

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 24-1408

BY REPRESENTATIVE(S) Sirota and Taggart, Bird, Amabile, Brown, Clifford, Duran, Froelich, Garcia, Hamrick, Herod, Joseph, Lindsay, Lindstedt, Lukens, Martinez, McLachlan, Ortiz, Snyder, Titone, Willford, Young, McCluskie;
also SENATOR(S) Zenzinger and Kirkmeyer, Bridges, Cutter, Exum, Ginal, Liston, Michaelson Jenet, Priola, Smallwood.

CONCERNING EXPENDITURES FOR CARE ASSISTANCE PROGRAMS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

24-75-109. Controller may allow expenditures in excess of appropriations - limitations - appropriations for subsequent fiscal year restricted - repeal. (1) For the purpose of closing the state's books, and subject to the provisions of this section, the controller may, on or after May 1 of any fiscal year and before the forty-fifth day after the close thereof, upon approval of the governor, allow any department, institution, or agency of the state, including any institution of higher education, to make an

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.

expenditure in excess of the amount authorized by an item of appropriation for such fiscal year if:

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

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

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

26-5-104. Funding of child welfare services provider contracts - funding mechanism review - fund - report - rules - definitions - repeal.

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

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

(II) The state department, after input from the child welfare allocations committee, shall make the capped and targeted allocations described in subsection (3)(a.2)(I) of this section ~~based on~~ INFORMED BY the

total amount identified in the funding model as the appropriate level of funding required for each county to fully meet all state and federal requirements concerning the comprehensive delivery of child welfare services, as defined in section 26-5-101 (3), and prevention programs, as defined in section 19-1-103, less the amount appropriated by the general assembly in the annual long appropriations bill for adoption and relative guardianship subsidies and the independent living program. The allocations must be equitable and reflective of the cost of delivering services and must identify the specific caseload estimate attributable to each capped or targeted allocation.

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

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

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

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

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PROGRAM" MEANS THE GUARDIANSHIP ASSISTANCE PROGRAM

ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

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

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

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

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

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

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

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

may use this appropriation for adoption and relative guardianship assistance.

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

SECTION 7. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO