

CHAPTER 255

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 00-1318

BY REPRESENTATIVES Tapia, Keller, Mace, Ragsdale, S. Williams, Alexander, Clarke, Coleman, Gagliardi, Kaufman, Kester, Leyba, Miller, Scott, Smith, Tate, Tochtrop, Tupa, Vigil, Windels, and Zimmerman;
also SENATORS Perlmutter, Hernandez, Linkhart, Martinez, and Tebedo.

AN ACT

CONCERNING THE NOTIFICATION OF RELATIVES PRIOR TO PLACEMENT OF CHILDREN OUT OF THE HOME.

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

SECTION 1. 19-3-403 (3.6), Colorado Revised Statutes, is amended to read:

19-3-403. Temporary custody - hearing - time limits - restriction. (3.6) At the hearing, information may be supplied to the court in the form of written or oral reports, affidavits, testimony, or other relevant information that the court may wish to receive. Any information having probative value may be received by the court, regardless of its admissibility under the Colorado rules of evidence. THE COURT SHALL ADVISE THE PARENTS OF THE CHILD THAT THE CHILD MAY BE PLACED WITH THE CHILD'S GRANDPARENT, AUNT, UNCLE, BROTHER, OR SISTER IF IN THE COURT'S OPINION SUCH PLACEMENT IS APPROPRIATE AND IN THE CHILD'S BEST INTERESTS. THE COURT SHALL ORDER THE PARENTS TO PROVIDE, WITHIN FIFTEEN DAYS AFTER THE HEARING, THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS, IF KNOWN, OF ANY RELATIVES. THE COURT MAY ORDER A COUNTY DEPARTMENT OF SOCIAL SERVICES TO MAKE REASONABLE AND TIMELY EFFORTS TO CONTACT SUCH IDENTIFIED RELATIVES WITHIN NINETY DAYS AFTER THE HEARING ABOUT PLACEMENT POSSIBILITIES FOR THE CHILD UNLESS THE COURT DETERMINES THERE IS GOOD CAUSE NOT TO NOTIFY OR GOOD CAUSE TO DELAY THE NOTIFICATION OF SUCH RELATIVES. The court may consider and give preference to giving temporary custody to the child's grandparent OR SUCH OTHER RELATIVE who is appropriate, capable, willing, and available for care if in the best interests of the child and if the court finds that there is no suitable ~~natural~~ BIRTH or adoptive parent available, with due diligence having been exercised in attempting to locate any such ~~natural~~ BIRTH or adoptive parent. The court may place or continue custody with the county department of social services if the court is satisfied from the information presented at the hearing that such custody is appropriate and in the child's

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

best interests, or the court may enter such other orders as are appropriate. The court shall make a finding that reasonable efforts have been made to prevent unnecessary out-of-home placement if the evidence supports such a finding. In the alternative, if the evidence supports such a finding, the court shall make a finding that the child is seriously endangered and an emergency situation exists which makes it reasonable not to make reasonable efforts to prevent the removal of such child.

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to actions commencing on or after the applicable effective date of this act.

Approved: May 26, 2000