

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-1041.01 Conrad Imel x2313

HOUSE BILL 19-1282

HOUSE SPONSORSHIP

Singer and Michaelson Jenet,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ADMINISTRATION OF THE COURT-APPOINTED SPECIAL**
102 **ADVOCATE PROGRAM.**

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>.)

Under existing law, the office of the child's representative oversees court-appointed special advocate (CASA) programs and is authorized to enter into an agreement with a nonprofit entity to provide coordination and support of CASA activities in Colorado. The bill moves statewide oversight of CASA programs and the authority to enter into an agreement with a nonprofit entity to the state court administrator.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-1-213 as
3 follows:

4 **19-1-213. State CASA entity - duties - state court**
5 **administrator duties - state court-appointed special advocate fund -**
6 **definitions.** (1) FOR THE PURPOSES OF THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "LOCAL CASA PROGRAM" MEANS A CASA PROGRAM
9 ESTABLISHED IN A JUDICIAL DISTRICT, OR ANY TWO OR MORE JUDICIAL
10 DISTRICTS, PURSUANT TO SECTION 19-1-202.

11 (b) "STATE CASA ENTITY" MEANS THE NONPROFIT ENTITY THAT
12 HAS ENTERED INTO A CONTRACT WITH THE STATE COURT ADMINISTRATOR
13 AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

14 (c) "STATE COURT ADMINISTRATOR" MEANS THE STATE COURT
15 ADMINISTRATOR ESTABLISHED PURSUANT TO SECTION 13-3-101.

16 (2) THE STATE COURT ADMINISTRATOR SHALL CONTRACT WITH A
17 NONPROFIT ENTITY THAT IS IN GOOD STANDING WITH THE NATIONAL
18 CASA ASSOCIATION TO ENHANCE THE CASA PROGRAM IN COLORADO.
19 THE STATE COURT ADMINISTRATOR SHALL MONITOR THE STATE CASA
20 ENTITY, WHICH SHALL:

21 (a) AID AND DEVELOP LOCAL CASA PROGRAMS IN EACH JUDICIAL
22 DISTRICT OR IN ADJACENT JUDICIAL DISTRICTS;

23 (b) ENSURE THAT LOCAL CASA PROGRAMS ADHERE TO STATE AND
24 NATIONAL CASA STANDARDS;

25 (c) ENSURE THE PROVISION AND AVAILABILITY OF HIGH-QUALITY
26 ACCESSIBLE TRAINING FOR LOCAL CASA PROGRAMS AND VOLUNTEERS;

1 (d) SEEK TO ENHANCE EXISTING FUNDING SOURCES AND DEVELOP
2 PRIVATE-PUBLIC PARTNERSHIP FUNDING FOR THE PROVISION OF
3 HIGH-QUALITY LOCAL CASA PROGRAMS IN EACH JUDICIAL DISTRICT OR IN
4 ADJACENT JUDICIAL DISTRICTS; AND

5 (e) STUDY THE AVAILABILITY OF, OR DEVELOP NEW, FUNDING
6 SOURCES FOR LOCAL CASA PROGRAMS, INCLUDING BUT NOT LIMITED TO
7 LONG-TERM POOLING OF FUNDS PROGRAMS.

8 (3) BEGINNING JULY 1, 2019, THE STATE COURT ADMINISTRATOR
9 SHALL ALLOCATE MONEY APPROPRIATED TO THE STATE JUDICIAL
10 DEPARTMENT FOR CASA PROGRAMS TO THE STATE CASA ENTITY FOR
11 ALLOCATION TO LOCAL CASA PROGRAMS.

12 (4) THE STATE CASA ENTITY, IN CONSULTATION WITH LOCAL
13 CASA PROGRAMS, SHALL ANNUALLY ESTABLISH A FORMULA FOR THE
14 ALLOCATION OF MONEY APPROPRIATED AND SHALL ALLOCATE MONEY TO
15 THE LOCAL CASA PROGRAMS IN ACCORDANCE WITH THE ESTABLISHED
16 ALLOCATION FORMULA. THE ALLOCATION FORMULA MUST BE PROVIDED
17 TO THE STATE COURT ADMINISTRATOR NO LATER THAN JUNE 15, 2019,
18 AND EACH JUNE 15 THEREAFTER, PRIOR TO THE STATE CASA ENTITY
19 RECEIVING ITS ANNUAL ALLOCATION.

20 (5) ON OR BEFORE NOVEMBER 1, 2020, AND ON OR BEFORE
21 NOVEMBER 1 EACH YEAR THEREAFTER, THE STATE CASA ENTITY SHALL
22 REPORT ITS ACTIVITIES AND THE ACTIVITIES OF EACH LOCAL CASA
23 PROGRAM TO THE STATE COURT ADMINISTRATOR.

24 (6) (a) THE STATE COURT-APPOINTED SPECIAL ADVOCATE FUND,
25 REFERRED TO IN THIS SUBSECTION (6) AS THE "FUND", IS HEREBY CREATED
26 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE
27 FUND PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION AND ANY OTHER

1 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
2 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
3 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
4 FUND TO THE FUND. THE MONEY IN THE FUND IS SUBJECT TO ANNUAL
5 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE JUDICIAL
6 DEPARTMENT FOR THE PURPOSES OF FUNDING LOCAL CASA PROGRAMS
7 ESTABLISHED IN EACH JUDICIAL DISTRICT, OR IN ADJACENT JUDICIAL
8 DISTRICTS, PURSUANT TO THIS PART 2, AND THE ENHANCEMENT OF LOCAL
9 CASA PROGRAMS. ANY MONEY NOT APPROPRIATED REMAINS IN THE FUND
10 AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND AT
11 THE END OF ANY FISCAL YEAR.

12 (b) THE STATE COURT ADMINISTRATOR MAY SEEK, ACCEPT, AND
13 EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
14 TO FUND THE WORK OF THE STATE CASA ENTITY. THE STATE COURT
15 ADMINISTRATOR SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS,
16 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT
17 THE MONEY TO THE FUND.

18 **SECTION 2.** In Colorado Revised Statutes, 13-3-101, **add** (11)
19 as follows:

20 **13-3-101. State court administrator - repeal.** (11) THE STATE
21 COURT ADMINISTRATOR SHALL PROVIDE SUPPORT FOR THE
22 COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN COLORADO IN THE
23 MANNER DESCRIBED IN SECTION 19-1-213.

24 **SECTION 3.** In Colorado Revised Statutes, 13-91-105, **repeal**
25 (1)(b) as follows:

26 **13-91-105. Duties of the office of the child's representative -**
27 **guardian ad litem programs.** (1) In addition to any responsibilities

1 assigned to it by the chief justice, the office of the child's representative
2 shall:

3 (b) ~~Enhance the CASA program in Colorado by:~~

4 ~~(I) Working cooperatively with the contract entity to ensure the~~
5 ~~development of local CASA programs in each judicial district or in~~
6 ~~adjacent judicial districts;~~

7 ~~(II) Seeking to enhance existing funding sources and to develop~~
8 ~~private-public partnership funding for the provision of high-quality,~~
9 ~~volunteer local CASA programs in each judicial district or in adjacent~~
10 ~~judicial districts;~~

11 ~~(III) Studying the availability of or developing new funding~~
12 ~~sources for CASA programs, including but not limited to long-term~~
13 ~~pooling of funds programs;~~

14 ~~(IV) Effective July 1, 2001, allocating moneys appropriated to the~~
15 ~~state judicial department for CASA programs to local CASA programs~~
16 ~~based upon recommendations made by the contract entity;~~

17 ~~(V) Working cooperatively with the contract entity to ensure the~~
18 ~~provision and availability of high-quality, accessible training in locations~~
19 ~~of the state where CASA programs have been established for the benefit~~
20 ~~of persons seeking to serve as CASA volunteers as well as for judges and~~
21 ~~magistrates who regularly hear matters involving children and families;~~

22 ~~(VI) Serving as a resource to the contract entity; and~~

23 ~~(VII) Accepting grants, gifts, donations, and other~~
24 ~~nongovernmental contributions to be used to fund the work of the office~~
25 ~~of the child's representative relating to CASA programs. Such grants,~~
26 ~~gifts, donations, and other nongovernmental contributions shall be~~
27 ~~credited to the court-appointed special advocate (CASA) fund created in~~

1 ~~section 13-91-106 (2). Moneys in such fund shall be subject to annual~~
2 ~~appropriation by the general assembly for the purposes of this paragraph~~
3 ~~(b) and for the purposes of the local CASA programs.~~

4 **SECTION 4.** In Colorado Revised Statutes, 13-91-106, **amend**
5 (2) as follows:

6 **13-91-106. Guardian ad litem fund - court-appointed special**
7 **advocate (CASA) fund - created - repeal.** (2) (a) There is hereby
8 created in the state treasury the court-appointed special advocate (CASA)
9 fund referred to in this subsection (2) as the "fund". The fund ~~shall consist~~
10 CONSISTS of such general fund ~~moneys~~ MONEY as may be appropriated
11 thereto by the general assembly and any ~~moneys~~ MONEY received
12 pursuant to section 13-91-105 (1)(b)(VII). The ~~moneys~~ MONEY in the
13 fund ~~shall be~~ IS subject to annual appropriation by the general assembly
14 to the state judicial department for allocation to the office of the child's
15 representative for the purposes of funding the CASA programs
16 established in each judicial district, or in adjacent judicial districts,
17 pursuant to part 2 of article 1 of title 19, ~~C.R.S.~~, and the work of the
18 office of the child's representative relating to the enhancement of CASA
19 programs. All interest derived from the deposit and investment of ~~moneys~~
20 MONEY in the fund ~~shall~~ MUST be credited to the fund. Any ~~moneys~~
21 MONEY not appropriated ~~shall remain~~ REMAINS in the fund and shall not
22 be transferred or revert to the general fund of the state at the end of any
23 fiscal year.

24 (b) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
25 AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2019, TO THE STATE
26 COURT-APPOINTED SPECIAL ADVOCATE FUND, CREATED IN SECTION
27 19-1-213 (6).

1 (c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 31, 2019.

2 **SECTION 5. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.