

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 11-1196

BY REPRESENTATIVE(S) Summers, Brown, Fischer, Hamner, Kefalas, Kerr J., Labuda, Massey, Pace, Peniston, Solano, Todd, Tyler, Vigil, Wilson, Court, Fields;
also SENATOR(S) Foster, Aguilar, Bacon, Boyd, Giron, Guzman, Heath, Hudak, Jahn, Newell, Nicholson, Schwartz, Tochtrop, White, Williams S.

CONCERNING MEASURES TO INCREASE FLEXIBILITY IN FUNDING SERVICES FOR FAMILIES.

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

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

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

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

SECTION 2. 26-5.5-104 (2) (b) and (4) (a) (I), Colorado Revised

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

Statutes, are amended to read:

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

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

(4) (a) Intensive services shall be available for an at-risk family in the family home, as deemed necessary by the family development specialist. Intensive services shall include, at a minimum:

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

SECTION 3. 19-1-116 (1.5) and (2) (b) (I), Colorado Revised Statutes, are amended to read:

19-1-116. Funding - alternatives to placement out of the home - services to prevent continued involvement in child welfare system. (1.5) No later than July 1, 1994, each county in the state shall assure access to alternatives to out-of-home placements for families with children at imminent risk of out-of-home placements. BEGINNING SEPTEMBER 1, 2011, A COUNTY MAY ALSO PROVIDE ACCESS FOR FAMILIES TO ALTERNATIVE SERVICES TO PREVENT CONTINUED INVOLVEMENT WITH THE COUNTY DEPARTMENT CHILD WELFARE SYSTEM. Two or more counties may jointly provide or purchase alternative services to families in the respective counties. Such services shall either be provided for under the plan adopted by placement alternative commissions in accordance with paragraph (b) of subsection (2) of this section or purchased by the county if such county does

not have a placement alternative commission for the county. If a county purchases alternative services, the county shall ensure that the services purchased meet the goals of placement alternative commission plans, as described in subparagraph (I) of paragraph (b) of subsection (2) of this section.

(2) (b) (I) On or before July 1, 1994, the commission, if established, shall annually prepare a plan for the provision of services. The primary goals under the plan shall be to prevent imminent placement of children out of the home and to reunite children who have been placed out of the home with their families. IF A COUNTY PROVIDES SERVICES TO CHILDREN WHO, WITHOUT INTERVENTION, RISK CONTINUED INVOLVEMENT WITH THE CHILD WELFARE SYSTEM, THE COUNTY SHALL INCLUDE IN THE PLAN THE GOALS TO BE ACHIEVED BY PROVIDING SAID SERVICES. The plan shall be prepared using all available sources of information in the community, including public hearings. The plan shall specify the nature of the expenditures to be made and shall identify the services which are intended to prevent or minimize placement out of the home and to what extent. The plan shall contain, whenever practicable, a vocational component to provide assistance to older children concerning a transition into the work force upon completion of school. Upon approval of the plan by the county commissioners, the counties shall submit the plan to the department of human services.

SECTION 4. 26-5-104 (3) (a) (II), Colorado Revised Statutes, is amended, and the said 26-5-104 (3) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

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

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

factors as:

(II) The county's allocations and expenditures for child welfare services in the three previous state fiscal years and a comparison of the spending in those prior years with the caseloads in the respective prior state fiscal years; ~~and~~

(III.5) BEGINNING WITH THE 2012-13 STATE FISCAL YEAR, THE COUNTY'S PRIOR FISCAL YEAR EXPENDITURES ON PREVENTIVE FAMILY PRESERVATION SERVICES AND THE NUMBER OF FAMILIES SERVED; AND

SECTION 5. 26-1-122 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

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

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

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

(II) ACCEPTANCE AND EXPENDITURE OF FEDERAL FUNDS PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (k) SHALL NOT AFFECT THE STATE'S SHARE OF AND CONTRIBUTION TO THE ASSISTANCE PAYMENTS PROGRAM COSTS AND SOCIAL SERVICES PROGRAM COSTS. THE COUNTY SHALL BE SOLELY RESPONSIBLE FOR CERTIFYING THE NONFEDERAL SHARE THAT IS IN EXCESS OF THE COUNTY'S TWENTY-PERCENT SHARE. THE STATE DEPARTMENT MAY RETAIN UP TO FIVE PERCENT OF ANY FEDERAL FUNDS RECEIVED BY A COUNTY DEPARTMENT PURSUANT TO THIS PARAGRAPH (k). IN ADDITION, THE STATE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION

26-1-109 (4) (d), SHALL RECOVER ANY FEDERAL FUNDS RECEIVED BY THE COUNTY THROUGH THE CERTIFICATION OF PUBLIC EXPENDITURES THAT ARE SUBSEQUENTLY DETERMINED TO BE INELIGIBLE FOR FEDERAL REIMBURSEMENT.

SECTION 6. 25.5-1-121, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

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

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

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

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

(b) ACCEPTANCE AND EXPENDITURE OF FEDERAL FUNDS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL NOT AFFECT THE STATE'S SHARE OF AND CONTRIBUTION TO THE ADMINISTRATIVE COSTS. THE COUNTY SHALL BE SOLELY RESPONSIBLE FOR CERTIFYING THE NONFEDERAL SHARE THAT IS IN EXCESS OF THE COUNTY'S REQUIRED PORTION OF THE ADMINISTRATIVE COSTS. THE STATE DEPARTMENT MAY RETAIN UP TO FIVE PERCENT OF ANY FEDERAL FUNDS RECEIVED BY A COUNTY DEPARTMENT PURSUANT TO THIS SUBSECTION (3). IN ADDITION, THE STATE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 26-1-109 (4) (d), C.R.S., SHALL RECOVER ANY FEDERAL FUNDS RECEIVED BY THE COUNTY THROUGH THE CERTIFICATION OF PUBLIC EXPENDITURES THAT ARE SUBSEQUENTLY DETERMINED TO BE INELIGIBLE FOR FEDERAL REIMBURSEMENT.

SECTION 7. Repeal. 26-5.5-103 (1.5), Colorado Revised Statutes,

is repealed as follows:

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

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

SECTION 8. The introductory portion to 26-5.5-104 (4) (a) and 26-5.5-104 (4) (a) (II) and (4) (a) (III), Colorado Revised Statutes, are amended to read:

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

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

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

SECTION 9. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless

approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO