

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

**REVISED**

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

LLS NO. 21-0070.01 Jane Ritter x4342

**HOUSE BILL 21-1228**

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Public & Behavioral Health & Human Services  
Appropriations

**Senate Committees**

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**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.**

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**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 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.

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.*

SENATE  
2nd Reading Unamended  
May 26, 2021

HOUSE  
3rd Reading Unamended  
May 10, 2021

HOUSE  
Amended 2nd Reading  
May 7, 2021

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

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

21 **14-10-116.5. Appointment in domestic relations cases - child**  
22 **and family investigator - disclosure - background check.** (2) (a) A  
23 child and family investigator appointed by the court FROM AN ELIGIBILITY  
24 ROSTER ESTABLISHED PURSUANT TO CHIEF JUSTICE DIRECTIVE may be an  
25 attorney, a mental health professional, or any other individual with  
26 appropriate training AND qualifications, AS SET FORTH IN SUBSECTION  
27 (2)(f) OF THIS SECTION, and an independent perspective acceptable to the

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

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

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

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

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

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

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

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



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

5  
6 (3) (a) The court shall enter an order for costs, fees, and  
7 disbursements in favor of the child and family investigator appointed  
8 pursuant to subsection (1) of this section. The order shall MUST be made  
9 against any or all of the parties; except that, if the responsible parties are  
10 determined to be indigent, the costs, fees, and disbursements shall be ARE  
11 borne by the state.

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

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

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

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

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

26 **SECTION 6.** In Colorado Revised Statutes, 14-10-127, **amend**  
27 (1)(a)(I), (1)(a)(I.5) introductory portion, (1)(a)(II), (1)(b), (4)

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

3 **14-10-127. Evaluation and reports - training and**  
4 **qualifications of evaluators - disclosure.** (1) (a) (I) (A) In all  
5 proceedings concerning the allocation of parental responsibilities with  
6 respect to a child, the court may, upon motion of either party or upon its  
7 own motion, order any county or district department of human or social  
8 services or a licensed mental health professional qualified pursuant to  
9 subsection (4) of this section AND REFERRED TO IN THIS SECTION AS AN  
10 "EVALUATOR" to perform an evaluation and file a written report  
11 concerning the disputed issues relating to the allocation of parental  
12 responsibilities for the child, unless the motion by either party is made for  
13 the purpose of delaying the proceedings. THE PURPOSE OF THE  
14 EVALUATION AND REPORT IS TO ASSIST IN DETERMINING THE BEST  
15 INTERESTS OF THE CHILD, WITH THE CHILD'S SAFETY ALWAYS PARAMOUNT.  
16 THE EVALUATION AND SUBSEQUENT REPORT MUST FOCUS ON THE BEST  
17 INTERESTS OF THE CHILD AND THE FACTORS SET FORTH IN SECTIONS  
18 14-10-124 AND 14-10-129 IN ANY POST-DECREE OR RELOCATION CASE. IN  
19 ADDITION, THE EVALUATOR SHALL ASSESS A PARTY'S PARENTING  
20 ATTRIBUTES AS THOSE ATTRIBUTES RELATE TO THE BEST INTERESTS OF  
21 THE CHILD, AND CONSIDER ANY PSYCHOLOGICAL NEEDS OF THE CHILD  
22 WHEN MAKING RECOMMENDATIONS CONCERNING DECISION MAKING AND  
23 PARENTING TIME.

24 (B) Any court or any personnel of a county or district department  
25 of human or social services appointed by the court to do ~~such~~ AN  
26 evaluation PURSUANT TO THIS SECTION must be qualified pursuant to  
27 subsection (4) of this section AND BE SELECTED FROM AN ELIGIBILITY

1 ROSTER ESTABLISHED PURSUANT TO APPLICABLE CHIEF JUSTICE DIRECTIVE.


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

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

22 (II) Each party and the child, IF POSSIBLE, shall cooperate in the  
23 supplemental evaluation. If the court finds that the supplemental  
24 evaluation was necessary and materially assisted the court, the court may  
25 order the costs of such supplemental evaluation to be assessed as costs  
26 between the parties. Except as otherwise provided in this section, ~~such~~  
27 THE report ~~shall be considered~~ IS confidential and ~~shall not be~~ IS NOT

1 available for public inspection unless by order of court. The cost of each  
2 department of human services evaluation ~~shall be~~ IS based on an ability  
3 to pay and ~~shall~~ MUST be assessed as part of the costs of the action or  
4 proceeding, and, upon receipt of such sum by the clerk of court, ~~it shall~~  
5 ~~be transmitted~~ THE CLERK OF COURT SHALL TRANSMIT THE MONEY to the  
6 department or agency performing the evaluation.

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

15   
16 (c) AN EVALUATOR SHALL STRIVE TO ENGAGE IN CULTURALLY  
17 INFORMED AND NONDISCRIMINATORY PRACTICES, AND STRIVE TO AVOID  
18 CONFLICTS OF INTEREST OR MULTIPLE RELATIONSHIPS IN CONDUCTING  
19 EVALUATIONS.

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

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

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

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

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

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

13 (5) If AN evaluation is indicated in an area ~~which is~~ beyond the  
14 training or experience of the evaluator, the evaluator shall consult with a  
15 mental health professional qualified by training or experience, AS  
16 DESCRIBED IN SUBSECTION (4) OF THIS SECTION, in that area. Such areas  
17 may include, but are not limited to, domestic violence, child abuse, CHILD  
18 SEXUAL ABUSE, alcohol or substance abuse, or psychological testing.

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

25 (b) ~~A mental health professional~~ AN EVALUATOR may make  
26 ~~recommendations~~ REPORTS even though all parties and the child have not  
27 been evaluated by the same ~~mental health professional~~ EVALUATOR in the

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

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

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

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

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

21 (a) \$80,480 for general courts administration, which amount is  
22 based on an assumption that the department will require an additional 0.9  
23 FTE; and

24 (b) \$6,200 for capital outlay.

25 [REDACTED]

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.