



Fiscal Note

Legislative Council Staff

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HB 26-1309: ABUSE IN CASES OF SEPARATION

Prime Sponsors:

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Fiscal note status: The revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee.

Summary Information

Overview. The bill requires courts to make a determination on whether domestic violence occurred when considering the best interest of a child in divorce cases, and adds additional requirements on an accused party before a court can order to remediate the resistance of a child.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures

Appropriations. For FY 2026-27, the bill requires an appropriation of \$173,920 to the Judicial Department.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$203,463	\$163,163
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	1.2 FTE	1.2 FTE

Fund sources for these impacts are shown in the tables below.

Table 1A
State Expenditures

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$173,920	\$133,620
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$29,543	\$29,543
Total Expenditures	\$203,463	\$163,163
Total FTE	1.2 FTE	1.2 FTE

Summary of Legislation

The bill requires courts to determine and make written findings on whether domestic violence has occurred when determining the best interests of a child in divorce cases, and creates additional requirements for a party accused of domestic violence or child abuse before a court can order to remediate the resistance of a child.

Domestic Violence Findings in Divorce Cases

Under current law, when determining parenting time, if a claim of child abuse or neglect, domestic violence, or sexual assault has been made, or the court has reason to believe that a party has committed any of those acts, the court must consider a variety of factors when determining the allocation of decision-making responsibility. If a court finds by a preponderance of the evidence that one of the parties has committed one of those acts, the court must consider conditions on parenting time that ensure the safety of the child and abused party.

Under the bill, if a party claims or the court has reason to believe that a party has committed one of those acts, the court must determine by a preponderance of the evidence whether the party committed that act and make findings on the evidence it used. If the court determines that a party committed one of those acts, the bill:

- clarifies that it is not in the best interest of the child to allocate mutual decision-making responsibility unless the court finds that there is credible evidence of the ability of the parties to make cooperative decisions; and
- prohibits the court from appointing a parenting coordinator solely to ensure that mutual decision-making can be accomplished.

The bill keeps and relocates other current law requirements when the court finds a party committed of those acts.

Requirements for an Order to Remediate the Resistance of a Child

Under current law, if a court issues an order to remediate the resistance of a child to have contact with a party accused of domestic violence or child abuse, the order must:

- address the accused party’s behavior, who must accept responsibility for their actions; and
- have a mental health professional verify the accused party’s behavior.

The bill instead requires the accused party to:

- demonstrate genuine accountability for the commission of domestic violence;
- demonstrate sustained behavioral changes;
- comply with court’s order regarding individual therapy; and
- complete a 52-week domestic violence abuser intervention program.

Assumptions

According to the Judicial Department, there are an average of 16,368 domestic relation cases per year that involve at least one child. It is estimated that 65 percent of these cases result in contested custody matters (10,639 cases) and that 10 percent of those will proceed to trial (1,064 cases). Of the cases that proceed to trial, it is estimated that 37.5 percent involve a domestic violence allegation (about 400 cases).

State Expenditures

The bill increases state expenditures in the Judicial Department by about \$203,000 in FY 2026-27, and \$163,000 in FY 2027-28 and ongoing. These costs, paid from the General Fund, are summarized in Table 2 and discussed below.

Table 2
State Expenditures
Judicial Department

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$130,548	\$130,548
Operating Expenses	\$3,072	\$3,072
Capital Outlay Costs	\$40,300	\$0
Centrally Appropriated Costs	\$29,543	\$29,543
Total Costs	\$203,463	\$163,163
Total FTE	1.2 FTE	1.2 FTE

Judicial Department

The department requires 1.2 FTE, including 0.3 FTE judicial officer and 0.9 FTE support staff, to implement the bill, as described below.

Judicial Officer

The fiscal note assumes that the courts will require an additional 1.75 hours per case to hold an evidentiary hearing on whether domestic violence occurred and to make the required findings required by the bill for each of the assumed 400 contested cases with allegations of domestic violence. This workload results in the need for 0.3 FTE judicial officer.

Support Staff

Based on Judicial Department's common policies, each judicial officer requires a ratio of support staff. The fiscal note uses a district court support staff ratio of 1:3, resulting in a need of 0.9 FTE for support staff.

District Court Operating Costs

In addition to standard operating costs, court judicial officers require an additional \$5,120 in operating costs that differ from standard state employees. This includes costs for a law library, robes and cleaning, and travel.

District Court Capital Outlay Costs

Standard capital outlay costs for new FTE is estimated at \$7,000 in FY 2026-27 only. In addition, pursuant to Joint Budget Committee policies, judicial officers require capital expenses for AV costs. For FY 2026-27 only, these additional capital costs are estimated to total \$33,300.

Additional Court Clerk Workload

The bill increases workload for court staff to enter additional evidence submitted in support of domestic violence allegations, track compliance with ordered domestic violence intervention programs, and to research prior court records that are used as evidence. This workload can be accomplished within existing appropriations.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in Table 2 above.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2026-27, the bill requires a General Fund appropriation of \$173,920 to the Judicial Department and 1.2 FTE.

State and Local Government Contacts

Judicial

Labor

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).