

CHAPTER 1

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 08-1006

BY REPRESENTATIVE(S) Jahn, Borodkin, Butcher, Carroll M., Casso, Frangas, Gallegos, Garza-Hicks, Kefalas, Kerr A., Kerr J., King, Labuda, Lambert, Levy, Looper, Lundberg, Madden, Marostica, Marshall, Massey, McGihon, Merrifield, Mitchell V., Primavera, Rose, Scanlan, Solano, Stafford, Stephens, Summers, Todd, Vaad, Weissmann, White, Benefield, Green, and Rice;
also SENATOR(S) Sandoval, Boyd, Gordon, Groff, Hagedorn, Mitchell S., Morse, Romer, Shaffer, Spence, Tapia, Tochtrop, Tupa, and Williams.

AN ACT**CONCERNING VISITS BY CHILDREN IN FOSTER CARE WITH THEIR SIBLINGS.**

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

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

19-1-128. Foster care sibling visits - rules. (1) IF A CHILD IN FOSTER CARE AND HIS OR HER SIBLING MUTUALLY REQUEST AN OPPORTUNITY TO VISIT EACH OTHER, THE COUNTY DEPARTMENT THAT HAS LEGAL CUSTODY OF THE CHILD SHALL ARRANGE THE VISIT WITHIN A REASONABLE AMOUNT OF TIME AND DOCUMENT THE VISIT.

(2) IF A CHILD IN FOSTER CARE AND HIS OR HER SIBLING MUTUALLY REQUEST AN OPPORTUNITY TO VISIT EACH OTHER ON A REGULAR BASIS, THE COUNTY DEPARTMENT THAT HAS LEGAL CUSTODY OF THE CHILD SHALL ARRANGE THE VISITS AND ENSURE THAT THE VISITS OCCUR WITH SUFFICIENT FREQUENCY AND DURATION TO PROMOTE CONTINUITY IN THE SIBLINGS' RELATIONSHIP.

(3) IF, IN ARRANGING SIBLING VISITS PURSUANT TO THIS SECTION, A COUNTY DEPARTMENT DETERMINES THAT A REQUESTED VISIT BETWEEN THE SIBLINGS WOULD NOT BE IN THE BEST INTERESTS OF ONE OR BOTH OF THE SIBLINGS, THE COUNTY DEPARTMENT SHALL DENY THE REQUEST AND DOCUMENT ITS REASONS FOR MAKING THE DETERMINATION. IN DETERMINING WHETHER A REQUESTED VISIT WOULD BE IN THE BEST INTERESTS OF ONE OR BOTH OF THE SIBLINGS, THE COUNTY DEPARTMENT

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

SHALL ASCERTAIN WHETHER THERE IS PENDING IN ANY JURISDICTION A CRIMINAL ACTION IN WHICH EITHER OF THE SIBLINGS IS EITHER A VICTIM OR A WITNESS. IF SUCH A CRIMINAL ACTION IS PENDING, THE COUNTY DEPARTMENT, BEFORE ARRANGING ANY VISIT BETWEEN THE SIBLINGS, SHALL CONSULT WITH THE DISTRICT ATTORNEY FOR THE JURISDICTION IN WHICH THE CRIMINAL ACTION IS PENDING TO DETERMINE WHETHER THE REQUESTED VISIT MAY HAVE A DETRIMENTAL EFFECT UPON THE PROSECUTION OF THE PENDING CRIMINAL ACTION.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE OR PERMIT A COUNTY DEPARTMENT TO ARRANGE A SIBLING VISIT IF SUCH VISIT WOULD VIOLATE AN EXISTING PROTECTION ORDER IN ANY CASE PENDING IN THIS STATE OR ANY OTHER STATE.

(5) AS USED IN THIS SECTION, "SIBLING" MEANS:

(a) A SIBLING FROM BIRTH WHO IS DESCENDED FROM ONE OR TWO MUTUAL PARENTS; OR

(b) A STEPBROTHER OR FORMER STEPBROTHER OR A STEPSISTER OR FORMER STEPSISTER.

(6) THE STATE BOARD OF HUMAN SERVICES, CREATED IN SECTION 26-1-107, C.R.S., MAY PROMULGATE RULES FOR THE IMPLEMENTATION OF THIS SECTION.

SECTION 2. 19-5-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-5-101. Termination of the parent-child legal relationship. (3) A TERMINATION BY A COURT OF A PARENT-CHILD LEGAL RELATIONSHIP PURSUANT TO PROCEEDINGS UNDER THIS SECTION OR ANY SECTION DESCRIBED BY SUBSECTION (1) OF THIS SECTION SHALL NOT BE DEEMED TO TERMINATE A SIBLING RELATIONSHIP BETWEEN SIBLING CHILDREN WHO ARE PARTIES TO THE TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: February 7, 2008