



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Revised Fiscal Note

(replaces fiscal note dated April 1, 2021)

**Drafting Number:** LLS 21-0070 **Date:** May 17, 2021  
**Prime Sponsors:** Rep. Froelich **Bill Status:** Senate Judiciary  
 Sen. Smallwood; Winter **Fiscal Analyst:** Will Clark | 303-866-4720  
 Will.Clark@state.co.us

**Bill Topic:** DOMESTIC VIOLENCE TRAINING COURT PERSONNEL

**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill increases domestic violence and child abuse training and other requirements for court personnel who participate in domestic relations cases. The bill increases state expenditures on an ongoing basis

**Appropriation Summary:** For FY 2021-22, this bill requires an appropriation of \$86,680 to the Judicial Department.

**Fiscal Note Status:** This revised fiscal note reflects the reengrossed bill.

**Table 1**  
**State Fiscal Impacts Under HB 21-1228**

	Budget Year FY 2021-22	Out Year FY 2022-23
<b>Revenue</b>	-	-
<b>Expenditures</b>		
General Fund	\$86,680	\$88,074
Centrally Appropriated	\$20,433	\$22,153
<b>Total Expenditures</b>	<b>\$107,113</b>	<b>\$110,227</b>
<b>Total FTE</b>	<b>0.9 FTE</b>	<b>1.0 FTE</b>
<b>Transfers</b>	-	-
<b>TABOR Refund</b>	-	-

## **Summary of Legislation**

Beginning on January 1, 2022, the bill requires child and family investigators (CFIs) and parental responsibility evaluators (PREs) to have training related to domestic violence, coercive control and their effect on children, adults and families, as well as child abuse and child sexual abuse. Training must be provided by recognized sources with expertise in domestic violence and the traumatic effects of domestic violence, and must include six hours of training for both domestic violence and coercive control, as well as child abuse and child sexual abuse. CFIs and PREs must complete four hours of subsequent training every two years. The bill also requires legal representatives of children to comply with these provisions, and requires that reports related to domestic violence, child abuse and child sexual abuse that are submitted to a court by an investigator, evaluator or child's legal representative, be considered when determining parenting time and responsibilities. The bill requires the court to likewise consider any testimony by the child and family investigator, the parties involved, and any other professionals before adopting recommendations made by the investigator.

The bill also requires that the Office of the State Court Administrator maintain an eligibility roster for CFIs and PREs, and that a complaints process relating to both CFIs and PREs be established. The bill specifies that a Chief Justice Directive be created to implement these requirements.

## **Background**

CFIs and PREs may be appointed in domestic relations cases to evaluate the best interest of the child and make recommendations on parenting time, custody, child support, and other issues. Typically, a CFI report focuses on specific questions or disputes to resolve, whereas a PRE is often required to complete a more in-depth assessment when there are complex issues involving mental health, substance abuse, or domestic abuse in a case. While there are training and background check requirements to become a CFI, there are no specific professional qualifications. In contrast, a PRE must be a licensed mental health professional. CFIs are currently regulated by Chief Justice Directive, and 1.0 FTE in the Office of the State Court Administrator manages the CFI roster, training, and complaint process.

**State Expenditures**

The bill increases costs in the Judicial Department by \$107,113 and 0.9 FTE in FY 2021-22 and \$110,227 and 1.0 FTE in FY 2022-23, paid from the General Fund. Costs are shown in Table 2 and discussed in more detail below.

**Table 2  
 Expenditures Under HB 21-1228**

	FY 2021-22	FY 2022-23
<b>Judicial Department</b>		
Personal Services	\$79,130	\$86,324
Operating Expenses	\$1,350	\$1,350
Capital Outlay Costs	\$6,200	\$400
Centrally Appropriated Costs <sup>1</sup>	\$20,433	\$22,153
FTE – Personal Services	0.9 FTE	1.0 FTE
<b>Total Cost</b>	<b>\$107,113</b>	<b>\$110,227</b>
<b>Total FTE</b>	<b>0.9 FTE</b>	<b>1.0 FTE</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**Staffing costs.** The Office of the State Court Administrator in the Judicial Department will require 1.0 FTE to provide oversight and quality control over PREs through a new Chief Justice Directive, to evaluate complaints against PREs, verify the training and qualifications of PREs before adding them to the eligibility roster, and track completion of the new domestic violence and child abuse training requirements by PREs and CFIs. Costs in the first year are prorated for the General Fund payday shift. Many provisions of the bill concerning CFIs already exist in Chief Justice Directive and are codified into statute, and therefore do not drive new workload or costs.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$20,433 in FY 2021-22 and \$22,153 in FY 2022-23.

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

**State Appropriations**

For FY 2021-22, the bill requires a General Fund appropriation of \$86,680 to the Judicial Department, and 0.9 FTE.

## State and Local Government Contacts

Counties  
Judicial

Human Services  
Regulatory Agencies

Information Technology