

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 19-0040.02 Conrad Imel x2313

**HOUSE BILL 19-1142**

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**HOUSE SPONSORSHIP**

**Ransom and Singer,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Public Health Care & Human Services  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING CREATING AN OPTION FOR PARENTS WHO SEEK TO**  
102              **VOLUNTARILY DELEGATE CERTAIN PARENTAL RESPONSIBILITIES**  
103              **TO A SAFE FAMILY FOR A LIMITED PERIOD OF TIME WITHOUT**  
104              **RELINQUISHING LEGAL CUSTODY OF THEIR CHILD.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Under current law, a parent or guardian of a minor or incapacitated person may delegate to another person power regarding care, custody, or property of the minor or ward for up to 12 months by executing a power

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

of attorney.

The bill permits a parent or guardian to use the assistance of a temporary care assistance program operated by a qualified nonprofit organization to identify an appropriate and safe approved temporary caregiver to whom the parent or guardian can choose to delegate temporary care responsibility of a minor through a power of attorney.

The bill limits the duration of a power of attorney that delegates temporary care responsibility of a minor to an approved temporary caregiver to 6 months, though the parent or guardian can elect to execute subsequent powers of attorney up to the maximum 12 months. The 12-month restriction does not apply to deployed or active duty military members. The bill clarifies that such a power of attorney can be revoked at any time and does not change legal rights or obligations existing pursuant to a court order. The minor must be returned to the custody of the parent or guardian within 48 hours after termination of the power of attorney.

A temporary care assistance program is permitted to approve as a temporary caregiver any person who:

- ! Meets the standards prescribed by the temporary care assistance program;
- ! Satisfactorily completes required criminal and child abuse and neglect background checks and sex offender registration checks; and
- ! Receives training conducted by the temporary care assistance program.

The department of human services may investigate a temporary care assistance program to ensure it is complying with the requirement to conduct background checks on temporary caregivers. The department may assess a fine of \$1,000 for each violation of the requirement. Employees of qualified nonprofit organizations are mandatory reporters of child abuse and neglect.

A power of attorney that delegates temporary care responsibility of a minor to an approved temporary caregiver does not constitute child abuse or neglect, constitute placing the minor into foster care, or relieve parents, guardians, or minors of rights and obligations pursuant to court orders.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 7 to article  
3 6 of title 26 as follows:

4 **PART 7**

1                   TEMPORARY CARE ASSISTANCE PROGRAM

2                   **26-6-701. Definitions.** AS USED IN THIS PART 7, UNLESS THE  
3 CONTEXT OTHERWISE REQUIRES:

4                   (1) "APPROVED TEMPORARY CAREGIVER" MEANS A PERSON  
5 APPROVED BY A TEMPORARY CARE ASSISTANCE PROGRAM PURSUANT TO  
6 THIS PART 7 WHO IS DELEGATED TEMPORARY CARE RESPONSIBILITY OF A  
7 MINOR BY A PARENT OR GUARDIAN THROUGH A POWER OF ATTORNEY, AS  
8 DESCRIBED IN SECTION 15-14-105.

9                   [REDACTED]

10                  (2) "TEMPORARY CARE ASSISTANCE PROGRAM" MEANS A PROGRAM  
11 OPERATED BY A CHILD PLACEMENT AGENCY THAT ASSISTS A PARENT OR  
12 GUARDIAN WITH RECRUITING AND IDENTIFYING AN APPROPRIATE AND SAFE  
13 APPROVED TEMPORARY CAREGIVER TO WHOM THE PARENT OR GUARDIAN  
14 CAN CHOOSE TO DELEGATE TEMPORARY CARE RESPONSIBILITY OF A MINOR  
15 THROUGH A POWER OF ATTORNEY PURSUANT TO SECTION 15-14-105.

16                  **26-6-702. Temporary care assistance program permitted.**

17                  (1) A CHILD PLACEMENT AGENCY MAY OPERATE A TEMPORARY CARE  
18 ASSISTANCE PROGRAM.

19                  (2) THE ACTIVITIES OF A TEMPORARY CARE ASSISTANCE PROGRAM  
20 PERFORMED PURSUANT TO THIS PART 7 DO NOT CONSTITUTE PLACING A  
21 CHILD PURSUANT TO THIS ARTICLE 6.

22                  **26-6-703. Temporary care assistance program - limitations on  
23 duration of delegation - approved temporary caregiver.** (1) (a) (I) A

24 PARENT OR GUARDIAN OF A MINOR MAY USE THE ASSISTANCE OF A  
25 TEMPORARY CARE ASSISTANCE PROGRAM TO IDENTIFY AN APPROVED  
26 TEMPORARY CAREGIVER TO DELEGATE ANY POWER REGARDING CARE,  
27 CUSTODY, OR PROPERTY OF THE MINOR, EXCEPT THE POWER TO CONSENT

1 TO MARRIAGE OR ADOPTION, BY A POWER OF ATTORNEY, AS DESCRIBED IN  
2 SECTION 15-14-105.

3 (II) A TEMPORARY CARE ASSISTANCE PROGRAM MUST MAKE  
4 DILIGENT EFFORTS TO NOTIFY ANY PARENT OR GUARDIAN IDENTIFIED BY  
5 THE DELEGATING PARENT AS HAVING PARENTAL RIGHTS OR LEGAL  
6 DECISION-MAKING AUTHORITY REGARDING THE MINOR'S CARE.

7 (III) A PARENT WHO IS NAMED AS A RESPONDENT IN AN OPEN  
8 DEPENDENCY AND NEGLECT CASE MAY NOT USE THE ASSISTANCE OF A  
9 TEMPORARY CARE ASSISTANCE PROGRAM, AS DESCRIBED IN THIS PART 7.

10 (b) (I) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, A  
11 POWER OF ATTORNEY THAT DELEGATES TEMPORARY CARE RESPONSIBILITY  
12 OF A MINOR TO AN APPROVED TEMPORARY CAREGIVER MUST NOT EXCEED  
13 SIX MONTHS, EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS  
14 SECTION.

15 (II) A PERSON WHO IS DEPLOYED BY OR CALLED TO ACTIVE DUTY  
16 IN THE UNITED STATES MILITARY MAY EXCEED THE TIME LIMIT  
17 DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION; EXCEPT THAT THE  
18 TOTAL LENGTH OF A DELEGATION OF POWER MADE TO AN APPROVED  
19 TEMPORARY CAREGIVER BY A PERSON WHO IS DEPLOYED BY OR CALLED TO  
20 ACTIVE DUTY IN THE UNITED STATES MILITARY MUST NOT BE LONGER  
21 THAN THE END OF THE MEMBER'S DEPLOYMENT OR CALL TO ACTIVE DUTY,  
22 PLUS THIRTY DAYS.

23 (c) THE PARENT OR GUARDIAN OF THE MINOR HAS THE AUTHORITY  
24 TO REVOKE A POWER OF ATTORNEY THAT DELEGATES TEMPORARY CARE  
25 RESPONSIBILITY OF A MINOR TO AN APPROVED TEMPORARY CAREGIVER AT  
26 ANY TIME. UPON EXPIRATION OR REVOCATION OF THE POWER OF  
27 ATTORNEY, THE MINOR MUST BE RETURNED TO THE CUSTODY OF THE

1 PARENT OR GUARDIAN AS SOON AS REASONABLY POSSIBLE, BUT NO LATER  
2 THAN FORTY-EIGHT HOURS AFTER SUCH EXPIRATION, REVOCATION, OR  
3 OTHER TERMINATION.

4 (d) A POWER OF ATTORNEY THAT DELEGATES TEMPORARY CARE  
5 RESPONSIBILITY OF A MINOR TO AN APPROVED TEMPORARY CAREGIVER  
6 DOES NOT:

7 (I) CHANGE PARENTAL RIGHTS, LEGAL RIGHTS, OBLIGATIONS, OR  
8 OTHER AUTHORITY ESTABLISHED BY AN EXISTING COURT ORDER AND DOES  
9 NOT DEPRIVE A PARENT OR GUARDIAN OF RIGHTS, OBLIGATIONS, OR OTHER  
10 AUTHORITY RELATING TO THE CUSTODY, VISITATION, OR SUPPORT OF A  
11 MINOR;

12 (II) CONSTITUTE CHILD ABUSE OR NEGLECT, AS DEFINED IN  
13 SECTION 19-1-103 (1); OR

14 (III) RESULT IN A CHILD BEING NEGLECTED OR DEPENDENT, AS  
15 DESCRIBED IN SECTION 19-3-102, UNLESS THE PARENT OR GUARDIAN FAILS  
16 TO MAKE CONTACT, EXECUTE A NEW POWER OF ATTORNEY, OR RETAKE  
17 CUSTODY WITHIN SEVENTY-TWO HOURS AFTER AN EXPIRED POWER OF  
18 ATTORNEY, OR AFTER THE TOTAL TIME LIMIT DESCRIBED IN SUBSECTION  
19 (1)(b) OF THIS SECTION HAS ELAPSED.

20 (2) (a) AN APPROVED TEMPORARY CAREGIVER SHALL EXERCISE  
21 PARENTAL OR LEGAL AUTHORITY ON A CONTINUOUS BASIS AND WITHOUT  
22 COMPENSATION FOR THE INTENDED DURATION OF THE POWER OF  
23 ATTORNEY.

24 (b) (I) A MINOR SUBJECT TO THE POWER OF ATTORNEY THAT  
25 DELEGATES TEMPORARY CARE RESPONSIBILITY OF THE MINOR TO AN  
26 APPROVED TEMPORARY CAREGIVER IS NOT DEEMED PLACED IN A FOSTER  
27 CARE HOME, AS DEFINED IN SECTION 26-6-102 (14), AND THE APPROVED

1 TEMPORARY CAREGIVER IS NOT DEEMED TO BE PROVIDING FOSTER CARE  
2 NOR BE SUBJECT TO THE LICENSING REQUIREMENTS OF FOSTER CARE.

3 (II) NOTHING IN THIS SECTION DISQUALIFIES AN APPROVED  
4 TEMPORARY CAREGIVER FROM BEING OR BECOMING A FOSTER CARE HOME  
5 CERTIFIED BY A COUNTY DEPARTMENT OR PRIVATE AGENCY PURSUANT TO  
6 SECTION 26-6-106.3.

7 (c) ANY PERIOD OF TIME DURING WHICH A MINOR RESIDES WITH AN  
8 APPROVED TEMPORARY CAREGIVER PURSUANT TO AN UNEXPIRED AND  
9 VALID POWER OF ATTORNEY IS NOT INCLUDED IN DETERMINING WHETHER  
10 THE MINOR HAS RESIDED WITH THE APPROVED TEMPORARY CAREGIVER  
11 FOR THE MINIMUM PERIOD REQUIRED FOR A PERSON TO BE CONSIDERED A  
12 PERSON OTHER THAN A PARENT WHO HAS HAD THE PHYSICAL CARE OF A  
13 CHILD FOR THE PURPOSES OF SECTION 14-10-123.

14 **26-6-704. Approval of temporary caregiver - background**  
15 **check - training.** (1) A CHILD PLACEMENT AGENCY OPERATING A  
16 TEMPORARY CARE ASSISTANCE PROGRAM MAY APPROVE AS A TEMPORARY  
17 CAREGIVER ANY PERSON WHO MEETS THE STANDARDS PRESCRIBED BY THE  
18 TEMPORARY CARE ASSISTANCE PROGRAM AND WHO COMPLIES WITH THE  
19 REQUIREMENTS ESTABLISHED PURSUANT TO THIS SECTION.

20 (2) (a) A CHILD PLACEMENT AGENCY OPERATING A TEMPORARY  
21 CARE ASSISTANCE PROGRAM SHALL REQUIRE AN APPLICANT TO BECOME AN  
22 APPROVED TEMPORARY CAREGIVER AND ANY OTHER PERSON WHO RESIDES  
23 IN THE APPLICANT'S HOME AND IS EIGHTEEN YEARS OF AGE OR OLDER TO  
24 SUBMIT TO THE FOLLOWING BACKGROUND CHECKS:

25 (I) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
26 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL  
27 BUREAU OF INVESTIGATION IN THE SAME MANNER AS DESCRIBED IN

1 SECTION 26-6-107 (1)(a)(I)(C).

2 (II) A CHILD ABUSE AND NEGLECT BACKGROUND CHECK PURSUANT  
3 TO SECTION 19-1-307; AND

4 (III) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND  
5 AGAINST THE NATIONAL SEX OFFENDER PUBLIC WEBSITE OPERATED BY THE  
6 UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND  
7 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM  
8 FOR COLORADO TO DETERMINE IF A PERSON IS A REGISTERED SEX  
9 OFFENDER.

10 (b) A CHILD PLACEMENT AGENCY OPERATING A TEMPORARY CARE  
11 ASSISTANCE PROGRAM IS RESPONSIBLE FOR THE COSTS ARISING FROM ANY  
12 BACKGROUND CHECK PERFORMED PURSUANT TO THIS SECTION. THE CHILD  
13 PLACEMENT AGENCY MAY COLLECT THE COSTS FROM ANY PERSON  
14 SUBJECT TO A BACKGROUND CHECK.

15 (c) THE CHILD PLACEMENT AGENCY OPERATING A TEMPORARY  
16 CARE ASSISTANCE PROGRAM SHALL MAINTAIN RECORDS OF A  
17 BACKGROUND CHECK PERFORMED PURSUANT TO THIS SECTION, INCLUDING  
18 THE FULL TRANSCRIPTS OF THE BACKGROUND CHECK, FOR A PERIOD OF  
19 NOT LESS THAN FIVE YEARS. THE CHILD PLACEMENT AGENCY SHALL MAKE  
20 THE RECORDS AVAILABLE TO A PARENT OR GUARDIAN EXECUTING A  
21 POWER OF ATTORNEY, AND ANY LOCAL, STATE, OR FEDERAL AUTHORITY  
22 CONDUCTING AN INVESTIGATION INVOLVING THE APPROVED TEMPORARY  
23 CAREGIVER, THE PARENT OR GUARDIAN, OR THE MINOR.


24 (d) A CHILD PLACEMENT AGENCY OPERATING A TEMPORARY CARE  
25 ASSISTANCE PROGRAM SHALL NOT APPROVE AN APPLICANT AS AN  
26 APPROVED TEMPORARY CAREGIVER IF A BACKGROUND CHECK CONDUCTED  
27 PURSUANT TO THIS SECTION DISCLOSES A SUBSTANTIATED ALLEGATION OF

1 CHILD ABUSE, NEGLECT, OR EXPLOITATION, OR ANY CRIME THAT WOULD  
2 DISQUALIFY THE APPLICANT OR ANY OTHER PERSON WHO RESIDES IN THE  
3 APPLICANT'S HOME AND IS EIGHTEEN YEARS OF AGE OR OLDER FROM  
4 BECOMING CERTIFIED OR LICENSED TO OPERATE A FOSTER CARE HOME IN  
5 THE STATE.

6 (3) A CHILD PLACEMENT AGENCY OPERATING A TEMPORARY CARE  
7 ASSISTANCE PROGRAM SHALL TRAIN AN APPROVED TEMPORARY  
8 CAREGIVER IN THE RIGHTS, DUTIES, AND LIMITATIONS ASSOCIATED WITH  
9 PROVIDING CARE FOR A MINOR PURSUANT TO THIS PART 7.

10 **26-6-705. Rules.** (1) A TEMPORARY CARE ASSISTANCE PROGRAM  
11 AND A TEMPORARY CARE PROVIDER ARE SUBJECT TO ANY RULE  
12 PROMULGATED BY THE DEPARTMENT THAT IS APPLICABLE TO  
13 NONCERTIFIED KINSHIP CARE, DEFINED IN SECTION 19-1-103 (78.7);  
14 EXCEPT THAT A TEMPORARY CARE ASSISTANCE PROGRAM AND A  
15 TEMPORARY CARE PROVIDER ARE NOT SUBJECT TO SUCH A RULE THAT IS  
16 INCONSISTENT WITH THIS PART 7.

17 (2) EXCEPT AS PROVIDED IN SUBSECTION (1) OF THIS SECTION, A  
18 TEMPORARY CARE ASSISTANCE PROGRAM AND A TEMPORARY CAREGIVER  
19 ARE NOT SUBJECT TO ANY RULE PROMULGATED BY THE DEPARTMENT FOR  
20 AN ACTIVITY PERFORMED PURSUANT TO THIS PART 7.

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22 **26-6-706. Application of part.** (1) THIS PART 7 APPLIES ONLY  
23 WHEN A PARENT OR GUARDIAN OF A MINOR DELEGATES ANY POWER  
24 REGARDING CARE, CUSTODY, OR PROPERTY OF THE MINOR TO AN  
25 APPROVED TEMPORARY CAREGIVER WITH THE ASSISTANCE OF A  
26 TEMPORARY CARE ASSISTANCE PROGRAM PURSUANT TO THIS PART 7.  
27 NOTHING IN THIS PART 7 RESTRICTS, ABRIDGES, OR ALTERS THE RIGHT OF



1 A MINOR'S PARENT OR GUARDIAN TO PROVIDE FOR THE CARE OF THE MINOR  
2 BY POWER OF ATTORNEY PURSUANT TO ANY OTHER PROVISION OF LAW.

3 (2) NOTHING IN THIS PART 7:

4 (a) RELIEVES THE PARENT OF ANY OBLIGATION TO SUPPORT THE  
5 MINOR AS OTHERWISE PROVIDED BY LAW;

6 (b) LIMITS THE AUTHORITY OF THE COURT TO ORDER A PARENT TO  
7 MAKE SUPPORT PAYMENTS OR REIMBURSEMENTS FOR MEDICAL,  
8 BEHAVIORAL, HEALTH, OR OTHER CARE OR TREATMENT;

9 (c) ABROGATES THE RIGHT OF THE MINOR TO ANY BENEFITS  
10 PROVIDED THROUGH PUBLIC FUNDS FOR WHICH THE MINOR IS OTHERWISE  
11 ENTITLED; OR

12 (d) LIMITS OR PREVENTS THE ABILITY OF LAW ENFORCEMENT OR  
13 COUNTY CHILD WELFARE AGENCIES TO INVESTIGATE A REPORT OF  
14 SUSPECTED ABUSE OR NEGLECT OF A CHILD PURSUANT TO SECTION  
15 19-3-308.

16 **SECTION 2.** In Colorado Revised Statutes, 19-1-307, **add**  
17 (2)(j.8) as follows:

18 **19-1-307. Dependency and neglect records and information -**  
19 **access - fee - rules - records and reports fund - misuse of information**  
20 **- penalty - adult protective services data system check. (2) Records**  
21 **and reports - access to certain persons - agencies.** Except as otherwise  
22 provided in section 19-1-303, only the following persons or agencies shall  
23 have access to child abuse or neglect records and reports:

24 (j.8) THE STATE DEPARTMENT OF HUMAN SERVICES INVESTIGATING  
25 ANY PERSON REQUIRED TO SUBMIT TO A BACKGROUND CHECK PURSUANT  
26 TO SECTION 26-6-704 (2), WHEN THE [REDACTED] PERSON HAS GIVEN WRITTEN  
27 AUTHORIZATION TO THE STATE DEPARTMENT OF HUMAN SERVICES TO

1 CHECK RECORDS OR REPORTS OF CHILD ABUSE OR NEGLECT;

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**SECTION 3. Act subject to petition - effective date.** This act

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takes effect at 12:01 a.m. on the day following the expiration of the

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ninety-day period after final adjournment of the general assembly (August

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2, 2019, if adjournment sine die is on May 3, 2019); except that, if a

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referendum petition is filed pursuant to section 1 (3) of article V of the

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state constitution against this act or an item, section, or part of this act

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within such period, then the act, item, section, or part will not take effect

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unless approved by the people at the general election to be held in

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November 2020 and, in such case, will take effect on the date of the

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official declaration of the vote thereon by the governor.