

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0389.02 Jacob Baus x2173

HOUSE BILL 25-1185

HOUSE SPONSORSHIP

Froelich and Willford,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING COURT PROCEEDINGS FOR A PARENT-CHILD LEGAL
102 RELATIONSHIP WHEN THE CHILD WAS CONCEIVED AS A RESULT
103 OF A SEXUAL ASSAULT.

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>.)

Under current law, a parent who wants to relinquish their child must satisfy certain requirements. If the parent who wants to relinquish their child is a victim of sexual assault that resulted in the conception of the child to be relinquished, the bill:

- Allows the relinquishment petitioner to provide the

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.

juvenile court with documentation concerning the sexual assault or conception, including a sworn affidavit;

- Exempts the petitioner from having to satisfy certain relinquishment requirements if the court finds that the petitioner is a victim of sexual assault that resulted in the conception of the child to be relinquished; and
- Exempts the relinquishing parent of all legal obligations they may have with respect to the child if the court grants a final order of relinquishment.

On or before January 1, 2026, the state court administrator is required to develop a, or modify an existing, standardized form for a petitioner to file to terminate another person's parent-child legal relationship because the child was conceived as a result of sexual assault.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-5-101, **amend** (1)
3 as follows:

4 **19-5-101. Termination of the parent-child legal relationship.**

5 (1) The juvenile court may, upon petition, terminate the parent-child
6 legal relationship between a parent or parents, or a possible parent or
7 parents, and a child in PROCEEDINGS PURSUANT TO:

8 (a) ~~Proceedings under~~ Section 19-1-104 (1)(d);

9 (a.5) ~~Proceedings under~~ Section 19-5-103.5 (2)(d);

10 (b) ~~Proceedings under~~ Section 19-5-105;

11 (c) ~~Proceedings under~~ Section 19-5-203 (1)(d), (1)(e), (1)(f),
12 (1)(j), and (1)(k); or

13 (d) ~~Proceedings under~~ Section 19-5-105.5; OR

14 (e) SECTION 19-5-105.7.

15 **SECTION 2.** In Colorado Revised Statutes, 19-5-103, **add** (13)
16 as follows:

17 **19-5-103. Relinquishment procedure - petition - hearings.**

18 (13)(a) (I) IF A CHILD WAS CONCEIVED AS A RESULT OF AN ACT THAT LED

1 TO A PARENT'S CONVICTION FOR SEXUAL ASSAULT OR FOR A CONVICTION
2 OF AN ACT IN WHICH THE UNDERLYING FACTUAL BASIS WAS SEXUAL
3 ASSAULT, THE VICTIM OF THE SEXUAL ASSAULT OR CRIME MAY FILE A
4 PETITION IN THE JUVENILE COURT TO PREVENT FUTURE CONTACT WITH THE
5 PARENT WHO COMMITTED THE SEXUAL ASSAULT AND TO TERMINATE THE
6 PARENT-CHILD LEGAL RELATIONSHIP OF THE VICTIM OF THE SEXUAL
7 ASSAULT OR CRIME.

8 (II) A PERSON WHO ALLEGES THAT THEY ARE A VICTIM OF SEXUAL
9 ASSAULT AND WHO ALLEGES THAT A CHILD WAS CONCEIVED AS A RESULT
10 OF A SEXUAL ASSAULT OF WHICH A CONVICTION DID NOT OCCUR MAY FILE
11 A PETITION IN THE JUVENILE COURT TO PREVENT FUTURE CONTACT WITH
12 THE PARENT WHO ALLEGEDLY COMMITTED THE SEXUAL ASSAULT AND TO
13 TERMINATE THE PARENT-CHILD LEGAL RELATIONSHIP OF THE ALLEGED
14 VICTIM OF THE SEXUAL ASSAULT.

15 (b) A PARENT WHO IS A VICTIM OR WHO ALLEGES THAT THEY ARE
16 A VICTIM AS DESCRIBED IN SUBSECTION (13)(a) OF THIS SECTION AND WHO
17 WANTS TO RELINQUISH THE CHILD WHO WAS CONCEIVED OR IS ALLEGED TO
18 HAVE BEEN CONCEIVED AS DESCRIBED IN SUBSECTION (13)(a) OF THIS
19 SECTION MAY INCLUDE WITH THEIR PETITION FOR RELINQUISHMENT
20 DOCUMENTATION CONCERNING THE SEXUAL ASSAULT OR CONCEPTION.

21 THE DOCUMENTATION MAY INCLUDE:

22 (I) A COURT RECORD DOCUMENTING THE CONVICTION FOR SEXUAL
23 ASSAULT OR CONVICTION OF AN ACT IN WHICH THE UNDERLYING FACTUAL
24 BASIS WAS SEXUAL ASSAULT;

25 (II) A POLICE REPORT CONCERNING THE SEXUAL ASSAULT;

26 (III) MEDICAL RECORDS, FORENSIC EXAM RESULTS, OR GENETIC
27 TESTING RESULTS;

1 (IV) RECORDS FROM A LICENSED MENTAL HEALTH PROFESSIONAL
2 OR VICTIM'S ADVOCATE; OR

3 (V) A SWORN AFFIDAVIT FROM THE PETITIONER THAT ALLEGES THE
4 PETITIONER IS A VICTIM OF SEXUAL ASSAULT THAT RESULTED IN THE
5 CONCEPTION OF THE CHILD TO BE RELINQUISHED.

6 (c) (I) IF THE PETITION FOR RELINQUISHMENT INCLUDES
7 DOCUMENTATION OF A PARENT'S CONVICTION FOR SEXUAL ASSAULT OR
8 FOR A CONVICTION OF AN ACT IN WHICH THE UNDERLYING FACTUAL BASIS
9 WAS SEXUAL ASSAULT AND THE CHILD TO BE RELINQUISHED WAS
10 CONCEIVED AS A RESULT OF THE CRIME, OR IF THE COURT FINDS
11 SUFFICIENT INFORMATION THAT THE RELINQUISHMENT PETITIONER IS A
12 VICTIM OF A SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF THE
13 CHILD TO BE RELINQUISHED, THEN NOTWITHSTANDING ANY PROVISION OF
14 THIS SECTION TO THE CONTRARY, THE PETITIONER IS EXEMPT FROM, AND
15 THE COURT SHALL NOT REQUIRE THE PETITIONER TO:

16 (A) SATISFY ANY COUNSELING REQUIREMENTS PURSUANT TO THIS
17 SECTION; OR

18 (B) PAY FEES FOR GUARDIANS AD LITEM OR COUNSEL FOR YOUTH
19 PURSUANT TO THIS SECTION.

20 (II) IF THE PETITION FOR RELINQUISHMENT INCLUDES
21 DOCUMENTATION OF A PARENT'S CONVICTION FOR SEXUAL ASSAULT OR
22 FOR A CONVICTION OF AN ACT IN WHICH THE UNDERLYING FACTUAL BASIS
23 WAS SEXUAL ASSAULT AND THE CHILD TO BE RELINQUISHED WAS
24 CONCEIVED AS A RESULT OF THE CRIME, OR IF THE COURT FINDS
25 SUFFICIENT INFORMATION THAT THE RELINQUISHMENT PETITIONER IS A
26 VICTIM OF A SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF THE
27 CHILD TO BE RELINQUISHED, THEN NOTWITHSTANDING ANY LAW TO THE

1 CONTRARY, IF THE COURT GRANTS A FINAL ORDER OF RELINQUISHMENT,
2 THE COURT'S FINAL ORDER OF RELINQUISHMENT MUST DIVEST THE
3 RELINQUISHING PARENT OF ALL LEGAL OBLIGATIONS THEY MAY HAVE
4 WITH RESPECT TO THE CHILD RELINQUISHED, INCLUDING CHILD SUPPORT,
5 AT THE TIME OF RELINQUISHMENT.

6 (d) A PARENT WHO IS A PARTY TO A PENDING DEPENDENCY AND
7 NEGLECT CASE PURSUANT TO ARTICLE 3 OF THIS TITLE 19 MAY PURSUE
8 RELINQUISHMENT PURSUANT TO THIS SUBSECTION (13) AT ANY TIME
9 DURING THE DEPENDENCY AND NEGLECT PROCEEDINGS.

10 **SECTION 3.** In Colorado Revised Statutes, 19-5-104, **amend** (5)
11 as follows:

12 **19-5-104. Final order of relinquishment.** (5) (a) A final order
13 of relinquishment ~~shall~~ MUST divest the relinquishing parent or parents of
14 all legal rights and obligations they may have with respect to the child
15 relinquished, but it shall not modify the child's status as an heir at law
16 which ~~shall cease~~ CEASES only upon a subsequent final decree of
17 adoption; except that the relinquishing parent's or parents' obligation to
18 pay for services received by the child through the department, or other
19 support received, ~~shall~~ MUST be terminated upon a subsequent final
20 decree of adoption or by order of the court at the time of relinquishment.
21 The order of relinquishment ~~shall~~ MUST release the relinquished child
22 from all legal obligations with respect to the relinquishing parent or
23 parents.

24 (b) PURSUANT TO SECTION 19-5-103 (13), IF THE PETITION FOR
25 RELINQUISHMENT INCLUDES DOCUMENTATION OF A PARENT'S CONVICTION
26 FOR SEXUAL ASSAULT OR FOR A CONVICTION OF AN ACT IN WHICH THE
27 UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT AND THE CHILD TO BE

1 RELINQUISHED WAS CONCEIVED AS A RESULT OF THE CRIME, OR IF THE
2 COURT FINDS SUFFICIENT INFORMATION THAT THE RELINQUISHING PARENT
3 IS A VICTIM OF A SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF
4 THE CHILD TO BE RELINQUISHED, THEN NOTWITHSTANDING ANY LAW TO
5 THE CONTRARY, IF THE COURT GRANTS A FINAL ORDER OF
6 RELINQUISHMENT, THE COURT'S FINAL ORDER OF RELINQUISHMENT MUST
7 DIVEST THE RELINQUISHING PARENT OF ALL LEGAL OBLIGATIONS THEY
8 MAY HAVE WITH RESPECT TO THE CHILD RELINQUISHED, INCLUDING CHILD
9 SUPPORT, AT THE TIME OF RELINQUISHMENT.

10 **SECTION 4.** In Colorado Revised Statutes, 19-5-105.5, **amend**
11 (6.7); and **add** (4.3) as follows:

12 **19-5-105.5. Termination of parent-child legal relationship**
13 **upon a finding that the child was conceived as a result of sexual**
14 **assault - legislative declaration - definitions.** (4.3) ON OR BEFORE
15 JANUARY 1, 2026, THE STATE COURT ADMINISTRATOR SHALL DEVELOP A,
16 OR MODIFY AN EXISTING, STANDARDIZED PETITION FORM FOR A
17 PETITIONER TO COMPLETE AND FILE PURSUANT TO THIS SECTION. AT A
18 MINIMUM, THE STANDARDIZED PETITION FORM MUST ALLOW A PETITIONER
19 TO ALLEGE THE INFORMATION DESCRIBED IN SUBSECTION (4) OF THIS
20 SECTION AND PROVIDE THE PETITIONER THE ABILITY TO PROVIDE
21 INFORMATION TO SUPPORT THEIR ALLEGATION THAT THE RESPONDENT
22 COMMITTED AN ACT OF SEXUAL ASSAULT AGAINST THE PETITIONER AND
23 THAT A CHILD WAS CONCEIVED AS A RESULT OF THE SEXUAL ASSAULT.

24 (6.7) The JUVENILE court shall ACCEPT AND hear a EACH petition
25 to terminate the parent-child legal relationship FILED PURSUANT TO THIS
26 SECTION no more than one hundred twenty days after service of the
27 petition or from the first appearance date, whichever is later, unless both

1 parties consent to an extension or the court finds good cause to extend the
2 hearing beyond one hundred twenty days.

3 **SECTION 5.** In Colorado Revised Statutes, 19-5-105.7, **amend**
4 (10); and **add** (4.3) as follows:

5 **19-5-105.7. Termination of parent-child legal relationship in**
6 **a case of an allegation that a child was conceived as a result of sexual**
7 **assault but in which no conviction occurred - legislative declaration**
8 **- definitions.** (4.3) ON OR BEFORE JANUARY 1, 2026, THE STATE COURT
9 ADMINISTRATOR SHALL DEVELOP A, OR MODIFY AN EXISTING,
10 STANDARDIZED PETITION FORM FOR A PETITIONER TO COMPLETE AND FILE
11 PURSUANT TO THIS SECTION. AT A MINIMUM, THE STANDARDIZED PETITION
12 FORM MUST ALLOW A PETITIONER TO ALLEGE THE INFORMATION
13 DESCRIBED IN SUBSECTION (4) OF THIS SECTION AND PROVIDE THE
14 PETITIONER THE ABILITY TO PROVIDE INFORMATION TO SUPPORT THEIR
15 ALLEGATION THAT THE RESPONDENT COMMITTED AN ACT OF SEXUAL
16 ASSAULT AGAINST THE PETITIONER AND THAT A CHILD WAS CONCEIVED AS
17 A RESULT OF THE SEXUAL ASSAULT.

18 (10) The JUVENILE court shall ACCEPT AND hear a EACH petition
19 to terminate the parent-child legal relationship FILED PURSUANT TO THIS
20 SECTION no more than one hundred twenty days after service of the
21 petition or from the first appearance date, whichever is later, unless both
22 parties consent to an extension or the court finds good cause to extend the
23 hearing beyond one hundred twenty days.

24 **SECTION 6. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2026 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.