

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 25-0365.01 Shelby Ross x4510

SENATE BILL 25-116

SENATE SPONSORSHIP

Snyder and Frizell, Amabile, Ball, Coleman, Cutter, Exum, Gonzales J., Hinrichsen, Jodeh, Kipp, Michaelson Jenet, Sullivan, Wallace, Weissman

HOUSE SPONSORSHIP

Duran and Armagost,

Senate Committees
Judiciary

House Committees
Judiciary

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.

HOUSE
2nd Reading Unamended
April 23, 2025

SENATE
3rd Reading Unamended
April 14, 2025

SENATE
Amended 2nd Reading
April 11, 2025

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. Legislative declaration. (1) The general assembly**
3 **finds that:**

4 **(a) In Colorado:**

5 **(I) Between 25,000 and 30,000 divorces are filed each year;**

6 **(II) More than 10,000 protection orders are issued annually;**

7 **(III) Between 15% and 30% of divorces involve domestic**
8 **violence; and**

9 **(IV) Spousal support is awarded in approximately 15% of**
10 **divorces;**

11 **(b) Under current Colorado law:**

12 **(I) When a party files a petition for dissolution of marriage or**
13 **legal separation, the party is required to disclose any temporary or**
14 **permanent protection order that has been entered against either party**

1 within the 2 years prior to filing the petition;

2 (II) A judge may review and consider the criminal history of each
3 party within the 2 years prior to filing a petition for child custody, but a
4 judge is prohibited from reviewing and considering the criminal history
5 of a party in making a determination of, or eligibility for, spousal support.
6 This may result in a financially secure victim being forced to pay spousal
7 support to their abuser.

8 (c) If a marriage lasts less than 3 years, spousal maintenance is not
9 typically required. Conversely, marriages that last more than 20 years
10 generally include permanent spousal maintenance payments, which
11 persist until either spouse remarries or dies.

12 (2) Therefore, the general assembly declares that Senate Bill
13 25-116 is intended to:

14 (a) Allow a court to consider, when determining spousal
15 maintenance, whether a spouse committed various forms of abuse against
16 the other spouse, including domestic violence, coercive control, economic
17 abuse, litigation abuse, emotional abuse, physical abuse, or unlawful
18 sexual behavior; and

19 (b) Allow a court to review any prior acts of domestic violence or
20 similarly categorized charges as part of the court's guidelines for
21 determining spousal maintenance.

22 **SECTION 2.** In Colorado Revised Statutes, 14-10-103, **add** (1.5)
23 as follows:

24 **14-10-103. Definitions and interpretations of terms. (1.5) As**
25 **USED IN THIS ARTICLE 10, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

26 (a) "COERCIVE CONTROL" HAS THE SAME MEANING AS SET FORTH
27 IN SECTION 14-10-124 (1.3).

1 (b) "DOMESTIC VIOLENCE" HAS THE SAME MEANING AS SET FORTH
2 IN SECTION 14-10-124 (1.3).

3 (c) "ECONOMIC ABUSE" MEANS A BEHAVIOR THAT IS COERCIVE,
4 DECEPTIVE, OR MANIPULATIVE, OR THAT RESTRAINS, SABOTAGES, OR
5 UNREASONABLY CONTROLS A PERSON'S ABILITY TO ACQUIRE, USE, OR
6 MAINTAIN ECONOMIC RESOURCES THAT THE PERSON IS ENTITLED TO,
7 INCLUDING USING COERCION, THREAT OF HARM, FORCE, FRAUD, OR
8 MANIPULATION TO:

9 (I) RESTRICT A PERSON'S ACCESS TO MONEY, ASSETS, CREDIT, OR
10 FINANCIAL INFORMATION;

11 (II) STEAL OR UNFAIRLY USE A PERSON'S ECONOMIC RESOURCES,
12 INCLUDING MONEY, ASSETS, OR CREDIT;

13 (III) USE A PERSON'S CREDIT OR PROPERTY WITHOUT
14 AUTHORIZATION;

15 (IV) PREVENT A PERSON FROM LEAVING THE PERSON'S RESIDENCE
16 TO ATTEND SCHOOL OR EMPLOYMENT;

17 (V) EXPLOIT THE PERSON'S RESOURCES FOR PERSONAL GAIN;

18 (VI) WITHHOLD INDIVIDUAL RESOURCES FROM A PERSON, SUCH AS
19 FOOD, CLOTHING, NECESSARY MEDICATIONS, OR SHELTER;

20 (VII) CAUSE OR ATTEMPT TO CAUSE A PERSON TO BE FINANCIALLY
21 DEPENDENT BY MAINTAINING CONTROL OVER THE PERSON'S FINANCIAL
22 RESOURCES; OR

23 (VIII) EXERT UNDUE INFLUENCE OVER A PERSON'S FINANCIAL
24 BEHAVIOR OR DECISIONS, INCLUDING FORCING DEFAULT ON JOINT OR
25 OTHER FINANCIAL OBLIGATIONS; EXPLOITING POWERS OF ATTORNEY,
26 GUARDIANSHIP, OR CONSERVATORSHIP; OR THREATENING TO EXPOSE A
27 PERSON'S SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OR THE

1 SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OF A PERSON'S FAMILY
2 MEMBER TO A FEDERAL, STATE, OR LOCAL AGENCY.

3 (d) "UNLAWFUL SEXUAL BEHAVIOR" HAS THE SAME MEANING AS
4 SET FORTH IN SECTION 16-22-102.

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

7 **14-10-107.8. Required notice of prior restraining, civil**
8 **protection, or emergency protection orders to prevent domestic abuse**
9 **- petitions for dissolution of marriage or legal separation. (1)** When
10 filing a petition for dissolution of marriage or legal separation pursuant
11 to this ~~article~~ ARTICLE 10, the filing party ~~shall have~~ HAS a duty to
12 disclose to the court the existence of any prior temporary or permanent
13 restraining orders and civil protection orders to ~~prevent domestic abuse~~
14 issued pursuant to article 14 of title 13, ~~C.R.S.~~, any mandatory restraining
15 order and protection orders issued pursuant to section 18-1-1001, ~~C.R.S.~~,
16 and any emergency protection orders issued pursuant to section
17 13-14-103 ~~C.R.S.~~, entered against either party WHEN THE OTHER SPOUSE
18 WAS THE PROTECTED PERSON, by any court, within ~~two~~ FIVE years prior
19 to the filing of the petition of dissolution of marriage or legal separation.
20 The disclosure required pursuant to this section ~~shall~~ MUST address the
21 subject matter of the previous restraining, civil protection, or emergency
22 protection orders, including the case number and jurisdiction issuing ~~such~~
23 THE orders.

24 **SECTION 4.** In Colorado Revised Statutes, 14-10-114, **amend**
25 **(3)(c)(XII); and add (3)(c)(XII.5)** as follows:

26 **14-10-114. Spousal maintenance - advisory guidelines -**
27 **legislative declaration - definitions. (3) (c) Factors affecting the**

1 **amount and term of maintenance.** In any proceeding for maintenance,
2 the court shall consider all relevant factors, including but not limited to:

3 (XII) Whether the maintenance is deductible for federal income
4 tax purposes by the payor and taxable income to the recipient, and any
5 adjustments to the amount of maintenance to equitably allocate the tax
6 burden between the parties; and

7 (XII.5) WHETHER A SPOUSE HAS ENGAGED IN DOMESTIC VIOLENCE,
8 COERCIVE CONTROL, ECONOMIC ABUSE, LITIGATION ABUSE, EMOTIONAL
9 ABUSE, PHYSICAL ABUSE, OR UNLAWFUL SEXUAL BEHAVIOR AGAINST THE
10 OTHER SPOUSE; AND

11 **SECTION 5. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within such period, then the act, item, section, or part will not take
17 effect unless approved by the people at the general election to be held in
18 November 2026 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.