

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

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BILL 6

LLS NO. 24-0350.01 Jacob Baus x2173

INTERIM COMMITTEE BILL

Colorado's Child Welfare System Interim Study Committee

BILL TOPIC: Accessibility For Persons In Child Welfare Matters

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCREASE ACCESSIBILITY PROVIDED TO**
102 **PERSONS WHO ARE INVOLVED IN MATTERS REGARDING A**
103 **CHILD'S WELFARE.**

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/>.)

Colorado's Child Welfare System Interim Study Committee.
The bill requires the court to make considerations and findings in determining whether to appoint a guardian ad litem for certain parents, guardians, legal custodians, or other similar persons in dependency or neglect proceedings.

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

The bill permits any agency with lawful investigatory or enforcement authority over laws governing the department of human services (department) or a county department of human or social services (county department) for the purpose of an investigation involving the federal "Americans with Disabilities Act of 1990" to have access to child abuse or neglect records or reports.

The bill requires that certain services provided to children or their families comply with federal standards if they are provided by a county department or a private-entity contractor. Furthermore, the bill requires that the services provided to children or their families comply with language translation and interpretation standards.

The bill requires each county department to post information concerning:

- Minimum federal disability standards;
- A grievance process for complaints alleging disability discrimination; and
- The county department's disability services plan.

The bill requires a court to provide language translation and interpretation services, subject to minimum standards, to a child, parent, guardian, custodian, or other person determined to have a significant interest in a dependency and neglect case.

The bill requires certain information to be included in a treatment plan report if the parent has a disability, as well as certain considerations for a parent who has a disability or limited English proficiency.

Current law requires the court to make certain considerations and findings before ordering a termination of a parent-child legal relationship if the parent has an illness or disability. The bill adds considerations and findings.

The bill requires the department to develop a screening tool to assist with identifying persons who have a disability or limited English proficiency and may require accommodations or language access. The bill requires county departments to annually report disability and limited English proficiency findings to the department, and the department to make an annual report of findings and post it on the department website.

The bill requires the department to develop and implement a language access plan to address the rights and needs of persons with limited English proficiency.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **amend**
3 (12) and (57); and **add** (1.5), (61.5), (92.5), (95.5), and (136.5) as
4 follows:

1 **19-1-103. Definitions.** As used in this title 19 or in the specified
2 portion of this title 19, unless the context otherwise requires:

3 (1.5) "ACCOMMODATION" HAS THE SAME MEANING AS SET FORTH
4 IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.
5 SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS, IMPLEMENTING
6 REGULATIONS, AND INTERPRETIVE GUIDANCE ISSUED BY THE UNITED
7 STATES DEPARTMENT OF JUSTICE OR THE UNITED STATES DEPARTMENT OF
8 HEALTH AND HUMAN SERVICES.

9 (12) "Appropriate treatment plan", as used in section 19-3-508
10 (1)(e), means a treatment plan approved by the court that is reasonably
11 calculated to render the particular respondent fit to provide adequate
12 parenting to the child within a reasonable time and that relates to the
13 child's needs, AND, IF THE RESPONDENT HAS A DISABILITY, INCLUDES
14 SUPPORTIVE PARENTING SERVICES, AS REQUIRED.

15 (57) "Disability" has the same meaning as set forth in the federal
16 "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq.,
17 and its related amendments, ~~and~~ implementing regulations, AND
18 INTERPRETIVE GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF
19 JUSTICE OR THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
20 SERVICES. "DISABILITY" MUST BE LIBERALLY CONSTRUED IN FAVOR OF
21 BROAD COVERAGE, TO THE MAXIMUM EXTENT PERMITTED BY LAW. THE
22 QUESTION OF WHETHER A PERSON SATISFIES THE DEFINITION OF
23 "DISABILITY" PURSUANT TO THIS SUBSECTION (57) DOES NOT REQUIRE
24 EXTENSIVE ANALYSIS.

25 (61.5) "EFFECTIVE COMMUNICATION" HAS THE SAME MEANING AS
26 SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
27 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS,

1 IMPLEMENTING REGULATIONS, AND INTERPRETIVE GUIDANCE ISSUED BY
2 THE UNITED STATES DEPARTMENT OF JUSTICE OR THE UNITED STATES
3 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

4 (92.5) "LANGUAGE ACCESS" MEANS THE PROVISION OF ACCURATE
5 AND TIMELY ORAL INTERPRETATION OR WRITTEN TRANSLATION SERVICES
6 IN THE PERSON'S PRIMARY LANGUAGE.

7 (95.5) "LIMITED ENGLISH PROFICIENCY" MEANS THE LIMITED
8 ABILITY TO SPEAK, READ, WRITE, OR UNDERSTAND THE ENGLISH
9 LANGUAGE.

10 (136.5) "SUPPORTIVE PARENTING SERVICES" MEANS SERVICES AND
11 SUPPORTS RELATED TO A DISABILITY, AND REASONABLE
12 ACCOMMODATIONS AND MODIFICATIONS, AS SET FORTH IN THE FEDERAL
13 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. 12101 ET SEQ.,
14 AND ITS RELATED AMENDMENTS, IMPLEMENTING REGULATIONS, AND
15 INTERPRETIVE GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF
16 JUSTICE OR THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
17 SERVICES. "SUPPORTIVE PARENTING SERVICES" DIRECTLY RELATES TO A
18 DISABILITY AND ENABLES A PARENT WITH A DISABILITY TO SAFELY FULFILL
19 PARENTAL RESPONSIBILITIES. "SUPPORTIVE PARENTING SERVICES"
20 INCLUDES HOME- AND COMMUNITY-BASED SERVICES WAIVERS.

21 **SECTION 2.** In Colorado Revised Statutes, 19-1-111, **amend**
22 (2)(c) as follows:

23 **19-1-111. Appointment of guardian ad litem.** (2) The court
24 may appoint a guardian ad litem in the following cases:

25 (c) (I) For a parent, guardian, legal custodian, custodian, person
26 to whom parental responsibilities have been allocated, stepparent, or
27 spousal equivalent in dependency or neglect proceedings ~~who has been~~

1 ~~determined to have a behavioral or mental health disorder or an~~
2 ~~intellectual and developmental disability by a court of competent~~
3 ~~jurisdiction; except that, if a conservator has been appointed, the~~
4 ~~conservator shall serve as the guardian ad litem. If the conservator does~~
5 ~~not serve as guardian ad litem, the conservator shall be informed that a~~
6 ~~guardian ad litem has been appointed.~~ FOR WHOM THE COURT FINDS THE
7 FOLLOWING:

8 (A) THE PERSON IS AT RISK OF SUBSTANTIAL PHYSICAL, FINANCIAL,
9 OR OTHER HARM UNLESS A GUARDIAN AD LITEM IS APPOINTED;

10 (B) THE PERSON LACKS THE CAPACITY TO COMMUNICATE WITH
11 COUNSEL OR WEIGH COUNSEL'S ADVICE; AND

12 (C) A LESS RESTRICTIVE ACTION, INCLUDING SUPPORTED
13 DECISION-MAKING, AS DEFINED IN SECTION 15-14-102, IS UNAVAILABLE.

14 (II) IF A GUARDIAN AD LITEM IS APPOINTED PURSUANT TO THIS
15 SUBSECTION (2)(c), THE PERSON TO WHOM A GUARDIAN AD LITEM IS
16 APPOINTED QUALIFIES AS A PERSON WITH A DISABILITY PURSUANT TO THE
17 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
18 12101 ET SEQ., AND ITS RELATED AMENDMENTS, IMPLEMENTING
19 REGULATIONS, AND INTERPRETIVE GUIDANCE ISSUED BY THE UNITED
20 STATES DEPARTMENT OF JUSTICE OR THE UNITED STATES DEPARTMENT OF
21 HEALTH AND HUMAN SERVICES. THE COURT SHALL CONSIDER AND MAKE
22 FINDINGS ON THE SUPPORTIVE PARENTING SERVICES TO WHICH A PERSON
23 WITH A DISABILITY IS ENTITLED OR THE ACTIONS THAT THE DEPARTMENT
24 AND COURT SHALL PERFORM TO DETERMINE THE SUPPORTIVE PARENTING
25 SERVICES TO WHICH A PERSON WITH A DISABILITY IS ENTITLED.

26 (III) A GUARDIAN AD LITEM APPOINTED PURSUANT TO THIS
27 SUBSECTION (2)(c) SHALL CONDUCT AN INDEPENDENT INVESTIGATION TO

1 DETERMINE WHETHER THE GUARDIAN AD LITEM'S APPOINTMENT IS
2 NECESSARY AND WHETHER SUPPORTED DECISION-MAKING, AS DEFINED IN
3 SECTION 15-14-102, OR OTHER SERVICES WOULD ALLEVIATE THE NEED FOR
4 THE APPOINTMENT OF THE GUARDIAN AD LITEM. AT EACH HEARING, THE
5 COURT SHALL ASK THE GUARDIAN AD LITEM WHETHER THE GUARDIAN AD
6 LITEM BELIEVES THAT THE APPOINTMENT CONTINUES TO BE NECESSARY.

7 (IV) NOTWITHSTANDING SUBSECTION (2)(c)(I) OF THIS SECTION,
8 IF A CONSERVATOR HAS BEEN APPOINTED, THE COURT SHALL NOT APPOINT
9 A GUARDIAN AD LITEM.

10 **SECTION 3.** In Colorado Revised Statutes, 19-1-307, **add** (2)(z)
11 as follows:

12 **19-1-307. Dependency and neglect records and information -**
13 **access - fee - records and reports fund - misuse of information -**
14 **penalty - adult protective services data system check - rules.**

15 (2) **Records and reports - access to certain persons - agencies.** Except
16 as set forth in section 19-1-303, only the following persons or agencies
17 have access to child abuse or neglect records and reports:

18 (z) ANY FEDERAL, STATE, OR LOCAL AGENCY WITH LAWFUL
19 INVESTIGATORY OR ENFORCEMENT AUTHORITY FOR LAWS GOVERNING THE
20 STATE DEPARTMENT OR COUNTY DEPARTMENTS, FOR THE PURPOSE OF AN
21 INVESTIGATION INVOLVING THE FEDERAL "AMERICANS WITH DISABILITIES
22 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED
23 AMENDMENTS, IMPLEMENTING REGULATIONS, AND INTERPRETIVE
24 GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF JUSTICE OR
25 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

26 **SECTION 4.** In Colorado Revised Statutes, 19-3-208, **amend**
27 (2)(g); and **add** (2)(h) and (2)(i) as follows:

1 **19-3-208. Services - county required to provide - out-of-home**
2 **placement options - rules - definitions.** (2) (g) Services provided
3 pursuant to this section ~~are required to~~ MUST meet the provisions of the
4 federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101
5 et seq., and its related amendments, ~~and~~ implementing regulations, AND
6 INTERPRETIVE GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF
7 JUSTICE OR THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
8 SERVICES, AND SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF
9 1973", 29 U.S.C. SEC. 794, AND ITS RELATED AMENDMENTS AND
10 IMPLEMENTING REGULATIONS, REGARDLESS OF WHETHER THE SERVICES
11 ARE PROVIDED BY A COUNTY DEPARTMENT, CITY AND COUNTY, OR
12 PRIVATE-ENTITY CONTRACTOR.

13 (h) SERVICES PROVIDED PURSUANT TO THIS SECTION MUST MEET
14 THE PROVISIONS OF TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF
15 1964", AND ITS RELATED AMENDMENTS, IMPLEMENTING REGULATIONS,
16 AND INTERPRETIVE GUIDANCE, REGARDLESS OF WHETHER THE SERVICES
17 ARE PROVIDED BY A COUNTY DEPARTMENT, CITY AND COUNTY, OR
18 PRIVATE-ENTITY CONTRACTOR.

19 (i) (I) SERVICES PROVIDED PURSUANT TO THIS SECTION MUST BE
20 ACCOMPANIED BY LANGUAGE ACCESS IF THE PERSON REQUESTS OR
21 REQUIRES LANGUAGE ACCESS, REGARDLESS OF WHETHER THE SERVICES
22 ARE PROVIDED BY A COUNTY DEPARTMENT, CITY AND COUNTY, OR
23 PRIVATE-ENTITY CONTRACTOR. A PERSON WHO RECEIVES LANGUAGE
24 ACCESS PURSUANT TO THIS SECTION MUST RECEIVE A TRANSLATION OR
25 INTERPRETATION IN A CIRCUMSTANCE WHEN A SIMILARLY SITUATED
26 PERSON WOULD RECEIVE THE COMMUNICATION IN ENGLISH. THE
27 TRANSLATION OR INTERPRETATION MUST BE PROVIDED IN A TIMELY

1 MANNER AND WITHOUT UNREASONABLE DELAY.

2 (II) LANGUAGE ACCESS PROVIDED PURSUANT TO THIS SUBSECTION

3 (2)(i) MUST BE PROVIDED BY A QUALIFIED TRANSLATOR OR INTERPRETER.

4 THE DEPARTMENT MAY PROMULGATE RULES AS NECESSARY TO

5 DETERMINE AND ENSURE THE QUALIFICATIONS OF A QUALIFIED

6 TRANSLATOR OR INTERPRETER. AT A MINIMUM, A QUALIFIED TRANSLATOR

7 OR INTERPRETER MUST HAVE AN ACTIVE CERTIFICATION OR CREDENTIAL

8 FROM THE OFFICE OF LANGUAGE ACCESS IN THE JUDICIAL DEPARTMENT.

9 **SECTION 5.** In Colorado Revised Statutes, **add** 19-3-211.5 as
10 follows:

11 **19-3-211.5. Notice of rights for a person with a disability.**

12 (1) EACH COUNTY DEPARTMENT SHALL POST ON THE COUNTY
13 DEPARTMENT'S WEBSITE:

14 (a) THE CONTACT INFORMATION FOR THE COUNTY DEPARTMENT'S
15 COORDINATOR FOR THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
16 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND SECTION 504 OF THE FEDERAL
17 "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 794, AND THEIR RELATED
18 AMENDMENTS, IMPLEMENTING REGULATIONS, AND INTERPRETIVE
19 GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF JUSTICE OR
20 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND

21 (b) INFORMATION CONCERNING THE GRIEVANCE PROCESS FOR
22 COMPLAINTS ALLEGING DISABILITY DISCRIMINATION.

23 (2) EACH COUNTY DEPARTMENT SHALL POST ON THE COUNTY
24 DEPARTMENT'S WEBSITE INFORMATION CONCERNING THE DISABILITY
25 SERVICES PLAN.

26 (3) EACH COUNTY DEPARTMENT SHALL ENSURE THE INFORMATION
27 REQUIRED TO BE POSTED PURSUANT TO THIS SECTION IS CURRENT.

1 **SECTION 6.** In Colorado Revised Statutes, **add** 19-3-218 as
2 follows:

3 **19-3-218. Language access.** (1) PURSUANT TO THIS ARTICLE 3,
4 THE COURT SHALL PROVIDE LANGUAGE ACCESS TO A CHILD, OR A PARENT,
5 GUARDIAN, OTHER CUSTODIAN, OR OTHER PERSON WHOM THE COURT
6 DETERMINES TO HAVE A SIGNIFICANT INTEREST IN THE MATTER,
7 INCLUDING A GRANDPARENT OR SIBLING, IF THE PERSON HAS LIMITED
8 ENGLISH PROFICIENCY. LANGUAGE ACCESS MUST BE PROVIDED IF THE
9 PERSON REQUESTS LANGUAGE ACCESS OR THE COURT FINDS THAT A
10 PERSON HAS LIMITED ENGLISH PROFICIENCY.

11 (2) A PERSON WHO RECEIVES LANGUAGE ACCESS PURSUANT TO
12 THIS SECTION MUST RECEIVE TRANSLATION AND INTERPRETATION
13 SERVICES IN CIRCUMSTANCES WHEN A SIMILARLY SITUATED PERSON
14 WOULD RECEIVE THE COMMUNICATION IN ENGLISH. TRANSLATION MUST
15 BE PROVIDED NOT MORE THAN SEVEN DAYS AFTER AN ORDER IS ISSUED,
16 AND INTERPRETATION MUST BE PROVIDED AT EVERY PROCEEDING.

17 (3) LANGUAGE ACCESS MUST BE PROVIDED BY A QUALIFIED
18 TRANSLATOR OR INTERPRETER. AT A MINIMUM, A QUALIFIED TRANSLATOR
19 OR INTERPRETER MUST HAVE AN ACTIVE CERTIFICATION OR CREDENTIAL
20 FROM THE OFFICE OF LANGUAGE ACCESS IN THE JUDICIAL DEPARTMENT.

21 **SECTION 7.** In Colorado Revised Statutes, 19-3-507, **amend**
22 (1)(c); **amend as it will become effective July 1, 2024**, (2); and **add** (6)
23 and (7) as follows:

24 **19-3-507. Dispositional hearing - rules.** (1) (c) (I) ~~If one or both~~
25 ~~of the parents have~~ A PARENT HAS a disability, reasonable
26 accommodations and modifications, as set forth in the federal "Americans
27 with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its

1 related amendments, and implementing regulations, AND INTERPRETIVE
2 GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF JUSTICE OR
3 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, are
4 necessary to ensure the treatment plan components are accessible. If
5 applicable, any identified accommodations and modifications must be
6 listed in the report prepared for the dispositional hearing. ADDITIONALLY,
7 IF A PARENT HAS A DISABILITY, SUPPORTIVE PARENTING SERVICES THAT
8 ARE NECESSARY TO ENSURE EQUAL OPPORTUNITY AND INDIVIDUALIZED
9 TREATMENT FOR THE FAMILY MUST BE LISTED IN THE REPORT PREPARED
10 FOR THE DISPOSITIONAL HEARING.

11 (II) THE REPORT PREPARED FOR THE DISPOSITIONAL HEARING MUST
12 LIST REASONABLE ACCOMMODATIONS, MODIFICATIONS, AND SUPPORTIVE
13 PARENTING SERVICES IDENTIFIED BY THE DEPARTMENT OR INCORPORATED
14 INTO TREATMENT PLANNING OR SERVICE PROVISION. IN DETERMINING AN
15 APPROPRIATE TREATMENT PLAN, THE REPRESENTATIVE OF THE COUNTY
16 DEPARTMENT SHALL USE ALL INFORMATION AVAILABLE TO MAKE AN
17 INDIVIDUALIZED ASSESSMENT FOR EACH CASE.

18 (III) IF A FORMALIZED ASSESSMENT IS RECOMMENDED, THE
19 COUNTY DEPARTMENT SHALL NOT USE THE PENDING PERFORMANCE OR
20 RESULTS OF THE ASSESSMENT AS A BASIS FOR NOT PROVIDING SUPPORTIVE
21 PARENTING SERVICES TO A PARENT, GUARDIAN, OR LEGAL CUSTODIAN
22 WITH A DISABILITY WHO HAS REQUESTED THE SUPPORTIVE PARENTING
23 SERVICES OR FOR WHOM THE COUNTY DEPARTMENT'S INDIVIDUALIZED
24 ANALYSIS INDICATES THAT SUPPORTIVE PARENTING SERVICES ARE
25 NECESSARY. UPON RECEIPT OF RESULTS OF AN ASSESSMENT OR
26 EVALUATION, THE REPRESENTATIVE OF THE COUNTY DEPARTMENT SHALL
27 PROVIDE TO THE COURT A REPORT THAT INCLUDES THE DATE THE RESULTS

1 WERE RECEIVED AND THE ACTION REQUIRED TO IMPLEMENT THE
2 RECOMMENDATIONS IN COMPLIANCE WITH THE FEDERAL "AMERICANS
3 WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS
4 RELATED AMENDMENTS, IMPLEMENTING REGULATIONS, AND INTERPRETIVE
5 GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF JUSTICE OR
6 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND
7 ANY SUPPORTIVE PARENTING SERVICES.

8 (IV) IN MAKING A DETERMINATION OF APPROPRIATE AND
9 REASONABLE ACCOMMODATIONS, MODIFICATIONS, AND SUPPORTIVE
10 PARENTING SERVICES FOR A PARENT WHO HAS A DISABILITY, THE COUNTY
11 DEPARTMENT SHALL:

12 (A) CONSIDER NATURAL SUPPORT PERSONS AVAILABLE TO THE
13 PARENT; AND

14 (B) NOT REQUIRE A PARENT TO DEMONSTRATE INDEPENDENT
15 PARENTING SKILLS IF A NATURAL SUPPORT PERSON IS AVAILABLE TO
16 ASSIST THE PARENT IN PERFORMING ADEQUATE PARENTING.

17 (V) THE COURT MAY ORDER THE COUNTY DEPARTMENT TO
18 CONTRACT WITH A PRIVATE ENTITY TO ENSURE THE PROVISION OF
19 REASONABLE ACCOMMODATIONS, MODIFICATIONS, AND SUPPORTIVE
20 PARENTING SERVICES.

21 (2) (a) If the court has reason to believe that the child may have
22 an intellectual and developmental disability, the court shall refer the child
23 to the case management agency, as defined in section 25.5-6-1702, in the
24 defined service area where the action is pending for an eligibility
25 determination pursuant to article 6 of title 25.5 or article 10.5 of title 27.
26 If the court has reason to believe that the child may have a behavioral or
27 mental health disorder, the court shall order a behavioral or mental health

1 disorder prescreening to be conducted in any appropriate place.

2 (b) IF THE COURT HAS REASON TO BELIEVE THAT A PARENT HAS A
3 DISABILITY THAT AFFECTS COMPREHENSION, THE COURT SHALL ORDER THE
4 COUNTY DEPARTMENT TO ENSURE THAT A TREATMENT PLAN AND ANY
5 DOCUMENT CREATED BY THE COUNTY DEPARTMENT OR A PRIVATE-ENTITY
6 CONTRACTOR IS PROVIDED IN A MANNER THAT IS ACCESSIBLE TO THE
7 PARENT. THE COURT SHALL ALSO ENSURE THAT THE COUNTY DEPARTMENT
8 INCLUDES APPROPRIATE SERVICES FOR THE PARENT IN THE TREATMENT
9 PLAN, INCLUDING REFERRALS TO SERVICE PROVIDERS WHO WILL PROVIDE
10 SERVICES THAT ARE ACCESSIBLE TO THE PARENT AND REFERRALS AND
11 ASSISTANCE WITH APPLYING FOR A MEDICAID WAIVER AND ANY OTHER
12 SUPPORT OR SERVICE, AS NECESSARY.

13 (6) IN ADOPTING A TREATMENT PLAN, THE COURT SHALL CONSIDER
14 SERVICES AND PROGRAMS THAT PROVIDE THE PARENT AND CHILD WITH
15 LANGUAGE ACCESS AND EFFECTIVE COMMUNICATION, AND IDENTIFY THE
16 MANNER IN WHICH THE COUNTY DEPARTMENT ENSURES THE PROVISION OF
17 LANGUAGE ACCESS TO THE PARENT AND CHILD.

18 (7) (a) (I) ON OR BEFORE JANUARY 1, 2026, A COUNTY
19 DEPARTMENT, CITY AND COUNTY, OR PRIVATE-ENTITY CONTRACTOR
20 SHALL PERFORM A SCREENING FOR DISABILITY OR LIMITED ENGLISH
21 PROFICIENCY USING THE UNIFORM SCREENING TOOL DEVELOPED PURSUANT
22 TO SECTION 19-3-1002 WHILE CONDUCTING AN ASSESSMENT OR
23 DEVELOPING A TREATMENT PLAN.

24 (II) THE COUNTY DEPARTMENT, CITY AND COUNTY, OR
25 PRIVATE-ENTITY CONTRACTOR SHALL INFORM EVERY PERSON WHO IS
26 SCREENED, IN THE PERSON'S PRIMARY LANGUAGE, OF THE PERSON'S RIGHTS
27 TO REASONABLE ACCOMMODATIONS AND LANGUAGE ACCESS,

1 NOTWITHSTANDING THE RESULTS OF THE SCREENING.

2 (b) (I) THE COUNTY DEPARTMENT, CITY AND COUNTY, OR
3 PRIVATE-ENTITY CONTRACTOR SHALL PROVIDE A REASONABLE
4 ACCOMMODATION OR LANGUAGE ACCESS TO A PERSON IN CIRCUMSTANCES
5 WHEN A SIMILARLY SITUATED PERSON WOULD RECEIVE THE
6 COMMUNICATION IN ENGLISH. A REASONABLE ACCOMMODATION OR
7 LANGUAGE ACCESS MUST BE PROVIDED IF:

8 (A) THE PERSON REQUESTS A REASONABLE ACCOMMODATION OR
9 LANGUAGE ACCESS; OR

10 (B) THE COURT FINDS THAT A PERSON HAS A DISABILITY OR
11 LIMITED ENGLISH PROFICIENCY AND FINDS THAT A REASONABLE
12 ACCOMMODATION IS NECESSARY.

13 (II) NOTWITHSTANDING SUBSECTION (7)(b)(I) OF THIS SECTION,
14 THE COUNTY DEPARTMENT, CITY AND COUNTY, OR PRIVATE-ENTITY
15 CONTRACTOR IS NOT REQUIRED TO MAKE A REASONABLE
16 ACCOMMODATION IF IT DEMONSTRATES THAT MAKING A MODIFICATION
17 WOULD FUNDAMENTALLY ALTER THE NATURE OF THE SERVICE.

18 (c) A PERSON WHO RECEIVES LANGUAGE ACCESS PURSUANT TO
19 THIS SECTION MUST RECEIVE A TRANSLATION OR INTERPRETATION IN
20 CIRCUMSTANCES WHEN A SIMILARLY SITUATED PERSON WOULD RECEIVE
21 THE COMMUNICATION IN ENGLISH. THE TRANSLATION OR INTERPRETATION
22 MUST BE PROVIDED IN A TIMELY MANNER AND WITHOUT UNREASONABLE
23 DELAY.

24 **SECTION 8.** In Colorado Revised Statutes, 19-3-604, **amend**
25 (1)(b)(I) as follows:

26 **19-3-604. Criteria for termination.** (1) The court may order a
27 termination of the parent-child legal relationship upon the finding by clear

1 and convincing evidence of any one of the following:

2 (b) That the child is adjudicated dependent or neglected and the
3 court finds that an appropriate treatment plan cannot be devised to
4 address the unfitness of the parent or parents. In making such a
5 determination, the court shall find one of the following as the basis for
6 unfitness:

7 (I) An emotional illness, a behavioral or mental health disorder,
8 or an intellectual and developmental disability of the parent of such
9 duration or nature as to render the parent unlikely within a reasonable
10 time to care for the ongoing physical, mental, and emotional needs and
11 conditions of the child. The court shall make findings that the provision
12 of SUPPORTIVE PARENTING SERVICES AND reasonable accommodations
13 and modifications pursuant to the federal "Americans with Disabilities
14 Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments,
15 ~~and~~ implementing regulations, AND INTERPRETIVE GUIDANCE ISSUED BY
16 THE UNITED STATES DEPARTMENT OF JUSTICE OR THE UNITED STATES
17 DEPARTMENT OF HEALTH AND HUMAN SERVICES, will not remediate the
18 impact of the parent's disability on the health or welfare of the child. THE
19 FINDINGS MADE BY THE COURT MUST BE BASED ON AN INDIVIDUALIZED
20 ASSESSMENT OF THE PARENT; SUPPORTED BY FACTS SPECIFIC TO THE
21 PARENT; DETAIL THE NATURE, DURATION, AND SEVERITY OF THE RISK OF
22 HARM PRESENTED BY THE PARENT; AND IDENTIFY THE LIKELIHOOD OF
23 POTENTIAL INJURY TO THE CHILD BY THE PARENT.

24 **SECTION 9.** In Colorado Revised Statutes, **add** part 10 to article
25 3 of title 19 as follows:

26 PART 10
27 ACCESSIBILITY FOR PERSONS WHO HAVE A

1 DISABILITY OR LIMITED ENGLISH PROFICIENCY

2 **19-3-1001. Screening tool to identify a person who has a**
3 **disability or limited English proficiency - annual review - report.**

4 (1) ON OR BEFORE JULY 1, 2025, THE DEPARTMENT SHALL DEVELOP AND
5 IMPLEMENT A UNIFORM SCREENING TOOL TO IDENTIFY CHILDREN,
6 PARENTS, GUARDIANS, AND LEGAL CUSTODIANS WHO HAVE A DISABILITY
7 OR LIMITED ENGLISH PROFICIENCY AND TO IDENTIFY REASONABLE
8 ACCOMMODATIONS OR SUPPORTIVE PARENTING SERVICES NECESSARY TO
9 SUPPORT THE PERSON.

10 (2) IN DEVELOPING THE SCREENING TOOL, THE DEPARTMENT SHALL
11 CONSULT WITH REPRESENTATIVES OF COUNTY DEPARTMENTS, THE OFFICE
12 OF THE CHILD'S REPRESENTATIVE, THE OFFICE OF THE RESPONDENT
13 PARENTS' COUNSEL, AND INTERESTED STAKEHOLDERS, INCLUDING
14 PERSONS WITH LIVED EXPERIENCE AND ADVOCATES.

15 (3) (a) ON OR BEFORE JANUARY 15, 2026, AND ON OR BEFORE
16 JANUARY 15 EACH YEAR THEREAFTER, EACH COUNTY DEPARTMENT SHALL
17 SUBMIT TO THE DEPARTMENT THE DATA COLLECTED FROM THE PRECEDING
18 YEAR CONCERNING WHETHER A PARENT WAS IDENTIFIED TO HAVE A
19 DISABILITY OR LIMITED ENGLISH PROFICIENCY, AND, IF SO, THE DISABILITY
20 OR PRIMARY LANGUAGE.

21 (b) ON OR BEFORE JANUARY 31, 2026, AND ON OR BEFORE
22 JANUARY 31 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL PUBLISH
23 A REPORT ON ITS WEBSITE CONCERNING THE NUMBER OF CHILDREN,
24 PARENTS, GUARDIANS, AND LEGAL CUSTODIANS IDENTIFIED TO HAVE A
25 DISABILITY OR LIMITED ENGLISH PROFICIENCY FROM THE PRECEDING
26 YEAR. THE REPORT MUST INCLUDE:

27 (I) THE NUMBER OF PEOPLE IDENTIFIED TO HAVE A DISABILITY,

1 REPORTED FOR THE STATE AS A WHOLE AND FOR EACH COUNTY, IN TOTAL
2 AND DISAGGREGATED BY CHILD, PARENT, GUARDIAN, OR LEGAL
3 CUSTODIAN;

4 (II) THE DISABILITIES IDENTIFIED, REPORTED FOR THE STATE AS A
5 WHOLE AND FOR EACH COUNTY, IN TOTAL AND DISAGGREGATED BY CHILD,
6 PARENT, GUARDIAN, OR LEGAL CUSTODIAN;

7 (III) THE NUMBER OF PEOPLE IDENTIFIED TO HAVE LIMITED
8 ENGLISH PROFICIENCY, REPORTED FOR THE STATE AS A WHOLE AND FOR
9 EACH COUNTY, IN TOTAL AND DISAGGREGATED BY CHILD, PARENT,
10 GUARDIAN, OR LEGAL CUSTODIAN; AND

11 (IV) THE PRIMARY LANGUAGE OF PERSONS WITH LIMITED ENGLISH
12 PROFICIENCY IDENTIFIED BY THE SCREENING TOOL, REPORTED FOR THE
13 STATE AS A WHOLE AND FOR EACH COUNTY, IN TOTAL AND
14 DISAGGREGATED BY CHILD, PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

15 (c) NOTWITHSTANDING SUBSECTION (3)(b) OF THIS SECTION, IF
16 THE RESULTS FROM SUBSECTIONS (3)(b)(I) TO (3)(b)(IV) OF THIS SECTION
17 ARE ATTRIBUTED TO FIVE OR FEWER PERSONS, THAT INFORMATION MUST
18 BE WITHHELD IN ORDER TO PROTECT THE IDENTITY OF THOSE PERSONS.

19 (d) THE DEPARTMENT SHALL COMPLY WITH ALL FEDERAL AND
20 STATE LAWS THAT PROTECT THE PRIVACY OF PERSONS IN THE REPORT AND
21 THE CONFIDENTIALITY OF THEIR PERSONAL INFORMATION. THE
22 DEPARTMENT SHALL NOT INCLUDE NAMES OR INFORMATION THAT COULD
23 BE USED TO IDENTIFY PERSONS IN THE REPORT.

24 **19-3-1002. Persons who have a disability or limited English**
25 **proficiency - rules.** THE DEPARTMENT SHALL PROMULGATE RULES
26 CONCERNING CHILD WELFARE AND AMEND EXISTING RULES CONCERNING
27 CHILD WELFARE, IF NECESSARY, TO COMPLY WITH THE FEDERAL

1 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. 12101 ET SEQ.,
2 AND ITS RELATED AMENDMENTS, IMPLEMENTING REGULATIONS, AND
3 INTERPRETIVE GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF
4 JUSTICE OR THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
5 SERVICES; SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973",
6 29 U.S.C. SEC. 794, AND ITS RELATED AMENDMENTS AND IMPLEMENTING
7 REGULATIONS; AND TITLE VI OF THE "CIVIL RIGHTS ACT OF 1964", AND
8 ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS. THE
9 PURPOSE OF THE RULES IS TO ENSURE THE PROVISION OF INDIVIDUALIZED
10 TREATMENT AND TO ENSURE FULL AND EQUAL OPPORTUNITY FOR
11 CHILDREN, PARENTS, GUARDIANS, AND LEGAL CUSTODIANS WHO HAVE A
12 DISABILITY OR LIMITED ENGLISH PROFICIENCY.

13 **19-3-1003. Language access plan.** (1) ON OR BEFORE JULY 1,
14 2025, THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A LANGUAGE
15 ACCESS PLAN TO ADDRESS THE RIGHTS AND NEEDS OF PERSONS WITH
16 LIMITED ENGLISH PROFICIENCY. AT A MINIMUM, THE PLAN MUST
17 CONSIDER:

18 (a) THE NUMBER OR PROPORTION OF PERSONS WITH LIMITED
19 ENGLISH PROFICIENCY WHO ARE ELIGIBLE TO BE SERVED BY, OR LIKELY TO
20 BE SERVED BY, THE DIVISION OF CHILD WELFARE IN THE DEPARTMENT;

21 (b) THE FREQUENCY BY WHICH PERSONS WITH LIMITED ENGLISH
22 PROFICIENCY ARE SERVED BY THE DIVISION OF CHILD WELFARE IN THE
23 DEPARTMENT;

24 (c) THE NATURE AND RELATIVE SIGNIFICANT EFFECT THAT EACH
25 PROGRAM, ACTIVITY, OR SERVICE PROVIDED BY THE DIVISION OF CHILD
26 WELFARE IN THE DEPARTMENT HAS ON A PERSON'S LIFE; AND

27 (d) THE RESOURCES AVAILABLE TO THE DIVISION OF CHILD

1 WELFARE IN THE DEPARTMENT.

2 (2) THE LANGUAGE ACCESS PLAN MUST INCLUDE THE MANNER IN
3 WHICH THE DIVISION OF CHILD WELFARE IN THE DEPARTMENT SHALL:

4 (a) IDENTIFY PERSONS WITH LIMITED ENGLISH PROFICIENCY WHO
5 NEED LANGUAGE ACCESS;

6 (b) PROVIDE LANGUAGE ACCESS;

7 (c) TRAIN STAFF ON IDENTIFYING PERSONS WITH LIMITED ENGLISH
8 PROFICIENCY AND ON PROVIDING LANGUAGE ACCESS;

9 (d) PROVIDE NOTICE TO PERSONS WITH LIMITED ENGLISH
10 PROFICIENCY OF THE AVAILABILITY OF LANGUAGE ACCESS; AND

11 (e) THE MANNER IN WHICH THE DIVISION OF CHILD WELFARE IN THE
12 DEPARTMENT WILL MONITOR AND UPDATE THE LANGUAGE ACCESS PLAN.

13 (3) THE LANGUAGE ACCESS PLAN MUST ESTABLISH CLEAR GOALS,
14 MANAGEMENT ACCOUNTABILITY, AND OPPORTUNITIES FOR COMMUNITY
15 INPUT.

16 (4) IN DEVELOPING THE LANGUAGE ACCESS PLAN, THE
17 DEPARTMENT SHALL CONSULT WITH REPRESENTATIVES OF COUNTY
18 DEPARTMENTS, THE OFFICE OF THE CHILD'S REPRESENTATIVE, THE OFFICE
19 OF THE RESPONDENT PARENTS' COUNSEL, AND INTERESTED
20 STAKEHOLDERS, INCLUDING PERSONS WITH LIVED EXPERIENCE AND
21 ADVOCATES.

22 (5) (a) THE DEPARTMENT SHALL DEVELOP A RESOURCE BANK OF
23 COMMON DOCUMENTS ISSUED PURSUANT TO THIS SECTION THAT ARE
24 TRANSLATED INTO NON-ENGLISH LANGUAGES AND ARE ACCESSIBLE TO
25 COUNTIES, CITIES AND COUNTIES, OR PRIVATE-ENTITY CONTRACTORS.

26 (b) THE DEPARTMENT SHALL PROVIDE RESOURCES AND
27 ASSISTANCE TO COUNTIES, CITIES AND COUNTIES, AND PRIVATE-ENTITY

1 CONTRACTORS TO ENSURE COMPLIANCE WITH REASONABLE
2 ACCOMMODATION AND LANGUAGE ACCESS REQUIREMENTS.

3 **SECTION 10.** In Colorado Revised Statutes, 24-34-805, **amend**
4 (1)(a)(III), (1)(b) introductory portion, (1)(b)(I), (2)(d) introductory
5 portion, (2)(e), and (2)(f); and **add** (1)(a)(V), (1)(a)(VI), (1)(a)(VII),
6 (1)(a)(VIII), (1)(b)(III), and (1)(b)(IV) as follows:

7 **24-34-805. Family preservation safeguards for families that**
8 **include a parent with a disability - protections - legislative**
9 **declaration - definitions.** (1) (a) The general assembly finds and
10 declares that:

11 (III) Because of these societal biases and antiquated attitudes,
12 children of persons with disabilities historically have been vulnerable to
13 unnecessary removal from one or both of their parents' care or are
14 restricted from enjoying meaningful time with one or both parents; ~~and~~

15 (V) LANGUAGE MAY BE A BARRIER TO ACCESSING IMPORTANT
16 BENEFITS AND SERVICES, UNDERSTANDING AND EXERCISING IMPORTANT
17 RIGHTS, COMPLYING WITH APPLICABLE RESPONSIBILITIES, OR
18 UNDERSTANDING IMPORTANT INFORMATION. PARENTS WITH LIMITED
19 ENGLISH PROFICIENCY HAVE NOT RECEIVED WRITTEN COURT AND
20 TREATMENT PLAN DOCUMENTS IN THEIR PRIMARY LANGUAGE, WHICH
21 IMPACTS THEIR ABILITY TO UNDERSTAND THEIR TREATMENT PLANS AND
22 REUNIFY WITH THEIR CHILDREN.

23 (VI) PARENTS WITH DISABILITIES EXPERIENCE TERMINATION OF
24 PARENTAL RIGHTS IN ONE OUT OF FOUR CASES, A RATE MORE THAN
25 DOUBLE THE RATE OF PARENTS WITHOUT DISABILITIES;

26 (VII) PARENTS OF CHILDREN WITH DISABILITIES ARE FREQUENTLY
27 TOLD BY MEDICAL AND MENTAL HEALTH-CARE SYSTEMS THAT THEY ARE

1 ONLY ABLE TO RECEIVE SERVICES PURSUANT TO DEPENDENCY AND
2 NEGLECT CASES; AND

3 (VIII) THE GOALS OF CHILD WELFARE AND DISABILITY
4 NON-DISCRIMINATION ARE MUTUALLY ATTAINABLE AND
5 COMPLEMENTARY.

6 (b) Therefore, the general assembly declares that to protect the
7 best interests of children who are parented by persons with disabilities or
8 children who could be parented by persons with disabilities AND TO
9 PROTECT THE BEST INTERESTS OF CHILDREN WITH A DISABILITY OR
10 LIMITED ENGLISH PROFICIENCY AND CHILDREN OF PARENTS WITH A
11 DISABILITY OR LIMITED ENGLISH PROFICIENCY:

12 (I) Procedural safeguards are required in adherence to the federal
13 "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq.,
14 and its related amendments, ~~and~~ implementing regulations, AND
15 INTERPRETIVE GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF
16 JUSTICE OR THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
17 SERVICES;

18 (III) COLORADO RESPECTS AND ENFORCES THE CIVIL RIGHTS AND
19 EQUAL PROTECTION RIGHTS OF PARENTS WITH LIMITED ENGLISH
20 PROFICIENCY IN THE CONTEXT OF A CHILD'S WELFARE. THE LACK OF
21 ENGLISH PROFICIENCY IS NOT, AND MUST NEVER BE, A PARENTING DEFICIT
22 OR CHILD SAFETY CONCERN.

23 (IV) PROCEDURAL SAFEGUARDS ARE REQUIRED IN ADHERENCE OF
24 TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", AND ITS RELATED
25 AMENDMENTS AND IMPLEMENTING REGULATIONS.

26 (2) Achieving the goal of family preservation for a parent or
27 prospective parent with a disability includes the following requirements:

1 (d) In a case brought pursuant to title 14, a minor guardianship
2 proceeding pursuant to title 15, or ~~article 4~~ ARTICLES 3 OR 4 of title 19:

3 (e) In a dependency and neglect case brought pursuant to title 19,
4 when a respondent parent's disability is alleged to impact the health or
5 welfare of a child, the court shall find whether SUPPORTIVE PARENTING
6 SERVICES OR reasonable accommodations and modifications, as required
7 by the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec.
8 12101 et seq., and its related amendments, ~~and~~ implementing regulations,
9 AND INTERPRETIVE GUIDANCE ISSUED BY THE UNITED STATES
10 DEPARTMENT OF JUSTICE OR THE UNITED STATES DEPARTMENT OF HEALTH
11 AND HUMAN SERVICES, were provided to avoid nonemergency removal on
12 the basis of AN ALLEGED IMPACT OF A disability.

13 (f) In a case brought pursuant to title 14, a minor guardianship
14 proceeding pursuant to title 15, or ~~articles 4 and 5~~ ARTICLES 3 TO 5 of title
15 19, if a court determines that the right of a parent or prospective guardian
16 with a disability to parenting time, parental responsibilities, guardianship,
17 or adoption should be denied, restricted, or conditioned in any manner,
18 the court shall make specific findings of fact and law stating the basis for
19 such a determination and why the provision of supportive parenting
20 services is not a reasonable accommodation or remedy to prevent the
21 denial or limitation.

22 **SECTION 11. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2024 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.