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Comments on SB 15-077 "The Parents' bill of Rights"

After reading the Parents' Bill of Rights I have developed several additions the Committee might find useful. In part 14-16-105, I suggest adding these sections regarding parental medical treatment rights with reference to a minor child:

"If the State Department of Human Services or any comparable department of any political subdivision, or any medical services provider, applies to any court for an order to compel medical treatment of a minor:

- A. The parents involved must be given a minimum 48 hours constructive notice prior to the court hearing on the issuance of the order.
- B. An adversarial hearing on the proposed order must be held by the responsible court. The parents shall be one of the parties to the hearing and may be represented in person or by counsel. [no secret hearing without the parents present]
- C. The parents shall be entitled to a rebuttable presumption that they are acting in the minor's best interests. [This section is necessary since the law currently presumes the Department of Human Services is acting as the minor's representative and is acting in the minor's best interests.]
- D. If the court finds, by a preponderance of the evidence, that the parents have acted in the minor's best interests and/or that appropriate medical treatment has been provided prior to the court hearing, the court shall deny the Department of Human Services request for a medical treatment order.
- E. If the court issues a medical treatment order, the order may only be executed between the hours of 8 AM and 8 PM [no midnight raids], and SWAT Team raids to enforce the order are prohibited. [a late night SWAT Team raid to enforce a medical treatment order has occurred at least once in Colorado. See: <http://educate-yourself.org/pnt/coloradoswatinvasiontakeschild10jan08.shtml>]
- F. Whoever, acting under color of the law, but without a valid court order, enters a home and/or seizes a minor by guile, deception, or force violates C.R.S. 18-8-403 (Official Oppression)."