

CHAPTER 247

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 04-1107

BY REPRESENTATIVE(S) Berry, Borodkin, Boyd, Carroll, Crane, Hefley, Madden, McGihon, Merrifield, Mitchell, Paccione, Salazar, Tochtrop, Vigil, Welker, Williams S., Marshall, and Romanoff;
also SENATOR(S) Reeves, Groff, Grossman, and Kester.

AN ACT

CONCERNING THE TRANSFER OF THE OFFICE OF HOMELESS YOUTH SERVICES FROM THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO THE DEPARTMENT OF HUMAN SERVICES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

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

ARTICLE 5.9
Homeless Youth Services Act

26-5.9-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO HOMELESS YOUTH SERVICES ACT".

26-5.9-102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT PROVIDING SERVICES TO THE HOMELESS YOUTH OF COLORADO IS EXTREMELY CHALLENGING DUE TO THE NEED FOR SERVICES IN A GREAT NUMBER OF DIVERSE, YET OVERLAPPING, AREAS SUCH AS EDUCATION, HOUSING, EMPLOYMENT, COMMUNITY SUPPORT, FAMILY SUPPORT AND REUNIFICATION, HEALTH CARE, AND COUNSELING.

(2) THE GENERAL ASSEMBLY FINDS THAT, BECAUSE THE ISSUES THAT FACE HOMELESS YOUTH ARE SO DIVERSE, THERE IS A GREAT NEED FOR COOPERATION AMONG PRIVATE NONPROFIT OR NOT-FOR-PROFIT ENTITIES AND PUBLIC ENTITIES SERVING THESE YOUTH TO BREAK DOWN BARRIERS AND PROVIDE MORE SEAMLESS, COLLABORATIVE, AND EFFECTIVE SERVICES TO HOMELESS YOUTH. THE GENERAL ASSEMBLY FURTHER FINDS THAT, WITHIN THE PUBLIC SECTOR, THERE IS AN ADDITIONAL NEED FOR ENHANCED COOPERATION AMONG THE DEPARTMENTS OF

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

CORRECTIONS, EDUCATION, HEALTH CARE POLICY AND FINANCING, HUMAN SERVICES, PUBLIC SAFETY, AND PUBLIC HEALTH AND ENVIRONMENT, AND THE JUDICIAL DEPARTMENT TO MORE FULLY SERVE HOMELESS YOUTH. THE GENERAL ASSEMBLY FINDS THAT WHILE THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT HAS BEEN RESPONSIBLE FOR THIS EFFORT, IT IS MORE APPROPRIATE FOR THE DEPARTMENT OF HUMAN SERVICES, WHICH DEPARTMENT IS RESPONSIBLE FOR A VARIETY OF PROGRAMS RELATED TO FAMILY, CHILDREN, AND YOUTH, AS WELL AS HOMELESS AND HOUSING PROGRAMS, TO ALSO BE THE DEPARTMENT RESPONSIBLE FOR COORDINATING THE PRIVATE NONPROFIT OR NOT-FOR-PROFIT ENTITIES AND PUBLIC ENTITIES PROVIDING SERVICES TO HOMELESS YOUTH.

(3) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS IN THE BEST INTERESTS OF THE YOUTH OF COLORADO TO ESTABLISH THE OFFICE OF HOMELESS YOUTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES TO ACT AS A RESOURCE FOR AND A COORDINATOR OF THE EFFORTS OF PUBLIC AND PRIVATE ENTITIES SERVING THE HOMELESS YOUTH OF THE STATE OF COLORADO.

26-5.9-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ENTITY" MEANS ANY STATE AGENCY, ANY STATE-OPERATED PROGRAM, OR ANY PRIVATE NONPROFIT OR NOT-FOR-PROFIT COMMUNITY-BASED ORGANIZATION.

(2) "HOMELESS YOUTH" MEANS A YOUTH WHO IS AT LEAST FIFTEEN YEARS OF AGE BUT IS YOUNGER THAN TWENTY-ONE YEARS OF AGE AND WHO IS NOT IMPRISONED OR OTHERWISE DETAINED PURSUANT TO A FEDERAL OR STATE LAW AND WHO:

(a) LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE; OR

(b) HAS A PRIMARY NIGHTTIME RESIDENCE THAT IS:

(I) A SUPERVISED, PUBLICLY OR PRIVATELY OPERATED SHELTER DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR

(II) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR, NOR ORDINARILY USED AS, A REGULAR SLEEPING ACCOMMODATION FOR HUMAN BEINGS.

26-5.9-104. Office of homeless youth services. (1) THERE IS HEREBY CREATED THE OFFICE OF HOMELESS YOUTH SERVICES IN THE STATE DEPARTMENT FOR THE PURPOSE OF PROVIDING INFORMATION, COORDINATION, AND SUPPORT SERVICES TO PUBLIC AND PRIVATE ENTITIES SERVING THE HOMELESS YOUTH OF COLORADO. THE OFFICE OF HOMELESS YOUTH SERVICES SHALL SEEK TO:

(a) IDENTIFY AND REMOVE OBSTACLES TO THE PROVISION OF SERVICES;

(b) IMPROVE THE QUALITY OF SERVICES PROVIDED TO HOMELESS YOUTH;

(c) REDUCE NEEDLESS EXPENDITURES CAUSED BY THE PROVISION OF OVERLAPPING SERVICES; AND

(d) IDENTIFY FUNDING RESOURCES AVAILABLE TO ENTITIES SERVING HOMELESS

YOUTH.

26-5.9-105. Administration. (1) IN PROVIDING THE SERVICES DESCRIBED IN SECTION 26-5.9-104, THE OFFICE OF HOMELESS YOUTH SERVICES IS STRONGLY ENCOURAGED TO WORK WITH THE EXECUTIVE DIRECTORS, OR THEIR DESIGNEES, OF THE DEPARTMENTS SPECIFIED IN SECTION 25-20.5-108 (6), C.R.S., AS WELL AS THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE JUDICIAL DEPARTMENT, PRIVATE NONPROFIT AND NOT-FOR-PROFIT ORGANIZATIONS, APPROPRIATE FEDERAL DEPARTMENTS, AND OTHER KEY STAKEHOLDERS IN THE COMMUNITY.

(2) AT A MINIMUM, THE OFFICE OF HOMELESS YOUTH SERVICES SHALL HAVE THE FOLLOWING DUTIES:

(a) TO PROVIDE INFORMATION, COORDINATION, AND TECHNICAL ASSISTANCE AS MAY BE NECESSARY TO REDUCE NEEDLESS EXPENDITURES ASSOCIATED WITH THE PROVISION OF OVERLAPPING SERVICES, AND TO IMPROVE THE QUALITY OF SERVICES PROVIDED TO HOMELESS YOUTH;

(b) TO IDENTIFY BOTH PROCEDURAL AND SUBSTANTIVE OBSTACLES TO THE PROVISION OF SERVICES, AND TO MAKE RECOMMENDATIONS TO THE ENTITIES SPECIFIED IN THIS SECTION CONCERNING PROCEDURAL, REGULATORY, OR STATUTORY CHANGES NECESSARY TO REMOVE SUCH OBSTACLES;

(c) TO OBTAIN INFORMATION FROM SERVICE PROVIDERS CONCERNING KNOWN SERVICES AVAILABLE FOR THE HOMELESS YOUTH POPULATION IN THE STATE OF COLORADO, AND TO POST SUCH INFORMATION ON A WEBSITE ON THE INTERNET;

(d) TO DEVELOP, MAINTAIN, AND MAKE AVAILABLE A LISTING OF ALL RIGHTS AND ORGANIZATIONS THAT MAY BE RELEVANT TO THE HOMELESS YOUTH POPULATION IN THE STATE OF COLORADO, INCLUDING BUT NOT LIMITED TO A LISTING OF LEGAL, EDUCATIONAL, AND VICTIMS' RIGHTS AND ORGANIZATIONS RELATED THERETO;

(e) TO OBTAIN INFORMATION CONCERNING KNOWN FUNDING SOURCES AVAILABLE FOR THE HOMELESS YOUTH POPULATION IN THE STATE OF COLORADO;

(f) TO WORK WITH ENTITIES TO IDENTIFY ISSUES CONCERNING SHARING OF INFORMATION IN PROVIDING SERVICES TO HOMELESS YOUTH AND TO FACILITATE RESOLUTION OF SUCH INFORMATION-SHARING ISSUES; AND

(g) ON OR BEFORE JANUARY 15, 2005, AND ON OR BEFORE JANUARY 15, 2006, TO PREPARE A WRITTEN REPORT, WHICH SHALL BE MADE AVAILABLE ELECTRONICALLY TO THE GOVERNOR AND TO THE GENERAL ASSEMBLY CONCERNING THE PERFORMANCE OF THE OFFICE OF HOMELESS YOUTH SERVICES AND WHETHER THE OFFICE IS EFFECTIVELY AND EFFICIENTLY MEETING THE GOALS SPECIFIED IN THIS SECTION.

SECTION 2. 24-1-120 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-1-120. Department of human services - creation. (5) The department of human services shall include the following:

(i) THE OFFICE OF HOMELESS YOUTH SERVICES, CREATED BY ARTICLE 5.9 OF TITLE 26, C.R.S. SAID OFFICE AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES.

SECTION 3. Repeal. 24-1-119 (6.5), Colorado Revised Statutes, is repealed as follows:

~~**24-1-119. Department of public health and environment - creation.** (6.5) The division of prevention and intervention services for children and youth shall include the office of homeless youth services, created by section 25-20.5-111, C.R.S. Said office and its powers, duties, and functions are transferred by a **type 2** transfer to the department of public health and environment and allocated to the division of prevention and intervention services for children and youth as a section thereof.~~

SECTION 4. Repeal. 25-20.5-111, Colorado Revised Statutes, is repealed.

SECTION 5. Appropriation - adjustments to the 2004 long bill. For implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2004, shall be adjusted as follows: The appropriation to the department of human services for the mental health and alcohol and drug abuse services, supportive housing and homeless program, is increased by 1.0 FTE.

SECTION 6. 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 21, 2004