

CHAPTER 108

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 04-1343

BY REPRESENTATIVE(S) Jahn, Marshall, Merrifield, and Williams S.;
also SENATOR(S) Johnson S.

AN ACT

CONCERNING THE PRECLUSION OF THE ISSUANCE OF A COURT ORDER NUNC PRO TUNC WHEN THE ORDER CONTAINS DETERMINATIONS THAT ESTABLISH A CHILD'S ELIGIBILITY UNDER TITLE IV-E OF THE FEDERAL "SOCIAL SECURITY ACT".

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

SECTION 1. 19-1-115, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-1-115. Legal custody - guardianship - placement out of the home.
(6.7) ANY TIME THE COURT ENTERS AN ORDER RELATED TO OUT-OF-HOME PLACEMENT PURSUANT TO PARAGRAPHS (a), (b), AND (c) OF SUBSECTION (6) OR PARAGRAPH (b) OF SUBSECTION (6.5) OF THIS SECTION; SECTION 19-2-508 (3) (a) (VII) (A) AND (3) (a) (VII) (B); SECTION 19-2-906.5 (1) (a), (1) (b), AND (3) (a) (III); SECTION 19-3-701 (6); OR SECTION 19-3-702 (3.5) (b) AND (6) (a) (II), THE ORDER SHALL BE EFFECTIVE AS OF THE DATE THE FINDINGS WERE MADE BY THE COURT, NOTWITHSTANDING THE DATE THAT A WRITTEN ORDER MAY BE SIGNED BY THE COURT. WRITTEN ORDERS ENTERED PURSUANT TO PARAGRAPHS (a), (b), AND (c) OF SUBSECTION (6) OR PARAGRAPH (b) OF SUBSECTION (6.5) OF THIS SECTION; SECTION 19-2-508 (3) (a) (VII) (A) AND (3) (a) (VII) (B); SECTION 19-2-906.5 (1) (a), (1) (b), AND (3) (a) (III); SECTION 19-3-701 (6); OR SECTION 19-3-702 (3.5) (b) AND (6) (a) (II), SHALL STATE, "THE EFFECTIVE DATE OF THIS ORDER IS" AND SHALL NOT USE THE WORDS "NUNC PRO TUNC".

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to orders issued on or after said date.

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

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 7, 2004