

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 24-202

BY SENATOR(S) Fields, Buckner, Coleman, Cutter, Exum, Ginal, Gonzales, Marchman, Michaelson Jenet, Priola;
also REPRESENTATIVE(S) Joseph and Epps, Amabile, Bacon, Boesenecker, Bradley, Duran, English, Froelich, Garcia, Hamrick, Hernandez, Herod, Jodeh, Lieder, Lindsay, Lukens, Ortiz, Parenti, Ricks, Rutinel, Story, Woodrow, Young, McCluskie.

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

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

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

19-1-115. Legal custody - guardianship - placement out of the home - petition for review for need of placement - rules. (4) (d) (I) ~~A~~ WHEN A decree IS ENTERED vesting legal custody of a child OR YOUTH or providing for placement of a child OR YOUTH with an agency in which public money is expended ~~must be accompanied by an order of the court that obligates the parent of the child to pay~~ AND A COUNTY DEPARTMENT THAT DELIVERS CHILD WELFARE SERVICES DETERMINES THAT A REFERRAL

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

IS APPROPRIATE IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES, A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY CHARGE THE PARENT OF THE CHILD OR YOUTH a fee ~~based on the parent's ability to pay~~ to cover the costs ~~of the guardian ad litem and~~ of providing for residential care of the child OR YOUTH. When custody of the child OR YOUTH is given to the county department, ~~of human or social services~~, the fee for residential care must be in accordance with the fee requirements as provided by rule of the state ~~department~~ BOARD of human services, and the fee applies, to the extent unpaid, to the entire period of placement. When a child OR YOUTH is committed to the state department of human services, the fee for care and treatment must be in accordance with the fee requirements as provided by rule of the state ~~department~~ BOARD of human services, and the fee applies, to the extent unpaid, to the entire period of placement.

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

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

SECTION 3. In Colorado Revised Statutes, 26-5-102, **amend** (1)(a) as follows:

26-5-102. Provision of child welfare services - system reform

goals - out-of-home placements for children and youth with intellectual and developmental disabilities - reporting - rules - definition.

(1)(a) The state ~~department~~ BOARD shall adopt rules to establish a program of child welfare services, administered by the state department or supervised by the state department and administered by the county departments, and, where applicable, in accordance with the conditions accompanying available federal funds for such purpose. The rules ~~shall~~ MUST establish a fee based upon the child support guidelines set forth in section 14-10-115 ~~C.R.S.~~, requiring those persons legally responsible for the child OR YOUTH to pay for all, or a portion, of the services provided under this article. ~~Notwithstanding the rules establishing a fee for services provided under this article, when it serves the best interest of a child, a county department may exempt a family from responsibility for payment of fees for core services, as defined in rules promulgated by the state department~~ PURSUANT TO THIS ARTICLE 5 WHEN A COUNTY DEPARTMENT THAT DELIVERS CHILD WELFARE SERVICES DETERMINES THAT A REFERRAL IS APPROPRIATE IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES. The state ~~department~~ BOARD is authorized to promulgate rules to implement the provisions of this ~~article~~ ARTICLE 5 relating to the allocation of funds to counties for the delivery of child welfare services.

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

the support and maintenance of the departments of the state and state institutions.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO