

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 24-0519.01 Jane Ritter x4342

HOUSE BILL 24-1017

HOUSE SPONSORSHIP

Daugherty,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A BILL OF RIGHTS FOR YOUTH IN FOSTER CARE.**

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 establishes a statutory bill of rights for children and youth (youth) in foster care in Colorado, including youth participating in the foster youth in transition program but excluding youth detained by or committed to the care and physical custody of the division of youth services. The office of the child's representative shall develop a written notice of the rights, and a county department of human or social services shall provide each youth who is 5 years of age or older with the written notice in the youth's primary language at the time of the youth's initial

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

placement in foster care, at each placement change, and at least annually.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 19-7-101 as follows:

4 **19-7-101. Rights of children and youth in foster care - written**
5 **notice - reporting - legislative declaration.** (1) (a) THE GENERAL
6 ASSEMBLY FINDS AND DECLARES THAT:

7 (I) CHILDREN AND YOUTH IN FOSTER CARE ARE TEMPORARILY OR
8 PERMANENTLY SEPARATED FROM THEIR PARENTS AND ARE THE
9 RESPONSIBILITY OF THE STATE OF COLORADO;

10 (II) THESE CHILDREN AND YOUTH ARE IN A UNIQUE SITUATION
11 THAT REQUIRES SPECIAL SAFEGUARDS, MAKING IT VITAL TO ESTABLISH
12 RIGHTS FOR CHILDREN AND YOUTH IN FOSTER CARE;

13 (III) THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
14 SERVICES ADMINISTRATION OF CHILDREN AND FAMILIES HAS STRESSED
15 THAT EVERY CHILD AND YOUTH WHO IS UNABLE TO LIVE WITH THE CHILD'S
16 OR YOUTH'S PARENTS IS ENTITLED TO A SAFE, LOVING, AND AFFIRMING
17 FOSTER CARE PLACEMENT, REGARDLESS OF THE CHILD'S OR YOUTH'S
18 SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION;

19 (IV) APPROXIMATELY THREE THOUSAND SIX HUNDRED CHILDREN
20 OR YOUTH ARE CURRENTLY IN OUT-OF-HOME FOSTER PLACEMENTS IN
21 COLORADO; AND

22 (V) CHILDREN AND YOUTH IN FOSTER CARE, BOTH IN COLORADO
23 AND NATIONWIDE, TEND TO HAVE POORER OUTCOMES THAN OTHER
24 CHILDREN AND YOUTH, INCLUDING:

25 (A) ONE-THIRD OF CHILDREN OR YOUTH IN FOSTER CARE IN

1 COLORADO WHO AGE OUT OF FOSTER CARE BECOME HOMELESS WITHIN
2 THREE YEARS;

3 (B) CHILDREN AND YOUTH IN FOSTER CARE IN COLORADO CHANGE
4 SCHOOLS AN AVERAGE OF THREE-AND-ONE-HALF TIMES PER YEAR;

5 (C) APPROXIMATELY THIRTY PERCENT OF YOUTH IN FOSTER CARE
6 IN COLORADO GRADUATE FROM HIGH SCHOOL, COMPARED TO EIGHTY-TWO
7 PERCENT OF THE GENERAL STUDENT POPULATION;

8 (D) IN COLORADO, YOUTH IN FOSTER CARE HAVE LOWER
9 GRADUATION RATES THAN YOUTH EXPERIENCING HOMELESSNESS;

10 (E) NATIONWIDE, MORE THAN HALF OF CHILDREN AND YOUTH IN
11 FOSTER CARE RECEIVE A PSYCHIATRIC OR MENTAL HEALTH DIAGNOSIS,
12 COMPARED TO SIXTEEN AND SIXTY ONE-HUNDREDTHS PERCENT OF
13 INCOME-ELIGIBLE CHILDREN AND YOUTH ON MEDICAID;

14 (F) NATIONWIDE, ONE OUT OF FOUR CHILDREN AND YOUTH IN
15 FOSTER CARE BETWEEN THE AGES OF SIX AND SEVENTEEN ARE
16 ADMINISTERED AT LEAST ONE PSYCHOTROPIC MEDICATION;

17 (G) THIRTY PERCENT OF CHILDREN AND YOUTH IN FOSTER CARE
18 NATIONWIDE IDENTIFY AS LGBTQ+ , AND THESE CHILDREN AND YOUTH
19 HAVE AN ADDITIONAL LAYER OF TRAUMA THAT ACCOMPANIES BEING
20 REJECTED OR MISTREATED BECAUSE OF THEIR SEXUAL ORIENTATION,
21 GENDER IDENTITY, OR GENDER EXPRESSION;

22 (H) RESEARCH SHOWS THAT CHILDREN AND YOUTH IN FOSTER
23 CARE WHO IDENTIFY AS LGBTQ+ ARE MORE THAN TWICE AS LIKELY TO
24 REPORT BEING TREATED POORLY BY THE FOSTER CARE SYSTEM;

25 (I) APPROXIMATELY TEN PERCENT OF CHILDREN AND YOUTH IN
26 FOSTER CARE NATIONWIDE ARE ENTITLED TO SOCIAL SECURITY BENEFITS,
27 EITHER BECAUSE THEIR PARENT OR PARENTS HAVE DIED OR BECAUSE THEY

1 HAVE A PHYSICAL OR INTELLECTUAL DISABILITY; AND

2 (J) CHILDREN AND YOUTH WHO ARE IN FOSTER CARE ARE AT AN
3 INCREASED RISK OF INCARCERATION, WITH TWENTY-SIX PERCENT OF
4 YOUTH WHO ARE TWENTY-ONE YEARS OF AGE AND WHO WERE FORMERLY
5 IN FOSTER CARE IN COLORADO HAVING BEEN INCARCERATED WITHIN THE
6 PAST TWO YEARS, WHILE YOUTH WHO ARE TWENTY-ONE YEARS OF AGE
7 AND WHO ARE IN THE GENERAL POPULATION HAVE APPROXIMATELY A
8 SEVENTEEN PERCENT LIKELIHOOD OF HAVING BEEN INCARCERATED IN THE
9 PAST TWO YEARS.

10 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT TO
11 PROTECT THE CHILDREN AND YOUTH WHO ARE THE RESPONSIBILITY OF THE
12 STATE, A STATUTORY BILL OF RIGHTS IS ESTABLISHED FOR THESE
13 CHILDREN AND YOUTH, ALONG WITH A SYSTEM TO NOTIFY CHILDREN AND
14 YOUTH OF THEIR RIGHTS AND A MECHANISM TO ENFORCE THOSE RIGHTS.
15 THE STATUTORY RIGHTS ESTABLISHED IN THIS SECTION ARE NOT INTENDED
16 TO LIMIT OR SUPERSEDE THE CONSTITUTIONAL RIGHTS OF PARENTS, NOR
17 DO THEY LIMIT ANY OTHER CONSTITUTIONAL OR STATUTORY RIGHTS
18 AFFORDED TO CHILDREN AND YOUTH. THIS BILL OF RIGHTS IS INTENDED TO
19 IMPROVE THE HEALTH, WELL-BEING, AND SAFETY OF CHILDREN AND
20 YOUTH IN FOSTER CARE BY DEFINING THE RIGHTS OF CHILDREN AND
21 YOUTH IN FOSTER CARE, CLARIFYING THE AUTHORITY OF THE COURTS TO
22 ENFORCE THESE RIGHTS, AND PROVIDING CHILDREN AND YOUTH WITH
23 NOTICE OF THEIR RIGHTS.

24 (2) A CHILD OR YOUTH IN FOSTER CARE OR PARTICIPATING IN THE
25 FOSTER YOUTH IN TRANSITION PROGRAM, CREATED IN PART 3 OF THIS
26 ARTICLE 7, BUT EXCLUDING A CHILD OR YOUTH DETAINED BY OR
27 COMMITTED TO THE CARE AND PHYSICAL CUSTODY OF THE DIVISION OF

1 YOUTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES, HAS THE
2 FOLLOWING RIGHTS:

3 (a) FAIR AND EQUAL ACCESS, INCLUDING:

4 (I) FREEDOM FROM DISCRIMINATION OR HARASSMENT ON THE
5 BASIS OF ACTUAL OR PERCEIVED RACE OR ANCESTRY, ETHNIC GROUP,
6 NATIONAL ORIGIN, RELIGION, SEX, SEXUAL ORIENTATION, GENDER
7 IDENTITY, GENDER EXPRESSION, MENTAL OR PHYSICAL DISABILITY,
8 MARITAL STATUS, FAMILIAL STATUS, SOURCE OF INCOME, MILITARY
9 STATUS, OR HIV STATUS;

10 (II) FREEDOM OF THOUGHT, CONSCIENCE, CULTURAL AND ETHNIC
11 PRACTICE, AND RELIGION, INCLUDING THE RIGHT TO ATTEND OR REFUSE TO
12 ATTEND CULTURAL, ETHNIC, AND RELIGIOUS SERVICES AND ACTIVITIES;

13 (III) EXPRESSION OF THE CHILD'S OR YOUTH'S GENDER IDENTITY
14 AND BE REFERRED TO BY THE CHILD'S OR YOUTH'S PREFERRED NAME AND
15 GENDER PRONOUNS;

16 (IV) FREEDOM FROM THREATS, PUNISHMENT, OR RETALIATION FOR
17 ASKING QUESTIONS, STATING CONCERNS, OR MAKING COMPLAINTS ABOUT
18 A VIOLATION OF THE RIGHTS AND PROTECTIONS ESTABLISHED IN THIS
19 ARTICLE 7;

20 (V) ACCESS TO SERVICES, PLACEMENT, AND STATE AND FEDERAL
21 PROGRAMS AND SERVICES FOR WHICH THE CHILD OR YOUTH IS ELIGIBLE;

22 (VI) DEVELOPMENTALLY APPROPRIATE NOTIFICATION OF ANY
23 BENEFITS FOR WHICH THE CHILD OR YOUTH IS ELIGIBLE OR RECEIVING,
24 INCLUDING WRITTEN NOTIFICATION OF WHO IS SERVING AS
25 REPRESENTATIVE PAYEE, WHEN APPLICABLE; AND

26 (VII) IF THERE IS A REPRESENTATIVE PAYEE WHO ACCEPTS
27 PAYMENTS FOR A CHILD OR YOUTH, AN ACCOUNTING OF THE USE OF THOSE

1 PAYMENTS WHEN REQUESTED BY THE CHILD OR YOUTH AND ON AN
2 ANNUAL BASIS;

3 (b) APPROPRIATE PLACEMENT AND CARE, INCLUDING:

4 (I) APPROPRIATE ADULT GUIDANCE, SUPPORT, AND SUPERVISION
5 IN A SAFE, HEALTHY, AND COMFORTABLE ENVIRONMENT IN WHICH THE
6 CHILD OR YOUTH IS TREATED WITH FAIRNESS, RESPECT, AND DIGNITY;

7 (II) CONSIDERATION OF THE CHILD'S OR YOUTH'S PREFERENCE
8 REGARDING THE CHILD'S OR YOUTH'S PLACEMENT;

9 (III) FREEDOM FROM PHYSICAL, SEXUAL, EMOTIONAL, OR OTHER
10 ABUSE; CORPORAL PUNISHMENT; NEGLECT; OR ANY OTHER FORM OF
11 INHUMANE TREATMENT, SUCH AS EXPLOITATION OR TRAFFICKING;

12 (IV) PLACEMENT IN THE LEAST RESTRICTIVE SETTING THAT IS
13 APPROPRIATE TO THE CHILD'S OR YOUTH'S NEEDS, AND RECEIPT OF THE
14 SERVICES AND SUPPORTS NECESSARY TO MAINTAIN THAT PLACEMENT;

15 (V) FREEDOM FROM ABANDONMENT OR BEING LOCKED IN A ROOM,
16 BUILDING, OR PREMISES, OR BEING SUBJECTED TO ISOLATION OR OTHER
17 PHYSICAL OR MEDICAL RESTRAINT, UNLESS OTHERWISE AUTHORIZED BY
18 STATUTE;

19 (VI) PLACEMENT WITH A FOSTER CARE PROVIDER WHO IS AWARE
20 OF AND UNDERSTANDS THE CHILD'S OR YOUTH'S UNIQUE HISTORY AS IT
21 RELATES TO THE CHILD'S OR YOUTH'S CARE AND WHO POSSESSES THE
22 APPROPRIATE KNOWLEDGE AND SKILLS TO PROVIDE FOR THE CHILD'S OR
23 YOUTH'S NEEDS;

24 (VII) APPLICATION OF THE REASONABLE AND PRUDENT PARENT
25 STANDARD AS REQUIRED BY FEDERAL LAW;

26 (VIII) RETURN TO THE CUSTODY OF A PARENT OR LEGAL
27 GUARDIAN, CONSISTENT WITH APPLICABLE LEGAL STANDARDS AND

1 CONSIDERING THE PREFERENCES OF THE CHILD OR YOUTH;

2 (IX) TIMELY COURT PROCEEDINGS AND DETERMINATIONS ABOUT

3 THE CHILD'S OR YOUTH'S PLACEMENT;

4 (X) EFFECTIVE CASE MANAGEMENT AND PLANNING THAT

5 PRIORITIZES THE SAFE RETURN OF THE CHILD OR YOUTH TO THE CHILD'S OR

6 YOUTH'S PARENTS, LEGAL GUARDIANS, RELATIVES, OR KIN, OR MOVING

7 THE CHILD OR YOUTH TO OTHER FORMS OF PERMANENT PLACEMENT, IF

8 NECESSARY;

9 (XI) A REQUIREMENT THAT THE REPRESENTATIVE PAYEE FOR THE

10 CHILD OR YOUTH, INCLUDING THE DEPARTMENT OF HUMAN SERVICES IF IT

11 IS ACTING AS THE REPRESENTATIVE PAYEE, USE ANY BENEFITS THE CHILD

12 OR YOUTH RECEIVES TO MEET THE CHILD'S OR YOUTH'S INDIVIDUAL NEEDS

13 AFTER THE REPRESENTATIVE PAYEE MEETS WITH THE CHILD OR YOUTH TO

14 ASCERTAIN THE CHILD'S OR YOUTH'S CURRENT AND FORESEEABLE NEEDS;

15 AND

16 (XII) TIMELY NOTIFICATION TO THE SOCIAL SECURITY

17 ADMINISTRATION TO INITIATE THE TRANSFER OF BENEFITS FROM A

18 REPRESENTATIVE PAYEE WHEN A CHILD OR YOUTH WHO IS RECEIVING

19 BENEFITS LEAVES THE CUSTODY OF THE DEPARTMENT OF HUMAN

20 SERVICES;

21 (c) ACCESS AND COMMUNICATION, IN A SETTING THAT PROVIDES

22 PRIVACY FOR IN-PERSON OR OTHER METHODS OF CONTACT, WITH

23 PROFESSIONALS AND OTHER SUPPORTS, INCLUDING:

24 (I) PERSONS WORKING ON THE CHILD'S OR YOUTH'S BEHALF,

25 INCLUDING, BUT NOT LIMITED TO, CASEWORKERS, THE CHILD'S OR YOUTH'S

26 GUARDIAN AD LITEM OR COUNSEL FOR YOUTH AND THEIR LEGAL TEAMS,

27 FOSTER YOUTH ADVOCATES AND SUPPORTERS, COURT-APPOINTED SPECIAL

1 ADVOCATES, EDUCATION RIGHTS HOLDERS, PROBATION OFFICERS, THE
2 CHILD'S OR YOUTH'S CONTACT WITH THE CHILD'S OR YOUTH'S GUARDIAN
3 AD LITEM, COUNSEL FOR YOUTH, OTHER ATTORNEYS, AND MEMBERS OF
4 THE CHILD'S OR YOUTH'S LEGAL TEAM MUST PROTECT THE APPLICABLE
5 LEGAL PRIVILEGES AND CONFIDENTIALITY;

6 (II) THE CHILD'S OR YOUTH'S GUARDIAN AD LITEM OR COUNSEL
7 FOR YOUTH, THE CHILD PROTECTION OMBUDSMAN, COUNTY DEPARTMENTS
8 OF HUMAN OR SOCIAL SERVICES, OR THE DEPARTMENT OF HUMAN
9 SERVICES REGARDING ANY QUESTIONS, CONCERNS, OR VIOLATIONS OF THE
10 RIGHTS AND PROTECTIONS ESTABLISHED IN THIS ARTICLE 7; AND

11 (III) CONNECTIONS TO THE CHILD'S OR YOUTH'S COMMUNITY AND
12 SUPPORTS, INCLUDING COMMUNICATION AND CONTACT WITH PEOPLE
13 OUTSIDE THE FOSTER CARE SYSTEM WHO ARE IMPORTANT TO THE CHILD OR
14 YOUTH, UNLESS OTHERWISE LIMITED BY LAW OR COURT ORDER;

15 (d) CONFIDENTIALITY AND PRIVACY, INCLUDING:

16 (I) CONFIDENTIALITY OF ALL JUVENILE COURT RECORDS,
17 CONSISTENT WITH EXISTING LAW;

18 (II) FREEDOM FROM UNREASONABLE SEARCHES OF PERSONAL
19 BELONGINGS OR OTHER UNREASONABLE INVASIONS OF PRIVACY; AND

20 (III) REASONABLE EXPECTATIONS OF PRIVACY TO MAKE AND
21 RECEIVE TELEPHONE CALLS AND SEND AND RECEIVE TEXT MESSAGES,
22 EMAIL, AND POSTAL MAIL;

23 (e) EDUCATION, INCLUDING:

24 (I) RECEIPT OF A FREE AND APPROPRIATE EDUCATION, ACCESS TO
25 TRANSPORTATION TO EDUCATIONAL INSTITUTIONS, AND AN OPPORTUNITY
26 TO PARTICIPATE IN SPORTS AND EXTRACURRICULAR, CULTURAL, PERSONAL
27 ENRICHMENT, AND SOCIAL ACTIVITIES CONSISTENT WITH THE CHILD'S OR

1 YOUTH'S AGE AND DEVELOPMENTAL LEVEL, INCLUDING ACCESS TO
2 COMPUTER TECHNOLOGY AND THE INTERNET AS NECESSARY FOR THE
3 CHILD'S OR YOUTH'S EDUCATION; AND

4 (II) SCHOOL STABILITY THAT PRESUMES THE CHILD OR YOUTH WILL
5 REMAIN IN THE SCHOOL OF ORIGIN, AS DEFINED IN SECTION 22-32-138, IN
6 WHICH THE CHILD OR YOUTH IS ENROLLED AT THE TIME OF PLACEMENT,
7 UNLESS REMAINING IN THAT SCHOOL IS NOT IN THE CHILD'S OR YOUTH'S
8 BEST INTERESTS;

9 (f) BASIC ESSENTIALS, INCLUDING:

10 (I) ADEQUATE AND APPROPRIATE FOOD, CLOTHING, AND HYGIENE
11 PRODUCTS;

12 (II) PERSONAL ALLOWANCE OR EMPLOYMENT OPPORTUNITIES
13 APPROPRIATE TO THE CHILD'S OR YOUTH'S AGE AND DEVELOPMENTAL
14 LEVEL, INCLUDING APPROPRIATE OPPORTUNITIES TO EXPERIENCE THE USE
15 AND VALUE OF MONEY BY MAKING PURCHASES FOR ITEMS ACCORDING TO
16 THE CHILD'S OR YOUTH'S CHOICE; AND

17 (III) PERSONAL BELONGINGS, INCLUDING WEARING THE CHILD'S OR
18 YOUTH'S OWN CLOTHING, HAVING A SAFE PLACE TO STORE PERSONAL
19 BELONGINGS, AND HAVING PERSONAL BELONGINGS TRANSPORTED IN
20 APPROPRIATE LUGGAGE WITH THE CHILD OR YOUTH DURING OR SHORTLY
21 AFTER A CHANGE OF PLACEMENT. PERSONAL BELONGINGS STORED AND
22 TRANSPORTED AFTER A CHANGE OF PLACEMENT MUST BE MAINTAINED IN
23 THE SAME OR BETTER CONDITION.

24 (g) HEALTH CARE, INCLUDING:

25 (I) ADEQUATE AND APPROPRIATE MEDICAL, DENTAL, VISION,
26 MENTAL HEALTH, AND SUBSTANCE USE DISORDER SERVICES;

27 (II) REPRODUCTIVE AND SEXUAL HEALTH CARE CONSISTENT WITH

1 COLORADO STATE LAW;

2 (III) FREEDOM FROM THE ADMINISTRATION OF PRESCRIPTION
3 MEDICATION OR OTHER CHEMICAL SUBSTANCES, UNLESS AUTHORIZED BY
4 A PHYSICIAN OR, WHEN NECESSARY, COURT ORDER, AFTER AN
5 INDIVIDUALIZED ASSESSMENT OF THE CHILD OR YOUTH AND WITH THE
6 CHILD'S OR YOUTH'S CONSENT, CONSISTENT WITH COLORADO STATE LAW;
7 AND

8 (IV) ACCESS TO PRESCRIBED MEDICATIONS DURING A PLACEMENT
9 CHANGE OR SIMILAR TRANSITION SO THE CHILD OR YOUTH DOES NOT
10 EXPERIENCE A DISRUPTION IN THE AVAILABILITY OF NECESSARY
11 PRESCRIPTION MEDICATION;

12 (h) PARTICIPATION IN LEGAL PROCEEDINGS AND CASE PLANNING,
13 INCLUDING:

14 (I) APPOINTMENT OF A GUARDIAN AD LITEM OR COUNSEL FOR
15 YOUTH PURSUANT TO SECTIONS 19-3-203 AND 19-7-308;

16 (II) ATTENDING AND FULLY PARTICIPATING IN ALL HEARINGS
17 RELATED TO THE CHILD'S OR YOUTH'S CASE, INCLUDING ACCESS TO
18 APPROPRIATE TRANSPORTATION FOR THE CHILD'S OR YOUTH'S COURT
19 PROCEEDINGS, AND THE OPPORTUNITY TO BE HEARD SEPARATELY WHEN
20 DEEMED NECESSARY BY THE COURT PURSUANT TO SECTION 19-1-106 (5);

21 (III) AT THE CHILD'S OR YOUTH'S REQUEST, ALLOWING CERTAIN
22 PEOPLE TO BE PRESENT FOR THE CHILD'S OR YOUTH'S COURT PROCEEDINGS
23 THAT TAKE PLACE PURSUANT TO SECTION 19-1-106;

24 (IV) CONSULTING WITH THE COURT REGARDING THE CHILD'S OR
25 YOUTH'S PERMANENCY GOALS PURSUANT TO SECTION 19-3-702 (1)(a);

26 (V) AS APPROPRIATE TO A CHILD'S OR YOUTH'S AGE AND
27 DEVELOPMENTAL LEVEL, BEING INFORMED OF AND PARTICIPATING IN THE

1 DEVELOPMENT OF THE CHILD'S OR YOUTH'S CASE PLAN, CONSISTENT WITH
2 STATE AND FEDERAL LAW; AND

3 (VI) AS APPROPRIATE TO THE CHILD'S OR YOUTH'S AGE AND
4 DEVELOPMENTAL LEVEL, PARTICIPATION IN AND ACCOMPANIMENT OF
5 SUPPORTS TO MEETINGS ABOUT THE CHILD'S OR YOUTH'S COURT
6 PROCEEDINGS; AND

7 (i) THE NECESSITIES TO BE SELF-SUFFICIENT DURING THE
8 TRANSITION TO ADULTHOOD, INCLUDING:

9 (I) CONSISTENT WITH THE CHILD'S OR YOUTH'S DEVELOPMENTAL
10 LEVEL, ASSISTANCE WITH ESTABLISHING A BANK ACCOUNT, INCLUDING
11 IDENTIFYING INSTITUTIONS WHERE A CHILD OR YOUTH MAY OPEN A BANK
12 ACCOUNT, OBTAINING DOCUMENTS NECESSARY TO OPEN AN ACCOUNT,
13 LEARNING HOW TO SPEND A REASONABLE AMOUNT OF MONEY, AND
14 MANAGING PERSONAL INCOME. THIS SUBSECTION (2)(i)(I) DOES NOT
15 CREATE AN OBLIGATION TO FUND THE CHILD'S OR YOUTH'S BANK
16 ACCOUNT, IF ONE IS CREATED.

17 (II) HAVING ACCESS TO INFORMATION REGARDING THE WORK AND
18 EDUCATIONAL OPTIONS AVAILABLE TO THE CHILD OR YOUTH, INCLUDING,
19 BUT NOT LIMITED TO, INFORMATION REGARDING AVAILABLE FINANCIAL
20 AID AND POSTSECONDARY EDUCATION SUPPORT CONSISTENT WITH STATE
21 LAW;

22 (III) BEING ALLOWED TO WORK AND DEVELOP JOB SKILLS,
23 CONSISTENT WITH STATE LAW AND THE CHILD'S OR YOUTH'S AGE AND
24 DEVELOPMENTAL LEVEL;

25 (IV) OBTAINING OR RECEIVING A FREE ANNUAL CREDIT REPORT
26 FROM THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT
27 OF HUMAN OR SOCIAL SERVICES AND THE ADDITIONAL CREDIT-RELATED

1 AND IDENTITY THEFT PROTECTIONS PROVIDED IN SECTION 19-7-102 IF THE
2 CHILD OR YOUTH IS IN THE LEGAL CUSTODY OF A COUNTY DEPARTMENT OF
3 HUMAN OR SOCIAL SERVICES AND IS FOURTEEN YEARS OF AGE OR OLDER;

4 (V) WHEN THE YOUTH IS EIGHTEEN YEARS OF AGE OR OLDER AND
5 LEAVING FOSTER CARE, BEING PROVIDED WITH THE YOUTH'S BIRTH
6 CERTIFICATE, SOCIAL SECURITY CARD, IMMIGRATION DOCUMENTS, HEALTH
7 INSURANCE INFORMATION, MEDICAL RECORDS, EDUCATION RECORDS,
8 EITHER A DRIVER'S LICENSE OR A STATE-ISSUED IDENTIFICATION CARD,
9 WRITTEN INFORMATION CONCERNING THE YOUTH'S FAMILY HISTORY AND
10 CONTACT INFORMATION FOR SIBLINGS, IF APPROPRIATE, AND PROOF OF
11 FOSTER CARE PURSUANT TO SECTION 19-3-702 (4)(d);

12 (VI) NOTIFYING A YOUTH WHO IS TURNING SIXTEEN YEARS OF AGE
13 OF THE YOUTH'S ELIGIBILITY FOR THE FOSTER YOUTH TRANSITION
14 PROGRAM, CREATED IN PART 3 OF THIS ARTICLE 7; AND

15 (VII) ASSISTING A YOUTH IN APPLYING FOR BENEFITS THE YOUTH
16 IS ELIGIBLE FOR OR CURRENTLY RECEIVING, TO ENSURE THAT BENEFITS
17 CONTINUE ONCE THE YOUTH TURNS EIGHTEEN YEARS OF AGE OR
18 TRANSITIONS OUT OF FOSTER CARE, INCLUDING REDETERMINATION FOR
19 THE PURPOSES OF SOCIAL SECURITY BENEFITS.

20 (3) THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL DEVELOP
21 A WRITTEN NOTICE OF THE RIGHTS ENUMERATED IN SUBSECTION (2) OF
22 THIS SECTION. THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL
23 DEVELOP THE NOTICE WITH INPUT FROM YOUTH WITH LIVED EXPERIENCE.
24 THE NOTICE MUST INCLUDE CONTACT INFORMATION FOR:

- 25 (a) THE CHILD'S OR YOUTH'S APPOINTED ATTORNEY;
- 26 (b) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN;
- 27 (c) THE APPROPRIATE COUNTY DEPARTMENT OF HUMAN OR SOCIAL

1 SERVICES; AND

2 (d) THE DEPARTMENT OF HUMAN SERVICES.

3 (4) THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES
4 SHALL PROVIDE EACH CHILD OR YOUTH WHO IS FIVE YEARS OF AGE OR
5 OLDER WITH THE WRITTEN NOTICE DEVELOPED PURSUANT TO SUBSECTION
6 (3) AT THE TIME OF THE CHILD'S OR YOUTH'S INITIAL PLACEMENT IN
7 FOSTER CARE, AT EACH PLACEMENT CHANGE, AND AT LEAST ANNUALLY.
8 THE NOTICE MUST BE IN THE CHILD'S OR YOUTH'S PRIMARY LANGUAGE.

9 (5) CERTIFIED AND LICENSED FOSTER PLACEMENTS FOR CHILDREN
10 AND YOUTH SHALL POST THE WRITTEN NOTICE ON THE PREMISES IN A
11 PLACE WHERE CHILDREN AND YOUTH HAVE ACCESS. THE DEPARTMENT OF
12 HUMAN SERVICES SHALL ENSURE COMPLIANCE WITH THIS SECTION AS PART
13 OF ITS OVERSIGHT PROCESS OF CERTIFIED AND LICENSED HOMES FOR
14 YOUTH.

15 (6) SUA SPONTE OR UPON MOTION, A JUVENILE COURT MAY ISSUE
16 ANY ORDERS TO ANY PARTY TO ENSURE THE CHILD OR YOUTH IS PROVIDED
17 THE RIGHTS ENUMERATED IN SUBSECTION (2) OF THIS SECTION.

18 (7) A JUVENILE COURT SHALL NOT LIMIT OR DENY THE RIGHTS
19 ENUMERATED IN SUBSECTION (2) OF THIS SECTION UNLESS THE COURT
20 FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THERE ARE
21 EXTRAORDINARY CIRCUMSTANCES AND THE LIMITATION OR DENIAL IS
22 NECESSARY FOR THE SAFETY OF THE CHILD OR YOUTH IN FOSTER CARE.
23 THIS SUBSECTION (7) IS APPLICABLE TO ONLY THE RIGHTS ENUMERATED
24 IN THIS SECTION AND DOES NOT ALTER THE HEARING REQUIREMENTS OR
25 STANDARDS OTHERWISE ESTABLISHED IN THIS TITLE 19.

26 (8) THE RIGHTS ENUMERATED IN SUBSECTION (2) OF THIS SECTION
27 ARE A BROAD EXPRESSION OF THE RIGHTS OF CHILDREN AND YOUTH

1 RESIDING IN FOSTER CARE AND ARE NOT EXHAUSTIVE OF ALL RIGHTS SET
2 FORTH IN THE UNITED STATES CONSTITUTION AND THE COLORADO
3 CONSTITUTION, FEDERAL AND STATE STATUTES, AND CASE LAW.

4 (9) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN SHALL
5 INCLUDE IN ITS ANNUAL REPORT THE NUMBER OF COMPLAINTS RECEIVED
6 RELATED TO THE RIGHTS ENUMERATED IN THIS SECTION, INCLUDING THE
7 RIGHTS BEING VIOLATED OR YOUTH BEING UNAWARE OF THE RIGHTS.

8 **SECTION 2.** In Colorado Revised Statutes, 19-7-102, **amend** (1)
9 as follows:

10 **19-7-102. Protection against identity theft.** (1) The court shall
11 ensure that each youth in foster care who is in the legal custody of a
12 county department of human or social services or the department of
13 human services and who is at least ~~sixteen~~ FOURTEEN years of age obtains
14 or receives free annual credit reports from the department of human
15 services or a county department of human or social services. The county
16 department of human or social services or the department of human
17 services shall inform the court with jurisdiction over the youth, if any, of
18 any inaccuracies in a report and refer the matter to a governmental or
19 nonprofit entity on the referral list developed pursuant to subsection (2)
20 of this section for assistance in interpreting and resolving any
21 inaccuracies in a report if the credit report shows evidence of possible
22 identity theft. The youth's counsel for youth shall advise the youth of
23 possible consequences of and options to address the possible identity
24 theft, including the right to report the matter to law enforcement and seek
25 possible prosecution of the offender.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2024 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.