

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0596.01 Richard Sweetman

HOUSE BILL 08-1006

HOUSE SPONSORSHIP

Jahn,

SENATE SPONSORSHIP

Sandoval,

House Committees

Health and Human Services

Senate Committees

Health and Human Services

A BILL FOR AN ACT

101 **CONCERNING VISITS BY CHILDREN IN FOSTER CARE WITH THEIR**
102 **SIBLINGS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires a county department of social services ("county department") to arrange for a visit between a child in foster care and his or her sibling within a reasonable amount of time if the child and his or her sibling express a mutual desire to visit with each other. Allows the county department to deny the request if it determines the visit would not be in the best interests of the child or his or her sibling. Allows the state board of human services to promulgate rules establishing procedures by

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.

HOUSE
3rd Reading Unam ended
January 16, 2008

HOUSE
2nd Reading Unam ended
January 15, 2008

which a foster home shall arrange for one or more visits.

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

2 **SECTION 1.** Part 1 of article 1 of title 19, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **19-1-128. Foster care sibling visits - rules.** (1) IF A CHILD IN
6 FOSTER CARE AND HIS OR HER SIBLING MUTUALLY REQUEST AN
7 OPPORTUNITY TO VISIT EACH OTHER, THE COUNTY DEPARTMENT THAT HAS
8 LEGAL CUSTODY OF THE CHILD SHALL ARRANGE THE VISIT WITHIN A
9 REASONABLE AMOUNT OF TIME AND DOCUMENT THE VISIT.

10 (2) IF A CHILD IN FOSTER CARE AND HIS OR HER SIBLING MUTUALLY
11 REQUEST AN OPPORTUNITY TO VISIT EACH OTHER ON A REGULAR BASIS,
12 THE COUNTY DEPARTMENT THAT HAS LEGAL CUSTODY OF THE CHILD
13 SHALL ARRANGE THE VISITS AND ENSURE THAT THE VISITS OCCUR WITH
14 SUFFICIENT FREQUENCY AND DURATION TO PROMOTE CONTINUITY IN THE
15 SIBLINGS' RELATIONSHIP.

16 (3) IF, IN ARRANGING SIBLING VISITS PURSUANT TO THIS SECTION,
17 A COUNTY DEPARTMENT DETERMINES THAT A REQUESTED VISIT BETWEEN
18 THE SIBLINGS WOULD NOT BE IN THE BEST INTERESTS OF ONE OR BOTH OF
19 THE SIBLINGS, THE COUNTY DEPARTMENT SHALL DENY THE REQUEST AND
20 DOCUMENT ITS REASONS FOR MAKING THE DETERMINATION. IN
21 DETERMINING WHETHER A REQUESTED VISIT WOULD BE IN THE BEST
22 INTERESTS OF ONE OR BOTH OF THE SIBLINGS, THE COUNTY DEPARTMENT
23 SHALL ASCERTAIN WHETHER THERE IS PENDING IN ANY JURISDICTION A
24 CRIMINAL ACTION IN WHICH EITHER OF THE SIBLINGS IS EITHER A VICTIM
25 OR A WITNESS. IF SUCH A CRIMINAL ACTION IS PENDING, THE COUNTY

1 DEPARTMENT, BEFORE ARRANGING ANY VISIT BETWEEN THE SIBLINGS,
2 SHALL CONSULT WITH THE DISTRICT ATTORNEY FOR THE JURISDICTION IN
3 WHICH THE CRIMINAL ACTION IS PENDING TO DETERMINE WHETHER THE
4 REQUESTED VISIT MAY HAVE A DETRIMENTAL EFFECT UPON THE
5 PROSECUTION OF THE PENDING CRIMINAL ACTION.

6 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
7 OR PERMIT A COUNTY DEPARTMENT TO ARRANGE A SIBLING VISIT IF SUCH
8 VISIT WOULD VIOLATE AN EXISTING PROTECTION ORDER IN ANY CASE
9 PENDING IN THIS STATE OR ANY OTHER STATE.

10 (5) AS USED IN THIS SECTION, "SIBLING" MEANS:

11 (a) A SIBLING FROM BIRTH WHO IS DESCENDED FROM ONE OR TWO
12 MUTUAL PARENTS; OR

13 (b) A STEPBROTHER OR FORMER STEPBROTHER OR A STEPSISTER OR
14 FORMER STEPSISTER.

15 (6) THE STATE BOARD OF HUMAN SERVICES, CREATED IN SECTION
16 26-1-107, C.R.S., MAY PROMULGATE RULES FOR THE IMPLEMENTATION OF
17 THIS SECTION.

18 **SECTION 2.** 19-5-101, Colorado Revised Statutes, is amended
19 BY THE ADDITION OF A NEW SUBSECTION to read:

20 **19-5-101. Termination of the parent-child legal relationship.**

21 (3) A TERMINATION BY A COURT OF A PARENT-CHILD LEGAL
22 RELATIONSHIP PURSUANT TO PROCEEDINGS UNDER THIS SECTION OR ANY
23 SECTION DESCRIBED BY SUBSECTION (1) OF THIS SECTION SHALL NOT BE
24 DEEMED TO TERMINATE A SIBLING RELATIONSHIP BETWEEN SIBLING
25 CHILDREN WHO ARE PARTIES TO THE TERMINATION OF THE PARENT-CHILD
26 LEGAL RELATIONSHIP.

27 **SECTION 3. Effective date.** This act shall take effect at 12:01

1 a.m. on the day following the expiration of the ninety-day period after
2 final adjournment of the general assembly that is allowed for submitting
3 a referendum petition pursuant to article V, section 1 (3) of the state
4 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
5 except that, if a referendum petition is filed against this act or an item,
6 section, or part of this act within such period, then the act, item, section,
7 or part, if approved by the people, shall take effect on the date of the
8 official declaration of the vote thereon by proclamation of the governor.