

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 24-1047.01 Jane Ritter x4342

HOUSE BILL 24-1408

HOUSE SPONSORSHIP

Sirota and Taggart, Bird, Amabile, Brown, Clifford, Duran, Froelich, Garcia, Hamrick, Herod, Joseph, Lindsay, Lindstedt, Lukens, Martinez, McCluskie, McLachlan, Ortiz, Snyder, Titone, Willford, Young

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House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING EXPENDITURES FOR CARE ASSISTANCE PROGRAMS, AND,**
102 **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/>.)

Joint Budget Committee. The bill clarifies that the relative guardianship assistance program for children and youth and the adoption assistance program (programs) are entitlement programs. The state controller is authorized to allow overexpenditures for the programs. The bill requires the department of human services to make an annual report to the joint budget committee regarding actual and projected caseloads

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

SENATE
3rd Reading Unamended
April 5, 2024

SENATE
2nd Reading Unamended
April 4, 2024

HOUSE
3rd Reading Unamended
April 1, 2024

HOUSE
Amended 2nd Reading
March 28, 2024

and expenditures for the programs.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-109, **amend**
3 (1)(b) as follows:

4 **24-75-109. Controller may allow expenditures in excess of**
5 **appropriations - limitations - appropriations for subsequent fiscal**
6 **year restricted - repeal.** (1) For the purpose of closing the state's books,
7 and subject to the provisions of this section, the controller may, on or
8 after May 1 of any fiscal year and before the forty-fifth day after the close
9 thereof, upon approval of the governor, allow any department, institution,
10 or agency of the state, including any institution of higher education, to
11 make an expenditure in excess of the amount authorized by an item of
12 appropriation for such fiscal year if:

13 (b) (I) The overexpenditure is by the department of human
14 services for any purpose other than medicaid programs, but the total of all
15 overexpenditures allowed pursuant to this ~~paragraph (b) shall~~ **SUBSECTION**
16 (1)(b) **MUST** not exceed one million dollars in any fiscal year; or

17 (II) **THE OVEREXPENDITURE IS BY THE DEPARTMENT OF HUMAN**
18 **SERVICES FOR THE RELATIVE GUARDIANSHIP ASSISTANCE PROGRAM**
19 **ESTABLISHED IN SECTION 26-5-110 OR THE ADOPTION ASSISTANCE**
20 **PROGRAM CREATED IN SECTION 26-7-103; OR**

21 **SECTION 2.** In Colorado Revised Statutes, 26-5-104, **amend**
22 (1)(b), (3)(a.2)(I), and (3)(a.2)(II) as follows:

23 **26-5-104. Funding of child welfare services provider contracts**
24 **- funding mechanism review - fund - report - rules - definitions -**
25 **repeal.** (1) **Reimbursement.** (b) The state department shall reimburse

1 the county departments ninety percent of the amounts expended by county
2 departments for adoption and relative guardianship assistance AND IS
3 AUTHORIZED TO MAKE AN EXPENDITURE IN EXCESS OF APPROPRIATIONS
4 PURSUANT TO SECTION 24-75-109 (1)(b). The adoption and relative
5 guardianship assistance ~~is~~ PROGRAMS ARE exempt from the close-out
6 process described in subsection (7) of this section and the capped
7 allocation described in subsection (3) of this section.

8 (3) **Allocation formula.** (a.2) (I) For state fiscal year 2024-25,
9 and for each state fiscal year thereafter, the state department, after input
10 from the child welfare allocations committee, shall use the funding model
11 described in section 26-5-103.7 to ~~determine~~ INFORM the funding required
12 for each county for adoption and relative guardianship subsidies and the
13 independent living program, and to ~~determine~~ INFORM the capped and
14 targeted allocations to each county, or group of counties, for child welfare
15 services, additional county child welfare staff, and family and children's
16 programs.

17 (II) The state department, after input from the child welfare
18 allocations committee, shall make the capped and targeted allocations
19 described in subsection (3)(a.2)(I) of this section ~~based on~~ INFORMED BY
20 the total amount identified in the funding model as the appropriate level
21 of funding required for each county to fully meet all state and federal
22 requirements concerning the comprehensive delivery of child welfare
23 services, as defined in section 26-5-101 (3), and prevention programs, as
24 defined in section 19-1-103, less the amount appropriated by the general
25 assembly in the annual long appropriations bill for adoption and relative
26 guardianship subsidies and the independent living program. The
27 allocations must be equitable and reflective of the cost of delivering

1 services and must identify the specific caseload estimate attributable to
2 each capped or targeted allocation.

3 **SECTION 3.** In Colorado Revised Statutes, 26-5-110, **amend** (2)
4 introductory portion; and **add** (4), (5), and (6) as follows:

5 **26-5-110. Guardianship assistance program - legislative intent**
6 **- eligibility - reporting - rules - definition.** (2) ~~There~~ THE
7 GUARDIANSHIP ASSISTANCE PROGRAM is established ~~a guardianship~~
8 ~~assistance program~~ in the state department. ~~referred to in this section as~~
9 ~~the "program"~~. Assistance from the program is available when a court has
10 determined that adoption and reunification with ~~the~~ A child's or children's
11 parent or legal guardian are not appropriate permanency options for the
12 child or children. Program assistance is available in the following
13 situations:

14 (4) ON OR BEFORE JANUARY 2, 2025, AND EVERY JANUARY 2
15 THEREAFTER, THE STATE DEPARTMENT SHALL REPORT TO THE JOINT
16 BUDGET COMMITTEE DATA ON ACTUAL PROGRAM CASELOAD AND
17 EXPENDITURES FOR THE PRIOR YEAR AS WELL AS PROJECTED PROGRAM
18 CASELOAD AND EXPENDITURES FOR THE CURRENT YEAR.
19 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),
20 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION
21 (4) CONTINUES INDEFINITELY.

22 (5) IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE PROGRAM
23 OPERATE AS AN ENTITLEMENT PROGRAM AND, PURSUANT TO SECTION
24 24-75-109 (1)(b), THE STATE DEPARTMENT IS AUTHORIZED TO
25 OVEREXPEND ITS APPROPRIATION TO ALLOW FOR REIMBURSEMENT OF
26 NINETY PERCENT OF COUNTIES' COSTS.

27 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES, "PROGRAM" MEANS THE GUARDIANSHIP ASSISTANCE PROGRAM
2 ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

3 **SECTION 4.** In Colorado Revised Statutes, 26-7-103, **add** (4),
4 (5), and (6) as follows:

5 **26-7-103. Adoption assistance program - created -**
6 **administration - funding - reporting - legislative intent - rules -**
7 **definition.** (4) ON OR BEFORE JANUARY 2, 2025, AND EVERY JANUARY 2
8 THEREAFTER, THE STATE DEPARTMENT SHALL REPORT TO THE JOINT
9 BUDGET COMMITTEE DATA ON ACTUAL PROGRAM CASELOAD AND
10 EXPENDITURES FOR THE PRIOR YEAR AS WELL AS PROJECTED PROGRAM
11 CASELOAD AND EXPENDITURES FOR THE CURRENT YEAR.
12 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),
13 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION
14 (4) CONTINUES INDEFINITELY.

15 (5) IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE PROGRAM
16 OPERATE AS AN ENTITLEMENT PROGRAM AND, PURSUANT TO SECTION
17 24-75-109 (1)(b), THE STATE DEPARTMENT IS AUTHORIZED TO
18 OVEREXPEND ITS APPROPRIATION TO ALLOW FOR REIMBURSEMENT OF
19 NINETY PERCENT OF COUNTIES' COSTS.

20 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES, "PROGRAM" MEANS THE ADOPTION ASSISTANCE PROGRAM
22 CREATED IN SUBSECTION (1) OF THIS SECTION.

23 **SECTION 5. Appropriation.** (1) For the 2023-24 state fiscal
24 year, \$4,914,849 is appropriated to the department of human services for use
25 by the division of child welfare. This appropriation consists of \$4,021,240 from
26 the general fund and \$893,609 from local funds. To implement this act, the
27 division may use this appropriation for adoption and relative guardianship

1 assistance.

2 (2) For the 2023-24 state fiscal year, the general assembly anticipates
3 that the department of human services will receive \$12,101,247 in federal funds
4 to implement this act. The appropriation in subsection (1) of this section is
5 based on the assumption that the department will receive this amount of federal
6 funds.

7 **SECTION 6. Appropriation.** (1) For the 2024-25 state fiscal
8 year, \$5,662,305 is appropriated to the department of human services for use by
9 the division of child welfare. This appropriation consists of \$4,632,795 from the
10 general fund and \$1,029,510 from local funds. To implement this act, the
11 division may use this appropriation for adoption and relative guardianship
12 assistance.

13 (2) For the 2024-25 state fiscal year, the general assembly
14 anticipates that the department of human services will receive \$12,914,803 in
15 federal funds to implement this act. The appropriation in subsection (1) of this
16 section is based on the assumption that the department will receive this amount
17 of federal funds.

18 **SECTION 7. Safety clause.** The general assembly finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety or for appropriations for
21 the support and maintenance of the departments of the state and state
22 institutions.