



# HB21-1101

PRESERVING FAMILY  
RELATIONSHIPS IN CHILD  
PLACEMENT

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## Two Distinct Parts

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## Visitation

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### At a shelter hearing the Court SHALL:

- Enter temporary orders for reasonable visitation with the child's parent consistent with the child's age and development if the Court finds it is in the best interests of the child.
- Order contact within 72 hours (*excludes weekends and holidays*)

#### Contact Includes

Phone
Virtual
In-person

Court can extend past the 72 hours IF parties agree OR Court finds delay is in the best interests of the child.

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# Visitation

Once granted – cannot have an ongoing suspension, reduction or restriction unless:

- Emergency Court Order
  - Parent then entitled to a hearing within 72 hours unless agreement by the parties
- Hearing to Suspend, Reduce or Restrict
- Does NOT prevent cancelling a visit if child's health or welfare is endangered or if a parent consents.
- Caveat if there is a protection order or if a parent facility doesn't allow

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(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.

## Task Force

C.R.S. 19-3-901

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# Open Adoption

STARTING AT 19-5-208

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## Initiating

Only the petitioner in the **ADOPTION CASE** may request a post adoption contact agreement (PACA)

(And the tribe if the child is a member)

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# Post Adoption Contact Agreement

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May include:

- Contact
- Visitation
- Exchange of Information

Parent  
Relatives

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## PACA Requirements

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Child 12 & older must consent

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Court must find it is in the best interests of the child

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IF the child has a GAL currently appointed in a D&N then the GAL must be appointed in the adoption case

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Does NOT make the parent/relative a party

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## PACA – Standardized Form

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Adoption cannot be set aside because of failure to comply with the PACA or any subsequent modifications.

Disagreement or litigation about the PACA does not affect the validity of the adoption.

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### Enforcement

- Court retains jurisdiction to
- hear motion to enforce,
  - enter stipulated agreements or
  - terminate the PACA

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## Enforcement

- Only a party to the agreement can bring an action to enforce or terminate
- Must attempt ADR prior to filing
- Court may appoint a GAL (if factors in 19-5-103 (9)(a) are met)

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## Terminating Agreement

Moving party must establish:

- Change in Circumstances
- PACA no longer in the best interests of the child

Presumption that adoptive parent judgement is in the best interests of the child

PACA cannot limit adoptive parent's ability to move out of state

Child who was 12 at the time of the adoption must consent

Court may consider:

- Documentary evidence
- Offers of proof
- Or may conduct a hearing

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## Modification

- Only allowed upon agreement
- Child who was 12 at the time of the adoption must consent

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## Questions

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