

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0627.01 Brita Darling x2241

HOUSE BILL 19-1042

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING EXPANDING THE JURISDICTION OF THE COURTS FOR
102 CERTAIN VULNERABLE YOUTH.

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>.)

The bill extends the jurisdiction of the court for guardianship proceedings and proceedings concerning the allocation of parental responsibilities for certain unmarried youth under 21 years of age who meet the requirements for such orders, as well as criteria specified in the bill, and who seek findings from the court that may support an application for special immigrant juvenile classification under federal law.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 15-14-102, **amend**
3 the introductory portion and (8) as follows:

4 **15-14-102. Definitions.** In parts 1 to 4 of this ~~article~~ ARTICLE 14:

5 (8) "Minor" means an unemancipated individual who has not
6 attained eighteen years of age; EXCEPT THAT IN PROCEEDINGS PURSUANT
7 TO SECTION 15-14-204 (2.5), "MINOR" MEANS AN UNMARRIED INDIVIDUAL
8 WHO HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE.

9 **SECTION 2.** In Colorado Revised Statutes, 15-14-204, **add** (2.5)
10 as follows:

11 **15-14-204. Judicial appointment of guardian - conditions for**
12 **appointment - definition.** (2.5) (a) FOR PURPOSES OF THIS SUBSECTION
13 (2.5), "MINOR" MEANS AN UNMARRIED INDIVIDUAL WHO HAS NOT
14 ATTAINED TWENTY-ONE YEARS OF AGE.

15 (b) THE COURT MAY ENTER AN ORDER APPOINTING A GUARDIAN OF
16 A MINOR, AS DEFINED IN SUBSECTION (2.5)(a) OF THIS SECTION, AND A
17 DETERMINATION OF WHETHER THE MINOR SHALL BE REUNIFIED WITH A
18 PARENT OR PARENTS, WHEN THE REQUIREMENTS OF SUBSECTION (2) OF
19 THIS SECTION ARE MET, THE ORDER IS IN THE MINOR'S BEST INTERESTS,
20 AND:

21 (I) THE MINOR HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE;

22 (II) THE MINOR IS RESIDING WITH AND DEPENDENT UPON A
23 CAREGIVER; AND

24 (III) THE MINOR IS REQUESTING FINDINGS FROM THE COURT TO
25 ESTABLISH ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT
26 JUVENILE PURSUANT TO 8 U.S.C. SEC. 1101 (a)(27)(J).

1 (c) IF A REQUEST IS MADE FOR FINDINGS ESTABLISHING THE
2 MINOR'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT
3 JUVENILE UNDER FEDERAL LAW AND THE COURT DETERMINES THAT THERE
4 IS SUFFICIENT CREDIBLE EVIDENCE TO SUPPORT THE FINDINGS, THE COURT
5 SHALL ENTER AN ORDER, INCLUDING FACTUAL FINDINGS AND
6 CONCLUSIONS OF LAW, DETERMINING THAT:

7 (I) THE MINOR HAS BEEN PLACED UNDER THE CUSTODY OF AN
8 INDIVIDUAL APPOINTED BY THE COURT THROUGH THE APPOINTMENT OF A
9 GUARDIAN;

10 (II) REUNIFICATION OF THE MINOR WITH ONE OR BOTH PARENTS IS
11 NOT VIABLE DUE TO ABUSE, NEGLECT, ABANDONMENT, OR A SIMILAR BASIS
12 FOUND UNDER STATE LAW; AND

13 (III) IT IS NOT IN THE BEST INTERESTS OF THE MINOR TO BE
14 RETURNED TO THE MINOR'S OR PARENTS' PREVIOUS COUNTRY OF
15 NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

16 **SECTION 3.** In Colorado Revised Statutes, 15-14-210, **amend**
17 (1) as follows:

18 **15-14-210. Termination of guardianship - other proceedings**
19 **after appointment.** (1) A guardianship of a minor terminates upon the
20 minor's death, adoption, emancipation, or attainment of majority or as
21 ordered by the court; EXCEPT THAT THE APPOINTMENT OF A GUARDIAN OF
22 A MINOR PURSUANT TO SECTION 15-14-204 (2.5) DOES NOT TERMINATE
23 BASED ON AGE UNTIL TWENTY-ONE YEARS OF AGE.

24 **SECTION 4.** In Colorado Revised Statutes, 14-10-103, **add** (5)
25 as follows:

26 **14-10-103. Definitions and interpretation of terms.** (5) AS
27 USED IN THIS ARTICLE 10, UNLESS THE CONTEXT OTHERWISE REQUIRES,

1 FOR PURPOSES OF PROCEEDINGS FOR ALLOCATION OF PARENTAL
2 RESPONSIBILITIES PURSUANT TO SECTION 14-10-123 (1.5), THE TERM
3 "CHILD" MEANS AN UNMARRIED INDIVIDUAL WHO HAS NOT ATTAINED
4 TWENTY-ONE YEARS OF AGE.

5 **SECTION 5.** In Colorado Revised Statutes, 14-10-123, **add** (1.5)
6 as follows:

7 **14-10-123. Commencement of proceedings concerning**
8 **allocation of parental responsibilities - jurisdiction - automatic**
9 **temporary injunction - enforcement - definition.** (1.5) (a) FOR
10 PURPOSES OF THIS SUBSECTION (1.5), "CHILD" MEANS AN UNMARRIED
11 INDIVIDUAL WHO HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE.

12 (b) THE COURT MAY ENTER AN ORDER FOR ALLOCATION OF
13 PARENTAL RESPONSIBILITIES FOR A CHILD, AS DEFINED IN SUBSECTION
14 (1.5)(a) OF THIS SECTION, AND A DETERMINATION OF WHETHER THE CHILD
15 SHALL BE REUNIFIED WITH A PARENT OR PARENTS, WHEN THE
16 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION ARE MET, THE ORDER
17 IS IN THE CHILD'S BEST INTERESTS, AND:

18 (I) THE CHILD HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE;

19 (II) THE CHILD IS RESIDING WITH AND DEPENDENT UPON A
20 CAREGIVER; AND

21 (III) THE CHILD IS REQUESTING FINDINGS FROM THE COURT TO
22 ESTABLISH ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT
23 JUVENILE PURSUANT TO 8 U.S.C. SEC. 1101 (a)(27)(J).

24 (c) IF A REQUEST IS MADE FOR FINDINGS FROM THE COURT TO
25 ESTABLISH THE CHILD'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL
26 IMMIGRANT JUVENILE UNDER FEDERAL LAW AND THE COURT DETERMINES
27 THAT THERE IS SUFFICIENT CREDIBLE EVIDENCE TO SUPPORT THE FINDINGS,

1 THE COURT SHALL ENTER AN ORDER, INCLUDING FACTUAL FINDINGS AND
2 CONCLUSIONS OF LAW, DETERMINING THAT:

3 (I) THE CHILD HAS BEEN PLACED UNDER THE CUSTODY OF AN
4 INDIVIDUAL APPOINTED BY THE COURT PURSUANT TO AN ORDER FOR
5 ALLOCATION OF PARENTAL RESPONSIBILITIES;

6 (II) REUNIFICATION OF THE CHILD WITH ONE OR BOTH PARENTS IS
7 NOT VIABLE DUE TO ABUSE, NEGLECT, ABANDONMENT, OR A SIMILAR BASIS
8 FOUND UNDER STATE LAW; AND

9 (III) IT IS NOT IN THE BEST INTERESTS OF THE CHILD TO BE
10 RETURNED TO THE CHILD'S OR PARENTS' PREVIOUS COUNTRY OF
11 NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

12 **SECTION 6.** In Colorado Revised Statutes, 19-1-104, **amend** (1)
13 introductory portion and (1)(c) as follows:

14 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,
15 the juvenile court ~~shall have~~ HAS exclusive original jurisdiction in
16 proceedings:

17 (c) To determine the legal custody of any child or to appoint a
18 guardian of the person or legal custodian of any child who comes within
19 the juvenile court's jurisdiction under provisions of this section, AND MAY
20 ALSO ENTER FINDINGS AND ORDERS AS DESCRIBED IN SECTION 14-10-123
21 (1.5) AND SECTION 15-14-204 (2.5);

22 **SECTION 7. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.