

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 26-1314

BY REPRESENTATIVE(S) English, Bacon, Duran, Joseph, Lieder;
also SENATOR(S) Exum, Benavidez, Cutter, Daugherty, Gonzales J.,
Hinrichsen, Kolker, Marchman, Mullica, Roberts, Snyder, Wallace,
Coleman.

CONCERNING INCREASING FAMILY STABILITY, AND, IN CONNECTION
THEREWITH, PRIORITIZING KINSHIP PLACEMENTS IN CERTAIN
CIRCUMSTANCES AND FACILITATING GRANDPARENT CONTACT.

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) Placing a child or youth who has been removed from their home in safe kinship care settings promotes family stability, speeds permanency, and yields better long-term outcomes, which may include safe and timely reunification of a child or youth with their parent; and

(b) Kinship care providers play a critical role in securing child and youth well-being, contributing to a sense of continuity and normalcy. Similarly, post-adoption contact between a child and a grandparent can be

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.

an ongoing source of support, stability, and affection.

(2) The general assembly finds, therefore, that targeted legislative reforms to prioritize kinship placements and preserve grandparent-grandchild relationships will promote the stability, safety, and well-being of children, youth, and families throughout the state.

SECTION 2. In Colorado Revised Statutes, 14-10-124.4, **amend** (2)(a) and (2)(b) as follows:

14-10-124.4. Family time for grandparents or great-grandparents - legislative declaration - definitions.

(2) As used in this section, unless the context otherwise requires:

(a) "Grandparent" means a person who is OR, IF THE CHILD'S FATHER OR MOTHER IS DECEASED, WAS the parent of a child's father or mother, who is related to the child by blood, in whole or by half, adoption, or marriage; except that "grandparent" does not include the parent of a child's legal father or mother whose parental rights have been terminated in accordance with sections 19-5-101 and 19-1-104 (1)(d).

(b) "Great-grandparent" means a person who is OR, IF THE CHILD'S FATHER OR MOTHER OR GRANDPARENT IS DECEASED, WAS the grandparent of a child's father or mother, who is related to the child by blood, in whole or by half, adoption, or marriage; except that "great-grandparent" does not include the grandparent of a child's legal father or mother whose parental rights have been terminated in accordance with sections 19-5-101 and 19-1-104 (1)(d).

SECTION 3. In Colorado Revised Statutes, **repeal** 19-1-117.7.

SECTION 4. In Colorado Revised Statutes, 19-3-403, **amend** (3.6)(a)(IV) introductory portion and (3.6)(a)(V) as follows:

19-3-403. Temporary custody - hearing - time limits - restriction - rules.

(3.6) (a) (IV) The court shall order a county department of human or social services to exercise due diligence AND DOCUMENT ITS DILIGENT

EFFORTS to contact all grandparents and other adult relatives and identified kin within thirty days after the removal of the child or youth and to inform them about placement possibilities for the child or youth, unless the court determines there is good cause not to contact or good cause to delay contacting the child's or youth's relatives and kin, including, but not limited to, family or domestic violence.

(V) (A) The court shall give preference to giving temporary placement to a child's or youth's relative or kin who is capable, willing, and available for care. ~~giving primary consideration to the child's or youth's mental, physical, and emotional needs, including the child's or youth's preference regarding placement.~~ PLACEMENT OF THE CHILD OR YOUTH WITH THE RELATIVE OR KIN IS PRESUMED TO BE IN THE BEST INTERESTS OF THE CHILD OR YOUTH. THE PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE OF THE EVIDENCE, GIVING PRIMARY CONSIDERATION TO THE CHILD'S OR YOUTH'S MENTAL, PHYSICAL, AND EMOTIONAL NEEDS, INCLUDING THE CHILD'S OR YOUTH'S PREFERENCE REGARDING PLACEMENT. The court shall also find that there is no suitable birth or adoptive parent available, with due diligence having been exercised in attempting to locate ~~any such~~ THE birth or adoptive parent. A parent's objection to placement with a particular relative or kin is not alone sufficient to show that the proposed placement would hinder reunification. The court may place or continue custody with the county department of human or social services if the court is satisfied from the information presented at the hearing that ~~such~~ THE custody is appropriate and in the child's or youth's best interests, or the court may enter ~~such~~ other orders as ~~are~~ appropriate.

(B) The court may authorize the county department of human or social services with custody of a child or youth to place the child or youth with a relative or kin without the necessity for a hearing if a county department of human or social services locates a capable and willing relative or kin who is available to care for the child or youth and the guardian ad litem of the child or youth concurs that the placement is in the best interests of the child or youth. If the county department of human or social services places a child or youth with a relative or kin without a hearing pursuant to this ~~subsection (3.6)(a)(V)~~ SUBSECTION (3.6)(a)(V)(B), the county department of human or social services shall fully inform the court of the details concerning the child's or youth's placement on the record at the next hearing. If the court enters an order removing a child or youth from the home or continuing a child or youth in a placement out of the

home, the court shall make the findings required pursuant to section 19-1-115 (6) if ~~such~~ THE findings are warranted by the evidence.

SECTION 5. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO