



February 23, 2021

Colorado Senate Judiciary Committee
200 E Colfax, Rm 346
Denver, CO 80203

Dear Mr. Chair and Committee Members,

Please accept this letter in support of Senate Bill 21-061, "Claims for Economic Damages by Minors." PEAK Parent Center fully supports this bill concerning claims for pre-majority economic loss incurred by a minor.

As Colorado's federally designated Parent Training and Information (PTI) Center for families of children with disabilities since 1986, PEAK understands the difficulty of navigating the medical and educational systems families face when their child has a disability. This becomes even more when a child's needs are complex and require around the clock care. We have helped thousands of families navigate the tireless journey of advocating for their children with disabilities to ensure they receive the supports and services that they need and depend on. While all parents want to see their children thrive, so often families of children with disabilities face an uphill battle just getting their child's basic needs met.

Many families of children with complex needs face financial stress and burdens in the form of exorbitant costs of medical goods and services, especially when a parent must give up a career to become their child's full-time caregiver. Existing Medicaid waivers and programs are constantly vulnerable to budget cuts and often do not provide the full spectrum of care needed.

The current statute of limitations to file civil claims against healthcare institutions works directly against the well-being of children subject to birth injury. At age two, families and medical professionals are just beginning to understand how a child's development will be impacted by a birth injury and don't have a complete picture of exactly what kind of care will be needed to meet the needs of the child as they continue to grow and develop.

For all parents, the early days of parenthood require much adaptation. However, adapting and conforming to meet the needs of an intense care routine for a child with complex disabilities is much more stressful and complicated. Many families spend months in the neonatal intensive care unit before they even return home with their newborn child. During this time, when the realities of caring for a fragile child begin to set in, there are therapists coming and going, machines beeping, alarms sounding, and tubes strung across rooms and floors. Amid all of this, the existing law asks families to undertake legal claims against healthcare industry professionals with means and resources far surpassing their own. And, this is all happening while these families are exhausted just hoping to keep their precious children alive and stable.

The abolishment of the current law will work in the favor of birth-injured individuals and their families. It will ensure that the medical care of children injured by the negligence of a health professional will be provided over an individual's lifetime as their needs evolve and are fully realized, rather than being determined in the short timeframe of birth to 2 years.

PEAK believes that every individual has value and adds an irreplicable gift to our world. Every person is worthy and deserving of a quality life. For some, this means thriving and living happily with the help of ample supports and services. Insurance companies look at financial responsibilities that cannot determine a person's quality of

life. People with disabilities can experience a good life, when they receive proper supports. This bill will work to ensure those supports, accommodations, and services are available to people who need them.

Thank you for working on behalf of all individuals with disabilities in Colorado and for instilling values of equity for all people in our great state!

Sincerely,

A handwritten signature in blue ink that reads "Michele Williers". The signature is written in a cursive, flowing style.

Michele Williers
Executive Director

March 23, 2021

Sen. Peter Lee, Chair
COLORADO STATE SENATE
Senate Judiciary Committee
200 E Colfax Ave
Denver, CO 80203

Re: Opposition to Senate Bill 21-061 – Claims for Economic Damages Incurred by Minors

Dear Chairperson Lee and Members of the Committee:

We write in opposition to Senate Bill 21-061, because the bill is bad for children, access to healthcare, and healthcare providers in Colorado. The Doctors Company is the largest physician-owned medical practice insurance company in the nation and insures more than 1,200 healthcare providers in the state.

Senate Bill 21-061 would eliminate the common law and common sense rule that keeps children safe and healthy. If a child is injured due to the tortious act of another, the rule requires parents to file a lawsuit on behalf of their child for the financial damages arising from the injury to care for their child and make their child well again.

No reasonable parent should allow their child's injury or their child's legal case to worsen or become more difficult to prove by waiting until their child is an adult. Injuries left untreated and evidence left unsubmitted to a court degrade. Neither is in the best interest of the child or community.

As a matter of public health policy, the elimination of this rule would be bad medicine by driving up the cost of care and diminishing access to care. For example, in obstetrics, child injuries allegedly incurred during the delivery would begin on the date of birth and a claim against the obstetrician could be unknown for 18-years. Unknown potential claims would drive up the cost of insurance that would be reflected in increased healthcare costs. If providers shy away from obstetrics or pediatrics due to the risk of previously unknown claims springing up after almost two decades, access to care would decrease.

Thank you for your consideration, and we urge a no vote on SB 21-061.

Very truly yours,

Dennis Chiu, Esq.
Government Relations Specialist &
Amicus Coordinator



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March 25, 2021

Dear Members of the Senate Judiciary Committee:

My name is Megan Brand and I am the Executive Director of The Colorado Fund for People with Disabilities. I have been with CFPD for 18 years and have been the Executive Director for the past 11 years. CFPD is a non-profit organization founded over 25 years ago and we serve over 1200 individuals with disabilities across the state. Our largest programs are to serve as trustee for people with disabilities and we administer more individual and pooled trust sub-accounts for people with disabilities than any other organization or entity in the state.

In our time administering trusts or advising other trustees on administration, we have served minor trust beneficiaries who are in the situation being contemplated by this bill. It has been our experience that these children who are catastrophically injured at birth or in childhood have care needs that extend far beyond the typical parental duty of support. Most of these children are on Medicaid benefits and even with this funding source, we still need to use their trusts to pay for

- supplemental caregiving and respite services,
- accessible vehicles,
- additional medical equipment, therapies, and services that are not included in their health benefits, and
- modifications to make their homes accessible.

All of these expenses are coming out of the trust that was funded with a settlement that ONLY contemplated their needs after adulthood.

CFPD, our staff and board of directors, support Senate Bill 21-061. We believe that the passage of this bill will result in:

- Families who are more financially stable and less reliant on government benefits.
- Family Caregivers who are more supported which results to less risk to the child and the family as a whole.
- Most importantly--Additional resources available for the child's future will enhance their independence and quality of life.

Thank you for your time and attention. If you have any questions, I can be reached at mbrand@cfpdtrust.org or 303-476-6315.

Sincerely,

Megan Brand
Executive Director