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2001



SENATE BILL 01-211

BY SENATOR(S) Musgrave, Arnold, Cairns, Dyer (Durango), and Epps;
also REPRESENTATIVE(S) Clapp, Coleman, Mace, and Sanchez.

CONCERNING ALTERNATIVES TO FOSTER CARE PLACEMENT.

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

SECTION 1. 26-1-111, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-1-111. Activities of the state department under the supervision of the executive director - study - repeal. (7) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT PLACEMENT IN A STABLE ENVIRONMENT IS ESSENTIAL TO THE DEVELOPMENT AND WELL-BEING OF ANY CHILD REMOVED FROM HIS OR HER HOME. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE CURRENT FOSTER CARE SYSTEM OFTEN FAILS TO PROMOTE THAT STABILITY BY PERMITTING THE FREQUENT MOVEMENT OF CHILDREN BETWEEN FOSTER HOMES AND THE REMOVAL AND SEPARATION OF CHILDREN FROM THEIR SIBLING GROUP. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE CHOICE OF PLACEMENT OF A YOUNG CHILD SHOULD BE DETERMINED BY WHICH PLACEMENT IS IN THE BEST INTERESTS OF THAT CHILD. THE GENERAL ASSEMBLY ACCORDINGLY DETERMINES THAT IT

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

WOULD BE APPROPRIATE TO DIRECT THE STATE DEPARTMENT OF HUMAN SERVICES TO EVALUATE THE CURRENT FOSTER CARE SYSTEM, MAKE RECOMMENDATIONS CONCERNING THE USE OF ANY ALTERNATIVES TO THE CURRENT FOSTER CARE SYSTEM, AND DETERMINE THE FEASIBILITY OF A PILOT PROGRAM UTILIZING SUCH ALTERNATIVES. THE SCOPE OF THE STATE DEPARTMENT'S EVALUATION AND RECOMMENDATIONS PURSUANT TO THIS SUBSECTION (7) SHALL INCLUDE, AT A MINIMUM, METHODS OF PREVENTING OUT-OF-HOME PLACEMENT, FAMILY PRESERVATION SERVICES, AND INNOVATIVE APPROACHES TO FOSTER CARE.

(b) THE STATE DEPARTMENT SHALL RESEARCH AND DEVELOP RECOMMENDATIONS FOR THE POSSIBLE USE OF ALTERNATIVES TO THE CURRENT FOSTER CARE SYSTEM THAT WILL ENHANCE THE ABILITY OF THE STATE TO PROVIDE GREATER STABILITY FOR A YOUNG CHILD IN NEED OF OUT-OF-HOME PLACEMENT AND THAT WILL BE IN THE BEST INTERESTS OF THAT CHILD. THE EXECUTIVE DIRECTOR SHALL OVERSEE AND SUPERVISE THE RESEARCH. THE STATE DEPARTMENT SHALL CONSULT WITH VARIOUS ORGANIZATIONS INVOLVED IN FOSTER CARE AND CHILDREN'S ISSUES REGARDING THE SCOPE AND DESIGN OF THE STUDY. THE STATE DEPARTMENT SHALL SPECIFICALLY EXAMINE ALTERNATIVES THAT ACCOMMODATE PLACING CHILDREN IN A SETTING THAT FOSTERS STABILITY, FAMILIARITY, AND SECURITY. IN ADDITION, THE STATE DEPARTMENT SHALL INVESTIGATE APPROACHES TO PLACEMENT OF CHILDREN THAT WILL NOT DISRUPT EXISTING SIBLING GROUPS. THE STATE DEPARTMENT SHALL LIMIT THE FOCUS OF THE RESEARCH AND RECOMMENDATIONS DESCRIBED IN THIS PARAGRAPH (b) TO CHILDREN TEN YEARS OF AGE OR YOUNGER.

(c) THE STATE DEPARTMENT SHALL PREPARE A REPORT ADDRESSING THE ISSUES IDENTIFIED IN THIS SUBSECTION (7) AND SUMMARIZING THE FINDINGS AND RECOMMENDATIONS OF THE STATE DEPARTMENT. THE REPORT MAY INCLUDE ANY RECOMMENDATIONS REGARDING THE IMPLEMENTATION OF A PILOT PROGRAM, BUT THE STATE DEPARTMENT SHALL FIRST OBTAIN THE APPROVAL OF THE GENERAL ASSEMBLY BEFORE IMPLEMENTING SUCH PILOT PROGRAM. THE STATE DEPARTMENT SHALL PROVIDE SUCH REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE MARCH 15, 2002.

(d) THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO ACCEPT ANY GRANTS OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS SUBSECTION (7). ANY SUCH GRANTS OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FOSTER CARE ALTERNATIVES STUDY CASH FUND,

WHICH FUND IS HEREBY CREATED. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY AND, IN ACCORDANCE WITH SECTION 24-36-114, C.R.S., ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF THIS FUND SHALL BE CREDITED TO THE GENERAL FUND.

(e) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE MARCH 16, 2002.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or

an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Stan Matsunaka
PRESIDENT OF
THE SENATE

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO