

CHAPTER 391

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 22-1319

BY REPRESENTATIVE(S) Gonzales-Gutierrez and Jodeh, Bacon, Benavidez, Bennett, Bird, Caraveo, Cutter, Esgar, Exum, Froelich, Gray, Herod, Kennedy, Lindsay, McCluskie, Michaelson Jenet, Ortiz, Sirota, Weissman; also SENATOR(S) Gonzales, Buckner, Fields, Hansen, Lee, Moreno, Pettersen, Rodriguez, Story.

AN ACT**CONCERNING DEPENDENCY ORDERS FOR AN UNACCOMPANIED CHILD IN FEDERAL CUSTODY IN COLORADO.**

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

SECTION 1. In Colorado Revised Statutes, **add** article 3.1 to title 19 as follows:

ARTICLE 3.1
Dependency Proceedings for Unaccompanied Children
in Federal Custody

19-3.1-101. Petition for dependency order for unaccompanied children in federal custody - definition. (1) **WHEN AN UNACCOMPANIED CHILD IN THE CUSTODY OF THE FEDERAL OFFICE OF REFUGEE RESETTLEMENT HOUSED IN A FACILITY IN COLORADO HAS BEEN SUBJECTED TO PARENTAL ABUSE OR NEGLECT AS DEFINED IN SECTION 19-1-103 (1)(a) OR SUBJECTED TO THE PARENTAL ACTIONS AND OMISSIONS LISTED IN SECTION 19-3-102, THAT CHILD MAY FILE A PETITION FOR A DEPENDENCY ORDER PURSUANT TO THIS SECTION WITH THE JUVENILE COURT IN THE JUDICIAL DISTRICT WHERE THE CHILD IS HOUSED.**

(2) (a) **THE PETITION MUST:**

(I) **SET FORTH THE FACTS THAT BRING THE CHILD UNDER THE COURT'S JURISDICTION PURSUANT TO SUBSECTION (1) OF THIS SECTION;**

(II) **STATE THE CHILD'S NAME, AGE, AND COUNTRY OF BIRTH; AND**

(III) **IDENTIFY THE FACILITY IN COLORADO WHERE THE CHILD IS HOUSED IN THE**

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.

CUSTODY OF THE FEDERAL OFFICE OF REFUGEE RESETTLEMENT.

(b) THE STATEMENTS IN THE PETITION MAY BE MADE UPON INFORMATION AND BELIEF.

(c) THE PETITION MUST NOT NAME THE CHILD'S PARENT AS A RESPONDENT. THE PETITION MUST STATE CLEARLY THAT PARENTAL RIGHTS MAY NOT BE TERMINATED THROUGH PROCEEDINGS UNDER THIS SECTION.

(3) THE COURT SHALL SCHEDULE A HEARING WITHIN THIRTY-FIVE DAYS AFTER THE PETITION IS FILED, UNLESS A MOTION IS MADE FOR A FORTHWITH HEARING BECAUSE THE CHILD IS APPROACHING EIGHTEEN YEARS OF AGE OR OTHER EMERGENT CIRCUMSTANCES, IN WHICH CASE THE COURT SHALL SCHEDULE THE HEARING WITHIN SEVEN DAYS. IF THE COURT FINDS THE STATEMENTS IN THE PETITION ARE SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE, THE COURT SHALL DECLARE THE CHILD DEPENDENT ON THE COURT. A CHILD DECLARED DEPENDENT PURSUANT TO THIS SECTION IS ELIGIBLE FOR OVERSIGHT AND SERVICES BY THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN PURSUANT TO SECTION 19-3.3-103 (1)(a.5). UPON REQUEST, THE COURT MAY ALSO ISSUE AN ORDER ESTABLISHING THE CHILD'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT JUVENILE UNDER FEDERAL LAW. THE ORDER MAY BE ENTERED AT ANY TIME FOLLOWING THE FILING OF THE PETITION OR AT THE HEARING.

(4) THE COURT SHALL NOT ALTER THE CHILD'S CUSTODY STATUS OR PLACEMENT UNLESS THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES PROVIDES SPECIFIC CONSENT.

(5) THE COURT MAY RETAIN JURISDICTION OVER THE CHILD UNTIL THE CHILD REACHES EIGHTEEN YEARS OF AGE OR UNTIL FURTHER ORDER OF THE COURT.

(6) FOR PURPOSES OF THIS SECTION, "DEPENDENT ON THE COURT" MEANS A YOUTH IS UNDER THE JUVENILE COURT'S JURISDICTION; THE YOUTH WAS AT ANY TIME ADJUDICATED DEPENDENT OR NEGLECTED, AS DESCRIBED IN SECTION 19-3-102, OR THAT THE COURT HAS FOUND SUFFICIENT EVIDENCE THAT THE YOUTH HAS BEEN SUBJECTED TO CHILD ABUSE OR NEGLECT, AS DEFINED IN SECTION 19-1-103 (1)(a); AND THE YOUTH IS IN NEED OF OVERSIGHT AND SUPPORTIVE SERVICES AS DETERMINED BY THE COURT.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 7, 2022