

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 26, 2024
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB24-1350 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and
2 substitute:
- 3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds that:
- 5 (a) The general assembly, along with other state legislatures, the
6 United States congress, and the United Nations, has identified that family
7 court reform is necessary to prevent the common occurrence of awarding
8 parental responsibilities for minor children to perpetrators of violence,
9 including perpetrators of intimate partner violence, child abuse, and child
10 sexual abuse;
- 11 (b) United Nations experts have described the issue of protecting
12 victims of abuse in custody disputes, particularly women and children, as
13 an international crisis;
- 14 (c) Recently, the general assembly passed House Bill 21-1228 and
15 House Bill 23-1178. Among other things, these bills require certain court
16 personnel who are involved in parental responsibility proceedings to
17 complete training with evidence-based and peer-reviewed curricula in
18 domestic violence, child abuse, and child sexual abuse. The bills also
19 require court findings related to domestic violence, child abuse, and child
20 sexual abuse when determining parental responsibilities, and they require
21 certain court-appointed expert witnesses in parental responsibilities
22 proceedings to have appropriate qualifications. Finally, the bills limit the
23 use of reunification treatment when a claim of domestic violence, child
24 abuse, or child sexual abuse has been made, and they conform with the
25 provisions of the federal "Keeping Children Safe from Family Violence
26 Act", or "Kayden's Law". Additional clarification and protections for
27 children and former partners are needed to build upon House Bill 21-1228
28 and House Bill 23-1178.

1 (d) Additionally, the general assembly recently passed House Bill
2 23-1108. The bill addressed the important and difficult work of child and
3 family investigators and parental responsibilities evaluators and their
4 roles in making courts safer and more accessible for domestic violence
5 survivors. It is imperative that judges understand the work of these critical
6 court personnel and both the positive effect or the negative consequences
7 it may have depending upon training. The recommendations made by the
8 task force to study victim and survivor awareness and responsiveness
9 training requirements for judicial personnel, created pursuant to House
10 Bill 23-1108, recognized the need to expand expertise and knowledge
11 regarding the effect of domestic violence exposure on children, power
12 dynamics following partner separation, the reliability of information
13 presented to the court, and the role of the court in protecting children.
14 Implementing these recommendations is critical to help judges work
15 effectively with child and family investigators and parental
16 responsibilities evaluators to improve support of domestic violence
17 survivors.

18 (2) (a) Therefore, the general assembly declares it is necessary to
19 expand opportunities to ensure a child's opinions are entered into the
20 record and considered by the court when determining parental
21 responsibilities, to consider coercive control by perpetrators of violence,
22 and to clarify and expand the state's role and responsibilities to ensure
23 these standards are upheld.

24 (b) Furthermore, the general assembly declares that it is
25 encouraged by the recommendations made by the task force to study
26 victim and survivor awareness and responsiveness training requirements
27 for judicial personnel, created pursuant to House Bill 23-1108. The
28 general assembly looks forward to the judicial department's
29 implementation of these recommendations, including actions necessary
30 to comply with the federal "Keeping Children Safe from Family Violence
31 Act", or "Kayden's Law".

32 **SECTION 2.** In Colorado Revised Statutes, 14-10-116.5, **amend**
33 (2)(b) and (2)(f); and **add** (2)(b.3), (2)(b.7), (2.7), and (5) as follows:

34 **14-10-116.5. Appointment in domestic relations cases - child**
35 **and family investigator - disclosure - background check - definition.**

36 (2) (b) The child and family investigator shall make independent and
37 informed recommendations to the court, in the form of a written report,
38 ~~with the court,~~ unless otherwise ordered by the court. ~~While the child and~~
39 ~~family investigator shall consider the wishes of the child, the child and~~
40 ~~family investigator need not adopt such wishes in making his or her~~
41 ~~recommendations to the court, unless they serve the best interests of the~~
42 ~~child, as described in section 14-10-124~~ IN THE WRITTEN REPORT, THE
43 CHILD AND FAMILY INVESTIGATOR SHALL PROVIDE OPTIONS THAT SERVE

1 THE BEST INTERESTS OF THE CHILD TO THE COURT FOR THE COURT TO
2 CONSIDER. The child's wishes, if expressed, must be disclosed in the child
3 and family investigator's written report. The court shall consider the
4 entirety of the report, as well as any testimony by the child and family
5 investigator, the parties, and any other professionals, before adopting any
6 recommendations made by the child and family investigator.

7 (b.3) (I) THE CHILD AND FAMILY INVESTIGATOR SHALL INCLUDE IN
8 THE WRITTEN REPORT ALL INFORMATION ACQUIRED DURING THE
9 INVESTIGATION CONCERNING DOMESTIC VIOLENCE AND CHILD ABUSE,
10 INCLUDING:

- 11 (A) CHILD SEXUAL ABUSE;
- 12 (B) PHYSICAL ABUSE;
- 13 (C) EMOTIONAL ABUSE;
- 14 (D) COERCIVE CONTROL;
- 15 (E) TRAUMA; AND
- 16 (F) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND
17 RELATIONSHIP DYNAMICS.

18 (II) THE CHILD AND FAMILY INVESTIGATOR SHALL INCLUDE IN THE
19 WRITTEN REPORT ALL INFORMATION PURSUANT TO SUBSECTION (2)(b.3)(I)
20 OF THIS SECTION, REGARDLESS OF:

- 21 (A) THE MANNER IN WHICH THE INFORMATION WAS ACQUIRED,
22 INCLUDING BY ACCUSATION; EVIDENCE OF A CRIMINAL CHARGE, PLEA,
23 DEFERRED JUDGMENT, OR CONVICTION; OR EVIDENCE OF A PROTECTION
24 ORDER; OR

- 25 (B) WHO PRESENTED THE INFORMATION, INCLUDING A CHILD.

26 (b.7) THE CHILD AND FAMILY INVESTIGATOR SHALL STRIVE TO
27 ENSURE THAT THE WRITTEN REPORT DOES NOT INCLUDE INFORMATION OR
28 RECOMMENDATIONS THAT ARE BIASED, INCLUDING A BIAS REGARDING
29 RELIGION, GENDER, GENDER IDENTITY, GENDER EXPRESSION, CULTURE,
30 RACE, ETHNICITY, NATIONAL ORIGIN, OR DISABILITY.

31 (f) (I) The court shall not appoint a person from the eligibility
32 registry to be a child and family investigator for a case pursuant to this
33 section unless the court finds that the person is qualified as competent by
34 training and experience in, at a minimum, domestic violence and its
35 effects on children, adults, and families; COERCIVE CONTROL; child abuse;
36 and child sexual abuse in accordance with section 14-10-127.5. The
37 person's training and experience must be provided by recognized sources
38 with expertise in domestic violence, COERCIVE CONTROL, and the
39 traumatic effects of domestic violence in accordance with section
40 14-10-127.5. ~~As of January 1, 2024, initial~~ INITIAL and ongoing training
41 must include, at a minimum:

42 ~~(f) Ten initial hours of training on domestic violence, including~~
43 ~~coercive control, and its traumatic effects on children, adults, and~~

1 families;

2 ~~(H) Ten initial hours of training on child abuse and child sexual~~
3 ~~abuse and its traumatic effects; and~~

4 ~~(H) Fifteen subsequent hours of training every five years on~~
5 ~~domestic violence, including coercive control, child abuse, and child~~
6 ~~sexual abuse, and the traumatic effects on children, adults, and families.~~

7 (A) NO LESS THAN TWENTY HOURS OF INITIAL TRAINING, REQUIRED
8 PURSUANT TO SECTION 14-10-127.5 (5)(a)(I); AND

9 (B) NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY
10 FIVE YEARS, REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(a)(I).

11 (II) NOTWITHSTANDING SUBSECTION (2)(f)(I) OF THIS SECTION, A
12 CHILD AND FAMILY INVESTIGATOR WHO COMPLETED THE INITIAL TRAINING
13 REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(a)(I) ON OR BEFORE
14 JANUARY 1, 2025, IS NOT REQUIRED TO COMPLETE SUPPLEMENTAL
15 TRAINING OR THE ENTIRE TRAINING AGAIN FOR THE PURPOSE OF
16 COMPLETING INTERVIEWING AND FORENSIC REPORT WRITING TRAINING
17 REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(b)(IX) AND (5)(b)(X).

18 (2.7) (a) PRIOR TO PERFORMING ANY DUTIES, A CHILD AND FAMILY
19 INVESTIGATOR APPOINTED BY THE COURT SHALL PROVIDE A WRITTEN
20 DISCLOSURE TO EACH PARTY AND EACH PARTY'S ATTORNEY, IF
21 APPLICABLE. AT A MINIMUM, THE WRITTEN DISCLOSURE MUST INCLUDE:

22 (I) A DESCRIPTION OF THE CHILD AND FAMILY INVESTIGATOR'S
23 SPECIFIC DUTIES, RESPONSIBILITIES, AND LIMITATIONS, WHICH MUST BE
24 CONSISTENT WITH THIS ARTICLE 10;

25 (II) AN ACKNOWLEDGMENT THAT THE CHILD AND FAMILY
26 INVESTIGATOR WILL COMPLY WITH APPLICABLE STATE AND FEDERAL LAWS
27 IN ACTING AS A CHILD AND FAMILY INVESTIGATOR, INCLUDING ALL LAWS
28 PURSUANT TO THIS ARTICLE 10;

29 (III) AN ACKNOWLEDGMENT THAT THE CHILD AND FAMILY
30 INVESTIGATOR IS COMPLIANT WITH TRAINING REQUIREMENTS PURSUANT
31 TO SECTION 14-10-127.5 (5); AND

32 (IV) INFORMATION ON FILING A COMPLAINT PURSUANT TO
33 SUBSECTION (2)(e) OF THIS SECTION AND WITH THE STATE COURT
34 ADMINISTRATOR REGARDING THE CHILD AND FAMILY COURT
35 INVESTIGATOR PURSUANT TO SECTION 13-3-101 (3.5), INCLUDING THE
36 CURRENT CONTACT INFORMATION FOR THE STATE COURT ADMINISTRATOR.

37 (b) PURSUANT TO A CHIEF JUSTICE DIRECTIVE, THE COURT MAY CAP
38 A CHILD AND FAMILY INVESTIGATOR'S FEES AND ALLOCATE
39 RESPONSIBILITY FOR COSTS.

40 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
41 REQUIRES, "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
42 IN SECTION 14-10-127.5.

43 **SECTION 3.** In Colorado Revised Statutes, 14-10-124, **amend**

1 (1.3) and (4)(e) introductory portion; and **add** (1.5)(a.5) and (9) as
2 follows:

3 **14-10-124. Best interests of the child. (1.3) Definitions.** For
4 purposes of this section and section 14-10-129 (2)(c), unless the context
5 otherwise requires:

6 (a) "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
7 IN SECTION 14-10-127.5.

8 ~~(a)~~ (b) "Domestic violence" means an act of violence or a
9 threatened act of violence upon a person with whom the actor is or has
10 been involved in an intimate relationship, and may include any act or
11 threatened act against a person or against property, including an animal,
12 when used as a method of coercion, control, punishment, intimidation, or
13 revenge directed against a person with whom the actor is or has been
14 involved in an intimate relationship.

15 ~~(b)~~ (c) "Intimate relationship" means a relationship between
16 spouses, former spouses, past or present unmarried couples, or persons
17 who are both parents of the same child regardless of whether the persons
18 have been married or have lived together at any time.

19 ~~(c)~~ (d) "Sexual assault" has the same meaning as set forth in
20 section 19-1-103.

21 (1.5) **Allocation of parental responsibilities.** The court shall
22 determine the allocation of parental responsibilities, including parenting
23 time and decision-making responsibilities, in accordance with the best
24 interests of the child, giving paramount consideration to the child's safety
25 and the physical, mental, and emotional conditions and needs of the child
26 as follows:

27 (a.5) IN DETERMINING THE BEST INTERESTS OF THE CHILD FOR
28 PURPOSES OF PARENTING TIME, THE COURT SHALL STRIVE NOT TO
29 CONSIDER AS A RELEVANT FACTOR INFORMATION OR RECOMMENDATIONS
30 THAT ARE BIASED, INCLUDING BIAS REGARDING RELIGION, GENDER,
31 GENDER IDENTITY, GENDER EXPRESSION, CULTURE, RACE, ETHNICITY,
32 NATIONAL ORIGIN, OR DISABILITY.

33 (4) (e) When the court finds by a preponderance of the evidence
34 that one of the parties has committed child abuse or neglect, domestic
35 violence, or sexual assault resulting in the conception of the child, in
36 formulating or approving a parenting plan, the court shall consider
37 conditions on parenting time that ensure the safety of the child and ~~of the~~
38 abused party, GIVING PARAMOUNT CONSIDERATION TO THE SAFETY, AND
39 THE PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS AND NEEDS OF THE
40 CHILD AND ABUSED PARTY. In addition to any provisions set forth in
41 subsection (7) of this section that are appropriate, the parenting plan in
42 these cases may include, but is not limited to, the following provisions:

43 (9) IF THE COURT ORDERS UNSUPERVISED PARENTING TIME FOR A

1 PARENT, AND THERE IS ANY INFORMATION, INCLUDING AN ACCUSATION BY
2 A CHILD, THAT THE PARENT HAS COMMITTED DOMESTIC VIOLENCE, CHILD
3 ABUSE, OR CHILD SEXUAL ABUSE, OR IF THE PARENT IS ACCUSED BY THE
4 CHILD OF DOMESTIC VIOLENCE, CHILD ABUSE, CHILD SEXUAL ABUSE, CHILD
5 EMOTIONAL ABUSE, OR COERCIVE CONTROL, THE COURT SHALL MAKE A
6 STATEMENT IN WRITING OR ORALLY ON THE PROCEEDING RECORD
7 REGARDING WHY UNSUPERVISED PARENTING TIME FOR THE PARENT WAS
8 DETERMINED TO BE IN THE BEST INTERESTS OF THE CHILD WITH
9 PARAMOUNT CONSIDERATION GIVEN TO THE CHILD'S SAFETY AND THE
10 PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS AND NEEDS OF THE
11 CHILD.

12 **SECTION 4.** In Colorado Revised Statutes, **amend** 14-10-126 as
13 follows:

14 **14-10-126. Interviews.** (1) ~~The~~ UPON A MOTION, THE court may
15 interview the child in chambers to ascertain the child's wishes as to the
16 allocation of parental responsibilities. The court may permit counsel to be
17 present at the interview. The court shall cause a record of the interview
18 to be made, and it ~~shall~~ MUST be made part of the record in the case. THE
19 COURT SHALL MAKE FINDINGS IN ITS ORDER THAT EXPLAIN THE REASON
20 WHY THE COURT GRANTED OR DENIED A REQUEST TO INTERVIEW THE
21 CHILD IN CHAMBERS.

22 (2) ~~The court may seek the advice of professional personnel~~
23 ~~whether or not they are employed on a regular basis by the court. The~~
24 ~~advice given shall be in writing and shall be made available by the court~~
25 ~~to counsel of record, parties, and other expert witnesses upon request, but~~
26 ~~it shall otherwise be considered confidential and shall be sealed and shall~~
27 ~~not be open to inspection, except by consent of the court. Counsel may~~
28 ~~call for cross-examination any professional personnel consulted by the~~
29 ~~court~~ THE COURT SHALL GIVE PARAMOUNT CONSIDERATION TO CASES
30 INVOLVING AN ALLEGATION MADE BY A CHILD REGARDING DOMESTIC
31 VIOLENCE, CHILD ABUSE OR NEGLECT, OR CHILD SEXUAL ABUSE IN
32 DETERMINING WHETHER TO GRANT A REQUEST TO INTERVIEW A CHILD IN
33 CHAMBERS.

34 (3) THE COURT MAY SEEK THE ADVICE OF PROFESSIONAL
35 PERSONNEL WHETHER OR NOT THEY ARE EMPLOYED ON A REGULAR BASIS
36 BY THE COURT. THE ADVICE GIVEN MUST BE IN WRITING AND MUST BE
37 MADE AVAILABLE BY THE COURT TO COUNSEL OF RECORD, PARTIES, AND
38 OTHER EXPERT WITNESSES UPON REQUEST, BUT IT MUST OTHERWISE BE
39 CONFIDENTIAL AND MUST BE SEALED AND NOT BE OPEN TO INSPECTION,
40 EXCEPT BY CONSENT OF THE COURT. COUNSEL MAY CALL FOR
41 CROSS-EXAMINATION OF ANY PROFESSIONAL PERSONNEL CONSULTED BY
42 THE COURT.

43 **SECTION 5.** In Colorado Revised Statutes, 14-10-127, **amend**

1 (1)(a)(I)(A), (4) introductory portion, and (4)(a.5); and **add** (1.5), (7)(b.3),
2 (7)(b.7), and (11) as follows:

3 **14-10-127. Evaluation and reports - training and**
4 **qualifications of evaluators - disclosure - definitions.** (1) (a) (I) (A) In
5 all proceedings concerning the allocation of parental responsibilities with
6 respect to a child, the court may, upon motion of either party or upon its
7 own motion, order any ~~county or district department of human or social~~
8 ~~services or a licensed mental health professional qualified pursuant to~~
9 ~~subsection (4) of this section and referred to in this section as an~~
10 ~~"evaluator"~~ EVALUATOR to perform an evaluation and file a written report
11 concerning the disputed issues relating to the allocation of parental
12 responsibilities for the child, unless the motion by either party is made for
13 the purpose of delaying the proceedings. The purpose of the evaluation
14 and report is to assist in determining the best interests of the child, with
15 the child's safety always paramount. The evaluation and subsequent report
16 must focus on the best interests of the child and the factors set forth in
17 sections 14-10-124 and 14-10-129 in any post-decree or relocation case.
18 In addition, the evaluator shall assess a party's parenting attributes as
19 those attributes relate to the best interests of the child and consider any
20 psychological needs of the child when making recommendations
21 concerning decision-making and parenting time FOR THE WRITTEN
22 REPORT. IN THE WRITTEN REPORT, THE EVALUATOR SHALL PROVIDE
23 OPTIONS THAT SERVE THE BEST INTERESTS OF THE CHILD TO THE COURT
24 FOR THE COURT TO CONSIDER.

25 (1.5) (a) PRIOR TO PERFORMING ANY DUTIES, AN EVALUATOR
26 APPOINTED BY THE COURT SHALL PROVIDE A WRITTEN DISCLOSURE TO
27 EACH PARTY AND EACH PARTY'S ATTORNEY, IF APPLICABLE. AT A
28 MINIMUM, THE WRITTEN DISCLOSURE MUST INCLUDE:

29 (I) A DESCRIPTION OF THE EVALUATOR'S SPECIFIC DUTIES,
30 RESPONSIBILITIES, AND LIMITATIONS, WHICH MUST BE CONSISTENT WITH
31 THIS ARTICLE 10;

32 (II) AN ACKNOWLEDGMENT THAT THE EVALUATOR WILL COMPLY
33 WITH APPLICABLE STATE AND FEDERAL LAWS IN ACTING AS AN
34 EVALUATOR, INCLUDING ALL LAWS PURSUANT TO THIS ARTICLE 10;

35 (III) AN ACKNOWLEDGMENT THAT THE EVALUATOR IS COMPLIANT
36 WITH TRAINING REQUIREMENTS PURSUANT TO SECTION 14-10-127.5 (5);

37 (IV) A COMPREHENSIVE DESCRIPTION OF THE EVALUATOR'S
38 FINANCIAL POLICIES, INCLUDING BILLING PRACTICES AND RATES FOR
39 PERFORMANCE OF DUTIES, COSTS, FEES, AND DISBURSEMENTS; AND

40 (V) INFORMATION ON FILING A COMPLAINT PURSUANT TO
41 SUBSECTION (9) OF THIS SECTION AND WITH THE STATE COURT
42 ADMINISTRATOR REGARDING THE EVALUATOR PURSUANT TO SECTION
43 13-3-101 (3.5), INCLUDING THE CURRENT CONTACT INFORMATION FOR THE

1 STATE COURT ADMINISTRATOR.

2 (b) PURSUANT TO A CHIEF JUSTICE DIRECTIVE, THE COURT MAY CAP
3 AN EVALUATOR'S FEES AND ALLOCATE RESPONSIBILITY FOR COSTS.

4 (4) A person is ~~not allowed to~~ SHALL NOT testify as an expert
5 witness regarding a parental responsibilities or parenting time evaluation
6 that the person has performed pursuant to this section unless the court
7 finds that the person is qualified as competent, by training and
8 experience, in the areas of:

9 (a.5) (I) The effects of domestic violence on children, adults, and
10 families, including the connection between domestic violence and trauma
11 on children, coercive control, child abuse, and child sexual abuse in
12 accordance with section 14-10-127.5. The person's training and
13 experience must be provided by recognized sources with expertise in
14 domestic violence and the traumatic effects of domestic violence AND
15 COERCIVE CONTROL in accordance with section 14-10-127.5. ~~As of~~
16 ~~January 1, 2024, initial~~ INITIAL and ongoing training must include, at a
17 minimum:

18 ~~(I) Ten initial hours of training on domestic violence, including~~
19 ~~coercive control, and its traumatic effects on children, adults, and~~
20 ~~families;~~

21 ~~(II) Ten initial hours of training on child abuse and child sexual~~
22 ~~abuse and its traumatic effects; and~~

23 ~~(III) Fifteen subsequent hours of training every five years on~~
24 ~~domestic violence, child abuse, and child sexual abuse and the traumatic~~
25 ~~effects on children, adults, and families.~~

26 (A) NO LESS THAN TWENTY HOURS OF INITIAL TRAINING, REQUIRED
27 PURSUANT TO SECTION 14-10-127.5 (5)(a)(I); AND

28 (B) NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY
29 FIVE YEARS, REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(a)(I).

30 (II) NOTWITHSTANDING SUBSECTION (4)(a.5)(I) OF THIS SECTION,
31 AN EVALUATOR WHO COMPLETED THE INITIAL TRAINING REQUIRED
32 PURSUANT TO SECTION 14-10-127.5 (5)(a)(I) ON OR BEFORE JANUARY 1,
33 2025, IS NOT REQUIRED TO COMPLETE SUPPLEMENTAL TRAINING OR THE
34 ENTIRE TRAINING AGAIN FOR THE PURPOSE OF COMPLETING INTERVIEWING
35 AND FORENSIC REPORT WRITING TRAINING REQUIRED PURSUANT TO
36 SECTION 14-10-127.5 (5)(b)(IX) AND (5)(b)(X).

37 (7) (b.3) (I) THE EVALUATOR SHALL INCLUDE IN THE WRITTEN
38 REPORT ALL INFORMATION ACQUIRED DURING THE EVALUATION
39 CONCERNING DOMESTIC VIOLENCE AND CHILD ABUSE, INCLUDING:

40 (A) CHILD SEXUAL ABUSE;

41 (B) PHYSICAL ABUSE;

42 (C) EMOTIONAL ABUSE;

43 (D) COERCIVE CONTROL;

1 (E) TRAUMA; AND
2 (F) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND
3 RELATIONSHIP DYNAMICS.

4 (II) THE EVALUATOR SHALL INCLUDE IN THE WRITTEN REPORT ALL
5 INFORMATION PURSUANT TO SUBSECTION (7)(b.3)(I) OF THIS SECTION,
6 REGARDLESS OF:

7 (A) THE MANNER IN WHICH THE INFORMATION WAS ACQUIRED,
8 INCLUDING BY ACCUSATION; EVIDENCE OF A CRIMINAL CHARGE, PLEA,
9 DEFERRED JUDGMENT, OR CONVICTION; OR EVIDENCE OF A PROTECTION
10 ORDER; OR

11 (B) WHO PRESENTED THE INFORMATION, INCLUDING A CHILD.

12 (b.7) THE EVALUATOR SHALL STRIVE TO ENSURE THAT THE
13 WRITTEN REPORT DOES NOT INCLUDE INFORMATION OR
14 RECOMMENDATIONS THAT ARE BIASED, INCLUDING A BIAS REGARDING
15 RELIGION, GENDER, GENDER IDENTITY, GENDER EXPRESSION, CULTURE,
16 RACE, ETHNICITY, NATIONAL ORIGIN, OR DISABILITY.

17 (11) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

19 (a) "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
20 IN SECTION 14-10-127.5.

21 (b) "EVALUATOR" MEANS ANY COUNTY OR DISTRICT DEPARTMENT
22 OF HUMAN OR SOCIAL SERVICES OR A LICENSED MENTAL HEALTH
23 PROFESSIONAL QUALIFIED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

24 **SECTION 6.** In Colorado Revised Statutes, 14-10-127.5, **amend**
25 (3)(a)(I), (3)(a)(II)(D), and (6)(c)(I); and **add** (2)(a.3), (3)(a)(III), (3.5),
26 (5)(b)(IX), (5)(b)(X), (5)(b.1), (5)(b.5), and (6)(d) as follows:

27 **14-10-127.5. Domestic violence training for court personnel -**
28 **expert testimony - child placement decisions - legislative declaration**
29 **- definitions.** (2) As used in this section, unless the context otherwise
30 requires:

31 (a.3) "COERCIVE CONTROL" MEANS A PATTERN OF THREATENING,
32 HUMILIATING, OR INTIMIDATING ACTIONS, INCLUDING ASSAULTS OR OTHER
33 ABUSE THAT IS USED TO HARM, PUNISH, OR FRIGHTEN AN INDIVIDUAL.
34 "COERCIVE CONTROL" INCLUDES A PATTERN OF BEHAVIOR THAT TAKES
35 AWAY THE INDIVIDUAL'S LIBERTY OR FREEDOM AND STRIPS AWAY THE
36 INDIVIDUAL'S SENSE OF SELF, INCLUDING THE INDIVIDUAL'S BODILY
37 INTEGRITY AND HUMAN RIGHTS. "COERCIVE CONTROL" MAKES AN
38 INDIVIDUAL DEPENDENT BY ISOLATING THE INDIVIDUAL FROM SUPPORT,
39 EXPLOITING THE INDIVIDUAL, DEPRIVING THE INDIVIDUAL OF
40 INDEPENDENCE, AND REGULATING THE INDIVIDUAL'S EVERYDAY
41 BEHAVIOR, WHICH INCLUDES, BUT IS NOT LIMITED TO, ANY OF THE
42 FOLLOWING:

43 (I) ISOLATING THE INDIVIDUAL FROM FRIENDS AND FAMILY;

1 (II) MONITORING, SURVEILLING, REGULATING, OR CONTROLLING
2 THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S OR RELATIVE'S,
3 FINANCES, ECONOMIC RESOURCES, OR ACCESS TO SERVICES;

4 (III) MONITORING, SURVEILLING, REGULATING, OR CONTROLLING
5 THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S OR RELATIVE'S,
6 ACTIVITIES, COMMUNICATIONS, OR MOVEMENTS, INCLUDING THROUGH
7 TECHNOLOGY;

8 (IV) NAME-CALLING, DEGRADING, OR DEMEANING THE
9 INDIVIDUAL, OR THE INDIVIDUAL'S CHILD OR RELATIVE, ON A FREQUENT
10 BASIS;

11 (V) THREATENING TO HARM OR KILL THE INDIVIDUAL OR THE
12 INDIVIDUAL'S CHILD OR RELATIVE, INCLUDING WEARING, ACCESSING,
13 DISPLAYING, USING, OR CLEANING A WEAPON IN AN INTIMIDATING OR
14 THREATENING MANNER;

15 (VI) THREATENING TO HARM OR KILL AN ANIMAL WITH WHICH THE
16 INDIVIDUAL OR THE INDIVIDUAL'S CHILD OR RELATIVE HAS AN EMOTIONAL
17 BOND;

18 (VII) THREATENING TO PUBLISH THE INDIVIDUAL'S, OR THE
19 INDIVIDUAL'S CHILD'S OR RELATIVE'S, SENSITIVE PERSONAL INFORMATION,
20 INCLUDING SEXUALLY EXPLICIT MATERIAL, OR MAKE REPORTS TO THE
21 POLICE OR AUTHORITIES;

22 (VIII) DAMAGING THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S
23 OR RELATIVE'S, PROPERTY OR HOUSEHOLD GOODS;

24 (IX) THREATENING THE INDIVIDUAL, OR THE INDIVIDUAL'S CHILD
25 OR RELATIVE, WITH DEPORTATION OR CONTACTING AUTHORITIES BASED
26 ON PERCEIVED OR ACTUAL IMMIGRATION STATUS, WITHHOLDING
27 ESSENTIAL DOCUMENTS REQUIRED FOR IMMIGRATION, OR THREATENING
28 TO WITHDRAW OR INTERFERE WITH AN ACTIVE IMMIGRATION APPLICATION
29 OR PROCESS; OR

30 (X) FORCING THE INDIVIDUAL, OR THE INDIVIDUAL'S CHILD OR
31 RELATIVE, TO TAKE PART IN CRIMINAL ACTIVITIES OR CHILD ABUSE.

32 (3) (a) In all proceedings brought pursuant to this title 14
33 concerning the allocation of parental responsibilities with respect to a
34 child in which a claim of domestic violence or child abuse, including
35 child sexual abuse, has been made to the court, or the court has reason to
36 believe that a party has committed domestic violence or child abuse,
37 including child sexual abuse, the court shall:

38 (I) Consider the admission of expert testimony and evidence if the
39 expert demonstrates expertise and experience working with victims of
40 domestic violence or child abuse, including child sexual abuse, that is not
41 solely forensic in nature; ~~and~~

42 (II) Consider evidence of past sexual or physical abuse committed
43 by the accused party, including:

1 (D) Other documentation, including letters from a victim advocate
2 or victim service provider, if the victim has consented pursuant to section
3 13-90-107 (1)(k)(I); medical records; or a letter to a landlord to break a
4 lease; AND

5 (III) CONSIDER EVIDENCE RELATED TO THE USE OF COERCIVE
6 CONTROL BY A PARTY.

7 (3.5) IF ALLEGATIONS OF DOMESTIC VIOLENCE, CHILD ABUSE OR
8 NEGLECT, OR CHILD SEXUAL ABUSE HAVE BEEN MADE, THE COURT SHALL
9 GIVE STRONG CONSIDERATION TO A CHILD'S STATED PREFERENCE MADE TO
10 THE COURT, CHILD AND FAMILY INVESTIGATOR, EVALUATOR, OR THE
11 CHILD'S LEGAL ADVOCATE, IF THE STATED PREFERENCE IS CONSISTENT
12 WITH THE PARAMOUNT CONSIDERATION GIVEN TO THE CHILD'S SAFETY
13 AND THE PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS AND NEEDS OF
14 THE CHILD.

15 (5) (b) The required training set forth in subsection (5)(a) of this
16 section must focus on domestic violence and child abuse, including:

17 (IX) INTERVIEWING; AND

18 (X) FORENSIC REPORT WRITING.

19 (b.1) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (5)
20 TO THE CONTRARY, A CHILD AND FAMILY INVESTIGATOR OR A PARENTAL
21 RESPONSIBILITIES EVALUATOR WHO COMPLETED THE INITIAL TRAINING
22 REQUIRED PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION ON OR
23 BEFORE JANUARY 1, 2025, IS NOT REQUIRED TO COMPLETE SUPPLEMENTAL
24 TRAINING OR THE ENTIRE TRAINING AGAIN FOR THE PURPOSE OF
25 COMPLETING INTERVIEWING AND FORENSIC REPORT WRITING TRAINING
26 REQUIRED PURSUANT TO SUBSECTION (5)(b)(IX) AND (5)(b)(X) OF THIS
27 SECTION.

28 (b.5) THE REQUIRED TRAINING SET FORTH IN SUBSECTION (5)(a) OF
29 THIS SECTION MUST BE CULTURALLY INFORMED AND MUST NOT INCLUDE
30 INFORMATION THAT IS DISCRIMINATORY BECAUSE OF A CHILD'S OR
31 PARENT'S DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL
32 ORIENTATION, GENDER, GENDER IDENTITY, GENDER EXPRESSION,
33 CULTURE, NATIONAL ORIGIN, ANCESTRY, OR IMMIGRATION STATUS.

34 (6) (c) The required training must be designed to improve the
35 ability of courts to:

36 (I) Recognize and respond to child physical abuse, child sexual
37 abuse, domestic violence, COERCIVE CONTROL, and trauma in all family
38 victims, particularly children; and

39 (d) A PROFESSIONAL TRAINER IS NOT REQUIRED TO BE AFFILIATED
40 WITH A STATE AGENCY, INCLUDING THE OFFICE OF THE STATE COURT
41 ADMINISTRATOR, IN ORDER TO DELIVER THE TRAINING REQUIREMENTS
42 PURSUANT TO SUBSECTION (5) OF THIS SECTION AND THIS SUBSECTION (6).

43 **SECTION 7.** In Colorado Revised Statutes, 14-10-128.1, **amend**

1 (2)(b) as follows:
2 **14-10-128.1. Appointment of parenting coordinator -**
3 **disclosure.** (2) (b) In addition to making the findings required pursuant
4 to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS
5 SECTION, prior to appointing a parenting coordinator, the court may
6 consider the effect of any claim or documented evidence of domestic
7 violence, as defined in ~~section 14-10-124 (1.3)(a)~~ SECTION 14-10-124, by
8 the other party on the parties' ability to engage in parent coordination.
9 **SECTION 8.** In Colorado Revised Statutes, 13-3-101, **add** (3.5)
10 as follows:
11 **13-3-101. State court administrator - duties - report -**
12 **definitions - repeal.** (3.5) (a) AS REQUIRED BY A CHIEF JUSTICE
13 DIRECTIVE, THE STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR
14 ACCEPTING COMPLAINTS REGARDING VIOLATIONS OF A CHIEF JUSTICE
15 DIRECTIVE CONCERNING CHILD AND FAMILY INVESTIGATORS APPOINTED
16 BY THE COURT PURSUANT TO SECTION 14-10-116.5 AND PARENTAL
17 RESPONSIBILITIES EVALUATORS APPOINTED BY THE COURT PURSUANT TO
18 SECTION 14-10-127 IN COURTS INVOLVED WITH THE ALLOCATION OF
19 PARENTAL RESPONSIBILITIES PURSUANT TO DISSOLUTION OF MARRIAGE
20 PROCEEDINGS. THE STATE COURT ADMINISTRATOR IS AUTHORIZED TO
21 ADMINISTER APPROPRIATE SANCTIONS ESTABLISHED PURSUANT TO CHIEF
22 JUSTICE DIRECTIVE. THE STATE COURT ADMINISTRATOR IS NOT
23 RESPONSIBLE FOR ACCEPTING COMPLAINTS REGARDING CONDUCT THAT IS
24 REGULATED BY A CHILD AND FAMILY INVESTIGATOR'S OR PARENTAL
25 RESPONSIBILITIES EVALUATOR'S PROFESSIONAL REGULATORY AUTHORITY.
26 (b) AS A PART OF THE JUDICIAL DEPARTMENT'S "SMART ACT"
27 HEARING REQUIRED BY SECTION 2-7-203, DURING THE 2025 REGULAR
28 LEGISLATIVE SESSION, AND EACH REGULAR LEGISLATIVE SESSION
29 THEREAFTER, THE JUDICIAL DEPARTMENT SHALL REPORT ON THE TOTAL
30 NUMBER OF CHILD AND FAMILY COURT INVESTIGATORS APPOINTED BY THE
31 COURT PURSUANT TO SECTION 14-10-116.5 AND PARENTAL
32 RESPONSIBILITIES EVALUATORS APPOINTED BY THE COURT PURSUANT TO
33 SECTION 14-10-127, ELIGIBILITY ROSTERS ESTABLISHED PURSUANT TO A
34 CHIEF JUSTICE DIRECTIVE, THE NUMBER OF COMPLAINTS RECEIVED BY THE
35 STATE COURT ADMINISTRATOR IN THE PRECEDING CALENDAR YEAR
36 REGARDING CHILD AND FAMILY COURT INVESTIGATORS AND PARENTAL
37 RESPONSIBILITIES EVALUATORS, AND THE NUMBER OF FOUNDED
38 COMPLAINTS AND SANCTIONS ISSUED AS A RESULT OF THOSE COMPLAINTS
39 IN THE PRECEDING CALENDAR YEAR REGARDING CHILD AND FAMILY COURT
40 INVESTIGATORS AND PARENTAL RESPONSIBILITIES EVALUATORS.
41 (c) THE STATE COURT ADMINISTRATOR SHALL PUBLISH AND
42 ANNUALLY UPDATE ON THE JUDICIAL DEPARTMENT'S PUBLIC WEBSITE A
43 SUMMARY OF THE ACTIONS TAKEN IN THE YEAR PRECEDING THE FIRST

1 PUBLICATION, OR SINCE THE LATEST UPDATED PUBLICATION, CONCERNING
2 ACTIONS TAKEN BY THE JUDICIAL DEPARTMENT TO COMPLY WITH
3 RECOMMENDATIONS MADE BY THE TASK FORCE TO STUDY VICTIM AND
4 SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING REQUIREMENTS
5 FOR JUDICIAL PERSONNEL, CREATED PURSUANT TO HOUSE BILL 23-1108.

6 (d) THE POSITION SHALL PUBLISH AND UPDATE AS NECESSARY
7 INFORMATION ON THE JUDICIAL DEPARTMENT'S PUBLIC WEBSITE
8 REGARDING UPCOMING TRAINING THAT SATISFIES THE REQUIREMENTS IN
9 SECTION 14-10-127.5 (5) AND (6).

10 **SECTION 9.** In Colorado Revised Statutes, 8-13.3-503, **amend**
11 (6) as follows:

12 **8-13.3-503. Definitions.** As used in this part 5, unless the context
13 otherwise requires:

14 (6) "Domestic violence" means any conduct that constitutes
15 "domestic violence" as set forth in section 18-6-800.3 (1) or ~~section~~
16 ~~14-10-124(1.3)(a)~~ SECTION 14-10-124 or "domestic abuse" as set forth in
17 section 13-14-101 (2).

18 **SECTION 10.** In Colorado Revised Statutes, 13-80-103.6,
19 **amend** (1) as follows:

20 **13-80-103.6. General limitation of actions - domestic violence**
21 **- six years - definition.** (1) Notwithstanding any other statute of
22 limitations specified in this article 80, or any other provision of law that
23 can be construed to reduce the statutory period set forth in this section,
24 any civil action to recover damages caused by an act of domestic
25 violence, as defined in ~~section 14-10-124(1.3)(a)~~ SECTION 14-10-124,
26 must be commenced within six years after a disability has been removed
27 for a person under disability, as such term is defined in subsection (2) of
28 this section, or within six years after a cause of action accrues, whichever
29 occurs later, and not thereafter; except that in no event may any such civil
30 action be commenced more than twenty years after the cause of action
31 accrues.

32 **SECTION 11. Act subject to petition - effective date.** This act
33 takes effect at 12:01 a.m. on the day following the expiration of the
34 ninety-day period after final adjournment of the general assembly; except
35 that, if a referendum petition is filed pursuant to section 1 (3) of article V
36 of the state constitution against this act or an item, section, or part of this
37 act within such period, then the act, item, section, or part will not take
38 effect unless approved by the people at the general election to be held in
39 November 2024 and, in such case, will take effect on the date of the
40 official declaration of the vote thereon by the governor."

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