

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0952.01 Michael Dohr x4347

HOUSE BILL 22-1319

HOUSE SPONSORSHIP

Gonzales-Gutierrez and Jodeh,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING DEPENDENCY ORDERS FOR AN UNACCOMPANIED CHILD
102 IN FEDERAL CUSTODY IN COLORADO.

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 court jurisdiction over an unaccompanied child in the custody of the federal office of refugee resettlement in a facility in Colorado who has been subjected to parental abuse or neglect. A child may file a petition asking the court to determine that the child is dependant on the court. The petition must:

- Set forth the facts that bring the child under the court's

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.

- jurisdiction;
- State the child's name, age, and country of birth; and
- Identify the facility where the child is housed in Colorado in the custody of the federal office of refugee resettlement.

The petition must not name the child's parent as a respondent. The petition must state clearly that parental rights may not be terminated through the proceedings.

The bill requires the court to schedule a hearing. If the court finds at the hearing that the statements in the petition are supported by a preponderance of the evidence, the court shall declare the child dependent on the court. A child declared dependent is eligible for oversight and services by the office of the child protection ombudsman. Upon request, the court may also issue an order establishing the child's eligibility for classification as a special immigrant juvenile under federal law.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 3.1 to title
3 19 as follows:

4 **ARTICLE 3.1**

5 **Dependency Proceedings for Unaccompanied Children**
6 **in Federal Custody**

7 **19-3.1-101. Petition for dependency order for unaccompanied**
8 **children in federal custody - definition.** (1) WHEN AN UNACCOMPANIED
9 CHILD IN THE CUSTODY OF THE FEDERAL OFFICE OF REFUGEE
10 RESETTLEMENT HOUSED IN A FACILITY IN COLORADO HAS BEEN SUBJECTED
11 TO PARENTAL ABUSE OR NEGLECT AS DEFINED IN SECTION 19-1-103 (1)(a)
12 OR SUBJECTED TO THE PARENTAL ACTIONS AND OMISSIONS LISTED IN
13 SECTION 19-3-102, THAT CHILD MAY FILE A PETITION FOR A DEPENDENCY
14 ORDER PURSUANT TO THIS SECTION WITH THE JUVENILE COURT IN THE
15 JUDICIAL DISTRICT WHERE THE CHILD IS HOUSED.

16 (2) (a) THE PETITION MUST:

17 (I) SET FORTH THE FACTS THAT BRING THE CHILD UNDER THE

1 COURT'S JURISDICTION PURSUANT TO SUBSECTION (1) OF THIS SECTION;

2 (II) STATE THE CHILD'S NAME, AGE, AND COUNTRY OF BIRTH; AND

3 (III) IDENTIFY THE FACILITY IN COLORADO WHERE THE CHILD IS
4 HOUSED IN THE CUSTODY OF THE FEDERAL OFFICE OF REFUGEE
5 RESETTLEMENT.

6 (b) THE STATEMENTS IN THE PETITION MAY BE MADE UPON
7 INFORMATION AND BELIEF.

8 (c) THE PETITION MUST NOT NAME THE CHILD'S PARENT AS A
9 RESPONDENT. THE PETITION MUST STATE CLEARLY THAT PARENTAL
10 RIGHTS MAY NOT BE TERMINATED THROUGH PROCEEDINGS UNDER THIS
11 SECTION.

12 (3) THE COURT SHALL SCHEDULE A HEARING WITHIN THIRTY-FIVE
13 DAYS AFTER THE PETITION IS FILED, UNLESS A MOTION IS MADE FOR A
14 FORTHWITH HEARING BECAUSE THE CHILD IS APPROACHING EIGHTEEN
15 YEARS OF AGE OR OTHER EMERGENT CIRCUMSTANCES, IN WHICH CASE THE
16 COURT SHALL SCHEDULE THE HEARING WITHIN SEVEN DAYS. IF THE COURT
17 FINDS THE STATEMENTS IN THE PETITION ARE SUPPORTED BY A
18 PREPONDERANCE OF THE EVIDENCE, THE COURT SHALL DECLARE THE
19 CHILD DEPENDENT ON THE COURT. A CHILD DECLARED DEPENDENT
20 PURSUANT TO THIS SECTION IS ELIGIBLE FOR OVERSIGHT AND SERVICES BY
21 THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN PURSUANT TO
22 SECTION 19-3.3-103 (1)(a.5). UPON REQUEST, THE COURT MAY ALSO ISSUE
23 AN ORDER ESTABLISHING THE CHILD'S ELIGIBILITY FOR CLASSIFICATION AS
24 A SPECIAL IMMIGRANT JUVENILE UNDER FEDERAL LAW. THE ORDER MAY
25 BE ENTERED AT ANY TIME FOLLOWING THE FILING OF THE PETITION OR AT
26 THE HEARING.

27 (4) THE COURT SHALL NOT ALTER THE CHILD'S CUSTODY STATUS

1 OR PLACEMENT UNLESS THE FEDERAL DEPARTMENT OF HEALTH AND
2 HUMAN SERVICES PROVIDES SPECIFIC CONSENT.

3 (5) THE COURT MAY RETAIN JURISDICTION OVER THE CHILD UNTIL
4 THE CHILD REACHES EIGHTEEN YEARS OF AGE OR UNTIL FURTHER ORDER
5 OF THE COURT.

6 (6) FOR PURPOSES OF THIS SECTION, "DEPENDENT ON THE COURT"
7 MEANS A YOUTH IS UNDER THE JUVENILE COURT'S JURISDICTION; THE
8 YOUTH WAS AT ANY TIME ADJUDICATED DEPENDENT OR NEGLECTED, AS
9 DESCRIBED IN SECTION 19-3-102, OR THAT THE COURT HAS FOUND
10 SUFFICIENT EVIDENCE THAT THE YOUTH HAS BEEN SUBJECTED TO CHILD
11 ABUSE OR NEGLECT, AS DEFINED IN SECTION 19-1-103 (1)(a); AND THE
12 YOUTH IS IN NEED OF OVERSIGHT AND SUPPORTIVE SERVICES AS
13 DETERMINED BY THE COURT.

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