

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0326.03 Jacob Baus x2173

HOUSE BILL 24-1350

HOUSE SPONSORSHIP

Froelich and Story,

SENATE SPONSORSHIP

Winter F.,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STANDARDS RELATED TO COURT PROCEEDINGS FOR**
102 **ALLOCATION OF PARENTAL RESPONSIBILITIES TO KEEP**
103 **CHILDREN SAFE.**

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>.)

Under current law, a court may appoint a child and family investigator (investigator) to investigate and report to the court relevant factors for determining the best interest of a child or youth in a proceeding involving parental responsibilities allocation. Similarly, under current law, a court may appoint a parental responsibilities evaluator

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.*

(evaluator) to evaluate and report to the court concerning disputed issues relating to the parental responsibilities allocation. The bill:

- Prohibits investigators and evaluators from including information based on theories that are not evidence-based or peer-reviewed in a report to the court, but requires investigators and evaluators to provide options for the court to consider;
- Requires investigators and evaluators to adhere to certain interviewing and forensic reporting standards;
- Requires investigators and evaluators to provide certain written disclosures to each party before performing duties;
- Allows the court to implement caps on charges for duties performed by evaluators;
- Requires investigators and evaluators to include all information obtained concerning domestic violence and child abuse; and
- Amends training requirements for investigators and evaluators.

In all proceedings, a child or youth must have the opportunity to be heard without a parent present and have their opinion considered and entered into the record, either through an investigator's or evaluator's report or to the court through parental responsibilities allocation proceedings by letter or in the judge's chambers if the child or youth is of sufficient age and maturity and able to express an opinion.

The court is prohibited from considering information based on theories that are not evidence-based or peer-reviewed in determining the best interests of the child or youth when determining parenting time.

The bill defines "coercive control".

The bill requires that if allegations of domestic violence, child abuse or neglect, or child sexual abuse have been made, a child or youth must not be forced into an allocation of parental responsibilities arrangement, and the court is required to give strong consideration to the child's or youth's preference, if the preference is consistent with protecting the child's or youth's safety.

The bill clarifies that, pursuant to a chief justice directive, the office of the state court administrator is authorized to accept complaints regarding investigators and evaluators, and administer appropriate sanctions.

The office of the state court administrator shall publish information on its website regarding judges and magistrates who complete domestic violence and child abuse training.

1 **SECTION 1. Legislative declaration.** (1) The general assembly
2 finds that:

3 (a) The general assembly, along with other state legislatures, the
4 United States congress, and the United Nations, has identified that family
5 court reform is necessary to prevent the common occurrence of awarding
6 parental responsibilities for minor children to perpetrators of violence,
7 including perpetrators of intimate partner violence, child abuse, and child
8 sexual abuse;

9 (b) United Nations experts have described the issue of protecting
10 victims of abuse in custody disputes, particularly women and children, as
11 an international crisis;

12 (c) Recently, the general assembly passed House Bill 21-1228 and
13 House Bill 23-1178. Among other things, these bills require certain court
14 personnel who are involved in parental responsibility proceedings to
15 complete training with evidence-based and peer-reviewed curricula in
16 domestic violence, child abuse, and child sexual abuse. The bills also
17 require court findings related to domestic violence, child abuse, and child
18 sexual abuse when determining parental responsibilities, and they require
19 certain court-appointed expert witnesses in parental responsibilities
20 proceedings to have appropriate qualifications. Finally, the bills limit the
21 use of reunification treatment when a claim of domestic violence, child
22 abuse, or child sexual abuse has been made, and they conform with the
23 provisions of the federal "Keeping Children Safe from Family Violence
24 Act", or "Kayden's Law". Additional clarification and protections for
25 children and former partners are needed to build upon House Bill 21-1228
26 and House Bill 23-1178.

27 (d) Additionally, the general assembly recently passed House Bill

1 23-1108. The bill addressed the important and difficult work of child and
2 family investigators and parental responsibilities evaluators and their
3 roles in making courts safer and more accessible for domestic violence
4 survivors. It is imperative that judges understand the work of these critical
5 court personnel and both the positive effect or the negative consequences
6 it may have depending upon training. The recommendations made by the
7 task force to study victim and survivor awareness and responsiveness
8 training requirements for judicial personnel, created pursuant to House
9 Bill 23-1108, recognized the need to expand expertise and knowledge
10 regarding the effect of domestic violence exposure on children, power
11 dynamics following partner separation, the reliability of information
12 presented to the court, and the role of the court in protecting children.
13 Implementing these recommendations is critical to help judges work
14 effectively with child and family investigators and parental
15 responsibilities evaluators to improve support of domestic violence
16 survivors.

17 (2) (a) Therefore, the general assembly declares it is necessary to
18 expand opportunities to ensure a child's opinions are entered into the
19 record and considered by the court when determining parental
20 responsibilities, to consider coercive control by perpetrators of violence,
21 and to clarify and expand the state's role and responsibilities to ensure
22 these standards are upheld.

23 (b) Furthermore, the general assembly declares that it is
24 encouraged by the recommendations made by the task force to study
25 victim and survivor awareness and responsiveness training requirements
26 for judicial personnel, created pursuant to House Bill 23-1108. The
27 general assembly looks forward to the judicial department's

1 implementation of these recommendations, including actions necessary
2 to comply with the federal "Keeping Children Safe from Family Violence
3 Act", or "Kayden's Law".

4 **SECTION 2.** In Colorado Revised Statutes, 14-10-116.5, **amend**
5 (2)(b) and (2)(f); and **add** (2)(b.3), (2)(b.7), (2.7), and (5) as follows:

6 **14-10-116.5. Appointment in domestic relations cases - child**
7 **and family investigator - disclosure - background check - definition.**

8 (2) (b) The child and family investigator shall make independent and
9 informed recommendations to the court, in the form of a written report,
10 ~~with the court, unless otherwise ordered by the court. While the child and~~
11 ~~family investigator shall consider the wishes of the child, the child and~~
12 ~~family investigator need not adopt such wishes in making his or her~~
13 ~~recommendations to the court, unless they serve the best interests of the~~
14 ~~child, as described in section 14-10-124~~ IN THE WRITTEN REPORT, THE
15 CHILD AND FAMILY INVESTIGATOR SHALL PROVIDE OPTIONS THAT SERVE
16 THE BEST INTERESTS OF THE CHILD TO THE COURT FOR THE COURT TO
17 CONSIDER. The child's wishes, if expressed, must be disclosed in the child
18 and family investigator's written report. The court shall consider the
19 entirety of the report, as well as any testimony by the child and family
20 investigator, the parties, and any other professionals, before adopting any
21 recommendations made by the child and family investigator.

22 (b.3) (I) THE CHILD AND FAMILY INVESTIGATOR SHALL INCLUDE IN
23 THE WRITTEN REPORT ALL INFORMATION ACQUIRED DURING THE
24 INVESTIGATION CONCERNING DOMESTIC VIOLENCE AND CHILD ABUSE,
25 INCLUDING:

26 (A) CHILD SEXUAL ABUSE;

27 (B) PHYSICAL ABUSE;

1 (C) EMOTIONAL ABUSE;
2 (D) COERCIVE CONTROL;
3 (E) TRAUMA; AND
4 (F) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND
5 RELATIONSHIP DYNAMICS.

6 (II) THE CHILD AND FAMILY INVESTIGATOR SHALL INCLUDE IN THE
7 WRITTEN REPORT ALL INFORMATION PURSUANT TO SUBSECTION (2)(b.3)(I)
8 OF THIS SECTION, REGARDLESS OF:

9 (A) THE MANNER IN WHICH THE INFORMATION WAS ACQUIRED,
10 INCLUDING BY ACCUSATION; EVIDENCE OF A CRIMINAL CHARGE, PLEA,
11 DEFERRED JUDGMENT, OR CONVICTION; OR EVIDENCE OF A PROTECTION
12 ORDER; OR

13 (B) WHO PRESENTED THE INFORMATION, INCLUDING A CHILD.

14 (b.7) THE CHILD AND FAMILY INVESTIGATOR SHALL STRIVE TO
15 ENSURE THAT THE WRITTEN REPORT DOES NOT INCLUDE INFORMATION OR
16 RECOMMENDATIONS THAT ARE BIASED, INCLUDING A BIAS REGARDING
17 RELIGION, GENDER, GENDER IDENTITY, GENDER EXPRESSION, CULTURE,
18 RACE, ETHNICITY, NATIONAL ORIGIN, OR DISABILITY.

19 (f) (I) The court shall not appoint a person from the eligibility
20 registry to be a child and family investigator for a case pursuant to this
21 section unless the court finds that the person is qualified as competent by
22 training and experience in, at a minimum, domestic violence and its
23 effects on children, adults, and families; COERCIVE CONTROL; child abuse;
24 and child sexual abuse in accordance with section 14-10-127.5. The
25 person's training and experience must be provided by recognized sources
26 with expertise in domestic violence, COERCIVE CONTROL, and the
27 traumatic effects of domestic violence in accordance with section

1 14-10-127.5. As of January 1, 2024, initial INITIAL and ongoing training
2 must include, at a minimum:

3 (I) Ten initial hours of training on domestic violence, including
4 coercive control, and its traumatic effects on children, adults, and
5 families;

6 (II) Ten initial hours of training on child abuse and child sexual
7 abuse and its traumatic effects; and

8 (III) Fifteen subsequent hours of training every five years on
9 domestic violence, including coercive control, child abuse, and child
10 sexual abuse, and the traumatic effects on children, adults, and families.

11 (A) NO LESS THAN TWENTY HOURS OF INITIAL TRAINING, REQUIRED
12 PURSUANT TO SECTION 14-10-127.5 (5)(a)(I); AND

13 (B) NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY
14 FIVE YEARS, REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(a)(I).

15 (II) NOTWITHSTANDING SUBSECTION (2)(f)(I) OF THIS SECTION, A
16 CHILD AND FAMILY INVESTIGATOR WHO COMPLETED THE INITIAL TRAINING
17 REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(a)(I) ON OR BEFORE
18 JANUARY 1, 2025, IS NOT REQUIRED TO COMPLETE SUPPLEMENTAL
19 TRAINING OR THE ENTIRE TRAINING AGAIN FOR THE PURPOSE OF
20 COMPLETING INTERVIEWING AND FORENSIC REPORT WRITING TRAINING
21 REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(b)(IX) AND (5)(b)(X).

22 (2.7) (a) PRIOR TO PERFORMING ANY DUTIES, A CHILD AND FAMILY
23 INVESTIGATOR APPOINTED BY THE COURT SHALL PROVIDE A WRITTEN
24 DISCLOSURE TO EACH PARTY AND EACH PARTY'S ATTORNEY, IF
25 APPLICABLE. AT A MINIMUM, THE WRITTEN DISCLOSURE MUST INCLUDE:

26 (I) A DESCRIPTION OF THE CHILD AND FAMILY INVESTIGATOR'S
27 SPECIFIC DUTIES, RESPONSIBILITIES, AND LIMITATIONS, WHICH MUST BE

1 CONSISTENT WITH THIS ARTICLE 10;

2 (II) AN ACKNOWLEDGMENT THAT THE CHILD AND FAMILY
3 INVESTIGATOR WILL COMPLY WITH APPLICABLE STATE AND FEDERAL LAWS
4 IN ACTING AS A CHILD AND FAMILY INVESTIGATOR, INCLUDING ALL LAWS
5 PURSUANT TO THIS ARTICLE 10;

6 (III) AN ACKNOWLEDGMENT THAT THE CHILD AND FAMILY
7 INVESTIGATOR IS COMPLIANT WITH TRAINING REQUIREMENTS PURSUANT
8 TO SECTION 14-10-127.5 (5); AND

9 (IV) INFORMATION ON FILING A COMPLAINT PURSUANT TO
10 SUBSECTION (2)(e) OF THIS SECTION AND WITH THE STATE COURT
11 ADMINISTRATOR REGARDING THE CHILD AND FAMILY COURT
12 INVESTIGATOR PURSUANT TO SECTION 13-3-101 (3.5), INCLUDING THE
13 CURRENT CONTACT INFORMATION FOR THE STATE COURT ADMINISTRATOR.

14 (b) PURSUANT TO A CHIEF JUSTICE DIRECTIVE, THE COURT MAY CAP
15 A CHILD AND FAMILY INVESTIGATOR'S FEES AND ALLOCATE
16 RESPONSIBILITY FOR COSTS.

17 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES, "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
19 IN SECTION 14-10-127.5.

20 **SECTION 3.** In Colorado Revised Statutes, 14-10-124, **amend**
21 (1.3) and (4)(e) introductory portion; and **add** (1.5)(a.5) and (9) as
22 follows:

23 **14-10-124. Best interests of the child. (1.3) Definitions.** For
24 purposes of this section and section 14-10-129 (2)(c), unless the context
25 otherwise requires:

26 (a) "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
27 IN SECTION 14-10-127.5.

1 (a) (b) "Domestic violence" means an act of violence or a
2 threatened act of violence upon a person with whom the actor is or has
3 been involved in an intimate relationship, and may include any act or
4 threatened act against a person or against property, including an animal,
5 when used as a method of coercion, control, punishment, intimidation, or
6 revenge directed against a person with whom the actor is or has been
7 involved in an intimate relationship.

8 (b) (c) "Intimate relationship" means a relationship between
9 spouses, former spouses, past or present unmarried couples, or persons
10 who are both parents of the same child regardless of whether the persons
11 have been married or have lived together at any time.

12 (c) (d) "Sexual assault" has the same meaning as set forth in
13 section 19-1-103.

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

20 (a.5) IN DETERMINING THE BEST INTERESTS OF THE CHILD FOR
21 PURPOSES OF PARENTING TIME, THE COURT SHALL STRIVE NOT TO
22 CONSIDER AS A RELEVANT FACTOR INFORMATION OR RECOMMENDATIONS
23 THAT ARE BIASED, INCLUDING BIAS REGARDING RELIGION, GENDER,
24 GENDER IDENTITY, GENDER EXPRESSION, CULTURE, RACE, ETHNICITY,
25 NATIONAL ORIGIN, OR DISABILITY.

26 (4) (e) When the court finds by a preponderance of the evidence
27 that one of the parties has committed child abuse or neglect, domestic

1 violence, or sexual assault resulting in the conception of the child, in
2 formulating or approving a parenting plan, the court shall consider
3 conditions on parenting time that ensure the safety of the child and of the
4 abused party, GIVING PARAMOUNT CONSIDERATION TO THE SAFETY, AND
5 THE PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS AND NEEDS OF THE
6 CHILD AND ABUSED PARTY. In addition to any provisions set forth in
7 subsection (7) of this section that are appropriate, the parenting plan in
8 these cases may include, but is not limited to, the following provisions:

9 (9) IF THE COURT ORDERS UNSUPERVISED PARENTING TIME FOR A
10 PARENT, AND THERE IS ANY INFORMATION, INCLUDING AN ACCUSATION BY
11 A CHILD, THAT THE PARENT HAS COMMITTED DOMESTIC VIOLENCE, CHILD
12 ABUSE, OR CHILD SEXUAL ABUSE, OR IF THE PARENT IS ACCUSED BY THE
13 CHILD OF DOMESTIC VIOLENCE, CHILD ABUSE, CHILD SEXUAL ABUSE, CHILD
14 EMOTIONAL ABUSE, OR COERCIVE CONTROL, THE COURT SHALL MAKE A
15 STATEMENT IN WRITING OR ORALLY ON THE PROCEEDING RECORD
16 REGARDING WHY UNSUPERVISED PARENTING TIME FOR THE PARENT WAS
17 DETERMINED TO BE IN THE BEST INTERESTS OF THE CHILD WITH
18 PARAMOUNT CONSIDERATION GIVEN TO THE CHILD'S SAFETY AND THE
19 PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS AND NEEDS OF THE
20 CHILD.

21 **SECTION 4.** In Colorado Revised Statutes, **amend** 14-10-126 as
22 follows:

23 **14-10-126. Interviews.** (1) ~~The~~ UPON A MOTION, THE court may
24 interview the child in chambers to ascertain the child's wishes as to the
25 allocation of parental responsibilities. The court may permit counsel to be
26 present at the interview. The court shall cause a record of the interview
27 to be made, and it ~~shall~~ MUST be made part of the record in the case. THE

1 COURT SHALL MAKE FINDINGS IN ITS ORDER THAT EXPLAIN THE REASON
2 WHY THE COURT GRANTED OR DENIED A REQUEST TO INTERVIEW THE
3 CHILD IN CHAMBERS.

4 (2) ~~The court may seek the advice of professional personnel
5 whether or not they are employed on a regular basis by the court. The
6 advice given shall be in writing and shall be made available by the court
7 to counsel of record, parties, and other expert witnesses upon request, but
8 it shall otherwise be considered confidential and shall be sealed and shall
9 not be open to inspection, except by consent of the court. Counsel may
10 call for cross-examination any professional personnel consulted by the
11 court~~ THE COURT SHALL GIVE PARAMOUNT CONSIDERATION TO CASES

12 INVOLVING AN ALLEGATION MADE BY A CHILD REGARDING DOMESTIC
13 VIOLENCE, CHILD ABUSE OR NEGLECT, OR CHILD SEXUAL ABUSE IN
14 DETERMINING WHETHER TO GRANT A REQUEST TO INTERVIEW A CHILD IN
15 CHAMBERS.

16 (3) THE COURT MAY SEEK THE ADVICE OF PROFESSIONAL
17 PERSONNEL WHETHER OR NOT THEY ARE EMPLOYED ON A REGULAR BASIS
18 BY THE COURT. THE ADVICE GIVEN MUST BE IN WRITING AND MUST BE
19 MADE AVAILABLE BY THE COURT TO COUNSEL OF RECORD, PARTIES, AND
20 OTHER EXPERT WITNESSES UPON REQUEST, BUT IT MUST OTHERWISE BE
21 CONFIDENTIAL AND MUST BE SEALED AND NOT BE OPEN TO INSPECTION,
22 EXCEPT BY CONSENT OF THE COURT. COUNSEL MAY CALL FOR
23 CROSS-EXAMINATION OF ANY PROFESSIONAL PERSONNEL CONSULTED BY
24 THE COURT.

25 **SECTION 5.** In Colorado Revised Statutes, 14-10-127, **amend**
26 (1)(a)(I)(A), (4) introductory portion, and (4)(a.5); and **add** (1.5), (7)(b.3),
27 (7)(b.7), and (11) as follows:

1 **14-10-127. Evaluation and reports - training and**
2 **qualifications of evaluators - disclosure - definitions.** (1) (a) (I) (A) In
3 all proceedings concerning the allocation of parental responsibilities with
4 respect to a child, the court may, upon motion of either party or upon its
5 own motion, order any ~~county or district department of human or social~~
6 ~~services or a licensed mental health professional qualified pursuant to~~
7 ~~subsection (4) of this section and referred to in this section as an~~
8 **"evaluator"** EVALUATOR to perform an evaluation and file a written report
9 concerning the disputed issues relating to the allocation of parental
10 responsibilities for the child, unless the motion by either party is made for
11 the purpose of delaying the proceedings. The purpose of the evaluation
12 and report is to assist in determining the best interests of the child, with
13 the child's safety always paramount. The evaluation and subsequent report
14 must focus on the best interests of the child and the factors set forth in
15 sections 14-10-124 and 14-10-129 in any post-decree or relocation case.
16 In addition, the evaluator shall assess a party's parenting attributes as
17 those attributes relate to the best interests of the child and consider any
18 psychological needs of the child when making recommendations
19 concerning decision-making and parenting time FOR THE WRITTEN
20 REPORT. IN THE WRITTEN REPORT, THE EVALUATOR SHALL PROVIDE
21 OPTIONS THAT SERVE THE BEST INTERESTS OF THE CHILD TO THE COURT
22 FOR THE COURT TO CONSIDER.

23 (1.5) (a) PRIOR TO PERFORMING ANY DUTIES, AN EVALUATOR
24 APPOINTED BY THE COURT SHALL PROVIDE A WRITTEN DISCLOSURE TO
25 EACH PARTY AND EACH PARTY'S ATTORNEY, IF APPLICABLE. AT A
26 MINIMUM, THE WRITTEN DISCLOSURE MUST INCLUDE:

27 (I) A DESCRIPTION OF THE EVALUATOR'S SPECIFIC DUTIES,

1 RESPONSIBILITIES, AND LIMITATIONS, WHICH MUST BE CONSISTENT WITH
2 THIS ARTICLE 10;

3 (II) AN ACKNOWLEDGMENT THAT THE EVALUATOR WILL COMPLY
4 WITH APPLICABLE STATE AND FEDERAL LAWS IN ACTING AS AN
5 EVALUATOR, INCLUDING ALL LAWS PURSUANT TO THIS ARTICLE 10;

6 (III) AN ACKNOWLEDGMENT THAT THE EVALUATOR IS COMPLIANT
7 WITH TRAINING REQUIREMENTS PURSUANT TO SECTION 14-10-127.5 (5);

8 (IV) A COMPREHENSIVE DESCRIPTION OF THE EVALUATOR'S
9 FINANCIAL POLICIES, INCLUDING BILLING PRACTICES AND RATES FOR
10 PERFORMANCE OF DUTIES, COSTS, FEES, AND DISBURSEMENTS; AND

11 (V) INFORMATION ON FILING A COMPLAINT PURSUANT TO
12 SUBSECTION (9) OF THIS SECTION AND WITH THE STATE COURT
13 ADMINISTRATOR REGARDING THE EVALUATOR PURSUANT TO SECTION
14 13-3-101 (3.5), INCLUDING THE CURRENT CONTACT INFORMATION FOR THE
15 STATE COURT ADMINISTRATOR.

16 (b) PURSUANT TO A CHIEF JUSTICE DIRECTIVE, THE COURT MAY CAP
17 AN EVALUATOR'S FEES AND ALLOCATE RESPONSIBILITY FOR COSTS.

18 (4) A person ~~is not allowed to~~ SHALL NOT testify as an expert
19 witness regarding a parental responsibilities or parenting time evaluation
20 that the person has performed pursuant to this section unless the court
21 finds that the person is qualified as competent, by training and
22 experience, in the areas of:

23 (a.5) (I) The effects of domestic violence on children, adults, and
24 families, including the connection between domestic violence and trauma
25 on children, coercive control, child abuse, and child sexual abuse in
26 accordance with section 14-10-127.5. The person's training and
27 experience must be provided by recognized sources with expertise in

1 domestic violence and the traumatic effects of domestic violence AND
2 COERCIVE CONTROL in accordance with section 14-10-127.5. As of
3 January 1, 2024, initial INITIAL and ongoing training must include, at a
4 minimum:

5 (I) Ten initial hours of training on domestic violence, including
6 coercive control, and its traumatic effects on children, adults, and
7 families;

8 (II) Ten initial hours of training on child abuse and child sexual
9 abuse and its traumatic effects; and

10 (III) Fifteen subsequent hours of training every five years on
11 domestic violence, child abuse, and child sexual abuse and the traumatic
12 effects on children, adults, and families.

13 (A) NO LESS THAN TWENTY HOURS OF INITIAL TRAINING, REQUIRED
14 PURSUANT TO SECTION 14-10-127.5 (5)(a)(I); AND

15 (B) NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY
16 FIVE YEARS, REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(a)(I).

17 (II) NOTWITHSTANDING SUBSECTION (4)(a.5)(I) OF THIS SECTION,
18 AN EVALUATOR WHO COMPLETED THE INITIAL TRAINING REQUIRED
19 PURSUANT TO SECTION 14-10-127.5 (5)(a)(I) ON OR BEFORE JANUARY 1,
20 2025, IS NOT REQUIRED TO COMPLETE SUPPLEMENTAL TRAINING OR THE
21 ENTIRE TRAINING AGAIN FOR THE PURPOSE OF COMPLETING INTERVIEWING
22 AND FORENSIC REPORT WRITING TRAINING REQUIRED PURSUANT TO
23 SECTION 14-10-127.5 (5)(b)(IX) AND (5)(b)(X).

24 (7) (b.3) (I) THE EVALUATOR SHALL INCLUDE IN THE WRITTEN
25 REPORT ALL INFORMATION ACQUIRED DURING THE EVALUATION
26 CONCERNING DOMESTIC VIOLENCE AND CHILD ABUSE, INCLUDING:

27 (A) CHILD SEXUAL ABUSE;

1 (B) PHYSICAL ABUSE;
2 (C) EMOTIONAL ABUSE;
3 (D) COERCIVE CONTROL;
4 (E) TRAUMA; AND
5 (F) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND
6 RELATIONSHIP DYNAMICS.

7 (II) THE EVALUATOR SHALL INCLUDE IN THE WRITTEN REPORT ALL
8 INFORMATION PURSUANT TO SUBSECTION (7)(b.3)(I) OF THIS SECTION,
9 REGARDLESS OF:

10 (A) THE MANNER IN WHICH THE INFORMATION WAS ACQUIRED,
11 INCLUDING BY ACCUSATION; EVIDENCE OF A CRIMINAL CHARGE, PLEA,
12 DEFERRED JUDGMENT, OR CONVICTION; OR EVIDENCE OF A PROTECTION
13 ORDER; OR

14 (B) WHO PRESENTED THE INFORMATION, INCLUDING A CHILD.

15 (b.7) THE EVALUATOR SHALL STRIVE TO ENSURE THAT THE
16 WRITTEN REPORT DOES NOT INCLUDE INFORMATION OR
17 RECOMMENDATIONS THAT ARE BIASED, INCLUDING A BIAS REGARDING
18 RELIGION, GENDER, GENDER IDENTITY, GENDER EXPRESSION, CULTURE,
19 RACE, ETHNICITY, NATIONAL ORIGIN, OR DISABILITY.

20 (11) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

22 (a) "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
23 IN SECTION 14-10-127.5.

24 (b) "EVALUATOR" MEANS ANY COUNTY OR DISTRICT DEPARTMENT
25 OF HUMAN OR SOCIAL SERVICES OR A LICENSED MENTAL HEALTH
26 PROFESSIONAL QUALIFIED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

27 **SECTION 6.** In Colorado Revised Statutes, 14-10-127.5, **amend**

1 (3)(a)(I), (3)(a)(II)(D), and (6)(c)(I); and **add** (2)(a.3), (3)(a)(III), (3.5),
2 (5)(b)(IX), (5)(b)(X), (5)(b.1), (5)(b.5), and (6)(d) as follows:

3 **14-10-127.5. Domestic violence training for court personnel -**
4 **expert testimony - child placement decisions - legislative declaration**
5 **- definitions.** (2) As used in this section, unless the context otherwise
6 requires:

7 (a.3) "COERCIVE CONTROL" MEANS A PATTERN OF THREATENING,
8 HUMILIATING, OR INTIMIDATING ACTIONS, INCLUDING ASSAULTS OR OTHER
9 ABUSE THAT IS USED TO HARM, PUNISH, OR FRIGHTEN AN INDIVIDUAL.
10 "COERCIVE CONTROL" INCLUDES A PATTERN OF BEHAVIOR THAT TAKES
11 AWAY THE INDIVIDUAL'S LIBERTY OR FREEDOM AND STRIPS AWAY THE
12 INDIVIDUAL'S SENSE OF SELF, INCLUDING THE INDIVIDUAL'S BODILY
13 INTEGRITY AND HUMAN RIGHTS. "COERCIVE CONTROL" MAKES AN
14 INDIVIDUAL DEPENDENT BY ISOLATING THE INDIVIDUAL FROM SUPPORT,
15 EXPLOITING THE INDIVIDUAL, DEPRIVING THE INDIVIDUAL OF
16 INDEPENDENCE, AND REGULATING THE INDIVIDUAL'S EVERYDAY
17 BEHAVIOR, WHICH INCLUDES, BUT IS NOT LIMITED TO, ANY OF THE
18 FOLLOWING:

- 19 (I) ISOLATING THE INDIVIDUAL FROM FRIENDS AND FAMILY;
- 20 (II) MONITORING, SURVEILLING, REGULATING, OR CONTROLLING
21 THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S OR RELATIVE'S,
22 FINANCES, ECONOMIC RESOURCES, OR ACCESS TO SERVICES;
- 23 (III) MONITORING, SURVEILLING, REGULATING, OR CONTROLLING
24 THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S OR RELATIVE'S,
25 ACTIVITIES, COMMUNICATIONS, OR MOVEMENTS, INCLUDING THROUGH
26 TECHNOLOGY;
- 27 (IV) NAME-CALLING, DEGRADING, OR DEMEANING THE

1 INDIVIDUAL, OR THE INDIVIDUAL'S CHILD OR RELATIVE, ON A FREQUENT
2 BASIS;

3 (V) THREATENING TO HARM OR KILL THE INDIVIDUAL OR THE
4 INDIVIDUAL'S CHILD OR RELATIVE, INCLUDING WEARING, ACCESSING,
5 DISPLAYING, USING, OR CLEANING A WEAPON IN AN INTIMIDATING OR
6 THREATENING MANNER;

7 (VI) THREATENING TO HARM OR KILL AN ANIMAL WITH WHICH THE
8 INDIVIDUAL OR THE INDIVIDUAL'S CHILD OR RELATIVE HAS AN EMOTIONAL
9 BOND;

10 (VII) THREATENING TO PUBLISH THE INDIVIDUAL'S, OR THE
11 INDIVIDUAL'S CHILD'S OR RELATIVE'S, SENSITIVE PERSONAL INFORMATION,
12 INCLUDING SEXUALLY EXPLICIT MATERIAL, OR MAKE REPORTS TO THE
13 POLICE OR AUTHORITIES;

14 (VIII) DAMAGING THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S
15 OR RELATIVE'S, PROPERTY OR HOUSEHOLD GOODS;

16 (IX) THREATENING THE INDIVIDUAL, OR THE INDIVIDUAL'S CHILD
17 OR RELATIVE, WITH DEPORTATION OR CONTACTING AUTHORITIES BASED
18 ON PERCEIVED OR ACTUAL IMMIGRATION STATUS, WITHHOLDING
19 ESSENTIAL DOCUMENTS REQUIRED FOR IMMIGRATION, OR THREATENING
20 TO WITHDRAW OR INTERFERE WITH AN ACTIVE IMMIGRATION APPLICATION
21 OR PROCESS; OR

22 (X) FORCING THE INDIVIDUAL, OR THE INDIVIDUAL'S CHILD OR
23 RELATIVE, TO TAKE PART IN CRIMINAL ACTIVITIES OR CHILD ABUSE.

24 (3) (a) In all proceedings brought pursuant to this title 14
25 concerning the allocation of parental responsibilities with respect to a
26 child in which a claim of domestic violence or child abuse, including
27 child sexual abuse, has been made to the court, or the court has reason to

1 believe that a party has committed domestic violence or child abuse,
2 including child sexual abuse, the court shall:

3 (I) Consider the admission of expert testimony and evidence if the
4 expert demonstrates expertise and experience working with victims of
5 domestic violence or child abuse, including child sexual abuse, that is not
6 solely forensic in nature; and

7 (II) Consider evidence of past sexual or physical abuse committed
8 by the accused party, including:

9 (D) Other documentation, including letters from a victim advocate
10 or victim service provider, if the victim has consented pursuant to section
11 13-90-107 (1)(k)(I); medical records; or a letter to a landlord to break a
12 lease; AND

13 (III) CONSIDER EVIDENCE RELATED TO THE USE OF COERCIVE
14 CONTROL BY A PARTY.

15 (3.5) IF ALLEGATIONS OF DOMESTIC VIOLENCE, CHILD ABUSE OR
16 NEGLECT, OR CHILD SEXUAL ABUSE HAVE BEEN MADE, THE COURT SHALL
17 GIVE STRONG CONSIDERATION TO A CHILD'S STATED PREFERENCE MADE TO
18 THE COURT, CHILD AND FAMILY INVESTIGATOR, EVALUATOR, OR THE
19 CHILD'S LEGAL ADVOCATE, IF THE STATED PREFERENCE IS CONSISTENT
20 WITH THE PARAMOUNT CONSIDERATION GIVEN TO THE CHILD'S SAFETY
21 AND THE PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS AND NEEDS OF
22 THE CHILD.

23 (5) (b) The required training set forth in subsection (5)(a) of this
24 section must focus on domestic violence and child abuse, including:

25 (IX) INTERVIEWING; AND

26 (X) FORENSIC REPORT WRITING.

27 (b.1) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (5)

1 TO THE CONTRARY, A CHILD AND FAMILY INVESTIGATOR OR A PARENTAL
2 RESPONSIBILITIES EVALUATOR WHO COMPLETED THE INITIAL TRAINING
3 REQUIRED PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION ON OR
4 BEFORE JANUARY 1, 2025, IS NOT REQUIRED TO COMPLETE SUPPLEMENTAL
5 TRAINING OR THE ENTIRE TRAINING AGAIN FOR THE PURPOSE OF
6 COMPLETING INTERVIEWING AND FORENSIC REPORT WRITING TRAINING
7 REQUIRED PURSUANT TO SUBSECTION (5)(b)(IX) AND (5)(b)(X) OF THIS
8 SECTION.

9 (b.5) THE REQUIRED TRAINING SET FORTH IN SUBSECTION (5)(a) OF
10 THIS SECTION MUST BE CULTURALLY INFORMED AND MUST NOT INCLUDE
11 INFORMATION THAT IS DISCRIMINATORY BECAUSE OF A CHILD'S OR
12 PARENT'S DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL
13 ORIENTATION, GENDER, GENDER IDENTITY, GENDER EXPRESSION,
14 CULTURE, NATIONAL ORIGIN, ANCESTRY, OR IMMIGRATION STATUS.

15 (6) (c) The required training must be designed to improve the
16 ability of courts to:

17 (I) Recognize and respond to child physical abuse, child sexual
18 abuse, domestic violence, COERCIVE CONTROL, and trauma in all family
19 victims, particularly children; and

20 (d) A PROFESSIONAL TRAINER IS NOT REQUIRED TO BE AFFILIATED
21 WITH A STATE AGENCY, INCLUDING THE OFFICE OF THE STATE COURT
22 ADMINISTRATOR, IN ORDER TO DELIVER THE TRAINING REQUIREMENTS
23 PURSUANT TO SUBSECTION (5) OF THIS SECTION AND THIS SUBSECTION (6).

24 **SECTION 7.** In Colorado Revised Statutes, 14-10-128.1, **amend**
25 **(2)(b)** as follows:

26 **14-10-128.1. Appointment of parenting coordinator -**
27 **disclosure.** (2) (b) In addition to making the findings required pursuant

1 to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS
2 SECTION, prior to appointing a parenting coordinator, the court may
3 consider the effect of any claim or documented evidence of domestic
4 violence, as defined in ~~section 14-10-124 (1.3)(a)~~ SECTION 14-10-124, by
5 the other party on the parties' ability to engage in parent coordination.

6 **SECTION 8.** In Colorado Revised Statutes, 13-3-101, **add** (3.5)
7 as follows:

8 **13-3-101. State court administrator - duties - report -**
9 **definitions - repeal.** (3.5) (a) AS REQUIRED BY A CHIEF JUSTICE
10 DIRECTIVE, THE STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR
11 ACCEPTING COMPLAINTS REGARDING VIOLATIONS OF A CHIEF JUSTICE
12 DIRECTIVE CONCERNING CHILD AND FAMILY INVESTIGATORS APPOINTED
13 BY THE COURT PURSUANT TO SECTION 14-10-116.5 AND PARENTAL
14 RESPONSIBILITIES EVALUATORS APPOINTED BY THE COURT PURSUANT TO
15 SECTION 14-10-127 IN COURTS INVOLVED WITH THE ALLOCATION OF
16 PARENTAL RESPONSIBILITIES PURSUANT TO DISSOLUTION OF MARRIAGE
17 PROCEEDINGS. THE STATE COURT ADMINISTRATOR IS AUTHORIZED TO
18 ADMINISTER APPROPRIATE SANCTIONS ESTABLISHED PURSUANT TO CHIEF
19 JUSTICE DIRECTIVE. THE STATE COURT ADMINISTRATOR IS NOT
20 RESPONSIBLE FOR ACCEPTING COMPLAINTS REGARDING CONDUCT THAT IS
21 REGULATED BY A CHILD AND FAMILY INVESTIGATOR'S OR PARENTAL
22 RESPONSIBILITIES EVALUATOR'S PROFESSIONAL REGULATORY AUTHORITY.

23 (b) AS A PART OF THE JUDICIAL DEPARTMENT'S "SMART ACT"
24 HEARING REQUIRED BY SECTION 2-7-203, DURING THE 2025 REGULAR
25 LEGISLATIVE SESSION, AND EACH REGULAR LEGISLATIVE SESSION
26 THEREAFTER, THE JUDICIAL DEPARTMENT SHALL REPORT ON THE TOTAL
27 NUMBER OF CHILD AND FAMILY COURT INVESTIGATORS APPOINTED BY THE

1 COURT PURSUANT TO SECTION 14-10-116.5 AND PARENTAL
2 RESPONSIBILITIES EVALUATORS APPOINTED BY THE COURT PURSUANT TO
3 SECTION 14-10-127, ELIGIBILITY ROSTERS ESTABLISHED PURSUANT TO A
4 CHIEF JUSTICE DIRECTIVE, THE NUMBER OF COMPLAINTS RECEIVED BY THE
5 STATE COURT ADMINISTRATOR IN THE PRECEDING CALENDAR YEAR
6 REGARDING CHILD AND FAMILY COURT INVESTIGATORS AND PARENTAL
7 RESPONSIBILITIES EVALUATORS, AND THE NUMBER OF FOUNDED
8 COMPLAINTS AND SANCTIONS ISSUED AS A RESULT OF THOSE COMPLAINTS
9 IN THE PRECEDING CALENDAR YEAR REGARDING CHILD AND FAMILY COURT
10 INVESTIGATORS AND PARENTAL RESPONSIBILITIES EVALUATORS.

11 (c) THE STATE COURT ADMINISTRATOR SHALL PUBLISH AND
12 ANNUALLY UPDATE ON THE JUDICIAL DEPARTMENT'S PUBLIC WEBSITE A
13 SUMMARY OF THE ACTIONS TAKEN IN THE YEAR PRECEDING THE FIRST
14 PUBLICATION, OR SINCE THE LATEST UPDATED PUBLICATION, CONCERNING
15 ACTIONS TAKEN BY THE JUDICIAL DEPARTMENT TO COMPLY WITH
16 RECOMMENDATIONS MADE BY THE TASK FORCE TO STUDY VICTIM AND
17 SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING REQUIREMENTS
18 FOR JUDICIAL PERSONNEL, CREATED PURSUANT TO HOUSE BILL 23-1108.

19 (d) THE POSITION SHALL PUBLISH AND UPDATE AS NECESSARY
20 INFORMATION ON THE JUDICIAL DEPARTMENT'S PUBLIC WEBSITE
21 REGARDING UPCOMING TRAINING THAT SATISFIES THE REQUIREMENTS IN
22 SECTION 14-10-127.5 (5) AND (6).

23 **SECTION 9.** In Colorado Revised Statutes, 8-13.3-503, **amend**
24 (6) as follows:

25 **8-13.3-503. Definitions.** As used in this part 5, unless the context
26 otherwise requires:

27 (6) "Domestic violence" means any conduct that constitutes

1 "domestic violence" as set forth in section 18-6-800.3 (1) or ~~section~~
2 ~~14-10-124 (1.3)(a)~~ SECTION 14-10-124 or "domestic abuse" as set forth in
3 section 13-14-101 (2).

4 **SECTION 10.** In Colorado Revised Statutes, 13-80-103.6,
5 **amend** (1) as follows:

6 **13-80-103.6. General limitation of actions - domestic violence**
7 **- six years - definition.** (1) Notwithstanding any other statute of
8 limitations specified in this article 80, or any other provision of law that
9 can be construed to reduce the statutory period set forth in this section,
10 any civil action to recover damages caused by an act of domestic
11 violence, as defined in ~~section 14-10-124 (1.3)(a)~~ SECTION 14-10-124,
12 must be commenced within six years after a disability has been removed
13 for a person under disability, as such term is defined in subsection (2) of
14 this section, or within six years after a cause of action accrues, whichever
15 occurs later, and not thereafter; except that in no event may any such civil
16 action be commenced more than twenty years after the cause of action
17 accrues.

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