



Legislative
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Nonpartisan Services for Colorado's Legislature

HB 18-1104

**FINAL
FISCAL NOTE**

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| Drafting Number: | LLS 18-0480 | Date: | June 20, 2018 |
| Prime Sponsors: | Rep. Danielson Sen. Moreno; Lambert | Bill Status: | Signed into Law |
| | | Fiscal Analyst: | Aaron Carpenter 303-866-4918 Aaron.Carpenter@state.co.us |

Bill Topic: FAMILY PRESERVATION FOR PARENTS WITH DISABILITY

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

This bill establishes procedural safeguards for parents with disabilities in the context of child welfare, foster care, family law, guardianship, and adoption. The bill potentially increases state and local government workload and costs. These impacts continue in future years.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Summary of Legislation

This bill establishes procedural safeguards for parents with disabilities in the context of child welfare, foster care, family law, guardianship, and adoption. Under the bill, a parent's disability cannot be a basis for denying or restricting temporary custody, foster care, guardianship, participation in adoption, or to restrict a parent's responsibility in domestic relations or dependency or neglect proceedings, unless a detrimental impact on the child can be shown. The bill shifts the burden of proof to the party that alleges that a parent's disability will have a detrimental effect on a child. If the burden of proof standard is met, the parent must be given the chance to alleviate concerns through the implementation of supportive parenting services. Any treatment plan must provide reasonable accommodations, as defined by the Americans with Disability Act of 1990, for the disability to allow for the greatest opportunity for successful completion. If a court determines that the right of a parent with disabilities to parenting time, parental responsibilities, foster care, guardianship, or adoption should be denied or limited, it must make specific written findings of fact that reasonable accommodations will not reduce the negative impacts on the child.

State Expenditures

Beginning in the current FY 2017-18, this bill potentially increases costs and workload for the Judicial Department, the Office of the Child's Representative, and the Office of Respondent Parents' Counsel on an ongoing basis. These impacts are discussed below.

Judicial Department. The Judicial Department will have an increase in workload and costs for the trial courts to the extent that more hearings are held to determine if a party's parental rights were unfairly restricted or terminated due to a parent's disability. When a court terminates the parental rights of a parent with disabilities, workload will increase to make findings of fact regarding reasonable accommodations. Workload will also increase to the extent that dependency and neglect cases require additional hearings or are under the court's supervision longer due to the additional safeguards under the bill. Any additional appropriations will be addressed through the annual budget process, if incurred.

Office of the Child's Representative and Office of Respondent Parents' Counsel. The Office of the Child's Representative and the Office of Respondent Parents' Counsel may have an increase in costs from additional litigation and longer dependency and neglect cases. By shifting the burden of proof to the party that alleges detrimental impact, additional hearings may be required as well as more expert witnesses. These impacts may increase the hours billed by contract guardians ad litem and contract attorneys representing indigent parents in dependency and neglect cases. Any additional appropriations will be addressed through the annual budget process, if incurred.

Local Government

The bill increases costs and workload for counties to the extent that children will remain in the child welfare system longer so that a parent can complete a treatment plan. To the extent that more parents with disabilities receive supportive parenting services, county caseworkers may see an increase in workload to provide these services to the children and parents involved in dependency and neglect cases. County attorneys may also have an increase in workload due to the potential increase in case length.

Effective Date

The bill was signed into law by the Governor and took effect on April 25, 2018.

State and Local Government Contacts

Counties
Judicial

Human Services
Law

Information Technology
Regulatory Agencies