PERMANENCEY GOAL OF **RETURN HOME** CONSIDERATIONS

1. **Volume 7- DHS’s Rules and Regulations- Colorado Secretary of State**

[**https://www.sos.state.co.us/CCR/**](https://www.sos.state.co.us/CCR/)

* Department of Human Services- Social Services- Child Welfare Services- Volume 7/ 12 CCR 2509-4 (134 pages)
  + Exact path website- [**http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=7208&fileName=12%20CCR%202509-4**](http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=7208&fileName=12%20CCR%202509-4)
* **PERMANCY PLANNING**
  + What does DHS have to include in the Family Services Plan regarding Permanency Planning for children in out of home placement?
    - See 7.301.24
  + Initially in the case, can DHS include a goal of something other than return home?
    - \_\_\_\_\_\_\_\_\_\_\_\_\_
    - If so, when? *See 7.301.24-O-1-a-d*
      1. \_\_\_\_\_\_\_\_\_\_\_
      2. \_\_\_\_\_\_\_\_\_\_\_
      3. \_\_\_\_\_\_\_\_\_\_\_
      4. \_\_\_\_\_\_\_\_\_\_\_\_
  + Can you think of an example when one of these situations have occurred in your cases or how one of these might occur?

1. **CRS Children Code Title 19** 
   * CRS §19-3-702 is the Permanency Hearing Section of the Children’s Code
   * Preference for Return home as Permanency Goal §§ 19-1-102(1), 19-3-702(3);
     + The Children’s Code establishes a preference for the goal of returning children home to their parents, guardian, or legal custodian.
       - § 19-1-102(1) is the Legislative declaration of the children’s code which clearly sets out the goal is non-removal if possible and then reunification.
       - §19-3-702(3) states, “the court shall first determine whether the child shall be returned to the child's parent or guardian, pursuant to section 19-1-115 (4)(b) and, if applicable, the date on which the child shall be returned, and whether reasonable efforts have been made to find a safe and permanent placement for the child. If the child is not returned to the custody of the child's parent or guardian, the court shall determine whether there is a substantial probability that the child will be returned to the physical custody of the child's parent, guardian, or legal custodian within six months. If the court so determines, it shall set another review hearing for not more than six months, which shall be a permanency hearing.

Concurrent Goals

* + - The goal of returning the child home may be made concurrent with adoption, allocation of parental responsibilities, and/ or guardianship. § 19-3-508(7)

1. **Practical Tips** 
   * How do I as the GAL determine if RETURN HOME is an appropriate permanency goal?
     + **FIRST- Consider the Law** 
       - At the permanency hearing, the court must decide whether the parent can provide *reasonable parental care*. People ex rel. A.W.R., 17 P.3d 192, 198 (Colo. App. 2000)
       - Reasonable parental care requires, at minimum, that the parents “provide nurturing and protection adequate to meet the child’s physical, emotional, and mental health needs.” Id. (referring to definition of reasonable parental care set forth in § 19-3-604(2).
     + **SECOND- Consider the child’s position** 
       - Visit with the child regarding the permanency goal of RETURN HOME
       - Discuss the goal as it will almost always be the first goal that is proposed. Does the child agree with the goal?
         1. If not, do you believe another goal is the in the child’s best interest?

Can you substantiate your position at the permanency hearing?

*Either way, you must report to the court the child’s position unless it would not be in the child’s best interest to do so.* HOW DO YOU EXPLAIN THIS TO THE CHILD?

* + - **Third, consider whether the child should attend the Permanency Hearing.**
    - **§ 19-3-702(3.7). -**At any permanency planning hearing, the court is required to consult with the child in an age-appropriate manner regarding the child’s permanency plan. § 19-3-702(3.7).
    - How old must a child be to attend a permanency hearing?
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - What if the child doesn’t feel comfortable talking in front of his or her parents about not wanting to return home?
      * In Camera Interviews?
        1. In the interest of H.K.W.: <https://www.courts.state.co.us/Courts/Court_of_Appeals/Opinion/2017/16CA0975-PD.pdf>
        2. In the Interest of S.L.:

<https://www.courts.state.co.us/Courts/Court_of_Appeals/Opinion/2017/16CA2238-PD.pdf>.

* + OTHER CONSIDERATIONS
    - CONCURRENT GOALS:
      * It is important for counsel to explain what concurrent planning means to the parents and child and to hold the department accountable to its obligation to make reasonable efforts to achieve each permanency goal.
    - SIBLINGS
      * 19-3-702(2.7) Consideration of the placement of children together as a sibling group shall not delay the efforts for expedited permanency planning or permanency planning to achieve permanency for each child in the sibling group.
    - TERMINATION
      * What if you think it’s come to the point where termination is in the child’s best interest, but the child does not agree?
        1. 19-3-702-(5)(a)(ii) A child who is twelve years of age or older objects to the termination of the parent-child legal relationship

1. **Other Resources** 
   * THE GRID- H119- specifically for permanency hearings
     + The GRID is currently being updated so be on the lookout for that
     + This is the current electronic version which is great because you can search it- found on OCR website
       - [**http://www.coloradogrid.org/helperFiles/ColoradoGRIDebook\_2015Updates.pdf**](http://www.coloradogrid.org/helperFiles/ColoradoGRIDebook_2015Updates.pdf)
   * OCR website and motions bank
   * Children’s Rights Flyer
   * D&N Coloring Book