

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 22-0048.01 Shelby Ross x4510

HOUSE BILL 22-1231

HOUSE SPONSORSHIP

Van Beber and Valdez D., Baisley, Bennett, Boesenecker, Carver, Duran, Esgar, Exum, Geitner, Gray, Herod, Hooton, Kipp, Luck, McCluskie, McKean, Michaelson Jenet, Neville, Ortiz, Pelton, Ricks, Roberts, Sandridge, Snyder, Titone, Williams, Young

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House Committees

Public & Behavioral Health & Human Services

Senate Committees

Health & Human Services

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.

SENATE
3rd Reading Unamended
April 4, 2022

SENATE
Amended 2nd Reading
April 1, 2022

HOUSE
3rd Reading Unamended
March 11, 2022

HOUSE
Amended 2nd Reading
March 8, 2022

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 OR YOUTH WITH THE FOSTER CHILD'S
9 OR YOUTH'S PARENTS OR FAMILY MEMBERS, WHENEVER SAFELY POSSIBLE;

10 **(b) PROMOTE THE REASONABLE AND PRUDENT PARENT STANDARD**
11 **FOR THE CHILD OR YOUTH AND THE CONTINUANCE OF POSITIVE FAMILY**
12 **PATTERNS AND ROUTINES TO THE EXTENT POSSIBLE WITHOUT INTERFERING**
13 **WITH COURT-ORDERED VISITATION OR SERVICES REQUIRED PURSUANT TO**
14 **SECTION 19-3-208;**

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

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

23 (e) RECEIVE TIMELY FINANCIAL REIMBURSEMENT FOR THE FOSTER
24 PARENT'S CARE OF A CHILD OR YOUTH;

25 (f) TAKE LEAVE FROM FOSTER PARENTING BY PLANNING AHEAD
26 WITH THE FOSTER PARENT'S CHILD PLACEMENT AGENCY OR COUNTY
27 DEPARTMENT OF HUMAN OR SOCIAL SERVICES TO ENSURE THAT THE NEEDS

1 OF THE CHILD OR YOUTH IN THE FOSTER PARENT'S HOME ARE MET DURING
2 THE FOSTER PARENT'S LEAVE IF THE FOSTER PARENT'S LEAVE WILL BE
3 LONGER THAN THAT ALLOWED THROUGH RESPITE;

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

6 (h) BE PROVIDED A CLEAR AND UNDERSTANDABLE DESCRIPTION OF
7 A CHILD PLACEMENT AGENCY'S PLAN CONCERNING THE PLACEMENT OF A
8 CHILD OR YOUTH IN THE FOSTER PARENT'S HOME;

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

13 (A) RELEVANT PORTIONS OF THE FOSTER CHILD'S OR YOUTH'S
14 MENTAL HEALTH AND MEDICAL RECORDS, SUBJECT TO ANY PRIVILEGE OR
15 CONFIDENTIALITY STANDARD RECOGNIZED OR GOVERNED BY STATE OR
16 FEDERAL LAW;

17 (B) RELEVANT PORTIONS OF THE FOSTER CHILD'S OR YOUTH'S
18 EDUCATIONAL RECORDS, SUBJECT TO ANY PRIVILEGE OR CONFIDENTIALITY
19 STANDARD RECOGNIZED OR GOVERNED BY STATE OR FEDERAL LAW;

20 (C) RELEVANT INFORMATION IN THE FAMILY SERVICES PLAN TO
21 ENSURE THE SAFETY, PERMANENCY, AND WELL-BEING OF THE FOSTER
22 CHILD OR YOUTH, INCLUDING ANY SAFETY ISSUES THAT IMPACT THE
23 FOSTER PARENT'S ABILITY TO PARENT THE FOSTER CHILD OR YOUTH;

24 (D) RELEVANT INFORMATION ABOUT THE CIRCUMSTANCES
25 RELATED TO THE REMOVAL OF THE FOSTER CHILD OR YOUTH FROM THE
26 FOSTER CHILD'S OR YOUTH'S HOME, SUBJECT TO ANY PRIVILEGE OR
27 CONFIDENTIALITY STANDARD RECOGNIZED OR GOVERNED BY STATE OR

1 FEDERAL LAW; AND

2 (E) RELEVANT INFORMATION CONCERNING CHILD OR YOUTH
3 PLACEMENT HISTORY, INCLUDING SAFETY CONCERNS AND REASONS FOR
4 UNPLANNED PLACEMENT MOVES, SUBJECT TO ANY PRIVILEGE OR
5 CONFIDENTIALITY STANDARD RECOGNIZED OR GOVERNED BY STATE OR
6 FEDERAL LAW.

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

9 (j) REASONABLE NOTICE OF ANY CHANGE IN A CHILD'S OR YOUTH'S
10 CASE PLAN OR OF PLANS TO TERMINATE THE PLACEMENT OF THE CHILD OR
11 YOUTH WITH THE FOSTER PARENT AND THE REASONS FOR THE CHANGE OR
12 TERMINATION OF PLACEMENT. THE RIGHT TO REASONABLE NOTICE DOES
13 NOT CONFER A RIGHT TO OBJECT TO THE CHILD'S OR YOUTH'S CASE PLAN
14 OR PLANS TO TERMINATE THE PLACEMENT.

15 (k) UPON REQUEST, BE ADVISED BY THE COUNTY DEPARTMENT OF
16 HUMAN OR SOCIAL SERVICES AS TO THE DATE AND TIME OF ANY COURT
17 PROCEEDING, THE NAME OF THE JUDGE OR MAGISTRATE ASSIGNED TO THE
18 CASE, AND THE COURT'S DOCKET NUMBER FOR THE FOSTER CHILD OR
19 YOUTH IN THE FOSTER PARENT'S PLACEMENT THAT THE CASE PERTAINS TO;

20 (l) BE NOTIFIED WHEN A FOSTER CHILD OR YOUTH WHO A FOSTER
21 PARENT PREVIOUSLY CARED FOR REENTERS THE FOSTER CARE SYSTEM;
22 EXCEPT THAT THE CONSIDERATION IS NOT A LEGAL PRESUMPTION IN
23 FAVOR OF THE FOSTER PARENT FOSTERING THE CHILD OR YOUTH AGAIN
24 AND MUST BE CONSISTENT WITH THE BEST INTEREST OF THE CHILD OR
25 YOUTH; AND

26 (m) HAVE ACCESS TO THE EXISTING GRIEVANCE PROCESS WITH THE
27 APPROPRIATE LICENSING AUTHORITY AND, AS PART OF SUCH PROCESS, FILE

1 A GRIEVANCE IF ANY OF THE FOSTER PARENT'S RIGHTS HAVE BEEN
2 VIOLATED OR DENIED.

3 (2) RESPONDENT PARENTS ARE ENTITLED TO RECEIVE ANY
4 INFORMATION OR RECORDS PROVIDED TO A FOSTER PARENT PURSUANT TO
5 THIS SECTION UNLESS A COURT ORDERS THE INFORMATION OR RECORDS
6 RESTRICTED DUE TO THE HEALTH OR WELFARE OF THE CHILD OR YOUTH.

7 (3) THE RIGHTS ENUMERATED IN SUBSECTION (1) OF THIS SECTION
8 DO NOT APPLY TO A FOSTER PARENT WHO JEOPARDIZES THE SAFETY OF A
9 CHILD OR YOUTH OR A FOSTER PARENT AGAINST WHOM CRIMINAL
10 CHARGES HAVE BEEN FILED FOR CHILD ABUSE, AS SPECIFIED IN SECTION
11 18-6-401, AN UNLAWFUL SEXUAL OFFENSE, AS DEFINED IN SECTION
12 18-3-411, OR ANY FELONY.

13 **SECTION 2. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2022 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.