



## Children and Domestic Matters

During the 2021 legislative session, the General Assembly considered several measures related to children and domestic matters, including foster care, child care, and child welfare.

### Foster Care

Colorado lawmakers recognized that the foster care system in Colorado could better serve children in out-of-home placement by offering transition services and transportation between school districts. Native American tribes were also granted authority to certify foster homes.

*House Bill 21-1094* establishes two new inter-related programs in the Colorado Department of Human Services (DHS) for older foster youth: the Foster Youth in Transition Program; and the Foster Youth Successful Transition to Adulthood Grant Program. The Foster Youth Transition Program allows eligible youth ages 18 to 21 who have left the foster care system to return if they need continued support and transition services. The program is funded through the Foster Youth Successful Transition to Adulthood Grant Program.

*Senate Bill 21-117* updates provisions of law that permit students in out-of-home placements to remain in their school of origin. To facilitate transportation for these foster children to attend school, the bill allows school districts to establish transportation plans by region, as well as allows

school boards of cooperative educational services to do the same on behalf of a district. The bill aligns the definitions of students in out-of-home placement and students who are in the custody of county human or social services departments for educational purposes.

*House Bill 21-1151* allows federally recognized Indian tribes to certify their own foster homes. Previously, only county departments of human or social services and child placement agencies could certify foster homes.

### Child Care

Colorado's shortage of licensed, safe, and affordable child care options increased during the COVID-19 pandemic. To aid in meeting the demand for child care, the General Assembly passed several laws to ease or streamline the regulation and licensing of child care centers in Colorado.

Zoning, land use development, building, and fire standards that vary across the state create barriers for new family child care homes and hardship on existing family child care homes to meet requirements. Family child care homes are those that exist in a residence. *House Bill 21-1222* eases the extensive licensing requirements for family child care homes. It allows local governments to treat these homes as residential property when it comes to zoning, land use, fire

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and life safety, sanitation, and building code regulations.

*Senate Bill 21-269* aims to increase child care availability in the state by adding “respite child care center” to the overall definition of “child care center” for licensing purposes. A respite child care center provides temporary, 24 hours care for children placed into foster care and kinship care homes.

*Senate Bill 21-167* updates regulations for child care centers on the property of a public or charter school. Specifically, the bill eliminates duplicate fire code or radon inspections if the school has already received one in the past year. It also allows for staffing flexibility during emergencies.

*Senate Bill 21-201* makes several changes to the requirements and penalties for child care providers while increasing online access to information about child care providers that have been operating outside the law. The bill:

- requires DHS to post on its website the name and location of any child care provider operating without a valid license exemption, and who has been issued one or more cease-and-desist order;
- requires DHS to apply for an injunction if a child care facility is operating without a license or license exemption, has a pattern of providing child care in violation of licensing requirements, and has continued to provide care despite notification from the DHS that they are violating the law;
- makes it a petty offense for operators of a child care facility to not address a violation resulting in a cease-and-desist order within the allotted period given by the DHS or county departments human or social services;
- increases penalties and fines for violations of the child care licensing law; and
- clarifies that family child care home providers are not eligible for issuance or

renewal of Colorado Child Care Assistance Program contracts if they have demonstrated a pattern of petty offense convictions within the past ten years.

### Child Welfare

In an effort to update and align the law to meet the demand for increased protection of children across Colorado, the General Assembly passed several laws focused on the prevention of child abuse and neglect.

Current law does not recognize domestic abuse as a form of child abuse or neglect. *House Bill 21-1099* requires DHS to form a domestic abuse task force to create a definition of domestic abuse that recognizes the impact domestic abuse may have on the emotional and developmental well-being of a child. DHS must then promulgate rules related to identifying child abuse or neglect specifically related to domestic abuse. The task force must also make recommendations on how to better train case workers on spotting all forms of domestic violence in a report to the General Assembly.

*House Bill 21-1272* provides the Office of the Child Protection Ombudsman (ombudsman) in the Judicial Department with additional access to information for investigations. It further exempts the ombudsman from subpoena or testifying in a civil or criminal proceeding in which they are not a legal party. The bill also requires the Child Fatality Review Team in the DHS and child fatality local review teams under the CDPHE to provide their final reports and findings to the ombudsman.

*House Bill 21-1248* renames the Colorado Children's Trust Fund to the "Colorado Child Abuse Prevention Trust Fund" and expands the duties and powers of the board.