

CHAPTER 259

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 99-1299

BY REPRESENTATIVES Hefley, Alexander, Gotlieb, Keller, Lawrence, McElhany, Mitchell, Pfiffner, Tool, Witwer, Chavez, Clapp, Coleman, Decker, Fairbank, George, Kester, Larson, Lee, Leyba, Mace, McKay, Morrison, Paschall, Scott, Spence, and S. Williams;
also SENATORS Evans, Chlouber, Congrove, Dyer, Hernandez, Lamborn, Linkhart, Musgrave, Nichol, Pascoe, Reeves, Rupert, Sullivan, Weddig, and Wham.

AN ACT

CONCERNING ENHANCED OPPORTUNITIES FOR FAMILIES TO PROVIDE PERMANENT ADOPTIVE HOMES FOR CHILDREN IN THE CUSTODY OF THE COUNTY DEPARTMENTS OF SOCIAL SERVICES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. The introductory portion to 19-5-207 (2) and 19-5-207 (2.5) (a), (5), (6), and (7), Colorado Revised Statutes, are amended to read:

19-5-207. Written consent and home study report for public adoptions.
(2) In all petitions for adoption, whether by the court, the county department of social services, or child placement agencies, in addition to such written consent, the court shall require a written HOME STUDY report from ~~either~~ the county department of social services, THE DESIGNATED QUALIFIED INDIVIDUAL, or the child placement agency APPROVED BY THE STATE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 19-5-207.5 (2) showing the following:

(2.5) (a) In all petitions for adoption, whether by the court, the county department of social services, or child placement agencies, in addition to the written HOME STUDY report described in subsection (2) of this section, the court shall require ~~either~~ the county department of social services, THE DESIGNATED QUALIFIED INDIVIDUAL, or the child placement agency to conduct a criminal records check for any prospective adoptive parent and to report to the court any case in which a record check reveals that the prospective adoptive parent was convicted at any time of a felony OR MISDEMEANOR in one of the following areas: Child abuse or neglect; spousal abuse; any crime against a child; ANY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH

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

HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.; VIOLATION OF A RESTRAINING ORDER, AS DESCRIBED IN SECTION 18-6-803.5, C.R.S.; or any crime involving violence, rape, sexual assault, or homicide, excluding other physical assault or battery. IN ADDITION TO THE CRIMINAL RECORDS CHECK, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE INDIVIDUAL, OR THE CHILD PLACEMENT AGENCY CONDUCTING THE INVESTIGATION SHALL ACCESS THE STATE CENTRAL REGISTRY OF CHILD PROTECTION TO DETERMINE WHETHER THE PROSPECTIVE ADOPTIVE PARENT OR PARENTS ARE THE SUBJECT OF A REPORT OF KNOWN OR SUSPECTED CHILD ABUSE. PURSUANT TO SECTION 19-1-307(2)(k.5), INFORMATION SHALL BE MADE AVAILABLE IF A PERSON'S NAME IS ON THE CENTRAL REGISTRY OF CHILD PROTECTION OR HAS BEEN DESIGNATED AS "STATUS PENDING" PURSUANT TO SECTION 19-3-313.

~~(5) Any person who, by his or her own request or by order of the court as provided in section 19-5-209, is the subject of a written report and investigation conducted pursuant to subsection (2) of this section by the county department of social services or by the probation department of the court shall be required to pay, based on an ability to pay, the cost of such written report and investigation.~~

~~(6) The department shall establish rules that provide for county departments of social services to charge a fee, not to exceed five hundred dollars in the case of a first adoption and not to exceed two hundred fifty dollars for a second or subsequent adoption by the same party or parties, for reports, investigations, and criminal records checks provided in accordance with this article.~~

~~(7) The department may waive the fee provided for in subsection (6) of this section if such fee poses a barrier to the adoption of a child for whom the county department of social services has financial responsibility.~~

SECTION 2. Part 2 of article 5 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19-5-207.5. Legislative declaration - standardized home studies - adoptive family resource registry - rules. (1) **Legislative declaration.** (a) (I) THE GENERAL ASSEMBLY HEREBY FINDS THAT THERE ARE A GROWING NUMBER OF CHILDREN IN THE LEGAL CUSTODY OF THE COUNTY DEPARTMENTS OF SOCIAL SERVICES WHO ARE THE VICTIMS OF PHYSICAL OR SEXUAL ABUSE, NEGLECT, OR ABANDONMENT AND WHO ARE AWAITING PERMANENT PLACEMENT IN SAFE, LOVING, AND NURTURING ADOPTIVE HOMES. THE GENERAL ASSEMBLY FURTHER FINDS THAT WITH THE EXPEDITED PERMANENCY PROCEDURES THAT HAVE BEEN ESTABLISHED AND WITH THE ENACTMENT OF LEGISLATION IMPLEMENTING THE FEDERAL "ADOPTION AND SAFE FAMILIES ACT OF 1997", PUBLIC LAW 105-89, IT IS ANTICIPATED THAT THE NUMBER OF CHILDREN AVAILABLE FOR ADOPTION WILL CONTINUE TO INCREASE DRAMATICALLY AND THAT THERE WILL BE A CORRESPONDING INCREASED NEED TO IDENTIFY STATEWIDE THOSE FAMILIES THAT ARE WILLING AND QUALIFIED TO ADOPT THESE NEEDY CHILDREN.

(II) THE GENERAL ASSEMBLY FINDS THAT, ALTHOUGH THE COUNTY DEPARTMENTS OF SOCIAL SERVICES HAVE MADE ADMIRABLE EFFORTS IN ASSESSING AND REPORTING ON THE QUALIFICATIONS OF FAMILIES INTERESTED IN ADOPTING, THERE IS A NEED TO MAKE THE VALUABLE RESOURCE OF SUCH QUALIFIED FAMILIES MORE AVAILABLE AND

ACCESSIBLE TO ALL COUNTIES IN THE STATE IN ORDER TO SATISFY THE GROWING NEED FOR SUITABLE ADOPTIVE FAMILIES.

(b) ACCORDINGLY, THE GENERAL ASSEMBLY DETERMINES THAT IT IS APPROPRIATE AND DESIRABLE FOR THE DEPARTMENT TO AID THE COUNTY DEPARTMENTS OF SOCIAL SERVICES IN THEIR EFFORTS TO ACHIEVE PERMANENCY FOR CHILDREN IN THEIR LEGAL CUSTODY WHO ARE AVAILABLE FOR ADOPTION BY MAKING ACCESSIBLE TO SUCH COUNTY DEPARTMENTS A STATEWIDE ADOPTIVE FAMILY RESOURCE REGISTRY OF FAMILIES WHO ARE QUALIFIED FOR AND DESIROUS OF ADOPTING CHILDREN WITH SPECIAL NEEDS. TOWARD THAT END, THE GENERAL ASSEMBLY FURTHER DETERMINES THAT IT WOULD BE BENEFICIAL TO SUCH CHILDREN AND FAMILIES FOR THE DEPARTMENT TO DEVELOP AN APPROVED VENDOR LIST OF QUALIFIED HOME STUDY PROVIDERS BY REGION, STANDARDIZED INVESTIGATION CRITERIA, AND MINIMUM UNIFORM ADOPTIVE HOME STUDY REPORT STANDARDS IN ORDER TO ACHIEVE MORE TIMELY ADOPTIVE PLACEMENTS, TO REDUCE THE BURDEN ASSOCIATED WITH THE ADOPTION PROCESS, AND TO AVERT THE POSSIBILITY OF FAILED ADOPTIONS.

(2) Approved vendor lists for home studies. (a) IN ORDER TO ACHIEVE GREATER ACCESS TO QUALIFIED FAMILIES SEEKING TO ADOPT CHILDREN, TO EXPEDITE PERMANENCY PLACEMENT FOR CHILDREN AVAILABLE FOR ADOPTION, AND TO OBTAIN RELIABLE, HIGH-QUALITY ASSESSMENTS OF FAMILIES THAT CAN RESULT IN PERMANENT AND HEALTHY PLACEMENTS, THE DEPARTMENT SHALL DEVELOP AN APPROVED VENDOR LIST OF COUNTY DEPARTMENTS, INDIVIDUALS, AND CHILD PLACEMENT AGENCIES QUALIFIED TO PREPARE THE HOME STUDY REPORTS IN PUBLIC ADOPTIONS AS REQUIRED BY SECTION 19-5-207 (2).

(b) (I) ON OR BEFORE JANUARY 1, 2000, THE DEPARTMENT SHALL ISSUE A PUBLIC REQUEST FOR APPLICATIONS FROM COUNTY DEPARTMENTS OF SOCIAL SERVICES, INDIVIDUALS, AND CHILD PLACEMENT AGENCIES DESIROUS OF CONDUCTING INVESTIGATIONS AND PREPARING WRITTEN HOME STUDY REPORTS FOR PROSPECTIVE PUBLIC ADOPTIONS IN SPECIFIED COUNTIES OR GEOGRAPHIC REGIONS. THE DEPARTMENT SHALL REVIEW THE APPLICATIONS IT RECEIVES AND SHALL DETERMINE WHICH APPLICANTS MEET THE QUALIFYING CRITERIA IDENTIFIED BY THE STATE BOARD OF HUMAN SERVICES PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (b). EACH COUNTY DEPARTMENT OF SOCIAL SERVICES, INDIVIDUAL, OR CHILD PLACEMENT AGENCY THAT MEETS THE QUALIFYING CRITERIA SHALL BE PLACED ON THE APPROVED VENDOR LIST OF HOME STUDY REPORT PROVIDERS.

(II) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES IDENTIFYING THE QUALIFYING CRITERIA THAT COUNTY DEPARTMENTS OF SOCIAL SERVICES, INDIVIDUALS, AND CHILD PLACEMENT AGENCIES MUST MEET IN ORDER TO QUALIFY AS AN APPROVED VENDOR PURSUANT TO THIS PARAGRAPH (b) FOR THE PURPOSE OF CONDUCTING ADOPTIVE INVESTIGATIONS AND PREPARING HOME STUDY REPORTS. ALL COUNTY DEPARTMENTS OF SOCIAL SERVICES, QUALIFIED INDIVIDUALS, AND CHILD PLACEMENT AGENCIES THAT SUBMIT APPLICATIONS TO THE DEPARTMENT AND THAT MEET THE QUALIFYING CRITERIA SHALL BE SELECTED TO PERFORM HOME STUDIES AND, ONCE SUCH COUNTY DEPARTMENTS, INDIVIDUALS, OR AGENCIES HAVE BEEN APPROVED BY THE DEPARTMENT PURSUANT TO THIS PARAGRAPH (b), THEY SHALL BE AVAILABLE TO PERFORM HOME STUDIES IN THE SPECIFIED COUNTY OR REGION.

(c) ALL QUALIFIED COUNTY DEPARTMENTS OF SOCIAL SERVICES, INDIVIDUALS, AND CHILD PLACEMENT AGENCIES APPROVED BY THE DEPARTMENT TO CONDUCT HOME STUDIES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) SHALL PREPARE THEIR HOME STUDY REPORTS IN COMPLIANCE WITH THE MINIMUM UNIFORM STANDARDS PRESCRIBED BY RULE OF THE STATE BOARD AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION AND ANY OTHER ADDITIONAL CRITERIA AND STANDARDS ESTABLISHED BY A PARTICULAR COUNTY PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.

(d) EACH QUALIFIED COUNTY DEPARTMENT OF SOCIAL SERVICES, INDIVIDUAL, OR CHILD PLACEMENT AGENCY APPROVED BY THE DEPARTMENT MAY PROMOTE THE ADOPTION OF AVAILABLE CHILDREN THROUGH A PUBLIC INFORMATION CAMPAIGN DIRECTED AT EDUCATING AND INFORMING THE PUBLIC ABOUT THE NEED FOR SAFE AND HEALTHY ADOPTIVE FAMILIES. REGIONAL EDUCATIONAL CAMPAIGNS SHALL BE ENCOURAGED.

(e) ALL QUALIFIED COUNTY DEPARTMENTS OF SOCIAL SERVICES, INDIVIDUALS, AND CHILD PLACEMENT AGENCIES APPROVED BY THE DEPARTMENT PURSUANT TO THIS SUBSECTION (2) MAY PARTICIPATE IN THE STATEWIDE TRAINING PROVIDED BY THE DEPARTMENT.

(3) **Standards for home studies.** (a) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES IDENTIFYING THE CRITERIA FOR THE INVESTIGATION AND THE MINIMUM UNIFORM STANDARDS FOR THE HOME STUDY REPORTS WITH WHICH THE QUALIFIED COUNTY DEPARTMENTS OF SOCIAL SERVICES, INDIVIDUALS, OR CHILD PLACEMENT AGENCIES APPROVED BY THE DEPARTMENT SHALL COMPLY. THE CRITERIA SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

(I) THE QUALITY STANDARDS THAT THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE INDIVIDUAL, OR THE CHILD PLACEMENT AGENCY MUST ACHIEVE;

(II) THE TIME FRAMES WITHIN WHICH THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE INDIVIDUAL, OR THE CHILD PLACEMENT AGENCY MUST COMPLETE THE INVESTIGATIONS AND HOME STUDY REPORTS; AND

(III) THE CAPACITY OF THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE INDIVIDUAL, OR THE CHILD PLACEMENT AGENCY TO ASSESS THE ABILITIES OF PROSPECTIVE ADOPTIVE FAMILIES TO MEET THE NEEDS OF A CHILD WITH SPECIAL NEEDS.

(b) NOTHING IN THIS SECTION SHALL PROHIBIT A COUNTY DEPARTMENT OF SOCIAL SERVICES FROM ESTABLISHING ADDITIONAL CRITERIA AND STANDARDS THAT A COUNTY DEPARTMENT OF SOCIAL SERVICES, AN INDIVIDUAL, OR A CHILD PLACEMENT AGENCY SHALL MEET IN PREPARING A HOME STUDY REPORT.

(4) **Fees for investigations and home studies.** (a) (I) ANY PERSON WHO, BY HIS OR HER OWN REQUEST OR BY ORDER OF THE COURT AS PROVIDED IN SECTION 19-5-209, IS THE SUBJECT OF A HOME STUDY REPORT AND INVESTIGATION CONDUCTED PURSUANT TO SECTION 19-5-207 BY A COUNTY DEPARTMENT OF SOCIAL SERVICES, AN INDIVIDUAL, OR A CHILD PLACEMENT AGENCY SHALL BE REQUIRED TO PAY, BASED ON AN ABILITY TO PAY, THE COST OF SUCH REPORT AND INVESTIGATION.

(II) IN PUBLIC ADOPTIONS, THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES ESTABLISHING THE MAXIMUM AMOUNT THAT A COUNTY DEPARTMENT OF SOCIAL SERVICES, AN INDIVIDUAL, OR A CHILD PLACEMENT AGENCY MAY CHARGE A PROSPECTIVE ADOPTIVE FAMILY FOR THE INVESTIGATION, CRIMINAL RECORDS CHECK, AND HOME STUDY REPORT REQUIRED PURSUANT TO SECTION 19-5-207.

(III) THE COUNTY DEPARTMENT OF SOCIAL SERVICES MAY WAIVE THE FEE ESTABLISHED PURSUANT TO THIS SUBSECTION (4) IF THE FEE POSES A BARRIER TO THE ADOPTION OF A CHILD FOR WHOM A COUNTY DEPARTMENT OF SOCIAL SERVICES HAS FINANCIAL RESPONSIBILITY.

(b) (I) IN ADDITION TO THE FEE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4), IF THE COUNTY DEPARTMENT OF SOCIAL SERVICES HAS NOT PLACED A CHILD AVAILABLE FOR A PUBLIC ADOPTION WITH A FAMILY WHO IS THE SUBJECT OF AN INVESTIGATION AND HOME STUDY REPORT AFTER SIX MONTHS, THEN THE COUNTY SHALL REFER THE FAMILY AND THE HOME STUDY REPORT FOR SUCH FAMILY TO THE ADOPTIVE FAMILY RESOURCE REGISTRY ESTABLISHED PURSUANT TO SUBSECTION (5) OF THIS SECTION IF THERE IS WRITTEN CONSENT PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (c) OF SUBSECTION (5) OF THIS SECTION. PRIOR TO REFERRAL OF A PROSPECTIVE ADOPTIVE FAMILY TO THE ADOPTIVE FAMILY RESOURCE REGISTRY, THE PROSPECTIVE ADOPTIVE FAMILY SHALL BE ASSESSED AND SHALL PAY A NONREFUNDABLE ADMINISTRATIVE FEE IN AN AMOUNT TO BE DETERMINED BY RULE OF THE STATE BOARD OF HUMAN SERVICES. A FAMILY SHALL NOT BE ASSESSED THE FEE DESCRIBED IN THIS PARAGRAPH (b) IF THE FAMILY IS NOT REFERRED TO THE ADOPTIVE FAMILY RESOURCE REGISTRY.

(II) THE DEPARTMENT OR THE CONTRACTOR SELECTED BY THE DEPARTMENT TO ADMINISTER THE ADOPTIVE FAMILY RESOURCE REGISTRY SHALL COLLECT THE ADMINISTRATIVE FEE ESTABLISHED BY RULE OF THE STATE BOARD OF HUMAN SERVICES PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND APPLY THE REVENUE FROM SAID FEES TO OFFSET THE COSTS INCURRED FOR THE ADMINISTRATION OF THE ADOPTIVE FAMILY RESOURCE REGISTRY.

(III) NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO PREVENT A COUNTY FROM REFERRING A FAMILY TO THE ADOPTIVE FAMILY RESOURCE REGISTRY BEFORE THE SIX MONTH PERIOD HAS LAPSED.

(5) Adoptive family resource registry. (a) SUBJECT TO AVAILABLE FUNDS AS SPECIFIED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (5), THE DEPARTMENT SHALL ESTABLISH A STATEWIDE ADOPTIVE FAMILY RESOURCE REGISTRY THAT COUNTY DEPARTMENTS OF SOCIAL SERVICES MAY ACCESS TO DETERMINE THE AVAILABILITY OF QUALIFIED FAMILIES SEEKING TO ADOPT A CHILD IN THE CUSTODY OF A COUNTY DEPARTMENT OF SOCIAL SERVICES. THE DEPARTMENT IS AUTHORIZED TO CONTRACT WITH A PUBLIC OR PRIVATE ENTITY FOR THE PROVISION OF THIS SERVICE.

(b) (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT IS AUTHORIZED TO ACCEPT AND EXPEND ON BEHALF OF THE STATE ANY FUNDS, GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF ESTABLISHING THE STATEWIDE ADOPTIVE FAMILY RESOURCE REGISTRY; EXCEPT THAT NO GIFT, GRANT,

OR DONATION SHALL BE ACCEPTED IF THE CONDITIONS ATTACHED THERETO REQUIRE THE EXPENDITURE THEREOF IN A MANNER CONTRARY TO LAW.

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT IS AUTHORIZED TO APPLY FOR A FEDERAL WAIVER, IF NECESSARY, TO AUTHORIZE THE USE OF FEDERAL GRANT MONEYS TO IMPLEMENT THIS SECTION.

(III) NO GENERAL FUND MONEYS SHALL BE EXPENDED FOR THE ESTABLISHMENT OF THE ADOPTIVE FAMILY RESOURCE REGISTRY. THE ADOPTIVE FAMILY RESOURCE REGISTRY SHALL BE ESTABLISHED ONLY UPON THE RECEIPT OF SUFFICIENT GRANTS, GIFTS, AND DONATIONS PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

(c) (I) NO HOME STUDY REPORT, OR ANY OTHER INFORMATION CONCERNING A PERSON INTERESTED IN A PUBLIC ADOPTION SHALL BE SUBMITTED TO THE ADOPTIVE FAMILY RESOURCE REGISTRY WITHOUT SUCH PERSON'S WRITTEN CONSENT.

(II) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES SPECIFYING THE LIMITED AMOUNT OF NONIDENTIFYING DATA CONCERNING A PERSON INTERESTED IN A PUBLIC ADOPTION THAT SHALL BE AVAILABLE TO COUNTY DEPARTMENTS OF SOCIAL SERVICES ON THE INTERNET THROUGH THE ADOPTIVE FAMILY RESOURCE REGISTRY.

(III) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES IDENTIFYING THE STANDARDS AND PROCEDURES WITH WHICH THE DEPARTMENT OR THE CONTRACTOR SELECTED BY THE DEPARTMENT TO ADMINISTER THE ADOPTIVE FAMILY RESOURCE REGISTRY SHALL COMPLY IN ORDER TO PRESERVE THE CONFIDENTIALITY AND PRIVACY OF THE PROSPECTIVE ADOPTIVE FAMILY AS MUCH AS POSSIBLE.

SECTION 3. 19-5-209 (1), Colorado Revised Statutes, is amended to read:

19-5-209. Petition - written home study reports. (1) Except for stepparent adoptions and those cases in which placement for adoption has been made by the court, if a petition for the adoption of a child is not accompanied by the written consent and HOME STUDY report of the QUALIFIED county department of social services, INDIVIDUAL, or a licensed child placement agency APPROVED BY THE STATE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 19-5-207.5 (2), the court shall order the county department of social services, INDIVIDUAL, or a licensed child placement agency to make an investigation and file a written HOME STUDY report substantially in the form outlined in section 19-5-207 (2), including a recommendation as to whether the adoption should be decreed.

SECTION 4. Part 2 of article 5 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19-5-216. Increased access for adoption - study - report. (1) (a) THE DEPARTMENT SHALL EXAMINE AND EVALUATE THE PROCESS OF ADOPTIVE PLACEMENTS OF CHILDREN IN THE LEGAL CUSTODY OF THE COUNTY DEPARTMENTS OF SOCIAL SERVICES AND IDENTIFY THOSE ASPECTS OF THE PROCESS THAT MAY BE IMPROVED TO ACHIEVE THE ULTIMATE GOAL OF PERMANENCY FOR THE GREATEST NUMBER OF CHILDREN IN SAFE AND HEALTHY ADOPTIVE HOMES. IN CONDUCTING THIS

ANALYSIS, THE DEPARTMENT SHOULD CONSIDER, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(I) THE BEST MEANS BY WHICH TO INCREASE COUNTY ACCESSIBILITY TO QUALIFIED FAMILIES SEEKING TO ADOPT AND THE BEST MEANS BY WHICH TO ACHIEVE PLACEMENT OF CHILDREN AVAILABLE FOR ADOPTION WITH SUCH FAMILIES;

(II) WHETHER FURTHER AUTOMATION WOULD BE CONDUCTIVE TO THE ACHIEVEMENT OF PERMANENCY OF CHILDREN;

(III) THE NEED FOR CENTRALIZATION OF INFORMATION;

(IV) THE BENEFITS OF ADDITIONAL STANDARDIZATION;

(V) THE RESOURCES OF OTHER INTERESTED ENTITIES OR FOUNDATIONS THAT MAY BE AVAILABLE TO SUPPORT PUBLIC ADOPTIONS;

(VI) THE PROGRAMS AND SYSTEMS DEVELOPED BY OTHER STATES TO ACHIEVE MAXIMUM ACCESS AND EXPEDITED PERMANENCY FOR CHILDREN IN SAFE AND HEALTHY ADOPTIVE HOMES; AND

(VII) THE METHODS USED TO REDUCE THE NUMBER OF DISRUPTIONS IN ADOPTIVE HOMES.

(b) (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT IS AUTHORIZED TO ACCEPT AND EXPEND ON BEHALF OF THE STATE ANY FUNDS, GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS SECTION; EXCEPT THAT NO GIFT, GRANT, OR DONATION SHALL BE ACCEPTED IF THE CONDITIONS ATTACHED THERETO REQUIRE THE EXPENDITURE THEREOF IN A MANNER CONTRARY TO LAW.

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT IS AUTHORIZED TO APPLY FOR A FEDERAL WAIVER, IF NECESSARY, TO AUTHORIZE THE USE OF FEDERAL GRANT MONEYS TO IMPLEMENT THIS SECTION.

(2) THE DEPARTMENT SHALL MAKE A PRELIMINARY PROGRESS REPORT BY DECEMBER 31, 1999, AND IT SHALL MAKE A FINAL REPORT OF ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS TO THE MEMBERS OF THE GENERAL ASSEMBLY NO LATER THAN DECEMBER 31, 2001.

SECTION 5. 19-5-205 (1) (b), Colorado Revised Statutes, is amended to read:

19-5-205. Adoption decree of foreign country approved. (1) (b) The petition shall contain all information required in section 19-5-207 (2); except that the court shall not require the petition to contain or be accompanied by the written consent described in section 19-5-207 (1), the written HOME STUDY report described in ~~the introductory portion to section 19-5-207 (2)~~ SECTION 19-5-207 (2) (a), the fees described in section ~~19-5-207 (6)~~ 19-5-207.5 (4), or a written legal memorandum with specific references to the applicable law of the foreign country.

SECTION 6. 19-1-103, Colorado Revised Statutes, is amended BY THE

ADDITION OF A NEW SUBSECTION to read:

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

(87.5) "PUBLIC ADOPTION", AS USED IN PART 2 OF ARTICLE 5 OF THIS TITLE, MEANS AN ADOPTION INVOLVING A CHILD WHO IS IN THE LEGAL CUSTODY AND GUARDIANSHIP OF THE COUNTY DEPARTMENT OF SOCIAL SERVICES THAT HAS THE RIGHT TO CONSENT TO ADOPTION FOR THAT CHILD.

SECTION 7. Part 3 of article 1 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19-1-309.5. Adoptive family resource registry. LIMITATIONS CONCERNING THE ACCESSIBILITY TO INFORMATION ON THE ADOPTIVE FAMILY RESOURCE REGISTRY ARE SET FORTH IN SECTION 19-5-207.5 (5) (c).

SECTION 8. 19-5-208 (3), Colorado Revised Statutes, is amended to read:

19-5-208. Petition for adoption. (3) If the adoption placement is made by the county department of social services or a child placement agency, the information required in paragraphs (b) and (f) of subsection (2) of this section shall not be included in the petition but shall be transmitted to the court as part of the HOME STUDY report required in section 19-5-207.

SECTION 9. 26-7-104 (4), Colorado Revised Statutes, is amended to read:

26-7-104. Administration. (4) Notwithstanding the provisions of ~~section 19-5-207(5)~~ SECTION 19-5-207.5 (4) (a) (III), C.R.S., any fees ordinarily assessed by the department for adoption investigations and HOME STUDY reports may be waived if such fee poses a barrier to the adoption.

SECTION 10. 19-1-307 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19-1-307. Dependency and neglect records and information. (2) **Records and reports - access to certain persons - agencies.** Except as otherwise provided in section 19-1-303, only the following persons or agencies shall be given access to child abuse or neglect records and reports:

(k.5) THE STATE CENTRAL REGISTRY OF CHILD PROTECTION, WHEN REQUESTED IN WRITING BY A QUALIFIED COUNTY DEPARTMENT OF SOCIAL SERVICES, INDIVIDUAL, OR CHILD PLACEMENT AGENCY APPROVED TO CONDUCT HOME STUDY INVESTIGATIONS AND REPORTS PURSUANT TO SECTION 19-5-207.5 (2) (b) (I) FOR PURPOSES OF SCREENING A PROSPECTIVE ADOPTIVE PARENT UNDER SECTION 19-5-207 (2.5) (a). WITHIN TEN DAYS AFTER THE REQUEST, THE CENTRAL REGISTRY SHALL PROVIDE THE INCIDENT DATE, THE LOCATION OF INVESTIGATION, THE TYPE OF ABUSE AND NEGLECT, AND THE COUNTY THAT INVESTIGATED THE INCIDENT CONTAINED IN THE CONFIRMED REPORTS OF CHILD ABUSE OR NEGLECT. THE COUNTY DEPARTMENT, INDIVIDUAL, OR CHILD PLACEMENT AGENCY SHALL BE SUBJECT TO THE FEE ASSESSMENT ESTABLISHED IN SUBSECTION (2.5) OF THIS SECTION. ANY EMPLOYEE OF THE COUNTY DEPARTMENT

OR THE CHILD PLACEMENT AGENCY OR ANY INDIVIDUAL WHO RELEASES ANY INFORMATION OBTAINED UNDER THIS PARAGRAPH (k.5) TO ANY PERSON OTHER THAN THE ADOPTION COURT SHALL BE DEEMED TO HAVE VIOLATED THE PROVISIONS OF SECTION 19-3-313 (10) AND SHALL BE SUBJECT TO PENALTY THEREFOR.

SECTION 11. 19-3-313 (5.5) (a) and (5.5) (b) (I), Colorado Revised Statutes, are amended, and the said 19-3-313 (5.5) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

19-3-313. Central registry - repeal. (5.5) (a) Except as provided in paragraph (c) of this subsection (5.5), effective April 1, 1997, the director of the central registry shall send a written notice to each subject whose name the director receives for placement on the central registry AS A PERPETRATOR. The notice shall include the name of the child, type of abuse, date of the incident, county department that filed a report with the registry, information concerning persons or agencies that have access to the report, and information concerning the subject's right to have an administrative review pursuant to the provisions of this subsection (5.5) before having his or her name placed on the central registry AS A PERPETRATOR.

(b) (I) The subject of the report may request the director of the central registry to review the investigation made by the county department or local law enforcement agency. The request shall be in writing and shall be made within fourteen days after the date of the mailing of the notice sent to the subject in accordance with paragraph (a) of this subsection (5.5). Upon receipt of written notice of the decision of the director, the subject shall have thirty days to request a fair hearing as provided under the "State Administrative Procedure Act", article 4 of title 24, C.R.S., to determine whether the record of the report is accurate and there is a preponderance of evidence to support a finding of child abuse or neglect so that the subject's name should be placed on the registry AS A PERPETRATOR. The burden of proof in such a hearing shall be on the department.

(III) FOLLOWING THE CENTRAL REGISTRY REVIEW OF THE INVESTIGATION MADE BY THE COUNTY DEPARTMENT OR LOCAL LAW ENFORCEMENT AGENCY, IF THE DIRECTOR OF THE CENTRAL REGISTRY DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT THE NAME OF THE SUBJECT INVESTIGATED WARRANTS PLACEMENT ON THE CENTRAL REGISTRY AS A PERPETRATOR, THEN THE SUBJECT'S NAME SHALL BE DESIGNATED "STATUS PENDING", PENDING THE OUTCOME OF THE SUBSEQUENT REVIEWS AND HEARINGS DESCRIBED IN THIS SECTION. ONLY THOSE ENTITIES THAT ARE AUTHORIZED PURSUANT TO SECTION 19-1-307 TO RECEIVE INFORMATION CONCERNING THE CENTRAL REGISTRY OF CHILD PROTECTION MAY OBTAIN INFORMATION CONCERNING THOSE SUBJECTS WHOSE STATUS IS DESIGNATED AS "STATUS PENDING".

SECTION 12. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of human services, division of children, youth and families, for the fiscal year beginning July 1, 1999, the sum of sixty thousand dollars (\$60,000), or so much thereof as may be necessary, for the implementation of this act. Said amount shall be from gifts, grants, and donations received by the department of human services for the purpose of establishing the adoptive family resource registry. No general fund moneys shall be expended for the establishment of the adoptive family resource registry.

SECTION 13. 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: May 29, 1999