

## CHAPTER 343

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**HUMAN SERVICES - SOCIAL SERVICES**


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## SENATE BILL 21-277

BY SENATOR(S) Moreno, Hansen, Rankin, Bridges, Fields, Ginal, Kirkmeyer, Kolker, Lee, Pettersen, Priola, Winter, Zenzinger; also REPRESENTATIVE(S) Herod, McCluskie, Bacon, Bennett, Bird, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Hooton, Kipp, Lontine, Michaelson Jenet, Snyder, Young.

## AN ACT

**CONCERNING A FUNDING MODEL USED TO DETERMINE CHILD WELFARE SERVICES ALLOCATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 26-5-104, **amend** (3)(a), (3)(a.6), (7)(b), and (8)(a); and **add** (3)(a.2), (6.1)(c), and (6.6)(c) as follows:

**26-5-104. Funding of child welfare services provider contracts - funding mechanism review - fund - report - rules - definitions - repeal.** (3) **Allocation formula.** (a) (I) For state fiscal year 2018-19 ~~and for each state fiscal year thereafter~~ THROUGH STATE FISCAL YEAR 2023-24, the state department, after input from the child welfare allocations committee, shall develop formulas for capped and targeted allocations, including the child welfare services allocation, the allocation for additional county child welfare staff, and the allocation for family and children's programs. Allocation formulas developed pursuant to this subsection (3)(a) must include, ~~effective for EACH state fiscal year 2018-19 and each state fiscal year thereafter~~ THROUGH 2023-24, the estimated caseload for the delivery of those specific child welfare services to be funded by the money in the capped or targeted allocations. The formulas must also include a performance-aligned component that supports the implementation AND DELIVERY of promising, supported, or well-supported practices, as defined in the federal "Family First Prevention Services Act of 2018", as defined in section 26-5-101 (4.5); be outcome-driven; and be aligned with ~~desired~~ state-department-defined or federally required outcomes and goals. The allocation to each county from any given formula must be equitable and reflective of the cost of delivering services. If a county receives more than one capped or targeted allocation for the delivery of child welfare services, the formula must identify the specific caseload estimate attributable to each capped or targeted

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

allocation.

(II) THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

(a.2) (I) FOR STATE FISCAL YEAR 2024-25, AND FOR EACH STATE FISCAL YEAR THEREAFTER, THE STATE DEPARTMENT, AFTER INPUT FROM THE CHILD WELFARE ALLOCATIONS COMMITTEE, SHALL USE THE FUNDING MODEL DESCRIBED IN SECTION 26-5-103.7 TO DETERMINE THE FUNDING REQUIRED FOR EACH COUNTY FOR ADOPTION AND RELATIVE GUARDIANSHIP SUBSIDIES AND THE INDEPENDENT LIVING PROGRAM, AND TO DETERMINE THE CAPPED AND TARGETED ALLOCATIONS TO EACH COUNTY, OR GROUP OF COUNTIES, FOR CHILD WELFARE SERVICES, ADDITIONAL COUNTY CHILD WELFARE STAFF, AND FAMILY AND CHILDREN'S PROGRAMS.

(II) THE STATE DEPARTMENT, AFTER INPUT FROM THE CHILD WELFARE ALLOCATIONS COMMITTEE, SHALL MAKE THE CAPPED AND TARGETED ALLOCATIONS DESCRIBED IN SUBSECTION (3)(a.2)(I) OF THIS SECTION BASED ON THE TOTAL AMOUNT IDENTIFIED IN THE FUNDING MODEL AS THE APPROPRIATE LEVEL OF FUNDING REQUIRED FOR EACH COUNTY TO FULLY MEET ALL STATE AND FEDERAL REQUIREMENTS CONCERNING THE COMPREHENSIVE DELIVERY OF CHILD WELFARE SERVICES, AS DEFINED IN SECTION 26-5-101 (3), AND PREVENTION PROGRAMS, AS DEFINED IN SECTION 19-1-103, LESS THE AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY IN THE ANNUAL LONG APPROPRIATIONS BILL FOR ADOPTION AND RELATIVE GUARDIANSHIP SUBSIDIES AND THE INDEPENDENT LIVING PROGRAM. THE ALLOCATIONS MUST BE EQUITABLE AND REFLECTIVE OF THE COST OF DELIVERING SERVICES AND MUST IDENTIFY THE SPECIFIC CASELOAD ESTIMATE ATTRIBUTABLE TO EACH CAPPED OR TARGETED ALLOCATION.

(III) IF THE APPROPRIATION MADE FOR A FISCAL YEAR IS NOT EQUAL TO THE AMOUNT NECESSARY TO FULLY FUND THE ALLOCATIONS REQUIRED BY THE FUNDING MODEL, THE CHILD WELFARE ALLOCATIONS COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE STATE DEPARTMENT CONCERNING HOW TO MODIFY THE RESULTS OF THE FUNDING MODEL TO ALIGN WITH THE APPROPRIATION. AFTER INPUT FROM THE CHILD WELFARE ALLOCATIONS COMMITTEE, THE STATE DEPARTMENT SHALL ADJUST THE ALLOCATION TO EACH COUNTY TO ENSURE THAT THE FUNDING MADE AVAILABLE TO ALL COUNTIES THROUGH CAPPED AND TARGETED ALLOCATIONS DOES NOT EXCEED THE ANNUAL APPROPRIATION.

(a.6) On or before March 1 of any state fiscal year, the child welfare allocations committee shall submit written recommendations to the state department to inform the capped and targeted allocations. ~~The child welfare allocations committee is encouraged to include documentation on how the recommendations support the achievement of expectations described in subsection (3)(a) of this section.~~

(6.1) (c) (I) ON OR BEFORE DECEMBER 31, 2021, THE STATE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH AN OUTSIDE ENTITY TO CONDUCT AN UPDATED WORKLOAD STUDY. THE OUTSIDE ENTITY MAY BE THE SAME ENTITY THAT UPDATES AND MODIFIES THE ALLOCATIONS FUNDING MODEL PURSUANT TO SECTION 26-5-103.7 (2). ON OR BEFORE JANUARY 15, 2023, THE OUTSIDE ENTITY SHALL COMPLETE THE STUDY AND DELIVER THE RESULTS OF THE STUDY TO THE JOINT BUDGET COMMITTEE, THE STATE DEPARTMENT, THE CHILD WELFARE ALLOCATIONS COMMITTEE, AND, IF DIFFERENT, THE OUTSIDE ENTITY DESCRIBED IN SECTION

26-5-103.7 (2).

(II) (A) THE UPDATED WORKLOAD STUDY MUST INCLUDE CONSIDERATION OF, BUT IS NOT LIMITED TO CONSIDERING, THE FOLLOWING DATA: COUNTY POPULATION INFORMATION; CHILD WELFARE STAFF BY COUNTY; COUNTY BUDGET INFORMATION; THE NUMBER OF TIME-STUDY PARTICIPANTS BY COUNTY; KEY TASKS PERFORMED BY CHILD WELFARE WORKERS; DETAILED RESULTS FOR TIME SPENT PER CASE ON INDIVIDUAL TASKS; THE PERCENTAGE OF HOURS RECORDED AND PAID BY EACH COUNTY; AND DEVELOPMENT OF A METHOD TO CREATE WORKLOAD, CASELOAD, AND STAFFING MODELS.

(B) ALL COUNTIES ARE ENCOURAGED TO PARTICIPATE IN THE UPDATED WORKLOAD STUDY. IF A COUNTY ELECTS NOT TO PARTICIPATE IN THE STUDY, THE DEPARTMENT SHALL DETERMINE THE PROXY DATA FOR EACH NONPARTICIPATING COUNTY TO BE USED IN THE STUDY.

(III) THIS SUBSECTION (6.1)(c) IS REPEALED, EFFECTIVE JUNE 30, 2023.

(6.6) (c) (I) ON OR BEFORE JULY 1, 2022, THE STATE DEPARTMENT SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE AN UPDATE OF THE REPORT REQUIRED PURSUANT TO SUBSECTION (6.6)(b) OF THIS SECTION THAT INCLUDES UPDATED INFORMATION ABOUT EACH OF THE SUBJECTS ADDRESSED IN THE INITIAL REPORT.

(II) THIS SUBSECTION (6.6)(c) IS REPEALED, EFFECTIVE JUNE 30, 2023.

(7) **Close-out process for county allocations.** (b) A county may only receive money pursuant to ~~the provisions of subsection (7)(a.5) of this section if the requirements of section 26-5-103.5 (4) have been satisfied;~~ for expenditures other than those attributable to administrative and support functions as referred to in section 26-5-101 (3)(m) ~~as defined in accordance with the provisions of section 26-5-103.5 (4);~~ and for authorized expenditures attributable to caseload increases beyond the caseload estimate established pursuant to subsection (3) of this section for a specific capped allocation.

(8) **County-level child welfare staff.** (a) For the state fiscal year 2015-16, and for each state fiscal year thereafter, each county may receive a capped allocation in addition to its portion of the child welfare block grant for the specific purpose of hiring new child welfare staff at the county level in addition to child welfare staff existing as of January 1, 2015. A county that utilizes said additional allocation shall continue to pay for child welfare staff positions existing as of January 1, 2015, through the child welfare block grant. ~~The child welfare allocations committee shall determine the allocation formula pursuant to subsection (3) of this section.~~

**SECTION 2.** In Colorado Revised Statutes, **add** 26-5-103.7 as follows:

**26-5-103.7. Child welfare allocations funding model - evaluation group - report - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EVALUATION GROUP" MEANS THE GROUP ESTABLISHED TO EVALUATE THE FUNDING MODEL DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(b) "FUNDING MODEL" MEANS THE FUNDING MODEL TO DETERMINE THE APPROPRIATE LEVEL OF FUNDING REQUIRED TO FULLY MEET ALL STATE AND FEDERAL REQUIREMENTS CONCERNING THE COMPREHENSIVE DELIVERY OF CHILD WELFARE SERVICES THAT WAS DEVELOPED PURSUANT TO SECTION 26-5-103.5 (7) PRIOR TO ITS REPEAL IN 2021, AND INCLUDES FACTORS THAT BEST MEET THE NEEDS OF CHILDREN, YOUTH, AND FAMILIES IN THE CHILD WELFARE SYSTEM.

(2) (a) (I) ON OR BEFORE DECEMBER 31, 2021, THE STATE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH AN OUTSIDE ENTITY TO UPDATE AND MODIFY THE FUNDING MODEL FOR FISCAL YEARS 2022-23 THROUGH 2024-25 IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE CHILD WELFARE ALLOCATIONS COMMITTEE. THE AGREEMENT MUST END NO LATER THAN JUNE 30, 2024.

(II) ON OR BEFORE MARCH 31, 2022, THE OUTSIDE ENTITY SHALL UPDATE AND MODIFY THE FUNDING MODEL TO BE USED FOR THE 2022-23 FISCAL YEAR. ON OR BEFORE MARCH 31, 2023, THE OUTSIDE ENTITY SHALL UPDATE AND MODIFY THE FUNDING MODEL TO BE USED FOR THE 2023-24 FISCAL YEAR. ON OR BEFORE MARCH 31, 2024, THE OUTSIDE ENTITY SHALL UPDATE AND MODIFY THE FUNDING MODEL TO BE USED FOR THE 2024-25 FISCAL YEAR. FOR EACH YEAR, THE OUTSIDE ENTITY SHALL UPDATE THE FUNDING MODEL IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE CHILD WELFARE ALLOCATIONS COMMITTEE MADE PURSUANT TO SUBSECTION (7) OF THIS SECTION AND DELIVER THE RESULTS OF THE MODEL TO THE JOINT BUDGET COMMITTEE, STATE DEPARTMENT, AND CHILD WELFARE ALLOCATIONS COMMITTEE.

(III) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

(b) ON OR BEFORE JULY 1, 2024, AND ON OR BEFORE JULY 1 EVERY THIRD YEAR THEREAFTER, THE STATE DEPARTMENT SHALL ENTER INTO A THREE-YEAR AGREEMENT WITH AN OUTSIDE ENTITY TO ANNUALLY MODIFY THE FUNDING MODEL, UPDATE THE DATA USED IN THE FUNDING MODEL, AND DELIVER THE RESULTS OF THE FUNDING MODEL, AS DESCRIBED IN SUBSECTION (8) OF THIS SECTION.

(3) ON OR BEFORE JULY 1, 2024, AND ON OR BEFORE JULY 1 EVERY THIRD YEAR THEREAFTER, THE STATE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH AN OUTSIDE EVALUATING ENTITY TO CONDUCT A COMPREHENSIVE EVALUATION OF THE IMPLEMENTATION OF THE FUNDING MODEL. THE EVALUATION MUST ENSURE THAT THE APPROPRIATE MODIFICATIONS WERE MADE TO THE FUNDING MODEL IN THE PRECEDING THREE YEARS, INCLUDING NECESSARY CHANGES RELATED TO FEDERAL AND STATE LAW; WHETHER COUNTY DATA WAS ACCURATELY AND APPROPRIATELY UPDATED EACH YEAR; WHETHER THE MODEL WAS RUN EACH YEAR AND USED FOR ALLOCATIONS TO COUNTIES; HOW THE ALLOCATIONS WERE MADE TO EACH COUNTY; WHETHER COUNTIES INCREASED STAFFING LEVELS AS A RESULT OF THE MODEL'S WORKLOAD METRIC; AND WHETHER THE UPDATED WORKLOAD STUDY DESCRIBED IN SECTION 26-5-104 (6.1)(b) WAS ADDED TO THE MODEL. ON OR BEFORE OCTOBER 1 OF EACH YEAR OF AN AGREEMENT, THE EVALUATING ENTITY SHALL DELIVER THE RESULTS OF ITS EVALUATION TO THE STATE DEPARTMENT, CHILD WELFARE ALLOCATIONS COMMITTEE, AND THE OUTSIDE ENTITY DESCRIBED IN SUBSECTION (2) OF THIS SECTION. THE DEPARTMENT SHALL NOT ENTER INTO AN AGREEMENT PURSUANT TO THIS SUBSECTION (3) WITH THE SAME OUTSIDE ENTITY DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

(4) BEGINNING WITH THE FUNDING MODEL EFFECTIVE FOR STATE FISCAL YEAR 2024-25, THE FUNDING MODEL MUST:

(a) INCLUDE FACTORS ADDRESSING COUNTY WORKLOAD, INFORMED BY THE WORKLOAD STUDY CONDUCTED PURSUANT TO SECTION 26-5-104 (6.1)(c), INCLUDING THE NUMBER OF CHILD WELFARE CASE AIDES, CASE WORKERS, AND SUPERVISORS NECESSARY TO PERFORM ALL RESPONSIBILITIES REQUIRED BY STATE AND FEDERAL LAW;

(b) INCLUDE FACTORS ADDRESSING DEMOGRAPHIC DATA, INCLUDING POVERTY STATISTICS, AND STATE AND LOCAL ECONOMIC DRIVERS THAT MAY INFLUENCE THE COST OF DELIVERING CHILD WELFARE SERVICES AND PREVENTION PROGRAMS, AS DEFINED IN SECTION 19-1-103, WITH AN EMPHASIS ON BUILDING CAPACITY TO PROVIDE SERVICES BASED ON THE NEEDS OF THE CHILD AND FAMILY;

(c) INCLUDE THE ESTIMATED CASELOAD FOR THE DELIVERY OF SPECIFIC CHILD WELFARE SERVICES IN EACH COUNTY, TO BE FUNDED BY THE MONEY ALLOCATED TO COUNTIES PURSUANT TO SECTION 26-5-104;

(d) INCLUDE A PERFORMANCE-ALIGNED COMPONENT THAT SUPPORTS THE IMPLEMENTATION OF PROMISING, SUPPORTED, OR WELL-SUPPORTED PRACTICES, AS DEFINED IN THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT OF 2018";

(e) BE DRIVEN BY OUTCOMES RELATED TO THE STABILITY AND WELL-BEING OF CHILDREN RECEIVING CHILD WELFARE SERVICES, CONSISTENT WITH THE RECOMMENDATIONS OF THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE MADE PURSUANT TO SECTION 26-5-105.8 (4.5) PRIOR TO ITS REPEAL IN 2023; AND

(f) INCLUDE INCENTIVES FOR THE DELIVERY OF SERVICES BASED ON THE RECOMMENDATIONS OF THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE MADE PURSUANT TO SECTION 26-5-105.8. THE FUNDING MODEL MUST PROVIDE THE INCENTIVES TO COUNTIES BASED ON MEASUREMENTS AND METRICS ESTABLISHED BY THE STATE DEPARTMENT AFTER CONSIDERATION OF INPUT FROM THE CHILD WELFARE ALLOCATIONS COMMITTEE. THE MEASUREMENTS AND METRICS MAY INCLUDE METRICS CONCERNING SUCCESSFUL ADOPTIONS, SUCCESSFULLY SUSTAINED PLACEMENTS, HIGH SCHOOL GRADUATIONS, FAMILY REUNIFICATIONS, NO RECURRENCE OF ABUSE AND NEGLECT, AND TIMELY DENTAL AND MEDICAL CHECKS.

(5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR BEFORE NOVEMBER 15, 2021, AND ON OR BEFORE NOVEMBER 15 OF EACH YEAR THEREAFTER, THE STATE DEPARTMENT AND THE CHILD WELFARE ALLOCATIONS COMMITTEE SHALL SUBMIT A REPORT REGARDING THE FUNDING MODEL TO THE JOINT BUDGET COMMITTEE. THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION CONCERNING THE PREVIOUS FISCAL YEAR:

(a) THE RESULTS OF THE FUNDING MODEL, INCLUDING THE COST PER COUNTY NECESSARY TO MEET ALL STATE AND FEDERAL REQUIREMENTS FOR THE COMPREHENSIVE DELIVERY OF CHILD WELFARE SERVICES;

(b) THE DIFFERENCE BETWEEN EACH COUNTY'S ACTUAL ALLOCATION AND THE ALLOCATION AMOUNT IDENTIFIED BY THE FUNDING MODEL;

(c) THE FINAL CLOSE-OUT PURSUANT TO SECTION 26-5-104(7) FOR THE PREVIOUS FISCAL YEAR;

(d) ANY MODIFICATIONS MADE TO THE MODEL TO IMPROVE THE ACCURACY OF THE DATA;

(e) A DESCRIPTION OF THE INCENTIVES INCLUDED IN THE FUNDING MODEL AND THE AMOUNT OF INCENTIVES PROVIDED TO EACH COUNTY; AND

(f) ANY OTHER ISSUES RELATED TO FUNDING CHILD WELFARE SERVICES IDENTIFIED BY THE CHILD WELFARE ALLOCATIONS COMMITTEE.

(6)(a)(I) ON OR BEFORE AUGUST 1, 2021, AND ON OR BEFORE AUGUST 1 OF EACH YEAR THEREAFTER, THE CHILD WELFARE ALLOCATIONS COMMITTEE SHALL ESTABLISH AND APPOINT MEMBERS TO A FUNDING MODEL EVALUATION GROUP TO EVALUATE THE FUNDING MODEL.

(II) THE EVALUATION GROUP HAS SEVEN MEMBERS WHO ARE EXPERTS IN CHILD WELFARE FUNDING AND POLICY. AT LEAST ONE MEMBER MUST BE A REPRESENTATIVE OF THE STATE DEPARTMENT WITH CHILD WELFARE FUNDING EXPERTISE, ONE MEMBER MUST BE A COUNTY FINANCIAL OFFICER FROM A COUNTY DESCRIBED IN SECTION 26-5-104 (4)(b)(I), AND ONE MEMBER MUST BE A COUNTY FINANCIAL OFFICER FROM A COUNTY DESCRIBED IN SECTION 26-5-104 (4)(b)(II).

(III) THE MEMBERS OF THE EVALUATION GROUP SERVE WITHOUT COMPENSATION BUT MAY BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(b) THE EVALUATION GROUP SHALL EVALUATE THE FUNDING MODEL TO ENSURE THAT IT IS CONSISTENT WITH CHANGES TO STATE AND FEDERAL LAW, INCLUDES OUTCOME-BASED INCENTIVES AND CHILD AND FAMILY WELL-BEING OUTCOMES AS FACTORS IN THE MODEL, INCLUDES AN ONGOING WORKLOAD ANALYSIS, AND SATISFIES THE CRITERIA DESCRIBED IN SUBSECTION (4) OF THIS SECTION. THE EVALUATION GROUP SHALL EVALUATE ANY COMPONENTS OF THE FUNDING MODEL IDENTIFIED FOR EVALUATION BY THE CHILD WELFARE ALLOCATIONS COMMITTEE PURSUANT TO SECTION 26-5-103.5 (4.5).

(c) ON OR BEFORE OCTOBER 1, 2021, AND ON OR BEFORE OCTOBER 1 OF EACH YEAR THEREAFTER, THE EVALUATION GROUP MUST COMPLETE ITS ANNUAL EVALUATION OF THE FUNDING MODEL AND DELIVER ITS FINDINGS AND RECOMMENDATIONS TO THE CHILD WELFARE ALLOCATIONS COMMITTEE.

(7) ON OR BEFORE DECEMBER 31, 2021, AND ON OR BEFORE DECEMBER 31 OF EACH YEAR THEREAFTER, AND AFTER CONSIDERING THE FINDINGS AND RECOMMENDATIONS OF THE EVALUATION GROUP, THE CHILD WELFARE ALLOCATIONS COMMITTEE SHALL DELIVER TO THE STATE DEPARTMENT AND OUTSIDE ENTITY DESCRIBED IN SUBSECTION (2) OF THIS SECTION RESPONSIBLE FOR UPDATING THE FUNDING MODEL THE COMMITTEE'S RECOMMENDATIONS FOR MODIFICATIONS TO THE FUNDING MODEL THAT ARE NECESSARY TO ENSURE THAT THE MODEL IS CURRENT AND REFLECTS ANY CHANGES IN FEDERAL OR STATE LAW AND COUNTY DATA AND WORKLOAD.

(8) THE OUTSIDE ENTITY DESCRIBED IN SUBSECTION (2) OF THIS SECTION SHALL:

(a) ON OR BEFORE MARCH 31 OF THE FIRST YEAR OF ITS AGREEMENT, MODIFY THE MODEL TO BE USED FOR THE NEXT FISCAL YEAR BASED ON THE RESULTS OF THE EVALUATION CONDUCTED PURSUANT TO SUBSECTION (3) OF THIS SECTION AND THE RECOMMENDATIONS OF THE STATE DEPARTMENT, CHILD WELFARE ALLOCATIONS COMMITTEE, AND EVALUATION GROUP; UPDATE THE DATA USED IN THE MODEL; AND DELIVER THE RESULTS OF THE MODEL TO THE CHILD WELFARE ALLOCATIONS COMMITTEE, STATE DEPARTMENT, AND JOINT BUDGET COMMITTEE; AND

(b) ON OR BEFORE MARCH 31 OF EACH OTHER YEAR OF THE AGREEMENT, MODIFY THE FUNDING MODEL TO BE USED FOR THE NEXT FISCAL YEAR IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE CHILD WELFARE ALLOCATIONS COMMITTEE MADE PURSUANT TO SUBSECTION (7) OF THIS SECTION, UPDATE THE DATA USED IN THE MODEL, AND DELIVER THE RESULTS OF THE MODEL TO THE CHILD WELFARE ALLOCATIONS COMMITTEE, STATE DEPARTMENT, AND JOINT BUDGET COMMITTEE.

**SECTION 3.** In Colorado Revised Statutes, 26-5-103.5, **amend** (1), (2)(a), (2)(c) introductory portion, (2)(c)(III), and (3); **repeal** (4) and (7); and **add** (4.5) as follows:

**26-5-103.5. Child welfare allocations committee - organization - duties - funding model - definition - repeal.** (1) The state department shall convene a child welfare allocations committee ~~referred to in this section as the "committee"~~, as necessary in order to PERFORM THE DUTIES DESCRIBED IN THIS SECTION AND make advisory recommendations as described in this article 5.

(2) (a) The CHILD WELFARE ALLOCATIONS committee consists of thirteen members, ten of whom must be appointed by county commissioners and three of whom must be appointed by the state department, and the CHILD WELFARE ALLOCATIONS committee consists of two nonvoting members who must be appointed by the state department.

(c) Of the members appointed by county commissioners, only one representative per county may serve on the CHILD WELFARE ALLOCATIONS committee at the same time, and:

(III) Two members must be representatives from the two counties in the state with the greatest percentage of the state's child welfare caseload. County commissioners in the two counties with the greatest percentage of the state's child welfare caseload shall each appoint one member from their counties to serve on the CHILD WELFARE ALLOCATIONS committee.

(3) The CHILD WELFARE ALLOCATIONS committee shall develop its own operating procedures.

~~(4) No later than January 15, 1999, the state department, with input from the committee, shall make recommendations to the joint budget committee of the general assembly for a definition of what constitutes administration and support functions as referred to in section 26-5-101 (3)(m) and a method for identifying costs for such functions.~~

(4.5) (a) ON OR BEFORE AUGUST 1, 2021, AND ON OR BEFORE AUGUST 1 OF EACH YEAR THEREAFTER, THE CHILD WELFARE ALLOCATIONS COMMITTEE SHALL IDENTIFY COMPONENTS OF THE FUNDING MODEL THAT SHOULD BE EVALUATED BY THE FUNDING MODEL EVALUATION GROUP PURSUANT TO SECTION 26-5-103.7.

(b) IN ORDER TO ENSURE THE INTEGRITY OF THE FUNDING MODEL DESCRIBED IN SECTION 26-5-103.7, ON OR BEFORE SEPTEMBER 1, 2021, AND ON OR BEFORE SEPTEMBER 1 OF EACH YEAR THEREAFTER, THE CHILD WELFARE ALLOCATIONS COMMITTEE SHALL:

(I) ESTABLISH EXPECTATIONS FOR GATHERING AND USING DATA IN THE FUNDING MODEL TO ENSURE CONSISTENCY WITHIN THE FUNDING MODEL;

(II) IDENTIFY COUNTY TRAINING AND CAPACITY NEEDS TO ENSURE INTEGRITY OF THE DATA COLLECTED AND USED IN THE COLORADO TRAILS CASE MANAGEMENT SYSTEM AND COUNTY FINANCIAL MANAGEMENT SYSTEMS; AND

(III) DEVELOP STRATEGIES AND RECOMMEND CHANGES TO DATA SYSTEMS THAT SUPPORT THE FUNDING MODEL AND TO FINANCIAL POLICIES AND PRACTICES TO ENSURE THAT APPROPRIATE, CONSISTENT, AND ACCURATE DATA CAN BE USED TO INFORM THE FUNDING MODEL.

(c) THE CHILD WELFARE ALLOCATIONS COMMITTEE SHALL PROVIDE INPUT TO THE STATE DEPARTMENT CONCERNING THE MEASUREMENTS AND METRICS FOR COUNTIES TO RECEIVE INCENTIVES RECOMMENDED BY THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE MADE PURSUANT TO SECTION 26-5-105.8.

(d) THE CHILD WELFARE ALLOCATIONS COMMITTEE SHALL ALSO PERFORM ANY DUTIES REQUIRED IN SECTION 26-5-103.7 RELATED TO THE CHILD WELFARE ALLOCATIONS FUNDING MODEL.

~~(7) (a) Beginning with state fiscal year 2018-19, and every three years thereafter, the state department shall contract with an outside entity to develop a funding model that must be used to inform the committee, the general assembly, the governor, and the state department of the appropriate level of funding required to fully meet all state and federal requirements concerning the comprehensive delivery of child welfare services, as defined in section 26-5-101 (3). The funding model must take into consideration workload; demographic data, including poverty statistics; and state and local economic drivers that may influence the delivery of services. The funding model developed pursuant to this subsection (7) must be informed by the recommendations of the delivery of child welfare services task force as set forth in section 26-5-105.8 and must be used to inform the decision-making process of the committee.~~

~~(b) (i) On or before November 1, 2019, and each November 1 thereafter, the state department, in collaboration with the committee, shall submit an annual report to the joint budget committee, or any successor committee. The report must include the results of regular evaluations of the funding model developed pursuant to subsection (7)(a) of this section, the allocation formulas developed pursuant to section 26-5-104 (3), and outcomes and performance measures related to the delivery of child welfare services, pursuant to section 26-5-105.8.~~

~~(H) Notwithstanding section 24-1-136 (11)(a)(I), the reporting requirement in subsection (7)(b)(I) of this section continues indefinitely.~~

**SECTION 4.** In Colorado Revised Statutes, 26-5-105.8, **amend** (1)(c), (1)(h), and (5); and **add** (4.5) as follows:

**26-5-105.8. Delivery of child welfare services task force - creation - duties - membership - reporting requirements - repeal.** (1) There is created in the state department the delivery of child welfare services task force, referred to in this section as the "task force". The state department, in collaboration with counties, shall convene the task force at least once per quarter, beginning July 1, 2018. The purpose of the task force is to:

(c) Establish performance and outcome measures and the process by which to evaluate the measures associated with the delivery of child welfare services, including but not limited to residential out-of-home placements; foster care; adoption; and services to children and youth in their own homes, including prevention and intervention services, and determine how the measures and evaluation will be used to inform the funding model described in ~~section 26-5-103.5 (7)(a)~~ SECTION 26-5-103.7 and the allocation of funds pursuant to section 26-5-104 (3);

(h) Make recommendations to the ~~general assembly~~ JOINT BUDGET COMMITTEE, the governor, the state department, and the child welfare allocations committee concerning the task force's responsibilities and findings.

(4.5) ON OR BEFORE JULY 31, 2022, THE TASK FORCE SHALL REPORT TO THE FUNDING MODEL EVALUATION GROUP ESTABLISHED IN SECTION 26-5-103.7 ITS RECOMMENDATIONS FOR INCLUDING IN THE CHILD WELFARE SERVICES FUNDING MODEL DESCRIBED IN SECTION 26-5-103.7 PERFORMANCE AND OUTCOME MEASURES AND OUTCOME-BASED INCENTIVES RELATED TO THE STABILITY AND WELL-BEING OF CHILDREN WHO RECEIVE CHILD WELFARE SERVICES. THE TASK FORCE MAY PROVIDE UPDATED RECOMMENDATIONS TO THE EVALUATION GROUP PRIOR TO THE REPEAL OF THIS SECTION.

(5) This section is repealed, effective June 30, ~~2022~~ 2023.

**SECTION 5. Appropriation.** For the 2021-22 state fiscal year, \$250,000 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from the general fund. To implement this act, the division may use this appropriation for the county child welfare workload study.

**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, or safety.

Approved: June 25, 2021