

STATE OF COLORADO

Colorado General Assembly

Natalie Castle, Director
Legislative Council Staff

Colorado Legislative Council
200 E. Colfax Ave., Room 029
Denver, Colorado 80203-1716
Telephone 303-866-3521
Facsimile 303-866-3855
Email: lcs.ga@coleg.gov



Ed DeCecco, Director
Office of Legislative Legal Services

Office of Legislative Legal Services
200 E. Colfax Ave., Room 091
Denver, Colorado 80203-1716
Telephone 303-866-2045
Email: olls.ga@coleg.gov

MEMORANDUM

TO: Lori Gimelshteyn and Erin Lee
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: March 4, 2024
SUBJECT: Proposed Initiative Measure 2023-2024 #204, concerning Parental Rights

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Purpose

The major purpose of the proposed amendment to the Colorado Constitution appears to be to establish a parent's right to exercise sole discretion concerning the wellbeing of the parent's child until the child is no longer under the guardianship of the parent.

Substantive Comments and Questions

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. The proposed initiative states "...*up until* the child is no longer under the *guardianship* of the parent." What do the proponents mean by "up until"? What do the proponents mean by "guardianship"? [*Italics added for emphasis*]
3. The proposed initiative states parents have the "*sole discretion* concerning the wellbeing of their child." What is the extent of sole discretion? Does it include illegal or unsafe decisions? [*Italics added for emphasis*]

Technical Comments

1. In the amending clause of Section 1, the word "amend" should be in **bold** font.
2. When amending the Colorado Constitution, the proposed initiative should include the entire text of the constitutional provision rather than a subsection number. For example:

"Section 3. Inalienable rights. All persons have certain..."

3. The new text being added to the Colorado Constitution should appear in SMALL CAPITAL LETTERS, rather than ALL CAPITAL LETTERS.