

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-1007.01 Debbie Haskins x2045

HOUSE BILL 15-1337

HOUSE SPONSORSHIP

Williams,

SENATE SPONSORSHIP

Newell,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PLACEMENT STABILITY FOR CHILDREN.

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 adds a legislative declaration to the "Colorado Children's Code" regarding the impact upon children of multiples moves while in foster care and the importance of children having stable placements with a primary caregiver and with siblings. The legislative declaration declares that multiple moves for children in the dependency and neglect system should be discouraged in favor of permanent planning upon which these children can rely for their healthy mental, physical, and emotional development.

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.

Under current law, after the parent-child legal relationship has been terminated, the court shall consider, but is not bound by, a request that guardianship and legal custody of the child be placed with relatives. In addition, there is presumption that joint placement of siblings is in the best interests of the children. Under current law, when the court approves a placement decision relating to the placement of a child with relatives or placement with siblings that will result in the child being moved to a different placement, the court may consider different factors specified in the statute. The bill mandates that the court consider all of the statutory factors in making such placement determinations.

Under current law, the court holds permanency hearings and periodic reviews when a child is in foster care and remains in out-of-home placement. Current law states that the court may consider different factors specified in statute in modifying a child's placement. The bill mandates that the court consider all of the statutory factors related to modifying the placement of a child prior to removing the child from his or her placement.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 19-3-100.5
3 as follows:

4 **19-3-100.5. Legislative declarations - reasonable efforts -**
5 **movement of children and sibling groups.** (1) The general assembly
6 hereby finds and declares that the stability and preservation of the
7 families of this state and the safety and protection of children are matters
8 of statewide concern. The general assembly finds that the federal
9 "Adoption Assistance and Child Welfare Act of 1980", federal Public
10 Law 96-272, requires that each state make a commitment to make
11 "reasonable efforts" to prevent the placement of abused and neglected
12 children out of the home and to reunify the family whenever appropriate.

13 (2) The general assembly further finds that the federal "Adoption
14 and Safe Families Act of 1997", federal Public Law 105-89, clarifies
15 what constitutes "reasonable efforts" by decreeing that when deciding
16 whether to make such efforts and in the process of making such efforts,

1 the health and safety of the child is the paramount concern. This federal
2 law further encourages expediting permanency planning for children in
3 out-of-home placement by removing barriers to permanency and
4 streamlining entitlement services. The law specifies that one of the goals
5 of all placement decisions, whether leaving the child in the home or
6 placing the child outside the home, is safety for the child.

7 (3) The general assembly further finds that the implementation of
8 the federal "Adoption Assistance and Child Welfare Act of 1980", federal
9 Public Law 96-272, is not the exclusive responsibility of the state
10 department of social services or of local departments of social services.
11 Elected officials at the state and local levels must ensure that resources
12 and services are available through state and local social services agencies
13 and through the involvement of the resources of public and private
14 sources. Judges, attorneys, and guardians ad litem must be encouraged to
15 take independent responsibility to ensure that "reasonable efforts" to
16 prevent out-of-home placements have been made only when appropriate,
17 that permanency occurs for children in foster care, and that safe child
18 placements occur in each case.

19 (4) (a) THE GENERAL ASSEMBLY ALSO HEREBY FINDS THAT:

20 (I) THE AMERICAN ACADEMY OF PEDIATRICS HAS FOUND THAT
21 EMOTIONAL AND COGNITIVE DISRUPTIONS IN THE EARLY LIVES OF
22 CHILDREN HAVE THE POTENTIAL TO IMPAIR BRAIN DEVELOPMENT.
23 PARAMOUNT IN THE LIVES OF CHILDREN IN FOSTER CARE IS THEIR NEED
24 FOR CONTINUITY WITH THEIR PRIMARY ATTACHMENT FIGURES AND A
25 SENSE OF PERMANENCE THAT IS ENHANCED WHEN THE CHILD'S PLACEMENT
26 IS STABLE.

27 (II) THE AMERICAN ACADEMY OF PEDIATRICS HAS FOUND THAT

1 ATTACHMENT TO A PRIMARY CAREGIVER IS ESSENTIAL TO THE
2 DEVELOPMENT OF EMOTIONAL SECURITY AND SOCIAL CONSCIENCE; AND

3 (III) ACCORDING TO THE AMERICAN ACADEMY OF PEDIATRICS,
4 OPTIMAL CHILD DEVELOPMENT OCCURS WHEN A SPECTRUM OF NEEDS IS
5 CONSISTENTLY MET OVER AN EXTENDED PERIOD. SEPARATION OF A CHILD
6 FROM HIS OR HER PRIMARY CAREGIVER OCCURRING BETWEEN SIX MONTHS
7 AND THREE YEARS OF AGE IS MORE LIKELY TO RESULT IN SUBSEQUENT
8 EMOTIONAL DISTURBANCES FOR THE CHILD THAN IF THE SEPARATION
9 OCCURS WHEN THE CHILD IS OLDER. REPEATED MOVES FROM HOME TO
10 HOME COMPOUND THE ADVERSE CONSEQUENCES OF SEPARATION.
11 FURTHER, THE YOUNGER THE CHILD AND THE MORE EXTENDED THE PERIOD
12 OF UNCERTAINTY OR SEPARATION, THE MORE DETRIMENTAL THE
13 SEPARATION WILL BE TO THE CHILD'S WELL-BEING. ANY INTERVENTION
14 THAT SEPARATES A CHILD FROM THE CHILD'S PRIMARY CAREGIVER OR
15 PERSON WHO PROVIDES PSYCHOLOGICAL SUPPORT TO THE CHILD SHOULD
16 BE CAUTIOUSLY CONSIDERED AND TREATED AS A MATTER OF URGENCY
17 AND PROFOUND IMPORTANCE.

18 (b) THE GENERAL ASSEMBLY FURTHER FINDS THAT OLDER
19 CHILDREN IN FOSTER CARE ARE AT A HIGH RISK OF HAVING LONG-TERM
20 MENTAL HEALTH ISSUES, DROPPING OUT OF SCHOOL, DEVELOPING
21 ALCOHOL AND DRUG DEPENDENCE, EXPERIENCING PROMISCUITY, AND
22 INTERACTING WITH THE CRIMINAL JUSTICE SYSTEM. MULTIPLE MOVES FOR
23 OLDER CHILDREN LEAD TO DISRUPTION IN SCHOOLING AND MEANINGFUL
24 RELATIONSHIPS AND ATTACHMENTS, INCLUDING RELATIONSHIPS WITH
25 PEERS AND FAMILY OF ORIGIN. AS A RESULT THESE CHILDREN HAVE FEW,
26 IF ANY, LONG-TERM CONNECTIONS WHEN THEY LEAVE FOSTER CARE,
27 RESULTING IN LITTLE SUPPORT FOR THEIR GROWTH INTO INDEPENDENT

1 ADULTS.

2 (c) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT
3 MULTIPLE MOVES FOR CHILDREN IN THE DEPENDENCY AND NEGLECT
4 SYSTEM SHOULD BE DISCOURAGED IN FAVOR OF PERMANENT PLANNING
5 UPON WHICH THESE CHILDREN CAN RELY FOR THEIR HEALTHY MENTAL,
6 PHYSICAL, AND EMOTIONAL DEVELOPMENT.

7 ~~(4)~~ (5) Therefore, in order to carry out the requirements addressed
8 in this section, TO ENSURE STABILITY IN PLACEMENTS, TO PRESERVE
9 FAMILIES, and to decrease the need for out-of-home placement, the
10 general assembly shall define "reasonable efforts" and identify the
11 services and processes that must be in place to ensure that "reasonable
12 efforts" have been made. The general assembly shall provide that
13 "reasonable efforts" are deemed to be met when a county or city and
14 county provides services in accordance with section 19-3-208.

15 **SECTION 2.** In Colorado Revised Statutes, 19-3-605, **amend** (3)
16 as follows:

17 **19-3-605. Request for placement with family members.** (3) In
18 making placement determinations concerning a child following the order
19 of termination of the parent-child legal relationship pursuant to the
20 provisions of this section, the court ~~may~~ SHALL consider all pertinent
21 information related to modifying the placement of the child prior to
22 removing the child from his or her placement, ~~giving strong consideration~~
23 ~~to~~ INCLUDING the following:

24 (a) An individualized assessment of the child's needs created
25 pursuant to Title IV-E of the federal "Social Security Act", as amended,
26 and regulations promulgated thereunder, as amended;

27 (b) Whether the child's placement at the time of the hearing is a

1 safe and potentially permanent placement for the child;

2 (c) The child's actual age and developmental stage and, in
3 consideration of this information, the child's attachment needs;

4 (d) Whether the child has significant psychological ties to a person
5 who could provide a permanent placement for the child, including a
6 relative, and, if so, whether this person maintained contact with the child
7 during the child's placement out of the home;

8 (e) Whether a person who could provide a permanent placement
9 for the child is willing to maintain appropriate contact after an adoption
10 of the child with the child's relatives, particularly sibling relatives, when
11 such contact is safe, reasonable, and appropriate;

12 (f) Whether a person who could provide a permanent placement
13 for the child is aware of the child's culture and willing to provide the child
14 with positive ties to his or her culture;

15 (g) The child's medical, physical, emotional, or other specific
16 needs, and whether a person who could provide a permanent placement
17 for the child is able to meet the child's needs; and

18 (h) The child's attachment to the child's caregiver at the time of
19 the hearing and the possible effects on the child's emotional well-being
20 if the child is removed from the caregiver's home.

21 **SECTION 3.** In Colorado Revised Statutes, 19-3-702, **amend** (9)
22 as follows:

23 **19-3-702. Permanency hearing - periodic review.** (9) In
24 making placement determinations concerning a child pursuant to the
25 provisions of this section, the court ~~may~~ SHALL consider all pertinent
26 information related to modifying the placement of the child prior to
27 removing the child from his or her placement, ~~giving strong consideration~~

1 to INCLUDING the following:

2 (a) An individualized assessment of the child's needs created
3 pursuant to Title IV-E of the federal "Social Security Act", as amended,
4 and regulations promulgated thereunder, as amended;

5 (b) Whether the child's placement at the time of the hearing is a
6 safe and potentially permanent placement for the child;

7 (c) The child's actual age and developmental stage and, in
8 consideration of this information, the child's attachment needs;

9 (d) Whether the child has significant psychological ties to a person
10 who could provide a permanent placement for the child, including a
11 relative, and, if so, whether this person maintained contact with the child
12 during the child's placement out of the home;

13 (e) Whether a person who could provide a permanent placement
14 for the child is willing to maintain appropriate contact after an adoption
15 of the child with the child's relatives, particularly sibling relatives, when
16 such contact is safe, reasonable, and appropriate;

17 (f) Whether a person who could provide a permanent placement
18 for the child is aware of the child's culture and willing to provide the child
19 with positive ties to his or her culture;

20 (g) The child's medical, physical, emotional, or other specific
21 needs, and whether a person who could provide a permanent placement
22 for the child is able to meet the child's needs; and

23 (h) The child's attachment to the child's caregiver at the time of
24 the hearing and the possible effects on the child's emotional well-being
25 if the child is removed from the caregiver's home.

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.