

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0303.01 Jane Ritter x4342

HOUSE BILL 23-1024

HOUSE SPONSORSHIP

Gonzales-Gutierrez and Epps,

SENATE SPONSORSHIP

Exum,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO INCREASE FAMILY RESILIENCY THROUGH
102 PROVIDING GREATER SUPPORTS AND PROTECTIONS FOR
103 CHILDREN PLACED WITH KIN, INCLUDING RELATIVES.

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 several measures that protect the best interests of a child or youth and that will not hinder reunification with the child's or youth's family when the child or youth has been temporarily placed outside the family home with a relative or kin (relative), including:

- Permitting a relative to appeal when denied placement of

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

- the child or youth with the relative;
- Requiring the department of human services (department), to use reasonable efforts to help a relative whose barrier to caring for the child or youth is a lack of resources;
- Amending the court's advisement to the parent so it is consistent with changes to statute;
- Specifying what information should be included in a notice to relatives when the child or youth has been removed from the child's or youth home;
- Requiring that courts give preference to a relative unless placement with that relative would negatively affect the child's or youth's health, safety, or welfare or hinder reunification with the child's or youth's family;
- Providing options for a relative to be allowed to participate in a child's or youth's care and planning;
- Creating a rebuttable presumption that placement with a relative is in the child's or youth's best interest as long as the child's or youth's health or safety is not jeopardized by the placement; and
- Requiring that caseworkers inform the court of efforts to identify and place a child or youth with a relative.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Children and youth placed with relatives or kin experience
5 greater placement stability, reduced separation trauma, lower rates of
6 trauma from institutional abuse, better behavioral and mental health
7 outcomes, preservation of identities, and higher rates of reunification with
8 parents than children and youth placed in foster homes;

9 (b) Federal law requires that children and youth be placed in the
10 least restrictive, most family-like environment and that states should
11 consider giving preference to adult relatives and kin;

12 (c) Colorado's state plan for child welfare systems improvement
13 recognizes the importance of placing children and youth with relatives

1 and kin, with a goal of fifty percent of initial placements being with
2 relatives or kin;

3 (d) Over 20 percent of children and youth who age out of foster
4 care become homeless and 25 percent of children and youth become
5 involved in the criminal justice system within 2 years of aging out of
6 foster care;

7 (e) When family reunification and kinship guardianship, foster,
8 and adoptive placements are promoted and supported, children's and
9 youth's family connections and family relationships can reverse such adult
10 outcomes;

11 (f) Foster care is intended to be temporary. The best interests of
12 children and youth in safe, stable, and permanent placements are
13 paramount. At the same time, absent aggravating circumstances, it is in
14 the best interests of children and youth for parents to be provided
15 individualized services, supports, and time needed to address the reasons
16 for foster care or other temporary placements of their children or youth.

17 (g) When kinship placements can safely be made, extended family
18 members available for such placements often face financial and other
19 barriers related to access to health and mental health services and
20 supports, crisis stabilization services, and other service supports;

21 (h) Children and youth in foster care should not have to choose
22 between families. These children and youth must be offered the
23 opportunity to expand family relationships, not sever or replace them.
24 When relationships with relatives and kin are prioritized, protective
25 factors increase, promoting current and future well-being.

26 (i) The most critical factors for consideration in permanency
27 planning should be the safety of the family home and a child's or youth's

1 key attachments and family connections. These factors, rather than the
2 number of months spent in foster care, or even a child's or youth's new
3 attachment to foster parents, should drive permanency decisions.

4 (2) The general assembly therefore declares that it is crucial to
5 promote kinship care as an essential permanency option for children and
6 youth, to remove barriers to children's and youth's safe care by relatives
7 and kin when such children and youth cannot be safely cared for by their
8 parents, and to support the provision of resources and services to
9 relatives, kin, and other caregivers.

10 **SECTION 2.** In Colorado Revised Statutes, 19-1-109, **add** (2)(d)
11 as follows:

12 **19-1-109. Appeals - child welfare appeals workgroup - created**
13 **- reports.** (2) (d) AN ORDER DENYING PERMANENT PLACEMENT OF A
14 CHILD WITH A RELATIVE OR KIN PURSUANT TO SECTION 19-3-605 IS A
15 FINAL AND APPEALABLE ORDER.

16 **SECTION 3.** In Colorado Revised Statutes, 19-3-403, **amend**
17 (3.6)(a)(III), (3.6)(a)(IV), and (3.6)(a)(V); and **add** (3.6)(a)(VI), (3.6)(d),
18 and (9) as follows:

19 **19-3-403. Temporary custody - hearing - time limits -**
20 **restriction - caregiver rights - rules.** (3.6) (a) (III) The court shall
21 advise the ~~child's~~ parents that the child OR YOUTH may be placed with a
22 relative ~~if, in the court's opinion, such placement is appropriate and in the~~
23 ~~child's best interests~~ OR KIN. The court shall order the parents to complete
24 the form affidavit and advisement described in subsection (3.6)(a)(I) of
25 this section no later than seven ~~business~~ days after the HEARING date ~~of~~
26 ~~the hearing~~ or prior to the next hearing on the matter, whichever occurs
27 first. THE COURT SHALL ASK THE PARENT IF THERE ARE ANY CHANGES TO

1 THE INFORMATION ON THE RELATIVE OR KIN AFFIDAVIT AT HEARINGS HELD
2 PURSUANT TO SECTIONS 19-3-507 AND 19-3-702, AND IF THE PARENT HAS
3 NOT COMPLETED THE RELATIVE OR KIN AFFIDAVIT, THE COURT SHALL ASK
4 THE PARENT, ON THE RECORD, FOR NAMES AND CONTACT INFORMATION
5 FOR RELATIVES AND KIN WHOM THE PARENT WOULD LIKE CONSIDERED FOR
6 ENGAGEMENT IN THE CASE. The original completed form AFFIDAVIT must
7 be filed with the court and a copy delivered to the county department of
8 human or social services no later than ~~five business~~ SEVEN days after the
9 HEARING date. ~~of the hearing~~. Each parent, the guardian ad litem or
10 counsel for youth, and counsel for each parent, if any, ~~shall~~ MUST also
11 receive copies of the completed form AFFIDAVIT. The court may advise
12 each parent of the penalties associated with perjury and contempt of
13 court, if necessary. Each parent may suggest an adult relative or relatives,
14 OR KIN, whom the parent believes to be the most appropriate caretaker or
15 caretakers for the child OR YOUTH. If appropriate, the child ~~or children~~
16 ~~shall~~ OR YOUTH MUST be consulted regarding suggested relative OR KIN
17 caretakers. The court shall order each parent to notify every relative OR
18 KIN who may be an appropriate relative OR KIN caretaker for the child OR
19 YOUTH that failure to come forward in a timely manner may result in the
20 child OR YOUTH being placed permanently outside of the home of the
21 ~~child's~~ relatives OR KIN OF THE CHILD OR YOUTH if the child OR YOUTH is
22 not able to return to the child's OR YOUTH'S home. In addition, the court
23 shall advise each parent that failure to identify these relatives OR KIN in
24 a timely manner may result in the child OR YOUTH being placed
25 permanently outside of the home of the ~~child's~~ relatives OR KIN OF THE
26 CHILD OR YOUTH.

27 (IV) The court shall order a county department of human or social

1 services to exercise due diligence to contact all grandparents and other
2 adult relatives AND IDENTIFIED KIN within thirty days ~~following~~ AFTER the
3 removal of the child OR YOUTH and to inform them about placement
4 possibilities for the child OR YOUTH, unless the court determines there is
5 good cause not to contact or good cause to delay contacting the child's OR
6 YOUTH'S relatives AND KIN, including, but not limited to, family or
7 domestic violence.

8 (A) A county department of human or social services shall provide
9 notice to the relatives AND IDENTIFIED KIN that the child OR YOUTH has
10 been removed from ~~his or her~~ THE CHILD'S OR YOUTH'S home, ~~options~~
11 ~~under federal, state, and local law~~ AN EXPLANATION OF THE VARIOUS
12 OPTIONS to participate in the child's OR YOUTH'S care or placement AND
13 OPTIONS THAT MAY BE AVAILABLE TO SUPPORT THE CHILD'S OR YOUTH'S
14 FAMILY, AND options that may be lost by failing to respond. ~~and~~
15 ~~requirements to become a foster parent, and services and supports~~
16 ~~available to the child placed in a foster home.~~

17 (B) THE NOTICE MUST INCLUDE INFORMATION ABOUT PROVIDING
18 CARE FOR THE CHILD OR YOUTH WHILE THE FAMILY RECEIVES
19 REUNIFICATION SERVICES, WITH THE GOAL OF RETURNING THE CHILD OR
20 YOUTH TO THE PARENT OR LEGAL GUARDIAN; HOW TO BECOME A
21 RESOURCE FAMILY; THE RELATIVE'S RIGHT TO INTERVENE IN THE
22 PROCEEDINGS WITH OR WITHOUT AN ATTORNEY FOLLOWING
23 ADJUDICATION; AND ADDITIONAL SERVICES AND SUPPORTS THAT ARE
24 AVAILABLE IN OUT-OF-HOME PLACEMENTS. THE NOTICE MUST ALSO
25 INCLUDE INFORMATION REGARDING THE STATE'S RELATIVE GUARDIANSHIP
26 ASSISTANCE PROGRAM, CHILD-ONLY ELIGIBILITY FOR TEMPORARY
27 ASSISTANCE FOR NEEDY FAMILIES (TANF), AND ADOPTION ASSISTANCE,

1 AS WELL AS OTHER OPTIONS FOR CONTACT. INFORMATION ABOUT FAMILY
2 FOSTER CARE LICENSING, INCLUDING HOW TO REQUEST A VARIANCE FROM
3 LICENSING STANDARDS THAT DO NOT PRESENT A SAFETY OR HEALTH RISK
4 TO THE CHILD OR YOUTH IN THE HOME AND SUPPORTS THAT ARE
5 AVAILABLE FOR RELATIVES AND KIN AND CHILDREN OR YOUTH WHO
6 RESIDE IN A FAMILY FOSTER HOME, MUST ALSO BE PROVIDED IN THE
7 NOTICE.

8 (C) THE STATE DEPARTMENT OF HUMAN SERVICES, IN
9 CONSULTATION WITH COUNTIES, THE OFFICE OF THE CHILD'S
10 REPRESENTATIVE, AND THE OFFICE OF RESPONDENT PARENTS' COUNSEL,
11 ALONG WITH OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP THE
12 WRITTEN NOTICE AND PROMULGATE RULES FOR THE IMPLEMENTATION OF
13 THIS SECTION.

14 (D) The county department of human or social services shall
15 ~~advise each appropriate identified relative that the possibility for~~
16 ~~placement of the child in his or her home may terminate at a future date;~~
17 request each such relative AND IDENTIFIED KIN who is interested in
18 becoming a placement option for the child OR YOUTH to come forward at
19 the earliest possible time to seek placement of the child OR YOUTH in ~~his~~
20 ~~or her~~ THE RELATIVE'S OR KIN'S home and to cooperate with the county
21 department of human or social services to expedite procedures pertaining
22 to the placement of the child OR YOUTH in ~~his or her~~ THE RELATIVE'S OR
23 KIN'S home if the child OR YOUTH cannot be safely returned to the CHILD'S
24 OR YOUTH'S PARENTS' home. ~~of the child's parents. The department of~~
25 ~~human services shall promulgate rules for the implementation of this~~
26 ~~subparagraph (IV) and subparagraph (III) of this paragraph (a).~~

27 (V) The court ~~may consider and~~ SHALL give preference to giving

1 temporary custody to a child's OR YOUTH'S relative OR KIN who is
2 ~~appropriate~~, capable, willing, and available for care, ~~if it is in the best~~
3 ~~interests of the child~~ UNLESS THE COURT DETERMINES PLACEMENT WITH
4 THE RELATIVE OR KIN WOULD JEOPARDIZE THE CHILD'S OR YOUTH'S
5 MENTAL, PHYSICAL, OR EMOTIONAL HEALTH OR SAFETY OR HINDER
6 EFFORTS TO REUNITE THE PARENT AND CHILD OR YOUTH, and if the court
7 finds that there is no suitable birth or adoptive parent available, with due
8 diligence having been exercised in attempting to locate any such birth or
9 adoptive parent. A PARENT'S OBJECTION TO PLACEMENT WITH A
10 PARTICULAR RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT
11 THE PROPOSED PLACEMENT WOULD HINDER REUNIFICATION. The court
12 may place or continue custody with the county department of human or
13 social services if the court is satisfied from the information presented at
14 the hearing that such custody is appropriate and in the child's OR YOUTH'S
15 best interests, or the court may enter such other orders as are appropriate.
16 The court may authorize the county department of human or social
17 services with custody of a child OR YOUTH to place the child OR YOUTH
18 with a relative OR KIN without the necessity for a hearing if a county
19 department OF HUMAN OR SOCIAL SERVICES locates ~~an appropriate~~, A
20 capable and willing relative OR KIN who is available to care for the child
21 OR YOUTH and the guardian ad litem of the child OR YOUTH concurs that
22 the placement is in the best interests of the child OR YOUTH. If the county
23 department of human or social services places a child OR YOUTH with a
24 relative OR KIN without a hearing pursuant to ~~the provisions of this~~
25 subsection (3.6)(a)(V), the county department OF HUMAN OR SOCIAL
26 SERVICES shall fully inform the court of the details concerning the child's
27 OR YOUTH'S placement on the record at the next hearing. If the court

1 enters an order removing a child OR YOUTH from the home or continuing
2 a child OR YOUTH in a placement out of the home, the court shall make the
3 findings required pursuant to section 19-1-115 (6), if such findings are
4 warranted by the evidence.

5 (VI) THE RESPONSIBLE COUNTY DEPARTMENT OF HUMAN OR
6 SOCIAL SERVICES OR OTHER SOCIAL SERVICES AGENCY SHALL EXERCISE
7 DUE DILIGENCE TO CONTACT AND ENGAGE RELATIVES AND KIN WHO
8 RESPOND TO THE NOTICE REQUIRED PURSUANT TO SUBSECTION
9 (3.6)(a)(IV) OF THIS SECTION. UPON A REQUEST BY A RELATIVE OR KIN OR
10 PARTY TO THE PROCEEDINGS, THE COURT MAY CONDUCT A REVIEW OF THE
11 APPLICABLE AGENCY'S DUE DILIGENCE TO CONTACT AND ENGAGE
12 RELATIVES AND KIN PURSUANT TO SUBSECTION (3.6)(a)(IV) OF THIS
13 SECTION. IF THE COURT FINDS THAT THE APPLICABLE AGENCY DID NOT
14 EXERCISE DUE DILIGENCE TO CONTACT AND ENGAGE RELATIVES AND KIN
15 WHO RESPONDED TO THE NOTICE, THE COURT MAY ORDER THE APPLICABLE
16 AGENCY TO EXERCISE DUE DILIGENCE BY ENGAGING THE RELATIVES AND
17 KIN IN THE FOLLOWING ACTIVITIES RELATED TO THE CARE AND PLANNING
18 FOR A CHILD OR YOUTH, DETERMINED IN CONSULTATION WITH THE OTHER
19 PARTIES:

20 (A) PARTICIPATING IN CASE PLANNING FOR THE CHILD OR YOUTH
21 AND THE CHILD'S OR YOUTH'S PARENT, INCLUDING IDENTIFYING SERVICES
22 AND RESOURCES THAT MEET THE INDIVIDUALIZED NEEDS OF THE CHILD OR
23 YOUTH AND THE CHILD'S OR YOUTH'S PARENT. A RELATIVE'S OR KIN'S
24 PARTICIPATION IN CASE PLANNING MAY BE IN PERSON, VIA PHONE, OR BY
25 ELECTRONIC MEANS.

26 (B) IDENTIFYING THE STRENGTHS AND NEEDS OF THE CHILD OR
27 YOUTH AND THE CHILD'S OR YOUTH'S PARENT;

1 (C) ASKING THE RESPONSIBLE COUNTY DEPARTMENT OF HUMAN
2 OR SOCIAL SERVICES, OR OTHER SOCIAL SERVICES AGENCY, TO CONSIDER
3 THE RELATIVE OR KIN FOR PLACEMENT WITH THE CHILD OR YOUTH
4 PURSUANT TO SUBSECTION (3.6)(a)(IV)(D) OF THIS SECTION;

5 (D) ACTING AS A SUPPORT PERSON FOR THE CHILD OR YOUTH, THE
6 CHILD'S OR YOUTH'S PARENT, AND THE CHILD'S OR YOUTH'S CURRENT
7 CAREGIVER, INCLUDING COLLABORATING WITH FOSTER PARENTS TO
8 SUPPORT A HEALTHY TRANSITION FOR A CHILD OR YOUTH TO FAMILY TIME
9 OR PLACEMENT WITH A RELATIVE, WHEN APPROPRIATE;

10 (E) SUPERVISING FAMILY TIME WHEN AUTHORIZED PURSUANT TO
11 SECTION 19-3-217;

12 (F) PROVIDING RESPITE CARE FOR THE CHILD OR YOUTH AND
13 HAVING FAMILY VACATION TIME WITH THE CHILD OR YOUTH;

14 (G) PROVIDING TRANSPORTATION;

15 (H) SUGGESTING OTHER RELATIVES OR KIN WHO MAY BE ABLE TO
16 PARTICIPATE IN THE CASE PLAN OR WHOM THE COUNTY DEPARTMENT OF
17 HUMAN OR SOCIAL SERVICES, OR OTHER SOCIAL SERVICES AGENCY, MAY
18 CONSIDER FOR THE PLACEMENT OF THE CHILD OR YOUTH. THE COUNTY
19 DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR OTHER SOCIAL SERVICES
20 AGENCY, SHALL SEND A NOTICE TO EACH RELATIVE OR KIN IDENTIFIED BY
21 OTHER RELATIVES OR KIN, UNLESS A RELATIVE OR KIN RECEIVED THE
22 NOTICE EARLIER IN THE CASE OR WAS RULED OUT AS A RESOURCE OR
23 PLACEMENT BY THE COURT.

24 (I) HELPING MAINTAIN THE CHILD'S OR YOUTH'S FAMILIAR AND
25 REGULAR ACTIVITIES, AS WELL AS CONTACT WITH THE CHILD'S OR YOUTH'S
26 FRIENDS, RELATIVES, AND KIN, INCLUDING PROVIDING SUPERVISION OF THE
27 CHILD OR YOUTH AT FAMILY GATHERINGS AND EVENTS; AND

1 (J) PARTICIPATING IN THE CHILD'S OR YOUTH'S FAMILY AND
2 PERMANENCY TEAM IF THE CHILD OR YOUTH IS PLACED IN A QUALIFIED
3 RESIDENTIAL TREATMENT PROGRAM.

4 (d) A RELATIVE OR KIN CAREGIVER HAS THE RIGHT TO:

5 (I) BE TREATED WITH DIGNITY AND RESPECT AND TO BE
6 CONSIDERED AS A TEAM MEMBER WHO IS MAKING IMPORTANT
7 CONTRIBUTIONS TO THE OBJECTIVES OF THE CHILD WELFARE SYSTEM,
8 INCLUDING THE REUNIFICATION OF THE CHILD OR YOUTH WITH THE CHILD'S
9 OR YOUTH'S PARENTS WHENEVER SAFELY POSSIBLE;

10 (II) RECEIVE TRAINING AND SUPPORT FROM THE STATE
11 DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF HUMAN
12 OR SOCIAL SERVICES TO IMPROVE THE CAREGIVER'S SKILLS IN PROVIDING
13 DAILY CARE AND MEETING THE SPECIAL NEEDS OR DISABILITY-RELATED
14 NEEDS OF A CHILD OR YOUTH IN THE CAREGIVER'S CARE;

15 (III) BE INFORMED BY THE APPLICABLE CHILD PLACEMENT AGENCY
16 OR COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES ABOUT HOW TO
17 REACH AFTER-HOURS CONTACTS; AND

18 (IV) BE INFORMED ABOUT AVAILABLE FINANCIAL ASSISTANCE AND
19 THE FINANCIAL CONSEQUENCES OF NOT PURSUING CERTIFICATION AS A
20 FOSTER HOME, INCLUDING INELIGIBILITY FOR THE STATE'S RELATIVE
21 GUARDIANSHIP ASSISTANCE PROGRAM.

22 (9) IF THE SOLE ISSUE PREVENTING AN EMERGENCY PLACEMENT OF
23 A CHILD WITH A RELATIVE OR KIN IS A LACK OF RESOURCES, THE COUNTY
24 DEPARTMENT SHALL USE REASONABLE EFFORTS TO ASSIST THE RELATIVE
25 OR KIN WITH OBTAINING THE NECESSARY ITEMS WITHIN EXISTING
26 AVAILABLE RESOURCES.

27 **SECTION 4.** In Colorado Revised Statutes, 19-3-507, **amend** (4)

1 and (5)(a); and **add** (1)(b.5), (1)(d), (5)(d), and (6) as follows:

2 **19-3-507. Dispositional hearing.** (1) (b.5) IF THE COUNTY
3 DEPARTMENT LOCATES A CAPABLE, WILLING, AND AVAILABLE RELATIVE
4 OR KIN FOR THE CHILD OR YOUTH, IT IS PRESUMED THAT PLACEMENT OF
5 THE CHILD OR YOUTH WITH THE RELATIVE OR KIN IS IN THE BEST
6 INTERESTS OF THE CHILD OR YOUTH. THE PRESUMPTION MAY BE REBUTTED
7 BY A PREPONDERANCE OF THE EVIDENCE SHOWING THAT PLACEMENT WITH
8 THE RELATIVE OR KIN WOULD JEOPARDIZE THE CHILD'S OR YOUTH'S
9 MENTAL, PHYSICAL, OR EMOTIONAL HEALTH OR SAFETY OR HINDER
10 EFFORTS TO REUNITE THE PARENT AND CHILD OR YOUTH. A PARENT'S
11 OBJECTION TO PLACEMENT WITH A PARTICULAR RELATIVE OR KIN IS NOT
12 ALONE SUFFICIENT TO SHOW THAT THE PROPOSED PLACEMENT WOULD
13 HINDER REUNIFICATION. WHEN A CHILD OR YOUTH IS NOT IN A RELATIVE
14 OR KIN PLACEMENT AND A RELATIVE OR KIN HAS REQUESTED PLACEMENT
15 OF A CHILD OR YOUTH, BUT ANOTHER PARTY OBJECTS TO THE PLACEMENT
16 WITH THE RELATIVE OR KIN, THE COURT SHALL HOLD A HEARING WITHIN
17 SIXTY-THREE DAYS AFTER THE OBJECTION TO DETERMINE WHETHER THE
18 CHILD OR YOUTH MUST BE PLACED WITH THE RELATIVE OR KIN. WHEN A
19 CHILD OR YOUTH RESIDES WITH A RELATIVE OR KIN, ANY OTHER RELATIVE
20 OR KIN SEEKING A PLACEMENT CHANGE SHALL ADDRESS THE FACTORS SET
21 FORTH IN SECTION 19-3-702 (6). THE COURT SHALL ONLY APPROVE A
22 PLACEMENT CHANGE IF THE OTHER RELATIVE OR KIN DEMONSTRATED THE
23 FACTORS SET FORTH IN SECTION 19-3-702 (6) BY A PREPONDERANCE OF
24 THE EVIDENCE.

25 (d) IF THE COURT DENIES PLACEMENT WITH A RELATIVE OR KIN,
26 THE COURT SHALL MAKE DETAILED FINDINGS REGARDING THE REASONS
27 FOR DENIAL. A DECISION BY A RELATIVE OR KIN TO NOT BE INITIALLY

1 IDENTIFIED AS A POTENTIAL PLACEMENT RESOURCE MUST NOT BE THE
2 SOLE BASIS FOR THE COURT TO LATER RULE OUT THE RELATIVE OR KIN AS
3 THE CHILD'S OR YOUTH'S PERMANENT PLACEMENT. WHEN DETERMINING
4 WHETHER A CHILD OR YOUTH SHOULD BE PLACED WITH A RELATIVE OR
5 KIN, THE COURT SHALL NOT CONSIDER ANY OF THE FOLLOWING FACTORS
6 UNLESS ONE OF THE FACTORS WOULD THREATEN THE MENTAL, PHYSICAL,
7 AND EMOTIONAL HEALTH OR SAFETY OF THE CHILD OR YOUTH:

8 (I) THE SIZE OF THE HOME, INCLUDING WHETHER THE CHILD OR
9 YOUTH WOULD HAVE A SEPARATE ROOM;

10 (II) THE SOCIOECONOMIC STATUS OF THE RELATIVE OR KIN
11 COMPARED TO OTHER AVAILABLE PLACEMENT OPTIONS;

12 (III) THE ABILITY OF THE RELATIVE OR KIN TO SUPPORT THE
13 CHILD'S OR YOUTH'S PARTICIPATION IN EXTRACURRICULAR ACTIVITIES OR
14 TO PROVIDE OTHER BENEFITS TO THE CHILD OR YOUTH THAT ARE
15 UNRELATED TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, OR
16 EMOTIONAL HEALTH OR SAFETY;

17 (IV) ORDINARY BONDING OR ATTACHMENT THAT OCCURRED
18 DURING TIME SPENT IN FOSTER PLACEMENT;

19 (V) IMMIGRATION STATUS OF THE RELATIVE OR KIN;

20 (VI) AGE OR ANY DISABILITY OF THE RELATIVE OR KIN; OR

21 (VII) CRIMINAL BACKGROUND, AFTER CONSIDERING THE
22 FOLLOWING FACTORS IN DETERMINING WHETHER THE INDIVIDUAL'S
23 CRIMINAL HISTORY IS GROUNDS FOR DENYING PLACEMENT OF THE CHILD
24 OR YOUTH WITH A RELATIVE OR KIN:

25 (A) THE NATURE OF THE CRIME OF CONVICTION;

26 (B) WHETHER THERE IS A DIRECT RELATIONSHIP BETWEEN THE
27 CONVICTION AND THE RELATIVE'S OR KIN'S ABILITY TO PROVIDE

1 COMPETENT AND SAFE CARE TO THE CHILD OR YOUTH;

2 (C) LENGTH OF TIME SINCE CONVICTION; AND

3 (D) EVIDENCE OF REHABILITATION.

4 (4) (a) In any case in which the disposition is placement out of the
5 home, except for children OR YOUTH committed to the department of
6 human services, the court shall, at the time of placement, set a review
7 within ~~ninety~~ NINETY-ONE days to determine whether continued
8 placement is necessary and in the best interests of the child OR YOUTH and
9 the community, and whether reasonable efforts have been made to return
10 the child OR YOUTH to the home or, in the case of a sibling group, whether
11 it is in the best interests of the children OR YOUTH in the sibling group to
12 be placed together. If the county department locates an appropriate,
13 capable, willing, and available joint placement for all of the children OR
14 YOUTH in the sibling group, it ~~shall be~~ IS presumed that placement of the
15 entire sibling group in the joint placement is in the best interests of the
16 children OR YOUTH. Such presumption may be rebutted by a
17 preponderance of the evidence that placement of the entire sibling group
18 in the joint placement is not in the best interests of a child, ~~or of the~~
19 children, OR YOUTH.

20 (b) IF THE COUNTY DEPARTMENT LOCATES A CAPABLE, WILLING,
21 AND AVAILABLE RELATIVE OR KIN FOR THE CHILD, CHILDREN, OR YOUTH,
22 IT IS PRESUMED THAT PLACEMENT OF THE CHILD, CHILDREN, OR YOUTH
23 WITH THE RELATIVE OR KIN IS IN THE BEST INTERESTS OF THE CHILD,
24 CHILDREN, OR YOUTH. THE PRESUMPTION MAY BE REBUTTED BY A
25 PREPONDERANCE OF THE EVIDENCE THAT PLACEMENT OF THE CHILD,
26 CHILDREN, OR YOUTH WITH THE RELATIVE OR KIN WOULD JEOPARDIZE THE
27 MENTAL, PHYSICAL, OR EMOTIONAL HEALTH OR SAFETY OF THE CHILD,

1 CHILDREN, OR YOUTH OR HINDER EFFORTS TO REUNITE THE PARENT AND
2 THE CHILD, CHILDREN, OR YOUTH. A PARENT'S OBJECTION TO PLACEMENT
3 WITH A PARTICULAR RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW
4 THAT THE PROPOSED PLACEMENT WOULD HINDER REUNIFICATION.

5 (c) The judge shall review the family services plan document
6 regarding placement of ~~siblings. Notice of said review shall be given by~~
7 SIBLINGS AND EFFORTS TO LOCATE RELATIVES OR KIN. IF THE CHILD OR
8 YOUTH IS RESIDING WITH A RELATIVE OR KIN, THE FAMILY SERVICES PLAN
9 MUST DESCRIBE REASONABLE EFFORTS THE COUNTY WILL MAKE TO
10 MAINTAIN THE CHILD OR YOUTH IN THE RELATIVE OR KINSHIP HOME AND
11 TO NOT REMOVE THE CHILD OR YOUTH FROM THE KINSHIP OR RELATIVE
12 HOME EXCEPT TO EFFECTUATE A PERMANENCY GOAL OF REUNIFICATION
13 OR UPON A SHOWING THAT REMAINING IN THE KINSHIP PLACEMENT IS
14 CONTRARY TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, OR
15 EMOTIONAL HEALTH OR SAFETY, OR THE RELATIVE OR KINSHIP PLACEMENT
16 DECIDES THEY ARE NO LONGER ABLE TO CARE FOR THE CHILD OR YOUTH.
17 The court SHALL GIVE NOTICE OF THE REVIEW to all parties and to the
18 director of the facility or agency in which the child OR YOUTH is placed
19 and any person who has physical custody of the child, CHILDREN, OR
20 YOUTH and any attorney or guardian ad litem of record. The review shall
21 be conducted in accordance with section 19-1-115 (8)(f).

22 (5) (a) Parents, grandparents, OR relatives ~~or foster parents who~~
23 ~~have the child in their care for more than three months~~ who have
24 information or knowledge concerning the care and protection of the child
25 OR YOUTH may intervene as a matter of right following adjudication with
26 or without counsel.

27 (d) FOSTER PARENTS OR NON-RELATIVE KIN WHO HAVE THE CHILD

1 IN THEIR CARE FOR TWELVE MONTHS OR MORE MAY INTERVENE, WITH OR
2 WITHOUT COUNSEL, FOLLOWING ADJUDICATION. FOSTER PARENTS OR
3 NON-RELATIVE KIN WHO INTERVENE ARE LIMITED TO PROVIDING
4 INFORMATION AS TO THE CARE AND PROTECTION OF THE CHILD. WHEN
5 CONSIDERING THE PARTICIPATION OF FOSTER PARENT INTERVENORS AT
6 CONTESTED HEARINGS, THE COURT SHALL CONSIDER AND MAKE FINDINGS
7 AS TO WHETHER THE FOSTER PARENTS POSSESS RELEVANT EVIDENCE THAT
8 THE COURT IS NOT LIKELY TO RECEIVE FROM OTHER PARTIES. FOSTER
9 PARENTS MAY NOT PARTICIPATE IN TERMINATION OF PARENTAL RIGHTS
10 PROCEEDINGS. A FOSTER PARENT MAY NOT, ON THE FOSTER PARENT'S OWN
11 MOTION, SEEK TO RESTRICT FAMILY TIME BETWEEN A CHILD AND THE
12 PARENT OR RELATIVES, FILE A PETITION TO TERMINATE PARENTAL RIGHTS,
13 OR APPEAL A DENIAL OF TERMINATION OF PARENTAL RIGHTS.

14 (6) NOTHING IN THIS SECTION IS INTENDED TO CREATE STANDING
15 FOR FOSTER PARENTS TO PURSUE INDEPENDENT LEGAL ACTION OR TO
16 CONFER ADDITIONAL RIGHTS UPON FOSTER PARENTS.

17 **SECTION 5.** In Colorado Revised Statutes, 19-3-508, **amend** (1)
18 introductory portion, (1)(b), and (5) as follows:

19 **19-3-508. Neglected or dependent child or youth - disposition**
20 **- concurrent planning - definition.** (1) When a child OR YOUTH has
21 been adjudicated to be neglected or dependent, the court may enter a
22 decree of disposition the same day, but in any event it shall do so within
23 ~~forty-five~~ FORTY-TWO days, unless the court finds that the best interests
24 of the child OR YOUTH will be served by granting a delay. In a county
25 designated pursuant to section 19-1-123, if the child OR YOUTH is ~~under~~
26 LESS THAN six years of age at the time a petition is filed in accordance
27 with section 19-3-501 (2), the court shall enter a decree of disposition

1 within ~~thirty~~ TWENTY-EIGHT days after the adjudication and shall not
2 grant a delay unless good cause is shown and unless the court finds that
3 the best interests of the child OR YOUTH will be served by granting the
4 delay. It is the intent of the general assembly that the dispositional hearing
5 be held on the same day as the adjudicatory hearing, whenever possible.
6 If a delay is granted, the court shall set forth the reasons why a delay is
7 necessary and the minimum amount of time needed to resolve the reasons
8 for the delay and shall schedule the hearing at the earliest possible time
9 following the delay. When the proposed disposition is termination of the
10 parent-child legal relationship, the hearing on termination must not be
11 held on the same date as the adjudication, and the time limits set forth
12 above for dispositional hearings do not apply. When the proposed
13 disposition is termination of the parent-child legal relationship, the court
14 may continue the dispositional hearing to the earliest available date for a
15 hearing in accordance with ~~the provisions of~~ subsection (3)(a) of this
16 section and part 6 of this article 3. When the decree does not terminate the
17 parent-child legal relationship, the court shall approve an appropriate
18 treatment plan that must include, but not be limited to, one or more of the
19 following provisions of subsections (1)(a) to (1)(d) of this section:

20 (b) The court may place the child OR YOUTH in the legal custody
21 of a relative OR KIN, including the child's OR YOUTH'S grandparent, or
22 other suitable person, with or without protective supervision, under such
23 conditions as the court deems necessary and appropriate. If a child OR
24 YOUTH is not placed with a parent pursuant to ~~paragraph (a) of this~~
25 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, THE COURT SHALL
26 GIVE preference ~~may be given by the court for~~ TO placement with a
27 grandparent ~~pursuant to this paragraph (b) if in the best interests of the~~

1 ~~child~~ OR OTHER RELATIVE. IF THE COUNTY DEPARTMENT LOCATES A
2 CAPABLE, WILLING, AND AVAILABLE RELATIVE OR KIN FOR THE CHILD OR
3 YOUTH, IT IS PRESUMED THAT PLACEMENT OF THE CHILD OR YOUTH WITH
4 THE RELATIVE OR KIN IS IN THE BEST INTERESTS OF THE CHILD OR YOUTH.

5 (5) (a) In placing the legal custody or guardianship of the person
6 of a child OR YOUTH with an individual or a private agency, the court shall
7 give primary consideration to the welfare of the child OR YOUTH but shall
8 take into consideration the religious AND CULTURAL preferences of the
9 child OR YOUTH or of ~~his~~ THE parents, whenever practicable.

10 (b) (I) If the court finds that placement out of the home is
11 necessary and is in the best interests of the child OR YOUTH and the
12 community, the court shall place the child OR YOUTH with a relative OR
13 KIN, including the child's OR YOUTH'S grandparent, as provided in
14 ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this section, if
15 UNLESS such placement ~~is in the child's best interests~~ WOULD JEOPARDIZE
16 THE MENTAL, PHYSICAL, OR EMOTIONAL HEALTH OR SAFETY OF THE CHILD
17 OR YOUTH OR HINDER EFFORTS TO REUNITE THE PARENT AND CHILD OR
18 YOUTH. A PARENT'S OBJECTION TO PLACEMENT WITH A PARTICULAR
19 RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT THE PROPOSED
20 PLACEMENT WOULD HINDER REUNIFICATION. The court shall place the
21 child OR YOUTH in the facility or setting that most appropriately meets the
22 needs of the child OR YOUTH, the family, and the community. In making
23 its decision as to proper placement, the court shall utilize the evaluation
24 for placement prepared pursuant to section 19-1-107. If the court deviates
25 from the recommendations of the evaluation for placement in a manner
26 that results in a difference in the cost of the disposition ordered by the
27 court and the cost of the disposition recommended in the evaluation, the

1 court shall make specific findings of fact relating to its decision,
2 including the monthly cost of the placement, if ordered. THE COURT
3 SHALL SEND a copy of such findings ~~shall be sent~~ to the chief justice of
4 the supreme court, who shall report annually ON SUCH ORDERS AND
5 FINDINGS OF FACT to the joint budget committee, ~~and annually to the~~
6 ~~health, environment, welfare, and institutions committees~~ THE PUBLIC AND
7 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE of the house of
8 representatives, and THE HEALTH AND HUMAN SERVICES COMMITTEE OF
9 THE senate, OR ANY SUCCESSOR COMMITTEES. ~~of the general assembly on~~
10 ~~such orders.~~

11 (II) Notwithstanding ~~the provisions of subparagraph (I) of this~~
12 ~~paragraph (b)~~ SUBSECTION (5)(b)(I) OF THIS SECTION to the contrary, when
13 the child OR YOUTH is part of a sibling group and the sibling group is
14 being placed out of the home, if the county department locates ~~an~~
15 ~~appropriate~~ A capable, willing, and available joint placement for all of the
16 children OR YOUTH in the sibling group, it ~~shall be~~ IS presumed that
17 placement of the entire sibling group in the joint placement is in the best
18 interests of the children ~~Such~~ OR YOUTH. THE presumption may be
19 rebutted by a preponderance of the evidence that placement of the entire
20 sibling group in the joint placement is not in the best interests of a child,
21 ~~or of the~~ children, OR YOUTH.

22 (III) IF THE COUNTY DEPARTMENT LOCATES A CAPABLE, WILLING,
23 AND AVAILABLE RELATIVE OR KIN FOR THE CHILD, CHILDREN, OR YOUTH,
24 IT IS PRESUMED THAT PLACEMENT OF THE CHILD, CHILDREN, OR YOUTH
25 WITH THE RELATIVE OR KIN IS IN THE BEST INTERESTS OF THE CHILD,
26 CHILDREN, OR YOUTH. THE PRESUMPTION MAY BE REBUTTED BY A
27 PREPONDERANCE OF THE EVIDENCE THAT PLACEMENT OF THE CHILD,

1 CHILDREN, OR YOUTH WITH THE RELATIVE OR KIN WOULD JEOPARDIZE THE
2 MENTAL, PHYSICAL, OR EMOTIONAL HEALTH OR SAFETY OF THE CHILD,
3 CHILDREN, OR YOUTH OR HINDER EFFORTS TO REUNITE THE PARENT AND
4 CHILD, CHILDREN, OR YOUTH. A PARENT'S OBJECTION TO PLACEMENT WITH
5 A PARTICULAR RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT
6 THE PROPOSED PLACEMENT WOULD HINDER REUNIFICATION. PLACEMENT
7 WITH A RELATIVE OR KIN MUST BE CONSIDERED AND INVESTIGATED WHEN
8 THE CHILD OR YOUTH ENTERS FOSTER CARE, IS MOVED FROM A FOSTER
9 HOME, OR RETURNS TO FOSTER CARE AFTER THE CHILD OR YOUTH HAS
10 ACHIEVED PERMANENCY. AS USED IN THIS SUBSECTION (5), "RELATIVE"
11 INCLUDES A MEMBER OF THE CHILD'S OR YOUTH'S BIRTH FAMILY, ADOPTIVE
12 FAMILY, AND KIN, AS DEFINED IN SECTION 19-1-103, REGARDLESS OF
13 WHETHER PARENTAL RIGHTS WERE TERMINATED.

14 **SECTION 6.** In Colorado Revised Statutes, 19-3-702, **amend**
15 (5)(e) and (6)(h) as follows:

16 **19-3-702. Permanency hearing.** (5) For a child or youth in a
17 case designated pursuant to section 19-1-123 only:

18 (e) At each permanency planning hearing, the caseworker shall
19 provide the court with a written or verbal report specifying what efforts
20 have been made to identify a permanent home for the child OR YOUTH and
21 what services have been provided to the child OR YOUTH to facilitate
22 identification of a permanent home, INCLUDING THE DEPARTMENT'S
23 CONTINUOUS EFFORTS TO IDENTIFY RELATIVES AND KIN AND TO ENGAGE
24 THE RELATIVES AND KIN IN PROVIDING SUPPORT FOR THE CHILD OR YOUTH
25 AND FAMILY, AND DOCUMENT THAT THE RELATIVES AND KIN HAVE BEEN
26 PROVIDED NOTICE AS REQUIRED BY SECTION 19-3-403 (3.6)(a)(IV). THE
27 DEPARTMENT SHALL ALSO REPORT ANY DECISION REGARDING PLACING

1 THE CHILD OR YOUTH WITH A RELATIVE OR KIN. IF THE DEPARTMENT
2 DETERMINES THAT PLACEMENT WITH A RELATIVE OR KIN WOULD
3 JEOPARDIZE THE MENTAL, PHYSICAL, OR EMOTIONAL HEALTH OR SAFETY
4 OF THE CHILD OR YOUTH OR HINDER EFFORTS TO REUNITE THE CHILD OR
5 YOUTH AND PARENT, THE DEPARTMENT SHALL EXPLAIN WHY ANY
6 IDENTIFIED RELATIVES OR KIN HAVE BEEN RULED OUT FOR PLACEMENT.

7 (6) If a placement change is contested by a party and the child or
8 youth is not reunifying with a parent or legal guardian, the court shall
9 consider all pertinent information, including the child's or youth's wishes,
10 related to modifying the placement of the child or youth prior to removing
11 the child or youth from the child's or youth's placement, and including the
12 following:

13 (h) The child's or youth's attachment to the child's or youth's
14 caregiver at the time of the hearing and the possible effects on the child's
15 or youth's emotional well-being if the child or youth is removed from the
16 caregiver's home. HOWEVER, PLACEMENT WITH A CHILD'S OR YOUTH'S
17 RELATIVE OR KIN SHOULD NOT BE DENIED BASED SOLELY UPON THE
18 ORDINARY BONDING AND ATTACHMENT TO A FOSTER PARENT AS A RESULT
19 OF TIME SPENT IN THE HOME. THE COURT SHALL CONSIDER THE NUMBER
20 OF PRIOR PLACEMENTS AND ANY SUBSEQUENT CAREGIVERS' ABILITY TO
21 PROVIDE EMOTIONAL AND PSYCHOLOGICAL SUPPORT WHEN CONSIDERING
22 A CHANGE OF PLACEMENT.

23 **SECTION 7. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly; except
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2024 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.