

CHAPTER 220

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 02-1067

BY REPRESENTATIVE(S) Mace, Alexander, Borodkin, Boyd, Chavez, Cloer, Coleman, Groff, Hefley, Jahn, Marshall, Miller, Ragsdale, Rhodes, Romanoff, Sanchez, Stafford, Tapia, Tochtrop, Veiga, Vigil, and Williams S.;
also SENATOR(S) Hernandez, Fitz-Gerald, Hanna, Isgar, Linkhart, Nichol, Pascoe, Phillips, Tate, and Windels.

AN ACT

CONCERNING IMPLEMENTATION OF THE FAMILY CAREGIVER SUPPORT PROGRAM.

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

SECTION 1. 26-11-201, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

26-11-201. Definitions. As used in this part 2, unless the context otherwise requires:

(3.5) "CHILD" MEANS A PERSON WHO IS NOT MORE THAN EIGHTEEN YEARS OF AGE.

(4.5) "FAMILY CAREGIVER" MEANS AN ADULT FAMILY MEMBER, OR ANOTHER INDIVIDUAL, WHO IS AN INFORMAL PROVIDER OF IN-HOME AND COMMUNITY CARE TO AN OLDER INDIVIDUAL WHO IS SIXTY YEARS OF AGE OR OLDER.

(4.7) "GRANDPARENT OR OLDER INDIVIDUAL WHO IS A RELATIVE CAREGIVER" MEANS A GRANDPARENT OR STEP-GRANDPARENT OF A CHILD, OR A RELATIVE OF A CHILD BY BLOOD OR MARRIAGE, WHO IS SIXTY YEARS OF AGE OR OLDER AND WHO:

(a) LIVES WITH THE CHILD;

(b) IS THE PRIMARY CAREGIVER OF THE CHILD BECAUSE THE BIOLOGICAL OR ADOPTIVE PARENTS ARE UNABLE OR UNWILLING TO SERVE AS THE PRIMARY CAREGIVER OF THE CHILD; AND

(c) HAS A LEGAL RELATIONSHIP TO THE CHILD, SUCH AS LEGAL CUSTODY OR GUARDIANSHIP, OR IS RAISING THE CHILD INFORMALLY.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 26-11-204 (1) (k), Colorado Revised Statutes, is amended, and the said 26-11-204 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

26-11-204. Area agency on aging - duties. (1) An area agency on aging shall have the following duties:

(k) To coordinate and assist local public and nonprofit private agencies in the planning and development of programs to establish a comprehensive and coordinated system of programs and opportunities for older persons; ~~and~~

(m) TO PROVIDE SERVICES OR TO CONTRACT WITH LOCAL PROVIDERS TO PROVIDE SERVICES UNDER THE FAMILY CAREGIVER SUPPORT PROGRAM.

SECTION 3. Part 2 of article 11 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-11-207. Family caregiver support program - creation. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT IT WOULD BE BENEFICIAL TO THE STATE TO DEVELOP A SERVICE DELIVERY SYSTEM TO RESPOND TO THE NEEDS OF CAREGIVERS WHO CARE FOR FRAIL, ELDERLY PERSONS OR TO THE NEEDS OF GRANDPARENTS AND RELATIVE CAREGIVERS WHO HAVE TAKEN ON THE CHALLENGE AND RESPONSIBILITY OF RAISING CHILDREN. THE GENERAL ASSEMBLY ALSO FINDS THAT THE FEDERAL "OLDER AMERICANS ACT OF 2000", P.L. 106-501, HAS AUTHORIZED A FAMILY CAREGIVER SUPPORT PROGRAM TO BE ADMINISTERED BY AREA AGENCIES ON AGING. THE GENERAL ASSEMBLY FINDS THAT BY IMPLEMENTING THE FAMILY CAREGIVER SUPPORT PROGRAM SUPPORT CAN BE GIVEN TO CAREGIVERS SO THAT ELDERLY INDIVIDUALS MAY BE ABLE TO REMAIN IN THEIR HOMES AND SUPPORT MAY BE PROVIDED TO GRANDPARENTS OR OLDER INDIVIDUALS WHO ARE RELATIVE CAREGIVERS OF CHILDREN.

(2) THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE FAMILY CAREGIVER SUPPORT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM". THE PROGRAM SHALL ALLOCATE AVAILABLE MONEYS TO AREA AGENCIES ON AGING TO PROVIDE SUPPORT SERVICES TO THE FOLLOWING CAREGIVERS:

(a) FAMILY CAREGIVERS OF OLDER INDIVIDUALS; AND

(b) GRANDPARENTS OR OLDER INDIVIDUALS WHO ARE RELATIVE CAREGIVERS OF CHILDREN.

(3) SUBJECT TO AVAILABLE APPROPRIATIONS, SERVICES TO CAREGIVERS SHALL BE PROVIDED BY AN AREA AGENCY ON AGING OR BY AN ENTITY WITH WHICH THE AREA AGENCY ON AGING HAS CONTRACTED. THE SERVICES TO CAREGIVERS UNDER THE PROGRAM SHALL INCLUDE:

(a) INFORMATION TO CAREGIVERS ABOUT AVAILABLE SERVICES;

(b) ASSISTANCE TO CAREGIVERS IN GAINING ACCESS TO THE SERVICES;

(c) INDIVIDUAL COUNSELING, ORGANIZATION OF SUPPORT GROUPS, AND CAREGIVER TRAINING TO ASSIST THE CAREGIVERS IN MAKING DECISIONS AND SOLVING PROBLEMS RELATING TO THEIR CAREGIVING RESPONSIBILITIES;

(d) RESPITE CARE TO ENABLE CAREGIVERS TO BE TEMPORARILY RELIEVED FROM THEIR CAREGIVING RESPONSIBILITIES; AND

(e) SUPPLEMENTAL SERVICES, ON A LIMITED BASIS, TO COMPLEMENT THE CARE PROVIDED BY CAREGIVERS.

(4) IN THE CASE OF A FAMILY CAREGIVER OF AN OLDER INDIVIDUAL, RESPITE CARE, AS DESCRIBED IN PARAGRAPH (d) OF SUBSECTION (3) OF THIS SECTION, AND SUPPLEMENTAL SERVICES, AS DESCRIBED IN PARAGRAPH (e) OF SUBSECTION (3) OF THIS SECTION, SHALL BE PROVIDED ONLY IF THE OLDER INDIVIDUAL MEETS THE CONDITIONS SPECIFIED IN THE FEDERAL LAW UNDER THE DEFINITION OF THE TERM "FRAIL" WHICH STATES THAT THE OLDER INDIVIDUAL IS FUNCTIONALLY IMPAIRED BECAUSE THE INDIVIDUAL EITHER:

(a) IS UNABLE TO PERFORM AT LEAST TWO ACTIVITIES OF DAILY LIVING WITHOUT SUBSTANTIAL HUMAN ASSISTANCE, INCLUDING VERBAL REMINDING, PHYSICAL CUEING, OR SUPERVISION; OR

(b) DUE TO A COGNITIVE OR OTHER MENTAL IMPAIRMENT, REQUIRES SUBSTANTIAL SUPERVISION BECAUSE THE INDIVIDUAL BEHAVES IN A MANNER THAT POSES A SERIOUS HEALTH OR SAFETY HAZARD TO THE INDIVIDUAL OR TO ANOTHER INDIVIDUAL.

(5) THE AREA AGENCY ON AGING SHALL GIVE PRIORITY FOR SERVICES UNDER THE PROGRAM TO OLDER INDIVIDUALS WITH GREATEST SOCIAL AND ECONOMIC NEED, WITH PARTICULAR ATTENTION TO LOW-INCOME OLDER INDIVIDUALS, AND TO OLDER INDIVIDUALS PROVIDING CARE AND SUPPORT TO PERSONS WITH MENTAL RETARDATION AND RELATED DEVELOPMENTAL DISABILITIES.

(6) EACH AREA AGENCY ON AGING SHALL COORDINATE THE ACTIVITIES OF THE AGENCY OR ANY CONTRACTORS WITH WHOM THE AGENCY HAS CONTRACTED WITH THE ACTIVITIES OF OTHER COMMUNITY AGENCIES AND VOLUNTEER ORGANIZATIONS PROVIDING THE TYPES OF SUPPORT SERVICES DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(7) THE STATE SHALL NOT USE MORE THAN TEN PERCENT OF THE TOTAL FEDERAL AND STATE SHARE OF THE MONEYS AVAILABLE TO THE STATE FOR THE PROGRAM TO PROVIDE SUPPORT SERVICES TO GRANDPARENTS AND OLDER INDIVIDUALS WHO ARE RELATIVE CAREGIVERS OF CHILDREN.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2002