

CHAPTER 31

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 07-018

BY SENATOR(S) Sandoval, Boyd, Groff, May R., Schultheis, Tapia, and Williams;
also REPRESENTATIVE(S) Stafford, Hicks, and Todd.

AN ACT**CONCERNING CLARIFICATION OF PROCEDURES FOR THE EXPEDITED RELINQUISHMENT OF PARENTAL RIGHTS.**

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

SECTION 1. 19-5-101 (1), Colorado Revised Statutes, is amended to read:

19-5-101. Termination of the parent-child legal relationship. (1) The juvenile court may, upon petition, terminate the parent-child legal relationship between a parent or parents, or a possible parent or parents, and a child in:

- (a) Proceedings under section 19-1-104 (1) (d);
- (a.5) PROCEEDINGS UNDER SECTION 19-5-103.5 (2) (d);
- (b) Proceedings under section 19-5-105; or
- (c) Proceedings under section 19-5-203 (1) (d), (1) (e), (1) (f), (1) (j), and (1) (k).

SECTION 2. 19-5-103.7 (7), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19-5-103.7. Anticipated expedited relinquishment - children under one year of age - notice to other or possible parent - administrative procedures. (7) (f) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE LICENSED CHILD PLACEMENT AGENCY SHALL RESPOND AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (f) AND SHALL NOT HAVE THE DUTY TO RESPOND AS REQUIRED IN PARAGRAPHS (a), (b), OR (c) OF THIS SUBSECTION (7) OR TO FILE ANY FURTHER DOCUMENTATION OF A RESPONDENT'S REPLY IF, BEFORE THE

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

RESPONDENT REPLIES TO THE NOTICE AS DESCRIBED IN PARAGRAPH (a), (b), OR (c) OF THIS SUBSECTION (7), ALL OF THE FOLLOWING HAVE OCCURRED:

(A) THE RELINQUISHMENT PETITION HAS BEEN FILED WITH THE COURT;

(B) AT LEAST TWENTY DAYS HAVE PASSED SINCE THE NOTICE WAS PROVIDED;
AND

(C) THE LICENSED CHILD PLACEMENT AGENCY HAS FILED THE AFFIDAVIT OF ADMINISTRATIVE NOTICE DESCRIBED IN SUBSECTION (8) OF THIS SECTION WITH THE COURT.

(II) IF THE REQUIREMENTS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) HAVE BEEN MET BEFORE THE RESPONDENT REPLIES TO THE NOTICE AS DESCRIBED IN PARAGRAPH (a), (b), OR (c) OF THIS SUBSECTION (7), THE LICENSED CHILD PLACEMENT AGENCY SHALL PROVIDE THE RESPONDENT, TO THE EXTENT OF THE AGENCY'S KNOWLEDGE, WITH THE FOLLOWING INFORMATION:

(A) VERIFICATION THAT THE PETITIONS AND AFFIDAVIT HAVE BEEN FILED;

(B) THE COURT IN WHICH THE CASE WAS FILED;

(C) THE CASE NUMBER; AND

(D) WHETHER THE COURT HAS ORDERED THE TERMINATION OF THE RESPONDENT'S PARENTAL RIGHTS.

SECTION 3. 19-5-103.7 (3) (a) (II), Colorado Revised Statutes, is amended to read:

19-5-103.7. Anticipated expedited relinquishment - children under one year of age - notice to other or possible parent - administrative procedures.

(3) (a) Notice to the other birth parent or possible birth parent given pursuant to this section shall be provided:

(II) In person, delivered:

(A) IN A MANNER APPROPRIATE UNDER THE COLORADO RULES OF JUVENILE PROCEDURE FOR THE SERVICE OF PROCESS; OR

(B) By an employee or a representative of the licensed child placement agency assisting the relinquishing parent, with a requirement that the other birth parent or possible birth parent sign a statement acknowledging receipt of the notice; or

SECTION 4. 19-5-103.5 (2) (a) and (2) (d) (II), Colorado Revised Statutes, are amended to read:

19-5-103.5. Expedited relinquishment procedure - children under one year of age - other birth parents - notice - termination. (2) (a) Notwithstanding the provisions of section 19-5-105 to the contrary, in those cases in which a parent seeks to relinquish his or her parent-child legal relationship with a child pursuant

to this section, the licensed child placement agency or the county department of social services assisting the relinquishing parent shall proceed with filing the petition for termination of the other birth parent's or possible birth parents' parent-child legal relationship and notify PURSUANT TO THIS SECTION the other birth parent or possible birth parents ~~as provided in section 19-5-105~~ IDENTIFIED PURSUANT TO SECTION 19-5-105 (2).

(d) (II) If the PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) DO NOT APPLY AND THE other birth parent or possible birth parent expresses his or her desire to appear and contest the termination of the parent-child legal relationship, the court shall proceed with a hearing on the petition for termination of the other birth parent's parent-child legal relationship.

SECTION 5. 19-5-103 (4) (a), Colorado Revised Statutes, is amended to read:

19-5-103. Relinquishment procedure - petition - hearings. (4) (a) EXCEPT AS OTHERWISE PROVIDED IN SECTION 19-5-103.5 (2) (d), the parent-child legal relationship of a parent shall not be terminated by relinquishment proceedings unless the parent joins in the petition.

SECTION 6. Effective date - applicability. This act shall take effect July 1, 2007, and shall apply to petitions filed on or after said date.

SECTION 7. 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: March 16, 2007