

C.R.S. 19-7-101

Current through all laws passed during the 2019 Legislative Session.

CO - Colorado Revised Statutes Annotated TITLE 19. CHILDREN'S CODE ARTICLE 7. YOUTH IN FOSTER CARE PART 1. PROTECTIONS FOR YOUTH IN FOSTER CARE

19-7-101. Legislative declaration

- (1)** The general assembly finds and declares that youth in foster care, excluding those in the custody of the division of youth services or a state hospital for persons with mental health disorders, should enjoy the following:
- (a)** Receiving appropriate and reasonable adult guidance, support, and supervision in a safe, healthy, and comfortable environment where he or she is treated with respect and dignity;
 - (b)** Being free from physical, sexual, emotional, or other abuse or corporal punishment;
 - (c)** Receiving adequate and healthy food, adequate clothing, and an adequate allowance, as appropriate;
 - (d)** Receiving medical, dental, vision, and mental health services as needed;
 - (e)** Being free of the administration of prescription medication or other chemical substances, unless authorized by a physician;
 - (f)** Being free to contact those persons working on his or her behalf, including but not limited to, case workers, attorneys, foster youth advocates and supporters, court-appointed special advocates, and probation officers;
 - (g)** Being free to contact the child protection ombudsman, county department of human or social services, or the state department of human services regarding any questions, concerns, or violations of the rights set forth in this article 7, and to speak to representatives of those offices privately, and being free from threats or punishment for making complaints;
 - (h)** As appropriate, making and receiving confidential telephone calls and sending and receiving unopened mail in accordance with his or her permanency goals;
 - (i)** Being free to attend religious services and activities;
 - (j)** Being allowed to maintain an emancipation bank account and manage personal income, consistent with the youth's age and developmental level, unless prohibited by his or her case plan;
 - (k)** Being free from being abandoned or locked in a room;
 - (l)** Receiving an appropriate education, having access to transportation, and participating in extracurricular, cultural, and personal enrichment activities consistent with the youth's age and developmental level;
 - (m)** As appropriate, being free to work and develop job skills that are in accordance with his or her permanency goals;
 - (n)** As appropriate, being free to have social contacts with people outside the foster care system, such as teachers, church members, mentors, and friends in accordance with his or her permanency goals;
 - (o)** Being free to attend independent living classes if he or she meets program and age requirements;
 - (p)** Consulting with the court conducting the youth's permanency hearing, in an age-appropriate manner, regarding the youth's permanency plan, pursuant to section 19-3-702 (1)(a);

- (q)** Having a safe place to store personal belongings;
 - (r)** As appropriate to his or her age and developmental level, being allowed to participate in and review his or her own case plan, if he or she is twelve years of age or older, and to receive information about his or her out-of-home placement and case plan, including being informed of any changes to the case plan;
 - (s)** Confidentiality of all juvenile court records, consistent with existing law;
 - (t)** Having fair and equal access to available services, placement, care, treatment, and benefits based on his or her treatment plan and not being subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group, national origin, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status;
 - (u)** At sixteen years of age or older, having access to existing information regarding the educational options available to him or her, including, but not limited to, the course work necessary for vocational and postsecondary educational programs, and information regarding financial aid available for postsecondary education;
 - (v)** Having school stability that presumes the youth will remain in the school in which he or she is enrolled at the time of placement, unless remaining in that school is not in his or her best interests;
 - (w)** Remaining in the custody of his or her parent or legal guardian unless his or her welfare and safety or the protection of the public would be otherwise endangered and, in either case, the right that the court proceed with all possible speed to a legal determination that will serve his or her best interests pursuant to section 19-1-102;
 - (x)** Being placed in a home where the foster caregiver is aware of and understands the youth's unique history as it relates to his or her care;
 - (y)** Receiving effective case management and planning that will prioritize the safe return of the youth to his or her family or move the youth on to other forms of permanent placement;
 - (z)** As appropriate to the youth's developmental level and if he or she is twelve years of age or older, being involved in meetings at which decisions are made about his or her future and having the child welfare agency bring together his or her family group and other supporters to decision-making meetings at which the group creates a plan for the youth's future;
 - (aa)** Placement in the least restrictive setting appropriate to the youth's needs;
 - (bb)** Having a guardian ad litem appointed to represent the youth's best interests; and
 - (cc)** Living with or being visited by his or her siblings.
- (2)** The general assembly further declares that subsection (1) of this section represents guidelines to promote the physical, mental, social, and emotional development of youth in foster care and to prepare them for a successful transition back into their families or the community. The application of these guidelines may be limited to reasonable periods during the day or restricted according to the routine of foster care homes to ensure the protection of children and foster families.

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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 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 child's guardian ad litem 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.
- (2)** (a) On or before July 31, 2012, the department of human services shall develop, in consultation with county departments of human or social services, a referral list of governmental and nonprofit entities that are authorized to assist a youth in foster care who has found evidence of possible identity theft on his or her credit report. An entity on the referral list developed pursuant to this subsection (2) is authorized to take any necessary remedial actions to clear the youth's credit record and shall report the results of its actions to the department of human services or the county department of human or social services with legal custody of the youth.
- (b)** In compiling the referral list pursuant to subsection (2)(a) of this section, the state department of human services, and any county departments of human or social services consulted therein, are not subject to liability pursuant to the extent provided by article 10 of title 24.

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19-7-103. Access to extracurricular activities - legislative declaration - rules

- (1)** The general assembly finds and declares that it is important for youth in foster care, excluding those in the custody of the division of youth services or a state mental hospital, to have increased access to normative, developmentally appropriate extracurricular activities to help prepare them for independence. Foster parents and group home parents or group center administrators shall make a reasonable effort to allow a youth in their care to participate in extracurricular, cultural, educational, work-related, and personal enrichment activities. The department of human services shall promulgate rules for the implementation of this section. The rules must address policies, including but not limited to waiver of any fingerprint-based criminal history records checks for community entities, excluding all individuals required to obtain a fingerprint-based criminal history records check pursuant to section 26-6-107, providing extracurricular activities and guidelines for determining in what situations it is appropriate to waive fingerprint-based criminal history records checks, to allow youth in foster care, excluding those in the custody of the division of youth services or a state mental hospital, who are twelve years of age and older to participate in age-appropriate extracurricular enrichment, social activities, and activities designed to assist those youth to make the transition to independence, build life skills, and enhance opportunities to make positive connections.
- (2)** If the state department of human services or a county department of human or social services waives the fingerprint-based criminal history record checks pursuant to subsection (1) of this section, the state department of human services or county department of human or social services are not subject to liability pursuant to the extent provided by article 10 of title 24.