



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Fiscal Note

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<b>Drafting Number:</b>	LLS 24-0519	<b>Date:</b>	January 22, 2024
<b>Prime Sponsors:</b>	Rep. Daugherty	<b>Bill Status:</b>	House Health & Human Services
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**Bill Topic:** BILL OF RIGHTS FOR FOSTER YOUTH

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill establishes a bill of rights for foster care youth and measures to inform and enforce these rights. The bill minimally increases state and local workload on an ongoing basis.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** The fiscal note reflects the introduced bill.

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## Summary of Legislation

The bill establishes statutory rights for foster care youth, requires county human service departments to provide written notice to foster youth about their rights, and clarifies the authority of courts to enforce these rights.

The rights of foster care youth include:

- freedom from discrimination or harassment;
- freedom of thought, cultural and ethnic practice, and religion;
- freedom to express gender identity;
- freedom from threats, punishment, retaliation for asking questions, stating concerns, or making complaints about violations of their rights;
- access to services, placements, and programs they are eligible for;
- notification of the benefits they are eligible for;
- the ability to request information on how payments were used by individuals who accepted payments for the youth;
- the right to receive appropriate placement and care including being placed in a safe environment that is free of abuse, having their preferences regarding placement considered, and having providers who are aware of their history;
- the right to timely court proceedings and effective case management;

- the right to a timely notification to the Social Security Administration to initiate the transfer of benefits from providers to youth who are leaving the custody of the department;
- the right to access and communicate privately with caseworkers, legal representatives, advocates, probation officers, and other professionals;
- the right to confidentiality and privacy;
- access to education, basic essentials, and health care;
- ability to participate in legal proceedings and case planning; and
- access to certain necessities and support that will allow them to be self-sufficient in their transition to adulthood.

Foster youth rights apply to youth ages 18 to 21 in the Foster Youth in Transition Program, do not limit or supersede the right of parents, and do not apply to youth detained or in the care of the Department of Human Services (CDHS) Division of Youth Services.

The Office of the Child's Representative (OCR) must develop a written notice of rights and county human service departments must provide the notices to youth above 5 years old at their initial placement in foster care, at each placement change, and at least annually.

Juvenile courts must not limit or deny these rights, unless in extraordinary circumstances. The Office of the Child Protection Ombudsman (CPO) must annually report on the number of complaints received regarding these rights.

## State Expenditures

The fiscal note assumes that the rights outlined in the bill are mostly already provided in practice. Thus, the bill is expected to have a minimal impact on workload for the Judicial Department and independent judicial agencies starting in FY 2024-25.

**Judicial Department.** The codification of rights for foster youth may increase trial court workload to accommodate requests regarding these rights, to conduct additional inquiries, and to issue orders; however, the impact is expected to be minimal since the rights outlined generally reflect current practices in most cases.

**Independent Judicial Agencies.** Workload will increase for the OCR to create the written notice and for the CPO to report on complaints annually. Workload will also increase for the OCR and the Office of the Respondent Parents' Counsel (ORPC) to train their contracted attorneys. In cases where parents' constitutional rights conflict with the rights granted to foster youth, there may be increased workload for litigation, research, attending hearings, and potential appeals by ORPC attorneys to develop and present evidence needed to deny or limit foster youth rights. Overall, these workload impacts are expected to be minimal and can be accommodated within existing appropriations to the OCR, ORPC, and CPO.

## **Local Government**

Workload will minimally increase for county departments to provide written notice of rights to foster care youth. Dependent on staffing levels and capacity of county departments, some counties may require additional staff to ensure Social Security and federal benefit navigation services are provided for foster youth as required by the bill. Workload may also increase to the extent that county caseworkers are required to attend additional or longer court hearings, or to adjust current practices to ensure that the enumerated rights are respected.

## **Effective Date**

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **State and Local Government Contacts**

Child Welfare	Counties	Health Care Policy and Financing
Human Services	Judicial	

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).