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HOUSE BILL 24-1031

BY REPRESENTATIVE(S) Bradley and Joseph, Duran, Evans, Froelich, Pugliese, Young, Bird, Clifford, Daugherty, Epps, Garcia, Hernandez, Lynch, Rutinel, Snyder, Story, Titone, Weinberg;
also SENATOR(S) Kirkmeyer and Michaelson Jenet, Fields, Zenzinger, Bridges, Buckner, Cutter, Exum, Ginal, Gonzales, Priola, Will.

CONCERNING MEASURES TO INCREASE ACCESSIBILITY PROVIDED TO PERSONS WHO ARE INVOLVED IN MATTERS REGARDING A CHILD'S WELFARE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 19-1-103, **add** (61.5), (92.5) and (95.5) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(61.5) "EFFECTIVE COMMUNICATION" HAS THE SAME MEANING AS SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, AND ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(92.5) "LANGUAGE ACCESS" MEANS SERVICES PROVIDED BY A COURT, THE STATE DEPARTMENT, A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A CITY AND COUNTY, OR A PRIVATE-ENTITY CONTRACTOR IN THE PERSON'S PRIMARY LANGUAGE FOR A PERSON WITH LIMITED ENGLISH PROFICIENCY.

(95.5) "LIMITED ENGLISH PROFICIENCY" MEANS THE LIMITED ABILITY TO SPEAK, READ, WRITE, OR UNDERSTAND THE ENGLISH LANGUAGE FOR A PERSON WHOSE PRIMARY LANGUAGE IS NOT ENGLISH.

SECTION 2. In Colorado Revised Statutes, 19-3-208, **add** (2)(h) as follows:

19-3-208. Services - county required to provide - out-of-home placement options - rules - definitions. (2) (h) SERVICES PROVIDED PURSUANT TO THIS SECTION MUST MEET THE PROVISIONS OF TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", AND ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS, REGARDLESS OF WHETHER THE SERVICES ARE PROVIDED BY A COUNTY DEPARTMENT, CITY AND COUNTY, OR PRIVATE-ENTITY CONTRACTOR. A COUNTY DEPARTMENT, CITY AND COUNTY, OR PRIVATE-ENTITY CONTRACTOR SHALL TAKE REASONABLE STEPS TO ENSURE MEANINGFUL LANGUAGE ACCESS TO A PERSON WITH LIMITED ENGLISH PROFICIENCY IN ACCORDANCE WITH RULES PROMULGATED PURSUANT TO SECTION 26-5-102.5. THE LANGUAGE ACCESS MUST BE PROVIDED IN A TIMELY MANNER AND WITHOUT UNREASONABLE DELAY. A COUNTY DEPARTMENT OR A CITY AND COUNTY SHALL PROVIDE SERVICES UNDER THE SUPERVISION OF AND WITH THE SUPPORT OF THE STATE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-1-111.

SECTION 3. In Colorado Revised Statutes, **add** 19-3-218 as follows:

19-3-218. Language access. (1) PURSUANT TO THIS ARTICLE 3, THE COURT SHALL PROVIDE LANGUAGE ACCESS TO A CHILD OR A PARENT, GUARDIAN, OTHER CUSTODIAN, OR OTHER PARTY IF THE PERSON REQUESTS LANGUAGE ACCESS OR THE COURT FINDS THAT A PERSON HAS LIMITED ENGLISH PROFICIENCY.

(2) A PERSON WHO RECEIVES LANGUAGE ACCESS PURSUANT TO THIS

SECTION MUST RECEIVE TRANSLATION AND INTERPRETATION SERVICES IN CIRCUMSTANCES WHEN A SIMILARLY SITUATED PERSON WOULD RECEIVE THE COMMUNICATION IN ENGLISH. TRANSLATION MUST BE PROVIDED IN A TIMELY MANNER AND WITHOUT UNREASONABLE DELAY IF REQUESTED BY THE PARTY, AND INTERPRETATION MUST BE PROVIDED AT EVERY PROCEEDING.

SECTION 4. In Colorado Revised Statutes, 19-3-507, **add** (6) as follows:

19-3-507. Dispositional hearing - rules. (6) IN ADOPTING A TREATMENT PLAN, THE COURT SHALL CONSIDER SERVICES AND PROGRAMS THAT PROVIDE THE PARENT AND CHILD WITH LANGUAGE ACCESS AND EFFECTIVE COMMUNICATION AND IDENTIFY THE MANNER IN WHICH THE COUNTY DEPARTMENT ENSURES THE PROVISION OF LANGUAGE ACCESS AND EFFECTIVE COMMUNICATION CONSISTENT WITH THE REQUIREMENTS OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, AND ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS, AND TITLE IV OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42 U.S.C. SEC. 2000d ET SEQ., AS AMENDED, AND ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS.

SECTION 5. Appropriation. (1) For the 2024-25 state fiscal year, \$74,953 is appropriated to the judicial department for use by courts administration. This appropriation is from the judicial stabilization cash fund created in section 13-32-101 (6), C.R.S. To implement this act, the division may use this appropriation as follows:

(a) \$67,753 for general courts administration, which amount is based on an assumption that the division will require an additional 0.8 FTE; and

(b) \$7,200 for capital outlay.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO