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Proposed Changes to Colorado Revised Statute Section 14, C.R.S.

In regards to the allocation of parental decision-making responsibilities, the definition of “court” be expanded to include the option for a jury as a single subject petition pursuant to Article V, section 1 (5.5) of the Colorado Constitution:

Be it Enacted by the People of the State of Colorado,

SECTION 1. In Colorado Revised Statutes, 14-10-107 **amend** (6) as follows:

14-10-107. Definitions. (6) All issues raised by these proceedings shall be resolved by the court sitting without a jury, EXCEPT FOR TERMINATION OF PARENTAL DECISION-MAKING RESPONSIBILITY.

SECTION 2. In Colorado Revised Statutes, 14-10-128 **amend** (3) as follows:

14-10-128. Hearings. (3) The court without a jury, EXCEPT FOR TERMINATION OF PARENTAL DECISION-MAKING RESPONSIBILITY, shall determine questions of law and fact. THE COURT MAY NOT CONTRAVENE A JURY VERDICT ON THE ALLOCATION OF PARENTAL DECISION-MAKING RESPONSIBILITY. If it finds that a public hearing may be detrimental to the child’s best interests, the court may exclude the public from a hearing concerning the allocations of parental responsibilities but may admit any person who has a direct and legitimate interest in the particular case or a legitimate educational or research interest in the work of the court.

The fiscal impact estimate is as follows: Unknown ongoing net fiscal impact on state courts that would depend significantly on (1) how the measure is interpreted and implemented by the courts; (2) how parents respond to the ability to choose a jury trial in determining the allocation of parental decision-making responsibility.

Would the jury trial option apply to:

- a. Temporary orders pursuant to section 14-10-108, C.R.S.? NO
- b. Motions to modify decision-making responsibility? (not available after a jury trial)

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- c. Motions to modify parenting time? NO
- d. Child support determinations or modifications of child support orders? NO
- e. Hearings on the enforcement of court orders that were entered at the conclusion of a jury trial or that could have been tried by jury? NO

7. Would the jury be instructed to apply the same legal standard to determine the allocation of parental responsibilities as would the court sitting without a jury? YES

8. Is it the proponents' intent to include all of the language in the second paragraph of your proposed initiative, "Parental Responsibilities" in the revisions to section 14-10-128 (3), C.R.S.?

9. Are the proponents intending that the definition of "parental responsibilities" apply to all of article 10 of title 14, C.R.S.? What about the expansion of the definition of "court"? It is unclear whether the proponents are trying to change the definition of "court" for the entire article or just as related to hearings for the allocation of parental responsibilities.

10. When will the right to a jury option commence? As soon as the initiative is passed

11. Will it apply to petitions or motions for allocation of parental responsibilities that have already been filed at the time the law takes effect? It would apply only to new divorce actions that are filed or motions for allocation of parental responsibilities that are filed after the change to statute takes effect.

Please provide us with a number for this proposal and schedule the required public meeting to discuss this proposal further.

Thank you,

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