

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 2, 2007
Date

Committee on State, Veterans & Military Affairs.

After consideration on the merits, the Committee recommends the following:

HB07-1330 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, strike lines 2 through 24 and substitute
2 the following:

3 "SECTION 1. Part 2 of article 5 of title 19, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6 **19-5-203.5. Second-parent adoption.** (1) NOTWITHSTANDING
7 THE CONDITIONS SET FORTH IN SECTION 19-5-203, A CHILD OF A SOLE
8 LEGAL PARENT IS AVAILABLE FOR ADOPTION BY A SECOND PARENT UPON
9 WRITTEN AND VERIFIED CONSENT OF THE SOLE LEGAL PARENT THAT HE OR
10 SHE WISHES THE CHILD TO BE ADOPTED BY A SPECIFIED SECOND PARENT.

11 (2) A SECOND-PARENT ADOPTION IS NOT A PUBLIC ADOPTION.

12 (3) A PETITION FOR A SECOND-PARENT ADOPTION SHALL NOT BE
13 SUBJECT TO THE TIME LIMITATIONS SET FOR IN SECTION 19-5-208 (1).

14 (4) IN A PETITION FOR A SECOND-PARENT ADOPTION, THE COURT
15 SHALL REQUIRE THE SOLE LEGAL PARENT AND THE PROPOSED SECOND
16 PARENT TO OBTAIN COUNSELING FROM THE COUNTY DEPARTMENT OF
17 SOCIAL SERVICES IN THE COUNTY WHERE THE SOLE LEGAL PARENT AND
18 THE PROPOSED SECOND PARENT RESIDE OR FROM A LICENSED CHILD
19 PLACEMENT AGENCY THAT PROVIDES SUCH COUNSELING. A PETITION

1 THAT DOES NOT ATTEST TO THE COMPLETION OF COUNSELING SHALL BE
2 CONTINUED UNTIL COMPLETION OF COUNSELING IS OBTAINED, AND THE
3 SOLE LEGAL PARENT AND THE PROPOSED SECOND PARENT SHALL BE
4 REFERRED TO COUNSELING. A COUNTY DEPARTMENT OF SOCIAL SERVICES
5 IS AUTHORIZED TO CHARGE A FEE TO MEET THE FULL COST OF THE
6 COUNSELING.

7 (5) IN A PETITION FOR A SECOND-PARENT ADOPTION, THE COURT
8 MAY REQUIRE A WRITTEN HOME STUDY REPORT PREPARED BY A COUNTY
9 DEPARTMENT OF SOCIAL SERVICES, A DESIGNATED QUALIFIED INDIVIDUAL,
10 OR A CHILD PLACEMENT AGENCY APPROVED BY THE DEPARTMENT OF
11 HUMAN SERVICES PURSUANT TO SECTION 19-5-207.5 (2). IF THE SOLE
12 LEGAL PARENT HAD PREVIOUSLY ADOPTED THE CHILD, THE WRITTEN HOME
13 STUDY REPORT PREPARED FOR THE FIRST ADOPTION SHALL BE A VALID
14 HOME STUDY REPORT FOR THE PURPOSE OF THE SECOND-PARENT
15 ADOPTION IF:

16
17 (a) THE FIRST PARENT HAD REQUESTED THAT THE COUNTY
18 DEPARTMENT OF SOCIAL SERVICES, DESIGNATED QUALIFIED INDIVIDUAL,
19 OR CHILD PLACEMENT AGENCY PREPARE THE HOME STUDY REPORT FOR
20 THE PURPOSE OF THE FIRST ADOPTION AND THE SECOND-PARENT
21 ADOPTION;

22 (b) THE COUNTY DEPARTMENT OF SOCIAL SERVICES, DESIGNATED
23 QUALIFIED INDIVIDUAL, OR CHILD PLACEMENT AGENCY CONSENTED TO
24 THE PREPARATION AND USE OF THE HOME STUDY REPORT FOR BOTH THE
25 FIRST ADOPTION AND SECOND-PARENT ADOPTION PROCEEDINGS; AND

26 (c) THE PETITION FOR THE SECOND-PARENT ADOPTION IS FILED
27 LESS THAN SIX MONTHS FROM THE DATE OF THE ADOPTION BY THE FIRST
28 PARENT. IF THE FILING OF A PETITION FOR A SECOND-PARENT ADOPTION
29 OCCURS SIX MONTHS OR MORE AFTER THE ADOPTION BY THE FIRST
30 PARENT, A SEPARATE HOME STUDY REPORT SHALL BE REQUIRED PURSUANT
31 TO SECTION 19-5-207.

32 (6) WRITTEN CONSENT TO ANY PROPOSED SECOND-PARENT
33 ADOPTION SHALL BE OBTAINED FROM THE PERSON TO BE ADOPTED IF THAT
34 PERSON IS TWELVE YEARS OF AGE OR OLDER.

35 (7) PRIOR TO APPROVAL OF A PETITION FOR A SECOND-PARENT
36 ADOPTION, THE COURT SHALL INQUIRE WHETHER:

1 (a) THE SOLE LEGAL PARENT AND THE PROPOSED SECOND PARENT
2 MEET THE DEFINITIONS OF THOSE TERMS AS SET FORTH IN SUBSECTION (9)
3 OF THIS SECTION;

4 (b) THE NATURE AND STABILITY OF THE RELATIONSHIP BETWEEN
5 THE SOLE LEGAL PARENT AND THE PROPOSED SECOND PARENT AFFECTS
6 THEIR ABILITY TO PROVIDE A PERMANENT HOME FOR THE ADOPTEE;

7 (c) THE SOLE LEGAL PARENT AND THE PROPOSED SECOND PARENT
8 UNDERSTAND THE SIGNIFICANCE OF AND PERMANENCY OF THE ADOPTIVE
9 PARENT RELATIONSHIP THAT WILL BE CREATED BY THE SECOND-PARENT
10 ADOPTION AND THE COUNSELING RECEIVED ON THIS TOPIC;

11 (d) THE ADOPTEE IS THE SUBJECT OF A PETITION FOR DEPENDENCY
12 OR NEGLECT; AND

13 (e) THE ADOPTION BY THE SECOND PARENT IS IN THE BEST
14 INTERESTS OF THE ADOPTEE.

15 (8) PRIOR TO APPROVAL OF A PETITION FOR A SECOND-PARENT
16 ADOPTION, THE COURT SHALL ADVISE THE PARTIES OF THE PROCESS FOR
17 ALLOCATION OF PARENTAL RESPONSIBILITIES PURSUANT TO ARTICLE 4 OF
18 THIS TITLE.

19 (9) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (a) "SECOND PARENT" MEANS AN UNMARRIED ADULT WITH WHOM
22 A SOLE LEGAL PARENT SHARES A COMMON RESIDENCE.

23 (b) "SOLE LEGAL PARENT" MEANS AN UNMARRIED PARENT OF A
24 CHILD WHO HAS NO OTHER PARENT AS A RESULT OF:

25 (I) AN ORDER OF THE COURT TERMINATING THE LEGAL
26 PARENT-CHILD RELATIONSHIP IN A PROCEEDING BROUGHT UNDER ARTICLE
27 3 OR 5 OF THIS TITLE;

28 (II) AN ORDER OF THE COURT DECREERING THE VOLUNTARY
29 RELINQUISHMENT OF THE LEGAL PARENT-CHILD RELATIONSHIP UNDER
30 SECTION 19-5-103, 19-5-103.5, OR 19-5-105;



1 (III) THE CHILD BEING CONCEIVED BY MEANS OF ASSISTED
2 REPRODUCTION AND NO OTHER LEGAL PARENT EXISTS PURSUANT TO
3 SECTION 19-4-106; OR

4 (IV) THE DEATH OF THE OTHER PARENT."

5 Page 3, after line 13, insert the following:

6 "SECTION 3. 19-5-209 (1), Colorado Revised Statutes, is
7 amended to read:

8 **19-5-209. Petition - written home study reports.** (1) Except for
9 stepparent adoptions, SECOND-PARENT ADOPTIONS, kinship adoptions,
10 custodial adoptions, and those cases in which placement for adoption has
11 been made by the court, if a petition for the adoption of a child is not
12 accompanied by the written consent and home study report of the
13 qualified county department of social services, individual, or a licensed
14 child placement agency approved by the state department of human
15 services pursuant to section 19-5-207.5 (2), the court shall order the
16 county department of social services, individual, or licensed child
17 placement agency to make an investigation and file a written home study
18 report substantially in the form outlined in section 19-5-207 (2), including
19 a recommendation as to whether the adoption should be decreed."

20 Renumber succeeding sections accordingly.

21 Page 4, after line 12, insert the following:

22 "SECTION 6. 19-5-214 (1), Colorado Revised Statutes, is
23 amended to read:

24 **19-5-214. Limitation on annulment of adoption - best interests**
25 **standard.** (1) No final decree of adoption shall be attacked by reason of
26 any jurisdictional or procedural defect after the expiration of ninety days
27 following the entry of the final decree; except that, in cases of stepparent
28 adoption OR SECOND-PARENT ADOPTION, no final decree of adoption shall
29 be attacked by reason of fraud upon the court or fraud upon a party,
30 whether or not there is a jurisdictional or procedural defect, after the
31 expiration of one year following the entry of the final decree of
32 adoption."

1 Renumber succeeding section accordingly.

** ** ** ** **

