

STATE OF COLORADO

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John W. Hickenlooper
Governor

B 2018 008

EXECUTIVE ORDER

Forbidding State Agencies from Using State Resources to Separate Children from Their Parents or Legal Guardians on the Sole Ground of Immigration Status

Pursuant to the authority vested in the Office of the Governor of the State of Colorado and, in particular, Article IV, section 2 of the Colorado Constitution, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order forbidding state agencies from using state resources for the purpose of separating children from their parents or legal guardians on the sole ground that their families are in violation of federal immigration laws.

I. Background and Purpose

The U.S. Department of Homeland Security's practice of separating children from their parents when arriving at the southern border is offensive to our core values as Coloradans and as a country. The administration announced a "zero tolerance" policy in the spring of 2018 resulting in the family separations. The administration has recently stated that the purpose of the policy is to intimidate immigrants and deter crossings. The United States Supreme Court has recognized the fundamental relationship between children and their parents and has permitted intentional government intrusion into this relationship in very limited circumstances. The United Nations High Commissioner for Human Rights has condemned the practice as a serious violation of the rights of children and demanded an immediate halt. The American Psychological Association stated that the separations threaten the mental and physical health of the children.

We recognize the importance of maintaining safety at our international borders, but intentionally separating children from their families is cruel and un-American. In the past six weeks, U.S. agents have separated an estimated 2,000 children from their parents. It is deeply troubling that the U.S. Government would participate in such inhumane actions.

The State of Colorado is a safe and welcoming place for all of its residents, regardless of immigration status. To maintain public confidence in the integrity of state government and promote trust and cooperation between state and local law enforcement and all Colorado communities, I issue this Executive Order to forbid any state agency from using any state resources for the purpose of separating any child from his or her parent or legal guardian on the sole ground that such parent or legal guardian is present in the United States in violation of federal immigration laws.

II. Declaration and Directives

A. For purposes of this Executive Order, “state agency” means the principal departments listed in C.R.S. § 24-1-110, with the exception of Department of State, Department of the Treasury, Department of Law, and Department of Education.

B. No state agency may deprive any person of services or benefits to which he or she is legally entitled because of a person’s immigration status, except as required by state or federal law.

C. No state agency may use any state resources, including but not limited to moneys, equipment, or personnel, for the purpose of separating any child from his or her parent or legal guardian on the sole ground that such parent or legal guardian is present in the United States in violation of federal immigration laws.

1. The foregoing shall not apply if any one of the following has occurred:

a. A State court, authorized under State law, terminates the rights of a parent or legal guardian, determines that it is in the best interests of the child to be removed from his or her parent or legal guardian, or makes any similar determination that is legally authorized under State law;

b. An official from the State or county child welfare agency makes a determination that it is in the best interests of the child to be removed from his or her parent or legal guardian because the child is in danger of abuse at the hands of the parent or legal guardian or is a danger to themselves or others; or

c. Law enforcement officials are acting in accordance with C.R.S. § 24-33.5-211 or have probable cause to believe that the child is a victim, or is at significant risk of becoming a victim, of human trafficking as defined in C.R.S. § 18-3-501 *et seq.*, is in danger of abuse at the hands of the parent or legal guardian, or is a danger to themselves or others.

D. This Executive Order is intended to be consistent with the State’s obligations under state and federal law and shall at all times be interpreted not to violate any requirement of state or federal law. Any conflict with state or federal law as it exists at the time of this Executive Order or as it shall be amended or enacted in the future shall be resolved in favor of state or federal law. Nothing in this Executive Order shall be construed to cause interference with routine state law enforcement activities, even if such activity results in independent federal law enforcement involvement and enforcement of federal immigration laws.

III. Request for Enforcement

I hereby request that the State of Colorado Department of Law investigate to the fullest extent permissible under law any alleged violation of this Executive Order or other related conduct that constitutes a crime under state law.

IV. Duration

This Executive Order shall remain in effect unless modified or terminated by further Executive Order of the Governor or until superseded by state or federal law.



GIVEN under my hand and
Executive Seal of the State of
Colorado this eighteenth day of
June, 2018.

A handwritten signature in blue ink, reading "John W. Hickenlooper". The signature is fluid and cursive, with the first name "John" being particularly prominent.

John W. Hickenlooper
Governor