

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0788.01 Anna Petrini x5497

SENATE BILL 24-202

SENATE SPONSORSHIP

Fields,

HOUSE SPONSORSHIP

Joseph,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING A PARENT'S FINANCIAL OBLIGATION TO COVER COSTS OF
102 A CHILD IN OUT-OF-HOME PLACEMENT.

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>.)

Current Colorado law requires that a decree providing for placement of a child with a public agency be accompanied by a court order that obligates the child's parent to pay a fee, based on the parent's ability to pay. The fee covers the costs of a guardian ad litem and of providing for residential care of the child. The bill removes the requirement for a court order obligating a child's parent to pay the fee for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

residential child care and guardian ad litem costs. Instead, the bill authorizes a delegate child support enforcement unit to impose a fee only when a county child welfare unit determines a referral is appropriate in accordance with rules promulgated by the state board of human services (state board). The bill removes the requirements that this fee be based on a parent's ability to pay and that the fee cover the cost of a guardian ad litem.

Current Colorado law assigns child support by operation of law to the state department of human services to reimburse county, state, and federal out-of-home placement costs when a child is placed in foster care. The bill limits assignments to current, rather than previously accrued, child support obligations. The bill grants a delegate child support enforcement unit discretion to enforce a child support obligation when a county child welfare unit determines a referral is appropriate in accordance with rules promulgated by the state board.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-115, **amend**
3 (4)(d)(I) as follows:

4 **19-1-115. Legal custody - guardianship - placement out of the**
5 **home - petition for review for need of placement - rules.** (4) (d) (I) ~~A~~
6 WHEN A decree IS ENTERED vesting legal custody of a child OR YOUTH or
7 providing for placement of a child OR YOUTH with an agency in which
8 public money is expended ~~must be accompanied by an order of the court~~
9 ~~that obligates the parent of the child to pay~~ AND A COUNTY DEPARTMENT
10 THAT DELIVERS CHILD WELFARE SERVICES DETERMINES THAT A REFERRAL
11 IS APPROPRIATE IN ACCORDANCE WITH RULES PROMULGATED BY THE
12 STATE BOARD OF HUMAN SERVICES, A DELEGATE CHILD SUPPORT
13 ENFORCEMENT UNIT MAY CHARGE THE PARENT OF THE CHILD OR YOUTH
14 a fee ~~based on the parent's ability to pay~~ to cover the costs ~~of the guardian~~
15 ~~ad litem and~~ of providing for residential care of the child OR YOUTH.
16 When custody of the child OR YOUTH is given to the county department,
17 ~~of human or social services,~~ the fee for residential care must be in

1 accordance with the fee requirements ~~as~~ provided by rule of the state
2 ~~department~~ BOARD of human services, and the fee applies, to the extent
3 unpaid, to the entire period of placement. When a child OR YOUTH is
4 committed to the state department of human services, the fee for care and
5 treatment must be in accordance with the fee requirements ~~as~~ provided by
6 rule of the state ~~department~~ BOARD of human services, and the fee
7 applies, to the extent unpaid, to the entire period of placement.

8 **SECTION 2.** In Colorado Revised Statutes, **amend** 26-13-113 as
9 follows:

10 **26-13-113. Placement in foster care automatic assignment of**
11 **rights to child support.** When a child OR YOUTH is placed in foster care
12 pursuant to article 5 of this ~~title~~ TITLE 26 or Title IV-E of the federal
13 "Social Security Act", as amended, all rights to current ~~and accrued~~ child
14 support for the benefit of the child OR YOUTH are assigned by operation
15 of law to the state department. IF A COUNTY DEPARTMENT THAT DELIVERS
16 CHILD WELFARE SERVICES DETERMINES THAT A REFERRAL IS APPROPRIATE
17 IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD, A
18 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY ENFORCE A CHILD
19 SUPPORT OBLIGATION WHEN RIGHTS ARE ASSIGNED PURSUANT TO THIS
20 SECTION. When placement has terminated, the assignment of rights to
21 ~~accrued~~ child support ~~shall remain~~ THAT ACCRUED DURING THE CHILD'S
22 OR YOUTH'S FOSTER CARE PLACEMENT REMAINS in effect until foster care
23 cost of care or maintenance costs have been reimbursed in full. Amounts
24 collected pursuant to this section ~~shall~~ MUST be distributed to the federal
25 government, the state, and the county proportionately according to each
26 entity's contribution.

27 **SECTION 3.** In Colorado Revised Statutes, 26-5-102, **amend**

1 (1)(a) as follows:

2 **26-5-102. Provision of child welfare services - system reform**
3 **goals - out-of-home placements for children and youth with**
4 **intellectual and developmental disabilities - reporting - rules -**
5 **definition.** (1) (a) The state ~~department~~ BOARD shall adopt rules to
6 establish a program of child welfare services, administered by the state
7 department or supervised by the state department and administered by the
8 county departments, and, where applicable, in accordance with the
9 conditions accompanying available federal funds for such purpose. The
10 rules ~~shall~~ MUST establish a fee based upon the child support guidelines
11 set forth in section 14-10-115 ~~C.R.S.~~, requiring those persons legally
12 responsible for the child OR YOUTH to pay for all, or a portion, of the
13 services provided ~~under this article. Notwithstanding the rules~~
14 ~~establishing a fee for services provided under this article, when it serves~~
15 ~~the best interest of a child, a county department may exempt a family~~
16 ~~from responsibility for payment of fees for core services, as defined in~~
17 ~~rules promulgated by the state department~~ PURSUANT TO THIS ARTICLE 5
18 WHEN A COUNTY DEPARTMENT THAT DELIVERS CHILD WELFARE SERVICES
19 DETERMINES THAT A REFERRAL IS APPROPRIATE IN ACCORDANCE WITH
20 RULES PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES. The
21 state ~~department~~ BOARD is authorized to promulgate rules to implement
22 the provisions of this ~~article~~ ARTICLE 5 relating to the allocation of funds
23 to counties for the delivery of child welfare services.

24 **SECTION 4. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.