

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 25-116

BY SENATOR(S) Snyder and Frizell, Amabile, Ball, Cutter, Exum, Gonzales J., Hinrichsen, Jodeh, Kipp, Michaelson Jenet, Sullivan, Wallace, Weissman, Coleman;
also REPRESENTATIVE(S) Duran and Armagost, Bacon, Boesenecker, Clifford, Froelich, Lieder, Lindsay, Story.

CONCERNING SPOUSAL MAINTENANCE GUIDELINES TO PROTECT VICTIMS OF
DOMESTIC VIOLENCE.

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

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

(a) In Colorado:

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

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

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

and

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

(b) Under current Colorado law:

(I) When a party files a petition for dissolution of marriage or legal separation, the party is required to disclose any temporary or permanent protection order that has been entered against either party within the 2 years prior to filing the petition;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MEMBER TO A FEDERAL, STATE, OR LOCAL AGENCY.

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

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

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

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

14-10-114. Spousal maintenance - advisory guidelines - legislative declaration - definitions. (3)(c) **Factors affecting the amount and term of maintenance.** In any proceeding for maintenance, the court shall consider all relevant factors, including but not limited to:

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

(XII.5) WHETHER A SPOUSE HAS ENGAGED IN DOMESTIC VIOLENCE, COERCIVE CONTROL, ECONOMIC ABUSE, LITIGATION ABUSE, EMOTIONAL

ABUSE, PHYSICAL ABUSE, OR UNLAWFUL SEXUAL BEHAVIOR AGAINST THE OTHER SPOUSE; AND

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO