

CHAPTER 254

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 97-218

BY SENATORS Rizzuto, Lacy, and Blickensderfer;
also REPRESENTATIVES Adkins, Grampas, Owen, Romero, George, Morrison, Nichol, and Reeser.

AN ACT

CONCERNING PUBLICLY FUNDED SERVICES FOR CHILDREN, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 26-5-101, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-5-101. Definitions. As used in this article, unless the context otherwise requires:

(1) ~~"Child welfare services" means the provision of necessary shelter, sustenance, and guidance to or for children who are or who, if such services are not provided, are likely to become juvenile delinquents, as defined in section 19-1-103 (71), C.R.S., or neglected or dependent, as defined in section 19-3-102, C.R.S.~~ "CAPPED ALLOCATION" MEANS A CAPPED AMOUNT OF FUNDS DISTRIBUTED TO COUNTIES OR A GROUP OF COUNTIES FOR THE PURPOSE OF PROVIDING CHILD WELFARE SERVICES AS DEFINED IN SUBSECTION (3) OF THIS SECTION.

(2) "CHILD WELFARE ALLOCATIONS COMMITTEE" MEANS A COMMITTEE THAT CONSISTS OF FOUR COUNTY COMMISSIONERS APPOINTED BY A STATEWIDE ASSOCIATION OF COUNTIES AND FOUR MEMBERS APPOINTED BY THE STATE DEPARTMENT, WHICH COMMITTEE SHALL DEVELOP ITS OWN ORGANIZATIONAL RULES.

(3) "CHILD WELFARE SERVICES" MEANS THE PROVISION OF NECESSARY SHELTER, SUSTENANCE, AND GUIDANCE TO OR FOR CHILDREN WHO ARE OR WHO, IF SUCH

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SERVICES ARE NOT PROVIDED, ARE LIKELY TO BECOME NEGLECTED OR DEPENDENT, AS DEFINED IN SECTION 19-3-102, C.R.S. "CHILD WELFARE SERVICES" INCLUDES BUT IS NOT LIMITED TO:

- (a) CHILD PROTECTION;
- (b) RISK ASSESSMENT;
- (c) PERMANENCY PLANNING;
- (d) TREATMENT PLANNING;
- (e) CASE MANAGEMENT;
- (f) CORE SERVICES, AS DEFINED IN SECTION 19-3-208, C.R.S.;
- (g) ADOPTION AND SUBSIDIZED ADOPTION;
- (h) EMERGENCY SHELTER;
- (i) OUT-OF-HOME PLACEMENT, INCLUDING FOSTER CARE;
- (j) UTILIZATION REVIEW;
- (k) EARLY INTERVENTION AND PREVENTION;
- (l) YOUTH-IN-CONFLICT FUNCTIONS; AND
- (m) ADMINISTRATION AND SUPPORT FUNCTIONS.

(4) "COUNTY" MEANS A COUNTY OR A CITY AND COUNTY OR ANY TWO OR MORE COUNTIES.

(5) "GOVERNING BODY" MEANS THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY OR THE CITY COUNCIL AND MAYOR OF A CITY AND COUNTY.

(6) "TARGETED ALLOCATION" MEANS A FIXED AMOUNT OF FUNDS FROM A CAPPED ALLOCATION TO A GROUP OF COUNTIES THAT IS DESIGNATED FOR A SPECIFIC COUNTY WITHIN THAT GROUP OF COUNTIES.

SECTION 2. 26-5-104, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

26-5-104. Funding of child welfare services. (1) **Reimbursement.** The state department shall, within the limits of available appropriations, reimburse the county departments eighty percent of amounts expended by county departments for child welfare services, ~~as authorized by this article~~ UP TO THE AMOUNT OF THE COUNTY'S ALLOCATION AS DETERMINED PURSUANT TO THE PROVISIONS OF THIS SECTION.

(2) **Parental fees.** The fiscal year beginning July 1, 1990, shall constitute the base fiscal year for the purpose of computing a base amount of parental fee collections by

each county on behalf of children in foster care. Commencing with the fiscal year beginning July 1, 1991, any increased amount of parental fees over and above the base amount shall be retained by the county that collected such parental fees. Any moneys retained by each county pursuant to this subsection (2) may be used for child welfare services directed toward early intervention, placement prevention, and family preservation, or any other program funded pursuant to sections 19-2-211, 19-2-212, and 19-2-310, C.R.S.

(3) **Allocation formula.** (a) FOR STATE FISCAL YEAR 1997-98, THE STATE DEPARTMENT, AFTER INPUT FROM THE CHILD WELFARE ALLOCATIONS COMMITTEE, SHALL DEVELOP FORMULAS FOR CAPPED AND TARGETED ALLOCATIONS THAT TAKE INTO ACCOUNT SUCH FACTORS AS:

(I) COUNTY SPENDING ON CHILD WELFARE SERVICES IN CALENDAR YEAR 1996;

(II) THE COUNTY'S ALLOCATIONS AND EXPENDITURES FOR CHILD WELFARE SERVICES IN STATE FISCAL YEARS 1995-96, 1994-95, AND 1993-94 AND A COMPARISON OF THE SPENDING IN THOSE PRIOR YEARS WITH THE CASELOADS IN THE RESPECTIVE PRIOR STATE FISCAL YEARS;

(III) THE COUNTY'S CURRENT CHILD WELFARE CASELOAD; AND

(IV) OTHER FACTORS DETERMINED BY THE STATE DEPARTMENT AND THE CHILD WELFARE ALLOCATIONS COMMITTEE THAT DIRECTLY AFFECT THE POPULATION OF CHILDREN IN NEED OF CHILD WELFARE SERVICES IN A COUNTY.

(b) IN THE EVENT THAT THE STATE DEPARTMENT AND THE CHILD WELFARE ALLOCATIONS COMMITTEE DO NOT REACH AN AGREEMENT ON THE ALLOCATION FORMULA ON OR BEFORE JUNE 15, 1997, THE STATE DEPARTMENT AND THE COMMITTEE SHALL SUBMIT ALTERNATIVES TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY FROM WHICH SUCH JOINT BUDGET COMMITTEE SHALL SELECT AN ALLOCATION FORMULA BEFORE JULY 1, 1997.

(c) THE FORMULAS DEVELOPED BY THE STATE DEPARTMENT, AFTER INPUT FROM THE CHILD WELFARE ALLOCATIONS COMMITTEE, SHALL IDENTIFY THE PORTION OF THE AMOUNTS APPROPRIATED FOR CHILD WELFARE SERVICES THAT SHALL BE ALLOCATED TO THE COUNTIES FOR THE PROVISION OF CHILD WELFARE SERVICES.

(4) **Allocations.** (a) FOR STATE FISCAL YEAR 1997-98 AND THEREAFTER, ALL COUNTIES SHALL RECEIVE CAPPED ALLOCATIONS FOR CHILD WELFARE SERVICES. THE COUNTIES MAY USE CAPPED ALLOCATION MONEYS FOR CHILD WELFARE SERVICES WITHOUT CATEGORY RESTRICTION IF NOT PROHIBITED BY FEDERAL LAW.

(b)(I) THE STATE DEPARTMENT SHALL MAKE CAPPED ALLOCATIONS FOR COUNTIES SERVING AT LEAST EIGHTY PERCENT OF THE TOTAL CHILD WELFARE SERVICES POPULATION.

(II) FOR THE BALANCE OF THE STATE, THE STATE DEPARTMENT SHALL CREATE ONE CAPPED ALLOCATION. THE STATE DEPARTMENT SHALL ESTABLISH A TARGETED ALLOCATION FOR EACH COUNTY IN SUCH GROUP OF COUNTIES DESIGNATED FOR THE PURPOSE OF SUCH CAPPED ALLOCATION.

(c) THE STATE DEPARTMENT, IN CONSULTATION WITH THE CHILD WELFARE ALLOCATIONS COMMITTEE, SHALL ADOPT RULES FOR WHEN A COUNTY MAY EXCEED ITS CAPPED OR TARGETED ALLOCATION.

(d) THE STATE DEPARTMENT MAY ONLY SEEK ADDITIONAL FUNDING FROM THE GENERAL ASSEMBLY IN A SUPPLEMENTAL APPROPRIATIONS BILL BASED UPON CASELOAD GROWTH OR CHANGES IN FEDERAL LAW OR FEDERAL FUNDING.

(e) A COUNTY'S ALLOCATION MAY BE AMENDED DUE TO CASELOAD GROWTH OR CHANGES IN FEDERAL LAW OR FEDERAL FUNDING.

(5) **Management training.** THE STATE DEPARTMENT SHALL DEVELOP A MANAGEMENT TRAINING PACKAGE TO BE DELIVERED TO THE COUNTIES NO LATER THAN OCTOBER 1, 1997, THAT SHALL ASSIST THE COUNTIES IN THE DEVELOPMENT OF MORE EFFECTIVE MANAGEMENT STRATEGIES FOR THE UTILIZATION OF RESOURCES IN THE DELIVERY OF CHILD WELFARE SERVICES. THE STATE DEPARTMENT MAY UTILIZE PORTIONS OF THE CHILD WELFARE ADMINISTRATION APPROPRIATIONS TOWARD THIS END AND IS HEREBY AUTHORIZED TO PURSUE ANY PRIVATE OR PUBLIC GRANTS TO FUND SUCH EFFORTS.

(6) ON AND AFTER JULY 1, 1997, A COUNTY SHALL BE AUTHORIZED TO NEGOTIATE RATES, SERVICES, AND OUTCOMES WITH PROVIDERS IF THE COUNTY HAS A REQUEST FOR PROPOSAL PROCESS IN EFFECT FOR SOLICITING BIDS FROM PROVIDERS OR ANOTHER MECHANISM FOR EVALUATING THE RATES, SERVICES, AND OUTCOMES THAT IT IS NEGOTIATING WITH SUCH PROVIDERS THAT IS ACCEPTABLE TO THE STATE DEPARTMENT.

SECTION 3. 26-5-105, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-5-105. Reimbursement procedure. Claims for state reimbursement under this article shall be presented by the county departments to the state department at such times and in such manner as the state department may prescribe. The state department shall certify to the controller the amount approved, specifying the amount ~~to which each county is entitled~~ OF EACH COUNTY'S CAPPED OR TARGETED ALLOCATION. The amount so certified shall be paid from the state treasury, upon the voucher of the state department and warrant of the controller, to the respective county treasurers of the counties ~~entitled thereto~~ SEEKING THE REIMBURSEMENT, from money appropriated to the state department for the purpose of administering the provisions of this article.

SECTION 4. Article 5 of title 26, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

26-5-105.3. Federal waivers. THE STATE DEPARTMENT SHALL PURSUE AS SOON AS POSSIBLE ANY WAIVERS THAT MAY BE NECESSARY TO IMPLEMENT THIS ARTICLE, INCLUDING BUT NOT LIMITED TO WAIVERS FOR TITLE IV-E FOSTER CARE SERVICES AND MEDICAID.

26-5-105.5. Pilot programs - authorized - repeal. (1) THE STATE DEPARTMENT

MAY ENTER INTO PERFORMANCE CONTRACTS WITH NOT MORE THAN THREE COUNTIES OR GROUPS OF COUNTIES FOR THE DELIVERY OF CHILD WELFARE SERVICES. AN INTERESTED COUNTY SHALL APPLY TO THE STATE DEPARTMENT NOT LATER THAN AUGUST 1, 1997, AND THE IMPLEMENTATION OF SUCH PILOT PROGRAMS SHALL COMMENCE NOT LATER THAN SEPTEMBER 1, 1997.

(2) A COUNTY THAT ENTERS INTO A PERFORMANCE CONTRACT WITH THE STATE DEPARTMENT SHALL BE EXEMPT FROM THE RULES OF THE STATE DEPARTMENT AND STATE BOARD GOVERNING THE DELIVERY OF CHILD WELFARE SERVICES, AS SUCH EXEMPTIONS ARE IDENTIFIED IN THE PERFORMANCE CONTRACT.

(3) ANY COUNTY THAT HAS ENTERED INTO A PERFORMANCE CONTRACT WITH THE STATE DEPARTMENT AND UNDERSPENDS THE GENERAL FUND PORTION OF ITS CAPPED OR TARGETED ALLOCATION MAY USE THOSE FUNDS, NOT TO EXCEED FIVE PERCENT OF THE GENERAL FUND PORTION OF ITS TOTAL CAPPED OR TARGETED ALLOCATION FOR CHILD WELFARE SERVICES, TO EITHER REDUCE ITS COUNTY SHARE BY THE AMOUNT OF THE UNDEREXPENDITURE OR SPEND SUCH MONEYS ON ADDITIONAL SERVICES FOR CHILDREN IN THE COUNTY. ANY BALANCE OF THE GENERAL FUND PORTION OF ITS CAPPED OR TARGETED ALLOCATION SHALL BE USED FOR ADDITIONAL SERVICES FOR CHILDREN IN THE COUNTY.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 1998.

26-5-105.7. Study of managed care. (1) THE STATE DEPARTMENT, WITH INPUT FROM THE JUDICIAL DEPARTMENT, THE CHILD WELFARE ALLOCATIONS COMMITTEE, AND THE LEGISLATIVE OVERSIGHT COMMITTEE CREATED IN SUBSECTION (2) OF THIS SECTION, SHALL STUDY AND MAKE RECOMMENDATIONS ON THE ADVISABILITY OF IMPLEMENTING MANAGED CARE ON A STATEWIDE BASIS FOR THE DELIVERY OF CHILD WELFARE SERVICES.

(2) THERE IS HEREBY CREATED A LEGISLATIVE OVERSIGHT COMMITTEE THAT SHALL BE KNOWN AS THE "CHILD WELFARE OVERSIGHT COMMITTEE" AND SHALL CONSIST OF SIX MEMBERS OF THE GENERAL ASSEMBLY APPOINTED NO LATER THAN JUNE 1, 1997, PURSUANT TO THE PROVISIONS OF THIS SECTION. THE PRESIDENT OF THE SENATE SHALL APPOINT TWO MEMBERS OF THE SENATE, AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE MEMBER OF THE SENATE. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT ONE MEMBER OF THE HOUSE OF REPRESENTATIVES.

(3) THE STUDY SHALL INCLUDE BUT NOT BE LIMITED TO:

(a) THE DELIVERY OF DELINQUENCY SERVICES IN THE STATEWIDE SYSTEM OR IN ANOTHER DELIVERY SYSTEM, INCLUDING HOW TO PROVIDE AND MANAGE SERVICES FOR DELINQUENTS WHO ARE CURRENTLY SERVED BY THE COUNTY DEPARTMENTS;

(b) THE IMPLEMENTATION OF LEVELS OF CARE IN CHILD WELFARE AND DELINQUENCY SERVICES;

(c) PERFORMANCE-BASED CONTRACTING IN THE IMPLEMENTATION OF MANAGED CARE;

(d) A METHOD FOR ALLOCATING FUNDS APPROPRIATED FOR CHILD WELFARE SERVICES, INCLUDING FEDERAL AND STATE GENERAL FUND MONEYS, TO COUNTIES OR GROUPS OF COUNTIES;

(e) A METHOD FOR DETERMINING THE MAINTENANCE OF EFFORT REQUIRED FOR EACH COUNTY OR GROUP OF COUNTIES;

(f) THE NEED FOR CREATING A RESERVE AT THE STATE LEVEL AND THE CRITERIA AND REQUIREMENTS FOR ACCESSING THE RESERVE;

(g) PROPOSALS FOR THE USES OF ANY SAVINGS REALIZED TO PROVIDE ADDITIONAL CHILD WELFARE SERVICES, INCLUDING PREVENTIVE SERVICES SUCH AS THOSE PURSUANT TO HOME VISITATION PROGRAMS; AND

(h) ANY SUGGESTED LEGISLATION NECESSARY TO IMPLEMENT THE RECOMMENDATIONS SET FORTH IN THE STUDY.

(4) THE STUDY AND RECOMMENDATIONS FOR THE IMPLEMENTATION OF THE STATEWIDE MANAGED CARE SYSTEM FOR THE DELIVERY OF CHILD WELFARE SERVICES SHALL BE SUBMITTED TO THE FOLLOWING COMMITTEES OF THE GENERAL ASSEMBLY NO LATER THAN JANUARY 1, 1998: THE HOUSE AND SENATE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES, THE HOUSE AND SENATE JUDICIARY COMMITTEES, AND THE JOINT BUDGET COMMITTEE.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 1998.

SECTION 5. 19-2-114 (4) and (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are repealed as follows:

19-2-114. Cost of care. (4) ~~If the court finds, after a hearing, that the juvenile's parent has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the court may absolve such parent of accountability for cost of care under subsection (1) of this section.~~

(5) ~~Liability for cost of care of a juvenile by such juvenile's parent under subsection (1) of this section shall be limited to a maximum of ten thousand dollars.~~

SECTION 6. 19-1-103 (1), (23), (25), and (57), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(I) Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either: Such condition or death is not justifiably explained; the history given concerning such condition is at variance with the degree

or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence;

(II) Any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution;

(III) Any case in which a child is a child in need of services because the child's parents, legal guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take. The requirements of this subparagraph (III) shall be subject to the provisions of section 19-3-103.

(IV) ANY CASE IN WHICH A CHILD IS SUBJECTED TO EMOTIONAL ABUSE. AS USED IN THIS SUBPARAGRAPH (IV), "EMOTIONAL ABUSE" MEANS AN IDENTIFIABLE AND SUBSTANTIAL IMPAIRMENT OF THE CHILD'S INTELLECTUAL OR PSYCHOLOGICAL FUNCTIONING OR DEVELOPMENT OR A SUBSTANTIAL RISK OF IMPAIRMENT OF THE CHILD'S INTELLECTUAL OR PSYCHOLOGICAL FUNCTIONING OR DEVELOPMENT.

~~(IV)~~ (V) Any act or omission described in section 19-3-102 (1) (a), (1) (b), or (1) (c).

(b) In all cases, those investigating reports of child abuse shall take into account accepted child-rearing practices of the culture in which the child participates. Nothing in this subsection (1) shall refer to acts that could be construed to be a reasonable exercise of parental discipline or to acts reasonably necessary to subdue a child being taken into custody pursuant to section 19-2-502 that are performed by a peace officer, level I, as defined in section 18-1-901 (3) (I), C.R.S., acting in the good faith performance of the officer's duties.

(23) "Citizen review panel", as used in section 19-3-211, means the panel created in a county by the board of county commissioners or in a city and county by the city council that shall review and ~~render decisions regarding grievances between a complainant and a county department~~ MAKE RECOMMENDATIONS REGARDING GRIEVANCES REFERRED TO THE PANEL BY THE COUNTY DIRECTOR PURSUANT TO THE CONFLICT RESOLUTION PROCESS.

(25) "Complainant", as used in section 19-3-211, means ~~the person bringing a grievance against a county department~~ ANY PERSON WHO WAS THE SUBJECT OF AN INVESTIGATION OF A REPORT OF CHILD ABUSE OR NEGLECT OR ANY PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF A CHILD WHO IS THE SUBJECT OF A REPORT OF CHILD ABUSE OR NEGLECT AND BRINGS A GRIEVANCE AGAINST A COUNTY DEPARTMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 19-3-211.

(57) "Grievance", as used in section 19-3-211, means ~~any dispute between a complainant and a county department concerning such department's response to, investigation of, and recommendations regarding any report of child abuse and neglect pursuant to the provisions of article 3 of this title~~ A DISPUTE BETWEEN A COMPLAINANT AND A COUNTY DEPARTMENT CONCERNING THE CONDUCT OF COUNTY DEPARTMENT PERSONNEL IN PERFORMING THEIR DUTIES PURSUANT TO ARTICLE 3 OF THIS TITLE.

SECTION 7. 19-1-109 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 19-1-109 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

19-1-109. Appeals. (2) (a) The people of the state of Colorado shall have the same right to appeal questions of law in delinquency cases as exists in criminal cases.

(b) AN ORDER TERMINATING OR REFUSING TO TERMINATE THE LEGAL RELATIONSHIP BETWEEN A PARENT OR PARENTS AND ONE OR MORE OF THE CHILDREN OF SUCH PARENT OR PARENTS ON A PETITION, OR BETWEEN A CHILD AND ONE OR BOTH PARENTS OF THE CHILD, SHALL BE A FINAL AND APPEALABLE ORDER.

(c) AN ORDER DECREERING A CHILD TO BE NEGLECTED OR DEPENDENT SHALL BE A FINAL AND APPEALABLE ORDER AFTER THE ENTRY OF THE DISPOSITION PURSUANT TO SECTION 19-3-508. ANY APPEAL SHALL NOT AFFECT THE JURISDICTION OF THE TRIAL COURT TO ENTER SUCH FURTHER DISPOSITIONAL ORDERS AS THE COURT BELIEVES TO BE IN THE BEST INTERESTS OF THE CHILD.

(3) A WORKGROUP TO CONSIDER NECESSARY CHANGES TO PRACTICES, RULES, AND STATUTES IN ORDER TO ENSURE THAT APPEALS IN CASES CONCERNING RELINQUISHMENT, ADOPTION, AND DEPENDENCY AND NEGLECT BE RESOLVED WITHIN SIX MONTHS AFTER BEING FILED SHALL BE ESTABLISHED. THE WORKGROUP SHALL BE KNOWN AS THE "CHILD WELFARE APPEALS WORKGROUP" AND SHALL BE CREATED IN THE STATE JUDICIAL DEPARTMENT. THE WORKGROUP SHALL SUBMIT A WRITTEN REPORT TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 1, 1998, THAT SHALL CONTAIN RECOMMENDATIONS FOR STATUTORY, PRACTICE, AND RULE CHANGES TO EXPEDITE APPEALS AND REQUIRE THEIR RESOLUTION WITHIN SIX MONTHS AFTER FILING.

SECTION 8. 19-3-102, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-102. Neglected or dependent child. (1) A child is neglected or dependent if:

(a) A parent, guardian, or legal custodian has abandoned the child or has subjected him OR HER to mistreatment or abuse or a parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring;

(b) The child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian;

(c) The child's environment is injurious to his OR HER welfare;

(d) A parent, guardian, or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care, or any other care necessary for his OR HER health, guidance, or well-being;

(e) The child is homeless, without proper care, or not domiciled with his OR HER parent, guardian, or legal custodian through no fault of such parent, guardian, or legal

custodian;

(f) The child has run away from home or is otherwise beyond the control of his OR HER parent, guardian, or legal custodian.

(2) A CHILD IS NEGLECTED OR DEPENDENT IF:

(a) A PARENT, GUARDIAN, OR LEGAL CUSTODIAN HAS SUBJECTED ANOTHER CHILD OR CHILDREN TO AN IDENTIFIABLE PATTERN OF HABITUAL ABUSE; AND

(b) SUCH PARENT, GUARDIAN, OR LEGAL CUSTODIAN HAS BEEN THE RESPONDENT IN ANOTHER PROCEEDING UNDER THIS ARTICLE IN WHICH A COURT HAS ADJUDICATED ANOTHER CHILD TO BE NEGLECTED OR DEPENDENT BASED UPON ALLEGATIONS OF SEXUAL OR PHYSICAL ABUSE, OR A COURT OF COMPETENT JURISDICTION HAS DETERMINED THAT SUCH PARENT'S, GUARDIAN'S, OR LEGAL CUSTODIAN'S ABUSE OR NEGLECT HAS CAUSED THE DEATH OF ANOTHER CHILD; AND

(c) THE PATTERN OF HABITUAL ABUSE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) AND THE TYPE OF ABUSE DESCRIBED IN THE ALLEGATIONS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2) POSE A CURRENT THREAT TO THE CHILD.

SECTION 9. 19-3-211, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

19-3-211. Conflict resolution process - rules - definitions. (1) (a) ON OR BEFORE JANUARY 1, 1998, THE STATE DEPARTMENT, IN CONJUNCTION WITH THE ATTORNEY GENERAL, SHALL ADOPT RULES CONCERNING THE STATEWIDE IMPLEMENTATION OF A CONFLICT RESOLUTION PROCESS IN EACH COUNTY AND CITY AND COUNTY PURSUANT TO THE PROVISIONS OF THIS SECTION. THE PURPOSE OF SUCH CONFLICT RESOLUTION PROCESS IS TO PROVIDE A FORUM FOR GRIEVANCES CONCERNING THE CONDUCT OF COUNTY DEPARTMENT PERSONNEL IN PERFORMING THEIR DUTIES PURSUANT TO THIS ARTICLE.

(b) A CITIZEN REVIEW PANEL SHALL BE CREATED IN EACH COUNTY AND CITY AND COUNTY. THE MEMBERS OF SUCH CITIZEN REVIEW PANEL SHALL BE APPOINTED BY THE GOVERNING BODY WITHOUT INFLUENCE FROM THE STATE DEPARTMENT OR THE COUNTY DEPARTMENT, BE REPRESENTATIVE OF THE COMMUNITY, HAVE DEMONSTRABLE PERSONAL OR PROFESSIONAL KNOWLEDGE AND EXPERIENCE WITH CHILDREN, AND NOT BE EMPLOYEES OR AGENTS OF THE STATE DEPARTMENT OR ANY COUNTY DEPARTMENT. AT LEAST ONE MEMBER OF THE CITIZEN REVIEW PANEL IN EACH COUNTY AND CITY AND COUNTY SHALL BE THE PARENT OF A MINOR CHILD AT THE TIME OF HIS OR HER APPOINTMENT TO SERVE ON SUCH PANEL.

(c) THE CONFLICT RESOLUTION PROCESS SHALL PROVIDE FOR THE RESOLUTION OF GRIEVANCES AS FOLLOWS:

(I) TRANSMITTAL OF ALL GRIEVANCES TO THE COUNTY DIRECTOR FOR INTERNAL RESOLUTION BY THE COUNTY DEPARTMENT WITHIN TEN WORKING DAYS AFTER RECEIPT OF THE GRIEVANCE;

(II) CLOSURE OF THE GRIEVANCE AND ISSUANCE OF A WRITTEN FINAL DECISION IF

THE COUNTY DEPARTMENT HAS RESOLVED THE GRIEVANCE TO THE COMPLAINANT'S SATISFACTION;

(III) REFERRAL OF THE GRIEVANCE TO THE CITIZEN REVIEW PANEL UPON THE REQUEST OF THE COMPLAINANT IF THE COUNTY DEPARTMENT HAS NOT RESOLVED THE GRIEVANCE TO THE COMPLAINANT'S SATISFACTION;

(IV) REVIEW BY THE CITIZEN REVIEW PANEL OF THE GRIEVANCE AND THE COUNTY DEPARTMENT'S PROPOSED RESOLUTION OF THE GRIEVANCE WITHIN THIRTY DAYS AFTER RECEIPT OF THE REFERRAL;

(V) WRITTEN NOTIFICATION BY THE CITIZEN REVIEW PANEL TO THE COMPLAINANT AND THE COUNTY DIRECTOR OF ITS RECOMMENDATION CONCERNING THE GRIEVANCE AND THE BASIS FOR ITS RECOMMENDATION;

(VI) CLOSURE OF THE GRIEVANCE AND ISSUANCE OF A WRITTEN FINAL DECISION BY THE COUNTY DIRECTOR IF THE COUNTY DEPARTMENT AGREES WITH THE RECOMMENDATION OF THE CITIZEN REVIEW PANEL;

(VII) REFERRAL OF A GRIEVANCE TO THE GOVERNING BODY FOR REVIEW IF THE COUNTY DEPARTMENT OR THE COMPLAINANT DISAGREES WITH THE RECOMMENDATION OF THE CITIZEN REVIEW PANEL.

(d) THE GOVERNING BODY SHALL SUBMIT A WRITTEN DECISION CONTAINING ITS RECOMMENDATION AND THE BASIS FOR ITS RECOMMENDATION TO THE COUNTY DIRECTOR AND ANY COUNTY DEPARTMENT EMPLOYEE WHO IS THE SUBJECT OF A GRIEVANCE, AND THE COUNTY DIRECTOR SHALL ISSUE A WRITTEN FINAL DECISION THAT SHALL INCLUDE THE COUNTY DIRECTOR'S PLAN FOR IMPLEMENTATION OF THE FINAL DECISION.

(e) ANY RECOMMENDATIONS OF THE CITIZEN REVIEW PANEL AND OF THE GOVERNING BODY SHALL BE LIMITED TO ACTIONS WITHIN THE AUTHORITY OF THE COUNTY DIRECTOR INCLUDING, BUT NOT LIMITED TO, RECOMMENDATIONS FOR CASE REASSIGNMENT, PERSONNEL TRAINING, AND DISCIPLINARY ACTION CONCERNING A COUNTY DEPARTMENT EMPLOYEE. IF DISCIPLINARY ACTION IS INITIATED AGAINST A COUNTY DEPARTMENT EMPLOYEE AS A RESULT OF RECOMMENDATIONS, THE EMPLOYEE SHALL BE ENTITLED TO THE RIGHTS, INCLUDING PROCEDURAL RIGHTS TO APPEAL, THAT THE EMPLOYEE HAS THROUGH THE MERIT SYSTEM OR OTHER APPLICABLE PERSONNEL SYSTEM UNDER WHICH THE EMPLOYEE IS EMPLOYED.

(f) A CITIZEN REVIEW PANEL AND ANY GOVERNING BODY SHALL HAVE ACCESS TO CHILD ABUSE OR NEGLECT REPORTS AND ANY INFORMATION FROM THE COMPLETE CASE FILE THAT THE GOVERNING BODY BELIEVES IS PERTINENT TO THE GRIEVANCE, WHICH SHALL BE REVIEWED SOLELY FOR THE PURPOSE OF RESOLVING GRIEVANCES PURSUANT TO THE PROVISIONS OF THIS SECTION; EXCEPT THAT ACCESS TO IDENTIFYING INFORMATION CONCERNING ANY PERSON WHO REPORTED CHILD ABUSE OR NEGLECT SHALL NOT BE PROVIDED AND NO PARTICIPANT IN THE CONFLICT RESOLUTION PROCESS SHALL DIVULGE OR MAKE PUBLIC ANY CONFIDENTIAL INFORMATION CONTAINED IN A REPORT OF CHILD ABUSE OR NEGLECT OR IN OTHER CASE FILE RECORDS TO WHICH HE OR SHE HAS BEEN PROVIDED ACCESS.

(g) THE COUNTY DEPARTMENT SHALL PREPARE A FINAL REPORT TO THE CITIZEN REVIEW PANEL WITHIN THIRTY DAYS AFTER THE ISSUANCE OF ANY FINAL DECISION IN THE CONFLICT RESOLUTION PROCESS THAT SHALL INCLUDE THE DISPOSITION OF EACH GRIEVANCE REFERRED TO THE CITIZEN REVIEW PANEL IN A MANNER NOT INCONSISTENT WITH APPLICABLE STATE AND COUNTY PERSONNEL RULES.

(h) THE COMPLAINANT OR COUNTY DEPARTMENT EMPLOYEE WHO IS THE SUBJECT OF THE GRIEVANCE SHALL RECEIVE COPIES OF THE FOLLOWING:

(I) THE WRITTEN DECISION OF THE GOVERNING BODY REQUIRED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (1);

(II) THE FINAL WRITTEN DECISION OF THE COUNTY DIRECTOR REQUIRED PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (1);

(III) THE FINAL REPORT OF THE COUNTY DEPARTMENT REQUIRED PURSUANT TO PARAGRAPH (g) OF THIS SUBSECTION (1).

(2) THE STATE DEPARTMENT SHALL CREATE A SYSTEM FOR MONITORING COMPLIANCE WITH THIS SECTION THAT SHALL INCLUDE ANNUAL REPORTS PREPARED BY EACH COUNTY AND CITY AND COUNTY AS TO THE GRIEVANCES RECEIVED AND THEIR DISPOSITION. SUCH ANNUAL REPORTS SHALL BE MADE AVAILABLE TO THE CITIZEN REVIEW PANELS AND THE STATE DEPARTMENT AND SHALL BE AVAILABLE FOR PUBLIC REVIEW.

(3) (a) AT THE REQUEST OF THE COMPLAINANT, THE COUNTY DEPARTMENT, OR THE SUBJECT OF THE GRIEVANCE, EACH CITIZEN REVIEW PANEL, AS PART OF ITS REVIEW, MAY TAKE INFORMAL TESTIMONY SUBMITTED VOLUNTARILY AND WITHOUT FEE BY EXPERTS OR OTHER INDIVIDUALS, INCLUDING COUNTY DEPARTMENT PERSONNEL.

(b) EACH CITIZEN REVIEW PANEL MAY REQUEST AND RECEIVE INFORMATION FROM ANY OTHER COUNTY OR CITY AND COUNTY THAT MAY BE PERTINENT TO THE GRIEVANCE.

(4) EACH COUNTY DEPARTMENT SHALL IMPLEMENT THE CONFLICT RESOLUTION PROCESS NO LATER THAN JANUARY 1, 1998. THE STATE DEPARTMENT SHALL PROMULGATE RULES GOVERNING THE IMPLEMENTATION OF THE PROCESS IN THE FOLLOWING AREAS:

(a) PROCEDURES FOR MAKING RELEVANT INFORMATION CONCERNING THE CONFLICT RESOLUTION PROCESS PUBLIC;

(b) TIME FRAMES FOR THE CITIZEN REVIEW PANEL'S AND THE GOVERNING BODY'S WRITTEN NOTIFICATION OF RECOMMENDATIONS; AND

(c) PROCEDURES FOR PROCESSING GRIEVANCES, FOR DETERMINING IF A GRIEVANCE IS WITHIN THE SCOPE OF THE CONFLICT RESOLUTION PROCESS, AND FOR RECEIVING TESTIMONY AND OTHER INFORMATION FROM THE COMPLAINANT, THE COUNTY DEPARTMENT, AND THE SUBJECT OF THE GRIEVANCE.

(5) (a) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DIRECT OR AUTHORIZE

ANY PARTICIPANT IN THE CONFLICT RESOLUTION PROCESS TO USE THE PROCESS TO INTERFERE WITH ANY CIVIL OR CRIMINAL INVESTIGATION OR JUDICIAL PROCEEDING, TO SEEK RELIEF FROM ANY COURT ACTION, OR TO SEEK A REMEDY THAT IS WITHIN THE AUTHORITY OF A COURT HAVING JURISDICTION OVER A PENDING PROCEEDING.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (5), A COUNTY DEPARTMENT SHALL NOT BE PRECLUDED FROM PRESENTING ANY RELEVANT EVIDENCE IN A PENDING CIVIL OR CRIMINAL INVESTIGATION OR PROCEEDING THAT THE COUNTY DEPARTMENT HAS OBTAINED IN THE COURSE OF FULFILLING ITS DUTIES IN THE CONFLICT RESOLUTION PROCESS PURSUANT TO THE PROVISIONS OF THIS SECTION.

SECTION 10. 19-3-212 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-212. Notice of rights and remedies for families. (2) The notice prepared pursuant to subsection (1) of this section shall be supplied to all social service and law enforcement agencies in the state and shall be delivered to all parents and families from whom children are removed under court order or by law enforcement personnel, along with a copy of the court order directing removal of the child or children from the home. In addition to the notification on the court order, the informational notice shall contain a statement as to the cause of the removal of the child or children. THE NOTICE SHALL ALSO CONTAIN DISCLOSURE OF THE AVAILABILITY OF THE CONFLICT RESOLUTION PROCESS TO PERSONS WHO ARE THE SUBJECT OF ANY CHILD ABUSE OR NEGLECT REPORT AND TO THE PARENTS, GUARDIAN, OR LEGAL CUSTODIAN OF A CHILD WHO IS THE SUBJECT OF ANY CHILD ABUSE OR NEGLECT REPORT.

SECTION 11. Part 2 of article 3 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

19-3-213. Placement criteria. (1) IN ANY CASE IN WHICH THE COUNTY DEPARTMENT RECOMMENDS PLACEMENT OUT OF THE HOME FOR A CHILD OR IN WHICH A CHILD IS IN OUT-OF-HOME PLACEMENT, THE COURT, THE GUARDIAN AD LITEM, THE COUNTY DEPARTMENT, ANY CASA VOLUNTEER, AND OTHER PARTIES SHALL CONSIDER THE BEST INTERESTS OF THE CHILD AND SHALL COMPLY WITH THE FOLLOWING PLACEMENT CRITERIA:

(a) PRIOR TO THE CHANGE OF PLACEMENT OF A CHILD, THE COUNTY DEPARTMENT SHALL, TO THE EXTENT POSSIBLE, NOTIFY THE GUARDIAN AD LITEM, ANY CASA VOLUNTEER, AND OTHER PARTIES. IF THE GUARDIAN AD LITEM OR OTHER PARTY DISAGREES WITH THE CHANGE OF PLACEMENT, HE OR SHE MAY SEEK AN EMERGENCY HEARING CONCERNING THE APPROPRIATE PLACEMENT FOR A CHILD. IN AN EMERGENCY, THE COUNTY DEPARTMENT MAY PROCEED TO MAKE THE CHANGE OF PLACEMENT PRIOR TO ANY REQUESTED HEARING.

(b) EXCEPT IN EXCEPTIONAL CIRCUMSTANCES, NO CHILD SHALL REMAIN IN AN EMERGENCY, SHORT-TERM, OR SHELTER FACILITY FOR MORE THAN SIXTY DAYS, NOR SHALL A CHILD BE MOVED FROM ONE SUCH FACILITY TO ANOTHER, UNLESS ALL REASONABLE EFFORTS TO RETURN THE CHILD TO THE CHILD'S HOME OR TO PLACE THE

CHILD IN A MORE PERMANENT SETTING HAVE BEEN EXHAUSTED.

(2) IF A CHILD RUNS AWAY FROM AN OUT-OF-HOME PLACEMENT FACILITY, THE PERSON IN CHARGE OF THE PLACEMENT FACILITY, FOSTER PARENT, RELATIVE, OR OTHER PLACEMENT PROVIDER SHALL NOTIFY THE COUNTY DEPARTMENT AS SOON AS POSSIBLE AFTER DISCOVERING THAT THE CHILD HAS RUN AWAY. THE COUNTY DEPARTMENT SHALL NOTIFY THE COURT AND OTHER PARTIES WITHIN TEN DAYS AFTER THE COUNTY DEPARTMENT HAS RECEIVED NOTICE AND TAKE APPROPRIATE STEPS TO LOCATE THE CHILD.

19-3-214. Placement reporting. (1) EACH COUNTY DEPARTMENT SHALL MAINTAIN AND UPDATE ON A MONTHLY BASIS A REPORT OF THE NUMBER OF CHILDREN WHO HAVE BEEN REMOVED FROM THEIR HOMES AND PLACED IN THE TEMPORARY CUSTODY OF THE COUNTY DEPARTMENT FOR THE PRECEDING MONTH. THE REPORT SHALL INDICATE WHETHER A CHILD WHO HAS BEEN PLACED OUT OF THE HOME HAS BEEN PLACED WITH RELATIVES.

(2) THE STATE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY NO LATER THAN DECEMBER 1 OF EACH YEAR THAT COMPILES THE MONTHLY REPORTS OF THE NUMBER OF CHILDREN WHO HAVE BEEN PLACED OUT OF THE HOME IN EACH COUNTY OR CITY AND COUNTY FOR THE PRECEDING YEAR AS REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION.

SECTION 12. 19-3-308 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - child protection team. (2) The investigation, to the extent that it is reasonably possible, shall include:

- (a) THE CREDIBILITY OF THE SOURCE OR THE REPORT;
- ~~(a)~~ (b) The nature, extent, and cause of the abuse or neglect;
- ~~(b)~~ (c) The identity of the person responsible for such abuse or neglect;
- ~~(c)~~ (d) The names and conditions of any other children living in the same place;
- ~~(d)~~ (e) The environment and the relationship of any children therein to the person responsible for the suspected abuse or neglect;
- ~~(e)~~ (f) All other data deemed pertinent.

SECTION 13. 19-3-312, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

19-3-312. Court proceedings. (4) IF A REPORT UNDER SECTION 19-3-304 OR 19-3-305 IS BASED SOLELY ON AN ALLEGATION OF EMOTIONAL ABUSE AS DEFINED IN SECTION 19-1-103 (1) (a), IF REQUESTED BY ANY PARTY TO THE PROCEEDING OR UPON

ITS OWN MOTION, THE COURT SHALL ORDER A REPORT TO BE PREPARED BY AN INDEPENDENT MENTAL HEALTH CARE PROVIDER. THE INDEPENDENT MENTAL HEALTH CARE PROVIDER SHALL INTERVIEW THE CHILD AND THE ALLEGED PERPETRATOR OF THE ABUSE. THE COSTS OF THE REPORT SHALL BE SPLIT EQUALLY BETWEEN THE COUNTY AND THE PARTY REQUESTING THE REPORT, UNLESS THE COURT FINDS THAT PAYING SUCH COSTS WOULD CAUSE A HARDSHIP TO THE PARTY.

(5) IF A PETITION IS FILED ALLEGING THAT A CHILD IS NEGLECTED OR DEPENDENT BASED UPON SECTION 19-3-102 (2), THE COUNTY DEPARTMENT SHALL ENGAGE IN CONCURRENT PLANNING TO EXPEDITE THE PERMANENCY PLANNING PROCESS FOR THE CHILD WHO IS THE SUBJECT OF SUCH PETITION.

SECTION 14. 19-3-507, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-3-507. Disposition hearing. (5) PARENTS, GRANDPARENTS, RELATIVES, OR FOSTER PARENTS WHO HAVE THE CHILD IN THEIR CARE FOR MORE THAN THREE MONTHS WHO HAVE INFORMATION OR KNOWLEDGE CONCERNING THE CARE AND PROTECTION OF THE CHILD MAY INTERVENE AS A MATTER OF RIGHT FOLLOWING ADJUDICATION WITH OR WITHOUT COUNSEL.

SECTION 15. 19-3-508 (1) (e) (I), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-508. Neglected or dependent child - disposition. (1) When a child has been adjudicated to be neglected or dependent, the court may enter a decree of disposition the same day, but in any event it shall do so within forty-five days unless the court finds that the best interests of the child will be served by granting a delay. In a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the court shall enter a decree of disposition within thirty days after the adjudication and shall not grant a delay unless good cause is shown and unless the court finds that the best interests of the child will be served by granting the delay. It is the intent of the general assembly that the dispositional hearing be held on the same day as the adjudicatory hearing, whenever possible. If a delay is granted, the court shall set forth the reasons why a delay is necessary and the minimum amount of time needed to resolve the reasons for the delay and shall schedule the hearing at the earliest possible time following the delay. When the decree does not terminate the parent-child legal relationship, the court shall approve an appropriate treatment plan that shall include but not be limited to one or more of the following provisions of paragraphs (a) to (d) of this subsection (1):

(e) (I) The court shall approve an appropriate treatment plan involving the child named and each respondent named and served in the action. However, the court may find that an appropriate treatment plan cannot be devised as to a particular respondent because the child has been abandoned as set forth in subsection (4) of this section and the parents cannot be located OR BECAUSE THE CHILD HAS BEEN ADJUDICATED AS NEGLECTED OR DEPENDENT BASED UPON SECTION 19-3-102 (2).

SECTION 16. 19-3-604 (1) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-604. Criteria for termination. (1) The court may order a termination of the parent-child legal relationship upon the finding of any one of the following:

(b) That the child is adjudicated dependent or neglected and the court has found by clear and convincing evidence that no appropriate treatment plan can be devised to address the unfitness of the parent or parents. In making such a determination, the court shall find one of the following as the basis for unfitness:

(I) Emotional illness, mental illness, or mental deficiency of the parent of such duration or nature as to render the parent unlikely within a reasonable time to care for the ongoing physical, mental, and emotional needs and conditions of the child;

(II) A single incident resulting in a gravely disabling injury or disfigurement of the child;

(III) Long-term confinement of the parent of such duration that the parent is not eligible for parole for at least six years after the date the child was adjudicated dependent or neglected or, in a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the long-term confinement of the parent of such duration that the parent is not eligible for parole for at least thirty-six months after the date the child was adjudicated dependent or neglected and the court has found by clear and convincing evidence that no appropriate treatment plan can be devised to address the unfitness of the parent or parents;

(IV) Gravely disabling injury or death of a sibling due to proven parental abuse or neglect;

(V) AN IDENTIFIABLE PATTERN OF HABITUAL ABUSE TO WHICH ANOTHER CHILD HAS BEEN SUBJECTED AND, AS A RESULT OF WHICH, A COURT HAS ADJUDICATED ANOTHER CHILD AS NEGLECTED OR DEPENDENT BASED UPON ALLEGATIONS OF SEXUAL OR PHYSICAL ABUSE, OR A COURT OF COMPETENT JURISDICTION HAS DETERMINED THAT SUCH ABUSE HAS CAUSED THE DEATH OF ANOTHER CHILD.

SECTION 17. 19-1-107 (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-1-107. Social study and other reports. (3) In any case where placement out of the home is recommended, the social study required by subsection (1) of this section shall include THE COST OF THE RECOMMENDED PLACEMENT AND an evaluation for placement containing the information required by section 19-3-701 (5). Placement criteria shall be developed jointly by the department of education and the department of human services, and, in the case of matters involving juvenile delinquency, in accordance with the criteria for the placement of juveniles specified in section 19-2-1602 (1) (a). Such criteria shall be used by the probation department or agency designated by the court to determine its recommendation about the need for placement.

SECTION 18. 19-3-508 (5) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-508. Neglected or dependent child - disposition. (5) (b) If the court finds that placement out of the home is necessary and is in the best interests of the child and the community, the court shall place the child with a relative, including the child's grandparent, as provided in paragraph (b) of subsection (1) of this section, if such placement is in the child's best interests. The court shall place the child in the facility or setting ~~which~~ THAT most appropriately meets the needs of the child, the family, and the community. In making its decision as to proper placement, the court shall utilize the evaluation for placement prepared pursuant to section 19-1-107. ~~If the court places the child in a facility located in Colorado other than one recommended by the evaluation for placement, in a facility located outside this state in accordance with the evaluation for placement, or in a facility in which the average monthly cost exceeds the amount established by the general assembly in the general appropriation bill, it shall make specific findings of fact, including the monthly cost of the facility in which such child is placed, relating to its placement decision.~~ DEVIATES FROM THE RECOMMENDATIONS OF THE EVALUATION FOR PLACEMENT IN A MANNER THAT RESULTS IN A DIFFERENCE IN THE COST OF THE DISPOSITION ORDERED BY THE COURT AND THE COST OF THE DISPOSITION RECOMMENDED IN THE EVALUATION, THE COURT SHALL MAKE SPECIFIC FINDINGS OF FACT RELATING TO ITS DECISION, INCLUDING THE MONTHLY COST OF THE PLACEMENT, IF ORDERED. A copy of such findings shall be sent to the chief justice of the supreme court, who shall report ~~monthly~~ ANNUALLY to the joint budget committee and annually to the health, environment, welfare, and institutions committees of the house of representatives and senate of the general assembly on such ~~placements~~ ORDERS.

SECTION 19. 19-3-701 (6), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-701. Petition for review of need for placement. (6) The petition for review of need for placement shall request the court to determine, by a preponderance of the evidence, if placement or continued placement is necessary and is in the best interest of the child and of the community. If the court makes such a finding, it shall enter a decree ordering the child's placement out of the home in the facility or setting ~~which~~ THAT most appropriately meets the needs of the child, the family, and the community. In making its decision as to proper placement, the court shall utilize the evaluation for placement prepared pursuant to section 19-1-107 or the evaluation for placement required by subsection (5) of this section, ~~THAT SHALL STATE THE COST OF RECOMMENDED PLACEMENT.~~ If the evaluation for placement recommends placement in a facility located in Colorado which can provide appropriate treatment and which will accept the child, then the court shall not place the child in a facility outside this state. ~~If the court places the child in a facility located in Colorado other than one recommended by the evaluation for placement, in a facility located outside this state in accordance with the evaluation for placement, or in a facility in which the average monthly cost exceeds the amount established by the general assembly in the general appropriation bill, it shall make specific findings of fact, including the monthly cost of the facility in which such child is placed, relating to its placement decision.~~ DEVIATES FROM THE RECOMMENDATIONS OF THE EVALUATION FOR PLACEMENT IN A MANNER THAT RESULTS IN A DIFFERENCE IN THE COST OF THE DISPOSITION ORDERED BY THE COURT AND THE COST OF THE DISPOSITION RECOMMENDED IN THE EVALUATION, THE COURT SHALL MAKE SPECIFIC FINDINGS OF FACT RELATING TO ITS DECISION, INCLUDING THE MONTHLY COST OF THE PLACEMENT, IF ORDERED. A copy of such findings shall be sent to the chief justice of the supreme court, who shall

report ~~monthly~~ ANNUALLY to the joint budget committee and annually to the health, environment, welfare, and institutions committees of the house of representatives and senate of the general assembly on such ~~placements~~ ORDERS. If the court commits the child to the department of human services, it shall not make a specific placement, nor shall the provisions of this subsection (6) relating to specific findings of fact be applicable. If the court makes a finding that continued placement is not necessary and is not in the best interest of the child and the community, the court shall dismiss the petition for review of need for placement and shall order that the child be returned home. The court may require a continued hearing of the petition for review of need for placement for a period not to exceed fourteen days if it finds that the materials submitted are insufficient to make a finding as provided in this subsection (6).

SECTION 20. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of the family issues cash fund established in section 26-5.3-106, Colorado Revised Statutes, not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 1997, the sum of seventeen thousand six hundred fifty-three dollars (\$17,653), or so much thereof as may be necessary, for the implementation of this act.

SECTION 21. Effective date. This act shall take effect upon passage; except that sections 6 through 19 of this act shall take effect July 1, 1997, and sections 18 and 19 shall apply to dispositional orders entered on or after said date.

SECTION 22. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 3, 1997