

CHAPTER 160

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 10-068

BY SENATOR(S) Boyd, Bacon, Foster, Heath, Hudak, Morse, Newell, Sandoval, Tochtrop;
also REPRESENTATIVE(S) Massey, Apuan, Ferrandino, Kefalas, Merrifield, Pommer, Solano, Todd.

AN ACT

**CONCERNING STREAMLINING ELIGIBILITY REQUIREMENTS FOR THE COLORADO WORKS PROGRAM,
AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. Part 7 of article 2 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-2-707.7. Information concerning immunization of children. AT THE TIME OF APPLICATION FOR THE WORKS PROGRAM, THE COUNTY DEPARTMENT SHALL PROVIDE INFORMATION CONCERNING IMMUNIZATIONS TO ALL APPLICANTS, INCLUDING THE EXEMPTIONS LISTED IN SECTION 25-4-903, C.R.S. THE INFORMATION SHALL INCLUDE PARENT EDUCATION ON VACCINES AND INFORMATION CONCERNING WHERE TO ACCESS VACCINES IN THE LOCAL COMMUNITY. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE COUNTY OR DISTRICT PUBLIC HEALTH AGENCY SHALL PROVIDE THE IMMUNIZATION INFORMATION TO THE COUNTY DEPARTMENT.

SECTION 2. 26-2-703 (2), (9), and (18.3), Colorado Revised Statutes, are amended, and the said 26-2-703 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-2-703. Definitions. As used in this part 7, unless the context otherwise requires:

(2) "Assistance" means any ~~cash grant, benefit, service, or other form of temporary assistance offered by a county department to a participant that is funded by the county block grant pursuant to the provisions of this part 7 and any rules promulgated pursuant to this part 7~~ ONGOING ASSISTANCE PAYMENT OR SHORT-TERM

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

ASSISTANCE PAYMENT AS THOSE TERMS ARE DESCRIBED IN SECTION 26-2-706.6.

(9) "Dependent child" means a person who resides with a parent or a specified caretaker ~~relative~~ and who is under the age of eighteen years or, if the person is a full-time student at a secondary school or vocational or technical equivalent and is reasonably expected to complete the school or vocational or technical equivalent before attaining the age of nineteen years, is under nineteen years.

(10.2) "GUARDIAN" MEANS A PERSON APPOINTED BY COURT ORDER TO BE THE GUARDIAN OF ANOTHER PERSON.

(18.3) "Specified caretaker" ~~relative~~ means: ~~any relation by blood, marriage, or adoption who is within the fifth degree of kinship to a dependent child and who exercises responsibility for the care and control of the dependent child.~~

(a) A PERSON WHO EXERCISES RESPONSIBILITY FOR A DEPENDENT CHILD AND WHO IS:

(I) A RELATIVE BY BLOOD, MARRIAGE, OR ADOPTION WHO IS WITHIN THE FIFTH DEGREE OF KINSHIP TO THE DEPENDENT CHILD; OR

(II) APPOINTED BY THE COURT TO BE THE GUARDIAN OR THE LEGAL CUSTODIAN OF THE DEPENDENT CHILD; OR

(b) A PERSON WHO EXERCISES RESPONSIBILITY FOR A DEPENDENT CHILD WITHIN THE PERSON'S HOME IF THERE IS NO PERSON DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (18.3).

SECTION 3. The introductory portion to 26-2-706 (1) (a), 26-2-706 (1) (a) (III), the introductory portion to 26-2-706 (1) (a.5), and 26-2-706 (1) (a.5) (IV), (1) (d), (1.5) (h), (1.5) (i), (2), (5), and (6), Colorado Revised Statutes, are amended to read:

26-2-706. Target populations. (1) (a) Subject to the provisions of this section and restrictions in the federal law, ~~and except as provided in section 26-2-709 (1) (a.5);~~ those persons or families who may receive assistance under the Colorado works program include:

(III) The parents of a dependent child, including expectant parents, ~~commencing with the sixth month of pregnancy;~~ or a specified caretaker ~~relative~~ with whom the dependent child is living.

(a.5) In addition to the eligibility requirements set forth in paragraph (a) of this subsection (1), in order to receive Colorado works benefits and assistance, the assistance unit shall include a dependent child who lives in the home of a parent or ~~a~~ OTHER specified caretaker. ~~relative~~. A dependent child is considered to be living in the home of a specified caretaker ~~relative~~ as long as the parent or OTHER specified caretaker ~~relative~~ exercises responsibility for the care ~~and control~~ of the child even though one or more of the following occurs:

(IV) Either the child or the specified caretaker ~~relative~~ is temporarily absent from the home to receive medical treatment; or

(d) The state board shall promulgate rules to provide that a noncustodial parent may be allowed to receive services under the Colorado works program, but not ~~a basic assistance grant~~, at a county's option and in accordance with the county's plan. Such services provided to a noncustodial parent pursuant to this paragraph (d) shall be intended to promote the sustainable employment of the noncustodial parent and enable such parent to pay child support. Provision of such services shall not negatively impact the eligibility for benefits or services of the custodial parent.

(1.5) To participate in the Colorado works program an applicant or person shall:

(h) ~~Verify~~ PROVIDE VERIFICATION OF earned income received in the thirty days immediately prior to the date of application; and

(i) ~~Verify~~ PROVIDE VERIFICATION OF pregnancy, if applicable. ~~or if not observable. A county department of social services may require additional verification if the information provided by the applicant is questionable or inconsistent.~~

(2) (a) The state ~~board~~ DEPARTMENT shall promulgate rules to identify with specificity who may be a participant in the works program and the income requirements for participation in the works program. AN ASSET TEST SHALL NOT BE APPLIED AS A CONDITION OF ELIGIBILITY FOR PARTICIPATION IN THE WORKS PROGRAM.

(b) The rules shall PROVIDE THAT AN UNMARRIED PARENT UNDER EIGHTEEN YEARS OF AGE SHALL NOT RECEIVE ASSISTANCE UNLESS SUCH UNMARRIED PARENT RESIDES WITH HIS OR HER PARENT OR OTHER SPECIFIED CARETAKER IN AN ADULT-SUPERVISED HOME OR IN ANY OTHER ARRANGEMENT APPROVED BY THE COUNTY DEPARTMENT.

~~(a) Allow an applicant or a participant to own one motor vehicle and an additional motor vehicle for each employed member of the assistance unit and allow an applicant or a participant to own a homestead property;~~

~~(b) Exempt a maximum resource level for an applicant of fifteen thousand dollars. Consistent with the provisions of subsection (6) of this section, the state board shall promulgate rules to specify which resources are countable resources, to specify additional resources that are excluded as exempt resources for purposes of determining the maximum resource level for an applicant, and to further define the resources and assets specified in subsection (6) of this section.~~

~~(c) Provide that a parent who has not yet attained the age of eighteen years, who is not married, and who does not reside with his or her parent or another adult relative in an adult-supervised home, or in any other arrangement approved by the county department, shall not receive services or benefits provided through federal funds under the works program.~~

~~(5) (a) The state department shall analyze the extent to which the birth of additional children to a participant under this part 7 may affect the participant's ability to attain self-sufficiency.~~

~~(b) Repealed:~~

~~(6) The following resources and assets designated to promote self-sufficiency shall be exempt from the fifteen thousand dollar resource limitation specified in paragraph (b) of subsection (2) of this section:~~

~~(a) Retirement savings accounts;~~

~~(b) Health care savings accounts;~~

~~(c) Individual development accounts;~~

~~(d) Education savings accounts, scholarships, and educational stipends;~~

~~(e) Earned income tax credit refunds received by the assistance unit;~~

~~(f) Any real estate asset that does not produce or provide income for the participant and is not a secondary residence of the participant;~~

~~(g) Burial plots and burial insurance plans;~~

~~(h) Life or disability insurance policies that may have a cash value, and~~

~~(i) Any additional resource or asset that the state board exempts by rule.~~

SECTION 4. 26-2-706.5 (1) and (2), Colorado Revised Statutes, are amended to read:

26-2-706.5. Restrictions on length of participation. (1) Unless cash assistance is provided through segregated funds pursuant to federal law and section 26-2-714, as of June 3, 1997, each month of cash assistance received by an assistance unit that includes a specified caretaker ~~relative~~ who has received assistance under Title IV-A of the social security act, as amended, shall count toward that specified ~~caretaker relative's~~ CARETAKER'S sixty-month lifetime maximum of TANF benefits as established in federal law.

(2) Any month in which a specified caretaker ~~relative~~ is determined to be a disqualified or excluded person from a basic cash assistance grant shall count as a month of participation in the calculation of the specified ~~caretaker relative's~~ CARETAKER'S overall sixty-month lifetime maximum.

SECTION 5. 26-2-709, Colorado Revised Statutes, is amended to read:

26-2-709. Benefits - cash assistance - programs - rules. (1) **Standard of need - basic cash assistance grant.** (a) The state ~~board~~ DEPARTMENT shall promulgate rules ~~defining~~ DETERMINING THE STANDARD OF NEED FOR ELIGIBILITY FOR A BASIC CASH ASSISTANCE GRANT, WHETHER AN APPLICANT OR PARTICIPANT MEETS THE STANDARD OF NEED, AND THE AMOUNT OF THE BASIC CASH ASSISTANCE GRANT. IN ADDITION TO ANY OTHER RULES NECESSARY FOR THE IMPLEMENTATION OF THIS PART 7, THE STATE DEPARTMENT'S RULES SHALL:

(I) ADOPT A STATEWIDE STANDARD OF NEED FOR ELIGIBILITY FOR A BASIC CASH ASSISTANCE GRANT THAT IS NOT LESS THAN THE BASIS FOR STANDARD OF NEED PURSUANT TO THIS SUBSECTION (1) AS IT EXISTED ON JULY 1, 2009;

(II) ESTABLISH CRITERIA FOR DETERMINING WHETHER AN APPLICANT OR PARTICIPANT MEETS THE STANDARD OF NEED, INCLUDING BUT NOT LIMITED TO what constitutes countable income and what constitutes excludable income for the purposes of ELIGIBILITY FOR A determining the amount of a participant's basic cash assistance grant; AND

(III) ESTABLISH THE CALCULATION FOR DETERMINING THE AMOUNT OF AN ELIGIBLE APPLICANT'S OR PARTICIPANT'S BASIC CASH ASSISTANCE GRANT, WHICH CALCULATION SHALL INCLUDE AN EARNED INCOME DISREGARD WHICH SHALL BE APPLIED TO THE GROSS COUNTABLE EARNED INCOME OF AN APPLICANT OR PARTICIPANT WHO IS EMPLOYED. THE EARNED INCOME DISREGARD SHALL PROMOTE WORK AND SELF-SUFFICIENCY AND SHALL BENEFIT THE APPLICANT OR PARTICIPANT BY REDUCING THE UNINTENDED ECONOMIC CONSEQUENCES OF BECOMING EMPLOYED. THE RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS SUBPARAGRAPH (III) SHALL NOT ESTABLISH AN EARNED INCOME DISREGARD THAT RESULTS IN AN APPLICANT OR PARTICIPANT HAVING FEWER FINANCIAL RESOURCES AVAILABLE TO HIM OR HER THAN A SIMILARLY SITUATED APPLICANT OR PARTICIPANT WOULD HAVE HAD UNDER THE EARNED INCOME DISREGARD PURSUANT TO SECTION 26-2-709 AS IT EXISTED ON JULY 1, 2009.

(b) IN ESTABLISHING THE CALCULATION FOR DETERMINING THE AMOUNT OF AN ELIGIBLE APPLICANT'S OR PARTICIPANT'S BASIC CASH ASSISTANCE GRANT, THE STATE DEPARTMENT SHALL ENSURE THAT THE AMOUNT OF THE BASIC CASH ASSISTANCE GRANT THAT A PARTICIPANT OR APPLICANT RECEIVES IS EQUAL TO OR EXCEEDS ONE HUNDRED TWO PERCENT OF THE NEED STANDARD FOR A PARTICIPANT IN A SIMILARLY SIZED HOUSEHOLD ON JANUARY 1, 2008. THE STATE DEPARTMENT IS ENCOURAGED TO ESTABLISH A CALCULATION FOR DETERMINING THE AMOUNT OF A BASIC CASH ASSISTANCE GRANT THAT RESULTS IN A BASIC CASH ASSISTANCE GRANT THAT IS EQUAL TO OR EXCEEDS ONE HUNDRED TWELVE PERCENT OF THE NEED STANDARD FOR A PARTICIPANT IN A SIMILARLY SIZED HOUSEHOLD ON JANUARY 1, 2008.

(c) Except as OTHERWISE provided in this part 7 and subject to available appropriations, a participant shall receive a basic cash assistance grant based on the following standard of need AN APPLICANT OR PARTICIPANT WHO MEETS THE ELIGIBILITY CRITERIA ESTABLISHED BY THE STATE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL RECEIVE A BASIC CASH ASSISTANCE GRANT IN AN AMOUNT DETERMINED BY THE STATE DEPARTMENT PURSUANT TO PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1). AN INCREASE IN THE AMOUNT OF THE BASIC CASH ASSISTANCE GRANT APPROVED BY THE STATE DEPARTMENT SHALL NOT TAKE EFFECT UNLESS THE FUNDING FOR THE INCREASE IS INCLUDED IN THE ANNUAL GENERAL APPROPRIATION ACT OR A SUPPLEMENTAL APPROPRIATION ACT.

~~STANDARD OF NEED~~

Number of	_____	Number of Caretaker Relatives
Dependent		
Children	_____	None _____ One _____ Two

0	--	\$ 253	\$ 357
1	\$117	\$ 331	\$ 439
2	\$245	\$ 421	\$ 533
3	\$368	\$ 510	\$ 628
4	\$490	\$ 605	\$ 716
5	\$587	\$ 697	\$ 787
6	\$678	\$ 770	\$ 861
7	\$755	\$ 844	\$ 937
8	\$830	\$ 920	\$1009
9	\$904	\$ 992	\$1082
10	\$977	\$1065	\$1155
Each additional child	\$ 67	\$ 67	\$ 67

~~(H) An applicant's eligibility to receive a basic cash assistance grant shall be determined pursuant to this subparagraph (H). In determining whether an applicant is eligible to receive a basic cash assistance grant, the need standard for the household size as set forth in the table in subparagraph (I) of this paragraph (a) shall be compared to the gross countable income of the assistance unit. If the gross countable income of the assistance unit is:~~

~~(A) Less than the need standard for a similarly sized household, the assistance unit is eligible for cash assistance. In such circumstance, the amount of the basic cash assistance grant shall be calculated pursuant to the provisions of subparagraphs (HH) and (IV) of this paragraph (a):~~

~~(B) Equal to or greater than the need standard for a similarly sized household, an earnings income disregard of ninety dollars shall be deducted from the earned income of each employed member in the assistance unit and the remaining amount shall be the net countable earned income of the assistance unit for purposes of determining eligibility. The net countable earned income of the assistance unit plus unearned income received by or expected to be received by members of the assistance unit shall be totaled to determine the net countable income of the assistance unit for purposes of determining eligibility. If the net countable income of the assistance unit does not equal or exceed the need standard for a similarly sized household, the assistance unit is eligible for cash assistance. In such circumstance, the amount of the basic cash assistance grant shall be calculated pursuant to the provisions of subparagraphs (HH) and (IV) of this paragraph (a):~~

~~(H) To calculate the amount of the basic cash assistance grant, an earnings income disregard shall be applied to the gross countable earned income of participants who are employed. To determine the net countable earned income, the earnings income disregard for Colorado works shall be two-thirds of the participant's gross countable earned income and shall be applied for twelve cumulative months. The gross income test shall not apply to a participant of Colorado works during those months. After the receipt of twelve cumulative months of disregard, the earnings income disregard for Colorado works shall consist of earnings income disregards as established in rules adopted by the state board that shall not be less than the earnings income disregard a participant would have received under state board rules in effect as of January 1, 2008, except for the child care disregard that shall be paid pursuant to the provisions of part 8 of this article.~~

~~(IV) The basic cash assistance grant amount shall be the net countable earned income as determined under subparagraph (III) of this paragraph (a) plus countable unearned income deducted from the need standard for a similarly sized household and multiplied by a percentage determined by rule of the state board. The state board, in establishing the percentage, shall ensure that the amount of the basic cash assistance grant that a participant receives is equal to or exceeds one hundred two percent of the need standard for a participant in a similarly sized household on January 1, 2008. In setting the percentage, the state board is encouraged to set a percentage that will result in a basic cash assistance grant that is equal to or exceeds one hundred twelve percent of the need standard for a participant in a similarly sized household on January 1, 2008.~~

~~(V) An increase in the amount of the basic cash assistance grant approved by the state board shall not take effect unless the funding for the increase is included in the annual general appropriations act or a supplemental appropriations act.~~

~~(VI) (Deleted by amendment, L. 2008, p. 1960, § 11, effective January 1, 2009.)~~

~~(a.5) Subject to available appropriations, a county department may provide to a grandchild who was in foster care, as defined in section 19-1-103 (51.3), C.R.S., and who exited foster care into the legal custody or legal guardianship of a grandparent, a basic cash assistance grant, eligibility for which is based on either of the following:~~

~~(I) The standard of need as set forth in subparagraph (I) of paragraph (a) of this subsection (1) and the provisions of paragraph (a) of this subsection (1); or~~

~~(II) The financial eligibility criteria for the average foster care home maintenance payment, as defined pursuant to rules promulgated by the state board.~~

~~(b) Repealed.~~

~~(c) The basic cash assistance grant provided pursuant to the provisions of this section may, at the discretion of the county, be paid to the participant, to vendors on behalf of the participant for protective payment pursuant to section 26-2-125, or to vendors on behalf of the participant at the voluntary agreement of the participant. A county may authorize payment of the basic cash assistance grant on a monthly basis or as a lump sum payment based upon the rules of the state board.~~

(1.3) Redetermination of eligibility for persons receiving cash assistance. The county department shall perform an annual face-to-face redetermination of eligibility for all assistance units receiving cash assistance.

(1.5) Rules concerning cash assistance. The state ~~board~~ DEPARTMENT shall promulgate rules as may be necessary to comply with changes in federal regulations relating to the definition of the term "cash assistance".

(2) Other assistance. (a) Subject to available appropriations, a county department may provide assistance, including but not limited to cash assistance, in addition to the basic cash assistance grant described in subsection (1) of this section that was provided to recipients of AFDC or JOBS or is authorized pursuant to the

provisions of the federal law or this section. Such other assistance shall be ~~intended to promote sustainable employment for the participants in the county~~ BASED UPON A PARTICIPANT'S ASSESSED NEEDS.

(b) and (c) (Deleted by amendment, L. 2008, p. 1960, § 11, effective January 1, 2009.)

(3) (Deleted by amendment, L. 2008, p. 1960, § 11, effective January 1, 2009.)

SECTION 6. Repeal. 26-2-111.1, Colorado Revised Statutes, is repealed.

SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the office of information technology services for the Colorado benefits management system, for the fiscal year beginning July 1, 2010, the sum of nine hundred sixty-six thousand dollars (\$966,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from federal temporary assistance for needy families block grant funds.

SECTION 8. Effective date. This act shall take effect January 1, 2011.

SECTION 9. 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 21, 2010