

7.301.24 Family Service Plan Out-of-Home Placement Documentation
S. Reinstatement of Parental Rights

4. Upon the decision to pursue reinstatement of parental rights; only the county department, guardian ad litem, or a child ~~sixteen (16)~~ TWELVE (12) years of age or older may file the petition for reinstatement.

a. The petition for reinstatement of parental rights should be filed in the county who has custody of the child(ren) through the dependency and neglect court case.

b. The petition shall be filed in the dependency and neglect court case where the termination of parental rights occurred for the former parent(s) or in the event that the current open dependency and neglect case is a termination of the adoptive parent's rights, then the petition shall be filed in that court case, as it grants custody of the child(ren) to the county.

c. If the county is contacted by a former parent inquiring about reinstatement, the county must notify the guardian ad litem (gal) AND CHILD TWELVE (12) YEARS OF AGE OR OLDER within thirty (30) calendar days after the contact and provide them with the name and address of the former parent(s).

7.301.241 Education Requirements for Children/Youth in Out-of-Home Placement

D. It is presumed to be in a child/youth's best interest to remain in the "school of origin." If transportation is necessary to maintain the child/youth in the "school of origin," this shall be provided in accordance with section 7.301.241, E.

The county shall make a best interest determination prior to any school move resulting from a change in placements unless remaining in the "school of origin" poses a specific, documented threat to the child/youth's safety. The best interest determination process is as follows:

1. The best interest discussion and determination shall occur as an in-person meeting when warranted and possible. When an in-person meeting is not warranted or not possible, or for participants unable to attend the meeting, the county department shall consult participants by other means, such as phone or email.

2. The county department shall invite the following people to participate in the best interest determination. If a participant is unavailable or cannot be located, the county shall document the various ways in which attempts were made to engage that participant.

a. Child/youth, ~~as described below.~~

~~The county department of human services shall determine the child/youth's wishes in a developmentally appropriate way and include the child/youth in the meeting to the extent appropriate and possible for the child/youth's individual needs. If it is inappropriate or not possible for the child/youth to participate in the meeting, the county department shall document the reason and ascertain the child/youth's wishes through other means.~~

b. Parents,

For purposes of this subsection 7.301.241, the term "parents" includes a natural parent having sole or joint custody, regardless of whether the parent is designated as the primary residential custodian, or a parent allocated parental responsibilities with respect to a child, or an adoptive parent. Parent does not include a person whose parental rights have been terminated pursuant to the provisions of Title 19 of the Colorado Revised Statutes or the parent of an emancipated minor.

c. Caseworker or appropriate designee,

d. Guardian ad litem AND/OR COUNSEL FOR YOUTH, if one is appointed,

d Representative from the "school of origin" who knows the child/youth, as determined by the "education provider,"

e. Educational surrogate parent, if any, and

f. Others as relevant and appropriate as determined by the county, which may include but are not limited to future caregiver, court appointed special advocate (CASA), current caregiver, representatives from potential new school, support person for the child/youth.

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D

7. The county department shall inform the parent(s), guardian ad litem AND/OR COUNSEL FOR YOUTH, and educational surrogate parent, if any, of the best interest determination within one business day of making the determination. The notification shall serve as the first day in the dispute resolution time frames described in section 7.301.24, D, 8.

8. Disputes regarding best interest determinations shall be handled in a manner that promotes the child/youth's safety and stability, as follows:

If the parent(s), guardian ad litem, CHILD TWELVE (12) YEARS OF AGE OR OLDER, and/or educational surrogate parent, if any, is a party to an accompanying court case and disagrees with the county department's best interest determination, he or she must file a motion with the juvenile court to seek judicial resolution. Such a motion must be filed within three business days of the notice of the county's determination. If the county receives such a motion, the child/youth shall remain in the "school of origin" pending dispute resolution, unless remaining in the school poses a specific, documented threat to the child/youth's safety. If such parties indicate their agreement to a school move, the county need not delay the move pending the three-day appeal period.

7.304.53 Court-Related Procedures

M. When court-ordered, the county department of human or social services shall share a foster care home, kinship foster care home, and/or non-certified kinship care home provider's reports of fingerprint-based criminal history record information check generated from the Colorado Bureau of Investigation (CBI) and Federal Bureau of Investigation (FBI) with the guardian ad litem AND/OR COUNSEL FOR YOUTH, related to the placement of a child and/or youth in out-of-home care.

7.304.55 Court Procedures Related to Termination of the Parent-Child Legal Relationship

G. In planning for termination of the parent-child legal relationship, the county department shall:

1. Work with the county's attorney in preparation of the court case.
2. Provide a treatment plan for the court's approval.
3. Cooperate with any guardian ad litem AND/OR COUNSEL FOR YOUTH for the case.
4. Provide prepared staff to testify at the termination hearing, identify other witnesses, and assist in preparation of witnesses.
5. Keep parents, children, and appropriate interested parties informed regarding hearings and the status of the case.
6. File a motion for termination no less than 30 calendar days before the hearing.

7.304.62 Placement Activities

L. Notify the guardian ad litem and/or COUNSEL FOR YOUTH ~~the youth's counsel~~, parent(s) or legal guardian within one (1) business day upon a child/youth's placement into a foster care home. The Guardian Ad Litem's AND/OR COUNSEL FOR YOUTH'S contact information shall be provided to the foster parents.

7.304.65 Administrative Review

E. The county department shall invite parents, the childREN (if age appropriate as determined by the caseworker), out-of-home care providers, pre-adoptive parents, relatives/kin who are providing out-of-home care for the child, and the guardian ad litem AND/OR COUNSEL FOR YOUTH to the Administrative Review in order that these individuals will have a right to be heard. All invitees shall be encouraged to attend.

7.304.651 Qualified Residential Treatment Program Placement Reviews

B.

6. In instances of a voluntary placement, the ARD shall review the child or youth's placement no later than 60 days after placement in a QRTP or within 30 days after placement when the qualified individual does not support the QRTP level of care or the child, juvenile, or youth, guardian ad litem AND/OR COUNSEL FOR YOUTH, or any party objects to the placement.

D. Invitations

1. The county department shall invite parents, legal guardian or custodian, the child (if age appropriate as determined by the caseworker), members selected by the child (for children 14 years of age and above), kin, out-of-home care providers, and attorneys of record to the QRTP Placement Review. The county department shall encourage all invitees to attend.

7.305.2 SPECIFIC PROCEDURES

E. Free Annual Credit Record Report for Youth Fourteen (14) Years of Age and Older in Foster Care
The following steps shall be taken:

1. The county department shall obtain free annual credit report information from the three credit reporting agencies designated by the Department for youth who are in foster care and are at least fourteen (14) years of age, and provide the information to the youth and Guardian ad Litem (GAL) AND/OR COUNSEL FOR YOUTH;

7.306.2 Adoption Placement Services

A. As soon as the county department has identified a prospective adoptive family, the county department shall conduct a face-to-face presentation interview with the prospective adoptive parent(s) within 90 days of termination of parental rights. If the adoptive resource is a two-parent family, both parents shall be present for the interview.

If attending a face-to-face presentation will create an undue hardship for the prospective adoptive family, the presentation meeting may be conducted via phone or video conference chat to accommodate the prospective family during the presentation.

1. The guardian ad litem AND/OR COUNSEL FOR YOUTH shall be invited to attend the presentation interview.

[Note: Changes to rule text are identified as follows: deletions are shown as “~~strikethrough~~”, additions are in “All Caps”, and changes made between initial review and final adoption are in [brackets] or **highlighted yellow**]