

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

**REVISED**

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

LLS NO. 19-0987.01 Brita Darling x2241

**SENATE BILL 19-258**

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**SENATE SPONSORSHIP**

**Rankin,** Moreno, Zenzinger, Crowder, Priola, Tate

**HOUSE SPONSORSHIP**

**Esgar,** Hansen, Ransom

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**Senate Committees**  
Appropriations

**House Committees**  
Appropriations

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**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.**

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**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.*

HOUSE  
2nd Reading Unamended  
April 29, 2019

SENATE  
3rd Reading Unamended  
April 25, 2019

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.

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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.