

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

INTRODUCED

LLS NO. 01-0718.01 Debbie Haskins

HOUSE BILL 01-1330

HOUSE SPONSORSHIP

Saliman,

SENATE SPONSORSHIP

Anderson,

House Committees

Health, Environment, Welfare, & Institutions

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROCESS FOR FUNDING CHILD WELFARE SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Directs the state department of human services ("state department"), after input from the child welfare allocations committee, to use the following order of priority for funding child welfare services:

- First, to fund all of the child welfare services needs, including subsidized adoptions and residential child health care program services, for the counties that represent the small and medium-sized counties based upon projected caseload growth and actual expenditures for the county;
- Second, to fund subsidized adoption and the residential

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.

child health care program services for the remaining large counties based upon projected caseload growth for and actual expenditures by those county departments of social services;

- Third, to distribute the remaining moneys to the large counties using the statutory formulas for capped and targeted allocations to fund the remaining child welfare services for those large counties.

Requires the child welfare allocations committee to devise allocation formulas that set benchmarks and measure outcomes.

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

2 **SECTION 1.** 26-5-104 (3), Colorado Revised Statutes, is
3 amended, and the said 26-5-104 is further amended BY THE ADDITION
4 OF A NEW SUBSECTION, to read:

5 **26-5-104. Funding of child welfare services.** (1.5) IN DEVISING
6 ALLOCATION FORMULAS PURSUANT TO THIS SECTION, THE CHILD WELFARE
7 ALLOCATIONS COMMITTEE SHALL SET BENCHMARKS AND MEASURE
8 OUTCOMES.

9 (3) **Allocation formula.** (a) FOR STATE FISCAL YEAR 2001-02,
10 AND FOR EACH STATE FISCAL YEAR THEREAFTER, THE STATE DEPARTMENT,
11 AFTER INPUT FROM THE CHILD WELFARE ALLOCATIONS COMMITTEE, SHALL
12 USE THE FOLLOWING ORDER OF PRIORITY FOR FUNDING CHILD WELFARE
13 SERVICES:

14 (I) FIRST, ALLOCATE AN AMOUNT SUFFICIENT TO FUND THE NEEDS
15 FOR ALL CHILD WELFARE SERVICES, INCLUDING SUBSIDIZED ADOPTIONS
16 AND RESIDENTIAL CHILD HEALTH CARE PROGRAM SERVICES, AS DESCRIBED
17 IN SECTION 26-4-527, IN THOSE SMALL AND MEDIUM-SIZED COUNTIES OF
18 THE STATE THAT REPRESENT THE BALANCE OF THE STATE AS DESCRIBED IN
19 SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (4) OF THIS
20 SECTION. THE DETERMINATION OF THE FUNDING NEEDS SHALL BE BASED

1 UPON THE PROJECTED CASELOAD GROWTH AND ACTUAL EXPENDITURES BY
2 THE COUNTY DEPARTMENTS OF SOCIAL SERVICES DURING THE PRIOR FISCAL
3 YEAR.

4 (II) SECOND, ALLOCATE AN AMOUNT SUFFICIENT TO FUND THE
5 NEEDS FOR SUBSIDIZED ADOPTION AND RESIDENTIAL CHILD HEALTH CARE
6 PROGRAM SERVICES, AS DESCRIBED IN SECTION 26-4-527, FOR THOSE
7 COUNTIES SERVING AT LEAST EIGHTY PERCENT OF THE TOTAL CHILD
8 WELFARE SERVICES POPULATION. THE DETERMINATION OF THE FUNDING
9 NEEDS SHALL BE BASED UPON THE COUNTY'S PROJECTED CASELOAD
10 GROWTH AND THE COUNTY'S EXPENDITURES FOR THOSE SERVICES DURING
11 THE PRIOR FISCAL YEAR.

12 (III) THIRD, FUND THE REMAINING CHILD WELFARE SERVICES THAT
13 ARE NOT FUNDED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) FOR
14 THOSE COUNTIES SERVING AT LEAST EIGHTY PERCENT OF THE TOTAL CHILD
15 WELFARE SERVICES POPULATION USING CAPPED AND TARGETED
16 ALLOCATIONS BASED ON THE FORMULA ADOPTED PURSUANT TO PARAGRAPH
17 (a.5) OF THIS SUBSECTION (3).

18 (a) (a.5) For state fiscal year 1997-98, and for each state fiscal
19 year thereafter, the state department, after input from the child welfare
20 allocations committee, shall develop formulas for capped and targeted
21 allocations that shall include, effective for state fiscal year 1998-99, the
22 estimated caseload for the delivery of those specific child welfare services
23 to be funded by the moneys in such capped or targeted allocations. If a
24 county receives more than one capped or targeted allocation for the
25 delivery of child welfare services, the formula shall identify the specific
26 caseload estimate attributable to each capped or targeted allocation. The
27 determination of the formulas pursuant to the provisions of this subsection

1 (3) shall also take into consideration such factors as:

2 (I) (Deleted by amendment, L. 98, p. 782, § 5, effective May 22,
3 1998.)

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

8 (III) (Deleted by amendment, L. 98, p. 782, § 5, effective May 22,
9 1998.)

10 (IV) Other factors determined by the state department and the
11 child welfare allocations committee that directly affect the population of
12 children in need of child welfare services in a county.

13 (b) In the event that the state department and the child welfare
14 allocations committee do not reach an agreement on the allocation formula
15 on or before June 15 of any state fiscal year for the succeeding state fiscal
16 year, the state department and the child welfare allocations committee
17 shall submit alternatives to the joint budget committee of the general
18 assembly from which such joint budget committee shall select an
19 allocation formula before the beginning of such succeeding state fiscal
20 year.

21 (c) The formulas developed by the state department, after input
22 from the child welfare allocations committee, shall identify the portion of
23 the amounts appropriated for child welfare services that shall be allocated
24 to the counties for the provision of child welfare services.

25 (d) A county's election to make a transfer of federal funds pursuant
26 to section 26-2-714 (9) for the provision of child welfare services shall not
27 be the basis of an adjustment to the formula for developing such county's

1 capped or targeted allocation under the provisions of this article.

2 **SECTION 2. Effective date.** This act shall take effect at 12:01
3 a.m. on the day following the expiration of the ninety-day period after
4 final adjournment of the general assembly that is allowed for submitting
5 a referendum petition pursuant to article V, section 1 (3) of the state
6 constitution; except that, if a referendum petition is filed against this act
7 or an item, section, or part of this act within such period, then the act,
8 item, section, or part, if approved by the people, shall take effect on the
9 date of the official declaration of the vote thereon by proclamation of the
10 governor.