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Fiscal Note

Drafting Number: LLS 24-0350 Date: January 24, 2024
Prime Sponsors: Rep. Bradley; Joseph Sen. Kirkmeyer; Michaelson Jenet Bill Status: House Health & Human Services
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Bill Topic: ACCESSIBILITY FOR PERSONS IN CHILD WELFARE MATTERS

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

The bill requires the state and local governments to make reasonable efforts to ensure language access for children and families in the child welfare system. 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 \$229,249 to multiple state agencies.

Fiscal Note Status: The fiscal note reflects the introduced bill, which was recommended by the Child Welfare System Interim Study Committee.

Table 1
State Fiscal Impacts Under HB 24-1031

Table with 4 columns: 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

The bill requires counties to meet the provisions of the Federal “Civil Rights Act of 1964” and make reasonable efforts to ensure language access when providing services to children placed in out-of-home care and their families.

The bill also requires courts to provide translation and interpretation services to parties in dependency and neglect cases, including in dispositional hearings, if the party has limited English proficiency.

Finally, the bill requires the Department of Human Services (CDHS) to develop a language access plan to address rights and needs of persons with limited English proficiency. The Division of Child Welfare within CDHS must train its staff to identify persons with limited English proficiency and update relevant child welfare records to include the parties’ primary language. The language access plan must be made public by July 1, 2025.

State Expenditures

The bill will increase state expenditures about \$261,000 in FY 2024-25 and \$237,000 in FY 2025-26 and ongoing. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under HB 24-1031

	FY 2024-25	FY 2025-26
Department of Human Services		
Personal Services	\$78,586	\$98,232
Operating Expenses	\$1,024	\$1,280
Capital Outlay Costs	\$6,670	-
Translation Services	\$68,016	\$13,100
Centrally Appropriated Costs ¹	\$16,426	\$20,533
CDHS Subtotal	\$170,722	\$133,145
<i>General Fund</i>	<i>\$144,080</i>	<i>\$99,842</i>
<i>Federal Funds</i>	<i>\$10,216</i>	<i>\$12,770</i>
<i>Centrally Appropriated</i>	<i>\$16,426</i>	<i>\$20,533</i>
CDHS FTE	0.8 FTE	1.0 FTE

Table 2
Expenditures Under HB 24-1031 (Cont.)

	FY 2024-25	FY 2025-26
Judicial Department		
Personal Services	\$66,803	\$83,504
Operating Expenses	\$950	\$950
Capital Outlay Costs	\$7,200	\$400
Centrally Appropriated Costs ¹	\$16,053	\$20,066
Judicial Subtotal	\$90,424	\$104,193
Judicial FTE	0.8 FTE	1.0 FTE
Total Cost	\$261,146	\$237,338
Total FTE	1.6 FTE	2.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Human Services. Developing and implementing the language access plan requires an increase in CDHS expenditures as described below.

- **Staff.** The CDHS requires 1.0 FTE to develop and implement the language access plan. This Social Services Specialist will provide oversight and management of translation services for county departments and lead the rulemaking efforts of the department to comply with federal legislation. Standard operating expenses and capital outlay costs are included. Costs are prorated to assume a September start date in FY 2024-25.
- **Translation services.** New and existing documents will be translated in dependency and neglect cases and clients will use live interpreters whenever requested. CDHS requires \$24,000 to translate existing documents into the client's primary language in FY 2024-25 only. Additionally, CDHS requires \$44,016 for 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. Costs for new court document translation are estimated at \$13,100 on an ongoing basis beginning in FY 2025-26.

Judicial Department. Providing language access services to parties upon request requires an increase in court expenditures as described below.

- **Staff.** The Office of Language Access in the State Court Administrator's Office requires 1.0 FTE for a Court Programs Analyst to support the increased need for translation services. Standard operating expenses and capital outlay costs are included. Costs are prorated to assume a September start date in FY 2024-25.

- **Potential additional costs.** In future years, demand for translation services is expected to grow as attorneys and clients become aware of these services. For informational purposes, a review by the Judicial Department of current translation costs estimated the average cost for Spanish translation was \$1,443 per document and \$4,002 per document for other language translation. If 3 percent of written court orders are requested to be translated, including requests in languages other than Spanish, it is estimated that costs to Courts to translate documents would increase by \$137,547 annually. Because translation costs will depend on utilization, they have not been included in the fiscal note, and will be addressed through the annual budget process when utilization data are available.

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

Counties will have increased costs to make reasonable efforts to provide language access services to persons in child dependency and neglect cases as well as comply with the Federal Civil Rights Act. These staff will also engage with CDHS as they develop new language access resources. This may increase the training time for current staff. These expenditure increases will vary between counties.

Technical Note

The bill requires the courts to provide translation “in a timely manner and without unreasonable delay if requested by the party,” but the timeline is not further defined.

There are some court orders that are given verbally in a hearing and recorded in a minute order, which contain acronyms, abbreviations, and unique court-related language. Because the minute orders lack the context that the court and parties have, they can be very challenging to understand. Decoding a minute order is not conducted for English speakers; consequently, it is assumed it will not be required to be provided for requesting non-English speakers. If this assumption is incorrect, costs will increase.

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 total appropriation of \$229,249, including:

- \$154,296 and 0.8 FTE to the Department of Human Services, of which \$144,080 is from the General Fund and \$10,216 is from federal funds; and
- \$74,953 and 0.8 FTE to the Judicial Department, paid from the General Fund.

State and Local Government Contacts

Counties	Human Services	Judicial
Law	Office of the Child's Representative	

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit: leg.colorado.gov/fiscalnotes.