

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

ENGROSSED

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

LLS NO. 24-0852.01 Jane Ritter x4342

SENATE BILL 24-119

SENATE SPONSORSHIP

Exum,

HOUSE SPONSORSHIP

Garcia and Mabrey,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING CLASSIFYING THE DEATH OF A PARENT AS ABANDONMENT**
102 **IN DETERMINATIONS FOR 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>.)

Current law states that if there is sufficient evidence to determine that reunification of a child or youth with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis, the child or youth is eligible for federal classification as a special immigrant juvenile. The bill clarifies that "abandonment" includes the death of one or both parents.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
February 29, 2024

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

2 **SECTION 1.** In Colorado Revised Statutes, 14-10-123, **amend**
3 (1.5)(c) introductory portion and (1.5)(c)(II) as follows:

4 **14-10-123. Commencement of proceedings concerning**
5 **allocation of parental responsibilities - jurisdiction - automatic**
6 **temporary injunction - enforcement - definitions.** (1.5) (c) If a request
7 is made for findings from the court to establish the child's eligibility for
8 classification as a special immigrant juvenile under federal law and the
9 court determines ~~that~~ there is sufficient evidence to support the findings,
10 the court shall enter an order, including factual findings and conclusions
11 of law, determining that:

12 (II) Reunification of the child with one or both parents is not
13 viable due to abuse, neglect, abandonment, or a similar basis found ~~under~~
14 PURSUANT TO state law. ~~and~~ FOR PURPOSES OF THIS SUBSECTION
15 (1.5)(c)(II), "ABANDONMENT" INCLUDES, BUT IS NOT LIMITED TO, THE
16 DEATH OF ONE OR BOTH PARENTS.

17 **SECTION 2.** In Colorado Revised Statutes, 15-14-204, **amend**
18 (2.5)(c) introductory portion and (2.5)(c)(II) as follows:

19 **15-14-204. Judicial appointment of guardian - conditions for**
20 **appointment - definition.** (2.5) (c) If a request is made for findings
21 establishing the minor's eligibility for classification as a special immigrant
22 juvenile under federal law and the court determines ~~that~~ there is sufficient
23 evidence to support the findings, the court shall enter an order, including
24 factual findings and conclusions of law, determining that:

25 (II) Reunification of the minor with one or both parents is not
26 viable due to abuse, neglect, abandonment, or a similar basis found ~~under~~

1 PURSUANT TO state law. ~~and~~ FOR PURPOSES OF THIS SUBSECTION
2 (2.5)(c)(II), "ABANDONMENT" INCLUDES, BUT IS NOT LIMITED TO, THE
3 DEATH OF ONE OR BOTH PARENTS.

4 **SECTION 3.** In Colorado Revised Statutes, 19-1-103, **add**
5 (128.5) as follows:

6 **19-1-103. Definitions.** As used in this title 19 or in the specified
7 portion of this title 19, unless the context otherwise requires:

8 (128.5) "SPECIAL IMMIGRANT JUVENILE STATUS FINDINGS"
9 INCLUDES:

10 (a) DECLARING THE CHILD DEPENDENT OR PLACING THE CHILD IN
11 THE CUSTODY OF AN INDIVIDUAL, AGENCY, OR DEPARTMENT AS APPOINTED
12 BY THE COURT;

13 (b) DETERMINING THAT REUNIFICATION OF THE CHILD WITH ONE
14 OR BOTH PARENTS IS NOT VIABLE DUE TO ABUSE, NEGLECT,
15 ABANDONMENT, OR A SIMILAR BASIS FOUND PURSUANT TO STATE LAW.
16 FOR PURPOSES OF THIS SECTION, "ABANDONMENT" INCLUDES, BUT IS NOT
17 LIMITED TO, THE DEATH OF ONE OR BOTH PARENTS.

18 (c) DETERMINING THAT IT IS NOT IN THE BEST INTERESTS OF THE
19 CHILD TO BE RETURNED TO THE CHILD'S OR PARENTS' PREVIOUS COUNTRY
20 OF NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

21 **SECTION 4.** In Colorado Revised Statutes, 19-1-104, **amend**
22 (1.5) as follows:

23 **19-1-104. Jurisdiction.** (1.5) A juvenile court exercising
24 jurisdiction pursuant to subsection (1)(a), (1)(b), (1)(c), (1)(f), or (1)(g)
25 of this section may enter SPECIAL IMMIGRANT JUVENILE STATUS findings,
26 AS DEFINED IN SECTION 19-1-103, establishing eligibility for classification
27 as a special immigrant juvenile under federal law. _____

1 **SECTION 5.** In Colorado Revised Statutes, 19-3.1-101, **amend**
2 (3) as follows:

3 **19-3.1-101. Petition for dependency order for unaccompanied**
4 **children or youth in federal custody - definition.** (3) (a) The court
5 shall schedule a hearing within thirty-five days after the petition is filed,
6 unless a motion is made for a forthwith hearing because the child is
7 approaching eighteen years of age or other emergent circumstances, in
8 which case the court shall schedule the hearing within seven days. If the
9 court finds the statements in the petition are supported by a
10 preponderance of the evidence, the court shall declare the child dependent
11 on the court. A child declared dependent pursuant to this section ~~is~~ MAY
12 BE eligible for oversight and services by the office of the child protection
13 ombudsman pursuant to section 19-3.3-103 (1)(a.5). Upon request, the
14 court may also issue an order establishing the child's eligibility for
15 classification as a special immigrant juvenile under federal law, ~~The order~~
16 ~~may be entered at any time following the filing of the petition or at the~~
17 ~~hearing.~~ INCLUDING:

18 (I) DECLARING THE CHILD DEPENDENT;
19 (II) DETERMINING THAT REUNIFICATION OF THE CHILD WITH ONE
20 OR BOTH PARENTS IS NOT VIABLE DUE TO ABUSE, NEGLECT,
21 ABANDONMENT, OR A SIMILAR BASIS FOUND PURSUANT TO STATE LAW.
22 FOR PURPOSES OF THIS SUBSECTION (3)(a)(II), "ABANDONMENT"
23 INCLUDES, BUT IS NOT LIMITED TO, THE DEATH OF ONE OR BOTH PARENTS.

24 (III) DETERMINING THAT IT IS NOT IN THE BEST INTERESTS OF THE
25 CHILD TO BE RETURNED TO THE CHILD'S OR PARENTS' PREVIOUS COUNTRY
26 OF NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

27 (b) THE ORDER MAY BE ENTERED AT ANY TIME FOLLOWING THE

1 FILING OF THE PETITION OR AT THE HEARING.

2 **SECTION 6.** In Colorado Revised Statutes, 19-7-309.5, **amend**
3 (5) as follows:

4 **19-7-309.5. Initial hearings.** (5) (a) When a youth has been
5 adjudicated dependent and neglected pursuant to section 19-3-102, or
6 when there is sufficient evidence that the youth has been subjected to
7 child abuse or neglect, as defined in section 19-1-103 (1), the court shall
8 enter a finding that the youth is dependent on the court, as defined in
9 ~~section 19-1-103 (54)~~ SECTION 19-1-103 (53.5). The court may enter
10 special findings establishing the youth's eligibility for designation as a
11 special immigrant juvenile pursuant to federal law, ~~These findings may~~
12 ~~be made at the initial hearing or any time thereafter.~~ INCLUDING:

13 (I) DECLARING THE YOUTH DEPENDENT;

14 (II) DETERMINING THAT REUNIFICATION OF THE YOUTH WITH ONE
15 OR BOTH PARENTS IS NOT VIABLE DUE TO ABUSE, NEGLECT,
16 ABANDONMENT, OR A SIMILAR BASIS FOUND PURSUANT TO STATE LAW.
17 FOR PURPOSES OF THIS SUBSECTION (5)(a)(II), "ABANDONMENT"
18 INCLUDES, BUT IS NOT LIMITED TO, THE DEATH OF ONE OR BOTH PARENTS.

19 (III) DETERMINING THAT IT IS NOT IN THE BEST INTERESTS OF THE
20 YOUTH TO BE RETURNED TO THE YOUTH'S OR PARENTS' PREVIOUS
21 COUNTRY OF NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

22 (b) THE ORDER MAY BE ENTERED AT ANY TIME FOLLOWING THE
23 FILING OF THE PETITION OR AT THE HEARING.

24 **SECTION 7. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2024 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.