

SENATE COMMITTEE OF REFERENCE REPORT

April 24, 2019

Chair of Committee

Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB19-258 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, page 2, before line 2 insert:

2 **"SECTION 1.** In Colorado Revised Statutes, 26-2-102.5, **add** (3)
3 as follows:

4 **26-2-102.5. Foster care - Title IV-E of the social security act**
5 **- Title IV-E administrative costs cash fund - rules.** (3) (a) THE STATE
6 DEPARTMENT SHALL PURSUE CLAIMING TITLE IV-E ADMINISTRATIVE
7 COSTS FOR INDEPENDENT LEGAL REPRESENTATION BY AN ATTORNEY FOR
8 A CHILD WHO IS A CANDIDATE FOR TITLE IV-E FOSTER CARE OR WHO IS IN
9 FOSTER CARE AND THE CHILD'S PARENT TO PREPARE FOR AND PARTICIPATE
10 IN ALL STAGES OF FOSTER CARE LEGAL PROCEEDINGS. FEDERAL
11 REIMBURSEMENT FOR THESE ADMINISTRATIVE COSTS MUST BE CREDITED
12 TO THE TITLE IV-E ADMINISTRATIVE COST CASH FUND, CREATED IN
13 SUBSECTION (3)(b) OF THIS SECTION.

14 (b) (I) THE TITLE IV-E ADMINISTRATIVE COST CASH FUND,
15 REFERRED TO IN THIS SUBSECTION (3) AS THE "FUND", IS HEREBY CREATED
16 IN THE STATE TREASURY. THE FUND CONSISTS OF FEDERAL TITLE IV-E
17 REIMBURSEMENTS FOR ADMINISTRATIVE COSTS DESCRIBED IN SUBSECTION
18 (3)(a) OF THIS SECTION.

19 (II) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
20 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
21 FUND TO THE FUND.

22 (III) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
23 ASSEMBLY, THE STATE DEPARTMENT MAY EXPEND MONEY FROM THE FUND
24 FOR PURPOSES ESTABLISHED BY RULE OF THE STATE BOARD. THE STATE
25 BOARD SHALL WORK COLLABORATIVELY WITH THE STATE DEPARTMENT

1 CONCERNING THE APPROVED PURPOSES AND ALLOCATION OF MONEY FROM
2 THE FUND. APPROVED PURPOSES MAY INCLUDE BUT ARE NOT LIMITED TO
3 ADVOCACY FOR HOMELESS AND AT-RISK YOUTH, EDUCATION ADVOCACY,
4 AND ACTIVITIES AND ADVOCACY IN SPECIALTY COURTS THAT SERVE
5 CHILDREN AND FAMILIES INVOLVED IN THE CHILD WELFARE SYSTEM.

6 (IV) THE STATE DEPARTMENT SHALL SUBMIT AS PART OF THE
7 ANNUAL BUDGET PROCESS A REQUEST FOR SPENDING AUTHORITY FOR
8 MONEY CREDITED TO THE FUND. THE REQUEST MUST INCLUDE A
9 DESCRIPTION OF THE PURPOSE FOR THE SPENDING AUTHORITY, THE
10 METHOD THROUGH WHICH THE ALLOCATION WAS DETERMINED, AND THE
11 AGENCIES TO WHICH THE ALLOCATIONS ARE TO BE MADE.

12 (V) FEDERAL REIMBURSEMENTS RELATED TO ADMINISTRATIVE
13 COSTS OF INDEPENDENT LEGAL REPRESENTATION INCURRED BY THE OFFICE
14 OF THE CHILD'S REPRESENTATIVE AND THE OFFICE OF RESPONDENT
15 PARENTS' COUNSEL MUST BE DISBURSED FROM THE CASH FUND TO THE
16 AGENCIES AS INCURRED AND PURSUANT TO THE STATE DEPARTMENT'S
17 MEMORANDUM OF UNDERSTANDING WITH THE AGENCIES.".

18 Renumber succeeding sections accordingly.

19 Page 2, strike line 3 and substitute "(9); and **add** (8.5) as follows:".

20 Page 2, strike line 6 and substitute "**cash fund created - rules - repeal**.
21 (8.5) ON OR BEFORE JANUARY 2, 2020, ON BEHALF OF COUNTIES
22 PARTICIPATING IN THE TITLE IV-E WAIVER DEMONSTRATION PROJECT, THE
23 DEPARTMENT SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE A
24 DETAILED PLAN FOR THE SUSTAINABILITY OF INTERVENTIONS DEFINED IN
25 THE PERFORMANCE AGREEMENTS DEVELOPED PURSUANT TO SUBSECTION
26 (2)(a) OF THIS SECTION. THE PLAN MUST INCLUDE INFORMATION
27 CONCERNING EACH COUNTY THAT HAS AN ESTABLISHED PERFORMANCE
28 AGREEMENT, THE FUNDING EACH COUNTY HAS RECEIVED DURING THE
29 PERIOD OF THE PERFORMANCE AGREEMENT, THE TYPE OF INTERVENTIONS
30 DEFINED IN EACH COUNTY PERFORMANCE AGREEMENT, THE NUMBER OF
31 CHILDREN AND FAMILIES SERVED IN EACH COUNTY BY INTERVENTION
32 TYPE, THE AMOUNT OF WAIVER FUNDING ALLOCATED TO EACH
33 INTERVENTION BY EACH COUNTY, AND THE METHOD THROUGH WHICH THE
34 COUNTY AND STATE DEPARTMENT WILL ADDRESS THE DECREASE IN
35 FUNDING THAT WILL RESULT UPON THE REPEAL OF THIS SECTION.

36 (9) THIS SECTION IS REPEALED, EFFECTIVE".

*** * * * *

SB258_S_APP.001