

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0779.01 Conrad Imel x2313

HOUSE BILL 23-1159

HOUSE SPONSORSHIP

Luck, Bottoms, Joseph, Wilson

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STUDYING FAMILY LAW COURT PROCEEDINGS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes the commission to study family courts (commission) to evaluate family courts in Colorado and make recommendations to the general assembly for changes to the administration of family courts to better serve the people of Colorado.

The commission is comprised of 4 parents who have been involved in a family court case, 4 persons with lived experience as a child in a family court case, a victim advocate, a representative of a child support agency, a parental responsibility evaluator or child and family

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

investigator, 2 family law attorneys, a district judge with experience presiding over a family court, a representative of the state court administrator's office, a senator, and a member of the house of representatives. The legislative council staff and office of legislative legal services provide staff support to the commission. The commission may hire a person to assist the commission with compiling data and information relevant to the commission's duties and to prepare the commission's report.

The commission shall hold its first meeting no later than September 30, 2023, and shall meet at least once every 3 months. The commission may meet remotely and at locations throughout the state.

No later than September 30, 2024, the commission shall submit a report on family courts in Colorado to the judicial department and to the judiciary committees of the house of representatives and the senate. The report must include the commission's findings on issues it studied and any recommendations from the commission for improving the administration of family courts, including proposed legislation and funding sources for implementing any recommendations.

The commission is repealed December 31, 2024.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 5 to article
3 1 of title 13 as follows:

4 **PART 5**

5 **COMMISSION TO STUDY FAMILY COURTS**

6 **13-1-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "COMMISSION" MEANS THE COMMISSION TO STUDY FAMILY
9 COURTS CREATED IN SECTION 13-1-502.

10 (2) "FAMILY COURT" MEANS A COLORADO COURT, INCLUDING A
11 DEDICATED DOCKET OR DIVISION OF A DISTRICT COURT AND AN APPELLATE
12 COURT, THAT HEARS CASES INVOLVING DOMESTIC RELATIONS, INCLUDING
13 ACTIONS BROUGHT PURSUANT TO TITLE 14 AND ANY OTHER ACTION
14 INVOLVING CHILD CUSTODY AND SUPPORT; GRANDPARENTS' RIGHTS; AND

1 MARRIAGES AND UNIONS, INCLUDING THE DISSOLUTION OR LEGAL
2 SEPARATION OF MARRIAGES AND UNIONS.

3 **13-1-502. Commission to study family courts - creation -**
4 **membership - staff assistance.** (1) THERE IS CREATED THE COMMISSION
5 TO STUDY FAMILY COURTS TO CONDUCT AN OVERVIEW EXAMINATION OF
6 FAMILY COURTS IN COLORADO AND MAKE RECOMMENDATIONS TO THE
7 JUDICIAL DEPARTMENT AND GENERAL ASSEMBLY FOR AREAS REQUIRING
8 TARGETED EXAMINATION AND FOR CHANGES TO THE ADMINISTRATION OF
9 FAMILY COURTS TO BETTER SERVE THE PEOPLE OF COLORADO.

10 (2) (a) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

11 (I) FOUR MEMBERS WHO ARE PARENTS WHO HAVE BEEN INVOLVED
12 IN A FAMILY COURT CASE. THE PRESIDENT OF THE SENATE, THE MINORITY
13 LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF
14 REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF
15 REPRESENTATIVES SHALL EACH APPOINT ONE PARENT MEMBER TO THE
16 COMMISSION.

17 (II) FOUR MEMBERS WHO HAD LIVED EXPERIENCE AS A CHILD
18 WHILE UNDER EIGHTEEN YEARS OF AGE IN A FAMILY COURT CASE. THE
19 PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE
20 SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER
21 OF THE HOUSE OF REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER
22 WHO HAD LIVED EXPERIENCE AS A CHILD WHILE UNDER EIGHTEEN YEARS
23 OF AGE TO THE COMMISSION.

24 (III) ONE VICTIM ADVOCATE, APPOINTED BY A STATEWIDE
25 ORGANIZATION OF VICTIM ADVOCATES;

26 (IV) ONE REPRESENTATIVE OF A CHILD SUPPORT AGENCY,
27 APPOINTED BY A STATEWIDE CHILD SUPPORT AGENCY;

1 (V) ONE MEMBER WHO IS A PARENTAL RESPONSIBILITY
2 EVALUATOR, AS DESCRIBED IN SECTION 14-10-127, OR A CHILD AND
3 FAMILY INVESTIGATOR, AS DESCRIBED IN SECTION 14-10-116.5, WHO HAS
4 EXPERIENCE BEING APPOINTED TO CONDUCT EVALUATIONS OR
5 INVESTIGATIONS IN FAMILY COURT CASES, APPOINTED BY A STATEWIDE
6 ORGANIZATION REPRESENTING MENTAL HEALTH PROFESSIONALS;

7 (VI) TWO FAMILY LAW ATTORNEYS, AT LEAST ONE OF WHOM MUST
8 HAVE APPELLATE EXPERIENCE IN FAMILY LAW, APPOINTED BY THE
9 EXECUTIVE COUNCIL OF THE FAMILY LAW SECTION OF THE COLORADO BAR
10 ASSOCIATION. ONE OF THE ATTORNEYS MUST PRACTICE LAW IN A RURAL
11 AREA OF THE STATE AND THE OTHER MUST PRACTICE LAW IN AN URBAN
12 AREA OF THE STATE.

13 (VII) ONE DISTRICT JUDGE WITH EXPERIENCE PRESIDING OVER A
14 FAMILY COURT, APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO
15 SUPREME COURT;

16 (VIII) A REPRESENTATIVE OF THE STATE COURT ADMINISTRATOR'S
17 OFFICE, APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME
18 COURT;

19 (IX) ONE SENATOR, APPOINTED BY THE PRESIDENT OF THE SENATE;
20 AND

21 (X) ONE REPRESENTATIVE, APPOINTED BY THE MINORITY LEADER
22 OF THE HOUSE OF REPRESENTATIVES.

23 (b) THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS TO
24 THE COMMISSION NO LATER THAN SEPTEMBER 8, 2023, AND SHALL INFORM
25 THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE
26 APPOINTMENTS.

27 (c) IF, ON SEPTEMBER 9, 2023, A PERSON HAS NOT BEEN APPOINTED

1 AS A VICTIM ADVOCATE MEMBER AS DESCRIBED IN SUBSECTION (2)(a)(III)
2 OF THIS SECTION, AS A REPRESENTATIVE OF A CHILD SUPPORT AGENCY AS
3 DESCRIBED IN SUBSECTION (2)(a)(IV) OF THIS SECTION, OR AS AN
4 EVALUATOR OR INVESTIGATOR AS DESCRIBED IN SUBSECTION (2)(a)(V) OF
5 THIS SECTION, OR THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE
6 COUNCIL HAS RECEIVED MORE THAN ONE VALID APPOINTMENT PURSUANT
7 TO SUBSECTION (2)(a)(III), (2)(a)(IV), OR (2)(a)(V) OF THIS SECTION, THE
8 POSITION IS INITIALLY VACANT, AND THE FOUR PARENT MEMBERS
9 APPOINTED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION SHALL,
10 AT THE FIRST MEETING OF THE COMMISSION, APPOINT A MEMBER WHO
11 MEETS THE QUALIFICATIONS FOR THE VACANT POSITION.

12 (3) NOTWITHSTANDING SECTION 2-2-326, EACH MEMBER OF THE
13 COMMISSION SERVES WITHOUT COMPENSATION BUT IS ENTITLED TO
14 RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES
15 INCURRED IN THE PERFORMANCE OF THE MEMBER'S DUTIES.

16 (4) THE REPRESENTATIVE MEMBER OF THE COMMISSION APPOINTED
17 PURSUANT TO SUBSECTION (2)(a)(X) OF THIS SECTION IS THE CHAIR OF THE
18 COMMISSION AND THE SENATOR MEMBER OF THE COMMISSION APPOINTED
19 PURSUANT TO SUBSECTION (2)(a)(IX) OF THIS SECTION IS THE VICE-CHAIR
20 OF THE COMMISSION.

21 (5) (a) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
22 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL
23 SUPPLY STAFF ASSISTANCE TO THE COMMISSION. THE STAFF ASSISTANCE
24 PROVIDED BY THE DIRECTOR OF RESEARCH MAY INCLUDE DATA ANALYSIS.
25 THE STAFF ASSISTANCE DOES NOT INCLUDE DRAFTING OR FINALIZING THE
26 COMMISSION'S REPORT DESCRIBED IN SECTION 13-1-504, BUT MAY
27 INCLUDE, UPON REQUEST OF THE COMMISSION, SUBMITTING THE REPORT

1 TO THE JUDICIAL DEPARTMENT AND LEGISLATIVE COMMITTEES.

2 (b) THE CHAIR, WITH THE APPROVAL OF THE COMMISSION, MAY
3 HIRE A PERSON TO ASSIST THE COMMISSION WITH COMPILING DATA AND
4 INFORMATION RELEVANT TO THE COMMISSION'S DUTIES AND TO PREPARE
5 THE COMMISSION'S REPORT DESCRIBED IN SECTION 13-1-504.

6 (c) (I) THE JUDICIAL DEPARTMENT IS NOT REQUIRED TO PROVIDE
7 STAFF ASSISTANCE TO THE COMMISSION. THE JUDICIAL DEPARTMENT MAY
8 PROVIDE MEETING LOCATIONS OUTSIDE OF THE DENVER METROPOLITAN
9 AREA FOR THE COMMISSION'S USE.

10 (II) UPON REQUEST AND DIRECTION OF THE COMMISSION, THE
11 DEPARTMENT SHALL RETRIEVE, REDACT, AND PROVIDE TO THE
12 COMMISSION ALL CASE DOCUMENTS FOR A SAMPLING OF UP TO TWO
13 THOUSAND CASES FROM THE DEPARTMENT'S CASE MANAGEMENT SYSTEM.
14 IN ADDITION, THE DEPARTMENT SHALL, UPON REQUEST, PROVIDE THE
15 COMMISSION WITH ANY OTHER RELEVANT REQUESTED DATA FROM THE
16 DEPARTMENT'S CASE MANAGEMENT SYSTEM THAT DOES NOT INCLUDE
17 PROTECTED DISAGGREGATE INFORMATION.

18 (III) NOTWITHSTANDING ANY REQUIREMENT IN THIS SUBSECTION
19 (5)(c), THE JUDICIAL DEPARTMENT SHALL NOT PROVIDE CONFIDENTIAL
20 INFORMATION TO THE COMMISSION.

21 **13-1-503. Commission meetings - duties - areas of study -**
22 **legislative intent.** (1) (a) THE REPRESENTATIVE MEMBER OF THE
23 COMMISSION APPOINTED PURSUANT TO SECTION 13-1-502 (2)(a)(X) SHALL
24 SCHEDULE THE FIRST MEETING OF THE COMMISSION, TO BE HELD NO LATER
25 THAN SEPTEMBER 30, 2023.

26 (b) THE COMMISSION SHALL MEET AT LEAST ONCE EVERY THREE
27 MONTHS UNTIL IT SUBMITS THE REPORT REQUIRED PURSUANT TO SECTION

1 13-1-504. THE CHAIR MAY CALL ADDITIONAL MEETINGS AS NECESSARY
2 FOR THE COMMISSION TO COMPLETE ITS DUTIES; EXCEPT THAT THE
3 COMMISSION SHALL NOT MEET MORE THAN TWELVE TIMES. THE
4 COMMISSION MAY MEET REMOTELY.

5 (c) IN ORDER TO RECEIVE INPUT FROM THROUGHOUT THE STATE AS
6 DESCRIBED IN SUBSECTION (3) OF THIS SECTION, THE COMMISSION SHALL
7 TAKE PUBLIC TESTIMONY AT EACH COMMISSION MEETING AND MAY, AT
8 THE COMMISSION'S DISCRETION, HOLD UP TO FOUR IN-PERSON MEETINGS
9 OUTSIDE OF THE CAPITOL BUILDING AT ANY LOCATION IN THE STATE.

10 (2) THE COMMISSION SHALL CONDUCT AN OVERVIEW
11 EXAMINATION OF THE ADMINISTRATION OF FAMILY COURTS, INCLUDING
12 COURT OPERATIONS, JUDICIAL DECISIONS, AND THE SHORT-TERM AND
13 LONG-TERM OUTCOMES FOR FAMILIES INVOLVED IN FAMILY COURT CASES.
14 THE OVERVIEW EXAMINATION MUST INCLUDE AN EVALUATION OF, AND
15 COMPILE ACTIONABLE DATA ABOUT, THE FOLLOWING:

16 (a) THE COSTS TO PARTIES IN FAMILY COURT PROCEEDINGS,
17 INCLUDING COURT COSTS, FILING FEES, AND LITIGATION EXPENSES;

18 (b) THE TIMELINESS OF FAMILY COURT RULINGS AND EFFICIENCY
19 OF THE FAMILY COURT PROCESSES;

20 (c) THE EFFECTIVENESS OF COURT-APPOINTED INVESTIGATORS OR
21 EVALUATORS IN FAMILY COURT CASES, INCLUDING THE PROCEDURES FOR
22 APPOINTING, EVALUATING, OR MAKING A COMPLAINT ABOUT AN
23 INVESTIGATOR OR EVALUATOR;

24 (d) THE TRAINING AVAILABLE OR REQUIRED FOR JUDGES WHO
25 PRESIDE OVER A FAMILY COURT AND FOR COURT-APPOINTED
26 INVESTIGATORS OR EVALUATORS IN FAMILY COURT CASES;

27 (e) THE REVENUE GENERATED FOR COURTS AND THE JUDICIAL

1 DEPARTMENT FROM FAMILY COURT CASES, INCLUDING FILING FEES AND
2 ANY OTHER SOURCES OF REVENUE FROM THE ADMINISTRATION OF FAMILY
3 COURTS;

4 (f) THE IMPACT OF PARTIES' DEMOGRAPHIC INFORMATION ON
5 COURT DECISIONS, INCLUDING DECISIONS CONCERNING CHILD SUPPORT,
6 ALIMONY, AND CHILD CUSTODY;

7 (g) THE IMPACT OF INDIGENCY AND SELF-REPRESENTED LITIGANTS
8 ON FAMILY COURTS' FACT-FINDING AND RULINGS;

9 (h) THE CONSISTENCY OF FAMILY COURT RULINGS IN CASES
10 INVOLVING SIMILARLY SITUATED INDIVIDUALS;

11 (i) THE APPEAL OPTIONS FOR PARTIES IN FAMILY COURT CASES AND
12 OTHER RECOURSE OPTIONS FOR PARTIES WHO ARE AGGRIEVED BY THE
13 CONDUCT OF A JUDICIAL OFFICER OR ATTORNEY, INCLUDING REPORTS TO
14 THE COLORADO JUDICIAL DISCIPLINE COMMISSION, THE ATTORNEY
15 REGULATION COUNSEL, AND THE COLORADO BAR ASSOCIATION;

16 (j) THE LONG-TERM EFFECT OF FAMILY COURT RULINGS ON THE
17 FAMILIES INVOLVED IN A FAMILY COURT CASE; AND

18 (k) JUDICIAL MISCONDUCT COMPLAINTS AND DISCIPLINE FINDINGS.

19 (3) IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE COMMISSION
20 CONDUCT A GENERAL OVERVIEW EXAMINATION OF THE SUBJECTS
21 DESCRIBED IN SUBSECTION (2) OF THIS SECTION IN ORDER TO IDENTIFY
22 AREAS OF FAMILY COURT ADMINISTRATION THAT WARRANT FURTHER,
23 MORE DETAILED EXAMINATION AND ANALYSIS, AND RECOMMEND INITIAL
24 CHANGES TO FAMILY COURTS TO BETTER SERVE PARTICIPANTS IN FAMILY
25 COURT CASES. THE GENERAL ASSEMBLY DOES NOT INTEND THAT THE
26 COMMISSION WILL CONDUCT A DETAILED EXAMINATION AND ANALYSIS OF
27 FAMILY COURT ADMINISTRATION.

1 (4) THE COMMISSION SHALL COMMUNICATE WITH AND OBTAIN
2 INPUT FROM INDIVIDUALS AND GROUPS THROUGHOUT THE STATE
3 AFFECTED BY THE ISSUES STUDIED BY THE COMMISSION. THE COMMISSION
4 SHALL ALSO ACCEPT AND CONSIDER WRITTEN TESTIMONY, REPORTS, AND
5 RESEARCH FROM INDIVIDUALS AND PRIVATE ENTITIES.

6 **13-1-504. Commission report.** (1) NO LATER THAN SEPTEMBER
7 30, 2024, THE COMMISSION SHALL SUBMIT A REPORT ON FAMILY COURTS
8 IN COLORADO TO THE JUDICIAL DEPARTMENT AND TO THE HOUSE OF
9 REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY
10 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

11 (2) THE REPORT MUST INCLUDE:

12 (a) A SUMMARY OF THE COMMISSION'S WORK;

13 (b) THE COMMISSION'S FINDINGS ON ISSUES STUDIED PURSUANT TO
14 SECTION 13-1-503 (2);

15 (c) ANY COMMISSION RECOMMENDATIONS FOR IMPROVING THE
16 ADMINISTRATION OF FAMILY COURTS IN COLORADO, INCLUDING PROPOSED
17 LEGISLATION AND FUNDING SOURCES FOR IMPLEMENTING ANY
18 RECOMMENDATIONS; AND

19 (d) AS AN APPENDIX TO THE REPORT, THE DATA AND INFORMATION
20 COMPILED BY THE COMMISSION, IN AGGREGATE FORM AND EXCLUDING
21 PERSONALLY IDENTIFIABLE INFORMATION THAT MAY BE USED, ALONE OR
22 IN CONJUNCTION WITH ANY OTHER INFORMATION, TO IDENTIFY A SPECIFIC
23 INDIVIDUAL. IN THE ELECTRONIC VERSION OF THE REPORT, THE DATA AND
24 INFORMATION MUST BE IN A SEARCHABLE AND SORTABLE FORMAT.

25 **13-1-505. Repeal of part.** THIS PART 5 IS REPEALED, EFFECTIVE
26 DECEMBER 31, 2024.

27 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2024 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.