



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 13, 2023)

Drafting Number:	LLS 23-0010	Date:	April 5, 2023
Prime Sponsors:	Rep. Froelich Sen. Winter F.	Bill Status:	House Appropriations
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Bill Topic: COURT PERSONNEL & DOMESTIC VIOLENCE AWARENESS

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill places additional requirements and restrictions on the courts in certain family law cases involving domestic violence and child abuse. The bill increases state expenditures on an ongoing basis beginning in FY 2023-24.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee. It also has been updated to reflect new assumptions regarding Judicial Department costs.

Summary of Legislation

The bill creates new requirements for the courts and those involved in parental responsibility proceedings designed to improve the ability of courts to recognize and respond to child physical abuse, child sexual abuse, domestic violence, and trauma in all family victims, particularly children, and to make custody decisions that prioritize child safety and well-being and that are culturally sensitive and appropriate for diverse communities.

In proceedings concerning allocation of parental responsibility that involve a claim of domestic violence or child abuse of a minor, the bill requires courts to:

- consider the admission of expert testimony and evidence if the expert demonstrates expertise and experience working with victims of domestic violence or child abuse, including child sexual abuse, that is not solely forensic in nature; and
- consider past evidence, including convictions, arrests, and restraining orders against the accused.

Further, in these cases, courts are prohibited from separating or restricting contact between a child and their protective party in order to improve a deficient relationship with the accused. It also prohibits courts from ordering reunification treatment unless certain conditions are met.

If House Bill 23-1108 is adopted—which creates a task force to study victim and survivor awareness and responsiveness training requirements for Judicial Department personnel—this bill requires the task force to study training requirements in the federal Keeping Children Safe from Family Violence Act. The task force must focus on hourly training requirements, abuse recognition, and trainer requirements.

The bill also requires initial and ongoing training hours for child and family investigators and parental responsibilities evaluators, to be conducted by a professional training meeting the bill's criteria.

The Office of the Child's Representative and special masters and mediators involved in parental responsibility proceedings are required to report to the State Court Administrator on existing training on domestic violence and child abuse and hours completed.

Finally, as soon as practicable in FY 2023-24, the Judicial Department is required to apply to the federal Department of Justice for additional grant funding in compliance with the federal Keeping Children Safe From Family Violence Act.

Background

The Violence Against Women Act, reauthorized in 2022, provides increased federal grant funding for up to four fiscal years to states that adopt custody proceeding laws and standards in compliance with the Keeping Children Safe from Family Violence Act.

Assumptions

Data from the Judicial Department indicate that there are about 30,000 hearings annually involving children. These include custody hearings, child support hearings, dependency and neglect cases, and divorce and legal separation cases with children. Assuming that nearly one-quarter of cases involve domestic violence or abuse, the fiscal note assumes that the bill will affect approximately 6,800 cases annually. Because the duration of cases increases with the level of conflict involved, the fiscal note assumes that time spent on cases will vary and that additional scrutiny for expert witnesses will be offset by time saved by not having some witnesses admitted in court. These impacts are expected to stabilize in future fiscal years.

The fiscal note also assumes that any additional work undertaken by the Judicial Department upon receipt of federal grant funding will meet federal funding requirements and be accomplished within those resources. After four fiscal years, or in the event that workload for the Judicial Department increases beyond what federal funding can subsidize, the Judicial Department will seek resources through the annual budget process.

State Expenditures

The bill increases workload in the Judicial Department in FY 2023-24 and ongoing. Conditional upon receipt of federal funding, additional training will be administered to child family investigators and parental responsibility evaluators. This additional training may be eligible for federal funding and

workload increases for this training that are not covered by federal funding will be requested in the annual budget process. In addition, workload will increase for judges and their staff to review witnesses and consider if their testimony can be admitted based on the guidelines of the bill.

Workload will also minimally increase for the Office of the Child's Representative to report training hours to the State Court Administrator, and for that office to track these hours. No change in appropriations is required.

Local Government

District attorneys, county and municipal court staff, and local law enforcement agencies may have adjustments to workload due to varying hearing times as a result of the bill. The exact impacts to each district, county, and municipality will vary based on the number of family court proceedings heard in that jurisdiction.

Technical Note

All provisions of the bill except those related to the task force are currently contingent upon receipt of a grant funding from the federal Department of Justice. This federal funding stream is only for certain allowable uses, and the fiscal note interprets court personal services costs as not falling under an allowable use. As such, this provision could delay or thwart the implementation of the bill.

Effective Date

Section 1 (2)(d) of the bill, regarding the task force, takes effect on the effective date of this bill or HB 23-1108, whichever is later. All other sections of the bill take effect only if the federal government awards a grant increase for the "Keeping Children Safe From Family Violence Act" to Colorado. Those sections take effect 30 days after the Judicial Department notifies the Revisor of Statutes that it has been awarded a grant increase.

Departmental Difference

The Judicial Department assumes that the bill requires \$1,204,235 and 10 FTE, based on the assessment from family court judges that the requirements of the bill will add roughly 45 minutes, on average, to each case that is heard in family courts. The additional time spent by judges will result in 2.5 FTE on an ongoing basis and each judicial officer is accompanied by staff in a 3-to-1 ratio. As discussed in the Technical Note, it is assumed these costs would require General Fund.

The fiscal note does not include these costs, as it is assumed that the bill will result in reductions in hearing time that offset increases in other areas. Therefore, the overall impact to the Judicial Department is estimated to be minimal and can be accomplished within existing appropriations.

State and Local Government Contacts

Information Technology

Judicial

Law