

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0056.01 Jane Ritter x4342

HOUSE BILL 21-1072

HOUSE SPONSORSHIP

Froelich,

SENATE SPONSORSHIP

Fields and Jaquez Lewis,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EQUAL ACCESS TO SERVICES RELATED TO OUT-OF-HOME**
102 **PLACEMENTS.**

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 requires a provider of services related to child and youth out-of-home placement (service provider) to provide fair and equal access to all available programs, benefits, and services offered by the service provider. Services related to out-of-home placement must be provided in a manner that is culturally responsive to the complex social identity of the youth receiving such services.

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.

A service provider is prohibited from denying any person the opportunity to become an adoptive or a foster parent, or delaying or denying the placement of a child for adoption or into foster care, on the basis of the real or perceived disability, race, creed, religion, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, ancestry, or any communicable disease, including HIV, of the prospective adoptive or foster parent or the child.

The bill requires that foster parent training include instruction on the right of a foster child to have fair and equal access to all available services and other health and educational services available to foster children.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-1-130 as
3 follows:

4 **19-1-130. Access to services related to out-of-home placement**

5 - **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "GENDER EXPRESSION" MEANS A PERSON'S WAY OF REFLECTING
8 AND EXPRESSING THEIR GENDER TO THE OUTSIDE WORLD, TYPICALLY
9 DEMONSTRATED THROUGH APPEARANCE, DRESS, AND BEHAVIOR.

10 (b) "GENDER IDENTITY" MEANS A PERSON'S INNATE SENSE OF THE
11 PERSON'S OWN GENDER, WHICH MAY OR MAY NOT CORRESPOND WITH THE
12 PERSON'S SEX AS ASSIGNED AT BIRTH.

13 (c) "PLACEMENT-RELATED SERVICE" MEANS ANY PROGRAM,
14 BENEFIT, OR SERVICE RELATED TO OUT-OF-HOME PLACEMENT, INCLUDING
15 ADOPTION, KINSHIP CARE, FOSTER CARE HOMES, AND PRIVATE CHILD
16 PLACEMENT, OR A BENEFIT OR SERVICE DESCRIBED IN TITLE 26 THAT IS
17 RELATED TO OUT-OF-HOME PLACEMENT, PROVIDED BY THE STATE
18 DEPARTMENT OF HUMAN SERVICES, A COUNTY DEPARTMENT OF HUMAN OR
19 SOCIAL SERVICES, A CHILD PLACEMENT AGENCY, OR ANY OTHER SUCH

1 ENTITY, OR A CONTRACTOR OR SUBCONTRACTOR THAT PROVIDES SUCH
2 PROGRAM, BENEFIT, OR SERVICE ON BEHALF OF THE STATE DEPARTMENT
3 OF HUMAN SERVICES, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
4 SERVICES, A CHILD PLACEMENT AGENCY, OR ANY OTHER SUCH ENTITY.
5 PLACEMENT-RELATED SERVICES MAY INCLUDE, BUT ARE NOT LIMITED TO,
6 PURSUING ADOPTION OR ANY OTHER CHILD PLACEMENT; PROVIDING EARLY
7 INTERVENTION SERVICES, OUT-OF-HOME PLACEMENT PREVENTION
8 SERVICES, OR FAMILY PRESERVATION SERVICES; OR ANY SERVICE RELATED
9 TO LICENSING OR TRAINING FOR CHILD CARE CENTERS, ADOPTIVE OR
10 FOSTER PARENTS, OR KINSHIP CARE.

11 (d) "SERVICE PROVIDER" MEANS THE STATE DEPARTMENT OF
12 HUMAN SERVICES, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
13 SERVICES, OR A CHILD PLACEMENT AGENCY. "SERVICE PROVIDER"
14 INCLUDES A CONTRACTOR OR SUBCONTRACTOR THAT PROVIDES
15 PLACEMENT-RELATED SERVICES ON A SERVICE PROVIDER'S BEHALF.

16 (2) A SERVICE PROVIDER THAT RECEIVES STATE MONEY TO
17 PROVIDE PLACEMENT-RELATED SERVICES SHALL PROVIDE TO EACH
18 INDIVIDUAL, FAMILY, OR OTHER SERVICE PROVIDER REQUESTING SERVICES,
19 INCLUDING A SERVICE PROVIDER UNDER INVESTIGATION BY THE STATE
20 DEPARTMENT OF HUMAN SERVICES OR ITS DESIGNEE FOR A VIOLATION OF
21 THIS SECTION, FAIR AND EQUAL ACCESS TO ALL AVAILABLE
22 PLACEMENT-RELATED SERVICES OFFERED BY THE SERVICE PROVIDER.

23 (3) IN ADDITION TO ANY RESTRICTIONS SET FORTH IN SECTION
24 24-34-805 (2)(b), A SERVICE PROVIDER THAT RECEIVES STATE MONEY TO
25 PROVIDE PLACEMENT-RELATED SERVICES SHALL NOT:

26 (a) DENY ANY PERSON THE OPPORTUNITY TO BECOME AN
27 ADOPTIVE OR A FOSTER PARENT ON THE BASIS OF A REAL OR PERCEIVED

1 DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION,
2 GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS, NATIONAL
3 ORIGIN, ANCESTRY, OR ANY COMMUNICABLE DISEASE, INCLUDING HIV, OF
4 THE PERSON OR A MEMBER OF THE PERSON'S HOUSEHOLD.

5 (b) DELAY OR DENY THE PLACEMENT OF A CHILD OR YOUTH FOR
6 ADOPTION OR INTO FOSTER CARE ON THE BASIS OF A REAL OR PERCEIVED
7 DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION,
8 GENDER IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR
9 ANY COMMUNICABLE DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH;

10 (c) REQUIRE DIFFERENT OR ADDITIONAL SCREENINGS, PROCESSES,
11 OR PROCEDURES FOR ADOPTIVE OR FOSTER PLACEMENT DECISIONS ON THE
12 BASIS OF:

13 (I) A REAL OR PERCEIVED DISABILITY, RACE, CREED, RELIGION,
14 COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
15 EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, OR ANY
16 COMMUNICABLE DISEASE, INCLUDING HIV, OF THE PROSPECTIVE ADOPTIVE
17 OR FOSTER PARENT; OR

18 (II) A REAL OR PERCEIVED DISABILITY, RACE, CREED, RELIGION,
19 COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
20 EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR ANY COMMUNICABLE
21 DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH INVOLVED; OR

22 (d) SUBJECT A CHILD OR YOUTH IN FOSTER CARE OR AN
23 INDIVIDUAL, FAMILY, OR OTHER SERVICE PROVIDER TO DISCRIMINATION OR
24 HARASSMENT ON THE BASIS OF ACTUAL OR PERCEIVED DISABILITY, RACE,
25 CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY,
26 GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, OR
27 ANY COMMUNICABLE DISEASE, INCLUDING HIV, WHEN PROVIDING ANY

1 PLACEMENT-RELATED SERVICE.

2 (4) (a) A SERVICE PROVIDER SHALL PROVIDE PLACEMENT-RELATED
3 SERVICES IN A MANNER THAT IS CULTURALLY RESPONSIVE TO THE
4 COMPLEX SOCIAL IDENTITY OF THE INDIVIDUAL RECEIVING SUCH SERVICES.
5 COMPLEX SOCIAL IDENTITIES INCLUDE BUT ARE NOT LIMITED TO RACE,
6 ETHNICITY, NATIONALITY, AGE, RELIGION, SEX, SEXUAL ORIENTATION,
7 GENDER IDENTITY, GENDER EXPRESSION, SOCIOECONOMIC STATUS,
8 PHYSICAL OR COGNITIVE ABILITY, LANGUAGE, BELIEFS, VALUES, BEHAVIOR
9 PATTERNS, AND CUSTOMS. NOTHING IN THIS SUBSECTION (4) MAY BE USED
10 TO CAUSE THE DELAY OR DENIAL OF AN OUT-OF-HOME PLACEMENT OF A
11 CHILD OR YOUTH.

12 (b) THE STATE DEPARTMENT OF HUMAN SERVICES SHALL
13 DETERMINE WHETHER PLACEMENT-RELATED SERVICES ARE PROVIDED IN
14 A MANNER THAT IS CULTURALLY RESPONSIVE TO THE COMPLEX SOCIAL
15 IDENTITY OF THE INDIVIDUAL RECEIVING SUCH SERVICES.

16 **SECTION 2.** In Colorado Revised Statutes, **add** 19-7-104 as
17 follows:

18 **19-7-104. Subjects included within training for licensed foster**
19 **parents - rules.** (1) RULES PROMULGATED BY THE STATE DEPARTMENT
20 OF HUMAN SERVICES THAT PRESCRIBE TRAINING FOR FOSTER CARE
21 PARENTS PRIOR TO PLACEMENT OF A CHILD OR YOUTH MUST INCLUDE
22 TRAINING ON THE FOLLOWING SUBJECTS:

23 (a) THE EFFECTS OF CHILD ABUSE AND NEGLECT ON CHILD
24 DEVELOPMENT;

25 (b) HEALTH ISSUES IN FOSTER CARE, INCLUDING HEALTH SERVICES
26 AVAILABLE TO FOSTER CHILDREN AND YOUTH;

27 (c) THE RIGHT OF A FOSTER CHILD OR YOUTH TO HAVE FAIR AND

1 EQUAL ACCESS TO ALL AVAILABLE SERVICES, PLACEMENT, CARE,
2 TREATMENT, AND BENEFITS, AND TO NOT BE SUBJECTED TO
3 DISCRIMINATION OR HARASSMENT ON THE BASIS OF ACTUAL OR PERCEIVED
4 DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION,
5 GENDER IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR
6 ANY COMMUNICABLE DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH;

7 (d) THE RIGHTS OF FOSTER CARE SIBLINGS, AS SET FORTH IN
8 SECTION 19-7-203; AND

9 (e) UNDERSTANDING THE ROLE OF A CHILD WELFARE EDUCATION
10 LIAISON, AS DESCRIBED IN SECTION 22-32-138 (2).

11 (2) RULES PROMULGATED BY THE STATE DEPARTMENT OF HUMAN
12 SERVICES THAT PRESCRIBE POST-PLACEMENT ANNUAL TRAINING FOR
13 FOSTER CARE PARENTS MUST INCLUDE TRAINING ON THE FOLLOWING
14 SUBJECTS:

15 (a) HEALTH ISSUES IN FOSTER CARE;

16 (b) THE IMPORTANCE OF CHILD AND YOUTH SELF-ESTEEM;

17 (c) EMANCIPATION AND INDEPENDENT LIVING SKILLS, AS
18 APPROPRIATE;

19 (d) THE RIGHTS OF FOSTER CARE SIBLINGS, AS SET FORTH IN
20 SECTION 19-7-203; AND

21 (e) THE RIGHT OF A FOSTER CHILD OR YOUTH TO HAVE FAIR AND
22 EQUAL ACCESS TO ALL AVAILABLE SERVICES, PLACEMENT, CARE,
23 TREATMENT, AND BENEFITS, AND NOT BE SUBJECTED TO DISCRIMINATION
24 OR HARASSMENT ON THE BASIS OF ACTUAL OR PERCEIVED DISABILITY,
25 RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION, GENDER
26 IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR ANY
27 COMMUNICABLE DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH.

1 (3) NOTHING IN THIS SECTION PRECLUDES THE STATE DEPARTMENT
2 OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
3 SERVICES FROM REQUIRING FOSTER PARENT TRAINING IN EXCESS OF THE
4 REQUIREMENTS IN THIS SECTION.

5 **SECTION 3.** In Colorado Revised Statutes, 26-6-106, **amend**
6 (2)(q)(I) introductory portion and (2)(q)(I)(C); and **add** (2)(q)(I)(E) as
7 follows:

8 **26-6-106. Standards for facilities and agencies - rules.**

9 (2) Standards prescribed by such rules are restricted to:

10 (q) (I) Standards for the training of foster care parents, which ~~shall~~
11 MUST include, at a minimum:

12 (C) In addition to the hours described in ~~sub-subparagraph (B) of~~
13 ~~this subparagraph (I)~~ SUBSECTION (2)(q)(I)(B) OF THIS SECTION, twelve
14 hours per year for foster care parents providing therapeutic foster care;
15 **and**

16 (E) THE TRAINING DESCRIBED IN SECTION 19-7-104.

17 **SECTION 4. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.