

**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. 14-0478.01 Debbie Haskins x2045

HOUSE BILL 14-1162

HOUSE SPONSORSHIP

Landgraf, Joshi, Navarro, Rankin, Saine, Stephens, Wilson

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTION OF THE VICTIM OF A SEXUAL ASSAULT IN**
102 **CASES WHERE A CHILD WAS CONCEIVED AS A RESULT OF THE**
103 **SEXUAL ASSAULT, AND, IN CONNECTION THEREWITH, MAKING**
104 **LEGISLATIVE CHANGES IN RESPONSE TO THE STUDY BY AND THE**
105 **REPORT OF THE RECOMMENDATIONS FROM THE TASK FORCE ON**
106 **CHILDREN CONCEIVED THROUGH RAPE.**

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>.)

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.

Last session, the general assembly passed a bill that allows the victim of a sexual assault in which a child was conceived and in which the person who committed the sexual assault was convicted to file for the termination of the parent-child legal relationship of the person who committed the sexual assault. In that same bill, the general assembly created a task force on children conceived by rape to study whether changes should be made to that statute and to study issues associated with parental rights in cases where a child was conceived as a result of the sexual assault but a conviction did not occur. This bill makes legislative changes in response to the study and report prepared by the task force.

The bill makes the following changes to provisions passed last year for cases involving convictions:

- ! Adding more due process protections, such as specifying the notice to the respondent, setting a date for hearing the petition, and notifying the Indian tribe if the child is an Indian child in accordance with the federal "Indian Child Welfare Act";
- ! Adding more protections for the victim and the child, including protecting the identity of the victim and the child in the summons, ordering protective measures for the victim in the courtroom, and treating child support payments as confidential;
- ! Providing legal counsel and waiving filing fees for indigent victims;
- ! Providing for admission of parentage and for genetic testing to confirm paternity and allowing the court to order the parent against whom the petition has been filed to pay for genetic testing;
- ! Stating that the court shall not presume that having only one remaining parent is contrary to the child's best interests;
- ! Creating a process for the parent whose parent-child legal relationship is terminated to provide medical and family information to be shared with the child and the victim in a way that protects the child from knowing the name of the person;
- ! Clarifying what happens if the court denies the petition to terminate the parent-child legal relationship, including that the juvenile court has continuing jurisdiction of the matter and has the authority to enter an order allocating parental responsibilities between the parties, including an order to not allocate parental responsibilities to the parent against whom the petition was filed.

The bill repeals the statutes enacted last year that provided for a stay of a civil domestic relations proceeding or a paternity action while

criminal charges of sexual assault brought against the alleged perpetrator are resolved.

The bill creates a process to allow the victim of a sexual assault in cases where a child was conceived and in which a conviction did not occur to file a petition in juvenile court to prevent future contact with and to terminate the parent-child legal relationship of the parent who allegedly committed the sexual assault. This process is similar to the process for petitions involving convictions but does not include a rebuttable presumption that it is in best interests of the child to terminate the parent-child legal relationship. If the court denies the petition to terminate the parent-child legal relationship, the juvenile court has continuing jurisdiction and the authority to enter orders on allocation of parental rights, including an order to not allocate parental rights to the other parent. The juvenile court may order the parent to submit to a sex offense-specific evaluation and parental risk assessment that may factor in the allocation of parental rights and responsibilities and parenting time. The court shall order the parent who is found to have committed the sexual assault to pay for the costs of the evaluation and the assessment. All of the changes made in this bill to the process for petitions involving convictions are also included in the process for petitions for nonconvictions.

Since some issues involving the child conceived by a sexual assault might start in the domestic relations arena instead of in a juvenile proceeding, the bill gives the domestic relations courts the authority to allocate parental rights and responsibilities, to address decision-making between the victim and the other parent in these cases, and to issue protective orders. The provisions are similar to the considerations that the court uses to address cases involving domestic violence. If the court finds by a preponderance of the evidence that one of the parties has committed sexual assault and the child was conceived as a result of the sexual assault, then it shall not be in the best interests of the child to allocate sole or split decision-making to the person who was found to have committed sexual assault or to allocate mutual decision-making with respect to any issue over the objection of the other party or the guardian ad litem. If the court finds by a preponderance of the evidence that one of the parties has committed sexual assault and the child was conceived as a result of the sexual assault, the court shall consider whether it is in the best interests of the child to prohibit or limit the parenting time of that party with the child. Prior to entering an order relating to parenting time or parental contact, the court may order that party to submit to a sex offense-specific evaluation and a parental risk assessment in Colorado. The court shall order the parent who is found to have committed the sexual assault to pay the costs of the evaluation and parental risk assessment.

In addition, in cases where the court has found that the child was conceived as a result of sexual assault, a domestic relations court may not

modify a prior order regarding allocation of decision-making or modify a prior order regarding parenting time, unless it finds that the child's present environment endangers the child's physical health or significantly impairs the child's emotional development.

Under existing law, when a parent voluntarily relinquishes a child so that the child may be adopted, there is a private action filed to terminate the parent-child legal relationship of the other parent. A victim of sexual assault might want to voluntarily relinquish the child conceived from the sexual assault for adoption and terminate the other parent's rights. This bill amends the statute on termination in voluntary relinquishment cases so that the court may order the termination based on a finding that the other parent is unfit due to a history of violent behavior, which may include an incidence of sexual assault that resulted in the conception of the child.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 19-5-105.5
3 as follows:

4 **19-5-105.5. Termination of parent-child legal relationship**
5 **upon a finding that the child was conceived as a result of sexual**
6 **assault - legislative declaration - definitions.** (1) The general assembly
7 hereby declares that the purpose of this statute is to protect the victim of
8 a sexual assault and to protect the child conceived as a result of that
9 sexual assault by ~~terminating~~ CREATING A PROCESS TO SEEK TERMINATION
10 OF the parental rights of the perpetrator of the sexual assault and by
11 issuing protective orders preventing future contact between the parties.
12 The general assembly further declares that this section creates civil
13 remedies and is not created to punish the perpetrator but rather to protect
14 the interests of the child and the victim of a sexual assault.

15 (2) As used in this section, unless the context otherwise requires:

16 (a) "Convicted" or "conviction" has the same meaning as defined
17 in section 19-1-103 (29.3).

1 (a.5) "DISABILITY" MEANS:
2 (I) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY
3 LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES; OR
4 (II) A RECORD OF A PHYSICAL OR MENTAL IMPAIRMENT THAT
5 SUBSTANTIALLY LIMITED A MAJOR LIFE ACTIVITY.
6 (a.7) "PETITIONER" MEANS A VICTIM OF SEXUAL ASSAULT WHO
7 FILES A PETITION FOR TERMINATION OF THE PARENT-CHILD LEGAL
8 RELATIONSHIP OF THE OTHER PARENT AS PROVIDED IN THIS SECTION.
9 (a.8) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PETITION
10 FOR TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP IS FILED AS
11 PROVIDED IN THIS SECTION.
12 (b) "Sexual assault" has the same meaning as defined in section
13 19-1-103 (96.5).
14 (c) "Victim" has the same meaning as defined in section 19-1-103
15 (112) (b).
16 (3) If a child was conceived as a result of an act that led to the
17 parent's conviction for sexual assault or for a conviction in which the
18 underlying factual basis was sexual assault, the victim of the sexual
19 assault or crime may file a petition in the juvenile court to prevent future
20 contact with the parent who committed the sexual assault and to terminate
21 the parent-child legal relationship of the parent who committed the sexual
22 assault or crime.
23 (4) The verified petition filed under this section must allege that:
24 (a) The ~~other parent~~ RESPONDENT was convicted on or after July
25 1, 2013, of an act of sexual assault against the ~~victim~~ PETITIONER or
26 convicted of a crime in which the underlying factual basis was sexual
27 assault against the ~~victim~~ PETITIONER;

1 (b) A child was conceived as a result of the act of sexual assault
2 or crime described under paragraph (a) of this subsection (4); and

3 (c) Termination of the parent-child legal relationship of the ~~other~~
4 ~~parent~~ RESPONDENT with the child is in the best interests of the child.

5 (4.5) AFTER A PETITION HAS BEEN FILED PURSUANT TO THIS
6 SECTION, THE COURT SHALL ISSUE A SUMMONS THAT RECITES BRIEFLY THE
7 SUBSTANCE OF THE PETITION AND CONTAINS A STATEMENT THAT THE
8 PURPOSE OF THE PROCEEDING IS WHETHER TO TERMINATE THE
9 PARENT-CHILD LEGAL RELATIONSHIP OF THE RESPONDENT. THE
10 PETITIONER SHALL HAVE THE RESPONDENT PERSONALLY SERVED WITH A
11 COPY OF THE SUMMONS OR NOTIFIED THROUGH NOTICE BY PUBLICATION
12 CONSISTENT WITH THE STATUTORY PROVISIONS FOR NOTICE IN SECTION
13 19-3-503 AND PURSUANT TO THE COLORADO RULES OF CIVIL PROCEDURE,
14 UNLESS THE RESPONDENT APPEARS VOLUNTARILY OR WAIVES SERVICE.
15 UPON REQUEST, THE COURT SHALL PROTECT THE WHEREABOUTS OF THE
16 PETITIONER AND MUST IDENTIFY THE PETITIONER AND THE CHILD IN THE
17 SUMMONS BY INITIALS.

18 (5) After a petition has been filed pursuant to this section, the
19 court ~~may~~ SHALL appoint a guardian ad litem, who must be an attorney,
20 to represent the child's best interests in the proceeding. ~~A~~ THE petitioner
21 ~~has~~ AND THE RESPONDENT HAVE the right to be represented by legal
22 counsel in proceedings under this section. ~~and has~~ THE PETITIONER AND
23 THE RESPONDENT EACH HAVE the right to seek the appointment of legal
24 counsel if ~~the petitioner~~ HE OR SHE is unable financially to secure legal
25 counsel on his or her own. THE COURT SHALL WAIVE FILING FEES FOR AN
26 INDIGENT PETITIONER.

27 (b) THE COURT WILL WORK TO ENSURE THAT A PETITIONER OR A

1 RESPONDENT WHO HAS A DISABILITY HAS EQUAL ACCESS TO PARTICIPATE
2 IN THE PROCEEDING. IF THE PETITIONER OR RESPONDENT HAS A
3 DISABILITY, HE OR SHE HAS THE RIGHT TO REQUEST REASONABLE
4 ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THE PROCEEDING; EXCEPT
5 THAT THE DISABILITY OF THE PETITIONER, THE RESPONDENT, OR THE CHILD
6 MUST NOT BE THE CAUSE FOR THE UNNECESSARY DELAY OF THE PROCESS.
7 THE COURT SHALL PRESUME THAT A PETITIONER OR A RESPONDENT WITH
8 A DISABILITY IS LEGALLY COMPETENT AND ABLE TO UNDERSTAND AND
9 PARTICIPATE IN THE PROCEEDING UNLESS THE PETITIONER OR RESPONDENT
10 IS DETERMINED TO BE AN INCAPACITATED PERSON, AS DEFINED IN SECTION
11 15-14-102 (5), C.R.S.

12 (6) In any proceeding held under this section, THE COURT MAY
13 GRANT PROTECTIVE MEASURES IN THE COURTROOM AS REQUESTED BY THE
14 PETITIONER, INCLUDING BUT NOT LIMITED TO ALLOWING ~~the victim is not~~
15 ~~required~~ PETITIONER to NOT appear in the presence of the ~~other parent and~~
16 RESPONDENT, SO LONG AS THESE MEASURES DO NOT VIOLATE DUE
17 PROCESS. ~~The victim's~~ PETITIONER'S and the child's whereabouts must be
18 kept confidential.

19 (6.5) A RESPONDENT MAY ADMIT PARENTAGE OR MAY REQUEST
20 GENETIC TESTING OR OTHER TESTS OF INHERITED CHARACTERISTICS TO
21 CONFIRM PATERNITY. THE TEST RESULTS MUST BE ADMITTED INTO
22 EVIDENCE AS PROVIDED IN SECTION 13-25-126, C.R.S. THE FINAL COSTS
23 FOR GENETIC TESTS OR OTHER TESTS OF INHERITED CHARACTERISTICS
24 MUST BE ASSESSED AGAINST THE NONPREVAILING PARTY ON THE
25 PARENTAGE ISSUE.

26 (6.7) THE COURT SHALL HEAR A PETITION TO TERMINATE THE
27 PARENT-CHILD LEGAL RELATIONSHIP NO MORE THAN ONE HUNDRED

1 TWENTY DAYS AFTER SERVICE OF THE PETITION OR FROM THE FIRST
2 APPEARANCE DATE, WHICHEVER IS LATER, UNLESS BOTH PARTIES CONSENT
3 TO AN EXTENSION OR THE COURT FINDS GOOD CAUSE TO EXTEND THE
4 HEARING BEYOND ONE HUNDRED TWENTY DAYS.

5 (7) The court shall terminate the parent-child legal relationship of
6 ~~the person against whom the petition is filed~~ RESPONDENT if the court
7 finds by clear and convincing evidence, AND STATES THE REASONS FOR ITS
8 DECISION, that:

9 (a) The ~~parent~~ RESPONDENT was convicted on or after July 1,
10 2013, of an act of sexual assault against the ~~victim~~ PETITIONER or was
11 convicted of a crime in which the underlying factual basis was sexual
12 assault against the ~~victim~~ PETITIONER;

13 (b) A child was conceived as a result of that act of sexual assault
14 or crime AS EVIDENCED BY THE RESPONDENT ADMITTING PARENTAGE OR
15 GENETIC TESTING ESTABLISHING THE PATERNITY; and

16 (c) Termination of the parent-child legal relationship is in the best
17 interests of the child. There is a rebuttable presumption that terminating
18 the parental rights of the parent who committed the act of sexual assault
19 or crime is in the best interests of the child. THE COURT SHALL NOT
20 PRESUME THAT HAVING ONLY ONE REMAINING PARENT IS CONTRARY TO
21 THE CHILD'S BEST INTERESTS.

22 (7.3) IF THE CHILD IS AN INDIAN CHILD, THE COURT SHALL ENSURE
23 COMPLIANCE WITH THE FEDERAL "INDIAN CHILD WELFARE ACT", 25
24 U.S.C. SEC. 1901 ET SEQ., AND THE PROVISIONS OF SECTION 19-1-126.

25 (7.5) IF THE COURT DENIES THE PETITION TO TERMINATE THE
26 PARENT-CHILD LEGAL RELATIONSHIP, THEN THE COURT SHALL ARTICULATE
27 ITS REASONS FOR THE DENIAL OF THE PETITION. IF THE COURT DENIES THE

1 PETITION, THE COURT HAS CONTINUING JURISDICTION AND AUTHORITY TO
2 ENTER AN ORDER IN THE SAME PROCEEDING ALLOCATING PARENTAL
3 RESPONSIBILITIES BETWEEN THE PARTIES, INCLUDING BUT NOT LIMITED TO
4 AN ORDER TO NOT ALLOCATE PARENTAL RESPONSIBILITIES TO THE
5 RESPONDENT. IN ISSUING ANY ORDER ALLOCATING PARENTAL
6 RESPONSIBILITIES, INCLUDING THE DUTY OF SUPPORT, GUARDIANSHIP, AND
7 PARENTING TIME PRIVILEGES WITH THE CHILD OR ANY OTHER MATTER, THE
8 COURT SHALL DETERMINE WHETHER THE ORDER IS IN THE BEST INTERESTS
9 OF THE CHILD BASED ON A PREPONDERANCE OF THE EVIDENCE.

10 (8) (a) A ~~person~~ RESPONDENT whose parental rights are terminated
11 in accordance with this section has:

12 (I) No right to allocation of parental responsibilities, including
13 parenting time and decision-making responsibilities for the child;

14 (II) No right of inheritance from the child; and

15 (III) No right to notification of, or standing to object to, the
16 adoption of the child.

17 (b) NOTWITHSTANDING THE PROVISIONS OF SECTION 19-3-608,
18 termination of parental rights under subsection (7) of this section does not
19 relieve the ~~person~~ RESPONDENT of any obligation to pay child support or
20 birth-related costs unless waived by the ~~victim~~ PETITIONER. In cases in
21 which child support obligations are not waived, ~~and~~ THE COURT, AS
22 INFORMED BY THE WISHES OF THE PETITIONER, SHALL DETERMINE IF
23 ENTERING AN ORDER TO PAY CHILD SUPPORT IS IN THE BEST INTERESTS OF
24 THE CHILD. If the court orders the ~~person~~ RESPONDENT to pay child
25 support, the court shall order the payments to be made through the child
26 support registry to avoid the need for any contact between the parties AND
27 ORDER THAT THE PAYMENTS BE TREATED AS A NONDISCLOSURE OF

1 INFORMATION CASE. If the ~~victim's~~ PETITIONER'S parent-child legal
2 relationship to the child is terminated after the entry of a child support
3 order against the ~~person who was convicted~~ RESPONDENT, the court shall
4 modify the child support order accordingly.

5 (9) ~~The person~~ A RESPONDENT whose parent-child legal
6 relationship has been terminated in accordance with this section has no
7 right to make medical treatment decisions or any other decisions on
8 behalf of the child.

9 (9.5) THE COURT MAY ORDER A RESPONDENT WHOSE
10 PARENT-CHILD LEGAL RELATIONSHIP HAS BEEN TERMINATED TO PROVIDE
11 MEDICAL AND FAMILY INFORMATION TO BE SHARED WITH THE CHILD, AS
12 APPROPRIATE, AND WITH THE PETITIONER. FOR TERMINATIONS ENTERED
13 UNDER THIS SECTION AND SECTION 19-5-105.7, THE STATE COURT
14 ADMINISTRATOR SHALL ESTABLISH A UNIFORM PROCESS TO DETERMINE
15 HOW THE INFORMATION IS COLLECTED, WHO CAN ACCESS IT, WHEN IT CAN
16 BE ACCESSED, AND HOW IT IS STORED. THE COURT MAY ORDER THAT A
17 RESPONDENT'S FAILURE TO COMPLY WITH THE REQUEST FOR INFORMATION
18 IN A TIMELY MANNER CONSTITUTES CONTEMPT OF COURT.

19 (10) ~~The victim is entitled, upon request, to a no-contact~~
20 ~~protection order issued against the person whose parental rights are~~
21 ~~terminated prohibiting the person from having any contact with either the~~
22 ~~victim or the child~~ THE JUVENILE COURT HAS ORIGINAL CONCURRENT
23 JURISDICTION TO ISSUE A TEMPORARY OR PERMANENT CIVIL PROTECTION
24 ORDER PURSUANT TO SECTION 13-14-104.5 OR 13-14-106, C.R.S.

25 (11) Termination of the parent-child legal relationship pursuant
26 to subsection (7) of this section is an independent basis for termination of
27 parental rights, and the court need not make any of the considerations or

1 findings described in section ~~19-5-105, 19-5-103.5, or 19-3-604~~
2 ~~19-3-604, 19-5-103.5, OR 19-5-105.~~

3 (12) Nothing in this section prohibits the termination of parental
4 rights by the court using the criteria described in section ~~19-5-105,~~
5 ~~19-5-103.5, or 19-3-604~~ 19-3-604, 19-5-103.5, OR 19-5-105.

6 **SECTION 2.** In Colorado Revised Statutes, **repeal** 14-10-124.3
7 as follows:

8 **14-10-124.3. Stay of proceedings - criminal charges of**
9 **allegations of sexual assault.** ~~If criminal charges alleging an act of~~
10 ~~sexual assault, as defined in section 19-1-103 (96.5), C.R.S., are brought~~
11 ~~against the parent of a child alleging that a child was conceived as a result~~
12 ~~of the alleged sexual assault committed by that parent against the parent~~
13 ~~who is the alleged victim of the sexual assault, the court shall issue an~~
14 ~~automatic stay of any civil domestic proceedings under this article or of~~
15 ~~any paternity proceedings under the "Uniform Parentage Act", article 4~~
16 ~~of title 19, C.R.S., involving both the child and the parent who is the~~
17 ~~alleged perpetrator. The stay shall not be lifted until there is a final~~
18 ~~disposition of the criminal charges. In any future domestic proceedings~~
19 ~~under this article or any paternity proceedings under the "Uniform~~
20 ~~Parentage Act", article 4 of title 19, C.R.S., continued after the final~~
21 ~~disposition of the criminal charges, any denial of parenting time by the~~
22 ~~victim of the alleged sexual assault while the criminal charges were~~
23 ~~pending shall not be used in any way against the victim.~~

24 **SECTION 3.** In Colorado Revised Statutes, **repeal** 19-4-105.7 as
25 follows:

26 **19-4-105.7. Stay of paternity proceedings - criminal charges**
27 **of allegations of sexual assault.** ~~If criminal charges alleging an act of~~

1 sexual assault, as defined in section 19-1-103 (96.5), are brought against
2 a presumed or possible parent who is the subject of an action to determine
3 paternity alleging that a child was conceived as a result of that sexual
4 assault committed by that presumed or possible parent against the parent
5 who is the alleged victim of the sexual assault, the court shall issue an
6 automatic stay of any paternity proceedings under this article involving
7 both the child and the presumed or possible parent who is the alleged
8 perpetrator. The stay shall not be lifted until there is a final disposition of
9 the criminal charges. In any future paternity proceedings under this article
10 that are continued after the final disposition of the criminal charges, any
11 denial of parenting time by the victim of the alleged sexual assault while
12 the criminal charges were pending shall not be used in any way against
13 the victim.

14 **SECTION 4.** In Colorado Revised Statutes, **add** 19-5-105.7 as
15 follows:

16 **19-5-105.7. Termination of parent-child legal relationship in**
17 **a case of an allegation that a child was conceived as a result of sexual**
18 **assault but in which no conviction occurred - legislative declaration**
19 **- definitions.** (1) THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE
20 PURPOSE OF THIS STATUTE IS TO PROTECT A PERSON IN A CASE WHERE IT
21 IS DETERMINED THAT HE OR SHE IS A VICTIM OF SEXUAL ASSAULT BUT IN
22 WHICH NO CONVICTION OCCURRED AND TO PROTECT A CHILD CONCEIVED
23 AS A RESULT OF THAT SEXUAL ASSAULT BY CREATING A PROCESS TO SEEK
24 TERMINATION OF THE PARENTAL RIGHTS OF THE PERPETRATOR OF THE
25 SEXUAL ASSAULT AND BY ISSUING PROTECTIVE ORDERS PREVENTING
26 FUTURE CONTACT BETWEEN THE PARTIES. THE GENERAL ASSEMBLY
27 FURTHER DECLARES THAT THIS SECTION CREATES CIVIL REMEDIES AND IS

1 NOT CREATED TO PUNISH THE PERPETRATOR BUT RATHER TO PROTECT THE
2 INTERESTS OF THE PETITIONER AND THE CHILD. THE GENERAL ASSEMBLY
3 CREATES THIS SECTION TO ADDRESS THE PROCEDURES IN CASES WHERE
4 THERE ARE ALLEGATIONS OF SEXUAL ASSAULT BUT IN WHICH A
5 CONVICTION DID NOT OCCUR.

6 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

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

10 (b) "PETITIONER" MEANS A PERSON WHO ALLEGES THAT HE OR SHE
11 IS A VICTIM OF SEXUAL ASSAULT AND WHO FILES A PETITION FOR
12 TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP OF THE OTHER
13 PARENT AS PROVIDED IN THIS SECTION.

14 (c) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PETITION
15 FOR TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP IS FILED AS
16 PROVIDED IN THIS SECTION.

17 (d) "SEXUAL ASSAULT" HAS THE SAME MEANING AS DEFINED IN
18 SECTION 19-1-103 (96.5).

19 (3) THE PERSON WHO ALLEGES THAT HE OR SHE IS A VICTIM OF
20 SEXUAL ASSAULT AND WHO ALLEGES THAT A CHILD WAS CONCEIVED AS A
21 RESULT OF A SEXUAL ASSAULT IN WHICH A CONVICTION DID NOT OCCUR
22 MAY FILE A PETITION IN THE JUVENILE COURT TO PREVENT FUTURE
23 CONTACT WITH THE PARENT WHO ALLEGEDLY COMMITTED THE SEXUAL
24 ASSAULT AND TO TERMINATE THE PARENT-CHILD LEGAL RELATIONSHIP OF
25 THE PARENT WHO ALLEGEDLY COMMITTED THE SEXUAL ASSAULT.

26 (4) THE VERIFIED PETITION FILED UNDER THIS SECTION MUST
27 ALLEGE THAT:

1 (a) THE RESPONDENT COMMITTED AN ACT OF SEXUAL ASSAULT
2 AGAINST THE PETITIONER;

3 (b) THE RESPONDENT HAS NOT BEEN CONVICTED FOR THE ACT OF
4 SEXUAL ASSAULT;

5 (c) A CHILD WAS CONCEIVED AS A RESULT OF THE ACT OF SEXUAL
6 ASSAULT AS DESCRIBED UNDER PARAGRAPH (a) OF THIS SUBSECTION (4);
7 AND

8 (d) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP OF
9 THE RESPONDENT WITH THE CHILD IS IN THE BEST INTERESTS OF THE CHILD.

10 (5) (a) AFTER A PETITION HAS BEEN FILED PURSUANT TO THIS
11 SECTION, THE COURT SHALL ISSUE A SUMMONS THAT RECITES BRIEFLY THE
12 SUBSTANCE OF THE PETITION AND CONTAINS A STATEMENT THAT THE
13 PURPOSE OF THE PROCEEDING IS TO DETERMINE WHETHER TO TERMINATE
14 THE PARENT-CHILD LEGAL RELATIONSHIP OF THE RESPONDENT. THE
15 PETITIONER SHALL HAVE THE RESPONDENT PERSONALLY SERVED WITH A
16 COPY OF THE SUMMONS OR NOTIFIED THROUGH NOTICE BY PUBLICATION
17 CONSISTENT WITH THE STATUTORY PROVISIONS FOR NOTICE IN SECTION
18 19-3-503 AND PURSUANT TO THE COLORADO RULES OF CIVIL PROCEDURE,
19 UNLESS THE RESPONDENT APPEARS VOLUNTARILY OR WAIVES SERVICE.
20 UPON REQUEST, THE COURT SHALL PROTECT THE WHEREABOUTS OF THE
21 PETITIONER AND MUST IDENTIFY THE PETITIONER AND THE CHILD IN THE
22 SUMMONS BY INITIALS.

23 (b) THE COURT WILL WORK TO ENSURE THAT A PETITIONER OR A
24 RESPONDENT WHO HAS A DISABILITY HAS EQUAL ACCESS TO PARTICIPATE
25 IN THE PROCEEDING. IF THE PETITIONER OR RESPONDENT HAS A
26 DISABILITY, HE OR SHE HAS THE RIGHT TO REQUEST REASONABLE
27 ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THE PROCEEDING; EXCEPT

1 THAT THE DISABILITY OF THE PETITIONER, THE RESPONDENT, OR THE CHILD
2 MUST NOT BE THE CAUSE FOR THE UNNECESSARY DELAY OF THE PROCESS.
3 THE COURT SHALL PRESUME THAT A PETITIONER OR A RESPONDENT WITH
4 A DISABILITY IS LEGALLY COMPETENT AND ABLE TO UNDERSTAND AND
5 PARTICIPATE IN THE PROCEEDING UNLESS THE PETITIONER OR RESPONDENT
6 IS DETERMINED TO BE AN INCAPACITATED PERSON, AS DEFINED IN SECTION
7 15-14-102 (5), C.R.S.

8 (6) AFTER A PETITION HAS BEEN FILED PURSUANT TO THIS SECTION,
9 THE COURT SHALL APPOINT A GUARDIAN AD LITEM, WHO MUST BE AN
10 ATTORNEY, TO REPRESENT THE CHILD'S BEST INTERESTS IN THE
11 PROCEEDING. THE PETITIONER AND THE RESPONDENT HAVE THE RIGHT TO
12 BE REPRESENTED BY LEGAL COUNSEL IN PROCEEDINGS UNDER THIS
13 SECTION. THE PETITIONER AND THE RESPONDENT EACH HAVE THE RIGHT
14 TO SEEK THE APPOINTMENT OF LEGAL COUNSEL IF HE OR SHE IS UNABLE
15 FINANCIALLY TO SECURE LEGAL COUNSEL ON HIS OR HER OWN. THE COURT
16 SHALL WAIVE FILING FEES FOR AN INDIGENT PETITIONER.

17 (7) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE COURT
18 MAY GRANT PROTECTIVE MEASURES IN THE COURTROOM AS REQUESTED
19 BY THE PETITIONER, INCLUDING BUT NOT LIMITED TO ALLOWING THE
20 PETITIONER TO NOT APPEAR IN THE PRESENCE OF THE RESPONDENT SO
21 LONG AS THESE MEASURES DO NOT VIOLATE DUE PROCESS. THE
22 PETITIONER'S AND THE CHILD'S WHEREABOUTS MUST BE KEPT
23 CONFIDENTIAL.

24 (8) A RESPONDENT MAY ADMIT PARENTAGE OR MAY REQUEST
25 GENETIC TESTING OR OTHER TESTS OF INHERITED CHARACTERISTICS TO
26 CONFIRM PATERNITY. THE TEST RESULTS MUST BE ADMITTED INTO
27 EVIDENCE AS PROVIDED IN SECTION 13-25-126, C.R.S. THE FINAL COSTS

1 FOR GENETIC TESTS OR OTHER TESTS OF INHERITED CHARACTERISTICS
2 MUST BE ASSESSED AGAINST THE NONPREVAILING PARTY ON THE
3 PARENTAGE ISSUE.

4 (9) THE COURT SHALL HEAR A PETITION TO TERMINATE THE
5 PARENT-CHILD LEGAL RELATIONSHIP NO MORE THAN ONE HUNDRED
6 EIGHTY DAYS AFTER SERVICE OF THE PETITION OR FROM THE FIRST
7 APPEARANCE DATE, WHICHEVER IS LATER, UNLESS BOTH PARTIES CONSENT
8 TO AN EXTENSION OR THE COURT FINDS GOOD CAUSE TO EXTEND THE
9 HEARING BEYOND ONE HUNDRED EIGHTY DAYS.

10 (10) (a) THE COURT SHALL TERMINATE THE PARENT-CHILD LEGAL
11 RELATIONSHIP OF THE RESPONDENT IF THE COURT FINDS BY CLEAR AND
12 CONVINCING EVIDENCE THAT:

13 (I) A SEXUAL ASSAULT AGAINST THE PETITIONER OCCURRED;

14 (II) THE SEXUAL ASSAULT WAS PERPETRATED BY THE
15 RESPONDENT;

16 (III) A CHILD WAS CONCEIVED AS A RESULT OF THAT ACT OF
17 SEXUAL ASSAULT AS EVIDENCED BY THE RESPONDENT ADMITTING
18 PARENTAGE OR GENETIC TESTING ESTABLISHING THE PATERNITY;

19 (IV) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP IS
20 IN THE BEST INTERESTS OF THE CHILD. THE COURT SHALL NOT PRESUME
21 THAT HAVING ONLY ONE REMAINING PARENT IS CONTRARY TO THE CHILD'S
22 BEST INTERESTS.

23 (b) IF THE CHILD IS AN INDIAN CHILD, THE COURT SHALL ENSURE
24 COMPLIANCE WITH THE FEDERAL "INDIAN CHILD WELFARE ACT", 25
25 U.S.C. SEC. 1901 ET SEQ., AND THE PROVISIONS OF SECTION 19-1-126.

26 (11) IF THE COURT DENIES THE PETITION TO TERMINATE THE
27 PARENT-CHILD LEGAL RELATIONSHIP, THE COURT SHALL ARTICULATE ITS

1 REASONS FOR THE DENIAL OF THE PETITION. IF THE COURT DENIES THE
2 PETITION, THE COURT HAS CONTINUING JURISDICTION AND AUTHORITY TO
3 ENTER AN ORDER IN THE SAME PROCEEDING ALLOCATING PARENTAL
4 RESPONSIBILITIES BETWEEN THE PETITIONER AND THE RESPONDENT,
5 INCLUDING BUT NOT LIMITED TO AN ORDER TO NOT ALLOCATE PARENTAL
6 RESPONSIBILITIES TO THE RESPONDENT. IN ISSUING ANY ORDER
7 ALLOCATING PARENTAL RESPONSIBILITIES, INCLUDING THE DUTY OF
8 SUPPORT, GUARDIANSHIP, AND PARENTING TIME PRIVILEGES WITH THE
9 CHILD OR ANY OTHER MATTER, THE COURT SHALL DETERMINE WHETHER
10 THE ORDER IS IN THE BEST INTERESTS OF THE CHILD BASED ON A
11 PREPONDERANCE OF THE EVIDENCE.

12 (12) (a) A RESPONDENT WHOSE PARENTAL RIGHTS ARE
13 TERMINATED IN ACCORDANCE WITH THIS SECTION HAS:

14 (I) NO RIGHT TO ALLOCATION OF PARENTAL RESPONSIBILITIES,
15 INCLUDING PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES FOR
16 THE CHILD;

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

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

20 (b) NOTWITHSTANDING THE PROVISIONS OF SECTION 19-3-608,
21 TERMINATION OF PARENTAL RIGHTS UNDER SUBSECTION (10) OF THIS
22 SECTION DOES NOT RELIEVE THE RESPONDENT OF ANY OBLIGATION TO PAY
23 CHILD SUPPORT OR BIRTH-RELATED COSTS UNLESS WAIVED BY THE
24 PETITIONER. IN CASES IN WHICH CHILD SUPPORT OBLIGATIONS ARE NOT
25 WAIVED, THE COURT, AS INFORMED BY THE WISHES OF THE PETITIONER,
26 SHALL DETERMINE IF ENTERING AN ORDER TO PAY CHILD SUPPORT IS IN
27 THE BEST INTERESTS OF THE CHILD. IF THE COURT ORDERS THE

1 RESPONDENT TO PAY CHILD SUPPORT, THE COURT SHALL ORDER THE
2 PAYMENTS TO BE MADE THROUGH THE CHILD SUPPORT REGISTRY TO AVOID
3 THE NEED FOR ANY CONTACT BETWEEN THE PARTIES AND ORDER THAT THE
4 PAYMENTS BE TREATED AS A NONDISCLOSURE OF INFORMATION CASE. IF
5 THE PETITIONER'S PARENT-CHILD LEGAL RELATIONSHIP TO THE CHILD IS
6 TERMINATED AFTER THE ENTRY OF A CHILD SUPPORT ORDER AGAINST THE
7 RESPONDENT, THE COURT SHALL MODIFY THE CHILD SUPPORT ORDER
8 ACCORDINGLY.

9 (13) A RESPONDENT WHOSE PARENT-CHILD LEGAL RELATIONSHIP
10 HAS BEEN TERMINATED IN ACCORDANCE WITH THIS SECTION HAS NO RIGHT
11 TO MAKE MEDICAL TREATMENT DECISIONS OR ANY OTHER DECISIONS ON
12 BEHALF OF THE CHILD.

13 (14) THE COURT MAY ORDER A RESPONDENT WHOSE PARENT-CHILD
14 LEGAL RELATIONSHIP HAS BEEN TERMINATED TO PROVIDE MEDICAL AND
15 FAMILY INFORMATION TO BE SHARED WITH THE CHILD, AS APPROPRIATE,
16 AND WITH THE PETITIONER. THE SHARING OF INFORMATION MUST BE
17 CONSISTENT WITH THE UNIFORM PROCESS ESTABLISHED BY THE STATE
18 COURT ADMINISTRATOR AS PROVIDED IN SECTION 19-5-105.5 (9.5). THE
19 COURT MAY ORDER THAT A RESPONDENT'S FAILURE TO COMPLY WITH THE
20 REQUEST FOR INFORMATION IN A TIMELY MANNER CONSTITUTES
21 CONTEMPT OF COURT.

22 (15) THE JUVENILE COURT HAS ORIGINAL CONCURRENT
23 JURISDICTION TO ISSUE A TEMPORARY OR PERMANENT CIVIL PROTECTION
24 ORDER PURSUANT TO SECTION 13-14-104.5 OR 13-14-106, C.R.S.

25 (16) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP
26 PURSUANT TO SUBSECTION (10) OF THIS SECTION IS AN INDEPENDENT BASIS
27 FOR TERMINATION OF PARENTAL RIGHTS, AND THE COURT NEED NOT MAKE

1 ANY OF THE CONSIDERATIONS OR FINDINGS DESCRIBED IN SECTION
2 19-3-604, 19-5-103.5, OR 19-5-105.

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

6 **SECTION 5.** In Colorado Revised Statutes, **amend** 19-5-102 as
7 follows:

8 **19-5-102. Venue.** (1) A petition for relinquishment of the
9 parent-child relationship shall be filed in the county where the child
10 resides or in the county where the petitioner resides. If a child placement
11 agency is involved, the petition may be filed in the county where the child
12 placement agency is located.

13 (2) A PETITION FOR TERMINATION OF THE PARENT-CHILD LEGAL
14 RELATIONSHIP PURSUANT TO SECTION 19-5-105.5 OR SECTION 19-5-105.7
15 MUST BE FILED IN THE COUNTY WHERE THE CHILD RESIDES OR IN THE
16 COUNTY WHERE THE PETITIONER RESIDES.

17 **SECTION 6.** In Colorado Revised Statutes, 19-5-105, **amend**
18 (3.1) (a) (IV) as follows:

19 **19-5-105. Proceeding to terminate parent-child legal**
20 **relationship.** (3.1) The court may order the termination of the other birth
21 parent's parental rights upon a finding that termination is in the best
22 interests of the child and that there is clear and convincing evidence of
23 one or more of the following:

24 (a) That the parent is unfit. In considering the fitness of the child's
25 parent, the court shall consider, but shall not be limited to, the following:

26 (IV) A history of violent behavior that demonstrates that the
27 individual is unfit to maintain a parent-child relationship with the minor,

1 WHICH MAY INCLUDE AN INCIDENCE OF SEXUAL ASSAULT, AS DEFINED IN
2 SECTION 19-1-103 (96.5), THAT RESULTED IN THE CONCEPTION OF THE
3 CHILD;

4 **SECTION 7.** In Colorado Revised Statutes, 14-10-124, **amend**
5 (1.5) (a) introductory portion, (1.5) (b) introductory portion, (4) (a)
6 introductory portion, (4) (b), (4) (d), and (4) (e); and **add** (1.3) (c), (4) (a)
7 (III), and (4) (a) (IV) as follows:

8 **14-10-124. Best interests of child. (1.3) Definitions.** For
9 purposes of this section and section 14-10-129 (2) (c), unless the context
10 otherwise requires:

11 (c) "SEXUAL ASSAULT" HAS THE SAME MEANING AS SET FORTH IN
12 SECTION 19-1-103 (96.5), C.R.S.

13 (1.5) **Allocation of parental responsibilities.** The court shall
14 determine the allocation of parental responsibilities, including parenting
15 time and decision-making responsibilities, in accordance with the best
16 interests of the child giving paramount consideration to the child's safety
17 and the physical, mental, and emotional conditions and needs of the child
18 as follows:

19 (a) **Determination of parenting time.** The court, upon the motion
20 of either party or upon its own motion, may make provisions for parenting
21 time that the court finds are in the child's best interests unless the court
22 finds, after a hearing, that parenting time by the party would endanger the
23 child's physical health or significantly impair the child's emotional
24 development. In addition to a finding that parenting time would endanger
25 the child's physical health or significantly impair the child's emotional
26 development, in any order imposing or continuing a parenting time
27 restriction the court shall enumerate the specific factual findings

1 supporting the restriction AND MAY ENUMERATE THE CONDITIONS THAT
2 THE RESTRICTED PARTY COULD FULFILL IN ORDER TO SEEK MODIFICATION
3 IN THE PARENTING PLAN. When a claim of child abuse or neglect, or
4 domestic violence, OR SEXUAL ASSAULT WHERE THERE IS ALSO A CLAIM
5 THAT THE CHILD WAS CONCEIVED AS A RESULT OF THE SEXUAL ASSAULT
6 has been made to the court, or the court has reason to believe that a party
7 has committed child abuse or neglect, or domestic violence, OR SEXUAL
8 ASSAULT WHERE THERE IS ALSO A CLAIM THAT THE CHILD WAS CONCEIVED
9 AS A RESULT OF THE SEXUAL ASSAULT, prior to determining parenting
10 time, the court shall follow the provisions of subsection (4) of this
11 section. In determining the best interests of the child for purposes of
12 parenting time, the court shall consider all relevant factors, including:

13 (b) **Allocation of decision-making responsibility.** The court,
14 upon the motion of either party or its own motion, shall allocate the
15 decision-making responsibilities between the parties based upon the best
16 interests of the child. In determining decision-making responsibility, the
17 court may allocate the decision-making responsibility with respect to each
18 issue affecting the child mutually between both parties or individually to
19 one or the other party or any combination thereof. When a claim of child
20 abuse or neglect or domestic violence has been made to the court, or the
21 court has reason to believe that a party has committed child abuse or
22 neglect, or domestic violence, OR SEXUAL ASSAULT WHERE THERE IS ALSO
23 A CLAIM THAT THE CHILD IN QUESTION WAS CONCEIVED AS A RESULT OF
24 THE SEXUAL ASSAULT, prior to allocating decision-making responsibility,
25 the court shall follow the provisions of subsection (4) of this section. In
26 determining the best interests of the child for purposes of allocating
27 decision-making responsibilities, the court shall consider, in addition to

1 the factors set forth in paragraph (a) of this subsection (1.5), all relevant
2 factors including:

3 (4) (a) When a claim of child abuse or neglect, or domestic
4 violence, OR SEXUAL ASSAULT WHERE THERE IS ALSO A CLAIM THAT THE
5 CHILD WAS CONCEIVED AS A RESULT OF THE SEXUAL ASSAULT has been
6 made to the court, or the court has reason to believe that a party has
7 committed child abuse or neglect, or domestic violence, OR SEXUAL
8 ASSAULT THAT RESULTED IN THE CONCEPTION OF THE CHILD, prior to
9 allocating parental responsibilities, including parenting time and
10 decision-making responsibility, and prior to considering the factors set
11 forth in paragraphs (a) and (b) of subsection (1.5) of this section, the court
12 shall consider the following factors:

13 (III) WHETHER ONE OF THE PARTIES HAS COMMITTED AN ACT OF
14 SEXUAL ASSAULT RESULTING IN THE CONCEPTION OF THE CHILD, WHICH
15 FACTOR MUST BE SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE. IF
16 THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT ONE OF
17 THE PARTIES HAS COMMITTED SEXUAL ASSAULT AND THE CHILD WAS
18 CONCEIVED AS A RESULT OF THE SEXUAL ASSAULT, THERE IS A
19 REBUTTABLE PRESUMPTION THAT IT IS NOT IN THE BEST INTERESTS OF THE
20 CHILD TO ALLOCATE SOLE OR SPLIT DECISION-MAKING AUTHORITY TO THE
21 PARTY FOUND TO HAVE COMMITTED SEXUAL ASSAULT OR TO ALLOCATE
22 MUTUAL DECISION-MAKING BETWEEN A PARTY FOUND TO HAVE
23 COMMITTED SEXUAL ASSAULT AND THE PARTY WHO WAS SEXUALLY
24 ASSAULTED WITH RESPECT TO ANY ISSUE.

25 (IV) IF ONE OF THE PARTIES IS FOUND BY A PREPONDERANCE OF
26 THE EVIDENCE TO HAVE COMMITTED SEXUAL ASSAULT RESULTING IN THE
27 CONCEPTION OF THE CHILD, WHETHER IT IS IN THE BEST INTERESTS OF THE

1 CHILD TO PROHIBIT OR LIMIT THE PARENTING TIME OF THAT PARTY WITH
2 THE CHILD.

3 (b) The court shall consider the additional factors set forth in
4 paragraphs (a) and (b) of subsection (1.5) of this section in light of any
5 finding of child abuse or neglect, or domestic violence, OR SEXUAL
6 ASSAULT RESULTING IN THE CONCEPTION OF A CHILD pursuant to this
7 subsection (4).

8 (d) When the court finds by a preponderance of the evidence that
9 one of the parties has committed child abuse or neglect, or domestic
10 violence, OR SEXUAL ASSAULT RESULTING IN THE CONCEPTION OF THE
11 CHILD, the court shall consider, as the primary concern, the safety and
12 well-being of the child and the abused party.

13 (e) When the court finds by a preponderance of the evidence that
14 one of the parties has committed child abuse or neglect, or domestic
15 violence, OR SEXUAL ASSAULT RESULTING IN THE CONCEPTION OF THE
16 CHILD, in formulating or approving a parenting plan, the court shall
17 consider conditions on parenting time that ensure the safety of the child
18 and of the abused party. In addition to any provisions set forth in
19 subsection (7) of this section that are appropriate, the parenting plan in
20 these cases may include, but is not limited to, the following provisions:

21 (I) An order limiting contact between the parties to contact that
22 the court deems is safe and that minimizes unnecessary communication
23 between the parties;

24 (II) An order that requires the exchange of the child for parenting
25 time to occur in a protected setting determined by the court;

26 (III) An order for supervised parenting time;

27 (IV) An order restricting overnight parenting time;

1 (V) An order that restricts the party who has committed domestic
2 violence, SEXUAL ASSAULT, or child abuse or neglect from possessing or
3 consuming alcohol or controlled substances during parenting time or for
4 twenty-four hours prior to the commencement of parenting time;

5 (VI) An order directing that the address of the child or of any
6 party remain confidential; and

7 (VII) An order that imposes any other condition on one or more
8 parties that the court determines is necessary to protect the child, another
9 party, or any other family or household member of a party; AND

10 (VIII) AN ORDER THAT REQUIRES CHILD SUPPORT PAYMENTS TO BE
11 MADE THROUGH THE CHILD SUPPORT REGISTRY TO AVOID THE NEED FOR
12 ANY RELATED CONTACT BETWEEN THE PARTIES AND AN ORDER THAT THE
13 PAYMENTS BE TREATED AS A NONDISCLOSURE OF INFORMATION CASE.

14 **SECTION 8.** In Colorado Revised Statutes, 14-10-129, **add** (2.5)
15 as follows:

16 **14-10-129. Modification of parenting time.** (2.5) (a) WHEN THE
17 COURT RESTRICTS A PARTY'S PARENTING TIME PURSUANT TO SECTION
18 19-5-105.5, C.R.S., OR SECTION 19-5-105.7, C.R.S., OR SECTION
19 14-10-124 (4) (a) (IV), THE COURT MAY MAKE OR MODIFY AN ORDER
20 GRANTING OR DENYING PARENTING TIME RIGHTS WHENEVER SUCH ORDER
21 OR MODIFICATION WOULD SERVE THE BEST INTERESTS OF THE CHILD.
22 WITHIN THIRTY-FIVE DAYS AFTER THE FILING OF A VERIFIED MOTION BY
23 THE RESTRICTED PARTY SEEKING A MODIFICATION OF PARENTING TIME,
24 THE COURT SHALL DETERMINE FROM THE VERIFIED MOTION, AND
25 RESPONSE TO THE MOTION, IF ANY, WHETHER THERE HAS BEEN A
26 SUBSTANTIAL AND CONTINUING CHANGE OF CIRCUMSTANCES SUCH THAT
27 THE CURRENT PARENTING TIME ORDERS ARE NO LONGER IN THE CHILD'S

1 BEST INTERESTS, INCLUDING CONSIDERATION OF WHETHER THE
2 RESTRICTED PARENT HAS SATISFACTORILY COMPLIED WITH ANY
3 CONDITIONS SET FORTH BY THE COURT WHEN THE COURT IMPOSED THE
4 RESTRICTIONS ON PARENTING TIME, AND EITHER:

5 (I) DENY THE MOTION, IF THERE IS AN INADEQUATE ALLEGATION;
6 OR

7 (II) SET THE MATTER FOR HEARING AS EXPEDITIOUSLY AS POSSIBLE
8 WITH NOTICE TO THE PARTIES OF THE TIME AND PLACE OF THE HEARING.

9 (b) IF THE COURT FINDS THAT THE FILING OF A MOTION UNDER
10 PARAGRAPH (a) OF THIS SUBSECTION (2.5) WAS SUBSTANTIALLY
11 FRIVOLOUS, SUBSTANTIALLY GROUNDLESS, SUBSTANTIALLY VEXATIOUS,
12 OR INTENDED TO HARASS OR INTIMIDATE THE OTHER PARTY, THE COURT
13 SHALL REQUIRE THE MOVING PARTY TO PAY THE REASONABLE AND
14 NECESSARY ATTORNEY FEES AND COSTS OF THE OTHER PARTY.

15 **SECTION 9.** In Colorado Revised Statutes, 19-1-103, **amend**
16 (96.5) introductory portion as follows:

17 **19-1-103. Definitions.** As used in this title or in the specified
18 portion of this title, unless the context otherwise requires:

19 (96.5) "Sexual assault", as used in ~~section 19-5-105.5~~ SECTIONS
20 19-5-105, 19-5-105.5, AND 19-5-105.7, means:

21 **SECTION 10. Effective date - applicability.** (1) This act takes
22 effect July 1, 2014.

23 (2) Sections 1 through 3 of this act apply to convictions occurring
24 on or after July 1, 2013.

25 (3) Sections 4 through 7 of this act apply to acts occurring on or
26 after July 1, 2014.

27 **SECTION 11. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.