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HOUSE BILL 19-1219

BY REPRESENTATIVE(S) Gonzales-Gutierrez, Beckman, Bird, Buckner, Buentello, Caraveo, Coleman, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McCluskie, McKean, McLachlan, Michaelson Jenet, Singer, Sirota, Snyder, Soper, Sullivan, Tipper, Titone, Valdez A., Weissman, Becker;
also SENATOR(S) Crowder, Tate.

CONCERNING MODERNIZATION OF THE PERMANENCY HEARING STATUTES.

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

SECTION 1. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 19-3-702 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 DISPOSITIONAL HEARING PURSUANT TO THIS ARTICLE 3; EXCEPT THAT THE PERMANENCY PLANNING HEARING MUST BE HELD NO LATER THAN

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

NINETY 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. 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) OR SUBSECTION (6)(a) OF THIS SECTION. 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.

(b) IF THE COURT FINDS THAT REASONABLE EFFORTS TO REUNIFY THE CHILD OR YOUTH AND THE PARENT ARE NOT REQUIRED PURSUANT TO SECTION 19-1-115 (7) OR IF THERE IS A FINDING THAT NO APPROPRIATE TREATMENT PLAN CAN BE DEvised PURSUANT TO SECTION 19-3-508 (1)(d)(I), THE COURT SHALL HOLD A PERMANENCY PLANNING HEARING WITHIN THIRTY DAYS AFTER THE FINDING. IF THE COURT FINDS THAT REASONABLE EFFORTS TO REUNIFY THE CHILD OR YOUTH AND THE PARENT ARE NOT REQUIRED AND A MOTION FOR TERMINATION HAS BEEN FILED PURSUANT TO SECTION 19-3-602, THE PERMANENCY PLANNING HEARING AND THE HEARING ON THE MOTION FOR TERMINATION MAY BE COMBINED, AND THE COURT SHALL MAKE ALL DETERMINATIONS REQUIRED AT BOTH HEARINGS IN THE COMBINED HEARING.

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

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

PERMANENCY PLANNING HEARING.

(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 OF THE CHILD OR YOUTH;

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

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

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

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

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

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

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

(I) RETURN HOME;

(II) ADOPTION WITH A RELATIVE;

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

(IV) ADOPTION WITH A NONRELATIVE;

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

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

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

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

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

(b)(I) THE DEPARTMENT SHALL DOCUMENT IN THE FAMILY SERVICES PLAN THE COMPELLING REASONS WHY IT IS NOT IN THE BEST INTEREST OF THE CHILD OR YOUTH TO RETURN HOME, BE PLACED FOR ADOPTION, BE PLACED WITH A LEGAL GUARDIAN, OR BE PLACED WITH A FIT AND WILLING RELATIVE. IN ADDITION, THE DEPARTMENT SHALL DOCUMENT INTENSIVE, ONGOING, AND UNSUCCESSFUL EFFORTS MADE TO RETURN THE CHILD OR

YOUTH HOME OR TO A SECURE PLACEMENT WITH A FIT AND WILLING RELATIVE, INCLUDING ADULT SIBLINGS; A LEGAL GUARDIAN; OR AN ADOPTIVE PARENT, INCLUDING EFFORTS THAT UTILIZE SEARCH TECHNOLOGY THAT INCLUDES SOCIAL MEDIA TO FIND BIOLOGICAL FAMILY MEMBERS FOR THE CHILDREN OR YOUTH.

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

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

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

(e) IF THE COURT FINDS THAT THERE IS NOT A SUBSTANTIAL PROBABILITY THAT THE CHILD OR YOUTH WILL BE RETURNED TO A PARENT OR LEGAL GUARDIAN WITHIN SIX MONTHS AND THE CHILD OR YOUTH APPEARS TO BE ADOPTABLE AND MEETS THE CRITERIA FOR ADOPTION IN SECTION 19-5-203, THE COURT MAY ORDER THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES TO SHOW CAUSE WHY IT SHOULD NOT FILE A MOTION TO TERMINATE THE PARENT-CHILD LEGAL RELATIONSHIP PURSUANT TO PART 6 OF THIS ARTICLE 3. CAUSE MAY INCLUDE, BUT IS NOT LIMITED TO, ANY OF THE FOLLOWING CONDITIONS:

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

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

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

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

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

(a) A PERMANENT HOME IS THE PLACE IN WHICH THE CHILD OR YOUTH MAY RESIDE IF THE CHILD OR YOUTH IS UNABLE TO RETURN HOME TO A PARENT OR LEGAL GUARDIAN. IF THE COURT DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT A PERMANENT HOME IS NOT CURRENTLY AVAILABLE OR THAT THE CHILD'S OR YOUTH'S CURRENT NEEDS OR SITUATION PROHIBIT PLACEMENT, THE COURT MUST BE SHOWN AND THE COURT MUST FIND THAT REASONABLE EFFORTS, AS DEFINED IN SECTION 19-1-103 (89), WERE MADE TO FIND THE CHILD OR YOUTH AN APPROPRIATE PERMANENT HOME AND SUCH A HOME IS NOT CURRENTLY AVAILABLE OR THAT A CHILD'S OR YOUTH'S NEEDS OR SITUATION PROHIBIT THE CHILD OR YOUTH FROM A SUCCESSFUL PLACEMENT IN A PERMANENT HOME.

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

(c) AT A PERMANENCY PLANNING HEARING THAT OCCURS IMMEDIATELY PRIOR TO TWELVE MONTHS AFTER THE ORIGINAL PLACEMENT OF THE CHILD OR YOUTH OUT OF THE HOME, THE COURT SHALL MAKE A FINDING IDENTIFYING WHETHER THE CHILD OR YOUTH IS IN A PLACEMENT THAT CAN PROVIDE LEGAL PERMANENCY. THE COURT MUST MAKE THIS

FINDING TO ENSURE THAT A CHILD OR YOUTH WHO HAS BEEN REMOVED FROM HIS OR HER HOME IS PLACED IN A PERMANENT HOME AS EXPEDITIOUSLY AS POSSIBLE.

(d) THE COURT SHALL REVIEW THE CASE AT A PERMANENCY PLANNING HEARING AT LEAST EVERY SIX MONTHS UNTIL THE COURT FINDS THAT THE CHILD OR YOUTH IS IN A PERMANENT HOME. THE PERMANENCY PLANNING HEARINGS SHALL CONTINUE AS LONG AS THE COURT IS UNABLE TO FIND THAT THE CHILD OR YOUTH IS IN A PERMANENT HOME. AT EACH HEARING, THE COURT MUST BE PROVIDED EVIDENCE THAT A CHILD OR YOUTH IS IN A PERMANENT HOME OR THAT REASONABLE EFFORTS, AS DEFINED IN SECTION 19-1-103 (89), CONTINUE TO BE MADE TO FIND THE CHILD OR YOUTH AN APPROPRIATE PERMANENT HOME AND SUCH A HOME IS NOT CURRENTLY AVAILABLE OR THAT A CHILD'S OR YOUTH'S NEEDS OR SITUATION PROHIBIT THE CHILD OR YOUTH FROM SUCCESSFUL PLACEMENT IN A PERMANENT HOME.

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

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

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

(a) AN INDIVIDUALIZED ASSESSMENT OF THE CHILD'S OR YOUTH'S NEEDS CREATED PURSUANT TO TITLE IV-E OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED, AND REGULATIONS PROMULGATED THEREUNDER, AS AMENDED;

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

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

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

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

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

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

(h) THE CHILD'S OR YOUTH'S ATTACHMENT TO THE CHILD'S OR YOUTH'S CAREGIVER AT THE TIME OF THE HEARING AND THE POSSIBLE EFFECTS ON THE CHILD'S OR YOUTH'S EMOTIONAL WELL-BEING IF THE CHILD OR YOUTH IS REMOVED FROM THE CAREGIVER'S HOME.

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

19-3-702.5. Periodic reviews. (1) THE COURT SHALL CONDUCT A PERIODIC REVIEW AT LEAST EVERY SIX MONTHS AND, AT THE PERIODIC

REVIEW, SHALL DETERMINE THE FOLLOWING:

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

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

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

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

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

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

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

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

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

the determinations and projections required in ~~section 19-3-702 (6)~~ SECTION 19-3-702.5.

(6.7) Any time the court enters an order related to out-of-home placement pursuant to ~~paragraphs (a), (b), and (c) of subsection (6)~~ SUBSECTIONS (6)(a), (6)(b), AND (6)(c) OF THIS SECTION or ~~paragraph (b) of subsection (6.5)~~ SUBSECTION (6.5)(b) of this section; ~~paragraph (f) of subsection (8)~~ SUBSECTION (8)(f) of this section; section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or ~~section 19-3-702 (3.5)(b) and (6)(a)(H)~~ SECTIONS 19-3-702 (3)(b) AND 19-3-702.5 (1)(b), the order ~~shall be~~ IS effective as of the date the findings were made by the court, notwithstanding the date that a written order may be signed by the court. Written orders entered pursuant to ~~paragraphs (a), (b), and (c) of subsection (6)~~ SUBSECTIONS (6)(a), (6)(b), AND (6)(c) OF THIS SECTION or ~~paragraph (b) of subsection (6.5)~~ SUBSECTION (6.5)(b) of this section; ~~paragraph (f) of subsection (8)~~ SUBSECTION (8)(f) of this section; section 19-2-508 (3)(a)(VII)(A) and (3)(a)(VII)(B); section 19-2-906.5 (1)(a), (1)(b), and (3)(a)(III); or ~~section 19-3-702 (3.5)(b) and (6)(a)(H)~~ shall SECTIONS 19-3-702 (3)(b) AND 19-3-702.5 (1)(b) MUST state "the effective date of this order is" and ~~shall~~ MUST not use the words "nunc pro tunc".

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

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

determination pursuant to this ~~article~~ ARTICLE 3.

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

19-7-101. Legislative declaration. (1) The general assembly finds and declares that youth in foster care, excluding those in the custody of the division of youth services or a state hospital for persons with mental health disorders, should enjoy the following:

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

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

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

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

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

(III) Adoption and reunification are not appropriate permanency options for the child or children, and the dependency and neglect court finds, pursuant to ~~section 19-3-702 (5)(a)(II), C.R.S.~~ SECTION 19-3-702 (4)(e)(III) that the child's or children's certified foster parent or parents are

unable to adopt the child because of exceptional circumstances, which do not include an unwillingness to accept legal responsibility for the child, but they are willing and capable of providing the child with a stable and permanent environment;

SECTION 8. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Marilyn Eddins
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