

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

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3.7.16

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LLS NO. 16-0995.01 Jane Ritter x4342

HOUSE BILL

HOUSE SPONSORSHIP

Singer and Nordberg,

SENATE SPONSORSHIP

Kefalas,

BILL TOPIC: "Relative Guardianship Assistance Program"

DEADLINES: File by: 3/1/2016

A BILL FOR AN ACT

101 **CONCERNING THE RELATIVE GUARDIANSHIP ASSISTANCE PROGRAM.**

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 makes changes to the relative guardianship assistance program (program) to comply with federal regulations and to clarify the qualifying legal relationships and situations that are eligible for the program in situations where a child or children cannot be returned to the physical custody of such child's or children's parent, kin, or legal guardian and the child or children are not available for adoption.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 declares that:

4 (a) The state of Colorado has a strong interest in providing
5 permanency options to children who are part of the foster care system;

6 (b) Children and youth in the child welfare system are better
7 served when family ties are preserved and strengthened because
8 permanent family connections are critical to a child's overall well-being
9 and development;

10 (c) The general assembly has established through past legislation
11 a statutory preference for placement with relatives and kin at all stages of
12 a child welfare case;

13 (d) To help support permanency with family and kin relationships
14 when adoption is unavailable, the general assembly created the "Relative
15 Guardianship Assistance Program" in 2010, as authorized by the federal
16 "Fostering Connections to Success and Increasing Adoptions Act of
17 2008", Pub. L. 110-351;

18 (e) The state of Colorado has a strong interest in providing
19 permanency options to children who are part of the traditional foster care
20 system and who are not otherwise able to be placed with relatives or kin
21 through adoption; and

22 (f) It is appropriate to further the goal of permanency by passing
23 legislation to offer financial assistance for the care of children, when it is
24 in accordance with federal law, to relatives, kin, and foster parents who
25 have a significant relationship with the child, as outlined in statute, and
26 who have assumed legal guardianship or allocation of parental
27 responsibilities of children who they previously cared for as certified

1 foster parents through the federal "Title IV-E Adoption and Guardianship
2 Assistance Program", 42 U.S.C. sec. 673 (d).

3 (2) It is the intent of the general assembly that the state
4 guardianship assistance program will be utilized to enhance family
5 preservation, provide a permanency option for children who have
6 developed a significant relationship with their foster parent caregiver and
7 who cannot be returned home or adopted, and provide stability in safe and
8 stable placements with relatives, kin, and foster parent caregivers in
9 circumstances set forth in this legislation.

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 26-5-110 as
11 follows:

12 **26-5-110. Guardianship assistance program - rules.** (1) There
13 is hereby established a guardianship assistance program in the state
14 department, referred to in this section as the "program". Assistance from
15 the program ~~shall be made~~ IS available to relatives, persons ascribed by
16 the family as having a family-like relationship with the child, or persons
17 ~~who have had a prior significant relationship with the child who~~ WHEN A
18 COURT HAS FOUND THAT A CHILD OR CHILDREN CANNOT BE RETURNED TO
19 THE PHYSICAL CUSTODY OF THE CHILD'S OR CHILDREN'S PARENT OR LEGAL
20 GUARDIAN AND ARE NOT AVAILABLE FOR ADOPTION. PROGRAM
21 ASSISTANCE IS AVAILABLE IN THE FOLLOWING SITUATIONS:

22 (a) RELATIVES, KIN, AND PERSONS ASCRIBED BY THE FAMILY AS
23 HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD OR CHILDREN WHO:

24 (a) (I) Are committed to the child's or children's permanency;

25 (b) (II) Were the CERTIFIED foster parent or parents of the child or
26 children FOR A MINIMUM OF SIX CONSECUTIVE MONTHS at the time they
27 assumed guardianship; and

1 (e) (III) Have assumed LEGAL guardianship OR ALLOCATION OF
2 PARENTAL RESPONSIBILITIES of the child or children; OR

3 (b) A CERTIFIED FOSTER PARENT OR PARENTS WHO DO NOT
4 OTHERWISE QUALIFY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION
5 (1), IF:

6 (I) THE CHILD OR CHILDREN ARE TWELVE YEARS OF AGE OR OLDER;

7 (II) THE DEPENDENCY AND NEGLECT COURT FINDS THAT THE CHILD
8 OR CHILDREN HAVE A SUBSTANTIAL PSYCHOLOGICAL TIE TO THE FOSTER
9 PARENT OR PARENTS, SUCH THAT IT WOULD BE SERIOUSLY DETRIMENTAL
10 TO THE CHILD'S OR CHILDREN'S EMOTIONAL WELL-BEING TO REMOVE THE
11 CHILD OR CHILDREN FROM THE FOSTER PARENT'S OR PARENTS' CARE, AS
12 DESCRIBED IN SECTION 19-3-702 (5) (a) (III) AND (5) (b), C.R.S.;

13 (III) THE DEPENDENCY AND NEGLECT COURT FINDS THAT THE
14 FOSTER PARENT OR PARENTS ARE UNABLE TO ADOPT THE CHILD OR
15 CHILDREN BECAUSE OF EXCEPTIONAL CIRCUMSTANCES BUT ARE
16 COMMITTED TO THE CHILD'S OR CHILDREN'S PERMANENCY AND ARE
17 WILLING AND CAPABLE OF PROVIDING THE CHILD OR CHILDREN WITH A
18 STABLE AND PERMANENT HOME, AS DESCRIBED IN SECTION 19-3-702 (5)
19 (a) (III), C.R.S.;

20 (IV) THE CERTIFIED FOSTER PARENT OR PARENTS OF THE CHILD OR
21 CHILDREN HAVE CARED FOR THE CHILD OR CHILDREN FOR A MINIMUM OF
22 TWELVE MONTHS; AND

23 (V) THE CERTIFIED FOSTER PARENT OR PARENTS HAVE ASSUMED
24 LEGAL GUARDIANSHIP OR ALLOCATION OF PARENTAL RESPONSIBILITIES OF
25 THE CHILD OR CHILDREN WITH THE CHILD'S OR CHILDREN'S CONSENT.

26 (1.5) A CHILD WHO IS ELEVEN YEARS OR YOUNGER QUALIFIES FOR
27 ASSISTANCE PURSUANT TO THIS SECTION IF:

1 (a) THE COURTS AGREE THAT IT IS IN THE BEST INTEREST OF THE
2 CHILD, AND THE CHILD, COUNTY, AND GUARDIAN AD LITEM AGREE; AND

3 (b) THE CHILD MEETS THE CONDITIONS OUTLINED IN
4 SUBPARAGRAPHS (III), (IV), AND (V) OF PARAGRAPH (b) OF SUBSECTION
5 (1) OF THIS SECTION.

6 (2) The state department shall promulgate rules THAT COMPLY
7 WITH THE PROVISIONS OF 42 U.S.C. SEC. 673 (d) for the implementation
8 of this section FOR SITUATIONS WHERE A CHILD OR CHILDREN HAVE BEEN
9 REMOVED FROM THE HOME THROUGH A JUDICIAL DETERMINATION THAT
10 CONTINUATION IN THE HOME WOULD NOT BE IN THE CHILD'S OR
11 CHILDREN'S BEST INTEREST, AND THAT RETURNING HOME OR ADOPTION
12 ARE NOT APPROPRIATE PERMANENT OPTIONS FOR THE CHILD OR CHILDREN.

13 ~~(3) (Deleted by amendment, L. 2012.)~~

14 **SECTION 3. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety. <{Safety clause
17 OK?}>