

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**

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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.*

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 AND A BACKGROUND CHECK SYSTEM PROVIDED BY A  
27 VENDOR WHO HAS A CONTRACT WITH THE COLORADO JUDICIAL

1 DEPARTMENT \_\_\_\_\_ TO DETERMINE THE STATUS OR DISPOSITION OF ANY  
2 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, EMPLOYEE, OR A  
3 PERSON WHO RESIDES AT THE FACILITY OR THE HOME THAT WERE  
4 IDENTIFIED BY THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
5 CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE  
6 FEDERAL BUREAU OF INVESTIGATION;

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

13 (d) 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 IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM  
17 FOR COLORADO TO DETERMINE IF THE APPLICANT, EMPLOYEE, OR PERSON  
18 WHO RESIDES AT THE FACILITY OR THE HOME IS A REGISTERED SEX  
19 OFFENDER.

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

26 (a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN \_\_\_\_\_  
27 PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION AS VERIFIED

1 THROUGH FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS AND  
2 A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT AND  
3 A BACKGROUND CHECK SYSTEM PROVIDED BY A VENDOR WHO HAS A  
4 CONTRACT WITH THE COLORADO JUDICIAL DEPARTMENT;

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

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

22 (7) FOR PURPOSES OF THIS SECTION, "CONVICTED" MEANS A  
23 CONVICTION BY A JURY OR BY A COURT AND INCLUDES A DEFERRED  
24 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION  
25 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,  
26 OR A PLEA OF GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT  
27 APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO

1 PARTICIPATED IN DIVERSION, AS DEFINED IN SECTION 19-1-103 (44),  
2 C.R.S., AND DOES NOT APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR  
3 A PERSON WHO PARTICIPATED IN AND SUCCESSFULLY COMPLETED THE  
4 CHILD ABUSE AND CHILD NEGLECT DIVERSION PROGRAM AS DESCRIBED IN  
5 SECTION 19-3-310, C.R.S.

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

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

25 (I) HAS BEEN CONVICTED OF CHILD ABUSE OR ANY UNLAWFUL  
26 SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY OTHER STATE OR  
27 THE UNITED STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY

1 SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES DESCRIBED IN  
2 SUBPARAGRAPHS (I) TO (VI) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS  
3 SECTION; OR

4 (II) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED  
5 PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY  
6 SEXUAL OFFENSE AGAINST A CHILD, THE ELEMENTS OF WHICH ARE  
7 SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES  
8 DESCRIBED IN SUBPARAGRAPHS (I) TO (VI) OF PARAGRAPH (a) OF  
9 SUBSECTION (5) OF THIS SECTION.

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



1 THE COUNTY-CERTIFIED FOSTER CARE HOME UPON WRITTEN AGREEMENT  
2 OF THE TWO COUNTY DEPARTMENTS.

3 (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1,  
4 AN OWNER; OFFICER; EXECUTIVE; MEMBER OF THE GOVERNING BOARD;  
5 EMPLOYEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS  
6 PART 1; OR ANY RELATIVE OF SAID OWNER, OFFICER, EXECUTIVE, MEMBER,  
7 OR EMPLOYEE SHALL NOT HOLD A BENEFICIAL INTEREST IN ANY PROPERTY  
8 OPERATED OR INTENDED TO BE OPERATED AS A FOSTER CARE HOME, WHEN  
9 THE PROPERTY IS CERTIFIED BY THE CHILD PLACEMENT AGENCY AS A  
10 FOSTER CARE HOME.

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

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

27 **26-6-106.5. Foster care - kinship care - rules applying**

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

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

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

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

22 (c) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS AND ALL  
23 CHILD PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE  
24 CONDUCT AND DOCUMENT THAT ALL OF THE BACKGROUND CHECKS  
25 SPECIFIED IN SECTION 26-6-106.3 (5) AND (6) HAVE BEEN COMPLETED FOR  
26 ANY PERSON APPLYING TO PROVIDE FOSTER CARE, ANY PERSON EMPLOYED  
27 BY THE APPLICANT TO WORK IN A FOSTER CARE FACILITY, AND FOR ANY

1 ADULT RESIDENT OF THE FOSTER CARE HOME PRIOR TO PLACING A CHILD  
2 IN FOSTER CARE WITH THAT PERSON;

3                   
4           (d) 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) AND SECTION 19-3-406 (4) AND (4.5), C.R.S.;

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

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

27           (g) RULES THAT GOVERN THE HEALTH ASSESSMENT OF FOSTER

1 CARE PARENTS BY A LICENSED HEALTH CARE PROFESSIONAL THAT REQUIRE  
2 A WRITTEN EVALUATION OF THE PERSON'S PHYSICAL AND MENTAL ABILITY  
3 TO CARE FOR FOSTER CHILDREN. IF, IN THE OPINION OF THE LICENSED  
4 HEALTH CARE PROFESSIONAL OR THE ASSESSMENT WORKER, AN  
5 EMOTIONAL OR PSYCHOLOGICAL CONDITION EXISTS THAT WOULD HAVE A  
6 NEGATIVE IMPACT ON THE CARE OF FOSTER CHILDREN, THE ISSUANCE OF  
7 A CERTIFICATE SHALL BE CONDITIONED UPON THE SATISFACTORY REPORT  
8 OF A LICENSED MENTAL HEALTH PRACTITIONER.

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

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

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

1 identified by the applicant before issuing the certification for that foster  
2 care home. Child placement agencies and county departments shall be  
3 held harmless for information released, in good faith, to other child  
4 placement agencies or county departments.

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

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

21 (B) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL  
22 DEPARTMENT AND A BACKGROUND CHECK SYSTEM PROVIDED BY A  
23 VENDOR WHO HAS A CONTRACT WITH THE COLORADO JUDICIAL  
24 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING  
25 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT OR ADULT WHO  
26 RESIDES IN THE HOME THAT WERE IDENTIFIED BY THE FINGERPRINT-BASED  
27 CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF

1 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION;

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

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

13 (II) In addition to the fingerprint-based criminal history records  
14 RECORD check, the county department or child placement agency shall  
15 contact the appropriate entity in each state in which the applicant or any  
16 adult residing in the home has resided within the preceding five years to  
17 determine whether the adult INDIVIDUAL has been found to be responsible  
18 in a confirmed report of child abuse or 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. Information obtained from  
27 any state records of abuse or neglect shall not be used for any purpose

1 other than conducting the investigation for placement or certification.

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

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

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

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

12 (71.3) "KIN", FOR PURPOSES OF A "KINSHIP FOSTER CARE HOME" OR  
13 FOR PURPOSES OF "NONCERTIFIED KINSHIP CARE", MAY BE A RELATIVE OF  
14 THE CHILD, A PERSON ASCRIBED BY THE FAMILY AS HAVING A FAMILY-LIKE  
15 RELATIONSHIP WITH THE CHILD, OR A PERSON THAT HAS A PRIOR  
16 SIGNIFICANT RELATIONSHIP WITH THE CHILD. THESE RELATIONSHIPS TAKE  
17 INTO ACCOUNT CULTURAL VALUES AND CONTINUITY OF SIGNIFICANT  
18 RELATIONSHIPS WITH THE CHILD.

19 (78.7) "NONCERTIFIED KINSHIP CARE" MEANS A CHILD IS BEING  
20 CARED FOR BY A RELATIVE OR KIN WHO HAS A SIGNIFICANT RELATIONSHIP  
21 WITH THE CHILD IN CIRCUMSTANCES WHEN THERE IS A SAFETY CONCERN  
22 BY A COUNTY DEPARTMENT AND WHERE THE RELATIVE OR KIN HAS NOT  
23 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. THE COUNTY  
11 DEPARTMENT SHALL SHARE WITH THE GUARDIAN AD LITEM THE REPORTS  
12 OF FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS FROM THE  
13 COLORADO BUREAU OF INVESTIGATION AND FROM THE FEDERAL BUREAU  
14 OF INVESTIGATION IF THE COURT ORDERS THE COUNTY DEPARTMENT TO  
15 SHARE THAT INFORMATION WITH THE GUARDIAN AD LITEM. The court and  
16 social workers assigned to the case shall keep the guardian ad litem  
17 apprised of significant developments in the case, particularly prior to  
18 further neglect or dependency court appearances.

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

21           **19-3-406. Fingerprint-based criminal history record check -**  
22 **providers of emergency placement for children - use of criminal**  
23 **justice records - definitions - rules.** (1) (a) A county department may  
24 elect to collaborate with local law enforcement agencies to perform initial  
25 criminal history record checks followed by fingerprint verification  
26 pursuant to the provisions of this section. If a county department elects to  
27 collaborate with local law enforcement agencies pursuant to this section,



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

23 (b) If a county department of social services elects to request an  
24 initial criminal history record check pursuant to the provisions of this  
25 section, The child may not be placed with the relative or other available  
26 person if the initial criminal history record check conducted pursuant to  
27 paragraph (a) of this subsection (1) reflects a criminal history described

1 in subsection (4) of this section.

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

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

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

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

1 the child from the emergency placement and shall not place a child with  
2 the person who has the criminal history without court involvement and an  
3 order of the court affirming placement of the child with the person.

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

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

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

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

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

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

18 (f) Violation of a protection order, as described in section  
19 18-6-803.5, C.R.S.;

20 (g) A crime involving homicide; or

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

24 (4.5) (a) IF A RELATIVE OR OTHER PERSON WAS NOT DISQUALIFIED  
25 AS AN EMERGENCY PLACEMENT BASED UPON THE FINGERPRINT-BASED  
26 CRIMINAL HISTORY RECORD CHECK AND THE CHILD WAS PLACED IN AN  
27 EMERGENCY PLACEMENT WITH SUCH PERSON, THE COUNTY DEPARTMENT

1 SHALL PERFORM THE FOLLOWING ADDITIONAL BACKGROUND CHECKS OF  
2 THE RELATIVE OR OTHER PERSON:

3 (I) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL  
4 DEPARTMENT AND A BACKGROUND CHECK SYSTEM PROVIDED BY A  
5 VENDOR WHO HAS A CONTRACT WITH THE COLORADO 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  
15 PERMANENTLY FLAG THE FINGERPRINTS OF AND NOTIFY THE APPLICABLE  
16 COUNTY DEPARTMENT OF ANY NEW ARRESTS OF AN INDIVIDUAL WHOSE  
17 FINGERPRINTS THE COUNTY DEPARTMENT SUBMITS TO A LOCAL LAW  
18 ENFORCEMENT AGENCY THAT THE COUNTY DEPARTMENT ALSO INTENDS  
19 TO BE SUBSEQUENTLY 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. THE COUNTY DEPARTMENT

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

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

9 **19-3-407. Noncertified kinship care - requirement for**  
10 **background checks and other checks - definitions.** (1) A COUNTY  
11 DEPARTMENT SHALL REQUEST THAT A LOCAL LAW ENFORCEMENT AGENCY  
12 CONDUCT THE FOLLOWING BACKGROUND CHECKS OF KIN OR ANY ADULT  
13 WHO RESIDES AT THE HOME PRIOR TO PLACING A CHILD IN NONCERTIFIED  
14 KINSHIP CARE, UNLESS SUCH PLACEMENT IS AN EMERGENCY PLACEMENT  
15 PURSUANT TO SECTION 19-3-406:

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

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

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

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

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



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

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

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

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

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

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

1 FOR COLORADO TO DETERMINE IF THE KIN OR AN ADULT WHO RESIDES AT  
2 THE HOME IS A REGISTERED SEX OFFENDER.

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

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

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

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

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

1 COURT INVOLVEMENT AND AN ORDER OF THE COURT AFFIRMING  
2 PLACEMENT OF THE CHILD WITH THE KIN.

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

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