

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0675.01 Jane Ritter x4342

HOUSE BILL 20-1104

HOUSE SPONSORSHIP

Ransom and Buckner,

SENATE SPONSORSHIP

Crowder,

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.

HOUSE
Amended 2nd Reading
February 5, 2020

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 **(2) introductory portion, and (4) 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, ■ ■ ■ or the guardian

1 ad litem of such a child, may file a petition to reinstate the parent-child
2 legal relationship alleging the following:

3 (4) If a former parent whose rights have been terminated contacts
4 either the county department that has custody of the child or the child's
5 guardian ad litem about the possible reinstatement of the parent-child
6 legal relationship through a petition filed ~~under~~ PURSUANT TO this section,
7 the county department or the guardian ad litem who was contacted ~~must~~
8 SHALL notify the other party, as applicable, AND THE COURT within thirty
9 days after the contact with the name and address of the former parent.

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

12 **19-5-103. Relinquishment procedure - petition - hearings.**

13 (4) (c) WHEN A MOTION HAS BEEN FILED TO TERMINATE PARENTAL
14 RIGHTS, A RESPONDENT PARENT WITH A PENDING DEPENDENCY AND
15 NEGLECT CASE BROUGHT PURSUANT TO ARTICLE 3 OF THIS TITLE 19 MAY
16 PURSUE RELINQUISHMENT PURSUANT TO THIS ARTICLE 5. ANY
17 RELINQUISHMENT THAT OCCURS PURSUANT TO THIS ARTICLE 5 MUST BE
18 CERTIFIED INTO THE DEPENDENCY AND NEGLECT CASE. IN ANY CASE
19 WHERE A RESPONDENT PARENT HAS RELINQUISHED THE PARENT'S RIGHTS
20 PURSUANT TO THIS ARTICLE 5, THE JUVENILE COURT SHALL FOLLOW THE
21 PROCEDURES SET FORTH IN PART 6 OF ARTICLE 3 OF THIS TITLE 19 TO
22 TERMINATE ANY REMAINING RESPONDENT PARENT RIGHTS. WHEN A
23 MOTION HAS BEEN FILED TO TERMINATE PARENTAL RIGHTS PURSUANT TO
24 SECTION 19-3-604, THE CASEWORKER SHALL, UPON REQUEST BY A PARENT
25 AND IF SERVICES ARE AVAILABLE, REFER THE REQUESTING PARENT TO
26 RELINQUISHMENT COUNSELING. THE COUNTY SHALL MAKE REASONABLE
27 ATTEMPTS TO REFER RELINQUISHMENT SERVICES THAT ARE ACCESSIBLE TO

1 THE PARENT. ■

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2020 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.