

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 27, 2018
Date

Committee on Public Health Care & Human Services.

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

HB18-1390 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

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

3 "SECTION 1. In Colorado Revised Statutes, 19-1-125, **amend**
4 (1) as follows:

5 **19-1-125. Family stabilization services - voluntary out-of-home**
6 **placement - delegation of certain powers by parent or guardian -**
7 **rules.** (1) It is the intent of the general assembly to assist in the provision
8 of appropriate and necessary short-term services to help stabilize families
9 that are at risk of having their children placed in out-of-home placement
10 when those families voluntarily request such services. It is further the
11 intent of the general assembly that county departments provide for family
12 stabilization services through contracts with private or nonprofit
13 organizations or entities whenever possible, INCLUDING THOSE SPECIFIED
14 IN SECTION 19-1-125.5.

15 **SECTION 2.** In Colorado Revised Statutes, **add** 19-1-125.5 as
16 follows:

17 **19-1-125.5. Voluntary delegation of certain powers by parent**
18 **or legal guardian - authorization agreements - oversight by substitute**
19 **care organizations - licensure - reporting requirements - legislative**
20 **declaration - rules - definitions.** (1) (a) THE GENERAL ASSEMBLY
21 DECLARES THAT COLORADO CAN STRENGTHEN AND PRESERVE FAMILIES
22 BY PROVIDING A VOLUNTARY, SAFE OPTION FOR INTERESTED, FIT PARENTS
23 IN CRISIS WHO DO NOT DEMONSTRATE A RISK TO THE HEALTH AND SAFETY
24 OF THEIR CHILDREN. BY CREATING A NETWORK OF VOLUNTEER FAMILIES
25 WHO HAVE BEEN EXTENSIVELY SCREENED AND TRAINED, THIS

1 ALTERNATIVE CAN PROVIDE A SAFE, TEMPORARY HOME FOR CHILDREN
2 WHILE A PARENT IN CRISIS GETS HELP AND SUPPORT, ALLOWING THE
3 PARENT OR PARENTS TO MAINTAIN FULL CUSTODY OF THEIR CHILDREN
4 DURING THAT TIME.

5 (b) THE GENERAL ASSEMBLY FURTHER DECLARES THAT ITS INTENT
6 IS TO MINIMIZE THE TIME PARENTS AND THEIR CHILDREN ARE SEPARATED.

7 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "AUTHORIZATION AGREEMENT" MEANS AN AGREEMENT
10 ENTERED INTO BETWEEN A PARENT AND CERTIFIED FAMILY CAREGIVER
11 PURSUANT TO SUBSECTION (3) OF THIS SECTION.

12 (b) "CERTIFIED FAMILY CAREGIVER" MEANS A PERSON OR PERSONS
13 APPROVED BY A SUBSTITUTE CARE ORGANIZATION TO PROVIDE
14 TEMPORARY CARE FOR A CHILD THROUGH AN AUTHORIZATION AGREEMENT
15 ENTERED INTO PURSUANT TO THIS SECTION.

16 (c) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE;
17 EXCEPT THAT "CHILD" DOES NOT INCLUDE AN EMANCIPATED MINOR AS
18 DEFINED IN SECTION 23-7-102 (3).

19 (d) "COUNTY DEPARTMENT" MEANS A COUNTY DEPARTMENT OF
20 HUMAN OR SOCIAL SERVICES.

21 (e) (I) "PARENT" MEANS EITHER A NATURAL PARENT OF A CHILD,
22 AS MAY BE ESTABLISHED PURSUANT TO ARTICLE 4 OF THIS TITLE 19, OR A
23 PARENT BY ADOPTION. "PARENT" INCLUDES A NATURAL PARENT HAVING
24 SOLE OR JOINT CUSTODY, REGARDLESS OF WHETHER THE PARENT IS
25 DESIGNATED AS THE PRIMARY RESIDENTIAL CUSTODIAN, A PARENT
26 ALLOCATED PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD, OR AN
27 ADOPTIVE PARENT.

28 (II) FOR THE PURPOSES OF THIS SECTION, "PARENT" DOES NOT
29 INCLUDE A PERSON WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED
30 PURSUANT TO THE PROVISIONS OF THIS TITLE 19 OR THE PARENT OF AN
31 EMANCIPATED MINOR.

32 (f) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
33 HUMAN SERVICES.

34 (g) "SUBSTITUTE CARE ORGANIZATION" MEANS A TAX-EXEMPT
35 CHARITABLE OR SOCIAL WELFARE ORGANIZATION OPERATING UNDER THE
36 PROVISIONS OF SECTION 501(c)(3) OR 501(c)(4) OF TITLE 26 OF THE
37 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND THAT
38 IS CERTIFIED PURSUANT TO THIS SECTION AND MEETS ALL PROGRAM
39 REQUIREMENTS TO ASSIST A PARENT OR LEGAL GUARDIAN OF A CHILD
40 WITH THE PROCESS OF ENTERING INTO AN AUTHORIZATION AGREEMENT
41 PURSUANT TO THIS SECTION, INCLUDING IDENTIFYING AN APPROPRIATE

1 PLACEMENT FOR EACH CHILD SUBJECT TO THE AGREEMENT AND PROVIDING
2 SERVICES AND RESOURCES TO SUPPORT THE CHILD, PARENTS, AND OTHER
3 PERSONS AUTHORIZED TO PROVIDE TEMPORARY CARE OF THE CHILD
4 PURSUANT TO THE AUTHORIZATION AGREEMENT.

5 (3) (a) (I) EXCEPT AS PROVIDED FOR IN SUBSECTION (3)(a)(II) OF
6 THIS SECTION, A PARENT MAY VOLUNTARILY ENTER INTO AN
7 AUTHORIZATION AGREEMENT WITH A CERTIFIED FAMILY CAREGIVER IF
8 SUCH AUTHORIZATION AGREEMENT IS ENTERED INTO WITH THE
9 ASSISTANCE OF A SUBSTITUTE CARE ORGANIZATION PURSUANT TO THIS
10 SECTION. AN AUTHORIZATION AGREEMENT ENTERED INTO PURSUANT TO
11 THIS SECTION MUST COMPLY WITH THE PROVISIONS ESTABLISHED IN
12 SECTION 15-14-105 (2) FOR A CUSTODIAL POWER OF ATTORNEY. THE
13 AUTHORIZATION AGREEMENT MUST NOT BE VALID FOR LONGER THAN SIX
14 MONTHS, WITH AN OPTION TO RENEW THE AGREEMENT, UNLESS A PARENT
15 IS DEPLOYED BY OR CALLED TO ACTIVE DUTY IN THE UNITED STATES
16 MILITARY, IN WHICH CASE THE AUTHORIZATION AGREEMENT IS VALID FOR
17 THE LENGTH OF THE DEPLOYMENT PLUS THIRTY DAYS.

18 (II) THIS SECTION DOES NOT APPLY TO A PARENT OR PARENTS
19 WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED FOR ANY CHILD. THIS
20 SECTION DOES NOT APPLY TO ANY PARENT WHO IS NAMED AS A
21 RESPONDENT IN AN OPEN DEPENDENCY AND NEGLECT CASE.

22 (b) AN AUTHORIZATION AGREEMENT ENTERED INTO PURSUANT TO
23 THIS SECTION DOES NOT CONSTITUTE ABANDONMENT OR CHILD ABUSE OR
24 NEGLECT, AND IT MAY NOT INDEPENDENTLY ADVERSELY AFFECT THE
25 PARENT'S RIGHTS WITH RESPECT TO THE CHILD.

26 (c) A CHILD PLACED IN A FAMILY THROUGH AN AUTHORIZATION
27 AGREEMENT IS NOT IN FOSTER CARE AND IS NOT CONSIDERED IN THE
28 CUSTODY OF A COUNTY DEPARTMENT OR THE STATE DEPARTMENT. A
29 CERTIFIED FAMILY CAREGIVER WITH WHOM A CHILD IS PLACED PURSUANT
30 TO AN AUTHORIZATION AGREEMENT IS NOT CONSIDERED TO BE PROVIDING
31 A FOSTER PLACEMENT AND IS NOT SUBJECT TO STATE LAWS AND RULES
32 GOVERNING FOSTER CARE AND OUT-OF-HOME PLACEMENTS.

33 (4) A CERTIFIED FAMILY CAREGIVER WHO HAS ENTERED INTO AN
34 AUTHORIZATION AGREEMENT MAY PERFORM ACTS IN REGARD TO THE
35 CHILD AS OUTLINED IN THE AUTHORIZATION AGREEMENT. A CERTIFIED
36 FAMILY CAREGIVER WHO HAS ENTERED INTO AN AUTHORIZATION
37 AGREEMENT SHALL ACT AS A MANDATORY REPORTER OF CHILD ABUSE OR
38 NEGLECT PURSUANT TO SECTION 19-3-304 AND SHALL UNDERGO TRAINING
39 AS A MANDATORY REPORTER. AN AUTHORIZATION AGREEMENT MAY BE
40 REVOKED AT ANY TIME BY A CUSTODIAL PARENT. IN THE CASE OF JOINT
41 CUSTODY, EVERY REASONABLE EFFORT MUST BE MADE TO GAIN THE

1 PERMISSION OF BOTH CUSTODIAL PARENTS.

2 (5) THE STATE DEPARTMENT SHALL LICENSE ANY ORGANIZATION
3 THAT WISHES TO SERVE AS A SUBSTITUTE CARE ORGANIZATION PRIOR TO
4 THE DATE AT WHICH THE ORGANIZATION BEGINS PROVIDING SERVICES TO
5 FAMILIES PURSUANT TO THIS SECTION. THE LICENSING REQUIREMENTS FOR
6 A SUBSTITUTE CARE ORGANIZATION MUST BE SET FORTH IN RULES
7 PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (6)
8 OF THIS SECTION.

9 (6) (a) ON OR BEFORE JUNE 1, 2018, THE STATE DEPARTMENT
10 SHALL CONVENE A WORKING GROUP TO ASSIST WITH RECOMMENDATIONS
11 FOR RULES RELATED TO LICENSING SUBSTITUTE CARE ORGANIZATIONS AS
12 SET FORTH IN SUBSECTION (6)(b) OF THIS SECTION. THE WORKING GROUP
13 MUST INCLUDE, AT A MINIMUM, REPRESENTATIVES FROM THE STATE
14 DEPARTMENT, THE CHILD WELFARE COMMUNITY, NONPROFIT
15 ORGANIZATIONS THAT ARE INTERESTED IN APPLYING FOR A LICENSE,
16 COUNTY DEPARTMENTS, THE COURT APPOINTED SPECIAL ADVOCATE
17 PROGRAM, LICENSED CHILD PLACEMENT AGENCIES, THE OFFICE OF THE
18 CHILD'S REPRESENTATIVE, AND THE OFFICE OF THE RESPONDENT PARENTS'
19 COUNSEL.

20 (b) ON OR BEFORE AUGUST 15, 2018, THE STATE DEPARTMENT
21 SHALL PROMULGATE RULES FOR LICENSURE OF SUBSTITUTE CARE
22 ORGANIZATIONS, BASED ON THE RECOMMENDATIONS OF THE WORKING
23 GROUP. THE RULES MUST INCLUDE, AT A MINIMUM, REQUIREMENTS FOR
24 INTERESTED NONPROFITS TO PROVIDE THE FOLLOWING INFORMATION TO
25 THE STATE DEPARTMENT IN ORDER TO BE LICENSED:

26 (I) THE ORGANIZATION'S NAME AND ADDRESS;

27 (II) THE NAMES AND ADDRESSES OF THE OFFICERS AND BOARD OF
28 DIRECTORS OR OTHER GOVERNING BODY OF THE ORGANIZATION;

29 (III) THE NAME OF THE PERSON IN CHARGE OF THE
30 ORGANIZATION'S DAILY OPERATIONS, TOGETHER WITH THE RESULTS OF A
31 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND A CHILD
32 ABUSE AND NEGLECT BACKGROUND CHECK ON THE TRAILS SYSTEM, AS
33 DEFINED IN SECTION 16-20.5-102 (10). THE SUBSTITUTE CARE
34 ORGANIZATION SHALL PAY THE COSTS ASSOCIATED WITH THE
35 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE
36 COLORADO BUREAU OF INVESTIGATION; AND

37 (IV) THE NAMES AND QUALIFICATIONS OF THE ORGANIZATION'S
38 STAFF MEMBERS WHO WILL BE PROVIDING SERVICES PURSUANT TO THIS
39 SECTION, TOGETHER WITH THE RESULTS OF A FINGERPRINT-BASED
40 CRIMINAL HISTORY RECORD CHECK AND A CHILD ABUSE AND NEGLECT
41 BACKGROUND CHECK ON THE TRAILS SYSTEM, AS DEFINED IN SECTION

1 16-20.5-102 (10). THE SUBSTITUTE CARE ORGANIZATION SHALL PAY THE
2 COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY
3 RECORD CHECK TO THE COLORADO BUREAU OF INVESTIGATION.
4 (c) THE RULES FOR LICENSURE PROMULGATED BY THE STATE
5 DEPARTMENT ON OR BEFORE AUGUST 15, 2018, MUST ALSO REQUIRE THAT
6 AN INTERESTED NONPROFIT ORGANIZATION SHALL:
7 (I) CONDUCT A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
8 CHECK ON EACH ADULT IN THE CERTIFIED FAMILY CAREGIVER'S
9 HOUSEHOLD, AS WELL AS A CHILD ABUSE AND NEGLECT BACKGROUND
10 CHECK ON THE TRAILS SYSTEM, AS DEFINED IN SECTION 16-20.5-102
11 (10). THE SUBSTITUTE CARE ORGANIZATION SHALL PAY THE COSTS
12 ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
13 CHECK TO THE COLORADO BUREAU OF INVESTIGATION.
14 (II) PRIOR TO THE PLACEMENT OF A CHILD, CONDUCT A HOME
15 STUDY OF THE CERTIFIED FAMILY CAREGIVER'S HOME TO ENSURE THAT
16 SUCH HOME IS A SAFE AND NURTURING ENVIRONMENT FOR A CHILD;
17 (III) TRAIN ALL CERTIFIED FAMILY CAREGIVERS ON:
18 (A) THE RIGHTS, DUTIES, AND LIMITATIONS REGARDING PROVIDING
19 TEMPORARY CARE FOR A CHILD UNDER A CONTRACT FOR CARE
20 AUTHORIZED PURSUANT TO THIS SECTION;
21 (B) THE LAWS AND PROCESSES APPLICABLE TO MANDATORY
22 REPORTERS OF CHILD ABUSE AND NEGLECT;
23 (C) AN OVERVIEW OF PROGRAM PROCESSES, INCLUDING INTAKE
24 AND WORKING WITH THIRD-PARTY SERVICE PROVIDERS, SUCH AS SCHOOLS
25 AND MEDICAL PROFESSIONALS;
26 (D) GENERAL SAFETY REQUIREMENTS, INCLUDING SUDDEN INFANT
27 DEATH SYNDROME, SUPERVISION, AND WATER AND POOL SAFETY;
28 (E) APPROPRIATE AND CONSTRUCTIVE DISCIPLINARY PRACTICES,
29 INCLUDING PROHIBITION OF PHYSICAL PUNISHMENT AND ANY DISCIPLINE
30 THAT IS SEVERE, HUMILIATING, FRIGHTENING, OR ASSOCIATED WITH FOOD,
31 REST, OR TOILETING;
32 (F) ABUSE AND MALTREATMENT REPORTING REQUIREMENTS,
33 INCLUDING PROPER COOPERATION WITH THE STATE DEPARTMENT;
34 (G) CONFIDENTIALITY; AND
35 (H) BUILDING A HEALTHY RELATIONSHIP WITH THE CHILD'S
36 BIOLOGICAL AND ADOPTIVE FAMILY;
37 (IV) PROVIDE ONGOING SUPERVISION OF EACH PLACEMENT OF A
38 CHILD WITH A CERTIFIED FAMILY CAREGIVER WHO HAS BEEN APPROVED BY
39 THE SUBSTITUTE CARE ORGANIZATION WHILE THE AUTHORIZATION
40 AGREEMENT IS IN EFFECT, AND MAINTAIN IN THE CHILD'S RECORD A
41 RECORD OF EACH SUPERVISORY VISIT CONDUCTED;

1 (V) MAINTAIN RECORDS ON EACH CERTIFIED FAMILY CAREGIVER
2 WHO HAS BEEN APPROVED BY THE SUBSTITUTE CARE ORGANIZATION. THE
3 RECORDS MUST INCLUDE:

4 (A) THE NAME, ADDRESS, TELEPHONE NUMBER, E-MAIL ADDRESS,
5 AND ANY OTHER CONTACT INFORMATION FOR THE CERTIFIED FAMILY
6 CAREGIVER;

7 (B) THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY
8 RECORD CHECK AND A CHILD ABUSE AND NEGLECT BACKGROUND CHECK
9 ON THE TRAILS SYSTEM, AS DEFINED IN SECTION 16-20.5-102 (10), THAT
10 WERE CONDUCTED ON THE CERTIFIED FAMILY CAREGIVER AND EACH
11 ADULT MEMBER IN THE HOUSEHOLD;

12 (C) PROOF OF THE HOME STUDY CONDUCTED ON THE CERTIFIED
13 FAMILY CAREGIVER'S HOME, ALONG WITH THE NAME, CONTACT
14 INFORMATION, AND QUALIFICATIONS OF THE INDIVIDUAL WHO COMPLETED
15 THE HOME STUDY; AND

16 (D) PROOF THAT THE CERTIFIED FAMILY CAREGIVER COMPLETED
17 THE REQUIRED TRAINING OUTLINED IN THIS SECTION PRIOR TO APPROVAL
18 BY THE SUBSTITUTE CARE ORGANIZATION.

19 (VI) MAINTAIN RECORDS ON EACH CHILD SERVED BY THE
20 SUBSTITUTE CARE ORGANIZATION. THE RECORDS MUST INCLUDE:

21 (A) THE NAME AND AGE OF THE CHILD;

22 (B) THE NAME, ADDRESS, TELEPHONE NUMBER, E-MAIL ADDRESS,
23 AND ANY OTHER CONTACT INFORMATION FOR THE CHILD'S PARENT OR
24 PARENTS;

25 (C) THE NAME, ADDRESS, TELEPHONE NUMBER, E-MAIL ADDRESS,
26 AND ANY OTHER CONTACT INFORMATION FOR THE CHILD'S CERTIFIED
27 FAMILY CAREGIVER;

28 (D) A COPY OF THE AUTHORIZATION AGREEMENT FOR THE CARE OF
29 THE CHILD, AS EXECUTED PURSUANT TO THIS SECTION; AND

30 (E) DOCUMENTATION OF EACH SUPERVISORY VISIT CONDUCTED BY
31 THE SUBSTITUTE CARE ORGANIZATION WHILE THE CHILD IS IN THE
32 CUSTODY OF THE CERTIFIED FAMILY CAREGIVER.

33 (d) AN ORGANIZATION THAT IS LICENSED WITH THE STATE
34 DEPARTMENT AS A SUBSTITUTE CARE ORGANIZATION PURSUANT TO THIS
35 SUBSECTION (6) DOES NOT ALSO NEED TO BE LICENSED AS A CHILD
36 PLACEMENT AGENCY UNLESS THE ORGANIZATION IS ALREADY LICENSED
37 AS SUCH OR WISHES TO PROVIDE ADDITIONAL SERVICES THAT REQUIRE
38 SUCH LICENSING.

39 (7) A SUBSTITUTE CARE ORGANIZATION SHALL ANNUALLY PROVIDE
40 THE FOLLOWING INFORMATION TO THE STATE DEPARTMENT RELATING TO
41 AUTHORIZATION AGREEMENTS ENTERED INTO UNDER ITS SUPERVISION

1 PURSUANT TO THIS SECTION:
 2 (a) THE TOTAL NUMBER OF FAMILIES AND CHILDREN SUPPORTED;
 3 (b) THE AVERAGE AGE OF CHILDREN SUPPORTED;
 4 (c) THE AVERAGE LENGTH OF STAY;
 5 (d) THE TEN MOST COMMON REASONS PARENTS ENTERED INTO AN
 6 AUTHORIZATION AGREEMENT;
 7 (e) A SUMMARY OF OUTCOMES FOR FAMILIES AND CHILDREN
 8 SUPPORTED; AND
 9 (f) ANY CHANGES TO THE LICENSING INFORMATION PROVIDED TO
 10 THE STATE DEPARTMENT PURSUANT TO SUBSECTIONS (5) AND (6) OF THIS
 11 SECTION.
 12 (8) A SUBSTITUTE CARE ORGANIZATION SHALL MAINTAIN RECORDS
 13 FOR ALL CHILDREN AND FAMILIES SERVED, AS WELL AS ON CERTIFIED
 14 FAMILY CAREGIVERS APPROVED. THE RECORDS MUST BE MAINTAINED FOR
 15 NOT LESS THAN FIVE YEARS AFTER THE CHILD SERVED ATTAINS EIGHTEEN
 16 YEARS OF AGE. SUCH RECORDS MAY BE MAINTAINED ELECTRONICALLY. A
 17 SUBSTITUTE CARE ORGANIZATION SHALL ALSO MAKE THE RECORDS
 18 AVAILABLE TO THE PARENT OR LEGAL GUARDIAN WHO EXECUTED THE
 19 AUTHORIZATION AGREEMENT FOR THE CARE OF HIS OR HER CHILD; THE
 20 CHILD PROTECTION OMBUDSMAN; AND TO ANY LOCAL, STATE, OR FEDERAL
 21 LAW ENFORCEMENT OR CHILD WELFARE AUTHORITY CONDUCTING AN
 22 INVESTIGATION INVOLVING THE CHILD, THE CHILD'S PARENT OR LEGAL
 23 GUARDIAN, OR THE CERTIFIED FAMILY CAREGIVER.

24 **SECTION 3.** In Colorado Revised Statutes, **amend** 15-14-105 as
 25 follows:

26 **15-14-105. Delegation of power by parent or guardian -**
 27 **custodial power of attorney.** (1) A parent or guardian of a minor or
 28 incapacitated person, by a power of attorney, may delegate to another
 29 person, for a period not exceeding twelve months, any power regarding
 30 care, custody, or property of the minor or ward, except the power to
 31 consent to marriage or adoption.

32 (2) (a) A PARENT OF A MINOR CHILD MAY CREATE A CUSTODIAL
 33 POWER OF ATTORNEY THAT, EXCEPT AS PROVIDED IN SUBSECTION (2)(b)
 34 OF THIS SECTION, GRANTS TO ANOTHER PERSON THE PARENT'S LEGAL
 35 RIGHTS AND RESPONSIBILITIES REGARDING THE CARE, PHYSICAL CUSTODY,
 36 AND CONTROL OF THE MINOR CHILD, INCLUDING BUT NOT LIMITED TO THE
 37 RIGHT TO:

- 38 (I) ENROLL THE MINOR CHILD IN SCHOOL;
- 39 (II) OBTAIN FROM THE MINOR CHILD'S SCHOOL ANY EDUCATIONAL
 40 AND BEHAVIORAL INFORMATION ABOUT THE MINOR CHILD;
- 41 (III) CONSENT TO ALL SCHOOL-RELATED MATTERS REGARDING THE

1 MINOR CHILD;

2 (IV) CONSENT TO MEDICAL, PSYCHOLOGICAL, OR DENTAL
3 TREATMENT FOR THE MINOR CHILD; OR

4 (V) EXERCISE ANY OTHER RIGHT HELD BY THE PARENT, EXCEPT AS
5 PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION.

6 (b) THE CUSTODIAL POWER OF ATTORNEY MAY NOT GRANT
7 AUTHORITY TO CONSENT TO THE MARRIAGE OR ADOPTION OF THE MINOR
8 CHILD OR TO CHANGE THE MINOR CHILD'S RELIGIOUS AFFILIATION.

9 (c) THE CUSTODIAL POWER OF ATTORNEY DOES NOT AFFECT THE
10 RIGHTS OF THE PARENT OF THE MINOR CHILD IN ANY PROCEEDING
11 CONCERNING PHYSICAL CUSTODY OF THE MINOR CHILD OR THE
12 ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES FOR THE CARE
13 OF THE MINOR CHILD.

14 (d) THE CUSTODIAL POWER OF ATTORNEY IS ONLY AVAILABLE TO
15 A PARENT FOR SIX MONTHS, UNLESS ANOTHER REVOCABLE POWER OF
16 ATTORNEY IS CREATED PURSUANT TO THIS SUBSECTION (2).

17 (e) THE CUSTODIAL POWER OF ATTORNEY IS REVOCABLE AT ANY
18 TIME AND, UPON REVOCATION, IF THE MINOR CHILD OR CHILDREN WHO ARE
19 THE SUBJECT OF THE CUSTODIAL POWER OF ATTORNEY ARE NOT IN THE
20 CARE, PHYSICAL CUSTODY, AND CONTROL OF THE PARENT, THE MINOR
21 CHILD OR CHILDREN MUST BE IMMEDIATELY RETURNED TO THE CARE,
22 PHYSICAL CUSTODY, AND CONTROL OF THE PARENT.

23 **SECTION 4.** In Colorado Revised Statutes, 19-3-304, **amend**
24 (2)(ll) and (2)(mm); and **add** (2)(nn) as follows:

25 **19-3-304. Persons required to report child abuse or neglect.**
26 (2) Persons required to report such abuse or neglect or circumstances or
27 conditions include any:

28 (ll) Officials or employees of county departments of health,
29 human services, or social services; ~~and~~

30 (mm) Naturopathic doctor registered under article 37.3 of title 12;
31 AND

32 (nn) PERSON, OTHER THAN THE PARENT, WHO HAS ENTERED INTO
33 AN AUTHORIZATION AGREEMENT FOR CARE AND RESPONSIBILITY OF A
34 CHILD PURSUANT TO SECTION 19-1-125.5.

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

** ** ** ** **