

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

**REVISED**

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

LLS NO. 15-0530.01 Debbie Haskins x2045

**SENATE BILL 15-087**

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**SENATE SPONSORSHIP**

**Newell,**

**HOUSE SPONSORSHIP**

**Singer,**

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**Senate Committees**

Health & Human Services  
Judiciary

**House Committees**

Public Health Care & Human Services

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**A BILL FOR AN ACT**

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

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**Bill Summary**

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

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.*

HOUSE  
Amended 2nd Reading  
April 23, 2015

SENATE  
3rd Reading Unamended  
February 26, 2015

SENATE  
Amended 2nd Reading  
February 24, 2015

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

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

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

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

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

source;

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

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

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

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

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

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-1-103, 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, (7) (a) (I) (C), and (8)  
5 introductory portion; and **repeal** (1) (d) as follows:

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

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

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

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

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

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

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

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

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

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

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

4 (IV) Repealed.

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

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

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

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

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

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

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

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

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

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

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

1 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME:  
2 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
3 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL  
4 BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE,  
5 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN  
6 CONVICTED OF:  
7 (I) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S.;  
8 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,  
9 C.R.S.;  
10 (III) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS  
11 DEFINED IN SECTION 16-22-102 (9), C.R.S.;  
12 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS  
13 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF  
14 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;  
15 (V) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A  
16 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF  
17 APPLICATION FOR A CERTIFICATE;  
18 (VI) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY  
19 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY  
20 PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR  
21 (VII) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF  
22 WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF  
23 THE OFFENSES DESCRIBED IN SUBPARAGRAPHS (I) TO (VI) OF THIS  
24 PARAGRAPH (a);  
25 (b) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL  
26 DEPARTMENT \_\_\_\_\_ TO DETERMINE THE STATUS OR DISPOSITION OF ANY  
27 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, EMPLOYEE, OR A

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

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

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

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

24 (a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN \_\_\_\_\_  
25 PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION AS VERIFIED  
26 THROUGH FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS AND  
27 A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT;

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

5           (c) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER  
6           REGISTRY CREATED PURSUANT TO SECTION 16-22-110, C.R.S., OR IS A  
7           REGISTERED SEX OFFENDER IN ANOTHER STATE AS DETERMINED BY A  
8           CHECK OF THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY  
9           THE UNITED STATES DEPARTMENT OF JUSTICE; EXCEPT THAT THIS  
10          PROVISION DOES NOT APPLY TO AN ADULT RESIDENT WHO HAS BEEN  
11          PLACED IN THE FOSTER CARE FACILITY OR HOME FOR TREATMENT UNDER  
12          AN ADULT CHILD WAIVER. THE SEX OFFENDER REGISTRY CHECKS MUST  
13          CHECK THE \_\_\_\_\_ KNOWN NAMES AND ADDRESSES OF THE APPLICANT,  
14          EMPLOYEE, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME IN  
15          THE INTERACTIVE DATABASE SYSTEM FOR COLORADO AND IN THE  
16          NATIONAL SEX OFFENDER PUBLIC REGISTRY AGAINST ALL OF THE  
17          REGISTRANTS' KNOWN NAMES AND ADDRESSES.

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

1 SECTION 19-3-310, C.R.S.

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

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

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

26 (II) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED  
27 PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY

1 SEXUAL OFFENSE AGAINST A CHILD, THE ELEMENTS OF WHICH ARE  
2 SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES  
3 DESCRIBED IN SUBPARAGRAPHS (I) TO (VI) OF PARAGRAPH (a) OF  
4 SUBSECTION (5) OF THIS SECTION.

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

25        (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1,  
26 AN OWNER; OFFICER; EXECUTIVE; MEMBER OF THE GOVERNING BOARD;  
27 EMPLOYEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS

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

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

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

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

1 develop the rules in consultation with the state department, county  
2 departments, child placement agencies, and others with expertise in the  
3 development of rules regarding foster care.

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

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

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

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

25 =====  
26 (d) A LIST OF ACTIONS A COUNTY DEPARTMENT OR CHILD  
27 PLACEMENT AGENCY MUST TAKE IF A DISQUALIFYING FACTOR IS FOUND

1 DURING ANY OF THE BACKGROUND CHECKS SPECIFIED IN SECTION  
2 26-6-106.3 (5) AND (6) AND SECTION 19-3-406 (4) AND (4.5), C.R.S.;

3 (e) A LIST OF SANCTIONS THE STATE DEPARTMENT MAY PLACE  
4 UPON A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY IF THE  
5 REQUIRED BACKGROUND CHECKS FOR FOSTER CARE HOMES ARE NOT  
6 COMPLETED OR DOCUMENTED, INCLUDING FINES OR DISCIPLINARY  
7 ACTIONS;

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

22 (g) RULES THAT GOVERN THE HEALTH ASSESSMENT OF FOSTER  
23 CARE PARENTS BY A LICENSED HEALTH CARE PROFESSIONAL THAT REQUIRE  
24 A WRITTEN EVALUATION OF THE PERSON'S PHYSICAL AND MENTAL ABILITY  
25 TO CARE FOR FOSTER CHILDREN. IF, IN THE OPINION OF THE LICENSED  
26 HEALTH CARE PROFESSIONAL OR THE ASSESSMENT WORKER, AN  
27 EMOTIONAL OR PSYCHOLOGICAL CONDITION EXISTS THAT WOULD HAVE A

1 NEGATIVE IMPACT ON THE CARE OF FOSTER CHILDREN, THE ISSUANCE OF  
2 A CERTIFICATE SHALL BE CONDITIONED UPON THE SATISFACTORY REPORT  
3 OF A LICENSED MENTAL HEALTH PRACTITIONER.

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

8 (3) THE STATE DEPARTMENT SHALL REVIEW THE CURRENT  
9 ADDRESS VERIFICATION PRACTICES AND POLICIES IN OTHER STATES FOR  
10 CHECKING THE PRIOR ADDRESSES OF PERSONS WHO APPLY TO BE FOSTER  
11 CARE PROVIDERS OR KINSHIP FOSTER CARE PROVIDERS AND OF ADULTS  
12 WHO RESIDE IN THE FOSTER CARE HOME OR KINSHIP FOSTER CARE HOME.  
13 AFTER CONDUCTING SUCH REVIEW, THE STATE DEPARTMENT SHALL  
14 RECOMMEND TO THE STATE BOARD WHETHER RULES AND STANDARDS  
15 SHOULD BE ADOPTED FOR VERIFICATION OF ADDRESSES OF SUCH PERSONS  
16 BY COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES.

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

19 **26-6-107. Investigations and inspections - local authority -**  
20 **reports - rules. (1) (a.5) An applicant for certification as a foster care**  
21 **home shall provide the child placement agency or the county department**  
22 **from whom the certification is sought with a list of all the prior child**  
23 **placement agencies and county departments to which the applicant had**  
24 **previously applied, and a release of information from such child**  
25 **placement agencies and county departments to which the applicant had**  
26 **previously applied, to obtain information about the application and any**  
27 **certification given by such child placement agencies and county**

1 departments. A child placement agency or county department from whom  
2 the certification is sought shall conduct a reference check of the applicant  
3 and any adult resident of the foster care home who is acting as a caregiver  
4 by contacting all of the child placement agencies and county departments  
5 identified by the applicant before issuing the certification for that foster  
6 care home. Child placement agencies and county departments shall be  
7 held harmless for information released, in good faith, to other child  
8 placement agencies or county departments.

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

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

25 (B) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL  
26 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING  
27 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT OR ADULT WHO

1 RESIDES IN THE HOME THAT WERE IDENTIFIED BY THE FINGERPRINT-BASED  
2 CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF  
3 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION;

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

9 (D) 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 OR ADULT WHO RESIDES  
14 AT THE HOME IS A REGISTERED SEX OFFENDER.

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

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

26 (IV) An investigation pursuant to this paragraph (a.7) shall be  
27 conducted for any new resident adult whenever the adult is added to the

1 family foster care home or kinship care home. Information obtained from  
2 any state records of abuse or neglect shall not be used for any purpose  
3 other than conducting the investigation for placement or certification.

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

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

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

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

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

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

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

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

9            (2) The guardian ad litem shall be provided with all reports  
10           relevant to a case submitted to or made by any agency or person pursuant  
11           to this article, including reports of examination of the child or persons  
12           responsible for the neglect or dependency of the child. THE COUNTY  
13           DEPARTMENT SHALL SHARE WITH THE GUARDIAN AD LITEM THE REPORTS  
14           OF FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS FROM THE  
15           COLORADO BUREAU OF INVESTIGATION AND FROM THE FEDERAL BUREAU  
16           OF INVESTIGATION IF THE COURT ORDERS THE COUNTY DEPARTMENT TO  
17           SHARE THAT INFORMATION WITH THE GUARDIAN AD LITEM. The court and  
18           social workers assigned to the case shall keep the guardian ad litem  
19           apprised of significant developments in the case, particularly prior to  
20           further neglect or dependency court appearances.

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

23           **19-3-406. Fingerprint-based criminal history record check -**  
24           **providers of emergency placement for children - use of criminal**  
25           **justice records - definitions - rules.** (1) (a) A county department may  
26           elect to collaborate with local law enforcement agencies to perform initial  
27           criminal history record checks followed by fingerprint verification

1 pursuant to the provisions of this section. If a county department elects to  
2 collaborate with local law enforcement agencies pursuant to this section,  
3 then Any time a child is taken into temporary custody by a law  
4 enforcement officer and any time the court places temporary custody of  
5 a child with a county department pursuant to the provisions of this part 4,  
6 and a relative or other available person is identified as a potential  
7 emergency placement for the child, the COUNTY DEPARTMENT OR A local  
8 law enforcement agency shall IMMEDIATELY conduct an initial criminal  
9 history record check of the relative or other available person prior to the  
10 county department or the law enforcement officer placing the child in the  
11 emergency placement. A COUNTY DEPARTMENT MAY PERFORM INITIAL  
12 CRIMINAL HISTORY RECORD CHECKS THROUGH ITS STAFF OR MAY  
13 COLLABORATE WITH LOCAL LAW ENFORCEMENT AGENCIES TO PERFORM  
14 THE INITIAL CRIMINAL HISTORY RECORD CHECKS. When a county  
15 department of social services has temporary custody of a child pursuant  
16 to the provisions of this part 4 and contacts the local law enforcement  
17 agency for an initial criminal history record check of a person who is  
18 identified as a potential emergency placement for the child pursuant to the  
19 provisions of this section, the local law enforcement agency shall  
20 IMMEDIATELY provide the county department with a verbal response  
21 regarding the person's criminal history and shall not provide the county  
22 department with documentation of the person's criminal history,  
23 consistent with the provisions of Public Law 92-544, and regulations  
24 promulgated thereunder, as amended.

25 (b) If a county department of social services elects to request an  
26 initial criminal history record check pursuant to the provisions of this  
27 section, The child may not be placed with the relative or other available

1 person if the initial criminal history record check conducted pursuant to  
2 paragraph (a) of this subsection (1) reflects a criminal history described  
3 in subsection (4) of this section.

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

18 (2) A relative or other available person who is not disqualified as  
19 an emergency placement for a child pursuant to paragraph (b) of  
20 subsection (1) of this section and who authorizes a child to be placed with  
21 him or her on an emergency basis pursuant to the provisions of this part  
22 4 shall report to a local law enforcement agency OR TO A COUNTY  
23 DEPARTMENT THAT HAS A FINGERPRINT MACHINE for the purpose of  
24 providing fingerprints to the law enforcement agency OR TO THE COUNTY  
25 DEPARTMENT no later than five days after the child is placed in the  
26 person's home or no later than fifteen calendar days when exigent  
27 circumstances exist. If the relative or other available person fails to report

1 to the local law enforcement agency OR TO THE COUNTY DEPARTMENT, IF  
2 APPLICABLE, FOR FINGERPRINTING within this time period, the county  
3 department of social services or the law enforcement officer, as  
4 appropriate, shall immediately remove the child from the physical custody  
5 of the person. The county department of social services shall contact the  
6 local law enforcement agency to verify CONFIRM WITHIN FIFTEEN DAYS  
7 AFTER THE CHILD HAS BEEN PLACED WITH THE RELATIVE OR OTHER  
8 AVAILABLE PERSON that a THE relative or other available person identified  
9 by the county department reported to the local law enforcement agency  
10 for fingerprinting within the time period specified by this subsection (2).

11 (3) When a person reports to a local law enforcement agency OR  
12 TO A COUNTY DEPARTMENT THAT HAS A FINGERPRINT MACHINE, pursuant  
13 to the provisions of subsection (2) of this section, the local law  
14 enforcement agency OR THE COUNTY DEPARTMENT, IF APPLICABLE, shall  
15 fingerprint the person and IMMEDIATELY forward the fingerprints to the  
16 Colorado bureau of investigation for the purpose of obtaining a  
17 fingerprint-based criminal history record check. Upon receipt of  
18 fingerprints and payment for the costs, the Colorado bureau of  
19 investigation shall conduct a state and national fingerprint-based criminal  
20 history record check utilizing records of the Colorado bureau of  
21 investigation and the federal bureau of investigation. The local law  
22 enforcement agency shall be the authorized agency to receive information  
23 regarding The results of the state and national fingerprint-based criminal  
24 history record checks CONDUCTED PURSUANT TO THIS SECTION SHALL BE  
25 FORWARDED IMMEDIATELY TO THE AGENCY AUTHORIZED TO RECEIVE THE  
26 INFORMATION. If the fingerprint-based criminal history record check  
27 indicates that the person has a criminal history described in subsection (4)

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

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

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

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

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

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

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

20 (f) Violation of a protection order, as described in section  
21 18-6-803.5, C.R.S.;

22 (g) A crime involving homicide; or

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

26 (4.5) (a) IF A RELATIVE OR OTHER PERSON WAS NOT DISQUALIFIED  
27 AS AN EMERGENCY PLACEMENT BASED UPON THE FINGERPRINT-BASED

1 CRIMINAL HISTORY RECORD CHECK AND THE CHILD WAS PLACED IN AN  
2 EMERGENCY PLACEMENT WITH SUCH PERSON, THE COUNTY DEPARTMENT  
3 SHALL PERFORM THE FOLLOWING ADDITIONAL BACKGROUND CHECKS OF  
4 THE RELATIVE OR OTHER PERSON:

5 (I) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL  
6 DEPARTMENT PURSUANT TO SECTION 26-6-106.3, C.R.S., TO DETERMINE  
7 THE STATUS OR DISPOSITION OF ANY CRIMINAL CHARGES;

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

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

19 (b) IF INFORMATION IS FOUND AS A RESULT OF THE ADDITIONAL  
20 BACKGROUND CHECKS OF THE RELATIVE OR OTHER PERSON THAT INDICATE  
21 THAT CONTINUED PLACEMENT WITH THAT RELATIVE OR OTHER PERSON  
22 WOULD NO LONGER BE SAFE FOR THE CHILD, THE COUNTY DEPARTMENT  
23 SHALL REMOVE THE CHILD FROM THAT PLACEMENT.

24 (c) THE COUNTY DEPARTMENT SHALL ALSO REQUEST THAT A  
25 LOCAL LAW ENFORCEMENT AGENCY PERFORM A STATE AND NATIONAL  
26 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF ANY PERSON  
27 RESIDING IN THE HOME TO DETERMINE IF THE PERSON HAS A CRIMINAL

1 HISTORY AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION AND ALSO  
2 PERFORM THE ADDITIONAL BACKGROUND CHECKS DESCRIBED IN  
3 SUBPARAGRAPHS (I) TO (II) OF PARAGRAPH (a) OF THIS SUBSECTION (4.5).  
4 THE LOCAL LAW ENFORCEMENT AGENCY SHALL PROVIDE THE COUNTY  
5 DEPARTMENT WITH THE RESULTS OF THE STATE AND NATIONAL  
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK WITHIN  
7 FORTY-EIGHT HOURS. IF THE FINGERPRINT-BASED CRIMINAL HISTORY  
8 RECORD CHECK INDICATES THAT A PERSON RESIDING IN THE HOME HAS A  
9 CRIMINAL HISTORY DESCRIBED IN SUBSECTION (4) OF THIS SECTION OR THE  
10 INFORMATION FROM THE OTHER BACKGROUND CHECKS RAISES ISSUES  
11 ABOUT THE SAFETY OF THE CHILD IN THE HOME, THE COUNTY  
12 DEPARTMENT SHALL EVALUATE THE CONTINUED PLACEMENT OF THE CHILD  
13 IN THE HOME AND DEVELOP A PLAN TO ADDRESS THE ISSUES WITHIN  
14 FOURTEEN DAYS. A COUNTY DEPARTMENT SHALL REMEDY THE SITUATION  
15 AS QUICKLY AS POSSIBLE AND NO LATER THAN TWO WEEKS AFTER THE  
16 PLACEMENT. THE STATE BOARD SHALL PROMULGATE RULES TO ADDRESS  
17 CHILD SAFETY AND WHAT MUST BE CONSIDERED IN THE EVALUATION.

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

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

26 (7) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, IF THE  
27 COUNTY DEPARTMENT VERIFIES AND DOCUMENTS THAT ALL OF THE

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

14 (8) (a) THE COLORADO BUREAU OF INVESTIGATION SHALL FLAG  
15 THE FINGERPRINTS OF AND NOTIFY THE APPLICABLE COUNTY DEPARTMENT  
16 OF ANY NEW ARRESTS OF AN INDIVIDUAL WHOSE FINGERPRINTS THE  
17 COUNTY DEPARTMENT SUBMITS TO A LOCAL LAW ENFORCEMENT AGENCY  
18 THAT THE COUNTY DEPARTMENT ALSO INTENDS TO BE SUBSEQUENTLY  
19 USED FOR FOSTER CARE CERTIFICATION.

20 (b) THE COUNTY DEPARTMENT SHALL NOTIFY THE COLORADO  
21 BUREAU OF INVESTIGATION WITHIN FIVE CALENDAR DAYS AFTER  
22 SUBMITTING THE REQUEST FOR A FINGERPRINT-BASED CRIMINAL HISTORY  
23 RECORD CHECK WHEN THE COUNTY DEPARTMENT INTENDS TO ACCEPT AN  
24 APPLICATION FOR FOSTER CARE CERTIFICATION FROM THAT PERSON SO  
25 THAT THE FLAGGING AND AUTOMATIC NOTIFICATION TO THE COUNTY  
26 DEPARTMENT OF NEW ARRESTS PURSUANT TO PARAGRAPH (a) OF THIS  
27 SUBSECTION (8) OCCURS FOR THAT PERSON AND CONTINUES THROUGH THE

1 DURATION OF THE INDIVIDUAL'S FOSTER CARE CERTIFICATION. THE  
2 COUNTY DEPARTMENT SHALL USE THE SAME FINGERPRINTS RECEIVED  
3 UNDER THIS SUBSECTION (8) AND ANY UPDATED FINGERPRINT-BASED  
4 CRIMINAL HISTORY RECORD CHECK RESULTS FROM THE AUTOMATIC  
5 NOTIFICATION AS A SUBSTITUTE FOR MEETING THE FINGERPRINT  
6 REQUIREMENTS FOR A PERSON WHO IS APPLYING FOR FOSTER CARE  
7 CERTIFICATION PURSUANT TO SECTION 26-6-106.3, C.R.S.

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

10 **19-3-407. Noncertified kinship care - requirement for**  
11 **background checks and other checks - definitions.** (1) A COUNTY  
12 DEPARTMENT SHALL REQUEST THAT A LOCAL LAW ENFORCEMENT AGENCY  
13 CONDUCT THE FOLLOWING BACKGROUND CHECKS OF KIN OR ANY ADULT  
14 WHO RESIDES AT THE HOME PRIOR TO PLACING A CHILD IN NONCERTIFIED  
15 KINSHIP CARE, UNLESS SUCH PLACEMENT IS AN EMERGENCY PLACEMENT  
16 PURSUANT TO SECTION 19-3-406:

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

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

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

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

26 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS  
27 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF

1 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

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

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

8 (VII) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF  
9 WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF  
10 THE OFFENSES DESCRIBED IN SUB-SUBPARAGRAPHS (I) TO (VI) OF THIS  
11 PARAGRAPH (a);

12 (b) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL  
13 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING  
14 CRIMINAL CHARGES BROUGHT AGAINST THE KIN OR AN ADULT WHO  
15 RESIDES AT THE HOME THAT WERE IDENTIFIED BY THE FINGERPRINT-BASED  
16 CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF  
17 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION;

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

23 (d) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND  
24 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY  
25 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND  
26 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM  
27 FOR COLORADO TO DETERMINE IF THE KIN OR AN ADULT WHO RESIDES AT

1 THE HOME IS A REGISTERED SEX OFFENDER.

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

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

7 (b) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER  
8 REGISTRY CREATED PURSUANT TO SECTION 16-22-110, C.R.S. OR IS A  
9 REGISTERED SEX OFFENDER AS DETERMINED BY A CHECK OF THE  
10 NATIONAL SEX OFFENDER REGISTRY OPERATED BY THE UNITED STATES  
11 DEPARTMENT OF JUSTICE. THE SEX OFFENDER REGISTRY CHECKS MUST  
12 CHECK THE KIN'S OR ADULT RESIDENT'S KNOWN NAMES AND ADDRESSES  
13 IN THE INTERACTIVE DATABASE SYSTEM FOR COLORADO OR THE NATIONAL  
14 SEX OFFENDER PUBLIC REGISTRY AGAINST ALL OF THE REGISTRANT'S  
15 KNOWN NAMES AND ADDRESSES; OR

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

20 (3) A COUNTY DEPARTMENT MAY MAKE A PLACEMENT WITH  
21 NONCERTIFIED KIN THAT WOULD OTHERWISE BE DISQUALIFIED PURSUANT  
22 TO SUBSECTION (2) OF THIS SECTION OR ALLOW CONTINUED PLACEMENT  
23 WITH NONCERTIFIED KIN IF AN ADULT RESIDING IN THE HOME WOULD  
24 OTHERWISE BE DISQUALIFIED PURSUANT TO SUBSECTION (2) OF THIS  
25 SECTION IF SUCH PLACEMENT OCCURS ACCORDING TO RULES  
26 PROMULGATED BY THE STATE BOARD OR IF THERE IS COUNTY-INITIATED  
27 COURT INVOLVEMENT AND AN ORDER OF THE COURT AFFIRMING

1 PLACEMENT OF THE CHILD WITH THE KIN.

2 (4) FOR THE PURPOSES OF THIS SECTION, "CONVICTED" MEANS A  
3 CONVICTION BY A JURY OR BY A COURT AND INCLUDES A DEFERRED  
4 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION  
5 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,  
6 OR A PLEA OF GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT  
7 APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO  
8 PARTICIPATED IN DIVERSION, AS DEFINED IN SECTION 19-1-103 (44),  
9 C.R.S., AND DOES NOT APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR  
10 A PERSON WHO PARTICIPATED IN AND SUCCESSFULLY COMPLETED THE  
11 CHILD ABUSE AND CHILD NEGLECT DIVERSION PROGRAM AS DESCRIBED IN  
12 SECTION 19-3-310, C.R.S.

13 (5) THE CONVICTIONS IDENTIFIED IN PARAGRAPH (a) OF  
14 SUBSECTION (1) OF THIS SECTION AND IN SUBSECTION (2) OF THIS SECTION  
15 MUST BE DETERMINED ACCORDING TO THE RECORDS OF THE COLORADO  
16 BUREAU OF INVESTIGATION OR THE FEDERAL BUREAU OF INVESTIGATION  
17 AND THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT. THE  
18 SCREENING REQUEST IN COLORADO SHALL BE MADE PURSUANT TO  
19 SECTION 19-1-307 (2) (k.5), RULES PROMULGATED BY THE STATE BOARD  
20 PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. 671 (a) (2). A  
21 CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT  
22 JURISDICTION OF THE CONVICTION, DEFERRED JUDGMENT AND SENTENCE  
23 AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR DEFERRED  
24 ADJUDICATION AGREEMENT IS PRIMA FACIE EVIDENCE OF A CONVICTION  
25 OR AGREEMENT.

26 (6) THE STATE BOARD SHALL ADOPT RULES RELATING TO  
27 BACKGROUND CHECKS OF RELATIVES AND PLACEMENT OF CHILDREN IN

1 NONCERTIFIED KINSHIP CARE, INCLUDING:

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

8 (b) RULES ON THE ACTIONS A COUNTY DEPARTMENT SHOULD TAKE  
9 IF A DISQUALIFYING FACTOR IS FOUND DURING ANY OF THE BACKGROUND  
10 CHECKS SPECIFIED IN THIS SECTION, INCLUDING RULES ON REVIEWING THE  
11 PLACEMENT OF CHILDREN, ADDRESSING CHILD SAFETY ISSUES,  
12 EVALUATING THE VULNERABILITY AND THE AGE OF THE CHILD, AND  
13 IDENTIFY ALTERNATIVE REMEDIES TO REMOVAL OF THE CHILD FROM THE  
14 PLACEMENT. \_\_\_\_\_

15 \_\_\_\_\_  
16 **SECTION 11.** In Colorado Revised Statutes, 19-3-508, **add** (8)  
17 as follows:

18 **19-3-508. Neglected or dependent child - disposition -**  
19 **concurrent planning.** (8) WHEN ENTERING A DECREE PLACING THE  
20 CHILD IN THE LEGAL CUSTODY OF A RELATIVE OR PLACING THE CHILD IN  
21 THE LEGAL CUSTODY OF A COUNTY DEPARTMENT FOR PLACEMENT IN A  
22 FOSTER CARE HOME, THE COURT SHALL ENSURE THAT THE CHILD'S  
23 PLACEMENT AT THE TIME OF THE HEARING IS IN THE BEST INTERESTS OF  
24 THE CHILD AND SHALL INQUIRE ABOUT DOCUMENTATION THAT THE  
25 COUNTY DEPARTMENT OR A LICENSED CHILD PLACEMENT AGENCY HAS  
26 ADEQUATELY SCREENED THE FOSTER CARE PROVIDER OR THE FAMILY  
27 MEMBER WHO IS SEEKING TO CARE FOR THE CHILD AND ANY ADULT

1 RESIDING IN THAT HOME AND THAT ALL OF THE CRIMINAL HISTORY  
2 RECORD CHECKS AND OTHER BACKGROUND CHECKS HAVE BEEN  
3 COMPLETED AS REQUIRED PURSUANT TO SECTION 26-6-106.3, C.R.S., OR  
4 19-3-407.

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

7 **19-3-605. Request for placement with family members.** (3) In  
8 making placement determinations concerning a child following the order  
9 of termination of the parent-child legal relationship pursuant to the  
10 provisions of this section, the court may consider all pertinent information  
11 related to modifying the placement of the child prior to removing the  
12 child from his or her placement, giving strong consideration to the  
13 following:

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

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

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

1 following persons or agencies shall be given access to child abuse or  
2 neglect records and reports:

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

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

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

1 into their families or the community. The application of these guidelines  
2 may be limited to reasonable periods during the day or restricted  
3 according to the routine of family foster care homes to ensure the  
4 protection of children and foster families.

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

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

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

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

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

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