

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 18-1049.03 Jane Ritter x4342

SENATE BILL 18-254

SENATE SPONSORSHIP

Lambert and Moreno, Lundberg

HOUSE SPONSORSHIP

Young and Rankin, Hamner

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING REFORMS TO CHILD WELFARE SERVICES, AND, IN
102 CONNECTION THEREWITH, MAKING AND REDUCING AN
103 APPROPRIATION.

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/>.)

Joint Budget Committee. The bill addresses numerous reforms to the funding structure for the state's child welfare services.

Section 1 of the bill clarifies the types of child welfare services that must be available and provided, as necessary and appropriate, by county departments of human or social services (county departments).

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.

SENATE
3rd Reading Unamended
April 27, 2018

SENATE
Amended 2nd Reading
April 26, 2018

Sections 2 and 7 of the bill eliminate the option for county departments to maintain unspent general fund money from the child welfare services block allocation if they participate in the collaborative management program or the integrated care management program.

Section 3 of the bill adds a statutory definition of and citation to the federal "Family First Prevention Services Act of 2018".

Section 4 of the bill creates a program in the child welfare system for residential out-of-home placements for children and youth with intellectual and developmental disabilities.

Section 5 of the bill:

- ! Changes the number of and process for appointments to the child welfare allocations committee; and
- ! Requires the development of a child welfare system funding model.

Section 6 of the bill:

- ! Increases the percentage that counties are reimbursed by the state for adoption and relative guardianship subsidies from 80% to 90%;
- ! Formalizes the input process of the child welfare allocations committee;
- ! Allows the department of human services (state department) to submit supplemental budget requests for increases in out-of-home placement provider rates and adoption and relative guardianship expenditures;
- ! Modifies language concerning negotiations between county departments and providers for out-of-home placement rates;
- ! Requires capacity evaluations in counties or regions;
- ! Requires the state department to perform an analysis and cost projections to determine the fiscal impact on the state for changes in federal reimbursement rates for child welfare expenditures that result from the federal "Family First Prevention Services Act of 2018";
- ! Modifies the close-out process for child welfare expenditures; and
- ! Creates a child welfare prevention and intervention services cash fund into which unspent general fund money allocated to county departments through block allocations are transferred for sustainability of state-approved prevention and intervention programs and services.

Section 8 of the bill creates the delivery of child welfare services task force.

1 **SECTION 1.** In Colorado Revised Statutes, 19-3-208, **amend**
2 (2)(b) introductory portion and (2)(b)(I) as follows:

3 **19-3-208. Services - county required to provide - rules.**

4 (2) (b) The following services ~~shall~~ **MUST** be available and provided, as
5 determined necessary and appropriate by individual case plans,
6 commencing on or after July 1, 1993:

7 (I) Screening, assessments, INCLUDING THOSE REQUIRED BY THE
8 FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT OF 2018", TITLES
9 IV-B AND IV-E OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED,
10 and individual case plans;

11 **SECTION 2.** In Colorado Revised Statutes, 24-1.9-102, **amend**
12 (2)(h) as follows:

13 **24-1.9-102. Memorandum of understanding - local-level**
14 **interagency oversight groups - individualized service and support**
15 **teams - coordination of services for children and families -**
16 **requirements - waiver. (2) (h) Reinvestment of money saved to serve**

17 **additional children and families. (†)** The memorandum of
18 understanding ~~shall~~ **MUST** require the interagency oversight group to
19 create a procedure, subject to approval by the head or director of each
20 agency or department specified in ~~paragraphs (a) and (a.5) of subsection~~
21 ~~(†) SUBSECTIONS (1)(a) AND (1)(a.5) of this section, to allow any moneys~~
22 ~~MONEY~~ resulting from waivers granted by the federal government, ~~and~~
23 ~~any state general fund savings realized as a result of the implementation~~
24 ~~of the collaborative system of management of multi-agency services~~
25 ~~provided to children and families related to the funding sources specified~~
26 ~~by the parties to the memorandum of understanding pursuant to paragraph~~
27 ~~(b) of this subsection (2) to be reinvested by the parties to the~~

1 ~~memorandum of understanding to provide appropriate services, as~~
2 ~~defined in paragraph (b) of this subsection (2)~~ ANY LOCAL FUNDS, AND
3 ANY STATE GENERAL FUND MONEY APPROPRIATED TO THE PROGRAM TO BE
4 USED TO PROVIDE SERVICES to children and families who would benefit
5 from integrated multi-agency services, as the population is defined by the
6 memorandum of understanding pursuant to ~~paragraph (c) of this~~
7 ~~subsection (2)~~ SUBSECTION (2)(c) OF THIS SECTION.

8 (H) ~~A county that has implemented a collaborative management~~
9 ~~process for services to children and families, which services are not~~
10 ~~included as services to be provided to children and families who would~~
11 ~~benefit from integrated multi-agency services in the memorandum of~~
12 ~~understanding pursuant to paragraph (b) of this subsection (2), and that~~
13 ~~underspends the general fund portion of its capped or targeted allocation~~
14 ~~may use the portion of general fund savings realized, as referenced in this~~
15 ~~section, of its underspent capped or targeted allocation for provision of~~
16 ~~existing services for such children and families in the county.~~

17 **SECTION 3.** In Colorado Revised Statutes, 26-5-101, **amend** the
18 introductory portion; and **add** (4.5) as follows:

19 **26-5-101. Definitions.** As used in this ~~article~~ ARTICLE 5, unless
20 the context otherwise requires:

21 (4.5) "FAMILY FIRST PREVENTION SERVICES ACT OF 2018" MEANS
22 TITLES IV-B AND IV-E OF THE FEDERAL "SOCIAL SECURITY ACT", AS
23 AMENDED.

24 **SECTION 4.** In Colorado Revised Statutes, 26-5-102, **add** (3)
25 and (4) as follows:

26 **26-5-102. Provision of child welfare services - system reform**
27 **goals - out-of-home placements for children and youth with**

1 **intellectual and developmental disabilities - rules - definition.**

2 (3) (a) ON OR BEFORE AUGUST 1, 2018, THE STATE DEPARTMENT SHALL
3 DEVELOP A PROGRAM TO SERVE CHILDREN AND YOUTH WITH
4 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO ARE PLACED BY
5 COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES IN A LICENSED
6 OUT-OF-HOME SETTING AS DEFINED IN SECTION 26-6-102 (33) AND
7 CHILDREN OR YOUTH COMMITTED TO OR IN THE CUSTODY OF THE STATE
8 DEPARTMENT.

9 (b) THE STATE DEPARTMENT SHALL PROMULGATE RULES
10 CONCERNING THE PLACEMENT OF CHILDREN OR YOUTH IN THE PROGRAM.
11 THE RULES MUST INCLUDE, BUT NEED NOT BE LIMITED TO, QUALITY
12 ASSURANCE MONITORING, ADMISSIONS, DISCHARGE PLANNING, _____
13 APPROPRIATE LENGTH OF STAY, AND AN APPEALS PROCESS FOR CHILDREN
14 OR YOUTH WHO ARE DETERMINED TO BE INELIGIBLE FOR THE PROGRAM.

15 (c) ON OR BEFORE DECEMBER 31, 2018, THE STATE DEPARTMENT
16 SHALL CONTRACT WITH A LICENSED PROVIDER FOR THE DELIVERY OF
17 SERVICES TO CHILDREN AND YOUTH WITH INTELLECTUAL AND
18 DEVELOPMENTAL DISABILITIES WHO ARE PLACED IN THE PROGRAM. THE
19 STATE DEPARTMENT SHALL UTILIZE A REQUEST FOR PROPOSAL PROCESS TO
20 DEFINE THE SCOPE OF THE CONTRACT AND TO SELECT THE LICENSED
21 PROVIDER.

22 (d) A COUNTY DEPARTMENT THAT WISHES TO PLACE A CHILD OR
23 YOUTH IN THE PROGRAM SHALL SUBMIT AN APPLICATION TO THE STATE
24 DEPARTMENT FOR REVIEW. THE STATE DEPARTMENT SHALL APPROVE
25 ADMISSIONS INTO THE PROGRAM AND DETERMINE DISCHARGE CRITERIA
26 FOR EACH PLACEMENT. A COUNTY DEPARTMENT THAT HAS APPLIED FOR
27 THE ADMISSION OF A CHILD OR YOUTH INTO THE PROGRAM SHALL BE

1 NOTIFIED IN WRITING OF A PLACEMENT APPROVED BY THE STATE
2 DEPARTMENT.

3 (e) FOR THE DURATION OF THE TREATMENT, AS DEFINED IN THE
4 APPROVAL LETTER FROM THE STATE DEPARTMENT, AND FOR THIRTY DAYS
5 AFTER THE COMPLETION OF TREATMENT, THE COUNTY DEPARTMENT
6 RESPONSIBLE FOR THE PLACEMENT OF THE CHILD OR YOUTH IN THE
7 PROGRAM MUST BE REIMBURSED BY THE STATE DEPARTMENT FOR ONE
8 HUNDRED PERCENT OF THE COSTS ASSOCIATED WITH THE APPROVED
9 PLACEMENT.

10 (f) THE STATE DEPARTMENT SHALL NOTIFY THE COUNTY
11 DEPARTMENT THAT IS RESPONSIBLE FOR THE PLACEMENT OF THE CHILD OR
12 YOUTH OF THE DATE ON WHICH THE REIMBURSEMENT ELIGIBILITY WILL
13 EXPIRE. UPON EXPIRATION OF THE REIMBURSEMENT ELIGIBILITY, IF THE
14 CHILD OR YOUTH REMAINS IN PLACEMENT AT THE FACILITY, THE COUNTY
15 DEPARTMENT IS RESPONSIBLE FOR ONE HUNDRED PERCENT OF THE
16 PLACEMENT COSTS.

17 (g) A COUNTY DEPARTMENT THAT HAS PLACED A CHILD OR YOUTH
18 IN THE PROGRAM RETAINS THE RIGHT TO REMOVE THE CHILD OR YOUTH
19 FROM THE PROGRAM ANY TIME PRIOR TO THE DISCHARGE DATE SPECIFIED
20 BY THE STATE DEPARTMENT.

21 (h) THE STATE DEPARTMENT SHALL REIMBURSE THE PROVIDER ONE
22 HUNDRED PERCENT OF THE COST OF UNUTILIZED BEDS IN THE PROGRAM TO
23 ENSURE AVAILABLE SPACE FOR EMERGENCY RESIDENTIAL OUT-OF-HOME
24 PLACEMENTS.

25 (i) ENTITIES OTHER THAN COUNTY DEPARTMENTS, INCLUDING BUT
26 NOT LIMITED TO HOSPITALS, HEALTH CARE PROVIDERS, SINGLE ENTRY
27 POINT AGENCIES, AND COMMUNITY-CENTERED BOARDS, MAY REFER A

1 FAMILY TO VOLUNTARILY APPLY AND ASSIST WITH THE APPLICATION TO
2 THE STATE DEPARTMENT FOR ADMISSION OF THE FAMILY'S CHILD OR
3 YOUTH WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES INTO THE
4 PROGRAM PURSUANT TO THIS SUBSECTION (3). SUCH APPLICATIONS WILL
5 BE CONSIDERED IF SPACE IS AVAILABLE. HOWEVER, CHILDREN AND YOUTH
6 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES PLACED BY
7 COUNTY DEPARTMENTS OR THE STATE DEPARTMENT SHALL HAVE PRIORITY
8 FOR ADMISSION TO THE PROGRAM. THE STATE DEPARTMENT SHALL NOT
9 ACCEPT APPLICATIONS FOR PLACEMENT OF A CHILD OR YOUTH WHO IS
10 EXCLUSIVELY INSURED BY PRIVATE INSURANCE. A CHILD OR YOUTH WHO
11 IS DUALY INSURED BY PRIVATE INSURANCE AND MEDICAID AND WHOSE
12 RESIDENTIAL LEVEL OF CARE HAS BEEN DENIED BY PRIVATE INSURANCE
13 MAY BE ELIGIBLE FOR SERVICES IN THE PROGRAM.

14 (j) ANY ENTITY DEFINED IN SUBSECTION (3)(i) OF THIS SECTION
15 THAT RECEIVES PLACEMENT APPROVAL FROM THE STATE DEPARTMENT
16 SHALL CONTRACT DIRECTLY WITH THE PROVIDER FOR SUCH PLACEMENT
17 AND IS RESPONSIBLE FOR THE COSTS ASSOCIATED WITH THE PLACEMENT.

18 (k) THE STATE DEPARTMENT MAY MAINTAIN UP TO THREE OPEN
19 BEDS SPECIFICALLY FOR CHILDREN AND YOUTH IN THE CUSTODY OF A
20 COUNTY OR COMMITTED TO OR IN THE CUSTODY OF THE STATE
21 DEPARTMENT WHO MAY NEED SERVICES ON AN EMERGENCY BASIS.

22 (4) AS USED IN THIS SECTION, "COUNTY DEPARTMENT" MEANS A
23 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

24 **SECTION 5.** In Colorado Revised Statutes, **amend 26-5-103.5**
25 as follows:

26 **26-5-103.5. Child welfare allocations committee - organization**
27 **- advisory duties - funding model - allocations model - definitions.**

1 (1) THE STATE DEPARTMENT SHALL CONVENE a child welfare allocations
2 committee, ~~shall be convened by the state department~~ REFERRED TO IN
3 THIS SECTION AS THE "COMMITTEE", as necessary in order to make
4 advisory recommendations as described in this ~~article~~ ARTICLE 5.

5 (2) (a) ~~The child welfare allocations committee shall consist of~~
6 ~~eleven members, eight of whom shall be appointed by a statewide~~
7 ~~association of counties and three of whom shall be appointed by the state~~
8 ~~department. Of the members appointed by the statewide association of~~
9 ~~counties, at least two members shall be from small or medium-sized~~
10 ~~counties, and at least three shall be from large counties. The appointing~~
11 ~~authorities shall consult with each other to ensure that the child welfare~~
12 ~~allocations committee is representative of the counties in the state. A~~
13 ~~representative from the county that has the greatest percentage of the~~
14 ~~state's child welfare caseload will automatically be appointed, which~~
15 ~~appointment shall be credited against the eight appointments allocated to~~
16 ~~the statewide association of counties~~ THE COMMITTEE CONSISTS OF
17 THIRTEEN MEMBERS, EIGHT OF WHOM MUST BE APPOINTED BY COUNTY
18 COMMISSIONERS AND FIVE OF WHOM MUST BE APPOINTED BY THE STATE
19 DEPARTMENT.

20 (b) OF THE MEMBERS APPOINTED BY THE STATE DEPARTMENT, AT
21 LEAST TWO MEMBERS MUST BE REPRESENTATIVES FROM THE TWO
22 COUNTIES IN THE STATE WITH THE GREATEST PERCENTAGE OF THE STATE'S
23 CHILD WELFARE CASELOAD.

24 (c) OF THE APPOINTMENTS MADE BY COUNTY COMMISSIONERS,
25 ONLY ONE REPRESENTATIVE PER COUNTY MAY SERVE ON THE COMMITTEE
26 AT THE SAME TIME, AND:

27 (I) ONE MUST BE APPOINTED BY THE COMMISSIONERS OF EACH OF

1 THE FOLLOWING REGIONS, AS THOSE REGIONS ARE DEFINED IN SUBSECTION
2 (2)(d) OF THIS SECTION:

- 3 (A) THE EASTERN REGION;
- 4 (B) THE FRONT RANGE REGION;
- 5 (C) THE MOUNTAIN REGION;
- 6 (D) THE SOUTHERN REGION; AND
- 7 (E) THE WESTERN REGION; AND

8 (II) THREE MUST BE AT-LARGE APPOINTMENTS. OF THE THREE
9 AT-LARGE APPOINTMENTS, TWO MUST BE APPOINTED BY THE
10 COMMISSIONERS OF THE COUNTIES DESCRIBED IN SECTION 26-5-104
11 (4)(b)(I), AND ONE MUST BE APPOINTED BY THE COMMISSIONERS WHO
12 REPRESENT THE COUNTIES DESCRIBED IN SECTION 26-5-104 (4)(b)(II).

13 (d) FOR THE PURPOSES OF THIS SUBSECTION (2):

14 (I) THE EASTERN REGION IS COMPRISED OF CHEYENNE, ELBERT,
15 KIT CARSON, LINCOLN, LOGAN, MORGAN, PHILLIPS, SEDGWICK,
16 WASHINGTON, AND YUMA COUNTIES;

17 (II) THE FRONT RANGE REGION IS COMPRISED OF ADAMS,
18 ARAPAHOE, BOULDER, DOUGLAS, EL PASO, JEFFERSON, LARIMER, AND
19 WELD COUNTIES, AND THE CITY AND COUNTY OF BROOMFIELD AND THE
20 CITY AND COUNTY OF DENVER;

21 (III) THE MOUNTAIN REGION IS COMPRISED OF CHAFFEE, CLEAR
22 CREEK, CUSTER, EAGLE, FREMONT, GILPIN, GRAND, JACKSON, LAKE,
23 PARK, PITKIN, SUMMIT, AND TELLER COUNTIES;

24 (IV) THE SOUTHERN REGION IS COMPRISED OF ALAMOSA, BACA,
25 BENT, CONEJOS, COSTILLA, CROWLEY, HUERFANO, KIOWA, LAS ANIMAS,
26 MINERAL, OTERO, PROWERS, PUEBLO, RIO GRANDE, AND SAGUACHE
27 COUNTIES; AND

1 (V) THE WESTERN REGION IS COMPRISED OF ARCHULETA, DELTA,
2 DOLORES, GARFIELD, GUNNISON, HINSDALE, LA PLATA, MESA, MOFFAT,
3 MONTEZUMA, MONTROSE, OURAY, RIO BLANCO, ROUTT, SAN JUAN, AND
4 SAN MIGUEL COUNTIES.

5 (3) The ~~child welfare allocations~~ committee shall develop its own
6 operating procedures.

7 (4) No later than January 15, 1999, the state department, with
8 input from the ~~child welfare allocations~~ committee, shall make
9 recommendations to the joint budget committee of the general assembly
10 for a definition of what ~~shall constitute~~ CONSTITUTES administration and
11 support functions as referred to in section 26-5-101 (3)(m) and a method
12 for identifying costs for such functions.

13 (5) Pursuant to section 26-5-104 (3), the ~~child welfare allocations~~
14 ~~committee shall develop a formula to allocate additional funding to~~
15 ~~counties in addition to the child welfare block grant for the specific~~
16 ~~purpose of hiring new child welfare staff at the county level in addition~~
17 ~~to county child welfare staff existing as of January 1, 2015, pursuant to~~
18 ~~the requirements of section 26-5-104 (8). Counties shall continue to pay~~
19 ~~for child welfare staff positions existing as of January 1, 2015, through~~
20 ~~the child welfare block grant. The child welfare allocations committee~~
21 ~~shall modify the allocation formula as necessary in consideration of any~~
22 ~~findings from the child welfare caseload study performed pursuant to~~
23 ~~section 26-5-112 at such time as those findings are available.~~

24 (6) ~~On or before June 15, 2017, the child welfare allocations~~
25 ~~committee shall consider developing an allocations model based on the~~
26 ~~recommendations developed pursuant to section 26-5-104 (9). None of~~
27 ~~the provisions of Senate Bill 16-201, enacted in 2016, supersede or~~

1 ~~infringe on the statutory authority of the child welfare allocations~~
2 ~~committee.~~

3 (7) (a) BEGINNING WITH STATE FISCAL YEAR 2018-19, AND EVERY
4 THREE YEARS THEREAFTER, THE STATE DEPARTMENT SHALL CONTRACT
5 WITH AN OUTSIDE ENTITY TO DEVELOP A FUNDING MODEL THAT MUST BE
6 USED TO INFORM THE COMMITTEE, THE GENERAL ASSEMBLY, THE
7 GOVERNOR, AND THE STATE DEPARTMENT OF THE APPROPRIATE LEVEL OF
8 FUNDING REQUIRED TO FULLY MEET ALL STATE AND FEDERAL
9 REQUIREMENTS CONCERNING THE COMPREHENSIVE DELIVERY OF CHILD
10 WELFARE SERVICES, AS DEFINED IN SECTION 26-5-101 (3). THE FUNDING
11 MODEL MUST TAKE INTO CONSIDERATION WORKLOAD; DEMOGRAPHIC
12 DATA, INCLUDING POVERTY STATISTICS; AND STATE AND LOCAL ECONOMIC
13 DRIVERS THAT MAY INFLUENCE THE DELIVERY OF SERVICES. THE FUNDING
14 MODEL DEVELOPED PURSUANT TO THIS SUBSECTION (7) MUST BE
15 INFORMED BY THE RECOMMENDATIONS OF THE DELIVERY OF CHILD
16 WELFARE SERVICES TASK FORCE AS SET FORTH IN SECTION 26-5-105.8 AND
17 MUST BE USED TO INFORM THE DECISION-MAKING PROCESS OF THE
18 COMMITTEE.

19 (b) (I) ON OR BEFORE NOVEMBER 1, 2019, AND EACH NOVEMBER
20 1 THEREAFTER, THE STATE DEPARTMENT, IN COLLABORATION WITH THE
21 COMMITTEE, SHALL SUBMIT AN ANNUAL REPORT TO THE JOINT BUDGET
22 COMMITTEE, OR ANY SUCCESSOR COMMITTEE. THE REPORT MUST INCLUDE
23 THE RESULTS OF REGULAR EVALUATIONS OF THE FUNDING MODEL
24 DEVELOPED PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION, THE
25 ALLOCATION FORMULAS DEVELOPED PURSUANT TO SECTION 26-5-104(3),
26 AND OUTCOMES AND PERFORMANCE MEASURES RELATED TO THE
27 DELIVERY OF CHILD WELFARE SERVICES, PURSUANT TO SECTION

1 26-5-105.8.

2 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
3 REPORTING REQUIREMENT IN SUBSECTION (7)(b)(I) OF THIS SECTION
4 CONTINUES INDEFINITELY.

5 **SECTION 6.** In Colorado Revised Statutes, 26-5-104, **amend** (1),
6 (3)(a), (3)(b), (3)(c), (4)(d), (6)(a), (6)(b), (6)(d), (6)(g), and (7); **repeal**
7 (9); and **add** (3)(a.5), (3)(a.6), (4)(d.5), (4)(f), and (6.6) as follows:

8 **26-5-104. Funding of child welfare services - rules - report -**
9 **provider contracts - funding mechanism review - fund - definitions**
10 **- rules - repeal.** (1) **Reimbursement.** (a) EXCEPT AS PROVIDED IN
11 SUBSECTION (1)(b) OF THIS SECTION, the state department shall, within the
12 limits of available appropriations, reimburse the county departments
13 eighty percent of amounts expended by county departments for child
14 welfare services, up to the amount of the county's allocation as
15 determined pursuant to the provisions of this section, except as otherwise
16 authorized in accordance with the close-out process described in
17 subsection (7) of this section.

18 (b) THE STATE DEPARTMENT SHALL REIMBURSE THE COUNTY
19 DEPARTMENTS NINETY PERCENT OF THE AMOUNTS EXPENDED BY COUNTY
20 DEPARTMENTS FOR ADOPTION AND RELATIVE GUARDIANSHIP ASSISTANCE.
21 THE ADOPTION AND RELATIVE GUARDIANSHIP ASSISTANCE IS EXEMPT
22 FROM THE CLOSE-OUT PROCESS DESCRIBED IN SUBSECTION (7) OF THIS
23 SECTION AND THE CAPPED ALLOCATION DESCRIBED IN SUBSECTION (3) OF
24 THIS SECTION.

25 (3) **Allocation formula.** (a) For state fiscal year ~~1997-98~~
26 2018-19, and for each state fiscal year thereafter, the state department,
27 after input from the child welfare allocations committee, shall develop

1 formulas for capped and targeted allocations, ~~that must include,~~
2 INCLUDING THE CHILD WELFARE SERVICES ALLOCATION, THE ALLOCATION
3 FOR ADDITIONAL COUNTY CHILD WELFARE STAFF, AND THE ALLOCATION
4 FOR FAMILY AND CHILDREN'S PROGRAMS. ALLOCATION FORMULAS
5 DEVELOPED PURSUANT TO THIS SUBSECTION (3)(a) MUST INCLUDE,
6 effective for state fiscal year ~~1998-99~~ 2018-19 AND EACH STATE FISCAL
7 YEAR THEREAFTER, the estimated caseload for the delivery of those
8 specific child welfare services to be funded by the money in the capped
9 or targeted allocations. THE FORMULAS MUST ALSO INCLUDE A
10 PERFORMANCE-ALIGNED COMPONENT THAT SUPPORTS THE
11 IMPLEMENTATION OF PROMISING, SUPPORTED, OR WELL-SUPPORTED
12 PRACTICES, AS DEFINED IN THE FEDERAL "FAMILY FIRST PREVENTION
13 SERVICES ACT OF 2018", AS DEFINED IN SECTION 26-5-101 (4.5); BE
14 OUTCOME-DRIVEN; AND BE ALIGNED WITH DESIRED STATE
15 DEPARTMENT-DEFINED OR FEDERALLY REQUIRED OUTCOMES AND GOALS.
16 THE ALLOCATION TO EACH COUNTY FROM ANY GIVEN FORMULA MUST BE
17 EQUITABLE AND REFLECTIVE OF THE COST OF DELIVERING SERVICES. If a
18 county receives more than one capped or targeted allocation for the
19 delivery of child welfare services, the formula must identify the specific
20 caseload estimate attributable to each capped or targeted allocation. ~~The~~
21 ~~determination of the formulas pursuant to the provisions of this~~
22 ~~subsection (3) must also take into consideration factors that directly affect~~
23 ~~the population of children in need of child welfare services, as determined~~
24 ~~by the state department and the child welfare allocations committee.~~

25 (a.5) PURSUANT TO THIS SUBSECTION (3), A COUNTY THAT
26 RECEIVES AN ALLOCATION FOR COUNTY CHILD WELFARE STAFF IN
27 ADDITION TO THE CHILD WELFARE SERVICES ALLOCATION SHALL FUND

1 EXISTING STAFF POSITIONS AS OF JANUARY 1, 2015, THROUGH THE CHILD
2 WELFARE SERVICES ALLOCATION. POSITIONS CREATED AFTER JANUARY 1,
3 2015, MAY BE FUNDED THROUGH THE ALLOCATION FOR COUNTY CHILD
4 WELFARE STAFF.

5 (a.6) ON OR BEFORE MARCH 1 OF ANY STATE FISCAL YEAR, THE
6 CHILD WELFARE ALLOCATIONS COMMITTEE SHALL SUBMIT WRITTEN
7 RECOMMENDATIONS TO THE STATE DEPARTMENT TO INFORM THE CAPPED
8 AND TARGETED ALLOCATIONS. THE CHILD WELFARE ALLOCATIONS
9 COMMITTEE IS ENCOURAGED TO INCLUDE DOCUMENTATION ON HOW THE
10 RECOMMENDATIONS SUPPORT THE ACHIEVEMENT OF EXPECTATIONS
11 DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION.

12 (b) In the event that the state department and the child welfare
13 allocations committee do not reach an agreement on the allocation
14 formula on or before ~~June 15~~ JUNE 1 of any state fiscal year for the
15 succeeding state fiscal year, the state department and the child welfare
16 allocations committee shall submit alternatives to the joint budget
17 committee of the general assembly from which such joint budget
18 committee shall select an allocation formula before the beginning of such
19 succeeding state fiscal year.

20 (c) The formulas developed ~~by the state department, after input~~
21 ~~from the child welfare allocations committee, shall~~ PURSUANT TO THIS
22 SUBSECTION(3) MUST identify the portion of the amounts appropriated for
23 child welfare services that ~~shall~~ MUST be allocated to the counties for the
24 provision of child welfare services.

25 (4) **Allocations.** (d) EXCEPT AS PROVIDED FOR IN SUBSECTIONS
26 (4)(e) AND (4)(f) OF THIS SECTION, the state department may only seek
27 additional funding from the general assembly in a supplemental

1 appropriations bill based upon caseload growth, subject to the provisions
2 of subsection (7) of this section, or changes in federal law or federal
3 funding. ~~For fiscal years 2006-07 and 2007-08, the state department may~~
4 ~~seek supplemental funding related to the implementation of the placement~~
5 ~~of children in a residential child health care program as specified in~~
6 ~~section 25.5-5-306, C.R.S.~~

7 (d.5) (I) FOR FISCAL YEARS 2018-19 THROUGH 2023-24, IN
8 ADDITION TO FUNDING RECEIVED PURSUANT TO SUBSECTION (4)(d) OF THIS
9 SECTION, THE STATE DEPARTMENT MAY SEEK ADDITIONAL FUNDING FROM
10 THE GENERAL ASSEMBLY IN A SUPPLEMENTAL BILL RELATED TO THE
11 IMPLEMENTATION OF SUBSECTION (6) OF THIS SECTION, AND SUBJECT TO
12 THE PROVISIONS OF SUBSECTION (7) OF THIS SECTION OR CHANGES IN
13 FEDERAL LAW OR FEDERAL FUNDING.

14 (II) THIS SUBSECTION (4)(d.5) IS REPEALED, EFFECTIVE JULY 1,
15 2024.

16 (f) IN ADDITION TO FUNDING RECEIVED PURSUANT TO SUBSECTION
17 (4)(d) OF THIS SECTION, THE STATE DEPARTMENT MAY SUBMIT A REQUEST
18 TO THE GENERAL ASSEMBLY FOR A CHANGE IN A SUPPLEMENTAL
19 APPROPRIATIONS BILL TO THE APPROPRIATION THAT FUNDS ADOPTION AND
20 RELATIVE GUARDIANSHIP ASSISTANCE EXPENDITURES.

21 (6) **County negotiations with providers.** (a) Subject to rules
22 promulgated by the state department pursuant to subsection (6)(b) of this
23 section AND THE METHODOLOGY ADOPTED PURSUANT TO SUBSECTIONS
24 (6)(e) TO (6)(h) OF THIS SECTION, FOR EACH CHILD OR YOUTH PLACED IN
25 AN OUT-OF-HOME PLACEMENT SETTING, a county is authorized to
26 negotiate rates RELATED TO services and outcomes with licensed
27 out-of-home placement providers; ~~if the county has~~ EXCEPT THAT A

1 COUNTY MAY NOT NEGOTIATE RATES BELOW THE BASE ANCHOR RATES
2 ESTABLISHED BY THE STATE DEPARTMENT. COUNTIES WITH AN APPROVED
3 ALTERNATIVE METHODOLOGY SHALL USE a request for proposal process
4 ~~in effect for soliciting~~ TO SOLICIT bids from licensed out-of-home
5 placement providers ~~or another mechanism for evaluating the rates,~~
6 ~~services, and outcomes that it is negotiating with such licensed~~
7 ~~out-of-home placement providers that is acceptable to the state~~
8 ~~department~~ THAT ALLOWS FOR ADEQUATE PRIVATE COMPETITION AND
9 PROVIDES OPPORTUNITIES FOR COMPETITIVE NEGOTIATIONS.

10 (b) On or before ~~January 1, 2008~~ JANUARY 1, 2019, and as
11 necessary thereafter, the state department shall WORK COLLABORATIVELY
12 WITH THE STATE BOARD OF HUMAN SERVICES TO promulgate rules
13 governing the methodology by which counties may negotiate rates,
14 services, and outcomes with licensed out-of-home placement providers.
15 IF A COUNTY NEGOTIATES A CONTRACT WITH A LICENSED OUT-OF-HOME
16 PLACEMENT PROVIDER, THE COUNTY MAY DEFINE THE EXPECTED
17 OUTCOMES AND INCLUDE OPTIONS FOR THE PAYMENT OF INCENTIVES TO
18 PROVIDERS WHEN SUCH OUTCOMES ARE ACHIEVED. THE STATE
19 DEPARTMENT SHALL WORK COLLABORATIVELY WITH THE STATE BOARD OF
20 HUMAN SERVICES TO PROMULGATE RULES CONCERNING SUCH OUTCOMES
21 AND INCENTIVE PAYMENTS.

22 (d) ~~By July 1, 2008, and by July 1 of each even-numbered year~~ ON
23 OR BEFORE JULY 1, 2019, AND EACH JULY 1 thereafter, the state
24 department shall complete a review of the methodology by which
25 counties evaluate and negotiate rates, services, ~~and~~ outcomes, AND
26 INCENTIVES with licensed out-of-home placement providers DEVELOPED
27 PURSUANT TO THIS SUBSECTION (6) AND ANY ALTERNATIVE

1 METHODOLOGY FOR WHICH COUNTIES HAVE APPROVAL FROM THE STATE
2 DEPARTMENT TO UTILIZE. The methodology used is governed by rules
3 promulgated by the state department pursuant to subsection (6)(b) of this
4 section. In preparing for and conducting the review, the state department
5 shall convene a group of persons representing the directors of county
6 departments of human or social services and the licensed out-of-home
7 placement provider community. On or before September 1 of each fiscal
8 year, the group shall submit a report to the joint budget committee
9 detailing any changes to the rate-setting methodology that results from the
10 review conducted pursuant to this subsection (6)(d).

11 (g) SUBJECT TO AVAILABLE APPROPRIATIONS, the methodology
12 must be implemented on or before July 1, 2018, except for those rates that
13 must be approved by CMS. Rates that must be approved by CMS must be
14 implemented upon approval. In the event that the representatives
15 identified in subsection (6)(e) of this section do not agree on the
16 rate-setting methodology on or before February 1, 2018, the state
17 department, the county representatives, and the licensed out-of-home
18 placement providers shall submit alternatives to the joint budget
19 committee. The joint budget committee shall then select a methodology
20 prior to the start of the succeeding state fiscal year. IT IS THE INTENT OF
21 THE GENERAL ASSEMBLY THAT THE RATE METHODOLOGY DEVELOPED
22 PURSUANT TO THIS SUBSECTION (6) BE FULLY IMPLEMENTED ON OR BEFORE
23 JUNE 30, 2022, THROUGH INCREMENTAL RATE INCREASES ESTABLISHED BY
24 THE STATE DEPARTMENT. FOR FISCAL YEAR 2019-20 THROUGH FISCAL
25 YEAR 2021-22, THE STATE DEPARTMENT IS ENCOURAGED TO SUBMIT, AS
26 A PART OF THE ANNUAL BUDGET PROCESS, A REQUEST FOR INCREASED
27 APPROPRIATIONS TO FUND THE INCREASED RATES REQUIRED BY THE

1 METHODOLOGY.

2 (6.6) (a) EACH COUNTY OR REGION OF COUNTIES, AS DETERMINED
3 BY THE STATE DEPARTMENT, SHALL, WITH ASSISTANCE FROM THE STATE
4 DEPARTMENT, PERFORM AN ANALYSIS OF AVAILABLE IN-HOME,
5 FAMILY-LIKE, AND OUT-OF-HOME PLACEMENT SETTINGS. ON OR BEFORE
6 JULY 1, 2019, EACH DESIGNATED COUNTY OR REGION OF COUNTIES SHALL
7 SUBMIT A REPORT TO THE STATE DEPARTMENT, INCLUDING AN
8 EVALUATION OF THE TYPES AND AVAILABILITY OF EACH PLACEMENT
9 OPTION IN THE COUNTY OR REGION OF COUNTIES, AVAILABLE PLACEMENT
10 OPTIONS IN ADJACENT COUNTIES OR REGION OF COUNTIES, AND A PLAN TO
11 EXPAND IN-HOME, FAMILY-LIKE, AND OUT-OF-HOME PLACEMENT SETTINGS
12 CAPACITY WITHIN THE COUNTY OR REGION OF COUNTIES, IF NECESSARY.

13 (b) ON OR BEFORE JULY 1, 2020, THE STATE DEPARTMENT SHALL
14 SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE. THE REPORT MUST
15 INCLUDE:

16 (I) THE COUNTY UTILIZATION RATE FOR IN-HOME, FAMILY-LIKE,
17 AND OUT-OF-HOME PLACEMENT SETTINGS;

18 (II) AN ANALYSIS OF PROJECTED FEDERAL REIMBURSEMENT FOR
19 EACH TYPE OF PLACEMENT PURSUANT TO THE FEDERAL "FAMILY FIRST
20 PREVENTION SERVICES ACT OF 2018", AS DEFINED IN SECTION 26-5-101
21 (4.5);

22 (III) A DESCRIPTION OF ANTICIPATED CHANGES IN FEDERAL
23 REIMBURSEMENT FOR EACH TYPE OF PLACEMENT;

24 (IV) AN ANALYSIS OF STATEWIDE SERVICES AND PLACEMENT
25 CAPACITY, INFORMED BY THE COUNTY REPORTS REQUIRED PURSUANT TO
26 SUBSECTION (6.6)(a) OF THIS SECTION;

27 (V) PROJECTIONS FOR THE STATEWIDE FISCAL IMPACT RESULTING

1 FROM CHANGES IN FEDERAL REIMBURSEMENT; AND

2 (VI) A PLAN TO MINIMIZE THE FISCAL IMPACT TO THE STATE
3 RESULTING FROM CHANGES IN FEDERAL REIMBURSEMENT FOR SERVICES
4 AND PLACEMENT TYPES.

5 (7) **Close-out process for county allocations.** (a) (I) For state
6 fiscal year ~~1998-99~~ 2018-19, and for each state fiscal year thereafter, ~~and~~
7 THE STATE DEPARTMENT SHALL RETAIN ANY UNSPENT GENERAL FUND
8 MONEY INCLUDED IN THE INITIAL ALLOCATION TO EACH BALANCE OF
9 STATE COUNTY, UP TO FIVE PERCENT OF THE TOTAL GENERAL FUND MONEY
10 ALLOCATED TO BALANCE OF STATE COUNTIES, AS DESCRIBED IN
11 SUBSECTION (4)(b) OF THIS SECTION AND REFERRED TO IN THIS
12 SUBSECTION (7)(a) AS "SMALL AND MEDIUM-SIZED COUNTIES".

13 (II) RETAINED MONEY PURSUANT TO SUBSECTION (7)(a)(I) OF THIS
14 SECTION MUST BE TRANSFERRED INTO THE CHILD WELFARE PREVENTION
15 AND INTERVENTION SERVICES CASH FUND, WHICH IS HEREBY CREATED IN
16 THE STATE TREASURY AND REFERRED TO IN THIS SUBSECTION (7) AS THE
17 "FUND".

18 (III) THE STATE DEPARTMENT IS AUTHORIZED TO ACCEPT GIFTS,
19 GRANTS, AND DONATIONS, WHICH MUST BE TRANSFERRED INTO THE FUND,
20 IN ADDITION TO TRANSFERS FROM THE GENERAL FUND AS APPROPRIATED
21 BY THE GENERAL ASSEMBLY.

22 (IV) MONEY FROM THE FUND MUST BE ALLOCATED BY THE STATE
23 DEPARTMENT, IN CONSULTATION WITH COUNTIES, TO SMALL AND
24 MEDIUM-SIZED COUNTIES TO INCREASE LOCAL CHILD WELFARE
25 PREVENTION AND INTERVENTION SERVICES CAPACITY AND SHALL BE USED
26 BY COUNTIES FOR THE DELIVERY OF CHILD WELFARE PREVENTION AND
27 INTERVENTION SERVICES THAT HAVE BEEN APPROVED BY THE STATE

1 DEPARTMENT.

2 (V) THE STATE DEPARTMENT SHALL WORK COLLABORATIVELY
3 WITH THE STATE BOARD OF HUMAN SERVICES TO PROMULGATE RULES
4 CONCERNING THE ALLOCATION AND USE OF MONEY FROM THE FUND.

5 (a.5) Subject to the limitations set forth in this subsection (7), the
6 state department may, at the end of a state fiscal year based upon the
7 recommendations of the child welfare allocations committee, allocate any
8 unexpended capped funds for the delivery of specific child welfare
9 services to any one or more counties whose spending has exceeded a
10 capped allocation for such specific child welfare services. SUBSEQUENT
11 TO THE ALLOCATION OF ANY UNEXPENDED CAPPED FUNDS, ANY
12 REMAINING STATE GENERAL FUND MONEY MUST BE TRANSFERRED INTO
13 THE FUND FOR ALLOCATION BY THE STATE DEPARTMENT TO COUNTIES FOR
14 THE DELIVERY OF STATE DEPARTMENT-APPROVED CHILD WELFARE
15 PREVENTION AND INTERVENTION SERVICES.

16 (b) A county may only receive funds pursuant to the provisions of
17 ~~paragraph (a) of this subsection (7)~~ SUBSECTION (7)(a) OF THIS SECTION
18 if the requirements of section 26-5-103.5 (4) have been satisfied, for
19 expenditures other than those attributable to administrative and support
20 functions as referred to in section 26-5-101 (3)(m), as defined in
21 accordance with the provisions of section 26-5-103.5 (4), and for
22 authorized expenditures attributable to caseload increases beyond the
23 caseload estimate established pursuant to subsection (3) of this section for
24 a specific capped allocation.

25 (c) A county may not receive funds pursuant to the provisions of
26 ~~paragraph (a) of this subsection (7)~~ SUBSECTION (7)(a) OF THIS SECTION
27 for authorized expenditures attributable to caseload increases for services

1 in one capped allocation from unexpended capped funds in another
2 capped allocation.

3 (d) As used in this section, "unexpended capped funds" means
4 funds that have been appropriated for child welfare services, allocated to
5 a county or group of counties as a capped allocation or allocations
6 pursuant to the provisions of subsection (4) of this section. ~~but not spent~~
7 ~~by such county or group of counties or subject to the provisions of section~~
8 ~~26-5-105.5(3).~~

9 (9) **Child welfare funding review and restructure.** ~~(a) On or~~
10 ~~before August 1, 2016, the child welfare allocations committee shall~~
11 ~~consider whether a restructuring of child welfare funding policy would be~~
12 ~~advisable. The child welfare allocations committee shall solicit and~~
13 ~~include input from any interested county commissioners, directors of~~
14 ~~county departments of human or social services, county child welfare~~
15 ~~directors, county financial officers, the state department, and the joint~~
16 ~~budget committee in its consideration of child welfare funding~~
17 ~~restructuring. Any such policy changes must reflect federal and state law,~~
18 ~~as well as current child welfare practices.~~

19 (b) ~~On or before December 15, 2016, the child welfare allocations~~
20 ~~committee shall provide the joint budget committee with its findings and~~
21 ~~any recommendations for restructuring child welfare funding. The~~
22 ~~recommendations must include the input from stakeholders as provided~~
23 ~~for in paragraph (a) of this subsection (9), and may include standards for~~
24 ~~a new allocations model for child welfare funding and an evaluation~~
25 ~~process. The child welfare allocations committee is not required to~~
26 ~~recommend changes to the current child welfare funding structure if it~~
27 ~~determines that the current structure is the preferable option.~~

1 ~~(c) The child welfare allocations committee shall consider input~~
2 ~~from stakeholders as provided for in paragraph (a) of this subsection (9)~~
3 ~~in discussing:~~

4 ~~(I) Funding for county-level staff, services, child welfare-related~~
5 ~~operational expenses, and administrative and support functions;~~

6 ~~(II) Strategies that enhance the flexibility for counties to use child~~
7 ~~welfare funding in accordance with state and federal laws;~~

8 ~~(III) Strategies to improve job enrichment and employee retention;~~

9 ~~(IV) The impact of any recommendation on local spending~~
10 ~~requirements;~~

11 ~~(V) Any statutory changes necessary to implement the~~
12 ~~recommendations; and~~

13 ~~(VI) Allocations that support current child welfare practices.~~

14 ~~(d) On or before January 1, 2018, and each January 1 thereafter,~~
15 ~~the child welfare allocations committee shall submit an annual report to~~
16 ~~the joint budget committee, the public health care and human services~~
17 ~~committee of the house of representatives, and the senate health and~~
18 ~~human services committee, or any successor committees. The report must~~
19 ~~include the results of regular assessments of the methods for the~~
20 ~~evaluation of and reporting on the allocation, use, sufficiency, and~~
21 ~~effectiveness of funding and services funded through line items from~~
22 ~~which allocations are made to counties.~~

23 **SECTION 7.** In Colorado Revised Statutes, 26-5-105.5, **repeal**
24 **(3) as follows:**

25 **26-5-105.5. State department integrated care management**
26 **program - county performance agreements - authorized -**
27 **performance incentive cash fund created - repeal. (3) Any county that**

1 ~~has entered into a performance agreement with the state department and~~
2 ~~underspends the general fund portion of its capped or targeted allocation~~
3 ~~may use those funds, not to exceed five percent of the general fund~~
4 ~~portion of its total capped or targeted allocation for child welfare services,~~
5 ~~to either reduce its county share by the amount of the underexpenditure~~
6 ~~or spend such moneys on additional services for children in the county.~~
7 ~~Any balance of the general fund portion of its capped or targeted~~
8 ~~allocation shall be used for additional services for children in the county.~~

9 **SECTION 8.** In Colorado Revised Statutes, **add** 26-5-105.8 as
10 follows:

11 **26-5-105.8. Delivery of child welfare services task force -**
12 **duties - membership - reporting requirements - repeal.** (1) THERE IS
13 CREATED IN THE STATE DEPARTMENT THE DELIVERY OF CHILD WELFARE
14 SERVICES TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK
15 FORCE". THE STATE DEPARTMENT, IN COLLABORATION WITH COUNTIES,
16 SHALL CONVENE THE TASK FORCE AT LEAST ONCE PER QUARTER,
17 BEGINNING JULY 1, 2018. THE PURPOSE OF THE TASK FORCE IS TO:

18 (a) ANALYZE LAWS AND RULES RELATED TO THE DELIVERY OF
19 CHILD WELFARE SERVICES TO ENSURE ALIGNMENT WITH THE FEDERAL
20 "FAMILY FIRST PREVENTION SERVICES ACT OF 2018", AS DEFINED IN
21 SECTION 26-5-101 (4.5);

22 (b) DEVELOP A METHOD THROUGH WHICH TO INCENTIVIZE
23 COUNTIES FOR THE PROVISION OF SERVICES AND PLACEMENTS THAT ARE
24 BASED ON THE NEEDS OF THE CHILD OR YOUTH, AS DETERMINED BY THE
25 ASSESSMENT AND REVIEW PROCESS REQUIRED BY THE FEDERAL "FAMILY
26 FIRST PREVENTION SERVICES ACT OF 2018", AS DEFINED IN SECTION
27 26-5-101 (4.5), AND DETERMINE THE LEVEL TO WHICH THE STATE

1 DEPARTMENT SHALL REIMBURSE THE COUNTIES FOR CERTAIN
2 OUT-OF-HOME PLACEMENTS THAT DO NOT MEET THE CRITERIA OF THE
3 FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT OF 2018";

4 (c) ESTABLISH PERFORMANCE AND OUTCOME MEASURES AND THE
5 PROCESS BY WHICH TO EVALUATE THE MEASURES ASSOCIATED WITH THE
6 DELIVERY OF CHILD WELFARE SERVICES, INCLUDING BUT NOT LIMITED TO
7 RESIDENTIAL OUT-OF-HOME PLACEMENTS; FOSTER CARE; ADOPTION; AND
8 SERVICES TO CHILDREN AND YOUTH IN THEIR OWN HOMES, INCLUDING
9 PREVENTION AND INTERVENTION SERVICES, AND DETERMINE HOW THE
10 MEASURES AND EVALUATION WILL BE USED TO INFORM THE FUNDING
11 MODEL DESCRIBED IN SECTION 26-5-103.5 (7)(a) AND THE ALLOCATION OF
12 FUNDS PURSUANT TO SECTION 26-5-104 (3);

13 (d) INVESTIGATE COLLABORATIVE PREVENTION AND
14 INTERVENTION MODELS THROUGHOUT THE COUNTRY AND DETERMINE
15 MODIFICATIONS THAT CAN BE MADE TO THE COLLABORATIVE
16 MANAGEMENT AND INTEGRATED CARE MANAGEMENT PROGRAMS IN ORDER
17 TO GUARANTEE ONGOING CROSS-SYSTEMS COLLABORATION, IMPROVED
18 OUTCOMES FOR CHILDREN AND FAMILIES, INTEGRATION OF MULTI-SYSTEM
19 SERVICES, AND EXPANSION OF SYSTEM-OF-CARE PRINCIPLES, WHILE
20 MAINTAINING THE INTEGRITY AND CAPACITY OF THE CHILD WELFARE
21 SYSTEM AND ITS ASSOCIATED FUNDING;

22 (e) EVALUATE AND SELECT ONE OR MORE STATEWIDE
23 LEVEL-OF-CARE TOOLS TO ENSURE COMPLIANCE WITH THE FEDERAL
24 "FAMILY FIRST PREVENTION SERVICES ACT OF 2018", AS DEFINED IN
25 SECTION 26-5-101 (4.5);

26 (f) EVALUATE THE PROCESS THROUGH WHICH THE STATE ACCESSES
27 FEDERAL FUNDING AND DETERMINE METHODS THROUGH WHICH THE STATE

1 WILL MAXIMIZE FEDERAL FUNDING FOR THE DELIVERY OF PREVENTION
2 AND INTERVENTION SERVICES, OUT-OF-HOME PLACEMENT SERVICES, AND
3 ANY OTHER FEDERALLY FUNDED PROGRAMS OR SERVICES;

4 (g) EVALUATE MEDICAID RATES AND THE ELIGIBILITY
5 DETERMINATION PROCESS AND TIMELINE SPECIFICALLY RELATED TO
6 INDIVIDUALS INVOLVED IN THE CHILD WELFARE SYSTEM AND DEVELOP A
7 PROCESS THROUGH WHICH COUNTIES CAN MAXIMIZE MEDICAID
8 UTILIZATION; AND

9 (h) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY, THE
10 GOVERNOR, THE STATE DEPARTMENT, AND THE CHILD WELFARE
11 ALLOCATIONS COMMITTEE CONCERNING THE TASK FORCE'S
12 RESPONSIBILITIES AND FINDINGS.

13 (2) THE TASK FORCE MEMBERS MUST BE APPOINTED BY AUGUST
14 1, 2018, AND MUST INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING
15 MEMBERS:

16 (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, OR HIS
17 OR HER DESIGNEE;

18 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
19 CARE POLICY AND FINANCING, OR HIS OR HER DESIGNEE;

20 (c) THE STATE COURT ADMINISTRATOR, OR HIS OR HER DESIGNEE;

21 (d) ONE PERSON FROM A BEHAVIORAL HEALTH SERVICES
22 PROVIDER, APPOINTED BY THE STATE DEPARTMENT;

23 (e) THREE PERSONS WHO REPRESENT THE PROVIDER COMMUNITY,
24 APPOINTED BY THE STATE DEPARTMENT AS FOLLOWS:

25 (I) ONE PERSON WHO REPRESENTS PREVENTION AND
26 INTERVENTION PROVIDERS;

27 (II) ONE PERSON WHO REPRESENTS OUT-OF-HOME PLACEMENT

1 PROVIDERS; AND

2 (III) ONE PERSON WHO REPRESENTS PROVIDERS WITH EXPERTISE
3 IN PROMISING, SUPPORTED, OR WELL-SUPPORTED PRACTICES OR
4 PROGRAMMING; AND

5 (f) THREE PERSONS WHO REPRESENT THE COUNTIES, APPOINTED BY
6 THE STATE DEPARTMENT.

7 (3) EXCEPT AS PROVIDED FOR IN SECTION 2-2-326, MEMBERS OF
8 THE TASK FORCE SHALL SERVE ON A VOLUNTARY BASIS WITHOUT
9 COMPENSATION BUT ARE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND
10 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

11 (4) THE TASK FORCE SHALL DEVELOP A PLAN TO IMPLEMENT ITS
12 RECOMMENDATIONS AND PROVIDE A QUARTERLY UPDATE, BEGINNING
13 OCTOBER 15, 2018, ON THE TASK FORCE'S PROGRESS TO THE JOINT BUDGET
14 COMMITTEE, THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE
15 OF THE HOUSE OF REPRESENTATIVES, AND THE HEALTH AND HUMAN
16 SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

17 (5) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2022.

18 **SECTION 9. Appropriation - adjustments to 2018 long bill.**

19 (1) To implement this act, appropriations made in the annual general
20 appropriation act for the 2018-19 state fiscal year to the department of
21 human services for use by the division of child welfare are adjusted as
22 follows:

23 (a) The general fund appropriation for child welfare services is
24 decreased by \$11,022,949; and

25 (b) The cash funds appropriation from the local funds is decreased
26 by \$5,333,022.

27 (2) The decrease in subsection (1) of this section is based on the

1 assumption that the anticipated amount of federal funds received for the
2 2018-19 state fiscal year by the department of human services for use by
3 the division of child welfare for child welfare services will decrease by
4 \$9,977,107.

5 **SECTION 10. Appropriation.** (1) For the 2018-19 state fiscal
6 year, \$26,422,638 is appropriated to the department of human services for
7 use by the division of child welfare. This appropriation consists of
8 \$22,297,793 from the general fund and \$4,124,845 from cash funds from
9 local funds. To implement this act, the division may use this appropriation
10 as follows:

- 11 (a) \$150,000 from the general fund for administration; and
12 (b) \$26,272,638, which consists of \$22,147,793 from general fund
13 and \$4,124,845 from cash funds from local funds, for adoption and
14 relative guardianship assistance.

15 (2) For the 2018-19 state fiscal year, \$3,271,836 is appropriated to
16 the department of human services for use by the division of child welfare.
17 This appropriation is from the general fund, is subject to the "(M)"
18 notation as defined in the annual general appropriation act for the same
19 fiscal year, and is based on an assumption that the division will require an
20 additional 0.9 FTE. To implement this act, the division may use this
21 appropriation as follows:

- 22 (a) \$925,156 for adoption and relative guardianship assistance;
23 and
24 (b) \$2,346,680 for residential placements for children with
25 intellectual and developmental disabilities, which amount is based on an
26 assumption that the division will require an additional 0.9 FTE.

27 (3) For the 2018-19 state fiscal year, the general assembly

1 anticipates that the department of human services will receive
2 \$15,007,391 in federal funds to implement this act. The appropriations in
3 subsections (1) and (2) of this section are based on the assumption that
4 the department will receive this amount of federal funds, which is
5 included for informational purposes only, to be used by the division of
6 child welfare as follows:

7 (a) \$346,747 for foster and adoptive parent recruitment, training,
8 and support;

9 (b) \$14,643,774 for adoption and relative guardianship assistance;
10 and

11 (c) \$16,870 for residential placements for children with intellectual
12 and developmental disabilities.

13 **SECTION 11. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.