



Fiscal Note

Legislative Council Staff

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HB 26-1309: ABUSE IN CASES OF SEPARATION

Prime Sponsors:

Rep. Froelich; Story
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Published for: House Judiciary**Drafting number:** LLS 26-0088**Version:** Initial Fiscal Note**Date:** March 26, 2026**Fiscal note status:** The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill requires courts to determine and make written findings on domestic violence when determining the best of a child in divorce cases, and adds additional requirements on an accused party before a court can order to remediate the resistance of a child.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures

Appropriations. For FY 2026-27, the bill requires an appropriation of \$718,501 to the Judicial Department.

Table 1
State Fiscal Impacts

| Type of Impact | Budget Year FY 2026-27 | Out Year FY 2027-28 |
|-------------------------|---------------------------|------------------------|
| State Revenue | \$0 | \$0 |
| State Expenditures | \$816,978 | \$543,878 |
| Transferred Funds | \$0 | \$0 |
| Change in TABOR Refunds | \$0 | \$0 |
| Change in State FTE | 4.0 FTE | 4.0 FTE |

Fund sources for these impacts are shown in the tables below.

**Table 1A
State Expenditures**

| Fund Source | Budget Year FY 2026-27 | Out Year FY 2027-28 |
|---------------------------|-----------------------------------|--------------------------------|
| General Fund | \$718,501 | \$445,401 |
| Cash Funds | \$0 | \$0 |
| Federal Funds | \$0 | \$0 |
| Centrally Appropriated | \$98,477 | \$98,477 |
| Total Expenditures | \$816,978 | \$543,878 |
| Total FTE | 4.0 FTE | 4.0 FTE |

Summary of Legislation

The bill requires courts to determine and make written findings on whether domestic violence has occurred when determining the best interests of a child in divorce cases, and creates additional requirements for a party accused of domestic violence or child abuse before a court can order to remediate the resistance of a child.

Domestic Violence Findings in Divorce Cases

The bill requires courts to determine and make a written finding if a party has committed domestic violence when determining the best interest of a child and allocating parenting time. If a court determines that a party has committed domestic violence, there is a rebuttable presumption that it is not in the best interest of the child to allocate parenting time or decision-making authority to the party found to have committed domestic violence. The bill requires the court to make a written finding on whether a party has committed domestic violence in all cases.

Requirements for an Order to Remediate the Resistance of a Child

Under current law, if a court issues an order to remediate the resistance of a child to have contact with a party accused of domestic violence or child abuse, the order must:

- address the accused party's behavior, who must accept responsibility for their actions; and
- have a mental health professional verify the accused party's behavior.

The bill instead requires the accused party to:

- demonstrate genuine accountability for the commission of domestic violence;
- demonstrate sustained behavioral changes;
- comply with court's order regarding individual therapy; and
- complete a 52-week domestic violence abuser intervention program.

Assumptions

According to the Judicial Department, there are an average of 16,368 domestic relation cases per year that involve at least one child. It is estimated that 65 percent of these cases result in contested custody matters (10,639 cases) and that 10 percent of those will proceed to trial (1,064 cases). Of the cases that proceed to trial, it is estimated that 37.5 percent involve a domestic violence allegation (about 400 cases).

State Expenditures

The bill increases state expenditures in the Judicial Department by \$817,000 in FY 2026-27, and \$534,000 in FY 2027-28 and ongoing. These costs, paid from the General Fund, are summarized in Table 2 and discussed below.

Table 2
State Expenditures
Judicial Department

| Cost Component | Budget Year FY 2026-27 | Out Year FY 2027-28 |
|------------------------------|-----------------------------------|--------------------------------|
| Personal Services | \$435,161 | \$435,161 |
| Operating Expenses | \$10,240 | \$10,240 |
| Capital Outlay Costs | \$273,100 | \$0 |
| Centrally Appropriated Costs | \$98,477 | \$98,477 |
| Total Costs | \$816,978 | \$543,878 |
| Total FTE | 4.0 FTE | 4.0 FTE |

Judicial Department

The department requires 4.0 FTE, including 1.0 judicial officer and 3.0 support staff, to implement the bill, as described below.

Judicial Officer

The fiscal note assumes that with each of the assumed 400 contested cases with allegations of domestic violence, the courts will require an additional 1.75 hours per case to hold an evidentiary hearing on whether domestic violence occurred and to make the required findings required by the bill. In addition, judges will be required to make a written finding in all cases on whether the courts determined a party has committed domestic violence, as required by the bill. It is estimated this will take on average 5 minutes for all 16,368 cases. Together, this workload results in the need for 1.0 FTE judicial officer.

Support Staff

Based on Judicial Department's common policies, each judicial officer requires a ratio of support staff. The fiscal note uses a district court support staff ratio of 1:3, resulting in a need of 3.0 FTE for support staff.

District Court Operating Costs

In addition to standard operating costs, court judicial officers require an additional \$5,120 in operating costs that differ from standard state employees. This includes costs for a law library, robes and cleaning, and travel.

District Court Capital Outlay Costs

Standard capital outlay costs for new FTE is estimated at \$28,000 in FY 2026-27 only. In addition, judicial officers require capital expenses for courthouse infrastructure and maintenance, AV costs, and necessary furniture. For FY 2026-27 only, these additional capital costs are estimated to total \$245,100.

Additional Court Clerk Workload

The bill increases workload for court staff to enter additional evidence submitted in support of domestic violence allegations, track compliance with ordered domestic violence intervention programs, and to research prior court records that are used as evidence. This workload can be accomplished within existing appropriations.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in Table 2 above.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2026-27, the bill requires a General Fund appropriation of \$718,501 to the Judicial Department and 4.0 FTE.

State and Local Government Contacts

Judicial

Labor

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).