

## Colorado Statutes

### Title 14. DOMESTIC MATTERS

#### DISSOLUTION OF MARRIAGE - PARENTAL RESPONSIBILITIES

##### Article 10. Uniform Dissolution of Marriage Act

*Current through Chapter 189, Second Regular Session 2010*

##### **§ 14-10-123.4. Rights of children in matters relating to parental responsibilities**

The general assembly hereby declares that children have certain rights in the determination of matters relating to parental responsibilities, including the right to have such determinations based upon the best interests of the child.

**History.** L. 87: Entire section added, p. 574, § 1, effective July 1. L. 98: Entire section amended, p. 1378, § 5, effective February 1, 1999.

##### **Case Notes:**

##### **ANNOTATION**

**Law reviews.** For article, "The Constitutionality of Colorado's Grandparent Visitation and Third-Party Standing Statutes", see 32 Colo. Law. 51 (February 2003).

**This section, coupled with the permissive language found throughout §§ 14-10-123.5 and 14-10-124,** indicates that the best interests of the child, and not the rights or wishes of either parent, must dictate the outcome of any custody dispute. In re Lester, 791 P.2d 1244 (Colo. App. 1990).

**An award of custody to a non-parent with standing** may be made upon a showing by a preponderance of the evidence that it is in the best interests of the child. In re Custody of A.D.C., 969 P.2d 708 (Colo. App. 1998).

**No right to participate through chosen counsel.** This section does not include a right for a child to participate in custody matters through counsel chosen by the child. In re Hartley, 886 P.2d 665 (Colo. 1994).

**To protect rights of the child, the court may interview the child or appoint a guardian ad litem to represent the child's interests.** In re D.R.V-A, 976 P.2d 881 (Colo. App. 1999).