

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0365.01 Shelby Ross x4510

SENATE BILL 25-116

SENATE SPONSORSHIP

Snyder and Frizell,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING SPOUSAL MAINTENANCE GUIDELINES TO PROTECT**
102 **VICTIMS OF DOMESTIC VIOLENCE.**

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://leg.colorado.gov>.)

Current law requires a party petitioning the court for dissolution of marriage or legal separation (petition) to disclose to the court the existence of any prior temporary or permanent restraining orders and civil protection orders, any mandatory restraining orders and protection orders, and any emergency protection orders entered against either party within 2 years prior to the filing of the petition. The bill requires the disclosure

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

of any orders entered within 5 years prior to the filing of the petition.

When dividing marital property, the bill requires the court to consider as a relevant factor whether a mandatory protection order has been entered against a spouse within 5 years prior to the filing of the petition.

The bill prohibits the court from awarding spousal maintenance to a spouse who has had a mandatory protection order entered against them within 5 years prior to the filing of the petition.

If a mandatory protection order has been entered against a party within 5 years prior to the filing of the petition, the bill authorizes the court to order the restrained party to pay the other party's attorney fees or licensed legal paraprofessional fees from marital property. The non-restrained party must not be required to pay the restrained party's attorney fees or licensed legal paraprofessional fees from the non-restrained party's separate property.

If a mandatory protection order has been entered against a party within 5 years prior to the filing of the petition, the bill authorizes the other party to request the date of legal separation be the date the mandatory protection order was issued against the restrained party.

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

2 **SECTION 1.** In Colorado Revised Statutes, 14-10-107.8, **amend**
3 (1) as follows:

4 **14-10-107.8. Required notice of prior restraining, civil**
5 **protection, or emergency protection orders to prevent domestic abuse**
6 **- petitions for dissolution of marriage or legal separation.** (1) When
7 filing a petition for dissolution of marriage or legal separation pursuant
8 to this ~~article~~ ARTICLE 10, the filing party ~~shall have~~ HAS a duty to
9 disclose to the court the existence of any prior temporary or permanent
10 restraining orders and civil protection orders ~~to prevent domestic abuse~~
11 issued pursuant to article 14 of title 13, ~~C.R.S.~~, any mandatory restraining
12 order and protection orders issued pursuant to section 18-1-1001, ~~C.R.S.~~,
13 and any emergency protection orders issued pursuant to section
14 13-14-103 ~~C.R.S.~~, entered against either party by any court within ~~two~~

1 FIVE years prior to the filing of the petition of dissolution of marriage or
2 legal separation. The disclosure required pursuant to this section ~~shall~~
3 MUST address the subject matter of the previous restraining, civil
4 protection, or emergency protection orders, including the case number
5 and jurisdiction issuing ~~such~~ THE orders.

6 **SECTION 2.** In Colorado Revised Statutes, 14-10-113, **amend**
7 (1) introductory portion; and **add** (1.5) as follows:

8 **14-10-113. Disposition of property - definitions.** (1) In a
9 proceeding for dissolution of marriage, ~~or~~ in a proceeding for legal
10 separation, or in a proceeding for disposition of property following the
11 previous dissolution of marriage by a court which at the time of the prior
12 dissolution of the marriage lacked personal jurisdiction over the absent
13 spouse or lacked jurisdiction to dispose of the property, the court, subject
14 to the provisions of subsection (7) of this section, shall set apart ~~to~~ each
15 ~~spouse his or her~~ SPOUSE'S property and shall divide the marital property,
16 without regard to marital misconduct EXCEPT AS PROVIDED IN SUBSECTION
17 (1.5) OF THIS SECTION, in ~~such~~ proportions as the court deems just after
18 considering all relevant factors including:

19 (1.5) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION TO THE
20 CONTRARY, WHEN DIVIDING MARITAL PROPERTY, THE COURT SHALL
21 CONSIDER AS A RELEVANT FACTOR WHETHER A MANDATORY PROTECTION
22 ORDER HAS BEEN ENTERED AGAINST A SPOUSE PURSUANT TO SECTION
23 18-1-1001 AND THE OTHER SPOUSE WAS THE PROTECTED PERSON WITHIN
24 FIVE YEARS PRIOR TO THE FILING OF THE PETITION OF DISSOLUTION OF
25 MARRIAGE OR LEGAL SEPARATION.

26 **SECTION 3.** In Colorado Revised Statutes, 14-10-114, **amend**
27 (3)(d) as follows:

1 **14-10-114. Spousal maintenance - advisory guidelines -**
2 **legislative declaration - definitions.** (3) (d) After considering the
3 provisions of this section and making the required findings of fact, the
4 court shall award maintenance only if ~~it~~ THE COURT finds that the spouse
5 seeking maintenance lacks sufficient property, including marital property
6 apportioned to ~~him or her~~ THE SPOUSE, to provide for ~~his or her~~ THE
7 SPOUSE'S reasonable needs and is unable to support ~~himself or herself~~ THE
8 SPOUSE'S SELF through appropriate employment or is the custodian of a
9 child whose condition or circumstances make it inappropriate for the
10 spouse to be required to seek employment outside the home; EXCEPT
11 THAT THE COURT SHALL NOT AWARD MAINTENANCE TO A SPOUSE WHO HAS
12 HAD A MANDATORY PROTECTION ORDER ENTERED AGAINST THEM
13 PURSUANT TO SECTION 18-1-1001 AND THE OTHER SPOUSE WAS THE
14 PROTECTED PERSON WITHIN FIVE YEARS PRIOR TO THE FILING OF THE
15 PETITION OF DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION.

16 **SECTION 4.** In Colorado Revised Statutes, **amend** 14-10-119 as
17 follows:

18 **14-10-119. Attorney and licensed legal paraprofessional fees.**
19 The court from time to time, after considering the financial resources of
20 both parties, may order a party to pay a reasonable amount for the cost to
21 the other party of maintaining or defending any proceeding pursuant to
22 this article 10 and for attorney fees or licensed legal paraprofessional
23 fees, including sums for legal services rendered and costs incurred prior
24 to the commencement of the proceeding or after entry of judgment. The
25 court may order that the amount be paid directly to the attorney or the
26 licensed legal paraprofessional, who may enforce the order in the
27 attorney's or the licensed legal paraprofessional's name. IF A MANDATORY

1 PROTECTION ORDER HAS BEEN ENTERED AGAINST A PARTY PURSUANT TO
2 SECTION 18-1-1001 WITHIN FIVE YEARS PRIOR TO THE FILING OF THE
3 PETITION OF DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION AND THE
4 OTHER PARTY WAS THE PROTECTED PERSON, THE COURT MAY ORDER THE
5 RESTRAINED PARTY TO PAY THE OTHER PARTY'S ATTORNEY FEES OR
6 LICENSED LEGAL PARAPROFESSIONAL FEES FROM MARITAL PROPERTY. THE
7 COURT SHALL NOT REQUIRE A NON-RESTRAINED PARTY TO PAY THE
8 RESTRAINED PARTY'S ATTORNEY FEES OR LICENSED LEGAL
9 PARAPROFESSIONAL FEES FROM THE NON-RESTRAINED PARTY'S SEPARATE
10 PROPERTY.

11 **SECTION 5.** In Colorado Revised Statutes, 14-10-120, **amend**
12 (1) as follows:

13 **14-10-120. Decree.** (1) A decree of dissolution of marriage or of
14 legal separation is final when entered, subject to the right of appeal. An
15 appeal from the decree of dissolution that does not challenge the finding
16 that the marriage is irretrievably broken does not delay the finality of that
17 provision of the decree which dissolves the marriage beyond the time for
18 appealing from that provision, so that either of the parties may remarry
19 pending appeal. IF A MANDATORY PROTECTION ORDER HAS BEEN ENTERED
20 AGAINST A PARTY PURSUANT TO SECTION 18-1-1001 WITHIN FIVE YEARS
21 PRIOR TO THE FILING OF THE PETITION OF DISSOLUTION OF MARRIAGE OR
22 LEGAL SEPARATION AND THE OTHER PARTY WAS THE PROTECTED PERSON,
23 THE OTHER PARTY MAY REQUEST THE DATE OF LEGAL SEPARATION BE THE
24 DATE THE MANDATORY PROTECTION ORDER WAS ISSUED AGAINST THE
25 RESTRAINED PARTY.

26 **SECTION 6. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly; except that, if a referendum petition is filed pursuant
3 to section 1 (3) of article V of the state constitution against this act or an
4 item, section, or part of this act within such period, then the act, item,
5 section, or part will not take effect unless approved by the people at the
6 general election to be held in November 2026 and, in such case, will take
7 effect on the date of the official declaration of the vote thereon by the
8 governor.

9 (2) This act applies to petitions for dissolution of marriage or legal
10 separation that are filed on or after the applicable effective date of this
11 act.