

CHAPTER 105

**HUMAN SERVICES - SOCIAL SERVICES**

SENATE BILL 99-021

BY SENATORS Linkhart, Rupert, Hernandez, Pascoe, and Weddig;  
also REPRESENTATIVES Hagedorn, Chavez, George, Leyba, and S. Williams.

**AN ACT**

CONCERNING THE REQUIREMENT THAT EACH COUNTY ADOPT OFFICIAL WRITTEN POLICIES FOR ITS COLORADO WORKS PROGRAM.

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

**SECTION 1.** 26-2-716, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**26-2-716. County duties - county policies - appropriations - penalties - incentives.** (2.5) THE BOARD OF COUNTY COMMISSIONERS IN EACH COUNTY SHALL ADOPT OFFICIAL WRITTEN POLICIES FOR IMPLEMENTING ASPECTS OF THE COLORADO WORKS PROGRAM THAT COUNTIES HAVE THE STATUTORY AUTHORITY AND FLEXIBILITY TO DETERMINE UNDER THIS PART 7. SUCH POLICIES SHALL INCLUDE, WITHOUT LIMITATION, A DESCRIPTION OF THE KINDS OF ASSISTANCE AVAILABLE UNDER THE COLORADO WORKS PROGRAM WITHIN THE COUNTY, ANY ELIGIBILITY CRITERIA FOR ASSISTANCE THAT MAY BE UNIQUE TO THE COUNTY, AND THE PROCESS BY WHICH SUCH ELIGIBILITY AND ASSISTANCE IS DETERMINED ON AN INDIVIDUAL BASIS. SUCH POLICIES SHALL NOT BE CONSTRUED TO CREATE AN ENTITLEMENT TO ANY SERVICE OR BENEFIT UNDER THE COLORADO WORKS PROGRAM IN ANY COUNTY FOR ANY APPLICANT OR PARTICIPANT, AND SHALL NOT LIMIT THE FLEXIBILITY OF A COUNTY TO RESPOND TO THE INDIVIDUAL CIRCUMSTANCES OF A PARTICIPANT. THE BOARD OF COUNTY COMMISSIONERS IN EACH COUNTY SHALL MAKE SUCH POLICIES AVAILABLE TO APPLICANTS AND PARTICIPANTS.

**SECTION 2.** 26-2-127 (1) (a) (I), Colorado Revised Statutes, is amended to read:

**26-2-127. Appeals.** (1) (a) (I) Except as provided in part 7 of this article, if an application for assistance payments is not acted upon by the county department within

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

a reasonable time after filing of the same, or if an application is denied in whole or in part, or if a grant of assistance payments is suspended, terminated, or modified, the applicant or recipient, as the case may be, may appeal to the state department in the manner and form prescribed by the rules of the state department. Every county department or service delivery agency shall adopt procedures for the resolution of disputes arising between the county department or the service delivery agency and any applicant for or recipient of public assistance prior to appeal to the state department. Such procedures are referred to in this section as the "dispute resolution process". Two or more counties may jointly establish the dispute resolution process. The dispute resolution process shall be consistent with rules promulgated by the state board pursuant to article 4 of title 24, C.R.S. The dispute resolution process shall include an opportunity for all clients to have a county conference, upon the client's request, and such requirement may be met through a telephonic conference upon the agreement of the client and the county department. The dispute resolution process need not conform to the requirements of section 24-4-105, C.R.S., as long as the rules adopted by the state board include provisions specifically setting forth expeditious time frames, notice, and an opportunity to be heard and to present information. If the dispute is not resolved, the applicant or recipient may appeal to the state department in the manner and form prescribed by the rules of the state department. Whether at the county level, state level, or both, disputes related to the delivery of assistance under the ~~successor program to aid to families with dependent children~~ COLORADO WORKS PROGRAM ESTABLISHED PURSUANT TO PART 7 OF THIS ARTICLE shall be decided in accordance with the rules promulgated by the state board pursuant to this subparagraph (I) and with the county's official written policies ~~governing~~ ADOPTED PURSUANT TO SECTION 26-2-716 (2.5), WHICH POLICIES GOVERN delivery of assistance under such program. The state board shall adopt rules setting forth what other issues, if any, may be appealed by an applicant or recipient to the state department. County notices to applicants or recipients shall inform them of the basis for the county's decision or action and shall inform them of their rights to a county conference under the dispute resolution process and of their rights to state level appeal and the process of making such appeal. A hearing need not be granted when either state or federal law requires or results in an automatic grant adjustment for classes of recipients, unless the reason for an individual appeal is incorrect grant computation.

**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, and safety.

Approved: April 15, 1999