

CHAPTER 134

**HUMAN SERVICES - SOCIAL SERVICES**

HOUSE BILL 06-1255

BY REPRESENTATIVE(S) Judd, Carroll M., Coleman, and Todd;  
also SENATOR(S) Shaffer.

**AN ACT**

**CONCERNING COMPLIANCE WITH THE FEDERAL "SOCIAL SECURITY ACT" WITH RESPECT TO JUVENILES.**

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

**SECTION 1.** 19-1-103 (51.3), Colorado Revised Statutes, is amended to read:

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

(51.3) "Foster care" means the placement of a child into the legal custody or legal authority of a county department of social services for physical placement of the child in a KINSHIP CARE PLACEMENT OR certified or licensed facility, OR THE PHYSICAL PLACEMENT OF A JUVENILE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF HUMAN SERVICES INTO A COMMUNITY PLACEMENT.

**SECTION 2.** Part 1 of article 1 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**19-1-127. Responsibility for placement and care.** (1) "RESPONSIBILITY FOR PLACEMENT AND CARE", FOR PURPOSES OF COMPLIANCE WITH FEDERAL REQUIREMENTS PURSUANT TO THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 672 (2), MEANS THE SPECIFIED ENTITY IS CONSIDERED TO HAVE THE RESPONSIBILITY FOR PLACEMENT AND CARE OF A CHILD IF:

(a) A COUNTY DEPARTMENT OF SOCIAL SERVICES HAS ENTERED INTO A VOLUNTARY PLACEMENT AGREEMENT WITH THE PARENT OR GUARDIAN OF THE CHILD;

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*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) A COURT, AS A RESULT OF A PETITION FOR REVIEW OF NEED OF PLACEMENT, HAS DETERMINED THAT A COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL HAVE CONTINUING PLACEMENT AND CARE RESPONSIBILITY OF THE CHILD WHO ENTERED CARE PURSUANT TO A VOLUNTARY PLACEMENT;

(c) A COURT HAS AWARDED LEGAL CUSTODY OF THE CHILD TO A COUNTY DEPARTMENT OF SOCIAL SERVICES, OR HAS COMMITTED THE CHILD TO THE CUSTODY OF THE STATE DEPARTMENT OF HUMAN SERVICES; OR

(d) AN AGENCY, SUCH AS A TRIBAL AGENCY, WITH WHICH THE STATE DEPARTMENT OF HUMAN SERVICES HAS A CONTRACT PURSUANT TO THE FEDERAL "SOCIAL SECURITY ACT", HAS PLACEMENT AND CARE RESPONSIBILITY OF THE CHILD PURSUANT TO A VOLUNTARY PLACEMENT AGREEMENT OR A COURT ORDER AWARDING CUSTODY OF THE CHILD TO THE AGENCY.

**SECTION 3.** 19-2-906.5 (1) and (3) (a), Colorado Revised Statutes, are amended to read:

**19-2-906.5. Orders - community placement - reasonable efforts required - reviews.** (1) If the court ~~sentences~~ ORDERS LEGAL CUSTODY OF a juvenile to a ~~community placement~~ COUNTY DEPARTMENT OF SOCIAL SERVICES pursuant to the provisions of this article, said order shall contain specific findings as follows:

(a) Whether placement of the juvenile out of the home would be in the juvenile's and the community's best interests; AND

(b) Whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the home, whether it is reasonable that such efforts ~~not be provided due to the existence of~~ ARE NOT MADE BECAUSE an emergency situation EXISTS that requires the immediate removal of the juvenile from the home, or whether such efforts ARE not ~~be required due to the~~ BECAUSE OF circumstances described in section 19-1-115 (7). ~~and~~

(c) ~~Whether procedural safeguards to preserve parental rights have been applied in connection with the removal of the juvenile from the home, any change in the juvenile's community placement, or any determination affecting parental visitation:~~

(3) (a) If the juvenile is IN THE LEGAL CUSTODY OF A COUNTY DEPARTMENT OF SOCIAL SERVICES AND IS placed in a community placement for a period of twelve months or longer, the DISTRICT court, ANOTHER COURT OF COMPETENT JURISDICTION, OR AN ADMINISTRATIVE BODY APPOINTED OR APPROVED BY THE COURT THAT IS NOT UNDER THE SUPERVISION OF THE DEPARTMENT shall conduct a permanency hearing ~~to review the order of community placement~~ within said twelve months and every twelve months thereafter for as long as the juvenile remains ~~under an order of~~ IN community placement. ~~or, if there is no objection by any party to the action, after notice to the juvenile, the juvenile's parents or guardian, any service providers working with the juvenile, the juvenile's guardian ad litem, if one has been appointed, and all attorneys of record, the court may require the department of human services to conduct a permanency review.~~ At the permanency ~~review~~ HEARING, the entity conducting the ~~review~~ HEARING shall make THE FOLLOWING determinations: ~~as to the following:~~

(I) Whether continued community placement is in the best interests of the juvenile and the community;

(II) Whether the juvenile's safety is protected in the community placement;

(III) Whether reasonable efforts have been made to finalize the juvenile's permanency plan that is in effect at that time;

(IV) Whether continued community placement is necessary and appropriate;

(V) Whether there has been compliance with the juvenile's case plan;

(VI) Whether progress has been made toward alleviating or mitigating the causes that necessitated the community placement; ~~and~~

(VII) Whether there is a date projected by which the juvenile will be returned and safely maintained in his or her home, placed for legal guardianship, or placed in a planned permanent living arrangement; AND

(VIII) WHETHER PROCEDURAL SAFEGUARDS TO PRESERVE PARENTAL RIGHTS HAVE BEEN APPLIED IN CONNECTION WITH THE REMOVAL OF THE JUVENILE FROM THE HOME, ANY CHANGE IN THE JUVENILE'S COMMUNITY PLACEMENT, OR ANY DETERMINATION AFFECTING PARENTAL VISITATION.

**SECTION 4.** 19-2-921 (5), Colorado Revised Statutes, is amended, and the said 19-2-921 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**19-2-921. Commitment to department of human services.** (1.5) (a) WHEN A COURT COMMITS A JUVENILE TO THE STATE DEPARTMENT OF HUMAN SERVICES PURSUANT TO THE PROVISIONS OF THIS ARTICLE, THE COURT SHALL MAKE THE FOLLOWING SPECIFIC DETERMINATIONS:

(I) WHETHER PLACEMENT OF THE JUVENILE OUTSIDE THE HOME WOULD BE IN THE JUVENILE'S AND COMMUNITY'S BEST INTEREST; AND

(II) WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO PREVENT OR ELIMINATE THE NEED FOR REMOVAL OF THE JUVENILE FROM THE HOME; WHETHER IT IS REASONABLE THAT SUCH EFFORTS ARE NOT MADE BECAUSE AN EMERGENCY SITUATION EXISTS THAT REQUIRES THE IMMEDIATE REMOVAL OF THE JUVENILE FROM THE HOME; OR WHETHER SUCH EFFORTS ARE NOT REQUIRED BECAUSE OF CIRCUMSTANCES DESCRIBED IN SECTION 19-1-115 (7).

(b) IF A JUVENILE IS MAKING A TRANSITION FROM THE LEGAL CUSTODY OF A COUNTY DEPARTMENT OF SOCIAL SERVICES TO COMMITMENT WITH THE STATE DEPARTMENT OF HUMAN SERVICES, THE COURT SHALL CONDUCT A PERMANENCY HEARING IN COMBINATION WITH THE SENTENCING HEARING. THE COURT SHALL CONSIDER MULTIDISCIPLINARY RECOMMENDATIONS FOR SENTENCING AND PERMANENCY PLANNING. IN CONDUCTING SUCH A PERMANENCY HEARING, THE COURT SHALL MAKE DETERMINATIONS PURSUANT TO SECTION 19-2-906.5 (3) (a).

(5) (a) When a juvenile is placed in  ~~foster care~~ A COMMUNITY PLACEMENT by the department of human services following commitment pursuant to section 19-2-601 or 19-2-907, an administrative review shall be conducted every six months after said placement for as long as the juvenile remains in  ~~foster care~~ A COMMUNITY PLACEMENT under the  ~~placement of the~~ department of human services.

(b) WHEN A JUVENILE IS PLACED IN A COMMUNITY PLACEMENT FOR A PERIOD OF TWELVE MONTHS OR LONGER, A COURT OF COMPETENT JURISDICTION OR AN ADMINISTRATIVE BODY APPOINTED OR APPROVED BY THE COURT THAT IS NOT UNDER THE SUPERVISION OF THE DEPARTMENT SHALL CONDUCT A PERMANENCY HEARING PURSUANT TO THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 675 (5) (C) NO LATER THAN THE TWELFTH MONTH OF THE COMMUNITY PLACEMENT, AND AT LEAST EVERY TWELVE MONTHS THEREAFTER WHILE THE JUVENILE REMAINS IN A COMMUNITY PLACEMENT. AT THE PERMANENCY HEARING, THE ENTITY CONDUCTING THE HEARING SHALL MAKE THE FOLLOWING DETERMINATIONS:

(I) WHETHER CONTINUED COMMUNITY PLACEMENT IS IN THE BEST INTERESTS OF THE JUVENILE AND THE COMMUNITY;

(II) WHETHER THE JUVENILE'S SAFETY IS PROTECTED IN THE COMMUNITY PLACEMENT;

(III) WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO FINALIZE THE JUVENILE'S PERMANENCY PLAN THAT IS IN EFFECT AT THAT TIME;

(IV) WHETHER CONTINUED COMMUNITY PLACEMENT IS NECESSARY AND APPROPRIATE;

(V) WHETHER THERE HAS BEEN COMPLIANCE WITH THE JUVENILE'S CASE PLAN;

(VI) WHETHER PROGRESS HAS BEEN MADE TOWARD ALLEVIATING OR MITIGATING THE CAUSES THAT NECESSITATED THE COMMUNITY PLACEMENT;

(VII) WHETHER THERE IS A DATE PROJECTED BY WHICH THE JUVENILE WILL BE RETURNED AND SAFELY MAINTAINED IN HIS OR HER HOME, PLACED FOR LEGAL GUARDIANSHIP, OR PLACED IN A PLANNED AND PERMANENT LIVING ARRANGEMENT; AND

(VIII) WHETHER PROCEDURAL SAFEGUARDS TO PRESERVE PARENTAL RIGHTS HAVE BEEN APPLIED IN CONNECTION WITH THE REMOVAL OF THE JUVENILE FROM THE HOME, ANY CHANGE IN THE JUVENILE'S COMMUNITY PLACEMENT, OR ANY DETERMINATION AFFECTING PARENTAL VISITATION.

**SECTION 5. 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: April 18, 2006