

Domestic Violence Offender Management Board Purview Issues and Impact of HB 23-1178 on Reunification Proceedings in Civil Courts

Introduction

In May 2023, Colorado enacted Kayden's Law through House Bill 23-1178, to better protect children within the family legal system, aligning with the Keeping Children Safe from Family Violence Act. HB23-1178 included a new provision requiring Domestic Violence Offender Management Board (DVOMB) Approved Providers to "verify the accused party's behavior" before a court can order a protective party to facilitate improved relations with the accused. The authority and purview of the DVOMB is within the criminal legal system and not in the family court system. **As a result, the DVOMB does not have the legal authority to oversee and set Standards for family court cases and is unable to advise on matters related to 14-10-127.5.(3)(c), C.R.S.**

Key Provisions of HB 23-1178 Impacting DVOMB Approved Providers

HB 23-1178 introduced several provisions aimed at safeguarding children in parental allocation cases involving domestic violence or child abuse. A key concern arises from a provision added to 14-10-127.5.(3)(c), C.R.S., which states:

"(IV) If a court issues an order to remediate the resistance of a child to have contact with an accused party, the order must primarily address the behavior of the accused party, who shall accept responsibility for the accused party's actions that negatively affected the accused party's relationship with the child, and a mental health professional approved by the Domestic Violence Offender Management Board shall verify the accused party's behavior before the court orders a protective party to take steps to improve the relationship with the accused party."

Concerns and Impact

- The DVOMB is responsible for developing and implementing guidelines and standards for the assessment, evaluation, treatment, and behavioral monitoring of domestic violence offenders within the criminal legal system. However, the family court system and this statute are outside the purview of the DVOMB.
- Due to the lack of purview, the DVOMB is not able to advise, recommend, or create Standards regarding how a DVOMB Approved Provider would "verify" an accused party's behavior prior to any reunification proceeding.
- The absence of any Standards or Guidelines places DVOMB Approved Providers in a difficult position. It imposes a professional responsibility that lacks clear guidelines for evaluation, assessment, and reporting procedures, potentially exposing these providers to liability and complaints. Verification of an accused party's behavior also tethers the DVOMB Approved Provider to a high and impracticable professional standard.
- In the absence of Standards or Guidelines, DVOMB Approved Providers may decline referrals for the purpose of meeting 14-10-127.5.(3)(c), C.R.S.

Why This Matters

The primary goal of domestic violence offender treatment under the DVOMB is to ensure victim safety and hold offenders accountable to changing abusive behavior. The DVOMB reported concerns about the implications of 14-10-127.5.(3)(c), C.R.S. in the 2025 Annual Legislative Report. The DVOMB is unable to advise, recommend, or create Standards regarding 14-10-127.5.(3)(c), C.R.S. which may lead to procedural issues and concerns regarding reunification proceedings.



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