

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 1, 2023
Date

Committee on Public & Behavioral Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB23-1024 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 4, strike lines 10 through 15 and substitute:

2 "SECTION 2. In Colorado Revised Statutes, 19-1-303, amend
3 (11)(a) and (11)(d) as follows:

4 **19-1-303. General provisions - delinquency and dependency**
5 **and neglect cases - exchange of information - civil penalty - rules -**
6 **definitions.** (11) (a) The judicial department or any agency described in
7 subsection (1)(a) of this section may provide a prospective foster parent,
8 RELATIVE, OR KIN CAREGIVER, as defined by rule of the department of
9 human services, or a foster parent who is responsible for the health or
10 welfare of a foster child named in a report who is residing in the foster
11 parent's home, with information that is necessary to meet the foster child's
12 physical, mental, emotional, behavioral, and other identified trauma
13 needs.

14 (d) The foster parent, RELATIVE, OR KIN CAREGIVER shall maintain
15 the confidentiality of any information obtained pursuant to this subsection
16 (11).".

17 Page 4, line 27, after "first." insert "THE ORIGINAL COMPLETED RELATIVE
18 AFFIDAVIT MUST BE FILED WITH THE COURT AND SERVED ON ALL PARTIES
19 NO LATER THAN SEVEN DAYS AFTER THE HEARING DATE.".

20 Page 5, strike lines 6 through 9 and substitute "ENGAGEMENT IN THE CASE.
21 ~~The original completed form must be filed with the court and a copy~~
22 ~~delivered to the county department of human or social services no later~~
23 ~~than five business days after the date of the hearing.~~ Each parent, the
24 guardian ad litem or".

- 1 Page 6, lines 20 and 21, strike "HOW TO BECOME A RESOURCE FAMILY;".
- 2 Page 6, line 25, after "STATE'S" insert "ENTITLEMENT PLANS, INCLUDING
3 BUT NOT LIMITED TO CHILD CARE ASSISTANCE, SUPPLEMENTAL
4 NUTRITIONAL ASSISTANCE PROGRAMS, THE".
- 5 Page 7, line 2, strike "LICENSING," and substitute "CERTIFICATION,".
- 6 Page 7, line 3, strike "LICENSING" and substitute "CERTIFICATION".
- 7 Page 7, lines 5 and 6, strike "WHO RESIDE IN A FAMILY FOSTER HOME," and
8 substitute "AND WHAT BACKGROUND CHECKS ARE REQUIRED, AS WELL AS
9 HOW RELATIVES OR KIN MAY REQUEST THE COURT REVIEW DECISIONS TO
10 DENY PLACEMENT BASED ON BACKGROUND CHECKS AND WHY
11 CERTIFICATION AS A KINSHIP FOSTER HOME MAY BE DENIED,".
- 12 Page 8, line 1, strike "custody" and substitute "~~custody~~ PLACEMENT".
- 13 Page 8, strike lines 3 through 6 and substitute "~~interests of the child and~~
14 ~~if the court~~ GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S
15 MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR
16 YOUTH'S PREFERENCE REGARDING PLACEMENT. THE COURT SHALL ALSO
17 FIND".
- 18 Page 8, line 7, strike "finds" and substitute "~~finds~~".
- 19 Page 12, strike line 1 and substitute "and (5)(a); and **add** (1)(b.5),
20 (1)(b.7), (1)(d), (1)(e), (5)(d), and (5)(e), as follows:".
- 21 Page 12, strike lines 7 through 24 and substitute "BY A PREPONDERANCE
22 OF THE EVIDENCE, GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR
23 YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE
24 CHILD'S OR YOUTH'S PREFERENCE REGARDING PLACEMENT. THE COURT
25 SHALL CONSIDER WHETHER A PROPOSED PLACEMENT WOULD HINDER
26 EFFORTS TO REUNITE THE PARENT AND CHILD OR YOUTH AND THE
27 PARENT'S PREFERENCE REGARDING PLACEMENT. A PARENT'S OBJECTION
28 TO PLACEMENT WITH A PARTICULAR RELATIVE OR KIN IS NOT ALONE
29 SUFFICIENT TO SHOW THAT THE PROPOSED PLACEMENT WOULD HINDER
30 REUNIFICATION.
- 31 (b.7) UPON THE MOTION OF A PARTY FOR PLACEMENT OF A CHILD
32 OR YOUTH WITH A RELATIVE OR KIN, IF THE PARTY OBJECTS TO THE
33 REQUESTED PLACEMENT, THE COURT SHALL HOLD A HEARING WITHIN
34 SIXTY-THREE DAYS AFTER THE OBJECTION TO DETERMINE WHETHER THE

1 CHILD OR YOUTH MAY BE PLACED WITH THE RELATIVE OR KIN. WHEN A
2 CHILD OR YOUTH RESIDES WITH A RELATIVE OR KIN, ANY OTHER RELATIVE
3 OR KIN SEEKING A PLACEMENT CHANGE SHALL ADDRESS THE FACTORS SET
4 FORTH IN SECTION 19-3-702 (6).".

5 Page 13, line 5, after "SHALL" insert "GIVE PRIMARY CONSIDERATION TO
6 A CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS. THE
7 COURT SHALL".

8 Page 13, line 13, strike "ACTIVITIES OR" and substitute "ACTIVITIES;".

9 Page 13, strike lines 14 through 16.

10 Page 13, line 19, after "KIN;" add "OR".

11 Page 13, line 20, strike "KIN; OR" and substitute "KIN.".

12 Page 13, strike lines 21 through 24 and substitute:

13 "(e) THE COURT MAY CONSIDER THE RELATIVE'S OR KIN'S CRIMINAL
14 BACKGROUND, AS PERMITTED BY SECTION 19-3-406. WHEN CONSIDERING
15 WHETHER TO ALLOW A PLACEMENT WITH A RELATIVE OR KIN WHO HAS
16 BEEN DISQUALIFIED FOR PLACEMENT PURSUANT TO SECTION 19-3-406, THE
17 COURT SHALL CONSIDER THE FOLLOWING FACTORS:

18 (I) WHETHER THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, OR
19 EMOTIONAL NEEDS WOULD BE ADVERSELY AFFECTED;".

20 Page 13, line 25, strike "(A)" and substitute "(II)".

21 Page 13, line 26, strike "(B)" and substitute "(III)".

22 Page 14, line 2, strike "(C)" and substitute "(IV)".

23 Page 14, line 3, strike "(D)" and substitute "(V)".

24 Page 14, strike lines 20 through 27 and substitute:

25 "(b) IF THE COUNTY DEPARTMENT LOCATES A CAPABLE, WILLING,
26 AND AVAILABLE RELATIVE OR KIN FOR THE CHILD OR YOUTH, IT IS
27 PRESUMED THAT PLACEMENT OF THE CHILD OR YOUTH WITH A RELATIVE
28 OR KIN IS IN THE BEST INTERESTS OF THE CHILD OR YOUTH. THE
29 PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE OF THE EVIDENCE,
30 GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL,

1 PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S
2 PREFERENCE REGARDING PLACEMENT. THE COURT SHALL CONSIDER
3 WHETHER A PROPOSED PLACEMENT WOULD HINDER EFFORTS TO REUNITE
4 THE PARENT AND THE CHILD OR YOUTH AND THE PARENT'S PREFERENCE
5 REGARDING PLACEMENT. A PARENT'S OBJECTION TO PLACEMENT WITH A
6 PARTICULAR RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT
7 THE PROPOSED PLACEMENT WOULD HINDER REUNIFICATION."

8 Page 15, strike lines 1 through 4.

9 Page 15, strike line 9 and substitute "MUST DESCRIBE THE EFFORTS MADE
10 BY THE COUNTY TO".

11 Page 15, line 13, strike "UPON A SHOWING" and substitute "AFTER
12 FINDING".

13 Page 15, line 15, strike "HEALTH OR SAFETY, OR" and substitute "NEEDS,
14 OR WHEN".

15 Page 15, line 19, strike "child, CHILDREN," and substitute "child".

16 Page 15, line 25, strike "YOUTH" and substitute "YOUTH, OR KIN
17 CAREGIVER WHO HAS THE CHILD IN THE CAREGIVER'S CARE FOR MORE
18 THAN THREE MONTHS,".

19 Page 15, line 27, strike "OR NON-RELATIVE KIN".

20 Page 16, strike lines 1 through 8 and substitute "OR YOUTH IN THEIR CARE
21 FOR TWELVE MONTHS OR MORE MAY INTERVENE, AS A MATTER OF RIGHT,
22 WITH OR WITHOUT COUNSEL, FOLLOWING ADJUDICATION. THE PURPOSE OF
23 INTERVENTION IS TO PROVIDE KNOWLEDGE OR INFORMATION CONCERNING
24 THE CARE AND PROTECTION OF THE CHILD OR YOUTH, INCLUDING THE
25 CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS."

26 Page 16, strike lines 9 and 10 and substitute:

27 "(e) AN INTERVENOR MAY NOT, ON THE INTERVENOR'S OWN".

28 Page 16, line 11, after "CHILD" insert "OR YOUTH".

29 Page 16, strike lines 14 through 16.

30 Page 18, line 1 strike "RELATIVE." and substitute "RELATIVE OR KIN."

1 Page 18, line 4, strike the first "THE" and substitute "A" and after the
2 period add "THE PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE
3 OF THE EVIDENCE, GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR
4 YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE
5 CHILD'S OR YOUTH'S PREFERENCE REGARDING PLACEMENT. THE COURT
6 SHALL CONSIDER WHETHER A PROPOSED PLACEMENT WOULD HINDER
7 EFFORTS TO REUNITE THE PARENT AND THE CHILD OR YOUTH AND THE
8 PARENT'S PREFERENCE REGARDING PLACEMENT. A PARENT'S OBJECTION
9 TO PLACEMENT WITH A PARTICULAR RELATIVE OR KIN IS NOT ALONE
10 SUFFICIENT TO SHOW THAT THE PROPOSED PLACEMENT WOULD HINDER
11 REUNIFICATION."

12 Page 18, strike lines 15 through 17 and substitute "~~such placement is in~~
13 ~~the child's best interests.~~ IN CONSIDERING THE PLACEMENT, THE COURT
14 SHALL GIVE PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S
15 MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR
16 YOUTH'S PREFERENCE REGARDING PLACEMENT. THE COURT SHALL
17 CONSIDER WHETHER A PROPOSED PLACEMENT WOULD HINDER EFFORTS TO
18 REUNITE THE PARENT AND THE CHILD OR YOUTH AND THE PARENT'S
19 PREFERENCE REGARDING PLACEMENT."

20 Page 18, line 18, strike "YOUTH."

21 Page 19, strike lines 23 through 27 and substitute "AND AVAILABLE
22 RELATIVE OR KIN FOR THE CHILD OR YOUTH, IT IS PRESUMED THAT
23 PLACEMENT OF THE CHILD OR YOUTH WITH THE RELATIVE OR KIN IS IN THE
24 BEST INTERESTS OF THE CHILD OR YOUTH. THE PRESUMPTION MAY BE
25 REBUTTED BY A PREPONDERANCE OF THE EVIDENCE, GIVING PRIMARY
26 CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND
27 EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S PREFERENCE
28 REGARDING PLACEMENT. THE COURT SHALL CONSIDER WHETHER A
29 PROPOSED PLACEMENT WOULD HINDER EFFORTS TO REUNITE THE PARENT
30 AND THE CHILD OR YOUTH AND THE PARENT'S PREFERENCE REGARDING
31 PLACEMENT. A PARENT'S OBJECTION TO PLACEMENT WITH"

32 Page 20, strike lines 1 through 4.

33 Page 20, line 12, strike "AS DEFINED IN SECTION 19-1-103,".

34 Page 20, line 15, strike "(6)(h)" and substitute "(6)(h); and **add** (6)(i)".

35 Page 20, line 23, strike "CONTINUOUS" and substitute "ONGOING".

1 Page 21, strike lines 2 through 4 and substitute "DETERMINES NOT TO
2 PLACE THE CHILD OR YOUTH WITH A RELATIVE OR KIN, AFTER GIVING
3 PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL,
4 AND EMOTIONAL NEEDS, OR IF THE DEPARTMENT DECIDES NOT TO PLACE
5 A CHILD OR YOUTH WITH A RELATIVE OR KIN BECAUSE THE PLACEMENT
6 WOULD HINDER EFFORTS TO REUNITE THE CHILD OR".

7 Page 21, line 20, strike "PLACEMENTS" and substitute "PLACEMENTS, THE
8 CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS,".

9 Page 21, after line 22 insert:

10 "(i) THE CHILD'S OR YOUTH'S PREFERENCE REGARDING
11 PLACEMENT."

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