

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

ENGROSSED

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

LLS NO. 26-0821.01 Lindy Schaible x4215

HOUSE BILL 26-1298

HOUSE SPONSORSHIP

Rydin and Keltie,

SENATE SPONSORSHIP

Cutter,

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY FOR CRIMINAL BACKGROUND CHECKS**
102 **FOR CHILD WELFARE OUT-OF-HOME PLACEMENT PROVIDERS,**
103 **AND, IN 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>.)

Under current law, background checks are required for all individuals who provide out-of-home care for child-welfare-involved youth. Current law does not comply with the federal bureau of investigation's (FBI) standards for background checks, and the FBI granted Colorado a temporary grace period to allow Colorado to perform

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

HOUSE
Amended 2nd Reading
April 17, 2026

these background checks through the FBI. The temporary grace period ends May 2026.

The bill revises statutory provisions to give counties and the Colorado department of human services the statutory authority needed to conduct the required background checks in accordance with the FBI's standards.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-6-903, **amend** (6);
3 **and add** (6.5) as follows:

4 **26-6-903. Definitions.**

5 As used in this part 9, unless the context otherwise requires:

6 (6) "Child placement agency" or "agency" means a corporation,
7 partnership, association, firm, agency, institution, or person unrelated to
8 the child being placed, who places, facilitates placement for a fee, or
9 arranges for placement for care of a child under eighteen years of age OLD
10 with a family, person, or institution. A child placement agency may place,
11 facilitate placement, or arrange for the placement of a child for the
12 purpose of adoption, foster care, treatment foster care, or therapeutic
13 foster care. AS A PRIVATE ENTITY, A CHILD PLACEMENT AGENCY IS NOT
14 AUTHORIZED TO RECEIVE CRIMINAL HISTORY RECORD INFORMATION FROM
15 THE FEDERAL BUREAU OF INVESTIGATION. The natural parents or guardian
16 of a child who place the child for care with a facility licensed as a family
17 child care home or child care center, as defined in section 26.5-5-303, are
18 not a child placement agency.

19 (6.5) "COUNTY DEPARTMENT" MEANS THE COUNTY OR DISTRICT
20 DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

21 **SECTION 2.** In Colorado Revised Statutes, 26-6-910, **amend** (1),
22 (2), (5) introductory portion, (5)(a) introductory portion, (5)(b), (5)(e),

1 (5.5), (6)(a), (8)(a), and (8)(b) introductory portion; and **add** (5)(f), (5.3),
2 and (8)(c) as follows:

3 **26-6-910. Certification and annual recertification of foster**
4 **care homes and kinship foster care homes by county departments**
5 **and licensed child placement agencies - background and reference**
6 **check requirements - rules - definition.**

7 (1) This section applies to ~~foster care homes~~ A FOSTER CARE
8 HOME, including ~~kinship foster care homes~~ A KINSHIP FOSTER CARE HOME,
9 certified by ~~county departments or licensed child placement agencies~~ A
10 COUNTY DEPARTMENT OR A LICENSED CHILD PLACEMENT AGENCY. Except
11 as otherwise provided in subsection (4) of this section, this section does
12 not apply to ~~foster care homes~~ A FOSTER CARE HOME that ~~are~~ IS licensed
13 by the state department pursuant to the requirements of section 26-6-905
14 and that ~~do~~ DOES not receive money from ~~the counties or children placed~~
15 ~~by the counties~~ A COUNTY OR A CHILD OR YOUTH PLACED BY A COUNTY.
16 A foster care home licensed by the state department must undergo all of
17 the background checks and requirements set forth in section 26-6-905 or
18 as otherwise stated in this part 9.

19 (2) A person operating a foster care home or kinship foster care
20 home shall obtain a certificate to operate the home from a county
21 department or a child placement agency licensed pursuant to this part 9.
22 A certificate is considered a license for the purpose of this part 9,
23 including, but not limited to, the investigation and criminal history
24 background checks required pursuant to this section, ~~and~~ section
25 26-6-912, OR SECTION 19-3-406 (5) SPECIFIC TO A KINSHIP FOSTER CARE
26 HOME. Each certificate must be in the form prescribed and provided by
27 the state department, certify that the person operating the foster care home

1 is a suitable person to operate a foster care home or kinship foster care
2 home or provide care for a child OR YOUTH, and contain any other
3 information that the state department requires. A child placement agency
4 issuing or renewing ~~any such~~ THE certificate shall notify the state
5 department about the certification in a method and time frame as set by
6 rule adopted by the state board.

7 (5) Prior to issuing a certificate ~~or a recertification~~ to an applicant
8 to operate a foster care home or A kinship foster care home, a county
9 department or a child placement agency licensed pursuant to the
10 provisions of this part 9 shall conduct the following background checks
11 AND FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS for the
12 applicant for a certificate, a person employed by the applicant, or a person
13 who resides at the facility or the home:

14 (a) AN INITIAL SUBMISSION OF a fingerprint-based criminal history
15 record check through the Colorado bureau of investigation FOR A CHECK
16 OF STATE RECORDS, and THEREAFTER A SUBMISSION TO the federal bureau
17 of investigation FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK to
18 determine if the applicant, employee, or a person who resides at the
19 facility or the FOSTER CARE home has been convicted of:

20 (b) A check of the ICON system at the state judicial department
21 to determine the status or disposition of any criminal charges brought
22 against the applicant, the employee, or a person who resides at the facility
23 or the home that were identified by the fingerprint-based criminal history
24 record check through the Colorado bureau of investigation. ~~and the~~
25 federal bureau of investigation;

26 (e) When the results of a fingerprint-based criminal history record
27 check or any other record check performed pursuant to this subsection (5)

1 reveal a record of arrest without a disposition, the county department,
2 STATE DEPARTMENT, or licensed child placement agency shall require the
3 person to submit to a name-based judicial record check, as defined in
4 section 22-2-119.3 (6)(d). RESULTS RECEIVED BY THE STATE DEPARTMENT
5 FROM THE FEDERAL BUREAU OF INVESTIGATION THAT REQUIRE
6 ADDITIONAL INVESTIGATION DUE TO A RECORD OF ARREST WITHOUT A
7 DISPOSITION MUST ONLY BE DISCLOSED TO AND DISCUSSED WITH THE
8 SUBJECT OF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
9 ALL JUDICIAL RECORD INFORMATION RECEIVED AS A RESULT OF THE
10 FURTHER INVESTIGATION MUST BE KEPT CONFIDENTIAL AND NOT SHARED
11 WITH A LICENSED CHILD PLACEMENT AGENCY OR WITH A PERSON NOT
12 AUTHORIZED TO RECEIVE CRIMINAL JUSTICE INFORMATION. THE CHILD
13 PLACEMENT AGENCY OR NON-AUTHORIZED PERSON MUST ONLY RECEIVE
14 INFORMATION PROVIDED IN THE GENERAL INFORMATION LETTER
15 CONTAINING ELIGIBILITY STATUS.

16 (f) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
17 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL
18 BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE,
19 OR A PERSON WHO RESIDES IN THE KINSHIP FOSTER CARE HOME HAS BEEN
20 CONVICTED OF ANY OFFENSE DESCRIBED IN SECTION 19-3-406 (5), AS
21 "CONVICTION" IS DEFINED IN SECTION 19-3-406 (12).

22 (5.3) (a) THE COLORADO BUREAU OF INVESTIGATION SHALL SEND
23 RECORDS OBTAINED AS A RESULT OF A FINGERPRINT-BASED CRIMINAL
24 HISTORY RECORD CHECK CONDUCTED PURSUANT TO THIS SECTION ONLY
25 TO THE COUNTY DEPARTMENT OR STATE DEPARTMENT, AND THE USE AND
26 HANDLING OF THE INFORMATION MUST COMPLY WITH THE FEDERAL
27 CRIMINAL JUSTICE INFORMATION SERVICES SECURITY POLICY AND

1 FEDERAL BUREAU OF INVESTIGATION'S REQUIREMENTS SURROUNDING THE
2 HANDLING OF CRIMINAL HISTORY RECORD CHECK INFORMATION. A
3 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK CONDUCTED
4 PURSUANT TO THIS SECTION IS FOR CHILD PLACEMENT ONLY. A PRIVATE
5 ENTITY IS NEVER AUTHORIZED TO RECEIVE CRIMINAL HISTORY RECORD
6 CHECK INFORMATION. INFORMATION REGARDING THE RESULT OF THE
7 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK RECEIVED FROM
8 THE FEDERAL BUREAU OF INVESTIGATION AND RELEASED TO FACILITY,
9 AGENCY, OR COUNTY DEPARTMENT STAFF NOT AUTHORIZED TO RECEIVE
10 CRIMINAL HISTORY RECORD CHECK INFORMATION MUST DISCLOSE ONLY
11 WHETHER THE APPLICANT IS ELIGIBLE OR INELIGIBLE, OR THAT THE
12 INVESTIGATION IS INCONCLUSIVE, WITH A FURTHER REQUEST FOR THE
13 APPLICANT TO CONTACT THE STATE DEPARTMENT TO PROVIDE FURTHER
14 INFORMATION TO DETERMINE FINAL ELIGIBILITY STATUS.

15 (b) AS A PRIVATE ENTITY, A CHILD PLACEMENT AGENCY IS NOT
16 AUTHORIZED TO RECEIVE CRIMINAL HISTORY RECORD INFORMATION FROM
17 THE FEDERAL BUREAU OF INVESTIGATION.

18 (5.5) Prior to issuing a certificate ~~or subsequent certificate~~ to an
19 applicant to operate a kinship foster care home pursuant to this part 9 and
20 rules ~~promulgated~~ ADOPTED by the state board, a county department,
21 STATE DEPARTMENT, or a child placement agency shall conduct a
22 fingerprint-based criminal history record check through the Colorado
23 bureau of investigation pursuant to section 19-3-406 or 26-6-910. The
24 applicant shall pay, unless otherwise paid by a county department OR A
25 CHILD PLACEMENT AGENCY, the costs associated with the
26 fingerprint-based criminal history record check to the Colorado bureau of
27 investigation.

1 (6) A county department or a child placement agency licensed
2 pursuant to this part 9 shall not issue a certificate to operate, or a
3 recertification to operate, a foster care home or kinship foster care home
4 and shall revoke or suspend a certificate if the applicant for the
5 certificate, a person employed by the applicant, or a person who resides
6 at the facility or home:

7 (a) Has been convicted of any of the crimes listed in subsection
8 (5)(a) of this section FOR A FOSTER CARE HOME, OR HAS BEEN CONVICTED
9 OF ANY CRIME LISTED IN SECTION 19-3-406 (5) FOR A KINSHIP FOSTER
10 CARE HOME, as verified through a fingerprint-based criminal history
11 record check, a name-based judicial record check, if necessary, and a
12 check of the ICON system at the state judicial department;

13 (8) (a) The convictions identified in subsections (5)(a) and (6)(a)
14 of this section, AND IN SECTION 19-3-406 FOR A KINSHIP FOSTER CARE
15 HOME, must be determined according to the records of the Colorado
16 bureau of investigation or the federal bureau of investigation and the
17 ICON system at the state judicial department. The screening request in
18 Colorado must be made pursuant to section 19-1-307 (2)(k.5), rules
19 promulgated by the state board pursuant to section 19-3-313.5, and 42
20 U.S.C. sec. 671 (a)(20). A certified copy of the judgment of a court of
21 competent jurisdiction of the conviction, deferred judgment and sentence
22 agreement, deferred prosecution agreement, or deferred adjudication
23 agreement is prima facie evidence of a conviction or agreement.

24 (b) The county department or licensed child placement agency
25 shall not issue a certificate to operate a foster care home ~~or a kinship~~
26 ~~foster care home~~ if the state department or the county department has a
27 certified court order from another state indicating that the person applying

1 for the certificate:

2 (c) THE COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
3 AGENCY SHALL NOT ISSUE A CERTIFICATE TO OPERATE A KINSHIP FOSTER
4 CARE HOME IF THE STATE DEPARTMENT OR COUNTY DEPARTMENT HAS A
5 CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE
6 PERSON APPLYING FOR THE CERTIFICATE:

7 (I) HAS BEEN CONVICTED OF FELONY CHILD ABUSE OR ANY
8 UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANOTHER
9 STATE OR THE UNITED STATES, THE ELEMENTS OF WHICH ARE
10 SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES
11 DESCRIBED IN SECTION 19-3-406 (5); OR

12 (II) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED
13 PROSECUTION AGREEMENT IN ANOTHER STATE AS TO FELONY CHILD ABUSE
14 OR ANY SEXUAL OFFENSE AGAINST A CHILD, THE ELEMENTS OF WHICH ARE
15 SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES
16 DESCRIBED IN SECTION 19-3-406 (5).

17 **SECTION 3.** In Colorado Revised Statutes, 26-6-912, **amend**
18 (1)(a)(I)(A), (1)(a)(I)(B), (1)(c)(I) introductory portion, and (1)(c)(I)(A);
19 and **repeal** (1)(e) as follows:

20 **26-6-912. Investigations and inspections - local authority -**
21 **reports - rules.**

22 (1) (a) (I) (A) The state department shall investigate and pass on
23 each application for issuance of a license, each application for a
24 permanent or time-limited license following the issuance of a
25 probationary or provisional license, and each application for renewal of
26 a license to operate a facility or an agency prior to granting the license or
27 renewal. As part of the investigation, the state department shall require

1 each individual, including ~~but not limited to~~ the applicant, ~~an owner~~, an
2 employee, a newly hired employee, a licensee, [REDACTED] and an adult who is
3 eighteen years ~~of age~~ OLD or older and resides in the licensed facility, to
4 obtain a fingerprint-based criminal history record check by reviewing any
5 record that is used to assist the state department in ascertaining whether
6 the person being investigated has been convicted of any of the criminal
7 offenses specified in section 26-6-905 (8), SECTION 19-3-406 (5)
8 REGARDING KINSHIP FOSTER CARE HOMES CERTIFIED PURSUANT TO
9 SECTION 26-6-910, or any other felony. THE COLORADO BUREAU OF
10 INVESTIGATION SHALL SEND RECORDS OBTAINED AS A RESULT OF A
11 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK ONLY TO THE
12 STATE DEPARTMENT, AND THE USE AND HANDLING OF THE INFORMATION
13 MUST COMPLY WITH THE FEDERAL CRIMINAL JUSTICE INFORMATION
14 SERVICES SECURITY POLICY. INFORMATION REGARDING THE RESULT OF
15 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK RECEIVED
16 FROM THE FEDERAL BUREAU OF INVESTIGATION AND RELEASED TO A
17 FACILITY OR AN AGENCY MUST DISCLOSE ONLY WHETHER THE APPLICANT
18 IS ELIGIBLE OR INELIGIBLE OR THAT THE INVESTIGATION IS INCONCLUSIVE,
19 WITH A FURTHER REQUEST FOR THE APPLICANT TO CONTACT THE STATE
20 DEPARTMENT TO PROVIDE FURTHER INFORMATION TO DETERMINE FINAL
21 ELIGIBILITY STATUS. The state board shall ~~promulgate~~ ADOPT rules that
22 define and identify what the criminal history record check entails.

23 (B) Rules ~~promulgated~~ ADOPTED by the state board pursuant to
24 this subsection (1)(a)(I) must require the fingerprint-based criminal
25 history record check in all circumstances, other than those identified in
26 subsection (1)(a)(I)(C) of this section, to include a fingerprint-based
27 criminal history record check using the records of the Colorado bureau of

1 investigation and the federal bureau of investigation and to apply to any
2 ~~new owner~~, new applicant, newly hired employee, new licensee, or
3 individual who begins residing in the licensed facility. As part of the
4 investigation, the records and reports of child abuse or neglect maintained
5 by the state department must be accessed to determine whether the ~~owner~~,
6 applicant, employee, newly hired employee, licensee, or individual who
7 resides in the licensed facility being investigated has been found to be
8 responsible in a confirmed report of child abuse or neglect. Information
9 is made available pursuant to section 19-1-307 (2)(j) and rules
10 ~~promulgated~~ ADOPTED by the state board pursuant to section 19-3-313.5
11 (4). Except as provided in subsection (1)(a)(I)(C) of this section, any
12 change in ownership of a licensed facility or agency or addition of a new
13 resident adult or newly hired employee to the licensed facility requires a
14 new investigation as provided in this section.

15 (c) (I) For all applicants applying to be a foster care home or
16 kinship foster care home, regardless of reimbursement, the county
17 department or child placement agency shall require each adult who is
18 eighteen years ~~of age~~ OLD or older and who resides in the home to obtain
19 a fingerprint-based criminal history record check through the Colorado
20 bureau of investigation and the federal bureau of investigation. The
21 applicant must provide the county department or child placement agency
22 with the addresses where the applicant and any adult residing in the home
23 have lived in the preceding five years, including addresses from other
24 states. The county department or the child placement agency shall
25 conduct the following background checks of the applicant or an adult
26 residing in the home:

27 (A) A fingerprint-based criminal history record check to

1 determine if the applicant or adult residing in the home has been
2 convicted of any of the crimes listed in section 26-6-910 (5)(a) FOR A
3 FOSTER CARE HOME OR SECTION 19-3-406 (5) FOR A KINSHIP FOSTER CARE
4 HOME;

5 ~~(e) Notwithstanding any provision of this part 9 to the contrary,~~
6 ~~the state department may enter into an interagency agreement or a~~
7 ~~memorandum of understanding, or both, as necessary to complete the~~
8 ~~criminal history record checks and other background checks required in~~
9 ~~this section.~~

10 **SECTION 4.** In Colorado Revised Statutes, 26-6-905, **amend**
11 (1)(b), (8)(a)(I) introductory portion, (8)(b), and (10) as follows:

12 **26-6-905. Licenses - out-of-state notices and consent -**
13 **demonstration pilot program - report - rules - definition.**

14 (1) (b) A person operating a foster care home or kinship foster
15 care home is not required to obtain a license from the state department to
16 operate the foster care home or kinship foster care home if the person
17 holds a certificate issued pursuant to section 26-6-910 to operate the
18 home from a county department or a child placement agency licensed
19 ~~under~~ PURSUANT TO the provisions of this part 9. A certificate is
20 considered a license for the purpose of this part 9, including, but not
21 limited, to the investigation and criminal history background checks
22 required ~~under~~ PURSUANT TO sections **19-3-406**, 26-6-910, and 26-6-912.

23 (8) (a) (I) The state department shall not issue a license to operate
24 a residential or day treatment child care facility or a child placement
25 agency, and any license or certificate issued prior to August 7, 2006, is
26 revoked or suspended if the applicant for the license or certificate, an
27 affiliate of the applicant, a person employed by the applicant, or a person

1 who resides with the applicant at the facility has been convicted of ANY
2 OFFENSE DESCRIBED IN SECTION 19-3-406 (5) OR:

3 (b) (I) The department shall determine the convictions identified
4 in subsection (8)(a) of this section OR SECTION 19-3-406 FOR A KINSHIP
5 FOSTER CARE HOME according to the records of the Colorado bureau of
6 investigation, the ICON system at the state judicial department, or any
7 other source, as set forth in section 26-6-912 (1)(a)(II). A certified copy
8 of the judgment of a court of competent jurisdiction of a conviction,
9 deferred judgment and sentence agreement, deferred prosecution
10 agreement, or deferred adjudication agreement is prima facie evidence of
11 the conviction or agreement.

12 (II) A license or certificate to operate a residential or day
13 treatment child care facility, foster care home, or child placement agency
14 shall not be issued if the state department has a certified court order from
15 another state indicating that the person applying for the license or
16 certificate has been convicted of child abuse or any unlawful sexual
17 offense against a child under a law of any other state or the United States
18 or the state department has a certified court order from another state that
19 the person applying for the license or certificate has entered into a
20 deferred judgment or deferred prosecution agreement in another state as
21 to child abuse or any sexual offense against a child.

22 (III) A LICENSE OR CERTIFICATE TO OPERATE A KINSHIP FOSTER
23 CARE HOME SHALL NOT BE ISSUED IF THE STATE DEPARTMENT HAS A
24 CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE
25 PERSON APPLYING FOR THE LICENSE OR CERTIFICATE HAS BEEN CONVICTED
26 OF FELONY CHILD ABUSE OR ANY UNLAWFUL SEXUAL OFFENSE AGAINST A
27 CHILD UNDER A LAW OF ANY OTHER STATE OR THE UNITED STATES OR THE

1 STATE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER
2 STATE THAT THE PERSON APPLYING FOR THE LICENSE OR CERTIFICATE HAS
3 ENTERED INTO A DEFERRED JUDGMENT OR A DEFERRED PROSECUTION
4 AGREEMENT IN ANOTHER STATE AS TO FELONY CHILD ABUSE OR ANY
5 OTHER SEXUAL OFFENSE AGAINST A CHILD.

6 (10) The state department shall not issue a license to operate a
7 residential or day treatment child care facility, foster care home, KINSHIP
8 FOSTER CARE HOME, or child placement agency if the person applying for
9 the license or an affiliate of the applicant, a person employed by the
10 applicant, or a person who resides with the applicant at the facility has
11 been determined to be insane or mentally incompetent by a court of
12 competent jurisdiction and, if the court enters, pursuant to part 3 or part
13 4 of article 14 of title 15, or section 27-65-110 (4) or 27-65-127, an order
14 specifically finding that the mental incompetency or insanity is of such a
15 degree that the applicant is incapable of operating a residential or day
16 treatment child care facility, foster care home, KINSHIP FOSTER CARE
17 HOME, or child placement agency, the record of such determination and
18 entry of such order being conclusive evidence thereof.

19 **SECTION 5. Appropriation.** (1) For the 2026-27 state fiscal
20 year, the general assembly anticipates that the department of human
21 services will receive \$350,000 in federal funds to implement this act. This
22 figure is subject to the "(I)" notation as defined in the annual general
23 appropriation act for the same fiscal year.

24 (2) For the 2026-27 state fiscal year, \$350,000 is appropriated to
25 the office of the governor for use by the office of information technology.
26 This appropriation is from reappropriated funds received from the
27 department of human services under section (1) of this section. To

1 implement this act, the office may use this appropriation to provide
2 information technology services for the department of human services.

3 **SECTION 6. Safety clause.** The general assembly finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety or for appropriations for
6 the support and maintenance of the departments of the state and state
7 institutions.