

## CHAPTER 310

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**CHILDREN AND DOMESTIC MATTERS**

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**HOUSE BILL 98-1183**

BY REPRESENTATIVES Gordon, Sullivant, Veiga, K. Alexander, Kaufman, Keller, S. Williams, Grossman, McPherson, Nichol, and Zimmerman;  
also SENATORS Mutzebaugh and Matsunaka.

**AN ACT**

CONCERNING CHILD CUSTODY.

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

**SECTION 1.** 14-10-103 (3), Colorado Revised Statutes, is amended, and the said 14-10-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**14-10-103. Definition and interpretation of terms.** (3) On and after July 1, 1993, the term "visitation" has been changed to "parenting time". It is not the intent of the general assembly to modify or change the meaning of the term "visitation" nor to alter the legal rights of a ~~noncustodial~~ parent with respect to the child as a result of changing the term "visitation" to "parenting time".

(4) ON AND AFTER FEBRUARY 1, 1999, THE TERM "CUSTODY" AND RELATED TERMS SUCH AS "CUSTODIAL" AND "CUSTODIAN" HAVE BEEN CHANGED TO "PARENTAL RESPONSIBILITIES". IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY TO MODIFY OR CHANGE THE MEANING OF THE TERM "CUSTODY" NOR TO ALTER THE LEGAL RIGHTS OF ANY CUSTODIAL PARENT WITH RESPECT TO THE CHILD AS A RESULT OF CHANGING THE TERM "CUSTODY" TO "PARENTAL RESPONSIBILITIES".

**SECTION 2.** 14-10-104.5, Colorado Revised Statutes, is amended to read:

**14-10-104.5. Legislative declaration.** The general assembly recognizes that it is in the best interests of the parties to a marriage in which a dissolution has been

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

granted and in which there are children of the marriage for the parties to be able to resolve disputes that arise subsequent to the dissolution in an amicable and fair manner. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT, IN MOST CASES, IT IS IN THE BEST INTERESTS OF THE CHILDREN OF THE MARRIAGE TO HAVE A RELATIONSHIP WITH BOTH PARENTS AND THAT, IN MOST CASES, IT IS THE PARENTS' RIGHT TO HAVE A RELATIONSHIP WITH THEIR CHILDREN. The general assembly emphasizes that one of the underlying purposes of this article is to mitigate the potential harm to the spouses and their children AND THE RELATIONSHIPS BETWEEN THE PARENTS AND THEIR CHILDREN caused by the process of legal dissolution of marriage. The general assembly recognizes that when a marriage in which children are involved is dissolved both parties either agree to or are subject to orders which contain certain obligations and commitments. The general assembly declares that the honoring and enforcing of those obligations and commitments made by both parties is necessary to maintaining a relationship ~~which~~ THAT is in the best interest of the children of the marriage. In recognition thereof the general assembly hereby declares that both parties should honor and fulfill all of the obligations and commitments made between the parties and ordered by the court.

**SECTION 3.** 14-10-123, Colorado Revised Statutes, is amended to read:

**14-10-123. Commencement of proceedings concerning allocation of parental responsibilities - jurisdiction.** (1) A ~~child-custody~~ proceeding CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES is commenced in the district court or as otherwise provided by law:

(a) By a parent:

(I) By filing a petition for dissolution or legal separation; or

(II) By filing a petition seeking ~~custody~~ of the ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO A child in the county where the child is permanently resident or where ~~he~~ THE CHILD is found; or

(b) By a person other than a parent, by filing a petition seeking ~~custody~~ of THE ALLOCATION OF PARENTAL RESPONSIBILITIES FOR the child in the county where the child is permanently resident or where ~~he~~ THE CHILD is found, but only if the child is not in the physical ~~custody~~ CARE of one of ~~his~~ THE CHILD'S parents;

(c) By a person other than a parent who has had THE physical ~~custody~~ CARE of a child for a period of six months or more, if such action is commenced within six months of the termination of such physical ~~custody~~ CARE; or

(d) By a parent or person other than a parent who has been granted-custody of a child OR WHO HAS BEEN ALLOCATED PARENTAL RESPONSIBILITIES through a juvenile court order entered pursuant to section 19-1-104(6), C.R.S., by filing a certified copy of the juvenile court order in the county where the child is permanently resident. Such order shall be treated in the district court as any other ~~custody~~ decree issued in a ~~child-custody~~ proceeding CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES.

(2) Except for a proceeding CONCERNING THE ALLOCATION OF PARENTAL

RESPONSIBILITIES commenced pursuant to paragraph (d) of subsection (1) of this section, notice of a ~~child custody~~ proceeding CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES shall be given to the child's parent, guardian, and custodian OR PERSON ALLOCATED PARENTAL RESPONSIBILITIES, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

**SECTION 4.** 14-10-123.3, Colorado Revised Statutes, is amended to read:

**14-10-123.3. Requests for parental responsibility for a child by grandparents.** Whenever a grandparent seeks ~~legal custody of~~ PARENTAL RESPONSIBILITY FOR his or her grandchild pursuant to the provisions of this article, the court entering such order shall consider any credible evidence of the grandparent's past conduct of child abuse or neglect. Such evidence may include, but shall not be limited to, medical records, school records, police reports, records of the state central registry of child protection, and court records.

**SECTION 5.** 14-10-123.4, Colorado Revised Statutes, is amended to read:

**14-10-123.4. Rights of children in matters relating to parental responsibilities.** The general assembly hereby declares that children have certain rights in the determination of ~~custody~~ MATTERS RELATING TO PARENTAL RESPONSIBILITIES, including the right to have such determinations based upon the best interests of the child.

**SECTION 6. Repeal.** 14-10-123.5, Colorado Revised Statutes, is repealed as follows:

**14-10-123.5. Joint custody.** (1) ~~For the purposes of this article, "joint custody" means an order awarding legal custody of the minor child to both parties and providing that all major decisions regarding the health, education, and general welfare of the child shall be made jointly. The order may designate one party as a residential custodian for the purpose of determining the legal residence of the child. The order may also provide that one party shall have a longer period of physical custody of the child than the other party, but such provision shall have no legal effect on the rights or responsibilities of the parties with regard to joint custody. The order shall state that, under emergency circumstances, it is sufficient for either party to sign legal releases or to take any other necessary measures.~~

(2) ~~Joint custody shall not eliminate the duty of child support ordered pursuant to section 14-10-115, nor shall joint custody alone constitute grounds for modification of a support order. In making the determination of child support, the court may consider, in addition to the factors specified in section 14-10-115, the ability of each party to maintain adequate housing for the child and may order modified support payments to continue from one party to the other during a period when the child is not residing in the home of the payee.~~

(3) ~~In order to implement joint custody, both parties may submit a plan or plans for the court's approval. If no plan is submitted or if the court does not approve a submitted plan, the court, on its own motion, shall formulate a plan which shall address and resolve, where applicable, the parties' arrangements for the following:~~

~~(a) The location of both parties, the periods of time during which each party will have physical custody of the child, and the legal residence of the child;~~

~~(b) The child's education;~~

~~(c) The child's religious training, if any;~~

~~(d) The child's health care;~~

~~(e) Finances to provide for the child's needs;~~

~~(f) Holidays and vacations; and~~

~~(g) Any other factors affecting the physical or emotional health and well-being of the child.~~

~~(4) The court may order mediation to assist the parties in formulating or modifying a plan or in implementing a plan specified in subsection (3) of this section and may allocate the cost of said mediation between the parties.~~

~~(5) The final plan specified in subsection (3) of this section shall be jointly agreed to by the parties.~~

~~(6) Repealed.~~

~~(7) Notwithstanding any other provision of law to the contrary, access to information pertaining to a minor child, including but not limited to medical, dental, and school records, shall not be denied to the noncustodial parent.~~

~~(8) In the event of a dispute about the necessity of or the type of medical treatment provided to the minor child or children, either parent shall be allowed to obtain necessary medical treatment for the minor child or children without being in violation of the joint custody order or in contempt of court.~~

**SECTION 7.** 14-10-123.6, Colorado Revised Statutes, is amended to read:

**14-10-123.6. Required notice of prior restraining orders to prevent domestic abuse - proceedings concerning parental responsibilities relating to a child.** When filing a ~~child custody~~ proceeding CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES RELATING TO A CHILD pursuant to this article, the filing party shall have a duty to disclose to the court the existence of any prior temporary or permanent restraining orders to prevent domestic abuse issued pursuant to article 4 of this title entered against either party by any court within ninety days prior to the filing of the ~~child custody~~ proceeding. The disclosure required pursuant to this section shall address the subject matter of the previous restraining orders, including the case number and jurisdiction issuing such orders.

**SECTION 8.** 14-10-123.7 (2), Colorado Revised Statutes, is amended to read:

**14-10-123.7. Parental education - legislative declaration.** (2) A court may order a parent ~~of a~~ WHOSE child IS under eighteen years of age to attend a program

designed to provide education concerning the impact of separation and divorce on children in cases in which the parent of a minor is a named party in a dissolution of marriage proceeding, a legal separation proceeding, ~~custody or~~ A PROCEEDING CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES, parenting time proceedings, or postdecree proceedings involving ~~custody~~ THE ALLOCATION OF PARENTAL RESPONSIBILITIES or parenting time or proceedings in which the parent is the subject of a restraining order issued pursuant to this article.

**SECTION 9.** Article 10 of title 14, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**14-10-123.8. Access to records.** ACCESS TO INFORMATION PERTAINING TO A MINOR CHILD, INCLUDING BUT NOT LIMITED TO MEDICAL, DENTAL, AND SCHOOL RECORDS, SHALL NOT BE DENIED TO ANY PARTY ALLOCATED PARENTAL RESPONSIBILITIES, UNLESS OTHERWISE ORDERED BY THE COURT FOR GOOD CAUSE SHOWN.

**SECTION 10.** 14-10-124, Colorado Revised Statutes, is amended to read:

**14-10-124. Best interests of child.** (1) **Legislative declaration.** The general assembly finds and declares that it is in the best interest of all parties to encourage frequent and continuing contact between each parent and the minor children of the marriage after the parents have separated or dissolved their marriage. In order to effectuate this goal, the general assembly urges parents to share the rights and responsibilities of child-rearing and to encourage the love, affection, and contact between the children and the parents.

(1.5) **Allocation of parental responsibilities.** THE COURT SHALL DETERMINE THE ALLOCATION OF PARENTAL RESPONSIBILITIES, INCLUDING PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES, IN ACCORDANCE WITH THE BEST INTERESTS OF THE CHILD GIVING PARAMOUNT CONSIDERATION TO THE PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS AND NEEDS OF THE CHILD AS FOLLOWS:

(a) **Determination of parenting time.** ~~The court shall determine custody in accordance with the best interests of the child.~~ The court, upon the motion of either party or upon its own motion, may order joint or sole custody after making a finding that joint or sole custody would be advantageous to the child and in his best interests MAKE PROVISIONS FOR PARENTING TIME THAT THE COURT FINDS ARE IN THE CHILD'S BEST INTERESTS UNLESS THE COURT FINDS, AFTER A HEARING, THAT PARENTING TIME BY THE PARTY WOULD ENDANGER THE CHILD'S PHYSICAL HEALTH OR SIGNIFICANTLY IMPAIR THE CHILD'S EMOTIONAL DEVELOPMENT. In determining the best interests of the child FOR PURPOSES OF PARENTING TIME, the court shall consider all relevant factors, including:

(a) (I) The wishes of the child's parents as to ~~his custody~~ PARENTING TIME;

(b) (II) The wishes of the child ~~as to his custodian~~ IF HE OR SHE IS SUFFICIENTLY MATURE TO EXPRESS REASONED AND INDEPENDENT PREFERENCES AS TO THE PARENTING TIME SCHEDULE;

(c) (III) The interaction and interrelationship of the child with his OR HER parents,

his OR HER siblings, and any other person who may significantly affect the child's best interests;

~~(d)~~ (IV) The child's adjustment to his OR HER home, school, and community;

~~(e)~~ (V) The mental and physical health of all individuals involved, EXCEPT THAT A DISABILITY ALONE SHALL NOT BE A BASIS TO DENY OR RESTRICT PARENTING TIME;

~~(f)~~ The ability of the custodian to encourage the sharing of love, affection, and contact between the child and the noncustodial party;

~~(g)~~ Credible evidence of the ability of the parties to cooperate and to make decisions jointly;

~~(h)~~ Credible evidence of the (VI) THE ability of the parties to encourage the sharing of love, affection, and contact between the child and the other party;

~~(i)~~ (VII) Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support; ~~which would indicate an ability as joint custodians to provide a positive and nourishing relationship with the child;~~

~~(j)~~ (VIII) The physical proximity of the parties to each other as this relates to the practical considerations of ~~awarding joint custody~~ PARENTING TIME;

~~(k)~~ Whether an award of joint custody will promote more frequent or continuing contact between the child and each of the parties;

~~(l)~~ (IX) Whether one of the parties has been a perpetrator of child abuse or neglect under section 18-6-401, C.R.S., or under the law of any state, which factor shall be supported by credible evidence; ~~if the court makes a finding of fact that one of the parties has been a perpetrator of child abuse or neglect, then it shall not be in the best interests of the child to award joint custody over the objection of the other party or the guardian ad litem of the child.~~

~~(m)~~ (X) Whether one of the parties has been a perpetrator of spouse abuse as defined in subsection (4) of this section, which factor shall be supported by credible evidence; ~~if the court makes a finding of fact that one of the parents has been a perpetrator of spouse abuse, then it shall not be in the best interests of the child to award joint custody over the objection of the other party or the guardian ad litem of the child, unless the court finds that the parties are able to make shared decisions about their children without physical confrontation and in a place and manner which is not a danger to the abused spouse or the child.~~

~~(n)~~ (XI) THE ABILITY OF EACH PARTY TO PLACE THE NEEDS OF THE CHILD AHEAD OF HIS OR HER OWN NEEDS.

(b) **Allocation of decision-making responsibility.** THE COURT, UPON THE MOTION OF EITHER PARTY OR ITS OWN MOTION, SHALL ALLOCATE THE DECISION-MAKING RESPONSIBILITIES BETWEEN THE PARTIES BASED UPON THE BEST INTERESTS OF THE CHILD. IN DETERMINING DECISION-MAKING RESPONSIBILITY, THE

COURT MAY ALLOCATE THE DECISION-MAKING RESPONSIBILITY WITH RESPECT TO EACH ISSUE AFFECTING THE CHILD MUTUALLY BETWEEN BOTH PARTIES OR INDIVIDUALLY TO ONE OR THE OTHER PARTY OR ANY COMBINATION THEREOF. IN DETERMINING THE BEST INTERESTS OF THE CHILD FOR PURPOSES OF ALLOCATING DECISION-MAKING RESPONSIBILITIES, THE COURT SHALL CONSIDER, IN ADDITION TO THE FACTORS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (1.5), ALL RELEVANT FACTORS INCLUDING:

(I) CREDIBLE EVIDENCE OF THE ABILITY OF THE PARTIES TO COOPERATE AND TO MAKE DECISIONS JOINTLY;

(II) WHETHER THE PAST PATTERN OF INVOLVEMENT OF THE PARTIES WITH THE CHILD REFLECTS A SYSTEM OF VALUES, TIME COMMITMENT, AND MUTUAL SUPPORT THAT WOULD INDICATE AN ABILITY AS MUTUAL DECISION MAKERS TO PROVIDE A POSITIVE AND NOURISHING RELATIONSHIP WITH THE CHILD;

(III) WHETHER AN ALLOCATION OF MUTUAL DECISION-MAKING RESPONSIBILITY ON ANY ONE OR A NUMBER OF ISSUES WILL PROMOTE MORE FREQUENT OR CONTINUING CONTACT BETWEEN THE CHILD AND EACH OF THE PARTIES;

(IV) WHETHER ONE OF THE PARTIES HAS BEEN A PERPETRATOR OF CHILD ABUSE OR NEGLECT UNDER SECTION 18-6-401, C.R.S., OR UNDER THE LAW OF ANY STATE, WHICH FACTOR SHALL BE SUPPORTED BY CREDIBLE EVIDENCE. IF THE COURT MAKES A FINDING OF FACT THAT ONE OF THE PARTIES HAS BEEN A PERPETRATOR OF CHILD ABUSE OR NEGLECT, THEN IT SHALL NOT BE IN THE BEST INTERESTS OF THE CHILD TO ALLOCATE MUTUAL DECISION-MAKING WITH RESPECT TO ANY ISSUE OVER THE OBJECTION OF THE OTHER PARTY OR THE REPRESENTATIVE OF THE CHILD.

(V) WHETHER ONE OF THE PARTIES HAS BEEN A PERPETRATOR OF SPOUSE ABUSE AS DEFINED IN SUBSECTION (4) OF THIS SECTION, WHICH FACTOR SHALL BE SUPPORTED BY CREDIBLE EVIDENCE. IF THE COURT MAKES A FINDING OF FACT THAT ONE OF THE PARTIES HAS BEEN A PERPETRATOR OF SPOUSE ABUSE, THEN IT SHALL NOT BE IN THE BEST INTERESTS OF THE CHILD TO ALLOCATE MUTUAL DECISION-MAKING RESPONSIBILITY OVER THE OBJECTION OF THE OTHER PARTY OR THE REPRESENTATIVE OF THE CHILD, UNLESS THE COURT FINDS THAT THE PARTIES ARE ABLE TO MAKE SHARED DECISIONS ABOUT THEIR CHILDREN WITHOUT PHYSICAL CONFRONTATION AND IN A PLACE AND MANNER THAT IS NOT A DANGER TO THE ABUSED PARTY OR THE CHILD.

(2) The court shall not consider conduct of a ~~proposed custodian~~ PARTY that does not affect ~~his~~ THAT PARTY'S relationship to the child.

(3) In ~~considering a proposed custodian~~ DETERMINING PARENTING TIME OR DECISION-MAKING RESPONSIBILITIES, the court shall not presume that any person is better able to serve the best interests of the child because of that person's sex.

(4) If a ~~parent~~ PARTY is absent or leaves home because of spouse abuse by the other ~~parent~~ PARTY, such absence or leaving shall not be a factor in determining the best interests of the child. For the purpose of this subsection (4), "spouse abuse" means the proven threat of or infliction of physical pain or injury by a spouse OR A PARTY on the other ~~parent~~ PARTY.

(5) Repealed.

(6) IN THE EVENT OF A MEDICAL EMERGENCY, EITHER PARTY SHALL BE ALLOWED TO OBTAIN NECESSARY MEDICAL TREATMENT FOR THE MINOR CHILD OR CHILDREN WITHOUT BEING IN VIOLATION OF THE ORDER ALLOCATING DECISION-MAKING RESPONSIBILITY OR IN CONTEMPT OF COURT.

(7) IN ORDER TO IMPLEMENT AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES, BOTH PARTIES MAY SUBMIT A PARENTING PLAN OR PLANS FOR THE COURT'S APPROVAL THAT SHALL ADDRESS BOTH PARENTING TIME AND THE ALLOCATION OF DECISION-MAKING RESPONSIBILITIES. IF NO PARENTING PLAN IS SUBMITTED OR IF THE COURT DOES NOT APPROVE A SUBMITTED PARENTING PLAN, THE COURT, ON ITS OWN MOTION, SHALL FORMULATE A PARENTING PLAN THAT SHALL ADDRESS PARENTING TIME AND THE ALLOCATION OF DECISION-MAKING RESPONSIBILITIES.

(8) THE COURT MAY ORDER MEDIATION, PURSUANT TO SECTION 13-22-311, C.R.S., TO ASSIST THE PARTIES IN FORMULATING OR MODIFYING A PARENTING PLAN OR IN IMPLEMENTING A PARENTING PLAN SPECIFIED IN SUBSECTION (7) OF THIS SECTION AND MAY ALLOCATE THE COST OF SAID MEDIATION BETWEEN THE PARTIES.

**SECTION 11.** 14-10-125, Colorado Revised Statutes, is amended to read:

**14-10-125. Temporary orders.** (1) A party to a ~~custody~~ proceeding CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES may move for a temporary ~~custody~~ order. The court may ~~award temporary custody~~ ALLOCATE TEMPORARY PARENTAL RESPONSIBILITIES, INCLUDING TEMPORARY PARENTING TIME AND TEMPORARY DECISION-MAKING RESPONSIBILITY, after a hearing.

(2) If a proceeding for dissolution of marriage or legal separation is dismissed, any temporary ~~custody~~ order CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES is vacated unless a parent or the ~~child's custodian~~ PERSON ALLOCATED PARENTAL RESPONSIBILITIES moves that the proceeding continue as a ~~custody~~ proceeding CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES and the court finds, after a hearing, that the circumstances of the parents and the best interests of the child require that a ~~custody~~ decree CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES be issued.

(3) If a ~~custody~~ proceeding CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES commenced in the absence of a petition for dissolution of marriage or legal separation is dismissed, any temporary ~~custody~~ order CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES is vacated.

**SECTION 12.** 14-10-126 (1), Colorado Revised Statutes, is amended to read:

**14-10-126. Interviews.** (1) The court may interview the child in chambers to ascertain the child's wishes as to ~~his custodian~~ THE ALLOCATION OF PARENTAL RESPONSIBILITIES. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made, and it shall be made part of the record in the case.

**SECTION 13.** The introductory portion to 14-10-127 (1) (a) (I) and 14-10-127



(2), (3), (4), (6) (b), and (7), Colorado Revised Statutes, are amended to read:

**14-10-127. Evaluation and reports.** (1) (a) (I) In all ~~custody~~ proceedings CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD, the court shall, upon motion of either party or ~~may~~ upon its own motion, order the court probation department, any county or district social services department, or a licensed mental health professional qualified pursuant to subsection (4) of this section to perform an evaluation and file a written report concerning ~~custodial~~ THE DISPUTED ISSUES RELATING TO THE ALLOCATION OF PARENTAL RESPONSIBILITIES or parenting time arrangements, or both, for the child, unless such motion by either party is made for the purpose of delaying the proceedings. No later than January 1, 1990, any court or social services department personnel appointed by the court to do such evaluation shall be qualified pursuant to subsection (4) of this section. When a mental health professional performs the evaluation, the court shall appoint or approve the selection of the mental health professional. The moving party shall, at the time of the appointment of the evaluator, deposit a reasonable sum with the court to pay the cost of the evaluation. The court may order the reasonable charge for such evaluation and report to be assessed as costs between the parties. The court shall appoint another mental health professional to perform a supplemental evaluation at the initial expense of the moving party. ~~unless~~ The court SHALL NOT ORDER A SUPPLEMENTAL EVALUATION IF IT determines that any of the following applies, based on motion and supporting affidavits:

(A) Such motion is interposed for purposes of delay;

(B) A party objects, and the party who objects or the child has a physical or mental condition ~~which~~ THAT would make it harmful for such party or the child to participate in the supplemental evaluation;

(C) The purpose of such motion is to harass or oppress the other party;

(D) The moving party has failed or refused to cooperate with the first evaluation;  
or

(E) The weight of the evidence other than the ~~custody~~ evaluation CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME by the mental health professional demonstrates that a second evaluation would not be of benefit to the court in determining ~~custody~~ THE ALLOCATION OF PARENTAL RESPONSIBILITIES AND PARENTING TIME.

(2) In preparing ~~his~~ THE report concerning a child, the evaluator may consult any person who may have information about the child and ~~his~~ THE CHILD'S potential ~~custodial~~ PARENTING arrangements. Upon order of the court, the evaluator may refer the child to other professional personnel for diagnosis. The evaluator may consult with and obtain information from medical, mental health, educational, or other expert persons who have served the child in the past without obtaining the consent of the parent or the ~~child's custodian~~ PERSON ALLOCATED PARENTAL RESPONSIBILITIES FOR THE CHILD; but the child's consent must be obtained if ~~he~~ THE CHILD has reached the age of fifteen YEARS unless the court finds that ~~he~~ THE CHILD lacks mental capacity to consent. If the requirements of subsections (3) to (7) of this section are fulfilled, the evaluator's report may be received in evidence at the hearing.

(3) The evaluator shall mail ~~his~~ THE report to the court and to counsel and to any party not represented by counsel at least twenty days prior to the hearing. The evaluator shall make available to counsel and to any party not represented by counsel his OR HER file of underlying data and reports, complete texts of diagnostic reports made to the evaluator pursuant to the provisions of subsections (2), (5), and (6) of this section, and the names and addresses of all persons whom the evaluator has consulted. Any party to the proceeding may call the evaluator and any person WITH whom ~~he~~ THE EVALUATOR has consulted for cross-examination. No party may waive his OR HER right of cross-examination prior to the hearing.

(4) A person shall not be allowed to testify regarding a ~~custody~~ PARENTAL RESPONSIBILITIES or parenting time evaluation ~~which~~ THAT the person has performed pursuant to this section unless the court finds that the person is qualified as competent, by training and experience, in the areas of:

- (a) The effects of divorce and remarriage on children, adults, and families;
- (b) Appropriate parenting techniques;
- (c) Child development, including cognitive, personality, emotional, and psychological development;
- (d) Child and adult psychopathology;
- (e) Applicable clinical assessment techniques; and
- (f) Applicable legal and ethical requirements of ~~child-custody~~ PARENTAL RESPONSIBILITIES evaluation.

(6) (b) A mental health professional may make recommendations even though all parties and the child have not been evaluated by the same mental health professional in the following circumstances if the mental health professional states with particularity in his OR HER opinion the limitations of his OR HER findings and recommendations:

- (I) Any of the parties reside outside Colorado and it would not be feasible for all parties and the child to be evaluated by the same mental health professional; or
- (II) One party refuses or is unable to cooperate with the court-ordered evaluation; or
- (III) The mental health professional is a member of a team of professionals ~~which~~ THAT performed the ~~child-custody~~ evaluation and is presenting recommendations of the team ~~which~~ THAT has interviewed and assessed all parties to the dispute.

(7) (a) A written report of the evaluation shall be provided to the court and to the parties pursuant to subsection (3) of this section.

(b) The report of the evaluation shall include, but need not be limited to, the following information:

(I) A description of the procedures employed during the evaluation;

(II) A report of the data collected;

(III) A conclusion ~~which~~ THAT explains how the resulting recommendations were reached from the data collected, with specific reference to criteria listed in section 14-10-124 (1.5), and, if applicable, to the criteria listed in ~~sections~~ SECTION 14-10-131, ~~and 14-10-131.5~~; and their relationship to the results of the evaluation;

(IV) Recommendations concerning ~~custody~~ THE ALLOCATION OF PARENTAL RESPONSIBILITIES FOR THE CHILD, INCLUDING DECISION-MAKING RESPONSIBILITY, parenting time, and other considerations; and

(V) An explanation of any limitations in the evaluations or any reservations regarding the resulting recommendations.

**SECTION 14.** 14-10-128 (1), (3), and (4), Colorado Revised Statutes, are amended to read:

**14-10-128. Hearings.** (1) ~~Custody~~ Proceedings CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD shall receive priority in being set for hearing.

(3) The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interests, the court may exclude the public from a ~~custody~~ hearing CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES but may admit any person who has a direct and legitimate interest in the particular case or a legitimate educational or research interest in the work of the court.

(4) If the court finds it necessary in order to protect the child's welfare that the record of any interview, report, investigation, or testimony in a ~~custody~~ proceeding CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES be kept secret, the court shall make an appropriate order sealing the record.

**SECTION 15.** 14-10-129 (1), (2), and (3) (a), Colorado Revised Statutes, are amended, and the said 14-10-129 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**14-10-129. Modification of parenting time.** (1) ~~A parent not granted custody of the child is entitled to reasonable parenting time rights unless the court finds, after a hearing, that parenting time by the parent would endanger the child's physical health or significantly impair the child's emotional development.~~

(2) The court may make or modify an order granting or denying parenting time rights whenever such order or modification would serve the best interests of the child; but the court shall not restrict a parent's parenting time rights unless it finds that the parenting time would endanger the child's physical health or significantly impair the child's emotional development. Nothing in this section shall be construed to affect grandparent visitation granted pursuant to section 19-1-117, C.R.S.

(1.5) IF A MOTION FOR A SUBSTANTIAL MODIFICATION OF PARENTING TIME WHICH ALSO CHANGES THE PARTY WITH WHOM THE CHILD RESIDES A MAJORITY OF THE TIME HAS BEEN FILED, WHETHER OR NOT IT HAS BEEN GRANTED, NO SUBSEQUENT MOTION MAY BE FILED WITHIN TWO YEARS AFTER DISPOSITION OF THE PRIOR MOTION UNLESS THE COURT DECIDES, ON THE BASIS OF AFFIDAVITS, THAT THE CHILD'S PRESENT ENVIRONMENT MAY ENDANGER THE CHILD'S PHYSICAL HEALTH OR SIGNIFICANTLY IMPAIR THE CHILD'S EMOTIONAL DEVELOPMENT.

(2) THE COURT SHALL NOT MODIFY A PRIOR ORDER CONCERNING PARENTING TIME THAT SUBSTANTIALLY CHANGES THE PARENTING TIME AS WELL AS CHANGES THE PARTY WITH WHOM THE CHILD RESIDES A MAJORITY OF THE TIME UNLESS IT FINDS, UPON THE BASIS OF FACTS THAT HAVE ARISEN SINCE THE PRIOR DECREE OR THAT WERE UNKNOWN TO THE COURT AT THE TIME OF THE PRIOR DECREE, THAT A CHANGE HAS OCCURRED IN THE CIRCUMSTANCES OF THE CHILD OR THE PARTY WITH WHOM THE CHILD RESIDES THE MAJORITY OF THE TIME AND THAT THE MODIFICATION IS NECESSARY TO SERVE THE BEST INTERESTS OF THE CHILD. IN APPLYING THESE STANDARDS, THE COURT SHALL RETAIN THE PARENTING TIME SCHEDULE ESTABLISHED IN THE PRIOR DECREE UNLESS:

(a) THE PARTIES AGREE TO THE MODIFICATION;

(b) THE CHILD HAS BEEN INTEGRATED INTO THE FAMILY OF THE MOVING PARTY WITH THE CONSENT OF THE OTHER PARTY; OR

(c) THE CHILD'S PRESENT ENVIRONMENT ENDANGERS THE CHILD'S PHYSICAL HEALTH OR SIGNIFICANTLY IMPAIRS THE CHILD'S EMOTIONAL DEVELOPMENT AND THE HARM LIKELY TO BE CAUSED BY A CHANGE OF ENVIRONMENT IS OUTWEIGHED BY THE ADVANTAGE OF A CHANGE TO THE CHILD.

(3) (a) If a ~~noncustodial~~ parent has been convicted of any of the crimes listed in paragraph (b) of this subsection (3), or convicted of any crime in which the underlying factual basis has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3 (1), C.R.S., ~~which~~ THAT constitutes a potential threat or endangerment to the child, the ~~custodial~~ OTHER parent, or any other person who has been granted custody of OR PARENTAL RESPONSIBILITY FOR the child pursuant to court order may file an objection to parenting time with the court. The ~~custodial~~ OTHER parent or other person having custody OR PARENTAL RESPONSIBILITY shall give notice to the ~~noncustodial~~ OFFENDING parent of such objection as provided by the Colorado rules of civil procedure, and the ~~noncustodial~~ OFFENDING parent shall have twenty days from such notice to respond. If the ~~noncustodial~~ OFFENDING parent fails to respond within twenty days, the parenting time rights of the ~~noncustodial~~ SUCH parent shall be suspended until further order of the court. If the ~~noncustodial~~ SUCH parent responds and objects, a hearing shall be held within thirty days of such response. The court may determine that any ~~noncustodial~~ OFFENDING parent who responds and objects shall be responsible for the costs associated with any hearing, including reasonable attorney fees incurred by the ~~custodial~~ OTHER parent. In making such determination, the court shall consider the criminal record of the ~~noncustodial~~ OFFENDING parent and any actions to harass the ~~custodial~~ OTHER parent and the children, any mitigating actions by the ~~noncustodial~~ OFFENDING parent, and whether the actions of either parent have been substantially frivolous, substantially groundless, or substantially vexatious. The ~~noncustodial~~

OFFENDING parent shall have the burden at the hearing to prove that parenting time by ~~the noncustodial~~ SUCH parent is in the best interests of the child or children.

**SECTION 16.** The introductory portion to 14-10-129.5 (2) and 14-10-129.5 (2) (f), Colorado Revised Statutes, are amended to read:

**14-10-129.5. Disputes concerning parenting time.** (2) After the hearing, if a court finds that a parent has not complied with the parenting time order or schedule and has violated the court order, the court, in the best interests of the child, shall issue an order ~~which~~ THAT may include but not be limited to one or more of the following orders:

(f) An order scheduling a hearing for modification of THE EXISTING ORDER CONCERNING custody OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES with respect to a motion filed pursuant to section 14-10-131; ~~or 14-10-131.5;~~

**SECTION 17.** 14-10-130, Colorado Revised Statutes, is amended to read:

**14-10-130. Judicial supervision.** (1) Except as otherwise agreed by the parties in writing at the time of the ~~custody~~ decree CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD, the ~~custodian~~ PERSON OR PERSONS WITH RESPONSIBILITY FOR DECISION-MAKING may determine the child's upbringing, including his OR HER education, health care, and religious training, unless the court, after hearing and upon motion by the ~~noncustodial parent~~ OTHER PARTY, finds that, in the absence of a specific limitation of the ~~custodian's~~ PERSON'S OR PERSONS' DECISION-MAKING authority, the child's physical health would be endangered or ~~his~~ THE CHILD'S emotional development significantly impaired.

(2) If both ~~parents~~ PARTIES or all contestants agree to the order or if the court finds that in the absence of the order the child's physical health would be endangered or the child's emotional development significantly impaired, the court may order the county or district welfare department or the court's probation department to exercise continuing supervision over the case to assure that the ~~custodial~~ TERMS RELATING TO THE ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO THE CHILD or parenting time terms of the decree are carried out.

**SECTION 18.** 14-10-131, Colorado Revised Statutes, is amended to read:

**14-10-131. Modification of custody or decision-making responsibility.** (1) If a motion for modification of a CUSTODY decree ~~granting custody to one party~~ OR A DECREE ALLOCATING DECISION-MAKING RESPONSIBILITY has been filed, whether or not it was granted, no subsequent motion may be filed within two years after disposition of the prior motion unless the court decides, on the basis of affidavits, that there is reason to believe that ~~the child's present environment~~ A CONTINUATION OF THE PRIOR DECREE OF CUSTODY OR ORDER ALLOCATING DECISION-MAKING RESPONSIBILITY may endanger ~~his~~ THE CHILD'S physical health or significantly impair ~~his~~ THE CHILD'S emotional development.

(2) The court shall not modify a ~~prior~~ custody decree ~~granting custody to one party~~ OR A DECREE ALLOCATING DECISION-MAKING RESPONSIBILITY unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court

at the time of the prior decree, that a change has occurred in the circumstances of the child or ~~his~~ THE CHILD'S custodian OR PARTY TO WHOM DECISION-MAKING RESPONSIBILITY WAS ALLOCATED and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain ~~the custodian~~ THE ALLOCATION OF DECISION-MAKING RESPONSIBILITY established by the prior decree unless:

(a) The ~~custodian agrees~~ PARTIES AGREE to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the ~~custodian or~~ OTHER PARTY AND SUCH SITUATION WARRANTS A MODIFICATION OF THE ALLOCATION OF DECISION-MAKING RESPONSIBILITIES;

(b.5) THERE HAS BEEN A MODIFICATION IN THE PARENTING TIME ORDER PURSUANT TO SECTION 14-10-129, THAT WARRANTS A MODIFICATION OF THE ALLOCATION OF DECISION-MAKING RESPONSIBILITIES;

(b.7) A PARTY HAS CONSISTENTLY CONSENTED TO THE OTHER PARTY MAKING INDIVIDUAL DECISIONS FOR THE CHILD WHICH DECISIONS THE PARTY WAS TO MAKE INDIVIDUALLY OR THE PARTIES WERE TO MAKE MUTUALLY; OR

(c) ~~The child's present environment endangers his~~ THE RETENTION OF THE ALLOCATION OF DECISION-MAKING RESPONSIBILITY WOULD ENDANGER THE CHILD'S physical health or significantly impairs ~~his~~ THE CHILD'S emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

**SECTION 19. Repeal.** 14-10-131.5, Colorado Revised Statutes, is repealed as follows:

**14-10-131.5. Joint custody modification - termination.** ~~(1) Except as provided in subsection (3) of this section, an award of joint custody may be modified or terminated upon motion of one or both parties or on the court's own motion, if such modification or termination is in the best interest of the child, as specified in section 14-10-124 (1.5), and the harm likely to be caused by the change of environment is outweighed by the advantage of such change to the child. The court shall also take into consideration the pattern of involvement of the parties with the child.~~

~~(2) No motion for modification of joint custody may be filed within two years after disposition of a prior motion for modification unless the parties stipulate to such a change or the court decides on the basis of affidavits that adequate cause for hearing the motion is established, in which case the court shall set a date for a hearing on the motion.~~

~~(3) When a motion to modify joint custody is filed, the burden of proof is on the party seeking a change, and the standard is by a preponderance of the evidence.~~

~~(4) Any order awarding custody of a minor child entered by a court of this state or any order of a court in another state which is enforceable by a court of this state pursuant to section 14-10-123 may be modified from sole custody to joint custody at any time pursuant to this section.~~

**SECTION 20.** Article 10 of title 14, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**14-10-131.7. Designation of custody for the purpose of other state and federal statutes.** FOR PURPOSES OF ALL OTHER STATE AND FEDERAL STATUTES THAT REQUIRE A DESIGNATION OR DETERMINATION OF CUSTODY, THE PARENTING PLAN SET FORTH IN THE COURT'S ORDER SHALL IDENTIFY THE RESPONSIBILITIES OF EACH OF THE PARTIES.

**14-10-131.8. Construction of 1999 revisions.** THE ENACTMENT OF THE 1999 REVISIONS TO THIS ARTICLE DOES NOT CONSTITUTE SUBSTANTIALLY CHANGED CIRCUMSTANCES FOR THE PURPOSES OF MODIFYING DECREES INVOLVING CHILD CUSTODY, PARENTING TIME, OR GRANDPARENT VISITATION. ANY ACTION TO MODIFY ANY DECREE INVOLVING CHILD CUSTODY, PARENTING TIME, GRANDPARENT VISITATION, OR A PARENTING PLAN SHALL BE GOVERNED BY THE PROVISIONS OF THIS ARTICLE.

**SECTION 21.** 14-10-132, Colorado Revised Statutes, is amended to read:

**14-10-132. Affidavit practice.** A party seeking the modification of a custody decree OR A DECREE CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES shall submit, together with his OR HER moving papers, an affidavit setting forth facts supporting the requested modification and shall give notice, together with a copy of his OR HER affidavit, to other parties to the proceeding, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested modification should not be granted.

**SECTION 22.** 10-16-104 (6) (c) and (6) (d), Colorado Revised Statutes, are amended to read:

**10-16-104. Mandatory coverage provisions. (6) Dependent children.** (c) When a dependent child is enrolled in a ~~noncustodial parent's~~ health insurance plan OF A PARENT WITH WHOM THE CHILD RESIDES LESS THAN FIFTY PERCENT OF THE TIME, the entity described in paragraph (a) of this subsection (6) shall:

(I) Provide to the dependent child's ~~custodial~~ parent WITH WHOM THE CHILD RESIDES THE MAJORITY OF THE TIME information that is necessary for the dependent child to obtain medical benefits and services;

(II) Allow the ~~custodial~~ parent DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), the health care provider with ~~the custodial~~ SUCH parent's approval, or the state to submit claims for covered services without the approval of the ~~noncustodial~~ OTHER parent;

(III) Make payments directly to the ~~custodial~~ parent DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), the health care provider, or the state medical assistance agency on claims submitted pursuant to subparagraph (II) of this paragraph (c).

(d) Whenever a ~~noncustodial~~ parent of a dependent child WITH WHOM THE CHILD

RESIDES LESS THAN FIFTY PERCENT OF THE TIME is subject to a court or an administrative order to provide health care coverage for the dependent child, and ~~the noncustodial~~ SUCH parent is eligible for family health care coverage through the ~~noncustodial~~ parent's employment, the entity described in paragraph (a) of this subsection (6) shall:

(I) Permit ~~the noncustodial~~ SUCH parent to enroll the dependent child under the family coverage plan, regardless of any enrollment season restriction;

(II) Enroll the dependent child upon application for enrollment by the ~~noncustodial~~ ~~parent WITH WHOM THE CHILD RESIDES THE MAJORITY OF THE TIME~~, the state medical assistance agency, or the state child support enforcement agency or a delegate child support enforcement unit if the ~~noncustodial~~ parent WITH WHOM THE CHILD RESIDES LESS THAN FIFTY PERCENT OF THE TIME is enrolled in a family coverage plan but fails to enroll the dependent child, regardless of any enrollment restrictions;

(III) Not cancel or revoke enrollment of the dependent child, or eliminate coverage for the dependent child, unless the insurer is provided with satisfactory written proof that:

(A) The court or administrative order for health care coverage is no longer in effect; or

(B) The child is or will be enrolled in a comparable plan through another insurer, which enrollment takes effect no later than the effective date of the cancellation or revocation of enrollment or the elimination of coverage.

**SECTION 23.** 13-5-301 (3) (e) (V), Colorado Revised Statutes, is amended to read:

**13-5-301. Family law magistrates - qualifications - duties.** (3) Subject to the provision that no magistrate may preside in any trial by jury, family law magistrates shall have the following duties, powers, and authority:

(e) To conduct hearings under the "Uniform Dissolution of Marriage Act", article 10 of title 14, C.R.S., including:

(V) Parenting time, and the modification thereof, including motions to restrict parenting time or parental contact, where ~~custody~~ THE ALLOCATION OF PARENTAL RESPONSIBILITIES is not an issue;

**SECTION 24.** 13-6-105 (1) (d), Colorado Revised Statutes, is amended to read:

**13-6-105. Specific limits on civil jurisdiction.** (1) The county court shall have no civil jurisdiction except that specifically conferred upon it by law. In particular, it shall have no jurisdiction over the following matters:

(d) Matters affecting children, including ~~custody~~, THE ALLOCATION OF PARENTAL RESPONSIBILITIES, support, guardianship, adoption, dependency, or delinquency;

**SECTION 25.** 13-8-124, Colorado Revised Statutes, is amended to read:



**13-8-124. Appellate review.** Appellate review of any order, decree, or judgment may be taken to the supreme court or the court of appeals, as provided by law and the Colorado appellate rules. Initials shall appear on the record on appeal in place of the name of the child. Appeals from orders or decrees concerning legal custody, THE ALLOCATION OF PARENTAL RESPONSIBILITIES, termination of parent-child legal relationships, and adoptions shall be advanced upon the calendar of the supreme court or of the court of appeals and shall be decided at the earliest practicable time.

**SECTION 26.** 13-20-206, Colorado Revised Statutes, is amended to read:

**13-20-206. Unlawful to name correspondent.** It is unlawful for any person, either as litigant or attorney, to file, cause to be filed, threaten to file, or threaten to cause to be filed in any court of this state any pleading or paper naming or describing in such manner as to identify any person as correspondent or participant in misconduct of the adverse party in any action for dissolution of marriage, legal separation, declaration of invalidity of marriage, or ~~custody~~ THE ALLOCATION OF PARENTAL RESPONSIBILITIES or support of children, or in any citation or proceeding ancillary or subsequent to such action. In all such cases it is sufficient for such pleader to designate any such correspondent or third party in general language ~~which~~ THAT is not sufficient for identification, and such general language shall operate with the same legal effect as complete naming and identification of the person would do; except that the adverse party may file a motion for a bill of particulars to secure such name, identity, or other facts. The granting of such motion, in whole or in part, rests in the sound discretion of the court; and, if ordered granted, the bill of particulars shall set forth the information specifically required by said order, but no further, and when filed the same shall be sealed, not to be opened without an order of the court. If the motion for a bill of particulars is granted, the party named in said bill of particulars shall be given five days' notice in writing prior to the filing of the same, said notice to be given either by personal service or by registered mail addressed to his last-known address.

**SECTION 27.** 13-21-107.5 (1) (a) and (3), Colorado Revised Statutes, are amended to read:

**13-21-107.5. Civil damages for loss caused by theft.** (1) As used in this section, unless the context otherwise requires:

(a) "Emancipated minor" means an individual under the age of eighteen years whose parents or guardian have surrendered PARENTAL RESPONSIBILITIES OR CUSTODY, the right to the care, ~~custody~~, and earnings of such individual and are no longer under a duty to support or maintain such individual.

(3) The parents or guardian having custody of OR PARENTAL RESPONSIBILITIES WITH RESPECT TO an unemancipated minor who takes possession of any merchandise from any mercantile establishment without the consent of the owner, without paying the purchase price, and with the intention of converting such merchandise to his own use or who alters the price indicia of any merchandise shall be civilly liable to the owner for actual damages plus a penalty payable to the owner of not less than one hundred dollars nor more than two hundred fifty dollars.

**SECTION 28.** 13-22-102, Colorado Revised Statutes, is amended to read:

**13-22-102. Minors - consent for medical care and treatment for addiction to or use of drugs.** Notwithstanding any other provision of law, any physician licensed to practice in this state, upon consultation by a minor as a patient, with the consent of such minor patient, may examine, prescribe for, and treat such minor patient for addiction to or use of drugs without the consent of or notification to the parent, parents, or legal guardian of such minor patient, or to any other person having custody OR DECISION-MAKING RESPONSIBILITY WITH RESPECT TO THE MEDICAL CARE of such minor patient. In any such case the physician or any person acting pursuant to the minor's direction shall incur no civil or criminal liability by reason of having made such examination or prescription or having rendered such treatment, but this immunity shall not apply to any negligent acts or omissions by the physician or any person acting pursuant to ~~his~~ THE PHYSICIAN'S direction.

**SECTION 29.** 13-22-106 (2) (a) and (2) (b), Colorado Revised Statutes, are amended to read:

**13-22-106. Minors - consent - sexual assault.** (2) (a) Prior to examining or treating a minor pursuant to subsection (1) of this section, a physician shall make a reasonable effort to notify the parent, parents, legal guardian, or any other person having custody OR DECISION-MAKING RESPONSIBILITY WITH RESPECT TO THE MEDICAL CARE of such minor of the sexual assault.

(b) So long as the minor has consented, the physician may examine and treat the minor as provided for in subsection (1) of this section whether or not the physician has been able to make the notification provided for in paragraph (a) of this subsection (2) and whether or not those notified have given consent, but, if the person having custody OR DECISION-MAKING RESPONSIBILITY WITH RESPECT TO THE MINOR'S MEDICAL CARE objects to treatment, then the physician shall proceed under the provisions of part 3 of article 3 of title 19, C.R.S.

**SECTION 30.** 14-2-106 (1) (a) (I), Colorado Revised Statutes, is amended to read:

**14-2-106. License to marry.** (1) (a) When a marriage application has been completed and signed by both parties to a prospective marriage and at least one party has appeared before the county clerk and recorder and has paid the marriage license fee of seven dollars plus an additional fee of ten dollars, except as provided in paragraph (c) of this subsection (1), such additional fee to be credited to the Colorado children's trust fund pursuant to section 19-3.5-106, C.R.S., and an additional amount established pursuant to section 25-2-121, C.R.S., such amount to be credited to the vital statistics records cash fund pursuant to section 25-2-121, C.R.S., the county clerk shall issue a license to marry and a marriage certificate form upon being furnished:

(I) Satisfactory proof that each party to the marriage will have attained the age of eighteen years at the time the marriage license becomes effective; or, if over the age of sixteen years but has not attained the age of eighteen years, has the consent of both parents or guardian or, if the parents are not living together, the parent who has legal custody OR DECISION-MAKING RESPONSIBILITY CONCERNING SUCH MATTERS or with whom the child is living or judicial approval, as provided in section 14-2-108; or, if under the age of sixteen years, has both the consent to the marriage of both parents

or guardian or, if the parents are not living together, the parent who has legal custody OR DECISION-MAKING RESPONSIBILITY CONCERNING SUCH MATTERS or with whom the child is living and judicial approval, as provided in section 14-2-108; and

**SECTION 31.** 14-2-108 (1) (b), Colorado Revised Statutes, is amended to read:

**14-2-108. Judicial approval.** (1) The juvenile court, as defined in section 19-1-103 (17), C.R.S., after a reasonable effort has been made to notify the parents or guardian of each underaged party, may order the county clerk and recorder to issue a marriage license and a marriage certificate form:

(b) To a party under the age of sixteen years who has the consent to his OR HER marriage of both parents, if capable of giving consent, or his OR HER guardian or, if the parents are not living together, the parent who has legal custody OR DECISION-MAKING RESPONSIBILITY CONCERNING SUCH MATTERS or with whom the child is living.

**SECTION 32.** 14-5-1001, Colorado Revised Statutes, is amended to read:

**14-5-1001. Venue.** Venue in an initiating proceeding is proper in any county in which the child resides or is physically present, or in any county where a child support order exists, or in any county where public assistance is or was being paid on behalf of the child. Venue in a responding proceeding is proper in any county where the obligor parent resides, or in any county where the obligor parent is employed or derives income, or in any county where a child support order exists, or in any county where public assistance is or was being paid on behalf of the child. The tribunal shall not decline or refuse to accept and forward the complaint on the ground that it should be filed with some other tribunal of this or any other state where there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption, ~~or custody~~ OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES between the same parties.

**SECTION 33.** 14-10-105 (2), Colorado Revised Statutes, is amended to read:

**14-10-105. Application of Colorado rules of civil procedure.** (2) A proceeding for dissolution of marriage, legal separation, or declaration of invalidity of marriage shall be entitled "In re the Marriage of ..... and .....". A ~~custody~~ PROCEEDING FOR THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR A support proceeding shall be entitled "In re the ~~(Custody)~~ (PARENTAL RESPONSIBILITIES CONCERNING) ~~(Support)~~ of (SUPPORT OF) .....".

**SECTION 34.** 14-10-106 (1) (b), Colorado Revised Statutes, is amended to read:

**14-10-106. Dissolution of marriage - legal separation.** (1) (b) In connection with every decree of dissolution of marriage and to the extent of its jurisdiction to do so, the court shall consider, approve, or ~~make provision for child custody~~; ALLOCATE PARENTAL RESPONSIBILITIES WITH RESPECT TO ANY CHILD OF THE MARRIAGE, the support of any child of the marriage who is entitled to support, the maintenance of either spouse, and the disposition of property; but the entry of a decree with respect to ~~custody~~; PARENTAL RESPONSIBILITIES, support, maintenance, or disposition of property may be deferred by the court until a time subsequent to the decree of

dissolution of marriage upon a finding that such deferral is necessary in the best interests of the parties.

**SECTION 35.** 14-10-107 (2) (e), Colorado Revised Statutes, is amended to read:

**14-10-107. Commencement - pleadings - abolition of existing defenses - automatic, temporary injunction - enforcement.** (2) The petition in a proceeding for dissolution of marriage or legal separation shall allege that the marriage is irretrievably broken and shall set forth:

(e) Any arrangements as to the ~~custody~~ ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO THE CHILDREN OF THE MARRIAGE and support of the children and the maintenance of a spouse; and

**SECTION 36.** 14-10-107.7, Colorado Revised Statutes, is amended to read:

**14-10-107.7. Required notice of involvement with department of human services.** When filing a petition for dissolution of marriage or legal separation, a petition in support or ~~custody proceedings~~, PROCEEDINGS FOR THE ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO THE CHILDREN OF THE MARRIAGE, or any other matter pursuant to this article with the court, if the parties have joint legal responsibility for a child for whom the petition seeks an order of child support, the parties shall be required to indicate on a form prepared by the court whether or not the parties or the dependent children of the parties have received within the last five years or are currently receiving benefits or public assistance from either the state department of human services or county department of social services. If the parties indicate that they have received such benefits or assistance, the court shall inform the appropriate delegate child support enforcement unit so that the unit can determine whether any support enforcement services are required. There shall be no penalty for failure to report as specified in this section.

**SECTION 37.** 14-10-108 (1) and (2.5), Colorado Revised Statutes, are amended to read:

**14-10-108. Temporary order or temporary injunction.** (1) In a proceeding for dissolution of marriage, legal separation, ~~child custody~~, THE ALLOCATION OF PARENTAL RESPONSIBILITIES, or declaration of invalidity of marriage or a proceeding for disposition of property, maintenance, or support following dissolution of the marriage, either party may move for temporary payment of debts, use of property, maintenance, ~~custody~~, PARENTAL RESPONSIBILITIES, support of a child of the marriage entitled to support, or payment of attorney fees. The motion may be supported by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2.5) As part of a temporary restraining order, the court may award interim ~~legal custody~~ DECISION-MAKING RESPONSIBILITY of a child to a person entitled to bring a ~~custody~~ AN ACTION FOR THE ALLOCATION OF PARENTAL RESPONSIBILITIES under section 14-10-123, when such award is reasonably related to preventing domestic abuse as defined in section 14-4-101 (2) or preventing the child from witnessing domestic abuse. The interim ~~legal custody~~ DECISION-MAKING RESPONSIBILITY order may be modified or dissolved, based upon the best interests of the child as set forth in section 14-10-124, at a subsequent temporary or permanent orders hearing or as otherwise

provided by subsection (6) of this section or as otherwise ordered by the court. The interim ~~legal custody~~ DECISION-MAKING RESPONSIBILITY order may be issued without notice to the other party only if the court finds that irreparable injury would result to the moving party or the child if no order were issued until the time for responding to the motion had elapsed. The interim ~~legal custody~~ DECISION-MAKING RESPONSIBILITY order shall be without prejudice to the rights of the parties or child at subsequent hearings in the proceedings. The interim ~~legal custody~~ DECISION-MAKING RESPONSIBILITY order may provide for parenting time for any other party.

**SECTION 38.** 14-10-111 (6), Colorado Revised Statutes, is amended to read:

**14-10-111. Declaration of invalidity.** (6) The provisions of this article relating to the property rights of spouses, maintenance, and support OF and ~~custody~~ THE ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO THE ~~of~~ children on dissolution of marriage are applicable to decrees of invalidity of marriage.

**SECTION 39.** 14-10-112 (1), (2), and (6), Colorado Revised Statutes, are amended to read:

**14-10-112. Separation agreement.** (1) To promote the amicable settlement of disputes between the parties to a marriage attendant upon their separation or the dissolution of their marriage, the parties may enter into a written separation agreement containing provisions for the maintenance of either of them, the disposition of any property owned by either of them, and the ~~custody~~; ALLOCATION OF PARENTAL RESPONSIBILITIES, support, and parenting time of their children.

(2) In a proceeding for dissolution of marriage or for legal separation, the terms of the separation agreement, except terms providing for ~~the custody~~; THE ALLOCATION OF PARENTAL RESPONSIBILITIES, support, and parenting time of children, are binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties, on their own motion or on request of the court, that the separation agreement is unconscionable.

(6) Except for terms concerning the support, ~~custody~~; THE ALLOCATION OF DECISION-MAKING RESPONSIBILITY, or parenting time of children, the decree may expressly preclude or limit modification of terms set forth in the decree if the separation agreement so provides.

**SECTION 40.** 14-10-113 (1) (c), Colorado Revised Statutes, is amended to read:

**14-10-113. Disposition of property.** (1) (c) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to the spouse ~~having custody of any children~~; WITH WHOM ANY CHILDREN RESIDE THE MAJORITY OF THE TIME; and

**SECTION 41.** 14-10-114 (2) (a), Colorado Revised Statutes, is amended to read:

**14-10-114. Maintenance.** (2) The maintenance order shall be in such amounts and for such periods of time as the court deems just, without regard to marital misconduct, and after considering all relevant factors including:

(a) The financial resources of the party seeking maintenance, including marital property apportioned to ~~him~~ SUCH PARTY, and ~~his~~ THE PARTY'S ability to meet his OR HER needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party; ~~as custodian~~;

**SECTION 42.** 14-10-115 (4) (c), (8), (9), (10) (c), and (14), Colorado Revised Statutes, are amended to read:

**14-10-115. Child support - guidelines - schedule of basic child support obligations.** (4) The child support guideline does the following:

(c) Allocates the amount of child support to be paid by each parent based upon physical ~~custody~~ CARE arrangements.

(8) **Shared physical care.** For the purposes of this section, "shared physical ~~custody~~ CARE" means that each parent keeps the children overnight for more than ninety-two overnights each year and that both parents contribute to the expenses of the children in addition to the payment of child support.

(9) **Split physical care.** For the purposes of this section, "split ~~custody~~ PHYSICAL CARE" means that each parent has physical ~~custody~~ CARE of at least one of the children BY MEANS OF THAT CHILD OR CHILDREN RESIDING WITH THAT PARENT THE MAJORITY OF THE TIME.

(10) **Basic child support obligation.** (c) Because shared physical ~~custody~~ CARE presumes that certain basic expenses for the children will be duplicated, an adjustment for shared physical ~~custody~~ CARE is made by multiplying the basic child support obligation by one and fifty one-hundredths (1.50).

(14) **Computation of child support.** (a) Except in cases of shared physical ~~custody~~ CARE or split ~~custody~~ PHYSICAL CARE as defined in subsections (8) and (9) of this section, a total child support obligation is determined by adding each parent's respective obligations for the basic child support obligation, work-related net child care costs, extraordinary medical expenses, and extraordinary adjustments to the schedule. The ~~custodial~~ parent RECEIVING A CHILD SUPPORT PAYMENT shall be presumed to spend his or her total child support obligation directly on the children. The ~~noncustodial~~ parent PAYING CHILD SUPPORT TO THE OTHER PARENT shall owe his or her total child support obligation as child support to the ~~custodial~~ OTHER parent minus any ordered payments included in the calculations made directly on behalf of the children for work-related net child care costs, extraordinary medical expenses, or extraordinary adjustments to the schedule.

(b) In cases of shared physical ~~custody~~, CARE, each parent's adjusted basic child support obligation obtained by application of paragraph (c) of subsection (10) of this section shall first be divided between the parents in proportion to their respective adjusted gross incomes. Each parent's share of the adjusted basic child support obligation shall then be multiplied by the percentage of time the children spend with the other parent to determine the theoretical basic child support obligation owed to the other parent. To these amounts shall be added each parent's proportionate share of work-related net child care costs, extraordinary medical expenses, and extraordinary adjustments to the schedule. The parent owing the greater amount of

child support shall owe the difference between the two amounts as a child support order minus any ordered direct payments made on behalf of the children for work-related net child care costs, extraordinary medical expenses, or extraordinary adjustments to schedule. In no case, however, shall the amount of child support ordered to be paid exceed the amount of child support ~~which~~ THAT would otherwise be ordered to be paid if the parents did not share physical custody.

(c) (I) In cases of split physical ~~custody~~, CARE, a child support obligation shall be computed separately for each parent based upon the number of children living with the other parent in accordance with subsections (10), (11), (12), and (13) of this section. The amount so determined shall be a theoretical support obligation due each parent for support of the child or children for whom he or she has primary physical custody. The obligations so determined shall then be offset, with the parent owing the larger amount owing the difference between the two amounts as a child support order.

(II) If the parents also share physical ~~custody~~ CARE as outlined in paragraph (b) of this subsection (14), an additional adjustment for shared physical ~~custody~~ CARE shall be made as provided in paragraph (b) of this subsection (14).

**SECTION 43.** 14-10-116 (2) (a), Colorado Revised Statutes, is amended to read:

**14-10-116. Appointments in domestic relations cases - representation of child - special advocates.** (2) The court may appoint either or both of the following:

(a) An individual to serve as a representative of the child. The individual shall be an attorney. The individual shall represent the best interests of the minor or dependent child, as that term is described in section 14-10-124, with respect to the child's custody, THE ALLOCATION OF PARENTAL RESPONSIBILITIES, support for the child, the child's property, parenting time, or any other issue related to the child that is identified in the court's order of appointment. The individual appointed shall actively participate in all aspects of the case involving the child, within the bounds of the law. Such attorney shall not be called as a witness in the case.

**SECTION 44.** 14-10-120 (5), Colorado Revised Statutes, is amended to read:

**14-10-120. Decree.** (5) Whenever child support has been ordered, the decree of dissolution, legal separation, declaration of invalidity, ~~custody~~, ALLOCATING PARENTAL RESPONSIBILITIES, or support shall contain an order for an income assignment pursuant to section 14-14-111.5.

**SECTION 45.** 14-10-120.3 (1) (a), Colorado Revised Statutes, is amended to read:

**14-10-120.3. Dissolution of marriage upon affidavit - requirements.** (1) Final orders in a proceeding for dissolution of marriage may be entered upon the affidavit of either or both parties when:

(a) There are no minor children of the husband and wife and the wife is not pregnant or the husband and wife are both represented by counsel and have entered into a separation agreement ~~granting custody to one or both parents~~ THAT PROVIDES FOR THE ALLOCATION OF PARENTAL RESPONSIBILITIES CONCERNING THE CHILDREN OF

THE MARRIAGE and setting out the amount of child support to be provided by the husband or wife or both; and

**SECTION 46.** 14-10-122 (5), Colorado Revised Statutes, is amended to read:

**14-10-122. Modification and termination of provisions for maintenance, support, and property disposition - automatic lien.** (5) When a voluntary change of physical ~~custody~~ CARE occurs, the provisions for support, if modified pursuant to this section, will be modified as of the date when physical ~~custody~~ CARE was changed. When a voluntary change of physical ~~custody~~ CARE occurs, parties are encouraged to avail themselves of the provision for updating and modifying a child support order without a court hearing, which is set forth in section 14-10-115 (3) (b) (II).

**SECTION 47.** 14-10.5-102 (3), Colorado Revised Statutes, is amended to read:

**14-10.5-102. Legislative declaration.** (3) It is the purpose of this article to enhance children's opportunities for access to their ~~noncustodial~~ parent WITH WHOM THE CHILD DOES NOT RESIDE THE MAJORITY OF THE TIME PURSUANT TO COURT ORDER in compliance with any orders entered in that regard. To that end, the general assembly hereby determines that it is appropriate for the state to seek the federal grant described in section 391 of the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996", Public Law 104-193, in order to explore alternative methods by which to support and facilitate a child's access to and time with his or her ~~noncustodial~~ parent WITH WHOM THE CHILD DOES NOT RESIDE THE MAJORITY OF THE TIME in contested parenting time proceedings.

**SECTION 48. Repeal.** 14-10.5-103, Colorado Revised Statutes, is repealed as follows:

**14-10.5-103. Definition.** For purposes of this article, "~~noncustodial parent~~" means the parent of a child who is the subject of a parenting time court proceeding and who, pursuant to a court order, either was not granted custody but was awarded parenting time with his or her child or who was granted joint custody and parenting time with his or her child but who is not the parent with whom the child primarily resides.

**SECTION 49.** The introductory portion to 14-10.5-104 (1) (a) and 14-10.5-104 (1) (a) (VII), Colorado Revised Statutes, are amended to read:

**14-10.5-104. Parenting time enforcement program - authorization.** (1) (a) The appropriate state agency, as determined by the governor, is hereby authorized to develop a parenting time enforcement program. The program, if developed, shall comply with all requirements and restrictions, if any, set forth in federal law or in federal regulation promulgated by the secretary of the federal department of health and human services and, if in compliance with federal law and regulation, shall address the enhancement and facilitation of children's access to ~~their~~ THE ~~noncustodial~~ parents WITH WHOM SUCH CHILDREN RESIDE LESS THAN THE MAJORITY OF THE TIME by any one or any combination of the following methods:

(VII) Alternative ~~custody~~ arrangements WITH RESPECT TO PARENTAL RESPONSIBILITIES;



**SECTION 50.** 14-13-103 (2) and (3), Colorado Revised Statutes, are amended to read:

**14-13-103. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Custody determination" means a court decision and court orders and instructions providing for the custody of a child OR ALLOCATING PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD, including grandparent visitation or parenting time rights; it does not include a decision relating to child support or any other monetary obligation of any person.

(3) "Custody proceeding" includes proceedings in which a custody determination OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES is one of several issues, such as an action for divorce, dissolution of marriage, or separation, and includes child neglect and dependency proceedings.

**SECTION 51.** 14-14-104 (2), (3), (4), and (7), Colorado Revised Statutes, are amended to read:

**14-14-104. Recovery for child support debt.** (2) The county department of social services through its delegate child support enforcement unit shall be subrogated to the right of the dependent child or children or person having legal ~~or~~ AND physical custody of said child or children OR HAVING BEEN ALLOCATED DECISION-MAKING AUTHORITY WITH RESPECT TO THE CHILD OR CHILDREN to pursue any child support action existing under the laws of this state to obtain reimbursement of public assistance expended. If a court enters a judgment for or orders the payment of any amount of child support to be paid by an obligor, the county department of social services shall be subrogated to the debt created by such judgment or order.

(3) No agreement between any one parent or custodial person OR PERSON ALLOCATED PARENTAL RESPONSIBILITIES and the obligor, either relieving the obligor of any duty of support or responsibility therefor or purporting to settle past, present, or future child support obligations either as settlement or as prepayment, shall act to reduce or terminate any rights of the county department of social services to recover from that obligor for any public assistance provided unless the county department of social services through its delegate child support enforcement unit has consented to the agreement, in writing, and such written consent has been incorporated into and made a part of the agreement.

(4) Any parental rights with respect to custody OR DECISION-MAKING RESPONSIBILITY WITH RESPECT TO A CHILD or parenting time ~~which~~ THAT are granted by a court of competent jurisdiction or are subject to court review shall remain unaffected by the establishment or enforcement of a child support debt or obligation by the county department of social services or other person pursuant to the provisions of this article; and the establishment or enforcement of any such child support debt or obligation shall also remain unaffected by such parental rights with respect to custody OR DECISION-MAKING RESPONSIBILITY WITH RESPECT TO A CHILD or parenting time.

(7) When a portion of a public assistance grant, paid to or for the benefit of a

dependent child, includes moneys paid to provide the custodial parent OR THE PARENT WITH WHOM THE CHILD RESIDES THE MAJORITY OF THE TIME or caretaker relative with necessities including but not limited to shelter, medical care, clothing, or transportation, then those moneys are deemed to be paid to or for the benefit of the dependent child.

**SECTION 52.** 15-14-104, Colorado Revised Statutes, is amended to read:

**15-14-104. Delegation of powers by parent or guardian.** A parent or a guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding nine months, any of his OR HER powers regarding care, custody, DECISION-MAKING RESPONSIBILITY, or property of the minor child or ward, except his OR HER power to consent to marriage or adoption of a minor ward.

**SECTION 53.** 15-14-204 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are amended to read:

**15-14-204. Court appointment of guardian of minor - conditions for appointment.** (1) The court, if it finds it will be in the best interests of the minor, may appoint a guardian for an unmarried minor:

(b) If legal custody of OR DECISION-MAKING RESPONSIBILITY FOR such minor has been suspended by prior court order; or

(c) If the minor is found to have been abandoned by the parents or custodial person OR PERSON WITH DECISION-MAKING RESPONSIBILITY; or

(d) If the parents or custodial person OR PERSON WITH DECISION-MAKING RESPONSIBILITY requests the court to appoint a guardian for such minor.

**SECTION 54.** 15-18.6-102, Colorado Revised Statutes, is amended to read:

**15-18.6-102. CPR directives for CPR - who may execute.** Any adult over age eighteen who has the decisional capacity to provide informed consent to or refusal of medical treatment or any other person who is, pursuant to the laws of this state or any other state, authorized to make medical treatment decisions on behalf of an adult who lacks such decisional capacity, may execute a CPR directive. After a physician issues a "do not resuscitate" order for a minor child, and only then, may the parents of the minor, if married and living together, the custodial parent OR PARENT WITH DECISION-MAKING RESPONSIBILITY FOR SUCH A DECISION, or the legal guardian execute a CPR directive.

**SECTION 55.** 16-11-204 (2) (b) (II), Colorado Revised Statutes, is amended to read:

**16-11-204. Conditions of probation.** (2) (b) When granting probation, in addition to the consideration of the provisions set forth in paragraph (a) of this subsection (2), the court shall order as a condition of probation in cases in which the defendant was convicted of a crime, the underlying factual basis of which included an act of domestic violence, as defined in section 18-6-800.3 (1), C.R.S., that the

defendant:

(II) Comply with any existing court orders concerning a proceeding to determine paternity, custody, THE ALLOCATION OF DECISION-MAKING RESPONSIBILITY, parenting time, or support;

**SECTION 56.** 18-3-304 (1), (2), and (4), Colorado Revised Statutes, are amended to read:

**18-3-304. Violation of custody order or order relating to parental responsibilities.** (1) Any person, including a natural or foster parent, who, knowing that he OR SHE has no privilege to do so or heedless in that regard, takes or entices any child under the age of eighteen years from the custody OR CARE of ~~his~~ THE CHILD'S parents, guardian, or other lawful custodian, OR PERSON WITH PARENTAL RESPONSIBILITIES WITH RESPECT TO THE CHILD commits a class 5 felony.

(2) Any parent or other person who violates an order of any district or juvenile court of this state, granting the custody of a CHILD OR PARENTAL RESPONSIBILITIES WITH RESPECT TO A child under the age of eighteen years to any person, agency, or institution, with the intent to deprive the lawful custodian OR PERSON WITH PARENTAL RESPONSIBILITIES of the custody OR CARE of a child under the age of eighteen years, commits a class 5 felony.

(4) Any criminal action charged pursuant to this section may be tried in either the county where the act is committed or in which the court issuing the orders granting custody OR ALLOCATING PARENTAL RESPONSIBILITIES is located, if such court is within this state.

**SECTION 57.** The introductory portion to 18-6-601 (1) (a) and 18-6-601 (1) (a) (V) and (1) (c), Colorado Revised Statutes, are amended to read:

**18-6-601. Harboring a minor.** (1) (a) A person commits the crime of harboring a minor if the person knowingly provides shelter to a minor without the consent of a parent, guardian, ~~or~~ custodian of the minor, OR THE PERSON WITH WHOM THE CHILD RESIDES THE MAJORITY OF THE TIME PURSUANT TO A COURT ORDER ALLOCATING PARENTAL RESPONSIBILITIES and if the person intentionally:

(V) Fails to notify the parent, guardian, ~~or~~ custodian of the minor, OR THE PERSON WITH WHOM THE CHILD RESIDES THE MAJORITY OF THE TIME PURSUANT TO A COURT ORDER ALLOCATING PARENTAL RESPONSIBILITIES or a law enforcement officer that the minor is being sheltered within twenty-four hours after shelter has been provided.

(c) It is a defense to a prosecution under this section that the defendant had custody of the minor OR LAWFUL PARENTING TIME WITH THE MINOR pursuant to a court order.

**SECTION 58.** 18-6-803.5 (6) (a), Colorado Revised Statutes, is amended to read:

**18-6-803.5. Crime of violation of a restraining order - penalty - peace officers' duties.** (6) (a) A peace officer is authorized to use every reasonable means to protect the alleged victim or the alleged victim's children to prevent further violence. Such peace officer may transport, or obtain transportation for, the alleged

victim to shelter. Upon the request of the protected person, the peace officer may also transport the minor child of the protected person, who is not an emancipated minor, to the same shelter if such shelter is willing to accept the child, whether or not there is a custody order OR AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES WITH RESPECT TO SUCH CHILD or an order for the care and control of the child and whether or not the other parent objects. A peace officer who transports a minor child over the objection of the other parent shall not be held liable for any damages ~~which~~ THAT may result from interference with the custody, PARENTAL RESPONSIBILITIES, care, and control of or access to a minor child in complying with this subsection (6).

**SECTION 59.** 18-6-803.6 (3) (a), Colorado Revised Statutes, is amended to read:

**18-6-803.6. Duties of peace officers and prosecuting agencies - preservation of evidence.** (3) (a) A peace officer is authorized to use every reasonable means to protect the alleged victim or the alleged victim's children to prevent further violence. Such peace officer may transport, or obtain transportation for, the alleged victim to shelter. Upon the request of the protected person, the peace officer may also transport the minor child of the protected person, who is not an emancipated minor, to the same shelter if such shelter is willing to accept the child, whether or not there is a custody order or an order for the care and control of the child OR AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES WITH RESPECT TO THE CHILD and whether or not the other parent objects. A peace officer who transports a minor child over the objection of the other parent shall not be held liable for any damages ~~which~~ THAT may result from interference with the custody, PARENTAL RESPONSIBILITIES, care, and control of or access to a minor child in complying with this subsection (3).

**SECTION 60.** 19-1-103 (82) (b), Colorado Revised Statutes, is amended to read:

**19-1-103. Definitions.** As used in this title or in the specified portion of this title, unless the context otherwise requires:

(82) (b) "Parent", as used in sections 19-1-114, 19-2-514, and 19-2-515, includes a natural parent having sole or joint custody, regardless of whether the parent is designated as the primary residential custodian, OR A PARENT ALLOCATED PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD, or an adoptive parent. For the purposes of section 19-1-114, "parent" does not include a person whose parental rights have been terminated pursuant to the provisions of this title or the parent of an emancipated minor.

**SECTION 61.** 19-1-104 (5) and (6), Colorado Revised Statutes, are amended to read:

**19-1-104. Jurisdiction.** (5) Where a custody award OR AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD has been made in a district court in a dissolution of marriage action or another proceeding and the jurisdiction of the district court in the case is continuing, the juvenile court may take jurisdiction in a case involving the same child if he OR SHE is dependent or neglected or otherwise comes within the jurisdiction set forth in this section.

(6) When the juvenile court maintains jurisdiction in a case involving a child who is dependent or neglected and no child custody action OR ACTION FOR THE

ALLOCATION OF PARENTAL RESPONSIBILITIES concerning the same child is pending in a district court in this state, upon the petition of a party to the dependency or neglect case, the juvenile court may enter an order ~~awarding sole or joint custody~~ ALLOCATING PARENTAL RESPONSIBILITIES and addressing parenting time and child support matters. The parent or person other than a parent ~~who has been granted custody of a child~~ WITH WHOM THE CHILD RESIDES THE MAJORITY OF THE TIME pursuant to the juvenile court's order shall file a certified copy of the order in the district court in the county where the child is permanently resident. Such order shall be treated in the district court as any other ~~custody~~ decree issued in a ~~child custody~~ proceeding CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES.

**SECTION 62.** 19-1-111 (2) (a) (I), (2) (a) (II), and (2) (c), Colorado Revised Statutes, are amended to read:

**19-1-111. Appointment of guardian ad litem.** (2) The court may appoint a guardian ad litem in the following cases:

(a) For a child in a delinquency proceeding where:

(I) No parent, guardian, legal custodian, custodian, PERSON TO WHOM PARENTAL RESPONSIBILITIES HAVE BEEN ALLOCATED, relative, stepparent, or spousal equivalent appears at the first or any subsequent hearing in the case;

(II) The court finds that a conflict of interest exists between the child and parent, guardian, legal custodian, custodian, PERSON TO WHOM PARENTAL RESPONSIBILITIES HAVE BEEN ALLOCATED, relative, stepparent, or spousal equivalent; or

(c) For a parent, guardian, legal custodian, custodian, PERSON TO WHOM PARENTAL RESPONSIBILITIES HAVE BEEN ALLOCATED, stepparent, or spousal equivalent in dependency or neglect proceedings who has been determined to be mentally ill or developmentally disabled by a court of competent jurisdiction; except that, if a conservator has been appointed, the conservator shall serve as the guardian ad litem. If the conservator does not serve as guardian ad litem, ~~he~~ THE CONSERVATOR shall be informed that a guardian ad litem has been appointed.

**SECTION 63.** 19-1-114 (1) and (2) (c), Colorado Revised Statutes, are amended to read:

**19-1-114. Order of protection.** (1) The court may make an order of protection in assistance of, or as a condition of, any decree authorized by this title. The order of protection may set forth reasonable conditions of behavior to be observed for a specified period by the parent, guardian, legal custodian, custodian, PERSON TO WHOM PARENTAL RESPONSIBILITIES HAVE BEEN ALLOCATED, stepparent, spousal equivalent, or any other person who is party to a proceeding brought under this title.

(2) The order of protection may require any such person:

(c) To abstain from offensive conduct against a child, ~~his~~ THE CHILD'S parent or parents, ~~his~~ THE CHILD'S guardian or legal custodian, or any other person to whom legal custody of OR PARENTAL RESPONSIBILITIES WITH RESPECT TO a child has been given;

**SECTION 64.** The introductory portion to 19-1-117 (1) and 19-1-117 (1) (b) and (2), Colorado Revised Statutes, are amended to read:

**19-1-117. Visitation rights of grandparents.** (1) Any grandparent of a child may, in the manner set forth in this section, seek a court order granting ~~him~~ THE GRANDPARENT reasonable grandchild visitation rights when there is or has been a child custody case OR A CASE CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES RELATING TO THAT CHILD. Because cases arise ~~which~~ THAT do not directly deal with child custody OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES but nonetheless have an impact on the custody of OR PARENTAL RESPONSIBILITIES WITH RESPECT TO a child, for the purposes of this section, a "~~child custody case~~" "CASE CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD" includes any of the following, whether or not child custody was OR PARENTAL RESPONSIBILITIES WERE specifically an issue:

(b) That legal custody of OR PARENTAL RESPONSIBILITIES WITH RESPECT TO the child ~~has~~ HAVE BEEN GIVEN OR ALLOCATED to a party other than the child's parent or that the child has been placed outside of and does not reside in the home of ~~his~~ THE CHILD'S parent, excluding any child who has been placed for adoption or whose adoption has been legally finalized; or

(2) A party seeking a grandchild visitation order shall submit, together with his OR HER motion for visitation, to the district court for the district in which the child resides an affidavit setting forth facts supporting the requested order and shall give notice, together with a copy of his OR HER affidavit, to the party who has legal custody of the child OR TO THE PARTY WITH PARENTAL RESPONSIBILITIES AS DETERMINED BY A COURT PURSUANT TO ARTICLE 10 OF TITLE 14, C.R.S. The party with legal custody OR PARENTAL RESPONSIBILITIES AS DETERMINED BY A COURT PURSUANT TO ARTICLE 10 OF TITLE 14, C.R.S., may file opposing affidavits. If neither party requests a hearing, the court shall enter an order granting grandchild visitation rights to the petitioning grandparent only upon a finding that the visitation is in the best interests of the child. A hearing shall be held if either party so requests or if it appears to the court that it is in the best interests of the child that a hearing be held. At the hearing, parties submitting affidavits shall be allowed an opportunity to be heard. If, at the conclusion of the hearing, the court finds it is in the best interests of the child to grant grandchild visitation rights to the petitioning grandparent, the court shall enter an order granting such rights.

**SECTION 65.** The introductory portion to 19-1-117.5 (1), 19-1-117.5 (1) (b), and the introductory portion to 19-1-117.5 (2), Colorado Revised Statutes, are amended to read:

**19-1-117.5. Disputes concerning grandparent visitation.** (1) Upon a verified motion by a grandparent who has been granted visitation or upon the court's own motion alleging that the person with legal custody OR PARENTAL RESPONSIBILITIES of the child AS DETERMINED BY A COURT PURSUANT TO ARTICLE 10 OF TITLE 14, C.R.S., with whom visitation has been granted is not complying with a grandparent visitation order or schedule, the court shall determine from the verified motion, and response to the motion, if any, whether there has been or is likely to be a substantial and continuing noncompliance with the grandparent visitation order or schedule and either:

(b) Set the matter for hearing with notice to the grandparent and the person with legal custody OR PARENTAL RESPONSIBILITIES of the child AS DETERMINED BY THE COURT of the time and place of the hearing; or

(2) After the hearing, if a court finds that the person with legal custody OR PARENTAL RESPONSIBILITIES of the child AS DETERMINED BY THE COURT has not complied with the visitation order or schedule and has violated the court order, the court, in the best interests of the child, may issue orders which may include but need not be limited to:

**SECTION 66.** 19-1-304 (1) (a) (XI), (1) (c) (VI), and (2) (a) (XI), Colorado Revised Statutes, are amended to read:

**19-1-304. Juvenile delinquency records.** (1) (a) **Court records - open.** Except as provided in paragraph (b.5) of this subsection (1), court records in juvenile delinquency proceedings or proceedings concerning a juvenile charged with the violation of any municipal ordinance except a traffic ordinance shall be open to inspection to the following persons without court order:

(XI) Any person conducting a ~~custody~~ AN evaluation pursuant to section 14-10-127, C.R.S.;

(c) **Probation records - limited access.** Except as otherwise authorized by section 19-1-303, a juvenile probation officer's records, whether or not part of the court file, shall not be open to inspection except as provided in subparagraphs (I) to (IX) of this paragraph (c):

(VI) To any person conducting a ~~custody~~ AN evaluation pursuant to section 14-10-127, C.R.S.;

(2) (a) **Law enforcement records in general - closed.** Except as otherwise provided by paragraph (b.5) of subsection (1) of this section and otherwise authorized by section 19-1-303, the records of law enforcement officers concerning juveniles, including identifying information, shall be identified as juvenile records and shall not be inspected by or disclosed to the public, except:

(XI) To any person conducting a ~~custody~~ AN evaluation pursuant to section 14-10-127, C.R.S.;

**SECTION 67.** 19-1-307 (2) (m) (II), Colorado Revised Statutes, is amended to read:

**19-1-307. Dependency and neglect records and information.** (2) (m) The state departments of health care policy and financing and human services and the county departments of social services, for the following purposes:

(II) Conducting ~~custody~~ evaluations PURSUANT TO SECTION 14-10-127, C.R.S.;

**SECTION 68.** 19-2-308 (3), Colorado Revised Statutes, is amended to read:

**19-2-308. Community service and work programs.** (3) With the written

consent of the victim of the juvenile's delinquent act, the juvenile or both the juvenile and the custodial parent, THE JUVENILE'S PARENT WHO HAS PARENTAL RESPONSIBILITIES, or THE guardian of the juvenile may be ordered to perform work for the victim.

**SECTION 69.** 19-2-919 (1) (c) and (2) (a), Colorado Revised Statutes, are amended to read:

**19-2-919. Sentencing - requirements imposed on parents.** (1) In addition to any of the provisions specified in sections 19-2-907 to 19-2-918, any sentence imposed pursuant to section 19-2-907 may require:

(c) The juvenile or both the juvenile and his or her custodial parent OR PARENT WITH PARENTAL RESPONSIBILITIES or guardian to perform services for the victim, as provided in section 19-2-308, designed to contribute to the rehabilitation of the juvenile, if the victim consents in writing to such services. However, the value of the services required to be rendered by the parent, guardian, or legal custodian of, OR PARENT WITH PARENTAL RESPONSIBILITIES WITH RESPECT TO the juvenile under this paragraph (c) shall not exceed the damages as set forth in section 13-21-107, C.R.S., for any one delinquent act.

(2) In addition to any sentence imposed pursuant to section 19-2-907 or subsection (1) of this section and regardless of whether the court orders the juvenile to pay restitution pursuant to section 19-2-918, the court may order:

(a) The guardian or legal custodian of the juvenile OR THE PARENT ALLOCATED PARENTAL RESPONSIBILITIES WITH RESPECT TO THE JUVENILE to make restitution to one or more victims pursuant to the terms and conditions set forth in this subsection (2); except that the liability of the guardian or legal custodian of the juvenile OR PARENT ALLOCATED PARENTAL RESPONSIBILITIES WITH RESPECT TO THE JUVENILE under this subsection (2) shall not exceed the damages as set forth in section 13-21-107, C.R.S., for any one delinquent act. If the court finds, after a hearing, that the guardian or legal custodian of the juvenile OR THE PARENT ALLOCATED PARENTAL RESPONSIBILITIES WITH RESPECT TO THE JUVENILE has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the court shall absolve the guardian or legal custodian OR PARENT ALLOCATED PARENTAL RESPONSIBILITIES WITH RESPECT TO THE JUVENILE of liability for restitution under this subsection (2).

**SECTION 70.** 19-4-111 (4), Colorado Revised Statutes, is amended to read:

**19-4-111. Pretrial proceedings.** (4) Upon the filing of a petition under this article, any party may seek the issuance of a temporary restraining order or injunction under the criteria set forth in section 14-10-108, C.R.S. Any party may further seek temporary orders as to ~~custody~~, THE ALLOCATION OF PARENTAL RESPONSIBILITIES, INCLUDING ALLOCATION OF DECISION-MAKING RESPONSIBILITY AND parenting time, and support once an order determining the existence of the parent and child relationship has been entered by the court. The filing of a motion for temporary orders shall not prevent a party or public agency from seeking other relief as may be provided by this article. Issues of temporary ~~custody~~, ORDERS CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES, INCLUDING DECISION-MAKING



RESPONSIBILITY AND parenting time, and ISSUES OF support shall be determined in accordance with the criteria set forth in the "Uniform Dissolution of Marriage Act", article 10 of title 14, C.R.S. Any temporary restraining order issued pursuant to this subsection (4) shall be on a standardized form prescribed by the judicial department, and a copy shall be provided to the protected person.

**SECTION 71.** 19-4-116 (3) (a) and (6) (i), Colorado Revised Statutes, are amended to read:

**19-4-116. Judgment or order - birth-related costs - evidence - repeal.**

(3) (a) The judgment or order may contain any other provision directed against the appropriate party to the proceeding concerning the duty of support, the recovery of child support debt pursuant to section 14-14-104, C.R.S., the ~~custody~~ ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO THE CHILD and guardianship of the child, parenting time privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment or order may direct the father to pay for genetic testing and to pay the reasonable expenses of the mother's pregnancy and confinement.

(6) In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, a court enforcing the obligation of support shall consider all relevant facts, including:

(i) The value of services contributed by the ~~custodial~~ parent WITH WHOM THE CHILD RESIDES THE MAJORITY OF THE TIME;

**SECTION 72.** 19-4-130 (1), Colorado Revised Statutes, is amended to read:

**19-4-130. Temporary orders.** (1) Upon the filing of any proceeding under this article or under article 13.5 of title 26, C.R.S., the court shall, as soon as practicable, enter a temporary or permanent ~~custody~~ order ALLOCATING PARENTAL RESPONSIBILITIES that shall ~~determine the legal custody~~ ALLOCATE THE DECISION-MAKING RESPONSIBILITY AND PARENTING TIME of the child until further order of the court.

**SECTION 73.** 19-5-203 (1) (e), Colorado Revised Statutes, is amended to read:

**19-5-203. Availability for adoption.** (1) A child may be available for adoption only upon:

(e) Written and verified consent of the parent having only residual parental ~~rights~~ ~~and~~ responsibilities when custody OR PARENTAL RESPONSIBILITIES ~~has~~ HAVE been awarded OR ALLOCATED to the other parent in a dissolution of marriage proceeding where the spouse of the parent having custody OR PARENTAL RESPONSIBILITIES wishes to adopt the child;

**SECTION 74.** 22-1-102 (2) (a), Colorado Revised Statutes, is amended to read:

**22-1-102. Residence of child.** (2) A child shall be deemed to reside in a school district if:

(a) Both his OR HER parents, or the survivor of them, or the one of them ~~to~~ WITH whom ~~custody of such child has been awarded by~~ RESIDES A MAJORITY OF THE TIME PURSUANT TO AN ORDER OF any court of competent jurisdiction resides in the school district;

**SECTION 75.** 23-3.3-201 (1)(c), Colorado Revised Statutes, is amended to read:

**23-3.3-201. Definitions.** As used in this part 2, unless the context otherwise requires:

(1) "Dependent" means:

(c) Any child in the legal custody of OR WHOSE PARENT HAS PARENTAL RESPONSIBILITIES WITH RESPECT TO SUCH CHILD or for which proceedings for custody OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES were initiated by either of said child's parents prior to the time such parent served as a prisoner of war, was declared missing in action, served on state active duty or authorized training duty as a Colorado national guardsman, or was permanently disabled or killed while acting to preserve the public peace, health, and safety in the capacity of police officer, sheriff, or other law enforcement officer or firefighter.

**SECTION 76.** 23-7-103 (3), Colorado Revised Statutes, is amended to read:

**23-7-103. Presumptions and rules for determination of status.** (3) An unemancipated minor qualifies for a change in his OR HER classification to in-state student for tuition purposes only if either of his OR HER parents, regardless of custody OR PARENTAL RESPONSIBILITIES, or his OR HER legal guardian has completed the requirements for establishing a Colorado domicile. Eligibility for classification as an in-state student for tuition purposes shall be lost if both of his parents, regardless of custody OR PARENTAL RESPONSIBILITIES, or his OR HER legal guardian has lost eligibility. An emancipated minor or adult who has registered as a student does not qualify for a change in his OR HER classification to in-state student for tuition purposes unless he OR SHE has established and maintained a domicile for twelve continuous months in this state.

**SECTION 77.** 24-34-501 (1.6), Colorado Revised Statutes, is amended to read:

**24-34-501. Definitions.** As used in this part 5, unless the context otherwise requires:

(1.6) "Familial status" means one or more individuals, who have not attained eighteen years of age, being domiciled with a parent or another person having legal custody of OR PARENTAL RESPONSIBILITIES FOR such individual or individuals or the designee of such parent or other persons having such custody OR PARENTAL RESPONSIBILITIES with the written permission of such parent or other person. Familial status shall apply to any person who is pregnant or is in the process of securing legal custody OR PARENTAL RESPONSIBILITIES of any individual who has not attained eighteen years of age.

**SECTION 78.** 25-4-402 (4), Colorado Revised Statutes, is amended to read:

**25-4-402. Venereal cases shall be reported - physician's immunity.** (4) Any physician, upon consultation by a minor as a patient and with the consent of such minor patient, may make a diagnostic examination for venereal disease and may prescribe for and treat such minor patient for venereal disease without the consent of or notification to the parent or guardian of such minor patient or to any other person having custody of OR PARENTAL RESPONSIBILITIES WITH RESPECT TO such minor patient. In any such case, the physician shall incur no civil or criminal liability by reason of having made such diagnostic examination or rendered such treatment, but such immunity shall not apply to any negligent acts or omissions.

**SECTION 79.** 25-4-1704 (2), (2.5) (a), (2.5) (b), and (2.5) (d), Colorado Revised Statutes, are amended to read:

**25-4-1704. Infant immunization program - delegation of authority to immunize minor.** (2) Every parent, legal guardian, or person vested with legal custody OR DECISION-MAKING RESPONSIBILITY FOR THE MEDICAL CARE OF A MINOR, or person otherwise responsible for the care ~~and custody~~ of an infant residing in this state, shall be responsible for having such infant vaccinated in compliance with the schedule of immunization established by the board of health; except that, failure to vaccinate a child in accordance with this subsection (2) shall not constitute sufficient grounds for any insurance company to deny a claim submitted on behalf of a child who develops a vaccine preventable disease.

(2.5) (a) Subject to the provisions of this subsection (2.5), a parent, legal guardian, person vested with legal custody of a minor OR DECISION-MAKING RESPONSIBILITY FOR THE MEDICAL CARE OF A MINOR, or such other adult person responsible for the care ~~and custody~~ of a minor in this state, other than any employee of a licensed child care center in which the minor is enrolled, may delegate, verbally or in writing, that person's authority to consent to the immunization of a minor to a stepparent, an adult relative of first or second degree of kinship, or an adult child care provider who has care and control of the minor. Any immunization administered pursuant to a delegation of authority under this subsection (2.5) shall be administered only at a health care clinic, hospital, office of a private practitioner, or county public health clinic.

(b) If a parent, legal guardian, person vested with legal custody of a minor OR DECISION-MAKING RESPONSIBILITY FOR THE MEDICAL CARE OF A MINOR, or other adult person responsible for the care ~~and custody~~ of a minor in this state verbally delegates his or her authority to consent to the immunization of a minor under this subsection (2.5), the person to whom such authority is thereby delegated shall confirm the verbal delegation in writing and shall verbally relay any relevant health history to the administering practitioner. The practitioner administering the vaccination shall include the written confirmation in the minor's medical record. If a parent, legal guardian, person vested with legal custody of a minor OR DECISION-MAKING RESPONSIBILITY FOR THE MEDICAL CARE OF A MINOR, or other adult person responsible for the care ~~and custody~~ of a minor in this state delegates his or her authority to consent to the immunization of a minor under this subsection (2.5) in writing, such writing shall include the relevant health history, and the practitioner administering the vaccination shall include a copy of the written delegation of authority in the minor's medical record.

(d) A person may not consent to the immunization of a minor pursuant to this subsection (2.5) if:

(I) The person has actual knowledge that the parent, legal guardian, person vested with legal custody of a minor OR DECISION-MAKING RESPONSIBILITY FOR THE MEDICAL CARE OF A MINOR, or other adult person responsible for the care ~~and custody~~ of a minor in this state has expressly refused to give consent to the immunization; or

(II) The parent, legal guardian, person vested with legal custody of a minor OR DECISION-MAKING RESPONSIBILITY FOR THE MEDICAL CARE OF A MINOR, or other adult person responsible for the care ~~and custody~~ of a minor in this state has told the person that the person may not consent to the immunization of the minor or, in the case of a written authorization, has withdrawn the authorization in writing.

**SECTION 80.** 26-13-107 (2) (c), (2) (d), (3) (a.5) (III), (3) (a.5) (IV), and (3) (a.5) (VI), Colorado Revised Statutes, are amended to read:

**26-13-107. State parent locator service.** (2) To effectuate the purposes of subsection (1) of this section, the executive director may request and shall receive from departments, boards, bureaus, or other agencies of the state, including but not limited to law enforcement agencies, or any of its political subdivisions, and the same are authorized to provide, such assistance and data as will enable the state department and delegate child support enforcement units or their authorized agents properly to carry out their powers and duties to locate such parents for the purpose of establishing parentage or establishing, modifying, or enforcing child support obligations. In addition, any federal agency or such agency's authorized agents properly carrying out their powers and duties to locate a parent for the purpose of establishing parentage or establishing, modifying, or enforcing child support obligations may request and shall have access to any motor vehicle or law enforcement system used by the state to locate an individual. Any records established pursuant to the provisions of this section shall be available only to the following:

(c) Courts having jurisdiction in support and abandonment proceedings or actions to establish child support against a ~~noncustodial~~ parent or to issue an order against a ~~custodial~~ parent for ~~child custody~~ THE ALLOCATION OF PARENTAL RESPONSIBILITIES or parenting time rights or any agent of such court;

(d) The ~~custodial~~ OBLIGEE parent, legal guardian, attorney, or agent of a child who is not receiving aid under Title IV-A of the federal "Social Security Act", as amended, when a court order is provided; and

(3) (a.5) The state parent locator service shall only accept applications from and transmit Colorado and federal parent locator information to:

(III) Courts having jurisdiction in support and abandonment proceedings or actions to establish child support against a ~~noncustodial~~ parent or to issue an order against a ~~custodial~~ parent for ~~child custody~~ THE ALLOCATION OF PARENTAL RESPONSIBILITIES or parenting time rights or any agent of such court;

(IV) The ~~custodial~~ OBLIGEE parent, legal guardian, attorney, or agent of a child who is not receiving aid under Title IV-A of the federal "Social Security Act", as

amended, when a court order is provided;

(VI) The court when a court order is provided from a ~~noncustodial~~ parent seeking to enforce a child custody, PARENTAL RESPONSIBILITIES, or parenting time order.

**SECTION 81.** The introductory portion to 26-13-122 (1), Colorado Revised Statutes, is amended to read:

**26-13-122. Administrative lien and attachment.** (1) The state child support enforcement agency may issue a notice of administrative lien and attachment to any person, insurance company, or agency providing workers' compensation insurance benefits for any employer to attach workers' compensation benefits of an obligor who is responsible for the support of a child on whose behalf the ~~custodian of that child~~ OBLIGEE is receiving support enforcement services from the state's child support enforcement agency pursuant to this article. The notice shall include the following statements and information:

**SECTION 82.** 26-13-128 (2), Colorado Revised Statutes, is amended to read:

**26-13-128. Agreements with financial institutions - data match system - limited liability.** (2) The purpose of the program authorized by this section shall be to develop and operate, in coordination with such financial institutions and state entities, a data match system, using automated data exchanges, to the maximum extent feasible, in which each such financial institution or state entity is required to provide semiannually the name, record address, and social security number, or other taxpayer identification number, of any account holder or customer that maintains an account at such institution or entity and who owes past-due child support, as identified by the state by name and social security number, or other taxpayer identification number. The state department shall enter into an agreement with each financial institution and state entity, which agreement shall specify a schedule of data matches. The agreement shall provide that the financial institution or state entity shall have forty-five days after the receipt of the informational electronic or magnetic data from the child support enforcement agency to conduct the data match required by this subsection (2). The agreement shall also provide that the financial institution or state entity shall return the data in electronic or magnetic form to the child support enforcement agency within three business days after conducting the data match. The financial institution or state entity shall include information concerning all accounts where a data match occurs, including, but not limited to, information regarding joint accounts, partnership accounts, sole proprietorship accounts, custodial accounts, and commercial accounts. The child support enforcement agency shall make a reasonable effort to accommodate those financial institutions upon which the requirements of this section would pose a hardship. The financial institution or entity, in response to a notice of lien or levy from the state department, shall encumber or surrender assets, except for custodial accounts created pursuant to the "Colorado Uniform Transfers to Minors Act", article 50 of title 11, C.R.S., and except for trust accounts of moneys held in trust for a third party, held by such institution or entity on behalf of any ~~noncustodial~~ OBLIGOR parent who is subject to a child support lien, subject to any right of setoff the financial institution may have against such assets. In addition to any right of setoff the financial institution may have, before the financial institution surrenders any assets of the ~~noncustodial~~ OBLIGOR parent to the state department, the financial institution shall apply any assets held by the financial institution on behalf

of the ~~noncustodial~~ OBLIGOR parent against the balance of any amounts owed by the ~~noncustodial~~ OBLIGOR parent to the financial institution, regardless of whether the ~~noncustodial~~ OBLIGOR parent is in default under any agreement with the financial institution or whether any payments are currently due to the financial institution, subject to prior agreement of the ~~noncustodial~~ OBLIGOR parent.

**SECTION 83.** 26-13.5-105 (3) (d), Colorado Revised Statutes, is amended to read:

**26-13.5-105. Negotiation conference - issuance of order of financial responsibility - filing of order with district court.** (3) (d) Notwithstanding any rules of the Colorado rules of civil procedure, a complaint is not required in order to initiate a court action pursuant to this subsection (3). The court shall inform the delegate child support enforcement unit of the date and location of the hearing and the court or the delegate child support enforcement unit shall send a notice to the obligor informing the obligor of the date and location of the hearing. In order to meet federal requirements of expedited process for child support enforcement, the court shall hold a hearing and decide only the issue of child support within ninety days after receipt of notice, as defined in section 26-13.5-102 (13), or within six months after receipt of notice, as defined in section 26-13.5-102 (13), if the obligor is contesting the issue of paternity. If the obligor raises issues relating to ~~custody~~ THE ALLOCATION OF PARENTAL RESPONSIBILITIES, DECISION-MAKING RESPONSIBILITY, or parenting time and the court has jurisdiction to hear such matters, the court shall set a separate hearing for those issues after entry of the order of support. In any action, including an action for paternity, no additional service beyond that originally required pursuant to section 26-13.5-104 shall be required if no stipulation is reached at the negotiation conference and the court is requested to set a hearing in the matter.

**SECTION 84.** 33-1-102 (38) (d.5), Colorado Revised Statutes, is amended to read:

**33-1-102. Definitions.** As used in this title, unless the context otherwise requires:

(38) (d.5) The residency status of children under eighteen years of age is presumed to be that of the ~~custodial~~ parent WITH WHOM THE CHILD RESIDES THE MAJORITY OF THE TIME PURSUANT TO COURT ORDER or legal guardian.

**SECTION 85. Effective date - applicability.** (1) This act shall take effect February 1, 1999, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect February 1, 1999.

(2) The provisions of this act shall apply to causes of action filed on or after the effective date of this act and to motions filed on or after the effective date of this act for modifications of previously entered court orders.

Approved: June 2, 1998