

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 15-0530.01 Debbie Haskins x2045

SENATE BILL 15-087

SENATE SPONSORSHIP

Newell,

HOUSE SPONSORSHIP

Singer,

Senate Committees

Health & Human Services
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE SAFE PLACEMENT OF CHILDREN IN FOSTER CARE**
102 **HOMES.**

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>.)

The bill reorganizes statutes regarding the regulation of foster care homes, kinship foster care homes, and noncertified kinship care to clarify the responsibilities for background checks between the state department of human services (state department) and county departments of human or social services (county departments) and licensed child placement agencies.

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.*

SENATE
Amended 2nd Reading
February 24, 2015

The bill defines "kin", "kinship foster care home", "noncertified kinship care", and "informal kinship care". "Kin" is a relative or a person who has a family-like relationship or significant relationship with a child. A "kinship foster care home" is a foster care home certified by a county department or licensed child placement agency where the foster care is provided by kin and the kin is eligible for foster care reimbursement. "Noncertified kinship care" is where care of the child is provided by a relative or kin who has not met the foster care certification requirements for a kinship foster care home or has chosen not to pursue certification and the relative or kin is not eligible for foster care reimbursement but may apply for temporary aid to needy families. "Informal kinship care" is an arrangement made within the family or with friends to care for a child in cases that do not involve child welfare services or foster care. The bill revises the definition of "foster care" to clarify that it includes a kinship foster care home and does not include informal kinship care or noncertified kinship care.

The bill revises the definition of "county department" to reflect that county departments are referred to as county departments of human or social services. The bill repeals the definition of salaried foster parent related to a pilot program repealed in 2009.

A county department or child placement agency shall not certify or recertify a foster care home until a thorough background check is performed on the applicant or any person residing with the applicant to determine whether he or she has been convicted of certain specified crimes, is a registered sex offender in the state's sex offender registry, has been identified as having been directly involved in a confirmed report of child abuse or neglect through a check of the automated TRAILS system, or has been determined by a court to be insane or mentally incompetent. While some of these requirements are in existing law, the bill consolidates the requirements into one place. The requirement to check the applicant and any person residing with the applicant against the state's sex offender registry is a new requirement. The bill requires that the background checks be performed for any adult residing in the foster care home, not just those who reside in the home and are acting as a caregiver for the child.

The bill requires that the county department or child placement agency perform and document that the following 5 types of background checks have been performed of the applicant or any adult residing in the foster care home prior to placing a child in a foster care home:

- ! A fingerprint-based criminal history record check with the CBI;
- ! A fingerprint-based criminal history record check with the FBI;
- ! A comparison check of the criminal history record on the ICON system at the state judicial department or any other

source;

- ! A check that the individual is not a registered sex offender on the state's sex offender registry; and
- ! A check through the TRAILS system that the individual has not been found to have been directly involved in a confirmed report of child abuse or neglect.

The bill requires the county department to perform the same 5 types of background checks that are required for a certification for a foster care home prior to placing a child in a home with a relative or kin in noncertified kinship care. This requirement does not apply to informal kinship care, which does not involve child welfare services or foster care.

The state board of human services (state board) shall adopt rules governing the background checks and documentation for foster care homes and for persons providing noncertified kinship care and concerning what the county department or child placement agency must do if the background checks expose a negative history. The rules must also specify sanctions that the state department may place upon a county department or child placement agency that fails to perform or document background checks for foster care homes or for persons providing noncertified kinship care. The bill locates the rule-making provisions relating to foster care homes in one place. The rules do not apply to informal kinship care.

Under current law, when a child is taken into temporary custody by a local law enforcement agency and placed in an emergency placement with a relative, a county department may elect to collaborate with the local law enforcement agency to conduct an initial criminal history record check prior to placing the child in temporary custody followed by a requirement that the relative self-report to a local law enforcement agency within a certain number of days for a fingerprint-based criminal history record check. The bill amends this provision to mandate that the county department must request that the local law enforcement agency perform the initial criminal history record check prior to placing the child in temporary custody with the relative and perform a fingerprint-based criminal history record check to determine if the child may remain in that placement. The bill imposes a requirement upon the county department to confirm within 15 days that the relative has self-reported to a law enforcement agency to obtain a fingerprint-based criminal history record check and, if the relative is found to have committed certain crimes, the county department or law enforcement agency must remove the child from the relative's care. The bill requires the county department to conduct other background checks of the relative and any person residing with the relative and to remove the child from the relative's care if any negative history is found from those checks.

The bill directs the court to inquire whether there is documentation that a foster care provider or family member who is seeking to care for a

child and any person residing with the foster care provider or family member have had the required 5 types of background checks when a child is in out-of-home placement and the court is placing a child in the legal custody of a family member or, after termination of the parent-child legal relationship, when the court is placing the child in the legal custody of a county department for placement in a foster care home, or when a family member requests that a child be placed with the family member.

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

2 **SECTION 1. In Colorado Revised Statutes, 26-1-103, amend (2)**
3 **and (3) as follows:**

4 **26-1-103. Definitions. As used in this title, unless the context**
5 **otherwise requires:**

6 **(2) "County department" means the county or district department**
7 **of HUMAN OR social services.**

8 **(3) "County director" means the director of the county or district**
9 **department of HUMAN OR social services.**

10 **SECTION 2. In Colorado Revised Statutes, 26-6-102, amend**
11 **(1.2) and (4.5); repeal (8.7); and add (4.8) and (4.9) as follows:**

12 **26-6-102. Definitions. As used in this article, unless the context**
13 **otherwise requires:**

14 **(1.2) "Certificate" means a legal document granting permission to**
15 **operate a family foster CARE home OR A KINSHIP FOSTER CARE HOME.**

16 **(4.5) "Foster care home" means a facility HOME that is certified by**
17 **the A county department or a child placement agency PURSUANT TO**
18 **SECTION 26-6-106.3 for child care in a place of residence of a family or**
19 **person for the purpose of providing twenty-four-hour family FOSTER care**
20 **for a child under the age of ~~eighteen~~ TWENTY-ONE years. ~~who is not~~**
21 **~~related to the head of such home, except in the case of relative care. A~~**
22 **FOSTER CARE HOME MAY INCLUDE FOSTER CARE FOR A CHILD WHO IS**

1 UNRELATED TO THE HEAD OF THE HOME OR FOSTER CARE PROVIDED
2 THROUGH A KINSHIP FOSTER CARE HOME BUT DOES NOT INCLUDE
3 NONCERTIFIED KINSHIP CARE, AS DEFINED IN SECTION 19-1-103 (78.7),
4 C.R.S. The term includes any foster care home receiving a child for
5 regular twenty-four-hour care and any home receiving a child from any
6 state-operated institution for child care or from any child placement
7 agency, as defined in subsection (2) of this section. "Foster care home"
8 also includes those homes licensed by the department of human services
9 PURSUANT TO SECTION 26-6-104 that receive neither moneys from the
10 counties nor children placed by the counties.

11 (4.8) "KIN", FOR PURPOSES OF A "KINSHIP FOSTER CARE HOME",
12 MAY BE A RELATIVE OF THE CHILD, A PERSON ASCRIBED BY THE FAMILY AS
13 HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD, OR A PERSON
14 THAT HAS A PRIOR SIGNIFICANT RELATIONSHIP WITH THE CHILD. THESE
15 RELATIONSHIPS TAKE INTO ACCOUNT CULTURAL VALUES AND CONTINUITY
16 OF SIGNIFICANT RELATIONSHIPS WITH THE CHILD.

17 (4.9) "KINSHIP FOSTER CARE HOME" MEANS A FOSTER CARE HOME
18 THAT IS CERTIFIED BY EITHER A COUNTY DEPARTMENT OR LICENSED CHILD
19 PLACEMENT AGENCY PURSUANT TO SECTION 26-6-106.3 AS HAVING MET
20 THE FOSTER CARE CERTIFICATION REQUIREMENTS AND WHERE THE FOSTER
21 CARE OF THE CHILD IS PROVIDED BY KIN. KINSHIP FOSTER CARE PROVIDERS
22 ARE ELIGIBLE FOR FOSTER CARE REIMBURSEMENT. A KINSHIP FOSTER CARE
23 HOME PROVIDES TWENTY-FOUR-HOUR FOSTER CARE FOR A CHILD OR
24 YOUTH UNDER THE AGE OF TWENTY-ONE YEARS.

25 (8.7) "Salaried foster parent" means a person who is employed by
26 a child placement agency for the purposes of the demonstration pilot
27 program authorized pursuant to section 26-6-104 (1) (d) (IV), and who is

1 employed for the sole purpose of providing foster care and who serves in
2 no other capacity for the child placement agency.

3 **SECTION 3.** In Colorado Revised Statutes, 26-6-104, **amend** (1)
4 (a), (1) (b), (3), (7) (a) (I) introductory portion, (7) (a) (I) (C), and (8)
5 introductory portion; and **repeal** (1) (d) as follows:

6 **26-6-104. Licenses - out-of-state notices and consent -**
7 **demonstration pilot program.** (1) (a) Except as otherwise provided in
8 PARAGRAPH (b) OF THIS SUBSECTION (1) OR ELSEWHERE IN this part 1, ~~no~~
9 A person shall NOT operate ~~any~~ AN agency or facility defined in this part
10 1 without first being licensed BY THE STATE DEPARTMENT to operate or
11 maintain such agency or facility ~~by the state department~~ and paying the
12 PRESCRIBED fee. ~~prescribed therefor.~~ Except as otherwise provided in
13 subparagraph (H) of paragraph (b) of this subsection (1) and paragraph (c)
14 of this subsection (1), any ~~such~~ license issued by the state department
15 ~~shall be~~ IS permanent unless otherwise revoked or suspended pursuant to
16 section 26-6-108.

17 (b) ~~(f)~~ A person operating a foster care home ~~shall not be~~ IS NOT
18 required to obtain a license from the state department to operate the foster
19 care home if ~~such~~ THE person holds a certificate ISSUED PURSUANT TO
20 SECTION 26-6-106.3 to operate ~~such~~ THE home from any county
21 department or a child placement agency licensed under the provisions of
22 this part 1. All ~~such~~ certificates shall be considered licenses A
23 CERTIFICATE IS CONSIDERED A LICENSE for the purpose of this part 1,
24 including but not limited to the investigation and criminal history
25 background checks required under ~~section~~ SECTIONS 26-6-106.3 AND
26 26-6-107. Each certificate shall be in such form as ~~prescribed and~~
27 provided by the state department, shall certify that such person and any

1 other adults residing in the home who are acting as care givers are
2 suitable persons to operate a foster care home or provide care for a child,
3 and shall contain such information as the state department requires. A
4 child placement agency issuing or renewing any such certificate shall
5 transmit a copy or report thereof to the state department.

6 (H) On and after July 1, 2002, and contingent upon the time lines
7 for implementation of the computer "trails" enhancements, the state board
8 shall promulgate rules requiring the annual recertification of foster care
9 homes and setting forth the procedural requirements associated with
10 recertification. Such rules shall include requirements that the certifying
11 entity shall perform on-site visits to each foster care home applying for
12 certification or recertification and shall require inspections of the entire
13 premises of the foster care home, including sleeping areas, as well as
14 other assessments of the foster care home. No foster care home shall be
15 certified at any one time by more than one child placement agency or
16 county department.

17 (HH) A foster care home, when certified by a child placement
18 agency or county department, may receive for care a child from sources
19 other than the certifying child placement agency or county department
20 upon the written consent and approval of the child placement agency or
21 county department as to each such child.

22 (IV) A facility may be certified as a foster care home and licensed
23 as a family child care home so long as the licensure and certification are
24 provided by two separate licensing entities. The state board shall
25 promulgate rules governing the communication requirements between
26 two entities that license and certify the same facility.

27 (d) (I) Notwithstanding any other provision of this part 1, no

1 person shall operate a foster care home that is certified by a county
2 department if such person is a relative of any employee of the child
3 welfare division or unit of the county department certifying the foster care
4 home. If such person files an application with a county department that
5 would violate the provisions of this subparagraph (I) by certifying the
6 foster care home, the county department shall refer the application to
7 another county department or to a child placement agency. Unless
8 otherwise prohibited, the county department or child placement agency
9 to which the application was referred may certify and supervise a foster
10 care home operated by such person. The county department that referred
11 the application may place children in the county-certified foster care
12 home upon written agreement of the two county departments.

13 (II) Notwithstanding any other provision of this part 1, no person
14 shall operate a foster care home that is certified by a child placement
15 agency if such person is a relative of any owner, officer, executive,
16 member of the governing board, or employee of the child placement
17 agency certifying the foster care home. If such person files an application
18 with a child placement agency that would violate the provisions of this
19 subparagraph (II) by certifying the foster care home, the child placement
20 agency shall refer the application to a county department or to another
21 child placement agency that would not violate the provisions of this
22 subparagraph (II) by certifying the foster care home.

23 (III) Notwithstanding any other provision of this part 1, no owner,
24 officer, executive, member of the governing board, or employee of a child
25 placement agency licensed pursuant to this part 1, or any relative of said
26 owner, officer, executive, member, or employee, shall hold a beneficial
27 interest in any property operated, or intended to be operated, as a foster

1 care home, when the property is certified by the child placement agency
2 as a foster care home. The provisions of this subparagraph (III) shall not
3 apply to salaried foster parents.

4 (IV) Repealed.

5 (3) A provisional license or certificate for a period of six months
6 may be issued once to an applicant for an original license, or certificate,
7 permitting the applicant to operate a family child care home, foster care
8 home, or child care center if the applicant is temporarily unable to
9 conform to all standards required under this part 1, upon proof by the
10 applicant that attempts are being made THE APPLICANT IS ATTEMPTING to
11 conform to such standards or to comply with any other requirements. The
12 applicant has the right to appeal any standard that the applicant believes
13 works PRESENTS an undue hardship or has been applied too stringently by
14 the representatives of the department. Upon THE filing OF an appeal, the
15 department shall proceed in the manner prescribed for licensee appeals in
16 section 26-6-106 (3).

17 (7) (a) (I) The state department a county department, or a child
18 placement agency licensed under the provisions of this part † shall not
19 issue a license or certificate to operate a family child care home, a foster
20 care home, a child care center, a residential child care facility, a secure
21 residential treatment center, or a child placement agency, and any license
22 or certificate issued prior to August 7, 2006, shall be revoked or
23 suspended, if the applicant for the license or certificate, an affiliate of the
24 applicant, a person employed by the applicant, or a person who resides
25 with the applicant at the facility has been convicted of:

26 (C) Any felony offenses involving unlawful sexual behavior, as
27 defined in section 16-22-102 (9), C.R.S.:

1 (8) The state department a county department, or a child
2 placement agency licensed under the provisions of this part † shall not
3 issue a license or certificate to operate any agency or facility defined in
4 this part 1 if the person applying for such license or certificate or an
5 affiliate of the applicant, a person employed by the applicant, or a person
6 who resides with the applicant at the facility:

7 **SECTION 4.** In Colorado Revised Statutes, **add 26-6-106.3** as
8 follows:

9 **26-6-106.3. [Similar to 26-6-104 (1) (b) (II), (1) (b) (III), (1) (b)**
10 **(IV), and (1) (d)] Certification and annual recertification of foster**
11 **care homes by county departments and licensed child placement**
12 **agencies - background and reference check requirements -**
13 **definitions.** (1) **THIS SECTION APPLIES TO FOSTER CARE HOMES,**
14 **INCLUDING KINSHIP FOSTER CARE HOMES, CERTIFIED BY COUNTY**
15 **DEPARTMENTS OR LICENSED CHILD PLACEMENT AGENCIES. EXCEPT AS**
16 **OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, THIS SECTION**
17 **DOES NOT APPLY TO FOSTER CARE HOMES THAT ARE LICENSED BY THE**
18 **STATE DEPARTMENT PURSUANT TO THE REQUIREMENTS OF SECTION**
19 **26-6-104 AND THAT DO NOT RECEIVE MONEYS FROM THE COUNTIES OR**
20 **CHILDREN PLACED BY THE COUNTIES. A FOSTER CARE HOME LICENSED BY**
21 **THE STATE DEPARTMENT MUST UNDERGO ALL OF THE BACKGROUND**
22 **CHECKS AND REQUIREMENTS SET FORTH IN SECTION 26-6-104 OR AS**
23 **OTHERWISE STATED IN THIS PART 1.**

24 (2) A PERSON OPERATING A FOSTER CARE HOME SHALL OBTAIN A
25 CERTIFICATE TO OPERATE THE HOME FROM A COUNTY DEPARTMENT OR A
26 CHILD PLACEMENT AGENCY LICENSED UNDER THE PROVISIONS OF THIS
27 PART 1. A CERTIFICATE IS CONSIDERED A LICENSE FOR THE PURPOSE OF

1 THIS PART 1, INCLUDING BUT NOT LIMITED TO THE INVESTIGATION AND
2 CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED UNDER THIS SECTION
3 AND SECTION 26-6-107. EACH CERTIFICATE MUST BE IN THE FORM
4 PRESCRIBED AND PROVIDED BY THE STATE DEPARTMENT, CERTIFY THAT
5 THE PERSON OPERATING THE FOSTER CARE HOME AND ANY OTHER ADULT
6 RESIDING IN THE HOME ARE SUITABLE PERSONS TO OPERATE A FOSTER
7 CARE HOME OR PROVIDE CARE FOR A CHILD, AND CONTAIN ANY OTHER
8 INFORMATION AS THE STATE DEPARTMENT REQUIRES. A CHILD PLACEMENT
9 AGENCY ISSUING OR RENEWING ANY SUCH CERTIFICATE SHALL NOTIFY THE
10 STATE DEPARTMENT ABOUT THE CERTIFICATION IN A METHOD AND TIME
11 FRAME AS SET BY RULE ADOPTED BY THE STATE BOARD.

12 (3) A FOSTER CARE HOME, WHEN CERTIFIED BY A COUNTY
13 DEPARTMENT OR CHILD PLACEMENT AGENCY MAY RECEIVE FOR CARE A
14 CHILD FROM A SOURCE OTHER THAN THE CERTIFYING COUNTY
15 DEPARTMENT OR CHILD PLACEMENT AGENCY UPON THE WRITTEN CONSENT
16 AND APPROVAL OF THE CERTIFYING COUNTY DEPARTMENT OR CHILD
17 PLACEMENT AGENCY.

18 (4) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
19 AGENCY MAY CERTIFY A FACILITY AS A FOSTER CARE HOME THAT IS ALSO
20 LICENSED AS A FAMILY CHILD CARE HOME BY THE STATE DEPARTMENT SO
21 LONG AS THE LICENSURE AND CERTIFICATION ARE PROVIDED BY TWO
22 SEPARATE LICENSING ENTITIES.

23 (5) _____ PRIOR TO ISSUING A CERTIFICATE OR A RECERTIFICATION
24 TO AN APPLICANT TO OPERATE A FOSTER CARE HOME, A COUNTY
25 DEPARTMENT OR A CHILD PLACEMENT AGENCY LICENSED UNDER THE
26 PROVISIONS OF THIS PART 1 SHALL CONDUCT THE FOLLOWING
27 BACKGROUND CHECKS FOR THE APPLICANT FOR A CERTIFICATE, A PERSON

1 EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES AT THE
2 FACILITY OR THE HOME:

3 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
4 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL
5 BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE,
6 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN
7 CONVICTED OF:

8 (I) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S.;

9 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
10 C.R.S.;

11 (III) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
12 DEFINED IN SECTION 16-22-102 (9), C.R.S.;

13 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
14 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
15 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

16 (V) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A
17 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF
18 APPLICATION FOR A CERTIFICATE;

19 (VI) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY
20 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY
21 PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR

22 (VII) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF
23 WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF
24 THE OFFENSES DESCRIBED IN SUBPARAGRAPHS (I) TO (VI) OF THIS
25 PARAGRAPH (a);

26 (b) A CHECK OF THE COLORADO JUDICIAL PUBLIC ACCESS SYSTEM
27 TO DETERMINE THE STATUS OR DISPOSITION OF ANY CRIMINAL CHARGES

1 BROUGHT AGAINST THE APPLICANT, EMPLOYEE, OR A PERSON WHO
2 RESIDES AT THE FACILITY OR THE HOME THAT WERE IDENTIFIED BY THE
3 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE
4 COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF
5 INVESTIGATION;

6 (c) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE
7 FOR INFORMATION TO DETERMINE IF THE PERSON, EMPLOYEE, OR PERSON
8 WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN IDENTIFIED AS
9 HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND WHETHER SUCH
10 FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR
11 A CHILD; AND

12 (d) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
13 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
14 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
15 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM
16 FOR COLORADO TO DETERMINE IF THE APPLICANT, EMPLOYEE, OR PERSON
17 WHO RESIDES AT THE FACILITY OR THE HOME IS A REGISTERED SEX
18 OFFENDER.

19 (6) A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY
20 LICENSED UNDER THE PROVISIONS OF THIS PART 1 SHALL NOT ISSUE A
21 CERTIFICATE TO OPERATE, OR A RECERTIFICATION TO OPERATE, A FOSTER
22 CARE HOME AND SHALL REVOKE OR SUSPEND A CERTIFICATE IF THE
23 APPLICANT FOR THE CERTIFICATE, A PERSON EMPLOYED BY THE
24 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR HOME:

25 (a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN _____
26 PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION AS VERIFIED
27 THROUGH FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS AND

1 A CHECK OF THE COLORADO JUDICIAL PUBLIC ACCESS SYSTEM;

2 (b) HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE
3 OR NEGLECT THROUGH A CHECK OF THE STATE DEPARTMENT'S
4 AUTOMATED DATABASE AND SUCH FINDING HAS BEEN DETERMINED TO
5 PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

6 (c) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER
7 REGISTRY CREATED PURSUANT TO SECTION 16-22-110, C.R.S., OR IS A
8 REGISTERED SEX OFFENDER IN ANOTHER STATE AS DETERMINED BY A
9 CHECK OF THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
10 THE UNITED STATES DEPARTMENT OF JUSTICE. THE SEX OFFENDER
11 REGISTRY CHECKS MUST CHECK THE ___ KNOWN NAMES AND ADDRESSES
12 OF THE APPLICANT, EMPLOYEE, OR A PERSON WHO RESIDES AT THE
13 FACILITY OR THE HOME IN THE INTERACTIVE DATABASE SYSTEM FOR
14 COLORADO AND IN THE NATIONAL SEX OFFENDER PUBLIC REGISTRY
15 AGAINST ALL OF THE REGISTRANTS' KNOWN NAMES AND ADDRESSES.

16 (7) FOR PURPOSES OF THIS SECTION, "CONVICTED" MEANS A
17 CONVICTION BY A JURY OR BY A COURT AND INCLUDES A DEFERRED
18 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION
19 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,
20 OR A PLEA OF GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT
21 APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO
22 PARTICIPATED IN DIVERSION, AS DEFINED IN SECTION 19-1-103 (44),
23 C.R.S., AND DOES NOT APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR
24 A PERSON WHO PARTICIPATED IN AND SUCCESSFULLY COMPLETED THE
25 CHILD ABUSE AND CHILD NEGLECT DIVERSION PROGRAM AS DESCRIBED IN
26 SECTION 19-3-310, C.R.S.

27 (8) (a) THE CONVICTIONS IDENTIFIED IN ___ PARAGRAPH (a) OF

1 SUBSECTION (5) OF THIS SECTION AND PARAGRAPH (a) OF SUBSECTION (6)
2 MUST BE DETERMINED ACCORDING TO THE RECORDS OF THE COLORADO
3 BUREAU OF INVESTIGATION OR THE FEDERAL BUREAU OF INVESTIGATION
4 AND THE COLORADO JUDICIAL PUBLIC ACCESS SYSTEM. THE SCREENING
5 REQUEST IN COLORADO SHALL BE MADE PURSUANT TO SECTION 19-1-307
6 (2) (k.5), C.R.S., RULES PROMULGATED BY THE STATE BOARD PURSUANT
7 TO SECTION 19-3-313.5, C.R.S., AND 42 U.S.C. 671 (a) (2). A CERTIFIED
8 COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE
9 CONVICTION, DEFERRED JUDGMENT AND SENTENCE AGREEMENT,
10 DEFERRED PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION
11 AGREEMENT IS PRIMA FACIE EVIDENCE OF A CONVICTION OR AGREEMENT.

12 (b) THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY
13 MUST NOT ISSUE A CERTIFICATE TO OPERATE A FOSTER CARE HOME OR A
14 KINSHIP FOSTER CARE HOME IF THE STATE DEPARTMENT OR THE COUNTY
15 DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE
16 INDICATING THAT THE PERSON APPLYING FOR THE CERTIFICATE:

17 (I) HAS BEEN CONVICTED OF CHILD ABUSE OR ANY UNLAWFUL
18 SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY OTHER STATE OR
19 THE UNITED STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY
20 SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES DESCRIBED IN
21 SUBPARAGRAPHS (I) TO (VI) OF PARAGRAPH (a) OF SUBSECTION (5) OF
22 THIS SECTION; OR

23 (II) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED
24 PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY
25 SEXUAL OFFENSE AGAINST A CHILD, THE ELEMENTS OF WHICH ARE
26 SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES
27 DESCRIBED IN SUBPARAGRAPHS (I) TO (VI) OF PARAGRAPH (a) OF

1 SUBSECTION (5) OF THIS SECTION.

2

3 (9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1, A
4 PERSON SHALL NOT OPERATE A FOSTER CARE HOME THAT IS CERTIFIED BY
5 A COUNTY DEPARTMENT OR BY A CHILD PLACEMENT AGENCY IF HE OR SHE
6 IS A RELATIVE OF ANY EMPLOYEE OF THE CHILD WELFARE DIVISION OR
7 UNIT OF THE COUNTY DEPARTMENT CERTIFYING THE FOSTER CARE HOME
8 OR A RELATIVE OF ANY OWNER, OFFICER, EXECUTIVE, MEMBER OF THE
9 GOVERNING BOARD, OR EMPLOYEE OF THE CHILD PLACEMENT AGENCY
10 CERTIFYING THE FOSTER CARE HOME. IF THE PERSON FILES AN
11 APPLICATION WITH A COUNTY DEPARTMENT OR A CHILD PLACEMENT
12 AGENCY THAT WOULD VIOLATE THE PROVISIONS OF THIS SUBSECTION (9)
13 BY CERTIFYING THE FOSTER CARE HOME, THE COUNTY DEPARTMENT OR
14 CHILD PLACEMENT AGENCY SHALL REFER THE APPLICATION TO ANOTHER
15 COUNTY DEPARTMENT OR TO A CHILD PLACEMENT AGENCY. UNLESS
16 OTHERWISE PROHIBITED, THE COUNTY DEPARTMENT OR CHILD PLACEMENT
17 AGENCY TO WHICH THE APPLICATION WAS REFERRED MAY CERTIFY AND
18 SUPERVISE A FOSTER CARE HOME OPERATED BY THE PERSON. THE COUNTY
19 DEPARTMENT THAT REFERRED THE APPLICATION MAY PLACE A CHILD IN
20 THE COUNTY-CERTIFIED FOSTER CARE HOME UPON WRITTEN AGREEMENT
21 OF THE TWO COUNTY DEPARTMENTS.

22 (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1,
23 AN OWNER; OFFICER; EXECUTIVE; MEMBER OF THE GOVERNING BOARD;
24 EMPLOYEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS
25 PART 1; OR ANY RELATIVE OF SAID OWNER, OFFICER, EXECUTIVE, MEMBER,
26 OR EMPLOYEE SHALL NOT HOLD A BENEFICIAL INTEREST IN ANY PROPERTY
27 OPERATED OR INTENDED TO BE OPERATED AS A FOSTER CARE HOME, WHEN

1 THE PROPERTY IS CERTIFIED BY THE CHILD PLACEMENT AGENCY AS A
2 FOSTER CARE HOME.

3 (11) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
4 AGENCY MAY ISSUE A ONE-TIME PROVISIONAL CERTIFICATE FOR A PERIOD
5 OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL CERTIFICATE THAT
6 PERMITS THE APPLICANT TO OPERATE A FOSTER CARE HOME IF THE
7 APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL STANDARDS
8 REQUIRED UNDER THIS PART 1 UPON PROOF BY THE APPLICANT THAT HE OR
9 SHE IS ATTEMPTING TO CONFORM TO SUCH STANDARDS OR TO COMPLY
10 WITH ANY OTHER REQUIREMENTS. THE APPLICANT HAS A RIGHT TO APPEAL
11 TO THE STATE DEPARTMENT ANY STANDARD THAT THE APPLICANT
12 BELIEVES PRESENTS AN UNDUE HARDSHIP OR HAS BEEN APPLIED TOO
13 STRINGENTLY BY THE COUNTY DEPARTMENT OR LICENSED CHILD
14 PLACEMENT AGENCY. UPON THE FILING OF AN APPEAL, THE STATE
15 DEPARTMENT SHALL PROCEED IN THE MANNER PRESCRIBED FOR LICENSEE
16 APPEALS IN SECTION 26-6-106 (3).

17 **SECTION 5.** In Colorado Revised Statutes, **amend 26-6-106.5**
18 as follows:

19 **26-6-106.5. Foster care - kinship care - rules applying**
20 **generally - rule-making.** (1) No later than January 1, ~~2004~~ 2016, the
21 state board shall promulgate rules that apply to foster care generally,
22 regardless of whether the foster care is provided by a foster care home
23 certified by a county department or by a child placement agency, AND TO
24 KINSHIP CARE, INCLUDING KINSHIP FOSTER CARE. ~~___~~ The state board shall
25 develop the rules in consultation with the state department, county
26 departments, child placement agencies, and others with expertise in the
27 development of rules regarding foster care.

1 (2) At a minimum, the rules described in subsection (1) of this
2 section shall MUST include the following:

3 (a) Contingent upon the implementation of USING the computer
4 "trails" enhancements STATE DEPARTMENT'S AUTOMATED DATABASE, the
5 procedures for notifying all county departments and child placement
6 agencies that place children in foster care when the state department has
7 identified a confirmed report of child abuse or neglect, as defined in
8 section 19-1-103 (27), C.R.S., that involves a foster care home, as well as
9 the suspension of any further placements in the foster care home until the
10 investigation is concluded; and

11 (b) The immediate notification of a child's guardian ad litem upon
12 the child's placement in a foster care home, and the provision of the
13 guardian ad litem's contact information to the foster parents;

14 (c) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS AND ALL
15 CHILD PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE
16 CONDUCT AND DOCUMENT THAT ALL OF THE BACKGROUND CHECKS
17 SPECIFIED IN SECTION 26-6-106.3 (5) AND (6) HAVE BEEN COMPLETED FOR
18 ANY PERSON APPLYING TO PROVIDE FOSTER CARE AND FOR ANY ADULT
19 RESIDENT OF THE FOSTER CARE HOME PRIOR TO PLACING A CHILD IN
20 FOSTER CARE WITH THAT PERSON;

21
22 (d) A LIST OF ACTIONS A COUNTY DEPARTMENT OR CHILD
23 PLACEMENT AGENCY MUST TAKE IF A DISQUALIFYING FACTOR IS FOUND
24 DURING ANY OF THE BACKGROUND CHECKS SPECIFIED IN SECTION
25 26-6-106.3 (5) AND (6) AND SECTION 19-3-406 (4) AND (4.5), C.R.S.;

26 (e) A LIST OF SANCTIONS THE STATE DEPARTMENT MAY PLACE
27 UPON A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY IF THE

1 REQUIRED BACKGROUND CHECKS FOR FOSTER CARE HOMES ARE NOT
2 COMPLETED OR DOCUMENTED, INCLUDING FINES OR DISCIPLINARY
3 ACTIONS;

4 (f) REQUIREMENTS THAT FOSTER CARE HOMES MUST BE
5 RECERTIFIED ANNUALLY, INCLUDING RULES SETTING FORTH THE
6 PROCEDURAL REQUIREMENTS ASSOCIATED WITH CERTIFICATION AND
7 RECERTIFICATION. THE RULES MUST INCLUDE REQUIREMENTS THAT THE
8 CERTIFYING ENTITY SHALL PERFORM AN ON-SITE VISIT TO EACH FOSTER
9 CARE HOME APPLYING FOR CERTIFICATION OR RECERTIFICATION AND MUST
10 REQUIRE INSPECTIONS OF THE ENTIRE PREMISES OF THE FOSTER CARE
11 HOME, INCLUDING SLEEPING AREAS, AS WELL AS OTHER ASSESSMENTS OF
12 THE FOSTER CARE HOME. ONLY ONE COUNTY DEPARTMENT OR CHILD
13 PLACEMENT AGENCY SHALL CERTIFY A FOSTER CARE HOME AT ANY ONE
14 TIME. THE RULES MUST ALSO SPECIFY A TIME FRAME FOR NOTIFICATION
15 AND THE METHOD FOR A CHILD PLACEMENT AGENCY ISSUING OR
16 RENEWING A CERTIFICATE TO OPERATE A FOSTER CARE HOME TO NOTIFY
17 THE STATE DEPARTMENT ABOUT ANY CERTIFICATION.

18 (g) RULES THAT REQUIRE AN EVALUATION TO DETERMINE
19 WHETHER A PERSON APPLYING TO PROVIDE OR PROVIDING FOSTER CARE IN
20 A FOSTER CARE HOME IS UNABLE TO CARE FOR A CHILD DUE TO MENTAL
21 ILLNESS OR MENTAL INCOMPETENCE; AND

22 (h) THE COMMUNICATION REQUIREMENTS THAT MUST BE
23 FOLLOWED BETWEEN TWO ENTITIES THAT LICENSE AND CERTIFY THE SAME
24 FACILITY AS A FOSTER CARE HOME AND AS A FAMILY CHILD CARE HOME AS
25 SET FORTH IN SECTION 26-6-106.3 (4).

26 **SECTION 6.** In Colorado Revised Statutes, 26-6-107, amend (1)
27 (a.5) and (1) (a.7) as follows:

1 **26-6-107. Investigations and inspections - local authority -**
2 **reports - rules.** (1) (a.5) An applicant for certification as a foster care
3 home shall provide the child placement agency or the county department
4 from whom the certification is sought with a list of all the prior child
5 placement agencies and county departments to which the applicant had
6 previously applied, and a release of information from such child
7 placement agencies and county departments to which the applicant had
8 previously applied, to obtain information about the application and any
9 certification given by such child placement agencies and county
10 departments. A child placement agency or county department from whom
11 the certification is sought shall conduct a reference check of the applicant
12 and any adult resident of the foster care home who is acting as a caregiver
13 by contacting all of the child placement agencies and county departments
14 identified by the applicant before issuing the certification for that foster
15 care home. Child placement agencies and county departments shall be
16 held harmless for information released, in good faith, to other child
17 placement agencies or county departments.

18 (a.7) (I) For all family foster care or kinship care applicants
19 APPLYING TO BE A FOSTER CARE HOME OR KINSHIP FOSTER CARE HOME, ___
20 _____ regardless of reimbursement, the county department or child
21 placement agency shall require each adult who is eighteen years of age or
22 older and who resides in the home to obtain a fingerprint-based criminal
23 history records RECORD check through the Colorado bureau of
24 investigation and the federal bureau of investigation. THE APPLICANT ___
25 MUST PROVIDE THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY
26 WITH THE ADDRESSES WHERE THE APPLICANT _____ AND ANY ADULT
27 RESIDING IN THE HOME HAS LIVED IN THE PRECEDING FIVE YEARS,

1 INCLUDING ADDRESSES FROM OTHER STATES. THE COUNTY DEPARTMENT
2 OR THE CHILD PLACEMENT AGENCY SHALL CONDUCT THE FOLLOWING
3 BACKGROUND CHECKS OF THE APPLICANT OR AN ADULT RESIDING IN THE
4 HOME:

5 (A) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
6 DETERMINE IF THE APPLICANT OR ADULT RESIDING IN THE HOME HAS BEEN
7 CONVICTED OF ANY OF THE CRIMES LISTED IN SECTION 26-6-106.3 (5) (a);

8 (B) A CHECK OF THE COLORADO PUBLIC ACCESS SYSTEM TO
9 DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING CRIMINAL
10 CHARGES BROUGHT AGAINST THE APPLICANT OR ADULT WHO RESIDES IN
11 THE HOME THAT WERE IDENTIFIED BY THE FINGERPRINT-BASED CRIMINAL
12 HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF
13 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION;

14 (C) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED
15 DATABASE FOR INFORMATION TO DETERMINE IF THE APPLICANT OR ADULT
16 WHO RESIDES IN THE HOME HAS BEEN IDENTIFIED AS HAVING A FINDING OF
17 CHILD ABUSE OR NEGLECT AND WHETHER SUCH FINDING HAS BEEN
18 DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR A CHILD; AND

19 (D) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
20 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
21 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
22 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM
23 FOR COLORADO TO DETERMINE IF THE APPLICANT OR ADULT WHO RESIDES
24 AT THE HOME IS A REGISTERED SEX OFFENDER.

25 (II) In addition to the fingerprint-based criminal history records
26 RECORD check, the county department or child placement agency shall
27 contact the appropriate entity in each state in which the applicant or any

1 adult residing in the home has resided within the preceding five years to
2 determine whether the adult INDIVIDUAL has been found to be responsible
3 in a confirmed report of child abuse or neglect.

4 (III) The screening request in Colorado FOR CRIMINAL HISTORY
5 RECORD CHECKS THROUGH THE COLORADO BUREAU OF INVESTIGATION
6 AND THE FEDERAL BUREAU OF INVESTIGATION shall be made pursuant to
7 section 19-1-307 (2) (k.5), C.R.S., rules promulgated by the state board
8 pursuant to section 19-3-313.5, C.R.S., and 42 U.S.C. 671 (a) (20).

9 (IV) An investigation pursuant to this paragraph (a.7) shall be
10 conducted for any new resident adult whenever the adult is added to the
11 family foster care home or kinship care home. Information obtained from
12 any state records of abuse or neglect shall not be used for any purpose
13 other than conducting the investigation for placement or certification.

14 **SECTION 7.** In Colorado Revised Statutes, 19-1-103, amend
15 (32); and add (71.3) and (78.7) as follows:

16 **19-1-103. Definitions - repeal.** As used in this title or in the
17 specified portion of this title, unless the context otherwise requires:

18 (32) (a) "County department", as used in this article and part 2,
19 part 3, and part 7 of article 3 of this title and part 2 of article 5 of this title,
20 means the county or district department of HUMAN OR social services.

21 (b) "County department", as used in section 19-3-211 and in
22 article 3.3 of this title, means a county or a city and county department of
23 HUMAN OR social services.

24 (71.3) "KIN", FOR PURPOSES OF A "KINSHIP FOSTER CARE HOME"
25 OR FOR PURPOSES OF "NONCERTIFIED KINSHIP CARE", MAY BE A RELATIVE
26 OF THE CHILD, A PERSON ASCRIBED BY THE FAMILY AS HAVING A
27 FAMILY-LIKE RELATIONSHIP WITH THE CHILD, OR A PERSON THAT HAS A

1 PRIOR SIGNIFICANT RELATIONSHIP WITH THE CHILD. THESE RELATIONSHIPS
2 TAKE INTO ACCOUNT CULTURAL VALUES AND CONTINUITY OF SIGNIFICANT
3 RELATIONSHIPS WITH THE CHILD.

4 (78.7) "NONCERTIFIED KINSHIP CARE" MEANS A CHILD IS BEING
5 CARED FOR BY A RELATIVE OR KIN WHO HAS A SIGNIFICANT RELATIONSHIP
6 WITH THE CHILD IN CIRCUMSTANCES WHEN THERE IS A SAFETY CONCERN
7 BY A COUNTY DEPARTMENT AND WHERE THE RELATIVE OR KIN HAS NOT
8 MET THE FOSTER CARE CERTIFICATION REQUIREMENTS FOR A KINSHIP
9 FOSTER CARE HOME OR HAS CHOSEN NOT TO PURSUE THAT CERTIFICATION
10 PROCESS.

11 **SECTION 8.** In Colorado Revised Statutes, 19-3-203, **amend** (1)
12 and (2) as follows:

13 **19-3-203. Guardian ad litem.** (1) Upon the filing of a petition
14 under section 19-3-502 that alleges abuse or neglect of a minor child, the
15 court shall appoint a guardian ad litem, WHO SHALL BE AN
16 ATTORNEY-AT-LAW LICENSED TO PRACTICE IN COLORADO. Nothing in this
17 section shall limit the power of the court to appoint a guardian ad litem
18 prior to the filing of a petition for good cause.

19 (2) The guardian ad litem shall be provided with all reports
20 relevant to a case submitted to or made by any agency or person pursuant
21 to this article, including reports of examination of the child or persons
22 responsible for the neglect or dependency of the child. THE COUNTY
23 DEPARTMENT SHALL SHARE WITH THE GUARDIAN AD LITEM THE REPORTS
24 OF FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS FROM THE
25 COLORADO BUREAU OF INVESTIGATION AND FROM THE FEDERAL BUREAU
26 OF INVESTIGATION IF THE COURT ORDERS THE COUNTY DEPARTMENT TO
27 SHARE THAT INFORMATION WITH THE GUARDIAN AD LITEM. The court and

1 social workers assigned to the case shall keep the guardian ad litem
2 apprised of significant developments in the case, particularly prior to
3 further neglect or dependency court appearances.

4 **SECTION 9.** In Colorado Revised Statutes, **amend 19-3-406** as
5 follows:

6 **19-3-406. Fingerprint-based criminal history record check -**
7 **providers of emergency placement for children - use of criminal**
8 **justice records - definitions - rules.** (1) (a) A county department may
9 elect to collaborate with local law enforcement agencies to perform initial
10 criminal history record checks followed by fingerprint verification
11 pursuant to the provisions of this section. If a county department elects to
12 collaborate with local law enforcement agencies pursuant to this section,
13 then Any time a child is taken into temporary custody by a law
14 enforcement officer and any time the court places temporary custody of
15 a child with a county department pursuant to the provisions of this part 4,
16 and a relative or other available person is identified as a potential
17 emergency placement for the child, the COUNTY DEPARTMENT OR A local
18 law enforcement agency shall IMMEDIATELY conduct an initial criminal
19 history record check of the relative or other available person prior to the
20 county department or the law enforcement officer placing the child in the
21 emergency placement. A COUNTY DEPARTMENT MAY PERFORM INITIAL
22 CRIMINAL HISTORY RECORD CHECKS THROUGH ITS STAFF OR MAY
23 COLLABORATE WITH LOCAL LAW ENFORCEMENT AGENCIES TO PERFORM
24 THE INITIAL CRIMINAL HISTORY RECORD CHECKS. When a county
25 department of social services has temporary custody of a child pursuant
26 to the provisions of this part 4 and contacts the local law enforcement
27 agency for an initial criminal history record check of a person who is

1 identified as a potential emergency placement for the child pursuant to the
2 provisions of this section, the local law enforcement agency shall
3 IMMEDIATELY provide the county department with a verbal response
4 regarding the person's criminal history and shall not provide the county
5 department with documentation of the person's criminal history,
6 consistent with the provisions of Public Law 92-544, and regulations
7 promulgated thereunder, as amended.

8 (b) If a county department of social services elects to request an
9 initial criminal history record check pursuant to the provisions of this
10 section, The child may not be placed with the relative or other available
11 person if the initial criminal history record check conducted pursuant to
12 paragraph (a) of this subsection (1) reflects a criminal history described
13 in subsection (4) of this section.

14 (c) If a county department of social services elects to request an
15 initial criminal history record check pursuant to the provisions of this
16 section, The child may be placed with the relative or other available
17 person if the initial criminal history record check does not reflect a
18 criminal history described in subsection (4) of this section; EXCEPT THAT
19 THE RELATIVE OR OTHER PERSON WHO IS NOT DISQUALIFIED BASED UPON
20 THE RESULTS OF THE INITIAL CRIMINAL HISTORY RECORD CHECK
21 CONDUCTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL
22 REPORT TO LOCAL LAW ENFORCEMENT, OR TO THE COUNTY DEPARTMENT
23 WHEN THE COUNTY DEPARTMENT HAS A FINGERPRINT MACHINE, AND
24 UNDERGO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS
25 DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS SECTION AND ALL OF THE
26 OTHER REQUIRED BACKGROUND CHECKS DESCRIBED IN SUBSECTION (4.5)
27 OF THIS SECTION.

1 (2) A relative or other available person who is not disqualified as
2 an emergency placement for a child pursuant to paragraph (b) of
3 subsection (1) of this section and who authorizes a child to be placed with
4 him or her on an emergency basis pursuant to the provisions of this part
5 4 shall report to a local law enforcement agency OR TO A COUNTY
6 DEPARTMENT THAT HAS A FINGERPRINT MACHINE for the purpose of
7 providing fingerprints to the law enforcement agency OR TO THE COUNTY
8 DEPARTMENT no later than five days after the child is placed in the
9 person's home or no later than fifteen calendar days when exigent
10 circumstances exist. If the relative or other available person fails to report
11 to the local law enforcement agency OR TO THE COUNTY DEPARTMENT, IF
12 APPLICABLE, FOR FINGERPRINTING within this time period, the county
13 department of social services or the law enforcement officer, as
14 appropriate, shall immediately remove the child from the physical
15 custody of the person. The county department of social services shall
16 contact the local law enforcement agency to verify CONFIRM WITHIN
17 FIFTEEN DAYS AFTER THE CHILD HAS BEEN PLACED WITH THE RELATIVE OR
18 OTHER AVAILABLE PERSON that a THE relative or other available person
19 identified by the county department reported to the local law enforcement
20 agency for fingerprinting within the time period specified by this
21 subsection (2).

22 (3) When a person reports to a local law enforcement agency OR
23 A COUNTY DEPARTMENT THAT HAS A FINGERPRINT MACHINE, pursuant to
24 the provisions of subsection (2) of this section, the local law enforcement
25 agency OR THE COUNTY DEPARTMENT, IF APPLICABLE, shall fingerprint the
26 person and IMMEDIATELY forward the fingerprints to the Colorado bureau
27 of investigation for the purpose of obtaining a fingerprint-based criminal

1 history record check. Upon receipt of fingerprints and payment for the
2 costs, the Colorado bureau of investigation shall conduct a state and
3 national fingerprint-based criminal history record check utilizing records
4 of the Colorado bureau of investigation and the federal bureau of
5 investigation. The local law enforcement agency shall be the authorized
6 agency to receive information regarding The results of the state and
7 national fingerprint-based criminal history record checks CONDUCTED
8 PURSUANT TO THIS SECTION SHALL BE FORWARDED IMMEDIATELY TO THE
9 AGENCY AUTHORIZED TO RECEIVE THE INFORMATION. If the
10 fingerprint-based criminal history record check indicates that the person
11 has a criminal history described in subsection (4) of this section, the
12 county department of social services or the local law enforcement officer,
13 whichever is appropriate, shall immediately remove the child from the
14 emergency placement and shall not place a child with the person who has
15 the criminal history without court involvement and an order of the court
16 affirming placement of the child with the person.

17 (4) A county department or a local law enforcement agency that
18 elects to perform an initial criminal history record check pursuant to the
19 provisions of this section shall not make an emergency placement or
20 continue the emergency placement of a child with a person who has been
21 convicted of one or more of the following offenses:

22 (a) Child abuse, as described in section 18-6-401, C.R.S.;

23 (b) A crime of violence, as defined in section 18-1.3-406, C.R.S.;

24 (c) ~~A felony~~ AN offense involving unlawful sexual behavior, as
25 defined in section 16-22-102 (9), C.R.S.;

26 (d) A felony, the underlying factual basis of which has been found
27 by the court on the record to include an act of domestic violence, as

1 defined in section 18-6-800.3, C.R.S.;

2 (e) A felony involving physical assault or a drug-related offense,
3 committed within the preceding five years;

4 (f) Violation of a protection order, as described in section
5 18-6-803.5, C.R.S.;

6 (g) A crime involving homicide; or

7 (h) An offense in any other state, the elements of which are
8 substantially similar to the elements of any one of the offenses described
9 in paragraphs (a) to (g) of this subsection (4).

10 (4.5) (a) IF A RELATIVE OR OTHER PERSON WAS NOT DISQUALIFIED
11 AS AN EMERGENCY PLACEMENT BASED UPON THE FINGERPRINT-BASED
12 CRIMINAL HISTORY RECORD CHECK AND THE CHILD WAS PLACED IN AN
13 EMERGENCY PLACEMENT WITH SUCH PERSON, THE COUNTY DEPARTMENT
14 SHALL PERFORM THE FOLLOWING ADDITIONAL BACKGROUND CHECKS OF
15 THE RELATIVE OR OTHER PERSON:

16 (I) A CHECK OF THE COLORADO JUDICIAL PUBLIC ACCESS SYSTEM
17 PURSUANT TO SECTION 26-6-106.3, C.R.S., TO DETERMINE THE STATUS OR
18 DISPOSITION OF ANY CRIMINAL CHARGES;

19 (II) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED
20 DATABASE FOR INFORMATION TO INFORM DECISIONS ABOUT PLACEMENT
21 TO DETERMINE IF THE PERSON HAS BEEN IDENTIFIED AS HAVING A FINDING
22 OF CHILD ABUSE OR NEGLECT AND WHETHER SUCH FINDING PRESENTS AN
23 UNSAFE PLACEMENT FOR THE CHILD; AND

24 (III) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
25 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
26 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
27 ADDRESSES AGAINST THE KNOWN NAMES AND ADDRESSES IN THE

1 REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM FOR COLORADO TO
2 DETERMINE IF A PERSON IS A REGISTERED SEX OFFENDER.

3 (b) IF INFORMATION IS FOUND AS A RESULT OF THE ADDITIONAL
4 BACKGROUND CHECKS OF THE RELATIVE OR OTHER PERSON THAT
5 INDICATE THAT CONTINUED PLACEMENT WITH THAT RELATIVE OR OTHER
6 PERSON WOULD NO LONGER BE SAFE FOR THE CHILD, THE COUNTY
7 DEPARTMENT SHALL REMOVE THE CHILD FROM THAT PLACEMENT.

8 (c) THE COUNTY DEPARTMENT SHALL ALSO REQUEST THAT A
9 LOCAL LAW ENFORCEMENT AGENCY PERFORM A STATE AND NATIONAL
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF ANY PERSON
11 RESIDING IN THE HOME TO DETERMINE IF THE PERSON HAS A CRIMINAL
12 HISTORY AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION AND ALSO
13 PERFORM THE ADDITIONAL BACKGROUND CHECKS DESCRIBED IN
14 SUBPARAGRAPHS (I) TO (II) OF PARAGRAPH (a) OF THIS SUBSECTION (4.5).
15 THE LOCAL LAW ENFORCEMENT AGENCY SHALL PROVIDE THE COUNTY
16 DEPARTMENT WITH THE RESULTS OF THE STATE AND NATIONAL
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK WITHIN
18 FORTY-EIGHT HOURS. IF THE FINGERPRINT-BASED CRIMINAL HISTORY
19 RECORD CHECK INDICATES THAT A PERSON RESIDING IN THE HOME HAS A
20 CRIMINAL HISTORY DESCRIBED IN SUBSECTION (4) OF THIS SECTION OR THE
21 INFORMATION FROM THE OTHER BACKGROUND CHECKS RAISES ISSUES
22 ABOUT THE SAFETY OF THE CHILD IN THE HOME, THE COUNTY
23 DEPARTMENT SHALL EVALUATE THE CONTINUED PLACEMENT OF THE
24 CHILD IN THE HOME AND DEVELOP A PLAN TO ADDRESS THE ISSUES WITHIN
25 FOURTEEN DAYS. A COUNTY DEPARTMENT SHALL REMEDY THE SITUATION
26 AS QUICKLY AS POSSIBLE AND NO LATER THAN TWO WEEKS AFTER THE
27 PLACEMENT. THE STATE BOARD SHALL PROMULGATE RULES TO ADDRESS

1 CHILD SAFETY AND WHAT MUST BE CONSIDERED IN THE EVALUATION.

2 (5) The state board of human services shall promulgate rules to
3 implement the provisions of this section, consistent with the provisions
4 contained in part 3 of article 72 of title 24, C.R.S.

5 (6) For purposes of this section, "initial criminal history record
6 check" means a name-based state and federal criminal history record
7 check performed by a local law enforcement agency utilizing the records
8 of the Colorado bureau of investigation and the federal bureau of
9 investigation.

10 (7) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, IF THE
11 COUNTY DEPARTMENT VERIFIES AND DOCUMENTS THAT ALL OF THE
12 CRIMINAL HISTORY RECORD CHECKS AND OTHER BACKGROUND CHECKS
13 DESCRIBED IN SUBSECTION (4.5) OF THIS SECTION HAVE BEEN COMPLETED
14 IN THE PRECEDING THREE MONTHS FOR A RELATIVE, OTHER PERSON, OR A
15 PERSON RESIDING IN THE HOME, THE COUNTY DEPARTMENT DOES NOT
16 NEED TO REPEAT THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
17 CHECK OF THAT RELATIVE, OTHER PERSON, OR A PERSON RESIDING IN THE
18 HOME; EXCEPT THAT THE COUNTY DEPARTMENT SHALL REPEAT THE OTHER
19 BACKGROUND CHECKS DESCRIBED IN SUBSECTION (4.5) OF THIS SECTION
20 AND CONTACT LOCAL LAW ENFORCEMENT TO DETERMINE IF THERE WERE
21 ANY NEW CHARGES FOR OFFENSES FILED AGAINST THAT RELATIVE, OTHER
22 PERSON, OR A PERSON RESIDING IN THE HOME DURING THE PRECEDING
23 THREE MONTHS SINCE THE LAST FINGERPRINT-BASED CRIMINAL HISTORY
24 RECORD CHECK.

25 **SECTION 10.** In Colorado Revised Statutes, **add 19-3-407 as**
26 follows:

27 **19-3-407. Noncertified kinship care - requirement for**

1 background checks and other checks - definitions. (1) A COUNTY
2 DEPARTMENT SHALL REQUEST THAT A LOCAL LAW ENFORCEMENT AGENCY
3 CONDUCT THE FOLLOWING BACKGROUND CHECKS OF KIN OR ANY ADULT
4 WHO RESIDES AT THE HOME PRIOR TO PLACING A CHILD IN NONCERTIFIED
5 KINSHIP CARE, UNLESS SUCH PLACEMENT IS AN EMERGENCY PLACEMENT
6 PURSUANT TO SECTION 19-3-406:

7 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
8 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL
9 BUREAU OF INVESTIGATION TO DETERMINE IF THE KIN OR AN ADULT WHO
10 RESIDES AT THE HOME HAS BEEN CONVICTED OF:

11 (I) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S.;

12 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
13 C.R.S.;

14 (III) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
15 DEFINED IN SECTION 16-22-102 (9), C.R.S.;

16 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
17 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
18 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

19 (V) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A
20 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF
21 APPLICATION FOR A CERTIFICATE;

22 (VI) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY
23 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY
24 PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR

25 (VII) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF
26 WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF
27 THE OFFENSES DESCRIBED IN SUB-SUBPARAGRAPHS (I) TO (VI) OF THIS

1 PARAGRAPH (a);

2 (b) A CHECK OF THE COLORADO JUDICIAL PUBLIC ACCESS SYSTEM
3 AT THE STATE JUDICIAL DEPARTMENT TO DETERMINE THE STATUS OR
4 DISPOSITION OF ANY PENDING CRIMINAL CHARGES BROUGHT AGAINST THE
5 KIN OR AN ADULT WHO RESIDES AT THE HOME THAT WERE IDENTIFIED BY
6 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH
7 THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF
8 INVESTIGATION;

9 (c) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE
10 FOR INFORMATION TO DETERMINE IF THE KIN OR AN ADULT WHO RESIDES
11 AT THE HOME HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE
12 OR NEGLECT AND WHETHER SUCH FINDING HAS BEEN DETERMINED TO
13 PRESENT AN UNSAFE PLACEMENT FOR A CHILD; AND

14 (d) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
15 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
16 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
17 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM
18 FOR COLORADO TO DETERMINE IF THE KIN OR AN ADULT WHO RESIDES AT
19 THE HOME IS A REGISTERED SEX OFFENDER.

20 (2) A COUNTY DEPARTMENT SHALL NOT PLACE A CHILD IN
21 NONCERTIFIED KINSHIP CARE IF THE KIN OR ANY ADULT WHO RESIDES
22 WITH THE KIN AT THE HOME:

23 (a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN
24 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION;

25 (b) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER
26 REGISTRY CREATED PURSUANT TO SECTION 16-22-110, C.R.S. OR IS A
27 REGISTERED SEX OFFENDER AS DETERMINED BY A CHECK OF THE

1 NATIONAL SEX OFFENDER REGISTRY OPERATED BY THE UNITED STATES
2 DEPARTMENT OF JUSTICE. THE SEX OFFENDER REGISTRY CHECKS MUST
3 CHECK THE KIN'S OR ADULT RESIDENT'S KNOWN NAMES AND ADDRESSES
4 IN THE INTERACTIVE DATABASE SYSTEM FOR COLORADO OR THE
5 NATIONAL SEX OFFENDER PUBLIC REGISTRY AGAINST ALL OF THE
6 REGISTRANT'S KNOWN NAMES AND ADDRESSES; OR

7 (c) HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE
8 OR NEGLECT THROUGH A CHECK OF THE STATE DEPARTMENT'S
9 AUTOMATED DATABASE AND THAT FINDING HAS BEEN DETERMINED TO
10 PRESENT AN UNSAFE PLACEMENT FOR THE CHILD.

11 (3) A COUNTY DEPARTMENT MAY MAKE A PLACEMENT WITH
12 NONCERTIFIED KIN THAT WOULD OTHERWISE BE DISQUALIFIED PURSUANT
13 TO SUBSECTION (2) OF THIS SECTION OR ALLOW CONTINUED PLACEMENT
14 WITH NONCERTIFIED KIN IF AN ADULT RESIDING IN THE HOME WOULD
15 OTHERWISE BE DISQUALIFIED PURSUANT TO SUBSECTION (2) OF THIS
16 SECTION IF SUCH PLACEMENT OCCURS ACCORDING TO RULES
17 PROMULGATED BY THE STATE BOARD OR IF THERE IS COUNTY-INITIATED
18 COURT INVOLVEMENT AND AN ORDER OF THE COURT AFFIRMING
19 PLACEMENT OF THE CHILD WITH THE KIN.

20 (4) FOR THE PURPOSES OF THIS SECTION, "CONVICTED" MEANS A
21 CONVICTION BY A JURY OR BY A COURT AND INCLUDES A DEFERRED
22 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION
23 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,
24 OR A PLEA OF GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT
25 APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO
26 PARTICIPATED IN DIVERSION, AS DEFINED IN SECTION 19-1-103 (4),
27 C.R.S., AND DOES NOT APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR

1 A PERSON WHO PARTICIPATED IN AND SUCCESSFULLY COMPLETED THE
2 CHILD ABUSE AND CHILD NEGLECT DIVERSION PROGRAM AS DESCRIBED IN
3 SECTION 19-3-310, C.R.S.

4 (5) THE CONVICTIONS IDENTIFIED IN PARAGRAPH (a) OF
5 SUBSECTION (1) OF THIS SECTION AND IN SUBSECTION (2) OF THIS SECTION
6 MUST BE DETERMINED ACCORDING TO THE RECORDS OF THE COLORADO
7 BUREAU OF INVESTIGATION OR THE FEDERAL BUREAU OF INVESTIGATION
8 AND THE COLORADO JUDICIAL PUBLIC ACCESS SYSTEM. THE SCREENING
9 REQUEST IN COLORADO SHALL BE MADE PURSUANT TO SECTION 19-1-307
10 (2) (k.5), RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
11 SECTION 19-3-313.5, AND 42 U.S.C. 671 (a) (2). A CERTIFIED COPY OF THE
12 JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE CONVICTION,
13 DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED
14 PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION AGREEMENT IS
15 PRIMA FACIE EVIDENCE OF A CONVICTION OR AGREEMENT.

16 (6) THE STATE BOARD SHALL ADOPT RULES RELATING TO
17 BACKGROUND CHECKS OF RELATIVES AND PLACEMENT OF CHILDREN IN
18 NONCERTIFIED KINSHIP CARE, INCLUDING:

19 (a) RULES ON REQUIREMENTS THAT ALL COUNTY DEPARTMENTS
20 THAT PLACE CHILDREN IN NONCERTIFIED KINSHIP CARE CONDUCT AND
21 DOCUMENT THAT ALL OF THE BACKGROUND CHECKS HAVE BEEN INITIATED
22 AND COMPLETED IN ACCORDANCE WITH SECTION 19-3-406 AND WITH THIS
23 SECTION FOR ANY PERSON PROVIDING NONCERTIFIED KINSHIP CARE AND
24 FOR ANY ADULT RESIDING AT THE HOME;

25 (b) RULES ON THE ACTIONS A COUNTY DEPARTMENT SHOULD TAKE
26 IF A DISQUALIFYING FACTOR IS FOUND DURING ANY OF THE BACKGROUND
27 CHECKS SPECIFIED IN THIS SECTION, INCLUDING RULES ON REVIEWING THE

1 PLACEMENT OF CHILDREN, ADDRESSING CHILD SAFETY ISSUES,
2 EVALUATING THE VULNERABILITY AND THE AGE OF THE CHILD, AND
3 IDENTIFY ALTERNATIVE REMEDIES TO REMOVAL OF THE CHILD FROM THE
4 PLACEMENT. _____

5 _____

6 **SECTION 11.** In Colorado Revised Statutes, 19-3-508, **add** (8)
7 as follows:

8 **19-3-508. Neglected or dependent child - disposition -**
9 **concurrent planning.** (8) WHEN ENTERING A DECREE PLACING THE
10 CHILD IN THE LEGAL CUSTODY OF A RELATIVE OR PLACING THE CHILD IN
11 THE LEGAL CUSTODY OF A COUNTY DEPARTMENT FOR PLACEMENT IN A
12 FOSTER CARE HOME, THE COURT SHALL ENSURE THAT THE CHILD'S
13 PLACEMENT AT THE TIME OF THE HEARING IS IN THE BEST INTERESTS OF
14 THE CHILD AND SHALL INQUIRE ABOUT DOCUMENTATION THAT THE
15 COUNTY DEPARTMENT OR A LICENSED CHILD PLACEMENT AGENCY HAS
16 ADEQUATELY SCREENED THE FOSTER CARE PROVIDER OR THE FAMILY
17 MEMBER WHO IS SEEKING TO CARE FOR THE CHILD AND ANY ADULT
18 RESIDING IN THAT HOME AND THAT ALL OF THE CRIMINAL HISTORY
19 RECORD CHECKS AND OTHER BACKGROUND CHECKS HAVE BEEN
20 COMPLETED AS REQUIRED PURSUANT TO SECTION 26-6-106.3, C.R.S., AND
21 19-3-407.

22 **SECTION 12.** In Colorado Revised Statutes, 19-3-605, **amend**
23 (3) (b) as follows:

24 **19-3-605. Request for placement with family members.** (3) In
25 making placement determinations concerning a child following the order
26 of termination of the parent-child legal relationship pursuant to the
27 provisions of this section, the court may consider all pertinent information

1 related to modifying the placement of the child prior to removing the
2 child from his or her placement, giving strong consideration to the
3 following:

4 (b) Whether the child's placement at the time of the hearing is a
5 safe and potentially permanent placement for the child, INCLUDING
6 DOCUMENTATION THAT A COUNTY DEPARTMENT OR A LICENSED CHILD
7 PLACEMENT AGENCY HAS ADEQUATELY SCREENED THE FAMILY MEMBER
8 WHO IS SEEKING TO CARE FOR THE CHILD AND ANY ADULT RESIDING IN THE
9 HOME AND THAT ALL OF THE CRIMINAL HISTORY RECORD CHECKS AND
10 OTHER BACKGROUND CHECKS HAVE BEEN COMPLETED AS REQUIRED
11 PURSUANT TO SECTION 26-6-106.3, C.R.S., OR SECTION 19-3-407;

12 **SECTION 13.** In Colorado Revised Statutes, 19-1-307, amend
13 (2) (k.5) as follows:

14 **19-1-307. Dependency and neglect records and information -**
15 **access - fee - rules - records and reports fund - misuse of information**
16 **- penalty. (2) Records and reports - access to certain persons -**
17 **agencies.** Except as otherwise provided in section 19-1-303, only the
18 following persons or agencies shall be given access to child abuse or
19 neglect records and reports:

20 (k.5) The state department of human services, when requested in
21 writing by a qualified county department, ~~of social services,~~ individual,
22 or child placement agency approved to conduct home study investigations
23 and reports pursuant to section 19-5-207.5 (2) (b) (I) for purposes of
24 screening a prospective adoptive parent or any adult residing in the home
25 under section 19-5-207 (2.5) (c), or investigating a prospective family
26 foster care parent, kinship care parent, or an adult residing in the home
27 under section 26-6-107 (1) (a.7), C.R.S. Within ten days after the request,

1 the state department of human services shall provide the date of the report
2 of the incident, the location of investigation, the type of abuse and
3 neglect, and the county that investigated the incident contained in the
4 confirmed reports of child abuse or neglect. The county department,
5 individual, or child placement agency shall be subject to the fee
6 assessment established in subsection (2.5) of this section. With respect to
7 screening a prospective adoptive parent, any employee of the county
8 department or the child placement agency or any individual who releases
9 any information obtained under this paragraph (k.5) to any person other
10 than the adoption court shall be deemed to have violated the provisions
11 of subsection (4) of this section and shall be subject to penalty therefor.

12 **SECTION 14.** In Colorado Revised Statutes, 19-7-101, amend
13 (2) as follows:

14 **19-7-101. Legislative declaration.** (2) The general assembly
15 further declares that subsection (1) of this section represents guidelines
16 to promote the physical, mental, social, and emotional development of
17 youth in foster care and to prepare them for a successful transition back
18 into their families or the community. The application of these guidelines
19 may be limited to reasonable periods during the day or restricted
20 according to the routine of family foster care homes to ensure the
21 protection of children and foster families.

22 **SECTION 15.** In Colorado Revised Statutes, 26-5-102, amend
23 (2) (i) as follows:

24 **26-5-102. Provision of child welfare services - system reform**
25 **goals.** (2) Reforms in child welfare and related delivery systems shall be
26 directed at the following objectives:

27 (i) Promotion of the local placement of children with families by

1 recruiting and supporting family foster CARE homes within the
2 neighborhoods and communities in which identified children reside;

3 **SECTION 16. In Colorado Revised Statutes, 26-5.7-105, amend**
4 **(6) as follows:**

5 **26-5.7-105. Child care facilities - homeless youth shelters -**
6 **authority - duties. (6) A licensed family foster CARE home approved as**
7 **a licensed host family home shall not accept a homeless youth for**
8 **placement under this section if there are any foster children currently**
9 **placed in the home.**

10 **SECTION 17. Safety clause. The general assembly hereby finds,**
11 **determines, and declares that this act is necessary for the immediate**
12 **preservation of the public peace, health, and safety.**