

CHAPTER 69

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 07-064

BY SENATOR(S) Keller, Boyd, Tapia, and Williams;
also REPRESENTATIVE(S) Frangas, Borodkin, Buescher, Gallegos, Green, Jahn, Kefalas, Kerr J., Labuda, Madden, McFadyen,
Primavera, and Todd.

AN ACT

**CONCERNING CREATION OF A TASK FORCE TO EXAMINE THE STATE'S SYSTEM FOR CARE OF CHILDREN
WHO ARE REMOVED FROM THEIR BIOLOGICAL PARENTS.**

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

SECTION 1. Article 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 5
TASK FORCE ON FOSTER CARE AND PERMANENCE**

26-6-501. Short title. THIS PART 5 SHALL BE KNOWN AND MAY BE CITED AS THE "TASK FORCE ON FOSTER CARE AND PERMANENCE".

26-6-502. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) EVERY DAY IN COLORADO, THERE ARE APPROXIMATELY SIX THOUSAND EIGHT HUNDRED CHILDREN IN FOSTER CARE AND ADOPTIVE CARE SETTINGS;

(b) THE QUALITY OF CARE AND SENSE OF PERMANENCE THAT EACH OF THESE CHILDREN EXPERIENCES MAY VARY WIDELY;

(c) MANY CHILDREN ARE MOVED REPEATEDLY TO AND FROM FOSTER CARE AND ADOPTIVE SETTINGS, DISRUPTING THEIR SENSE OF PERMANENCE AND THEIR RELATIONSHIPS WITH NONBIOLOGICAL CAREGIVERS WITH WHOM THE CHILDREN HAVE BONDED;

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

(d) THERE IS A NEED FOR MORE FOSTER PARENTS WHO PRACTICE FOSTER CARE FOR REASONS THAT ARE GOOD FOR CHILDREN;

(e) ADULTS WHO APPLY TO BECOME FOSTER OR ADOPTIVE PARENTS ARE FREQUENTLY GIVEN INSUFFICIENT INFORMATION ABOUT A CHILD'S BEHAVIOR BEFORE THE CHILD IS PLACED WITH THE FOSTER OR ADOPTIVE PARENTS;

(f) ADOPTION SUBSIDIES SOMETIMES BECOME INSUFFICIENT TO MEET THE NEEDS OF AN ADOPTIVE CHILD AND HIS OR HER ADOPTIVE PARENTS AS THE CHILD GROWS OLDER; AND

(g) RELATIONSHIPS BETWEEN CHILDREN AND THEIR FOSTER OR ADOPTIVE PARENTS ARE FREQUENTLY THREATENED BY CONFLICTS BETWEEN FOSTER OR ADOPTIVE PARENTS AND:

(I) CHILD PLACEMENT AGENCIES;

(II) BIOLOGICAL PARENTS; AND

(III) COUNTY DEPARTMENTS.

(2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS IN THE BEST INTERESTS OF CHILDREN IN FOSTER CARE AND ADOPTIVE CARE SETTINGS TO ESTABLISH A TASK FORCE TO STUDY THESE AND OTHER PROBLEMS IN THE STATE'S CHILD FOSTER CARE AND ADOPTION SYSTEMS AND TO IDENTIFY AND RECOMMEND SOLUTIONS.

26-6-503. Task force on foster care and permanence - creation - membership. (1) THERE IS HEREBY ESTABLISHED IN THE STATE DEPARTMENT THE TASK FORCE ON FOSTER CARE AND PERMANENCE, REFERRED TO IN THIS PART 5 AS THE "TASK FORCE", TO IDENTIFY AND RECOMMEND SOLUTIONS TO PROBLEMS IN THE STATE'S CHILD FOSTER CARE AND ADOPTION SYSTEMS. THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL SUPERVISE THE TASK FORCE. THE TASK FORCE SHALL CONSIST OF TWENTY-FOUR MEMBERS, APPOINTED AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

(2) THE MEMBERS OF THE TASK FORCE SHALL BE APPOINTED NO LATER THAN JUNE 15, 2007, AS FOLLOWS:

(a) THE GOVERNOR SHALL APPOINT TWENTY-THREE MEMBERS, AS FOLLOWS:

(I) TWO MEMBERS WHO ARE MEMBERS OF THE GENERAL ASSEMBLY;

(II) THREE MEMBERS WHO ARE ADOPTIVE PARENTS, INCLUDING:

(A) TWO ADOPTIVE PARENTS WHO ARE MEMBERS OF A STATEWIDE ADOPTIVE PARENTS ASSOCIATION; AND

(B) ONE ADOPTIVE PARENT WHO IS NOT A MEMBER OF A STATEWIDE ADOPTIVE PARENTS ASSOCIATION;

(III) ONE MEMBER WHO REPRESENTS A NONPROFIT OR NOT-FOR-PROFIT

ORGANIZATION THAT PROVIDES LEGAL SERVICES FOR AT-RISK AND MALTREATED CHILDREN;

(IV) ONE MEMBER WHO REPRESENTS THE STATE DEPARTMENT AND HAS SIGNIFICANT KNOWLEDGE OF FOSTER CARE AND ADOPTION ISSUES;

(V) TWO MEMBERS WHO REPRESENT COUNTY DEPARTMENTS OF SOCIAL SERVICES;

(VI) ONE MEMBER WHO REPRESENTS A GROUP OF NONPROFIT ORGANIZATIONS THAT ADVOCATE FOR CHILD WELFARE SERVICES;

(VII) THREE MEMBERS WHO ARE FOSTER PARENTS, INCLUDING:

(A) TWO FOSTER PARENTS WHO ARE MEMBERS OF A STATEWIDE FOSTER PARENTS ASSOCIATION; AND

(B) ONE FOSTER PARENT WHO IS NOT A MEMBER OF A STATEWIDE FOSTER PARENTS ASSOCIATION;

(VIII) THREE MEMBERS WHO ARE FORMER FOSTER CHILDREN;

(IX) ONE MEMBER WHO REPRESENTS THE DIVISION OF MENTAL HEALTH IN THE STATE DEPARTMENT AND HAS SIGNIFICANT KNOWLEDGE OF INFANTS' AND YOUNG CHILDREN'S MENTAL HEALTH ISSUES;

(X) ONE MEMBER WHO REPRESENTS A NONPROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT PROVIDES CLINICAL SERVICES, TRAINING, EDUCATION, AND CONSULTATION PROGRAMS TO PREVENT AND TREAT CHILD ABUSE AND NEGLECT IN COLORADO;

(XI) ONE MEMBER WHO REPRESENTS A FOR-PROFIT OR A NONPROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT COORDINATES THE EFFORTS OF, AND ADVOCATES FOR, AGENCIES THAT PROVIDE CHILD FOSTER CARE PLACEMENT SERVICES IN COLORADO;

(XII) ONE MEMBER WHO REPRESENTS A NONPROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT RECRUITS FAMILIES FOR CHILDREN WHO HAVE SURVIVED ABUSE AND NEGLECT, SUPPORTS ADOPTIVE FAMILIES THROUGHOUT THE ADOPTION PROCESS, AND TRAINS CHILD WELFARE PROFESSIONALS;

(XIII) TWO MEMBERS WHO ARE BIOLOGICAL PARENTS OF CHILDREN WHO HAVE BEEN INVOLVED IN THE STATE FOSTER CARE SYSTEM; AND

(XIV) ONE MEMBER WHO IS A COMMUNITY CHILD ADVOCATE.

(b) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT OR HIS OR HER DESIGNEE SHALL APPOINT ONE MEMBER WHO SHALL BE A REPRESENTATIVE OF THE JUDICIAL BRANCH OF GOVERNMENT.

(3) THE APPOINTING AUTHORITY, WHEN MAKING APPOINTMENTS PURSUANT TO SUBSECTION (2) OF THIS SECTION, SHALL TAKE INTO CONSIDERATION THE

GEOGRAPHIC AND CULTURAL DIVERSITY OF COLORADO. THE APPOINTING AUTHORITY SHOULD ATTEMPT TO APPOINT SOME INDIVIDUALS WITH LICENSING IN THE MENTAL HEALTH PROFESSION.

(4) THE APPOINTING AUTHORITY OF A MEMBER OF THE TASK FORCE MAY, WITH OR WITHOUT CAUSE, REMOVE AND REPLACE THE MEMBER OF THE TASK FORCE APPOINTED BY THAT APPOINTING AUTHORITY. IF A MEMBER VACATES OR IS REMOVED FROM HIS OR HER POSITION ON THE TASK FORCE FOR ANY REASON, THE VACANCY SHALL BE FILLED AS SOON AS POSSIBLE BY THE APPOINTING AUTHORITY OF THE VACATING MEMBER, IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION.

(5) THE NON-LEGISLATIVE MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

26-6-504. Task force - duties - issues for study - one-year plan. (1) THE TASK FORCE SHALL EXAMINE THE CHILD FOSTER CARE AND ADOPTION SYSTEMS IN THE STATE AND RECOMMEND SOLUTIONS TO PROBLEMS IN THE SYSTEM.

(2) BEGINNING IN JULY 2007, THE TASK FORCE SHALL MEET AT LEAST MONTHLY UNTIL THE TASK FORCE SUBMITS ITS REPORT PURSUANT TO SECTION 26-6-505. TASK FORCE MEETINGS SHALL BE OPEN TO PUBLIC ATTENDANCE, AND THE TASK FORCE MAY INVITE INDIVIDUALS, INCLUDING REPRESENTATIVES OF ORGANIZATIONS THAT PROVIDE SERVICES WITHIN THE STATE FOSTER CARE AND ADOPTION SYSTEMS, TO CONTRIBUTE THEIR OPINIONS AND EXPERTISE AT TASK FORCE MEETINGS.

(3) THE TASK FORCE SHALL CONSULT WITH THE DEPARTMENT TO CONSIDER ACTIONS THE DEPARTMENT MAY TAKE FOR THE PURPOSE OF COMPLYING WITH THE MEASURES OF FEDERAL CHILD AND FAMILY SERVICES REVIEWS PURSUANT TO 42 U.S.C. SEC. 1320a-2a.

(4) THE TASK FORCE SHALL CONSIDER, BUT NEED NOT LIMIT ITS CONSIDERATION TO, THE FOLLOWING:

(a) HOW TO ENSURE THAT FOSTER CHILDREN AND ADOPTIVE CHILDREN ARE PLACED IN HOMES THAT BECOME PERMANENT AND COMFORTABLE HOMES, THEREBY REDUCING THE NUMBER OF CHILDREN WHO ARE MOVED REPEATEDLY INTO FOSTER HOMES AND ADOPTIVE ARRANGEMENTS;

(b) HOW TO EVALUATE THE MOTIVATIONS OF FOSTER PARENT APPLICANTS TO ENSURE THAT THE APPLICANTS ARE MOTIVATED BY REASONS THAT ARE IN THE BEST INTERESTS OF CHILDREN;

(c) HOW TO ENCOURAGE RETENTION OF FOSTER PARENTS WHO PRACTICE FOSTER CARE FOR REASONS THAT ARE GOOD FOR CHILDREN;

(d) HOW TO PROVIDE FOSTER OR ADOPTIVE PARENTS WITH ALL AVAILABLE INFORMATION ABOUT A FOSTER CHILD'S BEHAVIOR BEFORE THE CHILD IS PLACED WITH THE FOSTER OR ADOPTIVE PARENTS, INCLUDING CONTACT INFORMATION FOR THE CHILD'S PREVIOUS FOSTER OR ADOPTIVE PARENTS;

(e) HOW TO ENSURE THAT ADOPTION SUBSIDIES REMAIN SUFFICIENT TO MEET THE NEEDS OF AN ADOPTIVE CHILD AND HIS OR HER ADOPTIVE PARENTS AS THE CHILD GROWS OLDER;

(f) HOW TO IMPROVE THE RATE OF PERMANENCY AMONG INDIVIDUALS WHO ARE AT LEAST FOURTEEN YEARS OF AGE BUT YOUNGER THAN TWENTY-FOUR YEARS OF AGE AND WHO ARE IN THE STATE FOSTER CARE SYSTEM OR IN RESIDENTIAL PLACEMENTS; AND

(g) THE CREATION OF A PROCESS TO MEDIATE CONFLICTS BETWEEN FOSTER OR ADOPTIVE PARENTS AND:

(I) CHILD PLACEMENT AGENCIES;

(II) BIOLOGICAL PARENTS; OR

(III) COUNTY DEPARTMENTS.

26-6-505. Report. (1) NO LATER THAN MAY 31, 2008, THE TASK FORCE SHALL SUBMIT A REPORT TO THE GOVERNOR, THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT, AND THE JUDICIARY COMMITTEES AND HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) THE TASK FORCE'S FINDINGS, INCLUDING CONSIDERATION OF EACH OF THE ISSUES DESCRIBED IN SECTION 26-6-504 (4); AND

(b) PROPOSALS FOR LEGISLATION TO ADDRESS THE ISSUES CONSIDERED BY THE TASK FORCE.

(2) THE TASK FORCE MAY MAKE RECOMMENDATIONS TO THE STATE DEPARTMENT OF HUMAN SERVICES CONCERNING POLICIES AND PROCEDURES WITH REGARD TO THE STATE'S SYSTEM FOR CARE OF CHILDREN WHO ARE REMOVED FROM THEIR BIOLOGICAL PARENTS AT ANY TIME DURING THE COURSE OF ITS OPERATION.

26-6-506. Repeal of part. THIS PART 5 IS REPEALED, EFFECTIVE JULY 1, 2008.

SECTION 2. 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: March 30, 2007