

CHAPTER 247

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 05-1227

BY REPRESENTATIVE(S) Frangas, Stafford, Green, Berens, Boyd, Coleman, and Todd;
also SENATOR(S) Entz, Evans, Shaffer, and Williams.

AN ACT

**CONCERNING ENTITIES LICENSED FOR PLACEMENT OF CHILDREN, AND MAKING AN APPROPRIATION
IN CONNECTION THEREWITH.**

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

SECTION 1. 26-6-102 (2), Colorado Revised Statutes, is amended to read:

26-6-102. Definitions. As used in this article, unless the context otherwise requires:

(2) "Child placement agency" means any corporation, partnership, association, firm, agency, institution, or person unrelated to the child being placed, who places, WHO FACILITATES PLACEMENT FOR A FEE, or who arranges for placement, for care of any child under the age of eighteen years with any family, person, or institution. A child placement agency may place, FACILITATE PLACEMENT, or arrange for the placement of a child for the purpose of adoption, treatment, or foster care. The natural parents or guardian of any child who places said child for care with any facility licensed as a "family child care home" or "child care center" as defined by this section shall not be deemed a child placement agency.

SECTION 2. 26-6-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-6-104. Licenses - out-of-state notices and consent. (6.5) ON AND AFTER JULY 1, 2005, AND SUBJECT TO DESIGNATION AS A QUALIFIED ACCREDITING ENTITY AS REQUIRED BY THE "INTERCOUNTRY ADOPTION ACT OF 2000", 42 U.S.C. SEC. 14901 ET SEQ., THE STATE DEPARTMENT MAY LICENSE AND ACCREDIT A CHILD PLACEMENT AGENCY FOR PURPOSES OF PROVIDING ADOPTION SERVICES FOR CONVENTION ADOPTIONS PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000", 42 U.S.C.

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

SEC. 14901 ET SEQ. THE STATE BOARD OF HUMAN SERVICES MAY ADOPT RULES CONSISTENT WITH FEDERAL LAW GOVERNING THE PROCEDURES FOR ADVERSE ACTIONS REGARDING ACCREDITATION, WHICH PROCEDURES MAY VARY FROM THE PROCEDURES SET FORTH IN THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.

SECTION 3. 26-6-105 (1) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

26-6-105. Fees - when original applications, reapplications, and renewals for licensure are required - creation of child care licensing cash fund. (1) (b) The state department may also establish fees pursuant to rules promulgated by the state board of human services, for the following situations:

(VIII) ACCREDITING A CHILD PLACEMENT AGENCY FOR PURPOSES OF PROVIDING ADOPTION SERVICES FOR CONVENTION ADOPTIONS PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000", 42 U.S.C. SEC. 14901 ET SEQ.

SECTION 4. 19-5-213 (1), Colorado Revised Statutes, is amended to read:

19-5-213. Compensation for placing child prohibited. (1) (a) No person shall offer, give, charge, or receive any money or other consideration or thing of value in connection with the relinquishment and adoption, except attorney fees and such other charges and fees as may be approved by the court.

(b) No person, other than an adoption exchange whose membership includes county departments and child placement agencies, a licensed child placement agency, or a county department, shall offer, give, charge, or receive any money or other consideration or thing of value in connection with locating or identifying for purposes of adoption any child, natural parent, expectant natural parent, or prospective adoptive parent; except that physicians and attorneys may charge reasonable fees for professional services customarily performed by such persons.

(c) A CHILD WHO IS PLACED BY A COUNTY DEPARTMENT IN A FOSTER CARE HOME OPERATED BY A CHILD PLACEMENT AGENCY SHALL BE DEEMED, FOR PURPOSES OF PAYMENT TO THE CHILD PLACEMENT AGENCY, TO REMAIN IN FOSTER CARE STATUS FOR PURPOSES OF PAYMENT OF CONSIDERATION TO THE CHILD PLACEMENT AGENCY UNTIL THE DATE THAT THE FINAL DECREE OF ADOPTION IS ENTERED OR UNTIL THE DATE THAT THE CHILD IS RETURNED TO HIS OR HER BIOLOGICAL PARENT'S HOME, UNLESS OTHERWISE NEGOTIATED IN THE CONTRACT BETWEEN THE CHILD PLACEMENT AGENCY AND THE COUNTY DEPARTMENT.

SECTION 5. 19-5-307, Colorado Revised Statutes, is amended to read:

19-5-307. Child placement agency - transfer of records. If a child placement agency terminates its child placement activities, prior to termination of services, the child placement agency shall microfilm or preserve with state-of-the-art record storage methods as prescribed by the department of human services any relevant files on adoptions and transfer them to the division in the department of human services responsible for child care licensing. THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES TO REQUIRE CHILD PLACEMENT AGENCIES TO SCAN ADOPTION

RECORDS FOR PURPOSES OF TRANSFERRING THEM UPON TERMINATION OF CHILD PLACEMENT ACTIVITIES TO THE DIVISION IN THE DEPARTMENT OF HUMAN SERVICES RESPONSIBLE FOR CHILD CARE LICENSING.

SECTION 6. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the child care licensing cash fund created in section 26-6-105, Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for allocation to the executive director's office, for the fiscal year beginning July 1, 2005, the sum of two thousand one hundred fifty-five dollars (\$2,155), or so much thereof as may be necessary, for legal services related to the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the child care licensing cash fund created in section 26-6-105, Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for allocation to the division of child care, for the fiscal year beginning July 1, 2005, the sum of twenty-one thousand four hundred fifty-nine dollars (\$21,459) and 0.3 FTE, or so much thereof as may be necessary, for implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2005, the sum of two thousand one hundred fifty-five dollars (\$2,155), or so much thereof as may be necessary, for the provision of legal services to the department of human services, related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of human services out of the appropriation made in subsection (1) of this section.

SECTION 7. 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 2, 2005