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HOUSE BILL 23-1027

BY REPRESENTATIVE(S) Joseph and Weissman, Bradley, English, Marshall, Velasco, Amabile, Bacon, Bockenfeld, Boesenecker, Brown, Dickson, Duran, Epps, Froelich, Garcia, Hamrick, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, Martinez, McLachlan, Michaelson Jenet, Ricks, Sharbini, Soper, Story, Taggart, Titone, Valdez, Weinberg, Willford, Woodrow, Young, McCluskie;
also SENATOR(S) Winter F., Marchman, Buckner, Coleman, Cutter, Exum, Gonzales, Hansen, Hinrichsen, Kolker, Moreno, Priola.

CONCERNING FAMILY TIME PROVIDED PURSUANT TO THE CHILDREN'S CODE,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

(a) Family time is essential for healthy child development, especially for children or youth placed outside of the home. Family time supports parent-child attachment, reduces a child's sense of abandonment, reduces traumatic impact of separation and removal, preserves connections with siblings and extended family, and preserves a sense of family and

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community belonging. Family time enriches the family, including the child and the parent. Early, consistent, and frequent family time is crucial for maintaining parent-child relationships, facilitating safe reunification of parents and children, and maintaining family connections. Regular, meaningful family time increases the chance of sustained reunification, improves emotional well-being, provides opportunities to strengthen cultural and kinship connections, and enhances personal engagement.

(b) Colorado lacks statewide data on the frequency and duration of supervised family time as well as the availability of family time services throughout the state. Counties do not have a consistent funding mechanism for the provision of family time services, even though these services are required by law, are essential to the successful reunification of families, and service providers contracted to provide these services often lack sufficient funding. In addition, transportation and lack of staff present significant barriers to providing consistent and high-quality supervised family time services.

(c) For these reasons, it is important to determine how regions of the state can effectively and efficiently fund high-quality family time services that reunify families.

(2) Therefore, the general assembly finds it necessary to conduct a statewide study of best practices and funding models to provide and increase capacity for high-quality family time services. The general assembly also adopts the recommendations of the task force on high-quality family time to modernize language throughout the children's code and establish clear and consistent standards for family time throughout the state.

SECTION 2. In Colorado Revised Statutes, 19-1-103, **add** (64.5) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(64.5) "FAMILY TIME" MEANS ANY FORM OF CONTACT OR ENGAGEMENT BETWEEN PARENTS, LEGAL CUSTODIANS, GUARDIANS, SIBLINGS, AND CHILDREN OR YOUTH FOR THE PURPOSES OF PRESERVING AND STRENGTHENING FAMILY TIES.

SECTION 3. In Colorado Revised Statutes, 19-3-208, **amend** (2)(b)(IV) as follows:

19-3-208. Services - county required to provide - out-of-home placement options - rules - definitions. (2) (b) The following services must be available and provided, as determined necessary and appropriate by individual case plans:

(IV) ~~Visitation~~ FAMILY TIME services for parents with children or youth in out-of-home placement;

SECTION 4. In Colorado Revised Statutes, 19-3-217, **amend** (1), (3), and (4); and **add** (1.5), (5), and (6) as follows:

19-3-217. Family time upon removal - rules. (1) At any hearing held pursuant to section 19-3-403 (2) or (3.5), the court shall enter temporary orders for reasonable ~~visitation~~ FAMILY TIME with the child's OR YOUTH's parent that is consistent with the age and developmental needs of a child OR YOUTH if the court finds that visitation is in a child's OR YOUTH's best interests. The court shall order contact between the parent and child OR YOUTH, which contact may include, but is not limited to, telephone, virtual, or in-person visits, commencing within seventy-two hours after any hearing pursuant to section 19-3-403 (2) or (3.5), excluding Saturdays, Sundays, and any court holiday. The court may authorize an extension of time for contact to commence if the delay is agreed upon by the parent, county department, and guardian ad litem or if the court finds that a delay in contact is in the child's OR YOUTH's best interests.

(1.5) WHEN A CHILD OR YOUTH IS PLACED OUT OF THE HOME, THE FOLLOWING CONSIDERATIONS APPLY WHEN MAKING DECISIONS REGARDING FAMILY TIME:

(a) THE COUNTY DEPARTMENT SHALL ENCOURAGE THE MAXIMUM PARENT, CHILD, AND SIBLING CONTACT POSSIBLE, INCLUDING REGULAR FAMILY TIME AND PARTICIPATION BY THE PARENTS IN THE CARE OF THE CHILD OR YOUTH, WHEN IT IS IN THE BEST INTEREST OF THE CHILD OR YOUTH. THE COUNTY DEPARTMENT SHALL ENCOURAGE PARENTAL ATTENDANCE AND PARTICIPATION IN THE CHILD'S OR YOUTH'S LIFE, SUCH AS SCHOOL, EXTRACURRICULAR ACTIVITIES, AND MEDICAL APPOINTMENTS, WHEN IT IS IN THE BEST INTEREST OF THE CHILD OR YOUTH.

(b) THE COURT AND THE COUNTY DEPARTMENT MAY RELY ON INFORMAL RESOURCES SUCH AS COMMUNITY MEMBERS, RELATIVES, OR KIN TO PROVIDE TRANSPORTATION AND SUPERVISION FOR FAMILY TIME IF THOSE RESOURCES ARE AVAILABLE, APPROPRIATE, AND DO NOT COMPROMISE THE CHILD'S OR YOUTH'S MENTAL, EMOTIONAL, OR PHYSICAL HEALTH OR SAFETY.

(c) (I) THERE IS A PRESUMPTION THAT SUPERVISED FAMILY TIME MUST:

(A) BE SUPERVISED BY INFORMAL SUPPORTS IDENTIFIED BY THE FAMILY WHO VOLUNTEER TO SUPERVISE FAMILY TIME, INCLUDING RELATIVES, OR OTHER PERSONS IDENTIFIED BY THE FAMILY; AND

(B) OCCUR IN THE COMMUNITY, A HOMELIKE ENVIRONMENT, OR OTHER AGREED-UPON LOCATION.

(II) THE PRESUMPTION DESCRIBED IN SUBSECTION (1.5)(d)(I) OF THIS SECTION MAY BE REBUTTED IF THE COURT FINDS THAT THE CHILD'S OR YOUTH'S SAFETY OR MENTAL, EMOTIONAL, OR PHYSICAL HEALTH REQUIRES PROFESSIONAL SUPERVISION OR THAT RELATIVES, OR OTHER FAMILY SUPPORTS ARE UNAVAILABLE OR UNWILLING TO PROVIDE SUPERVISION AFTER THE COUNTY DEPARTMENT HAS EXERCISED DUE DILIGENCE TO CONTACT AND ENGAGE THE RELATIVES, KIN, OR OTHER FAMILY SUPPORTS. NOTHING IN THIS SECTION PRECLUDES SUPPLEMENTAL PROFESSIONALLY COACHED OR SUPERVISED FAMILY TIME TO IMPROVE PARENTING SKILLS.

(d) THE COURT MAY ONLY RESTRICT OR DENY FAMILY TIME IF IT IS NECESSARY TO PROTECT THE CHILD'S OR YOUTH'S SAFETY OR MENTAL, EMOTIONAL, OR PHYSICAL HEALTH. THE COURT SHALL ORDER FAMILY TIME IN THE LEAST RESTRICTIVE SETTING AND SUPERVISION AT THE LEAST RESTRICTIVE LEVEL TO SATISFY THE CHILD'S OR YOUTH'S SAFETY OR MENTAL, EMOTIONAL, OR PHYSICAL HEALTH.

(e) (I) AT THE FIRST HEARING THAT OCCURS AFTER THE EMERGENCY HEARING REQUIRED PURSUANT TO SECTION 19-3-403, OR NO LATER THAN THIRTY DAYS AFTER THE REMOVAL DATE, THE COUNTY DEPARTMENT SHALL PROVIDE THE COURT WITH A PROPOSED FAMILY TIME PLAN ON THE RECORD, INCLUDING:

(A) FREQUENCY AND LENGTH;

(B) PERSONS WHO MAY BE PRESENT;

(C) WHETHER THE FAMILY TIME MUST BE SUPERVISED; AND

(D) THE CHILD'S OR YOUTH'S OPPORTUNITY TO COMMUNICATE WITH A PARENT, SIBLING, OR OTHER RELATIVE.

(II) FOR GOOD CAUSE, OR BY AGREEMENT BY THE PARTIES, THE COURT MAY WAIVE THE REQUIREMENT TO PROVIDE OR EXTEND THE TIME FOR PROVIDING THE FAMILY TIME PLAN DESCRIBED IN SUBSECTION (1.5)(f)(I) OF THIS SECTION. A LACK OF STAFF OR FINANCIAL RESOURCES IS NOT GOOD CAUSE. ANY SUBSEQUENT WRITTEN FAMILY SERVICES PLAN SUBMITTED TO THE COURT PURSUANT TO SECTION 19-3-507 OR 19-3-702 MUST INCLUDE AN UPDATE ON PARTICIPATION IN AND PROVISION OF FAMILY TIME AND BARRIERS TO EXPANDING FAMILY TIME.

(f) THE COURT OR THE COUNTY DEPARTMENT SHALL NOT LIMIT FAMILY TIME AS A SANCTION FOR A PARENT'S FAILURE TO COMPLY WITH COURT ORDERS OR SERVICES IF THE CHILD'S OR YOUTH'S SAFETY OR MENTAL, EMOTIONAL, OR PHYSICAL HEALTH IS NOT AT RISK AS A RESULT OF THE FAMILY TIME.

(g) THE COURT, THE COUNTY DEPARTMENT, THE PARENT, OR OTHER SUPPORT SHALL NOT LIMIT FAMILY TIME OR CONTACT BETWEEN A CHILD OR YOUTH AND THE CHILD'S OR YOUTH'S PARENT OR SIBLING AS A SANCTION FOR THE CHILD'S OR YOUTH'S BEHAVIOR OR AS AN INCENTIVE TO CHANGE THE CHILD'S OR YOUTH'S BEHAVIOR.

(h) THE COUNTY DEPARTMENT AND THE COURT SHALL CONSIDER A PARENT'S PREFERENCES WHEN DETERMINING SUPERVISION, LOCATION, AND TIMING OF FAMILY TIME.

(i) THE COUNTY DEPARTMENT AND THE COURT SHALL CONSIDER A CHILD'S OR YOUTH'S PREFERENCES WHEN DETERMINING SUPERVISION, LOCATION, AND TIMING OF FAMILY TIME.

(3) Absent the issuance of an emergency order, a parent granted ~~visitation~~ FAMILY TIME is entitled to a hearing prior to an ongoing reduction in, suspension of, or increase in the level of supervision, including a change from in-person ~~visitation~~ FAMILY TIME to virtual ~~visitation~~ FAMILY TIME. If

the court issues an emergency order suspending, reducing, or restricting ~~visitation~~ FAMILY TIME, a parent is entitled to a hearing within seventy-two hours after the order is issued, excluding Saturdays, Sundays, and court holidays. The court need not hold a hearing if there is agreement by the petitioner, guardian ad litem or counsel for youth, and parent to the reduction, suspension, or increase in level of supervision of ~~visits~~ FAMILY TIME. Any such agreement must be reduced to writing and filed with the court. Nothing in this section prevents the county department from canceling a ~~visit~~ SCHEDULED FAMILY TIME if the child's ~~health or welfare~~ OR YOUTH'S SAFETY OR MENTAL, EMOTIONAL, OR PHYSICAL HEALTH would be endangered or if the parent consents to the cancellation of the ~~visit~~ FAMILY TIME.

(4) Nothing in this section requires or permits a county department to arrange a ~~visit~~ FAMILY TIME if the ~~visit~~ FAMILY TIME would violate an existing protection order in any case pending in this state or any other state. The county department is not required to produce a child OR YOUTH for court-ordered ~~visitation~~ FAMILY TIME if the ~~visitation~~ FAMILY TIME is made impossible due to the policies of a facility where the parent is incarcerated or in treatment.

(5) A PERSON'S INCLUSION IN FAMILY TIME DOES NOT CONFER RIGHTS NOT OTHERWISE GRANTED BY LAW, INCLUDING THE RIGHT TO APPEAL DENIAL OF PARTICIPATION IN FAMILY TIME.

(6) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES IN ACCORDANCE WITH THIS SECTION.

SECTION 5. In Colorado Revised Statutes, 19-3-904, **add** (5) as follows:

19-3-904. Task force - purposes - issues to study - written reports. (5) ON OR BEFORE DECEMBER 1, 2024, THE TASK FORCE SHALL COMMISSION AND EVALUATE A STATEWIDE STUDY TO:

(a) IDENTIFY THE CURRENT STRENGTHS AND NEEDS FOR PROVIDING HIGH-QUALITY SUPERVISED FAMILY TIME SERVICES ACROSS THE STATE;

(b) IDENTIFY NECESSARY MEASURES TO BUILD CAPACITY TO PROVIDE HIGH- QUALITY SUPERVISED FAMILY TIME SERVICES ACROSS THE STATE;

(c) INVENTORY CURRENT FUNDING SOURCES AND ALLOWABLE COSTS FOR PROVIDING SUCH SERVICES; AND

(d) MAKE RECOMMENDATIONS REGARDING BEST PRACTICES FOR FUNDING HIGH-QUALITY PARENTING TIME. THE TASK FORCE SHALL PROVIDE THE STUDY AND RECOMMENDATIONS OF THE TASK FORCE TO THE GOVERNOR; THE STATE DEPARTMENT; THE CHILD WELFARE TRAINING ACADEMY; THE JOINT BUDGET COMMITTEE; AND THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEES.

SECTION 6. In Colorado Revised Statutes, 19-1-107, **amend** (2.5) as follows:

19-1-107. Social study and other reports. (2.5) For purposes of determining the appropriate treatment plan in connection with the disposition of a child who is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the report shall include a list of services available to families that are specific to the needs of the child and the child's family and that are available in the community where the family resides. The report shall establish a priority of the services if multiple services are recommended. The services may include, but are not limited to, transportation services, ~~visitation~~ FAMILY TIME services, psychological counseling, drug screening and treatment programs, marriage and family counseling, parenting classes, housing and day care assistance, and homemaker services.

SECTION 7. In Colorado Revised Statutes, 19-1-114, **amend** (2)(a) and (2)(b) as follows:

19-1-114. Order of protection. (2) The order of protection may require any such person:

(a) To stay away from a child or ~~his~~ A CHILD'S residence;

(b) To ~~permit a parent to visit a child at stated periods~~ COMPLY WITH A FAMILY TIME SCHEDULE;

SECTION 8. In Colorado Revised Statutes, 19-1-115, **amend** (6)

introductory portion, (6)(d), (6.5) introductory portion, and (6.5)(c) as follows:

19-1-115. Legal custody - guardianship - placement out of the home - petition for review for need of placement. (6) Any time the court enters an order awarding legal custody of a child OR YOUTH to the department of human services or to a county department pursuant to the provisions of this ~~title~~ TITLE 19, even temporarily, ~~said~~ THE order ~~shall~~ MUST contain specific findings, if warranted by the evidence, as follows:

(d) That procedural safeguards with respect to parental rights have been applied in connection with the removal of the child OR YOUTH from the home, a change in the child's OR YOUTH'S placement out of the home, and any determination affecting ~~parental-visitation~~ FAMILY TIME.

(6.5) Any time the court enters an order continuing a child OR YOUTH in a placement out of the home pursuant to this ~~title~~, ~~said~~ TITLE 19, THE order ~~shall~~ MUST contain specific findings, if warranted by the evidence, as follows:

(c) That procedural safeguards with respect to parental rights have been applied in connection with the continuation of the child OR YOUTH in out-of-home placement, a change in the child's OR YOUTH'S placement out of the home, and any determination affecting ~~parental-visitation~~ FAMILY TIME.

SECTION 9. In Colorado Revised Statutes, 19-1-208, **amend** (2) as follows:

19-1-208. Duties of CASA volunteer. (2) Recommendations. Unless otherwise ordered by the court, the CASA volunteer, with the support and supervision of the CASA program staff, shall make recommendations consistent with the best interests of the child OR YOUTH regarding placement, ~~visitation~~ FAMILY TIME, and appropriate services for the child OR YOUTH and family and shall prepare a written report to be distributed to the parties of the action.

SECTION 10. In Colorado Revised Statutes, 19-2.5-305, **amend** (3)(a)(XI)(C) as follows:

19-2.5-305. Detention and shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions. (3) (a) (XI) If the court orders further detention of a juvenile pursuant to this section, the order must contain specific findings as follows:

(C) Whether procedural safeguards to preserve parental rights have been applied in connection with the removal of the juvenile from the home, any change in the juvenile's placement in a community placement, or any determination affecting ~~parental visitation~~ FAMILY TIME of the juvenile.

SECTION 11. In Colorado Revised Statutes, 19-2.5-1116, **amend** (4)(a) introductory portion and (4)(a)(VIII) as follows:

19-2.5-1116. Orders - community placement - reasonable efforts required - reviews. (4) (a) If the juvenile is in the legal custody of a county department of ~~human or social services~~ and is placed in a community placement for a period of twelve months or longer, the district court, another court of competent jurisdiction, or an administrative body appointed or approved by the court that is not under the county department's supervision shall conduct a permanency hearing within ~~said~~ twelve months and every twelve months thereafter for as long as the juvenile remains in community placement. At the permanency hearing, the entity conducting the hearing shall determine whether:

(VIII) Procedural safeguards to preserve parental rights have been applied in connection with the removal of the juvenile from the home, any change in the juvenile's community placement, or any determination affecting ~~parental visitation~~ FAMILY TIME.

SECTION 12. In Colorado Revised Statutes, 19-2.5-1518, **amend** (1)(b)(VIII) as follows:

19-2.5-1518. Commitment to department of human services. (1) (b) When a juvenile is placed in a community placement for a period of twelve months or longer, a court of competent jurisdiction or an administrative body appointed or approved by the court that is not under the supervision of the department of human services shall conduct a permanency hearing pursuant to the federal "Social Security Act", 42 U.S.C. sec. 675 (5)(C) no later than the twelfth month of the community placement and at least every twelve months thereafter while the juvenile remains in a

community placement. At the permanency hearing, the entity conducting the hearing shall determine whether:

(VIII) Procedural safeguards to preserve parental rights have been applied in connection with the removal of the juvenile from the home, any change in the juvenile's community placement, or any determination affecting ~~parental visitation~~ FAMILY TIME.

SECTION 13. In Colorado Revised Statutes, 19-3-208, **amend** (2)(b)(IV) as follows:

19-3-208. Services - county required to provide - out-of-home placement options - rules - definitions. (2) (b) The following services must be available and provided, as determined necessary and appropriate by individual case plans:

(IV) ~~Visitation~~ FAMILY TIME services for parents with children or youth in out-of-home placement;

SECTION 14. In Colorado Revised Statutes, 19-3-210.5, **amend** (1)(b) as follows:

19-3-210.5. Foster parents' bill of rights. (1) A foster parent has the right to:

(b) Promote the reasonable and prudent parent standard for the child or youth and the continuance of positive family patterns and routines to the extent possible without interfering with court-ordered ~~visitation~~ FAMILY TIME or services required pursuant to section 19-3-208;

SECTION 15. In Colorado Revised Statutes, 19-3-403, **amend** (7) as follows:

19-3-403. Temporary custody - hearing - time limits - restriction - rules. (7) The court may also issue temporary orders for legal custody as provided in section 19-1-115. The court shall enter ~~visitation~~ FAMILY TIME orders consistent with section 19-3-217.

SECTION 16. In Colorado Revised Statutes, 19-3-604, **amend** (1)(c) introductory portion, (1)(c)(I) introductory portion, and (1)(c)(I)(A)

as follows:

19-3-604. Criteria for termination. (1) The court may order a termination of the parent-child legal relationship upon the finding by clear and convincing evidence of any one of the following:

(c) That the child OR YOUTH is adjudicated dependent or neglected and all of the following exist:

(I) That an appropriate treatment plan approved by the court has not been reasonably complied with by the parent or parents or has not been successful or that the court has previously found, pursuant to section 19-3-508 (1)(e), that an appropriate treatment plan could not be devised. In a county designated pursuant to section 19-1-123, if a child OR YOUTH is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), ~~no parent or parents shall be found to be~~ THE COURT SHALL NOT FIND THAT A PARENT IS OR PARENTS ARE in reasonable compliance with or to have been successful at a court-approved treatment plan when:

(A) The parent has not attended ~~visitations~~ FAMILY TIME with the child OR YOUTH as set forth in the treatment plan, unless good cause can be shown for failing to ~~visit~~ ATTEND; or

SECTION 17. In Colorado Revised Statutes, 19-3-612, **amend** (10) and (11)(a)(II) as follows:

19-3-612. Reinstatement of the parent-child legal relationship - circumstances - petition - hearings - legislative declaration. (10) At the conclusion of the initial hearing, the court shall either dismiss the petition because the threshold conditions for reinstatement set forth in subsection (9) of this section have not been met or enter an order finding that the threshold conditions for reinstatement set forth in subsection (9) of this section have been met and that it is in the best interests of the child OR YOUTH to work toward reinstatement of the parent-child legal relationship. If the court finds that it is in the best interests of the child OR YOUTH to pursue reinstatement of the parent-child legal relationship, the court must approve a transition plan developed by the county department and designed for reinstatement of the parent-child legal relationship, including ~~visitation~~ FAMILY TIME or placement of the child OR YOUTH with the former parent for a designated

trial period of up to six months, during which time legal custody of the child OR YOUTH remains with the county department. As part of the transition plan, the county department shall provide transition services, as needed. The county department shall assess the ~~visitation~~ FAMILY TIME or temporary placement of the child OR YOUTH with the former parent and prepare a report about the success of the ~~visitation~~ FAMILY TIME or temporary placement. The county department shall submit the report to the court, the former parent, and the guardian ad litem not later than thirty days prior to the expiration of the designated trial period. The county department may stop the ~~visitation~~ FAMILY TIME or remove the child OR YOUTH from placement with the former parent at any time, in accordance with the procedures outlined in sections 19-3-401 and 19-3-403, if it deems that the child OR YOUTH is not safe or that it is no longer in the best interests of the child OR YOUTH for the child OR YOUTH to remain with the former parent.

(11) (a) The court shall schedule a final hearing prior to the expiration of the designated trial period. At the final hearing, the court shall consider the following:

(II) Whether the trial period of ~~visitation~~ FAMILY TIME or placement of the child OR YOUTH with the former parent was successful;

SECTION 18. In Colorado Revised Statutes, 19-3-702, **amend** (1)(a) and (3)(a) as follows:

19-3-702. Permanency hearing. (1) (a) In order to provide stable, permanent homes for every child or youth placed out of the home, in as short a time as possible, a court shall conduct a permanency planning hearing. The court shall hold the permanency planning hearing as soon as possible following the initial hearing held pursuant to a proceeding pursuant to part 3 of article 7 of this title 19 or the initial dispositional hearing pursuant to this article 3; except that the permanency planning hearing must be held no later than ninety-one days after the initial decree of disposition. After the initial permanency planning hearing, the court shall hold additional hearings at least every six months while the case remains open or more often in the discretion of the court, or upon the motion of any party. THE INITIAL PERMANENCY HEARING MUST BE HELD WITHIN TWELVE MONTHS AFTER THE CHILD OR YOUTH ENTERS FOSTER CARE, EVEN WHEN A DISPOSITIONAL DECREE HAS NOT YET BEEN ENTERED. When possible, the permanency planning hearing must be combined with the in-person

six-month review as provided for in section 19-1-115 (4)(c), subsection (6)(a) of this section, or section 19-7-312. The court shall hold all permanency planning hearings in person, provide proper notice to all parties, and provide all parties the opportunity to be heard. The court shall consult with the child or youth in a developmentally appropriate manner regarding the child's or youth's permanency goal.

(3) At any permanency planning hearing, the court shall first determine if the child or youth should be returned to the child's or youth's parent, named guardian, or legal custodian and, if applicable, the date on which the child or youth must be returned. If the child or youth cannot be returned home, the court shall also determine whether reasonable efforts have been made to find a safe and stable permanent home for the child or youth. The court shall not delay permanency planning by considering the placement of children or youth together as a sibling group. At any permanency planning hearing, the court shall make the following determinations, when applicable:

(a) Whether procedural safeguards to preserve parental rights have been applied in connection with any change in the child's or youth's placement or any determination affecting ~~parental visitation~~ FAMILY TIME of the child or youth;

SECTION 19. In Colorado Revised Statutes, 19-3-903, **amend** (1) as follows:

19-3-903. Task force on high-quality parenting time - creation - steering committee - membership. (1) There is created in the ~~state department~~ OFFICE OF RESPONDENT PARENTS' COUNSEL CREATED IN SECTION 13-92-103 the task force on high-quality parenting time, for the purpose of studying the issues set forth in section 19-3-904 and making findings and recommendations to the governor, the state department; the child welfare training academy, and the general assembly on administrative and legislative changes to improve high-quality parenting time services and practices in dependency and neglect cases.

SECTION 20. In Colorado Revised Statutes, 19-3-904, **amend** (1)(c), (1)(d), and (2)(a) as follows:

19-3-904. Task force - purposes - issues to study - written

reports. (1) The purpose of the task force is to:

(c) Study best practices for judicial review of ~~visitation~~ FAMILY TIME and parenting time plans;

(d) Evaluate the rights and remedies for parents and children or youth pertaining to parenting time, including sibling ~~visitation~~ FAMILY TIME;

(2) In carrying out the purposes set forth in subsection (1) of this section, the task force shall consider:

(a) The United States constitution and state constitution, case law, statutes, rules, practices, and standards that govern family parenting time or ~~visitation~~ FAMILY TIME in Colorado;

SECTION 21. In Colorado Revised Statutes, **amend** 19-3-905 as follows:

19-3-905. Repeal of part. This part 9 is repealed, effective July 1, 2023 2025.

SECTION 22. In Colorado Revised Statutes, 19-5-105, **amend** (3.4)(c) as follows:

19-5-105. Proceeding to terminate parent-child legal relationship. (3.4) (c) If the child OR YOUTH has been out of his or her THE birth parents' care for more than one year, irrespective of incidental communications or visits from the relinquishing or nonrelinquishing parent, there is a rebuttable presumption that the best interests of the child OR YOUTH will be served by granting custody to the person in whose care the child OR YOUTH has been for that period. Such presumption may be overcome by a preponderance of the evidence.

SECTION 23. In Colorado Revised Statutes, 19-5-208, **amend** (4.5)(b) as follows:

19-5-208. Petition for adoption - open adoption - post-adoption contact agreement. (4.5) (b) Only the petitioner may request a post-adoption contact agreement for contact between a child OR YOUTH and the birth parent or parents; a birth relative, as set forth in section 19-3-605

(1); or an Indian tribe if the child OR YOUTH is a member of the Indian tribe. A post-adoption contact agreement may include provisions for contact, ~~visitation~~ FAMILY TIME, or the exchange of information, and the grounds, if any, on which the adoptive parent may decline to permit ~~visits~~ CONTACTS or cease providing contact or information. If a child OR YOUTH is available for adoption through an expedited relinquishment pursuant to section 19-5-103.5, the contact agreement must be limited to contact between the child OR YOUTH and the birth parents and THE CHILD'S OR YOUTH'S biological siblings. ~~of the child.~~

SECTION 24. In Colorado Revised Statutes, 19-5-210, **amend** (7) as follows:

19-5-210. Hearing on petition. (7) In cases involving the adoption of a child OR YOUTH who is part of a sibling group but who is not being adopted with ~~his or her~~ THE CHILD'S siblings, in addition to issuing a final decree of adoption, if the adoptive parents are willing, the court may encourage reasonable ~~visitation~~ FAMILY TIME among the siblings when ~~visitation~~ FAMILY TIME is in the best interests of the child, YOUTH, or ~~the~~ children. The court shall review the record and inquire as to whether the adoptive parents have received counseling regarding children OR YOUTH in sibling groups maintaining or developing ties with each other.

SECTION 25. In Colorado Revised Statutes, 19-7-203, **amend** (1)(l) and (1)(m) as follows:

19-7-203. Foster care sibling rights. (1) Sibling youth in foster care, except youth in the custody of the division of youth services created pursuant to section 19-2.5-1501 or a state hospital for persons with behavioral or mental health disorders, have the following rights, unless they are not in the best interests of each sibling, regardless of whether the parental rights of one or more of the foster youth's parents have been terminated:

(l) To expect that the youth's guardian ad litem advocate on behalf of the youth for frequent ~~contact and visits~~ FAMILY TIME with siblings, unless the guardian ad litem determines through the guardian ad litem's independent investigation that the contact is not in the best interests of the youth;

(m) To have ~~contact~~ FAMILY TIME with siblings encouraged in any adoptive or guardianship placement; and

SECTION 26. In Colorado Revised Statutes, 19-7-204, **amend** (1), (2) introductory portion, (2)(a), (2)(c), (2)(d), (3), (4), (5), and (6) as follows:

19-7-204. Foster care sibling family time - contact plan - rules - definition. (1) The department of human services shall provide information on sibling contact in the ~~visitation~~ FAMILY TIME plan for a youth. In doing so, the DEPARTMENT SHALL ASK THE youth ~~shall be consulted~~ about the youth's wishes as to sibling contact.

(2) As written in the ~~visitation~~ FAMILY TIME plan, the department of ~~human services~~ shall, if it is in the best interests of each sibling:

(a) Promote frequent contact between siblings in foster care, which may include telephone calls, text messages, social media, video calls, and in-person ~~visits~~ FAMILY TIME;

(c) Clarify that restriction of sibling ~~visits~~ FAMILY TIME should not be a consequence for behavioral problems. ~~Visits~~ FAMILY TIME should only be restricted if contrary to the best interests of a sibling.

(d) Ensure timing and regularly scheduled sibling ~~visits~~ FAMILY TIME are outlined in case plans based on individual circumstances and needs of the youth.

(3) If a youth in foster care requests an opportunity ~~to visit~~ FOR FAMILY TIME WITH a sibling, the county department that has legal custody of the youth shall arrange the ~~visit~~ FAMILY TIME within a reasonable amount of time and document the ~~visit~~ FAMILY TIME.

(4) If a youth in foster care requests an opportunity ~~to visit~~ FOR FAMILY TIME WITH a sibling on a regular basis, the county department that has legal custody of the youth shall arrange the ~~visits~~ FAMILY TIME and ensure that the ~~visits occur~~ FAMILY TIME OCCURS with sufficient frequency and duration to promote continuity in the siblings' relationship.

(5) If, in arranging sibling ~~visits~~ FAMILY TIME pursuant to this

section, a county department determines ~~that a requested visit~~ FAMILY TIME between the siblings would not be in the best interests of one or both of the siblings, the county department shall deny the request, document its reasons for making the determination, and provide the siblings with an explanation for the denial, as permitted under state and federal law. In determining whether ~~a requested visit~~ FAMILY TIME would be in the best interests of one or both of the siblings, the county department shall ~~ascertain~~ DETERMINE whether there is pending in any jurisdiction a criminal action in which either of the siblings is either a victim or a witness. If such a criminal action is pending, the county department, before arranging any ~~visit~~ FAMILY TIME between the siblings, shall consult with the district attorney for the jurisdiction in which the criminal action is pending to determine whether the requested ~~visit~~ FAMILY TIME may have a detrimental effect upon the prosecution of the pending criminal action.

(6) Nothing in this section requires or permits a county department to arrange a sibling ~~visit~~ FAMILY TIME if such visit would violate an existing protection order in any case pending in this state or any other state.

SECTION 27. Appropriation. (1) For the 2023-24 state fiscal year, \$142,000 is appropriated to the judicial department for use by the office of the respondent parents' counsel. This appropriation is from the general fund. To implement this act, the office may use this appropriation for personal services.

(2) For the 2023-24 state fiscal year, \$13,879 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from the general fund. To implement this act, the division may use this appropriation for Colorado TRAILS.

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

SECTION 28. Effective date. This act takes effect upon passage; except that section 4 of this act takes effect January 1, 2024.

SECTION 29. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO