

## CHAPTER 138

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**CHILDREN AND DOMESTIC MATTERS**


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**HOUSE BILL 21-1151**

BY REPRESENTATIVE(S) McLachlan and Catlin, Amabile, Arndt, Bacon, Benavidez, Bennett, Bird, Bradfield, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kennedy, Kipp, Lontine, McCluskie, McCormick, Pico, Ricks, Sirota, Snyder, Tipper, Valdez A., Valdez D., Van Beber, Weissman, Will, Williams, Woodrow, Woog, Young, Garnett;  
 also SENATOR(S) Coram, Buckner, Coleman, Cooke, Danielson, Donovan, Fields, Ginal, Gonzales, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Smallwood, Sonnenberg, Story, Winter, Garcia.

**AN ACT****CONCERNING ALLOWING A FEDERALLY RECOGNIZED INDIAN TRIBE TO CERTIFY ITS OWN FOSTER HOMES.**

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

**SECTION 1.** In Colorado Revised Statutes, 26-6-102, **amend** (4), (14), and (21) as follows:

**26-6-102. Definitions.** As used in this article 6, unless the context otherwise requires:

(4) "Certification" means the process by which ~~the~~ A county department of human or social services, ~~or~~ a child placement agency, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW approves the operation of a foster care home.

(14) "Foster care home" means a home that is certified by a county department or A child placement agency pursuant to section 26-6-106.3, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW, for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family foster care for a child under the age of twenty-one years. A foster care home may include foster care for a child who is unrelated to the head of the home or foster care provided through a kinship foster care home but does not include noncertified kinship care, as defined in section 19-1-103 (78.7). ~~C.R.S.~~ The term includes any foster care home receiving a child for regular twenty-four-hour

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

care and any home receiving a child from any state-operated institution for child care or from any child placement agency, as defined in subsection (7) of this section. "Foster care home" also includes those homes licensed by the department of human services pursuant to section 26-6-104 that receive neither ~~moneys~~ MONEY from the counties nor children placed by the counties.

(21) "Kinship foster care home" means a foster care home that is certified by ~~either~~ a county department or A licensed child placement agency pursuant to section 26-6-106.3 OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW as having met the foster care certification requirements and where the foster care of the child is provided by kin. Kinship foster care providers are eligible for foster care reimbursement. A kinship foster care home provides twenty-four-hour foster care for a child or youth under the age of twenty-one years.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 15, 2021