

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

INTRODUCED

LLS NO. 13-0802.01 Brita Darling x2241

HOUSE BILL 13-1243

HOUSE SPONSORSHIP

Young, Buckner, Court, Duran, Gardner, Kagan, Lee, McLachlan, Pettersen, Salazar

SENATE SPONSORSHIP

Ulibarri,

House Committees

Public Health Care & Human Services

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A BILL FOR AN ACT

101 **CONCERNING FACTUAL FINDINGS INCLUDED IN PARENTING TIME**
102 **ORDERS.**

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>.)

The bill requires a court restricting parenting time based upon a finding that parenting time would endanger the child's physical health or significantly impair the child's emotional development to enumerate in its order the specific findings supporting the restriction on parenting time.

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.** In Colorado Revised Statutes, 14-10-124, **amend**

3 (1.5) (a) introductory portion as follows:

4 **14-10-124. Best interests of child. (1.5) Allocation of parental**
5 **responsibilities.** The court shall determine the allocation of parental
6 responsibilities, including parenting time and decision-making
7 responsibilities, in accordance with the best interests of the child giving
8 paramount consideration to the physical, mental, and emotional
9 conditions and needs of the child as follows:

10 (a) **Determination of parenting time.** The court, upon the motion
11 of either party or upon its own motion, may make provisions for parenting
12 time that the court finds are in the child's best interests unless the court
13 finds, after a hearing, that parenting time by the party would endanger the
14 child's physical health or significantly impair the child's emotional
15 development. IN ADDITION TO A FINDING THAT PARENTING TIME WOULD
16 ENDANGER THE CHILD'S PHYSICAL HEALTH OR SIGNIFICANTLY IMPAIR THE
17 CHILD'S EMOTIONAL DEVELOPMENT, IN ANY ORDER IMPOSING OR
18 CONTINUING A PARENTING TIME RESTRICTION THE COURT SHALL
19 ENUMERATE THE SPECIFIC FACTUAL FINDINGS SUPPORTING THE
20 RESTRICTION. In determining the best interests of the child for purposes
21 of parenting time, the court shall consider all relevant factors, including:

22 **SECTION 2.** In Colorado Revised Statutes, 14-10-129, **amend**

23 (1) (b) (I) as follows:

24 **14-10-129. Modification of parenting time.** (1) (b) (I) The court
25 shall not restrict a parent's parenting time rights unless it finds that the
26 parenting time would endanger the child's physical health or significantly

1 impair the child's emotional development. IN ADDITION TO A FINDING
2 THAT PARENTING TIME WOULD ENDANGER THE CHILD'S PHYSICAL HEALTH
3 OR SIGNIFICANTLY IMPAIR THE CHILD'S EMOTIONAL DEVELOPMENT, IN ANY
4 ORDER IMPOSING OR CONTINUING A PARENTING TIME RESTRICTION THE
5 COURT SHALL ENUMERATE THE SPECIFIC FACTUAL FINDINGS SUPPORTING
6 THE RESTRICTION. Nothing in this section shall be construed to affect
7 grandparent visitation granted pursuant to section 19-1-117, C.R.S.

8 **SECTION 3. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2014 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.