

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 24-0326.03 Jacob Baus x2173

HOUSE BILL 24-1350

HOUSE SPONSORSHIP

Froelich and Story,

SENATE SPONSORSHIP

Winter F.,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STANDARDS RELATED TO COURT PROCEEDINGS FOR**
102 **ALLOCATION OF PARENTAL RESPONSIBILITIES TO KEEP**
103 **CHILDREN SAFE.**

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, a court may appoint a child and family investigator (investigator) to investigate and report to the court relevant factors for determining the best interest of a child or youth in a proceeding involving parental responsibilities allocation. Similarly, under current law, a court may appoint a parental responsibilities evaluator

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.*

(evaluator) to evaluate and report to the court concerning disputed issues relating to the parental responsibilities allocation. The bill:

- Prohibits investigators and evaluators from including information based on theories that are not evidence-based or peer-reviewed in a report to the court, but requires investigators and evaluators to provide options for the court to consider;
- Requires investigators and evaluators to adhere to certain interviewing and forensic reporting standards;
- Requires investigators and evaluators to provide certain written disclosures to each party before performing duties;
- Allows the court to implement caps on charges for duties performed by evaluators;
- Requires investigators and evaluators to include all information obtained concerning domestic violence and child abuse; and
- Amends training requirements for investigators and evaluators.

In all proceedings, a child or youth must have the opportunity to be heard without a parent present and have their opinion considered and entered into the record, either through an investigator's or evaluator's report or to the court through parental responsibilities allocation proceedings by letter or in the judge's chambers if the child or youth is of sufficient age and maturity and able to express an opinion.

The court is prohibited from considering information based on theories that are not evidence-based or peer-reviewed in determining the best interests of the child or youth when determining parenting time.

The bill defines "coercive control".

The bill requires that if allegations of domestic violence, child abuse or neglect, or child sexual abuse have been made, a child or youth must not be forced into an allocation of parental responsibilities arrangement, and the court is required to give strong consideration to the child's or youth's preference, if the preference is consistent with protecting the child's or youth's safety.

The bill clarifies that, pursuant to a chief justice directive, the office of the state court administrator is authorized to accept complaints regarding investigators and evaluators, and administer appropriate sanctions.

The office of the state court administrator shall publish information on its website regarding judges and magistrates who complete domestic violence and child abuse training.

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

3 (a) The general assembly, along with other state legislatures, the
4 United States congress, and the United Nations, has identified that family
5 court reform is necessary to prevent the common occurrence of awarding
6 parental responsibilities for minor children to perpetrators of violence,
7 including perpetrators of intimate partner violence, child abuse, and child
8 sexual abuse;

9 (b) United Nations experts have described the issue of protecting
10 victims of abuse in custody disputes, particularly women and children, as
11 an international crisis;

12 (c) A 2023 report submitted to the United Nations Human Rights
13 Council argued that parental responsibility decisions that favor a parent
14 who claims parental alienation syndrome, and that don't consider the
15 child, may harm the child. Consequently, the report argued that the use of
16 concepts such as parental alienation syndrome that are not supported by
17 evidence-based and peer-reviewed research should be discontinued in
18 order to protect former partners of perpetrators of violence and abused
19 children.

20 (d) Recently, the general assembly passed House Bill 21-1228 and
21 House Bill 23-1178. Among other things, these bills require certain court
22 personnel who are involved in parental responsibility proceedings to
23 complete training with evidence-based and peer-reviewed curricula in
24 domestic violence, child abuse, and child sexual abuse. The bills also
25 require court findings related to domestic violence, child abuse, and child
26 sexual abuse when determining parental responsibilities, and they require
27 certain court-appointed expert witnesses in parental responsibilities

1 proceedings to have appropriate qualifications. Finally, the bills limit the
2 use of reunification treatment when a claim of domestic violence, child
3 abuse, or child sexual abuse has been made, and they conform with the
4 provisions of the federal "Keeping Children Safe from Family Violence
5 Act", or "Kayden's Law". Additional clarification and protections for
6 children and former partners are needed to build upon House Bill 21-1228
7 and House Bill 23-1178.

8 (e) Additionally, the general assembly recently passed House Bill
9 23-1108. The bill addressed the important and difficult work of child and
10 family investigators and parental responsibilities evaluators and their role
11 in making courts safer and more accessible for domestic violence
12 survivors. It is imperative that judges understand the work of these critical
13 court personnel and both the positive effect or the negative consequences
14 it may have depending upon training. The recommendations made by the
15 task force to study victim and survivor awareness and responsiveness
16 training requirements for judicial personnel, created pursuant to House
17 Bill 23-1108, recognized the need to expand expertise and knowledge
18 regarding the effect of domestic violence exposure on children, power
19 dynamics following partner separation, the reliability of information
20 presented to the court, and the role of the court in protecting children.
21 Implementing these recommendations is critical to help judges work
22 effectively with child and family investigators and parental
23 responsibilities evaluators to improve support of domestic violence
24 survivors.

25 (2) (a) Therefore, the general assembly declares it is necessary to
26 expand opportunities to ensure a child's opinions are entered into the
27 record and considered by the court when determining parental

1 responsibilities, to prohibit consideration of parental alienation syndrome
2 and other concepts that are used for strategy but lack adequate scientific
3 credibility, to consider coercive control by perpetrators of violence, and
4 to clarify and expand the state's role and responsibilities to ensure these
5 standards are upheld.

6 (b) Furthermore, the general assembly declares that it is
7 encouraged by the recommendations made by the task force to study
8 victim and survivor awareness and responsiveness training requirements
9 for judicial personnel, created pursuant to House Bill 23-1108. The
10 general assembly looks forward to the judicial department's
11 implementation of these recommendations, including actions necessary
12 to comply with the federal "Keeping Children Safe from Family Violence
13 Act", or "Kayden's Law".

14 **SECTION 2.** In Colorado Revised Statutes, 14-10-116.5, **amend**
15 (2)(b) and (2)(f) introductory portion; and **add** (2)(b.3), (2)(b.7), (2.7),
16 and (5) as follows:

17 **14-10-116.5. Appointment in domestic relations cases - child**
18 **and family investigator - disclosure - background check - definition.**

19 (2) (b) (I) THE CHILD AND FAMILY INVESTIGATOR SHALL ADHERE TO
20 INTERVIEWING CRITERIA AND STANDARDS, AS ADOPTED AND AMENDED BY
21 NATIONAL PROFESSIONAL ORGANIZATIONS FOR THE PREVENTION OF CHILD
22 ABUSE, AND FORENSIC REPORTING CRITERIA AND STANDARDS, AS ADOPTED
23 AND AMENDED BY A NATIONALLY RECOGNIZED PSYCHOLOGICAL
24 PROFESSIONAL ORGANIZATION. The child and family investigator shall
25 make independent and informed recommendations to the court, in the
26 form of a written report, ~~with the court,~~ unless otherwise ordered by the
27 court. ~~While the child and family investigator shall consider the wishes~~

1 ~~of the child, the child and family investigator need not adopt such wishes~~
2 ~~in making his or her recommendations to the court, unless they serve the~~
3 ~~best interests of the child, as described in section 14-10-124~~ IN THE
4 WRITTEN REPORT, THE CHILD AND FAMILY INVESTIGATOR SHALL PROVIDE
5 OPTIONS THAT SERVE THE BEST INTERESTS OF THE CHILD OR YOUTH TO THE
6 COURT FOR THE COURT TO CONSIDER. The child's OR YOUTH'S wishes, if
7 expressed, must be disclosed in the child and family investigator's written
8 report. The court shall consider the entirety of the report, as well as any
9 testimony by the child and family investigator, the parties, and any other
10 professionals, before adopting any recommendations made by the child
11 and family investigator.

12 (II) IN ALL PROCEEDINGS, THE CHILD OR YOUTH MUST HAVE THE
13 OPPORTUNITY TO BE HEARD NOT IN THE PRESENCE OF A PARENT AND HAVE
14 THE CHILD'S OR YOUTH'S OPINION CONSIDERED AND ENTERED INTO THE
15 RECORD, EITHER THROUGH THE CHILD AND FAMILY INVESTIGATOR'S
16 REPORT OR DIRECTLY THROUGH THE ALLOCATION OF PARENTAL
17 RESPONSIBILITIES PROCEEDINGS THROUGH A LETTER TO THE COURT OR
18 DIRECTLY TO THE JUDGE IN CHAMBERS IF THE CHILD OR YOUTH IS OF A
19 SUFFICIENT AGE AND MATURITY AND ABLE TO EXPRESS THE OPINION. THE
20 COURT SHALL CONSIDER AND MAKE FINDINGS ABOUT WHETHER THE CHILD
21 OR YOUTH IS OF SUFFICIENT AGE AND MATURITY TO EXPRESS THE OPINION.

22 (b.3) (I) THE CHILD AND FAMILY INVESTIGATOR SHALL INCLUDE IN
23 THE WRITTEN REPORT ALL INFORMATION ACQUIRED DURING THE
24 INVESTIGATION CONCERNING DOMESTIC VIOLENCE AND CHILD ABUSE,
25 INCLUDING:

26 (A) CHILD SEXUAL ABUSE;

27 (B) PHYSICAL ABUSE;

1 (C) EMOTIONAL ABUSE;
2 (D) COERCIVE CONTROL;
3 (E) TRAUMA; AND
4 (F) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND
5 RELATIONSHIP DYNAMICS.

6 (II) THE CHILD AND FAMILY INVESTIGATOR SHALL INCLUDE IN THE
7 WRITTEN REPORT ALL INFORMATION PURSUANT TO SUBSECTION (2)(b.3)(I)
8 OF THIS SECTION, REGARDLESS OF:

9 (A) THE MANNER IN WHICH THE INFORMATION WAS ACQUIRED,
10 INCLUDING BY ACCUSATION; EVIDENCE OF A CRIMINAL CHARGE, PLEA,
11 DEFERRED JUDGMENT, OR CONVICTION; OR EVIDENCE OF A PROTECTION
12 ORDER; OR

13 (B) WHO PRESENTED THE INFORMATION, INCLUDING A CHILD OR
14 YOUTH.

15 (b.7) THE CHILD AND FAMILY INVESTIGATOR SHALL NOT INCLUDE
16 IN THE WRITTEN REPORT INFORMATION ON PARENTAL ALIENATION
17 SYNDROME OR OTHER THEORIES, CONCEPTS, OR BELIEF SYSTEMS THAT ARE
18 NOT SUPPORTED BY EVIDENCE-BASED AND PEER-REVIEWED RESEARCH OR
19 NOT SUPPORTED BY RESEARCH CONDUCTED IN THE FIELD BY RECOGNIZED
20 DOMESTIC VIOLENCE VICTIM ADVOCATES.

21 (f) The court shall not appoint a person from the eligibility
22 registry to be a child and family investigator for a case pursuant to this
23 section unless the court finds that the person is qualified as competent by
24 training and experience in, at a minimum, domestic violence and its
25 effects on children, YOUTH, adults, and families; COERCIVE CONTROL;
26 child abuse; and child sexual abuse in accordance with section
27 14-10-127.5. The person's training and experience must be provided by

1 recognized sources with expertise in domestic violence, COERCIVE
2 CONTROL, and the traumatic effects of domestic violence in accordance
3 with section 14-10-127.5. As of January 1, 2024, initial and ongoing
4 training must include, at a minimum:

5 (2.7) (a) PRIOR TO PERFORMING ANY DUTIES, A CHILD AND FAMILY
6 INVESTIGATOR APPOINTED BY THE COURT SHALL PROVIDE A WRITTEN
7 DISCLOSURE TO EACH PARTY AND EACH PARTY'S ATTORNEY, IF
8 APPLICABLE. AT A MINIMUM, THE WRITTEN DISCLOSURE MUST INCLUDE:

9 (I) A DESCRIPTION OF THE CHILD AND FAMILY INVESTIGATOR'S
10 SPECIFIC DUTIES, RESPONSIBILITIES, AND LIMITATIONS, WHICH MUST BE
11 CONSISTENT WITH THIS ARTICLE 10;

12 (II) AN ACKNOWLEDGMENT THAT THE CHILD AND FAMILY
13 INVESTIGATOR WILL COMPLY WITH APPLICABLE STATE AND FEDERAL LAWS
14 IN ACTING AS A CHILD AND FAMILY INVESTIGATOR, INCLUDING ALL LAWS
15 PURSUANT TO THIS ARTICLE 10;

16 (III) AN ACKNOWLEDGMENT THAT THE CHILD AND FAMILY
17 INVESTIGATOR IS COMPLIANT WITH TRAINING REQUIREMENTS PURSUANT
18 TO SECTION 14-10-127.5 (5); AND

19 (IV) INFORMATION ON FILING A COMPLAINT PURSUANT TO
20 SUBSECTION (2)(e) OF THIS SECTION AND WITH THE STATE COURT
21 ADMINISTRATOR REGARDING THE CHILD AND FAMILY COURT
22 INVESTIGATOR PURSUANT TO SECTION 13-3-101 (3.5), INCLUDING THE
23 CURRENT CONTACT INFORMATION FOR THE STATE COURT ADMINISTRATOR.

24 (b) PURSUANT TO A CHIEF JUSTICE DIRECTIVE, THE COURT MAY CAP
25 A CHILD AND FAMILY INVESTIGATOR'S FEES AND ALLOCATE
26 RESPONSIBILITY FOR COSTS.

27 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES, "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
2 IN SECTION 14-10-127.5.

3 **SECTION 3.** In Colorado Revised Statutes, 14-10-124, **amend**
4 (1.3), (1.5) introductory portion, and (4)(e) introductory portion; and **add**
5 (1.5)(a.5) and (9) as follows:

6 **14-10-124. Best interests of the child. (1.3) Definitions.** For
7 purposes of this section and section 14-10-129 (2)(c), unless the context
8 otherwise requires:

9 (a) "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
10 IN SECTION 14-10-127.5.

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

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

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

24 (1.5) **Allocation of parental responsibilities.** The court shall
25 determine the allocation of parental responsibilities, including parenting
26 time and decision-making responsibilities, in accordance with the best
27 interests of the child OR YOUTH, giving paramount consideration to the

1 child's OR YOUTH'S safety and the physical, mental, and emotional
2 conditions and needs of the child OR YOUTH as follows:

3 (a.5) IN DETERMINING THE BEST INTERESTS OF THE CHILD OR
4 YOUTH FOR PURPOSES OF PARENTING TIME, THE COURT SHALL NOT
5 CONSIDER AS A RELEVANT FACTOR PARENTAL ALIENATION SYNDROME OR
6 OTHER THEORIES, CONCEPTS, OR BELIEF SYSTEMS THAT ARE NOT
7 SUPPORTED BY EVIDENCE-BASED AND PEER-REVIEWED RESEARCH OR NOT
8 SUPPORTED BY RESEARCH CONDUCTED IN THE FIELD BY RECOGNIZED
9 DOMESTIC VIOLENCE VICTIM ADVOCATES.

10 (4) (e) When the court finds by a preponderance of the evidence
11 that one of the parties has committed child abuse or neglect, domestic
12 violence, or sexual assault resulting in the conception of the child OR
13 YOUTH, in formulating or approving a parenting plan, the court shall
14 consider conditions on parenting time that ensure the safety of the child
15 OR YOUTH and ~~of the~~ abused party, GIVING PARAMOUNT CONSIDERATION
16 TO THE SAFETY, AND THE PHYSICAL, MENTAL, AND EMOTIONAL
17 CONDITIONS AND NEEDS OF THE CHILD OR YOUTH AND ABUSED PARTY. In
18 addition to any provisions set forth in subsection (7) of this section that
19 are appropriate, the parenting plan in these cases may include, but is not
20 limited to, the following provisions:

21 (9) IF THE COURT ORDERS UNSUPERVISED PARENTING TIME FOR A
22 PARENT, AND THERE IS ANY INFORMATION, INCLUDING AN ACCUSATION BY
23 A CHILD, THAT THE PARENT HAS COMMITTED DOMESTIC VIOLENCE, CHILD
24 ABUSE, OR CHILD SEXUAL ABUSE, OR IF THE PARENT IS ACCUSED BY THE
25 CHILD OF DOMESTIC VIOLENCE, CHILD ABUSE, CHILD SEXUAL ABUSE, CHILD
26 EMOTIONAL ABUSE, OR COERCIVE CONTROL, THE COURT SHALL MAKE A
27 STATEMENT IN WRITING OR ORALLY ON THE PROCEEDING RECORD

1 REGARDING WHY UNSUPERVISED PARENTING TIME FOR THE PARENT WAS
2 DETERMINED TO BE IN THE BEST INTERESTS OF THE CHILD WITH
3 PARAMOUNT CONSIDERATION GIVEN TO THE CHILD'S SAFETY AND THE
4 PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS AND NEEDS OF THE
5 CHILD.

6 **SECTION 4.** In Colorado Revised Statutes, 14-10-127, **amend**
7 (1)(a)(I)(A), (4) introductory portion, and (4)(a.5) introductory portion;
8 and **add** (1.5), (7)(b.3), (7)(b.7), and (11) as follows:

9 **14-10-127. Evaluation and reports - training and**
10 **qualifications of evaluators - disclosure - definitions.** (1) (a) (I) (A) In
11 all proceedings concerning the allocation of parental responsibilities with
12 respect to a child OR YOUTH, the court may, upon motion of either party
13 or upon its own motion, order any ~~county or district department of human~~
14 ~~or social services or a licensed mental health professional qualified~~
15 ~~pursuant to subsection (4) of this section and referred to in this section as~~
16 ~~an "evaluator"~~ EVALUATOR to perform an evaluation and file a written
17 report concerning the disputed issues relating to the allocation of parental
18 responsibilities for the child OR YOUTH, unless the motion by either party
19 is made for the purpose of delaying the proceedings. The purpose of the
20 evaluation and report is to assist in determining the best interests of the
21 child OR YOUTH, with the child's AND YOUTH'S safety always paramount.
22 The evaluation and subsequent report must focus on the best interests of
23 the child OR YOUTH and the factors set forth in sections 14-10-124 and
24 14-10-129 in any post-decree or relocation case. In addition, the evaluator
25 shall assess a party's parenting attributes as those attributes relate to the
26 best interests of the child OR YOUTH and consider any psychological needs
27 of the child OR YOUTH when making recommendations concerning

1 decision-making and parenting time FOR THE WRITTEN REPORT. IN THE
2 WRITTEN REPORT, THE EVALUATOR SHALL PROVIDE OPTIONS THAT SERVE
3 THE BEST INTERESTS OF THE CHILD OR YOUTH TO THE COURT FOR THE
4 COURT TO CONSIDER. THE EVALUATOR SHALL ADHERE TO INTERVIEWING
5 CRITERIA AND STANDARDS, AS ADOPTED AND AMENDED BY NATIONAL
6 PROFESSIONAL ORGANIZATIONS FOR THE PREVENTION OF CHILD ABUSE,
7 AND FORENSIC REPORTING CRITERIA AND STANDARDS, AS ADOPTED AND
8 AMENDED BY A NATIONALLY RECOGNIZED PSYCHOLOGICAL PROFESSIONAL
9 ORGANIZATION. IN ALL PROCEEDINGS, THE CHILD OR YOUTH MUST HAVE
10 THE OPPORTUNITY TO BE HEARD NOT IN THE PRESENCE OF A PARENT AND
11 HAVE THE CHILD'S OR YOUTH'S OPINION CONSIDERED AND ENTERED INTO
12 THE RECORD, EITHER THROUGH THE EVALUATOR'S REPORT OR DIRECTLY
13 THROUGH THE ALLOCATION OF PARENTAL RESPONSIBILITIES PROCEEDINGS
14 THROUGH A LETTER TO THE COURT OR DIRECTLY TO THE JUDGE IN
15 CHAMBERS IF THE CHILD OR YOUTH IS OF A SUFFICIENT AGE AND MATURITY
16 AND ABLE TO EXPRESS THE OPINION. THE COURT SHALL CONSIDER AND
17 MAKE FINDINGS ABOUT WHETHER THE CHILD OR YOUTH IS OF SUFFICIENT
18 AGE AND MATURITY TO EXPRESS THE OPINION.

19 (1.5) (a) PRIOR TO PERFORMING ANY DUTIES, AN EVALUATOR
20 APPOINTED BY THE COURT SHALL PROVIDE A WRITTEN DISCLOSURE TO
21 EACH PARTY AND EACH PARTY'S ATTORNEY, IF APPLICABLE. AT A
22 MINIMUM, THE WRITTEN DISCLOSURE MUST INCLUDE:

23 (I) A DESCRIPTION OF THE EVALUATOR'S SPECIFIC DUTIES,
24 RESPONSIBILITIES, AND LIMITATIONS, WHICH MUST BE CONSISTENT WITH
25 THIS ARTICLE 10;

26 (II) AN ACKNOWLEDGMENT THAT THE EVALUATOR WILL COMPLY
27 WITH APPLICABLE STATE AND FEDERAL LAWS IN ACTING AS AN

1 EVALUATOR, INCLUDING ALL LAWS PURSUANT TO THIS ARTICLE 10;

2 (III) AN ACKNOWLEDGMENT THAT THE EVALUATOR IS COMPLIANT
3 WITH TRAINING REQUIREMENTS PURSUANT TO SECTION 14-10-127.5 (5);

4 (IV) A COMPREHENSIVE DESCRIPTION OF THE EVALUATOR'S
5 FINANCIAL POLICIES, INCLUDING BILLING PRACTICES AND RATES FOR
6 PERFORMANCE OF DUTIES, COSTS, FEES, AND DISBURSEMENTS; AND

7 (V) INFORMATION ON FILING A COMPLAINT PURSUANT TO
8 SUBSECTION (9) OF THIS SECTION AND WITH THE STATE COURT
9 ADMINISTRATOR REGARDING THE EVALUATOR PURSUANT TO SECTION
10 13-3-101 (3.5), INCLUDING THE CURRENT CONTACT INFORMATION FOR THE
11 STATE COURT ADMINISTRATOR.

12 (b) PURSUANT TO A CHIEF JUSTICE DIRECTIVE, THE COURT MAY CAP
13 AN EVALUATOR'S FEES AND ALLOCATE RESPONSIBILITY FOR COSTS.

14 (4) A person ~~is not allowed to~~ SHALL NOT testify as an expert
15 witness regarding a parental responsibilities or parenting time evaluation
16 that the person has performed pursuant to this section unless the court
17 finds that the person is qualified as competent, by training and
18 experience, in the areas of:

19 (a.5) The effects of domestic violence on children, YOUTH, adults,
20 and families, including the connection between domestic violence and
21 trauma on children AND YOUTH, COERCIVE CONTROL, child abuse, and
22 child sexual abuse in accordance with section 14-10-127.5. The person's
23 training and experience must be provided by recognized sources with
24 expertise in domestic violence and the traumatic effects of domestic
25 violence AND COERCIVE CONTROL in accordance with section
26 14-10-127.5. As of January 1, 2024, initial and ongoing training must
27 include, at a minimum:

1 (7) (b.3) (I) THE EVALUATOR SHALL INCLUDE IN THE WRITTEN
2 REPORT ALL INFORMATION ACQUIRED DURING THE EVALUATION
3 CONCERNING DOMESTIC VIOLENCE AND CHILD ABUSE, INCLUDING:

- 4 (A) CHILD SEXUAL ABUSE;
- 5 (B) PHYSICAL ABUSE;
- 6 (C) EMOTIONAL ABUSE;
- 7 (D) COERCIVE CONTROL;
- 8 (E) TRAUMA; AND
- 9 (F) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND
10 RELATIONSHIP DYNAMICS.

11 (II) THE EVALUATOR SHALL INCLUDE IN THE WRITTEN REPORT ALL
12 INFORMATION PURSUANT TO SUBSECTION (7)(b.3)(I) OF THIS SECTION,
13 REGARDLESS OF:

- 14 (A) THE MANNER IN WHICH THE INFORMATION WAS ACQUIRED,
15 INCLUDING BY ACCUSATION; EVIDENCE OF A CRIMINAL CHARGE, PLEA,
16 DEFERRED JUDGMENT, OR CONVICTION; OR EVIDENCE OF A PROTECTION
17 ORDER; OR
- 18 (B) WHO PRESENTED THE INFORMATION, INCLUDING A CHILD OR
19 YOUTH.

20 (b.7) THE EVALUATOR SHALL NOT INCLUDE IN THE WRITTEN
21 REPORT INFORMATION ON PARENTAL ALIENATION SYNDROME OR OTHER
22 THEORIES, CONCEPTS, OR BELIEF SYSTEMS THAT ARE NOT SUPPORTED BY
23 EVIDENCE-BASED AND PEER-REVIEWED RESEARCH OR NOT SUPPORTED BY
24 RESEARCH CONDUCTED IN THE FIELD BY RECOGNIZED DOMESTIC VIOLENCE
25 VICTIM ADVOCATES.

26 (11) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

1 (a) "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
2 IN SECTION 14-10-127.5.

3 (b) "EVALUATOR" MEANS ANY COUNTY OR DISTRICT DEPARTMENT
4 OF HUMAN OR SOCIAL SERVICES OR A LICENSED MENTAL HEALTH
5 PROFESSIONAL QUALIFIED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

6 **SECTION 5.** In Colorado Revised Statutes, 14-10-127.5, **amend**
7 (3)(a) introductory portion, (3)(a)(I), (5)(b)(VII), and (6)(c)(I); and **add**
8 (2)(a.3), (3)(a)(III), (3)(a)(IV), (3.5), (5)(b)(IX), (5)(b)(X), (5)(b.3),
9 (5)(b.5), and (6)(d) as follows:

10 **14-10-127.5. Domestic violence training for court personnel -**
11 **expert testimony - child and youth placement decisions - legislative**
12 **declaration - definitions.** (2) As used in this section, unless the context
13 otherwise requires:

14 (a.3) "COERCIVE CONTROL" MEANS A PATTERN OF THREATENING,
15 HUMILIATING, OR INTIMIDATING ACTIONS, INCLUDING ASSAULTS OR OTHER
16 ABUSE THAT IS USED TO HARM, PUNISH, OR FRIGHTEN AN INDIVIDUAL.
17 "COERCIVE CONTROL" INCLUDES A PATTERN OF BEHAVIOR THAT TAKES
18 AWAY THE INDIVIDUAL'S LIBERTY OR FREEDOM AND STRIP AWAY THE
19 INDIVIDUAL'S SENSE OF SELF, INCLUDING THE INDIVIDUAL'S BODILY
20 INTEGRITY AND HUMAN RIGHTS. "COERCIVE CONTROL" MAKES AN
21 INDIVIDUAL DEPENDENT BY ISOLATING THE INDIVIDUAL FROM SUPPORT,
22 EXPLOITING THE INDIVIDUAL, DEPRIVING THE INDIVIDUAL OF
23 INDEPENDENCE, AND REGULATING THE INDIVIDUAL'S EVERYDAY
24 BEHAVIOR, WHICH INCLUDES, BUT IS NOT LIMITED TO, ANY OF THE
25 FOLLOWING:

- 26 (I) ISOLATING THE INDIVIDUAL FROM FRIENDS AND FAMILY;
27 (II) MONITORING, REGULATING, OR CONTROLLING THE

1 INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S OR RELATIVE'S, FINANCES,
2 ECONOMIC RESOURCES, OR ACCESS TO SERVICES;

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

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

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

13 (VI) THREATENING TO HARM OR KILL AN ANIMAL WITH WHICH THE
14 INDIVIDUAL OR THE INDIVIDUAL'S CHILD OR RELATIVE HAS AN EMOTIONAL
15 BOND;

16 (VII) THREATENING TO PUBLISH THE INDIVIDUAL'S, OR THE
17 INDIVIDUAL'S CHILD'S OR RELATIVE'S, SENSITIVE PERSONAL INFORMATION,
18 INCLUDING SEXUALLY EXPLICIT MATERIAL, OR MAKE REPORTS TO THE
19 POLICE OR AUTHORITIES;

20 (VIII) DAMAGING THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S
21 OR RELATIVE'S, PROPERTY OR HOUSEHOLD GOODS;

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

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

3 (3) (a) In all proceedings brought pursuant to this title 14
4 concerning the allocation of parental responsibilities with respect to a
5 child OR YOUTH in which a claim of domestic violence or child abuse,
6 including child sexual abuse, has been made to the court, or the court has
7 reason to believe that a party has committed domestic violence or child
8 abuse, including child sexual abuse, the court shall:

9 (I) Consider the admission of expert testimony and evidence if the
10 expert demonstrates expertise and experience working with victims of
11 domestic violence or child abuse, including child sexual abuse, that is not
12 solely forensic in nature; ~~and~~

13 (III) CONSIDER EVIDENCE RELATED TO THE USE OF COERCIVE
14 CONTROL BY A PARTY; AND

15 (IV) IN ALL PROCEEDINGS, CONSIDER THE OPINION OF A CHILD OR
16 YOUTH WHO WANTS TO PROVIDE INPUT TO THE COURT. THE CHILD OR
17 YOUTH HAS THE OPPORTUNITY TO BE HEARD NOT IN THE PRESENCE OF A
18 PARENT AND HAVE THE CHILD'S OR YOUTH'S TESTIMONY ENTERED INTO
19 THE RECORD, EITHER THROUGH A CHILD AND FAMILY INVESTIGATOR'S
20 REPORT PURSUANT TO SECTION 14-10-116.5, THE REPORT OF A
21 COURT-APPOINTED PROFESSIONAL EVALUATOR PURSUANT TO SECTION
22 14-10-127, OR DIRECTLY THROUGH THE ALLOCATION OF PARENTAL
23 RESPONSIBILITIES PROCEEDINGS THROUGH A LETTER TO THE COURT OR
24 DIRECTLY TO THE JUDGE IN CHAMBERS.

25 (3.5) IF ALLEGATIONS OF DOMESTIC VIOLENCE, CHILD ABUSE OR
26 NEGLECT, OR CHILD SEXUAL ABUSE HAVE BEEN MADE, A CHILD OR YOUTH
27 MUST NOT BE FORCED INTO AN ALLOCATION OF PARENTAL

1 RESPONSIBILITIES ARRANGEMENT, BUT THE COURT SHALL GIVE STRONG
2 CONSIDERATION TO A CHILD'S OR YOUTH'S STATED PREFERENCE MADE
3 DIRECTLY TO THE COURT, EITHER THROUGH A LETTER TO THE COURT OR TO
4 THE JUDGE IN CHAMBERS, IF THE STATED PREFERENCE IS CONSISTENT WITH
5 THE PARAMOUNT CONSIDERATION GIVEN TO THE CHILD'S SAFETY AND THE
6 PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS AND NEEDS OF THE
7 CHILD.

8 (5) (b) The required training set forth in subsection (5)(a) of this
9 section must focus on domestic violence and child abuse, including:

10 (VII) Long-term and short-term impacts of domestic violence and
11 child abuse on children and YOUTH;

12 (IX) INTERVIEWING, CONSISTENT WITH CRITERIA AND STANDARDS
13 ADOPTED AND AMENDED BY A NATIONAL PROFESSIONAL ORGANIZATION
14 FOR THE PREVENTION OF CHILD ABUSE; AND

15 (X) FORENSIC REPORT WRITING, CONSISTENT WITH CRITERIA AND
16 STANDARDS ADOPTED AND AMENDED BY A NATIONALLY RECOGNIZED
17 PSYCHOLOGICAL PROFESSIONAL ORGANIZATION.

18 (b.3) THE REQUIRED TRAINING SET FORTH IN SUBSECTION (5)(a) OF
19 THIS SECTION MUST NOT INCLUDE INFORMATION ON PARENTAL
20 ALIENATION SYNDROME OR OTHER THEORIES, CONCEPTS, OR BELIEF
21 SYSTEMS THAT ARE NOT SUPPORTED BY EVIDENCE-BASED AND
22 PEER-REVIEWED RESEARCH OR NOT SUPPORTED BY RESEARCH CONDUCTED
23 IN THE FIELD BY RECOGNIZED DOMESTIC VIOLENCE VICTIM ADVOCATES.

24 (b.5) THE REQUIRED TRAINING SET FORTH IN SUBSECTION (5)(a) OF
25 THIS SECTION MUST BE CULTURALLY INFORMED AND MUST NOT INCLUDE
26 INFORMATION THAT IS DISCRIMINATORY BECAUSE OF A CHILD'S OR
27 YOUTH'S OR PARENT'S DISABILITY, RACE, CREED, RELIGION, COLOR, SEX,

1 SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, NATIONAL
2 ORIGIN, ANCESTRY, OR IMMIGRATION STATUS.

3 (6) (c) The required training must be designed to improve the
4 ability of courts to:

5 (I) Recognize and respond to child physical abuse, child sexual
6 abuse, domestic violence, COERCIVE CONTROL, and trauma in all family
7 victims, particularly children AND YOUTH; and

8 (d) A PROFESSIONAL TRAINER IS NOT REQUIRED TO BE AFFILIATED
9 WITH A STATE AGENCY, INCLUDING THE OFFICE OF THE STATE COURT
10 ADMINISTRATOR, IN ORDER TO DELIVER THE TRAINING REQUIREMENTS
11 PURSUANT TO SUBSECTION (5) OF THIS SECTION AND THIS SUBSECTION (6).

12 **SECTION 6.** In Colorado Revised Statutes, 14-10-128.1, **amend**
13 (2)(b) as follows:

14 **14-10-128.1. Appointment of parenting coordinator -**
15 **disclosure.** (2) (b) In addition to making the findings required pursuant
16 to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS
17 SECTION, prior to appointing a parenting coordinator, the court may
18 consider the effect of any claim or documented evidence of domestic
19 violence, as defined in ~~section 14-10-124 (1.3)(a)~~ SECTION 14-10-124
20 (1.3), by the other party on the parties' ability to engage in parent
21 coordination.

22 **SECTION 7.** In Colorado Revised Statutes, 13-3-101, **add** (3.5),
23 (11)(c), and (11)(d) as follows:

24 **13-3-101. State court administrator - duties - report -**
25 **definitions - repeal.** (3.5) (a) AS REQUIRED BY A CHIEF JUSTICE
26 DIRECTIVE, THE STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR
27 ACCEPTING COMPLAINTS REGARDING CHILD AND FAMILY COURT

1 INVESTIGATORS APPOINTED BY THE COURT PURSUANT TO SECTION
2 14-10-116.5, AND PARENTAL RESPONSIBILITIES EVALUATORS APPOINTED
3 BY THE COURT PURSUANT TO SECTION 14-10-127, IN COURTS INVOLVED
4 WITH THE ALLOCATION OF PARENTAL RESPONSIBILITIES PURSUANT TO
5 DISSOLUTION OF MARRIAGE PROCEEDINGS, AND THE STATE COURT
6 ADMINISTRATOR IS AUTHORIZED TO ADMINISTER APPROPRIATE SANCTIONS
7 ESTABLISHED PURSUANT TO CHIEF JUSTICE DIRECTIVE.

8 (b) AS A PART OF THE JUDICIAL DEPARTMENT'S "SMART ACT"
9 HEARING REQUIRED BY SECTION 2-7-203, DURING THE 2025 REGULAR
10 LEGISLATIVE SESSION, AND EACH REGULAR LEGISLATIVE SESSION
11 THEREAFTER, THE JUDICIAL DEPARTMENT SHALL REPORT ON THE TOTAL
12 NUMBER OF CHILD AND FAMILY COURT INVESTIGATORS APPOINTED BY THE
13 COURT PURSUANT TO SECTION 14-10-116.5, AND PARENTAL
14 RESPONSIBILITIES EVALUATORS APPOINTED BY THE COURT PURSUANT TO
15 SECTION 14-10-127, ON ELIGIBILITY ROSTERS ESTABLISHED PURSUANT TO
16 A CHIEF JUSTICE DIRECTIVE, THE NUMBER OF COMPLAINTS RECEIVED BY
17 THE STATE COURT ADMINISTRATOR IN THE PRECEDING CALENDAR YEAR
18 REGARDING CHILD AND FAMILY COURT INVESTIGATORS AND PARENTAL
19 RESPONSIBILITIES EVALUATORS, AND THE NUMBER OF SANCTIONS ISSUED
20 BY THE STATE COURT ADMINISTRATOR IN THE PRECEDING CALENDAR YEAR
21 REGARDING CHILD AND FAMILY COURT INVESTIGATORS AND PARENTAL
22 RESPONSIBILITIES EVALUATORS.

23 (11)(c) THE POSITION SHALL PUBLISH AND ANNUALLY UPDATE THE
24 FOLLOWING INFORMATION ON THE JUDICIAL DEPARTMENT'S PUBLIC
25 WEBSITE:

26 (I) THE TOTAL NUMBER OF JUDGES AND MAGISTRATES WHO
27 PRESIDED OVER A CASE THAT DETERMINED THE ALLOCATION OF PARENTAL

1 RESPONSIBILITIES PURSUANT TO DISSOLUTION OF MARRIAGE PROCEEDINGS
2 IN THE YEAR PRECEDING THE FIRST PUBLICATION OF THE TOTAL NUMBER
3 OF JUDGES AND MAGISTRATES, OR SINCE THE LATEST UPDATED
4 PUBLICATION, PURSUANT TO THIS SUBSECTION (11)(c);

5 (II) THE TOTAL NUMBER OF JUDGES AND MAGISTRATES WHO
6 COMPLETED TRAINING CONCERNING DOMESTIC VIOLENCE AND CHILD
7 ABUSE IN ALLOCATION OF PARENTAL RESPONSIBILITIES PROCEEDINGS, AND
8 THE COMPLETED TRAINING CURRICULUM IN THE YEAR PRECEDING THE
9 FIRST PUBLICATION OF THE TOTAL NUMBER AND NAMES OF JUDGES AND
10 MAGISTRATES, OR SINCE THE LATEST UPDATED PUBLICATION, PURSUANT
11 TO THIS SUBSECTION (11)(c); AND

12 (III) A SUMMARY OF THE ACTIONS TAKEN IN THE YEAR PRECEDING
13 THE FIRST PUBLICATION, OR SINCE THE LATEST UPDATED PUBLICATION,
14 CONCERNING ACTIONS TAKEN BY THE JUDICIAL DEPARTMENT TO COMPLY
15 WITH RECOMMENDATIONS MADE BY THE TASK FORCE TO STUDY VICTIM
16 AND SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING
17 REQUIREMENTS FOR JUDICIAL PERSONNEL, CREATED PURSUANT TO HOUSE
18 BILL 23-1108.

19 (d) (I) THE POSITION SHALL PUBLISH AND UPDATE AS NECESSARY
20 INFORMATION ON THE JUDICIAL DEPARTMENT'S PUBLIC WEBSITE
21 REGARDING UPCOMING TRAINING THAT SATISFIES THE REQUIREMENTS IN
22 SECTION 14-10-127.5 (5) AND (6).

23 (II) THE POSITION SHALL TRACK AND EVALUATE THE EFFICACY OF
24 THE TRAINING PROVIDED PURSUANT TO SECTION 14-10-127.5 (5) AND (6).

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

27 **8-13.3-503. Definitions.** As used in this part 5, unless the context

1 otherwise requires:

2 (6) "Domestic violence" means any conduct that constitutes
3 "domestic violence" as set forth in section 18-6-800.3 (1) or ~~section~~
4 ~~14-10-124 (1.3)(a)~~ SECTION 14-10-124 (1.3) or "domestic abuse" as set
5 forth in section 13-14-101 (2).

6 **SECTION 9.** In Colorado Revised Statutes, 13-80-103.6, **amend**
7 (1) as follows:

8 **13-80-103.6. General limitation of actions - domestic violence**
9 **- six years - definition.** (1) Notwithstanding any other statute of
10 limitations specified in this article 80, or any other provision of law that
11 can be construed to reduce the statutory period set forth in this section,
12 any civil action to recover damages caused by an act of domestic
13 violence, as defined in ~~section 14-10-124 (1.3)(a)~~ SECTION 14-10-124
14 (1.3), must be commenced within six years after a disability has been
15 removed for a person under disability, as such term is defined in
16 subsection (2) of this section, or within six years after a cause of action
17 accrues, whichever occurs later, and not thereafter; except that in no event
18 may any such civil action be commenced more than twenty years after the
19 cause of action accrues.

20 **SECTION 10. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

1 November 2024 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.