

Ubuntu Bill

Title

Comprehensive Protections Against Post-Divorce Abuse, Child Abuse, Coercive Control, and Domestic Violence Sealing

Summary Statement

The Ubuntu Bill is designed to address and prevent cycles of abuse affecting individuals post-divorce, including separation abuse, child abuse, coercive control, emotional and financial abuse. It prioritizes survivor protection, transparency in legal processes, and accountability for perpetrators while preventing the sealing of domestic violence cases.

Preamble

This legislation is designed to address and prevent the continuing cycles of abuse that affect individuals post-divorce, including separation abuse, child abuse, coercive control, emotional and financial abuse, while also ensuring that the legal process remains transparent and accountable. The legislation emphasizes the importance of protecting survivors, particularly children, people with disabilities, elderly individuals, and marginalized communities such as the LGBTQ+ community, from ongoing harm. It recognizes the unique and persistent nature of abuse that does not cease with divorce and establishes robust safeguards to prevent the sealing of domestic violence cases, ensuring that these cases remain open and accessible for justice and future protection. The overarching goal is to protect the safety, dignity, and autonomy of individuals, ensure the effective accountability of perpetrators, and prevent the continuation of abusive dynamics after separation.

Section 1: Definitions

(a) **Post-Divorce Separation Abuse:** Post-divorce separation abuse includes any abusive behaviors perpetrated by one former partner against the other after the divorce is finalized. This includes harassment, threats, surveillance, manipulation through shared children, and any other actions designed to control or intimidate the former partner.

(b) **Child Abuse Post-Divorce:** Child abuse occurring post-divorce refers to any actions or behaviors by one or both parents that subject a child to harm, neglect, physical abuse, emotional abuse, or

manipulation used as leverage in parental conflicts, all of which can be detrimental to the child's well-being.

(c) Coercive Control: Coercive control involves a pattern of controlling behaviors meant to dominate and intimidate the victim. This can include psychological abuse, surveillance, restriction of movement, threats, and manipulation of others, especially children, to exert power and control over the victim.

(d) Emotional Abuse: Emotional abuse refers to actions that cause lasting harm to the emotional well-being of the victim through manipulation, humiliation, threats, and intimidation.

(e) Financial Abuse: Financial Abuse is the exertion of control over the victim's financial resources to limit their independence. This includes restricting access to money, preventing the victim from working or obtaining financial support, and using financial control to perpetuate dependence.

(f) Sealing Domestic Violence Cases: Sealing of a domestic violence case refers to the practice of removing the records of a domestic violence case from public access, often without the informed consent of the victim. This may prevent accountability and hinder future protection for the victim.

Section 2: Criminalization of Abuse

(a) Recognition of Abuse as Criminal Offenses: This act explicitly recognizes emotional, mental, and physical abuse, as well as post-separation abuse and child endangerment, as serious criminal offenses warranting immediate intervention and prosecution.

Section 3: Effects of Abuse on Survivors

(a) Psychological Impact: Survivors of abuse often experience anxiety, depression, post-traumatic stress disorder (PTSD), and social isolation. Children subjected to abuse face developmental delays, emotional instability, and difficulty forming trusting relationships.

(b) Breaking the Cycle: To heal and thrive, survivors must have access to:

- Trauma-informed counseling to rebuild trust and confidence.
 - Legal assistance to navigate abuse-related cases.
 - Financial and housing support to reduce dependency on abusers.
 - Parenting programs to help survivor parents shield children from harm.
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Section 4: Prohibition of Corporal Punishment

(a) Ban on Corporal Punishment: Corporal punishment in all forms is prohibited, as it perpetuates violence by normalizing physical harm as a means of control.

(b) Promotion of Non-Violent Parenting: This act promotes alternative, non-violent parenting methods to foster healthy relationships and ensure the well-being of children.

Section 5: Recognizing Gaslighting and Narcissistic Behavior

(a) Education and Training: Professionals in education, child welfare, and the legal system must be trained to identify gaslighting and narcissistic behaviors, both overt and covert.

(b) Early Intervention: Gaslighting and narcissistic abuse erode a person's reality, leaving them isolated and powerless. Early intervention prevents long-term trauma and empowers survivors to reclaim their autonomy.

Section 6: Post-Divorce Separation Abuse Prevention

(a) Protection Orders and Safeguards: Victims of post-divorce separation abuse have the right to request tailored protection orders. These can include non-contact orders, limits on shared custody arrangements, and prohibitions against the abusive party from contacting or intimidating the victim or children. These orders shall remain in effect until the victim feels safe and secure.

(b) Protections for People with Disabilities and Elderly Individuals: The bill expands existing protections under state and federal laws for people with disabilities and elderly individuals, ensuring that abuse and financial exploitation in the context of domestic violence and post-divorce separation are specifically addressed. Protective measures will be aligned with existing statutes such as the Americans with Disabilities Act (ADA) and the Older Americans Act (OAA).

(c) Incorporation of New Legislative Protections: If additional protections for people with disabilities and elderly individuals are introduced during the Colorado Congressional Session of 2025, they shall be included within this legislation to ensure continuous alignment with evolving legal standards.

(d) Integration of Colorado SB-150 and Other Relevant Legislation: Provisions from Colorado SB-150 shall be incorporated to enhance statewide resources for domestic violence prevention, survivor support, and legal protections. This includes additional funding for community-based services, law enforcement training, and victim advocacy programs.

(e) LGBTQ+ Community Protections: This act acknowledges the unique challenges faced by LGBTQ+ individuals in navigating post-divorce abuse, ensuring that laws and support systems explicitly include

protections for LGBTQ+ survivors. Resources will be allocated to provide culturally competent counseling and legal assistance tailored to their needs.

(f) Relationship Recognition for LGBTQ+ Couples: This act mandates equitable treatment of long-term relationships that predate marriage equality for the purpose of determining spousal social security benefits and equitable division of assets. LGBTQ+ couples in such relationships shall have their common-law relationships recognized retroactively to provide parity with heterosexual couples.

Section 7: Recognition of Separate Tribunal Justice System

(a) Recognition of a Coordinated Tribunal System: This section acknowledges the necessity of a separate tribunal justice system that coordinates with state and federal laws to ensure the protection of survivors, especially Indigenous peoples and those residing within Sovereign Nations.

(b) Integration of Colorado HB22-1054 and SB22-150:

- Colorado HB22-1054: Strengthens the ability of courts to issue protective orders, ensuring survivors have immediate access to judicial protection and legal recourse in cases of abuse.
- Colorado SB22-150: Establishes a coordinated legal framework that allows tribal courts, state courts, and federal courts to work together efficiently in matters involving domestic violence, coercive control, and survivor protections.

(c) Jurisdiction and Coordination:

- Tribal courts shall be recognized as having concurrent jurisdiction in domestic violence, child abuse, and coercive control cases, ensuring that survivors receive justice through a culturally competent system.
- A formalized cooperation agreement shall be implemented between state, tribal, and federal courts to prevent jurisdictional conflicts and streamline legal proceedings.

(d) Access to Justice for Indigenous Survivors:

- Survivors shall have the right to petition either the state or tribal courts for protective orders and legal remedies without jurisdictional barriers.
- Legal aid and advocacy services shall be provided to ensure survivors understand their rights and have access to appropriate legal representation within the tribunal system.

(e) Tribal-Specific Resources and Support:

- Programs shall be developed to integrate Indigenous customs and restorative justice practices into survivor rehabilitation and perpetrator accountability.

- Funding shall be allocated to enhance legal support, crisis intervention services, and community-led advocacy efforts within Sovereign Nations.
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Fiscal Impact Estimate

1. Initial Capital Costs (Renovation + Acquisition)

Renovating 6231 Federal Boulevard, Denver, CO

to create a state-of-the-art sanctuary for survivors of abuse.

Property Acquisition: \$300,000 to \$1.5 million

Renovation Costs: \$1 million to \$6 million

Technology and Infrastructure: \$50,000 to \$100,000

Total Initial Capital Costs: \$1.35 million to \$7.6 million

2. Annual Operating Costs

Staffing: \$2 million to \$3 million

Program Costs: \$500,000 to \$1 million

Security: \$100,000 to \$300,000

Maintenance: \$100,000 to \$250,000

Food and Personal Care: \$100,000 to \$250,000

Transportation: \$50,000 to \$100,000

Technology Maintenance: \$10,000 to \$20,000

Total Annual Operating Costs: \$2.86 million to \$4.9 million

3. Long-Term Sustainability Fund (Endowment)

Endowment Fund: \$5 million to \$15 million

Total Estimated Fiscal Impact for the First 5 Years

Initial Capital Costs: \$1.35 million to \$7.6 million

Annual Operating Costs (5 Years): \$14.3 million to \$24.5 million

Endowment Fund (if needed): \$5 million to \$15 million

Total 5-Year Estimate: \$20.65 million to \$47.1 million

This fiscal impact estimate considers property acquisition, renovation, operational costs, and the necessary endowment to ensure the long-term sustainability of the sanctuary for survivors of abuse. Funding will be sought from state and federal sources, along with philanthropic donations, grants, and private partnerships.

Conclusion

This comprehensive legislation, inspired by the advocacy work of leaders like Judith Herman and Kim Gandy, integrates clauses from the National Domestic Violence Prevention Action Plan and relevant Colorado legislation. By preventing the sealing of domestic violence cases and incorporating preventative measures for Indigenous peoples, LGBTQ+ survivors, people with disabilities, elderly individuals, and other vulnerable communities, this law ensures justice remains transparent, accessible, and accountable, guaranteeing survivors the right to live free from harm and fear.