

CHAPTER 367

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 23-1024

BY REPRESENTATIVE(S) Gonzales-Gutierrez and Epps, Amabile, Bird, Bockenfeld, Boesenecker, Bradley, Brown, Dickson, Duran, English, Garcia, Herod, Jodeh, Joseph, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Marshall, Martinez, McCormick, McLachlan, Ortiz, Ricks, Sharbini, Sirota, Snyder, Story, Titone, Valdez, Weinberg, Willford, Wilson, Winter T., Woodrow, Young;
also SENATOR(S) Exum and Van Winkle, Buckner, Cutter, Danielson, Gonzales, Jaquez Lewis, Marchman, Priola.

AN ACT

CONCERNING MEASURES TO INCREASE FAMILY RESILIENCY THROUGH PROVIDING GREATER SUPPORTS AND PROTECTIONS FOR CHILDREN PLACED WITH KIN, INCLUDING RELATIVES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

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

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

(c) Colorado's state plan for child welfare systems improvement recognizes the importance of placing children and youth with relatives and kin, with a goal of fifty percent of initial placements being with relatives or kin;

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

(i) The most critical factors for consideration in permanency planning should be the safety of the family home and a child's or youth's key attachments and family connections. These factors, rather than the number of months spent in foster care, or even a child's or youth's new attachment to foster parents, should drive permanency decisions.

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

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

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

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

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

19-3-403. Temporary custody - hearing - time limits - restriction - caregiver rights - rules. (3.6) (a) (III) The court shall advise the ~~child's~~ parents that the child OR YOUTH may be placed with a relative ~~if, in the court's opinion, such placement is appropriate and in the child's best interests~~ OR KIN. The court shall order the parents to complete the form affidavit and advisement described in subsection (3.6)(a)(I) of this section no later than seven ~~business~~ days after the HEARING date ~~of the hearing~~ or prior to the next hearing on the matter, whichever occurs first. ~~The original completed form must be filed with the court and a copy delivered to the county department of human or social services no later than five business days after the date of the hearing.~~ THE ORIGINAL COMPLETED RELATIVE AFFIDAVIT MUST BE FILED WITH THE COURT AND SERVED ON ALL PARTIES NO LATER THAN SEVEN DAYS AFTER THE HEARING DATE. THE COURT SHALL ASK THE PARENT IF THERE ARE ANY CHANGES TO THE INFORMATION ON THE RELATIVE OR KIN AFFIDAVIT AT HEARINGS HELD PURSUANT TO SECTIONS 19-3-507 AND 19-3-702, AND IF THE PARENT HAS NOT COMPLETED THE RELATIVE OR KIN AFFIDAVIT, THE COURT SHALL ASK THE PARENT, ON THE RECORD, FOR NAMES AND CONTACT INFORMATION FOR RELATIVES AND KIN WHOM THE PARENT WOULD LIKE CONSIDERED FOR ENGAGEMENT IN THE CASE. Each parent, the guardian ad litem or counsel for youth, and counsel for each parent, if any, ~~shall~~ MUST also receive copies of the completed form AFFIDAVIT. The court may advise each parent of the penalties associated with perjury and contempt of court, if necessary. Each parent may suggest an adult relative or relatives, OR KIN, whom the parent believes to be the most appropriate caretaker or caretakers for the child OR YOUTH. If appropriate, the child ~~or children shall~~ OR YOUTH MUST be consulted regarding suggested relative OR KIN caretakers. The court shall order each parent to notify every relative OR KIN who may be an appropriate relative OR KIN caretaker for the child OR YOUTH that failure to come forward in a timely manner may result in the child OR YOUTH being placed permanently outside of the home of the ~~child's~~ relatives OR KIN OF THE CHILD OR YOUTH if the child OR YOUTH is not able to return to the child's OR YOUTH'S home. In addition, the court shall advise each parent that failure to identify these relatives OR KIN in a timely manner may result in the child OR YOUTH being placed permanently outside of the home of the ~~child's~~ relatives OR KIN OF THE CHILD OR YOUTH.

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

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

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

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

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

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

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

(VI) THE RESPONSIBLE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES OR OTHER SOCIAL SERVICES AGENCY SHALL EXERCISE DUE DILIGENCE TO CONTACT AND ENGAGE RELATIVES AND KIN WHO RESPOND TO THE NOTICE REQUIRED PURSUANT TO SUBSECTION (3.6)(a)(IV) OF THIS SECTION. UPON A REQUEST BY A RELATIVE OR KIN OR PARTY TO THE PROCEEDINGS, THE COURT MAY CONDUCT A REVIEW OF THE APPLICABLE AGENCY'S DUE DILIGENCE TO CONTACT AND ENGAGE RELATIVES AND KIN PURSUANT TO SUBSECTION (3.6)(a)(IV) OF THIS SECTION. IF THE COURT FINDS THAT THE APPLICABLE AGENCY DID NOT EXERCISE DUE DILIGENCE TO CONTACT AND ENGAGE RELATIVES AND KIN WHO RESPONDED TO THE NOTICE, THE COURT MAY ORDER THE APPLICABLE AGENCY TO EXERCISE DUE DILIGENCE BY ENGAGING THE RELATIVES AND KIN IN THE FOLLOWING ACTIVITIES RELATED TO THE CARE AND PLANNING FOR A CHILD OR YOUTH, DETERMINED IN CONSULTATION WITH THE OTHER PARTIES:

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

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

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

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

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

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

(G) PROVIDING TRANSPORTATION;

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

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

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

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

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

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

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

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

(9) IF THE SOLE ISSUE PREVENTING AN EMERGENCY PLACEMENT OF A CHILD WITH A RELATIVE OR KIN IS A LACK OF RESOURCES, THE COUNTY DEPARTMENT SHALL USE

REASONABLE EFFORTS TO ASSIST THE RELATIVE OR KIN WITH OBTAINING THE NECESSARY ITEMS WITHIN EXISTING AVAILABLE RESOURCES.

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

19-3-507. Dispositional hearing. (1) (b.5) IF THE COUNTY DEPARTMENT LOCATES A CAPABLE, WILLING, AND AVAILABLE RELATIVE OR KIN FOR THE CHILD OR YOUTH, IT IS PRESUMED THAT PLACEMENT OF THE CHILD OR YOUTH WITH THE RELATIVE OR KIN IS IN THE BEST INTERESTS OF THE CHILD OR YOUTH. THE PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE OF THE EVIDENCE, GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S PREFERENCE REGARDING PLACEMENT. THE COURT SHALL CONSIDER WHETHER A PROPOSED PLACEMENT WOULD HINDER EFFORTS TO REUNITE THE PARENT AND CHILD OR YOUTH AND THE PARENT'S PREFERENCE REGARDING PLACEMENT. A PARENT'S OBJECTION TO PLACEMENT WITH A PARTICULAR RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT THE PROPOSED PLACEMENT WOULD HINDER REUNIFICATION.

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

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

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

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

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

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

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

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

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

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

(II) THE NATURE OF THE CRIME OF CONVICTION;

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

(IV) LENGTH OF TIME SINCE CONVICTION; AND

(V) EVIDENCE OF REHABILITATION.

(4)(a) In any case in which the disposition is placement out of the home, except for children OR YOUTH committed to the department of human services, the court shall, at the time of placement, set a review within ~~ninety~~ NINETY-ONE days to determine whether continued placement is necessary and in the best interests of the child OR YOUTH and the community, and whether reasonable efforts have been made to return the child OR YOUTH to the home or, in the case of a sibling group, whether it is in the best interests of the children OR YOUTH in the sibling group to be placed together. If the county department locates an appropriate, capable, willing, and available joint placement for all of the children OR YOUTH in the sibling group, it ~~shall be~~ is presumed that placement of the entire sibling group in the joint placement is in the best interests of the children OR YOUTH. Such presumption may be rebutted by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child, ~~or of the children,~~ OR YOUTH.

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

(c) The judge shall review the family services plan document regarding placement of ~~siblings. Notice of said review shall be given by~~ SIBLINGS AND EFFORTS TO LOCATE RELATIVES OR KIN. IF THE CHILD OR YOUTH IS RESIDING WITH

A RELATIVE OR KIN, THE FAMILY SERVICES PLAN MUST DESCRIBE THE EFFORTS MADE BY THE COUNTY TO MAINTAIN THE CHILD OR YOUTH IN THE RELATIVE OR KINSHIP HOME AND TO NOT REMOVE THE CHILD OR YOUTH FROM THE KINSHIP OR RELATIVE HOME EXCEPT TO EFFECTUATE A PERMANENCY GOAL OF REUNIFICATION OR AFTER FINDING THAT REMAINING IN THE KINSHIP PLACEMENT IS CONTRARY TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, OR EMOTIONAL NEEDS, OR WHEN THE RELATIVE OR KINSHIP PLACEMENT DECIDES THEY ARE NO LONGER ABLE TO CARE FOR THE CHILD OR YOUTH. The court SHALL GIVE NOTICE OF THE REVIEW to all parties and to the director of the facility or agency in which the child OR YOUTH is placed and any person who has physical custody of the child OR YOUTH and any attorney or guardian ad litem of record. The review shall be conducted in accordance with section 19-1-115 (8)(f).

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

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

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

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

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

(5) (a) In placing the legal custody or guardianship of the person of a child OR YOUTH with an individual or a private agency, the court shall give primary consideration to the welfare of the child OR YOUTH but shall take into consideration the religious AND CULTURAL preferences of the child OR YOUTH or of ~~his~~ THE parents, whenever practicable.

(b) (I) If the court finds that placement out of the home is necessary and is in the best interests of the child OR YOUTH and the community, the court shall place the child OR YOUTH with a relative OR KIN, including the child's OR YOUTH'S grandparent, as provided in ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION, ~~if such placement is in the child's best interests~~. IN CONSIDERING THE PLACEMENT, THE COURT SHALL GIVE PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S PREFERENCE REGARDING PLACEMENT. THE COURT SHALL CONSIDER WHETHER A PROPOSED PLACEMENT WOULD HINDER EFFORTS TO REUNITE THE PARENT AND THE CHILD OR YOUTH AND THE PARENT'S PREFERENCE REGARDING PLACEMENT. A PARENT'S OBJECTION TO PLACEMENT WITH A PARTICULAR RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT THE PROPOSED PLACEMENT WOULD HINDER REUNIFICATION. The court shall place the child OR YOUTH in the facility or setting that most appropriately meets the needs of the child OR YOUTH, the family, and the community. In making its decision as to proper placement, the court shall utilize the evaluation for placement prepared pursuant to section 19-1-107. If the

court deviates from the recommendations of the evaluation for placement in a manner that results in a difference in the cost of the disposition ordered by the court and the cost of the disposition recommended in the evaluation, the court shall make specific findings of fact relating to its decision, including the monthly cost of the placement, if ordered. THE COURT SHALL SEND a copy of such findings ~~shall be sent to the chief justice of the supreme court, who shall report annually ON SUCH ORDERS AND FINDINGS OF FACT to the joint budget committee, and annually to the health, environment, welfare, and institutions committees~~ THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE of the house of representatives, and THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE senate, OR ANY SUCCESSOR COMMITTEES. ~~of the general assembly on such orders.~~

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

(III) IF THE COUNTY DEPARTMENT LOCATES A CAPABLE, WILLING, AND AVAILABLE RELATIVE OR KIN FOR THE CHILD OR YOUTH, IT IS PRESUMED THAT PLACEMENT OF THE CHILD OR YOUTH WITH THE RELATIVE OR KIN IS IN THE BEST INTERESTS OF THE CHILD OR YOUTH. THE PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE OF THE EVIDENCE, GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S PREFERENCE REGARDING PLACEMENT. THE COURT SHALL CONSIDER WHETHER A PROPOSED PLACEMENT WOULD HINDER EFFORTS TO REUNITE THE PARENT AND THE CHILD OR YOUTH AND THE PARENT'S PREFERENCE REGARDING PLACEMENT. A PARENT'S OBJECTION TO PLACEMENT WITH A PARTICULAR RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT THE PROPOSED PLACEMENT WOULD HINDER REUNIFICATION. PLACEMENT WITH A RELATIVE OR KIN MUST BE CONSIDERED AND INVESTIGATED WHEN THE CHILD OR YOUTH ENTERS FOSTER CARE, IS MOVED FROM A FOSTER HOME, OR RETURNS TO FOSTER CARE AFTER THE CHILD OR YOUTH HAS ACHIEVED PERMANENCY. AS USED IN THIS SUBSECTION (5), "RELATIVE" INCLUDES A MEMBER OF THE CHILD'S OR YOUTH'S BIRTH FAMILY, ADOPTIVE FAMILY, AND KIN, REGARDLESS OF WHETHER PARENTAL RIGHTS WERE TERMINATED.

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

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

(e) At each permanency planning hearing, the caseworker shall provide the court with a written or verbal report specifying what efforts have been made to identify a permanent home for the child OR YOUTH and what services have been provided to the child OR YOUTH to facilitate identification of a permanent home, INCLUDING THE DEPARTMENT'S ONGOING EFFORTS TO IDENTIFY RELATIVES AND KIN AND TO ENGAGE

THE RELATIVES AND KIN IN PROVIDING SUPPORT FOR THE CHILD OR YOUTH AND FAMILY, AND DOCUMENT THAT THE RELATIVES AND KIN HAVE BEEN PROVIDED NOTICE AS REQUIRED BY SECTION 19-3-403 (3.6)(a)(IV). THE DEPARTMENT SHALL ALSO REPORT ANY DECISION REGARDING PLACING THE CHILD OR YOUTH WITH A RELATIVE OR KIN. IF THE DEPARTMENT DETERMINES NOT TO PLACE THE CHILD OR YOUTH WITH A RELATIVE OR KIN, AFTER GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, OR IF THE DEPARTMENT DECIDES NOT TO PLACE A CHILD OR YOUTH WITH A RELATIVE OR KIN BECAUSE THE PLACEMENT WOULD HINDER EFFORTS TO REUNITE THE CHILD OR YOUTH AND PARENT, THE DEPARTMENT SHALL EXPLAIN WHY ANY IDENTIFIED RELATIVES OR KIN HAVE BEEN RULED OUT FOR PLACEMENT.

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

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

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

SECTION 7. Appropriation. (1) For the 2023-24 state fiscal year, \$13,879 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from the general fund. To implement this act, the division may use this appropriation for Colorado trails.

(2) For the 2023-24 state fiscal year, the general assembly anticipates that the department of human services will receive \$7,473 in federal funds for use by the division of child welfare to implement this act. The appropriation in subsection (1) of this section is based on the assumption that the department will receive this amount of federal funds, which is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year.

SECTION 8. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be

held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 5, 2023