

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

ENGROSSED

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

LLS NO. 19-0933.01 Michael Dohr x4347

HOUSE BILL 19-1219

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODERNIZATION OF THE PERMANENCY HEARING**
102 **STATUTES.**

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 repeals and reenacts the provisions related to child welfare permanency hearings to reorganize the statutes and use consistent terminology related to permanency hearings. The bill clarifies the burden of proof at permanency hearings. The bill includes recent federal law changes.

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

HOUSE
Amended 2nd Reading
March 25, 2019

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 19-3-702 as follows:

4 **19-3-702. Permanency hearing.** (1) (a) IN ORDER TO PROVIDE
5 STABLE, PERMANENT HOMES FOR EVERY CHILD OR YOUTH PLACED OUT OF
6 THE HOME, IN AS SHORT A TIME AS POSSIBLE, A COURT SHALL CONDUCT A
7 PERMANENCY PLANNING HEARING. THE COURT SHALL HOLD THE
8 PERMANENCY PLANNING HEARING AS SOON AS POSSIBLE FOLLOWING THE
9 INITIAL DISPOSITIONAL HEARING PURSUANT TO THIS ARTICLE 3; EXCEPT
10 THAT THE PERMANENCY PLANNING HEARING MUST BE HELD NO LATER
11 THAN NINETY DAYS AFTER THE INITIAL DECREE OF DISPOSITION. AFTER
12 THE INITIAL PERMANENCY PLANNING HEARING, THE COURT SHALL HOLD
13 ADDITIONAL HEARINGS AT LEAST EVERY SIX MONTHS WHILE THE CASE
14 REMAINS OPEN OR MORE OFTEN IN THE DISCRETION OF THE COURT, OR
15 UPON THE MOTION OF ANY PARTY. WHEN POSSIBLE, THE PERMANENCY
16 PLANNING HEARING MUST BE COMBINED WITH THE IN-PERSON SIX-MONTH
17 REVIEW AS PROVIDED FOR IN SECTION 19-1-115 (4)(c) OR SUBSECTION
18 (6)(a) OF THIS SECTION. THE COURT SHALL HOLD ALL PERMANENCY
19 PLANNING HEARINGS IN PERSON, PROVIDE PROPER NOTICE TO ALL PARTIES,
20 AND PROVIDE ALL PARTIES THE OPPORTUNITY TO BE HEARD. THE COURT
21 SHALL CONSULT WITH THE CHILD OR YOUTH IN A DEVELOPMENTALLY
22 APPROPRIATE MANNER REGARDING THE CHILD'S OR YOUTH'S PERMANENCY
23 GOAL.

24 (b) IF THE COURT FINDS THAT REASONABLE EFFORTS TO REUNIFY
25 THE CHILD OR YOUTH AND THE PARENT ARE NOT REQUIRED PURSUANT TO
26 SECTION 19-1-115 (7) OR IF THERE IS A FINDING THAT NO APPROPRIATE

1 TREATMENT PLAN CAN BE DEVISED PURSUANT TO SECTION 19-3-508
2 (1)(d)(I), THE COURT SHALL HOLD A PERMANENCY PLANNING HEARING
3 WITHIN THIRTY DAYS AFTER THE FINDING. IF THE COURT FINDS THAT
4 REASONABLE EFFORTS TO REUNIFY THE CHILD OR YOUTH AND THE PARENT
5 ARE NOT REQUIRED AND A MOTION FOR TERMINATION HAS BEEN FILED
6 PURSUANT TO SECTION 19-3-602, THE PERMANENCY PLANNING HEARING
7 AND THE HEARING ON THE MOTION FOR TERMINATION MAY BE COMBINED,
8 AND THE COURT SHALL MAKE ALL DETERMINATIONS REQUIRED AT BOTH
9 HEARINGS IN THE COMBINED HEARING.

10 (2) (a) WHEN THE COURT SCHEDULES A PERMANENCY PLANNING
11 HEARING PURSUANT TO THIS SECTION, THE COURT OR DESIGNEE OF THE
12 COURT SHALL PROMPTLY ISSUE A NOTICE STATING THE PURPOSE OF THE
13 HEARING. THE NOTICE MUST SET FORTH THE CONSTITUTIONAL AND
14 STATUTORY RIGHTS OF THE CHILD'S OR YOUTH'S PARENTS OR GUARDIAN
15 AND THE STATUTORY RIGHTS OF THE CHILD OR YOUTH. THE NOTICE OF THE
16 HEARING MUST COMPLY WITH THE REQUIREMENTS STATED IN SECTION
17 19-3-502 (7) AND MUST BE SENT TO PARENTS OR GUARDIANS, PLACEMENT
18 PROVIDERS, AND NAMED CHILDREN OR YOUTH.

19 (b) THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES
20 SHALL PROPOSE A PERMANENCY PLAN FOR EACH CHILD OR YOUTH, WHICH
21 PLAN MUST BE COMPLETED AND SUBMITTED TO THE COURT IN THE FAMILY
22 SERVICES PLAN NO LATER THAN FIVE DAYS IN ADVANCE OF THE
23 PERMANENCY PLANNING HEARING.

24 (3) AT ANY PERMANENCY PLANNING HEARING, THE COURT SHALL
25 FIRST DETERMINE IF THE CHILD OR YOUTH SHOULD BE RETURNED TO THE
26 CHILD'S OR YOUTH'S PARENT, NAMED GUARDIAN, OR LEGAL CUSTODIAN
27 AND, IF APPLICABLE, THE DATE ON WHICH THE CHILD OR YOUTH MUST BE

1 RETURNED. IF THE CHILD OR YOUTH CANNOT BE RETURNED HOME, THE
2 COURT SHALL ALSO DETERMINE WHETHER REASONABLE EFFORTS HAVE
3 BEEN MADE TO FIND A SAFE AND STABLE PERMANENT HOME FOR THE
4 CHILD OR YOUTH. THE COURT SHALL NOT DELAY PERMANENCY PLANNING
5 BY CONSIDERING THE PLACEMENT OF CHILDREN OR YOUTH TOGETHER AS
6 A SIBLING GROUP. AT ANY PERMANENCY PLANNING HEARING, THE COURT
7 SHALL MAKE THE FOLLOWING DETERMINATIONS, WHEN APPLICABLE:

8 (a) WHETHER PROCEDURAL SAFEGUARDS TO PRESERVE PARENTAL
9 RIGHTS HAVE BEEN APPLIED IN CONNECTION WITH ANY CHANGE IN THE
10 CHILD'S OR YOUTH'S PLACEMENT OR ANY DETERMINATION AFFECTING
11 PARENTAL VISITATION OF THE CHILD OR YOUTH;

12 (b) WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO
13 FINALIZE THE PERMANENCY GOAL;

14 (c) WHETHER ONGOING EFFORTS HAVE BEEN MADE TO IDENTIFY
15 KIN AND RELATIVES THAT ARE AVAILABLE TO BE A PERMANENT
16 PLACEMENT FOR THE CHILD OR YOUTH;

17 (d) WHEN THE CHILD OR YOUTH RESIDES IN A PLACEMENT OUT OF
18 STATE, WHETHER THE OUT-OF-STATE PLACEMENT CONTINUES TO BE
19 APPROPRIATE AND IN THE BEST INTERESTS OF THE CHILD OR YOUTH;

20 (e) WHETHER A CHILD OR YOUTH WHO IS FOURTEEN YEARS OF AGE
21 OR OLDER IS RECEIVING TRANSITION SERVICES TO SUCCESSFUL
22 ADULTHOOD, REGARDLESS OF HIS OR HER PERMANENCY GOAL; AND

23 (f) WHETHER THE CURRENT PLACEMENT OF THE CHILD OR YOUTH
24 COULD BE A PERMANENT PLACEMENT, IF NECESSARY.

25 (4) (a) IF THE CHILD OR YOUTH CANNOT BE RETURNED TO THE
26 PHYSICAL CUSTODY OF THE CHILD'S OR YOUTH'S PARENT OR LEGAL
27 GUARDIAN ON THE DATE OF THE HEARING, THE COURT SHALL ENTER ONE

1 OR MORE OF THE FOLLOWING PERMANENCY GOALS, OF WHICH
2 SUBSECTIONS (4)(a)(I) TO (4)(a)(V) OF THIS SECTION MAY BE ADOPTED AS
3 CONCURRENT GOALS PURSUANT TO SECTION 19-3-508 (7):

4 (I) RETURN HOME;

5 (II) ADOPTION WITH A RELATIVE;

6 (III) PERMANENT PLACEMENT WITH A RELATIVE THROUGH LEGAL
7 GUARDIANSHIP OR ALLOCATION OF PARENTAL RESPONSIBILITIES;

8 (IV) ADOPTION WITH A NONRELATIVE;

9 (V) PERMANENT PLACEMENT WITH A NONRELATIVE THROUGH
10 LEGAL GUARDIANSHIP OR ALLOCATION OF PARENTAL RESPONSIBILITIES;

11 (VI) (A) OTHER PLANNED PERMANENT LIVING ARRANGEMENTS
12 EITHER THROUGH EMANCIPATION OR LONG-TERM FOSTER CARE.

13 (B) OTHER PLANNED PERMANENT LIVING ARRANGEMENTS MAY
14 ONLY BE USED AS A PERMANENCY GOAL FOR CHILDREN OR YOUTH IN
15 EXCEPTIONAL CIRCUMSTANCES FOR CHILDREN SIXTEEN YEARS OF AGE OR
16 OLDER WHO HAVE CO-OCCURRING COMPLEX CONDITIONS THAT PRECLUDE
17 THEIR RETURN HOME, THEIR ADOPTION OR LEGAL GUARDIANSHIP, OR
18 ALLOCATION OF PARENTAL RESPONSIBILITIES; OR FOR CHILDREN AND
19 YOUTH WHO ARE IN THE UNACCOMPANIED REFUGEE MINOR PROGRAM,
20 REGARDLESS OF THEIR AGE.

21 (C) OTHER PLANNED PERMANENT LIVING ARRANGEMENTS MAY
22 NOT BE USED AS A CONCURRENT GOAL.

23 (D) THE COURT SHALL ASK THE CHILD OR YOUTH ABOUT HIS OR
24 HER DESIRED PERMANENCY OUTCOME WHEN CONSIDERING OTHER
25 PLANNED PERMANENT LIVING ARRANGEMENTS.

26 (b) (I) THE DEPARTMENT SHALL DOCUMENT IN THE FAMILY
27 SERVICES PLAN THE COMPELLING REASONS WHY IT IS NOT IN THE BEST

1 INTEREST OF THE CHILD OR YOUTH TO RETURN HOME, BE PLACED FOR
2 ADOPTION, BE PLACED WITH A LEGAL GUARDIAN, OR BE PLACED WITH A FIT
3 AND WILLING RELATIVE. IN ADDITION, THE DEPARTMENT SHALL
4 DOCUMENT INTENSIVE, ONGOING, AND UNSUCCESSFUL EFFORTS MADE TO
5 RETURN THE CHILD OR YOUTH HOME OR TO A SECURE PLACEMENT WITH A
6 FIT AND WILLING RELATIVE, INCLUDING ADULT SIBLINGS; A LEGAL
7 GUARDIAN; OR AN ADOPTIVE PARENT, INCLUDING EFFORTS THAT UTILIZE
8 SEARCH TECHNOLOGY THAT INCLUDES SOCIAL MEDIA TO FIND BIOLOGICAL
9 FAMILY MEMBERS FOR THE CHILDREN OR YOUTH.

10 (II) THE DEPARTMENT SHALL DOCUMENT IN THE FAMILY SERVICES
11 PLAN AND THE COURT SHALL REVIEW WHETHER THE CHILD'S OR YOUTH'S
12 PLACEMENT IS FOLLOWING THE REASONABLE AND PRUDENT PARENT
13 STANDARD AND WHETHER THE CHILD OR YOUTH HAS REGULAR, ONGOING
14 OPPORTUNITIES TO ENGAGE IN AGE-APPROPRIATE ACTIVITIES.

15 (c) PRIOR TO CLOSING A CASE BEFORE A CHILD'S EIGHTEENTH
16 BIRTHDAY, THE COURT OR THE CHILD'S GUARDIAN AD LITEM SHALL NOTIFY
17 THE CHILD THAT HE OR SHE WILL LOSE THE RIGHT TO RECEIVE MEDICAID
18 UNTIL THE MAXIMUM AGE PROVIDED BY FEDERAL LAW IF THE CASE IS
19 CLOSED PRIOR TO THE CHILD'S EIGHTEENTH BIRTHDAY.

20 (d) EVERY CHILD WHO IS EIGHTEEN YEARS OF AGE OR OLDER WHO
21 IS LEAVING FOSTER OR KINSHIP CARE MUST BE PROVIDED WITH HIS OR HER
22 BIRTH CERTIFICATE, SOCIAL SECURITY CARD, HEALTH INSURANCE
23 INFORMATION, MEDICAL RECORDS, [REDACTED] EITHER A DRIVER'S LICENSE OR
24 STATE-ISSUED IDENTIFICATION CARD, AND PROOF OF FOSTER CARE.

25 (e) IF THE COURT FINDS THAT THERE IS NOT A SUBSTANTIAL
26 PROBABILITY THAT THE CHILD OR YOUTH WILL BE RETURNED TO A PARENT
27 OR LEGAL GUARDIAN WITHIN SIX MONTHS AND THE CHILD OR YOUTH

1 APPEARS TO BE ADOPTABLE AND MEETS THE CRITERIA FOR ADOPTION IN
2 SECTION 19-5-203, THE COURT MAY ORDER THE COUNTY DEPARTMENT OF
3 HUMAN OR SOCIAL SERVICES TO SHOW CAUSE WHY IT SHOULD NOT FILE A
4 MOTION TO TERMINATE THE PARENT-CHILD LEGAL RELATIONSHIP
5 PURSUANT TO PART 6 OF THIS ARTICLE 3. CAUSE MAY INCLUDE, BUT IS NOT
6 LIMITED TO, ANY OF THE FOLLOWING CONDITIONS:

7 (I) THE PARENT OR LEGAL GUARDIAN HAS MAINTAINED REGULAR
8 PARENTING TIME AND CONTACT WITH THE CHILD OR YOUTH, AND THE
9 CHILD OR YOUTH WOULD BENEFIT FROM CONTINUING THIS RELATIONSHIP;

10 (II) A CHILD WHO IS TWELVE YEARS OF AGE OR OLDER OBJECTS TO
11 TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP;

12 (III) THE CHILD'S FOSTER PARENTS ARE UNABLE TO ADOPT THE
13 CHILD BECAUSE OF EXCEPTIONAL CIRCUMSTANCES THAT DO NOT INCLUDE
14 AN UNWILLINGNESS TO ACCEPT LEGAL RESPONSIBILITY FOR THE CHILD.
15 THE FOSTER PARENTS MUST BE WILLING AND CAPABLE OF PROVIDING THE
16 CHILD WITH A STABLE AND PERMANENT ENVIRONMENT, AND IT MUST BE
17 SHOWN THAT REMOVAL OF THE CHILD FROM THE PHYSICAL CUSTODY OF
18 HIS OR HER FOSTER PARENTS WOULD BE SERIOUSLY DETRIMENTAL TO THE
19 EMOTIONAL WELL-BEING OF THE CHILD; OR

20 (IV) THE CRITERIA FOR TERMINATION IN SECTION 19-3-604 HAVE
21 NOT YET BEEN MET.

22 (5) FOR A CHILD OR YOUTH IN A CASE DESIGNATED PURSUANT TO
23 SECTION 19-1-123 ONLY:

24 (a) A PERMANENT HOME IS THE PLACE IN WHICH THE CHILD OR
25 YOUTH MAY RESIDE IF THE CHILD OR YOUTH IS UNABLE TO RETURN HOME
26 TO A PARENT OR LEGAL GUARDIAN. IF THE COURT DETERMINES BY A
27 PREPONDERANCE OF THE EVIDENCE THAT A PERMANENT HOME IS NOT

1 CURRENTLY AVAILABLE OR THAT THE CHILD'S OR YOUTH'S CURRENT NEEDS
2 OR SITUATION PROHIBIT PLACEMENT, THE COURT MUST BE SHOWN AND THE
3 COURT MUST FIND THAT REASONABLE EFFORTS, AS DEFINED IN SECTION
4 19-1-103 (89), WERE MADE TO FIND THE CHILD OR YOUTH AN APPROPRIATE
5 PERMANENT HOME AND SUCH A HOME IS NOT CURRENTLY AVAILABLE OR
6 THAT A CHILD'S OR YOUTH'S NEEDS OR SITUATION PROHIBIT THE CHILD OR
7 YOUTH FROM A SUCCESSFUL PLACEMENT IN A PERMANENT HOME.

8 (b) REGARDLESS OF ANY PERMANENT HOME FINDINGS MADE
9 PURSUANT TO THIS SECTION, REASONABLE EFFORTS SHALL CONTINUE TO
10 BE MADE TO RETURN THE CHILD OR YOUTH HOME UNLESS THE COURT HAS
11 PREVIOUSLY FOUND OR FINDS THAT REUNIFICATION IS NOT AN OPTION
12 PURSUANT TO SECTION 19-1-115 (7). ANY FINDINGS BY THE COURT
13 REGARDING A PERMANENT HOME SHALL NOT DELAY OR INTERFERE WITH
14 REUNIFICATION OF A CHILD OR YOUTH WITH A PARENT OR LEGAL
15 GUARDIAN.

16 (c) AT A PERMANENCY PLANNING HEARING THAT OCCURS
17 IMMEDIATELY PRIOR TO TWELVE MONTHS AFTER THE ORIGINAL
18 PLACEMENT OF THE CHILD OR YOUTH OUT OF THE HOME, THE COURT SHALL
19 MAKE A FINDING IDENTIFYING WHETHER THE CHILD OR YOUTH IS IN A
20 PLACEMENT THAT CAN PROVIDE LEGAL PERMANENCY. THE COURT MUST
21 MAKE THIS FINDING TO ENSURE THAT A CHILD OR YOUTH WHO HAS BEEN
22 REMOVED FROM HIS OR HER HOME IS PLACED IN A PERMANENT HOME AS
23 EXPEDITIOUSLY AS POSSIBLE.

24 (d) THE COURT SHALL REVIEW THE CASE AT A PERMANENCY
25 PLANNING HEARING AT LEAST EVERY SIX MONTHS UNTIL THE COURT FINDS
26 THAT THE CHILD OR YOUTH IS IN A PERMANENT HOME. THE PERMANENCY
27 PLANNING HEARINGS SHALL CONTINUE AS LONG AS THE COURT IS UNABLE

1 TO FIND THAT THE CHILD OR YOUTH IS IN A PERMANENT HOME. AT EACH
2 HEARING, THE COURT MUST BE PROVIDED EVIDENCE THAT A CHILD OR
3 YOUTH IS IN A PERMANENT HOME OR THAT REASONABLE EFFORTS, AS
4 DEFINED IN SECTION 19-1-103 (89), CONTINUE TO BE MADE TO FIND THE
5 CHILD OR YOUTH AN APPROPRIATE PERMANENT HOME AND SUCH A HOME
6 IS NOT CURRENTLY AVAILABLE OR THAT A CHILD'S OR YOUTH'S NEEDS OR
7 SITUATION PROHIBIT THE CHILD OR YOUTH FROM SUCCESSFUL PLACEMENT
8 IN A PERMANENT HOME.

9 (e) AT EACH PERMANENCY PLANNING HEARING, THE CASEWORKER
10 AND THE CHILD'S OR YOUTH'S GUARDIAN AD LITEM SHALL PROVIDE THE
11 COURT WITH A WRITTEN OR VERBAL REPORT SPECIFYING WHAT EFFORTS
12 HAVE BEEN MADE TO IDENTIFY A PERMANENT HOME FOR THE CHILD OR
13 YOUTH AND WHAT SERVICES HAVE BEEN PROVIDED TO THE CHILD OR
14 YOUTH TO FACILITATE IDENTIFICATION OF A PERMANENT HOME.

15 (f) IN DETERMINING WHETHER A CHILD OR YOUTH IS IN A
16 PERMANENT HOME, THE COURT SHALL CONSIDER PLACEMENT OF THE
17 CHILDREN OR YOUTH TOGETHER AS A SIBLING GROUP PURSUANT TO
18 SECTION 19-3-213.

19 (6) IF A PLACEMENT CHANGE IS CONTESTED BY A NAMED PARTY OR
20 CHILD OR YOUTH AND THE CHILD OR YOUTH IS NOT REUNIFYING WITH A
21 PARENT OR LEGAL GUARDIAN, THE COURT SHALL CONSIDER ALL PERTINENT
22 INFORMATION, INCLUDING THE CHILD'S OR YOUTH'S WISHES, RELATED TO
23 MODIFYING THE PLACEMENT OF THE CHILD OR YOUTH PRIOR TO REMOVING
24 THE CHILD OR YOUTH FROM HIS OR HER PLACEMENT, AND INCLUDING THE
25 FOLLOWING:

26 (a) AN INDIVIDUALIZED ASSESSMENT OF THE CHILD'S OR YOUTH'S
27 NEEDS CREATED PURSUANT TO TITLE IV-E OF THE FEDERAL "SOCIAL

1 SECURITY ACT", AS AMENDED, AND REGULATIONS PROMULGATED
2 THEREUNDER, AS AMENDED;

3 (b) WHETHER THE CHILD'S OR YOUTH'S PLACEMENT AT THE TIME
4 OF THE HEARING IS A SAFE AND POTENTIALLY PERMANENT HOME FOR THE
5 CHILD OR YOUTH;

6 (c) THE CHILD'S OR YOUTH'S ACTUAL AGE AND DEVELOPMENTAL
7 STAGE AND, IN CONSIDERATION OF THIS INFORMATION, THE CHILD'S OR
8 YOUTH'S ATTACHMENT NEEDS;

9 (d) WHETHER THE CHILD OR YOUTH HAS SIGNIFICANT
10 PSYCHOLOGICAL TIES TO A PERSON WHO COULD PROVIDE A PERMANENT
11 HOME FOR THE CHILD OR YOUTH, INCLUDING A RELATIVE, AND, IF SO,
12 WHETHER THIS PERSON MAINTAINED CONTACT WITH THE CHILD OR YOUTH
13 DURING THE CHILD'S OR YOUTH'S PLACEMENT OUT OF THE HOME;

14 (e) WHETHER A PERSON WHO COULD PROVIDE A PERMANENT HOME
15 FOR THE CHILD OR YOUTH IS WILLING TO MAINTAIN APPROPRIATE CONTACT
16 AFTER AN ADOPTION OF THE CHILD OR YOUTH WITH THE CHILD'S OR
17 YOUTH'S RELATIVES, PARTICULARLY SIBLING RELATIVES, WHEN SUCH
18 CONTACT IS SAFE, REASONABLE, AND APPROPRIATE;

19 (f) WHETHER A PERSON WHO COULD PROVIDE A PERMANENT HOME
20 FOR THE CHILD OR YOUTH IS AWARE OF THE CHILD'S OR YOUTH'S CULTURE
21 AND IS WILLING TO PROVIDE THE CHILD OR YOUTH WITH POSITIVE TIES TO
22 HIS OR HER CULTURE;

23 (g) THE CHILD'S OR YOUTH'S MEDICAL, PHYSICAL, EMOTIONAL, OR
24 OTHER SPECIFIC NEEDS, AND WHETHER A PERSON WHO COULD PROVIDE A
25 PERMANENT PLACEMENT FOR THE CHILD OR YOUTH IS ABLE TO MEET THE
26 CHILD'S OR YOUTH'S NEEDS; AND

27 (h) THE CHILD'S OR YOUTH'S ATTACHMENT TO THE CHILD'S OR

1 YOUTH'S CAREGIVER AT THE TIME OF THE HEARING AND THE POSSIBLE
2 EFFECTS ON THE CHILD'S OR YOUTH'S EMOTIONAL WELL-BEING IF THE
3 CHILD OR YOUTH IS REMOVED FROM THE CAREGIVER'S HOME.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 19-3-702.5 as
5 follows:

6 **19-3-702.5. Periodic reviews.** (1) THE COURT SHALL CONDUCT
7 A PERIODIC REVIEW AT LEAST EVERY SIX MONTHS AND, AT THE PERIODIC
8 REVIEW, SHALL DETERMINE THE FOLLOWING:

9 (a) WHETHER THE CHILD'S OR YOUTH'S SAFETY IS PROTECTED IN
10 THE PLACEMENT;

11 (b) WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO FIND
12 SAFE AND PERMANENT PLACEMENT FOR THE CHILD OR YOUTH;

13 (c) THE CONTINUING NECESSITY FOR AND THE APPROPRIATENESS
14 OF THE CHILD'S OR YOUTH'S PLACEMENT;

15 (d) THE EXTENT OF COMPLIANCE WITH THE INDIVIDUAL CASE PLAN
16 PURSUANT TO SECTION 19-3-209, AND THE EXTENT OF PROGRESS THAT
17 HAS BEEN MADE TOWARD ALLEVIATING OR MITIGATING THE CAUSES
18 NECESSITATING PLACEMENT OUT OF THE HOME;

19 (e) A LIKELY TIME FRAME IN WHICH THE CHILD OR YOUTH WILL BE
20 RETURNED TO A PARENT OR LEGAL GUARDIAN OR BE IN A SAFE AND
21 PERMANENT HOME; AND

22 (f) IF THE CHILD OR YOUTH IS NOT LIKELY TO BE RETURNED TO A
23 PARENT OR LEGAL GUARDIAN WITHIN SIX MONTHS, A FINDING ABOUT
24 WHETHER THE CHILD OR YOUTH IS IN A POTENTIAL PERMANENT
25 PLACEMENT AND IF NOT, A LIKELY TIME FRAME WHEN HE OR SHE WILL BE
26 IN A SAFE AND PERMANENT HOME.

27 **SECTION 3.** In Colorado Revised Statutes, **repeal** 19-3-703.

1 **SECTION 4.** In Colorado Revised Statutes, 19-1-115, **amend**
2 (4)(c) and (6.7) as follows:

3 **19-1-115. Legal custody - guardianship - placement out of the**
4 **home - petition for review for need of placement.** (4) (c) The court
5 shall review any decree or, if there is no objection by any party to the
6 action, the court may, in its discretion, require an administrative review
7 by the state department of human services of any decree entered in
8 accordance with this subsection (4) each six months after the initial
9 review provided in ~~paragraph (a) of this subsection (4)~~ **SUBSECTION (4)(a)**
10 **OF THIS SECTION.** In the event that an administrative review is ordered, all
11 counsel of record ~~shall~~ **MUST** be notified and may appear at said review.
12 Periodic reviews ~~shall~~ **MUST** include the determinations and projections
13 required in ~~section 19-3-702 (6)~~ **SECTION 19-3-702.5.**

14 (6.7) Any time the court enters an order related to out-of-home
15 placement pursuant to ~~paragraphs (a), (b), and (c) of subsection (6)~~
16 **SUBSECTIONS (6)(a), (6)(b), AND (6)(c) OF THIS SECTION** or ~~paragraph (b)~~
17 **of subsection (6.5) SUBSECTION (6.5)(b) of this section; paragraph (f) of**
18 **subsection (8) SUBSECTION (8)(f) of this section; section 19-2-508**
19 **(3)(a)(VII)(A) and (3)(a)(VII)(B); section 19-2-906.5 (1)(a), (1)(b), and**
20 **(3)(a)(III); or section 19-3-702 (3.5)(b) and (6)(a)(II) SECTIONS 19-3-702**
21 **(3)(b) AND 19-3-702.5 (1)(b), the order shall be** IS effective as of the date
22 the findings were made by the court, notwithstanding the date that a
23 written order may be signed by the court. Written orders entered pursuant
24 to ~~paragraphs (a), (b), and (c) of subsection (6)~~ **SUBSECTIONS (6)(a),**
25 **(6)(b), AND (6)(c) OF THIS SECTION** or ~~paragraph (b) of subsection (6.5)~~
26 **SUBSECTION (6.5)(b) of this section; paragraph (f) of subsection (8)**
27 **SUBSECTION (8)(f) of this section; section 19-2-508 (3)(a)(VII)(A) and**

1 (3)(a)(VII)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or ~~section~~
2 ~~19-3-702 (3.5)(b) and (6)(a)(H) shall~~ SECTIONS 19-3-702 (3)(b) AND
3 19-3-702.5 (1)(b) MUST state "the effective date of this order is" and ~~shall~~
4 MUST not use the words "nunc pro tunc".

5 **SECTION 5.** In Colorado Revised Statutes, **amend** 19-3-104 as
6 follows:

7 **19-3-104. Hearings - procedure.** ~~Except for proceedings held~~
8 ~~pursuant to section 19-3-703,~~ Any hearing conducted pursuant to this
9 ~~article~~ ARTICLE 3 in a county designated pursuant to section 19-1-123
10 regarding a child who is under six years of age at the time a petition is
11 filed in accordance with section 19-3-501 (2) ~~shall~~ MUST not be delayed
12 or continued unless good cause is shown and unless the court finds that
13 the best interests of the child will be served by granting a delay or
14 continuance. Whenever any such delay or continuance is granted, the
15 court shall set forth the specific reasons necessitating the delay or
16 continuance and shall schedule the matter within thirty days after the date
17 of granting the delay or continuance. If appropriate, in any hearing
18 conducted pursuant to this ~~article~~ ARTICLE 3 in a county designated
19 pursuant to section 19-1-123 regarding a child who is under six years of
20 age at the time a petition is filed in accordance with section 19-3-501 (2),
21 the court shall include all other children residing in the same household
22 whose placement is subject to determination pursuant to this ~~article~~
23 ARTICLE 3.

24 **SECTION 6.** In Colorado Revised Statutes, 19-7-101, **amend**
25 (1)(p) as follows:

26 **19-7-101. Legislative declaration.** (1) The general assembly
27 finds and declares that youth in foster care, excluding those in the custody

1 of the division of youth services or a state hospital for persons with
2 mental health disorders, should enjoy the following:

3 (p) Consulting with the court conducting the youth's permanency
4 hearing, in an age-appropriate manner, regarding the youth's permanency
5 plan, pursuant to ~~section 19-3-702 (3.7)~~ SECTION 19-3-702 (1)(a);

6 **SECTION 7.** In Colorado Revised Statutes, 26-5-110, **amend**
7 (2)(b) introductory portion, (2)(b)(II), and (2)(b)(III) as follows:

8 **26-5-110. Guardianship assistance program - legislative**
9 **declaration - eligibility - rules.** (2) There is established a guardianship
10 assistance program in the state department, referred to in this section as
11 the "program". Assistance from the program is available when a court has
12 determined that adoption and reunification with the child's or children's
13 parent or legal guardian are not appropriate permanency options for the
14 child or children. Program assistance is available in the following
15 situations:

16 (b) To a certified foster parent or parents who do not otherwise
17 qualify for the program pursuant to ~~paragraph (a) of this subsection (2)~~
18 SUBSECTION (2)(a) if:

19 (II) The dependency and neglect court finds that the child or
20 children have a substantial psychological tie to the certified foster parent
21 or parents, such that it would be seriously detrimental to the child's or
22 children's emotional well-being to remove the child or children from the
23 certified foster parent's or parents' care, as described in ~~section 19-3-702~~
24 ~~(5)(a)(III) and (5)(b), C.R.S.~~ SECTION 19-3-702 (4)(e)(III);

25 (III) Adoption and reunification are not appropriate permanency
26 options for the child or children, and the dependency and neglect court
27 finds, pursuant to ~~section 19-3-702 (5)(a)(III), C.R.S.~~, SECTION 19-3-702

1 (4)(e)(III) that the child's or children's certified foster parent or parents
2 are unable to adopt the child because of exceptional circumstances, which
3 do not include an unwillingness to accept legal responsibility for the
4 child, but they are willing and capable of providing the child with a stable
5 and permanent environment;

6 **SECTION 8. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2020 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.