

CHAPTER 253

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 21-118

BY SENATOR(S) Ginal and Gardner, Bridges, Buckner, Cooke, Hisey, Holbert, Kirkmeyer, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Rankin, Scott, Simpson, Smallwood, Story, Winter, Zenzinger, Garcia;
also REPRESENTATIVE(S) Pelton and Snyder, Amabile, Bernett, Bird, Carver, Esgar, Exum, Herod, Hooton, Lontine, McLachlan, Michaelson Jenet, Ricks, Sirota, Valdez A., Young.

AN ACT

CONCERNING THE CREATION OF AN ALTERNATIVE RESPONSE PILOT PROGRAM FOR COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES TO ADDRESS A REPORT OF MISTREATMENT OF AN AT-RISK ADULT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 26-3.1-103, **amend** (1) as follows:

26-3.1-103. Evaluations - investigations - training - exception for counties participating in alternative response program - rules. (1) ~~The agency~~ COUNTY DEPARTMENT receiving a report of mistreatment or self-neglect of an at-risk adult shall immediately ~~make a thorough evaluation of~~ ASSESS the reported level of risk. The immediate concern of the evaluation is the protection of the at-risk adult. ~~The evaluation, at a minimum, must~~ THE DECISION REGARDING THE LEVEL OF RISK MUST, AT A MINIMUM, include a determination of a response time frame and whether the report meets the criteria for an investigation of the allegations, ~~pursuant to~~ AS SET FORTH IN state department rule. If a county department determines that an investigation is required, the county department is responsible for ensuring an investigation is conducted and arranging for the subsequent provision of protective services to be conducted by persons trained to conduct ~~such~~ investigations and provide protective services.

SECTION 2. In Colorado Revised Statutes, **add** 26-3.1-103.3 as follows:

26-3.1-103.3. Alternative response pilot program for the provision of protective services for at-risk adults - creation - report - rules - repeal. (1) ON OR AFTER JANUARY 1, 2022, THE ALTERNATIVE RESPONSE PILOT PROGRAM FOR THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

PROVISION OF PROTECTIVE SERVICES FOR AT-RISK ADULTS, REFERRED TO IN THIS SECTION AS THE "PILOT", IS CREATED IN THE STATE DEPARTMENT. THE PILOT ALLOWS A COUNTY DEPARTMENT THAT IS PARTICIPATING IN THE PILOT, PURSUANT TO THIS SECTION AND RULES PROMULGATED BY THE STATE DEPARTMENT, TO ADDRESS, THROUGH A SEPARATE PROCESS FROM THAT SET FORTH IN SECTION 26-3.1-103, ANY REPORT, RELATED TO AN AT-RISK ADULT, OF MISTREATMENT OR SELF-NEGLECT THAT WAS INITIALLY ASSESSED BY THE COUNTY DEPARTMENT TO BE LOW RISK, AS DEFINED BY RULE.

(2) THE STATE DEPARTMENT SHALL SELECT A MAXIMUM OF FIFTEEN COUNTY DEPARTMENTS TO PARTICIPATE IN THE PILOT. THE STATE DEPARTMENT IS STRONGLY ENCOURAGED TO INCLUDE COUNTY DEPARTMENTS FROM THROUGHOUT THE STATE, INCLUDING A DIVERSE MIX OF URBAN, SUBURBAN, FRONTIER, AND RURAL.

(3) (a) IF A PARTICIPATING COUNTY DEPARTMENT RECEIVES A REPORT, RELATED TO AN AT-RISK ADULT, OF MISTREATMENT OR SELF-NEGLECT, THAT WAS INITIALLY ASSESSED BY THE COUNTY DEPARTMENT TO BE LOW RISK, AS DEFINED BY RULE OF THE STATE DEPARTMENT, THE PARTICIPATING COUNTY WILL NOT MAKE A FINDING CONCERNING THE ALLEGED MISTREATMENT OR SELF-NEGLECT OF THE AT-RISK ADULT, NOR IS IT REQUIRED TO COMPLETE UNANNOUNCED INITIAL IN-PERSON INTERVIEWS.

(b) IF, UPON FURTHER INVESTIGATION, THE PARTICIPATING COUNTY DEPARTMENT DETERMINES THAT THE RISK LEVEL TO THE AT-RISK ADULT IS, IN FACT, MORE THAN LOW RISK, OR WHEN THE PARTICIPATING COUNTY DEPARTMENT CANNOT FULLY ASSESS, THROUGH THE PILOT PROCESS, THE HEALTH, SAFETY, AND WELFARE OF THE AT-RISK ADULT OR OTHER AT-RISK ADULTS, THE PARTICIPATING COUNTY DEPARTMENT SHALL FOLLOW THE PROCEDURES SET FORTH IN SECTION 26-3.1-103.

(4) THE STATE DEPARTMENT SHALL PROVIDE INITIAL TRAINING AND ONGOING TECHNICAL ASSISTANCE TO THE PARTICIPATING COUNTY DEPARTMENTS UPON IMPLEMENTATION OF THE PILOT. THE STATE DEPARTMENT SHALL ADMINISTER THE PILOT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AND ANY RULES PROMULGATED PURSUANT TO THIS SECTION.

(5) THE STATE DEPARTMENT SHALL PROMULGATE RULES FOR THE IMPLEMENTATION OF THIS SECTION. THE RULES MUST INCLUDE, AT A MINIMUM, A DESCRIPTION OF THE RISK LEVELS AND THE PARAMETERS AROUND UNANNOUNCED IN-PERSON INTERVIEWS.

(6) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION.

(7) (a) THE STATE DEPARTMENT SHALL CONTRACT WITH A THIRD-PARTY EVALUATOR TO EVALUATE THE PILOT'S SUCCESS OR FAILURE, INCLUDING A CONSIDERATION OF THE PILOT'S EFFECTIVENESS IN ACHIEVING OUTCOMES OVER A TWO-YEAR PERIOD.

(b) AS NECESSARY TO CONDUCT THE EVALUATION AND COMPLETE THE REPORTS REQUIRED PURSUANT TO THIS SUBSECTION (7), EACH PARTICIPATING COUNTY

DEPARTMENT SHALL SUBMIT TO THE STATE DEPARTMENT A REPORT CONCERNING THE PARTICIPATING COUNTY DEPARTMENT'S ADMINISTRATION AND UTILIZATION OF THE PILOT. THE REPORT MUST INCLUDE RELEVANT DATA FROM THE PARTICIPATING COUNTY AS REQUIRED BY THE STATE DEPARTMENT TO EVALUATE THE PILOT AND TO PREPARE ITS REPORT TO THE GENERAL ASSEMBLY PURSUANT TO SUBSECTION (7)(c) OF THIS SECTION.

(c) IN JANUARY 2025 AND JANUARY 2026, THE STATE DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION AND EFFECT OF THE PILOT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. THE REPORT MUST INCLUDE, AT A MINIMUM:

(I) A DESCRIPTION OF ANY SPECIFIC PROBLEMS THAT THE STATE DEPARTMENT OR ANY PARTICIPATING COUNTY DEPARTMENT ENCOUNTERED DURING THE ADMINISTRATION OF THE PILOT, ALONG WITH RECOMMENDATIONS THAT THE STATE DEPARTMENT HAS FOR LEGISLATION TO ADDRESS SUCH PROBLEMS; AND

(II) A RECOMMENDATION BY THE STATE DEPARTMENT REGARDING WHETHER THE GENERAL ASSEMBLY SHOULD REPEAL THE PILOT, CONTINUE THE PILOT FOR A SPECIFIED TIME PERIOD, OR ESTABLISH THE PILOT STATEWIDE ON A PERMANENT BASIS.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

SECTION 3. Appropriation. For the 2021-22 state fiscal year, \$173,351 is appropriated to the department of human services for use by adult protective services. This appropriation is from the general fund and is based on an assumption that adult protective services will require an additional 0.9 FTE. To implement this act, adult protective services may use this appropriation for state administration.

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, or safety.

Approved: June 17, 2021