



Legislative
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HB 19-1282

**REVISED
FISCAL NOTE**

(replaces fiscal note dated April 4, 2019)

Drafting Number: LLS 19-1041
Prime Sponsors: Rep. Singer;
Michaelson Jenet

Date: April 18, 2019
Bill Status: House Appropriations
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Bill Topic: COURT-APPOINTED SPECIAL ADVOCATE PROGRAM OVERSIGHT

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input checked="" type="checkbox"/> State Transfer	<input type="checkbox"/> 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 \$36,891 to the Judicial Department. The bill also requires an reduction in appropriations to the Office of the Child's Representative. See State Appropriations section for more information.

Fiscal Note Status: This revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee. It has also been revised to reflect new information.

**Table 1
State Fiscal Impacts Under HB 19-1282**

		FY 2019-20	FY 2020-21
Revenue		-	-
Expenditures	General Fund	\$36,891	\$20,757
	Centrally Appropriated	\$7,818	\$4,848
	Total	\$44,709	\$25,605
	Total FTE	0.5 FTE	0.3 FTE
Transfers		-	-
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. CASAs 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 fund transfer is anticipated to take place.

State Expenditures

On net, the bill will increase state General Fund expenditures by \$44,709 and 0.5 FTE in FY 2019-20, and \$25,605 and 0.3 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	\$31,713	\$20,757
Operating Expenses and Capital Outlay Costs	\$5,178	-
CASA Funding from OCR	(\$1,550,000)	(\$1,550,000)
CASA Funding to OSCA	\$1,550,000	\$1,550,000
Centrally Appropriated Costs*	\$7,818	\$4,848
Total	\$44,709	\$25,605
Total FTE	0.5 FTE	0.3 FTE

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

Monitoring the CASA Program. In FY 2019-20, the OSCA requires 0.5 FTE to monitor the CASA contract, including monitoring contract compliance, processing the request for proposal processing, monitoring spending, and monitoring reporting requirements. Starting in FY 2020-21, OSCA requires 0.3 FTE for ongoing oversight the state CASA program. Costs include standard operating and capital outlay costs.

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 (Senate Bill 19-207), which is currently under consideration by the General Assembly.

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 \$7,818 in FY 2019-20 and \$4,848 in FY 2020-21.

Effective Date

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

Departmental Difference

The Judicial Department estimates that \$83,728 and 0.9 FTE in FY 2019-20 and \$86,302 and 1.0 FTE in FY 2020-21 is required to monitor the CASA program. The Judicial Department estimate is based on the assumption that it will be required to actively oversee and interact with the CASA program on an continuous basis. The fiscal note assumes that monitoring the state CASA program as required by the bill, rises to level of 0.5 FTE in FY 2019-20 and 0.3 FTE in FY 2020-21. This estimate is based on the assumption that the state CASA entity is responsible for monitoring the program as operated by local CASA entities, and then reporting to the OSCA. The OSCA will thus only require resources for initial contracting and receiving regular reports compiled by the state

CASA program. This assessment is based on provisions in the bill that specify that the state CASA entity is responsible for oversight of local CASA entities and for providing reports to the OSCA. The fiscal note estimate is sufficient to review these reports, request follow up information, and to ensure compliance.

State Appropriations

For FY 2019-20, the bill requires an appropriation of \$36,891 from the General Fund to the Judicial Department and an allocation of 0.5 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

Information Technology Judicial Office of the Child's Representative