

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0070.01 Jane Ritter x4342

HOUSE BILL 21-1228

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House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

Judiciary
Appropriations

SENATE
Amended 3rd Reading
May 27, 2021

A BILL FOR AN ACT

101 **CONCERNING OVERSIGHT OF COURT PERSONNEL WHO ARE REGULARLY**
102 **INVOLVED IN CASES RELATED TO DOMESTIC MATTERS, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

SENATE
2nd Reading Unamended
May 26, 2021

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>.)

HOUSE
3rd Reading Unamended
May 10, 2021

The bill increases and clarifies domestic violence training requirements (training) for court personnel (personnel) who are regularly involved in cases related to domestic matters, including child and family investigators, parenting responsibility evaluators, and legal representatives of children.

HOUSE
Amended 2nd Reading
May 7, 2021

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

Training for all personnel must include both an initial training requirement as well as an ongoing annual continuing education requirement as follows:

- Six initial hours of training on domestic violence and its traumatic effects on children, adults, and families;
 - Six initial hours of training on child abuse and its traumatic effects; and
 - Four subsequent hours of training every 2 years on domestic violence and child abuse and the traumatic effects on children, adults, and families.
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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Approximately 15 million children are exposed each year to
5 domestic violence or child abuse, which are often linked;

6 (b) Child sexual abuse is significantly under-documented and
7 under-addressed in the legal system; and

8 (c) Child abuse is a major public health issue in the United States,
9 with total lifetime estimated financial costs associated with just one year
10 of confirmed cases of child maltreatment, including physical abuse,
11 sexual abuse, psychological abuse, and neglect, amounting to
12 approximately \$124 billion.

13 (2) The general assembly further finds that:

14 (a) Exposure to domestic violence is a leading cause of adverse
15 childhood experiences;

16 (b) Research confirms that allegations of domestic violence, child
17 abuse, and child sexual abuse are often discounted when raised in child
18 custody litigation, even when credible claims of abuse are presented in
19 court;

20 (c) Research shows that abusive parents are often granted custody

1 or unprotected parenting time by courts, placing children at ongoing risk;

2 (d) Research confirms that a child's risk of abuse increases after
3 a perpetrator of domestic violence separates from a domestic partner,
4 even when the perpetrator has not previously abused the child;

5 (e) Researchers have documented a minimum of 735 children
6 murdered in the United States since 2008 by a parent involved in a
7 divorce, separation, custody, visitation, or child support proceeding, often
8 after access was provided by family courts over the objections of a
9 protective parent;

10 (f) Scientifically unsound theories are frequently applied to reject
11 parents' and children's reports of abuse;

12 (g) In cases involving allegations of domestic violence, child
13 abuse, and child sexual abuse, courts should rely on the assistance of
14 third-party professionals only when the professionals possess the proper
15 experience or expertise for assessing domestic violence, child abuse, child
16 sexual abuse, and trauma, and when the professionals apply scientifically
17 sound and evidence-based theories; and

18 (h) Custody litigation involving domestic violence, child abuse,
19 and child sexual abuse allegations is sometimes prohibitively expensive,
20 resulting in parental bankruptcy as a result of court-mandated payments
21 to appointed fee-paid professionals, in addition to attorney fees, and
22 excessive civil action, especially regarding custody, is a documented
23 tactic of domestic offenders to control and harass the victim after
24 separation.

25 (3) The general assembly therefore declares that:

26 (a) Child safety is the first priority of custody and parenting
27 adjudications, and courts should resolve safety risks and claims of

1 domestic violence, child abuse, and child sexual abuse first as a
2 fundamental consideration in determining the best interests of the child
3 before assessing other best interest factors;

4 (b) Domestic violence is an important factor for courts to consider
5 when making decisions related to parenting time and parental
6 responsibilities;

7 (c) All evidence admitted in custody and parenting adjudications
8 should be subject to evidentiary admissibility standards;

9 (d) Evidence from a court-affiliated or appointed fee-paid
10 professional regarding allegations of domestic violence, child abuse, and
11 child sexual abuse in custody cases should be admitted only when the
12 professional has undergone proper and regular training, including training
13 on the effects of domestic abuse, child abuse, and child sexual abuse, and
14 the professional possesses documented expertise and experience in the
15 relevant types of abuse, trauma, and the behaviors of victims and
16 perpetrators; and

17 (e) All professional groups involved in parenting time and
18 parental responsibilities evaluations, including child and family
19 investigators, parenting coordinators, parent responsibility evaluators,
20 decision makers, family court facilitators, and judges and magistrates,
21 need to have appropriate and ongoing training in domestic violence,
22 coercive control, and related issues.

23 **SECTION 2.** In Colorado Revised Statutes, 13-22-311, **amend** (1)

24 as follows:

25 **13-22-311. Court referral to mediation - duties of mediator.**

26 (1) Any court of record may, in its discretion, refer any case for
27 mediation services or dispute resolution programs, subject to the

1 availability of mediation services or dispute resolution programs; except
2 that the court shall not refer the case to mediation services or dispute
3 resolution programs where one of the parties claims that ~~it~~ THE PARTY has
4 been the victim of physical or psychological abuse by the other party, AT
5 ANY TIME AND REGARDLESS OF PRIOR PARTICIPATION, and states that ~~it~~
6 ~~THE PARTY~~ is thereby unwilling to enter into mediation services or dispute
7 resolution programs. In addition, the court may exempt from referral any
8 case in which a party files with the court, within five days of a referral
9 order, a motion objecting to mediation and demonstrating compelling
10 reasons why mediation should not be ordered. Compelling reasons may
11 include, but are not limited to, that the costs of mediation would be higher
12 than the requested relief and previous attempts to resolve the issues were
13 not successful. Parties referred to mediation services or dispute resolution
14 programs may select said services or programs from mediators or
15 mediation organizations or from the office of dispute resolution. This
16 section shall not apply in any civil action where injunctive or similar
17 equitable relief is the only remedy sought.

18 **SECTION 3.** In Colorado Revised Statutes, 14-10-116, amend
19 (2) as follows:

20 **14-10-116. Appointment in domestic relations cases -
21 representation of the best interests of the child - legal representative
22 of the child - disclosure - short title. (2)(a)** The legal representative of
23 the child, appointed pursuant to subsection (1) of this section, shall
24 represent the best interests of the minor or dependent child, as described
25 in section 14-10-124, with respect to the ~~child's custody~~ PARENTING TIME,
26 the allocation of parental responsibilities, FINANCIAL support for the child,
27 the child's property, parenting time, or any other issue related to the child

1 that is identified by the legal representative of the child or the appointing
2 court. The legal representative of the child shall actively participate in all
3 aspects of the case involving the child, within the bounds of the law. The
4 legal representative of the child shall comply with the provisions set forth
5 in the Colorado rules of professional conduct and any applicable
6 provisions set forth in chief justice directives or other practice standards
7 established by rule or directive of the chief justice pursuant to section
8 13-91-105 (1)(c) C.R.S., concerning the duties or responsibilities of best
9 interest representation in legal matters affecting children, INCLUDING
10 TRAINING REQUIREMENTS RELATED TO DOMESTIC VIOLENCE AND ITS
11 EFFECT ON CHILDREN, ADULTS, AND FAMILIES. The legal representative
12 of the child shall not be called as a witness in the case. While the legal
13 representative of the child shall ascertain and consider the wishes of the
14 child, the legal representative of the child is not required to adopt the
15 child's wishes in ~~his or her~~ THE LEGAL REPRESENTATIVE OF THE CHILD'S
16 recommendation or advocacy for the child unless such wishes serve the
17 child's best interest BEST INTERESTS OF THE CHILD, as described in section
18 14-10-124.

19 **(b) THE SHORT TITLE OF THIS SUBSECTION (2) IS "JULIE'S LAW".**

20 **SECTION 4.** In Colorado Revised Statutes, 14-10-116.5, amend
21 (2) and (3)(a) as follows:

22 **14-10-116.5. Appointment in domestic relations cases - child
23 and family investigator - disclosure - background check.** (2) (a) A
24 child and family investigator appointed by the court FROM AN ELIGIBILITY
25 ROSTER ESTABLISHED PURSUANT TO CHIEF JUSTICE DIRECTIVE may be an
26 attorney, a mental health professional, or any other individual with
27 appropriate training AND qualifications, AS SET FORTH IN SUBSECTION

1 (2)(f) OF THIS SECTION, and an independent perspective acceptable to the
2 court. The child and family investigator for the court shall investigate
3 AND report ~~and make recommendations~~ as specifically directed by the
4 court in the appointment order, taking into consideration the relevant
5 factors for determining the best interests of the child, as ~~specified~~
6 DESCRIBED in section 14-10-124. THE PURPOSE OF THE INVESTIGATION IS
7 TO ASSIST IN DETERMINING THE BEST INTERESTS OF THE CHILD, WITH THE
8 CHILD'S SAFETY ALWAYS PARAMOUNT.

9 (b) The child and family investigator shall make independent and
10 informed recommendations to the court, in the form of a written report
11 filed with the court, unless otherwise ordered by the court. While the
12 child and family investigator shall consider the wishes of the child, the
13 child and family investigator need not adopt such wishes in ~~making his~~
14 or her recommendations to the court, unless they serve the child's best
15 interests OF THE CHILD, as described in section 14-10-124. The child's
16 wishes, if expressed, ~~shall~~ MUST be disclosed in the child and family
17 investigator's written report. ~~THE COURT SHALL CONSIDER THE ENTIRETY~~
18 ~~OF THE REPORT, AS WELL AS ANY TESTIMONY BY THE CHILD AND FAMILY~~
19 ~~INVESTIGATOR, THE PARTIES, AND ANY OTHER PROFESSIONALS, BEFORE~~
20 ~~ADOPTING ANY RECOMMENDATIONS MADE BY THE CHILD AND FAMILY~~
21 ~~INVESTIGATOR.~~

22 (c) The child and family investigator may be called to testify as a
23 COURT-APPOINTED EXPERT witness regarding ~~his or her recommendations~~
24 ~~THE CHILD AND FAMILY INVESTIGATOR'S REPORTS,~~ BUT ONLY IF THE
25 COURT FINDS THAT THE CHILD AND FAMILY INVESTIGATOR HAS THE
26 APPROPRIATE TRAINING AND QUALIFICATIONS SET FORTH IN SUBSECTION
27 (2)(f) OF THIS SECTION. ~~RECOMMENDATIONS SHOULD BE CONSIDERED IN~~

1 FULL CONTEXT OF THE REPORT.

2 (d) IN ADDITION TO THE TRAINING REQUIREMENTS AND
3 QUALIFICATIONS SET FORTH IN SUBSECTION (2)(f) OF THIS SECTION, the
4 child and family investigator shall comply with applicable provisions set
5 forth in chief justice directives, and any other practice or ethical standards
6 established by rule, statute, or ANY licensing board that regulates the child
7 and family investigator. A CHILD AND FAMILY INVESTIGATOR SHALL
8 STRIVE TO ENGAGE IN CULTURALLY INFORMED AND NONDISCRIMINATORY
9 PRACTICES.

10 (e) A PARTY WISHING TO FILE A COMPLAINT RELATED TO A
11 PERSON'S DUTIES AS A CHILD AND FAMILY INVESTIGATOR SHALL FILE SUCH
12 COMPLAINT IN ACCORDANCE WITH THE APPLICABLE PROVISIONS IN CHIEF
13 JUSTICE DIRECTIVES.

14 (f) THE COURT SHALL NOT APPOINT A PERSON FROM THE
15 ELIGIBILITY REGISTRY TO BE A CHILD AND FAMILY INVESTIGATOR FOR A
16 CASE PURSUANT TO THIS SECTION UNLESS THE COURT FINDS THAT THE
17 PERSON IS QUALIFIED AS COMPETENT BY TRAINING AND EXPERIENCE IN, AT
18 A MINIMUM, DOMESTIC VIOLENCE AND ITS EFFECTS ON CHILDREN, ADULTS,
19 AND FAMILIES, CHILD ABUSE, AND CHILD SEXUAL ABUSE. THE PERSON'S
20 TRAINING AND EXPERIENCE MUST BE PROVIDED BY RECOGNIZED SOURCES
21 WITH EXPERTISE IN DOMESTIC VIOLENCE AND THE TRAUMATIC EFFECTS OF
22 DOMESTIC VIOLENCE. AS OF JANUARY 1, 2022, INITIAL AND ONGOING
23 TRAINING MUST INCLUDE, AT A MINIMUM:

24 (I) SIX INITIAL HOURS OF TRAINING ON DOMESTIC VIOLENCE,
25 INCLUDING COERCIVE CONTROL, AND ITS TRAUMATIC EFFECTS ON
26 CHILDREN, ADULTS, AND FAMILIES;

27 (II) SIX INITIAL HOURS OF TRAINING ON CHILD ABUSE AND CHILD

1 SEXUAL ABUSE AND ITS TRAUMATIC EFFECTS; AND
2 (III) FOUR SUBSEQUENT HOURS OF TRAINING EVERY TWO YEARS
3 ON DOMESTIC VIOLENCE, INCLUDING COERCIVE CONTROL, CHILD ABUSE,
4 AND CHILD SEXUAL ABUSE, AND THE TRAUMATIC EFFECTS ON CHILDREN,
5 ADULTS, AND FAMILIES.

6 [REDACTED]

7 (3) (a) The court shall enter an order for costs, fees, and
8 disbursements in favor of the child and family investigator appointed
9 pursuant to subsection (1) of this section. The order ~~shall~~ MUST be made
10 against any or all of the parties; except that, if the responsible parties are
11 determined to be indigent, the costs, fees, and disbursements ~~shall be~~ ARE
12 borne by the state.

13 **SECTION 5.** In Colorado Revised Statutes, 14-10-124, **amend**
14 (1.5)(a) introductory portion; and **add** (1.5)(a)(III.5) as follows:

15 **14-10-124. Best interests of the child. (1.5) Allocation of**
16 **parental responsibilities.** The court shall determine the allocation of
17 parental responsibilities, including parenting time and decision-making
18 responsibilities, in accordance with the best interests of the child giving
19 paramount consideration to the child's safety and the physical, mental, and
20 emotional conditions and needs of the child as follows:

21 (a) **Determination of parenting time.** The court, upon the motion
22 of either party or upon its own motion, may make provisions for parenting
23 time that the court finds are in the ~~child's~~ best interests ~~OF THE CHILD,~~
24 ~~WITH THE CHILD'S SAFETY ALWAYS PARAMOUNT,~~ unless the court finds,
25 after a hearing, that parenting time by the party would endanger the
26 child's physical health or significantly impair the child's emotional
27 development. In addition to a finding that parenting time would endanger

1 the child's physical health or significantly impair the child's emotional
2 development, in any order imposing or continuing a parenting time
3 restriction, the court shall enumerate the specific factual findings
4 supporting the restriction, INCLUDING FINDINGS RELATED TO DOMESTIC
5 VIOLENCE, CHILD ABUSE, AND CHILD SEXUAL ABUSE, and may enumerate
6 the conditions that the restricted party could fulfill in order to seek
7 modification in the parenting plan. When a claim of child abuse or
8 neglect, domestic violence, or sexual assault where there is also a claim
9 that the child was conceived as a result of the sexual assault has been
10 made to the court, or the court has reason to believe that a party has
11 committed child abuse or neglect, domestic violence, or sexual assault
12 where there is also a claim that the child was conceived as a result of the
13 sexual assault, prior to determining parenting time, the court shall follow
14 the provisions of subsection (4) of this section. In determining the best
15 interests of the child for purposes of parenting time, the court shall
16 consider all relevant factors, including:

17 (III.5) ANY REPORT RELATED TO DOMESTIC VIOLENCE THAT IS
18 SUBMITTED TO THE COURT BY A CHILD AND FAMILY INVESTIGATOR, IF ONE
19 IS APPOINTED PURSUANT TO SECTION 14-10-116.5; A PROFESSIONAL
20 PARENTAL RESPONSIBILITIES EVALUATOR, IF ONE IS APPOINTED PURSUANT
21 TO SECTION 14-10-127; OR A LEGAL REPRESENTATIVE OF THE CHILD, IF
22 ONE IS APPOINTED PURSUANT TO SECTION 14-10-116. THE COURT MAY
23 CONSIDER OTHER TESTIMONY REGARDING DOMESTIC VIOLENCE FROM THE
24 PARTIES, EXPERTS, THERAPISTS FOR ANY PARENT OR CHILD, THE
25 DEPARTMENT OF HUMAN SERVICES, PARENTING TIME SUPERVISORS,
26 SCHOOL PERSONNEL, OR OTHER LAY WITNESSES.

27 **SECTION 6.** In Colorado Revised Statutes, 14-10-127, amend

1 (1)(a)(I), (1)(a)(I.5) introductory portion, (1)(a)(II), (1)(b), (4)
2 introductory portion, (5), (6)(a), and (6)(b) introductory portion; and **add**
3 (1)(c), (4)(a.5), (6)(c), (9), and (10) as follows:

4 **14-10-127. Evaluation and reports - training and**
5 **qualifications of evaluators - disclosure.** (1) (a) (I) (A) In all
6 proceedings concerning the allocation of parental responsibilities with
7 respect to a child, the court may, upon motion of either party or upon its
8 own motion, order any county or district department of human or social
9 services or a licensed mental health professional qualified pursuant to
10 subsection (4) of this section AND REFERRED TO IN THIS SECTION AS AN
11 "EVALUATOR" to perform an evaluation and file a written report
12 concerning the disputed issues relating to the allocation of parental
13 responsibilities for the child, unless the motion by either party is made for
14 the purpose of delaying the proceedings. THE PURPOSE OF THE
15 EVALUATION AND REPORT IS TO ASSIST IN DETERMINING THE BEST
16 INTERESTS OF THE CHILD, WITH THE CHILD'S SAFETY ALWAYS PARAMOUNT.
17 THE EVALUATION AND SUBSEQUENT REPORT MUST FOCUS ON THE BEST
18 INTERESTS OF THE CHILD AND THE FACTORS SET FORTH IN SECTIONS
19 14-10-124 AND 14-10-129 IN ANY POST-DECREE OR RELOCATION CASE. IN
20 ADDITION, THE EVALUATOR SHALL ASSESS A PARTY'S PARENTING
21 ATTRIBUTES AS THOSE ATTRIBUTES RELATE TO THE BEST INTERESTS OF
22 THE CHILD, AND CONSIDER ANY PSYCHOLOGICAL NEEDS OF THE CHILD
23 WHEN MAKING RECOMMENDATIONS CONCERNING DECISION MAKING AND
24 PARENTING TIME.

25 (B) Any court or any personnel of a county or district department
26 of human or social services appointed by the court to do such an
27 evaluation PURSUANT TO THIS SECTION must be qualified pursuant to

1 subsection (4) of this section AND BE SELECTED FROM AN ELIGIBILITY
2 ROSTER ESTABLISHED PURSUANT TO APPLICABLE CHIEF JUSTICE DIRECTIVE.

3 (C) When a mental health professional performs the evaluation,
4 the court shall appoint or approve the selection of the mental health
5 professional AS THE EVALUATOR. Within seven days after the
6 appointment, the evaluator shall comply with the disclosure provisions of
7 subsection (1.2) of this section. The court shall, at the time of the
8 EVALUATOR'S appointment, ~~of the evaluator~~, order one or more of the
9 parties to deposit a reasonable sum with the court to pay the cost of the
10 evaluation. The court may order the reasonable charge for the evaluation
11 and report to be assessed as costs between the parties at the time the
12 evaluation is completed.

13 (I.5) A party may request a supplemental evaluation to the
14 evaluation ordered pursuant to ~~subparagraph (I) of this paragraph (a)~~
15 SUBSECTION (1)(a)(I) OF THIS SECTION. The court shall appoint another
16 ~~mental health professional~~ QUALIFIED EVALUATOR to perform the
17 supplemental evaluation at the initial expense of the moving party. The
18 ~~person~~ EVALUATOR appointed to perform the supplemental evaluation
19 shall comply with the disclosure provisions of subsection (1.2) of this
20 section. The court shall not order a supplemental evaluation if it
21 determines that any of the following applies, based on motion and
22 supporting affidavits:

23 (II) Each party and the child, IF POSSIBLE, shall cooperate in the
24 supplemental evaluation. If the court finds that the supplemental
25 evaluation was necessary and materially assisted the court, the court may
26 order the costs of such supplemental evaluation to be assessed as costs
27 between the parties. Except as otherwise provided in this section, ~~such~~

1 THE report ~~shall be considered~~ IS confidential and ~~shall not be~~ IS NOT
2 available for public inspection unless by order of court. The cost of each
3 department of human services evaluation ~~shall be~~ IS based on an ability
4 to pay and ~~shall~~ MUST be assessed as part of the costs of the action or
5 proceeding, and, upon receipt of such sum by the clerk of court, ~~it shall~~
6 ~~be transmitted~~ THE CLERK OF COURT SHALL TRANSMIT THE MONEY to the
7 department or agency performing the evaluation.

8 (b) The person signing a report or evaluation and supervising its
9 preparation ~~shall~~ MUST be a licensed mental health professional. ~~The~~
10 ~~mental health professional may have associates or persons working under~~
11 ~~him or her who are unlicensed.~~ THE LICENSED MENTAL HEALTH
12 PROFESSIONAL SIGNING A REPORT OR EVALUATION MUST BE QUALIFIED AS
13 COMPETENT, BY TRAINING AND EXPERIENCE, AS DESCRIBED IN SUBSECTION
14 (4) OF THIS SECTION. UNLICENSED ASSOCIATES OR OTHER PERSONS MAY
15 WORK WITH THE MENTAL HEALTH PROFESSIONAL TO PREPARE THE REPORT.

16 

17 (c) AN EVALUATOR SHALL STRIVE TO ENGAGE IN CULTURALLY
18 INFORMED AND NONDISCRIMINATORY PRACTICES, AND STRIVE TO AVOID
19 CONFLICTS OF INTEREST OR MULTIPLE RELATIONSHIPS IN CONDUCTING
20 EVALUATIONS.

21 (4) A person ~~shall not be~~ IS NOT allowed to testify AS AN EXPERT
22 WITNESS regarding a parental responsibilities or parenting time evaluation
23 that the person has performed pursuant to this section unless the court
24 finds that the person is qualified as competent, by training and
25 experience, in the areas of:

26 (a.5) THE EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN, ADULTS,
27 AND FAMILIES, INCLUDING THE CONNECTION BETWEEN DOMESTIC

1 VIOLENCE AND TRAUMA ON CHILDREN, CHILD ABUSE, AND CHILD SEXUAL
2 ABUSE. THE PERSON'S TRAINING AND EXPERIENCE MUST BE PROVIDED BY
3 RECOGNIZED SOURCES WITH EXPERTISE IN DOMESTIC VIOLENCE AND THE
4 TRAUMATIC EFFECTS OF DOMESTIC VIOLENCE. AS OF JANUARY 1, 2022,
5 INITIAL AND ONGOING TRAINING MUST INCLUDE, AT A MINIMUM:

6 (I) SIX INITIAL HOURS OF TRAINING ON DOMESTIC VIOLENCE,
7 INCLUDING COERCIVE CONTROL, AND ITS TRAUMATIC EFFECTS ON
8 CHILDREN, ADULTS, AND FAMILIES;

9 (II) SIX INITIAL HOURS OF TRAINING ON CHILD ABUSE AND CHILD
10 SEXUAL ABUSE AND ITS TRAUMATIC EFFECTS; AND

11 (III) FOUR SUBSEQUENT HOURS OF TRAINING EVERY TWO YEARS
12 ON DOMESTIC VIOLENCE, CHILD ABUSE, AND CHILD SEXUAL ABUSE AND
13 THE TRAUMATIC EFFECTS ON CHILDREN, ADULTS, AND FAMILIES.

14 (5) If an evaluation is indicated in an area which is beyond the
15 training or experience of the evaluator, the evaluator shall consult with a
16 mental health professional qualified by training or experience, as
17 described in subsection (4) of this section, in that area. Such areas
18 may include, but are not limited to, domestic violence, child abuse, child
19 sexual abuse, alcohol or substance abuse, or psychological testing.

20 (6) (a) A mental health professional AN EVALUATOR may make
21 specific recommendations REPORTS when the mental health professional
22 EVALUATOR has interviewed and assessed all parties to the dispute,
23 assessed the quality of the relationship, or the potential for establishing
24 a quality relationship, between the child and each of the parties, and had
25 access to pertinent information from outside sources.

26 (b) A mental health professional AN EVALUATOR may make
27 recommendations REPORTS even though all parties and the child have not

1 been evaluated by the same ~~mental health professional~~ EVALUATOR in the
2 following circumstances, if the ~~mental health professional~~ EVALUATOR
3 states with particularity ~~in his or her opinion~~ the limitations of his or her
4 THE EVALUATOR'S findings and ~~recommendations~~ REPORTS:

5 (c) RECOMMENDATIONS SHOULD BE CONSIDERED IN FULL CONTEXT
6 OF THE REPORT.

7 (9) ON AND AFTER JANUARY 1, 2022, A PARTY WISHING TO FILE A
8 COMPLAINT RELATED TO A PERSON'S DUTIES AS AN EVALUATOR SHALL FILE
9 SUCH COMPLAINT IN ACCORDANCE WITH THE APPLICABLE PROVISIONS IN
10 CHIEF JUSTICE DIRECTIVES.

11 (10) THE REQUIREMENTS OF THIS SECTION APPLY ONLY TO
12 ACTIVITIES RELATED TO WORK PERFORMED THAT IS RELATED TO
13 PROCEEDINGS CONCERNING THE ALLOCATION OF PARENTAL
14 RESPONSIBILITIES. ALL OTHER LICENSURE REQUIREMENTS FOR MENTAL
15 HEALTH PROFESSIONALS, AS ESTABLISHED BY THE DEPARTMENT OF
16 REGULATORY AGENCIES AND SET FORTH IN ARTICLE 245 OF TITLE 12, STILL
17 APPLY.

18 **SECTION 7. Appropriation.** (1) For the 2021-22 state fiscal
19 year, \$86,680 is appropriated to the judicial department. This
20 appropriation is from the general fund. To implement this act, the
21 department may use this appropriation as follows:

22 (a) \$80,480 for general courts administration, which amount is
23 based on an assumption that the department will require an additional 0.9
24 FTE; and
25 (b) \$6,200 for capital outlay.

26 **SECTION 8. Safety clause.** The general assembly hereby finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety.