

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0659.01 Julie Pelegrin

HOUSE BILL 11-1196

HOUSE SPONSORSHIP

Summers,

SENATE SPONSORSHIP

Foster,

House Committees

Local Government
Appropriations

Senate Committees

Local Government

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.*

SENATE
3rd Reading Unam ended
April 19, 2011

SENATE
Am ended 2nd Reading
April 18, 2011

HOUSE
3rd Reading Unam ended
April 6, 2011

HOUSE
Am ended 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. 19-1-116 (1.5) and (2) (b) (I), Colorado Revised
12 Statutes, are amended to read:

13 **19-1-116. Funding - alternatives to placement out of the home**
14 **- services to prevent continued involvement in child welfare system.**

15 (1.5) No later than July 1, 1994, each county in the state shall assure
16 access to alternatives to out-of-home placements for families with
17 children at imminent risk of out-of-home placements. BEGINNING
18 SEPTEMBER 1, 2011, A COUNTY MAY ALSO PROVIDE ACCESS FOR FAMILIES
19 TO ALTERNATIVE SERVICES TO PREVENT CONTINUED INVOLVEMENT WITH
20 THE COUNTY DEPARTMENT CHILD WELFARE SYSTEM. Two or more
21 counties may jointly provide or purchase alternative services to families
22 in the respective counties. Such services shall either be provided for
23 under the plan adopted by placement alternative commissions in
24 accordance with paragraph (b) of subsection (2) of this section or
25 purchased by the county if such county does not have a placement
26 alternative commission for the county. If a county purchases alternative
27 services, the county shall ensure that the services purchased meet the

1 goals of placement alternative commission plans, as described in
2 subparagraph (I) of paragraph (b) of subsection (2) of this section.

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

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

23 **26-5-104. Funding of child welfare services - rules.**
24 (3) **Allocation formula.** (a) For state fiscal year 1997-98, and for each
25 state fiscal year thereafter, the state department, after input from the child
26 welfare allocations committee, shall develop formulas for capped and
27 targeted allocations that shall include, effective for state fiscal year

1 1998-99, the estimated caseload for the delivery of those specific child
2 welfare services to be funded by the moneys in such capped or targeted
3 allocations. If a county receives more than one capped or targeted
4 allocation for the delivery of child welfare services, the formula shall
5 identify the specific caseload estimate attributable to each capped or
6 targeted allocation. The determination of the formulas pursuant to the
7 provisions of this subsection (3) shall also take into consideration such
8 factors as:

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

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

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

18 **26-1-122. County appropriations and expenditures -**
19 **advancements - procedures.** (4) (k) (I) NOTWITHSTANDING ANY OTHER
20 PROVISION OF THIS ARTICLE, THE COUNTY DEPARTMENT MAY RECEIVE AND
21 SPEND FEDERAL FUNDS TO WHICH IT IS ENTITLED BASED ON THE COUNTY'S
22 CERTIFICATION OF PUBLIC EXPENDITURES MADE BY OTHER ENTITIES
23 WITHIN THE COUNTY, WHICH EXPENDITURES:

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

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

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

4 (II) ACCEPTANCE AND EXPENDITURE OF FEDERAL FUNDS
5 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (k) SHALL NOT
6 AFFECT THE STATE'S SHARE OF AND CONTRIBUTION TO THE ASSISTANCE
7 PAYMENTS PROGRAM COSTS AND SOCIAL SERVICES PROGRAM COSTS. THE
8 COUNTY SHALL BE SOLELY RESPONSIBLE FOR CERTIFYING THE
9 NONFEDERAL SHARE THAT IS IN EXCESS OF THE COUNTY'S
10 TWENTY-PERCENT SHARE. THE STATE DEPARTMENT MAY RETAIN UP TO
11 FIVE PERCENT OF ANY FEDERAL FUNDS RECEIVED BY A COUNTY
12 DEPARTMENT PURSUANT TO THIS PARAGRAPH (k). IN ADDITION, THE
13 STATE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 26-1-109 (4)
14 (d), SHALL RECOVER ANY FEDERAL FUNDS RECEIVED BY THE COUNTY
15 THROUGH THE CERTIFICATION OF PUBLIC EXPENDITURES THAT ARE
16 SUBSEQUENTLY DETERMINED TO BE INELIGIBLE FOR FEDERAL
17 REIMBURSEMENT.

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

20 **25.5-1-121. County expenditures - advancements - procedures.**

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

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

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

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

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

20 **SECTION 7.** 26-5.5-103 (1.5), Colorado Revised Statutes, is
21 repealed as follows:

22 **26-5.5-103. Definitions.** As used in this article, unless the context
23 otherwise requires:

24 (1.5) "Family development specialist" means a person who meets
25 the qualification criteria and training standards that the executive director
26 of the state department shall establish through the adoption of rules.

27 **SECTION 8.** The introductory portion to 26-5.5-104 (4) (a) and

1 26-5.5-104 (4) (a) (II) and (4) (a) (III), Colorado Revised Statutes, are
2 amended to read:

3 **26-5.5-104. Statewide family preservation program - creation**
4 **- single state agency designated - program criteria established -**
5 **available services - powers and duties of agencies - local oversight -**
6 **feasibility report.** (4) (a) Intensive services shall be available for an
7 at-risk family in the family home, as deemed necessary by the family
8 ~~development specialist~~ COUNTY DEPARTMENT. Intensive services shall
9 include, at a minimum:

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

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

16 **SECTION 9. Act subject to petition - effective date.** This act
17 shall take effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part shall not take effect
23 unless approved by the people at the general election to be held in
24 November 2012 and shall take effect on the date of the official
25 declaration of the vote thereon by the governor.