

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 23-0221.02 Jane Ritter x4342

**HOUSE BILL 23-1043**

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**HOUSE SPONSORSHIP**

**Lindsay and Pugliese,**

**SENATE SPONSORSHIP**

**Ginal and Rich,**

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**House Committees**

Public & Behavioral Health & Human Services

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE SAFETY OF CHILDREN AND YOUTH THROUGH**  
102             **REQUIRED BACKGROUND CHECKS ON ADULTS WHEN A CHILD OR**  
103             **YOUTH IS PLACED OUT OF THE HOME WITH KIN, INCLUDING**  
104             **RELATIVES.**

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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://leg.colorado.gov>.)*

The bill clarifies the procedures for emergency and nonemergency continuing placement of a child or youth that a county department of human or social services (county department) or a local law enforcement

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.

agency (law enforcement) with custody of the child or youth shall follow before making the emergency or nonemergency continuing placement of a child or youth with a relative or kin.

For emergency placements, the county department or law enforcement shall perform an initial criminal history record check (initial check) on the relative or kin and any adult who resides at the home (adults) using Colorado and federal databases. If the initial check reveals certain criminal convictions, the county department or law enforcement shall not place the child or youth in that home on an emergency basis. If the initial check does not reflect certain criminal convictions on the part of the adults, the child or youth may be placed in the home on an emergency basis.

If the child or youth has been placed with a relative or kin on an emergency basis, the adults shall, no more than 5 days after the placement, submit a complete set of fingerprints to the county department or another designated third party to conduct a state and national fingerprint-based criminal history record check. If the results of the fingerprint-based criminal history record check reveal a felony conviction, the child or youth must be immediately removed from the placement unless there is a motion regarding placement pending before the court. A court may review the placement and affirm or deny placement of the child or youth with the relative or kin.

The bill sets forth the criminal offenses or other matters that qualify for the denial of placement of a child or youth with the relative or kin.

A county department may make a placement with a relative or kin who would otherwise be disqualified if such placement conforms with rules promulgated by the state board of human services or if a court affirms the placement.

The state board of human services is granted authority to promulgate rules concerning emergency and nonemergency, continuing placement of children and youth with relatives or kin.

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

2           **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** 19-3-406 as follows:

4           **19-3-406. Relatives or kin as providers of emergency,**  
5 **nonemergency, or continued placement for children or youth - initial**  
6 **criminal history record check - fingerprint-based criminal history**  
7 **record check - criteria for disqualification - use of criminal justice**

1     **records - rules - definitions.** (1) (a) (I) ANY TIME A CHILD OR YOUTH IS  
2     TAKEN INTO TEMPORARY CUSTODY BY A LAW ENFORCEMENT OFFICER AND  
3     ANY TIME THE COURT PLACES TEMPORARY CUSTODY OF A CHILD OR YOUTH  
4     WITH A COUNTY DEPARTMENT, OR THE COUNTY DEPARTMENT HAS THE  
5     LEGAL AUTHORITY FOR PLACEMENT PURSUANT TO THIS PART 4, AND A  
6     RELATIVE OR KIN, AS DEFINED IN SECTION 19-1-103, IS IDENTIFIED AS A  
7     POTENTIAL EMERGENCY PLACEMENT FOR THE CHILD OR YOUTH, THE  
8     COUNTY DEPARTMENT OR A LOCAL LAW ENFORCEMENT AGENCY SHALL  
9     IMMEDIATELY CONDUCT AN INITIAL CRIMINAL HISTORY RECORD CHECK OF  
10    THE RELATIVE OR KIN AND ANY ADULT WHO RESIDES AT THE HOME PRIOR  
11    TO THE COUNTY DEPARTMENT OR THE LAW ENFORCEMENT OFFICER  
12    PLACING THE CHILD OR YOUTH IN THE EMERGENCY PLACEMENT.

13           (II) A COUNTY DEPARTMENT MAY PERFORM INITIAL CRIMINAL  
14    HISTORY RECORD CHECKS THROUGH ITS STAFF OR MAY COLLABORATE  
15    WITH LOCAL LAW ENFORCEMENT AGENCIES TO PERFORM THE INITIAL  
16    CRIMINAL HISTORY RECORD CHECKS. WHEN A COUNTY DEPARTMENT HAS  
17    TEMPORARY CUSTODY OF A CHILD OR YOUTH PURSUANT TO THIS PART 4  
18    AND CONTACTS THE LOCAL LAW ENFORCEMENT AGENCY FOR AN INITIAL  
19    CRIMINAL HISTORY RECORD CHECK OF THE RELATIVE OR KIN AND ANY  
20    ADULT WHO RESIDES AT THE HOME PURSUANT TO THIS SECTION, THE  
21    LOCAL LAW ENFORCEMENT AGENCY SHALL IMMEDIATELY PROVIDE THE  
22    COUNTY DEPARTMENT WITH A VERBAL RESPONSE REGARDING THE  
23    RELATIVE'S OR KIN'S AND ANY ADULT WHO RESIDES AT THE HOME'S  
24    CRIMINAL HISTORY AND SHALL NOT PROVIDE THE COUNTY DEPARTMENT  
25    WITH DOCUMENTATION OF THE RELATIVE'S OR KIN'S AND ANY ADULT WHO  
26    RESIDES AT THE HOME'S CRIMINAL HISTORY, CONSISTENT WITH FEDERAL  
27    PUBLIC LAW 92-544, AND ITS REGULATIONS PROMULGATED, AS AMENDED.

1 (b) THE CHILD OR YOUTH MAY NOT BE PLACED WITH THE RELATIVE  
2 OR KIN IF THE INITIAL CRIMINAL HISTORY RECORD CHECK CONDUCTED  
3 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION REFLECTS A CRIMINAL  
4 HISTORY, AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION.

5 (c) THE CHILD OR YOUTH MAY BE PLACED WITH THE RELATIVE OR  
6 KIN IF THE INITIAL CRIMINAL HISTORY RECORD CHECK DOES NOT REFLECT  
7 A CRIMINAL HISTORY, AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION.  
8 AFTER PLACEMENT, THE RELATIVE OR KIN AND ANY ADULT WHO RESIDES  
9 AT THE HOME WHO ARE NOT DISQUALIFIED BASED UPON THE RESULTS OF  
10 THE INITIAL CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO  
11 SUBSECTION (1)(a) OF THIS SECTION SHALL COMPLETE A  
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS DESCRIBED IN  
13 SUBSECTION (2) OF THIS SECTION.

14 (2) (a) A RELATIVE OR KIN AND ANY ADULT WHO RESIDES AT THE  
15 HOME WHO ARE NOT DISQUALIFIED AS AN EMERGENCY PLACEMENT FOR A  
16 CHILD OR YOUTH PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION AND  
17 WHO ARE AUTHORIZED FOR PLACEMENT OF A CHILD OR YOUTH ON AN  
18 EMERGENCY BASIS PURSUANT TO THIS PART 4 SHALL SUBMIT A COMPLETE  
19 SET OF FINGERPRINTS TO THE COUNTY DEPARTMENT OR THROUGH  
20 ANOTHER DESIGNATED THIRD PARTY APPROVED BY THE COLORADO  
21 BUREAU OF INVESTIGATION NO LATER THAN FIVE CALENDAR DAYS AFTER  
22 THE CHILD OR YOUTH IS PLACED IN THE RELATIVE'S OR KIN'S HOME OR NO  
23 LATER THAN FIFTEEN CALENDAR DAYS WHEN EXIGENT CIRCUMSTANCES  
24 EXIST. THE COUNTY DEPARTMENT SHALL PERFORM THE  
25 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK PURSUANT TO  
26 SUBSECTION (4) OF THIS SECTION.

27 (b) IF THE RELATIVE OR KIN AND ANY ADULT WHO RESIDES AT THE

1 HOME FAIL TO SUBMIT A COMPLETE SET OF FINGERPRINTS, THE COUNTY  
2 DEPARTMENT OR A LAW ENFORCEMENT OFFICER, AS APPROPRIATE, SHALL  
3 IMMEDIATELY REMOVE THE CHILD OR YOUTH FROM THE PHYSICAL  
4 CUSTODY OF THE RELATIVE OR KIN UNLESS THERE IS A MOTION REGARDING  
5 PLACEMENT PENDING BEFORE THE COURT. THE COUNTY DEPARTMENT  
6 SHALL CONFIRM WITHIN FIFTEEN CALENDAR DAYS AFTER THE CHILD OR  
7 YOUTH HAS BEEN PLACED WITH THE RELATIVE OR KIN THAT THE RELATIVE  
8 OR KIN AND ANY ADULT WHO RESIDES AT THE HOME SUBMITTED A  
9 COMPLETE SET OF FINGERPRINTS WITHIN THE TIME PERIOD SPECIFIED BY  
10 THIS SUBSECTION (2).

11 (3) WHEN PLACING A CHILD OR YOUTH ON A NONEMERGENCY  
12 BASIS, A COUNTY DEPARTMENT SHALL CONDUCT OR REQUEST THAT A  
13 LOCAL LAW ENFORCEMENT AGENCY CONDUCT A FINGERPRINT-BASED  
14 CRIMINAL HISTORY RECORD CHECK OF THE RELATIVES OR KIN AND ANY  
15 ADULT WHO RESIDES AT THE HOME PRIOR TO PLACING A CHILD OR YOUTH  
16 WITH A RELATIVE OR KIN. WHEN THE CHILD OR YOUTH IS PLACED ON A  
17 NON-COURT BASIS, THE COUNTY DEPARTMENT HAS TEMPORARY LEGAL  
18 CUSTODY OR THE LEGAL AUTHORITY FOR PLACEMENT OF A CHILD OR  
19 YOUTH.

20 (4) (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK,  
21 AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, MUST BE COMPLETED  
22 BY LOCAL LAW ENFORCEMENT; THE COUNTY DEPARTMENT, WHEN THE  
23 COUNTY DEPARTMENT HAS A FINGERPRINT MACHINE; OR ANOTHER  
24 DESIGNATED THIRD PARTY APPROVED BY THE COLORADO BUREAU OF  
25 INVESTIGATION. THE COUNTY DEPARTMENT SHALL CONDUCT ALL OF THE  
26 OTHER REQUIRED BACKGROUND CHECKS DESCRIBED IN THIS SECTION. IF  
27 AN APPROVED THIRD PARTY TAKES THE FINGERPRINTS, THE FINGERPRINTS

1 MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF  
2 INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS  
3 SHALL NOT KEEP THE INFORMATION FOR MORE THAN THIRTY DAYS, UNLESS  
4 REQUESTED TO DO SO BY THE RELATIVE OR KIN AND ANY ADULT WHO  
5 RESIDES AT THE HOME.

6 (b) WHEN A RELATIVE OR KIN AND ANY ADULT WHO RESIDES AT  
7 THE HOME SUBMIT A COMPLETE SET OF FINGERPRINTS TO THE COUNTY  
8 DEPARTMENT, THE COUNTY DEPARTMENT SHALL IMMEDIATELY FORWARD  
9 THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE  
10 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
11 CHECK. UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR THE COSTS,  
12 THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND  
13 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
14 UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND  
15 THE FEDERAL BUREAU OF INVESTIGATION. THE COLORADO BUREAU OF  
16 INVESTIGATION SHALL IMMEDIATELY FORWARD THE RESULTS OF THE  
17 STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
18 CHECKS CONDUCTED PURSUANT TO THIS SECTION TO THE AGENCY  
19 AUTHORIZED TO RECEIVE THE INFORMATION. IF THE FINGERPRINT-BASED  
20 CRIMINAL HISTORY RECORD CHECK INDICATES THAT THE RELATIVE OR KIN  
21 AND ANY ADULT WHO RESIDES AT THE HOME HAVE A CRIMINAL HISTORY  
22 DESCRIBED IN SUBSECTION (5) OF THIS SECTION, THE COUNTY  
23 DEPARTMENT OR THE LOCAL LAW ENFORCEMENT OFFICER, WHICHEVER IS  
24 APPROPRIATE, SHALL IMMEDIATELY REMOVE THE CHILD OR YOUTH FROM  
25 THE PLACEMENT, UNLESS THERE IS A MOTION REGARDING PLACEMENT  
26 PENDING BEFORE THE COURT, AND SHALL NOT PLACE A CHILD OR YOUTH  
27 IN THE HOME WHERE A PERSON WITH THE CRIMINAL CONVICTION RESIDES

1 WITHOUT A COURT ORDER AFFIRMING PLACEMENT OF THE CHILD OR YOUTH  
2 IN THE HOME OR PURSUANT TO STATE BOARD RULES.

3 (5) A COUNTY DEPARTMENT OR A LOCAL LAW ENFORCEMENT  
4 AGENCY SHALL NOT PLACE OR CONTINUE THE PLACEMENT OF A CHILD OR  
5 YOUTH IN A HOME WHERE A PERSON HAS A CRIMINAL HISTORY OF ONE OR  
6 MORE OF THE FOLLOWING CONVICTIONS, AS "CONVICTION" IS DEFINED IN  
7 SUBSECTION (12) OF THIS SECTION:

8 (a) FELONY CHILD ABUSE, AS DESCRIBED IN SECTION 18-6-401;

9 (b) MURDER IN THE FIRST DEGREE, AS DESCRIBED IN SECTION  
10 18-3-102; MURDER IN THE SECOND DEGREE, AS DESCRIBED IN SECTION  
11 18-3-103; MANSLAUGHTER, AS DESCRIBED IN SECTION 18-3-104;  
12 CRIMINALLY NEGLIGENT HOMICIDE, AS DESCRIBED IN SECTION 18-3-105;  
13 AND VEHICULAR HOMICIDE, AS DESCRIBED IN SECTION 18-3-106;

14 (c) KIDNAPPING IN THE FIRST OR SECOND DEGREE, AS DESCRIBED  
15 IN SECTIONS 18-3-301 AND 18-3-302; OR FELONY FALSE IMPRISONMENT,  
16 AS DESCRIBED IN SECTION 18-3-303;

17 (d) A FELONY CRIME OF VIOLENCE ENHANCER, AS DEFINED IN  
18 SECTION 18-1.3-406 (2)(a)(I);

19 (e) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS  
20 DEFINED IN SECTION 16-22-102 (9), INCLUDING SEXUAL EXPLOITATION OF  
21 A CHILD, HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, AND HUMAN  
22 TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE;

23 (f) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS  
24 BEEN FOUND BY THE COURT TO INCLUDE AN ACT OF DOMESTIC VIOLENCE,  
25 AS DEFINED IN SECTION 18-6-800.3, WITHIN THE PRECEDING FIVE YEARS;

26 (g) A FELONY INVOLVING PHYSICAL ASSAULT, AS DESCRIBED IN  
27 SECTION 18-3-202 OR 18-3-203;

1 (h) A FELONY DRUG-RELATED OFFENSE WITHIN THE PRECEDING  
2 FIVE YEARS;

3 (i) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY  
4 RULE OF THE STATE BOARD, WITHIN THE PRECEDING FIVE YEARS; OR

5 (j) AN OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF WHICH  
6 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE  
7 OFFENSES DESCRIBED IN SUBSECTIONS (5)(a) TO (5)(i) OF THIS SECTION.

8 (6) IF A RELATIVE OR KIN WAS NOT DISQUALIFIED AS A PLACEMENT  
9 BASED UPON THE INITIAL CRIMINAL HISTORY RECORD CHECK OR THE  
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS OF ANY ADULT  
11 WHO RESIDES AT THE HOME, THE COUNTY DEPARTMENT SHALL PERFORM  
12 THE FOLLOWING ADDITIONAL BACKGROUND CHECKS OF THE RELATIVE OR  
13 KIN AND ANY ADULT WHO RESIDES AT THE HOME PRIOR TO PLACEMENT:

14 (a) A CHECK OF THE COLORADO COURTS DATA ACCESS SYSTEM TO  
15 DETERMINE THE STATUS OR DISPOSITION OF ANY CRIMINAL CHARGES;

16 (b) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE  
17 FOR INFORMATION TO INFORM DECISIONS ABOUT PLACEMENT TO  
18 DETERMINE IF THE RELATIVE OR KIN AND ANY ADULT WHO RESIDES AT THE  
19 HOME HAVE BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE OR  
20 NEGLECT AND WHETHER SUCH FINDING PRESENTS AN UNSAFE PLACEMENT  
21 FOR THE CHILD OR YOUTH; AND

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



1 HOME IS A REGISTERED SEX OFFENDER.

2 (7) A COUNTY DEPARTMENT SHALL NOT LEAVE A CHILD OR YOUTH  
3 IN PLACEMENT OR PLACE A CHILD OR YOUTH WITH A RELATIVE OR KIN IF  
4 THE RELATIVE OR KIN OR ANY ADULT WHO RESIDES IN THE HOME:

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

7 (b) HAS BEEN IDENTIFIED AS HAVING A CHILD ABUSE OR NEGLECT  
8 FOUNDED FINDING THROUGH A CHECK OF THE CHILD WELFARE  
9 INFORMATION SYSTEM WITHIN THE PRECEDING FIVE YEARS AND THAT  
10 FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR  
11 THE CHILD OR YOUTH, UNLESS THERE IS AN APPEAL PENDING BEFORE THE  
12 COURT FOR THE FOUNDED FINDING; OR

13 (c) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER  
14 REGISTRY CREATED PURSUANT TO SECTION 16-22-110, OR IS A REGISTERED  
15 SEX OFFENDER AS DETERMINED BY A CHECK OF THE NATIONAL SEX  
16 OFFENDER REGISTRY OPERATED BY THE UNITED STATES DEPARTMENT OF  
17 JUSTICE.

18 (8) A COUNTY DEPARTMENT MAY MAKE A PLACEMENT WITH OR  
19 ALLOW CONTINUED PLACEMENT WITH A RELATIVE OR KIN WHO WOULD  
20 OTHERWISE BE DISQUALIFIED PURSUANT TO SUBSECTION (7) OF THIS  
21 SECTION IF SUCH PLACEMENT OCCURS ACCORDING TO THE RULES  
22 PROMULGATED BY THE STATE BOARD OR IF THERE IS A COURT ORDER  
23 AFFIRMING PLACEMENT OF THE CHILD OR YOUTH WITH THE RELATIVE OR  
24 KIN. WHEN ANOTHER CHILD OR YOUTH SUBSEQUENTLY NEEDS PLACEMENT  
25 IN THE SAME HOME, THE COUNTY DEPARTMENT MAY PLACE THAT CHILD OR  
26 YOUTH WITH A RELATIVE OR KIN WHO WOULD OTHERWISE BE  
27 DISQUALIFIED PURSUANT TO SUBSECTION (7) OF THIS SECTION BASED ON

1 THE PREVIOUS DETERMINATION WITH REGARD TO THE BACKGROUND  
2 CHECK. THE RELATIVE OR KIN SHALL STILL COMPLY WITH THE  
3 REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, AND THE COUNTY  
4 DEPARTMENT OR THE COURT SHALL AFFIRM PLACEMENT OF THE  
5 SUBSEQUENT CHILD OR YOUTH.

6 (9) THE STATE BOARD SHALL PROMULGATE RULES RELATED TO  
7 BACKGROUND CHECKS OF RELATIVES OR KIN AND PLACEMENT OF  
8 CHILDREN OR YOUTH WITH RELATIVES OR KIN, CONSISTENT WITH THE  
9 PROVISIONS CONTAINED IN PART 3 OF ARTICLE 72 OF TITLE 24.

10 (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
11 IF THE COUNTY DEPARTMENT VERIFIES AND DOCUMENTS THAT ALL OF THE  
12 CRIMINAL HISTORY RECORD CHECKS AND OTHER BACKGROUND CHECKS  
13 DESCRIBED IN THIS SECTION HAVE BEEN COMPLETED IN THE PRECEDING  
14 THREE MONTHS FOR A RELATIVE OR KIN AND ANY ADULT WHO RESIDES IN  
15 THE HOME, THE COUNTY DEPARTMENT DOES NOT NEED TO REPEAT THE  
16 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF THAT  
17 RELATIVE OR KIN AND ANY ADULT WHO RESIDES IN THE HOME; EXCEPT  
18 THAT THE COUNTY DEPARTMENT SHALL REPEAT THE OTHER BACKGROUND  
19 CHECKS DESCRIBED IN THIS SECTION AND CONTACT LOCAL LAW  
20 ENFORCEMENT TO DETERMINE IF THERE WERE ANY NEW CHARGES FOR  
21 OFFENSES FILED AGAINST THAT RELATIVE OR KIN AND ANY ADULT WHO  
22 RESIDES IN THE HOME DURING THE PRECEDING THREE MONTHS SINCE THE  
23 LAST FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

24 (11) (a) THE COLORADO BUREAU OF INVESTIGATION SHALL FLAG  
25 THE FINGERPRINTS OF AND NOTIFY THE APPLICABLE COUNTY DEPARTMENT  
26 OF ANY NEW ARRESTS OF AN INDIVIDUAL WHOSE FINGERPRINTS THE  
27 COUNTY DEPARTMENT SUBMITS TO A LOCAL LAW ENFORCEMENT AGENCY

1 THAT THE COUNTY DEPARTMENT ALSO INTENDS TO BE SUBSEQUENTLY  
2 USED FOR FOSTER CARE CERTIFICATION.

3 (b) THE COUNTY DEPARTMENT SHALL NOTIFY THE COLORADO  
4 BUREAU OF INVESTIGATION WITHIN FIVE CALENDAR DAYS AFTER  
5 SUBMITTING THE REQUEST FOR A FINGERPRINT-BASED CRIMINAL HISTORY  
6 RECORD CHECK WHEN THE COUNTY DEPARTMENT INTENDS TO ACCEPT AN  
7 APPLICATION FOR FOSTER CARE CERTIFICATION FROM THAT PERSON SO  
8 THAT THE FLAGGING AND AUTOMATIC NOTIFICATION TO THE COUNTY  
9 DEPARTMENT OF NEW ARRESTS PURSUANT TO SUBSECTION (11)(a) OF THIS  
10 SECTION OCCURS FOR THAT PERSON AND CONTINUES THROUGH THE  
11 DURATION OF THE INDIVIDUAL'S FOSTER CARE CERTIFICATION. THE  
12 COUNTY DEPARTMENT SHALL USE THE SAME FINGERPRINTS RECEIVED  
13 PURSUANT TO THIS SUBSECTION (11) AND ANY UPDATED  
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK RESULTS FROM  
15 THE AUTOMATIC NOTIFICATION AS A SUBSTITUTE FOR MEETING THE  
16 FINGERPRINT REQUIREMENTS FOR A PERSON WHO IS APPLYING FOR FOSTER  
17 CARE CERTIFICATION PURSUANT TO SECTION 26-6-910.

18 (12) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT  
19 OTHERWISE REQUIRES:

20 (a) "CONVICTION" MEANS A CONVICTION BY A JURY OR COURT AND  
21 INCLUDES A DEFERRED JUDGMENT AND SENTENCE AGREEMENT, A  
22 DEFERRED PROSECUTION AGREEMENT, OR A PLEA OF GUILTY OR NOLO  
23 CONTENDERE DETERMINED THROUGH THE RECORDS OF THE COLORADO  
24 BUREAU OF INVESTIGATION OR THE FEDERAL BUREAU OF INVESTIGATION  
25 AND THE COLORADO COURTS DATA ACCESS SYSTEM IN THE STATE  
26 JUDICIAL DEPARTMENT. "CONVICTION" DOES NOT INCLUDE A DIVERSION  
27 OR DEFERRAL OR PLEA FOR A PERSON WHO PARTICIPATED IN AND

1 SUCCESSFULLY COMPLETED THE CHILD ABUSE AND CHILD NEGLECT  
2 DIVERSION PROGRAM ESTABLISHED PURSUANT TO SECTION 19-3-310. A  
3 CONVICTION DOES NOT INCLUDE JUVENILE DEFERRED JUDGMENT OR  
4 ADJUDICATION AGREEMENTS, ADJUDICATIONS, DIVERSION, DEFERRAL, OR  
5 PLEA AGREEMENTS. THE CONVICTIONS IDENTIFIED IN THIS SUBSECTION  
6 (12)(a) AND SUBSECTION (5) OF THIS SECTION MUST BE DETERMINED  
7 ACCORDING TO THE RECORDS OF THE COLORADO BUREAU OF  
8 INVESTIGATION OR THE FEDERAL BUREAU OF INVESTIGATION AND THE  
9 COLORADO COURTS DATA ACCESS SYSTEM AT THE STATE JUDICIAL  
10 SYSTEM. A SCREENING REQUEST IN COLORADO MUST BE MADE PURSUANT  
11 TO SECTION 19-1-307 (2)(k), RULES PROMULGATED BY THE STATE BOARD  
12 PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. SEC. 671 (a)(2). A  
13 CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT  
14 JURISDICTION OF THE CONVICTION OR A DEFERRED ADJUDICATION  
15 AGREEMENT IS PRIMA FACIE EVIDENCE OF A CONVICTION OR AGREEMENT.

16 (b) "INITIAL CRIMINAL HISTORY RECORD CHECK" MEANS A  
17 NAME-BASED STATE AND FEDERAL CRIMINAL HISTORY RECORD CHECK  
18 PERFORMED BY A COUNTY DEPARTMENT OR LOCAL LAW ENFORCEMENT  
19 AGENCY UTILIZING THE RECORDS OF THE COLORADO BUREAU OF  
20 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.

21 **SECTION 2.** In Colorado Revised Statutes, **repeal** 19-3-407.

22 **SECTION 3.** In Colorado Revised Statutes, 19-3-508, **amend** (8)  
23 as follows:

24 **19-3-508. Neglected or dependent child - disposition -**  
25 **concurrent planning.** (8) When entering a decree placing the child OR  
26 YOUTH in the legal custody of a relative or placing the child OR YOUTH in  
27 the legal custody of a county department for placement in a foster care

1 home, the court shall ensure that the child's OR YOUTH'S placement at the  
2 time of the hearing is in the best interests of the child OR YOUTH and shall  
3 inquire about documentation that the county department or a licensed  
4 child placement agency has adequately screened the foster care provider  
5 or the family member who is seeking to care for the child OR YOUTH and  
6 any adult residing in that home and that all of the criminal history record  
7 checks and other background checks have been completed as required  
8 pursuant to ~~section 26-6-910 or 19-3-407~~ SECTION 26-6-910 OR 19-3-406.

9 **SECTION 4.** In Colorado Revised Statutes, 19-3-605, **amend** (3)  
10 introductory portion and (3)(b) as follows:

11 **19-3-605. Request for placement with family members.** (3) In  
12 making placement determinations concerning a child OR YOUTH following  
13 the order of termination of the parent-child legal relationship pursuant to  
14 the provisions of this section, the court shall consider all pertinent  
15 information related to modifying the placement of the child OR YOUTH  
16 prior to removing the child OR YOUTH from ~~his or her~~ THE CHILD'S OR  
17 YOUTH'S placement, including: ~~the following:~~

18 (b) Whether the child's OR YOUTH'S placement at the time of the  
19 hearing is a safe and potentially permanent placement for the child OR  
20 YOUTH, including documentation that a county department or a licensed  
21 child placement agency has adequately screened the family member who  
22 is seeking to care for the child OR YOUTH and any adult residing in the  
23 home and that all of the criminal history record checks and other  
24 background checks have been completed as required pursuant to ~~section~~  
25 ~~26-6-910 or 19-3-407~~ SECTION 26-6-910 OR 19-3-406;

26 **SECTION 5.** In Colorado Revised Statutes, 26-6-911, **amend**  
27 (2)(d) as follows:

1           **26-6-911. Foster care - kinship care - rules applying generally**  
2   **- rule-making.** (2) At a minimum, the rules described in subsection (1)  
3 of this section must include the following:

4           (d) A list of actions a county department or child placement  
5 agency shall take if a disqualifying factor is found during any of the  
6 background checks specified in ~~section~~ SECTIONS 26-6-910 (5) and (6)  
7 and ~~section 19-3-406 (4) and (4.5)~~ 19-3-406 (6) AND (7);

8           **SECTION 6. 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; except  
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
12 of the state constitution against this act or an item, section, or part of this  
13 act within such period, then the act, item, section, or part will not take  
14 effect unless approved by the people at the general election to be held in  
15 November 2024 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.