

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0549.01 Debbie Haskins x2045

SENATE BILL 14-062

SENATE SPONSORSHIP

Guzman and Roberts,

HOUSE SPONSORSHIP

Foote and Gardner,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING REINSTATEMENT OF THE PARENT-CHILD LEGAL
102 RELATIONSHIP.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

This bill creates a process for reinstatement of the parent-child legal relationship (reinstatement) in limited circumstances for a child whose parent's rights have previously been terminated voluntarily or involuntarily. A county department of social services (county department) or the child's guardian ad litem may file a petition for reinstatement

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

alleging the following:

- ! The child is 12 years of age or older or is younger than 12 years of age and is part of a sibling group including a child for whom reinstatement is being sought and who also meets the other conditions for reinstatement;
- ! Both the child and the former parent consent to the petition for reinstatement;
- ! The child does not have a legal parent, is not in an adoptive placement, and is not likely to be adopted within a reasonable period of time, and other permanency options have been exhausted;
- ! The child is in the custody of a county department;
- ! The date of the final order terminating the parent-child legal relationship was at least 3 years before the filing of the petition or, if the court finds that it is in the best interests of the child to consider reinstatement of the parent-child legal relationship, less than 3 years from the final order of termination; and
- ! The termination of the parent-child legal relationship was not based on findings of sexual abuse or on an incident of egregious abuse or neglect against a child, a near fatality, or a suspicious fatality or near fatality.

A child who is 16 years of age or older, or his or her guardian ad litem, may also file a petition for reinstatement of the parent-child legal relationship. The bill requires the county department or the guardian ad litem to contact the other party if a former parent contacts one of them about filing a petition for reinstatement. A former parent who is named in a petition for reinstatement is entitled to the appointment of legal counsel, if eligible, or may retain counsel at his or her expense.

The bill requires the court to hold an initial hearing to determine whether certain threshold conditions for pursuing reinstatement have been satisfied, including that:

- ! All of the allegations in the petition have been established by clear and convincing evidence;
- ! The former parent has remediated the problems that led to the termination of the parent-child legal relationship, if applicable; and
- ! The former parent has participated in an assessment that supports that the reinstatement of the parent-child legal relationship is in the best interests of the child.

At the initial hearing on the petition, the court shall either dismiss the petition or enter an order finding that the threshold conditions for pursuing reinstatement have been met and that it is in the best interests of the child to work toward reinstatement of the parent-child legal relationship. If the court finds that working toward reinstatement is in the

best interests of the child, then the court must approve a transition plan for reinstatement of the parent-child legal relationship, including visitation or placement of the child with the former parent for a designated trial period of up to 6 months while the child remains in the custody of the county department.

At the final hearing, the court must make certain findings and may either dismiss the petition, continue the matter for another hearing, or grant the petition and order the reinstatement of the parent-child legal relationship if the court finds by clear and convincing evidence that it is in the best interests of the child.

The bill states the effect of reinstatement. The bill further states that granting the petition for reinstatement does not vacate or otherwise affect the validity of the original order terminating the parent-child legal relationship and that granting a petition for reinstatement for one former parent does not restore or otherwise impact the rights of the other former parent.

The bill states that this statutory process does not create a cause of action against the county department or its employees concerning the original order terminating the parent-child legal relationship. The bill also states that this statutory process should not be construed to limit or alter the protections of a governmental entity or its employees under the "Colorado Governmental Immunity Act".

A county department, guardian ad litem, or other person filing a petition for reinstatement must file the petition in the county or city and county that has legal custody of the child.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-3-612 as
3 follows:

4 **19-3-612. Reinstatement of the parent-child legal relationship**
5 **- circumstances - petition - hearings - legislative declaration.** (1) THE
6 GENERAL ASSEMBLY FINDS THAT, FOR VARIOUS REASONS, SOME CHILDREN
7 ARE NOT ADOPTED AFTER THE TERMINATION OF THE PARENT-CHILD LEGAL
8 RELATIONSHIP AND IN SOME CASES MIGHT BENEFIT FROM A
9 REINSTATEMENT OF THE PARENT-CHILD LEGAL RELATIONSHIP IF THE
10 FORMER PARENT HAS REMEDIATED THE ISSUES THAT LED TO THE
11 TERMINATION. THE PURPOSE OF THIS SECTION IS TO ADDRESS THE

1 PROBLEM OF CHILDREN WHO LINGER IN THE CHILD WELFARE SYSTEM BY
2 GIVING THEM A SECOND CHANCE AT ACHIEVING PERMANENCY WITH THEIR
3 REHABILITATED FORMER PARENT. THE PURPOSE OF THIS SECTION IS TO
4 CREATE A PROCESS BY WHICH THE FORMER PARENT'S LEGAL RIGHTS MAY
5 BE RESTORED IF CERTAIN CONDITIONS ARE MET, BOTH THE CHILD AND THE
6 FORMER PARENT WANT REINSTATEMENT OF THE RELATIONSHIP, A TRIAL
7 PERIOD IS SUCCESSFUL, AND IT IS FOUND TO BE IN THE BEST INTERESTS OF
8 THE CHILD. REINSTATEMENT IS A RECOGNITION THAT THE SITUATION OF
9 THE FORMER PARENT AND CHILD HAS CHANGED SINCE THE TIME OF THE
10 TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP, AND
11 REUNIFICATION IS NOW APPROPRIATE AND IN THE BEST INTERESTS OF THE
12 CHILD.

13 (2) A COUNTY DEPARTMENT WITH CUSTODY OF A CHILD WHOSE
14 PARENT'S RIGHTS WERE TERMINATED VOLUNTARILY OR INVOLUNTARILY,
15 OR THE GUARDIAN AD LITEM OF SUCH A CHILD, MAY FILE A PETITION TO
16 REINSTATE THE PARENT-CHILD LEGAL RELATIONSHIP ALLEGING THE
17 FOLLOWING:

18 (a) (I) THE CHILD IS TWELVE YEARS OF AGE OR OLDER; OR

19 (II) THE CHILD IS YOUNGER THAN TWELVE YEARS OF AGE AND IS
20 PART OF A SIBLING GROUP, AS DEFINED IN SECTION 19-1-103 (98.5), THAT
21 INCLUDES A CHILD DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH

22 (a) FOR WHOM A PETITION TO REINSTATE THE PARENT-CHILD LEGAL
23 RELATIONSHIP HAS BEEN FILED, AND THE YOUNGER SIBLING
24 INDEPENDENTLY MEETS THE CONDITIONS SET FORTH IN PARAGRAPHS (b)
25 TO (f) OF THIS SUBSECTION (2);

26 (b) BOTH THE CHILD AND THE FORMER PARENT CONSENT TO THE
27 PETITION FOR REINSTATEMENT OF THE PARENT-CHILD LEGAL

1 RELATIONSHIP;

2 (c) THE CHILD DOES NOT HAVE A LEGAL PARENT, IS NOT IN AN
3 ADOPTIVE PLACEMENT, AND IS NOT LIKELY TO BE ADOPTED WITHIN A
4 REASONABLE PERIOD OF TIME, AND OTHER PERMANENCY OPTIONS HAVE
5 BEEN EXHAUSTED;

6 (d) THE CHILD IS IN THE LEGAL CUSTODY OF A COUNTY
7 DEPARTMENT;

8 (e) THE DATE OF THE FINAL ORDER TERMINATING THE
9 PARENT-CHILD LEGAL RELATIONSHIP WAS AT LEAST THREE YEARS BEFORE
10 THE FILING OF THE PETITION OR, IF THE COURT FINDS THAT IT IS IN THE
11 BEST INTERESTS OF THE CHILD TO CONSIDER A PETITION FOR
12 REINSTATEMENT OF THE PARENT-CHILD LEGAL RELATIONSHIP, LESS THAN
13 THREE YEARS FROM THE DATE OF THE FINAL ORDER TERMINATING THE
14 PARENT-CHILD LEGAL RELATIONSHIP; AND

15 (f) THE REMOVAL OF THE CHILD FROM THE HOME AND THE
16 TERMINATION OF THE PARENT-CHILD LEGAL RELATIONSHIP WAS NOT
17 BASED ON FINDINGS OF SEXUAL ABUSE OR ON AN INCIDENT OF EGREGIOUS
18 ABUSE OR NEGLECT AGAINST A CHILD, A NEAR FATALITY, OR A SUSPICIOUS
19 FATALITY OR NEAR FATALITY AS THOSE TERMS ARE DEFINED IN SECTION
20 26-1-139, C.R.S.

21 (3) A CHILD WHO IS SIXTEEN YEARS OF AGE OR OLDER, OR HIS OR
22 HER GUARDIAN AD LITEM, MAY ALSO FILE A PETITION TO REINSTATE THE
23 PARENT-CHILD LEGAL RELATIONSHIP ALLEGING THAT THE CONDITIONS SET
24 FORTH IN PARAGRAPHS (b) TO (f) OF SUBSECTION (2) OF THIS SECTION ARE
25 MET.

26 (4) IF A FORMER PARENT WHOSE RIGHTS HAVE BEEN TERMINATED
27 CONTACTS EITHER THE COUNTY DEPARTMENT THAT HAS CUSTODY OF THE

1 CHILD OR THE CHILD'S GUARDIAN AD LITEM ABOUT THE POSSIBLE
2 REINSTATEMENT OF THE PARENT-CHILD LEGAL RELATIONSHIP THROUGH A
3 PETITION FILED UNDER THIS SECTION, THE COUNTY DEPARTMENT OR THE
4 GUARDIAN AD LITEM WHO WAS CONTACTED MUST NOTIFY THE OTHER
5 PARTY, AS APPLICABLE, WITHIN THIRTY DAYS AFTER THE CONTACT WITH
6 THE NAME AND ADDRESS OF THE FORMER PARENT.

7 (5) IF A PETITION TO REINSTATE THE PARENT-CHILD LEGAL
8 RELATIONSHIP IS FILED, A FORMER PARENT WHO IS NAMED IN THE PETITION
9 AND WHOSE RIGHTS THE PETITION SEEKS TO HAVE REINSTATED IS
10 ENTITLED TO APPOINTED COUNSEL IF THE FORMER PARENT MEETS THE
11 INCOME ELIGIBILITY CRITERIA FOR PUBLIC COUNSEL, OR THE FORMER
12 PARENT MAY RETAIN COUNSEL AT HIS OR HER OWN EXPENSE.

13 (6) THE PETITION MUST STATE THE NAME, AGE, AND ADDRESS OF
14 THE CHILD; THE COUNTY DEPARTMENT THAT HAS LEGAL CUSTODY OF THE
15 CHILD; THE NAME AND ADDRESS OF THE FOSTER PARENT OR AGENCY THAT
16 IS PROVIDING CARE FOR THE CHILD IF THE CHILD IS IN OUT-OF-HOME
17 PLACEMENT; AND THE NAME AND ADDRESS OF THE FORMER PARENT
18 NAMED IN THE PETITION. THE PETITION SHALL BE VERIFIED, AND THE
19 STATEMENTS IN THE PETITION MAY BE MADE UPON INFORMATION AND
20 BELIEF. THE PARTY FILING A PETITION TO REINSTATE THE PARENT-CHILD
21 LEGAL RELATIONSHIP SHALL SERVE THE PETITION ON THE FOLLOWING
22 NONMOVANTS:

- 23 (a) THE CHILD'S GUARDIAN AD LITEM;
- 24 (b) THE COUNTY DEPARTMENT WITH LEGAL CUSTODY OF THE
25 CHILD; AND
- 26 (c) THE FORMER PARENT WHOSE PARENT-CHILD LEGAL
27 RELATIONSHIP THE PETITION SEEKS TO HAVE REINSTATED.

1 (7) UPON RECEIPT OF THE PETITION FOR REINSTATEMENT OF THE
2 PARENT-CHILD LEGAL RELATIONSHIP, THE COURT MUST SET A DATE FOR AN
3 INITIAL HEARING TO TAKE PLACE NO MORE THAN SIXTY-THREE DAYS
4 AFTER THE FILING OF THE PETITION. THE COURT SHALL PROVIDE NOTICE OF
5 ALL HEARINGS AND REVIEWS TO:

6 (a) THE COUNTY DEPARTMENT WITH LEGAL CUSTODY OF THE
7 CHILD;

8 (b) THE GUARDIAN AD LITEM;

9 (c) THE FORMER PARENT;

10 (d) THE FOSTER PARENTS, IF ANY; AND

11 (e) THE CHILD'S TRIBE IF THE CHILD IS AN INDIAN CHILD.

12 (8) AT THE INITIAL HEARING AND ALL SUBSEQUENT HEARINGS ON
13 THE PETITION, THE COURT SHALL CONSIDER INFORMATION FROM THE
14 COUNTY DEPARTMENT WITH LEGAL CUSTODY OF THE CHILD, THE CHILD,
15 THE CHILD'S GUARDIAN AD LITEM, THE FORMER PARENT, THE PERSON OR
16 AGENCY THAT IS PROVIDING CARE FOR THE CHILD, AND ANY OTHER
17 PERSON OR AGENCY THAT MAY AID THE COURT IN ITS REVIEW.

18 (9) AT THE INITIAL HEARING, THE COURT SHALL CONSIDER AND
19 MAKE FINDINGS ABOUT THE FOLLOWING THRESHOLD CONDITIONS FOR
20 PURSUING A REINSTATEMENT OF THE PARENT-CHILD LEGAL RELATIONSHIP:

21 (a) WHETHER THE ALLEGATIONS FOR FILING THE PETITION IN
22 PARAGRAPHS (a) TO (f) OF SUBSECTION (2) OF THIS SECTION OR IN
23 SUBSECTION (3) OF THIS SECTION HAVE BEEN ESTABLISHED BY CLEAR AND
24 CONVINCING EVIDENCE;

25 (b) WHETHER THE CHILD IS OF A SUFFICIENT AGE AND MATURITY
26 AND ABLE TO EXPRESS HIS OR HER PREFERENCE ABOUT REINSTATEMENT
27 OF THE PARENT-CHILD LEGAL RELATIONSHIP;

1 (c) WHETHER THE FORMER PARENT HAS REMEDIED THE
2 CONDITIONS THAT LED TO THE CHILD'S REMOVAL AND TERMINATION OF
3 THE PARENT-CHILD LEGAL RELATIONSHIP, IF APPLICABLE;

4 (d) WHAT TEMPORARY TRANSITION SERVICES WOULD BE NEEDED
5 BY THE CHILD AND THE FORMER PARENT TO HAVE A SUCCESSFUL
6 REINSTATEMENT OF THE PARENT-CHILD LEGAL RELATIONSHIP;

7 (e) WHETHER THE FORMER PARENT CAN PROVIDE A SAFE AND
8 STABLE HOME FOR THE CHILD; AND

9 (f) WHETHER THE FORMER PARENT HAS PARTICIPATED IN AN
10 ASSESSMENT THAT SUPPORTS THAT THE REINSTATEMENT OF THE
11 PARENT-CHILD LEGAL RELATIONSHIP IS IN THE BEST INTERESTS OF THE
12 CHILD. THE STATE BOARD MAY ADOPT RULES DEFINING THE TYPES OF
13 ASSESSMENTS THAT MAY BE DONE TO SUPPORT REINSTATEMENT OF THE
14 PARENT-CHILD LEGAL RELATIONSHIP. A PREVIOUS FINDING OF
15 TERMINATION DOES NOT DISQUALIFY THE FORMER PARENT FROM BEING
16 CERTIFIED AS AN APPROPRIATE PLACEMENT FOR A TRIAL PERIOD UNDER
17 THIS SECTION.

18 (10) AT THE CONCLUSION OF THE INITIAL HEARING, THE COURT
19 SHALL EITHER DISMISS THE PETITION BECAUSE THE THRESHOLD
20 CONDITIONS FOR REINSTATEMENT SET FORTH IN SUBSECTION (9) OF THIS
21 SECTION HAVE NOT BEEN MET OR ENTER AN ORDER FINDING THAT THE
22 THRESHOLD CONDITIONS FOR REINSTATEMENT SET FORTH IN SUBSECTION
23 (9) OF THIS SECTION HAVE BEEN MET AND THAT IT IS IN THE BEST
24 INTERESTS OF THE CHILD TO WORK TOWARD REINSTATEMENT OF THE
25 PARENT-CHILD LEGAL RELATIONSHIP. IF THE COURT FINDS THAT IT IS IN
26 THE BEST INTERESTS OF THE CHILD TO PURSUE REINSTATEMENT OF THE
27 PARENT-CHILD LEGAL RELATIONSHIP, THE COURT MUST APPROVE A

1 TRANSITION PLAN DEVELOPED BY THE COUNTY DEPARTMENT AND
2 DESIGNED FOR REINSTATEMENT OF THE PARENT-CHILD LEGAL
3 RELATIONSHIP, INCLUDING VISITATION OR PLACEMENT OF THE CHILD WITH
4 THE FORMER PARENT FOR A DESIGNATED TRIAL PERIOD OF UP TO SIX
5 MONTHS, DURING WHICH TIME LEGAL CUSTODY OF THE CHILD REMAINS
6 WITH THE COUNTY DEPARTMENT. AS PART OF THE TRANSITION PLAN, THE
7 COUNTY DEPARTMENT SHALL PROVIDE TRANSITION SERVICES, AS NEEDED.
8 THE COUNTY DEPARTMENT SHALL ASSESS THE VISITATION OR TEMPORARY
9 PLACEMENT OF THE CHILD WITH THE FORMER PARENT AND PREPARE A
10 REPORT ABOUT THE SUCCESS OF THE VISITATION OR TEMPORARY
11 PLACEMENT. THE COUNTY DEPARTMENT SHALL SUBMIT THE REPORT TO
12 THE COURT, THE FORMER PARENT, AND THE GUARDIAN AD LITEM NOT
13 LATER THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE DESIGNATED
14 TRIAL PERIOD. THE COUNTY DEPARTMENT MAY REMOVE THE CHILD FROM
15 VISITATION OR PLACEMENT WITH THE FORMER PARENT AT ANY TIME, IN
16 ACCORDANCE WITH THE PROCEDURES OUTLINED IN SECTIONS 19-3-401
17 AND 19-3-403, IF IT DEEMS THAT THE CHILD IS NOT SAFE OR THAT IT IS NO
18 LONGER IN THE BEST INTERESTS OF THE CHILD FOR THE CHILD TO REMAIN
19 WITH THE FORMER PARENT.

20 (11) (a) THE COURT SHALL SCHEDULE A FINAL HEARING PRIOR TO
21 THE EXPIRATION OF THE DESIGNATED TRIAL PERIOD. AT THE FINAL
22 HEARING, THE COURT SHALL CONSIDER THE FOLLOWING:

23 (I) WHETHER THE THRESHOLD CRITERIA FOR REINSTATEMENT OF
24 THE PARENT-CHILD LEGAL RELATIONSHIP SET FORTH IN SUBSECTION (9) OF
25 THIS SECTION ARE STILL MET;

26 (II) WHETHER THE TRIAL PERIOD OF VISITATION OR PLACEMENT OF
27 THE CHILD WITH THE FORMER PARENT WAS SUCCESSFUL;

1 (III) WHETHER THE CHILD WILL LOSE OR GAIN ANY BENEFITS OR
2 SERVICES AS A RESULT OF REINSTATEMENT AND HOW THIS MIGHT AFFECT
3 THE CHILD; AND

4 (IV) WHETHER REINSTATEMENT OF THE PARENT-CHILD LEGAL
5 RELATIONSHIP IS IN THE BEST INTERESTS OF THE CHILD.

6 (b) THE COURT SHALL MAKE FINDINGS SUPPORTING THE
7 DISPOSITION OF THE PETITION FOR REINSTATEMENT. THE COURT MAY
8 MAKE THE FOLLOWING ORDERS:

9 (I) THE COURT MAY GRANT THE PETITION AND ORDER THE
10 REINSTATEMENT OF THE PARENT-CHILD LEGAL RELATIONSHIP IF THE
11 COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT IT IS IN THE
12 BEST INTERESTS OF THE CHILD TO REINSTATE THE PARENT-CHILD LEGAL
13 RELATIONSHIP; OR

14 (II) THE COURT MAY DISMISS THE PETITION, IN WHICH CASE:

15 (A) THE COUNTY DEPARTMENT RETAINS THE LEGAL CUSTODY OF
16 THE CHILD; AND

17 (B) THE COUNTY DEPARTMENT SHALL ARRANGE FOR THE
18 IMMEDIATE PLACEMENT OF THE CHILD IN OUT-OF-HOME PLACEMENT; AND

19 (C) THE COURT SHALL SET A HEARING TO DETERMINE THE
20 PERMANENCY PLAN IN ACCORDANCE WITH SECTION 19-3-702; OR

21 (III) THE COURT MAY CONTINUE THE MATTER FOR NO MORE THAN
22 SIXTY DAYS AND MAY ISSUE AN ORDER REQUIRING THE FORMER PARENT
23 OR THE COUNTY DEPARTMENT TO TAKE CERTAIN ACTIONS BEFORE THE
24 NEXT HEARING; EXCEPT THAT THE COURT SHALL EITHER DISMISS OR
25 GRANT A MOTION FOR REINSTATEMENT OF THE PARENT-CHILD LEGAL
26 RELATIONSHIP WITHIN TWELVE MONTHS AFTER THE DATE THE PETITION
27 FOR REINSTATEMENT WAS FILED.

1 (12) AN ORDER REINSTATING THE PARENT-CHILD LEGAL
2 RELATIONSHIP RESTORES ALL RIGHTS, POWERS, PRIVILEGES, IMMUNITIES,
3 DUTIES, AND OBLIGATIONS OF THE FORMER PARENT AS TO THE CHILD,
4 INCLUDING THOSE RELATING TO CUSTODY, CONTROL, AND SUPPORT OF THE
5 CHILD. IF THE PARENT-CHILD LEGAL RELATIONSHIP IS REINSTATED, THE
6 COURT MAY REQUIRE PERIODIC REVIEW WITHIN NINETY DAYS AFTER
7 REINSTATEMENT.

8 (13) THE GRANTING OF A PETITION FOR REINSTATEMENT OF THE
9 PARENT-CHILD LEGAL RELATIONSHIP DOES NOT VACATE OR OTHERWISE
10 AFFECT THE VALIDITY OF THE ORIGINAL ORDER TERMINATING THE
11 PARENT-CHILD LEGAL RELATIONSHIP.

12 (14) THE GRANTING OF A PETITION FOR REINSTATEMENT OF THE
13 PARENT-CHILD LEGAL RELATIONSHIP FOR ONE FORMER PARENT DOES NOT
14 RESTORE OR OTHERWISE IMPACT THE RIGHTS OR LEGAL STATUS OF THE
15 OTHER FORMER PARENT.

16 (15) A PARENT WHOSE PARENT-CHILD LEGAL RELATIONSHIP IS
17 RESTORED PURSUANT TO THIS SECTION IS NOT LIABLE FOR CHILD SUPPORT
18 OR THE COSTS OF ANY SERVICES PROVIDED TO THE CHILD FROM THE DATE
19 OF THE ORIGINAL ORDER TERMINATING THE PARENT-CHILD LEGAL
20 RELATIONSHIP TO THE DATE OF THE ORDER REINSTATING THE
21 PARENT-CHILD LEGAL RELATIONSHIP.

22 (16) THIS SECTION DOES NOT CREATE A CAUSE OF ACTION AGAINST
23 THE COUNTY DEPARTMENT OR ITS EMPLOYEES CONCERNING THE ORIGINAL
24 ORDER TERMINATING THE PARENT-CHILD LEGAL RELATIONSHIP. NOTHING
25 IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR ALTER THE
26 PROTECTIONS GRANTED TO PUBLIC ENTITIES AND TO THEIR EMPLOYEES
27 UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF

1 TITLE 24, C.R.S.

2 **SECTION 2.** In Colorado Revised Statutes, 19-3-201, **amend** (1)
3 as follows:

4 **19-3-201. Venue.** (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b)
5 OF THIS SUBSECTION (1), all proceedings brought under this article shall
6 be commenced in the county in which the child resides or is present.

7 (b) A COUNTY DEPARTMENT, GUARDIAN AD LITEM, OR OTHER
8 PERSON FILING A PETITION FOR REINSTATEMENT OF THE PARENT-CHILD
9 LEGAL RELATIONSHIP AS SET FORTH IN SECTION 19-3-612 MUST FILE THE
10 PETITION FOR THE REINSTATEMENT OF THE PARENT-CHILD LEGAL
11 RELATIONSHIP IN THE COUNTY OR CITY AND COUNTY THAT HAS LEGAL
12 CUSTODY OF THE CHILD.

13 **SECTION 3. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2014 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.