

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

ENGROSSED

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

LLS NO. 19-0987.01 Brita Darling x2241

SENATE BILL 19-258

SENATE SPONSORSHIP

Rankin, Moreno, Zenzinger

HOUSE SPONSORSHIP

Esgar, Hansen, Ransom

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CHILD WELFARE SERVICES FUNDED THROUGH FEDERAL**
102 **CHILD WELFARE LAWS, AND, IN CONNECTION THEREWITH,**
103 **MAKING AND REDUCING AN 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 extends the repeal date of the Title IV-E waiver demonstration project by one year to June 30, 2020.

The bill clarifies provisions relating to the annual close-out process for small- and medium-sized counties and for all counties, including provisions relating to the allocation of unspent appropriations.

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
Amended 2nd Reading
April 24, 2019

The bill creates 2 accounts within the child welfare prevention and intervention services cash fund (fund) and relocates general provisions relating to the fund within the statute.

The bill clarifies that all money in the fund must be used for the delivery of child welfare prevention and intervention services that have been approved by the department of human services.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-2-102.5, **add** (3)
3 as follows:

4 **26-2-102.5. Foster care - Title IV-E of the social security act**
5 **- Title IV-E administrative costs cash fund - rules.** (3) (a) THE STATE
6 DEPARTMENT SHALL PURSUE CLAIMING TITLE IV-E ADMINISTRATIVE
7 COSTS FOR INDEPENDENT LEGAL REPRESENTATION BY AN ATTORNEY FOR
8 A CHILD WHO IS A CANDIDATE FOR TITLE IV-E FOSTER CARE OR WHO IS IN
9 FOSTER CARE AND THE CHILD'S PARENT TO PREPARE FOR AND PARTICIPATE
10 IN ALL STAGES OF FOSTER CARE LEGAL PROCEEDINGS. FEDERAL
11 REIMBURSEMENT FOR THESE ADMINISTRATIVE COSTS MUST BE CREDITED
12 TO THE TITLE IV-E ADMINISTRATIVE COST CASH FUND, CREATED IN
13 SUBSECTION (3)(b) OF THIS SECTION.

14 (b) (I) THE TITLE IV-E ADMINISTRATIVE COST CASH FUND,
15 REFERRED TO IN THIS SUBSECTION (3) AS THE "FUND", IS HEREBY CREATED
16 IN THE STATE TREASURY. THE FUND CONSISTS OF FEDERAL TITLE IV-E
17 REIMBURSEMENTS FOR ADMINISTRATIVE COSTS DESCRIBED IN SUBSECTION
18 (3)(a) OF THIS SECTION.

19 (II) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
20 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
21 FUND TO THE FUND.

22 (III) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL

1 ASSEMBLY, THE STATE DEPARTMENT MAY EXPEND MONEY FROM THE FUND
2 FOR PURPOSES ESTABLISHED BY RULE OF THE STATE BOARD. THE STATE
3 BOARD SHALL WORK COLLABORATIVELY WITH THE STATE DEPARTMENT
4 CONCERNING THE APPROVED PURPOSES AND ALLOCATION OF MONEY FROM
5 THE FUND. APPROVED PURPOSES MAY INCLUDE BUT ARE NOT LIMITED TO
6 ADVOCACY FOR HOMELESS AND AT-RISK YOUTH, EDUCATION ADVOCACY,
7 AND ACTIVITIES AND ADVOCACY IN SPECIALTY COURTS THAT SERVE
8 CHILDREN AND FAMILIES INVOLVED IN THE CHILD WELFARE SYSTEM.

9 (IV) THE STATE DEPARTMENT SHALL SUBMIT AS PART OF THE
10 ANNUAL BUDGET PROCESS A REQUEST FOR SPENDING AUTHORITY FOR
11 MONEY CREDITED TO THE FUND. THE REQUEST MUST INCLUDE A
12 DESCRIPTION OF THE PURPOSE FOR THE SPENDING AUTHORITY, THE
13 METHOD THROUGH WHICH THE ALLOCATION WAS DETERMINED, AND THE
14 AGENCIES TO WHICH THE ALLOCATIONS ARE TO BE MADE.

15 (V) FEDERAL REIMBURSEMENTS RELATED TO ADMINISTRATIVE
16 COSTS OF INDEPENDENT LEGAL REPRESENTATION INCURRED BY THE OFFICE
17 OF THE CHILD'S REPRESENTATIVE AND THE OFFICE OF RESPONDENT
18 PARENTS' COUNSEL MUST BE DISBURSED FROM THE CASH FUND TO THE
19 AGENCIES AS INCURRED AND PURSUANT TO THE STATE DEPARTMENT'S
20 MEMORANDUM OF UNDERSTANDING WITH THE AGENCIES.

21 **SECTION 2.** In Colorado Revised Statutes, 26-5-105.4, **amend**
22 **(9); and add (8.5) as follows:**

23 **26-5-105.4. Title IV-E waiver demonstration project - county**
24 **performance agreements - Title IV-E waiver demonstration project**
25 **cash fund created - rules - repeal. (8.5) ON OR BEFORE JANUARY 2,**
26 **2020, ON BEHALF OF COUNTIES PARTICIPATING IN THE TITLE IV-E WAIVER**
27 **DEMONSTRATION PROJECT, THE DEPARTMENT SHALL SUBMIT TO THE JOINT**

1 BUDGET COMMITTEE A DETAILED PLAN FOR THE SUSTAINABILITY OF
2 INTERVENTIONS DEFINED IN THE PERFORMANCE AGREEMENTS DEVELOPED
3 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. THE PLAN MUST
4 INCLUDE INFORMATION CONCERNING EACH COUNTY THAT HAS AN
5 ESTABLISHED PERFORMANCE AGREEMENT, THE FUNDING EACH COUNTY
6 HAS RECEIVED DURING THE PERIOD OF THE PERFORMANCE AGREEMENT,
7 THE TYPE OF INTERVENTIONS DEFINED IN EACH COUNTY PERFORMANCE
8 AGREEMENT, THE NUMBER OF CHILDREN AND FAMILIES SERVED IN EACH
9 COUNTY BY INTERVENTION TYPE, THE AMOUNT OF WAIVER FUNDING
10 ALLOCATED TO EACH INTERVENTION BY EACH COUNTY, AND THE METHOD
11 THROUGH WHICH THE COUNTY AND STATE DEPARTMENT WILL ADDRESS
12 THE DECREASE IN FUNDING THAT WILL RESULT UPON THE REPEAL OF THIS
13 SECTION.

14 (9) THIS SECTION IS REPEALED, EFFECTIVE June 30, 2019 2020.

15 **SECTION 3.** In Colorado Revised Statutes, 26-5-104, **amend**
16 **with relocated provisions (7)** as follows:

17 **26-5-104. Funding of child welfare services provider contracts**
18 **- funding mechanism review - fund- report - rules - definitions -**
19 **repeal. (7) Close-out process for county allocations. (a) [Similar to**
20 **former 26-5-104 (7)(a)] (I) THERE IS CREATED IN THE STATE TREASURY**
21 **THE CHILD WELFARE PREVENTION AND INTERVENTION SERVICES CASH**
22 **FUND, REFERRED TO IN THIS SUBSECTION (7) AS THE "FUND". THE**
23 **FOLLOWING TWO SPECIAL ACCOUNTS ARE CREATED IN THE FUND:**

24 (A) THE SMALL- AND MEDIUM-SIZED COUNTIES ACCOUNT,
25 REFERRED TO IN THIS SUBSECTION (7) AS THE "SMALL- AND MEDIUM-SIZED
26 ACCOUNT"; AND

27 (B) THE ALL-COUNTIES ACCOUNT, REFERRED TO IN THIS

1 SUBSECTION (7) AS THE "ALL-COUNTIES ACCOUNT".

2 (II) **[Similar to former 26-5-104 (7)(a)(III)]** THE STATE
3 DEPARTMENT IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, AND DONATIONS,
4 WHICH MUST BE TRANSFERRED TO THE FUND AND CREDITED TO THE
5 ALL-COUNTIES ACCOUNT WITHIN THE FUND.

6 (III) IN ADDITION TO TRANSFERS CREDITED TO THE ALL-COUNTIES
7 ACCOUNT WITHIN THE FUND PURSUANT TO SUBSECTION (7)(a.6) OF THIS
8 SECTION, THE GENERAL ASSEMBLY MAY DIRECTLY APPROPRIATE GENERAL
9 FUND MONEY TO THE FUND. IF THE GENERAL ASSEMBLY MAKES A DIRECT
10 APPROPRIATION OF GENERAL FUND MONEY TO THE FUND, THE MONEY
11 MUST BE CREDITED TO THE ALL-COUNTIES ACCOUNT WITHIN THE FUND.
12 THE STATE DEPARTMENT, IN CONSULTATION WITH THE COUNTIES, SHALL
13 DETERMINE THE ALLOCATION OF ANY MONEY CREDITED TO THE
14 ALL-COUNTIES ACCOUNT WITHIN THE FUND, WHICH MONEY MAY BE
15 ALLOCATED TO ALL COUNTIES, REGARDLESS OF SIZE.

16 (IV) THE STATE DEPARTMENT, IN CONSULTATION WITH COUNTIES,
17 SHALL ALLOCATE ALL MONEY FROM THE FUND TO INCREASE LOCAL CHILD
18 WELFARE PREVENTION AND INTERVENTION SERVICES CAPACITY, WHICH
19 ALLOCATIONS MUST BE USED BY A COUNTY FOR THE DELIVERY OF CHILD
20 WELFARE PREVENTION AND INTERVENTION SERVICES THAT HAVE BEEN
21 APPROVED BY THE STATE DEPARTMENT.

22 (V) **[Similar to former 26-5-104 (7)(a)(V)]** THE STATE
23 DEPARTMENT SHALL WORK COLLABORATIVELY WITH THE STATE BOARD OF
24 HUMAN SERVICES TO PROMULGATE RULES CONCERNING THE ALLOCATION
25 AND USE OF MONEY FROM THE FUND.

26 ~~(a)~~ (a.3) **[Formerly 26-5-104 (7)(a)]** (I) For state fiscal year
27 2018-19, and for each state fiscal year thereafter, the state department

1 shall retain any unspent general fund money included in the initial
2 allocation to each balance of state county, up to five percent of the total
3 general fund money allocated to balance of state counties, as described in
4 subsection (4)(b) of this section and referred to in this ~~subsection (7)(a)~~
5 SUBSECTION (7) as "small- and medium-sized counties".

6 (II) Retained money pursuant to ~~subsection (7)(a)(I)~~ SUBSECTION
7 (7)(a.3)(I) of this section must be transferred into the ~~child welfare~~
8 ~~prevention and intervention services cash~~ FUND AND CREDITED TO THE
9 SMALL- AND MEDIUM-SIZED ACCOUNT WITHIN THE fund. ~~which is hereby~~
10 ~~created in the state treasury and referred to in this subsection (7) as the~~
11 ~~"fund"~~.

12 (III) ~~The state department is authorized to accept gifts, grants, and~~
13 ~~donations, which must be transferred into the fund, in addition to transfers~~
14 ~~from the general fund as appropriated by the general assembly.~~

15 (IV) (III) Money from the SMALL- AND MEDIUM-SIZED ACCOUNT
16 WITHIN THE fund must be allocated by the state department, in
17 consultation with SMALL- AND MEDIUM-SIZED counties, to small- and
18 medium-sized counties to increase local child welfare prevention and
19 intervention services capacity and ~~shall~~ MUST be used by counties for the
20 delivery of child welfare prevention and intervention services that have
21 been approved by the state department.

22 (V) ~~The state department shall work collaboratively with the state~~
23 ~~board of human services to promulgate rules concerning the allocation~~
24 ~~and use of money from the fund.~~

25 (a.5) Subject to the limitations set forth in this subsection (7), the
26 state department may, at the end of a state fiscal year based upon the
27 recommendations of the child welfare allocations committee, allocate any

1 unexpended capped funds MONEY for the delivery of specific child
2 welfare services to any one or more counties whose spending has
3 exceeded a capped allocation for such specific child welfare services.
4 ~~Subsequent to the allocation of any unexpended capped funds, any~~
5 ~~remaining state general fund money must be transferred into the fund for~~
6 ~~allocation by the state department to counties for the delivery of state~~
7 ~~department-approved child welfare prevention and intervention services.~~

8 (a.6) SUBSEQUENT TO THE ALLOCATION OF ANY UNEXPENDED
9 CAPPED MONEY PURSUANT TO SUBSECTION (7)(a.5) OF THIS SECTION, ANY
10 REMAINING STATE GENERAL FUND MONEY MUST BE TRANSFERRED TO THE
11 FUND AND CREDITED TO THE ALL-COUNTIES ACCOUNT WITHIN THE FUND
12 FOR ALLOCATION BY THE STATE DEPARTMENT TO COUNTIES FOR THE
13 DELIVERY OF STATE-DEPARTMENT-APPROVED CHILD WELFARE
14 PREVENTION AND INTERVENTION SERVICES.

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

24 (c) A county may not receive funds MONEY pursuant to the
25 provisions of ~~subsection (7)(a)~~ SUBSECTION (7)(a.5) of this section for
26 authorized expenditures attributable to caseload increases for services in
27 one capped allocation from unexpended capped funds MONEY in another

1 capped allocation.

2 (d) As used in this section, "unexpended capped ~~funds~~" MONEY"
3 means ~~funds~~ MONEY that have been appropriated for child welfare
4 services, allocated to a county or group of counties as a capped allocation
5 or allocations pursuant to the provisions of subsection (4) of this section.

6 **SECTION 4. Appropriation - adjustments to 2019 long bill.**

7 (1) To implement this act, the general fund appropriation made in the
8 annual general appropriation act for the 2019-20 state fiscal year to the
9 department of human services for use by the division of child welfare for
10 child welfare services is decreased by \$9,700,000.

11 (2) For the 2019-20 state fiscal year, \$9,700,000 is appropriated
12 to the department of human services for use by the division of child
13 welfare. This appropriation is from federal temporary assistance for needy
14 families block grant money. To implement this act, the division may use
15 the appropriation for child welfare services.

16 **SECTION 5. Appropriation.** (1) For the 2019-20 state fiscal
17 year, \$9,700,000 is appropriated to the child welfare prevention and
18 intervention services cash fund created in section 26-5-104 (7)(a)(I),
19 C.R.S. This appropriation is from the general fund. The department of
20 human services is responsible for the accounting related to this
21 appropriation.

22 (2) For the 2019-20 state fiscal year, \$9,700,000 is appropriated
23 to the department of human services for use by the division of child
24 welfare. This appropriation is from reappropriated money in the child
25 welfare prevention and intervention services cash fund pursuant to
26 subsection (1) of this section. To implement this act, the division may use
27 the appropriation for child welfare prevention and intervention services.

1 **SECTION 6. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.