

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

**PREAMENDED**

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

LLS NO. 26-0088.03 Jacob Baus x2173

**HOUSE BILL 26-1309**

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**HOUSE SPONSORSHIP**

**Froelich and Story,**

**SENATE SPONSORSHIP**

**Wallace,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES RELATED TO FORMS OF ABUSE IN CASES**  
102 **REGARDING A SEPARATION OF A RELATIONSHIP.**

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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>.)*

Under current law, the court is required to determine the allocation of parental responsibilities, including parenting time and decision-making responsibilities, based on the best interests of the child.

The bill requires that prior to allocating parental responsibilities and prior to considering the best interests of the child factors, the court shall determine whether a party has committed domestic violence. If the

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.*

court determines by a preponderance of the evidence that a party has committed domestic violence, there is a presumption that it is not in the best interests of the child to allocate parental responsibilities to that parent.

The bill requires the court to make specific written findings and require conditions if the court awards parental responsibilities to a party found to have committed domestic violence.

Under current law, prior to a court ordering a party accused of domestic violence or child abuse to take steps to improve a relationship with a protected party, a mental health professional who is approved by the domestic violence offender management board must verify the accused party's behavior. Instead, the bill requires that the accused party participate in individual therapeutic treatment with a mental health professional who holds a master's or doctoral degree and a certain mental health license type, has specialized training and expertise in treating survivors of domestic violence and its effects, and has completed a 52-week domestic violence abuser intervention program.

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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 that:

4 (a) Colorado has led the United States in enacting family court  
5 reforms;

6 (b) In recent years, a series of bills have been enacted that seek to  
7 protect parents and children from domestic violence and child abuse when  
8 a family court is determining custody. These bills have required training  
9 in domestic violence and child abuse, created protections for coercive  
10 control and its insidious permutations, and brought many survivors to the  
11 Colorado capitol to share their stories.

12 (c) Despite efforts to protect victims and survivors, family courts  
13 still award unsupervised custody, order court-ordered reunification,  
14 remove protection orders, and dismiss the realities of various forms of  
15 abuse;

16 (d) In 2025, the domestic violence fatality review board reported

1 a record number of domestic violence fatalities. At least 7 domestic  
2 violence fatalities directly involved domestic relations cases between the  
3 victim and the perpetrator, 2 of which closed prior to the fatality and 5 of  
4 which were still open. The 5 open cases involved child custody litigation,  
5 and 4 of the 5 open cases involved multiple victims, resulting in 9  
6 homicides and one attempted homicide.

7 (e) Over 62% of Colorado's child domestic violence fatality  
8 victims were killed during child custody litigation. Of the 8 child  
9 domestic violence fatality victims in 2024, 5 children were involved in  
10 their parents' custody disputes.

11 (f) Studies suggest that one parent using repeated court actions  
12 against the other parent is a pervasive, multifaceted, and effective tactic  
13 to further coercive control. Parents who are abusive may misuse the legal  
14 system by repeatedly bringing groundless motions for modification and  
15 enforcement, and even false reports of child abuse.

16 (g) Seventy-three percent of domestic relations litigants appear in  
17 family court without a lawyer;

18 (h) Seventy-two percent of all murder-suicides involve an intimate  
19 partner, and 94% of the murder victims in murder-suicides are female;

20 (i) Lethality often escalates following separation;

21 (j) Parents who are abused face an increased risk of serious and  
22 lethal violence when separating from the parent who is abusive;

23 (k) As of 2018, all states and the District of Columbia required  
24 domestic violence to be considered in the best interests of the child  
25 analysis, with 26 states and D.C. giving domestic violence extra weight.  
26 Twenty-eight states and D.C. provide a statutory presumption against  
27 awarding custody to a perpetrator of domestic violence.

1 (l) An extensive body of research suggests that exposure to  
2 domestic violence places children at risk of adverse developmental,  
3 behavioral, physical, and mental health consequences, including  
4 depression, anxiety, poor coping mechanisms, suicidal ideations,  
5 self-harm, substance abuse, and chronic pain;

6 (m) The National Council of Juvenile and Family Court Judges  
7 has drafted a model code on domestic and family violence. That model  
8 code provides courts with clear guidance and standards to address  
9 domestic violence in determinations concerning the allocation of parental  
10 responsibilities to ensure consistent application and protection of victims  
11 and children.

12 (2) Therefore, the general assembly declares that:

13 (a) In order to protect parents and children from domestic  
14 violence, Colorado must prioritize safety during family court proceedings;

15 (b) Safety must be prioritized before contact;

16 (c) Courts need clear guidance and standards to address domestic  
17 violence in determinations concerning the allocation of parental  
18 responsibilities to ensure consistent application and protection of victims  
19 and children; and

20 (d) It is necessary to presume that, if a parent has committed  
21 domestic violence, it is not in the best interests of the child to allocate  
22 parental responsibilities to that parent. This presumption is necessary to  
23 allow courts the ability to consider individual circumstances while  
24 maintaining a strong and protective stance against allocating parental  
25 responsibilities to an abusive parent.

26 **SECTION 2.** In Colorado Revised Statutes, 14-10-103, **amend**  
27 (1.5)(a) and (1.5)(b); and **add** (1.5)(c.2), (1.5)(c.4), (1.5)(c.6), and

1 (1.5)(c.8) as follows:

2 **14-10-103. Definitions and interpretations of terms.**

3 (1.5) As used in this article 10, unless the context otherwise  
4 requires:

5 (a) "Coercive control" ~~has the same meaning as set forth in~~  
6 ~~section 14-10-124 (1.3)~~ MEANS A PATTERN OF THREATENING,  
7 HUMILIATING, OR INTIMIDATING ACTIONS, INCLUDING ASSAULTS OR OTHER  
8 ABUSE, THAT IS USED TO HARM, PUNISH, OR FRIGHTEN AN INDIVIDUAL.  
9 "COERCIVE CONTROL" INCLUDES A PATTERN OF BEHAVIOR THAT TAKES  
10 AWAY THE INDIVIDUAL'S LIBERTY OR FREEDOM AND STRIPS AWAY THE  
11 INDIVIDUAL'S SENSE OF SELF, INCLUDING THE INDIVIDUAL'S BODILY  
12 INTEGRITY AND HUMAN RIGHTS. "COERCIVE CONTROL" INCLUDES  
13 ISOLATING THE INDIVIDUAL FROM SUPPORT, EXPLOITING THE INDIVIDUAL,  
14 DEPRIVING THE INDIVIDUAL OF INDEPENDENCE, AND REGULATING THE  
15 INDIVIDUAL'S EVERYDAY BEHAVIOR. "COERCIVE CONTROL" INCLUDES,  
16 BUT IS NOT LIMITED TO, ANY OF THE FOLLOWING:

17 (I) ISOLATING THE INDIVIDUAL FROM FRIENDS AND FAMILY;

18 (II) MONITORING, SURVEILLING, REGULATING, OR CONTROLLING  
19 THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S OR RELATIVE'S,  
20 FINANCES, ECONOMIC RESOURCES, OR ACCESS TO SERVICES;

21 (III) MONITORING, SURVEILLING, REGULATING, OR CONTROLLING  
22 THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S OR RELATIVE'S,  
23 ACTIVITIES, COMMUNICATIONS, OR MOVEMENTS, INCLUDING THROUGH  
24 TECHNOLOGY;

25 (IV) NAME-CALLING, DEGRADING, OR DEMEANING THE  
26 INDIVIDUAL, OR THE INDIVIDUAL'S CHILD OR RELATIVE, ON A FREQUENT  
27 BASIS;

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

5 (VI) THREATENING TO COMMIT SUICIDE OR OTHERWISE HARM  
6 ONE'S OWN PERSON WHEN USED AS A METHOD OF COERCION, CONTROL,  
7 PUNISHMENT, INTIMIDATION, OR RETALIATION AGAINST THE PERSON;

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

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

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

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

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

25 (b) (I) "Domestic violence" ~~has the same meaning as set forth in~~  
26 ~~section 14-10-124 (1.3)~~ MEANS ONE OF THE FOLLOWING COMMITTED BY  
27 A PARTY, WHETHER OR NOT THE CONDUCT CONSTITUTES A CRIMINAL

1 OFFENSE:

2 (A) AN ACT OR THREATENED ACT OF PHYSICAL ASSAULT OR  
3 BODILY HARM AGAINST THE OTHER PARENT OR A FAMILY OR HOUSEHOLD  
4 MEMBER, INCLUDING A CHILD;

5 (B) AN ACT OR THREATENED ACT OF DAMAGE TO PROPERTY  
6 BELONGING TO THE OTHER PARENT OR A FAMILY OR HOUSEHOLD MEMBER,  
7 INCLUDING A CHILD;

8 (C) AN ACT OR THREATENED ACT OF PHYSICAL ASSAULT OR  
9 BODILY HARM AGAINST AN ANIMAL BELONGING TO THE OTHER PARENT OR  
10 A FAMILY OR HOUSEHOLD MEMBER, INCLUDING A CHILD;

11 (D) STALKING;

12 (E) SEXUAL ASSAULT;

13 (F) HEALTH-RELATED ABUSE;

14 (G) COERCIVE CONTROL;

15 (H) TECHNOLOGICAL ABUSE;

16 (I) ECONOMIC ABUSE; OR

17 (J) HUMAN TRAFFICKING.

18 (II) "DOMESTIC VIOLENCE" DOES NOT MEAN BEHAVIORS THAT ARE  
19 USED BY A PARENT TO PROTECT THEMSELF; A FAMILY OR HOUSEHOLD  
20 MEMBER, INCLUDING A CHILD; OR PROPERTY, INCLUDING AN ANIMAL,  
21 FROM THE HARM OR RISK OF HARM PRESENTED BY THE OTHER PARENT.

22 (c.2) "HEALTH-RELATED ABUSE" MEANS THE COMMISSION OF ONE  
23 OF THE FOLLOWING BY A PARENT AGAINST THE OTHER PARENT OR  
24 ANOTHER PERSON, INCLUDING A CHILD, THROUGH AN ACT OR THREATENED  
25 ACT OF PHYSICAL HARM, INTIMIDATION, OR COERCIVE CONTROL:

26 (I) INTERFERENCE WITH OR CONTROLLING OR PREVENTING ACCESS  
27 TO MEDICAL CARE, MEDICINE, MEDICAL DEVICES, HEALTH-RELATED

1 SERVICES, OR PUBLIC OR PRIVATE HEALTH-CARE COVERAGE;

2 (II) INTERFERENCE WITH OR CONTROLLING OR PREVENTING  
3 ACCESS TO MENTAL OR BEHAVIORAL HEALTH CARE OR MEDICINE; OR

4 (III) INTERFERENCE WITH OR CONTROLLING OR PREVENTING  
5 ACCESS TO REPRODUCTIVE HEALTH CARE, INCLUDING CONTRACEPTIVE USE  
6 OR REPRODUCTIVE HEALTH-CARE INFORMATION, OR CONTROLLING OR  
7 ATTEMPTING TO CONTROL PREGNANCY OUTCOMES.

8 (c.4) "INTIMATE RELATIONSHIP" MEANS A RELATIONSHIP BETWEEN  
9 SPOUSES, FORMER SPOUSES, PAST OR PRESENT UNMARRIED COUPLES, OR  
10 PERSONS WHO ARE BOTH PARENTS OF THE SAME CHILD, REGARDLESS OF  
11 WHETHER THE PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER  
12 AT ANY TIME.

13 (c.6) "SEXUAL ASSAULT" HAS THE MEANING SET FORTH IN SECTION  
14 19-1-103.

15 (c.8) "TECHNOLOGICAL ABUSE" MEANS AN ACT OR PATTERN OF  
16 BEHAVIOR BY A PARENT AGAINST THE OTHER PARENT OR ANOTHER  
17 PERSON THAT IS INTENDED TO HARM, THREATEN, INTIMIDATE, STALK,  
18 IMPERSONATE, EXPLOIT, OR EXTORT THROUGH THE USE OF TECHNOLOGY.  
19 "TECHNOLOGICAL ABUSE" INCLUDES, BUT IS NOT LIMITED TO, THE  
20 FOLLOWING:

21 (I) ELECTRONIC MONITORING OR SURVEILLANCE;

22 (II) DISCLOSURE OF INTIMATE OR SEXUALLY EXPLICIT MATERIAL  
23 THROUGH THE USE OF TECHNOLOGY; OR

24 (III) IMPERSONATION THROUGH THE USE OF TECHNOLOGY.

25 **SECTION 3.** In Colorado Revised Statutes, 14-10-124, **amend**  
26 (1.5)(a) introductory portion, (1.5)(a)(III.5), and (1.5)(b) introductory  
27 portion; **repeal** (1.3) and (4); and **add** (1.4), (1.5)(c), and (1.6) as

1 follows:

2 **14-10-124. Best interests of the child.**

3 (1.3) **Definitions.** For purposes of this section and section  
4 14-10-129 (2)(c), unless the context otherwise requires:

5 (a) ~~"Coercive control" means a pattern of threatening,~~  
6 ~~humiliating, or intimidating actions, including assaults or other abuse,~~  
7 ~~that is used to harm, punish, or frighten an individual. "Coercive control"~~  
8 ~~includes a pattern of behavior that takes away the individual's liberty or~~  
9 ~~freedom and strips away the individual's sense of self, including the~~  
10 ~~individual's bodily integrity and human rights. "Coercive control"~~  
11 ~~includes isolating the individual from support, exploiting the individual,~~  
12 ~~depriving the individual of independence, and regulating the individual's~~  
13 ~~everyday behavior. "Coercive control" includes, but is not limited to, any~~  
14 ~~of the following:~~

15 (I) ~~Isolating the individual from friends and family;~~

16 (II) ~~Monitoring, surveilling, regulating, or controlling the~~  
17 ~~individual's, or the individual's child's or relative's, finances, economic~~  
18 ~~resources, or access to services;~~

19 (III) ~~Monitoring, surveilling, regulating, or controlling the~~  
20 ~~individual's, or the individual's child's or relative's, activities,~~  
21 ~~communications, or movements, including through technology;~~

22 (IV) ~~Name-calling, degrading, or demeaning the individual, or the~~  
23 ~~individual's child or relative, on a frequent basis;~~

24 (V) ~~Threatening to harm or kill the individual or the individual's~~  
25 ~~child or relative, including wearing, accessing, displaying, using, or~~  
26 ~~cleaning a weapon in an intimidating or threatening manner;~~

27 (VI) ~~Threatening to commit suicide or otherwise harm one's own~~

1 ~~person, when used as a method of coercion, control, punishment,~~  
2 ~~intimidation, or retaliation against the person;~~

3 ~~(VII) Threatening to harm or kill an animal with which the~~  
4 ~~individual or the individual's child or relative has an emotional bond;~~

5 ~~(VIII) Threatening to publish the individual's, or the individual's~~  
6 ~~child's or relative's, sensitive personal information, including sexually~~  
7 ~~explicit material, or make reports to the police or authorities;~~

8 ~~(IX) Damaging the individual's, or the individual's child's or~~  
9 ~~relative's, property or household goods;~~

10 ~~(X) Threatening the individual, or the individual's child or~~  
11 ~~relative, with deportation or contacting authorities based on perceived or~~  
12 ~~actual immigration status, withholding essential documents required for~~  
13 ~~immigration, or threatening to withdraw or interfere with an active~~  
14 ~~immigration application or process; or~~

15 ~~(XI) Forcing the individual, or the individual's child or relative,~~  
16 ~~to take part in criminal activities or child abuse.~~

17 ~~(b) "Domestic violence" means an act of violence or a threatened~~  
18 ~~act of violence upon a person with whom the actor is or has been~~  
19 ~~involved in an intimate relationship, and may include any act or~~  
20 ~~threatened act against a person or against property, including an animal,~~  
21 ~~when used as a method of coercion, control, punishment, intimidation, or~~  
22 ~~revenge directed against a person with whom the actor is or has been~~  
23 ~~involved in an intimate relationship.~~

24 ~~(c) "Intimate relationship" means a relationship between spouses,~~  
25 ~~former spouses, past or present unmarried couples, or persons who are~~  
26 ~~both parents of the same child regardless of whether the persons have~~  
27 ~~been married or have lived together at any time.~~

1           (d) "~~Sexual assault~~" has the same meaning as set forth in section  
2   19-1-103.

3           (1.4) (a) If a party claims, or the court has reason to  
4   believe, that a party has committed domestic violence, child  
5   abuse or neglect, or sexual assault that resulted in the  
6   conception of a child, the court shall determine, by a  
7   preponderance of the evidence, whether a party has committed  
8   domestic violence, child abuse or neglect, or sexual assault  
9   that resulted in the conception of a child, and make findings on  
10   the record concerning its determination, including any evidence  
11   relied upon in making its determination and the reasons for its  
12   determination.

13          (b) When determining whether domestic violence, child  
14   abuse or neglect, or sexual assault that resulted in the  
15   conception of a child has occurred, the court shall consider  
16   any relevant and admissible evidence of domestic violence,  
17   child abuse or neglect, or sexual assault that resulted in the  
18   conception of a child.

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

25          (a) **Determination of parenting time.** The court, upon the  
26   motion of either party or upon its own motion, may make provisions for  
27   parenting time that the court finds are in the best interests of the child,

1 with the child's safety always paramount, unless the court finds, after a  
2 hearing, that parenting time by the party would endanger the child's  
3 physical health or significantly impair the child's emotional development.  
4 In addition to a finding that parenting time would endanger the child's  
5 physical health or significantly impair the child's emotional development,  
6 in any order imposing or continuing a parenting time restriction, the court  
7 shall enumerate the specific factual findings supporting the restriction,  
8 including findings related to domestic violence, child abuse OR NEGLECT,  
9 SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A CHILD, and OR  
10 child sexual abuse, and may enumerate the conditions that the restricted  
11 party could fulfill in order to seek modification in the parenting plan.  
12 ~~When a claim of child abuse or neglect, domestic violence, or sexual~~  
13 ~~assault where there is also a claim that the child was conceived as a result~~  
14 ~~of the sexual assault has been made to the court, or the court has reason~~  
15 ~~to believe that a party has committed child abuse or neglect, domestic~~  
16 ~~violence, or sexual assault where there is also a claim that the child was~~  
17 ~~conceived as a result of the sexual assault, prior to determining parenting~~  
18 ~~time, the court shall follow the provisions of subsection (4) of this~~  
19 ~~section.~~ In determining the best interests of the child for purposes of  
20 parenting time, the court shall consider all relevant factors, including:  
21 (III.5) ANY EVIDENCE OF DOMESTIC VIOLENCE, CHILD ABUSE OR  
22 NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A  
23 CHILD, OR any report related to domestic violence, CHILD ABUSE OR  
24 NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A  
25 CHILD, that is submitted to the court by a child and family investigator,  
26 if one is appointed pursuant to section 14-10-116.5; a professional  
27 parental responsibilities evaluator, if one is appointed pursuant to section

1 14-10-127; or a legal representative of the child, if one is appointed  
2 pursuant to section 14-10-116. The court may consider other testimony  
3 regarding domestic violence, CHILD ABUSE OR NEGLECT, OR SEXUAL  
4 ASSAULT THAT RESULTED IN THE CONCEPTION OF A CHILD from the  
5 parties, experts, therapists for any parent or child, the department of  
6 human services, parenting time supervisors, school personnel, or other  
7 lay witnesses.

8 (b) **Allocation of decision-making responsibility.** The court,  
9 upon the motion of either party or its own motion, shall allocate the  
10 decision-making responsibilities between the parties based upon the best  
11 interests of the child. In determining decision-making responsibility, the  
12 court may allocate the decision-making responsibility with respect to  
13 each issue affecting the child mutually between both parties or  
14 individually to one or the other party or any combination thereof. ~~When~~  
15 ~~a claim of child abuse or neglect or domestic violence has been made to~~  
16 ~~the court, or the court has reason to believe that a party has committed~~  
17 ~~child abuse or neglect, domestic violence, or sexual assault where there~~  
18 ~~is also a claim that the child in question was conceived as a result of the~~  
19 ~~sexual assault, prior to allocating decision-making responsibility, the~~  
20 ~~court shall follow the provisions of subsection (4) of this section.~~ In  
21 determining the best interests of the child for purposes of allocating  
22 decision-making responsibilities, the court shall consider, in addition to  
23 the factors set forth in ~~paragraph (a) of this subsection (1.5)~~ SUBSECTION  
24 (1.5) OF THIS SECTION, all relevant factors, including:

25 (c) (I) IF A COURT DETERMINES BY A PREPONDERANCE OF THE  
26 EVIDENCE THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD  
27 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE

1 CONCEPTION OF A CHILD, IT IS NOT IN THE BEST INTERESTS OF THE CHILD  
2 TO ALLOCATE MUTUAL DECISION-MAKING RESPONSIBILITY OVER THE  
3 OBJECTION OF THE OTHER PARTY OR THE LEGAL REPRESENTATIVE OF THE  
4 CHILD UNLESS THE COURT FINDS THAT THERE IS CREDIBLE EVIDENCE OF  
5 THE ABILITY OF THE PARTIES TO MAKE DECISIONS COOPERATIVELY IN THE  
6 BEST INTERESTS OF THE CHILD IN A MANNER THAT IS SAFE FOR THE  
7 ABUSED PARTY AND THE CHILD; AND

8 (II) THE COURT SHALL NOT APPOINT A PARENTING COORDINATOR  
9 SOLELY TO ENSURE THAT MUTUAL DECISION-MAKING CAN BE  
10 ACCOMPLISHED.

11 (1.6) (a) IF A COURT DETERMINES BY A PREPONDERANCE OF THE  
12 EVIDENCE THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD  
13 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE  
14 CONCEPTION OF A CHILD, THE COURT SHALL CONSIDER AS THE PRIMARY  
15 CONCERN THE SAFETY AND WELL-BEING OF THE CHILD AND THE ABUSED  
16 PARTY AND CONDITIONS ON PARENTING TIME THAT ENSURE THE SAFETY  
17 OF THE CHILD AND ABUSED PARTY, GIVING PARAMOUNT CONSIDERATION  
18 TO THE SAFETY AND THE PHYSICAL, MENTAL, AND EMOTIONAL  
19 CONDITIONS AND NEEDS OF THE CHILD AND ABUSED PARTY. THE  
20 PARENTING PLAN FOR A CASE DESCRIBED IN THIS SUBSECTION (1.6) MAY  
21 INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

22 (I) AN ORDER LIMITING CONTACT BETWEEN THE PARTIES TO  
23 CONTACT THAT THE COURT DEEMS IS SAFE AND THAT MINIMIZES  
24 UNNECESSARY COMMUNICATION BETWEEN THE PARTIES;

25 (II) AN ORDER THAT REQUIRES THE EXCHANGE OF THE CHILD FOR  
26 PARENTING TIME TO OCCUR IN A PROTECTED SETTING DETERMINED BY THE  
27 COURT;

1 (III) AN ORDER FOR SUPERVISED PARENTING TIME;

2 (IV) AN ORDER RESTRICTING OVERNIGHT PARENTING TIME;

3 (V) AN ORDER THAT RESTRICTS THE PARTY WHO HAS COMMITTED  
4 DOMESTIC VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT  
5 THAT RESULTED IN THE CONCEPTION OF A CHILD FROM POSSESSING OR  
6 CONSUMING ALCOHOL OR CONTROLLED SUBSTANCES DURING PARENTING  
7 TIME OR FOR TWENTY-FOUR HOURS PRIOR TO THE COMMENCEMENT OF  
8 PARENTING TIME;

9 (VI) AN ORDER DIRECTING THAT THE ADDRESS OF THE CHILD OR  
10 OF ANY PARTY REMAIN CONFIDENTIAL;

11 (VII) AN ORDER THAT IMPOSES ANY OTHER CONDITION ON ONE OR  
12 MORE PARTIES THAT THE COURT DETERMINES IS NECESSARY TO PROTECT  
13 THE CHILD, ANOTHER PARTY, OR ANY OTHER FAMILY OR HOUSEHOLD  
14 MEMBER OF A PARTY; AND

15 (VIII) AN ORDER THAT REQUIRES CHILD SUPPORT PAYMENTS TO  
16 BE MADE THROUGH THE CHILD SUPPORT REGISTRY TO AVOID THE NEED  
17 FOR ANY RELATED CONTACT BETWEEN THE PARTIES AND AN ORDER THAT  
18 THE PAYMENTS BE TREATED AS A NONDISCLOSURE OF INFORMATION CASE.

19 (b) WHEN THE COURT FINDS BY A PREPONDERANCE OF THE  
20 EVIDENCE THAT ONE OF THE PARTIES HAS COMMITTED DOMESTIC  
21 VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT  
22 RESULTED IN THE CONCEPTION OF A CHILD, THE COURT MAY ORDER THE  
23 PARTY TO SUBMIT TO A DOMESTIC VIOLENCE EVALUATION. IF THE COURT  
24 DETERMINES, BASED UPON THE RESULTS OF THE EVALUATION, THAT  
25 TREATMENT IS APPROPRIATE, THE COURT MAY ORDER THE PARTY TO  
26 PARTICIPATE IN DOMESTIC VIOLENCE TREATMENT. AT ANY TIME, THE  
27 COURT MAY REQUIRE A SUBSEQUENT EVALUATION TO DETERMINE

1 WHETHER ADDITIONAL TREATMENT IS NECESSARY. IF THE COURT AWARDS  
2 PARENTING TIME TO A PARTY WHO HAS BEEN ORDERED TO PARTICIPATE IN  
3 DOMESTIC VIOLENCE TREATMENT, THE COURT MAY ORDER THE PARTY TO  
4 OBTAIN A REPORT FROM THE TREATMENT PROVIDER CONCERNING THE  
5 PARTY'S PROGRESS IN TREATMENT AND ADDRESSING ANY ONGOING  
6 SAFETY CONCERNS REGARDING THE PARTY'S PARENTING TIME. THE COURT  
7 MAY ORDER THE PARTY WHO HAS COMMITTED DOMESTIC VIOLENCE, CHILD  
8 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE  
9 CONCEPTION OF A CHILD TO PAY THE COSTS OF THE DOMESTIC VIOLENCE  
10 EVALUATIONS AND TREATMENT.

11 (c) IF THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE  
12 THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD ABUSE OR  
13 NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A  
14 CHILD, THE COURT SHALL CONSIDER WHETHER IT IS IN THE BEST INTERESTS  
15 OF THE CHILD TO PROHIBIT OR LIMIT THE PARENTING TIME OF THAT PARTY  
16 WITH THE CHILD.

17 (d) IF A PARTY IS ABSENT OR LEAVES HOME BECAUSE OF DOMESTIC  
18 VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT  
19 RESULTED IN THE CONCEPTION OF A CHILD COMMITTED BY THE OTHER  
20 PARTY, THE ABSENCE OR LEAVING IS NOT A FACTOR IN DETERMINING THE  
21 BEST INTERESTS OF THE CHILD.

22 (4) (a) ~~When a claim of child abuse or neglect, domestic violence,~~  
23 ~~or sexual assault where there is also a claim that the child was conceived~~  
24 ~~as a result of the sexual assault has been made to the court, or the court~~  
25 ~~has reason to believe that a party has committed child abuse or neglect,~~  
26 ~~domestic violence, or sexual assault that resulted in the conception of the~~  
27 ~~child, prior to allocating parental responsibilities, including parenting~~

1 ~~time and decision-making responsibility, and prior to considering the~~  
2 ~~factors set forth in paragraphs (a) and (b) of subsection (1.5) of this~~  
3 ~~section, the court shall consider the following factors:~~

4 ~~(I) Whether one of the parties has committed an act of child abuse~~  
5 ~~or neglect as defined in section 18-6-401, C.R.S., or as defined under the~~  
6 ~~law of any state, which factor must be supported by a preponderance of~~  
7 ~~the evidence. If the court finds that one of the parties has committed child~~  
8 ~~abuse or neglect, then it shall not be in the best interests of the child to~~  
9 ~~allocate mutual decision-making with respect to any issue over the~~  
10 ~~objection of the other party or the legal representative of the child.~~

11 ~~(II) Whether one of the parties has committed an act of domestic~~  
12 ~~violence, has engaged in a pattern of domestic violence, or has a history~~  
13 ~~of domestic violence, which factor must be supported by a preponderance~~  
14 ~~of the evidence. If the court finds by a preponderance of the evidence that~~  
15 ~~one of the parties has committed domestic violence:~~

16 ~~(A) It shall not be in the best interests of the child to allocate~~  
17 ~~mutual decision-making responsibility over the objection of the other~~  
18 ~~party or the legal representative of the child, unless the court finds that~~  
19 ~~there is credible evidence of the ability of the parties to make decisions~~  
20 ~~cooperatively in the best interest of the child in a manner that is safe for~~  
21 ~~the abused party and the child; and~~

22 ~~(B) The court shall not appoint a parenting coordinator solely to~~  
23 ~~ensure that mutual decision-making can be accomplished.~~

24 ~~(III) Whether one of the parties has committed an act of sexual~~  
25 ~~assault resulting in the conception of the child, which factor must be~~  
26 ~~supported by a preponderance of the evidence. If the court finds by a~~  
27 ~~preponderance of the evidence that one of the parties has committed~~

1 ~~sexual assault and the child was conceived as a result of the sexual~~  
2 ~~assault, there is a rebuttable presumption that it is not in the best interests~~  
3 ~~of the child to allocate sole or split decision-making authority to the party~~  
4 ~~found to have committed sexual assault or to allocate mutual~~  
5 ~~decision-making between a party found to have committed sexual assault~~  
6 ~~and the party who was sexually assaulted with respect to any issue.~~

7 ~~(IV) If one of the parties is found by a preponderance of the~~  
8 ~~evidence to have committed sexual assault resulting in the conception of~~  
9 ~~the child, whether it is in the best interests of the child to prohibit or limit~~  
10 ~~the parenting time of that party with the child.~~

11 ~~(b) The court shall consider the additional factors set forth in~~  
12 ~~paragraphs (a) and (b) of subsection (1.5) of this section in light of any~~  
13 ~~finding of child abuse or neglect, domestic violence, or sexual assault~~  
14 ~~resulting in the conception of a child pursuant to this subsection (4).~~

15 ~~(c) If a party is absent or leaves home because of an act or~~  
16 ~~threatened act of domestic violence committed by the other party, such~~  
17 ~~absence or leaving shall not be a factor in determining the best interests~~  
18 ~~of the child.~~

19 ~~(d) When the court finds by a preponderance of the evidence that~~  
20 ~~one of the parties has committed child abuse or neglect, domestic~~  
21 ~~violence, or sexual assault resulting in the conception of the child, the~~  
22 ~~court shall consider, as the primary concern, the safety and well-being of~~  
23 ~~the child and the abused party.~~

24 ~~(e) When the court finds by a preponderance of the evidence that~~  
25 ~~one of the parties has committed child abuse or neglect, domestic~~  
26 ~~violence, or sexual assault resulting in the conception of the child, in~~  
27 ~~formulating or approving a parenting plan, the court shall consider~~

1 conditions on parenting time that ensure the safety of the child and  
2 abused party, giving paramount consideration to the safety and the  
3 physical, mental, and emotional conditions and needs of the child and  
4 abused party. In addition to any provisions set forth in subsection (7) of  
5 this section that are appropriate, the parenting plan in these cases may  
6 include, but is not limited to, the following provisions:

7 (I) An order limiting contact between the parties to contact that  
8 the court deems is safe and that minimizes unnecessary communication  
9 between the parties;

10 (II) An order that requires the exchange of the child for parenting  
11 time to occur in a protected setting determined by the court;

12 (III) An order for supervised parenting time;

13 (IV) An order restricting overnight parenting time;

14 (V) An order that restricts the party who has committed domestic  
15 violence, sexual assault resulting in the conception of the child, or child  
16 abuse or neglect from possessing or consuming alcohol or controlled  
17 substances during parenting time or for twenty-four hours prior to the  
18 commencement of parenting time;

19 (VI) An order directing that the address of the child or of any  
20 party remain confidential;

21 (VII) An order that imposes any other condition on one or more  
22 parties that the court determines is necessary to protect the child, another  
23 party, or any other family or household member of a party; and

24 (VIII) An order that requires child support payments to be made  
25 through the child support registry to avoid the need for any related  
26 contact between the parties and an order that the payments be treated as  
27 a nondisclosure of information case.

1           ~~(f) When the court finds by a preponderance of the evidence that~~  
2           ~~one of the parties has committed domestic violence, the court may order~~  
3           ~~the party to submit to a domestic violence evaluation. If the court~~  
4           ~~determines, based upon the results of the evaluation, that treatment is~~  
5           ~~appropriate, the court may order the party to participate in domestic~~  
6           ~~violence treatment. At any time, the court may require a subsequent~~  
7           ~~evaluation to determine whether additional treatment is necessary. If the~~  
8           ~~court awards parenting time to a party who has been ordered to~~  
9           ~~participate in domestic violence treatment, the court may order the party~~  
10           ~~to obtain a report from the treatment provider concerning the party's~~  
11           ~~progress in treatment and addressing any ongoing safety concerns~~  
12           ~~regarding the party's parenting time. The court may order the party who~~  
13           ~~has committed domestic violence to pay the costs of the domestic~~  
14           ~~violence evaluations and treatment.~~ ■ ■

15           **SECTION 4.** In Colorado Revised Statutes, 14-10-127.5, **amend**  
16           **(3)(c)** as follows:

17           **14-10-127.5. Domestic violence training for court personnel**  
18           **- expert testimony - child placement decisions - legislative declaration**  
19           **- definitions.**

20           (3) (c) If a court issues an order to remediate the resistance of a  
21           child to have contact with ~~an accused~~ A party FOUND BY THE COURT TO  
22           HAVE COMMITTED DOMESTIC VIOLENCE OR CHILD ABUSE, the order must  
23           ~~primarily address the behavior of the accused party, who shall accept~~  
24           ~~responsibility for the accused party's actions that negatively affected the~~  
25           ~~accused party's relationship with the child, and a mental health~~  
26           ~~professional approved by the domestic violence offender management~~  
27           ~~board shall verify the accused party's behavior before the court orders a~~

1 ~~protective party to take steps to improve the relationship with the accused~~  
2 ~~party~~ ADDRESS THE PARTY'S BEHAVIOR. IN ORDER FOR A COURT TO ISSUE  
3 AN ORDER PURSUANT TO THIS SUBSECTION (3)(c), THE PARTY FOUND BY  
4 THE COURT TO HAVE COMMITTED DOMESTIC VIOLENCE OR CHILD ABUSE  
5 MUST:

6 (I) DEMONSTRATE GENUINE ACCOUNTABILITY FOR COMMISSION  
7 OF DOMESTIC VIOLENCE AND ITS EFFECT ON THE OTHER PARENT OR  
8 ANOTHER PERSON, INCLUDING A CHILD;

9 (II) DEMONSTRATE SUSTAINED BEHAVIORAL CHANGES THAT  
10 ADDRESS UNDERLYING PATTERNS OF POWER AND CONTROL;

11 (III) COMPLY WITH THE COURT'S ORDER REGARDING INDIVIDUAL  
12 THERAPY IN ORDER TO EXERCISE PARENTING TIME, INCLUDING PROVIDING  
13 PERIODIC PROOF OF COMPLIANCE OF THE TREATMENT IF PROOF OF  
14 COMPLIANCE IS ORDERED BY THE COURT. INDIVIDUAL THERAPEUTIC  
15 TREATMENT MUST BE WITH A MENTAL HEALTH PROFESSIONAL WHO HAS:

16 (A) A MASTER'S OR DOCTORAL DEGREE AND IS LICENSED  
17 PURSUANT TO ARTICLE 245 OF TITLE 12; AND

18 (B) SPECIALIZED TRAINING AND EXPERTISE IN TREATING  
19 SURVIVORS AND PERPETRATORS OF DOMESTIC VIOLENCE AND CHILD  
20 ABUSE, AND THE EFFECTS OF DOMESTIC VIOLENCE AND CHILD ABUSE ON  
21 ADULTS AND CHILDREN; AND

22 (IV) COMPLETE A FIFTY-TWO-WEEK DOMESTIC VIOLENCE ABUSER  
23 INTERVENTION PROGRAM THAT MEETS EITHER IN-PERSON OR IN REAL-TIME  
24 IF REMOTELY. A PROGRAM DOES NOT MEET THE REQUIREMENTS OF THIS  
25 SUBSECTION (3)(c) IF IT IS NOT IN REAL-TIME, IS SELF-DIRECTED, OR IS AN  
26 ANGER MANAGEMENT COURSE.

27 **SECTION 5.** In Colorado Revised Statutes, 14-10-128.1, **amend**

1 (2)(b) as follows:

2 **14-10-128.1. Appointment of parenting coordinator -**  
3 **disclosure.**

4 (2) (b) In addition to making the findings required pursuant to  
5 subsection (2)(a) of this section, prior to appointing a parenting  
6 coordinator, the court may consider the effect of any claim or  
7 documented evidence of domestic violence ~~as defined in section~~  
8 ~~14-10-124~~, by the other party on the parties' ability to engage in parent  
9 coordination.

10 **SECTION 6.** In Colorado Revised Statutes, 14-10-129, **amend**  
11 (2) introductory portion, (2)(c) introductory portion, and (2.5)(a)  
12 introductory portion as follows:

13 **14-10-129. Modification of parenting time.**

14 (2) The court shall not modify a prior order concerning parenting  
15 time that substantially changes the parenting time, as well as changes the  
16 party with whom the child resides a majority of the time, unless it finds,  
17 upon the basis of facts that have arisen since the prior decree or that were  
18 unknown to the court at the time of the prior decree, that a change has  
19 occurred in the circumstances of the child or the party with whom the  
20 child resides the majority of the time and that the modification is  
21 necessary to serve the best interests of the child. In applying these  
22 standards, the court shall retain the parenting time schedule established  
23 in the prior decree unless:

24 (c) The party with whom the child resides a majority of the time  
25 is intending to relocate with the child to a residence that substantially  
26 changes the geographical ties between the child and the other party. A  
27 court hearing on any modification of parenting time due to an intent to

1 relocate shall be given a priority on the court's docket. In determining  
2 whether the modification of parenting time is in the best interests of the  
3 child, the court shall take into account all relevant factors, including  
4 whether a party has committed an act of domestic violence, has engaged  
5 in a pattern of domestic violence, or has a history of domestic violence,  
6 ~~as that term is defined in section 14-10-124 (1.3)~~, which factor shall  
7 MUST be supported by a preponderance of the evidence, and shall  
8 consider ~~such~~ THE domestic violence whether it occurred before or after  
9 the prior decree, and all other factors enumerated in section 14-10-124  
10 (1.5)(a) and:

11 (2.5) (a) When the court restricts a party's parenting time pursuant  
12 to section 19-5-105.5, ~~C.R.S.~~, or section 19-5-105.7, ~~C.R.S.~~, or section  
13 ~~14-10-124 (4)(a)(IV)~~ OR SECTION 14-10-124 (1.6), the court may make or  
14 modify an order granting or denying parenting time rights whenever such  
15 order or modification would serve the best interests of the child. Within  
16 thirty-five days after the filing of a verified motion by the restricted party  
17 seeking a modification of parenting time, the court shall determine from  
18 the verified motion, and response to the motion, if any, whether there has  
19 been a substantial and continuing change of circumstances such that the  
20 current parenting time orders are no longer in the child's best interests,  
21 including consideration of whether the restricted parent has satisfactorily  
22 complied with any conditions set forth by the court when the court  
23 imposed the restrictions on parenting time, and either:

24 **SECTION 7.** In Colorado Revised Statutes, 8-13.3-503, **amend**  
25 (6) as follows:

26 **8-13.3-503. Definitions.**

27 As used in this part 5, unless the context otherwise requires:

1 (6) "Domestic violence" means any conduct that constitutes  
2 "domestic violence" as set forth in section 18-6-800.3 (1) or ~~section~~  
3 ~~14-10-124~~ 14-10-103 or "domestic abuse" as set forth in section  
4 13-14-101 (2).

5 **SECTION 8.** In Colorado Revised Statutes, 13-80-103.6, **amend**  
6 (1) as follows:

7 **13-80-103.6. General limitation of actions - domestic violence**  
8 **- six years - definition.**

9 (1) Notwithstanding any other statute of limitations specified in  
10 this article 80, or any other provision of law that can be construed to  
11 reduce the statutory period set forth in this section, any civil action to  
12 recover damages caused by an act of domestic violence, as defined in  
13 ~~section 14-10-124~~ SECTION 14-10-103, must be commenced within six  
14 years after a disability has been removed for a person under disability, as  
15 ~~such~~ THE term is defined in subsection (2) of this section, or within six  
16 years after a cause of action accrues, whichever occurs later, and not  
17 thereafter; except that in no event may any ~~such~~ civil action ~~be~~  
18 ~~commenced~~ COMMENCE more than twenty years after the cause of action  
19 accrues.

20 **SECTION 9. Safety clause.** The general assembly finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, or safety or for appropriations  
23 for the support and maintenance of the departments of the state and state  
24 institutions.