

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0944.01 Brita Darling x2241

**SENATE BILL 19-178**

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**SENATE SPONSORSHIP**

**Foote,** Bridges, Cooke, Court, Crowder, Donovan, Fenberg, Garcia, Gardner, Ginal, Gonzales, Hisey, Holbert, Lee, Lundeen, Marble, Moreno, Pettersen, Priola, Rankin, Scott, Smallwood, Sonnenberg, Story, Tate, Todd, Williams A., Winter, Woodward, Zenzinger

**HOUSE SPONSORSHIP**

**Singer,**

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**Senate Committees**

Finance

**House Committees**

Public Health Care & Human Services  
Appropriations

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**A BILL FOR AN ACT**

101      **CONCERNING THE SUBSIDIZATION OF ADOPTION FOR ELIGIBLE**  
102                    **CHILDREN IN COLORADO, AND, IN CONNECTION THEREWITH,**  
103                    **MAKING AN APPROPRIATION.**

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**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 repeals and reenacts, with amendments, provisions of the state's adoption assistance program (adoption program) that provides cash subsidies and other noncash benefits to families who adopt eligible children and youth who might not otherwise be adopted, in order to update the adoption program. The department of human services (state

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.*

SENATE  
3rd Reading Unamended  
March 20, 2019

SENATE  
Amended 2nd Reading  
March 19, 2019



1 ADOPTIVE HOMES;

2 (b) IN PARTICULAR, ADOPTION IS AN IMPORTANT TOOL TO HELP  
3 INCREASE THE NUMBER OF PERMANENT AND STABLE HOMES FOR  
4 COLORADO'S ABUSED AND NEGLECTED CHILDREN AND YOUTH; AND

5 (c) MANY CHILDREN AND YOUTH WHO ARE ADOPTED IN COLORADO  
6 HAVE EXPERIENCED PRIOR ABUSE, NEGLECT, MULTIPLE PLACEMENTS, AND  
7 INSTITUTIONALIZATION. THESE PRIOR EXPERIENCES OFTEN CAUSE  
8 PHYSICAL, PSYCHOLOGICAL, EMOTIONAL, AND DEVELOPMENTAL HARM  
9 THAT AFFECTS THESE CHILDREN AND YOUTH THROUGHOUT THEIR LIVES.

10 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS  
11 THE INTENT OF THIS ARTICLE 7 TO:

12 (a) ENCOURAGE FAMILIES OF ANY ECONOMIC STATUS TO ADOPT  
13 ELIGIBLE CHILDREN AND YOUTH AND TO PROVIDE SUCH FAMILIES WITH  
14 BENEFITS THAT WILL ENABLE THEM TO MEET THE NEEDS OF ELIGIBLE  
15 CHILDREN AND YOUTH WHO MEET THE CRITERIA FOR THE BENEFITS AS  
16 ESTABLISHED IN THIS ARTICLE 7;

17 (b) ENSURE THAT ALL FAMILIES AND ELIGIBLE CHILDREN AND  
18 YOUTH IN COLORADO HAVE EQUAL OPPORTUNITIES TO ACCESS THE  
19 BENEFITS ESTABLISHED IN THIS ARTICLE 7;

20 (c) ENSURE THAT ALL FAMILIES AND ELIGIBLE CHILDREN AND  
21 YOUTH IN COLORADO HAVE EQUAL ACCESS TO CONSISTENT INFORMATION,  
22 GUIDANCE, AND PRACTICES TO ENSURE THAT THE NEEDS OF EACH CHILD  
23 OR YOUTH RECEIVE CONSISTENT CONSIDERATION, REGARDLESS OF THE  
24 AGENCY THAT IS ADMINISTERING BENEFITS PURSUANT TO THIS ARTICLE 7;

25 (d) ENSURE THAT FAMILIES ARE ABLE TO MAINTAIN SAFE AND  
26 STABLE HOMES FOR THE ELIGIBLE CHILDREN AND YOUTH THEY ADOPT  
27 THROUGH BENEFITS TAILORED TO ACCOMMODATE AND SUPPORT THE

1 NEEDS OF THE ADOPTED ELIGIBLE CHILDREN AND YOUTH; AND

2 (e) ENSURE THAT ANY AGENCY PROVIDING BENEFITS PURSUANT TO  
3 THIS ARTICLE 7 HAS CLEAR GUIDANCE AND SUPPORT IN ITS EFFORTS TO  
4 HELP ELIGIBLE CHILDREN AND YOUTH FIND AND MAINTAIN SAFE,  
5 PERMANENT ADOPTIVE HOMES.

6 **26-7-102. Definitions.** AS USED IN THIS ARTICLE 7, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

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

10 (2) "ANTICIPATED NEEDS" MEANS THOSE NEEDS THAT ARE  
11 REASONABLY FORESEEABLE AND AS DEFINED IN THE ELIGIBILITY CRITERIA  
12 LISTED IN SUBSECTION (8) OF THIS SECTION THAT ARE KNOWN AT THE TIME  
13 OF FINALIZATION OF THE ADOPTION. CONSIDERATION OF THESE  
14 ANTICIPATED NEEDS AND SERVICES ARE PART OF THE GOOD-FAITH  
15 NEGOTIATION OF THE AMOUNT OF THE ADOPTION ASSISTANCE PAYMENT  
16 AND SERVICES AND MUST COMPLY WITH THE FUNDING REQUIREMENTS IN  
17 SECTION 26-7-103.

18 (3) "BENEFIT" MEANS ANY SUBSIDY OR SERVICE AVAILABLE TO  
19 ADOPTIVE FAMILIES PURSUANT TO THIS ARTICLE 7, INCLUDING MONTHLY  
20 SUBSIDY PAYMENTS. THESE PAYMENTS MUST NOT INCLUDE PAYMENTS FOR  
21 SERVICES THAT ARE REASONABLY ACCESSIBLE AND CAN BE FUNDED  
22 THROUGH OTHER PUBLIC OR PRIVATE SOURCES, INCLUDING BUT NOT  
23 LIMITED TO SOCIAL SECURITY AND MEDICAID, AS REQUIRED IN 20 U.S.C.  
24 SEC. 1440.

25 (4) "CHILD PLACEMENT AGENCY" MEANS ANY ENTITY THAT,  
26 PURSUANT TO THE REQUIREMENTS IN SECTION 26-6-102 (7), MAY PLACE,  
27 FACILITATE PLACEMENT, OR ARRANGE FOR THE PLACEMENT OF AN

1 ELIGIBLE CHILD OR YOUTH FOR THE PURPOSE OF ADOPTION, TREATMENT,  
2 OR FOSTER CARE. ONLY ELIGIBLE CHILDREN OR YOUTH WHO ARE PLACED  
3 BY A COUNTY DEPARTMENT OR THROUGH A CHILD PLACEMENT AGENCY  
4 THAT IS DESIGNATED AS A NONPROFIT ENTITY AND LICENSED BY THE  
5 STATE DEPARTMENT ARE ELIGIBLE TO RECEIVE BENEFITS PURSUANT TO  
6 THIS ARTICLE 7.

7 (5) "CIRCUMSTANCES OF THE FAMILY" MEANS THE CAPACITY OF  
8 THE FAMILY, INCLUDING BUT NOT LIMITED TO FINANCIAL CAPACITY, TO  
9 MEET THE ANTICIPATED NEEDS OF THE ELIGIBLE CHILD OR YOUTH.

10 (6) "COUNTY DEPARTMENT" MEANS A COUNTY DEPARTMENT OF  
11 HUMAN OR SOCIAL SERVICES.

12 (7) "DISSOLVED ADOPTION" MEANS AN ADOPTION IN WHICH THE  
13 LEGAL RELATIONSHIP BETWEEN THE ADOPTIVE PARENTS AND ADOPTIVE  
14 CHILD OR YOUTH IS SEVERED, EITHER VOLUNTARILY OR INVOLUNTARILY,  
15 AFTER THE ADOPTION IS LEGALLY FINALIZED. THIS MAY RESULT IN THE  
16 CHILD OR YOUTH'S RETURN TO, OR ENTRY INTO, FOSTER CARE.

17 (8) "ELIGIBLE CHILD OR YOUTH" MEANS A CHILD OR YOUTH WHO  
18 MEETS THE MEDICAL AND DISABILITY REQUIREMENTS FOR FEDERAL  
19 SUPPLEMENTAL SECURITY INCOME OR IS A CHILD OR YOUTH WITH ONE OR  
20 MORE SPECIFIC FACTORS OR CONDITIONS THAT WOULD MAKE IT  
21 REASONABLE TO CONCLUDE THAT A CHILD OR YOUTH CANNOT BE ADOPTED  
22 WITHOUT PROVIDING BENEFITS TO ASSIST IN THE ADOPTION. SUCH  
23 FACTORS MAY INCLUDE BUT ARE NOT LIMITED TO:

24 (a) A PHYSICAL DISABILITY, SUCH AS HEARING, VISION, OR  
25 PHYSICAL IMPAIRMENT; NEUROLOGICAL CONDITIONS; DISFIGURING  
26 DEFECTS; METABOLIC DISORDER; A CHILD OR YOUTH INFECTED WITH THE  
27 HUMAN IMMUNODEFICIENCY VIRUS; OR HEART DEFECTS THAT HAVE BEEN

1 DOCUMENTED BY A LICENSED MEDICAL PROFESSIONAL;

2 (b) A MENTAL, INTELLECTUAL, OR DEVELOPMENTAL DISABILITY  
3 THAT HAS BEEN DOCUMENTED BY A LICENSED MEDICAL PROFESSIONAL,  
4 SUCH AS A PERCEPTUAL, SPEECH, OR LANGUAGE DISABILITY OR ANY  
5 DISABILITY THAT RESULTS IN EDUCATIONAL DELAYS OR SIGNIFICANT  
6 LEARNING DIFFICULTIES;

7 (c) AN EMOTIONAL HANDICAP, SUCH AS POST-TRAUMATIC STRESS  
8 DISORDER, BIPOLAR DISORDER, OR OTHER MENTAL HEALTH DISORDER  
9 THAT HAS BEEN DOCUMENTED BY A LICENSED MENTAL HEALTH  
10 PROFESSIONAL;

11 (d) HEREDITARY FACTORS THAT HAVE BEEN DOCUMENTED BY A  
12 LICENSED MEDICAL PROVIDER OR MENTAL HEALTH PROFESSIONAL;

13 (e) AN EDUCATIONAL DISABILITY THAT QUALIFIES FOR SECTION  
14 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED, 29  
15 U.S.C. SEC. 701 ET SEQ., OR SPECIAL EDUCATION SERVICES;

16 (f) FACTORS THAT PLACE A CHILD OR YOUTH IN A "HIGH-RISK"  
17 CATEGORY, SUCH AS BEING DRUG- OR ALCOHOL-EXPOSED IN UTERO;

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

23 (h) ETHNIC BACKGROUND OR MEMBERSHIP IN A MINORITY GROUP  
24 WHOSE CHILDREN OR YOUTH MIGHT BE DIFFICULT TO PLACE.

25 (9) "PROGRAM" MEANS THE ADOPTION ASSISTANCE PROGRAM  
26 CREATED IN SECTION 26-7-103.

27 (10) "SERVICES" MEANS ANY BENEFITS OTHER THAN MONTHLY

1 SUBSIDY PAYMENTS THAT A FAMILY MAY RECEIVE AS PART OF AN  
2 AGREEMENT.

3 (11) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF  
4 HUMAN SERVICES.

5 (12) "SUBSIDY" REFERS EXCLUSIVELY TO MONTHLY CASH  
6 PAYMENTS THAT ARE PROVIDED TO ELIGIBLE FAMILIES AS PART OF AN  
7 AGREEMENT.

8 (13) "TITLE IV-E" REFERS TO FEDERAL FUNDS ADMINISTERED  
9 THROUGH THE SOCIAL SECURITY ACT TO SUPPORT STATES' PROGRAMS,  
10 INCLUDING BUT NOT LIMITED TO FOSTER CARE, ADOPTION ASSISTANCE,  
11 AND GUARDIANSHIP ASSISTANCE.

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

20 (2) IN ADDITION TO ANY MONEY APPROPRIATED TO THE STATE  
21 DEPARTMENT BY THE GENERAL ASSEMBLY FOR THE PROGRAM, THE STATE  
22 DEPARTMENT IS ALSO AUTHORIZED TO ACCEPT, ON BEHALF OF THE  
23 PROGRAM, ANY FEDERAL FUNDS MADE AVAILABLE FOR ANY PURPOSE  
24 CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE 7.

25 (3) THE STATE DEPARTMENT SHALL KEEP DATA AS NECESSARY TO  
26 EVALUATE THE PROGRAM'S EFFECTIVENESS IN PROVIDING STABILITY TO  
27 ELIGIBLE CHILDREN, YOUTH, AND FAMILIES INVOLVED IN ADOPTION

1 THROUGH THE CHILD WELFARE SYSTEM. ON OR BEFORE NOVEMBER 1,  
2 2020, AND EVERY NOVEMBER 1 THEREAFTER, THE STATE DEPARTMENT  
3 SHALL PREPARE AND MAKE AVAILABLE TO THE PUBLIC A REPORT THAT  
4 INCLUDES, BUT IS NOT LIMITED TO, INFORMATION CONCERNING:

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

7 (b) THE TYPES OF SERVICES AWARDED THROUGH THE PROGRAM ON  
8 A STATEWIDE BASIS;

9 (c) THE NUMBER OF DISSOLVED ADOPTIONS INVOLVING CHILDREN  
10 AND YOUTH WHO QUALIFIED FOR OR RECEIVED BENEFITS FROM THE  
11 PROGRAM;

12 (d) THE RESULTS OF ANY PROGRAM EVALUATION PERFORMED BY  
13 THE STATE DEPARTMENT.

14 **26-7-104. General information for prospective adoptive**  
15 **families.** (1) AT THE TIME THAT THE FAMILY IS MATCHED FOR ADOPTION  
16 OF A CHILD OR YOUTH WHO IS POTENTIALLY ELIGIBLE FOR BENEFITS  
17 PURSUANT TO THIS ARTICLE 7, THE STATE DEPARTMENT, A COUNTY  
18 DEPARTMENT, OR A NONPROFIT CHILD PLACEMENT AGENCY, AS  
19 APPROPRIATE, SHALL PROVIDE THE PROSPECTIVE ADOPTIVE FAMILY, IN  
20 WRITING, WITH INFORMATION CONCERNING THE FOLLOWING:

21 (a) THE AVAILABILITY OF BENEFITS, WITH AN EXPLANATION OF THE  
22 DIFFERENCES BETWEEN THESE BENEFITS AND FOSTER CARE MAINTENANCE  
23 PAYMENTS;

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

27 (c) THE AVAILABILITY OF MENTAL HEALTH SERVICES THROUGH



1 THE STATE MEDICAL ASSISTANCE PROGRAM PURSUANT TO ARTICLES 4, 5,  
2 AND 6 OF TITLE 25.5 OR OTHER PROGRAMS;

3 (d) THE FEDERAL ADOPTION TAX CREDIT FOR AN INDIVIDUAL WHO  
4 IS ADOPTING OR IS CONSIDERING ADOPTING A CHILD OR YOUTH IN FOSTER  
5 CARE OR THROUGH A NONPROFIT CHILD PLACEMENT AGENCY, IN  
6 ACCORDANCE WITH SECTION 403 OF THE FEDERAL "FOSTERING  
7 CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008",  
8 PUB.L.110-351;

9 (e) NOTICE OF THE GENERAL RIGHT TO BRING TO THE ADOPTION  
10 ASSISTANCE NEGOTIATION PROCESS:

11 (I) PARTIES WHO POSSESS RELEVANT INFORMATION ABOUT A  
12 CHILD'S OR YOUTH'S HISTORY AND NEEDS, INCLUDING THE CHILD'S  
13 GUARDIAN AD LITEM OR THE FAMILY'S ADVOCATE; AND

14 (II) LEGAL REPRESENTATION FOR A CHILD OR YOUTH OR  
15 PROSPECTIVE ADOPTIVE FAMILY;

16 (f) NOTICE OF THE RIGHT TO APPEAL AND BE REPRESENTED BY  
17 LEGAL COUNSEL, AT THE PROSPECTIVE ADOPTIVE PARENTS' EXPENSE, IN  
18 ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",  
19 ARTICLE 4 OF TITLE 24, AND PURSUANT TO SECTION 26-7-109; AND

20 (g) NOTICE OF THE GENERAL RIGHT TO REQUEST A NEGOTIATION  
21 MEETING.

22 (2) THE STATE DEPARTMENT SHALL ALSO MAKE THE INFORMATION  
23 DESCRIBED IN THIS SECTION AVAILABLE ON ITS WEBSITE.

24 **26-7-105. Eligibility for adoption benefits.** (1) ONLY AN  
25 ELIGIBLE CHILD OR YOUTH WHO HAS SPECIAL NEEDS THAT CREATE A  
26 BARRIER TO HIS OR HER ADOPTION IS ELIGIBLE FOR ADOPTION BENEFITS.

27 (2) THE FOLLOWING CONDITIONS MUST BE PRESENT AT THE TIME

1 THE ELIGIBLE CHILD OR YOUTH WAS PLACED FOR ADOPTION; EXCEPT THAT  
2 A CHILD OR YOUTH WHO MEETS THE MEDICAL AND DISABILITY  
3 REQUIREMENTS FOR FEDERAL SUPPLEMENTAL SECURITY INCOME DOES NOT  
4 NEED TO MEET THE ADDITIONAL CONDITIONS:

5 (a) THE ELIGIBLE CHILD OR YOUTH WAS IN THE CUSTODY OF A  
6 COUNTY DEPARTMENT, A PERSON TO WHOM THE CUSTODY OF THE CHILD  
7 HAS BEEN GIVEN BY PROPER ORDER OF A DEPENDENCY AND NEGLECT  
8 COURT, OR A NONPROFIT CHILD PLACEMENT AGENCY, AND IS LEGALLY  
9 AVAILABLE FOR ADOPTION, INCLUDING THE RESOLUTION OF ALL APPEALS;  
10 AND

11 (b) IT HAS BEEN DETERMINED THAT THE ELIGIBLE CHILD OR YOUTH  
12 CANNOT OR SHOULD NOT BE RETURNED HOME TO HIS OR HER BIOLOGICAL  
13 PARENTS; AND

14 (c) REASONABLE BUT UNSUCCESSFUL EFFORTS TO PLACE THE  
15 ELIGIBLE CHILD OR YOUTH FOR ADOPTION WITHOUT BENEFITS HAVE BEEN  
16 MADE, EXCEPT UNDER THE FOLLOWING CIRCUMSTANCES:

17 (I) IT IS DETERMINED THAT SUCH EFFORTS WOULD BE AGAINST THE  
18 BEST INTEREST OF THE ELIGIBLE CHILD OR YOUTH BECAUSE OF FACTORS  
19 THAT INCLUDE, BUT ARE NOT LIMITED TO, THE EXISTENCE OF A  
20 SIGNIFICANT BOND WITH THE PROSPECTIVE ADOPTIVE PARENTS OR A  
21 SEARCH FOR A NONSUBSIDIZED ADOPTIVE PLACEMENT WOULD DELAY A  
22 CHILD'S OR YOUTH'S RIGHT TO PERMANENCY IN A TIMELY MANNER; OR

23 (II) THE ELIGIBLE CHILD OR YOUTH IS BEING PLACED BY A BIRTH  
24 PARENT WITH DESIGNATED ADOPTIVE PARENTS THROUGH A NONPROFIT  
25 CHILD PLACEMENT AGENCY; AND

26 (d) THE COUNTY DEPARTMENT OR NONPROFIT CHILD PLACEMENT  
27 AGENCY HAS DETERMINED THAT THE ADOPTIVE FAMILY HAS THE

1 CAPABILITY OF PROVIDING FOR THE NONFINANCIAL NEEDS OF THE ELIGIBLE  
2 CHILD OR YOUTH.

3 **26-7-106. Available benefits.** (1) A COUNTY DEPARTMENT MAY  
4 AUTHORIZE OR ADMINISTER ONE OR MORE OF THE TYPES OF BENEFITS  
5 AVAILABLE PURSUANT TO THIS ARTICLE 7, AS DESCRIBED IN SUBSECTION  
6 (2) OF THIS SECTION.

7 (2) THE BENEFITS AVAILABLE PURSUANT TO THIS ARTICLE 7  
8 INCLUDE:

9 (a) MONTHLY SUBSIDY PAYMENTS;

10 (b) MEDICAL ASSISTANCE PURSUANT TO ARTICLES 4, 5 AND 6 OF  
11 TITLE 25.5;

12 (c) REIMBURSEMENT FOR NONRECURRING EXPENSES INCURRED BY  
13 OR ON BEHALF OF THE ADOPTIVE PARENT IN CONNECTION WITH THE  
14 ADOPTION, INCLUDED BUT NOT LIMITED TO:

15 (I) ANY FEES ORDINARILY ASSESSED BY THE STATE DEPARTMENT,  
16 A COUNTY DEPARTMENT, OR A CHILD PLACEMENT AGENCY FOR ADOPTION  
17 INVESTIGATIONS AND HOME STUDY REPORTS; AND

18 (II) ANY REASONABLE AND NECESSARY ADOPTION FEES, COURT  
19 COSTS, ATTORNEY FEES, AND OTHER EXPENSES THAT ARE DIRECTLY  
20 RELATED TO THE LEGAL ADOPTION OF THE CHILD AS DESCRIBED IN 42  
21 U.S.C. SEC. 673 (a)(1); AND

22 (d) PAYMENT OR REIMBURSEMENT FOR OTHER SERVICES OR  
23 BENEFITS AS DEFINED IN SECTION 26-7-102 (3).

24 **26-7-107. Determination of benefits - adoption assistance**  
25 **agreement - review - definitions.** (1) THE BENEFITS PROVIDED IN ANY  
26 CASE PURSUANT TO THIS ARTICLE 7 MUST BE DETERMINED THROUGH AN  
27 AGREEMENT BETWEEN THE ADOPTIVE PARENTS AND THE        COUNTY

1 DEPARTMENT ADMINISTERING THE PROGRAM. THE TERMS OF THE  
2 AGREEMENT MUST BE REACHED THROUGH A DISCUSSION AND GOOD-FAITH  
3 NEGOTIATION PROCESS THAT ADDRESSES THE NEEDS OF THE ELIGIBLE  
4 CHILD OR YOUTH. ONCE THE TERMS OF THE AGREEMENT ARE REACHED BY  
5 THE RESPECTIVE PARTIES, THE PARTIES SHALL SIGN THE AGREEMENT PRIOR  
6 TO ADOPTION FINALIZATION. IF AN AGREEMENT CANNOT BE REACHED  
7 WITH THE CONCURRENCE OF THE ADOPTIVE PARENTS, THE ADOPTIVE  
8 PARENTS' REQUEST FOR ADOPTION ASSISTANCE MAY BE REVIEWABLE  
9 THROUGH THE ADMINISTRATIVE LAW APPEALS PROCESS.

10 (2) THE USE OF A MEANS TEST IS PROHIBITED IN THE PROCESS OF  
11 SELECTING AN ADOPTIVE FAMILY. A MEANS TEST ALSO MUST NOT BE  
12 SUBSTITUTED FOR THE NEGOTIATION OF AN ADOPTIVE FAMILY'S BENEFITS.  
13 THE CIRCUMSTANCES OF THE FAMILY, AS DEFINED IN SECTION 26-7-102  
14 (5), SHOULD BE CONSIDERED IN NEGOTIATING A FAMILY'S BENEFITS.

15 (3) DETERMINATION OF THE TYPE AND AMOUNT OF BENEFITS TO BE  
16 PROVIDED MUST TAKE INTO CONSIDERATION THE CIRCUMSTANCES OF THE  
17 ADOPTIVE FAMILY AND THE CURRENT AND ANTICIPATED NEEDS OF THE  
18 ELIGIBLE CHILD OR YOUTH BEING ADOPTED. IN NO CASE MAY THE AMOUNT  
19 OF THE MONTHLY SUBSIDY PAYMENT EXCEED THE FOSTER CARE  
20 MAINTENANCE PAYMENT THAT WOULD HAVE BEEN PAID IF THE ELIGIBLE  
21 CHILD OR YOUTH HAD BEEN IN FOSTER CARE AT THE TIME OF THE ELIGIBLE  
22 CHILD OR YOUTH'S ADOPTION OR AT THE TIME OF RENEGOTIATION IN THE  
23 CASE OF ADOPTION ASSISTANCE ADJUSTMENT. THE AMOUNT OF PAYMENTS  
24 MAY BE ADJUSTED PERIODICALLY IF EITHER THE NEEDS OF THE ELIGIBLE  
25 CHILD OR YOUTH OR THE CIRCUMSTANCES OF THE FAMILY CHANGE, BUT  
26 ONLY WITH THE CONCURRENCE OF THE ADOPTIVE PARENTS.

27 (4) IN CASES WHERE A SUBSIDY IS NOT PROVIDED IN AN

1 AGREEMENT, THE \_\_\_ COUNTY DEPARTMENT SHALL DOCUMENT:

2 (a) THE CHILD'S OR YOUTH'S SPECIAL NEEDS IN THE SERVICES  
3 RECORD AND IN THE STATE DEPARTMENT'S AUTOMATED CHILD WELFARE  
4 SYSTEM; AND

5 (b) THE POTENTIAL NEED FOR FINANCIAL SUBSIDIES THAT EXIST  
6 AND MAY NEED TO BE ACTIVATED AT A FUTURE TIME.

7 (5) AN AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION  
8 MUST BE REVIEWED AT LEAST EVERY THREE YEARS. THE \_\_\_ COUNTY  
9 DEPARTMENTS SHALL PROVIDE WRITTEN NOTICE OF THE UPCOMING  
10 REVIEW TO THE ADOPTIVE FAMILY.

11 (6) ANY NEW AGREEMENT MUST INCLUDE THE CIRCUMSTANCES  
12 UNDER WHICH THE \_\_\_ COUNTY DEPARTMENT MAY SUSPEND SUBSIDY  
13 PAYMENTS.

14 (7) THE AGREEMENT MAY BE ADJUSTED AFTER GOOD-FAITH  
15 NEGOTIATION AND WITH THE CONCURRENCE OF THE ADOPTIVE FAMILY. AN  
16 ADJUSTMENT IS REVIEWABLE THROUGH THE ADMINISTRATIVE LAW  
17 PROCESS UPON THE REQUEST OF THE FAMILY. ANY PARTY MAY REQUEST  
18 A REVIEW OF THE AGREEMENT PRIOR TO THE THREE-YEAR MANDATORY  
19 REVIEW IF CHANGES OCCUR IN THE NEEDS OF THE ADOPTIVE CHILD OR  
20 YOUTH OR IN THE CIRCUMSTANCES OF THE FAMILY.

21 (8) BENEFITS PROVIDED THROUGH THE PROGRAM MUST BE  
22 CONTINUED IF THE ADOPTIVE PARENTS LEAVE THE STATE OF COLORADO  
23 WITH THE ADOPTED CHILD OR YOUTH.

24 **26-7-108. Suspension of subsidies.** (1) THE \_\_\_ COUNTY  
25 DEPARTMENT MAY SUSPEND THE PAYMENT OF SUBSIDIES AVAILABLE  
26 PURSUANT TO THIS ARTICLE 7 WHEN CONTACT WITH THE ADOPTIVE FAMILY  
27 CANNOT BE ESTABLISHED AND THE COUNTY DEPARTMENT CANNOT

1 ESTABLISH THAT THE ADOPTIVE PARENT IS PROVIDING ANY SUPPORT,  
2 WHICH INCLUDES FINANCIAL SUPPORT AS DETERMINED BY THE TITLE IV-E  
3 AGENCY.

4 (2) PRIOR TO SUSPENSION, THE \_\_\_ COUNTY DEPARTMENT SHALL  
5 PROVIDE NOTICE TO THE ADOPTIVE PARENTS OF INTENT TO SUSPEND  
6 SUBSIDY PAYMENTS AT LEAST TEN DAYS PRIOR TO SUSPENSION AND SHALL  
7 INCLUDE IN THE NOTICE:

8 (a) A STATEMENT OF THE \_\_\_ COUNTY DEPARTMENT'S INTENT TO  
9 SUSPEND SUBSIDY PAYMENTS, AS WELL AS THE REASONS AND LEGAL BASIS  
10 FOR THE INTENDED SUSPENSION;

11 (b) A DESCRIPTION OF THE ADOPTIVE PARENTS' RIGHT TO REQUEST  
12 A FAIR HEARING PURSUANT TO 45 CFR 205.10;

13 (c) A DESCRIPTION OF THE CIRCUMSTANCES UNDER WHICH  
14 ADOPTION ASSISTANCE MUST BE CONTINUED IF A HEARING IS REQUESTED;  
15 AND

16 (d) THE CIRCUMSTANCES UNDER WHICH A SUSPENSION MAY BE  
17 REVERSED WITHOUT A FAIR HEARING.

18 (3) WHEN THE SUBSIDY PAYMENT IS SUSPENDED, THE ELIGIBLE  
19 CHILD OR YOUTH REMAINS TITLE IV-E ELIGIBLE, THE TITLE IV-E  
20 AGREEMENT REMAINS IN EFFECT, AND THE ELIGIBLE CHILD OR YOUTH  
21 REMAINS ELIGIBLE FOR, AND IN RECEIPT OF, MEDICAL ASSISTANCE  
22 PURSUANT TO ARTICLES 4, 5 AND 6 OF TITLE 25.5, IF APPLICABLE.

23 **26-7-109. Termination of adoption assistance agreement.**

24 (1) THE \_\_\_ COUNTY DEPARTMENT SHALL TERMINATE THE PAYMENT OF  
25 SUBSIDIES AVAILABLE PURSUANT TO THIS ARTICLE 7 WHEN ANY OF THE  
26 FOLLOWING SITUATIONS OCCUR:

27 (a) THE CHILD OR YOUTH REACHES EIGHTEEN YEARS OF AGE;

1 EXCEPT THAT, IN CASES WHERE THE \_\_\_\_\_ COUNTY DEPARTMENT HAS  
2 DETERMINED THAT THE CHILD OR YOUTH HAS A MENTAL OR PHYSICAL  
3 HANDICAP THAT WARRANTS CONTINUED ASSISTANCE, THE PAYMENT OF  
4 SUBSIDIES SHALL CONTINUE UNTIL THE CHILD OR YOUTH REACHES  
5 TWENTY-ONE YEARS OF AGE;

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

8 (c) THE CHILD OR YOUTH IS NO LONGER RECEIVING SUPPORT FROM  
9 THE ADOPTIVE FAMILY, WHICH INCLUDES FINANCIAL SUPPORT AS  
10 DETERMINED BY THE TITLE IV-E AGENCY; OR

11 (d) THE \_\_\_\_\_ COUNTY DEPARTMENT CERTIFIES THE DEATH,  
12 MARRIAGE, OR ENROLLMENT IN MILITARY SERVICE OF THE CHILD OR  
13 YOUTH.

14 (2) ADOPTIVE PARENTS WHO RECEIVE SUBSIDIES SHALL KEEP THE  
15 \_\_\_\_\_ COUNTY DEPARTMENT THAT IS ADMINISTERING THE PROGRAM  
16 INFORMED OF CIRCUMSTANCES THAT WOULD MAKE THEM INELIGIBLE TO  
17 CONTINUE TO RECEIVE SUBSIDIES PURSUANT TO THIS ARTICLE 7.

18 **26-7-110. Appeals.** (1) IN ANY DECISION MADE PURSUANT TO  
19 THIS ARTICLE 7, THE ADOPTIVE PARENTS HAVE THE RIGHT TO APPEAL TO  
20 THE STATE DEPARTMENT, WITH A HEARING BEFORE A STATE DEPARTMENT  
21 ADMINISTRATIVE LAW JUDGE IN ACCORDANCE WITH THE "STATE  
22 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24.

23 (2) THE FOLLOWING SITUATIONS ARE SUBJECT TO APPEAL:

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

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

1 (c) TERMINATION OF THE AGREEMENT ENTERED INTO PURSUANT  
2 TO SECTION 26-7-107; OR

3 (d) THE FAILURE OF THE STATE DEPARTMENT, COUNTY  
4 DEPARTMENT, OR NONPROFIT CHILD PLACEMENT AGENCY TO NOTIFY THE  
5 ADOPTIVE FAMILY OF AN ELIGIBLE CHILD OR YOUTH ABOUT THE  
6 AVAILABILITY OF BENEFITS PURSUANT TO THIS ARTICLE 7.

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

9 **19-1-115. Legal custody - guardianship - placement out of the**  
10 **home - petition for review for need of placement.** (4) (d) (II) For an  
11 adoptive family who receives an approved Title IV-E adoption assistance  
12 subsidy pursuant to the federal "Social Security Act", 42 U.S.C. sec. 673  
13 et seq., or an approved payment in subsidization of adoption pursuant to  
14 ~~section 26-7-103, C.R.S.~~ ARTICLE 7 OF TITLE 26, the cost of care, as  
15 defined in section 19-1-103 (30), ~~shall~~ MUST not exceed the amount of the  
16 adoption assistance payment.

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

19 **19-2-114. Cost of care.** (1) (b) For an adoptive family who  
20 receives an approved Title IV-E adoption assistance subsidy pursuant to  
21 the federal "Social Security Act", 42 U.S.C. sec. 673 et seq., or an  
22 approved payment in subsidization of adoption pursuant to ~~section~~  
23 ~~26-7-103, C.R.S.~~ ARTICLE 7 OF TITLE 26, the cost of care, as defined in  
24 section 19-1-103 (30), ~~shall~~ MUST not exceed the amount of the adoption  
25 assistance payment.

26 **SECTION 4. Appropriation.** (1) For the 2019-20 state fiscal  
27 year, \$42,143 is appropriated to the department of human services for use



1 by the office of information technology services. This appropriation is  
2 from the general fund. To implement this act, the office may use this  
3 appropriation for Colorado trails.

4 (2) For the 2019-20 state fiscal year, the general assembly  
5 anticipates that the department of human services will receive \$18,061 in  
6 federal funds to implement this act. The appropriation in subsection (1)  
7 of this section is based on the assumption that the department will receive  
8 this amount of federal funds, which is included for informational  
9 purposes only.

10 (3) For the 2019-20 state fiscal year, \$60,204 is appropriated to  
11 the office of the governor for use by the office of information technology.  
12 This appropriation is from reappropriated funds received from the  
13 department of human services under subsection (1) of this section. To  
14 implement this act, the office may use this appropriation to provide  
15 information technology services for the department of human services.

16 **SECTION 5. Act subject to petition - effective date.** This act  
17 takes effect at 12:01 a.m. on the day following the expiration of the  
18 ninety-day period after final adjournment of the general assembly (August  
19 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
20 referendum petition is filed pursuant to section 1 (3) of article V of the  
21 state constitution against this act or an item, section, or part of this act  
22 within such period, then the act, item, section, or part will not take effect  
23 unless approved by the people at the general election to be held in  
24 November 2020 and, in such case, will take effect on the date of the  
25 official declaration of the vote thereon by the governor.