

CHAPTER 33

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 24-119

BY SENATOR(S) Exum, Coleman, Cutter, Fields, Ginal, Gonzales, Marchman, Mullica, Priola, Rodriguez, Winter F., Zenzinger; also REPRESENTATIVE(S) Garcia and Mabrey, Bacon, Brown, English, Epps, Froelich, Hernandez, Herod, Jodeh, Lindsay, Marvin, Ortiz, Parenti, Ricks, Rutinel, Story, Velasco, Weissman, Young.

AN ACT

CONCERNING CLASSIFYING THE DEATH OF A PARENT AS ABANDONMENT IN DETERMINATIONS FOR VULNERABLE YOUTH.

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

SECTION 1. In Colorado Revised Statutes, 14-10-123, **amend** (1.5)(c) introductory portion and (1.5)(c)(II) as follows:

14-10-123. Commencement of proceedings concerning allocation of parental responsibilities - jurisdiction - automatic temporary injunction - enforcement - definitions. (1.5) (c) If a request is made for findings from the court to establish the child's eligibility for classification as a special immigrant juvenile under federal law and the court determines ~~that~~ there is sufficient evidence to support the findings, the court shall enter an order, including factual findings and conclusions of law, determining that:

(II) Reunification of the child with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis found ~~under~~ PURSUANT TO state law. ~~and~~ FOR PURPOSES OF THIS SUBSECTION (1.5)(c)(II), "ABANDONMENT" INCLUDES, BUT IS NOT LIMITED TO, THE DEATH OF ONE OR BOTH PARENTS.

SECTION 2. In Colorado Revised Statutes, 15-14-204, **amend** (2.5)(c) introductory portion and (2.5)(c)(II) as follows:

15-14-204. Judicial appointment of guardian - conditions for appointment - definition. (2.5) (c) If a request is made for findings establishing the minor's eligibility for classification as a special immigrant juvenile under federal law and the court determines ~~that~~ there is sufficient evidence to support the findings, the

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.

court shall enter an order, including factual findings and conclusions of law, determining that:

(II) Reunification of the minor with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis found ~~under~~ PURSUANT TO state law. ~~and~~ FOR PURPOSES OF THIS SUBSECTION (2.5)(c)(II), "ABANDONMENT" INCLUDES, BUT IS NOT LIMITED TO, THE DEATH OF ONE OR BOTH PARENTS.

SECTION 3. In Colorado Revised Statutes, 19-1-103, **add** (128.5) 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:

(128.5) "SPECIAL IMMIGRANT JUVENILE STATUS FINDINGS" INCLUDES:

(a) DECLARING THE CHILD DEPENDENT OR PLACING THE CHILD IN THE CUSTODY OF AN INDIVIDUAL, AGENCY, OR DEPARTMENT AS APPOINTED BY THE COURT;

(b) DETERMINING THAT REUNIFICATION OF THE CHILD WITH ONE OR BOTH PARENTS IS NOT VIABLE DUE TO ABUSE, NEGLECT, ABANDONMENT, OR A SIMILAR BASIS FOUND PURSUANT TO STATE LAW. FOR PURPOSES OF THIS SECTION, "ABANDONMENT" INCLUDES, BUT IS NOT LIMITED TO, THE DEATH OF ONE OR BOTH PARENTS.

(c) DETERMINING THAT IT IS NOT IN THE BEST INTERESTS OF THE CHILD TO BE RETURNED TO THE CHILD'S OR PARENTS' PREVIOUS COUNTRY OF NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

SECTION 4. In Colorado Revised Statutes, 19-1-104, **amend** (1.5) as follows:

19-1-104. Jurisdiction. (1.5) A juvenile court exercising jurisdiction pursuant to subsection (1)(a), (1)(b), (1)(c), (1)(f), or (1)(g) of this section may enter SPECIAL IMMIGRANT JUVENILE STATUS findings, AS DEFINED IN SECTION 19-1-103, establishing eligibility for classification as a special immigrant juvenile under federal law.

SECTION 5. In Colorado Revised Statutes, 19-3.1-101, **amend** (3) as follows:

19-3.1-101. Petition for dependency order for unaccompanied children or youth in federal custody - definition. (3) (a) The court shall schedule a hearing within thirty-five days after the petition is filed, unless a motion is made for a forthwith hearing because the child is approaching eighteen years of age or other emergent circumstances, in which case the court shall schedule the hearing within seven days. If the court finds 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 pursuant to this section is MAY BE eligible for oversight and services by the office of the child protection ombudsman pursuant to section 19-3.3-103 (1)(a.5). Upon request, the court may also issue an order establishing the child's eligibility for classification as a special immigrant juvenile under federal law, ~~The order may be entered at any time following the filing of the petition or at the hearing.~~ INCLUDING:

(I) DECLARING THE CHILD DEPENDENT;

(II) DETERMINING THAT REUNIFICATION OF THE CHILD WITH ONE OR BOTH PARENTS IS NOT VIABLE DUE TO ABUSE, NEGLECT, ABANDONMENT, OR A SIMILAR BASIS FOUND PURSUANT TO STATE LAW. FOR PURPOSES OF THIS SUBSECTION (3)(a)(II), "ABANDONMENT" INCLUDES, BUT IS NOT LIMITED TO, THE DEATH OF ONE OR BOTH PARENTS.

(III) DETERMINING THAT IT IS NOT IN THE BEST INTERESTS OF THE CHILD TO BE RETURNED TO THE CHILD'S OR PARENTS' PREVIOUS COUNTRY OF NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

(b) THE ORDER MAY BE ENTERED AT ANY TIME FOLLOWING THE FILING OF THE PETITION OR AT THE HEARING.

SECTION 6. In Colorado Revised Statutes, 19-7-309.5, **amend** (5) as follows:

19-7-309.5. Initial hearings. (5) (a) When a youth has been adjudicated dependent and neglected pursuant to section 19-3-102, or when there is sufficient evidence that the youth has been subjected to child abuse or neglect, as defined in section 19-1-103 (1), the court shall enter a finding that the youth is dependent on the court, as defined in ~~section 19-1-103 (54)~~ SECTION 19-1-103 (53.5). The court may enter special findings establishing the youth's eligibility for designation as a special immigrant juvenile pursuant to federal law, ~~These findings may be made at the initial hearing or any time thereafter.~~ INCLUDING:

(I) DECLARING THE YOUTH DEPENDENT;

(II) DETERMINING THAT REUNIFICATION OF THE YOUTH WITH ONE OR BOTH PARENTS IS NOT VIABLE DUE TO ABUSE, NEGLECT, ABANDONMENT, OR A SIMILAR BASIS FOUND PURSUANT TO STATE LAW. FOR PURPOSES OF THIS SUBSECTION (5)(a)(II), "ABANDONMENT" INCLUDES, BUT IS NOT LIMITED TO, THE DEATH OF ONE OR BOTH PARENTS.

(III) DETERMINING THAT IT IS NOT IN THE BEST INTERESTS OF THE YOUTH TO BE RETURNED TO THE YOUTH'S OR PARENTS' PREVIOUS COUNTRY OF NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

(b) THE ORDER MAY BE ENTERED AT ANY TIME FOLLOWING THE FILING OF THE PETITION OR AT THE HEARING.

SECTION 7. 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.

Approved: March 22, 2024