

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0752.01 Jane Ritter x4342

SENATE BILL 16-149

SENATE SPONSORSHIP

Marble and Woods, Cooke, Holbert, Lundberg, Neville T.

HOUSE SPONSORSHIP

Humphrey, Leonard, Ransom, Van Winkle

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING FACTORS A COURT MUST CONSIDER IN A REVIEW OF AN
102 ARBITRATOR'S AWARD IN THE CONTEXT OF A DISSOLUTION OF A
103 MARRIAGE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill adds language to the dissolution of marriage act concerning a court's de novo review of an arbitrator's award related to a dissolution of a marriage, including parental responsibilities, parenting time, adjustments to child support, and disputed parental decisions. It provides 5 factors the court shall consider if a party applies to have the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

arbitrator's award vacated, modified, or corrected. The factors include whether:

- ! The arbitrator failed to consider the best interests of the child or children;
- ! Domestic violence was a factor;
- ! The arbitrator applied a law, rule, or legal code of a jurisdiction outside of the states and territories of the United States;
- ! The arbitrator failed to grant all parties involved the same fundamental and guaranteed constitutional rights; or
- ! The arbitrator failed to consider whether the award might place the child or children in substantial risk of harm.

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

2 **SECTION 1.** In Colorado Revised Statutes, 14-10-128.5, **add** (3)
3 as follows:

4 **14-10-128.5. Appointment of arbitrator - de novo hearing of**
5 **award - modifications.** (3) IF A PARTY APPLIES PURSUANT TO
6 SUBSECTION (2) OF THIS SECTION TO VACATE, MODIFY, OR CORRECT AN
7 ARBITRATOR'S AWARD PURSUANT TO A DE NOVO HEARING, THE COURT
8 SHALL CONSIDER WHETHER THE ARBITRATOR:

9 (a) FAILED TO CONSIDER THE BEST INTERESTS OF THE CHILD OR
10 CHILDREN;

11 (b) FAILED TO CONSIDER WHETHER DOMESTIC VIOLENCE WAS A
12 FACTOR IN THE SITUATION;

13 (c) APPLIED A LAW, RULE, OR LEGAL CODE OF A JURISDICTION
14 OUTSIDE OF THE STATES AND TERRITORIES OF THE UNITED STATES THAT
15 IS REPUGNANT TO THE PUBLIC POLICY OF THIS STATE;

16 (d) FAILED TO GRANT THE PARTIES THE SAME FUNDAMENTAL
17 CONSTITUTIONAL RIGHTS GUARANTEED BY THE UNITED STATES
18 CONSTITUTION, INCLUDING THE RIGHTS TO EQUAL PROTECTION, DUE
19 PROCESS, FREE SPEECH, AND FREE EXERCISE OF RELIGION; OR

1 (e) FAILED TO CONSIDER WHETHER THE DETERMINATION OF
2 PARENTAL RESPONSIBILITIES, PARENTING TIME, OR OTHER ISSUES RELATED
3 TO THE DISSOLUTION OF THE MARRIAGE MIGHT PLACE THE CHILD OR
4 CHILDREN IN SUBSTANTIAL RISK OF HARM.

5 **SECTION 2. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.