

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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, [REDACTED] DISABILITY, MARITAL STATUS,
8 FAMILIAL STATUS, SOURCE OF INCOME, MILITARY STATUS, OR HIV STATUS;

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

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

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

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

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

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

1 ANNUAL BASIS;

2 (b) APPROPRIATE PLACEMENT AND CARE, INCLUDING:

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

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

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

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

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

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

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

25 (VIII) RETURN TO THE CUSTODY OF A PARENT OR LEGAL
26 GUARDIAN, CONSISTENT WITH APPLICABLE LEGAL STANDARDS AND
27 CONSIDERING THE PREFERENCES OF THE CHILD OR YOUTH;

1 (IX) TIMELY COURT PROCEEDINGS AND DETERMINATIONS ABOUT
2 THE CHILD'S OR YOUTH'S PLACEMENT;

3 (X) EFFECTIVE CASE MANAGEMENT AND PLANNING THAT
4 PRIORITIZES THE SAFE RETURN OF THE CHILD OR YOUTH TO THE CHILD'S OR
5 YOUTH'S PARENTS, LEGAL GUARDIANS, RELATIVES, OR KIN, OR MOVING
6 THE CHILD OR YOUTH TO OTHER FORMS OF PERMANENT PLACEMENT, IF
7 NECESSARY;

8 (XI) A REQUIREMENT THAT THE REPRESENTATIVE PAYEE FOR THE
9 CHILD OR YOUTH, INCLUDING THE DEPARTMENT OF HUMAN SERVICES IF IT
10 IS ACTING AS THE REPRESENTATIVE PAYEE, USE ANY BENEFITS THE CHILD
11 OR YOUTH RECEIVES TO MEET THE CHILD'S OR YOUTH'S INDIVIDUAL NEEDS
12 AFTER THE REPRESENTATIVE PAYEE MEETS WITH THE CHILD OR YOUTH TO
13 ASCERTAIN THE CHILD'S OR YOUTH'S CURRENT AND FORESEEABLE NEEDS;
14 AND

15 (XII) TIMELY NOTIFICATION TO THE SOCIAL SECURITY
16 ADMINISTRATION TO INITIATE THE TRANSFER OF BENEFITS FROM A
17 REPRESENTATIVE PAYEE WHEN A CHILD OR YOUTH WHO IS RECEIVING
18 BENEFITS LEAVES THE CUSTODY OF THE DEPARTMENT OF HUMAN
19 SERVICES;

20 (c) ACCESS AND COMMUNICATION, IN A SETTING THAT PROVIDES
21 PRIVACY FOR IN-PERSON OR OTHER METHODS OF CONTACT, WITH
22 PROFESSIONALS AND OTHER SUPPORTS, INCLUDING:

23 (I) PERSONS WORKING ON THE CHILD'S OR YOUTH'S BEHALF,
24 INCLUDING, BUT NOT LIMITED TO, CASEWORKERS, THE CHILD'S OR YOUTH'S
25 GUARDIAN AD LITEM OR COUNSEL FOR YOUTH AND THEIR LEGAL TEAMS,
26 MENTAL HEALTH PROFESSIONALS, TRIBE, FOSTER YOUTH ADVOCATES AND
27 SUPPORTERS, COURT-APPOINTED SPECIAL ADVOCATES, EDUCATION RIGHTS

1 HOLDERS, PROBATION OFFICERS, THE CHILD'S OR YOUTH'S CONTACT WITH
2 THE CHILD'S OR YOUTH'S GUARDIAN AD LITEM, COUNSEL FOR YOUTH,
3 OTHER ATTORNEYS, AND MEMBERS OF THE CHILD'S OR YOUTH'S LEGAL
4 TEAM MUST PROTECT THE APPLICABLE LEGAL PRIVILEGES AND
5 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 LIMITING USE OF
19 OR TAKING OF PERSONAL BELONGINGS OR OTHER UNREASONABLE
20 INVASIONS OF PRIVACY; AND

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

24 (e) EDUCATION, INCLUDING:

25 (I) RECEIPT OF A FREE AND APPROPRIATE EDUCATION, ACCESS TO
26 TRANSPORTATION TO EDUCATIONAL INSTITUTIONS, AND AN OPPORTUNITY
27 TO PARTICIPATE IN SPORTS AND EXTRACURRICULAR, CULTURAL, PERSONAL

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

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

10 (f) BASIC ESSENTIALS, INCLUDING:

11 (I) ADEQUATE AND GENDER- AND CULTURALLY AFFIRMING FOOD,
12 CLOTHING, HYGIENE PRODUCTS, AND NECESSARY HYGIENE SERVICES;

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

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

25 (g) HEALTH CARE, INCLUDING:

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

1 (II) REPRODUCTIVE AND SEXUAL HEALTH CARE CONSISTENT WITH
2 COLORADO STATE LAW;

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

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

13 (V) NOTIFICATION OF THE MEDICATIONS THAT WERE PRESCRIBED
14 TO THE CHILD OR YOUTH AND THE PURPOSE FOR EACH MEDICATION FOR
15 THE CHILD OR YOUTH;

16 (h) PARTICIPATION IN LEGAL PROCEEDINGS AND CASE PLANNING,
17 INCLUDING:

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

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

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

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

3 (V) AS APPROPRIATE TO A CHILD'S OR YOUTH'S AGE AND
4 DEVELOPMENTAL LEVEL, BEING INFORMED OF AND PARTICIPATING IN THE
5 DEVELOPMENT OF THE CHILD'S OR YOUTH'S CASE PLAN, CONSISTENT WITH
6 STATE AND FEDERAL LAW; AND

7 (VI) AS APPROPRIATE TO THE CHILD'S OR YOUTH'S AGE AND
8 DEVELOPMENTAL LEVEL, PARTICIPATION IN AND ACCOMPANIMENT OF
9 SUPPORTS TO MEETINGS ABOUT THE CHILD'S OR YOUTH'S COURT
10 PROCEEDINGS; AND

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

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

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

26 (III) BEING ALLOWED TO WORK AND DEVELOP JOB SKILLS,
27 CONSISTENT WITH STATE LAW AND THE CHILD'S OR YOUTH'S AGE AND

1 DEVELOPMENTAL LEVEL;

2 (IV) OBTAINING OR RECEIVING A FREE ANNUAL CREDIT REPORT
3 FROM THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT
4 OF HUMAN OR SOCIAL SERVICES AND THE ADDITIONAL CREDIT-RELATED
5 AND IDENTITY THEFT PROTECTIONS PROVIDED IN SECTION 19-7-102 IF THE
6 CHILD OR YOUTH IS IN THE LEGAL CUSTODY OF A COUNTY DEPARTMENT OF
7 HUMAN OR SOCIAL SERVICES AND IS FOURTEEN YEARS OF AGE OR OLDER;

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

16 (VI) NOTIFYING A YOUTH WHO IS TURNING SIXTEEN YEARS OF AGE
17 OF THE YOUTH'S ELIGIBILITY FOR THE FOSTER YOUTH TRANSITION
18 PROGRAM, CREATED IN PART 3 OF THIS ARTICLE 7; ■

19 (VII) ASSISTING A YOUTH IN APPLYING FOR BENEFITS THE YOUTH
20 IS ELIGIBLE FOR OR CURRENTLY RECEIVING, TO ENSURE THAT BENEFITS
21 CONTINUE ONCE THE YOUTH TURNS EIGHTEEN YEARS OF AGE OR
22 TRANSITIONS OUT OF FOSTER CARE, INCLUDING REDETERMINATION FOR
23 THE PURPOSES OF SOCIAL SECURITY BENEFITS; AND

24 (VIII) DRIVING INSTRUCTION FOR YOUTH FIFTEEN YEARS OF AGE
25 AND OLDER PURSUANT TO SECTION 26-5-115.

26 (3) THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL DEVELOP
27 A WRITTEN NOTICE OF THE RIGHTS ENUMERATED IN SUBSECTION (2) OF

1 THIS SECTION. THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL
2 DEVELOP THE NOTICE WITH INPUT FROM YOUTH WITH LIVED EXPERIENCE.

3 THE NOTICE MUST INCLUDE CONTACT INFORMATION FOR:

- 4 (a) THE CHILD'S OR YOUTH'S APPOINTED ATTORNEY;
- 5 (b) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN;
- 6 (c) THE APPROPRIATE COUNTY DEPARTMENT OF HUMAN OR SOCIAL
7 SERVICES; AND
- 8 (d) THE DEPARTMENT OF HUMAN SERVICES.

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

15 (5) CERTIFIED AND LICENSED FOSTER PLACEMENTS FOR CHILDREN
16 AND YOUTH SHALL POST THE WRITTEN NOTICE ON THE PREMISES IN A
17 PLACE WHERE CHILDREN AND YOUTH HAVE ACCESS. THE DEPARTMENT OF
18 HUMAN SERVICES SHALL ENSURE COMPLIANCE WITH THIS SECTION AS PART
19 OF ITS OVERSIGHT PROCESS OF CERTIFIED AND LICENSED HOMES FOR
20 YOUTH.

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

24 (7) A JUVENILE COURT SHALL NOT LIMIT OR DENY THE RIGHTS
25 ENUMERATED IN SUBSECTION (2) OF THIS SECTION UNLESS THE COURT
26 FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THERE ARE
27 EXTRAORDINARY CIRCUMSTANCES AND THE LIMITATION OR DENIAL IS

1 NECESSARY FOR THE SAFETY OF THE CHILD OR YOUTH IN FOSTER CARE.
2 THIS SUBSECTION (7) IS APPLICABLE TO ONLY THE RIGHTS ENUMERATED
3 IN THIS SECTION AND DOES NOT ALTER THE HEARING REQUIREMENTS OR
4 STANDARDS OTHERWISE ESTABLISHED IN THIS TITLE 19.

5 (8) THE RIGHTS ENUMERATED IN SUBSECTION (2) OF THIS SECTION
6 ARE A BROAD EXPRESSION OF THE RIGHTS OF CHILDREN AND YOUTH
7 RESIDING IN FOSTER CARE AND ARE NOT EXHAUSTIVE OF ALL RIGHTS SET
8 FORTH IN THE UNITED STATES CONSTITUTION AND THE COLORADO
9 CONSTITUTION, FEDERAL AND STATE STATUTES, AND CASE LAW.

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

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

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

1 identity theft. The youth's counsel for youth shall advise the youth of
2 possible consequences of and options to address the possible identity
3 theft, including the right to report the matter to law enforcement and seek
4 possible prosecution of the offender.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2024 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.