

CHAPTER 306

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 15-1248

BY REPRESENTATIVE(S) Singer, Buckner, Duran, Fields, Ginal, Hamner, Lontine, Melton, Moreno, Pabon, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Vigil, Williams, Winter, Young, Hullinghorst;
also SENATOR(S) Hill, Guzman, Heath, Johnston, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Steadman, Todd.

AN ACT

CONCERNING LIMITED ACCESS BY PRIVATE CHILD PLACEMENT AGENCIES TO RECORDS RELATING TO CHILD ABUSE OR NEGLECT FOR PURPOSES OF ENSURING SAFE PLACEMENTS FOR FOSTER CHILDREN, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 19-1-307, **add** (2) (v) as follows:

19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty. (2) Records and reports - access to certain persons - agencies. Except as otherwise provided in section 19-1-303, only the following persons or agencies shall be given access to child abuse or neglect records and reports:

(v) A LICENSED CHILD PLACEMENT AGENCY, FOR THE PURPOSE OF SCREENING PROSPECTIVE FOSTER PARENTS, ANY ADULT RESIDING IN THE HOME OF THE PROSPECTIVE FOSTER PARENT, AND SPECIALIZED GROUP FACILITIES, PURSUANT TO THE FOLLOWING CONDITIONS:

(I) ACCESS IS LIMITED TO INFORMATION CONCERNING A CURRENT OR PROSPECTIVE FOSTER PARENT, AN ADULT RESIDING IN THE HOME OF THE CURRENT OR PROSPECTIVE FOSTER PARENT, OR A SPECIALIZED GROUP FACILITY AND INCLUDES ONLY THE FOLLOWING INFORMATION:

(A) WHETHER A REPORT OF CHILD ABUSE OR NEGLECT HAS BEEN MADE REGARDING THE PERSON;

(B) THE GENERAL NATURE OF THE ALLEGED INCIDENT OF CHILD ABUSE OR

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

NEGLECT, INCLUDING THE CATEGORY OF THE ALLEGATION, AND THE NAME AND RELATIONSHIP OF THE PERPETRATOR AND VICTIM;

(C) WHETHER THE REPORT OF CHILD ABUSE OR NEGLECT WAS SCREENED FOR ASSESSMENT;

(D) THE OUTCOME OF THE INVESTIGATION INCLUDING THE INVESTIGATOR'S SUMMARY OF THE REASON OR REASONS FOR HIS OR HER FINDING OR CONCLUSIONS; AND

(E) CHILD CARE AND CHILD WELFARE LICENSING HISTORY;

(II) ACCESS IS LIMITED TO ONE PERSON AT EACH CHILD PLACEMENT AGENCY, AS DESIGNATED BY THE AGENCY AND REPORTED TO THE STATE DEPARTMENT OF HUMAN SERVICES;

(III) THE STATE DEPARTMENT OF HUMAN SERVICES SHALL MONITOR A CHILD PLACEMENT AGENCY'S ACCESS TO THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT TO ENSURE THAT THE CHILD PLACEMENT AGENCY IS ACCESSING THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT IN ACCORDANCE WITH THIS PARAGRAPH (v); AND

(IV) AN UNACCEPTED REFERRAL OR AN UNFOUNDED OR INCONCLUSIVE ASSESSMENT PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (v) DOES NOT NECESSARILY REQUIRE THAT A CURRENT OR PROSPECTIVE FOSTER PARENT BE DENIED PLACEMENT PURSUANT TO THIS ARTICLE.

SECTION 2. Appropriation. (1) For the 2015-16 state fiscal year, \$37,138 is appropriated to the department of human services. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$20,538 for use by the division of child welfare for monitoring Trails usage, which amount is based on an assumption that the division will require an additional 0.4 FTE; and

(b) \$16,600 for use by the office of information technology services for Colorado Trails.

SECTION 3. Effective date. This act takes effect July 1, 2015.

SECTION 4. 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: June 5, 2015