

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 11-0659.01 Julie Pelegrin

**HOUSE BILL 11-1196**

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**HOUSE SPONSORSHIP**

**Summers,**

**SENATE SPONSORSHIP**

**Foster,**

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**House Committees**

Local Government  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO INCREASE FLEXIBILITY IN FUNDING**  
102 **SERVICES FOR FAMILIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill allows county departments of human services (county departments) to provide family preservation services to families who are not involved in the child welfare, mental health, or juvenile justice systems, but who may be if they do not receive the services.

In establishing the formula for capped and targeted allocations of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 2nd Reading  
April 5, 2011

funding to the county departments for child welfare services, the state department of human services must take into account a list of statutory factors. The bill adds to the list consideration of the county department's prior fiscal year expenditures on preventive services and the number of families served.

The bill authorizes a county department to receive federal matching funds for expenditures by other entities within the county, which expenditures meet specified criteria. The state department shall retain 5 percent of any of said federal matching funds received by the county department.

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

2 **SECTION 1.** 26-5.5-103 (1), Colorado Revised Statutes, is  
3 amended to read:

4 **26-5.5-103. Definitions.** As used in this article, unless the  
5 context otherwise requires:

6 (1) "At-risk family" means a family unit with a child who meets  
7 out-of-home placement criteria as established by the state board OR WHO,  
8 WITHOUT INTERVENTION, RISKS CONTINUED INVOLVEMENT WITH THE  
9 CHILD WELFARE SYSTEM AS ESTABLISHED BY THE STATE BOARD.

10 **SECTION 2.** 26-5.5-104 (2) (b) and (4) (a) (I), Colorado Revised  
11 Statutes, are amended to read:

12 **26-5.5-104. Statewide family preservation program - creation**  
13 **- single state agency designated - program criteria established -**  
14 **available services - powers and duties of agencies - local oversight -**  
15 **feasibility report.** (2) The program shall be implemented as follows:

16 (b) No later than July 1, 1996, family preservation services shall,  
17 within available appropriations, be available to SERVE appropriate  
18 families who are involved in, OR WHO ARE AT RISK OF BEING INVOLVED IN,  
19 the child welfare, mental health, and juvenile justice systems.

20 (4) (a) Intensive services shall be available for an at-risk family

1 in the family home, as deemed necessary by the family development  
2 specialist. Intensive services shall include, at a minimum:

3 (I) Family preservation services described in subsection (3) of this  
4 section; except that the screening of a family for intensive services shall  
5 occur within twenty-four hours after referral by the investigating or  
6 placement agency to decide the appropriateness of providing intensive  
7 services to the family where the child has been determined by the  
8 investigating or placement agency to be at imminent risk of out-of-home  
9 placement OR AT RISK OF CONTINUED INVOLVEMENT IN THE CHILD  
10 WELFARE SYSTEM;

11 **SECTION 3.** 26-5-104 (3) (a) (II), Colorado Revised Statutes, is  
12 amended, and the said 26-5-104 (3) (a) is further amended BY THE  
13 ADDITION OF A NEW SUBPARAGRAPH, to read:

14 **26-5-104. Funding of child welfare services - rules.**

15 (3) **Allocation formula.** (a) For state fiscal year 1997-98, and for each  
16 state fiscal year thereafter, the state department, after input from the child  
17 welfare allocations committee, shall develop formulas for capped and  
18 targeted allocations that shall include, effective for state fiscal year  
19 1998-99, the estimated caseload for the delivery of those specific child  
20 welfare services to be funded by the moneys in such capped or targeted  
21 allocations. If a county receives more than one capped or targeted  
22 allocation for the delivery of child welfare services, the formula shall  
23 identify the specific caseload estimate attributable to each capped or  
24 targeted allocation. The determination of the formulas pursuant to the  
25 provisions of this subsection (3) shall also take into consideration such  
26 factors as:

27 (II) The county's allocations and expenditures for child welfare

1 services in the three previous state fiscal years and a comparison of the  
2 spending in those prior years with the caseloads in the respective prior  
3 state fiscal years; and

4 (III.5) THE COUNTY'S PRIOR FISCAL YEAR EXPENDITURES ON  
5 PREVENTIVE FAMILY PRESERVATION SERVICES AND THE NUMBER OF  
6 FAMILIES SERVED; AND

7 SECTION 4. 26-1-122 (4), Colorado Revised Statutes, is  
8 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

9 **26-1-122. County appropriations and expenditures -**  
10 **advancements - procedures.** (4) (k) (I) NOTWITHSTANDING ANY OTHER  
11 PROVISION OF THIS ARTICLE, THE COUNTY DEPARTMENT MAY RECEIVE AND  
12 SPEND FEDERAL FUNDS TO WHICH IT IS ENTITLED BASED ON THE COUNTY'S  
13 CERTIFICATION OF PUBLIC EXPENDITURES MADE BY OTHER ENTITIES  
14 WITHIN THE COUNTY, WHICH EXPENDITURES:

15 (A) ARE FROM SOURCES OTHER THAN THE COUNTY SOCIAL  
16 SERVICES FUND;

17 (B) ARE IN EXCESS OF THE TWENTY PERCENT REQUIRED BY  
18 SUBSECTION (1) OF THIS SECTION; AND

19 (C) ARE FOR A SOCIAL SERVICES ACTIVITY THAT HAS BEEN  
20 APPROVED BY THE STATE DEPARTMENT AS AN ACTIVITY THAT IS ELIGIBLE  
21 FOR REIMBURSEMENT UNDER A FEDERAL PROGRAM.

22 (II) ACCEPTANCE AND EXPENDITURE OF FEDERAL FUNDS  
23 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (k) SHALL NOT  
24 AFFECT THE STATE'S SHARE OF AND CONTRIBUTION TO THE ASSISTANCE  
25 PAYMENTS PROGRAM COSTS AND SOCIAL SERVICES PROGRAM COSTS. THE  
26 COUNTY SHALL BE SOLELY RESPONSIBLE FOR CERTIFYING THE  
27 NONFEDERAL SHARE THAT IS IN EXCESS OF THE COUNTY'S

1 TWENTY-PERCENT SHARE. THE STATE DEPARTMENT MAY RETAIN UP TO  
2 FIVE PERCENT OF ANY FEDERAL FUNDS RECEIVED BY A COUNTY  
3 DEPARTMENT PURSUANT TO THIS PARAGRAPH (k). IN ADDITION, THE  
4 STATE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 26-1-109 (4)  
5 (d), SHALL RECOVER ANY FEDERAL FUNDS RECEIVED BY THE COUNTY  
6 THROUGH THE CERTIFICATION OF PUBLIC EXPENDITURES THAT ARE  
7 SUBSEQUENTLY DETERMINED TO BE INELIGIBLE FOR FEDERAL  
8 REIMBURSEMENT.

9 **SECTION 5.** 25.5-1-121, Colorado Revised Statutes, is amended  
10 BY THE ADDITION OF A NEW SUBSECTION to read:

11 **25.5-1-121. County expenditures - advancements - procedures.**

12 (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE  
13 COUNTY DEPARTMENT MAY RECEIVE AND SPEND FEDERAL FUNDS TO  
14 WHICH IT IS ENTITLED BASED ON THE COUNTY'S CERTIFICATION OF PUBLIC  
15 EXPENDITURES FOR ADMINISTRATIVE COSTS MADE BY OTHER ENTITIES  
16 WITHIN THE COUNTY, WHICH EXPENDITURES:

17 (I) ARE FROM SOURCES OTHER THAN THE COUNTY SOCIAL  
18 SERVICES FUND;

19 (II) ARE IN EXCESS OF THE COUNTY DEPARTMENT'S PORTION, AS  
20 REQUIRED PURSUANT TO SECTION 25.5-1-114 (2) (a), OF THE  
21 ADMINISTRATIVE COSTS; AND

22 (III) ARE FOR AN ADMINISTRATIVE ACTIVITY THAT HAS BEEN  
23 APPROVED BY THE STATE DEPARTMENT AS AN ACTIVITY THAT IS ELIGIBLE  
24 FOR REIMBURSEMENT UNDER A FEDERAL PROGRAM.

25 (b) ACCEPTANCE AND EXPENDITURE OF FEDERAL FUNDS PURSUANT  
26 TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL NOT AFFECT THE  
27 STATE'S SHARE OF AND CONTRIBUTION TO THE ADMINISTRATIVE COSTS.

1 THE COUNTY SHALL BE SOLELY RESPONSIBLE FOR CERTIFYING THE  
2 NONFEDERAL SHARE THAT IS IN EXCESS OF THE COUNTY'S REQUIRED  
3 PORTION OF THE ADMINISTRATIVE COSTS. THE STATE DEPARTMENT MAY  
4 RETAIN UP TO FIVE PERCENT OF ANY FEDERAL FUNDS RECEIVED BY A  
5 COUNTY DEPARTMENT PURSUANT TO THIS SUBSECTION (3). IN ADDITION,  
6 THE STATE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 26-1-109  
7 (4) (d), C.R.S., SHALL RECOVER ANY FEDERAL FUNDS RECEIVED BY THE  
8 COUNTY THROUGH THE CERTIFICATION OF PUBLIC EXPENDITURES THAT  
9 ARE SUBSEQUENTLY DETERMINED TO BE INELIGIBLE FOR FEDERAL  
10 REIMBURSEMENT.

11 **SECTION 6.** 26-5.5-103 (1.5), Colorado Revised Statutes, is  
12 repealed as follows:

13 **26-5.5-103. Definitions.** As used in this article, unless the context  
14 otherwise requires:

15 (1.5) "Family development specialist" means a person who meets  
16 the qualification criteria and training standards that the executive director  
17 of the state department shall establish through the adoption of rules.

18 **SECTION 7.** The introductory portion to 26-5.5-104 (4) (a) and  
19 26-5.5-104 (4) (a) (II) and (4) (a) (III), Colorado Revised Statutes, are  
20 amended to read:

21 **26-5.5-104. Statewide family preservation program - creation**  
22 **- single state agency designated - program criteria established -**  
23 **available services - powers and duties of agencies - local oversight -**  
24 **feasibility report.** (4) (a) Intensive services shall be available for an  
25 at-risk family in the family home, as deemed necessary by the family  
26 development specialist COUNTY DEPARTMENT. Intensive services shall  
27 include, at a minimum:

1 (II) Crisis intervention, including in-home counseling, by a family  
2 ~~development specialist~~ CASE MANAGER OR CASE WORKER, which  
3 intervention shall be available on a twenty-four-hour basis;

4 (III) Concentrated assistance in the development and enhancement  
5 of parenting skills, stress reduction, and problem-solving from a family  
6 ~~development specialist~~ CASE MANAGER OR CASE WORKER; and

7 **SECTION 8. Act subject to petition - effective date.** This act  
8 shall take effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part shall not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2012 and shall take effect on the date of the official  
16 declaration of the vote thereon by the governor.