

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0675.01 Jane Ritter x4342

HOUSE BILL 20-1104

HOUSE SPONSORSHIP

Ransom and Buckner,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING COURT PROCEEDINGS RELATED TO RELINQUISHMENT OF
102 PARENTAL RIGHTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law allows for the reinstatement of parental rights that were terminated if certain conditions are met and the child has not been adopted. The bill expands that to allow for reinstatement of parental rights in cases where a parent voluntarily relinquished parental rights and the same conditions are met.

The bill clarifies the court procedures to be followed if a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

respondent parent with a pending dependency and neglect case seeks to voluntarily relinquish parental rights.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 19-3-612, **amend** (1)
3 and (2) introductory portion as follows:

4 **19-3-612. Reinstatement of the parent-child legal relationship**
5 **- circumstances - petition - hearings - legislative declaration.** (1) The
6 general assembly finds that, for various reasons, some children are not
7 adopted after the termination OR VOLUNTARY RELINQUISHMENT of the
8 parent-child legal relationship and in some cases might benefit from a
9 reinstatement of the parent-child legal relationship if the former parent
10 has remediated the issues that led to the termination OR VOLUNTARY
11 RELINQUISHMENT. The purpose of this section is to address the problem
12 of children who linger in the child welfare system by giving them a
13 second chance at achieving permanency with their rehabilitated former
14 parent. The purpose of this section is to create a process by which the
15 former parent's legal rights may be restored if certain conditions are met,
16 both the child and the former parent want reinstatement of the
17 relationship, a trial period is successful, and it is found to be in the best
18 interests of the child. Reinstatement is a recognition that the situation of
19 the former parent and child has changed since the time of the termination
20 OR VOLUNTARY RELINQUISHMENT of the parent-child legal relationship,
21 and reunification is now appropriate and in the best interests of the child.

22 (2) A county department with custody of a child whose parent's
23 rights were terminated voluntarily or involuntarily, INCLUDING A CHILD
24 WHOSE PARENT RELINQUISHED THE CHILD PURSUANT TO THE
25 REQUIREMENTS OF ARTICLE 5 OF THIS TITLE 19, THE RESPONDENT OR

1 RESPONDENTS IN THE TERMINATION OF PARENTAL RIGHTS OR
2 RELINQUISHMENT PROCEEDINGS, or the guardian ad litem of such a child,
3 may file a petition to reinstate the parent-child legal relationship alleging
4 the following:

5 **SECTION 2.** In Colorado Revised Statutes, 19-5-103, **add** (4)(c)
6 as follows:

7 **19-5-103. Relinquishment procedure - petition - hearings.**

8 (4) (c) A RESPONDENT PARENT WITH A PENDING DEPENDENCY AND
9 NEGLECT CASE BROUGHT PURSUANT TO ARTICLE 3 OF THIS TITLE 19 MAY
10 PURSUE RELINQUISHMENT PURSUANT TO THIS ARTICLE 5. ANY
11 RELINQUISHMENT THAT OCCURS PURSUANT TO THIS ARTICLE 5 MUST BE
12 CERTIFIED INTO THE DEPENDENCY AND NEGLECT CASE. IN ANY CASE
13 WHERE A RESPONDENT PARENT HAS RELINQUISHED THE PARENT'S RIGHTS
14 PURSUANT TO THIS ARTICLE 5, THE JUVENILE COURT SHALL FOLLOW THE
15 PROCEDURES SET FORTH IN PART 6 OF ARTICLE 3 OF THIS TITLE 19 TO
16 TERMINATE ANY REMAINING RESPONDENT PARENT RIGHTS. WHEN A
17 MOTION HAS BEEN FILED TO TERMINATE PARENTAL RIGHTS PURSUANT TO
18 SECTION 19-3-604, THE CASEWORKER SHALL, UPON REQUEST, REFER A
19 PARENT TO RELINQUISHMENT COUNSELING IN THE COUNTY IN WHICH THE
20 PARENT RESIDES.

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.