

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

February 15, 2023  
Date

Committee on Judiciary.

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

HB23-1108 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, strike line 7.

2 Reletter succeeding paragraphs accordingly.

3 Page 4, strike lines 1 and 2.

4 Reletter succeeding paragraphs accordingly.

5 Page 4, line 4, strike "AND".

6 Page 4, line 5, strike "CENTER." and substitute "CENTER;"

7 Page 4, after line 5, add:

8           (p) A REPRESENTATIVE FROM A STATEWIDE ORGANIZATION THAT  
9 TREATS CHILDREN WHO ARE VICTIMS OF DOMESTIC VIOLENCE AND  
10 PROVIDES EXPERTISE ON THE PREVENTION OF CHILD ABUSE AND NEGLECT;

11           (q) A MEMBER OF LAW ENFORCEMENT THAT WORKS DIRECTLY  
12 WITH VICTIMS OF CHILD ABUSE OR NEGLECT AND DOMESTIC VIOLENCE;

13           (r) TWO PRIVATE CRIMINAL DEFENSE ATTORNEYS WITH  
14 EXPERIENCE REPRESENTING A VICTIM OF DOMESTIC VIOLENCE OR SEXUAL  
15 ASSAULT;

16           (s) A REPRESENTATIVE OF THE OFFICE OF STATE PUBLIC DEFENDER  
17 WITH EXPERIENCE REPRESENTING A VICTIM OF DOMESTIC VIOLENCE OR  
18 SEXUAL ASSAULT; AND

19           (t) A SURVIVOR OF TRAUMATIC BRAIN INJURY.

20           (4) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL  
21 APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE TASK FORCE:

- 1 (a) A STATE COURT JUDGE;  
2 (b) AN INDIVIDUAL OTHER THAN A JUDGE WHO IS COURT  
3 PERSONNEL;  
4 (c) A DISTRICT COURT JUDGE WITH EXPERIENCE IN DOMESTIC  
5 MATTERS;  
6 (d) A COUNTY COURT JUDGE; AND  
7 (e) A JUDGE FROM A RURAL COUNTY."

8 Renumber succeeding subsections accordingly.

9 Page 4, line 15, strike "PROGRAMS." and substitute "PROGRAMS AND THE  
10 CHIEF JUSTICE OF THE COLORADO SUPREME COURT."

11 Page 4, line 16, after "PROGRAMS" add "AND THE CHIEF JUSTICE OF THE  
12 COLORADO SUPREME COURT".

13 Page 4, line 19, after "PROGRAMS" add "AND THE CHIEF JUSTICE OF THE  
14 COLORADO SUPREME COURT".

15 Page 4, line 21, strike "SUBSECTION(9)" and substitute "SUBSECTIONS(10)  
16 AND(11)".

17 Page 5, line 23, strike "AND".

18 Page 5, after line 23, add:

19 "(g) THE SCOPE OF JUDICIAL EDUCATION OPPORTUNITIES ALREADY  
20 PROVIDED TO JUDGES RELATED TO DOMESTIC VIOLENCE, VICTIM RIGHTS,  
21 CASE MANAGEMENT, DOMESTIC RELATIONS DOCKETS, DEPENDENCY AND  
22 NEGLECT DOCKETS, JUVENILE PROCEEDINGS, AND CRIMINAL PROCEEDINGS;

23 (h) THE RESOURCES NECESSARY TO PROVIDE ADDITIONAL  
24 EDUCATION;

25 (i) THE RESOURCES NECESSARY TO PROVIDE THE TIME FOR JUDGES  
26 TO PARTICIPATE IN ADDITIONAL EDUCATION; AND".

27 Reletter succeeding paragraph accordingly.

28 Page 5, after line 27, add:

29 "(11) IN ADDITION TO THE TOPIC AREAS SPECIFIED IN SUBSECTION  
30 (10) OF THIS SECTION, THE TASK FORCE SHALL ENSURE THE TRAINING  
31 RECOMMENDATIONS COMPLY WITH THE FEDERAL "KEEPING CHILDREN  
32 SAFE FROM FAMILY VIOLENCE ACT", 34 U.S.C. SEC. 10446, AS AMENDED.  
33 AT A MINIMUM, THE PORTION OF THE TRAINING THAT IMPLEMENTS THESE

1 FEDERAL REQUIREMENTS MUST:  
2 (a) BE PROVIDED TO ANY JUDGE OR MAGISTRATE WHO PRESIDES  
3 OVER PARENTAL RESPONSIBILITY PROCEEDINGS;  
4 (b) INCLUDE NO LESS THAN TWENTY HOURS OF INITIAL TRAINING  
5 AND NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY FIVE  
6 YEARS;  
7 (c) FOCUS ON DOMESTIC VIOLENCE AND CHILD ABUSE, INCLUDING:  
8 (I) CHILD SEXUAL ABUSE;  
9 (II) PHYSICAL AND EMOTIONAL ABUSE;  
10 (III) COERCIVE CONTROL;  
11 (IV) IMPLICIT AND EXPLICIT BIAS, INCLUDING BIASES RELATING TO  
12 PARTIES WITH DISABILITIES;  
13 (V) TRAUMA;  
14 (VI) LONG-TERM AND SHORT-TERM IMPACTS OF DOMESTIC  
15 VIOLENCE AND CHILD ABUSE ON CHILDREN; AND  
16 (VII) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND  
17 RELATIONSHIP DYNAMICS WITHIN THE CYCLE OF VIOLENCE;  
18 (d) BE CONDUCTED BY A PROFESSIONAL TRAINER WHO HAS  
19 SUBSTANTIAL EXPERIENCE IN ASSISTING SURVIVORS OF DOMESTIC  
20 VIOLENCE OR CHILD ABUSE AND MAY INCLUDE A PROFESSIONAL  
21 REPRESENTING A VICTIM SERVICES PROVIDER OR A SURVIVOR WITH LIVED  
22 EXPERIENCE OF DOMESTIC VIOLENCE OR CHILD PHYSICAL OR SEXUAL  
23 ABUSE. IN CONDUCTING THE TRAINING, THE PROFESSIONAL TRAINER SHALL  
24 RELY ON EVIDENCE-BASED AND PEER-REVIEWED RESEARCH CONDUCTED  
25 BY RECOGNIZED EXPERTS THAT FOCUSES ON THE TYPES OF ABUSE  
26 DESCRIBED IN SUBSECTION (11)(c) OF THIS SECTION AND SHALL NOT  
27 INCLUDE THEORIES, CONCEPTS, OR BELIEF SYSTEMS IN THE REQUIRED  
28 TRAINING THAT ARE NOT SUPPORTED BY EVIDENCE-BASED AND  
29 PEER-REVIEWED RESEARCH; AND  
30 (e) BE DESIGNED TO IMPROVE THE ABILITY OF COURTS TO:  
31 (I) RECOGNIZE AND RESPOND TO CHILD PHYSICAL ABUSE, CHILD  
32 SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND TRAUMA IN ALL FAMILY  
33 VICTIMS, PARTICULARLY CHILDREN; AND  
34 (II) MAKE APPROPRIATE CUSTODY DECISIONS THAT PRIORITIZE  
35 CHILD SAFETY AND WELL-BEING AND THAT ARE CULTURALLY SENSITIVE  
36 AND APPROPRIATE FOR DIVERSE COMMUNITIES."

37 Renumber succeeding subsections accordingly.

38 Page 6, line 3, strike "SUBSECTION (9)" and substitute "SUBSECTIONS (10)  
39 AND (11)".

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