

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0048.01 Shelby Ross x4510

HOUSE BILL 22-1231

HOUSE SPONSORSHIP

Van Beber,

SENATE SPONSORSHIP

Coram,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A BILL OF RIGHTS FOR FOSTER PARENTS.

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 creates certain rights for foster parents. The rights do not apply to a foster parent who jeopardizes the safety of a child or persons against whom criminal charges have been filed for child abuse, a sexual offense, or any felony.

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

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.

1 **SECTION 1.** In Colorado Revised Statutes, **add** 19-3-210.5 as
2 follows:

3 **19-3-210.5. Foster parents' bill of rights.** (1) A FOSTER PARENT
4 HAS THE RIGHT TO:

5 (a) BE TREATED WITH DIGNITY, RESPECT, AND CONSIDERATION AS
6 A TEAM MEMBER WHO IS MAKING IMPORTANT CONTRIBUTIONS TO THE
7 OBJECTIVES OF THE CHILD WELFARE SYSTEM, INCLUDING THE
8 REUNIFICATION OF THE FOSTER CHILD WITH THE FOSTER CHILD'S PARENTS
9 OR FAMILY MEMBERS, WHENEVER SAFELY POSSIBLE;

10 (b) PROMOTE THE CONTINUANCE OF POSITIVE FAMILY PATTERNS
11 AND ROUTINES BY FOLLOWING THE REASONABLE AND PRUDENT PARENT
12 STANDARD;

13 (c) RECEIVE TRAINING AND SUPPORT FROM THE STATE
14 DEPARTMENT OR COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES
15 TO IMPROVE THE FOSTER PARENT'S SKILLS IN PROVIDING DAILY CARE AND
16 MEETING THE SPECIAL NEEDS OR DISABILITY-RELATED NEEDS OF A CHILD
17 IN THE FOSTER PARENT'S CARE;

18 (d) BE INFORMED BY THE CHILD PLACEMENT AGENCY AND COUNTY
19 DEPARTMENT OF HUMAN OR SOCIAL SERVICES ABOUT HOW TO REACH
20 AFTER-HOURS SUPPORT;

21 (e) RECEIVE TIMELY FINANCIAL REIMBURSEMENT FOR THE FOSTER
22 PARENT'S CARE OF A CHILD;

23 (f) TAKE LEAVE FROM FOSTER PARENTING AS NEEDED;

24 (g) ASSURANCES WITH RESPECT TO THE FOSTER PARENT'S FAMILY'S
25 HEALTH OR SAFETY;

26 (h) BE PROVIDED A CLEAR AND UNDERSTANDABLE DESCRIPTION OF
27 A CHILD PLACEMENT AGENCY'S PLAN CONCERNING THE PLACEMENT OF A

1 CHILD IN THE FOSTER PARENT'S HOME;

2 (i) (I) REQUEST ONLY THE INFORMATION THAT IS NECESSARY TO
3 MEET THE FOSTER CHILD'S PHYSICAL, MENTAL, EMOTIONAL, BEHAVIORAL,
4 OR OTHER IDENTIFIED TRAUMA-RELATED NEEDS PURSUANT TO SECTION
5 19-1-303 (11), INCLUDING:

6 (A) RELEVANT PORTIONS OF THE FOSTER CHILD'S MENTAL HEALTH
7 AND MEDICAL RECORDS, SUBJECT TO ANY PRIVILEGE RECOGNIZED OR
8 GOVERNED BY STATE OR FEDERAL LAW;

9 (B) RELEVANT PORTIONS OF THE FOSTER CHILD'S EDUCATIONAL
10 RECORDS, SUBJECT TO ANY PRIVILEGE RECOGNIZED OR GOVERNED BY
11 STATE OR FEDERAL LAW;

12 (C) RELEVANT INFORMATION IN THE FAMILY SERVICES PLAN TO
13 ENSURE THE SAFETY, PERMANENCY, AND WELL-BEING OF THE FOSTER
14 CHILD, INCLUDING ANY SAFETY ISSUES THAT IMPACT THE FOSTER PARENT'S
15 ABILITY TO PARENT THE FOSTER CHILD;

16 (D) RELEVANT INFORMATION ABOUT THE CIRCUMSTANCES
17 RELATED TO THE REMOVAL OF THE FOSTER CHILD FROM THE FOSTER
18 CHILD'S HOME, SUBJECT TO ANY PRIVILEGE RECOGNIZED OR GOVERNED BY
19 STATE OR FEDERAL LAW; AND

20 (E) RELEVANT INFORMATION CONCERNING CHILD PLACEMENT
21 HISTORY, INCLUDING SAFETY CONCERNS AND REASONS FOR UNPLANNED
22 PLACEMENT MOVES, SUBJECT TO ANY PRIVILEGE RECOGNIZED OR
23 GOVERNED BY STATE OR FEDERAL LAW.

24 (II) THE FOSTER PARENT SHALL MAINTAIN THE CONFIDENTIALITY
25 OF ANY INFORMATION OBTAINED PURSUANT TO SECTION 19-1-303 (11).

26 (j) REASONABLE NOTICE OF ANY CHANGE IN A CHILD'S CASE PLAN
27 OR OF PLANS TO TERMINATE THE PLACEMENT OF THE CHILD WITH THE

1 FOSTER PARENT AND THE REASONS FOR THE CHANGE OR TERMINATION OF
2 PLACEMENT. THE RIGHT TO REASONABLE NOTICE DOES NOT CONFER A
3 RIGHT TO OBJECT TO THE CHILD'S CASE PLAN OR PLANS TO TERMINATE THE
4 PLACEMENT.

5 (k) UPON REQUEST, BE ADVISED BY THE COUNTY DEPARTMENT OF
6 HUMAN OR SOCIAL SERVICES AS TO THE DATE AND TIME OF ANY COURT
7 PROCEEDING, THE NAME OF THE JUDGE OR MAGISTRATE ASSIGNED TO THE
8 CASE, AND THE COURT'S DOCKET NUMBER;

9 (l) BE NOTIFIED WHEN A FOSTER CHILD WHO A FOSTER PARENT
10 PREVIOUSLY CARED FOR REENTERS THE FOSTER CARE SYSTEM; EXCEPT
11 THAT THE CONSIDERATION IS NOT A LEGAL PRESUMPTION IN FAVOR OF THE
12 FOSTER PARENT FOSTERING THE CHILD AGAIN AND MUST BE CONSISTENT
13 WITH THE BEST INTEREST OF THE CHILD; AND

14 (m) HAVE ACCESS TO THE EXISTING GRIEVANCE PROCESS WITH THE
15 APPROPRIATE LICENSING AUTHORITY AND, AS PART OF SUCH PROCESS, FILE
16 A GRIEVANCE IF ANY OF THE FOSTER PARENT'S RIGHTS HAVE BEEN
17 VIOLATED OR DENIED.

18 (2) THE RIGHTS ENUMERATED IN SUBSECTION (1) OF THIS SECTION
19 DO NOT APPLY TO A FOSTER PARENT WHO JEOPARDIZES THE SAFETY OF A
20 CHILD OR A FOSTER PARENT AGAINST WHOM CRIMINAL CHARGES HAVE
21 BEEN FILED FOR CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, AN
22 UNLAWFUL SEXUAL OFFENSE, AS DEFINED IN SECTION 18-3-411, OR ANY
23 FELONY.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2022 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.