

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0776.01 Amber Paoloemilio x5497

HOUSE BILL 23-1172

HOUSE SPONSORSHIP

Parenti, Boesenecker, Brown, Duran, English, Jodeh, Lindsay, Michaelson Jenet, Ricks, Velasco

SENATE SPONSORSHIP

Jaquez Lewis, Buckner, Cutter, Danielson, Exum, Hinrichsen, Moreno, Winter F.

House Committees

Public & Behavioral Health & Human Services

Senate Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO CHILD WELFARE PROCEEDINGS.**

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>.)

The bill provides juvenile courts jurisdiction to enter permanent allocations of parental responsibilities without requiring a full adjudication of a child as dependent or neglected as to each parent in certain circumstances.

Current law grants concurrent jurisdiction to district and county courts to order name changes for children or youth who appear in dependency and neglect and foster youth in transition cases. The bill grants juvenile courts the same jurisdiction.

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.

SENATE
3rd Reading Unamended
March 17, 2023

SENATE
2nd Reading Unamended
March 16, 2023

HOUSE
3rd Reading Unamended
February 28, 2023

HOUSE
2nd Reading Unamended
February 27, 2023

The bill eliminates the requirement to give public notice of name changes through publication for a child or youth adjudicated dependent or neglected or subject to a continued adjudication.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-104, **amend** (6)
3 as follows:

4 **19-1-104. Jurisdiction.** (6) (a) When ~~the~~ A DISTRICT COURT IN
5 THIS STATE DOES NOT HAVE CONTINUING JURISDICTION OVER A CHILD
6 CUSTODY PROCEEDING CONCERNING THE CHILD, OR A juvenile court IN
7 THIS STATE maintains jurisdiction ~~in a case involving a child who is~~
8 ~~dependent or neglected and no child custody action or action for the~~
9 ~~allocation of parental responsibilities concerning the same child is~~
10 ~~pending in a district court in this state, upon the petition of a party to the~~
11 ~~dependency or neglect case, the juvenile court may enter an~~ PURSUANT TO
12 SUBSECTION (5) OF THIS SECTION AND THE "UNIFORM CHILD-CUSTODY
13 JURISDICTION AND ENFORCEMENT ACT", ARTICLE 13 OF TITLE 14, THE
14 JUVENILE COURT HAS JURISDICTION TO ENTER A PERMANENT order
15 allocating parental responsibilities and addressing parenting time and
16 child support matters UPON THE PETITION OF A PARTY IF:

17 (I) ALL PARENTS, LEGAL GUARDIANS, AND LEGAL CUSTODIANS
18 HAVE AN ADJUDICATION PURSUANT TO SECTION 19-3-505 (7) OR
19 CONTINUED ADJUDICATION PURSUANT TO SECTION 19-3-505 (5) ENTERED
20 BY A COURT; OR

21 (II) AT LEAST ONE PARENT, LEGAL GUARDIAN, OR LEGAL
22 CUSTODIAN HAS AN ADJUDICATION PURSUANT TO SECTION 19-3-505 (7) OR
23 CONTINUED ADJUDICATION PURSUANT TO SECTION 19-3-505 (5) AND
24 OTHER PARENTS, LEGAL GUARDIANS, OR LEGAL CUSTODIANS WHO DO NOT

1 HAVE AN ADJUDICATION OR CONTINUED ADJUDICATION CONSENT TO
2 JURISDICTION.

3 (b) The parent or person other than a parent with whom the child
4 resides the majority of the time pursuant to the juvenile court's order shall
5 file a certified copy of the order in the district court in the county where
6 the child is permanently resident. Such order ~~shall~~ MUST be treated in the
7 district court as any other decree issued in a proceeding concerning the
8 allocation of parental responsibilities.

9 **SECTION 2.** In Colorado Revised Statutes, 13-15-101, **amend**
10 (1)(a)(I) introductory portion and (1)(a.5) as follows:

11 **13-15-101. Petition - proceedings - applicability.**

12 (1) (a) (I) Every person desiring to change ~~his or her~~ THE PERSON'S OWN
13 name may present a petition to that effect, verified by affidavit, to the
14 district or county court in the county of the petitioner's residence, except
15 as otherwise provided in ~~paragraph (a.5) of this subsection (1)~~
16 SUBSECTION (1)(a.5) OF THIS SECTION. The petition ~~shall~~ MUST include:

17 (a.5) If the petitioner is under nineteen years of age and is the
18 subject of an action concerning child support, allocation of parental
19 responsibilities, ~~or~~ parenting time, OR DEPENDENCY AND NEGLECT, then
20 the petition for name change ~~shall~~ MUST be filed in the court having
21 jurisdiction over the action concerning child support, allocation of
22 parental responsibilities, ~~or~~ parenting time, OR DEPENDENCY AND
23 NEGLECT. IF THE PETITIONER IS UNDER TWENTY-ONE YEARS OF AGE AND
24 A PARTICIPATING YOUTH IN COLORADO'S FOSTER YOUTH IN TRANSITION
25 PROGRAM PURSUANT TO PART 3 OF ARTICLE 7 OF TITLE 19, THEN THE
26 PETITION FOR NAME CHANGE MAY BE FILED IN THE COURT HAVING
27 JURISDICTION OVER THE ACTION CONCERNING THE FOSTER YOUTH IN

1 TRANSITION CASE.

2 **SECTION 3.** In Colorado Revised Statutes, 13-15-102, **amend**
3 (2) introductory portion; and **add** (2)(d) as follows:

4 **13-15-102. Publication of change.** (2) Public notice of such
5 name change through publication as required in subsection (1) of this
6 section ~~shall~~ IS not ~~be~~ required if the petitioner has been:

7 (d) A CHILD OR YOUTH ADJUDICATED DEPENDENT OR NEGLECTED
8 PURSUANT TO ARTICLE 3 OF TITLE 19 OR SUBJECT TO A CONTINUED
9 ADJUDICATION PURSUANT TO SECTION 19-3-505 (4).

10 **SECTION 4. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2024 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.