

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

\_\_\_\_\_  
March 31, 2026  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB26-1309 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 5, strike "pain." and substitute "pain;".
  
- 2 Page 4, after line 5 insert:
  - 3 "(m) The National Council of Juvenile and Family Court Judges
  - 4 has drafted a model code on domestic and family violence. That model
  - 5 code provides courts with clear guidance and standards to address
  - 6 domestic violence in determinations concerning the allocation of parental
  - 7 responsibilities to ensure consistent application and protection of victims
  - 8 and children."
  
- 9 Page 8, strike lines 19 and 20 and substitute:
  - 10 "**SECTION 3.** In Colorado Revised Statutes, 14-10-124, **amend**
  - 11 (1.5)(a) introductory portion, (1.5)(a)(III.5), and (1.5)(b) introductory
  - 12 portion; **repeal** (1.3) and (4); and **add** (1.4), (1.5)(c), and (1.6) as
  - 13 follows:".
  
- 14 Page 10, strike lines 22 through 27 and substitute:
  - 15 "(1.4) (a) IF A PARTY CLAIMS, OR THE COURT HAS REASON TO
  - 16 BELIEVE, THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD
  - 17 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE
  - 18 CONCEPTION OF A CHILD, THE COURT SHALL DETERMINE, BY A
  - 19 PREPONDERANCE OF THE EVIDENCE, WHETHER A PARTY HAS COMMITTED
  - 20 DOMESTIC VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT
  - 21 THAT RESULTED IN THE CONCEPTION OF A CHILD, AND MAKE FINDINGS ON
  - 22 THE RECORD CONCERNING ITS DETERMINATION, INCLUDING ANY EVIDENCE
  - 23 RELIED UPON IN MAKING ITS DETERMINATION AND THE REASONS FOR ITS
  - 24 DETERMINATION.
  - 25 (b) WHEN DETERMINING WHETHER DOMESTIC VIOLENCE, CHILD

1 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE  
2 CONCEPTION OF A CHILD HAS OCCURRED, THE COURT SHALL CONSIDER ANY  
3 RELEVANT AND ADMISSIBLE EVIDENCE OF DOMESTIC VIOLENCE, CHILD  
4 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE  
5 CONCEPTION OF A CHILD.

6 (1.5) **Allocation of parental responsibilities.** The court shall  
7 determine the allocation of parental responsibilities, including parenting  
8 time and decision-making responsibilities, in accordance with the best  
9 interests of the child, giving paramount consideration to the child's safety  
10 and the physical, mental, and emotional conditions and needs of the child  
11 as follows:

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

35 (III.5) ANY EVIDENCE OF DOMESTIC VIOLENCE, CHILD ABUSE OR  
36 NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A  
37 CHILD, OR any report related to domestic violence, CHILD ABUSE OR  
38 NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE CONCEPTION OF A  
39 CHILD, that is submitted to the court by a child and family investigator, if  
40 one is appointed pursuant to section 14-10-116.5; a professional parental  
41 responsibilities evaluator, if one is appointed pursuant to section  
42 14-10-127; or a legal representative of the child, if one is appointed  
43 pursuant to section 14-10-116. The court may consider other testimony

1 regarding domestic violence, CHILD ABUSE OR NEGLECT, OR SEXUAL  
2 ASSAULT THAT RESULTED IN THE CONCEPTION OF A CHILD from the parties,  
3 experts, therapists for any parent or child, the department of human  
4 services, parenting time supervisors, school personnel, or other lay  
5 witnesses.

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

23 (c) (I) IF A COURT DETERMINES BY A PREPONDERANCE OF THE  
24 EVIDENCE THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD  
25 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE  
26 CONCEPTION OF A CHILD, IT IS NOT IN THE BEST INTERESTS OF THE CHILD  
27 TO ALLOCATE MUTUAL DECISION-MAKING RESPONSIBILITY OVER THE  
28 OBJECTION OF THE OTHER PARTY OR THE LEGAL REPRESENTATIVE OF THE  
29 CHILD UNLESS THE COURT FINDS THAT THERE IS CREDIBLE EVIDENCE OF  
30 THE ABILITY OF THE PARTIES TO MAKE DECISIONS COOPERATIVELY IN THE  
31 BEST INTERESTS OF THE CHILD IN A MANNER THAT IS SAFE FOR THE ABUSED  
32 PARTY AND THE CHILD; AND

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

36 (1.6) (a) IF A COURT DETERMINES BY A PREPONDERANCE OF THE  
37 EVIDENCE THAT A PARTY HAS COMMITTED DOMESTIC VIOLENCE, CHILD  
38 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE  
39 CONCEPTION OF A CHILD, THE COURT SHALL CONSIDER AS THE PRIMARY  
40 CONCERN THE SAFETY AND WELL-BEING OF THE CHILD AND THE ABUSED  
41 PARTY AND CONDITIONS ON PARENTING TIME THAT ENSURE THE SAFETY  
42 OF THE CHILD AND ABUSED PARTY, GIVING PARAMOUNT CONSIDERATION  
43 TO THE SAFETY AND THE PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS

1 AND NEEDS OF THE CHILD AND ABUSED PARTY. THE PARENTING PLAN FOR  
2 A CASE DESCRIBED IN THIS SUBSECTION (1.6) MAY INCLUDE, BUT IS NOT  
3 LIMITED TO, THE FOLLOWING:

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

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

10 (III) AN ORDER FOR SUPERVISED PARENTING TIME;

11 (IV) AN ORDER RESTRICTING OVERNIGHT PARENTING TIME;

12 (V) AN ORDER THAT RESTRICTS THE PARTY WHO HAS COMMITTED  
13 DOMESTIC VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT  
14 THAT RESULTED IN THE CONCEPTION OF A CHILD FROM POSSESSING OR  
15 CONSUMING ALCOHOL OR CONTROLLED SUBSTANCES DURING PARENTING  
16 TIME OR FOR TWENTY-FOUR HOURS PRIOR TO THE COMMENCEMENT OF  
17 PARENTING TIME;

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

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

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

28 (b) WHEN THE COURT FINDS BY A PREPONDERANCE OF THE  
29 EVIDENCE THAT ONE OF THE PARTIES HAS COMMITTED DOMESTIC  
30 VIOLENCE, CHILD ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT  
31 RESULTED IN THE CONCEPTION OF A CHILD, THE COURT MAY ORDER THE  
32 PARTY TO SUBMIT TO A DOMESTIC VIOLENCE EVALUATION. IF THE COURT  
33 DETERMINES, BASED UPON THE RESULTS OF THE EVALUATION, THAT  
34 TREATMENT IS APPROPRIATE, THE COURT MAY ORDER THE PARTY TO  
35 PARTICIPATE IN DOMESTIC VIOLENCE TREATMENT. AT ANY TIME, THE  
36 COURT MAY REQUIRE A SUBSEQUENT EVALUATION TO DETERMINE  
37 WHETHER ADDITIONAL TREATMENT IS NECESSARY. IF THE COURT AWARDS  
38 PARENTING TIME TO A PARTY WHO HAS BEEN ORDERED TO PARTICIPATE IN  
39 DOMESTIC VIOLENCE TREATMENT, THE COURT MAY ORDER THE PARTY TO  
40 OBTAIN A REPORT FROM THE TREATMENT PROVIDER CONCERNING THE  
41 PARTY'S PROGRESS IN TREATMENT AND ADDRESSING ANY ONGOING  
42 SAFETY CONCERNS REGARDING THE PARTY'S PARENTING TIME. THE COURT  
43 MAY ORDER THE PARTY WHO HAS COMMITTED DOMESTIC VIOLENCE, CHILD

1 ABUSE OR NEGLECT, OR SEXUAL ASSAULT THAT RESULTED IN THE  
2 CONCEPTION OF A CHILD TO PAY THE COSTS OF THE DOMESTIC VIOLENCE  
3 EVALUATIONS AND TREATMENT.

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

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

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

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

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

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

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

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

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

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

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

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

28           ~~(e) When the court finds by a preponderance of the evidence that~~  
29 ~~one of the parties has committed child abuse or neglect, domestic~~  
30 ~~violence, or sexual assault resulting in the conception of the child, in~~  
31 ~~formulating or approving a parenting plan, the court shall consider~~  
32 ~~conditions on parenting time that ensure the safety of the child and abused~~  
33 ~~party, giving paramount consideration to the safety and the physical,~~  
34 ~~mental, and emotional conditions and needs of the child and abused party.~~  
35 ~~In addition to any provisions set forth in subsection (7) of this section that~~  
36 ~~are appropriate, the parenting plan in these cases may include, but is not~~  
37 ~~limited to, the following provisions:~~

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

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

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

1           ~~(IV) An order restricting overnight parenting time;~~  
2           ~~(V) An order that restricts the party who has committed domestic~~  
3 ~~violence, sexual assault resulting in the conception of the child, or child~~  
4 ~~abuse or neglect from possessing or consuming alcohol or controlled~~  
5 ~~substances during parenting time or for twenty-four hours prior to the~~  
6 ~~commencement of parenting time;~~  
7           ~~(VI) An order directing that the address of the child or of any~~  
8 ~~party remain confidential;~~  
9           ~~(VII) An order that imposes any other condition on one or more~~  
10 ~~parties that the court determines is necessary to protect the child, another~~  
11 ~~party, or any other family or household member of a party; and~~  
12           ~~(VIII) An order that requires child support payments to be made~~  
13 ~~through the child support registry to avoid the need for any related contact~~  
14 ~~between the parties and an order that the payments be treated as a~~  
15 ~~nondisclosure of information case.~~  
16           ~~(f) When the court finds by a preponderance of the evidence that~~  
17 ~~one of the parties has committed domestic violence, the court may order~~  
18 ~~the party to submit to a domestic violence evaluation. If the court~~  
19 ~~determines, based upon the results of the evaluation, that treatment is~~  
20 ~~appropriate, the court may order the party to participate in domestic~~  
21 ~~violence treatment. At any time, the court may require a subsequent~~  
22 ~~evaluation to determine whether additional treatment is necessary. If the~~  
23 ~~court awards parenting time to a party who has been ordered to participate~~  
24 ~~in domestic violence treatment, the court may order the party to obtain a~~  
25 ~~report from the treatment provider concerning the party's progress in~~  
26 ~~treatment and addressing any ongoing safety concerns regarding the~~  
27 ~~party's parenting time. The court may order the party who has committed~~  
28 ~~domestic violence to pay the costs of the domestic violence evaluations~~  
29 ~~and treatment."~~

30   Strike pages 11 and 12.

31   Page 13, strike lines 1 through 21.

32   Page 15, strike line 18 and substitute:  
33   "(2) introductory portion, (2)(c) introductory portion, and (2.5)(a)  
34   introductory portion as follows:".

35   Page 16, after line 16 insert:  
36           "(2.5) (a) When the court restricts a party's parenting time  
37   pursuant to section 19-5-105.5, C.R.S., or section 19-5-105.7, C.R.S., or  
38   ~~section 14-10-124 (4)(a)(IV) OR SECTION 14-10-124 (1.6), the court may~~  
39   make or modify an order granting or denying parenting time rights

1 whenever such order or modification would serve the best interests of the  
2 child. Within thirty-five days after the filing of a verified motion by the  
3 restricted party seeking a modification of parenting time, the court shall  
4 determine from the verified motion, and response to the motion, if any,  
5 whether there has been a substantial and continuing change of  
6 circumstances such that the current parenting time orders are no longer  
7 in the child's best interests, including consideration of whether the  
8 restricted parent has satisfactorily complied with any conditions set forth  
9 by the court when the court imposed the restrictions on parenting time,  
10 and either:".

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