

AGENDA
COLORADO SUPREME COURT
RULES OF JUVENILE PROCEDURE COMMITTEE

Friday, October 8, 2021, 9:00 AM
Videoconference Meeting via Webex

- I. Call to Order
- II. Chair's Report
 - A. 8/6/21 meeting minutes [p. 3-5]
- III. Old Business
 - A. Rule Proposal from the Access to Justice Committee Re Interlocutory Appeal Advisement (Melanie Jordan)
 - Update
 - B. Proposed ICWA Rules (Judge Furman)
 - Update
 - C. Committee Membership Make Up (Chair)
 - Update
 - D. Pending Reorganization of Article 2, Title 19.
 - SB21-059 [Signed](#) effective October 1, 2021.
 - Hold pending new juvenile justice members, then subcommittee.
 - Any feedback on materials from Clancy Johnson
 - E. [HB21-1094](#) –
 - Update Re any amendment need to permanency rule (Judge Meinster & Clancy Johnson)
 - F. Drafting Committee (Judge Furman)
 - Update
- IV. New Business
 - A. [HB21-1101](#) Open Adoptions (*see* email from Melanie Jordan) [p. 6-20]
- V. Adjourn
 - A. Next Meeting: **December 10th**

Cisco Webex

In order to use Webex videoconferencing, you need an internet connection and a device with a camera, microphone, and speaker (e.g., laptop, smartphone, or tablet).

You can download the Webex software (called “Webex Meetings”) for free in advance [here](#) or from your favorite app store. You can also arrive slightly early to the meeting, click on the link, and then be prompted to download the software.

If you have difficulties using a smart device, the original Webex invite also includes call-in information, so that you can participate by phone. Judicial’s IT department recommends using the Denver call-in number: (720) 650-7664.

**Colorado Supreme Court Rules of Juvenile Procedure Committee
Minutes of August 6, 2021**

I. Call to Order

The Rules of Juvenile Procedure Committee came to order around 9 AM via videoconference. Members present or excused from the meeting were:

Name	Present	Excused
Judge Craig Welling, Chair	X	
Judge (Ret.) Karen Ashby, Chair	X	
David P. Ayraud	X	
Jennifer Conn		X
Chris Henderson for Sheri Danz	X	
Traci Engdol-Fruhirth		X
Judge David Furman	X	
Melanie Jordan	X	
Ruchi Kapoor		X
Peg Long	X	
Judge Ann Meinster	X	
Chief Judge Mick O'Hara		X
Trent Palmer		X
Professor Colene Robinson		X
Magistrate Fran Simonet		X
Judge Traci Slade		X
John Thirkell	X	
Pam Wakefield	X	
Abby Young	X	
Non-voting Participants		
Justice Richard Gabriel, Liaison	X	
Terri Morrison	X	
J.J. Wallace	X	
Guest: Clancy Johnson		

Meeting Materials:

- (1) Draft minutes from 6.11.2021 meeting
- (2) Report on HB21-1094 from Sheri Danz
- (3) Judge Furman's email re: bench cards

II. Chair's Report

- A. The 6/11/21 meeting minutes were approved without amendment.

III. Old Business

- A. Rule Proposal from Access to Justice Committee re Interlocutory Appeal Advisement

Melanie Jordan reports that she secured the participation of a diverse group of stakeholders, and they will soon be holding their first meeting.

- B. Proposed ICWA Rules

Judge Furman reports that the group continues to make progress.

- C. Committee membership makeup

Judge Welling reports that the list of JD stakeholders has been compiled (thanks to everyone for their suggestions), and he will be reaching out to them soon.

- D. Pending Reorganization of Article 2, Title 19

Clancy Johnson reports that she is on a committee producing summary materials on the reorganization and will share that info with this committee. Feedback on the materials would be appreciated. It's still anticipated that, once juvenile justice stakeholders are added to the committee, a subcommittee will be formed to examine the new legislation to see if rules changes are needed. It was noted that several delinquency rules in the 3 series of the C.R.J.P. refer to statutes in article 2, so it's anticipated that they will need to be updated (*see* C.R.C.P. 3; 3.1; 3.5; 3.7).

- E. HB21-1094

Written report and recommendations provided in the meeting materials by Sheri Danz. The report indicates that neither ICWA nor the UCCJEA are implicated in the new case type. The report also indicates that the new case type may impact the permanency rule. Judge Meinster agreed to look at the permanency rule in light of the new case type.

Bench cards for HB21-1094

Kristin Melton at CIP has a workgroup on HB 1094 that are meeting to develop bench cards.

IV. New Business

- A. Drafting Committee (Judge Furman)-

A committee has been formed and will hold it's first meeting in September.

B. Future Meetings.

Judge Welling indicated that, for the foreseeable future, he believed the committee should continue to meet remotely via Webex. No committee member objected to continuing to meet via Webex.

C. Adjourn

Next meeting, October 8, 2021 at 9 AM via Webex.

Respectfully Submitted,

J.J. Wallace

Staff Attorney, Colorado Supreme Court

UNOFFICIAL

wallace, jennifer

From: Melanie Jordan
Sent: Thursday, September 23, 2021 9:04 AM
To: wallace, jennifer
Subject: RE: Advisement Rule Subcommittee

On a totally separate topic, the ORPC ran legislation this past year, HB 21-1101, that created legally enforceable open adoption. Initially, we were not thinking that rules were going to be necessary, but now that the bill is in effect it seems like rules may be helpful. Could we add that to the agenda? I know we spoke about the Youth in Transition bill and juvenile justice recodification bill, so I am not sure the process for discussing something like this but think it could be helpful to have some rules around the open adoption piece.

Best regards,

Melanie Jordan, Esq. | Case Strategy Director
OFFICE OF RESPONDENT PARENTS' COUNSEL
1300 Broadway | **Suite 340** | Denver, Colorado 80203

An Act

HOUSE BILL 21-1101

BY REPRESENTATIVE(S) Ransom, Bacon, Bennett, Bradfield, Duran, Exum, Geitner, Hooton, Jodeh, Lynch, McKean, Mullica, Pelton, Ricks, Sandridge, Snyder, Soper, Van Winkle, Will, Garnett;
also SENATOR(S) Buckner, Ginal, Gonzales, Lee, Moreno, Pettersen, Priola, Smallwood, Garcia.

CONCERNING PRESERVING FAMILIAL CONNECTIONS IN ACTIONS INITIATED PURSUANT TO THE CHILDREN'S CODE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 19-3-217 as follows:

19-3-217. Parent-child visitation upon removal. (1) AT ANY HEARING HELD PURSUANT TO SECTION 19-3-403 (2) OR (3.5), THE COURT SHALL ENTER TEMPORARY ORDERS FOR REASONABLE VISITATION WITH THE CHILD'S PARENT THAT IS CONSISTENT WITH THE AGE AND DEVELOPMENTAL NEEDS OF A CHILD IF THE COURT FINDS THAT VISITATION IS IN A CHILD'S BEST INTERESTS. THE COURT SHALL ORDER CONTACT BETWEEN THE PARENT AND CHILD, WHICH CONTACT MAY INCLUDE BUT IS NOT LIMITED TO TELEPHONE,

VIRTUAL, OR IN-PERSON VISITS, COMMENCING WITHIN SEVENTY-TWO HOURS AFTER ANY HEARING PURSUANT TO SECTION 19-3-403 (2) OR (3.5), EXCLUDING SATURDAYS, SUNDAYS, AND ANY COURT HOLIDAY. THE COURT MAY AUTHORIZE AN EXTENSION OF TIME FOR CONTACT TO COMMENCE IF THE DELAY IS AGREED UPON BY THE PARENT, COUNTY DEPARTMENT, AND GUARDIAN AD LITEM OR IF THE COURT FINDS THAT A DELAY IN CONTACT IS IN THE CHILD'S BEST INTERESTS.

(2) NOTHING IN THIS SECTION RESTRICTS THE COURT FROM GRANTING DISCRETIONARY AUTHORITY TO THE DEPARTMENT AND GUARDIAN AD LITEM TO INCREASE OPPORTUNITIES FOR ADDITIONAL PARENT-CHILD CONTACTS OR SIBLING CONTACTS WITHOUT FURTHER COURT ORDER.

(3) ABSENT THE ISSUANCE OF AN EMERGENCY ORDER, A PARENT GRANTED VISITATION IS ENTITLED TO A HEARING PRIOR TO AN ONGOING REDUCTION IN, SUSPENSION OF, OR INCREASE IN THE LEVEL OF SUPERVISION, INCLUDING A CHANGE FROM IN-PERSON VISITATION TO VIRTUAL VISITATION. IF THE COURT ISSUES AN EMERGENCY ORDER SUSPENDING, REDUCING, OR RESTRICTING VISITATION, A PARENT IS ENTITLED TO A HEARING WITHIN SEVENTY-TWO HOURS AFTER THE ORDER IS ISSUED, EXCLUDING SATURDAYS, SUNDAYS, AND COURT HOLIDAYS. THE COURT NEED NOT HOLD A HEARING IF THERE IS AGREEMENT BY THE PETITIONER, GUARDIAN AD LITEM, AND PARENT TO THE REDUCTION, SUSPENSION, OR INCREASE IN LEVEL OF SUPERVISION OF VISITS. ANY SUCH AGREEMENT MUST BE REDUCED TO WRITING AND FILED WITH THE COURT. NOTHING IN THIS SECTION PREVENTS THE COUNTY DEPARTMENT FROM CANCELING A VISIT IF THE CHILD'S HEALTH OR WELFARE WOULD BE ENDANGERED OR IF THE PARENT CONSENTS TO THE CANCELLATION OF THE VISIT.

(4) NOTHING IN THIS SECTION REQUIRES OR PERMITS A COUNTY DEPARTMENT TO ARRANGE A VISIT IF THE VISIT WOULD VIOLATE AN EXISTING PROTECTION ORDER IN ANY CASE PENDING IN THIS STATE OR ANY OTHER STATE. THE COUNTY DEPARTMENT IS NOT REQUIRED TO PRODUCE A CHILD FOR COURT-ORDERED VISITATION IF THE VISITATION IS MADE IMPOSSIBLE DUE TO THE POLICIES OF A FACILITY WHERE THE PARENT IS INCARCERATED OR IN TREATMENT.

SECTION 2. In Colorado Revised Statutes, 19-3-403, **amend** (7) as follows:

19-3-403. Temporary custody - hearing - time limits - restriction - rules. (7) The court may also issue temporary orders for legal custody as provided in section 19-1-115. THE COURT SHALL ENTER VISITATION ORDERS CONSISTENT WITH SECTION 19-3-217.

SECTION 3. In Colorado Revised Statutes, 19-5-208, **add** (4.5) as follows:

19-5-208. Petition for adoption - open adoption - post-adoption contact agreement. (4.5) (a) AN AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (4.5) IS CONSIDERED AN OPEN ADOPTION.

(b) ONLY THE PETITIONER MAY REQUEST A POST-ADOPTION CONTACT AGREEMENT FOR CONTACT BETWEEN A CHILD AND THE BIRTH PARENT OR PARENTS; A BIRTH RELATIVE, AS SET FORTH IN SECTION 19-3-605 (1); OR AN INDIAN TRIBE IF THE CHILD IS A MEMBER OF THE INDIAN TRIBE. A POST-ADOPTION CONTACT AGREEMENT MAY INCLUDE PROVISIONS FOR CONTACT, VISITATION, OR THE EXCHANGE OF INFORMATION, AND THE GROUNDS, IF ANY, ON WHICH THE ADOPTIVE PARENT MAY DECLINE TO PERMIT VISITS OR CEASE PROVIDING CONTACT OR INFORMATION. IF A CHILD IS AVAILABLE FOR ADOPTION THROUGH AN EXPEDITED RELINQUISHMENT PURSUANT TO SECTION 19-5-103.5, THE CONTACT AGREEMENT MUST BE LIMITED TO CONTACT BETWEEN THE CHILD AND THE BIRTH PARENTS AND BIOLOGICAL SIBLINGS OF THE CHILD.

(c) IF A CHILD IS TWELVE YEARS OF AGE OR OLDER, THE COURT SHALL NOT ORDER A POST-ADOPTION CONTACT AGREEMENT UNLESS THE CHILD CONSENTS TO ALL TERMS OF THE CONTACT AGREEMENT.

(d) THE COURT SHALL INCLUDE THE POST-ADOPTION CONTACT AGREEMENT IN THE ADOPTION DECREE IF THE COURT FINDS THE CONTACT AGREEMENT IS IN THE CHILD'S BEST INTERESTS, AFTER CONSIDERING THE CHILD'S WISHES AND ANY OTHER RELEVANT INFORMATION.

(e) A PARENT WHO HAS RELINQUISHED PARENTAL RIGHTS PURSUANT TO SECTION 19-5-104, OR WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED PURSUANT TO SECTION 19-3-604 OR 19-5-105, OR ANY BIRTH RELATIVE, AS SET FORTH IN SECTION 19-3-605 (1), MUST NOT BE A PARTY TO THE ADOPTION. ACCESS TO THE ADOPTION FILE, WITH THE EXCEPTION OF THE POST-ADOPTION CONTACT AGREEMENT AND ANY PLEADINGS OR ORDERS

MADE PURSUANT TO THIS SECTION TO ENFORCE THE CONTACT AGREEMENT, IS GOVERNED BY PART 3 OF THIS ARTICLE 5.

(f) A POST-ADOPTION CONTACT AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (4.5) MUST BE SUBMITTED TO THE COURT ON A STANDARDIZED AFFIDAVIT FORM PRESCRIBED BY THE JUDICIAL DEPARTMENT THAT CONTAINS THE FOLLOWING WARNINGS ACKNOWLEDGED BY ALL PARTIES TO THE CONTACT AGREEMENT:

(I) AFTER THE ENTRY OF A DECREE FOR ADOPTION, AN ADOPTION, RELINQUISHMENT, OR TERMINATION OF PARENTAL RIGHTS CANNOT BE SET ASIDE DUE TO THE FAILURE OF THE ADOPTIVE PARENT, BIOLOGICAL PARENT, A BIRTH RELATIVE, OR THE CHILD TO FOLLOW THE TERMS OF THE CONTACT AGREEMENT OR ANY SUBSEQUENT MODIFICATIONS OF THE AGREEMENT; AND

(II) A DISAGREEMENT BETWEEN THE PARTIES OR LITIGATION BROUGHT PURSUANT TO SECTION 19-5-217 TO ENFORCE OR TERMINATE THE CONTACT AGREEMENT DOES NOT AFFECT THE VALIDITY OF THE ADOPTION, RELINQUISHMENT, OR TERMINATION OF PARENTAL RIGHTS AND IS NOT A BASIS FOR ORDERS AFFECTING THE CUSTODY OF THE CHILD.

(g) NOTHING IN THIS SUBSECTION (4.5) PERMITS THE COURT TO ORDER ONGOING CONTACT OR OTHER DUTIES FOR THE PETITIONER WHEN THE PETITIONER DOES NOT REQUEST A POST-ADOPTION CONTACT AGREEMENT AS SET FORTH IN THIS SUBSECTION (4.5).

(h) IN ANY CASE WHERE A POST-ADOPTION CONTACT AGREEMENT IS BEING CONSIDERED BY THE COURT AND A GUARDIAN AD LITEM IS CURRENTLY APPOINTED FOR THE CHILD PURSUANT TO SECTION 19-3-203, THE COURT SHALL APPOINT THE GUARDIAN AD LITEM TO REPRESENT THE BEST INTERESTS OF THE CHILD WITH RESPECT TO THE CONTACT AGREEMENT. THE GUARDIAN AD LITEM'S REPRESENTATION IN THESE PROCEEDINGS IS LIMITED SOLELY TO MAKING A RECOMMENDATION AS TO WHETHER THE AGREEMENT PROPOSED BY THE PETITIONER IS IN THE BEST INTERESTS OF THE CHILD AND SHOULD BE ADOPTED AS PROPOSED. THE COURT SHALL NOT MAKE ADDITIONS OR MODIFICATIONS TO THE AGREEMENT IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GUARDIAN AD LITEM UNLESS THE PETITIONER CONSENTS TO THE ADDITIONS OR MODIFICATIONS. THE DUTIES OF THE GUARDIAN AD LITEM TERMINATE UPON THE ENTRY OF THE DECREE OF ADOPTION.

SECTION 4. In Colorado Revised Statutes, add 19-5-217 as follows:

19-5-217. Enforcement or termination of post-adoption contact agreement. (1) IF THE DECREE OF ADOPTION CONTAINS A POST-ADOPTION CONTACT AGREEMENT PURSUANT TO SECTION 19-5-208 (4.5), THE COURT RETAINS JURISDICTION AFTER THE DECREE OF ADOPTION IS ENTERED TO HEAR MOTIONS TO ENFORCE OR TERMINATE THE CONTACT AGREEMENT, OR TO ENTER STIPULATED AGREEMENTS OF THE PARTIES TO MODIFY THE CONTACT AGREEMENT.

(2) THE COURT MAY APPOINT A GUARDIAN AD LITEM FOR THE ADOPTED CHILD AT THE TIME OF ANY ACTION FOR THE ENFORCEMENT OR TERMINATION OF THE POST-ADOPTION CONTACT AGREEMENT IF THE COURT DETERMINES THAT CONSIDERATION OF THE FACTORS SET FORTH IN SECTION 19-5-103 (9)(a) REQUIRE THE APPOINTMENT OF A GUARDIAN AD LITEM. IN ALL ADOPTIONS OTHER THAN THOSE IN WHICH THE CHILD IS PLACED BY THE COUNTY DEPARTMENT, A PARTY OR PARTIES SHALL PAY REASONABLE FEES FOR THE SERVICES OF THE GUARDIAN AD LITEM UNLESS A PARTY IS INDIGENT, IN WHICH CASE SUCH FEES SHALL BE PAID BY THE OFFICE OF THE CHILD'S REPRESENTATIVE.

(3) IF THERE IS A POST-ADOPTION AGREEMENT FOR CONTACT ESTABLISHED PURSUANT TO SECTION 19-5-208 (4.5), ONLY A PARTY TO THE CONTACT AGREEMENT, EVEN IF HE OR SHE IS NOT A PARTY TO THE ADOPTION, MAY FILE A MOTION TO ENFORCE OR TERMINATE THE CONTACT AGREEMENT AS SET FORTH IN THIS SECTION.

(4) PRIOR TO FILING A MOTION SEEKING THE ENFORCEMENT OR TERMINATION OF A POST-ADOPTION CONTACT AGREEMENT ESTABLISHED PURSUANT TO SECTION 19-5-208 (4.5), THE PARTY SEEKING ENFORCEMENT OR TERMINATION SHALL SHOW THAT THE PARTY ATTEMPTED IN GOOD FAITH TO RESOLVE THE DISPUTED MATTERS THROUGH MEDIATION OR OTHER METHOD OF DISPUTE RESOLUTION. THIS REQUIREMENT IS WAIVED IF THE PARTY'S WHEREABOUTS ARE UNKNOWN AND THE PARTY CANNOT BE LOCATED DESPITE DILIGENT EFFORTS TO DO SO.

(5) THE COURT SHALL NOT TERMINATE A POST-ADOPTION CONTACT AGREEMENT ESTABLISHED PURSUANT TO SECTION 19-5-208 (4.5) UNLESS THE MOVING PARTY ESTABLISHES THAT THERE HAS BEEN A CHANGE IN

CIRCUMSTANCES AND THAT THE CONTACT AGREEMENT IS NO LONGER IN THE ADOPTED CHILD'S BEST INTERESTS. FOLLOWING THE ADOPTION, THE COURT SHALL PRESUME THAT THE ADOPTIVE PARENT'S JUDGEMENT IS IN THE BEST INTERESTS OF THE CHILD IN ANY ACTION SEEKING TO ENFORCE OR TERMINATE THE CONTACT AGREEMENT, AND SUCH PRESUMPTION MAY ONLY BE OVERCOME BY CLEAR AND CONVINCING EVIDENCE. A POST-ADOPTION CONTACT AGREEMENT MAY NOT LIMIT THE ADOPTIVE PARENT'S ABILITY TO MOVE OUT OF STATE.

(6) AT ANY TIME AFTER THE ENTRY OF A POST-ADOPTION CONTACT AGREEMENT PURSUANT TO SECTION 19-5-208 (4.5), THE PARTIES TO THE AGREEMENT MAY FILE WITH THE COURT A SIGNED, MODIFIED POST-ADOPTION CONTACT AGREEMENT. THE COURT SHALL NOT MODIFY THE TERMS OF THE INITIAL POST-ADOPTION CONTACT AGREEMENT ABSENT THE CONSENT OF ALL PARTIES TO THE AGREEMENT, BUT THE COURT MAY ENFORCE OR TERMINATE THE AGREEMENT OVER THE OBJECTION OF A PARTY TO THE AGREEMENT. AN ADOPTED CHILD TWELVE YEARS OF AGE OR OLDER AT THE TIME OF THE ADOPTION MUST CONSENT TO ANY MODIFICATION OR TERMINATION OF THE CONTACT AGREEMENT.

(7) THE COURT MAY CONSIDER DOCUMENTARY EVIDENCE AND OFFERS OF PROOF IN DETERMINING MOTIONS TO ENFORCE OR TERMINATE A POST-ADOPTION CONTACT AGREEMENT ESTABLISHED PURSUANT TO SECTION 19-5-208 (4.5), OR MAY, IN ITS DISCRETION, HOLD A HEARING ON THE MOTION.

(8) THE COURT SHALL NOT ORDER FURTHER INVESTIGATION OR EVALUATION BY ANY PUBLIC OR PRIVATE AGENCY OR INDIVIDUAL RELATING TO A POST-ADOPTION CONTACT AGREEMENT ESTABLISHED PURSUANT TO SECTION 19-5-208 (4.5).

SECTION 5. In Colorado Revised Statutes, **add** part 9 to article 3 of title 19 as follows:

PART 9
TASK FORCE ON HIGH-QUALITY PARENTING TIME

19-3-901. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) COLORADO HAS A STRONG INTEREST IN PRESERVING AND STRENGTHENING FAMILY TIES AND REDUCING SEPARATION TRAUMA TO CHILDREN WHO ARE REMOVED FROM THEIR BIRTH PARENTS;

(b) THE REMOVAL AND SUBSEQUENT CONTINUED SEPARATION BETWEEN CHILD AND BIRTH PARENT MAKES SUSTAINING PRIMARY RELATIONSHIPS DIFFICULT AND REUNIFICATION MORE PROBLEMATIC, AND THE LOSS A CHILD EXPERIENCES WHEN SEPARATED FROM HIS OR HER BIRTH PARENT OR PARENTS IS PROFOUND, SOMETIMES LASTING INTO ADULTHOOD;

(c) FOR THESE REASONS, IT IS IMPORTANT TO ESTABLISH CLEAR STANDARDS TO ACHIEVE CONSISTENT PRACTICES RELATING TO THE AVAILABILITY OF HIGH-QUALITY PARENTING TIME FOR CHILDREN WHO HAVE BEEN REMOVED FROM A BIRTH PARENT BY GOVERNMENT ACTION; AND

(d) CLEAR STANDARDS AND CONSISTENT PRACTICES WILL HELP ENSURE THAT ALL PARENTS AND CHILDREN HAVE A FAIR PROCESS FOR DETERMINING A PARENTING TIME PLAN THAT IS IN THE BEST INTERESTS OF CHILDREN AND THAT PROMOTES POSITIVE OUTCOMES FOR FAMILIES.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS VALUABLE TO CREATE A TASK FORCE OF PERSONS WITH EXPERIENCE IN OR KNOWLEDGE OF THE CHILD WELFARE POLICY SYSTEM TO EXAMINE THE CURRENT POLICIES AND STATUTES GOVERNING PARENTING TIME, TO STUDY BEST PRACTICES FOR THE PROVISION OF AND DETERMINATION OF INDIVIDUALIZED PLANS FOR PARENTING TIME, AND TO MAKE RECOMMENDATIONS TO THE EXECUTIVE BRANCH AND TO THE GENERAL ASSEMBLY ON ADMINISTRATIVE AND LEGISLATIVE CHANGES TO SUPPORT HIGH-QUALITY PARENTING TIME IN COLORADO.

19-3-902. Definitions. AS USED IN THIS PART 9, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COUNTY DEPARTMENT" MEANS A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

(2) "PARENTING TIME" MEANS ANY FORM OF CONTACT OR ENGAGEMENT BETWEEN PARENTS, LEGAL CUSTODIANS, OR GUARDIANS AND CHILDREN WHEN CHILDREN ARE PLACED IN OUT-OF-HOME CARE IN A CASE BROUGHT PURSUANT TO THIS ARTICLE 3.

(3) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES.

(4) "STEERING COMMITTEE" MEANS THE TASK FORCE STEERING COMMITTEE CREATED IN SECTION 19-3-903.

(5) "TASK FORCE" MEANS THE TASK FORCE ON HIGH-QUALITY PARENTING TIME CREATED IN SECTION 19-3-903.

19-3-903. Task force on high-quality parenting time - creation - steering committee - membership. (1) THERE IS CREATED IN THE STATE DEPARTMENT THE TASK FORCE ON HIGH-QUALITY PARENTING TIME, FOR THE PURPOSE OF STUDYING THE ISSUES SET FORTH IN SECTION 19-3-904 AND MAKING FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE STATE DEPARTMENT, THE CHILD WELFARE TRAINING ACADEMY, AND THE GENERAL ASSEMBLY ON ADMINISTRATIVE AND LEGISLATIVE CHANGES TO IMPROVE HIGH-QUALITY PARENTING TIME SERVICES AND PRACTICES IN DEPENDENCY AND NEGLECT CASES.

(2) THERE IS CREATED A STEERING COMMITTEE FOR THE TASK FORCE. THE MEMBERS OF THE STEERING COMMITTEE SERVE AS THE EXECUTIVE COMMITTEE OF THE TASK FORCE. THE STEERING COMMITTEE IS COMPOSED OF A REPRESENTATIVE OF THE FOLLOWING AGENCIES OR ORGANIZATIONS, SELECTED BY THE EXECUTIVE DIRECTOR OF THE AGENCY OR ORGANIZATION:

(a) THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL;

(b) THE DIVISION OF CHILD WELFARE IN THE DEPARTMENT OF HUMAN SERVICES;

(c) THE OFFICE OF THE CHILD'S REPRESENTATIVE;

(d) THE CHILD PROTECTION OMBUDSMAN'S OFFICE; AND

(e) A STATEWIDE ASSOCIATION OF HUMAN AND SOCIAL SERVICES DIRECTORS.

(3) THE MEMBERSHIP OF THE TASK FORCE MUST NOT EXCEED TWENTY-FIVE MEMBERS AND, TO THE EXTENT PRACTICABLE, MUST INCLUDE PERSONS FROM THROUGHOUT THE STATE AND MUST REFLECT THE RACIAL,

ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE. THE STEERING COMMITTEE MEMBERS ARE MEMBERS OF THE TASK FORCE. THE STEERING COMMITTEE SHALL JOINTLY APPOINT THE REMAINING TASK FORCE MEMBERS BY CONSENSUS, OR, IF NO CONSENSUS IS REACHED, BY MAJORITY VOTE OF THE STEERING COMMITTEE. THE REMAINING TASK FORCE MEMBERS MUST MEET THE FOLLOWING CRITERIA:

(a) ONE MEMBER REPRESENTING THE COURT IMPROVEMENT PROGRAM;

(b) ONE MEMBER WHO IS EITHER RETIRED OR CURRENTLY SERVING AS A JUDGE OR MAGISTRATE WITH EXPERIENCE IN THE CHILD PROTECTION SYSTEM;

(c) TWO MEMBERS WHO REPRESENT SERVICE PROVIDERS, WITH ONE MEMBER REPRESENTING SERVICE PROVIDERS WHO PROVIDE SERVICES IN AN URBAN COUNTY AND ONE MEMBER REPRESENTING SERVICE PROVIDERS WHO PROVIDE SERVICES IN A RURAL COUNTY;

(d) ONE MEMBER WHO IS A DIRECTOR OR ADMINISTRATOR OF A COUNTY DEPARTMENT;

(e) THREE MEMBERS REPRESENTING THE COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, AT LEAST ONE OF WHICH MUST BE A COUNTY ATTORNEY, WITH TWO MEMBERS REPRESENTING URBAN COUNTIES AND ONE MEMBER REPRESENTING A RURAL COUNTY;

(f) ONE MEMBER WHO IS A LICENSED PSYCHIATRIST, PSYCHOLOGIST, SOCIAL WORKER, OR THERAPIST WHO WORKS WITH CHILDREN WHO HAVE BEEN ABUSED OR NEGLECTED;

(g) TWO PARENTS WITH LIVED EXPERIENCE IN THE CHILD WELFARE SYSTEM, INCLUDING A PARENT WHO HAS A DISABILITY OR HAS A CHILD WITH A DISABILITY;

(h) TWO MEMBERS WITH LIVED EXPERIENCE IN THE CHILD WELFARE SYSTEM AS CHILDREN;

(i) ONE MEMBER WHO IS A FOSTER PARENT OR KINSHIP PROVIDER;

(j) A SERVICE PROVIDER WHO WORKS WITH PARENTS OR CHILDREN WITH DISABILITIES;

(k) A SOCIAL WORKER, FAMILY ADVOCATE, OR PARENT ADVOCATE WITH EXPERIENCE SERVING FAMILIES IN DEPENDENCY AND NEGLECT CASES; AND

(l) ANY OTHER INDIVIDUAL OR REPRESENTATIVE WITH RELEVANT EXPERIENCE, AS DETERMINED BY THE STEERING COMMITTEE.

(4) (a) THE EXECUTIVE DIRECTORS OF THE AGENCIES OR ORGANIZATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION SHALL APPOINT THE STEERING COMMITTEE MEMBERS NOT LATER THAN FIFTEEN DAYS AFTER THE EFFECTIVE DATE OF THIS PART 9. STEERING COMMITTEE MEMBERS SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY.

(b) THE STEERING COMMITTEE SHALL APPOINT THE REMAINING TASK FORCE MEMBERS DESCRIBED IN SUBSECTION (3) OF THIS SECTION NOT LATER THAN FORTY-FIVE DAYS AFTER THE EFFECTIVE OF THIS PART 9, UNLESS THE STEERING COMMITTEE BY MAJORITY VOTE EXTENDS THE TIME FRAME IN WHICH TO APPOINT TASK FORCE MEMBERS. EACH MEMBER OF THE TASK FORCE APPOINTED BY THE STEERING COMMITTEE SERVES AT THE PLEASURE OF THE STEERING COMMITTEE AND MAY BE REMOVED BY A CONSENSUS OF THE STEERING COMMITTEE, OR, IF CONSENSUS CANNOT BE REACHED, BY MAJORITY VOTE OF THE STEERING COMMITTEE.

(5) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(6)(a) THE TASK FORCE SHALL CONVENE WITHIN THIRTY DAYS AFTER THE FINAL MEMBER HAS BEEN APPOINTED TO THE TASK FORCE.

(b) THE TASK FORCE SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG ITS MEMBERS.

(c) THE TASK FORCE SHALL MEET AT LEAST MONTHLY THROUGH SEPTEMBER 2022, AND MAY MEET THEREAFTER TO COMPLETE ITS DUTIES.

(d) THE STEERING COMMITTEE MAY SEEK INPUT FROM SUBJECT-MATTER EXPERTS OR OTHERS TO FACILITATE THE WORK OF THE

TASK FORCE.

(e) THE STEERING COMMITTEE SHALL SELECT A FACILITATOR TO BE FUNDED THROUGH GIFTS, GRANTS, DONATIONS, OR FEDERALLY ALLOCATED FUNDS THAT MAY BE USED FOR THIS PURPOSE, AND IS AUTHORIZED TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS.

19-3-904. Task force - purposes - issues to study - written reports. (1) THE PURPOSE OF THE TASK FORCE IS TO:

(a) STUDY CURRENT LAWS, RULES, AND PRACTICES FOLLOWED IN THE STATE INCLUDING CURRENT CAPACITY FOR SUPERVISED PARENTING TIME IN DEPENDENCY AND NEGLECT CASES WHERE CHILDREN HAVE BEEN REMOVED FROM A PARENT;

(b) STUDY AND REVIEW RESEARCH AND BEST PRACTICES FOR PARENTING TIME IN DEPENDENCY AND NEGLECT CASES WHILE ENSURING THE SAFETY AND WELL-BEING OF ALL PARTICIPANTS;

(c) STUDY BEST PRACTICES FOR JUDICIAL REVIEW OF VISITATION AND PARENTING TIME PLANS;

(d) EVALUATE THE RIGHTS AND REMEDIES FOR PARENTS AND CHILDREN OR YOUTH PERTAINING TO PARENTING TIME, INCLUDING SIBLING VISITATION;

(e) CONSIDER WHETHER THE STATUTES AND LEGAL STANDARDS FOR ORDERING PARENTING TIME ARE CONSISTENT WITH BEST PRACTICES;

(f) CONSIDER WHETHER CURRENT LANGUAGE IN THE "COLORADO CHILDREN'S CODE" AND RULES SHOULD BE UPDATED OR MODERNIZED, INCLUDING REPLACING THE TERM "VISITATION" WITH "PARENTING TIME" OR "FAMILY TIME";

(g) STUDY BEST PRACTICES TO MEET THE DEVELOPMENTAL NEEDS OF YOUTH THROUGH PARENTING TIME IN A TRAUMA-INFORMED MANNER;

(h) STUDY BEST PRACTICES FOR PARENTING TIME WITH INCARCERATED PARENTS;

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(i) STUDY BEST PRACTICES FOR USE OF LEVELS OF SUPERVISED PARENTING TIME AND CONSISTENCY IN THE AVAILABILITY AND DEFINITIONS OF DIFFERENT LEVELS OF SUPERVISED PARENTING TIME;

(j) RECOMMEND NECESSARY CHANGES TO STATUTE AND RULE TO EFFECTUATE THE RECOMMENDED PRACTICES; AND

(k) RECOMMEND BEST PRACTICES TO ENSURE THAT FAMILIES ACROSS THE STATE HAVE CONSISTENT ACCESS TO HIGH-QUALITY PARENTING TIME WHERE CHILDREN ARE IN OUT-OF-HOME CARE.

(2) IN CARRYING OUT THE PURPOSES SET FORTH IN SUBSECTION (1) OF THIS SECTION, THE TASK FORCE SHALL CONSIDER:

(a) THE U.S. CONSTITUTION AND STATE CONSTITUTION, CASE LAW, STATUTES, RULES, PRACTICES, AND STANDARDS THAT GOVERN FAMILY PARENTING TIME OR VISITATION IN COLORADO;

(b) BEST PRACTICES FOLLOWED IN OTHER STATES OR RECOMMENDED BY NATIONAL CHILD WELFARE EXPERTS TO PROVIDE AND DETERMINE PARENTING TIME PLANS THAT ARE IN THE BEST INTERESTS OF CHILDREN AND WHICH PROMOTE POSITIVE OUTCOMES FOR FAMILIES;

(c) FEDERAL GUIDANCE FROM THE ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES REGARDING BEST PRACTICES IN PARENTING TIME AND VISITATION FOR CHILDREN AND YOUTH IN OUT-OF-HOME CARE; AND

(d) JUVENILE CODES AND RULES FROM OTHER STATES IMPLEMENTING BEST PRACTICES IN PARENTING TIME.

(3) THE TASK FORCE SHALL CONSIDER AND RECOMMEND:

(a) THE BEST PRACTICES IN PARENTING TIME FOR CHILDREN PLACED IN OUT-OF-HOME CARE;

(b) CHANGES TO STATUTE, RULE, AND PRACTICE NECESSARY TO IMPLEMENT THE RECOMMENDATIONS;

(c) CONSIDERATIONS TO ENSURE FAIR AND EQUAL ACCESS TO HIGH-QUALITY PARENTING TIME FOR ALL FAMILIES, INCLUDING

RECOMMENDATIONS TO ENSURE THAT CULTURALLY APPROPRIATE AND INCLUSIVE SERVICES ARE EQUALLY AVAILABLE ACROSS THE STATE; AND

(d) IDENTIFICATION OF BARRIERS TO IMPLEMENTING BEST PRACTICES ACROSS THE STATE AND RECOMMENDATIONS FOR ADDRESSING THE BARRIERS.

(4) ON OR BEFORE OCTOBER 1, 2022, THE TASK FORCE SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR; THE STATE DEPARTMENT; THE CHILD WELFARE TRAINING ACADEMY; THE JOINT BUDGET COMMITTEE; THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE, BUT IS NOT LIMITED TO THE TASK FORCE'S FINDINGS CONCERNING BEST PRACTICES TO IMPROVE HIGH-QUALITY PARENTING TIME SERVICES AND PRACTICES IN DEPENDENCY AND NEGLECT CASES AND RECOMMENDATIONS CONCERNING NECESSARY CHANGES IN STATE STATUTE AND ADMINISTRATIVE RULES TO IMPLEMENT THOSE BEST PRACTICES AND RECOMMENDATIONS.

19-3-905. Repeal of part. THIS PART 9 IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 6. Appropriation. (1) For the 2021-22 state fiscal year, \$13,879 is appropriated to the department of human services for use by the office of information technology services. This appropriation is from the general fund. To implement this act, the office may use this appropriation for Colorado trails.

(2) For the 2021-22 state fiscal year, the general assembly anticipates that the department of human services will receive \$7,473 in federal funds for use by the office of information technology services to implement this act. The appropriation in subsection (1) of this section is based on the assumption that the department will receive this amount of federal funds, which is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year.

SECTION 7. Effective date. This act takes effect upon passage; except that sections 1, 2, 3, and 4 of this act take effect September 1, 2021.

SECTION 8. Safety clause. The general assembly hereby finds,

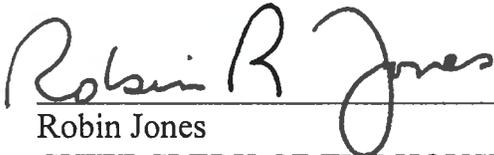
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

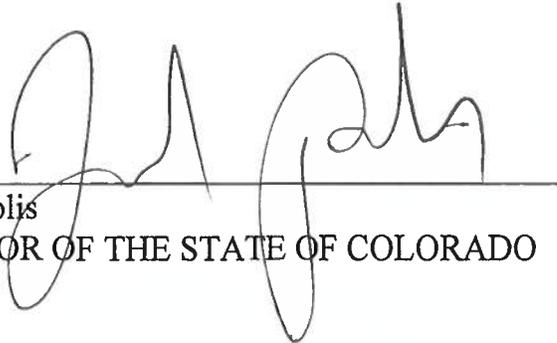


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED July 7, 2021 at 4:01 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO