

## Example: Motion for Placement with Family Friend to Be Able to Continue to Attend Same School

### Federal Law:

- ✓ Requires reasonable efforts to make it possible to return the child to her home safely and to place the child in timely manner in accordance with the permanency plan. **42 U.S.C. 671(a)(15).**
- ✓ Recognizes the importance of school stability for children.
  - The Fostering Connections to Success and Increasing Adoptions Act requires child welfare agencies to collaborate with local education agencies to ensure that children remain in the schools they were attending at the time of placement. *See* **42 U.S.C. § 675(1)(G)(ii).**
  - The Elementary and Secondary Education Act requires collaboration between educational agencies and child welfare agencies to ensure school stability for children in foster care. **20 U.S.C. § 6311(g)(1)(E)(i).**

### The Colorado Children's Code:

- ✓ Defines reasonable efforts to “mean the exercise of diligence and care throughout the state of Colorado for children who are in out-of-home placement” and states that “In determining whether it is appropriate to provide, purchase, or develop the supportive and rehabilitative services that are required ...to foster the safe reunification of a child with a child's family.....the child's health and safety shall be the paramount concern....” **C.R.S. 19-1-103 (89).**
- ✓ Defines kin to include “a person ascribed by the family as having a family-like relationship with the child, or a person that has a prior significant relationship with the child.” **C.R.S. 19-1-103 (71.3).**
- ✓ Allows children to be placed with “relatives” or “other suitable persons.” **C.R.S. 19-3-508 (b).**
- ✓ Provides that any out-of-home placement in a D&N proceeding must take into consideration any special needs of the child, the ability of the school district of the proposed placement to provide the necessary services to meet those needs, and whether the proposed placement is in the same school district as the district of the child's parent's home. **§ 19-1-115.5(2)(b).**
- ✓ Requires parties, prior to the change of a child's placement, to “attempt to promote educational stability for the child by taking into account the child's existing educational situation and, to the extent possible and in accordance with the child's best interests, selecting a change of placement that enables the child to remain in the existing educational situation or to transfer to a new educational situation that is comparable to the existing situation.” **C.R.S. 19-3-213 (d).**

### Volume 7 (Child Welfare Regs):

- ✓ States that each placement must take into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement. **12 CCR § 2509-4:7.301.241(C).**
- ✓ Requires the use of kinship care to “provide meaningful, emotional and cultural ties across their life span,” “minimize the trauma of out-of-home placement,” and “support and strengthen families' ability to protect their child(ren)/youth and to provide permanency.” **12 CCR 2509-4: 7.304.21(B).** The family services plan must document initial and ongoing kinship placement efforts. **12 CCR 2509-4: 7.301.24(G).**