

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0101.01 Brita Darling x2241

**SENATE BILL 15-012**

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**SENATE SPONSORSHIP**

**Kefalas, Todd**

**HOUSE SPONSORSHIP**

**Pettersen,**

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**Senate Committees**

Health & Human Services  
Finance

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE TREATMENT OF CHILD SUPPORT FOR PURPOSES OF**  
102      **THE COLORADO WORKS PROGRAM.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Early Childhood and School Readiness Commission.** Pursuant to the Colorado works program, while a recipient is receiving assistance, the recipient must assign to the department of human services (state department) his or her right to receive child support for purposes of reimbursing the state for the assistance paid to the recipient. The bill requires the state department to pass through to the recipient current child

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

support collected by the state department pursuant to the assignment. The state department shall annually report to the joint budget committee the amount of child support passed through to recipients. Further, the amount of the child support pass-through will not be included in income for purposes of calculating the amount of the applicant's or participant's basic cash assistance payment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-2-108, **amend** (1)

3 (b) as follows:

4 **26-2-108. Granting of assistance payments and social services.**

5 (1) (b) (I) In determining the amount of assistance payments to be  
6 granted, due account shall be taken of any income or property available  
7 to the applicant and any support, either in cash or in kind, that the  
8 applicant may receive from other sources, pursuant to rules of the state  
9 department. Effective July 1, 2000, THROUGH DECEMBER 31, 2016, a  
10 county may pay families that are eligible for temporary assistance for  
11 needy families (TANF), as defined in section 26-2-703 (19), an amount  
12 that is equal to the state and county share of child support collections as  
13 described in section 26-13-108 (1). Such payments shall not be  
14 considered income for the purpose of grant calculation. However, such  
15 income shall be considered income for purposes of determining  
16 eligibility. If a county chooses to pay child support collections directly to  
17 a family that is eligible for temporary assistance for needy families  
18 (TANF), as defined in section 26-2-703 (19), the county shall report such  
19 payments to the state department for the month in which they occur and  
20 indicate the choice of this option in its performance contract for Colorado  
21 works. For the purposes of determining eligibility for public assistance or  
22 the amount of assistance payments, compensation received by the

1 applicant pursuant to the "Colorado Crime Victim Compensation Act",  
2 part 1 of article 4.1 of title 24, C.R.S., shall not be considered as income,  
3 property, or support available to such applicant.

4 (II) (A) EFFECTIVE JANUARY 1, 2017, AND UPON THE STATE  
5 DEPARTMENT'S NOTIFICATION TO COUNTIES THAT THE RELEVANT HUMAN  
6 SERVICES CASE MANAGEMENT SYSTEMS, INCLUDING THE AUTOMATED  
7 CHILD SUPPORT ENFORCEMENT SYSTEM AND THE COLORADO BENEFITS  
8 MANAGEMENT SYSTEM, ARE CAPABLE OF DIRECTLY AND EFFICIENTLY  
9 MANAGING THE DISTRIBUTION PROCESS FOR THE CHILD SUPPORT  
10 PASS-THROUGH, A COUNTY SHALL PAY FAMILIES THAT ARE ELIGIBLE FOR  
11 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF), AS DEFINED IN  
12 SECTION 26-2-703 (19), AN AMOUNT THAT IS EQUAL TO THE AMOUNT OF  
13 CURRENT CHILD SUPPORT COLLECTIONS AS DESCRIBED IN SECTION  
14 26-13-108 (1). SUCH PAYMENTS SHALL NOT BE CONSIDERED INCOME FOR  
15 PURPOSES OF CALCULATING A RECIPIENT'S BASIC CASH ASSISTANCE GRANT  
16 PURSUANT TO PART 7 OF THIS ARTICLE. THE COUNTY SHALL REPORT THE  
17 AMOUNT OF THE CHILD SUPPORT PAYMENTS TO THE STATE DEPARTMENT  
18 FOR THE MONTH IN WHICH THEY OCCUR. FOR THE PURPOSES OF  
19 DETERMINING ELIGIBILITY FOR PUBLIC ASSISTANCE OR THE AMOUNT OF  
20 ASSISTANCE PAYMENTS, COMPENSATION RECEIVED BY THE APPLICANT  
21 PURSUANT TO THE "COLORADO CRIME VICTIM COMPENSATION ACT",  
22 PART 1 OF ARTICLE 4.1 OF TITLE 24, C.R.S., SHALL NOT BE CONSIDERED AS  
23 INCOME, PROPERTY, OR SUPPORT AVAILABLE TO SUCH APPLICANT.

24 (B) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE  
25 MONEYS TO THE STATE DEPARTMENT IN A SEPARATE LINE ITEM TO  
26 REIMBURSE THE COUNTIES FOR FIFTY PERCENT OF CHILD SUPPORT  
27 COLLECTIONS AND THE FEDERAL GOVERNMENT FOR ITS SHARE OF CHILD

1 SUPPORT COLLECTIONS THAT ARE PASSED THROUGH TO TEMPORARY  
2 ASSISTANCE FOR NEEDY FAMILIES (TANF) RECIPIENTS PURSUANT TO THIS  
3 SUBPARAGRAPH (II). THE STATE DEPARTMENT SHALL ALLOCATE AND  
4 DISTRIBUTE THE MONEYS TO THE COUNTIES. NOTWITHSTANDING THE  
5 PROVISIONS OF THIS SUBPARAGRAPH (II) TO THE CONTRARY, IN ANY STATE  
6 FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY DOES NOT APPROPRIATE  
7 AN AMOUNT OF MONEYS EQUAL TO A FULL FISCAL YEAR REIMBURSEMENT  
8 TO COUNTIES PURSUANT TO THE PROVISIONS OF THIS SUB-SUBPARAGRAPH  
9 (B), A COUNTY IS NOT REQUIRED TO IMPLEMENT THE CHILD SUPPORT PASS  
10 THROUGH TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)  
11 RECIPIENTS.

12 **SECTION 2.** In Colorado Revised Statutes, 26-2-111, **amend** (3)  
13 (b); and **add** (3) (a.5) as follows:

14 **26-2-111. Eligibility for public assistance - rules - repeal.**  
15 (3) **Colorado works program.** (a.5) NOTWITHSTANDING ANY PROVISION  
16 OF THIS SUBSECTION (3), AND EXCEPT AS PROVIDED IN SECTION 26-2-108  
17 (1) (b) (II), THE STATE DEPARTMENT SHALL PAY TO THE RECIPIENT THE  
18 CURRENT CHILD SUPPORT COLLECTED PURSUANT TO THE ASSIGNMENT.  
19 THE STATE DEPARTMENT SHALL DISREGARD THE AMOUNT OF CHILD  
20 SUPPORT PAID TO THE RECIPIENT PURSUANT TO THIS PARAGRAPH (a.5) IN  
21 CALCULATING THE AMOUNT OF THE RECIPIENT'S BASIC CASH ASSISTANCE  
22 GRANT PURSUANT TO PART 7 OF THIS ARTICLE.

23 (b) The application shall contain a statement explaining this  
24 assignment AND THE PAYMENT TO THE RECIPIENT OF CHILD SUPPORT  
25 PURSUANT TO PARAGRAPH (a.5) OF THIS SUBSECTION (3).

26 **SECTION 3.** In Colorado Revised Statutes, 26-2-709, **amend** (1)  
27 (a) (II) and (1) (a) (III); and **add** (1) (a) (IV) as follows:

1           **26-2-709. Benefits - cash assistance - programs - rules.**

2           **(1) Standard of need - basic cash assistance grant.** (a) The state  
3 department shall promulgate rules determining the standard of need for  
4 eligibility for a basic cash assistance grant, whether an applicant or  
5 participant meets the standard of need, and the amount of the basic cash  
6 assistance grant. In addition to any other rules necessary for the  
7 implementation of this part 7, the state department's rules shall:

8           (II) Establish criteria for determining whether an applicant or  
9 participant meets the standard of need, including but not limited to what  
10 constitutes countable and excludable income for the purposes of  
11 eligibility for a basic cash assistance grant; ~~and~~

12           (III) Establish the calculation for determining the amount of an  
13 eligible applicant's or participant's basic cash assistance grant, which  
14 calculation shall include an earned income disregard which shall be  
15 applied to the gross countable earned income of an applicant or  
16 participant who is employed. The earned income disregard shall promote  
17 work and self-sufficiency and shall benefit the applicant or participant by  
18 reducing the unintended economic consequences of becoming employed.  
19 The rules promulgated by the state department pursuant to this  
20 subparagraph (III) shall not establish an earned income disregard that  
21 results in an applicant or participant having fewer financial resources  
22 available to him or her than a similarly situated applicant or participant  
23 would have had under the earned income disregard pursuant to section  
24 26-2-709 as it existed on July 1, 2009; AND

25           (IV) ESTABLISH THE CALCULATION FOR DETERMINING THE  
26 AMOUNT OF THE BASIC CASH ASSISTANCE GRANT, WHICH CALCULATION  
27 SHALL DISREGARD CURRENT CHILD SUPPORT PAYMENTS MADE TO A

1 PARTICIPANT PURSUANT TO SECTION 26-2-111 (3) (a.5).

2 **SECTION 4.** In Colorado Revised Statutes, 26-13-108, **amend**  
3 (3) as follows:

4 **26-13-108. Recovery of public assistance paid for child**  
5 **support and maintenance - interest collected on support obligations**  
6 **- designation in annual general appropriations act.** (3) (a) Effective  
7 July 1, 2000, THROUGH DECEMBER 31, 2015, a county may pay families  
8 that are eligible for temporary assistance for needy families, pursuant to  
9 part 7 of article 2 of this title, an amount that is equal to the state and  
10 county share of child support collections as described in subsection (1) of  
11 this section. Such payments shall not be considered income for the  
12 purpose of grant calculation. However, such income shall be considered  
13 income for purposes of determining eligibility. If a county chooses to pay  
14 child support collections directly to a family that is eligible for temporary  
15 assistance for needy families, pursuant to part 7 of article 2 of this title,  
16 the county shall report such payments to the state department for the  
17 month in which the payments are made and shall indicate the choice of  
18 this option in its performance contract for Colorado works.

19 (b) (I) EXCEPT AS PROVIDED IN SECTION 26-2-108 (1) (b) (II) (B),  
20 EFFECTIVE JANUARY 1, 2017, A COUNTY SHALL PAY FAMILIES THAT ARE  
21 ELIGIBLE FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, PURSUANT  
22 TO PART 7 OF ARTICLE 2 OF THIS TITLE, AN AMOUNT THAT IS EQUAL TO THE  
23 AMOUNT OF CURRENT CHILD SUPPORT COLLECTIONS AS DESCRIBED IN  
24 SUBSECTION (1) OF THIS SECTION. SUCH PAYMENTS SHALL NOT BE  
25 CONSIDERED INCOME FOR PURPOSES OF CALCULATING THE BASIC CASH  
26 ASSISTANCE GRANT PURSUANT TO PART 7 OF ARTICLE 2 OF THIS TITLE. THE  
27 COUNTY SHALL REPORT TO THE STATE DEPARTMENT THE AMOUNT OF THE

1 CHILD SUPPORT PAYMENTS FOR THE MONTH IN WHICH THE PAYMENTS ARE  
2 MADE.

3 (II) THE STATE DEPARTMENT SHALL ANNUALLY REPORT TO THE  
4 JOINT BUDGET COMMITTEE THE AMOUNT OF CHILD SUPPORT COLLECTED  
5 AND PAID BY THE COUNTIES TO FAMILIES THAT ARE ELIGIBLE FOR  
6 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, PURSUANT TO PART 7 OF  
7 ARTICLE 2 OF THIS TITLE.

8 **SECTION 5. Act subject to petition - effective date.** (1) This  
9 act takes effect January 1, 2016; except that, if a referendum petition is  
10 filed pursuant to section 1 (3) of article V of the state constitution against  
11 this act or an item, section, or part of this act within the ninety-day period  
12 after final adjournment of the general assembly, then the act, item,  
13 section, or part will not take effect unless approved by the people at the  
14 general election to be held in November 2016 and, in such case, will take  
15 effect on January 1, 2016, or on the date of the official declaration of the  
16 vote thereon by the governor, whichever is later.