

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0200.01 Shelby Ross x4510

SENATE BILL 26-018

SENATE SPONSORSHIP

Wallace and Kolker,

HOUSE SPONSORSHIP

Froelich and Garcia,

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING LEGAL PROTECTIONS FOR THE DIGNITY OF A MINOR,**
102 **AND, IN CONNECTION THEREWITH, SUPPRESSING A COURT**
103 **RECORD ASSOCIATED WITH CHANGING A MINOR'S NAME AND**
104 **REQUIRING THE COURT TO CONSIDER AS A RELEVANT FACTOR**
105 **WHEN DETERMINING PARENTING TIME AND ALLOCATION OF**
106 **DECISION-MAKING RESPONSIBILITY WHETHER THE MINOR'S**
107 **PARENT RECOGNIZES THE CHILD'S IDENTITY AS IT RELATES TO**
108 **A PROTECTED CLASS.**

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

[http://leg.colorado.gov.\)](http://leg.colorado.gov.)

The bill requires the court to suppress a record associated with a petition seeking to change the name of a petitioner who is less than 18 years of age unless the petitioner was previously convicted of a felony. The bill authorizes the court to use the suppressed court record for administrative purposes, but the court is prohibited from publishing the petitioner's name or the petitioner's new name online. The bill authorizes an individual to access a suppressed court record without a court order if the individual obtains verbal consent from a party to the case and submits an affidavit to the court, upon penalty of perjury, that the individual has obtained the verbal consent.

In determining parenting time and the allocation of decision-making responsibility, the bill requires the court to consider whether the parties recognize the child's identity as it relates to a protected class.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-15-101, **add** (7)
3 as follows:

4 **13-15-101. Petition - proceedings - applicability - definition.**

5 (7) (a) AS USED IN THIS SUBSECTION (7), "SUPPRESSED COURT
6 RECORD" MEANS A COURT RECORD THAT IS ONLY ACCESSIBLE TO JUDGES;
7 COURT STAFF; A PARTY TO THE CASE, INCLUDING A PARTY'S ATTORNEY;
8 AUTHORIZED JUDICIAL DEPARTMENT STAFF; AND AN INDIVIDUAL WITH A
9 VALID COURT ORDER AUTHORIZING ACCESS TO THE COURT RECORD.

10 (b) (I) IF A PETITIONER IS UNDER EIGHTEEN YEARS OLD, A COURT
11 RECORD ASSOCIATED WITH A PETITION SEEKING TO CHANGE THE
12 PETITIONER'S NAME IS A SUPPRESSED COURT RECORD. THE SUPPRESSED
13 COURT RECORD MAY BE USED BY THE COURT FOR ADMINISTRATIVE
14 PURPOSES, BUT THE COURT SHALL NOT UNDER ANY CIRCUMSTANCE
15 PUBLISH THE PETITIONER'S NAME OR THE PETITIONER'S NEW NAME ONLINE.

16 (II) THIS SUBSECTION (7)(b) DOES NOT APPLY IF THE NAME

1 CHANGE IS GRANTED PURSUANT TO SUBSECTION (3) OF THIS SECTION AND
2 THE GOOD CAUSE DESCRIBED IN SUBSECTION (3)(b)(II) OF THIS SECTION
3 APPLIES.

4 (c) A COURT SHALL ISSUE AN ORDER AUTHORIZING AN INDIVIDUAL
5 ACCESS TO A SUPPRESSED COURT RECORD IF THE INDIVIDUAL OBTAINS
6 VERBAL CONSENT FROM A PARTY TO THE CASE AND SUBMITS AN AFFIDAVIT
7 TO THE COURT, UNDER PENALTY OF PERJURY, THAT THE INDIVIDUAL HAS
8 OBTAINED THE VERBAL CONSENT.

9 **SECTION 2.** In Colorado Revised Statutes, 14-10-124, **amend**
10 (1.5)(b) introductory portion; and **add** (1.5)(a)(XII) and (1.5)(b)(VI) as
11 follows:

12 **14-10-124. Best interests of the child.**

13 (1.5) **Allocation of parental responsibilities.** The court shall
14 determine the allocation of parental responsibilities, including parenting
15 time and decision-making responsibilities, in accordance with the best
16 interests of the child, giving paramount consideration to the child's safety
17 and the physical, mental, and emotional conditions and needs of the child
18 as follows:

19 (a) **Determination of parenting time.** The court, upon the motion
20 of either party or upon its own motion, may make provisions for parenting
21 time that the court finds are in the best interests of the child, with the
22 child's safety always paramount, unless the court finds, after a hearing,
23 that parenting time by the party would endanger the child's physical health
24 or significantly impair the child's emotional development. In addition to
25 a finding that parenting time would endanger the child's physical health
26 or significantly impair the child's emotional development, in any order
27 imposing or continuing a parenting time restriction, the court shall

1 enumerate the specific factual findings supporting the restriction,
2 including findings related to domestic violence, child abuse, and child
3 sexual abuse, and may enumerate the conditions that the restricted party
4 could fulfill in order to seek modification in the parenting plan. When a
5 claim of child abuse or neglect, domestic violence, or sexual assault
6 where there is also a claim that the child was conceived as a result of the
7 sexual assault has been made to the court, or the court has reason to
8 believe that a party has committed child abuse or neglect, domestic
9 violence, or sexual assault where there is also a claim that the child was
10 conceived as a result of the sexual assault, prior to determining parenting
11 time, the court shall follow the provisions of subsection (4) of this
12 section. In determining the best interests of the child for purposes of
13 parenting time, the court shall consider all relevant factors, including:

14 (XII) SUBJECT TO CONSTITUTIONAL LIMITATIONS, WHETHER THE
15 PARTIES RECOGNIZE THE CHILD'S IDENTITY AS IT RELATES TO A PROTECTED
16 CLASS DESCRIBED IN SECTION 24-34-601 (2)(a).

17 (b) **Allocation of decision-making responsibility.** The court,
18 upon the motion of either party or its own motion, shall allocate the
19 decision-making responsibilities between the parties based upon the best
20 interests of the child. In determining decision-making responsibility, the
21 court may allocate the decision-making responsibility with respect to each
22 issue affecting the child mutually between both parties or individually to
23 one or the other party or any combination thereof. When a claim of child
24 abuse or neglect or domestic violence has been made to the court, or the
25 court has reason to believe that a party has committed child abuse or
26 neglect, domestic violence, or sexual assault where there is also a claim
27 that the child in question was conceived as a result of the sexual assault,

1 prior to allocating decision-making responsibility, the court shall follow
2 the provisions of subsection (4) of this section. In determining the best
3 interests of the child for purposes of allocating decision-making
4 responsibilities, the court shall consider, in addition to the factors set forth
5 in ~~paragraph (a) of this subsection (1.5)~~ SUBSECTION (1.5)(a) OF THIS
6 SECTION, all relevant factors, including:

7 (VI) SUBJECT TO CONSTITUTIONAL LIMITATIONS, WHETHER THE
8 PARTIES RECOGNIZE THE CHILD'S IDENTITY AS IT RELATES TO A PROTECTED
9 CLASS DESCRIBED IN SECTION 24-34-601 (2)(a).

10 **SECTION 3. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.