Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

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

placement in foster care, at each placement change, and at least annually.

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

SECTION 1. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 19-7-101 as follows:

19-7-101. Rights of children and youth in foster care - written notice - reporting - legislative declaration. (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) CHILDREN AND YOUTH IN FOSTER CARE ARE TEMPORARILY OR PERMANENTLY SEPARATED FROM THEIR PARENTS AND ARE THE RESPONSIBILITY OF THE STATE OF COLORADO;

(II) THESE CHILDREN AND YOUTH ARE IN A UNIQUE SITUATION THAT REQUIRES SPECIAL SAFEGUARDS, MAKING IT VITAL TO ESTABLISH RIGHTS FOR CHILDREN AND YOUTH IN FOSTER CARE;

(III) THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION OF CHILDREN AND FAMILIES HAS STRESSED THAT EVERY CHILD AND YOUTH WHO IS UNABLE TO LIVE WITH THE CHILD'S OR YOUTH'S PARENTS IS ENTITLED TO A SAFE, LOVING, AND AFFIRMING FOSTER CARE PLACEMENT, REGARDLESS OF THE CHILD'S OR YOUTH'S SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION;

(IV) APPROXIMATELY THREE THOUSAND SIX HUNDRED CHILDREN OR YOUTH ARE CURRENTLY IN OUT-OF-HOME FOSTER PLACEMENTS IN COLORADO; AND

(V) CHILDREN AND YOUTH IN FOSTER CARE, BOTH IN COLORADO AND NATIONWIDE, TEND TO HAVE POORER OUTCOMES THAN OTHER CHILDREN AND YOUTH, INCLUDING:

(A) ONE-THIRD OF CHILDREN OR YOUTH IN FOSTER CARE IN

COLORADO WHO AGE OUT OF FOSTER CARE BECOME HOMELESS WITHIN THREE YEARS;

(B) CHILDREN AND YOUTH IN FOSTER CARE IN COLORADO CHANGE SCHOOLS AN AVERAGE OF THREE-AND-ONE-HALF TIMES PER YEAR;

(C) APPROXIMATELY THIRTY PERCENT OF YOUTH IN FOSTER CARE IN COLORADO GRADUATE FROM HIGH SCHOOL, COMPARED TO EIGHTY-TWO PERCENT OF THE GENERAL STUDENT POPULATION;

(D) IN COLORADO, YOUTH IN FOSTER CARE HAVE LOWER GRADUATION RATES THAN YOUTH EXPERIENCING HOMELESSNESS;

(E) NATIONWIDE, MORE THAN HALF OF CHILDREN AND YOUTH IN FOSTER CARE RECEIVE A PSYCHIATRIC OR MENTAL HEALTH DIAGNOSIS, COMPARED TO SIXTEEN AND SIXTY ONE-HUNDREDTHS PERCENT OF INCOME-ELIGIBLE CHILDREN AND YOUTH ON MEDICAID;

(F) NATIONWIDE, ONE OUT OF FOUR CHILDREN AND YOUTH IN FOSTER CARE BETWEEN THE AGES OF SIX AND SEVENTEEN ARE ADMINISTERED AT LEAST ONE PSYCHOTROPIC MEDICATION;

(G) THIRTY PERCENT OF CHILDREN AND YOUTH IN FOSTER CARE NATIONWIDE IDENTIFY AS LGBTQ+ , AND THESE CHILDREN AND YOUTH HAVE AN ADDITIONAL LAYER OF TRAUMA THAT ACCOMPANIES BEING REJECTED OR MISTREATED BECAUSE OF THEIR SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION;

(H) RESEARCH SHOWS THAT CHILDREN AND YOUTH IN FOSTER CARE WHO IDENTIFY AS LGBTQ+ ARE MORE THAN TWICE AS LIKELY TO REPORT BEING TREATED POORLY BY THE FOSTER CARE SYSTEM;

(I) APPROXIMATELY TEN PERCENT OF CHILDREN AND YOUTH IN FOSTER CARE NATIONWIDE ARE ENTITLED TO SOCIAL SECURITY BENEFITS, EITHER BECAUSE THEIR PARENT OR PARENTS HAVE DIED OR BECAUSE THEY

HAVE A PHYSICAL OR INTELLECTUAL DISABILITY; AND

(J) CHILDREN AND YOUTH WHO ARE IN FOSTER CARE ARE AT AN INCREASED RISK OF INCARCERATION, WITH TWENTY-SIX PERCENT OF YOUTH WHO ARE TWENTY-ONE YEARS OF AGE AND WHO WERE FORMERLY IN FOSTER CARE IN COLORADO HAVING BEEN INCARCERATED WITHIN THE PAST TWO YEARS, WHILE YOUTH WHO ARE TWENTY-ONE YEARS OF AGE AND WHO ARE IN THE GENERAL POPULATION HAVE APPROXIMATELY A SEVENTEEN PERCENT LIKELIHOOD OF HAVING BEEN INCARCERATED IN THE PAST TWO YEARS.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT TO PROTECT THE CHILDREN AND YOUTH WHO ARE THE RESPONSIBILITY OF THE STATE, A STATUTORY BILL OF RIGHTS IS ESTABLISHED FOR THESE CHILDREN AND YOUTH, ALONG WITH A SYSTEM TO NOTIFY CHILDREN AND YOUTH OF THEIR RIGHTS AND A MECHANISM TO ENFORCE THOSE RIGHTS. THE STATUTORY RIGHTS ESTABLISHED IN THIS SECTION ARE NOT INTENDED TO LIMIT OR SUPERSEDE THE CONSTITUTIONAL RIGHTS OF PARENTS, NOR DO THEY LIMIT ANY OTHER CONSTITUTIONAL OR STATUTORY RIGHTS AFFORDED TO CHILDREN AND YOUTH. THIS BILL OF RIGHTS IS INTENDED TO IMPROVE THE HEALTH, WELL-BEING, AND SAFETY OF CHILDREN AND YOUTH IN FOSTER CARE BY DEFINING THE RIGHTS OF CHILDREN AND YOUTH IN FOSTER CARE, CLARIFYING THE AUTHORITY OF THE COURTS TO ENFORCE THESE RIGHTS, AND PROVIDING CHILDREN AND YOUTH WITH NOTICE OF THEIR RIGHTS.

(2) A CHILD OR YOUTH IN FOSTER CARE OR PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM, CREATED IN PART 3 OF THIS ARTICLE 7, BUT EXCLUDING A CHILD OR YOUTH DETAINED BY OR COMMITTED TO THE CARE AND PHYSICAL CUSTODY OF THE DIVISION OF

YOUTH SERVICES IN THE DEPARTMENT OF HUMAN SERVICES, HAS THE FOLLOWING RIGHTS:

(a) FAIR AND EQUAL ACCESS, INCLUDING:

(I) FREEDOM FROM DISCRIMINATION OR HARASSMENT ON THE BASIS OF ACTUAL OR PERCEIVED RACE OR ANCESTRY, ETHNIC GROUP, NATIONAL ORIGIN, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MENTAL OR PHYSICAL DISABILITY, MARITAL STATUS, FAMILIAL STATUS, SOURCE OF INCOME, MILITARY STATUS, OR HIV STATUS;

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

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

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

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

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

(VII) IF THERE IS A REPRESENTATIVE PAYEE WHO ACCEPTS PAYMENTS FOR A CHILD OR YOUTH, AN ACCOUNTING OF THE USE OF THOSE

PAYMENTS WHEN REQUESTED BY THE CHILD OR YOUTH AND ON AN ANNUAL BASIS;

(b) APPROPRIATE PLACEMENT AND CARE, INCLUDING:

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

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

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

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

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

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

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

(VIII) RETURN TO THE CUSTODY OF A PARENT OR LEGAL GUARDIAN, CONSISTENT WITH APPLICABLE LEGAL STANDARDS AND

CONSIDERING THE PREFERENCES OF THE CHILD OR YOUTH;

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

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

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

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

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

(I) PERSONS WORKING ON THE CHILD'S OR YOUTH'S BEHALF, INCLUDING, BUT NOT LIMITED TO, CASEWORKERS, THE CHILD'S OR YOUTH'S GUARDIAN AD LITEM OR COUNSEL FOR YOUTH AND THEIR LEGAL TEAMS, FOSTER YOUTH ADVOCATES AND SUPPORTERS, COURT-APPOINTED SPECIAL

ADVOCATES, EDUCATION RIGHTS HOLDERS, PROBATION OFFICERS, THE CHILD'S OR YOUTH'S CONTACT WITH THE CHILD'S OR YOUTH'S GUARDIAN AD LITEM, COUNSEL FOR YOUTH, OTHER ATTORNEYS, AND MEMBERS OF THE CHILD'S OR YOUTH'S LEGAL TEAM MUST PROTECT THE APPLICABLE LEGAL PRIVILEGES AND CONFIDENTIALITY;

(II) THE CHILD'S OR YOUTH'S GUARDIAN AD LITEM OR COUNSEL FOR YOUTH, THE CHILD PROTECTION OMBUDSMAN, COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, OR THE DEPARTMENT OF HUMAN SERVICES REGARDING ANY QUESTIONS, CONCERNS, OR VIOLATIONS OF THE RIGHTS AND PROTECTIONS ESTABLISHED IN THIS ARTICLE 7; AND

(III) CONNECTIONS TO THE CHILD'S OR YOUTH'S COMMUNITY AND SUPPORTS, INCLUDING COMMUNICATION AND CONTACT WITH PEOPLE OUTSIDE THE FOSTER CARE SYSTEM WHO ARE IMPORTANT TO THE CHILD OR YOUTH, UNLESS OTHERWISE LIMITED BY LAW OR COURT ORDER;

(d) CONFIDENTIALITY AND PRIVACY, INCLUDING:

(I) CONFIDENTIALITY OF ALL JUVENILE COURT RECORDS, CONSISTENT WITH EXISTING LAW;

(II) FREEDOM FROM UNREASONABLE SEARCHES OF PERSONAL BELONGINGS OR OTHER UNREASONABLE INVASIONS OF PRIVACY; AND

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

(e) EDUCATION, INCLUDING:

(I) RECEIPT OF A FREE AND APPROPRIATE EDUCATION, ACCESS TO TRANSPORTATION TO EDUCATIONAL INSTITUTIONS, AND AN OPPORTUNITY TO PARTICIPATE IN SPORTS AND EXTRACURRICULAR, CULTURAL, PERSONAL ENRICHMENT, AND SOCIAL ACTIVITIES CONSISTENT WITH THE CHILD'S OR

YOUTH'S AGE AND DEVELOPMENTAL LEVEL, INCLUDING ACCESS TO COMPUTER TECHNOLOGY AND THE INTERNET AS NECESSARY FOR THE CHILD'S OR YOUTH'S EDUCATION; AND

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

(f) BASIC ESSENTIALS, INCLUDING:

(I) ADEQUATE AND APPROPRIATE FOOD, CLOTHING, AND HYGIENE PRODUCTS;

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

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

(g) HEALTH CARE, INCLUDING:

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

(II) REPRODUCTIVE AND SEXUAL HEALTH CARE CONSISTENT WITH

COLORADO STATE LAW;

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

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

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

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

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

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

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

(V) AS APPROPRIATE TO A CHILD'S OR YOUTH'S AGE AND DEVELOPMENTAL LEVEL, BEING INFORMED OF AND PARTICIPATING IN THE

DEVELOPMENT OF THE CHILD'S OR YOUTH'S CASE PLAN, CONSISTENT WITH STATE AND FEDERAL LAW; AND

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

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

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

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

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

(IV) OBTAINING OR RECEIVING A FREE ANNUAL CREDIT REPORT FROM THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES AND THE ADDITIONAL CREDIT-RELATED

AND IDENTITY THEFT PROTECTIONS PROVIDED IN SECTION 19-7-102 IF THE CHILD OR YOUTH IS IN THE LEGAL CUSTODY OF A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES AND IS FOURTEEN YEARS OF AGE OR OLDER;

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

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

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

(3) THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL DEVELOP A WRITTEN NOTICE OF THE RIGHTS ENUMERATED IN SUBSECTION (2) OF THIS SECTION. THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL DEVELOP THE NOTICE WITH INPUT FROM YOUTH WITH LIVED EXPERIENCE. THE NOTICE MUST INCLUDE CONTACT INFORMATION FOR:

(a) THE CHILD'S OR YOUTH'S APPOINTED ATTORNEY;

(b) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN;

(c) THE APPROPRIATE COUNTY DEPARTMENT OF HUMAN OR SOCIAL

SERVICES; AND

(d) THE DEPARTMENT OF HUMAN SERVICES.

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

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

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

(7) A JUVENILE COURT SHALL NOT LIMIT OR DENY THE RIGHTS ENUMERATED IN SUBSECTION (2) OF THIS SECTION UNLESS THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THERE ARE EXTRAORDINARY CIRCUMSTANCES AND THE LIMITATION OR DENIAL IS NECESSARY FOR THE SAFETY OF THE CHILD OR YOUTH IN FOSTER CARE. THIS SUBSECTION (7) IS APPLICABLE TO ONLY THE RIGHTS ENUMERATED IN THIS SECTION AND DOES NOT ALTER THE HEARING REQUIREMENTS OR STANDARDS OTHERWISE ESTABLISHED IN THIS TITLE 19.

(8) THE RIGHTS ENUMERATED IN SUBSECTION (2) OF THIS SECTION ARE A BROAD EXPRESSION OF THE RIGHTS OF CHILDREN AND YOUTH

RESIDING IN FOSTER CARE AND ARE NOT EXHAUSTIVE OF ALL RIGHTS SET FORTH IN THE UNITED STATES CONSTITUTION AND THE COLORADO CONSTITUTION, FEDERAL AND STATE STATUTES, AND CASE LAW.

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

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

19-7-102. Protection against identity theft. (1) The court shall ensure that each youth in foster care who is in the legal custody of a county department of human or social services or the department of human services and who is at least ~~sixteen~~ FOURTEEN years of age obtains or receives free annual credit reports from the department of human services or a county department of human or social services. The county department of human or social services or the department of human services shall inform the court with jurisdiction over the youth, if any, of any inaccuracies in a report and refer the matter to a governmental or nonprofit entity on the referral list developed pursuant to subsection (2) of this section for assistance in interpreting and resolving any inaccuracies in a report if the credit report shows evidence of possible identity theft. The youth's counsel for youth shall advise the youth of possible consequences of and options to address the possible identity theft, including the right to report the matter to law enforcement and seek possible prosecution of the offender.

SECTION 3. 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.