



Health & Human Services Steering Committee

Friday, February 24, 2023

Agenda updated 02/21/2023

Welcome/Introductions

Chair: Commissioner Janet Rowland, Mesa County

Vice Chair: Commissioner Wendy Buxton-Andrade, Prowers County

CCI Staff: Gini Pingenot (gpingenot@ccionline.org | 720-255-8941)

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New Legislation for Discussion

<u>HB23-1142, Information of Persons Reporting Child Abuse</u>			
H-Spon	Rep. R. Pugliese	S-Spon	Sen. B. Kirkmeyer
Summary	Current law requires reports of known or suspected child abuse or neglect to include the source of the report and the name, address, and occupation of the person making the report whenever possible. The bill requires a report of this information in all circumstances.		
Status	Introduced in House – Assigned to Public & Behavioral Health & Human Services		
Position	Pending		
Staff	Gini Pingenot		

<u>HB23-1160, Colorado TRAILS System Requirements</u>			
H-Spon	Rep. G. Evans	S-Spon	
Summary	<p>Before adding a person suspected of child abuse or neglect (person) to the automated child welfare system (system), the bill requires the department of human services (state department) to provide a written notice to the person of the opportunity for a hearing. The person must request a hearing no later than 90 days after the date of the written notice. The bill prohibits the state department from releasing a finding of a person responsible for child abuse or neglect or the state department or a law enforcement entity from releasing information about the person or the allegations against the person to a third party until all administrative appeals are either exhausted or waived.</p> <p>When a hearing is requested, the bill requires an administrative law judge (ALJ) to contact the parties to schedule the hearing no later than 120 days after the date the person requests a hearing. If the ALJ finds that there is sufficient evidence to support the state department's allegations, the bill requires:</p> <ul style="list-style-type: none"> • The state department to enter the substantiated findings against the person into the system for a period of time proportionate to the severity of the findings; and • Any law enforcement entity that created a record of the alleged incident of child abuse or neglect to retain the record pursuant to certain restrictions. <p>If the ALJ finds there is insufficient evidence to support the state department's allegations, the bill requires:</p> <ul style="list-style-type: none"> • The ALJ to order the state department to amend the state department's findings accordingly and order that allegation not be entered into the system; and 		

	<ul style="list-style-type: none"> Any law enforcement entity that created a record of the alleged incident of child abuse or neglect to mark the record as unsubstantiated and retain and release the record pursuant to certain restrictions. <p>The bill prohibits a finding from being entered against a person who is less than 13 years of age. The bill authorizes the state department, county departments of human and social services (county departments), and law enforcement entities to retain information concerning unsubstantiated reports of child abuse and neglect in casework files to assist in future risk and safety assessments; except that the state department, county departments, and law enforcement entities shall not release any information contained in any records that are accessible to the public or are used for purposes of employment or background checks in cases determined to be unsubstantiated or false.</p>
Status	Introduced in House – Assigned to Public & Behavioral Health & Human Services
Position	Pending
Staff	Gini Pingnot

<u>HB23-1201, Prescription Drug Benefits Contract Term Requirements</u>			
H-Spon	Rep. L. Daugherty & Rep. M. Soper	S-Spon	
Summary	<p>For group benefit plan contracts between a pharmacy benefit manager (PBM) or a health insurance carrier (carrier) and an employer, certificate holder, or policyholder, the bill requires that the amount charged by the PBM or carrier to the employer, certificate holder, or policyholder for a prescription drug be equal to or less than the amount paid by the PBM or carrier to the contracted pharmacy for the drug.</p> <p>The bill creates transparency requirements for PBMs and carriers regarding prescription drug benefits and grants audit authority to the department of health care policy and financing for self-funded plans and to the commissioner of insurance for fully insured plans, on request of the office of the attorney general, to ensure compliance with the requirements.</p> <p>A violation of the requirements of the bill is a deceptive trade practice under the "Colorado Consumer Protection Act", with regard to self-funded plans, and a deceptive trade practice in the business of insurance, with regard to fully insured plans.</p>		
Status	Introduced in House – Assigned to Health & Insurance		
Position	Pending		
Staff	Gini Pingnot		

<u>SB23-082, Colorado Fostering Success Voucher Program</u>			
H-Spon		S-Spon	
Summary	<p>The bill establishes the Colorado fostering success voucher program (program) in the department of human services (DHS). The purpose of the program is to provide housing vouchers and case management services to eligible youth.</p> <p>Case management service agencies are eligible to participate in the program if they are currently participating in a certain type of foster youth program.</p> <p>Eligibility criteria for youth include:</p> <ul style="list-style-type: none"> Being at least 18 years of age but less than 26 years of age; Having had prior experience in one of several ways with the foster care or kinship care system; Experiencing homelessness or being at imminent risk of homelessness and agreeing to receive case management services; Being a Colorado resident; and 		

	Having an income level below that determined by the state department of local affairs (DOLA). DHS and DOLA shall develop a joint administration and implementation plan for the program. Availability, standards, and services for the program are listed in the bill.
Status	Senate Committee on Health & Human Services Refer Unamended to Appropriations
Position	Pending
Staff	Katie First

Legislation to Revisit

<u>HB23-1027, Parent and Child Family Time</u>			
H-Spon	Rep. J. Joseph,	S-Spon	Sen. F. Winter
Summary	<p>The bill defines "family time", changes the term "visitation" to "family time" in various places in statute, creates new requirements for determinations in dependency and neglect court proceedings, and requires the task force on high-quality family time (task force) to commission and evaluate a state study, including on best practices for funding of "family time". Specifically during a dependency and neglect proceeding, the bill: Requires county departments of human or social services (county departments) to encourage maximum family time; Allows the court and the state department of human services (department) to rely on community resources or relatives to provide transportation or supervision for family time; Creates a presumption that supervised family time is supervised by relatives, kin, or other supports (supports) and occurs in the community. This presumption can be rebutted if the health or safety of the child is at risk or if these supports are unavailable or unwilling to provide supervision. Limits the court's ability to restrict or deny family time to situations in which the child's safety or mental, physical, or emotional health is at risk; Requires the court to order family time in the least restrictive setting; Requires county departments to provide information to the court about proposed family time and participation in family time; Prohibits the court or department from limiting family time as a sanction for the parent's failure to comply with court-ordered treatment plans so long as the child's safety or mental, physical, or emotional health is not at risk; Prohibits the court, department, parent, or support from limiting family time as a sanction for the child's behavior or as an incentive to improve the child's behavior; and Gives the department the authority to promulgate rules to implement the provisions. The bill also: Extends the task force by one year; Requires the task force to commission and evaluate a statewide study to identify the strengths and needs for family time; identify growth areas; inventory funding sources; and make recommendations; and requires a permanency hearing be held within 12 months after a child enters foster care.</p>		
Status	House Committee on Judiciary Refer Amended to Appropriations		
Position	Amend		
Staff	Katie First		

<u>SB23-039, Reduce Child and Incarcerated Parent Separation</u>			
H-Spon	Rep. J. Amabile	S-Spon	Sen. J. Buckner
Summary	<p>The bill requires the department of human services to promulgate rules that facilitate communication and family time between children and their parents who are incarcerated. The bill requires the court and the prison or jail where the parent is incarcerated to facilitate the parent's attendance and participation in proceedings for the parent's dependency and neglect case. Under</p>		

	<p>current law, after an order of adjudication in a dependency and neglect case, the court holds a dispositional hearing. The bill requires, except in instances when the proposed disposition is termination of the parent-child legal relationship, if a child's parent is incarcerated, that the court approve a treatment plan for the parent that specifies how the parent may participate in future meetings and hearings, including services and treatments available to the parent at the prison or jail, and opportunities for meaningful, in-person family time at the prison unless the family time does not serve the best interests of the child. Under current law, the court may terminate the parent-child legal relationship based on statutorily created circumstances. The bill eliminates the parent's incarceration and related conditions as a basis for terminating the parent-child relationship. Under current law, if the court finds that there is not a substantial probability that the child will be returned to a parent or legal guardian within 6 months and the child satisfies criteria for adoption, the court may require the county department of human services to show cause why it should not file a motion to terminate the parent-child legal relationship. The bill states that such cause may exist if the parent is incarcerated, detained by the United States department of homeland security, or deported, and if the parent has maintained a meaningful and safe relationship with the child while incarcerated, detained, or deported. The bill requires the department of corrections to create and submit an annual report to the judiciary committees of the senate and house of representatives concerning parents who are incarcerated, and make the report publicly available. The bill requires the department of corrections to develop opportunities and promulgate policies to facilitate continued relationships between children and their parents who are incarcerated. The bill requires the department of corrections to designate a family services coordinator, who is responsible for duties related to children and their parents who are incarcerated.</p>
Status	Senate Committee on Judiciary Refer Amended to Appropriations
Position	Amend
Staff	Katie First

SB23-064, Continue Office Of Public Guardianship			
H-Spon	Rep. M. Snyder	S-Spon	Sen. B. Gardner & Sen. J. Ginal
Summary	<p>Under existing law, the office of public guardianship (office) is authorized to serve indigent and incapacitated adults (incapacitated adults) in need of guardianship in 3 judicial districts and is scheduled to repeal on June 30, 2024. The bill extends the office indefinitely and requires the office to operate in every judicial district in the state by December 31, 2027.</p> <p>The bill establishes a board of directors (board) to oversee the office. The board consists of 7 members: 3 members who are attorneys appointed by the chief justice of the Colorado supreme court and 4 non-attorney members appointed by the governor. The existing public guardianship commission that oversees the office is repealed, effective August 31, 2023.</p> <p>The bill clarifies the office's duties. The office's director administers the office pursuant to a memorandum of understanding with the judicial department. The bill clarifies what must be included in the memorandum of understanding.</p> <p>The office is required to employ guardians to provide guardianship services to the office's clients. A guardian must be certified as a guardian or become certified within 2 years after being hired by the office. The office shall provide training to guardians in specified subjects.</p> <p>The bill requires a court to waive filing fees for petitions for guardianship filed by the office in cases that involve an incapacitated adult who is eligible for guardianship services from the office. A court is prohibited from requiring the office or a guardian employed by the office to post a bond as a condition for appointment as a guardian.</p>		
Status	Senate Committee on Judiciary Refer Amended to Appropriations		

Position	Amend
Staff	Gini Pingnot

Legislation for Reference / No Anticipated Action

<u>HB23-1024, Relative and Kin Placement of a Child</u>			
H-Spon	Rep. E. Epps & Rep. S. Gonzales-Gutierrez	S-Spon	Sen. T. Exum
Summary	The bill establishes several measures that protect the best interests of a child or youth and that will not hinder reunification with the child's or youth's family when the child or youth has been temporarily placed outside the family home with a relative or kin (relative), including: Permitting a relative to appeal when denied placement of the child or youth with the relative; Requiring the department of human services (department), to use reasonable efforts to help a relative whose barrier to caring for the child or youth is a lack of resources; Amending the court's advisement to the parent so it is consistent with changes to statute; Specifying what information should be included in a notice to relatives when the child or youth has been removed from the child's or youth home; Requiring that courts give preference to a relative unless placement with that relative would negatively affect the child's or youth's health, safety, or welfare or hinder reunification with the child's or youth's family; Providing options for a relative to be allowed to participate in a child's or youth's care and planning; Creating a rebuttable presumption that placement with a relative is in the child's or youth's best interest as long as the child's or youth's health or safety is not jeopardized by the placement; and Requiring that caseworkers inform the court of efforts to identify and place a child or youth with a relative.		
Status	House Committee on Judiciary Refer Unamended to Public & Behavioral Health & Human Services		
Position	Amend		
Staff	Katie First		

<u>HB23-1043, Emergency and Continued Placement with Relative or Kin (CCI Priority)</u>			
H-Spon	Rep. M. Lindsay & Rep. R. Pugliese	S-Spon	Sen. J. Ginal & Sen. J. Rich
Summary	The bill clarifies the procedures for emergency and nonemergency continuing placement of a child or youth that a county department of human or social services (county department) or a local law enforcement agency (law enforcement) with custody of the child or youth shall follow before making the emergency or nonemergency continuing placement of a child or youth with a relative or kin. For emergency placements, the county department or law enforcement shall perform an initial criminal history record check (initial check) on the relative or kin and any adult who resides at the home (adults) using Colorado and federal databases. If the initial check reveals certain criminal convictions, the county department or law enforcement shall not place the child or youth in that home on an emergency basis. If the initial check does not reflect certain criminal convictions on the part of the adults, the child or youth may be placed in the home on an emergency basis. If the child or youth has been placed with a relative or kin on an emergency basis, the adults shall, no more than 5 days after the placement, submit a complete set of fingerprints to the county department or another designated third party to conduct a state and national fingerprint-based criminal history record check. If the results of the fingerprint-based criminal history record check reveal a felony conviction, the child or youth must be immediately removed from the placement unless there is a motion regarding placement pending before the court. A		

	court may review the placement and affirm or deny placement of the child or youth with the relative or kin. The bill sets forth the criminal offenses or other matters that qualify for the denial of placement of a child or youth with the relative or kin. A county department may make a placement with a relative or kin who would otherwise be disqualified if such placement conforms with rules promulgated by the state board of human services or if a court affirms the placement. The state board of human services is granted authority to promulgate rules concerning emergency and nonemergency, continuing placement of children and youth with relatives or kin.
Status	Introduced In Senate - Assigned to Health & Human Services
Position	Support
Staff	Gini Pingnot

Other Business

- CCI Hosts Dr. Morgan Medlock, Executive Director of Colorado's Behavioral Health Administration

Adjourn