

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.*

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.** 26-5.5-104 (2) (b), Colorado Revised Statutes, is
3 amended to read:

4 **26-5.5-104. Statewide family preservation program - creation**
5 **- single state agency designated - program criteria established -**
6 **available services - powers and duties of agencies - local oversight -**
7 **feasibility report.** (2) The program shall be implemented as follows:

8 (b) No later than July 1, 1996, family preservation services shall,
9 within available appropriations, be available to SERVE appropriate
10 families who are involved in the child welfare, mental health, and
11 juvenile justice systems AND APPROPRIATE FAMILIES CONCERNING WHOM
12 THE COUNTY DEPARTMENT HAS RECEIVED A REPORT OF A SUSPECTED
13 INCIDENT OF INTRAFAMILIAL ABUSE OR NEGLECT AND WHO, WITHOUT
14 APPROPRIATE INTERVENTION SERVICES, MAY BECOME INVOLVED IN THE
15 CHILD WELFARE, MENTAL HEATH, AND JUVENILE JUSTICE SYSTEMS.

16 **SECTION 2.** 26-5-104 (3) (a) (II), Colorado Revised Statutes, is
17 amended, and the said 26-5-104 (3) (a) is further amended BY THE
18 ADDITION OF A NEW SUBPARAGRAPH, to read:

19 **26-5-104. Funding of child welfare services - rules.**
20 (3) **Allocation formula.** (a) For state fiscal year 1997-98, and for each

1 state fiscal year thereafter, the state department, after input from the child
2 welfare allocations committee, shall develop formulas for capped and
3 targeted allocations that shall include, effective for state fiscal year
4 1998-99, the estimated caseload for the delivery of those specific child
5 welfare services to be funded by the moneys in such capped or targeted
6 allocations. If a county receives more than one capped or targeted
7 allocation for the delivery of child welfare services, the formula shall
8 identify the specific caseload estimate attributable to each capped or
9 targeted allocation. The determination of the formulas pursuant to the
10 provisions of this subsection (3) shall also take into consideration such
11 factors as:

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

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

19 **SECTION 3.** 26-1-122 (4), Colorado Revised Statutes, is
20 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

27 (A) ARE FROM SOURCES OTHER THAN THE COUNTY SOCIAL

1 SERVICES FUND;

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

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

7 (II) ACCEPTANCE AND EXPENDITURE OF FEDERAL FUNDS
8 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (k) SHALL NOT
9 AFFECT THE STATE'S SHARE OF AND CONTRIBUTION TO THE ASSISTANCE
10 PAYMENTS PROGRAM COSTS AND SOCIAL SERVICES PROGRAM COSTS. THE
11 COUNTY SHALL BE SOLELY RESPONSIBLE FOR CERTIFYING THE
12 NONFEDERAL SHARE THAT IS IN EXCESS OF THE COUNTY'S
13 TWENTY-PERCENT SHARE. THE STATE DEPARTMENT SHALL RETAIN FIVE
14 PERCENT OF ANY FEDERAL FUNDS RECEIVED BY A COUNTY DEPARTMENT
15 PURSUANT TO THIS PARAGRAPH (k).

16 **SECTION 4.** 25.5-1-121, Colorado Revised Statutes, is amended
17 BY THE ADDITION OF A NEW SUBSECTION to read:

18 **25.5-1-121. County expenditures - advancements - procedures.**

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

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

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

1 ADMINISTRATIVE COSTS; AND

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

5 (b) ACCEPTANCE AND EXPENDITURE OF FEDERAL FUNDS PURSUANT
6 TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL NOT AFFECT THE
7 STATE'S SHARE OF AND CONTRIBUTION TO THE ADMINISTRATIVE COSTS.
8 THE COUNTY SHALL BE SOLELY RESPONSIBLE FOR CERTIFYING THE
9 NONFEDERAL SHARE THAT IS IN EXCESS OF THE COUNTY'S REQUIRED
10 PORTION OF THE ADMINISTRATIVE COSTS. THE STATE DEPARTMENT SHALL
11 RETAIN FIVE PERCENT OF ANY FEDERAL FUNDS RECEIVED BY A COUNTY
12 DEPARTMENT PURSUANT TO THIS SUBSECTION (3).

13 **SECTION 5. Act subject to petition - effective date.** This act
14 shall take effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part shall not take effect
20 unless approved by the people at the general election to be held in
21 November 2012 and shall take effect on the date of the official
22 declaration of the vote thereon by the governor.