25CA1924 Parental Resp Conc MEM 09-17-2026

COLORADO COURT OF APPEALS

Court of Appeals No. 25CA1924
El Paso County District Court No. 16DR1868
Honorable Frances Johnson, Judge

In re the Parental Responsibilities Concerning M.E.M., a Child,

and Concerning Elizabeth Dawn Johnson,

Appellee,

and

Victor Morris,

Intervenor-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE GOMEZ
Harris and Hawthorne*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced September 17, 2026

Elizabeth Dawn Johnson, Pro Se

Victor Morris, Pro Se

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2026.

¶ 1 Victor Morris appeals the district court's order denying his motion for grandparent family time with his grandchild.[1] We affirm.

I. Relevant Facts and Procedural History

¶ 2 Elizabeth Dawn Johnson and Cory Morris had a child together. Victor is Cory's father.

¶ 3 Shortly after the child's birth, Elizabeth petitioned for an allocation of parental responsibilities. The district court allocated parenting time equally to Elizabeth and Cory.

¶ 4 About five years later, Elizabeth filed a motion to modify parenting time, alleging that the then-six-year-old child was endangered in Cory's care. The court allocated parental responsibilities to Elizabeth and ended Cory's parenting time. The court also noted that Elizabeth's husband, Colby Castleman, may explore stepparent adoption.

¶ 5 Victor then filed a motion for grandparent family time. After the motion was filed, Cory relinquished his parental rights, and Colby adopted the child.

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[1] We refer to the individuals by their first names in this opinion to avoid any confusion. We intend no disrespect by doing so.

¶ 6 The district court concluded that, after Cory's parental rights were terminated by the adoption, Victor no longer met the statutory definition of a grandparent and, thus, he lacked standing to pursue grandparent family time. The court closed the case and effectively denied Victor's motion.

¶ 7 Victor moved for reconsideration, arguing that the court's closure of the case was based on a mistaken belief that Victor had filed the motion for grandparent family time after the adoption was finalized when, in fact, he'd filed the motion before the adoption was finalized. The court granted the motion and reopened the case.

¶ 8 The court then appointed a child and family investigator (CFI). After an investigation, the CFI reported that Elizabeth had tried to maintain a relationship between Victor and the child but that Victor had continually violated boundaries established by Elizabeth concerning the child. The CFI opined that Victor's conduct had caused the child "undue stress" and raised "significant concerns about the child's emotional well-being and stability." The CFI recommended that "the court support [Elizabeth's] decision to limit or restrict [Victor's grandparent family] time, to ensure the child's best interests are upheld."

¶ 9 After a hearing, the court denied Victor's motion for grandparent family time. The court first addressed Elizabeth's continuing contention that Victor lacked standing to pursue grandparent family time. The court said that it was "not certain" Victor had standing simply because he filed his motion for grandparent family time before Cory's parental rights were terminated. It also said that "once this case [was] resolved," it did "not believe" Victor would have "standing in the future to seek grandparent family time."

¶ 10 Then, without an express finding on Victor's standing, the court addressed the merits of his request. The court acknowledged that, when considering Victor's request, it had to presume that Elizabeth and Colby's decision to not allow the child to have family time with Victor was in the child's best interests, noting their concerns that resuming visits with Victor would distress the child and increase her anxiety. The court then analyzed various factors relating to the child's best interests. After doing so, it concluded that Victor hadn't overcome the presumption in favor of Elizabeth and Colby's decision concerning grandparent family time.

II. Standing

¶ 11 Victor contends that the district court erred "by failing to make a legal determination on standing." We disagree.

¶ 12 Standing is a threshold issue that concerns a party's right to raise a legal argument or claim. *In re Parental Responsibilities Concerning K.M.S.*, 2025 CO 35, ¶ 10. A court therefore must determine that a party has standing before it can decide the merits of their claim. *Id.*

¶ 13 A grandparent may seek a court order granting family time with their grandchild. § 14-10-124.4(3), C.R.S. 2026. As relevant here, a grandparent is defined as a person who is the parent of the child's father or mother and who is related to the child by blood. § 14-10-124.4(2)(a). However, a "'grandparent' does not include the parent of a child's legal father or mother whose parental rights have been terminated." *Id.*

¶ 14 In its ruling, before addressing Victor's request for grandparent family time, the court acknowledged Elizabeth's continuing contention that Victor wasn't a grandparent eligible to seek family time after Cory relinquished his parental rights. *See* § 19-5-211(2), C.R.S. 2026 (providing that after the entry of a final

adoption decree, "[t]he parents shall be divested of all legal rights and obligations with respect to the child"). The court expressed uncertainty regarding Victor's standing but proceeded to resolve the merits of his motion for grandparent family time based on the evidence presented. By doing so, the court determined, albeit implicitly, that Victor had standing as a grandparent to seek family time. *See In re Parental Responsibilities Concerning S.Z.S.*, 2022 COA 105, ¶ 21 (recognizing that a court's findings may be implicit); *In re Marriage of Nelson*, 2012 COA 205, ¶ 41 (upholding the district court's implicit conclusions based on its explicit findings). Indeed, the court couldn't resolve the merits of Victor's request for grandparent family time unless it determined that he had standing to seek grandparent family time. *See K.M.S.*, ¶ 10.

¶ 15 To the extent that Victor suggests the court needed to make an express finding on standing, he directs us to no legal authority in support of that suggestion. *See In re Marriage of Drexler*, 2013 COA 43, ¶ 27 (noting the appellant's burden to provide supporting authority for contentions of error asserted on appeal). Nor does he explain how the lack of an express finding affected his substantial rights or otherwise prejudiced him, particularly when, as here, the

court determined he had standing, considered the merits of his motion, and ruled on his motion after a thorough consideration of the child's best interests. *See* C.A.R. 35(c) ("The appellate court may disregard any error or defect not affecting the substantial rights of the parties."); *People in Interest of A.C.*, 170 P.3d 844, 845 (Colo. App. 2007) (noting that an alleged error, without a valid allegation of prejudice, is not grounds for reversal).

¶ 16 Victor spends much of his argument describing how he had standing to seek grandparent family time under section 14-10-124.4. But because the district court agreed that Victor had standing, we decline to address the propriety of this ruling in his favor or, otherwise, to provide an advisory opinion concerning his standing to pursue another motion in the future. *See Nguyen v. Lai*, 2022 COA 141, ¶ 17 (recognizing that an appellate court may not provide advisory opinions); *cf. Colo. Mountain Props., Inc. v. Heineman*, 860 P.2d 1388, 1391 (Colo. App. 1993) ("Generally, one who accepts the benefits of a judgment may not seek reversal of that judgment on appeal.").

¶ 17 We therefore reject Victor's claim that the court failed to determine his standing.

III. Denying Grandparent Family Time

¶ 18 Victor also contends that the district court misapplied the best interests standard by relying exclusively on Elizabeth's testimony, disregarding other evidence, minimizing the child's wishes, and making findings that aren't supported by the record. We are unpersuaded.

A. Governing Legal Standards

¶ 19 A court may award family time to a grandparent if it determines that such family time serves the child's best interests. § 14-10-124.4(4). In determining the child's best interests, the court considers the statutory best interests factors outlined in section 14-10-124(1.5)(a), C.R.S. 2026. *See* § 14-10-124.4(4).

¶ 20 However, a parent, unlike a grandparent, has a constitutional right to make decisions concerning the care, custody, and control of their child. *See Troxel v. Granville*, 530 U.S. 57, 65 (2000). Thus, a court must give special weight to a parent's decision and presume that the parent's decision regarding grandparent family time is in the child's best interests. *See* § 14-10-124.4(4); *In re Adoption of C.A.*, 137 P.3d 318, 324-27 (Colo. 2006). A grandparent seeking to overcome the presumption in favor of the parent's decision must

show by clear and convincing evidence that their request for family time is in the child's best interests. § 14-10-124.4(4).

¶ 21 As with all orders concerning parenting time, the district court has broad discretion when determining a motion for grandparent family time. *See C.A.*, 137 P.3d at 328; *In re Marriage of Oswald*, 847 P.2d 251, 254 (Colo. App. 1993). We won't disturb the court's decision absent a showing that the court acted in a manifestly arbitrary, unreasonable, or unfair manner or misapplied the law. *See In re Marriage of Collins*, 2023 COA 116M, ¶ 8.

B. Discussion

¶ 22 After considering the evidence from the hearing — which included several exhibits and testimony from the CFI, Victor, a friend of Victor, Elizabeth, and Colby — the court made the following findings concerning the child's best interests:

- Victor wanted regular visits with the child, but Elizabeth and Colby disagreed with his request. *See* § 14-10-124(1.5)(a)(I).
- The child wasn't sufficiently mature to express a reasoned and independent preference about grandparent family time with Victor. However, the child indicated that

she missed Victor and wanted to be able to spend time with him one day. *See* § 14-10-124(1.5)(a)(II).

- The child had a positive relationship with Elizabeth, Colby, and her siblings. *See* § 14-10-124(1.5)(a)(III).
- Until 2023, Victor regularly spent time with the child, and they had a positive relationship. But they hadn't seen each other in over two years. *See id.*
- Before Elizabeth ended the child's visits with Victor, Victor struggled to adhere to boundaries Elizabeth established for the child, and his violations of those boundaries caused the child anxiety and emotional distress. *See* § 14-10-124(1.5)(a)(VII).
- Elizabeth and Colby worried that reinstating the child's contact with Victor would increase the child's anxiety and upset her stability. *See* § 14-10-124(1.5)(a)(I), (III), (V).
- After Cory relinquished his parental rights in 2023, the child experienced anxiety and nightmares, and she struggled in school. With the help of a therapist, the child had adjusted to Cory's absence from her life. *See* § 14-10-124(1.5)(a)(IV)-(V).

- The parties could encourage the sharing of love and affection between the child and the other party. *See* § 14-10-124(1.5)(a)(VI).
- Victor struggled to put the child's needs above his own. *See* § 14-10-124(1.5)(a)(XI).

¶ 23 As to the boundary violations, the court found that despite Elizabeth's requests, Victor had made negative comments about Cory and his wife around the child and, before the adoption was completed, he had spoken to the child about the adoption and the termination of Cory's parental rights. The court also found that despite Elizabeth and Colby's household rule not to lie, Victor had repeatedly told the child to not disclose aspects of his conversations with her to her parents. And the court found that, after Elizabeth asked Victor to give the family some space, he had disregarded her request by driving to their home and using his friend to pass a gift to Elizabeth in front of the child.

¶ 24 The court found that Victor's persistence in obtaining what he wanted was further evidenced by his unauthorized conduct toward the CFI. The court explained that, during the investigation, the CFI

informed the parties not to appear in person at her office without an appointment, but Victor repeatedly violated that request.

¶ 25 After weighing the best interests factors and considering the totality of the circumstances, the court concluded that Victor had not overcome the presumption that Elizabeth and Colby were acting in the child's best interests by not allowing him to visit the child.

¶ 26 Victor argues that when making its findings, the court relied solely on Elizabeth's testimony while ignoring other evidence that supported his request for grandparent family time. He also emphasizes conflicting evidence that may have supported different findings and highlights the child's expressed desire to see him. Victor's arguments, in effect, ask us to reweigh the evidence and reevaluate the court's analysis of the child's best interests. But it was for the district court, not us, to determine the credibility, weight, probative force, and sufficiency of the evidence, as well as the inferences and conclusions to be drawn from that evidence. *See In re Marriage of Thorburn*, 2022 COA 80, ¶ 49. When, as here, the record supports the court's findings and its ruling, we may not disturb them. *See Collins*, ¶ 8 ("[W]e exercise every presumption in favor of upholding [a court's parenting time] decision . . . [and] will

uphold the court's decision when the evidence supports it."); *see also In re Marriage of Evans*, 2021 COA 141, ¶ 45 ("We are not at liberty to re-evaluate the conflicting evidence and set aside findings supported by the record.").

¶ 27 Indeed, the CFI testified that Victor repeatedly violated the boundaries set by Elizabeth and that his actions negatively affected the child. The CFI also reported that Victor demonstrated a propensity to violate boundaries in other situations, including his repeated appearances at her office without an appointment and his unauthorized appearance at the child's school. The CFI further reported that the child hadn't seen Victor in over two years, which was a large portion of the then-nine-year-old child's life, and that to immediately resume contact with Victor could distress the child. Elizabeth and Colby also described Victor's consistent violation of boundaries, and they testified that his actions, which occurred around the same time Cory relinquished his parental rights, caused the child a great deal of distress.

¶ 28 While Victor disagrees, the court acted within its discretion in finding that Victor didn't establish by clear and convincing evidence

that, contrary to Elizabeth and Colby's wishes, his request for grandparent family time was in the child's best interests.

IV. Disposition

¶ 29 The district court's order is affirmed.

JUDGE HARRIS and JUDGE HAWTHORNE concur.