

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 24-200

BY SENATOR(S) Michaelson Jenet and Coleman, Buckner, Cutter, Exum, Fields, Ginal, Gonzales, Jaquez Lewis, Kolker, Marchman, Priola, Sullivan, Winter F., Zenzinger;
also REPRESENTATIVE(S) Bacon and Joseph, Amabile, Boesenecker, Brown, Daugherty, deGruy Kennedy, Duran, Froelich, Garcia, Hamrick, Hernandez, Herod, Jodeh, Kipp, Lieder, Lindsay, Mabrey, Martinez, McLachlan, Ortiz, Ricks, Rutinel, Story, Titone, Valdez, Velasco, Vigil, Weissman, Willford, Young, McCluskie.

CONCERNING WAYS TO ADDRESS EQUITY, DIVERSITY, AND INCLUSION
DISPARITIES IN COLORADO'S CHILD WELFARE SYSTEM.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The state of Colorado prioritizes providing equitable services and ensuring equitable outcomes to the residents of Colorado;

(b) All people are equal. Inequities have been created in the United States intentionally and unintentionally over time by people. These same

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.

inequities are prevalent in the child welfare system in the United States and cause harm.

(c) The general assembly seeks to understand how discrimination has been directly linked to harmful practices, systems, and policies of the state;

(d) Many factors contribute to the inequalities and inequities, including the intentional and unintentional biases of individuals and the systematizing of those biases in businesses, organizations, and governmental institutions;

(e) The 2023 Colorado's Child Welfare System Interim Study Committee studied how families of color, LGBTQ+ children, and people with disabilities have a greater chance of coming into contact with the child welfare system and experiencing poor outcomes while involved with the child welfare system. The committee examined ways to reduce child welfare system involvement for families of color and other populations that face discrimination.

(f) Statewide, Black children are significantly overrepresented at every key decision point on the child welfare case management continuum. Hispanic and Latino children are slightly overrepresented at every key decision point, while American Indian or Alaska Native children are overrepresented in founded reports and entering and being in foster care. At the same time, Asian and white children are underrepresented at every key decision point.

(g) There is a strong need for further data collection and reporting around disparity and disproportionality in the child welfare system to examine where state and local practices, systems, and policies can be improved to minimize disparity and disproportionality; and

(h) There is also a strong need for measurable proficiency in equity, diversity, and inclusion training for those who work in the child welfare system to minimize disparity and disproportionality at key decision points in the child welfare system.

(2) Therefore, the general assembly declares that it is critical for Colorado's entire child welfare system to identify and dismantle

disproportional impacts and inequities in its child welfare system to ensure equitable treatment, equitable access to services, and positive outcomes for all children and families in Colorado.

SECTION 2. In Colorado Revised Statutes, 26-5-109, **amend** (2) introductory portion and (2)(c) as follows:

26-5-109. Child welfare training academy established - rules.

(2) On or before September 15, 2009, the state department shall promulgate rules for the administration of the academy. The rules ~~shall~~ **MUST** include:

(c) Establishment of minimum standards of competence that a person ~~shall be~~ **IS** required to demonstrate prior to receiving certification from the academy. ~~which~~ **THE** standards of competence ~~shall~~ **MUST** include, but ~~need not be~~ **ARE NOT** limited to, a demonstrated ability to perform the duties described in section 19-3-313.5 (2) ~~C.R.S.~~; **AND A DEMONSTRATED UNDERSTANDING OF PRINCIPLES AND STRATEGIES TO PROMOTE EQUITY, DIVERSITY, AND INCLUSION IN THE CHILD WELFARE SYSTEM.**

SECTION 3. In Colorado Revised Statutes, **add** 26-5-119 as follows:

26-5-119. Equity, diversity, and inclusion in child welfare system - data collection - assessment - resource and training expansion - reporting - definitions. (1) **TO PROMOTE EQUITY, DIVERSITY, AND INCLUSION IN THE CHILD WELFARE SYSTEM; EXPAND ACCESS TO CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICE PROVIDERS; AND ENHANCE EQUITY TRAINING FOR CHILD WELFARE STAFF AND ENTITIES, THE STATE DEPARTMENT SHALL, AS SOON AS PRACTICABLE BUT NO LATER THAN JUNE 30, 2025, AND EACH JUNE 30 THEREAFTER, WORK WITH COUNTY DEPARTMENTS AND OTHER CHILD WELFARE STAKEHOLDERS, INCLUDING STAKEHOLDERS DIRECTLY IMPACTED BY OR INVOLVED IN THE CHILD WELFARE SYSTEM, TO UPDATE THE EXISTING ANNUAL DEPARTMENTAL EQUITY, DIVERSITY, AND INCLUSION REPORT THAT IS AVAILABLE ON THE STATE DEPARTMENT'S WEBSITE. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE STATE DEPARTMENT SHALL SUBMIT THE REPORT TO THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE AND HOUSE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, BEGINNING SEPTEMBER 2025 AND EACH SUBSEQUENT YEAR. UPDATES MUST:**

(a) USE AGGREGATED AND DE-IDENTIFIED DATA FROM THE STATEWIDE COMPREHENSIVE CHILD WELFARE CASE MANAGEMENT SYSTEM, AS WELL AS OTHER STATE AND NATIONAL CHILD WELFARE CLEARINGHOUSES, AS APPROPRIATE. THE UPDATED REPORT MUST INCLUDE, AT A MINIMUM, AN ANALYSIS OF THE DISPROPORTIONALITIES AND DISPARITIES IMPACTING DIFFERENT DEMOGRAPHIC GROUPS OF CHILDREN AND YOUTH AND THEIR FAMILIES AT KEY DECISION POINTS IN THE CHILD WELFARE SYSTEM. THE DEMOGRAPHIC DATA ANALYZED PURSUANT TO THIS SUBSECTION (1)(a) MUST INCLUDE, IF AVAILABLE, BUT IS NOT LIMITED TO:

- (I) RACE;
- (II) ETHNICITY;
- (III) LANGUAGE;
- (IV) GENDER EXPRESSION;
- (V) DISABILITY STATUS;
- (VI) SEXUAL ORIENTATION;
- (VII) NATIONAL ORIGIN; AND
- (VIII) INCOME;

(b) IDENTIFY ADDITIONAL NECESSARY DEMOGRAPHIC OR OTHER DATA ABOUT CHILDREN, FAMILIES, AND PEOPLE WORKING IN THE CHILD WELFARE SYSTEM THAT IS NOT CURRENTLY COLLECTED IN THE STATEWIDE COMPREHENSIVE CHILD WELFARE CASE MANAGEMENT SYSTEM, THE CHILD WELFARE WORKER TRAINING SYSTEM, OR OTHER COMPONENTS AND DATA SYSTEMS OF THE CHILD WELFARE SYSTEM, AND, IN COLLABORATION WITH COUNTIES, DETERMINE INTERNAL OR EXTERNAL PROCESSES AND MAKE RECOMMENDATIONS FOR IMPROVING DATA COLLECTION AND REPORTING STATEWIDE;

(c) PROVIDE, IN COLLABORATION WITH COUNTIES, AN UPDATED REPORT ON THE STATE'S PROGRESS IN ADDRESSING DATA COLLECTION AND DATA ENTRY CHALLENGES IN THE STATEWIDE COMPREHENSIVE CHILD WELFARE CASE MANAGEMENT SYSTEM TO ENSURE ACCURATE REPORTING OF

DEMOGRAPHIC DATA; AND

(d) PROVIDE, IN COLLABORATION WITH COUNTIES, AN UPDATED REPORT ON THE STATE'S PROGRESS IN TRAINING CHILD WELFARE STAFF ON:

(I) PROTOCOLS FOR REQUESTING DEMOGRAPHIC INFORMATION FROM CHILDREN AND YOUTH AND THEIR FAMILIES;

(II) IMPROVEMENTS TO THE STATEWIDE COMPREHENSIVE CHILD WELFARE CASE MANAGEMENT SYSTEM FOR ACCURATE REPORTING OF CLIENT RESPONSES CONSISTENT WITH NATIONAL BEST PRACTICES FOR DATA COLLECTION OF DEMOGRAPHIC INFORMATION; AND

(III) IMPROVEMENTS TO PRACTICES FOR FAMILIES TO SELF-REPORT DEMOGRAPHIC INFORMATION TO COUNTIES;

(e) IN PARTNERSHIP WITH THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN, CREATED IN SECTION 19-3.3-102, REPORT ON ANY EFFORTS TO IMPLEMENT THE RECOMMENDATIONS FROM THE MANDATORY REPORTER TASK FORCE FINAL REPORT, PURSUANT TO SECTION 19-3-304.2 (10), ON TRAINING MANDATORY REPORTERS HOW TO DECREASE THE DISPROPORTIONATE IMPACTS AND DISPARITIES THAT IMPACT THE CHILD WELFARE SYSTEM; AND

(f) REPORT ON THE STATE'S PROGRESS IN TRAINING THE CHILD WELFARE WORKFORCE IN REDUCING BIAS AND IN PROMOTING EQUITY, DIVERSITY, AND INCLUSION, AND ON PROGRESS IN THE TRAINING'S ALIGNMENT WITH CURRENT RESEARCH AND BEST PRACTICES IN PROMOTING EQUITY, DIVERSITY, AND INCLUSION PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(2) (a) THE STATE DEPARTMENT SHALL STRENGTHEN EQUITY, DIVERSITY, AND INCLUSION TRAINING FOR CHILD WELFARE STAFF TO ENSURE ALL CHILDREN AND FAMILIES ARE EQUITABLY SERVED BY THE CHILD WELFARE SYSTEM. EQUITY, DIVERSITY, AND INCLUSION TRAINING MUST BE PROVIDED AS A COMPONENT OF THE REQUIRED ANNUAL CHILD WELFARE WORK TRAINING FOR CHILD WELFARE WORKERS, AND EQUITY, DIVERSITY, AND INCLUSION TRAINING MUST BE INCLUDED WITH THE TRAINING WITH THE CHILD WELFARE TRAINING ACADEMY FOR NEW CHILD WELFARE STAFF ESTABLISHED IN SECTION 26-5-109.

(b) COUNTY AND STATE CHILD WELFARE WORKERS, SUPERVISORS, AND DIRECTORS SHALL PARTICIPATE IN THE TRAINING PROVIDED PURSUANT TO THIS SUBSECTION (2) TO PROMOTE EQUITY, DIVERSITY, AND INCLUSION. QUALIFIED TRAINERS WITH EXPERIENCE IN PROMOTING AND TEACHING PRINCIPLES AND STRATEGIES OF EQUITY, DIVERSITY, AND INCLUSION IN CHILD WELFARE MUST PROVIDE THE TRAINING. TRAINING TOPICS MAY INCLUDE, BUT ARE NOT LIMITED TO:

(I) THE HISTORICAL INEQUITIES IN COLORADO'S CHILD WELFARE AND EDUCATION SYSTEMS;

(II) IMPLICIT AND EXPLICIT BIAS;

(III) READING DATA ADDRESSING DISPROPORTIONALITIES;

(IV) ADDRESSING DISPROPORTIONALITIES IN CHILD WELFARE SYSTEMS;

(V) IDENTIFYING AND DEFEATING BIAS;

(VI) EFFECTIVE COMMUNICATION ON RACIAL AND ETHNIC IDENTITY WITH FAMILIES TO COLLECT DATA AND PROVIDE CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES; AND

(VII) HOW TO POSITIVELY ENGAGE FAMILIES IN DECISION-MAKING TO BETTER SUPPORT FAMILIES OF VARYING BACKGROUNDS.

(c) THE TRAINING MUST BE EVALUATED FOR ITS IMPACT AND OUTCOMES, INCLUDING, BUT NOT LIMITED TO, THE TRAINING'S IMPACT IN REDUCING BIAS AMONG PARTICIPANTS, IMPROVING POSITIVE FAMILY ENGAGEMENT, AND INCREASING FAMILY ENGAGEMENT IN DECISION-MAKING.

(d) THE STATE DEPARTMENT SHALL CONSIDER PROVIDING EQUITY, DIVERSITY, AND INCLUSION TRAINING TO OTHER ENTITIES AND AGENCIES INVOLVED IN CHILD WELFARE MATTERS TO ENSURE PROFICIENCY IN ADDRESSING DISPARITIES AND DISPROPORTIONALITY IN THE STATE'S CHILD WELFARE SYSTEM.

(3) ANY CHANGES TO THE CHILD WELFARE ALLOCATIONS FUNDING MODEL ESTABLISHED IN SECTION 26-5-103.7 MUST CONSIDER RESOURCES TO

IMPROVE EQUITABLE OUTCOMES.

(4) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DISPARITY" MEANS A SITUATION IN WHICH INEQUITABLE OUTCOMES ARE EXPERIENCED BY ONE RACIAL, ETHNIC, OR OTHER DEMOGRAPHIC GROUP AS COMPARED TO ANOTHER RACIAL, ETHNIC, OR OTHER DEMOGRAPHIC GROUP AT THE SAME DECISION-MAKING POINT IN TIME.

(b) "DISPROPORTIONALITY" MEANS A SITUATION IN WHICH THE PROPORTION OF ONE GROUP IN THE CHILD WELFARE POPULATION IS EITHER PROPORTIONATELY OVERREPRESENTED OR UNDERREPRESENTED WHEN COMPARED TO THE GENERAL POPULATION.

(c) "EQUITY" MEANS A POINT WHEN ALL PEOPLE ACHIEVE EQUAL OUTCOMES, ARE TREATED FAIRLY AND JUSTLY, AND WHEN DEMOGRAPHIC FACTORS DO NOT DETERMINE OR INFLUENCE CHILD WELFARE OUTCOMES.

(d) "KEY DECISION POINTS" INCLUDE, BUT ARE NOT LIMITED TO, A CHILD'S OR YOUTH'S REFERRAL, ASSESSMENT, FOUNDED REPORT, ENTRY INTO FOSTER CARE, TIME DURING FOSTER CARE, AND EXIT FROM FOSTER CARE.

SECTION 4. 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.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO