

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 4, 2015
Date

Committee on Health & Human Services.

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

SB15-087 be amended as follows, and as so amended, be referred to the Committee on Judiciary with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 26-1-103, **amend**
4 (2) and (3) as follows:

5 **26-1-103. Definitions.** As used in this title, unless the context
6 otherwise requires:

7 (2) "County department" means the county or district department
8 of HUMAN OR social services.

9 (3) "County director" means the director of the county or district
10 department of HUMAN OR social services.

11 **SECTION 2.** In Colorado Revised Statutes, 26-6-102, **amend**
12 (1.2) and (4.5); **repeal** (8.7); and **add** (4.8) and (4.9) as follows:

13 **26-6-102. Definitions.** As used in this article, unless the context
14 otherwise requires:

15 (1.2) "Certificate" means a legal document granting permission to
16 operate a ~~family~~ foster CARE home OR A KINSHIP FOSTER CARE HOME.

17 (4.5) "Foster care home" means a ~~facility~~ HOME that is certified by
18 ~~the~~ A county department or a child placement agency PURSUANT TO
19 SECTION 26-6-106.3 for child care in a place of residence of a family or
20 person for the purpose of providing twenty-four-hour family FOSTER care
21 for a child under the age of ~~eighteen~~ TWENTY-ONE years. ~~who is not~~
22 ~~related to the head of such home, except in the case of relative care.~~ A
23 FOSTER CARE HOME MAY INCLUDE FOSTER CARE FOR A CHILD WHO IS

1 UNRELATED TO THE HEAD OF THE HOME OR FOSTER CARE PROVIDED
2 THROUGH A KINSHIP FOSTER CARE HOME BUT DOES NOT INCLUDE
3 NONCERTIFIED KINSHIP CARE, AS DEFINED IN SECTION 19-1-103 (78.7),
4 C.R.S. The term includes any foster care home receiving a child for
5 regular twenty-four-hour care and any home receiving a child from any
6 state-operated institution for child care or from any child placement
7 agency, as defined in subsection (2) of this section. "Foster care home"
8 also includes those homes licensed by the department of human services
9 PURSUANT TO SECTION 26-6-104 that receive neither moneys from the
10 counties nor children placed by the counties.

11 (4.8) "KIN", FOR PURPOSES OF A "KINSHIP FOSTER CARE HOME",
12 MAY BE A RELATIVE OF THE CHILD, A PERSON ASCRIBED BY THE FAMILY AS
13 HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD, OR A PERSON THAT
14 HAS A PRIOR SIGNIFICANT RELATIONSHIP WITH THE CHILD. THESE
15 RELATIONSHIPS TAKE INTO ACCOUNT CULTURAL VALUES AND CONTINUITY
16 OF SIGNIFICANT RELATIONSHIPS WITH THE CHILD.

17 (4.9) "KINSHIP FOSTER CARE HOME" MEANS A FOSTER CARE HOME
18 THAT IS CERTIFIED BY EITHER A COUNTY DEPARTMENT OR LICENSED CHILD
19 PLACEMENT AGENCY PURSUANT TO SECTION 26-6-106.3 AS HAVING MET
20 THE FOSTER CARE CERTIFICATION REQUIREMENTS AND WHERE THE FOSTER
21 CARE OF THE CHILD IS PROVIDED BY KIN. KINSHIP FOSTER CARE PROVIDERS
22 ARE ELIGIBLE FOR FOSTER CARE REIMBURSEMENT. A KINSHIP FOSTER CARE
23 HOME PROVIDES TWENTY-FOUR-HOUR FOSTER CARE FOR A CHILD OR
24 YOUTH UNDER THE AGE OF TWENTY-ONE YEARS.

25 (8.7) "~~Salaried foster parent~~" means a person who is employed by
26 ~~a child placement agency for the purposes of the demonstration pilot~~
27 ~~program authorized pursuant to section 26-6-104 (1) (d) (IV), and who is~~
28 ~~employed for the sole purpose of providing foster care and who serves in~~
29 ~~no other capacity for the child placement agency.~~

30 **SECTION 3.** In Colorado Revised Statutes, 26-6-104, **amend** (1)
31 (a), (1) (b), (3), (7) (a) (I) introductory portion, and (8) introductory
32 portion; and **repeal** (1) (d) as follows:

33 **26-6-104. Licenses - out-of-state notices and consent -**
34 **demonstration pilot program.** (1) (a) Except as otherwise provided in
35 PARAGRAPH (b) OF THIS SUBSECTION (1) OR ELSEWHERE IN this part 1, ~~no~~
36 A person shall NOT operate ~~any~~ AN agency or facility defined in this part
37 1 without first being licensed BY THE STATE DEPARTMENT to operate or
38 maintain such agency or facility ~~by the state department~~ and paying the
39 PRESCRIBED fee. ~~prescribed therefor.~~ Except as otherwise provided in
40 ~~subparagraph (II) of paragraph (b) of this subsection (1) and paragraph (c)~~
41 of this subsection (1), any ~~such~~ license issued by the state department

1 ~~shall be~~ IS permanent unless otherwise revoked or suspended pursuant to
2 section 26-6-108.

3 (b) ~~(F)~~ A person operating a foster care home ~~shall not be~~ IS NOT
4 required to obtain a license from the state department to operate the foster
5 care home if ~~such~~ THE person holds a certificate ISSUED PURSUANT TO
6 SECTION 26-6-106.3 to operate ~~such~~ THE home from any county
7 department or a child placement agency licensed under the provisions of
8 this part 1. ~~All such certificates shall be considered licenses~~ A
9 CERTIFICATE IS CONSIDERED A LICENSE for the purpose of this part 1,
10 including but not limited to the investigation and criminal history
11 background checks required under ~~section~~ SECTIONS 26-6-106.3 AND
12 26-6-107. ~~Each certificate shall be in such form as prescribed and~~
13 ~~provided by the state department, shall certify that such person and any~~
14 ~~other adults residing in the home who are acting as care givers are~~
15 ~~suitable persons to operate a foster care home or provide care for a child,~~
16 ~~and shall contain such information as the state department requires. A~~
17 ~~child placement agency issuing or renewing any such certificate shall~~
18 ~~transmit a copy or report thereof to the state department.~~

19 ~~(H)~~ ~~On and after July 1, 2002, and contingent upon the time lines~~
20 ~~for implementation of the computer "trails" enhancements, the state board~~
21 ~~shall promulgate rules requiring the annual recertification of foster care~~
22 ~~homes and setting forth the procedural requirements associated with~~
23 ~~recertification. Such rules shall include requirements that the certifying~~
24 ~~entity shall perform on-site visits to each foster care home applying for~~
25 ~~certification or recertification and shall require inspections of the entire~~
26 ~~premises of the foster care home, including sleeping areas, as well as~~
27 ~~other assessments of the foster care home. No foster care home shall be~~
28 ~~certified at any one time by more than one child placement agency or~~
29 ~~county department.~~

30 ~~(HH)~~ ~~A foster care home, when certified by a child placement~~
31 ~~agency or county department, may receive for care a child from sources~~
32 ~~other than the certifying child placement agency or county department~~
33 ~~upon the written consent and approval of the child placement agency or~~
34 ~~county department as to each such child.~~

35 ~~(IV)~~ ~~A facility may be certified as a foster care home and licensed~~
36 ~~as a family child care home so long as the licensure and certification are~~
37 ~~provided by two separate licensing entities. The state board shall~~
38 ~~promulgate rules governing the communication requirements between~~
39 ~~two entities that license and certify the same facility.~~

40 (d) ~~(I)~~ ~~Notwithstanding any other provision of this part 1, no~~
41 ~~person shall operate a foster care home that is certified by a county~~

1 ~~department if such person is a relative of any employee of the child~~
2 ~~welfare division or unit of the county department certifying the foster care~~
3 ~~home. If such person files an application with a county department that~~
4 ~~would violate the provisions of this subparagraph (I) by certifying the~~
5 ~~foster care home, the county department shall refer the application to~~
6 ~~another county department or to a child placement agency. Unless~~
7 ~~otherwise prohibited, the county department or child placement agency~~
8 ~~to which the application was referred may certify and supervise a foster~~
9 ~~care home operated by such person. The county department that referred~~
10 ~~the application may place children in the county-certified foster care~~
11 ~~home upon written agreement of the two county departments.~~

12 ~~(H) Notwithstanding any other provision of this part 1, no person~~
13 ~~shall operate a foster care home that is certified by a child placement~~
14 ~~agency if such person is a relative of any owner, officer, executive,~~
15 ~~member of the governing board, or employee of the child placement~~
16 ~~agency certifying the foster care home. If such person files an application~~
17 ~~with a child placement agency that would violate the provisions of this~~
18 ~~subparagraph (H) by certifying the foster care home, the child placement~~
19 ~~agency shall refer the application to a county department or to another~~
20 ~~child placement agency that would not violate the provisions of this~~
21 ~~subparagraph (H) by certifying the foster care home.~~

22 ~~(HH) Notwithstanding any other provision of this part 1, no owner,~~
23 ~~officer, executive, member of the governing board, or employee of a child~~
24 ~~placement agency licensed pursuant to this part 1, or any relative of said~~
25 ~~owner, officer, executive, member, or employee, shall hold a beneficial~~
26 ~~interest in any property operated, or intended to be operated, as a foster~~
27 ~~care home, when the property is certified by the child placement agency~~
28 ~~as a foster care home. The provisions of this subparagraph (HH) shall not~~
29 ~~apply to salaried foster parents.~~

30 ~~(IV) Repealed.~~

31 (3) A provisional license ~~or certificate~~ for a period of six months
32 may be issued once to an applicant for an original license, ~~or certificate,~~
33 permitting the applicant to operate a family child care home, foster care
34 home, or child care center if the applicant is temporarily unable to
35 conform to all standards required under this part 1, upon proof by the
36 applicant that ~~attempts are being made~~ THE APPLICANT IS ATTEMPTING to
37 conform to such standards or to comply with any other requirements. The
38 applicant has the right to appeal any standard that the applicant believes
39 ~~works~~ PRESENTS an undue hardship or has been applied too stringently by
40 ~~the representatives of the department.~~ Upon THE filing OF an appeal, the
41 department shall proceed in the manner prescribed for licensee appeals in

1 section 26-6-106 (3).
2 (7) (a) (I) ~~The state department a county department, or a child~~
3 ~~placement agency licensed under the provisions of this part 1~~ shall not
4 issue a license ~~or certificate~~ to operate a family child care home, a foster
5 care home, a child care center, a residential child care facility, a secure
6 residential treatment center, or a child placement agency, and any license
7 or certificate issued prior to August 7, 2006, shall be revoked or
8 suspended, if the applicant for the license or certificate, an affiliate of the
9 applicant, a person employed by the applicant, or a person who resides
10 with the applicant at the facility has been convicted of:

11 (8) ~~The state department a county department, or a child~~
12 ~~placement agency licensed under the provisions of this part 1~~ shall not
13 issue a license ~~or certificate~~ to operate any agency or facility defined in
14 this part 1 if the person applying for such license ~~or certificate~~ or an
15 affiliate of the applicant, a person employed by the applicant, or a person
16 who resides with the applicant at the facility:

17 **SECTION 4.** In Colorado Revised Statutes, **add** 26-6-106.3 as
18 follows:

19 **26-6-106.3. [Similar to 26-6-104 (1) (b) (II), (1) (b) (III), (1) (b)**
20 **(IV), and (1) (d)] Certification and annual recertification of foster**
21 **care homes by county departments and licensed child placement**
22 **agencies - background and reference check requirements -**
23 **definitions.** (1) THIS SECTION APPLIES TO FOSTER CARE HOMES,
24 INCLUDING KINSHIP FOSTER CARE HOMES, CERTIFIED BY COUNTY
25 DEPARTMENTS OR LICENSED CHILD PLACEMENT AGENCIES. EXCEPT AS
26 OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, THIS SECTION
27 DOES NOT APPLY TO FOSTER CARE HOMES THAT ARE LICENSED BY THE
28 STATE DEPARTMENT PURSUANT TO THE REQUIREMENTS OF SECTION
29 26-6-104 AND THAT DO NOT RECEIVE MONEYS FROM THE COUNTIES OR
30 CHILDREN PLACED BY THE COUNTIES. A FOSTER CARE HOME LICENSED BY
31 THE STATE DEPARTMENT MUST UNDERGO ALL OF THE BACKGROUND
32 CHECKS AND REQUIREMENTS SET FORTH IN SECTION 26-6-104 OR AS
33 OTHERWISE STATED IN THIS PART 1.

34 (2) A PERSON OPERATING A FOSTER CARE HOME SHALL OBTAIN A
35 CERTIFICATE TO OPERATE THE HOME FROM A COUNTY DEPARTMENT OR A
36 CHILD PLACEMENT AGENCY LICENSED UNDER THE PROVISIONS OF THIS
37 PART 1. A CERTIFICATE IS CONSIDERED A LICENSE FOR THE PURPOSE OF
38 THIS PART 1, INCLUDING BUT NOT LIMITED TO THE INVESTIGATION AND
39 CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED UNDER THIS SECTION
40 AND SECTION 26-6-107. EACH CERTIFICATE MUST BE IN THE FORM
41 PRESCRIBED AND PROVIDED BY THE STATE DEPARTMENT, CERTIFY THAT

1 THE PERSON OPERATING THE FOSTER CARE HOME AND ANY OTHER ADULT
2 RESIDING IN THE HOME ARE SUITABLE PERSONS TO OPERATE A FOSTER
3 CARE HOME OR PROVIDE CARE FOR A CHILD, AND CONTAIN ANY OTHER
4 INFORMATION AS THE STATE DEPARTMENT REQUIRES. A CHILD PLACEMENT
5 AGENCY ISSUING OR RENEWING ANY SUCH CERTIFICATE SHALL NOTIFY THE
6 STATE DEPARTMENT ABOUT THE CERTIFICATION IN A METHOD AND TIME
7 FRAME AS SET BY RULE ADOPTED BY THE STATE BOARD.

8 (3) A FOSTER CARE HOME, WHEN CERTIFIED BY A COUNTY
9 DEPARTMENT OR CHILD PLACEMENT AGENCY MAY RECEIVE FOR CARE A
10 CHILD FROM A SOURCE OTHER THAN THE CERTIFYING COUNTY
11 DEPARTMENT OR CHILD PLACEMENT AGENCY UPON THE WRITTEN CONSENT
12 AND APPROVAL OF THE CERTIFYING COUNTY DEPARTMENT OR CHILD
13 PLACEMENT AGENCY.

14 (4) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
15 AGENCY MAY CERTIFY A FACILITY AS A FOSTER CARE HOME THAT IS ALSO
16 LICENSED AS A FAMILY CHILD CARE HOME BY THE STATE DEPARTMENT SO
17 LONG AS THE LICENSURE AND CERTIFICATION ARE PROVIDED BY TWO
18 SEPARATE LICENSING ENTITIES.

19 (5) (a) PRIOR TO ISSUING A CERTIFICATE OR A RECERTIFICATION TO
20 AN APPLICANT TO OPERATE A FOSTER CARE HOME, A COUNTY DEPARTMENT
21 OR A CHILD PLACEMENT AGENCY LICENSED UNDER THE PROVISIONS OF
22 THIS PART 1 SHALL CONDUCT THE FOLLOWING BACKGROUND CHECKS FOR
23 THE APPLICANT FOR A CERTIFICATE, A PERSON EMPLOYED BY THE
24 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME:

25 (I) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
26 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL
27 BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE,
28 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN
29 CONVICTED OF:

30 (A) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S.;

31 (B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
32 C.R.S.;

33 (C) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
34 DEFINED IN SECTION 16-22-102 (9), C.R.S.;

35 (D) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
36 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
37 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

38 (E) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A
39 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF
40 APPLICATION FOR A CERTIFICATE;

41 (F) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY

1 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY
2 PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR

3 (G) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF WHICH
4 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE
5 OFFENSES DESCRIBED IN SUB-SUBPARAGRAPHS (A) TO (F) OF THIS
6 SUBPARAGRAPH (I);

7 (II) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL
8 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY
9 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, EMPLOYEE, OR A
10 PERSON WHO RESIDES AT THE FACILITY OR THE HOME THAT WERE
11 IDENTIFIED BY THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
12 CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE
13 FEDERAL BUREAU OF INVESTIGATION;

14 (III) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED
15 DATABASE FOR INFORMATION TO DETERMINE IF THE PERSON, EMPLOYEE,
16 OR PERSON WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN
17 IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND
18 WHETHER SUCH FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE
19 PLACEMENT FOR A CHILD; AND

20 (IV) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
21 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
22 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
23 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM
24 FOR COLORADO TO DETERMINE IF THE APPLICANT, EMPLOYEE, OR PERSON
25 WHO RESIDES AT THE FACILITY OR THE HOME IS A REGISTERED SEX
26 OFFENDER.

27 (6) A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY
28 LICENSED UNDER THE PROVISIONS OF THIS PART 1 SHALL NOT ISSUE A
29 CERTIFICATE TO OPERATE, OR A RECERTIFICATION TO OPERATE, A FOSTER
30 CARE HOME AND SHALL REVOKE OR SUSPEND A CERTIFICATE IF THE
31 APPLICANT FOR THE CERTIFICATE, A PERSON EMPLOYED BY THE
32 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR HOME:

33 (a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN
34 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION
35 AS VERIFIED THROUGH FINGERPRINT-BASED CRIMINAL HISTORY RECORD
36 CHECKS AND A CHECK OF ICON;

37 (b) HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE
38 OR NEGLECT THROUGH A CHECK OF THE STATE DEPARTMENT'S
39 AUTOMATED DATABASE AND SUCH FINDING HAS BEEN DETERMINED TO
40 PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

41 (c) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER

1 REGISTRY CREATED PURSUANT TO SECTION 16-22-110, C.R.S., OR IS A
2 REGISTERED SEX OFFENDER IN ANOTHER STATE AS DETERMINED BY A
3 CHECK OF THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
4 THE UNITED STATES DEPARTMENT OF JUSTICE. THE SEX OFFENDER
5 REGISTRY CHECKS MUST CHECK THE APPLICANT'S KNOWN NAMES AND
6 ADDRESSES IN THE INTERACTIVE DATABASE SYSTEM FOR COLORADO AND
7 IN THE NATIONAL SEX OFFENDER PUBLIC REGISTRY AGAINST ALL OF THE
8 REGISTRANTS' KNOWN NAMES AND ADDRESSES.

9 (7) FOR PURPOSES OF THIS SECTION, "CONVICTED" MEANS A
10 CONVICTION BY A JURY OR BY A COURT AND INCLUDES A DEFERRED
11 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION
12 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,
13 OR A PLEA OF GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT
14 APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO
15 PARTICIPATED IN DIVERSION, AS DEFINED IN SECTION 19-1-103 (44),
16 C.R.S., AND DOES NOT APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR
17 A PERSON WHO PARTICIPATED IN AND SUCCESSFULLY COMPLETED THE
18 CHILD ABUSE AND CHILD NEGLECT DIVERSION PROGRAM AS DESCRIBED IN
19 SECTION 19-3-310, C.R.S.

20 (8) (a) THE CONVICTIONS IDENTIFIED IN SUBPARAGRAPH (I) OF
21 PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION AND PARAGRAPH (a)
22 OF SUBSECTION (6) MUST BE DETERMINED ACCORDING TO THE RECORDS OF
23 THE COLORADO BUREAU OF INVESTIGATION OR THE FEDERAL BUREAU OF
24 INVESTIGATION AND THE ICON SYSTEM AT THE STATE JUDICIAL
25 DEPARTMENT. THE SCREENING REQUEST IN COLORADO SHALL BE MADE
26 PURSUANT TO SECTION 19-1-307 (2) (k.5), C.R.S., RULES PROMULGATED
27 BY THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, C.R.S., AND 42
28 U.S.C. 671 (a) (2). A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF
29 COMPETENT JURISDICTION OF THE CONVICTION, DEFERRED JUDGMENT AND
30 SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR
31 DEFERRED ADJUDICATION AGREEMENT IS PRIMA FACIE EVIDENCE OF A
32 CONVICTION OR AGREEMENT.

33 (b) THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY
34 MUST NOT ISSUE A CERTIFICATE TO OPERATE A FOSTER CARE HOME OR A
35 KINSHIP CARE HOME IF THE STATE DEPARTMENT OR THE COUNTY
36 DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE
37 INDICATING THAT THE PERSON APPLYING FOR THE CERTIFICATE:

38 (I) HAS BEEN CONVICTED OF CHILD ABUSE OR ANY UNLAWFUL
39 SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY OTHER STATE OR
40 THE UNITED STATES; OR

41 (II) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED

1 PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY
2 SEXUAL OFFENSE AGAINST A CHILD.

3 (9) FOR PURPOSES OF CONDUCTING THE CRIMINAL HISTORY
4 RECORD CHECKS THROUGH THE COLORADO BUREAU OF INVESTIGATION
5 AND THE FEDERAL BUREAU OF INVESTIGATION, THE COUNTY
6 DEPARTMENTS MAY HAVE DIRECT ACCESS TO NATIONAL AND STATE
7 CRIMINAL DATABASES TO CONDUCT THE CRIMINAL HISTORY RECORD
8 CHECKS REQUIRED PURSUANT TO SUBSECTIONS (5) AND (6) OF THIS
9 SECTION; EXCEPT THAT, IF A COUNTY DEPARTMENT DOES NOT HAVE THE
10 CAPABILITIES OR RESOURCES TO HAVE ACCESS TO NATIONAL AND STATE
11 CRIMINAL DATABASES, A COUNTY DEPARTMENT IS REQUIRED TO CONTACT
12 LOCAL LAW ENFORCEMENT TO PERFORM THE CRIMINAL HISTORY RECORD
13 CHECK. NOTHING IN THIS SECTION PRECLUDES A COUNTY DEPARTMENT
14 FROM USING FINGERPRINT MACHINES OR OTHER FINGERPRINT
15 TECHNOLOGY TO CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY
16 RECORD CHECK.

17 (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1,
18 A PERSON SHALL NOT OPERATE A FOSTER CARE HOME THAT IS CERTIFIED
19 BY A COUNTY DEPARTMENT OR BY A CHILD PLACEMENT AGENCY IF HE OR
20 SHE IS A RELATIVE OF ANY EMPLOYEE OF THE CHILD WELFARE DIVISION OR
21 UNIT OF THE COUNTY DEPARTMENT CERTIFYING THE FOSTER CARE HOME
22 OR A RELATIVE OF ANY OWNER, OFFICER, EXECUTIVE, MEMBER OF THE
23 GOVERNING BOARD, OR EMPLOYEE OF THE CHILD PLACEMENT AGENCY
24 CERTIFYING THE FOSTER CARE HOME. IF THE PERSON FILES AN
25 APPLICATION WITH A COUNTY DEPARTMENT OR A CHILD PLACEMENT
26 AGENCY THAT WOULD VIOLATE THE PROVISIONS OF THIS SUBSECTION (10)
27 BY CERTIFYING THE FOSTER CARE HOME, THE COUNTY DEPARTMENT OR
28 CHILD PLACEMENT AGENCY SHALL REFER THE APPLICATION TO ANOTHER
29 COUNTY DEPARTMENT OR TO A CHILD PLACEMENT AGENCY. UNLESS
30 OTHERWISE PROHIBITED, THE COUNTY DEPARTMENT OR CHILD PLACEMENT
31 AGENCY TO WHICH THE APPLICATION WAS REFERRED MAY CERTIFY AND
32 SUPERVISE A FOSTER CARE HOME OPERATED BY THE PERSON. THE COUNTY
33 DEPARTMENT THAT REFERRED THE APPLICATION MAY PLACE A CHILD IN
34 THE COUNTY-CERTIFIED FOSTER CARE HOME UPON WRITTEN AGREEMENT
35 OF THE TWO COUNTY DEPARTMENTS.

36 (11) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1,
37 AN OWNER; OFFICER; EXECUTIVE; MEMBER OF THE GOVERNING BOARD;
38 EMPLOYEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS
39 PART 1; OR ANY RELATIVE OF SAID OWNER, OFFICER, EXECUTIVE, MEMBER,
40 OR EMPLOYEE SHALL NOT HOLD A BENEFICIAL INTEREST IN ANY PROPERTY
41 OPERATED OR INTENDED TO BE OPERATED AS A FOSTER CARE HOME, WHEN

1 THE PROPERTY IS CERTIFIED BY THE CHILD PLACEMENT AGENCY AS A
2 FOSTER CARE HOME.

3 (12) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
4 AGENCY MAY ISSUE A ONE-TIME PROVISIONAL CERTIFICATE FOR A PERIOD
5 OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL CERTIFICATE THAT
6 PERMITS THE APPLICANT TO OPERATE A FOSTER CARE HOME IF THE
7 APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL STANDARDS
8 REQUIRED UNDER THIS PART 1 UPON PROOF BY THE APPLICANT THAT HE OR
9 SHE IS ATTEMPTING TO CONFORM TO SUCH STANDARDS OR TO COMPLY
10 WITH ANY OTHER REQUIREMENTS. THE APPLICANT HAS A RIGHT TO APPEAL
11 TO THE STATE DEPARTMENT ANY STANDARD THAT THE APPLICANT
12 BELIEVES PRESENTS AN UNDUE HARDSHIP OR HAS BEEN APPLIED TOO
13 STRINGENTLY BY THE COUNTY DEPARTMENT OR LICENSED CHILD
14 PLACEMENT AGENCY. UPON THE FILING OF AN APPEAL, THE STATE
15 DEPARTMENT SHALL PROCEED IN THE MANNER PRESCRIBED FOR LICENSEE
16 APPEALS IN SECTION 26-6-106 (3).

17 **SECTION 5.** In Colorado Revised Statutes, **amend** 26-6-106.5
18 as follows:

19 **26-6-106.5. Foster care - kinship care - rules applying**
20 **generally - rule-making.** (1) No later than January 1, ~~2004~~ 2016, the
21 state board shall promulgate rules that apply to foster care generally,
22 regardless of whether the foster care is provided by a foster care home
23 certified by a county department or by a child placement agency, AND TO
24 KINSHIP CARE, INCLUDING KINSHIP FOSTER CARE AND NONCERTIFIED
25 KINSHIP CARE. The state board shall develop the rules in consultation with
26 the state department, county departments, child placement agencies, and
27 others with expertise in the development of rules regarding foster care.

28 (2) At a minimum, the rules described in subsection (1) of this
29 section ~~shall~~ MUST include the following:

30 (a) ~~Contingent upon the implementation of~~ USING the computer
31 ~~"trails" enhancements~~ STATE DEPARTMENT'S AUTOMATED DATABASE, the
32 procedures for notifying all county departments and child placement
33 agencies that place children in foster care when the state department has
34 identified a confirmed report of child abuse or neglect, as defined in
35 section 19-1-103 (27), C.R.S., that involves a foster care home, as well as
36 the suspension of any further placements in the foster care home until the
37 investigation is concluded; ~~and~~

38 (b) The immediate notification of a child's guardian ad litem upon
39 the child's placement in a foster care home, and the provision of the
40 guardian ad litem's contact information to the foster parents;

41 (c) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS AND ALL

1 CHILD PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE
2 CONDUCT AND DOCUMENT THAT ALL OF THE BACKGROUND CHECKS
3 SPECIFIED IN SECTION 26-6-106.3 (5) AND (6) HAVE BEEN COMPLETED FOR
4 ANY PERSON APPLYING TO PROVIDE FOSTER CARE AND FOR ANY ADULT
5 RESIDENT OF THE FOSTER CARE HOME PRIOR TO PLACING A CHILD IN
6 FOSTER CARE WITH THAT PERSON;

7 (d) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS THAT PLACE
8 CHILDREN IN NONCERTIFIED KINSHIP CARE CONDUCT AND DOCUMENT THAT
9 ALL OF THE BACKGROUND CHECKS HAVE BEEN INITIATED AND COMPLETED
10 IN ACCORDANCE WITH SECTIONS 19-3-406 AND 19-3-407, C.R.S., AND
11 COMPLETED FOR ANY PERSON PROVIDING NONCERTIFIED KINSHIP CARE
12 AND FOR ANY ADULT WHO RESIDES AT THE HOME;

13 (e) A LIST OF ACTIONS A COUNTY DEPARTMENT OR CHILD
14 PLACEMENT AGENCY MUST TAKE IF A DISQUALIFYING FACTOR IS FOUND
15 DURING ANY OF THE BACKGROUND CHECKS SPECIFIED IN SECTION
16 26-6-106.3 (5) AND (6), SECTION 19-3-406 (4) AND (4.5), C.R.S., OR
17 SECTION 19-3-407 (3), C.R.S.;

18 (f) A LIST OF SANCTIONS THE STATE DEPARTMENT MAY PLACE
19 UPON A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY IF THE
20 REQUIRED BACKGROUND CHECKS FOR FOSTER CARE HOMES OR FOR
21 PERSONS PROVIDING NONCERTIFIED KINSHIP CARE ARE NOT COMPLETED OR
22 DOCUMENTED, INCLUDING FINES OR DISCIPLINARY ACTIONS;

23 (g) REQUIREMENTS THAT FOSTER CARE HOMES MUST BE
24 RECERTIFIED ANNUALLY, INCLUDING RULES SETTING FORTH THE
25 PROCEDURAL REQUIREMENTS ASSOCIATED WITH CERTIFICATION AND
26 RECERTIFICATION. THE RULES MUST INCLUDE REQUIREMENTS THAT THE
27 CERTIFYING ENTITY SHALL PERFORM AN ON-SITE VISIT TO EACH FOSTER
28 CARE HOME APPLYING FOR CERTIFICATION OR RECERTIFICATION AND MUST
29 REQUIRE INSPECTIONS OF THE ENTIRE PREMISES OF THE FOSTER CARE
30 HOME, INCLUDING SLEEPING AREAS, AS WELL AS OTHER ASSESSMENTS OF
31 THE FOSTER CARE HOME. ONLY ONE COUNTY DEPARTMENT OR CHILD
32 PLACEMENT AGENCY SHALL CERTIFY A FOSTER CARE HOME AT ANY ONE
33 TIME. THE RULES MUST ALSO SPECIFY A TIME FRAME FOR NOTIFICATION
34 AND THE METHOD FOR A CHILD PLACEMENT AGENCY ISSUING OR
35 RENEWING A CERTIFICATE TO OPERATE A FOSTER CARE HOME TO NOTIFY
36 THE STATE DEPARTMENT ABOUT ANY CERTIFICATION.

37 (h) RULES THAT REQUIRE AN EVALUATION TO DETERMINE
38 WHETHER A PERSON APPLYING TO PROVIDE OR PROVIDING FOSTER CARE IN
39 A FOSTER CARE HOME IS UNABLE TO CARE FOR A CHILD DUE TO MENTAL
40 ILLNESS OR MENTAL INCOMPETENCE; AND

41 (i) THE COMMUNICATION REQUIREMENTS THAT MUST BE

1 FOLLOWED BETWEEN TWO ENTITIES THAT LICENSE AND CERTIFY THE SAME
2 FACILITY AS A FOSTER CARE HOME AND AS A FAMILY CHILD CARE HOME AS
3 SET FORTH IN SECTION 26-6-106.3 (4).

4 **SECTION 6.** In Colorado Revised Statutes, 26-6-107, **amend** (1)
5 (a.5) and (1) (a.7) as follows:

6 **26-6-107. Investigations and inspections - local authority -**
7 **reports - rules.** (1) (a.5) An applicant for certification as a foster care
8 home shall provide the child placement agency or the county department
9 from whom the certification is sought with a list of all the prior child
10 placement agencies and county departments to which the applicant had
11 previously applied, and a release of information from such child
12 placement agencies and county departments to which the applicant had
13 previously applied, to obtain information about the application and any
14 certification given by such child placement agencies and county
15 departments. A child placement agency or county department from whom
16 the certification is sought shall conduct a reference check of the applicant
17 and any adult resident of the foster care home ~~who is acting as a caregiver~~
18 by contacting all of the child placement agencies and county departments
19 identified by the applicant before issuing the certification for that foster
20 care home. Child placement agencies and county departments shall be
21 held harmless for information released, in good faith, to other child
22 placement agencies or county departments.

23 (a.7) (I) For all ~~family foster care or kinship care~~ applicants
24 APPLYING TO BE A FOSTER CARE HOME OR KINSHIP FOSTER CARE HOME
25 AND FOR ANY PERSON INTERESTED IN PROVIDING NONCERTIFIED KINSHIP
26 CARE, regardless of reimbursement, the county department or child
27 placement agency shall require each adult who is eighteen years of age or
28 older and who resides in the home to obtain a fingerprint-based criminal
29 history ~~records~~ RECORD check through the Colorado bureau of
30 investigation and the federal bureau of investigation. THE APPLICANT OR
31 INTERESTED PERSON MUST PROVIDE THE COUNTY DEPARTMENT OR CHILD
32 PLACEMENT AGENCY WITH THE ADDRESSES WHERE THE APPLICANT OR
33 INTERESTED PERSON AND ANY ADULT RESIDING IN THE HOME HAS LIVED
34 IN THE PRECEDING FIVE YEARS, INCLUDING ADDRESSES FROM OTHER
35 STATES. THE COUNTY DEPARTMENT OR THE CHILD PLACEMENT AGENCY
36 SHALL CONDUCT THE FOLLOWING BACKGROUND CHECKS OF THE
37 APPLICANT, AN INTERESTED PERSON, OR AN ADULT RESIDING IN THE HOME:

38 (A) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
39 DETERMINE IF THE APPLICANT, INTERESTED PERSON, OR ADULT RESIDING
40 IN THE HOME HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN
41 SECTION 26-6-106.3 (5) (a) (I);

1 (B) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL
2 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING
3 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, INTERESTED
4 PERSON, OR ADULT WHO RESIDES IN THE HOME THAT WERE IDENTIFIED BY
5 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH
6 THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF
7 INVESTIGATION;

8 (C) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED
9 DATABASE FOR INFORMATION TO DETERMINE IF THE APPLICANT,
10 INTERESTED PERSON, OR ADULT WHO RESIDES IN THE HOME HAS BEEN
11 IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND
12 WHETHER SUCH FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE
13 PLACEMENT FOR A CHILD; AND

14 (D) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
15 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
16 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
17 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM
18 FOR COLORADO TO DETERMINE IF THE APPLICANT, INTERESTED PERSON, OR
19 ADULT WHO RESIDES AT THE HOME IS A REGISTERED SEX OFFENDER.

20 (II) In addition to the fingerprint-based criminal history records
21 RECORD check, the county department or child placement agency shall
22 contact the appropriate entity in each state in which the applicant,
23 INTERESTED PERSON, or any adult residing in the home has resided within
24 the preceding five years to determine whether the ~~adult~~ INDIVIDUAL has
25 been found to be responsible in a confirmed report of child abuse or
26 neglect.

27 (III) The screening request in Colorado FOR CRIMINAL HISTORY
28 RECORD CHECKS THROUGH THE COLORADO BUREAU OF INVESTIGATION
29 AND THE FEDERAL BUREAU OF INVESTIGATION shall be made pursuant to
30 section 19-1-307 (2) (k.5), C.R.S., rules promulgated by the state board
31 pursuant to section 19-3-313.5, C.R.S., and 42 U.S.C. 671 (a) (20).

32 (IV) An investigation pursuant to this paragraph (a.7) shall be
33 conducted for any new resident adult whenever the adult is added to the
34 ~~family~~ foster care home or kinship care home OR TO THE HOME PROVIDING
35 NONCERTIFIED KINSHIP CARE. Information obtained from any state records
36 of abuse or neglect shall not be used for any purpose other than
37 conducting the investigation for placement or certification.

38 **SECTION 7.** In Colorado Revised Statutes, 19-1-103, **amend**
39 (32); and **add** (71.3) and (78.7) as follows:

40 **19-1-103. Definitions - repeal.** As used in this title or in the
41 specified portion of this title, unless the context otherwise requires:

1 (32) (a) "County department", as used in this article and part 2,
2 part 3, and part 7 of article 3 of this title and part 2 of article 5 of this title,
3 means the county or district department of HUMAN OR social services.

4 (b) "County department", as used in section 19-3-211 and in
5 article 3.3 of this title, means a county or a city and county department of
6 HUMAN OR social services.

7 (71.3) "KIN", FOR PURPOSES OF A "KINSHIP FOSTER CARE HOME" OR
8 FOR PURPOSES OF "NONCERTIFIED KINSHIP CARE", MAY BE A RELATIVE OF
9 THE CHILD, A PERSON ASCRIBED BY THE FAMILY AS HAVING A FAMILY-LIKE
10 RELATIONSHIP WITH THE CHILD, OR A PERSON THAT HAS A PRIOR
11 SIGNIFICANT RELATIONSHIP WITH THE CHILD. THESE RELATIONSHIPS TAKE
12 INTO ACCOUNT CULTURAL VALUES AND CONTINUITY OF SIGNIFICANT
13 RELATIONSHIPS WITH THE CHILD.

14 (78.7) "NONCERTIFIED KINSHIP CARE" MEANS A CHILD IS BEING
15 CARED FOR BY A RELATIVE OR KIN WHO HAS A SIGNIFICANT RELATIONSHIP
16 WITH THE CHILD IN CIRCUMSTANCES WHERE THE RELATIVE OR KIN HAS
17 NOT MET THE FOSTER CARE CERTIFICATION REQUIREMENTS FOR A KINSHIP
18 FOSTER CARE HOME OR HAS CHOSEN NOT TO PURSUE THAT CERTIFICATION
19 PROCESS.

20 **SECTION 8.** In Colorado Revised Statutes, 19-3-203, **amend** (1)
21 and (2) as follows:

22 **19-3-203. Guardian ad litem.** (1) Upon the filing of a petition
23 under section 19-3-502 that alleges abuse or neglect of a minor child, the
24 court shall appoint a guardian ad litem, WHO SHALL BE AN
25 ATTORNEY-AT-LAW LICENSED TO PRACTICE IN COLORADO. Nothing in this
26 section shall limit the power of the court to appoint a guardian ad litem
27 prior to the filing of a petition for good cause.

28 (2) The guardian ad litem shall be provided with all reports
29 relevant to a case submitted to or made by any agency or person pursuant
30 to this article, including reports of examination of the child or persons
31 responsible for the neglect or dependency of the child AND THE REPORTS
32 OF FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS FROM THE
33 COLORADO BUREAU OF INVESTIGATION AND FROM THE FEDERAL BUREAU
34 OF INVESTIGATION. The court and social workers assigned to the case
35 shall keep the guardian ad litem apprised of significant developments in
36 the case, particularly prior to further neglect or dependency court
37 appearances.

38 **SECTION 9.** In Colorado Revised Statutes, **amend** 19-3-406 as
39 follows:

40 **19-3-406. Fingerprint-based criminal history record check -**
41 **providers of emergency placement for children - use of criminal**

1 **justice records - definitions - rules.** (1) (a) A county department ~~may~~
2 ~~elect to collaborate with~~ MAY HAVE DIRECT ACCESS TO NATIONAL AND
3 STATE CRIMINAL DATABASES TO CONDUCT A CRIMINAL HISTORY RECORD
4 CHECK PURSUANT TO THE PROVISIONS OF THIS SECTION OR, IF A COUNTY
5 DEPARTMENT DOES NOT HAVE THE CAPABILITIES OR RESOURCES TO HAVE
6 DIRECT ACCESS TO NATIONAL AND STATE CRIMINAL DATABASES, THE
7 COUNTY DEPARTMENT SHALL REQUEST THAT local law enforcement
8 agencies ~~to~~ perform initial criminal history record checks WITHIN
9 FORTY-EIGHT HOURS followed by fingerprint verification pursuant to the
10 provisions of this section. ~~If a county department elects to collaborate~~
11 ~~with local law enforcement agencies pursuant to this section, then~~ Any
12 time a child is taken into temporary custody by a law enforcement officer
13 and any time the court places temporary custody of a child with a county
14 department pursuant to the provisions of this part 4, and a relative or other
15 available person is identified as a potential emergency placement for the
16 child, the COUNTY DEPARTMENT OR local law enforcement agency shall
17 conduct an initial criminal history record check of the relative or other
18 available person prior to the county department or the law enforcement
19 officer placing the child in the emergency placement. When a county
20 department ~~of social services~~ has temporary custody of a child pursuant
21 to the provisions of this part 4 and contacts the local law enforcement
22 agency for an initial criminal history record check of a person who is
23 identified as a potential emergency placement for the child pursuant to the
24 provisions of this section, the local law enforcement agency shall provide
25 the county department with a verbal response regarding the person's
26 criminal history and shall not provide the county department with
27 documentation of the person's criminal history, consistent with the
28 provisions of Public Law 92-544, and regulations promulgated
29 thereunder, as amended. NOTHING IN THIS SECTION PRECLUDES A COUNTY
30 DEPARTMENT FROM USING FINGERPRINT MACHINES OR OTHER FINGERPRINT
31 TECHNOLOGY TO CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY
32 RECORD CHECK.

33 (a.5) IF THE COUNTY DEPARTMENT HAS DIRECT ACCESS TO
34 NATIONAL AND STATE CRIMINAL DATABASES, THE CHILD MAY NOT BE
35 PLACED WITH THE RELATIVE OR OTHER AVAILABLE PERSON IF THE
36 CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO PARAGRAPH
37 (a) OF THIS SUBSECTION (1) REFLECTS A CRIMINAL HISTORY DESCRIBED IN
38 SUBSECTION (4) OF THIS SECTION. IN ADDITION, THE COUNTY DEPARTMENT
39 SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL
40 HISTORY RECORD CHECK OF ANY PERSON RESIDING IN THE HOME AS
41 DESCRIBED IN SUBSECTION (4.5) OF THIS SECTION AND SHALL PERFORM

1 ALL OF THE ADDITIONAL BACKGROUND CHECKS DESCRIBED IN SUBSECTION
2 (4.5) OF THIS SECTION FOR THE RELATIVE OR OTHER PERSON AND FOR ANY
3 PERSON RESIDING IN THE HOME.

4 (b) ~~If a county department of social services elects to request~~
5 REQUESTS THAT A LOCAL LAW ENFORCEMENT AGENCY PERFORM an initial
6 criminal history record check pursuant to the provisions of this section,
7 the child may not be placed with the relative or other available person if
8 the initial criminal history record check conducted pursuant to paragraph
9 (a) of this subsection (1) reflects a criminal history described in
10 subsection (4) of this section.

11 (c) ~~If a county department of social services elects to request an~~
12 ~~initial criminal history record check pursuant to the provisions of this~~
13 ~~section,~~ The child may be placed with the relative or other available
14 person if the initial criminal history record check PERFORMED BY A LOCAL
15 LAW ENFORCEMENT AGENCY does not reflect a criminal history described
16 in subsection (4) of this section. HOWEVER, THE RELATIVE OR OTHER
17 PERSON WHO IS NOT DISQUALIFIED BASED UPON THE RESULTS OF THE
18 INITIAL CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO
19 PARAGRAPH (a) OF THIS SUBSECTION (1) MUST UNDERGO A
20 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS DESCRIBED IN
21 SUBSECTIONS (2) AND (3) OF THIS SECTION AND ALL OF THE OTHER
22 REQUIRED BACKGROUND CHECKS DESCRIBED IN SUBSECTION (4.5) OF THIS
23 SECTION.

24 (2) A relative or other available person who is not disqualified as
25 an emergency placement for a child pursuant to paragraph (b) of
26 subsection (1) of this section and who authorizes a child to be placed with
27 him or her on an emergency basis pursuant to the provisions of this part
28 4 shall report to a local law enforcement agency for the purpose of
29 providing fingerprints to the law enforcement agency no later than five
30 days after the child is placed in the person's home or no later than fifteen
31 calendar days when exigent circumstances exist. If the relative or other
32 available person fails to report to the local law enforcement agency within
33 this time period, the county department ~~of social services~~ or the law
34 enforcement officer, as appropriate, shall immediately remove the child
35 from the physical custody of the person. The county department ~~of social~~
36 ~~services~~ shall ~~contact the local law enforcement agency to verify~~ CONFIRM
37 WITHIN FIFTEEN DAYS AFTER THE CHILD HAS BEEN PLACED WITH THE
38 RELATIVE OR OTHER AVAILABLE PERSON that a THE relative or other
39 available person identified by the county department reported to the local
40 law enforcement agency for fingerprinting within the time period
41 specified by this subsection (2).

1 (3) When a person reports to a local law enforcement agency
2 pursuant to the provisions of subsection (2) of this section, the local law
3 enforcement agency shall fingerprint the person and forward the
4 fingerprints to the Colorado bureau of investigation for the purpose of
5 obtaining a fingerprint-based criminal history record check. Upon receipt
6 of fingerprints and payment for the costs, the Colorado bureau of
7 investigation shall conduct a state and national fingerprint-based criminal
8 history record check utilizing records of the Colorado bureau of
9 investigation and the federal bureau of investigation. ~~The local law~~
10 ~~enforcement agency shall be the authorized agency to receive information~~
11 ~~regarding~~ The results of the state and national fingerprint-based criminal
12 history record checks CONDUCTED PURSUANT TO THIS SECTION SHALL BE
13 FORWARDED IMMEDIATELY TO THE AGENCY AUTHORIZED TO RECEIVE THE
14 INFORMATION. If the fingerprint-based criminal history record check
15 indicates that the person has a criminal history described in subsection (4)
16 of this section, the county department of social services or the local law
17 enforcement officer, whichever is appropriate, shall immediately remove
18 the child from the emergency placement and shall not place a child with
19 the person who has the criminal history without court involvement and an
20 order of the court affirming placement of the child with the person.

21 (4) A county department or a local law enforcement agency ~~that~~
22 ~~elects to perform an initial criminal history record check pursuant to the~~
23 ~~provisions of this section~~ shall not make an emergency placement or
24 continue the emergency placement of a child with a person who has been
25 convicted of one or more of the following offenses:

- 26 (a) Child abuse, as described in section 18-6-401, C.R.S.;
- 27 (b) A crime of violence, as defined in section 18-1.3-406, C.R.S.;
- 28 (c) ~~A felony~~ AN offense involving unlawful sexual behavior, as
29 defined in section 16-22-102 (9), C.R.S.;
- 30 (d) A felony, the underlying factual basis of which has been found
31 by the court on the record to include an act of domestic violence, as
32 defined in section 18-6-800.3, C.R.S.;
- 33 (e) A felony involving physical assault or a drug-related offense,
34 committed within the preceding five years;
- 35 (f) Violation of a protection order, as described in section
36 18-6-803.5, C.R.S.;
- 37 (g) A crime involving homicide; or
- 38 (h) An offense in any other state, the elements of which are
39 substantially similar to the elements of any one of the offenses described
40 in paragraphs (a) to (g) of this subsection (4).

41 (4.5) IF A RELATIVE OR OTHER PERSON WAS NOT DISQUALIFIED AS

1 AN EMERGENCY PLACEMENT PURSUANT TO PARAGRAPH (b) OF
2 SUBSECTION (1) OF THIS SECTION BASED UPON THE INITIAL CRIMINAL
3 RECORD CHECK OR WAS NOT DISQUALIFIED AS AN EMERGENCY PLACEMENT
4 PURSUANT TO PARAGRAPH (a.5) OF SUBSECTION (1) OF THIS SECTION
5 BASED UPON THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
6 AND THE CHILD WAS PLACED IN AN EMERGENCY PLACEMENT WITH SUCH
7 PERSON, THE COUNTY DEPARTMENT SHALL CONDUCT OR REQUEST THAT
8 LOCAL LAW ENFORCEMENT PERFORM A STATE AND NATIONAL
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF ANY PERSON
10 RESIDING IN THE HOME TO DETERMINE IF THE PERSON HAS A CRIMINAL
11 HISTORY AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION. THE CHILD
12 MUST BE IMMEDIATELY REMOVED FROM THE HOME IF THE
13 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK INDICATES THAT
14 A PERSON RESIDING IN THE HOME HAS A CRIMINAL HISTORY DESCRIBED IN
15 SUBSECTION (4) OF THIS SECTION. THE COUNTY DEPARTMENT SHALL ALSO
16 PERFORM ADDITIONAL BACKGROUND CHECKS OF THE RELATIVE OR OTHER
17 PERSON AND OF ANY OTHER ADULT RESIDING IN THAT HOME AND SHALL
18 REMOVE THE CHILD FROM CONTINUED PLACEMENT WITH THE RELATIVE OR
19 OTHER PERSON IF INFORMATION WAS FOUND ABOUT THE RELATIVE OR
20 OTHER PERSON OR AN ADULT RESIDING IN THAT HOME INDICATING THAT
21 CONTINUED PLACEMENT OF THE CHILD WITH THAT RELATIVE OR OTHER
22 PERSON WOULD BE UNSAFE AS SPECIFIED IN SECTION 26-6-106.3 (5) AND
23 (6), C.R.S., OR SECTION 19-3-407 (3). THE COUNTY DEPARTMENT SHALL
24 PERFORM THE FOLLOWING ADDITIONAL BACKGROUND CHECKS OF THE
25 RELATIVE OR OTHER PERSON OR AN ADULT RESIDING IN THE HOME:

26 (a) A CHECK OF THE ICON SYSTEM PURSUANT TO SECTION
27 26-6-106.3, C.R.S., TO DETERMINE THE STATUS OR DISPOSITION OF ANY
28 CRIMINAL CHARGES;

29 (b) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE
30 FOR INFORMATION TO INFORM DECISIONS ABOUT PLACEMENT TO
31 DETERMINE IF THE PERSON HAS BEEN IDENTIFIED AS HAVING A FINDING OF
32 CHILD ABUSE OR NEGLECT AND WHETHER SUCH FINDING PRESENTS AN
33 UNSAFE PLACEMENT FOR THE CHILD; AND

34 (c) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
35 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
36 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
37 ADDRESSES AGAINST THE KNOWN NAMES AND ADDRESSES IN THE
38 REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM FOR COLORADO TO
39 DETERMINE IF A PERSON IS A REGISTERED SEX OFFENDER.

40 (5) The state board of ~~human services~~ shall promulgate rules to
41 implement the provisions of this section, consistent with the provisions

1 contained in part 3 of article 72 of title 24, C.R.S.

2 (6) For purposes of this section, "initial criminal history record
3 check" means a name-based state and federal criminal history record
4 check performed by a local law enforcement agency utilizing the records
5 of the Colorado bureau of investigation and the federal bureau of
6 investigation.

7 (7) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, IF THE
8 COUNTY DEPARTMENT VERIFIES AND DOCUMENTS THAT ALL OF THE
9 CRIMINAL HISTORY RECORD CHECKS AND OTHER BACKGROUND CHECKS
10 DESCRIBED IN SUBSECTION (4.5) OF THIS SECTION HAVE BEEN COMPLETED
11 IN THE PRECEDING THREE MONTHS FOR A RELATIVE, OTHER PERSON, OR A
12 PERSON RESIDING IN THE HOME, THE COUNTY DEPARTMENT DOES NOT
13 NEED TO REPEAT THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
14 CHECK OF THAT RELATIVE, OTHER PERSON, OR A PERSON RESIDING IN THE
15 HOME; EXCEPT THAT THE COUNTY DEPARTMENT SHALL REPEAT THE OTHER
16 BACKGROUND CHECKS DESCRIBED IN SUBSECTION (4.5) OF THIS SECTION
17 AND CONTACT LOCAL LAW ENFORCEMENT TO DETERMINE IF THERE WERE
18 ANY NEW CHARGES FOR OFFENSES FILED AGAINST THAT RELATIVE, OTHER
19 PERSON, OR A PERSON RESIDING IN THE HOME DURING THE PRECEDING
20 THREE MONTHS SINCE THE LAST FINGERPRINT-BASED CRIMINAL HISTORY
21 RECORD CHECK.

22 **SECTION 10.** In Colorado Revised Statutes, **add** 19-3-407 as
23 follows:

24 **19-3-407. Noncertified kinship care - requirement for**
25 **background checks and other checks - definitions.** (1) A COUNTY
26 DEPARTMENT SHALL CONDUCT THE FOLLOWING CRIMINAL BACKGROUND
27 CHECKS OF KIN OR ANY ADULT WHO RESIDES AT THE HOME PRIOR TO
28 PLACING A CHILD IN NONCERTIFIED KINSHIP CARE:

29 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
30 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL
31 BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE,
32 OR A PERSON WHO RESIDES AT THE HOME HAS BEEN CONVICTED OF:

33 (I) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S.;

34 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
35 C.R.S.;

36 (III) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
37 DEFINED IN SECTION 16-22-102 (9), C.R.S.;

38 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
39 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
40 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

41 (V) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A

1 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF
2 APPLICATION FOR A CERTIFICATE;

3 (VI) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY
4 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY
5 PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR

6 (VII) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF
7 WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF
8 THE OFFENSES DESCRIBED IN SUB-SUBPARAGRAPHS (I) TO (VI) OF THIS
9 PARAGRAPH (a);

10 (b) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL
11 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING
12 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, EMPLOYEE, OR A
13 PERSON WHO RESIDES AT THE HOME THAT WERE IDENTIFIED BY THE
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE
15 COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF
16 INVESTIGATION;

17 (c) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE
18 FOR INFORMATION TO DETERMINE IF THE PERSON, EMPLOYEE, OR PERSON
19 WHO RESIDES AT THE HOME HAS BEEN IDENTIFIED AS HAVING A FINDING OF
20 CHILD ABUSE OR NEGLECT AND WHETHER SUCH FINDING HAS BEEN
21 DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR A CHILD; AND

22 (d) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
23 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
24 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
25 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM
26 FOR COLORADO TO DETERMINE IF THE APPLICANT, EMPLOYEE, OR PERSON
27 WHO RESIDES AT THE HOME IS A REGISTERED SEX OFFENDER.

28 (2) A COUNTY DEPARTMENT MAY HAVE DIRECT ACCESS TO
29 NATIONAL AND STATE CRIMINAL DATABASES TO CONDUCT THE CRIMINAL
30 HISTORY RECORD CHECKS PURSUANT REQUIRED PURSUANT TO THIS
31 SECTION OR, IF A COUNTY DEPARTMENT DOES NOT HAVE THE CAPABILITIES
32 OR RESOURCES TO HAVE ACCESS TO NATIONAL AND STATE CRIMINAL
33 DATABASES, THE COUNTY DEPARTMENT IS REQUIRED TO CONTACT LOCAL
34 LAW ENFORCEMENT TO PERFORM THE CRIMINAL HISTORY RECORD CHECK.

35 (3) A COUNTY DEPARTMENT SHALL NOT PLACE A CHILD IN
36 NONCERTIFIED KINSHIP CARE, WITHOUT COURT INVOLVEMENT AND AN
37 ORDER OF THE COURT AFFIRMING PLACEMENT OF THE CHILD WITH THE
38 PERSON, IF THE KIN OR ANY ADULT WHO RESIDES WITH THE KIN AT THE
39 HOME:

40 (a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN
41 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION;

1 (b) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER
2 REGISTRY CREATED PURSUANT TO SECTION 16-22-110, C.R.S. OR IS A
3 REGISTERED SEX OFFENDER AS DETERMINED BY A CHECK OF THE
4 NATIONAL SEX OFFENDER REGISTRY OPERATED BY THE UNITED STATES
5 DEPARTMENT OF JUSTICE. THE SEX OFFENDER REGISTRY CHECKS MUST
6 CHECK THE APPLICANT'S KNOWN NAMES AND ADDRESSES IN THE
7 INTERACTIVE DATABASE SYSTEM FOR COLORADO OR THE NATIONAL SEX
8 OFFENDER PUBLIC REGISTRY AGAINST ALL OF THE REGISTRANT'S KNOWN
9 NAMES AND ADDRESSES; OR

10 (c) HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE
11 OR NEGLECT THROUGH A CHECK OF THE STATE DEPARTMENT'S
12 AUTOMATED DATABASE AND THAT FINDING HAS BEEN DETERMINED TO
13 PRESENT AN UNSAFE PLACEMENT FOR THE CHILD.

14 (4) FOR THE PURPOSES OF THIS SECTION, "CONVICTED" MEANS A
15 CONVICTION BY A JURY OR BY A COURT AND INCLUDES A DEFERRED
16 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION
17 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,
18 OR A PLEA OF GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT
19 APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO
20 PARTICIPATED IN DIVERSION, AS DEFINED IN SECTION 19-1-103 (44),
21 C.R.S., AND DOES NOT APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR
22 A PERSON WHO PARTICIPATED IN AND SUCCESSFULLY COMPLETED THE
23 CHILD ABUSE AND CHILD NEGLECT DIVERSION PROGRAM AS DESCRIBED IN
24 SECTION 19-3-310, C.R.S.

25 (5) THE CONVICTIONS IDENTIFIED IN PARAGRAPH (a) OF
26 SUBSECTION (1) AND IN SUBSECTION (3) OF THIS SECTION MUST BE
27 DETERMINED ACCORDING TO THE RECORDS OF THE COLORADO BUREAU OF
28 INVESTIGATION OR THE FEDERAL BUREAU OF INVESTIGATION AND THE
29 ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT. THE SCREENING
30 REQUEST IN COLORADO SHALL BE MADE PURSUANT TO SECTION 19-1-307
31 (2) (k.5), RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
32 SECTION 19-3-313.5, AND 42 U.S.C. 671 (a) (2). A CERTIFIED COPY OF THE
33 JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE CONVICTION,
34 DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED
35 PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION AGREEMENT IS
36 PRIMA FACIE EVIDENCE OF A CONVICTION OR AGREEMENT.

37 **SECTION 11.** In Colorado Revised Statutes, 19-3-508, **add** (8)
38 as follows:

39 **19-3-508. Neglected or dependent child - disposition -**
40 **concurrent planning.** (8) WHEN ENTERING A DECREE PLACING THE
41 CHILD IN THE LEGAL CUSTODY OF A RELATIVE OR PLACING THE CHILD IN

1 THE LEGAL CUSTODY OF A COUNTY DEPARTMENT FOR PLACEMENT IN A
2 FOSTER CARE HOME, THE COURT SHALL ENSURE THAT THE CHILD'S
3 PLACEMENT AT THE TIME OF THE HEARING IS A SAFE PLACEMENT FOR THE
4 CHILD AND SHALL INQUIRE ABOUT DOCUMENTATION THAT THE COUNTY
5 DEPARTMENT OR A LICENSED CHILD PLACEMENT AGENCY HAS
6 ADEQUATELY SCREENED THE FOSTER CARE PROVIDER OR THE FAMILY
7 MEMBER WHO IS SEEKING TO CARE FOR THE CHILD AND ANY ADULT
8 RESIDING IN THAT HOME AND THAT ALL OF THE CRIMINAL HISTORY
9 RECORD CHECKS AND OTHER BACKGROUND CHECKS HAVE BEEN
10 COMPLETED AS REQUIRED PURSUANT TO SECTION 26-6-106.3, C.R.S., AND
11 19-3-407.

12 **SECTION 12.** In Colorado Revised Statutes, 19-3-605, **amend**
13 (3) (b) as follows:

14 **19-3-605. Request for placement with family members.** (3) In
15 making placement determinations concerning a child following the order
16 of termination of the parent-child legal relationship pursuant to the
17 provisions of this section, the court may consider all pertinent information
18 related to modifying the placement of the child prior to removing the
19 child from his or her placement, giving strong consideration to the
20 following:

21 (b) Whether the child's placement at the time of the hearing is a
22 safe and potentially permanent placement for the child, INCLUDING
23 DOCUMENTATION THAT A COUNTY DEPARTMENT OR A LICENSED CHILD
24 PLACEMENT AGENCY HAS ADEQUATELY SCREENED THE FAMILY MEMBER
25 WHO IS SEEKING TO CARE FOR THE CHILD AND ANY ADULT RESIDING IN THE
26 HOME AND THAT ALL OF THE CRIMINAL HISTORY RECORD CHECKS AND
27 OTHER BACKGROUND CHECKS HAVE BEEN COMPLETED AS REQUIRED
28 PURSUANT TO SECTION 26-6-106.3, C.R.S., OR SECTION 19-3-407;

29 **SECTION 13.** In Colorado Revised Statutes, 19-1-307, **amend**
30 (2) (k.5) as follows:

31 **19-1-307. Dependency and neglect records and information -**
32 **access - fee - rules - records and reports fund - misuse of information**
33 **- penalty.** (2) **Records and reports - access to certain persons -**
34 **agencies.** Except as otherwise provided in section 19-1-303, only the
35 following persons or agencies shall be given access to child abuse or
36 neglect records and reports:

37 (k.5) The state department of human services, when requested in
38 writing by a qualified county department, ~~of social services~~, individual,
39 or child placement agency approved to conduct home study investigations
40 and reports pursuant to section 19-5-207.5 (2) (b) (I) for purposes of
41 screening a prospective adoptive parent or any adult residing in the home

1 under section 19-5-207 (2.5) (c), or investigating a prospective family
2 foster care parent, kinship care parent, or an adult residing in the home
3 under section 26-6-107 (1) (a.7), C.R.S. Within ten days after the request,
4 the state department of human services shall provide the date of the report
5 of the incident, the location of investigation, the type of abuse and
6 neglect, and the county that investigated the incident contained in the
7 confirmed reports of child abuse or neglect. The county department,
8 individual, or child placement agency shall be subject to the fee
9 assessment established in subsection (2.5) of this section. With respect to
10 screening a prospective adoptive parent, any employee of the county
11 department or the child placement agency or any individual who releases
12 any information obtained under this paragraph (k.5) to any person other
13 than the adoption court shall be deemed to have violated the provisions
14 of subsection (4) of this section and shall be subject to penalty therefor.

15 **SECTION 14.** In Colorado Revised Statutes, 19-7-101, **amend**
16 (2) as follows:

17 **19-7-101. Legislative declaration.** (2) The general assembly
18 further declares that subsection (1) of this section represents guidelines
19 to promote the physical, mental, social, and emotional development of
20 youth in foster care and to prepare them for a successful transition back
21 into their families or the community. The application of these guidelines
22 may be limited to reasonable periods during the day or restricted
23 according to the routine of family foster care homes to ensure the
24 protection of children and foster families.

25 **SECTION 15.** In Colorado Revised Statutes, 26-5-102, **amend**
26 (2) (i) as follows:

27 **26-5-102. Provision of child welfare services - system reform**
28 **goals.** (2) Reforms in child welfare and related delivery systems shall be
29 directed at the following objectives:

30 (i) Promotion of the local placement of children with families by
31 recruiting and supporting family foster CARE homes within the
32 neighborhoods and communities in which identified children reside;

33 **SECTION 16.** In Colorado Revised Statutes, 26-5.7-105, **amend**
34 (6) as follows:

35 **26-5.7-105. Child care facilities - homeless youth shelters -**
36 **authority - duties.** (6) A licensed family foster CARE home approved as
37 a licensed host family home shall not accept a homeless youth for
38 placement under this section if there are any foster children currently
39 placed in the home.

1 **SECTION 17. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety."

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