

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

BILL A

LLS NO. 24-0342.02 Jane Ritter x4342

SENATE BILL

SENATE SPONSORSHIP

Zenzinger and Kirkmeyer, Fields, Michaelson Jenet

HOUSE SPONSORSHIP

Pugliese and Young, Bradley, Duran, Evans, Froelich, Joseph

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING SUPPORT FOR KINSHIP FOSTER CARE 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 department) to promulgate rules to modify the requirements for kinship

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.

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.

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 50% of the foster care rate, based on the age of the child or youth receiving care.

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** (3)
3 introductory portion as follows:

4 **19-3-702. Permanency hearing.** (3) At any permanency
5 planning hearing, the court shall first determine if the child or youth
6 should be returned to the child's or youth's parent, named guardian, or

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

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

14 **19-7-104. Subjects included within training for certified foster**
15 **parents and kinship foster care - rules.** (4) THE STATE DEPARTMENT OF
16 HUMAN SERVICES MAY PROMULGATE RULES TO MODIFY THE
17 REQUIREMENTS OF THIS SECTION FOR KINSHIP FOSTER CARE HOMES,
18 INCLUDING TRAINING TOPICS FOR KINSHIP FOSTER CARE CERTIFICATION.

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

22 **26-5.3-105. Eligibility requirements - period of eligibility -**
23 **services available.** (1) Families with children OR YOUTH at imminent risk
24 of out-of-home placement ~~shall be~~ ARE eligible for emergency assistance.
25 Assistance ~~shall be~~ IS available to or on behalf of a needy child ~~under~~ OR
26 YOUTH WHO IS LESS THAN twenty-one years of age and any other member
27 of the household in which the child OR YOUTH lives if:

1 (a) ~~Such~~ THE child OR YOUTH is living with ~~any of the relatives~~
2 ~~described in section 26-2-103 (4)(a)~~ KIN, AS DEFINED IN SECTION
3 26-6-903, in a place of residence maintained by the ~~relative as the~~
4 ~~relative's own home~~ KIN;

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

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

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

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

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

14 **26-6-901. Short title.** The short title of this part 9 is the "Foster
15 Care, KINSHIP FOSTER CARE, Residential, Day Treatment, and CHILD
16 PLACEMENT Agency Licensing AND CERTIFICATION Act".

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

19 **26-6-902. Legislative declaration.** (1) The general assembly
20 finds that:

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

25 (b) The provision of such an environment affords benefits to
26 children and youth, their families, their communities, and the larger
27 society; ~~It is the intent of the general assembly that those who regulate~~

1 ~~and those who are regulated work together to meet the needs of the~~
2 ~~children, youth, their families, foster care providers, child placement~~
3 ~~agencies, and residential and day treatment child care facilities.~~ AND

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

11 (1.5) THE GENERAL ASSEMBLY INTENDS THAT THOSE WHO
12 REGULATE AND FUND, AND THOSE WHO ARE REGULATED AND FUNDED,
13 WORK TOGETHER TO MEET THE NEEDS OF THE CHILDREN, YOUTH, AND
14 THEIR FAMILIES; FOSTER CARE PROVIDERS; KINSHIP FOSTER CARE
15 PROVIDERS; CHILD PLACEMENT AGENCIES; AND RESIDENTIAL AND DAY
16 TREATMENT CHILD CARE FACILITIES.

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

19 **26-6-903. Definitions.** As used in this part 9, unless the context
20 otherwise requires:

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

25 (10) "Foster care home" means a home that is certified by a county
26 department or a child placement agency pursuant to section 26-6-910, or
27 a federally recognized tribe pursuant to applicable federal law, for child

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

13 (16) "Kinship foster care home" means a KINSHIP foster care home
14 that ~~is certified by a county department or a licensed child placement~~
15 ~~agency pursuant to section 26-6-910 or a federally recognized tribe~~
16 ~~pursuant to applicable federal law as having met the foster care~~
17 ~~certification requirements, and where the foster care of the child is~~
18 ~~provided by kin. Kinship foster care providers are eligible for foster care~~
19 ~~reimbursement. A kinship foster care home provides twenty-four-hour~~
20 ~~foster care for a child or youth under the age of twenty-one years HAS~~
21 ~~BEEN CERTIFIED PURSUANT TO SECTION 26-6-910 TO CARE FOR A RELATIVE~~
22 ~~OR KIN ONLY. A KINSHIP FOSTER CARE HOME PROVIDES~~
23 ~~TWENTY-FOUR-HOUR FOSTER CARE FOR A CHILD OR YOUTH WHO IS A~~
24 ~~RELATIVE OR KIN, WHO IS LESS THAN TWENTY-ONE YEARS OF AGE, AND~~
25 ~~WHO IS ELIGIBLE FOR FINANCIAL ASSISTANCE AND OTHER SUPPORTS~~
26 ~~PURSUANT TO SECTION 26-6-904.5. "KINSHIP FOSTER CARE HOME" DOES~~
27 ~~NOT INCLUDE NON-CERTIFIED KINSHIP CARE AS THAT TERM IS DEFINED IN~~

1 SUBSECTION (21.5) OF THIS SECTION.

2 (21.5) "NON-CERTIFIED KINSHIP CARE" MEANS KINSHIP CARE THAT
3 IS PROVIDED TO A CHILD OR YOUTH WHO IS LESS THAN TWENTY-ONE YEARS
4 OF AGE BY A RELATIVE OR KIN WHO HAS A SIGNIFICANT RELATIONSHIP
5 WITH THE CHILD OR YOUTH AND WHO HAS EITHER CHOSEN NOT TO PURSUE
6 THE CERTIFICATION PROCESS OR WHO HAS NOT MET THE CERTIFICATION
7 REQUIREMENTS FOR A KINSHIP FOSTER CARE HOME AS SET FORTH IN THIS
8 PART 9.

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

11 **26-6-904.5. Kinship foster care homes - certification and**
12 **revocation of certification - financial assistance and supports -**
13 **training - interagency resource guide - data - rules.** (1) (a) A KINSHIP
14 FOSTER CARE HOME SEEKING CERTIFICATION SHALL FOLLOW THE
15 APPLICATION PROCESS OUTLINED IN SECTION 26-6-910. A COUNTY
16 DEPARTMENT OR CHILD PLACEMENT AGENCY, UPON THE SUCCESSFUL
17 COMPLETION OF THE BACKGROUND CHECKS REQUIRED PURSUANT TO
18 SECTION 19-3-406, MAY ISSUE A ONE-TIME PROVISIONAL CERTIFICATE FOR
19 A PERIOD OF SIX MONTHS TO AN APPLICANT AT A SPECIFIC LOCATION WHO
20 IS REQUESTING PROVISIONAL CERTIFICATION. THE APPLICANT MAY OPT
21 OUT OF THE PROVISIONAL CERTIFICATION PROCESS. A PROVISIONAL
22 CERTIFICATION PERMITS THE APPLICANT TO OPERATE THE KINSHIP FOSTER
23 CARE HOME IF THE APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO
24 ALL STANDARDS REQUIRED PURSUANT TO THIS PART 9, UPON PROOF BY
25 THE APPLICANT THAT THE APPLICANT IS ATTEMPTING TO CONFORM TO THE
26 STANDARDS OR TO COMPLY WITH ANY OTHER REQUIREMENTS. IF THE
27 APPLICANT SUCCESSFULLY COMPLETES THE BACKGROUND CHECKS

1 REQUIRED PURSUANT TO SECTION 19-3-406, THE COUNTY DEPARTMENT OR
2 CHILD PLACEMENT AGENCY SHALL MAKE PAYMENT BEGINNING WITH THE
3 DATE OF PLACEMENT. THE COUNTY DEPARTMENT OR CHILD PLACEMENT
4 AGENCY SHALL COMPLETE THE CERTIFICATION PROCESS WITHIN THE
5 TIMELINES PROMULGATED BY RULE OF THE STATE BOARD.

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

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

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

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

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

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

9 (2) KINSHIP FOSTER CARE HOMES ARE ELIGIBLE FOR FINANCIAL
10 REIMBURSEMENT AND SUPPORTS AT THE SAME RATE AS FOSTER CARE
11 HOMES, AS ESTABLISHED IN RULES PROMULGATED BY THE STATE BOARD
12 OF HUMAN SERVICES. NON-CERTIFIED KINSHIP CARE HOMES ARE ELIGIBLE
13 FOR FINANCIAL ASSISTANCE AND SUPPORTS AT FIFTY PERCENT OF THE
14 FOSTER CARE RATE, BASED ON THE AGE OF THE CHILD OR YOUTH
15 RECEIVING CARE. FUNDING TO COVER FINANCIAL ASSISTANCE AND
16 SUPPORTS COMES FROM THE REVENUE STREAM IDENTIFIED IN SUBSECTION
17 (3) OF THIS SECTION.

18 (3) THE STATE DEPARTMENT SHALL REIMBURSE THE COUNTY
19 DEPARTMENTS NINETY PERCENT OF THE AMOUNTS EXPENDED BY COUNTY
20 DEPARTMENTS FOR KINSHIP FOSTER CARE DAILY RATES TO SUPPORT
21 FINANCIAL ASSISTANCE. THE KINSHIP FOSTER CARE RATE IS EXEMPT FROM
22 THE CLOSE-OUT PROCESS DESCRIBED IN SECTION 26-5-104 (3).

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

1 (b) THE STATE DEPARTMENT SHALL COLLABORATE WITH THE
2 DEPARTMENT OF EDUCATION, THE DEPARTMENT OF PUBLIC HEALTH AND
3 ENVIRONMENT, AND THE DEPARTMENT OF HEALTH CARE POLICY AND
4 FINANCING TO DEVELOP AN INTERAGENCY RESOURCE GUIDE TO ASSIST
5 KINSHIP FOSTER CARE HOMES IN BECOMING CERTIFIED. THE STATE
6 DEPARTMENT SHALL PROMINENTLY POST THE INTERAGENCY RESOURCE
7 GUIDE CREATED PURSUANT TO THIS SUBSECTION (4)(b) ON THE
8 DEPARTMENT'S WEBSITE.

9 (5) (a) THE STATE DEPARTMENT AND THE JUDICIAL DEPARTMENT
10 SHALL COLLECT DATA ON THE NUMBER OF CHILDREN WHO ARE PLACED
11 WITH CERTIFIED AND NON-CERTIFIED KIN THROUGH A DEPENDENCY AND
12 NEGLECT CASE, REGARDLESS OF WHETHER THE KIN OR COUNTY HAS
13 CUSTODY OF THE CHILD OR YOUTH. THE STATE DEPARTMENT AND THE
14 JUDICIAL DEPARTMENT SHALL INCLUDE DATA ON THE PERMANENCY
15 OUTCOMES, LENGTH OF STAY, RE-ENTRY INTO CARE, AND ALL OTHER
16 OUTCOMES COLLECTED FOR CHILDREN AND YOUTH IN OUT-OF-HOME
17 PLACEMENTS. THE STATE DEPARTMENT SHALL MAKE THE DATA
18 AVAILABLE ON ITS WEBSITE ON OR BEFORE JANUARY 30, 2025.

19 (b) ON OR BEFORE OCTOBER 1, 2024, THE STATE DEPARTMENT
20 SHALL STUDY AND REPORT TO THE GENERAL ASSEMBLY THE FEASIBILITY
21 OF USING FEDERAL FUNDS, INCLUDING BUT NOT LIMITED TO FEDERAL IV-B,
22 IV-E, OR TANF FUNDS, OR OTHER GRANT FUNDING TO PROVIDE OR
23 REIMBURSE FOR THE PROVISION OF BRIEF LEGAL SERVICES OR LEGAL
24 REPRESENTATION OF RELATIVE AND KIN CAREGIVERS.

25 (6) IN ADDITION TO THE RULES PROMULGATED PURSUANT TO
26 SECTION 26-6-911, THE STATE BOARD SHALL PROMULGATE RULES AS
27 NECESSARY TO IMPLEMENT THIS SECTION WITH RESPECT TO KINSHIP

1 FOSTER CARE HOMES AND NON-CERTIFIED KINSHIP CARE HOMES.

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

4 **26-6-905. Licenses - out-of-state notices and consent -**
5 **demonstration pilot program - report - rules - definition.** (1) (b) A
6 person operating a foster care home OR KINSHIP FOSTER CARE HOME is not
7 required to obtain a license from the state department to operate the foster
8 care home OR KINSHIP FOSTER CARE HOME if the person holds a certificate
9 issued pursuant to section 26-6-910 to operate the home from a county
10 department or a child placement agency licensed under the provisions of
11 this part 9. A certificate is considered a license for the purpose of this part
12 9, including but not limited to the investigation and criminal history
13 background checks required under sections 26-6-910 and 26-6-912.

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

24 (II) (A) On and after January 1, 2004, and upon the functionality
25 of the computer "trails" enhancements, the state department may
26 implement a schedule for relicensing of child placement agencies that
27 certify foster care homes AND KINSHIP FOSTER CARE HOMES that is based

1 on risk factors such that child placement agencies with low risk factors
2 ~~must~~ renew their licenses less frequently than child placement agencies
3 with higher risk factors.

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

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

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

18 **26-6-908. Application forms - criminal sanctions for perjury.**

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

24 (2) A person applying for the licensure of a facility or agency or
25 the certification of a foster care home OR KINSHIP FOSTER CARE HOME
26 pursuant to this part 9, or a person applying to work at a facility or agency
27 as an employee, who knowingly or willfully makes a false statement of

1 any material fact or thing in the application commits perjury in the second
2 degree as defined in section 18-8-503 and, upon conviction, ~~thereof~~, shall
3 be punished accordingly.

4 (3) Every application for ~~certification~~ or licensure OR
5 CERTIFICATION as a foster care home OR KINSHIP FOSTER CARE HOME must
6 provide notice to the applicant that the applicant may be subject to
7 immediate revocation of ~~certification~~ or licensure OR CERTIFICATION or
8 other negative licensing action as set forth in this section (3) and section
9 26-6-913 and as described by rule of the state board.

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

12 **26-6-909. Standards for facilities and agencies - rules.**

13 (2.5) KINSHIP FOSTER CARE HOMES ARE EXEMPT FROM THE MINIMUM
14 STANDARDS SET FORTH IN THIS SECTION. TRAINING STANDARDS FOR
15 KINSHIP FOSTER CARE HOMES ARE ESTABLISHED PURSUANT TO SECTION
16 19-7-104 (4).

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

24 **SECTION 11.** In Colorado Revised Statutes, 26-6-910, **amend**
25 (2), (3), (5) introductory portion, (6) introductory portion, (9), (10), and
26 (11); and **add** (5.5) and (12) as follows:

27 **26-6-910. Certification and annual recertification of foster**

1 **care homes and kinship foster care homes by county departments**
2 **and licensed child placement agencies - background and reference**
3 **check requirements - rules - definition.** (2) A person operating a foster

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

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

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

1 (5.5) PRIOR TO ISSUING A CERTIFICATE OR SUBSEQUENT
2 CERTIFICATE TO AN APPLICANT TO OPERATE A KINSHIP FOSTER CARE HOME
3 PURSUANT TO THIS PART 9 AND RULES PROMULGATED BY THE STATE
4 BOARD, A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY SHALL
5 CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
6 THROUGH THE COLORADO BUREAU OF INVESTIGATION PURSUANT TO
7 SECTION 19-3-406. THE APPLICANT SHALL PAY, UNLESS OTHERWISE PAID
8 BY A COUNTY DEPARTMENT, THE COSTS ASSOCIATED WITH THE
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE
10 COLORADO BUREAU OF INVESTIGATION.

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

17 (9) Notwithstanding any other provision of this part 9, a person
18 shall not operate a foster care home OR KINSHIP FOSTER CARE HOME that
19 is certified by a county department or by a licensed child placement
20 agency if the person is a relative of an employee of the child welfare
21 division or unit of the county department certifying the foster care home
22 OR KINSHIP FOSTER CARE HOME or a relative of an owner, officer,
23 executive, member of the governing board, or employee of the child
24 placement agency certifying the foster care home OR KINSHIP FOSTER
25 CARE HOME. If the person files an application with a county department
26 or a child placement agency that would violate ~~the provisions of~~ this
27 subsection (9) by certifying the foster care home OR KINSHIP FOSTER CARE

1 HOME, the county department or child placement agency shall refer the
2 application to another county department or child placement agency.
3 Unless otherwise prohibited, the county department or child placement
4 agency to which the application is referred may certify and supervise a
5 foster care home OR KINSHIP FOSTER CARE HOME operated by the person.
6 The county department that referred the application may place a child in
7 the county-certified foster care home OR KINSHIP FOSTER CARE HOME
8 upon written agreement of the two county departments.

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

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

1 proceed in the manner prescribed for licensee appeals in section 26-6-909
2 (4).

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

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

16 **26-6-911. Foster care - kinship care - rules applying generally**
17 **- rule-making.** (2) At a minimum, the rules described in subsection (1)
18 of this section must include the following:

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

27 **SECTION 13.** In Colorado Revised Statutes, 26-6-912, **amend**

1 (1)(b), (1)(d)(I), and (4) as follows:

2 **26-6-912. Investigations and inspections - local authority -**
3 **reports - rules.** (1) (b) An applicant for certification as a foster care
4 home OR KINSHIP FOSTER CARE HOME shall provide the child placement
5 agency or the county department from ~~whom~~ WHICH the certification is
6 sought with a list of all the prior child placement agencies and county
7 departments to which the applicant has previously applied, and a release
8 of information from the child placement agencies and county departments
9 to which the applicant has previously applied, to obtain information about
10 the application and any certification given by the child placement
11 agencies and county departments. A child placement agency or county
12 department from ~~whom~~ WHICH the certification is sought shall conduct a
13 reference check of the applicant and any adult resident of the foster care
14 home OR KINSHIP FOSTER CARE HOME by contacting all of the child
15 placement agencies and county departments identified by the applicant
16 before issuing the certification for that foster care home OR KINSHIP
17 FOSTER CARE HOME. Child placement agencies and county departments
18 are held harmless for information released, in good faith, to other child
19 placement agencies or county departments.

20 (d) (I) When the state department, county department, or child
21 placement agency is able to certify that the applicant or licensee is
22 competent and will operate adequate facilities to care for children
23 pursuant to the requirements of this part 9 and that standards are being
24 met and will be complied with, it shall issue the license for which the
25 applicant or licensee applied. The state department shall inspect or cause
26 to be inspected the facilities to be operated by an applicant for an original
27 license before the license is granted and shall thereafter inspect or cause

1 to be inspected the facilities of all licensees that, during the period of
2 licensure, have been found to be the subject of complaints or to be out of
3 compliance with the standards set forth in section 26-6-909 and the rules
4 of the state department, or that otherwise appear to be placing children at
5 risk. The state department may make such other inspections as it deems
6 necessary to ensure that the requirements of this part 9 are being met and
7 that the health, safety, and welfare of the children being placed are
8 protected. If, as a result of an inspection of a certified foster care home OR
9 KINSHIP FOSTER CARE HOME, the state department determines that a child
10 residing in the foster care home OR KINSHIP FOSTER CARE HOME is subject
11 to an immediate and direct threat to the child's safety and welfare, as
12 defined by rules promulgated by the state board, or that a substantial
13 violation of a fundamental standard of care warrants immediate action,
14 the state department may require a county department to immediately
15 remove the child from the foster care home OR KINSHIP FOSTER CARE
16 HOME.

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

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

22 **26-6-913. Revocation of certification of foster care home or**
23 **kinship foster care home - emergency procedures - due process.**

24 Notwithstanding any other provision of law to the contrary, a county
25 department may act immediately to revoke the certification of a
26 county-certified foster care home OR KINSHIP FOSTER CARE HOME when
27 the county department has reason to believe that a child residing in the

1 foster care home OR KINSHIP FOSTER CARE HOME is subject to an
2 immediate and direct threat to the child's safety and welfare or when a
3 substantial violation of a fundamental standard of care warrants
4 immediate action. If the county department acts pursuant to this section,
5 a due process hearing shall be held within five days after the action and
6 conducted as the hearing would normally be conducted pursuant to article
7 4 of title 24.

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

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

1 requirements, or procedures between the department and the department
2 of public health and environment; and recommendations for streamlining
3 and unifying the licensing process. The review must also include an
4 examination of rules and procedures regarding the general physical and
5 mental health of foster care providers, KINSHIP CARE PROVIDERS,
6 employees, and owners. At the conclusion of each review, the department
7 shall report its findings and conclusions and its recommendations for
8 administrative changes and for legislation to the state board.

9 **SECTION 16. Effective date.** This act takes effect September 1,
10 2024.

11 **SECTION 17. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.