

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0214.01 Brita Darling x2241

HOUSE BILL 21-1101

HOUSE SPONSORSHIP

Ransom,

SENATE SPONSORSHIP

Buckner,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PRESERVING FAMILIAL CONNECTIONS IN ACTIONS**
102 **INITIATED PURSUANT TO THE CHILDREN'S CODE.**

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>.)

With respect to a hearing in dependency and neglect for a child under 6 years of age, the bill states that a court may find good cause for granting a delay or continuance if there is evidence that in-person visitation or services were significantly delayed or interrupted by a public health emergency.

When a child is taken into the custody of a county department of

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

human or social services (county department) for allegations of neglect or for other reasons, the bill requires the court to enter temporary visitation orders with the child's parent if such orders are in the child's best interests. The bill sets forth the contents of those orders, including the minimum frequency and level of supervision of the visits. The court shall order ongoing, in-person visitation unless it finds that in-person visitation would endanger the child's health or welfare. Within 30 days after the initial hearing, the county department shall make recommendations to the court concerning ongoing visitation between the parent and child and between the child and the child's siblings. A parent is entitled to a hearing prior to an ongoing reduction in, suspension of, or increase in the level of supervision, including a change from in-person visitation to virtual visitation. The bill requires the court to enter visitation orders consistent with the bill in various phases of the court proceedings.

The bill sets forth requirements for an open adoption in Colorado, including provisions for entering into post-adoption contact agreements between a child and the child's birth parent or parents, a birth relative, or an Indian tribe if the child is a member. A post-adoption contact agreement may include provisions for contact, visitation, or the exchange of information. If a child is 12 years of age or older, the court shall not order a post-adoption contact agreement unless the child consents to all terms of the contact agreement. The bill includes provisions for the enforcement, modification, and termination of a post-adoption contact agreement.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 19-3-217** as
3 **follows:**

4 **19-3-217. Parent-child visitation upon removal.** (1) AT ANY
5 HEARING HELD PURSUANT TO SECTION 19-3-403 (2) OR (3.5), THE COURT
6 SHALL ENTER TEMPORARY ORDERS FOR REASONABLE VISITATION WITH THE
7 CHILD'S PARENT THAT IS CONSISTENT WITH THE AGE AND DEVELOPMENTAL
8 NEEDS OF A CHILD IF THE COURT FINDS THAT VISITATION IS IN A CHILD'S
9 BEST INTERESTS. THE COURT SHALL ORDER CONTACT BETWEEN THE
10 PARENT AND CHILD, WHICH CONTACT MAY INCLUDE BUT IS NOT LIMITED
11 TO TELEPHONE, VIRTUAL, OR IN-PERSON VISITS, COMMENCING WITHIN

1 SEVENTY-TWO HOURS AFTER ANY HEARING PURSUANT TO SECTION
2 19-3-403 (2) OR (3.5), EXCLUDING SATURDAYS, SUNDAYS, AND ANY
3 COURT HOLIDAY. THE COURT MAY AUTHORIZE AN EXTENSION OF TIME FOR
4 CONTACT TO COMMENCE IF THE DELAY IS AGREED UPON BY THE PARENT,
5 COUNTY DEPARTMENT, AND GUARDIAN AD LITEM OR IF THE COURT FINDS
6 THAT A DELAY IN CONTACT IS IN THE CHILD'S BEST INTERESTS.

7 (2) NOTHING IN THIS SECTION RESTRICTS THE COURT FROM
8 GRANTING DISCRETIONARY AUTHORITY TO THE DEPARTMENT AND
9 GUARDIAN AD LITEM TO INCREASE OPPORTUNITIES FOR ADDITIONAL
10 PARENT-CHILD CONTACTS OR SIBLING CONTACTS WITHOUT FURTHER
11 COURT ORDER.

12 (3) ABSENT THE ISSUANCE OF AN EMERGENCY ORDER, A PARENT
13 GRANTED VISITATION IS ENTITLED TO A HEARING PRIOR TO AN ONGOING
14 REDUCTION IN, SUSPENSION OF, OR INCREASE IN THE LEVEL OF
15 SUPERVISION, INCLUDING A CHANGE FROM IN-PERSON VISITATION TO
16 VIRTUAL VISITATION. IF THE COURT ISSUES AN EMERGENCY ORDER
17 SUSPENDING, REDUCING, OR RESTRICTING VISITATION, A PARENT IS
18 ENTITLED TO A HEARING WITHIN SEVENTY-TWO HOURS AFTER THE ORDER
19 IS ISSUED, EXCLUDING SATURDAYS, SUNDAYS, AND COURT HOLIDAYS. THE
20 COURT NEED NOT HOLD A HEARING IF THERE IS AGREEMENT BY THE
21 PETITIONER, GUARDIAN AD LITEM, AND PARENT TO THE REDUCTION,
22 SUSPENSION, OR INCREASE IN LEVEL OF SUPERVISION OF VISITS. ANY SUCH
23 AGREEMENT MUST BE REDUCED TO WRITING AND FILED WITH THE COURT.
24 NOTHING IN THIS SECTION PREVENTS THE COUNTY DEPARTMENT FROM
25 CANCELING A VISIT IF THE CHILD'S HEALTH OR WELFARE WOULD BE
26 ENDANGERED OR IF THE PARENT CONSENTS TO THE CANCELLATION OF THE
27 VISIT.

1 (4) NOTHING IN THIS SECTION REQUIRES OR PERMITS A COUNTY
2 DEPARTMENT TO ARRANGE A VISIT IF THE VISIT WOULD VIOLATE AN
3 EXISTING PROTECTION ORDER IN ANY CASE PENDING IN THIS STATE OR ANY
4 OTHER STATE. THE COUNTY DEPARTMENT IS NOT REQUIRED TO PRODUCE
5 A CHILD FOR COURT-ORDERED VISITATION IF THE VISITATION IS MADE
6 IMPOSSIBLE DUE TO THE POLICIES OF A FACILITY WHERE THE PARENT IS
7 INCARCERATED OR IN TREATMENT.

8 SECTION 2. In Colorado Revised Statutes, 19-3-403, **amend** (7)
9 as follows:

10 **19-3-403. Temporary custody - hearing - time limits -**
11 **restriction - rules.** (7) The court may also issue temporary orders for
12 legal custody as provided in section 19-1-115. THE COURT SHALL ENTER
13 VISITATION ORDERS CONSISTENT WITH SECTION 19-3-217.

14 SECTION 3. In Colorado Revised Statutes, 19-5-208, **add** (4.5)
15 as follows:

16 **19-5-208. Petition for adoption - open adoption - post-adoption**
17 **contact agreement.** (4.5) (a) AN AGREEMENT ENTERED INTO PURSUANT
18 TO THIS SUBSECTION (4.5) IS CONSIDERED AN OPEN ADOPTION.

19 (b) THE PETITIONER MAY REQUEST A POST-ADOPTION CONTACT
20 AGREEMENT FOR CONTACT BETWEEN A CHILD AND THE BIRTH PARENT OR
21 PARENTS; A BIRTH RELATIVE, AS SET FORTH IN SECTION 19-3-605 (1); OR
22 AN INDIAN TRIBE IF THE CHILD IS A MEMBER OF THE INDIAN TRIBE. A
23 POST-ADOPTION CONTACT AGREEMENT MAY INCLUDE PROVISIONS FOR
24 CONTACT, VISITATION, OR THE EXCHANGE OF INFORMATION, AND THE
25 GROUNDS, IF ANY, ON WHICH THE ADOPTIVE PARENT MAY DECLINE TO
26 PERMIT VISITS OR CEASE PROVIDING CONTACT OR INFORMATION. IF A
27 CHILD IS AVAILABLE FOR ADOPTION THROUGH AN EXPEDITED

1 RELINQUISHMENT PURSUANT TO SECTION 19-5-103.5, THE CONTACT
2 AGREEMENT MUST BE LIMITED TO CONTACT BETWEEN THE CHILD AND THE
3 BIRTH PARENTS AND BIOLOGICAL SIBLINGS OF THE CHILD.

4 (c) IF A CHILD IS TWELVE YEARS OF AGE OR OLDER, THE COURT
5 SHALL NOT ORDER A POST-ADOPTION CONTACT AGREEMENT UNLESS THE
6 CHILD CONSENTS TO ALL TERMS OF THE CONTACT AGREEMENT.

7 (d) THE COURT SHALL INCLUDE THE POST-ADOPTION CONTACT
8 AGREEMENT IN THE ADOPTION DECREE IF THE COURT FINDS THE CONTACT
9 AGREEMENT IS IN THE CHILD'S BEST INTERESTS, AFTER CONSIDERING THE
10 CHILD'S WISHES AND ANY OTHER RELEVANT INFORMATION.

11 (e) A PARENT WHO HAS RELINQUISHED PARENTAL RIGHTS
12 PURSUANT TO SECTION 19-5-104, OR WHOSE PARENTAL RIGHTS HAVE BEEN
13 TERMINATED PURSUANT TO SECTION 19-3-604 OR 19-5-105, OR ANY BIRTH
14 RELATIVE, AS SET FORTH IN SECTION 19-3-605 (1), MUST NOT BE A PARTY
15 TO THE ADOPTION. ACCESS TO THE ADOPTION FILE, WITH THE EXCEPTION
16 OF THE POST-ADOPTION CONTACT AGREEMENT AND ANY PLEADINGS OR
17 ORDERS MADE PURSUANT TO THIS SECTION TO ENFORCE THE CONTACT
18 AGREEMENT, IS GOVERNED BY PART 3 OF THIS ARTICLE 5.

19 (f) A POST-ADOPTION CONTACT AGREEMENT ENTERED INTO
20 PURSUANT TO THIS SUBSECTION (4.5) MUST BE SUBMITTED TO THE COURT
21 ON A STANDARDIZED AFFIDAVIT FORM PRESCRIBED BY THE JUDICIAL
22 DEPARTMENT THAT CONTAINS THE FOLLOWING WARNINGS
23 ACKNOWLEDGED BY ALL PARTIES TO THE CONTACT AGREEMENT:

24 (I) AFTER THE ENTRY OF A DECREE FOR ADOPTION, AN ADOPTION,
25 RELINQUISHMENT, OR TERMINATION OF PARENTAL RIGHTS CANNOT BE SET
26 ASIDE DUE TO THE FAILURE OF THE ADOPTIVE PARENT, BIOLOGICAL
27 PARENT, A BIRTH RELATIVE, OR THE CHILD TO FOLLOW THE TERMS OF THE

1 CONTACT AGREEMENT OR ANY SUBSEQUENT MODIFICATIONS OF THE
2 AGREEMENT; AND

3 (II) A DISAGREEMENT BETWEEN THE PARTIES OR LITIGATION
4 BROUGHT PURSUANT TO SECTION 19-5-217 TO ENFORCE OR TERMINATE
5 THE CONTACT AGREEMENT DOES NOT AFFECT THE VALIDITY OF THE
6 ADOPTION, RELINQUISHMENT, OR TERMINATION OF PARENTAL RIGHTS AND
7 IS NOT A BASIS FOR ORDERS AFFECTING THE CUSTODY OF THE CHILD.

8 (g) NOTHING IN THIS SUBSECTION (4.5) PERMITS THE COURT TO
9 ORDER ONGOING CONTACT OR OTHER DUTIES FOR THE PETITIONER WHEN
10 THE PETITIONER DOES NOT CONSENT TO A POST-ADOPTION CONTACT
11 AGREEMENT AS SET FORTH IN THIS SUBSECTION (4.5).

12 (h) IN ANY CASE WHERE A POST-ADOPTION CONTACT AGREEMENT
13 IS BEING CONSIDERED BY THE COURT AND A GUARDIAN AD LITEM IS
14 CURRENTLY APPOINTED FOR THE CHILD PURSUANT TO SECTION 19-3-203,
15 THE COURT SHALL APPOINT THE GUARDIAN AD LITEM TO REPRESENT THE
16 BEST INTERESTS OF THE CHILD WITH RESPECT TO THE CONTACT
17 AGREEMENT. THE DUTIES OF THE GUARDIAN AD LITEM OR THE CHILD'S
18 ATTORNEY TERMINATE UPON THE ENTRY OF THE DECREE OF ADOPTION,
19 UNLESS OTHERWISE ORDERED BY THE COURT.

20 **SECTION 4.** In Colorado Revised Statutes, **add** 19-5-217 as
21 follows:

22 **19-5-217. Enforcement or termination of post-adoption**
23 **contact agreement.** (1) IF THE DECREE OF ADOPTION CONTAINS A
24 POST-ADOPTION CONTACT AGREEMENT PURSUANT TO SECTION 19-5-208
25 (4.5), THE COURT RETAINS JURISDICTION AFTER THE DECREE OF ADOPTION
26 IS ENTERED TO HEAR MOTIONS TO ENFORCE OR TERMINATE THE CONTACT
27 AGREEMENT, OR TO ENTER STIPULATED AGREEMENTS OF THE PARTIES TO

1 MODIFY THE CONTACT AGREEMENT.

2 (2) THE COURT MAY APPOINT A GUARDIAN AD LITEM FOR THE
3 ADOPTED CHILD AT THE TIME OF ANY ACTION FOR THE ENFORCEMENT OR
4 TERMINATION OF THE POST-ADOPTION CONTACT AGREEMENT IF THE COURT
5 DETERMINES THAT CONSIDERATION OF THE FACTORS SET FORTH IN
6 SECTION 19-5-103 (9)(a) REQUIRE THE APPOINTMENT OF A GUARDIAN AD
7 LITEM. IN ALL ADOPTIONS OTHER THAN THOSE IN WHICH THE CHILD IS
8 PLACED BY THE COUNTY DEPARTMENT, A PARTY OR PARTIES SHALL PAY
9 REASONABLE FEES FOR THE SERVICES OF THE GUARDIAN AD LITEM AND
10 COUNSEL FOR THE CHILD, UNLESS A PARTY IS INDIGENT, IN WHICH CASE
11 SUCH FEES SHALL BE PAID BY THE OFFICE OF THE CHILD'S REPRESENTATIVE.

12 (3) IF THERE IS A POST-ADOPTION AGREEMENT FOR CONTACT
13 ESTABLISHED PURSUANT TO SECTION 19-5-208 (4.5), A PARTY TO THE
14 CONTACT AGREEMENT, EVEN IF HE OR SHE IS NOT A PARTY TO THE
15 ADOPTION, MAY FILE A MOTION TO ENFORCE OR TERMINATE THE CONTACT
16 AGREEMENT AS SET FORTH IN THIS SECTION.

17 (4) PRIOR TO FILING A MOTION SEEKING THE ENFORCEMENT OR
18 TERMINATION OF A POST-ADOPTION CONTACT AGREEMENT ESTABLISHED
19 PURSUANT TO SECTION 19-5-208 (4.5), THE PARTY SEEKING ENFORCEMENT
20 OR TERMINATION SHALL SHOW THAT THE PARTY ATTEMPTED IN GOOD
21 FAITH TO RESOLVE THE DISPUTED MATTERS THROUGH MEDIATION OR
22 OTHER METHOD OF DISPUTE RESOLUTION. THIS REQUIREMENT IS WAIVED
23 IF THE PARTY'S WHEREABOUTS ARE UNKNOWN AND THE PARTY CANNOT BE
24 LOCATED DESPITE DILIGENT EFFORTS TO DO SO.

25 (5) THE COURT SHALL NOT TERMINATE A POST-ADOPTION CONTACT
26 AGREEMENT ESTABLISHED PURSUANT TO SECTION 19-5-208 (4.5) UNLESS
27 THE MOVING PARTY ESTABLISHES THAT THERE HAS BEEN A CHANGE IN

1 CIRCUMSTANCES AND THAT THE CONTACT AGREEMENT IS NO LONGER IN
2 THE ADOPTED CHILD'S BEST INTERESTS. FOLLOWING THE ADOPTION, THE
3 COURT SHALL PRESUME THAT THE ADOPTIVE PARENT'S JUDGEMENT IS IN
4 THE BEST INTERESTS OF THE CHILD IN ANY ACTION SEEKING TO ENFORCE
5 OR TERMINATE THE CONTACT AGREEMENT, AND SUCH PRESUMPTION MAY
6 ONLY BE OVERCOME BY CLEAR AND CONVINCING EVIDENCE. A
7 POST-ADOPTION CONTACT AGREEMENT MAY NOT LIMIT THE ADOPTIVE
8 PARENT'S ABILITY TO MOVE OUT OF STATE.

9 (6) AT ANY TIME AFTER THE ENTRY OF A POST-ADOPTION CONTACT
10 AGREEMENT PURSUANT TO SECTION 19-5-208 (4.5), THE PARTIES TO THE
11 AGREEMENT MAY FILE WITH THE COURT A SIGNED, MODIFIED
12 POST-ADOPTION CONTACT AGREEMENT. THE COURT SHALL NOT MODIFY
13 THE TERMS OF THE INITIAL POST-ADOPTION CONTACT AGREEMENT ABSENT
14 THE CONSENT OF ALL PARTIES TO THE AGREEMENT, BUT THE COURT MAY
15 ENFORCE OR TERMINATE THE AGREEMENT OVER THE OBJECTION OF A
16 PARTY TO THE AGREEMENT. AN ADOPTED CHILD TWELVE YEARS OF AGE OR
17 OLDER AT THE TIME OF THE TERMINATION OR MODIFICATION OF THE
18 CONTACT AGREEMENT MUST CONSENT TO ANY MODIFICATION OR
19 TERMINATION OF THE CONTACT AGREEMENT.

20 (7) THE COURT MAY CONSIDER DOCUMENTARY EVIDENCE AND
21 OFFERS OF PROOF IN DETERMINING MOTIONS TO ENFORCE OR TERMINATE
22 A POST-ADOPTION CONTACT AGREEMENT ESTABLISHED PURSUANT TO
23 SECTION 19-5-208 (4.5), OR MAY, IN ITS DISCRETION, HOLD A HEARING ON
24 THE MOTION.

25 (8) THE COURT SHALL NOT ORDER FURTHER INVESTIGATION OR
26 EVALUATION BY ANY PUBLIC OR PRIVATE AGENCY OR INDIVIDUAL
27 RELATING TO A POST-ADOPTION CONTACT AGREEMENT ESTABLISHED

1 PURSUANT TO SECTION 19-5-208 (4.5) ABSENT A FINDING BY CLEAR AND
2 CONVINCING EVIDENCE THAT THE BEST INTERESTS OF THE CHILD MAY BE
3 PROTECTED OR ADVANCED ONLY BY FURTHER INVESTIGATION OR
4 EVALUATION AND THAT THE INVESTIGATION OR EVALUATION WILL NOT
5 DISTURB THE STABILITY OF THE CHILD'S HOME TO THE DETRIMENT OF THE
6 CHILD.

7 **SECTION 5.** In Colorado Revised Statutes, **add** part 9 to article
8 3 of title 19 as follows:

9 **PART 9**

10 **TASK FORCE ON HIGH-QUALITY PARENTING TIME**

11 **19-3-901. Legislative declaration.** (1) THE GENERAL ASSEMBLY
12 FINDS AND DECLARES THAT:

13 (a) COLORADO HAS A STRONG INTEREST IN PRESERVING AND
14 STRENGTHENING FAMILY TIES AND REDUCING SEPARATION TRAUMA TO
15 CHILDREN WHO ARE REMOVED FROM THEIR BIRTH PARENTS;

16 (b) THE REMOVAL AND SUBSEQUENT CONTINUED SEPARATION
17 BETWEEN CHILD AND BIRTH PARENT MAKES SUSTAINING PRIMARY
18 RELATIONSHIPS DIFFICULT AND REUNIFICATION MORE PROBLEMATIC, AND
19 THE LOSS A CHILD EXPERIENCES WHEN SEPARATED FROM HIS OR HER BIRTH
20 PARENT OR PARENTS IS PROFOUND, SOMETIMES LASTING INTO
21 ADULTHOOD;

22 (c) FOR THESE REASONS, IT IS IMPORTANT TO ESTABLISH CLEAR
23 STANDARDS TO ACHIEVE CONSISTENT PRACTICES RELATING TO THE
24 AVAILABILITY OF HIGH-QUALITY PARENTING TIME FOR CHILDREN WHO
25 HAVE BEEN REMOVED FROM A BIRTH PARENT BY GOVERNMENT ACTION;
26 AND

27 (d) CLEAR STANDARDS AND CONSISTENT PRACTICES WILL HELP

1 ENSURE THAT ALL PARENTS AND CHILDREN HAVE A FAIR PROCESS FOR
2 DETERMINING A PARENTING TIME PLAN THAT IS IN THE BEST INTERESTS OF
3 CHILDREN AND THAT PROMOTES POSITIVE OUTCOMES FOR FAMILIES.

4 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
5 VALUABLE TO CREATE A TASK FORCE OF PERSONS WITH EXPERIENCE IN OR
6 KNOWLEDGE OF THE CHILD WELFARE POLICY SYSTEM TO EXAMINE THE
7 CURRENT POLICIES AND STATUTES GOVERNING PARENTING TIME, TO STUDY
8 BEST PRACTICES FOR THE PROVISION OF AND DETERMINATION OF
9 INDIVIDUALIZED PLANS FOR PARENTING TIME, AND TO MAKE
10 RECOMMENDATIONS TO THE EXECUTIVE BRANCH AND TO THE GENERAL
11 ASSEMBLY ON ADMINISTRATIVE AND LEGISLATIVE CHANGES TO SUPPORT
12 HIGH-QUALITY PARENTING TIME IN COLORADO.

13 **19-3-902. Definitions.** AS USED IN THIS PART 9, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "COUNTY DEPARTMENT" MEANS A COUNTY DEPARTMENT OF
16 HUMAN OR SOCIAL SERVICES.

17 (2) "PARENTING TIME" MEANS ANY FORM OF CONTACT OR
18 ENGAGEMENT BETWEEN PARENTS, LEGAL CUSTODIANS, OR GUARDIANS
19 AND CHILDREN WHEN CHILDREN ARE PLACED IN OUT-OF-HOME CARE IN A
20 CASE BROUGHT PURSUANT TO THIS ARTICLE 3.

21 (3) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
22 HUMAN SERVICES.

23 (4) "STEERING COMMITTEE" MEANS THE TASK FORCE STEERING
24 COMMITTEE CREATED IN SECTION 19-3-903.

25 (5) "TASK FORCE" MEANS THE TASK FORCE ON HIGH-QUALITY
26 PARENTING TIME CREATED IN SECTION 19-3-903.

27 **19-3-903. Task force on high-quality parenting time - creation**

1 - steering committee - membership. (1) THERE IS CREATED IN THE
2 STATE DEPARTMENT THE TASK FORCE ON HIGH-QUALITY PARENTING TIME,
3 FOR THE PURPOSE OF STUDYING THE ISSUES SET FORTH IN SECTION
4 19-3-904 AND MAKING FINDINGS AND RECOMMENDATIONS TO THE
5 GOVERNOR, THE STATE DEPARTMENT, THE CHILD WELFARE TRAINING
6 ACADEMY, AND THE GENERAL ASSEMBLY ON ADMINISTRATIVE AND
7 LEGISLATIVE CHANGES TO IMPROVE HIGH-QUALITY PARENTING TIME
8 SERVICES AND PRACTICES IN DEPENDENCY AND NEGLECT CASES.

9 (2) THERE IS CREATED A STEERING COMMITTEE FOR THE TASK
10 FORCE. THE MEMBERS OF THE STEERING COMMITTEE SERVE AS THE
11 EXECUTIVE COMMITTEE OF THE TASK FORCE. THE STEERING COMMITTEE
12 IS COMPOSED OF A REPRESENTATIVE OF THE FOLLOWING AGENCIES OR
13 ORGANIZATIONS, SELECTED BY THE EXECUTIVE DIRECTOR OF THE AGENCY
14 OR ORGANIZATION:

- 15 (a) THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL;
- 16 (b) THE DIVISION OF CHILD WELFARE IN THE DEPARTMENT OF
17 HUMAN SERVICES;
- 18 (c) THE OFFICE OF THE CHILD'S REPRESENTATIVE;
- 19 (d) THE CHILD PROTECTION OMBUDSMAN'S OFFICE; AND
- 20 (e) A STATEWIDE ASSOCIATION OF HUMAN AND SOCIAL SERVICES
21 DIRECTORS.

22 (3) THE MEMBERSHIP OF THE TASK FORCE MUST NOT EXCEED
23 TWENTY-FIVE MEMBERS AND, TO THE EXTENT PRACTICABLE, MUST
24 INCLUDE PERSONS FROM THROUGHOUT THE STATE AND MUST REFLECT THE
25 RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE. THE
26 STEERING COMMITTEE MEMBERS ARE MEMBERS OF THE TASK FORCE. THE
27 STEERING COMMITTEE SHALL JOINTLY APPOINT THE REMAINING TASK

1 FORCE MEMBERS BY CONSENSUS, OR, IF NO CONSENSUS IS REACHED, BY
2 MAJORITY VOTE OF THE STEERING COMMITTEE. THE REMAINING TASK
3 FORCE MEMBERS MUST MEET THE FOLLOWING CRITERIA:

4 (a) ONE MEMBER REPRESENTING THE COURT IMPROVEMENT
5 PROGRAM;

6 (b) ONE MEMBER WHO IS EITHER RETIRED OR CURRENTLY SERVING
7 AS A JUDGE OR MAGISTRATE WITH EXPERIENCE IN THE CHILD PROTECTION
8 SYSTEM;

9 (c) TWO MEMBERS WHO REPRESENT SERVICE PROVIDERS, WITH ONE
10 MEMBER REPRESENTING SERVICE PROVIDERS WHO PROVIDE SERVICES IN
11 AN URBAN COUNTY AND ONE MEMBER REPRESENTING SERVICE PROVIDERS
12 WHO PROVIDE SERVICES IN A RURAL COUNTY;

13 (d) ONE MEMBER WHO IS A DIRECTOR OR ADMINISTRATOR OF A
14 COUNTY DEPARTMENT;

15 (e) THREE MEMBERS REPRESENTING THE COUNTY DEPARTMENTS
16 OF HUMAN OR SOCIAL SERVICES, AT LEAST ONE OF WHICH MUST BE A
17 COUNTY ATTORNEY, WITH TWO MEMBERS REPRESENTING URBAN COUNTIES
18 AND ONE MEMBER REPRESENTING A RURAL COUNTY;

19 (f) ONE MEMBER WHO IS A LICENSED PSYCHIATRIST,
20 PSYCHOLOGIST, SOCIAL WORKER, OR THERAPIST WHO WORKS WITH
21 CHILDREN WHO HAVE BEEN ABUSED OR NEGLECTED;

22 (g) TWO PARENTS WITH LIVED EXPERIENCE IN THE CHILD WELFARE
23 SYSTEM, INCLUDING A PARENT WHO HAS A DISABILITY OR HAS A CHILD
24 WITH A DISABILITY;

25 (h) TWO MEMBERS WITH LIVED EXPERIENCE IN THE CHILD WELFARE
26 SYSTEM AS CHILDREN;

27 (i) ONE MEMBER WHO IS A FOSTER PARENT OR KINSHIP PROVIDER;

1 (j) A SERVICE PROVIDER WHO WORKS WITH PARENTS OR CHILDREN
2 WITH DISABILITIES;

3 (k) A SOCIAL WORKER, FAMILY ADVOCATE, OR PARENT ADVOCATE
4 WITH EXPERIENCE SERVING FAMILIES IN DEPENDENCY AND NEGLECT
5 CASES; AND

6 (l) ANY OTHER INDIVIDUAL OR REPRESENTATIVE WITH RELEVANT
7 EXPERIENCE, AS DETERMINED BY THE STEERING COMMITTEE.

8 (4) (a) THE EXECUTIVE DIRECTORS OF THE AGENCIES OR
9 ORGANIZATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION SHALL
10 APPOINT THE STEERING COMMITTEE MEMBERS NOT LATER THAN FIFTEEN
11 DAYS AFTER THE EFFECTIVE DATE OF THIS PART 9. STEERING COMMITTEE
12 MEMBERS SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY.

13 (b) THE STEERING COMMITTEE SHALL APPOINT THE REMAINING
14 TASK FORCE MEMBERS DESCRIBED IN SUBSECTION (3) OF THIS SECTION NOT
15 LATER THAN FORTY-FIVE DAYS AFTER THE EFFECTIVE OF THIS PART 9,
16 UNLESS THE STEERING COMMITTEE BY MAJORITY VOTE EXTENDS THE TIME
17 FRAME IN WHICH TO APPOINT TASK FORCE MEMBERS. EACH MEMBER OF
18 THE TASK FORCE APPOINTED BY THE STEERING COMMITTEE SERVES AT THE
19 PLEASURE OF THE STEERING COMMITTEE AND MAY BE REMOVED BY A
20 CONSENSUS OF THE STEERING COMMITTEE, OR, IF CONSENSUS CANNOT BE
21 REACHED, BY MAJORITY VOTE OF THE STEERING COMMITTEE.

22 (5) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT
23 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

24 (6) (a) THE TASK FORCE SHALL CONVENE WITHIN THIRTY DAYS
25 AFTER THE FINAL MEMBER HAS BEEN APPOINTED TO THE TASK FORCE.

26 (b) THE TASK FORCE SHALL ELECT A CHAIR AND VICE-CHAIR FROM
27 AMONG ITS MEMBERS.

1 (c) THE TASK FORCE SHALL MEET AT LEAST MONTHLY THROUGH
2 SEPTEMBER 2022, AND MAY MEET THEREAFTER TO COMPLETE ITS DUTIES.

3 (d) THE STEERING COMMITTEE MAY SEEK INPUT FROM
4 SUBJECT-MATTER EXPERTS OR OTHERS TO FACILITATE THE WORK OF THE
5 TASK FORCE.

6 (e) THE STEERING COMMITTEE SHALL SELECT A FACILITATOR TO BE
7 FUNDED THROUGH GIFTS, GRANTS, DONATIONS, OR FEDERALLY
8 ALLOCATED FUNDS THAT MAY BE USED FOR THIS PURPOSE, AND IS
9 AUTHORIZED TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR
10 DONATIONS.

11 **19-3-904. Task force - purposes - issues to study - written**
12 **reports.** (1) THE PURPOSE OF THE TASK FORCE IS TO:

13 (a) STUDY CURRENT LAWS, RULES, AND PRACTICES FOLLOWED IN
14 THE STATE INCLUDING CURRENT CAPACITY FOR SUPERVISED PARENTING
15 TIME IN DEPENDENCY AND NEGLECT CASES WHERE CHILDREN HAVE BEEN
16 REMOVED FROM A PARENT;

17 (b) STUDY AND REVIEW RESEARCH AND BEST PRACTICES FOR
18 PARENTING TIME IN DEPENDENCY AND NEGLECT CASES WHILE ENSURING
19 THE SAFETY AND WELL-BEING OF ALL PARTICIPANTS;

20 (c) STUDY BEST PRACTICES FOR JUDICIAL REVIEW OF VISITATION
21 AND PARENTING TIME PLANS;

22 (d) EVALUATE THE RIGHTS AND REMEDIES FOR PARENTS AND
23 CHILDREN OR YOUTH PERTAINING TO PARENTING TIME, INCLUDING SIBLING
24 VISITATION;

25 (e) CONSIDER WHETHER THE STATUTES AND LEGAL STANDARDS
26 FOR ORDERING PARENTING TIME ARE CONSISTENT WITH BEST PRACTICES;

27 (f) CONSIDER WHETHER CURRENT LANGUAGE IN THE "COLORADO

1 CHILDREN'S CODE" AND RULES SHOULD BE UPDATED OR MODERNIZED,
2 INCLUDING REPLACING THE TERM "VISITATION" WITH "PARENTING TIME"
3 OR "FAMILY TIME";

4 (g) STUDY BEST PRACTICES TO MEET THE DEVELOPMENTAL NEEDS
5 OF YOUTH THROUGH PARENTING TIME IN A TRAUMA-INFORMED MANNER;

6 (h) STUDY BEST PRACTICES FOR PARENTING TIME WITH
7 INCARCERATED PARENTS;

8 (i) STUDY BEST PRACTICES FOR USE OF LEVELS OF SUPERVISED
9 PARENTING TIME AND CONSISTENCY IN THE AVAILABILITY AND
10 DEFINITIONS OF DIFFERENT LEVELS OF SUPERVISED PARENTING TIME;

11 (j) RECOMMEND NECESSARY CHANGES TO STATUTE AND RULE TO
12 EFFECTUATE THE RECOMMENDED PRACTICES; AND

13 (k) RECOMMEND BEST PRACTICES TO ENSURE THAT FAMILIES
14 ACROSS THE STATE HAVE CONSISTENT ACCESS TO HIGH-QUALITY
15 PARENTING TIME WHERE CHILDREN ARE IN OUT-OF-HOME CARE.

16 (2) IN CARRYING OUT THE PURPOSES SET FORTH IN SUBSECTION (1)
17 OF THIS SECTION, THE TASK FORCE SHALL CONSIDER:

18 (a) THE U.S. CONSTITUTION AND STATE CONSTITUTION, CASE LAW,
19 STATUTES, RULES, PRACTICES, AND STANDARDS THAT GOVERN FAMILY
20 PARENTING TIME OR VISITATION IN COLORADO;

21 (b) BEST PRACTICES FOLLOWED IN OTHER STATES OR
22 RECOMMENDED BY NATIONAL CHILD WELFARE EXPERTS TO PROVIDE AND
23 DETERMINE PARENTING TIME PLANS THAT ARE IN THE BEST INTERESTS OF
24 CHILDREN AND WHICH PROMOTE POSITIVE OUTCOMES FOR FAMILIES;

25 (c) FEDERAL GUIDANCE FROM THE ADMINISTRATION ON
26 CHILDREN, YOUTH AND FAMILIES REGARDING BEST PRACTICES IN
27 PARENTING TIME AND VISITATION FOR CHILDREN AND YOUTH IN

1 OUT-OF-HOME CARE; AND

2 (d) JUVENILE CODES AND RULES FROM OTHER STATES
3 IMPLEMENTING BEST PRACTICES IN PARENTING TIME.

4 (3) THE TASK FORCE SHALL CONSIDER AND RECOMMEND:

5 (a) THE BEST PRACTICES IN PARENTING TIME FOR CHILDREN
6 PLACED IN OUT-OF-HOME CARE;

7 (b) CHANGES TO STATUTE, RULE, AND PRACTICE NECESSARY TO
8 IMPLEMENT THE RECOMMENDATIONS;

9 (c) CONSIDERATIONS TO ENSURE FAIR AND EQUAL ACCESS TO
10 HIGH-QUALITY PARENTING TIME FOR ALL FAMILIES, INCLUDING
11 RECOMMENDATIONS TO ENSURE THAT CULTURALLY APPROPRIATE AND
12 INCLUSIVE SERVICES ARE EQUALLY AVAILABLE ACROSS THE STATE; AND

13 (d) IDENTIFICATION OF BARRIERS TO IMPLEMENTING BEST
14 PRACTICES ACROSS THE STATE AND RECOMMENDATIONS FOR ADDRESSING
15 THE BARRIERS.

16 (4) ON OR BEFORE OCTOBER 1, 2022, THE TASK FORCE SHALL
17 SUBMIT A WRITTEN REPORT TO THE GOVERNOR; THE STATE DEPARTMENT;
18 THE CHILD WELFARE TRAINING ACADEMY; THE JOINT BUDGET COMMITTEE;
19 THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND
20 HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN
21 SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEES. THE REPORT
22 MUST INCLUDE, BUT IS NOT LIMITED TO THE TASK FORCE'S FINDINGS
23 CONCERNING BEST PRACTICES TO IMPROVE HIGH-QUALITY PARENTING
24 TIME SERVICES AND PRACTICES IN DEPENDENCY AND NEGLECT CASES AND
25 RECOMMENDATIONS CONCERNING NECESSARY CHANGES IN STATE
26 STATUTE AND ADMINISTRATIVE RULES TO IMPLEMENT THOSE BEST
27 PRACTICES AND RECOMMENDATIONS.

1 **19-3-905. Repeal of part.** THIS PART 9 IS REPEALED, EFFECTIVE
2 JULY 1, 2023.

3 **SECTION 6. Effective date.** This act takes effect upon passage;
4 except that sections 1, 2, 3, and 4 of this act take effect September 1,
5 2021.

6 **SECTION 7. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety.