

CHAPTER 151

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 22-1231

BY REPRESENTATIVE(S) Van Beber and Valdez D., Baisley, Bernett, 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, Bird, Caraveo, Daugherty, McCormick, Mullica, Pico, Ransom, Will, Lindsay;
also SENATOR(S) Hisey and Fields, Buckner, Danielson, Ginal, Gonzales, Hansen, Holbert, Kirkmeyer, Kolker, Lee, Liston, Moreno, Pettersen, Priola, Rankin, Smallwood, Sonnenberg, Story, Winter, Woodward, Zenzinger, Fenberg.

AN ACT**CONCERNING A BILL OF RIGHTS FOR FOSTER PARENTS.**

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

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

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

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

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

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

(d) BE INFORMED BY THE CHILD PLACEMENT AGENCY AND COUNTY DEPARTMENT

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OF HUMAN OR SOCIAL SERVICES ABOUT HOW TO REACH AFTER-HOURS CONTACTS;

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

(f) TAKE LEAVE FROM FOSTER PARENTING BY PLANNING AHEAD WITH THE FOSTER PARENT'S CHILD PLACEMENT AGENCY OR COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES TO ENSURE THAT THE NEEDS OF THE CHILD OR YOUTH IN THE FOSTER PARENT'S HOME ARE MET DURING THE FOSTER PARENT'S LEAVE IF THE FOSTER PARENT'S LEAVE WILL BE LONGER THAN THAT ALLOWED THROUGH RESPITE;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved: May 3, 2022