

CHAPTER 219

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 08-1391

BY REPRESENTATIVE(S) Romanoff and Buescher, McGihon, Stafford, Benefield, Carroll T., Fischer, Frangas, Kefalas, Kerr J., Marostica, Massey, Primavera, Rice, Riesberg, Roberts, Scanlan, Stephens, White, Borodkin, Casso, Ferrandino, Garza-Hicks, Green, Hodge, Jahn, King, Labuda, Looper, Madden, May M., McFadyen, Merrifield, Middleton, Peniston, Solano, Summers, Swalm, Todd, and Vaad;
 also SENATOR(S) Keller and Morse, Boyd, Bacon, Gibbs, Gordon, Groff, Kester, Penry, Sandoval, Schwartz, Shaffer, Spence, Tapia, Tochtrop, Tupa, Veiga, Ward, Williams, and Windels.

AN ACT

CONCERNING THE CREATION OF A PILOT PROGRAM TO PROVIDE MENTAL HEALTH SERVICES FOR CHILDREN WHO HAVE BEEN INVOLVED IN A SUBSTANTIATED CASE OF CHILD ABUSE OR NEGLECT, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 19-3-208 (2) (a) (I), Colorado Revised Statutes, is amended to read:

19-3-208. Services - county required to provide - rules. (2) (a) "Services" shall be designed to accomplish the following goals:

(I) Promote the immediate health, ~~and~~ safety, AND WELL-BEING of children eligible for these services based upon the case assessment and individual case plan;

SECTION 2. Part 2 of article 3 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19-3-208.5. Pilot program - legislative declaration - child welfare - mental health services - rules - repeal. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) CHILD ABUSE AND NEGLECT IS A SERIOUS AND REPREHENSIBLE PROBLEM IN OUR SOCIETY AND STATE;

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

(b) A CHILD WHO HAS BEEN ABUSED OR NEGLECTED IS AT A SIGNIFICANTLY INCREASED RISK OF SUFFERING FROM MENTAL HEALTH OR BEHAVIORAL ISSUES;

(c) IF A CHILD WHO HAS BEEN ABUSED OR NEGLECTED DOES NOT RECEIVE TREATMENT FOR MENTAL HEALTH OR BEHAVIORAL ISSUES, THOSE ISSUES MAY SIGNIFICANTLY LIMIT THAT CHILD'S QUALITY OF LIFE AND FUTURE PRODUCTIVITY;

(d) A CHILD WHO HAS BEEN ABUSED OR NEGLECTED AND WHO IS NOT PROVIDED WITH TREATMENT FOR MENTAL HEALTH OR BEHAVIORAL ISSUES HAS A SIGNIFICANTLY INCREASED RISK OF INVOLVEMENT IN SUBSTANCE ABUSE, CRIME, AND TEEN PREGNANCY AND IS MORE LIKELY TO HAVE LOWER PERFORMANCE RESULTS ON STANDARDIZED TESTS, TO REPEAT A GRADE, OR TO EXPERIENCE DEPRESSION OR SUICIDAL BEHAVIOR;

(e) THE SOCIAL AND MEDICAL ISSUES THAT MAY ARISE IN THE FUTURE FOR A CHILD WHO HAS BEEN ABUSED OR NEGLECTED AND WHO HAS NOT RECEIVED TREATMENT FOR MENTAL HEALTH OR BEHAVIORAL ISSUES WILL BE MORE LIKELY TO RESULT IN A SUBSTANTIAL INCREASE IN COSTS TO THE STATE FOR JUVENILE AND CORRECTIONAL FACILITIES, ALCOHOL AND DRUG ABUSE PROGRAMS, AND LOSS OF PRODUCTIVITY;

(f) PROVIDING MENTAL HEALTH SCREENINGS, EVALUATIONS, AND MENTAL HEALTH SERVICES IS NECESSARY TO CREATING THE BEST OPPORTUNITY FOR A CHILD WHO IS THE VICTIM OF CHILD ABUSE OR NEGLECT TO HAVE A BRIGHT FUTURE AND LEAD A PRODUCTIVE LIFE;

(g) INCLUDING MENTAL HEALTH SCREENINGS, EVALUATIONS, AND MENTAL HEALTH SERVICES FOR SIBLINGS OF CHILDREN WHO ARE THE SUBJECT OF A SUBSTANTIATED CASE OF ABUSE OR NEGLECT MAY INCREASE THE LIKELIHOOD OF MORE EFFECTIVE AND POSITIVE OUTCOMES FOR EVERYONE INVOLVED; AND

(h) ESTABLISHING A PILOT PROGRAM CONCERNING CHILD WELFARE AND MENTAL HEALTH SERVICES WILL PROVIDE THE OPPORTUNITY TO EVALUATE THE EFFECTIVENESS OF PROVIDING MENTAL HEALTH SCREENINGS AND EVALUATIONS AND MENTAL HEALTH SERVICES FOR CHILDREN FROM FOUR THROUGH TEN YEARS OF AGE WHO ARE THE SUBJECT OF A SUBSTANTIATED CASE OF ABUSE OR NEGLECT AND FOR SIBLINGS TO WHOM THEY ARE RELATED.

(2) THERE IS HEREBY CREATED THE CHILD WELFARE AND MENTAL HEALTH SERVICES PILOT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PILOT PROGRAM", IN THE STATE DEPARTMENT OF HUMAN SERVICES. THE PURPOSE OF THE PILOT PROGRAM IS TO PROVIDE MENTAL HEALTH SCREENINGS AND EVALUATIONS AND MENTAL HEALTH SERVICES FOR ANY CHILD WHO IS FROM FOUR THROUGH TEN YEARS OF AGE AND WHO IS THE SUBJECT OF A CASE OF ABUSE OR NEGLECT THAT HAS BEEN SUBSTANTIATED BY A COUNTY DEPARTMENT OF SOCIAL SERVICES AND TO EVALUATE THE EFFECTIVENESS OF PROVIDING SUCH SERVICES. THE PILOT PROGRAM SHALL PROVIDE MENTAL HEALTH SCREENINGS AND EVALUATIONS AND MENTAL HEALTH SERVICES REGARDLESS OF WHETHER THE CHILD REMAINS AT HOME WITH HIS OR HER PARENTS, IS PLACED IN FOSTER OR KINSHIP CARE, OR IS UNDER COURT SUPERVISION. THE PILOT PROGRAM SHALL ALSO PROVIDE MENTAL HEALTH SCREENINGS AND EVALUATIONS AND MENTAL HEALTH SERVICES TO SIBLINGS OF THE ABUSED OR

NEGLECTED CHILD.

(3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2), ANY CHILD WHO IS RECEIVING SERVICES THROUGH THE PILOT PROGRAM SHALL CONTINUE TO BE ELIGIBLE TO RECEIVE SERVICES THROUGH THE PILOT PROGRAM AFTER HIS OR HER TENTH BIRTHDAY.

(4) ON OR BEFORE JULY 1, 2008, THE STATE DEPARTMENT OF HUMAN SERVICES SHALL ISSUE A REQUEST FOR PROPOSALS FOR THE SELECTION OF A CONTRACTOR FOR THE DEVELOPMENT OF THE PILOT PROGRAM PURSUANT TO THIS SECTION. THE STATE DEPARTMENT OF HUMAN SERVICES SHALL ESTABLISH CRITERIA FOR THE SELECTION OF THE PILOT PROGRAM CONTRACTOR, INCLUDING THE EXPERTISE OF THE CONTRACTOR RELATED TO THE REQUIREMENTS OF THE PILOT PROGRAM, THE CAPABILITIES AND RESOURCES OF THE CONTRACTOR NECESSARY TO PERFORM THE WORK, AND THE QUALITY OF THE APPLICATION. ON OR BEFORE APRIL 1, 2009, THE STATE DEPARTMENT OF HUMAN SERVICES SHALL PROMULGATE RULES NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION. THE RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, CRITERIA BASED UPON SCIENTIFICALLY RIGOROUS METHODS FOR EVALUATING THE EFFECTIVENESS OF THE PILOT PROGRAM.

(5) BEGINNING ON OR BEFORE JULY 1, 2009, AND ENDING JUNE 30, 2012, THE PILOT PROGRAM SHALL BE IMPLEMENTED IN A MINIMUM OF THREE COLORADO COUNTIES OR REGIONS SELECTED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES BASED UPON APPLICATIONS SUBMITTED BY A DEPARTMENT OF HUMAN OR SOCIAL SERVICES FOR ONE OR MORE COUNTIES, IN CONJUNCTION WITH LOCAL COMMUNITY MENTAL HEALTH CENTERS, AND CRITERIA ESTABLISHED BY THE STATE DEPARTMENT, INCLUDING A COMMITMENT OF RESOURCES BY OR THROUGH THE COUNTY, THE QUALITY OF THE COUNTY'S APPLICATION, AND THE HISTORICAL PRACTICES AND COLLABORATIVE INITIATIVES OF THE COUNTY.

(6) THE PILOT PROGRAM SHALL PROVIDE THE FOLLOWING SERVICES AND PROGRAMS:

(a) AGE APPROPRIATE MENTAL HEALTH SCREENINGS FOR CHILDREN AND THEIR SIBLINGS WHO MEET THE CRITERIA DESCRIBED IN SUBSECTION (2) OF THIS SECTION;

(b) A MENTAL HEALTH EVALUATION IF THE MENTAL HEALTH SCREENING DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (6) DETERMINES THE CHILD OR HIS OR HER SIBLING NEEDS SUCH AN EVALUATION;

(c) MENTAL HEALTH SERVICES, INCLUDING EVIDENCE-BASED PRACTICES OR AVAILABLE PRACTICES, IN COMMUNITY MENTAL HEALTH CENTER SETTINGS FOR CHILDREN AND THEIR SIBLINGS BASED UPON THE RESULTS OF THE MENTAL HEALTH EVALUATION PERFORMED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6) AND INCLUDED IN THE CASE MANAGEMENT PLAN;

(d) REFERRALS TO OTHER AGENCIES AND PROGRAMS AS APPROPRIATE FOR CHILDREN AND THEIR SIBLINGS BASED UPON THE RESULTS OF THE MENTAL HEALTH EVALUATION PERFORMED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6);

(e) INTEGRATED CHILD WELFARE AND MENTAL HEALTH PROGRAMS FOR CHILDREN AND THEIR SIBLINGS ELIGIBLE FOR SERVICES THROUGH THE PILOT PROGRAM; AND

(f) TRAINING PROGRAMS TO PROVIDE TRAINING AND CONSULTATION ON EVIDENCE-BASED AND AVAILABLE PRACTICES AND THE PROVISION OF INTEGRATED CHILD WELFARE AND COMMUNITY MENTAL HEALTH CENTER PROGRAMS.

(7) IF A CHILD IS ELIGIBLE TO RECEIVE PILOT PROGRAM SERVICES PURSUANT TO SUBSECTION (3) OF THIS SECTION AND HE OR SHE IS ALSO ELIGIBLE TO RECEIVE PUBLIC ASSISTANCE FUNDING FOR THOSE SERVICES THROUGH THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLE 4 OF TITLE 25.5, C.R.S., OR THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 8 OF TITLE 25.5, C.R.S., THE PILOT PROGRAM SERVICES SHALL BE FUNDED WITH THE PUBLIC ASSISTANCE MONEYS FIRST, WITH ANY BALANCE TO BE FUNDED OUT OF MONEYS AVAILABLE THROUGH THE PILOT PROGRAM.

(8) THE STATE DEPARTMENT OF HUMAN SERVICES SHALL CONDUCT AN EVALUATION OF THE PILOT PROGRAM BASED UPON THE CRITERIA ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION, AS WELL AS THE COSTS OF THE PILOT PROGRAM, AND SUBMIT A REPORT BASED ON ITS EVALUATION TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON OR BEFORE JANUARY 30, 2012.

(9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 3. Appropriation - adjustments to the 2008 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2008, the sum of two million one hundred thousand one hundred and sixty-nine dollars (\$2,100,169), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the general fund appropriation to the controlled maintenance trust fund made in section 23 of the annual general appropriation act, for the fiscal year beginning July 1, 2008, shall be decreased by two million one hundred thousand one hundred and sixty-nine dollars (\$2,100,169).

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 14, 2008