



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 23-0565	Date:	February 20, 2023
Prime Sponsors:	Rep. Joseph; Weinberg Sen. Exum	Bill Status:	House Judiciary
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Bill Topic: **UNIFORM UNREGULATED CHILD CUSTODY TRANSFER ACT**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill prohibits certain transfers of child custody without a legal proceeding, prohibits soliciting a prohibited child custody transfer, and requires child placement agencies to provide prospective parents with certain information about the adoptee. The bill minimally increases state workload in FY 2023-24 and may increase local government workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill enacts the "Uniform Unregulated Child Custody Transfer Act." A parent, guardian, or an individual with whom a child has been placed cannot transfer custody of the child without a formal legal proceeding, except when the child is being placed with family or friends. Additionally, soliciting or advertising a prohibited transfer of custody is not permitted. Violating the prohibition on unregulated transfer of custody is a class 2 misdemeanor, while violating prohibition soliciting such a transfer is a class 6 felony. County departments of human services may conduct home visits and take appropriate action if they receive a report that a person has violated these requirements.

For the adoption of children with special needs, child placement agencies are required to provide prospective parents with information on any health or behavioral issues, guidance for dealing with potential challenges that may arise, and information on accessing financial and supportive services post-adoption. The Department of Human Services (CDHS) may suspend or revoke an agency's license if they fail to comply.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. Using Judicial Department data, the following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data and assumptions. This bill creates the new offense of transferring child custody without a legal proceeding, a class 2 misdemeanor, and soliciting or advertising a prohibited transfer of child custody, a class 6 felony. To form an estimate on the prevalence of these new crimes, the fiscal note analyzed the existing offense of the unauthorized advertising for adoption purposes as a comparable crime. From FY 2019-20 to FY 2021-22, zero offenders have been sentenced and convicted for this existing offense; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note.

State Expenditures

Workload will minimally increase for the CDHS and the Judicial Department. The CDHS will need to develop rules for counties to file reports when an assessment involves children or youth adopted through the Intercountry Adoption Act and to complete assessments concerning the potential unregulated transfer of a child and sharing the results with the state. The Judicial Department will need to update their case management systems. These workload impact are minimal and can be accomplished with existing appropriations.

Local Government

Workload for county departments of human services may increase to the extent that they receive reports on individuals in violation of the bill, which would require conducting home visits and reporting assessments to federal and state departments, or to law enforcement.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Child Welfare
District Attorneys
Law

Corrections
Human Services
Personnel

Counties
Information Technology