

CHAPTER 164

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 02-1138

BY REPRESENTATIVE(S) Saliman, Borodkin, Coleman, Groff, Jahn, Mace, Madden, Plant, Ragsdale, and Williams S.;
also SENATOR(S) Linkhart, Hagedorn, Hanna, Hernandez, Nichol, Phillips, Tate, Tupa, and Windels.

AN ACT**CONCERNING THE PROVISION OF CHILD WELFARE SERVICES.**

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

SECTION 1. 26-5-105.5, Colorado Revised Statutes, is amended to read:

26-5-105.5. State department integrated care management program - county performance agreements - authorized - performance incentive cash fund created - repeal. (1) (a) THERE IS HEREBY CREATED THE STATE DEPARTMENT INTEGRATED CARE MANAGEMENT PROGRAM. IN ADMINISTERING THE STATE DEPARTMENT INTEGRATED CARE MANAGEMENT PROGRAM, the state department ~~may enter into performance agreements with not more than three~~ SHALL DEVELOP, BY RULE, PRINCIPLES OF INTEGRATED CARE MANAGEMENT AND A PROCESS TO ALLOW COUNTIES OR GROUPS OF COUNTIES SPECIFIED IN SECTION 26-5-104 (4) (b) (I) TO PARTICIPATE IN THE PROGRAM. INDIVIDUAL COUNTIES OR GROUPS OF COUNTIES SPECIFIED IN SECTION 26-5-104 (4) (b) (I) MAY PARTICIPATE IN THE INTEGRATED CARE MANAGEMENT PROGRAM for the delivery of child welfare services. ~~An interested county shall apply to the state department not later than August 1, 1997, and the implementation of such pilot programs shall commence not later than September 1, 1997.~~

(b) ~~In addition to the pilot programs authorized pursuant to the provisions of paragraph (a) of this subsection (1), any interested county or group of interested counties may apply to the state department to be considered as additional pilot sites. On or before August 1, 1998, the state department shall select up to three such additional pilot sites in which the counties in such sites shall enter into performance agreements for the delivery of child welfare services. The implementation of the performance agreements with these additional counties shall commence on or before January 1, 1999. The state department shall give preference to any county that~~

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

~~applied to be considered for the pilot program pursuant to the provisions of paragraph (a) of this subsection (1) and reapplies pursuant to the provisions of this paragraph (b). The state department shall encourage the establishment of one multicounty rural pilot site.~~

~~(c) No later than June 30, 1999, the state department shall start to negotiate with any county that is interested in delivering child welfare services pursuant to a performance agreement as provided in this section. Implementation of a performance agreement system in such county shall be commenced on or after July 1, 2000.~~

(2) THE STATE DEPARTMENT IS HEREBY AUTHORIZED TO ENTER INTO PERFORMANCE AGREEMENTS WITH INDIVIDUAL COUNTIES OR GROUPS OF COUNTIES SPECIFIED IN SECTION 26-5-104(4)(b)(I). A county that enters into a performance agreement with the state department shall be exempt from the rules of the state department and state board governing the delivery of child welfare services, as such exemptions are identified in the performance agreement.

(3) Any county that has entered into a performance agreement with the state department and underspends the general fund portion of its capped or targeted allocation may use those funds, not to exceed five percent of the general fund portion of its total capped or targeted allocation for child welfare services, to either reduce its county share by the amount of the underexpenditure or spend such moneys on additional services for children in the county. Any balance of the general fund portion of its capped or targeted allocation shall be used for additional services for children in the county.

(3.2)(a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE PERFORMANCE INCENTIVE CASH FUND. THE MONEYS IN THE PERFORMANCE INCENTIVE CASH FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT FOR STATE FISCAL YEAR 2003-04 AND EACH FISCAL YEAR THEREAFTER. THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT SHALL ALLOCATE SAID MONEYS TO PROVIDE INCENTIVES TO ANY COUNTY OR GROUP OF COUNTIES PARTICIPATING IN THE INTEGRATED CARE MANAGEMENT PROGRAM THAT HAS MET OR EXCEEDED THE PERFORMANCE MEASURES SPECIFIED BY THE STATE DEPARTMENT. THE INCENTIVE MONEYS ALLOCATED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT TO ANY COUNTY OR GROUP OF COUNTIES SHALL BE USED FOR FAMILY STABILIZATION SERVICES AS DESCRIBED IN SECTION 19-1-125(3), C.R.S., AND AS FURTHER DEFINED BY RULE OF THE STATE BOARD. THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT 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 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE PERFORMANCE INCENTIVE CASH FUND IN ADDITION TO MONEYS CREDITED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3.2), AND ANY MONEYS THAT MAY BE APPROPRIATED TO THE CASH FUND DIRECTLY BY THE GENERAL ASSEMBLY. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

(b) ON AND AFTER JULY 1, 2002, THE MONEYS SPECIFIED IN SECTION 19-1-125(2)

(b), C.R.S., SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE PERFORMANCE INCENTIVE CASH FUND, CREATED IN PARAGRAPH (a) OF THIS SUBSECTION (3.2).

(3.5) **Evaluation.** (a) The state department is authorized to contract for an external evaluation of the performance agreements authorized pursuant to ~~paragraphs (a) and (b)~~ of subsection (1) of this section. Any such external evaluation shall include any evaluation that may be required in connection with any waiver authorized pursuant to section 26-5-105.3. Criteria for and components of the evaluation shall be developed by the state department with input from the ~~pilot~~ counties authorized pursuant to this section.

(b) (Deleted by amendment, L. 2001, p. 1172, § 9, effective August 8, 2001.)

(c) THIS SUBSECTION (3.5) IS REPEALED ON THE DATE THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT NOTIFIES THE REVISOR OF STATUTES THAT THE STATE IS NO LONGER PARTICIPATING IN THE WAIVER AUTHORIZED PURSUANT TO TITLE IV-E OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED.

(3.7) THE STATE BOARD SHALL PROMULGATE RULES NECESSARY TO IMPLEMENT THE INTEGRATED CARE MANAGEMENT PROGRAM ESTABLISHED PURSUANT TO THIS SECTION.

(4) ~~This section is repealed effective July 1, 2002.~~

SECTION 2. 19-1-125 (1) and (2), Colorado Revised Statutes, are amended to read:

19-1-125. Family stabilization services. (1) It is the intent of the general assembly to assist in the provision of appropriate and necessary short-term services to help stabilize families that are at risk of having their children placed in out-of-home placement when those families voluntarily request such services. IT IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT COUNTY DEPARTMENTS PROVIDE FOR FAMILY STABILIZATION SERVICES THROUGH CONTRACTS WITH PRIVATE OR NONPROFIT ORGANIZATIONS OR ENTITIES WHENEVER POSSIBLE.

(2) (a) The moneys identified in section 13-32-101 (1) (a), C.R.S., shall be transmitted to the state treasurer, who shall credit the same to the family stabilization services fund, which fund is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly to the department of human services for allocation to THE county departments SPECIFIED IN SECTION 26-5-104 (4) (b) (II), C.R.S., for the purposes described in subsection (3) of this section AND FOR ALLOCATION TO ANY COUNTY OR GROUP OF COUNTIES SPECIFIED IN SECTION 26-5-104 (4) (b) (I), C.R.S., FOR THE PURPOSES DESCRIBED IN SECTION 26-5-105.5 (3.2), C.R.S. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

(b) ON AND AFTER JULY 1, 2002, SEVENTY-FIVE PERCENT OF THE MONEYS CREDITED BY THE STATE TREASURER TO THE FAMILY STABILIZATION SERVICES FUND

PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE PERFORMANCE INCENTIVE CASH FUND CREATED IN SECTION 26-5-105.5 (3.2), C.R.S.

SECTION 3. 13-32-101 (1) (a), Colorado Revised Statutes, is amended to read:

13-32-101. Docket fees in civil actions - support registry fund created. (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (2) of this section and in sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(a) By the petitioner in a proceeding for dissolution of marriage, legal separation, or declaration of invalidity of marriage and by the petitioner in an action for a declaratory judgment concerning the status of marriage, PRIOR TO JULY 1, 2003, a fee of ninety dollars, AND, ON OR AFTER JULY 1, 2003, A FEE OF ONE HUNDRED THIRTY DOLLARS; fifteen dollars of such fee shall be transmitted to the state treasurer for deposit in the Colorado children's trust fund, created in section 19-3.5-106, C.R.S., and, on and after July 1, 2002, the remainder shall be transmitted to the state treasurer for deposit in the family stabilization services fund, created in section 19-1-125, C.R.S.;

SECTION 4. 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 24, 2002