ORGANIZATION AND IS LEGALLY AVAILABLE FOR ADOPTION; AND

27 (b) IT HAS BEEN DETERMINED THAT THE CHILD OR YOUTH CANNOT

1 OR SHOULD NOT BE RETURNED HOME TO HIS OR HER BIOLOGICAL PARENTS;
2 AND

3 (c) REASONABLE, BUT UNSUCCESSFUL, EFFORTS TO PLACE THE
4 CHILD OR YOUTH FOR ADOPTION WITHOUT BENEFITS HAVE BEEN MADE,
5 EXCEPT UNDER THE FOLLOWING CIRCUMSTANCES:

6 (I) IT IS DETERMINED THAT SUCH EFFORTS WOULD BE AGAINST THE
7 BEST INTEREST OF THE CHILD OR YOUTH BECAUSE OF FACTORS THAT
8 INCLUDE, BUT ARE NOT LIMITED TO, THE EXISTENCE OF A SIGNIFICANT
9 BOND WITH THE PROSPECTIVE ADOPTIVE PARENTS OR A SEARCH FOR A
10 NONSUBSIDIZED ADOPTIVE PLACEMENT WOULD DELAY A CHILD'S OR
11 YOUTH'S RIGHT TO PERMANENCY IN A TIMELY MANNER; OR

12 (II) THE CHILD OR YOUTH IS BEING PLACED BY A BIRTH PARENT
13 WITH DESIGNATED ADOPTIVE PARENTS THROUGH A NONPROFIT CHILD
14 PLACEMENT AGENCY; AND

15 (d) THE CHILD OR YOUTH IS ONE WITH "SPECIAL NEEDS", AS
16 DEFINED IN SECTION 26-7-102 (7); AND

17 (e) THE STATE DEPARTMENT OR NONPROFIT CHILD PLACEMENT
18 AGENCY HAS DETERMINED THAT THE ADOPTIVE FAMILY HAS THE
19 CAPABILITY OF PROVIDING FOR THE NONFINANCIAL NEEDS OF THE CHILD
20 OR YOUTH IN ALL AREAS.

21 **26-7-106. Available benefits.** (1) THE STATE DEPARTMENT OR A
22 COUNTY DEPARTMENT MAY AUTHORIZE ONE OR MORE OF THE FOLLOWING
23 TYPES OF BENEFITS AVAILABLE PURSUANT TO THIS ARTICLE 7:

24 (a) MONTHLY SUBSIDY PAYMENTS UP TO THE AMOUNT THAT IS
25 BEING PAID FOR THE CHILD'S OR YOUTH'S OUT-OF-HOME CARE, OR THAT
26 WOULD HAVE BEEN PAID IF THE CHILD OR YOUTH WERE IN PAID
27 OUT-OF-HOME CARE AT THE TIME OF THE CHILD'S OR YOUTH'S ADOPTION;

- 1 (b) MEDICAID, AS DESCRIBED IN ARTICLE 4 OF TITLE 25.5;
- 2 (c) REIMBURSEMENT FOR NONRECURRING EXPENSES INCURRED IN
- 3 CONNECTION WITH THE ADOPTION, INCLUDING BUT NOT LIMITED TO:
- 4 (I) ANY FEES ORDINARILY ASSESSED BY THE STATE DEPARTMENT,
- 5 A COUNTY DEPARTMENT, OR A CHILD PLACEMENT AGENCY FOR ADOPTION
- 6 INVESTIGATIONS AND HOME STUDY REPORTS; AND
- 7 (II) ANY REASONABLE AND NECESSARY ADOPTION FEES, COURT
- 8 COSTS, ATTORNEY FEES, AND OTHER EXPENSES WHICH ARE DIRECTLY
- 9 RELATED TO THE LEGAL ADOPTION OF THE CHILD; AND
- 10 (d) PAYMENT OR REIMBURSEMENT FOR OTHER CASE SERVICES NOT
- 11 OTHERWISE PROVIDED FOR OR AVAILABLE THROUGH MEDICAID.

12 **26-7-107. Determination of benefits - adoption assistance**
13 **agreement - review - definitions.** (1) THE BENEFITS PROVIDED IN ANY
14 CASE PURSUANT TO THIS ARTICLE 7 MUST BE DETERMINED THROUGH AN
15 AGREEMENT BETWEEN THE ADOPTIVE PARENTS AND THE STATE
16 DEPARTMENT OR COUNTY DEPARTMENT ADMINISTERING THE PROGRAM.
17 THE TERMS OF THE AGREEMENT MUST BE REACHED THROUGH A
18 DISCUSSION AND NEGOTIATION PROCESS THAT ADDRESSES THE UNIQUE
19 NEEDS OF THE ELIGIBLE CHILD OR YOUTH. ONCE THE TERMS OF THE
20 AGREEMENT ARE REACHED BY THE RESPECTIVE PARTIES, THE PARTIES
21 SHALL ALL SIGN THE AGREEMENT PRIOR TO ADOPTION FINALIZATION.

22 (2) THE USE OF A MEANS TEST IS PROHIBITED IN THE PROCESS OF
23 SELECTING AN ADOPTIVE FAMILY OR IN NEGOTIATING THE TYPE OR
24 AMOUNT OF BENEFITS TO BE PROVIDED.

25 (3) DETERMINATION OF THE TYPE AND AMOUNT OF BENEFITS TO BE
26 PROVIDED MUST TAKE INTO CONSIDERATION THE CIRCUMSTANCES OF THE
27 ADOPTING FAMILY AND THE NEEDS OF THE CHILD OR YOUTH BEING

1 ADOPTED. THE MONTHLY SUBSIDY AMOUNT MAY BE UP TO, BUT MAY NOT
2 EXCEED, THE AMOUNT THAT IS BEING PAID FOR THE CHILD'S OR YOUTH'S
3 OUT-OF-HOME CARE OR THAT WOULD HAVE BEEN PAID IF THE CHILD OR
4 YOUTH WERE IN PAID OUT-OF-HOME CARE AT THE TIME OF THE CHILD'S OR
5 YOUTH'S ADOPTION. THE AMOUNT OF PAYMENTS MAY BE READJUSTED
6 PERIODICALLY IF EITHER THE NEEDS OF THE CHILD OR YOUTH OR THE
7 CIRCUMSTANCES OF THE FAMILY CHANGE, BUT ONLY WITH THE
8 CONCURRENCE OF THE ADOPTIVE PARENTS. FOR THE PURPOSES OF THIS
9 SECTION:

10 (a) "NEEDS OF THE CHILD OR YOUTH" INCLUDES BOTH THE
11 ORDINARY AND SPECIAL NEEDS OF THE CHILD OR YOUTH PROJECTED OVER
12 AN EXTENDED PERIOD OF TIME, INCLUDING THE CHILD'S OR YOUTH'S
13 ANTICIPATED NEEDS.

14 (b) "CIRCUMSTANCES OF THE FAMILY" INCLUDES THE FAMILY'S
15 ABILITY TO INCORPORATE THE CHILD OR YOUTH INTO THE HOUSEHOLD IN
16 RELATION TO THE FAMILY'S LIFESTYLE, STANDARD OF LIVING, AND FUTURE
17 PLANS AND THE OVERALL CAPACITY TO MEET THE IMMEDIATE AND FUTURE
18 PLANS AND NEEDS, INCLUDING EDUCATIONAL, OF THE CHILD OR YOUTH.

19 (4) IN CASES WHERE A SUBSIDY IS NOT PROVIDED IN AN
20 AGREEMENT, THE STATE DEPARTMENT OR COUNTY DEPARTMENT SHALL
21 DOCUMENT:

22 (a) THE CHILD'S OR YOUTH'S SPECIAL NEEDS IN THE SERVICES
23 RECORD AND IN THE STATE DEPARTMENT'S AUTOMATED SYSTEM; AND

24 (b) THAT THE POTENTIAL NEED FOR FINANCIAL SUBSIDIES EXISTS
25 AND MAY NEED TO BE ACTIVATED AT A FUTURE TIME.

26 (5) AN AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION
27 MUST BE REVIEWED AT LEAST EVERY THREE YEARS. THE AGREEMENT MAY

1 BE READJUSTED, BUT ONLY WITH THE CONCURRENCE OF THE ADOPTIVE
2 FAMILY. AT LEAST SIXTY DAYS PRIOR TO A MANDATORY REVIEW
3 PURSUANT TO THIS SUBSECTION (5), THE STATE DEPARTMENT OR COUNTY
4 DEPARTMENT SHALL PROVIDE WRITTEN NOTICE OF THE UPCOMING REVIEW
5 TO THE ADOPTIVE FAMILY. THE ADOPTIVE PARENTS MAY REQUEST A
6 REVIEW OF THE AGREEMENT PRIOR TO THE THREE-YEAR MANDATORY
7 REVIEW IF CHANGES OCCUR IN THE NEEDS OF THE ADOPTED CHILD OR
8 YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY.

9 (6) BENEFITS PROVIDED THROUGH THE PROGRAM MUST BE
10 CONTINUED IF THE ADOPTIVE PARENTS LEAVE THE STATE OF COLORADO
11 WITH THE ADOPTED CHILD OR YOUTH.

12 **26-7-108. Termination of subsidies.** (1) THE STATE
13 DEPARTMENT OR COUNTY DEPARTMENT SHALL TERMINATE THE PAYMENT
14 OF SUBSIDIES AVAILABLE PURSUANT TO THIS ARTICLE 7 WHEN ANY OF THE
15 FOLLOWING SITUATIONS OCCUR:

16 (a) THE CHILD OR YOUTH REACHES EIGHTEEN YEARS OF AGE OR, IN
17 CASES WHERE THE STATE DEPARTMENT OR COUNTY DEPARTMENT HAS
18 DETERMINED THAT THE CHILD OR YOUTH HAS A DEVELOPMENTAL OR
19 PHYSICAL DISABILITY THAT WARRANTS CONTINUED ASSISTANCE, THE
20 CHILD OR YOUTH REACHES TWENTY-ONE YEARS OF AGE;

21 (b) THE ADOPTIVE PARENT OR PARENTS ARE NO LONGER LEGALLY
22 RESPONSIBLE FOR THE SUPPORT OF THE CHILD OR YOUTH;

23 (c) THE CHILD OR YOUTH IS NO LONGER RECEIVING SUPPORT FROM
24 THE ADOPTIVE FAMILY; OR

25 (d) THE STATE DEPARTMENT OR COUNTY DEPARTMENT CERTIFIES
26 THE DEATH OR MARRIAGE OF THE CHILD OR YOUTH.

27 (2) PARENTS WHO RECEIVE SUBSIDIES SHALL KEEP THE STATE

1 DEPARTMENT OR COUNTY DEPARTMENT THAT IS ADMINISTERING THE
2 PROGRAM INFORMED OF CIRCUMSTANCES THAT WOULD MAKE THEM
3 INELIGIBLE TO CONTINUE TO RECEIVE SUBSIDIES PURSUANT TO THIS
4 SECTION.

5 **26-7-109. Appeals.** (1) IN ANY DECISION MADE PURSUANT TO
6 THIS ARTICLE 7, THE ADOPTIVE PARENTS HAVE THE RIGHT TO APPEAL TO
7 THE STATE DEPARTMENT, WITH A HEARING BEFORE A STATE DEPARTMENT
8 ADMINISTRATIVE LAW JUDGE IN ACCORDANCE WITH THE "STATE
9 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24. THE
10 FOLLOWING SITUATIONS ARE SUBJECT TO AN APPEAL:

11 (a) A DETERMINATION OF A CHILD'S OR YOUTH'S ELIGIBILITY FOR
12 BENEFITS PURSUANT TO SECTION 26-7-105;

13 (b) ANY DETERMINATION, REDETERMINATION, OR REDUCTION OF
14 BENEFITS PURSUANT TO THIS ARTICLE 7;

15 (c) TERMINATION OF AN ADOPTION ASSISTANCE AGREEMENT
16 ENTERED INTO PURSUANT TO SECTION 26-7-107; OR

17 (d) THE FAILURE OF THE STATE DEPARTMENT, COUNTY
18 DEPARTMENT, OR NONPROFIT CHILD PLACEMENT AGENCY TO NOTIFY THE
19 ADOPTIVE FAMILY OF AN ELIGIBLE CHILD OR YOUTH ABOUT THE
20 AVAILABILITY OF BENEFITS PURSUANT TO THIS ARTICLE 7.

21 **SECTION 2.** In Colorado Revised Statutes, 19-1-115, **amend**
22 (4)(d)(II) as follows:

23 **19-1-115. Legal custody - guardianship - placement out of the**
24 **home - petition for review for need of placement.** (4) (d) (II) For an
25 adoptive family who receives an approved Title IV-E adoption assistance
26 subsidy pursuant to the federal "Social Security Act", 42 U.S.C. sec. 673
27 et seq., or an approved payment in subsidization of adoption pursuant to

1 ~~section 26-7-103, C.R.S.~~ ARTICLE 7 OF TITLE 26, the cost of care, as
2 defined in section 19-1-103 (30), ~~shall~~ MUST not exceed the amount of the
3 adoption assistance payment.

4 **SECTION 3.** In Colorado Revised Statutes, 19-2-114, **amend**
5 (1)(b) as follows:

6 **19-2-114. Cost of care.** (1) (b) For an adoptive family who
7 receives an approved Title IV-E adoption assistance subsidy pursuant to
8 the federal "Social Security Act", 42 U.S.C. sec. 673 et seq., or an
9 approved payment in subsidization of adoption pursuant to ~~section~~
10 ~~26-7-103, C.R.S.~~ ARTICLE 7 OF TITLE 26, the cost of care, as defined in
11 section 19-1-103 (30), ~~shall~~ MUST not exceed the amount of the adoption
12 assistance payment.

13 **SECTION 4. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2018 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.