

CHAPTER 292

COURTS

HOUSE BILL 00-1138

BY REPRESENTATIVES Leyba, Chavez, Coleman, Gagliardi, Mace, Ragsdale, Stengel, Tapia, Tochtrop, Vigil, and S. Williams;
also SENATORS Linkhart and Wham.

AN ACT

CONCERNING LIMITATIONS ON CIVIL LIABILITY OF FOSTER CARE PROVIDERS FOR THE ACTIONS OF THE
FOSTER CHILDREN IN THEIR CARE.

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

SECTION 1. Part 1 of article 21 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

13-21-117.7. Civil actions against family foster care providers - limited liability. (1) A FOSTER CARE PROVIDER SHALL BE IMMUNE FROM CIVIL LIABILITY FOR ANY ACTS OR OMISSIONS COMMITTED BY A FOSTER CHILD IN HIS OR HER CARE, UNLESS A COURT OF COMPETENT JURISDICTION DETERMINES THAT ACTS OR OMISSIONS ON THE PART OF THE FOSTER CARE PROVIDER WERE NEGLIGENT AND THAT SUCH FOSTER CARE PROVIDER'S ACTS OR OMISSIONS WERE A CAUSE OF INJURIES, DAMAGES, OR LOSSES.

(2) IF A PLAINTIFF IN A CIVIL LIABILITY ACTION DESCRIBED IN SUBSECTION (1) OF THIS SECTION IS A BIOLOGICAL OR ADOPTIVE PARENT OR OTHER RELATIVE OF THE FOSTER CHILD AND SUCH PLAINTIFF IS SUCCESSFUL AGAINST THE FOSTER CARE PROVIDER FOR ANY ACTIONS OR OMISSIONS REGARDING FOSTER CARE, ANY MONETARY COMPENSATION RECEIVED BY THE PLAINTIFF AS A RESULT OF THE CIVIL ACTION SHALL BE DEPOSITED IN A TRUST ACCOUNT AT A FEDERALLY LICENSED AND INSURED FINANCIAL INSTITUTION TO BE HELD IN TRUST FOR THE BENEFIT OF THE FOSTER CARE CHILD. THE AMOUNT SO DEPOSITED SHALL BE SUBJECT TO THE JURISDICTION AND OVERSIGHT OF THE COURT HAVING PROBATE JURISDICTION.

(3) FOR PURPOSES OF THIS SECTION, "FOSTER CARE PROVIDER" MEANS A FOSTER CARE PARENT OR A FAMILY MEMBER LIVING IN A FOSTER CARE HOME WHO PROVIDES CARE TO ONE OR MORE FOSTER CHILDREN IN THAT HOME.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. Effective date - applicability. This act shall take effect upon passage and shall apply to causes of action arising on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2000