

CHAPTER 202

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 94-070

BY SENATORS Weissmann, Casey, Hopper, and Mendez;
also REPRESENTATIVES Chlouber, Blue, and DeGette.

AN ACT**CONCERNING THE PROVISION OF SERVICES FOR NONPUBLIC OUT-OF-STATE ADOPTIONS.**

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

SECTION 1. Part 2 of article 5 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

19-5-205.5. Nonpublic agency interstate and foreign adoptions - legislative declaration - authority for department to select agencies. (1) THE GENERAL ASSEMBLY FINDS THAT TIMELY PROCESSING OF ADOPTIONS IS IN THE BEST INTERESTS OF THE CHILDREN BEING ADOPTED. IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY TO EXPEDITE PERMANENCY FOR THOSE CHILDREN WHO ARE BEING ADOPTED. IT IS THE PURPOSE OF THIS SECTION TO PROMOTE TIMELY PROCESSING OF NONPUBLIC AGENCY INTERSTATE AND FOREIGN ADOPTIONS WHILE INCREASING THE DEPARTMENT OF HUMAN SERVICES' CAPACITY TO UTILIZE EXISTING STAFF TO PERFORM OTHER CHILD WELFARE FUNCTIONS.

(2) (a) THE DEPARTMENT OF HUMAN SERVICES IS AUTHORIZED TO SELECT NONPUBLIC, LICENSED CHILD PLACEMENT AGENCIES AUTHORIZED TO HANDLE ADOPTIONS OR NONPUBLIC AGENCIES THAT MEET THE QUALIFYING CRITERIA TO BE LICENSED CHILD PLACEMENT AGENCIES PURSUANT TO ARTICLE 6 OF TITLE 26, C.R.S., AND ANY IMPLEMENTING RULES OR REGULATIONS PROMULGATED BY THE DEPARTMENT OF HUMAN SERVICES FOR THE PROVISION OF SERVICES TO INDIVIDUALS SEEKING ASSISTANCE IN NONPUBLIC AGENCY INTERSTATE OR FOREIGN ADOPTION CASES PURSUANT TO THIS PART 2. THE DEPARTMENT OF HUMAN SERVICES SHALL, BY RULE, ESTABLISH QUALIFYING CRITERIA BY WHICH SUCH NONPUBLIC AGENCIES SHALL BE SELECTED FOR THIS PURPOSE.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) THE DEPARTMENT OF HUMAN SERVICES SHALL FURTHER PROMULGATE RULES CREATING STANDARDS BY WHICH THE DEPARTMENT OF HUMAN SERVICES MAY EVALUATE THE DELIVERY OF SERVICES BY THE SELECTED NONPUBLIC AGENCIES AND IDENTIFYING THE SERVICES AND FUNCTIONS TO BE RENDERED BY THE NONPUBLIC AGENCIES SELECTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(I) THE REVIEW OF ALL BACKGROUND INFORMATION CONCERNING THE BIRTH PARENTS AND INDIVIDUAL CASE MATERIAL ON THE ADOPTING FAMILY'S HOMESTUDY;

(II) THE REVIEW OF ALL LEGAL DOCUMENTS RELATED TO THE RELINQUISHMENT OR TERMINATION OF THE BIRTH PARENTS' RIGHTS;

(III) THE REVIEW OF ALL BIRTH AND MEDICAL INFORMATION;

(IV) THE REVIEW OF CORRESPONDENCE WITH THE IMMIGRATION AND NATURALIZATION SERVICE IN THE UNITED STATES DEPARTMENT OF JUSTICE IN FOREIGN ADOPTIONS;

(V) THE REVIEW OF THE CHILD'S SOCIAL HISTORY, LEGAL DOCUMENTS, MEDICAL INFORMATION, AND BIRTH CERTIFICATE IN FOREIGN ADOPTION CASES IN WHICH THE CHILD IS TO BE PLACED IN COLORADO;

(VI) THE PROVISION OF RELINQUISHMENT COUNSELING;

(VII) THE PROMOTION OF PERMANENT PLANS FOR THE ADOPTED CHILD;

(VIII) THE AGENCY'S COMPLIANCE WITH FEDERAL AND COLORADO LAWS, INCLUDING, BUT NOT LIMITED TO, THE "INTERSTATE COMPACT ON PLACEMENT OF CHILDREN" AS SET FORTH IN PART 18 OF ARTICLE 60 OF TITLE 24, C.R.S.;

(IX) THE TIMELINESS OF THE PROVISION OF SERVICES; AND

(X) THE OVERALL PROTECTION OF THE CHILD BEING ADOPTED.

(3) (a) NONPUBLIC AGENCIES MAY CHARGE REASONABLE AND NECESSARY FEES AND COSTS TO DEFRAY THE DIRECT AND INDIRECT EXPENSES ASSOCIATED WITH THE PROVISION OF NONPUBLIC AGENCY INTERSTATE AND FOREIGN ADOPTION SERVICES ASSOCIATED WITH THE STATUTORILY REQUIRED REVIEW AND APPROVAL OF INTERSTATE AND FOREIGN ADOPTIVE PLACEMENTS. PURSUANT TO SECTION 19-5-208 (4), ALL FEES AND COSTS CHARGED FOR SERVICES ASSOCIATED WITH THE REVIEW AND APPROVAL OF INTERSTATE AND FOREIGN ADOPTIONS SHALL BE SEPARATELY SPECIFIED IN THE EXPENSES LISTED FOR THE COURT'S REVIEW AS REQUIRED.

(b) THE DEPARTMENT OF HUMAN SERVICES SHALL, BY RULE, ESTABLISH GUIDELINES FOR THE FEES AND COSTS WHICH SUCH NONPUBLIC AGENCIES SELECTED PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY CHARGE FOR THE DELIVERY OF SUCH SERVICES.

(4) FOR PURPOSES OF THIS SECTION, "NONPUBLIC AGENCY INTERSTATE AND FOREIGN ADOPTION" MEANS AN INTERSTATE OR FOREIGN ADOPTION THAT IS HANDLED

BY A PRIVATE, LICENSED CHILD PLACEMENT AGENCY. ALL INTERSTATE AND FOREIGN ADOPTIONS IN COLORADO MADE BY THE COURT, THE COUNTY DEPARTMENTS OF SOCIAL SERVICES, OR LICENSED CHILD PLACEMENT AGENCIES SHALL BE PURSUANT TO SECTION 19-5-206 (1).

SECTION 2. Effective date. This act shall take effect July 1, 1994.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 19, 1994