

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

PREAMENDED

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

LLS NO. 20-0917.02 Jane Ritter x4342

SENATE BILL 20-162

SENATE SPONSORSHIP

Rankin and Moreno,

HOUSE SPONSORSHIP

Gonzales-Gutierrez and Ransom,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING UPDATING COLORADO'S STATUTORY PROVISIONS**
102 **RELATED TO FOSTER CARE PREVENTION SERVICES IN THE**
103 **CONTEXT OF THE FEDERAL "FAMILY FIRST PREVENTION**
104 **SERVICES ACT".**

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 updates Colorado's statutory provisions related to foster care prevention services and supports (prevention services) in the context of the federal "Family First Prevention Services Act", including:

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.

- ! Updating the definition of "kin" to ensure that kin are eligible for prevention services;
- ! Updating the definition of "qualified individual" to clarify eligibility;
- ! Clarifying the elements of reviews of qualified residential treatment program placements (placements) to ensure that the placement of children, juveniles, and youth are reviewed initially by the court and not by the administrative review division;
- ! Updating language referring to children to include juveniles and youth to ensure that delinquent youth are also identified as a population that is eligible for prevention services and meet the requirements for placements;
- ! Adding information about prevention services and the authority of county departments of human and social services (county departments) to provide prevention services, including developing a form to inform affected parents and caregivers of their rights and remedies;
- ! Requiring that when a youth is committed to the state department of human services, the court shall make additional findings to ensure the commitment is not the result of a lack of available appropriate placements;
- ! Adding requirements to a court to make specific findings when it deviates from the assessor's recommendation of a placement;
- ! Setting a new requirement that residential child care facilities must renew licenses annually; and
- ! Requiring the existing delivery of child welfare services task force to make recommendations on the reduction of state reimbursements for certain out-of-home placements on or before July 31, 2020, and instructing the state to change reimbursement rates on or before January 1, 2021.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-102, **amend**
 3 (1.9) as follows:

4 **19-1-102. Legislative declaration.** (1.9) The federal "Family
 5 First Prevention Services Act" was enacted on February 9, 2018. In order
 6 to comply with the provisions of the federal "Family First Prevention
 7 Services Act", the general assembly finds that it is necessary to update

1 current statutes to enable Colorado to provide enhanced support to
2 children, JUVENILES, OR youth, and their families in order to prevent foster
3 care placements. The state department shall implement the updated
4 provisions in ~~sections 19-1-103, 19-1-115, 19-3-208, and 19-3-308~~ THIS
5 TITLE 19 utilizing foster care prevention services and qualified residential
6 treatment programs when the federal government approves Colorado's
7 five-year Title IV-E prevention plan, and subject to available general fund
8 appropriations or federal funding.

9 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **amend**
10 (71.3) and (87.7) as follows:

11 **19-1-103. Definitions.** As used in this title 19 or in the specified
12 portion of this title 19, unless the context otherwise requires:

13 (71.3) "~~Kin~~" for purposes of a "~~kinship foster care home~~" or for
14 purposes of "~~noncertified kinship care~~", may be a relative of the child, a
15 person ascribed by the family as having a family-like relationship with the
16 child, or a person that has a prior significant relationship with the child.
17 These relationships take into account cultural values and continuity of
18 significant relationships with the child.

19 (87.7) "Qualified individual" means a trained professional or
20 licensed clinician, as defined in the federal "Family First Prevention
21 Services Act". "QUALIFIED INDIVIDUAL" MUST BE APPROVED TO SERVE AS
22 A QUALIFIED INDIVIDUAL ACCORDING TO THE STATE PLAN. "QUALIFIED
23 INDIVIDUAL" MUST NOT BE AN INTERESTED PARTY OR PARTICIPANT IN THE
24 JUVENILE COURT PROCEEDING AND MUST BE FREE OF ANY PERSONAL OR
25 BUSINESS RELATIONSHIP THAT WOULD CAUSE A CONFLICT OF INTEREST IN
26 EVALUATING THE CHILD, JUVENILE, OR YOUTH AND MAKING
27 RECOMMENDATIONS CONCERNING THE CHILD'S, JUVENILE'S, OR YOUTH'S

1 PLACEMENT AND THERAPEUTIC NEEDS ACCORDING TO THE FEDERAL TITLE
2 IV-E STATE PLAN. THE STATE DEPARTMENT MAY SEEK A WAIVER FOR
3 THESE REQUIREMENTS IN ACCORDANCE WITH 42 U.S.C. SECTION 675a.

4 **SECTION 3.** In Colorado Revised Statutes, 19-1-115, **amend**
5 (4)(e) introductory portion, (4)(e)(II), and (4)(f); and **add** (4)(g) and
6 (4)(h) as follows:

7 **19-1-115. Legal custody - guardianship - placement out of the**
8 **home - petition for review for need of placement.** (4) (e) ~~Whenever a~~
9 ~~child is placed in a qualified residential treatment program, a family or~~
10 ~~juvenile court, or, if there is no objection, the administrative review~~
11 ~~division of the department of human services, shall, within sixty days~~
12 WITHIN SIXTY DAYS AFTER AN NEW PLACEMENT OF A CHILD, JUVENILE, OR
13 YOUTH IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, OR WITHIN
14 THIRTY DAYS AFTER THE RECOMMENDATION THAT THE QUALIFIED
15 INDIVIDUAL DOES NOT SUPPORT THE QUALIFIED RESIDENTIAL TREATMENT
16 PROGRAM LEVEL OF CARE OR THE CHILD, JUVENILE, OR YOUTH, GUARDIAN
17 AD LITEM, OR ANY PARTY OBJECTS TO THE PLACEMENT, A JUVENILE COURT
18 OR THE ADMINISTRATIVE REVIEW DIVISION OF THE STATE DEPARTMENT
19 WHEN A JUVENILE HAS BEEN COMMITTED TO THE DIVISION OF YOUTH
20 SERVICES SHALL:

21 (II) Determine whether the needs of the child, JUVENILE, OR
22 YOUTH can be met through placement with a parent, legal guardian, legal
23 custodian, kin caregiver, or in a foster care home, or whether placement
24 of the child, JUVENILE, OR YOUTH in a qualified residential treatment
25 program provides the most effective and appropriate level of care for the
26 child, JUVENILE, OR YOUTH in the least restrictive environment, and
27 whether that placement is consistent with the short- and long-term goals,

1 including mental, behavioral, and physical health goals, for the child,
2 JUVENILE, OR YOUTH as specified in the permanency plan for the child,
3 JUVENILE, OR YOUTH or as outlined in the family services plan; and

4 (f) As long as a child, JUVENILE, OR YOUTH remains in a qualified
5 residential treatment program, the county department shall submit
6 evidence: ~~at each review and each permanency hearing held with respect~~
7 ~~to the child:~~

8 (I) Demonstrating that ongoing assessment of the strengths and
9 needs of the child, JUVENILE, OR YOUTH continues to support the
10 determination that the needs of the child, JUVENILE, OR YOUTH cannot be
11 met through placement with a parent, legal guardian, legal custodian, kin
12 caregiver, or in a foster family home; ~~and~~ that the placement in a qualified
13 residential treatment program provides the most effective and appropriate
14 level of care for the child, JUVENILE, OR YOUTH in the least restrictive
15 environment; and that the placement is consistent with the short- and
16 long-term goals for the child, JUVENILE, OR YOUTH as specified in the
17 permanency plan for the child, JUVENILE, OR YOUTH, or as outlined in the
18 family services plan;

19 (II) Documenting the specific treatment or service needs that will
20 be met for the child, JUVENILE, OR YOUTH in the placement and the length
21 of time the child, JUVENILE, OR YOUTH is expected to need treatment or
22 services; and

23 (III) Documenting the efforts made by the county DEPARTMENT
24 to prepare the child, JUVENILE, OR YOUTH to return home or to be placed
25 with a fit and willing kin caregiver, a legal guardian, legal custodian, or
26 an adoptive parent, or in a foster family.

27 (g) THE EVIDENCE REQUIRED PURSUANT TO SUBSECTION (4)(f) OF

1 THIS SECTION MUST BE SUBMITTED AT EACH SUBSEQUENT REVIEW AND
2 EACH SUBSEQUENT PERMANENCY HEARING HELD CONCERNING THE CHILD,
3 JUVENILE, OR YOUTH. THE EVIDENCE MUST NOT BE SUBMITTED LESS
4 FREQUENTLY THAN EVERY NINETY DAYS DURING THE DURATION OF THE
5 PLACEMENT OF THE CHILD, JUVENILE, OR YOUTH IN THE QUALIFIED
6 RESIDENTIAL TREATMENT PROGRAM. THE EVIDENCE MUST BE SUBMITTED
7 TO THE COURT OR TO THE ADMINISTRATIVE REVIEW DIVISION OF THE
8 STATE DEPARTMENT OF HUMAN SERVICES IF PARTIES CONSENT TO THE
9 LATTER. THE COURT SHALL REVIEW THE EVIDENCE SUBMITTED PURSUANT
10 TO SUBSECTION (4)(f) OF THIS SECTION AT EACH SUBSEQUENT
11 PERMANENCY AND STATUS REVIEW HEARING AT LEAST EVERY NINETY
12 DAYS DURING THE DURATION OF THE PLACEMENT OF THE CHILD, JUVENILE,
13 OR YOUTH IN THE QUALIFIED RESIDENTIAL TREATMENT PROGRAM. IF THE
14 PARTIES CONSENT TO A REVIEW BY THE ADMINISTRATIVE REVIEW
15 DIVISION, ALL COUNSEL OF RECORD MUST BE NOTIFIED AND MAY APPEAR
16 AT THE REVIEW. THE ADMINISTRATIVE REVIEW DIVISION SHALL REVIEW
17 THE EVIDENCE SUBMITTED PURSUANT TO SUBSECTION (4)(f) OF THIS
18 SECTION AT LEAST EVERY NINETY DAYS DURING THE DURATION OF THE
19 PLACEMENT OF THE CHILD, JUVENILE, OR YOUTH IN THE QUALIFIED
20 RESIDENTIAL TREATMENT PROGRAM.

21 (h) IN MAKING A DECISION AS TO PROPER PLACEMENT IN A
22 QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THE COURT SHALL
23 CONSIDER THE ASSESSMENT PROVIDED BY THE QUALIFIED INDIVIDUAL, AS
24 DESCRIBED IN SUBSECTION (4)(e) OF THIS SECTION, AND SHALL GIVE
25 GREAT WEIGHT TO THE RECOMMENDATION IN THE ASSESSMENT WHEN
26 MAKING A QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT
27 DECISION. AN ASSESSMENT PREPARED BY THE QUALIFIED INDIVIDUAL

1 MUST IDENTIFY WHETHER A QUALIFIED RESIDENTIAL TREATMENT
2 PROGRAM IS THE MOST EFFECTIVE, APPROPRIATE, AND LEAST RESTRICTIVE
3 PLACEMENT FOR THE CHILD OR YOUTH. THE ASSESSMENT MUST ALSO
4 IDENTIFY CHILD- OR YOUTH-SPECIFIC SHORT- AND LONG-TERM GOALS FOR
5 THE CHILD OR YOUTH AND THE FAMILY. IF THE COURT DEVIATES FROM THE
6 QUALIFIED INDIVIDUAL'S ASSESSMENT AND RECOMMENDATION, THE COURT
7 SHALL MAKE SPECIFIC FINDINGS OF FACT REGARDING THE MOST EFFECTIVE,
8 APPROPRIATE, AND LEAST RESTRICTIVE PLACEMENT FOR THE CHILD OR
9 YOUTH AND WHETHER THE PLACEMENT IS CONSISTENT WITH CHILD- OR
10 YOUTH-SPECIFIC SHORT- AND LONG-TERM GOALS FOR THE CHILD OR
11 YOUTH AND THE FAMILY. WHEN MAKING SUCH FINDINGS OF FACT, THE
12 COURT SHALL CONSIDER ALL RELEVANT INFORMATION, INCLUDING:

13 (I) WHETHER THE PROTOCOL FOR THE QUALIFIED RESIDENTIAL
14 TREATMENT PROGRAM ASSESSMENT WAS FOLLOWED;

15 (II) THE STRENGTHS AND SPECIFIC TREATMENT OR SERVICE NEEDS
16 OF THE CHILD OR YOUTH AND THE FAMILY;

17 (III) THE EXPECTED LENGTH OF STAY; AND

18 (IV) THE PLACEMENT PREFERENCE OF THE CHILD OR YOUTH AND
19 THE FAMILY.

20 **SECTION 4.** In Colorado Revised Statutes, **add** 19-1-115.7 as
21 follows:

22 **19-1-115.7. Foster care prevention services - provision of**
23 **services - rights and remedies - exchange of information.** (1) A
24 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES MAY PROVIDE BOTH
25 CHILD WELFARE AND PREVENTION SERVICES, INCLUDING BUT NOT LIMITED
26 TO FOSTER CARE PREVENTION SERVICES, AS DEFINED IN SECTION 19-1-103
27 (51.7), TO FAMILIES, KIN CAREGIVERS, CHILDREN, JUVENILES, AND YOUTH.

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(2) NOTHING IN THIS SECTION AFFECTS ANY EXISTING RIGHTS OF A CHILD, JUVENILE, OR YOUTH OR A PARENT OR LEGAL GUARDIAN.

(3) WHEN PREVENTION SERVICES INFORMATION IS EXCHANGED BETWEEN STATE AGENCIES, COUNTY DEPARTMENTS, AND SERVICE PROVIDERS TO ALLOW FOR THE PROVISION OF PREVENTION SERVICES, SUCH INFORMATION IS CONFIDENTIAL AND NOT AVAILABLE TO THE PUBLIC. ANY ENTITIES PROVIDING PREVENTION SERVICES SHALL ENSURE THAT ALL INFORMATION OBTAINED AND EXCHANGED IS CONFIDENTIAL AS REQUIRED PURSUANT TO THIS SECTION, SECTIONS 19-1-103 AND 19-1-307, AND ANY OTHER APPLICABLE STATE OR FEDERAL LAW.

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SECTION 5. In Colorado Revised Statutes, 19-2-906, **add** (5) as follows:

19-2-906. Sentencing hearing. (5) IF THE SENTENCE IS A COMMITMENT TO THE DEPARTMENT OF HUMAN SERVICES, THE COURT SHALL MAKE A FINDING THAT SUCH COMMITMENT IS NOT THE RESULT OF A LACK OF AN AVAILABLE QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT.

SECTION 6. In Colorado Revised Statutes, 19-2-907, **amend** (5)(a) as follows:

19-2-907. Sentencing schedule - options. (5) (a) Except as otherwise provided in section 19-2-601 for an aggravated juvenile offender, if the court finds that placement out of the home is necessary and is in the best interests of the juvenile and the community, AND IF THE PLACEMENT IS A COMMITMENT TO THE DEPARTMENT OF HUMAN SERVICES AND SUCH COMMITMENT IS NOT THE RESULT OF A LACK OF AN AVAILABLE

1 QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT, the court
2 shall place the juvenile, following the criteria established pursuant to
3 section 19-2-212, in the facility or setting that most appropriately meets
4 the needs of the juvenile, the juvenile's family, and the community. In
5 making its decision as to proper placement, the court shall utilize the
6 evaluation for placement prepared pursuant to section 19-1-107 or the
7 evaluation for placement required by section 19-1-115 (8)(e). Any
8 placement recommendation in the evaluation prepared by the county
9 department of human or social services must be accorded great weight as
10 the placement that most appropriately meets the needs of the juvenile, the
11 juvenile's family, and the community. A recommendation prepared by the
12 county department of human or social services must set forth specific
13 facts and reasons for the placement recommendation. If the evaluation for
14 placement recommends placement in a facility located in Colorado that
15 can provide appropriate treatment and that will accept the juvenile, then
16 the court shall not place the juvenile in a facility outside this state. If the
17 court places the juvenile in a facility located in Colorado other than one
18 recommended by the evaluation for placement, in a facility located
19 outside this state in accordance with the evaluation for placement, or in
20 a facility in which the average monthly cost exceeds the amount
21 established by the general assembly in the general appropriation bill, it
22 shall make specific findings of fact, including the monthly cost of the
23 facility in which such juvenile is placed, relating to its placement
24 decision. A copy of such findings must be sent to the chief justice of the
25 supreme court, who shall, notwithstanding section 24-1-136 (11)(a)(I),
26 report monthly to the joint budget committee and annually to the house
27 and senate committees on health and human services, or any successor

1 committees, on such placements. If the court commits the juvenile to the
2 state department of human services, it shall not make a specific
3 placement, nor are the provisions of this subsection (5) relating to specific
4 findings of fact applicable.

5 **SECTION 7.** In Colorado Revised Statutes, 19-2-909, **amend**
6 (1)(a) as follows:

7 **19-2-909. Sentencing - commitment to the department of**
8 **human services.** (1) (a) Except as otherwise provided in sections
9 19-2-601 and 19-2-921 for an aggravated juvenile offender, the court may
10 commit a juvenile to the department of human services for a determinate
11 period of up to two years if the juvenile is adjudicated for an offense that
12 would constitute a felony or a misdemeanor if committed by an adult;
13 except that, if the juvenile is younger than twelve years of age and is not
14 adjudicated AS an aggravated juvenile offender, the court may commit the
15 juvenile to the department of human services only if the juvenile is
16 adjudicated for an offense that would constitute a class 1, class 2, or class
17 3 felony if committed by an adult. WHEN SENTENCING A JUVENILE TO THE
18 DEPARTMENT OF HUMAN SERVICES, THE COURT SHALL MAKE A FINDING
19 THAT THE COMMITMENT IS NOT THE RESULT OF A LACK OF AN AVAILABLE
20 QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT.

21 **SECTION 8.** In Colorado Revised Statutes, 19-2-921, **amend**
22 (1.5)(a) introductory portion; and **add** (1.5)(a)(III) as follows:

23 **19-2-921. Commitment to department of human services.**
24 (1.5) (a) When a court commits a juvenile to the state department of
25 human services pursuant to ~~the provisions of this article~~ THIS ARTICLE 2,
26 the court shall make the following specific determinations:

27 (III) WHETHER PLACEMENT OF THE JUVENILE WITH THE

1 DEPARTMENT OF HUMAN SERVICES IS THE RESULT OF A LACK OF AN
2 AVAILABLE QUALIFIED RESIDENTIAL TREATMENT PROGRAM PLACEMENT.

3
4 **SECTION 9.** In Colorado Revised Statutes, 26-5-104, add
5 (1)(c), (1)(d), and (1)(e) as follows:

6 **26-5-104. Funding of child welfare services provider contracts**
7 **- funding mechanism review - fund - report - rules - definitions -**
8 **repeal. (1) Reimbursement. (c)** ON OR BEFORE JULY 31, 2020, THE
9 DELIVERY OF CHILD WELFARE SERVICES TASK FORCE, ESTABLISHED
10 PURSUANT TO SECTION 26-5-105.8, SHALL MAKE RECOMMENDATIONS
11 CONCERNING THE PROVISIONS OF SECTION 26-5-105.8 (1)(b).

12 (d) IN MAKING ITS RECOMMENDATIONS PURSUANT TO SUBSECTION
13 (1)(c) OF THIS SECTION, THE DELIVERY OF CHILD WELFARE SERVICES TASK
14 FORCE SHALL CONSIDER:

15 (I) THE IMPACT OF THE INSTITUTE FOR MENTAL DISEASE
16 DESIGNATION ON QUALIFIED RESIDENTIAL TREATMENT PROGRAMS FOR
17 RESIDENTIAL CHILD CARE FACILITIES; AND

18 (II) THE CAPACITY OF EXISTING CHILD WELFARE SERVICES,
19 INCLUDING PLACEMENT AVAILABILITY, MENTAL AND BEHAVIORAL HEALTH
20 SERVICES, PREVENTION SERVICES THROUGH THE FEDERAL "FAMILY FIRST
21 PREVENTION SERVICES ACT", AND OTHER PREVENTION SERVICES.

22 (e) THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE
23 JOINT BUDGET COMMITTEE ON OR BEFORE SEPTEMBER 1, 2020. THE
24 REPORT MUST INCLUDE THE RECOMMENDATIONS REQUIRED PURSUANT TO
25 SUBSECTION (1)(c) OF THIS SECTION.

26 **SECTION 10.** In Colorado Revised Statutes, **add** 26-5.4-106 as
27 follows:

1 **26-5.4-106. Foster care prevention services - provision of**
2 **services - rights and remedies - exchange of information.** (1) A
3 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES MAY PROVIDE BOTH
4 CHILD WELFARE AND _____ PREVENTION SERVICES, INCLUDING BUT NOT
5 LIMITED TO FOSTER CARE PREVENTION SERVICES, AS DEFINED IN SECTION
6 26-5.4-102, TO A FAMILY AND ITS CHILDREN.

7 _____
8 (2) NOTHING IN THIS SECTION AFFECTS ANY EXISTING RIGHTS OF
9 A CHILD OR YOUTH, INCLUDING THOSE ELIGIBLE FOR FOSTER CARE
10 PREVENTION SERVICES, OR ANY EXISTING RIGHTS OF A PARENT WHO IS
11 ELIGIBLE FOR FOSTER CARE PREVENTION SERVICES.

12 (3) AN ENTITY PROVIDING FOSTER CARE PREVENTION SERVICES
13 SHALL ENSURE THAT ALL INFORMATION OBTAINED AND EXCHANGED IS
14 CONFIDENTIAL AS REQUIRED PURSUANT TO FEDERAL AND STATE LAWS
15 REGARDING CONFIDENTIALITY.

16 _____
17 **SECTION 11.** In Colorado Revised Statutes, 26-6-102, **amend**
18 (19), (33), and (36)(a); and **add** (30.3) as follows:

19 **26-6-102. Definitions.** As used in this article 6, unless the context
20 otherwise requires:

21 (19) "~~Kin~~" ~~for purposes of a "kinship foster care home"~~, may be
22 a relative of the child, a person ascribed by the family as having a
23 family-like relationship with the child, or a person that has a prior
24 significant relationship with the child. These relationships take into
25 account cultural values and continuity of significant relationships with the
26 child.

27 (30.3) "QUALIFIED INDIVIDUAL" MEANS A TRAINED

1 PROFESSIONAL OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL
2 "FAMILY FIRST PREVENTION SERVICES ACT". "QUALIFIED INDIVIDUAL"
3 MUST BE APPROVED TO SERVE AS A QUALIFIED INDIVIDUAL ACCORDING TO
4 THE STATE PLAN. "QUALIFIED INDIVIDUAL" MUST NOT BE AN INTERESTED
5 PARTY OR PARTICIPANT IN THE JUVENILE COURT PROCEEDING AND MUST
6 BE FREE OF ANY PERSONAL OR BUSINESS RELATIONSHIP THAT WOULD
7 CAUSE A CONFLICT OF INTEREST IN EVALUATING THE CHILD, JUVENILE, OR
8 YOUTH AND MAKING RECOMMENDATIONS CONCERNING THE CHILD'S,
9 JUVENILE'S, OR YOUTH'S PLACEMENT AND THERAPEUTIC NEEDS,
10 ACCORDING TO THE FEDERAL TITLE IV-E STATE PLAN. THE STATE
11 DEPARTMENT MAY SEEK A WAIVER FOR THESE REQUIREMENTS IN
12 ACCORDANCE WITH 42 U.S.C. SECTION 675a.

13 (33) "Residential child care facility" means a facility licensed by
14 the state department pursuant to this part 1 to provide twenty-four-hour
15 group care and treatment for five or more children operated under private,
16 public, or nonprofit sponsorship. "Residential child care facility" includes
17 community-based residential child care facilities, qualified residential
18 treatment programs, as defined in section 26-5.4-102 (2), shelter facilities,
19 and therapeutic residential child care facilities as defined in rule by the
20 state board, and psychiatric residential treatment facilities as defined in
21 section 25.5-4-103 (19.5). A residential child care facility may be eligible
22 for designation by the executive director of the state department pursuant
23 to article 65 of title 27. A CHILD WHO IS ADMITTED TO A RESIDENTIAL
24 CHILD CARE FACILITY MUST BE:

25 (a) FIVE YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS
26 OF AGE; OR

27 (b) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY COURT

1 ORDER OR VOLUNTARY PLACEMENT PRIOR TO THEIR EIGHTEENTH
2 BIRTHDAY; OR

3 (c) ACCOMPANIED BY A PARENT IF LESS THAN FIVE YEARS OF AGE.

4 (36) (a) "Specialized group facility" means a facility sponsored
5 and supervised by a county department or a licensed child placement
6 agency for the purpose of providing twenty-four-hour care for three or
7 more children, but fewer than twelve children, whose special needs can
8 best be met through the medium of a small group. ~~and who are:~~ A CHILD
9 WHO IS ADMITTED TO A SPECIALIZED GROUP FACILITY MUST BE:

10 (I) At least ~~three~~ SEVEN years of age or older but less than
11 eighteen years of age; ~~or~~

12 (II) Less than twenty-one years of age and ~~who are~~ placed by
13 court order ~~prior to their eighteenth birthday.~~ OR VOLUNTARY PLACEMENT;
14 OR

15 (III) ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN IF LESS
16 THAN SEVEN YEARS OF AGE.

17 **SECTION 12.** In Colorado Revised Statutes, 26-6-104, **add**
18 (1)(c)(III) as follows:

19 **26-6-104. Licenses - out-of-state notices and consent -**
20 **demonstration pilot program - definition - rules.** (1) (c) (III) ON AND
21 AFTER JULY 1, 2021, ALL RESIDENTIAL CHILD CARE FACILITIES MUST BE
22 LICENSED ANNUALLY. THE STATE BOARD SHALL PROMULGATE RULES
23 SPECIFYING THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH THE
24 LICENSE RENEWAL FOR RESIDENTIAL CHILD CARE FACILITIES. THE RULES
25 MUST INCLUDE A REQUIREMENT THAT THE STATE DEPARTMENT CONDUCT
26 ASSESSMENTS OF THE RESIDENTIAL CHILD CARE FACILITY.

27 **SECTION 13. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.