

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 16-0313.01 Jane Ritter x4342

**SENATE BILL 16-039**

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**SENATE SPONSORSHIP**

**Newell and Martinez Humenik,**

**HOUSE SPONSORSHIP**

**Lee, Singer**

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**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING INCLUDING A MENTAL HEALTH PROFESSIONAL IN THE**  
102 **MEMORANDUM OF UNDERSTANDING RELATING TO A**  
103 **LOCAL-LEVEL COLLABORATIVE MANAGEMENT PROCESS FOR**  
104 **CHILDREN AND FAMILIES.**

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**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>.)*

**Legislative Oversight Committee Concerning the Treatment of Persons With Mental Illness in the Criminal and Juvenile Justice Systems.** The bill adds a mental health professional to the list of persons

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  
Amended 2nd Reading  
January 25, 2016

to be included in any memorandum of understanding entered into between interested county departments of social or human services and other local-level service providers when the memorandum of understanding is established as a means of promoting a collaborative system of local-level interagency oversight and services to children and families.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-1.9-102, **amend**  
3 (1) (a) and (1) (c); **and add (1) (f)** as follows:

4 **24-1.9-102. Memorandum of understanding - local-level**  
5 **interagency oversight groups - individualized service and support**  
6 **teams - coordination of services for children and families -**  
7 **requirements - waiver.** (1) (a) INDIVIDUALS, local representatives of  
8 each of the agencies specified in this paragraph (a) AND PARAGRAPH (a.5)  
9 OF THIS SUBSECTION (1), IF APPLICABLE, and county departments of  
10 HUMAN OR social services may enter into memorandums of understanding  
11 that are designed to promote a collaborative system of local-level  
12 interagency oversight groups and individualized service and support  
13 teams to coordinate and manage the provision of services to children and  
14 families who would benefit from integrated multi-agency services. The  
15 memorandums of understanding entered into pursuant to this subsection  
16 (1) shall be between interested county departments of HUMAN OR social  
17 services and ~~local representatives of each of the following: agencies or~~  
18 ~~entities:~~

19 (I) A REPRESENTATIVE OF the local judicial districts, including  
20 probation services;

21 (II) A REPRESENTATIVE OF the health department, whether a  
22 county or district public health agency;

1 (III) A REPRESENTATIVE OF the local school district or school  
2 districts;

3 ~~(IV) Each community mental health center;~~ A REPRESENTATIVE  
4 FROM THE AREA'S LOCAL COMMUNITY MENTAL HEALTH CENTER, IF ONE  
5 EXISTS. FOR PURPOSES OF THIS SUBPARAGRAPH (IV), IF THE AREA  
6 INVOLVED DOES NOT HAVE A LOCAL COMMUNITY HEALTH CENTER, THE  
7 PERSON OR ENTITY THAT CONVENES THE GROUP MAY APPOINT A MENTAL  
8 HEALTH PROFESSIONAL. FOR PURPOSES OF THIS SUBPARAGRAPH (IV), IF  
9 THE AREA INVOLVED DOES HAVE A COMMUNITY MENTAL HEALTH CENTER,  
10 THE REPRESENTATIVE MUST BE FROM THAT COMMUNITY MENTAL HEALTH  
11 CENTER.

12 (V) ~~Each~~ A REPRESENTATIVE FROM THE LOCAL behavioral health  
13 organization;

14 (VI) A REPRESENTATIVE FROM the division of youth corrections;

15 (VII) A REPRESENTATIVE FROM a designated managed service  
16 organization for the provision of treatment services for alcohol and drug  
17 abuse pursuant to section 27-80-107, C.R.S.; and

18 (VIII) A REPRESENTATIVE FROM a domestic abuse program as  
19 defined in section 26-7.5-102, C.R.S., if representation from such a  
20 program is available.

21 (c) Notwithstanding the provisions of paragraph (b) of this  
22 subsection (1), the INDIVIDUALS AND agencies specified in paragraphs (a)  
23 and (a.5) of this subsection (1) may enter into memorandums of  
24 understanding involving only one or more county departments of HUMAN  
25 OR social services, not necessarily by region, as may be appropriate to  
26 ensure the effectiveness of local-level interagency oversight groups and  
27 individualized service and support teams in the county or counties.

1           (f) FOR PURPOSES OF THIS SUBSECTION (1), A "MENTAL HEALTH  
2           PROFESSIONAL" MAY INCLUDE ANY PERSON LICENSED BY THE STATE OF  
3           COLORADO AS A PSYCHIATRIST, PSYCHOLOGIST, MENTAL HEALTH  
4           COUNSELOR, OR LICENSED CLINICAL SOCIAL WORKER.

5           (f) THE MEMORANDUM OF UNDERSTANDING CREATED PURSUANT  
6           TO THIS SUBSECTION (1) MUST INCLUDE A PROVISION SPECIFYING THAT A  
7           CHILD'S PARENT OR PARENTS MAY BE PRESENT AT ANY MEETING OF THE  
8           LOCAL-LEVEL INTERAGENCY OVERSIGHT GROUP THAT CONCERNS THAT  
9           PARENT'S CHILD.

10           **SECTION 2. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly (August  
13 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2016 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.