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An Act

HOUSE BILL 23-1249

BY REPRESENTATIVE(S) Armagost and Gonzales-Gutierrez, Amabile, Bacon, Boesenecker, Bradfield, deGruy Kennedy, Duran, Epps, Garcia, Jodeh, Joseph, Lindstedt, Mabrey, Martinez, Ortiz, Sharbini, Velasco, Vigil, Woodrow, Brown, Dickson, English, Froelich, Herod, Kipp, Lindsay, Michaelson Jenet, Parenti, Ricks, Sirota, Story, Weissman, Willford, Hamrick, Lieder, Marshall, Soper, Titone, McCluskie;
also SENATOR(S) Simpson and Coleman, Gonzales, Hinrichsen, Moreno, Bridges, Buckner, Cutter, Danielson, Exum, Fields, Hansen, Jaquez Lewis, Kolker, Marchman, Priola, Rodriguez, Winter F., Fenberg.

CONCERNING MEASURES TO IMPROVE OUTCOMES FOR YOUNG CHILDREN BY REPLACING JUSTICE INVOLVEMENT WITH COMMUNITY-BASED SERVICES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Providing developmentally appropriate services to young children to address the underlying causes of problematic behaviors prevents

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.

future youth misbehavior, thereby reducing recidivism in both adolescence and adulthood, which leads to safer communities;

(b) Behavioral health programs, schools, child welfare services, and other community-based programs and services are better equipped than the juvenile justice system to identify and address the needs of young children and to provide developmentally appropriate services to improve community safety and reduce the risk that young children commit future crimes as adults;

(c) Ensuring that community-based programs outside of the juvenile justice system are funded to serve young children at risk of involvement with the juvenile justice system, or who are currently facing delinquency charges, reduces the negative impacts for young children and their communities;

(d) Colorado has an existing system of local collaborative management programs that can be improved to ensure young children receive appropriate services outside of the juvenile justice system, which will improve outcomes for young children and make communities safer;

(e) Serving young children through local collaborative management programs reduces future victimization. Young children in the juvenile justice system are at a higher risk of becoming victims of violence within the justice system.

(f) A community-based alternative to serve young children is more equitable. Young children of color are more likely to be referred to the juvenile justice system and detained in juvenile justice facilities than White young children.

(g) Additional data collection regarding how children are currently served inside and outside the juvenile justice system is necessary to ensure community-based programs outside the juvenile justice system continue to effectively serve children.

(2) Therefore, the general assembly declares its intent to empower community-based responses in the health, education, and child welfare systems to serve children, including children who are under thirteen years of age, instead of the juvenile justice system.

SECTION 2. In Colorado Revised Statutes, 19-2.5-1404, **amend** (3)(b)(IX) and (3)(b)(X); and **add** (3)(b)(XI), (3)(b)(XII), (3)(b)(XIII), (3)(b)(XIV), and (3)(f) as follows:

19-2.5-1404. Working group for criteria for placement of juvenile offenders - establishment of formula - review of criteria - report. (3) (b) On or before July 1, 2023, and on or before July 1 each year thereafter, the department of human services shall submit a report to the working group, the judiciary committees of the senate and the house of representatives, or any successor committees, and 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, including:

(IX) An analysis of the number of alleged and adjudicated juvenile offenders who are served by county ~~human services~~ departments through their child welfare systems and the impact on those county departments; ~~and~~

~~(X) The recommendations of the working group made pursuant to subsection (3)(a)(III) of this section.~~ THE NUMBER OF YOUTH, BY AGE AND BY JUDICIAL DISTRICT, WHO AT THE TIME THEY RECEIVED SERVICES FROM A COUNTY DEPARTMENT, INCLUDING, BUT NOT LIMITED TO, SERVICES RECEIVED THROUGH PREVENTION SERVICES, AN ASSESSMENT, OR AN OPEN DEPENDENCY AND NEGLECT CASE, EITHER:

(A) HAD AN OPEN DELINQUENCY CASE IN A DISTRICT COURT;

(B) WERE ON JUVENILE PROBATION; OR

(C) HAD A JUVENILE DEFERRED SENTENCE;

(XI) THE NUMBER OF YOUTH, BY AGE AND BY JUDICIAL DISTRICT, WHO AT THE TIME THEY WERE PLACED IN OUT-OF-HOME PLACEMENT BY A COUNTY DEPARTMENT, EITHER:

(A) HAD AN OPEN DELINQUENCY CASE IN A DISTRICT COURT;

(B) WERE ON JUVENILE PROBATION; OR

(C) HAD A JUVENILE DEFERRED SENTENCE;

(XIII) THE AGE, RACE, GENDER, AND DISABILITY STATUS FOR THE CHILDREN DESCRIBED IN SUBSECTIONS (3)(b)(X), (3)(b)(XI), AND (3)(b)(XII) OF THIS SECTION; AND

(XIV) THE RECOMMENDATIONS OF THE WORKING GROUP MADE PURSUANT TO SUBSECTION (3)(a)(III) OF THIS SECTION.

(f) IF THE DEPARTMENT IS UNABLE TO PROVIDE ANY OF THE DATA REQUIRED IN THE ANNUAL REPORT PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION, THE DEPARTMENT SHALL INCLUDE IN THE REPORT ITS PLAN TO COLLECT AND REPORT ON THE DATA THAT IS CURRENTLY UNAVAILABLE IN THE FOLLOWING YEAR. THE DEPARTMENT SHALL REPORT THE MISSING DATA THE FOLLOWING YEAR.

SECTION 3. In Colorado Revised Statutes, 24-1.9-102, **amend** (2)(d) and (2)(f); and **repeal** (2)(i) as follows:

24-1.9-102. Memorandum of understanding - local-level interagency oversight groups - individualized service and support teams - coordination of services for children and families - requirements - waiver. (2) (d) **Creation of an oversight group.** The memorandum of understanding ~~shall~~ **MUST** create a local-level interagency oversight group and identify the oversight group's membership requirements, procedures for selection of officers, procedures for resolving disputes by a majority vote of those members authorized to vote, and procedures for establishing any necessary subcommittees of the interagency oversight group. Each interagency oversight group ~~shall~~ **MUST** include a local representative of each party to the memorandum of understanding specified in ~~paragraphs (a) and (a.5) of subsection (1)~~ **SUBSECTIONS (1)(a) AND (1)(a.5)** of this section, each of whom ~~shall be~~ **IS** a voting member of the interagency oversight group. In addition, the interagency oversight group may include, but is not limited to, the following advisory nonvoting members:

(I) Representatives of interested local private sector entities; ~~and~~

(II) Family members or caregivers of children who would benefit from integrated multi-agency services or current or previous consumers of integrated multi-agency services; **AND**

(III) REPRESENTATIVES OR PRACTITIONERS FROM LOCAL, REGIONAL, OR STATEWIDE RESTORATIVE JUSTICE PROGRAMS.

(f) **Authorization to create individualized service and support teams.** The memorandum of understanding ~~shall~~ MUST include authorization for the interagency oversight group to establish individualized service and support teams to develop a service and support plan and to provide services to children and families. ~~who would benefit from integrated multi-agency services.~~

~~(i) **Performance-based measures.** The department of human services and the persons specified in section 24-1.9-103 (2)(b) shall develop performance measures for the system of collaborative management, which measures may be modified biennially to ensure that the measures remain valid. The memorandum of understanding must identify performance measures developed pursuant to this paragraph (i). If the parties to the memorandum of understanding meet the identified performance measures, the memorandum of understanding must require the interagency oversight group to create a procedure, subject to the approval of the head or director of each agency or department specified in paragraphs (a) and (a.5) of subsection (1) of this section, to allow any incentive moneys received by the department of human services and allocated pursuant to section 24-1.9-104 to be reinvested by the parties to the memorandum of understanding to provide appropriate services to children and families who would benefit from integrated multi-agency services, as such population is defined by the memorandum of understanding pursuant to paragraph (c) of this subsection (2). The parties to a memorandum of understanding shall report annually to the department of human services on the performance measures identified in the parties' memorandum of understanding pursuant to this paragraph (i).~~

SECTION 4. In Colorado Revised Statutes, **add** 24-1.9-102.3 as follows:

24-1.9-102.3. Duties of individualized service and support teams.

(1) A LOCAL COLLABORATIVE MANAGEMENT PROGRAM, AS DESCRIBED IN SECTION 24-1.9-102, MUST CREATE ONE OR MORE INDIVIDUALIZED SERVICE AND SUPPORT TEAMS. AN INDIVIDUALIZED SERVICE AND SUPPORT TEAM MAY REFER A CHILD TO SERVICES AND MAY ESTABLISH A SERVICE AND SUPPORT PLAN FOR A CHILD AFTER MEETING WITH THE CHILD, THE CHILD'S FAMILY, AND ANY OTHER RELEVANT PARTY OR COMMUNITY PARTNERS.

(2) THE INFORMATION FORM FOR CHILDREN CREATED IN SECTION 24-1.9-102.7, OR ANY OTHER FORM CREATED BY THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM, MAY BE USED BY MULTIPLE AGENCIES TO REFER A CHILD TO A LOCAL COLLABORATIVE MANAGEMENT PROGRAM IN ACCORDANCE WITH THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM'S MEMORANDUM OF UNDERSTANDING. SUCH AGENCIES INCLUDE, BUT ARE NOT LIMITED TO:

- (a) LAW ENFORCEMENT;
- (b) A DISTRICT ATTORNEY;
- (c) A SCHOOL;
- (d) A FAMILY RESOURCE CENTER;
- (e) A CHILD ADVOCACY CENTER; AND
- (f) A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

(3) ONLY THE FOLLOWING PERSONS OR AGENCIES HAVE ACCESS TO RECORDS CREATED BY AN INDIVIDUALIZED SERVICE AND SUPPORT TEAM, INCLUDING SERVICE AND SUPPORT PLANS:

(a) THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES WHEN INVESTIGATING A REPORT OF A KNOWN OR SUSPECTED INCIDENT OF CHILD ABUSE OR NEGLECT OR PROVIDING SERVICES FOR A CHILD OR FAMILY WHO IS THE SUBJECT OF THE REPORT;

(b) AN AGENCY WITH LEGAL RESPONSIBILITY OR AUTHORIZATION TO CARE FOR, TREAT, OR SUPERVISE A CHILD WHO IS THE SUBJECT OF THE RECORD;

(c) A PARENT, LEGAL GUARDIAN OR CUSTODIAN, OR OTHER PERSON RESPONSIBLE FOR THE HEALTH OR WELFARE OF A CHILD NAMED IN A RECORD, OR THE ASSIGNED DESIGNEE OF ANY SUCH PERSON ACTING BY AND THROUGH A VALIDLY EXECUTED POWER OF ATTORNEY;

(d) THE CHILD NAMED IN THE RECORD AND THE CHILD'S GUARDIAN AD LITEM OR COUNSEL FOR YOUTH;

(e) (I) A SERVICE PROVIDER WHO IS AND CONTINUES TO BE OFFICIALLY AND PROFESSIONALLY INVOLVED IN THE CARE OF THE CHILD WHO IS THE SUBJECT OF THE RECORD, BUT ONLY WITH REGARD TO INFORMATION THAT THE SERVICE PROVIDER HAS A NEED TO KNOW IN ORDER TO FULFILL THE SERVICE PROVIDER'S PROFESSIONAL, OFFICIAL, AND ONGOING ROLE, INCLUDING:

(A) HOSPITAL PERSONNEL ENGAGED IN THE ADMISSION, CARE, OR TREATMENT OF THE CHILD;

(B) MENTAL HEALTH PROFESSIONALS;

(C) PHYSICIANS OR SURGEONS, INCLUDING PHYSICIANS IN TRAINING;

(D) REGISTERED NURSES OR LICENSED PRACTICAL NURSES;

(E) DENTISTS;

(F) PSYCHOLOGISTS LICENSED PURSUANT TO PART 3 OF ARTICLE 245 OF TITLE 12;

(G) UNLICENSED PSYCHOTHERAPISTS;

(H) PROFESSIONAL COUNSELORS LICENSED PURSUANT TO PART 6 OF ARTICLE 245 OF TITLE 12;

(I) MARRIAGE AND FAMILY THERAPISTS LICENSED PURSUANT TO PART 5 OF ARTICLE 245 OF TITLE 12;

(J) PUBLIC OR PRIVATE SCHOOL OFFICIALS OR EMPLOYEES;

(K) SOCIAL WORKERS LICENSED PURSUANT TO PART 4 OF ARTICLE 245 OF TITLE 12 OR INDIVIDUALS EMPLOYED BY AN AGENCY THAT IS LICENSED OR CERTIFIED PURSUANT TO PART 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5;

(L) VICTIM'S ADVOCATES, AS DEFINED IN SECTION 13-90-107 (1)(k)(II);

(M) CLERGY MEMBERS, AS DEFINED IN SECTION 19-3-304

(2)(aa)(III); OR

(N) EDUCATORS PROVIDING SERVICES THROUGH THE FEDERAL SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN, AS PROVIDED FOR IN 42 U.S.C. SEC. 1786.

(II) INFORMATION DISCLOSED TO A SERVICE PROVIDER PURSUANT TO THIS SUBSECTION (3)(e) IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED BY THE SERVICE PROVIDER TO ANY OTHER PERSON, EXCEPT AS PROVIDED BY LAW.

(4) INFORMATION DISCLOSED PURSUANT TO SUBSECTION (3) OF THIS SECTION MUST NOT INCLUDE THE CONTACT INFORMATION OF A VICTIM, OR ANY IDENTIFYING INFORMATION OF A VICTIM, UNLESS THE VICTIM CONSENTS TO SHARING INFORMATION.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A CHILD'S RECORDS, STATEMENTS, OR HISTORY WITH THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM ARE NOT, WITHOUT THE CHILD'S CONSENT, ADMISSIBLE AS EVIDENCE IN ANY ADJUDICATORY OR CRIMINAL HEARING IN WHICH THE CHILD IS ACCUSED AND ARE NOT SUBJECT TO SUBPOENA IN ANY ADJUDICATORY OR CRIMINAL HEARING IN WHICH THE JUVENILE IS ACCUSED. THIS SUBSECTION (5) DOES NOT SUPERCEDE ANY OBLIGATIONS AND DUTIES OF ANY MANDATORY REPORTER PURSUANT TO SECTION 19-3-304.

SECTION 5. In Colorado Revised Statutes, **amend** 24-1.9-102.5 as follows:

24-1.9-102.5. Evaluation. The department of human services shall ensure that an annual external evaluation of the statewide program and each county or regional program is conducted by an independent outside entity. The department may contract with the outside entity to conduct an external evaluation of those counties that opted not to participate in the collaborative management program. The department of human services shall utilize ~~moneys~~ MONEY in the ~~performance-based~~ collaborative management ~~incentive~~ cash fund created in section 24-1.9-104, or any general fund ~~moneys~~ MONEY appropriated for this purpose, for annual external evaluations of the counties participating in memorandums of understanding pursuant to section 24-1.9-102, also known as the LOCAL collaborative

management program, as well as external evaluations as determined by the department of human services of those counties that opted to not participate in the collaborative management program. The annual external evaluation must include any evaluation that may be required in connection with a waiver authorized pursuant to section 24-1.9-102 (4). ~~and an evaluation of whether the parties to a collaborative management program have successfully met or exceeded the performance measures identified in the parties' memorandum of understanding pursuant to section 24-1.9-102.~~ (2)(i). Each county participating in the LOCAL collaborative management program shall participate fully in the annual external evaluation.

SECTION 6. In Colorado Revised Statutes, **amend** 24-1.9-102.7 as follows:

24-1.9-102.7. Technical assistance. (1) The department of human services shall develop and implement training for counties participating in ~~or interested in participating in~~ the LOCAL collaborative management program. The department of human services shall utilize ~~moneys~~ MONEY in the ~~performance-based~~ collaborative management ~~incentive~~ cash fund created in section 24-1.9-104, or any general fund ~~moneys~~ MONEY appropriated for this purpose, to develop and implement training for counties. The training ~~shall~~ MUST identify management strategies to collaborate effectively and efficiently to share resources or to manage and integrate the treatment and services provided to children and families receiving collaborative management services pursuant to this ~~article~~ ARTICLE 1.9, AND STRATEGIES TO ADDRESS THE NEEDS OF CHILDREN WHO WOULD BENEFIT FROM INTEGRATED MULTI-AGENCY SERVICES, INCLUDING CHILDREN WHO HAVE HAD CONTACT WITH LAW ENFORCEMENT OR ARE AT RISK OF INVOLVEMENT WITH THE JUVENILE JUSTICE SYSTEM. IN DEVELOPING SERVICES TO SUPPORT VICTIMS, THE DEPARTMENT OF HUMAN SERVICES SHALL CONSULT WITH THE DEPARTMENT OF PUBLIC SAFETY AND THE DISTRICT ATTORNEYS. IN DEVELOPING THE TRAINING AND STRATEGIES TO INTEGRATE TREATMENT AND SERVICES FOR CHILDREN WHO HAVE ENGAGED IN BEHAVIOR IN WHICH THE UNDERLYING FACTUAL BASIS INVOLVES UNLAWFUL SEXUAL BEHAVIOR, THE DEPARTMENT OF HUMAN SERVICES SHALL CONSULT WITH THE SEX OFFENDER MANAGEMENT BOARD CREATED PURSUANT TO SECTION 16-11.7-103. IN DEVELOPING THE TRAINING AND OVERSIGHT, THE DEPARTMENT OF HUMAN SERVICES SHALL CONSIDER THE REPORT FROM THE PRE-ADOLESCENT SERVICES TASK FORCE CREATED IN SECTION 19-3-304.4.

(2) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT OF HUMAN SERVICES SHALL CREATE A MODEL INFORMATION FORM FOR CHILDREN FOR A PARTY TO USE TO REFER A CHILD TO A LOCAL COLLABORATIVE MANAGEMENT PROGRAM FOR ASSESSMENT AND SERVICES.

SECTION 7. In Colorado Revised Statutes, 24-1.9-103, **amend** (1)(a), (1)(c), (2)(b)(II), (2)(b)(III), and (2)(b)(VI); and **add** (1)(b.5), (1)(b.7), (1)(b.8), and (1)(b.9) as follows:

24-1.9-103. Reports - executive director review. (1) Commencing January 1, 2007, and on or before each January 1 thereafter, each interagency oversight group shall provide a report to the executive director of each department and agency that is a party to any memorandum of understanding entered into that includes:

(a) The number of children and families served through the ~~local-level~~ individualized service and support teams and A DESCRIPTION OF THE RECOMMENDED SERVICES; the outcomes of the services provided, including THE NUMBER, AGE, RACE, GENDER, AND, IF KNOWN, THE DISABILITY STATUS OF THE CHILDREN SERVED; A DESCRIPTION OF THE OUTCOMES FOR CHILDREN SERVED; AND a description of any reduction in duplication or fragmentation of services provided and a description of any significant improvement in outcomes for children and families;

(b.5) THE NUMBER OF CHILDREN AND FAMILIES WHO WERE REFERRED TO A LOCAL COLLABORATIVE MANAGEMENT PROGRAM AND DID NOT RECEIVE RECOMMENDED SERVICES, INCLUDING A DESCRIPTION OF THE SERVICES THAT WERE RECOMMENDED BUT NOT PROVIDED; A DESCRIPTION OF THE BARRIERS TO PROVIDING SUCH SERVICES; AND THE AGE, RACE, GENDER, AND, IF KNOWN, THE DISABILITY STATUS OF THE CHILDREN;

(b.7) THE NUMBER OF CHILDREN, BY AGE, SERVED BY A LOCAL COLLABORATIVE MANAGEMENT PROGRAM, WHO WERE REFERRED BY THE JUVENILE JUSTICE SYSTEM;

(b.8) THE NUMBER OF CHILDREN, BY AGE, WHO WERE SERVED BY A LOCAL COLLABORATIVE MANAGEMENT PROGRAM, WHO WERE REFERRED BY A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, INCLUDING REFERRALS THROUGH A DEPENDENCY AND NEGLECT CASE;

(b.9) THE NUMBER OF CHILDREN, BY AGE, WHO WERE SERVED BY A LOCAL COLLABORATIVE MANAGEMENT PROGRAM AND WHO IDENTIFIED THEMSELVES TO THE LOCAL COLLABORATIVE MANAGEMENT PROGRAM AS:

(I) A NAMED VICTIM IN A CRIMINAL PROTECTION ORDER PURSUANT TO SECTION 18-1-1001 OR IN A JUVENILE DELINQUENCY OR CRIMINAL CASE;

(II) A RECIPIENT OF VICTIM COMPENSATION PURSUANT TO PART 4.1 OF THIS TITLE 24; OR

(III) A PROTECTED PARTY IN A PROTECTION ORDER PURSUANT TO PART 14 OF TITLE 13, SECTION 19-2-707 AS IT EXISTED PRIOR TO ITS REPEAL IN 2021, OR SECTION 18-1-1001;

(c) An accounting of ~~moneys~~ MONEY that ~~were~~ WAS reinvested in additional services provided to children or families who would benefit from integrated multi-agency services due to cost-savings that may have resulted; ~~or due to meeting or exceeding performance measures identified in the memorandum of understanding pursuant to section 24-1.9-102 (2)(i);~~

(2) (b) The following persons or their designees shall attend the annual meeting required pursuant to subsection (2)(a) of this section:

(II) A superintendent of a school district that has entered into a memorandum of understanding, ~~and has met or exceeded the performance measures identified in the memorandum of understanding pursuant to section 24-1.9-102 (2)(i);~~ as such superintendent is selected by the commissioner of education;

(III) A director of a county department of human or social services that has entered into a memorandum of understanding, ~~and has met or exceeded the performance measures identified in the memorandum of understanding pursuant to section 24-1.9-102 (2)(i);~~ as such director is selected by the executive director of the state department of human services;

(VI) A director of a local mental health center that has entered into a memorandum of understanding, ~~and has met or exceeded the performance measures identified in the memorandum of understanding pursuant to section 24-1.9-102 (2)(i);~~ as such director is selected by the executive director of the department of human services;

SECTION 8. In Colorado Revised Statutes, **amend 24-1.9-104** as follows:

24-1.9-104. Cash fund - creation - grants, gifts, and donations.

(1) On July 1, 2005, there ~~shall be~~ IS created in the state treasury the ~~performance-based~~ collaborative management ~~incentive~~ cash fund, which ~~shall be~~ IS referred to in this section as the "fund". The ~~moneys~~ MONEY in the fund ~~shall be~~ IS subject to annual appropriation by the general assembly to the department of human services for state fiscal year 2005-06 and each fiscal year thereafter. The fund ~~shall consist~~ CONSISTS of ~~moneys~~ MONEY received from docket fees in civil actions and transferred as specified in section 13-32-101. ~~(5)(a)(H), C.R.S.~~

(1.5) ON JULY 1, 2023, AND ANNUALLY THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO THE FUND TO SERVE CHILDREN WHO WOULD BENEFIT FROM INTEGRATED MULTI-AGENCY SERVICES, INCLUDING CHILDREN WHO HAVE HAD CONTACT WITH LAW ENFORCEMENT OR WHO ARE AT RISK OF INVOLVEMENT WITH THE JUVENILE JUSTICE SYSTEM.

(2) The executive director of the department of human services is authorized to accept and expend on behalf of the state any grants, gifts, or donations from any private or public source for the purposes of this section. All private and public funds received through grants, gifts, or donations ~~shall~~ MUST be transmitted to the state treasurer, who shall credit the same to the fund in addition to ~~moneys~~ MONEY credited pursuant to subsection (1) of this section and any ~~moneys~~ MONEY that may be appropriated to the fund directly by the general assembly. All investment earnings derived from the deposit and investment of ~~moneys~~ MONEY in the fund ~~shall remain~~ REMAINS in the fund and ~~shall not be transferred~~ DOES NOT TRANSFER or revert to the general fund of the state or any other fund at the end of any fiscal year.

(2.5) Notwithstanding any provision of this section to the contrary, on June 1, 2009, the state treasurer shall deduct three hundred thousand dollars from the fund and transfer such sum to the general fund.

(3) (a) On and after July 1, 2005, the executive director of the department of human services shall allocate the ~~moneys~~ MONEY in the fund, and any general fund ~~moneys~~ MONEY appropriated for this purpose, ~~to provide incentives~~ to parties to a memorandum of understanding who have agreed to ~~performance-based~~ collaborative management pursuant to section

~~24-1.9-102. (2)(i) and who, based upon the annual report to the department of human services pursuant to section 24-1.9-102 (2)(i), have successfully met or exceeded the performance measures identified in the parties' memorandum of understanding pursuant to section 24-1.9-102 (2)(i). The incentives shall be used to provide services to children and families who would benefit from integrated multi-agency services, as such population is defined by the memorandum of understanding pursuant to section 24-1.9-102 (2)(c).~~ THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL:

(I) BEGINNING JULY 1, 2023, DISTRIBUTE ADDITIONAL FUNDS APPROPRIATED FOR THE 2023-24 STATE FISCAL YEAR TO THE FUND TO EXISTING COLLABORATIVE MANAGEMENT PROGRAMS PURSUANT TO THE FUNDING FORMULA IN PLACE ON JUNE 30, 2023;

(II) BEGINNING JULY 1, 2024, PROVIDE AN ANNUAL SUM TO EACH LOCAL COLLABORATIVE MANAGEMENT PROGRAM TO PROVIDE SERVICES TO CHILDREN WHO WOULD BENEFIT FROM INTEGRATED MULTI-AGENCY SERVICES, INCLUDING CHILDREN WHO HAVE HAD CONTACT WITH LAW ENFORCEMENT OR WHO ARE AT RISK OF INVOLVEMENT WITH THE JUVENILE JUSTICE SYSTEM. FOR THE 2024-25 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, THE AMOUNT OF THE SUM PROVIDED TO EACH LOCAL COLLABORATIVE MANAGEMENT PROGRAM MUST BE DETERMINED THROUGH A FUNDING FORMULA THAT CONSIDERS:

(A) THE AMOUNT OF MONEY AVAILABLE IN THE FUND;

(B) THE NEED FOR A BASE OF RESOURCES TO DIRECT A CHILD AND THE CHILD'S FAMILY MEMBERS TO APPROPRIATE SERVICES; AND

(C) THE NUMBER OF CHILDREN IN THE POPULATION TO BE SERVED, AS DEFINED BY THE MEMORANDUM OF UNDERSTANDING PURSUANT TO SECTION 24-1.9-102, IN EACH COUNTY OR REGION.

(a.5) On and after July 1, 2008, the executive director of the department of human services is authorized to allocate ~~moneys~~ MONEY in the fund, and any general fund ~~moneys~~ MONEY appropriated for this purpose, to be used to cover the direct and indirect costs of the external evaluation of the ~~performance-based~~ collaborative management program described in section 24-1.9-102 and the technical assistance and training for

counties as described in section 24-1.9-102.7.

(b) For purposes of allocating ~~incentive moneys~~ MONEY pursuant to this subsection (3), the executive director of the department of human services shall submit an accounting of ~~moneys~~ MONEY in the fund, ~~available for incentives~~, and any general fund ~~moneys~~ MONEY appropriated for this purpose, and a proposal for the allocation of ~~incentive moneys~~ MONEY to the state board of human services for review and approval prior to the allocation of the ~~moneys~~ MONEY. The state board of human services shall approve the proposal not later than thirty days after receipt of the proposal from the executive director of the department of human services.

SECTION 9. In Colorado Revised Statutes, **add** 24-1.9-105 as follows:

24-1.9-105. Funding for future local collaborative management programs. (1) FOR STATE FISCAL YEAR 2023-24, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO MILLION DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT OF HUMAN SERVICES TO BE USED TO ASSIST INTERESTED COUNTIES THAT DO NOT ALREADY OPERATE A LOCAL COLLABORATIVE MANAGEMENT PROGRAM WITH ESTABLISHING A LOCAL COLLABORATIVE MANAGEMENT PROGRAM OR JOINING AN EXISTING LOCAL COLLABORATIVE MANAGEMENT PROGRAM. THE DEPARTMENT OF HUMAN SERVICES SHALL DETERMINE THE AMOUNT THAT IS DISTRIBUTED TO A COUNTY FOR THIS PURPOSE.

(2) ALL UNEXPENDED OR UNENCUMBERED MONEY THAT REMAINS AT THE END OF STATE FISCAL YEAR 2023-24 SHALL REVERT TO THE COLLABORATIVE MANAGEMENT CASH FUND CREATED IN SECTION 24-1.9-104.

SECTION 10. In Colorado Revised Statutes, 27-50-403, **amend** (2)(f) as follows:

27-50-403. Behavioral health administrative services organizations - contract requirements - individual access - care coordination. (2) A behavioral health administrative services organization shall:

(f) Require collaboration with all local law enforcement and county

agencies in the service area, including county departments of human or social services AND LOCAL COLLABORATIVE MANAGEMENT PROGRAMS WITHIN THE SERVICE AREA;

SECTION 11. In Colorado Revised Statutes, 27-50-404, **amend** (3) as follows:

27-50-404. Care coordination - responsibilities of behavioral health administrative services organizations - coordination with managed care entities. (3) A behavioral health administrative services organization shall ensure care coordination services through its network and include local partners, when appropriate, such as ~~counties and school districts~~ COUNTIES, SCHOOL DISTRICTS, AND LOCAL COLLABORATIVE MANAGEMENT PROGRAMS.

SECTION 12. In Colorado Revised Statutes, **add** 20-1-115 as follows:

20-1-115. Reporting of children in diversion programs. (1) ON OR BEFORE JULY 1, 2024, AND EACH JULY 1 THEREAFTER, THE DISTRICT ATTORNEY OF EACH JUDICIAL DISTRICT SHALL SUBMIT A REPORT, EITHER INDIVIDUALLY OR THROUGH THE COLORADO DISTRICT ATTORNEYS' COUNCIL, TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, THAT INCLUDES THE FOLLOWING FROM THE PREVIOUS TWELVE MONTHS IN THE JUDICIAL DISTRICT:

(a) THE NUMBER OF CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO WERE OFFERED AN OPPORTUNITY TO PARTICIPATE IN A DIVERSION PROGRAM BUT DECLINED TO PARTICIPATE;

(b) THE NUMBER OF CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO PARTICIPATED IN A DIVERSION PROGRAM;

(c) THE NUMBER OF CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO WERE CHARGED WITH AN OFFENSE IN A JUVENILE PROCEEDING AS A CONSEQUENCE OF FAILING TO SUCCESSFULLY COMPLETE A DIVERSION PROGRAM; AND

(d) THE NUMBER OF CHILDREN TEN YEARS OF AGE OR OLDER BUT UNDER THIRTEEN YEARS OF AGE WHO ENTER INTO A DIVERSION PROGRAM AND, AT THE TIME OF ENTRY INTO THE DIVERSION PROGRAM OR DURING PARTICIPATION IN THE DIVERSION PROGRAM, ARE KNOWN TO THE DIVERSION PROGRAM OR DISTRICT ATTORNEY'S OFFICE TO RECEIVE SERVICES FROM A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, INCLUDING SERVICES PROVIDED THROUGH PREVENTION PROGRAMS, ASSESSMENT, A DEPARTMENT OF HUMAN SERVICES CASE WITHOUT COURT INVOLVEMENT, OR A DEPENDENCY AND NEGLECT CASE;

SECTION 13. Appropriation. (1) For the 2023-24 state fiscal year, \$2,257,411 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from the general fund. To implement this act, the division may use the appropriation as follows:

(a) \$257,411 for collaborative management program administration and evaluation, which amount is based on an assumption that the division will require an additional 1.0 FTE; and

(b) \$2,000,000 to be distributed pursuant to section 24-1.9-105, C.R.S.

(2) For the 2023-24 state fiscal year, \$1,165,039 is appropriated to the collaborative management cash fund created in section 24-1.9-104 (1), C.R.S. This appropriation is from the general fund. The department of human services is responsible for the accounting related to this appropriation.

(3) For the 2023-24 state fiscal year, \$1,165,039 is appropriated to the department of human services for use by the division of child welfare for distribution to existing collaborative management programs pursuant to section 24-1.9-104, C.R.S. This appropriation is from reappropriated funds in the collaborative management cash fund under subsection (2) of this section.

SECTION 14. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act

within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO