

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0995.01 Jane Ritter x4342

HOUSE BILL 16-1448

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Kefalas and Lundberg, Todd

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE RELATIVE GUARDIANSHIP ASSISTANCE PROGRAM.

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://www.leg.state.co.us/billsummaries>.)

The bill makes changes to the relative guardianship assistance program (program) to comply with federal regulations and to clarify the qualifying legal relationships and situations that are eligible for the program in situations where a child or children cannot be returned to the physical custody of such child's or children's parent, kin, or legal guardian and adoption and reunification are either unavailable or not appropriate permanency options for the child or children.

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

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,** 26-5-110 as follows:

4 **26-5-110. Guardianship assistance program - legislative**
5 **declaration - eligibility - rules.** (1) THE GENERAL ASSEMBLY DECLARES
6 THAT:

7 (a) THE STATE OF COLORADO HAS A STRONG INTEREST IN
8 PROVIDING PERMANENCY OPTIONS TO CHILDREN WHO ARE PART OF THE
9 FOSTER CARE SYSTEM;

10 (b) CHILDREN AND YOUTH IN THE CHILD WELFARE SYSTEM ARE
11 BETTER SERVED WHEN FAMILY TIES ARE PRESERVED AND STRENGTHENED
12 BECAUSE PERMANENT FAMILY CONNECTIONS ARE CRITICAL TO A CHILD'S
13 OVERALL WELL-BEING AND DEVELOPMENT;

14 (c) THE GENERAL ASSEMBLY HAS ESTABLISHED THROUGH PAST
15 LEGISLATION A STATUTORY PREFERENCE FOR PLACEMENT WITH RELATIVES
16 AND KIN AT ALL STAGES OF A CHILD WELFARE CASE;

17 (d) TO HELP SUPPORT PERMANENCY WITH FAMILY AND KIN
18 RELATIONSHIPS WHEN ADOPTION AND REUNIFICATION ARE EITHER
19 UNAVAILABLE OR NOT APPROPRIATE PERMANENCY OPTIONS FOR THE
20 CHILD, THE GENERAL ASSEMBLY CREATED THE "RELATIVE GUARDIANSHIP
21 ASSISTANCE PROGRAM" IN 2010, AS AUTHORIZED BY THE FEDERAL
22 "FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT
23 OF 2008", PUB. L. 110-351;

24 (e) THE STATE OF COLORADO HAS A STRONG INTEREST IN
25 PROVIDING PERMANENCY OPTIONS TO CHILDREN WHO ARE PART OF THE
26 TRADITIONAL FOSTER CARE SYSTEM AND WHO ARE NOT OTHERWISE ABLE

1 TO BE PLACED WITH RELATIVES OR KIN;

2 (f) IT IS APPROPRIATE TO FURTHER THE GOAL OF PERMANENCY BY
3 PASSING LEGISLATION TO PROVIDE FINANCIAL ASSISTANCE FOR THE CARE
4 OF CHILDREN, WHEN IT IS IN ACCORDANCE WITH FEDERAL LAW, TO
5 RELATIVES, KIN, AND FOSTER PARENTS WHO HAVE A SIGNIFICANT
6 RELATIONSHIP WITH THE CHILD, AS OUTLINED IN STATUTE, AND WHO HAVE
7 ASSUMED LEGAL GUARDIANSHIP OR ALLOCATION OF PARENTAL
8 RESPONSIBILITIES OF CHILDREN WHO THEY PREVIOUSLY CARED FOR AS
9 CERTIFIED FOSTER PARENTS THROUGH THE FEDERAL "TITLE IV-E
10 ADOPTION AND GUARDIANSHIP ASSISTANCE PROGRAM", 42 U.S.C. SEC.
11 673 (d); AND

12 (g) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY THAT
13 THE STATE GUARDIANSHIP ASSISTANCE PROGRAM WILL BE UTILIZED TO
14 ENHANCE FAMILY PRESERVATION AND PROVIDE A PERMANENCY OPTION
15 FOR CHILDREN WHO HAVE DEVELOPED A SIGNIFICANT RELATIONSHIP WITH
16 THEIR FOSTER PARENT CAREGIVER WHEN REUNIFICATION AND ADOPTION
17 ARE EITHER UNAVAILABLE OR NOT APPROPRIATE PERMANENCY OPTIONS
18 FOR THE CHILD, AND PROVIDE STABILITY IN SAFE AND STABLE
19 PLACEMENTS WITH RELATIVES, KIN, AND FOSTER PARENT CAREGIVERS IN
20 CIRCUMSTANCES SET FORTH IN THIS LEGISLATION.

21 (2) THERE IS ESTABLISHED A GUARDIANSHIP ASSISTANCE PROGRAM
22 IN THE STATE DEPARTMENT, REFERRED TO IN THIS SECTION AS THE
23 "PROGRAM". ASSISTANCE FROM THE PROGRAM IS AVAILABLE WHEN A
24 COURT HAS DETERMINED THAT ADOPTION AND REUNIFICATION WITH THE
25 CHILD'S OR CHILDREN'S PARENT OR LEGAL GUARDIAN ARE NOT
26 APPROPRIATE PERMANENCY OPTIONS FOR THE CHILD OR CHILDREN.
27 PROGRAM ASSISTANCE IS AVAILABLE IN THE FOLLOWING SITUATIONS:

1 (a) TO RELATIVES, KIN, AND PERSONS ASCRIBED BY THE FAMILY AS
2 HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD OR CHILDREN AND
3 WHO:

4 (I) ARE COMMITTED TO THE CHILD'S OR CHILDREN'S PERMANENCY;

5 (II) WERE THE CERTIFIED FOSTER PARENT OR PARENTS OF THE
6 CHILD OR CHILDREN FOR A MINIMUM OF SIX CONSECUTIVE MONTHS AT THE
7 TIME THEY ASSUMED GUARDIANSHIP OR ALLOCATION OF PARENTAL
8 RESPONSIBILITIES; AND

9 (III) HAVE ASSUMED LEGAL GUARDIANSHIP OF OR ALLOCATION OF
10 PARENTAL RESPONSIBILITIES FOR THE CHILD OR CHILDREN; OR

11 (b) TO A CERTIFIED FOSTER PARENT OR PARENTS WHO DO NOT
12 OTHERWISE QUALIFY FOR THE PROGRAM PURSUANT TO PARAGRAPH (a) OF
13 THIS SUBSECTION (2) IF:

14 (I) THE CHILD OR CHILDREN IN THE CERTIFIED FOSTER PARENT'S OR
15 PARENTS' CARE ARE TWELVE YEARS OF AGE OR OLDER, OR IF AT LEAST ONE
16 OF THE CHILDREN IN THE SIBLING GROUP IS ELEVEN YEARS OF AGE OR
17 YOUNGER AND HAS AN OLDER SIBLING WHO RECEIVES ASSISTANCE FROM
18 THE PROGRAM;

19 (II) THE DEPENDENCY AND NEGLECT COURT FINDS THAT THE CHILD
20 OR CHILDREN HAVE A SUBSTANTIAL PSYCHOLOGICAL TIE TO THE CERTIFIED
21 FOSTER PARENT OR PARENTS, SUCH THAT IT WOULD BE SERIOUSLY
22 DETRIMENTAL TO THE CHILD'S OR CHILDREN'S EMOTIONAL WELL-BEING TO
23 REMOVE THE CHILD OR CHILDREN FROM THE CERTIFIED FOSTER PARENT'S
24 OR PARENTS' CARE, AS DESCRIBED IN SECTION 19-3-702 (5) (a) (III) AND
25 (5) (b), C.R.S.;

26 (III) ADOPTION AND REUNIFICATION ARE NOT APPROPRIATE
27 PERMANENCY OPTIONS FOR THE CHILD OR CHILDREN, AND THE

1 DEPENDENCY AND NEGLECT COURT FINDS, PURSUANT TO SECTION
2 19-3-702 (5) (a) (III), C.R.S., THAT THE CHILD'S OR CHILDREN'S CERTIFIED
3 FOSTER PARENT OR PARENTS ARE UNABLE TO ADOPT THE CHILD BECAUSE
4 OF EXCEPTIONAL CIRCUMSTANCES, WHICH DO NOT INCLUDE AN
5 UNWILLINGNESS TO ACCEPT LEGAL RESPONSIBILITY FOR THE CHILD, BUT
6 THEY ARE WILLING AND CAPABLE OF PROVIDING THE CHILD WITH A STABLE
7 AND PERMANENT ENVIRONMENT;

8 (IV) THE CERTIFIED FOSTER PARENT OR PARENTS OF THE CHILD OR
9 CHILDREN HAVE CARED FOR THE CHILD OR CHILDREN FOR A MINIMUM OF
10 TWELVE MONTHS; AND

11 (V) THE CERTIFIED FOSTER PARENT OR PARENTS HAVE ASSUMED
12 LEGAL GUARDIANSHIP OF OR ALLOCATION OF PARENTAL RESPONSIBILITIES
13 FOR THE CHILD OR CHILDREN WITH THE CHILD'S OR CHILDREN'S CONSENT
14 WHO ARE TWELVE YEARS OF AGE OR OLDER.

15 (3) THE STATE DEPARTMENT SHALL PROMULGATE RULES THAT
16 COMPLY WITH THE PROVISIONS OF 42 U.S.C. SEC. 673 (d) FOR THE
17 IMPLEMENTATION OF THIS SECTION FOR SITUATIONS WHERE A CHILD OR
18 CHILDREN HAVE BEEN REMOVED FROM THE HOME THROUGH A JUDICIAL
19 DETERMINATION THAT CONTINUATION IN THE HOME WOULD NOT BE IN THE
20 BEST INTEREST OF THE CHILD OR CHILDREN, AND THAT REUNIFICATION
21 AND ADOPTION ARE NOT APPROPRIATE PERMANENCY OPTIONS FOR THE
22 CHILD OR CHILDREN.

23 **SECTION 2. Effective date.** This act takes effect October 1,
24 2016.

25 **SECTION 3. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.