



2014 Summary of Priority Legislation May 30, 2014

CCADV worked on numerous pieces of legislation this year, but we focused on two main bills. Our 2014 legislative priorities, House Bill 1162 (HB 1162) to protect rape victims when a child is conceived, and House Bill 1017 (HB 1017) to expand availability of affordable housing, were signed into law!!!

[HB 1162](#) was based upon the recommendations of the Task Force on Children Conceived by Rape enacted by Senate Bill 227 (SB 227), which I served on in 2013. HB 1162 creates:

- A path for termination of the parental rights of rapists in the Juvenile Court system, based on a clear and convincing evidence standard—not just a sexual assault conviction as in SB 227.
 - Without a conviction, in order to terminate, the court must find by clear and convincing evidence that:
 - A sexual assault occurred
 - The child was conceived as a result of the rape, and
 - It's in the best interest of the child to have parental rights of the rapist terminated.
 - If the court does not grant the termination request, they have the jurisdiction to enter orders allocating parental responsibilities (custody and visitation) within the same case.
- A path for relinquishment of the offender's parental rights in the Juvenile Court system without a hearing or findings upon consent of the victim and the offender.
- Protections for victims and children in cases where termination is not contemplated, but court orders for allocation of parental responsibilities are, if the court finds by a preponderance of the evidence that the sexual assault occurred and it resulted in the birth of the child.
- Additional protections for the victim and child, including protective measures with identifying information in the summons, in the courtroom, and child support payments (if applicable).
- Appointment of legal counsel for indigent victims, as well as indigent offenders.
- A process for the person whose rights are terminated to provide information on their medical and family history so it will be available to the victim on behalf of the child.
- The mandatory appointment of a guardian ad litem (GAL) in all relevant termination cases. (CCADV supported the court having discretion to appoint GALs, but did not the GAL mandate.)

This means that survivors of sexual assault, including domestic violence survivors who were sexually assaulted by their partners resulting in the birth of a child, will have additional options and protections for themselves and their children in the civil legal system. For advocates and attorneys, passage of HB 1162 means becoming familiar with the new law and how to best help survivors navigate and utilize the new law and process.

CCADV worked closely with CCASA on this bill and will continue to do so as we work on implementation of the law. The Governor signed HB 1162 on May 9th, and the law will go into effect on July 1, 2014.

[HB 1017](#), to expand availability of affordable housing, basically does two things:

- Positions the Division of Housing to accept funds from any source, making it possible to create a Colorado Housing Investment Fund that will have a dedicated, dependable source of funding.
- Creates public-private partnerships for supporting affordable housing by re-instating the State Low-Income Housing Tax Credit.

Colorado communities will begin to see increased development of affordable housing units in the coming years. For survivors, this means an increase in access to housing in which they can establish independence, stability and safety. CCADV hopes that domestic violence shelters will ultimately see a decrease in the length of shelter stay resulting in fewer survivors being turned away from shelter.

CCADV will determine what opportunities are available to domestic violence shelters and programs through the Fund and Tax Credit and will provide you with that information as soon as possible. The Governor signed HB 1017 into law on May 29th!

Stay tuned for CCADV's 2014 legislative wrap-up report for a comprehensive review of all the legislation and new laws that we worked on diligently this session on behalf of survivors and our Membership!