

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0495.01 Brita Darling x2241

SENATE BILL 20-195

SENATE SPONSORSHIP

Foote,

HOUSE SPONSORSHIP

Singer,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING ADOPTIVE PARENTS WHO ARE PARTIES TO**
102 **ADOPTION ASSISTANCE AGREEMENTS TO PAY FOR MEDICAL**
103 **SERVICES THAT WOULD OTHERWISE BE REIMBURSABLE UNDER**
104 **THE AGREEMENT.**

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 permits adoptive parents who are parties to an adoption assistance agreement (agreement) to pay for services or items from a provider that is not enrolled in the medical assistance program. These

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.

services or items would otherwise be reimbursable under the medical assistance program pursuant to the terms of the agreement. The adoptive parents must determine that the special needs of the child or youth require items or services from the provider and must enter into a documented agreement with the provider in which the adoptive parents agree to bear the cost of the item or service.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 26-7-107, **amend** (3)
3 and (5) as follows:

4 **26-7-107. Determination of benefits - adoption assistance**
5 **agreement - review - definitions.** (3) (a) Determination of the type and
6 amount of benefits to be provided must take into consideration the
7 circumstances of the adoptive family and the current and anticipated
8 needs of the eligible child or youth being adopted. In no case may the
9 amount of the monthly subsidy payment exceed the foster care
10 maintenance payment that would have been paid if the eligible child or
11 youth had been in foster care at the time of the eligible ~~child~~ CHILD'S or
12 youth's adoption or at the time of renegotiation in the case of adoption
13 assistance adjustment. The amount of payments may be adjusted
14 periodically if either the needs of the eligible child or youth or the
15 circumstances of the family change, but only with the concurrence of the
16 adoptive parents.

17 (b) (I) IN ADDRESSING THE SPECIAL NEEDS OF AN ELIGIBLE
18 ADOPTED CHILD OR YOUTH, ADOPTIVE PARENTS MAY KNOWINGLY TAKE ON
19 ADDITIONAL COSTS FOR ITEMS OR SERVICES FOR THE CHILD OR YOUTH
20 BEING ADOPTED, WHICH ITEMS OR SERVICES ARE OTHERWISE COVERED
21 COSTS UNDER THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED IN
22 ARTICLES 4, 5, AND 6 OF TITLE 25.5 AND IDENTIFIED AS BENEFITS IN

1 SECTION 26-7-106 (2)(b). THE LIMITATIONS ON RECIPIENT PAYMENTS
2 CONTAINED IN SECTIONS 24-31-808 AND 25.5-4-301 DO NOT APPLY TO
3 SUCH ADDITIONAL COSTS SO LONG AS THE ADOPTIVE PARENTS CONSENT TO
4 BEAR THE COSTS AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS SECTION.

5 (II) THE ADOPTIVE PARENTS MAY ENTER INTO A DOCUMENTED
6 AGREEMENT, AS DESCRIBED IN SECTION 25.5-4-301 (1)(a)(I), WITH A
7 PROVIDER UNDER WHICH THE ADOPTIVE PARENTS AGREE TO PAY FOR
8 ADDITIONAL COSTS ASSOCIATED WITH ITEMS OR SERVICES THAT ARE
9 REIMBURSABLE UNDER THE MEDICAL ASSISTANCE PROGRAM BUT WHICH,
10 IN THE JUDGMENT OF THE ADOPTIVE PARENTS, MAY BE REQUIRED FROM A
11 PROVIDER THAT IS NOT ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM.
12 UNDER THESE CIRCUMSTANCES, THE ADOPTIVE PARENTS ARE LIABLE FOR
13 THE COSTS OF SUCH ITEMS OR SERVICES.

14 (5) An agreement entered into pursuant to SUBSECTION (1) OF this
15 section must be reviewed at least every three years. The county
16 departments shall provide written notice of the upcoming review to the
17 adoptive family.

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.