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2001



HOUSE BILL 01-1184

BY REPRESENTATIVE(S) Veiga, Borodkin, Boyd, Daniel, Groff, Grossman, Jahn, Larson, Mace, Marshall, Plant, Ragsdale, Romanoff, Sanchez, Stafford, Tapia, Weddig, and Williams S.;
also SENATOR(S) Perlmutter, Dyer (Durango), Epps, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Nichol, Pascoe, Phillips, Reeves, Takis, Tate, Tupa, and Windels.

CONCERNING DOMESTIC VIOLENCE, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

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

SECTION 1. 14-10-107.8, Colorado Revised Statutes, is amended to read:

14-10-107.8. Required notice of prior restraining orders to prevent domestic abuse - petitions for dissolution of marriage or legal separation. (1) 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 14 of title 13, C.R.S., any mandatory restraining orders issued pursuant to section 18-1-1001, C.R.S., and any emergency protection orders issued

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

pursuant to section 14-4-103 entered against either party by any court within ~~ninety days~~ TWO YEARS 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 or emergency protection orders, including the case number and jurisdiction issuing such orders.

(2) AFTER THE FILING OF THE PETITION, THE COURT SHALL ADVISE THE PARTIES CONCERNING DOMESTIC VIOLENCE SERVICES AND POTENTIAL FINANCIAL RESOURCES THAT MAY BE AVAILABLE AND SHALL STRONGLY ENCOURAGE THE PARTIES TO OBTAIN SUCH SERVICES FOR THEIR CHILDREN, IN APPROPRIATE CASES. IF THE PARTIES' CHILDREN PARTICIPATE IN SUCH SERVICES, THE COURT SHALL APPORTION THE COSTS OF SUCH SERVICES BETWEEN THE PARTIES AS IT DEEMS APPROPRIATE.

(3) THE PARTIES TO A DOMESTIC RELATIONS PETITION FILED PURSUANT TO THIS ARTICLE SHALL RECEIVE INFORMATION CONCERNING DOMESTIC VIOLENCE SERVICES AND POTENTIAL FINANCIAL RESOURCES THAT MAY BE AVAILABLE.

SECTION 2. 14-10-123.6, Colorado Revised Statutes, is amended to read:

14-10-123.6. Required notice of prior restraining orders to prevent domestic abuse - proceedings concerning parental responsibilities relating to a child - resources for family services.

(1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT DOMESTIC VIOLENCE IS A PERVASIVE PROBLEM IN SOCIETY AND THAT A SIGNIFICANT PORTION OF DOMESTIC VIOLENCE IN SOCIETY OCCURS IN OR NEAR THE HOME. THE GENERAL ASSEMBLY FURTHER RECOGNIZES RESEARCH DEMONSTRATING THAT CHILDREN IN A HOME WHERE DOMESTIC VIOLENCE OCCURS ARE AT GREATER RISK OF EMOTIONAL, PSYCHOLOGICAL, AND PHYSICAL HARM. STUDIES HAVE FOUND THAT EIGHTY TO NINETY PERCENT OF THE CHILDREN LIVING IN HOMES WITH DOMESTIC VIOLENCE ARE AWARE OF THE VIOLENCE. THE GENERAL ASSEMBLY FINDS THAT EMERGING RESEARCH HAS ESTABLISHED THAT THESE CHILDREN ARE AT GREATER RISK OF THE FOLLOWING: PSYCHOLOGICAL, SOCIAL, AND BEHAVIORAL PROBLEMS; HIGHER RATES OF ACADEMIC PROBLEMS; MORE PHYSICAL ILLNESSES, PARTICULARLY STRESS-ASSOCIATED DISORDERS; AND A GREATER PROPENSITY TO EXHIBIT AGGRESSIVE AND VIOLENT BEHAVIOR, SOMETIMES

CARRYING VIOLENT AND VIOLENCE-TOLERANT ROLES TO THEIR ADULT RELATIONSHIPS. STUDIES HAVE ALSO NOTED THAT CHILDREN ARE AFFECTED TO VARYING DEGREES BY WITNESSING VIOLENCE IN THE HOME, AND EACH CHILD SHOULD BE ASSESSED ON AN INDEPENDENT BASIS. ACCORDINGLY, THE GENERAL ASSEMBLY DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE CHILDREN OF THE STATE OF COLORADO FOR THE COURTS TO ADVISE THE PARENTS OR GUARDIANS OF CHILDREN AFFECTED BY DOMESTIC VIOLENCE ABOUT THE AVAILABILITY OF RESOURCES AND SERVICES AND FOR SUCH PERSONS TO BE PROVIDED WITH INFORMATION CONCERNING THE RESOURCES AND SERVICES AVAILABLE TO AID IN THE POSITIVE DEVELOPMENT OF THEIR CHILDREN. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SUCH INFORMATION WOULD INCREASE THE AWARENESS OF THE POSSIBLE EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN IN THE HOME, WHILE PROVIDING THE PARENTS AND LEGAL GUARDIANS OF THESE CHILDREN WITH A COMPREHENSIVE RESOURCE OF AVAILABLE CHILDREN'S SERVICES AS WELL AS POTENTIAL FINANCIAL RESOURCES TO ASSIST PARENTS AND LEGAL GUARDIANS SEEKING TO RETAIN SERVICES FOR THEIR CHILDREN AFFECTED BY DOMESTIC VIOLENCE.

(2) When filing a proceeding concerning the allocation of parental responsibilities relating to a child 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 14 of title 13, C.R.S., and any emergency protection orders issued pursuant to section 14-4-103 entered against either party by any court within ~~ninety days~~ TWO YEARS prior to the filing of the proceeding. The disclosure required pursuant to this section shall address the subject matter of the previous restraining orders or emergency protection orders, including the case number and jurisdiction issuing such orders.

(3) AFTER THE FILING OF THE PETITION, THE COURT SHALL ADVISE THE PARTIES CONCERNING DOMESTIC VIOLENCE SERVICES AND POTENTIAL FINANCIAL RESOURCES THAT MAY BE AVAILABLE AND SHALL STRONGLY ENCOURAGE THE PARTIES TO OBTAIN SUCH SERVICES FOR THEIR CHILDREN, IN APPROPRIATE CASES. IF THE PARTIES' CHILDREN PARTICIPATE IN SUCH SERVICES, THE COURT SHALL APPORTION THE COSTS OF SUCH SERVICES BETWEEN THE PARTIES AS IT DEEMS APPROPRIATE.

(4) THE PARTIES TO A DOMESTIC RELATIONS PETITION FILED PURSUANT TO THIS ARTICLE SHALL RECEIVE INFORMATION CONCERNING

DOMESTIC VIOLENCE SERVICES AND POTENTIAL FINANCIAL RESOURCES THAT MAY BE AVAILABLE.

SECTION 3. Part 8 of article 6 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-6-802.5. Domestic violence - local board - treatment programs - liability immunity. ANY DEFENDANT WHO IS SENTENCED TO A TREATMENT PROGRAM PURSUANT TO SECTION 18-6-801 OR WHO IS ORDERED TO COMPLETE AN EVALUATION PURSUANT TO SECTION 18-6-801 (1) SHALL PAY FOR THE EVALUATION AND TREATMENT PROGRAMS ON A SLIDING FEE BASIS, AS PROVIDED IN THE STANDARDIZED PROCEDURES FOR THE TREATMENT EVALUATION OF DOMESTIC VIOLENCE OFFENDERS AND THE GUIDELINES AND STANDARDS FOR A SYSTEM OF PROGRAMS FOR THE TREATMENT OF DOMESTIC VIOLENCE OFFENDERS ADOPTED BY THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD PURSUANT TO SECTION 16-11.8-103, C.R.S.

SECTION 4. 18-6-803.6, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-6-803.6. Duties of peace officers and prosecuting agencies - preservation of evidence. (4.5) WHEN A PEACE OFFICER RESPONDS TO A CALL OR IS OTHERWISE RESPONDING TO A REPORT ABOUT AN ALLEGED OFFENSE INVOLVING DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), OR OTHER DOMESTIC DISPUTE, THE OFFICER SHALL INCLUDE IN HIS OR HER WRITTEN OR ORAL REPORT CONCERNING SUCH INCIDENT WHETHER CHILDREN MAY HAVE SEEN OR HEARD THE ALLEGED OFFENSE; EXCEPT THAT, IN THE ABSENCE OF BAD FAITH, THE FAILURE OF A PEACE OFFICER TO NOTE THAT A CHILD MAY HAVE SEEN OR HEARD THE ALLEGED OFFENSE SHALL NOT BE GROUNDS TO DISMISS THE MATTER.

SECTION 5. 26-2-708, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-2-708. Benefits - assessment - individual responsibility contract - screening for domestic violence. (5.5) (a) IN ORDER TO FACILITATE THE PROPER IDENTIFICATION, SCREENING, AND ASSESSMENT OF PAST AND PRESENT VICTIMS OF DOMESTIC VIOLENCE APPLYING FOR OR

PARTICIPATING IN THE COLORADO WORKS PROGRAM AND TO ASSIST COUNTIES IN COMPLYING WITH THE PROVISIONS OF THIS SUBSECTION (5.5) AND SUBSECTION (5) OF THIS SECTION, THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES THAT REQUIRE THE STATE DEPARTMENT TO PROVIDE ONGOING DOMESTIC VIOLENCE TRAINING AND APPROPRIATE DOMESTIC VIOLENCE TRAINING MATERIALS TO COUNTY STAFF AND TO:

(I) ASSIST COUNTIES IN DEVELOPING LOCAL RESOURCES AND UTILIZING AVAILABLE COMMUNITY RESOURCES TO PROVIDE COUNSELING AND SUPPORTIVE SERVICES TO PAST AND PRESENT VICTIMS OF DOMESTIC VIOLENCE; AND

(II) REQUIRE COUNTIES TO MAKE APPLICANTS TO AND PARTICIPANTS OF THE COLORADO WORKS PROGRAM AWARE OF THE SERVICES AND ASSISTANCE PROVIDED BY THE STATE DEPARTMENT PURSUANT TO THIS SUBSECTION (5.5) AND BY THE COUNTY.

(b) THE STATE DEPARTMENT SHALL HAVE THE AUTHORITY TO CONTRACT WITH ANY INDIVIDUAL OR ENTITY THAT HAS DEMONSTRATED EXPERTISE IN THE AREA OF DOMESTIC VIOLENCE FOR THE PROVISION OF THE SERVICES SPECIFIED IN THIS SUBSECTION (5.5).

(c) IMPLEMENTATION OF THIS SUBSECTION (5.5) SHALL BE CONDITIONED UPON THE AVAILABILITY OF APPROPRIATIONS FROM THE COLORADO LONG-TERM WORKS RESERVE FUND CREATED IN SECTION 26-2-721.

SECTION 6. 26-2-721, Colorado Revised Statutes, is amended to read:

26-2-721. Long-term works reserve fund - creation - use. There is hereby created the Colorado long-term works reserve fund that shall consist of TANF block grant moneys, state general funds appropriated thereto by the general assembly, or moneys transferred pursuant to section 26-2-714 (5) (a), 26-2-716 (4) (b), or 26-2-720 (4). Moneys in the reserve fund shall be used only for the purpose of implementing the works program, INCLUDING BUT NOT LIMITED TO THE PROVISIONS SET FORTH IN SECTION 26-2-708 (5.5) IF SUFFICIENT FUNDS ARE AVAILABLE, or for the purpose of making transfers that are allowed under the federal law for transfers to programs funded by Title XX of the social security act or for transfers to

the child care development fund and shall be subject to annual appropriation by the general assembly. Prior to requesting any appropriations out of the reserve fund for the purpose of making transfers, the state department shall consult with counties and provide information to the joint budget committee for the purposes of insuring that all transfers of TANF funds do not exceed the federal limits for transfers and insuring that the needs of counties to make transfers authorized pursuant to section 26-2-714 (7) and (9) are considered. Federal funds available to the state under the TANF block grant not otherwise appropriated shall be appropriated to the Colorado long-term works reserve fund. All interest derived from the deposit or investment of the moneys in the reserve fund shall be credited to the reserve fund.

SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of human services, office of self sufficiency, Colorado works program, for the fiscal year beginning July 1, 2001, the sum of one hundred twenty-two thousand seven hundred eighty-eight dollars (\$122,788) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from federal temporary assistance for needy families block grant funds in the long-term works reserve fund created in section 26-2-721, Colorado Revised Statutes. Pursuant to section 26-2-721, Colorado Revised Statutes, said appropriation shall be restricted until the department demonstrates that sufficient funds are available.

SECTION 8. Appropriation - legislative intent. (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 judicial department, for allocation to the family violence justice fund established pursuant to section 14-4-107, Colorado Revised Statutes, for the purpose of allowing the state court administrator to make grants from such fund pursuant to the provisions of sections 13-3-101 (6) and 14-4-107, Colorado Revised Statutes, for the fiscal year beginning July 1, 2001, the sum of twenty-six thousand seven hundred seventy-six dollars (\$26,776), 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 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, 2001, the sum of twenty-six thousand seven hundred seventy-six dollars (\$26,776), or so much thereof as may be necessary, for the implementation of this act.

(2) It is the intent of the general assembly that the general fund appropriation for the implementation of this act contained in subsection (1) of this section shall be derived from savings generated from the implementation of the provisions of S.B. 01-077, as enacted during the first regular session of the sixty-third general assembly.

SECTION 9. Future appropriations - legislative intent. (1) (a) In addition to any other appropriation set forth in this act, it appears that this act will require additional future appropriations from the general fund to the judicial department, for allocation to the family violence justice fund established pursuant to section 14-4-107, Colorado Revised Statutes, for the purpose of allowing the state court administrator to make grants from such fund pursuant to the provisions of sections 13-3-101 (6) and 14-4-107, Colorado Revised Statutes, and the amount required to be appropriated for the fiscal year beginning July 1, 2002, is estimated to be one hundred thousand dollars (\$100,000).

(b) In addition to any other appropriation set forth in this act, it appears that 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, Colorado Revised Statutes, and the amount required to be appropriated for the fiscal year beginning July 1, 2002, is estimated to be one hundred thousand dollars (\$100,000).

(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 the implementation of the provisions of S.B. 01-077, as enacted during the first regular session of the sixty-third general assembly.

SECTION 10. Effective date. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for

submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) Sections 1, 2, 3, 4, 5, 6, 7, and 10 of this act shall take effect upon passage. Sections 8 and 9 of this act shall take effect upon passage; except that sections 8 and 9 of this act shall only take effect if:

(a) The final fiscal estimate for S.B. 01-077, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in sections 8 and 9 of this act; and

(b) S.B. 01-077 is enacted at the first regular session of the sixty-third general assembly and becomes law.

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Stan Matsunaka
PRESIDENT OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO