



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 24-0326	Date:	March 8, 2024
Prime Sponsors:	Rep. Froelich; Story Sen. Winter F.	Bill Status:	House Judiciary
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Bill Topic: PARENTAL RESPONSIBILITIES PROCEEDINGS CHILD SAFETY

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

The bill makes several changes to family court proceedings. Starting in FY 2024-25, the bill increases state expenditures.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$249,049 to the Judicial Department

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

Table 1
State Fiscal Impacts Under HB 24-1350

		Budget Year FY 2024-25	Out Year FY 2025-26
Revenue		-	-
Expenditures	General Fund	\$249,049	\$294,259
	Centrally Appropriated	\$44,304	\$55,156
	Total Expenditures	\$293,353	\$349,415
	Total FTE	2.1 FTE	2.6 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$37,357	\$44,139

Summary of Legislation

The bill makes several changes to domestic relations court proceedings and requirements for court personnel, as described below.

Child and family investigator requirements. The bill requires child and family investigators to adhere to national interviewing criteria and standards. Investigators must prepare a written report for the court to consider that includes options that serve the best interest of the child or youth, as well as all information acquired during the investigation concerning domestic violence and child abuse. Investigators are also required to provide written disclosures to each party describing their duties, compliance with training requirements, and information on filing a complaint about an investigator with the State Court Administrator.

Domestic relations court proceedings. Children and youth in domestic relations cases who are of a sufficient age and maturity must be given the opportunity to express their opinion to the court and investigators during family court proceedings. The child must be allowed to express their views without being in the presence of their parent, if necessary. Courts must give strong consideration to a child's preference in allocating parental responsibilities but must prioritize the physical, mental and emotional needs of the child. In addition, if the court orders unsupervised parenting time for parent accused of domestic violence, child abuse, or child sexual abuse, the court must justify why the decision is in the best interest of the child. Courts may cap fees paid to family investigators and allocate the responsibility for paying these fees.

Parental alienation syndrome. The bill prohibits the consideration of parental alienation syndrome or other theories not supported by evidence-based and peer-reviewed research in written reports of child and family investigators, in determining the best interest of the child for purposes of parenting time, and in the training for child and family investigators, evaluators, and legal representatives of children.

Coercive control and domestic violence training. The bill defines coercive control and requires training opportunities for recognizing coercive control for court personnel in domestic violence and child abuse cases, including for family investigators, evaluators and judges. Courts must consider evidence on coercive control in these cases. The bill requires training for child and family investigators, evaluators, and legal representatives of children to be culturally informed, and allows non-governmental professional trainers conduct the training.

Reporting. The State Court Administrator must accept complaints against family investigators and evaluators. Annually, the Judicial Department must report these complaints and other family court metrics to the legislature during their SMART Act hearing. Finally, the Judicial Department must publish certain information on its website regarding family court proceedings, judges who have completed domestic violence and child abuse trainings, and actions.

Assumptions

According to the Judicial Department, there are an average of 9,570 domestic relations cases involving a child each year. The fiscal note assumes that in 10 percent of these cases, or 957 cases, a child or youth will choose to present their opinion to the court directly to the judge in chambers. The fiscal note assumes this process requires up to 45 minutes, which includes time to determine the maturity of the child and to conduct the interview.

In addition, the Judicial Department reports that there are currently no programs available offering the required 20-hour training on domestic violence to family investigators and evaluators. The fiscal note assumes that the department is required to establish a training and that it will take one year to develop.

State Expenditures

The bill increases state expenditures in the Judicial Department by \$293,000 in FY 2024-25 and \$349,000 in FY 2025-26 and ongoing, as shown in Table 2 and described below.

**Table 2
 Expenditures Under HB 24-1350**

	FY 2024-25	FY 2025-26
Judicial Department		
Personal Services	\$198,677	\$249,221
Operating Expenses	\$3,321	\$4,238
Capital Outlay Costs	\$47,052	\$800
Contract Training Facilitator	-	\$40,000
Centrally Appropriated Costs ¹	\$44,304	\$55,156
Total Cost	\$293,353	\$349,415
Total FTE	2.1 FTE	2.6 FTE

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

Judicial Department. Starting in FY 2024-25, Judicial Department expenditures will increase to hire additional staff and to contract with a trainer, as described below.

- **Staff.** The Judicial Department requires 0.4 FTE for a magistrate to interview children and youth involved in domestic relations cases, 1.2 FTE for the magistrate’s supporting court staff, and 1.0 FTE for an educational specialist. Capital outlay and operating expenses are included and are prorated for a September 1, 2024, start date. Additional information is provided below.

Trial Courts. Based on the assumptions outlined above, the trial courts require an additional 0.4 FTE magistrate to hear child/youth testimony in domestic relations cases. Per Judicial Department common policies, each magistrate also receives support staff at a 3:1 ratio, resulting in an additional 1.2 FTE. Magistrates also require additional operating and capital outlay costs for robes, travel, law libraries, court room, and audio visual equipment. Operating and capital outlay costs for the magistrate are prorated to reflect 0.4 FTE, while support staff receive standard operating expenses and capital outlay.

Office of the State Court Administrator. The department requires 1.0 FTE to develop update the 20-hour domestic violence and child abuse training with the requirements of the bill, collect and report the required data, and to provide administrative support to trainers.

- **Contract training facilitator.** Starting in FY 2025-26, the Judicial Department requires \$20,000 per training to contract with professional trainers. It is assumed trainings will occur twice a year, and costs include an online platform to host trainings virtually.
- **IT costs.** Workload will increase for the department to update its case management system to collect the required data and post certain information about family court proceedings on the department website. No change in appropriations is required.
- **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 shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Technical Note

The bill's timelines do not allow adequate time for the Judicial Department to develop and implement required training. Costs in the fiscal note assume the department will have one year to develop training.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2024-25, the bill requires a General Fund appropriation of \$249,049 to the Judicial Department, and 2.1 FTE.

State and Local Government Contacts

Counties

Human Services

Judicial

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).