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HOUSE BILL 25-1185

BY REPRESENTATIVE(S) Froelich and Willford, Bacon, Boesenecker, Bradley, Brown, Caldwell, Camacho, Clifford, Duran, English, Espenoza, Garcia, Gonzalez R., Hamrick, Jackson, Keltie, Lieder, Lindsay, Lindstedt, Lukens, Rydin, Sirota, Story, Titone, Zokaie, McCluskie;
also SENATOR(S) Weissman, Carson, Cutter, Gonzales J., Jodeh, Kipp, Michaelson Jenet, Mullica, Roberts, Wallace.

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

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

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

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

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

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

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.

- (a.5) ~~Proceedings under~~ Section 19-5-103.5 (2)(d);
- (b) ~~Proceedings under~~ Section 19-5-105;
- (c) ~~Proceedings under~~ Section 19-5-203 (1)(d), (1)(e), (1)(f), (1)(j), and (1)(k); ~~or~~
- (d) ~~Proceedings under~~ Section 19-5-105.5; OR
- (e) SECTION 19-5-105.7.

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

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

(13) (a) (I) IF A CHILD WAS CONCEIVED AS A RESULT OF AN ACT THAT LED TO A PARENT'S CONVICTION FOR SEXUAL ASSAULT OR FOR A CONVICTION OF AN ACT IN WHICH THE UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT, THE VICTIM OF THE SEXUAL ASSAULT OR CRIME MAY FILE A PETITION IN THE JUVENILE COURT TO PREVENT FUTURE CONTACT WITH THE PARENT WHO COMMITTED THE SEXUAL ASSAULT AND TO RELINQUISH THE PARENT-CHILD LEGAL RELATIONSHIP OF THE VICTIM OF THE SEXUAL ASSAULT OR CRIME.

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

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

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

(II) A POLICE REPORT CONCERNING THE SEXUAL ASSAULT;

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

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

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

(c) (I) IF THE PETITION FOR RELINQUISHMENT INCLUDES DOCUMENTATION OF A PARENT'S CONVICTION FOR SEXUAL ASSAULT OR FOR A CONVICTION OF AN ACT IN WHICH THE UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT AND THE CHILD TO BE RELINQUISHED WAS CONCEIVED AS A RESULT OF THE CRIME, OR IF THE COURT FINDS, BASED ON A PREPONDERANCE OF THE EVIDENCE, THAT THE RELINQUISHMENT PETITIONER IS A VICTIM OF A SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF THE CHILD TO BE RELINQUISHED, THEN NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE PETITIONER IS EXEMPT FROM, AND THE COURT SHALL NOT REQUIRE THE PETITIONER TO:

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

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

(II) IF THE PETITION FOR RELINQUISHMENT INCLUDES DOCUMENTATION OF A PARENT'S CONVICTION FOR SEXUAL ASSAULT OR FOR A CONVICTION OF AN ACT IN WHICH THE UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT AND THE CHILD TO BE RELINQUISHED WAS CONCEIVED AS A RESULT OF THE CRIME, OR IF THE COURT FINDS, BASED ON A PREPONDERANCE OF THE EVIDENCE, THAT THE RELINQUISHMENT PETITIONER IS A VICTIM OF A SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF

THE CHILD TO BE RELINQUISHED, THEN NOTWITHSTANDING ANY LAW TO THE CONTRARY, IF THE COURT GRANTS A FINAL ORDER OF RELINQUISHMENT, THE COURT'S FINAL ORDER OF RELINQUISHMENT MUST DIVEST THE RELINQUISHING PARENT OF ALL LEGAL OBLIGATIONS THEY MAY HAVE WITH RESPECT TO THE CHILD RELINQUISHED, INCLUDING CHILD SUPPORT, AT THE TIME OF RELINQUISHMENT.

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

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

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

(b) PURSUANT TO SECTION 19-5-103 (13), IF THE PETITION FOR RELINQUISHMENT INCLUDES DOCUMENTATION OF A PARENT'S CONVICTION FOR SEXUAL ASSAULT OR FOR A CONVICTION OF AN ACT IN WHICH THE UNDERLYING FACTUAL BASIS WAS SEXUAL ASSAULT AND THE CHILD TO BE RELINQUISHED WAS CONCEIVED AS A RESULT OF THE CRIME, OR IF THE COURT FINDS, BASED ON A PREPONDERANCE OF THE EVIDENCE, THAT THE RELINQUISHING PARENT IS A VICTIM OF A SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF THE CHILD TO BE RELINQUISHED, THEN NOTWITHSTANDING ANY LAW TO THE CONTRARY, IF THE COURT GRANTS A FINAL ORDER OF RELINQUISHMENT, THE COURT'S FINAL ORDER OF RELINQUISHMENT MUST DIVEST THE RELINQUISHING PARENT OF ALL LEGAL OBLIGATIONS THEY MAY HAVE WITH RESPECT TO THE CHILD RELINQUISHED, INCLUDING CHILD SUPPORT, AT THE TIME OF RELINQUISHMENT.

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

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

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

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

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

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

SECTION 6. 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 2026 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

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO