

HB1162\_L.014

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB14-1162 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, amend 19-5-105.5  
4 as follows:

5 **19-5-105.5. Termination of parent-child legal relationship**  
6 **upon a finding that the child was conceived as a result of sexual**  
7 **assault - legislative declaration - definitions.** (1) The general assembly  
8 hereby declares that the purpose of this statute is to protect the victim of  
9 a sexual assault and to protect the child conceived as a result of that  
10 sexual assault by terminating CREATING A PROCESS TO SEEK TERMINATION  
11 OF the parental rights of the perpetrator of the sexual assault and by  
12 issuing protective orders preventing future contact between the parties.  
13 The general assembly further declares that this section creates civil  
14 remedies and is not created to punish the perpetrator but rather to protect  
15 the interests of the child and the victim of a sexual assault.

16 (2) As used in this section, unless the context otherwise requires:

17 (a) "Convicted" or "conviction" has the same meaning as defined  
18 in section 19-1-103 (29.3).

19 (a.5) "DISABILITY" MEANS:

20 (I) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY  
21 LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES; OR

22 (II) A RECORD OF A PHYSICAL OR MENTAL IMPAIRMENT THAT  
23 SUBSTANTIALLY LIMITED A MAJOR LIFE ACTIVITY.

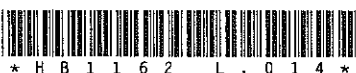
24 (a.7) "PETITIONER" MEANS A VICTIM OF SEXUAL ASSAULT WHO  
25 FILES A PETITION FOR TERMINATION OF THE PARENT-CHILD LEGAL  
26 RELATIONSHIP OF THE OTHER PARENT AS PROVIDED IN THIS SECTION.

27 (a.8) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PETITION  
28 FOR TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP IS FILED AS  
29 PROVIDED IN THIS SECTION.

30 (b) "Sexual assault" has the same meaning as defined in section  
31 19-1-103 (96.5).

32 (c) "Victim" has the same meaning as defined in section 19-1-103  
33 (112) (b).

34 (3) If a child was conceived as a result of an act that led to the  
35 parent's conviction for sexual assault or for a conviction in which the  
36 underlying factual basis was sexual assault, the victim of the sexual  
37 assault or crime may file a petition in the juvenile court to prevent future  
38 contact with the parent who committed the sexual assault and to terminate



1 the parent-child legal relationship of the parent who committed the sexual  
2 assault or crime.

3 (4) The verified petition filed under this section must allege that:

4 (a) The ~~other parent~~ RESPONDENT was convicted on or after July  
5 1, 2013, of an act of sexual assault against the ~~victim~~ PETITIONER or  
6 convicted of a crime in which the underlying factual basis was sexual  
7 assault against the ~~victim~~ PETITIONER;

8 (b) A child was conceived as a result of the act of sexual assault  
9 or crime described under paragraph (a) of this subsection (4); and

10 (c) Termination of the parent-child legal relationship of the ~~other~~  
11 ~~parent~~ RESPONDENT with the child is in the best interests of the child.

12 (4.5) AFTER A PETITION HAS BEEN FILED PURSUANT TO THIS  
13 SECTION, THE COURT SHALL ISSUE A SUMMONS THAT RECITES BRIEFLY THE  
14 SUBSTANCE OF THE PETITION AND CONTAINS A STATEMENT THAT THE  
15 PURPOSE OF THE PROCEEDING IS WHETHER TO TERMINATE THE  
16 PARENT-CHILD LEGAL RELATIONSHIP OF THE RESPONDENT. THE  
17 PETITIONER SHALL HAVE THE RESPONDENT PERSONALLY SERVED WITH A  
18 COPY OF THE SUMMONS OR NOTIFIED THROUGH NOTICE BY PUBLICATION  
19 CONSISTENT WITH THE STATUTORY PROVISIONS FOR NOTICE IN SECTION  
20 19-3-503 AND PURSUANT TO THE COLORADO RULES OF CIVIL PROCEDURE,  
21 UNLESS THE RESPONDENT APPEARS VOLUNTARILY OR WAIVES SERVICE.  
22 UPON REQUEST, THE COURT SHALL PROTECT THE WHEREABOUTS OF THE  
23 PETITIONER AND MUST IDENTIFY THE PETITIONER AND THE CHILD IN THE  
24 SUMMONS BY INITIALS.

25 (5) After a petition has been filed pursuant to this section, the  
26 court may appoint a guardian ad litem, who must be an attorney, to  
27 represent the child's best interests in the proceeding. ~~A~~ THE petitioner ~~has~~  
28 AND THE RESPONDENT HAVE the right to be represented by legal counsel  
29 in proceedings under this section. ~~and has~~ THE PETITIONER AND THE  
30 RESPONDENT EACH HAVE the right to seek the appointment of legal  
31 counsel if ~~the petitioner~~ HE OR SHE is unable financially to secure legal  
32 counsel on his or her own. THE COURT SHALL WAIVE FILING FEES FOR AN  
33 INDIGENT PETITIONER.

34 (b) THE COURT WILL WORK TO ENSURE THAT A PETITIONER OR A  
35 RESPONDENT WHO HAS A DISABILITY HAS EQUAL ACCESS TO PARTICIPATE  
36 IN THE PROCEEDING. IF THE PETITIONER OR RESPONDENT HAS A  
37 DISABILITY, HE OR SHE HAS THE RIGHT TO REQUEST REASONABLE  
38 ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THE PROCEEDING; EXCEPT  
39 THAT THE DISABILITY OF THE PETITIONER, THE RESPONDENT, OR THE CHILD  
40 MUST NOT BE THE CAUSE FOR THE UNNECESSARY DELAY OF THE PROCESS.  
41 THE COURT SHALL PRESUME THAT A PETITIONER OR A RESPONDENT WITH



1 A DISABILITY IS LEGALLY COMPETENT AND ABLE TO UNDERSTAND AND  
2 PARTICIPATE IN THE PROCEEDING UNLESS THE PETITIONER OR RESPONDENT  
3 IS DETERMINED TO BE AN INCAPACITATED PERSON, AS DEFINED IN SECTION  
4 15-14-102 (5), C.R.S.

5 (6) In any proceeding held under this section, THE COURT MAY  
6 GRANT PROTECTIVE MEASURES IN THE COURTROOM AS REQUESTED BY THE  
7 PETITIONER, INCLUDING BUT NOT LIMITED TO ALLOWING ~~the victim is not~~  
8 ~~required~~ PETITIONER TO NOT appear in the presence of the ~~other parent and~~  
9 RESPONDENT, SO LONG AS THESE MEASURES DO NOT VIOLATE DUE  
10 PROCESS. The ~~victim's~~ PETITIONER'S and the child's whereabouts must be  
11 kept confidential.

12 (6.5) A RESPONDENT MAY ADMIT PARENTAGE OR MAY REQUEST  
13 GENETIC TESTING OR OTHER TESTS OF INHERITED CHARACTERISTICS TO  
14 CONFIRM PATERNITY. THE TEST RESULTS MUST BE ADMITTED INTO  
15 EVIDENCE AS PROVIDED IN SECTION 13-25-126, C.R.S. THE FINAL COSTS  
16 FOR GENETIC TESTS OR OTHER TESTS OF INHERITED CHARACTERISTICS  
17 MUST BE ASSESSED AGAINST THE NONPREVAILING PARTY ON THE  
18 PARENTAGE ISSUE.

19 (6.7) THE COURT SHALL HEAR A PETITION TO TERMINATE THE  
20 PARENT-CHILD LEGAL RELATIONSHIP NO MORE THAN ONE HUNDRED  
21 TWENTY DAYS AFTER SERVICE OF THE PETITION OR FROM THE FIRST  
22 APPEARANCE DATE, WHICHEVER IS LATER, UNLESS BOTH PARTIES CONSENT  
23 TO AN EXTENSION OR THE COURT FINDS GOOD CAUSE TO EXTEND THE  
24 HEARING BEYOND ONE HUNDRED TWENTY DAYS.

25 (7) The court shall terminate the parent-child legal relationship of  
26 ~~the person against whom the petition is filed~~ RESPONDENT if the court  
27 finds by clear and convincing evidence, AND STATES THE REASONS FOR ITS  
28 DECISION, that:

29 (a) The ~~parent~~ RESPONDENT was convicted on or after July 1,  
30 2013, of an act of sexual assault against the ~~victim~~ PETITIONER or was  
31 convicted of a crime in which the underlying factual basis was sexual  
32 assault against the ~~victim~~ PETITIONER;

33 (b) A child was conceived as a result of that act of sexual assault  
34 or crime AS EVIDENCED BY THE RESPONDENT ADMITTING PARENTAGE OR  
35 GENETIC TESTING ESTABLISHING THE PATERNITY; and

36 (c) Termination of the parent-child legal relationship is in the best  
37 interests of the child. There is a rebuttable presumption that terminating  
38 the parental rights of the parent who committed the act of sexual assault  
39 or crime is in the best interests of the child. THE COURT SHALL NOT  
40 PRESUME THAT HAVING ONLY ONE REMAINING PARENT IS CONTRARY TO  
41 THE CHILD'S BEST INTERESTS.



1 (7.3) IF THE CHILD IS AN INDIAN CHILD, THE COURT SHALL ENSURE  
2 COMPLIANCE WITH THE FEDERAL "INDIAN CHILD WELFARE ACT", 25  
3 U.S.C. SEC. 1901 ET SEQ., AND THE PROVISIONS OF SECTION 19-1-126.

4 (7.5) IF THE COURT DENIES THE PETITION TO TERMINATE THE  
5 PARENT-CHILD LEGAL RELATIONSHIP, THEN THE COURT SHALL ARTICULATE  
6 ITS REASONS FOR THE DENIAL OF THE PETITION. IF THE COURT DENIES THE  
7 PETITION, THE COURT HAS CONTINUING JURISDICTION AND AUTHORITY TO  
8 ENTER AN ORDER IN THE SAME PROCEEDING ALLOCATING PARENTAL  
9 RESPONSIBILITIES BETWEEN THE PARTIES, INCLUDING BUT NOT LIMITED TO  
10 AN ORDER TO NOT ALLOCATE PARENTAL RESPONSIBILITIES TO THE  
11 RESPONDENT. IN ISSUING ANY ORDER ALLOCATING PARENTAL  
12 RESPONSIBILITIES, INCLUDING THE DUTY OF SUPPORT, GUARDIANSHIP, AND  
13 PARENTING TIME PRIVILEGES WITH THE CHILD OR ANY OTHER MATTER, THE  
14 COURT SHALL DETERMINE WHETHER THE ORDER IS IN THE BEST INTERESTS  
15 OF THE CHILD BASED ON A PREPONDERANCE OF THE EVIDENCE.

16 (8) (a) A ~~person~~ RESPONDENT whose parental rights are terminated  
17 in accordance with this section has:

18 (I) No right to allocation of parental responsibilities, including  
19 parenting time and decision-making responsibilities for the child;

20 (II) No right of inheritance from the child; and

21 (III) No right to notification of, or standing to object to, the  
22 adoption of the child.

23 (b) NOTWITHSTANDING THE PROVISIONS OF SECTION 19-3-608,  
24 termination of parental rights under subsection (7) of this section does not  
25 relieve the ~~person~~ RESPONDENT of any obligation to pay child support or  
26 birth-related costs unless waived by the ~~victim~~ PETITIONER. In cases in  
27 which child support obligations are not waived, ~~and~~ THE COURT, AS  
28 INFORMED BY THE WISHES OF THE PETITIONER, SHALL DETERMINE IF  
29 ENTERING AN ORDER TO PAY CHILD SUPPORT IS IN THE BEST INTERESTS OF  
30 THE CHILD. IF the court orders the ~~person~~ RESPONDENT to pay child  
31 support, the court shall order the payments to be made through the child  
32 support registry to avoid the need for any contact between the parties AND  
33 ORDER THAT THE PAYMENTS BE TREATED AS A NONDISCLOSURE OF  
34 INFORMATION CASE. If the ~~victim's~~ PETITIONER'S parent-child legal  
35 relationship to the child is terminated after the entry of a child support  
36 order against the ~~person who was convicted~~ RESPONDENT, the court shall  
37 modify the child support order accordingly.

38 (9) ~~The person~~ A RESPONDENT whose parent-child legal  
39 relationship has been terminated in accordance with this section has no  
40 right to make medical treatment decisions or any other decisions on  
41 behalf of the child.

1 (9.5) THE COURT MAY ORDER A RESPONDENT WHOSE  
2 PARENT-CHILD LEGAL RELATIONSHIP HAS BEEN TERMINATED TO PROVIDE  
3 MEDICAL AND FAMILY INFORMATION TO BE SHARED WITH THE CHILD, AS  
4 APPROPRIATE, AND WITH THE PETITIONER. FOR TERMINATIONS ENTERED  
5 UNDER THIS SECTION AND SECTION 19-5-105.7, THE STATE COURT  
6 ADMINISTRATOR SHALL ESTABLISH A UNIFORM PROCESS TO DETERMINE  
7 HOW THE INFORMATION IS COLLECTED, WHO CAN ACCESS IT, WHEN IT CAN  
8 BE ACCESSED, AND HOW IT IS STORED. THE COURT MAY ORDER THAT A  
9 RESPONDENT'S FAILURE TO COMPLY WITH THE REQUEST FOR INFORMATION  
10 IN A TIMELY MANNER CONSTITUTES CONTEMPT OF COURT.

11 ~~(10) The victim is entitled, upon request, to a no-contact~~  
12 ~~protection order issued against the person whose parental rights are~~  
13 ~~terminated prohibiting the person from having any contact with either the~~  
14 ~~victim or the child~~ THE JUVENILE COURT HAS ORIGINAL CONCURRENT  
15 JURISDICTION TO ISSUE A TEMPORARY OR PERMANENT CIVIL PROTECTION  
16 ORDER PURSUANT TO SECTION 13-14-104.5 OR 13-14-106, C.R.S.

17 (11) Termination of the parent-child legal relationship pursuant  
18 to subsection (7) of this section is an independent basis for termination of  
19 parental rights, and the court need not make any of the considerations or  
20 findings described in section ~~19-5-105, 19-5-103.5, or 19-3-604~~  
21 ~~19-3-604, 19-5-103.5, OR 19-5-105.~~

22 (12) Nothing in this section prohibits the termination of parental  
23 rights by the court using the criteria described in section ~~19-5-105,~~  
24 ~~19-5-103.5, or 19-3-604~~ 19-3-604, 19-5-103.5, OR 19-5-105.

25 **SECTION 2.** In Colorado Revised Statutes, **repeal** 14-10-124.3  
26 as follows:

27 **14-10-124.3. Stay of proceedings - criminal charges of**  
28 **allegations of sexual assault.** ~~If criminal charges alleging an act of~~  
29 ~~sexual assault, as defined in section 19-1-103 (96.5), C.R.S., are brought~~  
30 ~~against the parent of a child alleging that a child was conceived as a result~~  
31 ~~of the alleged sexual assault committed by that parent against the parent~~  
32 ~~who is the alleged victim of the sexual assault, the court shall issue an~~  
33 ~~automatic stay of any civil domestic proceedings under this article or of~~  
34 ~~any paternity proceedings under the "Uniform Parentage Act", article 4~~  
35 ~~of title 19, C.R.S., involving both the child and the parent who is the~~  
36 ~~alleged perpetrator. The stay shall not be lifted until there is a final~~  
37 ~~disposition of the criminal charges. In any future domestic proceedings~~  
38 ~~under this article or any paternity proceedings under the "Uniform~~  
39 ~~Parentage Act", article 4 of title 19, C.R.S., continued after the final~~  
40 ~~disposition of the criminal charges, any denial of parenting time by the~~  
41 ~~victim of the alleged sexual assault while the criminal charges were~~

1 pending shall not be used in any way against the victim:

2 **SECTION 3.** In Colorado Revised Statutes, **repeal** 19-4-105.7 as  
3 follows:

4 **19-4-105.7. Stay of paternity proceedings - criminal charges**  
5 **of allegations of sexual assault.** ~~If criminal charges alleging an act of~~  
6 ~~sexual assault, as defined in section 19-1-103 (96.5), are brought against~~  
7 ~~a presumed or possible parent who is the subject of an action to determine~~  
8 ~~paternity alleging that a child was conceived as a result of that sexual~~  
9 ~~assault committed by that presumed or possible parent against the parent~~  
10 ~~who is the alleged victim of the sexual assault, the court shall issue an~~  
11 ~~automatic stay of any paternity proceedings under this article involving~~  
12 ~~both the child and the presumed or possible parent who is the alleged~~  
13 ~~perpetrator. The stay shall not be lifted until there is a final disposition of~~  
14 ~~the criminal charges. In any future paternity proceedings under this article~~  
15 ~~that are continued after the final disposition of the criminal charges, any~~  
16 ~~denial of parenting time by the victim of the alleged sexual assault while~~  
17 ~~the criminal charges were pending shall not be used in any way against~~  
18 ~~the victim:~~

19 **SECTION 4.** In Colorado Revised Statutes, **add** 19-5-105.7 as  
20 follows:

21 **19-5-105.7. Termination of parent-child legal relationship in**  
22 **a case of an allegation that a child was conceived as a result of sexual**  
23 **assault but in which no conviction occurred - legislative declaration**  
24 **- definitions.** (1) THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE  
25 PURPOSE OF THIS STATUTE IS TO PROTECT A PERSON IN A CASE WHERE IT  
26 IS DETERMINED THAT HE OR SHE IS A VICTIM OF SEXUAL ASSAULT BUT IN  
27 WHICH NO CONVICTION OCCURRED AND TO PROTECT A CHILD CONCEIVED  
28 AS A RESULT OF THAT SEXUAL ASSAULT BY CREATING A PROCESS TO SEEK  
29 TERMINATION OF THE PARENTAL RIGHTS OF THE PERPETRATOR OF THE  
30 SEXUAL ASSAULT AND BY ISSUING PROTECTIVE ORDERS PREVENTING  
31 FUTURE CONTACT BETWEEN THE PARTIES. THE GENERAL ASSEMBLY  
32 FURTHER DECLARES THAT THIS SECTION CREATES CIVIL REMEDIES AND IS  
33 NOT CREATED TO PUNISH THE PERPETRATOR BUT RATHER TO PROTECT THE  
34 INTERESTS OF THE PETITIONER AND THE CHILD. THE GENERAL ASSEMBLY  
35 CREATES THIS SECTION TO ADDRESS THE PROCEDURES IN CASES WHERE  
36 THERE ARE ALLEGATIONS OF SEXUAL ASSAULT BUT IN WHICH A  
37 CONVICTION DID NOT OCCUR.

38 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
39 REQUIRES:

40 (a) "CONVICTION" HAS THE SAME MEANING AS DEFINED IN SECTION  
41 19-1-103 (29.3).



1 (b) "PETITIONER" MEANS A PERSON WHO ALLEGES THAT HE OR SHE  
2 IS A VICTIM OF SEXUAL ASSAULT AND WHO FILES A PETITION FOR  
3 TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP OF THE OTHER  
4 PARENT AS PROVIDED IN THIS SECTION.

5 (c) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PETITION  
6 FOR TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP IS FILED AS  
7 PROVIDED IN THIS SECTION.

8 (d) "SEXUAL ASSAULT" HAS THE SAME MEANING AS DEFINED IN  
9 SECTION 19-1-103 (96.5).

10 (3) THE PERSON WHO ALLEGES THAT HE OR SHE IS A VICTIM OF  
11 SEXUAL ASSAULT AND WHO ALLEGES THAT A CHILD WAS CONCEIVED AS A  
12 RESULT OF A SEXUAL ASSAULT IN WHICH A CONVICTION DID NOT OCCUR  
13 MAY FILE A PETITION IN THE JUVENILE COURT TO PREVENT FUTURE  
14 CONTACT WITH THE PARENT WHO ALLEGEDLY COMMITTED THE SEXUAL  
15 ASSAULT AND TO TERMINATE THE PARENT-CHILD LEGAL RELATIONSHIP OF  
16 THE PARENT WHO ALLEGEDLY COMMITTED THE SEXUAL ASSAULT.

17 (4) THE VERIFIED PETITION FILED UNDER THIS SECTION MUST  
18 ALLEGE THAT:

19 (a) THE RESPONDENT COMMITTED AN ACT OF SEXUAL ASSAULT  
20 AGAINST THE PETITIONER;

21 (b) THE RESPONDENT HAS NOT BEEN CONVICTED FOR THE ACT OF  
22 SEXUAL ASSAULT;

23 (c) A CHILD WAS CONCEIVED AS A RESULT OF THE ACT OF SEXUAL  
24 ASSAULT AS DESCRIBED UNDER PARAGRAPH (a) OF THIS SUBSECTION (4);  
25 AND

26 (d) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP OF  
27 THE RESPONDENT WITH THE CHILD IS IN THE BEST INTERESTS OF THE CHILD.

28 (5) (a) AFTER A PETITION HAS BEEN FILED PURSUANT TO THIS  
29 SECTION, THE COURT SHALL ISSUE A SUMMONS THAT RECITES BRIEFLY THE  
30 SUBSTANCE OF THE PETITION AND CONTAINS A STATEMENT THAT THE  
31 PURPOSE OF THE PROCEEDING IS TO DETERMINE WHETHER TO TERMINATE  
32 THE PARENT-CHILD LEGAL RELATIONSHIP OF THE RESPONDENT. THE  
33 PETITIONER SHALL HAVE THE RESPONDENT PERSONALLY SERVED WITH A  
34 COPY OF THE SUMMONS OR NOTIFIED THROUGH NOTICE BY PUBLICATION  
35 CONSISTENT WITH THE STATUTORY PROVISIONS FOR NOTICE IN SECTION  
36 19-3-503 AND PURSUANT TO THE COLORADO RULES OF CIVIL PROCEDURE,  
37 UNLESS THE RESPONDENT APPEARS VOLUNTARILY OR WAIVES SERVICE.  
38 UPON REQUEST, THE COURT SHALL PROTECT THE WHEREABOUTS OF THE  
39 PETITIONER AND MUST IDENTIFY THE PETITIONER AND THE CHILD IN THE  
40 SUMMONS BY INITIALS.

41 (b) THE COURT WILL WORK TO ENSURE THAT A PETITIONER OR A

1 RESPONDENT WHO HAS A DISABILITY HAS EQUAL ACCESS TO PARTICIPATE  
2 IN THE PROCEEDING. IF THE PETITIONER OR RESPONDENT HAS A  
3 DISABILITY, HE OR SHE HAS THE RIGHT TO REQUEST REASONABLE  
4 ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THE PROCEEDING; EXCEPT  
5 THAT THE DISABILITY OF THE PETITIONER, THE RESPONDENT, OR THE CHILD  
6 MUST NOT BE THE CAUSE FOR THE UNNECESSARY DELAY OF THE PROCESS.  
7 THE COURT SHALL PRESUME THAT A PETITIONER OR A RESPONDENT WITH  
8 A DISABILITY IS LEGALLY COMPETENT AND ABLE TO UNDERSTAND AND  
9 PARTICIPATE IN THE PROCEEDING UNLESS THE PETITIONER OR RESPONDENT  
10 IS DETERMINED TO BE AN INCAPACITATED PERSON, AS DEFINED IN SECTION  
11 15-14-102 (5), C.R.S.

12 (6) AFTER A PETITION HAS BEEN FILED PURSUANT TO THIS SECTION,  
13 THE COURT MAY APPOINT A GUARDIAN AD LITEM, WHO MUST BE AN  
14 ATTORNEY, TO REPRESENT THE CHILD'S BEST INTERESTS IN THE  
15 PROCEEDING. THE PETITIONER AND THE RESPONDENT HAVE THE RIGHT TO  
16 BE REPRESENTED BY LEGAL COUNSEL IN PROCEEDINGS UNDER THIS  
17 SECTION. THE PETITIONER AND THE RESPONDENT EACH HAVE THE RIGHT  
18 TO SEEK THE APPOINTMENT OF LEGAL COUNSEL IF HE OR SHE IS UNABLE  
19 FINANCIALLY TO SECURE LEGAL COUNSEL ON HIS OR HER OWN. THE COURT  
20 SHALL WAIVE FILING FEES FOR AN INDIGENT PETITIONER.

21 (7) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE COURT  
22 MAY GRANT PROTECTIVE MEASURES IN THE COURTROOM AS REQUESTED  
23 BY THE PETITIONER, INCLUDING BUT NOT LIMITED TO ALLOWING THE  
24 PETITIONER TO NOT APPEAR IN THE PRESENCE OF THE RESPONDENT SO  
25 LONG AS THESE MEASURES DO NOT VIOLATE DUE PROCESS. THE  
26 PETITIONER'S AND THE CHILD'S WHEREABOUTS MUST BE KEPT  
27 CONFIDENTIAL.

28 (8) A RESPONDENT MAY ADMIT PARENTAGE OR MAY REQUEST  
29 GENETIC TESTING OR OTHER TESTS OF INHERITED CHARACTERISTICS TO  
30 CONFIRM PATERNITY. THE TEST RESULTS MUST BE ADMITTED INTO  
31 EVIDENCE AS PROVIDED IN SECTION 13-25-126, C.R.S. THE FINAL COSTS  
32 FOR GENETIC TESTS OR OTHER TESTS OF INHERITED CHARACTERISTICS  
33 MUST BE ASSESSED AGAINST THE NONPREVAILING PARTY ON THE  
34 PARENTAGE ISSUE.

35 (9) THE COURT SHALL HEAR A PETITION TO TERMINATE THE  
36 PARENT-CHILD LEGAL RELATIONSHIP NO MORE THAN ONE HUNDRED  
37 TWENTY DAYS AFTER SERVICE OF THE PETITION OR FROM THE FIRST  
38 APPEARANCE DATE, WHICHEVER IS LATER, UNLESS BOTH PARTIES CONSENT  
39 TO AN EXTENSION OR THE COURT FINDS GOOD CAUSE TO EXTEND THE  
40 HEARING BEYOND ONE HUNDRED TWENTY DAYS.

41 (10) (a) THE COURT SHALL TERMINATE THE PARENT-CHILD LEGAL



1 RELATIONSHIP OF THE RESPONDENT IF THE COURT FINDS BY CLEAR AND  
2 CONVINCING EVIDENCE THAT:

- 3 (I) A SEXUAL ASSAULT AGAINST THE PETITIONER OCCURRED;  
4 (II) THE SEXUAL ASSAULT WAS PERPETRATED BY THE  
5 RESPONDENT;  
6 (III) A CHILD WAS CONCEIVED AS A RESULT OF THAT ACT OF  
7 SEXUAL ASSAULT AS EVIDENCED BY THE RESPONDENT ADMITTING  
8 PARENTAGE OR GENETIC TESTING ESTABLISHING THE PATERNITY;  
9 (IV) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP IS  
10 IN THE BEST INTERESTS OF THE CHILD. THE COURT SHALL NOT PRESUME  
11 THAT HAVING ONLY ONE REMAINING PARENT IS CONTRARY TO THE CHILD'S  
12 BEST INTERESTS.

13 (b) IF THE CHILD IS AN INDIAN CHILD, THE COURT SHALL ENSURE  
14 COMPLIANCE WITH THE FEDERAL "INDIAN CHILD WELFARE ACT", 25  
15 U.S.C. SEC. 1901 ET SEQ., AND THE PROVISIONS OF SECTION 19-1-126.

16 (11) IF THE COURT DENIES THE PETITION TO TERMINATE THE  
17 PARENT-CHILD LEGAL RELATIONSHIP, THE COURT SHALL ARTICULATE ITS  
18 REASONS FOR THE DENIAL OF THE PETITION. IF THE COURT DENIES THE  
19 PETITION, THE COURT HAS CONTINUING JURISDICTION AND AUTHORITY TO  
20 ENTER AN ORDER IN THE SAME PROCEEDING ALLOCATING PARENTAL  
21 RESPONSIBILITIES BETWEEN THE PETITIONER AND THE RESPONDENT,  
22 INCLUDING BUT NOT LIMITED TO AN ORDER TO NOT ALLOCATE PARENTAL  
23 RESPONSIBILITIES TO THE RESPONDENT. IN ISSUING ANY ORDER  
24 ALLOCATING PARENTAL RESPONSIBILITIES, INCLUDING THE DUTY OF  
25 SUPPORT, GUARDIANSHIP, AND PARENTING TIME PRIVILEGES WITH THE  
26 CHILD OR ANY OTHER MATTER, THE COURT SHALL DETERMINE WHETHER  
27 THE ORDER IS IN THE BEST INTERESTS OF THE CHILD BASED ON A  
28 PREPONDERANCE OF THE EVIDENCE.

29 (12) (a) A RESPONDENT WHOSE PARENTAL RIGHTS ARE  
30 TERMINATED IN ACCORDANCE WITH THIS SECTION HAS:

- 31 (I) NO RIGHT TO ALLOCATION OF PARENTAL RESPONSIBILITIES,  
32 INCLUDING PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES FOR  
33 THE CHILD;  
34 (II) NO RIGHT OF INHERITANCE FROM THE CHILD; AND  
35 (III) NO RIGHT TO NOTIFICATION OF, OR STANDING TO OBJECT TO,  
36 THE ADOPTION OF THE CHILD.

37 (b) NOTWITHSTANDING THE PROVISIONS OF SECTION 19-3-608,  
38 TERMINATION OF PARENTAL RIGHTS UNDER SUBSECTION (10) OF THIS  
39 SECTION DOES NOT RELIEVE THE RESPONDENT OF ANY OBLIGATION TO PAY  
40 CHILD SUPPORT OR BIRTH-RELATED COSTS UNLESS WAIVED BY THE  
41 PETITIONER. IN CASES IN WHICH CHILD SUPPORT OBLIGATIONS ARE NOT

1 WAIVED, THE COURT, AS INFORMED BY THE WISHES OF THE PETITIONER,  
2 SHALL DETERMINE IF ENTERING AN ORDER TO PAY CHILD SUPPORT IS IN  
3 THE BEST INTERESTS OF THE CHILD. IF THE COURT ORDERS THE  
4 RESPONDENT TO PAY CHILD SUPPORT, THE COURT SHALL ORDER THE  
5 PAYMENTS TO BE MADE THROUGH THE CHILD SUPPORT REGISTRY TO AVOID  
6 THE NEED FOR ANY CONTACT BETWEEN THE PARTIES AND ORDER THAT THE  
7 PAYMENTS BE TREATED AS A NONDISCLOSURE OF INFORMATION CASE. IF  
8 THE PETITIONER'S PARENT-CHILD LEGAL RELATIONSHIP TO THE CHILD IS  
9 TERMINATED AFTER THE ENTRY OF A CHILD SUPPORT ORDER AGAINST THE  
10 RESPONDENT, THE COURT SHALL MODIFY THE CHILD SUPPORT ORDER  
11 ACCORDINGLY.

12 (13) A RESPONDENT WHOSE PARENT-CHILD LEGAL RELATIONSHIP  
13 HAS BEEN TERMINATED IN ACCORDANCE WITH THIS SECTION HAS NO RIGHT  
14 TO MAKE MEDICAL TREATMENT DECISIONS OR ANY OTHER DECISIONS ON  
15 BEHALF OF THE CHILD.

16 (14) THE COURT MAY ORDER A RESPONDENT WHOSE PARENT-CHILD  
17 LEGAL RELATIONSHIP HAS BEEN TERMINATED TO PROVIDE MEDICAL AND  
18 FAMILY INFORMATION TO BE SHARED WITH THE CHILD, AS APPROPRIATE,  
19 AND WITH THE PETITIONER. THE SHARING OF INFORMATION MUST BE  
20 CONSISTENT WITH THE UNIFORM PROCESS ESTABLISHED BY THE STATE  
21 COURT ADMINISTRATOR AS PROVIDED IN SECTION 19-5-105.5 (9.5). THE  
22 COURT MAY ORDER THAT A RESPONDENT'S FAILURE TO COMPLY WITH THE  
23 REQUEST FOR INFORMATION IN A TIMELY MANNER CONSTITUTES  
24 CONTEMPT OF COURT.

25 (15) THE JUVENILE COURT HAS ORIGINAL CONCURRENT  
26 JURISDICTION TO ISSUE A TEMPORARY OR PERMANENT CIVIL PROTECTION  
27 ORDER PURSUANT TO SECTION 13-14-104.5 OR 13-14-106, C.R.S.

28 (16) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP  
29 PURSUANT TO SUBSECTION (10) OF THIS SECTION IS AN INDEPENDENT BASIS  
30 FOR TERMINATION OF PARENTAL RIGHTS, AND THE COURT NEED NOT MAKE  
31 ANY OF THE CONSIDERATIONS OR FINDINGS DESCRIBED IN SECTION  
32 19-3-604, 19-5-103.5, OR 19-5-105.

33 (17) NOTHING IN THIS SECTION PROHIBITS THE TERMINATION OF  
34 PARENTAL RIGHTS BY THE COURT USING THE CRITERIA DESCRIBED IN  
35 SECTION 19-3-604, 19-5-103.5, OR 19-5-105.

36 **SECTION 5.** In Colorado Revised Statutes, **amend** 19-5-102 as  
37 follows:

38 **19-5-102. Venue.** (1) A petition for relinquishment of the  
39 parent-child relationship shall be filed in the county where the child  
40 resides or in the county where the petitioner resides. If a child placement  
41 agency is involved, the petition may be filed in the county where the child

1 placement agency is located.

2 (2) A PETITION FOR TERMINATION OF THE PARENT-CHILD LEGAL  
3 RELATIONSHIP PURSUANT TO SECTION 19-5-105.5 OR SECTION 19-5-105.7  
4 MUST BE FILED IN THE COUNTY WHERE THE CHILD RESIDES OR IN THE  
5 COUNTY WHERE THE PETITIONER RESIDES.

6 **SECTION 6.** In Colorado Revised Statutes, 19-5-105, **amend**  
7 (3.1) (a) (IV) as follows:

8 **19-5-105. Proceeding to terminate parent-child legal**  
9 **relationship.** (3.1) The court may order the termination of the other birth  
10 parent's parental rights upon a finding that termination is in the best  
11 interests of the child and that there is clear and convincing evidence of  
12 one or more of the following:

13 (a) That the parent is unfit. In considering the fitness of the child's  
14 parent, the court shall consider, but shall not be limited to, the following:

15 (IV) A history of violent behavior that demonstrates that the  
16 individual is unfit to maintain a parent-child relationship with the minor,  
17 WHICH MAY INCLUDE AN INCIDENCE OF SEXUAL ASSAULT, AS DEFINED IN  
18 SECTION 19-1-103 (96.5), THAT RESULTED IN THE CONCEPTION OF THE  
19 CHILD;

20 **SECTION 7.** In Colorado Revised Statutes, 14-10-124, **amend**  
21 (1.5) (a) introductory portion, (1.5) (b) introductory portion, (4) (a)  
22 introductory portion, (4) (b), (4) (d), and (4) (e); and **add** (1.3) (c), (4) (a)  
23 (III), and (4) (a) (IV) as follows:

24 **14-10-124. Best interests of child.** (1.3) **Definitions.** For  
25 purposes of this section and section 14-10-129 (2) (c), unless the context  
26 otherwise requires:

27 (c) "SEXUAL ASSAULT" HAS THE SAME MEANING AS SET FORTH IN  
28 SECTION 19-1-103 (96.5), C.R.S.

29 (1.5) **Allocation of parental responsibilities.** The court shall  
30 determine the allocation of parental responsibilities, including parenting  
31 time and decision-making responsibilities, in accordance with the best  
32 interests of the child giving paramount consideration to the child's safety  
33 and the physical, mental, and emotional conditions and needs of the child  
34 as follows:

35 (a) **Determination of parenting time.** The court, upon the motion  
36 of either party or upon its own motion, may make provisions for parenting  
37 time that the court finds are in the child's best interests unless the court  
38 finds, after a hearing, that parenting time by the party would endanger the  
39 child's physical health or significantly impair the child's emotional  
40 development. In addition to a finding that parenting time would endanger  
41 the child's physical health or significantly impair the child's emotional

1 development, in any order imposing or continuing a parenting time  
2 restriction the court shall enumerate the specific factual findings  
3 supporting the restriction AND MAY ENUMERATE THE CONDITIONS THAT  
4 THE RESTRICTED PARTY COULD FULFILL IN ORDER TO SEEK MODIFICATION  
5 IN THE PARENTING PLAN. When a claim of child abuse or neglect, or  
6 domestic violence, OR SEXUAL ASSAULT WHERE THERE IS ALSO A CLAIM  
7 THAT THE CHILD WAS CONCEIVED AS A RESULT OF THE SEXUAL ASSAULT  
8 has been made to the court, or the court has reason to believe that a party  
9 has committed child abuse or neglect, or domestic violence, OR SEXUAL  
10 ASSAULT WHERE THERE IS ALSO A CLAIM THAT THE CHILD WAS CONCEIVED  
11 AS A RESULT OF THE SEXUAL ASSAULT, prior to determining parenting  
12 time, the court shall follow the provisions of subsection (4) of this  
13 section. In determining the best interests of the child for purposes of  
14 parenting time, the court shall consider all relevant factors, including:

15 (b) **Allocation of decision-making responsibility.** The court,  
16 upon the motion of either party or its own motion, shall allocate the  
17 decision-making responsibilities between the parties based upon the best  
18 interests of the child. In determining decision-making responsibility, the  
19 court may allocate the decision-making responsibility with respect to each  
20 issue affecting the child mutually between both parties or individually to  
21 one or the other party or any combination thereof. When a claim of child  
22 abuse or neglect or domestic violence has been made to the court, or the  
23 court has reason to believe that a party has committed child abuse or  
24 neglect, or domestic violence, OR SEXUAL ASSAULT WHERE THERE IS ALSO  
25 A CLAIM THAT THE CHILD IN QUESTION WAS CONCEIVED AS A RESULT OF  
26 THE SEXUAL ASSAULT, prior to allocating decision-making responsibility,  
27 the court shall follow the provisions of subsection (4) of this section. In  
28 determining the best interests of the child for purposes of allocating  
29 decision-making responsibilities, the court shall consider, in addition to  
30 the factors set forth in paragraph (a) of this subsection (1.5), all relevant  
31 factors including:

32 (4) (a) When a claim of child abuse or neglect, or domestic  
33 violence, OR SEXUAL ASSAULT WHERE THERE IS ALSO A CLAIM THAT THE  
34 CHILD WAS CONCEIVED AS A RESULT OF THE SEXUAL ASSAULT has been  
35 made to the court, or the court has reason to believe that a party has  
36 committed child abuse or neglect, or domestic violence, OR SEXUAL  
37 ASSAULT THAT RESULTED IN THE CONCEPTION OF THE CHILD, prior to  
38 allocating parental responsibilities, including parenting time and  
39 decision-making responsibility, and prior to considering the factors set  
40 forth in paragraphs (a) and (b) of subsection (1.5) of this section, the court  
41 shall consider the following factors:

1 (III) WHETHER ONE OF THE PARTIES HAS COMMITTED AN ACT OF  
2 SEXUAL ASSAULT RESULTING IN THE CONCEPTION OF THE CHILD, WHICH  
3 FACTOR MUST BE SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE. IF  
4 THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT ONE OF  
5 THE PARTIES HAS COMMITTED SEXUAL ASSAULT AND THE CHILD WAS  
6 CONCEIVED AS A RESULT OF THE SEXUAL ASSAULT, THERE IS A  
7 REBUTTABLE PRESUMPTION THAT IT IS NOT IN THE BEST INTERESTS OF THE  
8 CHILD TO ALLOCATE SOLE OR SPLIT DECISION-MAKING AUTHORITY TO THE  
9 PARTY FOUND TO HAVE COMMITTED SEXUAL ASSAULT OR TO ALLOCATE  
10 MUTUAL DECISION-MAKING BETWEEN A PARTY FOUND TO HAVE  
11 COMMITTED SEXUAL ASSAULT AND THE PARTY WHO WAS SEXUALLY  
12 ASSAULTED WITH RESPECT TO ANY ISSUE.

13 (IV) IF ONE OF THE PARTIES IS FOUND BY A PREPONDERANCE OF  
14 THE EVIDENCE TO HAVE COMMITTED SEXUAL ASSAULT RESULTING IN THE  
15 CONCEPTION OF THE CHILD, WHETHER IT IS IN THE BEST INTERESTS OF THE  
16 CHILD TO PROHIBIT OR LIMIT THE PARENTING TIME OF THAT PARTY WITH  
17 THE CHILD.

18 (b) The court shall consider the additional factors set forth in  
19 paragraphs (a) and (b) of subsection (1.5) of this section in light of any  
20 finding of child abuse or neglect, or domestic violence, OR SEXUAL  
21 ASSAULT RESULTING IN THE CONCEPTION OF A CHILD pursuant to this  
22 subsection (4).

23 (d) When the court finds by a preponderance of the evidence that  
24 one of the parties has committed child abuse or neglect, or domestic  
25 violence, OR SEXUAL ASSAULT RESULTING IN THE CONCEPTION OF THE  
26 CHILD, the court shall consider, as the primary concern, the safety and  
27 well-being of the child and the abused party.

28 (e) When the court finds by a preponderance of the evidence that  
29 one of the parties has committed child abuse or neglect, or domestic  
30 violence, OR SEXUAL ASSAULT RESULTING IN THE CONCEPTION OF THE  
31 CHILD, in formulating or approving a parenting plan, the court shall  
32 consider conditions on parenting time that ensure the safety of the child  
33 and of the abused party. In addition to any provisions set forth in  
34 subsection (7) of this section that are appropriate, the parenting plan in  
35 these cases may include, but is not limited to, the following provisions:

36 (I) An order limiting contact between the parties to contact that  
37 the court deems is safe and that minimizes unnecessary communication  
38 between the parties;

39 (II) An order that requires the exchange of the child for parenting  
40 time to occur in a protected setting determined by the court;

41 (III) An order for supervised parenting time;

- 1 (IV) An order restricting overnight parenting time;  
2 (V) An order that restricts the party who has committed domestic  
3 violence, SEXUAL ASSAULT, or child abuse or neglect from possessing or  
4 consuming alcohol or controlled substances during parenting time or for  
5 twenty-four hours prior to the commencement of parenting time;  
6 (VI) An order directing that the address of the child or of any  
7 party remain confidential; and  
8 (VII) An order that imposes any other condition on one or more  
9 parties that the court determines is necessary to protect the child, another  
10 party, or any other family or household member of a party; AND  
11 (VIII) AN ORDER THAT REQUIRES CHILD SUPPORT PAYMENTS TO BE  
12 MADE THROUGH THE CHILD SUPPORT REGISTRY TO AVOID THE NEED FOR  
13 ANY RELATED CONTACT BETWEEN THE PARTIES AND AN ORDER THAT THE  
14 PAYMENTS BE TREATED AS A NONDISCLOSURE OF INFORMATION CASE.

15 **SECTION 8.** In Colorado Revised Statutes, 14-10-129, **add** (2.5)  
16 as follows:

17 **14-10-129. Modification of parenting time.** (2.5) (a) WHEN THE  
18 COURT RESTRICTS A PARTY'S PARENTING TIME PURSUANT TO SECTION  
19 19-5-105.5, C.R.S., OR SECTION 19-5-105.7, C.R.S., OR SECTION  
20 14-10-124 (4) (a) (IV), THE COURT MAY MAKE OR MODIFY AN ORDER  
21 GRANTING OR DENYING PARENTING TIME RIGHTS WHENEVER SUCH ORDER  
22 OR MODIFICATION WOULD SERVE THE BEST INTERESTS OF THE CHILD.  
23 WITHIN THIRTY-FIVE DAYS AFTER THE FILING OF A VERIFIED MOTION BY  
24 THE RESTRICTED PARTY SEEKING A MODIFICATION OF PARENTING TIME,  
25 THE COURT SHALL DETERMINE FROM THE VERIFIED MOTION, AND  
26 RESPONSE TO THE MOTION, IF ANY, WHETHER THERE HAS BEEN A  
27 SUBSTANTIAL AND CONTINUING CHANGE OF CIRCUMSTANCES SUCH THAT  
28 THE CURRENT PARENTING TIME ORDERS ARE NO LONGER IN THE CHILD'S  
29 BEST INTERESTS, INCLUDING CONSIDERATION OF WHETHER THE  
30 RESTRICTED PARENT HAS SATISFACTORILY COMPLIED WITH ANY  
31 CONDITIONS SET FORTH BY THE COURT WHEN THE COURT IMPOSED THE  
32 RESTRICTIONS ON PARENTING TIME, AND EITHER:

33 (I) DENY THE MOTION, IF THERE IS AN INADEQUATE ALLEGATION;  
34 OR

35 (II) SET THE MATTER FOR HEARING AS EXPEDITIOUSLY AS POSSIBLE  
36 WITH NOTICE TO THE PARTIES OF THE TIME AND PLACE OF THE HEARING.

37 (b) IF THE COURT FINDS THAT THE FILING OF A MOTION UNDER  
38 PARAGRAPH (a) OF THIS SUBSECTION (2.5) WAS SUBSTANTIALLY  
39 FRIVOLOUS, SUBSTANTIALLY GROUNDLESS, SUBSTANTIALLY VEXATIOUS,  
40 OR INTENDED TO HARASS OR INTIMIDATE THE OTHER PARTY, THE COURT  
41 SHALL REQUIRE THE MOVING PARTY TO PAY THE REASONABLE AND

1 NECESSARY ATTORNEY FEES AND COSTS OF THE OTHER PARTY.  
2       **SECTION 9.** In Colorado Revised Statutes, 19-1-103, **amend**  
3 (96.5) introductory portion as follows:  
4       **19-1-103. Definitions.** As used in this title or in the specified  
5 portion of this title, unless the context otherwise requires:  
6       (96.5) "Sexual assault", as used in ~~section 19-5-105.5~~ SECTIONS  
7 19-5-105, 19-5-105.5, AND 19-5-105.7, means:  
8       **SECTION 10. Effective date - applicability.** (1) This act takes  
9 effect July 1, 2014.  
10       (2) Sections 1 through 3 of this act apply to convictions occurring  
11 on or after July 1, 2013.  
12       (3) Sections 4 through 7 of this act apply to acts occurring on or  
13 after July 1, 2014.  
14       **SECTION 11. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety."

\*\* \*\*\* \*\* \*\*\* \*\*

