

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

INTRODUCED

LLS NO. 23-0427.01 Amber Paoloemilio x5497

HOUSE BILL 23-1027

HOUSE SPONSORSHIP

Joseph, English, Marshall, Velasco

SENATE SPONSORSHIP

(None), Marchman

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING FAMILY TIME PROVIDED PURSUANT TO THE CHILDREN'S**
102 **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>.)

The bill defines "family time", changes the term "visitation" to "family time" in various places in statute, creates new requirements for determinations in dependency and neglect court proceedings, and requires the task force on high-quality family time (task force) to commission and evaluate a state study. Specifically during a dependency and neglect proceeding, the bill:

- Requires county departments of human or social services

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.

- (county departments) to encourage maximum family time;
- Allows the court and the state department of human services (department) to rely on community resources, foster parents, or relatives to provide transportation or supervision for family time;
- Creates a presumption that supervised family time is supervised by relatives, kin, foster parents, or other supports (supports) and occurs in the community. This presumption can be rebutted if the health or safety of the child is at risk or if these supports are unavailable or unwilling to provide supervision.
- Limits the court's ability to restrict or deny family time to situations in which the child's safety or mental, physical, or emotional health is at risk;
- Requires the court to order family time in the least restrictive setting;
- Requires county departments to provide information to the court about proposed family time and participation in family time;
- Requires family time to occur at least every 7 days unless the child's safety or mental, physical, or emotional health is at risk;
- Prohibits the court or department from limiting family time as a sanction for the parent's failure to comply with court-ordered treatment plans so long as the child's safety or mental, physical, or emotional health is not at risk;
- Prohibits the court, department, parent, or support from limiting family time as a sanction for the child's behavior or as an incentive to improve the child's behavior; and
- Gives the department the authority to promulgate rules to implement the provisions.

The bill also:

- Extends the task force by one year;
- Requires the task force to commission and evaluate a statewide study to identify the strengths and needs for family time; identify growth areas; inventory funding sources; and make recommendations; and
- Requires a permanency hearing be held within 12 months after a child enters foster care.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly

1 finds and declares that:

2 (a) Family time is essential for healthy child development,
3 especially for children or youth placed outside of the home. Family time
4 supports parent-child attachment, reduces a child's sense of abandonment,
5 reduces traumatic impact of separation and removal, preserves
6 connections with siblings and extended family, and preserves a sense of
7 family and community belonging. Family time enriches the family,
8 including the child and the parent. Early, consistent, and frequent family
9 time is crucial for maintaining parent-child relationships, facilitating safe
10 reunification of parents and children, and maintaining family connections.
11 Regular, meaningful family time increases the chance of sustained
12 reunification, improves emotional well-being, provides opportunities to
13 strengthen cultural and kinship connections, and enhances personal
14 engagement.

15 (b) Colorado lacks statewide data on the frequency and duration
16 of supervised family time as well as the availability of family time
17 services throughout the state. Counties do not have a consistent funding
18 mechanism for the provision of family time services, even though these
19 services are required by law, are essential to the successful reunification
20 of families, and service providers contracted to provide these services
21 often lack sufficient funding. In addition, transportation and lack of staff
22 present significant barriers to providing consistent and high-quality
23 supervised family time services.

24 (c) For these reasons, it is important to determine how regions of
25 the state can effectively and efficiently fund high-quality family time
26 services that reunify families.

27 (2) Therefore, the general assembly finds it necessary to conduct

1 a statewide study of best practices and funding models to provide and
2 increase capacity for high-quality family time services. The general
3 assembly also adopts the recommendations of the task force on
4 high-quality family time to modernize language throughout the children's
5 code and establish clear and consistent standards for family time
6 throughout the state.

7 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **add** (64.5)
8 as follows:

9 **19-1-103. Definitions.** As used in this title 19 or in the specified
10 portion of this title 19, unless the context otherwise requires:

11 (64.5) "FAMILY TIME" MEANS ANY FORM OF CONTACT OR
12 ENGAGEMENT BETWEEN PARENTS, LEGAL CUSTODIANS, GUARDIANS,
13 SIBLINGS, AND CHILDREN OR YOUTH FOR THE PURPOSES OF PRESERVING
14 AND STRENGTHENING FAMILY TIES.

15 **SECTION 3.** In Colorado Revised Statutes, 19-3-208, **amend**
16 (2)(b)(IV) as follows:

17 **19-3-208. Services - county required to provide - out-of-home**
18 **placement options - rules - definitions.** (2) (b) The following services
19 must be available and provided, as determined necessary and appropriate
20 by individual case plans:

21 (IV) ~~Visitation~~ FAMILY TIME services for parents with children or
22 youth in out-of-home placement;

23 **SECTION 4.** In Colorado Revised Statutes, 19-3-217, **amend** (1),
24 (3), and (4); and **add** (1.5), (5), and (6) as follows:

25 **19-3-217. Family time upon removal - rules.** (1) At any hearing
26 held pursuant to section 19-3-403 (2) or (3.5), the court shall enter
27 temporary orders for reasonable ~~visitation~~ FAMILY TIME with the child's

1 OR YOUTH'S parent that is consistent with the age and developmental
2 needs of a child OR YOUTH if the court finds that visitation is in a child's
3 OR YOUTH'S best interests. The court shall order contact between the
4 parent and child OR YOUTH, which contact may include, but is not limited
5 to, telephone, virtual, or in-person visits, commencing within seventy-two
6 hours after any hearing pursuant to section 19-3-403 (2) or (3.5),
7 excluding Saturdays, Sundays, and any court holiday. The court may
8 authorize an extension of time for contact to commence if the delay is
9 agreed upon by the parent, county department, and guardian ad litem or
10 if the court finds that a delay in contact is in the child's OR YOUTH'S best
11 interests.

12 (1.5) WHEN A CHILD OR YOUTH IS PLACED OUT OF THE HOME, THE
13 FOLLOWING CONSIDERATIONS APPLY WHEN MAKING DECISIONS
14 REGARDING FAMILY TIME:

15 (a) THE DEPARTMENT SHALL ENCOURAGE THE MAXIMUM PARENT,
16 CHILD, AND SIBLING CONTACT POSSIBLE, INCLUDING REGULAR FAMILY
17 TIME AND PARTICIPATION BY THE PARENTS IN THE CARE OF THE CHILD OR
18 YOUTH, WHEN IT IS IN THE BEST INTEREST OF THE CHILD OR YOUTH. THE
19 DEPARTMENT SHALL ENCOURAGE PARENTAL ATTENDANCE AND
20 PARTICIPATION IN THE CHILD'S OR YOUTH'S LIFE, SUCH AS SCHOOL,
21 EXTRACURRICULAR ACTIVITIES, AND MEDICAL APPOINTMENTS.

22 (b) THE COURT AND THE DEPARTMENT MAY RELY ON INFORMAL
23 RESOURCES SUCH AS COMMUNITY MEMBERS, RELATIVES, OR FOSTER
24 PARENTS TO PROVIDE TRANSPORTATION AND SUPERVISION FOR FAMILY
25 TIME IF THOSE RESOURCES ARE AVAILABLE, APPROPRIATE, AND DO NOT
26 COMPROMISE THE CHILD'S OR YOUTH'S MENTAL, EMOTIONAL, OR PHYSICAL
27 HEALTH OR SAFETY.

1 (c) WHEN THERE IS A LACK OF PROVIDERS OR RESOURCES, THE
2 COURT SHALL PROMPTLY ADDRESS HOW TO IMPLEMENT FAMILY TIME
3 DESPITE THE LACK OF PROVIDERS OR RESOURCES.

4 (d) (I) THERE IS A PRESUMPTION THAT SUPERVISED FAMILY TIME
5 MUST:

6 (A) BE SUPERVISED BY INFORMAL SUPPORTS IDENTIFIED BY THE
7 FAMILY, INCLUDING RELATIVES, KIN, FOSTER PARENTS, OR OTHER PERSONS
8 IDENTIFIED BY THE FAMILY; AND

9 (B) OCCUR IN THE COMMUNITY, A HOMELIKE ENVIRONMENT, OR
10 OTHER AGREED-UPON LOCATION.

11 (II) THE PRESUMPTION DESCRIBED IN SUBSECTION (1.5)(d)(I) OF
12 THIS SECTION MAY BE REBUTTED IF THE COURT FINDS THAT THE CHILD'S OR
13 YOUTH'S SAFETY OR MENTAL, EMOTIONAL, OR PHYSICAL HEALTH REQUIRES
14 PROFESSIONAL SUPERVISION OR THAT RELATIVES, KIN, FOSTER PARENTS,
15 OR OTHER FAMILY SUPPORTS ARE UNAVAILABLE OR UNWILLING TO
16 PROVIDE SUPERVISION AFTER THE DEPARTMENT HAS EXERCISED DUE
17 DILIGENCE TO CONTACT AND ENGAGE THE RELATIVES, KIN, FOSTER
18 PARENTS, OR OTHER FAMILY SUPPORTS. NOTHING IN THIS SECTION
19 PRECLUDES SUPPLEMENTAL PROFESSIONALLY COACHED OR SUPERVISED
20 FAMILY TIME TO IMPROVE PARENTING SKILLS.

21 (e) THE COURT MAY ONLY RESTRICT OR DENY FAMILY TIME IF IT IS
22 NECESSARY TO PROTECT THE CHILD'S OR YOUTH'S SAFETY OR MENTAL,
23 EMOTIONAL, OR PHYSICAL HEALTH. THE COURT SHALL ORDER FAMILY
24 TIME IN THE LEAST RESTRICTIVE SETTING AND SUPERVISION AT THE LEAST
25 RESTRICTIVE LEVEL TO SATISFY THE CHILD'S OR YOUTH'S SAFETY OR
26 MENTAL, EMOTIONAL, OR PHYSICAL HEALTH.

27 (f) (I) AT THE FIRST HEARING THAT OCCURS AFTER THE

1 EMERGENCY HEARING REQUIRED PURSUANT TO SECTION 19-3-403, OR NO
2 LATER THAN THIRTY DAYS AFTER THE REMOVAL DATE, THE DEPARTMENT
3 SHALL PROVIDE THE COURT WITH A PROPOSED FAMILY TIME PLAN ON THE
4 RECORD, INCLUDING:

- 5 (A) FREQUENCY AND LENGTH;
- 6 (B) PERSONS WHO MAY BE PRESENT;
- 7 (C) WHETHER THE FAMILY TIME MUST BE SUPERVISED; AND
- 8 (D) THE CHILD'S OR YOUTH'S OPPORTUNITY TO COMMUNICATE
9 WITH A PARENT, SIBLING, OR OTHER RELATIVE.

10 (II) FOR GOOD CAUSE, OR BY AGREEMENT BY THE PARTIES, THE
11 COURT MAY WAIVE THE REQUIREMENT TO FILE OR EXTEND THE TIME FOR
12 FILING THE FAMILY TIME PLAN DESCRIBED IN SUBSECTION (1.5)(f)(I) OF
13 THIS SECTION. A LACK OF STAFF OR FINANCIAL RESOURCES IS NOT GOOD
14 CAUSE. ANY SUBSEQUENT WRITTEN FAMILY SERVICES PLAN SUBMITTED TO
15 THE COURT PURSUANT TO SECTION 19-3-507 OR 19-3-702 MUST INCLUDE
16 ANY PROPOSED CHANGES TO FAMILY TIME, AN UPDATE ON PARTICIPATION
17 IN AND PROVISION OF FAMILY TIME, AND BARRIERS TO EXPANDING FAMILY
18 TIME.

19 (g) THE COURT SHALL ORDER THAT IN-PERSON FAMILY TIME OCCUR
20 AT LEAST ONCE EVERY SEVEN DAYS, UNLESS THE COURT DETERMINES
21 THAT THE CHILD'S OR YOUTH'S MENTAL, EMOTIONAL, OR PHYSICAL HEALTH
22 OR SAFETY REQUIRES LESS FREQUENT FAMILY TIME OR THAT THE FAMILY
23 TIME, EVEN IF SUPERVISED, WOULD LIKELY ENDANGER THE CHILD'S OR
24 YOUTH'S MENTAL, EMOTIONAL, OR PHYSICAL HEALTH OR SAFETY. IF
25 COURT-ORDERED FAMILY TIME IS MISSED BECAUSE OF UNFORSEEN
26 CIRCUMSTANCES, THE COUNTY DEPARTMENT MUST OFFER REASONABLE
27 MAKE-UP FAMILY TIME AND THE COURT MAY ORDER A MAKE-UP FAMILY

1 TIME SCHEDULE IF THERE IS NOT AGREEMENT AMONG THE PARTIES.

2 (h) THE COURT OR THE DEPARTMENT SHALL NOT LIMIT FAMILY
3 TIME AS A SANCTION FOR A PARENT'S FAILURE TO COMPLY WITH COURT
4 ORDERS OR SERVICES IF THE CHILD'S OR YOUTH'S SAFETY OR MENTAL,
5 EMOTIONAL, OR PHYSICAL HEALTH IS NOT AT RISK AS A RESULT OF THE
6 FAMILY TIME.

7 (i) THE COURT, THE DEPARTMENT, THE PARENT, OR OTHER
8 SUPPORT SHALL NOT LIMIT FAMILY TIME OR CONTACT BETWEEN A CHILD
9 OR YOUTH AND THE CHILD'S OR YOUTH'S PARENT OR SIBLING AS A
10 SANCTION FOR THE CHILD'S OR YOUTH'S BEHAVIOR OR AS AN INCENTIVE TO
11 CHANGE THE CHILD'S OR YOUTH'S BEHAVIOR.

12 (3) Absent the issuance of an emergency order, a parent granted
13 ~~visitation~~ FAMILY TIME is entitled to a hearing prior to an ongoing
14 reduction in, suspension of, or increase in the level of supervision,
15 including a change from in-person ~~visitation~~ FAMILY TIME to virtual
16 ~~visitation~~ FAMILY TIME. If the court issues an emergency order
17 suspending, reducing, or restricting ~~visitation~~ FAMILY TIME, a parent is
18 entitled to a hearing within seventy-two hours after the order is issued,
19 excluding Saturdays, Sundays, and court holidays. The court need not
20 hold a hearing if there is agreement by the petitioner, guardian ad litem
21 or counsel for youth, and parent to the reduction, suspension, or increase
22 in level of supervision of ~~visits~~ FAMILY TIME. Any such agreement must
23 be reduced to writing and filed with the court. Nothing in this section
24 prevents the county department from canceling ~~a visit~~ SCHEDULED FAMILY
25 TIME if the child's ~~health or welfare~~ OR YOUTH'S SAFETY OR MENTAL,
26 EMOTIONAL, OR PHYSICAL HEALTH would be endangered or if the parent
27 consents to the cancellation of the ~~visit~~ FAMILY TIME.

1 (4) Nothing in this section requires or permits a county department
2 to arrange a ~~visit~~ FAMILY TIME if the ~~visit~~ FAMILY TIME would violate an
3 existing protection order in any case pending in this state or any other
4 state. The county department is not required to produce a child OR YOUTH
5 for court-ordered ~~visitation~~ FAMILY TIME if the ~~visitation~~ FAMILY TIME is
6 made impossible due to the policies of a facility where the parent is
7 incarcerated or in treatment.

8 (5) A PERSON'S INCLUSION IN FAMILY TIME DOES NOT CONFER
9 RIGHTS NOT OTHERWISE GRANTED BY LAW, INCLUDING THE RIGHT TO
10 APPEAL DENIAL OF PARTICIPATION IN FAMILY TIME.

11 (6) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE
12 RULES IN ACCORDANCE WITH THIS SECTION.

13 **SECTION 5.** In Colorado Revised Statutes, 19-3-904, **add** (5) as
14 follows:

15 **19-3-904. Task force - purposes - issues to study - written**
16 **reports.** (5) ON OR BEFORE DECEMBER 1, 2024, THE TASK FORCE SHALL
17 COMMISSION AND EVALUATE A STATEWIDE STUDY TO:

18 (a) IDENTIFY THE CURRENT STRENGTHS AND NEEDS FOR PROVIDING
19 HIGH-QUALITY SUPERVISED FAMILY TIME SERVICES ACROSS THE STATE;

20 (b) IDENTIFY NECESSARY MEASURES TO BUILD CAPACITY TO
21 PROVIDE HIGH- QUALITY SUPERVISED FAMILY TIME SERVICES ACROSS THE
22 STATE;

23 (c) INVENTORY CURRENT FUNDING SOURCES AND ALLOWABLE
24 COSTS FOR PROVIDING SUCH SERVICES; AND

25 (d) MAKE RECOMMENDATIONS REGARDING BEST PRACTICES FOR
26 FUNDING MODELS FOR PROVISION OF HIGH-QUALITY PARENTING TIME. THE
27 TASK FORCE SHALL PROVIDE THE STUDY AND RECOMMENDATIONS OF THE

1 TASK FORCE TO THE GOVERNOR; THE STATE DEPARTMENT; THE CHILD
2 WELFARE TRAINING ACADEMY; THE JOINT BUDGET COMMITTEE; AND THE
3 HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND
4 HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN
5 SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEES.

6 **SECTION 6.** In Colorado Revised Statutes, 19-1-107, **amend**
7 (2.5) as follows:

8 **19-1-107. Social study and other reports.** (2.5) For purposes of
9 determining the appropriate treatment plan in connection with the
10 disposition of a child who is under six years of age at the time a petition
11 is filed in accordance with section 19-3-501 (2), the report shall include
12 a list of services available to families that are specific to the needs of the
13 child and the child's family and that are available in the community where
14 the family resides. The report shall establish a priority of the services if
15 multiple services are recommended. The services may include, but are not
16 limited to, transportation services, ~~visitation~~ FAMILY TIME services,
17 psychological counseling, drug screening and treatment programs,
18 marriage and family counseling, parenting classes, housing and day care
19 assistance, and homemaker services.

20 **SECTION 7.** In Colorado Revised Statutes, 19-1-114, **amend**
21 (2)(a) and (2)(b) as follows:

22 **19-1-114. Order of protection.** (2) The order of protection may
23 require any such person:

24 (a) To stay away from a child or ~~his~~ A CHILD'S residence;

25 (b) To ~~permit a parent to visit a child at stated periods~~ COMPLY
26 WITH A FAMILY TIME SCHEDULE;

27 **SECTION 8.** In Colorado Revised Statutes, 19-1-115, **amend** (6)

1 introductory portion, (6)(d), (6.5) introductory portion, and (6.5)(c) as
2 follows:

3 **19-1-115. Legal custody - guardianship - placement out of the**
4 **home - petition for review for need of placement.** (6) Any time the
5 court enters an order awarding legal custody of a child OR YOUTH to the
6 department of human services or to a county department pursuant to the
7 provisions of this ~~title~~ TITLE 19, even temporarily, ~~said~~ THE order ~~shall~~
8 MUST contain specific findings, if warranted by the evidence, as follows:

9 (d) That procedural safeguards with respect to parental rights have
10 been applied in connection with the removal of the child OR YOUTH from
11 the home, a change in the child's OR YOUTH'S placement out of the home,
12 and any determination affecting ~~parental visitation~~ FAMILY TIME.

13 (6.5) Any time the court enters an order continuing a child OR
14 YOUTH in a placement out of the home pursuant to this ~~title,~~ ~~said~~ TITLE 19,
15 THE order ~~shall~~ MUST contain specific findings, if warranted by the
16 evidence, as follows:

17 (c) That procedural safeguards with respect to parental rights have
18 been applied in connection with the continuation of the child OR YOUTH
19 in out-of-home placement, a change in the child's OR YOUTH'S placement
20 out of the home, and any determination affecting ~~parental visitation~~
21 FAMILY TIME.

22 **SECTION 9.** In Colorado Revised Statutes, 19-1-208, **amend** (2)
23 as follows:

24 **19-1-208. Duties of CASA volunteer. (2) Recommendations.**
25 Unless otherwise ordered by the court, the CASA volunteer, with the
26 support and supervision of the CASA program staff, shall make
27 recommendations consistent with the best interests of the child OR YOUTH

1 regarding placement, ~~visitation~~ FAMILY TIME, and appropriate services for
2 the child OR YOUTH and family and shall prepare a written report to be
3 distributed to the parties of the action.

4 **SECTION 10.** In Colorado Revised Statutes, 19-2.5-305, **amend**
5 (3)(a)(XI)(C) as follows:

6 **19-2.5-305. Detention and shelter - hearing - time limits -**
7 **findings - review - confinement with adult offenders - restrictions.**

8 (3) (a) (XI) If the court orders further detention of a juvenile pursuant to
9 this section, the order must contain specific findings as follows:

10 (C) Whether procedural safeguards to preserve parental rights
11 have been applied in connection with the removal of the juvenile from the
12 home, any change in the juvenile's placement in a community placement,
13 or any determination affecting ~~parental visitation~~ FAMILY TIME of the
14 juvenile.

15 **SECTION 11.** In Colorado Revised Statutes, 19-2.5-1116,
16 **amend** (4)(a) introductory portion and (4)(a)(VIII) as follows:

17 **19-2.5-1116. Orders - community placement - reasonable**
18 **efforts required - reviews.** (4) (a) If the juvenile is in the legal custody
19 of a county department ~~of human or social services~~ and is placed in a
20 community placement for a period of twelve months or longer, the district
21 court, another court of competent jurisdiction, or an administrative body
22 appointed or approved by the court that is not under the county
23 department's supervision shall conduct a permanency hearing within ~~said~~
24 twelve months and every twelve months thereafter for as long as the
25 juvenile remains in community placement. At the permanency hearing,
26 the entity conducting the hearing shall determine whether:

27 (VIII) Procedural safeguards to preserve parental rights have been

1 applied in connection with the removal of the juvenile from the home, any
2 change in the juvenile's community placement, or any determination
3 affecting ~~parental visitation~~ FAMILY TIME.

4 **SECTION 12.** In Colorado Revised Statutes, 19-2.5-1518,
5 **amend** (1)(b)(VIII) as follows:

6 **19-2.5-1518. Commitment to department of human services.**

7 (1) (b) When a juvenile is placed in a community placement for a period
8 of twelve months or longer, a court of competent jurisdiction or an
9 administrative body appointed or approved by the court that is not under
10 the supervision of the department of human services shall conduct a
11 permanency hearing pursuant to the federal "Social Security Act", 42
12 U.S.C. sec. 675 (5)(C) no later than the twelfth month of the community
13 placement and at least every twelve months thereafter while the juvenile
14 remains in a community placement. At the permanency hearing, the entity
15 conducting the hearing shall determine whether:

16 (VIII) Procedural safeguards to preserve parental rights have been
17 applied in connection with the removal of the juvenile from the home, any
18 change in the juvenile's community placement, or any determination
19 affecting ~~parental visitation~~ FAMILY TIME.

20 **SECTION 13.** In Colorado Revised Statutes, 19-3-208, **amend**
21 (2)(b)(IV) as follows:

22 **19-3-208. Services - county required to provide - out-of-home**
23 **placement options - rules - definitions.** (2) (b) The following services
24 must be available and provided, as determined necessary and appropriate
25 by individual case plans:

26 (IV) ~~Visitation~~ FAMILY TIME services for parents with children or
27 youth in out-of-home placement;

1 **SECTION 14.** In Colorado Revised Statutes, 19-3-210.5, **amend**
2 (1)(b) as follows:

3 **19-3-210.5. Foster parents' bill of rights.** (1) A foster parent has
4 the right to:

5 (b) Promote the reasonable and prudent parent standard for the
6 child or youth and the continuance of positive family patterns and
7 routines to the extent possible without interfering with court-ordered
8 ~~visitation~~ FAMILY TIME or services required pursuant to section 19-3-208;

9 **SECTION 15.** In Colorado Revised Statutes, 19-3-403, **amend**
10 (7) as follows:

11 **19-3-403. Temporary custody - hearing - time limits -**
12 **restriction - rules.** (7) The court may also issue temporary orders for
13 legal custody as provided in section 19-1-115. The court shall enter
14 ~~visitation~~ FAMILY TIME orders consistent with section 19-3-217.

15 **SECTION 16.** In Colorado Revised Statutes, 19-3-604, **amend**
16 (1)(c) introductory portion, (1)(c)(I) introductory portion, and (1)(c)(I)(A)
17 as follows:

18 **19-3-604. Criteria for termination.** (1) The court may order a
19 termination of the parent-child legal relationship upon the finding by clear
20 and convincing evidence of any one of the following:

21 (c) That the child OR YOUTH is adjudicated dependent or neglected
22 and all of the following exist:

23 (I) That an appropriate treatment plan approved by the court has
24 not been reasonably complied with by the parent or parents or has not
25 been successful or that the court has previously found, pursuant to section
26 19-3-508 (1)(e), that an appropriate treatment plan could not be devised.
27 In a county designated pursuant to section 19-1-123, if a child OR YOUTH

1 is under six years of age at the time a petition is filed in accordance with
2 section 19-3-501 (2), ~~no parent or parents shall be found to be~~ THE COURT
3 SHALL NOT FIND THAT A PARENT IS OR PARENTS ARE in reasonable
4 compliance with or to have been successful at a court-approved treatment
5 plan when:

6 (A) The parent has not attended ~~visitations~~ FAMILY TIME with the
7 child OR YOUTH as set forth in the treatment plan, unless good cause can
8 be shown for failing to ~~visit~~ ATTEND; or

9 **SECTION 17.** In Colorado Revised Statutes, 19-3-612, **amend**
10 (10) and (11)(a)(II) as follows:

11 **19-3-612. Reinstatement of the parent-child legal relationship**
12 **- circumstances - petition - hearings - legislative declaration.** (10) At
13 the conclusion of the initial hearing, the court shall either dismiss the
14 petition because the threshold conditions for reinstatement set forth in
15 subsection (9) of this section have not been met or enter an order finding
16 that the threshold conditions for reinstatement set forth in subsection (9)
17 of this section have been met and that it is in the best interests of the child
18 OR YOUTH to work toward reinstatement of the parent-child legal
19 relationship. If the court finds that it is in the best interests of the child OR
20 YOUTH to pursue reinstatement of the parent-child legal relationship, the
21 court must approve a transition plan developed by the county department
22 and designed for reinstatement of the parent-child legal relationship,
23 including ~~visitation~~ FAMILY TIME or placement of the child OR YOUTH
24 with the former parent for a designated trial period of up to six months,
25 during which time legal custody of the child OR YOUTH remains with the
26 county department. As part of the transition plan, the county department
27 shall provide transition services, as needed. The county department shall

1 assess the ~~visitation~~ FAMILY TIME or temporary placement of the child OR
2 YOUTH with the former parent and prepare a report about the success of
3 the ~~visitation~~ FAMILY TIME or temporary placement. The county
4 department shall submit the report to the court, the former parent, and the
5 guardian ad litem not later than thirty days prior to the expiration of the
6 designated trial period. The county department may stop the ~~visitation~~
7 FAMILY TIME or remove the child OR YOUTH from placement with the
8 former parent at any time, in accordance with the procedures outlined in
9 sections 19-3-401 and 19-3-403, if it deems that the child OR YOUTH is
10 not safe or that it is no longer in the best interests of the child OR YOUTH
11 for the child OR YOUTH to remain with the former parent.

12 (11) (a) The court shall schedule a final hearing prior to the
13 expiration of the designated trial period. At the final hearing, the court
14 shall consider the following:

15 (II) Whether the trial period of ~~visitation~~ FAMILY TIME or
16 placement of the child OR YOUTH with the former parent was successful;

17 **SECTION 18.** In Colorado Revised Statutes, 19-3-702, **amend**
18 (1)(a) and (3)(a) as follows:

19 **19-3-702. Permanency hearing.** (1) (a) In order to provide
20 stable, permanent homes for every child or youth placed out of the home,
21 in as short a time as possible, a court shall conduct a permanency
22 planning hearing. The court shall hold the permanency planning hearing
23 as soon as possible following the initial hearing held pursuant to a
24 proceeding pursuant to part 3 of article 7 of this title 19 or the initial
25 dispositional hearing pursuant to this article 3; except that the
26 permanency planning hearing must be held no later than ninety-one days
27 after the initial decree of disposition. After the initial permanency

1 planning hearing, the court shall hold additional hearings at least every
2 six months while the case remains open or more often in the discretion of
3 the court, or upon the motion of any party. THE INITIAL PERMANENCY
4 HEARING MUST BE HELD WITHIN TWELVE MONTHS AFTER THE CHILD OR
5 YOUTH ENTERS FOSTER CARE, EVEN WHEN A DISPOSITIONAL DECREE HAS
6 NOT YET BEEN ENTERED. When possible, the permanency planning
7 hearing must be combined with the in-person six-month review as
8 provided for in section 19-1-115 (4)(c), subsection (6)(a) of this section,
9 or section 19-7-312. The court shall hold all permanency planning
10 hearings in person, provide proper notice to all parties, and provide all
11 parties the opportunity to be heard. The court shall consult with the child
12 or youth in a developmentally appropriate manner regarding the child's or
13 youth's permanency goal.

14 (3) At any permanency planning hearing, the court shall first
15 determine if the child or youth should be returned to the child's or youth's
16 parent, named guardian, or legal custodian and, if applicable, the date on
17 which the child or youth must be returned. If the child or youth cannot be
18 returned home, the court shall also determine whether reasonable efforts
19 have been made to find a safe and stable permanent home for the child or
20 youth. The court shall not delay permanency planning by considering the
21 placement of children or youth together as a sibling group. At any
22 permanency planning hearing, the court shall make the following
23 determinations, when applicable:

24 (a) Whether procedural safeguards to preserve parental rights have
25 been applied in connection with any change in the child's or youth's
26 placement or any determination affecting ~~parental visitation~~ FAMILY TIME
27 of the child or youth;

1 **SECTION 19.** In Colorado Revised Statutes, 19-3-903, **amend**
2 (1) as follows:

3 **19-3-903. Task force on high-quality parenting time - creation**
4 **- steering committee - membership.** (1) There is created in the ~~state~~
5 ~~department~~ OFFICE OF RESPONDENT PARENTS' COUNSEL CREATED IN
6 SECTION 13-92-103 the task force on high-quality parenting time, for the
7 purpose of studying the issues set forth in section 19-3-904 and making
8 findings and recommendations to the governor, the state department; the
9 child welfare training academy, and the general assembly on
10 administrative and legislative changes to improve high-quality parenting
11 time services and practices in dependency and neglect cases.

12 **SECTION 20.** In Colorado Revised Statutes, 19-3-904, **amend**
13 (1)(c), (1)(d), and (2)(a) as follows:

14 **19-3-904. Task force - purposes - issues to study - written**
15 **reports.** (1) The purpose of the task force is to:

16 (c) Study best practices for judicial review of ~~visitation~~ FAMILY
17 TIME and parenting time plans;

18 (d) Evaluate the rights and remedies for parents and children or
19 youth pertaining to parenting time, including sibling ~~visitation~~ FAMILY
20 TIME;

21 (2) In carrying out the purposes set forth in subsection (1) of this
22 section, the task force shall consider:

23 (a) The United States constitution and state constitution, case law,
24 statutes, rules, practices, and standards that govern family parenting time
25 or ~~visitation~~ FAMILY TIME in Colorado;

26 **SECTION 21.** In Colorado Revised Statutes, **amend** 19-3-905 as
27 follows:

1 **19-3-905. Repeal of part.** This part 9 is repealed, effective July
2 1, ~~2023~~ 2024.

3 **SECTION 22.** In Colorado Revised Statutes, 19-5-105, **amend**
4 (3.4)(c) as follows:

5 **19-5-105. Proceeding to terminate parent-child legal**
6 **relationship.** (3.4) (c) If the child OR YOUTH has been out of ~~his or her~~
7 THE birth parents' care for more than one year, irrespective of incidental
8 communications ~~or visits~~ from the relinquishing or nonrelinquishing
9 parent, there is a rebuttable presumption that the best interests of the child
10 OR YOUTH will be served by granting custody to the person in whose care
11 the child OR YOUTH has been for that period. Such presumption may be
12 overcome by a preponderance of the evidence.

13 **SECTION 23.** In Colorado Revised Statutes, 19-5-208, **amend**
14 (4.5)(b) as follows:

15 **19-5-208. Petition for adoption - open adoption - post-adoption**
16 **contact agreement.** (4.5) (b) Only the petitioner may request a
17 post-adoption contact agreement for contact between a child OR YOUTH
18 and the birth parent or parents; a birth relative, as set forth in section
19 19-3-605 (1); or an Indian tribe if the child OR YOUTH is a member of the
20 Indian tribe. A post-adoption contact agreement may include provisions
21 for contact, ~~visitation~~ FAMILY TIME, or the exchange of information, and
22 the grounds, if any, on which the adoptive parent may decline to permit
23 ~~visits~~ CONTACTS or cease providing contact or information. If a child OR
24 YOUTH is available for adoption through an expedited relinquishment
25 pursuant to section 19-5-103.5, the contact agreement must be limited to
26 contact between the child OR YOUTH and the birth parents and THE CHILD'S
27 OR YOUTH'S biological siblings. ~~of the child.~~

1 **SECTION 24.** In Colorado Revised Statutes, 19-5-210, **amend**
2 (7) as follows:

3 **19-5-210. Hearing on petition.** (7) In cases involving the
4 adoption of a child OR YOUTH who is part of a sibling group but who is
5 not being adopted with ~~his or her~~ THE CHILD'S siblings, in addition to
6 issuing a final decree of adoption, if the adoptive parents are willing, the
7 court may encourage reasonable ~~visitation~~ FAMILY TIME among the
8 siblings when ~~visitation~~ FAMILY TIME is in the best interests of the child,
9 YOUTH, or ~~the~~ children. The court shall review the record and inquire as
10 to whether the adoptive parents have received counseling regarding
11 children OR YOUTH in sibling groups maintaining or developing ties with
12 each other.

13 **SECTION 25.** In Colorado Revised Statutes, 19-7-203, **amend**
14 (1)(l) and (1)(m) as follows:

15 **19-7-203. Foster care sibling rights.** (1) Sibling youth in foster
16 care, except youth in the custody of the division of youth services created
17 pursuant to section 19-2.5-1501 or a state hospital for persons with
18 behavioral or mental health disorders, have the following rights, unless
19 they are not in the best interests of each sibling, regardless of whether the
20 parental rights of one or more of the foster youth's parents have been
21 terminated:

22 (l) To expect that the youth's guardian ad litem advocate on behalf
23 of the youth for frequent ~~contact and visits~~ FAMILY TIME with siblings,
24 unless the guardian ad litem determines through the guardian ad litem's
25 independent investigation that the contact is not in the best interests of the
26 youth;

27 (m) To have ~~contact~~ FAMILY TIME with siblings encouraged in any

1 adoptive or guardianship placement; and

2 **SECTION 26.** In Colorado Revised Statutes, 19-7-204, **amend**
3 (1), (2) introductory portion, (2)(a), (2)(c), (2)(d), (3), (4), (5), and (6) as
4 follows:

5 **19-7-204. Foster care sibling family time - contact plan - rules**
6 **- definition.** (1) The department of human services shall provide
7 information on sibling contact in the ~~visitation~~ FAMILY TIME plan for a
8 youth. In doing so, the DEPARTMENT SHALL ASK THE youth ~~shall be~~
9 ~~consulted~~ about the youth's wishes as to sibling contact.

10 (2) As written in the ~~visitation~~ FAMILY TIME plan, the department
11 ~~of human services~~ shall, if it is in the best interests of each sibling:

12 (a) Promote frequent contact between siblings in foster care,
13 which may include telephone calls, text messages, social media, video
14 calls, and in-person ~~visits~~ FAMILY TIME;

15 (c) Clarify that restriction of sibling ~~visits~~ FAMILY TIME should not
16 be a consequence for behavioral problems. ~~Visits~~ FAMILY TIME should
17 only be restricted if contrary to the best interests of a sibling.

18 (d) Ensure timing and regularly scheduled sibling ~~visits~~ FAMILY
19 TIME are outlined in case plans based on individual circumstances and
20 needs of the youth.

21 (3) If a youth in foster care requests an opportunity ~~to visit~~ FOR
22 FAMILY TIME WITH a sibling, the county department that has legal custody
23 of the youth shall arrange the ~~visit~~ FAMILY TIME within a reasonable
24 amount of time and document the ~~visit~~ FAMILY TIME.

25 (4) If a youth in foster care requests an opportunity ~~to visit~~ FOR
26 FAMILY TIME WITH a sibling on a regular basis, the county department that
27 has legal custody of the youth shall arrange the ~~visits~~ FAMILY TIME and

1 ensure that the ~~visits occur~~ FAMILY TIME OCCURS with sufficient
2 frequency and duration to promote continuity in the siblings' relationship.

3 (5) If, in arranging sibling ~~visits~~ FAMILY TIME pursuant to this
4 section, a county department determines ~~that a requested visit~~ FAMILY
5 TIME between the siblings would not be in the best interests of one or both
6 of the siblings, the county department shall deny the request, document
7 its reasons for making the determination, and provide the siblings with an
8 explanation for the denial, as permitted under state and federal law. In
9 determining whether a requested ~~visit~~ FAMILY TIME would be in the best
10 interests of one or both of the siblings, the county department shall
11 ~~ascertain~~ DETERMINE whether there is pending in any jurisdiction a
12 criminal action in which either of the siblings is either a victim or a
13 witness. If such a criminal action is pending, the county department,
14 before arranging any ~~visit~~ FAMILY TIME between the siblings, shall consult
15 with the district attorney for the jurisdiction in which the criminal action
16 is pending to determine whether the requested ~~visit~~ FAMILY TIME may
17 have a detrimental effect upon the prosecution of the pending criminal
18 action.

19 (6) Nothing in this section requires or permits a county department
20 to arrange a sibling ~~visit~~ FAMILY TIME if such visit would violate an
21 existing protection order in any case pending in this state or any other
22 state.

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