



Legislative Council Staff

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Fiscal Note

Drafting Number: LLS 22-0599 **Date:** February 8, 2022
Prime Sponsors: Sen. Kirkmeyer **Bill Status:** Senate HHS
Rep. Young **Fiscal Analyst:** Jake Carias | 303-866-4776
Jake.Carias@state.co.us

Bill Topic: **TRANSPARENCY IN OUT-OF-HOME PLACEMENTS FOR DEVELOPMENTALLY DISABLED YOUTH AND CHILDREN**

Summary of Fiscal Impact: State Revenue TABOR Refund
 State Expenditure Local Government
 State Transfer Statutory Public Entity

The bill requires an interdisciplinary appeals review panel in the Department of Human Services to review certain cases involving children and youths with intellectual or developmental disabilities in out-of-home placements and adds new reporting requirements. The bill will minimally increase state revenue for the Judicial Department and expenditures across multiple agencies.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Under current law, the Colorado Department of Human Services (CDHS) contracts with providers to place children and youths with intellectual disabilities requiring out-of-home placement in a residential facility. The bill requires the CDHS to create new rules for children and youths placed in the program. For children and youths determined to be ineligible for the program or removed from the program before meeting discharge criteria, the bill requires access to an interdisciplinary appeals review panel in the CDHS with no association to the child or youth being appealed.

A parent, legal guardian, county department, program provider, or the CDHS may appeal the decision of the interdisciplinary appeals review panel to an independent hearing officer. Finally, the bill requires the CDHS to report additional information to the General Assembly concerning out-of-home placements for children and youth with intellectual or developmental disabilities by February 1 of each year starting in 2023.

State Expenditures

As outlined below, the bill minimally increases state expenditures and workload at multiple agencies, including CDHS, the Department of Law, and the administrative and trial courts.

Department of Human Services. By expanding the review and appeal process for these cases, the CDHS will have additional expenses and workload, primarily from the administration of the appeals review committee and attending administrative hearings. Both of these processes will increase the amount of legal services to the CDHS provided by the Department of Law. Given the small number of cases, any impact on legal services is expected to be less than 100 hours per year and will be accounted for through the annual budget process. Workload will also increase to report additional information to the General Assembly each year. No change in appropriations to the CDHS is required.

Administrative and trial courts. The bill increases the workload for the Office of Administrative Courts in the Department of Personnel and Administration to review any cases referred to an independent hearing officer. Following an administrative hearing, these cases could potentially be further appealed to the trial courts in the Judicial Department. Any administrative and trial courts impact is assumed to be minimal and will be addressed through the annual budget process, if necessary.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Child Welfare
Information Technology
Human Services
Office of the Child's Representative

Counties
Health Care Policy and Financing
Law