

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

REVISED

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

LLS NO. 23-0077.01 Chelsea Princell x4335

HOUSE BILL 23-1108

HOUSE SPONSORSHIP

Duran and Evans, Armagost, Bird, Boesenecker, Brown, Daugherty, Dickson, English, Froelich, Herod, Jodeh, Lieder, Lindsay, Martinez, McCluskie, Michaelson Jenet, Ortiz, Valdez, Velasco, Weinberg, Weissman, Young

SENATE SPONSORSHIP

Hansen and Gardner,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

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

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 creates a task force to study victim and survivor awareness and responsiveness training requirements for judicial personnel (task force) in the office for victims programs in the division of criminal

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.

SENATE
Amended 2nd Reading
April 21, 2023

HOUSE
3rd Reading Unamended
March 6, 2023

HOUSE
Amended 2nd Reading
March 3, 2023

justice. The task force consists of members who have experience representing victims and survivors of domestic violence, sexual assault, or other crimes; lived experience as a victim or survivor of domestic violence, sexual assault, or other crimes; or are members of the judicial community.

The task force is required to analyze current training provided to judicial personnel around the country on topics of domestic violence, sexual assault, and other crimes, in order to determine best practices and training requirements for judicial personnel in the state.

The task force is required to convene by July 1, 2023, and is required to meet at least 4 times but not more than 10 times. The task force is required to submit a report with its findings and recommendations to the house of representatives judiciary committee and the senate judiciary committee, or their successor committees, and the judicial department by November 1, 2023. The task force must convene its final meeting no later than October 15, 2023.

The task force is repealed, effective July 1, 2024.

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

2 **SECTION 1. In Colorado Revised Statutes, add article 5.7 to title**
3 **13 as follows:**

4 **ARTICLE 5.7**

5 **Task Force To Study Victim And Survivor Awareness And**
6 **Responsiveness Training For Judicial Personnel**

7 **13-5.7-101. Definitions. (1) AS USED IN THIS SECTION, UNLESS**
8 **THE CONTEXT OTHERWISE REQUIRES:**

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

12 **(b) "TASK FORCE" MEANS THE TASK FORCE TO STUDY VICTIM AND**
13 **SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING REQUIREMENTS**
14 **FOR JUDICIAL PERSONNEL CREATED IN SECTION 13-5.7-102.**

15 **13-5.7-102. Task force to study victim and survivor awareness**

1 and responsiveness training requirements for judicial personnel -
2 creation - membership - duties - report - repeal. (1) THERE IS
3 CREATED IN THE JUDICIAL DEPARTMENT THE TASK FORCE TO STUDY
4 VICTIM AND SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING
5 REQUIREMENTS FOR JUDICIAL PERSONNEL.

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

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

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

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

17 (d) A FAMILY LAW ATTORNEY;

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

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

23 (g) A REPRESENTATIVE OF A FAMILY JUSTICE CENTER;

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

27 (i) A PRIVATE CRIMINAL DEFENSE ATTORNEY WITH EXPERIENCE

1 REPRESENTING VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT; AND

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

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

8 (a) A STATE COURT JUDGE;

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

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

13 (d) A COUNTY COURT JUDGE; AND

14 (e) A JUDGE FROM A RURAL COUNTY.

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

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

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

5 (7) THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS AND THE
6 CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL MAKE THEIR
7 APPOINTMENTS ON OR BEFORE JULY 1, 2023. IN MAKING APPOINTMENTS
8 TO THE TASK FORCE, THE MANAGER OF THE OFFICE FOR VICTIMS
9 PROGRAMS AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT
10 SHALL ENSURE THAT THE APPOINTEES INCLUDE INDIVIDUALS WHO HAVE
11 EXPERIENCE WITH OR INTEREST IN THE TASK FORCE STUDY AREAS SET
12 FORTH IN SUBSECTIONS (10) AND (11) OF THIS SECTION.

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

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

21 (10) THE TASK FORCE SHALL, AT A MINIMUM, DETERMINE AND
22 ANALYZE THE FOLLOWING:

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

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

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

3 (d) STRATEGIES TO ENSURE TRAINING IS EFFECTIVE FOR LEARNING
4 ABOUT VICTIMS AND SURVIVORS AND THE IMPACT THAT CRIME, DOMESTIC
5 VIOLENCE, AND SEXUAL ASSAULT HAVE ON VICTIMS AND SURVIVORS, AND
6 THAT INCLUDES INFORMATION ON TRAUMA AND METHODS TO MINIMIZE
7 RETRAUMATIZATION OF VICTIMS AND SURVIVORS;

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

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

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

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

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

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

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

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

9 (b) INCLUDE NO LESS THAN TWENTY HOURS OF INITIAL TRAINING
10 AND NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY FIVE
11 YEARS;

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

13 (I) CHILD SEXUAL ABUSE;

14 (II) PHYSICAL AND EMOTIONAL ABUSE;

15 (III) COERCIVE CONTROL;

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

18 (V) TRAUMA;

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

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

22 (d) BE CONDUCTED BY A PROFESSIONAL TRAINER WHO HAS
23 SUBSTANTIAL EXPERIENCE IN ASSISTING SURVIVORS OF DOMESTIC
24 VIOLENCE OR CHILD ABUSE AND WHO MAY BE A PROFESSIONAL
25 REPRESENTING A VICTIM SERVICES PROVIDER OR A SURVIVOR WITH LIVED
26 EXPERIENCE OF DOMESTIC VIOLENCE OR PHYSICAL OR SEXUAL ABUSE AS
27 A CHILD. IN CONDUCTING THE TRAINING, THE PROFESSIONAL TRAINER

1 SHALL RELY ON EVIDENCE-BASED AND PEER-REVIEWED RESEARCH
2 CONDUCTED BY RECOGNIZED EXPERTS THAT FOCUSES ON THE TYPES OF
3 ABUSE DESCRIBED IN SUBSECTION (11)(c) OF THIS SECTION AND SHALL
4 ONLY INCLUDE THEORIES, CONCEPTS, OR BELIEF SYSTEMS IN THE REQUIRED
5 TRAINING THAT ARE SUPPORTED BY EVIDENCE-BASED AND
6 PEER-REVIEWED RESEARCH; AND

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

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

11 (II) MAKE APPROPRIATE CUSTODY DECISIONS THAT PRIORITIZE
12 CHILD SAFETY AND WELL-BEING AND THAT ARE CULTURALLY SENSITIVE
13 AND APPROPRIATE FOR DIVERSE COMMUNITIES.

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

17 (13) (a) THE TASK FORCE MAY FORM WORKING GROUPS IN
18 ADDITION TO THE WORKING GROUP DESCRIBED IN SUBSECTION (13)(b) OF
19 THIS SECTION TO FURTHER THE PURPOSE OF THE TASK FORCE.

20 (b) THE TASK FORCE SHALL ESTABLISH A WORKING GROUP TO
21 ANALYZE AND DETERMINE TRAINING STANDARDS FOR JUDICIAL
22 PERSONNEL REGARDING DOMESTIC RELATIONS CASES THAT INCLUDES, BUT
23 IS NOT LIMITED TO, TOPICS RELATED TO PARENTING ISSUES, ISSUES
24 REGARDING RELATIONS WITHIN A FAMILY OR HOUSEHOLD, PHYSICAL AND
25 MENTAL HEALTH CHALLENGES THAT MAY IMPACT FAMILIES, ISSUES THAT
26 MAY IMPACT THE RELATIONSHIP BETWEEN A CHILD AND FAMILY MEMBERS,
27 AND IDENTIFICATION AND MANAGEMENT OF FAMILY CONFLICT. THE

1 WORKING GROUP MUST ALSO CONSIDER THE DATA DESCRIBED IN
2 SUBSECTION (13)(c) OF THIS SECTION.

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

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

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

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

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

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

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

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

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

27 (e) THE CO-CHAIRS OF THE TASK FORCE SHALL APPOINT THE

1 FOLLOWING MEMBERS TO SERVE ON THE WORKING GROUP:

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

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

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

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

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

20 (14) ON OR BEFORE FEBRUARY 1, 2024, THE TASK FORCE SHALL
21 SUBMIT A REPORT, INCLUDING ITS FINDINGS AND RECOMMENDATIONS ON
22 CONSIDERATIONS AND GUIDANCE IDENTIFIED IN SUBSECTIONS (10) AND
23 (11) OF THIS SECTION AND FROM THE WORKING GROUP ESTABLISHED IN
24 SUBSECTION (13) OF THIS SECTION TO THE HOUSE OF REPRESENTATIVES
25 JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
26 SUCCESSOR COMMITTEES, AND THE JUDICIAL DEPARTMENT. ALL
27 RECOMMENDATIONS MADE BY THE TASK FORCE MUST BE APPROVED BY A

1 MAJORITY OF THE TASK FORCE MEMBERS IN ORDER TO BE INCLUDED IN THE
2 REPORT.

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

4 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
5 \$11,900 is appropriated to the judicial department for use by courts
6 administration. This appropriation is from the general fund. To implement
7 this act, the department may use this appropriation for general courts
8 administration.

9 **SECTION 3. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.