

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 26-0088.03 Jacob Baus x2173

HOUSE BILL 26-1309

HOUSE SPONSORSHIP

Froelich and Story, Brown, Clifford, Duran, Goldstein, Lieder, Lindsay, Nguyen, Rutinel,
Sirota, Willford

SENATE SPONSORSHIP

Wallace,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

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

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.

HOUSE
3rd Reading Unamended
May 6, 2026

HOUSE
Amended 2nd Reading
May 5, 2026

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.

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.4) and (1.5)(c.6) as follows:

1 **14-10-103. Definitions and interpretations of terms.**

2 (1.5) As used in this article 10, unless the context otherwise
3 requires:

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

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

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

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

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

27 (V) THREATENING TO HARM OR KILL THE INDIVIDUAL, OR THE

1 INDIVIDUAL'S CHILD OR RELATIVE, INCLUDING WEARING, ACCESSING,
2 DISPLAYING, USING, OR CLEANING A WEAPON IN AN INTIMIDATING OR
3 THREATENING MANNER;

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

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

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

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

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

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

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

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

10 (D) STALKING;

11 (E) SEXUAL ASSAULT;

12

13 (F) COERCIVE CONTROL;

14

15 (G) ECONOMIC ABUSE; OR

16 (H) HUMAN TRAFFICKING.

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

21

22 (c.4) "INTIMATE RELATIONSHIP" MEANS A RELATIONSHIP BETWEEN
23 SPOUSES, FORMER SPOUSES, PAST OR PRESENT UNMARRIED COUPLES, OR
24 PERSONS WHO ARE BOTH PARENTS OF THE SAME CHILD, REGARDLESS OF
25 WHETHER THE PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER
26 AT ANY TIME.

27 (c.6) "SEXUAL ASSAULT" HAS THE MEANING SET FORTH IN SECTION

1 19-1-103.

2

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

6 **14-10-124. Best interests of the child.**

7 (1.3) **Definitions.** For purposes of this section and section
8 14-10-129 (2)(c), unless the context otherwise requires:

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

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

20 (II) ~~Monitoring, surveilling, regulating, or controlling the~~
21 ~~individual's, or the individual's child's or relative's, finances, economic~~
22 ~~resources, or access to services;~~

23 (III) ~~Monitoring, surveilling, regulating, or controlling the~~
24 ~~individual's, or the individual's child's or relative's, activities,~~
25 ~~communications, or movements, including through technology;~~

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

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

4 ~~(VI) Threatening to commit suicide or otherwise harm one's own~~
5 ~~person, when used as a method of coercion, control, punishment,~~
6 ~~intimidation, or retaliation against the person;~~

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

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

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

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

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

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

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

5 (d) "Sexual assault" has the same meaning as set forth in section
6 19-1-103.

7

8 (1.5) **Allocation of parental responsibilities.** The court shall
9 determine the allocation of parental responsibilities, including parenting
10 time and decision-making responsibilities, in accordance with the best
11 interests of the child, giving paramount consideration to the child's safety
12 and the physical, mental, and emotional conditions and needs of the child
13 as follows:

14 (a) **Determination of parenting time.** The court, upon the
15 motion of either party or upon its own motion, may make provisions for
16 parenting time that the court finds are in the best interests of the child,
17 with the child's safety always paramount, unless the court finds, after a
18 hearing, that parenting time by the party would endanger the child's
19 physical health or significantly impair the child's emotional development.
20 In addition to a finding that parenting time would endanger the child's
21 physical health or significantly impair the child's emotional development,
22 in any order imposing or continuing a parenting time restriction, the court
23 shall ~~enumerate the specific factual~~ MAKE findings ~~supporting~~ IMPOSING
24 the restriction, including findings related to domestic violence, child
25 abuse OR NEGLECT, SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION
26 OF A CHILD, ~~and~~ OR child sexual abuse, and may enumerate the conditions
27 that the restricted party could fulfill in order to seek modification in the

1 parenting plan. When a claim of child abuse or neglect, domestic
2 violence, or sexual assault where there is also a claim that the child was
3 conceived as a result of the sexual assault has been made to the court, or
4 the court has reason to believe that a party has committed child abuse or
5 neglect, domestic violence, or sexual assault where there is also a claim
6 that the child was conceived as a result of the sexual assault, prior to
7 determining parenting time, the court shall follow the provisions of
8 subsection (4) of this section. In determining the best interests of the
9 child for purposes of parenting time, the court shall consider all relevant
10 factors, including:

11 (III.5) Any report related to domestic violence that is submitted
12 to the court by a child and family investigator, if one is appointed
13 pursuant to section 14-10-116.5; a professional parental responsibilities
14 evaluator, if one is appointed pursuant to section 14-10-127; or a legal
15 representative of the child, if one is appointed pursuant to section
16 14-10-116. The court may consider other testimony regarding domestic
17 violence from the parties, experts, therapists for any parent or child, the
18 department of human services, parenting time supervisors, school
19 personnel, or other lay witnesses. FOR ANY EVIDENCE SUBMITTED TO THE
20 COURT BY A PARTY, A CHILD AND FAMILY INVESTIGATOR APPOINTED
21 PURSUANT TO SECTION 14-10-116.5, A PARENTAL RESPONSIBILITIES
22 EVALUATOR APPOINTED PURSUANT TO SECTION 14-10-127, OR A LEGAL
23 REPRESENTATIVE OF THE CHILD APPOINTED PURSUANT TO SECTION
24 14-10-116 THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD
25 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE
26 CONCEPTION OF A CHILD, THE COURT MAY CONSIDER ANY RELEVANT AND
27 ADMISSIBLE EVIDENCE, INCLUDING TESTIMONY FROM THE PARTIES,

1 EXPERTS, THERAPISTS FOR ANY PARENT OR CHILD, THE DEPARTMENT OF
2 HUMAN SERVICES, PARENTING TIME SUPERVISORS, SCHOOL PERSONNEL, OR
3 OTHER LAY WITNESSES. THE COURT SHALL MAKE FINDINGS ON THE
4 RECORD BY A PREPONDERANCE OF THE EVIDENCE WHETHER A PARTY HAS
5 COMMITTED DOMESTIC VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL
6 ASSAULT THAT RESULTED IN THE CONCEPTION OF A CHILD.

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

24 (c) (I) IF A COURT DETERMINES BY A PREPONDERANCE OF THE
25 EVIDENCE THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD
26 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE
27 CONCEPTION OF A CHILD, IT IS NOT IN THE BEST INTERESTS OF THE CHILD

1 TO ALLOCATE MUTUAL DECISION-MAKING RESPONSIBILITY OVER THE
2 OBJECTION OF THE OTHER PARTY OR THE LEGAL REPRESENTATIVE OF THE
3 CHILD UNLESS THE COURT MAKES SPECIFIC FINDINGS THAT MUTUAL
4 DECISION-MAKING CAN OCCUR WITHOUT COERCION, INTIMIDATION,
5 RETALIATION, OR RISK OF HARM TO THE ABUSED PARTY OR THE CHILD;
6 AND

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

10 (1.6) (a) IF A COURT DETERMINES BY A PREPONDERANCE OF THE
11 EVIDENCE THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD
12 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE
13 CONCEPTION OF A CHILD, THE COURT SHALL CONSIDER AS THE PRIMARY
14 CONCERN THE SAFETY AND WELL-BEING OF THE CHILD AND THE ABUSED
15 PARTY. THE COURT SHALL IMPOSE CONDITIONS ON PARENTING TIME THAT
16 ENSURE THE SAFETY OF THE CHILD AND ABUSED PARTY, GIVING
17 PARAMOUNT CONSIDERATION TO THE SAFETY AND NEEDS OF THE CHILD
18 AND ABUSED PARTY. THE PARENTING PLAN FOR A CASE DESCRIBED IN THIS
19 SUBSECTION (1.6) MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

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

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

26 (III) AN ORDER FOR SUPERVISED PARENTING TIME;

27 (IV) AN ORDER RESTRICTING OVERNIGHT PARENTING TIME;

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

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

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

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

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

1 PARENTING TIME TO A PARTY WHO HAS BEEN ORDERED TO PARTICIPATE IN
2 DOMESTIC VIOLENCE TREATMENT, THE COURT MAY ORDER THE PARTY TO
3 OBTAIN A REPORT FROM THE TREATMENT PROVIDER CONCERNING THE
4 PARTY'S PROGRESS IN TREATMENT AND ADDRESSING ANY ONGOING
5 SAFETY CONCERNS REGARDING THE PARTY'S PARENTING TIME.

6 (c) IF THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE
7 THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD ABUSE OR
8 NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A
9 CHILD, THE COURT SHALL CONSIDER WHETHER IT IS IN THE BEST INTERESTS
10 OF THE CHILD TO PROHIBIT OR RESTRICT THE PARENTING TIME OF THAT
11 PARTY WITH THE CHILD.

12 (d) IF A PARTY IS ABSENT OR LEAVES HOME BECAUSE OF DOMESTIC
13 VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT
14 RESULTED IN THE CONCEPTION OF A CHILD COMMITTED BY THE OTHER
15 PARTY, THE ABSENCE OR LEAVING IS NOT A FACTOR IN DETERMINING THE
16 BEST INTERESTS OF THE CHILD.

17 ~~(4) (a) When a claim of child abuse or neglect, domestic violence,~~
18 ~~or sexual assault where there is also a claim that the child was conceived~~
19 ~~as a result of the sexual assault has been made to the court, or the court~~
20 ~~has reason to believe that a party has committed child abuse or neglect,~~
21 ~~domestic violence, or sexual assault that resulted in the conception of the~~
22 ~~child, prior to allocating parental responsibilities, including parenting~~
23 ~~time and decision-making responsibility, and prior to considering the~~
24 ~~factors set forth in paragraphs (a) and (b) of subsection (1.5) of this~~
25 ~~section, the court shall consider the following factors:~~

26 (I) Whether one of the parties has committed an act of child abuse
27 or neglect as defined in section 18-6-401, C.R.S., or as defined under the

1 law of any state, which factor must be supported by a preponderance of
2 the evidence. If the court finds that one of the parties has committed child
3 abuse or neglect, then it shall not be in the best interests of the child to
4 allocate mutual decision-making with respect to any issue over the
5 objection of the other party or the legal representative of the child.

6 (H) Whether one of the parties has committed an act of domestic
7 violence, has engaged in a pattern of domestic violence, or has a history
8 of domestic violence, which factor must be supported by a preponderance
9 of the evidence. If the court finds by a preponderance of the evidence that
10 one of the parties has committed domestic violence:

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

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

19 (H) Whether one of the parties has committed an act of sexual
20 assault resulting in the conception of the child, which factor must be
21 supported by a preponderance of the evidence. If the court finds by a
22 preponderance of the evidence that one of the parties has committed
23 sexual assault and the child was conceived as a result of the sexual
24 assault, there is a rebuttable presumption that it is not in the best interests
25 of the child to allocate sole or split decision-making authority to the party
26 found to have committed sexual assault or to allocate mutual
27 decision-making between a party found to have committed sexual assault

1 and the party who was sexually assaulted with respect to any issue.

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

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

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

14 (d) When the court finds by a preponderance of the evidence that
15 one of the parties has committed child abuse or neglect, domestic
16 violence, or sexual assault resulting in the conception of the child, the
17 court shall consider, as the primary concern, the safety and well-being of
18 the child and the abused party.

19 (e) 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, in
22 formulating or approving a parenting plan, the court shall consider
23 conditions on parenting time that ensure the safety of the child and
24 abused party, giving paramount consideration to the safety and the
25 physical, mental, and emotional conditions and needs of the child and
26 abused party. In addition to any provisions set forth in subsection (7) of
27 this section that are appropriate, the parenting plan in these cases may

1 include, but is not limited to, the following provisions:

2 (I) An order limiting contact between the parties to contact that
3 the court deems is safe and that minimizes unnecessary communication
4 between the parties;

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

7 (III) An order for supervised parenting time;

8 (IV) An order restricting overnight parenting time;

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

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

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

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

23 (f) When the court finds by a preponderance of the evidence that
24 one of the parties has committed domestic violence, the court may order
25 the party to submit to a domestic violence evaluation. If the court
26 determines, based upon the results of the evaluation, that treatment is
27 appropriate, the court may order the party to participate in domestic

1 ~~violence treatment. At any time, the court may require a subsequent~~
2 ~~evaluation to determine whether additional treatment is necessary. If the~~
3 ~~court awards parenting time to a party who has been ordered to~~
4 ~~participate in domestic violence treatment, the court may order the party~~
5 ~~to obtain a report from the treatment provider concerning the party's~~
6 ~~progress in treatment and addressing any ongoing safety concerns~~
7 ~~regarding the party's parenting time. The court may order the party who~~
8 ~~has committed domestic violence to pay the costs of the domestic~~
9 ~~violence evaluations and treatment.~~ ■ ■

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

12 **14-10-127.5. Domestic violence training for court personnel**
13 **- expert testimony - child placement decisions - legislative declaration**
14 **- definitions.**

15 (3) (c) If a court issues an order to remediate the resistance of a
16 child to have contact with ~~an accused~~ A party FOUND BY THE COURT TO
17 HAVE COMMITTED DOMESTIC VIOLENCE OR CHILD ABUSE, the order must
18 ~~primarily address the behavior of the accused party, who shall accept~~
19 ~~responsibility for the accused party's actions that negatively affected the~~
20 ~~accused party's relationship with the child, and a mental health~~
21 ~~professional approved by the domestic violence offender management~~
22 ~~board shall verify the accused party's behavior before the court orders a~~
23 ~~protective party to take steps to improve the relationship with the accused~~
24 ~~party~~ ADDRESS THE PARTY'S BEHAVIOR. IN ORDER FOR A COURT TO ISSUE
25 AN ORDER PURSUANT TO THIS SUBSECTION (3)(c), THE PARTY FOUND BY
26 THE COURT TO HAVE COMMITTED DOMESTIC VIOLENCE OR CHILD ABUSE
27 MUST:

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

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

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

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

13 (B) SPECIALIZED TRAINING AND EXPERTISE IN TREATING
14 SURVIVORS AND PERPETRATORS OF DOMESTIC VIOLENCE AND CHILD
15 ABUSE, AND THE EFFECTS OF DOMESTIC VIOLENCE AND CHILD ABUSE ON
16 ADULTS AND CHILDREN; AND

17 (IV) A PROGRAM DOES NOT MEET THE REQUIREMENTS OF THIS
18 SUBSECTION (3)(c) IF IT IS NOT IN REAL-TIME, IS SELF-DIRECTED, OR IS AN
19 ANGER MANAGEMENT COURSE.

20 **SECTION 5.** In Colorado Revised Statutes, 14-10-128.1, **amend**
21 (2)(b) as follows:

22 **14-10-128.1. Appointment of parenting coordinator -**
23 **disclosure.**

24 (2) (b) In addition to making the findings required pursuant to
25 subsection (2)(a) of this section, prior to appointing a parenting
26 coordinator, the court may consider the effect of any **claim FINDING** or
27 documented evidence of domestic violence ~~as defined in section~~

1 ~~14-10-124~~, by the other party on the parties' ability to engage in parent
2 coordination.

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

6 **14-10-129. Modification of parenting time.**

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

17 (c) The party with whom the child resides a majority of the time
18 is intending to relocate with the child to a residence that substantially
19 changes the geographical ties between the child and the other party. A
20 court hearing on any modification of parenting time due to an intent to
21 relocate shall be given a priority on the court's docket. In determining
22 whether the modification of parenting time is in the best interests of the
23 child, the court shall take into account all relevant factors, including
24 whether a party has committed an act of domestic violence, has engaged
25 in a pattern of domestic violence, or has a history of domestic violence,
26 ~~as that term is defined in section 14-10-124 (1.3)~~; which factor shall
27 **MUST** be supported by a preponderance of the evidence, and shall

1 consider ~~such~~ THE domestic violence whether it occurred before or after
2 the prior decree, and all other factors enumerated in section 14-10-124
3 (1.5)(a) and:

4 (2.5) (a) When the court restricts a party's parenting time pursuant
5 to section 19-5-105.5, ~~C.R.S.~~, or section 19-5-105.7, ~~C.R.S.~~, or section
6 ~~14-10-124 (4)(a)(IV)~~ OR SECTION 14-10-124 (1.6), the court may make or
7 modify an order granting or denying parenting time rights whenever such
8 order or modification would serve the best interests of the child. Within
9 thirty-five days after the filing of a verified motion by the restricted party
10 seeking a modification of parenting time, the court shall determine from
11 the verified motion, and response to the motion, if any, whether there has
12 been a substantial and continuing change of circumstances such that the
13 current parenting time orders are no longer in the child's best interests,
14 including consideration of whether the restricted parent has satisfactorily
15 complied with any conditions set forth by the court when the court
16 imposed the restrictions on parenting time, and either:

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

19 **8-13.3-503. Definitions.**

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

21 (6) "Domestic violence" means any conduct that constitutes
22 "domestic violence" as set forth in section 18-6-800.3 (1) or ~~section~~
23 ~~14-10-124~~ 14-10-103 or "domestic abuse" as set forth in section
24 13-14-101 (2).

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

27 **13-80-103.6. General limitation of actions - domestic violence**

1 **- six years - definition.**

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

13 **SECTION 9. Safety clause.** The general assembly finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety or for appropriations
16 for the support and maintenance of the departments of the state and state
17 institutions.