

CHAPTER 182

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 16-1227

BY REPRESENTATIVE(S) Kagan and DelGrosso, Lawrence, Becker J., Becker K., Brown, Buckner, Coram, Duran, Esgar, Fields, Garnett, Hamner, Kraft-Tharp, Landgraf, Lee, Lontine, Lundeen, McCann, Melton, Moreno, Nordberg, Pettersen, Primavera, Rankin, Rosenthal, Roupe, Sias, Thurlow, Winter, Young, Ryden, Carver, Lebsock, Priola, Salazar, Singer, Williams, Wilson;
 also SENATOR(S) Hill and Crowder, Holbert, Martinez Humenik, Neville T., Tate, Aguilar, Garcia, Guzman, Heath, Hodge, Jahn, Kefalas, Kerr, Merrifield, Newell, Steadman, Todd, Woods.

AN ACT

CONCERNING EXEMPTIONS FROM CHILD SUPPORT ENFORCEMENT REQUIREMENTS AS A CONDITION OF RECEIPT OF CHILD CARE ASSISTANCE UNDER THE COLORADO CHILD CARE ASSISTANCE PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 26-2-805, **amend** (5) as follows:

26-2-805. Services - eligibility - assistance provided - waiting lists - rules - exceptions from cooperating with child support establishment. (5) (a) On and after July 1, 2014, AND EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a.5) OR (a.7) OF THIS SUBSECTION (5), a county may require a person who receives child care assistance pursuant to this section and who is not otherwise a participant to apply, pursuant to section 26-13-106 (2), for child support establishment, modification, and enforcement services related to any support owed by obligors to their children and to cooperate with the delegate child support enforcement unit to receive these services; except that a person ~~shall~~ ~~is not be~~ required to submit a written application for child support establishment, modification, and enforcement services if the person shows good cause to the county implementing the Colorado child care assistance program for not receiving these services.

(a.5) A COUNTY SHALL NOT REQUIRE AN APPLICANT WHO IS A TEEN PARENT, AS DEFINED BY RULE OF THE STATE BOARD, AND WHO IS NOT OTHERWISE A PARTICIPANT TO SUBMIT A WRITTEN APPLICATION FOR CHILD SUPPORT ESTABLISHMENT, MODIFICATION, AND ENFORCEMENT SERVICES AS A CONDITION OF RECEIVING CHILD

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

CARE ASSISTANCE UNDER THIS SECTION UNTIL THE TEEN PARENT HAS GRADUATED FROM HIGH SCHOOL OR SUCCESSFULLY COMPLETED A HIGH SCHOOL EQUIVALENCY EXAMINATION. AFTER THE TEEN PARENT HAS BEEN DETERMINED ELIGIBLE FOR CHILD CARE ASSISTANCE AND HIS OR HER CHOSEN CHILD CARE PROVIDER IS RECEIVING SUBSIDY PAYMENTS, A COUNTY MAY REQUIRE THE TEEN PARENT TO REGULARLY ATTEND, AT NO COST AND AT A LOCATION AND TIME MOST CONVENIENT TO THE TEEN PARENT, INFORMATION SESSIONS WITH THE COUNTY CHILD SUPPORT STAFF FOCUSED ON UNDERSTANDING THE BENEFITS OF CHILD SUPPORT TO THE CHILD, THE FAMILY AS A WHOLE, AND THE BENEFITS OF TWO-PARENT ENGAGEMENT IN A CHILD'S LIFE. ONCE A PERSON WHO RECEIVES CHILD CARE ASSISTANCE PURSUANT TO THIS SECTION NO LONGER MEETS THE DEFINITION OF A TEEN PARENT OR HAS EITHER GRADUATED FROM HIGH SCHOOL OR SUCCESSFULLY COMPLETED A HIGH SCHOOL EQUIVALENCY EXAMINATION, THE COUNTY MAY REQUIRE THAT PERSON TO COOPERATE WITH CHILD SUPPORT ESTABLISHMENT AND ENFORCEMENT AS A CONDITION OF CONTINUED RECEIPT OF CHILD CARE ASSISTANCE. NOTHING IN THIS SECTION PREVENTS A TEEN PARENT FROM ESTABLISHING CHILD SUPPORT.

(a.7) (I) A COUNTY SHALL NOT REQUIRE AN APPLICANT TO SUBMIT A WRITTEN APPLICATION FOR CHILD SUPPORT ESTABLISHMENT, MODIFICATION, AND ENFORCEMENT SERVICES AS A CONDITION OF RECEIVING CHILD CARE ASSISTANCE OR TO ESTABLISH GOOD CAUSE FOR NOT COOPERATING WITH CHILD SUPPORT ESTABLISHMENT AS A CONDITION OF RECEIVING CHILD CARE ASSISTANCE IF THE APPLICANT:

(A) SUBMITS A STATEMENT THAT HE OR SHE IS A VICTIM OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., AND IN PART 8 OF ARTICLE 6 OF TITLE 18, C.R.S.; OR A VICTIM OF A SEXUAL OFFENSE, AS DESCRIBED IN PART 4 OF ARTICLE 3 OF TITLE 18, C.R.S., SECTION 18-6-301, C.R.S., OR SECTION 18-6-302, C.R.S.; OR A VICTIM OF HARASSMENT, AS DESCRIBED IN SECTION 18-9-111, C.R.S.; OR A VICTIM OF STALKING, AS DESCRIBED IN SECTION 18-3-602, C.R.S.;

(B) INDICATES IN THAT STATEMENT THAT HE OR SHE FEARS FOR HIS OR HER SAFETY OR THE SAFETY OF HIS OR HER CHILDREN IF THE APPLICANT WERE TO PURSUE CHILD SUPPORT ENFORCEMENT PURSUANT TO SECTION 26-13-106 (2); AND

(C) SUBMITS EVIDENCE THAT HE OR SHE IS A VICTIM OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, HARASSMENT, OR STALKING AS DESCRIBED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I).

(II) FOR PURPOSES OF SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.7), SUFFICIENT EVIDENCE INCLUDES, BUT IS NOT LIMITED TO, EVIDENCE IDENTIFIED FOR PARTICIPATION IN THE ADDRESS CONFIDENTIALITY PROGRAM INCLUDED IN SECTION 24-30-2105 (3) (c) (I) TO (3) (c) (IV), C.R.S., OR FROM A "VICTIM'S ADVOCATE", AS DEFINED IN SECTION 13-90-107 (1) (k) (II), C.R.S., FROM WHOM THE APPLICANT HAS SOUGHT ASSISTANCE.

(III) A COUNTY MAY PROVIDE INFORMATION ABOUT THE IMPORTANCE OF ESTABLISHING CHILD SUPPORT TO A VICTIM OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, HARASSMENT, OR STALKING WHO CHOOSES NOT TO ENGAGE IN CHILD SUPPORT ESTABLISHMENT OR TO PURSUE A GOOD CAUSE WAIVER FROM COOPERATION.

(b) The state board shall promulgate rules for the implementation of this subsection (5), including but not limited to rules establishing good cause for not receiving these services, and rules for the imposition of sanctions upon a person who fails, without good cause as determined by the county implementing the Colorado child care assistance program, to apply for child support enforcement services or to cooperate with the delegate child support enforcement unit as required by this subsection (5). THE STATE BOARD SHALL REVISE ITS RULES REGARDING THE OPTION OF COUNTIES TO MAKE COOPERATION WITH CHILD SUPPORT ESTABLISHMENT AND ENFORCEMENT A CONDITION OF RECEIVING CHILD CARE ASSISTANCE FOR TEEN PARENTS AND FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, HARASSMENT, OR STALKING.

(c) (I) ON JULY 1, 2017, AND EVERY JULY 1 THEREAFTER THROUGH JULY 1, 2025, EACH COUNTY DEPARTMENT SHALL REPORT TO THE STATE DEPARTMENT INFORMATION RELATED TO TEEN PARENTS IN THE COLORADO CHILD CARE ASSISTANCE PROGRAM. THE STATE BOARD SHALL ESTABLISH, BY RULE, CRITERIA TO BE REPORTED ANNUALLY BY EACH COUNTY, INCLUDING BUT NOT LIMITED TO:

(A) THE TOTAL NUMBER OF CASES IN EACH COUNTY THAT ARE RECEIVING SERVICES FROM A COUNTY CHILD SUPPORT SERVICES OFFICE THAT INVOLVE CUSTODIAL PARTIES WHO ARE NINETEEN YEARS OF AGE OR YOUNGER AND THE NUMBER OF CHILDREN BEING SERVED;

(B) THE TOTAL NUMBER OF TEEN PARENTS IN EACH COUNTY THAT ARE RECEIVING COLORADO CHILD CARE ASSISTANCE;

(C) FOR EACH TEEN PARENT RECEIVING CHILD CARE ASSISTANCE IN THE COUNTY, LONGITUDINAL DATA INDICATING WHETHER PATERNITY HAS BEEN ESTABLISHED AND WHETHER CHILD SUPPORT HAS BEEN ESTABLISHED FOR THE CHILD AND REPORTED FOR THE CHILD FROM BIRTH TO AGE FOUR;

(D) FOR EACH TEEN PARENT RECEIVING CHILD CARE ASSISTANCE IN THE COUNTY, LONGITUDINAL DATA INDICATING WHETHER THE TEEN PARENT ACHIEVED ECONOMIC SELF-SUFFICIENCY AND AVOIDED BECOMING A COLORADO WORKS PARTICIPANT WHILE IN SCHOOL AND REPORTED FOR THE CHILD FROM THE CHILD'S BIRTH TO AGE FOUR;

(E) FOR EACH TEEN PARENT RECEIVING CHILD CARE ASSISTANCE IN THE COUNTY, LONGITUDINAL DATA INDICATING THE TOTAL AMOUNT AND THE PERCENTAGE OF CHILD SUPPORT COLLECTED FOR THE BENEFIT OF THE CHILD AND REPORTED FOR THE CHILD FROM BIRTH TO AGE FOUR.

(II) THE REPORTS FILED WITH THE STATE DEPARTMENT AS A RESULT OF THIS PARAGRAPH (c) ARE PUBLIC RECORDS AVAILABLE FOR PUBLIC INSPECTION.

(d) UPON NOTIFICATION THAT THE RELEVANT HUMAN SERVICES CASE MANAGEMENT SYSTEMS ARE CAPABLE OF ACCOMMODATING THE PROVISIONS IN PARAGRAPHS (a.5) AND (a.7) OF THIS SUBSECTION (5), THE STATE DEPARTMENT IS REQUIRED TO START TRACKING COUNTIES' COMPLIANCE WITH PARAGRAPHS (a.5) AND (a.7) OF THIS SUBSECTION (5). THE STATE DEPARTMENT SHALL NOTIFY COUNTIES WHEN THE HUMAN SERVICES CASE MANAGEMENT SYSTEMS ARE

FUNCTIONAL AND WHEN THE TRACKING OF COMPLIANCE WILL BEGIN.

SECTION 2. Appropriation. (1) For the 2016-17 state fiscal year, \$268,562 is appropriated to the department of human services. This appropriation is from federal child care development funds. To implement this act, the department may use this appropriation for the purchase of information technology services.

(2) For the 2016-17 state fiscal year, \$268,562 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of human services under subsection (1) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of human services.

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

Approved: May 19, 2016