

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0988.01 Shelby Ross x4510

HOUSE BILL 19-1288

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Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING INCREASING PROTECTIONS TO ENSURE FOSTER YOUTH**
102 **SIBLINGS MAINTAIN SIBLING RELATIONSHIPS BY PROVIDING**
103 **FOSTER YOUTH SIBLINGS WITH CERTAIN RIGHTS, AND, IN**
104 **CONNECTION THEREWITH, ESTABLISHING THE FOSTER YOUTH**
105 **SIBLING BILL OF RIGHTS.**

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 certain rights for sibling youth in foster care, unless the rights are not in the best interests of either sibling, regardless

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.

SENATE
2nd Reading Unamended
April 23, 2019

HOUSE
3rd Reading Unamended
April 18, 2019

HOUSE
Amended 2nd Reading
April 17, 2019

of whether the parental rights of one or more of the foster youth's parents have been terminated.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **amend**
3 (98.5) as follows:

4 **19-1-103. Definitions.** As used in this title 19 or in the specified
5 portion of this title 19, unless the context otherwise requires:

6 (98.5) "Sibling group", as used in article 3 and article 5 of this title
7 TITLE 19, means biological siblings. ~~who have been raised together or~~
8 ~~have lived together.~~

9 **SECTION 2.** In Colorado Revised Statutes, **add with amended**
10 **and relocated provisions** part 2 to article 7 of title 19 as follows:

11 PART 2

12 YOUTH SIBLINGS IN FOSTER CARE

13 **19-7-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE
14 "FOSTER YOUTH SIBLINGS BILL OF RIGHTS".

15 **19-7-202. Legislative declaration.** (1) THE GENERAL ASSEMBLY
16 FINDS AND DECLARES THAT IT IS BENEFICIAL FOR A YOUTH PLACED IN
17 FOSTER CARE TO BE ABLE TO CONTINUE RELATIONSHIPS WITH THE YOUTH'S
18 SIBLINGS, REGARDLESS OF AGE, SO THAT SIBLINGS MAY SHARE THEIR
19 STRENGTHS AND ASSOCIATION IN THEIR EVERYDAY AND OFTEN COMMON
20 EXPERIENCES.

21 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
22 IT IS THE RESPONSIBILITY OF ALL ADULTS INVOLVED IN A YOUTH'S LIFE,
23 INCLUDING BUT NOT LIMITED TO COUNTY DEPARTMENTS, PARENTS, FOSTER
24 PARENTS, GUARDIANS AD LITEM, COURT-APPOINTED SPECIAL ADVOCATES,
25 NEXT OF KIN, TREATMENT PROVIDERS, AND OTHERS, TO SEEK

1 OPPORTUNITIES TO FOSTER THOSE SIBLING RELATIONSHIPS TO PROMOTE
2 CONTINUITY AND HELP TO SUSTAIN FAMILY RELATIONSHIPS.

3 (3) BECAUSE THE NUMBER OF FAMILY FOSTER HOMES IN
4 COLORADO IS OFTEN INSUFFICIENT TO MEET THE NEEDS OF YOUTH,
5 INCLUDING SIBLING GROUPS, IT IS, THEREFORE, COLORADO'S GOAL TO
6 CONTINUE TO RECRUIT FOSTER FAMILIES AND BUILD RESOURCES
7 SUFFICIENT TO MEET THIS NEED.

8 **19-7-203. Foster care sibling rights.** (1) SIBLING YOUTH IN
9 FOSTER CARE, EXCEPT YOUTH IN THE CUSTODY OF THE DIVISION OF YOUTH
10 SERVICES CREATED PURSUANT TO SECTION 19-2-203 OR A STATE HOSPITAL
11 FOR PERSONS WITH MENTAL HEALTH DISORDERS, SHALL ENJOY THE
12 FOLLOWING RIGHTS, UNLESS THEY ARE NOT IN THE BEST INTERESTS OF
13 EACH SIBLING, REGARDLESS OF WHETHER THE PARENTAL RIGHTS OF ONE
14 OR MORE OF THE FOSTER YOUTH'S PARENTS HAVE BEEN TERMINATED:

15 (a) TO BE PLACED IN FOSTER CARE HOMES WITH THE YOUTH'S
16 SIBLINGS, WHEN IT IS IN THE BEST INTERESTS OF EACH SIBLING AND WHEN
17 THE COUNTY DEPARTMENT LOCATES AN APPROPRIATE, CAPABLE, WILLING,
18 AND AVAILABLE JOINT PLACEMENT FOR THE YOUTH SIBLINGS, IN ORDER TO
19 SUSTAIN FAMILY RELATIONSHIPS, PURSUANT TO SECTIONS 19-3-213 (1)(c),
20 19-3-500.2, 19-3-507 (1)(b), 19-3-508 (1)(c), 19-3-605 (2), AND
21 19-5-207.3 (2);

22 (b) TO BE PLACED IN CLOSE GEOGRAPHICAL DISTANCE TO THE
23 YOUTH'S SIBLINGS IN ORDER TO PROMOTE CONTINUITY IN THE SIBLINGS'
24 RELATIONSHIP;

25 (c) TO OBTAIN TEMPORARY RESPITE PLACEMENTS TOGETHER,
26 WHEN POSSIBLE;

27 (d) TO BE PLACED WITH FOSTER PARENTS, PLACED WITH POTENTIAL

1 ADOPTIVE PARENTS, AND ASSIGNED TO CHILD WELFARE CASEWORKERS
2 WHO HAVE BEEN PROVIDED WITH TRAINING ON THE IMPORTANCE OF
3 SIBLING RELATIONSHIPS;

4 (e) TO BE PROMPTLY NOTIFIED, AS PERMITTED PURSUANT TO STATE
5 OR FEDERAL LAW, ABOUT CHANGES IN SIBLING PLACEMENT,
6 CATASTROPHIC EVENTS, OR OTHER CIRCUMSTANCES, INCLUDING BUT NOT
7 LIMITED TO NEW PLACEMENTS, SIGNIFICANT LIFE EVENTS, AND DISCHARGE
8 FROM FOSTER CARE;

9 (f) TO BE INCLUDED IN PERMANENCY PLANNING DISCUSSIONS OR
10 MEETINGS FOR SIBLINGS, IF APPROPRIATE;

11 (g) TO MAINTAIN FREQUENT AND MEANINGFUL CONTACT WITH THE
12 YOUTH'S SIBLINGS PURSUANT TO SECTION 19-7-204 (2), IF PLACEMENT
13 TOGETHER IS NOT POSSIBLE;

14 (h) TO BE ACTIVELY INVOLVED IN EACH OTHER'S LIVES AND SHARE
15 CELEBRATIONS, IF THE SIBLINGS CHOOSE TO DO SO, INCLUDING BUT NOT
16 LIMITED TO BIRTHDAYS, GRADUATIONS, HOLIDAYS, SCHOOL AND
17 EXTRACURRICULAR ACTIVITIES, CULTURAL CUSTOMS IN THE SIBLINGS'
18 NATIVE LANGUAGE, AND OTHER MILESTONES;

19 (i) TO ANNUALLY RECEIVE CONTACT INFORMATION FOR ALL
20 SIBLINGS IN FOSTER CARE, WHICH MAY INCLUDE A TELEPHONE NUMBER,
21 ADDRESS, SOCIAL MEDIA ACCOUNTS, AND E-MAIL ADDRESS, UNLESS A
22 FOSTER PARENT HAS REQUESTED THE FOSTER PARENT'S IDENTIFIABLE
23 INFORMATION NOT BE DISCLOSED PURSUANT TO SECTION 19-1-303
24 (2.7)(a), AND TO RECEIVE UPDATED PHOTOS OF SIBLINGS REGULARLY BY
25 MAIL OR E-MAIL, AS APPROPRIATE;

26 (j) TO HAVE MORE PRIVATE OR LESS RESTRICTIVE COMMUNICATION
27 WITH SIBLINGS AS COMPARED TO COMMUNICATION WITH OTHERS WHO ARE

1 NOT SIBLINGS;

2 (k) TO BE PROVIDED WITH AN EXPLANATION IF CONTACT WITH A
3 SIBLING IS RESTRICTED OR DENIED, AS PERMITTED PURSUANT TO STATE OR
4 FEDERAL LAW;

5 (l) TO EXPECT THAT THE YOUTH'S GUARDIAN AD LITEM ADVOCATE
6 ON BEHALF OF THE YOUTH FOR FREQUENT CONTACT AND VISITS WITH
7 SIBLINGS, UNLESS THE GUARDIAN AD LITEM DETERMINES THROUGH THE
8 GUARDIAN AD LITEM'S INDEPENDENT INVESTIGATION THAT THE CONTACT
9 IS NOT IN THE BEST INTERESTS OF THE YOUTH;

10 (m) TO HAVE CONTACT WITH SIBLINGS ENCOURAGED IN ANY
11 ADOPTIVE OR GUARDIANSHIP PLACEMENT; AND

12 (n) TO RECEIVE AN AGE-APPROPRIATE AND DEVELOPMENTALLY
13 APPROPRIATE DOCUMENT FROM THE DEPARTMENT OF HUMAN SERVICES
14 SETTING FORTH THE RIGHTS DESCRIBED IN THIS SECTION:

15 (I) WITHIN THIRTY DAYS OF THE DATE OF ANY PLACEMENT OR ANY
16 CHANGE IN PLACEMENT;

17 (II) ON EACH OCCASION THAT A YOUTH'S CASE PLAN IS MODIFIED;

18 (III) AT EACH PLACEMENT WHERE THE YOUTH RESIDES; AND

19 (IV) ON AT LEAST AN ANNUAL BASIS.

20 (2) ADULT SIBLINGS OF YOUTH IN FOSTER CARE HAVE THE RIGHT
21 TO BE CONSIDERED AS FOSTER CARE PROVIDERS, ADOPTIVE PARENTS, AND
22 RELATIVE CUSTODIANS FOR THEIR SIBLINGS, IF THEY CHOOSE TO DO SO.

23 **19-7-204. [Formerly 19-1-128] Foster care sibling visits -**
24 **contact plan - rules - definition.** (1) THE DEPARTMENT OF HUMAN
25 SERVICES SHALL PROVIDE INFORMATION ON SIBLING CONTACT IN THE
26 VISITATION PLAN FOR A YOUTH. IN DOING SO, THE YOUTH SHALL BE
27 CONSULTED ABOUT THE YOUTH'S WISHES AS TO SIBLING CONTACT.

1 (2) AS WRITTEN IN THE VISITATION PLAN, THE DEPARTMENT OF
2 HUMAN SERVICES SHALL, IF IT IS IN THE BEST INTERESTS OF EACH SIBLING:

3 (a) PROMOTE FREQUENT CONTACT BETWEEN SIBLINGS IN FOSTER
4 CARE, WHICH MAY INCLUDE TELEPHONE CALLS, TEXT MESSAGES, SOCIAL
5 MEDIA, VIDEO CALLS, AND IN-PERSON VISITS;

6 (b) CLARIFY THAT SIBLING CONTACT SHOULD NOT BE LIMITED IN
7 TIME OR DURATION TO PERIODS OF PARENTAL CONTACT;

8 (c) CLARIFY THAT RESTRICTION OF SIBLING VISITS SHOULD NOT BE
9 A CONSEQUENCE FOR BEHAVIORAL PROBLEMS. VISITS SHOULD ONLY BE
10 RESTRICTED IF CONTRARY TO THE BEST INTERESTS OF A SIBLING.

11 (d) ENSURE TIMING AND REGULARLY SCHEDULED SIBLING VISITS
12 ARE OUTLINED IN CASE PLANS BASED ON INDIVIDUAL CIRCUMSTANCES AND
13 NEEDS OF THE YOUTH.

14 ~~(1)~~ (3) If a ~~child~~ YOUTH in foster care ~~and his or her sibling~~
15 ~~mutually request~~ REQUESTS an opportunity to visit ~~each other~~ A SIBLING,
16 the county department that has legal custody of the ~~child~~ YOUTH shall
17 arrange the visit within a reasonable amount of time and document the
18 visit.

19 ~~(2)~~ (4) If a ~~child~~ YOUTH in foster care ~~and his or her sibling~~
20 ~~mutually request~~ REQUESTS an opportunity to visit ~~each other~~ A SIBLING
21 on a regular basis, the county department that has legal custody of the
22 ~~child~~ YOUTH shall arrange the visits and ensure that the visits occur with
23 sufficient frequency and duration to promote continuity in the siblings'
24 relationship.

25 ~~(3)~~ (5) If, in arranging sibling visits pursuant to this section, a
26 county department determines that a requested visit between the siblings
27 would not be in the best interests of one or both of the siblings, the county

1 department shall deny the request, and document its reasons for making
2 the determination, AND PROVIDE THE SIBLINGS WITH AN EXPLANATION FOR
3 THE DENIAL, AS PERMITTED UNDER STATE AND FEDERAL LAW. In
4 determining whether a requested visit would be in the best interests of one
5 or both of the siblings, the county department shall ascertain whether
6 there is pending in any jurisdiction a criminal action in which either of the
7 siblings is either a victim or a witness. If such a criminal action is
8 pending, the county department, before arranging any visit between the
9 siblings, shall consult with the district attorney for the jurisdiction in
10 which the criminal action is pending to determine whether the requested
11 visit may have a detrimental effect upon the prosecution of the pending
12 criminal action.

13 ~~(4)~~ (6) Nothing in this section shall be construed to require
14 REQUIRES or ~~permit~~ PERMITS a county department to arrange a sibling
15 visit if such visit would violate an existing protection order in any case
16 pending in this state or any other state.

17 ~~(5)~~ (7) As used in this section, "sibling" means:

18 (a) A BIOLOGICAL sibling; ~~from birth who is descended from one~~
19 ~~or two mutual parents; or~~

20 (b) A ~~stepbrother or former stepbrother or a stepsister or former~~
21 ~~stepsister~~; STEP-SIBLING OR FORMER STEP-SIBLING; OR

22 (c) AN ADOPTIVE SIBLING.

23 ~~(6)~~ (8) The state board of human services, created in section
24 26-1-107, ~~C.R.S.~~, may promulgate rules for the implementation of this
25 section.

26 **SECTION 3. Repeal of provisions being relocated in this act.**

27 In Colorado Revised Statutes, **repeal** 19-1-128.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2020 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.