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Nonpartisan Services for Colorado's Legislature

HB 19-1282

FISCAL NOTE

Drafting Number: LLS 19-1041 Date: April 4, 2019
Prime Sponsors: Rep. Singer; Michaelson Jenet Bill Status: House Judiciary
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Bill Topic: COURT-APPOINTED SPECIAL ADVOCATE PROGRAM OVERSIGHT

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill moves the oversight of the Court-Appointed Special Advocate Program from the Office of the Child's Representative to the Office of the State Court Administrator. The bill will increase state expenditures beginning in FY 2019-20, may increase state revenue from gifts, grants, and donations, and requires a one time transfer of funds.

Appropriation Summary: For FY 2019-20, the bill requires an appropriation of \$50,376 to the Judicial Department. The bill also requires an reduction in appropriations to the Office of the Child's Representative and an increase in appropriations to the Judicial Department. See State Appropriations section for more information.

Fiscal Note Status: This fiscal note reflects the introduced the bill.

Table 1 State Fiscal Impacts Under HB 19-1282

Table with 3 columns: Category, FY 2019-20, FY 2020-21. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total), Total FTE, Transfers, and TABOR Refund.

Summary of Legislation

This bill moves the oversight of the Court-Appointed Special Advocate (CASA) Program from the Office of the Child's Representative (OCR) to the Office of the State Court Administrator (OSCA) in the Judicial Department. The OSCA is required to contract with a nonprofit state CASA entity and provide funding to the nonprofit beginning July 1, 2019.

The state CASA entity must annually establish a formula to allocate money to local CASA programs, and provide the formula to the OSCA by June 15, 2019, and each year thereafter. The state CASA entity must provide an annual report on all CASA activities to the OSCA by November 1, 2020. The OSCA may seek, accept, and spend gifts, grants, or donations to fund the work of the CASA program.

The bill also creates the State CASA Fund, which is subject to annual appropriation by the General Assembly. Any unencumbered funds from the existing CASA Fund must be transferred to the newly created State CASA Fund by July 1, 2019.

Background

Colorado CASA is a nonprofit network of 18 programs across the state. CASA's are appointed by a judge to advocate for youth who have been abused or neglected. In FY 2018-19, the OCR passed through an appropriation of \$1,550,000 General Fund to fund Colorado CASA.

In September 2018, the Office of the State Auditor published a performance audit of the OCR. The audit found that the OCR had relinquished most of its statutory responsibilities related to local CASA programs to the nonprofit Colorado CASA with no contract or monitoring by the state. The audit recommended that a contract be put into place with the nonprofit and that the state oversee the program directly.

State Revenue

The bill authorizes the OSCA to seek, accept, and spend gifts, grants, and donations for the CASA Program. No source of gifts, grants, or donations has been identified as of writing. Gifts, grants, and donations are not subject to TABOR.

State Transfers

For FY 2019-20 only, the bill requires a transfer of funds from the existing CASA Fund to the newly created State CASA Fund. The fiscal note assumes that the money in the fund has already been allocated to Colorado CASA for this current fiscal year, so no transfer of funds are anticipated to take place.

State Expenditures

On net, the bill will increase state General Fund expenditures by \$63,323 and 0.9 FTE in FY 2019-20, and \$64,041 and 1.0 FTE in FY 2020-21 in the Judicial Department. Expenditure impacts are shown in Table 2 and discussed below.

Table 2
Expenditures Under HB 19-1282

| Cost Components | FY 2019-20 | FY 2020-21 |
|---|-------------------|-------------------|
| Judicial Department | | |
| Personal Services | \$44,723 | \$48,788 |
| Operating Expenses and Capital Outlay Costs | \$5,653 | \$950 |
| CASA Funding from OCR | (\$1,550,000) | (\$1,550,000) |
| CASA Funding to OSCA | \$1,550,000 | \$1,550,000 |
| Centrally Appropriated Costs* | \$12,947 | \$14,303 |
| Total | \$63,323 | \$64,041 |
| Total FTE | 0.9 FTE | 1.0 FTE |

* Centrally appropriated costs are not included in the bill's appropriation.

OSCA oversight of the CASA Program. Starting in FY 2019-20, the OSCA requires 1.0 FTE to oversee the CASA program. FTE costs include standard operating and capital outlay costs, and are prorated in the first year to reflect the General Fund paydate shift.

CASA program funding. Starting in FY 2019-20, expenditures in the OSCA will increase by \$1,550,000 to fund the CASA program. Conversely, expenditures in the OCR will decrease by the same amount. This funding amount is based on the amount included in the FY 2019-20 Long Bill (SB19-207), which is currently under consideration by the General Assembly.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2019-20, the bill requires an appropriation of \$50,376 from the General Fund to the Judicial Department and an allocation of 0.9 FTE for use by the Office of the State Court Administrator in the Judicial Department.

Additionally, the appropriation for the CASA program funding to the Office of the Child's Representative should be decreased by \$1,550,000 and the appropriation to the Office of the State Court Administrator in the Judicial Department should correspondingly be increased by the same amount.

State and Local Government Contacts

Child's Representative Information Technology Judicial