

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 18-1109.01 Jane Ritter x4342

HOUSE BILL 18-1390

HOUSE SPONSORSHIP

Singer and Ransom,

SENATE SPONSORSHIP

Moreno and Smallwood,

House Committees

Public Health Care & Human Services
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CREATING AN OPTION FOR PARENTS WHO SEEK TO**
102 **VOLUNTARILY DELEGATE CERTAIN PARENTAL RESPONSIBILITIES**
103 **TO A SAFE FAMILY FOR A LIMITED PERIOD OF TIME WITHOUT**
104 **RELINQUISHING LEGAL CUSTODY OF THEIR CHILD, AND, IN**
105 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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://leg.colorado.gov>.)

The bill creates a voluntary option for interested custodial parents who are experiencing a crisis whereby they may enter into an

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

authorization agreement (agreement) with another person, unrelated to the parents, to temporarily care for their child or children. The agreement is not a termination of parental rights, nor is it considered abandonment of the child or children. The agreement is valid for no longer than 6 months, unless the parent or parents are deployed or called to active duty in the United States military, in which case it may exceed 6 months. The terms of each agreement are specific to the parents who are entering into the agreement. It grants the other person the right to perform certain parental functions as specifically outlined in the agreement, and the agreement may be revoked at any time by a custodial parent.

Qualified nonprofit organizations assist both parties in the creation and implementation of an agreement. The nonprofit organization is responsible for conducting a fingerprint-based criminal history record check on each adult in the nonparent's household, as well as a child abuse and neglect background check on the state TRAILS system for both the parent and each adult in the nonparent's household. The qualified nonprofit organization is responsible for ensuring that the nonparent party to an agreement is fully trained in the rights, duties, and limitations regarding the care of a child pursuant to the agreement.

Qualified nonprofit organizations are required to collect data on agreements and report aggregate data to the state department of human services, which then shall include such data in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing to the general assembly.

The bill establishes a provision for a parent of a minor child to create a revocable power of attorney that grants to another person certain of the parent's rights and responsibilities regarding the care, physical custody, and control of the minor child.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-1-125.5 as
3 follows:

4 **19-1-125.5. Voluntary delegation of certain powers by parent**
5 **or legal guardian - authorization agreements - oversight by substitute**
6 **care organizations - licensure - reporting requirements - legislative**
7 **declaration - rules - definitions.** (1) (a) THE GENERAL ASSEMBLY
8 DECLARES THAT COLORADO CAN STRENGTHEN AND PRESERVE FAMILIES
9 BY PROVIDING A VOLUNTARY, SAFE OPTION FOR INTERESTED, FIT PARENTS

1 IN CRISIS WHO DO NOT DEMONSTRATE A RISK TO THE HEALTH AND SAFETY
2 OF THEIR CHILDREN. BY CREATING A NETWORK OF VOLUNTEER FAMILIES
3 WHO HAVE BEEN EXTENSIVELY SCREENED AND TRAINED, THIS
4 ALTERNATIVE CAN PROVIDE A SAFE, TEMPORARY HOME FOR CHILDREN
5 WHILE A PARENT IN CRISIS GETS HELP AND SUPPORT, ALLOWING THE
6 PARENT OR PARENTS TO MAINTAIN FULL CUSTODY OF THEIR CHILDREN
7 DURING THAT TIME.

8 (b) THE GENERAL ASSEMBLY FURTHER DECLARES THAT ITS INTENT
9 IS TO MINIMIZE THE TIME PARENTS AND THEIR CHILDREN ARE SEPARATED.

10 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (a) "AUTHORIZATION AGREEMENT" MEANS AN AGREEMENT
13 ENTERED INTO BETWEEN A PARENT AND CERTIFIED FAMILY CAREGIVER
14 PURSUANT TO SUBSECTION (3) OF THIS SECTION.

15 (b) "CERTIFIED FAMILY CAREGIVER" MEANS A PERSON OR PERSONS
16 CERTIFIED BY A SUBSTITUTE CARE ORGANIZATION TO PROVIDE TEMPORARY
17 CARE FOR A CHILD THROUGH AN AUTHORIZATION AGREEMENT ENTERED
18 INTO PURSUANT TO THIS SECTION.

19 (c) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE;
20 EXCEPT THAT "CHILD" DOES NOT INCLUDE AN EMANCIPATED MINOR AS
21 DEFINED IN SECTION 23-7-102 (3).

22 (d) "COUNTY DEPARTMENT" MEANS A COUNTY DEPARTMENT OF
23 HUMAN OR SOCIAL SERVICES.

24 (e) (I) "PARENT" MEANS EITHER A NATURAL PARENT OF A CHILD,
25 AS MAY BE ESTABLISHED PURSUANT TO ARTICLE 4 OF THIS TITLE 19, OR A
26 PARENT BY ADOPTION. "PARENT" INCLUDES A NATURAL PARENT HAVING
27 SOLE OR JOINT CUSTODY, REGARDLESS OF WHETHER THE PARENT IS

1 DESIGNATED AS THE PRIMARY RESIDENTIAL CUSTODIAN, A PARENT
2 ALLOCATED PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD, OR AN
3 ADOPTIVE PARENT.

4 (II) FOR THE PURPOSES OF THIS SECTION, "PARENT" DOES NOT
5 INCLUDE A PERSON WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED
6 PURSUANT TO THE PROVISIONS OF THIS TITLE 19 OR THE PARENT OF AN
7 EMANCIPATED MINOR.

8 (f) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
9 HUMAN SERVICES.

10 (g) "SUBSTITUTE CARE ORGANIZATION" MEANS A TAX-EXEMPT
11 CHARITABLE OR SOCIAL WELFARE ORGANIZATION OPERATING UNDER THE
12 PROVISIONS OF SECTION 501(c)(3) OR 501(c)(4) OF TITLE 26 OF THE
13 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND THAT
14 IS LICENSED PURSUANT TO THIS SECTION AND MEETS ALL PROGRAM
15 REQUIREMENTS TO ASSIST A PARENT OR LEGAL GUARDIAN OF A CHILD
16 WITH THE PROCESS OF ENTERING INTO AN AUTHORIZATION AGREEMENT
17 PURSUANT TO THIS SECTION, INCLUDING IDENTIFYING AN APPROPRIATE
18 PLACEMENT FOR EACH CHILD SUBJECT TO THE AGREEMENT AND PROVIDING
19 SERVICES AND RESOURCES TO SUPPORT THE CHILD, PARENTS, AND OTHER
20 PERSONS AUTHORIZED TO PROVIDE TEMPORARY CARE OF THE CHILD
21 PURSUANT TO THE AUTHORIZATION AGREEMENT.

22 (3) (a) (I) EXCEPT AS PROVIDED FOR IN SUBSECTION (3)(a)(II) OF
23 THIS SECTION, A PARENT MAY VOLUNTARILY ENTER INTO AN
24 AUTHORIZATION AGREEMENT WITH A CERTIFIED FAMILY CAREGIVER IF
25 SUCH AUTHORIZATION AGREEMENT IS ENTERED INTO WITH THE
26 ASSISTANCE OF A SUBSTITUTE CARE ORGANIZATION PURSUANT TO THIS
27 SECTION. AN AUTHORIZATION AGREEMENT ENTERED INTO PURSUANT TO

1 THIS SECTION MUST COMPLY WITH THE PROVISIONS ESTABLISHED IN
2 SECTION 19-1-129 (1) FOR A CUSTODIAL POWER OF ATTORNEY. THE
3 AUTHORIZATION AGREEMENT MUST NOT BE VALID FOR LONGER THAN SIX
4 MONTHS, WITH AN OPTION TO RENEW THE AGREEMENT, UNLESS A PARENT
5 IS DEPLOYED BY OR CALLED TO ACTIVE DUTY IN THE UNITED STATES
6 MILITARY, IN WHICH CASE THE AUTHORIZATION AGREEMENT IS VALID FOR
7 THE LENGTH OF THE DEPLOYMENT PLUS THIRTY DAYS.

8 (II) THIS SECTION DOES NOT APPLY TO A PARENT OR PARENTS
9 WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED FOR ANY CHILD. THIS
10 SECTION DOES NOT APPLY TO ANY PARENT WHO IS NAMED AS A
11 RESPONDENT IN AN OPEN DEPENDENCY AND NEGLECT CASE.

12 (b) AN AUTHORIZATION AGREEMENT ENTERED INTO PURSUANT TO
13 THIS SECTION DOES NOT CONSTITUTE ABANDONMENT OR CHILD ABUSE OR
14 NEGLECT, AND IT MAY NOT INDEPENDENTLY ADVERSELY AFFECT THE
15 PARENT'S RIGHTS WITH RESPECT TO THE CHILD.

16 (c) A CHILD PLACED IN A FAMILY THROUGH AN AUTHORIZATION
17 AGREEMENT IS NOT IN FOSTER CARE AND IS NOT CONSIDERED IN THE
18 CUSTODY OF A COUNTY DEPARTMENT OR THE STATE DEPARTMENT. A
19 CERTIFIED FAMILY CAREGIVER WITH WHOM A CHILD IS PLACED PURSUANT
20 TO AN AUTHORIZATION AGREEMENT IS NOT CONSIDERED TO BE PROVIDING
21 A FOSTER PLACEMENT AND IS NOT SUBJECT TO STATE LAWS AND RULES
22 GOVERNING FOSTER CARE PLACEMENTS.

23 (4) A CERTIFIED FAMILY CAREGIVER WHO HAS ENTERED INTO AN
24 AUTHORIZATION AGREEMENT MAY PERFORM ACTS IN REGARD TO THE
25 CHILD AS OUTLINED IN THE AUTHORIZATION AGREEMENT. A CERTIFIED
26 FAMILY CAREGIVER WHO HAS ENTERED INTO AN AUTHORIZATION
27 AGREEMENT SHALL ACT AS A MANDATORY REPORTER OF CHILD ABUSE OR

1 NEGLECT PURSUANT TO SECTION 19-3-304 AND SHALL UNDERGO TRAINING
2 AS A MANDATORY REPORTER. AN AUTHORIZATION AGREEMENT MAY BE
3 REVOKED AT ANY TIME BY A CUSTODIAL PARENT.

4 (5) THE SUBSTITUTE CARE ORGANIZATION SHALL ALSO ENSURE
5 THAT ADEQUATE NOTICE OF THE CHILD'S PLACEMENT WITH THE CERTIFIED
6 FAMILY CAREGIVER IS GIVEN TO BOTH PARENTS, INCLUDING BUT NOT
7 LIMITED TO PARENTS WITH JOINT CUSTODY LIVING SEPARATELY,
8 SEPARATED PARENTS, OR PARENTS WITH AN ALLOCATION OF PARENTAL
9 RESPONSIBILITIES. THE NOTICE MUST INFORM THE PARENT OR ALLEGED
10 PARENT OF THE CHILD'S PLACEMENT WITH A CERTIFIED FAMILY CAREGIVER
11 THROUGH THE SUBSTITUTE CARE ORGANIZATION AND MUST PROVIDE
12 CONTACT INFORMATION FOR THE SUBSTITUTE CARE ORGANIZATION. IF THE
13 OTHER PARENT OR ALLEGED PARENT RESPONDS TO THE NOTICE IN A
14 TIMELY MANNER, THEN THE SUBSTITUTE CARE ORGANIZATION SHALL
15 ENTER INTO AN AUTHORIZATION AGREEMENT WITH BOTH PARENTS PRIOR
16 TO PLACING THE CHILD WITH THE CERTIFIED FAMILY CAREGIVER.

17 (6) THE STATE DEPARTMENT SHALL LICENSE ANY ORGANIZATION
18 THAT WISHES TO SERVE AS A SUBSTITUTE CARE ORGANIZATION PRIOR TO
19 THE DATE AT WHICH THE ORGANIZATION BEGINS PROVIDING SERVICES TO
20 FAMILIES PURSUANT TO THIS SECTION. THE LICENSING REQUIREMENTS FOR
21 A SUBSTITUTE CARE ORGANIZATION MUST BE SET FORTH IN RULES
22 PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (6)
23 OF THIS SECTION.

24 (7) (a) THE STATE DEPARTMENT SHALL CONVENE A WORKING
25 GROUP TO ASSIST WITH RECOMMENDATIONS FOR RULES RELATED TO
26 LICENSING SUBSTITUTE CARE ORGANIZATIONS AS SET FORTH IN
27 SUBSECTION (6)(b) OF THIS SECTION. THE WORKING GROUP MUST INCLUDE,

1 AT A MINIMUM, REPRESENTATIVES FROM THE STATE DEPARTMENT, THE
2 CHILD WELFARE COMMUNITY, NONPROFIT ORGANIZATIONS THAT ARE
3 INTERESTED IN APPLYING FOR A SUBSTITUTE CARE ORGANIZATION
4 LICENSE, COUNTY DEPARTMENTS, THE COURT APPOINTED SPECIAL
5 ADVOCATE PROGRAM, LICENSED CHILD PLACEMENT AGENCIES, THE OFFICE
6 OF THE CHILD'S REPRESENTATIVE, AND THE OFFICE OF THE RESPONDENT
7 PARENTS' COUNSEL.

8 (b) ON OR BEFORE AUGUST 31, 2018, THE STATE DEPARTMENT
9 SHALL PROMULGATE RULES FOR LICENSURE OF SUBSTITUTE CARE
10 ORGANIZATIONS, BASED ON THE RECOMMENDATIONS OF THE WORKING
11 GROUP. THE RULES MUST INCLUDE, AT A MINIMUM, REQUIREMENTS FOR
12 INTERESTED NONPROFITS TO PROVIDE THE FOLLOWING INFORMATION TO
13 THE STATE DEPARTMENT IN ORDER TO BE LICENSED:

14 (I) THE ORGANIZATION'S NAME AND ADDRESS;

15 (II) THE NAMES AND ADDRESSES OF THE OFFICERS AND BOARD OF
16 DIRECTORS OR OTHER GOVERNING BODY OF THE ORGANIZATION;

17 (III) THE NAME OF THE PERSON IN CHARGE OF THE
18 ORGANIZATION'S DAILY OPERATIONS, TOGETHER WITH THE RESULTS OF A
19 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND A CHILD
20 ABUSE AND NEGLECT BACKGROUND CHECK ON THE TRAILS SYSTEM, AS
21 DEFINED IN SECTION 16-20.5-102 (10). THE SUBSTITUTE CARE
22 ORGANIZATION SHALL PAY THE COSTS ASSOCIATED WITH THE
23 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE
24 COLORADO BUREAU OF INVESTIGATION AND TO THE STATE DEPARTMENT;
25 AND

26 (IV) THE NAMES AND QUALIFICATIONS OF THE ORGANIZATION'S
27 STAFF MEMBERS WHO WILL BE PROVIDING SERVICES PURSUANT TO THIS

1 SECTION, TOGETHER WITH THE RESULTS OF A FINGERPRINT-BASED
2 CRIMINAL HISTORY RECORD CHECK AND A CHILD ABUSE AND NEGLECT
3 BACKGROUND CHECK ON THE TRAILS SYSTEM, AS DEFINED IN SECTION
4 16-20.5-102 (10). THE SUBSTITUTE CARE ORGANIZATION SHALL PAY THE
5 COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY
6 RECORD CHECK TO THE COLORADO BUREAU OF INVESTIGATION AND TO
7 THE STATE DEPARTMENT.

8 (c) THE RULES FOR LICENSURE PROMULGATED BY THE STATE
9 DEPARTMENT ON OR BEFORE AUGUST 31, 2018, MUST ALSO REQUIRE THAT
10 AN INTERESTED NONPROFIT ORGANIZATION SHALL:

11 (I) CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
12 CHECK ON EACH ADULT IN THE CERTIFIED FAMILY CAREGIVER'S
13 HOUSEHOLD, AS WELL AS A CHILD ABUSE AND NEGLECT BACKGROUND
14 CHECK ON THE TRAILS SYSTEM, AS DEFINED IN SECTION 16-20.5-102
15 (10). THE SUBSTITUTE CARE ORGANIZATION SHALL PAY THE COSTS
16 ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
17 CHECK TO THE COLORADO BUREAU OF INVESTIGATION AND TO THE STATE
18 DEPARTMENT.

19 (II) PRIOR TO THE PLACEMENT OF A CHILD, CONDUCT A HOME
20 STUDY OF THE CERTIFIED FAMILY CAREGIVER'S HOME TO ENSURE THAT
21 SUCH HOME IS A SAFE AND NURTURING ENVIRONMENT FOR A CHILD;

22 (III) TRAIN ALL CERTIFIED FAMILY CAREGIVERS ON:

23 (A) THE RIGHTS, DUTIES, AND LIMITATIONS REGARDING PROVIDING
24 TEMPORARY CARE FOR A CHILD UNDER A CONTRACT FOR CARE
25 AUTHORIZED PURSUANT TO THIS SECTION;

26 (B) THE LAWS AND PROCESSES APPLICABLE TO MANDATORY
27 REPORTERS OF CHILD ABUSE AND NEGLECT;

1 (C) AN OVERVIEW OF PROGRAM PROCESSES, INCLUDING INTAKE
2 AND WORKING WITH THIRD-PARTY SERVICE PROVIDERS, SUCH AS SCHOOLS
3 AND MEDICAL PROFESSIONALS;

4 (D) GENERAL SAFETY REQUIREMENTS, INCLUDING SUDDEN INFANT
5 DEATH SYNDROME, SUPERVISION, AND WATER AND POOL SAFETY;

6 (E) APPROPRIATE AND CONSTRUCTIVE DISCIPLINARY PRACTICES,
7 INCLUDING PROHIBITION OF PHYSICAL PUNISHMENT AND ANY DISCIPLINE
8 THAT IS SEVERE, HUMILIATING, FRIGHTENING, OR ASSOCIATED WITH FOOD,
9 REST, OR TOILETING;

10 (F) ABUSE AND MALTREATMENT REPORTING REQUIREMENTS,
11 INCLUDING PROPER COOPERATION WITH THE STATE DEPARTMENT;

12 (G) CONFIDENTIALITY; AND

13 (H) BUILDING A HEALTHY RELATIONSHIP WITH THE CHILD'S
14 BIOLOGICAL AND ADOPTIVE FAMILY;

15 (IV) PROVIDE ONGOING SUPERVISION OF EACH PLACEMENT OF A
16 CHILD WITH A CERTIFIED FAMILY CAREGIVER WHO HAS BEEN CERTIFIED BY
17 THE SUBSTITUTE CARE ORGANIZATION WHILE THE AUTHORIZATION
18 AGREEMENT IS IN EFFECT, AND MAINTAIN IN THE CHILD'S RECORD A
19 RECORD OF EACH SUPERVISORY VISIT CONDUCTED;

20 (V) MAINTAIN RECORDS ON EACH CERTIFIED FAMILY CAREGIVER
21 WHO HAS BEEN CERTIFIED BY THE SUBSTITUTE CARE ORGANIZATION. THE
22 RECORDS MUST INCLUDE:

23 (A) THE NAME, ADDRESS, TELEPHONE NUMBER, E-MAIL ADDRESS,
24 AND ANY OTHER CONTACT INFORMATION FOR THE CERTIFIED FAMILY
25 CAREGIVER;

26 (B) THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY
27 RECORD CHECK AND A CHILD ABUSE AND NEGLECT BACKGROUND CHECK

1 ON THE TRAILS SYSTEM, AS DEFINED IN SECTION 16-20.5-102 (10), THAT
2 WERE CONDUCTED ON THE CERTIFIED FAMILY CAREGIVER AND EACH
3 ADULT MEMBER IN THE HOUSEHOLD;

4 (C) PROOF OF THE HOME STUDY CONDUCTED ON THE CERTIFIED
5 FAMILY CAREGIVER'S HOME, ALONG WITH THE NAME, CONTACT
6 INFORMATION, AND QUALIFICATIONS OF THE INDIVIDUAL WHO COMPLETED
7 THE HOME STUDY; AND

8 (D) PROOF THAT THE CERTIFIED FAMILY CAREGIVER COMPLETED
9 THE REQUIRED TRAINING OUTLINED IN THIS SECTION PRIOR TO APPROVAL
10 BY THE SUBSTITUTE CARE ORGANIZATION.

11 (VI) MAINTAIN RECORDS ON EACH CHILD SERVED BY THE
12 SUBSTITUTE CARE ORGANIZATION. THE RECORDS MUST INCLUDE:

13 (A) THE NAME AND AGE OF THE CHILD;

14 (B) THE NAME, ADDRESS, TELEPHONE NUMBER, E-MAIL ADDRESS,
15 AND ANY OTHER CONTACT INFORMATION FOR THE CHILD'S PARENT OR
16 PARENTS;

17 (C) THE NAME, ADDRESS, TELEPHONE NUMBER, E-MAIL ADDRESS,
18 AND ANY OTHER CONTACT INFORMATION FOR THE CHILD'S CERTIFIED
19 FAMILY CAREGIVER;

20 (D) A COPY OF THE AUTHORIZATION AGREEMENT FOR THE CARE OF
21 THE CHILD, AS EXECUTED PURSUANT TO THIS SECTION; AND

22 (E) DOCUMENTATION OF EACH SUPERVISORY VISIT CONDUCTED BY
23 THE SUBSTITUTE CARE ORGANIZATION WHILE THE CHILD IS IN THE
24 CUSTODY OF THE CERTIFIED FAMILY CAREGIVER.

25 (d) AN ORGANIZATION THAT IS LICENSED WITH THE STATE
26 DEPARTMENT AS A SUBSTITUTE CARE ORGANIZATION PURSUANT TO THIS
27 SUBSECTION (6) DOES NOT ALSO NEED TO BE LICENSED AS A CHILD

1 PLACEMENT AGENCY UNLESS THE ORGANIZATION IS ALREADY LICENSED
2 AS SUCH OR WISHES TO PROVIDE ADDITIONAL SERVICES THAT REQUIRE
3 SUCH LICENSING.

4 (8) A SUBSTITUTE CARE ORGANIZATION SHALL ANNUALLY PROVIDE
5 THE FOLLOWING INFORMATION TO THE STATE DEPARTMENT RELATING TO
6 AUTHORIZATION AGREEMENTS ENTERED INTO UNDER ITS SUPERVISION
7 PURSUANT TO THIS SECTION:

8 (a) THE TOTAL NUMBER OF FAMILIES AND CHILDREN SUPPORTED;

9 (b) THE AVERAGE AGE OF CHILDREN SUPPORTED;

10 (c) THE AVERAGE LENGTH OF STAY;

11 (d) THE TEN MOST COMMON REASONS PARENTS ENTERED INTO AN
12 AUTHORIZATION AGREEMENT;

13 (e) A SUMMARY OF OUTCOMES FOR FAMILIES AND CHILDREN
14 SUPPORTED; AND

15 (f) ANY CHANGES TO THE LICENSING INFORMATION PROVIDED TO
16 THE STATE DEPARTMENT PURSUANT TO SUBSECTIONS (5) AND (6) OF THIS
17 SECTION.

18 (9) A SUBSTITUTE CARE ORGANIZATION SHALL MAINTAIN RECORDS
19 FOR ALL CHILDREN AND FAMILIES SERVED, AS WELL AS ON CERTIFIED
20 FAMILY CAREGIVERS CERTIFIED BY THE SUBSTITUTE CARE ORGANIZATION.
21 THE RECORDS MUST BE MAINTAINED FOR NOT LESS THAN FIVE YEARS
22 AFTER THE CHILD SERVED ATTAINS EIGHTEEN YEARS OF AGE. SUCH
23 RECORDS MAY BE MAINTAINED ELECTRONICALLY. A SUBSTITUTE CARE
24 ORGANIZATION SHALL ALSO MAKE THE RECORDS AVAILABLE TO THE
25 PARENT OR LEGAL GUARDIAN WHO EXECUTED THE AUTHORIZATION
26 AGREEMENT FOR THE CARE OF HIS OR HER CHILD; THE CHILD PROTECTION
27 OMBUDSMAN; AND TO ANY LOCAL, STATE, OR FEDERAL LAW

1 ENFORCEMENT OR CHILD WELFARE AUTHORITY CONDUCTING AN
2 INVESTIGATION INVOLVING THE CHILD, THE CHILD'S PARENT OR LEGAL
3 GUARDIAN, OR THE CERTIFIED FAMILY CAREGIVER.

4 **SECTION 2.** In Colorado Revised Statutes, **add 19-1-129** as
5 follows:

6 **19-1-129. Custodial power of attorney.** (1) (a) A PARENT OF A
7 MINOR CHILD MAY CREATE A CUSTODIAL POWER OF ATTORNEY THAT,
8 EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, GRANTS TO
9 ANOTHER PERSON THE PARENT'S LEGAL RIGHTS AND RESPONSIBILITIES
10 REGARDING THE CARE, PHYSICAL CUSTODY, AND CONTROL OF THE MINOR
11 CHILD, INCLUDING BUT NOT LIMITED TO THE RIGHT TO:

12 (I) ENROLL THE MINOR CHILD IN SCHOOL;

13 (II) OBTAIN FROM THE MINOR CHILD'S SCHOOL ANY EDUCATIONAL
14 AND BEHAVIORAL INFORMATION ABOUT THE MINOR CHILD;

15 (III) CONSENT TO ALL SCHOOL-RELATED MATTERS REGARDING THE
16 MINOR CHILD;

17 (IV) CONSENT TO MEDICAL, PSYCHOLOGICAL, OR DENTAL
18 TREATMENT FOR THE MINOR CHILD; OR

19 (V) EXERCISE ANY OTHER RIGHT HELD BY THE PARENT, EXCEPT AS
20 PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION.

21 (b) THE CUSTODIAL POWER OF ATTORNEY MAY NOT GRANT
22 AUTHORITY TO CONSENT TO THE MARRIAGE OR ADOPTION OF THE MINOR
23 CHILD OR TO CHANGE THE MINOR CHILD'S RELIGIOUS AFFILIATION.

24 (c) THE CUSTODIAL POWER OF ATTORNEY DOES NOT AFFECT THE
25 RIGHTS OF THE PARENT OF THE MINOR CHILD IN ANY PROCEEDING
26 CONCERNING PHYSICAL CUSTODY OF THE MINOR CHILD OR THE
27 ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES FOR THE CARE

1 OF THE MINOR CHILD.

2 (d) THE CUSTODIAL POWER OF ATTORNEY IS ONLY AVAILABLE TO
3 A PARENT FOR SIX MONTHS, UNLESS ANOTHER REVOCABLE POWER OF
4 ATTORNEY IS CREATED PURSUANT TO THIS SUBSECTION (1).

5 (e) THE CUSTODIAL POWER OF ATTORNEY IS REVOCABLE AT ANY
6 TIME AND, UPON REVOCATION, IF THE MINOR CHILD OR CHILDREN WHO ARE
7 THE SUBJECT OF THE CUSTODIAL POWER OF ATTORNEY ARE NOT IN THE
8 CARE, PHYSICAL CUSTODY, AND CONTROL OF THE PARENT, THE MINOR
9 CHILD OR CHILDREN MUST BE IMMEDIATELY RETURNED TO THE CARE,
10 PHYSICAL CUSTODY, AND CONTROL OF THE PARENT.

11 (2) THE JUVENILE COURT IN WHICH THE PARENT WHO IS CREATING
12 A CUSTODIAL POWER OF ATTORNEY PURSUANT TO SUBSECTION (1) OF THIS
13 SECTION RESIDES HAS EXCLUSIVE ORIGINAL JURISDICTION IN PROCEEDINGS
14 GOVERNING SUCH ACTION.

15 (3) NOTHING IN THIS SECTION AFFECTS OR OTHERWISE LIMITS A
16 DELEGATION OF POWER BY PARENT OR GUARDIAN GRANTED PURSUANT TO
17 SECTION 15-14-105.

18 **SECTION 3.** In Colorado Revised Statutes, 19-3-304, **amend**
19 (2)(ll) and (2)(mm); and **add** (2)(nn) as follows:

20 **19-3-304. Persons required to report child abuse or neglect.**

21 (2) Persons required to report such abuse or neglect or circumstances or
22 conditions include any:

23 (ll) Officials or employees of county departments of health,
24 human services, or social services; ~~and~~

25 (mm) Naturopathic doctor registered under article 37.3 of title 12;

26 AND

27 (nn) PERSON, OTHER THAN THE PARENT, WHO HAS ENTERED INTO

1 AN AUTHORIZATION AGREEMENT FOR CARE AND RESPONSIBILITY OF A
2 CHILD PURSUANT TO SECTION 19-1-125.5.

3 **SECTION 4. Appropriation.** (1) For the 2018-19 state fiscal
4 year, \$33,245 is appropriated to the department of human services. This
5 appropriation is from the general fund and is based on an assumption that
6 the department will require an additional 0.4 FTE. The department may
7 use this appropriation to implement this act.

8 **SECTION 5. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2018 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.