

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0995.01 Jane Ritter x4342

**HOUSE BILL 16-1448**

**HOUSE SPONSORSHIP**

**Singer,**

**SENATE SPONSORSHIP**

**Kefalas and Lundberg, Todd**

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**House Committees**

Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

**101      CONCERNING THE RELATIVE GUARDIANSHIP ASSISTANCE PROGRAM.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill makes changes to the relative guardianship assistance program (program) to comply with federal regulations and to clarify the qualifying legal relationships and situations that are eligible for the program in situations where a child or children cannot be returned to the physical custody of such child's or children's parent, kin, or legal guardian and adoption and reunification are either unavailable or not appropriate permanency options for the child or children.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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

2           **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
3       **with amendments,** 26-5-110 as follows:

4           **26-5-110. Guardianship assistance program - legislative**  
5       **declaration - eligibility - rules.** (1) THE GENERAL ASSEMBLY DECLARES  
6       THAT:

7           (a) THE STATE OF COLORADO HAS A STRONG INTEREST IN  
8       PROVIDING PERMANENCY OPTIONS TO CHILDREN WHO ARE PART OF THE  
9       FOSTER CARE SYSTEM;

10           (b) CHILDREN AND YOUTH IN THE CHILD WELFARE SYSTEM ARE  
11       BETTER SERVED WHEN FAMILY TIES ARE PRESERVED AND STRENGTHENED  
12       BECAUSE PERMANENT FAMILY CONNECTIONS ARE CRITICAL TO A CHILD'S  
13       OVERALL WELL-BEING AND DEVELOPMENT;

14           (c) THE GENERAL ASSEMBLY HAS ESTABLISHED THROUGH PAST  
15       LEGISLATION A STATUTORY PREFERENCE FOR PLACEMENT WITH RELATIVES  
16       AND KIN AT ALL STAGES OF A CHILD WELFARE CASE;

17           (d) TO HELP SUPPORT PERMANENCY WITH FAMILY AND KIN  
18       RELATIONSHIPS WHEN ADOPTION AND REUNIFICATION ARE EITHER  
19       UNAVAILABLE OR NOT APPROPRIATE PERMANENCY OPTIONS FOR THE  
20       CHILD, THE GENERAL ASSEMBLY CREATED THE "RELATIVE GUARDIANSHIP  
21       ASSISTANCE PROGRAM" IN 2010, AS AUTHORIZED BY THE FEDERAL  
22       "FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT  
23       OF 2008", PUB. L. 110-351;

24           (e) THE STATE OF COLORADO HAS A STRONG INTEREST IN  
25       PROVIDING PERMANENCY OPTIONS TO CHILDREN WHO ARE PART OF THE  
26       TRADITIONAL FOSTER CARE SYSTEM AND WHO ARE NOT OTHERWISE ABLE

1 TO BE PLACED WITH RELATIVES OR KIN;

2 (f) IT IS APPROPRIATE TO FURTHER THE GOAL OF PERMANENCY BY  
3 PASSING LEGISLATION TO PROVIDE FINANCIAL ASSISTANCE FOR THE CARE  
4 OF CHILDREN, WHEN IT IS IN ACCORDANCE WITH FEDERAL LAW, TO  
5 RELATIVES, KIN, AND FOSTER PARENTS WHO HAVE A SIGNIFICANT  
6 RELATIONSHIP WITH THE CHILD, AS OUTLINED IN STATUTE, AND WHO HAVE  
7 ASSUMED LEGAL GUARDIANSHIP OR ALLOCATION OF PARENTAL  
8 RESPONSIBILITIES OF CHILDREN WHO THEY PREVIOUSLY CARED FOR AS  
9 CERTIFIED FOSTER PARENTS THROUGH THE FEDERAL "TITLE IV-E  
10 ADOPTION AND GUARDIANSHIP ASSISTANCE PROGRAM", 42 U.S.C. SEC.  
11 673 (d); AND

12 (g) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY THAT  
13 THE STATE GUARDIANSHIP ASSISTANCE PROGRAM WILL BE UTILIZED TO  
14 ENHANCE FAMILY PRESERVATION AND PROVIDE A PERMANENCY OPTION  
15 FOR CHILDREN WHO HAVE DEVELOPED A SIGNIFICANT RELATIONSHIP WITH  
16 THEIR FOSTER PARENT CAREGIVER WHEN REUNIFICATION AND ADOPTION  
17 ARE EITHER UNAVAILABLE OR NOT APPROPRIATE PERMANENCY OPTIONS  
18 FOR THE CHILD, AND PROVIDE STABILITY IN SAFE AND STABLE  
19 PLACEMENTS WITH RELATIVES, KIN, AND FOSTER PARENT CAREGIVERS IN  
20 CIRCUMSTANCES SET FORTH IN THIS LEGISLATION.

21 (2) THERE IS ESTABLISHED A GUARDIANSHIP ASSISTANCE PROGRAM  
22 IN THE STATE DEPARTMENT, REFERRED TO IN THIS SECTION AS THE  
23 "PROGRAM". ASSISTANCE FROM THE PROGRAM IS AVAILABLE WHEN A  
24 COURT HAS DETERMINED THAT ADOPTION AND REUNIFICATION WITH THE  
25 CHILD'S OR CHILDREN'S PARENT OR LEGAL GUARDIAN ARE NOT  
26 APPROPRIATE PERMANENCY OPTIONS FOR THE CHILD OR CHILDREN.  
27 PROGRAM ASSISTANCE IS AVAILABLE IN THE FOLLOWING SITUATIONS:

1 (a) TO RELATIVES, KIN, AND PERSONS ASCRIBED BY THE FAMILY AS  
2 HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD OR CHILDREN AND  
3 WHO:

4 (I) ARE COMMITTED TO THE CHILD'S OR CHILDREN'S PERMANENCY;  
5 (II) WERE THE CERTIFIED FOSTER PARENT OR PARENTS OF THE  
6 CHILD OR CHILDREN FOR A MINIMUM OF SIX CONSECUTIVE MONTHS AT THE  
7 TIME THEY ASSUMED GUARDIANSHIP OR ALLOCATION OF PARENTAL  
8 RESPONSIBILITIES; AND

9 (III) HAVE ASSUMED LEGAL GUARDIANSHIP OF OR ALLOCATION OF  
10 PARENTAL RESPONSIBILITIES FOR THE CHILD OR CHILDREN; OR

11 (b) TO A CERTIFIED FOSTER PARENT OR PARENTS WHO DO NOT  
12 OTHERWISE QUALIFY FOR THE PROGRAM PURSUANT TO PARAGRAPH (a) OF  
13 THIS SUBSECTION (2) IF:

14 (I) THE CHILD OR CHILDREN IN THE CERTIFIED FOSTER PARENT'S OR  
15 PARENTS' CARE ARE TWELVE YEARS OF AGE OR OLDER, OR IF AT LEAST ONE  
16 OF THE CHILDREN IN THE SIBLING GROUP IS ELEVEN YEARS OF AGE OR  
17 YOUNGER AND HAS AN OLDER SIBLING WHO RECEIVES ASSISTANCE FROM  
18 THE PROGRAM;

19 (II) THE DEPENDENCY AND NEGLECT COURT FINDS THAT THE CHILD  
20 OR CHILDREN HAVE A SUBSTANTIAL PSYCHOLOGICAL TIE TO THE CERTIFIED  
21 FOSTER PARENT OR PARENTS, SUCH THAT IT WOULD BE SERIOUSLY  
22 DETRIMENTAL TO THE CHILD'S OR CHILDREN'S EMOTIONAL WELL-BEING TO  
23 REMOVE THE CHILD OR CHILDREN FROM THE CERTIFIED FOSTER PARENT'S  
24 OR PARENTS' CARE, AS DESCRIBED IN SECTION 19-3-702 (5) (a) (III) AND  
25 (5) (b), C.R.S.:

26 (III) ADOPTION AND REUNIFICATION ARE NOT APPROPRIATE  
27 PERMANENCY OPTIONS FOR THE CHILD OR CHILDREN, AND THE

1 DEPENDENCY AND NEGLECT COURT FINDS, PURSUANT TO SECTION  
2 19-3-702(5)(a)(III), C.R.S., THAT THE CHILD'S OR CHILDREN'S CERTIFIED  
3 FOSTER PARENT OR PARENTS ARE UNABLE TO ADOPT THE CHILD BECAUSE  
4 OF EXCEPTIONAL CIRCUMSTANCES, WHICH DO NOT INCLUDE AN  
5 UNWILLINGNESS TO ACCEPT LEGAL RESPONSIBILITY FOR THE CHILD, BUT  
6 THEY ARE WILLING AND CAPABLE OF PROVIDING THE CHILD WITH A STABLE  
7 AND PERMANENT ENVIRONMENT;

8 (IV) THE CERTIFIED FOSTER PARENT OR PARENTS OF THE CHILD OR  
9 CHILDREN HAVE CARED FOR THE CHILD OR CHILDREN FOR A MINIMUM OF  
10 TWELVE MONTHS; AND

11 (V) THE CERTIFIED FOSTER PARENT OR PARENTS HAVE ASSUMED  
12 LEGAL GUARDIANSHIP OF OR ALLOCATION OF PARENTAL RESPONSIBILITIES  
13 FOR THE CHILD OR CHILDREN WITH THE CHILD'S OR CHILDREN'S CONSENT  
14 WHO ARE TWELVE YEARS OF AGE OR OLDER.

15 (3) THE STATE DEPARTMENT SHALL PROMULGATE RULES THAT  
16 COMPLY WITH THE PROVISIONS OF 42 U.S.C. SEC. 673 (d) FOR THE  
17 IMPLEMENTATION OF THIS SECTION FOR SITUATIONS WHERE A CHILD OR  
18 CHILDREN HAVE BEEN REMOVED FROM THE HOME THROUGH A JUDICIAL  
19 DETERMINATION THAT CONTINUATION IN THE HOME WOULD NOT BE IN THE  
20 BEST INTEREST OF THE CHILD OR CHILDREN, AND THAT REUNIFICATION  
21 AND ADOPTION ARE NOT APPROPRIATE PERMANENCY OPTIONS FOR THE  
22 CHILD OR CHILDREN.

23 **SECTION 2. Effective date.** This act takes effect October 1,  
24 2016.

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