

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 23-0616.02 Alana Rosen x2606

**HOUSE BILL 23-1026**

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**HOUSE SPONSORSHIP**

**English, Joseph**

**SENATE SPONSORSHIP**

**Fields,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING FAMILY TIME FOR GRANDPARENTS.**

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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://leg.colorado.gov>.)*

Current law allows a grandparent or great-grandparent to seek a court order granting the grandparent or great-grandparent the right to visit grandchildren or great-grandchildren when there is or has been a child custody case or a case concerning the allocation of parental responsibilities relating to that child. The bill allows a court to appoint a child's legal representative to represent the child's best interests in a matter seeking to grant grandparents or great-grandparents family time with grandchildren or great-grandchildren.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

The bill changes the term "visitation rights" to "family time".

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 19-1-117 as  
3 follows:

4           **19-1-117. Family time for grandparents or great-grandparents**  
5 **- short title - legislative declaration - definitions.** (1) ~~Any grandparent~~  
6 ~~or great-grandparent of a child may, in the manner set forth in this~~  
7 ~~section, seek a court order granting the grandparent or great-grandparent~~  
8 ~~reasonable grandchild or great-grandchild visitation rights when there is~~  
9 ~~or has been a child custody case or a case concerning the allocation of~~  
10 ~~parental responsibilities relating to that child. Because cases arise that do~~  
11 ~~not directly deal with child custody or the allocation of parental~~  
12 ~~responsibilities but nonetheless have an impact on the custody of or~~  
13 ~~parental responsibilities with respect to a child, for the purposes of this~~  
14 ~~section, a "case concerning the allocation of parental responsibilities with~~  
15 ~~respect to a child" includes any of the following, whether or not child~~  
16 ~~custody was or parental responsibilities were specifically an issue:~~

17           ~~(a) That the marriage of the child's parents has been declared~~  
18 ~~invalid or has been dissolved by a court or that a court has entered a~~  
19 ~~decree of legal separation with regard to such marriage;~~

20           ~~(b) That legal custody of or parental responsibilities with respect~~  
21 ~~to the child have been given or allocated to a party other than the child's~~  
22 ~~parent or that the child has been placed outside of and does not reside in~~  
23 ~~the home of the child's parent, excluding any child who has been placed~~  
24 ~~for adoption or whose adoption has been legally finalized; or~~

25           ~~(c) That the child's parent, who is the child of the grandparent or~~

1 ~~grandchild of the great-grandparent, has died.~~ THE SHORT TITLE OF THIS  
2 SECTION IS THE "GRANDPARENTS' RIGHTS FOR AALIYAH AND MYAH ACT".

3 (1.2) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

4 (I) A CLOSE RELATIONSHIP BETWEEN GRANDPARENTS OR  
5 GREAT-GRANDPARENTS AND GRANDCHILDREN OR GREAT-GRANDCHILDREN  
6 CAN BE BENEFICIAL FOR THE HEALTH AND WELL-BEING OF  
7 GRANDCHILDREN OR GREAT-GRANDCHILDREN;

8 (II) GRANDPARENTS AND GREAT-GRANDPARENTS MAY PROVIDE  
9 ACCEPTANCE, PATIENCE, LOVE, STABILITY, WISDOM, AND SUPPORT TO  
10 GRANDCHILDREN AND GREAT-GRANDCHILDREN; AND

11 (III) GRANDCHILDREN AND GREAT-GRANDCHILDREN WHO GROW  
12 UP WITH A GREATER EMOTIONAL CONNECTION TO THEIR GRANDPARENTS  
13 AND GREAT-GRANDPARENTS ARE LESS LIKELY TO BE DEPRESSED AS  
14 ADULTS.

15 (b) THE GENERAL ASSEMBLY FURTHER FINDS THAT IT MAY BE IN  
16 THE BEST INTERESTS OF GRANDCHILDREN AND GREAT-GRANDCHILDREN TO  
17 BE GRANTED FAMILY TIME WITH GRANDPARENTS AND  
18 GREAT-GRANDPARENTS BECAUSE OF THE POSITIVE EFFECTS THE  
19 RELATIONSHIP MAY HAVE ON A GRANDCHILD'S OR GREAT-GRANDCHILD'S  
20 HEALTH AND WELL-BEING.

21 (1.5) ANY GRANDPARENT OR GREAT-GRANDPARENT OF A CHILD  
22 MAY, IN THE MANNER SET FORTH IN THIS SECTION, SEEK A COURT ORDER  
23 GRANTING THE GRANDPARENT OR GREAT-GRANDPARENT REASONABLE  
24 FAMILY TIME WITH A GRANDCHILD OR GREAT-GRANDCHILD WHEN THERE  
25 IS OR HAS BEEN A CHILD CUSTODY CASE OR A CASE CONCERNING THE  
26 ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO THAT  
27 CHILD. BECAUSE CASES ARISE THAT DO NOT DIRECTLY DEAL WITH CHILD

1 CUSTODY OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES BUT  
2 NONETHELESS HAVE AN IMPACT ON THE CUSTODY OF OR PARENTAL  
3 RESPONSIBILITIES WITH RESPECT TO A CHILD, FOR THE PURPOSES OF THIS  
4 SECTION, A "CASE CONCERNING THE ALLOCATION OF PARENTAL  
5 RESPONSIBILITIES WITH RESPECT TO A CHILD" INCLUDES ANY OF THE  
6 FOLLOWING, WHETHER OR NOT CHILD CUSTODY WAS OR PARENTAL  
7 RESPONSIBILITIES WERE SPECIFICALLY AN ISSUE:

8 (a) THAT THE MARRIAGE OF THE CHILD'S PARENTS HAS BEEN  
9 DECLARED INVALID OR HAS BEEN DISSOLVED BY A COURT OR THAT A  
10 COURT HAS ENTERED A DECREE OF LEGAL SEPARATION WITH REGARD TO  
11 SUCH MARRIAGE;

12 (b) THAT LEGAL CUSTODY OF OR PARENTAL RESPONSIBILITIES  
13 WITH RESPECT TO THE CHILD HAVE BEEN GIVEN OR ALLOCATED TO A  
14 PARTY OTHER THAN THE CHILD'S PARENT OR THAT THE CHILD HAS BEEN  
15 PLACED OUTSIDE OF AND DOES NOT RESIDE IN THE HOME OF THE CHILD'S  
16 PARENT, EXCLUDING ANY CHILD WHO HAS BEEN PLACED FOR ADOPTION OR  
17 WHOSE ADOPTION HAS BEEN LEGALLY FINALIZED; OR

18 (c) THAT THE CHILD'S PARENT, WHO IS THE CHILD OF THE  
19 GRANDPARENT OR GRANDCHILD OF THE GREAT-GRANDPARENT, HAS DIED.

20 (2) A party seeking a grandchild or great-grandchild ~~visitation~~  
21 FAMILY TIME order shall submit, together with ~~his or her~~ THE PARTY'S  
22 motion for ~~visitation~~ FAMILY TIME, to the district court for the district in  
23 which the child resides an affidavit setting forth facts supporting the  
24 requested order and shall give notice, together with a copy of ~~his or her~~  
25 THE PARTY'S affidavit, to the party who has legal custody of the child or  
26 to the party with parental responsibilities as determined by a court  
27 pursuant to article 10 of title 14. ~~C.R.S.~~ The party with legal custody or

1 parental responsibilities as determined by a court pursuant to article 10 of  
2 title 14 ~~C.R.S.~~ may file opposing affidavits. If neither party requests a  
3 hearing, the court shall enter an order granting FAMILY TIME WITH A  
4 grandchild or great-grandchild ~~visitation rights~~ to the petitioning  
5 grandparent or great-grandparent only upon a finding that the ~~visitation~~  
6 FAMILY TIME is in the best interests of the child. A hearing shall be held  
7 if either party so requests or if it appears to the court that it is in the best  
8 interests of the child that a hearing be held. At the hearing, parties  
9 submitting affidavits shall be allowed an opportunity to be heard. If, at the  
10 conclusion of the hearing, the court finds it is in the best interests of the  
11 child to grant grandchild or great-grandchild ~~visitation rights~~ FAMILY TIME  
12 to the petitioning grandparent or great-grandparent, the court shall enter  
13 an order granting such rights. IN DETERMINING THE BEST INTERESTS OF  
14 THE CHILD FOR THE PURPOSE OF GRANDPARENT OR GREAT-GRANDPARENT  
15 FAMILY TIME, THE COURT SHALL CONSIDER THE FACTORS DESCRIBED IN  
16 SECTION 14-10-124 (1.5)(a).

17 (3) A grandparent or great-grandparent shall not file an affidavit  
18 seeking an order granting grandchild or great-grandchild ~~visitation rights~~  
19 FAMILY TIME more than once every two years absent a showing of good  
20 cause. If the court finds there is good cause to file more than one such  
21 affidavit, it shall allow such additional affidavit to be filed and shall  
22 consider it. The court may order reasonable attorney fees to the prevailing  
23 party. The court may not make any order restricting the movement of the  
24 child if such restriction is solely for the purpose of allowing the  
25 grandparent or great-grandparent the opportunity to exercise ~~his~~ THE  
26 GRANDPARENT'S OR GREAT-GRANDPARENT'S FAMILY TIME WITH THE  
27 grandchild or great-grandchild. ~~visitation rights.~~

1           (4) The court may make an order modifying or terminating  
2 grandchild or great-grandchild ~~visitation rights~~ FAMILY TIME whenever  
3 such order would serve the best interests of the child.

4           (4.5) (a) THE COURT MAY APPOINT A REPRESENTATIVE OF A CHILD  
5 PURSUANT TO SECTION 14-10-116 UPON MOTION OF A RESPONSIBLE PARTY,  
6 OR UPON ITS OWN MOTION, TO SERVE AS THE LEGAL REPRESENTATIVE OF  
7 THE CHILD IN A MATTER SEEKING TO GRANT A GRANDPARENT OR  
8 GREAT-GRANDPARENT REASONABLE FAMILY TIME WITH A GRANDCHILD OR  
9 GREAT-GRANDCHILD.

10           (b) WITHIN SEVEN DAYS AFTER THE APPOINTMENT, THE APPOINTED  
11 REPRESENTATIVE OF A CHILD SHALL COMPLY WITH THE DISCLOSURE  
12 PROVISIONS OF SECTION 14-10-116 (2.5).

13           (c) THE COURT SHALL ENTER AN ORDER FOR COSTS, FEES, AND  
14 DISBURSEMENTS IN FAVOR OF THE REPRESENTATIVE OF A CHILD,  
15 APPOINTED PURSUANT TO SUBSECTION (4.5)(a) OF THIS SECTION, TO BE  
16 PAID BY THE RESPONSIBLE PARTIES IN PROPORTIONS AND AT TIMES  
17 DETERMINED BY THE COURT. IF THE RESPONSIBLE PARTIES ARE  
18 DETERMINED TO BE INDIGENT, THE STATE SHALL INCUR THE COSTS, FEES,  
19 AND DISBURSEMENTS.

20           (5) Any order granting or denying parenting time rights to the  
21 parent of a child ~~shall~~ MUST not affect ~~visitation rights~~ FAMILY TIME  
22 granted to a grandparent or great-grandparent pursuant to this section.

23           (6) NOTHING IN THIS SECTION AUTHORIZES FAMILY TIME FOR A  
24 PERSON WHO IS NOT NAMED IN THE ORDER GRANTING A GRANDPARENT OR  
25 GREAT-GRANDPARENT FAMILY TIME WITH THE GRANDCHILD OR  
26 GREAT-GRANDCHILD.

27           (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (a) "FAMILY TIME" MEANS AN ESSENTIAL TIME FOR HEALTHY  
3 CHILD DEVELOPMENT TO CREATE STRONG BONDS, LOVE, AND  
4 CONNECTIONS BETWEEN GRANDCHILDREN OR GREAT-GRANDCHILDREN  
5 AND GRANDPARENTS OR GREAT-GRANDPARENTS THAT ARE ENRICHING,  
6 NURTURING, PROVIDE INCLUSION, BUILD CONFIDENCE, AND PROVIDE A  
7 DIVERSITY OF EXPERIENCES FOR GRANDCHILDREN OR  
8 GREAT-GRANDCHILDREN.

9 (b) "REPRESENTATIVE OF A CHILD" MEANS AN ATTORNEY  
10 APPOINTED PURSUANT TO SECTION 14-10-116 TO REPRESENT THE BEST  
11 INTERESTS OF A MINOR OR DEPENDENT CHILD.

12 (c) "RESPONSIBLE PARTY" MEANS A GRANDPARENT OR  
13 GREAT-GRANDPARENT, PARENT, OR CHILD WHO IS A PARTY IN A MATTER  
14 SEEKING TO GRANT A GRANDPARENT OR GREAT-GRANDPARENT  
15 REASONABLE FAMILY TIME WITH A GRANDCHILD OR GREAT-GRANDCHILD.

16 **SECTION 2.** In Colorado Revised Statutes, 19-1-117.5, **amend**  
17 (1) introductory portion, (2) introductory portion, (2)(d), (2)(e), and (2)(f)  
18 as follows:

19 **19-1-117.5. Disputes concerning grandparent or**  
20 **great-grandparent family time.** (1) Upon a verified motion by a  
21 grandparent or great-grandparent who has been granted ~~visitation~~ FAMILY  
22 TIME or upon the court's own motion alleging that the person with legal  
23 custody or parental responsibilities of the child as determined by a court  
24 pursuant to article 10 of title 14 ~~C.R.S.~~ with whom ~~visitation~~ FAMILY TIME  
25 has been granted is not complying with a grandparent or  
26 great-grandparent ~~visitation~~ FAMILY TIME order or schedule, the court  
27 shall determine from the verified motion, and response to the motion, if

1 any, whether there has been or is likely to be a substantial and continuing  
2 noncompliance with the grandparent or great-grandparent ~~visitation~~  
3 FAMILY TIME order or schedule and either:

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

9 (d) Requiring that make-up ~~visitation~~ FAMILY TIME be provided  
10 for the aggrieved grandparent or great-grandparent and child under the  
11 following conditions:

12 (I) That such ~~visitation~~ FAMILY TIME is of the same type and  
13 duration of ~~visitation~~ FAMILY TIME as that which was denied, including,  
14 but not limited to, ~~visitation~~ FAMILY TIME during weekends, on holidays,  
15 and on weekdays and during the summer;

16 (II) That such ~~visitation~~ FAMILY TIME is made up within one year  
17 after the noncompliance occurs;

18 (III) That such ~~visitation~~ FAMILY TIME is in the manner chosen by  
19 the aggrieved grandparent or great-grandparent if it is in the best interests  
20 of the child;

21 (e) Finding the person who did not comply with the ~~visitation~~  
22 FAMILY TIME schedule in contempt of court and imposing a fine or jail  
23 sentence;

24 (f) Awarding to the aggrieved party, where appropriate, actual  
25 expenses, including attorney fees, court costs, and expenses incurred by  
26 a grandparent or great-grandparent because of the other person's failure  
27 to provide or exercise court-ordered ~~visitation~~ FAMILY TIME. Nothing in



1 this section ~~shall preclude~~ PRECLUDES a party's right to a separate and  
2 independent legal action in tort.

3 **SECTION 3.** In Colorado Revised Statutes, 14-10-129, **amend**  
4 (1)(b)(I) as follows:

5 **14-10-129. Modification of parenting time.** (1) (b) (I) The court  
6 shall not restrict a parent's parenting time rights unless it finds that the  
7 parenting time would endanger the child's physical health or significantly  
8 impair the child's emotional development. In addition to a finding that  
9 parenting time would endanger the child's physical health or significantly  
10 impair the child's emotional development, in any order imposing or  
11 continuing a parenting time restriction, the court shall enumerate the  
12 specific factual findings supporting the restriction. Nothing in this section  
13 shall be construed to affect grandparent or great-grandparent ~~visitation~~  
14 FAMILY TIME granted pursuant to section 19-1-117. ~~C.R.S.~~

15 **SECTION 4.** In Colorado Revised Statutes, **amend** 14-10-131.8  
16 as follows:

17 **14-10-131.8. Construction of 1999 revisions.** The enactment of  
18 the 1999 revisions to this ~~article~~ ARTICLE 10 does not constitute  
19 substantially changed circumstances for the purposes of modifying  
20 decrees involving child custody, parenting time, or grandparent ~~visitation~~  
21 FAMILY TIME. Any action to modify any decree involving child custody,  
22 parenting time, grandparent or great-grandparent ~~visitation~~ FAMILY TIME,  
23 or a parenting plan ~~shall be~~ IS governed by the provisions of this ~~article~~  
24 ARTICLE 10.

25 **SECTION 5.** In Colorado Revised Statutes, 14-13-102, **amend**  
26 (3) and (4) as follows:

27 **14-13-102. Definitions.** As used in this article 13, unless the

1 context otherwise requires:

2 (3) "Child-custody determination" means a judgment, decree, or  
3 other order of a court providing for the legal custody or physical custody  
4 of a child or allocating parental responsibilities with respect to a child or  
5 providing for visitation, parenting time, or grandparent or  
6 great-grandparent ~~visitation~~ FAMILY TIME with respect to a child. The term  
7 includes a permanent, temporary, initial, and modification order. The term  
8 does not include an order relating to child support or other monetary  
9 obligation of an individual.

10 (4) "Child-custody proceeding" means a proceeding in which legal  
11 custody or physical custody with respect to a child or the allocation of  
12 parental responsibilities with respect to a child or visitation, parenting  
13 time, or grandparent or great-grandparent ~~visitation~~ FAMILY TIME with  
14 respect to a child is an issue. The term includes a proceeding for divorce,  
15 dissolution of marriage, legal separation, neglect, abuse, dependency,  
16 guardianship, paternity, termination of parental rights, and protection  
17 from domestic violence and domestic abuse, in which the issue may  
18 appear. The term does not include a proceeding involving juvenile  
19 delinquency, except when such court is entering an order to allocate  
20 parental responsibilities; contractual emancipation; or enforcement under  
21 part 3 of this article 13.

22 **SECTION 6. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.