

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 14-0934.01 Jane Ritter x4342

HOUSE BILL 14-1368

HOUSE SPONSORSHIP

May and Gerou, Duran

SENATE SPONSORSHIP

Hodge, Steadman, Lambert

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE TRANSITION OF YOUTH AGES EIGHTEEN THROUGH**
102 **TWENTY-ONE WHO HAVE INTELLECTUAL AND DEVELOPMENTAL**
103 **DISABILITIES TO THE ADULT PROGRAM OF SERVICES FOR**
104 **PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL**
105 **DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AND**
106 **REDUCING APPROPRIATIONS.**

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>.)

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
2nd Reading Unamended
April 30, 2014

HOUSE
3rd Reading Unamended
April 21, 2014

HOUSE
2nd Reading Unamended
April 17, 2014

Joint Budget Committee. Currently, youth who are 18 to 20 years of age and who have intellectual and developmental disabilities (youth) receive services through county child welfare services. The bill establishes a plan by which youth who are currently 18 to 20 years of age are transitioned into adult services for persons with intellectual and developmental disabilities (adult services). County departments of human or social services are instructed to develop a policy to ensure that youth will be transitioned to adult services when they turn 18 years of age. The bill sets forth criteria that must be included in a transition plan for a youth who is being transitioned to adult services. The medical services board and state board of human services may promulgate rules as necessary and appropriate related to the transition of youth to adult services.

The child welfare transition cash fund (fund) is created to cover the costs related to the transition. The fund repeals July 1, 2016.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-6-403, **add** (3.3)

3 as follows:

4 **25.5-6-403. Definitions.** As used in this part 4, unless the context
5 otherwise requires:

6 (3.3) (a) "INTELLECTUAL AND DEVELOPMENTAL DISABILITY"
7 MEANS A DISABILITY THAT MANIFESTS BEFORE THE PERSON REACHES
8 TWENTY-TWO YEARS OF AGE, THAT CONSTITUTES A SUBSTANTIAL
9 DISABILITY TO THE AFFECTED PERSON, AND THAT IS ATTRIBUTABLE TO
10 MENTAL RETARDATION OR RELATED CONDITIONS, WHICH INCLUDE
11 CEREBRAL PALSY, EPILEPSY, AUTISM, OR OTHER NEUROLOGICAL
12 CONDITIONS WHEN THOSE CONDITIONS RESULT IN IMPAIRMENT OF
13 GENERAL INTELLECTUAL FUNCTIONING OR ADAPTIVE BEHAVIOR SIMILAR
14 TO THAT OF A PERSON WITH MENTAL RETARDATION. UNLESS OTHERWISE
15 SPECIFICALLY STATED, THE FEDERAL DEFINITION OF "DEVELOPMENTAL
16 DISABILITY" FOUND IN 42 U.S.C. SEC. 15001 ET SEQ. SHALL NOT APPLY.

17 (b) "PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL

1 DISABILITY" OR "YOUTH WITH AN INTELLECTUAL AND DEVELOPMENTAL
2 DISABILITY" MEANS A PERSON OR YOUTH DETERMINED BY A
3 COMMUNITY-CENTERED BOARD TO HAVE AN INTELLECTUAL AND
4 DEVELOPMENTAL DISABILITY AND SHALL INCLUDE A CHILD WITH A
5 DEVELOPMENTAL DELAY.

6 (c) "CHILD WITH A DEVELOPMENTAL DELAY" MEANS:

7 (I) A PERSON LESS THAN FIVE YEARS OF AGE WITH DELAYED
8 DEVELOPMENT AS DEFINED BY RULE OF THE STATE BOARD; OR

9 (II) A PERSON LESS THAN FIVE YEARS OF AGE WHO IS AT RISK OF
10 HAVING A DEVELOPMENTAL DISABILITY AS DEFINED BY RULE OF THE
11 STATE BOARD.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-6-409.5 as
13 follows:

14 **25.5-6-409.5. Transition plan for youth with intellectual and**
15 **developmental disabilities to adult services - legislative declaration -**
16 **report - rules - cash fund - repeal.** (1) THE GENERAL ASSEMBLY FINDS
17 AND DECLARES THAT:

18 (a) YOUTH WITH INTELLECTUAL AND DEVELOPMENTAL
19 DISABILITIES WHO ARE EIGHTEEN TO TWENTY YEARS OF AGE ARE
20 CURRENTLY SERVED THROUGH THE COUNTY CHILD WELFARE SYSTEM; AND

21 (b) THE HOME- AND COMMUNITY-BASED SERVICES PROGRAM FOR
22 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IS
23 BETTER DESIGNED TO MEET THE COMPLEX NEEDS OF THESE YOUTH.

24 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT, IN
25 ORDER TO HAVE A PERSON-CENTERED SYSTEM, YOUTH WITH
26 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE EIGHTEEN
27 YEARS OF AGE AND OLDER WHO ARE CURRENTLY BEING SERVED THROUGH

1 CHILD WELFARE SERVICES MUST BE TRANSITIONED TO THE HOME- AND
2 COMMUNITY-BASED SERVICES PROGRAM FOR PERSONS WITH
3 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND A PLAN
4 DEVELOPED FOR THE ONGOING TRANSITION OF SUCH YOUTH WHEN THEY
5 TURN EIGHTEEN YEARS OF AGE EXCEPT IN EXTENUATING CIRCUMSTANCES
6 WHEN THE COURT OR INTERDISCIPLINARY TEAM DETERMINES THAT IT IS
7 NOT IN THE BEST INTEREST OF THE YOUTH TO TRANSITION.

8 (3) (a) ON OR BEFORE JUNE 30, 2014, EACH COUNTY DEPARTMENT
9 OF HUMAN OR SOCIAL SERVICES SHALL IDENTIFY YOUTH WITH
10 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE RECEIVING
11 SERVICES THROUGH THE CHILD WELFARE SYSTEM IN THAT COUNTY AND
12 WHO:

13 (I) ARE TWENTY YEARS OF AGE OR OLDER AS OF JUNE 30, 2014;

14 (II) ARE NINETEEN YEARS OF AGE OR OLDER BUT YOUNGER THAN
15 TWENTY-ONE YEARS OF AGE AS OF JUNE 30, 2014;

16 (III) ARE EIGHTEEN YEARS OF AGE OR OLDER BUT YOUNGER THAN
17 TWENTY YEARS OF AGE AS OF JUNE 30, 2014; AND

18 (IV) WILL BECOME EIGHTEEN YEARS OF AGE ON OR AFTER JUNE
19 30, 2014, AND BEFORE JANUARY 1, 2015.

20 (b) ON OR BEFORE OCTOBER 1, 2014, AND AS NECESSARY
21 THEREAFTER, EACH COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES
22 SHALL IDENTIFY YOUTH WITH INTELLECTUAL AND DEVELOPMENTAL
23 DISABILITIES WHO ARE RECEIVING SERVICES THROUGH THE CHILD
24 WELFARE SYSTEM IN THAT COUNTY AND WHO WILL BECOME EIGHTEEN
25 YEARS OF AGE WITHIN THE FOLLOWING SIX MONTHS.

26 (c) EACH COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES
27 SHALL DEVELOP A PLAN TO TRANSITION YOUTH IDENTIFIED PURSUANT TO

1 PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3) TO ADULT SERVICES FOR
2 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. THE
3 TRANSITION PLAN MUST MEET THE CRITERIA SET FORTH IN SUBSECTION (4)
4 OF THIS SECTION AND ANY RULES PROMULGATED BY THE STATE BOARD TO
5 IMPLEMENT THIS SECTION. EACH COUNTY'S PLAN MUST PROVIDE FOR:

6 (I) YOUTH DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3)
7 TO BE TRANSITIONED AS SOON AS POSSIBLE BUT IN NO CASE LATER THAN
8 JANUARY 1, 2016; AND

9 (II) YOUTH DESCRIBED IN SUBPARAGRAPH (IV) OF PARAGRAPH (a)
10 OF THIS SUBSECTION (3) OR PARAGRAPH (b) OF THIS SUBSECTION (3) TO BE
11 TRANSITIONED AS SOON AS POSSIBLE BASED ON INDIVIDUAL NEEDS BUT IN
12 NO CASE EARLIER THAN THEIR EIGHTEENTH BIRTHDAY.

13 (d) THE REQUIREMENT TO TRANSITION YOUTH AS SET FORTH IN
14 PARAGRAPH (c) OF THIS SUBSECTION (3) DOES NOT APPLY TO YOUTH
15 CURRENTLY SERVING A SENTENCE IN THE DIVISION OF YOUTH
16 CORRECTIONS OR TO YOUTH UNDER A COURT ORDER IN A JUVENILE
17 DELINQUENCY CASE, UNLESS THE COURT APPROVES THE TRANSITION BY
18 WRITTEN COURT ORDER.

19 (4) FOR EACH YOUTH WITH INTELLECTUAL AND DEVELOPMENTAL
20 DISABILITIES WHO IS GOING TO BE TRANSITIONED TO ADULT SERVICES FOR
21 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
22 PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE COUNTY
23 DEPARTMENT OF HUMAN OR SOCIAL SERVICES THAT IS CURRENTLY
24 PROVIDING SERVICES TO THE YOUTH THROUGH ITS CHILD WELFARE
25 SYSTEM SHALL DEVELOP A TRANSITION PLAN FOR THAT YOUTH. THE
26 TRANSITION PLAN MUST, AT A MINIMUM:

27 (a) INCLUDE THE DEPARTMENT-PREScribed ASSESSMENT

1 PROVIDED BY THE COMMUNITY-CENTER BOARD THAT IS PERFORMED AS
2 SOON AS POSSIBLE FOR THOSE YOUTH WHO ARE BEING TRANSITIONED
3 PURSUANT SUBSECTION (3) OF THIS SECTION AND AT SEVENTEEN AND A
4 HALF YEARS OF AGE FOR THOSE YOUTH WHO ARE BEING TRANSITIONED
5 PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (3)
6 OF THIS SECTION OR PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.
7 IN ALL INSTANCES, THE ASSESSMENT MUST BE COMPLETED WITHIN SIX
8 MONTHS OF A YOUTH'S TRANSITION TO ADULT SERVICES.

9 (b) PROVIDE FOR THE SOCIAL, HABILITATIVE, REMEDIAL,
10 RESIDENTIAL, EDUCATIONAL, HEALTH, AND OTHER NEEDS OF THE YOUTH
11 WHO IS BEING TRANSITIONED; AND

12 (c) ADDRESS ANY LEGAL NEEDS CONCERNING GUARDIANSHIP OF
13 THE YOUTH WHO IS BEING TRANSITIONED.

14 (5) IN ALL INSTANCES, THE INVOLVED PARTIES AND THE COUNTY
15 DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL CONSIDER AND PLACE
16 PRECEDENCE ON THE BEST INTEREST OF THE YOUTH PRIOR TO THE
17 TRANSITION PROCESS, AS SET FORTH IN SECTIONS 19-3-205 AND 19-3-213,
18 C.R.S.

19 (6) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT COUNTY
20 CHILD WELFARE SYSTEMS AND COMMUNITY-CENTERED BOARDS
21 COLLABORATE TO ENSURE MINIMAL DISRUPTION FOR YOUTH DURING THE
22 TRANSITION PROCESS.

23 (7) THE MEDICAL SERVICES BOARD AND THE STATE BOARD OF
24 HUMAN SERVICES MAY PROMULGATE RULES AS NECESSARY AND
25 APPROPRIATE FOR THE IMPLEMENTATION OF THIS SECTION.

26 (8) THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT
27 BUDGET COMMITTEE ON OR BEFORE JANUARY 1, 2015, AND ON OR BEFORE

1 JANUARY 1, 2016, ON THE STATUS OF THE YOUTH BEING TRANSITIONED.

2 THE REPORT MUST INCLUDE, AT A MINIMUM:

3 (a) THE NUMBER OF YOUTH TRANSITIONED TO DATE BY COUNTY;

4 (b) THE NEEDS ASSESSMENT OF THE YOUTH WHO HAVE BEEN
5 TRANSITIONED; AND

6 (c) THE TYPE OF ADULT RESIDENTIAL LOCATIONS OF THE YOUTH
7 WHO HAVE BEEN TRANSITIONED.

8 (9) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
9 CHILD WELFARE TRANSITION CASH FUND, REFERRED TO IN THIS SECTION AS
10 THE "FUND", CONSISTING OF MONEYS THAT THE GENERAL ASSEMBLY
11 APPROPRIATES THERETO. ON JULY 1, 2014, THE STATE TREASURER SHALL
12 DEDUCT TWO MILLION EIGHT HUNDRED TWENTY-NINE THOUSAND FIVE
13 HUNDRED EIGHTY-SIX DOLLARS FROM THE GENERAL FUND AND TRANSFER
14 SUCH SUM TO THE FUND. THE GENERAL ASSEMBLY SHALL ANNUALLY
15 APPROPRIATE MONEYS IN THE FUND FOR THE DIRECT AND INDIRECT COSTS
16 ASSOCIATED WITH IMPLEMENTING THIS SECTION. ANY UNEXPENDED AND
17 UNENCUMBERED MONEYS FROM AN APPROPRIATION MADE PURSUANT TO
18 THIS PARAGRAPH (a) FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2014,
19 REMAIN AVAILABLE FOR EXPENDITURE IN THE NEXT FISCAL YEAR WITHOUT
20 FURTHER APPROPRIATION. THE STATE TREASURER MAY INVEST ANY
21 MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION
22 AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST
23 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS
24 IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED
25 MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAIN
26 IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
27 GENERAL FUND OR ANOTHER FUND; EXCEPT THAT THE STATE TREASURER

1 SHALL TRANSFER ANY UNEXPENDED AND UNENCUMBERED MONEYS
2 REMAINING IN THE FUND AT THE TIME OF ITS REPEAL TO THE GENERAL
3 FUND.

4 (b) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2016.

5 **SECTION 3.** In Colorado Revised Statutes, 26-5-102, **add** (2) (j)
6 as follows:

7 **26-5-102. Provision of child welfare services - system reform**
8 **goals.** (2) Reforms in child welfare and related delivery systems shall be
9 directed at the following objectives:

10 (j) SUCCESSFUL TRANSITION OF INDIVIDUALS EIGHTEEN TO
11 TWENTY YEARS OF AGE WITH INTELLECTUAL AND DEVELOPMENTAL
12 DISABILITIES TO ADULT SERVICES FOR INDIVIDUALS WITH INTELLECTUAL
13 AND DEVELOPMENTAL DISABILITIES PURSUANT TO SECTION 25.5-6-409.5,
14 C.R.S.

15 **SECTION 4. Appropriation - adjustments to 2014 long bill.**

16 For the implementation of this act, the general fund appropriation made
17 in the annual general appropriation act to the department of human
18 services, division of child welfare, for child welfare services, for the
19 fiscal year beginning July 1, 2014, is decreased by \$2,829,586.

20 **SECTION 5. Appropriation.** In addition to any other
21 appropriation, there is hereby appropriated, out of any moneys in the child
22 welfare transition cash fund created in section 25.5-6-409.5 (9) (a),
23 Colorado Revised Statutes, not otherwise appropriated, to the department
24 of human services, for the fiscal year beginning July 1, 2014, the sum of
25 \$2,829,586, or so much thereof as may be necessary, for allocation to the
26 division of child welfare for services to youth who will be transitioned
27 pursuant to section 25.5-6-409.5, Colorado Revised Statutes, related to

1 the implementation of this act. Once a youth served with moneys
2 appropriated to the department of human services in this section 5 is
3 transitioned to the home- and community-based waiver services program
4 for persons with intellectual and developmental disabilities pursuant to
5 section 25.5-6-409.5, Colorado Revised Statutes, the moneys associated
6 with that youth shall no longer be available to the department of human
7 services. Additionally, it is the intent of the General Assembly that these
8 moneys be counted as part of the state dollars calculated in the county
9 block grant allocation.

10 **SECTION 6. Appropriation.** In addition to any other
11 appropriation, there is hereby appropriated, to the department of health
12 care policy and financing, for the fiscal year beginning July 1, 2014, the
13 sum of \$5,746,227, or so much thereof as may be necessary, for allocation
14 to the division of intellectual and developmental disabilities for program
15 costs related to home- and community-based waiver services for youth
16 with intellectual and developmental disabilities who will be transitioned
17 pursuant to section 25.5-6-409.5, Colorado Revised Statutes, and served
18 by the funding in section 5 of this act by the department of human
19 services. Of said sum, \$2,829,586, or so much thereof that remains from
20 the appropriation in section 5 of this act shall be from the child welfare
21 transition cash fund created in section 25.5-6-409.5 (9) (a), Colorado
22 Revised Statutes, and \$2,916,641, or so much as necessary to match the
23 cash funds amount from the child welfare transition cash fund created in
24 section 25.5-6-409.5 (9) (a), shall be from federal funds. It is the intent of
25 the General Assembly that once a youth that is served with moneys
26 appropriated to the department of human services in section 5 of this act
27 is transitioned from child welfare services to home- and community-based

1 services waiver program for persons with intellectual and developmental
2 disabilities pursuant to section 25.5-6-409.5, Colorado Revised Statutes,
3 the moneys associated with that youth shall be available to the department
4 of health care policy and financing in this section 6.

5 **SECTION 7. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.