

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

INTRODUCED

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.

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** (4.6), (4.8), (4.9), and (6.1) as
12 follows:

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

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

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

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

11 (4.6) "INFORMAL KINSHIP CARE" MEANS AN ARRANGEMENT MADE
12 WITHIN THE FAMILY OR WITH FRIENDS TO CARE FOR A CHILD IN CASES
13 THAT DO NOT INVOLVE CHILD WELFARE SERVICES OR FOSTER CARE. LEGAL
14 CUSTODY OF THE CHILD MAY BE WITH THE PARENT OR WITH THE KINSHIP
15 CAREGIVER.

16 (4.8) "KIN", FOR PURPOSES OF A "KINSHIP FOSTER CARE HOME",
17 "NONCERTIFIED KINSHIP CARE HOME", OR "INFORMAL KINSHIP CARE" MAY
18 BE A RELATIVE, A PERSON ASCRIBED BY THE FAMILY AS HAVING A
19 FAMILY-LIKE RELATIONSHIP, OR A PERSON THAT HAS A PRIOR SIGNIFICANT
20 RELATIONSHIP WITH A CHILD OR YOUTH. THESE RELATIONSHIPS TAKE INTO
21 ACCOUNT CULTURAL VALUES AND CONTINUITY OF SIGNIFICANT
22 RELATIONSHIPS WITH THE CHILD OR YOUTH.

23 (4.9) "KINSHIP FOSTER CARE HOME" MEANS A FOSTER CARE HOME
24 THAT IS CERTIFIED BY EITHER A COUNTY DEPARTMENT OR LICENSED CHILD
25 PLACEMENT AGENCY PURSUANT TO SECTION 26-6-106.3 AS HAVING MET
26 THE FOSTER CARE CERTIFICATION REQUIREMENTS AND WHERE THE FOSTER
27 CARE OF THE CHILD IS PROVIDED BY KIN. KINSHIP FOSTER CARE PROVIDERS

1 ARE ELIGIBLE FOR FOSTER CARE REIMBURSEMENT. A KINSHIP FOSTER CARE
2 HOME PROVIDES TWENTY-FOUR-HOUR FOSTER CARE FOR A CHILD OR
3 YOUTH UNDER EIGHTEEN YEARS OF AGE AND MAY, UPON COURT ORDER,
4 CONTINUE UP TO TWENTY-ONE YEARS OF AGE.

5 (6.1) "NONCERTIFIED KINSHIP CARE" MEANS A CHILD IS BEING
6 CARED FOR BY A RELATIVE OR KIN WHO HAS A SIGNIFICANT RELATIONSHIP
7 WITH THE CHILD IN CIRCUMSTANCES WHERE THE RELATIVE OR KIN HAS
8 NOT MET THE FOSTER CARE CERTIFICATION REQUIREMENTS FOR A KINSHIP
9 FOSTER CARE HOME OR HAS CHOSEN NOT TO PURSUE THAT CERTIFICATION
10 PROCESS. A NONCERTIFIED KINSHIP CARE PROVIDER IS NOT ELIGIBLE FOR
11 FOSTER CARE REIMBURSEMENT BUT MAY APPLY FOR TEMPORARY AID TO
12 NEEDY FAMILIES. IN NONCERTIFIED KINSHIP CARE, THE RELATIVE OR KIN
13 HAS LEGAL CUSTODY OF THE CHILD OR YOUTH EITHER INDIVIDUALLY OR
14 AS A RESULT OF A DEPENDENCY AND NEGLECT ACTION.

15 (8.7) ~~"Salaried foster parent" means a person who is employed by~~
16 ~~a child placement agency for the purposes of the demonstration pilot~~
17 ~~program authorized pursuant to section 26-6-104 (1) (d) (IV), and who is~~
18 ~~employed for the sole purpose of providing foster care and who serves in~~
19 ~~no other capacity for the child placement agency.~~

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

23 **26-6-104. Licenses - out-of-state notices and consent -**
24 **demonstration pilot program.** (1) (a) Except as otherwise provided in
25 PARAGRAPH (b) OF THIS SUBSECTION (1) OR ELSEWHERE IN this part 1, ~~no~~
26 A person shall NOT operate ~~any~~ AN agency or facility defined in this part
27 1 without first being licensed BY THE STATE DEPARTMENT to operate or

1 maintain such agency or facility ~~by the state department~~ and paying the
2 PRESCRIBED fee. ~~prescribed therefor.~~ Except as otherwise provided in
3 ~~subparagraph (H) of paragraph (b) of this subsection (1) and paragraph (c)~~
4 of this subsection (1), any ~~such~~ license issued by the state department
5 ~~shall be~~ IS permanent unless otherwise revoked or suspended pursuant to
6 section 26-6-108.

7 (b) ~~(H)~~ A person operating a foster care home ~~shall not be~~ IS NOT
8 required to obtain a license from the state department to operate the foster
9 care home if ~~such~~ THE person holds a certificate ISSUED PURSUANT TO
10 SECTION 26-6-106.3 to operate ~~such~~ THE home from any county
11 department or a child placement agency licensed under the provisions of
12 this part 1. ~~All such certificates shall be considered licenses~~ A
13 CERTIFICATE IS CONSIDERED A LICENSE for the purpose of this part 1,
14 including but not limited to the investigation and criminal history
15 background checks required under ~~section~~ SECTIONS 26-6-106.3 AND
16 26-6-107. ~~Each certificate shall be in such form as prescribed and~~
17 ~~provided by the state department, shall certify that such person and any~~
18 ~~other adults residing in the home who are acting as care givers are~~
19 ~~suitable persons to operate a foster care home or provide care for a child,~~
20 ~~and shall contain such information as the state department requires. A~~
21 ~~child placement agency issuing or renewing any such certificate shall~~
22 ~~transmit a copy or report thereof to the state department.~~

23 (H) ~~On and after July 1, 2002, and contingent upon the time lines~~
24 ~~for implementation of the computer "trails" enhancements, the state board~~
25 ~~shall promulgate rules requiring the annual recertification of foster care~~
26 ~~homes and setting forth the procedural requirements associated with~~
27 ~~recertification. Such rules shall include requirements that the certifying~~

1 ~~entity shall perform on-site visits to each foster care home applying for~~
2 ~~certification or recertification and shall require inspections of the entire~~
3 ~~premises of the foster care home, including sleeping areas, as well as~~
4 ~~other assessments of the foster care home. No foster care home shall be~~
5 ~~certified at any one time by more than one child placement agency or~~
6 ~~county department.~~

7 ~~(III) A foster care home, when certified by a child placement~~
8 ~~agency or county department, may receive for care a child from sources~~
9 ~~other than the certifying child placement agency or county department~~
10 ~~upon the written consent and approval of the child placement agency or~~
11 ~~county department as to each such child.~~

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

17 ~~(d) (I) Notwithstanding any other provision of this part 1, no~~
18 ~~person shall operate a foster care home that is certified by a county~~
19 ~~department if such person is a relative of any employee of the child~~
20 ~~welfare division or unit of the county department certifying the foster care~~
21 ~~home. If such person files an application with a county department that~~
22 ~~would violate the provisions of this subparagraph (I) by certifying the~~
23 ~~foster care home, the county department shall refer the application to~~
24 ~~another county department or to a child placement agency. Unless~~
25 ~~otherwise prohibited, the county department or child placement agency~~
26 ~~to which the application was referred may certify and supervise a foster~~
27 ~~care home operated by such person. The county department that referred~~

1 the application may place children in the county-certified foster care
2 home upon written agreement of the two county departments.

3 ~~(H) Notwithstanding any other provision of this part 1, no person~~
4 ~~shall operate a foster care home that is certified by a child placement~~
5 ~~agency if such person is a relative of any owner, officer, executive,~~
6 ~~member of the governing board, or employee of the child placement~~
7 ~~agency certifying the foster care home. If such person files an application~~
8 ~~with a child placement agency that would violate the provisions of this~~
9 ~~subparagraph (H) by certifying the foster care home, the child placement~~
10 ~~agency shall refer the application to a county department or to another~~
11 ~~child placement agency that would not violate the provisions of this~~
12 ~~subparagraph (H) by certifying the foster care home.~~

13 ~~(HH) Notwithstanding any other provision of this part 1, no owner,~~
14 ~~officer, executive, member of the governing board, or employee of a child~~
15 ~~placement agency licensed pursuant to this part 1, or any relative of said~~
16 ~~owner, officer, executive, member, or employee, shall hold a beneficial~~
17 ~~interest in any property operated, or intended to be operated, as a foster~~
18 ~~care home, when the property is certified by the child placement agency~~
19 ~~as a foster care home. The provisions of this subparagraph (HH) shall not~~
20 ~~apply to salaried foster parents.~~

21 ~~(IV) Repealed.~~

22 (3) A provisional license or certificate for a period of six months
23 may be issued once to an applicant for an original license, or certificate,
24 permitting the applicant to operate a family child care home, foster care
25 home, or child care center if the applicant is temporarily unable to
26 conform to all standards required under this part 1, upon proof by the
27 applicant that attempts are being made THE APPLICANT IS ATTEMPTING to

1 conform to such standards or to comply with any other requirements. The
2 applicant has the right to appeal any standard that the applicant believes
3 ~~works~~ PRESENTS an undue hardship or has been applied too stringently by
4 ~~the representatives~~ of the department. Upon THE filing OF an appeal, the
5 department shall proceed in the manner prescribed for licensee appeals in
6 section 26-6-106 (3).

7 (7) (a) (I) ~~The state department a county department, or a child~~
8 ~~placement agency licensed under the provisions of this part †~~ shall not
9 issue a license ~~or certificate~~ to operate a family child care home, a foster
10 care home, a child care center, a residential child care facility, a secure
11 residential treatment center, or a child placement agency, and any license
12 or certificate issued prior to August 7, 2006, shall be revoked or
13 suspended, if the applicant for the license or certificate, an affiliate of the
14 applicant, a person employed by the applicant, or a person who resides
15 with the applicant at the facility has been convicted of:

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

22 **SECTION 4.** In Colorado Revised Statutes, **add** 26-6-106.3 and
23 26-6-106.4 as follows:

24 **26-6-106.3. [Similar to 26-6-104 (1) (b) (II), (1) (b) (III), (1) (b)**
25 **(IV), and (1) (d)] Certification and annual recertification of foster**
26 **care homes by county departments and licensed child placement**
27 **agencies - background and reference check requirements - exclusions**

1 **- definitions.** (1) THIS SECTION APPLIES TO FOSTER CARE HOMES,
2 INCLUDING KINSHIP FOSTER CARE HOMES, CERTIFIED BY COUNTY
3 DEPARTMENTS OR LICENSED CHILD PLACEMENT AGENCIES. EXCEPT AS
4 OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, THIS SECTION
5 DOES NOT APPLY TO FOSTER CARE HOMES THAT ARE LICENSED BY THE
6 STATE DEPARTMENT PURSUANT TO THE REQUIREMENTS OF SECTION
7 26-6-104 AND THAT RECEIVE NEITHER MONEYS FROM THE COUNTIES NOR
8 CHILDREN PLACED BY THE COUNTIES. A FOSTER CARE HOME LICENSED BY
9 THE STATE DEPARTMENT MUST UNDERGO ALL OF THE BACKGROUND
10 CHECKS AND REQUIREMENTS SET FORTH IN SECTION 26-6-104 OR AS
11 OTHERWISE STATED IN THIS PART 1. THIS SECTION ALSO DOES NOT APPLY
12 TO NONCERTIFIED KINSHIP CARE HOMES, WHICH ARE REQUIRED TO MEET
13 THE REQUIREMENTS SET FORTH IN SECTION 26-6-106.4, OR INFORMAL
14 KINSHIP HOMES.

15 (2) A PERSON OPERATING A FOSTER CARE HOME SHALL OBTAIN A
16 CERTIFICATE TO OPERATE THE HOME FROM A COUNTY DEPARTMENT OR A
17 CHILD PLACEMENT AGENCY LICENSED UNDER THE PROVISIONS OF THIS
18 PART 1. A CERTIFICATE IS CONSIDERED A LICENSE FOR THE PURPOSE OF
19 THIS PART 1, INCLUDING BUT NOT LIMITED TO THE INVESTIGATION AND
20 CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED UNDER SECTION
21 26-6-107. EACH CERTIFICATE MUST BE IN THE FORM PRESCRIBED AND
22 PROVIDED BY THE STATE DEPARTMENT, CERTIFY THAT THE PERSON
23 OPERATING THE FOSTER CARE HOME AND ANY OTHER ADULTS RESIDING IN
24 THE HOME ARE SUITABLE PERSONS TO OPERATE A FOSTER CARE HOME OR
25 PROVIDE CARE FOR A CHILD, AND CONTAIN ANY OTHER INFORMATION AS
26 THE STATE DEPARTMENT REQUIRES. A CHILD PLACEMENT AGENCY ISSUING
27 OR RENEWING ANY SUCH CERTIFICATE SHALL NOTIFY THE STATE

1 DEPARTMENT ABOUT THE CERTIFICATION IN A METHOD AND TIME FRAME
2 AS SET BY RULE ADOPTED BY THE STATE BOARD.

3 (3) A FOSTER CARE HOME, WHEN CERTIFIED BY A COUNTY
4 DEPARTMENT OR CHILD PLACEMENT AGENCY MAY RECEIVE FOR CARE A
5 CHILD FROM A SOURCE OTHER THAN THE CERTIFYING COUNTY
6 DEPARTMENT OR CHILD PLACEMENT AGENCY UPON THE WRITTEN CONSENT
7 AND APPROVAL OF THE CERTIFYING COUNTY DEPARTMENT OR CHILD
8 PLACEMENT AGENCY.

9 (4) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
10 AGENCY MAY CERTIFY A FACILITY AS A FOSTER CARE HOME THAT IS ALSO
11 LICENSED AS A FAMILY CHILD CARE HOME BY THE STATE DEPARTMENT SO
12 LONG AS THE LICENSURE AND CERTIFICATION ARE PROVIDED BY TWO
13 SEPARATE LICENSING ENTITIES.

14 (5) (a) A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY
15 LICENSED UNDER THE PROVISIONS OF THIS PART 1 SHALL NOT ISSUE A
16 CERTIFICATE TO OPERATE, OR A RECERTIFICATION TO OPERATE, A FOSTER
17 CARE HOME AND SHALL REVOKE OR SUSPEND A CERTIFICATE IF THE
18 APPLICANT FOR THE CERTIFICATE, A PERSON EMPLOYED BY THE
19 APPLICANT, OR A PERSON WHO RESIDES WITH THE APPLICANT AT THE
20 FACILITY OR HOME:

21 (I) HAS BEEN CONVICTED OF:

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

23 (B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
24 C.R.S.;

25 (C) A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR,
26 AS DEFINED IN SECTION 16-22-102 (9), C.R.S.;

27 (D) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS

1 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
2 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

3 (E) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A
4 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF
5 APPLICATION FOR A CERTIFICATE;

6 (F) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY
7 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY
8 PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR

9 (G) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF WHICH
10 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE
11 OFFENSES DESCRIBED IN SUB-SUBPARAGRAPHS (A) TO (F) OF THIS
12 SUBPARAGRAPH (I);

13 (II) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER
14 REGISTRY CREATED PURSUANT TO SECTION 16-22-110, C.R.S. THE SEX
15 OFFENDER REGISTRY CHECK MUST CHECK THE APPLICANT'S KNOWN NAMES
16 AND ADDRESSES IN THE INTERACTIVE DATABASE SYSTEM AGAINST ALL OF
17 THE REGISTRANTS' KNOWN NAMES AND ADDRESSES;

18 (III) HAS BEEN IDENTIFIED AS HAVING BEEN DIRECTLY INVOLVED
19 IN A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT THROUGH A CHECK
20 OF THE AUTOMATED TRAILS SYSTEM; OR

21 (IV) HAS BEEN DETERMINED TO BE INSANE OR MENTALLY
22 INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND, IF,
23 PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, C.R.S., OR
24 SECTION 27-65-109 (4) OR 27-65-127, C.R.S., A COURT ENTERS AN ORDER
25 SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS
26 OF SUCH A DEGREE THAT THE APPLICANT IS INCAPABLE OF OPERATING A
27 FOSTER CARE HOME, THE RECORD OF SUCH DETERMINATION AND ENTRY OF

1 SUCH ORDER IS CONCLUSIVE EVIDENCE OF THE INSANITY OR MENTAL
2 INCOMPETENCE.

3 (b) FOR PURPOSES OF THIS SUBSECTION (5), "CONVICTED" MEANS
4 A CONVICTION BY A JURY OR BY A COURT AND INCLUDES A DEFERRED
5 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION
6 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,
7 OR A PLEA OF GUILTY OR NOLO CONTENDERE.

8 (c) (I) THE CONVICTIONS IDENTIFIED IN SUBPARAGRAPH (I) OF
9 PARAGRAPH (a) OF THIS SUBSECTION (5) MUST BE DETERMINED
10 ACCORDING TO THE RECORDS OF THE COLORADO BUREAU OF
11 INVESTIGATION OR THE FEDERAL BUREAU OF INVESTIGATION IN
12 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 26-6-107 (1) (a.5)
13 AND 26-6-107 (1) (a.7), THE ICON SYSTEM AT THE STATE JUDICIAL
14 DEPARTMENT, OR ANY OTHER SOURCE, AS SET FORTH IN SECTION 26-6-107
15 (1) (a) (I.5). A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF
16 COMPETENT JURISDICTION OF THE CONVICTION, DEFERRED JUDGMENT AND
17 SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR
18 DEFERRED ADJUDICATION AGREEMENT IS PRIMA FACIE EVIDENCE OF A
19 CONVICTION OR AGREEMENT.

20 (II) THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY
21 MUST NOT ISSUE A CERTIFICATE TO OPERATE A FOSTER CARE HOME OR A
22 KINSHIP CARE HOME IF THE STATE DEPARTMENT OR THE COUNTY
23 DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE
24 INDICATING THAT THE PERSON APPLYING FOR THE CERTIFICATE:

25 (A) HAS BEEN CONVICTED OF CHILD ABUSE OR ANY UNLAWFUL
26 SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY OTHER STATE OR
27 THE UNITED STATES;

1 (B) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED
2 PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY
3 SEXUAL OFFENSE AGAINST A CHILD.

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

23 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1, AN
24 OWNER; OFFICER; EXECUTIVE; MEMBER OF THE GOVERNING BOARD;
25 EMPLOYEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS
26 PART 1; OR ANY RELATIVE OF SAID OWNER, OFFICER, EXECUTIVE, MEMBER,
27 OR EMPLOYEE SHALL NOT HOLD A BENEFICIAL INTEREST IN ANY PROPERTY

1 OPERATED OR INTENDED TO BE OPERATED AS A FOSTER CARE HOME, WHEN
2 THE PROPERTY IS CERTIFIED BY THE CHILD PLACEMENT AGENCY AS A
3 FOSTER CARE HOME.

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

18 **26-6-106.4. Noncertified kinship care - requirement for**
19 **background checks and other checks - exclusion of informal kinship**
20 **care - definitions.** (1) A COUNTY DEPARTMENT MAY WORK WITH A
21 RELATIVE OR KIN OF A CHILD TO PROVIDE NONCERTIFIED KINSHIP CARE FOR
22 THE CHILD IN LIEU OF CERTIFYING THE RELATIVE OR KIN TO MEET FOSTER
23 CARE CERTIFICATION AS A KINSHIP FOSTER CARE HOME. A COUNTY
24 DEPARTMENT SHALL NOT PLACE A CHILD WITH AN APPLICANT TO BE A
25 NONCERTIFIED KINSHIP CARE PROVIDER IF THE APPLICANT OR ANY ADULT
26 WHO RESIDES WITH THE APPLICANT AT THE HOME:

27 (a) HAS BEEN CONVICTED OF:

- 1 (I) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S.;
- 2 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
3 C.R.S.;
- 4 (III) A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL
5 BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S.;
- 6 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
7 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
8 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;
- 9 (V) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A
10 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF
11 APPLICATION FOR A CERTIFICATE;
- 12 (VI) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY
13 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY
14 PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR
- 15 (VII) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF
16 WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF
17 THE OFFENSES DESCRIBED IN SUBPARAGRAPHS (I) TO (VI) OF THIS
18 PARAGRAPH (a);
- 19 (b) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER
20 REGISTRY CREATED PURSUANT TO SECTION 16-22-110, C.R.S. THE SEX
21 OFFENDER REGISTRY CHECK MUST CHECK THE APPLICANT'S KNOWN NAMES
22 AND ADDRESSES IN THE INTERACTIVE DATABASE SYSTEM AGAINST ALL OF
23 THE REGISTRANT'S KNOWN NAMES AND ADDRESSES;
- 24 (c) HAS BEEN IDENTIFIED AS HAVING BEEN DIRECTLY INVOLVED IN
25 A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT THROUGH A CHECK OF
26 THE AUTOMATED TRAILS SYSTEM; OR
- 27 (d) HAS BEEN DETERMINED TO BE INSANE OR MENTALLY

1 INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND, IF,
2 PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, C.R.S., OR
3 SECTION 27-65-109 (4) OR 27-65-127, C.R.S., A COURT ENTERS AN ORDER
4 SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS
5 OF SUCH A DEGREE THAT THE APPLICANT IS INCAPABLE OF OPERATING A
6 FOSTER CARE HOME, THE RECORD OF SUCH DETERMINATION AND ENTRY OF
7 SUCH ORDER IS CONCLUSIVE EVIDENCE OF THE INSANITY OR MENTAL
8 INCOMPETENCE.

9 (2) FOR THE PURPOSES OF SUBSECTION (1) OF THIS SECTION,
10 "CONVICTED" MEANS A CONVICTION BY A JURY OR BY A COURT AND
11 INCLUDES A DEFERRED JUDGMENT AND SENTENCE AGREEMENT, A
12 DEFERRED PROSECUTION AGREEMENT, A DEFERRED ADJUDICATION
13 AGREEMENT, AN ADJUDICATION, OR A PLEA OF GUILTY OR NOLO
14 CONTENDERE.

15 (3) THE CONVICTIONS IDENTIFIED IN PARAGRAPH (a) OF
16 SUBSECTION (1) OF THIS SECTION MUST BE DETERMINED ACCORDING TO
17 THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION OR THE
18 FEDERAL BUREAU OF INVESTIGATION IN ACCORDANCE WITH THE
19 REQUIREMENTS OF SECTIONS 26-6-107 (1) (a.5) AND 26-6-107 (1) (a.7),
20 THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT, OR ANY OTHER
21 SOURCE, AS SET FORTH IN SECTION 26-6-107 (1) (a) (I.5). A CERTIFIED
22 COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE
23 CONVICTION, DEFERRED JUDGMENT AND SENTENCE AGREEMENT,
24 DEFERRED PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION
25 AGREEMENT IS PRIMA FACIE EVIDENCE OF A CONVICTION OR AGREEMENT.

26 (4) THIS SECTION DOES NOT APPLY TO INFORMAL KINSHIP CARE
27 THAT DOES NOT INVOLVE CHILD WELFARE SERVICES OR FOSTER CARE.

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

3 **26-6-106.5. Foster care - kinship care - rules applying**
4 **generally - rule-making.** (1) No later than January 1, ~~2004~~ 2016, the
5 state board shall promulgate rules that apply to foster care generally,
6 regardless of whether the foster care is provided by a foster care home
7 certified by a county department or by a child placement agency, AND TO
8 KINSHIP CARE, INCLUDING KINSHIP FOSTER CARE AND NONCERTIFIED
9 KINSHIP CARE. The state board shall develop the rules in consultation with
10 the state department, county departments, child placement agencies, and
11 others with expertise in the development of rules regarding foster care.

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

14 (a) ~~Contingent upon the implementation of~~ USING the computer
15 ~~"trails" enhancements~~ TRAILS SYSTEM, the procedures for notifying all
16 county departments and child placement agencies that place children in
17 foster care when the state department has identified a confirmed report of
18 child abuse or neglect, as defined in section 19-1-103 (27), C.R.S., that
19 involves a foster care home, as well as the suspension of any further
20 placements in the foster care home until the investigation is concluded;
21 **and**

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

25 (c) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS AND ALL
26 CHILD PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE
27 CONDUCT AND DOCUMENT THAT ALL OF THE BACKGROUND CHECKS

1 SPECIFIED IN SECTION 26-6-106.3 (5) HAVE BEEN COMPLETED FOR ANY
2 PERSON APPLYING TO PROVIDE FOSTER CARE AND FOR ANY ADULT
3 RESIDENT OF THE FOSTER CARE HOME PRIOR TO PLACING A CHILD IN
4 FOSTER CARE WITH THAT PERSON;

5 (d) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS THAT PLACE
6 CHILDREN IN NONCERTIFIED KINSHIP CARE CONDUCT AND DOCUMENT THAT
7 ALL OF THE BACKGROUND CHECKS SPECIFIED IN SECTION 26-6-106.4 (1)
8 HAVE BEEN COMPLETED FOR ANY PERSON APPLYING TO PROVIDE
9 NONCERTIFIED KINSHIP CARE AND FOR ANY ADULT WHO RESIDES WITH
10 THAT APPLICANT IN THE HOME PRIOR TO PLACING A CHILD IN
11 NONCERTIFIED KINSHIP CARE WITH THAT PERSON;

12 (e) A LIST OF ACTIONS A COUNTY DEPARTMENT OR CHILD
13 PLACEMENT AGENCY MUST TAKE IF SOMETHING NEGATIVE IS FOUND
14 DURING ANY OF THE BACKGROUND CHECKS SPECIFIED IN SECTION
15 26-6-106.3 (5) OR SECTION 26-6-106.4 (1);

16 (f) A LIST OF SANCTIONS THE STATE DEPARTMENT MAY PLACE
17 UPON A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY IF THE
18 REQUIRED BACKGROUND CHECKS FOR FOSTER CARE HOMES OR FOR
19 PERSONS PROVIDING NONCERTIFIED KINSHIP CARE ARE NOT COMPLETED OR
20 DOCUMENTED, INCLUDING FINES OR DISCIPLINARY ACTIONS;

21 (g) REQUIREMENTS THAT FOSTER CARE HOMES MUST BE
22 RECERTIFIED ANNUALLY, INCLUDING RULES SETTING FORTH THE
23 PROCEDURAL REQUIREMENTS ASSOCIATED WITH CERTIFICATION AND
24 RECERTIFICATION. THE RULES MUST INCLUDE REQUIREMENTS THAT THE
25 CERTIFYING ENTITY SHALL PERFORM AN ON-SITE VISIT TO EACH FOSTER
26 CARE HOME APPLYING FOR CERTIFICATION OR RECERTIFICATION AND MUST
27 REQUIRE INSPECTIONS OF THE ENTIRE PREMISES OF THE FOSTER CARE

1 HOME, INCLUDING SLEEPING AREAS, AS WELL AS OTHER ASSESSMENTS OF
2 THE FOSTER CARE HOME. ONLY ONE COUNTY DEPARTMENT OR CHILD
3 PLACEMENT AGENCY SHALL CERTIFY A FOSTER CARE HOME AT ANY ONE
4 TIME. THE RULES MUST ALSO SPECIFY A TIME FRAME FOR NOTIFICATION
5 AND THE METHOD FOR A CHILD PLACEMENT AGENCY ISSUING OR
6 RENEWING A CERTIFICATE TO OPERATE A FOSTER CARE HOME TO NOTIFY
7 THE STATE DEPARTMENT ABOUT ANY CERTIFICATION.

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

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

14 **26-6-107. Investigations and inspections - local authority -**
15 **reports - rules.** (1) (a.5) An applicant for certification as a foster care
16 home shall provide the child placement agency or the county department
17 from whom the certification is sought with a list of all the prior child
18 placement agencies and county departments to which the applicant had
19 previously applied, and a release of information from such child
20 placement agencies and county departments to which the applicant had
21 previously applied, to obtain information about the application and any
22 certification given by such child placement agencies and county
23 departments. A child placement agency or county department from whom
24 the certification is sought shall conduct a reference check of the applicant
25 and any adult resident of the foster care home ~~who is acting as a caregiver~~
26 by contacting all of the child placement agencies and county departments
27 identified by the applicant before issuing the certification for that foster

1 care home. Child placement agencies and county departments shall be
2 held harmless for information released, in good faith, to other child
3 placement agencies or county departments.

4 (a.7) For all ~~family foster care or kinship care~~ applicants
5 APPLYING TO BE A FOSTER CARE HOME OR KINSHIP FOSTER CARE HOME OR
6 TO PROVIDE NONCERTIFIED KINSHIP CARE, regardless of reimbursement,
7 the county department or child placement agency shall require each adult
8 who is eighteen years of age or older and who resides in the home to
9 obtain a fingerprint-based criminal history ~~records~~ RECORD check through
10 the Colorado bureau of investigation and the federal bureau of
11 investigation. THE APPLICANT MUST PROVIDE THE COUNTY DEPARTMENT
12 OR CHILD PLACEMENT AGENCY WITH THE ADDRESSES WHERE THE
13 APPLICANT OR ANY ADULT RESIDING IN THE HOME HAS LIVED IN THE
14 PRECEDING FIVE YEARS, INCLUDING ADDRESSES FROM OTHER STATES. In
15 addition to the fingerprint-based criminal history ~~records~~ RECORD check,
16 the county department or child placement agency shall contact the
17 appropriate entity in each state in which the applicant or any adult
18 residing in the home has resided within the preceding five years to
19 determine whether the adult has been found to be responsible in a
20 confirmed report of child abuse or neglect. The screening request in
21 Colorado shall be made pursuant to section 19-1-307 (2) (k.5), C.R.S.,
22 rules promulgated by the state board pursuant to section 19-3-313.5,
23 C.R.S., and 42 U.S.C. 671 (a) (20). An investigation pursuant to this
24 paragraph (a.7) shall be conducted for any new resident adult whenever
25 the adult is added to the ~~family~~ foster care home, ~~or~~ kinship care home,
26 OR NONCERTIFIED KINSHIP CARE HOME. Information obtained from any
27 state records of abuse or neglect shall not be used for any purpose other

1 than conducting the investigation for placement or certification.

2 **SECTION 7.** In Colorado Revised Statutes, 19-1-103, **amend**
3 (32) as follows:

4 **19-1-103. Definitions - repeal.** As used in this title or in the
5 specified portion of this title, unless the context otherwise requires:

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

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

12 **SECTION 8.** In Colorado Revised Statutes, **amend** 19-3-406 as
13 follows:

14 **19-3-406. Fingerprint-based criminal history record check -**
15 **providers of emergency placement for children - use of criminal**
16 **justice records - rules.** (1) (a) A county department ~~may elect to~~
17 ~~collaborate with~~ SHALL REQUEST THAT local law enforcement agencies to
18 perform initial criminal history record checks followed by fingerprint
19 verification pursuant to the provisions of this section. ~~If a county~~
20 ~~department elects to collaborate with local law enforcement agencies~~
21 ~~pursuant to this section, then~~ Any time a child is taken into temporary
22 custody by a law enforcement officer and any time the court places
23 temporary custody of a child with a county department pursuant to the
24 provisions of this part 4, and a relative or other available person is
25 identified as a potential emergency placement for the child, the local law
26 enforcement agency shall conduct an initial criminal history record check
27 of the relative or other available person prior to the county department or

1 the law enforcement officer placing the child in the emergency placement.
2 When a county department ~~of social services~~ has temporary custody of a
3 child pursuant to the provisions of this part 4 and contacts the local law
4 enforcement agency for an initial criminal history record check of a
5 person who is identified as a potential emergency placement for the child
6 pursuant to the provisions of this section, the local law enforcement
7 agency shall provide the county department with a verbal response
8 regarding the person's criminal history and shall not provide the county
9 department with documentation of the person's criminal history,
10 consistent with the provisions of Public Law 92-544, and regulations
11 promulgated thereunder, as amended.

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

18 ~~(c) If a county department of social services elects to request an~~
19 ~~initial criminal history record check pursuant to the provisions of this~~
20 ~~section,~~ The child may be placed with the relative or other available
21 person if the initial criminal history record check does not reflect a
22 criminal history described in subsection (4) of this section.

23 (2) A relative or other available person who is not disqualified as
24 an emergency placement for a child pursuant to paragraph (b) of
25 subsection (1) of this section and who authorizes a child to be placed with
26 him or her on an emergency basis pursuant to the provisions of this part
27 4 shall report to a local law enforcement agency for the purpose of

1 providing fingerprints to the law enforcement agency no later than five
2 days after the child is placed in the person's home or no later than fifteen
3 calendar days when exigent circumstances exist. If the relative or other
4 available person fails to report to the local law enforcement agency within
5 this time period, the county department ~~of social services~~ or the law
6 enforcement officer, as appropriate, shall immediately remove the child
7 from the physical custody of the person. The county department ~~of social~~
8 ~~services~~ shall ~~contact the local law enforcement agency to verify~~ CONFIRM
9 WITHIN FIFTEEN DAYS AFTER THE CHILD HAS BEEN PLACED WITH THE
10 RELATIVE OR OTHER AVAILABLE PERSON that a THE relative or other
11 available person identified by the county department reported to the local
12 law enforcement agency for fingerprinting within the time period
13 specified by this subsection (2).

14 (3) When a person reports to a local law enforcement agency
15 pursuant to the provisions of subsection (2) of this section, the local law
16 enforcement agency shall fingerprint the person and forward the
17 fingerprints to the Colorado bureau of investigation for the purpose of
18 obtaining a fingerprint-based criminal history record check. Upon receipt
19 of fingerprints and payment for the costs, the Colorado bureau of
20 investigation shall conduct a state and national fingerprint-based criminal
21 history record check utilizing records of the Colorado bureau of
22 investigation and the federal bureau of investigation. ~~The local law~~
23 ~~enforcement agency shall be the authorized agency to receive information~~
24 ~~regarding~~ The results of the state and national fingerprint-based criminal
25 history record checks WILL BE FORWARDED TO THE AGENCY AUTHORIZED
26 TO RECEIVE THE INFORMATION. If the fingerprint-based criminal history
27 record check indicates that the person has a criminal history described in

1 subsection (4) of this section, the county department of social services or
2 the local law enforcement officer, whichever is appropriate, shall
3 immediately remove the child from the emergency placement and shall
4 not place a child with the person who has the criminal history without
5 court involvement and an order of the court affirming placement of the
6 child with the person.

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

- 12 (a) Child abuse, as described in section 18-6-401, C.R.S.;
- 13 (b) A crime of violence, as defined in section 18-1.3-406, C.R.S.;
- 14 (c) A felony offense involving unlawful sexual behavior, as
15 defined in section 16-22-102 (9), C.R.S.;
- 16 (d) A felony, the underlying factual basis of which has been found
17 by the court on the record to include an act of domestic violence, as
18 defined in section 18-6-800.3, C.R.S.;
- 19 (e) A felony involving physical assault or a drug-related offense,
20 committed within the preceding five years;
- 21 (f) Violation of a protection order, as described in section
22 18-6-803.5, C.R.S.;
- 23 (g) A crime involving homicide; or
- 24 (h) An offense in any other state, the elements of which are
25 substantially similar to the elements of any one of the offenses described
26 in paragraphs (a) to (g) of this subsection (4).

27 (4.5) IF A RELATIVE OR OTHER PERSON WAS NOT DISQUALIFIED AS

1 AN EMERGENCY PLACEMENT PURSUANT TO PARAGRAPH (b) OF
2 SUBSECTION (1) OF THIS SECTION BASED UPON THE INITIAL CRIMINAL
3 RECORD CHECK AND THE CHILD WAS PLACED IN AN EMERGENCY
4 PLACEMENT WITH SUCH PERSON, THE COUNTY DEPARTMENT SHALL
5 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY
6 RECORD CHECK OF ANY PERSON RESIDING IN THE HOME TO DETERMINE IF
7 THE PERSON HAS A CRIMINAL HISTORY AS DESCRIBED IN SUBSECTION (4)
8 OF THIS SECTION. THE COUNTY DEPARTMENT SHALL ALSO PERFORM
9 ADDITIONAL BACKGROUND CHECKS OF THE RELATIVE OR OTHER PERSON
10 AND OF ANY OTHER ADULT RESIDING IN THAT HOME AND SHALL REMOVE
11 THE CHILD FROM CONTINUED PLACEMENT WITH THE RELATIVE OR OTHER
12 PERSON IF ANY NEGATIVE HISTORY WAS FOUND ABOUT THE RELATIVE OR
13 OTHER PERSON OR AN ADULT RESIDING IN THAT HOME INDICATING THAT
14 CONTINUED PLACEMENT OF THE CHILD WITH THAT RELATIVE OR OTHER
15 PERSON WOULD BE UNSAFE. THE COUNTY DEPARTMENT SHALL PERFORM
16 THE FOLLOWING ADDITIONAL BACKGROUND CHECKS:

17 (a) A CHECK OF THE ICON SYSTEM PURSUANT TO SECTION
18 26-6-106.3, C.R.S.;

19 (b) A CHECK OF THE TRAILS SYSTEM; AND

20 (c) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY THAT
21 CHECKS NAMES AND ADDRESSES AGAINST THE KNOWN NAMES AND
22 ADDRESSES IN THE REGISTRY.

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

26 (6) For purposes of this section, "initial criminal history record
27 check" means a name-based state and federal criminal history record

1 check performed by a local law enforcement agency utilizing the records
2 of the Colorado bureau of investigation and the federal bureau of
3 investigation.

4 **SECTION 9.** In Colorado Revised Statutes, 19-3-508, **add** (8) as
5 follows:

6 **19-3-508. Neglected or dependent child - disposition -**
7 **concurrent planning.** (8) WHEN ENTERING A DECREE PLACING THE
8 CHILD IN THE LEGAL CUSTODY OF A RELATIVE OR PLACING THE CHILD IN
9 THE LEGAL CUSTODY OF A COUNTY DEPARTMENT FOR PLACEMENT IN A
10 FOSTER CARE HOME, THE COURT SHALL ENSURE THAT THE CHILD'S
11 PLACEMENT AT THE TIME OF THE HEARING IS A SAFE PLACEMENT FOR THE
12 CHILD AND SHALL INQUIRE ABOUT DOCUMENTATION THAT THE COUNTY
13 DEPARTMENT OR A LICENSED CHILD PLACEMENT AGENCY HAS
14 ADEQUATELY SCREENED THE FOSTER CARE PROVIDER OR THE FAMILY
15 MEMBER WHO IS SEEKING TO CARE FOR THE CHILD AND ANY ADULTS
16 RESIDING IN THAT HOME, THAT THE CRIMINAL BACKGROUND CHECKS AND
17 THE CHECK OF THE ICON SYSTEM AS REQUIRED PURSUANT TO SECTION
18 26-6-106.3, C.R.S., HAVE BEEN CONDUCTED AND NO NEGATIVE HISTORY
19 HAS BEEN EXPOSED, THAT THE TRAILS SYSTEM HAS BEEN CHECKED AND
20 THAT THE FOSTER CARE PROVIDER OR THE FAMILY MEMBER AND ANY
21 ADULTS RESIDING IN THE HOME WERE NOT FOUND TO HAVE A CONFIRMED
22 REPORT OF CHILD ABUSE OR NEGLECT OF CHILDREN, AND THAT THE FOSTER
23 CARE PROVIDER OR FAMILY MEMBER AND ANY ADULTS RESIDING IN THE
24 HOME ARE NOT ON THE STATE'S SEX OFFENDER REGISTRY.

25 **SECTION 10.** In Colorado Revised Statutes, 19-3-605, **amend**
26 (3) (b) as follows:

27 **19-3-605. Request for placement with family members.** (3) In

1 making placement determinations concerning a child following the order
2 of termination of the parent-child legal relationship pursuant to the
3 provisions of this section, the court may consider all pertinent information
4 related to modifying the placement of the child prior to removing the
5 child from his or her placement, giving strong consideration to the
6 following:

7 (b) Whether the child's placement at the time of the hearing is a
8 safe and potentially permanent placement for the child, INCLUDING
9 DOCUMENTATION THAT A COUNTY DEPARTMENT OR A LICENSED CHILD
10 PLACEMENT AGENCY HAS ADEQUATELY SCREENED THE FAMILY MEMBER
11 WHO IS SEEKING TO CARE FOR THE CHILD AND ANY ADULTS RESIDING WITH
12 THE FAMILY MEMBER, THAT THE CRIMINAL BACKGROUND CHECKS AND THE
13 CHECK OF THE ICON SYSTEM AS REQUIRED PURSUANT TO SECTION
14 26-6-106.3, C.R.S., HAVE BEEN CONDUCTED AND NO NEGATIVE HISTORY
15 HAS BEEN EXPOSED, THAT THE TRAILS SYSTEM HAS BEEN CHECKED AND
16 THE FAMILY MEMBER AND ANY ADULTS RESIDING WITH THE FAMILY
17 MEMBER WERE NOT FOUND TO HAVE A CONFIRMED REPORT OF CHILD
18 ABUSE OR NEGLECT OF CHILDREN, AND THAT THE FAMILY MEMBER AND
19 ANY ADULTS RESIDING WITH THE FAMILY MEMBER ARE NOT ON THE
20 STATE'S SEX OFFENDER REGISTRY;

21 **SECTION 11.** In Colorado Revised Statutes, 19-1-307, **amend**
22 (2) (k.5) as follows:

23 **19-1-307. Dependency and neglect records and information -**
24 **access - fee - rules - records and reports fund - misuse of information**
25 **- penalty. (2) Records and reports - access to certain persons -**
26 **agencies.** Except as otherwise provided in section 19-1-303, only the
27 following persons or agencies shall be given access to child abuse or

1 neglect records and reports:

2 (k.5) The state department of human services, when requested in
3 writing by a qualified county department of social services, individual, or
4 child placement agency approved to conduct home study investigations
5 and reports pursuant to section 19-5-207.5 (2) (b) (I) for purposes of
6 screening a prospective adoptive parent or any adult residing in the home
7 under section 19-5-207 (2.5) (c), or investigating a prospective family
8 foster care parent, kinship care parent, or an adult residing in the home
9 under section 26-6-107 (1) (a.7), C.R.S. Within ten days after the request,
10 the state department of human services shall provide the date of the report
11 of the incident, the location of investigation, the type of abuse and
12 neglect, and the county that investigated the incident contained in the
13 confirmed reports of child abuse or neglect. The county department,
14 individual, or child placement agency shall be subject to the fee
15 assessment established in subsection (2.5) of this section. With respect to
16 screening a prospective adoptive parent, any employee of the county
17 department or the child placement agency or any individual who releases
18 any information obtained under this paragraph (k.5) to any person other
19 than the adoption court shall be deemed to have violated the provisions
20 of subsection (4) of this section and shall be subject to penalty therefor.

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

23 **19-7-101. Legislative declaration.** (2) The general assembly
24 further declares that subsection (1) of this section represents guidelines
25 to promote the physical, mental, social, and emotional development of
26 youth in foster care and to prepare them for a successful transition back
27 into their families or the community. The application of these guidelines

1 may be limited to reasonable periods during the day or restricted
2 according to the routine of family foster care homes to ensure the
3 protection of children and foster families.

4 **SECTION 13.** In Colorado Revised Statutes, 26-5-102, **amend**
5 (2) (i) as follows:

6 **26-5-102. Provision of child welfare services - system reform**
7 **goals.** (2) Reforms in child welfare and related delivery systems shall be
8 directed at the following objectives:

9 (i) Promotion of the local placement of children with families by
10 recruiting and supporting family foster CARE homes within the
11 neighborhoods and communities in which identified children reside;

12 **SECTION 14.** In Colorado Revised Statutes, 26-5.7-105, **amend**
13 (6) as follows:

14 **26-5.7-105. Child care facilities - homeless youth shelters -**
15 **authority - duties.** (6) A licensed family foster CARE home approved as
16 a licensed host family home shall not accept a homeless youth for
17 placement under this section if there are any foster children currently
18 placed in the home.

19 **SECTION 15. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.