

CHAPTER 28

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 95-1153

BY REPRESENTATIVES Keller, DeGette, Gordon, Hagedorn, Kerns, Lamm, Reeser, Saliman, Schwarz, and Snyder;
also SENATORS Perlmutter, Feeley, Gallagher, Mares, and Pascoe.

AN ACT

CONCERNING DISCLOSURE OF PRIOR RESTRAINING ORDERS TO PREVENT DOMESTIC ABUSE.

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

SECTION 1. Article 10 of title 14, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

14-10-107.8. Required notice of prior restraining orders to prevent domestic abuse - petitions for dissolution of marriage or legal separation. WHEN FILING A PETITION FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION PURSUANT TO THIS ARTICLE, THE FILING PARTY SHALL HAVE A DUTY TO DISCLOSE TO THE COURT THE EXISTENCE OF ANY PRIOR TEMPORARY OR PERMANENT RESTRAINING ORDERS TO PREVENT DOMESTIC ABUSE ISSUED PURSUANT TO ARTICLE 4 OF THIS TITLE ENTERED AGAINST EITHER PARTY BY ANY COURT WITHIN NINETY DAYS PRIOR TO THE FILING OF THE PETITION OF DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION. THE DISCLOSURE REQUIRED PURSUANT TO THIS SECTION SHALL ADDRESS THE SUBJECT MATTER OF THE PREVIOUS RESTRAINING ORDERS, INCLUDING THE CASE NUMBER AND JURISDICTION ISSUING SUCH ORDERS.

14-10-123.6. Required notice of prior restraining orders to prevent domestic abuse - child custody proceedings. WHEN FILING A CHILD CUSTODY PROCEEDING PURSUANT TO THIS ARTICLE, THE FILING PARTY SHALL HAVE A DUTY TO DISCLOSE TO THE COURT THE EXISTENCE OF ANY PRIOR TEMPORARY OR PERMANENT RESTRAINING ORDERS TO PREVENT DOMESTIC ABUSE ISSUED PURSUANT TO ARTICLE 4 OF THIS TITLE ENTERED AGAINST EITHER PARTY BY ANY COURT WITHIN NINETY DAYS PRIOR TO THE FILING OF THE CHILD CUSTODY PROCEEDING. THE DISCLOSURE REQUIRED PURSUANT TO THIS SECTION SHALL ADDRESS THE SUBJECT MATTER OF THE PREVIOUS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

RESTRAINING ORDERS, INCLUDING THE CASE NUMBER AND JURISDICTION ISSUING SUCH ORDERS.

SECTION 2. Article 4 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

19-4-107.5. Required notice of prior restraining orders to prevent domestic abuse - determination of parent and child relationship. WHEN FILING A PROCEEDING UNDER THIS ARTICLE, THE FILING PARTY SHALL HAVE A DUTY TO DISCLOSE TO THE COURT THE EXISTENCE OF ANY PRIOR TEMPORARY OR PERMANENT RESTRAINING ORDERS TO PREVENT DOMESTIC ABUSE ISSUED PURSUANT TO ARTICLE 4 OF TITLE 14, C.R.S., ENTERED AGAINST EITHER PARTY BY ANY COURT WITHIN NINETY DAYS PRIOR TO THE FILING OF THE PROCEEDING TO DETERMINE THE PARENT AND CHILD RELATIONSHIP. THE DISCLOSURE REQUIRED PURSUANT TO THIS SECTION SHALL ADDRESS THE SUBJECT MATTER OF THE PREVIOUS RESTRAINING ORDERS, INCLUDING THE CASE NUMBER AND JURISDICTION ISSUING SUCH ORDERS.

SECTION 3. Effective date. This act shall take effect July 1, 1995.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 23, 1995