

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 18-0536.01 Jane Ritter x4342

HOUSE BILL 18-1044

HOUSE SPONSORSHIP

Kraft-Tharp,

SENATE SPONSORSHIP

Priola,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE "COLORADO CHILDREN'S TRUST FUND ACT".**

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://leg.colorado.gov>.)

The bill amends current statutory language in the "Colorado Children's Trust Fund Act" to place a greater priority on preventing child maltreatment fatalities and continuing to prevent child maltreatment. This includes reducing the occurrence of prenatal drug exposure and drug endangerment and reducing the occurrence of other adverse childhood experiences.

The current membership of the Colorado children's trust fund board (board) is increased from 9 members to 21 members, to reflect a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
January 29, 2018

broader approach to child maltreatment prevention issues.

Duties and powers of the board are expanded to include:

- ! Advising and making recommendations to the governor, state agencies, and other entities concerning child maltreatment prevention;
- ! Developing strategies and monitoring efforts to decrease incidences of child maltreatment, child maltreatment fatalities, and other adverse childhood experiences; and
- ! Monitoring and implementing, as appropriate, the ongoing development and implementation of programs and factors that affect work in the area of childhood maltreatment.

The bill expands the accepted uses for grants from the Colorado children's trust fund to include programs working to reduce the incidence of child maltreatment fatalities, child maltreatment, and other adverse childhood experiences.

The repeal date for the act is extended from July 1, 2022, to July 1, 2023.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-3.5-102, **amend**
3 (2) as follows:

4 **19-3.5-102. Legislative declaration.** (2) (a) It is the purpose of
5 this ~~article~~ ARTICLE 3.5 to promote primary and secondary prevention ~~and~~
6 ~~education~~ programs that are designed to PREVENT CHILD MALTREATMENT
7 BEFORE IT OCCURS IN THE FIRST PLACE, lessen the occurrence of child
8 abuse and neglect, ~~and~~ PREVENT CHILD MALTREATMENT FATALITIES, AND
9 MITIGATE THE IMPACTS OF ADVERSE CHILDHOOD EXPERIENCES IN ORDER
10 to reduce the need for state intervention ~~in child abuse and neglect~~
11 ~~prevention and education~~. THROUGH CHILD WELFARE ACTIONS;

12 (b) THIRTY-FOUR PERCENT OF CHILD MALTREATMENT FATALITIES
13 THAT OCCURRED IN COLORADO BETWEEN 2011 AND 2015 HAD NO HISTORY
14 OF A REFERRAL TO COUNTY CHILD WELFARE DURING CASE REVIEW. OF
15 THESE FATALITIES, SIXTY-THREE PERCENT INVOLVED A CHILD YOUNGER
16 THAN SIX YEARS OF AGE.

1 (c) TYPES OF TRAUMA EXPERIENCED BY CHILDREN WHO ARE LESS
2 THAN EIGHTEEN YEARS OF AGE INCLUDE CHILDHOOD EMOTIONAL,
3 PHYSICAL, AND SEXUAL ABUSE; EMOTIONAL AND PHYSICAL NEGLECT; AND
4 HOUSEHOLD CHALLENGES INCLUDING GROWING UP IN A HOUSEHOLD WITH
5 SUBSTANCE ABUSE, MENTAL HEALTH DISORDERS, VIOLENCE, OR PARENTAL
6 INCARCERATION. ADVERSE CHILDHOOD EXPERIENCES HAVE BEEN SHOWN
7 TO HAVE A LIFELONG IMPACT ON HEALTH, BEHAVIOR, AND AGE OF
8 MORTALITY.

9 **SECTION 2.** In Colorado Revised Statutes, 19-3.5-104, **amend**
10 (1)(a), (2), (3), and (5) as follows:

11 **19-3.5-104. Colorado children's trust fund board - creation -**
12 **members.** (1) (a) There is ~~hereby~~ created, in the department of public
13 health and environment, the Colorado children's trust fund board,
14 REFERRED TO IN THIS ARTICLE 3.5 AS THE "BOARD". The board shall
15 exercise its powers and duties as if transferred by a **type 2** transfer.

16 (2) The board ~~shall consist of nine~~ CONSISTS OF TWENTY-ONE
17 members, APPOINTED as follows:

18 (a) The executive director of the department of human services or
19 his OR HER designee;

20 (a.3) THE CHILD PROTECTION OMBUDSMAN, AS APPOINTED TO
21 SUCH POSITION PURSUANT TO SECTION 19-3.3-102;

22 (a.5) The executive director of the department of public health and
23 environment or ~~such director's~~ HIS OR HER designee;

24 (b) The commissioner of education or his OR HER designee; ~~and~~

25 (b.3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
26 CARE POLICY AND FINANCING OR HIS OR HER DESIGNEE;

27 (b.5) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR

1 AND EMPLOYMENT OR HIS OR HER DESIGNEE; AND

2 (c) ~~Six~~ FIFTEEN persons appointed by the governor and confirmed
3 by the senate AS FOLLOWS:

4 (I) ~~Five of whom shall be~~ SEVEN APPOINTEES WHO ARE
5 knowledgeable in the area of child abuse prevention and represent some
6 of the following areas: Law enforcement; medicine; law; ~~business~~; mental
7 ~~health; domestic relations; child abuse prevention;~~ INTIMATE PARTNER
8 VIOLENCE; EARLY CHILDHOOD EDUCATION; K-12 education; HIGHER
9 EDUCATION; RESEARCH AND PROGRAM EVALUATION; FORENSIC MEDICAL
10 EXAMINATION; and social work; ~~and~~

11 (II) THREE APPOINTEES WHO ARE FROM THE BUSINESS COMMUNITY
12 AND REPRESENT EMPLOYERS AND PRIVATE PHILANTHROPY;

13 (III) TWO APPOINTEES WHO ARE MEMBERS OF THE GENERAL
14 ASSEMBLY, ONE FROM EACH POLITICAL PARTY;

15 (IV) TWO APPOINTEES WHO REPRESENT COUNTY LEADERSHIP AS
16 EITHER A COUNTY COMMISSIONER OR A DIRECTOR OF PUBLIC HEALTH OR
17 HUMAN OR SOCIAL SERVICES; AND

18 (V) One ~~who shall be~~ APPOINTEE WHO IS a parent or a
19 representative of a parent organization.

20 (d) In making appointments to the board PURSUANT TO
21 SUBSECTION (2)(c) OF THIS SECTION, the governor is encouraged to
22 include representation by at least one member who is a person with a
23 disability, as defined in section 24-45.5-102 (2); ~~C.R.S.~~; a family member
24 of a person with a disability; or a member of an advocacy group for
25 persons with disabilities, provided that the other requirements of ~~this~~
26 ~~paragraph (c)~~ SUBSECTION (2)(c) OF THIS SECTION are met.

27 (3) (a) Each appointed member of the board shall serve for a

1 FOUR-YEAR term, ~~of three years~~ BEGINNING NOVEMBER 7 IN THE YEAR OF
2 APPOINTMENT; except that the original members ~~appointed by the~~
3 ~~governor shall serve staggered terms not to exceed three years, to be~~
4 ~~decided by the board~~ SHALL CONTINUE SERVING THE REMAINDER OF THEIR
5 CURRENT TERMS. THE GOVERNOR SHALL STAGGER THE TERMS OF THE
6 NEWLY APPOINTED MEMBERS, SELECTING SIX MEMBERS TO SERVE
7 FOUR-YEAR TERMS AND SIX MEMBERS TO SERVE THREE-YEAR TERMS. A
8 MEMBER, ORIGINAL OR OTHERWISE, MAY NOT SERVE MORE THAN TWO
9 CONSECUTIVE TERMS.

10 (b) ~~A vacancy~~ THE ORIGINAL APPOINTING AUTHORITY SHALL FILL
11 A VACANCY on the board ~~shall be filled~~ for the balance of the BOARD
12 MEMBER'S unexpired term.

13 (c) IF A MEMBER OF THE BOARD WHO WAS APPOINTED PURSUANT
14 TO SUBSECTION (2)(c)(III) OF THIS SECTION CEASES TO HOLD HIS OR HER
15 OFFICE IN THE GENERAL ASSEMBLY, HE OR SHE SHALL RESIGN FROM THE
16 BOARD. THE GOVERNOR SHALL FILL THE VACANCY IN COMPLIANCE WITH
17 THE PROVISIONS OF SUBSECTION (2)(c)(III) OF THIS SECTION.

18 (5) EXCEPT AS PROVIDED FOR IN SECTION 2-2-326, members shall
19 serve without compensation but ~~shall be~~ ARE entitled to reimbursement
20 for actual and necessary expenses incurred in the performance of their
21 duties.

22 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
23 **with amendments,** 19-3.5-105 as follows:

24 **19-3.5-105. Powers and duties of the board.** (1) THE BOARD
25 HAS THE FOLLOWING POWERS AND DUTIES:

26 (a) TO ADVISE AND MAKE RECOMMENDATIONS TO THE GOVERNOR,
27 STATE AGENCIES, AND OTHER RELEVANT ENTITIES CONCERNING THE

1 IMPLEMENTATION OF AND FUTURE REVISIONS TO THE STATE PLAN TO
2 PREVENT CHILD MALTREATMENT AND CHILD MALTREATMENT FATALITIES;

3 (b) TO DEVELOP STRATEGIES AND MONITOR EFFORTS TO ACHIEVE:

4 (I) INCREASES IN CHILD WELL-BEING AND ACHIEVEMENT;

5 (II) INCREASES IN CAREGIVER WELL-BEING AND ACHIEVEMENT;

6 (III) INCREASES IN CONSISTENT HIGH-QUALITY CAREGIVING;

7 (IV) INCREASES IN SAFE, SUPPORTIVE NEIGHBORHOODS; AND

8 (V) DECREASES IN THE INCIDENCE OF CHILD MALTREATMENT AND
9 CHILD MALTREATMENT FATALITIES;

10 (c) TO ASSIST PUBLIC AND PRIVATE AGENCIES IN COORDINATING
11 EFFORTS ON BEHALF OF FAMILIES, INCLUDING SECURING FUNDING AND
12 ADDITIONAL INVESTMENTS FOR SERVICES AND PROGRAMS, AND
13 IMPROVING ACCESS TO THESE SERVICES FOR CHILDREN AND THEIR
14 FAMILIES;

15 (d) TO MONITOR THE ONGOING DEVELOPMENT, PROMOTION, AND
16 IMPLEMENTATION IN PREVENTION PROGRAMS AND SERVICES OF:

17 (I) DATA SHARING AND DATA SYSTEM INTEGRATION;

18 (II) CONTINUOUS QUALITY IMPROVEMENT SYSTEMS, EFFECTIVE
19 PROGRAM IMPLEMENTATION, AND PERFORMANCE MANAGEMENT;

20 (III) PROGRAM EVALUATION;

21 (IV) WORKFORCE DEVELOPMENT;

22 (V) COMMUNITY COLLABORATION; AND

23 (VI) PARENT PARTICIPATION IN PROGRAM DEVELOPMENT AND
24 DECISION-MAKING;

25 (e) TO PROVIDE FOR THE COORDINATION AND EXCHANGE OF
26 INFORMATION ON THE ESTABLISHMENT AND MAINTENANCE OF PRIMARY
27 AND SECONDARY PREVENTION PROGRAMS AND TO FACILITATE THE

1 EXCHANGE OF INFORMATION BETWEEN GROUPS CONCERNED WITH CHILD
2 MALTREATMENT;

3 (f) TO IDENTIFY OPPORTUNITIES FOR, AND BARRIERS TO, THE
4 ALIGNMENT OF STANDARDS, RULES, POLICIES, AND PROCEDURES ACROSS
5 PROGRAMS AND AGENCIES THAT SUPPORT FAMILIES. THE BOARD SHALL
6 SUBMIT ITS RECOMMENDATIONS TO THE APPROPRIATE COMMITTEES OF
7 REFERENCE OF THE HOUSE OF REPRESENTATIVES AND THE SENATE IN THE
8 DEPARTMENT OF HUMAN SERVICES' ANNUAL REPORT TO THE GENERAL
9 ASSEMBLY PURSUANT TO PART 2 OF ARTICLE 7 OF TITLE 2. THE BOARD
10 SHALL ALSO PROVIDE TO GOVERNMENT AND NONPROFIT AGENCIES AND
11 POLICY BOARDS ITS RECOMMENDATIONS ON CHANGES TO ENHANCE THE
12 ALIGNMENT AND PROVISION OF SERVICES AND SUPPORTS FOR FAMILIES TO
13 PREVENT CHILD MALTREATMENT.

14 (g) TO COLLABORATE WITH, AT A MINIMUM, ANY OTHER RELEVANT
15 BOARDS, COMMISSIONS, AND COUNCILS THAT EXIST WITHIN THE
16 EXECUTIVE BRANCH AGENCIES THAT ADDRESS SERVICES AND SUPPORTS
17 FOR FAMILIES;

18 (h) TO PROMOTE ACADEMIC RESEARCH ON THE EFFICACY AND
19 COST-EFFECTIVENESS OF CHILD MALTREATMENT PREVENTION INITIATIVES;

20 (i) TO ACCEPT GRANTS FROM THE FEDERAL GOVERNMENT AS WELL
21 AS TO SOLICIT AND ACCEPT GIFTS, GRANTS, AND DONATIONS FROM
22 INDIVIDUALS, PRIVATE ORGANIZATIONS, AND FOUNDATIONS. IN DOING SO,
23 THE BOARD SHALL TAKE ALL MEASURES NECESSARY AND APPROPRIATE,
24 INCLUDING THE INCORPORATION OF A NONPROFIT ENTITY TO RECEIVE SUCH
25 CONTRIBUTIONS, TO ENSURE THAT THE CONTRIBUTIONS ARE TAX
26 DEDUCTIBLE UNDER SECTION 170 OF THE INTERNAL REVENUE CODE.

27 (j) TO DISTRIBUTE MONEY IN THE TRUST FUND FOR:

1 (I) THE ESTABLISHMENT, PROMOTION, AND MAINTENANCE OF
2 PRIMARY AND SECONDARY CHILD MALTREATMENT PREVENTION
3 PROGRAMS, INCLUDING PILOT PROGRAMS;

4 (II) PROGRAMS TO PREVENT CHILD MALTREATMENT FATALITIES;

5 (III) PROGRAMS TO REDUCE THE OCCURRENCE OF PRENATAL DRUG
6 EXPOSURE;

7 (IV) PROGRAMS TO REDUCE THE OCCURRENCE OF OTHER ADVERSE
8 CHILDHOOD EXPERIENCES; AND

9 (V) OPERATIONAL EXPENSES OF THE BOARD, INCLUDING
10 ALLOWABLE EXPENSES PURSUANT TO SECTION 19-3.5-104 (5);

11 (k) TO SUE AND BE SUED AS A BOARD WITHOUT INDIVIDUAL
12 LIABILITY FOR ACTS OF THE BOARD;

13 (l) TO EXERCISE ANY OTHER POWERS OR PERFORM ANY OTHER
14 DUTIES THAT ARE CONSISTENT WITH THE PURPOSES FOR WHICH THE BOARD
15 WAS CREATED AND THAT ARE REASONABLY NECESSARY FOR THE
16 FULFILLMENT OF THE BOARD'S RESPONSIBILITIES.

17 **SECTION 4.** In Colorado Revised Statutes, 19-3.5-106, **amend**
18 (1) introductory portion and (1)(b) as follows:

19 **19-3.5-106. Colorado children's trust fund - creation - source**
20 **of funds.** (1) There is hereby created in the state treasury the Colorado
21 children's trust fund, ~~which shall be administered by the board and which~~
22 ~~shall consist of~~ REFERRED TO IN THIS ARTICLE 3.5 AS THE "TRUST FUND".
23 THE BOARD SHALL ADMINISTER THE TRUST FUND. THE TRUST FUND
24 CONSISTS OF:

25 (b) All ~~moneys~~ MONEY collected by the board pursuant to ~~section~~
26 ~~19-3.5-105 (1)(c)~~ SECTION 19-3.5-105 (1)(i) from federal grants and other
27 contributions, grants, gifts, bequests, donations, and any ~~moneys~~ MONEY

1 appropriated ~~thereto~~ by the state. Such ~~moneys shall~~ MONEY MUST be
2 transmitted to the state treasurer for credit to the trust fund.

3 **SECTION 5.** In Colorado Revised Statutes, **amend** 19-3.5-107
4 as follows:

5 **19-3.5-107. Disbursement of grants from the trust fund.**

6 (1) Grants may be awarded to provide ~~moneys~~ MONEY for the start-up,
7 continuance, or expansion of primary or secondary prevention programs,
8 including pilot programs, ~~and home visitation programs~~, to provide
9 ~~educational and public informational seminars~~ EDUCATION TO
10 PROFESSIONALS AND THE PUBLIC, and to study and evaluate primary and
11 secondary prevention programs. ~~pilot programs, and home visitation~~
12 ~~programs~~. In addition, grants may be awarded for programs to prevent
13 CHILD MALTREATMENT FATALITIES and PROGRAMS TO reduce the
14 occurrence of prenatal drug exposure AND OTHER ADVERSE CHILDHOOD
15 EXPERIENCES.

16 (2) The board shall ~~have discretion in determining the amount of~~
17 ~~money to be awarded under each grant; except that:~~ OVERSEE THE
18 DISBURSEMENT OF MONEY FROM THE TRUST FUND TO ENSURE ITS
19 APPROPRIATE USE AND TO MAKE RECOMMENDATIONS FOR THE TOTAL
20 AMOUNT TO BE AWARDED IN GRANTS EACH YEAR.

21 (a) ~~Until the total amount of assets in the trust fund exceeds five~~
22 ~~million dollars, not more than seventy-five percent of the moneys credited~~
23 ~~to the trust fund each year pursuant to section 13-32-101 (5)(a)(I), C.R.S.,~~
24 ~~plus any interest credited thereon to the trust fund during the previous~~
25 ~~year shall be available for disbursement or expenditure by the board;~~
26 ~~however, any other moneys deposited or maintained in the fund may be~~
27 ~~disbursed by the board pursuant to the provisions of this article in~~

1 accordance with an appropriation from the fund made by the general
2 assembly;

3 (b) ~~After such time that the state treasurer certifies that the assets~~
4 ~~in the trust fund exceed five million dollars, no further moneys shall be~~
5 ~~collected for the trust fund pursuant to section 13-32-101 (5)(a)(I),~~
6 ~~C.R.S.; however, nothing in this paragraph (b) shall be construed to~~
7 ~~prohibit the continued collection of moneys for the trust fund pursuant to~~
8 ~~section 19-3.5-105 (1)(e);~~

9 (c) ~~After such time that the state treasurer certifies that the assets~~
10 ~~in the trust fund exceed five million dollars, only the interest credited to~~
11 ~~the trust fund, together with any moneys collected for such fund pursuant~~
12 ~~to section 19-3.5-105 (1)(e), shall be available for disbursement or~~
13 ~~expenditure by the board.~~

14 (3) ~~Any grant or moneys received by the board and credited to the~~
15 ~~trust fund pursuant to section 19-3.5-106 (1)(b) shall not be subject to the~~
16 ~~disbursement restriction of paragraph (a) of subsection (2) of this section.~~

17 **SECTION 6.** In Colorado Revised Statutes, **amend** 19-3.5-109
18 as follows:

19 **19-3.5-109. Report - repeal of article.** (1) The department of
20 human services shall contract for an independent evaluation of the trust
21 fund, including administrative costs of operating the trust fund and the
22 cost-effectiveness and the impact of the grants on reducing and
23 preventing child ~~abuse~~ MALTREATMENT. THE DEPARTMENT OF HUMAN
24 SERVICES SHALL PROVIDE a report of the evaluation ~~shall be provided~~ to
25 the house and senate health and human services committees, or any
26 successor committees, ~~by November 1, 2011, and by November 1, 2021~~
27 2022.

1 (2) This ~~article~~ ARTICLE 3.5 is repealed, effective July 1, 2022
2 2023.

3 **SECTION 7. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2018 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.