

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0303.01 Jane Ritter x4342

**HOUSE BILL 23-1024**

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**HOUSE SPONSORSHIP**

**Gonzales-Gutierrez and Epps,**

**SENATE SPONSORSHIP**

**Exum,**

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**House Committees**

Judiciary  
Public & Behavioral Health & Human Services  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO INCREASE FAMILY RESILIENCY THROUGH**  
102                    **PROVIDING GREATER SUPPORTS AND PROTECTIONS FOR**  
103                    **CHILDREN PLACED WITH KIN, INCLUDING RELATIVES.**

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**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 several measures that protect the best interests of a child or youth and that will not hinder reunification with the child's or youth's family when the child or youth has been temporarily placed outside the family home with a relative or kin (relative), including:

- Permitting a relative to appeal when denied placement of

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.

- the child or youth with the relative;
- Requiring the department of human services (department), to use reasonable efforts to help a relative whose barrier to caring for the child or youth is a lack of resources;
- Amending the court's advisement to the parent so it is consistent with changes to statute;
- Specifying what information should be included in a notice to relatives when the child or youth has been removed from the child's or youth home;
- Requiring that courts give preference to a relative unless placement with that relative would negatively affect the child's or youth's health, safety, or welfare or hinder reunification with the child's or youth's family;
- Providing options for a relative to be allowed to participate in a child's or youth's care and planning;
- Creating a rebuttable presumption that placement with a relative is in the child's or youth's best interest as long as the child's or youth's health or safety is not jeopardized by the placement; and
- Requiring that caseworkers inform the court of efforts to identify and place a child or youth with a relative.

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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) Children and youth placed with relatives or kin experience  
 5 greater placement stability, reduced separation trauma, lower rates of  
 6 trauma from institutional abuse, better behavioral and mental health  
 7 outcomes, preservation of identities, and higher rates of reunification with  
 8 parents than children and youth placed in foster homes;

9           (b) Federal law requires that children and youth be placed in the  
 10 least restrictive, most family-like environment and that states should  
 11 consider giving preference to adult relatives and kin;

12           (c) Colorado's state plan for child welfare systems improvement  
 13 recognizes the importance of placing children and youth with relatives

1 and kin, with a goal of fifty percent of initial placements being with  
2 relatives or kin;

3 (d) Over 20 percent of children and youth who age out of foster  
4 care become homeless and 25 percent of children and youth become  
5 involved in the criminal justice system within 2 years of aging out of  
6 foster care;

7 (e) When family reunification and kinship guardianship, foster,  
8 and adoptive placements are promoted and supported, children's and  
9 youth's family connections and family relationships can reverse such adult  
10 outcomes;

11 (f) Foster care is intended to be temporary. The best interests of  
12 children and youth in safe, stable, and permanent placements are  
13 paramount. At the same time, absent aggravating circumstances, it is in  
14 the best interests of children and youth for parents to be provided  
15 individualized services, supports, and time needed to address the reasons  
16 for foster care or other temporary placements of their children or youth.

17 (g) When kinship placements can safely be made, extended family  
18 members available for such placements often face financial and other  
19 barriers related to access to health and mental health services and  
20 supports, crisis stabilization services, and other service supports;

21 (h) Children and youth in foster care should not have to choose  
22 between families. These children and youth must be offered the  
23 opportunity to expand family relationships, not sever or replace them.  
24 When relationships with relatives and kin are prioritized, protective  
25 factors increase, promoting current and future well-being.

26 (i) The most critical factors for consideration in permanency  
27 planning should be the safety of the family home and a child's or youth's

1 key attachments and family connections. These factors, rather than the  
2 number of months spent in foster care, or even a child's or youth's new  
3 attachment to foster parents, should drive permanency decisions.

4 (2) The general assembly therefore declares that it is crucial to  
5 promote kinship care as an essential permanency option for children and  
6 youth, to remove barriers to children's and youth's safe care by relatives  
7 and kin when such children and youth cannot be safely cared for by their  
8 parents, and to support the provision of resources and services to  
9 relatives, kin, and other caregivers.

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

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

22 (d) The foster parent, RELATIVE, OR KIN CAREGIVER shall maintain  
23 the confidentiality of any information obtained pursuant to this subsection  
24 (11).

25 **SECTION 3.** In Colorado Revised Statutes, 19-3-403, **amend**  
26 (3.6)(a)(III), (3.6)(a)(IV), and (3.6)(a)(V); and **add** (3.6)(a)(VI), (3.6)(d),  
27 and (9) as follows:

1           **19-3-403. Temporary custody - hearing - time limits -**  
2 **restriction - caregiver rights - rules.** (3.6) (a) (III) The court shall  
3 advise the ~~child's~~ parents that the child OR YOUTH may be placed with a  
4 relative ~~if, in the court's opinion, such placement is appropriate and in the~~  
5 ~~child's best interests~~ OR KIN. The court shall order the parents to complete  
6 the form affidavit and advisement described in subsection (3.6)(a)(I) of  
7 this section no later than seven ~~business~~ days after the HEARING date ~~of~~  
8 ~~the hearing~~ or prior to the next hearing on the matter, whichever occurs  
9 first. ~~THE ORIGINAL COMPLETED RELATIVE AFFIDAVIT MUST BE FILED WITH~~  
10 ~~THE COURT AND SERVED ON ALL PARTIES NO LATER THAN SEVEN DAYS~~  
11 ~~AFTER THE HEARING DATE.~~ THE COURT SHALL ASK THE PARENT IF THERE  
12 ARE ANY CHANGES TO THE INFORMATION ON THE RELATIVE OR KIN  
13 AFFIDAVIT AT HEARINGS HELD PURSUANT TO SECTIONS 19-3-507 AND  
14 19-3-702, AND IF THE PARENT HAS NOT COMPLETED THE RELATIVE OR KIN  
15 AFFIDAVIT, THE COURT SHALL ASK THE PARENT, ON THE RECORD, FOR  
16 NAMES AND CONTACT INFORMATION FOR RELATIVES AND KIN WHOM THE  
17 PARENT WOULD LIKE CONSIDERED FOR ~~ENGAGEMENT IN THE CASE.~~ ~~The~~  
18 ~~original completed form must be filed with the court and a copy delivered~~  
19 ~~to the county department of human or social services no later than five~~  
20 ~~business days after the date of the hearing.~~ Each parent, the guardian ad  
21 ~~litem~~ or counsel for youth, and counsel for each parent, if any, ~~shall~~ MUST  
22 also receive copies of the completed form AFFIDAVIT. The court may  
23 advise each parent of the penalties associated with perjury and contempt  
24 of court, if necessary. Each parent may suggest an adult relative or  
25 relatives, OR KIN, whom the parent believes to be the most appropriate  
26 caretaker or caretakers for the child OR YOUTH. If appropriate, the child  
27 ~~or children shall~~ OR YOUTH MUST be consulted regarding suggested

1 relative OR KIN caretakers. The court shall order each parent to notify  
2 every relative OR KIN who may be an appropriate relative OR KIN caretaker  
3 for the child OR YOUTH that failure to come forward in a timely manner  
4 may result in the child OR YOUTH being placed permanently outside of the  
5 home of the ~~child's~~ relatives OR KIN OF THE CHILD OR YOUTH if the child  
6 OR YOUTH is not able to return to the child's OR YOUTH'S home. In  
7 addition, the court shall advise each parent that failure to identify these  
8 relatives OR KIN in a timely manner may result in the child OR YOUTH  
9 being placed permanently outside of the home of the ~~child's~~ relatives OR  
10 KIN OF THE CHILD OR YOUTH.

11 (IV) The court shall order a county department of human or social  
12 services to exercise due diligence to contact all grandparents and other  
13 adult relatives AND IDENTIFIED KIN within thirty days ~~following~~ AFTER the  
14 removal of the child OR YOUTH and to inform them about placement  
15 possibilities for the child OR YOUTH, unless the court determines there is  
16 good cause not to contact or good cause to delay contacting the child's OR  
17 YOUTH'S relatives AND KIN, including, but not limited to, family or  
18 domestic violence.

19 (A) A county department of human or social services shall provide  
20 notice to the relatives AND IDENTIFIED KIN that the child OR YOUTH has  
21 been removed from ~~his or her~~ THE CHILD'S OR YOUTH'S home, ~~options~~  
22 ~~under federal, state, and local law~~ AN EXPLANATION OF THE VARIOUS  
23 OPTIONS to participate in the child's OR YOUTH'S care or placement AND  
24 OPTIONS THAT MAY BE AVAILABLE TO SUPPORT THE CHILD'S OR YOUTH'S  
25 FAMILY, AND options that may be lost by failing to respond. ~~and~~  
26 ~~requirements to become a foster parent, and services and supports~~  
27 ~~available to the child placed in a foster home.~~

1           (B) THE NOTICE MUST INCLUDE INFORMATION ABOUT PROVIDING  
2 CARE FOR THE CHILD OR YOUTH WHILE THE FAMILY RECEIVES  
3 REUNIFICATION SERVICES, WITH THE GOAL OF RETURNING THE CHILD OR  
4 YOUTH TO THE PARENT OR LEGAL GUARDIAN; THE RELATIVE'S RIGHT TO  
5 INTERVENE IN THE PROCEEDINGS WITH OR WITHOUT AN ATTORNEY  
6 FOLLOWING ADJUDICATION; AND ADDITIONAL SERVICES AND SUPPORTS  
7 THAT ARE AVAILABLE IN OUT-OF-HOME PLACEMENTS. THE NOTICE MUST  
8 ALSO INCLUDE INFORMATION REGARDING THE STATE'S ENTITLEMENT  
9 PLANS, INCLUDING BUT NOT LIMITED TO CHILD CARE ASSISTANCE,  
10 SUPPLEMENTAL NUTRITIONAL ASSISTANCE PROGRAMS, THE RELATIVE  
11 GUARDIANSHIP ASSISTANCE PROGRAM, CHILD-ONLY ELIGIBILITY FOR  
12 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF), AND ADOPTION  
13 ASSISTANCE, AS WELL AS OTHER OPTIONS FOR CONTACT. INFORMATION  
14 ABOUT FAMILY FOSTER CARE CERTIFICATION, INCLUDING HOW TO REQUEST  
15 A VARIANCE FROM CERTIFICATION STANDARDS THAT DO NOT PRESENT A  
16 SAFETY OR HEALTH RISK TO THE CHILD OR YOUTH IN THE HOME AND  
17 SUPPORTS THAT ARE AVAILABLE FOR RELATIVES AND KIN AND CHILDREN  
18 OR YOUTH AND WHAT BACKGROUND CHECKS ARE REQUIRED, AS WELL AS  
19 HOW RELATIVES OR KIN MAY REQUEST THE COURT REVIEW DECISIONS TO  
20 DENY PLACEMENT BASED ON BACKGROUND CHECKS AND WHY  
21 CERTIFICATION AS A KINSHIP FOSTER HOME MAY BE DENIED, MUST ALSO  
22 BE PROVIDED IN THE NOTICE.

23           (C) THE STATE DEPARTMENT OF HUMAN SERVICES, IN  
24 CONSULTATION WITH COUNTIES, THE OFFICE OF THE CHILD'S  
25 REPRESENTATIVE, AND THE OFFICE OF RESPONDENT PARENTS' COUNSEL,  
26 ALONG WITH OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP THE  
27 WRITTEN NOTICE AND PROMULGATE RULES FOR THE IMPLEMENTATION OF

1 THIS SECTION.

2 (D) The county department of human or social services shall  
3 ~~advise each appropriate identified relative that the possibility for~~  
4 ~~placement of the child in his or her home may terminate at a future date;~~  
5 request each such relative AND IDENTIFIED KIN who is interested in  
6 becoming a placement option for the child OR YOUTH to come forward at  
7 the earliest possible time to seek placement of the child OR YOUTH in ~~his~~  
8 ~~or her~~ THE RELATIVE'S OR KIN'S home and to cooperate with the county  
9 department of human or social services to expedite procedures pertaining  
10 to the placement of the child OR YOUTH in ~~his or her~~ THE RELATIVE'S OR  
11 KIN'S home if the child OR YOUTH cannot be safely returned to the CHILD'S  
12 OR YOUTH'S PARENTS' home. ~~of the child's parents. The department of~~  
13 ~~human services shall promulgate rules for the implementation of this~~  
14 ~~subparagraph (IV) and subparagraph (III) of this paragraph (a).~~

15 (V) The court ~~may consider and~~ SHALL give preference to giving  
16 temporary ~~custody~~ PLACEMENT to a child's OR YOUTH'S relative OR KIN  
17 who is ~~appropriate~~, capable, willing, and available for care, ~~if it is in the~~  
18 ~~best interests of the child and if the court~~ GIVING PRIMARY  
19 CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND  
20 EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S PREFERENCE  
21 REGARDING PLACEMENT. THE COURT SHALL ALSO FIND ~~finds~~ that there is  
22 no suitable birth or adoptive parent available, with due diligence having  
23 been exercised in attempting to locate any such birth or adoptive parent.  
24 A PARENT'S OBJECTION TO PLACEMENT WITH A PARTICULAR RELATIVE OR  
25 KIN IS NOT ALONE SUFFICIENT TO SHOW THAT THE PROPOSED PLACEMENT  
26 WOULD HINDER REUNIFICATION. The court may place or continue custody  
27 with the county department of human or social services if the court is



1 satisfied from the information presented at the hearing that such custody  
2 is appropriate and in the child's OR YOUTH'S best interests, or the court  
3 may enter such other orders as are appropriate. The court may authorize  
4 the county department of human or social services with custody of a child  
5 OR YOUTH to place the child OR YOUTH with a relative OR KIN without the  
6 necessity for a hearing if a county department OF HUMAN OR SOCIAL  
7 SERVICES locates ~~an appropriate~~, A capable and willing relative OR KIN  
8 who is available to care for the child OR YOUTH and the guardian ad litem  
9 of the child OR YOUTH concurs that the placement is in the best interests  
10 of the child OR YOUTH. If the county department of human or social  
11 services places a child OR YOUTH with a relative OR KIN without a hearing  
12 pursuant to ~~the provisions of~~ this subsection (3.6)(a)(V), the county  
13 department OF HUMAN OR SOCIAL SERVICES shall fully inform the court of  
14 the details concerning the child's OR YOUTH'S placement on the record at  
15 the next hearing. If the court enters an order removing a child OR YOUTH  
16 from the home or continuing a child OR YOUTH in a placement out of the  
17 home, the court shall make the findings required pursuant to section  
18 19-1-115 (6), if such findings are warranted by the evidence.

19 (VI) THE RESPONSIBLE COUNTY DEPARTMENT OF HUMAN OR  
20 SOCIAL SERVICES OR OTHER SOCIAL SERVICES AGENCY SHALL EXERCISE  
21 DUE DILIGENCE TO CONTACT AND ENGAGE RELATIVES AND KIN WHO  
22 RESPOND TO THE NOTICE REQUIRED PURSUANT TO SUBSECTION  
23 (3.6)(a)(IV) OF THIS SECTION. UPON A REQUEST BY A RELATIVE OR KIN OR  
24 PARTY TO THE PROCEEDINGS, THE COURT MAY CONDUCT A REVIEW OF THE  
25 APPLICABLE AGENCY'S DUE DILIGENCE TO CONTACT AND ENGAGE  
26 RELATIVES AND KIN PURSUANT TO SUBSECTION (3.6)(a)(IV) OF THIS  
27 SECTION. IF THE COURT FINDS THAT THE APPLICABLE AGENCY DID NOT

1 EXERCISE DUE DILIGENCE TO CONTACT AND ENGAGE RELATIVES AND KIN  
2 WHO RESPONDED TO THE NOTICE, THE COURT MAY ORDER THE APPLICABLE  
3 AGENCY TO EXERCISE DUE DILIGENCE BY ENGAGING THE RELATIVES AND  
4 KIN IN THE FOLLOWING ACTIVITIES RELATED TO THE CARE AND PLANNING  
5 FOR A CHILD OR YOUTH, DETERMINED IN CONSULTATION WITH THE OTHER  
6 PARTIES:

7 (A) PARTICIPATING IN CASE PLANNING FOR THE CHILD OR YOUTH  
8 AND THE CHILD'S OR YOUTH'S PARENT, INCLUDING IDENTIFYING SERVICES  
9 AND RESOURCES THAT MEET THE INDIVIDUALIZED NEEDS OF THE CHILD OR  
10 YOUTH AND THE CHILD'S OR YOUTH'S PARENT. A RELATIVE'S OR KIN'S  
11 PARTICIPATION IN CASE PLANNING MAY BE IN PERSON, VIA PHONE, OR BY  
12 ELECTRONIC MEANS.

13 (B) IDENTIFYING THE STRENGTHS AND NEEDS OF THE CHILD OR  
14 YOUTH AND THE CHILD'S OR YOUTH'S PARENT;

15 (C) ASKING THE RESPONSIBLE COUNTY DEPARTMENT OF HUMAN  
16 OR SOCIAL SERVICES, OR OTHER SOCIAL SERVICES AGENCY, TO CONSIDER  
17 THE RELATIVE OR KIN FOR PLACEMENT WITH THE CHILD OR YOUTH  
18 PURSUANT TO SUBSECTION (3.6)(a)(IV)(D) OF THIS SECTION;

19 (D) ACTING AS A SUPPORT PERSON FOR THE CHILD OR YOUTH, THE  
20 CHILD'S OR YOUTH'S PARENT, AND THE CHILD'S OR YOUTH'S CURRENT  
21 CAREGIVER, INCLUDING COLLABORATING WITH FOSTER PARENTS TO  
22 SUPPORT A HEALTHY TRANSITION FOR A CHILD OR YOUTH TO FAMILY TIME  
23 OR PLACEMENT WITH A RELATIVE, WHEN APPROPRIATE;

24 (E) SUPERVISING FAMILY TIME WHEN AUTHORIZED PURSUANT TO  
25 SECTION 19-3-217;

26 (F) PROVIDING RESPITE CARE FOR THE CHILD OR YOUTH AND  
27 HAVING FAMILY VACATION TIME WITH THE CHILD OR YOUTH;

1 (G) PROVIDING TRANSPORTATION;

2 (H) SUGGESTING OTHER RELATIVES OR KIN WHO MAY BE ABLE TO  
3 PARTICIPATE IN THE CASE PLAN OR WHOM THE COUNTY DEPARTMENT OF  
4 HUMAN OR SOCIAL SERVICES, OR OTHER SOCIAL SERVICES AGENCY, MAY  
5 CONSIDER FOR THE PLACEMENT OF THE CHILD OR YOUTH. THE COUNTY  
6 DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR OTHER SOCIAL SERVICES  
7 AGENCY, SHALL SEND A NOTICE TO EACH RELATIVE OR KIN IDENTIFIED BY  
8 OTHER RELATIVES OR KIN, UNLESS A RELATIVE OR KIN RECEIVED THE  
9 NOTICE EARLIER IN THE CASE OR WAS RULED OUT AS A RESOURCE OR  
10 PLACEMENT BY THE COURT.

11 (I) HELPING MAINTAIN THE CHILD'S OR YOUTH'S FAMILIAR AND  
12 REGULAR ACTIVITIES, AS WELL AS CONTACT WITH THE CHILD'S OR YOUTH'S  
13 FRIENDS, RELATIVES, AND KIN, INCLUDING PROVIDING SUPERVISION OF THE  
14 CHILD OR YOUTH AT FAMILY GATHERINGS AND EVENTS; AND

15 (J) PARTICIPATING IN THE CHILD'S OR YOUTH'S FAMILY AND  
16 PERMANENCY TEAM IF THE CHILD OR YOUTH IS PLACED IN A QUALIFIED  
17 RESIDENTIAL TREATMENT PROGRAM.

18 (d) A RELATIVE OR KIN CAREGIVER HAS THE RIGHT TO:

19 (I) BE TREATED WITH DIGNITY AND RESPECT AND TO BE  
20 CONSIDERED AS A TEAM MEMBER WHO IS MAKING IMPORTANT  
21 CONTRIBUTIONS TO THE OBJECTIVES OF THE CHILD WELFARE SYSTEM,  
22 INCLUDING THE REUNIFICATION OF THE CHILD OR YOUTH WITH THE CHILD'S  
23 OR YOUTH'S PARENTS WHENEVER SAFELY POSSIBLE;

24 (II) RECEIVE TRAINING AND SUPPORT FROM THE STATE  
25 DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF HUMAN  
26 OR SOCIAL SERVICES TO IMPROVE THE CAREGIVER'S SKILLS IN PROVIDING  
27 DAILY CARE AND MEETING THE SPECIAL NEEDS OR DISABILITY-RELATED

1 NEEDS OF A CHILD OR YOUTH IN THE CAREGIVER'S CARE;

2 (III) BE INFORMED BY THE APPLICABLE CHILD PLACEMENT AGENCY  
3 OR COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES ABOUT HOW TO  
4 REACH AFTER-HOURS CONTACTS; AND

5 (IV) BE INFORMED ABOUT AVAILABLE FINANCIAL ASSISTANCE AND  
6 THE FINANCIAL CONSEQUENCES OF NOT PURSUING CERTIFICATION AS A  
7 FOSTER HOME, INCLUDING INELIGIBILITY FOR THE STATE'S RELATIVE  
8 GUARDIANSHIP ASSISTANCE PROGRAM.

9 (9) IF THE SOLE ISSUE PREVENTING AN EMERGENCY PLACEMENT OF  
10 A CHILD WITH A RELATIVE OR KIN IS A LACK OF RESOURCES, THE COUNTY  
11 DEPARTMENT SHALL USE REASONABLE EFFORTS TO ASSIST THE RELATIVE  
12 OR KIN WITH OBTAINING THE NECESSARY ITEMS WITHIN EXISTING  
13 AVAILABLE RESOURCES.

14 **SECTION 4.** In Colorado Revised Statutes, 19-3-507, **amend** (4)  
15 **and** (5)(a); and **add** (1)(b.5), (1)(b.7), (1)(d), (1)(e), (5)(d), and (5)(e) as  
16 **follows:**

17 **19-3-507. Dispositional hearing.** (1) (b.5) IF THE COUNTY  
18 DEPARTMENT LOCATES A CAPABLE, WILLING, AND AVAILABLE RELATIVE  
19 OR KIN FOR THE CHILD OR YOUTH, IT IS PRESUMED THAT PLACEMENT OF  
20 THE CHILD OR YOUTH WITH THE RELATIVE OR KIN IS IN THE BEST  
21 INTERESTS OF THE CHILD OR YOUTH. THE PRESUMPTION MAY BE REBUTTED  
22 BY A PREPONDERANCE OF THE EVIDENCE, GIVING PRIMARY  
23 CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND  
24 EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S PREFERENCE  
25 REGARDING PLACEMENT. THE COURT SHALL CONSIDER WHETHER A  
26 PROPOSED PLACEMENT WOULD HINDER EFFORTS TO REUNITE THE PARENT  
27 AND CHILD OR YOUTH AND THE PARENT'S PREFERENCE REGARDING

1 PLACEMENT. A PARENT'S OBJECTION TO PLACEMENT WITH A PARTICULAR  
2 RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT THE PROPOSED  
3 PLACEMENT WOULD HINDER REUNIFICATION.

4 (b.7) UPON THE MOTION OF A PARTY FOR PLACEMENT OF A CHILD  
5 OR YOUTH WITH A RELATIVE OR KIN, IF THE PARTY OBJECTS TO THE  
6 REQUESTED PLACEMENT, THE COURT SHALL HOLD A HEARING WITHIN  
7 SIXTY-THREE DAYS AFTER THE OBJECTION TO DETERMINE WHETHER THE  
8 CHILD OR YOUTH MAY BE PLACED WITH THE RELATIVE OR KIN. WHEN A  
9 CHILD OR YOUTH RESIDES WITH A RELATIVE OR KIN, ANY OTHER RELATIVE  
10 OR KIN SEEKING A PLACEMENT CHANGE SHALL ADDRESS THE FACTORS SET  
11 FORTH IN SECTION 19-3-702 (6).

12 (d) IF THE COURT DENIES PLACEMENT WITH A RELATIVE OR KIN,  
13 THE COURT SHALL MAKE DETAILED FINDINGS REGARDING THE REASONS  
14 FOR DENIAL. A DECISION BY A RELATIVE OR KIN TO NOT BE INITIALLY  
15 IDENTIFIED AS A POTENTIAL PLACEMENT RESOURCE MUST NOT BE THE  
16 SOLE BASIS FOR THE COURT TO LATER RULE OUT THE RELATIVE OR KIN AS  
17 THE CHILD'S OR YOUTH'S PERMANENT PLACEMENT. WHEN DETERMINING  
18 WHETHER A CHILD OR YOUTH SHOULD BE PLACED WITH A RELATIVE OR  
19 KIN, THE COURT SHALL GIVE PRIMARY CONSIDERATION TO A CHILD'S OR  
20 YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS. THE COURT SHALL  
21 NOT CONSIDER ANY OF THE FOLLOWING FACTORS UNLESS ONE OF THE  
22 FACTORS WOULD THREATEN THE MENTAL, PHYSICAL, AND EMOTIONAL  
23 HEALTH OR SAFETY OF THE CHILD OR YOUTH:

24 (I) THE SIZE OF THE HOME, INCLUDING WHETHER THE CHILD OR  
25 YOUTH WOULD HAVE A SEPARATE ROOM;

26 (II) THE SOCIOECONOMIC STATUS OF THE RELATIVE OR KIN  
27 COMPARED TO OTHER AVAILABLE PLACEMENT OPTIONS;

1 (III) THE ABILITY OF THE RELATIVE OR KIN TO SUPPORT THE  
2 CHILD'S OR YOUTH'S PARTICIPATION IN EXTRACURRICULAR ACTIVITIES;

3 (IV) ORDINARY BONDING OR ATTACHMENT THAT OCCURRED  
4 DURING TIME SPENT IN FOSTER PLACEMENT;

5 (V) IMMIGRATION STATUS OF THE RELATIVE OR KIN; OR

6 (VI) AGE OR ANY DISABILITY OF THE RELATIVE OR KIN.

7 (e) THE COURT MAY CONSIDER THE RELATIVE'S OR KIN'S CRIMINAL  
8 BACKGROUND, AS PERMITTED BY SECTION 19-3-406. WHEN CONSIDERING  
9 WHETHER TO ALLOW A PLACEMENT WITH A RELATIVE OR KIN WHO HAS  
10 BEEN DISQUALIFIED FOR PLACEMENT PURSUANT TO SECTION 19-3-406, THE  
11 COURT SHALL CONSIDER THE FOLLOWING FACTORS:

12 (I) WHETHER THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, OR  
13 EMOTIONAL NEEDS WOULD BE ADVERSELY AFFECTED;

14 (II) THE NATURE OF THE CRIME OF CONVICTION;

15 (III) WHETHER THERE IS A DIRECT RELATIONSHIP BETWEEN THE  
16 CONVICTION AND THE RELATIVE'S OR KIN'S ABILITY TO PROVIDE  
17 COMPETENT AND SAFE CARE TO THE CHILD OR YOUTH;

18 (IV) LENGTH OF TIME SINCE CONVICTION; AND

19 (V) EVIDENCE OF REHABILITATION.

20 (4) (a) In any case in which the disposition is placement out of the  
21 home, except for children OR YOUTH committed to the department of  
22 human services, the court shall, at the time of placement, set a review  
23 within ~~ninety~~ NINETY-ONE days to determine whether continued  
24 placement is necessary and in the best interests of the child OR YOUTH and  
25 the community, and whether reasonable efforts have been made to return  
26 the child OR YOUTH to the home or, in the case of a sibling group, whether  
27 it is in the best interests of the children OR YOUTH in the sibling group to

1 be placed together. If the county department locates an appropriate,  
2 capable, willing, and available joint placement for all of the children OR  
3 YOUTH in the sibling group, it shall be IS presumed that placement of the  
4 entire sibling group in the joint placement is in the best interests of the  
5 children OR YOUTH. Such presumption may be rebutted by a  
6 preponderance of the evidence that placement of the entire sibling group  
7 in the joint placement is not in the best interests of a child, ~~or of the~~  
8 children, OR YOUTH.

9 (b) IF THE COUNTY DEPARTMENT LOCATES A CAPABLE, WILLING,  
10 AND AVAILABLE RELATIVE OR KIN FOR THE CHILD OR YOUTH, IT IS  
11 PRESUMED THAT PLACEMENT OF THE CHILD OR YOUTH WITH A RELATIVE  
12 OR KIN IS IN THE BEST INTERESTS OF THE CHILD OR YOUTH. THE  
13 PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE OF THE EVIDENCE,  
14 GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL,  
15 PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S  
16 PREFERENCE REGARDING PLACEMENT. THE COURT SHALL CONSIDER  
17 WHETHER A PROPOSED PLACEMENT WOULD HINDER EFFORTS TO REUNITE  
18 THE PARENT AND THE CHILD OR YOUTH AND THE PARENT'S PREFERENCE  
19 REGARDING PLACEMENT. A PARENT'S OBJECTION TO PLACEMENT WITH A  
20 PARTICULAR RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT  
21 THE PROPOSED PLACEMENT WOULD HINDER REUNIFICATION.

22 (c) The judge shall review the family services plan document  
23 regarding placement of siblings. ~~Notice of said review shall be given by~~  
24 SIBLINGS AND EFFORTS TO LOCATE RELATIVES OR KIN. IF THE CHILD OR  
25 YOUTH IS RESIDING WITH A RELATIVE OR KIN, THE FAMILY SERVICES PLAN  
26 MUST DESCRIBE THE EFFORTS MADE BY THE COUNTY TO MAINTAIN THE  
27 CHILD OR YOUTH IN THE RELATIVE OR KINSHIP HOME AND TO NOT REMOVE

1 THE CHILD OR YOUTH FROM THE KINSHIP OR RELATIVE HOME EXCEPT TO  
2 EFFECTUATE A PERMANENCY GOAL OF REUNIFICATION OR AFTER FINDING  
3 THAT REMAINING IN THE KINSHIP PLACEMENT IS CONTRARY TO THE CHILD'S  
4 OR YOUTH'S MENTAL, PHYSICAL, OR EMOTIONAL NEEDS, OR WHEN THE  
5 RELATIVE OR KINSHIP PLACEMENT DECIDES THEY ARE NO LONGER ABLE TO  
6 CARE FOR THE CHILD OR YOUTH. The court SHALL GIVE NOTICE OF THE  
7 REVIEW to all parties and to the director of the facility or agency in which  
8 the child OR YOUTH is placed and any person who has physical custody of  
9 the child OR YOUTH and any attorney or guardian ad litem of record. The  
10 review shall be conducted in accordance with section 19-1-115 (8)(f).

11 (5) (a) Parents, grandparents, OR relatives ~~or foster parents who~~  
12 ~~have the child in their care for more than three months~~ who have  
13 information or knowledge concerning the care and protection of the child  
14 OR YOUTH, OR KIN CAREGIVER WHO HAS THE CHILD IN THE CAREGIVER'S  
15 CARE FOR MORE THAN THREE MONTHS, may intervene as a matter of right  
16 following adjudication with or without counsel.

17 (d) FOSTER PARENTS WHO HAVE THE CHILD OR YOUTH IN THEIR  
18 CARE FOR TWELVE MONTHS OR MORE MAY INTERVENE, AS A MATTER OF  
19 RIGHT, WITH OR WITHOUT COUNSEL, FOLLOWING ADJUDICATION. THE  
20 PURPOSE OF INTERVENTION IS TO PROVIDE KNOWLEDGE OR INFORMATION  
21 CONCERNING THE CARE AND PROTECTION OF THE CHILD OR YOUTH,  
22 INCLUDING THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL  
23 NEEDS.

24 (e) AN INTERVENOR MAY NOT, ON THE INTERVENOR'S OWN  
25 MOTION, SEEK TO RESTRICT FAMILY TIME BETWEEN A CHILD OR YOUTH  
26 AND THE PARENT OR RELATIVES, FILE A PETITION TO TERMINATE PARENTAL  
27 RIGHTS, OR APPEAL A DENIAL OF TERMINATION OF PARENTAL RIGHTS.



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**SECTION 5.** In Colorado Revised Statutes, 19-3-508, **amend** (1) introductory portion, (1)(b), and (5) as follows:

**19-3-508. Neglected or dependent child or youth - disposition - concurrent planning - definition.** (1) When a child OR YOUTH has been adjudicated to be neglected or dependent, the court may enter a decree of disposition the same day, but in any event it shall do so within ~~forty-five~~ FORTY-TWO days, unless the court finds that the best interests of the child OR YOUTH will be served by granting a delay. In a county designated pursuant to section 19-1-123, if the child OR YOUTH is ~~under~~ LESS THAN six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the court shall enter a decree of disposition within ~~thirty~~ TWENTY-EIGHT days after the adjudication and shall not grant a delay unless good cause is shown and unless the court finds that the best interests of the child OR YOUTH will be served by granting the delay. It is the intent of the general assembly that the dispositional hearing be held on the same day as the adjudicatory hearing, whenever possible. If a delay is granted, the court shall set forth the reasons why a delay is necessary and the minimum amount of time needed to resolve the reasons for the delay and shall schedule the hearing at the earliest possible time following the delay. When the proposed disposition is termination of the parent-child legal relationship, the hearing on termination must not be held on the same date as the adjudication, and the time limits set forth above for dispositional hearings do not apply. When the proposed disposition is termination of the parent-child legal relationship, the court may continue the dispositional hearing to the earliest available date for a hearing in accordance with ~~the provisions of~~ subsection (3)(a) of this

1 section and part 6 of this article 3. When the decree does not terminate the  
2 parent-child legal relationship, the court shall approve an appropriate  
3 treatment plan that must include, but not be limited to, one or more of the  
4 following provisions of subsections (1)(a) to (1)(d) of this section:

5 (b) The court may place the child OR YOUTH in the legal custody  
6 of a relative OR KIN, including the child's OR YOUTH'S grandparent, or  
7 other suitable person, with or without protective supervision, under such  
8 conditions as the court deems necessary and appropriate. If a child OR  
9 YOUTH is not placed with a parent pursuant to ~~paragraph (a) of this~~  
10 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, THE COURT SHALL  
11 GIVE preference ~~may be given by the court for~~ TO placement with a  
12 grandparent ~~pursuant to this paragraph (b) if in the best interests of the~~  
13 ~~child~~ OR OTHER RELATIVE OR KIN. IF THE COUNTY DEPARTMENT LOCATES  
14 A CAPABLE, WILLING, AND AVAILABLE RELATIVE OR KIN FOR THE CHILD OR  
15 YOUTH, IT IS PRESUMED THAT PLACEMENT OF THE CHILD OR YOUTH WITH  
16 A RELATIVE OR KIN IS IN THE BEST INTERESTS OF THE CHILD OR YOUTH.  
17 THE PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE OF THE  
18 EVIDENCE, GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S  
19 MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR  
20 YOUTH'S PREFERENCE REGARDING PLACEMENT. THE COURT SHALL  
21 CONSIDER WHETHER A PROPOSED PLACEMENT WOULD HINDER EFFORTS TO  
22 REUNITE THE PARENT AND THE CHILD OR YOUTH AND THE PARENT'S  
23 PREFERENCE REGARDING PLACEMENT. A PARENT'S OBJECTION TO  
24 PLACEMENT WITH A PARTICULAR RELATIVE OR KIN IS NOT ALONE  
25 SUFFICIENT TO SHOW THAT THE PROPOSED PLACEMENT WOULD HINDER  
26 REUNIFICATION.

27 (5) (a) In placing the legal custody or guardianship of the person

1 of a child OR YOUTH with an individual or a private agency, the court shall  
2 give primary consideration to the welfare of the child OR YOUTH but shall  
3 take into consideration the religious AND CULTURAL preferences of the  
4 child OR YOUTH or of his THE parents, whenever practicable.

5 (b) (I) If the court finds that placement out of the home is  
6 necessary and is in the best interests of the child OR YOUTH and the  
7 community, the court shall place the child OR YOUTH with a relative OR  
8 KIN, including the child's OR YOUTH'S grandparent, as provided in  
9 ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this section, ~~if such~~  
10 ~~placement is in the child's best interests.~~ IN CONSIDERING THE  
11 PLACEMENT, THE COURT SHALL GIVE PRIMARY CONSIDERATION TO THE  
12 CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS,  
13 INCLUDING THE CHILD'S OR YOUTH'S PREFERENCE REGARDING PLACEMENT.  
14 THE COURT SHALL CONSIDER WHETHER A PROPOSED PLACEMENT WOULD  
15 HINDER EFFORTS TO REUNITE THE PARENT AND THE CHILD OR YOUTH AND  
16 THE PARENT'S PREFERENCE REGARDING PLACEMENT. A PARENT'S  
17 OBJECTION TO PLACEMENT WITH A PARTICULAR RELATIVE OR KIN IS NOT  
18 ALONE SUFFICIENT TO SHOW THAT THE PROPOSED PLACEMENT WOULD  
19 HINDER REUNIFICATION. The court shall place the child OR YOUTH in the  
20 facility or setting that most appropriately meets the needs of the child OR  
21 YOUTH, the family, and the community. In making its decision as to  
22 proper placement, the court shall utilize the evaluation for placement  
23 prepared pursuant to section 19-1-107. If the court deviates from the  
24 recommendations of the evaluation for placement in a manner that results  
25 in a difference in the cost of the disposition ordered by the court and the  
26 cost of the disposition recommended in the evaluation, the court shall  
27 make specific findings of fact relating to its decision, including the

1 monthly cost of the placement, if ordered. THE COURT SHALL SEND a copy  
2 of such findings ~~shall be sent~~ to the chief justice of the supreme court,  
3 who shall report annually ON SUCH ORDERS AND FINDINGS OF FACT to the  
4 joint budget committee, ~~and annually to the health, environment, welfare,~~  
5 ~~and institutions committees~~ THE PUBLIC AND BEHAVIORAL HEALTH AND  
6 HUMAN SERVICES COMMITTEE of the house of representatives, and THE  
7 HEALTH AND HUMAN SERVICES COMMITTEE OF THE senate, OR ANY  
8 SUCCESSOR COMMITTEES. ~~of the general assembly on such orders.~~

9 (II) Notwithstanding ~~the provisions of subparagraph (I) of this~~  
10 ~~paragraph (b)~~ SUBSECTION (5)(b)(I) OF THIS SECTION to the contrary, when  
11 the child OR YOUTH is part of a sibling group and the sibling group is  
12 being placed out of the home, if the county department locates ~~an~~  
13 ~~appropriate~~ A capable, willing, and available joint placement for all of the  
14 children OR YOUTH in the sibling group, it ~~shall be~~ IS presumed that  
15 placement of the entire sibling group in the joint placement is in the best  
16 interests of the children ~~Such~~ OR YOUTH. THE presumption may be  
17 rebutted by a preponderance of the evidence that placement of the entire  
18 sibling group in the joint placement is not in the best interests of a child,  
19 ~~or of the~~ children, OR YOUTH.

20 (III) IF THE COUNTY DEPARTMENT LOCATES A CAPABLE, WILLING,  
21 AND AVAILABLE RELATIVE OR KIN FOR THE CHILD OR YOUTH, IT IS  
22 PRESUMED THAT PLACEMENT OF THE CHILD OR YOUTH WITH THE RELATIVE  
23 OR KIN IS IN THE BEST INTERESTS OF THE CHILD OR YOUTH. THE  
24 PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE OF THE EVIDENCE,  
25 GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL,  
26 PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S  
27 PREFERENCE REGARDING PLACEMENT. THE COURT SHALL CONSIDER

1 WHETHER A PROPOSED PLACEMENT WOULD HINDER EFFORTS TO REUNITE  
2 THE PARENT AND THE CHILD OR YOUTH AND THE PARENT'S PREFERENCE  
3 REGARDING PLACEMENT. A PARENT'S OBJECTION TO PLACEMENT WITH  
4 A PARTICULAR RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT  
5 THE PROPOSED PLACEMENT WOULD HINDER REUNIFICATION. PLACEMENT  
6 WITH A RELATIVE OR KIN MUST BE CONSIDERED AND INVESTIGATED WHEN  
7 THE CHILD OR YOUTH ENTERS FOSTER CARE, IS MOVED FROM A FOSTER  
8 HOME, OR RETURNS TO FOSTER CARE AFTER THE CHILD OR YOUTH HAS  
9 ACHIEVED PERMANENCY. AS USED IN THIS SUBSECTION (5), "RELATIVE"  
10 INCLUDES A MEMBER OF THE CHILD'S OR YOUTH'S BIRTH FAMILY, ADOPTIVE  
11 FAMILY, AND KIN, REGARDLESS OF WHETHER PARENTAL RIGHTS WERE  
12 TERMINATED.

13 **SECTION 6.** In Colorado Revised Statutes, 19-3-702, **amend**  
14 (5)(e) and (6)(h); and **add (6)(i)** as follows:

15 **19-3-702. Permanency hearing.** (5) For a child or youth in a  
16 case designated pursuant to section 19-1-123 only:

17 (e) At each permanency planning hearing, the caseworker shall  
18 provide the court with a written or verbal report specifying what efforts  
19 have been made to identify a permanent home for the child OR YOUTH and  
20 what services have been provided to the child OR YOUTH to facilitate  
21 identification of a permanent home, INCLUDING THE DEPARTMENT'S  
22 ONGOING EFFORTS TO IDENTIFY RELATIVES AND KIN AND TO ENGAGE THE  
23 RELATIVES AND KIN IN PROVIDING SUPPORT FOR THE CHILD OR YOUTH AND  
24 FAMILY, AND DOCUMENT THAT THE RELATIVES AND KIN HAVE BEEN  
25 PROVIDED NOTICE AS REQUIRED BY SECTION 19-3-403 (3.6)(a)(IV). THE  
26 DEPARTMENT SHALL ALSO REPORT ANY DECISION REGARDING PLACING  
27 THE CHILD OR YOUTH WITH A RELATIVE OR KIN. IF THE DEPARTMENT

1 DETERMINES NOT TO PLACE THE CHILD OR YOUTH WITH A RELATIVE OR  
2 KIN, AFTER GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S  
3 MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, OR IF THE DEPARTMENT  
4 DECIDES NOT TO PLACE A CHILD OR YOUTH WITH A RELATIVE OR KIN  
5 BECAUSE THE PLACEMENT WOULD HINDER EFFORTS TO REUNITE THE CHILD  
6 OR YOUTH AND PARENT, THE DEPARTMENT SHALL EXPLAIN WHY ANY  
7 IDENTIFIED RELATIVES OR KIN HAVE BEEN RULED OUT FOR PLACEMENT.

8 (6) If a placement change is contested by a party and the child or  
9 youth is not reunifying with a parent or legal guardian, the court shall  
10 consider all pertinent information, including the child's or youth's wishes,  
11 related to modifying the placement of the child or youth prior to removing  
12 the child or youth from the child's or youth's placement, and including the  
13 following:

14 (h) The child's or youth's attachment to the child's or youth's  
15 caregiver at the time of the hearing and the possible effects on the child's  
16 or youth's emotional well-being if the child or youth is removed from the  
17 caregiver's home. HOWEVER, PLACEMENT WITH A CHILD'S OR YOUTH'S  
18 RELATIVE OR KIN SHOULD NOT BE DENIED BASED SOLELY UPON THE  
19 ORDINARY BONDING AND ATTACHMENT TO A FOSTER PARENT AS A RESULT  
20 OF TIME SPENT IN THE HOME. THE COURT SHALL CONSIDER THE NUMBER  
21 OF PRIOR PLACEMENTS, THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND  
22 EMOTIONAL NEEDS, AND ANY SUBSEQUENT CAREGIVERS' ABILITY TO  
23 PROVIDE EMOTIONAL AND PSYCHOLOGICAL SUPPORT WHEN CONSIDERING  
24 A CHANGE OF PLACEMENT.

25 (i) THE CHILD'S OR YOUTH'S PREFERENCE REGARDING PLACEMENT.

26 **SECTION 7. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except  
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
3 of the state constitution against this act or an item, section, or part of this  
4 act within such period, then the act, item, section, or part will not take  
5 effect unless approved by the people at the general election to be held in  
6 November 2024 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.