

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 14-0552.01 Brita Darling x2241

**HOUSE BILL 14-1362**

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**HOUSE SPONSORSHIP**

**Moreno,**

**SENATE SPONSORSHIP**

**Ulibarri,**

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**House Committees**

Public Health Care & Human Services

**Senate Committees**

Judiciary

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**A BILL FOR AN ACT**

101 **CONCERNING GREAT-GRANDPARENT VISITATION WITH**  
102 **GREAT-GRANDCHILDREN.**

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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/bills summaries>.)*

The bill amends the statutory provisions concerning visitation rights of grandparents and disputes concerning grandparent visitation to include great-grandparents, without changing the eligibility requirements or process outlined in the existing statutes.

The bill adds the definition for great-grandparent.

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.*

HOUSE  
3rd Reading Unamended  
April 22, 2014

HOUSE  
2nd Reading Unamended  
April 21, 2014

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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, **add** (56.5)  
3 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           (56.5) "GREAT-GRANDPARENT", AS USED IN SECTIONS 19-1-117  
7 AND 19-1-117.5, MEANS A PERSON WHO IS THE GRANDPARENT OF A  
8 CHILD'S FATHER OR MOTHER, WHO IS RELATED TO THE CHILD BY BLOOD, IN  
9 WHOLE OR BY HALF, ADOPTION, OR MARRIAGE. "GREAT-GRANDPARENT"  
10 DOES NOT INCLUDE THE GRANDPARENT OF A CHILD'S LEGAL FATHER OR  
11 MOTHER WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED IN  
12 ACCORDANCE WITH SECTIONS 19-5-101 AND 19-1-104 (1) (d).

13           **SECTION 2.** In Colorado Revised Statutes, 19-1-117, **amend** (1)  
14 introductory portion, (1) (c), (2), (3), (4), and (5) as follows:

15           **19-1-117. Visitation rights of grandparents or**  
16 **great-grandparents.** (1) Any grandparent OR GREAT-GRANDPARENT of  
17 a child may, in the manner set forth in this section, seek a court order  
18 granting the grandparent OR GREAT-GRANDPARENT reasonable grandchild  
19 OR GREAT-GRANDCHILD visitation rights when there is or has been a child  
20 custody case or a case concerning the allocation of parental  
21 responsibilities relating to that child. Because cases arise that do not  
22 directly deal with child custody or the allocation of parental  
23 responsibilities but nonetheless have an impact on the custody of or  
24 parental responsibilities with respect to a child, for the purposes of this  
25 section, a "case concerning the allocation of parental responsibilities with  
26 respect to a child" includes any of the following, whether or not child

1 custody was or parental responsibilities were specifically an issue:

2 (c) That the child's parent, who is the child of the grandparent OR  
3 GRANDCHILD OF THE GREAT-GRANDPARENT, has died.

4 (2) A party seeking a grandchild OR GREAT-GRANDCHILD visitation  
5 order shall submit, together with his or her motion for visitation, to the  
6 district court for the district in which the child resides an affidavit setting  
7 forth facts supporting the requested order and shall give notice, together  
8 with a copy of his or her affidavit, to the party who has legal custody of  
9 the child or to the party with parental responsibilities as determined by a  
10 court pursuant to article 10 of title 14, C.R.S. The party with legal custody  
11 or parental responsibilities as determined by a court pursuant to article 10  
12 of title 14, C.R.S., may file opposing affidavits. If neither party requests  
13 a hearing, the court shall enter an order granting grandchild OR  
14 GREAT-GRANDCHILD visitation rights to the petitioning grandparent OR  
15 GREAT-GRANDPARENT only upon a finding that the visitation is in the best  
16 interests of the child. A hearing shall be held if either party so requests or  
17 if it appears to the court that it is in the best interests of the child that a  
18 hearing be held. At the hearing, parties submitting affidavits shall be  
19 allowed an opportunity to be heard. If, at the conclusion of the hearing,  
20 the court finds it is in the best interests of the child to grant grandchild OR  
21 GREAT-GRANDCHILD visitation rights to the petitioning grandparent OR  
22 GREAT-GRANDPARENT, the court shall enter an order granting such rights.

23 (3) ~~No~~ A grandparent OR GREAT-GRANDPARENT ~~may~~ SHALL NOT  
24 file an affidavit seeking an order granting grandchild OR  
25 GREAT-GRANDCHILD visitation rights more than once every two years  
26 absent a showing of good cause. If the court finds there is good cause to  
27 file more than one such affidavit, it shall allow such additional affidavit

1 to be filed and shall consider it. The court may order reasonable attorney  
2 fees to the prevailing party. The court may not make any order restricting  
3 the movement of the child if such restriction is solely for the purpose of  
4 allowing the grandparent OR GREAT-GRANDPARENT the opportunity to  
5 exercise his grandchild OR GREAT-GRANDCHILD visitation rights.

6 (4) The court may make an order modifying or terminating  
7 grandchild OR GREAT-GRANDCHILD visitation rights whenever such order  
8 would serve the best interests of the child.

9 (5) Any order granting or denying parenting time rights to the  
10 parent of a child shall not affect visitation rights granted to a grandparent  
11 OR GREAT-GRANDPARENT pursuant to this section.

12 **SECTION 3.** In Colorado Revised Statutes, 19-1-117.5, **amend**  
13 (1) introductory portion, (1) (b), (2) (d), (2) (d) (III), and (2) (f) as  
14 follows:

15 **19-1-117.5. Disputes concerning grandparent or**  
16 **great-grandparent visitation.** (1) Upon a verified motion by a  
17 grandparent OR GREAT-GRANDPARENT who has been granted visitation or  
18 upon the court's own motion alleging that the person with legal custody  
19 or parental responsibilities of the child as determined by a court pursuant  
20 to article 10 of title 14, C.R.S., with whom visitation has been granted is  
21 not complying with a grandparent OR GREAT-GRANDPARENT visitation  
22 order or schedule, the court shall determine from the verified motion, and  
23 response to the motion, if any, whether there has been or is likely to be a  
24 substantial and continuing noncompliance with the grandparent OR  
25 GREAT-GRANDPARENT visitation order or schedule and either:

26 (b) Set the matter for hearing with notice to the grandparent OR  
27 GREAT-GRANDPARENT and the person with legal custody or parental

1 responsibilities of the child as determined by the court of the time and  
2 place of the hearing; or

3 (2) After the hearing, if a court finds that the person with legal  
4 custody or parental responsibilities of the child as determined by the court  
5 has not complied with the visitation order or schedule and has violated the  
6 court order, the court, in the best interests of the child, may issue orders  
7 which may include but need not be limited to:

8 (d) Requiring that makeup visitation be provided for the aggrieved  
9 grandparent or GREAT-GRANDPARENT AND child under the following  
10 conditions:

11 (III) That such visitation is in the manner chosen by the aggrieved  
12 grandparent OR GREAT-GRANDPARENT if it is in the best interests of the  
13 child;

14 (f) Awarding to the aggrieved party, where appropriate, actual  
15 expenses, including attorney fees, court costs, and expenses incurred by  
16 a grandparent OR GREAT-GRANDPARENT because of the other person's  
17 failure to provide or exercise court-ordered visitation. Nothing in this  
18 section shall preclude a party's right to a separate and independent legal  
19 action in tort.

20 **SECTION 4.** In Colorado Revised Statutes, 14-10-129, **amend**  
21 (1) (b) (I) as follows:

22 **14-10-129. Modification of parenting time.** (1) (b) (I) The court  
23 shall not restrict a parent's parenting time rights unless it finds that the  
24 parenting time would endanger the child's physical health or significantly  
25 impair the child's emotional development. In addition to a finding that  
26 parenting time would endanger the child's physical health or significantly  
27 impair the child's emotional development, in any order imposing or

1 continuing a parenting time restriction the court shall enumerate the  
2 specific factual findings supporting the restriction. Nothing in this section  
3 shall be construed to affect grandparent OR GREAT-GRANDPARENT  
4 visitation granted pursuant to section 19-1-117, C.R.S.

5 **SECTION 5.** In Colorado Revised Statutes, **amend** 14-10-131.8  
6 as follows:

7 **14-10-131.8. Construction of 1999 revisions.** The enactment of  
8 the 1999 revisions to this article does not constitute substantially changed  
9 circumstances for the purposes of modifying decrees involving child  
10 custody, parenting time, or grandparent visitation. Any action to modify  
11 any decree involving child custody, parenting time, grandparent OR  
12 GREAT-GRANDPARENT visitation, or a parenting plan shall be governed by  
13 the provisions of this article.

14 **SECTION 6.** In Colorado Revised Statutes, 14-13-102, **amend**  
15 (3) and (4) as follows:

16 **14-13-102. Definitions.** As used in this article, unless the context  
17 otherwise requires:

18 (3) "Child-custody determination" means a judgment, decree, or  
19 other order of a court providing for the legal custody or physical custody  
20 of a child or allocating parental responsibilities with respect to a child or  
21 providing for visitation, parenting time, or grandparent OR  
22 GREAT-GRANDPARENT visitation with respect to a child. The term includes  
23 a permanent, temporary, initial, and modification order. The term does not  
24 include an order relating to child support or other monetary obligation of  
25 an individual.

26 (4) "Child-custody proceeding" means a proceeding in which legal  
27 custody or physical custody with respect to a child or the allocation of

1 parental responsibilities with respect to a child or visitation, parenting  
2 time, or grandparent OR GREAT-GRANDPARENT visitation with respect to  
3 a child is an issue. The term includes a proceeding for divorce, dissolution  
4 of marriage, legal separation, neglect, abuse, dependency, guardianship,  
5 paternity, termination of parental rights, and protection from domestic  
6 violence and domestic abuse, in which the issue may appear. The term  
7 does not include a proceeding involving juvenile delinquency, contractual  
8 emancipation, or enforcement under part 3 of this article.

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