

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

PREAMENDED

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

LLS NO. 13-0669.01 Debbie Haskins x2045

SENATE BILL 13-227

SENATE SPONSORSHIP

Carroll and Hudak, Aguilar, Cadman, Giron, Guzman, Harvey, Heath, Jahn, Jones, Kerr, King, Morse, Newell, Nicholson, Roberts, Schwartz, Todd, Ulibarri

HOUSE SPONSORSHIP

Landgraf, Buck, Gardner, Humphrey, Lebsack, Melton, Mitsch Bush, Navarro, Priola, Rankin, Saine, Schafer, Stephens, Vigil, Wilson, Young

Senate Committees

Judiciary
Appropriations

House Committees

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.**

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 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

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.

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.

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:

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

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

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

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

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

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

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

21 **19-5-101. Termination of the parent-child legal relationship.**

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

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

26 (c) Proceedings under section 19-5-203 (1) (d), (1) (e), (1) (f), (1)
27 (j), and (1) (k); OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (10) TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP
26 PURSUANT TO SUBSECTION (6) 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 SECTIONS
2 19-5-105, 19-5-103.5, OR 19-3-604.

3 (11) NOTHING IN THIS SECTION PROHIBITS THE TERMINATION OF
4 PARENTAL RIGHTS BY THE COURT USING THE CRITERIA DESCRIBED IN
5 SECTIONS 19-5-105, 19-5-103.5, OR 19-3-604 IN CASES THAT DO NOT MEET
6 THE CRITERIA SET FORTH IN THIS SECTION.

7 **SECTION 4.** In Colorado Revised Statutes, 18-3-402, **add** (7) as
8 follows:

9 **18-3-402. Sexual assault.** (7) FOR AN OFFENSE COMMITTED ON
10 OR AFTER JULY 1, 2013, UPON CONVICTION OF A SEXUAL ASSAULT UNDER
11 THIS SECTION, A PERSON HAS NO RIGHT:

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

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

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

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

22 **18-3-404. Unlawful sexual assault.** (4) FOR AN OFFENSE
23 COMMITTED ON OR AFTER JULY 1, 2013, UPON CONVICTION OF UNLAWFUL
24 SEXUAL ASSAULT UNDER THIS SECTION, A PERSON HAS NO RIGHT:

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

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

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

6 **SECTION 6.** In Colorado Revised Statutes, 18-3-405.3, **add** (5)
7 as follows:

8 **18-3-405.3. Sexual assault on a child by one in a position of**
9 **trust.** (5) FOR AN OFFENSE COMMITTED ON OR AFTER JULY 1, 2013, UPON
10 CONVICTION OF A SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF
11 TRUST UNDER THIS SECTION, A PERSON HAS NO RIGHT:

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

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

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

20 **SECTION 7.** In Colorado Revised Statutes, 18-3-405.5, **add** (5)
21 as follows:

22 **18-3-405.5. Sexual assault on a client by a psychotherapist.**
23 (5) FOR AN OFFENSE COMMITTED ON OR AFTER JULY 1, 2013, UPON
24 CONVICTION OF A SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST
25 UNDER THIS SECTION, A PERSON HAS NO RIGHT:

26 (a) TO ALLOCATION OF PARENTAL RESPONSIBILITIES, INCLUDING
27 PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES FOR A CHILD

1 CONCEIVED AS A RESULT OF THE COMMISSION OF THAT OFFENSE;
2 (b) OF INHERITANCE FROM A CHILD CONCEIVED AS A RESULT OF
3 THE COMMISSION OF THAT OFFENSE; AND
4 (c) TO NOTIFICATION OF OR THE RIGHT TO OBJECT TO THE
5 ADOPTION OF A CHILD CONCEIVED AS A RESULT OF THE COMMISSION OF
6 THAT OFFENSE.

7 **SECTION 8.** In Colorado Revised Statutes, **add** part 5 to article
8 1 of title 26 as follows:

9 PART 5

10 TASK FORCE ON CHILDREN CONCEIVED BY RAPE

11 **26-1-501. Task force on children conceived by rape -**
12 **legislative declaration - creation - duties - report - repeal of part.**

13 (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND
14 DECLARES THAT:

15 (I) SECTION 19-5-105.5, C.R.S., ADDRESSES THE INTERESTS OF THE
16 PARTIES AFFECTED AND CREATES A PROCESS TO TERMINATE THE
17 PARENTAL RIGHTS OF A PERPETRATOR OF SEXUAL ASSAULT IN
18 CIRCUMSTANCES IN WHICH A PARENT WAS CONVICTED OF AN ACT OF
19 SEXUAL ASSAULT AGAINST THE VICTIM OR CONVICTED OF A CRIME IN
20 WHICH THE UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT AGAINST
21 THE VICTIM AND A CHILD WAS CONCEIVED AS A RESULT OF THAT SEXUAL
22 ASSAULT OR CRIME;

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

1 (III) THERE REMAIN UNRESOLVED AND DIFFICULT POLICY ISSUES
2 RELATED TO THE PARENTAL RIGHTS OF THE PARTIES INVOLVED IN THOSE
3 CIRCUMSTANCES DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH
4 (a) THAT DO NOT QUALIFY FOR THE PROCESS AFFORDED IN SECTION
5 19-5-105.5, C.R.S.

6 (b) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT WOULD BE
7 BENEFICIAL TO CONVENE A TASK FORCE OF EXPERTS TO STUDY THE ISSUES
8 ASSOCIATED WITH PARENTAL RIGHTS IN CASES IN WHICH THERE ARE
9 ALLEGATIONS THAT A SEXUAL ASSAULT OCCURRED, A CONVICTION OF OR
10 PROSECUTION FOR SEXUAL ASSAULT HAS NOT OCCURRED, AND A CHILD
11 HAS BEEN CONCEIVED AS A RESULT OF THE ALLEGED SEXUAL ASSAULT. IT
12 IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE TASK FORCE MAKE
13 RECOMMENDATIONS ON FUTURE LEGISLATION TO ADDRESS THESE
14 CONCERNS.

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

19 (3) THE TASK FORCE SHALL STUDY AND MAKE RECOMMENDATIONS
20 TO THE GENERAL ASSEMBLY CONCERNING PROTECTIONS FOR RAPE VICTIMS
21 AND CONCERNING PARENTAL RIGHTS OF THE PARTIES INVOLVED IN THOSE
22 CASES IN WHICH THERE ARE ALLEGATIONS THAT A SEXUAL ASSAULT
23 OCCURRED, A CONVICTION OF OR PROSECUTION FOR SEXUAL ASSAULT HAS
24 NOT OCCURRED, AND A CHILD HAS BEEN CONCEIVED AS A RESULT OF THE
25 ALLEGED SEXUAL ASSAULT. THE TASK FORCE STUDY MUST INCLUDE BUT
26 IS NOT LIMITED TO THE FOLLOWING ISSUES:

27 (a) WHAT MECHANISMS AND DUE PROCESS PROTECTIONS CAN BE

1 ESTABLISHED FOR THE COURT TO LIMIT OR TERMINATE PARENTAL RIGHTS,
2 MAKE DECISIONS ABOUT ALLOCATION OF RIGHTS AND RESPONSIBILITIES OF
3 THE PARENTS, AND ISSUE PROTECTIVE NO-CONTACT ORDERS;

4 (b) WHAT BURDEN OF PROOF SHOULD BE USED BY THE COURT IN
5 MAKING THE FINDINGS IN PARAGRAPH (a) OF THIS SUBSECTION (3);

6 (c) THE UNIQUE CONSIDERATIONS AND CHALLENGES THAT ARE
7 PRESENTED BY CASES INVOLVING DOMESTIC VIOLENCE;

8 (d) THE UNIQUE CONSIDERATIONS AND CHALLENGES THAT ARE
9 PRESENTED BY CASES WHERE THE PERSON WHO COMMITTED OR IS
10 ALLEGED TO HAVE COMMITTED THE SEXUAL ASSAULT IS A WOMAN AND
11 THE WOMAN BECOMES IMPREGNATED AND CONCEIVES A CHILD;

12 (e) HOW PARENTAL RIGHTS SHOULD BE DETERMINED AND
13 ADDRESSED THROUGH DEPENDENCY OR NEGLECT PROCEEDINGS IN THE
14 JUVENILE JUSTICE SYSTEM;

15 (f) HOW PARENTAL RESPONSIBILITIES SHOULD BE ALLOCATED IN
16 DOMESTIC RELATIONS CASES BROUGHT UNDER ARTICLE 10 OF TITLE 14,
17 C.R.S.;

18 (g) HOW TO ADDRESS THE VISITATION RIGHTS OF GRANDPARENTS
19 OF THE CHILD IN THESE CIRCUMSTANCES;

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

22 (i) THE NECESSITY OF OBTAINING CONSENT FROM BOTH
23 BIOLOGICAL PARENTS TO THE ADOPTION OF THE CHILD AND HOW TO
24 OBTAIN THAT CONSENT;

25 (j) WHETHER AND HOW TO ALLOW A BIRTH PARENT TO RELINQUISH
26 THE CHILD THROUGH AN EXPEDITED RELINQUISHMENT PROCEDURE FOR A
27 CHILD UNDER ONE YEAR OF AGE AND SEEK THE TERMINATION OF THE

1 PARENT-CHILD LEGAL RELATIONSHIP OF THE OTHER PARENT WHO IS
2 ALLEGED TO BE THE PERPETRATOR OF SEXUAL ASSAULT SO THAT THE
3 CHILD MAY LEGALLY BE AVAILABLE FOR ADOPTION;

4 (k) WITH RESPECT TO THE ALLEGED PERPETRATOR'S PARENTAL
5 RIGHTS, THE ADVANTAGES AND DISADVANTAGES OF AND COMPARISONS
6 OF:

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

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

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

19 (l) THE FEASIBILITY OF ALLOWING THE VICTIM TO EXERCISE
20 PARENTAL CHOICE ABOUT WHETHER THE OBLIGATIONS FOR CHILD SUPPORT
21 OF THE OTHER PARENT ARE LEFT INTACT OR ARE ELIMINATED, INCLUDING
22 BALANCING THE RIGHTS OF THE CHILD TO BE FINANCIALLY SUPPORTED
23 WITH THE VICTIM'S CHOICE TO WAIVE CHILD SUPPORT, AND INCLUDING AN
24 EXAMINATION OF WHETHER SUCH A CHOICE CAN BE WAIVED IN
25 CIRCUMSTANCES IN WHICH THE CHILD WOULD QUALIFY FOR PUBLIC
26 ASSISTANCE BENEFITS; AND

27 (m) THE RESOURCES AND TRAINING NEEDED TO TRAIN DOMESTIC

1 RELATIONS STAFF IN THE JUDICIAL BRANCH WHO WORK WITH THE PARTIES
2 AND THE COSTS ASSOCIATED WITH PROVIDING RESOURCES AND TRAINING.

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

11 (5) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING
12 MEMBERS:

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

14 (I) A REPRESENTATIVE OF A STATEWIDE SEXUAL ASSAULT
15 COALITION;

16 (II) A REPRESENTATIVE OF A STATEWIDE DOMESTIC VIOLENCE
17 COALITION;

18 (III) AN EXPERT IN THE FEDERAL "INDIAN CHILD WELFARE ACT",
19 25 U.S.C., CHAPTER 21;

20 (IV) A REPRESENTATIVE FROM A CHILDREN'S ADVOCACY CENTER
21 OR STATEWIDE ORGANIZATION REPRESENTING CHILDREN'S ADVOCACY
22 CENTERS;

23 (V) A REPRESENTATIVE OF A STATEWIDE DISABILITY RIGHTS
24 ORGANIZATION;

25 (VI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
26 ADVOCATES ON BEHALF OF CRIME VICTIMS;

27 (b) A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN SERVICES

1 WHO IS FAMILIAR WITH CHILD WELFARE, ADOPTION SERVICES, AND CHILD
2 SUPPORT ENFORCEMENT APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT OF HUMAN SERVICES;

4 (c) A REPRESENTATIVE FROM THE OFFICE OF THE CHILD'S
5 REPRESENTATIVE APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO
6 SUPREME COURT;

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

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

11 (f) A REPRESENTATIVE OF COUNTY DEPARTMENTS OF SOCIAL
12 SERVICES WHO WORKS IN CHILD PROTECTIVE SERVICES APPOINTED BY
13 COLORADO COUNTIES, INC.;

14 (g) AN ATTORNEY WHO REPRESENTS A COUNTY AND WHO IS
15 APPOINTED BY THE ASSOCIATION THAT REPRESENTS COUNTY HUMAN
16 SERVICES DIRECTORS IN COLORADO;

17 (h) A REPRESENTATIVE FROM THE FAMILY LAW SECTION OF THE
18 COLORADO BAR ASSOCIATION WHO IS FAMILIAR WITH FAMILY LAW AND
19 ADOPTION LAW APPOINTED BY THE COLORADO BAR ASSOCIATION;

20 (i) A REPRESENTATIVE FROM THE JUVENILE LAW SECTION OF THE
21 COLORADO BAR ASSOCIATION APPOINTED BY THE COLORADO BAR
22 ASSOCIATION;

23 (j) A REPRESENTATIVE FROM THE CRIMINAL LAW SECTION OF THE
24 COLORADO BAR ASSOCIATION WHO IS A CRIMINAL DEFENSE ATTORNEY
25 APPOINTED BY THE COLORADO BAR ASSOCIATION; _____

26 (k) A REPRESENTATIVE APPOINTED BY THE COLORADO DISTRICT
27 ATTORNEYS' COUNCIL; AND

1 (1) A PERSON WHO IS A SURVIVOR OF A SEXUAL ASSAULT
2 APPOINTED BY A STATEWIDE ORGANIZATION THAT ADVOCATES ON BEHALF
3 OF SEXUAL ASSAULT VICTIMS.

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

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

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

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

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

16 (9) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
17 COMPENSATION AND SHALL NOT BE ENTITLED TO REIMBURSEMENT FOR
18 EXPENSES.

19 (10) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF
20 LEGISLATIVE LEGAL SERVICES SHALL NOT PROVIDE STAFF SUPPORT TO THE
21 TASK FORCE.

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

23 **SECTION 9. Effective date - applicability.** (1) Except as
24 otherwise provided in this section, this act takes effect upon passage.

25 (2) Sections 1 through 7 of this act take effect July 1, 2013, and
26 apply to acts or offenses committed on or after said date.

27 **SECTION 10. 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.