

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0720.01 Jane Ritter

HOUSE BILL 07-1330

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A BILL FOR AN ACT

101 **CONCERNING THE SECOND-PARENT ADOPTION OF A CHILD OF A SOLE**
102 **LEGAL PARENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Allows a child to be adopted by a specified second adult parent upon the written and verified consent of a single parent if the child has no other legal parent. Allows the use of the same home study report in cases where the sole legal parent adopted the child within 6 months prior to the second adoption and the second adult parent was involved in that home study report.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters 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.** 19-5-203 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **19-5-203. Availability for adoption.** (1) A child may be
5 available for adoption only upon:

6 (d.5) (I) WRITTEN AND VERIFIED CONSENT IN A SECOND-PARENT
7 ADOPTION THAT THE CHILD HAS A SOLE LEGAL PARENT, AND THE SOLE
8 LEGAL PARENT WISHES THE CHILD TO BE ADOPTED BY A SPECIFIED SECOND
9 ADULT.

10 (II) IN A PETITION FOR A SECOND-PARENT ADOPTION, THE COURT
11 SHALL REQUIRE A WRITTEN HOME STUDY REPORT PREPARED BY A COUNTY
12 DEPARTMENT OF SOCIAL SERVICES, DESIGNATED QUALIFIED INDIVIDUAL,
13 OR CHILD PLACEMENT AGENCY AND APPROVED BY THE DEPARTMENT
14 PURSUANT TO SECTION 19-5-207.5 (2). IF THE CHILD OF A SOLE LEGAL
15 PARENT WAS ADOPTED BY THAT PARENT LESS THAN SIX MONTHS PRIOR TO
16 THE FILING OF AN ADOPTION PETITION BY A SECOND PROSPECTIVE PARENT
17 AND IF THE SECOND PROSPECTIVE PARENT WAS INCLUDED IN THE HOME
18 STUDY REPORT THAT WAS PREPARED PURSUANT TO SECTION 19-5-207 FOR
19 THE ADOPTION OF THE CHILD BY THE FIRST PARENT, THEN THAT HOME
20 STUDY REPORT SHALL BE A VALID HOME STUDY REPORT FOR THE PURPOSE
21 OF THE SECOND PARENT'S ADOPTION. IF THE FILING OF A PETITION FOR
22 ADOPTION BY THE SECOND PROSPECTIVE PARENT OCCURS SIX MONTHS OR
23 MORE AFTER THE ADOPTION BY THE FIRST PARENT, A SEPARATE HOME
24 STUDY REPORT SHALL BE REQUIRED PURSUANT TO SECTION 19-5-207.

25 **SECTION 2.** 19-5-208 (5), Colorado Revised Statutes, is
26 amended to read:

1 **19-5-208. Petition for adoption.** (5) In all stepparent, SECOND
2 PARENT, custodial, and kinship adoptions, the petition shall contain a
3 statement informing the court whether the prospective adoptive parent
4 was convicted at any time by a court of competent jurisdiction of a felony
5 or misdemeanor in one of the following areas: Child abuse or neglect;
6 spousal abuse; any crime against a child; any crime, the underlying
7 factual basis of which has been found by the court on the record to
8 include an act of domestic violence, as defined in section 18-6-800.3,
9 C.R.S.; violation of a protection order, as described in section 18-6-803.5,
10 C.R.S.; any crime involving violence, rape, sexual assault, or homicide;
11 or any felony physical assault or battery. In addition, the petitioner shall
12 attach to the petition a current criminal history records check paid for by
13 the petitioner.

14 **SECTION 3.** 19-5-210 (1.5), Colorado Revised Statutes, is
15 amended to read:

16 **19-5-210. Hearing on petition.** (1.5) Except in stepparent,
17 SECOND PARENT, custodial, or kinship adoptions, the court shall issue a
18 certificate of approval of placement, placing the child's custodial care
19 with prospective adoptive parents pending final hearing on the petition
20 for adoption, if it appears to the court that the placement for adoption is
21 in the best interest of the child.

22 **SECTION 4.** 19-5-211 (1.5), Colorado Revised Statutes, is
23 amended to read:

24 **19-5-211. Legal effects of final decree.** (1.5) An employer who
25 permits paternity or maternity time off for biological parents following
26 the birth of a child shall, upon request, make such time off available for
27 individuals adopting a child. If the employer has established a policy

1 providing time off for biological parents, that period of time shall be the
2 minimum period of leave available for adoptive parents. Requests for
3 additional leave due to the adoption of an ill child or a child with a
4 disability shall be considered on the same basis as comparable cases of
5 such complications accompanying the birth of such a child to an
6 employee or employee's spouse. Any other benefits provided by the
7 employer, such as job guarantee or pay, shall be available to both
8 adoptive and biological parents on an equal basis. An employer shall not
9 penalize an employee for exercising the rights provided by this subsection
10 (1.5). The provisions of this subsection (1.5) shall not apply to an
11 adoption by the spouse of a custodial parent OR TO A SECOND-PARENT
12 ADOPTION.

13 **SECTION 5. Effective date.** This act shall take effect at 12:01
14 a.m. on the day following the expiration of the ninety-day period after
15 final adjournment of the general assembly that is allowed for submitting
16 a referendum petition pursuant to article V, section 1 (3) of the state
17 constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007);
18 except that, if a referendum petition is filed against this act or an item,
19 section, or part of this act within such period, then the act, item, section,
20 or part, if approved by the people, shall take effect on the date of the
21 official declaration of the vote thereon by proclamation of the governor.