



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated March 29, 2021)

Drafting Number:	LLS 21-0214	Date:	May 19, 2021
Prime Sponsors:	Rep. Ransom Sen. Buckner	Bill Status:	House Appropriations
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Bill Topic: PRESERVING FAMILY RELATIONSHIPS IN CHILD PLACEMENT

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

The bill modifies state law concerning parent-child visitation in the child welfare system and allows adoptive parents and birth parents to enter into post-adoption contracts. The bill may increase state revenue and will increase state expenditures on an ongoing basis.

Appropriation Summary: For FY 2021-22, the bill requires an appropriation of \$21,352 to the Department of Human Services.

Fiscal Note Status: This revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee.

**Table 1
State Fiscal Impacts Under HB 21-1101**

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	General Fund	\$13,879	-
	Federal Funds	\$7,473	-
	Total Expenditures	\$21,352	-
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill requires courts to allow parents visitation during a dependency and neglect case and establishes open adoption agreements, as described below.

Visitation rights. The bill requires the court to enter temporary orders for reasonable visitation with a child's parents within 72 hours after a temporary custody meeting. The court may grant an extension of time for contact to commence if the delay is agreed by all parties and the court finds that a delay is in the child's best interest. Before visitations can be reduced or suspended, or the level of supervision increased, the parent has a right to a hearing in front of the court, unless there is an emergency order or there is an agreement between parties to the change. The bill does not restrict the court from granting discretionary authority to a county department or a guardian ad litem (GAL) from increasing parent-child or sibling contacts without further court order.

Open adoption agreements. The bill allows adoptive parents to enter into a post-adoption contract agreement with a child's birth parent, relative, or tribe. A contract may include provisions for contact, visitation, or the exchange of information, and is enforceable by the court. If a child is 12 years old or older, a court cannot order a post-adoption contact unless the child consents to the agreement. If a GAL has already been appointed for the child in a dependency and neglect case, the court shall also appoint a GAL for the child during consideration of a post-adoption contact agreement. The court may enforce a post-adoption agreement. Before a filing a motion asking the court to enforce an agreement, the petitioning party must show the party attempted in good faith to resolve the disputed matter through mediation or other method.

Task Force on High-Quality Parenting Time. The bill creates the Task Force on High-Quality Parenting Time. The task force must not exceed 25 members. It is led by a steering committee composed of representatives from the Office of Respondent Parents' Counsel; the Division of Child Welfare in the DHS; the Office of the Child's Representative; the Child Protection Ombudsman's Office; and a statewide association of human and social services directors. Members serve without compensation or reimbursement and must meet at least monthly through September 2022. The steering committee must select a facilitator to be funded through gifts, grants, donations, or federally allocated funds that may be used for the purposes. The task force must study a number of issues and make other recommendations as outlined in the bill. By October 1, 2022, the task force must submit a written report to a number of stakeholders, including the Governor and the General Assembly, on the task force's findings. The task force is repealed on July 1, 2023.

Assumptions

The fiscal note makes the following assumptions:

- that 20 percent (or 462 cases) of temporary custody hearings will require an additional 30 minutes, on average, to litigate matters relating to reduction or restrictions of parental visitations in dependency and neglect cases; and
- that 35 percent of adoption cases (827 cases) will enter into a post-adoption agreement and that 25 percent of those agreements (207 cases) will require a hearing averaging 2 hours on the enforcement of the agreement.

State Revenue

To the extent that the court charges parties for the appointment of a GAL or a private attorney for a child, revenue to the Judicial Department will increase. Because it is up to the discretion of the court when to appoint an attorney and when to charge a fee, this increase in revenue cannot be estimated. Revenue to the Judicial Department is subject to the state’s TABOR revenue limit.

In addition, revenue may increase to the extent the Task Force on High-Quality Parenting Time receives gifts, grants, and donations. The fiscal note has not identified any source for gifts, grants, or donations. Gifts, grants, and donations are not subject to the state’s TABOR limit.

State Expenditures

The bill will increase state expenditures by \$21,352 in FY 2021-22, as shown in Table 2 and discussed below.

Table 2
Expenditures Under HB 1101

Cost Components	FY 2021-22	FY 2022-23
Department of Human Services		
TRAILS Modification	\$21,352	-
Total	\$21,352	-
<i>General Funds</i>	<i>\$13,879</i>	-
<i>Federal Funds</i>	<i>\$7,473</i>	-

Department of Human Services. In FY 2021-22 only, the bill will increase expenditures in the Department of Human Services by \$21,352, which reflects 136 hours of work at \$157 per hour, to update the child welfare information system (TRAILS) to document open adoption agreements. Costs are paid 65 percent from the General Fund (\$13,879) and 35 percent from federal funds (\$7,473).

Judicial Department. Based on amount of additional hearing time outlined in the Assumptions section, this bill requires 0.3 FTE judicial officer. The fiscal note assumes that the increase in workload can be absorbed within existing resources. If the bill results in more cases or longer hearings than assumed, additional resources will be requested through the annual budget process.

Office of the Child’s Representative. Expenditures in the Office of the Child’s Representative will increase if courts appoint more GALs during adoption agreement preceding. In addition, to the extent the bill decreases the amount of time spent on child welfare cases, expenditures will decrease. Because it is unknown if a court will make additional GAL appointments, the fiscal note assumes any increase in expenditures will be handled through the annual budget process.

Office of the Respondent Parents' Counsel. Expenditures in the Office of the Respondent Parents' Counsel will increase to hire a facilitator for the task force. The fiscal note assumes a facilitator will cost \$30,000 per year and that the cost will be covered by existing federal funds within the office. If the task force receives gifts, grants, and donations, the amount of federal funds needed for the facilitator will decrease. In addition, to the extent adoption agreements result in dependency and neglect cases being resolved faster, expenditures in the Office of the Respondent Parents' Counsel will decrease. The fiscal note assumes that any reduction in appropriations due to a decrease of case time will be addressed through the annual budget process.

Agencies involved with the task force. The Office of Respondent Parents' Counsel, the Division of Child Welfare in the DHS, the Office of the Child's Representative, and the Child Protection Ombudsman's Office will have an increase in workload to participate on the task force. No change in appropriation is required for this work.

TABOR refunds. The bill may increase state revenue subject to TABOR. For FY 2022-23, the March 2021 LCS forecast projects revenue to fall short of the TABOR limit by \$28.6 million, or 0.2 percent of the limit. If actual revenue exceeds the limit, the bill will increase the amount required to be refunded to taxpayers from the General Fund in FY 2023-24.

Effective Date

The bill takes effect September 1, 2021.

State Appropriations

For FY 2021-22, the bill requires an appropriation of \$21,352 to the Department of Human Services, including \$13,879 from the General Fund and \$7,473 from federal funds.

State and Local Government Contacts

Child Welfare
Human Services

Counties
Information Technology