

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 16-0358.01 Jane Ritter x4342

HOUSE BILL 16-1110

HOUSE SPONSORSHIP

Neville P., Humphrey, Priola, Saine, Van Winkle, Ransom, Landgraf, Klingenschmitt, Everett, Lundeen, Windholz, Carver, Joshi, Navarro

SENATE SPONSORSHIP

Neville T., Marble, Holbert

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PARENT'S BILL OF RIGHTS.**

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 establishes a liberty interest and fundamental right for parents in the care, custody, and control of a parent's child, restricting governmental entities from infringing on such interests and rights without demonstrating a compelling governmental interest that cannot be accomplished through less restrictive means.

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, **add** article 16 to title
3 14 as follows:

4 **ARTICLE 16**

5 **Parent's Bill of Rights**

6 **14-16-101. Short title.** THE SHORT TITLE OF THIS ARTICLE IS THE
7 "PARENT'S BILL OF RIGHTS".

8 **14-16-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "MINOR CHILD" MEANS A PERSON SEVENTEEN YEARS OF AGE
11 OR YOUNGER.

12 (2) "PARENT" MEANS THE NATURAL OR ADOPTIVE PARENT OR
13 LEGAL GUARDIAN OF A MINOR CHILD.

14 **14-16-103. Parental rights reserved - exceptions - application.**

15 (1) THE LIBERTY INTERESTS OF A PARENT IN THE CARE, CUSTODY, AND
16 CONTROL OF THE PARENT'S CHILD ARE A FUNDAMENTAL RIGHT.

17 (2) NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION OF THIS
18 STATE, NOR ANY OTHER GOVERNMENTAL ENTITY, MAY INFRINGE ON THESE
19 RIGHTS WITHOUT DEMONSTRATING THAT THE GOVERNMENTAL ENTITY'S
20 COMPELLING GOVERNMENTAL INTEREST AS APPLIED TO THE PARENT IS OF
21 THE HIGHEST ORDER AND CANNOT OTHERWISE BE SERVED THROUGH LESS
22 RESTRICTIVE MEANS.

23 (3) NOTHING IN THIS ARTICLE IS CONSTRUED TO PROHIBIT A COURT,
24 LAW ENFORCEMENT OFFICER OR AGENCY, OR EMPLOYEE OF ANY STATE,
25 COUNTY, CITY OR COUNTY, OR MUNICIPAL AGENCY THAT PROVIDES CHILD
26 WELFARE SERVICES FROM ACTING IN THE ENTITY'S OR INDIVIDUAL'S
27 OFFICIAL CAPACITY WITHIN THE SCOPE OF THE ENTITY'S OR INDIVIDUAL'S

1 AUTHORITY.

2 (4) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
3 CONTRARY, THE PROVISIONS OF THIS ARTICLE APPLY TO ANY STATUTE,
4 AGENCY RULE, OR LOCAL ORDINANCE AND THE IMPLEMENTATION OF SUCH
5 STATUTE, AGENCY RULE, OR LOCAL ORDINANCE.

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2016 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.