

# HUMAN SERVICES

Research Notes are prepared by Legislative Council Staff's nonpartisan research and committee staff. Research notes provide a summary of the bill, background information on the bill, and information on committee hearings and amendments adopted on the bill as it moves through the legislative process. Legislative Council Staff prepares final research notes for bills passed by the General Assembly as well as select bills that were considered but not adopted, and may be accessed through the links below. Research notes are provided for informational purposes only and should not be relied upon as an official record of action by the General Assembly.

## Adoption Records

**HB 15-1106** *(Enacted)*

Clarify Access to Unredacted Adoption Records

**HB 15-1355** *(Enacted)*

Family History Access Birth & Personal Records

## Assistance Programs

**HB 15-1255** *(Enacted)*

Prohibited Use of Electronic Benefits Transfer Cards

**SB 15-012** *(Enacted)*

Colorado Works Pass-through Child Support

**SB 15-065** *(Enacted)*

Ban Public Benefit Transfers at Certain Venues

## Child Care

**HB 15-1023** *(Enacted)*

Day Treatment Center Age of Children Served

## Child Welfare

**HB 15-1078** *(Enacted)*

Reporting Missing Youth in State's Legal Custody

**HB 15-1248** *(Enacted)*

Child Welfare Check Potential Foster Parents

**HB 15-1337** *(Enacted)*

Placement Stability for Children & With Siblings

**SB 15-087** *(Enacted)*

Foster Care & Kin Care Placement Background

**SB 15-204** *(Enacted)*

Autonomy of Child Protection Ombudsman

## Individuals with Disabilities

**HB 15-1186** *(Enacted)*

Services for Children with Autism

**HB 15-1188** *(Enacted)*

Vocational Rehabilitation Programs and Services

**HB 15-1233** *(Enacted)*

Respite Care Study Task Force

**HB 15-1359** *(Enacted)*

Savings Program for Persons with Disabilities

**SB 15-015** *(Enacted)*

Mental Health Parity for Autism Spectrum Disorders

**SB 15-178** *(Enacted)*

Sunset Continue Commission for Deaf & hard of Hearing

**Date:** 9/1/2015

**Version:** Final



# Legislative Council Staff

## Research Note

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**Bill Number:** HB15-1359

**Short Title:** *Savings Program For Persons With Disabilities*

**Prime Sponsors:** Representatives Danielson and Landgraf  
Senators Kefalas and Martinez Humenik

**Research Analyst:** Elizabeth Burger (x6272)

### Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on June 3, 2015.

### Summary

The bill requires CollegenInvest to establish and implement the Achieving a Better Life Experience (ABLE) Savings Program. The program allows individuals with disabilities and their families to save money in tax-advantaged investment ABLE accounts. The accounts may be used to support the individuals and provide funding for their disability-related expenses without disqualifying them from certain federal benefits.

### Background

**529 educational accounts.** 529 educational accounts are tax-deferred investment accounts operated by a state or institution that allow families to save for future education expenses. Individuals contribute money to the accounts on an after-tax basis, but the investment earnings on the accounts are not taxed if they are used for qualified expenses such as tuition payments and books. Colorado's 529 education account program is operated by CollegenInvest, a statutory authority established to oversee the program.

**529 ABLE accounts.** The federal "Stephen Beck Jr. Achieving a Better Life Experience Act of 2014" allows states to establish 529 ABLE accounts to save for the future expenses of a person with a disability in the same manner as a 529 educational account. Beneficiaries may save up to \$100,000 in the account and still qualify for Medicaid and Supplemental Security Income (SSI) benefits. Annual contributions to the account are limited to \$14,000. Distributions from the

**Date:** 9/1/2015

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account can be used for education, housing, transportation, and health-related expenses.

To qualify for a 529 ABLÉ plan, a beneficiary must have been blind or disabled before age 26 and either be entitled to SSI benefits or have a doctor's certification of blindness or a physical or mental impairment which results in severe functional limitations.

## **House Action**

**House Public Health Care and Human Services Committee (April 17, 2015).** At the hearing, a representative of the National Down Syndrome Society testified in support of the bill. The committee referred the bill, unamended, to the House Appropriations Committee.

**House Appropriations Committee (April 22, 2015).** The committee adopted amendment L.001 and referred the bill to the House Committee of the Whole. The amendment clarified that when distributions from an ABLÉ account are excluded from federal taxable income, they are also excluded from state taxable income.

**House second reading (April 23, 2015).** The House adopted the House Appropriations Committee report and the bill, as amended

**House third reading (April 27, 2015).** The House passed the bill on third reading with no additional amendments.

## **Senate Action**

**Senate Health and Human Services Committee (April 29, 2015).** At the hearing, a representative of CollegenInvest and a private citizen spoke in support of the bill. The committee referred the bill to the Senate Committee of the Whole and the consent calendar.

**Senate second reading (April 30, 2015).** The Senate passed the bill, unamended.

**Senate third reading (May 1, 2015).** The Senate passed the bill, unamended.

**Date:** 9/1/2015

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# Legislative Council Staff

## Research Note

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**Bill Number:** HB15-1355

**Short Title:** *Family History Access Birth & Personal Records*

**Prime Sponsors:** Representatives Saine and Singer  
Senators Marble and Newell

**Research Analyst:** Elizabeth Burger (x6272)

### Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on May 5, 2015.

### Summary

The bill allows an adult adoptee and his or her descendants to access a noncertified copy of the unaltered original birth certificate and the amended birth certificate of the adoptees' siblings who were born, relinquished, or adopted in Colorado, upon proof that the adoptee and sibling shared a common birth parent. It also allows eligible parties to access the personal records of minors who were in the custody of the State Home for Dependent and Neglected Children. Eligible parties include a former ward of the home, regardless of whether the ward was adopted, or his or her spouse, adult descendant, adult sibling, or the legal representative of any of these individuals.

### Background

Under Colorado law, all adoption records are confidential from the general public. However, certain records are accessible by adult adoptees, birth parents, and adoptive parents. In 2014, the General Assembly enacted Senate Bill 14-051, which eliminated different standards of access to adoption records for adoptees, birth parents, and adoptive parents, as well as their descendants, based on the law in existence on the date the adoption was finalized.

The Colorado State Home for Dependent and Neglected Children operated in Denver from 1896 to 1971 and housed approximately 17,000 children during its operation. Some wards of the State Home for Dependent and Neglected Children were never adopted. Because Senate Bill 14-051 was based upon opening adoption records only to persons that were actually

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adopted, Senate Bill 14-051 did not help those former wards of the State Home who were never adopted. House Bill 15-1355 allows access to personal records relating to those former wards.

## **House Action**

**House Public Health Care and Human Services Committee (April 21, 2015).** There was no public testimony at the hearing. The committee referred the bill, unamended, to the House Committee of the Whole.

**House second reading (April 23, 2015).** The House passed the bill on second reading, unamended.

**House third reading (April 27, 2015).** The House passed the bill on third reading, unamended.

## **Senate Action**

**Senate Health and Human Services Committee (April 29, 2015).** At the hearing, a representative of Adoptees in Search testified in support of the bill. The committee referred the bill, unamended, to the Senate Committee of the Whole and the consent calendar.

**Senate second reading (April 30, 2015).** The Senate passed the bill on second reading, unamended.

**Senate third reading (May 1, 2015).** The Senate passed the bill on third reading, unamended.

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# Legislative Council Staff

## Research Note

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**Bill Number:** HB15-1337

**Short Title:** *Placement Stability For Children & With Siblings*

**Prime Sponsors:** Representative Williams  
Senator Newell

**Research Analyst:** Elizabeth Burger (x6272)

### Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on June 5, 2015.

### Summary

The bill adds a statutory legislative declaration to the Colorado Children's Code concerning the impact of multiple moves on children in the dependency and neglect system, stating such moves should be discouraged in favor of permanent planning. It also requires, rather than allows, the court to consider all pertinent information before a child is moved from his or her out-of-home placement.

### Background

The Colorado Children's Code governs the placement of children who are removed from their homes due to abuse or neglect. Current law outlines a series of considerations that the court may take into account when making placement determinations after the rights of the child's parents are terminated, or when the court is conducting a hearing regarding a child's continued out-of-home placement. Such information includes the child's age and developmental status; whether the child has significant psychological ties to a person who could provide a permanent placement to the child; whether the person who could provide a permanent placement is willing to maintain appropriate contact with the child's relatives; and the child's attachment to his or her caregiver and the possible emotional effects of removing the child from that caregiver's home.

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## House Action

**House Public Health Care and Human Services (April 14, 2015).** At the hearing, representatives of the Office of the Child's Representative and the Rocky Mountain Children's Law Center and two private citizens testified in support of the bill. The committee referred the bill unamended to the House Committee of the Whole.

**House second reading (April 17, 2015).** The House passed the bill with no amendments.

**House third reading (April 20, 2015).** The House passed the bill with no amendments.

## Senate Action

**Senate Health and Human Services Committee (April 23, 2015).** At the hearing, representatives of the Office of the Child's Representative and the Rocky Mountain Children's Law Center and two private citizens testified in support of the bill. The committee referred the bill unamended to the Senate Committee of the Whole.

**Senate second reading (April 24, 2015).** The Senate passed the bill with no amendments.

**Senate second reading (April 27, 2015).** The Senate passed the bill with no amendments.

**Date:** 8/21/2015

**Version:** Final



# Legislative Council Staff

## Research Note

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**Bill Number:** HB15-1255

**Short Title:** *Prohibited Use Of Electronic Benefits Transfer Cards*

**Prime Sponsors:** Representative Dore and Representative Pabon  
Senator Grantham and Senator Jahn

**Research Analyst:** Luisa Altmann (x3518)

### Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on May 1, 2015.

### Summary

The bill requires the Department of Revenue (DOR) and the Colorado Department of Human Services (CDHS) to submit and present reports to specific legislative committees on electronic benefits transfers (EBT). The report must list the numbers of instances that a client accessed cash benefits through the EBT system through ATMs located in several types of prohibited establishments, or any other establishment in which a client is prohibited from accessing benefits by federal law. The bill also requires CDHS to adopt rules to enforce the prohibition of clients accessing benefits at an ATM machine located in prohibited establishments. Additionally, the bill requires DOR to adopt rules that relate to a client's use of ATMs to access EBTs at prohibited locations, which includes establishments licensed to sell medical or retail marijuana or marijuana-infused products with the passage of Senate Bill 15-065.

### Background

Each month, Supplemental Nutrition Assistance Program (SNAP) and other cash assistance benefits are deposited into an individual's EBT account. EBT cards can be used like debit cards to purchase items approved by the various assistance programs at approved locations, and also withdraw cash from ATMs. Current state law prohibits clients from accessing cash benefits through the EBT service from ATMs in the state located in licensed gaming establishments, in-state simulcast facilities, tracks for racing, commercial bingo facilities, gun stores, or liquor stores. The bill ensures that state law is compliant with federal rules adopted in

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2012 which require states to act to prevent access to assistance at ATMs located in casinos, gaming establishments, liquor stores, and retail establishments which provide adult-oriented entertainment.

## **House Action**

**House Business Affairs and Labor Committee (March 17, 2015).** At the hearing, representatives from the Colorado Department of Human Services (CDHS), Colorado Cannabis Chamber of Commerce, and Colorado Licensed Beverage Association testified in support of the bill. A representative from the Colorado Department of Revenue (DOR) also testified regarding the bill. The committee adopted amendment L.003, which specifies that the rules adopted for implementation must include a provision which exempts specified establishments that submit statements verifying that the ATM machines located within the establishments do not accept EBT cards. The committee referred the bill to the House Committee of the Whole.

**House Second Reading (March 20, 2015).** The House Committee of the Whole adopted the committee report and the bill.

**House Third Reading (March 23, 2015).** The House adopted the bill, unamended.

**House Concurrence (April 22, 2015).** The House concurred with the Senate amendments and repassed the bill.

## **Senate Action**

**Senate Business, Labor, & Technology Committee (April 8, 2015).** At the hearing, a representative from CDHS testified in support of the bill and a representative from DOR testified regarding the bill. The committee referred the bill, unamended, to the Senate Committee of the Whole, consent calendar.

**Senate Second Reading (April 15, 2015).** The Senate Committee of the Whole adopted amendment L.005, which sets a maximum penalty of \$100 per violation if multiple violations occur at an establishment that has provided DOR with a statement from the owner or operator of each ATM machine located within the establishment that the machine does not accept EBT cards, and adopted the bill.

**Senate Third Reading (April 16, 2015).** The Senate adopted the bill, unamended.

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# Legislative Council Staff

## Research Note

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**Bill Number:** HB15-1248

**Short Title:** *Child Welfare Check Potential Foster Parents*

**Prime Sponsors:** Representative Singer  
Senator Hill

**Research Analyst:** Elizabeth Burger (x6272)

### Current Status

This research note reflects the final version of the bill, which took effect July 1, 2015.

### Summary

The bill permits one person at each licensed child placement agency to access child abuse or neglect records and reports for the purpose of screening prospective foster parents, any adult residing in the home of the prospective foster parent, and specialized group facilities.

### Background

Under Colorado law, children in the child welfare system may be placed in foster care or institutional placements by county departments of social services or by child placement agencies that contract with the departments. Child placement agencies are licensed by the Department of Human Services.

Colorado law requires annual certifications of foster care homes by the certifying entity, either a county department of social services or a child placement agency. A certification may not be issued if the applicant or any adult who resides with the applicant has been convicted of child abuse or certain other crimes in Colorado or another state. State law requires county departments of social services and child placement agencies to conduct criminal history records checks and obtain other information regarding prospective foster care applicants prior to certifying or recertifying a foster care home.

Current law specifies that reports of child abuse and neglect and identifying information regarding the specific individuals in the reports are confidential and are not public information, but

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allows specific individuals and agencies to access child abuse and neglect records, including the state Department of Human Services and county departments of social services for purposes of investigating applicants for foster home certification. The law specifies that child placement agencies may make a request in writing to the state Department of Human Services for information contained in child abuse and neglect records of foster care applicants. The department must provide any information regarding confirmed reports of child abuse concerning an applicant within ten days of the request.

## **House Action**

***House Public Health Care and Human Services Committee (March 20, 2015).*** At the hearing, representatives of Fostering Colorado testified in support of the bill. A representative of the Department of Human Services testified regarding concerns with the bill. The committee referred the bill, unamended, to the House Appropriations Committee.

***House Appropriations Committee (April 10, 2015).*** The committee adopted amendment J.001 and referred the bill, as amended, to the House Committee of the Whole. Amendment J.001 appropriated \$37,138 to the Department of Human Services from the General Fund with an assumption that the department will require an additional 0.4 FTE to implement the bill.

***House second reading (April 15, 2015).*** The House adopted the House Appropriations Committee report and passed the bill, as amended.

***House third reading (April 17, 2015).*** The House passed the bill with no additional amendments.

## **Senate Action**

***Senate Health and Human Services Committee (April 22, 2015).*** At the hearing, representatives of Fostering Colorado testified in support of the bill, and a representative of the Department of Human Services testified in opposition to the bill. The committee referred the bill, unamended, to the Senate Appropriations Committee.

***Senate Appropriations Committee (April 24, 2015).*** The committee referred the bill, unamended, to the Senate Committee of the Whole.

***Senate second reading (April 24, 2015).*** The Senate passed the bill, unamended.

***Senate third reading (April 27, 2015).*** The Senate passed the bill, unamended.

## **Relevant Research**

Legislative Council Staff, Colorado's Child Welfare System:

<https://www.colorado.gov/pacific/sites/default/files/13-03%20Child%20Welfare%20Issue%20Brief.pdf>

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# Legislative Council Staff

## Research Note

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**Bill Number:** HB15-1233

**Short Title:** *Respite Care Study Task Force*

**Prime Sponsors:** Representative Landgraf  
Senator Aguilar

**Research Analyst:** Elizabeth Burger (x6272)

### Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on May 29, 2015.

### Summary

The bill creates the Respite Care Task Force within the Department of Human Services, comprised of 14 members representing various stakeholders. It is to study the dynamics of supply and demand with regard to respite care services in Colorado, including access to respite care services, the types of services that are most in demand, availability of culturally competent care, the number of respite caregivers in the state, solutions to increase the number of respite caregivers, funding of respite care services, and other issues related to respite care. The task force may address policies related to potential licensing of respite caregivers, creation of pilot degree programs by educational institutions for respite caregiving, and data collection to improve respite care utilization, access, and availability. The Department of Human Services is authorized to contract for a study regarding respite care, which must be provided to the task force. The task force must meet upon the call of the chair as often as necessary and must submit a report of its findings to certain legislative committees by January 31, 2016.

### Background

Respite care includes services of a short-term nature provided to a patient, in the patient's home or in a facility, in order to temporarily relieve the patient's family caregivers or other home care providers. Respite care is provided to individuals in Colorado through certain public health care programs. Under the Medicaid state plan, respite care is provided to individuals who are eligible for the hospice care benefit and private duty nursing services. It is also provided as a benefit under the following Medicaid Home- and Community-based Services (HCBS) waivers:

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- children's extensive support;
- children with life limiting illness;
- community mental health supports;
- persons who are elderly, blind, and disabled;
- persons with brain injury;
- persons with spinal cord injury; and
- supported living services.

In addition to coverage through Medicaid, the state provides limited respite care services through the Department of Human Services for adult caregivers and for people involved in the behavioral health system.

## House Action

**House Public Health Care and Human Services Committee (March 31, 2015).** At the hearing, representatives from North Metro Community Services, Alliance, the Colorado Respite Coalition, the Colorado Gerontological Society, and the ARC of Colorado, testified in support of the bill. The committee adopted the following amendments:

- L.003, which strikes everything below the enacting clause and substitutes language creating the Respite Care Task Force within the Department of Human Services;
- L.005, which requires a facilitator retained by the department, rather than the Speaker of the House of Representatives, to convene the first meeting of the task force; and
- L.006, which revises the appointment criteria for two members of the task force.

The committee referred the bill, as amended, to the House Appropriations Committee.

**House Appropriations Committee (April 10, 2015).** The committee adopted amendment J.001, which appropriates \$16,000 from the Respite Care Task Force Fund to implement the bill. The committee referred the bill, as amended, to the House Committee of the Whole.

**House second reading (April 17, 2015).** The House adopted the House Public Health Care and Human Services and Appropriations Committee reports. The House also adopted amendment no. 3, which corrects a typographical error in the House Public Health Care and Human Services Committee report. The House passed the bill, as amended, on second reading.

**House third reading (April 20, 2015).** The House adopted the bill on third reading with no additional amendments.

## Senate Action

**Senate State, Veterans, and Military Affairs Committee (April 22, 2015).** At the hearing, representatives from the Brain Injury Alliance of Colorado, the ARC of Colorado, Easter Seals Colorado, the Colorado Respite Coalition, the Alzheimer's Association of Colorado, and a private citizen testified in support of the bill. The committee adopted amendment L.010, which removes

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two legislative members from the task force, and referred the bill, as amended, to the Senate Appropriations Committee.

**Senate Appropriations Committee (April 24, 2015).** The committee adopted a conceptual amendment to remove the bill's appropriation clause and referred the bill, as amended, to the Senate Committee of the Whole.

**Senate second reading (April 24, 2015).** The Senate adopted the Senate State, Veterans, and Military Affairs and Appropriations Committee reports and passed the bill on second reading with no additional amendments.

**Senate third reading (April 27, 2015).** The Senate passed the bill on third reading with no amendments.

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# Legislative Council Staff

## Research Note

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**Bill Number:** HB 15-1188

**Short Title:** *Vocational Rehabilitation Programs And Services*

**Prime Sponsors:** Representative Ryden  
Senator Neville T.

**Research Analyst:** Elizabeth Burger (x6272)

### Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on March 30, 2015.

### Summary

The bill, recommended by the Legislative Audit Committee, enacts legislative changes in response to a 2013 audit of the Vocational Rehabilitation Program (program) operated by the Division of Vocational Rehabilitation (division) within the Department of Human Services (department). Specifically, the bill:

- clarifies that state law does not create an eligibility-based entitlement to vocational rehabilitation services;
- creates a new statutory definition of "person with a disability" with regard to the statutes governing vocational rehabilitation services; and
- requires the department to:
  - complete a comprehensive assessment of eligible individuals and develop an employment outcome goal;
  - authorize the services that are appropriate and necessary to address the rehabilitation needs of the person
  - give preference to services provided in the state of Colorado, allowing for the provision of out-of-state services in certain situations;
  - establish a fee schedule for goods and services;
  - limit payment for educational and vocational schooling to Colorado in-state tuition, allowing for out-of-state tuition payments on a case-by-case basis;
  - establish reasonable time frames for individuals to attain the established

- employment outcomes or goals;
- close the record of services in a timely manner when an eligible person has attained his or her employment outcomes or goals;
- establish a review process to allow for exceptions to these requirements in unique cases and in accordance with federal regulations;
- determine person with a disability's need for financial assistance based on the person's needs and income or the income of the person's legally and financially responsible relative, prior to providing services; and
- require that the person with a disability or his or her family member contribute to the cost of services, unless he or she is eligible for Social Security disability benefits.

The bill also allows the department to recover payment for goods and services acquired through misrepresentation, fraud, or criminal conduct.

## **Background**

**Division of Vocational Rehabilitation.** The division assists individuals with disabilities in finding and maintaining employment. The services provided by the division include counseling, career planning, training, education, and job placement. It also assists individuals with disabilities in accessing adaptive equipment that would allow them to obtain employment. Individuals are not currently required to pay for services provided through the division, and services are funded through a mix of federal and state money.

According to the 2013 audit of the program, the program has 230 staff and 29 field offices in Colorado. In FY 2012-13, it provided services to 19,834 individuals.

**2013 audit.** The Office of the State Auditor conducted an audit of the division in 2013. The audit made a number of findings, including that 98 percent of sampled participant case files contained issues; the division has not ensured that participants meet their employment goals in a timely manner; the division has not established reasonable limits on the dollar amount or number of services a participant may receive; the division has not sufficiently contained costs or accurately budgeted and monitored expenditures; and the division did not ensure purchases made were appropriate or necessary. In addition, the audit identified three instances of misused program funds by program participants, and bonuses paid to 82 vendors who were also paid regular fee payments for the same services.

The audit recommended that the department improve its oversight over the division, including fiscal management and compliance with federal and state laws; ensure program participants reach their employment goals within reasonable time frames; improve controls over the divisions payments and contracts; and improve controls to prevent misuse of program funds.

## **House Action**

**House Public Health Care and Human Services Committee (February 24, 2015).** There was no public testimony on the bill. The committee adopted amendment L.002 and referred the bill, as amended, to the House Committee of the Whole. The amendment specified that there is

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no eligibility-based entitlement to vocational rehabilitation services specified in state law; removed language stating that a physical or mental impairment must be documented by qualified personnel; changed language regarding authorized services from "reasonable" to "appropriate;" specified that preference must be given to cost-effective services; removed the requirement that no comparable services be offered in Colorado in order to allow the department to authorize payment for out-of-state tuition; required that cases be closed in accordance with federal guidelines; and specified that the term "a person's legally and financially responsible relative" means the relative who identified the person as a dependent for federal income tax purposes.

**House Second Reading (February 27, 2015).** The House adopted the House Public Health Care and Human Services Committee report and passed the bill on second reading.

**House Third Reading (March 2, 2015).** The House passed the bill on third reading with no amendments.

### **Senate Action**

**Senate Health and Human Services Committee (March 11, 2015).** At the hearing, a representative of the Colorado Cross-Disability Coalition testified in support of the bill, and two representatives for the Office of the State Auditor provided information about the bill. The committee referred the bill, unamended, to the Senate Committee of the Whole and the consent calendar.

**Senate Second Reading (March 16, 2015).** The Senate passed the bill on second reading with no amendments.

**Senate Third Reading (March 16, 2015).** The Senate Passed the bill on third reading with no amendments.

### **Relevant Research**

Office of the State Auditor, Vocational Rehabilitation Program, Performance Audit, November 2013: <http://tinyurl.com/p7mt96s>



# Legislative Council Staff

## Research Note

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**Bill Number:** HB15-1186

**Short Title:** *Services For Children With Autism*

**Prime Sponsors:** Representative Young  
Senator Steadman

**Research Analyst:** Amanda King (x4332)

### Current Status

This research note reflects the final version of the bill, which became effective on July 1, 2015.

### Summary

Under the bill, children receiving services for autism under the autism waiver program can receive services until age eight, rather than age six, so long as the child begins receiving services prior to his or her eighth birthday. The child can then receive services for three full years. The bill removes the \$25,000 annual cap on services and requires that the Medical Services Board set an annual dollar limit on the amount of services an eligible child can receive. According to the bill, in enacting the bill, the General Assembly's intent is that no child is placed on a waiting list for services subject to available appropriations. The Department of Health Care Policy and Financing must annually conduct an evaluation of eligible children's care plans and evaluations conducted at the beginning and ending of services provided by the autism waiver program. The bill appropriates additional funding to the Colorado Autism Treatment Fund.

### Background

The autism waiver provides an extra set of Medicaid benefits for behavioral therapy for children with autism. Services are provided in either the client's home or a community setting. To be eligible for the autism waiver, the child must be at risk of institutionalization in an intermediate care facility, meet the Social Security Administration definition of having a disability, and have a diagnosis of autism as certified by a physician. The child's income must be less than \$2,199 per month and his or her countable resources must be less than \$2,000; a parent's income is not considered for the child's eligibility for the program.

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## House Action

**House Health, Insurance, and Environment Committee (February 17, 2015).** At the hearing, representatives of Accent on Independence, Alliance, the ARC of Colorado, Firefly Autism, and the University of Colorado School of Medicine, and two members of the public testified in support of the bill. No one testified in opposition to the bill. The committee referred the bill, unamended, to the House Appropriations Committee.

**House Appropriations Committee (March 27, 2015).** The committee referred the bill, unamended, to the House Committee of the Whole. No one testified on the bill.

**House second reading (March 30, 2015).** The House passed the bill, unamended, on second reading.

**House third reading (March 31, 2015).** The House passed the bill, unamended, on third reading.

## Senate Action

**Senate Health and Human Services Committee (April 9, 2015).** At the hearing, representatives of Alliance Colorado, the ARC of Colorado, Firefly Autism, and the JFK Partners, and a member of the public testified in support of the bill. No one testified in opposition to the bill. The committee referred the bill, unamended, to the Senate Appropriations Committee.

**Senate Appropriations Committee (April 17, 2015).** The committee referred the bill, unamended, to the Senate Committee of the Whole. No one testified on the bill.

**Senate second reading (April 23, 2015).** The Senate passed the bill, unamended, on second reading.

**Senate third reading (April 24, 2015).** The Senate passed the bill, unamended, on third reading.

## Relevant Research

Joint Budget Committee Health Care Policy & Financing Briefing Document (Executive Director's Office, Medical Services Premiums, Indigent Care Programs, and Other Medical Programs): [http://www.tornado.state.co.us/gov\\_dir/leg\\_dir/jbc/2014-15/hcpbrf1.pdf](http://www.tornado.state.co.us/gov_dir/leg_dir/jbc/2014-15/hcpbrf1.pdf), p.51.

**Date:** 8/24/2015

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**Date:** 6/10/2015

**Version:** Final



# Legislative Council Staff

## Research Note

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**Bill Number:** HB15-1106

**Short Title:** *Clarify Access To Unredacted Adoption Records*

**Prime Sponsors:** Representative Saine  
Senator Sonnenberg

**Research Analyst:** Elizabeth Burger (x6272)

### Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on March 30, 2015.

### Summary

The bill specifies that when a custodian of adoption records provides adoption records to certain individuals who are permitted under current law to access the records, the records must be unredacted. Adoption records affected by House Bill 15-1106 include the adoptee's original and amended birth certificate, the final decree of adoption, the final order of relinquishment, the order of termination of parental rights, and any identifying or nonidentifying information about the birth parent or adoptee.

### Background

In 2014, the General Assembly enacted Senate Bill 14-051. The bill eliminated different standards of access to adoption records for adoptees, birth parents, and adoptive parents, as well as their descendants, based on the law in existence on the date the adoption was finalized.

Some courts and state agencies have interpreted Senate Bill 14-051 to require the redaction of identifying information from adoption records before they are released to eligible persons. House Bill 15-1106 clarifies that the records are to be unredacted.

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## House Action

**House Public Health Care and Human Services Committee (February 10, 2015).** At the hearing, a representative of Adoptees in Search testified in support of the bill and a private citizen testified in opposition. The committee referred the bill, unamended, to the House Committee of the Whole.

**House Second Reading (February 13, 2015).** The House passed the bill on second reading with no amendments.

**House Third Reading (February 19, 2015).** The House passed the bill on third reading with no amendments.

## Senate Action

**Senate Health and Human Services Committee (March 11, 2015).** At the hearing, a representative of Adoptees in Search and a private citizen testified in support of the bill. The committee referred the bill, unamended, to the Committee of the Whole and the consent calendar.

**Senate Second Reading (March 16, 2015).** The Senate passed the bill on second reading with no amendments.

**Senate Third Reading (March 17, 2015).** The Senate passed the bill on third reading with no amendments.

**Date:** 6/10/2015

**Version:** Final

**Date:** 5/28/2015

**Version:** Final



# Legislative Council Staff

## Research Note

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**Bill Number:** HB15-1078

**Short Title:** *Reporting Missing Youth In State's Legal Custody*

**Prime Sponsors:** Representative Nordberg and Representative McCann  
Senator Jahn

**Research Analyst:** Elizabeth Burger (x6272)

### Current Status

This research note reflects the final version of the bill, which becomes effective on January 1, 2016, assuming no referendum petition is filed.

### Summary

If a child is who is in the legal custody of the state Department of Human Services or a county department of human or social services is determined to be missing, the bill requires the agency to report the disappearance immediately, and in no case later than 24 hours after learning of the disappearance, to the National Center for Missing and Exploited Children and to law enforcement. Law enforcement is required to notify the Colorado Bureau of Investigation (CBI) of the disappearance within 24 hours, and the CBI must notify the Federal Bureau of Investigation (FBI) of the disappearance so that it may be logged into the National Crime Information Center (NCIC) Database.

### Background

**Current state law.** Current law requires that facilities and foster parents report the disappearance of a juvenile who is in the custody of the Division of Youth Corrections in the Department of Human Services to a local law enforcement agency as soon as possible. House Bill 15-1078 expands this requirement to all other children who are in out-of-home placements, such as foster youth.

**Federal Preventing Sex Trafficking and Strengthening Families Act.** The federal Preventing Sex Trafficking and Strengthening Families Act was passed by Congress in 2014. Among other things, the bill requires state human services agencies to immediately report

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information on missing or abducted children or youth to law enforcement authorities for entry into the NCIC database and to the National Center for Missing and Exploited Children.

**National Center for Missing and Exploited Children.** The National Center for Missing and Exploited Children is a nonprofit organization established in 1984. It is authorized by Congress to build a coordinated, national response to the problem of missing and sexually exploited children, establish a missing children hotline, and serve as the national clearinghouse for information related to these issues. When a child is missing, the center's case management teams provide coordinated support and access to analytical and technological resources to law enforcement agencies and families.

**National Crime Information Center (NCIC) Database.** The NCIC is a computerized clearinghouse of criminal justice information, including information about missing persons. It is maintained by the FBI. Criminal justice agencies enter records into NCIC that are accessible to law enforcement agencies nationwide.

### **House Action**

**House Public Health Care and Human Services Committee (February 3, 2015).** At the hearing, representatives of the Jefferson County Department of Human Services and National Association of Social Workers-Colorado Chapter, testified in support of the bill.

The committee adopted amendments L.001 and L.002. Amendment L.001 clarifies that law enforcement authorities must report a child's disappearance to the CBI, who, in turn, will report the disappearance to the FBI for inclusion in the NCIC.

Amendment L.002 clarifies that existing state law requiring foster parents and out-of-home placement facilities to report the disappearance of youth who are in the custody of the Division of Youth Corrections still applies, regardless of House Bill 15-1078.

The committee referred the bill, as amended, to the House Committee of the Whole.

**House Second Reading (February 9, 2015).** The House adopted the House Public Health Care and Human Services Committee report and passed the bill on second reading.

**House Third Reading (February 10, 2015).** The House passed the bill on third reading with no amendments.

### **Senate Action**

**Senate Health and Human Services Committee (March 4, 2015).** At the hearing, representatives of the Jefferson County Department of Human Services, National Association of Social Workers-Colorado Chapter, and the FBI testified in support of the bill. The committee referred the bill unamended to the Senate Committee of the Whole.

**Senate Second Reading (March 10, 2015).** The Senate passed the bill on second reading with no amendments.

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**Senate Third Reading (March 11, 2015).** The Senate passed the bill on third reading with no amendments.



# Legislative Council Staff

## Research Note

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**Bill Number:** HB15-1023

**Short Title:** *Day Treatment Center Age Of Children Served*

**Prime Sponsors:** Representative Lontine  
Senator Aguilar

**Researcher:** Elizabeth Burger (x6272)

### Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on March 13, 2015.

### Summary

The bill lowers the minimum age of a child that may be served in a day treatment center from five to three years of age, and raises the maximum age from 18 to 21 years of age. In addition, the bill allows adults who reach the age of 21 while attending an educational program at a day treatment center to continue the program through the end of the academic semester or through the completion of the program, whichever comes first.

### Background

Day treatment centers provide care to groups of five or more children with behavioral needs. Day treatment centers provide a structured program of therapy and behavioral treatments to prevent or reduce the need for a child to be placed out of his or her home, and must operate for less than 24 hours a day. Day treatment centers are licensed by the Department of Human Services. Centers that offer educational programs that receive funding through the School Finance Act must be approved by the Department of Education. There are currently 56 day treatment centers in the state.

According to the Department of Human Services, children can be referred to a day treatment center in one of three ways:

- for children who are in the custody of the Department of Human Services, through a referral by the department;

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- through a court order; or
- through a referral by a school district, if the district believes that it cannot offer the behavioral or mental health services the child needs.

Children who are referred to a day treatment center because they are in the custody of the Department of Human Services or as a result of a court order can receive services at a day treatment center through their 21st birthday. Students who are referred to a day treatment center by a school district may not receive services at a day treatment center after their 18th birthday. The bill allows all children to continue to receive services through age 21. The Department of Human Services estimates that the bill will result in fewer than 100 adults per year receiving additional services at a day treatment center.

## **House Action**

**House Public Health Care and Human Services Committee (January 20, 2015).** At the hearing, representatives of the Colorado Association of Family and Children's Agencies and Laradon, which operates a day treatment center, testified in support of the bill. The committee referred the bill unamended to the Committee on Appropriations.

**House Appropriations Committee (January 30, 2015).** The House Appropriations Committee referred the bill unamended to the House Committee of the Whole.

**House Second Reading (February 3, 2015).** The House of Representatives passed the bill with no amendments.

**House Third Reading (February 4, 2015).** The House of Representatives passed the bill with no amendments.

## **Senate Action**

**Senate Health and Human Services Committee (February 18, 2015).** At the hearing, a representative of the Colorado Association of Family and Children's Agencies testified in support of the bill. The Senate Health and Human Services Committee referred the bill, unamended, to the Senate Committee of the Whole and the consent calendar.

**Senate Second Reading (February 26, 2015).** The Senate passed the bill with no amendments.

**Senate Third Reading (February 27, 2015).** The Senate passed the bill with no amendments.



# Legislative Council Staff

## Research Note

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**Bill Number:** SB15-204

**Short Title:** *Autonomy Of Child Protection Ombudsman*

**Prime Sponsors:** Senator Newell and Senator Lundberg  
Representative Singer

**Research Analyst:** Elizabeth Haskell (x6264)

### Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on June 2, 2015.

### Summary

No later than January 1, 2016, the bill creates the Office of the Child Protection Ombudsman (OCPO) as an independent agency within the Judicial Department. The bill creates an independent, nonpartisan board with oversight responsibility of the OCPO and specifies the duties of the board, including hiring and discharging the ombudsman, providing fiscal oversight, and assisting the ombudsman's office to enter into a memorandum of understanding with the Colorado Department of Human Services (DHS) and the Judicial Department. The memorandum of understanding with the Judicial Department must specify that the OCPO has its own personnel rules and independent hiring authority, and require the Office of the State Court Administrator to offer limited administrative support to the OCPO in regard to personnel, accounting, and budget matters.

The bill allows for the DHS contract under which the current ombudsman office operates to be extended until December 31, 2015, and permits the contract to be revoked earlier upon the agreement of all parties, but no sooner than the effective date of the memorandum of understanding between the Judicial Department and the OCPO. The OCPO may make direct funding recommendations to the Joint Budget Committee for its operations and is required to submit its annual performance plan to the General Assembly as required by the State Measurement for Accountable, Responsive, and Transparent Government Act.

### Background

Senate Bill 10-171 created the Office of Colorado's Child Protection Ombudsman (OCCPO)

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program within DHS to be an independent, trusted intermediary between the public and child protection in Colorado and directed that the executive director of the DHS establish and administer the program through a contract with a public agency or other appropriate private nonprofit organization. Senate Bill 10-171 also created a voluntary work group to develop a detailed plan for the establishment and operation of the program.

OCCPO is currently managed by the National Association of Counsel for Children (NACC), the Colorado-based nonprofit organization selected as the vendor for the contract with DHS. The OCCPO accepts, reviews, and investigates complaints against child protection activities in the state, tracks themes and trends, and makes system improvement recommendations to DHS, the governor, and the legislature through supporting active legislation, providing testimony to legislative committees and through an annual report. OCCPO must report annually to the governor, the legislature, and the Executive Director of DHS regarding systemic issues, data trends, and recommendations for improvements within the child protection system. OCCPO also serves as a resource to stakeholders and the general public by assisting with individual cases and providing ongoing public education and resources to promote the best interest of children and families.

## **Senate Action**

***Senate Health and Human Services Committee (March 19, 2015).*** At the hearing, representatives of Rocky Mountain Children's Law Center, the Office of the Child's Representative, CASA Advocates for Children, the National Association of Counsel For Children, the Colorado League of Women Voters, the Colorado Coalition of Adoptive Families, Aurora Public Schools Board of Education, and two members of the public testified in support of the bill. Representatives of the Colorado Department of Human Services and Arapahoe County Attorney's Office testified in opposition to the bill. A representative of Colorado Counties, Inc. maintained a neutral position on the bill. The committee referred the bill, unamended, to the Senate Appropriations Committee.

***Senate Appropriations Committee (March 30, 2015).*** The committee adopted amendment J.001 and referred the bill to the Senate Committee of the Whole. The amendment decreases the FY 2015-16 appropriation to the Department of Human Services by \$512,822 and appropriates \$483,838 from the General Fund to the Legislative Department for use by the Legislative Council Staff and the Office of the Child Protection Ombudsman in FY 2015-16. The amendment also appropriated 4.0 FTE to the Office of the Child Protection Ombudsman. There was no public testimony on the bill.

***Senate second reading (April 7, 2015).*** The Senate Committee of the Whole adopted the Senate Appropriations Committee report and amendment No. 2, which removed the OCPO as an agency of the General Assembly and created the OCPO within the Office of the State Auditor and eliminated the language establishing a nonpartisan child protection ombudsman board. The bill passed the bill, as amended, on second reading.

***Senate third reading (April 8, 2015).*** The Senate adopted amendment No.1, which removed remaining references to the nonpartisan child protection ombudsman board and added language to allow the ombudsman to make recommendations to the General Assembly regarding improvements to the ombudsman's powers and duties. The Senate passed the bill, as amended, on third reading.

## House Action

**House Public Health Care and Human Services Committee (April 28, 2015).** At the hearing, representatives of Rocky Mountain Children's Law Center, the Office of the Child's Representative, the National Association of Counsel For Children, the Colorado League of Women Voters, the Colorado Coalition of Adoptive Families, and one member of the public testified in support of the bill. Representatives of the State Court Administrator and the Office of Colorado's Child Protection Ombudsman responded to questions. A representative of Colorado Counties, Inc. maintained a neutral position on the bill. The committee adopted amendments L.014, L.015, L.016 L.017, and L.018, and referred the bill to the House Appropriations Committee, as amended.

Amendment L.014 established the independent Office of the Child Protection Ombudsman in the Judicial Department as an independent agency and created an independent, nonpartisan child protection ombudsman board to oversee personnel decisions related to the office and to ensure accountability and consistency in the operating policies and procedures. The amendment also specified all functions and duties related to the office and the board. Amendments L.015 and L.017 amended amendment L.014. Both amendments made minor corrections to language and technical errors in amendment L.014. Amendment L.016 amended the reengrossed bill and changed the term "program" to "office" in reference to the Office of the Child Protection Ombudsman. Amendment L.018 added a provision to the bill authorizing the General Assembly to set the ombudsman's compensation and prohibiting such compensation from being reduced during the term of the ombudsman's appointment.

**House Appropriations Committee (May 1, 2014).** The committee adopted amendment J.003 and referred the bill to the House Committee of the Whole. The amendment decreased the FY 2015-16 appropriation to the Department of Human Services by \$384,617 and appropriated \$465,331 from the General Fund and 3.3 FTE to the Judicial Department. There was no public testimony on the bill.

**House second reading (May 1, 2015).** The House Committee of the Whole adopted the House Public Health Care and Human Services Committee report, the House Appropriations Committee report, and amendments No. 3, No. 4, and No. 5. The bill passed the bill on second reading, as amended.

Amendment No. 3 amended the House Appropriations Committee report. The amendment decreased the FY 2015-16 appropriation to the Department of Human Services by \$270,372 and appropriated \$351,086 from the General Fund and 2.2 FTE to the Judicial Department. Amendment No. 4 amended the House Public Health Care and Human Services Committee report. The amendment clarifies that the Office of the Child Protection Ombudsman will be established in the Judicial Department on or before January 1, 2016, and reconciles all associated dates within the committee report. Amendment No. 5 amended the reengrossed bill by allowing for the Executive Director of the Department of Human Services to extend the current contract for the OCPO until the effective date of the memorandum of understanding between the Judicial Department and the OCPO, and making technical corrections in statute regarding the term "office" in reference to the OCPO.

**House third reading (May 4, 2015).** The House adopted third reading amendment No.1, which removed language specifying that a final action against the office was subject to review by the Denver district court.

**Date:** 9/23/2015

**Version:** Final

### **Relevant Research**

- *Office of Colorado's Child Protection Ombudsman, 2014-2015 Annual Report*  
<https://goo.gl/njeKhy>



# Legislative Council Staff

## Research Note

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**Bill Number:** SB15-178

**Short Title:** *Continue Commission For Deaf & Hard Of Hearing*

**Prime Sponsors:** Senator Newell  
Representative Danielson

**Research Analyst:** Elizabeth Haskell (x6264)

### Current Status

This research note reflects the final version of the bill, which became effective on July 1, 2015.

### Summary

Senate Bill 15-178 continues the Commission for the Deaf and Hard of Hearing (the commission) until 2024. The bill also implements six recommendations from the *2014 Sunset Review: Colorado Commission for the Deaf and Hard of Hearing*, which include:

- requiring the commission to report to the Governor and the General Assembly on or before September 1 of each year;
- limiting the terms of commissioners to two-consecutive four-year terms;
- repealing the requirement for the Senate confirmation of commission appointments;
- clarifying that the commission also serves persons who are deaf-blind;
- replacing a member of the public with a deaf-blind individual on the commission; and
- making changes to remove obsolete or conflicting language.

### Background

The purpose of the commission is to centralize the provision of services to the deaf and hard of hearing population especially those services required by the federal Americans with Disabilities Act of 1990 (ADA). The commission's focus is to safeguard access to critical services such as education, health care, and government services by ensuring equal access to communication. The commission helps improve communication access through its various programs which include: outreach and consultative services; a telecommunications equipment distribution program; and legal auxiliary services. The commission also facilitates access to

communication through a grant program which awards funds to improve access to: community programs; employment and work study programs; independent living services; advocacy services and training; legal services; and equal education.

## **Senate Action**

**Senate Health and Human Services Committee (January 29, 2015).** At the hearing, a representative of the Office of Policy, Research, and Regulatory Reform, Colorado Department of Regulatory Agencies (DORA), presented the *2014 Sunset Review: Colorado Commission for the Deaf and Hard of Hearing*. The committee members also received a bill draft that incorporated the recommendations made in the sunset report. Representatives of the commission, the Colorado Association of the Deaf, the Independence Center, and five members of the public testified in support of continuing the commission. The committee voted to introduce the bill to continue the commission.

**Senate Health and Human Services Committee (March 5, 2015).** At the hearing, representatives of the Colorado Department of Human Services (DHS), the commission, the Independence Center, the Helen Keller National Center, AARP, and eight members of the public testified in support of the bill. A staff member from DORA responded to questions from the committee. There was no public testimony in opposition to the bill. The committee referred the bill, unamended, to the Senate Committee of the Whole.

**Senate second reading (March 10, 2015).** The Senate passed the bill on second reading with no amendments.

**Senate third reading (March 11, 2015).** The Senate passed the bill on third reading with no amendments.

## **House Action**

**House Public Health Care and Human Services Committee (March 31, 2015).** At the hearing, representatives of DHS, the commission, AARP, Colorado Hands and Voices, and five members of the public testified in support of the bill. There was no public testimony in opposition to the bill. The committee referred the bill, unamended, to the House Committee of the Whole.

**House second reading (April 6, 2015).** The House passed the bill on second reading with no amendments.

**House third reading (April 7, 2015).** The House passed the bill on third reading with no amendments.

## **Relevant Research**

- 2014 Sunset Review: Colorado Commission for the Deaf and Hard of Hearing, Colorado Department of Regulatory Agencies, Office of Policy, Research and Regulatory Reform, October 14, 2014. <https://goo.gl/1tEWKH>

**Date:** 6/18/2015

**Version:** Final



# Legislative Council Staff

## Research Note

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**Bill Number:** SB15-065

**Short Title:** *Ban Public Benefit Transfers At Certain Venues*

**Prime Sponsors:** Senator Marble  
Representative Nordberg

**Research Analyst:** Julia Jackson (x4788)

### Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on May 1, 2015.

### Summary

The bill prohibits recipients of public assistance from accessing electronic benefits transfers (EBT) at marijuana and adult entertainment establishments.

### Background

In Colorado, public assistance payments and food stamps are provided on EBT cards, allowing recipients to access cash benefits through automated teller machines (ATMs). EBT cards can also be used like debit cards to purchase food with food stamps.

Federal law requires states to take measures to prohibit the use of EBT cards at liquor stores, casinos, and adult entertainment establishments. The State Board of Human Services has prohibited this use by rule, but state law only prohibited EBT card use at liquor stores, gambling establishments, and stores that sell firearms.

### Senate Action

**Senate State, Veterans, and Military Affairs Committee (February 3, 2015).** At the hearing, representatives from the Department of Human Services (CDHS) and the marijuana industry testified in support of the bill.

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The committee adopted amendment L.001, which clarifies that when an ATM is moved from a prohibited location to an allowed location, the ATM's owner must reprogram the machine. The committee referred the bill, as amended, to the Senate Committee of the Whole.

**Senate second reading (February 6, 2015).** The Senate adopted the State, Veterans, and Military Affairs committee report and passed the bill, as amended, on second reading.

**Senate third reading (February 9, 2015).** The Senate passed the bill on third reading with no amendments.

## **House Action**

**House Public Health Care and Human Services Committee (March 24, 2015).** At the hearing, the executive director of CDHS and a representative from the marijuana industry testified in support of the bill.

The committee adopted amendment L.002, which requires CDHS to notify the affected establishments of the prohibition immediately. It also delays the prohibition for 60 days after the bill's effective date.

The committee referred the bill, as amended, to the House Committee of the Whole.

**House second reading (March 27, 2015).** The House adopted the Public Health Care and Human Services committee report and passed the bill, as amended, on second reading.

**House third reading (March 30, 2015).** The House passed the bill on third reading with no amendments.

**Date:** 5/28/2015

**Version:** Final



# Legislative Council Staff

## Research Note

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**Bill Number:** SB15-015

**Short Title:** *Mental Health Parity For Autism Spectrum Disorders*

**Prime Sponsors:** Senator Kefalas  
Representative Primavera

**Research Analyst:** Elizabeth Haskell (x6264)

### Current Status

This research note reflects the final version of the bill, which becomes effective on January 1, 2017, assuming no referendum petition is filed.

### Summary

The bill repeals the law that prohibits autism spectrum disorder (ASD) from being treated as a mental illness by health insurers and clarifies that ASD is a mental disorder for purposes of state and federal mental health parity laws which require that benefits for mental illnesses be no less extensive than the coverage provided for a physical illness. In addition, the bill adds registered behavior technicians to the definition of "autism services provider" and allows these providers to practice under the supervision of a more highly qualified autism services provider. The bill also eliminates any caps on the number of services or visits covered under the mandatory coverage for ASD.

### Background

Federal and state mental health parity laws generally require that a health insurance plan provide the same financial and treatment coverage for mental health services and substance abuse services as it offers for physical health services. The current Colorado mental health parity law specifically excludes ASD from the definition of mental illness.

In 2009, the General Assembly enacted Senate Bill 09-244, which required that health insurance plans in the state offer treatment for autism spectrum disorders, and set an annual dollar limit on the required benefit for treatment. Under the federal Patient Protection and Affordable Care Act (PPACA), coverage for ASD was classified as an essential health benefit in the event

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there was an existing state mandate for this coverage. However, the PPACA prohibited annual dollar limits on this coverage. In response to the PPACA prohibition, the General Assembly passed House Bill 13-1266 which, among other things, specified that the Commissioner of Insurance must promulgate rules concerning coverage for children with ASD, including setting the coverage for ASD services and visits at a level that is actuarially equivalent to the dollar limit of the coverage as it existed prior to the passage of House Bill 13-1266.

## **Senate Action**

**Senate Health and Human Services Committee (January 22, 2015).** At the hearing, representatives of the ARC of Colorado, the Arc of Arapahoe and Douglas counties, Colorado Cross-Disability Coalition, Autism Society of Colorado, and Colorado Developmental Disabilities Council testified in support of the bill. Four members of the public testified in support of the bill and a representative of the Division of Insurance in the Department of Regulatory Agencies responded to questions. There was no testimony in opposition to the bill.

The committee adopted amendment L.001, which sets the effective date of the bill to January 1, 2017, removes the authority of the Commissioner of Insurance to prescribe rules for the benefits associated with ASD, and clarifies that ASD is a "mental disorder" for purposes of mental health parity requirements.

The committee referred the bill, as amended, to the Senate Business, Labor, and Technology Committee.

**Senate Business, Labor, and Technology Committee (February 11, 2015).** At the hearing, a representative of the Arc of Colorado and one member of the public testified in support of the bill. There was no public testimony in opposition to the bill.

The committee adopted amendment L.002, which adds language clarifying that the definition of ASD is the same as is defined in the Diagnostic and Statistical Manual of Mental Disorders in effect at the time of diagnosis and specifying that coverage for ASD is for treatments that are considered medically necessary.

The committee referred the bill, as amended, to the Senate Committee of the Whole with a recommendation that it be placed on the consent calendar.

**Senate second reading (February 17, 2015).** The Senate Committee of the Whole adopted the Senate Health and Human Services Committee report and the Senate Business, Labor, and Technology Committee report and passed the bill, as amended, on second reading.

**Senate third reading (February 18, 2015).** The Senate passed the bill on third reading with no amendments.

## **House Action**

**House Health, Insurance, and Environment Committee (March 19, 2015).** At the hearing, representatives of the ARC of Colorado, the Arc of Arapahoe and Douglas counties, Kaiser Permanente, Firefly Autism, and one member of the public testified in support of the bill.

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There was no testimony in opposition to the bill. The committee referred the bill to the House Committee of the Whole with no amendments.

**House second reading (March 23, 2015).** The House Committee of the Whole passed the bill on second reading with no amendments.

**House third reading (March 24, 2015).** The House passed the bill on third reading with no amendments.

**Date:** 7/29/2015

**Version:** Final



# Legislative Council Staff

## Research Note

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**Bill Number:** SB15-012

**Short Title:** *Colorado Works Pass-through Child Support Payment*

**Prime Sponsors:** Senator Kefalas  
Representative Pettersen

**Research Analyst:** Elizabeth Haskell (x6264)

### Current Status

This research note reflects the final version of the bill, which becomes effective on August 5, 2015, assuming no referendum petition is filed.

### Summary

Effective January 1, 2017, the bill allows the state and county departments of human services to pass-through to a family receiving Temporary Assistance for Needy Families (TANF) the full amount of child support payments collected by the county on the family's behalf. These payments are not to be considered income for purposes of calculating the basic cash assistance available to the family. However, such payments, with applicable disregards, must be considered income for purposes of determining the family's TANF eligibility. Counties must report to the Colorado Department of Human Services (DHS) the amount of child support payments for the month in which the payments are made and must annually report to the Joint Budget Committee the amount of child support collected and paid by the counties to families receiving TANF.

The bill permits the General Assembly to appropriate to DHS moneys sufficient to reimburse the counties for 50 percent of child support collections and the federal government for its share of child support collections. The bill specifies that in any fiscal year in which the General Assembly does not appropriate the full amount necessary to reimburse the county for the pass-through, the county is not required to, but may, implement the child support pass-through.

The bill appropriates \$315,509 from the General Fund to the Office of Self Sufficiency in DHS to implement changes to the Automated Child Support Enforcement System (ACSES) and anticipates that DHS will receive an additional \$553,386 in federal funds be used for the same purposes.

## **Background**

Current law requires that families eligible for TANF assign to DHS their right to receive child support payments. This means that the state may retain all child support payment income as a reimbursement for TANF assistance paid. TANF is part of the Colorado Works Program administered by county departments of human services and is designed to:

- assist participants to terminate their dependence on government benefits by promoting job preparation, work, and marriage;
- provide assistance to needy families so that children may be cared for in their homes or in the homes of family members;
- prevent and reduce the incidence of out-of-wedlock pregnancies and to establish annual numerical goals for preventing and reducing the incidence of these pregnancies;
- encourage the formation and maintenance of two-parent families; and
- allow the counties increased responsibility for the administration of the works program.

## **Senate Action**

**Senate Health and Human Services Committee (January 22, 2015).** At the hearing, representatives of Colorado Counties, Inc, the Colorado Center on Law and Policy, the Bell Policy Center, Lutheran Advocacy Ministry of Colorado, and the Colorado Catholic Conference testified in support of the bill. There was no public testimony in opposition to the bill.

The committee adopted amendment L.001 which clarifies that the change in processing child support payments for TANF recipients becomes effective on January 1, 2017, and upon notification to county departments of human services by DHS that the ACSES and the Colorado Benefits Management System have been updated to manage the new process. The amendment also permits the General Assembly to appropriate moneys to DHS to reimburse the counties for 50 percent of child support collections and the federal government for its share of child support collections. The amendment specifies that in any fiscal year in which the General Assembly does not appropriate the full amount necessary to reimburse the county for the pass-through, the county is not required to, but may, implement the child support pass-through. The committee referred the bill, as amended, to the Senate Finance Committee.

**Senate Finance Committee (February 10, 2015).** At the hearing, representatives of the Colorado Center on Law and Policy and the Bell Policy Center testified in support of the bill. A representative of DHS responded to committee questions. There was no public testimony in opposition to the bill.

The committee adopted amendment L.002, which adds language stating that DHS will make necessary changes to the relevant human services automated systems in years when there is not an appropriation to counties so that child support payments are not passed through to TANF recipients. The amendment also clarified that a county is not required to implement the child support pass through in the years in which the General Assembly does not make an appropriation; however, if the county chooses to implement the pass through in these years, it must utilize its own resources to do so. The committee referred the bill, as amended, to the Senate Appropriations Committee.

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**Senate Appropriations Committee (April 10, 2015).** The committee adopted amendment J.001 and referred the bill to the Senate Committee of the Whole. The amendment makes an appropriation to the Office of Self Sufficiency in DHS for FY 2015-16 of \$868,895 consisting of \$315,509 from the General Fund and \$553,386 from the TANF block grant. There was no public testimony on the bill.

**Senate second reading (April 14, 2015).** The Senate Committee of the Whole adopted the Senate Health and Human Services Committee report, the Senate Finance Committee report, the Senate Appropriations Committee report, and amendment No. 4. Amendment No. 4 adds clarifying language indicating that the pass-through child support payment is considered income for purposes of determining eligibility for TANF, and adjusted the effective date of the bill to 90 days after the final adjournment of the General Assembly; however, certain provisions of the bill include alternate effective dates. The bill passed, as amended, on second reading.

**Senate third reading (April 15, 2015).** The Senate passed the bill on third reading with no amendments. Later in the day, the Senate reconsidered the bill. The bill was passed again on third reading with no amendments.

## **House Action**

**House Public Health Care and Human Services Committee (April 24, 2015).** At the hearing, representatives of the Colorado Center on Law and Policy, the Bell Policy Center, Lutheran Advocacy Ministry of Colorado, Colorado Council of Churches, and 9 to 5 testified in support of the bill. Staff from DHS spoke in support of the bill and responded to committee questions. No one testified in opposition to the bill. The committee referred the bill to the House Appropriations Committee with no amendments.

**House Appropriations Committee (May 1, 2015).** The House Appropriations Committee adopted amendment J.003 and referred the bill to the House Committee of the Whole. The amendment makes an appropriation to the Office of Self Sufficiency in DHS for FY 2015-16 of \$315,509, from the General Fund and anticipates that DHS will receive \$553,386 in federal funds from Title IV-D of the Social Security Act for use by the Office of Self Sufficiency to make changes to the ACSES and to cover contractor costs. There was no public testimony on the bill.

**House second reading (May 1, 2015).** The House Committee of the Whole adopted the House Appropriations Committee report and passed the bill, as amended, on second reading.

**House third reading (May 4, 2015).** The House passed the bill on third reading with no amendments.

**Date:** 7/29/2015

**Version:** Final

**Date:** 8/12/2015

**Version:** Final



# Legislative Council Staff

## Research Note

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**Bill Number:** SB15-087

**Short Title:** *Foster Care & Kin Care Placement Background Checks*

**Prime Sponsors:** Senator Newell  
Representative Singer

**Research Analyst:** Elizabeth Haskell (x6264)

### Current Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on June 2, 2015.

### Summary

Senate Bill 15-087 reorganizes existing statute concerning foster care homes, adds new definitions concerning kinship foster care, and adds several new requirements and clarifications concerning background checks for certain types of kinship care homes.

The bill requires county departments of human services and child placement agencies to perform and document that specific background checks have been performed of all adults residing or employed in a foster care home prior to placing a child in the home and when certifying or recertifying the applicant or operator of a foster care home. Such background checks include fingerprint-based criminal history record checks, sex offender registry checks, and a check of the Department of Human Services' (DHS) automated database system for incidents of child abuse or neglect.

In addition, the bill clarifies the types of background checks required and the sequence of steps for background checks when placing a child into emergency or temporary custody with a relative and establishes that a child may not be placed with the relative if the initial criminal history record check reflects a criminal history of certain disqualifying crimes. If a child is placed with a relative who, upon further investigation, is found to have committed certain crimes, the county department or law enforcement agency must remove the child from the relative's care. The bill allows the placement of a child with noncertified kin that would otherwise be disqualified if such placement occurs according to DHS' rules governing placement reviews and safety issues, or if there is county-initiated court involvement and an order of the court affirming placement of the child

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with the kin.

The bill also directs the court to inquire whether there is documentation that all background checks have been properly executed prior to placing a child in the legal custody of a family member when the court is placing the child in the legal custody of a county department for placement in a foster care home, or when a family member requests that a child be placed with the family member.

The bill requires that, upon direction from the court, guardians ad litem be provided with the reports of fingerprint-based criminal history record checks. In addition, the bill amends the existing list of disqualifying criminal offenses for persons providing foster care or other types of out-of-home placement to include any offense involving unlawful sexual behavior, not just felony offenses.

## **Background**

DHS operates Colorado's state-supervised, county-administered child welfare system and has the authority to address county performance issues through informal consultation with counties, routine monitoring, quality assurance reviews, program intervention, corrective action, and financial sanctions. The Division of Child Welfare in DHS provides supervision of, and technical assistance to, counties; oversees implementation of new initiatives and child welfare program requirements; oversees county staff training through the Child Welfare Training Academy; allocates state and federal funding to counties; approves county plans to administer child welfare services; and responds to complaints from various stakeholders. The Administrative Review Division within DHS is Colorado's mechanism for providing a federally required case review system and a portion of the quality assurance system for the Division of Child Welfare. This division also administers a statutorily created process for reviewing certain child fatalities, near fatalities, and egregious incidents.

The Office of the State Auditor conducted a performance audit of Colorado's child welfare system in 2014. The audit found deficiencies in the DHS oversight of and guidance for county departments of human services, particularly with respect to screening and assessing child abuse and neglect allegations. The audit findings indicated a need for DHS to improve its supervision of the child welfare system to promote strong and consistent practices by the counties to help protect children.

## **Senate Action**

***Senate Health and Human Services Committee (February 4, 2015).*** At the hearing, representatives of the League of Women Voters - Colorado, the Office of Colorado's Child Protection Ombudsman, the Colorado Office of the Child's Representative, the Court Appointed Special Advocate, and one member of the public testified in support of the bill. A representative of Colorado Counties, Inc. maintained a neutral position on the bill. There was no public testimony in opposition to the bill.

The committee adopted amendment L.005, which was a strike everything below the enacting clause amendment. The amendment reorganized existing statute concerning foster care homes, added new definitions concerning kinship foster care, and clarified several requirements concerning background checks for certain types of kinship care homes and noncertified kinship care homes contained in the introduced bill. Specifically, the amendment:

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- required that DHS promulgate rules that require an evaluation to determine whether a person applying to provide or providing foster care is unable to care for a child due to mental illness or mental incompetence;
- added a provision that, upon direction from the court, guardians ad litem be provided with the reports of fingerprint-based criminal history record checks;
- added a provision allowing county departments of human services to have direct access to national and state criminal databases;
- clarified that county departments of human services do not need to repeat fingerprint-based criminal history record checks of relatives or other persons residing in the foster care home if those checks have been performed within the preceding three months; except that the county department must repeat the other background checks and contact local law enforcement to verify if there were any new charges for offenses filed against the relative or other persons residing in the home;
- required county departments of human services and child placement agencies to conduct background checks for a relative who is providing noncertified kinship care when the placement with a relative is not an emergency placement;
- established that a county department may not place a child in noncertified kinship care if the kin or an adult who resides with the kin has been convicted of certain disqualifying criminal offenses, is a registered sex offender, or has been identified as having a finding of child abuse or neglect and that finding has been determined to present an unsafe placement for the child; and
- clarified that a child must be immediately removed from a kinship home if an adult residing in that home is found to have a criminal background.

The committee referred the bill, as amended, to the Senate Judiciary Committee.

**Senate Judiciary Committee ( February 18, 2015).** At the hearing, representatives of the League of Women Voters - Colorado, the Office of Colorado's Child Protection Ombudsman, the Colorado Office of the Child's Representative, and Boulder and Larimer counties testified in support of the bill. A representative of Colorado Counties, Inc. maintained a neutral position on the bill. There was no public testimony in opposition to the bill. The committee adopted amendments L.007, L.013, and L.015, and referred the bill, as amended, to the Senate Committee of the Whole.

Amendment L.007 made technical changes, as well as the following changes to the Senate Health and Human Services Committee report:

- replaced the term "ICON" with "the Colorado Judicial Public Access System;"
- clarified that guardians ad litem be given access to the reports of the fingerprint-based criminal history record only if the court orders the county department to share that information;
- removed the provision that allowed county departments to have direct access to the national and state criminal databases to conduct criminal history record checks;
- added language allowing county departments to perform initial criminal history record checks through its staff or in collaboration with local law enforcement agencies;
- clarified that background checks must be performed on kin or other adults living in a home;
- required the State Board of Human Services to promulgate rules allowing for the placement of a child with noncertified kin who are disqualified from being caregivers due to findings associated with background checks;
- required that rules be promulgated requiring counties to conduct and document that

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all background checks have been initiated and completed and what the county department or child placement agency must do if a disqualifying factor or problem is found from the background checks.

Amendment L.013 amended the Senate HHS committee report provision addressing the existing list of disqualifying criminal offenses for persons providing foster care or other types of out-of-home placement to include any offense involving any unlawful sexual behavior, not just felony offenses. Amendment L.015 made technical changes to Amendment L.007 regarding who is subject to background checks in a noncertified kinship care placement.

**Senate second reading (February 24, 2015).** The Senate Committee of the Whole adopted the Senate Health and Human Services Committee report, the Judiciary Committee report, amendments No. 3 and No. 4, and passed the bill, as amended, on second reading.

Amendment No. 3 made technical changes to the Senate Health and Human Services Committee report. Amendment No. 4 amended the Senate Judiciary Committee report by adding language requiring that county departments of human services or local law enforcement agencies immediately conduct an initial criminal history record check prior to a child being placed in an emergency placement with a relative or other available person and language to allow for county departments of human services that have a fingerprint machine to conduct fingerprint-based criminal history record checks.

**Senate third reading (February 26, 2015).** The Senate passed the bill on third reading with no amendments.

## House Action

**House Public Health Care and Human Services Committee (March 20, 2015).** At the hearing, representatives of the League of Women Voters - Colorado, the Office of Colorado's Child Protection Ombudsman, the Colorado Office of the Child's Representative, and Boulder and Larimer counties testified in support of the bill. Representatives from the Colorado Bureau of Investigation (CBI), the Judicial Department, and Fostering Colorado responded to committee questions about the amendments. There was no public testimony in opposition to the bill.

The committee adopted amendments L.023, L.026, L.027, and L.028. Amendment L.023 made technical changes to the reengrossed bill. Amendment L.026 clarified the parameters of the rules promulgated by DHS governing health assessments of foster parents and added language requiring that the CBI permanently flag the fingerprints of a foster care provider and notify the county department of human services of any new arrests of the provider. Amendment L.027 made technical changes to the bill and clarified that provisions prohibiting county departments of human services from certifying a foster care home due to the applicant or other adult in the home being a registered sex offender do not apply to an adult resident who has been placed in the foster care facility or home for treatment under an adult child waiver. Amendment L.028 removed the term "Colorado Judicial Public Access System" and replaced it with "ICON system at the state judicial department and a background check system provided by a vendor who has a contract with the Colorado judicial department" throughout the bill.

**House second reading (April 23, 2015).** The House Committee of the Whole adopted the House Public Health Care and Human Services Committee report, amendments No. 2 and No. 3,

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and passed the bill on second reading.

Amendment No. 2 removed all references to a third-party background check system provided through a contract with the Judicial Department and clarified that, if necessary, DHS will promulgate rules governing the verification of current addresses and prior addresses of persons applying to be foster care providers who lived in another state. Amendment No. 3 clarified that the fingerprints of a foster care provider be flagged by CBI for the duration of the individual's foster care certification.

**House third reading (April 27, 2015).** The House passed the bill on third reading with no amendments

### **Relevant Research**

Performance Audit, Child Welfare, Department of Human Services, October 2014.  
<http://goo.gl/fxNtSw>