



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 19-1308

FINAL
FISCAL NOTE

Drafting Number:	LLS 19-1069	Date:	July 1, 2019
Prime Sponsors:	Rep. Singer; Landgraf Sen. Moreno; Rankin	Bill Status:	Signed into Law
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Bill Topic: FOSTER CARE PREVENTION SERVICES

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>conditional</i>)	<input checked="" type="checkbox"/> Local Government (<i>conditional</i>)
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill authorizes the Department of Human Services to implement a foster care prevention services program, and makes other changes related to the state's implementation of the federal Families First Prevention Services Act. Conditional upon federal approval, the bill will increase state and local government expenditures in FY 2020-21.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Summary of Legislation

This bill authorizes the Department of Human Services (DHS) to implement a foster care prevention services program, and makes other changes related to the state's implementation of the federal Families First Prevention Services Act. Once the federal government approves Colorado's five-year plan, the DHS may submit a budget request to the Joint Budget Committee for necessary funding to implement the plan. Implementation includes promulgating rules for foster care prevention services; requiring a review by DHS or the courts of any child in a qualified residential treatment program within sixty days of placement; and allowing a qualified individual, as defined by federal law, to evaluate a minor's condition for mental health services.

The bill defines foster care prevention services as trauma-informed, promising, supported or well-supported mental health and substance abuse prevention and treatment services, in-home parent skill based programs, and kinship navigator programs in order to prevent foster care placement. These services are available to children, their parents, or caregivers when their needs for services are directly related to the safety, permanent placement, or well being of the child, or to prevent the child from entering the foster care system. Services are available for 12 months per episode of eligibility.

Finally, the bill requires the Office of Behavioral Health in the DHS to establish care standards and an approval process to ensure qualified residential treatment programs have a trauma-informed treatment model.

Background

On February 9, 2018, the federal government passed the Families First Prevention Services Act, which changed how states can spend federal Title IV-E funds. Colorado is required to notify the federal government of its intent to implement the provision of the Families First Prevention Services Act by October 1, 2019, or may delay the implementation of provisions related to congregate care placements for up to two years.

Assumptions

The fiscal note assumes that the DHS will submit a plan to the federal government, have it approved, and begin implementation by July 1, 2020.

State Expenditures

Beginning in FY 2020-21, the bill allows the DHS to seek funding through the annual budget process to implement the federal Families First Prevention Services Act. For informational purposes, implementation costs for FY 2020-21 are initially estimated at \$368,451 and 2.9 FTE, as shown in Table 1. The bill will also increase workload and potentially costs in the Judicial Department and its independent agencies as described below.

**Table 1
Expenditures Under HB 19-1308**

	FY 2019-20	FY 2020-21
Department of Human Services		
Personal Services	-	\$162,735
Operating Expenses and Capital Outlay Costs	-	\$2,755
Third Party Assessor	-	\$150,000
Computer Programming	-	\$9,500
Centrally Appropriated Costs*	-	\$40,461
Total Cost	-	\$365,451
<i>General Fund</i>	-	\$284,835
<i>Federal Funds</i>	-	\$40,155
<i>Centrally Appropriated</i>	-	\$40,461
Total FTE	-	2.9 FTE

* Centrally appropriated costs are not included in the bill's appropriation.

Department of Human Services. Conditional upon federal approval, the bill is anticipated to increase DHS expenditures by \$365,451 and 2.9 FTE, as described below. Exact costs will depend on future decisions by the DHS on program implementation, federal authorization, and budget decisions by the General Assembly.

- *Personal services.* For FY 2020-21, it is estimated that 1.0 FTE is needed to conduct rulemaking and to establish and implement a foster care prevention service program. In addition, 1.9 FTE is required to review that children are appropriately placed in qualified residential treatment programs within 60 days. This assumes that there will be an additional 187 reviews per month by the DHS for children in a qualified residential treatment program and that one FTE can do 100 reviews a month. Costs include personal services and operating and capital outlay expenses. First-year costs are prorated for the General Fund paydate shift.
- *Third-party assessor.* Beginning in FY 2020-21, the bill is estimated to increase DHS expenditures by \$150,000 per year to contract with a third-party assessor who will evaluate a minor's mental health condition and placement. Federal law requires that the evaluator be an approved independent third-party assessor. The fiscal note assumes that 1,044 youth per year will be assessed at a cost of \$100 per youth.
- *Computer programming.* Beginning in FY 2020-21, the bill is estimated to increase DHS expenditures by \$9,500 in FY 2020-21 in order to update data systems for quarterly reporting and to support activities required by the bill. These costs are paid to an external vendor and do not need to be reappropriated to the Office of Information Technology.
- *Training.* Beginning in FY 2019-20, the bill increases workload to the DHS to provide training to a number of actors in the child welfare system about changes being impended. The fiscal note assumes that this increase in workload can be accomplished within existing appropriations.

Judicial Department. Conditional upon federal approval, workload to the trial courts to review and determine if a qualified residential treatment program is appropriate. While it is assumed that this increase will be minimal for most jurisdictions, if there is a significant increase in court workload, the fiscal note assumes that the Judicial Department will request additional resources through the annual budget process.

Independent judicial agencies. Costs and workload to the Office of the Child's Representative and the Office of the Respondent Parents' Counsel will increase to the extent there are more or longer court hearings to review a qualified residential treatment program placement and other matters under the new federal framework. To the extent the bill changes how children are placed, or changes how dependency and neglect cases are litigated by these agencies, costs and workload will be affected. Because it is not known how this bill will affect placement of children or how cases are litigated, the fiscal note assumes that any change in workload, if incurred, will be addressed through the annual budget process.

Federal funds. By aligning state law with the federal Families First Prevention Services Act, this bill will allow the state to continue receiving federal funds for child welfare purposes and may increase federal funds for other purposes. Any increase in federal funds will be allocated through the annual budget process.

Centrally appropriated costs. For informational purposes and pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$40,461 in FY 2020-21.

Local Government

Conditional on federal approval, expenditures and workload will increase for county departments of human services to train staff about the changes being implemented; to provide documentation for reviews of children in qualified residential treatment programs; and to update any documentation requirements. The exact cost to county departments has not been estimated at this time.

Effective Date

This bill was signed into law by the Governor on May 23, 2019, and takes effect August 2, 2019, assuming no referendum petition is filed.

State and Local Government Contacts

Counties	Health Care Policy and Financing
Human Services	Information Technology
Judicial	