

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0048.01 Shelby Ross x4510

HOUSE BILL 22-1231

HOUSE SPONSORSHIP

Van Beber,

SENATE SPONSORSHIP

(None),

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 OR YOUTH WITH THE FOSTER CHILD'S
9 OR YOUTH'S PARENTS 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 OR YOUTH 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 CONTACTS;

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

23 (f) TAKE LEAVE FROM FOSTER PARENTING BY PLANNING AHEAD
24 WITH THE FOSTER PARENT'S CHILD PLACEMENT AGENCY OR COUNTY
25 DEPARTMENT OF HUMAN OR SOCIAL SERVICES TO ENSURE THAT THE NEEDS
26 OF THE CHILD OR YOUTH IN THE FOSTER PARENT'S HOME ARE MET DURING
27 THE FOSTER PARENT'S LEAVE IF THE FOSTER PARENT'S LEAVE WILL BE

1 LONGER THAN THAT ALLOWED THROUGH RESPITE;

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

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

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

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

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

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

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

25 (E) RELEVANT INFORMATION CONCERNING CHILD OR YOUTH
26 PLACEMENT HISTORY, INCLUDING SAFETY CONCERNS AND REASONS FOR
27 UNPLANNED PLACEMENT MOVES, SUBJECT TO ANY PRIVILEGE RECOGNIZED

1 OR GOVERNED BY STATE OR FEDERAL LAW.

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

4 (j) REASONABLE NOTICE OF ANY CHANGE IN A CHILD'S OR YOUTH'S
5 CASE PLAN OR OF PLANS TO TERMINATE THE PLACEMENT OF THE CHILD OR
6 YOUTH WITH THE FOSTER PARENT AND THE REASONS FOR THE CHANGE OR
7 TERMINATION OF PLACEMENT. THE RIGHT TO REASONABLE NOTICE DOES
8 NOT CONFER A RIGHT TO OBJECT TO THE CHILD'S OR YOUTH'S CASE PLAN
9 OR PLANS TO TERMINATE THE PLACEMENT.

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

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

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

25 (2) THE RIGHTS ENUMERATED IN SUBSECTION (1) OF THIS SECTION
26 DO NOT APPLY TO A FOSTER PARENT WHO JEOPARDIZES THE SAFETY OF A
27 CHILD OR YOUTH OR A FOSTER PARENT AGAINST WHOM CRIMINAL

1 CHARGES HAVE BEEN FILED FOR CHILD ABUSE, AS SPECIFIED IN SECTION
2 18-6-401, AN UNLAWFUL SEXUAL OFFENSE, AS DEFINED IN SECTION
3 18-3-411, OR ANY FELONY.

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