

HB24-1350 be amended as follows:

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

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds that:

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

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

14 (c) Recently, the general assembly passed House Bill 21-1228 and
15 House Bill 23-1178. Among other things, these bills require certain court
16 personnel who are involved in parental responsibility proceedings to
17 complete training with evidence-based and peer-reviewed curricula in
18 domestic violence, child abuse, and child sexual abuse. The bills also
19 require court findings related to domestic violence, child abuse, and child
20 sexual abuse when determining parental responsibilities, and they require
21 certain court-appointed expert witnesses in parental responsibilities
22 proceedings to have appropriate qualifications. Finally, the bills limit the
23 use of reunification treatment when a claim of domestic violence, child
24 abuse, or child sexual abuse has been made, and they conform with the
25 provisions of the federal "Keeping Children Safe from Family Violence
26 Act", or "Kayden's Law". Additional clarification and protections for
27 children and former partners are needed to build upon House Bill 21-1228
28 and House Bill 23-1178.

29 (d) Additionally, the general assembly recently passed House Bill
30 23-1108. The bill addressed the important and difficult work of child and
31 family investigators and parental responsibilities evaluators and their
32 roles in making courts safer and more accessible for domestic violence
33 survivors. It is imperative that judges understand the work of these critical
34 court personnel and both the positive effect or the negative consequences
35 it may have depending upon training. The recommendations made by the
36 task force to study victim and survivor awareness and responsiveness
37 training requirements for judicial personnel, created pursuant to House
38 Bill 23-1108, recognized the need to expand expertise and knowledge
39 regarding the effect of domestic violence exposure on children, power
40 dynamics following partner separation, the reliability of information
41 presented to the court, and the role of the court in protecting children.

1 Implementing these recommendations is critical to help judges work
2 effectively with child and family investigators and parental
3 responsibilities evaluators to improve support of domestic violence
4 survivors.

5 (2) (a) Therefore, the general assembly declares it is necessary to
6 expand opportunities to ensure a child's opinions are entered into the
7 record and considered by the court when determining parental
8 responsibilities, to consider coercive control by perpetrators of violence,
9 and to clarify and expand the state's role and responsibilities to ensure
10 these standards are upheld.

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

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

21 **14-10-116.5. Appointment in domestic relations cases - child**
22 **and family investigator - disclosure - background check - definition.**

23 (2) (b) The child and family investigator shall make independent and
24 informed recommendations to the court, in the form of a written report,
25 ~~with the court, unless otherwise ordered by the court. While the child and~~
26 ~~family investigator shall consider the wishes of the child, the child and~~
27 ~~family investigator need not adopt such wishes in making his or her~~
28 ~~recommendations to the court, unless they serve the best interests of the~~
29 ~~child, as described in section 14-10-124~~ IN THE WRITTEN REPORT, THE
30 CHILD AND FAMILY INVESTIGATOR SHALL PROVIDE OPTIONS THAT SERVE
31 THE BEST INTERESTS OF THE CHILD TO THE COURT FOR THE COURT TO
32 CONSIDER. The child's wishes, if expressed, must be disclosed in the child
33 and family investigator's written report. The court shall consider the
34 entirety of the report, as well as any testimony by the child and family
35 investigator, the parties, and any other professionals, before adopting any
36 recommendations made by the child and family investigator.

37 (b.3) (I) THE CHILD AND FAMILY INVESTIGATOR SHALL INCLUDE IN
38 THE WRITTEN REPORT ALL INFORMATION ACQUIRED DURING THE
39 INVESTIGATION CONCERNING DOMESTIC VIOLENCE AND CHILD ABUSE,
40 INCLUDING:

- 41 (A) CHILD SEXUAL ABUSE;
- 42 (B) PHYSICAL ABUSE;
- 43 (C) EMOTIONAL ABUSE;

1 (D) COERCIVE CONTROL;
2 (E) TRAUMA; AND
3 (F) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND
4 RELATIONSHIP DYNAMICS.
5 (II) THE CHILD AND FAMILY INVESTIGATOR SHALL INCLUDE IN THE
6 WRITTEN REPORT ALL INFORMATION PURSUANT TO SUBSECTION (2)(b.3)(I)
7 OF THIS SECTION, REGARDLESS OF:
8 (A) THE MANNER IN WHICH THE INFORMATION WAS ACQUIRED,
9 INCLUDING BY ACCUSATION; EVIDENCE OF A CRIMINAL CHARGE, PLEA,
10 DEFERRED JUDGMENT, OR CONVICTION; OR EVIDENCE OF A PROTECTION
11 ORDER; OR
12 (B) WHO PRESENTED THE INFORMATION, INCLUDING A CHILD.
13 (b.7) THE CHILD AND FAMILY INVESTIGATOR SHALL STRIVE TO
14 ENSURE THAT THE WRITTEN REPORT DOES NOT INCLUDE INFORMATION OR
15 RECOMMENDATIONS THAT ARE BIASED, INCLUDING A BIAS REGARDING
16 RELIGION, GENDER, GENDER IDENTITY, GENDER EXPRESSION, CULTURE,
17 RACE, ETHNICITY, NATIONAL ORIGIN, OR DISABILITY.
18 (f) (I) The court shall not appoint a person from the eligibility
19 registry to be a child and family investigator for a case pursuant to this
20 section unless the court finds that the person is qualified as competent by
21 training and experience in, at a minimum, domestic violence and its
22 effects on children, adults, and families; COERCIVE CONTROL; child abuse;
23 and child sexual abuse in accordance with section 14-10-127.5. The
24 person's training and experience must be provided by recognized sources
25 with expertise in domestic violence, COERCIVE CONTROL, and the
26 traumatic effects of domestic violence in accordance with section
27 14-10-127.5. ~~As of January 1, 2024, initial~~ INITIAL and ongoing training
28 must include, at a minimum:
29 ~~(f) Ten initial hours of training on domestic violence, including~~
30 ~~coercive control, and its traumatic effects on children, adults, and~~
31 ~~families;~~
32 ~~(H) Ten initial hours of training on child abuse and child sexual~~
33 ~~abuse and its traumatic effects; and~~
34 ~~(HH) Fifteen subsequent hours of training every five years on~~
35 ~~domestic violence, including coercive control, child abuse, and child~~
36 ~~sexual abuse, and the traumatic effects on children, adults, and families.~~
37 (A) NO LESS THAN TWENTY HOURS OF INITIAL TRAINING, REQUIRED
38 PURSUANT TO SECTION 14-10-127.5 (5)(a)(I); AND
39 (B) NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY
40 FIVE YEARS, REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(a)(I).
41 (II) NOTWITHSTANDING SUBSECTION (2)(f)(I) OF THIS SECTION, A
42 CHILD AND FAMILY INVESTIGATOR WHO COMPLETED THE INITIAL TRAINING
43 REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(a)(I) ON OR BEFORE

1 JANUARY 1, 2025, IS NOT REQUIRED TO COMPLETE SUPPLEMENTAL
2 TRAINING OR THE ENTIRE TRAINING AGAIN FOR THE PURPOSE OF
3 COMPLETING INTERVIEWING AND FORENSIC REPORT WRITING TRAINING
4 REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(b)(IX) AND (5)(b)(X).

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

30 **SECTION 3.** In Colorado Revised Statutes, 14-10-124, **amend**
31 (1.3) and (4)(e) introductory portion; and **add** (1.5)(a.5) and (9) as
32 follows:

33 **14-10-124. Best interests of the child. (1.3) Definitions.** For
34 purposes of this section and section 14-10-129 (2)(c), unless the context
35 otherwise requires:

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

38 ~~(a)~~ (b) "Domestic violence" means an act of violence or a
39 threatened act of violence upon a person with whom the actor is or has
40 been involved in an intimate relationship, and may include any act or
41 threatened act against a person or against property, including an animal,
42 when used as a method of coercion, control, punishment, intimidation, or
43 revenge directed against a person with whom the actor is or has been

1 involved in an intimate relationship.

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

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

8 (1.5) **Allocation of parental responsibilities.** The court shall
9 determine the allocation of parental responsibilities, including parenting
10 time and decision-making responsibilities, in accordance with the best
11 interests of the child, giving paramount consideration to the child's safety
12 and the physical, mental, and emotional conditions and needs of the child
13 as follows:

14 (a.5) IN DETERMINING THE BEST INTERESTS OF THE CHILD FOR
15 PURPOSES OF PARENTING TIME, THE COURT SHALL STRIVE NOT TO
16 CONSIDER AS A RELEVANT FACTOR INFORMATION OR RECOMMENDATIONS
17 THAT ARE BIASED, INCLUDING BIAS REGARDING RELIGION, GENDER,
18 GENDER IDENTITY, GENDER EXPRESSION, CULTURE, RACE, ETHNICITY,
19 NATIONAL ORIGIN, OR DISABILITY.

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

30 (9) IF THE COURT ORDERS UNSUPERVISED PARENTING TIME FOR A
31 PARENT, AND THERE IS ANY INFORMATION, INCLUDING AN ACCUSATION BY
32 A CHILD, THAT THE PARENT HAS COMMITTED DOMESTIC VIOLENCE, CHILD
33 ABUSE, OR CHILD SEXUAL ABUSE, OR IF THE PARENT IS ACCUSED BY THE
34 CHILD OF DOMESTIC VIOLENCE, CHILD ABUSE, CHILD SEXUAL ABUSE, CHILD
35 EMOTIONAL ABUSE, OR COERCIVE CONTROL, THE COURT SHALL MAKE A
36 STATEMENT IN WRITING OR ORALLY ON THE PROCEEDING RECORD
37 REGARDING WHY UNSUPERVISED PARENTING TIME FOR THE PARENT WAS
38 DETERMINED TO BE IN THE BEST INTERESTS OF THE CHILD WITH
39 PARAMOUNT CONSIDERATION GIVEN TO THE CHILD'S SAFETY AND THE
40 PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS AND NEEDS OF THE
41 CHILD.

42 **SECTION 4.** In Colorado Revised Statutes, **amend** 14-10-126 as
43 follows:

1 **14-10-126. Interviews.** (1) ~~THE~~ UPON A MOTION, THE court may
2 interview the child in chambers to ascertain the child's wishes as to the
3 allocation of parental responsibilities. The court may permit counsel to be
4 present at the interview. The court shall cause a record of the interview
5 to be made, and it ~~shall~~ MUST be made part of the record in the case. THE
6 COURT SHALL MAKE FINDINGS IN ITS ORDER THAT EXPLAIN THE REASON
7 WHY THE COURT GRANTED OR DENIED A REQUEST TO INTERVIEW THE
8 CHILD IN CHAMBERS.

9 (2) ~~The court may seek the advice of professional personnel~~
10 ~~whether or not they are employed on a regular basis by the court. The~~
11 ~~advice given shall be in writing and shall be made available by the court~~
12 ~~to counsel of record, parties, and other expert witnesses upon request, but~~
13 ~~it shall otherwise be considered confidential and shall be sealed and shall~~
14 ~~not be open to inspection, except by consent of the court. Counsel may~~
15 ~~call for cross-examination any professional personnel consulted by the~~
16 ~~court~~ THE COURT SHALL GIVE PARAMOUNT CONSIDERATION TO CASES
17 INVOLVING AN ALLEGATION MADE BY A CHILD REGARDING DOMESTIC
18 VIOLENCE, CHILD ABUSE OR NEGLECT, OR CHILD SEXUAL ABUSE IN
19 DETERMINING WHETHER TO GRANT A REQUEST TO INTERVIEW A CHILD IN
20 CHAMBERS.

21 (3) THE COURT MAY SEEK THE ADVICE OF PROFESSIONAL
22 PERSONNEL WHETHER OR NOT THEY ARE EMPLOYED ON A REGULAR BASIS
23 BY THE COURT. THE ADVICE GIVEN MUST BE IN WRITING AND MUST BE
24 MADE AVAILABLE BY THE COURT TO COUNSEL OF RECORD, PARTIES, AND
25 OTHER EXPERT WITNESSES UPON REQUEST, BUT IT MUST OTHERWISE BE
26 CONFIDENTIAL AND MUST BE SEALED AND NOT BE OPEN TO INSPECTION,
27 EXCEPT BY CONSENT OF THE COURT. COUNSEL MAY CALL FOR
28 CROSS-EXAMINATION ANY PROFESSIONAL PERSONNEL CONSULTED BY THE
29 COURT.

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

33 **14-10-127. Evaluation and reports - training and**
34 **qualifications of evaluators - disclosure - definitions.** (1) (a) (I) (A) In
35 all proceedings concerning the allocation of parental responsibilities with
36 respect to a child, the court may, upon motion of either party or upon its
37 own motion, order any ~~county or district department of human or social~~
38 ~~services or a licensed mental health professional qualified pursuant to~~
39 ~~subsection (4) of this section and referred to in this section as an~~
40 ~~"evaluator"~~ EVALUATOR to perform an evaluation and file a written report
41 concerning the disputed issues relating to the allocation of parental
42 responsibilities for the child, unless the motion by either party is made for
43 the purpose of delaying the proceedings. The purpose of the evaluation

1 and report is to assist in determining the best interests of the child, with
2 the child's safety always paramount. The evaluation and subsequent report
3 must focus on the best interests of the child and the factors set forth in
4 sections 14-10-124 and 14-10-129 in any post-decree or relocation case.
5 In addition, the evaluator shall assess a party's parenting attributes as
6 those attributes relate to the best interests of the child and consider any
7 psychological needs of the child when making recommendations
8 concerning decision-making and parenting time FOR THE WRITTEN
9 REPORT. IN THE WRITTEN REPORT, THE EVALUATOR SHALL PROVIDE
10 OPTIONS THAT SERVE THE BEST INTERESTS OF THE CHILD TO THE COURT
11 FOR THE COURT TO CONSIDER.

12 (1.5) (a) PRIOR TO PERFORMING ANY DUTIES, AN EVALUATOR
13 APPOINTED BY THE COURT SHALL PROVIDE A WRITTEN DISCLOSURE TO
14 EACH PARTY AND EACH PARTY'S ATTORNEY, IF APPLICABLE. AT A
15 MINIMUM, THE WRITTEN DISCLOSURE MUST INCLUDE:

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

19 (II) AN ACKNOWLEDGMENT THAT THE EVALUATOR WILL COMPLY
20 WITH APPLICABLE STATE AND FEDERAL LAWS IN ACTING AS AN
21 EVALUATOR, INCLUDING ALL LAWS PURSUANT TO THIS ARTICLE 10;

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

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

27 (V) INFORMATION ON FILING A COMPLAINT PURSUANT TO
28 SUBSECTION (9) OF THIS SECTION AND WITH THE STATE COURT
29 ADMINISTRATOR REGARDING THE EVALUATOR PURSUANT TO SECTION
30 13-3-101 (3.5), INCLUDING THE CURRENT CONTACT INFORMATION FOR THE
31 STATE COURT ADMINISTRATOR.

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

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

39 (a.5) (I) The effects of domestic violence on children, adults, and
40 families, including the connection between domestic violence and trauma
41 on children, coercive control, child abuse, and child sexual abuse in
42 accordance with section 14-10-127.5. The person's training and
43 experience must be provided by recognized sources with expertise in

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

5 ~~(I) Ten initial hours of training on domestic violence, including~~
6 ~~coercive control, and its traumatic effects on children, adults, and~~
7 ~~families;~~
8 ~~(II) Ten initial hours of training on child abuse and child sexual~~
9 ~~abuse and its traumatic effects; and~~
10 ~~(III) Fifteen subsequent hours of training every five years on~~
11 ~~domestic violence, child abuse, and child sexual abuse and the traumatic~~
12 ~~effects on children, adults, and families.~~

13 (A) NO LESS THAN TWENTY HOURS OF INITIAL TRAINING, REQUIRED
14 PURSUANT TO SECTION 14-10-127.5 (5)(a)(I); AND
15 (B) NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY
16 FIVE YEARS, REQUIRED PURSUANT TO SECTION 14-10-127.5 (5)(a)(I).

17 (II) NOTWITHSTANDING SUBSECTION (4)(a.5)(I) OF THIS SECTION,
18 AN EVALUATOR WHO COMPLETED THE INITIAL TRAINING REQUIRED
19 PURSUANT TO SECTION 14-10-127.5 (5)(a)(I) ON OR BEFORE JANUARY 1,
20 2025, IS NOT REQUIRED TO COMPLETE SUPPLEMENTAL TRAINING OR THE
21 ENTIRE TRAINING AGAIN FOR THE PURPOSE OF COMPLETING INTERVIEWING
22 AND FORENSIC REPORT WRITING TRAINING REQUIRED PURSUANT TO
23 SECTION 14-10-127.5 (5)(b)(IX) AND (5)(b)(X).

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

27 (A) CHILD SEXUAL ABUSE;
28 (B) PHYSICAL ABUSE;
29 (C) EMOTIONAL ABUSE;
30 (D) COERCIVE CONTROL;
31 (E) TRAUMA; AND
32 (F) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND
33 RELATIONSHIP DYNAMICS.

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

37 (A) THE MANNER IN WHICH THE INFORMATION WAS ACQUIRED,
38 INCLUDING BY ACCUSATION; EVIDENCE OF A CRIMINAL CHARGE, PLEA,
39 DEFERRED JUDGMENT, OR CONVICTION; OR EVIDENCE OF A PROTECTION
40 ORDER; OR
41 (B) WHO PRESENTED THE INFORMATION, INCLUDING A CHILD.

42 (b.7) THE EVALUATOR SHALL STRIVE TO ENSURE THAT THE
43 WRITTEN REPORT DOES NOT INCLUDE INFORMATION OR

1 RECOMMENDATIONS THAT ARE BIASED, INCLUDING A BIAS REGARDING
2 RELIGION, GENDER, GENDER IDENTITY, GENDER EXPRESSION, CULTURE,
3 RACE, ETHNICITY, NATIONAL ORIGIN, OR DISABILITY.

4 (11) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES:

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

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

11 **SECTION 6.** In Colorado Revised Statutes, 14-10-127.5, **amend**
12 (3)(a)(I), (3)(a)(II)(D), and (6)(c)(I); and **add** (2)(a.3), (3)(a)(III), (3.5),
13 (5)(b)(IX), (5)(b)(X), (5)(b.1), (5)(b.5), and (6)(d) as follows:

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

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

30 (I) ISOLATING THE INDIVIDUAL FROM FRIENDS AND FAMILY;

31 (II) MONITORING, SURVEILLING, REGULATING, OR CONTROLLING
32 THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S OR RELATIVE'S,
33 FINANCES, ECONOMIC RESOURCES, OR ACCESS TO SERVICES;

34 (III) MONITORING, SURVEILLING, REGULATING, OR CONTROLLING
35 THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S OR RELATIVE'S,
36 ACTIVITIES, COMMUNICATIONS, OR MOVEMENTS, INCLUDING THROUGH
37 TECHNOLOGY;

38 (IV) NAME-CALLING, DEGRADING, OR DEMEANING THE
39 INDIVIDUAL, OR THE INDIVIDUAL'S CHILD OR RELATIVE, ON A FREQUENT
40 BASIS;

41 (V) THREATENING TO HARM OR KILL THE INDIVIDUAL OR THE
42 INDIVIDUAL'S CHILD OR RELATIVE, INCLUDING WEARING, ACCESSING,
43 DISPLAYING, USING, OR CLEANING A WEAPON IN AN INTIMIDATING OR

1 THREATENING MANNER;
2 (VI) THREATENING TO HARM OR KILL AN ANIMAL WITH WHICH THE
3 INDIVIDUAL OR THE INDIVIDUAL'S CHILD OR RELATIVE HAS AN EMOTIONAL
4 BOND;
5 (VII) THREATENING TO PUBLISH THE INDIVIDUAL'S, OR THE
6 INDIVIDUAL'S CHILD'S OR RELATIVE'S, SENSITIVE PERSONAL INFORMATION,
7 INCLUDING SEXUALLY EXPLICIT MATERIAL, OR MAKE REPORTS TO THE
8 POLICE OR AUTHORITIES;
9 (VIII) DAMAGING THE INDIVIDUAL'S, OR THE INDIVIDUAL'S CHILD'S
10 OR RELATIVE'S, PROPERTY OR HOUSEHOLD GOODS;
11 (IX) THREATENING THE INDIVIDUAL, OR THE INDIVIDUAL'S CHILD
12 OR RELATIVE, WITH DEPORTATION OR CONTACTING AUTHORITIES BASED
13 ON PERCEIVED OR ACTUAL IMMIGRATION STATUS, WITHHOLDING
14 ESSENTIAL DOCUMENTS REQUIRED FOR IMMIGRATION, OR THREATENING
15 TO WITHDRAW OR INTERFERE WITH AN ACTIVE IMMIGRATION APPLICATION
16 OR PROCESS; OR
17 (X) FORCING THE INDIVIDUAL, OR THE INDIVIDUAL'S CHILD OR
18 RELATIVE, TO TAKE PART IN CRIMINAL ACTIVITIES OR CHILD ABUSE.
19 (3) (a) In all proceedings brought pursuant to this title 14
20 concerning the allocation of parental responsibilities with respect to a
21 child in which a claim of domestic violence or child abuse, including
22 child sexual abuse, has been made to the court, or the court has reason to
23 believe that a party has committed domestic violence or child abuse,
24 including child sexual abuse, the court shall:
25 (I) Consider the admission of expert testimony and evidence if the
26 expert demonstrates expertise and experience working with victims of
27 domestic violence or child abuse, including child sexual abuse, that is not
28 solely forensic in nature; and
29 (II) Consider evidence of past sexual or physical abuse committed
30 by the accused party, including:
31 (D) Other documentation, including letters from a victim advocate
32 or victim service provider, if the victim has consented pursuant to section
33 13-90-107 (1)(k)(I); medical records; or a letter to a landlord to break a
34 lease; AND
35 (III) CONSIDER EVIDENCE RELATED TO THE USE OF COERCIVE
36 CONTROL BY A PARTY.
37 (3.5) IF ALLEGATIONS OF DOMESTIC VIOLENCE, CHILD ABUSE OR
38 NEGLECT, OR CHILD SEXUAL ABUSE HAVE BEEN MADE, THE COURT SHALL
39 GIVE STRONG CONSIDERATION TO A CHILD'S STATED PREFERENCE MADE TO
40 THE COURT, CHILD AND FAMILY INVESTIGATOR, EVALUATOR, OR THE
41 CHILD'S LEGAL ADVOCATE, IF THE STATED PREFERENCE IS CONSISTENT
42 WITH THE PARAMOUNT CONSIDERATION GIVEN TO THE CHILD'S SAFETY
43 AND THE PHYSICAL, MENTAL, AND EMOTIONAL CONDITIONS AND NEEDS OF

1 THE CHILD.

2 (5) (b) The required training set forth in subsection (5)(a) of this

3 section must focus on domestic violence and child abuse, including:

4 (IX) INTERVIEWING; AND

5 (X) FORENSIC REPORT WRITING.

6 (b.1) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (5)

7 TO THE CONTRARY, A CHILD AND FAMILY INVESTIGATOR OR A PARENTAL

8 RESPONSIBILITIES EVALUATOR WHO COMPLETED THE INITIAL TRAINING

9 REQUIRED PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION ON OR

10 BEFORE JANUARY 1, 2025, IS NOT REQUIRED TO COMPLETE SUPPLEMENTAL

11 TRAINING OR THE ENTIRE TRAINING AGAIN FOR THE PURPOSE OF

12 COMPLETING INTERVIEWING AND FORENSIC REPORT WRITING TRAINING

13 REQUIRED PURSUANT TO SUBSECTION (5)(b)(IX) AND (5)(b)(X) OF THIS

14 SECTION.

15 (b.5) THE REQUIRED TRAINING SET FORTH IN SUBSECTION (5)(a) OF

16 THIS SECTION MUST BE CULTURALLY INFORMED AND MUST NOT INCLUDE

17 INFORMATION THAT IS DISCRIMINATORY BECAUSE OF A CHILD'S OR

18 PARENT'S DISABILITY, RACE, CREED, RELIGION, COLOR, SEX, SEXUAL

19 ORIENTATION, GENDER, GENDER IDENTITY, GENDER EXPRESSION,

20 CULTURE, NATIONAL ORIGIN, ANCESTRY, OR IMMIGRATION STATUS.

21 (6) (c) The required training must be designed to improve the

22 ability of courts to:

23 (I) Recognize and respond to child physical abuse, child sexual

24 abuse, domestic violence, COERCIVE CONTROL, and trauma in all family

25 victims, particularly children; and

26 (d) A PROFESSIONAL TRAINER IS NOT REQUIRED TO BE AFFILIATED

27 WITH A STATE AGENCY, INCLUDING THE OFFICE OF THE STATE COURT

28 ADMINISTRATOR, IN ORDER TO DELIVER THE TRAINING REQUIREMENTS

29 PURSUANT TO SUBSECTION (5) OF THIS SECTION AND THIS SUBSECTION (6).

30 **SECTION 7.** In Colorado Revised Statutes, 14-10-128.1, **amend**

31 (2)(b) as follows:

32 **14-10-128.1. Appointment of parenting coordinator -**

33 **disclosure.** (2) (b) In addition to making the findings required pursuant

34 to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS

35 SECTION, prior to appointing a parenting coordinator, the court may

36 consider the effect of any claim or documented evidence of domestic

37 violence, as defined in ~~section 14-10-124 (1.3)(a)~~ SECTION 14-10-124, by

38 the other party on the parties' ability to engage in parent coordination.

39 **SECTION 8.** In Colorado Revised Statutes, 13-3-101, **add** (3.5)

40 as follows:

41 **13-3-101. State court administrator - duties - report -**

42 **definitions - repeal.** (3.5) (a) AS REQUIRED BY A CHIEF JUSTICE

43 DIRECTIVE, THE STATE COURT ADMINISTRATOR IS RESPONSIBLE FOR

1 ACCEPTING COMPLAINTS REGARDING VIOLATIONS OF A CHIEF JUSTICE
2 DIRECTIVE CONCERNING CHILD AND FAMILY INVESTIGATORS APPOINTED
3 BY THE COURT PURSUANT TO SECTION 14-10-116.5 AND PARENTAL
4 RESPONSIBILITIES EVALUATORS APPOINTED BY THE COURT PURSUANT TO
5 SECTION 14-10-127 IN COURTS INVOLVED WITH THE ALLOCATION OF
6 PARENTAL RESPONSIBILITIES PURSUANT TO DISSOLUTION OF MARRIAGE
7 PROCEEDINGS. THE STATE COURT ADMINISTRATOR IS AUTHORIZED TO
8 ADMINISTER APPROPRIATE SANCTIONS ESTABLISHED PURSUANT TO CHIEF
9 JUSTICE DIRECTIVE. THE STATE COURT ADMINISTRATOR IS NOT
10 RESPONSIBLE FOR ACCEPTING COMPLAINTS REGARDING CONDUCT THAT IS
11 REGULATED BY A CHILD AND FAMILY INVESTIGATOR'S OR PARENTAL
12 RESPONSIBILITIES EVALUATOR'S PROFESSIONAL REGULATORY AUTHORITY.

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

28 (c) THE STATE COURT ADMINISTRATOR SHALL PUBLISH AND
29 ANNUALLY UPDATE ON THE JUDICIAL DEPARTMENT'S PUBLIC WEBSITE A
30 SUMMARY OF THE ACTIONS TAKEN IN THE YEAR PRECEDING THE FIRST
31 PUBLICATION, OR SINCE THE LATEST UPDATED PUBLICATION, CONCERNING
32 ACTIONS TAKEN BY THE JUDICIAL DEPARTMENT TO COMPLY WITH
33 RECOMMENDATIONS MADE BY THE TASK FORCE TO STUDY VICTIM AND
34 SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING REQUIREMENTS
35 FOR JUDICIAL PERSONNEL, CREATED PURSUANT TO HOUSE BILL 23-1108.

36 (d) THE POSITION SHALL PUBLISH AND UPDATE AS NECESSARY
37 INFORMATION ON THE JUDICIAL DEPARTMENT'S PUBLIC WEBSITE
38 REGARDING UPCOMING TRAINING THAT SATISFIES THE REQUIREMENTS IN
39 SECTION 14-10-127.5 (5) AND (6).

40 **SECTION 9.** In Colorado Revised Statutes, 8-13.3-503, **amend**
41 (6) as follows:

42 **8-13.3-503. Definitions.** As used in this part 5, unless the context
43 otherwise requires:

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

5 **SECTION 10.** In Colorado Revised Statutes, 13-80-103.6,
6 **amend** (1) as follows:

7 **13-80-103.6. General limitation of actions - domestic violence**
8 **- six years - definition.** (1) Notwithstanding any other statute of
9 limitations specified in this article 80, or any other provision of law that
10 can be construed to reduce the statutory period set forth in this section,
11 any civil action to recover damages caused by an act of domestic
12 violence, as defined in ~~section 14-10-124 (1.3)(a)~~ SECTION 14-10-124,
13 must be commenced within six years after a disability has been removed
14 for a person under disability, as such term is defined in subsection (2) of
15 this section, or within six years after a cause of action accrues, whichever
16 occurs later, and not thereafter; except that in no event may any such civil
17 action be commenced more than twenty years after the cause of action
18 accrues.

19 **SECTION 11. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2024 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor."

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