

Title of Proposed Rule: Revisions to Colorado Works Rules for SB15-012 Pass Through Project

CDHS Tracking #: 16-6-28-1

Revising CCR #s: 9 CCR 2503-6 Volume 3

Office, Division, & Program:

Rule Author: Amber Athey

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OES, Employment and Benefits

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Division, Colorado Works Program

**STATEMENT OF BASIS AND PURPOSE**

With the passage of Senate Bill 15-012, Colorado will be implementing a Pass-Through for child support collected to those who receive Temporary Aid for Needy Families (TANF) or Colorado Works, as it is known in Colorado, Basic Cash Assistance (BCA). Previously, the state intercepted all child support that was owed to Colorado Works customers. Once the bill is implemented, Colorado will be the only state in the country to have a full Pass-Through of all monthly current child support collected each month to Colorado Works customers who receive Basic Cash Assistance. This change will be implemented in 2017 as it has required extensive preparation and significant changes to the Automated Child Support Enforcement System (ACSES) and the Colorado Benefits Management System (CBMS).

The child support Pass-Through is intended to enable Colorado Works customers to receive child support payments made by a non-custodial parent in addition to the financial support they receive through Colorado Works. The Pass-Through will allow Colorado Works customers to receive both the Colorado Works grant and the child support payment. The grant amount will not be impacted based on the child support amount received, resulting in an overall increase in the family’s monthly income.

Authority for Rule:

State Board Authority: 26-1-107, C.R.S. (2016) - State Board to promulgate rules; 26-1-109, C.R.S. (2016) - state department rules to coordinate with federal programs; 26-1-111, C.R.S. (2016) - state department to promulgate rules for public assistance and welfare activities.

Program Authority: 26-2-703 (19), C.R.S. (2016) - TANF, 26-13-108, C.R.S. (2016)-state and county share of child support collections 26-2-111, C.R.S. (2016)-Eligibility for public assistance-Colorado works program, 26-2-108, C.R.S. (2016) - Granting of assistance payments and social services.

Does the rule incorporate material by reference?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
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Does this rule repeat language found in statute?

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
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If yes, please explain.

The program has sent this proposed rule-making package to which stakeholders?

County Human Services Directors Association, The Legal Center, All Families Deserve a Chance (AFDC) Coalition, Office of Economic Security (OES) Sub-PAC, County Child Support Services Administrators, County Colorado Works Administrators, Regional Partners—Federal Office of Child Support Enforcement, Colorado Department of Health Care Policy & Financing, Colorado Department of Human Services Food and Energy Assistance Division, Colorado Center on Law & Policy, Colorado Legal Services, and the Fatherhood Program.

[Note: Changes to rule text are identified as follows: deletions are shown as “strikethrough”, additions are in “all caps”, and changes made between initial review and final adoption are in brackets.]

Attachments:

Regulatory Analysis

Overview of Proposed Rule

Stakeholder Comment Summary

Senate Bill 15-012 Fiscal Note

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## REGULATORY ANALYSIS

### 1. List of groups impacted by this rule:

All custodial parents receiving Colorado Works and noncustodial parents (NCPs), as the custodial parents will now be able to receive all current child support paid by the NCPs, rather than that support be retained by the State. This will not impact the State collecting arrear payments made toward child support.

### 2. Describe the qualitative and quantitative impact:

The projected impacts of this policy include the benefits associated with additional household income that accrue to individual families and larger communities, as well as with improved family relationships. Child support payments matter tremendously to poor families; the Congressional Research Service reported that in 2013, among poor families who received child support, those payments represented an average of 49% of their yearly income<sup>1</sup>. The Urban Institute estimates that every dollar of child support collected by the family reduces public assistance costs by 13 cents.

Passing funds through appears to increase both the likelihood that any payment is made and the amount of individual payments received. Research conducted by the Urban Institute<sup>2</sup> and the Institute for Research on Poverty<sup>3</sup> has found that by passing through the full amount of current support to the child, the percentage of cases with payments increased by 1.8 to 2.7 percentage points in the first year, and by about 3 percentage points at three years for both studies. The same studies found that the amount of child support payments increased by 5.6 to 23 percent in year one and by 11 to 12 percent in year three.

In 2014 and 2015, on average 570 Colorado Works cases per month received a child support payment toward current child support for an average of \$133.45. Annually and at the state level, this rolls up to a total of \$6,295,390 in 2012 for 7,000 families. This policy will pass those funds on to the families on whose behalf they were received.

Additional benefits to families we anticipate resulting from this policy include:

1. Possible reduction in cases referred to child welfare,<sup>4</sup>
2. Increased paternity establishment,<sup>5</sup>
3. Improved child outcomes such as educational attainment and reduction in behavioral problems<sup>6 & 7</sup>
4. More parental involvement in children's lives<sup>8</sup>

<sup>1</sup> Child Support: An Overview of Census Bureau Data on Recipients. Congressional Research Service. March 1, 2016. <https://www.fas.org/sgp/crs/misc/RS22499.pdf>

<sup>2</sup> Lippold, Kyle, et al. (November 2010). *Evaluation of the \$150 Child Support Pass-Through and Disregard Policy in the District of Columbia*. Urban Institute, DC: Washington.

<sup>3</sup> Meyer, Daniel R., and Maria Cancian. (2001.) *W-2 Child Support Demonstration Evaluation, Phase 1: Final Report, Volume I: Effects of the Experiment*. Report to the Wisconsin Department of Workforce Development. University of Wisconsin–Madison, Institute for Research on Poverty.

<sup>4</sup> Cancian, Maria; Slack, Kristen; and Young, Mi. (August 2010). "The Effect of Family Income on Risk of Child Maltreatment," *Institute Research on Poverty Discussion Paper* 1385-10, University of Wisconsin.

<sup>5</sup> *W-2 Child Support Demonstration Evaluation, Phase 1: Final Report, Volume I: Effects of the Experiment*. (2001) Ibid.

<sup>6</sup> Involving Non-Resident Fathers In Children's Learning. A *Father Matter* Report, Chapter 1: Why Fathers Matter. US Department of Health and Human Services, September 2000.

<sup>7</sup> Ibid.

<sup>8</sup> Seltzer, J.A., McLanahan, S., Hanson, T. (March 1997) "Will Child Support Enforcement Increase Father-Child Contact and Parental Conflict after Separation?"

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Statewide data suggests that child support payments to Colorado Works families are inconsistent and infrequent. To reduce administrative burdens for workers and customers, child support payments will be considered every six months at redetermination. Any support under the threshold will not be counted.

Senate Bill 15-012 states that the General Assembly may annually appropriate moneys to reimburse the counties fifty percent of the child support collections that are paid to families through the Pass-Through to backfill their loss of revenue and the Federal Government for its share of the Pass-Through. In any fiscal year in which the General Assembly does not appropriate the necessary amount of moneys to cover these costs of the Pass-Through, the ACSES and the CBMS must be programmed to not pass through the collections. That is part of the Pass-Through design that is being developed.

### 3. Fiscal Impact:

#### State Fiscal Impact:

Funding was received through the legislation fiscal note for Senate Bill 15-012 to include operational expenses of 1) multiple system changes, 2) contract personnel, 3) training, and 4) outreach.

#### County Fiscal Impact:

None because it is not affecting programmatic funding as it is a set pre-determined amount, so no impact at the County level.

#### Federal Fiscal Impact:

None because it is not affecting programmatic funding as it is a set pre-determined amount, so no impact at the Federal level.

#### Other Fiscal Impact:

None because most barriers are addressed with fiscal note and Waiver commitment.

### 4. Data Description:

Department used an outside vendor, The Center for Policy Research, to conduct analysis and collected research findings on Pass-Through done in other States. Using Colorado data, they applied findings to forecast cause and effect on possible implications of the Pass-Through when applied to the current caseload.

### 5. Alternatives to this Rule-making:

No alternative because this is based on statutorily required changes to implement the legislative directive given in S.B. 15-012.

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### OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

<u>Section Numbers</u>	<u>Current Regulation</u>	<u>Proposed Change</u>	<u>Stakeholder Comment</u>	
3.604.2 O 1	<i>Assignment of all child support during duration of grant</i>	<i>Allows the current child support to be passed through to family</i>	<b>X Yes</b>	<b>No</b>
3.605.3 1 c and j 3.605.3 E 1	<i>Child support will be considered countable income</i>	<i>At intake, child support will be compared against the needs standards. If under the needs standards, child support will not be used in determining grant amount ongoing. At redetermination, if child support for household unit is greater than \$500.00 per month over 6 consecutive months, then it will be considered against the needs standard to see if the assistance unit remains eligible.</i>	<b>X Yes</b>	<b>No</b>
3.605.3 E 2	<i>County pass through is an option</i>	<i>No longer an option with 100% of current support paid to the participant with no county retained collection.</i>	<b>X Yes</b>	<b>No</b>
3.609.4 F 3.609.4 G	<i>Criteria for establishing/recovering TANF overpayments when child support is received.</i>	<i>Will no longer be using child support received during the grant in computation for recovery nor subtracting out those payments to reimburse overpayments</i>	<b>X Yes</b>	<b>No</b>
3.602.1- 3.609.94.D.1.c (multiple sections)	<i>Child Support Enforcement</i>	<i>Child Support Services</i>	<b>X Yes</b>	<b>No</b>

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## **STAKEHOLDER COMMENT SUMMARY**

### **DEVELOPMENT**

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):  
Child Support Pass Through Steering Committee, Child Support Pass Through Policy Subcommittee, Colorado Department of Human Services Food and Energy Assistance Division, and the Colorado Department of Human Services Child Support Services Division

### **THIS RULE-MAKING PACKAGE**

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:  
County Human Services Directors Association, The Legal Center, All Families Deserve a Chance (AFDC) Coalition, Office of Economic Security (OES) Sub-PAC, County Child Support Services Administrators, County Colorado Works Administrators, Regional Partners—Federal Office of Child Support Enforcement, Colorado Department of Health Care Policy & Financing, Colorado Department of Human Services Food and Energy Assistance Division, Colorado Center on Law & Policy, Colorado Legal Services, and the Fatherhood Program

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes  No

If yes, who was contacted and what was their input? Marivel Klueckman with Colorado Department of Health Care Policy and Financing was contacted. No input received.

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes  No

Date presented August 4, 2016.

What issues were raised? None

If not presented, explain why.

Comments were received from stakeholders on the proposed rules:

Yes  No

*If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.*

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Stakeholder Feedback/Questions:

### **El Paso County Department of Human Services: Sharon Eddy**

#### **Question:**

Will tax intercepts be passed through? My understanding is that the six months of child support will be averaged. If a household receives only \$150 for five of those months, but then receives a tax intercept of \$3000 in the 6th month, will the HH be ineligible? Would they just be ineligible the first month of RRR, and then be eligible to reapply the following month? Or would there be POI?

#### **Response:**

No, tax intercepts will not be passed through at this time. Your understanding is correct that six months of current monthly child support will be averaged after it has been determined there are consistent payments. To modify your example, if a household receives only \$150 for five of those months, but then receives a lump sum payment of current monthly support (not tax intercept) of \$3000 in the 6th month, the average would be \$625 per month of income ( $\$150 \times 5 + \$3000/6$  months) that would be counted at RRR. Keep in mind that the monthly current support due in the example would be at least \$3000 for the entire amount to be included in the average. The household could re-apply and the county department would use the regular intake eligibility requirements, comparing all income to the Need Standard for the family size. There would be no Period of Ineligibility (POI) applicable.

### **Weld County Department of Human Services: Jamie Ulrich**

Weld County has the following feedback regarding the proposed rules/legislation:

#### **Comment:**

1. There are general concerns about the legislation itself- it is unclear how this is going to impact the counties fiscally, specifically if there is an increase in BCA being paid out. This could result in fewer resources for counties to spend on employment activities and supportive services.

#### **Response:**

Thank you for this input. The State will be closely monitoring the fiscal impacts of the Pass Through. Please review the fiscal note attached that has a broader financial analysis to better illustrate the counties fiscal impact. The Child Support Pass Through Steering Committee, Policy Subcommittee, in conjunction with the State Policy team reviewed data related to this concern. Intake eligibility standards are not changing with the implementation of the Pass Through, so it is anticipated that there would be a minimal increase in Basic cash Assistance or BCA being paid out. Counties are encouraged to continue to increase the support provided through employment activities and services through the county block grant. With the elimination of the half-sibling rule, the family size may increase which could lead to an increase in the need standard so the Employment and Benefits Division gathered additional information and based on feedback received, has decided to not move forward rule or system modifications impacting the half-sibling rule.

#### **Comment:**

2. There are still some unknowns surrounding how the pass through will affect other benefits, such as Housing and Food Assistance.

#### **Response:**

Eligibility and payment for other programs may be impacted. We do not anticipate rules changing for other programs due to implementation of the Pass Through, therefore if child support is now countable for the

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program, it will likely remain countable. Food Assistance would be impacted by a reduction of the amount of benefits the household would receive by 3 to 1, meaning for every \$3 dollar of support received it would affect the grant by \$1 and would impact eligibility about 2 months after receipt of the child support payment.

**Comment:**

3. The workload impact on the Child Support Services side will be increased, due to the increase in customer inquiries and payment processing; as well as information sharing with Colorado Works staff (who are unable to view ACSES due to security restrictions).

**Response:**

The Child Support Pass Through Steering Committee, Communication and Training subcommittees are developing messaging to address the impact on staff and prepare them to handle questions efficiently as well as providing education and explanation for customers. Payment processing will be automated through the ACSES and CBMS systems so there are anticipated minimal workload increases.

Weld County specific concerns regarding the Colorado Works rules include:

**Question:**

1. Please explain where the language and definition of “inconsistent child support payments” (average of over \$500 in combination with other income over the previous 6 months) for redetermination come from. It appears that the statute states that payments are not to be considered as income in determining eligibility.

**Response:**

The Child Support Pass Through Steering Committee, Policy Subcommittee, in conjunction with the State Policy team defined the term “inconsistent child support payments” by evaluating data on the current Colorado Works caseload. The groups found that the \$500 threshold, in combination with the consistency test, would allow the majority of families to continue in the program, avoiding the cliff effect, reducing churn, reducing administrative burdens and staying consistent with current eligibility requirements set through the Colorado Works certification period. Also, to clarify, Statute revised in C.R.S 26-2-108 (II) (A) states: “Such payments shall not be considered income for purposes of calculating a recipient's basic cash assistance grant pursuant to part 7 of this article. *However, such payments, with applicable disregards, shall be considered income for purposes of determining eligibility.*” (emphasis added)

**Question:**

2. Please explain why child support arrears are considered as exempt income and not used for eligibility calculation.

**Response:**

Child support arrears are considered a debt and are not part of the new Pass Through changes. Rules around child support arrears are not changing.

**Arapahoe County Department of Human Services: Pamela Olesen**

**Question:**

Can you please refresh my memory; why did we specifically state \$500 as the threshold for redeterminations?

**Response:**

The Child Support Pass Through Steering Committee, Policy subcommittee, in conjunction with the State Policy team evaluated data on the current Colorado Works caseload and found that the \$500 threshold, in combination with the consistency test, would allow the majority of families to continue in the program, avoiding

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the cliff effect, reducing churn, reducing administrative burdens and staying consistent with current eligibility requirements set through the Colorado Works certification period.

**Question:**

Also, I was looking at this language for new applications with my Deputy Director and the question came up; why do we average for an RRR but not for a new application? CCAP has recently re-written rules (they may still be in proposed status) around child support income and would it be beneficial to align them? This is how the proposed rule reads; or at least had when the rewrite committee submitted it.

h. Irregular child support income, NOT INCLUDING LUMP SUM PAYMENTS, MAY must be averaged over a period of time up to twelve (12) months in order to calculate household income.

1) NON-RECURRING LUMP SUM PAYMENTS, INCLUDING LUMP SUM CHILD SUPPORT PAYMENTS, MAY BE INCLUDED AS INCOME IN THE MONTH RECEIVED OR AVERAGED OVER A TWELVE (12) MONTH PERIOD, WHICHEVER IS MOST BENEFICIAL FOR THE CLIENT.

**Response:**

The Employment and Benefits Division is not changing intake eligibility with the implementation of Child Support Pass Through. Child Support payments being received by a family at application would not be considered a "passed through" payment, and would be considered either direct receipt or current support. Colorado Works requirements do not align with CCCAP rules now. The new proposed rules for CCCAP do not contradict Colorado Works rules either but leave it to the staff to do what is most beneficial for the client.

**Jefferson County Department of Human Services: Alvin Tafoya**

**Question:**

Do you have a document which identifies the financial impact to counties regarding these changes or the cost that the state "may" assume as a result of these changes. I know one was created some time ago, but I am unable to locate that information and our director would like an updated version to ensure that the state budget appropriates said funding to support this endeavor.

**Response:**

There is not a specific document identifying the county fiscal impact as there is no anticipated impact to the counties related to the Pass Through. The General Assembly may annually appropriate funds to the State to reimburse the counties. If the General Assembly does not appropriate the funds necessary to reimburse counties for their share of retained child support payments, counties are not required to implement the Child Support Pass Through to Colorado Works recipients but may choose to do so using county revenues. See the attached document on the Fiscal Note. If you are referring to the IRS tax intercept document, which the State provided a cost estimate for, that issue has not been decided and may be considered through a separate rule proposal and system change. The current Pass Through proposed rules and system changes do not include the tax interception component.

**Mesa County DHS: Michelle Trujillo**

**Question:**

Should there be a second set of rules that would be used in the event that pass through is NOT funded?

**Response:**

The proposed rule changes are not dependent on the pass through being funded. It is the intent of policy to continue to exempt child support income. Therefore, a second set of rules is not needed. However, if it comes to having to turn this off, we will have enough time to react from one fiscal year to the next.



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**Question:**

Should we say something about period of intent when talking about child support? For example, if child support comes in January, February, and March, then in April it isn't paid until April 30th, so it shows up in CBMS May, then the NCP pays their regular payment in May and June. Will CBMS know that one of the two May payments was for April to count the six consecutive months?

**Response:**

The date of receipt will be used by CBMS, not the period of intent, when looking at consistency of payments. CBMS will also use the date a RRR is processed to determine the look back period. For example, a RRR due for 8/31 but processed on 7/25, would look at payments received January through June. If that same RRR was processed on 8/5, the look back period would be February through July.

**Question:**

Should we say "effective in the seventh month? I feel we need to state specifically in rule the effective month to begin counting the child support income.

**Response:**

With the RRR being done early or later (as described in the previous response), stating the seventh month could add more confusion. By defining 6 months of payments, the intent is not to delay the decision making when determining if countable or not.

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Senate Bill 15-012 Fiscal Note:

*Colorado Legislative Council Staff Fiscal Note*

**FINAL  
FISCAL NOTE**

<b>Drafting Number:</b>	LLS 15-0101	<b>Date:</b>	October 8, 2015
<b>Prime Sponsor(s):</b>	Sen. Kefalas Rep. Pettersen	<b>Bill Status:</b>	Signed into Law
		<b>Fiscal Analyst:</b>	Lauren Schreier (303-866-3523)

**BILL TOPIC: COLORADO WORKS PASS-THROUGH CHILD SUPPORT PAYMENT**

<b>Fiscal Impact Summary*</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>
<b>State Revenue</b>		<b>(\$2,056,965)</b>	<b>(\$4,320,000)</b>
Cash Funds		(2,056,965)	(4,320,000)
<b>State Expenditures</b>	<b>\$868,895</b>	<b>\$2,779,531</b>	<b>\$3,090,566</b>
General Fund	315,509	1,967,482	3,057,616
Federal Funds	553,386	812,049	32,950
<b>Appropriation Required:</b> \$868,895 - Department of Human Services (FY 2015-16).			

\* This summary shows the bill's changes from current law for each fiscal year. Parentheses indicate a reduction.

**Summary of Legislation**

Current law requires that an individual eligible for Temporary Assistance for Needy Families (TANF) in the Colorado Works Program assign to the Department of Human Services (DHS) his or her right to receive child support payments. The state may retain all child support payment income as a reimbursement for TANF assistance paid.

Effective January 1, 2017, the bill allows the state and counties to disregard child support income a TANF recipient may be eligible to receive and pass-through such income to the TANF recipient. Under the bill, any child support income a TANF recipient receives will not be considered income when calculating the basic cash assistance grant an individual may receive. Such payments, with applicable disregards, will be considered income for the purposes of determining eligibility. The General Assembly may annually appropriate moneys to the DHS to reimburse the counties for 50 percent of child support collections and the federal government for its share of child support collections. If the General Assembly does not appropriate the moneys necessary to reimburse counties and the federal government for their respective shares of retained child support payments, counties are not required to implement the child support pass-through to TANF recipients but may choose to do so using county revenues. The DHS must annually report to the Joint Budget Committee the amount of child support collected and paid by the counties to families eligible for TANF.

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## Background

The Colorado Works Program, Colorado's TANF program, is operated by county departments of human services and overseen by the state Department of Human Services. The program provides financial assistance to aid eligible families in reaching economic self sufficiency through cash assistance and other benefits, including food stamps. Beyond meeting basic program guidelines, all 64 counties have discretion in designing their TANF programs to best meet local needs. Adults need to reapply for benefits every six months and, with limited exceptions, may receive up to 60 months of benefits in their lifetime.

The Automated Child Support Enforcement System (ACSES) tracks certain child support payments in the state. The ACSES is administered by the DHS and each county uses the ACSES system to track payments received and owed to parents. The Colorado Benefits Management System (CBMS) has been the statewide benefits management system since 2004. The CBMS allows qualified citizens to apply for medical, food, and monetary assistance.

## Assumptions

This fiscal note makes the following assumptions:

- information technology updates are required under the bill and will take up to two years to implement;
- state revenue in the form of remitted child support payments from non-custodial parents will be reduced by about \$2,056,965 in FY 2016-17, plus five percent inflation per year;
- child support payment collections will increase by five percent a year;
- revenue reductions are shown as an increase in state and local expenditures as the fiscal note assumes benefits for TANF recipients will not change as a result of SB 15-012; and
- federal funds will be paid from Title IV-D of the Social Security Act.

## State Revenue

The bill is estimated to reduce state cash fund revenue by \$2,056,965 in FY 2016-17 and by \$4,320,000 in FY 2017-18. Currently, the state retains some of the child support payments received on behalf of TANF recipients and the money is shared between the federal, state, and county governments. This fiscal note assumes that revenue losses will occur after the January 1, 2017, implementation date. As a result, the fiscal note assumes no change in state revenues for FY 2015-16.

## State Expenditures

The bill increases costs in the DHS by \$868,965 in FY 2015-16 and by \$2,779,531 in FY 2016-17. Of the \$868,965 in FY 2015-16 costs, \$315,509 is from the General Fund and \$553,386 is from federal funds. These costs are associated with information technology enhancements, contract staff to oversee the project, and training for counties concerning changes under the bill. After the pass-through is implemented on January 1, 2017, the bill increases costs by up to \$1,515,496 in FY 2016-17 and up to \$3,024,000 in FY 2017-18, primarily to replace the revenue shortfall to counties and the federal government after implementation of the child support pass-through. Table 1 outlines these costs.

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<b>Cost Components</b>	<b>FY 2015-16</b>	<b>FY 2016-</b>	<b>FY 2017-</b>
Information Technology Costs	\$792,921	\$1,149,366	\$0
Implementation Contractors	\$75,974	131,235	66,566
Public Outreach and Education	0	50,000	0
Amount Reimbursed to Federal Government		420,448	864,000
Backfill to Counties*	0	1,028,482	2,160,000
<b>TOTAL</b>	<b>\$868,895</b>	<b>\$2,779,531</b>	<b>\$3,090,566</b>
<b>General Fund</b>	315,509	<b>2,050,426</b>	<b>3,057,616</b>
<b>Federal Funds</b>	553,386	<b>729,105</b>	<b>32,950</b>

\* In FY 2016-17 TANF Replacement costs are prorated to reflect the January 1, 2017, implementation date.

**Information technology costs.** In FY 2015-16 and FY 2016-17 the bill requires the DHS to update both the Automated Child Support Enforcement System (ACSES) and the Colorado Benefits Management System (CBMS). These costs are based on historical experience from system changes of similar scope from the Office of Information Technology (OIT). At present, both the ACSES and the CBMS lack the infrastructure required to administer and track child support payments and TANF payments in an integrated manner.

**Implementation contractors.** The DHS will require contractors with expertise in benefit payment systems to assist in program development, programming changes, rule development and modification, updating existing policies and procedures, and technical assistance to state and county staff to implement changes under the bill.

**Public outreach and education.** The DHS must conduct public outreach and education to alert potential and current recipients to upcoming policy changes under the bill in FY 2016-17. The funds will be used to create awareness and public education campaigns to target future and current recipients.

**Amount reimbursed to federal government.** Under current law, states must reimburse the federal government for 50 percent of child support payments made above the threshold of \$100 for one child and \$200 for two or more children. The fiscal note assumes that in FY 2016-17 the DHS must pay the federal government \$420,448 in child support collections and in FY 2017-18 the DHS will pay the federal government approximately \$864,000.

**Backfill to counties.** Under the bill, the DHS may reimburse counties for 50 percent of child support collections and the federal government for 50 percent of all collections above the \$100 for 1 child and \$200 for 2 or more children threshold. In FY 2016-17 these costs are up to \$1,028,482 which is prorated for the January 1, 2017, implementation date of the pass-through. In FY 2017-18 these costs are estimated to be up to \$2,160,000. If the state does not reimburse counties for 50 percent of child support collections, counties are not obligated to implement the pass-through.

Title of Proposed Rule: Revisions to Colorado Works Rules for SB15-012 Pass Through Project

CDHS Tracking #: 16-6-28-1

Revising CCR #s: 9 CCR 2503-6 Volume 3

Office, Division, & Program:

Rule Author: Amber Athey

Phone: 303-866-2928

OES, Employment and Benefits

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Division, Colorado Works Program

**Report to the Joint Budget Committee.** The bill also requires the DHS to annually report the amount of child support collected and paid by the counties to eligible families beginning in FY 2017-18. The DHS will need to compile an annual report from county data. This minimal workload increase can be accomplished within existing appropriations.

### Local Government Impact

The bill will impact counties in several ways. Once the bill is implemented in FY 2016-17, counties will have a workload increase associated with passing child support collections through to recipients, and to report the amount of child support collected and paid to the DHS.

The bill may reduce revenue for counties passing through child support payments to TANF recipients. At present, counties receive up to 50 percent of the amount of the intercepted child support payments, or approximately \$2,056,965 as of FY 2013-14, including the state and county shares of retained child support payments. As shown in Table 2, in FY 2016-17 the bill may result in a \$1,028,782 revenue shortfall to the counties, prorated to reflect the January 1, 2017 implementation date. In FY 2017-18, the total potential revenue shortfall to counties is \$2,160,000. Potential costs to individual counties will vary by population, caseload, and the average benefits provided in each county.

<b>Revenue Source</b>	<b>FY 2016-17*</b>	<b>FY 2017-18</b>
<b>Estimated Total Remitted Child Support Payments</b>	<b>\$2,056,965</b>	<b>\$4,320,000</b>
County Share (20%)	\$411,393	\$864,000
State Share (30%)	\$617,089	\$1,296,000
<b>Total Potential Revenue Shortfall to Counties (50%)**</b>	<b>\$1,028,782</b>	<b>\$2,160,000</b>

\* Costs are prorated to reflect the January 1, 2017 implementation date.

\*\* If costs are not replaced by state appropriations, this represents the total potential revenue loss to counties. To the extent that counties choose to implement the full pass-through when the state does not appropriate remitted child support payments to the counties, counties will incur additional costs.

### TABOR Impact

Beginning in FY 2016-17, the bill decreases state revenue from remitted child support payments from non-custodial parents that under current law goes to the state. This will decrease the amount required to be refunded under TABOR. TABOR refunds are paid from the General Fund.

### Effective Date

The bill was signed into law by the Governor on May 5, 2015, and became effective on August 5, 2015.

Title of Proposed Rule: Revisions to Colorado Works Rules for SB15-012 Pass Through Project

CDHS Tracking #: 16-6-28-1

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### **State Appropriations**

The bill requires an appropriation of \$868,895 in FY 2015-16 to the Department of Human Services, including \$315,509 from the General Fund and \$553,386 in federal funds, paid from Title IV-D of the Social Security Act.

### **State and Local Government Contacts**

Human Services  
Municipal League

Counties  
Law

Health Care Policy and Financing  
Local Affairs

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**9 CCR 2503-6**

**3.600 COLORADO WORKS PROGRAM [Rev. eff. 9/15/12]**

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**3.602 APPLICATIONS FOR COLORADO WORKS**

**3.602.1 Applications [Rev. eff. 1/1/16]**

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**E. Receiving Applications for Colorado Works Benefits**

- 1. When receiving applications for benefits, county workers shall:
  - a. Receive applications;
  - b. Review applications for completeness and determine eligibility for assistance;
  - c. Make a home visit when required by county policy to determine a county approved setting for a minor applicant; and,
  - d. Refer the applicant or participant to other services when appropriate.
- 2. The application process shall consist of all activity from the date the application is received from the applicant until a determination concerning eligibility is made. Language translation via interpreter shall be provided by the county department of residence as needed. The major steps in the application process shall include:

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- i. The agency shall inform all applicants in writing at the time of application that the agency will use all Social Security Numbers (SSN) of required household members to obtain information available through state identified sources. One interface includes, but is not limited to, the Income and Eligibility Verification System (IEVS) used to obtain information of income, eligibility, and the correct amount of assistance payments. Information gathered through State identified sources may be shared with other assistance programs, other states, the Social Security Administration, the Department of Labor and Employment, and the Child Support Enforcement SERVICES Program; and,

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**3.604 ELIGIBILITY CRITERIA FOR COLORADO WORKS PAYMENTS AND SERVICES [Rev. eff. 9/15/12]**

**3.604.1 Program Verifications [Rev. eff. 7/1/15]**

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**C. Secondary Verifications**

When applicable, secondary verifications for eligibility and program participation, may include, but are not limited to:

1. Verification of relationship of a dependent child to other household members;
2. Verification of good cause, to include good cause for a delay in providing verifications for assistance, good cause for not cooperating with Child Support Enforcement SERVICES, and good cause for not participating in work activities as specified in Section 3.604.2 , L;

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G. Prudent Person Principle

The rules contained herein are intended to be sufficiently flexible to allow the eligibility worker to exercise reasonable judgment in executing his/her responsibilities to determine a specified caretaker other than a parent, guardian, legal custodian, or a relative within the fifth (5th) degree.

In this regard, the concept of a prudent person can be helpful. The term refers to reasonable judgments made by an individual in a given case. In making a certification decision, the eligibility worker should ask whether his/her judgment is reasonable, based on experience and knowledge of the program. The eligibility worker is also responsible for exercising reasonable judgment in determining if a given number of individuals applying for Colorado Works fit the Colorado Works requirements of a household/assistance unit specifically the specified caretaker other than a parent, guardian, legal custodian, or relative within the fifth (5th) degree and/or when determining good cause for non-cooperation with work program activities or Child Support Enforcement SERVICES.

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N. General Requirements for Citizenship and Lawful Presence

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5. Verification of Lawful Presence in the United States

Section 24-76.5-103, C.R.S., requires verification of lawful presence in the United States, by the county departments, for applicants of state or local benefits, and federal benefits provided by the Colorado Department of Human Services or by the county departments of human/social services under the supervision of the State Department. All persons eighteen years of age or older must establish lawful presence in the United States prior to receiving public benefits with the exception of those exempt in the list provided in this section. The requirements of this section do not apply to applicants under the age of eighteen (18).

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- d. The requirements of this section do not apply to the following applicants, programs and services:

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- 18) Child support enforcement-SERVICES; and,



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O. Colorado Works and Child Support ~~Enforcement~~ SERVICES

1. Cooperation with Child Support ~~Enforcement~~ SERVICES as an Eligibility Requirement

As a condition of continued eligibility, applicants for Colorado Works are statutorily required to assign all rights to child support on their own behalf or on behalf of any other member of the assistance unit for whom the application is made. An applicant's failure to sign and date the application form to avoid assignment of support rights precludes eligibility for the assistance unit. Failure to cooperate with Child Support ~~Enforcement~~ SERVICES at application and/or while receiving basic cash assistance, without good cause, will result in the termination or discontinuation of the Colorado Works basic cash assistance grant.

This assignment is effective for child support due and owing during the period of time the person is receiving public assistance, takes effect upon a determination of eligibility for Colorado Works cash assistance, and remains in effect with respect to the amount of any unpaid support obligation accrued under the assignment that was owed prior to the termination of Colorado Works cash assistance to the participant. The application form shall contain acknowledgement of these provisions and shall be signed and dated by the applicant or participant.

- a. Applicants and participants may request that their case not be referred to Child Support ~~Enforcement~~ SERVICES based upon good cause. Claims found to be valid are:
  - 1) Potential physical or emotional harm to a child(ren).
  - 2) Potential physical or emotional harm to a parent or caretaker relative.
  - 3) Pregnancy or birth of a child related to incest or forcible rape.
  - 4) Legal adoption before court or a parent receiving pre-adoption services.
  - 5) Other reasons documented by the county department.
  - 6) Reasons considered to be in the best interest of the child.
  - 7) Other court order.
- b. Every applicant and participant shall be given notice and the opportunity to claim that his or her case should not be referred to Child Support ~~Enforcement~~ SERVICES based upon good cause.
- c. Determination of such good cause must be in writing and documented in the case file by the county director or designee of the county director.
- d. Each case not referred based upon good cause shall be reviewed by the county director or designee yearly.

2. Unreimbursed Public Assistance

Basic Cash Assistance shall be considered part of the Unreimbursed Public Assistance (UPA) as defined in the Child Support ~~Enforcement~~-SERVICES rule manual at Section 6.002 (9 CCR 2504-1).

3. If a family is ineligible for Colorado Works Basic Cash Assistance due to child support income and the income received from child support is either not received or is less than the family need standard, the family may request to be reinstated for assistance in the that month. The income from the current month will be used to determine eligibility and payment prospectively.

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#### V. Family Violence Option (FVO) Waiver

The federal government allows state Temporary Assistance for Needy Family (TANF) programs to electively participate in the option to waive certain program requirements for individuals who have been identified as victims of family (domestic) violence.

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#### 2. Waiver Provisions

- a. The FVO waiver allows a county to exempt program participants from the following standard program elements if it is determined that participation in these elements would unfairly endanger or penalize an individual or their child(ren) as a result of their experience of family violence:
  - 1) Work Activities
  - 2) TANF Time Clock
  - 3) Child Support ~~Enforcement~~-SERVICES
- b. The county department shall involve the participant when choosing to invoke a waiver. The individual at their discretion may accept or refuse any waiver offered.

#### 3. Requirements for Counties that Grant FVO Waivers:

When a county department and applicant/participant invoke the Family Violence Option the following are required:

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- c. Follow certain processes with regard to all TANF applicants and participants includes:
  - 1) Screen Colorado Works applicants and participants by identifying those who are or have been victims of domestic violence by using the Domestic Violence Screening form.
  - 2) Assess Colorado Works applicants and participants who are identified as a victim of domestic violence by:

- a) The nature and extent to which the individual may engage in work activities;
  - b) The resources and services needed to assist the individual in obtaining safety and self-sufficiency; and,
  - c) A plan to increase the individual's safety and self-sufficiency.
- 3) Grant to victims of domestic violence exemptions (or waivers) of certain TANF requirements, good cause based on circumstances that warrant non-participation in program work requirements of this section, non-cooperation with Child Support ~~Enforcement~~ SERVICES as defined in Section 3.604.2, L, or by allowing a program extension. Good cause may also be determined through the use of the prudent person principle standard as specified in Section 3.604.1, G.
- a) Good cause for granting an FVO waiver of work activities and/or the 60-month time limit is defined as anything that would potentially endanger or unfairly penalize a participant or the participant's family if he/she participated in the county's standard program/work activity requirements.
  - b) Good cause for granting a waiver of the child support-~~enforcement~~ SERVICES cooperation requirement is defined as anything that is not in the best interest of the child, e.g., potentially endanger or unfairly penalize the individual or child if the individual cooperated with child support ~~enforcement~~-SERVICES.
- d. Provide certain resources to all TANF applicants and victims of domestic violence. Counties are to make immediate referrals to appropriate services, including: domestic violence services, legal services, health care, emergency shelter, child protection, and law enforcement. Such referrals are to be documented in the individual's case file.

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**3.605 INCOME [Rev. eff. 9/15/12]**

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**3.605.3 Unearned Income [Rev. eff. 7/1/13]**

For the purpose of determining eligibility for Colorado Works, the following shall be exempt from consideration as income:

A. Countable Unearned Income

Consideration of Unearned Income Against Program Income Standards

Unless otherwise specified, any unearned income is countable and together with all other countable income of the applicant, recipient, or assistance unit it must be considered against the applicable assistance program need and/or grant standards specified in the regulations covering the different programs.

1. Countable Unearned Income

Countable unearned income includes, but is not limited to the following, as well as other payments from any source, which can be construed to be a gain or benefit to the applicant or recipient and which are not earned income:

- a. Veteran's Compensation and pension.
- b. Income from rental property is considered as unearned income where the applicant or recipient is not actively managing the property on an average of at least twenty (20) hours a week. Rental income is countable to the extent it exceeds allowable expenses. Allowable expenses are maintenance, taxes, management fees, interest on mortgage, and utilities paid. This shall not include the purchase of the rental property and payments on the principal of loans for rental property.
- c. ~~Support and alimony payments including all child support and alimony payments shall be used to determine eligibility. Child support excluding arrears from child support that is returned to families in a county that exercises the option to pass through the state and county share of current child support collection shall be disregarded when determining the Colorado Works grant amount. CURRENT SPOUSAL MAINTENANCE (ALSO REFERRED TO AS ALIMONY).~~

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2. Periodic Payments

The following types of periodic payments are countable unearned income:

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- ~~j. Child Support Income—payments made by noncustodial parents for the support of children in a Colorado Works assistance unit shall be considered in accordance with the Colorado Works financial eligibility and payment rules. Child support paid to the family by the Child Support Enforcement Unit shall be considered countable unearned income.~~

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E. Child Support Income

- 1. ~~Any child support income paid directly to an assistance unit on behalf of a member of the assistance unit that is not turned over to the Child Support Enforcement program shall be counted as unearned income to determine eligibility and payment for the assistance unit. AT INITIAL APPLICATION, CURRENT CHILD SUPPORT PAYMENTS RECEIVED BY THE ASSISTANCE UNIT SHALL BE CONSIDERED INCOME AND COUNTED AGAINST THE NEED STANDARD TO DETERMINE ELIGIBILITY.~~
- 2. ~~The county may pay the participant an amount equal to fifty percent (50%) of the state share and one hundred percent (100%) of the county share of the child support collection made by the noncustodial parent. The county shall not consider the child support returned to the family as income for purposes of calculating the basic cash assistance grant. ONCE~~

FOUND ELIGIBLE, CHILD SUPPORT INCOME IS EXCLUDED IN THE BASIC CASH ASSISTANCE GRANT CALCULATION.

3. FOR PURPOSES OF REDETERMINATION (RRR):
  - a. INCONSISTENT CHILD SUPPORT PAYMENTS ARE NOT COUNTABLE. CHILD SUPPORT PAYMENTS ARE CONSIDERED CONSISTENT WHEN RECEIVED IN ALL SIX (6) OF THE SIX (6) PREVIOUS MONTHS.
  - b. ONCE CONSISTENCY OF PAYMENTS HAS BEEN ESTABLISHED, CURRENT CHILD SUPPORT IS AVERAGED OVER THE PREVIOUS SIX (6) MONTHS. IF THAT AVERAGED AMOUNT IS \$500 OR LESS FOR THE HOUSEHOLD, THE CHILD SUPPORT INCOME IS DISREGARDED FOR BOTH ELIGIBILITY AND GRANT CALCULATION. IF THAT AMOUNT IS OVER \$500 FOR THE HOUSEHOLD, IT IS COUNTED, IN COMBINATION WITH OTHER INCOME, AGAINST THE NEED STANDARD TO DETERMINE CONTINUED ELIGIBILITY.
  - c. IF FOUND ELIGIBLE, THE CHILD SUPPORT INCOME IS DISREGARDED FOR BASIC CASH ASSISTANCE GRANT CALCULATION.
4. CHILD SUPPORT ARREARS ARE EXEMPT INCOME AND ARE NOT USED FOR ELIGIBILITY OR GRANT CALCULATION.

**3.606 COLORADO WORKS ELIGIBILITY DETERMINATION FOR PAYMENTS [Eff. 9/15/12]**

**3.606.1 Eligibility Requirements [Rev. eff. 7/1/13]**

A. Countable Gross Income

All countable gross income of the assistance unit, ~~including child support and maintenance support~~ received and expected to be received in the month prior to (if available) and in the month of application shall be used to determine eligibility.

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**3.606.2 Basic Cash Assistance [Rev. eff. 7/1/13]**

A. Payment of Basic Cash Assistance (BCA) Grants

Counties or groups of county departments shall not reduce the basic cash assistance grant, restrict eligibility, or impose sanctions that are inconsistent with state and federal laws or the rules of this Section 3.606.2.

B. Unreimbursed Public Assistance

The basic cash assistance grant shall be considered part of the unreimbursed public assistance (UPA) as defined in the Child Support ~~Enforcement~~ SERVICES rule manual at Section 6.002 (9 CCR 2504-1).

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### 3.606.4 REPORTING CHANGES AND REDETERMINATION OF ELIGIBILITY [Rev. eff. 8/7/13]

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#### B. Filing a Redetermination (RRR) to Continue Benefits

Colorado Works participants shall file their redetermination with the county by the filing deadline. A recipient's failure to file a RRR timely may delay the determination of benefits and income disregards will not be applied unless good cause is established. Complete forms received timely must be acted upon by the county department by the last day of the month. Complete forms received after the filing deadline must be acted upon by the tenth (10th) calendar day in the month following the month the redeterminations was due. Participants must have a minimum of five working days from the date they receive the Redetermination packet (RRR) to return the packet to the county.

A redetermination of eligibility shall mean a case review/determination of necessary information and verifications to determine eligibility at least once every twelve months. An interview for Colorado Works basic cash assistance cases shall take place annually with necessary verifications to determine whether the participant continues to be eligible for Colorado Works. To redetermine eligibility a case review must be conducted and necessary verification must be received to determine ongoing eligibility.

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#### 3. Redetermination Process

During the redetermination process, the county worker shall:

- a. Conduct an interview;
- b. Explain the purpose of the interview and the use of the information supplied by the recipient on the redetermination form and any additional required forms;
- c. Inform all recipients in writing at the eligibility redetermination that Social Security Numbers for all recipients will be used to request and exchange information with other agencies as part of the eligibility process, including the Department of Labor and Employment (state wage and unemployment data), Social Security Administration, and Internal Revenue Service (unearned income). IEVS information may also be exchanged with other state or federal agencies administering public assistance programs, including the Department of Labor and Employment, Child Support-Enforcement SERVICES and the Social Security Administration;
- d. Have the recipient complete the forms or complete the form on behalf of the recipient;
- e. Explain the appeal rights to the recipient;
- f. Witness the signature of the recipient and sign as a person who helped complete the forms, when applicable;
- g. Review documents, verifications, and any other information supplied by the recipient with the recipient in order to obtain clarification if needed. Information requested shall include:

- 1) Income;
- 2) Other eligibility factors shall be verified unless satisfactory documentation is in the case record;
- 3) If reopened, Child Support Enforcement SERVICES and other appropriate units shall be advised.

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L. Reopening and Reinstatements

Cases may be reopened prior to the effective date of closure with good cause and reinstated if closed less than thirty (30) calendar days. If a case closure occurred due to failure to file an RRR, income disregards shall not be applied unless good cause exists.

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2. Reopening in Lieu of an Application- When a recipient requests assistance prior to the effective date of the recipient's discontinuation from assistance, the following procedures shall be followed:
  - a. A redetermination form or current application form shall be in the case file or completed and signed by the recipient;
  - b. Income shall be verified;
  - c. Other eligibility factors shall be verified unless satisfactory documentation is in the case record;
  - d. Medical documentation shall be obtained unless the certified period of disability covers the current date; and,
  - e. Eligibility determination shall be completed and appropriate actions shall be taken;
  - f. If reopened, Child Support Enforcement SERVICES and other appropriate units shall be so advised.

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**3.606.8 Diversion, Supportive Services, Other Assistance, and Family Needs Payments [Rev. eff. 7/1/15]**

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D. Other Assistance and Family Needs Payments

A county may provide other assistance or a family needs payment including, but not limited to, supportive services and other cash assistance in addition to the basic cash assistance grant. This assistance shall be based on the assessed need of the assistance unit. Any other assistance with a monetary value to the participant shall be included as unreimbursed public assistance (UPA) as

defined in the Child Support ~~Enforcement~~ SERVICES rule manual at Section 6.002 (9 CCR 2504-1) with the exception of those payments that are considered non-assistance such as transportation and/ or child care paid to employed individuals.

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**3.609 COLORADO WORKS OVERPAYMENT, CLAIMS, INTENTIONAL PROGRAM VIOLATIONS, AND FRAUD PREVENTION AND DETECTION**

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**3.609.4 Criteria for Establishing and Recovering AFDC or Colorado Works/ TANF Overpayments [Rev. eff. 9/15/12]**

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F. Computation of the Colorado Works Overpayment

Computation of recoveries for Colorado Works is based on the amount received that a recipient was originally deemed eligible for. All earned and unearned income received by the assistance unit and any child support payments received by the county Child Support ~~Enforcement~~ SERVICES office is taken into consideration in the computation.

In the instances where the overpayment is the direct result of actions tied to the determination of IPV and/or fraud, which resulted in receipt of benefits in error, or benefits received that the recipient was not eligible to receive shall be recovered.

G. Procedure for Computing Monthly Over/Under Payments

The calculation of overpayment shall begin in the month that the overpayment occurred. Claims as a result of the overpayment shall be established within ten (10) calendar days following adverse action notification unless otherwise specified and documented by the county department in the case file.

1. Determine the "as paid" Colorado Works amount by:
  - a. Starting with the amount of the payment;
  - b. Add any withholding amounts;
  - c. Subtract child support payments ~~used~~ RETAINED BY CHILD SUPPORT SERVICES to reimburse the payment;
  - d. The result is the "as paid" amount, also known as the "monthly non-reimbursed public assistance" (UPA).
2. Determine the "correct" payment by:
  - a. Determining the need standard for the correct assistance unit for the month;
  - b. Subtract all earned income (without employment disregards when the income is not reported timely); and,



- c. Subtract the result from the amount of the payment plus any withholdings; and,
  - d. Calculate partial month payments utilizing the table found in Section, 3.606.2, H.
3. UPA and/or arrears shall not be used to offset and/or pay client error, fraud, or IPV overpayments.
  4. Compare the total "monthly UPA" to this "correct" payment amount and collect as an overpayment the lesser of the two. The arithmetic result may indicate an underpayment.

The overpayment amount is reported to the Automated Child Support Enforcement System (ACSES) and reduces the total case UPA once the claim is paid. In the event the overpayment amount is less than the total case UPA, the recovery amount is the lesser of the two.

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**3.609.94 Protections to the Individual [Rev. eff. 9/15/12]**

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**D. Disclosure of Confidential Information**

1. No one outside the county department shall have access to records of the department except for individuals executing Income and Eligibility Verification System (IEVS); Child Support Enforcement SERVICES officials; federal and state auditors and private auditors for the county; and the applicant/recipient of public assistance. These individuals shall have access only for purposes necessary for the administration of the program. The following individuals shall have access to the records of the department if one of the following conditions is met:
  - a. The applicant or recipient is notified and his or her prior permission for release of information is obtained unless the information is to be used to verify income, eligibility or the amount of medical assistance payment under administration of the Income and Eligibility Verification System (IEVS). If, because of an emergency situation in which the applicant/recipient is physically or mentally incapacitated to the extent that he or she cannot sign the release form, and time does not permit obtaining an applicant's or recipient's consent prior to release of information, the county department must notify the applicant or recipient within 10+1 calendar days after supplying the information.
 

The notification shall include the name and address of the agency which requested the information, the reason the information was requested and a summary of the information released. If the applicant or recipient does not have a telephone or cannot be contacted within 10+1 calendar days, the county department must send written notification containing the required information within three (3) working days from the date the information was released.
  - b. A District Attorney requests information for the purpose of either prosecution for fraud or tracing a parent who has deserted a child.

- c. Verified information obtained from the Internal Revenue Service through the Income and Eligibility Verification System may be provided only to persons or agencies directly connected with the administration of the Child Support ~~Enforcement~~ SERVICES program (if administered by an agency outside of the county department), Department of Labor and Employment, the Social Security Administration and other agencies in the state when necessary for the administration of the AFDC, Medicaid, Food Assistance or other state or federally funded means tested assistance programs, or the unemployment insurance program. County departments shall not release information regarding applicants or recipients to law enforcement agencies unless a search warrant is received by the county department.

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