

CHAPTER 50

CHILDREN AND DOMESTIC MATTERS

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.

AN ACT**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 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

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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.

Approved: March 20, 2020