

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 10, 2019

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

HB19-1232 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend reengrossed bill, page 2, line 12, after "~~Commencing thirty days~~
2 ~~after May 30, 2002,~~" insert "IN EACH CASE FILED PURSUANT TO THIS TITLE
3 19 THAT CONSTITUTES A CHILD CUSTODY PROCEEDING, AS DEFINED IN THE
4 FEDERAL "INDIAN CHILD WELFARE ACT", 25 U.S.C. SEC. 1901, ET SEQ.,
5 AND THEREFORE TO WHICH THE TERMS OF THE FEDERAL "INDIAN CHILD
6 WELFARE ACT", 25 U.S.C. SEC. 1901, ET SEQ., APPLY, THE COURT AND
7 EACH PARTY TO THE PROCEEDING SHALL COMPLY WITH THE FEDERAL
8 IMPLEMENTING REGULATIONS, AND ANY MODIFICATIONS THEREOF, OF THE
9 FEDERAL "INDIAN CHILD WELFARE ACT", 25 U.S.C. SEC. 1901, ET SEQ.,
10 LOCATED IN 25 CFR 23, WHICH OUTLINE THE MINIMUM FEDERAL
11 STANDARDS GOVERNING THE IMPLEMENTATION OF THE "INDIAN CHILD
12 WELFARE ACT" TO ENSURE THE STATUTE IS APPLIED IN COLORADO
13 CONSISTENT WITH THE ACT'S EXPRESS LANGUAGE, CONGRESS'S INTENT IN
14 ENACTING THE STATUTE, AND TO PROMOTE THE STABILITY AND SECURITY
15 OF INDIAN CHILDREN, TRIBES, AND FAMILIES."

16 Page 2, line 23, strike "THE PETITIONING AND FILING PARTY" and
17 substitute "EACH PARTICIPANT".

18 Page 2, line 25, strike "PETITIONING OR FILING PARTY" and substitute
19 "PARTICIPANT".

20 Page 3, line 2, strike "PETITIONING AND FILING PARTY" and substitute

- 1 "PARTICIPANTS".
- 2 Page 3, line 2, strike "EITHER PARTY" and substitute "ANY PARTICIPANT".
- 3 Page 3, line 5, strike "THE RESPONDENT" and substitute "ANY PARTY TO
4 THE PROCEEDING".
- 5 Page 3, line 8, strike "MANNER," and substitute "MANNER."
- 6 Page 3, strike lines 9 and 10 and substitute "THE COURT SHALL ORDER THE
7 PARTY TO PROVIDE THE INFORMATION NO LATER THAN SEVEN BUSINESS
8 DAYS AFTER THE DATE OF THE HEARING OR PRIOR TO THE NEXT HEARING
9 ON THE MATTER, WHICHEVER OCCURS FIRST. THE INFORMATION SHOULD
10 BE FILED WITH THE COURT AND PROVIDED TO THE COUNTY DEPARTMENT
11 OF HUMAN OR SOCIAL SERVICES AND EACH PARTY NO LATER THAN SEVEN
12 BUSINESS DAYS AFTER THE DATE OF THE HEARING."
- 13 Page 4, line 7, strike "petitioning or filing party" and substitute
14 "~~petitioning or filing party~~ COURT".
- 15 Page 4, line 11, strike "parent or Indian custodian" and substitute "~~parent
16 or Indian custodian~~ PARENT OR PARENTS, THE INDIAN CUSTODIAN OR
17 INDIAN CUSTODIANS".
- 18 Page 4, line 20, after "INDIVIDUAL." insert "IN PROVIDING NOTICE, THE
19 COURT AND EACH PARTY SHALL COMPLY WITH 25 CFR 23.111."
- 20 Page 5, line 14, strike "DEPARTMENT OF HUMAN SERVICES," and substitute
21 "COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES,".
- 22 Page 6, line 21, strike "AND" and substitute "OR".
- 23 Page 6, line 24, strike "AND" and substitute "OR".

** ** ** ** **