



## Office of Sen. Irene Aguilar, M.D.

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### Fact Sheet Memo

SB15-038

## ACCESS TO CERTAIN RECORDS OF A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES CONTAINING PERSONAL IDENTIFYING INFORMATION BY AN AUDITOR

Sen. Aguilar

**Staff Name:** *Rodney Monheit*

**Date:** *1/25/2015*

### **What the Bill Does:**

The bill allows an auditor to access certain records of a county department of human or social services, including those records containing personal identifying information that are required to be kept confidential. By granting an auditor access to the county documents, the bill aims to help identify and correct the systemic problems in the delivery of these services while also ensuring that the information is not released to the public or made part of an audit report.

### **Colorado Context:**

In Colorado, the delivery of human and social services is a function that is administered by county departments. Some counties are experiencing deficiencies in the delivery of these programs, putting at risk the protection, safety and well-being of both children and adults.<sup>1</sup> Performance and financial audits of a county department can be essential to addressing the cause of such program deficiencies. However, Colorado law currently limits or completely prohibits access records held by a county department of human or social services. The prohibited county department records include information relating to public assistance and welfare, at-risk adults, and child abuse and neglect.

### **Bill Provisions:**

- A county department of human or social services shall provide to an auditor conducting a financial or performance audit of the county department access to all of the records, reports, papers, and communications of the county department, including any personal identifying information of individuals necessary to achieve the stated audit objectives.
- Information required to be kept confidential, including personal identifying information, must not be released, disclosed, made available for inspection, or disclosed in an audit report that is released for public inspection.
- A person who releases information required to be kept confidential is subject to the applicable criminal or civil penalties for the unlawful release of the information.

### **Fiscal implications**

The Bill is expected to increase state revenue by less than \$5,000, credited to the Fines Collection Cash Fund in the Judicial Department. The Bill may increase workload and costs for some state agencies, but such increases are minimal and no increases in appropriations are required for any state agency.

### **History**

Scheduled for hearing on 1/26/2014 in Senate State, Veterans, & Military Affairs

<sup>1</sup> [http://www.denverpost.com/news/ci\\_26925798/audit-finds-cracks-colorado-investigations-child-abuse-neglect](http://www.denverpost.com/news/ci_26925798/audit-finds-cracks-colorado-investigations-child-abuse-neglect).

**Concerns**

Individual privacy is a concern insofar as personal identifying information will be available to auditors, increasing the risk of unauthorized disclosure.

**Should the bill be enacted?**

Vote YES, if you believe that (1) increasing auditor access to county department records will improve the auditing process and help combat the deficiencies in the delivery of human and social services; and (2) the risks of unauthorized disclosure are negligible compared to the potential benefit to at-risk individuals.

Vote NO, if you believe that (1) auditors do not need additional access to information to combat the deficiencies in the delivery of human and social services; or (2) the risk of unauthorized disclosure outweighs potential benefits to at-risk individuals.

### Supplementary Data

"In Fiscal Year 2013, county departments served about 37,500 children in the child welfare system. Of these, about 12,000 were new involvements. A new involvement refers to a child who becomes involved in a new a case and receives any type of service (e.g., in-home services, core services, out-of-home services) during the year. Of the children receiving services in the state, 9,687 (26 percent) were placed outside of their homes. Exhibit 1-4 shows the number of children receiving services in each county and the number of children placed outside their homes in Fiscal Year 2013."<sup>2</sup>

<b>Exhibit 1-4 Colorado Child Welfare Program Children Receiving Services and Children Placed Outside the Home in Fiscal Year 2013<sup>1</sup></b>							
County	Children Receiving Services	Children Placed Outside the Home		County	Children Receiving Services	Children Placed Outside the Home	
		Number	Percent of Total			Number	Percent of Total
Colorado	37,524	9,687	26%	Gunnison	98	19	19%
Denver	5,059	1,747	35%	Yuma	91	16	18%
El Paso	5,049	1,338	27%	Bent	90	17	19%
Arapahoe	4,006	1,000	25%	Clear Creek	85	27	32%
Adams	3,742	954	25%	Routt	84	7	8%
Jefferson	3,414	1,007	29%	Lincoln	80	16	20%
Larimer	3,014	408	14%	Park	73	13	18%
Mesa	1,708	430	25%	Saguache	73	8	11%
Weld	1,620	569	35%	Lake	70	11	16%
Pueblo	1,465	445	30%	Washington	70	18	26%
Boulder	1,361	200	15%	Conejos	60	14	23%
Fremont	677	172	25%	Kit Carson	60	3	5%
Douglas	676	184	27%	Grand	59	11	19%
La Plata	390	53	14%	Rio Blanco	58	15	26%
Montrose	369	107	29%	Summit	55	11	20%
Morgan	355	135	38%	Gilpin	41	14	34%
Garfield	332	55	17%	Crowley	36	12	33%
Alamosa	300	52	17%	Costilla	35	4	11%
Montezuma	273	50	18%	Pitkin	31	3	10%
Logan	272	77	28%	Phillips	31	15	48%
Otero	203	57	28%	San Miguel	31	1	3%
Delta	191	59	31%	Baca	29	11	38%
Broomfield	183	42	23%	Dolores	21	5	24%
Teller	180	61	34%	Cheyenne	13	2	15%
Las Animas	169	44	26%	Sedgwick	9	2	22%
Elbert	160	31	19%	Custer	9	3	33%
Moffat	153	18	12%	Ouray	9	1	11%
Rio Grande	151	22	15%	Kiowa	8	3	38%
Prowers	136	12	9%	Mineral	5	0	0%
Eagle	132	17	13%	Hinsdale	5	0	0%
Archuleta	127	21	17%	Jackson	2	1	50%
Huerfano	121	23	19%	San Juan	1	0	0%
Chaffee	114	14	12%				

Source: Colorado Department of Human Services, Division of Child Welfare Services, 2013 Data Book.

<sup>2</sup> [http://www.leg.state.co.us/OSA/coauditor1.nsf/All/E5214710B77C878487257D320050F29A/\\$FILE/1354S%20-%20Colorado%20Childrens%27%20Welfare%20Workload%20Study%20Report%20August%202014.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/E5214710B77C878487257D320050F29A/$FILE/1354S%20-%20Colorado%20Childrens%27%20Welfare%20Workload%20Study%20Report%20August%202014.pdf) at page 10.

<sup>3</sup> *Id.* at page 11.