

Rule X. Review Hearing Following Termination of the Parent-Child Legal Relationship

(a) Following termination of parental rights, the court must review the child's progress toward achieving a timely permanent placement. Section 19-3-606, C.R.S., requires the juvenile court to hold a review hearing no later than 90 days following the hearing at which the court terminated parental rights. The court may combine this hearing with a permanency planning hearing as required by section 19-3-702, C.R.S. If the court combines these hearings, the court shall make findings required by Rule ____ [the rule that addresses permanency planning hearings], in addition to those identified below.

(b) At the hearing, the court's review of the disposition of the child shall include the following:

- (1) the appropriateness of the permanency planning goal;
- (2) the appropriateness of the child's current placement; and
- (3) the efforts to arrange for an immediate adoption or alternative long-term placement of the child.

(c) The agency or individual vested with custody of the child shall report to the court what disposition of the child, if any, has occurred. The guardian ad litem shall submit a written report with recommendations to the court, based on an independent investigation addressing the best disposition of the child.

Written reports of the department of human services and guardian ad litem shall be submitted no later than 7 days prior to the hearing and shall include, at a minimum, the following:

- (1) the child's placement history, including the number of prior placements;
- (2) the child's adjustment to the current placement and whether the current placement furthers the child's permanency goal;
- (3) a description with recommendations of the child's immediate and long-term needs including safety, health, dental, behavioral health, and educational needs and plans;
- (4) whether the services and resources provided to the child and to the child's current and/or potential placement constitute reasonable efforts to finalize the permanency planning goal;
- (5) a description of the child's relationship with siblings related to the court's findings in subsection (f)(5);
- (6) a description of whether reasonable efforts have been made to establish a permanent placement for the child including:

(A) if the permanency planning goal is adoption, the efforts to finalize adoption of the child, identification of prospective adoptive parents, date of placement of the child in an pre-adoptive home, status of adoption subsidy agreement and negotiations regarding post-adoption services, and status of the adoption proceeding; or
(B) if the permanency planning goal is not adoption, an explanation of why adoption is not an appropriate permanency planning goal and the efforts to finalize legal guardianship. If the permanency planning goal is not adoption or legal guardianship, a compelling reason why the child is placed in another planned permanent living arrangement. For youth over 14 years of age, the description shall also include a statement of the services and resources necessary to assist the child to make the transition from foster care.

(d) In addition to the requirements in subsection (c), the guardian ad litem shall include in his or her report the following:

- (1) the date, manner, and location of the last contact between the child and the guardian ad litem;
- (2) whether the guardian ad litem has identified any impediments or barriers to the previously adopted permanency planning goal for the child; and
- (3) if the guardian ad litem consulted with the child following the termination hearing; the child's position with respect to permanency; and, whether the child will participate in person, understanding that there is a presumption the child will appear in person, unless compelling reasons are demonstrated as to why the child is not present.

(e) Any reports provided at the post-termination review hearing shall be subject to the confidentiality and release requirements contained in section 19-1-309, C.R.S.

(f) At the conclusion of the hearing, the court shall determine and shall include in its orders:

- (1) a description of whether reasonable efforts have been made to establish a permanent placement for the child including the efforts to finalize an adoption. If an adoption is not immediately feasible or appropriate, the court may order that provision be made immediately for alternative long-term placement of the child;

(2) if an adoption is not immediately feasible or appropriate, and the post-termination hearing has not been combined with a permanency hearing pursuant to 19-3-702, the court shall schedule a permanency hearing within 42 days. If this is a combined post-termination and permanency hearing, the court shall make findings required by Rule _____, [the rule that addresses permanency planning hearings];

(3) whether the services and current placement meet the child's immediate and long-term needs, specifically addressing the child's safety, health, dental, behavioral health, and educational needs and plans;

(4) whether the services and resources provided to the child and to the child's current and/or potential placement constitute reasonable efforts to finalize the permanency plan; and

(5) sibling placement and visitation:

(A) whether siblings are in a joint placement and whether joint placement would be contrary to the safety or well-being of any of the siblings;

(B) if the children are not in a joint placement, whether reasonable efforts have been made to facilitate joint placement in the same placement;

(C) in the case of siblings who are not jointly placed, the court must make the following findings regarding visitation:

(i) Whether visits occur with sufficient frequency and duration to promote continuity in the siblings' relationship;

(ii) If visits of sufficient frequency and duration to promote continuity of the sibling relationship are not occurring, whether it has been established by a preponderance of the evidence that sibling visits would be contrary to the safety or well-being and not in the best interests of any of the siblings.

(g) The court shall set a further review or permanency hearing at least every 6 months until legal permanency is achieved.