

CHAPTER 291

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 99-1115

BY REPRESENTATIVES Kaufman, Alexander, Allen, Bacon, Clarke, Coleman, Fairbank, George, Grossman, Hagedorn, Larson, Leyba, Mace, Mitchell, Morrison, Plant, Ragsdale, Scott, Tupa, Veiga, and S. Williams;
also SENATORS Wham, Dyer, Hernandez, Pascoe, Perlmutter, Phillips, Reeves, Rupert, Tanner, Teck, and Weddig.

AN ACT

CONCERNING DOMESTIC VIOLENCE.

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

SECTION 1. 39-22-801, Colorado Revised Statutes, is amended to read:

39-22-801. Voluntary contribution designation - procedure. For income tax years commencing on or after January 1, 1984, but prior to ~~January 1, 2000~~ JANUARY 1, 2007, each Colorado state individual income tax return form shall contain a line whereby each individual taxpayer may designate the amount of the contribution, if any, ~~he~~ THE TAXPAYER wishes to make to the Colorado domestic abuse program fund.

SECTION 2. 26-7.5-102 (2), Colorado Revised Statutes, is amended to read:

26-7.5-102. Definitions. As used in this article, unless the context otherwise requires:

(2) "Domestic abuse program" means a CULTURALLY AND LINGUISTICALLY APPROPRIATE community-based or community-oriented program, which may include residential facilities, and which is operated by a unit of local government or a nongovernmental agency and established pursuant to the criteria set forth in section 26-7.5-103, to assist victims of domestic abuse and their dependents.

SECTION 3. 26-7.5-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-7.5-105. Funding of domestic abuse programs. (3) THE COLORADO DOMESTIC ABUSE PROGRAM FUND ESTABLISHED PURSUANT TO SECTION 39-22-802,

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

C.R.S., MAY BE FUNDED BY ANY GENERAL FUND MONEYS THAT MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY PURSUANT TO THE ANNUAL GENERAL APPROPRIATIONS ACT. THE EXECUTIVE DIRECTOR SHALL HAVE THE AUTHORITY TO EXPEND SUCH FUNDS APPROPRIATED TO THE COLORADO DOMESTIC ABUSE PROGRAM FUND FOR THE PURPOSES DESCRIBED IN THIS ARTICLE.

SECTION 4. 13-15-102, Colorado Revised Statutes, is amended to read:

13-15-102. Publication of change. (1) Public notice of such change of name shall be given at least three times in a newspaper published in the county where such person is residing within twenty days after the order of the court is made, and, if no newspaper is published in that county, such notice shall be published in a newspaper in such county as the court directs.

(2) PUBLIC NOTICE OF SUCH NAME CHANGE THROUGH PUBLICATION AS REQUIRED IN SUBSECTION (1) OF THIS SECTION SHALL NOT BE REQUIRED IF THE PETITIONER HAS BEEN:

(a) THE VICTIM OF A CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.;

(b) THE VICTIM OF CHILD ABUSE, AS DEFINED IN SECTION 18-6-401, C.R.S.; OR

(c) THE VICTIM OF DOMESTIC ABUSE AS THAT TERM IS DEFINED IN SECTION 14-4-101 (2), C.R.S.

SECTION 5. Article 4 of title 14, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

14-4-107. Family violence justice fund - creation - grants from fund.

(1) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE FAMILY VIOLENCE JUSTICE FUND, HEREAFTER REFERRED TO AS THE "FUND". PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE STATE COURT ADMINISTRATOR IS AUTHORIZED TO MAKE GRANTS FROM THE FUND DIRECTLY TO QUALIFYING ORGANIZATIONS PROVIDING CIVIL LEGAL SERVICES TO INDIGENT RESIDENTS OF THE STATE OF COLORADO.

(2) GRANTS FROM THE FUND SHALL BE USED TO FUND QUALIFYING ORGANIZATIONS TO PROVIDE LEGAL ADVICE, REPRESENTATION, AND ADVOCACY FOR AND ON BEHALF OF INDIGENT CLIENTS WHO ARE VICTIMS OF FAMILY VIOLENCE. MONEYS FROM THE FUND MAY BE PROVIDED FOR SERVICES THAT INCLUDE, BUT ARE NOT LIMITED TO:

(a) THE PROVISION OF DIRECT LEGAL REPRESENTATION TO VICTIMS OF FAMILY VIOLENCE IN RESOLVING THEIR CIVIL LEGAL MATTERS AND REMOVING IMPEDIMENTS TO THE ELIMINATION OF FAMILY VIOLENCE. SUCH REPRESENTATION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, REPRESENTATION IN ANY RESTRAINING ORDER PROCEEDING, ACTION FOR DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY OF MARRIAGE, PATERNITY ACTION, CHILD CUSTODY ACTION, PROCEEDING TO ESTABLISH OR ENFORCE CHILD SUPPORT, ADMINISTRATIVE HEARINGS, OR ANY OTHER JUDICIAL ACTIONS IN WHICH FAMILY VIOLENCE IS AN ISSUE OR IN WHICH LEGAL REPRESENTATION IS NECESSARY TO PROTECT THE INTERESTS OF

A VICTIM OF FAMILY VIOLENCE.

(b) THE PROVISION OF CLINICS DESIGNED TO EDUCATE AND ASSIST INDIGENT VICTIMS OF FAMILY VIOLENCE IN THE PROCEEDINGS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (2);

(c) THE PROVISION OF LEGAL INFORMATION AND ADVICE TO VICTIMS OF FAMILY VIOLENCE, REFERRALS TO APPROPRIATE PERSONS OR AGENCIES, AND THE PROVISION OF EMERGENCY ASSISTANCE IN APPROPRIATE CASES BY TELEPHONE, ELECTRONIC COMMUNICATION, OR OTHER APPROPRIATE MEANS.

(3) A QUALIFYING ORGANIZATION SEEKING TO RECEIVE A GRANT FROM THE FUND SHALL SUBMIT AN APPLICATION EACH YEAR TO THE STATE COURT ADMINISTRATOR ON A FORM PROVIDED BY SUCH ADMINISTRATOR. THE APPLICATION FORM SHALL REQUEST ANY INFORMATION WHICH THE ADMINISTRATOR MAY NEED IN DETERMINING THE QUALIFICATIONS OF THE ORGANIZATION FOR RECEIPT OF A GRANT. COMMENCING JULY 1, 1999, AND QUARTERLY THEREAFTER, THE STATE COURT ADMINISTRATOR SHALL DISTRIBUTE GRANTS FROM THE FUND, SUBJECT TO AVAILABLE APPROPRIATIONS, TO A QUALIFYING ORGANIZATION FOR EACH COUNTY OR CITY AND COUNTY BASED UPON THE FOLLOWING FORMULA:

(a) THE TOTAL MONEYS SHALL BE DISBURSED IN PROPORTION TO THE NUMBER OF PERSONS LIVING BELOW THE POVERTY LEVEL IN EACH COUNTY OR CITY AND COUNTY AS DETERMINED BY THE MOST RECENT CENSUS PUBLISHED BY THE BUREAU OF THE CENSUS OF THE UNITED STATES DEPARTMENT OF COMMERCE.

(b) IF THERE IS MORE THAN ONE QUALIFYING ORGANIZATION WITHIN A COUNTY OR CITY AND COUNTY, THE PROPORTIONATE SHARE OF THE FUND FOR SUCH COUNTY OR CITY AND COUNTY DISBURSED TO EACH SUCH QUALIFYING ORGANIZATION SHALL BE ALLOCATED IN PROPORTION TO THE NUMBER OF INDIGENT FAMILY VIOLENCE CLIENTS SERVED BY EACH QUALIFYING ORGANIZATION OR ITS PREDECESSOR IN THE PRECEDING YEAR.

(4) (a) IN ADDITION TO ANY APPROPRIATION FROM THE GENERAL FUND, THE STATE COURT ADMINISTRATOR IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY FUNDS, GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS SECTION. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GRANTS, GIFTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE FAMILY VIOLENCE JUSTICE FUND.

(b) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS SECTION. THE STATE COURT ADMINISTRATOR OF THE JUDICIAL DEPARTMENT, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, IS AUTHORIZED TO EXPEND MONEYS APPROPRIATED TO THE DEPARTMENT FROM THE FUND TO QUALIFYING ORGANIZATIONS FOR THE PURPOSES DESCRIBED IN THIS SECTION; EXCEPT THAT THE AMOUNT EXPENDED FOR INDIRECT COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS SECTION SHALL NOT EXCEED THREE PERCENT OF THE MONEYS APPROPRIATED TO THE FUND IN ANY FISCAL YEAR. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF THE

MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS NOT APPROPRIATED SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

(5) FOR PURPOSES OF THIS SECTION:

(a) "ADMINISTRATOR" MEANS THE STATE COURT ADMINISTRATOR IN THE STATE JUDICIAL DEPARTMENT.

(b) "FAMILY VIOLENCE" HAS THE SAME MEANING AS "DOMESTIC ABUSE" AS SET FORTH IN SECTION 14-4-101 (2).

(c) "FUND" MEANS THE FAMILY VIOLENCE JUSTICE FUND.

(d) "INDIGENT" MEANS A PERSON WHOSE INCOME DOES NOT EXCEED ONE HUNDRED TWENTY-FIVE PERCENT OF THE CURRENT FEDERAL POVERTY GUIDELINES DETERMINED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(e) "QUALIFYING ORGANIZATION" MEANS AN ORGANIZATION THAT:

(I) PROVIDES FULL SERVICE CIVIL LEGAL SERVICES TO INDIGENT CLIENTS;

(II) IS BASED IN COLORADO;

(III) IS EXEMPT FROM TAXATION PURSUANT TO SECTION 501 (c) (3) OF THE INTERNAL REVENUE CODE; AND

(IV) OBTAINS MORE THAN THIRTY-THREE PERCENT OF ITS FUNDING FROM SOURCES OTHER THAN GRANTS FROM THE FUND.

(f) "RESTRAINING ORDER" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-6-803.7 (1) (e), C.R.S.

SECTION 6. 13-3-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-3-101. State court administrator. (6) THE STATE COURT ADMINISTRATOR SHALL MAKE GRANTS FROM THE FAMILY VIOLENCE JUSTICE FUND PURSUANT TO THE PROVISIONS OF SECTION 14-4-107, C.R.S.

SECTION 7. No appropriation. The general assembly has determined that sections 1, 2, and 4 of this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of sections 1, 2, and 4 of this act.

SECTION 8. Appropriation - adjustment in 1999 long bill. (1) (a) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for allocation to the Colorado domestic abuse program fund established pursuant to section 39-22-802, Colorado Revised Statutes, for the fiscal year beginning July 1, 1999, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof

as may be necessary, for the implementation of this act.

(b) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for allocation to the state court administrator, for the fiscal year beginning July 1, 1999, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 1999, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by five hundred thousand dollars (\$500,000).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by five hundred thousand dollars (\$500,000).

SECTION 9. Future appropriations - legislative intent. (1) (a) In addition to any other appropriation set forth in this act, it appears that section 3 of this act will require additional future appropriations from the general fund to the department of human services, for allocation to the Colorado domestic abuse program fund established pursuant to section 39-22-802, C.R.S., and the amount required to be appropriated for the fiscal year beginning July 1, 2000, is estimated to be one hundred fifty thousand dollars (\$150,000).

(b) In addition to any other appropriation set forth in this act, it appears that sections 5 and 6 of this act will require additional future appropriations from the general fund to the judicial department, for allocation to the state court administrator, and the amount required to be appropriated for the fiscal year beginning July 1, 2000, is estimated to be one hundred fifty thousand dollars (\$150,000).

(2) It is the intent of the general assembly that the general fund appropriation for the implementation of this act shall be derived from savings generated from implementation of the provisions of HB99-1168, as enacted during the first regular session of the sixty-second general assembly.

SECTION 10. Effective date. Sections 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11 of this act shall take effect upon passage. Section 9 of this act shall take effect July 1, 2000; except that section 9 of this act shall only take effect if section 42-2-206, Colorado Revised Statutes, is amended in House Bill 99-1168 to change the penalty for driving with a revoked license from a class 6 felony to a class 1 misdemeanor and House Bill 99-1168 is enacted at the First Regular Session of the Sixty-second General Assembly and becomes law.

SECTION 11. 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: June 2, 1999

Editor's note: House Bill 99-1168 was signed by the Governor on May 24, 1999.