



D 2019 007

EXECUTIVE ORDER

Tribal Access to Certain Child Welfare and Criminal History Databases

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order that directs: (1) the Colorado Department of Public Safety (CDPS) to continue to provide Colorado's two federally-recognized, land-based tribes, the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe (the Tribes), with access to the Colorado Bureau of Investigation's (CBI) criminal history system; and (2) State agencies to request a formal consultation with the Tribes concerning improved access to and usability of certain child welfare and criminal history databases.

I. Background and Purpose

The Tribes regularly conduct background checks of any individual with whom a child will be placed on an emergency basis. On May 31, 2019, I vetoed HB 19-1305, which was intended to give the Tribes access to certain State databases to assist them in conducting these background checks. I vetoed HB 19-1305 because, as drafted, the bill unintentionally impinged on the Tribes' sovereignty by mandating that the Tribes comply with State child protection requirements.

In Colorado, we respect our government-to-government relationship with the Tribes and understand the importance of formal consultation to ensure we continue to respect the Tribes' sovereignty and relationship with Colorado State government.

Each Tribe establishes its own policies regarding child protection, including child removal and child placement. The State of Colorado will assist the Tribes to the greatest extent permitted under the law and will work with the Tribes to ensure they have access to any information that will support them in their efforts to protect children in their care.

By this Executive Order, I direct relevant State agencies to work with the Tribes to ensure that the State provides appropriate information in a manner that respects the Tribes' sovereignty and protects child safety.



II. Declarations and Directives

To address the matter identified in this Executive Order, I hereby issue the following directives:

- A. CDPS shall continue providing the Tribes access to CBI's criminal history system for the purpose of assisting in emergency child welfare placement decisions;
- B. CDPS and the Colorado Department of Human Services (CDHS), in consultation with the Colorado Commission on Indian Affairs, shall request a formal consultation with the Tribes to identify and overcome the challenges the Tribes face in accessing and using State databases to assist with child welfare placement decisions; and
- C. CDPS and CDHS shall submit any recommendations developed pursuant to this Executive Order to the Office of the Governor on or before January 1, 2020.

III. Duration

This Executive Order shall remain in effect unless modified or rescinded by future Executive Order of the Governor.



GIVEN under my hand and
Executive Seal of the State of
Colorado this thirty-first day of
May, 2019.

A handwritten signature in black ink, appearing to read "Jared Polis".

Jared Polis
Governor