

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0056.01 Jane Ritter x4342

HOUSE BILL 21-1072

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A BILL FOR AN ACT

101 CONCERNING EQUAL ACCESS TO SERVICES RELATED TO OUT-OF-HOME
102 PLACEMENTS.

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 requires a provider of services related to child and youth out-of-home placement (service provider) to provide fair and equal access to all available programs, benefits, and services offered by the service provider. Services related to out-of-home placement must be provided in a manner that is culturally responsive to the complex social identity of the youth receiving such services.

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.

SENATE
2nd Reading Unamended
April 5, 2021

HOUSE
3rd Reading Unamended
March 17, 2021

HOUSE
Amended 2nd Reading
March 16, 2021

A service provider is prohibited from denying any person the opportunity to become an adoptive or a foster parent, or delaying or denying the placement of a child for adoption or into foster care, on the basis of the real or perceived disability, race, creed, religion, color, sex, sexual orientation, gender identity, gender expression, marital status, national origin, ancestry, or any communicable disease, including HIV, of the prospective adoptive or foster parent or the child.

The bill requires that foster parent training include instruction on the right of a foster child to have fair and equal access to all available services and other health and educational services available to foster children.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-1-130 as
3 follows:

4 **19-1-130. Access to services related to out-of-home placement**

5 - **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "GENDER EXPRESSION" MEANS A PERSON'S WAY OF REFLECTING
8 AND EXPRESSING THEIR GENDER TO THE OUTSIDE WORLD, TYPICALLY
9 DEMONSTRATED THROUGH APPEARANCE, DRESS, AND BEHAVIOR.

10 (b) "GENDER IDENTITY" MEANS A PERSON'S INNATE SENSE OF THE
11 PERSON'S OWN GENDER, WHICH MAY OR MAY NOT CORRESPOND WITH THE
12 PERSON'S SEX AS ASSIGNED AT BIRTH.

13 (c) "PLACEMENT-RELATED SERVICE" MEANS ANY PROGRAM,
14 BENEFIT, OR SERVICE RELATED TO OUT-OF-HOME PLACEMENT, INCLUDING
15 ADOPTION, KINSHIP CARE, FOSTER CARE HOMES, AND PRIVATE CHILD
16 PLACEMENT, OR A BENEFIT OR SERVICE DESCRIBED IN TITLE 26 THAT IS
17 RELATED TO OUT-OF-HOME PLACEMENT, PROVIDED BY THE STATE
18 DEPARTMENT OF HUMAN SERVICES, A COUNTY DEPARTMENT OF HUMAN OR
19 SOCIAL SERVICES, A CHILD PLACEMENT AGENCY, OR ANY OTHER SUCH

1 ENTITY, OR A CONTRACTOR OR SUBCONTRACTOR THAT PROVIDES SUCH
2 PROGRAM, BENEFIT, OR SERVICE ON BEHALF OF THE STATE DEPARTMENT
3 OF HUMAN SERVICES, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
4 SERVICES, A CHILD PLACEMENT AGENCY, OR ANY OTHER SUCH ENTITY.
5 PLACEMENT-RELATED SERVICES MAY INCLUDE, BUT ARE NOT LIMITED TO,
6 PURSUING ADOPTION OR ANY OTHER CHILD PLACEMENT; PROVIDING EARLY
7 INTERVENTION SERVICES, OUT-OF-HOME PLACEMENT PREVENTION
8 SERVICES, OR FAMILY PRESERVATION SERVICES; OR ANY SERVICE RELATED
9 TO LICENSING OR TRAINING FOR CHILD CARE CENTERS, ADOPTIVE OR
10 FOSTER PARENTS, OR KINSHIP CARE. THE STATE DEPARTMENT OF HUMAN
11 SERVICES, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A
12 CHILD PLACEMENT AGENCY, OR ANY OTHER SUCH ENTITY IS NOT REQUIRED
13 TO CONTRACT WITH OR ACCESS A PLACEMENT-RELATED SERVICE OUTSIDE
14 THE CURRENT PLACEMENT-RELATED SERVICES THAT ARE UTILIZED BY
15 THAT SPECIFIC ENTITY.

16 (d) "SERVICE PROVIDER" MEANS THE STATE DEPARTMENT OF
17 HUMAN SERVICES, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
18 SERVICES, OR A CHILD PLACEMENT AGENCY. "SERVICE PROVIDER"
19 INCLUDES A CONTRACTOR OR SUBCONTRACTOR THAT PROVIDES
20 PLACEMENT-RELATED SERVICES ON A SERVICE PROVIDER'S BEHALF.

21 (2) A SERVICE PROVIDER THAT RECEIVES STATE MONEY TO
22 PROVIDE PLACEMENT-RELATED SERVICES SHALL PROVIDE TO EACH
23 INDIVIDUAL, FAMILY, OR OTHER SERVICE PROVIDER REQUESTING SERVICES,
24 INCLUDING A SERVICE PROVIDER UNDER INVESTIGATION BY THE STATE
25 DEPARTMENT OF HUMAN SERVICES OR ITS DESIGNEE FOR A VIOLATION OF
26 THIS SECTION, FAIR AND EQUAL ACCESS TO ALL AVAILABLE
27 PLACEMENT-RELATED SERVICES OFFERED BY THE SERVICE PROVIDER.

1 SERVICE PROVIDERS THAT PROVIDE SPECIALIZED PLACEMENT-RELATED
2 SERVICES TO SPECIFIC POPULATIONS ARE NOT REQUIRED TO PROVIDE
3 SERVICES OUTSIDE THE SCOPE OF THEIR SPECIALIZED SERVICE OR THEIR
4 SPECIFIC POPULATION IF THE SPECIALIZATION SERVES A SPECIFIC
5 TREATMENT-RELATED PURPOSE.

6 (3) IN ADDITION TO ANY RESTRICTIONS SET FORTH IN SECTION
7 24-34-805 (2)(b), A SERVICE PROVIDER THAT RECEIVES STATE MONEY TO
8 PROVIDE PLACEMENT-RELATED SERVICES SHALL NOT:

9 (a) DENY ANY PERSON THE OPPORTUNITY TO BECOME AN
10 ADOPTIVE OR A FOSTER PARENT SOLELY ON THE BASIS OF A REAL OR
11 PERCEIVED DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL
12 ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS,
13 NATIONAL ORIGIN, ANCESTRY, OR ANY COMMUNICABLE DISEASE,
14 INCLUDING HIV, OF THE PERSON OR A MEMBER OF THE PERSON'S
15 HOUSEHOLD. ANY DENIAL TO CARE FOR A SPECIFIC CHILD OR YOUTH THAT
16 INCLUDES ONE OF THESE FACTORS AS THE BASIS FOR THE DENIAL MUST BE
17 DOCUMENTED, MUST HAVE A CLEAR NEXUS TO THE ABILITY TO MEET THE
18 NEEDS OF THE CHILD OR YOUTH, AND THE DENIAL TO CARE MUST NOT BE
19 DETRIMENTAL TO THE HEALTH OR WELFARE OF THE CHILD OR YOUTH.

20 (b) DELAY OR DENY THE PLACEMENT OF A CHILD OR YOUTH FOR
21 ADOPTION OR INTO FOSTER CARE ON THE BASIS OF A REAL OR PERCEIVED
22 DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION,
23 GENDER IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR
24 ANY COMMUNICABLE DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH,
25 UNLESS THE DELAY OR DENIAL OF THE PLACEMENT IS NOT DETRIMENTAL
26 TO THE HEALTH OR WELFARE OF THE CHILD OR YOUTH;

27 (c) REQUIRE DIFFERENT OR ADDITIONAL SCREENINGS, PROCESSES,

1 OR PROCEDURES FOR ADOPTIVE OR FOSTER PLACEMENT DECISIONS SOLELY
2 ON THE BASIS OF THE FOLLOWING, UNLESS SUCH SCREENINGS, PROCESSES,
3 OR PROCEDURES ARE NECESSARY TO DETERMINE IF THE PLACEMENT IS
4 DETRIMENTAL TO THE HEALTH OR WELFARE OF THE CHILD OR YOUTH:

5 (I) A REAL OR PERCEIVED DISABILITY, RACE, CREED, RELIGION,
6 COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
7 EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, OR ANY
8 COMMUNICABLE DISEASE, INCLUDING HIV, OF THE PROSPECTIVE ADOPTIVE
9 OR FOSTER PARENT; OR

10 (II) A REAL OR PERCEIVED DISABILITY, RACE, CREED, RELIGION,
11 COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
12 EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR ANY COMMUNICABLE
13 DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH INVOLVED; OR

14 (d) SUBJECT A CHILD OR YOUTH IN FOSTER CARE OR AN
15 INDIVIDUAL, FAMILY, OR OTHER SERVICE PROVIDER TO DISCRIMINATION OR
16 HARASSMENT ON THE BASIS OF ACTUAL OR PERCEIVED DISABILITY, RACE,
17 CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY,
18 GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, OR
19 ANY COMMUNICABLE DISEASE, INCLUDING HIV, WHEN PROVIDING ANY
20 PLACEMENT-RELATED SERVICE.

21 (4)(a) A SERVICE PROVIDER SHALL PROVIDE PLACEMENT-RELATED
22 SERVICES IN A MANNER THAT IS CULTURALLY RESPONSIVE TO THE
23 COMPLEX SOCIAL IDENTITY OF THE INDIVIDUAL RECEIVING SUCH SERVICES.
24 COMPLEX SOCIAL IDENTITIES INCLUDE BUT ARE NOT LIMITED TO RACE,
25 ETHNICITY, NATIONALITY, AGE, RELIGION, SEX, SEXUAL ORIENTATION,
26 GENDER IDENTITY, GENDER EXPRESSION, SOCIOECONOMIC STATUS,
27 PHYSICAL OR COGNITIVE ABILITY, LANGUAGE, BELIEFS, VALUES, BEHAVIOR

1 PATTERNS, AND CUSTOMS. NOTHING IN THIS SUBSECTION (4) MAY BE USED
2 TO CAUSE THE DELAY OR DENIAL OF AN OUT-OF-HOME PLACEMENT OF A
3 CHILD OR YOUTH, UNLESS THE DELAY OR DENIAL OF THE PLACEMENT IS
4 NOT DETRIMENTAL TO THE HEALTH OR WELFARE OF THE CHILD OR YOUTH.

5 (b) THE STATE DEPARTMENT OF HUMAN SERVICES SHALL
6 DETERMINE WHETHER PLACEMENT-RELATED SERVICES ARE PROVIDED IN
7 A MANNER THAT IS CULTURALLY RESPONSIVE TO THE COMPLEX SOCIAL
8 IDENTITY OF THE INDIVIDUAL RECEIVING SUCH SERVICES.

9 (5) NOTHING IN THIS SECTION DIMINISHES THE PROTECTIONS
10 AFFORDED TO A PARENT, PROSPECTIVE PARENT, CHILD OR YOUTH WITH A
11 DISABILITY, AS DESCRIBED IN SECTIONS 19-3-208, 19-5-100.2, AND
12 24-34-805.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 19-7-104 as
14 follows:

15 **19-7-104. Subjects included within training for certified foster**
16 **parents - rules.** (1) RULES PROMULGATED BY THE STATE DEPARTMENT
17 OF HUMAN SERVICES THAT PRESCRIBE TRAINING FOR FOSTER CARE
18 PARENTS PRIOR TO PLACEMENT OF A CHILD OR YOUTH MUST INCLUDE
19 TRAINING ON THE FOLLOWING SUBJECTS:

20 (a) THE EFFECTS OF CHILD ABUSE AND NEGLECT ON CHILD
21 DEVELOPMENT;

22 (b) HEALTH ISSUES IN FOSTER CARE, INCLUDING HEALTH SERVICES
23 AVAILABLE TO CHILDREN AND YOUTH IN FOSTER CARE;

24 (c) THE RIGHT OF A CHILD OR YOUTH IN FOSTER CARE TO HAVE
25 FAIR AND EQUAL ACCESS TO ALL AVAILABLE SERVICES, PLACEMENT, CARE,
26 TREATMENT, AND BENEFITS, AND TO NOT BE SUBJECTED TO
27 DISCRIMINATION OR HARASSMENT ON THE BASIS OF ACTUAL OR PERCEIVED

1 DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION,
2 GENDER IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR
3 ANY COMMUNICABLE DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH;

4 (d) THE RIGHTS OF SIBLINGS IN FOSTER CARE, AS SET FORTH IN
5 SECTION 19-7-203; AND

6 (e) UNDERSTANDING THE ROLE OF A CHILD WELFARE EDUCATION
7 LIAISON, AS DESCRIBED IN SECTION 22-32-138 (2).

8 (2) RULES PROMULGATED BY THE STATE DEPARTMENT OF HUMAN
9 SERVICES THAT PRESCRIBE POST-PLACEMENT ANNUAL TRAINING FOR
10 FOSTER CARE PARENTS MUST INCLUDE TRAINING ON THE FOLLOWING
11 SUBJECTS:

12 (a) HEALTH ISSUES IN FOSTER CARE;

13 (b) THE IMPORTANCE OF CHILD AND YOUTH SELF-ESTEEM;

14 (c) EMANCIPATION AND INDEPENDENT LIVING SKILLS, AS
15 APPROPRIATE;

16 (d) THE RIGHTS OF SIBLINGS IN FOSTER CARE, AS SET FORTH IN
17 SECTION 19-7-203; AND

18 (e) THE RIGHT OF A CHILD OR YOUTH IN FOSTER CARE TO HAVE
19 FAIR AND EQUAL ACCESS TO ALL AVAILABLE SERVICES, PLACEMENT, CARE,
20 TREATMENT, AND BENEFITS, AND NOT BE SUBJECTED TO DISCRIMINATION
21 OR HARASSMENT ON THE BASIS OF ACTUAL OR PERCEIVED DISABILITY,
22 RACE, CREED, RELIGION, COLOR, SEX, SEXUAL ORIENTATION, GENDER
23 IDENTITY, GENDER EXPRESSION, NATIONAL ORIGIN, ANCESTRY, OR ANY
24 COMMUNICABLE DISEASE, INCLUDING HIV, OF THE CHILD OR YOUTH.

25 (3) NOTHING IN THIS SECTION PRECLUDES THE STATE DEPARTMENT
26 OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF HUMAN OR SOCIAL
27 SERVICES FROM REQUIRING FOSTER PARENT TRAINING IN EXCESS OF THE

1 REQUIREMENTS IN THIS SECTION.

2 **SECTION 3.** In Colorado Revised Statutes, 26-6-106, **amend**
3 (2)(q)(I) introductory portion and (2)(q)(I)(C); and **add** (2)(q)(I)(E) as
4 follows:

5 **26-6-106. Standards for facilities and agencies - rules.**

6 (2) Standards prescribed by such rules are restricted to:

7 (q) (I) Standards for the training of foster care parents, which ~~shall~~
8 MUST include, at a minimum:

9 (C) In addition to the hours described in ~~sub-subparagraph (B) of~~
10 ~~this subparagraph (I)~~ SUBSECTION (2)(q)(I)(B) OF THIS SECTION, twelve
11 hours per year for foster care parents providing therapeutic foster care;
12 **and**

13 (E) THE TRAINING DESCRIBED IN SECTION 19-7-104.

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