



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 26-1309: ABUSE IN CASES OF SEPARATION

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**Prime Sponsors:**

Rep. Froelich; Story  
Sen. Wallace

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### Summary Information

**Overview.** The bill clarifies and modifies what courts must consider when determining the best interest of a child regarding allocation of parental responsibilities in divorce cases with claims of domestic violence, and creates additional requirements for a party accused of domestic violence or child abuse before a court can order to remediate the resistance of a child.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Workload

**Appropriations.** No appropriation is required.

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**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## Summary of Legislation

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The bill clarifies and modifies what courts must consider when determining the best interest of a child regarding allocation of parental responsibilities in divorce cases with claims of domestic violence, and creates additional requirements for a party accused of domestic violence or child abuse before a court can order to remediate the resistance of a child.

### Domestic Violence Findings in Divorce Cases

Under current law, when determining parenting time, if a claim of child abuse or neglect, domestic violence, or sexual assault has been made, or the court has reason to believe that a party has committed any of those acts, the court must consider a variety of factors when determining the allocation of decision-making responsibility. If a court finds by a preponderance of the evidence that one of the parties has committed one of those acts, the court must consider conditions on parenting time that ensure the safety of the child and abused party.

Under the bill, if the court determines by a preponderance of the evidence that a party committed an act of domestic violence and makes a finding, the bill clarifies that it is not in the best interest of the child to allocate mutual decision-making responsibility unless the court finds that there is credible evidence of the ability of the parties to make cooperative decisions without coercion, intimidation, retaliation, or risk of harm to the abused party or the child.

The bill also relocates existing statutory provisions concerning requirements for the court finds that a party committed one of these acts.

### Requirements for an Order to Remediate the Resistance of a Child

Under current law, if a court issues an order to remediate the resistance of a child to have contact with a party accused of domestic violence or child abuse, the order must:

- address the accused party's behavior, who must accept responsibility for their actions; and
- have a mental health professional verify the accused party's behavior.

The bill instead requires the accused party to:

- demonstrate genuine accountability for the commission of domestic violence;
- demonstrate sustained behavioral changes;
- comply with court's order regarding individual therapy; and
- complete a domestic violence abuser intervention program.

## State Expenditures

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The bill increases trial court workload in the Judicial Department for judicial officers to ensure accused parties comply with requirements of the bill and to make findings and determinations under the modified criteria listed in the bill. Overall, the amount of work for the courts in divorce

cases involving claims of abuse is not expected to change significantly, so no adjustment to appropriations is required.

### **Effective Date**

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

### **State and Local Government Contacts**

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Judicial