

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,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.

department) to promulgate rules to modify the requirements for kinship 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

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

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

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

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

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

1 INCLUDING TRAINING TOPICS FOR KINSHIP FOSTER CARE CERTIFICATION.

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

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

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

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

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

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

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

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

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

27 **SECTION 6.** In Colorado Revised Statutes, 26-6-902, **amend**(1);

1 and **add** (1.5) as follows:

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

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

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

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

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

27 **SECTION 7.** In Colorado Revised Statutes, 26-6-903, **amend** (4),

1 (10), and (16); and **add** (21.5) as follows:

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

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

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

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

1 provided by kin. Kinship foster care providers are eligible for foster care
2 reimbursement. A kinship foster care home provides twenty-four-hour
3 foster care for a child or youth under the age of twenty-one years HAS
4 BEEN CERTIFIED PURSUANT TO SECTION 26-6-910 TO CARE FOR A RELATIVE
5 OR KIN ONLY. A KINSHIP FOSTER CARE HOME PROVIDES
6 TWENTY-FOUR-HOUR FOSTER CARE FOR A CHILD OR YOUTH WHO IS A
7 RELATIVE OR KIN, WHO IS LESS THAN TWENTY-ONE YEARS OF AGE, AND
8 WHO IS ELIGIBLE FOR THE SAME FOSTER CARE REIMBURSEMENT,
9 ASSISTANCE, AND OTHER SUPPORTS AS FOSTER CARE HOMES PURSUANT TO
10 SECTION 26-6-904.5. "KINSHIP FOSTER CARE HOME" DOES NOT INCLUDE
11 NON-CERTIFIED KINSHIP CARE AS THAT TERM IS DEFINED IN SUBSECTION
12 (21.5) OF THIS SECTION.

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

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

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

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

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

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

27 (d) PRIOR TO TRANSFERRING TEMPORARY LEGAL CUSTODY OF ANY

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

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

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

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

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

1 SUPPORTS COMES FROM THE REVENUE STREAM IDENTIFIED IN SUBSECTION
2 (3) OF THIS SECTION.

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

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

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

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

1 CHILDREN AND YOUTH IN OUT-OF-HOME PLACEMENTS. THE STATE
2 DEPARTMENT SHALL MAKE THE DATA AVAILABLE ON ITS WEBSITE ON OR
3 BEFORE OCTOBER 1, 2025.

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

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

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

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

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

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

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

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

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

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

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

26-6-908. Application forms - criminal sanctions for perjury.

23 (1) (a) (I) All applications for the licensure of a child placement agency
24 or a residential or day treatment child care facility or the certification of
25 a foster care home OR KINSHIP FOSTER CARE HOME pursuant to this part 9
26 must include the notice to the applicant ~~that is~~ set forth in subsection
27 (1)(b) of this section.

16 **26-6-909. Standards for facilities and agencies - rules.**

17 (2.5) KINSHIP FOSTER CARE HOMES ARE EXEMPT FROM THE MINIMUM
18 STANDARDS SET FORTH IN THIS SECTION. TRAINING STANDARDS FOR
19 KINSHIP FOSTER CARE HOMES ARE ESTABLISHED PURSUANT TO SECTION
20 19-7-104 (4).

1 **SECTION 12.** In Colorado Revised Statutes, 26-6-910, **amend**
2 (2), (3), (5) introductory portion, (6) introductory portion, (9), (10), and
3 (11); and **add** (5.5), (12), and (13) as follows:

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

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

26 (5) Prior to issuing a certificate or a recertification to an applicant
27 to operate a foster care home OR KINSHIP FOSTER CARE HOME, a county

1 department or a child placement agency licensed pursuant to the
2 provisions of this part 9 shall conduct the following background checks
3 for the applicant for a certificate, a person employed by the applicant, or
4 a person who resides at the facility or the home:

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

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

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

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

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

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

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

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

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

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

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

26 (a) Using the state department's automated database, the
27 procedures for notifying all county departments and child placement

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

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

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

27 (d) (I) When the state department, county department, or child

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

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

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

1 follows:

2 **26-6-913. Revocation of certification of foster care home or**
3 **kinship foster care home - emergency procedures - due process.**

4 Notwithstanding any other provision of law to the contrary, a county
5 department may act immediately to revoke the certification of a
6 county-certified foster care home OR KINSHIP FOSTER CARE HOME when
7 the county department has reason to believe that a child residing in the
8 foster care home OR KINSHIP FOSTER CARE HOME is subject to an
9 immediate and direct threat to the child's safety and welfare or when a
10 substantial violation of a fundamental standard of care warrants
11 immediate action. If the county department acts pursuant to this section,
12 a due process hearing shall be held within five days after the action and
13 conducted as the hearing would normally be conducted pursuant to article
14 4 of title 24.

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

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

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

16 **SECTION 17. Appropriation.** (1) For the 2024-25 state fiscal
17 year, \$4,561,010 is appropriated to the department of human services for
18 use by the division of child welfare. This appropriation is from federal
19 temporary assistance for needy families block grant funds, and is based
20 on an assumption that the division will require an additional 2.5 FTE. To
21 implement this act, the division may use this appropriation for child
22 welfare services.

23 (2) For the 2024-25 state fiscal year, \$54,436 is appropriated to
24 the department of public safety for use by the biometric identification and
25 records unit. This appropriation is from the Colorado bureau of
26 investigation identification unit fund created in section 24-33.5-426,
27 C.R.S. To implement this act, the unit may use this appropriation as

1 follows:

2 (a) \$18,025 for personal services, which amount is based on an
3 assumption that the unit will require an additional 0.3 FTE; and

4 (b) \$36,411 for operating expenses.

5 **SECTION 18. Effective date.** This act takes effect September 1,
6 2024.

7 **SECTION 19. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.