

CHAPTER 327

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 08-1404

BY REPRESENTATIVE(S) Stafford, Marostica, McGihon, Garza-Hicks, Green, Gagliardi, Primavera, Borodkin, Buescher, Carroll T., Casso, Fischer, Hodge, Jahn, Labuda, Looper, Madden, Massey, McFadyen., Merrifield, Middleton, Roberts, Romanoff, and Todd;
also SENATOR(S) Keller, Bacon, Boyd, Schwartz, and Tochtrop.

AN ACT

CONCERNING A COMPREHENSIVE REVIEW OF COLORADO'S CHILD WELFARE SYSTEM TO RESULT IN THE DEVELOPMENT OF AN ACTION PLAN TO PROVIDE IMPROVED PROTECTION OF CHILDREN, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Legislative declaration. (1) The General Assembly finds and declares that:

(a) The protection of children in Colorado from abuse and neglect is one of the state's highest public policy priorities. Although considerable attention and resources have been dedicated to this purpose over several decades, including specific interventions to address identified problems or gaps, too many children continue to be abused or neglected, sometimes resulting in the tragedy of child deaths.

(b) The protection of children is not simply a state and county responsibility. Protection of our children must include the efforts of parents, neighbors, foster parents, schools, law enforcement, the faith community, the court system, health care providers, mental health providers, guardians ad litem, and many others.

(c) It is urgent that the state examine the state's child protection system in order to develop an action plan to mitigate the risks to children and to better protect them from abuse and neglect. To this end, the General Assembly supports the governor's executive order B 006 08, "Creating the Governor's Child Welfare Action Committee".

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

(2) The General Assembly further finds and declares, in cooperation with the Governor and his administration, that a collaborative public and private effort, led by the Governor's Child Welfare Action Committee, should be undertaken to achieve the goal of improving Colorado's child protection system.

(3) In furtherance of this goal, the General Assembly shall make an appropriation to the department of human services for the purpose of providing financial support to the Governor's Child Welfare Action Committee, created by executive order B 006 08, and for the ongoing implementation of recommendations from that committee.

SECTION 2. Part 1 of article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-1-135. Child welfare action committee - reporting - cash fund - created.

(1) AS PART OF THE WORK DONE BY THE GOVERNOR'S CHILD WELFARE ACTION COMMITTEE, CREATED BY EXECUTIVE ORDER B 006 08, THE STATE DEPARTMENT SHALL MAKE PERIODIC REPORTS OF FINDINGS AND RECOMMENDATIONS, INCLUDING A REPORT OF THE CHILD WELFARE ACTION COMMITTEE'S INITIAL RECOMMENDATIONS, TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND THE JOINT BUDGET COMMITTEE ON OR BEFORE JANUARY 31, 2009.

(2) (a) (I) THERE IS HEREBY CREATED IN THE STATE TREASURY THE CHILD WELFARE ACTION COMMITTEE CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL BE COMPRISED OF MONEYS TRANSFERRED TO THE FUND IN ACCORDANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (2), MONEYS CREDITED TO THE FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION, AND ANY OTHER MONEYS APPROPRIATED TO THE FUND. ALL INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.

(II) MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF HUMAN SERVICES TO PAY ANY NECESSARY EXPENSES RELATED TO THE GOVERNOR'S CHILD WELFARE ACTION COMMITTEE, CREATED BY EXECUTIVE ORDER B 006 08, AND THE IMPLEMENTATION OF ANY RECOMMENDATIONS OF THE COMMITTEE.

(III) ANY MONEYS CREDITED TO THE FUND AND UNEXPENDED AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

(b) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY MONEYS APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT OF HUMAN SERVICES FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2007, THAT ARE UNEXPENDED OR UNENCUMBERED AS OF THE CLOSE OF THE 2007-08 FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND BUT SHALL BE TRANSFERRED BY THE STATE TREASURER AND THE CONTROLLER TO THE CHILD WELFARE ACTION COMMITTEE CASH FUND CREATED IN SUBSECTION (2) OF THIS SECTION; EXCEPT THAT THE AMOUNT SO TRANSFERRED SHALL NOT EXCEED TWO HUNDRED THOUSAND DOLLARS.

(3) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS,

OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT NO GIFT, GRANT, OR DONATION MAY BE ACCEPTED IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CHILD WELFARE ACTION COMMITTEE CASH FUND, CREATED IN SUBSECTION (2) OF THIS SECTION.

SECTION 3. 26-1-118 (2), Colorado Revised Statutes, is amended to read:

26-1-118. Duties of county departments, county directors, and district attorneys. (2) The county departments or other state designated agencies, where applicable, shall report to the state department at such times and in such manner and form as the state department may from time to time direct. THE STATE DEPARTMENT MAY REQUIRE A COUNTY DEPARTMENT TO REPORT INFORMATION CONCERNING COUNTY EMPLOYEES, INCLUDING BUT NOT LIMITED TO QUALIFICATIONS, WORK SCHEDULES, PAY, DUTIES, EVALUATIONS, TRAINING, AND CORRECTIVE AND DISCIPLINARY ACTIONS. A COUNTY DEPARTMENT MAY PROVIDE SUCH INFORMATION BY USE OF A UNIQUE IDENTIFIER FOR EACH EMPLOYEE THAT PROVIDES THE INFORMATION WITHOUT IDENTIFYING THE NAME OF THE EMPLOYEE. HOWEVER, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT ACCESS BY THE STATE DEPARTMENT TO INDIVIDUAL EMPLOYEE FILES, TO THE EXTENT PERMITTED BY STATE AND FEDERAL LAW, FOR PURPOSES OF CARRYING OUT THE RESPONSIBILITY OF THE STATE DEPARTMENT FOR THE SUPERVISION AND ADMINISTRATION OF PROGRAMS FUNDED IN WHOLE OR IN PART BY THE STATE DEPARTMENT. THE STATE DEPARTMENT SHALL MAINTAIN THE CONFIDENTIALITY OF SUCH RECORDS IN A MANNER CONSISTENT WITH STATE AND FEDERAL LAW.

SECTION 4. Appropriation - adjustment in 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 three hundred fifty thousand dollars (\$350,000), or so much thereof as may be necessary, for the implementation of the Governor's Child Welfare Action Committee, created by Executive Order B 006 08 and any recommendations of the committee.

(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 three hundred fifty thousand dollars (\$350,000).

(3) For the implementation of the Governor's Child Welfare Action Committee, created by Executive Order B 006 08, and any recommendations of such committee, in addition to any other appropriation, there is hereby appropriated two hundred thousand dollars (\$200,000), or so much thereof as may be available, from the child welfare action committee cash fund created in section 26-1-135 (2), Colorado Revised Statutes, for the fiscal year beginning July 1, 2008.

SECTION 5. 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 28, 2008