

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 12-0504.01 Jane Ritter x4342

HOUSE BILL 12-1047

HOUSE SPONSORSHIP

Kefalas, Gardner B.

SENATE SPONSORSHIP

Newell,

House Committees
Health and Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE WAIVER OF NON-SAFETY LICENSING STANDARDS FOR**
102 **KINSHIP FOSTER CARE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill allows a county director of social services, or his or her designee, to waive certain non-safety licensing standards for kinship foster care if certain conditions are met and to limit or restrict a license for kinship foster care. The state board of human services is directed to promulgate rules to define "kinship foster care" and for the waiver of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
February 9, 2012

certain non-safety licensing standards for kinship foster care.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-6-106, **add** (6) as
3 follows:

4 **26-6-106. Standards for facilities and agencies - rules.**

5 (6) (a) A COUNTY DIRECTOR OF SOCIAL SERVICES, OR HIS OR HER
6 DESIGNEE, MAY APPROVE, AT HIS OR HER DISCRETION, A WAIVER OF
7 NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER CARE. A WAIVER
8 MAY ONLY BE APPROVED IF:

9 (I) IT CONCERNS NON-SAFETY LICENSING STANDARDS, AS SET
10 FORTH BY RULE OF THE STATE BOARD PURSUANT TO PARAGRAPH (d) OF
11 THIS SUBSECTION (6);

12 (II) THE SAFETY AND WELL-BEING OF THE CHILD OR CHILDREN
13 RECEIVING CARE IS NOT COMPROMISED; AND

14 (III) THE WAIVER REQUEST IS IN WRITING.

15 (b) IN ADDITION TO AN APPROVED WAIVER OF NON-SAFETY
16 LICENSING STANDARDS, A COUNTY DIRECTOR OF SOCIAL SERVICES, OR HIS
17 OR HER DESIGNEE, MAY LIMIT OR RESTRICT A LICENSE ISSUED TO A KINSHIP
18 FOSTER CARE ENTITY OR REQUIRE THAT ENTITY TO ENTER INTO A
19 COMPLIANCE AGREEMENT TO ENSURE THE SAFETY AND WELL-BEING OF
20 THE CHILD OR CHILDREN IN THAT ENTITY'S CARE.

21 (c) A KINSHIP FOSTER CARE ENTITY MAY NOT APPEAL A DENIAL OF
22 A WAIVER REQUESTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION
23 (6).

24 (d) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING
25 THE WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER

1 CARE. THE RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, A
2 LISTING OF NON-SAFETY LICENSING STANDARDS THAT MAY NOT BE
3 WAIVED AND CIRCUMSTANCES IN WHICH WAIVERS DO NOT APPLY. THE
4 STATE BOARD SHALL ALSO DEFINE BY RULE THE MEANING OF "KINSHIP
5 FOSTER CARE" FOR THE PURPOSES OF THIS SUBSECTION (6).

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2012 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.