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The Colorado Lawyer

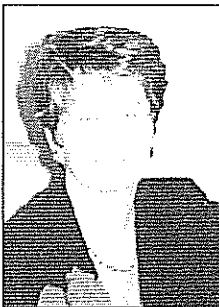
**The
Colorado
Lawyer
October
2002
Vol. 31,
No. 10
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Children and the Law

Achieving Safe, Permanent Homes for Colorado Children
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It is Monday morning. Three faxes are sitting on the attorney's desk from Juvenile Court. The attorney has been appointed the guardian *ad litem* ("GAL") and must recommend a permanent placement for these children based on the following facts.

Natalie

is a one-year-old African-American child. Immediately after birth, Natalie's biological parents abandoned her. She was placed with the Lieder family and has lived with them for the past fourteen months. Soon after her placement, her biological parents' rights were terminated. Natalie has three other siblings, two of whom live with a different family, the Vasquezes. At the time of her placement, the Vasquezes were unwilling to accept Natalie because of her special needs. Now both the Lieders and the Vasquezes wish to adopt Natalie. The Lieders have five other children, one of whom is adopted. What permanent home should the GAL recommend for Natalie?

Tyler

is 3 years old. When he was 7 months old, the Department of Human Services ("Department") removed him from his mother's custody. Soon thereafter, the Juvenile Court declared Tyler dependent and neglected. He was placed with a foster family with whom he lived for two and a half years. Tyler's biological mother visited with him regularly. Some experts have testified that Tyler and his biological mother were attached and that she had progressed in parenting

skills. Experts also have testified that Tyler had developed a strong relationship with his foster mother and to remove him from this family would be detrimental. The foster family wanted to adopt Tyler. What permanent home should the GAL recommend for Tyler?

Josh

is a one-year-old. Immediately after Josh's birth, the Department took custody and placed him with a foster family. Soon thereafter, the biological mother's parental rights were terminated, and the foster family immediately expressed interest in adopting Josh. A few days before the permanency planning hearing, and after ten months in the foster family's home, a biological grandparent expressed her interest in adopting Josh. What permanent home should the GAL recommend for Josh?

Litigation Challenges For GALs

Competing interests make these placement decisions difficult. In Natalie's case, would the GAL recommend placement with her siblings or maintain her current placement where she is thriving?¹ In Tyler's case, compare the presumption toward reuniting him with his biological mother with the child's interests in remaining with his psychological parents.² In Josh's case as well, the preference that favors placement with a biological grandparent needs to be balanced with the interest in keeping Josh with his psychological parents.³ The GAL is obligated to consider both the short- and long-term interests of the child, as well as competing statutory mandates.

This article provides a framework to address these competing interests in light of Colorado case law, statutes, and other standards. Focused on a child's primary need for permanency, this article espouses a child-centered approach in making placement decisions by interpreting the best interests of the child standard as one that promotes the least detrimental alternative.

The Need for Permanency

Children need safe, permanent homes. A child's need for permanence is widely supported by child developmental research⁴ and is well documented in federal and state statutes.⁵ Being denied early and permanent relationships can have a devastating effect on a child's future well being. Today, there is increased awareness that children not only have a need, but a *right* to a permanent home.

Colorado has long recognized the necessity for permanence. A decade of efforts, culminating in the Expedited Permanency Planning ("EPP") legislation in 1994, mandates a permanent home for young children within twelve months.⁶ This legislation preceded the passage of the Adoption and Safe Families Act of 1997 ("ASFA"),⁷ the federal legislation reducing the permanency goal of from eighteen to twelve months, and changing the focus from reunification to the safety of the child.⁸ A child's need for permanence has slowly crept into the forefront, transcending the right of a parent to custody.⁹

However, even with EPP, the state has struggled to achieve the goal of safe, permanent homes for children. For example, in 1999, 20 percent of the children who entered foster care had been in foster homes within the previous twelve months due to a prior episode of abuse or neglect.¹⁰ Some children under the age of six who entered the system prior to EPP continue to languish in the system today, years after entering foster care.¹¹

This problem cannot be solved by statutes alone. GALs must be zealous advocates and pursue permanence that is in the best interests of the child from the outset of a case.¹² In doing so, they need to marshal resources, assure appropriate placements, and minimize trauma. This includes avoiding unnecessary changes in placement when a child is already thriving.

Standards for Achieving Permanence in Colorado

Although Colorado has legislation recognizing a young child's need for an expedited permanency placement, practitioners are keenly aware that there is little consistency among Colorado courts over which placement is in the best interests of the child. Usually, the outcome depends on what the individual judge thinks the "best interests of a child" means in a particular case.¹³ In many cases, the difficulty of the placement decision lies in competing interests, such as those illustrated by the case examples at the beginning of this article.

The Children's Code offers little guidance as to how competing interests should be balanced.¹⁴ However, due to Colorado's implementation of ASFA,¹⁵ as well as recent judicial interpretations of the best interests of the child,¹⁶ there is now more guidance that may help resolve seemingly irreconcilable conflicts of interest.

Health and Safety of the Child

Prior to the passage of ASFA, decision-makers interpreted the societal preference for reunifying families as a mandate¹⁷ and, sometimes, the effects were catastrophic.¹⁸ ASFA was a federal response to the plight of thousands of children in foster care adrift without permanent homes.¹⁹ The legislative intent of ASFA now stresses that the child's health and safety are the paramount concern in determining rehabilitative services, placement, and permanency planning.²⁰

The Best Interests of the Child

The best interests of the child standard guides custody proceedings that arise under the Colorado Children's Code,²¹ but fails to provide a definition of the best interests of the child. Moreover, the Colorado courts have not offered a precise definition of the best interests of the child standard.

The legislative definition of best interests of the child in the Uniform Marriage and Dissolution Act ("UMDA") does list several factors the courts must consider in determining best interests.²² These factors focus on the child's wishes; emotional and physical health; and relationships with parents, other family members, and the community.²³ Colorado courts have further defined the best interests standard under the UMDA as the "least detrimental alternative."²⁴ In so doing, courts have followed Colorado Supreme Court guidance that the foremost priority is to minimize the harm to the child.²⁵ This priority is exactly the approach needed to resolve competing interest problems that arise under the Children's Code.²⁶

The best interests of the child standard under the Children's Code may be identical to the best interests of the child standard under the UMDA, as long as it is applied in a manner consistent with the purposes of the Children's Code,²⁷ which are as follows: (1) to secure care and guidance for the child, preferably in his or her own home, that will best serve the child's welfare and the interests of society; (2) to preserve and strengthen family ties whenever possible; (3) to minimize state intrusion and, when the state must intrude, determine in a speedy manner what will serve the best interests of the child; and (4) to secure for any child removed from his or her parents the necessary care, guidance, and discipline to assist the child in becoming a responsible and productive member of society.²⁸ As long as the least detrimental alternative is applied in a manner consistent with these four purposes, a child's need for continuity becomes a useful guide in custody proceedings under the Children's Code.

The concept of the least detrimental alternative is comprised of three basic guidelines, all of which are embraced by Colorado law. The first guideline emphasizes that placement decisions should safeguard the child's need for continuity of relationships.²⁹ This guideline recognizes that continuity of

relationships is essential for a child's healthy development.³⁰ The Colorado Supreme Court has established the importance of continuity of relationships by recognizing the need of psychological attachments and the harm the child may sustain if the attachment is severed.³¹

The second guideline emphasizes a child's sense of time.³² This guideline urges courts to focus on the individual child's tolerance of absence and sense of abandonment. The focus is critical in a system where birth parents and the Department create undue delays in accessing appropriate services.³³ Such delays should take into account the child's fundamental needs and sense of time, both of which are a focus of the Colorado EPP statutes.³⁴

The third guideline emphasizes that placement decisions should take into account the law's incapacity to make long-range predictions and to manage family relationships.³⁵ In other words, decision-makers need to realize that "they have the time and capacity to damage, but not to nurture or manage, the healthy growth of familial bonds."³⁶ This guideline is inherent in the Code's purpose to minimize state intrusion.³⁷ By defining the standard as the least detrimental alternative, decision-makers are provided with a more appropriate guideline-for interpreting the best interests of the child standard under Colorado law.

Role of the GAL

As a representative of the child's best interests, the GAL plays a vital role to ensure that a child attains a safe, permanent placement. The GAL needs to establish a relationship with the child so as to view the need for permanence from the child's perspective.³⁸ Without this perspective, the GAL cannot begin to assess what relationships need to be protected.³⁹ The GAL also needs to argue for permanence from the first day of his or her involvement in the case.⁴⁰ This includes identifying relatives for possible placement at the outset of the case, not months into the process.

The GAL must be willing and prepared to litigate on behalf of the child's need for permanence. If the Department adopts a placement suggestion that the GAL feels is detrimental to the child, the GAL must avoid being a "rubber stamp."⁴¹ GALs are encouraged to litigate the placement, marshal the evidence, recruit experts, and do what lawyers are trained to do—advocate for the client. GALs play a crucial role in the placement process and need to understand that reunification or biological relationships may not always be in the child's best interests. Only by building a relationship with the child-client can the GAL begin to see the situation from the most important perspective—the child's.⁴²

Permanency Options

The judge has several options when considering permanent placements.⁴³ These include reunification, adoption, guardianship, allocation of parental responsibilities, alternate planned permanent living arrangements, and independent living or emancipation.

Reunification

Reunification is the process of returning a child to his or her parent or guardian. It is the preferred option when the parent diligently complies with the treatment plan and the child can be returned soon.⁴⁴ Birth parents must assume responsibility for demonstrating their interest and ability in parenting. Sporadic, delayed, or intermittent compliance with treatment may not be adequate. Reunification may not be a preferred option in cases where there has been severe abuse, a chronic history of abuse, or where the child has been out of the home for an extended period of time and a psychological parent-child relationship exists with the current caregiver.⁴⁵ Moreover, the parents' right to reunification must be balanced with a child's right to be protected from continued state interference.

Adoption

Adoption is a possible permanent option when the court has terminated the parental rights of a child's birth parents.⁴⁶ It is often a preferred placement

when reunification is not possible. Adoption gives the child a sense of belonging to a family, ends the need for Department oversight, and provides the greatest immunity from future legal challenge. In making adoption decisions, respect for the child's relationships and attachments with biological parents, relatives, or foster parents should be factors for consideration.⁴⁷ Adoption decisions should reflect and respect a child's bonds, not destroy them. Additionally, a child's age should be a factor in determining whether adoption is appropriate. For example, adoption may be of greater importance for a young child who does not identify with a primary parent, but not appropriate for an older child who already has important biological relationships to maintain.

Guardianship

Guardianship through the court grants the preferred caregiver or guardian the legal ability to make major life decisions affecting a child.⁴⁸ With this option, the guardian has complete control of the child's care without the Department's intervention, but can still retain the state's support and services.⁴⁹

Under a guardianship arrangement, a parent retains the right to visit and may challenge guardianship in the future.⁵⁰ There is no limit on how often a parent can petition the court to terminate or modify the guardianship. The standard for changing custody is the best interests of the child.⁵¹ Therefore, this option can be considered in cases in which the parent and child have a relationship that should be protected and termination of parental rights would be detrimental to the child.

Allocation of Parental Responsibilities

Allocation of Parental Responsibilities ("APR") includes parenting time, decision-making responsibilities, and child support matters.⁵² APR proceedings may involve birth parents not involved in the dependency and neglect process. APR also may be a permanent option between the birth parents and third parties in a dependency and neglect matter. Unlike guardianship, APR usually involves the termination of state support.⁵³ Like guardianship, APR leaves the biological parents with visitation or parenting opportunities and the possibility to challenge the decision in the future.

APR is more difficult to challenge than guardianship because it generally cannot be modified in terms of the residential caregiver for two years after entry of the parenting time order. The petitioning party must show that a change has occurred in the circumstances of the child or his or her custodian and that the modification is necessary to serve the best interests of the child, using the factors set forth in CRS § 14-10-124.⁵⁴ A modification before the two years has passed must show "that the child's present environment may endanger the child's physical health or significantly impair the child's emotional development."⁵⁵ However, this option should be considered only in cases in which the biological parent and child have a positive relationship and terminating parental rights would be detrimental to the child. Unfortunately, this option is often recommended in dependency and neglect cases without considering the child's attachment issues.⁵⁶

Alternate Planned Permanent Living Arrangement

An alternate planned permanent living arrangement means a specific, long-term placement for the child that requires ongoing court reviews, which may continue to assess other permanent living options.⁵⁷ Long-term foster care is not a stated option under state or federal law. However, it is often a *de facto* permanency plan for children when no more appropriate option exists. This option often is appropriate for children who need group, restrictive, institutional, or residential care over an extended period of time. It is most appropriate for children who have been with one foster family for an extended period of time, but the foster home is unable to adopt or the child resists adoption.

Another alternate planned permanent living arrangement is out-of-state placement. This is a placement, typically with a relative, outside of the state where the dependency and neglect case has been filed and where the child is currently living. Although this option may allow the child to live with other family members, this must be carefully balanced with the need to maintain the child's proximity with his or her biological parents in order to address reunification. If the child is moved out of state, great difficulties may be encountered in addressing the family's ability to operate as a family in a therapeutic and ongoing manner. If the child is to be moved out of state, this must be addressed as a permanency option early in the case.

Independent Living Or Emancipation

Independent living as a permanent plan is an option for adolescents in out-of-home placements. The youth's skills must be assessed as soon as possible in order to determine the appropriateness of an independent living program. Programs are designed to give youth the support and services needed to transition to full, productive, and independent lives. The Chaffee Foster Care Independence Act of 1999⁵⁸ allows states to provide services to youth who are at risk of "aging out" of the foster care system. Typically, children emancipate from foster care at age 18, but may be continued under court supervision until age 21.⁵⁹ In Colorado, independent living programs are operated by county departments of human services, with the intent of building life skills and helping the youth transition into independent community living and adulthood.⁶⁰

Applying the Best Interest Standard

Applying the least detrimental alternative standard as a means to implement best interests achieves the most appropriate permanence for children. Using the hypothetical cases at the beginning of this article, the following descriptions use this standard in attempting to resolve conflicting placement interests.

Natalie

Natalie has lived with the Lieder family since birth, and the relationships she has developed with them should be protected. Reunification with the birth family is not an option because of the termination decision. Natalie has a relationship with the five Lieder children she knows as sisters or brothers. The family who adopted her biological siblings is now willing to adopt her. However, she does not know this family or her biological siblings.⁶¹ Although it may be important in the long-term for Natalie to develop a relationship with her biological siblings, she can get to know her siblings in a less intrusive way than by taking her away from the critical relationship she has with her psychological parents. Building sibling relationships is possible through visits, sleepovers, and other ongoing contact as she gets older. Thus, permanent placement with the Lieder family will provide Natalie with the least detrimental alternative placement. Keeping the best interests of the child in mind, the GAL should recommend a permanent home with the Lieder family.⁶²

Tyler

The critical question here is whether Tyler's relationship with his mother constitutes a bond or merely an affectionate relationship.⁶³ A GAL might legally challenge an expert opinion that a three-year-old is bonded to his mother, a woman he barely knows, merely because the two formed an affectionate relationship while visiting or in the early months of life.⁶⁴ The court's primary concern should be to eliminate a bonding trauma that leaves deep and permanent scars.⁶⁵ Removing a three-year-old from a home in which he has spent all of his young life certainly would be traumatic.

Reunification with Tyler's mother may have been appropriate if she had complied with the treatment plan to ensure reunification within a year of losing custody of Tyler. This would have avoided the complications of competing relationships that could deny the child a decision that would be in his best

interests.⁶⁶ Permanent placement with the foster family appears to be the least detrimental alternative placement for Tyler. Adoption by the foster family while maintaining a relationship with his mother is in Tyler's best interests.⁶⁷ The GAL should recommend that Tyler stay with his foster parents.

Josh

Although it is important to ascertain why the child's grandparent was not identified earlier, Josh should not be punished for the Department's or other adults' failures. Josh can still develop and maintain a relationship with his grandparent without being in her custody. In this situation, it might be best to allow the grandparent to be a grandparent, not a parent.⁶⁸ The relationship Josh has developed with his foster family over ten months of being in their care should guide the placement decision. The GAL should recommend that the least detrimental alternative placement is for Josh to remain with the foster family.

Conclusion

The courts have declared children to be the paramount concern in making placement decisions.⁶⁹ Implementation remains critical. GALs have the tools to advocate for safe and permanent homes for children. They enjoy the unique opportunity to be creative and zealous advocates in their efforts to serve the best interests of their child-clients. A child-centric approach can best be achieved by implementing the least detrimental alternative definition of the best interests standard. This standard inherently asserts a child's emotional needs as the priority.

The system can meet both the best interests of the child and of society by using common sense in making long-term decisions for children and by respecting the relationships that children have developed and desperately need. As Mother Teresa once said, "The hunger for love is much more difficult to replace than the hunger for bread."⁷⁰ A child's future depends on it.

NOTES

1. A much different question would be necessary if this were an older child who had previously lived with her siblings and developed a relationship. In this case, however, the child has no concept of biological relationships. See Goldstein et al., *The Best Interests of the Child* 9 (New York, NY: Free Press, 1996).
2. A different question would be necessary if this conflict arose in a much shorter time period. See CRS § 19-3-705(5)(b).
3. Most child advocates recognize and support the preference for familial placement immediately after home removal. However, in this case, the grandparent seeks custody long after the child was in need of placement. The GAL needs to seek foster care benefits for grandparents who seek custody in the beginning stages of a case.
4. The general belief is that a child must be placed in a family that has made a permanent commitment to the child in time to meet the child's developmental needs. See Herring, "Exploring the Political Roles of the Family: Justifications for Permanency Planning for Children," 26 *Loy.U. Chi. L.J.* 183, 193-98 (1995). See also Goldstein, *supra*, note 1.
5. See CRS § 19-1-102. Legislative Declaration (1.6):

The general assembly recognizes the numerous studies establishing that children undergo a critical bonding and attachment process prior to the time they reach six years of age. Such studies further disclose that a child who has not bonded with a primary adult during this critical stage will suffer significant emotional damage which frequently leads to chronic psychological problems and antisocial behavior when the child reaches adolescence and adulthood. Accordingly the general assembly finds and declares that it is appropriate to provide for an expedited placement procedure to ensure that children under the age of six years who have been removed from their homes are placed in permanent homes as expeditiously as possible.

6. CRS § 19-3-703.

7. Pub.L.No. 105-89, 111 Stat. 2115 (codified as amended in various sections of 42 U.S.C.).

8. Adoption Assistance and Child Welfare Act, Pub.L. 96-272, 94 Stat. 500 (codified as amended in various sections of 42 U.S.C.)

9. *See In re Custody of C.C.R.S.*, 892 P.2d 246 (Colo. 1995).

10. *See* <http://www.acf.hhs.gov/programs/cb/publications/cwo99/statedata/co.htm> (last accessed June 2002) (statistics on website). For example, in one case, a baby was placed with a foster family at less than 2 months of age. His mother was stopped by the police because she was drunk and had the baby tied to her chest. The mother was later arrested for prostituting while knowingly carrying the HIV virus. The child was returned home one month before his second birthday, despite the fact that this would disrupt the only home he had known for twenty-one of the twenty-three months of his life. The child was again removed from his mother's custody because of his mother's failure in a support program. The mother again started abusing drugs, and the baby continues to reside in foster care.

11. In one case, the Department was involved with a developmentally delayed mother at the time of her child's birth. When the child was 2 years old, the mother left the baby alone in the house while she went to a bar. The child was removed and placed with a relative from whom she was later removed because of protective concerns. The child is now 5 years old and has been in the same foster home for fifteen of the thirty months she has been out of the home. The child continues in foster care with no permanency plan as yet established.

12. CRS § 19-3-203.

13. *See People in the Interest of S.A.E.*, 724 P.2d 100 (Colo.App. 1986) (Children's Code should be liberally construed and broad discretion granted to Juvenile Court to promote best interests and welfare of both child and society).

14. *Compare* CRS § 19-1-102(1)(a) *with* CRS § 19-3-702 (5)(b).

15. CRS § 19-5-207.5.

16. *In re Petition of J.D.K.*, 37 P.3d 541 (Colo. App. 2001). *See also In the Interest of A.W.R.*, 17 P.3d 192 (Colo.App. 2000).

17. *See* Grob, "Colorado's Implementation of the Federal Adoption and Safe Family's Act," 28 *The Colorado Lawyer* 73 (March 1999).

18. Thousands of children have languished in foster care, often being moved several times while awaiting the outcome of their parents' responsiveness to treatment. *See* Grob, *supra*, note 17 at 73, *citing* "Lives in Limbo—Foster Kids Put on Hold by Court Woes," *The Denver Post* (Aug. 29, 1996).

19. *See Child Abuse and Neglect Cases in the Colorado State Courts*, Dependency and Neglect Court Assessment Advisory Council, Final Report (June 27, 1996).

20. CRS §§ 19-1-103(89) and 19-3-100.5(3). *See* Dyer, "Psycholegal Issues in Termination of Parental Rights Cases: An Analysis of the Baby Jessica Case," 28 *J. Psychiatry & L.* 309, 311 (2000) (suggests the national trend is moving toward a more child-centric approach to custody issues). *See also* Fleming, "Custody Standards in New Mexico: Between Third Parties and Biological Parents, What is the Trend?" 27 *N.M. L.Rev.* 547, 564 (1997).

21. CRS § 19-3-507(1)(a). *See also Johnson v. People in the Interest of W.J.*, 459 P.2d 579, 582 (Colo. 1969).

22. CRS § 14-10-124.

23. CRS §§ 14-10-124(1.5)(a)(I) *et seq.*

24. *In re Marriage of Martin*, 42 P.3d 75, 78 (Colo.App. 2002). The concept of "least detrimental alternative" was first introduced in 1973. See Goldstein, *supra*, note 1.

25. *In re Custody of C.C.R.S.*, *supra*, note 9.

26. The least detrimental standard in dependency and neglect cases is not new to Colorado courts. In an unpublished opinion from 1989, the Colorado Court of Appeals recognized a child's need for a secure, stable environment and used the "least detrimental alternative" to decide the child's placement. See *In the Interest of A.V.M.*, No. 88CA1074 (Colo.App. Aug. 3, 1989) (unpublished opinion).

27. The Children's Code involves custody issues that arise during dependency and neglect proceedings, which can be initiated only by the state (CRS § 19-3-501), whereas the UMDA involves custody issues that arise between private parties, such as husband and wife (CRS § 14-10-123). See *In the Interest of A.A.G.*, 912 P.2d 1385, 1391-92 (Colo. 1996).

28. CRS § 19-1-102(1)(a)-(d).

29. Goldstein, *supra*, note 1 at 19.

30. "Severe bonding trauma leaves deep and permanent scars." See Milchman, "Mental Health Experts' Common Error in Assessing Bonding in Guardianship Cases," 28 *J. Psychiatry & L.*, 351, 357 (2000).

31. See *In re Custody of C.C.R.S.*, *supra*, note 9. See also CRS § 19-3-702(5)(b).

32. Goldstein, *supra*, note 1 at 41.

33. *Id.* at 44.

34. CRS § 19-1-102(1.6). See also note 5, *supra*.

35. Goldstein, *supra*, note 1 at 46.

36. *Id.* at 48.

37. CRS § 19-1-102(1)(c).

38. The National Association of Counsel for Children ("NACC") supports this view in their Recommendations for Representation of Children in Abuse and Neglect Cases. See <http://www.naccchildlaw.org/documents/naccrecommendations.doc>.

39. *Id.* at 8-9.

40. *Id.* at 9.

41. Report of the State Auditor, Colorado Judicial Dept., *Guardian ad Litem Performance Audit* (June 1996).

42. *Supra*, note 38.

43. See Fiermonte, "Reasonable Efforts Under ASFA: The Judge's Role in Determining the Permanency Plan," 20 *ABA Child Law Prac.* (April 2001).

44. CRS § 19-1-102; see also *In the Interest of A.W.R.*, *supra*, note 16.

45. CRS §§ 19-3-604(1)(b)(V), -604(2)(k), and -702(5)(b).

46. CRS § 19-3-604.

47. A current problem in Colorado is that adoption does not necessarily protect relationships formed prior to the adoption. See CRS § 19-5-211. "Open" adoptions or pre-adoptive contracts could solve this problem. See Oregon and Washington for examples of "open" adoption statutes: Wash. Rev. Code § 26.33.295 (2001); Or. Rev. Stat. § 109.305 (2001). Adoptive parents may enter into an agreement with birth parents for ongoing contact, although no statute exists to enforce such an agreement.

48. CRS §§ 19-1-103(60) and 15-14-201 *et seq.*
49. 12 Colo. Code Regs. § 2509-4 (7.300 *et seq.*).
50. *See L.L. v. People*, 10 P.3d 1271 (Colo. 2000).
51. *People in the Interest of A.D.*, 706 P.2d 7 (Colo. App. 1985).
52. CRS § 14-10-124(1.5).
53. *Supra*, note 49.
54. CRS §§ 14-10-129 and -124(1.5).
55. CRS § 14-10-129(1.5).
56. One Juvenile Court judge reported that GALs primarily seek APR because it is easiest and least controversial for the adults, but it may not serve the child's best interests.
57. 12 Colo. Code Regs. § 2509-4 (7.301.23 (M)).
58. The John H. Chaffee Foster Care Independence Act of 1999, Pub.L. No. 106-169, 113 Stat.1822 (codified at 42 U.S.C. § 677 (1999)).
59. CRS § 19-3-205.
60. CRS §§ 19-1-116(6) and 26-8.1-101 *et seq.*
61. "Children have no psychological conception of biological relationships until late in their development. . . . [W]hat matters to them is the pattern of day-to-day interchanges with the adults who take care of them and who, on the strength of such interactions, become the parent figures to whom they are attached." Goldstein, *supra*, note 1.
62. The limits of the court's ability to predict the future was dramatically demonstrated where a one-year-old was removed from a stable placement for the purpose of uniting siblings. The unnecessary change in placement led to a disastrous outcome. *See* Mitchell, "Tales of Savagery Surface at Hearing," *The Denver Post* (Sept. 23, 1999) at B04. This case serves as a reminder that maintaining homes where children are thriving may be the best guarantee of permanence for children.
63. Milchman, *supra*, note 30 at 355. *See also* Arredondo and Edwards, "Attachment, Bonding, and Reciprocal Connectedness: Limitations," 2 *J. Center for Families, Child. & Cts.* 109 (2000). The terms "bonding" and "attachment" can be used inaccurately. It may be more useful and important to examine the reciprocity of relationships or "reciprocal connectedness" between a child and his or her caregiver. This concept "refers to a spectrum of interrelatedness that is inherently tied to the developmental stage of the child." *Id.* at 122.
64. Milchman, *supra*, note 30 at 375.
65. *Id.* at 357.
66. Justice Mary Coleman, former justice of the Supreme Court of Michigan, was quoted in a conversation as saying, "Hanging around in foster care even a month or two may seem like forever to a child. The courts tend to forget."
67. *See* note 47, *supra*. Also, no long-term monitoring is required by the court or social services to validate the success or failure of reunification efforts. *See also* note 10, *supra*.
68. In a recent case, a court respected the child's relationship with the foster family over the grandparent's request for custody. *See In the Interest of E.C.*, 47 P.3d 707 (Colo.App. 2002).
69. *In re Custody of C.C.R.S.*, *supra*, note 9.
70. Mother Teresa: <http://tisv.be/mt/indmt.htm>.

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