

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0010.01 Alana Rosen x2606

HOUSE BILL 23-1178

HOUSE SPONSORSHIP

Froelich,

SENATE SPONSORSHIP

Winter F.,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ENHANCING COURT PERSONNEL'S RECOGNITION OF
102 DOMESTIC VIOLENCE TO ACCESS FEDERAL FUNDING, AND, IN
103 CONNECTION THEREWITH, INCLUDING THE RECOGNITION OF
104 CHILD ABUSE.

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>.)

To comply with the federal "Keeping Children Safe From Family Violence Act" (federal act), the bill requires courts that hear proceedings concerning the allocation of parental responsibilities involving domestic

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.

violence or child abuse, including child sexual abuse, to admit expert testimony and evidence only if the expert demonstrates expertise and experience working with victims of domestic violence or child abuse, including child sexual abuse. The court is also required to consider evidence of past sexual or physical abuse committed by the accused party.

A court shall not remove or restrict contact between a child from a protective party who is competent, protective, not physically or sexually abusive, and with whom the child is bonded or attached solely in order to improve a deficient relationship with the accused party.

The bill provides that a court shall not order reunification treatment (treatment) that is predicated on cutting off the relationship between a child and a protective party with whom the child is bonded and attached. If a court orders treatment, the treatment must be generally accepted and there must be scientifically valid proof of the safety, effectiveness, and therapeutic value of the treatment.

The bill directs the task force created in House Bill 23-1108 to study victim and survivor awareness and responsiveness training requirements to study the training requirements required by the federal act for any judge or magistrate who presides over parental responsibility proceedings.

The bill requires court personnel, including guardians ad litem, representatives of a child, counsel for youth, special masters, mediators, child and family investigators, and parental responsibilities evaluators, to complete no less than 20 hours of initial training and no less than 15 hours of ongoing training every 5 years. The training must focus on domestic violence and child abuse.

A professional trainer is required to conduct the training. The professional trainer shall have substantial experience in assisting survivors of domestic violence or child abuse.

The bill requires the judicial branch to apply to the federal department of justice's office of the attorney general for a grant increase in compliance with the federal act.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 14-10-127.5 as
3 follows:

4 **14-10-127.5. Domestic violence training for court personnel -**
5 **expert testimony - child placement decisions - legislative declaration**
6 **- definitions.** (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES
7 THAT:

1 (I) APPROXIMATELY FIFTEEN MILLION CHILDREN ARE EXPOSED
2 EACH YEAR TO DOMESTIC VIOLENCE OR CHILD ABUSE;

3 (II) MOST CHILD ABUSE IS PERPETRATED IN THE FAMILY AND BY A
4 PARENT;

5 (III) A CHILD'S RISK OF ABUSE INCREASES AFTER A PERPETRATOR
6 OF INTIMATE PARTNER VIOLENCE SEPARATES FROM THE PERPETRATOR'S
7 DOMESTIC PARTNER, EVEN WHEN THE PERPETRATOR HAD NOT DIRECTLY
8 ABUSED THE CHILD PREVIOUSLY;

9 (IV) EMPIRICAL RESEARCH INDICATES THAT ALLEGATIONS OF
10 CHILD PHYSICAL AND SEXUAL ABUSE ARE REGULARLY DISCOUNTED BY
11 COURTS WHEN RAISED IN PARENTAL ALLOCATION CASES. COURTS BELIEVE
12 FEWER THAN ONE-FOURTH OF CLAIMS THAT A PARENT HAS COMMITTED
13 CHILD PHYSICAL OR SEXUAL ABUSE.

14 (V) IN PARENTAL ALLOCATION CASES IN WHICH AN ALLEGED OR
15 KNOWN ABUSIVE PARENT CLAIMS ALIENATION FROM THE CHILD, COURTS
16 ARE FOUR TIMES MORE LIKELY TO DISBELIEVE THE PARENT WHO CLAIMS
17 CHILD PHYSICAL OR SEXUAL ABUSE;

18 (VI) RESEARCH SHOWS THAT COURTS GRANT CUSTODY OR
19 UNPROTECTED PARENTING TIME TO AN ALLEGED OR KNOWN ABUSIVE
20 PARENT;

21 (VII) SINCE 2008, NEARLY EIGHT HUNDRED CHILDREN HAVE BEEN
22 MURDERED BY A DIVORCING OR SEPARATING PARENT, WITH MORE THAN
23 ONE HUNDRED MURDERS OCCURRING AFTER A COURT ORDERED THE CHILD
24 INTO CONTACT WITH THE ALLEGED OR KNOWN ABUSIVE PARENT DESPITE
25 OBJECTIONS FROM THE PARENT WHO CLAIMED CHILD PHYSICAL OR SEXUAL
26 ABUSE;

27 (VIII) ABUSIVE PARENTS FREQUENTLY CLAIM THAT ABUSE

1 ALLEGATIONS ARE FALSE TO MINIMIZE OR DENY REPORTS OF ABUSE.
2 EXPERTS WHO TESTIFY AGAINST ABUSE ALLEGATIONS OFTEN LACK
3 EXPERTISE IN THE RELEVANT TYPE OF ALLEGED ABUSE, RELYING ON
4 UNPROVEN THEORIES.

5 (IX) JUDGES PRESIDING OVER PARENTAL ALLOCATION CASES WITH
6 ALLEGATIONS OF CHILD ABUSE, CHILD SEXUAL ABUSE, AND DOMESTIC
7 VIOLENCE ARE RARELY REQUIRED TO RECEIVE TRAINING ON THESE
8 SUBJECTS.

9 (b) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT:

10 (I) A CHILD'S SAFETY IS THE FIRST PRIORITY OF THE COURT IN A
11 PROCEEDING AFFECTING THE CHILD'S CARE AND CUSTODY;

12 (II) STRENGTHENING THE ABILITY OF THE COURTS TO RECOGNIZE
13 AND ADJUDICATE ADULT AND CHILD ABUSE ALLEGATIONS BASED ON VALID,
14 ADMISSIBLE EVIDENCE WILL ALLOW COURTS TO ENTER ORDERS THAT
15 PROTECT AND MINIMIZE RISK OF HARM TO THE CHILD; AND

16 (III) COURT PERSONNEL INVOLVED IN CASES CONTAINING ABUSE
17 ALLEGATIONS WHO RECEIVE TRAUMA-INFORMED TRAINING ON THE
18 DYNAMICS, SIGNS, AND IMPACTS OF CHILD ABUSE, CHILD SEXUAL ABUSE,
19 AND INTIMATE PARTNER VIOLENCE WILL HELP PROTECT AND MINIMIZE RISK
20 OF HARM TO THE CHILD.

21 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 (a) "ACCUSED PARTY" MEANS A PARENT IN A CASE TO DETERMINE
24 PARENTAL RESPONSIBILITIES WHO HAS BEEN ACCUSED OF DOMESTIC
25 VIOLENCE OR CHILD ABUSE, INCLUDING CHILD SEXUAL ABUSE.

26 (b) "PROTECTIVE PARTY" MEANS A PARENT IN A CASE TO
27 DETERMINE PARENTAL RESPONSIBILITIES WHO IS COMPETENT, PROTECTIVE,

1 NOT SEXUALLY OR PHYSICALLY ABUSIVE, AND WITH WHOM A CHILD IS
2 BONDED OR ATTACHED.

3 (c) "REUNIFICATION TREATMENT" MEANS A TREATMENT OR
4 THERAPY AIMED AT REUNITING OR REESTABLISHING A RELATIONSHIP
5 BETWEEN A CHILD AND AN ESTRANGED OR REJECTED PARENT OR OTHER
6 FAMILY MEMBER OF THE CHILD.

7 (d) "TASK FORCE" MEANS THE TASK FORCE TO STUDY VICTIM AND
8 SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING REQUIREMENTS
9 FOR JUDICIAL PERSONNEL CREATED IN SECTION 24-33.5-534, AS ENACTED
10 IN HOUSE BILL 23-1108.

11 (e) "VICTIM SERVICE PROVIDER" MEANS A NONPROFIT,
12 NONGOVERNMENTAL OR TRIBAL ORGANIZATION OR RAPE CRISIS CENTER,
13 INCLUDING OF A STATE OR TRIBAL NATION, THAT ASSISTS OR ADVOCATES
14 FOR DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR
15 STALKING VICTIMS, INCLUDING DOMESTIC VIOLENCE SHELTERS,
16 FAITH-BASED ORGANIZATIONS, AND OTHER ORGANIZATIONS WITH A
17 DOCUMENTED HISTORY OF EFFECTIVE WORK CONCERNING DOMESTIC
18 VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

19 (3) (a) IN ALL PROCEEDINGS CONCERNING THE ALLOCATION OF
20 PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD IN WHICH A CLAIM
21 OF DOMESTIC VIOLENCE OR CHILD ABUSE, INCLUDING CHILD SEXUAL
22 ABUSE, HAS BEEN MADE TO THE COURT, OR THE COURT HAS REASON TO
23 BELIEVE THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE OR CHILD
24 ABUSE, INCLUDING CHILD SEXUAL ABUSE, THE COURT SHALL:

25 (I) ADMIT EXPERT TESTIMONY AND EVIDENCE ONLY IF THE EXPERT
26 DEMONSTRATES EXPERTISE AND EXPERIENCE WORKING WITH VICTIMS OF
27 DOMESTIC VIOLENCE OR CHILD ABUSE, INCLUDING CHILD SEXUAL ABUSE,

1 THAT IS NOT SOLELY FORENSIC IN NATURE; AND

2 (II) CONSIDER EVIDENCE OF PAST SEXUAL OR PHYSICAL ABUSE
3 COMMITTED BY THE ACCUSED PARTY, INCLUDING:

4 (A) ANY PAST OR CURRENT PROTECTION OR RESTRAINING ORDERS
5 AGAINST THE ACCUSED PARTY, INCLUDING PROTECTION OR RESTRAINING
6 ORDERS THAT RAISE SEXUAL VIOLENCE OR ABUSE;

7 (B) ARRESTS OF THE ACCUSED PARTY FOR DOMESTIC VIOLENCE,
8 SEXUAL VIOLENCE, OR CHILD ABUSE; OR

9 (C) CONVICTIONS OF THE ACCUSED PARTY FOR DOMESTIC
10 VIOLENCE, SEXUAL VIOLENCE, OR CHILD ABUSE.

11 (b) IN DETERMINING ALLOCATION OF PARENTAL RESPONSIBILITIES
12 IN PROCEEDINGS IN WHICH A CLAIM OF DOMESTIC VIOLENCE OR CHILD
13 ABUSE, INCLUDING CHILD SEXUAL ABUSE, HAS BEEN MADE TO THE COURT,
14 OR THE COURT HAS REASON TO BELIEVE THAT A PARTY HAS COMMITTED
15 DOMESTIC VIOLENCE OR CHILD ABUSE, INCLUDING CHILD SEXUAL ABUSE,
16 A COURT SHALL NOT:

17 (I) REMOVE A CHILD FROM A PROTECTIVE PARTY SOLELY TO
18 IMPROVE A DEFICIENT RELATIONSHIP WITH AN ACCUSED PARTY;

19 (II) RESTRICT CONTACT BETWEEN A CHILD AND A PROTECTIVE
20 PARTY SOLELY TO IMPROVE A DEFICIENT RELATIONSHIP WITH AN ACCUSED
21 PARTY;

22 (III) ORDER REUNIFICATION TREATMENT, UNLESS THERE IS
23 GENERALLY ACCEPTED AND SCIENTIFICALLY VALID PROOF OF THE SAFETY,
24 EFFECTIVENESS, AND THERAPEUTIC VALUE OF THE REUNIFICATION
25 TREATMENT; OR

26 (IV) ORDER REUNIFICATION TREATMENT THAT IS PREDICATED ON
27 CUTTING OFF THE RELATIONSHIP BETWEEN A CHILD AND PROTECTIVE

1 PARTY.

2 (c) IF A COURT ISSUES AN ORDER TO REMEDIATE THE RESISTANCE
3 OF A CHILD TO HAVE CONTACT WITH AN ACCUSED PARTY, THE ORDER MUST
4 PRIMARILY ADDRESS THE BEHAVIOR OF THE ACCUSED PARTY BEFORE
5 ORDERING A PROTECTIVE PARTY TO TAKE STEPS TO IMPROVE THE
6 RELATIONSHIP WITH THE ACCUSED PARTY.

7 (d) IN COMPLIANCE WITH THE FEDERAL "KEEPING CHILDREN SAFE
8 FROM FAMILY VIOLENCE ACT", 34 U.S.C. SEC. 10446, AS AMENDED, ANY
9 NEUTRAL PROFESSIONAL APPOINTED BY A COURT TO EXPRESS AN OPINION
10 RELATING TO ABUSE, TRAUMA, OR THE BEHAVIORS OF VICTIMS AND
11 PERPETRATORS OF ABUSE AND TRAUMA DURING A PROCEEDING TO
12 ALLOCATE PARENTAL RESPONSIBILITIES SHALL POSSESS DEMONSTRATED
13 EXPERTISE AND EXPERIENCE IN WORKING WITH VICTIMS OF DOMESTIC
14 VIOLENCE OR CHILD ABUSE, INCLUDING CHILD SEXUAL ABUSE, THAT IS NOT
15 SOLELY OF A FORENSIC NATURE.

16 (4) (a) THE TASK FORCE SHALL STUDY THE TRAINING
17 REQUIREMENTS IN THE FEDERAL "KEEPING CHILDREN SAFE FROM FAMILY
18 VIOLENCE ACT", 34 U.S.C. SEC. 10446, AS AMENDED, FOR ANY JUDGE OR
19 MAGISTRATE WHO PRESIDES OVER PARENTAL RESPONSIBILITY
20 PROCEEDINGS. THE TASK FORCE SHALL FOCUS ON THE FOLLOWING:

21 (I) THE HOURLY TRAINING REQUIREMENTS DESCRIBED IN
22 SUBSECTION (5)(a) OF THIS SECTION;

23 (II) THE RECOGNITION OF DOMESTIC VIOLENCE AND CHILD ABUSE
24 DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION; AND

25 (III) THE REQUIREMENTS OF A PROFESSIONAL TRAINER TO LEAD
26 THE TRAINING DESCRIBED IN SUBSECTIONS (6)(a) AND (6)(b) OF THIS
27 SECTION.

1 (b) THE TRAINING MUST BE DESIGNED TO IMPROVE THE COURTS'
2 ABILITY TO RECOGNIZE DOMESTIC VIOLENCE AND CHILD ABUSE IN
3 PARENTAL ALLOCATION PROCEEDINGS AS DESCRIBED IN SUBSECTION (6)(c)
4 OF THIS SECTION.

5 (5) (a) ANY COURT PERSONNEL INVOLVED IN PARENTAL
6 RESPONSIBILITY PROCEEDINGS, INCLUDING GUARDIANS AD LITEM, COUNSEL
7 FOR YOUTH, AND REPRESENTATIVES OF A CHILD, AS DEFINED IN SECTION
8 13-91-104; SPECIAL MASTERS AND MEDIATORS, AS DEFINED IN SECTION
9 13-22-302; CHILD AND FAMILY INVESTIGATORS, AS DESCRIBED IN SECTION
10 14-10-116.5; AND PARENTAL RESPONSIBILITIES EVALUATORS, AS
11 DESCRIBED IN SECTION 14-10-127, SHALL COMPLETE:

- 12 (I) NO LESS THAN TWENTY HOURS OF INITIAL TRAINING; AND
- 13 (II) NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY
14 FIVE YEARS.

15 (b) THE REQUIRED TRAINING SET FORTH IN SUBSECTION (5)(a) OF
16 THIS SECTION MUST FOCUS ON DOMESTIC VIOLENCE AND CHILD ABUSE,
17 INCLUDING:

- 18 (I) CHILD SEXUAL ABUSE;
- 19 (II) PHYSICAL ABUSE;
- 20 (III) EMOTIONAL ABUSE;
- 21 (IV) COERCIVE CONTROL;
- 22 (V) IMPLICIT AND EXPLICIT BIAS, INCLUDING BIASES RELATING TO
23 PARTIES WITH DISABILITIES;
- 24 (VI) TRAUMA;
- 25 (VII) LONG-TERM AND SHORT-TERM IMPACTS OF DOMESTIC
26 VIOLENCE AND CHILD ABUSE ON CHILDREN; AND
- 27 (VIII) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND

1 RELATIONSHIP DYNAMICS WITHIN THE CYCLE OF VIOLENCE.

2 (6) (a) A PROFESSIONAL TRAINER SHALL CONDUCT THE REQUIRED
3 TRAINING SET FORTH IN SUBSECTION (5) OF THIS SECTION. THE
4 PROFESSIONAL TRAINER SHALL HAVE SUBSTANTIAL EXPERIENCE IN
5 ASSISTING SURVIVORS OF DOMESTIC VIOLENCE OR CHILD ABUSE. A
6 PROFESSIONAL TRAINER MAY INCLUDE A PROFESSIONAL REPRESENTING A
7 VICTIM SERVICE PROVIDER OR A SURVIVOR WITH LIVED EXPERIENCE OF
8 DOMESTIC VIOLENCE OR CHILD PHYSICAL OR SEXUAL ABUSE.

9 (b) THE PROFESSIONAL TRAINER DESCRIBED IN SUBSECTION (6)(a)
10 OF THIS SECTION SHALL RELY ON EVIDENCE-BASED AND PEER-REVIEWED
11 RESEARCH CONDUCTED BY RECOGNIZED EXPERTS THAT FOCUSES ON THE
12 TYPES OF ABUSE DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION AND
13 SHALL NOT INCLUDE THEORIES, CONCEPTS, OR BELIEF SYSTEMS IN THE
14 REQUIRED TRAINING THAT ARE NOT SUPPORTED BY EVIDENCE-BASED AND
15 PEER-REVIEWED RESEARCH.

16 (c) THE REQUIRED TRAINING MUST BE DESIGNED TO IMPROVE THE
17 ABILITY OF COURTS TO:

18 (I) RECOGNIZE AND RESPOND TO CHILD PHYSICAL ABUSE, CHILD
19 SEXUAL ABUSE, DOMESTIC VIOLENCE, AND TRAUMA IN ALL FAMILY
20 VICTIMS, PARTICULARLY CHILDREN; AND

21 (II) MAKE APPROPRIATE CUSTODY DECISIONS THAT PRIORITIZE
22 CHILD SAFETY AND WELL-BEING AND THAT ARE CULTURALLY SENSITIVE
23 AND APPROPRIATE FOR DIVERSE COMMUNITIES.

24 (7) AS SOON AS POSSIBLE AFTER JULY 1, 2023, THE JUDICIAL
25 BRANCH SHALL APPLY TO THE FEDERAL DEPARTMENT OF JUSTICE'S OFFICE
26 OF THE ATTORNEY GENERAL FOR A GRANT INCREASE IN COMPLIANCE WITH
27 THE FEDERAL "KEEPING CHILDREN SAFE FROM FAMILY VIOLENCE ACT",

1 34 U.S.C. SEC. 10446, AS AMENDED.

2 **SECTION 2.** In Colorado Revised Statutes, 14-10-116.5, **amend**
3 (2)(f) as follows:

4 **14-10-116.5. Appointment in domestic relations cases - child**
5 **and family investigator - disclosure - background check.** (2) (f) The
6 court shall not appoint a person from the eligibility registry to be a child
7 and family investigator for a case pursuant to this section unless the court
8 finds that the person is qualified as competent by training and experience
9 in, at a minimum, domestic violence and its effects on children, adults,
10 and families, child abuse, and child sexual abuse IN ACCORDANCE WITH
11 SECTION 14-10-127.5. The person's training and experience must be
12 provided by recognized sources with expertise in domestic violence and
13 the traumatic effects of domestic violence IN ACCORDANCE WITH SECTION
14 14-10-127.5. As of January 1, ~~2022~~ 2024, initial and ongoing training
15 must include, at a minimum:

16 (I) ~~Six~~ TEN initial hours of training on domestic violence,
17 including coercive control, and its traumatic effects on children, adults,
18 and families;

19 (II) ~~Six~~ TEN initial hours of training on child abuse and child
20 sexual abuse and its traumatic effects; and

21 (III) ~~Four~~ FIFTEEN subsequent hours of training every ~~two~~ FIVE
22 years on domestic violence, including coercive control, child abuse, and
23 child sexual abuse, and the traumatic effects on children, adults, and
24 families.

25 **SECTION 3.** In Colorado Revised Statutes, 14-10-127, **amend**
26 (4)(a.5) as follows:

27 **14-10-127. Evaluation and reports - training and qualifications**

1 **of evaluators - disclosure.** (4) A person is not allowed to testify as an
2 expert witness regarding a parental responsibilities or parenting time
3 evaluation that the person has performed pursuant to this section unless
4 the court finds that the person is qualified as competent, by training and
5 experience, in the areas of:

6 (a.5) The effects of domestic violence on children, adults, and
7 families, including the connection between domestic violence and trauma
8 on children, child abuse, and child sexual abuse IN ACCORDANCE WITH
9 SECTION 14-10-127.5. The person's training and experience must be
10 provided by recognized sources with expertise in domestic violence and
11 the traumatic effects of domestic violence IN ACCORDANCE WITH SECTION
12 14-10-127.5. As of January 1, ~~2022~~ 2024, initial and ongoing training
13 must include, at a minimum:

14 (I) ~~Six~~ TEN initial hours of training on domestic violence,
15 including coercive control, and its traumatic effects on children, adults,
16 and families;

17 (II) ~~Six~~ TEN initial hours of training on child abuse and child
18 sexual abuse and its traumatic effects; and

19 (III) ~~Four~~ FIFTEEN subsequent hours of training every ~~two~~ FIVE
20 years on domestic violence, child abuse, and child sexual abuse and the
21 traumatic effects on children, adults, and families.

22 **SECTION 4. Effective date.** This act takes effect upon passage;
23 except that section 14-10-127.5 (2)(d) and (4), Colorado Revised Statutes,
24 as enacted in section 1 of this act, take effect only if House Bill 23-1108
25 becomes law, in which case section 14-10-127.5 (2)(d) and (4) take effect
26 on the effective date of this act or House Bill 23-1108, whichever is later.

27 **SECTION 5. 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.