

Preserving Children's Rights

By **Allie Winter**
LAW WEEK COLORADO

DENVER — The Harris Law Firm fights for the children of broken couples, married or unmarried.

The Denver firm helped draft HB10-1097, a recently signed bill designed to protect children when parents separate, allowing them the same rights of children of divorced parents. When parents divorce in Colorado, there is an automatic order that protects the children, said Rich Harris of The Harris Law Firm. That order does not apply to the kids who have parents that separate but were never married.

“What we’ve tried to do is fix an anomaly in the Colorado family law statutes,” Harris said.

Current law acts as an emergency injunction. Should a parent file for divorce and serve the spouse with a custody order, then neither parent can take the child or children out of the state without consent of the other parents. Children of parents who separate do not fall under this category.

Today's reality

Why does this type of law not exist already for these types of families? That’s what Harris and legislators tried to figure out. While they found no legislative history to explain it, they dealt with today’s reality that more unmarried parents raise children.

“Perhaps people are grounded in the old-fashioned notion ‘illegitimate kids deserve less legal protection,’” Harris said. “People thought that married parents are entitled to more legal protection than unmarried parents.”

The Harris Law Firm worked with legislators Rep. Debbie Benefield, D-Arvara, and Sen. John Morse, D-Colorado Springs, to get the law passed. Once children are taken out of state, things get difficult, Harris said. Frequently in these situations, the parent remaining in Colorado is faced with paying lawyers thousands of dollars to try to bring their kid back, he said.

“It can be devastating. A lot of those kids we can’t get back.”

Benefield carried the bill in the House



Rich Harris of the Harris Law Firm helped draft HB10-1097. | LAW WEEK PHOTO JAMIE COTTEN

because some of her “big issues are children issues,” she said.

“When constituents come to you with children issues, be it a lack of child support or insurance for their kids or whatever, and you’re having conversations about how can we do a better job in this state to serve children, they need to look to the people in those loops who are working for kids,” Benefield said.

The bill passed with no organized opposition, Harris said, was signed by Gov. Bill Ritter in March. It will go into effect in Aug. 5. Harris and the legislators took steps to eliminate opposition by inviting other parties to assist in drafting the bill, Benefield said. Invited organizations included the Colorado Bar Association and a women’s advocacy group.

“We sat down and hashed out the issues,” Benefield said. “We made sure that everyone was comfortable with the parts of the law we were amending.”

Other protections

The new legislation calls for additional protections. For example, when unmarried parents split, they won’t be able to remove the child’s health or life insurance. Both parents must also keep paying family expenses such as the mortgage and utilities.

“You can’t financially harm the kids or really make any drastic changes,” Harris said.

However, the law will only affect cases filed after the date it goes into effect. The protections will not apply it to existing cases or go after the children already taken out of state.

“I believe it’s going to protect some kids that may be in some awkward places because adults did not the commitment component that happens when you get married,” Benefield said. “This is going to add another layer of protection.”

Harris got involved with passing this bill because his firm, a family law practice, is focused on helping children. “Kids are at the heart of our practice,” he said.

“We think it’s tragic that kids are used as pawns in custody disputes,” Harris said. “People are kidnapping their kids. They are depriving kids of access to the other parent simply because they can under the current law.”

This legislation does not exist in other states, Harris said. •

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