

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

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.

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, 26-5-105.4, **amend**
3 (9) as follows:

4 **26-5-105.4. Title IV-E waiver demonstration project - county**
5 **performance agreements - Title IV-E waiver demonstration project**
6 **cash fund created - rules - repeal.** (9) This section is repealed, effective
7 June 30, 2019 2020.

8 **SECTION 2.** In Colorado Revised Statutes, 26-5-104, **amend**
9 **with relocated provisions** (7) as follows:

10 **26-5-104. Funding of child welfare services provider contracts**
11 **- funding mechanism review - fund- report - rules - definitions -**
12 **repeal.** (7) **Close-out process for county allocations.** (a) **[Similar to**
13 **former 26-5-104 (7)(a)]** (I) THERE IS CREATED IN THE STATE TREASURY
14 THE CHILD WELFARE PREVENTION AND INTERVENTION SERVICES CASH
15 FUND, REFERRED TO IN THIS SUBSECTION (7) AS THE "FUND". THE
16 FOLLOWING TWO SPECIAL ACCOUNTS ARE CREATED IN THE FUND:

17 (A) THE SMALL- AND MEDIUM-SIZED COUNTIES ACCOUNT,
18 REFERRED TO IN THIS SUBSECTION (7) AS THE "SMALL- AND MEDIUM-SIZED
19 ACCOUNT"; AND

20 (B) THE ALL-COUNTIES ACCOUNT, REFERRED TO IN THIS
21 SUBSECTION (7) AS THE "ALL-COUNTIES ACCOUNT".

22 (II) **[Similar to former 26-5-104 (7)(a)(III)]** THE STATE

1 DEPARTMENT IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, AND DONATIONS,
2 WHICH MUST BE TRANSFERRED TO THE FUND AND CREDITED TO THE
3 ALL-COUNTIES ACCOUNT WITHIN THE FUND.

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

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

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

24 (a) (a.3) [Formerly 26-5-104 (7)(a)] (I) For state fiscal year
25 2018-19, and for each state fiscal year thereafter, the state department
26 shall retain any unspent general fund money included in the initial
27 allocation to each balance of state county, up to five percent of the total

1 general fund money allocated to balance of state counties, as described in
2 subsection (4)(b) of this section and referred to in this ~~subsection (7)(a)~~
3 SUBSECTION (7) as "small- and medium-sized counties".

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

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

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

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

23 (a.5) Subject to the limitations set forth in this subsection (7), the
24 state department may, at the end of a state fiscal year based upon the
25 recommendations of the child welfare allocations committee, allocate any
26 unexpended capped funds MONEY for the delivery of specific child
27 welfare services to any one or more counties whose spending has

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

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

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

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

27 (d) As used in this section, "unexpended capped ~~funds~~" MONEY"

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

4 **SECTION 3. Appropriation - adjustments to 2019 long bill.**

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

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

14 **SECTION 4. Appropriation.** (1) For the 2019-20 state fiscal
15 year, \$9,700,000 is appropriated to the child welfare prevention and
16 intervention services cash fund created in section 26-5-104 (7)(a)(I),
17 C.R.S. This appropriation is from the general fund. The department of
18 human services is responsible for the accounting related to this
19 appropriation.

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

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, and safety.