



**Please OPPOSE HB18-1390 Safe Family Option for Families in Crisis**

### **Bill Summary**

HB18-1390 creates a new licensure category, overseen by the Colorado Dept. of Human Services, for “Substitute Care Organizations” that will help facilitate the placement of children into the homes of “certified family caregivers”. The organization will help interested parents enter into custodial powers of attorney with caregivers to take physical custody of a child for up to 6 months. The agreement may be in place for longer if a parent is deployed for military service longer than 6 months or if the parties extend the agreement. The substitute care organization is responsible for conducting background checks and TRAILS checks for the caregivers.

### **CCI’s Concerns**

The proponent of this bill is a non-profit, Safe Families, who is interested in serving as a Substitute Care Organization. Last summer, Safe Families received a Cease & Desist letter from CDHS and were told to become licensed as a Child Placement Agency (CPA). The definition of a CPA is as follows:

CRS 26-6-102(7). ‘Child placement agency’ means any corporation, partnership, association, firm, agency, institution, or person unrelated to the child being placed, who places, who facilitates placement for a fee, or who arranges for placement, for care of any child under the age of 18 with any family, person, or institution.

CCI believes that because Safe Families already fits within the definition above, developing a new licensure is unnecessary and inappropriate.

Safe Families has told the bill’s opponents that they do not want a CPA license because this is the license used by foster care placement agencies and Safe Families does not intend to provide placement for children in child welfare. However, the CPA statute already specifies that while a CPA *may* facilitate foster care or adoption, they are not required to, and the definition is much broader.

Instead of using the existing CPA structure, this bill requires a new rulemaking process that will likely result in a license very similar to the CPA license but with potentially fewer guardrails. CCI is more comfortable with a CPA license rather than a new license because the CPA license has an established structure about the oversight and safeguards needed for children in out-of-home care. This existing structure protects children and ensures they are in safe homes, whether in foster care or other out-of-home care.



Finally, parents who are interested in the services provided by Safe Families already have several options to give temporary custody to another individual without the need to create a new statutory framework:

1. Power of Attorney: a two-page agreement between individuals that can be downloaded on the State Judicial website or at many other free locations. It can be used for temporary custody for up to 12 months and is revocable at any time. This process requires no cost.
2. Guardianship: a process by which a judge can appoint an individual as a guardian. This arrangement can exist for longer than a power of attorney, but it can be revoked at any time. The form can be accessed for free and filed with the court, who may waive filing fees.
3. Uniform Deployed Parents Custody & Visitation Act: this agreement can be used to grant custodial responsibility to another individual during the length of deployment through a power of attorney.

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