

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0917.02 Jane Ritter x4342

SENATE BILL 20-162

SENATE SPONSORSHIP

Rankin and Moreno,

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING UPDATING COLORADO'S STATUTORY PROVISIONS
102 RELATED TO FOSTER CARE PREVENTION SERVICES IN THE
103 CONTEXT OF THE FEDERAL "FAMILY FIRST PREVENTION
104 SERVICES ACT".

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 updates Colorado's statutory provisions related to foster care prevention services and supports (prevention services) in the context of the federal "Family First Prevention Services Act", including:

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.

- ! Updating the definition of "kin" to ensure that kin are eligible for prevention services;
- ! Updating the definition of "qualified individual" to clarify eligibility;
- ! Clarifying the elements of reviews of qualified residential treatment program placements (placements) to ensure that the placement of children, juveniles, and youth are reviewed initially by the court and not by the administrative review division;
- ! Updating language referring to children to include juveniles and youth to ensure that delinquent youth are also identified as a population that is eligible for prevention services and meet the requirements for placements;
- ! Adding information about prevention services and the authority of county departments of human and social services (county departments) to provide prevention services, including developing a form to inform affected parents and caregivers of their rights and remedies;
- ! Requiring that when a youth is committed to the state department of human services, the court shall make additional findings to ensure the commitment is not the result of a lack of available appropriate placements;
- ! Adding requirements to a court to make specific findings when it deviates from the assessor's recommendation of a placement;
- ! Setting a new requirement that residential child care facilities must renew licenses annually; and
- ! Requiring the existing delivery of child welfare services task force to make recommendations on the reduction of state reimbursements for certain out-of-home placements on or before July 31, 2020, and instructing the state to change reimbursement rates on or before January 1, 2021.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-102, **amend**
3 (1.9) as follows:

4 **19-1-102. Legislative declaration.** (1.9) The federal "Family
5 First Prevention Services Act" was enacted on February 9, 2018. In order
6 to comply with the provisions of the federal "Family First Prevention
7 Services Act", the general assembly finds that it is necessary to update

1 current statutes to enable Colorado to provide enhanced support to
2 children, JUVENILES, OR youth, and their families in order to prevent foster
3 care placements. The state department shall implement the updated
4 provisions in ~~sections 19-1-103, 19-1-115, 19-3-208, and 19-3-308~~ THIS
5 TITLE 19 utilizing foster care prevention services and qualified residential
6 treatment programs when the federal government approves Colorado's
7 five-year Title IV-E prevention plan, and subject to available general fund
8 appropriations or federal funding.

9 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **amend**
10 (71.3) and (87.7) as follows:

11 **19-1-103. Definitions.** As used in this title 19 or in the specified
12 portion of this title 19, unless the context otherwise requires:

13 (71.3) "~~Kin~~" for purposes of a "~~kinship foster care home~~" or for
14 purposes of "~~noncertified kinship care~~", may be a relative of the child, a
15 person ascribed by the family as having a family-like relationship with the
16 child, or a person that has a prior significant relationship with the child.
17 These relationships take into account cultural values and continuity of
18 significant relationships with the child.

19 (87.7) "Qualified individual" means a trained professional or
20 licensed clinician, as defined in the federal "Family First Prevention
21 Services Act". "QUALIFIED INDIVIDUAL" MUST BE APPROVED TO SERVE AS
22 A QUALIFIED INDIVIDUAL ACCORDING TO THE STATE PLAN AND APPLIES
23 ONLY TO A PHYSICIAN LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12;
24 A PSYCHOLOGIST LICENSED PURSUANT TO SECTION 12-255-111; OR A
25 CLINICAL SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST,
26 PROFESSIONAL COUNSELOR, OR ADDICTION COUNSELOR LICENSED
27 PURSUANT TO PART 4, 5, 6, OR 8 OF ARTICLE 245 OF TITLE 12. "QUALIFIED

1 INDIVIDUAL" MUST NOT BE AN INTERESTED PARTY OR PARTICIPANT IN THE
2 JUVENILE COURT PROCEEDING AND MUST BE FREE OF ANY PERSONAL OR
3 BUSINESS RELATIONSHIP THAT WOULD CAUSE A CONFLICT OF INTEREST IN
4 EVALUATING THE CHILD, JUVENILE, OR YOUTH AND MAKING
5 RECOMMENDATIONS CONCERNING THE CHILD'S, JUVENILE'S, OR YOUTH'S
6 PLACEMENT AND THERAPEUTIC NEEDS.

7 **SECTION 3.** In Colorado Revised Statutes, 19-1-115, **amend**
8 (4)(e) introductory portion, (4)(e)(II), and (4)(f); and **add** (4)(g) as
9 follows:

10 **19-1-115. Legal custody - guardianship - placement out of the**
11 **home - petition for review for need of placement.** (4) (e) ~~Whenever a~~
12 ~~child is placed in a qualified residential treatment program, a family or~~
13 ~~juvenile court, or, if there is no objection, the administrative review~~
14 ~~division of the department of human services, shall, within sixty days~~
15 WITHIN SIXTY DAYS AFTER AN INITIAL PLACEMENT OF A CHILD, JUVENILE,
16 OR YOUTH IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, OR WITHIN
17 THIRTY DAYS AFTER THE PLACEMENT IF THE QUALIFIED INDIVIDUAL DOES
18 NOT SUPPORT THE QUALIFIED RESIDENTIAL TREATMENT PROGRAM LEVEL
19 OF CARE OR THE CHILD, JUVENILE, OR YOUTH, GUARDIAN AD LITEM, OR
20 ANY PARTY OBJECTS TO THE PLACEMENT, A JUVENILE COURT SHALL:

21 (II) Determine whether the needs of the child, JUVENILE, OR
22 YOUTH can be met through placement with a parent, legal guardian, legal
23 custodian, kin caregiver, or in a foster care home, or whether placement
24 of the child, JUVENILE, OR YOUTH in a qualified residential treatment
25 program provides the most effective and appropriate level of care for the
26 child, JUVENILE, OR YOUTH in the least restrictive environment, and
27 whether that placement is consistent with the short- and long-term goals,

1 including mental, behavioral, and physical health goals, for the child,
2 JUVENILE, OR YOUTH as specified in the permanency plan for the child,
3 JUVENILE, OR YOUTH or as outlined in the family services plan; and

4 (f) As long as a child, JUVENILE, OR YOUTH remains in a qualified
5 residential treatment program, the county department shall submit
6 evidence: ~~at each review and each permanency hearing held with respect~~
7 ~~to the child:~~

8 (I) Demonstrating that ongoing assessment of the strengths and
9 needs of the child, JUVENILE, OR YOUTH continues to support the
10 determination that the needs of the child, JUVENILE, OR YOUTH cannot be
11 met through placement with a parent, legal guardian, legal custodian, kin
12 caregiver, or in a foster family home; ~~and~~ that the placement in a qualified
13 residential treatment program provides the most effective and appropriate
14 level of care for the child, JUVENILE, OR YOUTH in the least restrictive
15 environment; and that the placement is consistent with the short- and
16 long-term goals for the child, JUVENILE, OR YOUTH as specified in the
17 permanency plan for the child, JUVENILE, OR YOUTH, or as outlined in the
18 family services plan;

19 (II) Documenting the specific treatment or service needs that will
20 be met for the child, JUVENILE, OR YOUTH in the placement and the length
21 of time the child, JUVENILE, OR YOUTH is expected to need treatment or
22 services; and

23 (III) Documenting the efforts made by the county DEPARTMENT
24 to prepare the child, JUVENILE, OR YOUTH to return home or to be placed
25 with a fit and willing kin caregiver, a legal guardian, legal custodian, or
26 an adoptive parent, or in a foster family.

27 (g) THE EVIDENCE REQUIRED PURSUANT TO SUBSECTION (4)(f) OF

1 THIS SECTION MUST BE SUBMITTED AT EACH SUBSEQUENT REVIEW AND
2 EACH SUBSEQUENT PERMANENCY HEARING HELD CONCERNING THE CHILD,
3 JUVENILE, OR YOUTH. THE EVIDENCE MUST NOT BE SUBMITTED LESS
4 FREQUENTLY THAN EVERY NINETY DAYS DURING THE DURATION OF THE
5 PLACEMENT OF THE CHILD, JUVENILE, OR YOUTH IN THE QUALIFIED
6 RESIDENTIAL TREATMENT PROGRAM. THE EVIDENCE MUST BE SUBMITTED
7 TO THE COURT OR TO THE ADMINISTRATIVE REVIEW DIVISION OF THE
8 STATE DEPARTMENT OF HUMAN SERVICES IF PARTIES CONSENT TO THE
9 LATTER. THE COURT, OR THE ADMINISTRATIVE REVIEW DIVISION OF THE
10 STATE DEPARTMENT OF HUMAN SERVICES, SHALL REVIEW THE EVIDENCE
11 SUBMITTED PURSUANT TO SUBSECTION (4)(f) OF THIS SECTION AT EACH
12 SUBSEQUENT PERMANENCY AND STATUS REVIEW HEARING AT LEAST
13 EVERY NINETY DAYS DURING THE DURATION OF THE PLACEMENT OF THE
14 CHILD, JUVENILE, OR YOUTH IN THE QUALIFIED RESIDENTIAL TREATMENT
15 PROGRAM.

16 **SECTION 4.** In Colorado Revised Statutes, **add** 19-1-115.7 as
17 follows:

18 **19-1-115.7. Foster care prevention services - provision of**
19 **services - rights and remedies - exchange of information.** (1) A
20 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES MAY PROVIDE BOTH
21 CHILD WELFARE PREVENTION SERVICES AND FOSTER CARE PREVENTION
22 SERVICES, AS DEFINED IN SECTION 19-1-103 (51.7), TO FAMILIES, KIN
23 CAREGIVERS, CHILDREN, JUVENILES, AND YOUTH.

24 (2) THE STATE DEPARTMENT OF HUMAN SERVICES SHALL DEVELOP
25 A DETAILED NOTICE OF RIGHTS AND REMEDIES APPLICABLE TO PREVENTION
26 SERVICES AND A PLAN FOR DISSEMINATING THE NOTICE OF RIGHTS AND
27 REMEDIES TO AFFECTED PARTIES.

1 (3) NOTHING IN THIS SECTION AFFECTS ANY EXISTING RIGHTS OF
2 A CHILD, JUVENILE, OR YOUTH OR A PARENT OR LEGAL GUARDIAN.

3 (4) (a) WHEN PREVENTION SERVICES INFORMATION IS EXCHANGED
4 BETWEEN STATE AGENCIES, COUNTY DEPARTMENTS, AND SERVICE
5 PROVIDERS TO ALLOW FOR THE PROVISION OF PREVENTION SERVICES, SUCH
6 INFORMATION IS CONFIDENTIAL AND NOT AVAILABLE TO THE PUBLIC. ALL
7 ENTITIES PROVIDING PREVENTION SERVICES SHALL ENSURE THAT ALL
8 INFORMATION OBTAINED AND EXCHANGED IS CONFIDENTIAL AS REQUIRED
9 PURSUANT TO THIS SECTION, SECTIONS 19-1-103 AND 19-1-307, AND ANY
10 OTHER APPLICABLE STATE OR FEDERAL LAW.

11 (b) REFERRAL INFORMATION EXCHANGED FOR PROVISION OF
12 SERVICES BETWEEN STATE AGENCIES, COUNTY DEPARTMENTS, AND
13 SERVICE PROVIDERS IS CONSIDERED CONFIDENTIAL AND IS NOT AVAILABLE
14 TO THE PUBLIC.

15 **SECTION 5.** In Colorado Revised Statutes, 19-2-906, **add** (5) as
16 follows:

17 **19-2-906. Sentencing hearing.** (5) IF THE SENTENCE IS A
18 COMMITMENT TO THE DEPARTMENT OF HUMAN SERVICES, THE COURT
19 SHALL MAKE A FINDING THAT SUCH COMMITMENT IS NOT THE RESULT OF
20 A LACK OF AN AVAILABLE QUALIFIED RESIDENTIAL TREATMENT PROGRAM
21 PLACEMENT.

22 **SECTION 6.** In Colorado Revised Statutes, 19-2-907, **amend**
23 (5)(a) as follows:

24 **19-2-907. Sentencing schedule - options.** (5) (a) Except as
25 otherwise provided in section 19-2-601 for an aggravated juvenile
26 offender, if the court finds that placement out of the home is necessary
27 and is in the best interests of the juvenile and the community, AND IF THE

1 PLACEMENT IS A COMMITMENT TO THE DEPARTMENT OF HUMAN SERVICES
2 AND SUCH COMMITMENT IS NOT THE RESULT OF A LACK OF AN AVAILABLE
3 QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT, the court
4 shall place the juvenile, following the criteria established pursuant to
5 section 19-2-212, in the facility or setting that most appropriately meets
6 the needs of the juvenile, the juvenile's family, and the community. In
7 making its decision as to proper placement, the court shall utilize the
8 evaluation for placement prepared pursuant to section 19-1-107 or the
9 evaluation for placement required by section 19-1-115 (8)(e). Any
10 placement recommendation in the evaluation prepared by the county
11 department of human or social services must be accorded great weight as
12 the placement that most appropriately meets the needs of the juvenile, the
13 juvenile's family, and the community. A recommendation prepared by the
14 county department of human or social services must set forth specific
15 facts and reasons for the placement recommendation. If the evaluation for
16 placement recommends placement in a facility located in Colorado that
17 can provide appropriate treatment and that will accept the juvenile, then
18 the court shall not place the juvenile in a facility outside this state. If the
19 court places the juvenile in a facility located in Colorado other than one
20 recommended by the evaluation for placement, in a facility located
21 outside this state in accordance with the evaluation for placement, or in
22 a facility in which the average monthly cost exceeds the amount
23 established by the general assembly in the general appropriation bill, it
24 shall make specific findings of fact, including the monthly cost of the
25 facility in which such juvenile is placed, relating to its placement
26 decision. A copy of such findings must be sent to the chief justice of the
27 supreme court, who shall, notwithstanding section 24-1-136 (11)(a)(I),

1 report monthly to the joint budget committee and annually to the house
2 and senate committees on health and human services, or any successor
3 committees, on such placements. If the court commits the juvenile to the
4 state department of human services, it shall not make a specific
5 placement, nor are the provisions of this subsection (5) relating to specific
6 findings of fact applicable.

7 **SECTION 7.** In Colorado Revised Statutes, 19-2-909, **amend**
8 (1)(a) as follows:

9 **19-2-909. Sentencing - commitment to the department of**
10 **human services.** (1) (a) Except as otherwise provided in sections
11 19-2-601 and 19-2-921 for an aggravated juvenile offender, the court may
12 commit a juvenile to the department of human services for a determinate
13 period of up to two years if the juvenile is adjudicated for an offense that
14 would constitute a felony or a misdemeanor if committed by an adult;
15 except that, if the juvenile is younger than twelve years of age and is not
16 adjudicated AS an aggravated juvenile offender, the court may commit the
17 juvenile to the department of human services only if the juvenile is
18 adjudicated for an offense that would constitute a class 1, class 2, or class
19 3 felony if committed by an adult. WHEN SENTENCING A JUVENILE TO THE
20 DEPARTMENT OF HUMAN SERVICES, THE COURT SHALL MAKE A FINDING
21 THAT THE COMMITMENT IS NOT THE RESULT OF A LACK OF AN AVAILABLE
22 QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT.

23 **SECTION 8.** In Colorado Revised Statutes, 19-2-921, **amend**
24 (1.5)(a) introductory portion; and **add** (1.5)(a)(III) as follows:

25 **19-2-921. Commitment to department of human services.**
26 (1.5) (a) When a court commits a juvenile to the state department of
27 human services pursuant to ~~the provisions of this article~~ THIS ARTICLE 2,

1 the court shall make the following specific determinations:

2 (III) WHETHER PLACEMENT OF THE JUVENILE WITH THE
3 DEPARTMENT OF HUMAN SERVICES IS THE RESULT OF A LACK OF AN
4 AVAILABLE QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT.

5 **SECTION 9.** In Colorado Revised Statutes, 19-3-508, **amend**
6 (5)(b)(I); and **add** (5)(b)(I.5) as follows:

7 **19-3-508. Neglected or dependent child - disposition -**
8 **concurrent planning.** (5) (b) (I) If the court finds that placement out of
9 the home is necessary and is in the best interests of the child, ~~and the~~
10 ~~community~~, the court shall place the child with a relative, including the
11 child's grandparent, as provided in ~~paragraph (b) of subsection (1)~~
12 SUBSECTION (1)(b) of this section, if such placement is in the child's best
13 interests. The court shall place the child in the facility or setting that most
14 appropriately meets the needs of the child AND the family. ~~and the~~
15 ~~community~~. FOR ALL PLACEMENTS OTHER THAN QUALIFIED RESIDENTIAL
16 TREATMENT PROGRAMS, in making its decision as to proper placement,
17 the court shall utilize the evaluation for placement prepared pursuant to
18 section 19-1-107. If the court deviates from the recommendations of ~~the~~
19 A COUNTY DEPARTMENT'S evaluation for placement in a manner that
20 results in a difference in the cost of the disposition ordered by the court
21 and the cost of the disposition recommended in the evaluation, the court
22 shall make specific findings of fact relating to its decision, including the
23 monthly cost of the placement, if ordered. A copy of such findings ~~shall~~
24 MUST be sent to the chief justice of the supreme court, who shall report
25 annually to the joint budget committee and annually to the health,
26 environment, welfare, and institutions committees, OR ANY SUCCESSOR
27 COMMITTEES, of the house of representatives and senate of the general

1 assembly on such orders.

2 (I.5) IN MAKING A DECISION AS TO PROPER PLACEMENT IN A
3 QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THE COURT SHALL
4 CONSIDER THE ASSESSMENT PROVIDED BY THE QUALIFIED INDIVIDUAL, AS
5 DESCRIBED IN SECTION 19-1-115 (4)(e), AND SHALL GIVE GREAT WEIGHT
6 TO THE RECOMMENDATION IN THE ASSESSMENT WHEN MAKING A
7 QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT DECISION. AN
8 ASSESSMENT PREPARED BY THE QUALIFIED INDIVIDUAL MUST IDENTIFY
9 WHETHER A QUALIFIED RESIDENTIAL TREATMENT PROGRAM IS THE MOST
10 EFFECTIVE, APPROPRIATE, AND LEAST RESTRICTIVE PLACEMENT FOR THE
11 CHILD OR YOUTH. THE ASSESSMENT MUST ALSO IDENTIFY CHILD- OR
12 YOUTH-SPECIFIC SHORT- AND LONG-TERM GOALS FOR THE CHILD OR
13 YOUTH AND THE FAMILY. IF THE COURT DEVIATES FROM THE QUALIFIED
14 INDIVIDUAL'S ASSESSMENT AND RECOMMENDATION, THE COURT SHALL
15 MAKE SPECIFIC FINDINGS OF FACT REGARDING THE MOST EFFECTIVE,
16 APPROPRIATE, AND LEAST RESTRICTIVE PLACEMENT FOR THE CHILD OR
17 YOUTH AND WHETHER THE PLACEMENT IS CONSISTENT WITH CHILD- OR
18 YOUTH-SPECIFIC SHORT- AND LONG-TERM GOALS FOR THE CHILD OR
19 YOUTH AND THE FAMILY. WHEN MAKING SUCH FINDINGS OF FACT, THE
20 COURT SHALL CONSIDER ALL RELEVANT INFORMATION, INCLUDING:

21 (A) WHETHER THE PROTOCOL FOR THE QUALIFIED RESIDENTIAL
22 TREATMENT PROGRAM ASSESSMENT WAS FOLLOWED;

23 (B) THE STRENGTHS AND SPECIFIC TREATMENT OR SERVICES NEEDS
24 OF THE CHILD OR YOUTH AND THE FAMILY;

25 (C) THE EXPECTED LENGTH OF STAY; AND

26 (D) THE PLACEMENT PREFERENCE OF THE CHILD OR YOUTH AND
27 THE FAMILY.

1 **SECTION 10.** In Colorado Revised Statutes, 26-5-104, **amend**
2 (7)(a); and **add** (1)(c), (1)(d), (1)(e), (1)(f), and (g) as follows:

3 **26-5-104. Funding of child welfare services provider contracts**
4 **- funding mechanism review - fund - report - rules - definitions -**
5 **repeal.** (1) **Reimbursement.** (c) ON OR BEFORE JULY 31, 2020, THE
6 DELIVERY OF CHILD WELFARE SERVICES TASK FORCE, ESTABLISHED
7 PURSUANT TO SECTION 26-5-105.8, SHALL MAKE RECOMMENDATIONS
8 CONCERNING THE PROVISIONS OF SECTION 26-5-105.8 (1)(b).

9 (d) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, THE
10 STATE, TAKING INTO ACCOUNT THE RECOMMENDATIONS MADE PURSUANT
11 TO SUBSECTION (1)(c) OF THIS SECTION, SHALL ESTABLISH A NEW
12 REIMBURSEMENT RATE FOR OUT-OF-HOME PLACEMENTS THAT DO NOT
13 MEET THE CRITERIA OF THE FEDERAL "FAMILY FIRST PREVENTION
14 SERVICES ACT" THAT REIMBURSES COUNTY DEPARTMENTS AT A RATE
15 THAT IS LOWER THAN THE RATE ESTABLISHED PURSUANT TO SUBSECTION
16 (1)(a) OF THIS SECTION, BUT NO LESS THAN A FIFTY PERCENT
17 REIMBURSEMENT TO THE COUNTY DEPARTMENTS ON OR BEFORE
18 DECEMBER 30, 2020.

19 (e) IF THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE
20 DOES NOT MAKE THE RECOMMENDATIONS REQUIRED PURSUANT TO
21 SUBSECTION (1)(d) OF THIS SECTION, ON OR BEFORE JANUARY 1, 2021, THE
22 STATE SHALL ESTABLISH NEW REIMBURSEMENT RATES THAT MEET THE
23 CRITERIA DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION.

24 (f) IN MAKING ITS RECOMMENDATIONS CONCERNING THE
25 REIMBURSEMENT RATES PURSUANT TO SUBSECTION (1)(c) OF THIS
26 SECTION, THE DELIVERY OF CHILD WELFARE SERVICES TASK FORCE SHALL
27 CONSIDER THE IMPACT OF THE INSTITUTE FOR MENTAL DISEASE

1 DESIGNATION ON QUALIFIED RESIDENTIAL TREATMENT PROGRAMS FOR
2 RESIDENTIAL CHILD CARE FACILITIES.

3 (g) THIS SECTION GOES INTO EFFECT WHEN THE FEDERAL
4 GOVERNMENT APPROVES COLORADO'S FIVE-YEAR TITLE IV-E PREVENTION
5 PLAN.

6 (7) **Close-out process for county allocations.** (a) (I) There is
7 created in the state treasury the child welfare prevention and intervention
8 services cash fund, referred to in this subsection (7) as the "fund". The
9 following ~~two~~ THREE special accounts are created in the fund:

10 (A) The small- and medium-sized counties account, referred to in
11 this subsection (7) as the "small- and medium-sized account"; ~~and~~

12 (B) The all-counties account, referred to in this subsection (7) as
13 the "all-counties account"; AND

14 (C) THE STATEWIDE CAPACITY BUILDING ACCOUNT, REFERRED TO
15 IN THIS SUBSECTION (7) AS THE "CAPACITY BUILDING ACCOUNT".

16 (II) The state department is authorized to accept gifts, grants, and
17 donations, which must be transferred to the fund and credited to the
18 all-counties account within the fund.

19 (III) In addition to transfers credited to the all-counties account
20 within the fund pursuant to subsection (7)(a.6) of this section, the general
21 assembly may directly appropriate general fund money to the fund. If the
22 general assembly makes a direct appropriation of general fund money to
23 the fund, the money must be credited to the all-counties account OR THE
24 CAPACITY BUILDING ACCOUNT within the fund. The state department, in
25 consultation with the counties, shall determine the allocation of any
26 money credited to the all-counties account within the fund, which money
27 may be allocated to all counties, regardless of size.

1 (IV) The state department, in consultation with counties, shall
2 allocate all money from the fund to increase local child welfare
3 prevention and intervention services capacity, which allocations must be
4 used by a county for the delivery of child welfare prevention and
5 intervention services that have been approved by the state department.

6 (V) The state department shall work collaboratively with the state
7 board of human services to promulgate rules concerning the allocation
8 and use of money from the fund.

9 (VI) IN ADDITION TO ANY GENERAL FUND MONEY APPROPRIATED
10 BY THE GENERAL ASSEMBLY, ALL FEDERAL REVENUE RECEIVED PURSUANT
11 TO THE FEDERAL "FAMILY FIRST TRANSITION ACT" MUST BE DEPOSITED
12 IN THE CAPACITY BUILDING ACCOUNT.

13 (VII) THE STATE DEPARTMENT SHALL DETERMINE THE
14 ALLOCATION OF ANY MONEY CREDITED TO THE CAPACITY BUILDING
15 ACCOUNT WITHIN THE FUND, WHICH MUST BE USED BY THE STATE FOR, AT
16 A MINIMUM, THE FOLLOWING PURPOSES:

17 (A) CAPACITY MAPPING OF EXISTING CHILD WELFARE SERVICES,
18 INCLUDING PLACEMENT AVAILABILITY, MENTAL AND BEHAVIORAL HEALTH
19 SERVICES, PREVENTION SERVICES THAT MEET THE FEDERAL "FAMILY FIRST
20 PREVENTION SERVICES ACT", AND OTHER PREVENTION SERVICES;

21 (B) SUPPORTING TRANSITION PROVIDERS WHO ARE INELIGIBLE FOR
22 EIGHTY PERCENT REIMBURSEMENT PURSUANT TO SUBSECTIONS (1)(d) AND
23 (1)(e) OF THIS SECTION TO BECOME A PROVIDER WHO IS ELIGIBLE FOR
24 HIGHER REIMBURSEMENT PURSUANT TO SUBSECTION (1)(a) OF THIS
25 SECTION OR THAT MEETS A DEMONSTRATED NEED FOR SERVICES IN THE
26 STATE; AND

27 (C) ADDITIONAL SUPPORT FOR FOSTER PARENT RECRUITMENT AND

1 RETENTION, INCLUDING SUPPORT FOR HARD-TO-SERVE CHILDREN,
2 JUVENILES, AND YOUTH.

3 (VIII) THE STATE DEPARTMENT SHALL DETERMINE THE
4 ALLOCATION OF ANY MONEY CREDITED TO THE CAPACITY BUILDING
5 ACCOUNT WITHIN THE FUND, WHICH MUST BE USED BY THE STATE FOR, AT
6 A MINIMUM, THE FOLLOWING PURPOSES:

7 (A) CAPACITY MAPPING OF CHILD WELFARE SERVICES, INCLUDING
8 PLACEMENT AVAILABILITY, MENTAL AND BEHAVIORAL HEALTH SERVICES,
9 AND OTHER PREVENTION SERVICES; AND

10 (B) SUPPORTING TRANSITION PROVIDERS WHO ARE INELIGIBLE FOR
11 EIGHTY PERCENT REIMBURSEMENT PURSUANT TO SUBSECTIONS (1)(c) AND
12 (1)(d) OF THIS SECTION TO OBTAIN A LICENSURE TYPE THAT IS ELIGIBLE
13 FOR HIGHER REIMBURSEMENT PURSUANT TO SUBSECTION (1)(a) OF THIS
14 SECTION.

15 **SECTION 11.** In Colorado Revised Statutes, **add 26-5.4-106** as
16 follows:

17 **26-5.4-106. Foster care prevention services - provision of**
18 **services - rights and remedies - exchange of information.** (1) A
19 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES MAY PROVIDE BOTH
20 CHILD WELFARE AND FOSTER CARE PREVENTION SERVICES, AS DEFINED IN
21 SECTION 26-5.4-102, TO A FAMILY AND ITS CHILDREN.

22 (2) THE STATE DEPARTMENT OF HUMAN SERVICES SHALL DEVELOP,
23 WITH THE ASSISTANCE OF THE ATTORNEY GENERAL, A DETAILED NOTICE
24 OF RIGHTS AND REMEDIES FOR FAMILIES WHEN FOSTER CARE PREVENTION
25 SERVICES ARE PROVIDED.

26 (3) NOTHING IN THIS SECTION AFFECTS ANY EXISTING RIGHTS OF
27 A CHILD OR YOUTH, INCLUDING THOSE ELIGIBLE FOR FOSTER CARE

1 PREVENTION SERVICES, OR ANY EXISTING RIGHTS OF A PARENT WHO IS
2 ELIGIBLE FOR FOSTER CARE PREVENTION SERVICES.

3 (4) (a) AN ENTITY PROVIDING FOSTER CARE PREVENTION SERVICES
4 SHALL ENSURE THAT ALL INFORMATION OBTAINED AND EXCHANGED IS
5 CONFIDENTIAL AS REQUIRED PURSUANT TO FEDERAL AND STATE LAWS
6 REGARDING CONFIDENTIALITY.

7 (b) REFERRAL INFORMATION EXCHANGED FOR PROVISION OF
8 SERVICES BETWEEN STATE AGENCIES, COUNTY DEPARTMENTS, AND
9 SERVICE PROVIDERS IS CONSIDERED CONFIDENTIAL AND IS NOT AVAILABLE
10 TO THE PUBLIC.

11 **SECTION 12.** In Colorado Revised Statutes, 26-6-102, **amend**
12 (19), (33), and (36)(a); and **add** (30.3) as follows:

13 **26-6-102. Definitions.** As used in this article 6, unless the context
14 otherwise requires:

15 (19) "~~Kin~~" ~~for purposes of a "kinship foster care home"~~, may be
16 a relative of the child, a person ascribed by the family as having a
17 family-like relationship with the child, or a person that has a prior
18 significant relationship with the child. These relationships take into
19 account cultural values and continuity of significant relationships with the
20 child.

21 (30.3) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL
22 OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST
23 PREVENTION SERVICES ACT". "QUALIFIED INDIVIDUAL" APPLIES ONLY TO
24 A PHYSICIAN LICENSED PURSUANT TO ARTICLE 240 OF TITLE 12; A
25 PSYCHOLOGIST LICENSED PURSUANT TO SECTION 12-255-111; OR A
26 CLINICAL SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST,
27 PROFESSIONAL COUNSELOR, OR ADDICTION COUNSELOR LICENSED

1 PURSUANT TO PART 4, 5, 6, OR 8 OF ARTICLE 245 OF TITLE 12. "QUALIFIED
2 INDIVIDUAL" MUST NOT BE CONNECTED TO OR AFFILIATED WITH THE CHILD
3 WELFARE DIVISION OF THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL
4 SERVICES, ANY PARTY OR SPECIAL RESPONDENT TO THE JUVENILE COURT
5 PROCEEDING, OR ANY PLACEMENT SETTING IN WHICH CHILDREN OR YOUTH
6 ARE PLACED BY THE STATE.

7 (33) "Residential child care facility" means a facility licensed by
8 the state department pursuant to this part 1 to provide twenty-four-hour
9 group care and treatment for five or more children operated under private,
10 public, or nonprofit sponsorship. "Residential child care facility" includes
11 community-based residential child care facilities, qualified residential
12 treatment programs, as defined in section 26-5.4-102 (2), shelter facilities,
13 and therapeutic residential child care facilities as defined in rule by the
14 state board, and psychiatric residential treatment facilities as defined in
15 section 25.5-4-103 (19.5). A residential child care facility may be eligible
16 for designation by the executive director of the state department pursuant
17 to article 65 of title 27. A CHILD WHO IS ADMITTED TO A RESIDENTIAL
18 CHILD CARE FACILITY MUST BE:

19 (a) FIVE YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS
20 OF AGE;

21 (b) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY COURT
22 ORDER PRIOR TO THEIR EIGHTEENTH BIRTHDAY; OR

23 (c) ACCOMPANIED BY A PARENT IF LESS THAN FIVE YEARS OF AGE.

24 (36) (a) "Specialized group facility" means a facility sponsored
25 and supervised by a county department or a licensed child placement
26 agency for the purpose of providing twenty-four-hour care for three or
27 more children, but fewer than twelve children, whose special needs can

1 best be met through the medium of a small group. ~~and who are:~~ A CHILD
2 WHO IS ADMITTED TO A RESIDENTIAL CHILD CARE FACILITY MUST BE:

3 (I) At least ~~three~~ SEVEN years of age or older but less than
4 eighteen years of age; ~~or~~

5 (II) Less than twenty-one years of age and ~~who are~~ placed by
6 court order ~~prior to their eighteenth birthday.~~ OR VOLUNTARY PLACEMENT;
7 OR

8 (III) ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN IF LESS
9 THAN SEVEN YEARS OF AGE.

10 **SECTION 13.** In Colorado Revised Statutes, 26-6-104, **add**
11 (1)(c)(III) as follows:

12 **26-6-104. Licenses - out-of-state notices and consent -**
13 **demonstration pilot program - definition - rules.** (1) (c) (III) ON AND
14 AFTER JULY 1, 2021, ALL RESIDENTIAL CHILD CARE FACILITIES MUST BE
15 LICENSED ANNUALLY. THE STATE BOARD SHALL PROMULGATE RULES
16 SPECIFYING THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH THE
17 LICENSE RENEWAL FOR RESIDENTIAL CHILD CARE FACILITIES. THE RULES
18 MUST INCLUDE A REQUIREMENT THAT THE STATE DEPARTMENT CONDUCT
19 ASSESSMENTS OF THE RESIDENTIAL CHILD CARE FACILITY.

20 **SECTION 14. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.