



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Revised Fiscal Note

(replaces fiscal note dated February 20, 2023)

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<b>Drafting Number:</b>	LLS 23-0565	<b>Date:</b>	March 15, 2023
<b>Prime Sponsors:</b>	Rep. Joseph; Weinberg Sen. Exum; Gardner	<b>Bill Status:</b>	Senate Judiciary
		<b>Fiscal Analyst:</b>	Shukria Maktabi   303-866-4720 shukria.maktabi@coleg.gov

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**Bill Topic:** **UNIFORM UNREGULATED CHILD CUSTODY TRANSFER ACT**

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**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.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** This revised fiscal note reflects the reengrossed bill.

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## 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 permanently 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 the prohibition on soliciting such a transfer is a class 6 felony. County departments of human services may conduct an assessment and take appropriate action if they receive a report that a person has violated these requirements. If the county conducts an assessment for a child adopted through an Intercountry Adoption, the county will forward the assessment to the Department of Human Services (CDHS) to prepare a plan for the permanent placement of the child and report to federal departments.

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. 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 and report plans for the permanent placement of children when a county assessment involves children or youth adopted through the Intercounty Adoption Act. 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 and reporting assessments to 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