

# An Act

HOUSE BILL 23-1026

BY REPRESENTATIVE(S) English, Joseph, deGruy Kennedy, Lieder, Lindsay, Michaelson Jenet, Ricks, Valdez, Boesenecker, Velasco; also SENATOR(S) Fields, Buckner, Coleman, Cutter, Danielson, Exum, Ginal, Hansen, Kolker, Marchman, Moreno, Priola, Rodriguez, Sullivan.

CONCERNING FAMILY TIME FOR GRANDPARENTS.

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

**SECTION 1. Short title.** The short title of this act is the "Grandparents' Rights for Aaliyah and Myah Act".

**SECTION 2.** In Colorado Revised Statutes, **add with amended and relocated provisions**, 14-10-124.4 and 14-10-124.5 as follows:

**14-10-124.4. Family time for grandparents or great-grandparents - legislative declaration - definitions.** (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

OR GREAT-GRANDCHILDREN; AND

(II) GRANDPARENTS OR GREAT-GRANDPARENTS MAY PROVIDE ACCEPTANCE, PATIENCE, LOVE, STABILITY, WISDOM, AND SUPPORT TO GRANDCHILDREN OR GREAT-GRANDCHILDREN.

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

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "GRANDPARENT" MEANS A PERSON WHO IS THE PARENT OF A CHILD'S FATHER OR MOTHER, WHO IS RELATED TO THE CHILD BY BLOOD, IN WHOLE OR BY HALF, ADOPTION, OR MARRIAGE; EXCEPT THAT "GRANDPARENT" DOES NOT INCLUDE THE PARENT OF A CHILD'S LEGAL FATHER OR MOTHER WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED IN ACCORDANCE WITH SECTIONS 19-5-101 AND 19-1-104 (1)(d).

(b) "GREAT-GRANDPARENT" MEANS A PERSON WHO IS THE GRANDPARENT OF A CHILD'S FATHER OR MOTHER, WHO IS RELATED TO THE CHILD BY BLOOD, IN WHOLE OR BY HALF, ADOPTION, OR MARRIAGE; EXCEPT THAT "GREAT-GRANDPARENT" DOES NOT INCLUDE THE GRANDPARENT OF A CHILD'S LEGAL FATHER OR MOTHER WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED IN ACCORDANCE WITH SECTIONS 19-5-101 AND 19-1-104 (1)(d).

(c) "GRANDPARENT OR GREAT-GRANDPARENT FAMILY TIME" OR "GRANDPARENT FAMILY TIME" MEANS ANY FORM OF CONTACT OR ENGAGEMENT BETWEEN GRANDPARENTS OR GREAT-GRANDPARENTS AND THEIR GRANDCHILDREN OR GREAT-GRANDCHILDREN FOR THE PURPOSES OF PRESERVING AND STRENGTHENING FAMILY TIES.

(3) [Formerly 19-1-117 (1)] Any grandparent or great-grandparent of a child may, in the manner set forth in this section, seek a court order granting ~~the grandparent or great-grandparent~~ reasonable ~~visitation rights~~

GRANDPARENT FAMILY TIME WITH A GRANDCHILD OR GREAT-GRANDCHILD when there is or has been a child custody case or a case concerning the allocation of parental responsibilities ~~relating to that child~~ WITH RESPECT TO THAT CHILD. Because cases arise that do not directly deal with child custody or the allocation of parental responsibilities but nonetheless have an impact on the custody of, or parental responsibilities with respect to a child, for the purposes of this section, a "case concerning the allocation of parental responsibilities with respect to a child" includes any of the following, whether or not child custody was or parental responsibilities were specifically an issue:

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

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

(c) ~~That~~ The child's parent, who is the child of the grandparent or grandchild of the great-grandparent, has died.

(4) [Formerly 19-1-117 (2)] A party seeking a ~~grandchild or great-grandchild visitation~~ GRANDPARENT FAMILY TIME order shall submit, together with ~~his or her motion for visitation~~ THE PARTY'S PETITION FOR GRANDPARENT FAMILY TIME, to the district court for the district in which the child resides, an affidavit setting forth facts supporting the requested order and shall give notice, together with a copy of ~~his or her~~ THE PARTY'S affidavit, to ~~the party who has legal custody of the child or to the party with parental responsibilities~~ EACH PARTY INVOLVED IN THE ALLOCATION OF PARENTAL RESPONSIBILITIES PROCEEDINGS as determined by a court pursuant to THIS article 10. ~~of title 14, C.R.S.~~ The party with legal custody or parental responsibilities as determined by a court pursuant to THIS article 10, ~~of title 14, C.R.S.~~ may file opposing affidavits. If neither party requests a hearing, the court shall enter an order granting ~~grandchild or great-grandchild visitation rights~~ GRANDPARENT FAMILY TIME to the petitioning grandparent or great-grandparent only upon a finding that the ~~visitation~~ GRANDPARENT FAMILY TIME is in the best interests of the child. A

hearing ~~shall~~ MUST be held if either party so requests or if it appears to the court that it is in the best interests of the child that a hearing be held. At the hearing, parties submitting affidavits ~~shall be~~ ARE allowed an opportunity to be heard. If, at the conclusion of the hearing, the court finds it is in the best interests of the child to grant ~~grandchild or great-grandchild visitation rights~~ GRANDPARENT FAMILY TIME to the petitioning grandparent or great-grandparent, the court shall enter an order granting ~~such rights~~ GRANDPARENT FAMILY TIME. IN DETERMINING THE BEST INTERESTS OF THE CHILD FOR THE PURPOSE OF GRANDPARENT OR GREAT-GRANDPARENT FAMILY TIME, THE COURT SHALL PRESUME THE PARENTAL DETERMINATION REGARDING GRANDPARENT TIME IS IN THE BEST INTERESTS OF THE CHILD. A GRANDPARENT OR GREAT-GRANDPARENT MAY OVERCOME THE PRESUMPTION UPON A SHOWING BY CLEAR AND CONVINCING EVIDENCE THAT THE GRANDPARENT FAMILY TIME IS IN THE CHILD'S BEST INTERESTS. IN MAKING THIS DETERMINATION, THE COURT SHALL CONSIDER THE FACTORS DESCRIBED IN SECTION 14-10-124 (1.5)(a).

(5) THE COURT MAY APPOINT A LEGAL REPRESENTATIVE OF A CHILD PURSUANT TO SECTION 14-10-116 TO REPRESENT THE BEST INTERESTS OF THE CHILD IN A PROCEEDING PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(6) **[Formerly 19-1-117 (3)]** A grandparent or great-grandparent shall not file ~~an affidavit~~ A PETITION seeking an order granting ~~grandchild or great-grandchild visitation rights~~ GRANDPARENT FAMILY TIME more than once every two years absent a showing of good cause. If the court finds there is good cause to file more than one such ~~affidavit~~ PETITION, it shall allow ~~such additional affidavit~~ SUCH ADDITIONAL PETITION to be filed and shall consider it. The court may order reasonable attorney fees to the prevailing party. The court may not make any order restricting the movement of the child if such restriction is solely for the purpose of allowing the grandparent or great-grandparent the opportunity to exercise ~~his grandchild or great-grandchild visitation rights~~ THE GRANDPARENT'S OR GREAT-GRANDPARENT'S FAMILY TIME WITH THE GRANDCHILD OR GREAT-GRANDCHILD.

(7) **[Formerly 19-1-117 (4)]** ~~The court may make an order modifying or terminating grandchild or great-grandchild visitation rights whenever such order would serve the best interests of the child~~ THE COURT MAY ESTABLISH, MODIFY, OR TERMINATE GRANDPARENT FAMILY TIME IF THE ORDER WOULD SERVE THE BEST INTERESTS OF THE CHILD.

(8) ~~[Formerly 19-1-117 (5)] Any order granting or denying parenting time rights to the parent of a child shall not affect visitation rights granted to a grandparent or great-grandparent pursuant to this section~~ AN ORDER ESTABLISHING, GRANTING, OR DENYING PARENTING TIME RIGHTS TO THE PARENT OF A CHILD DOES NOT AFFECT GRANDPARENT FAMILY TIME GRANTED TO A GRANDPARENT OR GREAT-GRANDPARENT AS LONG AS THE GRANDPARENT FAMILY TIME IS IN THE BEST INTERESTS OF THE CHILD PURSUANT TO THIS SECTION.

**14-10-124.5. [Formerly 19-1-117.5] Disputes concerning grandparent or great-grandparent family time.** (1) Upon a verified motion by a grandparent or great-grandparent who has been granted ~~visitation~~ GRANDPARENT OR GREAT-GRANDPARENT FAMILY TIME or upon the court's own motion alleging that the person with legal custody or parental responsibilities of the child as determined by a court pursuant to THIS article 10 of title 14, ~~C.R.S.~~ with whom ~~visitation~~ GRANDPARENT FAMILY TIME has been granted is not complying with a grandparent or great-grandparent ~~visitation~~ FAMILY TIME order or schedule, the court shall determine from the verified motion, and response to the motion, if any, whether there has been or is likely to be a substantial and continuing noncompliance with the grandparent or great-grandparent ~~visitation~~ FAMILY TIME order or schedule and either:

(a) Deny the motion, if there is an inadequate allegation; or

(b) Set the matter for hearing with notice to the grandparent or great-grandparent and the person with legal custody or parental responsibilities of the child as determined by the court of the time and place of the hearing; or

(c) Require said parties to seek mediation and report back to the court on the results of the mediation within sixty days. Mediation services ~~shall~~ MUST be provided in accordance with section 13-22-305. ~~C.R.S.~~ At the end of the mediation period, the court may approve an agreement reached by the parties or shall set the matter for hearing.

(2) After the hearing, if a court finds that the person with legal custody or parental responsibilities of the child as determined by the court has not complied with the ~~visitation~~ GRANDPARENT OR GREAT-GRANDPARENT FAMILY TIME order or schedule and has violated the

court order, the court, in the best interests of the child, may issue orders which may include but need not be limited to:

(a) Imposing additional terms and conditions which are consistent with the court's previous order;

(b) Modifying the previous order to meet the best interests of the child;

(c) Requiring the violator to post bond or security to insure future compliance;

(d) Requiring that makeup ~~visitation~~ GRANDPARENT OR GREAT-GRANDPARENT FAMILY TIME be provided for the aggrieved grandparent or great-grandparent and child under the following conditions:

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

(II) That such ~~visitation~~ GRANDPARENT OR GREAT-GRANDPARENT FAMILY TIME is made up within one year after the noncompliance occurs; OR

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

(e) Finding the person who did not comply with the ~~visitation~~ GRANDPARENT OR GREAT-GRANDPARENT FAMILY TIME schedule in contempt of court and imposing a fine or jail sentence; AND

(f) Awarding to the aggrieved party, ~~where~~ WHEN appropriate, actual expenses, including attorney fees, court costs, and expenses incurred by a grandparent or great-grandparent because of the other person's failure to provide or exercise court-ordered ~~visitation~~ GRANDPARENT OR GREAT-GRANDPARENT FAMILY TIME. Nothing in this section ~~shall preclude~~

PRECLUDES a party's right to a separate and independent legal action in tort.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "GRANDPARENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 14-10-124.4.

(b) "GREAT-GRANDPARENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 14-10-124.4.

(c) "GRANDPARENT OR GREAT-GRANDPARENT FAMILY TIME" OR "GRANDPARENT FAMILY TIME" HAS THE SAME MEANING AS SET FORTH IN SECTION 14-10-124.4.

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

**14-10-129. Modification of parenting time.** (1) (b) (I) The court shall not restrict a parent's parenting time rights unless it finds that the parenting time would endanger the child's physical health or significantly impair the child's emotional development. In addition to a finding that parenting time would endanger the child's physical health or significantly impair the child's emotional development, in any order imposing or continuing a parenting time restriction, the court shall enumerate the specific factual findings supporting the restriction. Nothing in this section shall be construed to affect grandparent or great-grandparent ~~visitation~~ FAMILY TIME granted pursuant to ~~section 19-1-117. C.R.S.~~ SECTION 14-10-124.4.

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

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

provisions of this ~~article~~ ARTICLE 10.

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

**14-13-102. Definitions.** As used in this article 13, unless the context otherwise requires:

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

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

**SECTION 6.** In Colorado Revised Statutes, 19-1-103, **repeal** (70)(b) and (71) as follows:

**19-1-103. Definitions.** As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(70) (b) ~~"Grandparent", as used in sections 19-1-117 and 19-1-117.5, has the same meaning as set forth in subsection (70)(a) of this section, except that "grandparent" does not include the parent of a child's legal father or mother whose parental rights have been terminated in accordance with sections 19-5-101 and 19-1-104(1)(d).~~



(71) ~~"Great-grandparent", as used in sections 19-1-117 and 19-1-117.5, means a person who is the grandparent of a child's father or mother, who is related to the child by blood, in whole or by half, adoption, or marriage. "Great-grandparent" does not include the grandparent of a child's legal father or mother whose parental rights have been terminated in accordance with sections 19-5-101 and 19-1-104 (1)(d).~~

**SECTION 7.** In Colorado Revised Statutes, 19-4-105.5, **amend** (5)(c)(I) introductory portion as follows:

**19-4-105.5. Commencement of proceedings - summons - automatic temporary injunction - enforcement.** (5) A summons issued upon commencement of a proceeding under this article shall contain the following advisements and notice:

(c) (I) That, except in proceedings initiated pursuant to ~~section 19-1-117~~ SECTION 14-10-124.4 or in proceedings initiated by a delegate child support enforcement unit, as defined in section 26-13-102.5 (1), ~~C.R.S.~~ pursuant to article 13 or 13.5 of title 26, ~~C.R.S.~~; or article 5 of title 14, ~~C.R.S.~~ upon personal service of the petition and summons on a respondent or upon waiver and acceptance of service by a respondent, a temporary injunction shall be in effect against both parties:

**SECTION 8. Repeal of relocated provisions in this act.** In Colorado Revised Statutes, **repeal** 19-1-117 and 19-1-117.5.

**SECTION 9. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

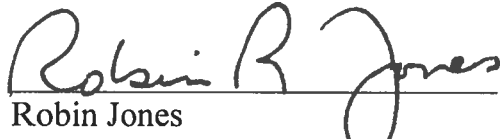
November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Steve Fenberg  
PRESIDENT OF  
THE SENATE

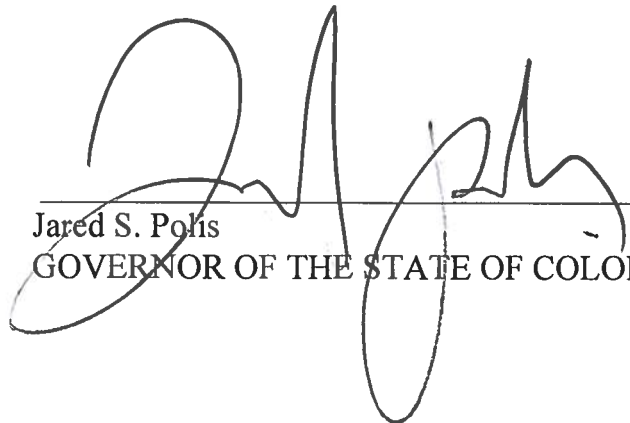


Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED Tuesday, May 23<sup>rd</sup>, 2023 at 10am  
(Date and Time)



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Jared S. Polis

GOVERNOR OF THE STATE OF COLORADO