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HOUSE BILL 26-1309

BY REPRESENTATIVE(S) Froelich and Story, Brown, Clifford, Duran, Goldstein, Lieder, Lindsay, Nguyen, Rutinel, Sirota, Willford, Rydin; also SENATOR(S) Wallace, Amabile, Cutter, Exum, Kipp, Lindstedt, Marchman, Coleman.

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

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

(d) In 2025, the domestic violence fatality review board reported a record number of domestic violence fatalities. At least 7 domestic violence fatalities directly involved domestic relations cases between the victim and the perpetrator, 2 of which closed prior to the fatality and 5 of which were still open. The 5 open cases involved child custody litigation, and 4 of the 5 open cases involved multiple victims, resulting in 9 homicides and one attempted homicide.

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

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

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

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

(i) Lethality often escalates following separation;

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

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

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

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

(2) Therefore, the general assembly declares that:

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

(b) Safety must be prioritized before contact;

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

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

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

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

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

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

(I) ISOLATING THE INDIVIDUAL FROM FRIENDS AND FAMILY;

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

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

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

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

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

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

(VIII) THREATENING TO PUBLISH THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S OR RELATIVE'S, SENSITIVE PERSONAL INFORMATION,

INCLUDING SEXUALLY EXPLICIT MATERIAL, OR MAKE REPORTS TO THE POLICE OR AUTHORITIES;

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

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

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

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

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

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

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

(D) STALKING;

(E) SEXUAL ASSAULT;

(F) COERCIVE CONTROL;

(G) ECONOMIC ABUSE; OR

(H) HUMAN TRAFFICKING.

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

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

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

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

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

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

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

~~(f) Isolating the individual from friends and family;~~

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

~~(HH) Monitoring, surveilling, regulating, or controlling the~~

~~individual's, or the individual's child's or relative's, activities, communications, or movements, including through technology;~~

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

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

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

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

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

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

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

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

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

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

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

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

(a) **Determination of parenting time.** The court, upon the motion of either party or upon its own motion, may make provisions for parenting time that the court finds are in the best interests of the child, with the child's safety always paramount, unless the court finds, after a hearing, that parenting time by the party would endanger the child's physical health or significantly impair the child's emotional development. In addition to a finding that parenting time would endanger the child's physical health or significantly impair the child's emotional development, in any order imposing or continuing a parenting time restriction, the court shall ~~enumerate the specific factual~~ **MAKE** findings ~~supporting~~ **IMPOSING** the restriction, including findings related to domestic violence, child abuse OR NEGLECT, SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A CHILD, ~~and~~ **OR** child sexual abuse, and may enumerate the conditions that the restricted party could fulfill in order to seek modification in the parenting plan. ~~When a claim of child abuse or neglect, domestic violence, or sexual assault where there is also a claim that the child was conceived as a result of the sexual assault has been made to the court, or the court has reason to believe that a party has committed child abuse or neglect, domestic violence, or sexual assault where there is also a claim that the child was conceived as a result of the sexual assault, prior to determining parenting time, the court shall follow the provisions of subsection (4) of this section.~~ In determining the best interests of the child for purposes of parenting time, the court shall consider all relevant factors, including:

~~(III.5) Any report related to domestic violence that is submitted to~~

~~the court by a child and family investigator, if one is appointed pursuant to section 14-10-116.5; a professional parental responsibilities evaluator, if one is appointed pursuant to section 14-10-127; or a legal representative of the child, if one is appointed pursuant to section 14-10-116. The court may consider other testimony regarding domestic violence from the parties, experts, therapists for any parent or child, the department of human services, parenting time supervisors, school personnel, or other lay witnesses.~~ FOR ANY EVIDENCE SUBMITTED TO THE COURT BY A PARTY, A CHILD AND FAMILY INVESTIGATOR APPOINTED PURSUANT TO SECTION 14-10-116.5, A PARENTAL RESPONSIBILITIES EVALUATOR APPOINTED PURSUANT TO SECTION 14-10-127, OR A LEGAL REPRESENTATIVE OF THE CHILD APPOINTED PURSUANT TO SECTION 14-10-116 THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A CHILD, THE COURT MAY CONSIDER ANY RELEVANT AND ADMISSIBLE EVIDENCE, INCLUDING TESTIMONY FROM THE PARTIES, EXPERTS, THERAPISTS FOR ANY PARENT OR CHILD, THE DEPARTMENT OF HUMAN SERVICES, PARENTING TIME SUPERVISORS, SCHOOL PERSONNEL, OR OTHER LAY WITNESSES. THE COURT SHALL MAKE FINDINGS ON THE RECORD BY A PREPONDERANCE OF THE EVIDENCE WHETHER A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A CHILD.

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

(c) (I) IF A COURT DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A CHILD, IT IS NOT IN THE BEST INTERESTS OF THE CHILD TO ALLOCATE MUTUAL DECISION-MAKING RESPONSIBILITY OVER THE OBJECTION OF THE OTHER PARTY OR THE LEGAL REPRESENTATIVE OF THE CHILD UNLESS THE COURT MAKES SPECIFIC FINDINGS THAT MUTUAL DECISION-MAKING CAN OCCUR WITHOUT COERCION, INTIMIDATION, RETALIATION, OR RISK OF HARM TO THE ABUSED PARTY OR THE CHILD; AND

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

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

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

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

(III) AN ORDER FOR SUPERVISED PARENTING TIME;

(IV) AN ORDER RESTRICTING OVERNIGHT PARENTING TIME;

(V) AN ORDER THAT RESTRICTS THE PARTY WHO HAS COMMITTED DOMESTIC VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A CHILD FROM POSSESSING OR CONSUMING

ALCOHOL, INTOXICATING SUBSTANCES, OR CONTROLLED SUBSTANCES DURING PARENTING TIME OR FOR TWENTY-FOUR HOURS PRIOR TO THE COMMENCEMENT OF PARENTING TIME;

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

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

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

(b) WHEN THE COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT ONE OF THE PARTIES HAS COMMITTED DOMESTIC VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A CHILD, THE COURT MAY ORDER THE PARTY TO SUBMIT TO A DOMESTIC VIOLENCE EVALUATION AND ANY RECOMMENDED TREATMENT, AT THE SOLE EXPENSE OF THE PARTY. IF THE COURT DETERMINES, BASED UPON THE RESULTS OF THE EVALUATION, THAT TREATMENT IS APPROPRIATE, THE COURT MAY ORDER THE PARTY TO PARTICIPATE IN DOMESTIC VIOLENCE TREATMENT. AT ANY TIME, THE COURT MAY REQUIRE A SUBSEQUENT EVALUATION TO DETERMINE WHETHER ADDITIONAL TREATMENT IS NECESSARY. IF THE COURT AWARDS PARENTING TIME TO A PARTY WHO HAS BEEN ORDERED TO PARTICIPATE IN DOMESTIC VIOLENCE TREATMENT, THE COURT MAY ORDER THE PARTY TO OBTAIN A REPORT FROM THE TREATMENT PROVIDER CONCERNING THE PARTY'S PROGRESS IN TREATMENT AND ADDRESSING ANY ONGOING SAFETY CONCERNS REGARDING THE PARTY'S PARENTING TIME.

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

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

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

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

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

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

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

~~(HH) Whether one of the parties has committed an act of sexual assault resulting in the conception of the child, which factor must be supported by a preponderance of the evidence. If the court finds by a preponderance of the evidence that one of the parties has committed sexual assault and the child was conceived as a result of the sexual assault, there is a rebuttable presumption that it is not in the best interests of the child to allocate sole or split decision-making authority to the party found to have committed sexual assault or to allocate mutual decision-making between a party found to have committed sexual assault and the party who was sexually assaulted with respect to any issue.~~

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

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

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

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

~~(e) When the court finds by a preponderance of the evidence that one of the parties has committed child abuse or neglect, domestic violence, or sexual assault resulting in the conception of the child, in formulating or approving a parenting plan, the court shall consider conditions on parenting time that ensure the safety of the child and abused party, giving paramount consideration to the safety and the physical, mental, and emotional conditions and needs of the child and abused party. In addition to any provisions set forth in subsection (7) of this section that are appropriate, the~~

~~parenting plan in these cases may include, but is not limited to, the following provisions:~~

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

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

~~(III) An order for supervised parenting time;~~

~~(IV) An order restricting overnight parenting time;~~

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

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

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

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

~~(f) When the court finds by a preponderance of the evidence that one of the parties has committed domestic violence, the court may order the party to submit to a domestic violence evaluation. If the court determines, based upon the results of the evaluation, that treatment is appropriate, the court may order the party to participate in domestic violence treatment. At any time, the court may require a subsequent evaluation to determine whether additional treatment is necessary. If the court awards parenting time to a party who has been ordered to participate in domestic violence~~

~~treatment, the court may order the party to obtain a report from the treatment provider concerning the party's progress in treatment and addressing any ongoing safety concerns regarding the party's parenting time. The court may order the party who has committed domestic violence to pay the costs of the domestic violence evaluations and treatment.~~

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

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

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

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

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

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

(A) A MASTER'S OR DOCTORAL DEGREE AND IS LICENSED PURSUANT

TO ARTICLE 245 OF TITLE 12; AND

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

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

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

14-10-128.1. Appointment of parenting coordinator - disclosure.

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

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

14-10-129. Modification of parenting time.

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

(c) The party with whom the child resides a majority of the time is

intending to relocate with the child to a residence that substantially changes the geographical ties between the child and the other party. A court hearing on any modification of parenting time due to an intent to relocate shall be given a priority on the court's docket. In determining whether the modification of parenting time is in the best interests of the child, the court shall take into account all relevant factors, including whether a party has committed an act of domestic violence, has engaged in a pattern of domestic violence, or has a history of domestic violence, ~~as that term is defined in section 14-10-124 (1.3)~~, which factor ~~shall~~ MUST be supported by a preponderance of the evidence, and shall consider ~~such~~ THE domestic violence whether it occurred before or after the prior decree, and all other factors enumerated in section 14-10-124 (1.5)(a) and:

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

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

8-13.3-503. Definitions.

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

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

SECTION 8. In Colorado Revised Statutes, 13-80-103.6, **amend**

(1) as follows:

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

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

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

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO