

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 3, 2003

Date

Committee on Health, Environment, Welfare, & Institutions.

After consideration on the merits, the Committee recommends the following:

HB03-1024 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, after line 1, insert the following:
- 2 "SECTION 1. Part 1 of article 6 of title 26, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:
- 5 **26-6-106.5. Foster care - rules applying generally -**
6 **rule-making - report.** (1) NOLATER THAN JANUARY 1, 2004, THE STATE
7 BOARD SHALL PROMULGATE RULES THAT APPLY TO FOSTER CARE
8 GENERALLY, REGARDLESS OF WHETHER THE FOSTER CARE IS PROVIDED BY
9 A FOSTER CARE HOME CERTIFIED BY A COUNTY DEPARTMENT OR BY A
10 CHILD PLACEMENT AGENCY. THE STATE BOARD SHALL DEVELOP THE
11 RULES IN CONSULTATION WITH THE STATE DEPARTMENT, COUNTY
12 DEPARTMENTS, CHILD PLACEMENT AGENCIES, AND OTHERS WITH
13 EXPERTISE IN THE DEVELOPMENT OF RULES REGARDING FOSTER CARE.
- 14 (2) AT A MINIMUM, THE RULES DESCRIBED IN SUBSECTION (1) OF
15 THIS SECTION SHALL INCLUDE THE FOLLOWING:
- 16 (a) AN ALLEGATION OF ABUSE OR NEGLECT IN A FOSTER CARE
17 HOME CERTIFIED PURSUANT TO THIS PART 1 THAT IS DEEMED UNFOUNDED



1 OR INCONCLUSIVE UPON INVESTIGATION IS NOT SUBJECT TO REVIEW BY THE
2 STATE DEPARTMENT;

3 (b) THE QUALITY AND FREQUENCY OF MONITORING AND HOME
4 VISITS SHALL BE UNIFORM FOR ALL FOSTER CHILDREN, REGARDLESS OF
5 WHETHER THE CHILD IS PLACED IN A FOSTER CARE HOME CERTIFIED BY A
6 COUNTY DEPARTMENT OR BY A CHILD PLACEMENT AGENCY;

7 (c) THE PROCEDURES FOR NOTIFYING ALL COUNTY DEPARTMENTS
8 AND CHILD PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE
9 WHEN THE STATE DEPARTMENT HAS IDENTIFIED A SUBSTANTIATED CLAIM
10 OF ABUSE OR NEGLECT IN A FOSTER CARE HOME AS WELL AS THE
11 SUSPENSION OF ANY FURTHER PLACEMENTS IN THE FOSTER CARE HOME
12 UNTIL THE INVESTIGATION IS CONCLUDED;

13 (d) THE IMMEDIATE NOTIFICATION OF A CHILD'S GUARDIAN AD
14 LITEM UPON THE CHILD'S PLACEMENT IN A FOSTER CARE HOME, AND THE
15 PROVISION OF THE GUARDIAN AD LITEM'S CONTACT INFORMATION TO THE
16 FOSTER PARENTS;

17 (e) A REQUIREMENT THAT ALL CRITICAL INCIDENTS ARE REPORTED
18 BY THE RELEVANT CHILD PLACEMENT AGENCY OR COUNTY DEPARTMENT
19 TO THE STATE DEPARTMENT SOON AFTER THE INCIDENT OCCURS IN A
20 MANNER AND FORM SET FORTH BY THE STATE BOARD; AND

21 (f) A REQUIREMENT THAT, WITHIN FORTY-FIVE DAYS AFTER THE
22 COMPLETION OF ITS INVESTIGATION, THE STATE DEPARTMENT REPORT TO
23 THE RELEVANT COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY THE
24 FOLLOWING INVOLVING A FOSTER CARE HOME:

25 (I) THE OUTCOME OF AN INVESTIGATION INTO ALLEGATIONS OF
26 ABUSE OR NEGLECT;

27 (II) THE OUTCOME OF AN INVESTIGATION INTO ALLEGATIONS OF A
28 LICENSING VIOLATION;

29 (III) THE RESULTS OF AN INSPECTION OF THE FOSTER CARE HOME.



1 (3) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
2 STATE DEPARTMENT SHALL COMPILE A SUMMARY OF THE CRITICAL
3 INCIDENTS DESCRIBED IN PARAGRAPH (e) OF SUBSECTION (2) OF THIS
4 SECTION AND SHALL PROVIDE A WRITTEN ANNUAL SUMMARY OF THE
5 INCIDENTS AND THE OUTCOMES FOR EACH INCIDENT TO THE HEALTH,
6 ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE SENATE
7 AND HOUSE OF REPRESENTATIVES."

8 Renumber succeeding sections accordingly.

9 Page 2, line 13, strike "PHYSICALLY DEBILITATING".

10 Page 3, strike lines 14 and 15 and substitute the following:

11 "26-6-104 is further amended BY THE ADDITION OF THE
12 FOLLOWING NEW SUBSECTIONS, to read:".

13 Page 5, after line 3, insert the following:

14 "(7.5) NO LATER THAN JANUARY 1, 2004, THE STATE BOARD SHALL
15 PROMULGATE RULES THAT REQUIRE ALL CURRENT AND PROSPECTIVE
16 EMPLOYEES OF A COUNTY DEPARTMENT WHO IN THEIR POSITION HAVE
17 DIRECT CONTACT WITH ANY CHILD IN THE PROCESS OF BEING PLACED, OR
18 WHO HAS BEEN PLACED, IN FOSTER CARE TO SUBMIT A SET OF
19 FINGERPRINTS FOR PURPOSES OF OBTAINING A FINGERPRINT-BASED
20 CRIMINAL HISTORY RECORD CHECK, UNLESS THE PERSON HAS ALREADY
21 SUBMITTED A SET OF FINGERPRINTS. THE CHECK SHALL BE CONDUCTED IN
22 THE SAME MANNER AS PROVIDED IN SUBSECTION (7) OF THIS SECTION AND
23 IN SECTION 26-6-107 (1) (a). THE PERSON'S EMPLOYMENT SHALL BE
24 CONDITIONAL UPON A SATISFACTORY CRIMINAL BACKGROUND CHECK AND
25 SUBJECT TO THE SAME GROUNDS FOR DENIAL OR DISMISSAL AS SET FORTH
26 IN SUBSECTION (7) OF THIS SECTION AND IN SECTION 26-6-107 (1) (a). THE
27 COSTS FOR THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
28 SHALL BE BORNE BY THE APPLICANT.";

29 strike lines 21 and 22 and substitute the following:

30 "CARE HOME SHALL COMPLY WITH ALL STATUTES AND RULES THAT ARE".



1 Page 7, line 17, after "CONTRACT", insert "WITH ANY COUNTY
2 DEPARTMENT, THE COUNTY DEPARTMENT OF HEALTH, OR ANY OTHER
3 PUBLICLY OR PRIVATELY OPERATED ORGANIZATION THAT HAS A DECLARED
4 INTEREST IN CHILDREN AND EXPERIENCE WORKING WITH CHILDREN OR ON
5 BEHALF OF CHILDREN".

** ** ** ** **

