

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0959.01 Conrad Imel x2313

HOUSE BILL 18-1348

HOUSE SPONSORSHIP

Singer and Landgraf,

SENATE SPONSORSHIP

Gardner and Kefalas,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING FAMILIES INVOLVED IN THE CHILD WELFARE SYSTEM,
102 AND, IN CONNECTION THEREWITH, PRIORITIZING SERVICES AND
103 PROVIDING SUPPORT FOR FOSTER PARENTS.

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>.)

The bill allows foster parents access to certain information regarding a foster child or prospective foster child, including judicial information and education records. The bill also allows community-based agencies and public health agencies implementing child abuse and neglect prevention programs access to certain contact information of families that

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.

were the subject of a referral of child abuse or neglect that did not result in a case being opened. The bill requires that a county prioritize child care assistance for children who are in out-of-home placement.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-303, **add** (11)
3 as follows:

4 **19-1-303. General provisions - delinquency and dependency**
5 **and neglect cases - exchange of information - civil penalty - rules -**
6 **definitions.** (11) (a) THE JUDICIAL DEPARTMENT OR ANY AGENCY
7 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION MAY PROVIDE A
8 PROSPECTIVE FOSTER PARENT, OR A FOSTER PARENT WHO IS RESPONSIBLE
9 FOR THE HEALTH OR WELFARE OF A FOSTER CHILD NAMED IN A REPORT
10 WHO IS RESIDING IN THE FOSTER PARENT'S HOME, WITH INFORMATION
11 THAT IS NECESSARY TO MEET THE FOSTER CHILD'S PHYSICAL, MENTAL,
12 EMOTIONAL, BEHAVIORAL, AND OTHER IDENTIFIED TRAUMA NEEDS.

13 (b) THE INFORMATION DESCRIBED IN SUBSECTION (11)(a) OF THIS
14 SECTION IS ONLY INFORMATION DIRECTLY RELEVANT TO MEETING THE
15 FOSTER CHILD'S PHYSICAL, MENTAL, EMOTIONAL, BEHAVIORAL, AND
16 OTHER IDENTIFIED TRAUMA NEEDS, AND INCLUDES, BUT IS NOT LIMITED
17 TO, THE FOLLOWING:

- 18 (I) A FOSTER CHILD'S EDUCATIONAL RECORDS;
- 19 (II) RELEVANT INFORMATION IN THE FAMILY SERVICES PLAN TO
20 MEET THE SAFETY, PERMANENCY, AND WELL-BEING NEEDS OF THE FOSTER
21 CHILD, INCLUDING ANY SAFETY ISSUES THAT IMPACT THE FOSTER PARENT'S
22 ABILITY TO PARENT THE FOSTER CHILD;
- 23 (III) CIRCUMSTANCES RELATED TO THE REMOVAL OF THE FOSTER
24 CHILD FROM HIS OR HER HOME; AND

1 (IV) YOUTH PLACEMENT HISTORY, INCLUDING SAFETY CONCERNS
2 AND REASONS FOR UNPLANNED PLACEMENT MOVES.

3 (c) MENTAL HEALTH AND MEDICAL RECORDS OF A PARENT OR
4 CHILD MAY BE RELEASED PURSUANT TO THIS SUBSECTION (11), SUBJECT TO
5 ANY PRIVILEGE RECOGNIZED BY LAW.

6 (d) THE FOSTER PARENT SHALL MAINTAIN THE CONFIDENTIALITY
7 OF ANY INFORMATION OBTAINED PURSUANT TO THIS SUBSECTION (11).

8 **SECTION 2.** In Colorado Revised Statutes, 19-1-307, **add**
9 (2)(f.5) as follows:

10 **19-1-307. Dependency and neglect records and information -**
11 **access - fee - rules - records and reports fund - misuse of information**
12 **- penalty - adult protective services data system check. (2) Records**
13 **and reports - access to certain persons - agencies.** Except as otherwise
14 provided in section 19-1-303, only the following persons or agencies shall
15 have access to child abuse or neglect records and reports:

16 (f.5) COMMUNITY-BASED AGENCIES AND PUBLIC HEALTH AGENCIES
17 IMPLEMENTING CHILD ABUSE AND NEGLECT PREVENTION PROGRAMS MAY
18 BE GIVEN THE NAMES, PHONE NUMBERS, AND ADDRESSES OF FAMILIES
19 SCREENED OUT OR CLOSED AFTER INITIAL ASSESSMENT OF A REFERRAL OF
20 CHILD ABUSE OR NEGLECT. AN AGENCY SHALL MAINTAIN THE
21 CONFIDENTIALITY OF ANY INFORMATION OBTAINED PURSUANT TO THIS
22 SUBSECTION (2)(f.5).

23 **SECTION 3.** In Colorado Revised Statutes, 22-32-138, **add** (8)
24 as follows:

25 **22-32-138. Out-of-home placement students - transfer**
26 **procedures - absences - exemptions.** (8) A SCHOOL DISTRICT OR SCHOOL
27 IN WHICH A STUDENT IN OUT-OF-HOME PLACEMENT IS ENROLLED SHALL

1 PROVIDE A FOSTER PARENT WITH ACCESS TO EDUCATION RECORDS AND
2 REPORTS FOR A STUDENT WHO RESIDES IN THE FOSTER PARENT'S HOME,
3 INCLUDING INFORMATION AND RECORDS AVAILABLE ONLINE. THE FOSTER
4 PARENT SHALL MAINTAIN THE CONFIDENTIALITY OF ANY INFORMATION
5 OBTAINED PURSUANT TO THIS SUBSECTION (8).

6 **SECTION 4.** In Colorado Revised Statutes, 26-2-805, **amend**
7 (12)(d) and (12)(e); and **add** (12)(f) as follows:

8 **26-2-805. Services - eligibility - assistance provided - waiting**
9 **lists - rules - exceptions from cooperating with child support**
10 **establishment.** (12) Each county:

11 (d) May use its CCCAP allocation to provide direct contracts or
12 grants to early care and education providers for a county-determined
13 number of CCCAP slots for a twelve-month period to increase the supply
14 and improve the quality of child care for infants and toddlers, children
15 with disabilities, after-hours care, and children in underserved
16 neighborhoods; ~~and~~

17 (e) Subject to available appropriations and pursuant to rules
18 promulgated by the state board for the implementation of this part 8, and
19 upon notification to counties by the state department that the relevant
20 human services case management systems, including the Colorado child
21 care automated tracking system, are capable of accommodating this
22 ~~paragraph (e)~~ SUBSECTION (12)(e), must determine that a recipient of
23 benefits from the food assistance program established in part 3 of this
24 ~~article~~ ARTICLE 2 is eligible for CCCAP if he or she meets all other
25 CCCAP eligibility criteria and may use eligibility determination
26 information from other public assistance programs and systems to
27 determine CCCAP eligibility; AND

1 (f) SUBJECT TO AVAILABLE CAPACITY TO RAISE FEDERAL OR STATE
2 FUNDING, SHALL PRIORITIZE CHILD CARE ASSISTANCE FOR CERTIFIED
3 FOSTER PARENTS, CERTIFIED KINSHIP FOSTER PARENTS, AND NONCERTIFIED
4 KINSHIP CARE PROVIDERS, REFERRED TO IN THIS SUBSECTION (12)(f) AS
5 OUT-OF-HOME PLACEMENT PROVIDERS, FOR CHILDREN WHO ARE IN
6 OUT-OF-HOME PLACEMENT AND RESIDING IN AN OUT-OF-HOME PLACEMENT
7 PROVIDER'S HOME.

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