

CHAPTER 271

**CHILDREN AND DOMESTIC MATTERS**

SENATE BILL 04-137

BY SENATOR(S) Johnson S., Keller, and Windels;  
also REPRESENTATIVE(S) Rhodes, Boyd, Coleman, Frangas, Harvey, McGihon, Merrifield, Tochtrop, and Williams S.

**AN ACT**

**CONCERNING THE RIGHTS OF PERSONS PROVIDING CARE TO CHILDREN IN OUT-OF-HOME PLACEMENT, AND, IN CONNECTION THEREWITH, REQUIRING THE PROVISION OF NOTICE TO SUCH PERSONS OF, AND THE OPPORTUNITY TO PROVIDE INFORMATION AT, A COURT HEARING INVOLVING THE CHILD; AND MAINTAINING THE CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION ABOUT A FOSTER PARENT WITHOUT THE WRITTEN CONSENT OF THE FOSTER PARENT.**

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

**SECTION 1.** 19-3-507 (5), Colorado Revised Statutes, is amended to read:

**19-3-507. Dispositional hearing.** (5) (a) Parents, grandparents, relatives, or foster parents who have the child in their care for more than three months who have information or knowledge concerning the care and protection of the child may intervene as a matter of right following adjudication with or without counsel.

(b) A COUNTY DEPARTMENT OF SOCIAL SERVICES THAT PLACED A CHILD IN FOSTER CARE SHALL PROVIDE THE FOSTER PARENT OF THE CHILD AND ANY PRE-ADOPTIVE PARENT OR RELATIVE PROVIDING CARE FOR THE CHILD WITH NOTICE OF ANY ADMINISTRATIVE REVIEW OF THE CHILD'S CASE.

(c) UPON THE WRITTEN REQUEST OF THE FOSTER PARENT, PRE-ADOPTIVE PARENT, OR RELATIVE, NOTICE OF A COURT HEARING FOR THE CHILD'S CASE SHALL BE PROVIDED IN WRITTEN FORM, AND MAY BE PROVIDED THROUGH THE CASEWORKER AT THE USUAL PERIODIC MEETINGS WITH THE PERSON PROVIDING CARE FOR THE CHILD. THE NOTICE SHALL INCLUDE, AT A MINIMUM:

- (I) THE CHILD'S COURT CASE NUMBER;
- (II) THE DATE AND TIME OF THE NEXT COURT HEARING; AND

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

(III) THE NAME OF THE MAGISTRATE OR JUDGE AND THE COURT DIVISION TO WHICH THE CASE HAS BEEN ASSIGNED.

**SECTION 2.** 19-1-303, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**19-1-303. General provisions - delinquency and dependency and neglect cases - exchange of information - civil penalty.** (2.7) (a) UPON THE RECEIPT OF WRITTEN NOTICE SENT BY A FOSTER PARENT, EMPLOYEES OF THE DEPARTMENT OF HUMAN SERVICES AND OF COUNTY DEPARTMENTS, OR OTHER INDIVIDUALS WITH A NEED TO KNOW, SHALL BE PROHIBITED FROM RELEASING PERSONALLY IDENTIFIABLE INFORMATION ABOUT A FOSTER PARENT, OTHER THAN THE FOSTER PARENT'S FIRST NAME, TO ANY ADULT MEMBER OF THE FOSTER CHILD'S FAMILY, UNLESS THE FOSTER PARENT SUBSEQUENTLY PROVIDES HIS OR HER EXPRESS WRITTEN CONSENT FOR THE RELEASE OF THE INFORMATION. THE CONSENT MAY CONSIST OF A HAND-WRITTEN NOTE BY THE FOSTER PARENT SPECIFYING THE FOSTER CHILD'S NAME, THE CONSENT FOR RELEASE OF INFORMATION TO THE FOSTER CHILD'S FAMILY, THE FOSTER PARENT'S SIGNATURE, AND THE DATE. THE CONSENT SHALL BE GIVEN INDIVIDUALLY FOR EACH FOSTER CHILD, UNLESS THE FOSTER CHILDREN ARE MEMBERS OF A SIBLING GROUP.

(b) THE CIVIL PENALTY DESCRIBED IN SUBSECTION (4.7) OF THIS SECTION SHALL NOT APPLY TO ANY FOSTER CHILD OR SIBLINGS OF THE FOSTER CHILD.

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 21, 2004