



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 23-0010
Prime Sponsors: Rep. Froelich
Sen. Winter F.

Date: February 13, 2023
Bill Status: House Judiciary
Fiscal Analyst: John Armstrong | 303-866-6289
john.armstrong@coleg.gov

Bill Topic: COURT PERSONNEL & DOMESTIC VIOLENCE AWARENESS

Summary of Fiscal Impact:

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill places additional requirements and restrictions on the courts in certain family law cases involving domestic violence and child abuse. The bill increases state expenditures on an ongoing basis.

Appropriation Summary:

For FY 2023-24, the bill requires an appropriation of \$1,207,939 to the Judicial Department.

Fiscal Note Status:

The fiscal note reflects the introduced bill. Due to time constraints, this analysis is preliminary and will be updated following further review and any additional information received.

Table 1
State Fiscal Impacts Under HB 23-1178

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue		-	-
Expenditures	General Fund ¹	\$1,207,939	\$1,002,539
	Centrally Appropriated	\$185,255	\$201,696
	Total Expenditures	\$1,393,194	\$1,204,235
	Total FTE	9.2 FTE	10.0 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$181,191	\$150,381

¹ The state is eligible for additional federal funding as a result of the bill, which will reduce the amount paid from General Fund in the initial implementation years. The fiscal note will be updated as more information about estimated grant funding totals is known.

Summary of Legislation

In proceedings concerning allocation of parental responsibility that involve a claim of domestic violence or child abuse of a minor, the bill requires courts to consider past evidence, including convictions, arrests, and restraining orders against the accused. Courts may only consider expert testimony and evidence if the expert has experience working with victims of domestic violence. The bill forbids courts from separating a child from their protective party in order to improve a deficient relationship with the accused. It also forbids courts from ordering reunification treatment unless certain conditions are met. The bill also increases the amount of training hours that family and child investigators must complete.

Background

The Keeping Children Safe from Family Violence Act provides increased federal grant funding for up to four fiscal years to states that adopt custody proceeding laws and standards in compliance with the act.

Assumptions

Data from the Judicial Department indicate that the bill will affect approximately 6,800 cases annually, including custody hearings, child support hearings, dependency and neglect cases, and divorce/legal separation cases with children. The fiscal note assumes the bill's requirements will add 45 minutes to each impacted hearing.

State Expenditures

The bill increases state expenditures in the Judicial Department by \$1.4 million in FY 2023-24 and \$1.2 million in FY 2024-25. Expenditures are shown in Table 2 and detailed below. Costs are assumed to be paid from the General Fund. Should federal grant funding become available, the amount of General Fund needed will be reduced. The fiscal note will be updated as additional information on federal funding becomes available.

**Table 2
Expenditures Under HB 23-1178**

	FY 2023-24	FY 2024-25
Judicial Department		
Personal Services	\$895,367	\$976,764
Operating Expenses	\$21,375	\$21,375
Capital Outlay Costs	\$291,197	\$4,400
Centrally Appropriated Costs ¹	\$185,255	\$201,696
Total Cost	\$1,393,194	\$1,204,235
Total FTE	9.2 FTE	10.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Judicial staff. Increased hearing time in these cases will result in the need for an additional 2.5 FTE for district court judicial officers. Each judicial officer is accompanied by staff in a 3-to-1 ratio, resulting in a total staffing increase of 10.0 FTE. Costs include operating expenses and capital outlay costs, including courtroom capital costs. First-year costs are prorated for the General Fund pay date shift.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes. To the extent federal funds are available to implement the bill, the reserve requirement will be lower than this estimate.

Local Government

District attorneys, county and municipal court staff, and local law enforcement agencies may have additional workload due to the increase in hearing times as a result of the bill. The exact impacts to each district, county, and municipality will vary based on the number of family court proceedings heard in that jurisdiction.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, except that the section of the bill pertaining to Section 14-10-127.5(2)(d) and (4), C.R.S., take effect on the effective date of this bill or HB 23-1108, whichever is later.

State Appropriations

For FY 2023-24, the bill requires an appropriation of \$1,207,939 from the General Fund to the Judicial department.

State and Local Government Contacts

Information Technology

Judicial

Law