

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0703.01 Anna Petrini x5497

HOUSE BILL 26-1314

HOUSE SPONSORSHIP

English,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING INCREASING FAMILY STABILITY, AND, IN CONNECTION
102 THEREWITH, ADDING OPTIONS AND REQUIREMENTS FOR COURT
103 ORDERS IN PARENTING TIME DISPUTES, PRIORITIZING KINSHIP
104 PLACEMENTS IN CERTAIN CIRCUMSTANCES, FACILITATING
105 POST-ADOPTION GRANDPARENT CONTACT, AND CREATING A
106 FOSTER CARE PREVENTION SERVICES PILOT PROGRAM.

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>.)

In disputes concerning parenting time, the bill adds payment of a

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.

monetary penalty to the aggrieved party, community service, and the use of court-approved parenting time tracking or communication tools to the list of orders a court may issue to address noncompliance with an existing parenting time order. The bill clarifies that orders in these disputes must be proportionate to the frequency and severity of intentional noncompliance.

The bill requires the state department of human services, in coordination with the county departments of human or social services (county departments) and their delegate child support enforcement units, to develop protocols for referring a noncustodial parent who is in compliance with a child support obligation to supervised or facilitated family-time services.

When a child or youth is removed from the home, the bill requires the court to prioritize the child's or youth's temporary placement with a relative or kin, unless the court finds by a preponderance of the evidence that temporary placement with the relative or kin is not in the best interests of the child. The bill authorizes modified safety and suitability assessments and a one-time placement stipend for approved emergency placement kinship caregivers under certain circumstances.

The bill requires a court, before entering a final adoption decree, to make written findings regarding any existing grandparent-grandchild relationship. The court may order a post-adoption contact agreement (agreement) granting reasonable contact or family time to the grandparent. The bill specifies procedures for the denial, modification, enforcement, or termination of the agreement.

The bill creates the foster care prevention services pilot program, which allows participating county departments to implement expedited kinship placement approval pathways, kinship navigator programs, one-time placement stipends for approved emergency placement kinship caregivers, and tools for tracking family time.

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) Placing a child or youth who has been removed from their
5 home in safe kinship care settings promotes family stability, speeds
6 permanency, and yields better long-term outcomes, which may include
7 safe and timely reunification of a child or youth with their parent;

8 (b) Kinship care providers play a critical role in securing child and

1 youth well-being, contributing to a sense of continuity and normalcy.
2 Similarly, post-adoption contact between a child and a grandparent can
3 be an ongoing source of support, stability, and affection.

4 (c) Practical, child-centered enforcement of court orders when a
5 parent violates parenting time orders must be proportionate to the
6 frequency and severity of the noncompliance; and

7 (d) Creating pathways for parents who are in compliance with
8 child support obligations to access safe, supervised or facilitated family
9 time services helps maintain vital family connections.

10 (2) The general assembly finds, therefore, that targeted legislative
11 reforms to prioritize and direct resources toward kinship placements,
12 preserve post-adoption grandparent-grandchild relationships, strengthen
13 parenting time enforcement tools, and coordinate access to family time
14 services will promote the stability, safety, and well-being of children,
15 youth, and families throughout the state.

16 **SECTION 2.** In Colorado Revised Statutes, 14-10-129.5, **amend**
17 (2) introductory portion, (2)(a), and (2)(e); and **add** (2)(b.9), (2)(c.5), and
18 (2)(c.7), as follows:

19 **14-10-129.5. Disputes concerning parenting time - definition.**

20 (2) After the hearing, if a court finds that a parent has not
21 complied with the parenting time order or schedule and has
22 INTENTIONALLY violated the court order, the court, in the best interests of
23 the child AND IN PROPORTION TO THE FREQUENCY AND SEVERITY OF THE
24 NONCOMPLIANCE, shall issue an order that may include, but not be limited
25 to, one or more of the following orders:

26 (a) An order imposing additional terms and conditions that are
27 consistent with the court's previous order; except that the court shall

1 ~~separate the issues of child support and parenting time~~ and shall not
2 condition child support upon parenting time, THOUGH THE COURT MAY,
3 CONSISTENT WITH SECTION 14-14-104 (4), CONSIDER CHILD SUPPORT
4 COMPLIANCE WHEN FASHIONING REMEDIES PURSUANT TO THIS SUBSECTION
5 (2);

6 (b.9) AN ORDER REQUIRING THE PARTIES TO USE A
7 COURT-APPROVED TOOL FOR TRACKING PARENTING TIME OR FACILITATING
8 ELECTRONIC COMMUNICATION BETWEEN THE PARTIES;

9 (c.5) AN ORDER REQUIRING THE PARENT WHO HAS FAILED TO
10 PROVIDE COURT-ORDERED PARENTING TIME TO PAY A MONETARY PENALTY
11 TO THE AGGRIEVED PARTY;

12 (c.7) AN ORDER REQUIRING THE PARENT WHO HAS FAILED TO
13 PROVIDE COURT-ORDERED PARENTING TIME TO PERFORM COMMUNITY
14 SERVICE;

15 (e) ~~An~~ FOLLOWING CONSIDERATION OF LESS RESTRICTIVE
16 REMEDIES, AN order SUPPORTED BY WRITTEN FINDINGS finding the parent
17 who did not comply with the parenting time schedule in contempt of court
18 and imposing a fine or jail sentence;

19 **SECTION 3.** In Colorado Revised Statutes, **add** 14-14-114 as
20 follows:

21 **14-14-114. Family time services and child support**
22 **coordination - definition.**

23 (1) THE STATE DEPARTMENT OF HUMAN SERVICES, IN
24 COORDINATION WITH THE COUNTY DEPARTMENTS OF HUMAN OR SOCIAL
25 SERVICES AND THEIR DELEGATE CHILD SUPPORT ENFORCEMENT UNITS,
26 SHALL DEVELOP PROTOCOLS FOR REFERRING A NONCUSTODIAL PARENT
27 WHO IS IN COMPLIANCE WITH A CHILD SUPPORT OBLIGATION TO

1 SUPERVISED OR FACILITATED FAMILY-TIME SERVICES IN ACCORDANCE
2 WITH THE REQUIREMENTS OF SECTIONS 14-10-124, 14-10-129, 14-14-104
3 (4), AND 19-3-217.

4 (2) AS USED IN THIS SECTION, "COMPLIANCE WITH A CHILD
5 SUPPORT OBLIGATION" MEANS MAKING ORDERED PAYMENTS FOR THE
6 APPLICABLE TAX YEAR.

7 (3) NOTHING IN THIS SECTION CREATES A PARENTAL RIGHT TO
8 FAMILY TIME THAT SUPERCEDES A COURT'S DETERMINATION OF THE BEST
9 INTERESTS OF THE CHILD WITH RESPECT TO FAMILY TIME.

10 **SECTION 4.** In Colorado Revised Statutes, 19-3-403, **amend**
11 (3.6)(a)(IV) introductory portion, (3.6)(a)(V), and (9) as follows:

12 **19-3-403. Temporary custody - hearing - time limits -**
13 **restriction - rules.**

14 (3.6) (a) (IV) The court shall order a county department of human
15 or social services to exercise due diligence AND DOCUMENT ITS ACTIVE
16 EFFORTS to contact all grandparents and other adult relatives and
17 identified kin within thirty days after the removal of the child or youth
18 and to inform them about placement possibilities for the child or youth,
19 unless the court determines there is good cause not to contact or good
20 cause to delay contacting the child's or youth's relatives and kin,
21 including, but not limited to, family or domestic violence.

22 (V) (A) The court shall give preference to giving temporary
23 placement to a child's or youth's relative or kin who is capable, willing,
24 and available for care, giving primary consideration to the child's or
25 youth's mental, physical, and emotional needs, including the child's or
26 youth's preference regarding placement, UNLESS THE COURT FINDS BY A
27 PREPONDERANCE OF THE EVIDENCE THAT TEMPORARY PLACEMENT WITH

1 THE RELATIVE OR KIN IS NOT IN THE BEST INTERESTS OF THE CHILD OR
2 YOUTH. The court shall also find that there is no suitable birth or adoptive
3 parent available, with due diligence having been exercised in attempting
4 to locate ~~any such~~ THE birth or adoptive parent. A parent's objection to
5 placement with a particular relative or kin is not alone sufficient to show
6 that the proposed placement would hinder reunification. The court may
7 place or continue custody with the county department of human or social
8 services if the court is satisfied from the information presented at the
9 hearing that ~~such~~ THE custody is appropriate and in the child's or youth's
10 best interests, or the court may enter ~~such~~ other orders as ~~are~~ appropriate.

11 (B) The court may authorize the county department of human or
12 social services with custody of a child or youth to place the child or youth
13 with a relative or kin without the necessity for a hearing if a county
14 department of human or social services locates a capable and willing
15 relative or kin who is available to care for the child or youth and the
16 guardian ad litem of the child or youth concurs that the placement is in
17 the best interests of the child or youth. If the county department of human
18 or social services places a child or youth with a relative or kin without a
19 hearing pursuant to this ~~subsection—(3.6)(a)(V)~~ SUBSECTION
20 (3.6)(a)(V)(B), the county department of human or social services shall
21 fully inform the court of the details concerning the child's or youth's
22 placement on the record at the next hearing. If the court enters an order
23 removing a child or youth from the home or continuing a child or youth
24 in a placement out of the home, the court shall make the findings required
25 pursuant to section 19-1-115 (6) if ~~such~~ THE findings are warranted by the
26 evidence.

27 (C) IF THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES

1 PLACES A CHILD OR YOUTH WITH A RELATIVE OR KIN WITHOUT A HEARING
2 PURSUANT TO SUBSECTION (3.6)(a)(V)(B) OF THIS SECTION, THE COUNTY
3 DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL COMPLETE A
4 MODIFIED SAFETY AND SUITABILITY ASSESSMENT FOR THE PLACEMENT
5 WITHIN FOURTEEN DAYS AFTER THE COUNTY DEPARTMENT HAS IDENTIFIED
6 A RELATIVE OR KIN WHO IS CAPABLE, WILLING, AND AVAILABLE FOR CARE,
7 INCLUDING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
8 PURSUANT TO SECTION 19-3-406. THE COUNTY DEPARTMENT OF HUMAN
9 OR SOCIAL SERVICES MAY PERMIT CONTINUED TEMPORARY PLACEMENT
10 WITH A RELATIVE OR KIN, PENDING CERTIFICATION AS A KINSHIP FOSTER
11 HOME. IF NINETY DAYS HAVE ELAPSED SINCE REMOVAL AND THE RELATIVE
12 OR KIN IS NOT PURSUING CERTIFICATION AS A KINSHIP FOSTER HOME, THE
13 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL EVALUATE
14 ALTERNATIVE PLACEMENTS.

15 (9) If the sole issue preventing an emergency placement of a child
16 with a relative or kin is a lack of resources, the county department shall
17 use reasonable efforts to assist the relative or kin with obtaining the
18 necessary items within existing available resources. SUBJECT TO THE
19 AVAILABILITY OF EXISTING RESOURCES AND IN PROPORTION TO THE NEEDS
20 OF AN APPROVED EMERGENCY PLACEMENT KINSHIP CAREGIVER,
21 REASONABLE EFFORTS MUST INCLUDE A ONE-TIME PLACEMENT STIPEND
22 FOR THE APPROVED EMERGENCY PLACEMENT KINSHIP CAREGIVER.

23 **SECTION 5.** In Colorado Revised Statutes, 19-5-208, **add**
24 (4.5)(i) as follows:

25 **19-5-208. Petition for adoption - open adoption - post-adoption**
26 **contact agreement.**

27 (4.5) (i) BEFORE ENTERING A FINAL ADOPTION DECREE, THE COURT

1 SHALL MAKE WRITTEN FINDINGS REGARDING ANY EXISTING RELATIONSHIP
2 BETWEEN THE CHILD AND A GRANDPARENT OF THE CHILD.
3 NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (4.5) TO THE
4 CONTRARY, UNLESS THE COURT FINDS BY CLEAR AND CONVINCING
5 EVIDENCE THAT CONTINUED CONTACT WITH A GRANDPARENT IS
6 DETRIMENTAL TO THE CHILD'S BEST INTERESTS, THE COURT MAY, WITHOUT
7 A REQUEST FROM THE PETITIONER, ORDER A POST-ADOPTION CONTACT
8 AGREEMENT GRANTING REASONABLE CONTACT OR FAMILY TIME TO THE
9 GRANDPARENT. THE COURT MUST CONSIDER THE PETITIONER'S AND
10 CHILD'S WISHES WITH RESPECT TO A GRANDPARENT'S POST-ADOPTION
11 CONTACT AGREEMENT.

12 **SECTION 6.** In Colorado Revised Statutes, 19-5-217, **add** (9) as
13 follows:

14 **19-5-217. Enforcement or termination of post-adoption**
15 **contact agreement.**

16 (9) THE COURT SHALL MAKE SPECIFIC FINDINGS IF THE COURT
17 DENIES, LIMITS, OR TERMINATES A GRANDPARENT'S POST-ADOPTION
18 CONTACT AGREEMENT ORDERED PURSUANT TO SECTION 19-5-208 (4.5)(i).
19 SPECIFIC FINDINGS MUST ADDRESS HOW THE COURT'S DECISION ALIGNS
20 WITH THE BEST INTERESTS OF THE ADOPTED CHILD, INCLUDING THE
21 CHILD'S EMOTIONAL, PHYSICAL, AND DEVELOPMENTAL NEEDS AND
22 WELL-BEING; RELEVANT CHANGES IN CIRCUMSTANCES; AND THE EXPRESS
23 WISHES OF THE ADOPTED CHILD REGARDING CONTACT WITH THE
24 GRANDPARENT.

25 **SECTION 7.** In Colorado Revised Statutes, **add** 26-5.4-107 as
26 follows:

27 **26-5.4-107. Foster care prevention services pilot program -**

1 **rules.**

2 (1) ON OR AFTER JULY 1, 2027, THE FOSTER CARE PREVENTION
3 SERVICES PILOT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PILOT",
4 IS CREATED IN THE STATE DEPARTMENT. THE PILOT ALLOWS A COUNTY
5 DEPARTMENT THAT IS PARTICIPATING IN THE PILOT PURSUANT TO THIS
6 SECTION AND RULES ADOPTED BY THE STATE DEPARTMENT TO IMPLEMENT
7 EXPEDITED KINSHIP ASSESSMENTS AND TEMPORARY KINSHIP PLACEMENT
8 APPROVAL PATHWAYS PURSUANT TO SECTION 19-3-403 (3.6), KINSHIP
9 NAVIGATOR PROGRAMS, ONE-TIME PLACEMENT STIPENDS FOR APPROVED
10 EMERGENCY PLACEMENT KINSHIP CAREGIVERS PURSUANT TO SECTION
11 19-3-403 (9), AND TOOLS FOR TRACKING FAMILY TIME PURSUANT TO
12 SECTION 14-10-129 (2)(b.9).

13 (2) THE STATE DEPARTMENT SHALL SELECT THREE COUNTY
14 DEPARTMENTS TO PARTICIPATE IN THE PILOT. TWO OF THE PARTICIPATING
15 COUNTY DEPARTMENTS MUST SERVE A COUNTY OR CITY AND COUNTY
16 WITH A POPULATION OF MORE THAN SEVEN HUNDRED THOUSAND PERSONS
17 ACCORDING TO THE LAST PRECEDING FEDERAL CENSUS. ONE OF THE
18 PARTICIPATING COUNTY DEPARTMENTS MUST SERVE A COUNTY OR CITY
19 AND COUNTY WITH A POPULATION OF MORE THAN ONE HUNDRED SIXTY
20 THOUSAND PERSONS BUT FEWER THAN THREE HUNDRED THOUSAND
21 PERSONS ACCORDING TO THE LAST PRECEDING FEDERAL CENSUS.

22 (3) THE STATE DEPARTMENT MAY ADOPT RULES FOR THE
23 IMPLEMENTATION OF THIS SECTION. THE RULES MUST INCLUDE A PROCESS
24 AND DEADLINES FOR COUNTIES TO APPLY TO PARTICIPATE IN THE PILOT
25 AND FOR THE STATE DEPARTMENT TO SELECT PARTICIPATING COUNTIES.

26 (4) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT,
27 AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC

1 SOURCES FOR THE PURPOSES OF THIS SECTION.

2 (5) (a) THE STATE DEPARTMENT SHALL EVALUATE THE PILOT'S
3 SUCCESS OR FAILURE, INCLUDING A CONSIDERATION OF THE PILOT'S
4 EFFECTIVENESS IN ACHIEVING OUTCOMES OVER A TWELVE-MONTH PERIOD.

5 (b) AS NECESSARY TO CONDUCT THE EVALUATION AND COMPLETE
6 THE REPORTS REQUIRED PURSUANT TO THIS SUBSECTION (5), EACH
7 PARTICIPATING COUNTY DEPARTMENT SHALL SUBMIT TO THE STATE
8 DEPARTMENT A REPORT CONCERNING THE PARTICIPATING COUNTY
9 DEPARTMENT'S ADMINISTRATION AND UTILIZATION OF THE PILOT. THE
10 REPORT MUST INCLUDE RELEVANT DATA FROM THE PARTICIPATING
11 COUNTY AS REQUIRED BY THE STATE DEPARTMENT TO EVALUATE THE
12 PILOT AND TO PREPARE ITS REPORT TO THE GENERAL ASSEMBLY PURSUANT
13 TO SUBSECTION (5)(c) OF THIS SECTION. THE DATA MUST INCLUDE
14 INFORMATION ON THE NUMBER, TYPE, AND COSTS OF KINSHIP CARE
15 PLACEMENTS, THE LENGTH OF TIME BETWEEN REMOVAL AND KINSHIP CARE
16 PLACEMENTS, THE NUMBER OF DAYS A CHILD OR YOUTH SPENDS IN
17 OUT-OF-HOME PLACEMENT WITH NON-KIN PRIOR TO KINSHIP CARE
18 PLACEMENT, FAMILY TIME COMPLIANCE RATES, AND PERMANENCY
19 OUTCOMES FOR:

20 (I) A CHILD OR YOUTH WHOSE INITIAL OUT-OF-HOME PLACEMENT
21 IS WITH NON-KIN AND WHO IS LATER MOVED TO A KINSHIP CARE
22 PLACEMENT; AND

23 (II) A CHILD OR YOUTH WHO IS PLACED DIRECTLY IN KINSHIP CARE.

24 (c) IN JANUARY 2029, THE STATE DEPARTMENT SHALL REPORT ON
25 THE IMPLEMENTATION AND EFFECT OF THE PILOT TO THE HEALTH AND
26 HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF
27 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AS PART OF ITS

1 "SMART ACT" PRESENTATION REQUIRED PURSUANT TO SECTION 2-7-203.

2 THE REPORT MUST INCLUDE, AT A MINIMUM:

3 (I) A DESCRIPTION OF THE PILOT'S COSTS, OUTCOMES, AND ANY
4 SPECIFIC PROBLEMS THAT THE STATE DEPARTMENT OR ANY PARTICIPATING
5 COUNTY DEPARTMENT ENCOUNTERED DURING THE ADMINISTRATION OF
6 THE PILOT, ALONG WITH RECOMMENDATIONS THAT THE STATE
7 DEPARTMENT HAS FOR LEGISLATION TO ADDRESS THE PROBLEMS; AND

8 (II) A RECOMMENDATION BY THE STATE DEPARTMENT REGARDING
9 WHETHER THE GENERAL ASSEMBLY SHOULD REPEAL THE PILOT, CONTINUE
10 THE PILOT FOR A SPECIFIED TIME PERIOD, OR ESTABLISH THE PILOT
11 STATEWIDE ON A PERMANENT BASIS.

12 **SECTION 8. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.