Fwd: FINAL CALL TO ACTION on HB23-1024 - Wed, April 5bobo adventures to: committees.lcs.ga 03/29/2023 01:54 PM

---------- Forwarded message ---------
From: **bobo adventures** <animartinez1313@gmail.com>
Date: Wed, Mar 29, 2023, 9:27 AM
Subject: Re: FINAL CALL TO ACTION on HB23-1024 - Wed, April 5
To: <info@fostersource.org>

Dear Senator,

I am writing as a concerned constituent of yours about House Bill 23-1024 as it relates to the time frame for foster parents to intervene as parties to the case. My name is Anita and im a Certified Kinship Provider and I've known my children for 11 years now and it was very frustrating that as a step mom not being able to help them until it was to late. Now that they've been with me for 2 years its been a challenge due to the trauma that happened in bio moms care. If you extend the law to 12 months it will make it very difficult for us to help children like my own. We can better ease there pain or help them cope with everyday lives and past trauma. I personally came from a back round of foster homes, abuse, in forms of sexual, physical and mental abuse and I personally know that if I got placed somewhere its because of my safety. My abuse stopped and I was safe.I got help at these foster homes to better myself, my past and recover from trauma. Imagine if I'd have to sit there for 12 months with out any assistance from my foster parents? I would of been miserable for that 12 months time, I'd probably bounce around for 12 months. I personally believe foster, kinship provider's should be more involved because there here to help children from dangerous situations that bio parents dont understand or won't take accountability for. My mom was always the victim and I was the distraction in the way until my foster parents came in. Please consider at least 6 months rather then 12 months. I Love my children and want the best for them in life. Colorado law, pursuant to 19-3-507(5)(a), currently allows foster parents to intervene after the child has been in their care for three (3) months. HB 23-1024 proposes to restrict foster parent intervention until a child is in their care for twelve (12) months. I am asking for you to consider proposing a compromised amendment that foster parents may intervene after six (6) months of placement.

This amendment is supported by many stakeholders including foster parents across the state, Foster Source, County Attorneys, the Child Welfare Ombudsman, and the Office of the Child’s Representative. The ability for foster parents to intervene after six (6) months of placement is critical as foster parents would be otherwise unable to present evidence to the court regarding the child’s care and protection, which the Colorado Supreme Court wrote, in the 2013 case A.M. v. A.C., was critical to the court receiving all of the information in order to avoid making an erroneous decision.

The proponents of this restriction argue that foster parents still have a “right to be heard,” even without intervening, so the restriction would have no impact. While it is accurate that any caregiver has a “right to be heard,” it is inaccurate that the “right to be heard” is the same as a the “right to intervene” in a judicial proceeding.

Foster parents do have a right to speak at court but that is different from presenting evidence that can be used by the judge to make decisions. Intervention is a different type of involvement that allows for the foster parent to get and give more information, which can be incredibly beneficial to the child in their care.

I believe intervention is used in the majority of cases to bring more information to the judge from a source that is closest to the child at that moment. Most foster parents quit after the first year, not because caring for children is too difficult but because the system is too challenging. Adding in a limit like this only furthers the reality that foster parents feel as if they are not a valued part of the team and have limited options to advocate for the child in their care. In our state where there is a shortage of safe and available homes for children to go, this bill poses the risk of more foster parents quitting their essential roles. In 2018, Colorado's Division of Child Welfare formed a Foster Parent Steering Committee and task group that recommended a move toward formalizing positive practices and evidence-based practices including the recommendation that "Foster parent and foster youth voice needs to be actively included in an ongoing capacity at every phase and at all levels of the system that impact foster parenting". Intervention is a way to give a voice to children and youth in care at a critical time in a case. I hope you and other Senators will consider an amendment to the bill.

On Wed, Mar 29, 2023, 8:50 AM Foster Source <info@fostersource.org> wrote:

> Image
>
> ---
>
> ## Final Call to Action on HB23-1024
>
> **HB23-1024 is scheduled to go before the Senate Health & Human Services Committee on Wednesday, April 5 in room SCR357. We have been working hard on seeking much needed amendments for the bill and are holding on to hope that our efforts will pay off on Wednesday.**

We now need YOU to show up to testify about why it's crucial to the well-being of children in care to allow their caregivers (of any kind) to intervene in a timely manner. We are asking for as many foster parents as possible to show up IN PERSON and share your story. This is a big ask because there is no scheduled time for the hearing. It is "upon adjournment". This means we need to arrive around 9:30 AM and stay as long as needed to let our voices be heard (which could be all day). If you would like to talk through how to provide testimony or have any questions, please email jody@fostersource.org. If you have not emailed your senator yet with the below letter, it's not too late to do so! We all understand how incredibly complicated child welfare is. It's up to us to help educate our lawmakers about the impact this bill will have on children in care, foster, and kin families.

Register to testify in person here.

Dear Senator,

I am writing as a concerned constituent of yours about House Bill 23-1024 as it relates to the time frame for foster parents to intervene as parties to the case. [[INSERT ONE TO TWO SENTENCES HERE STATING YOUR ROLE, TIME AS A FOSTER PARENT, AND HOW MANY CHILDREN YOU HAVE HAD IN YOUR CARE.]] Colorado law, pursuant to 19-3-507(5)(a), currently allows foster parents to intervene after the child has been in their care for three (3) months. HB 23-1024 proposes to restrict foster parent intervention until a child is in their care for twelve (12) months. **I am asking for you to consider proposing a compromised amendment that foster parents may intervene after six (6) months of placement.**

This amendment is supported by many stakeholders including foster parents across the state, Foster Source, County Attorneys, the Child Welfare Ombudsman, and the Office of the Child’s Representative. The ability for foster parents to intervene after six (6) months of placement is critical as foster parents would be otherwise unable to present evidence to the court regarding the child’s care and protection, which the Colorado Supreme Court wrote, in the 2013 case A.M. v. A.C., was critical to the court receiving all of the information in order to avoid making an erroneous decision.

The proponents of this restriction argue that foster parents still have a “right to be heard,” even without intervening, so the restriction would have no impact. While it is accurate that any caregiver has a “right to be heard,” it is inaccurate that the “right to be heard” is the same as a the “right to intervene” in a judicial proceeding.

Foster parents do have a right to speak at court but that is different from presenting evidence that can be used by the judge to make decisions. Intervention is a different type of involvement that allows for the foster parent to get and give more information, which can be incredibly beneficial to the child in their care.

I believe intervention is used in the majority of cases to bring more information to the judge from a source that is closest to the child at that moment. Most foster parents quit

after the first year, not because caring for children is too difficult but because the system is too challenging. Adding in a limit like this only furthers the reality that foster parents feel as if they are not a valued part of the team and have limited options to advocate for the child in their care. In our state where there is a shortage of safe and available homes for children to go, this bill poses the risk of more foster parents quitting their essential roles. In 2018, Colorado's Division of Child Welfare formed a Foster Parent Steering Committee and task group that recommended a move toward formalizing positive practices and evidence-based practices including the recommendation that ***"Foster parent and foster youth voice needs to be actively included in an ongoing capacity at every phase and at all levels of the system that impact foster parenting".*** Intervention is a way to give a voice to children and youth in care at a critical time in a case. I hope you and other Senators will consider an amendment to the bill.

Our Contact Information
Foster Source
3879 E. 120th Ave. #218
Thornton, CO 80233
303-618-4331
https://fostersource.org/

Unsubscribe | Manage email preferences

Thank you for the opportunity to submit written testimony to amend HB 23-1024, *Relative and Kin Placement of a Child*. My name is Rebecca Cales. I am, and have been, a certified foster parent in Denver since 2018 – first through Denver County, and currently through Mount St. Vincent. I am committed to serving as a resource family for metro-area children and youth, and fully support the goal of reunification with biological parents or family, where possible and appropriate. I have had two (2) children in my care during this time: the first for just under two (2) years, before she was ultimately reunited with her biological mother; and the second since last fall. I am the fourth (4th) home that the current child has been placed with in under two (2) years. I am also a registered and active voter in CO Senate District 33 / House District 8.

I applaud the efforts of the legislature to enact measures to protect vulnerable children and youth, and to strengthen families. I think we can all agree that these are worthwhile goals, and that ***appropriate*** legislation can help provide the means for our systems to better reach these goals. However, **I believe this legislation misses the mark as written, and will result in unintended consequences for the very children and youth that it is meant to protect**. The law, as proposed, *significantly restricts* the ability of foster parents to intervene in a child welfare case – limiting the information that the court can consider in determining the best interest of the child, and limiting the ability for the foster family to access critical information that may be needed to help the child or youth. Colorado law, pursuant to 19-3-507(5)(a), *currently* allows foster parents to intervene after the child has been in their care for three (3) months. HB 23-1024 proposes to *restrict* foster parent intervention until a child is in their care for twelve (12) months (regardless of how long the child has been in foster care). This twelve-month restriction is inappropriate for multiple reasons:

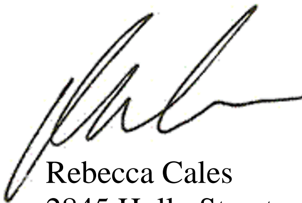
1) Children under the age of 6 are subject to expedited time frames (EPP), in which a court must make a determination as to permanency for a child *within* twelve (12) months, *not after*. This restriction will prohibit a foster family from participating in any "permanent home" discussions;
2) Many children and youth, **such as the one currently in my care**, may be shuffled from home to home within the first months or even year of an open case. A twelve (12)-month restriction tied to the time a child is in a particular home restricts the ability of foster families to participate in permanency discussions – even if a case has been open for several months or years, simply because the child has recently been moved. This can result in unnecessary delays in permanency or stability (as well as additional trauma) for affected children or youth;
3) Important decisions about a child's case are made between six (6) and twelve (12) months in care;
4) Even in cases where a child is reunited with biological parents, moved to a kinship home, or otherwise moved to a new placement, foster parent intervention is generally not about *whether* a change of placement happens, but rather about *how* that change of placement occurs and ensuring that it is done in a way that is *least harmful* to the child;
5) It has been shown that judges make the best decisions regarding the welfare of children and youth when they are provided the most information possible. This includes critical information from foster parents about the child's behaviors, attachments, and needs during out of home placement, transition home, etc. While these children/youth are in our care, *we are the expert*s on those children/youth and their behavior and needs. Intervention is the *only avenue* that foster parents have to introduce this evidence to the court; and

6) In Colorado, foster parents currently have the *right* to intervene after three (3) months. This threshold for intervention has been working. The change to a twelve (12)-month limit *drastically alters an existing right*, is overly restrictive, and does not make sense when relatives or kinship providers have the ability to intervene from the beginning of a case, regardless of their relationship with the child.

I speak from experience. The first child placed in my care was ultimately reunited with her biological mother. My intervention in that case allowed me to be an *active party* for transition planning activities to help ensure that the transition from my home, which the child had been in since she was two (2) years old, to her mom, was as seamless as possible, and that it was done in a way that minimized compounding trauma. It allowed me to share information directly with the court about the child's needs, to receive relevant case information, and to effectively advocate for the child's ongoing welfare – all which helps set up a biological parent for success after transition. *This kind of involvement ultimately makes families stronger.*

Although this bill has some great intent, **I urge you to amend the proposed restriction on foster parent intervention and replace it with a compromise of 6-months.**

Thank you for your time reviewing my testimony and considering these important issues.



Rebecca Cales
2845 Holly Street
Denver, CO 80207
rjcales@gmail.com

Thank you for the opportunity to submit written testimony to amend HB 23-1024, *Relative and Kin Placement of a Child*. My name is Rebecca Cales. I am, and have been, a certified foster parent in Denver since 2018 – first through Denver County, and currently through Mount St. Vincent. I am committed to serving as a resource family for metro-area children and youth, and fully support the goal of reunification with biological parents or family, where possible and appropriate. I have had two (2) children in my care during this time: the first for just under two (2) years, before she was ultimately reunited with her biological mother; and the second since last fall. I am the fourth (4th) home that the current child has been placed with in under two (2) years. I am also a registered and active voter in CO Senate District 33 / House District 8.

I applaud the efforts of the legislature to enact measures to protect vulnerable children and youth, and to strengthen families. I think we can all agree that these are worthwhile goals, and that ***appropriate*** legislation can help provide the means for our systems to better reach these goals. However, **I believe this legislation misses the mark as written, and will result in unintended consequences for the very children and youth that it is meant to protect**. The law, as proposed, *significantly restricts* the ability of foster parents to intervene in a child welfare case – limiting the information that the court can consider in determining the best interest of the child, and limiting the ability for the foster family to access critical information that may be needed to help the child or youth. Colorado law, pursuant to 19-3-507(5)(a), *currently* allows foster parents to intervene after the child has been in their care for three (3) months. HB 23-1024 proposes to *restrict* foster parent intervention until a child is in their care for twelve (12) months (regardless of how long the child has been in foster care). This twelve-month restriction is inappropriate for multiple reasons:

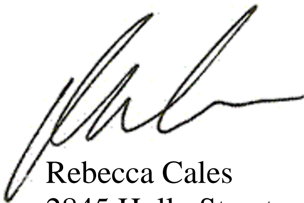
1) Children under the age of 6 are subject to expedited time frames (EPP), in which a court must make a determination as to permanency for a child *within* twelve (12) months, *not after*. This restriction will prohibit a foster family from participating in any "permanent home" discussions;
2) Many children and youth, **such as the one currently in my care**, may be shuffled from home to home within the first months or even year of an open case. A twelve (12)-month restriction tied to the time a child is in a particular home restricts the ability of foster families to participate in permanency discussions – even if a case has been open for several months or years, simply because the child has recently been moved. This can result in unnecessary delays in permanency or stability (as well as additional trauma) for affected children or youth;
3) Important decisions about a child's case are made between six (6) and twelve (12) months in care;
4) Even in cases where a child is reunited with biological parents, moved to a kinship home, or otherwise moved to a new placement, foster parent intervention is generally not about *whether* a change of placement happens, but rather about *how* that change of placement occurs and ensuring that it is done in a way that is *least harmful* to the child;
5) It has been shown that judges make the best decisions regarding the welfare of children and youth when they are provided the most information possible. This includes critical information from foster parents about the child's behaviors, attachments, and needs during out of home placement, transition home, etc. While these children/youth are in our care, *we are the expert*s on those children/youth and their behavior and needs. Intervention is the *only avenue* that foster parents have to introduce this evidence to the court; and

6) In Colorado, foster parents currently have the *right* to intervene after three (3) months. This threshold for intervention has been working. The change to a twelve (12)-month limit *drastically alters an existing right*, is overly restrictive, and does not make sense when relatives or kinship providers have the ability to intervene from the beginning of a case, regardless of their relationship with the child.

I speak from experience. The first child placed in my care was ultimately reunited with her biological mother. My intervention in that case allowed me to be an *active party* for transition planning activities to help ensure that the transition from my home, which the child had been in since she was two (2) years old, to her mom, was as seamless as possible, and that it was done in a way that minimized compounding trauma. It allowed me to share information directly with the court about the child's needs, to receive relevant case information, and to effectively advocate for the child's ongoing welfare – all which helps set up a biological parent for success after transition. *This kind of involvement ultimately makes families stronger.*

Although this bill has some great intent, **I urge you to amend the proposed restriction on foster parent intervention and replace it with a compromise of 6-months.**

Thank you for your time reviewing my testimony and considering these important issues.



Rebecca Cales
2845 Holly Street
Denver, CO 80207
rjcales@gmail.com

Jessica C. Handelman

Licensed Clinical Social Worker
673 N. Grant Street Denver CO 80203
jess.Handelman@gmail.com
(720) 774 - 8000

April 3, 2023

Dear members of the Senate Health and Human Services Committee,

My name is Jessica Handelman, and I am a Licensed Clinical Social Worker. I am writing to you in support of HB 23-1024, which will help children have a chance to be raised in their families even when they cannot safely remain with a parent.

My opinions outlined herein are based on my work in the child welfare field for the past 17 years. My practice receives referrals from several Departments of Human Services throughout the state, respondent parents, Guardians ad Litem, and kinship intervenors. I routinely conduct Parent-Child Interactional evaluations and provide therapeutic out-of-home placement transition services for children in out-of-home care. In addition to my dependency and neglect (D&N) work, I am a certified Child and Family Investigator serving numerous judicial districts in Colorado. I have been previously qualified as an expert witness in 17 jurisdictions throughout the State of Colorado in various areas of expertise.

Generally, a child's identity is formed based upon various factors, including the family of origin, cultural values, family traditions, and personality traits. It is a natural human tendency to know and understand our heritage and biological roots, but because adopted children tend to lose their connection to the factors that form their identity once adopted, these losses become the center of an overwhelming existential crisis. Adopted children tend to search for their roots, identities, and sense of self by questioning the circumstances surrounding their adoptions and why their family members did not fight for them. Because of this questioning, adopted children begin to internalize a feeling of diminished self-worth.

This experience is commonly referred to as "disenfranchised grief." This type of grief is neither socially sanctioned nor openly acknowledged and tends to be more challenging to resolve than publicly mourned grief, like the death of a parent, for example. The experience of adoption-related loss and disenfranchised grief typically manifests into mental health disorders, substance abuse, juvenile delinquency, and increased suicidality. It contributes significantly to how a child conceptualizes their view of the world as they grow older and how they are able (or unable) to function in future relationships.

I understand that some of the concerns raised in opposition to this bill relate to the requirement that ordinary bonding and attachment with a foster parent not being the sole basis for denying placement with a relative. As someone who understands the importance of attachment, I also

understand how attachment theory has been weaponized to prevent placement with relatives or kin if they are identified or located at any point after the case first opens.

Since I started practicing, I have noticed a disturbing trend of foster parents obtaining their own experts to conduct bonding and attachment assessments. These assessments are frequently employed in placement hearings to argue against placement with a relative, with experts relying on the American Academy of Pediatrics (AAP) guidance from two decades ago to argue that disrupting the bond or attachment between the foster parent and the child would be catastrophic.

This belief or attitude is outdated. It should be noted that if children were incapable of transitioning back to family once creating a secure attachment in foster care, then it would be unlikely that any child who has been in out-of-home placement for a period of time would transition back home to family due to the presumption of forming a secure attachment.

Thus, the AAP also holds the opinion that kinship placement offers far more benefits for children than placement in foster care. Because of this opinion, and the cited long-term emotional harm of remaining in foster care, it is clear that Attachment Theory was never intended to form the basis for keeping a child from returning home to the child's family of origin. If separating a child from a primary caregiver should only be undertaken in matters of extreme urgency, it stands to reason that transitioning a child out of foster care and back home to his biological family is absolutely a matter of extreme urgency. This is further bolstered by the AAP's recognition of the disparate struggles of racial trauma that will ensue when a child is adopted into a family that is racially, ethnically, or culturally different than his own.

It is a common misunderstanding about how culture should be defined when assessing permanency for dependent and neglected children. Many professionals believe that a child's culture is preserved if that child achieves permanency with a caregiver who shares the child's same race; however, culture and race are distinctly differentiated. Consider being raised in a household other than your own by caregivers unrelated to you. What might be different about your life today? What values? What traditions would not be part of your life? Perhaps your native language or a family recipe?

Culture comes in relatively obvious forms, such as music, dance, food, clothing, language, art, and celebrations. There are also the less obvious forms, such as religion, history, rituals, patterns of relationships, rites of passage, body language, and leisure time. Even more profound, however, are forms of culture that require extensive inquiry and observation for someone else to understand, such as the meaning of community, notions of leadership, patterns of decision-making, beliefs about health, help-seeking behavior, notions of individualism versus collectivism, and approaches to problem-solving. These manifestations of culture are typically learned through modeling, usually at an early age. These variations of culture are only observed and maintained through the preservation of individual families, which

is precisely why the legislative declaration of the Children's Code states that the purpose of the title is to "preserve and strengthen family ties whenever possible."

In closing, I urge you to pass HB 23-1024. Children do better when they are placed with relatives. I see far too often that relatives are denied the opportunity to care for their loved ones by reliance on antiquated science and by racial and cultural biases that favor foster families. These foster families have resources to hire expert witnesses and attorneys to intervene, while relatives struggle to even get notice of hearings concerning their family members. This bill may lead to less work for me, but I welcome these important changes for families and children that will result in less traumatic harm and generational healing.

Respectfully submitted on this 3rd day of April, 2023.

Jessica C. Handelman, LCSW
Licensed Clinical Social Worker
Colorado License #09925215

SCHOOL OF SOCIAL WORK
127 Education Building
1586 Campus Delivery
Fort Collins, Colorado 80523-1586
www.ssw.chhs.colostate.edu

Senate Health & Human Services Committee
Colorado General Assembly
200 E. Colfax Avenue
Denver, CO 80203

Subject: HB23-1024: Relative & Kin Placement Of A Child

Dear Committee Members:

Thank you for the opportunity to submit this written testimony for the hearing on HB23-1024: Relative & Kin Placement Of A Child. In my role as a Senior Research Scientist and Director of the Social Work Research Center in the School of Social Work at Colorado State University, I have conducted research on kinship care for the past 19 years. I was the lead author on a systematic review co-published by the Cochrane and Campbell Collaborations in 2009 with an updated review co-published in 2014. This systematic review was twice awarded the Leonard E. Gibbs Award for the Finest Systematic Review by the Campbell Collaboration Social Welfare Coordinating Group and is considered the highest level of empirical evidence on kinship care to date. The following is a summary of the key statistically significant findings from the updated systematic review based on a meta-analysis of 71 international quasi-experimental studies on kinship care conducted from 1994-2011.

- Children in kinship care experience fewer behavioral problems than do children in foster care
- Children in kinship care experience better adaptive behaviors than do children in foster care
- Children in kinship care experience fewer mental health disorders than do children in foster care
- Children in kinship care experience better well-being than do children in foster care
- Children in kinship care experience better placement stability than do children in foster care
- Children in kinship care are less likely to experience institutional abuse than children in foster care
- Children in kinship care experience similar rates of reunification as do children in foster care
- Children in foster care are more likely to utilize mental health services than children in kinship care

Please reach out if you have any questions or need further information on this study or kinship care research in general.

Best regards,

Marc Winokur

Marc Winokur, PhD
Director, Social Work Research Center
School of Social Work, Colorado State University

Senate Health & Human Services
04/05/2023 Upon Adjournment
HB23-1024 Relative & Kin Placement Of A Child
Typed Text of Testimony Submitted

Name, Position, Representing	**Typed Text of Testimony**
Jocelyn Cockrum Against themself	Madame Chair and Committee Members, thank you for allowing me to testify today. I am testifying in against of HR23-1024. We're in Jefferson County, have two bio kids and have fostered siblings so far. We have fostered short and long term foster children. Our longest placement was one week shy of one full year. The children were placed in our home at 6 months and almost 3 years old. During our care, we observed numerous needs of the children (speech therapy, play therapy, hearing loss) and advocated for those services. Mom, who failed to show up more times than kept actual visits, retained medical rights and declined services. We provided 24/7 care in the PICU for RSV/Pneumonia and during mom's visit she interacted with her boyfriend on the phone more than the nurses providing care or her child on the bi-pap machine. She refused to listen or allow flu and other vaccinations that would have prevented future medical issues to this extent. It's imperative that the 24/7 caregivers who speak with pediatricians, wic, healthcare and education advisors can intervene and make decisions that benefit the child. The absentee parent that sees the kid once a month or even less frequently is still in a position of power. The foster parents are guardians and advocates of the children and with how quickly children develop, play an integral role to help them gain the care and support they need. - Important decisions are made between six months and 12 months into a case. -Even in cases in which a child returns to a parent, or gets placed somewhere else, FP intervention is often not about whether a change of placement occurs but how a change occurs for the child. Jody Britton will represent Foster Source in person tomorrow. You can reach her 720-240-6372. Again, thank you for being a part of this process. It is so incredibly important. We will see many of you tomorrow!
Shantelle Mulliniks Amend themself	Madame Chair and Committee Members, thank you for allowing me to testify today. My name is Shantelle Mulliniks and I’ve been a foster parent for 9 years, fostering 13 kids through 8 placements from 0 to 12 years old, with placements ranging from 3 days to 1 ½ years. The reason I’m here today

	is to speak about the rule change of foster parents being able to intervene after 12 months instead of the current 3 months. We have intervened once in the last 9 years so I will speak to that experience. EPP cases are trying to finalize permanency by 12 months, so to allow foster parents to intervene AFTER that, does not make. In our intervening case we had concerns with decisions being made 6 months in and due to extenuating circumstances the GAL was not active in the case. Our feedback to the caseworker, advocating for the child in our care and our concerns about the effects it was having on her was met with unprofessional behaviors. I'd add that we were in full support of child returning home to mom, but had concerns with how the transition was happening. Essentially we intervened because the caseworker was cutting us out of the case and we were worried the child's best interest was not being advocated for in the transition. As foster parents caring for the child full time, we should be allowed to share and advocate in court for the child without waiting 12 months into the case when it is too late. Fast forward, the child moved back home with mom, but unfortunately ended up back in our foster home just 2 months after the case had closed. Under these new rules proposed, we would not be allowed to intervene because it's a new case and would take another 12 months into a 2nd round of a case to be allowed. Lastly, I want to share that I believe foster parents do not want to intervene in court. That is not the reason we take children into our home with high trauma and needs. We sign up to become foster parents because we are uniquely equipped to love other people's children, taking them into our home and upending our life to care for and provide safety and security for the most vulnerable children. Our hope is that the system will do it's part and that we can play our part of caretaker. Unfortunately the system does not always function as it should, causing foster parents to intervene and we need the language in the bill to support foster parent's right to intervene after 6 months.

Madam Chair and Committee Members,

Thank you for allowing me to share my testimony today. I am testifying in support of HB23-1024, which is an issue near and dear to my heart.

I have to admit that before my experience with foster care, I assumed that when family members wanted their children who were in foster care, they would automatically be allowed to have them, provided they pass background checks, cross all of their Ts and dot their Is. I had NO idea that foster parents could "intervene" and be given preference over family.

My nephew was in foster care, while my sister was getting her life back on track. She was doing all she needed to in order for reunification to happen, but then she tragically died in a car accident. When my nephew was placed with his Resource Parent (Foster Parent), the Department of Human Services made the Resource Parent aware that should reunification not happen with mom, E had a family member in Colorado who was willing to adopt him. My nephew was in California and I live in Colorado, thus I had to go through two different states to comply with both rules. Hours after my sister unexpectedly died, I called Human Services and asked what I needed to do in order to get my nephew. I was told I needed classes, which I completed. I was told I needed to pass a psychological evaluation, which I did. I was told I needed to have a home inspection, have letters of recommendation, go through a financial audit...all of which I completed. Imagine both my and Human Services' surprise when the Resource Parent decided to go against the department's recommendation to place my nephew with me, because the law states that after 3 months, Foster Parents are allowed to "intervene".

I had to go to trial to prove my "worthiness" for being allowed to raise my own nephew, who I have known since in utero. I held him as a newborn, saw him during breaks and was always in his life, yet here I was in court being attacked by the GAL, who was siding with Resource Parent, for being a single mom, and for not biologically having my own children. In 2022. I was being painted as "less than", while the Caucasian Resource Parent, who was also unmarried, with 6 biological children was being painted as the savior for my nephew.

Children in foster care do NOT need saviors! They need a safe space for a transition back with their families. The very basis for foster care is for children to be provided with a TEMPORARY living situation that ends once a parent can get their lives back on track or a RELATIVE agrees to raise the child. Relatives are being bypassed completely and not allowed the chance to get custody of their own family members, should they want them. Being put into foster care is already traumatic, but countless studies have shown that children do better when they are with family! It is unconscionable that Foster Families should have the right to intervene on a child who has been in their home for 3 months, considering it takes at least 2-3 months for any family to be foster certified. This puts the foster family in an unfair advantage and creates a conflict of interest.

As I sat in the courtroom and waited to hear the judge's verdict on where permanent placement would be for my nephew, I couldn't help but think of my Native American ancestors and suddenly knew how those mothers felt, as they saw their Native American children being taken away from them and given to white families so they could be "educated" in the Christian ways. In 2022 I had to qualify myself as worthy in front of a judge, even though I had done everything the state asked me to, and even though the department of human services agreed with placing my nephew with me. All of this happened because a white foster mom decided that she could raise my nephew better than I could, because the law <u>allowed</u> her to feel that way.

I am imploring you to keep families together and NOT allow foster families to intervene until 12 months. Relatives deserve the chance to raise their own, keeping true to their traditions, culture and language, especially if they have completed all the requirements being asked of them.

Thank you,
Rachel Sandoval

Testimony on HB 23-1024

Good Afternoon, my name is Ruchi Kapoor. I am currently an attorney in solo practice, representing parents on appeal and in federal civil rights cases against the child welfare system. Before that, I was the appellate director and legislative liaison for the ORPC and I know a few of you from my years in that capacity.

The ORPC asked me to come testify today about any possible anxieties that this bill raises about clarifying Colorado Supreme Court precedent from 2013, *A.M. v. A.C.* As many of you heard in the testimony today, *A.M.* recognized the value of foster parent information to courts in making accurate determinations. But, the Supreme Court did not create a right to intervene for foster parents: this legislative body did that in 1997 when it revised the statutory language.

After about 13 years of appellate courts interpreting the intervention statute consistently with the legislature's intention of creating a limited right of intervention, in 2013, the *A.M.* court read into the legislature's silence. The court concluded that "the legislature COULD have restricted the timing, duration, and substance of foster parent's intervention," but because the statutory language was silent, there was enough to support legislative intent for unfettered and full rights for foster parents to intervene as parties to the litigation. The decision itself makes clear that passing this bill to clarify your intent would be totally in line with your constitutional duties as legislators and citizens.

In the years since the ORPC was formed, the agency has developed measures around how foster parent intervention in a case impacts outcomes. In the last fiscal year, nearly half of cases involving foster parent intervenors ended in termination of parental rights, whereas only 15% of cases not involving foster parent intervenors ended in termination.

These statistics were not available to lawyers representing parents at the time that AM v. AC was decided and, if they were, they would have impacted the arguments presented to the supreme court at that time.

As you all know, the law is constantly evolving. It's how we hold our democracy together and it is part of my job as an appellate attorney to help clients understand if their case is the one that is going to help change the law for others after an appeal. A decision from the Supreme Court, however, is usually a dead end – once the court has made a ruling, that is how the law is applied in all cases. In the years since AM was decided, we have seen it result in many unfair outcomes, as you have heard today.

The holding in AM reflects an era where we did not acknowledge that judges, like all people, have biases. We thought that judges could sift through the evidence, even if it involved a foster parent represented by an attorney, the county attorney, the GAL, and the CASA all litigating against an unrepresented out of state relative for custody of their family member. We know that judges are people, and that it is hard for them to say no to foster parents, who often come from the same racial and socioeconomic backgrounds as

them. We cannot let this holding from a group of merely 7 lawyers continue to dictate such unjust outcomes for families.

I urge this committee to pass HB 1024 to right this wrong.