

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 11, 2020

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB20-162 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, line 5, strike "foster care" and substitute
2 "foster care".
- 3 Page 3, line 22, strike "PLAN AND APPLIES" and substitute "PLAN".
- 4 Page 3, strike lines 23 through 27 and substitute ""QUALIFIED".
- 5 Page 4, line 6, strike "NEEDS." and substitute "NEEDS ACCORDING TO THE
6 FEDERAL TITLE IV-E STATE PLAN. THE STATE DEPARTMENT MAY SEEK A
7 WAIVER FOR THESE REQUIREMENTS IN ACCORDANCE WITH 42 U.S.C.
8 SECTION 675a."
- 9 Page 4, line 8, before "as" insert "and (4)(h)".
- 10 Page 4, line 15, strike "INITIAL" and substitute "NEW".
- 11 Page 4, line 17, strike "PLACEMENT IF" and substitute "RECOMMENDATION
12 THAT".
- 13 Page 4, line 20, after "COURT" insert "OR THE ADMINISTRATIVE REVIEW
14 DIVISION OF THE STATE DEPARTMENT WHEN A JUVENILE HAS BEEN
15 COMMITTED TO THE DIVISION OF YOUTH SERVICES".
- 16 Page 6, strike lines 9 and 10 and substitute "LATTER. THE COURT SHALL

1 REVIEW THE EVIDENCE".

2 Page 6, line 15, after the period add "If THE PARTIES CONSENT TO A
3 REVIEW BY THE ADMINISTRATIVE REVIEW DIVISION, ALL COUNSEL OF
4 RECORD MUST BE NOTIFIED AND MAY APPEAR AT THE REVIEW. THE
5 ADMINISTRATIVE REVIEW DIVISION SHALL REVIEW THE EVIDENCE
6 SUBMITTED PURSUANT TO SUBSECTION (4)(f) OF THIS SECTION AT LEAST
7 EVERY NINETY DAYS DURING THE DURATION OF THE PLACEMENT OF THE
8 CHILD, JUVENILE, OR YOUTH IN THE QUALIFIED RESIDENTIAL TREATMENT
9 PROGRAM.

10 (h) IN MAKING A DECISION AS TO PROPER PLACEMENT IN A
11 QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THE COURT SHALL
12 CONSIDER THE ASSESSMENT PROVIDED BY THE QUALIFIED INDIVIDUAL, AS
13 DESCRIBED IN SUBSECTION (4)(e) OF THIS SECTION, AND SHALL GIVE
14 GREAT WEIGHT TO THE RECOMMENDATION IN THE ASSESSMENT WHEN
15 MAKING A QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT
16 DECISION. AN ASSESSMENT PREPARED BY THE QUALIFIED INDIVIDUAL
17 MUST IDENTIFY WHETHER A QUALIFIED RESIDENTIAL TREATMENT
18 PROGRAM IS THE MOST EFFECTIVE, APPROPRIATE, AND LEAST RESTRICTIVE
19 PLACEMENT FOR THE CHILD OR YOUTH. THE ASSESSMENT MUST ALSO
20 IDENTIFY CHILD- OR YOUTH-SPECIFIC SHORT- AND LONG-TERM GOALS FOR
21 THE CHILD OR YOUTH AND THE FAMILY. IF THE COURT DEVIATES FROM THE
22 QUALIFIED INDIVIDUAL'S ASSESSMENT AND RECOMMENDATION, THE COURT
23 SHALL MAKE SPECIFIC FINDINGS OF FACT REGARDING THE MOST EFFECTIVE,
24 APPROPRIATE, AND LEAST RESTRICTIVE PLACEMENT FOR THE CHILD OR
25 YOUTH AND WHETHER THE PLACEMENT IS CONSISTENT WITH CHILD- OR
26 YOUTH-SPECIFIC SHORT- AND LONG-TERM GOALS FOR THE CHILD OR
27 YOUTH AND THE FAMILY. WHEN MAKING SUCH FINDINGS OF FACT, THE
28 COURT SHALL CONSIDER ALL RELEVANT INFORMATION, INCLUDING:

29 (I) WHETHER THE PROTOCOL FOR THE QUALIFIED RESIDENTIAL
30 TREATMENT PROGRAM ASSESSMENT WAS FOLLOWED;

31 (II) THE STRENGTHS AND SPECIFIC TREATMENT OR SERVICE NEEDS
32 OF THE CHILD OR YOUTH AND THE FAMILY;

33 (III) THE EXPECTED LENGTH OF STAY; AND

34 (IV) THE PLACEMENT PREFERENCE OF THE CHILD OR YOUTH AND
35 THE FAMILY."

36 Page 6, strike line 21 and substitute "CHILD WELFARE AND PREVENTION
37 SERVICES, INCLUDING BUT NOT LIMITED TO FOSTER CARE PREVENTION".

38 Page 6, strike lines 24 through 27.

- 1 Page 7, line 1, strike "(3)" and substitute "(2)".
- 2 Page 7, line 3 strike "(4) (a)" and substitute "(3)".
- 3 Page 7, line 6, strike "ALL" and substitute "ANY".
- 4 Page 7, strike lines 11 through 14.
- 5 Page 10, strike lines 5 through 27.
- 6 Strike page 11.
- 7 Renumber succeeding sections accordingly.
- 8 Page 12, line 1, strike "**amend**".
- 9 Page 12, strike line 2 and substitute "**add** (1)(c), (1)(d), and (1)(e) as
10 follows:".
- 11 Page 12, strike lines 9 through 27 and substitute:
12 "(d) IN MAKING ITS RECOMMENDATIONS PURSUANT TO SUBSECTION
13 (1)(c) OF THIS SECTION, THE DELIVERY OF CHILD WELFARE SERVICES TASK
14 FORCE SHALL CONSIDER:
15 (I) THE IMPACT OF THE INSTITUTE FOR MENTAL DISEASE
16 DESIGNATION ON QUALIFIED RESIDENTIAL TREATMENT PROGRAMS FOR
17 RESIDENTIAL CHILD CARE FACILITIES; AND
18 (II) THE CAPACITY OF EXISTING CHILD WELFARE SERVICES,
19 INCLUDING PLACEMENT AVAILABILITY, MENTAL AND BEHAVIORAL HEALTH
20 SERVICES, PREVENTION SERVICES THROUGH THE FEDERAL "FAMILY FIRST
21 PREVENTION SERVICES ACT", AND OTHER PREVENTION SERVICES.
22 (e) THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE
23 JOINT BUDGET COMMITTEE ON OR BEFORE SEPTEMBER 1, 2020. THE
24 REPORT MUST INCLUDE THE RECOMMENDATIONS REQUIRED PURSUANT TO
25 SUBSECTION (1)(c) OF THIS SECTION.".
- 26 Strike pages 13 and 14.
- 27 Page 15, strike lines 1 through 14.
- 28 Page 15, line 20, strike "FOSTER CARE" and before "AS" insert "INCLUDING
29 BUT NOT LIMITED TO FOSTER CARE PREVENTION SERVICES,".

- 1 Page 15, strike lines 22 through 25.
- 2 Page 15, line 26, strike "(3)" and substitute "(2)".
- 3 Page 16, line 3, strike "(4) (a)" and substitute "(3)".
- 4 Page 16, strike lines 7 through 10.
- 5 Page 16, strike lines 21 through 27.
- 6 Page 17, strike lines 1 through 6 and substitute:

7 "(30.3) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL
8 OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST
9 PREVENTION SERVICES ACT". "QUALIFIED INDIVIDUAL" MUST BE
10 APPROVED TO SERVE AS A QUALIFIED INDIVIDUAL ACCORDING TO THE
11 STATE PLAN. "QUALIFIED INDIVIDUAL" MUST NOT BE AN INTERESTED
12 PARTY OR PARTICIPANT IN THE JUVENILE COURT PROCEEDING AND MUST
13 BE FREE OF ANY PERSONAL OR BUSINESS RELATIONSHIP THAT WOULD
14 CAUSE A CONFLICT OF INTEREST IN EVALUATING THE CHILD, JUVENILE, OR
15 YOUTH AND MAKING RECOMMENDATIONS CONCERNING THE CHILD'S,
16 JUVENILE'S, OR YOUTH'S PLACEMENT AND THERAPEUTIC NEEDS,
17 ACCORDING TO THE FEDERAL TITLE IV-E STATE PLAN. THE STATE
18 DEPARTMENT MAY SEEK A WAIVER FOR THESE REQUIREMENTS IN
19 ACCORDANCE WITH 42 U.S.C. SECTION 675a."

- 20 Page 17, line 20, after the semicolon add "OR".
- 21 Page 17, line 22, after "ORDER" insert "OR VOLUNTARY PLACEMENT".
- 22 Page 18, line 2, strike "RESIDENTIAL CHILD CARE" and substitute
23 "SPECIALIZED GROUP".

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