

CHAPTER 346

EARLY CHILDHOOD - PROGRAMS AND SERVICES

HOUSE BILL 22-1369

BY REPRESENTATIVE(S) Sirota and Pelton, Amabile, Bacon, Benavidez, Bennett, Bird, Boesenecker, Caraveo, Catlin, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Ortiz, Ricks, Roberts, Titone, Valdez D., Van Beber, Weissman; also SENATOR(S) Story and Sonnenberg, Buckner, Coram, Donovan, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Lee, Pettersen, Priola, Rankin, Rodriguez, Simpson, Smallwood, Winter, Zenzinger, Fenberg.

AN ACT

CONCERNING SUPPORT FOR CHILDREN'S MENTAL HEALTH PROGRAMS, 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, **add** 26.5-1-113 as follows:

26.5-1-113. Children's mental health program - appropriation - legislative declaration - definitions - repeal. (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) NEUROBIOLOGICAL RESEARCH CONFIRMS THAT STRESSFUL EXPERIENCES EARLY IN LIFE CAN HAVE PROFOUND AND DESTRUCTIVE IMPACTS ON THE ARCHITECTURE OF THE BRAIN;

(II) ADDITIONAL SCIENTIFIC RESEARCH HAS SHOWN, HOWEVER, THAT RESPONSIVE, NURTURING RELATIONSHIPS BETWEEN YOUNG CHILDREN AND THEIR CAREGIVERS THAT LEAD TO SECURE ATTACHMENT SERVE AS POWERFUL, PROTECTIVE BUFFERS TO STRESSFUL EXPERIENCES EARLY IN LIFE;

(III) PROVIDING AN EVIDENCE-BASED, TWO-GENERATION, AND HOME-BASED PREVENTION AND EARLY INTERVENTION MENTAL HEALTH PROGRAM CAN PREVENT OR AMELIORATE THE DAMAGE CAUSED BY STRESSFUL EXPERIENCES; AND

(IV) IT IS POSSIBLE TO DECREASE THE STRESS EXPERIENCED BY FAMILIES BY CONNECTING FAMILY MEMBERS TO NEEDED SERVICES THROUGH INTENSIVE CARE

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COORDINATION. BY PROVIDING PSYCHOTHERAPY TO A CAREGIVER AND CHILD TOGETHER, IT IS POSSIBLE TO REPAIR THE IMPACT OF STRESS ON THE CHILD AND STRENGTHEN THE CAREGIVING RELATIONSHIP.

(b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT:

(I) GIVEN THE HARMFUL CONSEQUENCES OF THE ECONOMIC DISRUPTIONS RESULTING FROM AND EXACERBATED BY THE COVID-19 PUBLIC HEALTH EMERGENCY, IT IS IN THE BEST INTEREST OF THE STATE TO AUTHORIZE THE DEPARTMENT OF EARLY CHILDHOOD TO CONTRACT WITH A NONPROFIT ENTITY TO PROVIDE EVIDENCE-BASED, TWO-GENERATION, AND HOME-BASED PREVENTION AND EARLY INTERVENTION CHILDREN'S MENTAL HEALTH PROGRAMS; AND

(II) THE PURPOSE OF CHILDREN'S MENTAL HEALTH PROGRAMS IS TO ENHANCE THE MENTAL HEALTH AND DEVELOPMENT OF CAREGIVERS AND YOUNG CHILDREN. CHILDREN'S MENTAL HEALTH PROGRAMS MUST COMBINE COMPREHENSIVE, COORDINATED SERVICES AND PSYCHOTHERAPEUTIC INTERVENTION FOR CAREGIVERS AND CHILDREN, INCREASE ADULT SELF-REGULATION AND EXECUTIVE FUNCTIONING, AND RESULT IN LONG-TERM POSITIVE OUTCOMES FOR CHILDREN AND FAMILIES.

(c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT AND A NONPROFIT ENTITY WORK COLLABORATIVELY TO SHARE INFORMATION AS NECESSARY TO PROMOTE EFFICIENT AND EFFECTIVE IMPLEMENTATION OF THE CHILDREN'S MENTAL HEALTH PROGRAMS IN COLORADO.

(d) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT CONTRACTING WITH A NONPROFIT ENTITY TO PROVIDE CHILDREN'S MENTAL HEALTH PROGRAMS CONSTITUTES CRITICAL GOVERNMENT SERVICES.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CHILDREN'S MENTAL HEALTH PROGRAM" MEANS AN EVIDENCE-BASED, TWO-GENERATION, AND HOME-BASED PREVENTION AND EARLY INTERVENTION PROGRAM FOR FAMILIES WITH CHILDREN FROM PRENATAL TO SIX YEARS OF AGE WHO ARE EXPERIENCING CHRONIC STRESS AND TRAUMA. A CHILDREN'S MENTAL HEALTH PROGRAM MUST BE PROVEN TO SIGNIFICANTLY IMPROVE CHILD EMOTIONAL AND BEHAVIORAL HEALTH, CHILD LANGUAGE DEVELOPMENT, AND CAREGIVER MENTAL HEALTH, AS WELL AS DECREASE CHILD ABUSE AND NEGLECT, RESULTING IN LONG-TERM POSITIVE OUTCOMES FOR CHILDREN AND FAMILIES.

(b) "ENTITY" MEANS A COLORADO-BASED NONPROFIT ORGANIZATION.

(3) (a) ON OR BEFORE NOVEMBER 1, 2022, THE DEPARTMENT SHALL CONTRACT WITH A COLORADO-BASED NONPROFIT ENTITY TO PROVIDE CHILDREN'S MENTAL HEALTH PROGRAMS. THE ENTITY MUST HAVE PREVIOUS AND CURRENT EXPERIENCE SERVING THE TARGET DEMOGRAPHIC USING A CURRICULUM THAT:

(I) INCLUDES COMPONENTS THAT PROVIDE FOR INTERVENING WITH FAMILIES WITH YOUNG CHILDREN WHO ARE EXPERIENCING CHRONIC STRESS AND TRAUMA. THE CURRICULUM MUST CONNECT THE FAMILIES TO NEEDED SERVICES THROUGH INTENSIVE CARE COORDINATION WHILE ALSO PROVIDING PSYCHOTHERAPY FOR THE

CHILD AND PARENT OR GUARDIAN.

(II) HAS BEEN PREVIOUSLY IMPLEMENTED WITH SUCCESS BY PROVIDERS IN COLORADO.

(b) THE ENTITY WITH WHICH THE DEPARTMENT CONTRACTS SHALL:

(I) PERFORM COMMUNITY IMPLEMENTATION READINESS ASSESSMENTS AND PROVIDE TRAINING, COACHING, AND MONITORING FOR THE IMPLEMENTATION OF CHILDREN'S MENTAL HEALTH PROGRAMS;

(II) PROVIDE ONGOING QUALITY ASSESSMENTS AND IMPROVEMENT RECOMMENDATIONS TO ENSURE HIGH-QUALITY IMPLEMENTATION AND SUSTAINABILITY OF CHILDREN'S MENTAL HEALTH PROGRAMS;

(III) PROVIDE THE DEPARTMENT WITH SITE-SPECIFIC AND STATEWIDE PROCESS AND OUTCOME EVALUATIONS OF CHILDREN'S MENTAL HEALTH PROGRAMS; AND

(IV) ANNUALLY PREPARE AND SUBMIT TO THE DEPARTMENT AND THE BEHAVIORAL HEALTH ADMINISTRATION AN EVALUATION OF THE OUTCOMES OF ALL OF THE CHILDREN'S MENTAL HEALTH PROGRAMS IMPLEMENTED.

(4) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO MILLION DOLLARS TO THE DEPARTMENT FOR THE PURPOSES OF IMPLEMENTING THIS SECTION FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 24-75-228. THE DEPARTMENT IS AUTHORIZED TO EXPEND UP TO FIVE PERCENT TO PAY THE COSTS INCURRED IN IMPLEMENTING THIS SECTION, INCLUDING THE COSTS INCURRED IN CONTRACTING WITH A NONPROFIT ENTITY.

(b) MONEY SPENT PURSUANT TO THIS SUBSECTION (4) MUST CONFORM WITH THE ALLOWABLE PURPOSES SET FORTH IN THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS AMENDED. THE DEPARTMENT SHALL EITHER SPEND OR OBLIGATE SUCH APPROPRIATION PRIOR TO DECEMBER 30, 2024, AND EXPEND THE APPROPRIATION ON OR BEFORE DECEMBER 31, 2026.

(c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027.

(5) THE DEPARTMENT AND THE CONTRACTED ENTITY SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION 24-75-226 (5).

SECTION 2. Appropriation. For the 2022-23 state fiscal year, \$2,000,000 is appropriated to the department of early childhood for use by the community and family support division. This appropriation is from the economic recovery and relief cash fund created in section 24-75-228, C.R.S., is of money the state received from the federal coronavirus state fiscal recovery fund, and is based on an assumption that the department will require an additional 0.3 FTE. To implement this act, the division may use this appropriation for the children's mental health program authorized in section 26.5-1-113, C.R.S. Any money appropriated in this section not

expended prior to July 1, 2023, is further appropriated to the division from July 1, 2023, through December 30, 2024, for the same purpose.

SECTION 3. 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 3, 2022