

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 11-0659.01 Julie Pelegrin

HOUSE BILL 11-1196

HOUSE SPONSORSHIP

Summers,

SENATE SPONSORSHIP

Foster,

House Committees

Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

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

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
3rd Reading Unamended
April 6, 2011

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.

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.