

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0044.01 Chelsea Princell x4335

HOUSE BILL 24-1222

HOUSE SPONSORSHIP

Pugliese and McLachlan, Bradley, Epps

SENATE SPONSORSHIP

Rich, Pelton B.

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING UPDATING TERMINOLOGY THAT REFERS TO ENTITIES
102 THAT ADMINISTER HUMAN SERVICES PROGRAMS.

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/>.)

Statutory Revision Committee. Current law uses the terminology "department of human services" and "department of social services" interchangeably when referring to the department of human services. The bill updates the terminology to refer only to the "department of human services".

Current law uses the terminology "county department of human

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

services or social services", "county department of human services", and "county department of human or social services" interchangeably. The bill updates the terminology to refer only to the "county department of human or social services".

Current law uses the terminology "state board of social services" and "state board of human services" interchangeably when referring to the state board of human services. The bill updates the terminology to refer only to the "state board of human services".

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-5.5-105, **amend**
3 (2)(d)(I) as follows:

4 **13-5.5-105. Powers and duties of the state and district**
5 **commissions - rules.** (2) In addition to other powers conferred and
6 duties imposed upon the state commission by this article 5.5 and section
7 13-5.5-106, the state commission has the following powers and duties:

8 (d) (I) To develop surveys to evaluate the performance of justices
9 and judges, which surveys are completed by individuals who interact with
10 the court, including but not limited to attorneys, jurors, represented and
11 unrepresented litigants; law enforcement personnel; attorneys within the
12 district attorneys' and public defenders' offices, employees of the court,
13 court interpreters, employees of probation offices, and employees of ~~local~~
14 COUNTY departments of HUMAN OR social services; and victims of crimes,
15 as defined in section 24-4.1-302 (5);

16 **SECTION 2.** In Colorado Revised Statutes, 17-26-140, **amend**
17 (2) as follows:

18 **17-26-140. Continuity of care for persons released from jail.**
19 (2) A county jail shall provide medicaid enrollment or reenrollment
20 paperwork to a person who is incarcerated in the jail and is eligible for
21 medicaid benefits when the person enters the county jail. The county jail

1 must file the medicaid paperwork with the county department of ~~health~~
2 ~~and~~ human OR SOCIAL services upon releasing the person from the county
3 jail's custody.

4 **SECTION 3.** In Colorado Revised Statutes, 17-42-105, **amend**
5 (2)(b), (4), and (5)(a) as follows:

6 **17-42-105. Incarcerated parents - notification to court -**
7 **mittimus - family services coordinator - report - policies.** (2) If a
8 person's mittimus contains information indicating that the person is a
9 parent to a child and is a party to an open dependency and neglect
10 proceeding pursuant to article 3 of title 19, the department shall:

11 (b) Notify the county department of human OR SOCIAL services
12 where the dependency and neglect case is filed of the location of the
13 parent's correctional facility and the contact information for the
14 designated individual within the legal services unit not later than fourteen
15 days after the parent's arrival at the facility.

16 (4) The department shall designate at least one individual within
17 the legal services unit to assist in family services coordination. The
18 individual's duties include the coordination and supervision of the
19 opportunities described in subsection (3) of this section and serving as a
20 liaison between the department, sheriffs, ~~state and county departments of~~
21 DEPARTMENT OF human services, COUNTY DEPARTMENT OF HUMAN OR
22 SOCIAL SERVICES, and agencies concerning matters related to children and
23 their parents who are incarcerated.

24 (5) (a) On or before March 1, 2024, and on or before March 1
25 each year thereafter, the executive director of the department shall submit
26 a report to the judiciary committees of the senate and house of
27 representatives, or any successor committees, concerning parents who are

1 incarcerated. The department shall cooperate with the state department of
2 human services, county departments of human OR SOCIAL services, and
3 sheriffs as necessary to identify the information required for the report.
4 At a minimum, the report must specify persons incarcerated in department
5 facilities, private correctional facilities under contract with the
6 department, and jails, during the preceding calendar year who were a
7 party to an open dependency and neglect proceeding, in total and
8 disaggregated by race or ethnicity, sex, any known disability, and age.

9 **SECTION 4.** In Colorado Revised Statutes, 19-1-307, **amend**
10 (2)(e.5)(I)(P) as follows:

11 **19-1-307. Dependency and neglect records and information -**
12 **access - fee - records and reports fund - misuse of information -**
13 **penalty - adult protective services data system check - rules.**

14 (2) **Records and reports - access to certain persons - agencies.** Except
15 as set forth in section 19-1-303, only the following persons or agencies
16 have access to child abuse or neglect records and reports:

17 (e.5) (I) A mandatory reporter specified in this subsection
18 (2)(e.5)(I) who is and continues to be officially and professionally
19 involved in the ongoing care of the child who was the subject of the
20 report, but only with regard to information that the mandatory reporter has
21 a need to know in order to fulfill the mandatory reporter's professional
22 and official role in maintaining the child's safety. A county department
23 shall request written affirmation from a mandatory reporter stating that
24 the reporter continues to be officially and professionally involved in the
25 ongoing care of the child who was the subject of the report and describing
26 the nature of the involvement, unless the county department has actual
27 knowledge that the mandatory reporter continues to be officially and

1 professionally involved in the ongoing care of the child who was the
2 subject of the report. This subsection (2)(e.5)(I) applies to:

3 (P) Officials or employees of A county ~~departments~~ DEPARTMENT
4 of health ~~human services~~, OR A COUNTY DEPARTMENT OF HUMAN or social
5 services.

6 **SECTION 5.** In Colorado Revised Statutes, 19-3-100.5, **amend**
7 (3) as follows:

8 **19-3-100.5. Legislative declarations - reasonable efforts -**
9 **movement of children and sibling groups.** (3) The general assembly
10 further finds that the implementation of the federal "Adoption Assistance
11 and Child Welfare Act of 1980", federal Public Law 96-272, is not the
12 exclusive responsibility of the state department of ~~social~~ HUMAN services
13 or of ~~local~~ COUNTY OR DISTRICT departments of HUMAN OR social
14 services. Elected officials at the state and local levels must ensure that
15 resources and services are available through state and local social services
16 agencies and through the involvement of the resources of public and
17 private sources. Judges, attorneys, and guardians ad litem must be
18 encouraged to take independent responsibility to ensure that "reasonable
19 efforts" to prevent out-of-home placements have been made only when
20 appropriate, that permanency occurs for children in foster care, and that
21 safe child placements occur in each case.

22 **SECTION 6.** In Colorado Revised Statutes, 19-3-208, **amend**
23 (3)(e) as follows:

24 **19-3-208. Services - county required to provide - out-of-home**
25 **placement options - rules - definitions.** (3) (e) The department shall
26 convene a working group within six months after the effective date of this
27 subsection (3)(e), including the department of education, county

1 departments of human ~~and~~ OR social services, representatives from the
2 special education directors, and other appropriate school district
3 representatives, to identify issues related to foster youth education,
4 transportation, and stability, as described in this subsection (3), and
5 together, prior to the 2025 regular legislative session, develop written
6 recommendations to the general assembly regarding any regulatory or
7 statutory changes that may be required.

8 **SECTION 7.** In Colorado Revised Statutes, 19-3-304, **amend**
9 (2)(II) as follows:

10 **19-3-304. Persons required to report child abuse or neglect.**

11 (2) Persons required to report such abuse or neglect or circumstances or
12 conditions include any:

13 (II) Officials or employees of A county ~~departments~~ DEPARTMENT
14 of health ~~human services~~, OR A COUNTY DEPARTMENT OF HUMAN or social
15 services;

16 **SECTION 8.** In Colorado Revised Statutes, 19-3-308, **amend**
17 (1)(a) as follows:

18 **19-3-308. Action upon report of intrafamilial, institutional, or**
19 **third-party abuse - investigations - child protection team - rules -**

20 **report.** (1) (a) The county department shall respond immediately upon
21 receipt of any report of a known or suspected incident of intrafamilial
22 abuse or neglect to assess the abuse involved and the appropriate response
23 to the report. The assessment ~~shall~~ MUST be in accordance with rules
24 adopted by the state board of ~~social services~~ HUMAN SERVICES to
25 determine the risk of harm to such child and the appropriate response to
26 such risks. Appropriate responses ~~shall~~ include, but are not limited to,
27 screening reports that do not require further investigation, providing

1 appropriate intervention services, pursuing reports that require further
2 investigation, and conducting immediate investigations. The immediate
3 concern of any assessment or investigation ~~shall be~~ IS the protection of
4 the child, and, where possible, the preservation of the family unit.

5 **SECTION 9.** In Colorado Revised Statutes, 19-3-602, **amend**
6 (1.5)(a)(I) as follows:

7 **19-3-602. Motion for termination - separate hearing - right to**
8 **counsel - no jury trial.** (1.5) (a) Pursuant to the provisions of section
9 19-1-126, the motion for termination ~~shall~~ MUST:

10 (I) Include a statement indicating what continuing inquiries the
11 county department of HUMAN OR social services has made in determining
12 whether the child who is the subject of the termination proceeding is an
13 Indian child;

14 **SECTION 10.** In Colorado Revised Statutes, 22-2-139, **amend**
15 (5) as follows:

16 **22-2-139. Memorandum of understanding - notification of risk**
17 **- rules.** (5) If a change of placement is required for the safety of the
18 student or if a court, the state department of human services, or a county
19 department of human or social services makes a placement change with
20 fewer than ten calendar days notice, the responsible state DEPARTMENT OF
21 HUMAN SERVICES or county department of human ~~services~~ or social
22 services shall provide information to the child welfare education liaison,
23 designated pursuant to ~~section 22-32-138 (2)(a)~~ SECTION 22-32-138, of
24 the receiving school district, charter school, or institute charter school
25 within five calendar days following the student's placement. The
26 information provided to the child welfare education liaison must include,
27 but need not be limited to, the transitioning student's educational records

1 from the transferring educational facility and an outline of the student's
2 transitional needs to be successful in the public school setting, which
3 information would assist the district in meeting the student's needs and
4 ensuring a successful transition.

5 **SECTION 11.** In Colorado Revised Statutes, 22-2-409, **amend**
6 (4) as follows:

7 **22-2-409. Notification of risk.** (4) If a change of placement is
8 required for the safety of the student or if a court, the state department of
9 human services, or a county department of human or social services
10 makes a placement change with fewer than ten calendar days notice, the
11 responsible state DEPARTMENT OF HUMAN SERVICES or county department
12 of human ~~services~~ or social services shall provide information to the child
13 welfare education liaison, designated pursuant to ~~section 22-32-138(2)(a)~~
14 SECTION 22-32-138, of the receiving school district, charter school, or
15 institute charter school within five calendar days following the student's
16 placement. The information provided to the child welfare education
17 liaison must include, but need not be limited to, the transitioning student's
18 educational records from the transferring educational facility and an
19 outline of the student's transitional needs to be successful in the public
20 school setting, which information would assist the district in meeting the
21 student's needs and ensuring a successful transition.

22 **SECTION 12.** In Colorado Revised Statutes, 22-54-109, **amend**
23 (2) as follows:

24 **22-54-109. Attendance in district other than district of**
25 **residence.** (2) Any court of record, the department of ~~social~~ HUMAN
26 services, or any other agency authorized to place a child in a residential
27 child care facility shall notify the school district of residence of such

1 child, the district in which the child will receive educational services, and
2 the department of education of such placement within fifteen days after
3 the placement.

4 **SECTION 13.** In Colorado Revised Statutes, 23-23-103, **amend**
5 (1)(d) as follows:

6 **23-23-103. Evaluations made - when.** (1) A child may be
7 referred to the medical center for diagnostic evaluation and study under
8 the following conditions:

9 (d) The director of a county department of HUMAN OR social
10 services may request an evaluation at the Colorado children's diagnostic
11 center of a child in the care, custody, or supervision of such county
12 department when such evaluation will aid it in its determination of the
13 disposition, placement, or planning for such child; but no such evaluation
14 shall be requested until such parental consent as is necessary has been
15 obtained. If such an evaluation is made, the costs ~~thereof shall be~~ ARE
16 paid by the ~~said~~ county department of HUMAN OR social services.

17 **SECTION 14.** In Colorado Revised Statutes, 23-23-107, **amend**
18 (1) as follows:

19 **23-23-107. Case histories - preparation and use.** (1) In order
20 to facilitate the work of the center in making a diagnostic evaluation of
21 a child as provided in this ~~article~~ ARTICLE 23, the county department of
22 HUMAN OR social services of the county of the child's residence or any
23 licensed children's agency in such county shall prepare and forward to the
24 center a social and medical case history of such child to assist the center
25 in making such diagnosis. ~~Such~~ THE history ~~shall~~ MUST accompany or
26 precede the child's assignment to the center.

27 **SECTION 15.** In Colorado Revised Statutes, 25-20.5-406,

1 **amend** (2)(b)(V) as follows:

2 **25-20.5-406. State review team - creation - membership -**
3 **vacancies.** (2) (b) The executive director of the department of human
4 services shall appoint six voting members, as follows:

5 (V) One member who represents the directors of county
6 departments of HUMAN OR social services.

7 **SECTION 16.** In Colorado Revised Statutes, 25.5-1-105, **amend**
8 (1), (2), (3), and (5) as follows:

9 **25.5-1-105. Transfer of functions.** (1) The state department
10 shall, on and after July 1, 1994, execute, administer, perform, and enforce
11 the rights, powers, duties, functions, and obligations vested prior to July
12 1, 1994, in the Colorado health data commission within the department
13 of local affairs, the department of ~~social~~ HUMAN services concerning the
14 "Colorado Medical Assistance Act", and the university of Colorado health
15 sciences center concerning health care for the medically indigent.

16 (2) All rules, regulations, and orders of the department of local
17 affairs, the ~~state~~ department of ~~social~~ HUMAN services, the state board of
18 ~~social~~ HUMAN services, the department of regulatory agencies, and the
19 university of Colorado health sciences center adopted prior to July 1,
20 1994, in connection with the powers, duties, and functions transferred to
21 the state department ~~shall~~ continue to be effective until revised, amended,
22 repealed, or nullified pursuant to law. On and after July 1, 1994, the state
23 board or the executive director, whichever is appropriate, shall adopt rules
24 necessary for the administration of the state department and the
25 administration of the programs set forth in this ~~title~~ TITLE 25.5.

26 (3) No suit, action, or other judicial or administrative proceeding
27 lawfully commenced prior to July 1, 1994, or which could have been

1 commenced prior to such date, by or against the department of local
2 affairs, the ~~state~~ department of ~~social~~ HUMAN services, the department of
3 regulatory agencies, or the university of Colorado health sciences center,
4 or any officer thereof in such officer's official capacity or in relation to
5 the discharge of the official's duties, shall abate by reason of the transfer
6 of duties and functions from said departments to the state department.

7 (5) The revisor of statutes is hereby authorized to change all
8 references in the Colorado Revised Statutes to the department of local
9 affairs, the ~~state~~ department of ~~social~~ HUMAN services, the department of
10 regulatory agencies, and the university of Colorado health sciences center
11 from said references to the state department, as appropriate and with
12 respect to the powers, duties, and functions transferred to the state
13 department. In connection with such authority, the revisor of statutes is
14 hereby authorized to amend or delete provisions of the Colorado Revised
15 Statutes so as to make the statutes consistent with the powers, duties, and
16 functions transferred pursuant to this section.

17 **SECTION 17.** In Colorado Revised Statutes, 26-1-127, **amend**
18 (1.5) as follows:

19 **26-1-127. Fraudulent acts.** (1.5) To the extent not otherwise
20 prohibited by state or federal law, any person against whom a county
21 department of HUMAN OR social services, the state department, or the
22 department of early childhood obtains a civil judgment in a state or
23 federal court of record in this state based on allegations that the person
24 obtained or willfully aided and abetted another to obtain public assistance
25 or vendor payments or medical assistance as defined in this title 26 or
26 child care assistance as described in part 1 of article 4 of title 26.5 to
27 which the person is not entitled or in an amount greater than that to which

1 the person is justly entitled or payment of any forfeited installment grants
2 or benefits to which the person is not entitled or in a greater amount than
3 that to which the person is entitled, by means of a willfully false
4 statement or representation, or by impersonation, or by any other
5 fraudulent device, is disqualified from participation in the program
6 pursuant to article 2 of this title 26 or part 1 of article 4 of title 26.5 in
7 which a recipient is found to have committed an intentional program
8 violation for one year for a first incident, two years for a second incident,
9 and permanently for a third or subsequent incident. Such disqualification
10 is mandatory and is in addition to any other remedy available to a
11 judgment creditor.

12 **SECTION 18.** In Colorado Revised Statutes, 26-2-703, **amend**
13 (8) as follows:

14 **26-2-703. Definitions.** As used in this part 7, unless the context
15 otherwise requires:

16 (8) "County department" means:

17 (a) ~~The department of social services, human services,~~ A COUNTY
18 DEPARTMENT OF HUMAN OR SOCIAL SERVICES or health and human
19 services of a county or a city and county; or

20 (b) Any combination of ~~departments of social services of a county~~
21 ~~or a city and county~~ COUNTY DEPARTMENTS OF HUMAN OR SOCIAL
22 SERVICES that are approved by the state department to implement a county
23 block grant jointly pursuant to the provisions of section 26-2-718.

24 **SECTION 19.** In Colorado Revised Statutes, 26.5-2-103, **amend**
25 (2)(c)(V) as follows:

26 **26.5-2-103. Local coordinating organization - applications -**
27 **selection - rules.** (2) An entity that seeks to serve as a local coordinating

1 organization must apply to the department in accordance with department
2 rules, if any, procedures, and timelines. At a minimum, the application
3 must include:

4 (c) The applicant's plan to coordinate with, at a minimum, the
5 following entities within the proposed community:

6 (V) County departments of human ~~and~~ OR social services in
7 providing child care services through the Colorado child care assistance
8 program established in part 1 of article 4 of this title 26.5 and other family
9 support programs and services;

10 **SECTION 20.** In Colorado Revised Statutes, 26.5-2-104, **amend**
11 (1)(a)(XI) as follows:

12 **26.5-2-104. Local coordinating organization - community plan**
13 **- duties.** (1) (a) Each local coordinating organization shall adopt a
14 community plan that fosters equitable access for families to, and robust
15 participation by providers in, early childhood and family support
16 programs and services by increasing access to, coordinating, and
17 allocating funding for said programs and services within the community.
18 The community plan must, at a minimum, address:

19 (XI) The manner in which the local coordinating organization, in
20 accordance with department requirements, will ensure transparency
21 within the community concerning the amount of money available for and
22 used to support early childhood and family support programs and services
23 from all sources, including local property tax and sales tax and the
24 maintenance of effort for child care assistance provided by county
25 departments of human ~~and~~ OR social services within the community.

26 **SECTION 21.** In Colorado Revised Statutes, 26.5-2-203, **amend**
27 (3) as follows:

1 **26.5-2-203. Early childhood councils - established - rules.**

2 (3) For new councils or for existing councils or partnerships that decide
3 to reconfigure pursuant to this part 2, the board or boards of county
4 commissioners shall designate a convening entity, which may include but
5 is not limited to a local resource and referral agency, a county department
6 of human ~~services~~ or social services, a local school district, a department
7 of public health, or, prior to July 1, 2023, a Colorado preschool program
8 council. The convening entity may convene a council either as part of a
9 single county or as part of a multi-county regional network.

10 **SECTION 22.** In Colorado Revised Statutes, **amend** 30-10-528
11 as follows:

12 **30-10-528. Incarcerated parents - family services coordinator.**

13 Each sheriff shall designate at least one individual to serve as a
14 communication liaison between the county jail and county departments
15 of human OR SOCIAL services concerning children subject to an open
16 dependency and neglect case whose parents are incarcerated in the jail for
17 the purpose of improving communication and ensuring opportunities for
18 family time.

19 **SECTION 23. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2024 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.