

CHAPTER 155

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 24-1222

BY REPRESENTATIVE(S) Pugliese and McLachlan, Bradley, Epps, Boesenecker, Clifford, Duran, Jodeh, Marshall;
also SENATOR(S) Rich, Pelton B., Priola.

AN ACT**CONCERNING UPDATING TERMINOLOGY THAT REFERS TO ENTITIES THAT ADMINISTER HUMAN SERVICES PROGRAMS.**

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

SECTION 1. In Colorado Revised Statutes, 13-5.5-105, **amend** (2)(d)(I) as follows:

13-5.5-105. Powers and duties of the state and district commissions - rules.

(2) In addition to other powers conferred and duties imposed upon the state commission by this article 5.5 and section 13-5.5-106, the state commission has the following powers and duties:

(d) (I) To develop surveys to evaluate the performance of justices and judges, which surveys are completed by individuals who interact with the court, including but not limited to attorneys, jurors, represented and unrepresented litigants; law enforcement personnel; attorneys within the district attorneys' and public defenders' offices, employees of the court, court interpreters, employees of probation offices, and employees of ~~local~~ COUNTY departments of HUMAN OR social services; and victims of crimes, as defined in section 24-4.1-302 (5);

SECTION 2. In Colorado Revised Statutes, 17-26-140, **amend** (2) as follows:

17-26-140. Continuity of care for persons released from jail. (2) A county jail shall provide medicaid enrollment or reenrollment paperwork to a person who is incarcerated in the jail and is eligible for medicaid benefits when the person enters the county jail. The county jail must file the medicaid paperwork with the county department of ~~health and~~ human OR SOCIAL services upon releasing the person from the county jail's custody.

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.

SECTION 3. In Colorado Revised Statutes, 17-42-105, **amend** (2)(b), (4), and (5)(a) as follows:

17-42-105. Incarcerated parents - notification to court - mittimus - family services coordinator - report - policies. (2) If a person's mittimus contains information indicating that the person is a parent to a child and is a party to an open dependency and neglect proceeding pursuant to article 3 of title 19, the department shall:

(b) Notify the county department of human OR SOCIAL services where the dependency and neglect case is filed of the location of the parent's correctional facility and the contact information for the designated individual within the legal services unit not later than fourteen days after the parent's arrival at the facility.

(4) The department shall designate at least one individual within the legal services unit to assist in family services coordination. The individual's duties include the coordination and supervision of the opportunities described in subsection (3) of this section and serving as a liaison between the department, sheriffs, ~~state and county departments of~~ DEPARTMENT OF human services, COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, and agencies concerning matters related to children and their parents who are incarcerated.

(5) (a) On or before March 1, 2024, and on or before March 1 each year thereafter, the executive director of the department shall submit a report to the judiciary committees of the senate and house of representatives, or any successor committees, concerning parents who are incarcerated. The department shall cooperate with the state department of human services, county departments of human OR SOCIAL services, and sheriffs as necessary to identify the information required for the report. At a minimum, the report must specify persons incarcerated in department facilities, private correctional facilities under contract with the department, and jails, during the preceding calendar year who were a party to an open dependency and neglect proceeding, in total and disaggregated by race or ethnicity, sex, any known disability, and age.

SECTION 4. In Colorado Revised Statutes, 19-1-307, **amend** (2)(e.5)(I)(P) as follows:

19-1-307. Dependency and neglect records and information - access - fee - records and reports fund - misuse of information - penalty - adult protective services data system check - rules. (2) **Records and reports - access to certain persons - agencies.** Except as set forth in section 19-1-303, only the following persons or agencies have access to child abuse or neglect records and reports:

(e.5) (I) A mandatory reporter specified in this subsection (2)(e.5)(I) who is and continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report, but only with regard to information that the mandatory reporter has a need to know in order to fulfill the mandatory reporter's professional and official role in maintaining the child's safety. A county department shall request written affirmation from a mandatory reporter stating that the reporter continues to be officially and professionally involved in the ongoing care of the

child who was the subject of the report and describing the nature of the involvement, unless the county department has actual knowledge that the mandatory reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report. This subsection (2)(e.5)(I) applies to:

(P) Officials or employees of A county ~~departments~~ DEPARTMENT of health ~~human services~~; OR A COUNTY DEPARTMENT OF HUMAN OR social services.

SECTION 5. In Colorado Revised Statutes, 19-3-100.5, **amend** (3) as follows:

19-3-100.5. Legislative declarations - reasonable efforts - movement of children and sibling groups. (3) The general assembly further finds that the implementation of the federal "Adoption Assistance and Child Welfare Act of 1980", federal Public Law 96-272, is not the exclusive responsibility of the state department of ~~social~~ HUMAN services or of ~~local~~ COUNTY OR DISTRICT departments of HUMAN OR social services. Elected officials at the state and local levels must ensure that resources and services are available through state and local social services agencies and through the involvement of the resources of public and private sources. Judges, attorneys, and guardians ad litem must be encouraged to take independent responsibility to ensure that "reasonable efforts" to prevent out-of-home placements have been made only when appropriate, that permanency occurs for children in foster care, and that safe child placements occur in each case.

SECTION 6. In Colorado Revised Statutes, 19-3-208, **amend** (3)(e) as follows:

19-3-208. Services - county required to provide - out-of-home placement options - rules - definitions. (3) (e) The department shall convene a working group within six months after the effective date of this subsection (3)(e), including the department of education, county departments of human ~~and~~ OR social services, representatives from the special education directors, and other appropriate school district representatives, to identify issues related to foster youth education, transportation, and stability, as described in this subsection (3), and together, prior to the 2025 regular legislative session, develop written recommendations to the general assembly regarding any regulatory or statutory changes that may be required.

SECTION 7. In Colorado Revised Statutes, 19-3-304, **amend** (2)(II) as follows:

19-3-304. Persons required to report child abuse or neglect. (2) Persons required to report such abuse or neglect or circumstances or conditions include any:

(II) Officials or employees of A county ~~departments~~ DEPARTMENT of health ~~human services~~; OR A COUNTY DEPARTMENT OF HUMAN OR social services;

SECTION 8. In Colorado Revised Statutes, 19-3-308, **amend** (1)(a) as follows:

19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - investigations - child protection team - rules - report. (1) (a) The county department shall respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report. The assessment ~~shall~~ MUST be in accordance

with rules adopted by the state board of ~~social services~~ HUMAN SERVICES to determine the risk of harm to such child and the appropriate response to such risks. Appropriate responses ~~shall~~ include, but are not limited to, screening reports that do not require further investigation, providing appropriate intervention services, pursuing reports that require further investigation, and conducting immediate investigations. The immediate concern of any assessment or investigation ~~shall be~~ is the protection of the child, and, where possible, the preservation of the family unit.

SECTION 9. In Colorado Revised Statutes, 19-3-602, **amend** (1.5)(a)(I) as follows:

19-3-602. Motion for termination - separate hearing - right to counsel - no jury trial. (1.5) (a) Pursuant to the provisions of section 19-1-126, the motion for termination ~~shall~~ MUST:

(I) Include a statement indicating what continuing inquiries the county department of HUMAN OR social services has made in determining whether the child who is the subject of the termination proceeding is an Indian child;

SECTION 10. In Colorado Revised Statutes, 22-2-139, **amend** (5) as follows:

22-2-139. Memorandum of understanding - notification of risk - rules. (5) If a change of placement is required for the safety of the student or if a court, the state department of human services, or a county department of human or social services makes a placement change with fewer than ten calendar days notice, the responsible state DEPARTMENT OF HUMAN SERVICES or county department of human ~~services~~ or social services shall provide information to the child welfare education liaison, designated pursuant to ~~section 22-32-138(2)(a)~~ SECTION 22-32-138, of the receiving school district, charter school, or institute charter school within five calendar days following the student's placement. The information provided to the child welfare education liaison must include, but need not be limited to, the transitioning student's educational records from the transferring educational facility and an outline of the student's transitional needs to be successful in the public school setting, which information would assist the district in meeting the student's needs and ensuring a successful transition.

SECTION 11. In Colorado Revised Statutes, 22-2-409, **amend** (4) as follows:

22-2-409. Notification of risk. (4) If a change of placement is required for the safety of the student or if a court, the state department of human services, or a county department of human or social services makes a placement change with fewer than ten calendar days notice, the responsible state DEPARTMENT OF HUMAN SERVICES or county department of human ~~services~~ or social services shall provide information to the child welfare education liaison, designated pursuant to ~~section 22-32-138(2)(a)~~ SECTION 22-32-138, of the receiving school district, charter school, or institute charter school within five calendar days following the student's placement. The information provided to the child welfare education liaison must include, but need not be limited to, the transitioning student's educational records from the transferring educational facility and an outline of the student's transitional

needs to be successful in the public school setting, which information would assist the district in meeting the student's needs and ensuring a successful transition.

SECTION 12. In Colorado Revised Statutes, 22-54-109, **amend** (2) as follows:

22-54-109. Attendance in district other than district of residence. (2) Any court of record, the department of ~~social~~ HUMAN services, or any other agency authorized to place a child in a residential child care facility shall notify the school district of residence of such child, the district in which the child will receive educational services, and the department of education of such placement within fifteen days after the placement.

SECTION 13. In Colorado Revised Statutes, 23-23-103, **amend** (1)(d) as follows:

23-23-103. Evaluations made - when. (1) A child may be referred to the medical center for diagnostic evaluation and study under the following conditions:

(d) The director of a county department of HUMAN OR social services may request an evaluation at the Colorado children's diagnostic center of a child in the care, custody, or supervision of such county department when such evaluation will aid it in its determination of the disposition, placement, or planning for such child; but no such evaluation shall be requested until such parental consent as is necessary has been obtained. If such an evaluation is made, the costs ~~thereof shall be~~ ARE paid by the ~~said~~ county department of HUMAN OR social services.

SECTION 14. In Colorado Revised Statutes, 23-23-107, **amend** (1) as follows:

23-23-107. Case histories - preparation and use. (1) In order to facilitate the work of the center in making a diagnostic evaluation of a child as provided in this ~~article~~ ARTICLE 23, the county department of HUMAN OR social services of the county of the child's residence or any licensed children's agency in such county shall prepare and forward to the center a social and medical case history of such child to assist the center in making such diagnosis. ~~Such~~ THE history ~~shall~~ MUST accompany or precede the child's assignment to the center.

SECTION 15. In Colorado Revised Statutes, 25-20.5-406, **amend** (2)(b)(V) as follows:

25-20.5-406. State review team - creation - membership - vacancies. (2) (b) The executive director of the department of human services shall appoint six voting members, as follows:

(V) One member who represents the directors of county departments of HUMAN OR social services.

SECTION 16. In Colorado Revised Statutes, 25.5-1-105, **amend** (1), (2), (3), and (5) as follows:

25.5-1-105. Transfer of functions. (1) The state department shall, on and after July 1, 1994, execute, administer, perform, and enforce the rights, powers, duties,

functions, and obligations vested prior to July 1, 1994, in the Colorado health data commission within the department of local affairs, the department of ~~social~~HUMAN services concerning the "Colorado Medical Assistance Act", and the university of Colorado health sciences center concerning health care for the medically indigent.

(2) All rules, regulations, and orders of the department of local affairs, the ~~state~~ department of ~~social~~HUMAN services, the state board of ~~social~~HUMAN services, the department of regulatory agencies, and the university of Colorado health sciences center adopted prior to July 1, 1994, in connection with the powers, duties, and functions transferred to the state department ~~shall~~ continue to be effective until revised, amended, repealed, or nullified pursuant to law. On and after July 1, 1994, the state board or the executive director, whichever is appropriate, shall adopt rules necessary for the administration of the state department and the administration of the programs set forth in this ~~title~~ TITLE 25.5.

(3) No suit, action, or other judicial or administrative proceeding lawfully commenced prior to July 1, 1994, or which could have been commenced prior to such date, by or against the department of local affairs, the ~~state~~ department of ~~social~~HUMAN services, the department of regulatory agencies, or the university of Colorado health sciences center, or any officer thereof in such officer's official capacity or in relation to the discharge of the official's duties, shall abate by reason of the transfer of duties and functions from said departments to the state department.

(5) The revisor of statutes is hereby authorized to change all references in the Colorado Revised Statutes to the department of local affairs, the ~~state~~ department of ~~social~~HUMAN services, the department of regulatory agencies, and the university of Colorado health sciences center from said references to the state department, as appropriate and with respect to the powers, duties, and functions transferred to the state department. In connection with such authority, the revisor of statutes is hereby authorized to amend or delete provisions of the Colorado Revised Statutes so as to make the statutes consistent with the powers, duties, and functions transferred pursuant to this section.

SECTION 17. In Colorado Revised Statutes, 26-1-127, **amend** (1.5) as follows:

26-1-127. Fraudulent acts. (1.5) To the extent not otherwise prohibited by state or federal law, any person against whom a county department of HUMAN OR social services, the state department, or the department of early childhood obtains a civil judgment in a state or federal court of record in this state based on allegations that the person obtained or willfully aided and abetted another to obtain public assistance or vendor payments or medical assistance as defined in this title 26 or child care assistance as described in part 1 of article 4 of title 26.5 to which the person is not entitled or in an amount greater than that to which the person is justly entitled or payment of any forfeited installment grants or benefits to which the person is not entitled or in a greater amount than that to which the person is entitled, by means of a willfully false statement or representation, or by impersonation, or by any other fraudulent device, is disqualified from participation in the program pursuant to article 2 of this title 26 or part 1 of article 4 of title 26.5 in which a recipient is found to have committed an intentional program violation for one year for a first incident, two years for a second incident, and permanently for a third or subsequent incident.

Such disqualification is mandatory and is in addition to any other remedy available to a judgment creditor.

SECTION 18. In Colorado Revised Statutes, 26-2-703, **amend** (8) as follows:

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

(8) "County department" means:

(a) ~~The department of social services, human services,~~ A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES or health and human services of a county or a city and county; or

(b) Any combination of ~~departments of social services of a county or a city and county~~ COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES that are approved by the state department to implement a county block grant jointly pursuant to the provisions of section 26-2-718.

SECTION 19. In Colorado Revised Statutes, 26.5-2-103, **amend** (2)(c)(V) as follows:

26.5-2-103. Local coordinating organization - applications - selection - rules.

(2) An entity that seeks to serve as a local coordinating organization must apply to the department in accordance with department rules, if any, procedures, and timelines. At a minimum, the application must include:

(c) The applicant's plan to coordinate with, at a minimum, the following entities within the proposed community:

(V) County departments of human ~~and~~ OR social services in providing child care services through the Colorado child care assistance program established in part 1 of article 4 of this title 26.5 and other family support programs and services;

SECTION 20. In Colorado Revised Statutes, 26.5-2-104, **amend** (1)(a)(XI) as follows:

26.5-2-104. Local coordinating organization - community plan - duties.

(1) (a) Each local coordinating organization shall adopt a community plan that fosters equitable access for families to, and robust participation by providers in, early childhood and family support programs and services by increasing access to, coordinating, and allocating funding for said programs and services within the community. The community plan must, at a minimum, address:

(XI) The manner in which the local coordinating organization, in accordance with department requirements, will ensure transparency within the community concerning the amount of money available for and used to support early childhood and family support programs and services from all sources, including local property tax and sales tax and the maintenance of effort for child care assistance provided by county departments of human ~~and~~ OR social services within the community.

SECTION 21. In Colorado Revised Statutes, 26.5-2-203, **amend (3)** as follows:

26.5-2-203. Early childhood councils - established - rules. (3) For new councils or for existing councils or partnerships that decide to reconfigure pursuant to this part 2, the board or boards of county commissioners shall designate a convening entity, which may include but is not limited to a local resource and referral agency, a county department of human ~~services~~ or social services, a local school district, a department of public health, or, prior to July 1, 2023, a Colorado preschool program council. The convening entity may convene a council either as part of a single county or as part of a multi-county regional network.

SECTION 22. In Colorado Revised Statutes, **amend 30-10-528** as follows:

30-10-528. Incarcerated parents - family services coordinator. Each sheriff shall designate at least one individual to serve as a communication liaison between the county jail and county departments of human OR SOCIAL services concerning children subject to an open dependency and neglect case whose parents are incarcerated in the jail for the purpose of improving communication and ensuring opportunities for family time.

SECTION 23. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 3, 2024