

CHAPTER 324

---

**SOCIAL SERVICES**

---

**SENATE BILL 93-254**

BY SENATORS Traylor, Rizzuto, Bird, Bishop, Casey, Cassidy, Gallagher, Hopper, Mendez, Peterson, Ruddick, and Weissmann; also REPRESENTATIVES Owen, Grampas, Romero, Lawrence, Armstrong, Benavidez, R. Hernandez, Keller, Morrison, and Tanner.

**AN ACT**

**CONCERNING STRATEGIES FOR SERVING FAMILIES WITH CHILDREN WHO ARE AT RISK OF BEING IN CRISIS.**

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

**SECTION 1.** Title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 5.3**  
**Emergency Assistance for Families with Children**  
**at Imminent Risk of Out-of-Home Placement**

**26-5.3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "EMERGENCY ASSISTANCE FOR FAMILIES WITH CHILDREN AT IMMINENT RISK OF OUT-OF-HOME PLACEMENT ACT".

**26-5.3-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE STATE OF COLORADO RECOGNIZES ITS OBLIGATION TO PROTECT AND PROVIDE FOR THE CHILDREN IN COLORADO'S CHILD WELFARE SYSTEM;

(b) THE CHILDREN AT IMMINENT RISK OF BEING PLACED OUT OF THE HOME ARE LIKELY TO BE PLACED OUT OF THE HOME IMMEDIATELY IF INTERVENTION SERVICES ARE NOT MADE AVAILABLE TO SUCH CHILDREN AND THEIR FAMILIES;

(c) COMMUNITY AND HOME-BASED SERVICES ARE EFFECTIVE IN HELPING TO AVOID THE NEED TO PLACE CHILDREN OUT OF THEIR HOMES AND TO REUNITE CHILDREN WITH

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

THEIR FAMILIES. HOWEVER, ALTERNATIVES TO OUT-OF-HOME PLACEMENT ARE AVAILABLE ONLY TO A SMALL PERCENTAGE OF CHILDREN IN THE STATE DUE TO INSUFFICIENT STATEWIDE RESOURCES.

(d) FAMILIES WITH CHILDREN AT IMMINENT RISK OF BEING PLACED OUT OF THE HOME ARE FAMILIES IN CRISIS AND IN NEED OF EMERGENCY ASSISTANCE TO AVOID SUCH PLACEMENT OR TO REUNITE FAMILIES WHEN AN EMERGENCY HAS RESULTED IN AN OUT-OF-HOME PLACEMENT, WHICH ASSISTANCE INCLUDES, BUT IS NOT LIMITED TO, INTENSIVE FAMILY PRESERVATION SERVICES AND OTHER SERVICES DESIGNED TO MAINTAIN A CHILD AT HOME;

(e) FEDERAL FINANCIAL PARTICIPATION IS AVAILABLE TO PROVIDE EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN IN THE FORM OF INTAKE, ASSESSMENT, COUNSELING, TREATMENT, AND OTHER FAMILY PRESERVATION SERVICES THAT MEET NEEDS OF THE FAMILY WHICH ARE ATTRIBUTABLE TO THE EMERGENCY OR CRISIS SITUATION;

(f) THE PROVISION OF EMERGENCY ASSISTANCE IS LIKELY TO REDUCE THE ESCALATING STATE GENERAL FUND COSTS OF OUT-OF-HOME PLACEMENTS, THEREBY MAKING MONEYS AVAILABLE FOR OTHER NECESSARY CHILDREN AND FAMILY SERVICES OR PROGRAMS; AND

(g) BECAUSE THE CHILD WELFARE SYSTEM IS A CONTRIBUTING FACTOR TO THE STATE'S EXPENDITURES, IT IS IMPORTANT TO MAXIMIZE MONEYS AVAILABLE TO THE STATE FOR CHILD WELFARE NEEDS BY MAKING SERVICE DELIVERY SYSTEMS FAMILY-FOCUSED, COST-EFFICIENT, AND ACCESSIBLE STATEWIDE.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT IT IS THEREFORE APPROPRIATE TO AUTHORIZE THE IMPLEMENTATION OF AN EMERGENCY ASSISTANCE PROGRAM FOR FAMILIES WITH CHILDREN AT IMMINENT RISK OF BEING PLACED OUT OF THE HOME. IN ADDITION, IT IS APPROPRIATE TO DEVELOP A PLAN FOR THE USE OF MONEYS SAVED AS A RESULT OF PROVIDING EMERGENCY ASSISTANCE TO FAMILIES.

**26-5.3-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AFDC" MEANS THE FEDERAL "AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM".

(2) "AT IMMINENT RISK OF BEING PLACED OUT OF THE HOME" MEANS THAT WITHOUT INTERCESSION A CHILD WILL BE PLACED OUT OF THE HOME IMMEDIATELY.

(3) "EMERGENCY ASSISTANCE PROGRAM" OR "PROGRAM" MEANS THE PROGRAM FOR EMERGENCY ASSISTANCE FOR FAMILIES WITH CHILDREN AT IMMINENT RISK OF OUT-OF-HOME PLACEMENT AS AUTHORIZED BY THIS ARTICLE.

**26-5.3-104. Emergency assistance for families with children at imminent risk of being placed out of the home authorized - amendment to state plan required - single state agency - compliance with federal requirements.** (1) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT IS HEREBY AUTHORIZED TO AMEND THE STATE TITLE IV-A PLAN BY PROVIDING FOR THE ESTABLISHMENT AND

IMPLEMENTATION OF AN EMERGENCY ASSISTANCE PROGRAM FOR FAMILIES WITH CHILDREN AT IMMINENT RISK OF BEING PLACED OUT OF THE HOME. THE PURPOSE OF THE PROGRAM SHALL BE TO MEET THE NEEDS OF THE FAMILY IN CRISIS DUE TO THE IMMINENT RISK OF OUT-OF-HOME PLACEMENT BY PROVIDING EMERGENCY ASSISTANCE IN THE FORM OF INTAKE, ASSESSMENT, COUNSELING, TREATMENT, AND OTHER FAMILY PRESERVATION SERVICES THAT MEET THE NEEDS OF THE FAMILY WHICH ARE ATTRIBUTABLE TO THE EMERGENCY OR CRISIS SITUATION.

(2) THE STATE DEPARTMENT IS HEREBY DESIGNATED AS THE SINGLE STATE AGENCY TO ADMINISTER THE EMERGENCY ASSISTANCE PROGRAM IN ACCORDANCE WITH TITLE IV-A OF THE FEDERAL "SOCIAL SECURITY ACT" AND THIS ARTICLE. SUCH PROGRAM SHALL BE UNIFORM TO THE EXTENT REQUIRED BY THE FEDERAL ACT.

(3) NOTHING IN THIS ARTICLE SHALL PREVENT THE STATE DEPARTMENT FROM COMPLYING WITH FEDERAL REQUIREMENTS FOR A PROGRAM OF EMERGENCY ASSISTANCE IN ORDER FOR THE STATE OF COLORADO TO QUALIFY FOR FEDERAL FUNDS UNDER TITLE IV-A OF THE FEDERAL "SOCIAL SECURITY ACT" AND TO USE SUCH FEDERAL FUNDS FOR FAMILIES WITH CHILDREN AT IMMINENT RISK OF IMMEDIATE OUT-OF-HOME PLACEMENT AND TO REUNITE CHILDREN WITH THEIR FAMILIES, WITHIN THE LIMITS OF AVAILABLE APPROPRIATIONS.

**26-5.3-105. Eligibility requirements - period of eligibility - services available.**

(1) FAMILIES WITH CHILDREN AT IMMINENT RISK OF OUT-OF-HOME PLACEMENT SHALL BE ELIGIBLE FOR EMERGENCY ASSISTANCE. ASSISTANCE SHALL BE AVAILABLE TO OR ON BEHALF OF A NEEDY CHILD UNDER TWENTY-ONE YEARS OF AGE AND ANY OTHER MEMBER OF THE HOUSEHOLD IN WHICH THE CHILD LIVES IF:

(a) SUCH CHILD IS LIVING WITH ANY OF THE RELATIVES DESCRIBED IN SECTION 26-2-103 (4) (a) IN A PLACE OF RESIDENCE MAINTAINED BY THE RELATIVE AS THE RELATIVE'S OWN HOME;

(b) SUCH CHILD IS WITHOUT RESOURCES IMMEDIATELY ACCESSIBLE TO MEET THE CHILD'S NEEDS; AND

(c) THE EMERGENCY ASSISTANCE IS NECESSARY TO AVOID DESTITUTION OR TO PROVIDE LIVING ARRANGEMENTS FOR THE CHILD IN A HOME.

(2) ASSISTANCE SHALL BE AUTHORIZED FOR A FAMILY NO MORE THAN ONCE DURING A TWELVE-MONTH PERIOD.

(3) EMERGENCY ASSISTANCE PROVIDED PURSUANT TO THIS ARTICLE SHALL BE USED FOR, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

(a) TWENTY-FOUR-HOUR EMERGENCY SHELTER FACILITIES OR CARETAKERS FOR CHILDREN WHO MUST BE REMOVED FROM THEIR HOMES IN EMERGENCY SITUATIONS;

(b) COUNSELING, INCLUDING CRISIS COUNSELING AVAILABLE BY TELEPHONE TWENTY-FOUR HOURS A DAY;

(c) INFORMATION REFERRAL;

(d) INTENSIVE FAMILY PRESERVATION SERVICES;

(e) IN-HOME SUPPORTIVE HOMEMAKER SERVICES;

(f) SERVICES USED TO DEVELOP AND IMPLEMENT A DISCRETE CASE PLAN, AS PROVIDED BY TITLE IV-A OF THE FEDERAL "SOCIAL SECURITY ACT";

(g) DAY TREATMENT SERVICES FOR CHILDREN.

**26-5.3-106. State's savings - cash fund created - use of moneys in fund - plan required.** (1) THERE IS HEREBY CREATED A FAMILY ISSUES CASH FUND. MONEYS SHALL BE DEPOSITED IN THE FUND AS FOLLOWS:

(a) ANY SAVINGS TO THE GENERAL FUND REALIZED AS A RESULT OF FEDERAL FINANCIAL PARTICIPATION AVAILABLE TO THE STATE BASED ON THE IMPLEMENTATION OF THE EMERGENCY ASSISTANCE PROGRAM AUTHORIZED BY SECTION 26-5.3-104;

(b) ANY FEDERAL FUNDS EARNED BY THE EXPENDITURE OF MONEYS DEPOSITED IN THE CASH FUND;

(c) ANY MONEYS CREDITED TO THE FUND IN ACCORDANCE WITH SECTION 26-5.5-105, AS CREATED BY HOUSE BILL 93-1015.

(1.5) ALL MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY AND SHALL BE USED FOR THE PURPOSES SET FORTH IN THE PLAN FOR IMPROVING THE CHILD WELFARE SYSTEM IN THE STATE, DEVELOPED IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION, AND FOR THE IMPLEMENTATION OF THE EMERGENCY ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO SECTION 26-5.3-104. FEDERAL FUNDS RECEIVED BY THE STATE FOR THE EMERGENCY ASSISTANCE PROGRAM SHALL BE USED ONLY FOR SUCH PROGRAM AND NOT FOR ANY OTHER PURPOSE. IN ACCORDANCE WITH SECTION 24-36-114, C.R.S., ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE GENERAL FUND. IT IS THE GENERAL ASSEMBLY'S INTENT THAT NO ADDITIONAL STATE OR COUNTY GENERAL FUND MONEYS SHALL BE USED TO FINANCE THE IMPLEMENTATION OF THE PLAN ESTABLISHED IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(2) THE STATE DEPARTMENT SHALL DEVELOP A STRATEGIC PLAN FOR IMPROVING THE CHILD WELFARE SYSTEM IN THE STATE AND FOR USING THE MONEYS IN THE FAMILY ISSUES CASH FUND CREATED IN SUBSECTION (1) OF THIS SECTION. THE PLAN SHALL SPECIFY THE SOURCE OF GENERAL FUND SAVINGS DEPOSITED IN THE CASH FUND. THE PLAN SHALL PROVIDE THAT THE MONEYS IN THE FUND SHALL, AT A MINIMUM, BE USED FOR THE FOLLOWING PURPOSES:

(a) THE DIRECT AND INDIRECT COSTS OF A LEGISLATIVE OVERSIGHT COMMITTEE FOR CHILDREN, YOUTH, AND FAMILY ISSUES AS CREATED PURSUANT TO SB 93-26;

(b) THE PROVISION OF SERVICES AIMED AT REUNITING FAMILIES AND AVOIDING OUT-OF-HOME PLACEMENTS;

(c) THE PROVISION OF SUPPORT SERVICES AND PROGRAMS FOR CHILDREN AND

FAMILIES AIMED AT PREVENTING OUT-OF-HOME PLACEMENTS;

(d) THE EXAMINATION AND ASSESSMENT OF THE FEASIBILITY AND EFFECTIVENESS OF ALTERNATIVE METHODS FOR THE PROVISION OF SERVICES AND PLACEMENT PROCEDURES FOR HOMELESS ADOLESCENTS OR ADOLESCENTS WHO ARE AT-RISK OF BEING PLACED OUT OF THE HOME;

(e) THE DEVELOPMENT AND IMPLEMENTATION OF COUNTY PILOT PROGRAMS FOR AT-RISK CHILDREN AND THEIR FAMILIES; AND

(f) THE PROVISION OF AN EXPEDITED PROCEDURE FOR PERMANENT PLACEMENT OF CHILDREN FIVE YEARS OF AGE OR YOUNGER WHO HAVE BEEN PLACED OUT OF THE HOME.

(3) ON OR BEFORE DECEMBER 1, 1993, THE STATE DEPARTMENT SHALL SUBMIT THE PLAN TO THE LEGISLATIVE OVERSIGHT COMMITTEE FOR CHILDREN, YOUTH, AND FAMILIES; THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES; AND THE JOINT BUDGET COMMITTEE.

**SECTION 2.** 19-1-116 (2) and (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended, and the said 19-1-116 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**19-1-116. Funding - alternatives to placement out of the home.** (1.5) NO LATER THAN JULY 1, 1994, EACH COUNTY IN THE STATE SHALL ASSURE ACCESS TO ALTERNATIVES TO OUT-OF-HOME PLACEMENTS FOR FAMILIES WITH CHILDREN AT IMMINENT RISK OF OUT-OF-HOME PLACEMENTS. TWO OR MORE COUNTIES MAY JOINTLY PROVIDE OR PURCHASE ALTERNATIVE SERVICES TO FAMILIES IN THE RESPECTIVE COUNTIES. SUCH SERVICES SHALL EITHER BE PROVIDED FOR UNDER THE PLAN ADOPTED BY PLACEMENT ALTERNATIVE COMMISSIONS IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION OR PURCHASED BY THE COUNTY IF SUCH COUNTY DOES NOT HAVE A PLACEMENT ALTERNATIVE COMMISSION FOR THE COUNTY. IF A COUNTY PURCHASES ALTERNATIVE SERVICES, THE COUNTY SHALL ENSURE THAT THE SERVICES PURCHASED MEET THE GOALS OF PLACEMENT ALTERNATIVE COMMISSION PLANS, AS DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

(2) (a) The county commissioners in each county may appoint a placement alternatives commission consisting, where possible, of a physician or a licensed health professional, an attorney, representatives of a local law enforcement agency, representatives recommended by the court and probation department, representatives from the county department of social services, a local mental health clinic, and the public health department, a representative of a local school district specializing in special education, a representative of a local community centered board, representatives of a local residential child care facility and a private not for profit agency providing nonresidential services for children and families, a representative specializing in occupational training or employment programs, a foster parent, and one or more representatives of the lay community. At least fifty percent of the commission members shall represent the private sector. The county commissioners of two or more counties may jointly establish a district placement alternatives commission.

(b) (I) ~~ON OR BEFORE JULY 1, 1994, the commission, if established, shall annually prepare a plan for the provision of or purchase of residential and nonresidential treatment programs or service for children who have been adjudicated a juvenile delinquent, or dependent or neglected, or who are subject to placement out of the home~~ SERVICES. THE PRIMARY GOALS UNDER THE PLAN SHALL BE TO PREVENT IMMINENT PLACEMENT OF CHILDREN OUT OF THE HOME AND TO REUNITE CHILDREN WHO HAVE BEEN PLACED OUT OF THE HOME WITH THEIR FAMILIES. FOR THE PURPOSES OF THIS SUBSECTION (2), "IMMINENT PLACEMENT OUT OF THE HOME" MEANS THAT WITHOUT INTERCESSION THE CHILD WILL BE PLACED OUT OF THE HOME IMMEDIATELY. The plan shall be prepared using all available sources of information in the community, including public hearings. The plan shall specify the nature of the expenditures to be made and shall identify the services which are intended to prevent or minimize placement out of the home and to what extent. The plan shall contain, whenever practicable, a vocational component to provide assistance to older children concerning a transition into the work force upon completion of school. Upon approval of the plan by the county commissioners, the ~~commission~~ COUNTIES shall submit the plan to the department of social services.

(II) ON AND AFTER JULY 1, 1994, THE COMMISSIONS SHALL PREPARE MULTI-YEAR PLANS FOR SERVICES WHICH CONTAIN THE SAME GOALS AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), AND THE PERIOD FOR THE PLANS SHALL BE DETERMINED IN STATE BOARD RULES. THE MULTI-YEAR PLANS MAY BE AMENDED ANNUALLY FOR BUDGETARY OR PROGRAMMATIC CHANGES THAT ARE NECESSARY TO ENHANCE SERVICE DELIVERY OR AS OTHERWISE DEEMED NECESSARY TO ACCOMPLISH THE GOALS OF THE PLAN, WHICH REASONS SHALL BE SET FORTH IN STATE BOARD RULES. COUNTIES SHALL SUBMIT THE MULTI-YEAR PLANS FOR APPROVAL BY THE STATE BOARD.

(c) The commission shall review, on an ongoing basis, the effectiveness of programs within its jurisdiction which are designed to prevent or reduce placement and shall report its findings to the county commissioners annually.

(d) Repealed, L. 90, p. 1015, § 4, effective July 1, 1990.

(e) Upon approval by the state board of social services of the plan submitted pursuant to paragraph (b) of this subsection (2), the department of social services shall reimburse county departments, as described in section 26-1-122, C.R.S., for eighty percent of the expenditures made in conformance with the plan.

(4) (a) The departments of institutions, social services, and education and the judicial department shall jointly develop guidelines for the content and submission of plans as described in paragraph (b) of subsection (2) of this section. Said guidelines shall include but not be limited to the information which is gathered by the commission, the ~~general~~ goals to be addressed by the plan, the form of the budget for expenditures which are to be made under the plan, the services which are to be provided which are intended to prevent or minimize placement out of the home AND TO REUNITE CHILDREN WITH THEIR FAMILIES and to what extent, and the method by which the plan may be amended during the year to meet the changing local conditions; EXCEPT THAT AMENDMENTS TO THE PLAN ON AND AFTER JULY 1, 1994, SHALL BE IN ACCORDANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION. ON AND AFTER JULY 1, 1993, ANY AMENDMENTS

TO THE GUIDELINES SHALL BE DEVELOPED BY THE DEPARTMENT OF SOCIAL SERVICES. Said guidelines shall then be submitted to the state board of social services, which shall promulgate rules for the submission of plans.

(b) IN ADDITION TO THE DUTIES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THE STATE BOARD OF SOCIAL SERVICES IS HEREBY AUTHORIZED TO DEVELOP THROUGH THE ADOPTION OF RULES CATEGORIES OF PROGRAMS AND SERVICES THAT PROMOTE THE PRIMARY GOALS OF THE PLAN ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION. ANY PLAN ESTABLISHED ON AND AFTER JULY 1, 1994, SHALL PROVIDE FOR THE AVAILABILITY AND PROVISION OF SERVICES OR PROGRAMS WITHIN SUCH CATEGORIES. ANY PLAN ESTABLISHED BEFORE JULY 1, 1994, SHALL BE AMENDED ON OR BEFORE THAT DATE TO PROVIDE FOR THE AVAILABILITY AND PROVISION OF SERVICES OR PROGRAMS WITHIN SUCH CATEGORIES. THE DEPARTMENT OF SOCIAL SERVICES SHALL MONITOR THE IMPLEMENTATION OF THE PLANS AS APPROVED BY THE STATE BOARD.

**SECTION 3.** 26-5.5-105, as enacted by House Bill 93-1015, enacted at the First Regular Session of the Fifty-ninth General Assembly, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**26-5.5-105. Financing of family preservation program.** THE IMPLEMENTATION OF THE STATEWIDE FAMILY PRESERVATION PROGRAM SHALL BE SUBJECT TO THE AVAILABILITY OF FEDERAL FINANCIAL PARTICIPATION FOR EMERGENCY ASSISTANCE UNDER TITLE IV-A OF THE FEDERAL "SOCIAL SECURITY ACT" AND TO APPROPRIATION BY THE GENERAL ASSEMBLY. MONEYS IN THE FAMILY PRESERVATION FUND CREATED BY FORMER SECTION 26-5.5-104, AS SAID SECTION EXISTED PRIOR TO JULY 1, 1993, SHALL BE USED TO FINANCE THE STATEWIDE FAMILY PRESERVATION PROGRAM. THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT IS HEREBY AUTHORIZED TO ACCEPT ANY GRANTS, DONATIONS, GIFTS, OR CONTRIBUTIONS FROM ANY OTHER PRIVATE OR PUBLIC ENTITY. ANY MONEYS RECEIVED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE FAMILY ISSUES CASH FUND, AS CREATED BY SENATE BILL 93-254.

**SECTION 4. Effective date.** Section 3 of this act shall take effect July 1, 1993, and the remainder of this act shall take effect upon passage. However, section 3 of this act shall take effect only upon the passage of House Bill 93-1015.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 9, 1993