

# JOINT BUDGET COMMITTEE



## INTERIM SUPPLEMENTAL BUDGET REQUESTS FY 2019-20

### DEPARTMENT OF HUMAN SERVICES

(Office of Information Technology Services,  
Division of Child Welfare)

JBC WORKING DOCUMENT - SUBJECT TO CHANGE  
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

PREPARED BY:  
ROBIN J. SMART, JBC STAFF  
SEPTEMBER 20, 2019

JOINT BUDGET COMMITTEE STAFF  
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<https://leg.colorado.gov/agencies/joint-budget-committee>

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## INTERIM SUPPLEMENTAL REQUESTS

### ES01 FFPSA AND COLORADO TRAILS

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$1,692,819</b>	<b>\$1,692,819</b>
FTE	5.6	5.6
General Fund	1,332,590	1,332,590
Cash Funds	0	0
Federal Funds	360,229	360,229

**Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.?** [The Controller may authorize an overexpenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.] **YES**

**Does JBC staff believe the request satisfies the supplemental criteria specific to child welfare services funding defined in Section 26-5-104 (4)(d), C.R.S.?** [The Department may only seek additional funding from the General Assembly in a supplemental appropriations bill based upon caseload growth, changes in federal law or federal funding, adoption and relative guardianship expenditures, or congregate care provider rate increases (through FY 2021-22, only).] **YES**

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?** [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.] **YES**

**Explanation:** JBC staff and the Department agree that this request results from changes in federal law and funding.

**DEPARTMENT REQUEST:** The Department requests \$1,692,819 total funds, including \$1,332,590 General Fund, and 5.6 FTE (annualizing to 7.0 FTE) to implement the federal Family First Prevention Services Act of 2018 (FFPSA), and for ongoing operating and maintenance of the child welfare data management system, Colorado Trails. Of the total amount requested, approximately 56.0 percent is specific to the implementation of FFPSA and the remaining 44.0 percent will support the ongoing operating and maintenance of the Trails system.

**STAFF RECOMMENDATION:** Staff recommends approval of the Department's request.

ES01 FFPSA AND COLORADO TRAILS ADJUSTMENTS TO FY 2019-20 APPROPRIATION					
DEPARTMENT, DIVISION, LINE ITEM	TOTAL FUNDS	FTE	GENERAL FUND	REAPPROPRIATED FUNDS	FEDERAL FUNDS
<b>DEPARTMENT OF HUMAN SERVICES</b>					
<i>(2) Office of Information Technology Services, (A) Information Technology, Colorado Trails</i>					
Current FY 2019-20 appropriation	\$7,483,516	0.0	\$3,829,418	\$0	\$3,654,098
Adjustment	744,199	0.0	483,729	0	260,470
FY 2019-20 LINE ITEM APPROPRIATION	\$8,227,715	0.0	\$4,313,147	\$0	\$3,914,568
<i>(5) Division of Child Welfare, Administration</i>					
Current FY 2019-20 appropriation	\$6,356,796	63.6	\$5,312,748	\$63,419	\$980,629
Adjustment	948,620	5.6	848,861	0	99,759
FY 2019-20 LINE ITEM APPROPRIATION	\$7,305,416	69.2	\$6,161,609	\$63,419	\$1,080,388

**ES01 FFPSA AND COLORADO TRAILS ADJUSTMENTS TO FY 2019-20 APPROPRIATION**

DEPARTMENT, DIVISION, LINE ITEM	TOTAL FUNDS	FTE	GENERAL FUND	REAPPROPRIATED FUNDS	FEDERAL FUNDS
<b>TOTAL FY 2019-20 SUPPLEMENTAL ADJUSTMENTS</b>	<b>\$1,692,819</b>	<b>5.6</b>	<b>\$1,332,590</b>	<b>\$0</b>	<b>\$360,229</b>

**SUMMARY:**

- The federal Family First Prevention Services Act (FFPSA) was signed into law in February 2018, reforming Title IV-E of Social Security Act and its associated funding.
- Implementation of the Act is required by federal law, and while the earliest date the State may opt-in to implementation is October 1, 2019, states are given up to two years to implement the Act.
- The State of Colorado has submitted its Title IV-E prevention services plan to the federal Administration of Children and Families and intends to opt-in to FFPSA and begin implementation in January 2020.
- Fully implementing the provisions of the FFPSA will take several years and will likely require changes to statute and consideration of additional prioritized budget requests in future years.
- In order to begin the implementation process, three things must be accomplished:
  - Modifications to the Trails system to incorporate required data gathering components specific to: 1) newly eligible evidence-based prevention services and 2) congregate care placements in Qualified Residential Treatment Program (QRTP) settings;
  - Development and implementation of processes and reporting related to: 1) the placement and assessment of children placed in QRTP settings, and 2) the delivery of prevention services; and
  - Contracting the federally required third-party assessor that is responsible for determining whether or not the placement of a child in a QRTP setting beyond 30 days is appropriate.
- Modifications to Trails for the implementation of the FFPSA are dependent upon the completion of the Trails modernization project.
- The Department’s emergency supplemental request is for funding directly related to federally required activities identified above.

**STAFF ANALYSIS:**

In February of 2018, the federal Family First Prevention Services Act (FFPSA) was signed into law. The act includes reforms to Title IV-E of the Social Security Act aimed at keeping children and youth safely with families and avoiding placement in foster care. If foster care placement is deemed in the best interest of the child, the act emphasizes the importance of children and youth growing up in families, and helps ensure that they are placed in the least restrictive, most family-like setting appropriate to their special needs. The FFPSA also creates a 50.0 percent federal reimbursement for approved services identified as promising-, supported-, or well-supported practice by the federally selected evidence-based clearing house. The FFPSA replaces Colorado’s Title IV-E waiver on a permanent basis beginning October 1, 2019.

**SUMMARY OF FEDERAL LEGISLATION**

As a result of changes to the federal Title IV-E of the Social Security Act (Title IV-E) and the allowable use of this funding stream, the FFPSA will dramatically change the child welfare system in the State of Colorado. Significant changes are made in the categories identified below and changes to state statute will be required to ensure that Colorado’s system complies with the new federal law. The State is required to notify the U.S. Administration of Children and Families (ACF) of its intent to implement

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the provisions of the FFPSA by October 1, 2019. States may delay implementation of certain provisions of FFPSA for up to two years. If the State elects to delay the implementation of the provisions related to congregate care placements, the benefits of the changes in federal law related to the delivery of prevention services will automatically be delayed. The State of Colorado intends to opt-in to the FFPSA in January of 2020.

### **PREVENTION ACTIVITIES**

Title IV-E is the largest source of federal funding in the child welfare system. Prior to the passage of the FFPSA and unless a State was awarded a waiver, Title IV-E funds could only be used for costs associated with out-of-home placements of children, including foster care maintenance for eligible children; administrative expenses to manage the program; training for foster parents and staff; adoption assistance; and relative guardianship assistance. According to Section 50702 of H.R. 1892, Title VII, the purpose of the FFPSA “is to enable States to use Federal funds available under parts B and E of Title IV of the Social Security Act to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.” Under Part I of the FFPSA, Title IV-E funds can be used for in-home parent skill-based programs and mental health services and substance abuse prevention and treatment services in order to prevent the placement of children and youth in the foster care system. This includes foster care maintenance for children placed with parents in licensed residential family based substance abuse treatment facilities. The funds can only be used for these services for 12 months for children who are “candidates for foster care” and for pregnant or parenting foster youth.

The State has submitted its required five-year prevention plan that describes: how services are expected to improve outcomes for children and families; the services that will be provided and the level of evidence of each type of service; a plan to ensure fidelity in service delivery; a well-designed rigorous evaluation methodology for service delivery; and the means through which service delivery will be coordinated with other necessary services.

The Act identifies specific criteria concerning the level of evidence that a service must meet in order to be eligible for Title IV-E reimbursement, including, but not limited to:

- Documented benefit to families; and
- Identification in the clearinghouse of approved services as meeting a threshold defined as:
  - **Promising practice:** an independently reviewed study, using a control group and showing statistically significant results;
  - **Supported practice:** showing sustained success for at least six months after the completion of services, based on a random-controlled trial or rigorous quasi-experimental design;
  - **Well-supported practice:** showing success for more than one year after the completion of services.

Examples of programs currently meeting the above criteria and for which funding is provided in the Long Bill, include SafeCare, Community Response, and Nurse Home Visitor Program. The total amount of funding a state will receive for the delivery of prevention services is dependent upon the evidence-based threshold for each service, and on the State’s demonstrated maintenance of effort (MOE) – the base level of effort for approved substance abuse and mental health services. The MOE of state foster care prevention spending will be equal to its 2014 spending and is estimated to be approximately \$2.5 million at this time.

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## **ENHANCED SUPPORT UNDER TITLE IV-B**

The intent of Part II of the FFPSA is to improve the interstate placement of children and extend substance abuse partnership grants. Under this provision, the State is required to expedite placements across state lines, a process that will depend upon the appropriate exchange of data through an electronic Interstate Compact system. Additionally, Part II amends the Regional Grant Partnership in Title IV-B, Subpart 2, to include child welfare and substance use disorder agencies as required collaborative partners and extends the grant program for five years.

## **MODEL LICENSING STANDARDS FOR KINSHIP CARE HOMES AND PREVENTING CHILD MALTREATMENT DEATHS**

By October 1, 2018, the U.S. Department of Health and Human Services (HHS) was required to identify model licensing standards for foster family homes. These standards define the necessary components to license a family foster home and are designed to ensure that children in foster care live in safe and appropriate homes under child welfare and court oversight, receive monthly financial assistance and supportive services to help meet their needs, and have access to assisted guardianship. By April 1, 2019, the State was required to submit a report to HHS with an assessment of its licensing standards, including whether or not they comply with the federal requirements and an explanation as to why certain standards, if any, are inappropriate in the State.

The Title IV-B Plan requirements concerning the prevention of child abuse and neglect fatalities have been expanded to include a description of steps taken to track and prevent child maltreatment. This includes the methods through which the state is compiling complete and accurate information from relevant organizations, such as the vital statistics unit, the Child Fatality Review Team, law enforcement agencies, the coroner's office, and any other appropriate agency. The plan should also include an explanation of how the Department is engaging public and private agencies in the development and implementation of the plan.

## **ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME**

The largest portion of the FFPSA, Part IV, focuses on foster care and makes significant reforms to federal law concerning family foster, congregate, residential, and group home placements. It specifies that federal foster care maintenance payments are prohibited unless the placement is in one of the following:

- A qualified residential treatment program (QRTP) that meets all federal requirements;
- A setting specializing in providing prenatal, post-partum or parenting supports for youth;
- A supervised independent setting for a child 18 years of age or older; or
- A setting providing high-quality residential care and supportive services to children and youth at risk of becoming or found to be victims of sex trafficking.

Within 30 days of a youth being placed in a QRTP, an age-appropriate and evidence-based review must be performed by a third party assessor to determine if the placement is appropriate. It is expected that Title IV-E reimbursement for placements in a QRTP that are deemed inappropriate will decrease.

Beginning October 1, 2019, the State will experience a reduction in Title IV-E reimbursement for placements lasting longer than two weeks that are not in foster homes or QRTPs. An exception to this rule is court ordered placements in the juvenile justice system; however, the Act requires that the State's Title IV-E plan include a certification that it will not enact or advance policies that would result in a significant increase in the juvenile justice system population. It also requires the highest state

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court to provide training to legal personnel on federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not a foster home. The State may delay implementation of this portion of the Act for two years, but if so, funding for prevention services will be delayed for the same period of time.

#### **CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES**

In order to improve opportunities for the recruitment, retention, and training of foster families and enhance their abilities to provide quality family-based settings for children in foster care, the FFPSA includes a separate one-time appropriation of \$8.0 million to be awarded to states through a competitive grant program. The grant will be available through FFY 2021-22.

#### **EXTENDING THE JOHN H. CHAFFEE FOSTER CARE INDEPENDENCE PROGRAMS TO AGE 23 AND EXTENDING THE TITLE IV-E WAIVER**

With the intent of supporting improved transitions to adulthood by children aging out of the foster care system, the Act extends access to Chaffee Foster Care funding up to age 23 for those states that have elected to extend foster care to age 21. Perhaps more important than this, however, is the extension of the State's Title IV-E Waiver through September 30, 2019, allowing the State to utilize remaining waiver funds. The waiver was set to expire during the previous state fiscal year.

#### **REINVESTMENT OF SAVINGS RESULTING FROM INCREASES IN ADOPTION ASSISTANCE**

Prior to the FFPSA, federal adoption assistance payments were based on income tests that were set to expire by 2019. The Act stops this process and requires the federal Government Accountability Office to conduct a study to determine how states use the money saved from the exemptions. It extends the income test for payments through October 2024.

#### **COLORADO'S IMPLEMENTATION OF THE FFPSA**

Full implementation of the FFPSA will likely take several years and may require additional resources in the future, however in order to ensure that the State is positioned to draw down the federal Title IV-E match for newly eligible prevention services and minimize the loss of reimbursement for certain out of home placements, at least three things must be accomplished:

- 1 The State must meet the federal requirements concerning the placement of children in a Qualified Residential Treatment Program (QRTP);
- 2 The State must be prepared to contract with the required third party assessor to evaluate QRTP placements; and
- 3 The State's child welfare IT system must be modified to capture data concerning: a) an expanded eligible population (candidacy), and b) prevention service activities that are now eligible for federal reimbursement.

#### **CONTINUATION OF TRAILS MODERNIZATION AND FFPSA-RELATED MODIFICATIONS**

In conjunction with this operating budget request, the Department has submitted a Capital IT 1331 budget request to ensure the completion of Trails modernization by September 2020 and add necessary FFPSA functionality by January 2020.

According to the Department, the federal Administration of Children and Families performed the Child and Family Services Review in September 2017 and found that Trails is not in conformity with case management system requirements and is not meeting the needs of system users. In addition,

Trails does not currently comply with federal requirements of the Child Abuse Prevention and Treatment Act of 2016 or the Every Student Succeeds Act of 2015; nor does the system comply with the current Judicial interface encryption requirements. The modernization project is intended to address these issues, however if additional funding for the modernization of Trails is not approved, the project will cease on September 30, 2019 requiring the operation of both the legacy and new systems in tandem.

As described previously, implementation of the FFPSA requires modifications to the Trails system that go beyond the modernization project. These modifications will allow counties to enter required data concerning the placement of children in QRTP settings and the delivery of prevention services. Capturing these data is necessary because it directly informs the required federal reporting concerning Title IV-E eligible services.

The Department requests \$744,199 total funds, including \$483,729 General Fund, to contract with the Governor’s Office of Information Technology for the ongoing maintenance and monitoring of Trails and for project management of Trails modifications associated with the FFPSA. This will include ongoing technical support to county users for a new web based and mobility technology being introduced in the Trails modernization project as a result of FFPSA. It will also include changes that will ensure that Trails remains in compliance with the Comprehensive Child Welfare Information System. JBC Staff recommends approval of the Department’s request.

COLORADO TRAILS MODERNIZATION AND FFPSA MODIFICATION OPERATING COSTS FY 2019-20 AND ONGOING			
TASK	TOTAL FUNDS	GENERAL FUND	FEDERAL FUNDS
Project Management/Manager Support	\$351,000	\$228,150	\$122,850
Database Tools Upgrade and Monitoring	120,000	78,000	42,000
HP Support Service – Database	149,511	97,182	52,329
HP Renewal - Testing Capability	123,688	80,397	43,291
<b>TOTAL REQUEST AND RECOMMENDATION</b>	<b>\$744,199</b>	<b>\$483,729</b>	<b>\$260,470</b>

### IMPLEMENTATION OF FFPSA SERVICES

Implementation of the program components of the FFPSA (defined above) will require funding for additional Department FTE and funding to contract a third party assessor for QRTP placements. The Department requests \$948,620 total funds, including \$848,861 General Fund, to begin implementation of FFPSA services. It is anticipated that the Department will submit a request for ongoing funding related to FFPSA implementation in the Governor’s FY 2020-21 budget request. JBC staff recommends approval of the Department’s request.

FFPSA SERVICES – EARLY IMPLEMENTATION COSTS FY 2019-20 AND ONGOING			
TASK	TOTAL FUNDS	GENERAL FUND	FEDERAL FUNDS
5.6 Department FTE (annualizing to 7.0 FTE)	\$586,820	\$487,061	\$99,759
Third-party Assessor	361,800	361,800	0
<b>TOTAL REQUEST AND RECOMMENDATION</b>	<b>\$948,620</b>	<b>\$848,861</b>	<b>\$99,759</b>

The Department’s request includes funding for the following FTE:



- Auditor III (1.0 FTE) – Responsible for reviewing county processes to determine Title IV-E eligibility and assessing accuracy and compliance.
- Program Manager III (1.0 FTE) – Serves as the Trails product owner and is responsible for managing changes to the system to ensure that it aligns with the FFPSA, coordinating Trails stakeholder input, and ensuring successful implementation of Trails modernization and modifications.
- Project Manager III (1.0 FTE) – Responsible for ensuring the implementation of the FFPSA.
- Training Specialist V (1.0 FTE) – Responsible for providing technical assistance and oversight to county departments on newly Title IV-E eligible prevention services and activities and on new requirements related to placements of children in QRTP settings.
- Social Services Specialist IV (2.0 FTE) – Responsible for creating guidelines for QRTP accreditation standards, monitoring the fidelity of the standards, and investigating complaints from the Office of Behavioral Health when QRTPs are non-compliant in the delivery of trauma informed care models with fidelity.
- Data Analyst IV (1.0 FTE) – Responsible for analyzing and providing prevention related data and for reporting on the evaluation of the FFPSA.

FTE-RELATED COSTS			
POSITION	TOTAL	TOTAL COMPENSATION	OPERATING EXPENSES
Auditor III (0.8 FTE in FY 2019-20)	\$74,714	\$69,061	\$5,653
Program Manager III (0.8 FTE in FY 2019-20)	101,355	95,702	5,653
Project Manager III (0.8 FTE in FY 2019-20)	96,551	90,898	5,653
Training Specialist V (0.8 FTE in FY 2019-20)	90,061	84,408	5,653
Social Services Specialist IV (1.6 FTE in FY 2019-20)	149,426	138,120	11,306
Data Analyst IV (0.8 FTE in FY 2019-20)	74,714	69,061	5,653
<b>TOTAL REQUEST AND RECOMMENDATION</b>	<b>\$586,820</b>	<b>\$547,250</b>	<b>\$39,571</b>

Finally, the FFPSA requires that a third-party assessor evaluate the validity of placements of children in QRTP settings. The Department’s request is calculated based on the number of children who entered residential care in FY 2018-19 (603 children) at a rate of \$500 per assessment with an indirect cost rate of 20 percent.

### RECOMMENDATION

Implementation of the Family First Prevention Services Act of 2018 is required by federal law. While the State of Colorado may delay implementation of portions of the Act by up to two years, JBC Staff does not believe doing so is in the best interest of the children served in the child welfare system. In addition, delayed implementation will result in a loss of federal Title IV-E reimbursement for newly eligible services and a greater decrease in the amount of Title IV-E reimbursement received for certain out of home placements. JBC Staff recommends approval of the Department’s request.

ES01 FFPSA AND COLORADO TRAILS ADJUSTMENTS TO FY 2019-20 APPROPRIATION					
DEPARTMENT, DIVISION, LINE ITEM	TOTAL FUNDS	FTE	GENERAL FUND	REAPPROPRIATED FUNDS	FEDERAL FUNDS
<b>DEPARTMENT OF HUMAN SERVICES</b>					
<i>(2) Office of Information Technology Services, (A) Information Technology, Colorado Trails</i>					
Current FY 2019-20 appropriation	\$7,483,516	0.0	\$3,829,418	\$0	\$3,654,098

ES01 FFPSA AND COLORADO TRAILS ADJUSTMENTS TO FY 2019-20 APPROPRIATION

DEPARTMENT, DIVISION, LINE ITEM	TOTAL FUNDS	FTE	GENERAL FUND	REAPPROPRIATED FUNDS	FEDERAL FUNDS
Adjustment	744,199	0.0	483,729	0	260,470
FY 2019-20 LINE ITEM APPROPRIATION	\$8,227,715	0.0	\$4,313,147	\$0	\$3,914,568
<i>(5) Division of Child Welfare, Administration</i>					
Current FY 2019-20 appropriation	\$6,356,796	63.6	\$5,312,748	\$63,419	\$980,629
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<b>TOTAL FY 2019-20 SUPPLEMENTAL ADJUSTMENTS</b>	<b>\$1,692,819</b>	<b>5.6</b>	<b>\$1,332,590</b>	<b>\$0</b>	<b>\$360,229</b>

# STATE OF COLORADO

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## JOINT BUDGET COMMITTEE

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LEGISLATIVE SERVICES BUILDING  
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<http://leg.colorado.gov/agencies/joint-budget-committee>

September 20, 2019

Mr. Robert Jaros, State Controller  
Department of Personnel  
1525 Sherman Street  
Denver, CO 80203

Dear Mr. Jaros:

The Joint Budget Committee has considered an interim supplemental request submitted by the Department of Human Services under the provisions of H.B. 98-1331 concerning modernization of and modifications to Colorado Trails and the implementation of the federal Family First Prevention Services Act of 2018. This request was previously approved by the Office of State Planning and Budgeting. Pursuant to Section 24-75-111 (1), C.R.S., the Committee authorizes the expenditures listed below and will sponsor a supplemental appropriations bill during the 2020 legislative session that reflect these changes.

JBC APPROVED ADJUSTMENTS TO FY 2019-20 APPROPRIATION				
DEPARTMENT, DIVISION, LINE ITEM	TOTAL FUNDS	FTE	GENERAL FUND	FEDERAL FUNDS
<b>Department of Human Services</b>				
<i>(2) Office of Information Technology Services, (A) Information Technology</i>				
Colorado Trails	\$744,199	0.0	\$483,729	\$260,470
<i>(5) Division of Child Welfare</i>				
Administration	948,620	5.6	848,861	99,759
<b>TOTAL FY 2019-20 ADJUSTMENTS</b>	<b>\$1,692,819</b>	<b>5.6</b>	<b>\$1,332,590</b>	<b>\$360,229</b>

If you have any questions or concerns, please contact Robin Smart of our staff at 303-866-4955.

Sincerely,

Dominick Moreno, Chair  
Joint Budget Committee

cc:

Ms. Carolyn Kampman, Staff Director, Joint Budget Committee  
Ms. Lauren Larson, Director, Office of State Planning and Budgeting  
Ms. Michelle Barnes, Executive Director, Department of Human Services  
Mr. Ron Vestman, Chief Financial Officer, Department of Human Services