

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0426.01 Jane Ritter x4342

**HOUSE BILL 20-1012**

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**HOUSE SPONSORSHIP**

**Young and Landgraf,**

**SENATE SPONSORSHIP**

**Todd and Gardner,**

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**House Committees**

Public Health Care & Human Services  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING REFORMS TO CHILD WELFARE SERVICES PROGRAMS FOR**  
102              **CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL**  
103              **DISABILITIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill makes changes to a program (program) within the department of human services (department) for children and youth with intellectual and developmental disabilities or co-occurring disorders (children and youth). The scope of rules to be promulgated by the department for the program is expanded to include planning for services

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

for children and youth who become 18 years of age while in the program; access to behavioral health services; wait list management; process for a child or youth who is at risk for out-of-home placement; and program evaluation.

Current law only allows for a county department of human or social services to submit an application to the program for a child or youth. The bill extends this option to the parent or legal guardian of the child or youth, and extends all notification requirements related to the program to the parent or legal guardian as well.

The bill updates reimbursement provisions so that if a child or youth is not in the custody of a county department of human or social services or the department, the department shall directly reimburse the licensed provider where the child or youth is placed.

Beginning on or before September 1, 2020, the department is required to compile and make public an annual report on the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-5-102, **amend** (3)  
3 and (4); and **add** (3.5) as follows:

4 **26-5-102. Provision of child welfare services - system reform**  
5 **goals - out-of-home placements for children and youth with**  
6 **intellectual and developmental disabilities - reporting - rules -**  
7 **definitions.** (3) (a) On or before August 1, 2018, the state department  
8 shall develop a program to serve children and youth with intellectual and  
9 developmental disabilities OR CO-OCCURRING DISORDERS, AS DEFINED IN  
10 SUBSECTION (4) OF THIS SECTION, who are placed by county departments  
11 of human or social services ~~in a licensed out-of-home setting as defined~~  
12 ~~in section 26-6-102 (33)~~ OR WHO ARE AT RISK OF OUT-OF-HOME  
13 PLACEMENT, AS DEFINED IN SUBSECTION (4) OF THIS SECTION, and children  
14 or youth committed to or in the custody of the state department.

15 (b) The state department shall promulgate rules concerning the  
16 placement of children or youth in the program. The rules must include,  
17 but need not be limited to, quality assurance monitoring; admissions;

1 discharge planning, INCLUDING PLANNING FOR SERVICES FOR CHILDREN  
2 AND YOUTH WHO REACH EIGHTEEN YEARS OF AGE WHILE IN THE PROGRAM;  
3 appropriate length of stay; ACCESS TO BEHAVIORAL HEALTH SERVICES; A  
4 PROCESS FOR SELECTION CRITERIA AND WAIT LIST MANAGEMENT;  
5 PROGRAM EVALUATION; and an appeals process for children or youth who  
6 are determined to be ineligible for the program.

7 (c) On or before December 31, 2018, the state department shall  
8 contract with a licensed provider for the delivery of services to children  
9 and youth with intellectual and developmental disabilities who are placed  
10 in the program. The state department shall utilize a request for proposal  
11 process to define the scope of the contract and to select the licensed  
12 provider.

13 (d) A county department ~~that wishes~~ OR THE PARENT OR LEGAL  
14 GUARDIAN OF A CHILD OR YOUTH THAT SEEKS to place a child or youth in  
15 the program shall submit an application to the state department for  
16 review. The state department shall approve admissions into the program  
17 and determine discharge criteria for each placement. A county department  
18 OR PARENT OR LEGAL GUARDIAN OF A CHILD OR YOUTH that has applied  
19 for the admission of a child or youth into the program ~~shall~~ MUST be  
20 notified in writing of a placement approved OR DENIED by the state  
21 department.

22 (e) ~~For the duration of the treatment, as defined in the approval~~  
23 ~~letter from the state department, and for thirty days after the completion~~  
24 ~~of treatment, the county department responsible for the placement of the~~  
25 ~~child or youth in the program must be reimbursed by the state department~~  
26 ~~for one hundred percent of the costs associated with the approved~~  
27 ~~placement. IF THE CHILD OR YOUTH WAS NOT PLACED BY A COUNTY~~

1 DEPARTMENT OR THE CHILD OR YOUTH IS NOT IN THE CUSTODY OF THE  
2 COUNTY DEPARTMENT OR THE STATE DEPARTMENT, THE STATE  
3 DEPARTMENT SHALL DIRECTLY REIMBURSE THE LICENSED PROVIDER FOR  
4 THE PLACEMENT.

5 (f) The state department shall notify the county department OR  
6 PARENT OR LEGAL GUARDIAN OF A CHILD OR YOUTH that is responsible for  
7 the placement of the child or youth of the date on which the  
8 reimbursement eligibility will expire, AND THAT THE NEXT CLINICALLY  
9 RECOMMENDED LEVEL OF CARE FOR THE CHILD OR YOUTH IS AVAILABLE  
10 BEFORE REIMBURSEMENT ELIGIBILITY EXPIRES. DISCHARGE PLANNING  
11 MUST ADDRESS THE NEXT CLINICALLY RECOMMENDED LEVEL OF CARE FOR  
12 THE CHILD OR YOUTH AND BE AVAILABLE PRIOR TO DISCHARGE. Upon  
13 expiration of the reimbursement eligibility, if the child or youth remains  
14 in placement at the facility, the county department OR PARENT OR LEGAL  
15 GUARDIAN OF THE CHILD OR YOUTH THAT ORIGINALLY REQUESTED AND IS  
16 RESPONSIBLE FOR THE PLACEMENT OF THE CHILD OR YOUTH is responsible  
17 for one hundred percent of the placement costs, UNTIL THE CHILD OR  
18 YOUTH IS DISCHARGED FROM THE FACILITY; EXCEPT THAT THE STATE  
19 DEPARTMENT REMAINS RESPONSIBLE FOR REIMBURSEMENT ELIGIBILITY IF  
20 A STATE COURT ORDERS THE PLACEMENT AND EXCEPT THAT THE COUNTY  
21 DEPARTMENT IS AUTHORIZED TO UTILIZE CHILD WELFARE BLOCK GRANT  
22 FUNDS FOR THE PLACEMENT, INCLUDING THE STATE AND FEDERAL  
23 GOVERNMENT SHARE OF THOSE FUNDS FOR THESE PURPOSES.

24 (g) A county department OR A PARENT OR LEGAL GUARDIAN OF A  
25 CHILD OR YOUTH that has placed a child or youth in the program retains  
26 the right to remove the child or youth from the program any time prior to  
27 the discharge date specified by the state department.

1 (h) The state department shall reimburse the provider one hundred  
2 percent of the cost of unutilized beds in the program to ensure available  
3 space for emergency residential out-of-home placements.

4 (i) (I) Entities other than county departments, including but not  
5 limited to hospitals, health care providers, single entry point agencies,  
6 MANAGED CARE ENTITIES, COMMUNITY MENTAL HEALTH CENTERS, and  
7 community-centered boards, may refer a family to voluntarily apply and  
8 assist with the application to the state department for admission of the  
9 family's child or youth with intellectual and developmental disabilities OR  
10 CO-OCCURRING DISORDERS into the program pursuant to this subsection  
11 ~~(3). Such applications will be considered if space is available. However,~~  
12 ~~children and youth with intellectual and developmental disabilities placed~~  
13 ~~by county departments or the state department shall have priority for~~  
14 ~~admission to the program;~~ IF DEEMED ELIGIBLE FOR THE PROGRAM BUT  
15 SPACE IS UNAVAILABLE, THE CHILD OR YOUTH WILL BE LISTED ON THE  
16 WAIT LIST.

17 (II) The state department shall not accept applications for  
18 placement of a child or youth who is exclusively insured by private  
19 insurance UNTIL PRIVATE INSURANCE FUNDING AND SERVICES ARE  
20 EXHAUSTED OR SERVICES ARE DEEMED UNAVAILABLE. A child or youth  
21 who is NOT IN THE CUSTODY OF A COUNTY DEPARTMENT AND IS dually  
22 insured by private insurance and medicaid and whose residential level of  
23 care has been denied by private insurance may be eligible for services in  
24 the program; EXCEPT THAT ATTEMPTS MUST FIRST BE MADE TO QUALIFY  
25 THE CHILD OR YOUTH FOR OTHER LICENSED OUT-OF-HOME TREATMENT  
26 SERVICES THROUGH MEDICAID AND OTHER POTENTIAL SOURCES OF  
27 FUNDING, SUCH AS THE "CHILDREN AND YOUTH MENTAL HEALTH

1 TREATMENT ACT", CREATED PURSUANT TO ARTICLE 67 OF TITLE 27.

2 (III) THE STATE DEPARTMENT SHALL PROMULGATE RULES TO  
3 ESTABLISH CRITERIA FOR ADMISSION TO THE PROGRAM. THE CRITERIA MAY  
4 INCLUDE, BUT NEED NOT BE LIMITED TO, RISK OR ACUITY OF THE YOUTH.  
5 IN ESTABLISHING THE CRITERIA, THE STATE DEPARTMENT SHALL CONVENE  
6 A STAKEHOLDER PROCESS TO INCLUDE INPUT FROM COUNTIES, ADVOCACY  
7 ORGANIZATIONS, COMMUNITY-CENTERED BOARDS, HOSPITALS, AND OTHER  
8 INTERESTED COMMUNITY MEMBERS.

9 (IV) THE STATE DEPARTMENT SHALL PROMULGATE RULES TO  
10 ESTABLISH THE APPLICATION PROCESS FOR A CHILD OR YOUTH WHO IS AT  
11 RISK OF OUT-OF-HOME PLACEMENT BUT WHO IS NOT IN THE CUSTODY OF  
12 A COUNTY DEPARTMENT.

13 (j) ~~Any entity defined in subsection (3)(i) of this section that~~  
14 ~~receives placement approval from the state department shall contract~~  
15 ~~directly with the provider for such placement and is responsible for the~~  
16 ~~costs associated with the placement~~ THE STATE DEPARTMENT SHALL  
17 DIRECTLY REIMBURSE THE LICENSED FACILITY FOR ALL PLACEMENTS MADE  
18 PURSUANT TO THE PROGRAM.

19 (j.5) FOR A CHILD OR YOUTH WHO IS NOT IN THE CUSTODY OF A  
20 COUNTY DEPARTMENT, THE STATE DEPARTMENT IS NOT EXPECTED TO  
21 PROVIDE INDIVIDUALIZED CASE MANAGEMENT SERVICES FOR SUCH CHILD  
22 OR YOUTH WHO IS SEEKING TO GAIN ELIGIBILITY TO THE PROGRAM. IF  
23 APPLICABLE AND NOT DUPLICATE, OTHER CASE MANAGEMENT SERVICES  
24 MAY BE AVAILABLE TO ASSIST THE CHILD OR YOUTH AND THE FAMILY  
25 THROUGH A COMMUNITY MENTAL HEALTH CENTER, MANAGED CARE  
26 ENTITY, COMMUNITY-CENTERED BOARD, HOSPITAL, OR OTHER  
27 APPROPRIATED INVOLVED ENTITY. FOR A CHILD OR YOUTH WHO IS IN THE

1 CUSTODY OF A COUNTY DEPARTMENT, APPROPRIATE CASE MANAGEMENT  
2 SERVICES, REFERRALS, AND SUPPORT MUST CONTINUE IN PARTNERSHIP  
3 WITH THE STATE DEPARTMENT.

4 (k) The state department ~~may~~ SHALL maintain up to three open  
5 beds specifically for children and youth in the custody of a county or  
6 committed to or in the custody of the state department who may need  
7 services on an emergency basis.

8 (3.5) ON OR BEFORE SEPTEMBER 1, 2020, AND ON OR BEFORE EACH  
9 SEPTEMBER 1 THEREAFTER, THE STATE DEPARTMENT SHALL POST A  
10 PUBLICLY AVAILABLE REPORT ON ITS WEBSITE CONCERNING THE PROGRAM  
11 ESTABLISHED PURSUANT TO THIS SECTION FOR CHILDREN AND YOUTH WITH  
12 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES OR CO-OCCURRING  
13 DISORDERS. THE STATE DEPARTMENT SHALL MAKE EVERY EFFORT TO  
14 PROVIDE AVAILABLE BASELINE DATA FROM THE PROGRAM'S INITIAL YEAR  
15 OF SERVICE FOR THE PURPOSE OF THE REPORTS REQUIRED BY THIS  
16 SUBSECTION (3.5). NOTWITHSTANDING THE PROVISIONS OF SECTION  
17 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS OF THIS SUBSECTION  
18 (3.5) CONTINUE INDEFINITELY. THE REPORT MUST INCLUDE, AT A  
19 MINIMUM:

20 (a) NONIDENTIFYING DEMOGRAPHIC INFORMATION ABOUT THE  
21 CHILDREN AND YOUTH ACCESSING THE PROGRAM, INCLUDING AGE,  
22 COUNTY OF RESIDENCE OR REGION TO MEET SAFE HARBOR GUIDELINES,  
23 THE NUMBER OF CHILDREN WHO HAVE APPLIED AND BEEN DENIED, THE  
24 COMMON REASONS FOR DENIALS, AND AVERAGE LENGTH OF TIME SPENT IN  
25 THE PROGRAM;

26 (b) THE AVERAGE LENGTH OF WAIT TIME FOR CHILDREN AND  
27 YOUTH ON THE WAIT LIST;

- 1 (c) THE MOST COMMON REASONS FOR DISCHARGE;
- 2 (d) AGGREGATED INFORMATION ABOUT THE CHILD'S OR YOUTH'S  
3 EXPECTED PLACEMENT FOLLOWING DISCHARGE;
- 4 (e) THE TOTAL NUMBER OF REFERRALS TO THE PROGRAM,  
5 INCLUDING THOSE WHO DO NOT CHOOSE TO BE LISTED ON THE WAIT LIST;  
6 AND
- 7 (f) THE MOST FREQUENTLY REFERRING ENTITIES.
- 8 (4) As used in this section, UNLESS THE CONTEXT OTHERWISE  
9 REQUIRES:
- 10 (a) "AT RISK OF OUT-OF-HOME PLACEMENT" MEANS A CHILD OR  
11 YOUTH WHO:
- 12 (I) (A) IS ENTERING THE DIVISION OF YOUTH SERVICES; OR  
13 (B) IS AT RISK OF CHILD WELFARE INVOLVEMENT;
- 14 (II) IS ELIGIBLE FOR MEDICAL ASSISTANCE PURSUANT TO ARTICLE  
15 4, 5, OR 6 OF THIS TITLE 25.5; AND
- 16 (III) (A) HAS AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY  
17 AS DEFINED IN SECTION 25.5-6-403;
- 18 (B) HAS BEEN DIAGNOSED AS HAVING A MENTAL HEALTH  
19 DISORDER, DEFINED AS ONE OR MORE SUBSTANTIAL DISORDERS OF THE  
20 COGNITIVE, VOLITIONAL, OR EMOTIONAL PROCESSES THAT GROSSLY  
21 IMPAIR JUDGMENT OR CAPACITY TO RECOGNIZE REALITY OR TO CONTROL  
22 BEHAVIOR; AND
- 23 (C) MAY REQUIRE A LEVEL OF CARE THAT IS PROVIDED IN A  
24 RESIDENTIAL CHILD CARE FACILITY, INPATIENT PSYCHIATRIC HOSPITAL, OR  
25 OTHER INTENSIVE CARE SETTING OUTSIDE OF THE CHILD'S OR YOUTH'S  
26 HOME.
- 27 (b) "CO-OCCURRING DISORDER" MEANS AN INTELLECTUAL AND



1 DEVELOPMENTAL DISABILITY, AS DEFINED IN SECTION 25.5-6-403, AND A  
2 MENTAL HEALTH DISORDER, DEFINED AS ONE OR MORE SUBSTANTIAL  
3 DISORDERS OF THE COGNITIVE, VOLITIONAL, OR EMOTIONAL PROCESSES  
4 THAT GROSSLY IMPAIRS JUDGMENT OR CAPACITY TO RECOGNIZE REALITY  
5 OR TO CONTROL BEHAVIOR.

6 (c) "County department" means a county department of human or  
7 social services.

8 (d) "INTELLECTUAL AND DEVELOPMENTAL DISABILITY" HAS THE  
9 SAME MEANING AS SET FORTH IN SECTION 25.5-6-403.

10 **SECTION 2. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, or safety.