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Seventy-fourth General Assembly
STATE OF COLORADO

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BILL 1

LLS NO. 24-0342.02 Jane Ritter x4342

INTERIM COMMITTEE BILL

Colorado's Child Welfare System Interim Study Committee

BILL TOPIC: Kinship Foster Care Homes

A BILL FOR AN ACT

101 **CONCERNING INCREASING SUPPORT FOR KINSHIP FOSTER CARE**
102 **HOMES.**

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/>.)

Colorado's Child Welfare System Interim Study Committee.

The bill states that a court shall not delay permanency planning for a child or youth for purposes of maintaining financial support for a kinship foster care home, or a non-certified kinship foster care home, unless there are exceptional circumstances as approved by the court.

The bill allows the state department of human services (state

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

department) to promulgate rules to modify the requirements for kinship foster care homes, including training topics for kinship foster care certification.

Emergency financial assistance for a kinship foster care home is expanded to include goods needed for the child's basic care, including beds; clothing; and transportation costs; and limited rental or housing assistance not to exceed a 60-day subsidy.

The bill clarifies the definitions regarding foster care homes, kinship foster care homes (kinship home), and non-certified kinship foster care homes (non-certified kinship home). A kinship home is a home that has been certified by a county department of human or social services (county department) or a child placement agency to provide 24-hour care for relatives or kin only who are less than 21 years of age. A kinship home is eligible for financial assistance and supports. "Kinship foster care home" does not include a non-certified kinship home. A non-certified kinship home means 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 home.

The bill formally establishes the process by which a kinship home may apply for certification from a county department or child placement agency. A county department or child placement agency, upon the completion of the required background checks, may issue a one-time provisional certificate for a period of 6 months to an applicant at a specific location who is requesting provisional certification, if requested by the applicant. If the applicant completes the required background checks, the county department or child placement agency shall make payment beginning with the date of placement. The county department or child placement agency shall complete the certification process within the timelines promulgated by rule of the state board. The applicant has the right to appeal any denial of certification. The state department, a county department, or a child placement agency has the right to revoke a kinship home's certification for cause.

Prior to issuing a certificate or subsequent certificate to an applicant to operate a kinship home, a county department or a child placement agency shall conduct a fingerprint-based criminal history record check (fingerprint check) through the Colorado bureau of investigation. The applicant shall pay, unless otherwise paid by a county department, the costs associated with the fingerprint check to the Colorado bureau of investigation.

The county department or child placement agency to which the kinship home applied for certification shall extend the provisional certification by an additional 60 days if the applicant can demonstrate that the applicant did not cause the delay in completing all the requirements for certification.

A kinship home may opt out of the provisional certification process and remain eligible for supports through sources other than foster care maintenance.

The bill stipulates that 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.

Certified kinship homes, or homes that are working toward certification and have a provisional one-time certification, as well as non-certified kinship homes, are eligible for financial assistance and supports at the same foster care rates as certified foster homes as established by rule of the state board at 50% of the foster care rate. The rules must differentiate the rates for certified and non-certified kinship foster care homes, as well as by the age of the child or youth being cared for. The state department shall reimburse the county departments 90% of the amounts expended by county departments for kinship foster care daily rates to support financial assistance.

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 guide to assist kinship in the certification process. The state department shall prominently post the interagency resource guide on the state department's website.

The bill directs the state department and the judicial department to collect data on the number of children who are placed with certified and non-certified kin through a dependency and neglect case, regardless of whether the kin or county has custody of the child or youth. The state department shall make the data available on its website on or before January 30, 2025.

On or before October 1, 2024, 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.

The bill makes conforming amendments to align statutory sections related to foster care homes with kinship homes.

The bill takes effect September 1, 2024.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-3-702, **amend**

1 (3) introductory portion as follows:

2 **19-3-702. Permanency hearing.** (3) At any permanency
3 planning hearing, the court shall first determine if the child or youth
4 should be returned to the child's or youth's parent, named guardian, or
5 legal custodian and, if applicable, the date on which the child or youth
6 must be returned. If the child or youth cannot be returned home, the court
7 shall also determine whether reasonable efforts have been made to find
8 a safe and stable permanent home for the child or youth. The court shall
9 not delay permanency planning by considering the placement of children
10 or youth together as a sibling group OR FOR PURPOSES OF MAINTAINING
11 FINANCIAL SUPPORT FOR A KINSHIP FOSTER CARE HOME OR A
12 NON-CERTIFIED KINSHIP FOSTER CARE HOME, UNLESS THERE ARE
13 EXCEPTIONAL CIRCUMSTANCES APPROVED BY THE COURT. At any
14 permanency planning hearing, the court shall make the following
15 determinations, when applicable:

16 **SECTION 2.** In Colorado Revised Statutes, 19-7-104, **add** (4)
17 as follows:

18 **19-7-104. Subjects included within training for certified**
19 **foster parents and kinship foster care - rules.** (4) THE STATE
20 DEPARTMENT OF HUMAN SERVICES MAY PROMULGATE RULES TO
21 MODIFY THE REQUIREMENTS OF THIS SECTION FOR KINSHIP FOSTER
22 CARE HOMES, INCLUDING TRAINING TOPICS FOR KINSHIP FOSTER CARE
23 CERTIFICATION.

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

27 **26-5.3-105. Eligibility requirements - period of eligibility -**

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

7 (a) ~~Such~~ THE child OR YOUTH is living with ~~any of the relatives~~
8 ~~described in section 26-2-103 (4)(a)~~ KIN, AS DEFINED IN SECTION
9 26-6-903, in a place of residence maintained by the ~~relative as the~~
10 ~~relative's own home~~ KIN;

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

14 (c) ~~In-home supportive homemaker services;~~

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

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

19 **SECTION 4.** In Colorado Revised Statutes, **amend** 26-6-901 as
20 follows:

21 **26-6-901. Short title.** The short title of this part 9 is the "Foster
22 Care, KINSHIP FOSTER CARE, Residential, Day Treatment, and CHILD
23 PLACEMENT Agency Licensing AND CERTIFICATION Act".

24 **SECTION 5.** In Colorado Revised Statutes, 26-6-902, **amend**
25 (1); and **add** (1.5) as follows:

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

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

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

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

18 (1.5) THE GENERAL ASSEMBLY INTENDS THAT THOSE WHO
19 REGULATE AND FUND, AND THOSE WHO ARE REGULATED AND FUNDED,
20 WORK TOGETHER TO MEET THE NEEDS OF THE CHILDREN, YOUTH, AND
21 THEIR FAMILIES; FOSTER CARE PROVIDERS; KINSHIP FOSTER CARE
22 PROVIDERS; CHILD PLACEMENT AGENCIES; AND RESIDENTIAL AND DAY
23 TREATMENT CHILD CARE FACILITIES.

24 **SECTION 6.** In Colorado Revised Statutes, 26-6-903, **amend**
25 (4), (10), and (16); and **add** (21.5) as follows:

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

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

5 (10) "Foster care home" means a home that is certified by a
6 county department or a child placement agency pursuant to section
7 26-6-910, or a federally recognized tribe pursuant to applicable federal
8 law, for child care in a place of residence of a family or person for the
9 purpose of providing twenty-four-hour family foster care for a child
10 ~~under the age of~~ OR YOUTH LESS THAN twenty-one years OF AGE. A
11 foster care home may include foster care for a child OR YOUTH who is
12 unrelated to the head of the home. ~~or foster care provided through a~~
13 ~~kinship foster care home but does not include noncertified kinship care,~~
14 ~~as defined in section 19-1-103.~~ The term includes a foster care home that
15 receives a child for regular twenty-four-hour care and a home that
16 receives a child OR YOUTH from a state-operated institution for child
17 care or from a child placement agency. "Foster care home" also includes
18 those homes licensed by the department pursuant to section 26-6-905
19 that receive neither money from the counties nor children OR YOUTH
20 placed by the counties.

21 (16) "Kinship foster care home" means a KINSHIP foster care
22 home that ~~is certified by a county department or a licensed child~~
23 ~~placement agency pursuant to section 26-6-910 or a federally recognized~~
24 ~~tribe pursuant to applicable federal law as having met the foster care~~
25 ~~certification requirements, and where the foster care of the child is~~
26 ~~provided by kin. Kinship foster care providers are eligible for foster care~~
27 ~~reimbursement. A kinship foster care home provides twenty-four-hour~~

1 ~~foster care for a child or youth under the age of twenty-one years~~ HAS
2 BEEN CERTIFIED PURSUANT TO SECTION 26-6-910 TO CARE FOR A
3 RELATIVE OR KIN ONLY. A KINSHIP FOSTER CARE HOME PROVIDES
4 TWENTY-FOUR-HOUR FOSTER CARE FOR A CHILD OR YOUTH WHO IS A
5 RELATIVE OR KIN, WHO IS LESS THAN TWENTY-ONE YEARS OF AGE, AND
6 WHO IS ELIGIBLE FOR FINANCIAL ASSISTANCE AND OTHER SUPPORTS
7 PURSUANT TO SECTION 26-6-904.5. "KINSHIP FOSTER CARE HOME"
8 DOES NOT INCLUDE NON-CERTIFIED KINSHIP CARE AS THAT TERM IS
9 DEFINED IN SUBSECTION (21.5) OF THIS SECTION.

10 (21.5) "NON-CERTIFIED KINSHIP CARE" MEANS KINSHIP CARE
11 THAT IS PROVIDED TO A CHILD OR YOUTH WHO IS LESS THAN
12 TWENTY-ONE YEARS OF AGE BY A RELATIVE OR KIN WHO HAS A
13 SIGNIFICANT RELATIONSHIP WITH THE CHILD OR YOUTH AND WHO HAS
14 EITHER CHOSEN NOT TO PURSUE THE CERTIFICATION PROCESS OR WHO
15 HAS NOT MET THE CERTIFICATION REQUIREMENTS FOR A KINSHIP
16 FOSTER CARE HOME AS SET FORTH IN THIS PART 9.

17 **SECTION 7.** In Colorado Revised Statutes, **add** 26-6-904.5 as
18 follows:

19 **26-6-904.5. Kinship foster care homes - certification and**
20 **revocation of certification - financial assistance and supports -**
21 **training - interagency resource guide - data - rules.** (1) (a) A KINSHIP
22 FOSTER CARE HOME SEEKING CERTIFICATION SHALL FOLLOW THE
23 APPLICATION PROCESS OUTLINED IN SECTION 26-6-910. A COUNTY
24 DEPARTMENT OR CHILD PLACEMENT AGENCY, UPON THE SUCCESSFUL
25 COMPLETION OF THE BACKGROUND CHECKS REQUIRED PURSUANT TO
26 SECTION 19-3-406, MAY ISSUE A ONE-TIME PROVISIONAL CERTIFICATE
27 FOR A PERIOD OF SIX MONTHS TO AN APPLICANT AT A SPECIFIC

1 LOCATION WHO IS REQUESTING PROVISIONAL CERTIFICATION. THE
2 APPLICANT MAY OPT OUT OF THE PROVISIONAL CERTIFICATION
3 PROCESS. A PROVISIONAL CERTIFICATION PERMITS THE APPLICANT TO
4 OPERATE THE KINSHIP FOSTER CARE HOME IF THE APPLICANT IS
5 TEMPORARILY UNABLE TO CONFORM TO ALL STANDARDS REQUIRED
6 PURSUANT TO THIS PART 9, UPON PROOF BY THE APPLICANT THAT THE
7 APPLICANT IS ATTEMPTING TO CONFORM TO THE STANDARDS OR TO
8 COMPLY WITH ANY OTHER REQUIREMENTS. IF THE APPLICANT
9 SUCCESSFULLY COMPLETES THE BACKGROUND CHECKS REQUIRED
10 PURSUANT TO SECTION 19-3-406, THE COUNTY DEPARTMENT OR CHILD
11 PLACEMENT AGENCY SHALL MAKE PAYMENT BEGINNING WITH THE
12 DATE OF PLACEMENT. THE COUNTY DEPARTMENT OR CHILD
13 PLACEMENT AGENCY SHALL COMPLETE THE CERTIFICATION PROCESS
14 WITHIN THE TIMELINES PROMULGATED BY RULE OF THE STATE BOARD.

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

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

26 (d) PRIOR TO TRANSFERRING TEMPORARY LEGAL CUSTODY OF
27 ANY CHILD OR YOUTH TO A RELATIVE OR KIN, THE COURT SHALL MAKE

1 FINDINGS THAT THE RELATIVE OR KIN WAS ADVISED REGARDING THE
2 DIFFERENCES BETWEEN KINSHIP FOSTER CARE AND NON-CERTIFIED
3 KINSHIP CARE, INCLUDING BUT NOT LIMITED TO FINANCIAL
4 ASSISTANCE, CUSTODY REQUIREMENTS, AND LONG-TERM FINANCIAL
5 SUPPORT OPTIONS.

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

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

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

21 (2) CERTIFIED KINSHIP FOSTER CARE HOMES, OR HOMES THAT
22 ARE WORKING TOWARD CERTIFICATION AND HAVE A PROVISIONAL
23 CERTIFICATION PURSUANT TO SUBSECTION (1) OF THIS SECTION, AS
24 WELL AS NON-CERTIFIED KINSHIP CARE HOMES, ARE ELIGIBLE FOR
25 FINANCIAL ASSISTANCE AND SUPPORTS AT THE SAME FOSTER CARE
26 RATES AS CERTIFIED FOSTER HOMES AS ESTABLISHED BY RULE OF THE
27 STATE BOARD AT FIFTY PERCENT OF THE FOSTER CARE RATE. THE

1 RULES MUST DIFFERENTIATE THE RATES FOR CERTIFIED AND
2 NON-CERTIFIED KINSHIP CARE HOMES, AS WELL AS BY THE AGE OF THE
3 CHILD OR YOUTH BEING CARED FOR. MONEY TO COVER FINANCIAL
4 ASSISTANCE AND SUPPORTS COMES FROM THE REVENUE STREAM
5 IDENTIFIED IN SUBSECTION (3) OF THIS SECTION.

6 (3) THE STATE DEPARTMENT SHALL REIMBURSE THE COUNTY
7 DEPARTMENTS NINETY PERCENT OF THE AMOUNTS EXPENDED BY
8 COUNTY DEPARTMENTS FOR KINSHIP FOSTER CARE DAILY RATES TO
9 SUPPORT FINANCIAL ASSISTANCE. THE KINSHIP FOSTER CARE RATE IS
10 EXEMPT FROM THE CLOSE-OUT PROCESS DESCRIBED IN SECTION
11 26-5-104 (3).

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

17 (b) THE STATE DEPARTMENT SHALL COLLABORATE WITH THE
18 DEPARTMENT OF EDUCATION, THE DEPARTMENT OF PUBLIC HEALTH
19 AND ENVIRONMENT, AND THE DEPARTMENT OF HEALTH CARE POLICY
20 AND FINANCING TO DEVELOP AN INTERAGENCY RESOURCE GUIDE TO
21 ASSIST KINSHIP FOSTER CARE HOMES IN BECOMING CERTIFIED. THE
22 STATE DEPARTMENT SHALL PROMINENTLY POST THE INTERAGENCY
23 RESOURCE GUIDE CREATED PURSUANT TO THIS SUBSECTION (4)(b) ON
24 THE DEPARTMENT'S WEBSITE.

25 (5) (a) THE STATE DEPARTMENT AND THE JUDICIAL
26 DEPARTMENT SHALL COLLECT DATA ON THE NUMBER OF CHILDREN
27 WHO ARE PLACED WITH CERTIFIED AND NON-CERTIFIED KIN THROUGH

1 A DEPENDENCY AND NEGLECT CASE, REGARDLESS OF WHETHER THE
2 KIN OR COUNTY HAS CUSTODY OF THE CHILD OR YOUTH. THE STATE
3 DEPARTMENT AND THE JUDICIAL DEPARTMENT SHALL INCLUDE DATA
4 ON THE PERMANENCY OUTCOMES, LENGTH OF STAY, RE-ENTRY INTO
5 CARE, AND ALL OTHER OUTCOMES COLLECTED FOR CHILDREN AND
6 YOUTH IN OUT-OF-HOME PLACEMENTS. THE STATE DEPARTMENT
7 SHALL MAKE THE DATA AVAILABLE ON ITS WEBSITE ON OR BEFORE
8 JANUARY 30, 2025.

9 (b) ON OR BEFORE OCTOBER 1, 2024, THE STATE DEPARTMENT
10 SHALL STUDY AND REPORT TO THE GENERAL ASSEMBLY THE
11 FEASIBILITY OF USING FEDERAL FUNDS, INCLUDING BUT NOT LIMITED
12 TO FEDERAL IV-B, IV-E, OR TANF FUNDS, OR OTHER GRANT FUNDING
13 TO PROVIDE OR REIMBURSE FOR THE PROVISION OF BRIEF LEGAL
14 SERVICES OR LEGAL REPRESENTATION OF RELATIVE AND KIN
15 CAREGIVERS.

16 (6) IN ADDITION TO THE RULES PROMULGATED PURSUANT TO
17 SECTION 26-6-911, THE STATE BOARD SHALL PROMULGATE RULES AS
18 NECESSARY TO IMPLEMENT THIS SECTION WITH RESPECT TO KINSHIP
19 FOSTER CARE HOMES AND NON-CERTIFIED KINSHIP CARE HOMES.

20 **SECTION 8.** In Colorado Revised Statutes, 26-6-905, **amend**
21 (1)(b), (1)(c)(I), (1)(c)(II), and (6) as follows:

22 **26-6-905. Licenses - out-of-state notices and consent -**
23 **demonstration pilot program - report - rules - definition.** (1) (b) A
24 person operating a foster care home OR KINSHIP FOSTER CARE HOME is
25 not required to obtain a license from the state department to operate the
26 foster care home OR KINSHIP FOSTER CARE HOME if the person holds a
27 certificate issued pursuant to section 26-6-910 to operate the home from

1 a county department or a child placement agency licensed under the
2 provisions of this part 9. A certificate is considered a license for the
3 purpose of this part 9, including but not limited to the investigation and
4 criminal history background checks required under sections 26-6-910
5 and 26-6-912.

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

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

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

1 rule of the state board.

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

8 **SECTION 9.** In Colorado Revised Statutes, 26-6-908, **amend**
9 (1)(a)(I), (2), and (3) as follows:

10 **26-6-908. Application forms - criminal sanctions for perjury.**

11 (1) (a) (I) All applications for the licensure of a child placement agency
12 or a residential or day treatment child care facility or the certification of
13 a foster care home OR KINSHIP FOSTER CARE HOME pursuant to this part
14 9 must include the notice to the applicant ~~that is~~ set forth in subsection
15 (1)(b) of this section.

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

23 (3) Every application for ~~certification~~ or licensure OR
24 CERTIFICATION as a foster care home OR KINSHIP FOSTER CARE HOME
25 must provide notice to the applicant that the applicant may be subject to
26 immediate revocation of ~~certification~~ or licensure OR CERTIFICATION or
27 other negative licensing action as set forth in this section (3) and section

1 26-6-913 and as described by rule of the state board.

2 **SECTION 10.** In Colorado Revised Statutes, 26-6-909, **amend**
3 (7)(b); and **add** (2.5) as follows:

4 **26-6-909. Standards for facilities and agencies - rules.**

5 (2.5) KINSHIP FOSTER CARE HOMES ARE EXEMPT FROM THE MINIMUM
6 STANDARDS SET FORTH IN THIS SECTION. TRAINING STANDARDS FOR
7 KINSHIP FOSTER CARE HOMES ARE ESTABLISHED PURSUANT TO
8 SECTION 19-7-104 (4).

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

16 **SECTION 11.** In Colorado Revised Statutes, 26-6-910, **amend**
17 (2), (3), (5) introductory portion, (6) introductory portion, (9), (10), and
18 (11); and **add** (5.5) and (12) as follows:

19 **26-6-910. Certification and annual recertification of foster**
20 **care homes and kinship foster care homes by county departments**
21 **and licensed child placement agencies - background and reference**
22 **check requirements - rules - definition.** (2) A person operating a
23 foster care home OR KINSHIP FOSTER CARE HOME shall obtain a
24 certificate to operate the home from a county department or a child
25 placement agency licensed pursuant to ~~the provisions of~~ this part 9. A
26 certificate is considered a license for the purpose of this part 9, including
27 but not limited to the investigation and criminal history background

1 checks required pursuant to this section and section 26-6-912. Each
2 certificate must be in the form prescribed and provided by the state
3 department, certify that the person operating the foster care home is a
4 suitable person to operate a foster care home OR KINSHIP FOSTER CARE
5 HOME or provide care for a child, and contain any other information that
6 the state department requires. A child placement agency issuing or
7 renewing any such certificate shall notify the state department about the
8 certification in a method and time frame as set by rule adopted by the
9 state board.

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

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

22 (5.5) PRIOR TO ISSUING A CERTIFICATE OR SUBSEQUENT
23 CERTIFICATE TO AN APPLICANT TO OPERATE A KINSHIP FOSTER CARE
24 HOME PURSUANT TO THIS PART 9 AND RULES PROMULGATED BY THE
25 STATE BOARD, A COUNTY DEPARTMENT OR A CHILD PLACEMENT
26 AGENCY SHALL CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY
27 RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION

1 PURSUANT TO SECTION 19-3-406. THE APPLICANT SHALL PAY, UNLESS
2 OTHERWISE PAID BY A COUNTY DEPARTMENT, THE COSTS ASSOCIATED
3 WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
4 THE COLORADO BUREAU OF INVESTIGATION.

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

11 (9) Notwithstanding any other provision of this part 9, a person
12 shall not operate a foster care home OR KINSHIP FOSTER CARE HOME that
13 is certified by a county department or by a licensed child placement
14 agency if the person is a relative of an employee of the child welfare
15 division or unit of the county department certifying the foster care home
16 OR KINSHIP FOSTER CARE HOME or a relative of an owner, officer,
17 executive, member of the governing board, or employee of the child
18 placement agency certifying the foster care home OR KINSHIP FOSTER
19 CARE HOME. If the person files an application with a county department
20 or a child placement agency that would violate ~~the provisions of~~ this
21 subsection (9) by certifying the foster care home OR KINSHIP FOSTER
22 CARE HOME, the county department or child placement agency shall refer
23 the application to another county department or child placement agency.
24 Unless otherwise prohibited, the county department or child placement
25 agency to which the application is referred may certify and supervise a
26 foster care home OR KINSHIP FOSTER CARE HOME operated by the
27 person. The county department that referred the application may place

1 a child in the county-certified foster care home OR KINSHIP FOSTER
2 CARE HOME upon written agreement of the two county departments.

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

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

24 (12) A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY
25 SHALL ISSUE A ONE-TIME PROVISIONAL CERTIFICATE AT A LOCATION
26 FOR A KINSHIP FOSTER CARE HOME FOR A PERIOD OF SIX MONTHS UPON
27 THE APPLICANT'S REQUEST AND THE SUCCESSFUL COMPLETION OF A

1 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
2 ONE-TIME PROVISIONAL CERTIFICATE PERMITS THE APPLICANT TO
3 OPERATE THE KINSHIP FOSTER CARE HOME IF THE APPLICANT IS
4 TEMPORARILY UNABLE TO CONFORM TO ALL REQUIRED STANDARDS.
5 THIS IS AN EXCEPTION TO SUBSECTION (11) OF THIS SECTION, WHICH
6 ALLOWS THE USE OF PROVISIONAL CERTIFICATES. THE STATE
7 DEPARTMENT SHALL PROMULGATE RULES FOR THE OPERATION OF THIS
8 SUBSECTION (12).

9 **SECTION 12.** In Colorado Revised Statutes, 26-6-911, **amend**
10 (2)(a) as follows:

11 **26-6-911. Foster care - kinship care - rules applying generally**
12 **- rule-making.** (2) At a minimum, the rules described in subsection (1)
13 of this section must include the following:

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

22 **SECTION 13.** In Colorado Revised Statutes, 26-6-912, **amend**
23 (1)(b), (1)(d)(I), and (4) as follows:

24 **26-6-912. Investigations and inspections - local authority -**
25 **reports - rules.** (1) (b) An applicant for certification as a foster care
26 home OR KINSHIP FOSTER CARE HOME shall provide the child placement
27 agency or the county department from ~~whom~~ WHICH the certification is

1 sought with a list of all the prior child placement agencies and county
2 departments to which the applicant has previously applied, and a release
3 of information from the child placement agencies and county departments
4 to which the applicant has previously applied, to obtain information
5 about the application and any certification given by the child placement
6 agencies and county departments. A child placement agency or county
7 department from ~~whom~~ WHICH the certification is sought shall conduct
8 a reference check of the applicant and any adult resident of the foster
9 care home OR KINSHIP FOSTER CARE HOME by contacting all of the child
10 placement agencies and county departments identified by the applicant
11 before issuing the certification for that foster care home OR KINSHIP
12 FOSTER CARE HOME. Child placement agencies and county departments
13 are held harmless for information released, in good faith, to other child
14 placement agencies or county departments.

15 (d) (I) When the state department, county department, or child
16 placement agency is able to certify that the applicant or licensee is
17 competent and will operate adequate facilities to care for children
18 pursuant to the requirements of this part 9 and that standards are being
19 met and will be complied with, it shall issue the license for which the
20 applicant or licensee applied. The state department shall inspect or
21 cause to be inspected the facilities to be operated by an applicant for an
22 original license before the license is granted and shall thereafter inspect
23 or cause to be inspected the facilities of all licensees that, during the
24 period of licensure, have been found to be the subject of complaints or
25 to be out of compliance with the standards set forth in section 26-6-909
26 and the rules of the state department, or that otherwise appear to be
27 placing children at risk. The state department may make such other

1 inspections as it deems necessary to ensure that the requirements of this
2 part 9 are being met and that the health, safety, and welfare of the
3 children being placed are protected. If, as a result of an inspection of a
4 certified foster care home OR KINSHIP FOSTER CARE HOME, the state
5 department determines that a child residing in the foster care home OR
6 KINSHIP FOSTER CARE HOME is subject to an immediate and direct threat
7 to the child's safety and welfare, as defined by rules promulgated by the
8 state board, or that a substantial violation of a fundamental standard of
9 care warrants immediate action, the state department may require a
10 county department to immediately remove the child from the foster care
11 home OR KINSHIP FOSTER CARE HOME.

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

15 **SECTION 14.** In Colorado Revised Statutes, **amend** 26-6-913
16 as follows:

17 **26-6-913. Revocation of certification of foster care home or**
18 **kinship foster care home - emergency procedures - due process.**

19 Notwithstanding any other provision of law to the contrary, a county
20 department may act immediately to revoke the certification of a
21 county-certified foster care home OR KINSHIP FOSTER CARE HOME when
22 the county department has reason to believe that a child residing in the
23 foster care home OR KINSHIP FOSTER CARE HOME is subject to an
24 immediate and direct threat to the child's safety and welfare or when a
25 substantial violation of a fundamental standard of care warrants
26 immediate action. If the county department acts pursuant to this section,
27 a due process hearing shall be held within five days after the action and

1 conducted as the hearing would normally be conducted pursuant to
2 article 4 of title 24.

3 **SECTION 15.** In Colorado Revised Statutes, **amend** 26-6-920
4 as follows:

5 **26-6-920. Periodic review of licensing and certification rules**
6 **and procedures.** At least every five years, the department shall conduct
7 a comprehensive review of the licensing AND CERTIFICATION rules for
8 foster care homes, KINSHIP FOSTER CARE HOMES, and child placement
9 agencies and the procedures relating to and governing foster care homes,
10 KINSHIP FOSTER CARE HOMES, and agencies, including procedures for
11 the review of backgrounds of employees and owners. In conducting the
12 periodic review, the department shall consult with foster care providers,
13 KINSHIP FOSTER CARE PROVIDERS, child placement agencies, county
14 departments, the department of public health and environment, and other
15 interested parties throughout the state. The periodic review must include
16 an examination of the rules applicable to foster care homes, KINSHIP
17 FOSTER CARE HOMES, and child placement agencies; the process of
18 licensing foster care homes and child placement agencies; THE
19 CERTIFICATION PROCESS FOR FOSTER CARE HOMES AND KINSHIP
20 FOSTER CARE HOMES; uniformity of standards or lack thereof in the
21 licensing process; statewide standardization of investigations and
22 enforcement of licensing by the department; duplication and conflicts in
23 rules, requirements, or procedures between the department and the
24 department of public health and environment; and recommendations for
25 streamlining and unifying the licensing process. The review must also
26 include an examination of rules and procedures regarding the general
27 physical and mental health of foster care providers, KINSHIP CARE

1 PROVIDERS, employees, and owners. At the conclusion of each review,
2 the department shall report its findings and conclusions and its
3 recommendations for administrative changes and for legislation to the
4 state board.

5 **SECTION 16. Effective date.** This act takes effect September
6 1, 2024.

7 **SECTION 17. Safety clause.** The general assembly hereby
8 finds, determines, and declares that this act is necessary for the
9 immediate preservation of the public peace, health, or safety.