

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 13-0669.01 Debbie Haskins x2045

**SENATE BILL 13-227**

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**SENATE SPONSORSHIP**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING METHODS TO PROTECT THE VICTIM OF A SEXUAL**  
102             **ASSAULT IN CASES WHERE A CHILD WAS CONCEIVED AS A RESULT**  
103             **OF THE SEXUAL ASSAULT, AND, IN CONNECTION THEREWITH,**  
104             **MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

If a child was conceived as a result of an act that led to the parent's conviction for sexual assault or a conviction in which the underlying

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.*

SENATE  
3rd Reading Unamended  
April 19, 2013

SENATE  
Amended 2nd Reading  
April 18, 2013

factual basis was sexual assault, the parent who is the victim of the sexual assault (victim) may file a petition in juvenile court to prevent future contact with the parent who committed the sexual assault and to terminate the parent-child legal relationship of that parent. The court shall terminate the parent-child legal relationship if the court finds by clear and convincing evidence that:

- ! The parent was convicted of an act of sexual assault against the victim or convicted of a crime in which the underlying factual basis was sexual assault against the victim;
- ! The child was conceived as a result of that sexual assault or crime; and
- ! Termination of the parent-child legal relationship is in the best interests of the child.

The bill creates a rebuttable presumption that terminating the parental rights of the parent who committed the act of sexual assault or crime is in the best interests of the child.

After a petition has been filed, the court may appoint a guardian ad litem to represent the child's best interests in the proceeding.

The victim shall not be required to appear in the presence of the other parent, and the victim's and the child's whereabouts shall be kept confidential.

A person whose parental rights are terminated under the bill has:

- ! No right to allocation of parental responsibilities for the child, including any right to parenting time or decision-making;
- ! No right to inheritance from the child; and
- ! No right to notice of, or standing to object to, the adoption of the child.

A person whose parental rights are terminated is not relieved of any obligation to pay child support unless waived by the victim. In such cases, the court shall order the payments to be made through the child support registry or a court escrow to avoid the need for any contact between the parties.

The victim shall be entitled, upon request, to a no-contact protection order issued against the person whose parental rights are terminated that prohibits the person from having any contact with either the victim or the child.

Termination of the parent-child legal relationship pursuant to the bill is an independent basis for termination of parental rights, and the court need not make any of the considerations or findings described in other statutes for termination of the parent-child legal relationship. The bill also states that nothing in the bill prohibits the termination of parental rights by the court using other grounds under the "Colorado Children's Code" in cases that do not meet the criteria set forth in the bill.

Amends the criminal statutes on sexual assault, unlawful sexual

contact, sexual assault on a child by one in a position of trust, and sexual assault on a client by a psychotherapist to specify the loss of rights under the bill.

A task force on children conceived by rape is created to study and make recommendations for protecting rape victims and for addressing parental rights in cases in which there are allegations that a sexual assault has occurred, a conviction of or prosecution for sexual assault has not occurred, and a child has been conceived as a result of the alleged sexual assault. The bill specifies the membership of the task force, what it should study, and the time frame for the task force to report to certain legislative committees of the general assembly. The statutory authority for the task force repeals January 1, 2014.

The portions of the bill that allow the court to terminate parental rights and that make conforming amendments to the criminal law statutes on sexual assault apply to acts or offenses committed on or after July 1, 2013.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **amend**  
3 (112); and **add** (29.3) and (96.5) 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 (29.3) "CONVICTED" OR "CONVICTION", AS USED IN SECTION  
7 19-5-105.5, MEANS A PLEA OF GUILTY ACCEPTED BY THE COURT,  
8 INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED  
9 SENTENCE UNDER SECTION 18-1.3-102, C.R.S., A VERDICT OF GUILTY BY  
10 A JUDGE OR JURY, OR A PLEA OF NO CONTEST ACCEPTED BY THE COURT, OR  
11 HAVING RECEIVED A DISPOSITION AS A JUVENILE OR HAVING BEEN  
12 ADJUDICATED A JUVENILE DELINQUENT BASED ON THE COMMISSION OF  
13 ANY ACT THAT CONSTITUTES SEXUAL ASSAULT, AS DEFINED IN  
14 SUBSECTION (96.5) OF THIS SECTION.

15 (96.5) "SEXUAL ASSAULT", AS USED IN SECTION 19-5-105.5,  
16 MEANS:

1 (a) "SEXUAL ASSAULT" AS DEFINED IN SECTION 18-3-402, C.R.S.;

2 (b) "UNLAWFUL SEXUAL CONTACT" AS DEFINED IN SECTION  
3 18-3-404, C.R.S.;

4 (c) "SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST"  
5 AS DEFINED IN SECTION 18-3-405.3, C.R.S.; OR

6 (d) "SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST" AS  
7 DEFINED IN SECTION 18-3-405.5 C.R.S.

8 (112)(a) "Victim", as used in article 2 of this title, means the party  
9 immediately and directly aggrieved by the juvenile, that party's spouse,  
10 the party's parent, sibling, or child who is living with the party, a victim  
11 compensation board that has paid a victim compensation claim, a person  
12 or entity who has suffered losses because of a contractual relationship  
13 with such party, including, but not limited to, an insurer, or because of  
14 liability under section 14-6-110, C.R.S., or, in the absence of any of the  
15 above, the state.

16 (b) "VICTIM", AS USED IN SECTION 19-5-105.5, MEANS ANY  
17 NATURAL PERSON AGAINST WHOM A CRIME OF SEXUAL ASSAULT OR A  
18 CRIME IN WHICH THE UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT  
19 HAS BEEN PERPETRATED OR IS ALLEGED TO HAVE BEEN PERPETRATED.

20 **SECTION 2.** In Colorado Revised Statutes, 19-5-101, **amend** (1)  
21 (b) and (1) (c); and **add** (1) (d) as follows:

22 **19-5-101. Termination of the parent-child legal relationship.**

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

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

27 (c) Proceedings under section 19-5-203 (1) (d), (1) (e), (1) (f), (1)

1 (j), and (1) (k); OR

2 (d) PROCEEDINGS UNDER SECTION 19-5-105.5.

3 **SECTION 3.** In Colorado Revised Statutes, **add** 19-5-105.5 as  
4 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 - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
8 OTHERWISE REQUIRES:

9 (a) "CONVICTED" OR "CONVICTION" HAS THE SAME MEANING AS  
10 DEFINED IN SECTION 19-1-103 (29.3).

11 (b) "SEXUAL ASSAULT" HAS THE SAME MEANING AS DEFINED IN  
12 SECTION 19-1-103 (96.5).

13 (c) "VICTIM" HAS THE SAME MEANING AS DEFINED IN SECTION  
14 19-1-103 (112) (b).

15 (2) IF A CHILD WAS CONCEIVED AS A RESULT OF AN ACT  
16 COMMITTED ON OR AFTER JULY 1, 2013, THAT LED TO THE PARENT'S  
17 CONVICTION FOR SEXUAL ASSAULT OR FOR A CONVICTION IN WHICH THE  
18 UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT, THE VICTIM OF THE  
19 SEXUAL ASSAULT OR CRIME MAY FILE A PETITION IN THE JUVENILE COURT  
20 TO PREVENT FUTURE CONTACT WITH THE PARENT WHO COMMITTED THE  
21 SEXUAL ASSAULT AND TO TERMINATE THE PARENT-CHILD LEGAL  
22 RELATIONSHIP OF THE PARENT WHO COMMITTED THE SEXUAL ASSAULT OR  
23 CRIME.

24 (3) THE VERIFIED PETITION FILED UNDER THIS SECTION MUST  
25 ALLEGE THAT:

26 (a) THE OTHER PARENT WAS CONVICTED OF AN ACT OF SEXUAL  
27 ASSAULT AGAINST THE VICTIM OR CONVICTED OF A CRIME IN WHICH THE

1 UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT AGAINST THE VICTIM;

2 (b) A CHILD WAS CONCEIVED AS A RESULT OF THE ACT OF SEXUAL  
3 ASSAULT OR CRIME DESCRIBED UNDER PARAGRAPH (a) OF THIS  
4 SUBSECTION (3); AND

5 (c) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP OF  
6 THE OTHER PARENT WITH THE CHILD IS IN THE BEST INTERESTS OF THE  
7 CHILD.

8 (4) AFTER A PETITION HAS BEEN FILED PURSUANT TO THIS SECTION,  
9 THE COURT MAY APPOINT A GUARDIAN AD LITEM, WHO MUST BE AN  
10 ATTORNEY, TO REPRESENT THE CHILD'S BEST INTERESTS IN THE  
11 PROCEEDING.

12 (5) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE VICTIM IS  
13 NOT REQUIRED TO APPEAR IN THE PRESENCE OF THE OTHER PARENT, AND  
14 THE VICTIM'S AND THE CHILD'S WHEREABOUTS MUST BE KEPT  
15 CONFIDENTIAL.

16 (6) THE COURT SHALL TERMINATE THE PARENT-CHILD LEGAL  
17 RELATIONSHIP OF THE PERSON AGAINST WHOM THE PETITION IS FILED IF  
18 THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

19 (a) THE PARENT WAS CONVICTED OF AN ACT OF SEXUAL ASSAULT  
20 AGAINST THE VICTIM OR WAS CONVICTED OF A CRIME IN WHICH THE  
21 UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT AGAINST THE VICTIM;

22 (b) A CHILD WAS CONCEIVED AS A RESULT OF THAT ACT OF SEXUAL  
23 ASSAULT OR CRIME; AND

24 (c) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP IS  
25 IN THE BEST INTERESTS OF THE CHILD. THERE IS A REBUTTABLE  
26 PRESUMPTION THAT TERMINATING THE PARENTAL RIGHTS OF THE PARENT  
27 WHO COMMITTED THE ACT OF SEXUAL ASSAULT OR CRIME IS IN THE BEST

1 INTERESTS OF THE CHILD.

2 (7) (a) A PERSON WHOSE PARENTAL RIGHTS ARE TERMINATED IN  
3 ACCORDANCE WITH THIS SECTION HAS:

4 (I) NO RIGHT TO ALLOCATION OF PARENTAL RESPONSIBILITIES,  
5 INCLUDING PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES FOR  
6 THE CHILD;

7 (II) NO RIGHT OF INHERITANCE FROM THE CHILD; AND

8 (III) NO RIGHT TO NOTIFICATION OF, OR STANDING TO OBJECT TO,  
9 THE ADOPTION OF THE CHILD.

10 (b) TERMINATION OF PARENTAL RIGHTS UNDER SUBSECTION (6) OF  
11 THIS SECTION DOES NOT RELIEVE THE PERSON OF ANY OBLIGATION TO PAY  
12 CHILD SUPPORT OR BIRTH-RELATED COSTS UNLESS WAIVED BY THE VICTIM.  
13 IN CASES IN WHICH CHILD SUPPORT OBLIGATIONS ARE NOT WAIVED AND  
14 THE COURT ORDERS THE PERSON TO PAY CHILD SUPPORT, THE COURT  
15 SHALL ORDER THE PAYMENTS TO BE MADE THROUGH THE CHILD SUPPORT  
16 REGISTRY OR A COURT ESCROW TO AVOID THE NEED FOR ANY CONTACT  
17 BETWEEN THE PARTIES.

18 (8) THE PERSON WHOSE PARENT-CHILD LEGAL RELATIONSHIP HAS  
19 BEEN TERMINATED IN ACCORDANCE WITH THIS SECTION HAS NO RIGHT TO  
20 MAKE MEDICAL TREATMENT DECISIONS OR ANY OTHER DECISIONS ON  
21 BEHALF OF THE CHILD.

22 (9) THE VICTIM IS ENTITLED, UPON REQUEST, TO A NO-CONTACT  
23 PROTECTION ORDER ISSUED AGAINST THE PERSON WHOSE PARENTAL  
24 RIGHTS ARE TERMINATED PROHIBITING THE PERSON FROM HAVING ANY  
25 CONTACT WITH EITHER THE VICTIM OR THE CHILD.

26 (10) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP  
27 PURSUANT TO SUBSECTION (6) OF THIS SECTION IS AN INDEPENDENT BASIS

1 FOR TERMINATION OF PARENTAL RIGHTS, AND THE COURT NEED NOT MAKE  
2 ANY OF THE CONSIDERATIONS OR FINDINGS DESCRIBED IN SECTIONS  
3 19-5-105, 19-5-103.5, OR 19-3-604.

4 (11) NOTHING IN THIS SECTION PROHIBITS THE TERMINATION OF  
5 PARENTAL RIGHTS BY THE COURT USING THE CRITERIA DESCRIBED IN  
6 SECTION 19-5-105, 19-5-103.5, OR 19-3-604.

7 **SECTION 4.** In Colorado Revised Statutes, **add** 14-10-124.3 as  
8 follows:

9 **14-10-124.3. Stay of proceedings - criminal charges of**  
10 **allegations of sexual assault.** IF CRIMINAL CHARGES ALLEGING AN ACT OF  
11 SEXUAL ASSAULT, AS DEFINED IN SECTION 19-1-103 (96.5), C.R.S., ARE  
12 BROUGHT AGAINST THE PARENT OF A CHILD ALLEGING THAT A CHILD WAS  
13 CONCEIVED AS A RESULT OF THE ALLEGED SEXUAL ASSAULT COMMITTED  
14 BY THAT PARENT AGAINST THE PARENT WHO IS THE ALLEGED VICTIM OF  
15 THE SEXUAL ASSAULT, THE COURT SHALL ISSUE AN AUTOMATIC STAY OF  
16 ANY CIVIL DOMESTIC PROCEEDINGS UNDER THIS ARTICLE OR OF ANY  
17 PATERNITY PROCEEDINGS UNDER THE "UNIFORM PARENTAGE ACT",  
18 ARTICLE 4 OF TITLE 19, C.R.S., INVOLVING BOTH THE CHILD AND THE  
19 PARENT WHO IS THE ALLEGED PERPETRATOR. THE STAY SHALL NOT BE  
20 LIFTED UNTIL THERE IS A FINAL DISPOSITION OF THE CRIMINAL CHARGES.  
21 IN ANY FUTURE DOMESTIC PROCEEDINGS UNDER THIS ARTICLE OR ANY  
22 PATERNITY PROCEEDINGS UNDER THE "UNIFORM PARENTAGE ACT",  
23 ARTICLE 4 OF TITLE 19, C.R.S., CONTINUED AFTER THE FINAL DISPOSITION  
24 OF THE CRIMINAL CHARGES, ANY DENIAL OF PARENTING TIME BY THE  
25 VICTIM OF THE ALLEGED SEXUAL ASSAULT WHILE THE CRIMINAL CHARGES  
26 WERE PENDING SHALL NOT BE USED IN ANY WAY AGAINST THE VICTIM.

27 **SECTION 5.** In Colorado Revised Statutes, **add** 19-4-105.7 as



1 follows:

2 **19-4-105.7. Stay of paternity proceedings - criminal charges**  
3 **of allegations of sexual assault. IF CRIMINAL CHARGES ALLEGING AN ACT**  
4 **OF SEXUAL ASSAULT, AS DEFINED IN SECTION 19-1-103 (96.5), C.R.S., ARE**  
5 **BROUGHT AGAINST A PRESUMED OR POSSIBLE PARENT WHO IS THE SUBJECT**  
6 **OF AN ACTION TO DETERMINE PATERNITY ALLEGING THAT A CHILD WAS**  
7 **CONCEIVED AS A RESULT OF THAT SEXUAL ASSAULT COMMITTED BY THAT**  
8 **PRESUMED OR POSSIBLE PARENT AGAINST THE PARENT WHO IS THE**  
9 **ALLEGED VICTIM OF THE SEXUAL ASSAULT, THE COURT SHALL ISSUE AN**  
10 **AUTOMATIC STAY OF ANY PATERNITY PROCEEDINGS UNDER THIS ARTICLE**  
11 **INVOLVING BOTH THE CHILD AND THE PRESUMED OR POSSIBLE PARENT**  
12 **WHO IS THE ALLEGED PERPETRATOR. THE STAY SHALL NOT BE LIFTED**  
13 **UNTIL THERE IS A FINAL DISPOSITION OF THE CRIMINAL CHARGES. IN ANY**  
14 **FUTURE PATERNITY PROCEEDINGS UNDER THIS ARTICLE THAT ARE**  
15 **CONTINUED AFTER THE FINAL DISPOSITION OF THE CRIMINAL CHARGES,**  
16 **ANY DENIAL OF PARENTING TIME BY THE VICTIM OF THE ALLEGED SEXUAL**  
17 **ASSAULT WHILE THE CRIMINAL CHARGES WERE PENDING SHALL NOT BE**  
18 **USED IN ANY WAY AGAINST THE VICTIM.**

19 **SECTION 6.** In Colorado Revised Statutes, 18-3-402, **add** (7) as  
20 follows:

21 **18-3-402. Sexual assault.** (7) FOR AN OFFENSE COMMITTED ON  
22 OR AFTER JULY 1, 2013, UPON CONVICTION OF A SEXUAL ASSAULT UNDER  
23 THIS SECTION, A PERSON HAS NO RIGHT:

24 (a) TO ALLOCATION OF PARENTAL RESPONSIBILITIES, INCLUDING  
25 PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES FOR A CHILD  
26 CONCEIVED AS A RESULT OF THE COMMISSION OF THAT OFFENSE;

27 (b) OF INHERITANCE FROM A CHILD CONCEIVED AS A RESULT OF

1 THE COMMISSION OF THAT OFFENSE; AND

2 (c) TO NOTIFICATION OF OR THE RIGHT TO OBJECT TO THE  
3 ADOPTION OF A CHILD CONCEIVED AS A RESULT OF THE COMMISSION OF  
4 THAT OFFENSE.

5 **SECTION 7.** In Colorado Revised Statutes, 18-3-404, **add** (4) as  
6 follows:

7 **18-3-404. Unlawful sexual assault.** (4) FOR AN OFFENSE  
8 COMMITTED ON OR AFTER JULY 1, 2013, UPON CONVICTION OF UNLAWFUL  
9 SEXUAL ASSAULT UNDER THIS SECTION, A PERSON HAS NO RIGHT:

10 (a) TO ALLOCATION OF PARENTAL RESPONSIBILITIES, INCLUDING  
11 PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES FOR A CHILD  
12 CONCEIVED AS A RESULT OF THE COMMISSION OF THAT OFFENSE;

13 (b) OF INHERITANCE FROM A CHILD CONCEIVED AS A RESULT OF  
14 THE COMMISSION OF THAT OFFENSE; AND

15 (c) TO NOTIFICATION OF OR THE RIGHT TO OBJECT TO THE  
16 ADOPTION OF A CHILD CONCEIVED AS A RESULT OF THE COMMISSION OF  
17 THAT OFFENSE.

18 **SECTION 8.** In Colorado Revised Statutes, 18-3-405.3, **add** (5)  
19 as follows:

20 **18-3-405.3. Sexual assault on a child by one in a position of**  
21 **trust.** (5) FOR AN OFFENSE COMMITTED ON OR AFTER JULY 1, 2013, UPON  
22 CONVICTION OF A SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF  
23 TRUST UNDER THIS SECTION, A PERSON HAS NO RIGHT:

24 (a) TO ALLOCATION OF PARENTAL RESPONSIBILITIES, INCLUDING  
25 PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES FOR A CHILD  
26 CONCEIVED AS A RESULT OF THE COMMISSION OF THAT OFFENSE;

27 (b) OF INHERITANCE FROM A CHILD CONCEIVED AS A RESULT OF

1 THE COMMISSION OF THAT OFFENSE; AND

2 (c) TO NOTIFICATION OF OR THE RIGHT TO OBJECT TO THE  
3 ADOPTION OF A CHILD CONCEIVED AS A RESULT OF THE COMMISSION OF  
4 THAT OFFENSE.

5 **SECTION 9.** In Colorado Revised Statutes, 18-3-405.5, **add** (5)  
6 as follows:

7 **18-3-405.5. Sexual assault on a client by a psychotherapist.**

8 (5) FOR AN OFFENSE COMMITTED ON OR AFTER JULY 1, 2013, UPON  
9 CONVICTION OF A SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST  
10 UNDER THIS SECTION, A PERSON HAS NO RIGHT:

11 (a) TO ALLOCATION OF PARENTAL RESPONSIBILITIES, INCLUDING  
12 PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES FOR A CHILD  
13 CONCEIVED AS A RESULT OF THE COMMISSION OF THAT OFFENSE;

14 (b) OF INHERITANCE FROM A CHILD CONCEIVED AS A RESULT OF  
15 THE COMMISSION OF THAT OFFENSE; AND

16 (c) TO NOTIFICATION OF OR THE RIGHT TO OBJECT TO THE  
17 ADOPTION OF A CHILD CONCEIVED AS A RESULT OF THE COMMISSION OF  
18 THAT OFFENSE.

19 **SECTION 10.** In Colorado Revised Statutes, **add** part 5 to article  
20 1 of title 26 as follows:

21 PART 5

22 TASK FORCE ON CHILDREN CONCEIVED BY RAPE

23 **26-1-501. Task force on children conceived by rape -**  
24 **legislative declaration - creation - duties - report - repeal of part.**

25 (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND  
26 DECLARES THAT:

27 (I) SECTION 19-5-105.5, C.R.S., ADDRESSES THE INTERESTS OF THE

1 PARTIES AFFECTED AND CREATES A PROCESS TO TERMINATE THE  
2 PARENTAL RIGHTS OF A PERPETRATOR OF SEXUAL ASSAULT IN  
3 CIRCUMSTANCES IN WHICH A PARENT WAS CONVICTED OF AN ACT OF  
4 SEXUAL ASSAULT AGAINST THE VICTIM OR CONVICTED OF A CRIME IN  
5 WHICH THE UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT AGAINST  
6 THE VICTIM AND A CHILD WAS CONCEIVED AS A RESULT OF THAT SEXUAL  
7 ASSAULT OR CRIME;

8 (II) MANY SEXUAL ASSAULTS ARE NOT REPORTED OR PROSECUTED  
9 OR DO NOT RESULT IN A CONVICTION, AND IN SUCH CASES, THERE IS STILL  
10 A NEED TO PROTECT THE INTERESTS OF THE VICTIM FROM FUTURE  
11 CONTACT WITH THE ALLEGED PERPETRATOR WHILE BALANCING THE DUE  
12 PROCESS RIGHTS OF THE ALLEGED PERPETRATOR; AND

13 (III) THERE REMAIN UNRESOLVED AND DIFFICULT POLICY ISSUES  
14 RELATED TO THE PARENTAL RIGHTS OF THE PARTIES IN THE  
15 CIRCUMSTANCES DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a)  
16 IN WHICH A CONVICTION OCCURRED AND ALSO IN THOSE CIRCUMSTANCES  
17 DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) IN WHICH A  
18 CONVICTION DID NOT OCCUR AND THAT DO NOT QUALIFY FOR THE PROCESS  
19 AFFORDED IN SECTION 19-5-105.5, C.R.S.

20 (b) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT WOULD BE  
21 BENEFICIAL TO CONVENE A TASK FORCE OF EXPERTS TO REVIEW AND  
22 EVALUATE THE PROCESS IN SECTION 19-5-105.5, C.R.S., AND TO STUDY  
23 THE ISSUES ASSOCIATED WITH PARENTAL RIGHTS IN CASES IN WHICH THERE  
24 ARE ALLEGATIONS THAT A SEXUAL ASSAULT OCCURRED, A CONVICTION OF  
25 OR PROSECUTION FOR SEXUAL ASSAULT HAS NOT OCCURRED, AND A CHILD  
26 HAS BEEN CONCEIVED AS A RESULT OF THE ALLEGED SEXUAL ASSAULT. IT  
27 IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE TASK FORCE MAKE

1 RECOMMENDATIONS ON FUTURE LEGISLATION TO ADDRESS THESE  
2 CONCERNS.

3 (2) THERE IS HEREBY CREATED THE TASK FORCE ON CHILDREN  
4 CONCEIVED BY RAPE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE",  
5 WHICH SHALL MEET DURING THE INTERIM AFTER THE FIRST REGULAR  
6 SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY.

7 (3) THE TASK FORCE SHALL STUDY AND MAKE RECOMMENDATIONS  
8 TO THE GENERAL ASSEMBLY CONCERNING PROTECTIONS FOR RAPE VICTIMS  
9 AND CONCERNING PARENTAL RIGHTS OF THE PARTIES INVOLVED IN CASES  
10 INVOLVING CONVICTIONS AND IN CASES IN WHICH THERE ARE  
11 ALLEGATIONS THAT A SEXUAL ASSAULT OCCURRED, A CONVICTION OF OR  
12 PROSECUTION FOR SEXUAL ASSAULT HAS NOT OCCURRED, AND A CHILD  
13 HAS BEEN CONCEIVED AS A RESULT OF THE ALLEGED SEXUAL ASSAULT.  
14 THE TASK FORCE STUDY MUST INCLUDE BUT IS NOT LIMITED TO THE  
15 FOLLOWING ISSUES:

16 (a) WHETHER A PROCESS FOR ADDRESSING THE PARENTAL RIGHTS  
17 OF BOTH PARENTS IN CASES INVOLVING CONVICTIONS FOR SEXUAL  
18 ASSAULT AND IN CASES INVOLVING ALLEGATIONS OF SEXUAL ASSAULT  
19 WHERE THERE WERE NO CONVICTIONS IS MORE APPROPRIATELY  
20 ADDRESSED BY DISTRICT COURTS PURSUANT TO ARTICLE 10 OF TITLE 14,  
21 C.R.S., OR BY JUVENILE COURTS PURSUANT TO ARTICLE 5 OF TITLE 19,  
22 C.R.S. THE TASK FORCE MUST CONDUCT AN ANALYSIS THAT INCLUDES,  
23 BUT IS NOT LIMITED TO, THE ADVANTAGES AND DISADVANTAGES OF EACH  
24 APPROACH, WHETHER THERE IS A POTENTIAL FOR UNINTENDED  
25 CONSEQUENCES FROM EITHER APPROACH, THE FISCAL IMPACT TO THE  
26 STATE, COUNTY DEPARTMENTS OF SOCIAL SERVICES, AND THE JUDICIAL  
27 BRANCH TO STAFF THE DIFFERENT APPROACHES, AND THE IMPACT OF EACH

1     APPROACH ON THE PARTIES, THE STATE, THE COUNTY DEPARTMENTS OF  
2     SOCIAL SERVICES, AND THE JUDICIAL BRANCH.

3             (b) WHAT MECHANISMS AND DUE PROCESS PROTECTIONS CAN BE  
4     ESTABLISHED FOR THE COURT TO LIMIT OR TERMINATE PARENTAL RIGHTS,  
5     MAKE DECISIONS ABOUT ALLOCATION OF RIGHTS AND RESPONSIBILITIES OF  
6     THE PARENTS, AND ISSUE PROTECTIVE NO-CONTACT ORDERS;

7             (c) WHAT BURDEN OF PROOF SHOULD BE USED BY THE COURT IN  
8     MAKING THE FINDINGS IN PARAGRAPH (b) OF THIS SUBSECTION (3);

9             (d) THE UNIQUE CONSIDERATIONS AND CHALLENGES THAT ARE  
10    PRESENTED BY CASES INVOLVING DOMESTIC VIOLENCE;

11            (e) THE UNIQUE CONSIDERATIONS AND CHALLENGES THAT ARE  
12    PRESENTED BY CASES WHERE THE PERSON WHO COMMITTED OR IS  
13    ALLEGED TO HAVE COMMITTED THE SEXUAL ASSAULT IS A WOMAN AND  
14    THE WOMAN BECOMES IMPREGNATED AND CONCEIVES A CHILD;

15            (f) HOW PARENTAL RIGHTS SHOULD BE DETERMINED AND  
16    ADDRESSED THROUGH DEPENDENCY OR NEGLECT PROCEEDINGS IN THE  
17    JUVENILE JUSTICE SYSTEM;

18            (g) HOW PARENTAL RESPONSIBILITIES SHOULD BE ALLOCATED IN  
19    DOMESTIC RELATIONS CASES BROUGHT UNDER ARTICLE 10 OF TITLE 14,  
20    C.R.S.;

21            (h) HOW TO ADDRESS THE VISITATION RIGHTS OF GRANDPARENTS  
22    OF THE CHILD IN THESE CIRCUMSTANCES;

23            (i) HOW THE RIGHTS OF PARENTS AND CHILDREN ARE AFFECTED BY  
24    THE FEDERAL "INDIAN CHILD WELFARE ACT", 25 U.S.C., CHAPTER 21;

25            (j) THE NECESSITY OF OBTAINING CONSENT FROM BOTH  
26    BIOLOGICAL PARENTS TO THE ADOPTION OF THE CHILD AND HOW TO  
27    OBTAIN THAT CONSENT;

1           (k) WHETHER AND HOW TO ALLOW A BIRTH PARENT TO  
2 RELINQUISH THE CHILD THROUGH AN EXPEDITED RELINQUISHMENT  
3 PROCEDURE FOR A CHILD UNDER ONE YEAR OF AGE AND SEEK THE  
4 TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP OF THE OTHER  
5 PARENT WHO IS ALLEGED TO BE THE PERPETRATOR OF SEXUAL ASSAULT SO  
6 THAT THE CHILD MAY LEGALLY BE AVAILABLE FOR ADOPTION;

7           (l) WITH RESPECT TO THE ALLEGED PERPETRATOR'S PARENTAL  
8 RIGHTS, THE ADVANTAGES AND DISADVANTAGES OF AND COMPARISONS  
9 OF:

10           (I) NOT ALLOCATING PARENTAL RESPONSIBILITIES, INCLUDING  
11 PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES, TO A PARENT  
12 ALLEGED OR FOUND TO BE A PERPETRATOR; OR

13           (II) NOT ALLOCATING PARENTAL RESPONSIBILITIES, INCLUDING  
14 PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES, TO A PARENT  
15 ALLEGED OR FOUND TO BE A PERPETRATOR, AND LEAVING THE PARENT'S  
16 OBLIGATION TO PROVIDE CHILD SUPPORT FOR THE CHILD INTACT; OR

17           (III) TERMINATING ALL PARENTAL RIGHTS AND RESPONSIBILITIES  
18 OF A PARENT ALLEGED OR FOUND TO BE A PERPETRATOR, INCLUDING NOT  
19 ALLOCATING PARENTAL RESPONSIBILITIES REGARDING PARENTING TIME  
20 AND DECISION-MAKING RESPONSIBILITIES, AND TERMINATING ALL  
21 OBLIGATIONS TO PROVIDE CHILD SUPPORT FOR THE CHILD;

22           (m) THE FEASIBILITY OF ALLOWING THE VICTIM TO EXERCISE  
23 PARENTAL CHOICE ABOUT WHETHER THE OBLIGATIONS FOR CHILD SUPPORT  
24 OF THE OTHER PARENT ARE LEFT INTACT OR ARE ELIMINATED, INCLUDING  
25 BALANCING THE RIGHTS OF THE CHILD TO BE FINANCIALLY SUPPORTED  
26 WITH THE VICTIM'S CHOICE TO WAIVE CHILD SUPPORT, AND INCLUDING AN  
27 EXAMINATION OF WHETHER SUCH A CHOICE CAN BE WAIVED IN

1 CIRCUMSTANCES IN WHICH THE CHILD WOULD QUALIFY FOR PUBLIC  
2 ASSISTANCE BENEFITS; AND

3 (n) THE RESOURCES AND TRAINING NEEDED TO TRAIN DOMESTIC  
4 RELATIONS STAFF IN THE JUDICIAL BRANCH WHO WORK WITH THE PARTIES  
5 AND THE COSTS ASSOCIATED WITH PROVIDING RESOURCES AND TRAINING.

6 (4) THE TASK FORCE SHALL SUBMIT A WRITTEN REPORT OF ITS  
7 FINDINGS AND RECOMMENDATIONS TO THE SPONSORS AND CO-SPONSORS  
8 OF SENATE BILL 13-227, ENACTED IN 2013, AND TO THE JUDICIARY  
9 COMMITTEE OF THE SENATE AND TO THE JUDICIARY COMMITTEE OF THE  
10 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON OR  
11 BEFORE DECEMBER 1, 2013. UPON REQUEST OF A MEMBER OF THE TASK  
12 FORCE, SUMMARIES OF DISSENTING OPINIONS SHALL BE PREPARED AND  
13 ATTACHED TO THE FINAL REPORT OF FINDINGS AND RECOMMENDATIONS.

14 (5) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING  
15 MEMBERS:

16 (a) SIX MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

17 (I) A REPRESENTATIVE OF A STATEWIDE SEXUAL ASSAULT  
18 COALITION;

19 (II) A REPRESENTATIVE OF A STATEWIDE DOMESTIC VIOLENCE  
20 COALITION;

21 (III) AN EXPERT IN THE FEDERAL "INDIAN CHILD WELFARE ACT",  
22 25 U.S.C., CHAPTER 21;

23 (IV) A REPRESENTATIVE FROM A CHILDREN'S ADVOCACY CENTER  
24 OR STATEWIDE ORGANIZATION REPRESENTING CHILDREN'S ADVOCACY  
25 CENTERS;

26 (V) A REPRESENTATIVE OF A STATEWIDE DISABILITY RIGHTS  
27 ORGANIZATION;



1 (VI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT  
2 ADVOCATES ON BEHALF OF CRIME VICTIMS;

3 (b) A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN SERVICES  
4 WHO IS FAMILIAR WITH CHILD WELFARE, ADOPTION SERVICES, AND CHILD  
5 SUPPORT ENFORCEMENT APPOINTED BY THE EXECUTIVE DIRECTOR OF THE  
6 DEPARTMENT OF HUMAN SERVICES;

7 (c) A REPRESENTATIVE FROM THE OFFICE OF THE CHILD'S  
8 REPRESENTATIVE APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO  
9 SUPREME COURT;

10 (d) A REPRESENTATIVE FROM THE JUDICIAL BRANCH APPOINTED BY  
11 THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT;

12 (e) A REPRESENTATIVE OF THE ATTORNEY GENERAL'S OFFICE  
13 APPOINTED BY THE STATE ATTORNEY GENERAL;

14 (f) A REPRESENTATIVE OF COUNTY DEPARTMENTS OF SOCIAL  
15 SERVICES WHO WORKS IN CHILD PROTECTIVE SERVICES APPOINTED BY  
16 COLORADO COUNTIES, INC.;

17 (g) AN ATTORNEY WHO REPRESENTS A COUNTY AND WHO IS  
18 APPOINTED BY THE ASSOCIATION THAT REPRESENTS COUNTY HUMAN  
19 SERVICES DIRECTORS IN COLORADO;

20 (h) A REPRESENTATIVE FROM THE FAMILY LAW SECTION OF THE  
21 COLORADO BAR ASSOCIATION WHO IS FAMILIAR WITH FAMILY LAW AND  
22 ADOPTION LAW APPOINTED BY THE COLORADO BAR ASSOCIATION;

23 (i) A REPRESENTATIVE FROM THE JUVENILE LAW SECTION OF THE  
24 COLORADO BAR ASSOCIATION APPOINTED BY THE COLORADO BAR  
25 ASSOCIATION;

26 (j) A REPRESENTATIVE FROM THE CRIMINAL LAW SECTION OF THE  
27 COLORADO BAR ASSOCIATION WHO IS A CRIMINAL DEFENSE ATTORNEY

1 APPOINTED BY THE COLORADO BAR ASSOCIATION;     

2 (k) A REPRESENTATIVE APPOINTED BY THE COLORADO DISTRICT  
3 ATTORNEYS' COUNCIL; AND

4 (l) A PERSON WHO IS A SURVIVOR OF A SEXUAL ASSAULT  
5 APPOINTED BY A STATEWIDE ORGANIZATION THAT ADVOCATES ON BEHALF  
6 OF SEXUAL ASSAULT VICTIMS.

7 (6) THE APPOINTING AUTHORITIES SHALL MAKE ALL  
8 APPOINTMENTS TO THE TASK FORCE ON OR BEFORE JUNE 15, 2013.

9 (7) (a) THE FIRST MEETING OF THE TASK FORCE SHALL OCCUR NO  
10 LATER THAN JULY 20, 2013. THE TASK FORCE SHALL MEET AT LEAST FOUR  
11 TIMES.

12 (b) THE TASK FORCE'S MEETINGS SHALL BE PUBLIC MEETINGS.

13 (c) THE MEMBERS OF THE TASK FORCE SHALL ELECT A CHAIR AND  
14 A VICE-CHAIR FROM ITS MEMBERSHIP.

15 (8) THE TASK FORCE SHALL SOLICIT AND ACCEPT REPORTS AND  
16 PUBLIC TESTIMONY AND MAY REQUEST OTHER SOURCES TO PROVIDE  
17 TESTIMONY, WRITTEN COMMENTS, AND OTHER RELEVANT DATA TO THE  
18 TASK FORCE.

19 (9) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT  
20 COMPENSATION AND SHALL NOT BE ENTITLED TO REIMBURSEMENT FOR  
21 EXPENSES.

22 (10) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF  
23 LEGISLATIVE LEGAL SERVICES SHALL NOT PROVIDE STAFF SUPPORT TO THE  
24 TASK FORCE.

25 (11) THIS PART 5 IS REPEALED, EFFECTIVE JANUARY 1, 2014.

26 **SECTION 11. Appropriation.** In addition to any other  
27 appropriation, there is hereby appropriated, out of any moneys in the

1 general fund not otherwise appropriated, to the department of human  
2 services, for the fiscal year beginning July 1, 2013, the sum of \$9,000, or  
3 so much thereof as may be necessary, for allocation to the division of  
4 child welfare, administration, for the provision of assistance to the task  
5 force on children conceived by rape that is created by this act.

6 **SECTION 12. Effective date - applicability.** (1) Except as  
7 otherwise provided in this section, this act takes effect upon passage.

8 (2) Sections 1 through 9 of this act take effect July 1, 2013, and  
9 apply to acts or offenses committed on or after said date.

10 **SECTION 13. 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.