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HOUSE BILL 23-1108

BY REPRESENTATIVE(S) Duran and Evans, Armagost, Bird, Boesenecker, Brown, Daugherty, Dickson, English, Froelich, Herod, Jodeh, Lieder, Lindsay, Martinez, Michaelson Jenet, Ortiz, Valdez, Velasco, Weinberg, Weissman, Young, McCluskie, Catlin, deGruy Kennedy, Hamrick, Marshall, McLachlan, Snyder, Titone;
also SENATOR(S) Hansen, Buckner, Coleman, Exum, Fields, Hinrichsen, Kolker, Marchman, Mullica, Pelton B., Priola, Simpson, Sullivan.

CONCERNING THE CREATION OF A TASK FORCE TO STUDY VICTIM AND SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING REQUIREMENTS FOR JUDICIAL PERSONNEL, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-534 as follows:

24-33.5-534. Task force to study victim and survivor awareness and responsiveness training requirements for judicial personnel - creation - membership - duties - report - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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.

(a) "JUDICIAL PERSONNEL" MEANS JUDGES, OTHER JUDICIAL OFFICERS, AND COURT STAFF, BUT DOES NOT INCLUDE DISTRICT ATTORNEYS OR PUBLIC DEFENDERS.

(b) "TASK FORCE" MEANS THE TASK FORCE TO STUDY VICTIM AND SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING REQUIREMENTS FOR JUDICIAL PERSONNEL CREATED IN SUBSECTION (2) OF THIS SECTION.

(2) THERE IS CREATED IN THE OFFICE FOR VICTIMS PROGRAMS IN THE DIVISION OF CRIMINAL JUSTICE THE TASK FORCE TO STUDY VICTIM AND SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING REQUIREMENTS FOR JUDICIAL PERSONNEL.

(3) THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS IN THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY IS A MEMBER OF THE TASK FORCE AND SHALL APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE TASK FORCE:

(a) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT SERVES OR REPRESENTS VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE;

(b) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT SUPPORTS VICTIMS AND SURVIVORS OF CRIMES OR VIOLENCE OTHER THAN DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

(c) A REPRESENTATIVE OF AN ORGANIZATION PROVIDING LEGAL SERVICES TO VICTIMS AND SURVIVORS;

(d) A FAMILY LAW ATTORNEY;

(e) A REPRESENTATIVE OF A CULTURALLY SPECIFIC ORGANIZATION THAT PROVIDES VICTIM SERVICES OR WORKS WITH VICTIMS OR SURVIVORS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

(f) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT SERVES OR REPRESENTS SURVIVORS OF SEXUAL ASSAULT;

(g) A REPRESENTATIVE OF A FAMILY JUSTICE CENTER;

(h) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT TREATS CHILDREN WHO ARE VICTIMS OF DOMESTIC VIOLENCE AND PROVIDES EXPERTISE ON CHILD ABUSE PREVENTION AND NEGLECT;

(i) A PRIVATE CRIMINAL DEFENSE ATTORNEY WITH EXPERIENCE REPRESENTING VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT; AND

(j) A REPRESENTATIVE OF THE OFFICE OF THE STATE PUBLIC DEFENDER WITH EXPERIENCE REPRESENTING VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT.

(4) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT IS A MEMBER OF THE TASK FORCE AND SHALL APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE TASK FORCE:

(a) A STATE COURT JUDGE;

(b) AN INDIVIDUAL OTHER THAN A JUDGE WHO IS COURT PERSONNEL;

(c) A DISTRICT COURT JUDGE WITH EXPERIENCE IN DOMESTIC MATTERS;

(d) A COUNTY COURT JUDGE; AND

(e) A JUDGE FROM A RURAL COUNTY.

(5) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL ENSURE THAT THE MEMBERSHIP OF THE TASK FORCE INCLUDES INDIVIDUALS WHO REFLECT THE ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE AND REPRESENT ALL AREAS OF THE STATE.

(6) THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL SERVE AS CO-CHAIRS OF THE TASK FORCE FOR THE DURATION OF THE TASK FORCE. IN THE EVENT OF A VACANCY OR AN UNFORESEEN CIRCUMSTANCE THAT PREVENTS A CO-CHAIR FROM CARRYING OUT THE CO-CHAIR'S DUTIES, THE TASK FORCE SHALL NOMINATE AND ELECT A REPLACEMENT CO-CHAIR AT THE NEXT MEETING.

(7) THE TERM OF EACH APPOINTMENT TO THE TASK FORCE IS FOR THE DURATION OF THE TASK FORCE. A VACANCY MUST BE FILLED AS SOON AS POSSIBLE BY THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS OR THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT.

(8) THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL MAKE THEIR APPOINTMENTS ON OR BEFORE JULY 1, 2023. IN MAKING APPOINTMENTS TO THE TASK FORCE, THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL ENSURE THAT THE APPOINTEES INCLUDE INDIVIDUALS WHO HAVE EXPERIENCE WITH OR INTEREST IN THE TASK FORCE STUDY AREAS SET FORTH IN SUBSECTIONS (11) AND (12) OF THIS SECTION.

(9) MEMBERS OF THE TASK FORCE SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE TASK FORCE MAY RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES ASSOCIATED WITH THEIR DUTIES ON THE TASK FORCE.

(10) THE TASK FORCE SHALL CONVENE ITS FIRST MEETING NO LATER THAN JULY 15, 2023. THE TASK FORCE SHALL MEET AT LEAST FOUR TIMES BUT NOT MORE THAN TEN TIMES. THE TASK FORCE SHALL CONVENE ITS FINAL MEETING NO LATER THAN JANUARY 15, 2024.

(11) THE TASK FORCE SHALL, AT A MINIMUM, DETERMINE AND ANALYZE THE FOLLOWING:

(a) CURRENT JUDICIAL TRAINING AROUND THE COUNTRY ON TOPICS RELATED TO SEXUAL ASSAULT, HARASSMENT, STALKING, AND DOMESTIC VIOLENCE;

(b) GAPS IN CURRENT TRAINING IN COLORADO AND HOW TO FILL THOSE GAPS;

(c) BEST PRACTICES TO PROMOTE TRAUMA-INFORMED PRACTICES AND APPROACHES IN THE COURTS;

(d) STRATEGIES TO ENSURE TRAINING IS EFFECTIVE FOR LEARNING ABOUT VICTIMS AND SURVIVORS AND THE IMPACT THAT CRIME, DOMESTIC VIOLENCE, AND SEXUAL ASSAULT HAVE ON VICTIMS AND SURVIVORS, AND

THAT INCLUDES INFORMATION ON TRAUMA AND METHODS TO MINIMIZE RETRAUMATIZATION OF VICTIMS AND SURVIVORS;

(e) APPROACHES TO BEST PROVIDE TRAINING ON GENDER-BASED VIOLENCE AND ISSUES AFFECTING MARGINALIZED COMMUNITIES;

(f) THE AMOUNT OF TRAINING JUDICIAL PERSONNEL CURRENTLY RECEIVE CONCERNING THE PROTECTION OF THE RIGHTS OF VICTIMS IN ORDER TO ENSURE ANY IMPLEMENTED TRAINING EMPHASIZES THAT THE RIGHTS OF VICTIMS ARE TO BE PROTECTED AS VIGOROUSLY AS THE RIGHTS OF DEFENDANTS;

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

(h) THE RESOURCES NECESSARY TO PROVIDE ADDITIONAL JUDICIAL EDUCATION;

(i) THE RESOURCES NECESSARY TO ALLOW JUDGES TO PARTICIPATE IN ADDITIONAL EDUCATION; AND

(j) ANY OTHER TOPIC OR CONCERN THE TASK FORCE BELIEVES IS NECESSARY TO ADEQUATELY STUDY TRAINING FOR JUDICIAL PERSONNEL REGARDING VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND OTHER CRIMES.

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

(a) BE PROVIDED TO ANY JUDGE OR MAGISTRATE WHO PRESIDES OVER PARENTAL RESPONSIBILITY PROCEEDINGS;

(b) INCLUDE NO LESS THAN TWENTY HOURS OF INITIAL TRAINING AND

NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY FIVE YEARS;

(c) FOCUS ON DOMESTIC VIOLENCE AND CHILD ABUSE, INCLUDING:

(I) CHILD SEXUAL ABUSE;

(II) PHYSICAL AND EMOTIONAL ABUSE;

(III) COERCIVE CONTROL;

(IV) IMPLICIT AND EXPLICIT BIAS, INCLUDING BIAS RELATING TO INDIVIDUALS WITH DISABILITIES;

(V) TRAUMA;

(VI) LONG-TERM AND SHORT-TERM IMPACTS ON CHILDREN; AND

(VII) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND RELATIONSHIP DYNAMICS;

(d) BE CONDUCTED BY A PROFESSIONAL TRAINER WHO HAS SUBSTANTIAL EXPERIENCE IN ASSISTING SURVIVORS OF DOMESTIC VIOLENCE OR CHILD ABUSE AND WHO MAY BE A PROFESSIONAL REPRESENTING A VICTIM SERVICES PROVIDER OR A SURVIVOR WITH LIVED EXPERIENCE OF DOMESTIC VIOLENCE OR PHYSICAL OR SEXUAL ABUSE AS A CHILD. IN CONDUCTING THE TRAINING, THE PROFESSIONAL TRAINER SHALL RELY ON EVIDENCE-BASED AND PEER-REVIEWED RESEARCH CONDUCTED BY RECOGNIZED EXPERTS THAT FOCUSES ON THE TYPES OF ABUSE DESCRIBED IN SUBSECTION (12)(c) OF THIS SECTION AND SHALL ONLY INCLUDE THEORIES, CONCEPTS, OR BELIEF SYSTEMS IN THE REQUIRED TRAINING THAT ARE SUPPORTED BY EVIDENCE-BASED AND PEER-REVIEWED RESEARCH; AND

(e) BE DESIGNED TO IMPROVE THE ABILITY OF COURTS TO:

(I) RECOGNIZE AND RESPOND TO PHYSICAL ABUSE OF A CHILD, SEXUAL ASSAULT OF A CHILD, DOMESTIC VIOLENCE, AND FAMILY TRAUMA; AND

(II) MAKE APPROPRIATE CUSTODY DECISIONS THAT PRIORITIZE CHILD SAFETY AND WELL-BEING AND THAT ARE CULTURALLY SENSITIVE AND

APPROPRIATE FOR DIVERSE COMMUNITIES.

(13) THE TASK FORCE MAY WORK WITH OTHER GROUPS, TASK FORCES, OR ORGANIZATIONS THAT HAVE EXPERIENCE WITH THE TOPICS THE TASK FORCE IS RESPONSIBLE FOR STUDYING.

(14)(a) THE TASK FORCE MAY FORM WORKING GROUPS IN ADDITION TO THE WORKING GROUP DESCRIBED IN SUBSECTION (14)(b) OF THIS SECTION TO FURTHER THE PURPOSE OF THE TASK FORCE.

(b) THE TASK FORCE SHALL ESTABLISH A WORKING GROUP TO ANALYZE AND DETERMINE TRAINING STANDARDS FOR JUDICIAL PERSONNEL REGARDING DOMESTIC RELATIONS CASES THAT INCLUDES, BUT IS NOT LIMITED TO, TOPICS RELATED TO PARENTING ISSUES, ISSUES REGARDING RELATIONS WITHIN A FAMILY OR HOUSEHOLD, PHYSICAL AND MENTAL HEALTH CHALLENGES THAT MAY IMPACT FAMILIES, ISSUES THAT MAY IMPACT THE RELATIONSHIP BETWEEN A CHILD AND FAMILY MEMBERS, AND IDENTIFICATION AND MANAGEMENT OF FAMILY CONFLICT. THE WORKING GROUP MUST ALSO CONSIDER THE DATA DESCRIBED IN SUBSECTION (14)(c) OF THIS SECTION.

(c) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL PROVIDE THE FOLLOWING DATA TO THE WORKING GROUP AS SOON AS PRACTICABLE BUT NOT LATER THAN NOVEMBER 1, 2023:

(I) THE NUMBER OF DOMESTIC RELATIONS CASES IN EACH JUDICIAL DISTRICT AND THE NUMBER OF DOMESTIC RELATIONS CASES AS A PERCENTAGE OF THE TOTAL NUMBER OF CASES IN EACH DISTRICT;

(II) THE NUMBER OF CASES IN EACH JUDICIAL DISTRICT IN WHICH A PARTY SEEKS TO REOPEN A CLOSED DOMESTIC RELATIONS CASE; AND

(III) THE STATUS OF REPRESENTATION FOR PARTIES IN DOMESTIC RELATIONS CASES IN EACH JUDICIAL DISTRICT, INCLUDING:

(A) THE NUMBER OF CASES IN WHICH BOTH PARTIES WERE REPRESENTED BY COUNSEL AT THE COMMENCEMENT OF THE CASE AND THE NUMBER OF CASES IN WHICH ONLY ONE PARTY WAS REPRESENTED BY COUNSEL AT THE COMMENCEMENT OF THE CASE;

(B) THE NUMBER OF CASES IN WHICH THERE WAS A SUBSEQUENT ENTRY OF APPEARANCE BY COUNSEL IN A CASE IN WHICH ONE OR BOTH PARTIES PROCEEDED WITHOUT REPRESENTATION BY COUNSEL AT THE COMMENCEMENT OF THE CASE;

(C) THE NUMBER OF CASES IN WHICH THERE WAS A WITHDRAWAL BY COUNSEL; AND

(D) THE NUMBER OF CASES IN WHICH AN ATTORNEY WAS NOT COUNSEL OF RECORD BUT PROVIDED SERVICES TO A PARTY TO THE CASE.

(d) THE FAMILY LAW ATTORNEY THAT SERVES ON THE TASK FORCE SHALL SERVE AS CHAIR OF THE WORKING GROUP.

(e) THE CO-CHAIRS OF THE TASK FORCE SHALL APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE WORKING GROUP:

(I) ONE ACTIVELY PRACTICING MENTAL HEALTH PROFESSIONAL WITH TESTIMONIAL OR DISPUTE RESOLUTION PRACTICE IN DOMESTIC RELATIONS CASES, RECOMMENDED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT FROM AMONG CANDIDATES RECOMMENDED BY THE COLORADO BAR ASSOCIATION;

(II) TWO FAMILY LAW ATTORNEYS LICENSED TO PRACTICE LAW IN COLORADO, RECOMMENDED BY THE COLORADO BAR ASSOCIATION;

(III) ONE ACTIVELY PRACTICING FINANCIAL PROFESSIONAL WITH TESTIMONIAL OR DISPUTE RESOLUTION PRACTICE IN DOMESTIC RELATIONS CASES, RECOMMENDED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT FROM AMONG CANDIDATES RECOMMENDED BY THE FAMILY LAW SECTION OF THE COLORADO BAR ASSOCIATION; AND

(IV) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT OR THE CHIEF JUSTICE'S DESIGNEE.

(f) ON OR BEFORE NOVEMBER 1, 2023, THE WORKING GROUP SHALL CREATE A REPORT THAT INCLUDES RECOMMENDATIONS ON TRAINING STANDARDS REGARDING DOMESTIC RELATIONS AND SUBMIT THE REPORT TO THE TASK FORCE FOR REVIEW.

(15) ON OR BEFORE FEBRUARY 1, 2024, THE TASK FORCE SHALL SUBMIT A REPORT, INCLUDING ITS FINDINGS AND RECOMMENDATIONS ON CONSIDERATIONS AND GUIDANCE IDENTIFIED IN SUBSECTIONS (11) AND (12) OF THIS SECTION AND FROM THE WORKING GROUP ESTABLISHED IN SUBSECTION (14) OF THIS SECTION TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE JUDICIAL DEPARTMENT. ALL RECOMMENDATIONS MADE BY THE TASK FORCE MUST BE APPROVED BY A MAJORITY OF THE TASK FORCE MEMBERS IN ORDER TO BE INCLUDED IN THE REPORT.

(16) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

SECTION 2. Appropriation. For the 2023-24 state fiscal year, \$11,900 is appropriated to the department of public safety for use by the division of criminal justice. This appropriation is from the general fund. To implement this act, the division may use this appropriation for DCJ administrative services.

SECTION 3. Safety clause. The general assembly hereby finds,

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

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO