

CHAPTER 201

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 94-005

BY SENATORS Owens, Bird, Bishop, Blickensderfer, Cassidy, Feeley, Gallagher, Groff, Hopper, Johnson, Lacy, Mares, Martinez, Meiklejohn, Norton, R. Powers, Ruddick, Schroeder, Tebedo, Traylor, Weissmann, and Wham;
also REPRESENTATIVES Coffman, Acquafresca, Blue, DeGette, Friednash, and Pierson.

AN ACT

CONCERNING THE BEST INTERESTS OF CHILDREN IN PROCEEDINGS INVOLVING PARENTAL RIGHTS.

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

SECTION 1. Part 2 of article 5 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

19-5-200.2. Legislative declaration. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS TITLE TO THE CONTRARY, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COURT SHALL PROTECT AND PROMOTE THE BEST INTERESTS OF THE CHILDREN WHO ARE THE SUBJECTS OF PROCEEDINGS HELD PURSUANT TO THIS PART 2 WHILE GIVING DUE REGARD TO THE INTERESTS OF ANY OTHER INDIVIDUALS AFFECTED.

SECTION 2. 19-5-214, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-5-214. Limitation on annulment of adoption - best interests standard.

(1) No final decree of adoption shall be attacked by reason of any jurisdictional or procedural defect after the expiration of two years following the entry of the final decree.

(2) WHEN A FINAL DECREE OF ADOPTION IS ATTACKED ON ANY BASIS AT ANY TIME, THE COURT SHALL CONSIDER THE BEST INTERESTS OF THE CHILD, TAKING INTO ACCOUNT THE FACTORS SET FORTH IN SECTION 14-10-124, C.R.S. THE COURT SHALL SUSTAIN THE DECREE UNLESS THERE IS CLEAR AND CONVINCING EVIDENCE THAT THE DECREE IS NOT IN THE BEST INTERESTS OF THE CHILD.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. Effective date - applicability. This act shall take effect upon passage and shall apply to all decrees of adoption entered on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 19, 1994