

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-1069.01 Shelby Ross x4510

HOUSE BILL 19-1308

HOUSE SPONSORSHIP

Singer and Landgraf,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING FOSTER CARE PREVENTION SERVICES TO ALIGN CURRENT**
102 **STANDARDS WITH THE FEDERAL "FAMILY FIRST PREVENTION**
103 **SERVICES 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 authorizes the department of human services (department) to establish and implement a foster care prevention services program for families with children and youth who are candidates for foster care but who can safely remain at home with receipt of foster care prevention

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.

1 FOSTER CARE PREVENTION SERVICES AND QUALIFIED RESIDENTIAL
2 TREATMENT PROGRAMS WHEN THE FEDERAL GOVERNMENT APPROVES
3 COLORADO'S FIVE-YEAR TITLE IV-E PREVENTION PLAN.

4 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO TREAT
5 CHILDREN AND YOUTH IN-HOME OR WITH A KIN CAREGIVER WHEN DOING
6 SO SERVES THE SAFETY, PERMANENT PLACEMENT, AND WELL-BEING OF
7 THE CHILD OR YOUTH.

8 **26-5.4-102. Definitions.** AS USED IN THIS ARTICLE 5.4, UNLESS
9 THE CONTEXT OTHERWISE REQUIRES:

10 (1) "FOSTER CARE PREVENTION SERVICES" MEANS
11 TRAUMA-INFORMED, PROMISING, SUPPORTED OR WELL-SUPPORTED
12 MENTAL HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT
13 SERVICES, IN-HOME PARENT SKILL-BASED PROGRAMS, AND KINSHIP
14 NAVIGATOR PROGRAMS IN ORDER TO PREVENT FOSTER CARE PLACEMENT.

15 (2) "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" MEANS A
16 LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED
17 TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE CHILD'S OR
18 YOUTH'S NEEDS, INCLUDING TREATMENT FOR CLINICAL NEEDS DISORDERS
19 OR DISTURBANCES, AND IS ABLE TO IMPLEMENT THE TREATMENT
20 IDENTIFIED FOR THE CHILD OR YOUTH BY THE ASSESSMENT OF THE CHILD
21 OR YOUTH REQUIRED IN SECTION 19-1-115 (4)(e)(I).

22 (3) "TRAUMA-INFORMED" REFERS TO THE SERVICES TO BE
23 PROVIDED TO OR ON BEHALF OF A CHILD OR YOUTH AND INCLUDES
24 SERVICES THAT ARE PROVIDED UNDER AN ORGANIZATIONAL STRUCTURE
25 AND TREATMENT FRAMEWORK THAT INVOLVES UNDERSTANDING,
26 RECOGNIZING, AND RESPONDING TO THE EFFECTS OF ALL TYPES OF
27 TRAUMA IN ACCORDANCE WITH RECOGNIZED PRINCIPLES OF A

1 TRAUMA-INFORMED APPROACH AND TRAUMA-SPECIFIC INTERVENTIONS TO
2 ADDRESS TRAUMA'S CONSEQUENCES AND FACILITATE HEALING.

3 **26-5.4-103. Foster care prevention services program - rules.**

4 (1) THE STATE DEPARTMENT IS AUTHORIZED TO INCLUDE IN THE STATE'S
5 FIVE-YEAR TITLE IV-E PREVENTION PLAN, AS DEFINED IN 42 U.S.C. SEC.
6 671, THE ESTABLISHMENT AND IMPLEMENTATION OF A FOSTER CARE
7 PREVENTION SERVICES PROGRAM FOR FAMILIES WITH CHILDREN AND
8 YOUTH WHO ARE CANDIDATES FOR FOSTER CARE BUT WHO CAN SAFELY
9 REMAIN AT HOME OR IN A KINSHIP PLACEMENT WITH RECEIPT OF SERVICES,
10 INCLUDING CHILDREN AND YOUTH WHO, WITHOUT INTERVENTION, RISK
11 INVOLVEMENT WITH THE CHILD WELFARE SYSTEM AS ESTABLISHED BY
12 RULE OF THE STATE BOARD. THE STATE DEPARTMENT SHALL PROMULGATE
13 RULES SETTING FORTH PROCEDURES REGARDING THE PROVISION OF THESE
14 SERVICES.

15 (2) NOTHING IN THIS ARTICLE 5.4 SHALL PREVENT THE STATE
16 DEPARTMENT FROM COMPLYING WITH FEDERAL REQUIREMENTS FOR A
17 FOSTER CARE PREVENTION SERVICES PROGRAM IN ORDER FOR THE STATE
18 TO QUALIFY FOR FEDERAL MONEY UNDER THE FEDERAL "SOCIAL SECURITY
19 ACT", AS AMENDED.

20 **26-5.4-104. Eligibility requirements - period of eligibility -**

21 **services available - rules.** (1) CHILDREN AND YOUTH AND THEIR
22 PARENTS, LEGAL CUSTODIANS, LEGAL GUARDIANS, OR KIN CAREGIVERS
23 ARE ELIGIBLE FOR FOSTER CARE PREVENTION SERVICES WHEN THEIR NEEDS
24 FOR SERVICES ARE DIRECTLY RELATED TO THE SAFETY, PERMANENT
25 PLACEMENT, OR WELL-BEING OF THE CHILD OR YOUTH, OR TO PREVENT THE
26 CHILD OR YOUTH FROM ENTERING THE FOSTER CARE SYSTEM.

27 (2) FOSTER CARE PREVENTION SERVICES MAY BE AUTHORIZED FOR

1 UP TO TWELVE MONTHS PER EPISODE OF ELIGIBILITY.

2 (3) FOSTER CARE PREVENTION SERVICES PROVIDED PURSUANT TO
3 THIS ARTICLE 5.4 MUST BE DEFINED IN THE CHILD'S OR YOUTH'S
4 PREVENTION PLAN, AS DEFINED THROUGH RULES PROMULGATED BY THE
5 STATE BOARD.

6 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **add** (51.7),
7 (87.7), (87.9), and (109.5) as follows:

8 **19-1-103. Definitions.** As used in this title 19 or in the specified
9 portion of this title 19, unless the context otherwise requires:

10 (51.7) "FOSTER CARE PREVENTION SERVICES" MEANS
11 TRAUMA-INFORMED, PROMISING, SUPPORTED OR WELL-SUPPORTED
12 MENTAL HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT
13 SERVICES, IN-HOME PARENT SKILL-BASED PROGRAMS, AND KINSHIP
14 NAVIGATOR SERVICES PROVIDED TO PREVENT FOSTER CARE PLACEMENT.

15 (87.7) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL
16 OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST
17 PREVENTION SERVICES ACT".

18 (87.9) "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" MEANS A
19 LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED
20 TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE CHILD'S OR
21 YOUTH'S NEEDS, INCLUDING TREATMENT FOR CLINICAL NEEDS DISORDERS
22 OR DISTURBANCES, AND IS ABLE TO IMPLEMENT THE TREATMENT
23 IDENTIFIED FOR THE CHILD OR YOUTH BY THE ASSESSMENT OF THE CHILD
24 REQUIRED IN SECTION 19-1-115 (4)(e)(I).

25 (109.5) "TRAUMA-INFORMED" REFERS TO THE SERVICES TO BE
26 PROVIDED TO OR ON BEHALF OF A CHILD OR YOUTH AND INCLUDES
27 SERVICES THAT ARE PROVIDED UNDER AN ORGANIZATIONAL STRUCTURE

1 AND TREATMENT FRAMEWORK THAT INVOLVES UNDERSTANDING,
2 RECOGNIZING, AND RESPONDING TO THE EFFECTS OF ALL TYPES OF
3 TRAUMA IN ACCORDANCE WITH RECOGNIZED PRINCIPLES OF A
4 TRAUMA-INFORMED APPROACH AND TRAUMA-SPECIFIC INTERVENTIONS TO
5 ADDRESS TRAUMA'S CONSEQUENCES AND FACILITATE HEALING.

6 **SECTION 3.** In Colorado Revised Statutes, 19-1-115, **add** (4)(e)
7 and (4)(f) as follows:

8 **19-1-115. Legal custody - guardianship - placement out of the**
9 **home - petition for review for need of placement.** (4) (e) WHENEVER
10 A CHILD IS PLACED IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, IF
11 THERE IS NO OBJECTION FROM ANY PARTY, A FAMILY OR JUVENILE COURT,
12 OR THE ADMINISTRATIVE REVIEW DIVISION OF THE DEPARTMENT OF
13 HUMAN SERVICES, SHALL, WITHIN SIXTY DAYS:

14 (I) CONSIDER THE ASSESSMENT, DETERMINATION, AND
15 DOCUMENTATION MADE BY THE QUALIFIED INDIVIDUAL;

16 (II) DETERMINE WHETHER THE NEEDS OF THE CHILD CAN BE MET
17 THROUGH PLACEMENT WITH A PARENT, LEGAL GUARDIAN, LEGAL
18 CUSTODIAN, KIN CAREGIVER, OR IN A FOSTER CARE HOME, OR WHETHER
19 PLACEMENT OF THE CHILD IN A QUALIFIED RESIDENTIAL TREATMENT
20 PROGRAM PROVIDES THE MOST EFFECTIVE AND APPROPRIATE LEVEL OF
21 CARE FOR THE CHILD IN THE LEAST RESTRICTIVE ENVIRONMENT, AND
22 WHETHER THAT PLACEMENT IS CONSISTENT WITH THE SHORT- AND
23 LONG-TERM GOALS FOR THE CHILD AS SPECIFIED IN THE PERMANENCY
24 PLAN FOR THE CHILD OR AS OUTLINED IN THE FAMILY SERVICES PLAN; AND

25 (III) APPROVE OR DISAPPROVE OF THE PLACEMENT.

26 (f) AS LONG AS A CHILD REMAINS IN A QUALIFIED RESIDENTIAL
27 TREATMENT PROGRAM, THE COUNTY DEPARTMENT SHALL SUBMIT

1 EVIDENCE AT EACH REVIEW AND EACH PERMANENCY HEARING HELD WITH
2 RESPECT TO THE CHILD:

3 (I) DEMONSTRATING THAT ONGOING ASSESSMENT OF THE
4 STRENGTHS AND NEEDS OF THE CHILD CONTINUES TO SUPPORT THE
5 DETERMINATION THAT THE NEEDS OF THE CHILD CANNOT BE MET
6 THROUGH PLACEMENT WITH A PARENT, LEGAL GUARDIAN, LEGAL
7 CUSTODIAN, KIN CAREGIVER, OR IN A FOSTER FAMILY HOME; AND THAT
8 THE PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM
9 PROVIDES THE MOST EFFECTIVE AND APPROPRIATE LEVEL OF CARE FOR THE
10 CHILD IN THE LEAST RESTRICTIVE ENVIRONMENT; AND THAT THE
11 PLACEMENT IS CONSISTENT WITH THE SHORT- AND LONG-TERM GOALS FOR
12 THE CHILD AS SPECIFIED IN THE PERMANENCY PLAN FOR THE CHILD, OR AS
13 OUTLINED IN THE FAMILY SERVICES PLAN.

14 (II) DOCUMENTING THE SPECIFIC TREATMENT OR SERVICE NEEDS
15 THAT WILL BE MET FOR THE CHILD IN THE PLACEMENT AND THE LENGTH OF
16 TIME THE CHILD IS EXPECTED TO NEED TREATMENT OR SERVICES.

17 (III) DOCUMENTING THE EFFORTS MADE BY THE COUNTY TO
18 PREPARE THE CHILD TO RETURN HOME OR TO BE PLACED WITH A FIT AND
19 WILLING KIN CAREGIVER, A LEGAL GUARDIAN, LEGAL CUSTODIAN, OR AN
20 ADOPTIVE PARENT, OR IN A FOSTER FAMILY.

21 **SECTION 4.** In Colorado Revised Statutes, 19-3-208, **amend**
22 (2)(d) introductory portion, (2)(d)(VIII), and (2)(d)(IX); and **add**
23 (2)(d)(X) as follows:

24 **19-3-208. Services - county required to provide - rules -**
25 **definitions.** (2) (d) The following services ~~shall~~ **MUST** be made available
26 and provided based upon the state's capacity to increase federal funding
27 or any other ~~moneys~~ **MONEY** appropriated for these services and as

1 determined necessary and appropriate by individual case plans:

2 (VIII) Financial services in order to prevent placement; **and**

3 (IX) Family preservation services, which are brief,
4 comprehensive, and intensive services provided to prevent the
5 out-of-home placement of children or to promote the safe return of
6 children to the home; AND

7 (X) FOSTER CARE PREVENTION SERVICES.

8 **SECTION 5.** In Colorado Revised Statutes, 19-3-308, **add** (13)
9 as follows:

10 **19-3-308. Action upon report of intrafamilial, institutional, or**
11 **third-party abuse - investigations - child protection team - rules -**
12 **report.** (13) UPON THE RECEIPT OF A REPORT OF INTRAFAMILIAL ABUSE
13 OR NEGLECT OR HUMAN TRAFFICKING, OR A REPORT THAT A FAMILY MAY
14 BE ELIGIBLE FOR FOSTER CARE PREVENTION SERVICES, THE COUNTY
15 DEPARTMENT MAY PROVIDE FOSTER CARE PREVENTION SERVICES FOR A
16 CHILD AND THE PARENTS OR KIN CAREGIVERS OF THE CHILD WHEN THE
17 NEEDS OF THE CHILD ARE DIRECTLY RELATED TO THE SAFETY, PERMANENT
18 PLACEMENT, OR WELL-BEING OF THE CHILD OR TO PREVENT THE CHILD
19 FROM ENTERING THE FOSTER CARE SYSTEM.

20 **SECTION 6.** In Colorado Revised Statutes, 26-1-109, **amend**
21 (4.5) as follows:

22 **26-1-109. Cooperation with federal government -**
23 **grants-in-aid.** (4.5) In addition to the powers granted the state
24 department in subsection (4) of this section, the state department shall
25 take necessary measures to obtain increased federal reimbursement
26 ~~moneys~~ MONEY available under the Title IV-E program created under the
27 federal "Social Security Act", as amended, based on the out-of-home

1 placements, FOSTER CARE PREVENTION SERVICES, AS DEFINED IN SECTION
2 26-5.4-102 (1), and alternative care treatment by county departments of
3 children eligible for Title IV-E federal assistance, which ~~moneys~~ MONEY
4 shall be allocated to county departments in proportion to each county's
5 eligible placements, to help defray program costs. Nothing in this
6 subsection (4.5) shall be construed to allow counties to continue to
7 receive an amount equal to the increased funding in the event the said
8 funding is no longer available from the federal government.

9 **SECTION 7.** In Colorado Revised Statutes, 26-1-201, **amend**
10 (1)(aa) and (1)(bb); and **add** (1)(cc) as follows:

11 **26-1-201. Programs administered - services provided -**
12 **department of human services.** (1) This section specifies the programs
13 to be administered and the services to be provided by the department of
14 human services. These programs and services include the following:

15 (aa) The Colorado mental health institute at Pueblo, as specified
16 in article 93 of title 27; ~~C.R.S.~~; and

17 (bb) The Colorado mental health institute at Fort Logan, as
18 specified in article 94 of title 27; ~~C.R.S.~~ AND

19 (cc) THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT",
20 AS DEFINED IN SECTION 26-5-101 (4.5).

21 **SECTION 8.** In Colorado Revised Statutes, 26-5-101, **amend** (3)
22 introductory portion; and **add** (3)(p) as follows:

23 **26-5-101. Definitions.** As used in this article 5, unless the context
24 otherwise requires:

25 (3) "Child welfare services" means the provision of necessary
26 shelter, sustenance, and guidance to or for children who are or who, if
27 such services are not provided, are likely to become neglected or

1 dependent, as defined in section 19-3-102. ~~C.R.S.~~ "Child welfare
2 services" includes but is not limited to:

3 (p) FOSTER CARE PREVENTION SERVICES, AS DEFINED IN SECTION
4 26-5.4-102 (1).

5 **SECTION 9.** In Colorado Revised Statutes, 26-5-104, **amend**
6 (6.2)(d) as follows:

7 **26-5-104. Funding of child welfare services - rules - report -**
8 **provider contracts - funding mechanism review - fund - definitions**
9 **- rules - repeal.** (6.2) For the purposes of this section, unless the context
10 otherwise requires:

11 (d) "Workload" means the number of child welfare child abuse
12 and neglect hotline calls, referrals, assessments, open cases, out-of-home
13 placements, IN-HOME SERVICES, new adoptions, RELATIVE GUARDIAN
14 ASSISTANCE, and adoption subsidies being handled by a county
15 department of human or social services.

16 **SECTION 10.** In Colorado Revised Statutes, 26-6-102, **amend**
17 (33); and **add** (30.5) as follows:

18 **26-6-102. Definitions.** As used in this article 6, unless the context
19 otherwise requires:

20 (30.5) "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" MEANS A
21 LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED
22 TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE CHILD'S OR
23 YOUTH'S NEEDS, INCLUDING CLINICAL NEEDS, AS APPROPRIATE, OF
24 CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL OR BEHAVIORAL
25 DISORDERS OR DISTURBANCES, AND IS ABLE TO IMPLEMENT THE
26 TREATMENT IDENTIFIED FOR THE CHILD OR YOUTH BY THE ASSESSMENT OF
27 THE CHILD OR YOUTH REQUIRED IN SECTION 19-1-115 (4)(e)(I).

1 (33) "Residential child care facility" means a facility licensed by
2 the state department pursuant to this part 1 to provide twenty-four-hour
3 group care and treatment for five or more children operated under private,
4 public, or nonprofit sponsorship. "Residential child care facility" includes
5 community-based residential child care facilities, QUALIFIED RESIDENTIAL
6 TREATMENT PROGRAMS, AS DEFINED IN SECTION 26-5.4-102 (2), shelter
7 facilities, and therapeutic residential child care facilities as defined in rule
8 by the state board, and psychiatric residential treatment facilities as
9 defined in section 25.5-4-103 (19.5). ~~C.R.S.~~ A residential child care
10 facility may be eligible for designation by the executive director of the
11 state department pursuant to article 65 of title 27. ~~C.R.S.~~

12 **SECTION 11.** In Colorado Revised Statutes, 27-65-102, **amend**
13 (7) and (11) as follows:

14 **27-65-102. Definitions.** As used in this article 65, unless the
15 context otherwise requires:

16 (7) "Facility" means a public hospital or a licensed private
17 hospital, clinic, community mental health center or clinic, acute treatment
18 unit, institution, QUALIFIED RESIDENTIAL TREATMENT PROGRAM, AS
19 DEFINED IN SECTION 26-5.4-102 (2), or residential child care facility that
20 provides treatment for persons with mental health disorders.

21 (11) "Independent professional person" means a professional
22 person, as defined in subsection (17) of this section, OR A QUALIFIED
23 INDIVIDUAL, AS DEFINED IN SECTION 19-1-103 (87.7), who evaluates a
24 minor's condition as an independent decision-maker and whose
25 recommendations are based on the standard of what is in the best interest
26 of the minor. The professional person may be associated with the
27 admitting mental health facility if he or she is free to independently

1 evaluate the minor's condition and need for treatment and has the
2 authority to refuse admission to any minor who does not satisfy the
3 statutory standards specified in section 27-65-103 (3).

4 **SECTION 12. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2020 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.