

An Act

HOUSE BILL 12-1047

BY REPRESENTATIVES Kefalas, Gardner B., Brown, Casso, Court, Fields, Fischer, Hamner, Hullinghorst, Kerr A., Labuda, Massey, Peniston, Ryden, Schafer S., Singer, Summers, Todd, Vigil, Wilson, Young; also SENATORS Newell, Boyd, Jahn.

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

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

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

26-6-106. Standards for facilities and agencies - rules. (6) (a) A COUNTY DIRECTOR OF SOCIAL SERVICES, OR HIS OR HER DESIGNEE, MAY APPROVE, AT HIS OR HER DISCRETION, A WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER CARE. A WAIVER MAY ONLY BE APPROVED IF:

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

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

(III) THE WAIVER REQUEST IS IN WRITING.

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

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

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

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO