

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB23-1108 be amended as follows:

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** article 5.7 to
4 title 13 as follows:

5 **ARTICLE 5.7**
6 **Task Force To Study Victim And Survivor Awareness And**
7 **Responsiveness Training For Judicial Personnel**

8 **13-5.7-101. Definitions.** (1) AS USED IN THIS SECTION, UNLESS
9 THE CONTEXT OTHERWISE REQUIRES:

10 (a) "JUDICIAL PERSONNEL" MEANS JUDGES, OTHER JUDICIAL
11 OFFICERS, AND COURT STAFF, BUT DOES NOT INCLUDE DISTRICT
12 ATTORNEYS OR PUBLIC DEFENDERS.

13 (b) "TASK FORCE" MEANS THE TASK FORCE TO STUDY VICTIM AND
14 SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING REQUIREMENTS
15 FOR JUDICIAL PERSONNEL CREATED IN SECTION 13-5.7-102.

16 **13-5.7-102. Task force to study victim and survivor awareness**
17 **and responsiveness training requirements for judicial personnel -**
18 **creation - membership - duties - report - repeal.** (1) THERE IS
19 CREATED IN THE JUDICIAL DEPARTMENT THE TASK FORCE TO STUDY
20 VICTIM AND SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING
21 REQUIREMENTS FOR JUDICIAL PERSONNEL.

22 (2) THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS IN THE
23 DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY IS
24 A MEMBER OF THE TASK FORCE AND SHALL APPOINT THE FOLLOWING
25 MEMBERS TO SERVE ON THE TASK FORCE:

26 (a) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
27 SERVES OR REPRESENTS VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE;

28 (b) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
29 SUPPORTS VICTIMS AND SURVIVORS OF CRIMES OR VIOLENCE OTHER THAN
30 DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

31 (c) A REPRESENTATIVE OF AN ORGANIZATION PROVIDING LEGAL
32 SERVICES TO VICTIMS AND SURVIVORS;

33 (d) A FAMILY LAW ATTORNEY;

34 (e) A REPRESENTATIVE OF A CULTURALLY SPECIFIC ORGANIZATION
35 THAT PROVIDES VICTIM SERVICES OR WORKS WITH VICTIMS OR SURVIVORS
36 OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

37 (f) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
38 SERVES OR REPRESENTS SURVIVORS OF SEXUAL ASSAULT;

39 (g) A REPRESENTATIVE OF A FAMILY JUSTICE CENTER;

1 (h) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
2 TREATS CHILDREN WHO ARE VICTIMS OF DOMESTIC VIOLENCE AND
3 PROVIDES EXPERTISE ON CHILD ABUSE PREVENTION AND NEGLECT;
4 (i) A PRIVATE CRIMINAL DEFENSE ATTORNEY WITH EXPERIENCE
5 REPRESENTING VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT; AND
6 (j) A REPRESENTATIVE OF THE OFFICE OF THE STATE PUBLIC
7 DEFENDER WITH EXPERIENCE REPRESENTING VICTIMS OF DOMESTIC
8 VIOLENCE OR SEXUAL ASSAULT.

9 (3) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT IS A
10 MEMBER OF THE TASK FORCE AND SHALL APPOINT THE FOLLOWING
11 MEMBERS TO SERVE ON THE TASK FORCE:

12 (a) A STATE COURT JUDGE;
13 (b) AN INDIVIDUAL OTHER THAN A JUDGE WHO IS COURT
14 PERSONNEL;
15 (c) A DISTRICT COURT JUDGE WITH EXPERIENCE IN DOMESTIC
16 MATTERS;
17 (d) A COUNTY COURT JUDGE; AND
18 (e) A JUDGE FROM A RURAL COUNTY.

19 (4) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE MANAGER
20 OF THE OFFICE FOR VICTIMS PROGRAMS AND THE CHIEF JUSTICE OF THE
21 COLORADO SUPREME COURT SHALL ENSURE THAT THE MEMBERSHIP OF
22 THE TASK FORCE INCLUDES INDIVIDUALS WHO REFLECT THE ETHNIC,
23 CULTURAL, AND GENDER DIVERSITY OF THE STATE AND REPRESENT ALL
24 AREAS OF THE STATE.

25 (5) THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS AND THE
26 CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL SERVE AS
27 CO-CHAIRS OF THE TASK FORCE FOR THE DURATION OF THE TASK FORCE.
28 IN THE EVENT OF A VACANCY OR AN UNFORESEEN CIRCUMSTANCE THAT
29 PREVENTS A CO-CHAIR FROM CARRYING OUT THE CO-CHAIR'S DUTIES, THE
30 TASK FORCE SHALL NOMINATE AND ELECT A REPLACEMENT CO-CHAIR AT
31 THE NEXT MEETING.

32 (6) THE TERM OF EACH APPOINTMENT TO THE TASK FORCE IS FOR
33 THE DURATION OF THE TASK FORCE. A VACANCY MUST BE FILLED AS SOON
34 AS POSSIBLE BY THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS OR
35 THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT.

36 (7) THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS AND THE
37 CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL MAKE THEIR
38 APPOINTMENTS ON OR BEFORE JULY 1, 2023. IN MAKING APPOINTMENTS
39 TO THE TASK FORCE, THE MANAGER OF THE OFFICE FOR VICTIMS
40 PROGRAMS AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT
41 SHALL ENSURE THAT THE APPOINTEES INCLUDE INDIVIDUALS WHO HAVE
42 EXPERIENCE WITH OR INTEREST IN THE TASK FORCE STUDY AREAS SET
43 FORTH IN SUBSECTIONS (10) AND (11) OF THIS SECTION.

1 (8) MEMBERS OF THE TASK FORCE SERVE WITHOUT
2 COMPENSATION. HOWEVER, MEMBERS OF THE TASK FORCE MAY RECEIVE
3 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES ASSOCIATED
4 WITH THEIR DUTIES ON THE TASK FORCE.

5 (9) THE TASK FORCE SHALL CONVENE ITS FIRST MEETING NO LATER
6 THAN JULY 15, 2023. THE TASK FORCE SHALL MEET AT LEAST FOUR TIMES
7 BUT NOT MORE THAN TEN TIMES. THE TASK FORCE SHALL CONVENE ITS
8 FINAL MEETING NO LATER THAN JANUARY 15, 2024.

9 (10) THE TASK FORCE SHALL, AT A MINIMUM, DETERMINE AND
10 ANALYZE THE FOLLOWING:

11 (a) CURRENT JUDICIAL TRAINING AROUND THE COUNTRY ON
12 TOPICS RELATED TO SEXUAL ASSAULT, HARASSMENT, STALKING, AND
13 DOMESTIC VIOLENCE;

14 (b) GAPS IN CURRENT TRAINING IN COLORADO AND HOW TO FILL
15 THOSE GAPS;

16 (c) BEST PRACTICES TO PROMOTE TRAUMA-INFORMED PRACTICES
17 AND APPROACHES IN THE COURTS;

18 (d) STRATEGIES TO ENSURE TRAINING IS EFFECTIVE FOR LEARNING
19 ABOUT VICTIMS AND SURVIVORS AND THE IMPACT THAT CRIME, DOMESTIC
20 VIOLENCE, AND SEXUAL ASSAULT HAVE ON VICTIMS AND SURVIVORS, AND
21 THAT INCLUDES INFORMATION ON TRAUMA AND METHODS TO MINIMIZE
22 RETRAUMATIZATION OF VICTIMS AND SURVIVORS;

23 (e) APPROACHES TO BEST PROVIDE TRAINING ON GENDER-BASED
24 VIOLENCE AND ISSUES AFFECTING MARGINALIZED COMMUNITIES;

25 (f) THE AMOUNT OF TRAINING JUDICIAL PERSONNEL CURRENTLY
26 RECEIVE CONCERNING THE PROTECTION OF THE RIGHTS OF VICTIMS IN
27 ORDER TO ENSURE ANY IMPLEMENTED TRAINING EMPHASIZES THAT THE
28 RIGHTS OF VICTIMS ARE TO BE PROTECTED AS VIGOROUSLY AS THE RIGHTS
29 OF DEFENDANTS;

30 (g) THE SCOPE OF JUDICIAL EDUCATION OPPORTUNITIES ALREADY
31 PROVIDED TO JUDGES RELATED TO DOMESTIC VIOLENCE, THE RIGHTS OF
32 VICTIMS, CASE MANAGEMENT, DOMESTIC RELATIONS DOCKETS,
33 DEPENDENCY AND NEGLECT DOCKETS, JUVENILE PROCEEDINGS, AND
34 CRIMINAL PROCEEDINGS;

35 (h) THE RESOURCES NECESSARY TO PROVIDE ADDITIONAL JUDICIAL
36 EDUCATION;

37 (i) THE RESOURCES NECESSARY TO ALLOW JUDGES TO PARTICIPATE
38 IN ADDITIONAL EDUCATION; AND

39 (j) ANY OTHER TOPIC OR CONCERN THE TASK FORCE BELIEVES IS
40 NECESSARY TO ADEQUATELY STUDY TRAINING FOR JUDICIAL PERSONNEL
41 REGARDING VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL
42 ASSAULT, AND OTHER CRIMES.

43 (11) IN ADDITION TO THE TOPIC AREAS SPECIFIED IN SUBSECTION

1 (10) OF THIS SECTION, THE TASK FORCE SHALL ENSURE THE TRAINING
2 RECOMMENDATIONS COMPLY WITH THE FEDERAL "KEEPING CHILDREN
3 SAFE FROM FAMILY VIOLENCE ACT", 34 U.S.C. SEC. 10446, AS AMENDED.
4 AT A MINIMUM, THE PORTION OF THE TRAINING THAT IMPLEMENTS THESE
5 FEDERAL REQUIREMENTS MUST:

- 6 (a) BE PROVIDED TO ANY JUDGE OR MAGISTRATE WHO PRESIDES
7 OVER PARENTAL RESPONSIBILITY PROCEEDINGS;
- 8 (b) INCLUDE NO LESS THAN TWENTY HOURS OF INITIAL TRAINING
9 AND NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY FIVE
10 YEARS;
- 11 (c) FOCUS ON DOMESTIC VIOLENCE AND CHILD ABUSE, INCLUDING:
 - 12 (I) CHILD SEXUAL ABUSE;
 - 13 (II) PHYSICAL AND EMOTIONAL ABUSE;
 - 14 (III) COERCIVE CONTROL;
 - 15 (IV) IMPLICIT AND EXPLICIT BIAS, INCLUDING BIAS RELATING TO
16 INDIVIDUALS WITH DISABILITIES;
 - 17 (V) TRAUMA;
 - 18 (VI) LONG-TERM AND SHORT-TERM IMPACTS ON CHILDREN; AND
 - 19 (VII) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND
20 RELATIONSHIP DYNAMICS;
- 21 (d) BE CONDUCTED BY A PROFESSIONAL TRAINER WHO HAS
22 SUBSTANTIAL EXPERIENCE IN ASSISTING SURVIVORS OF DOMESTIC
23 VIOLENCE OR CHILD ABUSE AND WHO MAY BE A PROFESSIONAL
24 REPRESENTING A VICTIM SERVICES PROVIDER OR A SURVIVOR WITH LIVED
25 EXPERIENCE OF DOMESTIC VIOLENCE OR PHYSICAL OR SEXUAL ABUSE AS
26 A CHILD. IN CONDUCTING THE TRAINING, THE PROFESSIONAL TRAINER
27 SHALL RELY ON EVIDENCE-BASED AND PEER-REVIEWED RESEARCH
28 CONDUCTED BY RECOGNIZED EXPERTS THAT FOCUSES ON THE TYPES OF
29 ABUSE DESCRIBED IN SUBSECTION (11)(c) OF THIS SECTION AND SHALL
30 ONLY INCLUDE THEORIES, CONCEPTS, OR BELIEF SYSTEMS IN THE REQUIRED
31 TRAINING THAT ARE SUPPORTED BY EVIDENCE-BASED AND
32 PEER-REVIEWED RESEARCH; AND
- 33 (e) BE DESIGNED TO IMPROVE THE ABILITY OF COURTS TO:
 - 34 (I) RECOGNIZE AND RESPOND TO PHYSICAL ABUSE OF A CHILD,
35 SEXUAL ASSAULT OF A CHILD, DOMESTIC VIOLENCE, AND FAMILY TRAUMA;
36 AND
 - 37 (II) MAKE APPROPRIATE CUSTODY DECISIONS THAT PRIORITIZE
38 CHILD SAFETY AND WELL-BEING AND THAT ARE CULTURALLY SENSITIVE
39 AND APPROPRIATE FOR DIVERSE COMMUNITIES.
- 40 (12) THE TASK FORCE MAY WORK WITH OTHER GROUPS, TASK
41 FORCES, OR ORGANIZATIONS THAT HAVE EXPERIENCE WITH THE TOPICS
42 THE TASK FORCE IS RESPONSIBLE FOR STUDYING.
- 43 (13) (a) THE TASK FORCE MAY FORM WORKING GROUPS IN

1 ADDITION TO THE WORKING GROUP DESCRIBED IN SUBSECTION (13)(b) OF
2 THIS SECTION TO FURTHER THE PURPOSE OF THE TASK FORCE.

3 (b) THE TASK FORCE SHALL ESTABLISH A WORKING GROUP TO
4 ANALYZE AND DETERMINE TRAINING STANDARDS FOR JUDICIAL
5 PERSONNEL REGARDING DOMESTIC RELATIONS CASES THAT INCLUDES, BUT
6 IS NOT LIMITED TO, TOPICS RELATED TO PARENTING ISSUES, ISSUES
7 REGARDING RELATIONS WITHIN A FAMILY OR HOUSEHOLD, PHYSICAL AND
8 MENTAL HEALTH CHALLENGES THAT MAY IMPACT FAMILIES, ISSUES THAT
9 MAY IMPACT THE RELATIONSHIP BETWEEN A CHILD AND FAMILY MEMBERS,
10 AND IDENTIFICATION AND MANAGEMENT OF FAMILY CONFLICT.

11 (c) THE FAMILY LAW ATTORNEY THAT SERVES ON THE TASK FORCE
12 SHALL SERVE AS CHAIR OF THE WORKING GROUP.

13 (d) THE CO-CHAIRS OF THE TASK FORCE SHALL APPOINT THE
14 FOLLOWING MEMBERS TO SERVE ON THE WORKING GROUP:

15 (I) ONE ACTIVELY PRACTICING MENTAL HEALTH PROFESSIONAL
16 WITH TESTIMONIAL OR DISPUTE RESOLUTION PRACTICE IN DOMESTIC
17 RELATIONS CASES, RECOMMENDED BY THE CHIEF JUSTICE OF THE
18 COLORADO SUPREME COURT FROM AMONG CANDIDATES RECOMMENDED
19 BY THE FAMILY LAW SECTION OF THE COLORADO BAR ASSOCIATION;

20 (II) TWO ATTORNEYS LICENSED TO PRACTICE LAW IN COLORADO,
21 RECOMMENDED BY THE EXECUTIVE COUNCIL OF THE FAMILY LAW SECTION
22 OF THE COLORADO BAR ASSOCIATION;

23 (III) ONE ACTIVELY PRACTICING FINANCIAL PROFESSIONAL WITH
24 TESTIMONIAL OR DISPUTE RESOLUTION PRACTICE IN DOMESTIC RELATIONS
25 CASES, RECOMMENDED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME
26 COURT FROM AMONG CANDIDATES RECOMMENDED BY THE FAMILY LAW
27 SECTION OF THE COLORADO BAR ASSOCIATION; AND

28 (IV) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT OR
29 THE CHIEF JUSTICE'S DESIGNEE.

30 (e) ON OR BEFORE NOVEMBER 1, 2023, THE WORKING GROUP
31 SHALL CREATE A REPORT THAT INCLUDES RECOMMENDATIONS ON
32 TRAINING REQUIREMENTS REGARDING DOMESTIC RELATIONS AND SUBMIT
33 THE REPORT TO THE TASK FORCE FOR REVIEW.

34 (14) ON OR BEFORE FEBRUARY 1, 2024, THE TASK FORCE SHALL
35 SUBMIT A REPORT, INCLUDING ITS FINDINGS AND RECOMMENDATIONS ON
36 CONSIDERATIONS AND GUIDANCE IDENTIFIED IN SUBSECTIONS (10) AND
37 (11) OF THIS SECTION AND FROM THE WORKING GROUP ESTABLISHED IN
38 SUBSECTION (13) OF THIS SECTION TO THE HOUSE OF REPRESENTATIVES
39 JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
40 SUCCESSOR COMMITTEES, AND THE JUDICIAL DEPARTMENT. ALL
41 RECOMMENDATIONS MADE BY THE TASK FORCE MUST BE APPROVED BY A
42 MAJORITY OF THE TASK FORCE MEMBERS IN ORDER TO BE INCLUDED IN THE
43 REPORT.

1 (15) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.
2 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
3 \$11,900 is appropriated to the judicial department. This appropriation is
4 from the general fund. To implement this act, the department may use this
5 appropriation for DCJ administrative services.
6 **SECTION 3. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety."

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