

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 17, 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 reengrossed bill, strike everything below the enacting clause and
2 substitute:

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

5 **ARTICLE 5.7**
6 **Task Force To Study Victim And Survivor Awareness And**
7 **Responsiveness Training For Judicial Personnel**

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

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

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

16 **13-5.7-102. Task force to study victim and survivor awareness**
17 **and responsiveness training requirements for judicial personnel -**
18 **creation - membership - duties - report - repeal.** (1) THERE IS
19 CREATED IN THE JUDICIAL DEPARTMENT THE TASK FORCE TO STUDY
20 VICTIM AND SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING
21 REQUIREMENTS FOR JUDICIAL PERSONNEL.

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

26 (a) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT

1 SERVES OR REPRESENTS VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE;
2 (b) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
3 SUPPORTS VICTIMS AND SURVIVORS OF CRIMES OR VIOLENCE OTHER THAN
4 DOMESTIC VIOLENCE OR SEXUAL ASSAULT;
5 (c) A REPRESENTATIVE OF AN ORGANIZATION PROVIDING LEGAL
6 SERVICES TO VICTIMS AND SURVIVORS;
7 (d) A FAMILY LAW ATTORNEY;
8 (e) A REPRESENTATIVE OF A CULTURALLY SPECIFIC ORGANIZATION
9 THAT PROVIDES VICTIM SERVICES OR WORKS WITH VICTIMS OR SURVIVORS
10 OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT;
11 (f) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
12 SERVES OR REPRESENTS SURVIVORS OF SEXUAL ASSAULT;
13 (g) A REPRESENTATIVE OF A FAMILY JUSTICE CENTER;
14 (h) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
15 TREATS CHILDREN WHO ARE VICTIMS OF DOMESTIC VIOLENCE AND
16 PROVIDES EXPERTISE ON CHILD ABUSE PREVENTION AND NEGLECT;
17 (i) A PRIVATE CRIMINAL DEFENSE ATTORNEY WITH EXPERIENCE
18 REPRESENTING VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT; AND
19 (j) A REPRESENTATIVE OF THE OFFICE OF THE STATE PUBLIC
20 DEFENDER WITH EXPERIENCE REPRESENTING VICTIMS OF DOMESTIC
21 VIOLENCE OR SEXUAL ASSAULT.
22 (3) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT IS A
23 MEMBER OF THE TASK FORCE AND SHALL APPOINT THE FOLLOWING
24 MEMBERS TO SERVE ON THE TASK FORCE:
25 (a) A STATE COURT JUDGE;
26 (b) AN INDIVIDUAL OTHER THAN A JUDGE WHO IS COURT
27 PERSONNEL;
28 (c) A DISTRICT COURT JUDGE WITH EXPERIENCE IN DOMESTIC
29 MATTERS;
30 (d) A COUNTY COURT JUDGE; AND
31 (e) A JUDGE FROM A RURAL COUNTY.
32 (4) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE MANAGER
33 OF THE OFFICE FOR VICTIMS PROGRAMS AND THE CHIEF JUSTICE OF THE
34 COLORADO SUPREME COURT SHALL ENSURE THAT THE MEMBERSHIP OF
35 THE TASK FORCE INCLUDES INDIVIDUALS WHO REFLECT THE ETHNIC,
36 CULTURAL, AND GENDER DIVERSITY OF THE STATE AND REPRESENT ALL
37 AREAS OF THE STATE.
38 (5) THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS AND THE
39 CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL SERVE AS
40 CO-CHAIRS OF THE TASK FORCE FOR THE DURATION OF THE TASK FORCE.
41 IN THE EVENT OF A VACANCY OR AN UNFORESEEN CIRCUMSTANCE THAT
42 PREVENTS A CO-CHAIR FROM CARRYING OUT THE CO-CHAIR'S DUTIES, THE
43 TASK FORCE SHALL NOMINATE AND ELECT A REPLACEMENT CO-CHAIR AT

1 THE NEXT MEETING.

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

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

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

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

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

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

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

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

31 (d) STRATEGIES TO ENSURE TRAINING IS EFFECTIVE FOR LEARNING
32 ABOUT VICTIMS AND SURVIVORS AND THE IMPACT THAT CRIME, DOMESTIC
33 VIOLENCE, AND SEXUAL ASSAULT HAVE ON VICTIMS AND SURVIVORS, AND
34 THAT INCLUDES INFORMATION ON TRAUMA AND METHODS TO MINIMIZE
35 RETRAUMATIZATION OF VICTIMS AND SURVIVORS;

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

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

43 (g) THE SCOPE OF JUDICIAL EDUCATION OPPORTUNITIES ALREADY

1 PROVIDED TO JUDGES RELATED TO DOMESTIC VIOLENCE, THE RIGHTS OF
2 VICTIMS, CASE MANAGEMENT, DOMESTIC RELATIONS DOCKETS,
3 DEPENDENCY AND NEGLECT DOCKETS, JUVENILE PROCEEDINGS, AND
4 CRIMINAL PROCEEDINGS;
5 (h) THE RESOURCES NECESSARY TO PROVIDE ADDITIONAL JUDICIAL
6 EDUCATION;
7 (i) THE RESOURCES NECESSARY TO ALLOW JUDGES TO PARTICIPATE
8 IN ADDITIONAL EDUCATION; AND
9 (j) ANY OTHER TOPIC OR CONCERN THE TASK FORCE BELIEVES IS
10 NECESSARY TO ADEQUATELY STUDY TRAINING FOR JUDICIAL PERSONNEL
11 REGARDING VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL
12 ASSAULT, AND OTHER CRIMES.
13 (11) IN ADDITION TO THE TOPIC AREAS SPECIFIED IN SUBSECTION
14 (10) OF THIS SECTION, THE TASK FORCE SHALL ENSURE THE TRAINING
15 RECOMMENDATIONS COMPLY WITH THE FEDERAL "KEEPING CHILDREN
16 SAFE FROM FAMILY VIOLENCE ACT", 34 U.S.C. SEC. 10446, AS AMENDED.
17 AT A MINIMUM, THE PORTION OF THE TRAINING THAT IMPLEMENTS THESE
18 FEDERAL REQUIREMENTS MUST:
19 (a) BE PROVIDED TO ANY JUDGE OR MAGISTRATE WHO PRESIDES
20 OVER PARENTAL RESPONSIBILITY PROCEEDINGS;
21 (b) INCLUDE NO LESS THAN TWENTY HOURS OF INITIAL TRAINING
22 AND NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY FIVE
23 YEARS;
24 (c) FOCUS ON DOMESTIC VIOLENCE AND CHILD ABUSE, INCLUDING:
25 (I) CHILD SEXUAL ABUSE;
26 (II) PHYSICAL AND EMOTIONAL ABUSE;
27 (III) COERCIVE CONTROL;
28 (IV) IMPLICIT AND EXPLICIT BIAS, INCLUDING BIAS RELATING TO
29 INDIVIDUALS WITH DISABILITIES;
30 (V) TRAUMA;
31 (VI) LONG-TERM AND SHORT-TERM IMPACTS ON CHILDREN; AND
32 (VII) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND
33 RELATIONSHIP DYNAMICS;
34 (d) BE CONDUCTED BY A PROFESSIONAL TRAINER WHO HAS
35 SUBSTANTIAL EXPERIENCE IN ASSISTING SURVIVORS OF DOMESTIC
36 VIOLENCE OR CHILD ABUSE AND WHO MAY BE A PROFESSIONAL
37 REPRESENTING A VICTIM SERVICES PROVIDER OR A SURVIVOR WITH LIVED
38 EXPERIENCE OF DOMESTIC VIOLENCE OR PHYSICAL OR SEXUAL ABUSE AS
39 A CHILD. IN CONDUCTING THE TRAINING, THE PROFESSIONAL TRAINER
40 SHALL RELY ON EVIDENCE-BASED AND PEER-REVIEWED RESEARCH
41 CONDUCTED BY RECOGNIZED EXPERTS THAT FOCUSES ON THE TYPES OF
42 ABUSE DESCRIBED IN SUBSECTION (11)(c) OF THIS SECTION AND SHALL
43 ONLY INCLUDE THEORIES, CONCEPTS, OR BELIEF SYSTEMS IN THE REQUIRED

1 TRAINING THAT ARE SUPPORTED BY EVIDENCE-BASED AND
2 PEER-REVIEWED RESEARCH; AND

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

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

7 (II) MAKE APPROPRIATE CUSTODY DECISIONS THAT PRIORITIZE
8 CHILD SAFETY AND WELL-BEING AND THAT ARE CULTURALLY SENSITIVE
9 AND APPROPRIATE FOR DIVERSE COMMUNITIES.

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

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

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

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

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

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

33 (II) TWO ATTORNEYS LICENSED TO PRACTICE LAW IN COLORADO,
34 RECOMMENDED BY THE EXECUTIVE COUNCIL OF THE FAMILY LAW SECTION
35 OF THE COLORADO BAR ASSOCIATION;

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

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

43 (e) ON OR BEFORE NOVEMBER 1, 2023, THE WORKING GROUP

1 SHALL CREATE A REPORT THAT INCLUDES RECOMMENDATIONS ON
2 TRAINING REQUIREMENTS REGARDING DOMESTIC RELATIONS AND SUBMIT
3 THE REPORT TO THE TASK FORCE FOR REVIEW.

4 (14) ON OR BEFORE FEBRUARY 1, 2024, THE TASK FORCE SHALL
5 SUBMIT A REPORT, INCLUDING ITS FINDINGS AND RECOMMENDATIONS ON
6 CONSIDERATIONS AND GUIDANCE IDENTIFIED IN SUBSECTIONS (10) AND
7 (11) OF THIS SECTION AND FROM THE WORKING GROUP ESTABLISHED IN
8 SUBSECTION (13) OF THIS SECTION TO THE HOUSE OF REPRESENTATIVES
9 JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
10 SUCCESSOR COMMITTEES, AND THE JUDICIAL DEPARTMENT. ALL
11 RECOMMENDATIONS MADE BY THE TASK FORCE MUST BE APPROVED BY A
12 MAJORITY OF THE TASK FORCE MEMBERS IN ORDER TO BE INCLUDED IN THE
13 REPORT.

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

15 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
16 \$11,900 is appropriated to the judicial department. This appropriation is
17 from the general fund. To implement this act, the department may use this
18 appropriation for DCJ administrative services.

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

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