

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

INTRODUCED

LLS NO. 23-0779.01 Conrad Imel x2313

HOUSE BILL 23-1159

HOUSE SPONSORSHIP

Luck, Bottoms, Joseph, Wilson

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STUDYING FAMILY LAW COURT PROCEEDINGS.**

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 establishes the commission to study family courts (commission) to evaluate family courts in Colorado and make recommendations to the general assembly for changes to the administration of family courts to better serve the people of Colorado.

The commission is comprised of 4 parents who have been involved in a family court case, 4 persons with lived experience as a child in a family court case, a victim advocate, a representative of a child support agency, a parental responsibility evaluator or child and family

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.

investigator, 2 family law attorneys, a district judge with experience presiding over a family court, a representative of the state court administrator's office, a senator, and a member of the house of representatives. The legislative council staff and office of legislative legal services provide staff support to the commission. The commission may hire a person to assist the commission with compiling data and information relevant to the commission's duties and to prepare the commission's report.

The commission shall hold its first meeting no later than September 30, 2023, and shall meet at least once every 3 months. The commission may meet remotely and at locations throughout the state.

No later than September 30, 2024, the commission shall submit a report on family courts in Colorado to the judicial department and to the judiciary committees of the house of representatives and the senate. The report must include the commission's findings on issues it studied and any recommendations from the commission for improving the administration of family courts, including proposed legislation and funding sources for implementing any recommendations.

The commission is repealed December 31, 2024.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 5 to article
3 1 of title 13 as follows:

4 **PART 5**

5 **COMMISSION TO STUDY FAMILY COURTS**

6 **13-1-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "COMMISSION" MEANS THE COMMISSION TO STUDY FAMILY
9 COURTS CREATED IN SECTION 13-1-502.

10 (2) "FAMILY COURT" MEANS A COLORADO COURT, INCLUDING A
11 DEDICATED DOCKET OR DIVISION OF A DISTRICT COURT AND AN APPELLATE
12 COURT, THAT HEARS CASES INVOLVING DOMESTIC RELATIONS, INCLUDING
13 ACTIONS BROUGHT PURSUANT TO TITLE 14 AND ANY OTHER ACTION
14 INVOLVING CHILD CUSTODY AND SUPPORT; GRANDPARENTS' RIGHTS; AND

1 MARRIAGES AND UNIONS, INCLUDING THE DISSOLUTION OR LEGAL
2 SEPARATION OF MARRIAGES AND UNIONS.

3 **13-1-502. Commission to study family courts - creation -**
4 **membership - staff assistance.** (1) THERE IS CREATED THE COMMISSION
5 TO STUDY FAMILY COURTS TO EVALUATE FAMILY COURTS IN COLORADO
6 AND MAKE RECOMMENDATIONS TO THE JUDICIAL DEPARTMENT AND
7 GENERAL ASSEMBLY FOR CHANGES TO THE ADMINISTRATION OF FAMILY
8 COURTS TO BETTER SERVE THE PEOPLE OF COLORADO.

9 (2) (a) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

10 (I) FOUR MEMBERS WHO ARE PARENTS WHO HAVE BEEN INVOLVED
11 IN A FAMILY COURT CASE. THE PRESIDENT OF THE SENATE, THE MINORITY
12 LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE OF
13 REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE OF
14 REPRESENTATIVES SHALL EACH APPOINT ONE PARENT MEMBER TO THE
15 COMMISSION.

16 (II) FOUR MEMBERS WHO HAD LIVED EXPERIENCE AS A CHILD
17 WHILE UNDER EIGHTEEN YEARS OF AGE IN A FAMILY COURT CASE. THE
18 PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE
19 SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER
20 OF THE HOUSE OF REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER
21 WHO HAD LIVED EXPERIENCE AS A CHILD WHILE UNDER EIGHTEEN YEARS
22 OF AGE TO THE COMMISSION.

23 (III) ONE VICTIM ADVOCATE, APPOINTED BY A STATEWIDE
24 ORGANIZATION OF VICTIM ADVOCATES;

25 (IV) ONE REPRESENTATIVE OF A CHILD SUPPORT AGENCY,
26 APPOINTED BY A STATEWIDE CHILD SUPPORT AGENCY;

27 (V) ONE MEMBER WHO IS A PARENTAL RESPONSIBILITY

1 EVALUATOR, AS DESCRIBED IN SECTION 14-10-127, OR A CHILD AND
2 FAMILY INVESTIGATOR, AS DESCRIBED IN SECTION 14-10-116.5, WHO HAS
3 EXPERIENCE BEING APPOINTED TO CONDUCT EVALUATIONS OR
4 INVESTIGATIONS IN FAMILY COURT CASES, APPOINTED BY A STATEWIDE
5 ORGANIZATION REPRESENTING MENTAL HEALTH PROFESSIONALS;

6 (VI) TWO FAMILY LAW ATTORNEYS, AT LEAST ONE OF WHOM MUST
7 HAVE APPELLATE EXPERIENCE IN FAMILY LAW, APPOINTED BY THE
8 EXECUTIVE COUNCIL OF THE FAMILY LAW SECTION OF THE COLORADO BAR
9 ASSOCIATION;

10 (VII) ONE DISTRICT JUDGE WITH EXPERIENCE PRESIDING OVER A
11 FAMILY COURT, APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO
12 SUPREME COURT;

13 (VIII) A REPRESENTATIVE OF THE STATE COURT ADMINISTRATOR'S
14 OFFICE, APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME
15 COURT;

16 (IX) ONE SENATOR, APPOINTED BY THE PRESIDENT OF THE SENATE;
17 AND

18 (X) ONE REPRESENTATIVE, APPOINTED BY THE MINORITY LEADER
19 OF THE HOUSE OF REPRESENTATIVES.

20 (b) THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS TO
21 THE COMMISSION NO LATER THAN SEPTEMBER 8, 2023, AND SHALL INFORM
22 THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE
23 APPOINTMENTS.

24 (c) IF, ON SEPTEMBER 9, 2023, A PERSON HAS NOT BEEN APPOINTED
25 AS A VICTIM ADVOCATE MEMBER AS DESCRIBED IN SUBSECTION (2)(a)(III)
26 OF THIS SECTION, AS A REPRESENTATIVE OF A CHILD SUPPORT AGENCY AS
27 DESCRIBED IN SUBSECTION (2)(a)(IV) OF THIS SECTION, OR AS AN

1 EVALUATOR OR INVESTIGATOR AS DESCRIBED IN SUBSECTION (2)(a)(V) OF
2 THIS SECTION, OR THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE
3 COUNCIL HAS RECEIVED MORE THAN ONE VALID APPOINTMENT PURSUANT
4 TO SUBSECTION (2)(a)(III), (2)(a)(IV), OR (2)(a)(V) OF THIS SECTION, THE
5 POSITION IS INITIALLY VACANT, AND THE FOUR PARENT MEMBERS
6 APPOINTED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION SHALL,
7 AT THE FIRST MEETING OF THE COMMISSION, APPOINT A MEMBER WHO
8 MEETS THE QUALIFICATIONS FOR THE VACANT POSITION.

9 (3) NOTWITHSTANDING SECTION 2-2-326, EACH MEMBER OF THE
10 COMMISSION SERVES WITHOUT COMPENSATION BUT IS ENTITLED TO
11 RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES
12 INCURRED IN THE PERFORMANCE OF THE MEMBER'S DUTIES.

13 (4) THE MEMBERS OF THE COMMISSION SHALL APPOINT A CHAIR
14 AND A VICE-CHAIR FROM AMONG THE COMMISSION'S MEMBERSHIP AT THE
15 COMMISSION'S FIRST MEETING.

16 (5) (a) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
17 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL
18 SUPPLY STAFF ASSISTANCE TO THE COMMISSION. THE STAFF ASSISTANCE
19 PROVIDED BY THE DIRECTOR OF RESEARCH MAY INCLUDE DATA ANALYSIS.
20 THE STAFF ASSISTANCE DOES NOT INCLUDE DRAFTING OR FINALIZING THE
21 COMMISSION'S REPORT DESCRIBED IN SECTION 13-1-504, BUT MAY
22 INCLUDE, UPON REQUEST OF THE COMMISSION, SUBMITTING THE REPORT
23 TO THE JUDICIAL DEPARTMENT AND LEGISLATIVE COMMITTEES.

24 (b) THE CHAIR, WITH THE APPROVAL OF THE COMMISSION, MAY
25 HIRE A PERSON TO ASSIST THE COMMISSION WITH COMPILING DATA AND
26 INFORMATION RELEVANT TO THE COMMISSION'S DUTIES AND TO PREPARE
27 THE COMMISSION'S REPORT DESCRIBED IN SECTION 13-1-504.

1 (c) THE JUDICIAL DEPARTMENT IS NOT REQUIRED TO PROVIDE
2 STAFF ASSISTANCE TO THE COMMISSION. THE JUDICIAL DEPARTMENT MAY
3 PROVIDE MEETING LOCATIONS OUTSIDE OF THE DENVER METROPOLITAN
4 AREA FOR THE COMMISSION'S USE AND SHALL PROVIDE THE COMMISSION
5 WITH COURT DATA REQUESTED BY THE COMMISSION NECESSARY TO CARRY
6 OUT THE COMMISSION'S STUDY OF FAMILY COURTS; EXCEPT THAT THE
7 JUDICIAL DEPARTMENT SHALL NOT PROVIDE CONFIDENTIAL INFORMATION
8 TO THE COMMISSION.

9 **13-1-503. Commission meetings - duties - areas of study.**

10 (1) (a) THE REPRESENTATIVE MEMBER OF THE COMMISSION APPOINTED
11 PURSUANT TO SECTION 13-1-502 (2)(a)(X) SHALL SCHEDULE THE FIRST
12 MEETING OF THE COMMISSION, TO BE HELD NO LATER THAN SEPTEMBER
13 30, 2023.

14 (b) THE COMMISSION SHALL MEET AT LEAST ONCE EVERY THREE
15 MONTHS UNTIL IT SUBMITS THE REPORT REQUIRED PURSUANT TO SECTION
16 13-1-504. THE CHAIR MAY CALL ADDITIONAL MEETINGS AS NECESSARY
17 FOR THE COMMISSION TO COMPLETE ITS DUTIES. THE COMMISSION MAY
18 MEET REMOTELY.

19 (c) IN ORDER TO RECEIVE INPUT FROM THROUGHOUT THE STATE AS
20 DESCRIBED IN SUBSECTION (3) OF THIS SECTION, THE COMMISSION SHALL
21 TAKE PUBLIC TESTIMONY AT EACH COMMISSION MEETING AND MAY, AT
22 THE COMMISSION'S DISCRETION, HOLD IN-PERSON MEETINGS AT ANY
23 LOCATION IN THE STATE.

24 (2) THE COMMISSION SHALL STUDY THE ADMINISTRATION OF
25 FAMILY COURTS, INCLUDING COURT OPERATIONS, JUDICIAL DECISIONS,
26 AND THE SHORT-TERM AND LONG-TERM OUTCOMES FOR FAMILIES
27 INVOLVED IN FAMILY COURT CASES. THE STUDY MUST INCLUDE AN

1 EVALUATION OF, AND COMPILE ACTIONABLE DATA ABOUT, THE
2 FOLLOWING:

3 (a) THE COSTS TO PARTIES IN FAMILY COURT PROCEEDINGS,
4 INCLUDING COURT COSTS, FILING FEES, AND LITIGATION EXPENSES;

5 (b) THE TIMELINESS OF FAMILY COURT RULINGS AND EFFICIENCY
6 OF THE FAMILY COURT PROCESSES;

7 (c) THE EFFECTIVENESS OF COURT-APPOINTED INVESTIGATORS OR
8 EVALUATORS IN FAMILY COURT CASES, INCLUDING THE PROCEDURES FOR
9 APPOINTING, EVALUATING, OR MAKING A COMPLAINT ABOUT AN
10 INVESTIGATOR OR EVALUATOR;

11 (d) THE TRAINING AVAILABLE OR REQUIRED FOR JUDGES WHO
12 PRESIDE OVER A FAMILY COURT AND FOR COURT-APPOINTED
13 INVESTIGATORS OR EVALUATORS IN FAMILY COURT CASES;

14 (e) THE REVENUE GENERATED FOR COURTS AND THE JUDICIAL
15 DEPARTMENT FROM FAMILY COURT CASES, INCLUDING FILING FEES AND
16 ANY OTHER SOURCES OF REVENUE FROM THE ADMINISTRATION OF FAMILY
17 COURTS;

18 (f) THE IMPACT OF PARTIES' DEMOGRAPHIC INFORMATION ON
19 COURT DECISIONS, INCLUDING DECISIONS CONCERNING CHILD SUPPORT,
20 ALIMONY, AND CHILD CUSTODY;

21 (g) THE IMPACT OF INDIGENCY AND SELF-REPRESENTED LITIGANTS
22 ON FAMILY COURTS' FACT-FINDING AND RULINGS;

23 (h) THE CONSISTENCY OF FAMILY COURT RULINGS IN CASES
24 INVOLVING SIMILARLY SITUATED INDIVIDUALS;

25 (i) THE APPEAL OPTIONS FOR PARTIES IN FAMILY COURT CASES AND
26 OTHER RECOURSE OPTIONS FOR PARTIES WHO ARE AGGRIEVED BY THE
27 CONDUCT OF A JUDICIAL OFFICER OR ATTORNEY, INCLUDING REPORTS TO

1 THE COLORADO JUDICIAL DISCIPLINE COMMISSION, THE ATTORNEY
2 REGULATION COUNSEL, AND THE COLORADO BAR ASSOCIATION;

3 (j) THE LONG-TERM EFFECT OF FAMILY COURT RULINGS ON THE
4 FAMILIES INVOLVED IN A FAMILY COURT CASE; AND

5 (k) JUDICIAL MISCONDUCT COMPLAINTS AND DISCIPLINE FINDINGS.

6 (3) THE COMMISSION SHALL COMMUNICATE WITH AND OBTAIN
7 INPUT FROM INDIVIDUALS AND GROUPS THROUGHOUT THE STATE
8 AFFECTED BY THE ISSUES STUDIED BY THE COMMISSION. IN ADDITION TO
9 PUBLIC TESTIMONY, THE COMMISSION SHALL ACCEPT AND CONSIDER
10 WRITTEN TESTIMONY, INCLUDING REPORTS FROM, AND THE RESULTS OF
11 RESEARCH CONDUCTED BY, A PRIVATE ENTITY.

12 **13-1-504. Commission report.** (1) NO LATER THAN SEPTEMBER
13 30, 2024, THE COMMISSION SHALL SUBMIT A REPORT ON FAMILY COURTS
14 IN COLORADO TO THE JUDICIAL DEPARTMENT AND TO THE HOUSE OF
15 REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY
16 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

17 (2) THE REPORT MUST INCLUDE:

18 (a) A SUMMARY OF THE COMMISSION'S WORK;

19 (b) THE COMMISSION'S FINDINGS ON ISSUES STUDIED PURSUANT TO
20 SECTION 13-1-503 (2);

21 (c) ANY COMMISSION RECOMMENDATIONS FOR IMPROVING THE
22 ADMINISTRATION OF FAMILY COURTS IN COLORADO, INCLUDING PROPOSED
23 LEGISLATION AND FUNDING SOURCES FOR IMPLEMENTING ANY
24 RECOMMENDATIONS; AND

25 (d) AS AN APPENDIX TO THE REPORT, THE DATA AND INFORMATION
26 COMPILED BY THE COMMISSION, IN AGGREGATE FORM AND EXCLUDING
27 PERSONALLY IDENTIFIABLE INFORMATION THAT MAY BE USED, ALONE OR

1 IN CONJUNCTION WITH ANY OTHER INFORMATION, TO IDENTIFY A SPECIFIC
2 INDIVIDUAL. IN THE ELECTRONIC VERSION OF THE REPORT, THE DATA AND
3 INFORMATION MUST BE IN A SEARCHABLE AND SORTABLE FORMAT.

4 **13-1-505. Repeal of part.** THIS PART 5 IS REPEALED, EFFECTIVE
5 DECEMBER 31, 2024.

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2024 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.