

## CHAPTER 376

---

**CHILDREN AND DOMESTIC MATTERS**


---

## SENATE BILL 03-327

BY SENATOR(S) Evans;  
also REPRESENTATIVE(S) Stafford, Boyd, Coleman, Frangas, Jahn, Paccione, Spence, Tochtrop, and Williams S.

## AN ACT

## CONCERNING HEARINGS IN DEPENDENCY AND NEGLECT ACTIONS.

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

**SECTION 1.** The introductory portion to 19-1-115 (6) and 19-1-115 (6) (b) (II), Colorado Revised Statutes, are amended, and the said 19-1-115 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**19-1-115. Legal custody - guardianship - placement out of the home.** (6) Any time the court enters an order ~~removing a child from the home~~ AWARDING LEGAL CUSTODY OF A CHILD TO THE DEPARTMENT OF HUMAN SERVICES OR TO A COUNTY DEPARTMENT PURSUANT TO THE PROVISIONS OF THIS TITLE, even temporarily, ~~or continuing a child in a placement out of the home pursuant to this title,~~ said order shall contain specific findings, if warranted by the evidence, as follows:

(b) That there has been compliance with reasonable efforts requirements regarding removal of the child from the home, as follows:

(II) That an emergency situation exists which requires the immediate temporary removal of the child from the home and it is reasonable that preventative efforts not be ~~provided~~ MADE due to the emergency situation; or

(6.5) ANY TIME THE COURT ENTERS AN ORDER CONTINUING A CHILD IN A PLACEMENT OUT OF THE HOME PURSUANT TO THIS TITLE, SAID ORDER SHALL CONTAIN SPECIFIC FINDINGS, IF WARRANTED BY THE EVIDENCE, AS FOLLOWS:

(a) THE CONTINUATION OF THE CHILD IN OUT-OF-HOME PLACEMENT IS IN THE BEST INTERESTS OF THE CHILD;

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(b) THAT REASONABLE EFFORTS HAVE BEEN MADE TO REUNITE THE CHILD AND THE FAMILY OR THAT REASONABLE EFFORTS TO REUNITE THE CHILD AND THE FAMILY ARE NOT REQUIRED PURSUANT TO SUBSECTION (7) OF THIS SECTION; AND

(c) THAT PROCEDURAL SAFEGUARDS WITH RESPECT TO PARENTAL RIGHTS HAVE BEEN APPLIED IN CONNECTION WITH THE CONTINUATION OF THE CHILD IN OUT-OF-HOME PLACEMENT, A CHANGE IN THE CHILD'S PLACEMENT OUT OF THE HOME, AND ANY DETERMINATION AFFECTING PARENTAL VISITATION.

**SECTION 2.** 19-3-702 (1), (6) (a), (6) (b), and (8) (b), Colorado Revised Statutes, are amended, and the said 19-3-702 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**19-3-702. Permanency hearing - periodic reviews.** (1) In order to provide stable permanent homes for children in as short a time as possible, a court on its own motion or upon motion brought by any party shall conduct a permanency hearing if a child cannot be returned home under section 19-1-115 (4) (b) for the purpose of making a determination regarding the future status of the child. Such permanency hearing shall be held as soon as possible following the dispositional hearing but shall be held no later than twelve months after the date the child is considered to have entered foster care and no later than every twelve months thereafter while the child remains in out-of-home placement, or more frequently as deemed necessary by the court. If the court finds that reasonable efforts to reunify the child and the parent are not required pursuant to section 19-1-115 (7), a permanency hearing shall be held within thirty days ~~of~~ AFTER the finding. IF THE COURT FINDS THAT REASONABLE EFFORTS TO REUNIFY THE CHILD AND THE PARENT ARE NOT REQUIRED AND A MOTION FOR TERMINATION HAS BEEN PROPERLY FILED PURSUANT TO SECTION 19-3-602, THE PERMANENCY HEARING AND THE HEARING ON THE MOTION FOR TERMINATION MAY BE COMBINED, AND ALL OF THE COURT DETERMINATIONS REQUIRED AT BOTH HEARINGS SHALL BE MADE IN THE COMBINED HEARING. In a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), such permanency hearing shall be held no later than three months after the decree of disposition of the child. A child shall be considered to have entered foster care on the date that the child is placed out of the home. If the court finds that an appropriate treatment plan cannot be devised at a dispositional hearing in accordance with section 19-3-508 (1) (e) (I), the permanency hearing shall be held no later than thirty days after such determination, unless a motion for termination of parental rights has been filed within thirty days after the court's finding. Where possible, the permanency hearing shall be combined with the six-month review as provided for in section 19-1-115 (4) (c).

(6) (a) Periodic reviews conducted by the court or, if there is no objection by any party to the action, in the court's discretion, through an administrative review conducted by the state department of human services, shall determine THE FOLLOWING:

(I) Whether the child's safety is protected in the placement;

(II) Whether reasonable efforts have been made to find a safe and permanent placement;

(III) The continuing necessity for and appropriateness of the placement;

(IV) The extent of compliance with the case plan, and the extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care; and

(V) ~~Shall project~~ A likely date by which the child may be returned to and safely maintained at the home, placed for adoption, legal guardianship, ~~or guardianship of the person,~~ or placed in another permanent safe placement setting.

~~(b) If the child resides in a placement out of state, the entity conducting the review shall make a determination that the out-of-state placement continues to be appropriate and in the best interests of the child.~~

(6.5) IF THE COURT COMBINES A PERMANENCY HEARING AND A PERIODIC REVIEW, THE COURT SHALL MAKE THE DETERMINATIONS REQUIRED BY THIS SECTION FOR BOTH THE PERMANENCY HEARING AND THE PERIODIC REVIEW AT THE COMBINED HEARING.

~~(8) (b) If the child resides in a placement out of state, the entity conducting the review shall make a determination that the out-of-state placement continues to be appropriate and in the best interests of the child.~~

**SECTION 3. Effective date - applicability.** This act shall take effect July 1, 2003, and shall apply to causes of action filed on or after said date.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 2003