

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 9, 2025
Date

Committee on Judiciary.

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

SB25-116 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

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) In Colorado:

6 (I) Between 25,000 and 30,000 divorces are filed each year;

7 (II) More than 10,000 protection orders are issued annually;

8 (III) Between 15% and 30% of divorces involve domestic
9 violence; and

10 (IV) Spousal support is awarded in approximately 15% of
11 divorces;

12 (b) Under current Colorado law:

13 (I) When a party files a petition for dissolution of marriage or
14 legal separation, the party is required to disclose any temporary or
15 permanent protection order that has been entered against either party
16 within the 2 years prior to filing the petition;

17 (II) A judge may review and consider the criminal history of each
18 party within the 2 years prior to filing a petition for child custody, but a
19 judge is prohibited from reviewing and considering the criminal history
20 of a party in making a determination of, or eligibility for, spousal support.
21 This may result in a financially secure victim being forced to pay spousal
22 support to their abuser.

23 (c) If a marriage lasts less than 3 years, spousal maintenance is not
24 typically required. Conversely, marriages that last more than 20 years
25 generally include permanent spousal maintenance payments, which
26 persist until either spouse remarries or dies.

1 (2) Therefore, the general assembly declares that Senate Bill 25-
2 116 is intended to:

3 (a) Allow a court to consider, when determining spousal
4 maintenance, whether a spouse committed various forms of abuse against
5 the other spouse, including domestic violence, coercive control, economic
6 abuse, litigation abuse, emotional abuse, physical abuse, or unlawful
7 sexual behavior; and

8 (b) Allow a court to review any prior acts of domestic violence or
9 similarly categorized charges as part of the court's guidelines for
10 determining spousal maintenance.

11 **SECTION 2.** In Colorado Revised Statutes, 14-10-103, **add** (1.5)
12 as follows:

13 **14-10-103. Definitions and interpretations of terms.** (1.5) AS
14 USED IN THIS ARTICLE 10, UNLESS THE CONTEXT OTHERWISE REQUIRES:

15 (a) "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
16 IN SECTION 14-10-124 (1.3).

17 (b) "DOMESTIC VIOLENCE" HAS THE SAME MEANING AS SET FORTH
18 IN SECTION 14-10-124 (1.3).

19 (c) "ECONOMIC ABUSE" MEANS A BEHAVIOR THAT IS COERCIVE,
20 DECEPTIVE, OR MANIPULATIVE, OR THAT RESTRAINS, SABOTAGES, OR
21 UNREASONABLY CONTROLS A PERSON'S ABILITY TO ACQUIRE, USE, OR
22 MAINTAIN ECONOMIC RESOURCES THAT THE PERSON IS ENTITLED TO,
23 INCLUDING USING COERCION, THREAT OF HARM, FORCE, FRAUD, OR
24 MANIPULATION TO:

25 (I) RESTRICT A PERSON'S ACCESS TO MONEY, ASSETS, CREDIT, OR
26 FINANCIAL INFORMATION;

27 (II) STEAL OR UNFAIRLY USE A PERSON'S ECONOMIC RESOURCES,
28 INCLUDING MONEY, ASSETS, OR CREDIT;

29 (III) USE A PERSON'S CREDIT OR PROPERTY WITHOUT
30 AUTHORIZATION;

31 (IV) PREVENT A PERSON FROM LEAVING THE PERSON'S RESIDENCE
32 TO ATTEND SCHOOL OR EMPLOYMENT;

33 (V) EXPLOIT THE PERSON'S RESOURCES FOR PERSONAL GAIN;

34 (VI) WITHHOLD INDIVIDUAL RESOURCES FROM A PERSON, SUCH AS
35 FOOD, CLOTHING, NECESSARY MEDICATIONS, OR SHELTER;

36 (VII) CAUSE OR ATTEMPT TO CAUSE A PERSON TO BE FINANCIALLY
37 DEPENDENT BY MAINTAINING CONTROL OVER THE PERSON'S FINANCIAL
38 RESOURCES; OR

39 (VIII) EXERT UNDUE INFLUENCE OVER A PERSON'S FINANCIAL
40 BEHAVIOR OR DECISIONS, INCLUDING FORCING DEFAULT ON JOINT OR
41 OTHER FINANCIAL OBLIGATIONS; EXPLOITING POWERS OF ATTORNEY,
42 GUARDIANSHIP, OR CONSERVATORSHIP; OR THREATENING TO EXPOSE A
43 PERSON'S SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OR THE

1 SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF A PERSON'S FAMILY
2 MEMBER TO A FEDERAL, STATE, OR LOCAL AGENCY.

3 (d) "UNLAWFUL SEXUAL BEHAVIOR" HAS THE SAME MEANING AS
4 SET FORTH IN SECTION 16-22-102.

5 **SECTION 3.** In Colorado Revised Statutes, 14-10-107.8, **amend**
6 (1) as follows:

7 **14-10-107.8. Required notice of prior restraining, civil**
8 **protection, or emergency protection orders to prevent domestic abuse**
9 **- petitions for dissolution of marriage or legal separation.** (1) When
10 filing a petition for dissolution of marriage or legal separation pursuant
11 to this ~~article~~ ARTICLE 10, the filing party ~~shall have~~ HAS a duty to
12 disclose to the court the existence of any prior temporary or permanent
13 restraining orders and civil protection orders ~~to prevent domestic abuse~~
14 issued pursuant to article 14 of title 13, ~~C.R.S.~~; any mandatory restraining
15 order and protection orders issued pursuant to section 18-1-1001, ~~C.R.S.~~;
16 and any emergency protection orders issued pursuant to section
17 13-14-103 ~~C.R.S.~~, ~~entered~~ against either party WHEN THE OTHER SPOUSE
18 WAS THE PROTECTED PERSON, by any court, within ~~two~~ FIVE years prior
19 to the filing of the petition of dissolution of marriage or legal separation.
20 The disclosure required pursuant to this section ~~shall~~ MUST address the
21 subject matter of the previous restraining, civil protection, or emergency
22 protection orders, including the case number and jurisdiction issuing ~~such~~
23 THE orders.

24 **SECTION 4.** In Colorado Revised Statutes, 14-10-114, **amend**
25 (3)(c)(XII); and **add** (3)(c)(XII.5) as follows:

26 **14-10-114. Spousal maintenance - advisory guidelines -**
27 **legislative declaration - definitions.** (3) (c) **Factors affecting the**
28 **amount and term of maintenance.** In any proceeding for maintenance,
29 the court shall consider all relevant factors, including but not limited to:

30 (XII) Whether the maintenance is deductible for federal income
31 tax purposes by the payor and taxable income to the recipient, and any
32 adjustments to the amount of maintenance to equitably allocate the tax
33 burden between the parties; ~~and~~

34 (XII.5) WHETHER A SPOUSE HAS ENGAGED IN DOMESTIC VIOLENCE,
35 COERCIVE CONTROL, ECONOMIC ABUSE, LITIGATION ABUSE, EMOTIONAL
36 ABUSE, PHYSICAL ABUSE, OR UNLAWFUL SEXUAL BEHAVIOR AGAINST THE
37 OTHER SPOUSE; AND

38 **SECTION 5. Act subject to petition - effective date.** This act
39 takes effect at 12:01 a.m. on the day following the expiration of the
40 ninety-day period after final adjournment of the general assembly; except
41 that, if a referendum petition is filed pursuant to section 1 (3) of article V
42 of the state constitution against this act or an item, section, or part of this
43 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2026 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor."

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