

CHAPTER 214

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 07-1330

BY REPRESENTATIVE(S) Madden, Carroll M., Carroll T., Cerbo, Frangas, Green, Judd, Kefalas, Kerr A., Levy, McGihon, Pommer, Borodkin, Curry, Gibbs, Labuda, Marshall, and Romanoff;
also SENATOR(S) Veiga, Bacon, Boyd, Fitz-Gerald, Groff, Keller, Morse, Romer, Shaffer, Tapia, Tupa, Williams, and Windels.

AN ACT

CONCERNING THE SECOND-PARENT ADOPTION OF A CHILD OF A SOLE LEGAL PARENT.

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

SECTION 1. 19-5-203 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(d.5) (I) WRITTEN AND VERIFIED CONSENT IN A SECOND-PARENT ADOPTION THAT THE CHILD HAS A SOLE LEGAL PARENT, AND THE SOLE LEGAL PARENT WISHES THE CHILD TO BE ADOPTED BY A SPECIFIED SECOND ADULT.

(II) IN A PETITION FOR A SECOND-PARENT ADOPTION, THE COURT SHALL REQUIRE A WRITTEN HOME STUDY REPORT PREPARED BY A COUNTY DEPARTMENT OF SOCIAL SERVICES, DESIGNATED QUALIFIED INDIVIDUAL, OR CHILD PLACEMENT AGENCY AND APPROVED BY THE DEPARTMENT PURSUANT TO SECTION 19-5-207.5 (2). IF THE CHILD OF A SOLE LEGAL PARENT WAS ADOPTED BY THAT PARENT LESS THAN SIX MONTHS PRIOR TO THE FILING OF AN ADOPTION PETITION BY A SECOND PROSPECTIVE PARENT AND IF THE SECOND PROSPECTIVE PARENT WAS INCLUDED IN THE HOME STUDY REPORT THAT WAS PREPARED PURSUANT TO SECTION 19-5-207 FOR THE ADOPTION OF THE CHILD BY THE FIRST PARENT, THEN THAT HOME STUDY REPORT SHALL BE A VALID HOME STUDY REPORT FOR THE PURPOSE OF THE SECOND PARENT'S ADOPTION. IF THE FILING OF A PETITION FOR ADOPTION BY THE SECOND PROSPECTIVE PARENT OCCURS SIX MONTHS OR MORE AFTER THE ADOPTION BY THE FIRST PARENT, A SEPARATE HOME STUDY REPORT SHALL BE REQUIRED PURSUANT TO SECTION 19-5-207.

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 2. 19-5-208 (5), Colorado Revised Statutes, is amended to read:

19-5-208. Petition for adoption. (5) In all stepparent, SECOND PARENT, custodial, and kinship adoptions, the petition shall contain a statement informing the court whether the prospective adoptive parent was convicted at any time by a court of competent jurisdiction of a felony or misdemeanor in one of the following areas: Child abuse or neglect; spousal abuse; any crime against a child; any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3, C.R.S.; violation of a protection order, as described in section 18-6-803.5, C.R.S.; any crime involving violence, rape, sexual assault, or homicide; or any felony physical assault or battery. In addition, the petitioner shall attach to the petition a current criminal history records check paid for by the petitioner.

SECTION 3. 19-5-210 (1.5), Colorado Revised Statutes, is amended to read:

19-5-210. Hearing on petition. (1.5) Except in stepparent, SECOND PARENT, custodial, or kinship adoptions, the court shall issue a certificate of approval of placement, placing the child's custodial care with prospective adoptive parents pending final hearing on the petition for adoption, if it appears to the court that the placement for adoption is in the best interest of the child.

SECTION 4. 19-5-211 (1.5), Colorado Revised Statutes, is amended to read:

19-5-211. Legal effects of final decree. (1.5) An employer who permits paternity or maternity time off for biological parents following the birth of a child shall, upon request, make such time off available for individuals adopting a child. If the employer has established a policy providing time off for biological parents, that period of time shall be the minimum period of leave available for adoptive parents. Requests for additional leave due to the adoption of an ill child or a child with a disability shall be considered on the same basis as comparable cases of such complications accompanying the birth of such a child to an employee or employee's spouse. Any other benefits provided by the employer, such as job guarantee or pay, shall be available to both adoptive and biological parents on an equal basis. An employer shall not penalize an employee for exercising the rights provided by this subsection (1.5). The provisions of this subsection (1.5) shall not apply to an adoption by the spouse of a custodial parent OR TO A SECOND-PARENT ADOPTION.

SECTION 5. 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, (August 8, 2007, if adjournment sine die is on May 9, 2007); 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: May 14, 2007