

## CHAPTER 328

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**CHILDREN AND DOMESTIC MATTERS**

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## HOUSE BILL 15-1337

BY REPRESENTATIVE(S) Williams, Brown, Esgar, Fields, Ginal, Kraft-Tharp, Lontine, Melton, Mitsch Bush, Pettersen, Primavera, Rosenthal, Roupe, Ryden, Salazar, Young, Hullinghorst;  
also SENATOR(S) Newell, Aguilar, Carroll, Crowder, Grantham, Guzman, Heath, Johnston, Kefalas, Kerr, Lambert, Lundberg, Martinez Humenik, Merrifield, Roberts, Scheffel, Steadman, Todd, Cadman.

**AN ACT****CONCERNING PLACEMENT STABILITY FOR CHILDREN.**

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 19-3-100.5 as follows:

**19-3-100.5. Legislative declarations - reasonable efforts - movement of children and sibling groups.** (1) The general assembly hereby finds and declares that the stability and preservation of the families of this state and the safety and protection of children are matters of statewide concern. The general assembly finds that the federal "Adoption Assistance and Child Welfare Act of 1980", federal Public Law 96-272, requires that each state make a commitment to make "reasonable efforts" to prevent the placement of abused and neglected children out of the home and to reunify the family whenever appropriate.

(2) The general assembly further finds that the federal "Adoption and Safe Families Act of 1997", federal Public Law 105-89, clarifies what constitutes "reasonable efforts" by decreeing that when deciding whether to make such efforts and in the process of making such efforts, the health and safety of the child is the paramount concern. This federal law further encourages expediting permanency planning for children in out-of-home placement by removing barriers to permanency and streamlining entitlement services. The law specifies that one of the goals of all placement decisions, whether leaving the child in the home or placing the child outside the home, is safety for the child.

(3) The general assembly further finds that the implementation of the federal "Adoption Assistance and Child Welfare Act of 1980", federal Public Law 96-272,

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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.*

is not the exclusive responsibility of the state department of social services or of local departments of social services. Elected officials at the state and local levels must ensure that resources and services are available through state and local social services agencies and through the involvement of the resources of public and private sources. Judges, attorneys, and guardians ad litem must be encouraged to take independent responsibility to ensure that "reasonable efforts" to prevent out-of-home placements have been made only when appropriate, that permanency occurs for children in foster care, and that safe child placements occur in each case.

(4) (a) THE GENERAL ASSEMBLY ALSO HEREBY FINDS THAT:

(I) THE AMERICAN ACADEMY OF PEDIATRICS HAS FOUND THAT EMOTIONAL AND COGNITIVE DISRUPTIONS IN THE EARLY LIVES OF CHILDREN HAVE THE POTENTIAL TO IMPAIR BRAIN DEVELOPMENT. PARAMOUNT IN THE LIVES OF CHILDREN IN FOSTER CARE IS THEIR NEED FOR CONTINUITY WITH THEIR PRIMARY ATTACHMENT FIGURES AND A SENSE OF PERMANENCE THAT IS ENHANCED WHEN THE CHILD'S PLACEMENT IS STABLE.

(II) THE AMERICAN ACADEMY OF PEDIATRICS HAS FOUND THAT ATTACHMENT TO A PRIMARY CAREGIVER IS ESSENTIAL TO THE DEVELOPMENT OF EMOTIONAL SECURITY AND SOCIAL CONSCIENCE; AND

(III) ACCORDING TO THE AMERICAN ACADEMY OF PEDIATRICS, OPTIMAL CHILD DEVELOPMENT OCCURS WHEN A SPECTRUM OF NEEDS IS CONSISTENTLY MET OVER AN EXTENDED PERIOD. SEPARATION OF A CHILD FROM HIS OR HER PRIMARY CAREGIVER OCCURRING BETWEEN SIX MONTHS AND THREE YEARS OF AGE IS MORE LIKELY TO RESULT IN SUBSEQUENT EMOTIONAL DISTURBANCES FOR THE CHILD THAN IF THE SEPARATION OCCURS WHEN THE CHILD IS OLDER. REPEATED MOVES FROM HOME TO HOME COMPOUND THE ADVERSE CONSEQUENCES OF SEPARATION. FURTHER, THE YOUNGER THE CHILD AND THE MORE EXTENDED THE PERIOD OF UNCERTAINTY OR SEPARATION, THE MORE DETRIMENTAL THE SEPARATION WILL BE TO THE CHILD'S WELL-BEING. ANY INTERVENTION THAT SEPARATES A CHILD FROM THE CHILD'S PRIMARY CAREGIVER OR PERSON WHO PROVIDES PSYCHOLOGICAL SUPPORT TO THE CHILD SHOULD BE CAUTIOUSLY CONSIDERED AND TREATED AS A MATTER OF URGENCY AND PROFOUND IMPORTANCE.

(b) THE GENERAL ASSEMBLY FURTHER FINDS THAT OLDER CHILDREN IN FOSTER CARE ARE AT A HIGH RISK OF HAVING LONG-TERM MENTAL HEALTH ISSUES, DROPPING OUT OF SCHOOL, DEVELOPING ALCOHOL AND DRUG DEPENDENCE, EXPERIENCING PROMISCUITY, AND INTERACTING WITH THE CRIMINAL JUSTICE SYSTEM. MULTIPLE MOVES FOR OLDER CHILDREN LEAD TO DISRUPTION IN SCHOOLING AND MEANINGFUL RELATIONSHIPS AND ATTACHMENTS, INCLUDING RELATIONSHIPS WITH PEERS AND FAMILY OF ORIGIN. AS A RESULT THESE CHILDREN HAVE FEW, IF ANY, LONG-TERM CONNECTIONS WHEN THEY LEAVE FOSTER CARE, RESULTING IN LITTLE SUPPORT FOR THEIR GROWTH INTO INDEPENDENT ADULTS.

(c) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT MULTIPLE MOVES FOR CHILDREN IN THE DEPENDENCY AND NEGLECT SYSTEM SHOULD BE DISCOURAGED IN FAVOR OF PERMANENT PLANNING UPON WHICH THESE CHILDREN CAN RELY FOR THEIR HEALTHY MENTAL, PHYSICAL, AND EMOTIONAL DEVELOPMENT.

~~(4)~~ (5) Therefore, in order to carry out the requirements addressed in this section, TO ENSURE STABILITY IN PLACEMENTS, TO PRESERVE FAMILIES, and to decrease the need for out-of-home placement, the general assembly shall define "reasonable efforts" and identify the services and processes that must be in place to ensure that "reasonable efforts" have been made. The general assembly shall provide that "reasonable efforts" are deemed to be met when a county or city and county provides services in accordance with section 19-3-208.

**SECTION 2.** In Colorado Revised Statutes, 19-3-605, **amend** (3) as follows:

**19-3-605. Request for placement with family members.** (3) In making placement determinations concerning a child following the order of termination of the parent-child legal relationship pursuant to the provisions of this section, the court ~~may~~ SHALL consider all pertinent information related to modifying the placement of the child prior to removing the child from his or her placement, ~~giving strong consideration to~~ INCLUDING the following:

(a) An individualized assessment of the child's needs created pursuant to Title IV-E of the federal "Social Security Act", as amended, and regulations promulgated thereunder, as amended;

(b) Whether the child's placement at the time of the hearing is a safe and potentially permanent placement for the child;

(c) The child's actual age and developmental stage and, in consideration of this information, the child's attachment needs;

(d) Whether the child has significant psychological ties to a person who could provide a permanent placement for the child, including a relative, and, if so, whether this person maintained contact with the child during the child's placement out of the home;

(e) Whether a person who could provide a permanent placement for the child is willing to maintain appropriate contact after an adoption of the child with the child's relatives, particularly sibling relatives, when such contact is safe, reasonable, and appropriate;

(f) Whether a person who could provide a permanent placement for the child is aware of the child's culture and willing to provide the child with positive ties to his or her culture;

(g) The child's medical, physical, emotional, or other specific needs, and whether a person who could provide a permanent placement for the child is able to meet the child's needs; and

(h) The child's attachment to the child's caregiver at the time of the hearing and the possible effects on the child's emotional well-being if the child is removed from the caregiver's home.

**SECTION 3.** In Colorado Revised Statutes, 19-3-702, **amend** (9) as follows:

**19-3-702. Permanency hearing - periodic review.** (9) In making placement determinations concerning a child pursuant to the provisions of this section, the court ~~may~~ SHALL consider all pertinent information related to modifying the placement of the child prior to removing the child from his or her placement, ~~giving strong consideration to~~ INCLUDING the following:

(a) An individualized assessment of the child's needs created pursuant to Title IV-E of the federal "Social Security Act", as amended, and regulations promulgated thereunder, as amended;

(b) Whether the child's placement at the time of the hearing is a safe and potentially permanent placement for the child;

(c) The child's actual age and developmental stage and, in consideration of this information, the child's attachment needs;

(d) Whether the child has significant psychological ties to a person who could provide a permanent placement for the child, including a relative, and, if so, whether this person maintained contact with the child during the child's placement out of the home;

(e) Whether a person who could provide a permanent placement for the child is willing to maintain appropriate contact after an adoption of the child with the child's relatives, particularly sibling relatives, when such contact is safe, reasonable, and appropriate;

(f) Whether a person who could provide a permanent placement for the child is aware of the child's culture and willing to provide the child with positive ties to his or her culture;

(g) The child's medical, physical, emotional, or other specific needs, and whether a person who could provide a permanent placement for the child is able to meet the child's needs; and

(h) The child's attachment to the child's caregiver at the time of the hearing and the possible effects on the child's emotional well-being if the child is removed from the caregiver's home.

**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, 2015