

  
*Colorado Legislative Council Staff Fiscal Note*  
**FINAL**  
**FISCAL NOTE**

**Drafting Number:** LLS 12-0504  
**Prime Sponsor(s):** Rep. Kefalas  
 Sen. Newell

**Date:** July 2, 2012  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Bill Zepernick (303-866-4777)

**TITLE:** CONCERNING THE WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER CARE.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
<b>State Revenue</b>		
<b>State Expenditures</b>		
<b>FTE Position Change</b>		
<b>Effective Date:</b> The bill was signed into law by the Governor on March 22, 2012, and takes effect August 8, 2012, assuming no referendum petition is filed.		
<b>Appropriation Summary for FY 2012-2013:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

The bill allows county directors of social services to waive certain non-safety licensing standards for kinship foster care. Kinship foster care is foster care provided by family members or other close relations of children who are removed from their homes.

Waiver requests must be submitted in writing to the county director and not compromise the safety and well-being of the child or children in care. When approving such a waiver, the county director may limit or restrict the license issued to the kinship foster care home. The State Board of Human Services is required to promulgate rules on the types of non-safety licensing standards that may be waived and circumstances when waivers do not apply, as well as the definition of "kinship foster care."

Current law allows the state Department of Human Services (DHS) to waive certain licensing standards for kinship foster care homes. However, in recent years this authority has seldom been used (9 waivers granted in 2009), as children who are removed from their homes often require immediate placement and there is not time to seek a waiver prior to placing a child. This bill shifts this waiver authority to the counties.

**State Revenue and Expenditures**

The bill is not expected to impact state revenue or expenditures for any state agency. The DHS can accomplish the required rulemaking within existing appropriations.

**Local Government Impact**

Allowing counties to grant waivers of non-safety licensing standards increases county flexibility in approving kinship foster care homes. The granting of waivers is optional and at the discretion of the counties. Currently, about 75 percent of children placed in kinship foster homes are in unlicensed homes, which are not eligible for foster parent reimbursement and payments using federal IV-E funding. Some counties have used county funds and county TANF block grant funding to provide support to unlicensed kinship foster care homes and to the extent that more homes are licensed under the waiver, this bill could allow for increased federal reimbursement and limit the need for counties to use other funds to support kinship foster care homes.

**Departments Contacted**

Human Services      Judicial      Law      Counties