

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0565.01 Chelsea Princell x4335

HOUSE BILL 23-1157

HOUSE SPONSORSHIP

Joseph and Weinberg,

SENATE SPONSORSHIP

Exum and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE "UNIFORM UNREGULATED CHILD CUSTODY**
102 **TRANSFER ACT".**

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/>.)

Colorado Commission on Uniform State Laws. The bill enacts the "Uniform Unregulated Child Custody Transfer Act" (act), drafted by the uniform law commission.

Part 2 of the act applies to the parent or guardian of a child, custodian of a child, or individual with whom the child has been placed for adoption, who wishes to end the parent-child relationship and abandon

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

HOUSE
Amended 2nd Reading
February 24, 2023

1 (2) "CHILD PLACEMENT AGENCY" HAS THE MEANING SET FORTH IN
2 SECTION 26-6-903.

3 (3) "COUNTY DEPARTMENT" HAS THE MEANING SET FORTH IN
4 SECTION 19-1-103.

5 (4) "CUSTODY" MEANS THE EXERCISE OF PHYSICAL CARE AND
6 SUPERVISION OF A CHILD.

7 (5) "INTERCOUNTRY ADOPTION" MEANS AN ADOPTION OR
8 PLACEMENT FOR ADOPTION OF A CHILD WHO RESIDES IN A FOREIGN
9 COUNTRY AT THE TIME OF ADOPTION OR PLACEMENT. THE TERM INCLUDES
10 AN ADOPTION FINALIZED IN THE CHILD'S COUNTRY OF RESIDENCE OR IN A
11 STATE.

12 (6) "PARENT" HAS THE MEANING SET FORTH IN SECTION 19-1-103.

13 (7) "PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR
14 NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR
15 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR OTHER
16 LEGAL ENTITY.

17 (8) "RECORD" MEANS INFORMATION THAT IS:

- 18 (a) INSCRIBED ON A TANGIBLE MEDIUM; OR
- 19 (b) STORED IN AN ELECTRONIC OR OTHER MEDIUM AND
20 RETRIEVABLE IN PERCEIVABLE FORM.

21 (9) "STATE" MEANS A STATE OF THE UNITED STATES, THE
22 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN
23 ISLANDS, OR ANY OTHER TERRITORY OR POSSESSION SUBJECT TO THE
24 JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY
25 RECOGNIZED INDIAN TRIBE.

26 (10) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
27 HUMAN SERVICES CREATED IN SECTION 24-1-120.

1 A TRANSFER OF CUSTODY OF A CHILD BY A PARENT, GUARDIAN, OR
2 CUSTODIAN OF THE CHILD TO:

3 (a) A PARENT OF THE CHILD;

4 (b) A STEPPARENT OF THE CHILD;

5 (c) AN ADULT WHO IS RELATED TO THE CHILD BY BLOOD,
6 MARRIAGE, ADOPTION, OR OTHER RELATIONSHIP RECOGNIZED BY OTHER
7 LAW OF THIS STATE;

8 (d) AN ADULT WHO, AT THE TIME OF THE TRANSFER, HAD A
9 MEANINGFUL AND SAFE RELATIONSHIP WITH THE CHILD FOR A PERIOD OF
10 AT LEAST SIX MONTHS PRIOR TO THE TRANSFER, AND WHOM THE PARENT,
11 GUARDIAN, OR CUSTODIAN REASONABLY BELIEVES, AT THE TIME OF THE
12 TRANSFER, TO BE A FIT CUSTODIAN OF THE CHILD; OR

13 (e) AN INDIAN CUSTODIAN, AS DEFINED IN THE FEDERAL "INDIAN
14 CHILD WELFARE ACT OF 1978", 25 U.S.C. SEC. 1903(6), AS AMENDED, OF
15 THE CHILD.

16 **19-5.5-203. Prohibited custody transfer.** (1) EXCEPT AS
17 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PARENT, GUARDIAN, OR
18 CUSTODIAN OF A CHILD OR AN INDIVIDUAL WITH WHOM A CHILD HAS BEEN
19 PLACED FOR ADOPTION MAY NOT TRANSFER CUSTODY OF THE CHILD TO
20 ANOTHER PERSON WITH THE INTENT, AT THE TIME OF THE TRANSFER, TO
21 ABANDON THE RIGHTS AND RESPONSIBILITIES CONCERNING THE CHILD.

22 (2) A PARENT, GUARDIAN, OR CUSTODIAN OF A CHILD, OR AN
23 INDIVIDUAL WITH WHOM A CHILD HAS BEEN PLACED FOR ADOPTION, MAY
24 TRANSFER CUSTODY OF THE CHILD TO ANOTHER PERSON WITH THE INTENT,
25 AT THE TIME OF THE TRANSFER, TO PERMANENTLY ABANDON THE RIGHTS
26 AND RESPONSIBILITIES CONCERNING THE CHILD ONLY THROUGH:

27 (a) A LEGAL ADOPTION OR GUARDIANSHIP PROCEEDING;


- 1 (b) JUDICIAL AWARD OF CUSTODY;
2 (c) OTHER JUDICIAL OR TRIBAL ACTION; OR
3 (d) COLORADO'S SAFE HAVEN LAW AS DESCRIBED IN SECTION
4 19-3-304.5.

5 (3) A PERSON MAY NOT RECEIVE PERMANENT CUSTODY OF A
6 CHILD, OR ACT AS AN INTERMEDIARY IF PERMITTED UNDER OTHER LAW OF
7 THIS STATE, IN A TRANSFER OF CUSTODY OF A CHILD IF THE PERSON KNOWS
8 OR REASONABLY SHOULD KNOW THE TRANSFER VIOLATES SUBSECTION (1)
9 OF THIS SECTION. THIS PROHIBITION DOES NOT APPLY IF THE PERSON, AS
10 SOON AS PRACTICABLE AFTER THE TRANSFER, NOTIFIES THE STATE
11 DEPARTMENT OF THE TRANSFER OR TAKES APPROPRIATE ACTION TO
12 ESTABLISH CUSTODY UNDER SUBSECTION (2) OF THIS SECTION.

13 (4) VIOLATION OF THIS SECTION IS A CLASS 2 MISDEMEANOR.

14 (5) VIOLATION OF SUBSECTION (1) OF THIS SECTION IS NOT
15 ESTABLISHED SOLELY BECAUSE A PARENT, GUARDIAN, OR CUSTODIAN WHO
16 TRANSFERS CUSTODY OF A CHILD DOES NOT REGAIN CUSTODY.

17 **19-5.5-204. Authority and responsibility of a county**
18 **department of human or social services.** (1) IF A COUNTY DEPARTMENT
19 RECEIVES A REPORT THAT A PERSON HAS TRANSFERRED OR INTENDS TO
20 TRANSFER CUSTODY OF A CHILD IN VIOLATION OF SECTION 19-5.5-203 (1),
21 THE COUNTY DEPARTMENT MAY CONDUCT AN ASSESSMENT, AND, AS
22 PROVIDED BY OTHER LAWS OF THIS STATE, TAKE APPROPRIATE ACTION TO
23 PROTECT THE WELFARE OF THE CHILD.

24 
25 (2) IF A COUNTY CONDUCTS AN ASSESSMENT FOR A CHILD ADOPTED
26 OR PLACED THROUGH AN INTERCOUNTRY ADOPTION, AND DETERMINES
27 THAT A PERSON HAS TRANSFERRED OR INTENDS TO TRANSFER CUSTODY OF

1 A CHILD IN VIOLATION OF SECTION 19-5.5-203, THE COUNTY DEPARTMENT
2 SHALL FORWARD THE ASSESSMENT TO THE STATE DEPARTMENT. UPON
3 RECEIVING THE ASSESSMENT, THE STATE DEPARTMENT SHALL:

4 (a) PREPARE A REPORT ON THE WELFARE AND PLAN FOR
5 PERMANENT PLACEMENT OF THE CHILD; AND

6 (b) PROVIDE A COPY OF THE REPORT TO THE UNITED STATES
7 DEPARTMENT OF STATE, BUREAU OF CONSULAR AFFAIRS, OFFICE OF
8 CHILDREN'S ISSUES.

9 (3) THIS ARTICLE 5.5 DOES NOT PREVENT A COUNTY DEPARTMENT
10 FROM TAKING APPROPRIATE ACTION UNDER OTHER LAW OF THIS STATE.

11 **19-5.5-205. Prohibited soliciting or advertising.** (1) EXCEPT AS
12 PROVIDED IN SECTION 19-5-213.5, A PERSON MAY NOT SOLICIT OR
13 ADVERTISE TO:

14 (a) IDENTIFY A PERSON TO WHOM TO MAKE A TRANSFER OF
15 CUSTODY IN VIOLATION OF SECTION 19-5.5-203 (1);

16 (b) IDENTIFY A CHILD FOR A TRANSFER OF CUSTODY IN VIOLATION
17 OF SECTION 19-5.5-203 (3); OR

18 (c) ACT AS AN INTERMEDIARY OR FACILITATOR, IF PERMITTED
19 UNDER OTHER LAW OF THIS STATE, IN A TRANSFER OF CUSTODY IN
20 VIOLATION OF SECTION 19-5.5-203 (3).

21 (2) A VIOLATION OF THIS SECTION IS A CLASS 6 FELONY.

22 (3) NOTHING IN THIS SECTION PROHIBITS THE APPLICATION OF
23 SECTION 19-5-213.5.

24 **19-5.5-206. Enforcement.** THE STATE DEPARTMENT MAY
25 INVESTIGATE A POSSIBLE VIOLATION OF THIS PART 2 AND TAKE LEGAL
26 ACTION AS PROVIDED BY OTHER LAW OF THIS STATE.

27 PART 3

1 INFORMATION AND GUIDANCE

2 **19-5.5-301. Definitions.** IN THIS PART 3, "PROSPECTIVE ADOPTIVE
3 PARENT" MEANS AN INDIVIDUAL WHO HAS BEEN APPROVED OR PERMITTED
4 UNDER OTHER LAW OF THIS STATE TO ADOPT A CHILD.

5 **19-5.5-302. Scope.** (1) THIS PART 3 APPLIES TO PLACEMENT FOR
6 ADOPTION OF A CHILD WHO:

- 7 (a) HAS BEEN OR IS IN FOSTER CARE OR INSTITUTIONAL CARE;
- 8 (b) PREVIOUSLY HAS BEEN ADOPTED IN A STATE;
- 9 (c) HAS BEEN OR IS BEING ADOPTED UNDER THE LAW OF A FOREIGN
10 COUNTRY; OR
- 11 (d) HAS COME OR IS COMING TO A STATE FROM A FOREIGN
12 COUNTRY TO BE ADOPTED.

13 **19-5.5-303. General adoption information.** (1) WITHIN A
14 REASONABLE TIME BEFORE A CHILD PLACEMENT AGENCY PLACES A CHILD
15 FOR ADOPTION WITH A PROSPECTIVE ADOPTIVE PARENT, THE CHILD
16 PLACEMENT AGENCY MUST PROVIDE OR CAUSE TO BE PROVIDED TO THE
17 PROSPECTIVE ADOPTIVE PARENT GENERAL ADOPTION INFORMATION. THE
18 INFORMATION MUST ADDRESS:

- 19 (a) POSSIBLE PHYSICAL, MENTAL, EMOTIONAL, AND BEHAVIORAL
20 ISSUES CONCERNING:
 - 21 (I) IDENTITY, LOSS, AND TRAUMA THAT A CHILD MAY EXPERIENCE
22 BEFORE, DURING, OR AFTER ADOPTION; AND
 - 23 (II) A CHILD LEAVING FAMILIAR TIES AND SURROUNDINGS;
- 24 (b) THE EFFECT THAT THE ACCESS TO RESOURCES, INCLUDING
25 HEALTH INSURANCE, MAY HAVE ON THE ABILITY OF AN ADOPTIVE PARENT
26 TO MEET THE NEEDS OF A CHILD;
- 27 (c) CAUSES OF DISRUPTION OF AN ADOPTIVE PLACEMENT OR

1 DISSOLUTION OF AN ADOPTION AND RESOURCES AVAILABLE TO HELP
2 AVOID DISRUPTION OR DISSOLUTION; AND

3 (d) PROHIBITIONS UNDER SECTIONS 19-5.5-203 AND 19-5.5-205.

4 **19-5.5-304. Information about child.** (1) EXCEPT AS PROHIBITED
5 BY OTHER LAW OF THIS STATE, WITHIN A REASONABLE TIME BEFORE A
6 CHILD PLACEMENT AGENCY PLACES A CHILD FOR ADOPTION WITH A
7 PROSPECTIVE ADOPTIVE PARENT, THE CHILD PLACEMENT AGENCY MUST
8 PROVIDE OR CAUSE TO BE PROVIDED TO THE PROSPECTIVE ADOPTIVE
9 PARENT INFORMATION SPECIFIC TO THE CHILD THAT IS KNOWN TO THE
10 CHILD PLACEMENT AGENCY AND MATERIAL TO THE PROSPECTIVE
11 ADOPTIVE PARENT'S INFORMED DECISION TO ADOPT THE CHILD. THE
12 INFORMATION MUST INCLUDE:

13 (a) THE CHILD'S FAMILY, CULTURAL, RACIAL, RELIGIOUS, ETHNIC,
14 LINGUISTIC, AND EDUCATIONAL BACKGROUND;

15 (b) THE CHILD'S PHYSICAL, MENTAL, EMOTIONAL, AND
16 BEHAVIORAL HEALTH;

17 (c) THE CHILD'S MEDICAL HISTORY, INCLUDING IMMUNIZATIONS;

18 (d) THE MEDICAL HISTORY OF THE CHILD'S GENETIC PARENTS AND
19 SIBLINGS;

20 (e) THE HISTORY OF AN ADOPTIVE OR OUT-OF-HOME PLACEMENT
21 OF THE CHILD AND THE REASON THE ADOPTION OR PLACEMENT ENDED;

22 (f) THE CHILD'S UNITED STATES IMMIGRATION STATUS;

23 (g) MEDICAL, THERAPEUTIC, AND EDUCATIONAL RESOURCES,
24 INCLUDING LANGUAGE-ACQUISITION TRAINING, AVAILABLE TO THE
25 ADOPTIVE PARENT AND CHILD AFTER PLACEMENT FOR ADOPTION OR
26 ADOPTION TO ASSIST IN RESPONDING EFFECTIVELY TO PHYSICAL, MENTAL,
27 EMOTIONAL, OR BEHAVIORAL HEALTH ISSUES; AND

1 (h) AVAILABLE RECORDS RELEVANT TO THE INFORMATION IN
2 SUBSECTIONS (1)(a) TO (1)(g) OF THIS SECTION.

3 (2) IF, BEFORE AN ADOPTION IS FINALIZED, ADDITIONAL
4 INFORMATION UNDER SUBSECTION (1) OF THIS SECTION THAT IS MATERIAL
5 TO A PROSPECTIVE ADOPTIVE PARENT'S INFORMED DECISION TO ADOPT THE
6 CHILD BECOMES KNOWN TO OR REASONABLY OBTAINABLE BY A CHILD
7 PLACEMENT AGENCY, THE CHILD PLACEMENT AGENCY MUST PROVIDE THE
8 INFORMATION TO THE PROSPECTIVE ADOPTIVE PARENT.

9 (3) IF, AFTER AN ADOPTION IS FINALIZED, ADDITIONAL
10 INFORMATION UNDER SUBSECTION (1) OF THIS SECTION BECOMES KNOWN
11 TO OR REASONABLY OBTAINABLE BY A CHILD PLACEMENT AGENCY, THE
12 CHILD PLACEMENT AGENCY MUST MAKE A REASONABLE EFFORT TO
13 PROVIDE THE INFORMATION TO THE ADOPTIVE PARENT.

14 **19-5.5-305. Guidance and instruction.** (1) A CHILD PLACEMENT
15 AGENCY MUST PROVIDE OR CAUSE TO BE PROVIDED TO THE PROSPECTIVE
16 ADOPTIVE PARENT GUIDANCE AND INSTRUCTION SPECIFIC TO THE CHILD TO
17 HELP PREPARE THE PARENT TO RESPOND EFFECTIVELY TO THE NEEDS OF
18 THE CHILD THAT ARE KNOWN TO OR REASONABLY ASCERTAINABLE BY THE
19 CHILD PLACEMENT AGENCY.

20 (2) THE GUIDANCE AND INSTRUCTION UNDER SUBSECTION (1) OF
21 THIS SECTION MUST ADDRESS, IF APPLICABLE:

22 (a) THE POTENTIAL EFFECT ON THE CHILD OF:

23 (I) A PREVIOUS ADOPTION OR OUT-OF-HOME PLACEMENT;

24 (II) MULTIPLE PREVIOUS ADOPTIONS OR OUT-OF-HOME
25 PLACEMENTS;

26 (III) TRAUMA, INSECURE ATTACHMENT, FETAL ALCOHOL
27 EXPOSURE, OR MALNUTRITION;

1 (IV) NEGLECT, ABUSE, DRUG EXPOSURE, OR SIMILAR ADVERSITY;
2 (V) SEPARATION FROM A SIBLING OR SIGNIFICANT CAREGIVER; AND
3 (VI) A DIFFERENCE IN ETHNICITY, RACE, OR CULTURAL IDENTITY
4 BETWEEN THE CHILD AND THE PROSPECTIVE ADOPTIVE PARENT OR OTHER
5 CHILD OF THE PARENT;

6 (b) INFORMATION AVAILABLE FROM THE FEDERAL GOVERNMENT
7 ON THE PROCESS FOR THE CHILD TO ACQUIRE UNITED STATES CITIZENSHIP;
8 AND

9 (c) ANY OTHER MATTER A CHILD PLACEMENT AGENCY CONSIDERS
10 MATERIAL TO THE ADOPTION.

11 (3) THE GUIDANCE AND INSTRUCTION UNDER SUBSECTION (1) OF
12 THIS SECTION MUST BE PROVIDED:

13 (a) FOR ADOPTION OF A CHILD RESIDING IN THE UNITED STATES A
14 REASONABLE TIME BEFORE THE ADOPTION IS FINALIZED; OR

15 (b) FOR AN INTERCOUNTRY ADOPTION, IN ACCORDANCE WITH THE
16 FEDERAL LAW.

17 **19-5.5-306. Information about adoption assistance and**
18 **resources.** (1) ON REQUEST OF A CHILD WHO WAS PLACED FOR ADOPTION
19 OR THE CHILD'S ADOPTIVE PARENT, THE CHILD PLACEMENT AGENCY OR
20 THE COUNTY DEPARTMENT SHALL PROVIDE INFORMATION ABOUT HOW TO
21 OBTAIN ADOPTION ASSISTANCE AND RESOURCES:

22 (a) TO ASSIST THE CHILD OR PARENT TO RESPOND EFFECTIVELY TO
23 ADJUSTMENT, BEHAVIORAL HEALTH, AND OTHER CHALLENGES; AND

24 (b) TO HELP PRESERVE THE PLACEMENT OR ADOPTION.

25 **19-5.5-307. Child placement agency compliance.** (1) THE
26 STATE DEPARTMENT SHALL INVESTIGATE AN ALLEGATION THAT A CHILD
27 PLACEMENT AGENCY HAS FAILED TO COMPLY WITH THIS PART 3 AND

1 COMMENCE AN ACTION FOR INJUNCTIVE OR OTHER RELIEF OR INITIATE AN
2 ADMINISTRATIVE PROCEEDING AGAINST THE CHILD PLACEMENT AGENCY
3 TO ENFORCE THIS PART 3.

4 (2) THE STATE DEPARTMENT MAY INITIATE A PROCEEDING TO
5 DETERMINE WHETHER A CHILD PLACEMENT AGENCY HAS FAILED TO
6 COMPLY WITH THIS PART 3. IF THE STATE DEPARTMENT FINDS THAT THE
7 CHILD PLACEMENT AGENCY HAS FAILED TO COMPLY, THE STATE
8 DEPARTMENT MAY SUSPEND OR REVOKE A CHILD PLACEMENT AGENCY'S
9 LICENSE OR TAKE OTHER ACTION PERMITTED BY LAW OF THIS STATE.

10 **19-5.5-308. Rulemaking authority.** THE STATE BOARD OF HUMAN
11 SERVICES MAY ADOPT RULES TO IMPLEMENT SECTIONS 19-5.5-303 TO
12 19-5.5-306.

13 PART 4

14 MISCELLANEOUS PROVISIONS

15 **19-5.5-401. Uniformity of application and construction.** IN
16 APPLYING AND CONSTRUING THIS UNIFORM ACT, A COURT MUST CONSIDER
17 THE PROMOTION OF UNIFORMITY OF THE LAW AMONG JURISDICTIONS THAT
18 ENACT IT.

19 **19-5.5-402. Relation to electronic signatures in global and**
20 **national commerce act.** THIS ARTICLE 5.5 MODIFIES, LIMITS, OR
21 SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND
22 NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., AS AMENDED,
23 BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE 15 U.S.C. SEC. 7001(c), OR
24 AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN
25 15 U.S.C. SEC. 7003(b).

26 **19-5.5-403. Transitional provisions.** (1) PART 2 OF THIS ARTICLE
27 5.5 APPLIES TO:

1 (a) A TRANSFER OF CUSTODY ON OR AFTER THE EFFECTIVE DATE
2 OF THIS ARTICLE 5.5; AND

3 (b) SOLICITING OR ADVERTISING ON OR AFTER THE EFFECTIVE DATE
4 OF THIS ARTICLE 5.5.

5 (2) PART 3 OF THIS ARTICLE 5.5 APPLIES TO PLACEMENT OF A CHILD
6 FOR ADOPTION MORE THAN SIXTY DAYS AFTER THE EFFECTIVE DATE OF
7 THIS ARTICLE 5.5.

8 **SECTION 2. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety.