

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 23-0303.01 Jane Ritter x4342

HOUSE BILL 23-1024

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A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes several measures that protect the best interests of a child or youth and that will not hinder reunification with the child's or youth's family when the child or youth has been temporarily placed

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
3rd Reading Unamended
March 15, 2023

HOUSE
Amended 2nd Reading
March 14, 2023

outside the family home with a relative or kin (relative), including:

- Permitting a relative to appeal when denied placement of the child or youth with the relative;
- Requiring the department of human services (department), to use reasonable efforts to help a relative whose barrier to caring for the child or youth is a lack of resources;
- Amending the court's advisement to the parent so it is consistent with changes to statute;
- Specifying what information should be included in a notice to relatives when the child or youth has been removed from the child's or youth home;
- Requiring that courts give preference to a relative unless placement with that relative would negatively affect the child's or youth's health, safety, or welfare or hinder reunification with the child's or youth's family;
- Providing options for a relative to be allowed to participate in a child's or youth's care and planning;
- Creating a rebuttable presumption that placement with a relative is in the child's or youth's best interest as long as the child's or youth's health or safety is not jeopardized by the placement; and
- Requiring that caseworkers inform the court of efforts to identify and place a child or youth with a relative.

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

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

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

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

12 (c) Colorado's state plan for child welfare systems improvement

1 recognizes the importance of placing children and youth with relatives
2 and kin, with a goal of fifty percent of initial placements being with
3 relatives or kin;

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

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

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

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

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

27 (i) The most critical factors for consideration in permanency

1 planning should be the safety of the family home and a child's or youth's
2 key attachments and family connections. These factors, rather than the
3 number of months spent in foster care, or even a child's or youth's new
4 attachment to foster parents, should drive permanency decisions.

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

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

13 **19-1-303. General provisions - delinquency and dependency**
14 **and neglect cases - exchange of information - civil penalty - rules -**
15 **definitions.** (11) (a) The judicial department or any agency described in
16 subsection (1)(a) of this section may provide a prospective foster parent,
17 **RELATIVE, OR KIN CAREGIVER,** as defined by rule of the department of
18 human services, or a foster parent who is responsible for the health or
19 welfare of a foster child named in a report who is residing in the foster
20 parent's home, with information that is necessary to meet the foster child's
21 physical, mental, emotional, behavioral, and other identified trauma
22 needs.

23 (d) The foster parent, **RELATIVE, OR KIN CAREGIVER** shall maintain
24 the confidentiality of any information obtained pursuant to this subsection
25 (11).

26 **SECTION 3.** In Colorado Revised Statutes, 19-3-403, **amend**
27 (3.6)(a)(III), (3.6)(a)(IV), and (3.6)(a)(V); and **add** (3.6)(a)(VI), (3.6)(d),

1 and (9) as follows:

2 **19-3-403. Temporary custody - hearing - time limits -**
3 **restriction - caregiver rights - rules.** (3.6) (a) (III) The court shall
4 advise the ~~child's~~ parents that the child OR YOUTH may be placed with a
5 relative ~~if, in the court's opinion, such placement is appropriate and in the~~
6 ~~child's best interests~~ OR KIN. The court shall order the parents to complete
7 the form affidavit and advisement described in subsection (3.6)(a)(I) of
8 this section no later than seven ~~business~~ days after the HEARING date ~~of~~
9 ~~the hearing~~ or prior to the next hearing on the matter, whichever occurs
10 first. ~~THE ORIGINAL COMPLETED RELATIVE AFFIDAVIT MUST BE FILED WITH~~
11 ~~THE COURT AND SERVED ON ALL PARTIES NO LATER THAN SEVEN DAYS~~
12 ~~AFTER THE HEARING DATE.~~ THE COURT SHALL ASK THE PARENT IF THERE
13 ARE ANY CHANGES TO THE INFORMATION ON THE RELATIVE OR KIN
14 AFFIDAVIT AT HEARINGS HELD PURSUANT TO SECTIONS 19-3-507 AND
15 19-3-702, AND IF THE PARENT HAS NOT COMPLETED THE RELATIVE OR KIN
16 AFFIDAVIT, THE COURT SHALL ASK THE PARENT, ON THE RECORD, FOR
17 NAMES AND CONTACT INFORMATION FOR RELATIVES AND KIN WHOM THE
18 PARENT WOULD LIKE CONSIDERED FOR ~~ENGAGEMENT IN THE CASE.~~ ~~The~~
19 ~~original completed form must be filed with the court and a copy delivered~~
20 ~~to the county department of human or social services no later than five~~
21 ~~business days after the date of the hearing.~~ Each parent, the guardian ad
22 ~~litem~~ or counsel for youth, and counsel for each parent, if any, ~~shall~~ MUST
23 also receive copies of the completed form AFFIDAVIT. The court may
24 advise each parent of the penalties associated with perjury and contempt
25 of court, if necessary. Each parent may suggest an adult relative or
26 relatives, OR KIN, whom the parent believes to be the most appropriate
27 caretaker or caretakers for the child OR YOUTH. If appropriate, the child

1 ~~or children shall~~ OR YOUTH MUST be consulted regarding suggested
2 relative OR KIN caretakers. The court shall order each parent to notify
3 every relative OR KIN who may be an appropriate relative OR KIN caretaker
4 for the child OR YOUTH that failure to come forward in a timely manner
5 may result in the child OR YOUTH being placed permanently outside of the
6 home of the ~~child's~~ relatives OR KIN OF THE CHILD OR YOUTH if the child
7 OR YOUTH is not able to return to the child's OR YOUTH'S home. In
8 addition, the court shall advise each parent that failure to identify these
9 relatives OR KIN in a timely manner may result in the child OR YOUTH
10 being placed permanently outside of the home of the ~~child's~~ relatives OR
11 KIN OF THE CHILD OR YOUTH.

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

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

1 ~~available to the child placed in a foster home.~~

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

24 (C) THE STATE DEPARTMENT OF HUMAN SERVICES, IN
25 CONSULTATION WITH COUNTIES, THE OFFICE OF THE CHILD'S
26 REPRESENTATIVE, AND THE OFFICE OF RESPONDENT PARENTS' COUNSEL,
27 ALONG WITH OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP THE

1 WRITTEN NOTICE AND PROMULGATE RULES FOR THE IMPLEMENTATION OF
2 THIS SECTION.

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

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

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

20 (VI) THE RESPONSIBLE COUNTY DEPARTMENT OF HUMAN OR
21 SOCIAL SERVICES OR OTHER SOCIAL SERVICES AGENCY SHALL EXERCISE
22 DUE DILIGENCE TO CONTACT AND ENGAGE RELATIVES AND KIN WHO
23 RESPOND TO THE NOTICE REQUIRED PURSUANT TO SUBSECTION
24 (3.6)(a)(IV) OF THIS SECTION. UPON A REQUEST BY A RELATIVE OR KIN OR
25 PARTY TO THE PROCEEDINGS, THE COURT MAY CONDUCT A REVIEW OF THE
26 APPLICABLE AGENCY'S DUE DILIGENCE TO CONTACT AND ENGAGE
27 RELATIVES AND KIN PURSUANT TO SUBSECTION (3.6)(a)(IV) OF THIS

1 SECTION. IF THE COURT FINDS THAT THE APPLICABLE AGENCY DID NOT
2 EXERCISE DUE DILIGENCE TO CONTACT AND ENGAGE RELATIVES AND KIN
3 WHO RESPONDED TO THE NOTICE, THE COURT MAY ORDER THE APPLICABLE
4 AGENCY TO EXERCISE DUE DILIGENCE BY ENGAGING THE RELATIVES AND
5 KIN IN THE FOLLOWING ACTIVITIES RELATED TO THE CARE AND PLANNING
6 FOR A CHILD OR YOUTH, DETERMINED IN CONSULTATION WITH THE OTHER
7 PARTIES:

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

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

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

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

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

27 (F) PROVIDING RESPITE CARE FOR THE CHILD OR YOUTH AND

1 HAVING FAMILY VACATION TIME WITH THE CHILD OR YOUTH;

2 (G) PROVIDING TRANSPORTATION;

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

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

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

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

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

25 (II) RECEIVE TRAINING AND SUPPORT FROM THE STATE
26 DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF HUMAN
27 OR SOCIAL SERVICES TO IMPROVE THE CAREGIVER'S SKILLS IN PROVIDING

1 DAILY CARE AND MEETING THE SPECIAL NEEDS OR DISABILITY-RELATED
2 NEEDS OF A CHILD OR YOUTH IN THE CAREGIVER'S CARE;

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

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

10 (9) IF THE SOLE ISSUE PREVENTING AN EMERGENCY PLACEMENT OF
11 A CHILD WITH A RELATIVE OR KIN IS A LACK OF RESOURCES, THE COUNTY
12 DEPARTMENT SHALL USE REASONABLE EFFORTS TO ASSIST THE RELATIVE
13 OR KIN WITH OBTAINING THE NECESSARY ITEMS WITHIN EXISTING
14 AVAILABLE RESOURCES.

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

18 **19-3-507. Dispositional hearing.** (1) (b.5) IF THE COUNTY
19 DEPARTMENT LOCATES A CAPABLE, WILLING, AND AVAILABLE RELATIVE
20 OR KIN FOR THE CHILD OR YOUTH, IT IS PRESUMED THAT PLACEMENT OF
21 THE CHILD OR YOUTH WITH THE RELATIVE OR KIN IS IN THE BEST
22 INTERESTS OF THE CHILD OR YOUTH. THE PRESUMPTION MAY BE REBUTTED
23 BY A PREPONDERANCE OF THE EVIDENCE, GIVING PRIMARY
24 CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND
25 EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S PREFERENCE
26 REGARDING PLACEMENT. THE COURT SHALL CONSIDER WHETHER A
27 PROPOSED PLACEMENT WOULD HINDER EFFORTS TO REUNITE THE PARENT

1 AND CHILD OR YOUTH AND THE PARENT'S PREFERENCE REGARDING
2 PLACEMENT. A PARENT'S OBJECTION TO PLACEMENT WITH A PARTICULAR
3 RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT THE PROPOSED
4 PLACEMENT WOULD HINDER REUNIFICATION.

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

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

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

27 (II) THE SOCIOECONOMIC STATUS OF THE RELATIVE OR KIN

1 COMPARED TO OTHER AVAILABLE PLACEMENT OPTIONS;

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

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

6 (V) IMMIGRATION STATUS OF THE RELATIVE OR KIN; OR
7 (VI) AGE OR ANY DISABILITY OF THE RELATIVE OR KIN.

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

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

15 (II) THE NATURE OF THE CRIME OF CONVICTION;

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

19 (IV) LENGTH OF TIME SINCE CONVICTION; AND
20 (V) EVIDENCE OF REHABILITATION.

21 (4) (a) In any case in which the disposition is placement out of the
22 home, except for children OR YOUTH committed to the department of
23 human services, the court shall, at the time of placement, set a review
24 within ~~ninety~~ NINETY-ONE days to determine whether continued
25 placement is necessary and in the best interests of the child OR YOUTH and
26 the community, and whether reasonable efforts have been made to return
27 the child OR YOUTH to the home or, in the case of a sibling group, whether

1 it is in the best interests of the children OR YOUTH in the sibling group to
2 be placed together. If the county department locates an appropriate,
3 capable, willing, and available joint placement for all of the children OR
4 YOUTH in the sibling group, it ~~shall be~~ IS presumed that placement of the
5 entire sibling group in the joint placement is in the best interests of the
6 children OR YOUTH. Such presumption may be rebutted by a
7 preponderance of the evidence that placement of the entire sibling group
8 in the joint placement is not in the best interests of a child, ~~or of the~~
9 children, OR YOUTH.

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

23 (c) The judge shall review the family services plan document
24 regarding placement of ~~siblings. Notice of said review shall be given by~~
25 SIBLINGS AND EFFORTS TO LOCATE RELATIVES OR KIN. IF THE CHILD OR
26 YOUTH IS RESIDING WITH A RELATIVE OR KIN, THE FAMILY SERVICES PLAN
27 MUST DESCRIBE THE EFFORTS MADE BY THE COUNTY TO MAINTAIN THE

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

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

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

25 (e) AN INTERVENOR MAY NOT, ON THE INTERVENOR'S OWN
26 MOTION, SEEK TO RESTRICT FAMILY TIME BETWEEN A CHILD OR YOUTH
27 AND THE PARENT OR RELATIVES, FILE A PETITION TO TERMINATE PARENTAL

1 RIGHTS, OR APPEAL A DENIAL OF TERMINATION OF PARENTAL RIGHTS.

2

3 **SECTION 5.** In Colorado Revised Statutes, 19-3-508, **amend** (1)
4 introductory portion, (1)(b), and (5) as follows:

5 **19-3-508. Neglected or dependent child or youth - disposition**
6 **- concurrent planning - definition.** (1) When a child OR YOUTH has
7 been adjudicated to be neglected or dependent, the court may enter a
8 decree of disposition the same day, but in any event it shall do so within
9 ~~forty-five~~ FORTY-TWO days, unless the court finds that the best interests
10 of the child OR YOUTH will be served by granting a delay. In a county
11 designated pursuant to section 19-1-123, if the child OR YOUTH is ~~under~~
12 LESS THAN six years of age at the time a petition is filed in accordance
13 with section 19-3-501 (2), the court shall enter a decree of disposition
14 within ~~thirty~~ TWENTY-EIGHT days after the adjudication and shall not
15 grant a delay unless good cause is shown and unless the court finds that
16 the best interests of the child OR YOUTH will be served by granting the
17 delay. It is the intent of the general assembly that the dispositional hearing
18 be held on the same day as the adjudicatory hearing, whenever possible.
19 If a delay is granted, the court shall set forth the reasons why a delay is
20 necessary and the minimum amount of time needed to resolve the reasons
21 for the delay and shall schedule the hearing at the earliest possible time
22 following the delay. When the proposed disposition is termination of the
23 parent-child legal relationship, the hearing on termination must not be
24 held on the same date as the adjudication, and the time limits set forth
25 above for dispositional hearings do not apply. When the proposed
26 disposition is termination of the parent-child legal relationship, the court
27 may continue the dispositional hearing to the earliest available date for a

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

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

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

6 (b) (I) If the court finds that placement out of the home is
7 necessary and is in the best interests of the child OR YOUTH and the
8 community, the court shall place the child OR YOUTH with a relative OR
9 KIN, including the child's OR YOUTH'S grandparent, as provided in
10 ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this section, ~~if such~~
11 ~~placement is in the child's best interests.~~ IN CONSIDERING THE
12 PLACEMENT, THE COURT SHALL GIVE PRIMARY CONSIDERATION TO THE
13 CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS,
14 INCLUDING THE CHILD'S OR YOUTH'S PREFERENCE REGARDING PLACEMENT.
15 THE COURT SHALL CONSIDER WHETHER A PROPOSED PLACEMENT WOULD
16 HINDER EFFORTS TO REUNITE THE PARENT AND THE CHILD OR YOUTH AND
17 THE PARENT'S PREFERENCE REGARDING PLACEMENT. A PARENT'S
18 OBJECTION TO PLACEMENT WITH A PARTICULAR RELATIVE OR KIN IS NOT
19 ALONE SUFFICIENT TO SHOW THAT THE PROPOSED PLACEMENT WOULD
20 HINDER REUNIFICATION. The court shall place the child OR YOUTH in the
21 facility or setting that most appropriately meets the needs of the child OR
22 YOUTH, the family, and the community. In making its decision as to
23 proper placement, the court shall utilize the evaluation for placement
24 prepared pursuant to section 19-1-107. If the court deviates from the
25 recommendations of the evaluation for placement in a manner that results
26 in a difference in the cost of the disposition ordered by the court and the
27 cost of the disposition recommended in the evaluation, the court shall

1 make specific findings of fact relating to its decision, including the
2 monthly cost of the placement, if ordered. THE COURT SHALL SEND a copy
3 of such findings ~~shall be sent~~ to the chief justice of the supreme court,
4 who shall report annually ON SUCH ORDERS AND FINDINGS OF FACT to the
5 joint budget committee, ~~and annually to the health, environment, welfare,~~
6 ~~and institutions committees~~ THE PUBLIC AND BEHAVIORAL HEALTH AND
7 HUMAN SERVICES COMMITTEE of the house of representatives, and THE
8 HEALTH AND HUMAN SERVICES COMMITTEE OF THE senate, OR ANY
9 SUCCESSOR COMMITTEES. ~~of the general assembly on such orders.~~

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

21 (III) IF THE COUNTY DEPARTMENT LOCATES A CAPABLE, WILLING,
22 ~~AND AVAILABLE RELATIVE OR KIN FOR THE CHILD OR YOUTH, IT IS~~
23 ~~PRESUMED THAT PLACEMENT OF THE CHILD OR YOUTH WITH THE RELATIVE~~
24 ~~OR KIN IS IN THE BEST INTERESTS OF THE CHILD OR YOUTH. THE~~
25 ~~PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE OF THE EVIDENCE,~~
26 ~~GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL,~~
27 ~~PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S~~

1 PREFERENCE REGARDING PLACEMENT. THE COURT SHALL CONSIDER
2 WHETHER A PROPOSED PLACEMENT WOULD HINDER EFFORTS TO REUNITE
3 THE PARENT AND THE CHILD OR YOUTH AND THE PARENT'S PREFERENCE
4 REGARDING PLACEMENT. A PARENT'S OBJECTION TO PLACEMENT WITH
5 A PARTICULAR RELATIVE OR KIN IS NOT ALONE SUFFICIENT TO SHOW THAT
6 THE PROPOSED PLACEMENT WOULD HINDER REUNIFICATION. PLACEMENT
7 WITH A RELATIVE OR KIN MUST BE CONSIDERED AND INVESTIGATED WHEN
8 THE CHILD OR YOUTH ENTERS FOSTER CARE, IS MOVED FROM A FOSTER
9 HOME, OR RETURNS TO FOSTER CARE AFTER THE CHILD OR YOUTH HAS
10 ACHIEVED PERMANENCY. AS USED IN THIS SUBSECTION (5), "RELATIVE"
11 INCLUDES A MEMBER OF THE CHILD'S OR YOUTH'S BIRTH FAMILY, ADOPTIVE
12 FAMILY, AND KIN, REGARDLESS OF WHETHER PARENTAL RIGHTS WERE
13 TERMINATED.

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

16 **19-3-702. Permanency hearing.** (5) For a child or youth in a
17 case designated pursuant to section 19-1-123 only:

18 (e) At each permanency planning hearing, the caseworker shall
19 provide the court with a written or verbal report specifying what efforts
20 have been made to identify a permanent home for the child OR YOUTH and
21 what services have been provided to the child OR YOUTH to facilitate
22 identification of a permanent home, INCLUDING THE DEPARTMENT'S
23 ONGOING EFFORTS TO IDENTIFY RELATIVES AND KIN AND TO ENGAGE THE
24 RELATIVES AND KIN IN PROVIDING SUPPORT FOR THE CHILD OR YOUTH AND
25 FAMILY, AND DOCUMENT THAT THE RELATIVES AND KIN HAVE BEEN
26 PROVIDED NOTICE AS REQUIRED BY SECTION 19-3-403 (3.6)(a)(IV). THE
27 DEPARTMENT SHALL ALSO REPORT ANY DECISION REGARDING PLACING

1 THE CHILD OR YOUTH WITH A RELATIVE OR KIN. IF THE DEPARTMENT
2 DETERMINES NOT TO PLACE THE CHILD OR YOUTH WITH A RELATIVE OR
3 KIN, AFTER GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S
4 MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, OR IF THE DEPARTMENT
5 DECIDES NOT TO PLACE A CHILD OR YOUTH WITH A RELATIVE OR KIN
6 BECAUSE THE PLACEMENT WOULD HINDER EFFORTS TO REUNITE THE CHILD
7 OR YOUTH AND PARENT, THE DEPARTMENT SHALL EXPLAIN WHY ANY
8 IDENTIFIED RELATIVES OR KIN HAVE BEEN RULED OUT FOR PLACEMENT.

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

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

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

27 **SECTION 7. Appropriation.** (1) For the 2023-24 state fiscal

1 year, \$13,879 is appropriated to the department of human services for use
2 by the division of child welfare. This appropriation is from the general
3 fund. To implement this act, the division may use this appropriation for
4 Colorado trails.

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

12 **SECTION 8. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2024 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.