



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

**FINAL
FISCAL NOTE**

Drafting Number: LLS 19-0040 **Date:** July 1, 2019
Prime Sponsors: Rep. Ransom; Singer **Bill Status:** Signed into Law
 Sen. Moreno; Smallwood **Fiscal Analyst:** Aaron Carpenter | 303-866-4918
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Bill Topic: SAFE FAMILY OPTION FOR PARENTS

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill allows a child placement center to operate a temporary assistance care program. The bill will increase state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: For FY 2019-20, the bill requires and includes an appropriation of \$14,093 to the Department of Human Services.

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

**Table 1
State Fiscal Impacts Under HB 19-1142**

		FY 2019-20	FY 2020-21
Revenue	Cash Funds	up to \$7,450	up to \$7,450
	Total	up to \$7,450	up to \$7,450
Expenditures	General Fund	\$14,093	\$16,911
	Centrally Appropriated	\$3,936	\$4,193
	Total	\$18,029	\$21,104
	Total FTE	0.3 FTE	0.3 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

This bill allows a child placement agency to operate a temporary care assistance program. A temporary care assistance program assists a parent or guardian with the process of providing temporary care for a minor. Prior to July 1, 2021, only a child placement agency who operates a temporary care assistance program in more than 30 states may operate a temporary care assistance program in the state. Placement in a temporary care assistance program does not constitute placement for the purpose of adoption, treatment, or foster care.

Temporary care assistance program. Under the bill, a temporary care assistance program is a program that assists a parent or guardian in identifying an appropriate and safe approved temporary caregiver who the parent or guardian can delegate temporary care and responsibility to for no more than six months. During that time, the parent or guardian has the authority to revoke the delegation of care and the minor must be returned as soon as reasonably possible. Placement in a temporary care program does not change parental or legal rights; constitute child abuse or neglect; or result in a child being neglected unless the parent or guardian fails to make contact within 72 hours after the expiration of the power of attorney. A parent who is named in an open dependency and neglect case may not use the assistance of a temporary care assistance program.

Temporary caregivers. The bill establishes requirements on who can be a temporary caregiver. The bill mandates that a child placement agency operating a temporary care assistance program conduct a fingerprint criminal history background check; a child abuse and neglect background check; and a sex offender background check on all applicants and on anyone who resides in the applicant's home who is at least 18 years old. The child placement agency is responsible for the costs of performing this background check and maintaining records. Finally, a child placement agency must train an approved temporary caregiver in the rights, duties, and limitations associated with providing temporary care for a minor.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of an existing crime. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions under the bill.

Prior conviction data. This bill adds a new type of child placement agency whose employees will be required to be a mandatory reporter of child abuse. A failure to report child abuse under current law is a class 3 misdemeanor offense. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of failing to report child abuse as a comparable crime. In the last three fiscal years, 7 persons have been convicted and sentenced for this existing offense. Of the persons convicted, 6 were male and 1 did not have a gender identified. Demographically, 6 were White and 1 did not have a race identified. Of these cases, only 3 were sentenced to county jail.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Assumptions

The fiscal note assumes one child placement agency will be licensed to run a temporary care assistance program in FY 2019-20 and FY 2020-21 and that fewer than 100 background checks will be conducted per year. The fiscal note also assumes that the Department of Human Services (DHS) will develop a new licensing type for child placement agencies that operate temporary care assistance programs and will not charge a fee for this licensing type. Finally, the fiscal note assumes that the employees of a child placement agency that runs a temporary placement program will comply with mandatory reporter laws and any impacts to the criminal justice system will be minimal.

State Revenue

The bill will increase cash fund revenue to the Department of Public Safety (DPS) and the DHS by up to \$7,450 in FY 2019-20 and FY 2020-21 to perform up to 100 background checks per year on applicants for temporary caregivers, and any family member of the temporary caregiver over the age of 18. Revenue may also increase to the Judicial Department by a minimal amount. Revenue is shown in Table 2 and discussed below.

Fee impact on child placement agency. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. These fee amounts are estimates only, actual fees will be set administratively by DPS and DHS based on cash fund balance, estimated program costs, and the estimated number of background checks subject to the fee. The table below identifies the fee impact of this bill and each impact is described below.

**Table 2
 Fee Impact on Temporary Caregivers**

Fiscal Year	Type of Fee	Fee	Number Affected	Total Fee Impact
FY 2019-20	Fingerprint Background Check	\$39.50	up to 100	up to \$3,950
	Child Abuse and Neglect Check	\$35.00	up to 100	up to \$3,500
			FY 2019-20 Total	up to \$7,450
FY 2020-21	Fingerprint Background Check	\$39.50	up to 100	up to \$3,950
	Child Abuse and Neglect Check	\$35.00	up to 100	up to \$3,500
			FY 2020-21 Total	up to \$7,450

Fingerprint-based background checks (DPS). This bill increases state cash fund revenue from fingerprint-based criminal history background checks, which includes a sex offender background check, to the Colorado Bureau of Investigation Identification Unit Cash Fund in the DPS by up to \$3,950 in FY 2019-20 and FY 2020-21, of which \$2,825 is retained by the DPS and \$1,125 is passed through to the Federal Bureau of Investigation (FBI). The current fee for background checks is \$39.50, which includes \$11.25 for the FBI fingerprint based check. This fee revenue is subject to TABOR, except for the federal portion of the fee.

Child abuse and neglect background checks (DHS). This bill increases state cash fund revenue from child abuse and neglect background checks to the Records and Reports Cash Fund in the DHS by up to \$3,500 in FY 2019-20 and FY 2020-21. The current fee for a child abuse and neglect background check is \$35. This fee revenue is subject to the state TABOR limit.

Criminal fines and court fees. By increasing the number of mandatory reporters, the bill may increase state revenue from criminal fines and court fees by a minimal amount beginning in FY 2019-20, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. The fiscal note assumes that any increase will be minimal.

State Expenditures

This bill increases state expenditures in the DHS by \$18,029 and 0.3 FTE in FY 2019-20 and by \$21,104 and 0.3 FTE in FY 2020-21, and increases workload to the DPS. These impacts are summarized in Table 3 and discussed below.

Department of Human Services. The DHS requires 0.3 FTE for a social services specialist to draft rules for a new licencing category, process licencing applications, conduct annual licencing visits, investigate complaints, and provide technical assistance to a child placement agency operating a temporary care assistance program. For FY 2019-20, FTE and costs are prorated to reflect the General Fund payday shift and an August start date. Workload will also increase in the DHS to process additional child abuse background checks. Assuming less than 100 checks per year, the fiscal note assumes this workload can be accomplished within existing appropriations. Costs and workload will increase in FY 2021-22, to the extent more child placement agencies choose to operate a temporary care assistance program. The exact increase in cost has not been estimated at this time.

Department of Public Safety. The bill will increase workload to the DPS starting in FY 2019-20, to process more fingerprint background checks. Based on the assumed number of background checks, the fiscal note assumes the increase in workload can be handled within existing appropriations.

Judicial branch agencies that represent indigent children and parents. To the extent that any authorized agreements convert into a child welfare case, workload for these agencies will also increase. It is assumed that the increase in workload can be handled within existing appropriation.

Judicial Department. This bill may increase costs and workload for the trial courts in the Judicial Department to process additional criminal case filings. To the extent that offenders are sentenced to probation, costs and workload in the Division of Probation will increase. Costs and workload may also increase in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Council. Overall, it is assumed that this workload can be accomplished within existing appropriations. Should a change in funding be required for any agency or division with the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$3,936 in FY 2019-20 and \$4,193 in FY 2020-21.

Local Government

Beginning in FY 2019-20, this bill is expected to increase local government revenue, costs, and workload as described below. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction.

County departments of human services. To the extent that any authorized agreements convert into a child welfare case, workload for county department of human services will increase. It is assumed that the increase in workload will be minimal.

Effective Date

This bill was signed into law by the Governor on May 23, 2019, and takes effect August 2, 2019, assuming no referendum petition is filed.

State Appropriations

For the FY 2019-20, the bill requires and includes a General Fund appropriation of \$14,093 and an allocation of 0.3 FTE to the Department of Human Services.

Departmental Difference

The DHS estimates that the bill will increase costs by \$61,859 in FY 2019-20 and \$65,065 in FY 2020-21 and will require 0.9 FTE. This includes 0.5 FTE to oversee the licensing program and 0.4 FTE to process additional background checks. The DHS based these costs on an additional 900 background checks and estimates that the amount of work needed to develop and monitor a new licensing type rises to the level of 0.5 FTE. The fiscal note assumes that one child placement agency operating a temporary care assistance program will be licensed in FY 2019-20 and FY 2020-21 and assumes that up to 100 background checks will be conducted. Based on this assumption, the fiscal note indicates fewer FTE and lower costs than the DHS.

State and Local Government Contacts

Counties	District Attorneys	Human Services	Information Technology
Judicial	Law	Military Affairs	Public Safety