



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 21-0070	Date:	April 01, 2021
Prime Sponsors:	Rep. Froelich Sen. Smallwood	Bill Status:	House HHS
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Bill Topic: DOMESTIC VIOLENCE TRAINING COURT PERSONNEL

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill increases domestic violence training and other requirements for court personnel who participate in domestic relations cases. The bill increases state expenditures on an ongoing basis

Appropriation Summary: For FY 2021-22, this bill requires an appropriation of \$86,680 to the Judicial Department.

Fiscal Note Status: This fiscal note reflects the introduced bill.

**Table 1
State Fiscal Impacts Under HB 21-1228**

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	General Fund	\$86,680	\$88,074
	Centrally Appropriated	\$20,433	\$22,153
	Total Expenditures	\$107,113	\$110,227
	Total FTE	0.9 FTE	1.0 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

Beginning on January 1, 2022, the bill requires child and family investigators (CFIs) and parental responsibility evaluators (PREs) to have training related to domestic violence and its effect on children, adults and families. Training must be provided by recognized sources with expertise in domestic violence and the traumatic effects of domestic violence, and must include six hours of training for both domestic violence and child abuse, as well as four hours of subsequent training every two years. The bill also requires legal representatives of children to comply with these provisions, and requires that reports related to domestic violence, submitted to a court by an investigator, evaluator or child's legal representative, be considered when determining parenting time and responsibilities.

The bill also requires that the Office of the State Court Administrator maintain an eligibility roster for CFIs and PREs, and that a complaints process relating to both CFIs and PREs be established. The bill specifies that a Chief Justice Directive be created to implement these requirements.

Background

CFIs and PREs may be appointed in domestic relations cases to evaluate the best interest of the child and make recommendations on parenting time, custody, child support, and other issues. Typically, a CFI report focuses on specific questions or disputes to resolve, whereas a PRE is often required to complete a more in-depth assessment when there are complex issues involving mental health, substance abuse, or domestic abuse in a case. While there are training and background check requirements to become a CFI, there are no specific professional qualifications. In contrast, a PRE must be a licensed mental health professional. CFIs are currently regulated by Chief Justice Directive, and 1.0 FTE in the Office of the State Court Administrator manages the CFI roster, training, and complaint process.

State Expenditures

The bill increases costs in the Judicial Department by \$107,113 and 0.9 FTE in FY 2021-22 and \$110,227 and 1.0 FTE in FY 2022-23, paid from the General Fund. Costs are shown in Table 2 and discussed in more detail below.

**Table 2
 Expenditures Under HB 21-1228**

	FY 2021-22	FY 2022-23
Judicial Department		
Personal Services	\$79,130	\$86,324
Operating Expenses	\$1,350	\$1,350
Capital Outlay Costs	\$6,200	\$400
Centrally Appropriated Costs ¹	\$20,433	\$22,153
FTE – Personal Services	0.9 FTE	1.0 FTE
Total Cost	\$107,113	\$110,227
Total FTE	0.9 FTE	1.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Staffing costs. The Office of the State Court Administrator in the Judicial Department will require 1.0 FTE to provide oversight and quality control over PREs through a new Chief Justice Directive, to evaluate complaints against PREs, verify the training and qualifications of PREs before adding them to the eligibility roster, and track completion of the new domestic violence and child abuse training requirements by PREs and CFIs. Costs in the first year are prorated for the General Fund paydate shift. Many provisions of the bill concerning CFIs already exist in Chief Justice Directive and are codified into statute, and therefore do not drive new workload or costs.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$20,433 in FY 2021-22 and \$22,153 in FY 2022-23.

Technical Note

As drafted, the bill requires court appointed professionals to meet domestic violence and child abuse training requirements by January 1, 2022. It is assumed that this effective date also applies to any appropriation to the Judicial Department that is amended into the bill. This effective date may not provide sufficient time for development of a Chief Justice Directive and guidelines to enforce the new training requirement. This fiscal note assumes that the bill will be amended to take effect upon signature of the Governor, or upon becoming law without his signature, and that the bill will establish a deadline for court appointed professionals to meet the training requirement by January 1, 2022. If an amendment is not adopted, the fiscal note will be revised to remove this assumption.

Effective Date

The bill takes effect on January 1, 2022.

State Appropriations

For FY 2021-22, the bill requires a General Fund appropriation of \$86,680 to the Judicial Department, and 0.9 FTE.

State and Local Government Contacts

Counties
Judicial

Human Services
Regulatory Agencies

Information Technology