

CHAPTER 131

COURTS

HOUSE BILL 24-1291

BY REPRESENTATIVE(S) English and Joseph, Bacon, Clifford, Epps, Jodeh, Ricks, Rutinel, Snyder, Weissman, Woodrow, Garcia, Hernandez, Lindsay, Mabrey;
also SENATOR(S) Roberts and Gardner, Buckner, Cutter, Exum, Lundeen, Michaelson Jenet, Priola.

AN ACT**CONCERNING A LICENSED LEGAL PARAPROFESSIONAL'S AUTHORITY TO REPRESENT INDIVIDUALS
IN CERTAIN DOMESTIC RELATIONS MATTERS.**

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

SECTION 1. In Colorado Revised Statutes, **add** part 3 to article 93 of title 13 as follows:

**PART 3
LICENSED LEGAL PARAPROFESSIONALS**

13-93-301. License to practice necessary. (1) AN INDIVIDUAL SHALL NOT PRACTICE AS A LEGAL PARAPROFESSIONAL WITHOUT HAVING PREVIOUSLY OBTAINED A LICENSE TO PERFORM CERTAIN TYPES OF LEGAL SERVICES AS A LICENSED LEGAL PARAPROFESSIONAL PURSUANT TO THE SUPREME COURT'S RULES GOVERNING LICENSED LEGAL PARAPROFESSIONALS.

(2) UPON REQUEST OF THE SUPREME COURT OR A REPRESENTATIVE OF ITS OFFICE OF ATTORNEY REGULATION COUNSEL, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT, UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. UPON COMPLETION OF THE CRIMINAL HISTORY RECORD CHECK, THE COLORADO BUREAU OF INVESTIGATION SHALL PROVIDE THE RESULTS TO THE REQUESTING AGENCY.

(3) UPON REQUEST OF THE SUPREME COURT OR A REPRESENTATIVE OF ITS OFFICE OF ATTORNEY REGULATION COUNSEL, AN APPLICANT SHALL PROVIDE A NAME-BASED

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), IF THE APPLICANT HAS A RECORD OF ARREST WITHOUT A DISPOSITION.

(4) LOCAL LAW ENFORCEMENT AGENCIES SHALL COOPERATE WITH ANY SUPREME COURT REQUEST FOR RECORDS RELATED TO AN APPLICANT'S CRIMINAL HISTORY.

13-93-302. Scope of authority to practice. (1) A LICENSED LEGAL PARAPROFESSIONAL'S SCOPE OF PRACTICE IS LIMITED TO REPRESENTING A CLIENT IN:

(a) A LEGAL SEPARATION, DECLARATION OF INVALIDITY OF MARRIAGE, OR DISSOLUTION OF MARRIAGE OR CIVIL UNION;

(b) AN INITIAL ALLOCATION OR MODIFICATION OF AN ALLOCATION OF PARENTAL RESPONSIBILITY MATTER, INCLUDING PARENTAGE DETERMINATIONS;

(c) A MATTER INVOLVING ESTABLISHMENT OR MODIFICATION OF CHILD SUPPORT OR MAINTENANCE;

(d) SEEKING, MODIFYING, OR TERMINATING A CIVIL PROTECTION ORDER PURSUANT TO ARTICLE 14 OF THIS TITLE 13;

(e) A MATTER INVOLVING A NAME CHANGE PURSUANT TO SECTION 13-15-101; AND

(f) A MATTER INVOLVING A REQUEST FOR AN AMENDED BIRTH CERTIFICATE TO CHANGE THE SEX DESIGNATION OF AN ADULT PURSUANT TO SECTION 25-2-113.8.

(2) A LICENSED LEGAL PARAPROFESSIONAL SHALL NOT:

(a) ENGAGE IN ANY TASKS OR ACTIVITIES THAT ARE PROHIBITED BY THE COLORADO SUPREME COURT PURSUANT TO COURT RULES;

(b) REPRESENT A CLIENT IN MATTERS GOVERNED BY ARTICLE 2.5, 3, 3.1, 3.3, 4.5, 5, 5.5, OR 7 OF TITLE 19; OR

(c) REPRESENT A CLIENT IN AN IMMIGRATION MATTER PURSUANT TO SECTION 6-1-727 UNLESS AUTHORIZED PURSUANT TO FEDERAL LAW TO REPRESENT AN INDIVIDUAL IN IMMIGRATION MATTERS.

13-93-303. No discrimination - issuance of license. AN INDIVIDUAL SHALL NOT DENY ANOTHER INDIVIDUAL A LICENSE TO PRACTICE LAW AS A LEGAL PARAPROFESSIONAL ON ACCOUNT OF RACE, CREED, COLOR, RELIGION, DISABILITY, AGE, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY.

13-93-304. License fee. THE LICENSE FEE FOR A LICENSE TO PRACTICE LAW AS A LEGAL PARAPROFESSIONAL IN THIS STATE IS SET BY THE SUPREME COURT'S RULES GOVERNING LICENSED LEGAL PARAPROFESSIONALS.

13-93-305. Clerk of supreme court keeps roll of licensed legal paraprofessionals. THE CLERK OF THE SUPREME COURT SHALL MAKE AND KEEP A

ROLL OR RECORD OF INDIVIDUALS WHO ARE LICENSED TO PRACTICE LAW AS A LICENSED LEGAL PARAPROFESSIONAL WITHIN THIS STATE AND WHO HAVE TAKEN THE PRESCRIBED OATH.

13-93-306. Supreme court may strike name. AN INDIVIDUAL WHO IS NOT LISTED IN THE ROLL CREATED PURSUANT TO SECTION 13-93-305 SHALL NOT BE ADMITTED TO PRACTICE AS A LICENSED LEGAL PARAPROFESSIONAL WITHIN THIS STATE AND IS SUBJECT TO THE PENALTY DESCRIBED IN SECTION 13-93-309. THE JUSTICES OF THE SUPREME COURT IN OPEN COURT, AT THE JUSTICES' DISCRETION, MAY STRIKE THE NAME OF ANY LICENSED LEGAL PARAPROFESSIONAL FROM THE ROLL FOR MALCONDUCT IN THE LEGAL PARAPROFESSIONAL'S OFFICE.

13-93-307. Individuals forbidden to practice. A CORONER, SHERIFF, DEPUTY SHERIFF, OR JAILER, THOUGH QUALIFIED, SHALL NOT PRACTICE AS A LICENSED LEGAL PARAPROFESSIONAL IN THE COUNTY IN WHICH THE INDIVIDUAL IS COMMISSIONED OR APPOINTED, AND A CLERK OF THE SUPREME COURT OR DISTRICT COURT SHALL NOT PRACTICE AS A LICENSED LEGAL PARAPROFESSIONAL IN THE COURT IN WHICH THE INDIVIDUAL IS THE CLERK.

13-93-308. Judge not to act as licensed legal paraprofessional. (1) IT IS UNLAWFUL FOR JUDGES OF THE DISTRICT, COUNTY, AND MUNICIPAL COURTS TO:

(a) COUNSEL OR ADVISE IN OR WRITE ANY PETITION OR ANSWER OR OTHER PLEADINGS IN ANY PROCEEDING AS A LICENSED LEGAL PARAPROFESSIONAL;

(b) PERFORM ANY SERVICE AS A LICENSED LEGAL PARAPROFESSIONAL; OR

(c) BE INTERESTED IN ANY PROFITS OR EMOLUMENTS ARISING OUT OF ANY PRACTICE IN ANY OF THE COURTS, EXCEPT COSTS IN THE JUDGE'S OWN COURTS.

(2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO:

(a) A COUNTY COURT JUDGE WHO IS ALSO A LICENSED LEGAL PARAPROFESSIONAL WHO PRACTICES IN COUNTIES OF CERTAIN CLASSES AS SPECIFIED BY THE LAWS RELATING TO COUNTY COURTS IN COURTS OTHER THAN THE JUDGE'S COUNTY COURT AND IN MATTERS THAT HAVE NOT COME BEFORE THE COUNTY COURT; AND

(b) A MUNICIPAL JUDGE WHO IS ALSO A LICENSED LEGAL PARAPROFESSIONAL WHO PRACTICES IN COURTS OTHER THAN THE JUDGE'S MUNICIPAL COURT AND IN MATTERS THAT HAVE NOT COME BEFORE THE MUNICIPAL COURT.

13-93-309. Practicing law without license deemed contempt. AN INDIVIDUAL WHO, WITHOUT HAVING OBTAINED A LICENSE FROM THE SUPREME COURT OF THIS STATE, ADVERTISES, REPRESENTS, OR HOLDS THE INDIVIDUAL'S SELF OUT IN ANY MANNER AS A LICENSED LEGAL PARAPROFESSIONAL OR WHO APPEARS IN ANY COURT OF RECORD IN THIS STATE TO CONDUCT A SUIT, ACTION, PROCEEDING, OR CAUSE FOR ANOTHER INDIVIDUAL IS GUILTY OF CONTEMPT OF THE SUPREME COURT OF THIS STATE AND OF THE COURT IN WHICH THE INDIVIDUAL APPEARS AND MUST BE PUNISHED ACCORDING TO LAW.

13-93-310. Notice of charges - time to show cause. BEFORE A LICENSED LEGAL PARAPROFESSIONAL'S NAME IS STRICKEN OFF THE ROLL CREATED IN SECTION 13-93-305, THE CLERK OF THE SUPREME COURT SHALL PROVIDE WRITTEN NOTICE TO THE LICENSED LEGAL PARAPROFESSIONAL STATING DISTINCTLY THE GROUNDS OF COMPLAINT OR THE CHARGES EXHIBITED AGAINST THE LICENSED LEGAL PARAPROFESSIONAL. AFTER RECEIVING THE NOTICE, THE LICENSED LEGAL PARAPROFESSIONAL MAY REQUEST A HEARING AND MUST BE ALLOWED REASONABLE TIME TO COLLECT AND PREPARE TESTIMONY FOR THE LICENSED LEGAL PARAPROFESSIONAL'S DEFENSE. ANY LICENSED LEGAL PARAPROFESSIONAL WHOSE NAME, AT ANY TIME, IS STRICKEN FROM THE ROLL BY ORDER OF THE COURT IS CONSIDERED AS THOUGH THE LICENSED LEGAL PARAPROFESSIONAL'S NAME HAD NEVER BEEN WRITTEN ON THE ROLL UNTIL A TIME WHEN THE JUSTICES, IN OPEN COURT, AUTHORIZE THE LICENSED LEGAL PARAPROFESSIONAL TO BE LISTED ON THE ROLL.

13-93-311. Licensed legal paraprofessional not to be surety. A LICENSED LEGAL PARAPROFESSIONAL SHALL NOT BECOME SURETY IN ANY BOND OR RECOGNIZANCE OF ANY SHERIFF OR CORONER, IN ANY BOND OR RECOGNIZANCE FOR THE APPEARANCE OF ANY PERSON CHARGED WITH ANY PUBLIC OFFENSE, OR UPON ANY BOND OR RECOGNIZANCE AUTHORIZED BY ANY STATUTE TO BE TAKEN FOR THE PAYMENT OF ANY SUM OF MONEY INTO COURT IN DEFAULT OF THE PRINCIPAL, WITHOUT THE CONSENT OF A JUDGE OF THE DISTRICT COURT FIRST HAVING APPROVED THE SURETY.

13-93-312. Judge not to have law partner. A JUDGE SHALL NOT HAVE A PARTNER ACTING AS ATTORNEY, COUNSEL, OR LICENSED LEGAL PARAPROFESSIONAL IN ANY COURT IN THE JUDGE'S JUDICIAL DISTRICT, COUNTY, MUNICIPALITY, OR PRECINCT.

13-93-313. Licensed legal paraprofessional's lien - notice of claim filed. A LICENSED LEGAL PARAPROFESSIONAL HAS A LIEN ON ANY MONEY, PROPERTY, CHOSES IN ACTION, OR CLAIMS AND DEMANDS IN THE LICENSED LEGAL PARAPROFESSIONAL'S HANDS, ON ANY JUDGMENT THE LICENSED LEGAL PARAPROFESSIONAL MAY HAVE OBTAINED OR ASSISTED IN OBTAINING, IN WHOLE OR IN PART, AND ON ANY AND ALL CLAIMS AND DEMANDS IN SUIT FOR ANY FEES OR BALANCE OF FEES DUE OR TO BECOME DUE FROM ANY CLIENT. IN THE CASE OF DEMANDS IN SUIT AND IN THE CASE OF JUDGMENTS OBTAINED IN WHOLE OR IN PART BY ANY LICENSED LEGAL PARAPROFESSIONAL, THE LICENSED LEGAL PARAPROFESSIONAL MAY FILE, WITH THE CLERK OF THE COURT WHEN A CAUSE IS PENDING, NOTICE OF THE LICENSED LEGAL PARAPROFESSIONAL'S CLAIM AS LIENOR, SETTING FORTH SPECIFICALLY THE AGREEMENT OF COMPENSATION BETWEEN THE LICENSED LEGAL PARAPROFESSIONAL AND THE LICENSED LEGAL PARAPROFESSIONAL'S CLIENT, WHICH NOTICE, DULY ENTERED OF RECORD, IS NOTICE TO ALL PERSONS AND TO ALL PARTIES, INCLUDING THE JUDGMENT CREDITOR, TO ALL PERSONS IN THE CASE AGAINST WHOM A DEMAND EXISTS, AND TO ALL PERSONS CLAIMING BY, THROUGH, OR UNDER ANY PERSON HAVING A DEMAND IN SUIT OR HAVING OBTAINED A JUDGMENT THAT THE LICENSED LEGAL PARAPROFESSIONAL WHOSE APPEARANCE HAS BEEN ENTERED HAS A FIRST LIEN ON THE DEMAND IN SUIT OR ON THE JUDGMENT FOR THE AMOUNT OF THE LICENSED LEGAL PARAPROFESSIONAL'S FEES. THE NOTICE OF LIEN SHALL NOT BE PRESENTED IN ANY

MANNER TO THE JURY IN THE CASE IN WHICH THE SAME IS FILED. THE LIEN MAY BE ENFORCED BY THE PROPER CIVIL ACTION.

13-93-314. Other property to which lien attaches. A LICENSED LEGAL PARAPROFESSIONAL HAS A LIEN FOR A GENERAL BALANCE OF COMPENSATION UPON ANY PAPERS OF THE LICENSED LEGAL PARAPROFESSIONAL'S CLIENT THAT HAVE COME INTO THE LICENSED LEGAL PARAPROFESSIONAL'S POSSESSION IN THE COURSE OF THE LICENSED LEGAL PARAPROFESSIONAL'S PROFESSIONAL EMPLOYMENT AND UPON MONEY DUE TO THE LICENSED LEGAL PARAPROFESSIONAL'S CLIENT IN THE HANDS OF THE ADVERSE PARTY IN AN ACTION OR PROCEEDING IN WHICH THE LICENSED LEGAL PARAPROFESSIONAL WAS EMPLOYED FROM THE TIME OF GIVING NOTICE OF THE LIEN TO THAT PARTY.

SECTION 2. In Colorado Revised Statutes, 13-14-104.5, **amend** (6) as follows:

13-14-104.5. Procedure for temporary civil protection order. (6) At the time a protection order is requested pursuant to this section, the court shall inquire about, and the requesting party and ~~such~~ THE party's attorney ~~shall~~ OR LICENSED LEGAL PARAPROFESSIONAL have an independent duty to disclose, knowledge ~~such~~ THE party and ~~such~~ THE party's attorney OR LICENSED LEGAL PARAPROFESSIONAL may have concerning the existence of any prior protection or restraining order of any court addressing in whole or in part the subject matter of the requested protection order. In the event there are conflicting restraining or protection orders, the court shall consider, as its first priority, issues of public safety. An order that prevents assaults, threats of assault, or other harm ~~shall~~ MUST be given precedence over an order that deals with the disposition of property or other tangible assets. Every effort ~~shall~~ MUST be made by judicial officers to clarify conflicting orders.

SECTION 3. In Colorado Revised Statutes, 13-14-108, **amend** (3)(a)(II) as follows:

13-14-108. Modification and termination of civil protection orders. (3)(a)(II) Notwithstanding the prohibition in ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (3)(a)(I) OF THIS SECTION, a protection order may be modified or dismissed on the motion of the protected person, or the person's attorney, LICENSED LEGAL PARAPROFESSIONAL, parent or legal guardian if a minor, or conservator or legal guardian if one has been appointed; except that this ~~paragraph (a)~~ SUBSECTION (3)(a) does not apply if the parent, legal guardian, or conservator is the restrained person.

SECTION 4. In Colorado Revised Statutes, **amend** 13-17-101 as follows:

13-17-101. Legislative declaration. The general assembly recognizes that courts of record of this state have become increasingly burdened with litigation which is straining the judicial system and interfering with the effective administration of civil justice. In response to this problem, the general assembly hereby sets forth provisions for the recovery of attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES in courts of record when the bringing or defense of an action, or part thereof (including any claim for exemplary damages), is determined to have been substantially frivolous, substantially groundless, or substantially vexatious. All

courts shall liberally construe the provisions of this ~~article~~ ARTICLE 17 to effectuate substantial justice and comply with the intent set forth in this section.

SECTION 5. In Colorado Revised Statutes, 13-17-102, **amend** (2.1), (3), (4), (5), (6), and (7); and **add** (1.5), (2.5), and (9) as follows:

13-17-102. Attorney fees - licensed legal paraprofessional - definitions.

(1.5) SUBJECT TO THE PROVISIONS OF THIS SECTION, IN ANY CIVIL ACTION, AS DESCRIBED IN SECTION 13-93-302, COMMENCED OR APPEALED IN ANY COURT OF RECORD IN THIS STATE, THE COURT MAY AWARD, EXCEPT AS PROVIDED IN THIS ARTICLE 17, AS PART OF ITS JUDGMENT AND IN ADDITION TO ANY COSTS OTHERWISE ASSESSED, REASONABLE LICENSED LEGAL PARAPROFESSIONAL FEES.

(2.1) Notwithstanding any other provision of this part 1, the filing of a certificate of review pursuant to section 13-20-602 related to any licensed health-care professional ~~shall create~~ CREATES a rebuttable presumption that the claim or action is not frivolous or groundless, but it ~~shall~~ DOES not relieve the plaintiff or ~~his~~ THE PLAINTIFF'S attorney OR LICENSED LEGAL PARAPROFESSIONAL from ongoing obligations under rule 11 of Colorado rules of civil procedure.

(2.5) SUBJECT TO THE LIMITATIONS SET FORTH ELSEWHERE IN THIS ARTICLE 17, IN ANY CIVIL ACTION, AS DESCRIBED IN SECTION 13-93-302, COMMENCED OR APPEALED IN ANY COURT OF RECORD IN THIS STATE, THE COURT SHALL AWARD, BY WAY OF JUDGMENT OR SEPARATE ORDER, REASONABLE LICENSED LEGAL PARAPROFESSIONAL FEES AGAINST ANY ATTORNEY, LICENSED LEGAL PARAPROFESSIONAL, OR PARTY WHO HAS BROUGHT OR DEFENDED A CIVIL ACTION, EITHER IN WHOLE OR IN PART, THAT THE COURT DETERMINES LACKED SUBSTANTIAL JUSTIFICATION.

(3) When a court determines that reasonable attorney fees OR REASONABLE LICENSED LEGAL PARAPROFESSIONAL FEES should be assessed, ~~it~~ THE COURT shall allocate the payment ~~thereof~~ OF THE FEES among the offending attorneys, LICENSED LEGAL PARAPROFESSIONALS, and parties, jointly or severally, as ~~it~~ THE COURT deems most just, and may charge ~~such~~ AN amount or portion ~~thereof~~, to any offending attorney, LICENSED LEGAL PARAPROFESSIONAL, or party.

(4) The court shall assess attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES if, upon the motion of any party or the court itself, ~~it~~ THE COURT finds that an attorney, LICENSED LEGAL PARAPROFESSIONAL, or party brought or defended an action, or any part ~~thereof~~ OF AN ACTION, that lacked substantial justification or that the action, or any part ~~thereof~~ OF THE ACTION, was interposed for delay or harassment or if ~~it~~ THE COURT finds that an attorney, LICENSED LEGAL PARAPROFESSIONAL, or party unnecessarily expanded the proceeding by other improper conduct, including, but not limited to, abuses of discovery procedures available under the Colorado rules of civil procedure or a designation by a defending party ~~under~~ PURSUANT TO section 13-21-111.5 (3) that lacked substantial justification. ~~As used in this article, "lacked substantial justification" means substantially frivolous, substantially groundless, or substantially vexatious.~~

(5) ~~No~~ Attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES shall NOT be assessed if, after filing suit, a voluntary dismissal is filed as to any claim or action

within a reasonable time after the attorney, LICENSED LEGAL PARAPROFESSIONAL, or party filing the dismissal knew, or reasonably should have known, that ~~he~~ THE ATTORNEY, LICENSED LEGAL PARAPROFESSIONAL, OR PARTY would not prevail on ~~said~~ THE claim or action.

(6) ~~No~~ A party who is appearing without an attorney OR LICENSED LEGAL PARAPROFESSIONAL shall NOT be assessed attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES unless the court finds that the party clearly knew or reasonably should have known that ~~his~~ THE PARTY'S action or defense, or any part ~~thereof~~ OF THE ACTION OR DEFENSE, was substantially frivolous, substantially groundless, or substantially vexatious; except that this subsection (6) ~~shall~~ DOES not apply to situations in which an attorney OR LEGAL PARAPROFESSIONAL licensed to practice law in this state is appearing without an attorney OR A LICENSED LEGAL PARAPROFESSIONAL, in which case, ~~he shall be~~ THE ATTORNEY OR LICENSED LEGAL PARAPROFESSIONAL IS held to the standards established for attorneys OR LICENSED LEGAL PARAPROFESSIONALS elsewhere in this ~~article~~ ARTICLE 17.

(7) No attorney, LICENSED LEGAL PARAPROFESSIONAL, or party shall be assessed attorney fees ~~as to~~ OR LICENSED LEGAL PARAPROFESSIONAL FEES FOR any claim or defense ~~which~~ THAT the court determines was asserted by ~~said~~ THE attorney, LICENSED LEGAL PARAPROFESSIONAL, or party in a good faith attempt to establish a new theory of law in Colorado.

(9) AS USED IN THIS ARTICLE 17, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LACKED SUBSTANTIAL JUSTIFICATION" MEANS SUBSTANTIALLY FRIVOLOUS, SUBSTANTIALLY GROUNDLESS, OR SUBSTANTIALLY VEXATIOUS.

(b) "LICENSED LEGAL PARAPROFESSIONAL" MEANS AN INDIVIDUAL LICENSED BY THE COLORADO SUPREME COURT PURSUANT TO COLORADO RULES OF CIVIL PROCEDURE AND ARTICLE 93 OF THIS TITLE 13 TO PERFORM CERTAIN TYPES OF LEGAL SERVICES. A "LICENSED LEGAL PARAPROFESSIONAL" DOES NOT INCLUDE AN INDIVIDUAL WITH A GENERAL LICENSE TO PRACTICE LAW IN COLORADO.

SECTION 6. In Colorado Revised Statutes, 13-17-103, **amend** (1) introductory portion as follows:

13-17-103. Procedure for determining reasonable fee - judicial discretion.

(1) In determining the amount of an attorney fee OR LICENSED LEGAL PARAPROFESSIONAL FEE award, the court shall exercise ~~its~~ sound discretion. When granting an award of attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES, the court shall specifically set forth the reasons for ~~said~~ THE award and ~~shall~~ MUST consider the following factors, among others, in determining whether to assess attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES and the amount of ~~attorney~~ fees to be assessed against any offending attorney, LICENSED LEGAL PARAPROFESSIONAL, or party:

SECTION 7. In Colorado Revised Statutes, **amend** 13-17-104 as follows:

13-17-104. Fee arrangements between attorney or licensed legal paraprofessional and client. The attorney OR LICENSED LEGAL PARAPROFESSIONAL

and ~~his~~ THE CLIENT ~~shall remain~~ ARE free to negotiate in private the actual fee ~~which~~ THAT the client is to pay ~~his~~ THE CLIENT'S ATTORNEY OR LICENSED LEGAL PARAPROFESSIONAL.

SECTION 8. In Colorado Revised Statutes, **amend** 13-17-105 as follows:

13-17-105. Stipulation as to fees. With the approval of the court, two or more parties to an action may agree, by written stipulation filed with the court or by oral stipulation in open court, to no award of attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES or an award of attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES in a manner different from that provided in this ~~article~~ ARTICLE 17.

SECTION 9. In Colorado Revised Statutes, **amend** 13-17-106 as follows:

13-17-106. Applicability. This ~~article shall apply~~ ARTICLE 17 APPLIES in all cases covered by this ~~article~~ ARTICLE 17 unless attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES are otherwise specifically provided by statute, in which case the provision allowing the greater award ~~shall prevail~~ PREVAILS.

SECTION 10. In Colorado Revised Statutes, 13-90-107, **amend** (1)(b) as follows:

13-90-107. Who may not testify without consent - definitions. (1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person must not be examined as a witness in the following cases:

(b) An attorney OR LICENSED LEGAL PARAPROFESSIONAL shall not be examined without the consent of ~~his~~ THE ATTORNEY'S OR LICENSED LEGAL PARAPROFESSIONAL'S client as to any communication made by the client to ~~him or his advice given thereon~~ THE ATTORNEY OR LICENSED LEGAL PARAPROFESSIONAL OR TO ANY ADVICE GIVEN TO THE CLIENT BY THE CLIENT'S ATTORNEY OR LICENSED LEGAL PARAPROFESSIONAL in the course of professional employment; nor shall an attorney's OR LICENSED LEGAL PARAPROFESSIONAL'S secretary, paralegal, legal assistant, stenographer, or clerk be examined without the consent of ~~his employer~~ THE ATTORNEY OR LICENSED LEGAL PARAPROFESSIONAL concerning any fact, the knowledge of which ~~he has~~ IS acquired in ~~such~~ THE PERSON'S capacity AS THE ATTORNEY'S OR LICENSED LEGAL PARAPROFESSIONAL'S EMPLOYEE.

SECTION 11. In Colorado Revised Statutes, 14-10-108, **amend** (1) and (7) as follows:

14-10-108. Temporary orders in a dissolution case. (1) In a proceeding for dissolution of marriage, legal separation, the allocation of parental responsibilities, or declaration of invalidity of marriage or a proceeding for disposition of property, maintenance, or support following dissolution of the marriage, either party may move for temporary payment of debts, use of property, maintenance, parental responsibilities, support of a child of the marriage entitled to support, or payment of attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES. The motion may be

supported by an affidavit setting forth the factual basis for the motion and the amounts requested.

(7) At the time a protection order is requested pursuant to part 1 of article 14 of title 13, ~~C.R.S.~~, the court shall inquire about, and the requesting party and ~~such~~ THE party's attorney ~~shall have~~ OR LICENSED LEGAL PARAPROFESSIONAL HAS an independent duty to disclose, knowledge ~~such~~ THE party and ~~such~~ THE party's attorney OR LICENSED LEGAL PARAPROFESSIONAL may have concerning the existence of any prior protection orders or restraining orders of any court addressing in whole or in part the subject matter of the requested protection order.

SECTION 12. In Colorado Revised Statutes, 14-10-114, **amend** (7)(b) as follows:

14-10-114. Spousal maintenance - advisory guidelines - legislative declaration - definitions. (7) Maintenance agreements - waiver - unrepresented parties. (b) In any proceeding that falls within the maintenance guidelines set forth in subsection (3) of this section, at the time of either temporary orders or permanent orders, if either party is not represented by an attorney OR A LICENSED LEGAL PARAPROFESSIONAL, the court shall not approve an agreement waiving maintenance or agreeing to an amount or term of maintenance that does not follow the maintenance guidelines unless the unrepresented party has indicated that ~~he or she~~ THE PARTY is aware of the maintenance guidelines pursuant to this section.

SECTION 13. In Colorado Revised Statutes, 14-10-116, **amend** (2.5)(a) as follows:

14-10-116. Appointment in domestic relations cases - representation of the best interests of the child - legal representative of the child - disclosure - short title. (2.5) (a) Within seven days after ~~his or her~~ THE appointment, the appointed person shall disclose to each party, attorneys OR LICENSED LEGAL PARAPROFESSIONALS of record, and the court any familial, financial, or social relationship that the appointed person has or has had with the child, either party, the attorneys OR LICENSED LEGAL PARAPROFESSIONALS of record, or the judicial officer and, if a relationship exists, the nature of the relationship.

SECTION 14. In Colorado Revised Statutes, 14-10-116.5, **amend** (2.5)(a) as follows:

14-10-116.5. Appointment in domestic relations cases - child and family investigator - disclosure - background check. (2.5) (a) Within seven days after ~~his or her~~ THE appointment, the appointed person shall disclose to each party, attorneys OR LICENSED LEGAL PARAPROFESSIONALS of record, and the court any familial, financial, or social relationship that the appointed person has or has had with the child, either party, the attorneys OR LICENSED LEGAL PARAPROFESSIONALS of record, or the judicial officer and, if a relationship exists, the nature of the relationship.

SECTION 15. In Colorado Revised Statutes, **amend** 14-10-119 as follows:

14-10-119. Attorney and licensed legal paraprofessional fees. The court from time to time, after considering the financial resources of both parties, may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 10 and for ~~attorney's~~ ATTORNEY FEES OR LICENSED LEGAL PARAPROFESSIONAL FEES, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or after entry of judgment. The court may order that the amount be paid directly to the attorney OR THE LICENSED LEGAL PARAPROFESSIONAL, who may enforce the order in ~~his~~ THE ATTORNEY'S OR THE LICENSED LEGAL PARAPROFESSIONAL'S name.

SECTION 16. In Colorado Revised Statutes, 14-10-120.3, **amend** (1)(a) as follows:

14-10-120.3. Dissolution of marriage or legal separation upon affidavit - requirements. (1) Final orders in a proceeding for dissolution of marriage or legal separation may be entered upon the affidavit of either or both parties when:

(a) There are no minor children of the husband and wife and the wife is not pregnant or the husband and wife are both represented by counsel OR BY A LICENSED LEGAL PARAPROFESSIONAL and have entered into a separation agreement that provides for the allocation of parental responsibilities concerning the children of the marriage and setting out the amount of child support to be provided by the husband or wife or both; and

SECTION 17. In Colorado Revised Statutes, 14-10-122, **amend** (1.5)(f)(I) introductory portion and (1.5)(f)(I)(J) as follows:

14-10-122. Modification and termination of provisions for maintenance, support, and property disposition - automatic lien - definitions. (1.5)(f) **Notice of lien - contents.** (I) The notice of lien ~~shall~~ MUST contain the following information:

(J) A statement that interest may accrue on all amounts ordered to be paid, pursuant to sections 14-14-106 and 5-12-101, ~~C.R.S.~~, and may be collected from the obligor in addition to costs of sale, attorney fees, LICENSED LEGAL PARAPROFESSIONAL FEES, and any other costs or fees incident to ~~such~~ THE sale for liens arising pursuant to ~~paragraphs (b) and (c) of this subsection (1.5)~~ SUBSECTIONS (1.5)(b) AND (1.5)(c) OF THIS SECTION.

SECTION 18. In Colorado Revised Statutes, **amend** 14-10-126 as follows:

14-10-126. Interviews. (1) The court may interview the child in chambers to ascertain the child's wishes as to the allocation of parental responsibilities. The court may permit counsel OR A LICENSED LEGAL PARAPROFESSIONAL to be present at the interview. The court shall cause a record of the interview to be made, and it ~~shall~~ THE INTERVIEW MUST be made part of the record in the case.

(2) The court may seek the advice of professional personnel whether or not they are employed on a regular basis by the court. The advice given ~~shall~~ MUST be in writing and ~~shall be~~ made available by the court to counsel of record OR LICENSED

LEGAL PARAPROFESSIONAL OF RECORD, parties, and other expert witnesses upon request, but ~~it shall~~ THE ADVICE MUST otherwise be considered confidential, ~~and shall~~ be sealed, and ~~shall~~ not be open to inspection, except by consent of the court. Counsel OR A LICENSED LEGAL PARAPROFESSIONAL may call for cross-examination any professional personnel consulted by the court.

SECTION 19. In Colorado Revised Statutes, 14-10-127, **amend** (1.2)(a) and (3) as follows:

14-10-127. Evaluation and reports - training and qualifications of evaluators - disclosure. (1.2) (a) Within seven days after ~~his or her~~ THE appointment, the evaluator shall disclose to each party, attorneys OR LICENSED LEGAL PARAPROFESSIONALS of record, and the court any familial, financial, or social relationship that the evaluator has or has had with the child, either party, the attorneys OR LICENSED LEGAL PARAPROFESSIONALS of record, or the judicial officer and, if a relationship exists, the nature of the relationship.

(3) The evaluator shall mail the report to the court and to counsel OR A LICENSED LEGAL PARAPROFESSIONAL, and to any party not represented by counsel OR A LICENSED LEGAL PARAPROFESSIONAL, at least twenty-one days prior to the hearing. The evaluator shall make available to counsel OR THE LICENSED LEGAL PARAPROFESSIONAL, and to any party not represented by counsel ~~his or her~~ OR A LICENSED LEGAL PARAPROFESSIONAL, THE EVALUATOR'S file of underlying data and reports, complete texts of diagnostic reports made to the evaluator pursuant to ~~the provisions of~~ subsections (2), (5), and (6) of this section, and the names and addresses of all persons whom the evaluator has consulted. Any party to the proceeding may call the evaluator and any person with whom the evaluator has consulted for cross-examination. ~~No~~ A party ~~may~~ SHALL NOT waive ~~his or her~~ THE PARTY'S right of cross-examination prior to the hearing.

SECTION 20. In Colorado Revised Statutes, 14-10-128.1, **amend** (2.5)(a) and (7)(d) as follows:

14-10-128.1. Appointment of parenting coordinator - disclosure. (2.5) (a) Within seven days after ~~his or her~~ THE appointment, the appointed person shall disclose to each party, attorneys OR LICENSED LEGAL PARAPROFESSIONALS of record, and the court any familial, financial, or social relationship that the appointed person has or has had with the child, either party, the attorneys OR LICENSED LEGAL PARAPROFESSIONALS of record, or the judicial officer and, if a relationship exists, the nature of the relationship.

(7) (d) If a person commences a civil action against a parenting coordinator arising from the services of the parenting coordinator, or if a person seeks to compel a parenting coordinator to testify or produce records in violation of ~~paragraph (c) of this subsection~~ (7) SUBSECTION (7)(c) OF THIS SECTION, and the court determines that the parenting coordinator is immune from civil liability or that the parenting coordinator is not competent to testify, the court shall award to the parenting coordinator reasonable attorney fees OR REASONABLE LICENSED LEGAL PARAPROFESSIONAL FEES and reasonable expenses of litigation.

SECTION 21. In Colorado Revised Statutes, 14-10-128.3, **amend** (3), (4.5)(a), and (7)(d) as follows:

14-10-128.3. Appointment of decision-maker - disclosure. (3) All decisions made by the decision-maker pursuant to this section ~~shall~~ MUST be in writing, dated, and signed by the decision-maker. Decisions of the decision-maker ~~shall~~ MUST be filed with the court and mailed to the parties or to counsel OR LICENSED LEGAL PARAPROFESSIONAL for the parties, if any, no later than twenty days after the date the decision is issued. All decisions ~~shall be~~ ARE effective immediately upon issuance and ~~shall~~ continue in effect until vacated, corrected, or modified by the decision-maker or until an order is entered by a court pursuant to a de novo hearing ~~under~~ PURSUANT TO subsection (4) of this section.

(4.5) (a) Within seven days after ~~his or her~~ THE appointment, the appointed person shall disclose to each party, attorneys OR LICENSED LEGAL PARAPROFESSIONALS of record, and the court any familial, financial, or social relationship that the appointed person has or has had with the child, either party, the attorneys OR LICENSED LEGAL PARAPROFESSIONALS of record, or the judicial officer and, if a relationship exists, the nature of the relationship.

(7) (d) If a person commences a civil action against a decision-maker arising from the services of the decision-maker, or if a person seeks to compel a decision-maker to testify or produce records in violation of ~~paragraph (c) of this subsection (7)~~ SUBSECTION (7)(c) OF THIS SECTION, and the court decides that the decision-maker is immune from civil liability or that the decision-maker is not competent to testify, the court shall award to the decision-maker reasonable attorney fees OR REASONABLE LICENSED LEGAL PARAPROFESSIONAL FEES and reasonable expenses of litigation.

SECTION 22. In Colorado Revised Statutes, 14-10-129, **amend** (2.5)(b), (3)(a), and (5) as follows:

14-10-129. Modification of parenting time. (2.5) (b) If the court finds that the filing of a motion ~~under paragraph (a) of this subsection (2.5)~~ PURSUANT TO SUBSECTION (2.5)(a) OF THIS SECTION was substantially frivolous, substantially groundless, substantially vexatious, or intended to harass or intimidate the other party, the court shall require the moving party to pay the reasonable and necessary attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES and costs of the other party.

(3) (a) If a parent has been convicted of any of the crimes listed in ~~paragraph (b) of this subsection (3)~~ SUBSECTION (3)(b) OF THIS SECTION or convicted in another state or jurisdiction, including, but not limited to, a military or federal jurisdiction, of an offense that, if committed in Colorado, would constitute any of the crimes listed in ~~paragraph (b) of this subsection (3)~~ SUBSECTION (3)(b) OF THIS SECTION, or convicted of any crime in which the underlying factual basis has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3 (1), ~~C.R.S.~~, that constitutes a potential threat or endangerment to the child, the other parent, or any other person who has been granted custody of or parental responsibility for the child pursuant to court order may file an objection to parenting time with the court. The other parent or other person having custody or

parental responsibility shall give notice to the offending parent of ~~such~~ THE objection as provided by the Colorado rules of civil procedure, and the offending parent ~~shall have~~ HAS twenty-one days from ~~such~~ THE notice to respond. If the offending parent fails to respond within twenty-one days, the parenting time rights of ~~such~~ THE parent ~~shall be~~ ARE suspended until further order of the court. If ~~such~~ THE parent responds and objects, a hearing ~~shall~~ MUST be held within thirty-five days ~~of such~~ AFTER THE response. The court may determine that any offending parent who responds and objects ~~shall be~~ IS responsible for the costs associated with any hearing, including reasonable attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES incurred by the other parent. In making ~~such~~ THE determination, the court ~~shall~~ MUST consider the criminal record of the offending parent and any actions to harass the other parent and the children, any mitigating actions by the offending parent, and whether the actions of either parent have been substantially frivolous, substantially groundless, or substantially vexatious. The offending parent ~~shall have~~ HAS the burden at the hearing to prove that parenting time by ~~such~~ THE parent is in the best interests of the child or children.

(5) If the court finds that ~~the filing of a motion under~~ PURSUANT TO subsection (4) of this section was substantially frivolous, substantially groundless, or substantially vexatious, the court shall require the moving party to pay the reasonable and necessary attorney fees and costs OR LICENSED LEGAL PARAPROFESSIONAL FEES AND COSTS of the other party.

SECTION 23. In Colorado Revised Statutes, 14-10-129.5, **amend** (4) as follows:

14-10-129.5. Disputes concerning parenting time. (4) In addition to any other order entered pursuant to subsection (2) of this section, the court shall order a parent who has failed to provide court-ordered parenting time or to exercise court-ordered parenting time to pay to the aggrieved party, ~~attorney's~~ ATTORNEY fees OR LICENSED LEGAL PARAPROFESSIONAL FEES, court costs, and expenses that are associated with an action brought pursuant to this section. In the event the parent responding to an action brought pursuant to this section is found not to be in violation of the parenting time order or schedule, the court may order the petitioning parent to pay the court costs, attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES, and expenses incurred by ~~such~~ THE responding parent. ~~Nothing in~~ This section ~~shall~~ DOES NOT preclude a party's right to a separate and independent legal action in tort.

SECTION 24. In Colorado Revised Statutes, **amend** 19-4-120 as follows:

19-4-120. Represented by counsel. At the pretrial hearing and in further proceedings, any party may be represented by counsel OR A LICENSED LEGAL PARAPROFESSIONAL, BUT A LICENSED LEGAL PARAPROFESSIONAL SHALL NOT ENGAGE IN ANY TASKS OR ACTIVITIES THAT ARE PROHIBITED BY THE COLORADO SUPREME COURT PURSUANT TO COURT RULES.

SECTION 25. In Colorado Revised Statutes, 19-6-103, **amend** (1) as follows:

19-6-103. Summons. (1) Upon filing of the petition, the clerk of the court, ~~or~~ the attorney OR LICENSED LEGAL PARAPROFESSIONAL for the petitioner, or the delegate child support enforcement unit shall issue a summons stating the substance of the

petition and requiring the respondent to appear at the time and place set for hearing on the petition.

SECTION 26. In Colorado Revised Statutes, 26-13.5-102, **amend** (4) as follows:

26-13.5-102. Definitions. As used in this article 13.5, unless the context otherwise requires:

(4) "Costs of collection" means attorney fees OR LICENSED LEGAL PARAPROFESSIONAL FEES, costs for administrative staff time, service of process fees, court costs, costs of genetic tests, and costs for certified mail. Attorney fees, LICENSED LEGAL PARAPROFESSIONAL FEES, and costs for administrative time ~~shall~~ MUST only be collected in accordance with federal law and rules and regulations.

SECTION 27. In Colorado Revised Statutes, 26-13.5-103, **amend** (1)(t) as follows:

26-13.5-103. Notice of financial responsibility issued - contents. (1) The delegate child support enforcement unit shall issue a notice of financial responsibility to the APA-respondent who is the obligee or an obligor who owes a child support debt or who is responsible for the support of a child or to the custodian of a child who is receiving support enforcement services from the delegate child support enforcement unit pursuant to article 13 of this title 26. If the obligor has applied for child support services, the notice must be served on the obligee. The notice must advise the APA-respondent:

(t) That the APA-petitioner or APA-respondent has the right to consult an attorney OR LICENSED LEGAL PARAPROFESSIONAL and the right to be represented by an attorney OR LICENSED LEGAL PARAPROFESSIONAL at the negotiation conference; and

SECTION 28. In Colorado Revised Statutes, 26-13.5-107, **amend** (1) as follows:

26-13.5-107. Orders - duration - effect of court determinations. (1) A copy of any order of financial responsibility or of any default order or of any temporary order of financial responsibility issued by the delegate child support enforcement unit must be sent by ~~such~~ THE unit by first-class mail to the APA-petitioner and APA-respondent or ~~his or her~~ THE APA-PETITIONER'S OR APA-RESPONDENT'S attorney OR LICENSED LEGAL PARAPROFESSIONAL of record and to the custodian of the child.

SECTION 29. In Colorado Revised Statutes, 26-13.5-116, **amend** (1) and (3) as follows:

26-13.5-116. Attorney of record in administrative process action case. (1) If a party retains legal counsel to represent ~~him or her~~ THE PARTY in an APA case, a written notice of representation signed by both the party and ~~his or her~~ THE PARTY'S attorney OR LICENSED LEGAL PARAPROFESSIONAL must be received by the delegate child support enforcement unit. The notice of representation is not effective until delivered to the delegate child support enforcement unit.

(3) Except for service of the notice upon the APA-respondent, an attorney OR LICENSED LEGAL PARAPROFESSIONAL of record must, on behalf of ~~his or her~~ THE client, receive a copy of all documents delivered to the parties in an APA case.

SECTION 30. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 29, 2024