

CHAPTER 264

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 09-068

BY SENATOR(S) Morse, Bacon, Boyd, Foster, Heath, Hudak, Keller, Newell, Romer, Schwartz, Veiga, Williams, Gibbs, Groff, Tapia;
also REPRESENTATIVE(S) McCann, Court, Fischer, Frangas, Green, Hullinghorst, Labuda, Merrifield, Miklosi, Ryden, Schafer S., Todd, Vigil.

AN ACT**CONCERNING FUNDING TO SUPPORT DOMESTIC ABUSE SERVICES, AND MAKING AN APPROPRIATION THEREFOR.**

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

SECTION 1. 26-7.5-101, Colorado Revised Statutes, is amended to read:

26-7.5-101. Legislative declaration. The general assembly hereby finds that a significant number of homicides, aggravated assaults, ~~and~~ assaults and batteries, AND OTHER TYPES OF ABUSE AND COERCIVE CONTROL occur within the home; ~~between adult family members~~; that the reported incidence of domestic abuse represents only a portion of the total number of incidents of domestic abuse; that a large percentage of police officer deaths in the line of duty result from police intervention in domestic abuse situations; and that domestic abuse is a complex problem affecting families from all social and economic backgrounds. It is the purpose of this article to encourage the development of domestic abuse programs by units of local government and nongovernmental agencies.

SECTION 2. 26-7.5-104 (2), Colorado Revised Statutes, is amended to read:

26-7.5-104. Community domestic abuse programs - contracts with state department - rules and regulations. (2) (a) The state department shall establish, by rule, and enforce standards and regulations for all domestic abuse programs established pursuant to this article and shall require that each such domestic abuse program meets approved minimum standards as established by rule.

(b) THE STANDARDS AND REGULATIONS ESTABLISHED BY THE STATE DEPARTMENT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SHALL REQUIRE, AT A MINIMUM, EACH DOMESTIC ABUSE PROGRAM TO REQUEST INFORMATION FROM EACH CLIENT SERVED BY THE PROGRAM CONCERNING THE RELATIONSHIP OF THE CLIENT TO THE ALLEGED PERPETRATOR OF THE DOMESTIC ABUSE. THE STANDARDS AND REGULATIONS SHALL REQUIRE EACH DOMESTIC ABUSE PROGRAM TO REPORT SUCH INFORMATION TO THE STATE DEPARTMENT.

SECTION 3. 26-7.5-105 (1), Colorado Revised Statutes, is amended to read:

26-7.5-105. Funding of domestic abuse programs. (1) (a) Any nongovernmental agency or unit of local government operating a domestic abuse program pursuant to this article shall, subject to available appropriations, be reimbursed by the state department at a rate to be set by the general assembly in the annual appropriation bill. ~~which amount shall not exceed twenty-five dollars per day for each person who is participating in a domestic abuse program, but in no event shall the state reimbursements or disbursements exceed double the cash revenue provided by local contributions or sources other than state funds.~~ Not less than seventy-five percent of all contract funding under this article shall be allocated to nongovernmental agencies.

(b) MONEYS GENERATED FROM FEES COLLECTED PURSUANT TO SECTIONS 13-32-101 (1) (a) AND (1) (b) AND 14-2-106 (1) (a), C.R.S., SHALL BE USED TO REIMBURSE DOMESTIC ABUSE PROGRAMS THAT PROVIDE SERVICES AS PROVIDED IN SECTION 26-7.5-103 TO MARRIED, SEPARATED, OR DIVORCED PERSONS OR THEIR FAMILIES.

SECTION 4. 13-32-101 (1) (a), (1) (b), (5) (a) (VII), (5) (a) (VIII), and (5) (b), Colorado Revised Statutes, are amended, and the said 13-32-101 (5) (a) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

13-32-101. Docket fees in civil actions - judicial stabilization cash fund - support registry fund created - repeal. (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (3) of this section and in sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(a) On and after July 1, ~~2008~~ 2009, by the petitioner in a proceeding for dissolution of marriage, legal separation, or declaration of invalidity of marriage and by the petitioner in an action for a declaratory judgment concerning the status of marriage, a fee of two hundred ~~twenty~~ THIRTY dollars;

(b) On and after July 1, ~~2008~~ 2009, by the respondent in a proceeding for dissolution of marriage, legal separation, or declaration of invalidity of marriage and by the respondent to an action for a declaratory judgment concerning the status of marriage, a fee of one hundred ~~six~~ SIXTEEN dollars;

(5) (a) Each fee collected pursuant to paragraph (a) of subsection (1) of this section shall be transmitted to the state treasurer and divided as follows:

(VII) Three dollars shall be deposited in the vital statistics records cash fund created in section 25-2-121, C.R.S.; ~~and~~

(VIII) Five dollars shall be deposited in the displaced homemaker fund created in section 8-15.5-108, C.R.S.;

(IX) FIVE DOLLARS SHALL BE DEPOSITED IN THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1), C.R.S.; AND

(X) FIVE DOLLARS SHALL BE DEPOSITED IN THE FAMILY VIOLENCE JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

(b) Each fee collected pursuant to paragraph (b) of subsection (1) of this section shall be transmitted to the state treasurer and divided as follows:

(I) (A) Prior to July 1, 2010, forty-five dollars shall be deposited in the general fund, thirty dollars shall be deposited in the judicial stabilization cash fund created in subsection (6) of this section, five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, ~~and~~ twenty-six dollars shall be deposited in the justice center cash fund created in paragraph (a) of subsection (7) of this section, FIVE DOLLARS SHALL BE DEPOSITED IN THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1), C.R.S., AND FIVE DOLLARS SHALL BE DEPOSITED IN THE FAMILY VIOLENCE JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

(B) This subparagraph (I) is repealed, effective July 1, 2011.

(II) On and after July 1, 2010, seventy-five dollars shall be deposited in the judicial stabilization cash fund created in subsection (6) of this section, five dollars shall be deposited in the court security cash fund established pursuant to section 13-1-204, ~~and~~ twenty-six dollars shall be deposited in the justice center cash fund created in paragraph (a) of subsection (7) of this section, FIVE DOLLARS SHALL BE DEPOSITED IN THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1), C.R.S., AND FIVE DOLLARS SHALL BE DEPOSITED IN THE FAMILY VIOLENCE JUSTICE FUND CREATED IN SECTION 14-4-107 (1), C.R.S.

SECTION 5. The introductory portion to 14-2-106 (1) (a), Colorado Revised Statutes, is amended to read:

14-2-106. License to marry. (1) (a) When a marriage application has been completed and signed by both parties to a prospective marriage and at least one party has appeared before the county clerk and recorder and has paid the marriage license fee of seven dollars, A FEE OF TWENTY DOLLARS TO BE TRANSMITTED BY THE COUNTY CLERK AND RECORDER TO THE STATE TREASURER AND CREDITED BY THE TREASURER TO THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1), C.R.S., and an additional amount established pursuant to section 25-2-121, C.R.S., such amount to be credited to the vital statistics records cash fund pursuant to section 25-2-121, C.R.S., the county clerk shall issue a license to marry and a marriage certificate form upon being furnished:

SECTION 6. 14-4-107, Colorado Revised Statutes, is amended BY THE

ADDITION OF A NEW SUBSECTION to read:

14-4-107. Family violence justice fund - creation - grants from fund.

(4.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE STATE COURT ADMINISTRATOR SHALL APPLY THE MONEYS GENERATED FROM FEES COLLECTED PURSUANT TO SECTION 13-32-101 (1) (a) AND (1) (b), C.R.S., TO GRANTS TO QUALIFYING ORGANIZATIONS THAT PROVIDE SERVICES DESCRIBED IN SUBSECTION (2) OF THIS SECTION FOR OR ON BEHALF OF INDIGENT PERSONS OR THEIR FAMILIES WHO ARE MARRIED, SEPARATED, OR DIVORCED.

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado domestic abuse program fund created in section 39-22-802 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of human services, for allocation to the office of self sufficiency, for the fiscal year beginning July 1, 2009, the sum of eight hundred forty-three thousand four hundred thirty dollars (\$843,430) cash funds and 0.7 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the family violence justice fund created in section 14-4-107 (1), Colorado Revised Statutes, not otherwise appropriated, to the judicial department, for allocation to courts administration, administration, family violence grants, for the fiscal year beginning July 1, 2009, the sum of one hundred forty-three thousand four hundred thirty dollars (\$143,430) cash funds, or so much thereof as may be necessary, for the implementation of this act.

SECTION 8. Effective date - applicability. This act shall take effect July 1, 2009, and shall apply to petitions, responses, and applications filed on or after said date.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 15, 2009