

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0760.01 Shelby Ross x4510

HOUSE BILL 25-1257

HOUSE SPONSORSHIP

Keltie,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MATTERS RELATED TO THE RELINQUISHMENT OF A**
102 **CHILD, AND, IN CONNECTION THEREWITH, ALLOWING THE USE**
103 **OF A NEWBORN SAFETY DEVICE, RAISING THE AGE OF THE CHILD**
104 **FOR VOLUNTARY RELINQUISHMENT, AND REQUIRING**
105 **COUNSELING PRIOR TO REUNIFICATION OF A PARENT AND A**
106 **CHILD.**

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://leg.colorado.gov>.)

The bill authorizes a fire station, hospital, or community clinic

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.

emergency center (authorized facility) to install a newborn safety device on its premises for parents who voluntarily relinquish their child who is 60 days old or younger. A newborn safety device must be installed in a conspicuous location at the authorized facility and be equipped with a dual alarm system.

An authorized facility that installs a newborn safety device is responsible for the cost of the installation and maintenance, shall ensure the dual alarm system is functioning, and shall make information available to the relinquishing parent.

Under current law, parents can voluntarily relinquish their child if the child is less than 72 hours old. The bill allows voluntary relinquishment up to 60 days.

The bill makes conforming amendments.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 finds and declares that in order to provide a safer and more supportive
4 process for parents in crisis, Colorado's safe haven law must be expanded
5 to allow the voluntary relinquishment of infants up to 60 days old at
6 designated facilities that are equipped with newborn safety devices that
7 ensure the safety of children, provide parents with essential resources, and
8 protect those involved in the relinquishment process.

9 **SECTION 2.** In Colorado Revised Statutes, **amend** 19-3-304.5
10 as follows:

11 **19-3-304.5. Emergency possession of certain relinquished**
12 **children - definitions.** (1) If a parent voluntarily ~~delivers~~ RELINQUISHES
13 a child to a firefighter, as defined in section 18-3-201 (1.5), or a staff
14 member who engages in the admission, care, or treatment of patients at
15 a hospital or community clinic emergency center, as defined in subsection
16 (9) of this section, when the firefighter is at a fire station or the staff
17 member is at a hospital or community clinic emergency center as defined
18 in subsection (9) of this section, the firefighter or staff member of the

1 ~~hospital or community clinic emergency center~~ AN AUTHORIZED PERSON
2 AT AN AUTHORIZED FACILITY, OR IF A PARENT VOLUNTARILY
3 RELINQUISHES A CHILD TO A NEWBORN SAFETY DEVICE LOCATED AT AN
4 AUTHORIZED FACILITY PURSUANT TO SUBSECTION (1.5) OF THIS SECTION,
5 THE AUTHORIZED PERSON shall, without a court order, take temporary
6 physical custody of the child if:

7 (a) The child is ~~seventy-two hours~~ SIXTY DAYS old or younger;
8 and

9 (b) The parent did not express an intent to return for the child.

10 (1.5) (a) AN AUTHORIZED FACILITY MAY INSTALL A NEWBORN
11 SAFETY DEVICE ON THE PREMISES OF THE AUTHORIZED FACILITY. A
12 NEWBORN SAFETY DEVICE MUST BE:

13 (I) INSTALLED IN A CONSPICUOUS LOCATION AT THE AUTHORIZED
14 FACILITY WITHIN A STRUCTURAL WALL THAT HAS AN EXTERIOR DOOR
15 THAT AUTOMATICALLY LOCKS UPON PLACEMENT OF THE NEWBORN INSIDE
16 THE NEWBORN SAFETY DEVICE AND THAT HAS AN INTERIOR DOOR THAT
17 ALLOWS AN AUTHORIZED PERSON TO SECURE THE RELINQUISHED
18 NEWBORN FROM INSIDE THE BUILDING; AND

19 (II) EQUIPPED WITH A DUAL ALARM SYSTEM.

20 (b) AN AUTHORIZED FACILITY THAT INSTALLS A NEWBORN SAFETY
21 DEVICE PURSUANT TO THIS SECTION:

22 (I) IS RESPONSIBLE FOR THE COST OF THE INSTALLATION AND
23 MAINTENANCE OF THE NEWBORN SAFETY DEVICE;

24 (II) SHALL ENSURE THE DUAL ALARM SYSTEM IS IN WORKING
25 ORDER BY TESTING THE DUAL ALARM SYSTEM AT LEAST ONE TIME EACH
26 WEEK AND VISUALLY INSPECTING THE DUAL ALARM SYSTEM AT LEAST
27 TWO TIMES EACH DAY; AND

1 (III) SHALL MAKE INFORMATION AVAILABLE TO THE
2 RELINQUISHING PARENT AT THE SITE OF THE NEWBORN SAFETY DEVICE
3 THAT INCLUDES:

4 (A) EASILY UNDERSTOOD INFORMATION ABOUT REUNIFICATION
5 AND REQUIRED GENETIC TESTING PURSUANT TO SECTION 13-25-126;

6 (B) INFORMATION ABOUT AVAILABLE COUNSELING RESOURCES;

7 (C) INFORMATION ABOUT AVAILABLE MEDICAL SERVICES FOR THE
8 PARENT RELINQUISHING THE NEWBORN; AND

9 (D) ANY OTHER INFORMATION THAT THE NEWBORN SAFETY
10 DEVICE MANUFACTURER OR THE AUTHORIZED FACILITY DETERMINES MAY
11 BE HELPFUL.

12 (2) If a ~~firefighter or staff member of a hospital or community~~
13 ~~clinic emergency center~~ AN AUTHORIZED PERSON takes temporary physical
14 custody of a child pursuant to subsection (1) of this section, the ~~firefighter~~
15 ~~or staff member~~ AUTHORIZED PERSON shall:

16 (a) IF THE AUTHORIZED PERSON IS A HEALTH-CARE PROFESSIONAL,
17 CONDUCT A BRIEF HEALTH SCREENING OF THE CHILD AND CREATE A
18 REPORT THAT INCLUDES INFORMATION ABOUT THE IMMEDIATE MEDICAL
19 CARE PROVIDED TO THE CHILD AND ANY LONG-TERM HEALTH SERVICES
20 THAT THE CHILD MAY NEED;

21 ~~(a)~~ (b) Perform any act necessary, in accordance with generally
22 accepted standards of professional practice, to protect, preserve, or aid the
23 physical health or safety of the child during the temporary physical
24 custody; and

25 ~~(b)~~ (c) Notify a law enforcement officer and the county
26 department of the ~~abandonment~~ RELINQUISHMENT within ~~twenty-four~~
27 FOUR hours after the ~~abandonment~~ RELINQUISHMENT.

1 (3) ~~A firefighter or staff member of a hospital or community clinic~~
2 ~~emergency center shall incur no~~ AN AUTHORIZED PERSON IS INDEMNIFIED
3 AGAINST civil or criminal liability for any good faith acts or omissions
4 performed pursuant to this section, INCLUDING, BUT NOT LIMITED TO,
5 TAKING A CHILD INTO TEMPORARY PHYSICAL CUSTODY, ENSURING THE
6 SAFETY OF THE CHILD, AND FACILITATING THE CHILD'S ACCESS TO
7 APPROPRIATE CARE AND SERVICES.

8 (4) Upon receipt of notice pursuant to subsection (2) of this
9 section, a law enforcement officer shall take the ~~abandoned~~
10 RELINQUISHED child into temporary custody pursuant to section 19-3-401.

11 (4.5) Any document prepared by ~~a firefighter, a hospital or~~
12 ~~community clinic emergency center staff member,~~ AN AUTHORIZED
13 PERSON or a law enforcement officer pursuant to this section is a
14 dependency and neglect record and is subject to the confidentiality
15 provisions of section 19-1-307.

16 (5) Each county department ~~of human or social services~~ shall
17 maintain and update on a monthly basis a report of the number of children
18 who have been ~~abandoned~~ RELINQUISHED pursuant to this section. Each
19 county department ~~of human or social services~~ shall submit ~~such~~ THE
20 information to the state department. ~~of human services.~~

21 (6) Notwithstanding section 24-1-136 (11)(a)(I), the state
22 department ~~of human services~~ shall submit an annual report to the general
23 assembly not later than March 1 that compiles the monthly reports,
24 required pursuant to subsection (5) of this section, of the number of
25 children ~~abandoned~~ RELINQUISHED pursuant to this section.

26 (7) The general assembly ~~hereby~~ finds, determines, and declares
27 that a county department ~~of human or social services~~ shall place an

1 ~~abandoned~~ A RELINQUISHED child with a potential adoptive parent OR
2 FOSTER PARENT as soon as possible. The general assembly further
3 declares that, as soon as lawfully possible, a county department of ~~human~~
4 ~~or social services~~ shall proceed with a motion to terminate the parental
5 rights of a parent who ~~abandons~~ RELINQUISHES a child.

6 (8) A parent who utilizes the provisions of this section shall not,
7 for that reason alone, be found to be responsible in a confirmed report of
8 abuse or neglect.

9 (9) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "AUTHORIZED FACILITY" MEANS A FIRE STATION, HOSPITAL,
12 FREESTANDING EMERGENCY DEPARTMENT, OR COMMUNITY CLINIC
13 EMERGENCY CENTER.

14 (b) "AUTHORIZED PERSON" MEANS A FIREFIGHTER, AS DEFINED IN
15 SECTION 18-3-201, OR A STAFF MEMBER, VOLUNTEER, OR CONTRACT
16 EMPLOYEE WHO ENGAGES IN THE ADMISSION, CARE, OR TREATMENT OF
17 PATIENTS AT A HOSPITAL, FREESTANDING EMERGENCY DEPARTMENT, OR
18 COMMUNITY CLINIC EMERGENCY CENTER.

19 (c) "Community clinic emergency center" means a community
20 clinic licensed by the department of public health and environment
21 pursuant to section 25-3-101 (2)(a)(I)(B) that:

22 ~~(a)~~ (I) Delivers emergency services; and

23 ~~(b)~~ (II) Provides emergency care twenty-four hours per day and
24 seven days a week throughout the year, except if located in a rural or
25 frontier area that does not have the demand to support twenty-four-hour
26 service or only operates each year during a specified time period due to
27 seasonal population influx.

1 (d) "FREESTANDING EMERGENCY DEPARTMENT" MEANS A HEALTH
2 FACILITY AS DEFINED IN AND REQUIRED TO BE LICENSED PURSUANT TO
3 SECTION 25-1.5-114.

4 **SECTION 3.** In Colorado Revised Statutes, 19-1-115, **amend**
5 (7)(b) as follows:

6 **19-1-115. Legal custody - guardianship - placement out of the**
7 **home - petition for review for need of placement.** (7) Reasonable
8 efforts are not required to prevent the child's removal from the home or
9 to reunify the child and the family in the following circumstances:

10 (b) When the parental rights of the parent with respect to a sibling
11 of the child have been involuntarily terminated; unless the prior sibling
12 termination resulted from a parent ~~delivering~~ RELINQUISHING a child to a
13 ~~firefighter or a staff member of a hospital or community clinic emergency~~
14 ~~center, as defined in section 19-3-304.5 (9),~~ AN AUTHORIZED PERSON OR
15 NEWBORN SAFETY DEVICE pursuant to ~~the provisions of~~ section
16 19-3-304.5; or

17 **SECTION 4.** In Colorado Revised Statutes, 19-3-401, **add** (4) as
18 follows:

19 **19-3-401. Taking children into custody.** (4) IF A NEWBORN
20 CHILD IS TAKEN INTO TEMPORARY PROTECTIVE CUSTODY PURSUANT TO
21 SECTION 19-3-304.5, AND IF THE CHILD'S IDENTIFIABLE BIRTH PARENT OR
22 PARENTS ATTEMPTS TO REUNIFY WITH THE CHILD, THE COURT SHALL
23 ORDER THE PARENT OR PARENTS TO UNDERGO COUNSELING OR PARENTING
24 CLASSES PRIOR TO SUCH REUNIFICATION.

25 **SECTION 5.** In Colorado Revised Statutes, 22-1-128, **amend**
26 (6)(j) as follows:

27 **22-1-128. Comprehensive human sexuality education -**

1 **guidelines and content standards - legislative declaration -**
2 **definitions.** (6) Human sexuality instruction is not required. However,
3 if a school district, board of cooperative services, charter school, or
4 institute charter school offers human sexuality instruction, the instruction
5 must be comprehensive and meet the comprehensive human sexuality
6 education content requirements. These requirements must:

7 (j) Provide age-appropriate information concerning sections
8 18-6-401 (9) and 19-3-304.5, or any successor laws, referred to generally
9 as "safe haven laws", relating to the safe ~~abandonment~~ RELINQUISHMENT
10 of a child to ~~a firefighter at a fire station or to a staff member at a hospital~~
11 ~~or a community clinic emergency center~~ AN AUTHORIZED PERSON OR
12 NEWBORN SAFETY DEVICE within the first ~~seventy-two hours~~ SIXTY DAYS
13 of the child's life.

14 **SECTION 6.** In Colorado Revised Statutes, 22-25-103, **amend**
15 (3)(n) as follows:

16 **22-25-103. Definitions.** As used in this article 25, unless the
17 context otherwise requires:

18 (3) "Comprehensive health education" means a planned,
19 sequential health program of learning experiences in preschool,
20 kindergarten, and grades one through twelve that must include, but is not
21 limited to, the following topics:

22 (n) If not included in other curricula or programs provided to
23 students, age-appropriate information concerning sections 18-6-401 (9)
24 and 19-3-304.5, or any successor laws, referred to generally as "safe
25 haven laws", relating to the safe ~~abandonment~~ RELINQUISHMENT of a
26 child to ~~a firefighter at a fire station, or to a staff member at a hospital or~~
27 ~~a community clinic emergency center~~ AN AUTHORIZED PERSON OR

1 NEWBORN SAFETY DEVICE within the first ~~seventy-two hours~~ SIXTY DAYS
2 of the child's life.

3 **SECTION 7.** In Colorado Revised Statutes, 18-6-401, **amend**
4 (9)(a); and **repeal** (9)(b) as follows:

5 **18-6-401. Child abuse - definition.** (9) (a) If a parent is charged
6 with permitting a child to be unreasonably placed in a situation that poses
7 a threat of injury to the child's life or health, pursuant to subsection (1)(a)
8 of this section, and the child was ~~seventy-two hours~~ SIXTY DAYS old or
9 younger at the time of the alleged offense, it is an affirmative defense to
10 the charge that the parent safely, reasonably, and knowingly ~~handed~~
11 ~~RELINQUISHED~~ the child ~~over to a firefighter, as defined in section~~
12 ~~18-3-201 (1.5), or to a staff member who engages in the admission, care,~~
13 ~~or treatment of patients at a hospital or community clinic emergency~~
14 ~~center, as defined in subsection (9)(b) of this section, when the firefighter~~
15 ~~is at a fire station, or the staff member is at a hospital or community clinic~~
16 ~~emergency center, as defined in subsection (9)(b) of this section~~ TO AN
17 AUTHORIZED PERSON AT AN AUTHORIZED FACILITY OR TO A NEWBORN
18 SAFETY DEVICE LOCATED AT AN AUTHORIZED FACILITY PURSUANT TO
19 SECTION 19-3-304.5.

20 (b) ~~"Community clinic emergency center" means a community~~
21 ~~clinic licensed by the department of public health and environment~~
22 ~~pursuant to section 25-3-101 (2)(a)(I)(B) that:~~

23 ~~(I) Delivers emergency services; and~~

24 ~~(II) Provides emergency care twenty-four hours per day and seven~~
25 ~~days a week throughout the year, except if located in a rural or frontier~~
26 ~~area that does not have the demand to support twenty-four-hour service~~
27 ~~or only operates each year during a specified time period due to seasonal~~

1 ~~population influx.~~

2 **SECTION 8. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2026 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.