

**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. 07-0117.01 Brita Darling

**SENATE BILL 07-018**

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**SENATE SPONSORSHIP**

**Sandoval,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING CLARIFICATION OF PROCEDURES FOR THE EXPEDITED**  
102     **RELINQUISHMENT OF PARENTAL RIGHTS.**

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**Bill Summary**

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

Specifies that the juvenile court may terminate the parent-child legal relationship under certain circumstances in expedited relinquishment proceedings.

Clarifies that a child placement agency that follows the specified notification procedures to birth parents or possible birth parents ("parent") does not have a duty to respond to a parent or to file any additional reports regarding contact with a parent who fails to respond within the

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.*

specified period.

Clarifies which statutory notice provisions are used in a petition for termination of the parent-child legal relationship.

Clarifies the circumstances under which a court may enter an order terminating the parent-child legal relationship without a hearing.

Clarifies the circumstances under which a court may terminate the parent-child legal relationship without the birth parent joining in the petition.

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

2 **SECTION 1.** 19-5-101 (1), Colorado Revised Statutes, is  
3 amended to read:

4 **19-5-101. Termination of the parent-child legal relationship.**

5 (1) The juvenile court may, upon petition, terminate the parent-child  
6 legal relationship between a parent or parents, or a possible parent or  
7 parents, and a child in:

8 (a) Proceedings under section 19-1-104 (1) (d);

9 (a.5) PROCEEDINGS UNDER SECTION 19-5-103.5 (2) (d);

10 (b) Proceedings under section 19-5-105; or

11 (c) Proceedings under section 19-5-203 (1) (d), (1) (e), (1) (f), (1)  
12 (j), and (1) (k).

13 **SECTION 2.** 19-5-103.7 (7), Colorado Revised Statutes, is  
14 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

15 **19-5-103.7. Anticipated expedited relinquishment - children**

16 **under one year of age - notice to other or possible parent -**

17 **administrative procedures.** (7) (f) (I) NOTWITHSTANDING ANY

18 PROVISION OF THIS SECTION TO THE CONTRARY, THE LICENSED CHILD

19 PLACEMENT AGENCY SHALL RESPOND AS SPECIFIED IN SUBPARAGRAPH (II)

20 OF THIS PARAGRAPH (f) AND SHALL NOT HAVE THE DUTY TO RESPOND AS

21 REQUIRED IN PARAGRAPHS (a), (b), OR (c) OF THIS SUBSECTION (7) OR TO

1 FILE ANY FURTHER DOCUMENTATION OF A RESPONDENT'S REPLY IF, BEFORE  
2 THE RESPONDENT REPLIES TO THE NOTICE AS DESCRIBED IN PARAGRAPH  
3 (a), (b), OR (c) OF THIS SUBSECTION (7), ALL OF THE FOLLOWING HAVE  
4 OCCURRED:

5 (A) THE RELINQUISHMENT PETITION HAS BEEN FILED WITH THE  
6 COURT;

7 (B) AT LEAST TWENTY DAYS HAVE PASSED SINCE THE NOTICE WAS  
8 PROVIDED; AND

9 (C) THE LICENSED CHILD PLACEMENT AGENCY HAS FILED THE  
10 AFFIDAVIT OF ADMINISTRATIVE NOTICE DESCRIBED IN SUBSECTION (8) OF  
11 THIS SECTION WITH THE COURT.

12 (II) IF THE REQUIREMENTS SPECIFIED IN SUBPARAGRAPH (I) OF THIS  
13 PARAGRAPH (f) HAVE BEEN MET BEFORE THE RESPONDENT REPLIES TO THE  
14 NOTICE AS DESCRIBED IN PARAGRAPH (a), (b), OR (c) OF THIS SUBSECTION  
15 (7), THE LICENSED CHILD PLACEMENT AGENCY SHALL PROVIDE THE  
16 RESPONDENT, TO THE EXTENT OF THE AGENCY'S KNOWLEDGE, WITH THE  
17 FOLLOWING INFORMATION:

18 (A) VERIFICATION THAT THE PETITIONS AND AFFIDAVIT HAVE BEEN  
19 FILED;

20 (B) THE COURT IN WHICH THE CASE WAS FILED;

21 (C) THE CASE NUMBER; AND

22 (D) WHETHER THE COURT HAS ORDERED THE TERMINATION OF THE  
23 RESPONDENT'S PARENTAL RIGHTS.

24 SECTION 3. 19-5-103.7 (3) (a) (II), Colorado Revised Statutes,  
25 is amended to read:

26 19-5-103.7. Anticipated expedited relinquishment - children  
27 under one year of age - notice to other or possible parent -

1 **administrative procedures.** (3) (a) Notice to the other birth parent or  
2 possible birth parent given pursuant to this section shall be provided:

3 (II) In person, delivered:

4 (A) IN A MANNER APPROPRIATE UNDER THE COLORADO RULES OF  
5 JUVENILE PROCEDURE FOR THE SERVICE OF PROCESS; OR

6 (B) By an employee or a representative of the licensed child  
7 placement agency assisting the relinquishing parent, with a requirement  
8 that the other birth parent or possible birth parent sign a statement  
9 acknowledging receipt of the notice; or

10 **SECTION 4.** 19-5-103.5 (2) (a) and (2) (d) (II), Colorado  
11 Revised Statutes, are amended to read:

12 **19-5-103.5. Expedited relinquishment procedure - children**  
13 **under one year of age - other birth parents - notice - termination.**

14 (2) (a) Notwithstanding the provisions of section 19-5-105 to the  
15 contrary, in those cases in which a parent seeks to relinquish his or her  
16 parent-child legal relationship with a child pursuant to this section, the  
17 licensed child placement agency or the county department of social  
18 services assisting the relinquishing parent shall proceed with filing the  
19 petition for termination of the other birth parent's or possible birth parents'  
20 parent-child legal relationship and notify PURSUANT TO THIS SECTION the  
21 other birth parent or possible birth parents ~~as provided in section~~  
22 ~~19-5-105~~ IDENTIFIED PURSUANT TO SECTION 19-5-105 (2).

23 (d) (II) If the PROVISIONS OF SUBPARAGRAPH (I) OF THIS  
24 PARAGRAPH (d) DO NOT APPLY AND THE other birth parent or possible  
25 birth parent expresses his or her desire to appear and contest the  
26 termination of the parent-child legal relationship, the court shall proceed  
27 with a hearing on the petition for termination of the other birth parent's

1 parent-child legal relationship.

2 **SECTION 5.** 19-5-103 (4) (a), Colorado Revised Statutes, is  
3 amended to read:

4 **19-5-103. Relinquishment procedure - petition - hearings.**

5 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-5-103.5 (2) (d),  
6 the parent-child legal relationship of a parent shall not be terminated by  
7 relinquishment proceedings unless the parent joins in the petition.

8 **SECTION 6. Effective date - applicability.** This act shall take  
9 effect July 1, 2007, and shall apply to petitions filed on or after said date.

10 **SECTION 7. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.