

CHAPTER 156

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 01-1268

BY REPRESENTATIVE(S) Chavez, Boyd, Jahn, Mace, Madden, Saliman, Vigil, and Williams S. ;
also SENATOR(S) Linkhart, and Dyer (Arapahoe).

AN ACT

CONCERNING TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP.

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

SECTION 1. 19-3-604 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

19-3-604. Criteria for termination. (2) In determining unfitness, conduct, or condition for purposes of paragraph (c) of subsection (1) of this section, the court shall find that continuation of the legal relationship between parent and child is likely to result in grave risk of death or serious bodily injury to the child or that the conduct or condition of the parent or parents renders the parent or parents unable or unwilling to give the child reasonable parental care to include, at a minimum, nurturing and safe parenting sufficiently adequate to meet the child's physical, emotional, and mental health needs and conditions. In making such determinations, the court shall consider, but not be limited to, the following:

(l) WHETHER, ON TWO OR MORE OCCASIONS, A CHILD IN THE PHYSICAL CUSTODY OF THE PARENT HAS BEEN ADJUDICATED DEPENDENT OR NEGLECTED IN A PROCEEDING UNDER THIS ARTICLE OR COMPARABLE PROCEEDINGS UNDER THE LAWS OF ANOTHER STATE OR THE FEDERAL GOVERNMENT;

(m) WHETHER, ON ONE OR MORE PRIOR OCCASIONS, A PARENT HAS HAD HIS OR HER PARENT-CHILD LEGAL RELATIONSHIP TERMINATED PURSUANT TO THIS ARTICLE OR SECTION 19-5-105 OR COMPARABLE PROCEEDINGS UNDER THE LAWS OF ANOTHER STATE OR THE FEDERAL GOVERNMENT.

SECTION 2. 19-5-105 (3.1) (a) (VI), Colorado Revised Statutes, is amended, and the said 19-5-105 (3.1) (a) is further amended BY THE ADDITION OF THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FOLLOWING NEW SUBPARAGRAPHS, to read:

19-5-105. Proceeding to terminate parent-child legal relationship. (3.1) The court may order the termination of the other birth parent's parental rights upon a finding that termination is in the best interests of the child and that there is clear and convincing evidence of one or more of the following:

(a) That the parent is unfit. In considering the fitness of the child's parent, the court shall consider, but shall not be limited to, the following:

(VI) Neglect of the child or other children; ~~and~~

(VIII) WHETHER, ON TWO OR MORE OCCASIONS, A CHILD IN THE PHYSICAL CUSTODY OF THE PARENT HAS BEEN ADJUDICATED DEPENDENT OR NEGLECTED IN A PROCEEDING UNDER ARTICLE 3 OF THIS TITLE OR COMPARABLE PROCEEDINGS UNDER THE LAWS OF ANOTHER STATE OR THE FEDERAL GOVERNMENT;

(IX) WHETHER, ON ONE OR MORE PRIOR OCCASIONS, A PARENT HAS HAD HIS OR HER PARENT-CHILD LEGAL RELATIONSHIP TERMINATED PURSUANT TO THIS SECTION OR ARTICLE 3 OF THIS TITLE OR COMPARABLE PROCEEDINGS UNDER THE LAWS OF ANOTHER STATE OR THE FEDERAL GOVERNMENT.

SECTION 3. Effective date - applicability. This act shall take effect upon passage and shall apply to motions or petitions to terminate the parent-child legal relationship filed on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 4, 2001