CHAPTER 158

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CHILDREN AND DOMESTIC MATTERS

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SENATE BILL 03-023

BY SENATOR(S) Keller, Fitz-Gerald, Gordon, Groff, Grossman, Hanna, Isgar, Linkhart, Nichol, Sandoval, Tapia, Tate, and Windels;
also REPRESENTATIVE(S) Hefley, Boyd, Cloer, Frangas, Harvey, Jahn, Madden, Marshall, Plant, Rhodes, Romanoff, Spence, Stengel, and Williams S.

AN ACT

CONCERNING THE CREATION OF TIME LINES FOR TERMINATING THE PARENT-CHILD LEGAL RELATIONSHIP OF CERTAIN CHILDREN.

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

SECTION 1. The introductory portion to 19-3-508 (1) and 19-3-508 (3) (a), Colorado Revised Statutes, are amended to read:

19-3-508. Neglected or dependent child - disposition - concurrent planning. (1) When a child has been adjudicated to be neglected or dependent, the court may enter a decree of disposition the same day, but in any event it shall do so within forty-five days unless the court finds that the best interests of the child will be served by granting a delay. In a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the court shall enter a decree of disposition within thirty days after the adjudication and shall not grant a delay unless good cause is shown and unless the court finds that the best interests of the child will be served by granting the delay. It is the intent of the general assembly that the dispositional hearing be held on the same day as the adjudicatory hearing, whenever possible. If a delay is granted, the court shall set forth the reasons why a delay is necessary and the minimum amount of time needed to resolve the reasons for the delay and shall schedule the hearing at the earliest possible time following the delay. When the proposed disposition is termination of the parent-child legal relationship, the hearing on termination shall not be held on the same date as the adjudication, and the time limits set forth above for dispositional hearings shall not apply. When the proposed disposition is termination of the parent-child legal relationship, the court may continue the dispositional hearing to the earliest available date for A hearing in accordance with the provisions of

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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.

PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION AND part 6 of this article. When the decree does not terminate the parent-child legal relationship, the court shall approve an appropriate treatment plan that shall include but not be limited to one or more of the following provisions of paragraphs (a) to (d) of this subsection (1):

(3) (a) The court may enter a decree terminating the parent-child legal relationship of one or both parents pursuant to part 6 of this article. PURSUANT TO SECTION 19-3-602 (1), IN A COUNTY DESIGNATED PURSUANT TO SECTION 19-1-123, IF THE CHILD IS UNDER SIX YEARS OF AGE AT THE TIME A PETITION IS FILED IN ACCORDANCE WITH SECTION 19-3-501 (2), THE COURT SHALL HEAR A MOTION FOR TERMINATION WITHIN ONE HUNDRED TWENTY DAYS AFTER SUCH MOTION IS FILED, AND SHALL NOT GRANT A DELAY UNLESS GOOD CAUSE IS SHOWN AND UNLESS THE COURT FINDS THAT THE BEST INTERESTS OF THE CHILD WILL BE SERVED BY GRANTING A DELAY IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 19-3-104.

SECTION 2. 19-3-602 (1), Colorado Revised Statutes, is amended to read:

19-3-602. Motion for termination - separate hearing - right to counsel - no jury trial. (1) Termination of a parent-child legal relationship shall be considered only after the filing of a written motion alleging the factual grounds for termination, and termination of a parent-child legal relationship shall be considered at a separate hearing following an adjudication of a child as dependent or neglected. Such motion shall be filed at least thirty days before such hearing. IN A COUNTY DESIGNATED PURSUANT TO SECTION 19-1-123, IF THE CHILD IS UNDER SIX YEARS OF AGE AT THE TIME A PETITION IS FILED IN ACCORDANCE WITH SECTION 19-3-501 (2), THE COURT SHALL HEAR THE MOTION FOR TERMINATION WITHIN ONE HUNDRED TWENTY DAYS AFTER SUCH MOTION IS FILED, AND SHALL NOT GRANT A DELAY UNLESS GOOD CAUSE IS SHOWN AND UNLESS THE COURT FINDS THAT THE BEST INTERESTS OF THE CHILD WILL BE SERVED BY GRANTING A DELAY IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 19-3-104.

SECTION 3. 19-3-202 (1), Colorado Revised Statutes, is amended to read:

19-3-202. Right to counsel and jury trial. (1) At the first appearance of a respondent parent, guardian, or legal custodian, the court shall fully advise such party of his legal rights, including the right to a jury trial, the right to be represented by counsel at every stage of the proceedings, and the right to seek the appointment of counsel if the party is unable financially to secure counsel on his own. THE COURT SHALL FULLY EXPLAIN TO SUCH PARTY THE INFORMATIONAL NOTICE OF RIGHTS AND REMEDIES FOR FAMILIES PREPARED PURSUANT TO SECTION 19-3-212, AND SHALL RECOMMEND THAT THE PARTY DISCUSS SUCH NOTICE WITH COUNSEL. FURTHER, THE COURT SHALL ADVISE THE PARTY OF THE MINIMUM AND MAXIMUM TIME FRAMES FOR THE DEPENDENCY AND NEGLECT PROCESS, INCLUDING THE MINIMUM AND MAXIMUM TIME FRAMES FOR ADJUDICATION, DISPOSITION, AND TERMINATION OF PARENTAL RIGHTS FOR A CHILD WHO IS UNDER SIX YEARS OF AGE AT THE TIME THE PETITION IS FILED IN A COUNTY DESIGNATED PURSUANT TO SECTION 19-1-123.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of 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; except that, if 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 on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 22, 2003