

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-1041.01 Conrad Imel x2313

HOUSE BILL 19-1282

HOUSE SPONSORSHIP

Singer and Michaelson Jenet, Becker, Bird, Buckner, Buentello, Duran, Esgar, Exum, Gonzales-Gutierrez, Hansen, Jackson, Kennedy, Lontine, Sirota, Snyder, Titone

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House Committees

Judiciary
Appropriations

Senate Committees

Judiciary

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.*

SENATE
3rd Reading Unamended
April 27, 2019

SENATE
2nd Reading Unamended
April 26, 2019

HOUSE
3rd Reading Unamended
April 24, 2019

HOUSE
Amended 2nd Reading
April 23, 2019

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) "OFFICE OF CHILD'S REPRESENTATIVE" MEANS THE OFFICE OF
12 THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104.

13 (c) "STATE CASA ENTITY" MEANS THE NONPROFIT ENTITY THAT
14 HAS ENTERED INTO A CONTRACT WITH THE OFFICE OF THE CHILD'S
15 REPRESENTATIVE AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

16

17 (2) THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL CONTRACT
18 WITH A NONPROFIT ENTITY THAT IS IN GOOD STANDING WITH THE
19 NATIONAL CASA ASSOCIATION TO ENHANCE THE CASA PROGRAM IN
20 COLORADO. THE STATE CASA ENTITY 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, DEVELOP
2 PRIVATE-PUBLIC PARTNERSHIP FUNDING, AND STUDY THE AVAILABILITY
3 OF NEW FUNDING SOURCES FOR THE PROVISION OF HIGH-QUALITY LOCAL
4 CASA PROGRAMS IN EACH JUDICIAL DISTRICT OR IN ADJACENT JUDICIAL
5 DISTRICTS.

6 (3) BEGINNING JULY 1, 2019, AND AT LEAST ANNUALLY
7 THEREAFTER, THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL
8 ALLOCATE MONEY APPROPRIATED TO THE STATE JUDICIAL DEPARTMENT
9 FOR CASA PROGRAMS TO THE STATE CASA ENTITY FOR ALLOCATION TO
10 LOCAL CASA PROGRAMS. THE STATE CASA ENTITY SHALL REPORT TO
11 THE OFFICE OF THE CHILD'S REPRESENTATIVE REGARDING ITS DUTIES
12 DESCRIBED IN SUBSECTION (2) OF THIS SECTION WITHIN ONE MONTH
13 BEFORE RECEIVING AN ALLOCATION.

14 (4) THE STATE CASA ENTITY, IN CONSULTATION WITH LOCAL
15 CASA PROGRAMS, SHALL ANNUALLY ESTABLISH A FORMULA FOR THE
16 ALLOCATION OF MONEY APPROPRIATED AND SHALL ALLOCATE MONEY TO
17 THE LOCAL CASA PROGRAMS IN ACCORDANCE WITH THE ESTABLISHED
18 ALLOCATION FORMULA. THE ALLOCATION FORMULA MUST BE PROVIDED
19 TO THE OFFICE OF THE CHILD'S REPRESENTATIVE NO LATER THAN JUNE 15,
20 2019, AND EACH JUNE 15 THEREAFTER, PRIOR TO THE STATE CASA
21 ENTITY RECEIVING ITS ANNUAL ALLOCATION. ON A SCHEDULE DESCRIBED
22 IN THE CONTRACT, BUT AT LEAST ANNUALLY, THE STATE CASA ENTITY
23 SHALL PROVIDE TO THE OFFICE OF THE CHILD'S REPRESENTATIVE A
24 CERTIFICATION FROM EACH LOCAL CASA PROGRAM OF THE AMOUNT THAT
25 PROGRAM RECEIVED FROM EACH ALLOCATION SINCE THE PRIOR
26 CERTIFICATION.

27 (5) ON OR BEFORE NOVEMBER 1, 2020, AND ON OR BEFORE

1 NOVEMBER 1 EACH YEAR THEREAFTER, THE STATE CASA ENTITY SHALL
2 REPORT ITS ACTIVITIES AND THE ACTIVITIES OF EACH LOCAL CASA
3 PROGRAM TO THE OFFICE OF THE CHILD'S REPRESENTATIVE.

4 (6) (a) THE STATE COURT-APPOINTED SPECIAL ADVOCATE FUND,
5 REFERRED TO IN THIS SUBSECTION (6) AS THE "FUND", IS HEREBY CREATED
6 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE
7 FUND PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION AND ANY OTHER
8 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
9 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
10 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
11 FUND TO THE FUND. THE MONEY IN THE FUND IS SUBJECT TO ANNUAL
12 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE JUDICIAL
13 DEPARTMENT FOR THE PURPOSES OF FUNDING LOCAL CASA PROGRAMS
14 ESTABLISHED IN EACH JUDICIAL DISTRICT, OR IN ADJACENT JUDICIAL
15 DISTRICTS, PURSUANT TO THIS PART 2, AND THE ENHANCEMENT OF LOCAL
16 CASA PROGRAMS. ANY MONEY NOT APPROPRIATED REMAINS IN THE FUND
17 AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND AT
18 THE END OF ANY FISCAL YEAR.

19 (b) THE OFFICE OF THE CHILD'S REPRESENTATIVE MAY SEEK,
20 ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR
21 PUBLIC SOURCES TO FUND THE WORK OF THE STATE CASA ENTITY. THE
22 OFFICE OF THE CHILD'S REPRESENTATIVE SHALL TRANSMIT ALL MONEY
23 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
24 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

25

26 **SECTION 2.** In Colorado Revised Statutes, 13-91-105, **amend**
27 (1)(b) as follows:

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

5 ~~(b) Enhance the CASA program in Colorado by: PROVIDE~~
6 ~~SUPPORT FOR THE CASA PROGRAM IN COLORADO IN THE MANNER~~
7 ~~DESCRIBED IN SECTION 19-1-213;~~

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

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

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

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

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

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

27 ~~(VII) Accepting grants, gifts, donations, and other~~

1 ~~nongovernmental contributions to be used to fund the work of the office~~
2 ~~of the child's representative relating to CASA programs. Such grants,~~
3 ~~gifts, donations, and other nongovernmental contributions shall be~~
4 ~~credited to the court-appointed special advocate (CASA) fund created in~~
5 ~~section 13-91-106 (2). Moneys in such fund shall be subject to annual~~
6 ~~appropriation by the general assembly for the purposes of this paragraph~~
7 ~~(b) and for the purposes of the local CASA programs.~~

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

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

1 (b) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
2 AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2019, TO THE STATE
3 COURT-APPOINTED SPECIAL ADVOCATE FUND, CREATED IN SECTION
4 19-1-213 (6).

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

6 **SECTION 4. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.