



2010 Revisions to Domestic Relations Laws Affecting Domestic Violence Survivors

Domestic violence victims seeking to obtain or to modify child custody orders through Dissolution of Marriage, Legal Separation, Allocation of Parental Responsibilities, or Paternity cases are affected by changes to domestic relations and juvenile statutes [C.R.S. 14-10-123, 14-10-124, 14-10-129, & 19-4-105.5]

Revised laws:

- The legal definition of domestic violence within the best interests of the child statute (C.R.S. 14-10-124(2)(c)), which is **one** factor that shall be considered by the courts when issuing or modifying child custody orders, was updated and expanded. The new definition **effective July 1, 2010** is:
 - "Domestic Violence" means an act of violence or a threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship, and may include any act or threatened act against a person or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. "Intimate Relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both parents of the same child regardless of whether the persons have been married or have lived together at any time.
 - Allegations of Domestic Violence shall be supported by a preponderance of the evidence.
 - "Best Interests of the Child" criteria (C.R.S. 14-10-124) are used by the court in many types of cases involving children, including "care and control" in civil protection orders cases.
- Unmarried parties seeking an Allocation of Parental Responsibilities (APR), also known as child custody, or paternity order are now subject to an automatic temporary injunction (C.R.S. 14-10-123(3)(a) & 19-4-105.5(5)(c I) & (cII)) during the pendency of the action. The provisions of the injunction apply to both parties. This change takes **effect August 15, 2010**:
 - Prohibits each party from molesting or disturbing the peace of the other party;
 - *Restrains each party from removing a minor child who is the subject of the case from the state without the consent of all other parties or an order of the court modifying the injunction; and*
 - Restrains each party, without at least fourteen days' advance notification and the written consent of all other parties or an order of the court modifying the injunction, from cancelling, modifying, terminating, or allowing to lapse for nonpayment of premiums, a policy of health insurance or life insurance that provides coverage to a minor child who is the subject of the case or that names the minor child as a beneficiary of a policy.

For questions about the information provided in this document contact:

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