

Please Vote YES on HB 13-1243

Concerning Factual Findings Included in Parenting Time Orders
(Rep. Young – Sen. Ulibarri)

Issue

Pursuant to Article 10, Title 14, the Dissolution of Marriage – Parental Responsibilities statute, a court may restrict a parent's parenting time rights if it finds that the parenting time would endanger the child's physical health or significantly impair the child's emotional development. Currently, there is no clear process in the statute for such a parent to follow in order to restore normalized parenting time. In most cases a judge will make findings in the order to restrict parenting time, which gives the parent guidance on what is expected of him or her in order to return to normalized parenting time. However this is not always the case and occasionally a parent makes motion after motion to the court to modify the parenting time and lift the restriction, only to have the motion summarily denied with no findings for guidance.

Solution

HB 13-1243 amends the Dissolution of Marriage – Parental Responsibilities statute to require that a court enumerate the specific factual findings supporting an order of restricted parenting time. This will give a restricted parent guidance to know what he or she needs to accomplish prior to requesting that the court remove the restriction.

Points to Consider

The solution set forth in HB 13-1243 recognizes that:

- One or both parents can, and occasionally do, use the court system to emotionally harm the other parent by petitioning for restricted parenting time and fighting to maintain it even in the absence of endangerment, or if endangerment no longer exists.
- A child benefits from both parents being part of his or her life, as long as they provide a safe & nurturing environment for the child.
- Priority must be given to the best interests and the physical and emotional welfare of the child.
- The process should be revenue neutral and not increase costs for the State.

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For more information please contact:
Micki Hackenberger, Axiom Strategies, Inc. (303) 437-4452 or
Ahsan Khan, Colorado Parents for Change (571) 235-0681

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