

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

INTRODUCED

LLS NO. 19-1041.01 Conrad Imel x2313

HOUSE BILL 19-1282

HOUSE SPONSORSHIP

Singer and Michaelson Jenet,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

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

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

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

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

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

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

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

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

25 **13-91-105. Duties of the office of the child's representative -**
26 **guardian ad litem programs.** (1) In addition to any responsibilities
27 assigned to it by the chief justice, the office of the child's representative

1 shall:

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

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

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

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

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

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

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

22 ~~(VII) Accepting grants, gifts, donations, and other~~
23 ~~nongovernmental contributions to be used to fund the work of the office~~
24 ~~of the child's representative relating to CASA programs. Such grants,~~
25 ~~gifts, donations, and other nongovernmental contributions shall be~~
26 ~~credited to the court-appointed special advocate (CASA) fund created in~~
27 ~~section 13-91-106 (2). Moneys in such fund shall be subject to annual~~

1 appropriation by the general assembly for the purposes of this paragraph
2 (b) and for the purposes of the local CASA programs.

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

5 **13-91-106. Guardian ad litem fund - court-appointed special**
6 **advocate (CASA) fund - created - repeal.** (2) (a) There is hereby
7 created in the state treasury the court-appointed special advocate (CASA)
8 fund referred to in this subsection (2) as the "fund". The fund ~~shall consist~~
9 CONSISTS of such general fund ~~moneys~~ MONEY as may be appropriated
10 thereto by the general assembly and any ~~moneys~~ MONEY received
11 pursuant to section 13-91-105 (1)(b)(VII). The ~~moneys~~ MONEY in the
12 fund ~~shall be~~ IS subject to annual appropriation by the general assembly
13 to the state judicial department for allocation to the office of the child's
14 representative for the purposes of funding the CASA programs
15 established in each judicial district, or in adjacent judicial districts,
16 pursuant to part 2 of article 1 of title 19, ~~C.R.S.~~, and the work of the
17 office of the child's representative relating to the enhancement of CASA
18 programs. All interest derived from the deposit and investment of ~~moneys~~
19 MONEY in the fund ~~shall~~ MUST be credited to the fund. Any ~~moneys~~
20 MONEY not appropriated ~~shall remain~~ REMAINS in the fund and shall not
21 be transferred or revert to the general fund of the state at the end of any
22 fiscal year.

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

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

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