

CHAPTER 182

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 94-111

BY SENATORS Mendez and Gallagher;
also REPRESENTATIVE George.

AN ACT

CONCERNING AMENDMENTS TO CHILD WELFARE STATUTES.

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

SECTION 1. 19-1-120 (1) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-1-120. Confidentiality of records - dependency and neglect.
(1) (b) Disclosure of the name and address of the child and family and other identifying information involved in such reports shall be permitted only when authorized by a court for good cause. Such disclosure shall not be prohibited when there is a death of a suspected victim of child abuse or neglect and the death becomes a matter of public record, the subject of an arrest by a law enforcement agency, or the subject of the filing of a formal charge by a law enforcement agency.

SECTION 2. 19-3-100.5, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-100.5. Legislative declaration. The general assembly hereby finds and declares that the stability and preservation of the families of this state, and the safety and protection of children, are matters of statewide concern. The general assembly finds that the federal "Adoption Assistance and Child Welfare Act of 1980", Federal Public Law 96-272, requires that each state make a commitment to make "reasonable efforts" to prevent the placement of abused and neglected children out of the home and to reunify the family whenever appropriate. The general assembly further finds that the implementation of the federal "Adoption Assistance and Child Welfare Act of 1980", Federal Public Law 96-272, is not the exclusive responsibility of the state department of social services or of local departments of social services. Elected

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

officials at the state and local levels must ensure that resources and services are available through state and local social services agencies and through the involvement of the resources of public and private sources. Judges, attorneys, and guardians ad litem must be encouraged to take independent responsibility to ensure that "reasonable efforts" have been made in each case. Therefore, in order to carry out the requirements addressed in this section, and to decrease the need for out-of-home placement, the general assembly shall define "reasonable efforts" and identify the services and processes which must be in place to ensure that "reasonable efforts" have been made. THE GENERAL ASSEMBLY SHALL PROVIDE THAT "REASONABLE EFFORTS" ARE DEEMED TO BE MET WHEN A COUNTY OR CITY AND COUNTY PROVIDES SERVICES IN ACCORDANCE WITH SECTION 19-3-208.

SECTION 3. 19-3-101 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Reasonable efforts" means the exercise of diligence and care throughout the state of Colorado for children who are in out-of-home placement, or are at imminent risk of out-of-home placement, to provide, purchase, or develop the supportive and rehabilitative services to the family ~~which~~ THAT are required both to prevent unnecessary placement of children outside of such children's homes and to foster, whenever appropriate, the reunification of children with the families of such children. SERVICES PROVIDED BY A COUNTY OR CITY AND COUNTY IN ACCORDANCE WITH SECTION 19-3-208 ARE DEEMED TO MEET THE REASONABLE EFFORT STANDARD DESCRIBED IN THIS SUBSECTION (1). Nothing in this subsection (1) shall be construed to conflict with federal law.

SECTION 4. 19-3-208 (1), 19-3-208 (2) (c), and the introductory portion to 19-3-208 (2) (d), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

19-3-208. Services - county required to provide - rules and regulations.

(1) Each county or city and county shall provide a set of services, as defined in subsection (2) of this section, to children who are in out-of-home placement or meet the social services out-of-home placement criteria, and to their families in the state of Colorado eligible for such services as determined necessary by an assessment and a case plan. A county or city and county may enter into an agreement with any other county, city and county, or group of counties to share in the provision of these services. Each county, city and county, or group of counties may enter into contracts with private entities for the provision of these services. Each county or city and county shall have a process in place whereby services can readily be accessed by children and families determined to be in need of such services DESCRIBED IN SUBSECTION (2) OF THIS SECTION. FOR THE PURPOSES OF THIS SUBSECTION (1), THE REQUIREMENTS OF PROVIDING SERVICES OR A PROCESS SHALL BE MADE AVAILABLE BASED UPON THE STATE'S CAPACITY TO INCREASE FEDERAL FUNDING OR ANY OTHER MONEYS APPROPRIATED FOR THESE SERVICES.

~~(2) (c) The services enumerated in paragraph (d) of this subsection (2) shall be made available and provided based upon the state's capacity to increase federal~~

~~funding, or to obtain or allocate funding from other public or private sources. The department of social services shall evaluate the feasibility of securing such federal funding and shall submit a plan to the general assembly on or before December 1, 1993.~~

(d) ~~Based upon the feasibility of increased federal funding,~~ The following services shall be made available and provided BASED UPON THE STATE'S CAPACITY TO INCREASE FEDERAL FUNDING OR ANY OTHER MONEYS APPROPRIATED FOR THESE SERVICES AND as determined necessary and appropriate by individual case plans:

SECTION 5. 19-3-303 (1) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

19-3-303. Definitions. As used in this part 3, unless the context otherwise requires:

(1) (a) "Abuse" or "child abuse or neglect" means an act or omission in one of the following categories which threatens the health or welfare of a child:

(IV) ANY ACT OR OMISSION DESCRIBED IN SECTION 19-3-102 (1) (a), (1) (b), OR (1) (c).

SECTION 6. 26-5.5-102 (1) (f), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-5.5-102. Legislative declaration. (1) The general assembly finds and declares that:

(f) A statewide family preservation program may be financed to provide intensive services for families where a child is at risk of an out-of-home placement based on criteria established by the state board of social services and to provide phased-in services aimed at reunifying families where a child has been placed out of the home, where appropriate, by ~~reallocating available resources and tapping into other available federal funds~~ ~~When the maximum number of families appropriate for intensive or reunification services have been served, phased-in services for other troubled families may be financed with savings realized from providing intensive family preservation services to at-risk families as the alternative to out-of-home placements;~~ ~~and~~ OR THROUGH MONEYS REALIZED FROM COST AVOIDANCE IN PREVENTION OF PLACEMENT.

SECTION 7. The introductory portion to 26-5.5-104 (4) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-5.5-104. Statewide family preservation program - creation - single state agency designated - program criteria established - available services - powers and duties of agencies - local oversight - feasibility report. (4) (a) ~~SHORT-TERM intensive services shall be available for at-risk families to the extent possible in the family home;~~ IN THE FAMILY HOME for a period not to exceed six weeks, ~~except that an extended period, not to exceed ninety days, may be provided~~ as deemed necessary by the family development specialist. Such services shall include, at a minimum, the following:

SECTION 8. 26-5.5-105, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended 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.~~ OTHER AVAILABLE FEDERAL FUNDS, APPROPRIATIONS FROM THE GENERAL ASSEMBLY, AND MONEYS REALIZED FROM AVOIDING COSTS RELATED TO OUT-OF-HOME PLACEMENTS. IN ADDITION, 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, created in section 26-5.3-106.~~

SECTION 9. 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: May 4, 1994