

CHAPTER 289

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 24-008

BY SENATOR(S) Zenzinger and Kirkmeyer, Fields, Michaelson Jenet, Bridges, Buckner, Coleman, Cutter, Exum, Gardner, Ginal, Gonzales, Hansen, Kolker, Liston, Lundeen, Mullica, Pelton B., Pelton R., Priola, Rich, Roberts, Rodriguez, Smallwood, Will, Winter F., Fenberg;

also REPRESENTATIVE(S) Pugliese and Young, Bradley, Duran, Evans, Froelich, Joseph, Amabile, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, English, Garcia, Hamrick, Hernandez, Herod, Jodeh, Kipp, Lieder, Lindsay, Lukens, Mauro, McLachlan, Ortiz, Parenti, Rutinel, Sirota, Snyder, Story, Taggart, Valdez, Velasco, Vigil, Willford, Woodrow, McCluskie.

AN ACT

CONCERNING INCREASING SUPPORT FOR KINSHIP FOSTER CARE HOMES, 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, **add** 19-3-218 as follows:

19-3-218. Transferring temporary legal custody of a child or youth - advisement. PRIOR TO TRANSFERRING TEMPORARY LEGAL CUSTODY OF A CHILD OR YOUTH TO A RELATIVE OR KIN, THE COURT SHALL MAKE FINDINGS THAT THE RELATIVE OR KIN WAS ADVISED REGARDING THE DIFFERENCES BETWEEN KINSHIP FOSTER CARE AND NON-CERTIFIED KINSHIP CARE, INCLUDING, BUT NOT LIMITED TO, FINANCIAL ASSISTANCE, CUSTODY REQUIREMENTS, AND LONG-TERM FINANCIAL SUPPORT OPTIONS.

SECTION 2. In Colorado Revised Statutes, 19-3-702, **amend** (3) introductory portion as follows:

19-3-702. Permanency hearing. (3) At any permanency planning hearing, the court shall first determine if the child or youth should be returned to the child's or youth's parent, named guardian, or legal custodian and, if applicable, the date on which the child or youth must be returned. If the child or youth cannot be returned home, the court shall also determine whether reasonable efforts have been made to find a safe and stable permanent home for the child or youth. The court shall not delay permanency planning by considering the placement of children or youth

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.

together as a sibling group OR FOR PURPOSES OF MAINTAINING FINANCIAL SUPPORT FOR A KINSHIP FOSTER CARE HOME OR A NON-CERTIFIED KINSHIP CARE HOME, UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES APPROVED BY THE COURT. At any permanency planning hearing, the court shall make the following determinations, when applicable:

SECTION 3. In Colorado Revised Statutes, 19-7-104, **add** (4) as follows:

19-7-104. Subjects included within training for certified foster parents and kinship foster care - rules. (4) THE STATE DEPARTMENT OF HUMAN SERVICES MAY PROMULGATE RULES TO MODIFY THE REQUIREMENTS OF THIS SECTION FOR KINSHIP FOSTER CARE HOMES, INCLUDING TRAINING TOPICS FOR KINSHIP FOSTER CARE CERTIFICATION.

SECTION 4. In Colorado Revised Statutes, 26-5.3-105, **amend** (1) introductory portion, (1)(a), and (3) introductory portion; **repeal** (3)(e); and **add** (3)(h) and (3)(i) as follows:

26-5.3-105. Eligibility requirements - period of eligibility - services available.

(1) Families with children OR YOUTH at imminent risk of out-of-home placement ~~shall be~~ ARE eligible for emergency assistance. Assistance ~~shall be~~ IS available to or on behalf of a needy child ~~under~~ OR YOUTH WHO IS LESS THAN twenty-one years of age and any other member of the household in which the child OR YOUTH lives if:

(a) ~~Such~~ THE child OR YOUTH is living with ~~any of the relatives described in section 26-2-103 (4)(a)~~ KIN, AS DEFINED IN SECTION 26-6-903, in a place of residence maintained by the ~~relative as the relative's own home~~ KIN;

(3) Emergency assistance provided pursuant to this ~~article shall~~ ARTICLE 5.3 MAY be used for, but ~~shall~~ IS not ~~be~~ limited to: ~~the following:~~

(e) ~~In-home supportive homemaker services;~~

(h) GOODS NEEDED FOR THE CHILD'S BASIC CARE, INCLUDING BEDS, CLOTHING, AND TRANSPORTATION COSTS; AND

(i) LIMITED RENTAL OR HOUSING ASSISTANCE, NOT TO EXCEED A SIXTY-DAY SUBSIDY.

SECTION 5. In Colorado Revised Statutes, **amend** 26-6-901 as follows:

26-6-901. Short title. The short title of this part 9 is the "Foster Care, KINSHIP FOSTER CARE, Residential, Day Treatment, and CHILD PLACEMENT Agency Licensing AND CERTIFICATION Act".

SECTION 6. In Colorado Revised Statutes, 26-6-902, **amend** (1); and **add** (1.5) as follows:

26-6-902. Legislative declaration. (1) The general assembly finds that:

(a) THE regulation, ~~and~~ licensing, AND FUNDING of foster care homes, KINSHIP FOSTER CARE HOMES, residential and day treatment child care facilities, and child placement agencies contribute to a safe and healthy environment for children and youth;

(b) The provision of such an environment affords benefits to children and youth, their families, their communities, and the larger society; ~~It is the intent of the general assembly that those who regulate and those who are regulated work together to meet the needs of the children, youth, their families, foster care providers, child placement agencies, and residential and day treatment child care facilities.~~ AND

(c) SUPPORTING FAMILIES AND KIN WHO ARE WILLING TO CARE FOR A CHILD OR YOUTH IS ONE OF THE MOST IMPORTANT ACTIONS THE STATE CAN TAKE TO PROMOTE SAFE AND TIMELY REUNIFICATION, MAINTAIN FAMILY CONNECTIONS, CREATE AS NORMAL OF AN EXPERIENCE AS POSSIBLE FOR CHILDREN AND YOUTH WHO HAVE BEEN REMOVED FROM THEIR HOMES, AND PREVENT FURTHER LONG-TERM INCORPORATION INTO THE CHILD WELFARE SYSTEM.

(1.5) THE GENERAL ASSEMBLY INTENDS THAT THOSE WHO REGULATE AND FUND, AND THOSE WHO ARE REGULATED AND FUNDED, WORK TOGETHER TO MEET THE NEEDS OF THE CHILDREN, YOUTH, AND THEIR FAMILIES; FOSTER CARE PROVIDERS; KINSHIP FOSTER CARE PROVIDERS; CHILD PLACEMENT AGENCIES; AND RESIDENTIAL AND DAY TREATMENT CHILD CARE FACILITIES.

SECTION 7. In Colorado Revised Statutes, 26-6-903, **amend** (4), (10), and (16); and **add** (21.5) as follows:

26-6-903. Definitions. As used in this part 9, unless the context otherwise requires:

(4) "Certification" means the process by which a county department of human or social services, a child placement agency, or a federally recognized tribe pursuant to applicable federal law approves the operation of a foster care home OR A KINSHIP FOSTER CARE HOME.

(10) "Foster care home" means a home that is certified by a county department or a child placement agency pursuant to section 26-6-910, 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~~ OR YOUTH LESS THAN twenty-one years OF AGE. A foster care home may include foster care for a child OR YOUTH 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.~~ The term includes a foster care home that receives a child for regular twenty-four-hour care and a home that receives a child OR YOUTH from a state-operated institution for child care or from a child placement agency. "Foster care home" also includes those homes licensed by the department pursuant to section 26-6-905 that receive neither money from the counties nor children OR YOUTH placed by the counties.

(16) "Kinship foster care home" means a KINSHIP foster care home that ~~is certified by a county department or a licensed child placement agency pursuant to section~~

~~26-6-910 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~~ HAS BEEN CERTIFIED PURSUANT TO SECTION 26-6-910 TO CARE FOR A RELATIVE OR KIN ONLY. A KINSHIP FOSTER CARE HOME PROVIDES TWENTY-FOUR-HOUR FOSTER CARE FOR A CHILD OR YOUTH WHO IS A RELATIVE OR KIN, WHO IS LESS THAN TWENTY-ONE YEARS OF AGE, AND WHO IS ELIGIBLE FOR THE SAME FOSTER CARE REIMBURSEMENT, ASSISTANCE, AND OTHER SUPPORTS AS FOSTER CARE HOMES PURSUANT TO SECTION 26-6-904.5. "KINSHIP FOSTER CARE HOME" DOES NOT INCLUDE NON-CERTIFIED KINSHIP CARE AS THAT TERM IS DEFINED IN SUBSECTION (21.5) OF THIS SECTION.

(21.5) "NON-CERTIFIED KINSHIP CARE" MEANS KINSHIP CARE THAT IS PROVIDED TO A CHILD OR YOUTH WHO IS LESS THAN TWENTY-ONE YEARS OF AGE BY A RELATIVE OR KIN WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE CHILD OR YOUTH AND WHO HAS EITHER CHOSEN NOT TO PURSUE THE CERTIFICATION PROCESS OR WHO HAS NOT MET THE CERTIFICATION REQUIREMENTS FOR A KINSHIP FOSTER CARE HOME AS SET FORTH IN THIS PART 9.

SECTION 8. In Colorado Revised Statutes, add 26-6-904.5 as follows:

26-6-904.5. Kinship foster care homes - certification and revocation of certification - financial assistance and supports - training - interagency resource data - report - rules - repeal. (1) (a) A KINSHIP FOSTER CARE HOME SEEKING CERTIFICATION SHALL FOLLOW THE APPLICATION PROCESS OUTLINED IN SECTION 26-6-910. A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY, UPON THE SUCCESSFUL COMPLETION OF THE BACKGROUND CHECKS REQUIRED PURSUANT TO SECTION 19-3-406 OR 26-6-910, MAY ISSUE A ONE-TIME PROVISIONAL CERTIFICATE FOR A PERIOD OF SIX MONTHS TO AN APPLICANT AT A SPECIFIC LOCATION WHO IS REQUESTING PROVISIONAL CERTIFICATION. THE APPLICANT MAY OPT OUT OF THE PROVISIONAL CERTIFICATION PROCESS. A PROVISIONAL CERTIFICATION PERMITS THE APPLICANT TO OPERATE THE KINSHIP FOSTER CARE HOME IF THE APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL STANDARDS REQUIRED PURSUANT TO THIS PART 9, UPON PROOF BY THE APPLICANT THAT THE APPLICANT IS ATTEMPTING TO CONFORM TO THE STANDARDS OR TO COMPLY WITH ANY OTHER REQUIREMENTS. IF THE APPLICANT SUCCESSFULLY COMPLETES THE BACKGROUND CHECKS REQUIRED PURSUANT TO SECTION 19-3-406 OR 26-6-910, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL MAKE PAYMENT BEGINNING WITH THE COMPLETION OF THE FINGERPRINT BACKGROUND CHECK. THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL COMPLETE THE CERTIFICATION PROCESS WITHIN THE TIMELINES PROMULGATED BY RULE OF THE STATE BOARD.

(b) THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY TO WHICH THE KINSHIP FOSTER CARE HOME APPLIED FOR CERTIFICATION SHALL EXTEND THE PROVISIONAL CERTIFICATION PROVIDED FOR IN SUBSECTION (1)(a) OF THIS SECTION BY AN ADDITIONAL SIXTY DAYS IF THE APPLICANT CAN DEMONSTRATE THAT THE APPLICANT DID NOT CAUSE THE DELAY IN COMPLETING ALL THE REQUIREMENTS FOR CERTIFICATION.

(c) A KINSHIP FOSTER CARE HOME MAY OPT OUT OF THE PROVISIONAL CERTIFICATION PROCESS AND REMAIN ELIGIBLE FOR SUPPORTS THROUGH SOURCES OTHER THAN FOSTER CARE MAINTENANCE.

(d) PRIOR TO TRANSFERRING TEMPORARY LEGAL CUSTODY OF ANY CHILD OR YOUTH TO A RELATIVE OR KIN, THE COURT SHALL MAKE FINDINGS THAT THE RELATIVE OR KIN WAS ADVISED REGARDING THE DIFFERENCES BETWEEN KINSHIP FOSTER CARE AND NON-CERTIFIED KINSHIP CARE, INCLUDING BUT NOT LIMITED TO FINANCIAL ASSISTANCE, CUSTODY REQUIREMENTS, AND LONG-TERM FINANCIAL SUPPORT OPTIONS.

(e) THE APPLICANT HAS THE RIGHT TO APPEAL ANY CERTIFICATION DENIAL THAT THE APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP OR HAS BEEN APPLIED TOO STRINGENTLY BY A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY. UPON THE FILING OF AN APPEAL, THE APPLICANT, COUNTY DEPARTMENT, OR CHILD PLACEMENT AGENCY SHALL PROCEED IN THE SAME MANNER AS PRESCRIBED FOR LICENSURE APPEALS IN SECTION 26-6-909 (4).

(f) (I) THE STATE DEPARTMENT, A COUNTY DEPARTMENT, OR A CHILD WELFARE AGENCY HAS THE AUTHORITY TO INVESTIGATE AND INSPECT A KINSHIP FOSTER CARE HOME PURSUANT TO SECTION 26-6-912 AND TO TAKE APPROPRIATE ACTIONS AS DESCRIBED IN SECTION 26-6-912 (1)(d)(I).

(II) THE STATE DEPARTMENT, A COUNTY DEPARTMENT, OR A CHILD PLACEMENT AGENCY MAY REVOKE A KINSHIP FOSTER CARE HOME'S CERTIFICATION IN ACCORDANCE WITH SECTION 26-6-913.

(2) KINSHIP FOSTER CARE HOMES ARE ELIGIBLE FOR FINANCIAL REIMBURSEMENT AND SUPPORTS AT THE SAME RATE AS FOSTER CARE HOMES, AS ESTABLISHED IN RULES PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES. NON-CERTIFIED KINSHIP CARE HOMES ARE ELIGIBLE FOR FINANCIAL ASSISTANCE AND SUPPORTS AT THIRTY PERCENT OF THE FOSTER CARE RATE, BASED ON THE AGE OF THE CHILD OR YOUTH RECEIVING CARE. BEGINNING IN STATE FISCAL YEAR 2026-27, NON-CERTIFIED KINSHIP CARE HOMES ARE ELIGIBLE FOR FINANCIAL ASSISTANCE AND SUPPORT AT FIFTY PERCENT OF THE FOSTER CARE RATE, BASED ON THE AGE OF THE CHILD OR YOUTH RECEIVING CARE. FUNDING TO COVER FINANCIAL ASSISTANCE AND SUPPORTS COMES FROM THE REVENUE STREAM IDENTIFIED IN SUBSECTION (3) OF THIS SECTION.

(3) (a) THE STATE DEPARTMENT SHALL REIMBURSE THE COUNTY DEPARTMENTS NINETY PERCENT OF THE AMOUNTS EXPENDED BY COUNTY DEPARTMENTS FOR KINSHIP FOSTER CARE AND NON-CERTIFIED KINSHIP CARE DAILY RATES TO SUPPORT FINANCIAL ASSISTANCE. THE KINSHIP FOSTER CARE RATE AND NON-CERTIFIED KINSHIP CARE RATE ARE EXEMPT FROM THE CLOSE-OUT PROCESS DESCRIBED IN SECTION 26-5-104 (3).

(b) FOR STATE FISCAL YEARS 2024-25 AND 2025-26, THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE COLORADO LONG-TERM WORKS RESERVE, CREATED IN SECTION 26-2-721, FOR THE PURPOSES OF PROVIDING THE FUNDING REQUIRED BY SUBSECTION (2) OF THIS SECTION.

(4) (a) THE STATE DEPARTMENT SHALL PROVIDE TRAINING ON THE CERTIFICATION

STANDARDS TO KINSHIP FOSTER CARE PROVIDERS WHO ARE APPLYING FOR CERTIFICATION PURSUANT TO SUBSECTION (1) OF THIS SECTION. WHENEVER POSSIBLE, THE STATE DEPARTMENT SHALL PROVIDE TRAINING IN AN ONLINE FORMAT.

(b) THE STATE DEPARTMENT SHALL COLLABORATE WITH THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO DEVELOP AN INTERAGENCY RESOURCE. THE STATE DEPARTMENT SHALL PROMINENTLY POST THE INTERAGENCY RESOURCE CREATED PURSUANT TO THIS SUBSECTION (4)(b) ON THE DEPARTMENT'S WEBSITE.

(5)(a) THE STATE DEPARTMENT AND THE JUDICIAL DEPARTMENT SHALL COLLECT DATA ON THE NUMBER OF CHILDREN WHO ARE PLACED WITH CERTIFIED AND NON-CERTIFIED KIN THROUGH A DEPENDENCY AND NEGLECT CASE, REGARDLESS OF WHO HAS CUSTODY OF THE CHILD OR YOUTH. THE STATE DEPARTMENT AND THE JUDICIAL DEPARTMENT SHALL INCLUDE DATA ON THE PERMANENCY OUTCOMES, LENGTH OF STAY, RE-ENTRY INTO CARE, AND ALL OTHER OUTCOMES COLLECTED FOR CHILDREN AND YOUTH IN OUT-OF-HOME PLACEMENTS. THE STATE DEPARTMENT SHALL MAKE THE DATA AVAILABLE ON ITS WEBSITE ON OR BEFORE OCTOBER 1, 2025.

(b) ON OR BEFORE OCTOBER 1, 2025, THE STATE DEPARTMENT SHALL STUDY AND REPORT TO THE GENERAL ASSEMBLY THE FEASIBILITY OF USING FEDERAL FUNDS, INCLUDING BUT NOT LIMITED TO FEDERAL IV-B, IV-E, OR TANF FUNDS, OR OTHER GRANT FUNDING TO PROVIDE OR REIMBURSE FOR THE PROVISION OF BRIEF LEGAL SERVICES OR LEGAL REPRESENTATION OF RELATIVE AND KIN CAREGIVERS.

(6)(a) ON OR BEFORE AUGUST 1, 2025, AND EVERY AUGUST 1 THEREAFTER UNTIL AUGUST 1, 2030, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE ON THE IMPLEMENTATION OF NON-CERTIFIED KINSHIP CARE HOME, THE IMPACTS TO THE NUMBER OF PLACEMENTS WITH KINSHIP FOSTER CARE HOMES, AND THE IMPACTS ON COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES IN THEIR ABILITY TO SUPPORT PROVIDERS. THE STATE DEPARTMENT SHALL SUBMIT DATA PROVIDED BY COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES AS A SUPPLEMENT TO THE REPORT. THE REPORT MUST INCLUDE:

(I) THE IMPACTS OF FINANCIAL ASSISTANCE ON THE CERTIFICATION AND RECRUITMENT OF KIN FAMILIES AND THE TRENDS OF KIN'S CHOICES TO BECOME CERTIFIED OR NON-CERTIFIED;

(II) THE WORKLOAD CHANGES FOR COUNTY CASEWORKERS ASSOCIATED WITH SUPPORTING KIN PURSUANT TO THIS SECTION, BOTH CERTIFIED AND NON-CERTIFIED; AND

(III) THE RELATED IMPACTS OF COUNTY STAFF WHO SUPPORT KIN, AS PROVIDED BY COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES.

(b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JUNE 30, 2031.

(7) IN ADDITION TO THE RULES PROMULGATED PURSUANT TO SECTION 26-6-911,

THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY TO IMPLEMENT THIS SECTION WITH RESPECT TO KINSHIP FOSTER CARE HOMES.

SECTION 9. In Colorado Revised Statutes, 26-6-905, **amend** (1)(b), (1)(c)(I), (1)(c)(II), and (6) as follows:

26-6-905. Licenses - out-of-state notices and consent - demonstration pilot program - report - rules - definition. (1) (b) A person operating a foster care home OR KINSHIP FOSTER CARE HOME is not required to obtain a license from the state department to operate the foster care home OR KINSHIP FOSTER CARE HOME if the person holds a certificate issued pursuant to section 26-6-910 to operate the home from a county department or a child placement agency licensed under the provisions of this part 9. A certificate is considered a license for the purpose of this part 9, including but not limited to the investigation and criminal history background checks required under sections 26-6-910 and 26-6-912.

(c) (I) On and after July 1, 2002, and contingent upon the timelines for implementation of the computer "trails" enhancements, child placement agencies that certify foster care homes AND KINSHIP FOSTER CARE HOMES must be licensed annually until the implementation of any risk-based schedule for the renewal of child placement agency licenses pursuant to subsection (1)(c)(II) of this section. The state board shall promulgate rules specifying the procedural requirements associated with the renewal of child placement agency licenses. The rules must include the requirement that the state department conduct assessments of the child placement agency.

(II) (A) On and after January 1, 2004, and upon the functionality of the computer "trails" enhancements, the state department may implement a schedule for relicensing of child placement agencies that certify foster care homes AND KINSHIP FOSTER CARE HOMES that is based on risk factors such that child placement agencies with low risk factors ~~must~~ renew their licenses less frequently than child placement agencies with higher risk factors.

(B) Prior to January 1, 2004, and contingent upon the timelines for implementation of the computer "trails" enhancements, the state department shall create classifications of child placement agency licenses that certify foster care homes AND KINSHIP FOSTER CARE HOMES that are based on risk factors as those factors are established by rule of the state board.

(6) The state board of human services shall establish rules for the approval of foster care homes, KINSHIP FOSTER CARE HOMES, and child care centers that provide twenty-four-hour care of children between eighteen and twenty-one years of age for whom the county department is financially responsible and when placed in foster care OR KINSHIP FOSTER CARE by the county department.

SECTION 10. In Colorado Revised Statutes, 26-6-908, **amend** (1)(a)(I), (2), and (3) as follows:

26-6-908. Application forms - criminal sanctions for perjury. (1) (a) (I) All applications for the licensure of a child placement agency or a residential or day treatment child care facility or the certification of a foster care home OR KINSHIP

FOSTER CARE HOME pursuant to this part 9 must include the notice to the applicant ~~that is~~ set forth in subsection (1)(b) of this section.

(2) A person applying for the licensure of a facility or agency or the certification of a foster care home OR KINSHIP FOSTER CARE HOME pursuant to this part 9, or a person applying to work at a facility or agency as an employee, who knowingly or willfully makes a false statement of any material fact or thing in the application commits perjury in the second degree as defined in section 18-8-503 and, upon conviction, ~~thereof~~, shall be punished accordingly.

(3) Every application for ~~certification or~~ licensure OR CERTIFICATION as a foster care home OR KINSHIP FOSTER CARE HOME must provide notice to the applicant that the applicant may be subject to immediate revocation of ~~certification or~~ licensure OR CERTIFICATION or other negative licensing action as set forth in this section (3) and section 26-6-913 and as described by rule of the state board.

SECTION 11. In Colorado Revised Statutes, 26-6-909, **amend** (7)(b); and **add** (2.5) as follows:

26-6-909. Standards for facilities and agencies - rules. (2.5) KINSHIP FOSTER CARE HOMES ARE EXEMPT FROM THE MINIMUM STANDARDS SET FORTH IN THIS SECTION. TRAINING STANDARDS FOR KINSHIP FOSTER CARE HOMES ARE ESTABLISHED PURSUANT TO SECTION 19-7-104 (4).

(7) (b) ~~In addition to an approved waiver of non-safety licensing standards,~~ A county director of human or social services, or the county director's designee, may limit or restrict a ~~license~~ CERTIFICATION issued to a kinship foster care ~~entity~~ HOME or require ~~that entity~~ THE KINSHIP FOSTER CARE HOME to enter into a compliance agreement to ensure the safety and well-being of the child or children in ~~that entity's~~ THE KINSHIP FOSTER HOME'S care.

SECTION 12. In Colorado Revised Statutes, 26-6-910, **amend** (2), (3), (5) introductory portion, (6) introductory portion, (9), (10), and (11); and **add** (5.5), (12), and (13) as follows:

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

(2) A person operating a foster care home OR KINSHIP FOSTER CARE HOME shall obtain a certificate to operate the home from a county department or a child placement agency licensed pursuant to ~~the provisions of~~ this part 9. A certificate is considered a license for the purpose of this part 9, including but not limited to the investigation and criminal history background checks required pursuant to this section and section 26-6-912. Each certificate must be in the form prescribed and provided by the state department, certify that the person operating the foster care home is a suitable person to operate a foster care home OR KINSHIP FOSTER CARE HOME or provide care for a child, and contain any other information that the state department requires. A child placement agency issuing or renewing any such certificate shall notify the state department about the certification in a method and time frame as set by rule adopted by the state board.

(3) A foster care home OR KINSHIP FOSTER CARE HOME, when certified by a county department or licensed child placement agency, may receive for care a child from a source other than the certifying county department or child placement agency upon the written consent and approval of the certifying county department or child placement agency.

(5) Prior to issuing a certificate or a recertification to an applicant to operate a foster care home OR KINSHIP FOSTER CARE HOME, a county department or a child placement agency licensed pursuant to the provisions of this part 9 shall conduct the following background checks for the applicant for a certificate, a person employed by the applicant, or a person who resides at the facility or the home:

(5.5) PRIOR TO ISSUING A CERTIFICATE OR SUBSEQUENT CERTIFICATE TO AN APPLICANT TO OPERATE A KINSHIP FOSTER CARE HOME PURSUANT TO THIS PART 9 AND RULES PROMULGATED BY THE STATE BOARD, A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY SHALL CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION PURSUANT TO SECTION 19-3-406 OR 26-6-910. THE APPLICANT SHALL PAY, UNLESS OTHERWISE PAID BY A COUNTY DEPARTMENT, THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE COLORADO BUREAU OF INVESTIGATION.

(6) A county department or a child placement agency licensed pursuant to ~~the provisions of this part 9~~ shall not issue a certificate to operate, or a recertification to operate, a foster care home OR KINSHIP FOSTER CARE HOME and shall revoke or suspend a certificate if the applicant for the certificate, a person employed by the applicant, or a person who resides at the facility or home:

(9) Notwithstanding any other provision of this part 9, a person shall not operate a foster care home OR KINSHIP FOSTER CARE HOME that is certified by a county department or by a licensed child placement agency if the person is a relative of an employee of the child welfare division or unit of the county department certifying the foster care home OR KINSHIP FOSTER CARE HOME or a relative of an owner, officer, executive, member of the governing board, or employee of the child placement agency certifying the foster care home OR KINSHIP FOSTER CARE HOME. If the person files an application with a county department or a child placement agency that would violate ~~the provisions of this subsection (9)~~ by certifying the foster care home OR KINSHIP FOSTER CARE HOME, the county department or child placement agency shall refer the application to another county department or child placement agency. Unless otherwise prohibited, the county department or child placement agency to which the application is referred may certify and supervise a foster care home OR KINSHIP FOSTER CARE HOME operated by the person. The county department that referred the application may place a child in the county-certified foster care home OR KINSHIP FOSTER CARE HOME upon written agreement of the two county departments.

(10) Notwithstanding any other provision of this part 9, an owner, officer, executive, member of the governing board, or employee of a child placement agency licensed pursuant to this part 9 or a relative of said owner, officer, executive, member, or employee, shall not hold a beneficial interest in property operated or intended to be operated as a foster care home OR KINSHIP FOSTER CARE HOME, when

the property is certified by the child placement agency as a foster care home OR KINSHIP FOSTER CARE HOME.

(11) A county department or licensed child placement agency may issue a one-time provisional certificate for a period of six months to an applicant for an original certificate that permits the applicant to operate a foster care home OR KINSHIP FOSTER CARE HOME if the applicant is temporarily unable to conform to all of the standards required under PURSUANT TO this part 9 upon proof by the applicant that the applicant is attempting to conform to the standards or to comply with any other requirements. The applicant has a right to appeal to the state department any standard that the applicant believes presents an undue hardship or has been applied too stringently by the county department or licensed child placement agency. Upon the filing of an appeal, the state department shall proceed in the manner prescribed for licensee appeals in section 26-6-909 (4).

(12) A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL ISSUE A ONE-TIME PROVISIONAL CERTIFICATE AT A LOCATION FOR A KINSHIP FOSTER CARE HOME FOR A PERIOD OF SIX MONTHS UPON THE APPLICANT'S REQUEST AND THE SUCCESSFUL COMPLETION OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE ONE-TIME PROVISIONAL CERTIFICATE PERMITS THE APPLICANT TO OPERATE THE KINSHIP FOSTER CARE HOME IF THE APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL REQUIRED STANDARDS. THIS IS AN EXCEPTION TO SUBSECTION (11) OF THIS SECTION, WHICH ALLOWS THE USE OF PROVISIONAL CERTIFICATES. THE STATE DEPARTMENT SHALL PROMULGATE RULES FOR THE OPERATION OF THIS SUBSECTION (12).

(13) THE STATE BOARD SHALL PROMULGATE RULES TO MODIFY THE STANDARDS FOR KINSHIP FOSTER CARE HOMES TO REMOVE NON-SAFETY STANDARDS, IN ACCORDANCE WITH STATE OR FEDERAL LAW.

SECTION 13. In Colorado Revised Statutes, 26-6-911, **amend** (2)(a) as follows:

26-6-911. Foster care - kinship care - rules applying generally - rule-making.

(2) At a minimum, the rules described in subsection (1) of this section must include the following:

(a) Using the state department's automated database, the procedures for notifying all county departments and child placement agencies that place children in foster care AND KINSHIP FOSTER CARE when the state department has identified a confirmed report of child abuse or neglect, as defined in section 19-1-103, that involves a foster care home OR KINSHIP FOSTER CARE HOME, as well as the suspension of any further placements in the foster care home OR KINSHIP FOSTER CARE HOME until the investigation is concluded;

SECTION 14. In Colorado Revised Statutes, 26-6-912, **amend** (1)(b), (1)(d)(I), and (4) as follows:

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

(1) (b) An applicant for certification as a foster care home OR KINSHIP FOSTER CARE HOME shall provide the child placement agency or the county department from whom WHICH the certification is sought with a list of all the prior child placement

agencies and county departments to which the applicant has previously applied, and a release of information from the child placement agencies and county departments to which the applicant has previously applied, to obtain information about the application and any certification given by the child placement agencies and county departments. A child placement agency or county department from ~~whom~~ WHICH the certification is sought shall conduct a reference check of the applicant and any adult resident of the foster care home OR KINSHIP FOSTER CARE HOME by contacting all of the child placement agencies and county departments identified by the applicant before issuing the certification for that foster care home OR KINSHIP FOSTER CARE HOME. Child placement agencies and county departments are held harmless for information released, in good faith, to other child placement agencies or county departments.

(d) (I) When the state department, county department, or child placement agency is able to certify that the applicant or licensee is competent and will operate adequate facilities to care for children pursuant to the requirements of this part 9 and that standards are being met and will be complied with, it shall issue the license for which the applicant or licensee applied. The state department shall inspect or cause to be inspected the facilities to be operated by an applicant for an original license before the license is granted and shall thereafter inspect or cause to be inspected the facilities of all licensees that, during the period of licensure, have been found to be the subject of complaints or to be out of compliance with the standards set forth in section 26-6-909 and the rules of the state department, or that otherwise appear to be placing children at risk. The state department may make such other inspections as it deems necessary to ensure that the requirements of this part 9 are being met and that the health, safety, and welfare of the children being placed are protected. If, as a result of an inspection of a certified foster care home OR KINSHIP FOSTER CARE HOME, the state department determines that a child residing in the foster care home OR KINSHIP FOSTER CARE HOME is subject to an immediate and direct threat to the child's safety and welfare, as defined by rules promulgated by the state board, or that a substantial violation of a fundamental standard of care warrants immediate action, the state department may require a county department to immediately remove the child from the foster care home OR KINSHIP FOSTER CARE HOME.

(4) Within available appropriations, the state department shall monitor, on at least a quarterly basis, the county department certification of foster care homes AND KINSHIP FOSTER CARE HOMES.

SECTION 15. In Colorado Revised Statutes, **amend** 26-6-913 as follows:

26-6-913. Revocation of certification of foster care home or kinship foster care home - emergency procedures - due process. Notwithstanding any other provision of law to the contrary, a county department may act immediately to revoke the certification of a county-certified foster care home OR KINSHIP FOSTER CARE HOME when the county department has reason to believe that a child residing in the foster care home OR KINSHIP FOSTER CARE HOME is subject to an immediate and direct threat to the child's safety and welfare or when a substantial violation of a fundamental standard of care warrants immediate action. If the county department acts pursuant to this section, a due process hearing shall be held within five days after the action and conducted as the hearing would normally be conducted pursuant to article 4 of title 24.

SECTION 16. In Colorado Revised Statutes, **amend** 26-6-920 as follows:

26-6-920. Periodic review of licensing and certification rules and procedures.

At least every five years, the department shall conduct a comprehensive review of the licensing AND CERTIFICATION rules for foster care homes, KINSHIP FOSTER CARE HOMES, and child placement agencies and the procedures relating to and governing foster care homes, KINSHIP FOSTER CARE HOMES, and agencies, including procedures for the review of backgrounds of employees and owners. In conducting the periodic review, the department shall consult with foster care providers, KINSHIP FOSTER CARE PROVIDERS, child placement agencies, county departments, the department of public health and environment, and other interested parties throughout the state. The periodic review must include an examination of the rules applicable to foster care homes, KINSHIP FOSTER CARE HOMES, and child placement agencies; the process of licensing foster care homes and child placement agencies; THE CERTIFICATION PROCESS FOR FOSTER CARE HOMES AND KINSHIP FOSTER CARE HOMES; uniformity of standards or lack thereof in the licensing process; statewide standardization of investigations and enforcement of licensing by the department; duplication and conflicts in rules, requirements, or procedures between the department and the department of public health and environment; and recommendations for streamlining and unifying the licensing process. The review must also include an examination of rules and procedures regarding the general physical and mental health of foster care providers, KINSHIP FOSTER CARE PROVIDERS, employees, and owners. At the conclusion of each review, the department shall report its findings and conclusions and its recommendations for administrative changes and for legislation to the state board.

SECTION 17. Appropriation. (1) For the 2024-25 state fiscal year, \$190,672 is appropriated to the department of human services for use by the administration and finance division. This appropriation is from the general fund and is based on an assumption that the division will require an additional 2.5 FTE. To implement this act, the division may use this appropriation for the administrative review unit.

(2) For the 2024-25 state fiscal year, \$5,516,580 is appropriated to the department of human services for use by the office of children, youth, and families. This appropriation is from the Colorado long-term works reserve created in section 26-2-721 (1), C.R.S. To implement this act, the office may use this appropriation for child welfare services.

(3) For the 2024-25 state fiscal year, \$1,221,710 is appropriated to the department of human services for use by the office of children, youth, and families. This appropriation is from local funds and is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year. To implement this act, the office may use this appropriation for child welfare services.

(4) For the 2024-25 state fiscal year, the general assembly anticipates that the department of human services will receive \$6,459,409 in federal funds to implement this act. This appropriation is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year. The appropriation in subsection (2) of this section is based on the assumption that the department will receive this amount of federal funds to be used by the office of children, youth, and families for child welfare services.

(5) For the 2024-25 state fiscal year, \$55,748 is appropriated to the department of public safety for use by the biometric identification and records unit. This appropriation is from the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, C.R.S. To implement this act, the unit may use this appropriation as follows:

(a) \$19,338 for personal services, which amount is based on an assumption that the unit will require an additional 0.3 FTE; and

(b) \$36,410 for operating expenses.

SECTION 18. Effective date. This act takes effect September 1, 2024.

SECTION 19. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: May 30, 2024