

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 20-1104

BY REPRESENTATIVE(S) Ransom and Buckner, Duran, Exum, Gonzales-Gutierrez, Herod, Jackson, McLachlan, Melton, Neville, Pelton, Saine, Singer, Snyder, Soper, Titone, Valdez A., Van Winkle, Young; also SENATOR(S) Crowder, Cooke, Lee, Moreno, Rankin, Woodward, Garcia.

CONCERNING COURT PROCEEDINGS RELATED TO RELINQUISHMENT OF PARENTAL RIGHTS.

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

SECTION 1. In Colorado Revised Statutes, 19-3-612, **amend** (1), (2) introductory portion, and (4) as follows:

19-3-612. Reinstatement of the parent-child legal relationship - circumstances - petition - hearings - legislative declaration. (1) The general assembly finds that, for various reasons, some children are not adopted after the termination OR VOLUNTARY RELINQUISHMENT of the parent-child legal relationship and in some cases might benefit from a reinstatement of the parent-child legal relationship if the former parent has remediated the issues that led to the termination OR VOLUNTARY RELINQUISHMENT. The purpose of this section is to address the problem of

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

children who linger in the child welfare system by giving them a second chance at achieving permanency with their rehabilitated former parent. The purpose of this section is to create a process by which the former parent's legal rights may be restored if certain conditions are met, both the child and the former parent want reinstatement of the relationship, a trial period is successful, and it is found to be in the best interests of the child. Reinstatement is a recognition that the situation of the former parent and child has changed since the time of the termination OR VOLUNTARY RELINQUISHMENT of the parent-child legal relationship, and reunification is now appropriate and in the best interests of the child.

(2) A county department with custody of a child whose parent's rights were terminated voluntarily or involuntarily, INCLUDING A CHILD WHOSE PARENT RELINQUISHED THE CHILD PURSUANT TO THE REQUIREMENTS OF ARTICLE 5 OF THIS TITLE 19, or the guardian ad litem of such a child, may file a petition to reinstate the parent-child legal relationship alleging the following:

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

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

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

(4) (c) WHEN A MOTION HAS BEEN FILED TO TERMINATE PARENTAL RIGHTS, A RESPONDENT PARENT WITH A PENDING DEPENDENCY AND NEGLECT CASE BROUGHT PURSUANT TO ARTICLE 3 OF THIS TITLE 19 MAY PURSUE RELINQUISHMENT PURSUANT TO THIS ARTICLE 5. ANY RELINQUISHMENT THAT OCCURS PURSUANT TO THIS ARTICLE 5 MUST BE CERTIFIED INTO THE DEPENDENCY AND NEGLECT CASE. IN ANY CASE WHERE A RESPONDENT PARENT HAS RELINQUISHED THE PARENT'S RIGHTS PURSUANT TO THIS ARTICLE 5, THE JUVENILE COURT SHALL FOLLOW THE PROCEDURES SET FORTH IN PART 6 OF ARTICLE 3 OF THIS TITLE 19 TO TERMINATE ANY REMAINING RESPONDENT PARENT RIGHTS. WHEN A MOTION HAS BEEN FILED

TO TERMINATE PARENTAL RIGHTS PURSUANT TO SECTION 19-3-604, THE CASEWORKER SHALL, UPON REQUEST BY A PARENT AND IF SERVICES ARE AVAILABLE, REFER THE REQUESTING PARENT TO RELINQUISHMENT COUNSELING. THE COUNTY SHALL MAKE REASONABLE ATTEMPTS TO REFER RELINQUISHMENT SERVICES THAT ARE ACCESSIBLE TO THE PARENT.

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

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO