

CHAPTER 83

**HUMAN SERVICES - SOCIAL SERVICES**

HOUSE BILL 20-1100

BY REPRESENTATIVE(S) Froelich, Bird, Buentello, Caraveo, Cutter, Duran, Exum, Gonzales-Gutierrez, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McCluskie, Melton, Michaelson Jenet, Snyder, Titone, Valdez A., Valdez D., Woodrow, Young; also SENATOR(S) Crowder, Bridges, Fields, Ginal, Gonzales, Hansen, Moreno, Pettersen, Story, Todd, Williams A., Winter, Zenzinger, Garcia.

**AN ACT**

**CONCERNING PASS-THROUGH CHILD SUPPORT PAYMENTS TO FAMILIES THAT ARE ELIGIBLE FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.**

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

**SECTION 1.** In Colorado Revised Statutes, 26-2-108, **amend** (1)(b)(II)(B); and **add** (3) as follows:

**26-2-108. Granting of assistance payments and social services - child support collection fund - created - rules.** (1) (b) (II) (B) The general assembly may annually appropriate ~~moneys~~ MONEY to the state department in a separate line item to reimburse the counties for fifty percent of child support collections and the federal government for its share of child support collections that are passed through to temporary assistance for needy families (TANF) recipients pursuant to this ~~subparagraph (H)~~ SUBSECTION (1)(b)(II). The state department shall allocate and distribute the ~~moneys~~ MONEY to the counties. Notwithstanding the provisions of this ~~subparagraph (H)~~ SUBSECTION (1)(b)(II)(B) to the contrary, in any state fiscal year in which the general assembly does not appropriate an amount of ~~moneys equal to a full fiscal year reimbursement to counties~~ MONEY THAT IS AT LEAST NINETY PERCENT OF THE TOTAL COUNTY SHARE OF COLLECTIONS PASSED THROUGH TO THE CUSTODIAL PARTY AFTER THE FULL FEDERAL SHARE IS PAID pursuant to the provisions of this ~~sub-subparagraph (B)~~ SUBSECTION (1)(b)(II)(B) FOR THE PRIOR FISCAL YEAR, the state department shall make all necessary changes to the relevant human services automated systems so that child support payments are not passed through to temporary assistance for needy families (TANF) recipients and a county is not required to, but may, implement the child support pass-through to TANF

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

recipients. ~~Should~~ THE TOTAL COUNTY SHARE OF COLLECTIONS PASSED THROUGH TO THE CUSTODIAL PARTY AFTER THE FULL FEDERAL SHARE IS PAID FOR THE FISCAL YEAR IS DETERMINED AS OF THE FOLLOWING DECEMBER 1, AS VERIFIED BY THE STATE DEPARTMENT. If a county ~~elect~~ ELECTS to implement a child support pass-through in a fiscal year in which ~~the full amount of moneys~~ NO MONEY is not appropriated, ~~it~~ THE COUNTY must utilize its own resources and the state automated systems are not required to support ~~their~~ THE COUNTY'S implementation.

(3) THE CHILD SUPPORT COLLECTION FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE STATE TREASURER SHALL TRANSFER ANY UNEXPENDED AND UNENCUMBERED MONEY APPROPRIATED TO THE STATE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION AT THE END OF EACH FISCAL YEAR TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE STATE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR THE IMPLEMENTATION OF THIS SECTION.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 24, 2020