

§ 26-7-101. Definitions.

Colorado Statutes

Title 26. HUMAN SERVICES CODE

Article 7. Subsidization of Adoption

Current through Chapter 385 of the 2016 Legislative Session

§ 26-7-101. Definitions

As used in this article, unless the context otherwise requires:

- (1) "Board" means the state board of human services, or its designated representative.
- (2) "Child with special needs" means a child with a special, unusual, or significant physical or mental disability, or emotional disturbance, or such other condition which acts as a serious barrier to the child's adoption.
- (3) "Department" means the department of human services.

Cite as C.R.S. § 26-7-101

History. L. 73: p. 1227, § 1. C.R.S. 1963: § 119-15-1 . L. 93: (2) amended, p. 1665, § 75, effective July 1; (1) and (3) amended, p. 1157, § 113, effective July 1, 1994.

Case Notes:

ANNOTATION

"Other condition" language in definition of "special needs" in subsection (2) allows consideration of the disabilities or conditions enumerated in the federal statute but not explicitly included in the state statute or regulation and, therefore, the statutory and regulatory definitions are not preempted by federal law. *Sapp v. El Paso County Dept. of Human Servs.*, 181 P.3d 1179 (Colo. App. 2008).

A totality of the circumstances test should be applied to determine whether "serious barriers to adoption" exist. Under this test, both subjective and objective factors must be considered on an individualized basis. *Sapp v. El Paso County Dept. of Human Servs.*, 181 P.3d 1179 (Colo. App. 2008).

Cross References:

For the legislative declaration contained in the 1993 act amending subsections (1) and (3), see section 1 of chapter 230, Session Laws of Colorado 1993.