

CHAPTER 312

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 19-1282

BY REPRESENTATIVE(S) Singer and Michaelson Jenet, Bird, Buckner, Buentello, Duran, Esgar, Exum, Gonzales-Gutierrez, Hansen, Jackson, Kennedy, Lontine, Sirota, Snyder, Titone, Becker;
also SENATOR(S) Smallwood and Donovan, Gardner, Ginal, Moreno, Pettersen, Story, Tate, Todd, Winter.

AN ACT**CONCERNING ADMINISTRATION OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.**

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

SECTION 1. In Colorado Revised Statutes, **add** 19-1-213 as follows:

19-1-213. State CASA entity - duties - state court administrator duties - state court-appointed special advocate fund - definitions. (1) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LOCAL CASA PROGRAM" MEANS A CASA PROGRAM ESTABLISHED IN A JUDICIAL DISTRICT, OR ANY TWO OR MORE JUDICIAL DISTRICTS, PURSUANT TO SECTION 19-1-202.

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

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

(2) THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL CONTRACT WITH A NONPROFIT ENTITY THAT IS IN GOOD STANDING WITH THE NATIONAL CASA ASSOCIATION TO ENHANCE THE CASA PROGRAM IN COLORADO. THE STATE CASA ENTITY SHALL:

(a) AID AND DEVELOP LOCAL CASA PROGRAMS IN EACH JUDICIAL DISTRICT OR IN ADJACENT JUDICIAL DISTRICTS;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) ENSURE THAT LOCAL CASA PROGRAMS ADHERE TO STATE AND NATIONAL CASA STANDARDS;

(c) ENSURE THE PROVISION AND AVAILABILITY OF HIGH-QUALITY ACCESSIBLE TRAINING FOR LOCAL CASA PROGRAMS AND VOLUNTEERS;

(d) SEEK TO ENHANCE EXISTING FUNDING SOURCES, DEVELOP PRIVATE-PUBLIC PARTNERSHIP FUNDING, AND STUDY THE AVAILABILITY OF NEW FUNDING SOURCES FOR THE PROVISION OF HIGH-QUALITY LOCAL CASA PROGRAMS IN EACH JUDICIAL DISTRICT OR IN ADJACENT JUDICIAL DISTRICTS.

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

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

(5) ON OR BEFORE NOVEMBER 1, 2020, AND ON OR BEFORE NOVEMBER 1 EACH YEAR THEREAFTER, THE STATE CASA ENTITY SHALL REPORT ITS ACTIVITIES AND THE ACTIVITIES OF EACH LOCAL CASA PROGRAM TO THE OFFICE OF THE CHILD'S REPRESENTATIVE.

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

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

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

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

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

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

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

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

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

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

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

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

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

13-91-106. Guardian ad litem fund - court-appointed special advocate (CASA) fund - created - repeal. (2) (a) There is hereby created in the state treasury the court-appointed special advocate (CASA) fund referred to in this subsection (2) as the "fund". The fund ~~shall consist~~ CONSISTS of such general fund

~~moneys~~ MONEY as may be appropriated thereto by the general assembly and any ~~moneys~~ MONEY received pursuant to section 13-91-105 (1)(b)(VII). The ~~moneys~~ MONEY in the fund ~~shall be~~ IS subject to annual appropriation by the general assembly to the state judicial department for allocation to the office of the child's representative for the purposes of funding the CASA programs established in each judicial district, or in adjacent judicial districts, pursuant to part 2 of article 1 of title 19, ~~C.R.S.~~, and the work of the office of the child's representative relating to the enhancement of CASA programs. All interest derived from the deposit and investment of ~~moneys~~ MONEY in the fund ~~shall~~ MUST be credited to the fund. Any ~~moneys~~ MONEY not appropriated ~~shall remain~~ REMAINS in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

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

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

SECTION 4. 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 28, 2019