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Final Fiscal Note

Drafting Number: LLS 21-0995 Date: September 14, 2021
Prime Sponsors: Rep. Benavidez; Gonzales-Gutierrez Bill Status: Signed into Law
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Bill Topic: CHILD PROTECTION OMBUDSMAN & IMMIGRANT CHILDREN

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

The bill allows the Office of the Child Protection Ombudsman to investigate the safety and well-being of unaccompanied immigrant children residing in a state-licensed residential child care facility. The bill increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2021-22, the bill requires and includes an appropriation of \$90,600 to the Office of the Child Protection Ombudsman.

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

Table 1
State Fiscal Impacts Under HB 21-1313

Table with 4 columns: Category, Budget Year FY 2021-22, Out Year FY 2022-23, and a sub-column for Budget Year. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and TABOR Refund.

## Summary of Legislation

The bill allows the Office of the Child Protection Ombudsman (CPO) to self-initiate an independent and impartial investigation and ongoing review of the safety and well-being of unaccompanied immigrant children residing in a state-licensed residential child care facility (RCCF) and who are in the custody of the federal Office of Refugee Resettlement. The CPO must report the results of any investigation in its annual report. In addition, the Department of Human Services (DHS) and the CPO must coordinate site visits to investigate and review residential child care facilities that house unaccompanied immigrant children. The bill grants the CPO access to certain third-party records when the CPO deems the documents necessary for the investigation. Finally, RCCFs must notify the CPO and the DHS within 30 days after the arrival of an unaccompanied immigrant child.

## Assumptions

The fiscal note assumes that 50 beds in state-licensed RCCFs will be available for the federal government to place unaccompanied immigrant children and that all 50 beds will be used.

## State Expenditures

The bill will increase General Fund expenditures by \$106,125 and 0.9 FTE in FY 2021-22 and \$104,916 and 1.0 FTE in FY 2022-23 in the CPO in the Judicial Department, as shown in Table 2. In addition, workload within the DHS will increase as described below.

**Table 2**  
**Expenditures Under HB 21-1313**

	<b>FY 2021-22</b>	<b>FY 2022-23</b>
<b>Office of the Child Protection Ombudsman</b>		
Personal Services	\$72,119	\$78,676
Operating Expenses	\$950	\$950
Capital Outlay Costs	\$9,360	-
Translation Services	\$5,340	\$5,340
Outreach Materials	\$2,831	\$2,831
Centrally Appropriated Costs <sup>1</sup>	\$15,525	\$17,119
<b>Total Cost</b>	<b>\$106,125</b>	<b>\$104,916</b>
<b>Total FTE</b>	<b>0.9 FTE</b>	<b>1.0 FTE</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**Staffing.** Based on the assumptions listed above, the bill will require 1.0 FTE to investigate the conditions of RCCFs that house unaccompanied immigrant children. Currently, the preferred caseload for a CPO analyst is 25 cases with investigations being finished in 90 days. The fiscal note assumes that investigations into RCCFs may take longer than 90 calendar days and therefore, a CPO analyst will be able handle more than 25 cases. FTE costs are shown in Table 2 and include personal services, operating, and capital outlay costs. Costs in FY 2021-22 are prorated for the General Fund payday shift.

**Translation services.** Starting in FY 2021-22, expenditures in the CPO will increase by \$5,340 per year for translation services. The fiscal note assumes these services will cost \$53.40 per hour and that 100 hours will be required.

**Outreach materials.** The bill allows the CPO to create and distribute outreach materials to RCCFs and individuals who have regular contact with an unaccompanied immigrant child. The fiscal note estimates that printing and distribution costs will be \$2,831 per year.

**Department of Human Services.** Starting in FY 2021-22, workload in the DHS will increase to coordinate with the CPO to coordinate site visits and reviews of RCCFs. The fiscal note assumes that each visit will take 10 hours and that workload can be accomplished within existing appropriations.

**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 shown in Table 2 above.

## Effective Date

This bill was signed into law by the Governor and took effect on July 2, 2021.

## State Appropriations

For FY 2021-22, the bill requires and includes a General Fund appropriations of \$90,600 and 0.9 FTE to the Office of the Child Protection Ombudsman in the Judicial Department.

## State and Local Government Contacts

Child Protection Ombudsman  
Information Technology

Human Services  
Judicial