

COLORADO

STATUTES:

§19-1-103(89) [definition]

§19-3-702(3.5) and 19-3-604(1)(b)(I) [rehabilitative services]

§19-3-100.5 [reasonable efforts for reunification]

Colorado Code of Regulations §7.304.21(D)(1)(d) [Use “diligence and care”]

§19-3-208(2)(b) [development of case plan]

CASE LAW:

Reasonable Efforts--

In the Interest of D.G., M.G., and S.G., Children, 140 P.3d 299 (Colo. App. 2006)

In the Interest of K.B. and M.B., Children, 369 P.3d 822 (Colo. App. 2016)

People ex rel. S.N-V, 300 P.3d 911 (Colo. App. 2010)

People in Interest of E.C., 259 P.3d 1272 (Colo. App. 2010)

People ex rel. A.J.H., 134 P.3d 528 (Colo. App. 2006)

In the Interest of M.S.H., 656 P.2d 1294 (Colo. 1983)

In the Interest of R.J.A., 994 P.2d 470 (Colo. App. 2000)

In the Interest of L.B., 254 P.3d (Colo. App. 2011)

Mental Health Issues--

People in Interest of M. H., 683 P.2d 807 (Colo. App. 1984)

People ex rel. J.M., 74 P.3d 475 (Colo. App. 2003)

In re Interest of C.S.M., 805 P.2d 1129 (Colo. App. 1990)

People ex rel. C.T.S., 140 P.3d 332 (Colo. App. 2006)

ICWA--

People ex rel. A.V., 297 P.3d 1019 (Colo. App. 2012)

People ex rel. A.R., 310 P.3d 1007 (Colo. App. 2012)

People in Interest of K.D., 155 P.3d 634, 637 (Colo. App. 2007).

People in Interest of T.E.R., 2013 COA 73, 305 P.3d 414 (Colo. App. 2013)

People ex rel. K.D., 155 P.3d 634 (Colo. App. 2007)

Aggravated Circumstances

People In Interest of C.S.M., 805 P.2d 1129, (Colo. App. 1990)

COMMENTS:

“In my prior role as CIP Judge in Residence I visited each of Colorado's 22 judicial districts. During those visits a primary focus was to answer just this question. My findings during my court observations were that there were no requests for no reasonable efforts findings. Judges often made reasonable efforts findings orally while in many jurisdictions the court merely orally adopted DHS recommendations that included the request for reasonable efforts findings. In my stakeholder interviews, almost universally, attorneys suggested that they rarely make requests for no reasonable efforts findings, mostly because they feel like it does little good as judges do not enter such findings. In my confidential recommendations in my reports from the site visits I always recommended that judges make findings orally and that they make litigants aware of the significance of the finding and the requirement of DHS to make reasonable efforts. I encouraged judges and magistrates to make detailed factual determinations of the efforts DHS had made and why these efforts were either reasonable or unreasonable. I also often referred them to your letter in the appendix of the Resource Guidelines regarding the “art” of making no reasonable efforts findings as an appropriate way of exercising our legal authority to move DHS along to enhance the efforts they are making to secure safety, permanency and well-being for all children and to provide procedural fairness for parents.”

Email to author from Judge Robert Lowenbach (retired)

“The issue of reasonable efforts is rarely raised at the shelter hearing by Respondent Parent’s Counsel (RPC) but it is addressed by the court when making findings regarding removal. RPC will ask the court at review or Permanency hearings to find that reasonable efforts have not been made if services are deficient or delayed as well as raising it at TPR. Each DHS report does contain a section where they will detail reasonable efforts that have been made since the last court date. The judicial officers rely upon that and additional information provided at the hearing to make findings at each hearing, especially if the children are out of home. Having said all of that I know that we can still do a better job of ensuring that services are not “cookie cutter” but are designed to best meet the needs of each parent and child.”

Email to author from Judge Karen Ashby, Presiding Judge, Juvenile Court, Denver, Colorado. (now sitting on the Colorado Court of Appeal).
