

CHAPTER 236

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 93-1179

BY REPRESENTATIVES Pankey, Greenwood, Keller, Lawrence, Morrison, Owen, and Pierson;
also SENATOR Blickensderfer.

AN ACT**CONCERNING WELFARE SERVICES.**

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

SECTION 1. Part 2 of article 3 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

19-3-209. Foster parents' bill of rights study - task force created - principles to be examined. (1) THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL ESTABLISH A TASK FORCE CONSISTING OF REPRESENTATIVES FROM THE STATE AND COUNTY DEPARTMENTS OF SOCIAL SERVICES, CHILD PLACEMENT AGENCIES, AND THE STATE FOSTER PARENTS ASSOCIATION OF COLORADO. THE TASK FORCE SHALL EXAMINE THE RIGHTS AND RESPONSIBILITIES OF FOSTER PARENTS.

(2) IN DETERMINING WHAT RIGHTS AND RESPONSIBILITIES FOSTER PARENTS SHOULD HAVE, THE TASK FORCE SHALL EXAMINE PRINCIPLES WITH RESPECT TO FOSTER PARENTS' RIGHTS AND RESPONSIBILITIES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING PRINCIPLES:

(a) THE RIGHT TO BE TREATED WITH DIGNITY, RESPECT, AND CONSIDERATION AS TEAM MEMBERS WHO ARE MAKING IMPORTANT CONTRIBUTIONS TO THE OBJECTIVES OF THE CHILD WELFARE SYSTEM;

(b) THE RIGHT TO PROMOTE THE CONTINUANCE OF POSITIVE FAMILY PATTERNS AND ROUTINES, THUS ACKNOWLEDGING THE EBB AND FLOW OF FAMILY LIFE AND ITS NORMALIZING BENEFITS TO A CHILD IN THEIR CARE;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(c) THE RIGHT TO BE PROVIDED TRAINING AND TO BE GIVEN SUPPORT IN IMPROVING THEIR SKILLS IN PROVIDING DAILY CARE AND MEETING THE SPECIAL NEEDS OF A CHILD IN THEIR CARE;

(d) THE RIGHT TO BE INFORMED AS TO HOW TO CONTACT THE APPROPRIATE CHILD PLACEMENT AGENCY AND RECEIVE SUPPORTIVE SERVICES ON A TWENTY-FOUR-HOUR BASIS;

(e) THE RIGHT TO RECEIVE TIMELY FINANCIAL REIMBURSEMENT FOR THEIR QUALITY AND KNOWLEDGEABLE CARE OF A CHILD;

(f) THE RIGHT TO OBJECT TO A PLACEMENT RECOMMENDATION FOR A PARTICULAR CHILD;

(g) THE RIGHT TO TAKE LEAVE FROM FOSTER PARENTING AS NEEDED;

(h) THE RIGHT TO ASSURANCES WITH RESPECT TO THEIR FAMILY'S HEALTH OR SAFETY;

(i) THE RIGHT TO HAVE A CLEAR UNDERSTANDING OF A PLACEMENT AGENCY'S PLAN CONCERNING THE PLACEMENT OF A CHILD IN THEIR HOME;

(j) THE RIGHT, WHEN SUBJECT TO AN INVESTIGATION OF THEIR HOME, TO HAVE THE INVESTIGATION CONDUCTED BY AN AGENCY OR UNIT WITHIN THE AGENCY OTHER THAN THE AGENCY OR UNIT THAT ISSUES LICENSES FOR FOSTER CARE HOMES, IN ORDER TO REDUCE ANY CONFLICT OF INTEREST OR THE APPEARANCE OF SUCH A CONFLICT, AND TO HAVE WRITTEN RESULTS OF THE INVESTIGATION DELIVERED TO THE FOSTER PARENTS NO LATER THAN THREE WEEKS AFTER SUCH INVESTIGATION WAS CONDUCTED;

(k) THE RIGHT, AT ANY TIME DURING WHICH A CHILD IS PLACED WITH THE FOSTER PARENT, TO REQUEST ANY ADDITIONAL OR NECESSARY INFORMATION THAT IS RELEVANT TO THE CARE OF THE CHILD;

(l) THE RIGHT TO BE NOTIFIED OF ALL SCHEDULED MEETINGS AND STAFFINGS CONCERNING THE FOSTER CHILD IN ORDER TO ACTIVELY PARTICIPATE IN THE CASE PLANNING AND DECISION-MAKING PROCESS REGARDING THE CHILD IN THEIR CARE, INCLUDING THE RIGHT TO BE INFORMED OF DECISIONS MADE BY THE COURTS OR THE AGENCY CONCERNING THE CHILD. A FOSTER PARENT'S INPUT SHALL BE CONSIDERED IN THE SAME MANNER AS INFORMATION PRESENTED BY ANY OTHER PROFESSIONAL ON THE TEAM. FOSTER PARENTS MAY COMMUNICATE WITH OTHER PROFESSIONALS WHO WORK WITH THE FOSTER CHILD, SUCH AS THERAPISTS, DOCTORS, AND TEACHERS.

(m) THE RIGHT TO BE PROVIDED, IN A TIMELY AND CONSISTENT MANNER, WITH ANY INFORMATION A CASEWORKER HAS REGARDING THE CHILD AND THE CHILD'S BIOLOGICAL FAMILY, WHICH INFORMATION IS PERTINENT TO THE CARE AND NEEDS OF THE CHILD AND TO THE MAKING OF A PERMANENCY PLAN FOR THE CHILD;

(n) THE RIGHT TO REASONABLE NOTICE OF ANY CHANGE IN A CHILD'S CASE PLAN OR OF PLANS TO TERMINATE THE PLACEMENT OF THE CHILD WITH THE FOSTER PARENTS AND OF THE REASONS FOR THE CHANGE OR TERMINATION OF PLACEMENT;

(o) THE RIGHT TO BE NAMED AS AN INTERESTED PARTY FOR ANY COURT PROCEEDING INVOLVING THE CHILD;

(p) THE RIGHT, UPON REQUEST, TO BE ADVISED BY THE COUNTY DEPARTMENT OF SOCIAL SERVICES AS TO THE DATE AND TIME OF ANY COURT HEARINGS, THE NAME OF THE JUDGE OR MAGISTRATE HEARING THE CASE, AND THE COURT'S DOCKET NUMBER OF THE CASE;

(q) THE RIGHT TO BE NOTIFIED WHEN A FOSTER CHILD WHO HAS FORMERLY BEEN PLACED SUCCESSFULLY WITH THE FOSTER PARENTS IS TO BE RE-ENTERED INTO FOSTER CARE PLACEMENT AND TO BE CONSIDERED AS AN APPROPRIATE PLACEMENT FOR THE CHILD IN ORDER TO MAINTAIN CONTINUITY FOR THE CHILD; EXCEPT THAT SUCH CONSIDERATION SHOULD NOT BE DEEMED A LEGAL PRESUMPTION IN FAVOR OF THE FOSTER PARENT AND SHOULD BE CONSISTENT WITH THE BEST INTERESTS OF THE CHILD;

(r) THE RIGHT TO HAVE ACCESS TO THE EXISTING GRIEVANCE PROCESS WITH THE CHILD PLACEMENT AGENCY AND, AS PART OF SUCH PROCESS, TO FILE A GRIEVANCE IF ANY OF THE FOSTER PARENT'S RIGHTS HAVE BEEN VIOLATED OR DENIED;

(s) THE RESPONSIBILITY TO OPENLY COMMUNICATE AND TO SHARE INFORMATION ABOUT THE CHILD WITH OTHER MEMBERS OF THE CHILD WELFARE TEAM;

(t) THE RESPONSIBILITY TO RESPECT THE CONFIDENTIALITY OF ISSUES CONCERNING FOSTER CHILDREN AND THEIR FAMILIES AND TO ACT APPROPRIATELY WITHIN APPLICABLE CONFIDENTIALITY GUIDELINES;

(u) THE RESPONSIBILITY TO ADVOCATE FOR CHILDREN IN OBTAINING NEEDED SERVICES AND PROTECTION;

(v) THE RESPONSIBILITY TO TREAT CHILDREN IN THEIR CARE WITH RESPECT, DIGNITY, AND A NON-JUDGMENTAL ATTITUDE;

(w) THE RESPONSIBILITY TO RECOGNIZE THEIR OWN INDIVIDUAL AND FAMILIAL STRENGTHS AND LIMITATIONS AND SERVICE NEEDS IN PROVIDING CARE FOR FOSTER CHILDREN ACCORDING TO THE CHILD'S AGE, SEX, DEVELOPMENTAL OR SPECIAL NEEDS, FAMILY RELATIONSHIPS, CULTURE, AND PERMANENCY GOALS;

(x) THE RESPONSIBILITY TO BE AWARE OF THE BENEFITS OF RELYING ON AND AFFILIATING WITH OTHER FOSTER PARENTS AND FOSTER PARENT ASSOCIATIONS IN PROVIDING QUALITY CARE AND SERVICE TO CHILDREN AND FAMILIES;

(y) THE RESPONSIBILITY TO ASSESS THEIR INDIVIDUAL TRAINING NEEDS AND TO TAKE ACTION TO MEET THOSE NEEDS;

(z) THE RESPONSIBILITY TO RECOGNIZE THE IMPACT THAT PLACEMENT DISRUPTION HAS ON ALL MEMBERS OF THE FOSTER FAMILY, TO DEVELOP STRATEGIES TO PREVENT PLACEMENT DISRUPTIONS, AND TO PROVIDE SUPPORT FOR THE FOSTER CHILDREN AND MEMBERS OF THE FOSTER FAMILY WHEN SUCH DISRUPTIONS OCCUR;

(aa) THE RESPONSIBILITY TO KNOW THE IMPACT FOSTER PARENTING HAS ON

INDIVIDUALS AND FAMILY RELATIONSHIPS, AND TO ENDEAVOR TO MINIMIZE, AS MUCH AS POSSIBLE, ANY STRESS THAT RESULTS FROM FOSTER PARENTING;

(bb) THE RESPONSIBILITY TO KNOW THE REWARDS AND BENEFITS TO CHILDREN, PARENTS, FAMILIES, AND SOCIETY THAT COME FROM FOSTER PARENTING AND TO PROMOTE THE FOSTER PARENTING EXPERIENCE IN A POSITIVE WAY;

(cc) THE RESPONSIBILITY TO UNDERSTAND AND COMPLY WITH THE LAWS WHICH DEFINE CHILD ABUSE OR NEGLECT AND THE LEGAL PROCEDURES RELATED TO CHILD PLACEMENTS;

(dd) THE RESPONSIBILITY TO KNOW THE ROLE, RIGHTS, AND RESPONSIBILITIES OF FOSTER PARENTS AND PROFESSIONALS IN THE CHILD WELFARE SYSTEM;

(ee) THE RESPONSIBILITY TO KNOW THE CHILD WELFARE AGENCY'S POLICY REGARDING ALLEGATIONS THAT FOSTER PARENTS HAVE COMMITTED CHILD ABUSE OR NEGLECT, HOW TO PREVENT ALLEGATIONS, AND HOW TO ACCESS APPROPRIATE SUPPORT SYSTEMS SHOULD AN INVESTIGATION OCCUR;

(ff) THE RESPONSIBILITY TO KNOW THE PURPOSE OF ADMINISTRATIVE CASE REVIEWS, CLIENT SERVICE PLANS, AND COURT PROCESSES, AS WELL AS ANY FILING OR TIME REQUIREMENTS ASSOCIATED WITH SUCH PROCEEDINGS, AND TO ACTIVELY PARTICIPATE IN THEIR DESIGNATED ROLE IN SUCH PROCEEDINGS;

(gg) THE RESPONSIBILITY TO KNOW THE CHILD WELFARE AGENCY'S GRIEVANCE PROCEDURE FOR FOSTER PARENTS AND THE RIGHTS OF FOSTER PARENTS UNDER THE PROCEDURE;

(hh) THE RESPONSIBILITY TO UNDERSTAND THE IMPORTANCE OF MAINTAINING ACCURATE AND RELEVANT RECORDS REGARDING THE CHILD'S HISTORY AND PROGRESS; AND

(ii) THE RESPONSIBILITY TO BE AWARE OF AND TO FOLLOW THE STRUCTURE, PROCEDURES, AND REGULATIONS OF THE CHILD WELFARE AGENCY WITH WHICH THEY ARE AFFILIATED.

(3) IN ADDITION TO THE PRINCIPLES SET FORTH IN SUBSECTION (2) OF THIS SECTION, THE TASK FORCE SHALL EXAMINE WHETHER THE RIGHTS EXTENDED TO FOSTER PARENTS SHOULD APPLY TO PERSONS AGAINST WHOM CRIMINAL CHARGES HAVE BEEN FILED FOR CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S., AN UNLAWFUL SEXUAL OFFENSE, AS DEFINED IN SECTION 18-3-411 (1), C.R.S., OR ANY FELONY.

(4) ON OR BEFORE DECEMBER 1, 1995, THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL SUBMIT A REPORT OF THE TASK FORCE STUDY TO THE GENERAL ASSEMBLY, WITH RECOMMENDATIONS FOR LEGISLATION.

SECTION 2. 19-3-303 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-303. Definitions. As used in this part 3, unless the context otherwise requires:

(2) "Child protection team" means a multidisciplinary team consisting, where possible, of a physician, a representative of the juvenile court or the district court with juvenile jurisdiction, a representative of a local law enforcement agency, a representative of the county department, a representative of a mental health clinic, a representative of a public health department, an attorney, a representative of a public school district, and one or more representatives of the lay community, AT LEAST ONE OF WHOM SHALL BE A PERSON WHO SERVES AS A FOSTER PARENT IN THE COUNTY. Each public agency may have more than one participating member on the team; except that, in voting on procedural or policy matters, each public agency shall have only one vote. In no event shall an attorney member of the child protection team be appointed as guardian ad litem for the child or as counsel for the parents at any subsequent court proceedings, nor shall the child protection team be composed of fewer than three persons. When any racial, ethnic, or linguistic minority group constitutes a significant portion of the population of the jurisdiction of the child protection team, a member of each such minority group shall serve as an additional lay member of the child protection team. At least one of the preceding members of the team shall be chosen on the basis of representing low-income families. The role of the child protection team shall be advisory only.

SECTION 3. No appropriation. The general assembly has determined that no state moneys need be appropriated to state agencies to carry out the purposes of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993