

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0342.02 Jane Ritter x4342

SENATE BILL 24-008

SENATE SPONSORSHIP

Zenzinger and Kirkmeyer, Fields, Michaelson Jenet

HOUSE SPONSORSHIP

Pugliese and Young, Bradley, Duran, Evans, Froelich, Joseph

Senate Committees
Health & Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING INCREASING SUPPORT FOR KINSHIP FOSTER CARE HOMES.

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://leg.colorado.gov/>.)

Colorado's Child Welfare System Interim Study Committee.

The bill states that a court shall not delay permanency planning for a child or youth for purposes of maintaining financial support for a kinship foster care home, or a non-certified kinship foster care home, unless there are exceptional circumstances as approved by the court.

The bill allows the state department of human services (state department) to promulgate rules to modify the requirements for kinship

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters or bold & italic numbers indicate new material to be added to existing law.

Dashes through the words or numbers indicate deletions from existing law.

foster care homes, including training topics for kinship foster care certification.

Emergency financial assistance for a kinship foster care home is expanded to include goods needed for the child's basic care, including beds, clothing, and transportation costs, and limited rental or housing assistance not to exceed a 60-day subsidy.

The bill clarifies the definitions regarding foster care homes, kinship foster care homes (kinship home), and non-certified kinship foster care homes (non-certified kinship home). A kinship home is a home that has been certified by a county department of human or social services (county department) or a child placement agency to provide 24-hour care for relatives or kin only who are less than 21 years of age. A kinship home is eligible for financial assistance and supports. "Kinship foster care home" does not include a non-certified kinship home. A non-certified kinship home means a relative or kin who has a significant relationship with the child or youth and who has either chosen not to pursue the certification process or who has not met the certification requirements for a kinship home.

The bill formally establishes the process by which a kinship home may apply for certification from a county department or child placement agency. A county department or child placement agency, upon the completion of the required background checks, may issue a one-time provisional certificate for a period of 6 months to an applicant at a specific location who is requesting provisional certification, if requested by the applicant. If the applicant completes the required background checks, the county department or child placement agency shall make payment beginning with the date of placement. The county department or child placement agency shall complete the certification process within the timelines promulgated by rule of the state board. The applicant has the right to appeal any denial of certification. The state department, a county department, or a child placement agency has the right to revoke a kinship home's certification for cause.

Prior to issuing a certificate or subsequent certificate to an applicant to operate a kinship home, a county department or a child placement agency shall conduct a fingerprint-based criminal history record check (fingerprint check) through the Colorado bureau of investigation. The applicant shall pay, unless otherwise paid by a county department, the costs associated with the fingerprint check to the Colorado bureau of investigation.

The county department or child placement agency to which the kinship home applied for certification shall extend the provisional certification by an additional 60 days if the applicant can demonstrate that the applicant did not cause the delay in completing all the requirements for certification.

A kinship home may opt out of the provisional certification

process and remain eligible for supports through sources other than foster care maintenance.

The bill stipulates that prior to transferring temporary legal custody of any child or youth to a relative or kin, the court shall make findings that the relative or kin was advised regarding the differences between kinship foster care and non-certified kinship care, including but not limited to financial assistance, custody requirements, and long-term financial support options.

Kinship foster care homes are eligible for financial reimbursement and supports at the same rate as foster care homes, as established in rules promulgated by the state board of human services. Non-certified kinship care homes are eligible for financial assistance and supports at 50% of the foster care rate, based on the age of the child or youth receiving care.

The state department shall collaborate with the department of education, the department of public health and environment, and the department of health care policy and financing to develop an interagency resource guide to assist kinship in the certification process. The state department shall prominently post the interagency resource guide on the state department's website.

The bill directs the state department and the judicial department to collect data on the number of children who are placed with certified and non-certified kin through a dependency and neglect case, regardless of whether the kin or county has custody of the child or youth. The state department shall make the data available on its website on or before January 30, 2025.

On or before October 1, 2024, the state department shall study and report to the general assembly the feasibility of using federal funds, including but not limited to federal IV-B, IV-E, or TANF funds, or other grant funding to provide or reimburse for the provision of brief legal services or legal representation of relative and kin caregivers.

The bill makes conforming amendments to align statutory sections related to foster care homes with kinship homes.

The bill takes effect September 1, 2024.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 19-3-218 as**
3 **follows:**

4 **19-3-218. Transferring temporary legal custody of a child or**
5 **youth - advisement.** PRIOR TO TRANSFERRING TEMPORARY LEGAL
6 **CUSTODY OF A CHILD OR YOUTH TO A RELATIVE OR KIN, THE COURT SHALL**

1 MAKE FINDINGS THAT THE RELATIVE OR KIN WAS ADVISED REGARDING THE
2 DIFFERENCES BETWEEN KINSHIP FOSTER CARE AND NON-CERTIFIED KINSHIP
3 CARE, INCLUDING, BUT NOT LIMITED TO, FINANCIAL ASSISTANCE, CUSTODY
4 REQUIREMENTS, AND LONG-TERM FINANCIAL SUPPORT OPTIONS.

5 **SECTION 2.** In Colorado Revised Statutes, 19-3-702, **amend** (3)
6 introductory portion as follows:

7 **19-3-702. Permanency hearing.** (3) At any permanency
8 planning hearing, the court shall first determine if the child or youth
9 should be returned to the child's or youth's parent, named guardian, or
10 legal custodian and, if applicable, the date on which the child or youth
11 must be returned. If the child or youth cannot be returned home, the court
12 shall also determine whether reasonable efforts have been made to find
13 a safe and stable permanent home for the child or youth. The court shall
14 not delay permanency planning by considering the placement of children
15 or youth together as a sibling group OR FOR PURPOSES OF MAINTAINING
16 FINANCIAL SUPPORT FOR A KINSHIP FOSTER CARE HOME OR A
17 NON-CERTIFIED KINSHIP CARE HOME, UNLESS THERE ARE EXCEPTIONAL
18 CIRCUMSTANCES APPROVED BY THE COURT. At any permanency planning
19 hearing, the court shall make the following determinations, when
20 applicable:

21 **SECTION 3.** In Colorado Revised Statutes, 19-7-104, **add** (4) as
22 follows:

23 **19-7-104. Subjects included within training for certified foster**
24 **parents and kinship foster care - rules.** (4) THE STATE DEPARTMENT OF
25 HUMAN SERVICES MAY PROMULGATE RULES TO MODIFY THE
26 REQUIREMENTS OF THIS SECTION FOR KINSHIP FOSTER CARE HOMES,
27 INCLUDING TRAINING TOPICS FOR KINSHIP FOSTER CARE CERTIFICATION.

1 **SECTION 4.** In Colorado Revised Statutes, 26-5.3-105, **amend**
2 (1) introductory portion, (1)(a), and (3) introductory portion; **repeal**
3 (3)(e); and **add** (3)(h) and (3)(i) as follows:

4 **26-5.3-105. Eligibility requirements - period of eligibility -**
5 **services available.** (1) Families with children OR YOUTH at imminent risk
6 of out-of-home placement ~~shall be~~ ARE eligible for emergency assistance.
7 Assistance ~~shall be~~ IS available to or on behalf of a needy child ~~under~~ OR
8 YOUTH WHO IS LESS THAN twenty-one years of age and any other member
9 of the household in which the child OR YOUTH lives if:

10 (a) ~~Such~~ THE child OR YOUTH is living with ~~any of the relatives~~
11 described ~~in section 26-2-103~~ (4)(a) KIN, AS DEFINED IN SECTION
12 26-6-903, in a place of residence maintained by the ~~relative as the~~
13 relative's own home KIN;

14 (3) Emergency assistance provided pursuant to this ~~article shall~~
15 ARTICLE 5.3 MAY be used for, but ~~shall~~ IS not ~~be~~ limited to: ~~the following:~~

16 (e) ~~In-home supportive homemaker services;~~

17 (h) GOODS NEEDED FOR THE CHILD'S BASIC CARE, INCLUDING BEDS,
18 CLOTHING, AND TRANSPORTATION COSTS; AND

19 (i) LIMITED RENTAL OR HOUSING ASSISTANCE, NOT TO EXCEED A
20 SIXTY-DAY SUBSIDY.

21 **SECTION 5.** In Colorado Revised Statutes, **amend** 26-6-901 as
22 follows:

23 **26-6-901. Short title.** The short title of this part 9 is the "Foster
24 Care, KINSHIP FOSTER CARE, Residential, Day Treatment, and CHILD
25 PLACEMENT Agency Licensing AND CERTIFICATION Act".

26 **SECTION 6.** In Colorado Revised Statutes, 26-6-902, **amend** (1);
27 and **add** (1.5) as follows:

1 **26-6-902. Legislative declaration.** (1) The general assembly
2 finds that:

3 (a) THE regulation, ~~and~~ licensing, AND FUNDING of foster care
4 homes, KINSHIP FOSTER CARE HOMES, residential and day treatment child
5 care facilities, and child placement agencies contribute to a safe and
6 healthy environment for children and youth;

7 (b) The provision of such an environment affords benefits to
8 children and youth, their families, their communities, and the larger
9 society; ~~It is the intent of the general assembly that those who regulate~~
10 ~~and those who are regulated work together to meet the needs of the~~
11 ~~children, youth, their families, foster care providers, child placement~~
12 ~~agencies, and residential and day treatment child care facilities.~~ AND

13 (c) SUPPORTING FAMILIES AND KIN WHO ARE WILLING TO CARE FOR
14 A CHILD OR YOUTH IS ONE OF THE MOST IMPORTANT ACTIONS THE STATE
15 CAN TAKE TO PROMOTE SAFE AND TIMELY REUNIFICATION, MAINTAIN
16 FAMILY CONNECTIONS, CREATE AS NORMAL OF AN EXPERIENCE AS
17 POSSIBLE FOR CHILDREN AND YOUTH WHO HAVE BEEN REMOVED FROM
18 THEIR HOMES, AND PREVENT FURTHER LONG-TERM INCORPORATION INTO
19 THE CHILD WELFARE SYSTEM.

20 (1.5) THE GENERAL ASSEMBLY INTENDS THAT THOSE WHO
21 REGULATE AND FUND, AND THOSE WHO ARE REGULATED AND FUNDED,
22 WORK TOGETHER TO MEET THE NEEDS OF THE CHILDREN, YOUTH, AND
23 THEIR FAMILIES; FOSTER CARE PROVIDERS; KINSHIP FOSTER CARE
24 PROVIDERS; CHILD PLACEMENT AGENCIES; AND RESIDENTIAL AND DAY
25 TREATMENT CHILD CARE FACILITIES.

26 **SECTION 7.** In Colorado Revised Statutes, 26-6-903, **amend** (4),
27 (10), and (16); and **add** (21.5) as follows:

1 **26-6-903. Definitions.** As used in this part 9, unless the context
2 otherwise requires:

3 (4) "Certification" means the process by which a county
4 department of human or social services, a child placement agency, or a
5 federally recognized tribe pursuant to applicable federal law approves the
6 operation of a foster care home OR A KINSHIP FOSTER CARE HOME.

7 (10) "Foster care home" means a home that is certified by a county
8 department or a child placement agency pursuant to section 26-6-910, or
9 a federally recognized tribe pursuant to applicable federal law, for child
10 care in a place of residence of a family or person for the purpose of
11 providing twenty-four-hour family foster care for a child ~~under the age of~~
12 OR YOUTH LESS THAN twenty-one years OF AGE. A foster care home may
13 include foster care for a child OR YOUTH who is unrelated to the head of
14 the home. ~~or foster care provided through a kinship foster care home but~~
15 ~~does not include noncertified kinship care, as defined in section 19-1-103.~~
16 The term includes a foster care home that receives a child for regular
17 twenty-four-hour care and a home that receives a child OR YOUTH from
18 a state-operated institution for child care or from a child placement
19 agency. "Foster care home" also includes those homes licensed by the
20 department pursuant to section 26-6-905 that receive neither money from
21 the counties nor children OR YOUTH placed by the counties.

22 (16) "Kinship foster care home" means a KINSHIP foster care home
23 that is ~~certified by a county department or a licensed child placement~~
24 ~~agency pursuant to section 26-6-910 or a federally recognized tribe~~
25 ~~pursuant to applicable federal law as having met the foster care~~
26 ~~certification requirements, and where the foster care of the child is~~
27 ~~provided by kin. Kinship foster care providers are eligible for foster care~~

1 ~~reimbursement. A kinship foster care home provides twenty-four-hour~~
2 ~~foster care for a child or youth under the age of twenty-one years HAS~~
3 ~~BEEN CERTIFIED PURSUANT TO SECTION 26-6-910 TO CARE FOR A RELATIVE~~
4 ~~OR KIN ONLY. A KINSHIP FOSTER CARE HOME PROVIDES~~
5 ~~TWENTY-FOUR-HOUR FOSTER CARE FOR A CHILD OR YOUTH WHO IS A~~
6 ~~RELATIVE OR KIN, WHO IS LESS THAN TWENTY-ONE YEARS OF AGE, AND~~
7 ~~WHO IS ELIGIBLE FOR THE SAME FOSTER CARE REIMBURSEMENT,~~
8 ~~ASSISTANCE, AND OTHER SUPPORTS AS FOSTER CARE HOMES PURSUANT TO~~
9 ~~SECTION 26-6-904.5. "KINSHIP FOSTER CARE HOME" DOES NOT INCLUDE~~
10 ~~NON-CERTIFIED KINSHIP CARE AS THAT TERM IS DEFINED IN SUBSECTION~~
11 ~~(21.5) OF THIS SECTION.~~

12 (21.5) "NON-CERTIFIED KINSHIP CARE" MEANS KINSHIP CARE THAT
13 IS PROVIDED TO A CHILD OR YOUTH WHO IS LESS THAN TWENTY-ONE YEARS
14 OF AGE BY A RELATIVE OR KIN WHO HAS A SIGNIFICANT RELATIONSHIP
15 WITH THE CHILD OR YOUTH AND WHO HAS EITHER CHOSEN NOT TO PURSUE
16 THE CERTIFICATION PROCESS OR WHO HAS NOT MET THE CERTIFICATION
17 REQUIREMENTS FOR A KINSHIP FOSTER CARE HOME AS SET FORTH IN THIS
18 PART 9.

19 **SECTION 8.** In Colorado Revised Statutes, **add** 26-6-904.5 as
20 follows:

21 **26-6-904.5. Kinship foster care homes - certification and**
22 **revocation of certification - financial assistance and supports -**
23 **training - interagency resource data - report - rules - repeal.** (1) (a) A
24 KINSHIP FOSTER CARE HOME SEEKING CERTIFICATION SHALL FOLLOW THE
25 APPLICATION PROCESS OUTLINED IN SECTION 26-6-910. A COUNTY
26 DEPARTMENT OR CHILD PLACEMENT AGENCY, UPON THE SUCCESSFUL
27 COMPLETION OF THE BACKGROUND CHECKS REQUIRED PURSUANT TO

1 SECTION 19-3-406 OR 26-6-910, MAY ISSUE A ONE-TIME PROVISIONAL
2 CERTIFICATE FOR A PERIOD OF SIX MONTHS TO AN APPLICANT AT A
3 SPECIFIC LOCATION WHO IS REQUESTING PROVISIONAL CERTIFICATION. THE
4 APPLICANT MAY OPT OUT OF THE PROVISIONAL CERTIFICATION PROCESS.
5 A PROVISIONAL CERTIFICATION PERMITS THE APPLICANT TO OPERATE THE
6 KINSHIP FOSTER CARE HOME IF THE APPLICANT IS TEMPORARILY UNABLE
7 TO CONFORM TO ALL STANDARDS REQUIRED PURSUANT TO THIS PART 9,
8 UPON PROOF BY THE APPLICANT THAT THE APPLICANT IS ATTEMPTING TO
9 CONFORM TO THE STANDARDS OR TO COMPLY WITH ANY OTHER
10 REQUIREMENTS. IF THE APPLICANT SUCCESSFULLY COMPLETES THE
11 BACKGROUND CHECKS REQUIRED PURSUANT TO SECTION 19-3-406 OR
12 26-6-910, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY
13 SHALL MAKE PAYMENT BEGINNING WITH THE COMPLETION OF THE
14 FINGERPRINT BACKGROUND CHECK. THE COUNTY DEPARTMENT OR CHILD
15 PLACEMENT AGENCY SHALL COMPLETE THE CERTIFICATION PROCESS
16 WITHIN THE TIMELINES PROMULGATED BY RULE OF THE STATE BOARD.

17 (b) THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY TO
18 WHICH THE KINSHIP FOSTER CARE HOME APPLIED FOR CERTIFICATION
19 SHALL EXTEND THE PROVISIONAL CERTIFICATION PROVIDED FOR IN
20 SUBSECTION (1)(a) OF THIS SECTION BY AN ADDITIONAL SIXTY DAYS IF THE
21 APPLICANT CAN DEMONSTRATE THAT THE APPLICANT DID NOT CAUSE THE
22 DELAY IN COMPLETING ALL THE REQUIREMENTS FOR CERTIFICATION.

23 (c) A KINSHIP FOSTER CARE HOME MAY OPT OUT OF THE
24 PROVISIONAL CERTIFICATION PROCESS AND REMAIN ELIGIBLE FOR
25 SUPPORTS THROUGH SOURCES OTHER THAN FOSTER CARE MAINTENANCE.

26 (d) PRIOR TO TRANSFERRING TEMPORARY LEGAL CUSTODY OF ANY
27 CHILD OR YOUTH TO A RELATIVE OR KIN, THE COURT SHALL MAKE

1 FINDINGS THAT THE RELATIVE OR KIN WAS ADVISED REGARDING THE
2 DIFFERENCES BETWEEN KINSHIP FOSTER CARE AND NON-CERTIFIED KINSHIP
3 CARE, INCLUDING BUT NOT LIMITED TO FINANCIAL ASSISTANCE, CUSTODY
4 REQUIREMENTS, AND LONG-TERM FINANCIAL SUPPORT OPTIONS.

5 (e) THE APPLICANT HAS THE RIGHT TO APPEAL ANY CERTIFICATION
6 DENIAL THAT THE APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP OR
7 HAS BEEN APPLIED TOO STRINGENTLY BY A COUNTY DEPARTMENT OR
8 CHILD PLACEMENT AGENCY. UPON THE FILING OF AN APPEAL, THE
9 APPLICANT, COUNTY DEPARTMENT, OR CHILD PLACEMENT AGENCY SHALL
10 PROCEED IN THE SAME MANNER AS PRESCRIBED FOR LICENSURE APPEALS
11 IN SECTION 26-6-909 (4).

12 (f) (I) THE STATE DEPARTMENT, A COUNTY DEPARTMENT, OR A
13 CHILD WELFARE AGENCY HAS THE AUTHORITY TO INVESTIGATE AND
14 INSPECT A KINSHIP FOSTER CARE HOME PURSUANT TO SECTION 26-6-912
15 AND TO TAKE APPROPRIATE ACTIONS AS DESCRIBED IN SECTION 26-6-912
16 (1)(d)(I).

17 (II) THE STATE DEPARTMENT, A COUNTY DEPARTMENT, OR A CHILD
18 PLACEMENT AGENCY MAY REVOKE A KINSHIP FOSTER CARE HOME'S
19 CERTIFICATION IN ACCORDANCE WITH SECTION 26-6-913.

20 (2) KINSHIP FOSTER CARE HOMES ARE ELIGIBLE FOR FINANCIAL
21 REIMBURSEMENT AND SUPPORTS AT THE SAME RATE AS FOSTER CARE
22 HOMES, AS ESTABLISHED IN RULES PROMULGATED BY THE STATE BOARD
23 OF HUMAN SERVICES. NON-CERTIFIED KINSHIP CARE HOMES ARE ELIGIBLE
24 FOR FINANCIAL ASSISTANCE AND SUPPORTS AT FIFTY PERCENT OF THE
25 FOSTER CARE RATE, BASED ON THE AGE OF THE CHILD OR YOUTH
26 RECEIVING CARE. FUNDING TO COVER FINANCIAL ASSISTANCE AND
27 SUPPORTS COMES FROM THE REVENUE STREAM IDENTIFIED IN SUBSECTION

1 (3) OF THIS SECTION.

2 (3) THE STATE DEPARTMENT SHALL REIMBURSE THE COUNTY
3 DEPARTMENTS NINETY PERCENT OF THE AMOUNTS EXPENDED BY COUNTY
4 DEPARTMENTS FOR KINSHIP FOSTER CARE AND NON-CERTIFIED KINSHIP
5 CARE DAILY RATES TO SUPPORT FINANCIAL ASSISTANCE. THE KINSHIP
6 FOSTER CARE RATE AND NON-CERTIFIED KINSHIP CARE RATE ARE EXEMPT
7 FROM THE CLOSE-OUT PROCESS DESCRIBED IN SECTION 26-5-104 (3).

8 (4) (a) THE STATE DEPARTMENT SHALL PROVIDE TRAINING ON THE
9 CERTIFICATION STANDARDS TO KINSHIP FOSTER CARE PROVIDERS WHO ARE
10 APPLYING FOR CERTIFICATION PURSUANT TO SUBSECTION (1) OF THIS
11 SECTION. WHENEVER POSSIBLE, THE STATE DEPARTMENT SHALL PROVIDE
12 TRAINING IN AN ONLINE FORMAT.

13 (b) THE STATE DEPARTMENT SHALL COLLABORATE WITH THE
14 DEPARTMENT OF EDUCATION, THE DEPARTMENT OF PUBLIC HEALTH AND
15 ENVIRONMENT, AND THE DEPARTMENT OF HEALTH CARE POLICY AND
16 FINANCING TO DEVELOP AN INTERAGENCY RESOURCE. THE STATE
17 DEPARTMENT SHALL PROMINENTLY POST THE INTERAGENCY RESOURCE =
18 CREATED PURSUANT TO THIS SUBSECTION (4)(b) ON THE DEPARTMENT'S
19 WEBSITE.

20 (5) (a) THE STATE DEPARTMENT AND THE JUDICIAL DEPARTMENT
21 SHALL COLLECT DATA ON THE NUMBER OF CHILDREN WHO ARE PLACED
22 WITH CERTIFIED AND NON-CERTIFIED KIN THROUGH A DEPENDENCY AND
23 NEGLECT CASE, REGARDLESS OF WHO HAS CUSTODY OF THE CHILD OR
24 YOUTH. THE STATE DEPARTMENT AND THE JUDICIAL DEPARTMENT SHALL
25 INCLUDE DATA ON THE PERMANENCY OUTCOMES, LENGTH OF STAY,
26 RE-ENTRY INTO CARE, AND ALL OTHER OUTCOMES COLLECTED FOR
27 CHILDREN AND YOUTH IN OUT-OF-HOME PLACEMENTS. THE STATE

1 DEPARTMENT SHALL MAKE THE DATA AVAILABLE ON ITS WEBSITE ON OR
2 BEFORE OCTOBER 1, 2025.

3 (b) ON OR BEFORE OCTOBER 1, 2025, THE STATE DEPARTMENT
4 SHALL STUDY AND REPORT TO THE GENERAL ASSEMBLY THE FEASIBILITY
5 OF USING FEDERAL FUNDS, INCLUDING BUT NOT LIMITED TO FEDERAL IV-B,
6 IV-E, OR TANF FUNDS, OR OTHER GRANT FUNDING TO PROVIDE OR
7 REIMBURSE FOR THE PROVISION OF BRIEF LEGAL SERVICES OR LEGAL
8 REPRESENTATION OF RELATIVE AND KIN CAREGIVERS.

9 (6) (a) ON OR BEFORE AUGUST 1, 2025, AND EVERY AUGUST 1
10 THEREAFTER UNTIL AUGUST 1, 2030, THE STATE DEPARTMENT SHALL
11 SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE ON THE
12 IMPLEMENTATION OF NON-CERTIFIED KINSHIP CARE HOME, THE IMPACTS
13 TO THE NUMBER OF PLACEMENTS WITH KINSHIP FOSTER CARE HOMES, AND
14 THE IMPACTS ON COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES
15 IN THEIR ABILITY TO SUPPORT PROVIDERS. THE STATE DEPARTMENT SHALL
16 SUBMIT DATA PROVIDED BY COUNTY DEPARTMENTS OF HUMAN AND
17 SOCIAL SERVICES AS A SUPPLEMENT TO THE REPORT. THE REPORT MUST
18 INCLUDE:

19 (I) THE IMPACTS OF FINANCIAL ASSISTANCE ON THE CERTIFICATION
20 AND RECRUITMENT OF KIN FAMILIES AND THE TRENDS OF KIN'S CHOICES TO
21 BECOME CERTIFIED OR NON-CERTIFIED;

22 (II) THE WORKLOAD CHANGES FOR COUNTY CASEWORKERS
23 ASSOCIATED WITH SUPPORTING KIN PURSUANT TO THIS SECTION, BOTH
24 CERTIFIED AND NON-CERTIFIED; AND

25 (III) THE RELATED IMPACTS OF COUNTY STAFF WHO SUPPORT KIN,
26 AS PROVIDED BY COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES.

27 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JUNE 30, 2031.

1 (7) IN ADDITION TO THE RULES PROMULGATED PURSUANT TO
2 SECTION 26-6-911, THE STATE BOARD SHALL PROMULGATE RULES AS
3 NECESSARY TO IMPLEMENT THIS SECTION WITH RESPECT TO KINSHIP
4 FOSTER CARE HOMES.

5 **SECTION 9.** In Colorado Revised Statutes, 26-6-905, **amend**
6 (1)(b), (1)(c)(I), (1)(c)(II), and (6) as follows:

7 **26-6-905. Licenses - out-of-state notices and consent -**
8 **demonstration pilot program - report - rules - definition.** (1) (b) A
9 person operating a foster care home OR KINSHIP FOSTER CARE HOME is not
10 required to obtain a license from the state department to operate the foster
11 care home OR KINSHIP FOSTER CARE HOME if the person holds a certificate
12 issued pursuant to section 26-6-910 to operate the home from a county
13 department or a child placement agency licensed under the provisions of
14 this part 9. A certificate is considered a license for the purpose of this part
15 9, including but not limited to the investigation and criminal history
16 background checks required under sections 26-6-910 and 26-6-912.

17 (c) (I) On and after July 1, 2002, and contingent upon the
18 timelines for implementation of the computer "trails" enhancements, child
19 placement agencies that certify foster care homes AND KINSHIP FOSTER
20 CARE HOMES must be licensed annually until the implementation of any
21 risk-based schedule for the renewal of child placement agency licenses
22 pursuant to subsection (1)(c)(II) of this section. The state board shall
23 promulgate rules specifying the procedural requirements associated with
24 the renewal of child placement agency licenses. The rules must include
25 the requirement that the state department conduct assessments of the child
26 placement agency.

27 (II) (A) On and after January 1, 2004, and upon the functionality

1 of the computer "trails" enhancements, the state department may
2 implement a schedule for relicensing of child placement agencies that
3 certify foster care homes AND KINSHIP FOSTER CARE HOMES that is based
4 on risk factors such that child placement agencies with low risk factors
5 must renew their licenses less frequently than child placement agencies
6 with higher risk factors.

7 (B) Prior to January 1, 2004, and contingent upon the timelines for
8 implementation of the computer "trails" enhancements, the state
9 department shall create classifications of child placement agency licenses
10 that certify foster care homes AND KINSHIP FOSTER CARE HOMES that are
11 based on risk factors as those factors are established by rule of the state
12 board.

13 (6) The state board of human services shall establish rules for the
14 approval of foster care homes, KINSHIP FOSTER CARE HOMES, and child
15 care centers that provide twenty-four-hour care of children between
16 eighteen and twenty-one years of age for whom the county department is
17 financially responsible and when placed in foster care OR KINSHIP FOSTER
18 CARE by the county department.

19 **SECTION 10.** In Colorado Revised Statutes, 26-6-908, **amend**
20 (1)(a)(I), (2), and (3) as follows:

21 **26-6-908. Application forms - criminal sanctions for perjury.**
22 (1) (a) (I) All applications for the licensure of a child placement agency
23 or a residential or day treatment child care facility or the certification of
24 a foster care home OR KINSHIP FOSTER CARE HOME pursuant to this part 9
25 must include the notice to the applicant that is set forth in subsection
26 (1)(b) of this section.

27 (2) A person applying for the licensure of a facility or agency or

1 the certification of a foster care home OR KINSHIP FOSTER CARE HOME
2 pursuant to this part 9, or a person applying to work at a facility or agency
3 as an employee, who knowingly or willfully makes a false statement of
4 any material fact or thing in the application commits perjury in the second
5 degree as defined in section 18-8-503 and, upon conviction, ~~thereof~~, shall
6 be punished accordingly.

7 (3) Every application for ~~certification or~~ licensure OR
8 CERTIFICATION as a foster care home OR KINSHIP FOSTER CARE HOME must
9 provide notice to the applicant that the applicant may be subject to
10 immediate revocation of ~~certification or~~ licensure OR CERTIFICATION or
11 other negative licensing action as set forth in this section (3) and section
12 26-6-913 and as described by rule of the state board.

13 **SECTION 11.** In Colorado Revised Statutes, 26-6-909, **amend**
14 (7)(b); and **add** (2.5) as follows:

15 **26-6-909. Standards for facilities and agencies - rules.**
16 (2.5) KINSHIP FOSTER CARE HOMES ARE EXEMPT FROM THE MINIMUM
17 STANDARDS SET FORTH IN THIS SECTION. TRAINING STANDARDS FOR
18 KINSHIP FOSTER CARE HOMES ARE ESTABLISHED PURSUANT TO SECTION
19 19-7-104 (4).

20 (7) (b) ~~In addition to an approved waiver of non-safety licensing~~
21 ~~standards, A county director of human or social services, or the county~~
22 ~~director's designee, may limit or restrict a license~~ CERTIFICATION issued
23 to a kinship foster care ~~entity~~ HOME or require that ~~entity~~ THE KINSHIP
24 FOSTER CARE HOME to enter into a compliance agreement to ensure the
25 safety and well-being of the child or children in ~~that entity's~~ THE KINSHIP
26 FOSTER HOME'S care.

27 **SECTION 12.** In Colorado Revised Statutes, 26-6-910, **amend**

1 (2), (3), (5) introductory portion, (6) introductory portion, (9), (10), and
2 (11); and add (5.5), (12), and (13) as follows:

3 **26-6-910. Certification and annual recertification of foster**
4 **care homes and kinship foster care homes by county departments**
5 **and licensed child placement agencies - background and reference**
6 **check requirements - rules - definition.** (2) A person operating a foster
7 care home OR KINSHIP FOSTER CARE HOME shall obtain a certificate to
8 operate the home from a county department or a child placement agency
9 licensed pursuant to ~~the provisions of~~ this part 9. A certificate is
10 considered a license for the purpose of this part 9, including but not
11 limited to the investigation and criminal history background checks
12 required pursuant to this section and section 26-6-912. Each certificate
13 must be in the form prescribed and provided by the state department,
14 certify that the person operating the foster care home is a suitable person
15 to operate a foster care home OR KINSHIP FOSTER CARE HOME or provide
16 care for a child, and contain any other information that the state
17 department requires. A child placement agency issuing or renewing any
18 such certificate shall notify the state department about the certification in
19 a method and time frame as set by rule adopted by the state board.

20 (3) A foster care home OR KINSHIP FOSTER CARE HOME, when
21 certified by a county department or licensed child placement agency, may
22 receive for care a child from a source other than the certifying county
23 department or child placement agency upon the written consent and
24 approval of the certifying county department or child placement agency.

25 (5) Prior to issuing a certificate or a recertification to an applicant
26 to operate a foster care home OR KINSHIP FOSTER CARE HOME, a county
27 department or a child placement agency licensed pursuant to the

1 provisions of this part 9 shall conduct the following background checks
2 for the applicant for a certificate, a person employed by the applicant, or
3 a person who resides at the facility or the home:

4 (5.5) PRIOR TO ISSUING A CERTIFICATE OR SUBSEQUENT
5 CERTIFICATE TO AN APPLICANT TO OPERATE A KINSHIP FOSTER CARE HOME
6 PURSUANT TO THIS PART 9 AND RULES PROMULGATED BY THE STATE
7 BOARD, A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY SHALL
8 CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
9 THROUGH THE COLORADO BUREAU OF INVESTIGATION PURSUANT TO
10 SECTION 19-3-406 OR 26-6-910. THE APPLICANT SHALL PAY, UNLESS
11 OTHERWISE PAID BY A COUNTY DEPARTMENT, THE COSTS ASSOCIATED
12 WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE
13 COLORADO BUREAU OF INVESTIGATION.

14 (6) A county department or a child placement agency licensed
15 pursuant to ~~the provisions~~ of this part 9 shall not issue a certificate to
16 operate, or a recertification to operate, a foster care home OR KINSHIP
17 FOSTER CARE HOME and shall revoke or suspend a certificate if the
18 applicant for the certificate, a person employed by the applicant, or a
19 person who resides at the facility or home:

20 (9) Notwithstanding any other provision of this part 9, a person
21 shall not operate a foster care home OR KINSHIP FOSTER CARE HOME that
22 is certified by a county department or by a licensed child placement
23 agency if the person is a relative of an employee of the child welfare
24 division or unit of the county department certifying the foster care home
25 OR KINSHIP FOSTER CARE HOME or a relative of an owner, officer,
26 executive, member of the governing board, or employee of the child
27 placement agency certifying the foster care home OR KINSHIP FOSTER

1 CARE HOME. If the person files an application with a county department
2 or a child placement agency that would violate the provisions of this
3 subsection (9) by certifying the foster care home OR KINSHIP FOSTER CARE
4 HOME, the county department or child placement agency shall refer the
5 application to another county department or child placement agency.
6 Unless otherwise prohibited, the county department or child placement
7 agency to which the application is referred may certify and supervise a
8 foster care home OR KINSHIP FOSTER CARE HOME operated by the person.
9 The county department that referred the application may place a child in
10 the county-certified foster care home OR KINSHIP FOSTER CARE HOME
11 upon written agreement of the two county departments.

12 (10) Notwithstanding any other provision of this part 9, an owner,
13 officer, executive, member of the governing board, or employee of a child
14 placement agency licensed pursuant to this part 9 or a relative of said
15 owner, officer, executive, member, or employee, shall not hold a
16 beneficial interest in property operated or intended to be operated as a
17 foster care home OR KINSHIP FOSTER CARE HOME, when the property is
18 certified by the child placement agency as a foster care home OR KINSHIP
19 FOSTER CARE HOME.

20 (11) A county department or licensed child placement agency may
21 issue a one-time provisional certificate for a period of six months to an
22 applicant for an original certificate that permits the applicant to operate
23 a foster care home OR KINSHIP FOSTER CARE HOME if the applicant is
24 temporarily unable to conform to all of the standards required under
25 PURSUANT TO this part 9 upon proof by the applicant that the applicant is
26 attempting to conform to the standards or to comply with any other
27 requirements. The applicant has a right to appeal to the state department

1 any standard that the applicant believes presents an undue hardship or has
2 been applied too stringently by the county department or licensed child
3 placement agency. Upon the filing of an appeal, the state department shall
4 proceed in the manner prescribed for licensee appeals in section 26-6-909
5 (4).

6 (12) A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY
7 SHALL ISSUE A ONE-TIME PROVISIONAL CERTIFICATE AT A LOCATION FOR
8 A KINSHIP FOSTER CARE HOME FOR A PERIOD OF SIX MONTHS UPON THE
9 APPLICANT'S REQUEST AND THE SUCCESSFUL COMPLETION OF A
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE ONE-TIME
11 PROVISIONAL CERTIFICATE PERMITS THE APPLICANT TO OPERATE THE
12 KINSHIP FOSTER CARE HOME IF THE APPLICANT IS TEMPORARILY UNABLE
13 TO CONFORM TO ALL REQUIRED STANDARDS. THIS IS AN EXCEPTION TO
14 SUBSECTION (11) OF THIS SECTION, WHICH ALLOWS THE USE OF
15 PROVISIONAL CERTIFICATES. THE STATE DEPARTMENT SHALL
16 PROMULGATE RULES FOR THE OPERATION OF THIS SUBSECTION (12).

17 (13) THE STATE BOARD SHALL PROMULGATE RULES TO MODIFY
18 THE STANDARDS FOR KINSHIP FOSTER CARE HOMES TO REMOVE
19 NON-SAFETY STANDARDS, IN ACCORDANCE WITH STATE OR FEDERAL LAW.

20 **SECTION 13.** In Colorado Revised Statutes, 26-6-911, **amend**
21 (2)(a) as follows:

22 **26-6-911. Foster care - kinship care - rules applying generally**
23 **- rule-making.** (2) At a minimum, the rules described in subsection (1)
24 of this section must include the following:

25 (a) Using the state department's automated database, the
26 procedures for notifying all county departments and child placement
27 agencies that place children in foster care AND KINSHIP FOSTER CARE

1 when the state department has identified a confirmed report of child abuse
2 or neglect, as defined in section 19-1-103, that involves a foster care
3 home OR KINSHIP FOSTER CARE HOME, as well as the suspension of any
4 further placements in the foster care home OR KINSHIP FOSTER CARE HOME
5 until the investigation is concluded;

6 **SECTION 14.** In Colorado Revised Statutes, 26-6-912, **amend**
7 (1)(b), (1)(d)(I), and (4) as follows:

8 **26-6-912. Investigations and inspections - local authority -**
9 **reports - rules.** (1) (b) An applicant for certification as a foster care
10 home OR KINSHIP FOSTER CARE HOME shall provide the child placement
11 agency or the county department from ~~whom~~ WHICH the certification is
12 sought with a list of all the prior child placement agencies and county
13 departments to which the applicant has previously applied, and a release
14 of information from the child placement agencies and county departments
15 to which the applicant has previously applied, to obtain information about
16 the application and any certification given by the child placement
17 agencies and county departments. A child placement agency or county
18 department from ~~whom~~ WHICH the certification is sought shall conduct a
19 reference check of the applicant and any adult resident of the foster care
20 home OR KINSHIP FOSTER CARE HOME by contacting all of the child
21 placement agencies and county departments identified by the applicant
22 before issuing the certification for that foster care home OR KINSHIP
23 FOSTER CARE HOME. Child placement agencies and county departments
24 are held harmless for information released, in good faith, to other child
25 placement agencies or county departments.

26 (d) (I) When the state department, county department, or child
27 placement agency is able to certify that the applicant or licensee is

1 competent and will operate adequate facilities to care for children
2 pursuant to the requirements of this part 9 and that standards are being
3 met and will be complied with, it shall issue the license for which the
4 applicant or licensee applied. The state department shall inspect or cause
5 to be inspected the facilities to be operated by an applicant for an original
6 license before the license is granted and shall thereafter inspect or cause
7 to be inspected the facilities of all licensees that, during the period of
8 licensure, have been found to be the subject of complaints or to be out of
9 compliance with the standards set forth in section 26-6-909 and the rules
10 of the state department, or that otherwise appear to be placing children at
11 risk. The state department may make such other inspections as it deems
12 necessary to ensure that the requirements of this part 9 are being met and
13 that the health, safety, and welfare of the children being placed are
14 protected. If, as a result of an inspection of a certified foster care home OR
15 KINSHIP FOSTER CARE HOME, the state department determines that a child
16 residing in the foster care home OR KINSHIP FOSTER CARE HOME is subject
17 to an immediate and direct threat to the child's safety and welfare, as
18 defined by rules promulgated by the state board, or that a substantial
19 violation of a fundamental standard of care warrants immediate action,
20 the state department may require a county department to immediately
21 remove the child from the foster care home OR KINSHIP FOSTER CARE
22 HOME.

23 (4) Within available appropriations, the state department shall
24 monitor, on at least a quarterly basis, the county department certification
25 of foster care homes AND KINSHIP FOSTER CARE HOMES.

26 **SECTION 15.** In Colorado Revised Statutes, **amend** 26-6-913 as
27 follows:

1 **26-6-913. Revocation of certification of foster care home or**
2 **kinship foster care home - emergency procedures - due process.**
3 Notwithstanding any other provision of law to the contrary, a county
4 department may act immediately to revoke the certification of a
5 county-certified foster care home OR KINSHIP FOSTER CARE HOME when
6 the county department has reason to believe that a child residing in the
7 foster care home OR KINSHIP FOSTER CARE HOME is subject to an
8 immediate and direct threat to the child's safety and welfare or when a
9 substantial violation of a fundamental standard of care warrants
10 immediate action. If the county department acts pursuant to this section,
11 a due process hearing shall be held within five days after the action and
12 conducted as the hearing would normally be conducted pursuant to article
13 4 of title 24.

14 **SECTION 16.** In Colorado Revised Statutes, **amend** 26-6-920 as
15 follows:

16 **26-6-920. Periodic review of licensing and certification rules**
17 **and procedures.** At least every five years, the department shall conduct
18 a comprehensive review of the licensing AND CERTIFICATION rules for
19 foster care homes, KINSHIP FOSTER CARE HOMES, and child placement
20 agencies and the procedures relating to and governing foster care homes,
21 KINSHIP FOSTER CARE HOMES, and agencies, including procedures for the
22 review of backgrounds of employees and owners. In conducting the
23 periodic review, the department shall consult with foster care providers,
24 KINSHIP FOSTER CARE PROVIDERS, child placement agencies, county
25 departments, the department of public health and environment, and other
26 interested parties throughout the state. The periodic review must include
27 an examination of the rules applicable to foster care homes, KINSHIP

1 FOSTER CARE HOMES, and child placement agencies; the process of
2 licensing foster care homes and child placement agencies; THE
3 CERTIFICATION PROCESS FOR FOSTER CARE HOMES AND KINSHIP FOSTER
4 CARE HOMES; uniformity of standards or lack thereof in the licensing
5 process; statewide standardization of investigations and enforcement of
6 licensing by the department; duplication and conflicts in rules,
7 requirements, or procedures between the department and the department
8 of public health and environment; and recommendations for streamlining
9 and unifying the licensing process. The review must also include an
10 examination of rules and procedures regarding the general physical and
11 mental health of foster care providers, KINSHIP FOSTER CARE PROVIDERS,
12 employees, and owners. At the conclusion of each review, the department
13 shall report its findings and conclusions and its recommendations for
14 administrative changes and for legislation to the state board.

15 **SECTION 17. Effective date.** This act takes effect September 1,
16 2024.

17 **SECTION 18. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.