



KeyCite Red Flag - Severe Negative Treatment

Enacted Legislation Amended by 2019 Colo. Legis. Serv. H.B. 19-1308 (WEST),

West's Colorado Revised Statutes Annotated

Title 19. Children's Code (Refs & Annos)

Article 3. Dependency and Neglect (Refs & Annos)

Part 2. General Provisions

C.R.S.A. § 19-3-208

§ 19-3-208. Services--county required to provide--rules--definitions

Effective: August 8, 2018

Currentness

(1) Each county or city and county shall provide a set of services, as defined in subsection (2) of this section, to children who are in out-of-home placement or meet the social services out-of-home placement criteria and to their families in the state of Colorado eligible for such services as determined necessary by an assessment and a case plan. A county or city and county may enter into an agreement with any other county, city and county, or group of counties to share in the provision of these services. Each county, city and county, or group of counties may enter into contracts with private entities for the provision of these services. Each county or city and county shall have a process in place whereby services can readily be accessed by children and families determined to be in need of such services described in subsection (2) of this section. For the purposes of this subsection (1), the requirements of providing services or a process shall be made available based upon the state's capacity to increase federal funding or any other moneys appropriated for these services.

(1.5) As used in this section, unless the context otherwise requires:

(a) "School of origin" has the same meaning as provided in section 22-32-138.

(b) "Student in out-of-home placement" has the same meaning as provided in section 22-32-138.

(2)(a) "Services" shall be designed to accomplish the following goals:

(I) Promote the immediate health, safety, and well-being of children eligible for these services based upon the case assessment and individual case plan;

(II) Reduce the risk of future maltreatment of children who have previously been abused or neglected and protect the siblings of such children and other children who are members of the same household who may be subjected to maltreatment;

(III) Avoid the unnecessary placement of children into foster care resulting from child abuse and neglect, voluntary decisions by families, or the commission of status offenses;

(IV) Facilitate, if appropriate, the speedy reunification of parents with any of their children who have been placed in out-of-home placement;

(V) Ensure that the placement of a child is neither delayed nor denied due to consideration of the race, color, or national origin of the child or any other person unless such consideration is permitted pursuant to federal law; and

(VI) Promote the best interests of the child.

(b) The following services must be available and provided, as determined necessary and appropriate by individual case plans:

(I) Screening; assessments, including those required by the federal “Family First Prevention Services Act of 2018”, Titles IV-B and IV-E of the federal “Social Security Act”, as amended; and individual case plans;

(II) Home-based family and crisis counseling;

(III) Information and referral services to available public and private assistance resources;

(IV) Visitation services for parents with children or youth in out-of-home placement;

(V) Placement services including foster care and emergency shelter; and

(VI) Services including but not limited to transportation and case planning, as necessary for a student in out-of-home placement to remain in his or her school of origin, unless the county department determines that remaining in the school of origin is not in the student's best interest.

(c) Deleted by Laws 1994, S.B.94-111, § 4, eff. May 4, 1994.

(d) The following services shall be made available and provided based upon the state's capacity to increase federal funding or any other moneys appropriated for these services and as determined necessary and appropriate by individual case plans:

(I) Transportation to these services when other appropriate transportation is not available;

(II) Child care as needed according to a case plan, when other child care is not available;

(III) In-home supportive homemaker services;

(IV) Diagnostic, mental health, and health care services;

(V) Drug and alcohol treatment services;

(VI) After care services to prevent a return to out-of-home placement;

(VII) Family support services while a child is in out-of-home placement including home-based services, family counseling, and placement alternative services;

(VIII) Financial services in order to prevent placement; and

(IX) Family preservation services, which are brief, comprehensive, and intensive services provided to prevent the out-of-home placement of children or to promote the safe return of children to the home.

(e) The department of human services may promulgate such rules and regulations as are necessary to implement the provision of services pursuant to this article.

(f) It is the intent of the general assembly to use existing general fund moneys which have serviced the programs described in this subsection (2) to access federal funds.

(g) Services provided pursuant to this section are required to meet the provisions of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations.

(3)(a) The state board of human services shall promulgate rules creating a standard and deliberate process for determining, in coordination with the education provider, parents, if appropriate, guardian ad litem, and the child or youth, whether it is in the best interest of a child or youth in out-of-home placement to remain in his or her school of origin when the child or youth is placed in out-of-home placement or experiences a change in placement.

(b) Each county department of human or social services shall coordinate with school districts and the state charter school institute to establish systems-level plans for how necessary transportation to a school of origin will be provided, arranged, and funded for the duration of a child or youth's time as a student in out-of-home placement, including the equitable allocation of costs.

(c) The department of human services shall provide technical assistance and compliance monitoring for the county departments of human or social services to ensure that county departments of human or social services are properly implementing this subsection (3), including administering funds to allow students in out-of-home placement to remain in their schools of origin, with transportation provided.

(d) Any state funds expended pursuant to this section for children eligible under Title IV-E of the federal "Social Security Act", as amended, shall be counted to satisfy matching requirements for federal funds received pursuant to that act.

**Credits**

Added by Laws 1993, S.B.93-28, § 4, eff. July 1, 1993. Amended by Laws 1994, H.B.94-1029, § 197, eff. July 1, 1994; Laws 1994, H.B.94-1308, § 1, eff. July 1, 1994; Laws 1994, S.B.94-111, § 4, eff. May 4, 1994; Laws 2008, Ch. 219, § 1, eff. May 14, 2008; Laws 2010, Ch. 278, § 5, eff. May 26, 2010; Laws 2018, Ch. 164, § 6, eff. April 25, 2018; Laws 2018, Ch. 216, § 1, eff. May 18, 2018; Laws 2018, Ch. 364, § 4, eff. Aug. 8, 2018.

**Notes of Decisions (13)**

C. R. S. A. § 19-3-208, CO ST § 19-3-208

Current through legislation effective June 30, 2019 of the 2019 Regular Session. Some statute sections may be more current. See credits for details.

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