



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Fiscal Note

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Prime Sponsors:

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Bill Topic: ACCESSIBILITY FOR PERSONS IN CHILD WELFARE MATTERS

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

The bill requires the Department of Human Services to provide certain services and tools in assessing treatment plans and whether to appoint a guardian ad litem in dependency and neglect cases. Beginning in FY 2024-25, the bill will increase state and local expenditures on an ongoing basis.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$558,989 to the Department of Human Services.

Fiscal Note Status: The fiscal note reflects the bill draft requested by the Child Welfare System Interim Study Committee.

Table 1
State Fiscal Impacts Under Bill 6

Table with 4 columns: Category, Sub-category, Budget Year FY 2024-25, and Out Year FY 2025-26. Rows include Revenue, Expenditures (General Fund, Federal Funds, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

## **Summary of Legislation**

Guardians ad litem (GAL) are appointed by a court to represent clients who are unable to represent themselves, typically minors or those mentally unable to represent their own best interests. The bill updates the procedures for appointing a GAL in dependency and neglect cases. Under current law the court may assign a GAL if the parent is determined to have a behavioral disorder, mental health disorder, or intellectual or developmental disability by a court of competent jurisdiction. The bill would allow the court to assign a guardian if:

- the person is at risk of substantial harm unless a guardian is appointed;
- the person lacks the capacity to communicate with counsel; and
- a less restrictive action is unavailable.

GALs who are appointed must conduct an independent investigation to determine if their services are necessary or if less restrictive options, such as supported decision-making, are appropriate.

The bill expands the number of agencies who have access to child abuse or neglect records to include agencies with lawful investigatory and enforcement authority related to the "Americans with Disabilities Act of 1990." The bill requires reports issued at dispositional hearings to list the reasonable accommodations given to parents that complied with the "Americans with Disabilities Act of 1990."

The bill requires counties to provide language access services upon request for children in an out-of-home placement proceeding. Counties must post on their websites the coordinator for federal disabilities act compliance and the grievance process for alleging disability discrimination in dependency and neglect cases. Additionally, courts must provide language access services to anyone it determines has a significant interest in the matter if that person has limited English proficiency. Counties must provide treatment plans and other documents in a manner accessible to the parent.

The bill requires the Department of Human Services (CDHS) to develop a screening tool to identify children, parents, guardians, and legal custodians who have a disability or limited English proficiency. Additionally, the department must develop a language access plan to address rights and needs of persons with limited English proficiency. The CDHS must train county caseworker staff to identify persons with limited English proficiency. The screening tool and the language access plan must be made public by July 1, 2025. Counties must use this screening tool by January 1, 2026.

## **Assumptions**

Based on data provided by the Office of the Respondent Parents' Counsel (ORPC) and the Judicial Department, the fiscal note assumes 20 percent of cases require language assistance and 50 percent of cases require ADA accommodations.

**State Expenditures**

The bill will increase state expenditures in the CDHS by about \$661,000 in FY 2024-25 and \$656,000 in FY 2025-26 and ongoing. Expenditures are shown in Table 2 and detailed below.

**Table 2  
 Expenditures Under Bill 6**

	FY 2024-25	FY 2025-26
<b>Department of Human Services</b>		
Personal Services	\$270,688	\$328,739
Operating Expenses	\$4,224	\$5,120
Capital Outlay Costs	\$26,680	-
Translation Services	\$152,286	\$101,370
English Proficiency Language Assessment Tool	\$29,100	\$29,100
Legal Services	\$115,218	\$115,218
Centrally Appropriated Costs <sup>1</sup>	\$62,738	\$76,105
FTE – Personal Services	3.3 FTE	4.0 FTE
FTE – Legal Services	0.5 FTE	0.5 FTE
<b>Total Cost</b>	<b>\$660,934</b>	<b>\$655,652</b>
<b>Total FTE</b>	<b>3.8 FTE</b>	<b>4.5 FTE</b>

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

**Department of Human Services.** Developing the language assessment tool and disability screening requires an increase in CDHS expenditures.

- **Staff.** The CDHS requires 4.0 FTE to develop the required tools, coordinate between county courts to ensure compliance, and gather appropriate data for report writing. These staff include a Social Services Specialist VI to provide oversight, 2 Social Services Specialist IVs to manage language assessment tools and translation services, respectively, and a Data Management III to research current language tools and ensure data reporting and compliance once the screening tool and translation services plan are adopted. Standard operating expenses and capital outlay costs are included, and staff are partially federally funded (13 percent) in accordance with federally negotiated rates. Costs are prorated to assume a September start date in FY 2024-25 only.

- **Translation services.** New and existing documents will be translated in dependency and neglect cases and clients will use live interpreters whenever requested. CDHS requires \$20,000 to translate existing documents into the client's primary language in FY 2024-25 only. Additionally, CDHS requires \$132,286 for an estimated 1,358 hours of live translator services during meetings at the rate of \$65 per hour and translating an estimated 168 documents generated at \$265 per document in FY 2024-25. The need for translation services will decrease in following years after current documents are translated, while the costs for new court document translation and live translator service is ongoing.
- **English proficiency language assessment tool.** The CDHS requires \$29,100 in FY 2024-25 and ongoing to contract with an external vendor to develop, release, and update a language assessment tool for individuals who may require language translation services. Costs are based on similar contracts with external vendors.
- **Legal services.** The CDHS requires an estimated 900 hours of legal services annually, resulting in 0.5 FTE for the Department of Law.

**Judicial Department.** The State Court Administrator's Office currently has staff to translate court documents into Spanish and works with external vendors to translate documents into other languages. Depending on the additional number of documents that require translation, the Judicial Department's translation expenses may increase. No appropriation is required in the current year; in future years, any increase will be requested through the annual budget process, as necessary.

**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.

## Other Budget Impacts

**General Fund reserve.** Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

## Local Government

Similar to the state, expenditures to county departments of human services will increase to comply with the new accessibility provisions of the bill. Depending on the demographic makeup of the county and the number of persons requiring services, costs will vary between each county. Keeping the same assumptions as used in the State Expenditures section, that 20 percent of individuals require translation services and 50 percent of individuals require ADA

accommodations, the overall fiscal impact to counties is preliminarily estimated to be about \$700,000 per county or \$45 million statewide, and will vary by county based on its demographics. Costs to counties are outlined in Table 3.

**Table 3  
 County Fiscal Impacts Under Bill 6**

<b>Cost Description</b>	<b>Units</b>	<b>Cost per Unit</b>	<b>Total</b>
Client Screenings	3,358	4 hours per family/\$38.94 per hour	\$523,042
Language Access in Assessments	672	\$75 per hour, average of 5 hours each	\$252,000
Verbal Translation Services	672	\$75 per hour, average of 24 hours annually	\$1,209,600
Written Translation Services	1,633	\$12,000 per year per case	\$19,596,000
Additional ADA Assessments	8,167	\$2,750 per assessment	\$22,484,000
In-home Nursing Support	817	\$690 per year per case	\$563,730
Training for County Staff	2,200	\$38.94 per hour, 8 hours total	\$685,344
<b>Total</b>			<b>\$45,313,716</b>
<b>Cost Per County</b>			<b>\$708,027</b>

**Technical Note**

The requirement for a court document to be translated within 7 days may be unattainable when the availability of qualified translators in a less spoken is limited.

**Effective Date**

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

**State Appropriations**

For FY 2024-25, the bill requires a General Fund appropriation of \$558,989 and a federal funds appropriation of \$39,207 to the Department of Human Services, and 3.3 FTE. Of the General Fund amount, \$115,218 is reappropriated to the Department of Law, with an additional 0.5 FTE.

**Departmental Difference**

Counties currently estimate higher costs that outlined in this fiscal note. The primary difference between the analyses pertain to population estimates that will require accommodation under the bill. However, as stated in the Local Government section, these impacts are preliminary and will be updated as further information is known.

**State and Local Government Contacts**

Counties

Judicial

Office of the Respondent Parents' Counsel

Human Services

Law

Office of the Child's Representative