

**Schedule 13**

**Department of Human Services**


**Funding Request for The FY 2020-21 Budget Cycle**

**Request Title**

**R-20 Child Welfare Legal Representation**

Dept. Approval By: 

**Supplemental FY 2019-20**

OSPB Approval By: 

**Budget Amendment FY 2020-21**

**X**

**Change Request FY 2020-21**

Summary Information	Fund	FY 2019-20		FY 2020-21		FY 2021-22
		Initial Appropriation	Supplemental Request	Base Request	Change Request	Continuation
<b>Total</b>		\$1,617,117	\$0	\$1,622,454	\$10,295,646	\$10,295,646
<b>FTE</b>		2.0	0.0	2.0	0.0	0.0
<b>GF</b>		\$1,205,149	\$0	\$1,210,486	\$0	\$0
<b>CF</b>		\$0	\$0	\$0	\$10,295,646	\$10,295,646
<b>RF</b>		\$0	\$0	\$0	\$0	\$0
<b>FF</b>		\$411,968	\$0	\$411,968	\$0	\$0

Line Item Information	Fund	FY 2019-20		FY 2020-21		FY 2021-22
		Initial Appropriation	Supplemental Request	Base Request	Change Request	Continuation
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<b>RF</b>		\$0	\$0	\$0	\$0	\$0
<b>FF</b>		\$411,968	\$0	\$411,968	\$0	\$0

**Auxiliary Data**

**Requires Legislation?** NO

**Type of Request?** Department of Human Services  
Prioritized Request

**Interagency Approval or Related Schedule 13s:**

Impacts Other Agency

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**Department Priority: R-20**  
**Request Detail: Child Welfare Legal Representation**

<b>Summary of Incremental Funding Change for FY 2020-21</b>			
	<b>FY 2019-20</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>
Total Funds	\$0	\$10,295,646	\$10,295,646
FTE	0.0	0.0	0.0
General Fund	\$0	\$0	\$0
Cash Funds	\$0	\$10,295,646	\$10,295,646
Reappropriated Funds	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0

***Summary of Request:***

The Department requests \$10,295,646 total funds and cash funds as spending authority for the Title IV-E Administrative Cost Cash Fund created in SB 19-258. This cash fund was created within the State Treasury and will be funded with an annual appropriation by the General Assembly for claimable federal Title IV-E administrative costs for attorneys to provide legal representation for the Title IV-E agency, a candidate for Title IV-E foster care or a Title IV-E eligible child in foster care and the child’s parents to prepare for and participate in all stages of foster care related legal proceedings.

With this additional funding, the Office of Child’s Representative and the Office of Respondent Parents’ Counsel will be able to provide additional advocacy for homeless and at-risk youth, education advocacy, and activities and advocacy in specialty courts that serve children and families involved in the child welfare system.

***Current Program:***

The Department's Division of Child Welfare (Division), through county departments of human or social services, provides services to protect children from harm and assists families in caring for and protecting their children. The Division's programs comprise Colorado's efforts to meet the needs of children who must be placed, or are at risk of placement outside of their homes for reasons of protection or community safety.

Senate Bill 19-258 created the Title IV-E Administrative Cost Cash Fund, which consists of any federal reimbursement for administrative costs associated with independent legal representation for a child eligible for or in foster care.

Title IV-E of the Social Security Act allows reimbursement of Title IV-E administrative costs for attorneys to provide legal representation for the title IV-E agency, a candidate for Title IV-E foster care or a Title IV-E eligible child in foster care and the child's parents to prepare for and participate in all stages of foster care related legal proceedings. The cash fund will be credited with the federal reimbursements, and then disbursed to the Office of Child's Representative and the Office of Respondent Parents' Counsel pursuant to the Memorandum of Understanding with the agencies.

***Problem or Opportunity:***

For the first time, states can now claim federal matching funds (50%) through Title IV-E of the Social Security Act to help pay the costs of attorneys representing certain children and their parents in all stages of child welfare legal proceedings. This begins when the case is first brought to the attention of the parent or child's attorney through the time the case is terminated following the child's return home, adoption, guardianship, or aging out of the court process. Before this change, federal matching funds were available to help pay for attorneys representing child welfare agencies, but not for the attorneys of children or parents.

This change in policy will ensure that, among other things, reasonable efforts are made to prevent removal and finalize the plan to ensure that when children and youth are placed in out-of-home care, they are placed in a safe, permanent home as quickly as possible, and parents and youth are engaged in and complying with case plans.

***Proposed Solution:***

The Department requests spending authority for the Title IV-E Administrative Cost Cash Fund created in SB 19-258.

***Anticipated Outcomes:***

With this additional funding, the Office of Child's Representative and the Office of Respondent Parents' Counsel will be able to provide additional advocacy for homeless and at-risk youth, education advocacy, and activities and advocacy in specialty courts that serve children and families involved in the child welfare system.

**Assumptions and Calculations:**

Data from the Office of Child’s Representative and the Office of Respondent Parents’ Counsel have been provided to develop an estimate for how much would be reimbursed from the federal government. The data represents estimated costs for legal representation expenses for claimable Title IV-E administrative costs for attorneys to provide legal representation for the Title IV-E agency, a candidate for Title IV-E foster care or a Title IV-E eligible child in foster care and the child’s parents to prepare for and participate in all stages of foster care related legal proceedings. Federal reimbursement rates of 50% as well as a 48% penetration rate have been applied to these figures to estimate actual federal reimbursement.

Table 1 shows the estimated amount of Title IV-E reimbursement for legal representation based on the actual expenditures of the current fiscal year and prior fiscal years.

**Table 1: FY 2020-21 Estimated IV-E Reimbursement**

<b>OCR</b>	
D&N	\$19,369,346
Juvenile Delinquency	\$4,662,349
Total eligible	\$24,031,695
Penetration Rate	48%
Adjusted eligible	\$11,535,214
Reimbursement rate	50%
Estimated Federal Reimbursement for ORPC	\$5,767,607
<b>ORPC</b>	
Mandated Costs appropriation	\$17,576,705
Mandated Costs appropriation	\$1,290,122
Total eligible	\$18,866,827
Penetration rate	48%
Adjusted eligible	\$9,056,077
Reimbursement rate	50%
Estimated Federal Reimbursement for OCR	\$4,528,038
<b>Total Estimated Federal Reimbursement for ORPC &amp; OCR</b>	<b>\$10,295,645</b>