HOUSE BILL 20-1317

A BILL FOR AN ACT

CONCERNING UPDATING THE PROVISIONS OF THE "COLORADO CHILDREN'S TRUST FUND ACT", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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.)

The bill updates various provisions of the "Colorado Children's Trust Fund Act", including renaming it the "Colorado Child Abuse Prevention Trust Fund Act" (act). Changes include:

- Expanding the membership on the Colorado child abuse prevention board (board) from the current 9 members to 17

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.
members;

Expanding the powers and duties of the board to include advising and making recommendations to the governor, state agencies, and other entities regarding child maltreatment prevention; developing strategies to decrease the incidences of child maltreatment and other adverse childhood experiences; and implementing and monitoring the ongoing development of local child maltreatment prevention plans throughout the state; and

Extending the repeal of the act from 2022 to 2026.

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

SECTION 1. In Colorado Revised Statutes, amend with relocated provisions article 3.5 of title 19 as follows:

19-3.5-101. Short title. This article shall be known and may be cited as the "Colorado Children's Trust Fund Act" The short title of this article 3.5 is the "COLORADO CHILD ABUSE PREVENTION TRUST FUND ACT".

19-3.5-102. Legislative declaration. (1) The general assembly hereby finds that:

(a) Child abuse and neglect are a threat to the family unit and impose major expenses on society; The general assembly further finds that

(b) There is a need to assist private and public agencies in identifying, planning, and establishing statewide programs for the prevention of child abuse and neglect; AND

(c) The types of trauma experienced by children who are under eighteen years of age include childhood emotional, physical, and sexual abuse; emotional and physical neglect; and household challenges, including growing up in a household with substance abuse, mental health disorders, violence, or parental
INCARCERATION. ADVERSE CHILDHOOD EXPERIENCES SUCH AS THESE HAVE BEEN SHOWN TO HAVE A LIFELONG IMPACT ON HEALTH, BEHAVIOR, AND AGE OF MORTALITY.

(2) It is the purpose of this article to promote primary and secondary prevention and education programs that are designed to PREVENT CHILD MALTREATMENT BEFORE IT OCCURS, lessen the occurrence of child abuse and neglect, and to MITIGATE THE IMPACTS OF ADVERSE CHILDHOOD EXPERIENCES TO reduce the need for state intervention in child abuse and neglect prevention and education THROUGH CHILD WELFARE ACTIONS.

19-3.5-103. Definitions. (Repealed)

19-3.5-103. [Formerly 19-3.5-104] Colorado child abuse prevention board - creation - members - terms - vacancies.

(1) (a) There is hereby created, in the department of public health and environment, the Colorado children's trust fund board. The board shall exercise its powers and duties as if transferred by a type 2 transfer.

(b) The Colorado children's trust fund board, REFERRED TO IN THIS ARTICLE 3.5 AS THE "BOARD" is transferred to the department of human services FROM THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. The board shall exercise its powers and duties as if transferred by a type 2 transfer. Persons appointed to the Colorado children's trust fund board shall continue serving until completion of their terms and may be reappointed as provided in this section.

(2) The board consists of nine SEVENTEEN members, as follows:

(a) The executive director of the department of human services or

his THE EXECUTIVE DIRECTOR'S designee;
(a.5) (b) The executive director of the department of public health and environment or such THE EXECUTIVE director's designee;

(b)(c) The commissioner of education or his THE COMMISSIONER'S designee; and

(c) Six persons appointed by the governor and confirmed by the senate, five of whom shall be knowledgeable in the area of child abuse prevention and represent some of the following areas: Law enforcement; medicine; law; business; mental health; domestic relations; child abuse prevention; education; INTIMATE PARTNER VIOLENCE; EARLY CHILDHOOD EDUCATION; K-12 EDUCATION; HIGHER EDUCATION; RESEARCH AND PROGRAM EVALUATION; and social work. and one who is a parent or a representative of a parent organization. In making appointments to the board, the governor is encouraged to include representation by at least one member who is a person with a disability, as defined in section 24-34-301 (2.5), a family member of a person with a disability, or a member of an advocacy group for persons with disabilities, provided that SO LONG AS the other requirements of this subsection (2)(c) (2)(d) are met.

(e) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(f) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(g) THE CHILD PROTECTION OMBUDSMAN, AS APPOINTED PURSUANT TO SECTION 19-3.3-102;

(h) TWO APPOINTEES WHO REPRESENT COUNTY LEADERSHIP, AS EITHER A COUNTY COMMISSIONER OR A DIRECTOR OF PUBLIC HEALTH OR HUMAN OR SOCIAL SERVICES, AS DESIGNATED BY STATEWIDE
ORGANIZATIONS REPRESENTING HUMAN SERVICES DIRECTORS AND PUBLIC HEALTH OFFICIALS;

(i) One appointee who is a parent or a representative of a parent organization; and

(j) One member from the General Assembly who is appointed by the President of the Senate and one member from the General Assembly who is appointed by the Speaker of the House of Representatives.

(3) (a) Each appointed member of the board shall serve for a term of three years; except that the original members appointed by the governor shall serve staggered terms not to exceed three years to be decided by the board.

(b) The original appointing entity shall fill a vacancy on the board for the balance of the board member's unexpired term.

(c) A board member, whether original or otherwise, may not serve more than two consecutive terms.

(4) The board shall meet regularly and adopt its own rules of procedure.

(5) Except as provided in section 2-2-326, members shall serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.

19-3.5-104. [Formerly 19-3.5-105] Powers and duties of the board. (1) The board has the following powers and duties:

(a) To provide for the coordination and exchange of information on the establishment and maintenance of primary and secondary prevention programs to advise and make recommendations to the
GOVERNOR, STATE AGENCIES, AND OTHER RELEVANT ENTITIES
CONCERNING THE IMPLEMENTATION OF AND FUTURE REVISIONS TO ANY
STATE PLAN DEVELOPED TO PREVENT CHILD MALTREATMENT;

(b) To develop and publicize criteria regarding grants from the
trust fund, including the duration of grants and any requirements for
matching funds which are received from the trust fund; TO DEVELOP
STRATEGIES AND MONITOR EFFORTS TO ACHIEVE:

(I) INCREASES IN CHILD WELL-BEING AND ACHIEVEMENT;
(II) INCREASES IN CAREGIVER WELL-BEING AND ACHIEVEMENT;
(III) INCREASES IN CONSISTENT HIGH-QUALITY CAREGIVING;
(IV) INCREASES IN SAFE, SUPPORTIVE NEIGHBORHOODS; AND
(V) DECREASES IN THE INCIDENCE OF CHILD MALTREATMENT AND
CHILD MALTREATMENT FATALITIES;

(c) To review and monitor the expenditure of moneys by recipients TO ASSIST PUBLIC AND PRIVATE AGENCIES IN COORDINATING
EFFORTS ON BEHALF OF FAMILIES, INCLUDING SECURING FUNDING AND
ADDITIONAL INVESTMENTS FOR SERVICES AND PROGRAMS, AND
IMPROVING ACCESS TO THESE SERVICES FOR CHILDREN AND THEIR
FAMILIES;

(d) Repealed.

e) (d) To accept grants from the federal government as well as to
solicit and accept contributions, grants, gifts, bequests, and donations
from individuals, private organizations, and foundations TO PROVIDE FOR
THE COORDINATION AND EXCHANGE OF INFORMATION CONCERNING THE
ESTABLISHMENT AND MAINTENANCE OF PRIMARY AND SECONDARY
PREVENTION PROGRAMS AND TO FACILITATE THE EXCHANGE OF
INFORMATION BETWEEN GROUPS CONCERNED WITH CHILD
MALTREATMENT;

(f) (I) (e) (I) To expend moneys of the trust fund for the establishment, promotion, and maintenance of primary and secondary prevention programs, including pilot programs, for programs to prevent and reduce the occurrence of prenatal drug exposure, and for operational expenses of the board; TO IDENTIFY OPPORTUNITIES FOR, AND BARRIERS TO, THE ALIGNMENT OF STANDARDS, RULES, POLICIES, AND PROCEDURES ACROSS PROGRAMS AND AGENCIES THAT SUPPORT FAMILIES. THE BOARD SHALL SUBMIT RECOMMENDATIONS DEVELOPED PURSUANT TO THIS SUBSECTION (I)(e)(I) TO THE DEPARTMENT OF HUMAN SERVICES, WHICH SHALL THEN INCLUDE SUCH RECOMMENDATIONS AS PART OF ITS PRESENTATION TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" IN JANUARY 2021.

(II) THE BOARD SHALL ALSO PROVIDE ONGOING RECOMMENDATIONS ON CHANGES TO ENHANCE THE ALIGNMENT AND PROVISION OF SERVICES AND SUPPORTS FOR FAMILIES TO PREVENT CHILD MALTREATMENT TO APPROPRIATE GOVERNMENT AND NONPROFIT AGENCIES AND POLICY BOARDS.

(f.5) To expend the money of the trust fund for the development, promotion, maintenance, and monitoring of an evidence-based or research-based child sexual abuse prevention training model to prevent and reduce the occurrence of child sexual abuse. The training model must be available to persons who interact with young children, including but not limited to parents, child care providers, librarians, church staff and volunteers, medical professionals, family resource centers staff, and other
mandatory reporters of child abuse and neglect.

(g) (f) To sue and be sued as a board without individual liability
for acts of the board. To collaborate with other relevant boards,
commissions, and councils that exist within the executive branch
to address services and supports for families;

(h) (g) To exercise any other powers or perform any other duties
which are consistent with the purposes for which the board was created
and which are reasonably necessary for the fulfillment of the board's
responsibilities. To promote academic research on the efficacy and
cost-effectiveness of child maltreatment prevention initiatives;

(i) and (j) Repealed:

(h) To distribute money and make grant awards from the
Colorado child abuse prevention trust fund, created in section
19-3.5-105, in accordance with section 19-3.5-106 and for:

(I) The establishment, promotion, and maintenance of
primary and secondary child maltreatment prevention
programs, including pilot programs;

(II) Programs to prevent child sexual abuse;

(III) Programs to reduce the occurrence of prenatal
substance exposure;

(IV) Programs to reduce the occurrence of other adverse
childhood experiences; and

(V) Operational expenses of the board, including
allowable expenses pursuant to section 19-3.5-103 (5);

(i) To accept grants from the federal government as well
as to solicit and accept contributions, grants, gifts, bequests,
and donations from individuals, private organizations, and
(j) To exercise or perform any other powers or duties consistent with the purposes for which the board was created and that are reasonably necessary for the fulfillment of the board’s responsibilities as set forth in this section.

19-3.5-105. [Formerly 19-3.5-106] Colorado child abuse prevention trust fund - creation - source of funds. (1) There is hereby created in the state treasury the Colorado children’s child abuse prevention trust fund, which shall be administered by the board and which shall consist of referred to in this article 3.5 as the "trust fund". The board shall administer the trust fund, which consists of:

(a) All moneys which shall be transferred thereto into the trust fund in accordance with section 13-32-101 (5)(a)(I); C.R.S.; and

(b) All moneys collected by the board pursuant to section 19-3.5-105 (1)(e) section 19-3.5-104 (1)(i) from federal grants and other contributions, grants, gifts, bequests, donations, and any moneys appropriated thereto by the state. Such moneys must be transmitted to the state treasurer for credit who shall credit it to the trust fund.

(2) All moneys in the fund shall be subject to annual appropriation by the general assembly. Any moneys not appropriated shall remain money remaining in the fund and shall not be transferred to or revert to the general fund of the state at the end of any fiscal year. Any interest earned on the investment or deposit of moneys in the fund shall also remain in the fund and shall not be credited.
19-3.5-106. [Formerly 19-3.5-107] Disbursement of grants from the trust fund - restrictions. (1) Grants may be awarded to provide money for the start-up, continuance, or expansion of primary or secondary prevention programs, including pilot programs and home-visitiation programs, to provide educational and public informational seminars education programs for professionals and the public, and to study and evaluate primary and secondary prevention programs, pilot programs, and home-visitation programs. In addition, grants may be awarded for programs to prevent and reduce the occurrence of prenatal drug substance exposure and an evidence-based or research-based child sexual abuse prevention training model to prevent and reduce the occurrence of child sexual abuse.

(2) The board shall have discretion in determining the amount of money to be awarded under each grant, except that: TO OVERSEE THE DISBURSEMENT OF MONEY FROM THE TRUST FUND TO ENSURE ITS APPROPRIATE USE AND MAKE RECOMMENDATIONS FOR THE TOTAL GRANT AMOUNT TO BE AWARDED EACH YEAR.

(a) Until the total amount of assets in the trust fund exceeds five million dollars, not more than seventy-five percent of the moneys credited to the trust fund each year pursuant to section 13-32-101 (5)(a)(I), C.R.S.; plus any interest credited thereon to the trust fund during the previous year shall be available for disbursement or expenditure by the board; however, any other moneys deposited or maintained in the fund may be disbursed by the board pursuant to the provisions of this article in accordance with an appropriation from the fund made by the general
assembly;

(b) After such time that the state treasurer certifies that the assets in the trust fund exceed five million dollars, no further moneys shall be collected for the trust fund pursuant to section 13-32-101 (5)(a)(I), C.R.S.; however, nothing in this paragraph (b) shall be construed to prohibit the continued collection of moneys for the trust fund pursuant to section 19-3.5-105 (1)(e);

(e) After such time that the state treasurer certifies that the assets in the trust fund exceed five million dollars, only the interest credited to the trust fund, together with any moneys collected for such fund pursuant to section 19-3.5-105 (1)(e), shall be available for disbursement or expenditure by the board.

(3) Any grant or moneys received by the board and credited to the trust fund pursuant to section 19-3.5-106 (1)(b) shall not be subject to the disbursement restriction of paragraph (a) of subsection (2) of this section.

THE BOARD SHALL NOT AUTHORIZE ANY GRANT AWARDS PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR POLITICAL, ELECTION, OR LOBBYING PURPOSES.

19-3.5-108. Repeal of article. (Repealed)


(1) The department of human services shall contract for an independent evaluation of the trust fund, including administrative costs of operating the trust fund and the cost-effectiveness and the impact of the grants on reducing and preventing child abuse. THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE a report of the evaluation shall be provided to the house OF REPRESENTATIVES and senate health and human services committees, or any successor committees, by November 1, 2011, and by
November 1, 2021 ON OR BEFORE NOVEMBER 1, 2025.

(2) This article ARTICLE 3.5 is repealed, effective July 1, 2022

JULY 1, 2026.

SECTION 2. In Colorado Revised Statutes, 13-32-101, amend
(5)(a) introductory portion and (5)(a)(I) as follows:

13-32-101. Docket fees in civil actions - judicial stabilization
- cash fund - justice center cash fund - justice center maintenance fund
- created - legislative declaration - report. (5) (a) Each fee collected
pursuant to paragraph (a) or (a.5) of subsection (1) SUBSECTION (1)(a) OR
(1)(a.5) of this section shall MUST be transmitted to the state treasurer and
divided as follows:

(I) Fifteen dollars shall MUST be deposited in the Colorado
children's CHILD ABUSE PREVENTION trust fund created in section
19-3.5-106, C.R.S. 19-3.5-105;

SECTION 3. In Colorado Revised Statutes, 19-1-103, amend
(16), (91), and (110) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified
portion of this title 19, unless the context otherwise requires:

(16) "Board", as used in article 3.5 of this title TITLE 19, means the
Colorado children's trust fund CHILD ABUSE PREVENTION board created in
section 19-3.5-104 19-3.5-103.

(91) "Recipient", as used in article 3.5 of this title TITLE 19, means
and is limited to a nonprofit or public organization that receives a grant
from the trust fund created in section 19-3.5-106 19-3.5-105.

(110) "Trust fund", as used in article 3.5 of this title TITLE 19,
means the Colorado children's CHILD ABUSE PREVENTION trust fund
created in section 19-3.5-106 19-3.5-105.
SECTION 4. In Colorado Revised Statutes, 24-1-120, amend (10) as follows:

24-1-120. Department of human services - creation. (10) The powers, duties, and functions of the Colorado child's trust fund abuse prevention board, created in section 19-3.5-104, C.R.S. 19-3.5-103 are transferred by a type 2 transfer to the department of human services.

SECTION 5. Appropriation. For the 2020-21 state fiscal year, $2,823 is appropriated to the legislative department for use by the general assembly. This appropriation is from the general fund. The general assembly may use this appropriation to implement this act.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.