

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0715.01 Anna Petrini x5497

HOUSE BILL 26-1347

HOUSE SPONSORSHIP

Gilchrist and Brown, Camacho, Clifford, Froelich, Stewart R., Willford

SENATE SPONSORSHIP

Daugherty and Ball,

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGING PRACTICES RELATED TO FEDERAL BENEFITS**
102 **FOR YOUTH IN FOSTER CARE.**

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>.)

Under current law, a county department of human or social services (county department) is required, beginning on or before July 1, 2027, to determine whether a child or youth who is in foster care (child or youth) and who has a deceased parent may be eligible to receive federal survivor benefits and to apply for and manage those benefits under certain circumstances. Current law sets forth various survivor

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

benefit application, accounting, and notice requirements for county departments, which must save survivor benefit money in an account for the individual child or youth in some cases.

The bill extends, beginning on or before July 1, 2028, certain application, accounting, and notice provisions already in place for survivor benefits to federal supplemental security income benefits (SSI), which are monthly payments awarded to a child or youth with a disability and limited resources. The bill adds requirements related to identifying and documenting the disability of a child or youth in the child welfare system. A county department must deposit amounts above the countable resource threshold for SSI eligibility in a savings account specifically for individuals with disabilities, established and maintained for the child or youth in foster care. If a child or youth is receiving SSI, the county department must document how the money is spent in the state's welfare case management system.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-7-105, **amend**
3 (1)(b) introductory portion, (2), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (4),
4 (5)(a) introductory portion, (5)(a)(III), (5)(b), (6)(a)(I), (6)(a)(II),
5 (6)(a)(III), (8) introductory portion, (8)(b), (8)(c), (8)(h), and (9); and **add**
6 (1)(d), (3)(a.5), (3)(c.5), (5)(a)(II.5), and (8)(a.5) as follows:

7 **19-7-105. Federal benefits for children and youth in foster**
8 **care - rules - legislative intent - legislative declaration - definitions.**

9 (1) (b) The general assembly further declares its intent to ensure
10 that ALL federal benefits, INCLUDING SURVIVOR BENEFITS AND DISABILITY
11 BENEFITS, provided to children or youth in foster care are set aside
12 specifically for the use of individual children or youth in foster care,
13 thereby:

14 (d) WITH RESPECT TO FEDERAL SUPPLEMENTAL SECURITY INCOME
15 BENEFITS FOR WHICH A CHILD OR YOUTH QUALIFIES BASED ON DISABILITY,
16 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

17 (I) ALL CHILDREN AND YOUTH ENTERING THE FOSTER CARE

1 SYSTEM BE SCREENED FOR POTENTIAL ELIGIBILITY FOR FEDERAL BENEFITS,
2 INCLUDING FEDERAL SUPPLEMENTAL SECURITY INCOME;

3 (II) TRANSPARENCY REGARDING HOW FEDERAL SUPPLEMENTAL
4 SECURITY INCOME IS BEING SPENT AND MANAGED ON BEHALF OF CHILDREN
5 AND YOUTH IN THE FOSTER CARE SYSTEM BE INCREASED; AND

6 (III) WITH SUPPORT FROM THE STATE DEPARTMENT, COUNTY
7 DEPARTMENTS IMPROVE THEIR CAPACITY AND CAPITALIZE ON COMMUNITY
8 RESOURCES TO APPLY FOR AND MANAGE FEDERAL SUPPLEMENTAL
9 SECURITY INCOME ON BEHALF OF CHILDREN AND YOUTH IN THE FOSTER
10 CARE SYSTEM.

11 (2) As used in this section, unless the context otherwise requires:

12 (a) "COST OF CARE" HAS THE MEANING SET FORTH IN SECTION
13 19-1-103.

14 (b) "FEDERAL SUPPLEMENTAL SECURITY INCOME" MEANS BENEFITS
15 AUTHORIZED PURSUANT TO TITLE XVI OF THE FEDERAL "SOCIAL
16 SECURITY ACT", 42 U.S.C. SEC. 1381 ET SEQ.

17 ~~(a)~~(c) "Federal survivor benefits" means survivor benefits that are
18 administered by the United States social security administration, veterans
19 benefits administration, or the railroad retirement board and that are based
20 on the eligibility of an insured parent.

21 ~~(b)~~(d) "Interested party" means a child or youth; the child's or
22 youth's counsel for youth; a parent and the parent's counsel, unless
23 parental rights have been terminated or there is a court order restricting
24 access; the individual with whom the child or youth is currently placed;
25 the guardian ad litem; or other party who may have information about the
26 child's or youth's eligibility for or receipt of federal survivor benefits OR
27 FEDERAL SUPPLEMENTAL SECURITY INCOME.

1 (3) (a.5) (I) BEGINNING ON OR BEFORE JULY 1, 2028, IF THE
2 COUNTY DEPARTMENT IS GRANTED CUSTODY OF OR AUTHORITY FOR
3 OUT-OF-HOME PLACEMENT OF A CHILD OR YOUTH WHO IS UNDER SIX
4 YEARS OLD, THE COUNTY DEPARTMENT SHALL REFER THE CHILD OR YOUTH
5 TO THE APPROPRIATE STATE OR LOCAL AGENCY FOR DEVELOPMENTAL
6 SCREENING WITHIN FORTY-FIVE DAYS AFTER THE CHILD'S OR YOUTH'S
7 OUT-OF-HOME PLACEMENT. IF THE CHILD OR YOUTH IS SIX YEARS OLD OR
8 OLDER, THE INITIAL MEDICAL INTAKE MUST INCLUDE AN EVALUATION OF
9 THE CHILD'S OR YOUTH'S DISABILITY ASSESSMENT NEEDS.

10 (II) IF THE COUNTY DEPARTMENT DETERMINES THAT A CHILD OR
11 YOUTH MAY BE ELIGIBLE TO RECEIVE FEDERAL SUPPLEMENTAL SECURITY
12 INCOME AND THE UNITED STATES SOCIAL SECURITY ADMINISTRATION IS
13 ACCEPTING APPLICATIONS FOR FEDERAL SUPPLEMENTAL SECURITY
14 INCOME, THE COUNTY DEPARTMENT SHALL INITIATE THE APPLICATION
15 PROCESS PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION WITHIN
16 FORTY-FIVE DAYS AFTER RECEIVING:

17 (A) THE INFORMATION FROM A SCREENING DESCRIBED IN
18 SUBSECTION (3)(a.5)(I) OF THIS SECTION THAT THE COUNTY DEPARTMENT
19 USED TO DETERMINE THE CHILD OR YOUTH MAY BE ELIGIBLE TO RECEIVE
20 FEDERAL SUPPLEMENTAL SECURITY INCOME; AND

21 (B) THE DOCUMENTATION NECESSARY TO COMPLETE AN
22 APPLICATION FOR FEDERAL SUPPLEMENTAL SECURITY INCOME ON BEHALF
23 OF THE CHILD OR YOUTH.

24 (III) WHEN A CHILD IS ENROLLED IN THE CHILDREN'S HABILITATION
25 RESIDENTIAL PROGRAM WAIVER ESTABLISHED PURSUANT TO SECTION
26 25.5-6-903 (4), THE COUNTY DEPARTMENT SHALL APPLY FOR FEDERAL
27 SUPPLEMENTAL SECURITY INCOME ON BEHALF OF THE CHILD IF AN

1 APPLICATION FOR FEDERAL SUPPLEMENTAL SECURITY INCOME HAS NOT
2 ALREADY BEEN SUBMITTED ON THE CHILD'S BEHALF OR THE CHILD HAS
3 COUNTABLE RESOURCES THAT EXCEED THE THRESHOLD ESTABLISHED BY
4 THE UNITED STATES SOCIAL SECURITY ADMINISTRATION.

5 (b) Beginning on or before July 1, 2027, if a county department
6 makes an initial determination that the child or youth is not likely to be
7 eligible for federal survivor benefits OR, BEGINNING ON OR BEFORE JULY
8 1, 2028, IF A COUNTY DEPARTMENT MAKES AN INITIAL DETERMINATION
9 THAT THE CHILD OR YOUTH IS NOT LIKELY TO BE ELIGIBLE FOR FEDERAL
10 SUPPLEMENTAL SECURITY INCOME, the county department shall annually
11 review the case of the child or youth WHEN THE COUNTY DEPARTMENT
12 RECEIVES NEW, RELEVANT INFORMATION, BUT AT LEAST ANNUALLY AS
13 PART OF THE CHILD'S OR YOUTH'S ANNUAL MEDICAL EXAM, to determine
14 whether circumstances have changed to make the child or youth
15 POTENTIALLY eligible for federal survivor benefits OR FEDERAL
16 SUPPLEMENTAL SECURITY INCOME.

17 (c) In conducting an initial benefit eligibility determination or an
18 annual review pursuant to this subsection (3), the county department shall
19 consult with interested parties as necessary to assess the child's or youth's
20 eligibility for federal survivor benefits OR FEDERAL SUPPLEMENTAL
21 SECURITY INCOME and to determine, in accordance with applicable federal
22 law, the most likely, appropriate representative payee or fiduciary.

23 (c.5) (I) THE COUNTY DEPARTMENT MUST DOCUMENT WHY A
24 CHILD OR YOUTH IS NOT REASONABLY EXPECTED TO MEET THE ELIGIBILITY
25 CRITERIA FOR FEDERAL SUPPLEMENTAL SECURITY INCOME IF:

26 (A) THE COUNTY DEPARTMENT MAKES AN INITIAL OR SUBSEQUENT
27 DETERMINATION PURSUANT TO THIS SUBSECTION (3) THAT THE CHILD OR

1 YOUTH IS NOT LIKELY TO BE ELIGIBLE TO RECEIVE FEDERAL
2 SUPPLEMENTAL SECURITY INCOME; AND

3 (B) THE COUNTY DEPARTMENT IDENTIFIES A CHILD OR YOUTH AS
4 HAVING A DISABILITY FOR THE PURPOSES OF COMPLIANCE WITH
5 APPLICABLE STATE OR FEDERAL REPORTING REQUIREMENTS, INCLUDING
6 REPORTING REQUIRED PURSUANT TO SECTION 26-5-119 OR 45 CFR
7 1355.44.

8 (II) IF THE COUNTY DEPARTMENT MAKES AN INITIAL OR
9 SUBSEQUENT DETERMINATION PURSUANT TO THIS SUBSECTION (3) THAT
10 A CHILD OR YOUTH IS LIKELY TO BE ELIGIBLE TO RECEIVE FEDERAL
11 SUPPLEMENTAL SECURITY INCOME, THE COUNTY DEPARTMENT MUST
12 IDENTIFY THE CHILD OR YOUTH AS HAVING A DISABILITY FOR THE
13 PURPOSES OF COMPLIANCE WITH APPLICABLE STATE OR FEDERAL
14 REPORTING REQUIREMENTS, INCLUDING REPORTING REQUIRED PURSUANT
15 TO SECTION 26-5-119 OR 45 CFR 1355.44.

16 (d) If the county department determines that the child or youth
17 may be eligible to receive federal survivor benefits OR FEDERAL
18 SUPPLEMENTAL SECURITY INCOME and that the county department is,
19 CONSISTENT WITH THE PREFERRED REPRESENTATIVE PAYEE ORDER OF
20 SELECTION IN FEDERAL LAW OR RULE, the most appropriate representative
21 payee or fiduciary, then the county department shall, in compliance with
22 all applicable federal rules and regulations, apply for the federal survivor
23 benefits OR FEDERAL SUPPLEMENTAL SECURITY INCOME on behalf of the
24 child or youth. If the county department determines that the child or youth
25 may be eligible for federal survivor benefits OR FEDERAL SUPPLEMENTAL
26 SECURITY INCOME but that the county department is not the most
27 appropriate representative payee or fiduciary, the county department shall

1 provide information to the prospective representative payee or fiduciary
2 that the county department has identified about how to apply for federal
3 survivor benefits OR FEDERAL SUPPLEMENTAL SECURITY INCOME on behalf
4 of the child or youth and how to become the child's or youth's
5 representative payee or fiduciary.

6 (e) Following a denial of federal survivor benefits OR FEDERAL
7 SUPPLEMENTAL SECURITY INCOME or other adverse benefit eligibility
8 determination, the county department shall consult with interested parties
9 and determine whether there are grounds to appeal. If there are grounds
10 to appeal AND THE COUNTY DEPARTMENT WAS THE ORIGINAL APPLICANT,
11 the county department shall appeal the denial or adverse determination.

12 (f) If a child or youth in noncertified kinship care may be eligible
13 for federal survivor benefits OR FEDERAL SUPPLEMENTAL SECURITY
14 INCOME, the county department shall provide the noncertified kinship
15 caregiver with information about how to apply for federal survivor
16 benefits OR FEDERAL SUPPLEMENTAL SECURITY INCOME on behalf of the
17 child or youth.

18 (4) If the county department becomes the representative payee or
19 fiduciary for a child's or youth's federal survivor benefits OR FEDERAL
20 SUPPLEMENTAL SECURITY INCOME, the county department shall annually
21 reassess, in consultation with interested parties, whether a candidate other
22 than the county department would be a preferable representative payee or
23 fiduciary. IF LEGAL CUSTODY OF THE CHILD OR YOUTH IS TRANSFERRING
24 FROM THE COUNTY DEPARTMENT TO ANOTHER INDIVIDUAL, THE COUNTY
25 DEPARTMENT SHALL REASSESS, IN CONSULTATION WITH INTERESTED
26 PARTIES, THE DESIGNATION OF THE REPRESENTATIVE PAYEE OR FIDUCIARY.
27 A DECISION REGARDING THE MOST APPROPRIATE REPRESENTATIVE PAYEE

1 OR FIDUCIARY MUST BE CONSISTENT WITH THE PREFERRED
2 REPRESENTATIVE PAYEE ORDER OF SELECTION IN FEDERAL LAW OR RULE.

3 (5) (a) Beginning on or before July 1, 2027, IN THE CASE OF
4 FEDERAL SURVIVOR BENEFITS, AND BEGINNING ON OR BEFORE JULY 1,
5 2028, IN THE CASE OF FEDERAL SUPPLEMENTAL SECURITY INCOME, if a
6 county department is the representative payee or fiduciary for a child or
7 youth, the county department shall:

8 [REDACTED]

9 (II.5) IF A CHILD OR YOUTH IS RECEIVING FEDERAL SUPPLEMENTAL
10 SECURITY INCOME, [REDACTED] DOCUMENT IN THE STATE AUTOMATED CASE
11 MANAGEMENT SYSTEM ALL EXPENDITURES, INCLUDING, BUT NOT LIMITED
12 TO, EXPENDITURES FROM FEDERAL SUPPLEMENTAL SECURITY INCOME,
13 MADE ON BEHALF OF THE CHILD OR YOUTH BY NEED TYPE AND FUNDING
14 SOURCE. IF THE COUNTY DEPARTMENT IS THE REPRESENTATIVE PAYEE OR
15 FIDUCIARY, THE COUNTY DEPARTMENT MUST COMPLY WITH FEDERAL LAW
16 AND RULES REGARDING MEETING WITH THE CHILD OR YOUTH AND
17 INTERESTED PARTIES TO DETERMINE THE CHILD'S OR YOUTH'S REASONABLE
18 AND FORESEEABLE NEEDS BEFORE EXPENDING SUPPLEMENTAL SECURITY
19 INCOME ON COST OF CARE.

20 (III) Provide an annual accounting of the accumulation of the
21 child's or youth's federal survivor benefits OR FEDERAL SUPPLEMENTAL
22 SECURITY INCOME to the child or youth and the legal representative of the
23 child or youth. IF THE CHILD OR YOUTH RECEIVES FEDERAL SUPPLEMENTAL
24 SECURITY INCOME, THE COUNTY DEPARTMENT SHALL PROVIDE THE CHILD
25 OR YOUTH AND THE LEGAL REPRESENTATIVE OF THE CHILD OR YOUTH
26 WITH AN ANNUAL ACCOUNTING OF THE EXPENDITURES DOCUMENTED
27 PURSUANT TO SUBSECTION (5)(a)(II.5) OF THIS SECTION. COUNTY

1 DEPARTMENT PERSONNEL SHALL ANNUALLY SHARE THE ACCOUNTING
2 INFORMATION WITH THE CHILD OR YOUTH AND THE LEGAL
3 REPRESENTATIVE OF THE CHILD OR YOUTH. The annual accounting
4 information must include:

5 (A) The amount and source of federal survivor benefits OR
6 FEDERAL SUPPLEMENTAL SECURITY INCOME collected by the county
7 department and, IF APPLICABLE, THE AMOUNT credited to ~~the~~ EACH
8 account maintained on behalf of the child or youth;

9 (B) The balance of ~~the~~ EACH account maintained on behalf of the
10 child or youth; ~~and~~

11 (C) Information regarding the child's or youth's accounts and
12 earnings related to those accounts, if applicable, and any additional assets
13 and resources, including benefits, insurance, cash assets, trust accounts,
14 and earnings, if the assets or resources are controlled by the county
15 department; AND

16 (D) FOR A CHILD OR YOUTH RECEIVING FEDERAL SUPPLEMENTAL
17 SECURITY INCOME, INFORMATION ABOUT THE EXPENDITURES MADE ON
18 BEHALF OF THE CHILD OR YOUTH BY NEED TYPE AND FUNDING SOURCE.

19 (b) If a county department is not the representative payee or
20 fiduciary for a child's or youth's federal survivor benefits OR FEDERAL
21 SUPPLEMENTAL SECURITY INCOME, the county department is not
22 responsible for establishing or maintaining an account for deposit of the
23 federal survivor benefits of the child or youth or providing related
24 accounting information pursuant to subsection (5)(a) of this section.

25 (6) (a) The county department shall provide timely,
26 developmentally appropriate notice to the parties, unless prevented by a
27 court order, of:

1 (I) Submission of an application for federal survivor benefits OR
2 FEDERAL SUPPLEMENTAL SECURITY INCOME on behalf of a child or youth;

3 (II) Submission of a request for the county department to become
4 the representative payee or fiduciary for the child's or youth's federal
5 survivor benefits OR FEDERAL SUPPLEMENTAL SECURITY INCOME and
6 identification of the representative payee or fiduciary ultimately selected;

7 (III) Receipt by the county department of a federal agency's
8 decision regarding federal survivor benefits OR FEDERAL SUPPLEMENTAL
9 SECURITY INCOME, including denial, termination, or reduction of federal
10 survivor benefits OR FEDERAL SUPPLEMENTAL SECURITY INCOME;

11 (8) On or before January 1, 2027, IN THE CASE OF FEDERAL
12 SURVIVOR BENEFITS, AND BEGINNING ON OR BEFORE JANUARY 1, 2028, IN
13 THE CASE OF FEDERAL SUPPLEMENTAL SECURITY INCOME, the STATE
14 department, ~~of human services~~, in consultation with interested
15 stakeholders, including, but not limited to, county departments,
16 organizations that advocate on behalf of youth in foster care,
17 organizations that represent court-appointed special advocates,
18 organizations that advocate on behalf of disability rights, the office of
19 respondent parents' counsel, and the office of the child's representative,
20 shall adopt rules consistent with applicable state and federal law for the
21 implementation of this section. The rules must include guidance to the
22 county departments on:

23 (a.5) SCREENING PROCESSES FOR IDENTIFYING WHETHER A CHILD
24 OR YOUTH IS ALREADY RECEIVING FEDERAL SUPPLEMENTAL SECURITY
25 INCOME OR MAY BE ELIGIBLE TO RECEIVE FEDERAL SUPPLEMENTAL
26 SECURITY INCOME AND SCREENING PROCESSES FOR SUBSEQUENT ANNUAL
27 ELIGIBILITY REVIEWS.

1 (b) Best practices for consulting with the child or youth or other
2 interested parties who may have information about the child's or youth's
3 receipt of or eligibility for federal survivor benefits OR FEDERAL
4 SUPPLEMENTAL SECURITY INCOME;

5 (c) The application process for federal survivor benefits OR
6 FEDERAL SUPPLEMENTAL SECURITY INCOME for each child or youth, who,
7 pursuant to screening, is likely to be determined eligible; ~~for federal~~
8 ~~survivor benefits;~~

9

10 (h) Specifications for providing required notices regarding federal
11 survivor benefit OR FEDERAL SUPPLEMENTAL SECURITY INCOME
12 applications, applications for a county department to become a
13 representative payee or fiduciary, receipt of decisions regarding ~~federal~~
14 ~~survivor benefit~~ eligibility, appeals of denials, and establishment of
15 accounts; and

16 (9) (a) The department of human services shall provide ONGOING
17 technical assistance and guidance to the county departments about how
18 the county departments: ~~shall address saving federal survivor benefits in~~
19 ~~the best interests of a child or youth.~~

20 (I) APPLY FOR FEDERAL SURVIVOR BENEFITS OR FEDERAL
21 SUPPLEMENTAL SECURITY INCOME ON BEHALF OF A CHILD OR YOUTH;

22 (II) STREAMLINE DISABILITY SCREENING PROCESSES TO ENSURE
23 THAT COUNTY DEPARTMENTS ACCURATELY IDENTIFY A CHILD OR YOUTH
24 WITH A DISABILITY IN ACCORDANCE WITH STATE AND FEDERAL REPORTING
25 REQUIREMENTS AND ELIGIBILITY REQUIREMENTS FOR STATE MEDICAL
26 ASSISTANCE PROGRAM WAIVERS AND FEDERAL SUPPLEMENTAL SECURITY
27 INCOME;

1 (III) CAPITALIZE ON COMMUNITY RESOURCES, INCLUDING BENEFIT
2 PLANNERS, IN FEDERAL SUPPLEMENTAL SECURITY INCOME APPLICATION,
3 BENEFIT MANAGEMENT, AND PLANNING ON BEHALF OF A CHILD OR YOUTH;

4 (IV) MINIMIZE COUNTY DEPARTMENT RISK IN ESTABLISHING AND
5 MAINTAINING AN ACCOUNT ON BEHALF OF A CHILD OR YOUTH PURSUANT
6 TO THIS ARTICLE 7; AND

7 (V) ADDRESS SAVING FEDERAL SURVIVOR BENEFITS IN THE BEST
8 INTERESTS OF A CHILD OR YOUTH.

9

10 (b) IN PROVIDING THE TECHNICAL ASSISTANCE AND GUIDANCE
11 REQUIRED PURSUANT TO THIS SUBSECTION (9), THE STATE DEPARTMENT
12 SHALL MAXIMIZE EFFICIENCIES BY COORDINATING STAFF SUPPORT FOR
13 BOTH FEDERAL SURVIVOR BENEFITS AND FEDERAL SUPPLEMENTAL
14 SECURITY INCOME OBTAINED PURSUANT TO THIS SECTION.

15

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2026 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.