

▲ District Court, *****County, Colorado <hr/> People of the State of Colorado in the Interest of: , Children And Concerning , Respondents And , Special Respondent	COURT USE ONLY
Guardian ad Litem	Case Number: Division:
GUARDIAN AD LITEM'S MOTION FOR A FINDING THAT REASONABLE EFFORTS ARE BEING PROVIDED TO REUNIFY THE FAMILY	

Comes now, [], Guardian *ad litem* for the children, and moves this court for a finding that the efforts being made toward rehabilitation of each parent, and reunification of the children with one or more parents, are reasonable in light of the *declared national and state emergencies* related to COVID-19. As grounds therefore, the Guardian *ad Litem* states as follows:

Legal Authority

1. Reasonable efforts are required to prevent out-of-home placement and to reunify the family. §19-3-100.5. These efforts include provision of services related to treatment plans intended to assist a parent in *that parent's* rehabilitation. *See* §19-3-604(2)(h). C.R.S.

2. Reasonable efforts are required for children and families of children who are out of the home. §19-3-208, C.R.S.

3. Reasonable efforts requirements shall be deemed met where the services provided in §19-3-208 are afforded to families and children. §19-3-100.5 (5), C.R.S.

4. These services are to be designed, inter alia, to promote the best interests of the child, §19-3-208(2)(a)(6), C.R.S. They shall be provided as determined necessary by assessment and the individual case plan. §19-3-208, C.R.S.
5. The department is required to provide, at minimum, 1) screening and assessments; 2) home-based family and crisis counseling; 3) information and referral services to public and private assistance resources; 4) visitation services; 5) placement services; and 6) services, like transportation and case placement, for children to remain in their schools of origin (*when* in the child's best interests). §19-3-208(2)(b)(I)-(VI), C.R.S.
6. Expedited permanency planning is also encouraged for all children in out-of-home placement. §19-3-100.5(1). And, expedited permanency procedures are required for children under the age of six, in recognition of their developmental need for bonding and attachment with a permanent caregiver. §19-1-102(1.6), C.R.S.

Facts and Argument

7. The COVID-19 pandemic presents unprecedented pressure on services generally available to families in the system. Many of the services previously relied upon are *not currently* available or have been commuted to virtual services. Some of those services that remain available may no longer be appropriate in consideration of the current individual needs and interests of each child and family.
8. While a blanket order is never appropriate in cases involving individual families and needs, blanket orders may be particularly problematic during a time of national and state emergency and its aftermath. *See Department of Health & Human Services Letter to Child Welfare Legal and Judicial Leaders*, March 27, 2020, p 3 (encouraging courts to refrain from making sweeping orders). DHHS identifies that interruptions in court-ordered services or treatment in case plans based on lack of provider availability may cause concern that an agency failed to make reasonable efforts toward family reunification. *Id.* at p 3.
9. Time does not stand still because the world is in crisis; families and children continue living their lives. Nor is the need for expedited permanency diminished during this time - children cannot wait for resolution of the pandemic to obtain permanency. Thus, it is important to consider whether services that are unavailable due to COVID-19 are necessary to the reunification of the family or whether alternative services which can be provided are adequate substitutes.
10. In making its reasonable efforts findings as related to the reunification of **this** family, the Guardian ad Litem asks that the court explicitly consider the following relevant facts:
 - a. [Child] has been in out-of-home placement for [] months.

- b. Before the national and state emergencies, the following services were provided to [Mother/Father/Family] in effort to assist with rehabilitation of the parent and reunification of the family:

Before the national and state emergencies, [Mother/Father's] progress on each treatment element can be characterized as:

[Substance]
[Repair of the parent child relationship]
[Meeting a child's needs]

- c. At this time the following services have been discontinued by [treatment agency]:
- i. Group therapy other than IOP services. However, [treatment agency] has committed to offering individual therapy slots to group therapy clients as an alternative.
 - ii. Services requiring direct contact, including neurofeedback and theraplay, are cancelled and only traditional therapy models are offered.
 - iii. UA hours have been reduced.

See Letter from [treatment agency], Letter from Fran Keane-Foster, JD, LLM, Director of Compliance & Quality Improvement, ¶2.

11. To ensure that the family has access to adequate technology for implementation of virtual services, the family has been provided with [phone, computer, etc].

12. The Guardian *ad Litem* requests that the court find the offered [] services are appropriate alternatives to assist [parent] in satisfying the element of the treatment plan which previously warranted [services].

13. Additionally, [Mother, Father, Child] has a condition which puts her/him at greater risk from complications of the COVID-19 virus. Therefore, face-to-face visitation is not in the child's best interests.

Wherefore, the Guardian *ad Litem* requests that the court find the current services being offered in lieu of previously provided services are reasonable for this particular family in light of the current health crisis, and that reasonable efforts as related to this family are being made.

Respectfully submitted this _____.
