

# **CSFPA Public Policy Report**

## **February 17, 2004**

Submitted by Adoree Blair, Public Policy Chair

As of the 17th of Feb., please be aware of the following bills. This report is contains an addendum and updates from the Feb 1st report. (Please watch this site for updates about every two weeks through February, and periodically thereafter through the first part of May.)

HB 1016 by Rep. Johnson and Sen. S Johnson – This bill adds promotion of obscenity to minors to the charges that require sex offender registration. This bill has passed through Judiciary committee and has been sent to Appropriations.

HB 1036 by Rep. S Williams and Sen. Arnold – Requires youth drivers to drive without minor passengers until they have had a license for 6 months, unless one of the passengers is 21, the youth passengers are members of the immediate family, or there is an emergency. This bill has passed amended from the State, Veterans and Military Affairs Committee, and has been sent to the House floor for a vote.

HB 1060 by Rep. Lundberg – This brings in federal guidelines so that a child's legal caregiver is informed of all the constitutional rights he or she has, and what rights the child has, when a child is taken from that home. I am trying to determine if this includes foster parents. This bill passed through the House floor with an amendment specifically protecting informants, and has been sent to HEWI in the Senate.

HB 1061 by Rep. Berry – This allows Child Advocacy Centers to videotape interviews with children who have been abused and/or neglected, and sets the guidelines for the consistency of the interviews. Hopefully, this method will cut down on the amount of interviews a child is required to go through. This bill is through the House and sent to Senate HEWI.

HB 1078 by Rep. Harvey – This bill limits the ability of entities to display sexually explicit materials where a child might view them, and puts penalties in place for such display. This bill has been greatly amended, and has passed through the House and is on its way to the State, Veteran's and Military Affairs Committee in the Senate.

HB 1083 by Rep. Sinclair – If a father tests DNA-negatively as the father of a child for whom he has been paying child support, the court must stop mandating the payments at the tested father's request. This bill is waiting hearing before the IT House Committee.

HB 1108 by Rep. McFayden – This bill requires court-ordered treatment providers providing services to D&N youth to keep all statements made by the youth confidential unless such statements provide information about future misconduct. This bill is waiting for its 2<sup>nd</sup> reading on the House Floor after passing through committee.

HB 1137 by Rep. Frangas – Makes it illegal for schools to use a signed confession by a student that could result in the student’s expulsion unless there is a parent present, or – the parent and child have signed a waiver for this requirement, or – a responsible adult acting as a parent is accompanying the child, or – the child misrepresents what is going on and the school acts in good faith despite the child’s untruthfulness. This bill is through the House, amended, and waits for its HEWI Senate committee hearing.

HB 1149 by Rep. Cheri Jahn – This bill requires that adoption petitions be denied to potential adoptive parents who have committed a felony (convicted of) concerning drug use, domestic violence or violation of a protection order, within the past five years at a minimum. This bill has passed through the House and awaits its Senate Judiciary hearing.

HB 1182 by Rep Cloer, Sen Hillman – Requires property owners whose property has been used for a methamphetamine lab to clean up the property to certain standards. Limits liability to these property owners of the standards for cleanup have been met. Has passed through the House and is on its way to the Senate Local Government Committee.

HB 1196 by S Williams and Arnold – This bill takes away the “need to know” requirements that prohibit law enforcement from releasing sex offender information to an inquiring party. Waits hearing its second reading on the House floor.

HB 1200 by Rep. Clapp, Sen Anderson – This bill requires all agencies serving families and children with child welfare services to collaborate and share services so that we see less duplication of services, but more services available to more families. Creates an oversight board that reviews reports about how this collaborative effort is going. This bill waits its House HEWI hearing.

HB 1217 by Rep. Lee and Senator Arnold – This bill requires schools to give the parents of children attending the school a sample list of 4 to 6 questions the parents could ask regarding the performance of the schools, based on CSAP scoring. It requires the schools to notify the parents of other services available to their child, depending on the academic performance of the student. Schools report back to the governor about how this program is working. Waiting House committee hearing. Is awaiting the second reading on the House floor.

**New House Bills as of 12-1-04:**

HB 1254 by Rep. Welker- This bill eliminates the requirement that the parents of a child be informed when a child care home or facility is investigated for abuse or neglect. Also, requires that any facility paid with government funding in whole or part for the children’s care have all employees fingerprinted and CBI checked, with a 6-month grace period to work before the results are returned.

HB 1259 by Mc Fayden – Requires the State Dep't of Education to study the effect, on the education of children, of their parents being incarcerated, and to report back on these effects to the General Assembly by 2005. Waiting in Appropriations.

HB 1260 by Weins and Kester – Allows state and other funding for kindergarten students only if those students are five years of age by July 1 of the budget year. Has been laid over by the House Education committee.

HB 1265 by The Joint Budget Committee Members – Transfers responsibility of Medicaid Mental Health Services from the Department of Human Services to The Department of Health Care Policy and Financing, and makes provisions about who shall be treatment providers under this new package (limits ability to choose mental health providers by the client.) Amended in Appropriations and passed to House for vote.

HB 1271 by Rep. Clapp – This bill creates Dedicated Foster Homes, subject to available money. For foster children ages 6 to 18, seeks house parents who will commit to care for a group of specific children until those children reach the age of 18, and accept those children back into the home even if they have exited the system. Subject to available money, offers inducements to foster parents to do this work, including tax breaks, help with mortgages, lost wages pay-back, etc. Amended in committee and being voted on by House floor.

HB 1272 by Rep. T Williams – This bill creates Citizen Review Panels in each county to review findings of child abuse or neglect, at the request of the person who is allegedly responsible for the abuse/neglect. Creates authority to release the investigative paperwork and findings to this panel, if requested.

HB 1277 by Hefley and Cairns – This bill changes the Child Care Commission to the School Readiness Commission and expands its duties to represent the name change. Amended in HEWI and sent to floor for vote.

**New House bills as of 2-17-04:**

HB 1279 by Rep. Sinclair – This bill mandates that parents who are divorcing be given half-time custody for each parent, no matter the age of the child, and can only be overturned if there is clear and convincing evidence that this is not in the child's best interests. This standard of evidence is stronger than that required to convict of murder, and hard to prove. Waits its hearing before the State, Veteran's and Military Affairs Committee.

HB 1352 by Rep. Spence – This bill brings forth more options for education for children with disabilities. Assigned to the House Education Committee.

HB 1370 by Rep. Frangas – This bill creates a new program for first-time offenders of child abuse, when the abuse is deemed minor after investigation, and the person alleged to be responsible is willing to use this program. The program provides that the offender

and the department come to an agreement about the way the problem can be resolved without having to file a D&N and open a case on this family.

### **Senate Bills:**

SB 28 by Hagedorn and Larsen – This bill mandates that the Dept of Health Care Policy and Financing shall seek federal approval to treat Native Americans for substance abuse. This bill is through Appropriations and has been sent to the floor for a vote.

SB 29 by Sen. Windels and Rep Jahn – This bill amends the definition of medically fragile foster children to include those on tracheotomy tubes. It also requires any planning entity working with medical homes for individuals to plan for respite care for those medically fragile individuals, and notify the caregivers of such respite plans, so they can be used in an emergency. Waiting its third reading on Senate floor.

SB 34 by Sen. Evans – This bill allows counties to designate certain streets in their areas as “play streets” and provides law enforcement authority to ticket parents who do not supervise their children when the children are utilizing those play streets. Passed through HEWI committee; waiting its 2<sup>nd</sup> reading on Senate floor.

SB 37 by Sens Anderson and Windels and Rep Stafford – This bill creates a legislative oversight committee that establishes a process to examine the treatment of individuals who have mental illness and are also involved in the criminal or juvenile justice system. Also creates a task force to begin examining the issues. This bill also creates a report system back to the legislature with recommended legislative changes. Passed through committee, waiting in Appropriations for a hearing.

SB 58 by Sandoval and Briggs – Creates a “Kids First” license plate for purchase in the state. Funds from this program will go to a children’s injury prevention program. Waiting hearing in Appropriations.

SB 65 by Keller and Coleman – This bill extends the mental health treatment of children without filing a D&N on the parents – it extends the program begun by Sen. Keller years ago, until 2009. Passed through HEWI, waiting in Appropriations.

SB 83 by Sandoval – Requires that schools with an 85% or more population of at-risk students (defined as various social and academic risk factors) be designated an alternate school if so requested. Provides accountability reporting procedures. Passed Senate 3<sup>rd</sup> reading.

SB 95 by Veiga and Mitchell – Requires the state to issue and file a certificate of stillbirth for parents of stillborn babies. Extends time for filing such certificates. Passed Senate 3<sup>rd</sup> reading.

SB 117 by Sandoval – This bill was created for the case of the Native American infant who was taken at birth, and, if passed, will be called “The Sunshine Gates Act.” It

requires that newborns not be taken from their parents without a court order by police, unless the police have a court order or unless the child tests positive for drugs or displays drug withdrawal symptoms, or the child's parents or parent are unavailable or so mentally ill they cannot care for the child. Requires that the parents be given notice about their rights and what is going on, and that this be given in a language they can understand, even if an interpreter needs to be called in. This bill was amended on the Senate floor to reflect that the child can be taken if imminent danger exists, but a court order must be obtained within 24 hours.

SB 120 by Stafford and Hillman – Designates churches as being able to provide public service jobs, and designates the property used in providing these jobs continue to receive a religious tax exemption. Has been assigned to House Finance committee after passage through the House.

SB 122 by Sen. Reeves and Rep Hefley – This bill repeals the duties and roles of Magistrates in family law. Has passed its readings on the floor.

SB 136 by Arnold and King – This bill requires schools to offer remedial help to students who are failing, and to provide that help until they perform satisfactorily. Waiting its committee hearing.

SB 137 by Johnson and Rhodes – This bill requires that foster parents receive notice about upcoming hearings concerning their foster child, and that they be able to be heard at such hearings. In addition, this bill asks that all foster parent identifying information remain confidential from adult biological relatives of foster children unless the foster parent gives consent for such information to be shared. This bill is an effort of CSFPA. Passed through Senate HEWI hearing and waiting its floor readings.

SB 139 by Windels and Andrews – This bill requires health care providers to remind parents when their children are overdue for immunizations, unless there is a shortage of immunizations. Passed through HEWI, passed its floor readings.

#### **New Senate Bills as of 2-1-04:**

SB 154 by Evans and Lee: Provides for a new group of information about judges' performance, to be used when evaluation judges for retention, expanding information about the courts. Referred to Appropriations.

#### **New Senate Bills as of 2-17-04:**

SB 177 by Senator Gordon, Rep. Hefley: This bill creates a program to treat children with autism, with Medicaid dollars. This has a huge fiscal note.

To find out more about these bills, or to read them, or follow their progress, go to <http://www.leg.state.co.us/> HB is a House Bill, and SB is a Senate bill. If you have questions or concerns you can contact me at [adoreel@msn.com](mailto:adoreel@msn.com) You may also leave questions at 303 798 3881, although please be patient, as I have a very busy phone.