

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

PREAMENDED

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

LLS NO. 15-0530.01 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 (4.8) 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 THAT
14 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, and (8) introductory
5 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 (8) The state department a county department, or a child
27 placement agency licensed under the provisions of this part † shall not

1 issue a license or certificate to operate any agency or facility defined in
2 this part 1 if the person applying for such license or certificate or an
3 affiliate of the applicant, a person employed by the applicant, or a person
4 who resides with the applicant at the facility:

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

7 **26-6-106.3. [Similar to 26-6-104 (1) (b) (II), (1) (b) (III), (1) (b)**
8 **(IV), and (1) (d)] Certification and annual recertification of foster**
9 **care homes by county departments and licensed child placement**
10 **agencies - background and reference check requirements -**
11 **definitions. (1) THIS SECTION APPLIES TO FOSTER CARE HOMES,**
12 **INCLUDING KINSHIP FOSTER CARE HOMES, CERTIFIED BY COUNTY**
13 **DEPARTMENTS OR LICENSED CHILD PLACEMENT AGENCIES. EXCEPT AS**
14 **OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, THIS SECTION**
15 **DOES NOT APPLY TO FOSTER CARE HOMES THAT ARE LICENSED BY THE**
16 **STATE DEPARTMENT PURSUANT TO THE REQUIREMENTS OF SECTION**
17 **26-6-104 AND THAT DO NOT RECEIVE MONEYS FROM THE COUNTIES OR**
18 **CHILDREN PLACED BY THE COUNTIES. A FOSTER CARE HOME LICENSED BY**
19 **THE STATE DEPARTMENT MUST UNDERGO ALL OF THE BACKGROUND**
20 **CHECKS AND REQUIREMENTS SET FORTH IN SECTION 26-6-104 OR AS**
21 **OTHERWISE STATED IN THIS PART 1.**

22 **(2) A PERSON OPERATING A FOSTER CARE HOME SHALL OBTAIN A**
23 **CERTIFICATE TO OPERATE THE HOME FROM A COUNTY DEPARTMENT OR A**
24 **CHILD PLACEMENT AGENCY LICENSED UNDER THE PROVISIONS OF THIS**
25 **PART 1. A CERTIFICATE IS CONSIDERED A LICENSE FOR THE PURPOSE OF**
26 **THIS PART 1, INCLUDING BUT NOT LIMITED TO THE INVESTIGATION AND**
27 **CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED UNDER THIS SECTION**

1 AND SECTION 26-6-107. EACH CERTIFICATE MUST BE IN THE FORM
2 PRESCRIBED AND PROVIDED BY THE STATE DEPARTMENT, CERTIFY THAT
3 THE PERSON OPERATING THE FOSTER CARE HOME AND ANY OTHER ADULT
4 RESIDING IN THE HOME ARE SUITABLE PERSONS TO OPERATE A FOSTER
5 CARE HOME OR PROVIDE CARE FOR A CHILD, AND CONTAIN ANY OTHER
6 INFORMATION AS THE STATE DEPARTMENT REQUIRES. A CHILD PLACEMENT
7 AGENCY ISSUING OR RENEWING ANY SUCH CERTIFICATE SHALL NOTIFY THE
8 STATE DEPARTMENT ABOUT THE CERTIFICATION IN A METHOD AND TIME
9 FRAME AS SET BY RULE ADOPTED BY THE STATE BOARD.

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

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

21 (5) (a) PRIOR TO ISSUING A CERTIFICATE OR A RECERTIFICATION TO
22 AN APPLICANT TO OPERATE A FOSTER CARE HOME, A COUNTY DEPARTMENT
23 OR A CHILD PLACEMENT AGENCY LICENSED UNDER THE PROVISIONS OF
24 THIS PART 1 SHALL CONDUCT THE FOLLOWING BACKGROUND CHECKS FOR
25 THE APPLICANT FOR A CERTIFICATE, A PERSON EMPLOYED BY THE
26 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME:

27 (I) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK

1 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL
2 BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE,
3 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN
4 CONVICTED OF:

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

6 (B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
7 C.R.S.:

8 (C) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
9 DEFINED IN SECTION 16-22-102 (9), C.R.S.:

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

13 (E) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A
14 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF
15 APPLICATION FOR A CERTIFICATE:

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

19 (G) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF WHICH
20 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE
21 OFFENSES DESCRIBED IN SUB-SUBPARAGRAPHS (A) TO (F) OF THIS
22 SUBPARAGRAPH (I):

23 (II) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL
24 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY
25 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, EMPLOYEE, OR A
26 PERSON WHO RESIDES AT THE FACILITY OR THE HOME THAT WERE
27 IDENTIFIED BY THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD

1 CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE
2 FEDERAL BUREAU OF INVESTIGATION;

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

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

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

22 (a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN
23 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION
24 AS VERIFIED THROUGH FINGERPRINT-BASED CRIMINAL HISTORY RECORD
25 CHECKS AND A CHECK OF ICON;

26 (b) HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE
27 OR NEGLECT THROUGH A CHECK OF THE STATE DEPARTMENT'S

1 AUTOMATED DATABASE AND SUCH FINDING HAS BEEN DETERMINED TO
2 PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

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

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

23 (8) (a) THE CONVICTIONS IDENTIFIED IN SUBPARAGRAPH (I) OF
24 PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION AND PARAGRAPH (a)
25 OF SUBSECTION (6) MUST BE DETERMINED ACCORDING TO THE RECORDS OF
26 THE COLORADO BUREAU OF INVESTIGATION OR THE FEDERAL BUREAU OF
27 INVESTIGATION AND THE ICON SYSTEM AT THE STATE JUDICIAL

1 DEPARTMENT. THE SCREENING REQUEST IN COLORADO SHALL BE MADE
2 PURSUANT TO SECTION 19-1-307 (2) (k.5), C.R.S., RULES PROMULGATED
3 BY THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, C.R.S., AND 42
4 U.S.C. 671 (a) (2). A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF
5 COMPETENT JURISDICTION OF THE CONVICTION, DEFERRED JUDGMENT AND
6 SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR
7 DEFERRED ADJUDICATION AGREEMENT IS PRIMA FACIE EVIDENCE OF A
8 CONVICTION OR AGREEMENT.

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

14 (I) HAS BEEN CONVICTED OF CHILD ABUSE OR ANY UNLAWFUL
15 SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY OTHER STATE OR
16 THE UNITED STATES; OR

17 (II) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED
18 PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY
19 SEXUAL OFFENSE AGAINST A CHILD.

20 (9) FOR PURPOSES OF CONDUCTING THE CRIMINAL HISTORY
21 RECORD CHECKS THROUGH THE COLORADO BUREAU OF INVESTIGATION
22 AND THE FEDERAL BUREAU OF INVESTIGATION, THE COUNTY
23 DEPARTMENTS MAY HAVE DIRECT ACCESS TO NATIONAL AND STATE
24 CRIMINAL DATABASES TO CONDUCT THE CRIMINAL HISTORY RECORD
25 CHECKS REQUIRED PURSUANT TO SUBSECTIONS (5) AND (6) OF THIS
26 SECTION; EXCEPT THAT, IF A COUNTY DEPARTMENT DOES NOT HAVE THE
27 CAPABILITIES OR RESOURCES TO HAVE ACCESS TO NATIONAL AND STATE

1 CRIMINAL DATABASES, A COUNTY DEPARTMENT IS REQUIRED TO CONTACT
2 LOCAL LAW ENFORCEMENT TO PERFORM THE CRIMINAL HISTORY RECORD
3 CHECK. NOTHING IN THIS SECTION PRECLUDES A COUNTY DEPARTMENT
4 FROM USING FINGERPRINT MACHINES OR OTHER FINGERPRINT
5 TECHNOLOGY TO CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY
6 RECORD CHECK.

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

26 (11) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1,
27 AN OWNER; OFFICER; EXECUTIVE; MEMBER OF THE GOVERNING BOARD;

1 EMPLOYEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS
2 PART 1; OR ANY RELATIVE OF SAID OWNER, OFFICER, EXECUTIVE, MEMBER,
3 OR EMPLOYEE SHALL NOT HOLD A BENEFICIAL INTEREST IN ANY PROPERTY
4 OPERATED OR INTENDED TO BE OPERATED AS A FOSTER CARE HOME, WHEN
5 THE PROPERTY IS CERTIFIED BY THE CHILD PLACEMENT AGENCY AS A
6 FOSTER CARE HOME.

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

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

23 **26-6-106.5. Foster care - kinship care - rules applying**
24 **generally - rule-making.** (1) No later than January 1, ~~2004~~ 2016, the
25 state board shall promulgate rules that apply to foster care generally,
26 regardless of whether the foster care is provided by a foster care home
27 certified by a county department or by a child placement agency, AND TO

1 KINSHIP CARE, INCLUDING KINSHIP FOSTER CARE AND NONCERTIFIED
2 KINSHIP CARE. The state board shall develop the rules in consultation with
3 the state department, county departments, child placement agencies, and
4 others with expertise in the development of rules regarding foster care.

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

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

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

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

25 (d) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS THAT PLACE
26 CHILDREN IN NONCERTIFIED KINSHIP CARE CONDUCT AND DOCUMENT THAT
27 ALL OF THE BACKGROUND CHECKS HAVE BEEN INITIATED AND COMPLETED

1 IN ACCORDANCE WITH SECTIONS 19-3-406 AND 19-3-407, C.R.S., AND
2 COMPLETED FOR ANY PERSON PROVIDING NONCERTIFIED KINSHIP CARE
3 AND FOR ANY ADULT WHO RESIDES AT THE HOME;

4 (e) A LIST OF ACTIONS A COUNTY DEPARTMENT OR CHILD
5 PLACEMENT AGENCY MUST TAKE IF A DISQUALIFYING FACTOR IS FOUND
6 DURING ANY OF THE BACKGROUND CHECKS SPECIFIED IN SECTION
7 26-6-106.3 (5) AND (6), SECTION 19-3-406 (4) AND (4.5), C.R.S., OR
8 SECTION 19-3-407 (3), C.R.S.;

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

14 (g) REQUIREMENTS THAT FOSTER CARE HOMES MUST BE
15 RECERTIFIED ANNUALLY, INCLUDING RULES SETTING FORTH THE
16 PROCEDURAL REQUIREMENTS ASSOCIATED WITH CERTIFICATION AND
17 RECERTIFICATION. THE RULES MUST INCLUDE REQUIREMENTS THAT THE
18 CERTIFYING ENTITY SHALL PERFORM AN ON-SITE VISIT TO EACH FOSTER
19 CARE HOME APPLYING FOR CERTIFICATION OR RECERTIFICATION AND MUST
20 REQUIRE INSPECTIONS OF THE ENTIRE PREMISES OF THE FOSTER CARE
21 HOME, INCLUDING SLEEPING AREAS, AS WELL AS OTHER ASSESSMENTS OF
22 THE FOSTER CARE HOME. ONLY ONE COUNTY DEPARTMENT OR CHILD
23 PLACEMENT AGENCY SHALL CERTIFY A FOSTER CARE HOME AT ANY ONE
24 TIME. THE RULES MUST ALSO SPECIFY A TIME FRAME FOR NOTIFICATION
25 AND THE METHOD FOR A CHILD PLACEMENT AGENCY ISSUING OR
26 RENEWING A CERTIFICATE TO OPERATE A FOSTER CARE HOME TO NOTIFY
27 THE STATE DEPARTMENT ABOUT ANY CERTIFICATION.

1 (h) RULES THAT REQUIRE AN EVALUATION TO DETERMINE
2 WHETHER A PERSON APPLYING TO PROVIDE OR PROVIDING FOSTER CARE IN
3 A FOSTER CARE HOME IS UNABLE TO CARE FOR A CHILD DUE TO MENTAL
4 ILLNESS OR MENTAL INCOMPETENCE; AND

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

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

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

1 (a.7) (I) For all family foster care or kinship care applicants
2 APPLYING TO BE A FOSTER CARE HOME OR KINSHIP FOSTER CARE HOME
3 AND FOR ANY PERSON INTERESTED IN PROVIDING NONCERTIFIED KINSHIP
4 CARE, regardless of reimbursement, the county department or child
5 placement agency shall require each adult who is eighteen years of age or
6 older and who resides in the home to obtain a fingerprint-based criminal
7 history records RECORD check through the Colorado bureau of
8 investigation and the federal bureau of investigation. THE APPLICANT OR
9 INTERESTED PERSON MUST PROVIDE THE COUNTY DEPARTMENT OR CHILD
10 PLACEMENT AGENCY WITH THE ADDRESSES WHERE THE APPLICANT OR
11 INTERESTED PERSON AND ANY ADULT RESIDING IN THE HOME HAS LIVED
12 IN THE PRECEDING FIVE YEARS, INCLUDING ADDRESSES FROM OTHER
13 STATES. THE COUNTY DEPARTMENT OR THE CHILD PLACEMENT AGENCY
14 SHALL CONDUCT THE FOLLOWING BACKGROUND CHECKS OF THE
15 APPLICANT, AN INTERESTED PERSON, OR AN ADULT RESIDING IN THE HOME:

16 (A) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
17 DETERMINE IF THE APPLICANT, INTERESTED PERSON, OR ADULT RESIDING
18 IN THE HOME HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN
19 SECTION 26-6-106.3 (5) (a) (I);

20 (B) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL
21 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING
22 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, INTERESTED
23 PERSON, OR ADULT WHO RESIDES IN THE HOME THAT WERE IDENTIFIED BY
24 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH
25 THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF
26 INVESTIGATION;

27 (C) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED

1 DATABASE FOR INFORMATION TO DETERMINE IF THE APPLICANT,
2 INTERESTED PERSON, OR ADULT WHO RESIDES IN THE HOME HAS BEEN
3 IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND
4 WHETHER SUCH FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE
5 PLACEMENT FOR A CHILD; AND

6 (D) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
7 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
8 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
9 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM
10 FOR COLORADO TO DETERMINE IF THE APPLICANT, INTERESTED PERSON, OR
11 ADULT WHO RESIDES AT THE HOME IS A REGISTERED SEX OFFENDER.

12 (II) In addition to the fingerprint-based criminal history records
13 RECORD check, the county department or child placement agency shall
14 contact the appropriate entity in each state in which the applicant,
15 INTERESTED PERSON, or any adult residing in the home has resided within
16 the preceding five years to determine whether the adult INDIVIDUAL has
17 been found to be responsible in a confirmed report of child abuse or
18 neglect.

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

24 (IV) An investigation pursuant to this paragraph (a.7) shall be
25 conducted for any new resident adult whenever the adult is added to the
26 family foster care home or kinship care home OR TO THE HOME PROVIDING
27 NONCERTIFIED KINSHIP CARE. Information obtained from any state records

1 of abuse or neglect shall not be used for any purpose other than
2 conducting the investigation for placement or certification.

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

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

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

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

13 (71.3) "KIN", FOR PURPOSES OF A "KINSHIP FOSTER CARE HOME" OR
14 FOR PURPOSES OF "NONCERTIFIED KINSHIP CARE", MAY BE A RELATIVE OF
15 THE CHILD, A PERSON ASCRIBED BY THE FAMILY AS HAVING A FAMILY-LIKE
16 RELATIONSHIP WITH THE CHILD, OR A PERSON THAT HAS A PRIOR
17 SIGNIFICANT RELATIONSHIP WITH THE CHILD. THESE RELATIONSHIPS TAKE
18 INTO ACCOUNT CULTURAL VALUES AND CONTINUITY OF SIGNIFICANT
19 RELATIONSHIPS WITH THE CHILD.

20 (78.7) "NONCERTIFIED KINSHIP CARE" MEANS A CHILD IS BEING
21 CARED FOR BY A RELATIVE OR KIN WHO HAS A SIGNIFICANT RELATIONSHIP
22 WITH THE CHILD IN CIRCUMSTANCES WHERE THE RELATIVE OR KIN HAS
23 NOT MET THE FOSTER CARE CERTIFICATION REQUIREMENTS FOR A KINSHIP
24 FOSTER CARE HOME OR HAS CHOSEN NOT TO PURSUE THAT CERTIFICATION
25 PROCESS.

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

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

7 (2) The guardian ad litem shall be provided with all reports
8 relevant to a case submitted to or made by any agency or person pursuant
9 to this article, including reports of examination of the child or persons
10 responsible for the neglect or dependency of the child AND THE REPORTS
11 OF FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS FROM THE
12 COLORADO BUREAU OF INVESTIGATION AND FROM THE FEDERAL BUREAU
13 OF INVESTIGATION. The court and social workers assigned to the case
14 shall keep the guardian ad litem apprised of significant developments in
15 the case, particularly prior to further neglect or dependency court
16 appearances.

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

19 **19-3-406. Fingerprint-based criminal history record check -**
20 **providers of emergency placement for children - use of criminal**
21 **justice records - definitions - rules.** (1) (a) A county department may
22 ~~elect to collaborate with~~ MAY HAVE DIRECT ACCESS TO NATIONAL AND
23 STATE CRIMINAL DATABASES TO CONDUCT A CRIMINAL HISTORY RECORD
24 CHECK PURSUANT TO THE PROVISIONS OF THIS SECTION OR, IF A COUNTY
25 DEPARTMENT DOES NOT HAVE THE CAPABILITIES OR RESOURCES TO HAVE
26 DIRECT ACCESS TO NATIONAL AND STATE CRIMINAL DATABASES, THE
27 COUNTY DEPARTMENT SHALL REQUEST THAT local law enforcement

1 agencies to perform initial criminal history record checks WITHIN
2 FORTY-EIGHT HOURS followed by fingerprint verification pursuant to the
3 provisions of this section. If a county department elects to collaborate
4 with local law enforcement agencies pursuant to this section, then Any
5 time a child is taken into temporary custody by a law enforcement officer
6 and any time the court places temporary custody of a child with a county
7 department pursuant to the provisions of this part 4, and a relative or other
8 available person is identified as a potential emergency placement for the
9 child, the COUNTY DEPARTMENT OR local law enforcement agency shall
10 conduct an initial criminal history record check of the relative or other
11 available person prior to the county department or the law enforcement
12 officer placing the child in the emergency placement. When a county
13 department of social services has temporary custody of a child pursuant
14 to the provisions of this part 4 and contacts the local law enforcement
15 agency for an initial criminal history record check of a person who is
16 identified as a potential emergency placement for the child pursuant to the
17 provisions of this section, the local law enforcement agency shall provide
18 the county department with a verbal response regarding the person's
19 criminal history and shall not provide the county department with
20 documentation of the person's criminal history, consistent with the
21 provisions of Public Law 92-544, and regulations promulgated
22 thereunder, as amended. NOTHING IN THIS SECTION PRECLUDES A COUNTY
23 DEPARTMENT FROM USING FINGERPRINT MACHINES OR OTHER FINGERPRINT
24 TECHNOLOGY TO CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY
25 RECORD CHECK.

26 (a.5) IF THE COUNTY DEPARTMENT HAS DIRECT ACCESS TO
27 NATIONAL AND STATE CRIMINAL DATABASES, THE CHILD MAY NOT BE

1 PLACED WITH THE RELATIVE OR OTHER AVAILABLE PERSON IF THE
2 CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO PARAGRAPH
3 (a) OF THIS SUBSECTION (1) REFLECTS A CRIMINAL HISTORY DESCRIBED IN
4 SUBSECTION (4) OF THIS SECTION. IN ADDITION, THE COUNTY DEPARTMENT
5 SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL
6 HISTORY RECORD CHECK OF ANY PERSON RESIDING IN THE HOME AS
7 DESCRIBED IN SUBSECTION (4.5) OF THIS SECTION AND SHALL PERFORM
8 ALL OF THE ADDITIONAL BACKGROUND CHECKS DESCRIBED IN SUBSECTION
9 (4.5) OF THIS SECTION FOR THE RELATIVE OR OTHER PERSON AND FOR ANY
10 PERSON RESIDING IN THE HOME.

11 (b) If a county department of social services elects to request
12 REQUESTS THAT A LOCAL LAW ENFORCEMENT AGENCY PERFORM an initial
13 criminal history record check pursuant to the provisions of this section,
14 the child may not be placed with the relative or other available person if
15 the initial criminal history record check conducted pursuant to paragraph
16 (a) of this subsection (1) reflects a criminal history described in
17 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 PERFORMED BY A LOCAL
22 LAW ENFORCEMENT AGENCY does not reflect a criminal history described
23 in subsection (4) of this section. HOWEVER, THE RELATIVE OR OTHER
24 PERSON WHO IS NOT DISQUALIFIED BASED UPON THE RESULTS OF THE
25 INITIAL CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO
26 PARAGRAPH (a) OF THIS SUBSECTION (1) MUST UNDERGO A
27 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS DESCRIBED IN

1 SUBSECTIONS (2) AND (3) OF THIS SECTION AND ALL OF THE OTHER
2 REQUIRED BACKGROUND CHECKS DESCRIBED IN SUBSECTION (4.5) OF THIS
3 SECTION.

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

22 (3) When a person reports to a local law enforcement agency
23 pursuant to the provisions of subsection (2) of this section, the local law
24 enforcement agency shall fingerprint the person and forward the
25 fingerprints to the Colorado bureau of investigation for the purpose of
26 obtaining a fingerprint-based criminal history record check. Upon receipt
27 of fingerprints and payment for the costs, the Colorado bureau of

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

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

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

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

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

24 (d) A felony, the underlying factual basis of which has been found
25 by the court on the record to include an act of domestic violence, as
26 defined in section 18-6-800.3, C.R.S.;

27 (e) A felony involving physical assault or a drug-related offense,

1 committed within the preceding five years;

2 (f) Violation of a protection order, as described in section
3 18-6-803.5, C.R.S.;

4 (g) A crime involving homicide; or

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

8 (4.5) IF A RELATIVE OR OTHER PERSON WAS NOT DISQUALIFIED AS
9 AN EMERGENCY PLACEMENT PURSUANT TO PARAGRAPH (b) OF
10 SUBSECTION (1) OF THIS SECTION BASED UPON THE INITIAL CRIMINAL
11 RECORD CHECK OR WAS NOT DISQUALIFIED AS AN EMERGENCY PLACEMENT
12 PURSUANT TO PARAGRAPH (a.5) OF SUBSECTION (1) OF THIS SECTION
13 BASED UPON THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
14 AND THE CHILD WAS PLACED IN AN EMERGENCY PLACEMENT WITH SUCH
15 PERSON, THE COUNTY DEPARTMENT SHALL CONDUCT OR REQUEST THAT
16 LOCAL LAW ENFORCEMENT PERFORM A STATE AND NATIONAL
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF ANY PERSON
18 RESIDING IN THE HOME TO DETERMINE IF THE PERSON HAS A CRIMINAL
19 HISTORY AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION. THE CHILD
20 MUST BE IMMEDIATELY REMOVED FROM THE HOME IF THE
21 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK INDICATES THAT
22 A PERSON RESIDING IN THE HOME HAS A CRIMINAL HISTORY DESCRIBED IN
23 SUBSECTION (4) OF THIS SECTION. THE COUNTY DEPARTMENT SHALL ALSO
24 PERFORM ADDITIONAL BACKGROUND CHECKS OF THE RELATIVE OR OTHER
25 PERSON AND OF ANY OTHER ADULT RESIDING IN THAT HOME AND SHALL
26 REMOVE THE CHILD FROM CONTINUED PLACEMENT WITH THE RELATIVE OR
27 OTHER PERSON IF INFORMATION WAS FOUND ABOUT THE RELATIVE OR

1 OTHER PERSON OR AN ADULT RESIDING IN THAT HOME INDICATING THAT
2 CONTINUED PLACEMENT OF THE CHILD WITH THAT RELATIVE OR OTHER
3 PERSON WOULD BE UNSAFE AS SPECIFIED IN SECTION 26-6-106.3 (5) AND
4 (6), C.R.S., OR SECTION 19-3-407 (3). THE COUNTY DEPARTMENT SHALL
5 PERFORM THE FOLLOWING ADDITIONAL BACKGROUND CHECKS OF THE
6 RELATIVE OR OTHER PERSON OR AN ADULT RESIDING IN THE HOME:

7 (a) A CHECK OF THE ICON SYSTEM PURSUANT TO SECTION
8 26-6-106.3, C.R.S., TO DETERMINE THE STATUS OR DISPOSITION OF ANY
9 CRIMINAL CHARGES;

10 (b) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE
11 FOR INFORMATION TO INFORM DECISIONS ABOUT PLACEMENT TO
12 DETERMINE IF THE PERSON HAS BEEN IDENTIFIED AS HAVING A FINDING OF
13 CHILD ABUSE OR NEGLECT AND WHETHER SUCH FINDING PRESENTS AN
14 UNSAFE PLACEMENT FOR THE CHILD; AND

15 (c) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
16 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
17 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
18 ADDRESSES AGAINST THE KNOWN NAMES AND ADDRESSES IN THE
19 REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM FOR COLORADO TO
20 DETERMINE IF A PERSON IS A REGISTERED SEX OFFENDER.

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

24 (6) For purposes of this section, "initial criminal history record
25 check" means a name-based state and federal criminal history record
26 check performed by a local law enforcement agency utilizing the records
27 of the Colorado bureau of investigation and the federal bureau of

1 investigation.

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

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

19 **19-3-407. Noncertified kinship care - requirement for**
20 **background checks and other checks - definitions.** (1) A COUNTY
21 DEPARTMENT SHALL CONDUCT THE FOLLOWING CRIMINAL BACKGROUND
22 CHECKS OF KIN OR ANY ADULT WHO RESIDES AT THE HOME PRIOR TO
23 PLACING A CHILD IN NONCERTIFIED KINSHIP CARE:

24 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
25 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL
26 BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE,
27 OR A PERSON WHO RESIDES AT THE HOME 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) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
5 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 SUB-SUBPARAGRAPHS (I) TO (VI) OF THIS
18 PARAGRAPH (a);
19 (b) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL
20 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING
21 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, EMPLOYEE, OR A
22 PERSON WHO RESIDES AT THE HOME THAT WERE IDENTIFIED BY THE
23 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE
24 COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF
25 INVESTIGATION;
26 (c) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE
27 FOR INFORMATION TO DETERMINE IF THE PERSON, EMPLOYEE, OR PERSON

1 WHO RESIDES AT THE HOME HAS BEEN IDENTIFIED AS HAVING A FINDING OF
2 CHILD ABUSE OR NEGLECT AND WHETHER SUCH FINDING HAS BEEN
3 DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR A CHILD; AND

4 (d) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
5 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
6 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
7 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM
8 FOR COLORADO TO DETERMINE IF THE APPLICANT, EMPLOYEE, OR PERSON
9 WHO RESIDES AT THE HOME IS A REGISTERED SEX OFFENDER.

10 (2) A COUNTY DEPARTMENT MAY HAVE DIRECT ACCESS TO
11 NATIONAL AND STATE CRIMINAL DATABASES TO CONDUCT THE CRIMINAL
12 HISTORY RECORD CHECKS PURSUANT REQUIRED PURSUANT TO THIS
13 SECTION OR, IF A COUNTY DEPARTMENT DOES NOT HAVE THE CAPABILITIES
14 OR RESOURCES TO HAVE ACCESS TO NATIONAL AND STATE CRIMINAL
15 DATABASES, THE COUNTY DEPARTMENT IS REQUIRED TO CONTACT LOCAL
16 LAW ENFORCEMENT TO PERFORM THE CRIMINAL HISTORY RECORD CHECK.

17 (3) A COUNTY DEPARTMENT SHALL NOT PLACE A CHILD IN
18 NONCERTIFIED KINSHIP CARE, WITHOUT COURT INVOLVEMENT AND AN
19 ORDER OF THE COURT AFFIRMING PLACEMENT OF THE CHILD WITH THE
20 PERSON, IF THE KIN OR ANY ADULT WHO RESIDES WITH THE KIN AT THE
21 HOME:

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

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

1 DEPARTMENT OF JUSTICE. THE SEX OFFENDER REGISTRY CHECKS MUST
2 CHECK THE APPLICANT'S KNOWN NAMES AND ADDRESSES IN THE
3 INTERACTIVE DATABASE SYSTEM FOR COLORADO OR THE NATIONAL SEX
4 OFFENDER PUBLIC REGISTRY AGAINST ALL OF THE REGISTRANT'S KNOWN
5 NAMES AND ADDRESSES; OR

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

10 (4) FOR THE PURPOSES OF THIS SECTION, "CONVICTED" MEANS A
11 CONVICTION BY A JURY OR BY A COURT AND INCLUDES A DEFERRED
12 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION
13 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,
14 OR A PLEA OF GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT
15 APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO
16 PARTICIPATED IN DIVERSION, AS DEFINED IN SECTION 19-1-103 (4),
17 C.R.S., AND DOES NOT APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR
18 A PERSON WHO PARTICIPATED IN AND SUCCESSFULLY COMPLETED THE
19 CHILD ABUSE AND CHILD NEGLECT DIVERSION PROGRAM AS DESCRIBED IN
20 SECTION 19-3-310, C.R.S.

21 (5) THE CONVICTIONS IDENTIFIED IN PARAGRAPH (a) OF
22 SUBSECTION (1) AND IN SUBSECTION (3) OF THIS SECTION MUST BE
23 DETERMINED ACCORDING TO THE RECORDS OF THE COLORADO BUREAU OF
24 INVESTIGATION OR THE FEDERAL BUREAU OF INVESTIGATION AND THE
25 ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT. THE SCREENING
26 REQUEST IN COLORADO SHALL BE MADE PURSUANT TO SECTION 19-1-307

27 (2) (k.5), RULES PROMULGATED BY THE STATE BOARD PURSUANT TO

1 SECTION 19-3-313.5, AND 42 U.S.C. 671 (a) (2). A CERTIFIED COPY OF THE
2 JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE CONVICTION,
3 DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED
4 PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION AGREEMENT IS
5 PRIMA FACIE EVIDENCE OF A CONVICTION OR AGREEMENT.

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 A SAFE PLACEMENT FOR THE
14 CHILD AND SHALL INQUIRE ABOUT DOCUMENTATION THAT THE COUNTY
15 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.**