

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB23-039 be amended as follows:

- 1 Amend printed bill, page 4, line 8, after "APPROPRIATE." insert "THE
- 2 RULES MUST CONSIDER THE IMPACT OF RULES PROMULGATED PURSUANT
- 3 TO THIS SECTION ON DEPARTMENT OF CORRECTIONS FACILITIES, PRIVATE
- 4 CORRECTIONAL FACILITIES UNDER CONTRACT WITH THE DEPARTMENT OF
- 5 CORRECTIONS, JAILS, AND COUNTY DEPARTMENTS THAT MUST IMPLEMENT
- 6 THE RULES. THE DEPARTMENT SHALL CONSIDER OPPORTUNITIES TO ASSESS
- 7 THE EFFICACY OF THE RULES PROMULGATED PURSUANT TO THIS SECTION."
- 8 Page 4, line 24, strike "OWN." and substitute "OWN OR THE RESPONDENT
- 9 CHOOSES TO PROCEED WITHOUT COUNSEL."
- 10 Page 6, line 7, before "WRIT" insert "PERSONAL ATTENDANCE".
- 11 Page 7, line 3, strike "and (1)(e)".
- 12 Page 7, line 4, strike "IF A CHILD'S" and substitute "(I) IF A CHILD IS
- 13 ELIGIBLE FOR SERVICES PURSUANT TO SECTION".
- 14 Page 7, strike lines 5 through 14.
- 15 Page 7, line 18, strike "DEPARTMENT" and substitute "DEPARTMENT, UPON
- 16 KNOWLEDGE OF THE INCARCERATION,".
- 17 Page 7, line 20, strike "CHILD." and substitute "CHILD, OR DOCUMENT THE
- 18 CASEWORKER'S EFFORTS TO INCLUDE THE PARENT WHO IS INCARCERATED
- 19 IN THE PLANNING."
- 20 Page 7, line 25, strike "AND".
- 21 Page 7, line 26, strike "IN-PERSON".
- 22 Page 8, line 11, strike "JAIL." and substitute "JAIL; AND"
- 23 Page 8, after line 11 insert:
- 24 "(C) COMMUNICATING WITH THE FACILITY'S OR JAIL'S DESIGNEE."
- 25 Page 8, line 13, strike "(1)(e)" and substitute "(1)(d)".
- 26 Page 10, line 18, strike "TWENTY-EIGHT" and substitute "THIRTY-FIVE".
- 27 Page 13, line 22, after "(4)(e)(V)" insert "and (7)".

1 Page 14, line 19, strike "WHEN".

2 Page 14, strike lines 20 through 23.

3 Page 14, after line 23 insert:

4 "(7) (a) IF A CHILD'S PARENT IS INCARCERATED IN A DEPARTMENT
5 OF CORRECTIONS FACILITY, A PRIVATE CORRECTIONAL FACILITY UNDER
6 CONTRACT WITH THE DEPARTMENT OF CORRECTIONS, OR A JAIL, AND THE
7 PARENT HAS MAINTAINED A MEANINGFUL AND SAFE RELATIONSHIP WITH
8 THE CHILD WHILE INCARCERATED, THE COURT SHALL MAKE FINDINGS
9 REGARDING WHETHER A PERMANENT PLACEMENT FOR THE CHILD EXISTS
10 THAT PERMITS THE PARENT TO MAINTAIN A RELATIONSHIP WITH THE
11 CHILD, INCLUDING GUARDIANSHIP OR ALLOCATION OF PARENTAL
12 RESPONSIBILITIES, GIVING PRIMARY CONSIDERATION TO THE CHILD'S
13 MENTAL, PHYSICAL, AND EMOTIONAL NEEDS. IF THE PROPOSED
14 PERMANENT PLACEMENT WOULD REQUIRE THE CHILD TO TRANSFER TO
15 ANOTHER PLACEMENT, THE COURT SHALL CONSIDER THE FACTORS IN
16 SUBSECTION (6) OF THIS SECTION IN MAKING ITS DETERMINATION.

17 (b) IN MAKING A DETERMINATION WHETHER THE PARENT WHO IS
18 INCARCERATED HAS MAINTAINED A MEANINGFUL AND SAFE RELATIONSHIP
19 WITH THE CHILD, THE COURT SHALL GIVE PRIMARY CONSIDERATION TO THE
20 CHILD'S MENTAL, EMOTIONAL, AND PHYSICAL NEEDS, AND WHETHER THE
21 INVOLVEMENT OF THE PARENT WHO IS INCARCERATED IN THE CHILD'S LIFE
22 SERVES THE CHILD'S BEST INTERESTS. THE COURT SHALL NOT FIND THAT
23 THE PARENT'S INCARCERATION IS THE SOLE REASON THAT A RELATIONSHIP
24 WITH THE PARENT IS NOT IN THE CHILD'S BEST INTERESTS, AND SHALL
25 CONSIDER THE PARENT'S EFFORTS TO COMPLY WITH THE TREATMENT PLAN
26 UNDER THE CIRCUMSTANCES OF INCARCERATION."

27 Page 19, after line 2 insert:

28 "SECTION 11. In Colorado Revised Statutes, **add** 30-10-528 as
29 follows:

30 **30-10-528. Incarcerated parents - family services coordinator.**
31 EACH SHERIFF SHALL DESIGNATE AT LEAST ONE INDIVIDUAL TO SERVE AS
32 A COMMUNICATION LIAISON BETWEEN THE COUNTY JAIL AND COUNTY
33 DEPARTMENTS OF HUMAN SERVICES CONCERNING CHILDREN SUBJECT TO
34 AN OPEN DEPENDENCY AND NEGLECT CASE WHOSE PARENTS ARE
35 INCARCERATED IN THE JAIL FOR THE PURPOSE OF IMPROVING
36 COMMUNICATION AND ENSURING OPPORTUNITIES FOR FAMILY TIME."

1 Renumber succeeding sections accordingly.

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