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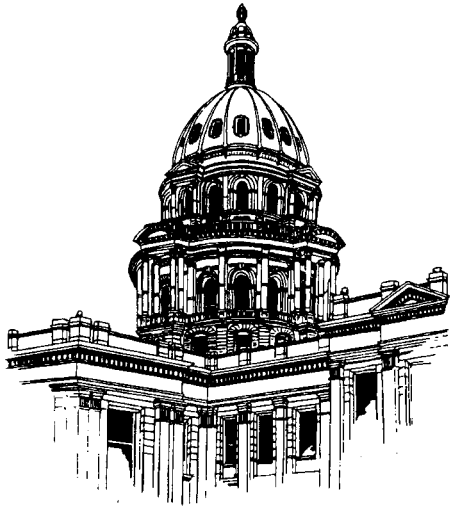
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0480 Foster Care Task Force



Foster Care

Task Force

Report to the
COLORADO
GENERAL ASSEMBLY

Colorado Legislative Council
Research Publication No. 480
December 2000

RECOMMENDATIONS FOR 2001

FOSTER CARE INTERIM COMMITTEE

**Report to the
Colorado General Assembly**

**Research Publication No. 480
December 2000**

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ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784
E-mail: lcs.ga@state.co.us

303-866-3521 FAX: 303-866-3855 TDD: 303-866-3472

December 2000

To Members of the Sixty-second General Assembly:

Submitted herewith is the final report of the Foster Care Interim Committee. This committee was created pursuant to an Interim Study Resolution approved by the Executive Committee of the Legislative Council on June 1, 2000. The committee was established to thoroughly examine the foster care system in Colorado and to develop any legislative or regulatory changes necessary to improve the system.

At its meeting on October 16, 2000, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2001 session was approved.

Respectfully submitted,

/s/ Representative Doug Dean
Chairman
Legislative Council

DD/JLC/jh

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FOSTER CARE INTERIM COMMITTEE

Members of the Committee

Representative Kay Alexander Chairman	Senator Mary Ellen Epps Vice-Chairman
Representative Nolbert Chavez	Senator John Evans
Representative Steve Johnson	Senator Doug Linkhart
Representative Marcy Morrison	Senator Dorothy Rupert
Representative Lois Tochtrop	

Legislative Council Staff

Whitney Gustin Research Associate	Jeanette Chapman Senior Research Assistant
Janis Baron Principal Fiscal Analyst	

Office of Legislative Legal Services

Jeff Conway Staff Attorney	Jennifer Gilroy Senior Staff Attorney
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EXECUTIVE SUMMARY

Committee Charge

Pursuant to an Interim Study Resolution approved by the Executive Committee of the Legislative Council, the Foster Care Interim Committee was charged with thoroughly examining the foster care system in Colorado and developing any legislative and regulatory changes necessary to improve the system. The resolution is appended in this report as Appendix A.

Committee Activities

The Foster Care Interim Committee met three times to discuss foster care issues raised by a series of *Denver Post* articles. The articles revealed that a number of children have died or been victims of abuse while in foster care. As a result, the committee focused its studies on foster children's safety and the quality of care they receive. Testimony indicated that a majority of foster parents are competent care givers, but some foster parents may not be as fit to properly care for children. The committee found that some foster parents have criminal histories, are mentally ill, or have violated foster care licensing or certification standards. However, foster parents who commit violations of these standards may continue to find work with other child placement agencies (CPAs) or county foster homes because there is a lack of communication between these entities. Other safety issues which were brought to the committee's attention were the lack of training for foster parents and the large number of children who are allowed to reside in one foster home. Currently, the law does not include initial or ongoing training requirements for potential or existing foster parents, and there are no restrictions on the number of children that may reside in each foster home. Additional testimony raised concerns that in some cases children are taken from their homes without just cause and, in other cases children should be placed with other relatives instead of in a foster care home.

Committee members also discussed the authority of the Department of Human Services (DHS) and the respective roles of county departments of social services and CPAs. Colorado is one of a few states that has a state-supervised/county-administered foster care system. Although such a system has increased the county's role in administering foster care, it has also diminished the state's authority to intervene when necessary. For example, the state cannot close a CPA foster home if the CPA or a county disagrees with the state's determination that the home poses a health or safety threat to the children. Only a CPA or a county department of social services has the authority to close a home. Other issues which were brought to the committee's attention included oversight of CPAs, reimbursements to foster homes, and licensing of foster homes. Testimony indicated that CPAs are somewhat self-regulated, able to certify their own foster homes, and allowed broad discretion on how they spend their funding. In addition, concerns exist regarding the differences between the state reimbursement that county foster homes receive versus the

amount that CPAs receive. In general, county foster homes currently receive less money per child than CPA homes. Finally, the state currently issues permanent licenses to foster care homes. Witnesses explained that licensing without periodic renewal makes it difficult to ensure that foster homes are maintaining sufficient standards for the safety and well-being of children in their care.

Committee Recommendations

As a result of committee discussion and deliberation, the committee recommends nine bills for consideration in the 2001 legislative session.

Bill A — Additional Responsibilities of the Child Care Commission to Study Issues Related to Foster Care. Bill A adds the study of foster care issues to duties of the Child Care Commission. The Commission was created in the 2000 legislative session to study the issues impacting child care in Colorado.

Bill B — Procedures Related to Foster Care. Bill B modifies current child abuse reporting procedures to include specific provisions for foster children. A state department or agency, a county department of social services, or a local law enforcement agency that receives a report of abuse of a foster child must prepare a written report within 48 hours. Foster parents and employees of child placement agencies are added to those who are required to report child abuse or neglect.

Bill C — Regulatory Oversight of Foster Care. Bill C requires the Department of Human Services to establish accreditation standards to improve the quality of care in foster homes. Foster care homes will be required to be accredited by counties or by child placement agencies. Child placement agencies are required to have an annual independent performance and financial audit at their own expense. The State Auditor's Office is required to conduct a follow-up audit of the state foster care program by December 1, 2002.

Bill D — Creation of the Position of Family Advocate Within Each County Department of Social Services. Bill D creates a family advocate position within each county department of social services. The family advocate may approve or overrule county department discretionary decisions in dependency and neglect and protective custody cases.

Bill E — Expenses Associated with the Provision of Foster Care Services. Bill E creates requirements to help counties and the state assess the expenditures associated with providing foster care services by CPAs. The counties and the Department of Human Services must evaluate the reported expenses and compare them to county foster care expenditures. Based on this analysis, the State Board of Human Services will promulgate rules that establish guidelines for setting rates for child placement agencies.

Bill F — Limitations on the Number of Children Placed in a Foster Care Home.

Bill F establishes limits on the number of foster children that can reside in a home at any given time. No more than six children, of whom four may be foster children, may reside in a foster home. Sibling groups are excepted from this limit.

Bill G — Provision of Foster Care Services.

Bill G contains a number of provisions affecting foster care. Among these are expansion of the list of offenses that disqualify persons from operating a child care agency or facility. In addition, all adults who reside in a foster home must pass a criminal background check. The bill also expands the Department of Human Services' authority to immediately remove a child in danger and allows the Department to deny, suspend, revoke or make probationary the license of any applicant who is the subject of a pending investigation.

Bill H — Periodic Approval of Certain Child Care Entities.

Bill H directs the Board of Human Services to promulgate rules requiring the annual recertification or relicensing of foster care homes. Licenses for child placement agencies that certify foster care homes must be renewed annually.

Bill I — Provision of Publicly-funded Services for Children in Out-of-home

Placements. Bill I contains a number of provisions affecting foster care including instructing the Department of Human Services to promulgate rules to allow county departments of social services to retain cost savings from child welfare allocations. In addition, the Department must prescribe standards for training foster parents. The Department is also authorized to retain up to two percent of the appropriation for foster care for a grant program to county departments of social services.

AUTHORITY AND RESPONSIBILITIES

The Foster Care Interim Committee was created by an Interim Study Resolution approved by the Executive Committee of the Legislative Council on June 1, 2000. Pursuant to the resolution, the nine member committee was assigned the following duties:

- receive testimony from the Department of Human Services, individuals, private foster care placement agencies, and any other person or entity deemed appropriate by the committee related to the current foster care situation;
- evaluate issues facing children in foster care;
- evaluate issues facing foster care providers, including caretakers for foster children and the companies that provide placement services for these children;
- study and evaluate the overall effectiveness of DHS and county departments of social services as they relate to the foster care system;
- study and evaluate the overall effectiveness of private foster care placement agencies and the regulation thereof; and
- develop any legislative and regulatory changes necessary to improve Colorado's foster care system for the children in foster care, the caretakers of these children, and the placement agencies.

COMMITTEE ACTIVITIES

Background

In May of 2000, the *Denver Post* ran a series of articles that pointed to possible problems with the structure and operation of Colorado's foster care system. In an effort to examine these issues more thoroughly, the Executive Committee of the Legislative Council authorized an interim committee to look at all aspects of the state system and try to come up with any necessary solutions. During the 2000 interim, the Foster Care Interim Committee received testimony addressing child safety, the structure of Colorado's state-supervised and county-administered foster care system, and the oversight and monitoring of child placement agencies.

Child Safety

Scope of issue. Of greatest concern to members of the committee were allegations raised by the *Denver Post*, foster parents, and parents of children in foster care that foster children were at risk for abuse and neglect in their foster home either at the hands of the foster parent or by another resident of the home. In one extreme case, a foster father killed a two-year-old foster child when he threw the child to the floor. In addition, there were concerns for the safety of biological or adopted children in the foster home who might be at risk for abuse by the foster child. The following safety issues were addressed by the committee.

Information sharing. Current law requires an applicant for certification as a foster parent to provide the child placement agency or county department of social services with a list of all prior child placement agencies and counties with which the applicant has been employed. However, the law does not require that such information be shared between entities in the event a home closes and seeks certification somewhere else. In some of the cases, problem foster parents simply moved from one agency to another when concerns about their performance would have otherwise made them ineligible. Bill G will require disclosure to help prevent such "agency hopping."

Certification and licensure. Colorado law gives the state the authority to prescribe and publish standards for licensure and certification of foster homes. In addition, child placement agencies and county departments require 12 hours of precertification training and 20 hours of on-going training including things like first aid and CPR. Current law does not contain language concerning any type of training. Bill C will require the Department of Human Services to develop and implement an accreditation process and training standards for counties and child placement agencies.

Each child placement agency has its own application, but every application must include a place to list all previous certifying authorities. The state Department of Human

Services provides counties a standard application which also includes a place to list all previous certifying authorities. On both applications, applicants must sign a provision that they understand that providing false information is considered perjury.

In 1994 state law changed to allow for "permanent" licenses for all child care facilities, including family foster homes. There were a number of reasons for that change in policy, including discussions with the Audit Committee about how to more effectively utilize a severely understaffed state Child Care Licensing Division. Instead of spending time on licensing renewal inspection on all facilities, the majority of which were in compliance with regulations, the division was directed to focus on the smaller percentage of facilities that were considered a higher risk. Bill H will require annual recertification or relicensing of foster homes as well as annual renewals of CPA licenses.

Background checks. A background check from the Colorado Bureau of Investigation is currently required for all foster parent applicants. For individuals applying to be a county foster home provider, a background check is required for anyone 18 years of age or older living in the home. An FBI check is required for individuals who have not lived in Colorado for the previous 24 months. A check of the Central Registry for Child Protection is also required for all family members and any other persons living in the home. A county is not allowed to place a child in the home until the CBI/FBI check is completed and reviewed. Bill G will require a criminal background check for all individuals over the age of 18 living in CPA certified foster homes.

Colorado law lists convictions that *exclude* individuals from being licensed or certified as child care providers, including family foster homes or kinship homes. Such convictions include a violent crime, child abuse, domestic violence, or unlawful sexual behavior. There are also convictions that *may* be used by the state, county, or child placement agency to deny or revoke a license or certification including any felony, third degree assault, or insanity or mental incompetence. Bill G will also expand the list of offenses that would disqualify a person from operating a child care agency or facility.

Reporting abuse. Some concern was expressed regarding the communication between county departments of social services and local law enforcement in reporting abuse of foster children. Testimony indicated that there was fear that county departments were removing children unnecessarily from their homes in response to allegations of abuse or neglect. Current Colorado law requires reporting of known or suspected child abuse to the county department of social services or local law enforcement, which may or may not result in a child being removed from the home. Bill B will specifically reference foster children in the section of law that currently requires the reporting of child abuse. In addition, Bill D will create a position of family advocate in each county department of social services.

Number of foster children in a home. Current Department of Human Services rules allow up to four foster children to reside in the same home. That number may be exceeded if the foster children are siblings. No more than eight children, including the foster family's biological children, may live in a foster home. There are no guidelines for placement of children with special needs. Bill F will limit the number of children in a foster home to six, of whom four may be foster children.

State-Supervised/County-Administered System

Scope of issue. Colorado is one of only a handful of states with a state-supervised, county-administered foster care system. Many questions were raised regarding oversight and monitoring of both county departments and child placement agencies by the state, and particularly the accountability of the Department of Human Services within such a system. There were concerns that the state had done little or nothing to punish the businesses and families that had abused the system.

The state Department of Human Services is responsible for promulgating rules for licensing of child placement agencies and for CPA's certification of child placement foster homes. The Department is also required to promulgate rules for county department certification of county foster homes and to conduct child specific record reviews and administrative reviews. While CPAs have the ability to take immediate action against a specific foster home provider through terminating a contract, the state and the counties must provide a due process hearing prior to terminating a foster parent's contract. Bill G will expand the state's authority to take more immediate action against problem families, while still protecting the foster family's right to a due process hearing.

Quality of care. Under new federal child welfare rules, all states are now accountable for producing positive outcomes in child safety, permanency, and well being. Part of this oversight will be through the Child and Family Services Reviews, involving comprehensive reviews of state data and site visits. States will be required to meet stringent national standards, to address deficiencies by means of program improvement plans and will be subject to financial penalties for non-compliance. Bill C will require the state to establish accreditation standards and training requirements for counties and CPAs who certify foster homes. Such standards will help the state meet new federal requirements.

Oversight and Monitoring of Child Placement Agencies

Scope of issue. Many questions regarding the safety of children in foster care focused on the oversight and monitoring of child placement agencies. While the state provides minimum standards regarding child health and safety as well as staff qualifications, the committee had concerns about how well such regulations protect foster children. In some instances, there were questions about possible conflicts of interest in the management of CPAs, particularly in cases where family members and paid staff served on the board of directors of the agency. Concerns were also raised about the sometimes high salaries of executive directors of CPAs; and in particular whether the money for those salaries came from moneys earmarked for the care of foster children.

State authority. Child placement agencies are currently required to be licensed by the Colorado Department of Human Services, Division of Child Care. A CPA has the right under state law to be licensed as a business if the agency meets the licensing requirements. Once they have met these requirements, CPAs are authorized to certify foster homes.

The division requires an original licensing investigation for new child placement agencies that includes a review of required policies and procedures, the CPA's pre-licensing training plan and on-going training plan, staff qualifications, and the CPA's budget. CPAs are also subject to annual and bi-annual supervisory visits of county agencies as well as complaint investigations and rapid response investigations by the state. The state does not currently have authority to determine how a child placement agency may be managed or how money is spent. Bill C will require child placement agencies to undergo annual independent performance and financial audits at the CPA's expense. A second proposal, Bill E will allow the Department to promulgate rules to establish guidelines for setting rates for child placement agencies. In addition, Bill G will prohibit licensing of any child placement agency in which a member of the board of directors is either related to or serves as an officer, executive, or employee of the same agency.

SUMMARY OF RECOMMENDATIONS

As a result of the committee's activities, the following bills are recommended to the Colorado General Assembly.

Bill A — Concerning the Additional Responsibilities of the Child Care Commission to Study Issues Related to Foster Care

Bill A creates additional responsibilities of the Child Care Commission to study foster care issues. The duties of the Commission are expanded to include the study of:

- performance standards for foster care homes;
- accreditation standards for CPAs that certify foster care homes;
- the role of CPAs within the foster care system;
- the role of county departments of social services within the foster care system; and
- the needs of foster care children and how to best meet those needs through the foster care system.

Bill B — Concerning Procedures Related to Foster Care

Bill B modifies child abuse reporting procedures to include specific provisions for foster children. A department or agency that receives an oral report of abuse of a foster child must prepare a written report within 48 hours. If the oral report is received by the county department of social services, the department must forward a written report within 48 hours to the district attorney's office and the local law enforcement agency. If the oral report is received by the local law enforcement agency, the agency must forward a written report within 48 hours to the district attorney's office and the county department of social services. Foster parents and officers and employees of CPAs are added to the list of persons who are required to report child abuse or neglect. Local law enforcement agencies are required to coordinate and investigate all reports of child abuse or neglect of a child in foster care.

Bill C — Concerning Regulatory Oversight of Foster Care

Bill C requires foster care providers to adhere to accreditation standards to improve the quality of care in foster homes. The state Board of Human Services is directed to adopt rules establishing accreditation standards. Each county department must enter into an accreditation contract with the state board. Failure of the county to meet the standards, goals, and requirements in the accreditation contract may result in sanctions such as state administration of foster care. Foster care homes must be accredited by either a county department or a licensed CPA. Any foster care home seeking accreditation must submit

a list of all CPAs or county departments which previously certified or accredited the applicant so that a reference check may be performed. Child placement agencies licensed to certify foster care homes are required to have an annual independent performance and financial audit at their own expense. The State Auditor's Office is required to conduct an audit of the state foster care program.

Bill D — Concerning the Creation of the Position of Family Advocate Within Each County Department of Social Services

Bill D creates a family advocate position within each county department of social services. The family advocate is authorized to approve or overrule county department discretionary decisions in dependency and neglect and protective custody cases. The bill provides that in the event of a conflict between the decisions of a county department and the family advocate, the matter be referred to the county department director for resolution.

Bill E — Concerning Expenses Associated with the Provision of Foster Care Services

Bill E creates requirements to help assess the expenditures associated with providing foster care services by CPAs. Any county department of social services that negotiates rates, services, and outcomes with CPAs must include in every contract a requirement that the CPA submit an itemized list of expenses associated with the provision of foster care services. The counties and the state Department of Human Services must evaluate the reported expenses and compare them to county foster care expenditures. Based upon the analysis and other information, the state Board of Human Services will promulgate rules setting forth minimal guidelines which must be used by counties in setting rates for CPAs providing foster care services.

Bill F — Concerning Limitations on the Number of Children Placed in a Foster Care Home

Bill F limits the number of children that can reside in a foster care home at any given time. It specifies that homes cannot care for more than six children; no more than four of which are foster children. Sibling groups are an exception. A foster care home can care for up to five foster children if at least three of them are siblings. Only two children in any foster care home can be under the age of two years.

Bill G — Concerning the Provision of Foster Care Services

Bill G contains a number of provisions affecting foster care. The Department of Human Services must deny or revoke a license sought by or previously issued to a CPA if any officer, executive or employee of the CPA is related to or serves as a member of its board of directors. Adults residing in foster homes are added to the list of individuals who

must meet criminal background check requirements. The bill expands the list of offenses which disqualify persons from obtaining a license or certificate to operate a child care agency or facility. The Department is permitted to immediately remove a child from a foster care home if it finds that the child is subject to an immediate threat to his/her safety and welfare. Complaints involving CPAs must be monitored and tracked by the Department. The Department may deny, suspend, revoke, or make probationary the license of any applicant who is the subject of a pending investigation that may result in a negative licensing action. If a county department has substantiated evidence that a CPA has violated licensing laws or rules, the department must communicate the information to all other county departments and to the state Department.

Bill H — Concerning Periodic Approval of Certain Child Care Entities

Bill H directs the state Board of Human Services to promulgate rules requiring the annual recertification or relicensing of foster care homes. Any CPA or foster care home license or certificate existing prior to July 1, 2002, will expire on that date. Persons who hold a license or certificate and who wish to renew it must file an application for a new license or certificate prior to July 1, 2002. Licenses for CPAs that certify foster care homes must be renewed annually.

Bill I — Concerning the Provision of Publicly Funded Services for Children in Out-of-Home Placements

Bill I contains a number of provisions affecting foster care. The Department of Human Services is authorized to retain up to two percent of the total annual appropriation for foster care to administer a grant program to county departments of social services. The state Department is directed to promulgate rules allowing county departments to retain cost savings from child welfare allocations. Counties are permitted to apply these cost savings toward up to 25 percent of the county share of child welfare costs. The Department is directed to establish standards for the training of foster care parents. These standards must include a minimum of thirty hours of initial training, 12 hours per year of continued training, and 24 additional hours of annual training for therapeutic foster homes. Child placement agencies are permitted to choose to place or arrange for placement of a child in the home of a relative as a preference over placement in a foster care home. The child must be related to the owner or to a tenant of the home, and the relative must pass a criminal background check.

RESOURCE MATERIALS

The resource materials listed below were provided to the committee or developed by Legislative Council staff during the course of the meetings. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver. For a limited time, the meeting summaries and materials developed by Legislative Council Staff are available on our web site at:

www.state.co.us/gov_dir/leg_dir/lcstaff/2000/00interim.

Meeting Summaries	Topics Discussed
June 26, 2000	Foster Children Issues State Supervised/County Administered System County-supervised and CPA-supervised Foster Homes Oversight
July 10, 2000	Oversight Foster Care Parents CPA-Supervised Foster Homes Public Testimony
August 7, 2000	CPAs in Other States DHS Recommendations for Administrative, Regulatory and Legislative Changes Proposed Legislation

Memoranda and Reports

And How are the Children: The Final Report of the Governor's Task Force on Child Welfare, January 2000.

Legislative History of Foster Care - 1990 through 2000, Sunny Kristin, Office of Legislative Legal Services, June, 2000.

Colorado Foster Care Studies, Legislative Council Staff, July, 2000.

Child Welfare - Foster Care, Dave Barba, State Auditor.

Funds Appropriated for Department of Human Services Field Staff, Carolyn Kampman, Joint Budget Committee Staff, August 2000.

Allocation of Funds Appropriated for Child Welfare Services, Carolyn Kampman, Joint Budget Committee Staff, August 2000.

Oversight of Private Child Placement Agencies in Other States, Steve Christian, National Conference of State Legislatures, August, 2000.

Bill A

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

CONCERNING THE ADDITIONAL RESPONSIBILITIES OF THE CHILD CARE COMMISSION
TO STUDY ISSUES RELATED TO FOSTER CARE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Foster Care. Creates an additional responsibility of the child care commission to study issues related to foster care.

Expands the duties of the child care commission to include the study of the following:

- Performance standards for foster care homes;
 - Accreditation standards for child placement agencies that certify foster care homes;
 - The role of child placement agencies within the foster care system;
 - The role of county departments of social services within the foster care system; and
 - The needs of foster care children and how to best meet those needs through the foster care system.
-

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

SECTION 1. 26-6-302, Colorado Revised Statutes, is amended to read:

26-6-302. Legislative declaration. (1) (a) The general assembly hereby finds that the future of Colorado children is of primary concern to the citizens of this state and that the quality of care provided to these young children is an integral component in the development of happy, functional, and contributing adults. However, the general assembly has learned that the safety and quality of available child care is at issue in Colorado. Reports ON CHILD CARE LICENSING by the state auditor's office released in April of 1995 and in August of 1998 have identified several areas in which the safety and quality of child care in Colorado has been compromised. IN ADDITION, A REPORT ON CHILD WELFARE BY THE STATE AUDITOR'S OFFICE IN AUGUST OF 1998, IDENTIFIED PROBLEMS WITH THE STATE FOSTER CARE SYSTEM AND INVESTIGATIONS CONDUCTED BY A LOCAL METROPOLITAN NEWSPAPER IN MAY OF 2000, SPECIFICALLY IDENTIFIED SERIOUS THREATS TO CHILDREN'S HEALTH AND SAFETY IN THE COLORADO FOSTER CARE SYSTEM.

(b) The general assembly further finds that, based upon the evidence presented to the interim committee on child care established pursuant to SJR 99-034 AND THE INTERIM COMMITTEE ON FOSTER CARE ESTABLISHED PURSUANT TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL INTERIM STUDY RESOLUTION, there are many programs that should be considered, tested, evaluated, or established that may better serve children in this state ~~and help~~ BY HELPING to provide them with high quality, affordable child care AND SAFE FOSTER CARE SERVICES. The general assembly recognizes that the interim ~~committee~~ COMMITTEES on child care AND FOSTER CARE addressed a wide range of issues in proposed legislation but further notes that many issues were of too

great a nature to be thoroughly studied by the ~~committee~~ COMMITTEES in the very limited time available to it THEM.

(c) Accordingly, the general assembly finds that it is appropriate and in the best interests of the citizens of the state of Colorado to establish a commission on child care to continue studying the critical issues impacting child care AND FOSTER CARE SERVICES in the state of Colorado in an effort to improve the quality of ~~child care~~ SUCH SERVICES provided to the youngest citizens of the state.

SECTION 2. 26-6-305 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-6-305. Child care commission - duties. (1) The commission shall have the following duties:

(f.5) TO STUDY AND EVALUATE THE STATE'S FOSTER CARE SYSTEM, INCLUDING BUT NOT LIMITED TO:

(I) PERFORMANCE STANDARDS FOR FOSTER CARE HOMES AND DIFFERENT ACCREDITATION STANDARDS FOR CHILD PLACEMENT AGENCIES THAT CERTIFY FOSTER CARE HOMES;

(II) THE ROLE OF CHILD PLACEMENT AGENCIES WITHIN THE FOSTER CARE SYSTEM, INCLUDING BUT NOT LIMITED TO, THE FOLLOWING SPECIFIC ISSUES:

(A) LICENSURE;

(B) NON-PROFIT STATUS;

(C) ACCREDITATION;

(D) INFORMATION GATHERING AND SHARING WITH RESPECT TO OTHER CHILD PLACEMENT AGENCIES, FOSTER CARE FAMILIES, AND FOSTER CARE CHILDREN;

(E) COSTS AND FUNDING; AND

(F) OVERSIGHT AND ADMINISTRATION;

(III) THE ROLE OF COUNTY DEPARTMENTS OF SOCIAL SERVICES WITHIN THE FOSTER CARE SYSTEM, INCLUDING BUT NOT LIMITED TO, THE FOLLOWING:

(A) FOSTER CARE CASELOADS;

(B) INVOLVEMENT WITH CHILD PLACEMENT AGENCIES;

(C) INFORMATION GATHERING AND SHARING WITH RESPECT TO CHILD PLACEMENT AGENCIES, FOSTER CARE FAMILIES, AND FOSTER CARE CHILDREN;

(D) COSTS AND FUNDING; AND

(E) OVERSIGHT AND ADMINISTRATION;

(IV) THE NEEDS OF FOSTER CARE CHILDREN AND HOW TO BEST MEET THOSE NEEDS THROUGH THE FOSTER CARE SYSTEM; AND

(V) ANY OTHER ISSUES CONCERNING THE FOSTER CARE SYSTEM THAT MAY ARISE DURING THE COURSE OF THE COMMISSION'S STUDY;

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

DRAFT

Bill A

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 01-0038

Date: December 8, 2000

Prime Sponsor(s): Rep. Alexander
Sen. Linkhart

Bill Status: Foster Care Interim Committee
Fiscal Analyst: Janis Baron (303-866-3523)

TITLE: CONCERNING THE ADDITIONAL RESPONSIBILITIES OF THE CHILD CARE COMMISSION TO STUDY ISSUES RELATED TO FOSTER CARE.

Summary of Assessment

The bill requires the Child Care Commission, created in HB 00-1020, to study and evaluate the state's foster care system. Specifically, the Commission is to examine:

- performance standards for foster care homes;
- accreditation standards for child placement agencies (CPAs) that certify foster care homes;
- the role of CPAs in the foster care system;
- the role of county departments of social services within the foster care system; and
- the needs of foster care children and how to best meet them.

The bill is effective upon signature of the Governor.

The bill is assessed as having no fiscal impact. The Department of Human Services indicates that no additional Commission meetings are anticipated due to the new duties prescribed in the bill (the Commission meets approximately 4 times annually). HB 00-1020 included an appropriation of \$6,432 to cover reimbursement expenses for the 15-member Commission. Because the Commission is authorized through June 30, 2004, the fiscal note assumes that annual funding to support the Commission's costs will be provided through the annual budget process.

Departments Contacted

Human Services

Bill B

SENATE SPONSORSHIP

Evans and Epps

HOUSE SPONSORSHIP

Johnson, Alexander, and Tochtrop

A BILL FOR AN ACT

CONCERNING PROCEDURES RELATED TO FOSTER CARE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Foster Care. Modifies child abuse reporting procedures to require the department or agency receiving an oral report of abuse of a child in foster care to prepare a written report within 48 hours after receipt of the oral report. Specifies that a written report prepared by the county department of social services ("county department") related to a report of abuse of a child in foster care shall be forwarded within 48 hours after preparation of the report to the district attorney's office and the local law enforcement agency. Further specifies that a copy of a written report prepared by a local law enforcement agency related to a report of abuse of a child in foster care shall be forwarded within 48 hours to the county department and to the district attorney's office. Continues the county department requirement to forward finalized reports of confirmed child abuse or neglect to the central registry within 60 days after receipt.

Adds foster parents and officers and employees of child placement agencies to the list of persons who are required to report child abuse or neglect.

Requires local law enforcement agencies to coordinate and investigate all reports of child abuse or neglect of a child in foster care.

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

SECTION 1. 19-3-307, Colorado Revised Statutes, is amended to read:

19-3-307. Reporting procedures. (1) (a) Reports of known or suspected child abuse or neglect made pursuant to this article shall be made immediately to the county department or the local law enforcement agency and shall be followed promptly by a written report prepared by those persons required to report. The county department shall forward a copy of its own report of confirmed child abuse or neglect within sixty days of AFTER receipt of the report to the central registry on forms supplied by the state department.

(b) ORAL REPORTS OF KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT OF A CHILD IN FOSTER CARE MADE PURSUANT TO THIS ARTICLE SHALL BE MADE IMMEDIATELY TO THE COUNTY DEPARTMENT OR THE LOCAL LAW ENFORCEMENT AGENCY AND SHALL BE FOLLOWED PROMPTLY BY A WRITTEN REPORT PREPARED BY THOSE PERSONS REQUIRED TO REPORT. THE RECEIVING DEPARTMENT OR AGENCY SHALL PREPARE A WRITTEN REPORT WITHIN FORTY-EIGHT HOURS AFTER RECEIPT OF AN ORAL REPORT. THE COUNTY DEPARTMENT SHALL ALSO FORWARD A COPY OF ITS FINALIZED REPORT OF CONFIRMED CHILD ABUSE OR NEGLECT WITHIN SIXTY DAYS AFTER RECEIPT OF THE REPORT TO THE CENTRAL REGISTRY ON FORMS SUPPLIED BY THE STATE DEPARTMENT.

(2) Such WRITTEN AND CONFIRMED CHILD ABUSE OR NEGLECT reports, when possible, shall include the following information:

(a) The name, address, age, sex, and race of the child;

(b) The name and address of the person responsible for the suspected abuse or neglect;

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Bill R

(c) The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings;

(d) The names and addresses of the persons responsible for the suspected abuse or neglect, if known;

(e) The family composition;

(f) The source of the report and the name, address, and occupation of the person making the report;

(g) Any action taken by the reporting source;

(h) Any other information that the person making the report believes may be helpful in furthering the purposes of this part 3.

(2.5) Notwithstanding the requirements set forth in subsection (2) of this section, any officer or employee of a local department of health or state department of public health and environment who makes a report pursuant to section 25-1-122 (4) (d) or 25-4-1404 (1) (d), C.R.S., shall include only the information described in said sections.

(3) (a) A copy of the report of known or suspected child abuse or neglect shall be transmitted immediately by the county department to the district attorney's office and to the local law enforcement agency.

(b) A COPY OF THE WRITTEN REPORT PREPARED BY THE COUNTY DEPARTMENT IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE TRANSMITTED IMMEDIATELY OR WITHIN FORTY-EIGHT HOURS AFTER RECEIPT OF THE ORAL REPORT OF KNOWN OR SUSPECTED ABUSE, BY THE COUNTY DEPARTMENT TO THE DISTRICT ATTORNEY'S OFFICE AND TO THE LOCAL LAW ENFORCEMENT AGENCY. A COPY OF THE WRITTEN REPORT PREPARED BY THE

LOCAL LAW ENFORCEMENT AGENCY IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE TRANSMITTED IMMEDIATELY OR WITHIN FORTY-EIGHT HOURS AFTER RECEIPT OF THE ORAL REPORT OF KNOWN OR SUSPECTED CHILD ABUSE TO THE COUNTY DEPARTMENT AND TO THE DISTRICT ATTORNEY'S OFFICE.

(4) A written report from persons or officials required by this part 3 to report known or suspected child abuse or neglect shall be admissible as evidence in any proceeding relating to child abuse, subject to the limitations of section 19-1-307.

SECTION 2. 19-3-304 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

19-3-304. Persons required to report child abuse or neglect.

(2) Persons required to report such abuse or neglect or circumstances or conditions shall include any:

(x) FOSTER PARENTS OPERATING FOSTER CARE HOMES AS THEY ARE DEFINED IN SECTION 26-6-102 (4.5), C.R.S., AND OTHER PERSONS IN A POSITION OF TRUST TO A CHILD, AS POSITION OF TRUST IS DEFINED IN SECTION 18-3-401, C.R.S.;

(y) ANY OFFICER, EXECUTIVE, ADMINISTRATOR, DIRECTOR, EMPLOYEE, OR AFFILIATE, AS THAT TERM IS DEFINED IN SECTION 26-6-102 (1), OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO PART 1 OF ARTICLE 6 OF TITLE 26.

SECTION 3. 19-3-308 (5.3), Colorado Revised Statutes, is amended to read:

19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - child protection team. (5.3) (a) Local law enforcement

agencies shall have the responsibility for the coordination and investigation of all reports of third-party abuse or neglect by persons ten years of age or older AND FOR ALL REPORTS OF ABUSE OR NEGLECT OF A CHILD IN FOSTER CARE. Upon receipt of a report, if the local law enforcement agency reasonably believes that the protection and safety of a child is at risk due to an act or omission on the part of persons responsible for the child's care, such agency shall notify the county department of social services for an assessment regarding neglect and dependency. In addition, the local law enforcement agency shall refer to the county department of social services any report of third-party abuse or neglect in which the person allegedly responsible for such abuse or neglect is under age ten. Upon the completion of an investigation, the local law enforcement agency shall forward a copy of its investigative report to the county department of social services. The county department shall review the law enforcement investigative report and shall determine whether the report should be filed with the state central registry in accordance with section 19-3-313 (2) (a), which report, upon such determination, shall be filed with the state central registry within sixty days of AFTER the receipt of the report by the county department.

(b) If, before an investigation is completed, the local law enforcement agency determines that social services are necessary for the child and, if applicable, the child's family, or that assistance from the county department of social services is otherwise required, the agency may request said services or assistance from the county department. The county department shall immediately respond to a law enforcement agency's request for services or assistance in a manner deemed appropriate by the county department.

(c) When the investigation involves a suspected perpetrator who was acting in his official capacity as an employee of a school district, the local law enforcement agency shall coordinate such investigation with any concurrent abuse investigation being conducted by the department of education or the school district to the extent such coordination is possible and deemed appropriate.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Colorado Legislative Council Staff
NO FISCAL IMPACT

Bill B

Drafting Number: LLS 01-0040
Prime Sponsor(s): Sen. Evans
Rep. Johnson

Date: December 8, 2000
Bill Status: Foster Care Interim Committee
Fiscal Analyst: Janis Baron (303-866-3523)

TITLE: CONCERNING PROCEDURES RELATED TO FOSTER CARE.

Summary of Assessment

The bill modifies child abuse reporting procedures to require county departments of social services (county department) or agencies receiving an oral report of abuse of a child in foster care to prepare a written report within 48 hours of receiving the oral report. It specifies the following:

- within 48 hours after preparation, a written report prepared by the county department shall be forwarded to the district attorney's office and the local law enforcement agency;
- a copy of the written report prepared by a local law enforcement agency shall be forwarded within 48 hours to the county department and to the district attorney's office; and
- continues to require that all finalized reports of confirmed child abuse or neglect be forwarded to the Central Registry within 60 days of receipt.

The bill also adds foster parents and officers and employees of child placement agencies (CPAs) to the list of persons required to report child abuse or neglect. Local law enforcement agencies are required to coordinate and investigate all reports of child abuse or neglect of a child in foster care. The bill is effective upon signature of the Governor.

The bill is assessed at having no state or local fiscal impact for the following reasons:

- The Department of Human Services indicates that counties currently receive oral reports and, as a matter of practice, follow the procedures and time frames delineated in the bill. Mandating the reporting procedures will not significantly increase county workloads.
- The addition of foster parents and officers and employees of CPAs will not significantly increase the number of reports filed. It is assumed that these persons, concerned with the safety of children in their care, are already reporting child abuse or neglect.

- Local law enforcement agencies currently have the responsibility for coordinating and investigating all reports of third-party abuse or neglect by persons 10 years of age or older. It is assumed that the responsibility to coordinate and investigate all reports of child abuse or neglect of a child in foster care will not significantly increase their workloads.

Departments and Other Agencies Contacted

Department of Human Services
County Officials

Colorado District Attorneys' Council

Bill C

SENATE SPONSORSHIP

Evans, Epps, and Linkhart

HOUSE SPONSORSHIP

Alexander, Johnson, and Tochtrop

A BILL FOR AN ACT

CONCERNING REGULATORY OVERSIGHT OF FOSTER CARE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Foster Care. Requires the state auditor's office to conduct a follow-up audit of the state foster care program by August 1, 2002. Directs the state auditor's office to provide copies of the audit report to the legislative audit committee and to the health, environment, welfare, and institutions committees of the general assembly and to the executive director of the department. Repeals the audit requirement effective December 1, 2002.

Authorizes the department of human services ("department") to establish and enforce standards for accreditation of foster care homes by county departments of social services ("county departments") and by child placement agencies ("CPAs").

Encourages the department to examine the benefits of licensing CPAs that offer specific services and that are able to provide specialized types of foster care.

Directs the state board of human services ("state board") to adopt rules establishing accreditation standards for assessing the quality and performance of foster care in the county departments and in foster care homes accredited either by the county departments or by CPAs. On or after January 1, 2002, requires each county department to enter into an accreditation contract with the state board with respect to the delivery of foster care services in the county. Provides that failure to meet the standards, goals, and requirements in the accreditation contract may result in sanctions, including probation and state administration of

foster care. Sets forth the requirements for operation of foster care homes, including criminal background checks.

On and after January 1, 2002, requires foster care homes to be accredited by either a county department or a licensed child placement agency as meeting the accreditation standards. Directs that the certification of a foster care home certified prior to January 1, 2002, expires automatically on January 1, 2002.

Requires CPAs licensed to certify foster care homes to cause to have an independent performance and financial audit conducted annually at the expense of the CPA. Subjects a CPA to negative licensing action for the failure or refusal to conduct and submit such an audit to the department. Directs the state board to promulgate rules concerning the qualifications of the auditors that may conduct such audits and the time frames within which such audits are to be submitted. Identifies the information the audits shall address.

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

SECTION 1. Part 1 of article 3 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

2-3-113. Performance audit of foster care program - repeal.

(1) THE STATE AUDITOR SHALL CONDUCT OR CAUSE TO BE CONDUCTED A PERFORMANCE AND FINANCIAL AUDIT OF THE STATE'S FOSTER CARE PROGRAM ESTABLISHED IN THE DEPARTMENT OF HUMAN SERVICES AND ADMINISTERED BY THE DIVISION OF CHILD WELFARE SERVICES IN THE DEPARTMENT. IN ADDITION TO SUCH OTHER ISSUES AS MAY BE IDENTIFIED BY THE STATE AUDITOR'S OFFICE, SUCH AUDIT SHALL SERVE AS A FOLLOW-UP TO THE AUGUST 1998 REPORT OF THE STATE AUDITOR ON THE DIVISION OF CHILD WELFARE SERVICES IN THE DEPARTMENT OF HUMAN SERVICES.

(2) THE STATE AUDITOR'S OFFICE SHALL SUBMIT ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS IN THE FORM OF A WRITTEN REPORT TO THE MEMBERS OF THE LEGISLATIVE AUDIT COMMITTEE OF THE GENERAL ASSEMBLY AND TO THE MEMBERS OF THE HEALTH, ENVIRONMENT, WELFARE, AND

INSTITUTIONS COMMITTEES OF THE GENERAL ASSEMBLY AND TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES NO LATER THAN AUGUST 1, 2002.

(3) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 1, 2002.

SECTION 2. 26-1-107 (6), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPH to read:

26-1-107. State board of human services. (6) The state board shall:

(h) ESTABLISH AND ENFORCE STANDARDS FOR ACCREDITATION OF FOSTER CARE HOMES BY COUNTY DEPARTMENTS OF SOCIAL SERVICES AND BY CHILD PLACEMENT AGENCIES AS SET FORTH IN SECTION 26-6-117, INCLUDING BUT NOT LIMITED TO RULES OF PROCEDURE AND DUE PROCESS FOR THE REVIEW BY A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY OF THE DENIAL OF ACCREDITATION OF A FOSTER CARE HOME.

SECTION 3. 26-6-102 (1), (1.3), (4.5), and (5.5), Colorado Revised Statutes, are amended, and the said 26-6-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

(1) "ACCREDITATION" MEANS CERTIFICATION BY THE DEPARTMENT THAT THE COUNTY DEPARTMENTS AND THE FOSTER CARE HOMES IN THE RESPECTIVE COUNTIES MEET THE REQUIREMENTS ESTABLISHED BY SECTION 26-6-117 AND THE RULES PROMULGATED PURSUANT TO SUCH SECTION FOR FOSTER CARE AND INCLUDES THE PROCESS FOR ACCREDITING FOSTER CARE HOMES PURSUANT TO SECTION 26-6-117.

(1.1) "ACCREDITATION CONTRACT" MEANS THE AGREEMENT BETWEEN THE STATE BOARD AND A COUNTY DEPARTMENT THAT BINDS THE COUNTY DEPARTMENT TO MANAGE THE ACCREDITATION OF FOSTER CARE HOMES WITHIN SUCH COUNTY, CONSISTENT WITH THE ACCREDITATION STANDARDS.

(1.2) "Affiliate of a licensee" means:

(a) Any person or entity that owns more than five percent of the ownership interest in the business operated by the licensee or the applicant for a license; or

(b) Any person who is directly responsible for the care and welfare of children served.

(1.3)(a) PRIOR TO JANUARY 1, 2002, "certification" means the process by which the county department of social services or a child placement agency approves the operation of a foster care home.

(b) THIS SUBSECTION (1.3) IS REPEALED EFFECTIVE JANUARY 1, 2002.

(2.3) "CORRECTIVE ACTION CYCLE" MEANS THE CORRECTIVE ACTIONS DESCRIBED IN SECTION 26-6-117 TO WHICH A COUNTY DEPARTMENT SHALL BE SUBJECT IN THE EVENT THAT IT FAILS TO COMPLY WITH PROVISIONS OF THE ACCREDITATION CONTRACT.

(4.5) (a) (1) PRIOR TO JANUARY 1, 2002, "foster care home" means a facility that is certified by the county department or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family care for a child under the age of eighteen years who is not related to the head of such home, except in the case of relative care. The term includes any foster care home receiving a child for regular twenty-four-hour care and any home receiving a child from any state-operated

institution for child care or from any child placement agency, as defined in subsection (2) of this section. "Foster care home" also includes those homes licensed by the department of human services that receive neither moneys from the counties nor children placed by the counties.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JANUARY 1, 2002.

(b) ON AND AFTER JANUARY 1, 2002, "FOSTER CARE HOME" MEANS A FACILITY THAT IS ACCREDITED BY THE COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY FOR CHILD CARE IN A PLACE OF RESIDENCE OF A FAMILY OR PERSON FOR THE PURPOSE OF PROVIDING TWENTY-FOUR-HOUR FAMILY CARE FOR A CHILD UNDER THE AGE OF EIGHTEEN YEARS WHO IS NOT RELATED TO THE HEAD OF SUCH HOME, EXCEPT IN THE CASE OF RELATIVE CARE. THE TERM INCLUDES ANY FOSTER CARE HOME RECEIVING A CHILD FOR REGULAR TWENTY-FOUR-HOUR CARE AND ANY HOME RECEIVING A CHILD FROM ANY STATE-OPERATED INSTITUTION FOR CHILD CARE OR FROM ANY CHILD PLACEMENT AGENCY, AS DEFINED IN SUBSECTION (2) OF THIS SECTION. "FOSTER CARE HOME" ALSO INCLUDES THOSE HOMES LICENSED BY THE DEPARTMENT OF HUMAN SERVICES THAT RECEIVE NEITHER MONEYS FROM THE COUNTIES NOR CHILDREN PLACED BY THE COUNTIES.

(5.5) (a) (I) PRIOR TO JANUARY 1, 2002, "licensing" means, except as otherwise provided in subsection (4.5) of this section, the process by which the department approves a facility, except foster care homes, for the purpose of conducting business as a child care facility.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JANUARY 1, 2002.

(b) ON AND AFTER JANUARY 1, 2002, "LICENSING" MEANS THE PROCESS BY WHICH THE DEPARTMENT APPROVES A FACILITY FOR THE PURPOSE OF CONDUCTING BUSINESS AS A CHILD CARE FACILITY.

SECTION 4. 26-6-103 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-6-103. Application of part - study. (1) This part 1 shall not apply to:

(i) FOSTER CARE HOMES ON AND AFTER JANUARY 1, 2002, WHICH SHALL BE ACCREDITED BY THE COUNTY DEPARTMENTS OF SOCIAL SERVICES OR BY A CHILD PLACEMENT AGENCY PURSUANT TO ACCREDITATION STANDARDS DEVELOPED BY THE STATE BOARD, AS PROVIDED IN SECTION 26-6-117.

SECTION 5. 26-6-104 (1), Colorado Revised Statutes, is amended, and the said 26-6-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-6-104. Licenses - out-of-state notices and consent - repeal. (1) (a) (I) No person shall operate any agency or facility defined in this part 1 without first being licensed to operate or maintain such agency or facility by the department and paying the fee prescribed therefor. Such license issued by the department shall be permanent unless otherwise revoked or suspended pursuant to section 26-6-108; except that the state board of human services shall promulgate rules requiring the recertification of foster care homes every three years and setting forth the procedural requirements associated with such recertification. A person operating a foster care home shall not obtain a license if such person holds a certificate to operate such home from any county department or a child placement agency licensed under the provisions of this part

1. Said certificate shall be in such form as prescribed and provided by the department, shall certify that such person is a suitable person to operate a home, and shall contain such information as the department requires. A placement agency issuing or renewing any such certificate shall transmit a copy or report thereof to the department. No foster care home shall be certified by more than one placement agency or county department. A foster care home, when certified by a placement agency or county department, may receive for care a child from sources other than the certifying agency or county department upon the written consent and approval of the agency or county department as to each such child. All such certificates shall be considered licenses for the purpose of this part 1, including but not limited to the investigation and criminal background checks required under section 26-6-107.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JANUARY 1, 2002.

(b) ON AND AFTER JANUARY 1, 2002, NO PERSON SHALL OPERATE ANY AGENCY OR FACILITY DEFINED IN THIS PART 1 WITHOUT FIRST BEING LICENSED TO OPERATE OR MAINTAIN SUCH AGENCY OR FACILITY BY THE DEPARTMENT AND PAYING THE FEE PRESCRIBED THEREFOR. SUCH LICENSE ISSUED BY THE DEPARTMENT SHALL BE PERMANENT UNLESS OTHERWISE REVOKED OR SUSPENDED PURSUANT TO SECTION 26-6-108. A PERSON OPERATING A FOSTER CARE HOME SHALL NOT OBTAIN A LICENSE IF SUCH PERSON IS ACCREDITED TO OPERATE SUCH HOME BY ANY COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY LICENSED UNDER THE PROVISIONS OF THIS PART 1. A FOSTER CARE HOME, WHEN ACCREDITED BY A CHILD PLACEMENT AGENCY OR COUNTY DEPARTMENT, MAY RECEIVE FOR CARE A CHILD FROM SOURCES OTHER THAN THE ACCREDITING CHILD PLACEMENT AGENCY OR COUNTY DEPARTMENT UPON THE WRITTEN CONSENT AND

APPROVAL OF THE CHILD PLACEMENT AGENCY OR COUNTY DEPARTMENT AS TO EACH SUCH CHILD.

(8) THE DEPARTMENT IS STRONGLY ENCOURAGED TO EXAMINE THE BENEFITS OF LICENSING ANY PRIVATE, NONPROFIT CHILD PLACEMENT AGENCY THAT IS DEDICATED TO SERVING THE SPECIAL NEEDS OF FOSTER CARE CHILDREN THROUGH SERVICES DELIVERED BY SPECIALIZED FOSTER CARE PARENTS IN CONJUNCTION WITH AND SUPPORTED BY STAFF OF THE CHILD PLACEMENT AGENCY. SUCH CHILD PLACEMENT AGENCIES EXAMINED SHALL BE ABLE TO:

(a) OFFER THE FOLLOWING SERVICES:

(I) PROVISION OF EDUCATED, SKILLED, AND EXPERIENCED FOSTER CARE PARENTS;

(II) SOCIAL WORK SUPPORT FOR THE FOSTER CARE CHILD AND FOSTER CARE FAMILY;

(III) TWENTY-FOUR-HOUR, ON-CALL AVAILABILITY;

(IV) MONTHLY FOSTER CARE PARENT SUPPORT GROUP MEETINGS;

(V) ON-GOING EDUCATIONAL AND NETWORKING OPPORTUNITIES FOR ANY FOSTER CARE FAMILY;

(VI) INDIVIDUALIZED TREATMENT PLANS DEVELOPED THROUGH TEAM COLLABORATION;

(VII) PROFESSIONAL AND FAMILY NETWORKING OPPORTUNITIES; AND

(VIII) RESPITE SUPPORT AND REIMBURSEMENT.

(b) PROVIDE A FORM OF SPECIALIZED FOSTER CARE INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING TYPES OF CARE:

(I) TREATMENT FOSTER CARE;

(II) MEDICAL FOSTER CARE;

(III) RESPITE FOSTER CARE; AND

(IV) INTENSIVE TREATMENT FOSTER CARE.

SECTION 6. 26-6-105.5 (1) (a) (I) and (2), Colorado Revised Statutes, are amended to read:

26-6-105.5. Application forms - criminal sanctions for perjury. (1) (a) (I) All applications for the licensure of a child care facility or the certification OR ACCREDITATION of a foster care home pursuant to this part I shall include the notice to the applicant that is set forth in paragraph (b) of this subsection (1).

(2) Any person applying for the licensure of a child care facility or the certification OR ACCREDITATION of a foster care home pursuant to this part I or any person applying to work at such a facility as an employee who knowingly or willfully makes a false statement of any material fact or thing in the application is guilty of perjury in the second degree as defined in section 18-8-503, C.R.S., and, upon conviction thereof, shall be punished accordingly.

SECTION 7. 26-6-107 (1) (a.5), Colorado Revised Statutes, is amended to read:

26-6-107. Investigations and inspections - local authority - reports - rules. (1) (a.5) (I) (A) An applicant for certification as a foster care home shall provide the child placement agency or the department of social services from whom the certification is sought with a list of all the prior child placement agencies and county departments of social services that had previously certified the applicant. A child placement agency or county department of social services from whom the certification is sought shall conduct a reference check of the applicant by contacting all of the child placement agencies and county

departments of social services identified by the applicant before issuing the certification for that foster care home.

(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JANUARY 1, 2002.

(II) ON AND AFTER JANUARY 1, 2002, AN APPLICANT FOR ACCREDITATION AS A FOSTER CARE HOME SHALL PROVIDE THE CHILD PLACEMENT AGENCY OR THE COUNTY DEPARTMENT FROM WHOM THE ACCREDITATION IS SOUGHT WITH A LIST OF ALL THE PRIOR CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS THAT HAD PREVIOUSLY CERTIFIED OR ACCREDITED THE APPLICANT. A CHILD PLACEMENT AGENCY OR COUNTY DEPARTMENT FROM WHOM THE ACCREDITATION IS SOUGHT SHALL CONDUCT A REFERENCE CHECK OF THE APPLICANT BY CONTACTING ALL OF THE CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS IDENTIFIED BY THE APPLICANT BEFORE ISSUING THE ACCREDITATION FOR THAT FOSTER CARE HOME.

SECTION 8. 26-6-108 (1) and (2.7), Colorado Revised Statutes, are amended, and the said 26-6-108 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTION, to read:

26-6-108. Denial of original license - suspension - revocation - probation - refusal to renew license - fines. (1) When an application for an original license OR FOR ACCREDITATION has been denied by the department, the department shall notify the applicant in writing of such denial by mailing a notice to him at the address shown on his application. Any applicant ~~believing himself~~ WHO IS aggrieved by such denial may pursue the remedy for review as provided in subsection (3) of this section if he OR SHE, within thirty days after receiving such notice, petitions the department to set a date and place for hearing,

affording him OR HER an opportunity to be heard in person or by counsel. All hearings on the denial of original licenses shall be conducted in conformity with the provisions and procedures specified in article 4 of title 24, C.R.S., as in the case of the suspension and revocation of licenses.

(2.3) (a) ON OR AFTER JANUARY 1, 2002, THE COUNTY DEPARTMENT MAY DENY, SUSPEND, OR REVOKE THE ACCREDITATION OF A FOSTER CARE HOME IF THE PERSON ACCREDITED TO OPERATE A FOSTER CARE HOME OR A PERSON WHO RESIDES WITH SUCH PERSON AT THE FOSTER CARE HOME IS SUBJECT TO ANY OF THE CONDITIONS SET FORTH IN SECTION 26-6-108 (2) OR FAILS TO COMPLY WITH THE ACCREDITATION CONTRACT WITH THE STATE BOARD AS REQUIRED BY THIS SECTION.

(b) ON OR AFTER JANUARY 1, 2002, A CHILD PLACEMENT AGENCY SHALL DENY, SUSPEND, OR REVOKE ACCREDITATION OF A FOSTER CARE HOME IF THE APPLICANT OR THE OPERATOR HAS BEEN FOUND TO HAVE VIOLATED ANY OF THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION OR PARAGRAPH (a) OF THIS SUBSECTION (2.3).

(2.7) The department may assess fines, pursuant to the provisions of section 26-6-114, against a licensee or a person employed by the licensee OR A PERSON CERTIFIED OR ACCREDITED TO OPERATE A FOSTER CARE HOME who willfully and deliberately or consistently violates the standards prescribed and published by the department or the provisions of this part 1.

SECTION 9. 26-6-108 (2) (m), Colorado Revised Statutes, is amended, and the said 26-6-108 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

26-6-108. Denial of original license - suspension - revocation - probation - refusal to renew license - fines. (2) The department may deny, suspend, revoke, or make probationary the license of any facility regulated and licensed under this part 1 or assess a fine against the licensee pursuant to section 26-6-114 should the licensee, an affiliate of the licensee, a person employed by the licensee, or a person who resides with the licensee at the facility:

(m) Be the subject of a negative licensing action; OR

(n) FAIL OR REFUSE TO CONDUCT AND SUBMIT AN ANNUAL INDEPENDENT AUDIT AS REQUIRED BY SECTION 26-6-117.

SECTION 10. 26-6-108 (4), Colorado Revised Statutes, is repealed as follows:

26-6-108. Denial of original license - suspension - revocation - probation - refusal to renew license - fines. (4) ~~The provisions of paragraph (c) of subsection (2) of this section shall not apply to foster care homes, unless such use or consumption impairs the licensee's ability to properly care for children.~~

SECTION 11. 26-6-111, Colorado Revised Statutes, is amended to read:

26-6-111. Injunctive proceedings. The department, in the name of the people of the state of Colorado, through the attorney general of the state, may apply for an injunction in any court of competent jurisdiction to enjoin any person from operating any facility without ACCREDITATION OR a license that is required to be ACCREDITED OR licensed under this part 1. An injunction may also be requested by the appropriate county department through the county attorney or retained counsel. If it is established that the defendant has been or is so

operating such facility, the court shall enter a decree enjoining said defendant from further operating such facility unless and until he OR SHE obtains ACCREDITATION OR a license therefor. In case of violation of any injunction issued under the provisions of this section, the court may summarily try and punish the offender for contempt of court. Such injunctive proceedings shall be in addition to and not in lieu of the penalty provided in section 26-6-112.

SECTION 12. Part 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

26-6-117. Accreditation standards - accreditation contracts - corrective action cycle - rules. (1) (a) (I) NO LATER THAN OCTOBER 1, 2001, THE STATE BOARD SHALL ESTABLISH BY RULE ACCREDITATION STANDARDS FOR ASSESSING THE QUALITY AND PERFORMANCE OF FOSTER CARE IN THE COUNTY DEPARTMENTS AND FOSTER CARE HOMES IN THE STATE. SUCH STANDARDS SHALL BE BASED UPON ACCREDITATION STANDARDS OF A NATIONALLY RECOGNIZED ACCREDITING BODY OF MENTAL HEALTH AND SOCIAL SERVICE ORGANIZATIONS. THE STATE BOARD MAY ALSO INCLUDE PERFORMANCE STANDARDS FOR THE OPERATION OF FOSTER CARE HOMES.

(II) THE STATE BOARD SHALL ANNUALLY REVIEW THE ACCREDITATION STANDARDS ESTABLISHED PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) AND MAY REVISE SUCH ACCREDITATION STANDARDS AS NECESSARY.

(b) (I) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING HOW THE COUNTY DEPARTMENTS SHALL MEASURE DATA RELATING TO THE

ACCREDITATION STANDARDS AND THE FORM IN WHICH THE COUNTY DEPARTMENTS SHALL PROVIDE SUCH DATA TO THE STATE BOARD.

(II) THE RULES SHALL INCLUDE PROCEDURES BY AND THE FORMAT IN WHICH COUNTY DEPARTMENTS SHALL SUBMIT TO THE DEPARTMENT THE INFORMATION DEMONSTRATING ACHIEVEMENT OF THE ACCREDITATION INDICATORS.

(c) ACHIEVEMENT OF THE ACCREDITATION STANDARDS SHALL BE REPORTED ACCORDING TO RULES PROMULGATED BY THE STATE BOARD.

(2) (a) EACH COUNTY DEPARTMENT SHALL ENTER INTO AN ACCREDITATION CONTRACT WITH THE STATE BOARD WITH RESPECT TO THE DELIVERY OF FOSTER CARE SERVICES IN THE COUNTY. THE ACCREDITATION CONTRACT SHALL DEFINE THE STANDARDS, GOALS, AND REQUIREMENTS TO BE MET BY THE COUNTY DEPARTMENT OVER THE TERM OF THE CONTRACT, INCLUDING ANY STANDARDS, GOALS, AND REQUIREMENTS TO BE MET BY CHILD PLACEMENT AGENCIES WHO CONTRACT WITH THE COUNTY DEPARTMENT TO PROVIDE FOSTER CARE SERVICES. FAILURE TO ACHIEVE THE STANDARDS, GOALS, AND REQUIREMENTS SET FORTH IN THE ACCREDITATION CONTRACT MAY RESULT IN THE SANCTIONS AND CORRECTIVE ACTIONS SET FORTH IN SUBSECTION (3) OF THIS SECTION.

(b) THE ACCREDITATION CONTRACT SHALL CONTAIN, AT A MINIMUM, THE FOLLOWING TERMS:

(I) PROVISIONS RELATING TO THE TERMS OF THE CONTRACT;

(II) ADOPTION OF STANDARDS FOR THE DELIVERY OF FOSTER CARE SERVICES BY FOSTER CARE HOMES ACCREDITED BY THE COUNTY DEPARTMENTS;

(III) ADOPTION OF STANDARDS FOR THE DELIVERY OF FOSTER CARE SERVICES BY FOSTER CARE HOMES THAT ARE ACCREDITED BY A CHILD PLACEMENT AGENCY PURSUANT TO A CONTRACT BETWEEN THE CHILD PLACEMENT AGENCY AND A COUNTY DEPARTMENT;

(IV) A STATEMENT THAT THE COUNTY DEPARTMENT IS RESPONSIBLE FOR ENSURING THAT THE FOSTER CARE HOMES ACCREDITED BY CHILD PLACEMENT AGENCIES MEET THE ACCREDITATION STANDARDS FOR THE DELIVERY OF FOSTER CARE SERVICES;

(V) THE DURATION OF THE ACCREDITATION CONTRACT.

(3) **Corrective action cycle.** (a) **Level one: Notice.** (I) AT ANY TIME DURING THE TERM OF THE ACCREDITATION CONTRACT, IF A COUNTY DEPARTMENT FAILS TO COMPLY WITH ANY OF THE PROVISIONS OF THE ACCREDITATION CONTRACT, THE DEPARTMENT SHALL NOTIFY THE COUNTY DEPARTMENT OF THE NATURE OF THE COUNTY DEPARTMENT'S LACK OF COMPLIANCE. THIS NOTICE SHALL CONSTITUTE LEVEL ONE IN THE CORRECTIVE ACTION CYCLE.

(II) AFTER RECEIPT OF THE NOTICE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), A COUNTY DEPARTMENT SHALL SUBMIT A PLAN TO REMEDY ITS LACK OF COMPLIANCE TO THE DEPARTMENT. THE PLAN SHALL BE SUBMITTED WITHIN A SPECIFIC TIME PERIOD COMMENCING IMMEDIATELY AFTER THE COUNTY DEPARTMENT'S RECEIPT OF THE NOTICE, WHICH TIME PERIOD SHALL BE ESTABLISHED IN STATE BOARD RULES. THE DEPARTMENT SHALL APPROVE OR DENY THE COUNTY DEPARTMENT'S PLAN TO REMEDY ITS LACK OF COMPLIANCE WITHIN A TIME PERIOD BEGINNING ON THE DATE OF THE PLAN'S SUBMISSION, WHICH TIME PERIOD SHALL BE ESTABLISHED IN STATE BOARD RULES.

(b) **Level two: Probation.** (I) PURSUANT TO RULES ESTABLISHED BY THE STATE BOARD, THE STATE BOARD SHALL PLACE A COUNTY DEPARTMENT ON PROBATIONARY STATUS IF THE COUNTY DEPARTMENT FAILS TO IMPLEMENT THE PLAN SUBMITTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3). PROBATION SHALL CONSTITUTE LEVEL TWO IN THE CORRECTIVE ACTION CYCLE. THE RULES OF THE STATE BOARD SHALL INCLUDE A PROCESS FOR A COUNTY DEPARTMENT'S RIGHT TO A HEARING BEFORE THE STATE BOARD IN ORDER TO DETERMINE WHETHER THE COUNTY DEPARTMENT HAD IMPLEMENTED THE PLAN PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3).

(II) UPON THE REQUEST OF A COUNTY DEPARTMENT, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO A COUNTY DEPARTMENT THAT IS ON PROBATIONARY STATUS.

(c) **Level three: State administration.** PURSUANT TO RULES ESTABLISHED BY THE STATE BOARD, THE DIVISION MAY TAKE OVER THE COUNTY DEPARTMENT'S OPERATION OF FOSTER CARE IF THE COUNTY DEPARTMENT FAILS TO REMEDY ITS LACK OF COMPLIANCE. THE RULES OF THE STATE BOARD SHALL INCLUDE A PROCESS FOR A COUNTY DEPARTMENT'S RIGHT TO A HEARING BEFORE THE STATE BOARD IN ORDER TO DETERMINE WHETHER THE COUNTY DEPARTMENT HAD REMEDIED ITS LACK OF COMPLIANCE. THE COUNTY DEPARTMENT AND THE STATE BOARD MAY ENTER INTO A REMEDIAL PLAN TO HAVE THE COUNTY DEPARTMENT RESUME OPERATIONS OF FOSTER CARE IN THE COUNTY.

(4) ON AND AFTER JANUARY 1, 2002, NO CHILD PLACEMENT AGENCY SHALL PLACE A CHILD IN A FOSTER CARE HOME UNLESS SUCH HOME HAS BEEN ACCREDITED AS MEETING THE ACCREDITATION STANDARDS ESTABLISHED

PURSUANT TO THIS SECTION FOR FOSTER CARE HOMES. A CHILD PLACEMENT AGENCY SHALL ACCREDIT FOSTER CARE HOMES PURSUANT TO THE ACCREDITATION STANDARDS PROMULGATED BY RULE OF THE STATE BOARD AS SET FORTH IN THIS SECTION.

(5) (a) ON AND AFTER JANUARY 1, 2002, FOSTER CARE HOMES SHALL BE ACCREDITED EITHER BY A LICENSED CHILD PLACEMENT AGENCY OR BY THE COUNTY DEPARTMENT OF SOCIAL SERVICES PURSUANT TO THE ACCREDITATION STANDARDS PROMULGATED BY THE STATE BOARD AS SET FORTH IN THIS SECTION. THE CERTIFICATION OF A FOSTER CARE HOME THAT WAS CERTIFIED PRIOR TO JANUARY 1, 2002, SHALL AUTOMATICALLY EXPIRE ON JANUARY 1, 2002. SUCH FOSTER CARE HOME MAY APPLY FOR ACCREDITATION PURSUANT TO THIS SECTION AND THE RULES OF THE STATE BOARD.

(b) ON AND AFTER JANUARY 1, 2002, NO PERSON SHALL OPERATE A FOSTER CARE HOME WITHOUT FIRST BEING ACCREDITED BY A COUNTY DEPARTMENT OR A LICENSED CHILD PLACEMENT AGENCY AS MEETING THE ACCREDITATION STANDARDS PROMULGATED BY THE STATE BOARD AS SET FORTH IN THIS SECTION. SUCH ACCREDITATION SHALL BE VALID FOR THREE YEARS UNLESS OTHERWISE REVOKED OR SUSPENDED PURSUANT TO SECTION 26-6-108 (2.3), AND MAY BE RENEWED EVERY THREE YEARS PURSUANT TO RULES ADOPTED BY THE STATE BOARD. SUCH RULES SHALL SET FORTH THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH SUCH RENEWAL. A CHILD PLACEMENT AGENCY ISSUING OR RENEWING ANY SUCH ACCREDITATION SHALL TRANSMIT A COPY OR REPORT THEREOF TO THE DEPARTMENT.

(6) THE STATE BOARD SHALL ESTABLISH RULES FOR THE ACCREDITATION OF FOSTER CARE HOMES THAT PROVIDE TWENTY-FOUR-HOUR

CARE OF CHILDREN BETWEEN EIGHTEEN AND TWENTY-ONE YEARS OF AGE FOR WHOM THE COUNTY DEPARTMENT IS FINANCIALLY RESPONSIBLE AND WHEN PLACED IN FOSTER CARE BY THE COUNTY DEPARTMENT.

(7) NO ACCREDITATION TO OPERATE A FOSTER CARE HOME SHALL BE GRANTED BY A COUNTY DEPARTMENT OR BY A CHILD PLACEMENT AGENCY UNDER THE PROVISIONS OF THIS SECTION IF THE PERSON APPLYING FOR SUCH ACCREDITATION HAS BEEN CONVICTED OF ANY OF THE OFFENSES DESCRIBED IN SECTION 26-6-104 (7) AND AS DETERMINED PURSUANT TO SUCH SUBSECTION.

26-6-118. Annual audits of child placement agencies. (1) AS A CONDITION OF LICENSURE, EVERY CHILD PLACEMENT AGENCY LICENSED TO CERTIFY OR ACCREDIT FOSTER CARE HOMES SHALL CAUSE ANNUALLY TO HAVE CONDUCTED A COMPREHENSIVE INDEPENDENT PERFORMANCE AND FINANCIAL AUDIT BY AN AUDITOR OR FIRM OF AUDITORS AS REQUIRED BY RULE OF THE STATE BOARD. THE COSTS ASSOCIATED WITH SUCH AUDITS SHALL BE BORNE BY THE CHILD PLACEMENT AGENCY. FAILURE TO CONDUCT AND SUBMIT SUCH AN ANNUAL AUDIT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION MAY SUBJECT THE CHILD PLACEMENT AGENCY TO NEGATIVE LICENSING ACTION PURSUANT TO SECTION 26-6-108 (2) (i) OR SECTION 26-6-108 (2) (n).

(2) THE STATE BOARD SHALL PROMULGATE RULES SPECIFYING THE EXPERIENCE, KNOWLEDGE, AND EXPERTISE NECESSARY FOR AN AUDITOR TO BE QUALIFIED TO CONDUCT THE AUDITS REQUIRED BY SUBSECTION (1) OF THIS SECTION. EACH INDEPENDENT AUDIT SHALL BE CONDUCTED AND SUBMITTED TO THE DEPARTMENT WITHIN THE TIME FRAMES PRESCRIBED BY THE STATE BOARD PURSUANT TO RULE. THE STATE BOARD SHALL PROMULGATE EMERGENCY RULES

FOLLOWED BY PERMANENT RULES TO DEFINE THE PERFORMANCE STANDARDS LISTED IN SUBSECTION (3) OF THIS SECTION.

(3) EACH INDEPENDENT AUDIT SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

(a) THE NUMBER AND IDENTIFICATION OF COUNTIES WITH WHICH THE CHILD PLACEMENT AGENCY CONTRACTS FOR THE DELIVERY OF FOSTER CARE SERVICES;

(b) AN ITEMIZATION OF EXPENDITURES ASSOCIATED WITH THE PROVISION OF FOSTER CARE SERVICES INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(I) FOOD AND SHELTER COSTS;

(II) SERVICES PROVIDED TO CHILDREN IN FOSTER CARE INCLUDING COUNSELING, MENTAL HEALTH, AND MEDICAL SERVICES;

(III) ISOLATION AND IDENTIFICATION OF COSTS FOR SPECIFIC POPULATIONS OR SERVICES; AND

(IV) ADMINISTRATIVE COSTS, INCLUDING AN ITEMIZATION OF AMOUNTS PAID TO FOSTER CARE HOME PROVIDERS, AMOUNTS PAID FOR ACCOUNTING, AMOUNTS ATTRIBUTABLE TO ANNUAL AUDITS, AMOUNTS ASSOCIATED WITH CONTRACT ADMINISTRATION, AMOUNTS ATTRIBUTABLE TO CASE ADMINISTRATION, AMOUNTS ASSOCIATED WITH MONITORING AND OVERSIGHT OF THE FOSTER CARE HOME PROVIDERS, AMOUNTS ATTRIBUTABLE TO LICENSING, AND AMOUNTS PAID AS SALARIES TO ADMINISTRATIVE STAFF OF THE CHILD PLACEMENT AGENCY AND THE PERCENTAGE OF EACH TYPE OF SUCH EXPENSES TO THE OVERALL EXPENDITURES ASSOCIATED WITH THE PROVISION OF FOSTER CARE SERVICES;

(c) THE ABILITY OF THE CHILD PLACEMENT AGENCY TO MEASURE THE EFFECTIVENESS OF ITS PERFORMANCE IN THE DELIVERY OF FOSTER CARE SERVICES INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(I) THE SERVICES PROVIDED TO EACH INDIVIDUAL CHILD RECEIVING CARE IN A FOSTER CARE HOME OR HOMES CERTIFIED OR ACCREDITED BY THE CHILD PLACEMENT AGENCY;

(II) THE TIMELINESS WITH WHICH NEEDED SERVICES ARE PROVIDED TO CHILDREN IN THE SYSTEM;

(III) COMPLIANCE WITH REQUIREMENTS FOR MEDICAL OR MENTAL HEALTH TREATMENT OF CHILDREN PLACED IN FOSTER CARE HOMES CERTIFIED OR ACCREDITED BY THE CHILD PLACEMENT AGENCY;

(IV) THE RATE OF RECIDIVISM IN THE FOSTER CARE SYSTEM;

(V) THE NUMBER OF RUNAWAYS FROM FOSTER CARE HOMES EACH YEAR AND THE REASONS THEREFOR;

(VI) THE ACADEMIC PERFORMANCE OF THE CHILDREN IN FOSTER CARE HOMES;

(VII) THE NUMBER OF REFUSALS TO ACCEPT CERTAIN CHILDREN INTO FOSTER CARE HOMES AND THE REASONS THEREFOR;

(VIII) AN EVALUATION OF CUSTOMER SATISFACTION FROM THE PERSPECTIVE OF THE BIRTH PARENTS, GUARDIANS, TEACHERS, COURTS, FOSTER CARE PARENTS, AND OTHER INTERESTED PERSONS;

(IX) THE FREQUENCY WITH WHICH A SINGLE CHILD IS MOVED FROM ONE PLACEMENT TO ANOTHER;

(X) THE NUMBER OF TIMES A CHILD IS MOVED FROM ONE SHORT-TERM EMERGENCY SHELTER TO ANOTHER;

(XI) THE LENGTH OF TIME CHILDREN REMAIN IN SHORT-TERM EMERGENCY SHELTER CARE; AND

(d) THE EFFECTIVENESS OF THE CHILD PLACEMENT AGENCY IN MONITORING AND OVERSEEING THE PROVISION OF SERVICES BY FOSTER CARE HOMES CERTIFIED OR ACCREDITED BY SUCH AGENCY, INCLUDING THE FOLLOWING:

(I) THE NUMBER OF FOSTER CARE HOMES THE CHILD PLACEMENT AGENCY USES AND RECRUITS;

(II) THE STANDARDS USED TO CERTIFY OR ACCREDIT SUCH FOSTER CARE HOMES;

(III) THE SHORTAGE, IF ANY, OF FOSTER CARE HOMES IN EACH COUNTY SERVED BY THE CHILD PLACEMENT AGENCY;

(IV) IDENTIFICATION OF EACH CASE IN WHICH THERE WAS NO AVAILABLE FOSTER CARE HOME IN WHICH TO PLACE A CHILD, INCLUDING WHERE THE CHILD WAS PLACED AND FOR WHAT DURATION;

(V) IDENTIFICATION OF THE NUMBER OF FOSTER CARE HOMES CERTIFIED OR ACCREDITED BY THE CHILD PLACEMENT AGENCY AGAINST WHICH NEGATIVE LICENSING ACTION WAS TAKEN BY THE DEPARTMENT DURING THE COURSE OF THE YEAR, INCLUDING THE TYPE OF NEGATIVE LICENSING ACTION TAKEN, A DESCRIPTION OF WHETHER THE NEGATIVE LICENSING ACTION RESULTED FROM ACTIONS OF THE CHILD PLACEMENT AGENCY AS A RESULT OF MONITORING AND INSPECTION, THE LENGTH OF TIME IT TOOK TO ACCOMPLISH THE NEGATIVE LICENSING ACTION, AND WHETHER THE FOSTER CARE HOME IS CURRENTLY OPERATIONAL AND, IF SO, WHAT STEPS THE CHILD PLACEMENT AGENCY HAS TAKEN TO MONITOR THE HOME.

(4) THE DEPARTMENT SHALL ENSURE THAT EVERY AUDIT RECEIVED FROM A CHILD PLACEMENT AGENCY PURSUANT TO THIS SECTION SHALL BE REVIEWED AND ANALYZED BY A QUALIFIED INDIVIDUAL WITH APPROPRIATE TRAINING AND EXPERTISE IN THE REVIEW OF PERFORMANCE AND FINANCIAL AUDITS. IN ADDITION, THE DEPARTMENT SHALL ROUTINELY COMPILE AND ANALYZE THE DATA RECEIVED AND REVIEWED TO ASSIST IT IN ASSESSING THE PERFORMANCE OF CHILD PLACEMENT AGENCIES PROVIDING FOSTER CARE SERVICES IN THE STATE AND IN DEVELOPING MEASURES, OBJECTIVES, AND GOALS FOR EVALUATING THE DEPARTMENT'S OWN PERFORMANCE, AT A STATEWIDE LEVEL, IN THE DELIVERY OF SAFE, QUALITY FOSTER CARE SERVICES TO THE CHILDREN OF THE STATE OF COLORADO.

SECTION 13. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill C

Colorado Legislative Council Staff
**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 01-0041
Prime Sponsor(s): Sen. Evans
Rep. Alexander

Date: December 8, 2000
Bill Status: Foster Care Interim Committee
Fiscal Analyst: Janis Baron (303-866-3523)

TITLE: CONCERNING REGULATORY OVERSIGHT OF FOSTER CARE.

Fiscal Impact Summary	FY 2001/2002	FY 2002/2003
State Revenues General Fund		
State Expenditures General Fund	\$ 1,821,209	\$ 1,480,641
Cash Fund Exempt	455,841	406,365
Federal Fund	244,560	203,183
FTE Position Change (see NOTE below)	1.0 FTE 34.7 FTE County Staff	1.0 FTE 34.7 FTE County Staff
Other State Impact: None		
Effective Date: Upon Signature of the Governor		
Appropriation Summary for FY 2001/2002:		
Department of Human Services	\$ 2,521,610	Total
	1,821,209	GF
	455,841	CFE — County Funds
	244,560	FF
	1.0	FTE
Local Government Impact: The counties' 20 percent share for child welfare services is estimated at \$455,841 in FY 2001-02 and \$406,365 in FY 2002-03.		

NOTE: County staff are shown for informational purposes and are not appropriated according to FTE authorization.

Summary of Legislation

The bill includes the following provisions regarding regulatory oversight of foster care:

- Requires the State Auditor's Office (SAO) to conduct a follow-up audit of the state foster care program by August 1, 2002, specifies who should receive

copies of the audit report, and repeals the audit requirement effective December 1, 2002.

- Requires the State Board of Human Services to establish and enforce standards for accreditation of foster care homes by county departments of social services and child placement agencies (CPAs). No later than October 1, 2001, the State Board shall establish, by rule, accreditation standards for assessing the quality and performance of foster care in the county departments and foster care homes.
- On and after January 1, 2002, requires each county department to enter into an accreditation contract with the State Board regarding delivery of foster care services in the county, and requires foster care homes to be accredited by either a county department or a licensed child placement agency as meeting the accreditation standards. Certification of a foster care home prior to January 1, 2002, expires automatically on January 1, 2002.
- Provides that failure to meet the standards, goals, and requirements in the accreditation contract may result in sanctions, including probation and state administration of foster care.
- Requires an annual independent performance and financial audit of CPAs licensed to certify foster care homes at the expense of the CPA, and subjects a CPA to negative licensing action for failing or refusing to conduct and submit such an audit. Directs the State Board to promulgate rules concerning the qualifications for auditors that conduct such audits and the time frames for audit submissions.

State Expenditures

The bill's total costs are estimated at \$2,521,610 in FY 2001-02 and \$2,090,189 in FY 2002-03, and will be incurred in the Department of Human Services (DHS).

Bill Sections 26-6-108, 26-6-117, and 26-6-118 — are those sections of the proposed legislation which create a fiscal impact. It is estimated that 34.7 FTE county staff, 1.0 FTE state department staff, training, computer programming changes, and operating expenses for the added staff will be needed to comply with the bill. Of the 34.7 FTE county staff required, 21.0 FTE are caseworkers and the remaining 13.7 FTE are the associated administrative, supervisory, and support staff. The 1.0 FTE state department staff is an Auditor III position. In calculating costs under the bill, a list of assumptions used has been provided below (please note that the addition of county staff is made according to formula and is based on the number of projected hours needed to monitor/review foster care homes):

- County departments of social services will require county administrator and county attorney time for accreditation contract negotiations with both the State

Board of Human Services and CPAs; estimated at \$560,000 in both FY 2001-02 and FY 2002-03. The cost is based on a canvassing of several county departments of social services. Denver County, which represents 25 percent of the state's total child welfare population, projects a need for \$140,000. The total amount of \$560,000 is calculated using the Denver projection times four.

- County staff will be required to monitor each certified foster care home in which that county's children reside to ensure compliance with the accreditation standards. County staff will visit each of the 3,600 certified foster care homes annually, with 20 percent (720 homes) requiring follow-up visits. [Currently, there are 1,800 foster care homes certified by the county departments of social services and 1,800 foster care homes certified by CPAs. County staff will also visit 517 relative foster care homes for accreditation purposes.]
- Given the extensive nature of the accreditation standards, county staff will require six hours per foster care home visit (includes travel and data entry time). Follow-up visits will require four hours. It is assumed that 14.3 FTE caseworkers and 9.3 FTE associated administrative/support staff will be needed to visit the 1,800 CPA certified foster homes. It is assumed that only one quarter of the county certified foster care homes (450 homes) can be visited/reviewed using existing county department certification staff. Therefore, counties will require 6.7 FTE caseworkers and 4.4 FTE administrative/support staff to review the remaining foster care homes and relative foster care homes it certifies. A total of 21.0 FTE caseworkers will be required.
- County staff will require training in the new accreditation standards. Additionally, county staff will need training to assess the competencies and strengths of foster care parents, and determine the level of services and training foster care parents need. Twelve regional training sessions will be conducted at a rate of \$10,572 per training session ($12 \times \$10,572 = \$126,864$). Training costs will be incurred in FY 2001-02 only.
- The Colorado Trails automated system will need programming modifications to include the standards, goals, and requirements specified in negotiated accreditation contracts, and to put in place a mechanism to allow CPA licenses to expire after three years. This will be a one-time cost in FY 2001-02 (2,200 contract programming hours at a rate of \$80/hour = \$176,000). Additionally, \$5,470 will be needed for contractual services for two months to perform the necessary data entry edits to terminate licenses.
- The DHS will require state staff to review and analyze every performance and financial audit received from CPAs. It is estimated that nine reviews will be conducted (110 CPAs audited annually), necessitating 1.0 FTE Auditor III. The reviews will require an adequate level of expertise to both review and analyze data received.

Bill C

State Auditor's Office. Although the bill requires the SAO to conduct a follow-up audit of the state foster care program by August 1, 2002, the office indicates that this audit is currently scheduled for FY 2002 without the bill. Thus, no new costs will be incurred in the SAO as a result of the bill.

The table below details the costs incurred under the bill for both FY 2001-02 and FY 2002-03.

Cost Components	FY 2001-02	FY 2002-03
County Administrator and Attorney Time for Contract Negotiations	560,000	560,000
County Staff — Personal Services Caseworkers and Associated Support/Administration	1,370,712 34.7 FTE	1,370,712 34.7 FTE
County Staff — Operating Expenses	221,629	101,115
County Staff — Training	126,864	0
Subtotal — County Costs	\$ 2,279,205	\$ 2,031,827
State Department — Personal Services and Operating Expenses Auditor III	60,935 1.0 FTE	58,362 1.0 FTE
State Department — Colorado Trails Automated System	181,470	0
BILL TOTAL	\$ 2,521,610	\$ 2,090,189
General Fund	1,821,209	1,480,641
Cash Funds Exempt	455,841	406,365
Federal Funds	244,560	203,183

Local Government Impact

The counties' 20 percent share for child welfare services is estimated at \$455,841 in FY 2001-02 and \$406,365 in FY 2002-03.

State Appropriations

The fiscal note indicates that the Department of Human Services should receive an appropriation for \$2,521,610 and 1.0 FTE. Of the total amount, \$1,821,209 is General Fund, \$455,841 is cash funds exempt county funds, and \$244,560 is federal funds. Although the appropriation includes funding for county staffing costs and associated operating expenses for 34.7 FTE, county FTE are no longer authorized in the state's annual appropriation bill. The DHS will require the full appropriation and FTE authorization for 1.0 FTE state staff to comply with the bill's provisions.

Departments Contacted

Human Services

State Auditor's Office

Bill D

SENATE SPONSORSHIP

Evans

HOUSE SPONSORSHIP

A BILL FOR AN ACT

CONCERNING THE CREATION OF THE POSITION OF FAMILY ADVOCATE WITHIN EACH COUNTY DEPARTMENT OF SOCIAL SERVICES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Foster Care. Creates the position of family advocate within each county department of social services. Lists the duties and functions of the family advocate. Authorizes the family advocate to review and either approve or overrule discretionary decisions by a county department of social services concerning the filing of a dependency and neglect petition and the request for protective custody of a child. Separates the family advocate's role from a county department of social services' statutory duty to refer certain reports directly to the court. Excludes the family advocate from participating in discretionary decisions by law enforcement officers and other appropriate persons concerning the filing of a petition and the request for protective custody.

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

SECTION 1. Part 1 of article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-1-119.5. Family advocate. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) FAMILIES, INCLUDING TRADITIONAL FAMILIES AND FOSTER CARE FAMILIES, PLAY A VITAL ROLE IN A FREE SOCIETY.

(b) GOVERNMENT SHOULD SUPPORT AND REAFFIRM ALL FAMILIES AND NOT UNDERMINE AND BE HOSTILE TO THEM OR MERELY SEND A MESSAGE OF NEUTRALITY.

(c) THE ECONOMIC AND SOCIAL COSTS OF FAMILY BREAKDOWN, INCLUDING INCREASED POVERTY, CRIME, SUBSTANCE ABUSE, ADOLESCENT PROMISCUITY, AND TEEN-AGE PREGNANCIES, ARE SIGNIFICANT. PERSONS WHO ARE RAISED IN LOVING AND NURTURING FAMILY ENVIRONMENTS, WITH BOTH MATERNAL AND PATERNAL ROLE MODELS, HAVE A GREATLY REDUCED RISK OF DROPPING OUT OF SCHOOL, BECOMING JUVENILE DELINQUENTS, AND USING ILLEGAL DRUGS. THESE CHILDREN ALSO HAVE THE BEST CHANCE OF COMPLETING THEIR EDUCATION, FINDING MEANINGFUL EMPLOYMENT, AND ESTABLISHING THEIR OWN STABLE MARRIAGES AND FAMILIES.

(d) GOVERNMENT ACTION SHOULD NOT INTERFERE WITH THE FORMATION AND MAINTENANCE OF HEALTHY, NURTURING FAMILIES, BUT INSTEAD SHOULD STRENGTHEN AND SUPPORT FAMILIES. IN SO DOING, GOVERNMENT SHOULD GUARD AGAINST PERFORMING PERVASIVE, INTRUSIVE, AND UNNECESSARY ACTION THAT, ALTHOUGH TECHNICALLY AUTHORIZED BY LAW, MIGHT BE DETRIMENTAL TO THE STRUCTURE, DEVELOPMENT, AND LONGEVITY OF FAMILIES.

(e) THE GENERAL ASSEMBLY REAFFIRMS ITS LEGISLATIVE DECLARATION SET FORTH IN SECTION 19-1-102, C.R.S., CONCERNING THE DESIRED BALANCE BETWEEN STRENGTHENING FAMILY TIES AND REMOVAL OF A CHILD FROM THE CUSTODY OF HIS OR HER PARENTS. HOWEVER, THERE HAVE ARISEN OCCASIONS IN WHICH THE REMOVAL OF A CHILD FROM THE CUSTODY OF HIS OR

HER PARENTS AND THE INITIATION OF DEPENDENCY AND NEGLECT PROCEEDINGS BY LOCAL AGENCIES HAVE BEEN UNDERTAKEN IN A MECHANICAL FASHION AS A REFLEX REACTION TO A REPORT OF ALLEGED CHILD ABUSE OR NEGLECT. SUCH REPORTS PERIODICALLY ARE UNFOUNDED. ALTHOUGH THE GENERAL ASSEMBLY'S PARAMOUNT CONCERN IS THE BEST INTERESTS OF THE CHILD, THE GENERAL ASSEMBLY DECLARES THAT UNNECESSARY GOVERNMENT INTRUSION, IF UNDERTAKEN AS A MATTER OF COURSE INTO FAMILY RELATIONSHIPS, AND PARTICULARLY THE CUSTODIAL RELATIONSHIP BETWEEN PARENT AND CHILD, IS UNDESIRABLE.

(f) IT IS IN THE BEST INTERESTS OF COLORADO CHILDREN AND THEIR FAMILIES, INCLUDING FAMILIES WITH BIRTH CHILDREN, ADOPTIVE CHILDREN, AND FOSTER CARE CHILDREN, TO ESTABLISH THE POSITION OF FAMILY ADVOCATE WITHIN EACH COUNTY DEPARTMENT FOR THE PURPOSE OF REVIEWING DISCRETIONARY DECISIONS AND ACTIONS BY A COUNTY DEPARTMENT CONCERNING TEMPORARY CUSTODY OF CHILDREN AND THE INSTITUTION OF DEPENDENCY AND NEGLECT PROCEEDINGS. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO MAINTAIN THE BEST INTERESTS OF THE CHILD, BUT ALSO TO MONITOR GOVERNMENT ACTION THAT, IF NOT MONITORED, RUNS THE RISK OF BECOMING INTRUSIVE AND COUNTERPRODUCTIVE TOWARD THE GOAL OF PRESERVING THE FAMILY'S STRUCTURE, GROWTH, INTEGRITY, AND LONGEVITY.

(2) ON OR BEFORE _____, 2001, THE COUNTY DIRECTOR OF EACH COUNTY DEPARTMENT SHALL APPOINT A PERSON TO THE POSITION OF FAMILY ADVOCATE FOR THE COUNTY DEPARTMENT. THE PERSON APPOINTED TO THE POSITION SHALL REPORT TO THE COUNTY DIRECTOR.

(3) THE FAMILY ADVOCATE, AT A MINIMUM, SHALL HAVE THE FOLLOWING DUTIES AND FUNCTIONS:

(a) (I) TO REVIEW EACH REPORT RECEIVED BY THE COUNTY DEPARTMENT THAT CAUSES THE COUNTY DEPARTMENT, PURSUANT TO SECTION 19-3-308 (4) (b), C.R.S., TO REASONABLY BELIEVE THAT AN INCIDENT OF INTRAFAMILIAL ABUSE OR NEGLECT HAS OCCURRED AND THAT A PETITION FOR DEPENDENCY AND NEGLECT SHOULD BE FILED, OR THAT THE CHILD SHOULD BE PLACED IN PROTECTIVE CUSTODY, OR BOTH;

(II) TO REVIEW THE DECISION OF THE COUNTY DEPARTMENT, PURSUANT TO SECTION 19-3-308 (4) (b), C.R.S., TO FILE THE PETITION FOR DEPENDENCY AND NEGLECT OR TO PLACE THE CHILD IN PROTECTIVE CUSTODY, OR BOTH, AND TO MAKE A DETERMINATION AS TO THE REASONABLENESS OF THE COUNTY DEPARTMENT'S BELIEF THAT AN INCIDENT OF INTRAFAMILIAL ABUSE OR NEGLECT HAS OCCURRED. THE FAMILY ADVOCATE, BASED ON SUCH DETERMINATION, SHALL PROMPTLY ACCEPT OR OVERRULE THE COUNTY DEPARTMENT'S DECISIONS TO FILE SUCH PETITION OR TO PLACE THE CHILD IN PROTECTIVE CUSTODY.

(III) THE FAMILY ADVOCATE, IN PERFORMING HIS OR HER FUNCTIONS UNDER THIS SECTION, SHALL APPLY AS CRITERIA THE DEFINITIONS OF "ABUSE" AND "CHILD ABUSE OR NEGLECT" THAT ARE SET FORTH IN SECTION 19-1-103 (1) (a), C.R.S.

(b) TO IMMEDIATELY NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY RESPONSIBLE FOR INVESTIGATION OF CRIMINAL CHILD ABUSE IF THE FAMILY ADVOCATE REASONABLY BELIEVES THAT AN INCIDENT OF ABUSE OR NEGLECT HAS OCCURRED AS DESCRIBED IN SECTION 19-3-308 (5.5), C.R.S.;

(c) TO ACTIVELY PARTICIPATE IN THE DEVELOPMENT AND IMPLEMENTATION OF COOPERATIVE AGREEMENTS BETWEEN LAW ENFORCEMENT AGENCIES AND THE COUNTY DEPARTMENT TO COORDINATE DUTIES OF BOTH AGENCIES CONCERNING THE INVESTIGATION OF ALL CHILD ABUSE AND NEGLECT CASES, PURSUANT TO SECTION 19-3-308 (5.5), C.R.S.;

(d) TO REVIEW EACH REQUEST BY THE COUNTY DEPARTMENT FOR A TEMPORARY PROTECTIVE CUSTODY ORDER AND EMERGENCY PROTECTION ORDER UNDER SECTION 19-3-405, C.R.S., TO DETERMINE IF THERE IS JUSTIFICATION TO REASONABLY BELIEVE THAT GROUNDS EXIST TO REQUEST SUCH ORDERS AND, BASED ON SUCH DETERMINATION, TO APPROVE OR DENY THE DEPARTMENT'S REQUEST FOR SUCH ORDERS;

(e) TO REVIEW THE DECISION BY THE COUNTY DEPARTMENT, PURSUANT TO SECTION 19-3-501, C.R.S., TO REFER A CHILD MATTER TO THE APPROPRIATE COURT, TO MAKE A DETERMINATION IF SUCH DECISION IS JUSTIFIED, AND TO ACCEPT OR OVERRULE THE COUNTY DEPARTMENT'S DECISION.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE DUTY OF A COUNTY DEPARTMENT, PURSUANT TO SECTION 19-3-312, C.R.S., TO REFER REPORTS IT RECEIVES UNDER SECTIONS 19-3-304 AND 19-3-305, C.R.S., TO THE APPROPRIATE COURT WITH JUVENILE JURISDICTION. SUCH REPORTS SHALL NOT BE CONSIDERED OR EVALUATED BY THE FAMILY ADVOCATE.

(5) IN THE EVENT THAT A CONFLICT ARISES BETWEEN THE COUNTY DEPARTMENT AND THE FAMILY ADVOCATE CONCERNING A DETERMINATION MADE BY THE FAMILY ADVOCATE UNDER THIS SECTION THAT AN ACTION BY A COUNTY DEPARTMENT SHOULD NOT BE PERFORMED, THE COUNTY DEPARTMENT SHALL PROMPTLY REFER THE MATTER TO THE COUNTY DIRECTOR FOR RESOLUTION.

UPON RECEIPT OF THE MATTER, THE COUNTY DIRECTOR SHALL IMMEDIATELY RESOLVE THE MATTER AND SHALL EITHER DIRECT THE COUNTY DEPARTMENT TO PERFORM AN ACTION AUTHORIZED BY LAW OR UPHOLD THE FAMILY ADVOCATE'S DETERMINATION THAT THE COUNTY DEPARTMENT'S ACTION SHOULD NOT BE PERFORMED. IN THE EVENT THE COUNTY DIRECTOR IS NOT AVAILABLE TO RESOLVE THE MATTER, THE COUNTY DEPARTMENT SHALL PROMPTLY REFER THE MATTER TO THE COUNTY DIRECTOR'S DESIGNEE WHO SHALL IMMEDIATELY RESOLVE THE MATTER IN ACCORDANCE WITH THIS SUBSECTION (5).

SECTION 2. 19-3-308 (4)(b) and (5.5), Colorado Revised Statutes, are amended to read:

19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - child protection team. (4) (b) (1) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH (b), upon the receipt of a report, if the county department reasonably believes that an incident of intrafamilial abuse or neglect has occurred, it shall immediately offer social services to the child who is the subject of the report and ~~his~~ THE CHILD'S family. IF THE COUNTY DEPARTMENT DETERMINES THAT THE FILING OF ~~and may file~~ a petition in the juvenile court or the district court with juvenile jurisdiction on behalf of such child IS APPROPRIATE, THE COUNTY DEPARTMENT SHALL PROMPTLY REFER THE REPORT AND THE COUNTY DEPARTMENT'S DECISION TO THE FAMILY ADVOCATE WITHIN THE COUNTY DEPARTMENT. THE FAMILY ADVOCATE, PURSUANT TO SECTION 26-1-119.5 (3)(a), C.R.S., SHALL REVIEW THE REPORT AND DECISION AND PROMPTLY ACCEPT OR OVERRULE THE COUNTY DEPARTMENT'S DECISION TO FILE A PETITION. NOTHING IN THIS SECTION OR SECTION 26-1-119.5, C.R.S., SHALL BE CONSTRUED TO PREVENT A COUNTY DEPARTMENT FROM CONDUCTING FURTHER

INVESTIGATION ON THE REPORT AND RESUBMITTING THE COUNTY DEPARTMENT'S DECISION TO FILE A PETITION TO THE FAMILY ADVOCATE IN THE MANNER PROVIDED BY THIS SUBPARAGRAPH (I).

(II) If, before the investigation is completed, the opinion of the investigators is that assistance of the local law enforcement agency is necessary for the protection of the child or other children under the same care, the local law enforcement agency shall be notified.

(III) If A COUNTY DEPARTMENT DETERMINES THAT immediate removal is necessary to protect the child or other children under the same care from further abuse, THE COUNTY DEPARTMENT SHALL SUBMIT ITS DETERMINATION TO THE FAMILY ADVOCATE. THE FAMILY ADVOCATE, PURSUANT TO SECTION 26-1-119.5, C.R.S., SHALL IMMEDIATELY REVIEW THE COUNTY DEPARTMENT'S DETERMINATION AND APPROVE OR REJECT IT. IF THE FAMILY ADVOCATE APPROVES THE DETERMINATION, OR IF THE FAMILY ADVOCATE IS NOT AVAILABLE FOR IMMEDIATE REVIEW OF THE COUNTY DEPARTMENT'S DETERMINATION, the child or children may be placed in protective custody in accordance with sections 19-3-401 (1) (a) and 19-3-405.

(IV) NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO LIMIT THE DUTY OF A COUNTY DEPARTMENT, PURSUANT TO SECTION 19-3-312, TO REFER REPORTS IT RECEIVES UNDER SECTIONS 19-3-304 AND 19-3-305 TO THE APPROPRIATE COURT WITH JUVENILE JURISDICTION. SUCH REPORTS SHALL NOT BE CONSIDERED OR EVALUATED BY THE FAMILY ADVOCATE.

(V) NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO LIMIT THE DISCRETION OF A LAW ENFORCEMENT OFFICER OR OTHER APPROPRIATE

PERSON TO SEEK PROTECTIVE CUSTODY OF A CHILD UNDER THIS SECTION OR SECTIONS 19-3-401 OR 19-3-405.

(5.5) Upon the receipt of a report, if the county department OR FAMILY ADVOCATE reasonably believes that an incident of abuse or neglect has occurred, ~~it~~ THE COUNTY DEPARTMENT OR FAMILY ADVOCATE shall immediately notify the local law enforcement agency responsible for investigation of violations of criminal child abuse laws. The local law enforcement agency may conduct an investigation to determine if a violation of any criminal child abuse law has occurred. It is the general assembly's intent that, in each county of the state, law enforcement agencies, ~~and~~ the respective county departments of social services, AND THE FAMILY ADVOCATE, shall develop and implement cooperative agreements to coordinate duties of both agencies in connection with the investigation of all child abuse or neglect cases and that the focus of such agreements shall be to ensure the best protection for the child. The said agreements shall provide for special requests by one agency for assistance from the other agency and for joint investigations by both agencies.

SECTION 3. 19-3-405 (2) and (3), Colorado Revised Statutes, are amended, and the said 19-3-405 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

19-3-405. Temporary protective custody. (2) (a) Temporary protective custody orders may be requested by the county department of social services PURSUANT TO SUBSECTION (2.5) OF THIS SECTION, a law enforcement officer, an administrator of a hospital in which a child reasonably believed to have been neglected or abused is being treated, or any physician who has before him or her a child he or she reasonably believes has been abused or neglected,

whether or not additional medical treatment is required, if such person or department believes that the circumstances or conditions of the child are such that continuing the child's place of residence or in the care and custody of the person responsible for the child's care and custody would present a danger to that child's life or health in the reasonably foreseeable future.

(b) Emergency protection orders may be requested by the county department of social services PURSUANT TO SUBSECTION (2.5) OF THIS SECTION, a law enforcement officer, an administrator of a hospital in which a child reasonably believed to have been neglected or abused is being treated, or any physician who has before him or her a child the physician reasonably believes has been abused or neglected, whether or not additional medical treatment is required, if such person or department believes that the child is able to remain safely in the child's place of residence or in the care and custody of the person responsible for the child's care and custody only if certain emergency protection orders are entered. An emergency protection order may include but is not limited to:

- (I) Restraining a person from threatening, molesting, or injuring the child;
- (II) Restraining a person from interfering with the supervision of the child; or
- (III) Restraining a person from having contact with the child or the child's residence.

(2.5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2.5), IF A COUNTY DEPARTMENT OF SOCIAL SERVICES DETERMINES THAT THE CIRCUMSTANCES AND CONDITIONS OF THE CHILD'S CARE AND CUSTODY JUSTIFY

A REQUEST FOR A TEMPORARY PROTECTIVE CUSTODY ORDER OR AN EMERGENCY PROTECTION ORDER PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL PROMPTLY NOTIFY THE FAMILY ADVOCATE FOR THAT COUNTY. THE FAMILY ADVOCATE SHALL IMMEDIATELY REVIEW THE COUNTY DEPARTMENT'S DETERMINATION AND APPROVE OR REJECT IT. IF THE FAMILY ADVOCATE APPROVES THE DETERMINATION, OR IF THE FAMILY ADVOCATE IS NOT AVAILABLE FOR IMMEDIATE REVIEW OF THE COUNTY DEPARTMENT'S DETERMINATION, THE COUNTY DEPARTMENT OF SOCIAL SERVICES MAY PROCEED WITH ITS REQUEST FOR A TEMPORARY PROTECTIVE CUSTODY ORDER OR AN EMERGENCY PROTECTION ORDER PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(b) NOTHING IN THIS SUBSECTION (2.5) SHALL BE CONSTRUED TO LIMIT THE DUTY OF A COUNTY DEPARTMENT OF SOCIAL SERVICES, PURSUANT TO SECTION 19-3-312, TO REFER REPORTS IT RECEIVES UNDER SECTIONS 19-3-304 AND 19-3-305 TO THE APPROPRIATE COURT WITH JUVENILE JURISDICTION. SUCH REPORTS SHALL NOT BE CONSIDERED OR EVALUATED BY THE FAMILY ADVOCATE.

(c) NOTHING IN THIS SUBSECTION (2.5) SHALL BE CONSTRUED TO LIMIT THE DISCRETION OF A LAW ENFORCEMENT OFFICER, AN ADMINISTRATOR OF A HOSPITAL, OR A PHYSICIAN TO REQUEST ORDERS FOR TEMPORARY PROTECTIVE CUSTODY OR EMERGENCY PROTECTION PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(3) The county department of social services AND THE FAMILY ADVOCATE shall be notified of such action immediately by the court-appointed official in order that child protection proceedings may be initiated.

SECTION 4. 19-3-501 (1), Colorado Revised Statutes, is amended, and the said 19-3-501 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

19-3-501. Petition initiation - preliminary investigation - informal adjustment. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, whenever it appears to a law enforcement officer, A COUNTY DEPARTMENT OF SOCIAL SERVICES, or other person that a child is or appears to be within the court's jurisdiction, as provided in this article, the law enforcement officer, COUNTY DEPARTMENT OF SOCIAL SERVICES, or other person may refer the matter to the court, which shall have a preliminary investigation made to determine whether the interests of the child or of the community require that further action be taken, which investigation shall be made by the probation department, county department of social services, or any other agency designated by the court. On the basis of the preliminary investigation, the court may:

(a) Decide that no further action is required, either in the interests of the public or of the child;

(b) Authorize a petition to be filed; or

(c) (I) Make whatever informal adjustment is practicable without a petition if:

(A) The child and ~~his~~ THE CHILD'S parents, guardian, or other legal custodian were informed of their constitutional and legal rights, including being represented by counsel at every stage of the proceedings;

(B) The facts are admitted and establish prima facie jurisdiction; except that such admission shall not be used in evidence if a petition is filed; and

(C) Written consent is obtained from the parents, guardian, or other legal custodian and also from the child, if of sufficient age and understanding.

(II) Efforts to effect informal adjustment may extend no longer than six months.

(1.5) THE DECISION BY A COUNTY DEPARTMENT OF SOCIAL SERVICES TO REFER A MATTER TO THE COURT UNDER THIS SECTION SHALL BE FORWARDED BY SUCH DEPARTMENT TO, AND REVIEWED BY, THE FAMILY ADVOCATE FOR THE COUNTY IN THE MANNER SET FORTH IN SECTION 19-3-308 (4) (b). NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE DUTY OF A COUNTY DEPARTMENT OF SOCIAL SERVICES, PURSUANT TO SECTION 19-3-312, TO REFER REPORTS IT RECEIVES UNDER SECTIONS 19-3-304 AND 19-3-305 TO THE APPROPRIATE COURT WITH JUVENILE JURISDICTION. SUCH REPORTS SHALL NOT BE CONSIDERED OR EVALUATED BY THE FAMILY ADVOCATE.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill D

Colorado Legislative Council Staff
**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 01-0045
Prime Sponsor(s): Sen. Evans

Date: December 8, 2000
Bill Status: Foster Care Interim Committee
Fiscal Analyst: Janis Baron (303-866-3523)

TITLE: CONCERNING THE CREATION OF THE FAMILY ADVOCATE WITHIN EACH COUNTY DEPARTMENT OF SOCIAL SERVICES.

Fiscal Impact Summary	FY 2001/2002	FY 2002/2003
State Revenues		
General Fund		
State Expenditures		
General Fund	\$ 1,711,741	\$ 2,127,310
Cash Fund Exempt	570,581	709,104
Federal Fund	570,581	709,104
FTE Position Change (see NOTE below)	55.2 FTE County Staff	73.6 FTE County Staff
Other State Impact: None		
Effective Date: Upon Signature of the Governor		
Appropriation Summary for FY 2001-2002:		
Department of Human Services	\$ 2,852,903	Total
	1,711,741	GF
	570,581	CFE - County Funds
	570,581	FF
Local Government Impact: The counties' 20 percent share for child welfare services is \$570,581 in FY 2001-02 and \$709,104 in FY 2002-03.		

NOTE: County staff are shown for informational purposes and are not appropriated according to FTE authorization.

Summary of Legislation

The bill includes the following provisions:

- creates the position of family advocate within each county department of social services, and lists the duties and functions of the position;
- authorizes the family advocate to review and either approve or overrule discretionary decisions made by a county department of social services

concerning the filing of a dependency and neglect petition and the request for protective custody of a child;

- separates the role of the family advocate from a county department of social services' statutory duty to refer certain reports directly to the court; and
- excludes the family advocate from participating in discretionary decisions by law enforcement officers and other appropriate persons concerning the filing of a petition and the request for protective custody.

State Expenditures

The Department of Human Services (DHS) will require \$2,852,903 in FY 2001-02 to comply with the bill's provisions. Cost components of the bill include personal services at \$2,450,140; operating expenses at \$352,563; and training for family advocates at \$50,200. FY 2002-03 costs are estimated at \$3,545,518 and include all cost components noted except training. The following assumptions have been made in assessing the bill's fiscal impact:

1. The position of family advocate will not be a volunteer position. The family advocate will be a paid employee of the county department of social services and serve in a position equal to that of a child welfare administrator; one possessing the necessary judgment and expertise to review cases of children to assure child safety as defined in the bill.
2. Each of the ten large counties will require 1.0 FTE family advocate and the balance of counties will require, on average, 0.5 FTE family advocate. Total family advocate positions required under the bill equal 37.0 FTE.
3. For FY 2001-02, only 75 percent of the family advocate positions will be filled. Full funding will not be required in year one due to a lag in hiring and training (estimated at 3 months).
4. County directors of social services will have less time available to exercise current supervisory responsibilities with the addition of family advocate positions. Under the bill, county directors will be responsible for both supervising the family advocate positions as well as resolving matters when disagreements arise between the family advocate and county staff over cases. The counties will require 5.4 FTE supervisor positions, which is based on the current caseworker to supervisor ratio of 6.86 to 1 (37.0 FTE family advocates divided by 6.86 equals 5.4 FTE supervisors). For FY 2001-02, only 75 percent of the supervisor positions will be filled. Full funding will not be required in year one due to a lag in hiring and training family advocate positions (estimated at 3 months).

5. Additional caseworkers will be required to present information to the family advocate; increased workload is estimated at two hours per case annually. The number of cases of children in out-of-home placement for FY 1999 was 14,214. This number of cases will have to be approved or overruled for placement or dependency and neglect filing by the family advocate at the time of their contact with the system (14,214 cases x 2 hours/case = 28,428 hours or the equivalent of 15.3 FTE caseworkers). For FY 2001-02, only 75 percent of the caseworker positions will be filled. Full funding will not be required in year one due to a lag in hiring and training family advocate positions (estimated at 3 months).
6. According to formula, the new family advocate, county supervisor, and caseworker positions will require supporting staff. The need for added support staff is estimated at 15.9 FTE. For FY 2001-02, only 75 percent of the support staff positions will be filled. Full funding will not be required in year one due to a lag in hiring and training family advocate positions (estimated at 3 months).

Local Government Impact

The counties' 20 percent share for child welfare services is \$570,581 in FY 2001-02 and \$709,104 in FY 2002-03.

State Appropriations

The fiscal note indicates that the Department of Human Services should receive an appropriation for \$2,852,903 for FY 2001-02. Of the total amount, \$1,711,741 is General Fund, \$570,581 is cash funds exempt county funds, and \$570,581 is federal funds. Although the appropriation is for nine months of funding for 73.6 FTE staffing costs and associated operating expenses, county FTE are no longer authorized in the state's annual appropriation bill. The DHS will require only an appropriation to comply with the bill's provisions.

Departments Contacted

Human Services

Bill E

HOUSE SPONSORSHIP

Alexander and Chavez

SENATE SPONSORSHIP

A BILL FOR AN ACT

CONCERNING EXPENSES ASSOCIATED WITH THE PROVISION OF FOSTER CARE SERVICES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Foster Care. Directs county departments of social services ("counties") that negotiate rates, services, and outcomes with child placement agencies ("CPAs") to meet the following requirements:

Inclusion in each contract with a CPA of a requirement that the CPA submit an itemized list of expenses associated with the provision of foster care services; and

Compliance with all child placement agency rate-setting guidelines established by rule of the state board of human services ("state board").

Directs the counties and the department of human services to analyze and evaluate the expenditures reported by the CPAs and to use such information in determining reasonable and appropriate rates for foster care services. Requires the state board to promulgate rules setting forth minimum formal guidelines to be followed by counties in setting reasonable and appropriate rates for CPAs providing foster care services.

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

SECTION 1. 26-5-104 (6), Colorado Revised Statutes, is amended to read:

26-5-104. Funding of child welfare services. (6) (a) SUBJECT TO THE REQUIREMENTS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (6), on and after July 1, 1997, a county shall be authorized to negotiate rates, services, and outcomes with providers if the county has a request for proposal process in effect for soliciting bids from providers or another mechanism for evaluating the rates, services, and outcomes that it is negotiating with such providers that is acceptable to the state department.

(b) (I) IN ORDER TO ASSESS THE EXPENDITURES ASSOCIATED WITH THE PROVISION OF FOSTER CARE SERVICES BY CHILD PLACEMENT AGENCIES, AS THAT TERM IS DEFINED IN SECTION 26-6-102 (2), ANY COUNTY THAT NEGOTIATES RATES, SERVICES, AND OUTCOMES WITH CHILD PLACEMENT AGENCIES LICENSED TO CERTIFY FOSTER CARE HOMES SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:

(A) THE COUNTY SHALL INCLUDE IN EVERY CONTRACT ENTERED INTO WITH A CHILD PLACEMENT AGENCY A REQUIREMENT THAT THE CHILD PLACEMENT AGENCY SHALL REPORT ANNUALLY TO THE CONTRACTING COUNTY, AND DIRECTLY TO THE STATE DEPARTMENT, CONCERNING THE EXPENDITURES ASSOCIATED WITH THE PROVISION OF FOSTER CARE SERVICES. SUCH REPORT SHALL PROVIDE AN ITEMIZATION OF THE FOLLOWING EXPENDITURES INCLUDING, BUT NOT LIMITED TO: THE VALUE OF THE SALARIES AND OTHER REMUNERATION PAID TO EACH ADMINISTRATOR AND EMPLOYEE OF THE CHILD PLACEMENT AGENCY; THE AMOUNTS ATTRIBUTABLE TO THE PROCESS OF CONTRACTING WITH COUNTIES; THE AMOUNTS ATTRIBUTABLE TO RECRUITING FOSTER CARE HOMES; THE AMOUNTS ATTRIBUTABLE TO EACH STEP IN CERTIFYING FOSTER CARE HOMES; THE AMOUNTS ATTRIBUTABLE TO PAYMENTS TO FOSTER CARE HOMES FOR THE PROVISION OF

FOOD AND SHELTER; THE AMOUNTS ATTRIBUTABLE TO PAYMENTS TO FOSTER CARE HOMES FOR EACH TYPE OF SERVICE PROVIDED TO CHILDREN IN FOSTER CARE SUCH AS COUNSELING, MENTAL HEALTH SERVICES, AND MEDICAL SERVICES; AND THE AMOUNTS ATTRIBUTABLE TO THE MONITORING AND OVERSEEING OF FOSTER CARE HOMES; AND

(B) THE COUNTY ENTERING INTO A CONTRACT WITH A CHILD PLACEMENT AGENCY TO PROVIDE FOSTER CARE SERVICES SHALL COMPLY WITH ANY CHILD PLACEMENT AGENCY RATE-SETTING GUIDELINES ESTABLISHED BY THE STATE DEPARTMENT THROUGH RULES OF THE STATE BOARD.

(II) THE COUNTIES AND THE STATE DEPARTMENT SHALL ANALYZE AND EVALUATE THE EXPENDITURES AS REPORTED BY CHILD PLACEMENT AGENCIES PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH

(b) EACH YEAR AND COMPARE SUCH EXPENDITURES TO COUNTY EXPENDITURES FOR THE PROVISION OF FOSTER CARE SERVICES. THE COUNTIES AND THE STATE DEPARTMENT SHALL USE SUCH INFORMATION IN DETERMINING REASONABLE AND APPROPRIATE RATES FOR FOSTER CARE SERVICES. BASED UPON THE ANALYSIS OF SUCH INFORMATION AND SUCH OTHER CRITERIA AS IT DEEMS APPROPRIATE, THE STATE BOARD SHALL PROMULGATE RULES SETTING FORTH MINIMUM FORMAL GUIDELINES TO BE USED BY COUNTIES IN SETTING REASONABLE AND APPROPRIATE RATES FOR CHILD PLACEMENT AGENCIES PROVIDING FOSTER CARE SERVICES.

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

DRAFT

Colorado Legislative Council Staff
STATE
FISCAL IMPACT

Bill E

Drafting Number: LLS 01-0048
Prime Sponsor(s): Rep. Alexander

Date: December 8, 2000
Bill Status: Foster Care Interim Committee
Fiscal Analyst: Janis Baron (303-866-3523)

TITLE: CONCERNING EXPENSES ASSOCIATED WITH THE PROVISION OF FOSTER CARE SERVICES.

Fiscal Impact Summary	FY 2001/2002	FY 2002/2003
State Revenues General Fund		
State Expenditures General Fund	\$ 81,680	\$ 43,280
Federal Fund	20,420	10,820
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: Upon Signature of the Governor		
Appropriation Summary for FY 2001-2002:		
Department of Human Services	\$ 102,100 Total	
	81,680 GF	
	20,420 FF	
Local Government Impact: None		

Summary of Legislation

The bill requires county departments of social services that negotiate rates, services, and outcomes with child placement agencies (CPAs) to meet the following requirements:

- Each contract entered into with a CPA must include a requirement that the CPA report annually to the contracting county and the state Department of Human Services (DHS) detailing expenditures associated with the provision of foster care services; and
- Each county entering into a contract with a CPA shall comply with all CPA rate-setting guidelines established by the State Board of Human Services.

Bill E

The bill requires the counties and the DHS to analyze and evaluate expenditures reported by the CPAs, and to use such information in determining reasonable and appropriate rates for foster care services. Lastly, the State Board is required to promulgate rules setting forth minimum formal guidelines for counties to follow in setting rates for CPAs providing foster care services.

State Expenditures

The DHS will require \$102,100 in FY 2001-02 and \$54,100 in FY 2002-03 to comply with the bill's provisions. The costs are based on the following assumptions:

- DHS will use a contractor for a four-month period (40 hours/week) annually to consolidate and analyze expenditure data. Personal services, operating and travel costs are estimated at \$14,100, and include \$12,800 for personal services ($\$20/\text{hour} \times 40 \text{ hours/week} \times 4 \text{ months} = 640 \text{ hours} = \$12,800$) and \$1,300 for operating and travel.
- In FY 2001-02, the DHS will conduct 16 regional training sessions for county staff on rate negotiations and how to understand and analyze expenditure reports. In FY 2002-03, the department will conduct 8 regional training sessions to respond to changes imposed and modifications required for the evaluation methodology to be consistent throughout the counties. Each training session is estimated at \$5,000; therefore, \$80,000 will be required in year one and \$40,000 in year two.
- DHS will require 100 hours of contract computer programming at a rate of \$80 per hour to modify the Colorado Trails automated system ($100 \text{ hours} \times \$80/\text{hr} = \$8,000$). This will be a one-time expenditure incurred in FY 2001-02. The system, provides support for case management and tracking, court reporting, case information sharing, facility tracking, and financial payments to providers.

State Appropriations

The fiscal note indicates that the Department of Human Services should receive an appropriation for \$102,100 in FY 2001-02. Of the total amount, \$81,680 is General Fund (80%) and \$20,420 is federal Title IV-E funds (20%).

Departments Contacted

Human Services

Bill F

HOUSE SPONSORSHIP

Tochtrop and Alexander

SENATE SPONSORSHIP

Linkhart and Epps

A BILL FOR AN ACT

CONCERNING LIMITATIONS ON THE NUMBER OF CHILDREN PLACED IN A FOSTER CARE HOME.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Foster Care. Specifies the maximum number of children, including both foster care children and other children, that may reside in a foster care home at any given time. Further specifies the maximum number of foster care children that a foster care home can be certified to receive for care, and provides an exception to this limit to accommodate sibling foster care children. Limits the number of children under a certain age that can reside in a foster care home at any given time.

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

SECTION 1. Article 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-6-106.5. Children placed in foster care home - limit. (1) NO FOSTER CARE HOME SHALL PROVIDE CARE FOR MORE THAN SIX CHILDREN AT A GIVEN TIME AND NO MORE THAN FOUR OF SAID CHILDREN MAY BE FOSTER CARE CHILDREN.

(2) NO FOSTER CARE HOME SHALL PROVIDE CARE FOR MORE THAN TWO CHILDREN UNDER TWO YEARS OF AGE AT ANY GIVEN TIME.

(3) NOTWITHSTANDING ANY LIMITATIONS SPECIFIED IN THIS SECTION, A FOSTER CARE HOME MAY PROVIDE CARE FOR UP TO FIVE FOSTER CHILDREN IF AT LEAST THREE OF SUCH FOSTER CHILDREN ARE SIBLINGS.

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

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Bill F

DRAFT

Bill F

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 01-0049

Date: December 8, 2000

Prime Sponsor(s): Rep. Tochtrop
Sen. Linkhart

Bill Status: Foster Care Interim Committee
Fiscal Analyst: Janis Baron (303-866-3523)

TITLE: CONCERNING LIMITATIONS ON THE NUMBER OF CHILDREN PLACED IN A FOSTER CARE HOME.

Summary of Assessment

The bill specifies the maximum number of children that may reside in a foster care home accordingly:

- no foster care home shall provide care for more than six children at any given time, and no more than four of those children may be foster care children;
- no foster care home shall provide care for more than two children under two years of age at any given time; and
- a foster care home may provide care for up to five foster care children if at least three of the children are siblings.

The bill is assessed as having no fiscal impact. The Department of Human Services (DHS), upon canvassing four county departments of social services, indicates that a small percentage of both foster care homes and relative foster care homes may exceed the census defined in the bill. When this occurs, it is assumed that existing capacity in other certified homes will be available to accommodate those children that would need to be moved in order to meet the census requirements of the bill. The limitations established in the bill may result in more restrictive levels of care for those children living in relative foster care or kinship homes; some of which have more than six children. For those children under two years of age, there will be no change. Current DHS practice limits foster care homes to two children when the children are under two years of age. The bill is effective upon signature of the Governor.

Departments Contacted

Human Services

Bill G

HOUSE SPONSORSHIP

Alexander, Johnson, and Tochtrop

SENATE SPONSORSHIP

Epps, Evans, and Linkhart

A BILL FOR AN ACT

CONCERNING THE PROVISION OF FOSTER CARE SERVICES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Foster Care. Clarifies the definition of "affiliate" by including executives, officers, board members, and employees of a licensee.

States that requirements for foster care home certificates are to be at least as stringent for those homes certified by a child placement agency ("CPA") as are the requirements for homes certified by county departments of social services ("county departments"). Adds resident adults to those individuals who are required to meet criminal background check requirements of those operating foster care homes or other child care facilities.

Requires the state board of human services ("state board") to promulgate rules for the annual recertification of foster care homes. Allows a foster care home to seek recertification from its own CPA, another CPA, or a county department without penalty or restriction.

Changes licenses issued to CPAs that certify foster care homes from permanent licenses against which negative licensing action may be taken to annual licenses that must be renewed each year. Specifies that licenses previously issued as permanent licenses shall expire on July 1, 2002.

Adds felonies committed within the last 10 years to the list of offenses, the conviction for which shall result in the denial of a license or certificate to operate a child care agency or facility.

Directs that no license or certificate to operate a child care agency or facility shall be issued to any person:

- Who has been determined to be insane or mentally incompetent; or
- Who has a pattern of committing misdemeanors in the previous 10 years, as defined by rule of the state board.

Requires the state department of human services ("state department") to deny or revoke a license sought by or previously issued to a CPA that places children in foster care if any officer, executive, or employee of the CPA is related to or serves as any member of the board of directors of the CPA.

Clarifies provisions relating to fees for relicensing.

Authorizes the state board to promulgate rules setting forth training requirements for providers of foster care services, including orientation and prelicensing training for child placement agencies.

Permits the state department to act immediately to remove a child from a foster care home, and to deny reimbursement of public funds for placement of other children in such home, if the state department finds that:

- The child is subject to an immediate and direct threat to his or her safety and welfare; or
- A substantial violation of a fundamental standard of care warrants immediate action.

Requires the state department to monitor and track complaints involving CPAs and to investigate meritorious complaints. Directs county departments to report complaints involving CPAs to the state department. Requires county departments to consult with the state department prior to referring a child to a CPA to determine whether the CPA is the subject of a pending investigation. Requires the county department to suspend the referral while an investigation is pending. Mandates that a CPA must first obtain approval for the placement of a child from the county department when a background check indicates that an adult residing in a proposed foster care home has been charged or convicted of any felony or misdemeanor.

Permits any county department to act immediately to revoke the certification of a foster care home under certain circumstances. Requires a due process hearing within 5 days after the revocation of certification and requires the application to include notice information.

Changes the standard applied by the state department in:

- Denying, suspending, revoking, or making probationary the license of a CPA; or
- Assessing fines against a CPA or its employee for violating licensing laws.

Specifies that the state department may deny, suspend, revoke, or make probationary the license of any applicant or affiliate that is the subject of a pending investigation by the state department that may result in a negative licensing action.

Specifies the circumstances under which a foster care home license or certificate may be denied, suspended, revoked, or made probationary. Makes insanity and mental illness reasons for automatic denial or revocation of license or certificate.

Authorizes the state department to make probationary a license of a foster care facility by an informal and expedited hearing process. States that the licensee is not entitled to a right to cure any of the charges.

Requires the state department to immediately suspend or revoke a CPA license when violations of standards are deemed excessive by the state department, as determined by rule of the state board.

Requires the state department to create a risk-based classification system for CPAs that certify foster care homes. Permits the state department, on and after January 1, 2003, to implement a schedule of CPA relicensing based on risk factors.

Directs a county department with substantiated evidence that a CPA has violated licensing laws or rules to communicate such information to all other county departments and to the state department electronically. Requires the county department to identify whether it is requesting an investigation by the state department and directs the state department to conduct such an investigation of a CPA upon request and to report its findings. Requires the state department to make available to county departments the results of any such investigation of a CPA or of any negative licensing action.

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

SECTION 1. 26-6-102 (1) and (3), Colorado Revised Statutes, are amended to read:

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

(1) "Affiliate of a licensee" means:

(a) Any person or entity that owns more than five percent of the ownership interest in the business operated by the licensee or the applicant for a license; or

(b) Any person who is directly responsible for the care and welfare of children served; OR

(c) ANY EXECUTIVE, OFFICER, MEMBER OF THE GOVERNING BOARD, OR EMPLOYEE OF A LICENSEE.

(3) "Department" OR "STATE DEPARTMENT" means the STATE department of human services.

SECTION 2. 26-6-104 (1) and (7), Colorado Revised Statutes, are amended, and the said 26-6-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

26-6-104. Licenses - out-of-state notices and consent. (1) (a) No person shall operate any agency or facility defined in this part 1 without first being licensed to operate or maintain such agency or facility by the STATE department and paying the fee prescribed therefor. Such license issued by the STATE department shall be permanent unless otherwise revoked or suspended pursuant to section 26-6-108. ~~except that the state board of human services shall promulgate rules requiring the recertification of foster care homes every three years and setting forth the procedural requirements associated with such recertification.~~

(b) (I) A person operating a foster care home shall not obtain a license if such person holds a certificate to operate such home from any county department or a child placement agency licensed under the provisions of this part 1. ALL SUCH CERTIFICATES SHALL BE CONSIDERED LICENSES FOR THE PURPOSE OF THIS PART 1, INCLUDING BUT NOT LIMITED TO THE INVESTIGATION AND CRIMINAL BACKGROUND CHECKS REQUIRED UNDER SECTION 26-6-107. ~~Said~~ EACH certificate shall be in such form as prescribed and provided by the STATE department, shall certify that such person ~~is a suitable person~~ AND ANY OTHER ADULTS RESIDING IN THE HOME ARE SUITABLE PERSONS to operate a FOSTER CARE

home OR PROVIDE CARE FOR A CHILD, and shall contain such information as the STATE department requires. REQUIREMENTS FOR CERTIFICATION OF A FOSTER CARE HOME BY A CHILD PLACEMENT AGENCY SHALL BE AT LEAST AS STRINGENT AS THE REQUIREMENTS FOR CERTIFICATION BY A COUNTY DEPARTMENT. A CHILD placement agency issuing or renewing any such certificate shall transmit a copy or report thereof to the STATE department.

(II) THE STATE BOARD SHALL PROMULGATE RULES REQUIRING THE ANNUAL RECERTIFICATION OF FOSTER CARE HOMES AND SETTING FORTH THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH RECERTIFICATION. SUCH RULES SHALL INCLUDE REQUIREMENTS THAT THE CERTIFYING ENTITY SHALL PERFORM ON-SITE VISITS TO EACH FOSTER CARE HOME APPLYING FOR CERTIFICATION OR RECERTIFICATION AND SHALL REQUIRE INSPECTIONS OF THE ENTIRE PREMISES OF THE FOSTER CARE HOME, INCLUDING SLEEPING AREAS, AS WELL AS OTHER QUALITATIVE ASSESSMENTS OF THE FOSTER CARE HOME. No foster care home shall be certified by more than one CHILD placement agency or county department.

(III) A foster care home, when certified by a CHILD placement agency or county department, may receive for care a child from sources other than the certifying CHILD PLACEMENT agency or county department upon the written consent and approval of the CHILD PLACEMENT agency or county department as to each such child. ~~All such certificates shall be considered licenses for the purpose of this part 1, including but not limited to the investigation and criminal background checks required under section 26-6-107.~~

(IV) AT THE CONCLUSION OF THE CERTIFICATION PERIOD, A FOSTER CARE HOME THAT IS CERTIFIED BY A CHILD PLACEMENT AGENCY MAY SEEK

RECERTIFICATION FROM THE SAME CHILD PLACEMENT AGENCY, ANOTHER CHILD PLACEMENT AGENCY, OR A COUNTY DEPARTMENT WITHOUT PENALTY OR RESTRICTION.

(c) (I) CHILD PLACEMENT AGENCIES THAT CERTIFY FOSTER CARE HOMES SHALL BE LICENSED ANNUALLY. THE STATE BOARD SHALL PROMULGATE RULES SPECIFYING THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH THE RENEWAL OF SUCH CHILD PLACEMENT AGENCY LICENSES. SUCH RULES SHALL INCLUDE REQUIREMENTS THAT THE STATE DEPARTMENT CONDUCT QUALITATIVE ASSESSMENTS OF THE CHILD PLACEMENT AGENCY.

(II) ANY PERMANENT LICENSES ISSUED TO A CHILD PLACEMENT AGENCY PRIOR TO JULY 1, 2001, SHALL EXPIRE AUTOMATICALLY ON JULY 1, 2002. SUCH LICENSES MAY BE RENEWED PURSUANT TO THE RULES OF THE STATE BOARD.

(7) (a) (I) No license or certificate to operate a family child care home, a foster care home, a child care center, a residential child care facility, a secure residential child care facility, or a child placement agency shall be issued by the STATE department, a county department, or a child placement agency licensed under the provisions of this part 1 if the person applying for such a license or certificate OR, IN THE CASE OF A FOSTER CARE HOME, ANY ADULT RESIDENT OF THE HOME has been convicted of:

(A) Felony child abuse, as specified in section 18-6-401, C.R.S.;

(B) A crime of violence, as defined in section 16-11-309, C.R.S.;

(C) Any felony offenses involving unlawful sexual behavior, as defined in section 18-3-412.5, C.R.S.;

(D) Any felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3, C.R.S.;

(D.5) ANY FELONY WITHIN THE TEN YEARS IMMEDIATELY PRECEDING THE SUBMISSION OF THE APPLICATION FOR A LICENSE OR CERTIFICATE OR RENEWAL; OR

(E) Any felony offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in ~~sub-subparagraphs (A) to (D)~~ SUB-SUBPARAGRAPHS (A) TO (D.5) of this subparagraph (I).

(II) For purposes of this paragraph (a), "convicted" means a conviction by a jury or by a court and shall also include a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, and a plea of guilty or nolo contendere.

(b) The convictions identified in paragraph (a) of this subsection (7) shall be determined according to the records of the Colorado bureau of investigation or any other source. A certified copy of the judgment of a court of competent jurisdiction of such conviction, deferred judgment and sentence agreement, deferred prosecution agreement, or deferred adjudication agreement shall be prima facie evidence of such conviction or agreement. No license or certificate to operate a family child care home, a foster care home, a child care center, a residential child care facility, a secure residential child care facility, or a child placement agency shall be issued if the STATE department has a certified court order from another state indicating that the person applying for such a license or certificate OR, IN THE CASE OF A FOSTER CARE HOME, ANY ADULT

RESIDENT OF THE HOME has been convicted of felony child abuse or any unlawful sexual offense against a child under a law of any other state or the United States or the STATE department has a certified court order from another state that the person applying for the license or certificate OR, IN THE CASE OF A FOSTER CARE HOME, ANY ADULT RESIDENT OF THE HOME has entered into a deferred judgment or deferred prosecution agreement in another state as to felony child abuse or any sexual offense against a child.

(8) NO LICENSE OR CERTIFICATE TO OPERATE ANY AGENCY OR FACILITY DEFINED IN THIS PART 1 SHALL BE ISSUED BY THE STATE DEPARTMENT, A COUNTY DEPARTMENT, OR A CHILD PLACEMENT AGENCY IF THE PERSON APPLYING FOR SUCH A LICENSE OR CERTIFICATE:

(a) HAS BEEN DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND, SHOULD A COURT ENTER, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, C.R.S., OR SECTION 27-10-109 (4) OR 27-10-125, C.R.S., AN ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE APPLICANT IS INCAPABLE OF OPERATING A FAMILY CHILD CARE HOME, FOSTER CARE HOME, OR CHILD CARE CENTER, THE RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE EVIDENCE THEREOF; OR

(b) HAS A PATTERN OF COMMITTING MISDEMEANORS WITHIN THE TEN YEARS IMMEDIATELY PRECEDING SUBMISSION OF THE APPLICATION. SUCH PATTERN OF COMMITTING MISDEMEANORS SHALL BE DEFINED BY RULE OF THE STATE BOARD.

(9) NO LICENSE TO OPERATE A CHILD PLACEMENT AGENCY SHALL BE ISSUED BY THE STATE DEPARTMENT IF IT IS FOUND THAT ANY MEMBER OF THE

BOARD OF DIRECTORS OF ANY CHILD PLACEMENT AGENCY THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER CARE IS EITHER RELATED TO OR SERVES SIMULTANEOUSLY AS AN OFFICER, EXECUTIVE, OR EMPLOYEE OF THE SAME CHILD PLACEMENT AGENCY. FOR PURPOSES OF THIS SUBSECTION (9), "RELATED" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 26-6-102 (7).

SECTION 3. The introductory portion to 26-6-105 (1) (a) and 26-6-105 (2) (a) and (2) (b) (II), Colorado Revised Statutes, are amended to read:

26-6-105. Fees - when original applications, reapplications, and renewals for licensure are required - creation of child care licensing cash fund. (1) (a) The STATE department is hereby authorized to establish, pursuant to rules ~~and regulations~~ promulgated by the state board ~~of human services~~, full and provisional license fees and fees for continuation OR RENEWAL of a full license for the following types of child care arrangements:

(2) (a) The fees specified in subsection (1) of this section shall be paid when application is made for any license OR WHEN RENEWAL OF A CHILD PLACEMENT AGENCY LICENSE IS SOUGHT and shall not be subject to refund. Applications for licenses shall be required in the situations ~~which~~ THAT are set forth in paragraph (b) of this subsection (2) and shall be made on forms prescribed by the STATE department. Each completed application shall set forth such information as required by the STATE department. All full licenses shall continue in force until revoked or surrendered, OR EXPIRED, AS IN THE CASE OF ANNUAL CHILD PLACEMENT AGENCY LICENSES.

(b) (II) A reapplication and fee shall be required and received by the STATE department in the manner specified in rules ~~and regulations~~ promulgated

by the state board. ~~of human services~~. AN INDIVIDUAL, PARTNERSHIP, CORPORATION, OR ASSOCIATION SEEKING TO RENEW AN ANNUAL CHILD PLACEMENT AGENCY LICENSE SHALL SUBMIT A REAPPLICATION AND FEE TO THE STATE DEPARTMENT AS SPECIFIED IN RULES PROMULGATED BY THE STATE BOARD.

SECTION 4. 26-6-105.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-6-105.5. Application forms - criminal sanctions for perjury. (3) EVERY APPLICATION FOR CERTIFICATION OR LICENSURE AS A FOSTER CARE HOME SHALL PROVIDE NOTICE TO THE APPLICANT THAT THE APPLICANT MAY BE SUBJECT TO IMMEDIATE REVOCATION OF CERTIFICATION OR OTHER NEGATIVE LICENSING ACTION AS SET FORTH IN THIS SECTION, SECTION 26-6-107.7, AND AS DESCRIBED BY RULE OF THE STATE BOARD.

SECTION 5. 26-6-106 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-6-106. Standards for facilities and agencies. (2) Standards prescribed by such rules shall be restricted to:

(q) INITIAL AND ONGOING TRAINING OF PROVIDERS OF FOSTER CARE SERVICES IN FACILITIES LICENSED AND CERTIFIED PURSUANT TO THIS PART 1, INCLUDING ORIENTATION AND PRELICENSING TRAINING FOR CHILD PLACEMENT AGENCY STAFF.

SECTION 6. 26-6-107 (1) (a) (1), (1) (a.5), (1) (b), and (2), Colorado Revised Statutes, are amended to read:

26-6-107. Investigations and inspections - local authority - reports - rules. (1) (a) (1) (A) The STATE department shall investigate and pass on each original application for a license, EACH APPLICATION FOR RENEWAL, and each

application for a permanent license following the issuance of a probationary or provisional license, to operate a facility or an agency prior to granting such license. As part of such investigation, the STATE department shall require each applicant, owner, employee, newly hired employee, licensee, and any adult who resides in the licensed facility to obtain a criminal ~~record~~ BACKGROUND check by reviewing any record that shall be used to assist the STATE department in ascertaining whether the person being investigated has been convicted of any of the criminal offenses specified in section 26-6-104 (7) or any other felony. The state board ~~of human services~~ shall promulgate rules that define and identify what the criminal background check shall entail.

(B) ~~Such~~ Rules PROMULGATED BY THE STATE BOARD PURSUANT TO THIS SUBPARAGRAPH (I) shall allow an exemption from the criminal background investigation and the state central registry of child protection investigation for those out-of-state employees working in Colorado at a children's resident camp in a temporary capacity for fewer than ninety days. Each person so exempted from fingerprinting and the state central registry of child protection investigation shall sign a statement that affirmatively states that he or she has not been convicted of any charge of child abuse, unlawful sexual offense, or any felony. Prospective employers of such exempted persons shall conduct reference checks of the prospective employees in order to verify previous work history and shall conduct personal interviews with each such prospective employee.

(C) ~~The~~ Rules PROMULGATED BY THE STATE BOARD PURSUANT TO THIS SUBPARAGRAPH (I) shall require the criminal background check in all ~~other~~ circumstances OTHER THAN THOSE IDENTIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I) to include a fingerprint check through the Colorado bureau

of investigation. As part of said investigation, the state central registry of child protection shall be accessed to determine whether the owner, applicant, employee, newly hired employee, licensee, or individual who resides in the licensed facility being investigated is the subject of a report of known or suspected child abuse. Pursuant to section 19-1-307 (2) (j), C.R.S., information shall be made available if a person's name is on the central registry of child protection, or has been designated as "status pending" pursuant to section 19-3-313, C.R.S. Any change in ownership of a licensed facility or the addition of a new resident adult or newly hired employee to the licensed facility shall require a new investigation as provided for in this section.

(D) The state board ~~of human services~~ shall promulgate rules to implement this subparagraph (I).

(a.5) An applicant for certification as a foster care home shall provide the child placement agency or the COUNTY department ~~of social services~~ from whom the certification is sought with a list of all the prior child placement agencies and county departments ~~of social services~~ that had previously certified the applicant. A child placement agency or county department ~~of social services~~ from whom the certification is sought shall conduct a reference check of the applicant AND ANY ADULT RESIDENT OF THE FOSTER CARE HOME by contacting all of the child placement agencies and county departments ~~of social services~~ identified by the applicant before issuing the certification for that foster care home.

(b) (I) When the STATE department, county department, or child placement agency is satisfied that the applicant or licensee is competent and will operate adequate facilities to care for children under the requirements of this part

I and that standards are being met and will be complied with, it shall issue the license for which applied. EXCEPT AS OTHERWISE PROVIDED IN SECTION 26-6-108 (5) (b), the STATE department shall inspect or cause to be inspected the facilities to be operated by an applicant for an original license before the license is granted and shall thereafter inspect or cause to be inspected the facilities of all licensees that, during the period of licensure, have been found to be the subject of complaints or to be out of compliance with the standards set forth in section 26-6-106 and the rules of the STATE department or that otherwise appear to be placing children at risk. The STATE department may make such other inspections as it deems necessary to ensure that the requirements of this article are being met and that the health, safety, and welfare of the children being placed are protected. ~~The state board shall adopt rules concerning the on-site public availability of the most recent inspection report results of child care center facilities and family child care home facilities, when requested. The state board shall also adopt rules concerning a requirement that child care center facilities and family child care home facilities post their licenses and information regarding the procedures for filing a complaint under this part 1 directly with the department, which rules shall require that each such facility display its license and complaint procedures in a prominent and conspicuous location at all times during operational hours of the facility.~~ IF, AS A RESULT OF AN INSPECTION OF A CERTIFIED FOSTER CARE HOME, THE STATE DEPARTMENT DETERMINES THAT ANY CHILD RESIDING IN SUCH FOSTER CARE HOME IS SUBJECT TO AN IMMEDIATE AND DIRECT THREAT TO HIS OR HER SAFETY AND WELFARE OR A SUBSTANTIAL VIOLATION OF A FUNDAMENTAL STANDARD OF CARE WARRANTS IMMEDIATE ACTION, THE STATE DEPARTMENT MAY IMMEDIATELY ACT TO REMOVE SUCH CHILD FROM THE FOSTER CARE HOME

AND DENY THE REIMBURSEMENT OF PUBLIC FUNDS FOR THE PLACEMENT OF ANY OTHER CHILDREN IN SUCH FOSTER CARE HOME, PENDING A HEARING ON THE MATTER WITHIN FIVE DAYS AFTER REMOVAL OF THE CHILD, WHICH HEARING SHALL BE CONDUCTED PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

(II) THE STATE BOARD SHALL ADOPT RULES CONCERNING THE ON-SITE PUBLIC AVAILABILITY OF THE MOST RECENT INSPECTION REPORT RESULTS OF CHILDCARE CENTER FACILITIES AND FAMILY CHILD CARE HOME FACILITIES, WHEN REQUESTED. THE STATE BOARD SHALL ALSO ADOPT RULES CONCERNING A REQUIREMENT THAT CHILD CARE CENTER FACILITIES AND FAMILY CHILD CARE HOME FACILITIES POST THEIR LICENSES AND INFORMATION REGARDING THE PROCEDURES FOR FILING A COMPLAINT UNDER THIS PART 1 DIRECTLY WITH THE STATE DEPARTMENT, WHICH RULES SHALL REQUIRE THAT EACH SUCH FACILITY DISPLAY ITS LICENSE AND COMPLAINT PROCEDURES IN A PROMINENT AND CONSPICUOUS LOCATION AT ALL TIMES DURING OPERATIONAL HOURS OF THE FACILITY.

(III) (A) THE STATE DEPARTMENT SHALL MONITOR AND TRACK COMPLAINTS INVOLVING CHILD PLACEMENT AGENCIES AND SHALL INVESTIGATE SUCH COMPLAINTS THAT, IN THE DETERMINATION OF THE STATE DEPARTMENT, ARE MERITORIOUS. COUNTY DEPARTMENTS SHALL REPORT ALL KNOWN COMPLAINTS INVOLVING CHILD PLACEMENT AGENCIES DIRECTLY TO THE STATE DEPARTMENT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO COUNTY DEPARTMENT OR ANY OF ITS EMPLOYEES OR AGENTS SHALL BE LIABLE IN ANY CIVIL ACTION FOR DAMAGES TO A FOSTER CARE HOME, A CHILD PLACEMENT AGENCY, ANY EMPLOYEES THEREOF, OR ANY OTHER PERSON FOR THE CONTENTS OF ANY REPORTS SUBMITTED TO THE STATE DEPARTMENT PURSUANT TO THE

PROVISIONS OF THIS SUB-SUBPARAGRAPH (A). COUNTY DEPARTMENTS SHALL CONSULT WITH THE STATE DEPARTMENT PRIOR TO REFERRING A CHILD TO A CHILD PLACEMENT AGENCY FOR PLACEMENT IN ORDER TO ASCERTAIN WHETHER SUCH CHILD PLACEMENT AGENCY IS THE SUBJECT OF A PENDING INVESTIGATION BY THE STATE DEPARTMENT DUE TO COMPLAINTS BROUGHT BY OTHER COUNTIES OR ANY OTHER PERSON. THE COUNTY DEPARTMENT SHALL SUSPEND THE REFERRAL OF SUCH CHILD WHILE SUCH INVESTIGATION IS PENDING.

(B) A CHILD PLACEMENT AGENCY, PRIOR TO PLACING OR ARRANGING THE PLACEMENT OF A CHILD IN A FOSTER CARE HOME, SHALL OBTAIN THE APPROVAL OF THE COUNTY DEPARTMENT OF THE COUNTY IN WHICH SUCH FOSTER CARE HOME IS LOCATED WHEN THE BACKGROUND CHECK CONDUCTED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (1) INDICATES THAT ANY ADULT RESIDING IN THE FOSTER CARE HOME HAS BEEN CHARGED OR CONVICTED OF ANY FELONY OR MISDEMEANOR UNDER THE LAWS OF THIS OR ANY OTHER JURISDICTION.

(H) (IV) If, as a result of an inspection of a licensed child care center facility or family child care home facility, the STATE department determines that there were no serious violations of any of the standards prescribed and published by the STATE department or any of the provisions of this part 1, within twenty days after completing the inspection the STATE department shall send a written notice to such facility indicating such fact. Within ten days after receipt of such written notice, the licensee shall provide a copy of the written notice to the parents and legal guardians of the children cared for at the child care center facility or family child care home facility.

(2) The STATE department may authorize or contract with any county department, ~~of social services~~, the county department of health, or any other publicly or privately operated organization that has a declared interest in children and experience working with children or on behalf of children to investigate and inspect the facilities applying for an original OR RENEWAL license or applying for a permanent license following the issuance of a ~~probation~~ PROBATIONARY or provisional license under this part 1 and may accept reports on such investigations and inspections from such agencies or organizations as a basis for such licensing. When contracting for investigations and inspections, the STATE department shall assure that the contractor is qualified by training and experience and has no conflict of interest with the facilities to be inspected. A city, county, or city and county may impose and enforce higher standards and requirements for facilities licensed under this part 1 than the standards and requirements specified under this part 1.

SECTION 7. Part 1 of article 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-6-107.7. Revocation of certification of foster care home - emergency procedures - due process. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A COUNTY DEPARTMENT MAY ACT IMMEDIATELY TO REVOKE THE CERTIFICATION OF A FOSTER CARE HOME WHEN THE COUNTY DEPARTMENT HAS REASON TO BELIEVE THAT A CHILD RESIDING IN SUCH FOSTER CARE HOME IS SUBJECT TO AN IMMEDIATE AND DIRECT THREAT TO HIS OR HER SAFETY AND WELFARE OR WHEN A SUBSTANTIAL VIOLATION OF A FUNDAMENTAL STANDARD OF CARE WARRANTS IMMEDIATE ACTION. IF THE COUNTY DEPARTMENT ACTS PURSUANT TO THIS SECTION, A DUE PROCESS HEARING

SHALL BE HELD WITHIN FIVE DAYS AFTER SUCH ACTION AND CONDUCTED AS SUCH HEARING WOULD NORMALLY BE CONDUCTED PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

SECTION 8. 26-6-108 (1), the introductory portion to (2), 26-6-108 (2) (b), (2) (i), and (2) (m), the introductory portion to (2.5) (a), 26-6-108 (2.7), (3), and (4), Colorado Revised Statutes, are amended, and the said 26-6-108 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

26-6-108. Denial of original license - suspension - revocation - probation - refusal to renew license - fines. (1) When an application for an original OR RENEWAL license has been denied by the STATE department, the STATE department shall notify the applicant in writing of such denial by mailing a notice to ~~him~~ THE APPLICANT at the address shown on ~~his~~ THE application. Any applicant believing himself OR HERSELF TO BE aggrieved by such denial may pursue the remedy for review as provided in subsection (3) of this section if he OR SHE, within thirty days after receiving such notice, petitions the STATE department to set a date and place for hearing, affording ~~him~~ THE APPLICANT an opportunity to be heard in person or by counsel. All hearings on the denial of original OR RENEWAL licenses shall be conducted in conformity with the provisions and procedures specified in article 4 of title 24, C.R.S., as in the case of the suspension and revocation of licenses.

(2) The STATE department may deny, suspend, revoke, or make probationary the license of any facility regulated and licensed under this part 1, OTHER THAN A FOSTER CARE HOME LICENSE OR CERTIFICATE, or assess a fine against the licensee pursuant to section 26-6-114 should the licensee, an affiliate

of the licensee, a person employed by the licensee, or a person who resides with the licensee at the facility:

(b) ~~Be determined to be insane or mentally incompetent by a court of competent jurisdiction and, should a court enter, pursuant to part 3 or part 4 of article 14 of title 15, C.R.S., or section 27-10-109 (4) or 27-10-125, C.R.S., an order specifically finding that the mental incompetency or insanity is of such a degree that the licensee is incapable of operating a family child care home, foster care home, or child care center, the record of such determination and entry of such order being conclusive evidence thereof; or~~

(i) Willfully or deliberately violate any of the provisions of this part I; EXCEPT THAT A KNOWING VIOLATION OF THE PROVISIONS OF THIS PART I SHALL BE SUFFICIENT FOR THE STATE DEPARTMENT TO TAKE ACTION AGAINST A CHILD PLACEMENT AGENCY; or

(m) Be the subject of a PREVIOUS negative licensing action OR BE THE SUBJECT OF A PENDING INVESTIGATION BY THE STATE DEPARTMENT THAT MAY RESULT IN A NEGATIVE LICENSING ACTION.

(2.5) (a) The STATE department shall deny a license, OTHER THAN A FOSTER CARE HOME LICENSE OR CERTIFICATE, under the circumstances described in section 26-6-104 (7). The STATE department shall revoke a license previously issued if:

(2.6) (a) THE STATE DEPARTMENT MAY DENY, SUSPEND, REVOKE, OR MAKE PROBATIONARY THE LICENSE OR CERTIFICATE OF ANY FOSTER CARE HOME FACILITY REGULATED AND LICENSED OR CERTIFIED UNDER THIS PART I OR ASSESS A FINE AGAINST THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER PURSUANT TO SECTION 26-6-114, AND THE COUNTY DEPARTMENT OR A CHILD PLACEMENT

AGENCY MAY DENY CERTIFICATION, SHOULD THE CERTIFIED FOSTER CARE PROVIDER, AN AFFILIATE OF THE PROVIDER, A PERSON EMPLOYED BY THE PROVIDER, OR A PERSON WHO RESIDES WITH THE PROVIDER AT THE FACILITY:

(I) BE CONVICTED OF ANY FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-104 (7), OR CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S., THE RECORD OF CONVICTION BEING CONCLUSIVE EVIDENCE THEREOF, NOTWITHSTANDING SECTION 24-5-101, C.R.S., OR HAVE ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT TO ANY FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-104 (7), CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S., OR SHOULD THE STATE DEPARTMENT HAVE A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE APPLICANT, LICENSEE, CERTIFIED FOSTER CARE PROVIDER, PERSON EMPLOYED BY THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, OR ANY PERSON RESIDING WITH THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER HAS BEEN CONVICTED OF A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-104 (7), UNDER A LAW OF ANY OTHER STATE OR THE UNITED STATES OR HAS ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT IN ANOTHER STATE AS TO A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-104 (7); OR

(II) BE CONVICTED OF THIRD DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-204, C.R.S., ANY MISDEMEANOR, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S., THE VIOLATION OF A RESTRAINING ORDER, AS DESCRIBED IN SECTION 18-6-803.5, C.R.S., ANY MISDEMEANOR OFFENSE OF CHILD ABUSE AS DEFINED IN SECTION

18-6-401, C.R.S., OR ANY MISDEMEANOR OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE OFFENSES DESCRIBED IN THIS PARAGRAPH (a); OR

(III) USE ANY CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 12-22-303 (7), C.R.S., OR CONSUME ANY ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE FACILITY OR BE UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE OR ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE FACILITY, TO THE EXTENT SUCH USE OR CONSUMPTION IMPAIRS THE LICENSEE'S OR CERTIFIED FOSTER CARE PROVIDER'S ABILITY TO PROPERLY CARE FOR CHILDREN; OR

(IV) BE CONVICTED OF UNLAWFUL USE OF A CONTROLLED SUBSTANCE AS SPECIFIED IN SECTION 18-18-404, C.R.S., UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, SALE, OR POSSESSION OF A CONTROLLED SUBSTANCE AS SPECIFIED IN SECTION 18-18-405, C.R.S., OR UNLAWFUL OFFENSES RELATING TO MARIHUANA OR MARIHUANA CONCENTRATE AS SPECIFIED IN SECTION 18-18-406, C.R.S.; OR

(V) CONSISTENTLY FAIL TO MAINTAIN STANDARDS PRESCRIBED AND PUBLISHED BY THE STATE DEPARTMENT; OR

(VI) FURNISH OR MAKE ANY MISLEADING OR ANY FALSE STATEMENT OR REPORT TO THE STATE DEPARTMENT, COUNTY DEPARTMENT, OR CHILD PLACEMENT AGENCY; OR

(VII) REFUSE TO SUBMIT TO THE STATE DEPARTMENT ANY REPORTS OR REFUSE TO MAKE AVAILABLE TO THE STATE DEPARTMENT ANY RECORDS REQUIRED BY IT IN MAKING AN INVESTIGATION OF THE FACILITY FOR LICENSING OR CERTIFICATION PURPOSES; OR

(VIII) FAIL OR REFUSE TO SUBMIT TO AN INVESTIGATION OR INSPECTION BY THE STATE DEPARTMENT OR TO ADMIT AUTHORIZED REPRESENTATIVES OF THE STATE DEPARTMENT AT ANY REASONABLE TIME FOR THE PURPOSE OF INVESTIGATION OR INSPECTION; OR

(IX) FAIL TO PROVIDE, MAINTAIN, EQUIP, AND KEEP IN SAFE AND SANITARY CONDITION PREMISES ESTABLISHED OR USED FOR CHILD CARE PURSUANT TO STANDARDS PRESCRIBED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE STATE DEPARTMENT OR BY ORDINANCES OR REGULATIONS APPLICABLE TO THE LOCATION OF SUCH FACILITY; OR

(X) WILLFULLY OR DELIBERATELY VIOLATE ANY OF THE PROVISIONS OF THIS PART 1; OR

(XI) FAIL TO MAINTAIN FINANCIAL RESOURCES ADEQUATE FOR THE SATISFACTORY CARE OF CHILDREN SERVED IN REGARD TO UPKEEP OF PREMISES AND PROVISION FOR PERSONAL CARE, MEDICAL SERVICES, CLOTHING, AND OTHER ESSENTIALS IN THE PROPER CARE OF CHILDREN; OR

(XII) BE CHARGED WITH THE COMMISSION OF AN ACT OF CHILD ABUSE OR AN UNLAWFUL SEXUAL OFFENSE, AS SPECIFIED IN SECTION 18-3-411 (1), C.R.S., IF:

(A) SUCH INDIVIDUAL HAS ADMITTED COMMITTING THE ACT OR OFFENSE AND THE ADMISSION IS DOCUMENTED OR UNCONTROVERTED; OR

(B) THE ADMINISTRATIVE LAW JUDGE FINDS THAT SUCH CHARGE IS SUPPORTED BY SUBSTANTIAL EVIDENCE; OR

(XIII) ADMIT TO AN ACT OF CHILD ABUSE OR IF SUBSTANTIAL EVIDENCE IS FOUND THAT THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, PERSON EMPLOYED BY THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, OR

PERSON WHO RESIDES WITH THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER IN THE LICENSED OR CERTIFIED FACILITY HAS COMMITTED AN ACT OF CHILD ABUSE. FOR THE PURPOSES OF THIS SUBPARAGRAPH (XIII), "CHILD ABUSE" HAS THE SAME MEANING AS THAT ASCRIBED TO THE TERM "ABUSE" OR "CHILD ABUSE OR NEGLECT" IN SECTION 19-1-103 (1), C.R.S.; OR

(XIV) BE THE SUBJECT OF A NEGATIVE LICENSING ACTION.

(b) (I) THE STATE DEPARTMENT, COUNTY DEPARTMENT, OR A CHILD PLACEMENT AGENCY SHALL DENY A FOSTER CARE HOME LICENSE OR CERTIFICATION IF THE APPLICANT, A PERSON EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES WITH THE APPLICANT AT THE FACILITY IS:

(A) DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND, SHOULD A COURT ENTER, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, C.R.S., OR SECTION 27-10-109 (4) OR 27-10-125, C.R.S., AN ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER IS INCAPABLE OF OPERATING A FOSTER CARE HOME, THE RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE EVIDENCE THEREOF; OR

(B) CONVICTED OF ANY OFFENSE DESCRIBED IN SECTION 26-6-104 (7).

(II) THE STATE DEPARTMENT SHALL REVOKE A LICENSE OR CERTIFICATE PREVIOUSLY ISSUED TO A FOSTER CARE HOME IF:

(A) THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, PERSON EMPLOYED BY THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, OR PERSON RESIDING WITH THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER IS DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY A COURT OF

COMPETENT JURISDICTION AND, SHOULD A COURT ENTER, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, C.R.S., OR SECTION 27-10-109 (4) OR 27-10-125, C.R.S., AN ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER IS INCAPABLE OF OPERATING A FOSTER CARE HOME, THE RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE EVIDENCE THEREOF; OR

(B) THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, PERSON EMPLOYED BY THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, OR PERSON RESIDING WITH THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER IS THEREAFTER CONVICTED OR IF IT IS LATER DISCOVERED THAT THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, PERSON EMPLOYED BY THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, OR PERSON RESIDING WITH THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER HAD PREVIOUSLY BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES SET FORTH IN SECTION 26-6-104 (7); OR

(C) THE STATE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, PERSON EMPLOYED BY THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, OR PERSON RESIDING WITH THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER IS THEREAFTER CONVICTED OF, OR IF IT IS LATER DISCOVERED THAT THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, PERSON EMPLOYED BY THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER, OR PERSON RESIDING WITH THE LICENSEE OR CERTIFIED FOSTER CARE PROVIDER HAD PREVIOUSLY BEEN CONVICTED OF A CRIMINAL OFFENSE UNDER A LAW OF ANY OTHER STATE OR OF

THE UNITED STATES THAT IS SIMILAR TO ANY OF THE CRIMINAL OFFENSES SET FORTH IN SECTION 26-6-104 (7).

(c) A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF SUCH CONVICTION OR DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, DEFERRED ADJUDICATION AGREEMENT, OR A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING SUCH AN AGREEMENT FROM ANOTHER STATE SHALL BE PRIMA FACIE EVIDENCE OF SUCH CONVICTION OR AGREEMENT.

(d) FOR PURPOSES OF THIS SUBSECTION (2.6), "CONVICTED" MEANS A CONVICTION BY A JURY OR BY A COURT AND SHALL ALSO INCLUDE A DEFERRED JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION, AND A PLEA OF GUILTY OR NOLO CONTENDERE.

(2.7) The STATE department may assess fines, pursuant to the provisions of section 26-6-114, against a licensee or a person employed by the licensee who willfully and deliberately or consistently violates the standards prescribed and published by the STATE department or the provisions of this part 1. THE STATE DEPARTMENT MAY ASSESS FINES, PURSUANT TO THE PROVISIONS OF SECTION 26-6-114, AGAINST A CHILD PLACEMENT AGENCY OR A PERSON EMPLOYED BY THE CHILD PLACEMENT AGENCY WHO KNOWINGLY OR CONSISTENTLY VIOLATES THE STANDARDS PRESCRIBED AND PUBLISHED BY THE STATE DEPARTMENT OR THE PROVISIONS OF THIS PART 1.

(3) (a) The STATE department shall suspend or revoke a license only in conformity with the provisions and procedures specified in article 4 of title 24, C.R.S., and after a hearing thereon as provided in said article 4; except that all

hearings under this part 1 shall be conducted by an administrative law judge of the STATE department who shall render his or her recommendation to the executive director of the STATE department of human services who shall render the final decision of the STATE department, and no licensee shall be entitled to a right to cure any of the charges described in ~~paragraph (a), (b)~~, PARAGRAPH (a), (c), or (k) (I) of subsection (2) of this section. No such hearing shall prevent or delay any injunctive proceedings instituted under the provisions of section 26-6-111.

(b) (I) THE STATE DEPARTMENT MAY MAKE PROBATIONARY THE LICENSE OF ANY FOSTER CARE HOME, RESIDENTIAL CHILD CARE FACILITY, SECURE RESIDENTIAL CHILD CARE FACILITY, OR CHILD PLACEMENT AGENCY IN CONFORMITY WITH INFORMAL PROVISIONS AND EXPEDITED HEARING PROCESS. THE STATE BOARD SHALL SPECIFY BY RULE SUCH PROVISIONS AND HEARING PROCESS, WHICH RULES SHALL PROVIDE:

(A) THAT THE HEARING OFFICER FOR SUCH HEARING SHALL NOT BE DIRECTLY INVOLVED IN CHILD CARE LICENSING;

(B) THAT SUCH HEARING OFFICER SHALL RENDER HIS OR HER RECOMMENDATION TO THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT WHO SHALL RENDER THE FINAL DECISION OF THE STATE DEPARTMENT; AND

(C) THAT NO LICENSEE SHALL BE ENTITLED TO A RIGHT TO CURE ANY OF THE CHARGES DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

(II) NO SUCH HEARING SHALL PREVENT OR DELAY ANY INJUNCTIVE PROCEEDINGS INSTITUTED UNDER THE PROVISIONS OF SECTION 26-6-111.

~~(4) The provisions of paragraph (c) of subsection (2) of this section shall not apply to foster care homes, unless such use or consumption impairs the licensee's ability to properly care for children.~~

(5) (a) THE STATE DEPARTMENT SHALL IMMEDIATELY SUSPEND OR REVOKE THE LICENSE OF A CHILD PLACEMENT AGENCY WHEN ONE OR MORE VIOLATIONS OF STANDARDS PRESCRIBED AND PUBLISHED BY THE STATE DEPARTMENT OR ONE OR MORE VIOLATIONS OF THE PROVISIONS OF THIS PART 1 COMMITTED BY THE CHILD PLACEMENT AGENCY ARE DEEMED EXCESSIVE BY THE STATE DEPARTMENT. THE STATE BOARD SHALL PROMULGATE RULES THAT SET FORTH THE NUMBER AND NATURE OF VIOLATIONS THAT WARRANT IMMEDIATE SUSPENSION OR REVOCATION OF A CHILD PLACEMENT AGENCY LICENSE. IN ADOPTING SAID RULES, THE STATE BOARD SHALL ENSURE THAT THE NUMBER AND NATURE OF VIOLATIONS ARE COMPARABLE TO THE NUMBER AND NATURE OF VIOLATIONS THAT WARRANT IMMEDIATE LICENSE SUSPENSION OR REVOCATION IN A MAJORITY OF JURISDICTIONS.

(b) (I) PRIOR TO JANUARY 1, 2003, THE STATE DEPARTMENT SHALL CREATE CLASSIFICATIONS OF CHILD PLACEMENT AGENCY LICENSES THAT CERTIFY FOSTER CARE HOMES THAT ARE BASED ON RISK FACTORS AS THOSE FACTORS ARE ESTABLISHED BY RULE OF THE STATE BOARD.

(II) ON AND AFTER JANUARY 1, 2003, THE STATE DEPARTMENT MAY IMPLEMENT A SCHEDULE FOR RELICENSING OF CHILD PLACEMENT AGENCIES THAT CERTIFY FOSTER CARE HOMES THAT IS BASED ON RISK FACTORS SUCH THAT CHILD PLACEMENT AGENCIES WITH LOW RISK FACTORS SHALL RENEW THEIR LICENSES LESS FREQUENTLY THAN CHILD PLACEMENT AGENCIES WITH HIGHER RISK FACTORS.

(6) (a) A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS PART 1 THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER CARE MAY CHOOSE, AS A MATTER OF POLICY, TO PLACE OR CAUSE TO BE PLACED A CHILD IN THE HOME OF A RELATIVE OF THE CHILD PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6) AS A PREFERENCE OVER PLACEMENT IN A FOSTER CARE HOME.

(b) A CHILD PLACEMENT AGENCY MAY PLACE OR CAUSE TO BE PLACED A CHILD IN THE HOME OF A RELATIVE OF THE CHILD PURSUANT TO THIS SUBSECTION (6) ONLY WHEN:

(I) THE OWNER OR LESSEE OF THE RESIDENCE OR THAT PERSON'S SPOUSE IS RELATED TO SUCH CHILD; AND

(II) A CRIMINAL BACKGROUND CHECK OBTAINED BY SUCH CHILD PLACEMENT AGENCY INDICATES THAT SUCH PERSON RELATED TO THE CHILD HAS NOT BEEN CONVICTED OF ANY OF THE OFFENSES LISTED IN SECTION 26-6-104 (7) (a).

(7) THE STATE DEPARTMENT SHALL DENY OR REVOKE A LICENSE PREVIOUSLY ISSUED TO ANY CHILD PLACEMENT AGENCY THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER CARE IF IT IS FOUND THAT ANY MEMBER OF THE BOARD OF DIRECTORS OF SUCH CHILD PLACEMENT AGENCY IS EITHER RELATED TO OR SERVES SIMULTANEOUSLY AS AN OFFICER, EXECUTIVE, OR EMPLOYEE OF THE SAME CHILD PLACEMENT AGENCY. FOR PURPOSES OF THIS SUBSECTION (7), "RELATED" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 26-6-102 (7).

SECTION 9. 26-6-108 (2.5) (a) is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

26-6-108. Denial of original license - suspension - revocation - probation - refusal to renew license - fines. (2.5) (a) The STATE department shall deny a license under the circumstances described in section 26-6-104 (7). The STATE department shall revoke a license previously issued if:

(II.5) THE LICENSEE, AN AFFILIATE OF THE LICENSEE, A PERSON EMPLOYED BY THE LICENSEE, OR A PERSON WHO RESIDES WITH THE LICENSEE AT THE FACILITY HAS BEEN DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND, SHOULD A COURT ENTER, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, C.R.S., OR SECTION 27-10-109 (4) OR 27-10-125, C.R.S., AN ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE LICENSEE IS INCAPABLE OF OPERATING A FAMILY CHILD CARE HOME, FOSTER CARE HOME, OR CHILD CARE CENTER, THE RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE EVIDENCE THEREOF; OR

SECTION 10. Part 1 of article 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-6-117. Child placement agencies - information sharing - investigations by state department. (1) IF A COUNTY DEPARTMENT HAS SUBSTANTIATED EVIDENCE THAT A CHILD PLACEMENT AGENCY WITH WHICH THE COUNTY HAS CONTRACTED TO PROVIDE FOSTER CARE SERVICES HAS VIOLATED THE PROVISIONS OF THIS PART 1 OR ANY RULE OF THE STATE BOARD, IT SHALL COMMUNICATE SUCH INFORMATION TO ALL OTHER COUNTY DEPARTMENTS IN THE STATE AND TO THE STATE DEPARTMENT ELECTRONICALLY THROUGH THE INTERNET OR THROUGH SUCH OTHER ELECTRONIC AND IMMEDIATE MEANS OF COMMUNICATION THAT MAY BE AVAILABLE TO THE COUNTY DEPARTMENT. A

COUNTY DEPARTMENT SHALL ALSO IDENTIFY WHETHER IT IS REQUESTING THE STATE DEPARTMENT TO INVESTIGATE A COMPLAINT AGAINST A CHILD PLACEMENT AGENCY FOR POSSIBLE NEGATIVE LICENSING ACTION AGAINST THE CHILD PLACEMENT AGENCY.

(2) UPON RECEIPT OF A REQUEST FOR INVESTIGATION OF A CHILD PLACEMENT AGENCY FROM A COUNTY DEPARTMENT, THE STATE DEPARTMENT SHALL COMMENCE AN INVESTIGATION AND, UPON CONCLUSION, REPORT ITS FINDINGS TO THE REQUESTING COUNTY DEPARTMENT. THE STATE DEPARTMENT SHALL DESIGNATE WHETHER THE REPRESENTATIVE OF THE DIVISION OF CHILD WELFARE OR THE REPRESENTATIVE OF THE DIVISION OF CHILD CARE IN THE STATE DEPARTMENT SHALL SERVE AS THE LEAD DIVISION OF THE MONITORING TEAM PRIOR TO COMMENCING SUCH INVESTIGATION.

(3) THE STATE DEPARTMENT SHALL PROVIDE DIRECT ACCESS TO INFORMATION CONCERNING THE RESULTS OF ANY INVESTIGATION OR NEGATIVE LICENSING ACTION TAKEN AGAINST A CHILD PLACEMENT AGENCY LICENSED TO PROVIDE FOSTER CARE SERVICES IN COLORADO. SUCH INFORMATION SHALL BE AVAILABLE TO COUNTY DEPARTMENTS ON THE STATE DEPARTMENT'S WEBSITE ON THE INTERNET AND BY MEANS OF A HARD COPY AVAILABLE UPON THE REQUEST OF A COUNTY DEPARTMENT.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill G

Colorado Legislative Council Staff

STATE and LOCAL FISCAL IMPACT

Drafting Number: LLS 01-0052

Date: December 8, 2000

Prime Sponsor(s): Rep. Alexander
Sen. Epps

Bill Status: Foster Care Interim Committee
Fiscal Analyst: Janis Baron (303-866-3523)

TITLE: CONCERNING THE PROVISION OF FOSTER CARE SERVICES.

Fiscal Impact Summary	FY 2001/2002	FY 2002/2003
State Revenues		
Cash Funds	\$ 144,000	\$ 126,000
Cash Funds Exempt	198,000	198,000
State Expenditures		
General Fund	\$ 242,783	\$ 139,345
Cash Funds	92,868	78,743
Cash Funds Exempt	201,600	198,000
Federal Funds	(51,265)	(69,301)
FTE Position Change	1.1 FTE	1.1 FTE
TABOR Liability	\$ 0	\$ 144,000
Other State Impact: None		
Effective Date: Upon Signature of the Governor		
Appropriation Summary for FY 2001/2002:		
Department of Human Services	\$ 206,522	Total
242,783	GF	
11,405	CF — Child Abuse Registry	
3,600	CFE — County Funds	
(51,265)	FF	
0.5	FTE	
Department of Public Safety	\$ 279,463	Total
81,463	CF — Fees	
198,000	CFE — Pass Through to FBI	
0.6	FTE	
Local Government Impact: The counties' 20 percent share for child welfare services is estimated at \$3,600 in FY 2001-02.		

Summary of Legislation

This fiscal note is limited to a discussion of those provisions of the bill which create a fiscal impact. The respective bill sections are noted in the State Expenditures section of this fiscal note.

State Revenues

The bill is estimated to generate \$144,000 in new state revenue in FY 2001-02 and \$126,000 in FY 2002-03. This revenue will be earned in both the Department of Human Services (DHS) and the Department of Public Safety (DPS).

Department of Human Services. The bill will generate \$18,000 in new revenue into the Child Abuse Registry Cash Fund in FY 2001-02. The fiscal note assumes that a \$10 fee will be charged to child placement agencies (CPAs) for a Central Registry for Child Protection (CRCP) check on an estimated 1,800 foster care homes currently certified by CPAs (1,800 foster care homes x \$10 = \$18,000). [Consistent with current practice, counties will not be assessed a \$10 fee for the CRCP check of the 1,800 foster care homes that they certify.] The CRCP will notify CPAs of any matches of substantiated or pending child abuse allegations for up to two years after the initial check. Thus, new revenue will be generated every three years. Assuming 1,800 homes in FY 2004-05 and a \$10 fee, the revenue generated would again be \$18,000. The bill will increase workload at the Child Abuse Registry. That workload is estimated to cost \$11,405, resulting in a net increase of \$6,595 to the Child Abuse Registry Cash Fund balance.

Department of Public Safety. The bill will generate \$126,000 in new revenue in the Department of Public Safety in both FY 2001-02 and FY 2002-03. It is estimated that 9,000 fingerprint checks will be conducted annually on persons residing in foster care homes (9,000 x \$14 = \$126,000).

State Expenditures

Department of Human Services. It is estimated that the bill will result in total expenditures of \$206,522 in FY 2001-02 and \$70,044 in FY 2002-03. Each section of the bill which creates a fiscal impact in DHS is noted below.

Section 26-6-104 (1) (b) (II) — requires annual re-certification of foster care homes including qualitative assessments. Total costs are estimated at \$134,645 in FY 2001-02 and \$15,060 in FY 2002-03.

- *Child Abuse Registry.* DHS will require \$11,405 CF in FY 2001-02 only to perform CRCP checks. The source of funding for the CRCP checks will come from the \$18,000 generated from the \$10 fee. Based upon current practice, it takes approximately 8 minutes for Registry staff to perform a CRCP check (8

minutes x 3,600 CRCP checks / 60 minutes = 480 hours). The department will use contractual services to perform these checks at a rate of \$16.26 per hour (480 hours x \$16.26/hr. = \$7,805). Additionally, the 3,600 new CRCP checks will require \$1.00 for postage and supplies per check, or \$3,600.

- *Child Welfare Services.* The DHS will require \$18,000 in FY 2001-02 only for child welfare services. The fiscal note assumes that the \$10 fee for CRCP checks will be built into the rate CPAs charge counties for child placement services (1,800 homes x \$10 = \$18,000).
- *Training.* The DHS will require \$105,240 in FY 2001-02 and \$15,060 in FY 2002-03 to train county foster care certification workers on quality assessment. These amounts are based on current contract training costs. The fiscal note assumes that 100 county staff will receive training in FY 2001-02 and out year training will be the result of staff turnover.

Section 26-6-104 (b) (1) (IV) — provides that at the end of the certification period, a foster care home certified by a CPA may seek re-certification from the same CPA, another CPA, or a county department. This section is estimated to cost \$8,000 in FY 2002-03 only. The Colorado Trails automated system, which provides support for case management and tracking, court reporting, case information sharing, facility tracking, and financial payments to placement providers, will require 100 hours of coding at a contract programmer rate of \$80 per hour to ensure that changes in certifying agencies do not appear in the system as placement changes for children.

Section 26-6-104 (1) (c) (I) and (II) — requires CPAs that certify foster care homes to be licensed annually; any permanent licenses issued to a CPA prior to July 1, 2001, shall expire automatically on July 2, 2002. The DHS will require a one-time appropriation of \$10,491 in FY 2001-02. Of the total amount, \$4,800 is required to modify the Colorado Trails automated system which does not have the mechanisms in place to allow for annual expiration of CPAs' licenses. This system modification will require 60 hours of business analysis, coding and testing at a contract programmer rate of \$80 per hour. Additionally, the department will require \$5,691 for contract data entry services to terminate permanent licenses of CPAs on the current tracking system (350 hours x \$16.26/hr. = \$5,471).

Section 26-6-107 (1) (a) (I) (A) — requires the DHS to obtain criminal background checks for each applicant, owner, employee, newly hired employee, licensee and adult who resides in the licensed facility. The department will require 0.5 FTE Administrative Assistant III in the Division of Child Care to obtain criminal background checks for the 9,000 additional checks required under the bill. Personal services and operating expenses are estimated at \$32,707 in FY 2001-02 and \$30,304 in FY 2002-03.

Section 26-6-107 (1) (b) (III) (A) and (B) — requires DHS to monitor and track complaints involving CPAs and investigate complaints when appropriate. The DHS indicates that most of the requirements delineated in this section are occurring as a matter of policy. However, the DHS will require an estimated \$11,880 annually for county staff to review home and child information in order to approve or deny placement. This cost will occur in the Child Welfare Services block grant to counties.

Section 26-6-108 (5) (b) (I) (II) — requires DHS to create classifications of CPA licenses that certify foster care homes based on risk factors established by the State Board of Human Services beginning January 1, 2003. The DHS will require a one-time appropriation of \$4,800 in FY 2002-03 to modify the Colorado Trails automated system. The system does not have the mechanisms in place to allow for variable license expiration based upon risk factors. This system modification will require 60 hours of business analysis, coding and testing at a contract programmer rate of \$80 per hour.

Section 26-6-108 (6) (a) — allows a CPA to place a child in a relative home. The fiscal note assumes that relative care would not require certification similar to that of other foster care homes, resulting in the loss of approximately \$72,313 in federal Title IV-E revenue for any child placed in an uncertified relative care home. The loss of federal funds will necessitate an offsetting increase of \$72,313 GF. The net fiscal impact of this section of the bill is \$0.

Section 26-6-117 (3) — requires DHS to provide direct access to information concerning the results of any investigation or negative licensing action taken against a CPA on the department's website. The department will require \$16,800 in FY 2001-02 only for contractual personal services to: (1) build and integrate a data structure (30 hours @ \$80/hr. = \$2,400) and; (2) to develop a web page design with the necessary security and forms required (180 hours @ \$80/hr. = \$14,400).

Department of Public Safety. The DPS will require \$279,463 and 0.6 FTE in FY 2001-02 to comply with the bill's criminal background check requirements. Costs for FY 2002-03 are estimated at \$276,643 and 0.6 FTE. In order to process 9,000 additional fingerprint cards annually, the department will require 0.4 FTE Fingerprint Examiner I and 0.2 FTE Data Specialist. Personal services, operating expenses, and capital outlay costs are estimated at \$22,693 in FY 2001-02 and \$19,873 in FY 2002-03. The department will also require \$58,770 in both fiscal years for the Colorado Crime Information Center (CCIC) computers. Maintenance allocation is estimated at \$24,300 and operating costs are estimated at \$34,470 to process 9,000 fingerprint cards. Additionally, the department will collect and pass through \$198,000 to the FBI for fingerprint checks (9,000 x \$22 = \$198,000).

Local Government Impact

The counties' 20 percent share for child welfare services is estimated at \$3,600 in FY 2001-02.

State Appropriations

The fiscal note indicates that the Department of Human Services should receive an appropriation of \$206,522 and 0.5 FTE for FY 2001-02. Of the total amount, \$242,783 is General Fund, \$11,405 is cash funds from the Child Abuse Registry Cash Fund, \$3,600 is cash funds exempt county funds, and (\$51,265) is a reduction in federal Title IV-E funds.

The Department of Public Safety should receive an appropriation of \$279,463 and 0.6 FTE. Of the total amount, \$81,463 is cash funds from fees and \$198,000 is cash funds exempt, collected on behalf of the FBI.

Departments Contacted

Human Services

Public Safety

Bill H

HOUSE SPONSORSHIP

Tochtrop

SENATE SPONSORSHIP

Epps

A BILL FOR AN ACT

CONCERNING PERIODIC APPROVAL OF CERTAIN CHILD CARE ENTITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Foster Care. Directs the state board of human services to promulgate rules requiring the annual recertification or relicensing of foster care homes.

Directs that any child placement agency or foster care home license or any foster care home certificate existing prior to the effective date of this act shall expire on the effective date of this act. Requires any person holding such a license or certificate and seeking to renew such license or certificate to file an application for a new license or certificate prior to such date.

Specifies that licenses for child placement agencies require annual renewal, and permits such renewal upon the filing and approval of an application. Specifies that the fee for renewal is to be set by rule of the state board of human services.

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

SECTION 1. 26-6-104 (1), Colorado Revised Statutes, is amended, and the said 26-6-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

26-6-104. Licenses - out-of-state notices and consent. (1)(a) No person shall operate any agency or facility defined in this part 1 without first being licensed to operate or maintain such agency or facility by the department and paying the fee prescribed therefor. Such license issued by the department shall be permanent unless otherwise revoked or suspended pursuant to section 26-6-108 OR UNLESS ALLOWED TO EXPIRE, IN THE CASE OF A CHILD PLACEMENT AGENCY OR A FOSTER CARE HOME. ~~except that the state board of human services shall promulgate rules requiring the recertification of foster care homes every three years and setting forth the procedural requirements associated with such recertification:~~

(b)(I) A person operating a foster care home shall not obtain a license if such person holds a certificate to operate such home from any county department or a child placement agency licensed under the provisions of this part 1. THE STATE BOARD SHALL PROMULGATE RULES REQUIRING THE ANNUAL RECERTIFICATION OR RELICENSING OF FOSTER CARE HOMES AND SETTING FORTH THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH SUCH RECERTIFICATION OR RELICENSING. ~~Said certificate~~ A CERTIFICATE TO OPERATE A FOSTER CARE HOME shall be in such form as prescribed and provided by the department, shall certify that such person is a suitable person to operate a home, and shall contain such information as the department requires. A CHILD placement agency issuing or renewing any such certificate shall transmit a copy or report thereof to the department. No foster care home shall be certified by more than one CHILD placement agency or county department. A foster care home, when certified by a CHILD placement agency or county department, may receive for care a child from sources other than the certifying agency or county department upon the

written consent and approval of the agency or county department as to each such child. All such certificates shall be considered licenses for the purpose of this part 1, including but not limited to the investigation and criminal background checks required under section 26-6-107.

(II) (A) CHILD PLACEMENT AGENCIES THAT CERTIFY FOSTER CARE HOMES SHALL BE LICENSED ANNUALLY. THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES SPECIFYING THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH THE RENEWAL OF SUCH CHILD PLACEMENT AGENCY LICENSES.

(B) ANY PERMANENT LICENSES ISSUED TO A CHILD PLACEMENT AGENCY PRIOR TO JULY 1, 2001, SHALL EXPIRE AUTOMATICALLY ON JULY 1, 2002. SUCH LICENSES MAY BE RENEWED PURSUANT TO THE RULES OF THE STATE BOARD OF HUMAN SERVICES.

(8) ANY VALID LICENSE TO OPERATE A CHILD PLACEMENT AGENCY OR A FOSTER CARE HOME OR ANY VALID CERTIFICATE TO OPERATE A FOSTER CARE HOME ISSUED AS OF JULY 1, 2001, SHALL EXPIRE ON JULY 1, 2002. ANY PERSON HOLDING SUCH A LICENSE OR CERTIFICATE AND SEEKING TO RENEW SUCH LICENSE OR CERTIFICATE MUST FILE AN APPLICATION FOR A NEW LICENSE OR CERTIFICATE PRIOR TO SUCH EXPIRATION DATE.

SECTION 2. The introductory portion to 26-6-105 (1) (a) and 26-6-105 (2) (a) and (2) (b) (II), Colorado Revised Statutes, are amended to read:

26-6-105. Fees - when original applications and reapplications for licensure are required - creation of child care licensing cash fund.

(1) (a) The department is hereby authorized to establish, pursuant to rules and regulations promulgated by the state board, ~~of human services~~, full and

provisional license fees and fees for continuation OR RENEWAL of a full license for the following types of child care arrangements:

(2) (a) The fees specified in subsection (1) of this section shall be paid when application is made for any license OR FOR RENEWAL OF A CHILD PLACEMENT AGENCY OR FOSTER CARE HOME LICENSE and shall not be subject to refund. Applications for licenses shall be required in the situations ~~which~~ THAT are set forth in paragraph (b) of this subsection (2) and shall be made on forms prescribed by the department. Each completed application shall set forth such information as required by the department. All full licenses shall continue in force until revoked or surrendered OR ALLOWED TO EXPIRE, AS IN THE CASE OF ANNUAL CHILD PLACEMENT AGENCY LICENSES, FOSTER CARE HOME CERTIFICATES, OR FOSTER CARE HOME LICENSES.

SECTION 3. 26-6-107 (1) (a) (I), Colorado Revised Statutes, is amended to read:

26-6-107. Investigations and inspections - local authority - reports - rules. (1) (a) (I) The department shall investigate and pass on each original application for a license, EACH APPLICATION FOR RENEWAL OF A LICENSE, and each application for a ~~permanent~~ license following the issuance of a probationary or provisional license, to operate a facility or an agency prior to granting such license. As part of such investigation, the department shall require each applicant, owner, employee, newly hired employee, licensee, and any adult who resides in the licensed facility to obtain a criminal record check by reviewing any record that shall be used to assist the department in ascertaining whether the person being investigated has been convicted of any of the criminal offenses specified in section 26-6-104 (7) or any other felony. The state board ~~of human~~

services shall promulgate rules that define and identify what the criminal background check shall entail. Such rules shall allow an exemption from the criminal background investigation and the state central registry of child protection investigation for those out-of-state employees working in Colorado at a children's resident camp in a temporary capacity for fewer than ninety days. Each person so exempted from fingerprinting and the state central registry of child protection investigation shall sign a statement that affirmatively states that he or she has not been convicted of any charge of child abuse, unlawful sexual offense, or any felony. Prospective employers of such exempted persons shall conduct reference checks of the prospective employees in order to verify previous work history and shall conduct personal interviews with each such prospective employee. The rules shall require the criminal background check in all other circumstances to include a fingerprint check through the Colorado bureau of investigation. As part of said investigation, the state central registry of child protection shall be accessed to determine whether the owner, applicant, employee, newly hired employee, licensee, or individual who resides in the licensed facility being investigated is the subject of a report of known or suspected child abuse. Pursuant to section 19-1-307 (2) (j), C.R.S., information shall be made available if a person's name is on the central registry of child protection, or has been designated as "status pending" pursuant to section 19-3-313, C.R.S. Any change in ownership of a licensed facility or the addition of a new resident adult or newly hired employee to the licensed facility shall require a new investigation as provided for in this section. The state board of human services shall promulgate rules to implement this subparagraph (I).

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill H

Colorado Legislative Council Staff

STATE and LOCAL
FISCAL IMPACT

Drafting Number: LLS 01-0056
Prime Sponsor(s): Rep. Tochtrop
Sen. Epps

Date: December 8, 2000
Bill Status: Foster Care Interim Committee
Fiscal Analyst: Janis Baron (303-866-3523)

TITLE: CONCERNING PERIODIC APPROVAL OF CERTAIN CHILD CARE ENTITIES

Fiscal Impact Summary	FY 2001/2002	FY 2002/2003
State Revenues		
Cash Fund	\$ 18,000	\$ 0
State Expenditures		
General Fund	\$ 24,891	\$ 0
Cash Fund	11,405	0
Cash Fund Exempt	3,600	0
FTE Position Change	0.0 FTE	0.0 FTE
TABOR Liability	\$ 0	\$18,000
Other State Impact: None		
Effective Date: Upon Signature of the Governor		
Appropriation Summary for FY 2001-2002:		
Department of Human Services	\$ 39,896	Total
	24,891	GF
	11,405	CF - Child Abuse Registry Cash Fund
	3,600	CFE - County Funds
Local Government Impact: The 20 percent share that counties pay for child welfare services is estimated at \$3,600 for FY 2001-02.		

Summary of Legislation

The bill directs the State Board of Human Services to promulgate rules requiring the annual recertification or relicensing of foster care homes. Any permanent licenses issued to a child placement agency (CPA) prior to July 1, 2001, shall expire automatically on July 1, 2002. Any valid license to operate a CPA or a foster care home or any valid certificate to operate a foster care home issued as of July 1, 2001, shall expire on July 1, 2002. The bill requires that licenses for CPAs require annual renewal, and permits such renewal upon the filing and approval of an application.

Background

The Department of Human Services (DHS) currently issues licenses only to CPAs. Both the county departments of social services and CPAs certify foster care homes. There are approximately 110 CPAs in the state, wherein approximately 45 do adoptions exclusively, and the remaining 65 do foster care and adoptions. As part of the current licensing practice, CPAs pay a fee to receive a permanent license and an annual fee to maintain that permanent license. The fees assessed vary according to the CPA. This bill does not alter the amount of fees DHS collects from CPAs to issue licenses. Additionally, the Division of Child Care which licenses CPAs, indicates that it will continue to visit CPAs annually.

State Revenues

The bill will generate \$18,000 in new revenue into the Child Abuse Registry Cash Fund in FY 2001-02. The fiscal note assumes that a \$10 fee will be charged to CPAs for a Central Registry for Child Protection (CRCP) check on an estimated 1,800 foster care homes currently certified by CPAs (1,800 foster care homes x \$10 = \$18,000). [Consistent with current practice, counties will not be assessed a \$10 fee for the CRCP check of the 1,800 foster care homes that they certify.] The CRCP will notify CPAs of any matches of substantiated or pending child abuse allegations for up to two years after the initial check. Thus, new revenue will be generated every three years. Assuming 1,800 homes in FY 2004-05 and a \$10 fee, the revenue generated would again be \$18,000.

The bill will increase workload at the Child Abuse Registry. That workload is estimated to cost \$11,405, resulting in a net increase of \$6,595 to the Child Abuse Registry Cash Fund balance.

State Expenditures

The bill is estimated to have a total expenditure impact of \$39,896 in FY 2001-02 and no expenditure impact in FY 2002-03. Costs will be incurred accordingly:

- **Child Welfare Services.** The DHS will require a total appropriation of \$18,000 in FY 2001-02. The fiscal note assumes that the \$10 fee for CRCP checks will be built into the rate CPAs charge counties for child placement services (1,800 homes x \$10 = \$18,000). Because new revenue will be generated every three years as a result of the CRCP checks, \$18,000 in expenditures will be required in FY 2004-05, assuming the DHS assesses the \$10 fee on 1,800 foster care homes. The fiscal note does not include an inflationary factor for either the fee amount or the number of foster care homes.
- **Child Abuse Registry.** The DHS will require an appropriation of \$11,405 CF in FY 2001-02 to perform CRCP checks. The source of funding for the CRCP checks will come from the \$18,000 generated from the \$10 fee. Based upon

Bill I

SENATE SPONSORSHIP

Linkhart

HOUSE SPONSORSHIP

Chavez

A BILL FOR AN ACT

CONCERNING THE PROVISION OF PUBLICLY FUNDED SERVICES FOR CHILDREN IN
OUT-OF-HOME PLACEMENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Foster Care. Authorizes the state department of human services ("state department") to retain up to 2% of the total annual appropriation for foster care to administer a grant program to county departments of social services ("county departments"). Permits the state department to award grants to:

- Enhance family preservation programs;
- Create case management teams; and
- Expedite permanency planning for children in out-of-home placement.

Directs the state department, in consultation with the child welfare allocation committee, to promulgate rules allowing county departments to retain cost savings from child welfare allocations. Permits counties to apply such cost savings toward up to 25% of the county share of child welfare costs. Prohibits a county from retaining such cost savings and from retaining some cost savings under the existing pilot program.

Directs the state department to prescribe standards on the training of foster care parents and to set specific hours for initial training, continuing training, and training for therapeutic placements.

Permits a CPA to choose to place or arrange for placement of a child in a home of a relative as a preference over placement in a foster care home. Requires the child to be related to the owner or to a tenant of the home and requires that the relative pass a criminal background check.

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

SECTION 1. 19-1-116 (1), Colorado Revised Statutes, is amended to read:

19-1-116. Funding - alternatives to placement out of the home. (1) The state department of human services shall reimburse allowable expenses to county departments of social services for foster care. The state department's budget request for foster care shall be based upon the actual aggregate expenditure of federal, state, and local funds of all counties during the preceding twenty-four months on foster care. Special purpose funds, not to exceed five percent of the total appropriation for foster care, shall be retained by the department of human services for purposes of meeting emergencies and contingencies in individual counties. THE STATE DEPARTMENT OF HUMAN SERVICES SHALL ALSO RETAIN AN AMOUNT NOT TO EXCEED TWO PERCENT OF THE TOTAL APPROPRIATION FOR FOSTER CARE FOR THE PURPOSES SET FORTH IN SECTION 19-1-125. The amount thus reimbursed to each county shall represent the total expenditure by an individual county for foster care and for alternative services provided in conformance with the plan prepared and approved pursuant to paragraph (b) of subsection (2) and subsection (4) of this section.

SECTION 2. Part 1 of article 1 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19-1-125. Foster care grant program - applications by counties.

(1) SUBJECT TO AVAILABLE APPROPRIATIONS, AS DESCRIBED IN SECTION 19-1-116 (1), THERE IS HEREBY CREATED A GRANT PROGRAM THAT SHALL BE ADMINISTERED BY THE STATE DEPARTMENT. THE PURPOSE OF THE GRANT PROGRAM IS TO ASSIST COUNTY DEPARTMENTS TO:

- (a) ENHANCE FAMILY PRESERVATION PROGRAMS AS SET FORTH IN ARTICLE 5.5 OF TITLE 26, C.R.S.;
- (b) CREATE CASE MANAGEMENT TEAMS, AS DEFINED IN 19-1-103 (16.7); AND
- (c) EXPEDITE PERMANENCY PLANNING FOR CHILDREN IN OUT-OF-HOME PLACEMENT, AS DESCRIBED IN THIS TITLE.

(2) THE STATE DEPARTMENT SHALL PROMULGATE RULES FOR THE IMPLEMENTATION OF THE GRANT PROGRAM THAT SHALL INCLUDE BUT SHALL NOT BE LIMITED TO:

- (a) PROCEDURES FOR APPLYING FOR A GRANT UNDER THIS SECTION;
- (b) METHODS FOR THE EVALUATION OF APPLICATIONS FOR GRANTS UNDER THIS SECTION AND AWARD OF GRANTS UNDER THIS SECTION; AND
- (c) METHODS FOR EVALUATING THE GRANT PROGRAM.

SECTION 3. 19-1-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(16.7) "CASE MANAGEMENT TEAMS", AS USED IN SECTION 19-1-125, MEANS TEAMS THAT INCLUDE, BUT MAY NOT BE LIMITED TO:

(a) THE PARENT OR GUARDIAN OF A CHILD IN AN OUT-OF-HOME PLACEMENT WHOSE RIGHTS HAVE NOT BEEN VOLUNTARILY OR INVOLUNTARILY TERMINATED BY A COURT OR OTHERWISE;

(b) A FOSTER PARENT, A RELATIVE OF THE CHILD PROVIDING TWENTY-FOUR HOUR CARE, OR AN OTHER CARE PROVIDER;

(c) EACH CASEWORKER OR SOCIAL WORKER ASSIGNED TO THE CHILD, IF ANY;

(d) EACH PROFESSIONAL COUNSELOR OR THERAPIST WORKING WITH THE CHILD, IF ANY;

(e) THE GUARDIAN AD LITEM FOR THE CHILD, IF ANY; AND

(f) EACH PERSON LICENSED AS A PROFESSIONAL EDUCATOR AND EACH LICENSED HEALTH PERSONNEL WITH SUBSTANTIAL AND ONGOING EXPERIENCE WITH THE CHILD, IF ANY.

SECTION 4. 26-5-104 (1) and (7), Colorado Revised Statutes, are amended to read:

26-5-104. Funding of child welfare services. (1) Reimbursement. The state department shall, within the limits of available appropriations, reimburse the county departments eighty percent of amounts expended by county departments for child welfare services, up to the amount of the county's allocation as determined pursuant to the provisions of this section, except as otherwise authorized in accordance with the RETENTION OF COST SAVINGS DESCRIBED IN PARAGRAPH (f) OF SUBSECTION (4) OF THIS SECTION OR THE close-out process described in subsection (7) of this section.

(7) **Close-out process for county allocations.** (a) For state fiscal year 1998-99, and for each state fiscal year thereafter, and subject to the

limitations set forth in PARAGRAPH (f) OF SUBSECTION (4) OF THIS SECTION AND IN this subsection (7), the state department may, at the end of a state fiscal year based upon the recommendations of the child welfare allocations committee, allocate any unexpended capped funds for the delivery of specific child welfare services to any one or more counties whose spending has exceeded a capped allocation for such specific child welfare services.

SECTION 5. 26-5-104 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

(3) Allocation formula. (e) A COUNTY'S ELECTION TO RETAIN COST SAVINGS PURSUANT TO PARAGRAPH (f) OF SUBSECTION (4) OF THIS SECTION SHALL NOT BE THE BASIS OF AN ADJUSTMENT TO THE FORMULA FOR DEVELOPING SUCH COUNTY'S CAPPED OR TARGETED ALLOCATION UNDER THE PROVISIONS OF THIS ARTICLE.

SECTION 6. 26-5-104 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

(4) Allocations. (f) ANY COUNTY THAT UNDERSPENDS THE GENERAL FUND PORTION OF ITS CAPPED OR TARGETED ALLOCATION MAY USE THOSE FUNDS TO EITHER REDUCE ITS COUNTY SHARE BY THE AMOUNT OF THE UNDEREXPENDITURE UP TO AN AMOUNT EQUAL TO HALF OF THE COUNTY SHARE OR SPEND SUCH MONEYS ON ADDITIONAL SERVICES FOR CHILDREN IN THE COUNTY. ANY BALANCE OF THE GENERAL FUND PORTION OF ITS CAPPED OR TARGETED ALLOCATION SHALL BE USED FOR ADDITIONAL SERVICES FOR CHILDREN IN THE COUNTY. THE STATE BOARD, IN CONSULTATION WITH THE CHILD WELFARE ALLOCATIONS COMMITTEE, SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT THIS SUBSECTION (4). THE RULES SHALL PROVIDE THAT IN NO EVENT MAY A

COUNTY ELECT TO RETAIN COST SAVINGS PURSUANT TO THIS PARAGRAPH (f) AND PURSUANT TO SECTION 26-5-105.5 (3).

SECTION 7. 26-6-106 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-6-106. Standards for facilities and agencies. (2) Standards prescribed by such rules shall be restricted to:

(q) STANDARDS FOR THE TRAINING OF FOSTER CARE PARENTS, WHICH SHALL INCLUDE, AT A MINIMUM, THIRTY HOURS OF INITIAL TRAINING, TWELVE HOURS PER YEAR OF CONTINUING TRAINING, AND TWENTY-FOUR ADDITIONAL HOURS PER YEAR FOR FOSTER CARE HOMES PROVIDING THERAPEUTIC SERVICES. THE DEPARTMENT SHALL CONSULT WITH COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES IN PRESCRIBING SUCH STANDARDS IN ORDER TO INSURE A MORE UNIFORM APPLICATION THROUGHOUT THE STATE.

SECTION 8. 26-6-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

(6) (a) A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS PART 1 THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER CARE MAY CHOOSE, AS A MATTER OF POLICY, TO PLACE OR CAUSE TO BE PLACED A CHILD IN THE HOME OF A RELATIVE OF THE CHILD PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6) AS A PREFERENCE OVER PLACEMENT IN A FOSTER CARE HOME.

(b) A CHILD PLACEMENT AGENCY MAY PLACE OR CAUSE TO BE PLACED A CHILD IN THE HOME OF A RELATIVE OF THE CHILD ONLY WHEN:

(I) THE OWNER OR LESSEE OF THE RESIDENCE OR THAT PERSON'S SPOUSE IS RELATED TO SUCH CHILD; AND

(II) A CRIMINAL BACKGROUND CHECK OBTAINED BY THE CHILD PLACEMENT AGENCY INDICATES THAT SUCH PERSON RELATED TO THE CHILD HAS NOT BEEN CONVICTED OF ANY OF THE OFFENSES LISTED IN SECTION 26-6-104 (7) (a).

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Colorado Legislative Council Staff
**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 01-0065
Prime Sponsor(s): Sen. Linkhart
Rep. Chavez

Date: December 8, 2000
Bill Status: Foster Care Interim Committee
Fiscal Analyst: Janis Baron (303-866-3523)

TITLE: CONCERNING THE PROVISION OF PUBLICLY FUNDED SERVICES REGARDING CHILDREN.

Fiscal Impact Summary	FY 2001/2002	FY 2002/2003
State Revenues		
General Fund		
State Expenditures		
General Fund	\$ 350,529	\$ 110,870
Cash Fund Exempt	38,088	9,522
Federal Fund	132,263	42,328
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: Upon Signature of the Governor		
Appropriation Summary for FY 2001/2002:		
Department of Human Services	\$ 520,880	Total
	350,529	GF
	38,088	CFE - County Funds
	132,263	FF
Local Government Impact: The counties' 20 percent share for child welfare services is estimated at \$38,088 in FY 2001-02 and \$9,522 in FY 2002-03.		

Summary of Legislation

The bill includes four provisions regarding the provision of publicly funded services for children in out-of-home placement:

- Requires the Department of Human Services (DHS) to retain up to two percent of the total annual appropriation for foster care to administer a grant program to county departments of social services for enhanced family preservation programs, case management teams, and expedited permanency planning.

- Directs the State Board of Human Services, in consultation with the Child Welfare Allocation Committee, to promulgate rules to allow county departments to retain cost savings from their child welfare allocations. Counties are permitted to apply such cost savings toward up to 25 percent of the county share of child welfare costs, but are prohibited from retaining the cost savings and from retaining the cost savings pursuant to Section 26-5-105.5 (3), C.R.S. (pilot programs - county performance agreements).
- Directs the DHS to prescribe standards on the training of foster care parents and to set specific hours for initial training (30 hrs.), continuing training (12 hrs.), and training for therapeutic services (24 hrs. ongoing).
- Permits a child placement agency (CPA) to place a child in the home of a relative instead of a foster care home only when the child is related to the owner or a tenant of the home, and the relative has passed a criminal background check.

State Expenditures

The total cost of the bill is estimated at \$520,880 in FY 2001-02 and \$162,720 in FY 2002-03. The DHS will incur costs accordingly:

- **Additional Training to Foster Care Homes Certified by the Counties — \$330,440 in FY 2001-02 and \$115,110 in FY 2002-03.** Under current rule, foster care homes require 12 hours of initial training and 20 hours of ongoing training; relative foster care (kinship care) requires 12 hours of initial training and 6 hours of ongoing training. The DHS does not require training on the provision of therapeutic services. Currently, the DHS spends approximately \$20,000 annually to provide training to foster care homes. Training sessions are conducted periodically and regionally for both foster care parents and kinship care providers. When factoring in current costs for training sessions and applying those costs to the training hours required under the bill, it is estimated that foster care and kinship care training will require \$220,440 in FY 2001-02 and \$55,110 in FY 2002-03. Therapeutic foster care training is estimated at \$60,000 annually. Additionally, the DHS will incur \$50,000 in FY 2001-02 only to develop, pilot, evaluate and revise materials for a therapeutic foster care services training program. Costs are lower for FY 2002-03 because the fiscal note assumes a 25 percent turnover rate in foster care homes and a 50 percent turnover rate in kinship care homes.
- **Child Welfare Services — \$190,440 in FY 2001-02 and \$47,610 in FY 2002-03.** Foster care homes are certified by both counties and CPAs. Using the same cost assumptions for estimating training costs for county certified foster homes,

it is estimated that CPAs will incur similar costs to provide training to the foster care homes it certifies. The fiscal note assumes that the cost to provide training will be built into the rate CPAs charge counties for child placement services.

Section 19-1-116 (1) — Although the bill requires the DHS to retain up to two percent of the total annual appropriation for foster care to administer a grant program to county departments of social services, the fiscal note assumes that this provision of the bill will be met within existing appropriations. Using the FY 2000-01 appropriation for Child Welfare Services of \$248,583,043, the fiscal note assumes that only the General Fund portion of the total amount (\$2,017,524) would be available for the grant program.(county funds would not be required). Additionally, despite withholding two percent of the total appropriation, federal funds and Medicaid cash funds could continue to be earned at current levels with no reduction in funding (the grant program would not qualify for federal or Medicaid cash funds). Of the total amount withheld, the state would retain up to five percent to administer the program (contractual personal services and administrative costs). Based upon the level of funding set for Child Welfare Services for FY 2001-02, DHS would require a two percent redirection of the base General Fund amount to operate the grant program.

Local Government Impact

The counties' 20 percent share for child welfare services is estimated at \$38,088 in FY 2001-02 and \$9,522 in FY 2002-03.

State Appropriations

The fiscal note indicates that the Department of Human Services should receive an appropriation for \$520,880 in FY 2001-02. Of the total amount, \$350,529 is General Fund, \$38,088 is cash funds exempt county funds, and \$132,263 is federal funds. Training costs and child welfare services costs qualify for federal funds. Only child welfare services costs qualify for county funds.

Departments Contacted

Human Services

FINAL 6/1/00

Executive Committee of the Legislative Council

INTERIM STUDY RESOLUTION

1 WHEREAS, Section 2-3-303.3, Colorado Revised Statutes, as
 2 amended by House Bill 00-1141, enacted at the second regular session of
 3 the sixty-second general assembly, provides that, after the general
 4 assembly has adjourned, if issues are brought to the attention of the
 5 Executive committee of the legislative council ("Executive committee")
 6 and the Executive committee determines that the issues are appropriate
 7 for being addressed by an interim study and are the result of changed
 8 circumstances or new circumstances, the Executive committee may
 9 provide for the conduct of additional interim studies by adopting a
 10 resolution; and

11 WHEREAS, The foster care system has come under increased
 12 scrutiny and a number of private foster care placement agencies are being
 13 charged with multiple violations of law; and

14 WHEREAS, Allegations have been reported in the newspaper that
 15 children in foster care are mistreated and physically and sexually abused
 16 and solutions to improve the foster care system are not forthcoming; and

17 WHEREAS, Foster children are also being accused of misconduct,
 18 and proper corrective action by placement agencies may not have
 19 occurred; and

20 WHEREAS, It is the general assembly that will be called upon to
 21 possibly provide legislative recommendations to assist the department of
 22 human services in improving the foster care system for Colorado and
 23 ultimately make policy decisions about funding for foster care programs;
 24 and

25 WHEREAS, The Health, Environment, Welfare, and Institutions
 26 committees of the general assembly regularly analyze legislation related
 27 to child welfare issues, including foster care programs, and the
 28 department of human services; now therefore,

29 *Be It Resolved by the Executive Committee of the Legislative*
 30 *Council:*

31 (1) (a) That nine members shall be appointed from the current
 32 membership of the Health, Environment, Welfare, and Institutions
 33 committees for the general assembly and these members shall act as an
 34 interim committee after the 2000 regular session of the general assembly.

1 (I) Five members shall be appointed by the Speaker of the House
2 of Representatives.

3 (A) Of these five appointees, no more than three members shall
4 be from the majority party; and

5 (B) The Speaker of the House of Representatives shall appoint
6 Representative Kay Alexander as one of the majority party members and
7 Representative Alexander shall serve as the chairperson of the committee.

8 (II) Four members shall be appointed by the Senate, two these
9 members shall be appointed by the President of the Senate and the
10 remaining two shall be appointed by the Minority Leader in the Senate.

11 (III) This interim committee shall meet no more than three times.

12 (b) Such interim committee may take testimony from the
13 department of human services, individuals, private foster care placement
14 agencies, and any other person or entity deemed appropriate by the
15 committee related to the current foster care situation and evaluate issues
16 facing children in foster care, foster care providers, including caretakers
17 for foster children and the companies that provide placement services for
18 these children;

19 (c) Such interim committee may study and evaluate the overall
20 effectiveness of the department of human services and counties related to
21 the foster care system;

22 (d) Such interim committee may study and evaluate the overall
23 effectiveness of private foster care placement agencies for children and
24 the regulation thereof; and

25 (e) Such interim committee may develop any legislative and
26 regulatory changes necessary to improve the foster care system in
27 Colorado for the children in foster care, the caretakers of these children,
28 and the placement agencies.

29 (2) That members of the interim committee shall be compensated
30 for attending meetings of the interim committee as provided by law. The
31 Director of the Office of Legislative Legal Services and the Director of
32 the Research of the Legislative Council shall supply staff assistance to the
33 committee as they deem appropriate.

34 (3) That the committee shall report its findings and
35 recommendations to the Legislative Council at the meeting in which the
36 Legislative Council is required to meet and approve bills for
37 consideration during the 2001 legislative session.