

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0464.01 Shelby Ross x4510

HOUSE BILL 21-1096

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 persons against whom criminal charges have been filed for child abuse, an unlawful 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;

8 (b) PROMOTE THE CONTINUANCE OF POSITIVE FAMILY PATTERNS
9 AND ROUTINES, THUS ACKNOWLEDGING THE EBB AND FLOW OF FAMILY
10 LIFE AND ITS NORMALIZING BENEFITS TO A CHILD IN THE FOSTER PARENT'S
11 CARE;

12 (c) BE PROVIDED TRAINING AND GIVEN SUPPORT IN IMPROVING THE
13 FOSTER PARENT'S SKILLS IN PROVIDING DAILY CARE AND MEETING THE
14 SPECIAL NEEDS OF A CHILD IN THE FOSTER PARENT'S CARE;

15 (d) BE INFORMED ABOUT HOW TO CONTACT THE APPROPRIATE
16 CHILD PLACEMENT AGENCY AND COUNTY DEPARTMENT OF HUMAN OR
17 SOCIAL SERVICES AND RECEIVE SUPPORTIVE SERVICES ON A
18 TWENTY-FOUR-HOUR BASIS;

19 (e) RECEIVE TIMELY FINANCIAL REIMBURSEMENT FOR THE FOSTER
20 PARENT'S CARE OF A CHILD;

21 (f) OBJECT TO A PLACEMENT RECOMMENDATION FOR A
22 PARTICULAR CHILD;

23 (g) TAKE LEAVE FROM FOSTER PARENTING AS NEEDED;

24 (h) ASSURANCES WITH RESPECT TO THE FOSTER PARENT'S FAMILY'S
25 HEALTH OR SAFETY;

26 (i) HAVE A CLEAR UNDERSTANDING OF A CHILD PLACEMENT
27 AGENCY'S PLAN CONCERNING THE PLACEMENT OF A CHILD IN THE FOSTER

1 PARENT'S HOME;

2 (j) WHEN THE FOSTER PARENT'S HOME IS THE SUBJECT OF AN
3 INVESTIGATION, HAVE THE INVESTIGATION CONDUCTED BY A CHILD
4 PLACEMENT AGENCY OTHER THAN THE CHILD PLACEMENT AGENCY THAT
5 ORIGINALLY PLACED THE CHILD, IN ORDER TO REDUCE ANY CONFLICT OF
6 INTEREST OR THE APPEARANCE OF A CONFLICT, AND HAVE WRITTEN
7 RESULTS OF THE INVESTIGATION DELIVERED TO THE FOSTER PARENT NO
8 LATER THAN THREE WEEKS AFTER THE INVESTIGATION IS CONDUCTED;

9 (k) REQUEST ANY ADDITIONAL OR NECESSARY INFORMATION THAT
10 IS RELEVANT TO THE CHILD'S CARE AT ANY TIME WHEN A CHILD IS PLACED
11 WITH A FOSTER PARENT;

12 (l) IN ORDER TO ACTIVELY PARTICIPATE IN THE CASE PLANNING
13 AND DECISION-MAKING PROCESS, BE NOTIFIED OF ALL SCHEDULED
14 MEETINGS AND STAFF MEMBERS INVOLVED IN THE CHILD'S PLACEMENT.
15 THIS INCLUDES THE RIGHT TO BE INFORMED OF ANY DECISIONS MADE BY
16 THE COURTS OR THE CHILD PLACEMENT AGENCY. A FOSTER PARENT'S
17 INPUT MUST BE CONSIDERED IN THE SAME MANNER AS INFORMATION
18 PRESENTED BY ANY OTHER PROFESSIONAL TEAM. A FOSTER PARENT MAY
19 COMMUNICATE WITH OTHER PROFESSIONALS WHO WORK WITH THE FOSTER
20 CHILD, SUCH AS THERAPISTS, DOCTORS, AND TEACHERS, SO LONG AS THE
21 COMMUNICATIONS ARE KEPT CONFIDENTIAL.

22 (m) BE PROVIDED, IN A TIMELY AND CONSISTENT MANNER, WITH
23 ANY INFORMATION THE CASEWORKER HAS REGARDING THE CHILD AND THE
24 CHILD'S BIOLOGICAL FAMILY, IF THE INFORMATION IS PERTINENT TO THE
25 CHILD'S WELFARE AND TO THE MAKING OF A PERMANENCY PLAN FOR THE
26 CHILD;

27 (n) REASONABLE NOTICE OF ANY CHANGE IN A CHILD'S CASE PLAN

1 OR OF PLANS TO TERMINATE THE PLACEMENT OF THE CHILD WITH THE
2 FOSTER PARENT AND THE REASONS FOR THE CHANGE OR TERMINATION OF
3 PLACEMENT;

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

6 (p) UPON REQUEST, BE ADVISED BY THE COUNTY DEPARTMENT OF
7 HUMAN OR SOCIAL SERVICES AS TO THE DATE AND TIME OF ANY COURT
8 PROCEEDING, THE NAME OF THE JUDGE OR MAGISTRATE ASSIGNED TO THE
9 CASE, AND THE COURT'S DOCKET NUMBER;

10 (q) BE NOTIFIED WHEN A FOSTER CHILD WHO WAS PREVIOUSLY
11 PLACED SUCCESSFULLY WITH THE FOSTER PARENT IS REENTERING THE
12 FOSTER CARE SYSTEM AND THE FOSTER PARENT'S HOME IS CONSIDERED AN
13 APPROPRIATE PLACEMENT FOR THE CHILD IN ORDER TO MAINTAIN
14 CONTINUITY FOR THE CHILD; EXCEPT THAT THE CONSIDERATION IS NOT A
15 LEGAL PRESUMPTION IN FAVOR OF THE FOSTER PARENT AND MUST BE
16 CONSISTENT WITH THE BEST INTEREST OF THE CHILD; AND

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

21 (2) THE RIGHTS ENUMERATED IN SUBSECTION (1) OF THIS SECTION
22 DO NOT APPLY TO PERSONS AGAINST WHOM CRIMINAL CHARGES HAVE
23 BEEN FILED FOR CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, AN
24 UNLAWFUL SEXUAL OFFENSE, AS DEFINED IN SECTION 18-3-411, OR ANY
25 FELONY.

26 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.