



**COLORADO**  
Division of Criminal Justice  
Department of Public Safety

# Judicial Training Taskforce

House Bill 23-1108 Legislative  
Report

The Task Force was created to study victim and survivor awareness and responsiveness training requirements for judicial personnel.

The Task Force was responsible for reviewing current educational opportunities for judicial personnel, best practices for providing training and identifying any gaps or resources needed.

Facilitated by the Colorado Department of Public Safety, Division of Criminal Justice, Office for Victims Programs and the Colorado Supreme Court Colorado Judicial Branch



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## Acknowledgements

Under the leadership of Co-Chairs Chief Justice Brian Boatright and Kelly Kissell, Manager of the Office for Victims Programs at the Division of Criminal Justice, the Task Force met monthly to learn, discuss, and make recommendations to improve the training opportunities for judicial personnel. The Task Force members attended the monthly meetings and completed assignments in between meetings. The Task Force could not have completed this project without the hard work of the Task Force and Working Group members. All the individuals showed dedication and invested a significant amount of time to complete the mandates outlined in House Bill 23-1108.

The Task Force is grateful for the leadership of Rebekah Brown (former Chair) and Chris Radeff (Chair) of the Domestic Relations (DR) Working Group as well as the members of the DR Working Group that convened weekly to meet a very quick deadline to provide a report and recommendations to the Task Force. In addition, the Task Force is grateful for the Children's Working Group and the Victim Service Organizations that met and provided additional education and recommendations to the Task Force.

In particular the Task Force is appreciative for the presentations by Judge Michelle Amico from the 18<sup>th</sup> Judicial District, Jennifer Mendoza from the 1<sup>st</sup> Judicial District, Gina Lopez from the Colorado Coalition Against Sexual Assault, Courtney Sutton from the Colorado Organization for Victim Assistance, Soledad Diaz from Violence Free Colorado, Emily Tofte Nestaval from Rocky Mountain Victim Law Center, Jennifer Eyl from Project Safeguard, Lauren Norton from the San Miguel Resource Center, and Dr. Steven Berkowitz from the University of Colorado Anschutz Medical Campus.

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## Executive Summary

In 2023, the Colorado General Assembly passed House Bill 23-1108, which created a Task Force to study victim and survivor awareness and responsiveness training requirements for judicial personnel. The Task Force was responsible for reviewing current educational opportunities for judicial personnel, best practices for providing training and identifying any gaps or resources needed.

The Task Force and its working groups convened from July 2023 through January 2024 monthly and are pleased to submit this final report including the report from the Domestic Relations Working Group to the Judiciary Committees of the Senate and the House of Representatives and the Judicial Department on February 1, 2024.

The Task Force recognized that a key challenge to attend training for new judges<sup>1</sup> or judges transitioning to different dockets is the lack of resources including senior judges to cover dockets without disrupting current docket schedules.

Additionally, the Task Force believes there is great merit in expanding the expertise for the planning of judicial education opportunities through the creation of subcommittees including a domestic relations subcommittee and a subcommittee specific to the crimes of domestic violence, stalking, and sexual assault with subject matter experts who work with victims and survivors in different professional capacities. These subcommittee will work in partnership with the Judicial Education Committee and the staff from the Judicial Education Unit at the Office of the State Court Administrator to review current trainings and expand educational opportunities on several topics that are highlighted in the recommendations.

The Task Force discussed and approved the 23 recommendations that are outlined in the report. The recommendations delineate topics that should be included in judicial training moving forward as well as the expansion of Bench Book videos to provide quick access tools for judges who have limited on-boarding time when they are first appointed.

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<sup>1</sup> As used in this document, the term judge refers to all judicial officers, including magistrates.

## Introduction

This report describes the activities of the task force that was created to look at current educational opportunities for judicial personnel, best practices for providing training, potential gaps in the current training, and resources needed to allow for ample training for judicial personnel when it comes to their knowledge and understanding of the impact on victims of violent crime including domestic violence, stalking, harassment, and domestic violence. This report also includes recommendations related to judicial personnel on domestic relations matters generally.

The task force met monthly from July 2023 through January 2024 to develop recommendations for judicial personnel training. Several presentations were provided to the task force regarding the current judicial training programs, the impact of trauma on victims, cultural considerations that may impact how a victim presents to the court, and adverse childhood experiences and the impact those experiences have on children who interact with the judicial system. The various presentations helped to inform the final recommendations that are included in the report.

## Legislative Intent and Membership

House Bill 23-1108 (Victim and Survivor Training for Judicial Personnel) as enacted into law in Colorado in 2023 created a task force to study victim and survivor awareness and responsiveness training requirements for judicial personnel. The legislation required a diverse makeup of subject matter experts (SMEs) to analyze the current training available for court personnel in addition to identifying gaps and best practices to promote trauma informed practices moving forward.

Specifically, the Task Force was tasked with determining or analyzing the following:

- Current judicial training around the country on topics related to sexual assault, harassment, stalking and domestic violence;
- gaps in current training in Colorado and how to fill those gaps;
- best practices to promote trauma-informed practices and approaches to the courts;
- strategies to ensure training is effective for learning about victims and survivors and the impact that crime, domestic violence, and sexual assault have on victims and survivors, and that includes information on trauma and methods to minimize re-traumatization of victims and survivors;
- approaches to best provide training on gender-based violence and issues affecting marginalized communities;
- the amount of training judicial personnel currently receive concerning the protection of the rights of victims in order to ensure any implemented training emphasizes that the rights of victims are to be protected as vigorously as the rights of defendants;

- the scope of judicial education opportunities already provided to judges related to domestic violence, the rights of victims, case management, domestic relations dockets, dependency and neglect dockets, juvenile proceedings, and criminal proceedings;
- the resources necessary to provide additional judicial education;
- the resources necessary to allow judges to participate in additional education; and any other topic or concern the task force believes is necessary to adequately study training for judicial personnel regarding victims and survivors of domestic violence, sexual assault, and other crimes.

Senate Bill 23-194 (Improve Domestic Relations Judicial Proceedings) was introduced during the 2023 legislative session, but the bill was postponed indefinitely. With that legislative action, major tenets of the bill were added to HB 23-1108 including a Domestic Relations (DR) working group that was specifically created to analyze and determine training standards for judicial personnel related to domestic relations cases. The working group was tasked with reviewing data related to domestic relations and then preparing a report by November 1, 2023, with recommendations for the full Task Force to review and approve.

The Task Force report from House Bill 23-1108 is due to the Judiciary Committees of the Senate and House of Representatives or any successor committees, and the Judicial Department on or before February 1, 2024.

The Task Force was comprised of 17 voting members and one ex-officio non-voting member that represented prosecutors. The Task Force included judicial representatives, state agency representatives, victim service agencies, and attorneys. As such, the approved recommendations represent the views of the entire Task Force and not that of any agency or Task Force member.

The Domestic Relations (DR) Working Group was comprised of 6 voting members. The working group included attorneys, a mental health professional, and a financial professional with experience in domestic relations cases. As such, the proposed recommendations of the DR Working Group that were presented to the full Task Force for review and approval represented the views of the entire Working Group and not that of any agency or DR Working Group members.

## Activities of the Task Force and Working Groups

During the monthly meetings, members of the Task Force or other subject matter experts (SMEs) presented education and information related to the various mandates of the Task Force. There were four presentations, and the content of those presentations are summarized below.

### **Presentation: Judicial Training Overview** (Colorado Judicial Education)

The Honorable Michelle Amico and 1<sup>st</sup> Judicial District Court Executive Jennifer Mendoza provided an extensive overview of the different educational opportunities that currently exist



for judicial personnel. While most people think of the annual judicial conference as the main resource for judicial training, the information presented demonstrated that there are numerous training opportunities throughout the year for judicial personnel including several self-paced online courses, multiple institutes on more focused areas of the law, as well as Bench Books and Bench Basics videos that can be reviewed at any time.

Within the Office of the State Court Administrator (SCAO), the Judicial Education Unit is responsible for organizing the educational opportunities for judicial officers.<sup>2</sup> There are currently six positions assigned to this unit with a few vacancies that are in the process of being filled at the time this report was prepared. The staff from this unit work with the Judicial Education Committee (JEC). The JEC is tasked with reviewing policy recommendations, prioritizing, collaborating, and looking at the future planning needs for judicial training opportunities. The JEC members are appointed by the Chief Justice who ensures that there is both rural and urban representation as well as varying levels of experience as judicial officers on the committee. There are two District Court Judges, two County Court Judges, two Magistrates, and one Appellate Court Judge on the JEC.

Although the JEC is small, it has several partners to collaborate with regarding judicial education that are both local and national which adds to the diversity of the curriculum. Partners include the Colorado and Local Bar Associations, the Colorado Judicial Institute, the National Judicial College, the State Justice Institute, the Colorado Supreme Court Library, District/County Judge Associations, the Court Improvement Program, the National Council for Juvenile and Family Court Judges, and the National Association for State Judicial Educators.

There are current legal education requirements for judges that require 45 general credits every three years. Included in that total is a requirement for seven professional responsibility credits that include two credits in equity, diversity, and inclusivity as well as five credits for legal ethics or legal professionalism.

Judicial personnel have access to a judicial learning portal through the SCAO that houses on-line learning resources including Bench Basics recordings that cover several fundamental topics in shorter 20-minute sessions that can be reviewed at any time for new judicial officers and as a refresher when judges are transitioning to a different docket. There are over 75 different videos available that cover topics about civil, criminal, domestic relations, juvenile, county court, and self-represented litigants. The portal also has information on upcoming education opportunities, orientation videos, and other resources including a searchable database called Wikicourt, Trial Judge Essentials and the Colorado Judicial Well-Being Website.

The Honorable Michelle Amico and Ms. Mendoza provided an overview of the various internal training opportunities programs that are currently offered which included:

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<sup>2</sup> Office of the State Court Administrator – Colorado State Judicial. “Judicial Education Opportunities in Colorado” (Handout) August 2023.

- An annual three-day conference that is mandatory for all judges
- New Judge Orientation
- Advanced Judge Orientation
- The Domestic Relations and Probate Institute
- The Colorado Juvenile Judges Institute
- The VAWA Institute
- A Mentoring Program
- A Peer-to-Peer Coaching Program and
- The Colorado Institute for Faculty Excellence in Judicial Education.

The first gap identified from the presentation and the discussion by Task Force members is the challenge judges have in finding sufficient time to attend training opportunities because of limitations in the number of senior judges that can cover dockets and the large dockets that judges are currently having to manage.

The second gap identified was the need to expand the work of the Judicial Education Committee to other subject matter experts which could be accomplished with the creation of subcommittees in domestic relations and victim related crimes including domestic violence, sexual assault, harassment, and stalking.

It was also noted that an in-depth review of the learning modalities utilized in the various programs could be beneficial to ensure that best practices in adult learning styles are being incorporated including the use of case reviews. This could be accomplished in collaboration with the Judicial Education Unit, the JEC, and any newly created subcommittees.

### **Presentation: Principles of Merit Selection in Colorado**

Chief Justice Brian Boatright provided an overview of the process for an individual to be nominated, appointed, and retained as a judge. Within each of the twenty-two judicial districts there is a nominating commission that reviews applications and interviews candidates before submitting two or three nominations to the Governor. Each nominating commission is made up of lawyers and non-lawyers that are appointed by either the Governor (for non-attorneys) or a joint appointment by the Governor, Attorney General, and Chief Justice of the Colorado Supreme Court (for lawyers). A nominating commission has 30 days to submit nominations to the Governor within 30 days of the vacancy occurring. The Governor has 15 days after receiving the list of nominees to make an appointment. The Governor has the option of making the appointment effective immediately if there is a vacancy or it may have an effective date weeks or months after the appointment decision is made. The terms of service vary depending on which court the judge is appointed to and every judge serves a provisional 2-year term of office. Retention is determined by the voters and there is a mandatory retirement at 72 years of age.

Retention of judges is dependent upon performance evaluations that are completed by the Office of Judicial Performance Evaluation. There is one judicial performance commission per

judicial district that evaluates judges on their integrity, legal knowledge, communication, temperament, administrative performance, and service to the legal profession and the public. All the evaluations include a narrative that summarizes the evaluation for each judge and a determination of whether the judge meets performance standards are included in the Blue Book that every voter receives prior to voting.

One of the challenges identified is the timing of filling a judicial vacancy. There is not a specific timeframe for a judge to announce they are stepping down from the bench even though the Chief Justice of the Colorado Supreme Court has requested a 90-day notice. When a judge provides a shorter notice, it creates time pressures to convene a nominating commission on short notice and fill the vacancy without a disruption to scheduled dockets. This can create an even greater urgency to have a new judge take the bench with less time for onboarding and training.

A second challenge identified is the decrease in applications received to fill the various vacancies. There is still a commitment to finding qualified individuals to serve as a judge, but as with many other professions recruitment and hiring has been challenging the last few years. For the purposes of the work of the Task Force, it is important that the judges being appointed are diverse and willing to learn about several subjects that have an impact on victims that are involved with the various court systems.

Like the gap identified by the presentation about current education opportunities, this presentation highlighted that it is critical that there is an adequate number of senior judges available to cover dockets so new judges have more time for onboarding and training. There is an onboarding plan for new judges that includes an overview of training opportunities, courtroom observation, overview of the case management systems, meeting court staff, and a review of various policies.

Because there can be a vacancy at any time of the year, it is critical that new judges have access to various trainings and mentoring opportunities until they are able to attend New Judge Orientation in December or Advanced Judge Orientation in May.

### **Presentation: Being trauma informed and culturally aware when working with victims**

At the October meeting of the Task Force, several victim service agencies presented about the considerations when working with victims/survivors that are appearing before the various courts after a traumatic event. Presenters included Soledad Diaz from Violence Free Colorado, Jennfer Eyl from Project Safeguard, Lauren Norton from the San Miguel Resource Center, Gina Lopez from the Colorado Coalition Against Sexual Assault, Emily Tofte Nestaval from Rocky Mountain Victim Law Center, and Courney Sutton from the Colorado Organization for Victim Assistance.

The overarching themes of the presentation included the importance of trauma informed training and understanding the impact of trauma on victims and how that can manifest in

different ways at court. This could include delayed reporting, loss of memory and/or difficulty remembering details. Because victims may act or behave differently in court because of their trauma, the presenters also emphasized the importance of expanding the use of expert witness testimony to help explain victim trauma, the neurobiology of trauma for victims, and understanding myths and stereotypes about sexual assault and domestic violence. It was also noted that an expert does not necessarily have to be a therapist, but it could also be victim advocates that work with victims on a regular basis.

The presenters also discussed the importance of understanding victims and survivors through a culturally responsive lens which includes recognizing the need for language access, a lack of understanding of the U.S. court systems, and different family structures that may not look the same as the “typical” American family structure.

A portion of the presentation focused on victim rights and the latest trends that are negatively impacting victims including defamation lawsuits being brought against victims when charges are filed against an offender and then dismissed or seeking a protection order against the offender. While most judges are aware of the victim rights act, it was noted that judges should be better informed of the coercive tactics that can sometimes occur because of victims trying to have their rights upheld throughout the criminal justice process.

The presenters also highlighted how coercive control is present during the court process as well in a variety of different ways. This could include using the children to exert control over a victim by threatening to harm the children or prevent the children from seeing or interacting with a victim through the protection order process.

The presentation identified the need to review the current available training for judges and the potential expansion of the training to include a Domestic Violence 101, Sexual Assault 101, Victim Rights Act 101, and the neurobiology of trauma to the new judge orientation, advanced judge orientation, and the bench basic videos as a way to get this information easily to new judges as well as having them readily available to judges who would like a refresher on these topics at any time.

### **Presentation: Adverse Childhood Experiences and Their Impact**

Steven Berkowitz, M.D. is a professor for the Department of Psychiatry and Pediatrics at the University of Colorado, School of Medicine - Anschutz Medical Campus and the Director of the START Center in the Department of Psychiatry. He provided an overview of the research behind Adverse Childhood Experiences (ACEs) and how these experiences impact children that are exposed to domestic violence.

Adverse Childhood Experiences are defined as stressful exposures that are typically chronic or repetitive in nature. These experiences include neglect or experiencing or witnessing violence

and are often in the home.<sup>3</sup> Dr. Berkowitz explained that the largest study conducted that examined ACEs took place in California with over 17,000 adults who answered a questionnaire regarding abuse, neglect, and family dysfunction to determine their ACE score. This study along with other studies that administered a version of the Adverse Childhood Experiences Questionnaire, or the Adverse Childhood Experiences Questionnaire (ACE-IQ) identified risk behaviors and chronic diseases that showed a causal relationship between a higher ACE score and the prevalence of numerous health problems. In addition, physical, mental, and behavioral outcomes of child abuse have shown a greater incidence of a long list of co-occurring conditions including alcoholism, depression, illicit drug use, intimate partner violence, smoking, suicide attempts, and criminality to name a few.

During the presentation, Dr. Berkowitz highlighted the concerns for children who live in households with domestic violence and the negative consequences of this exposure on children. The negative consequences included increased rates of depression, substance use disorders, anxiety disorders, antisocial behaviors, and unemployment. The traumatic exposure to domestic violence is a form of maltreatment that ultimately alters a child's brain interrupting normal brain development.

The presentation emphasized the reasoning for additional education for judges on ACEs, the neurobiology of trauma, and the impact of trauma on children which are key pieces when judges are considering judicial orders that involve children in both criminal and civil court cases.

## Recommendations

This report is a product of the Judicial Training Taskforce and Domestic Relations Working Group, created by House Bill 23-1108. This report and the recommendations herein do not represent the views of the Colorado's Governor's Office, Office of State Planning and Budgeting, the Colorado Department of Public Safety, or other state agencies.

The final twenty-three recommendations in this report are a result of work and discussions that were completed in the various working groups or in the larger Task Force. All the recommendations listed were voted on and approved by the full Task Force. Recommendations 16-23 were part of the Domestic Relations report that was submitted to the Task Force for review and approval. As part of its work, the DR Working Group received and reviewed the data that was provided by the Office of the State Court Administrator as required in House Bill 23-1108. The only data that was not available was the number of cases in which an attorney was not counsel of record but provided services to a party in case. That specific data was not available because the courts' case management system can't track services that were provided off the record. The complete report can be reviewed in the appendices.

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<sup>3</sup> Pace, C.S., Muzi, S., Rogier, G., Meinero, L.L., Marcenaro, S. The Adverse Childhood Experiences–International Questionnaire (ACE-IQ) in community samples around the world: A systematic review (part I). *Child Abuse & Neglect*. 2022 Jul 1;129:105640.

During the Task Force meetings it was expressed that many of the recommendations made sense and could be implemented without legislation. Therefore, not all the recommendations are legislative in nature but will be accomplished through ongoing collaboration with the Office of the State Court Administrator and the various stakeholders that were part of the Task Force.



#### **Recommendation #1:**

The Supreme Court will expand opportunities for input and collaboration by creating subcommittees of the Judicial Education Committee, including a subcommittee focused on domestic relations and a subcommittee focused on victim and survivor awareness.



#### **Recommendation #2:**

The Judicial Education Committee will establish a public website to publish information on education programs, solicit input on perceived gaps in education, and announce other opportunities for involvement in judicial education.



#### **Recommendation #3:**

The Judicial Education Committee will establish a process for members of the public to apply for subcommittees to promote that process on its website and through communications staff at SCAO.

The first three recommendations were part of a proposal prepared by the Office of the State Court Administrator and presented to the Task Force at the October meeting. Per the discussions at the Task Force these three recommendations were being worked on prior to the final vote of the Task Force and implementation will begin in 2024.



#### **Recommendation #4:**

The Colorado General Assembly should evaluate the most recent weighted caseload studies regarding judicial officer workload and provide sufficient resources to the Judicial Department to expand training opportunities, to reduce docket sizes, to provide more time for judges to attend trainings, to increase the number of mentors for judges, and to increase the number of judges.

The most common gap that was discussed was the need to make time without a disruption to scheduled dockets so judges can attend the critical training that is outlined in many of the recommendations in this report. This can't be accomplished with the current judicial staffing and is even more challenging in rural judicial districts.



#### **Recommendation #5:**

The judicial education subcommittee on victims and survivors should include representation from victim-serving organizations in a number that is balanced in relation to other stakeholders on the committee. Given the role of the courts, balanced representation is important to preserve the fairness and impartiality of its work.



#### **Recommendation #6:**

Inclusion of subject matter experts regarding IPV, sexual violence, and children impacted by violence on the larger judicial training subcommittee.



#### **Recommendation #7:**

Ask the appropriate judicial education subcommittees to identify the most effective ways to include education from experts, including those with lived experience, medical professionals, and other subject matter experts in trainings related to topics related to victim and survivor awareness while also maintain impartiality of the training.

Recommendations #6 and #7 were approved after discussions by the working groups and the Task Force in recognition that there was a need to expand the expertise when planning a variety of judicial education opportunities for judges and judicial personnel. The subcommittees can bring their lived experience and knowledge to help ensure that the trainings offered consider the perspective and trauma of victims that are appearing before the various courts.

There was also an understanding that the subcommittees will have to have balanced expertise, however, for the purposes of the Task Force and HB23-1108 the focus was on victims including the children that are exposed to violence.



#### **Recommendation #8:**

The appropriate judicial education subcommittee shall evaluate current educational programming and identify opportunities for improvement regarding:

- the impact of intimate partner violence exposure on children;
- the behavior of victims and how to be trauma centered when engaging with victims;
- power and control tactics of abusers post-separation abuse;
- the reliability of information entering the courtroom;

- An understanding of the role, limitations, and qualifications of third-party neutrals such as child family investigators, parental responsibility evaluators, county department of human services, and others and provide training sessions across professions;
- myths and misconceptions surrounding interpersonal violence, trauma, sexual violence, and stalking and how these myths and misconceptions and unscientific information are used in the courtroom;
- offender behavior in stalking cases, and the role of the court in protecting victims;
- domestic violence lethality factors and risks, and role of the court in protecting victims;
- potential bias, including race, ethnic, cultural and gender bias in decision-making;
- the impact of judicial orders on lived experience of victims and survivors;
- child abuse and the role of the court in protecting child victims; and
- the neurobiology of trauma and presentation of victim dynamics and what it means for judicial officers presiding over cases.

The Task Force members did not have enough time to complete an in-depth review of the current curricula that are offered to judges, but they also recognized that this was something that could be done outside the work of the Task Force in any of the newly created judicial education subcommittees. The Task Force recommends the subcommittees consider the use of professional trainers that are subject matter experts who are using peer-reviewed research and have knowledge of adult learning styles to provide training that meets best practices which is also a requirement for any state to apply for funding associated with the Keeping Children Safe from Family Violence Act, 34.U.S.C, sec. 10446 as amended.

The various topics listed in this recommendation were created based on discussions of the Children's Working Group and the victim service agencies' recommendations that were presented at the November Task Force meeting. During the Task Force meetings there were discussions about implicit bias and an awareness of the importance of recognizing cultural differences which may impact how victims present themselves in court.

There was a discussion about the VAWA Institute that is offered the same week of the annual judicial conference as an optional add on to the conference. There could be merit in offering the Institute more than once per year given the discussion to increase training around domestic violence, sexual assault, and stalking.

Additionally, the group discussed protection orders and the need for increased education to better ensure that the protection orders that victims are seeking help to protect themselves and their children. The Protection Order Bench Card (2018) outlines the legal standards the court must follow. This Bench Card is outdated based on changes to the law but offers an outline of the legal standards and provisions when issuing a civil protection order.

A bench book on Domestic Violence has not been consistently available to judicial officers. The currently available Domestic Violence Bench Book was created by the Colorado Bar Association



in 2011, which is now outdated. The Domestic Relations Bench Book (2021) is generally focused on giving guidance on applicable laws to the courts. It is lacking in topic areas, practice tips or application of the law in real situations. For example, a search for the term “stalking” returned zero results within the Domestic Relations Bench Book. The currently available Bench Books and other resources do not contain sufficient information to assist a court in recognizing Domestic Violence and the application to a case. Additionally, judicial officers need additional training in cases of sexual violence against children and additional training on the cross-over and alignment of protection orders across dockets. Thus, while a court may be aware that the law allows the court to impose a protection order to include the child victim, there appears to be insufficient information on how to apply that law and considerations for when it may be appropriate.

Every day in Colorado, victims seek protection orders to increase their and their children’s personal safety. The National Council of Juvenile and Family Court Judges (2010)<sup>4</sup> offers guiding principles for civil protection orders including, but not limited to:

1. Determine the dangerousness and lethality of each case.
2. Facilitate issuance of protection orders that provide the broadest relief allowable under state or tribal law and as requested by the petitioner.
  - a. Establish a process whereby a risk is assessed throughout the proceedings to ensure that the victim’s safety is addressed.
  - b. Safeguard victims and children by crafting careful orders with regard to custody, visitation, and support.
  - c. Order supervised visitation or exchange when necessary. Craft orders that do not endanger the victim or children by simply defaulting to unsupervised visits.
3. Consider the impact of child custody. For many victims of domestic violence, children are central in the decision to stay or leave an abusive relationship. Given the impact of domestic violence on children, the overlap of domestic violence and child maltreatment, and the degree to which perpetrators use children to control and threaten victims, professionals should act to protect children as well as victims throughout the protection order process. A protection order process that prioritizes safety addresses child custody, visitation, and support.

The National Council of Juvenile and Family Court Judges (2010, 2016<sup>5</sup>) reports, judicial officers should implement evidence-based risk assessment and work towards protecting both adult victims and children. The lethality factors associated with adult domestic violence lethality also indicated lethality risks to children.

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<sup>4</sup> National Council of Juvenile and Family Court Judges Family Violence Department. (2010). *Civil Protection Orders: A guide for improving practice*. NCJFCJ. [https://www.ncjfcj.org/wp-content/uploads/2012/02/cpo\\_guide.pdf](https://www.ncjfcj.org/wp-content/uploads/2012/02/cpo_guide.pdf)

<sup>5</sup> National Council of Juvenile and Family Court Judges. (2016). *Assessing risk of parental child homicides in the context of domestic violence and technical assistance brief*. NCJFCJ.

Throughout the state, victims of Domestic Violence and sexual violence have a difficult time filing and gaining civil protection orders. Victims of Domestic Violence seeking protection orders often find their child(ren) left off the order and without orders for temporary care and control. Within the context of domestic violence relationships, Colorado judicial officers make findings of domestic violence but do not find the behavior is likely to continue. There is a common misconception that children are in less danger once a couple is no longer living together (Bancroft & Silverman, 2002<sup>6</sup>; Langford, Isaac, & Kabat, 1999<sup>7</sup>). For victims of Domestic Violence, the most dangerous and lethal time is when they are leaving the relationship, protection orders can provide safety for both the victim and children. There are many other risks to a child's safety for the court to consider when determining whether to include a child on the protection order. It is necessary for judicial officers to understand the complexity and danger of domestic violence for both the abused partner and the child(ren).



#### **Recommendation #9:**

The appropriate judicial education subcommittee shall evaluate current educational programming and identify opportunities for improvement regarding:

- Full Faith & Credit recognizing Tribal court orders of protection and removing the barriers for survivors from those communities from having to pay additional court fees;
- Sexual assault, counter-intuitive victim behavior, avoiding victim blaming (current offerings only cover SO and SVP), and the impact and neurobiology of trauma;
- Domestic Violence Offender behavior – post-separation battering tactics; and
- Risk assessment/management for victims and the Address Confidentiality Program.

It was highlighted that there is still confusion regarding the federally recognized tribes in Colorado and how the Tribal Court orders may intersect with the State Courts. Further training around this topic could help to alleviate some of the confusion and improve the system for American Indian victims. The other topics that are highlighted in this recommendation are in line with other recommendations in the report that seek to review and improve the training regarding sexual assault, domestic violence, stalking and child abuse and the victims' interactions with the courts.

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<sup>6</sup> Bancroft, L., & Silverman, J.G. (2002). *Assessing risk to children from batterers*. Lundy Bancroft. <https://lundybancroft.com/articles/assessing-risk-to-children-from-batterers/>

<sup>7</sup> Langford, L., Isaac, N.E., & Kabat, S. (1999). *Homicides related to intimate partner violence in Massachusetts 1991-1995*. Boston: Peace at Home.



#### **Recommendation #10:**

The Judicial Education Committee will identify ways to track and evaluate the efficacy of the various judicial education programs.

Currently, there is an opportunity for judges that participate in judicial education programs to complete a survey regarding the training. The Task Force discussed the need to continue to review the education opportunities and explore more ways to expand the current process for evaluation and determine if there are changes that can be made to better ensure that the educational opportunities are effective in increasing judges understanding of a topic. It is important to note that this would not be tracking an individual judge's learning, but a tracking of the training's content and the training modality for its efficacy.



#### **Recommendation #11:**

The appropriate judicial education subcommittee shall evaluate ways to provide training opportunities for Child Family Investigators and Parental Responsibility Evaluators to meet statutory requirements and to ensure that those professionals receive high-quality and consistent training opportunities.

This recommendation is intended to help with the concern that Child Family Investigators (CFIs) and Parental Responsibilities Evaluators (PREs) that may not be sufficiently trained and are seen as the subject matter experts. CFIs, Child Legal Representatives (CLRs), and PREs were all included in House Bill 23-178's domestic violence education requirements. For PREs and CFIs, House Bill 23-1178's requirements were the second set of domestic violence and child abuse training requirements to be issued in two years. (See House Bill 21-1228) Though the subject matter of the training requirements were similar for both bills, the second bill's requirements regarding the trainer's qualifications meant that most professionals who completed the required training from the first bill had to start again. (See House Bill 23-1128, page 7). In neither case was there any guidance given to these professionals about what training might meet these requirements or where appropriate training might be found. Rather, a deadline was established for the training to be completed, and professionals were left to both root out and attend adequate training within the deadline without guidance.

The Chief Justice Directives (CJD) that guide CFIs and PREs define them as investigative arms of the Court. (See CJD21-02) at §VIII (B)(3), and CJD 04-08 at §VIII (B)(3)). While the relationship between the Court and the CLRs is not as clear, the duty of the CLR is to "determine and recommend those available alternatives which are the best interests of the child" to the Court. (See *in re the Matter of Barnthouse*, 765 P.2d 610, 612 (Colo. App. 1988)). The Chief Justice Directive that applies to CLRs paid by the state of Colorado indicate that is the Court's duty to ensure that CLRs working in their jurisdictions are representing the best interests of children

and to implement procedures and practices that enable them to comply with the CJD. (See CJD 04-06 at §VI (A), (C). CLRs and CFIs are granted quasi-judicial immunity when serving the Court in these roles. (see JDF 1320 Order Appointing Legal Representative of the Child at §8, and JDF 1318 Order Appointing Child and Family Investigator at §(7)(c).

Because of these unique roles of CLRs, CFIs, and PREs, in relation to the Courts it's important not only that they be trained in these areas, but they have the facilitated access to high quality education in these areas.



#### **Recommendation #12:**

The Judicial Department will create an onboarding program for new judges and for judges rotating onto domestic relations and criminal dockets that will include programming recommended by the subcommittees with stakeholder input. Topics will include but not be limited to trauma-informed care and the neurobiology of trauma, depth of context within power and control, expert witness utilizations, Victim Rights Act training on implementation (Rights in action e.g., privacy, right to be present, virtual access), child and human development in the context of trauma emphasizing training on the interest of the child, trauma informed courtrooms, interpersonal violence, and cultural responsiveness and language access.

Discussions within the Task Force and the working groups repeatedly identified the timing of judicial appointments and the lack of time available for new judges to receive sufficient training before taking the bench as gaps in the current appointment process. Additional resources, such as more senior judges, are needed to lengthen the time a new judge has for the onboarding process. A domestic relations docket, similar to other specialized dockets, is equally challenging and requires a lot of initial education for a new judge.



#### **Recommendation #13:**

The Judicial Department will create an on-demand training related to the Victim Rights Act (VRA), Domestic Violence (DV) 101, Sexual Assault (SA) 101, and Child Abuse 101. The on-demand training is necessary because the new judges are selected throughout the year, and sometimes new judges do not attend new judge orientation for nearly a year, depending on when they take the bench.

Like the prior recommendation, any expansion of judicial resources for new judges to watch prior to taking the bench are a best practice to make sure the judge has a basic understanding of these violent crimes and their responsibilities under the Victim Rights Act in criminal cases. In addition, the on-demand training videos will allow any judge to review this information if they are transitioning to a new docket.



#### **Recommendation #14:**

Include training for appropriate judicial personnel as determined by the appropriate subcommittee on best practices to minimize traumatization.

The Task Force recognized that most of the recommendations are intended for judges, but there was also an understanding that there are other judicial personnel that are public facing that interact with victims. It was important to recognize this gap and to find a mechanism for additional training for judicial personnel. The subcommittees should include this as part of their conversation when they are developing training.



#### **Recommendation #15:**

The Task Force members who have time and interest are welcome to continue to meet quarterly through the end of 2024 so the group can monitor and discuss the implementation of all recommendations.

Recognizing that the HB23-1108 created the Task Force for a specific amount time, the Task Force discussed the importance of the conversations continuing past the preparation of this report and the final meeting in January as required by the legislation. Moving forward, members of the Task Force were offered the option to continue to meet with State Judicial to work on the implementation of the various recommendations.



#### **Recommendation #16:**

Create a Judicial Education Subcommittee on Domestic Relations that will identify the necessary knowledge and skills that DR judicial officers should possess, endorse general principles by which learning is best fostered (e.g., use a variety of learning formats, give judges significant control over when, how, and where their learning takes place, etc.), and ensure overall quality and effectiveness of educational programs.



#### **Recommendation #17:**

Develop additional resources so judges can take time away from their dockets for educational opportunities and onboarding.



#### **Recommendation #18:**

Develop an ethos that domestic relations cases should primarily (if not exclusively) be assigned to judges who have either had training, experience, or other subject matter exposure to family law.



#### **Recommendation #19:**

Further develop mentorship opportunities for Domestic Relations judges.



#### **Recommendation #20:**

Continue development of Bench Basics videos and on-demand training modules on Domestic Relations topics, tailoring them to educating judges before they take the bench or before they are assigned to a Domestic Relations docket.



#### **Recommendation #21:**

Continue development of educational resources to include on-demand training/ webinars, and specific case-based modules to address domestic violence (and in particular coercive control, emotional abuse, litigation abuse, and financial abuse), child maltreatment, common custody issues, the appropriate use of therapy modalities, and the like.



#### **Recommendation #22:**

Special consideration should be paid to the development of model parenting plan orders, the crafting of orders to specifically minimize future conflict, and identification of resources in each district to support transitioning families.



#### **Recommendation #23:**

A website should be developed that collects domestic relations education opportunities both within the Judicial Department and external education from partner organizations.

As previously noted, recommendations #16-#23 were developed by the Domestic Relations Working Group and the full report from the working group can be found in Appendix F.

### **Keeping Children Safe from Family Violence Act**

In addition to providing recommendations, the Task Force was also tasked with ensuring that the recommendations would comply with the federal “Keeping Children Safe from Family Violence Act”, 34 U.S.C. Sec 10446, as amended (a.k.a. Kayden’s Law) . Kayden’s Law requires training in the areas of domestic violence and child abuse that includes child sexual abuse, physical and emotional abuse, coercive control, implicit and explicit bias, including bias relating to individuals with disabilities, trauma, long-term and short-term impacts on children, and victim and perpetrator behavioral patterns and relationship dynamics. There are several recommendations that include the expansion of training in these various topic areas.

The recommendations include the addition of subject matter experts on the new subcommittees to work with the Judicial Education Committee. The work completed in the subcommittees can address the use of professional trainers with expertise in the topics outlined as well as reviewing presentations to determine if they are evidence based and use peer reviewed research for the various trainings as required by Kayden's Law. The remaining issue to be addressed is a way to ensure that the judges are meeting the 20 hours of initial training and the 15 hours of on-going training every five years to be in compliance with Kayden's Law so the state can apply for any funding that may become available in the future.

## Citations

Bancroft, L., & Silverman, J. G. (2002). Assessing risk to children from batterers. Lundy Bancroft. <https://lundybancroft.com/articles/assessing-risk-to-children-from-batterers/>

Bernet, W., vonBoch-Galhau, W., Baker, A.J.L., Morrison, S.L., Obershneider, M.D., & Rueda, S. (2010). Parental alienation, DSM-V, and ICD-11, American Journal of Family Therapy, (38(1), 76-187.

Centers for Disease Control and Prevention.

<https://www.cdc.gov/violenceprevention/childabuseandneglect/index.html>

Langford, L., Isaac, N.E., & Kabat, S. (1999). Homicides related to intimate partner violence in Massachusetts 1991-1995. Boston: Peace at Home.

National Council of Juvenile and Family Court Judges Family Violence Department. (2010). Civil Protection Orders: A guide for improving practice. NCJFCJ.

[https://www.ncjfcj.org/wp-content/uploads/2012/02/cpo\\_guide.pdf](https://www.ncjfcj.org/wp-content/uploads/2012/02/cpo_guide.pdf)

National Council of Juvenile and Family Court Judges. (2016). Assessing risk of parental child homicides in the context of domestic violence technical assistance brief. NCJFCJ.

[https://www.ncjfcj.org/wp-content/uploads/2022/12/33017-TA-Brief-Risk-of-Parent-Child-Homicides\\_FINAL-2.pdf](https://www.ncjfcj.org/wp-content/uploads/2022/12/33017-TA-Brief-Risk-of-Parent-Child-Homicides_FINAL-2.pdf) “

National Sexual Violence Resource Center (2010). What is Sexual Violence?

[www.nsvrc.org/sites/default/files/Publications\\_NSVRC\\_Factsheet\\_What-is-sexual-violence\\_1.pdf](http://www.nsvrc.org/sites/default/files/Publications_NSVRC_Factsheet_What-is-sexual-violence_1.pdf)

Office on Violence Against Women. <https://www.justice.gov/ovw/domestic-violence>

OVC Model Standards Glossary. Office of Justice Programs – Office for Victims Programs, December 11, 2023. <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/model-standards/6/glossary.html#top>

Pace, CS, Muzi, S., Rogier, G., Meinerio, L.L., Marcernaro, S. The Adverse Childhood Experiences - International Questionnaire (ACE-IQ) in community samples around the world: A System review (part 1). Child Abuse and Neglect. 2022 Jul 1;129:105640.

Stalking, Prevention, Awareness, and Resource Center (SPARC).

<https://www.stalkingawareness.org/definition-faqs/>

World Health Organization. Adverse Childhood Experiences International Questionnaire (ACE-IQ). <https://urldefense.com/v3/> <https://cdn.who.int/media/docs/default->



[source/documents/child-maltreatment/ace-questionnaire.pdf?sfvrsn=baed215c\\_2\\_!!PUG2raq7KiCZwBk!eOO8X1UlrrlkkKtf-s3xU-yj4ViyP-o74wbFoQ1hXzN1DvSGg5sQnipRvyjTROzLHv6wyV54SzwEmQg0KIEYkwSDVx587nG\\_b-7l1XCR\\$](https://source/documents/child-maltreatment/ace-questionnaire.pdf?sfvrsn=baed215c_2_!!PUG2raq7KiCZwBk!eOO8X1UlrrlkkKtf-s3xU-yj4ViyP-o74wbFoQ1hXzN1DvSGg5sQnipRvyjTROzLHv6wyV54SzwEmQg0KIEYkwSDVx587nG_b-7l1XCR$)

Warshak, R.A. (2015) Ten Parental Alienation Fallacies That Compromise Decisions in Court and in Therapy. American Psychological Association.

## Appendices

### Appendix A – Glossary of Terms

**Please note: The definitions included in this report are specific to provide context for this report and are not intended to change or request a change of the legal definition of any of these terms as they appear in statute.**

*Adverse Childhood Experiences (ACEs)*- stressful exposures that are typically chronic or repetitive in nature. To learn more about these experiences see the current questionnaire which can be found on the [World Health Organization website](#).

*Child abuse and neglect* – any act or series of acts of commission or omission by a parent, caregiver, or another person in custodial role that results in harm, potential for harm, or threat of harm to a child. Forms of child abuse and neglect:

- Physical abuse is the intentional use of physical force that can result in physical injury. Examples include hitting, kicking, shaking, burning, or other shows of force against a child.
- Sexual abuse involves pressuring or forcing a child to engage in sexual acts. It includes behaviors such as fondling, penetration, or exposing a child to other sexual activities.
- Emotional abuse refers to behaviors that harm a child's self-worth or emotional well-being. Examples include name-calling, shaming, rejecting, withholding love, and threatening.
- Neglect is the failure to meet a child's physical and emotional needs. These needs include housing, food, clothing, education, access to medical care, and having feelings validated and appropriately responded to.

*Domestic violence/Intimate Partner Violence* – Can be defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone. Domestic abuse can happen to anyone of any race, age, sexual orientation, religion, or gender. It can occur within a range of relationships including couples who are married, living together, or dating.

*Domestic violence* - a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

*Evidence Based Programs and Practices* – A program, practice, or intervention whose effectiveness has been demonstrated by causal evidence (generally obtained through one more impact evaluations). Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change.

*Re-traumatization* – Intense physical and psychological reactions that occur when a victim's emotional wounds are re-opened or when they anxiously anticipate the re-opening of these wounds. The distress may occur when persons are exposed to additional traumatic events or when they find themselves in situations that trigger painful memories of past traumatic events. Re-traumatization may also occur when victims re-tell their stories. Victim-centered and trauma-informed approaches are implemented in an attempt to avoid re-traumatizing victims while delivering services.

*Sexual violence* – Means that someone forces or manipulates someone else in unwanted sexual activity without their consent. Reasons someone might not consent include fear, age, illness, disability, and/or influence of alcohol or other drugs. Anyone can experience sexual violence including children, teens, adults, and elders. Those who sexually abuse can be acquaintances, family members, trusted individuals, or strangers. Forms of sexual violence: Rape or sexual assault, child sexual assault and incest, intimate partner sexual assault, unwanted sexual contact/touching, sexual harassment, sexual exploitation, showing one's genitals or naked body to other(s) without consent, masturbating in public, or watching someone in a private act without their knowledge or permission.

*Stalking* – A pattern of behavior directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

*Trauma Informed* – Approaches delivered with a n understanding of the vulnerabilities and experiences of trauma survivors, including the prevalence and physical, social, and emotional impact of trauma. A trauma-informed approach recognizes signs of trauma in staff, clients, and others and responds by integrating knowledge about trauma into policies, procedures, practices, and settings. Trauma-informed approaches place priority on restoring the survivor's feelings of safety, choice, and control.

*Victim-centered Approach* – Placing the crime victim's priorities, needs, and interests at the center of the work with the victim; providing non-judgmental assistance, with an emphasis on client self-determination, where appropriate, and assisting victims in making informed choices; ensuring that restoring victims' feelings of safety and security are a priority and safeguarding against policies and practices that may inadvertently re-traumatize victims; ensuring that right

victims' rights, voices, and perspectives are incorporated when developing and implementing system- and community-based efforts that impact crime victims.

## Appendix B – Current Judicial Training Opportunities Presentation



### Colorado Judicial Education

Judicial Taskforce Meeting  
August 29, 2023



### Colorado Courts Trivia

HOW MANY JUDICIAL DISTRICTS ARE THERE IN COLORADO?



### Colorado Judicial Districts



### Colorado Courts Trivia

HOW MANY JUDICIAL OFFICERS ARE THERE IN COLORADO?



### Colorado Judicial Education Mission

The Mission of Colorado Judicial Education is to promote the highest standard of performance for Colorado Judicial Officers.

*CJE strives to provide the right level of support at the right level of complexity to the right judicial officers at the moment of need.*



### STAFFING

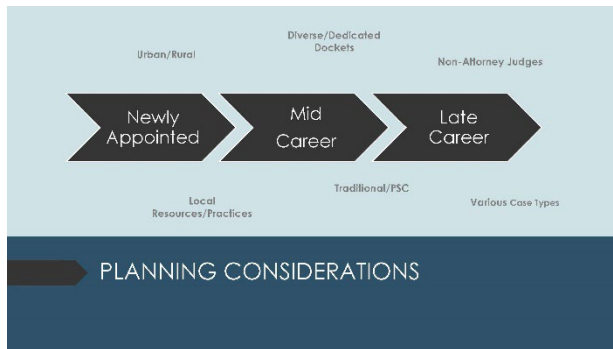
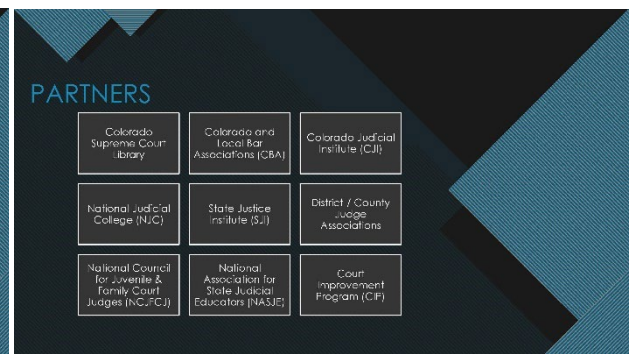
- VAWA Education Specialist: Kristen Schwartz
- Judicial Educator Recruitment: Pending
- Education Specialist: David Gutrova
- Education Specialist: COMING SOON
- Programs Analyst III: COMING SOON
- Family Programs Coordinator: Alexis Fredrickson

### JUDICIAL EDUCATION COMMITTEE



Members are appointed by the Chief Justice. Appointments are made to include both rural and urban representation as well as diverse levels of experience as a judicial officer.





## CONTINUING LEGAL EDUCATION REQUIREMENTS

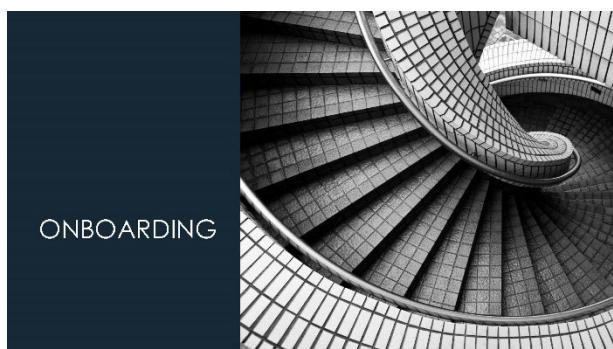
EVERY 3 YEARS:  
45 GENERAL CREDITS  
7 PROFESSIONAL RESPONSIBILITY:

- 2 EQUITY, DIVERSITY & INCLUSIVITY
- 5 LEGAL ETHICS OR LEGAL PROFESSIONALISM

## WHAT ARE THE KEY CHARACTERISTICS OF AN EXCELLENT JUDICIAL OFFICER?

EVEN-TEMPERED  
 EXCELLENT LISTENER  
 PATIENT  
 FAIR  
 KIND  
 PREPARED  
 KNOWLEDGABLE  
 FLEXIBLE  
 RESPECTFUL  
 APPLICATION OF THE LAW  
 PRESENT

## JUDICIAL EXCELLENCE



## JUDICIAL LEARNING PORTAL

[Home](#) [Browse](#)

[Bench Basics](#) [Bench Books](#) [Conferences & Events](#) [On Demand](#) [Other CLE](#) [Resources](#) [Trial Judge Essentials](#) [Well-being Webinars](#)

**WELCOME TO YOUR Learning Portal**

Judicial Learning Portal Orientation Videos  
☐ [Orientation Video \(All Judicial Officers except Senior Judges and Denver County Court\)](#)  
☐ [Orientation Video for Senior Judges and Denver County Court](#)





## Colorado Judicial Mentoring and P2P Coaching Programs

Voluntary, confidential, individualized support for judicial officers

### Mentoring

Provides new judicial officers with support from an experienced judicial officer as they navigate the full range of challenges and issues that a judge may face when new to the bench or when transitioning to a new docket. The focus of the program is for experienced judicial officers to educate, support and encourage their colleagues by:

- Educating to improve core competencies and courtroom skills in areas such as case management, courtroom management, demeanor, judicial decisions, knowledge of the law and relationships with key stakeholders, staff and/or other judicial officers

### P2P Coaching

Provides a collaborative system of support that not only assists experienced judicial officers in defining and achieving their personal and professional goals, but also provides an opportunity to develop future judicial leadership.

The peer-to-peer coaching program provides support and insight on issues that occur inside and outside of the courtroom, with a goal of improving performance and meeting individual needs of well-being.

## THE AMAZING THING ABOUT INVESTING TIME IN YOUR PERSONAL AND PROFESSIONAL DEVELOPMENT... IS THAT NOTHING CAN EVER TAKE WHAT YOU GAIN AWAY FROM YOU.

### SIGN UP FOR JUDICIAL PEER-TO-PEER COACHING!

If you have been on the bench for approximately two years or more, are a life long learner and believe you would flourish in a one-on-one coaching relationship, apply today!

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## COLORADO INSTITUTE FOR FACULTY EXCELLENCE IN JUDICIAL EDUCATION

## Colorado Judicial Well-Being Website

### JudicialWellBeing.Colorado.Gov

The Judicial Well-Being site is designed to strengthen performance on the bench, enhance job satisfaction and work-life balance, and foster community within our profession.

[Home](#)
[Resources](#)
[Hot Topics](#)
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[FAQs](#)
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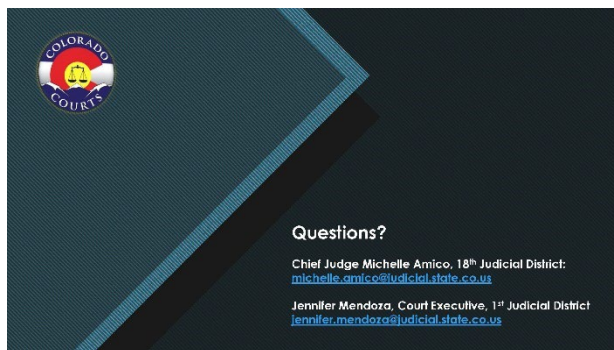
### Just Be: Yoga & Mindfulness for Colorado Judicial

Simple, accessible, and supporting practices for movement and meditation, specially crafted for judicial well-being.

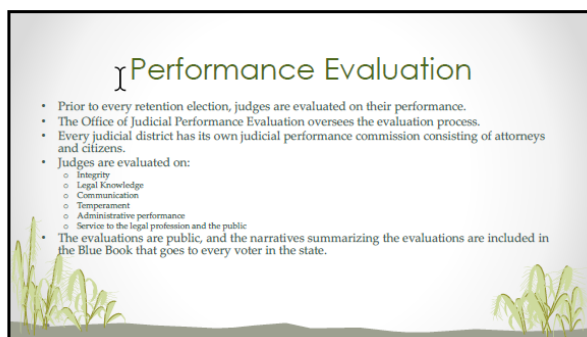
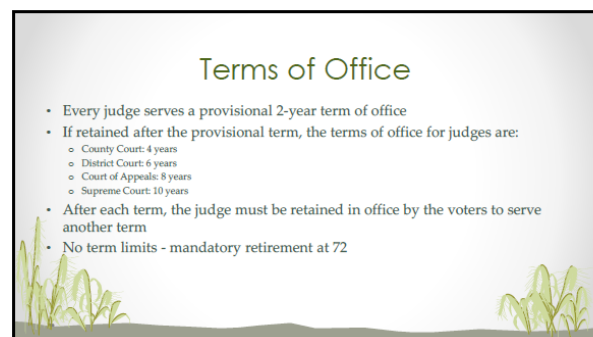
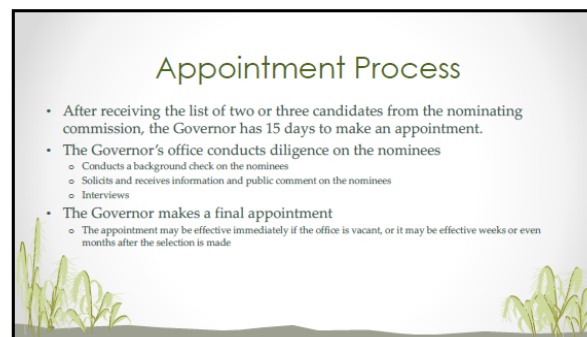
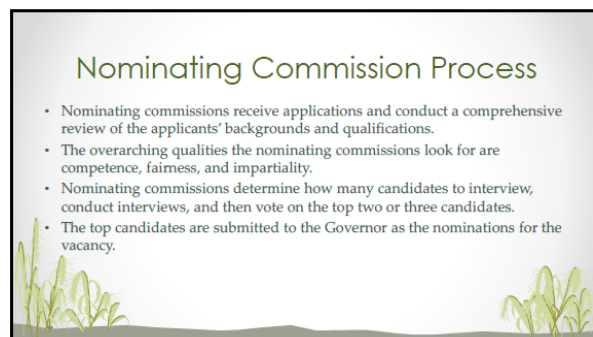
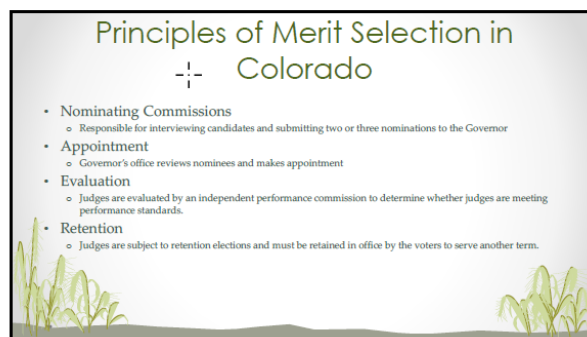
[Read More](#)

## IMPLICIT BIAS

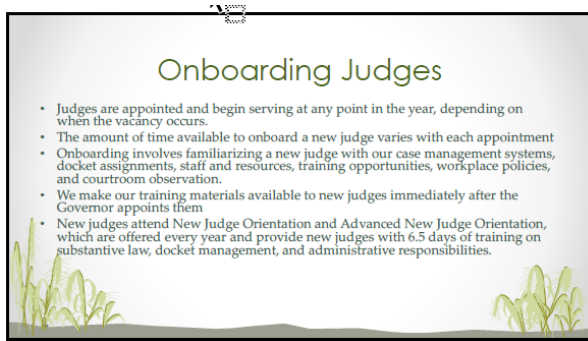
## INDIVIDUALIZED SCHOLARSHIPS AND PROFESSIONAL DEVELOPMENT PLANNING



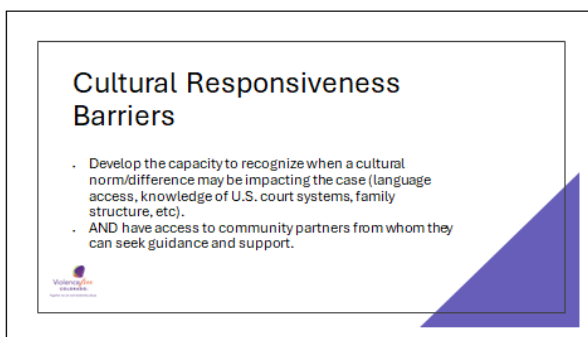
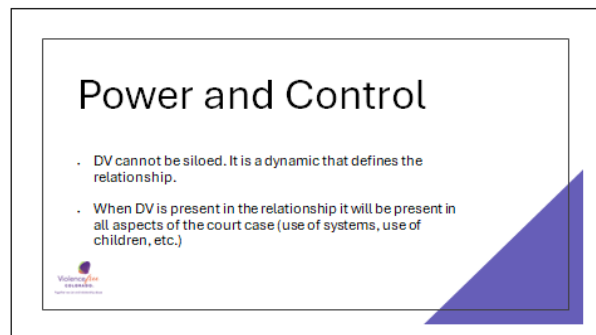
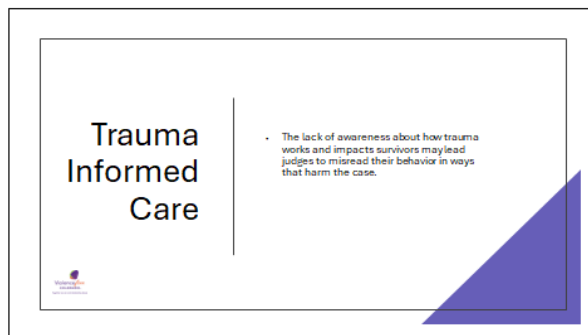
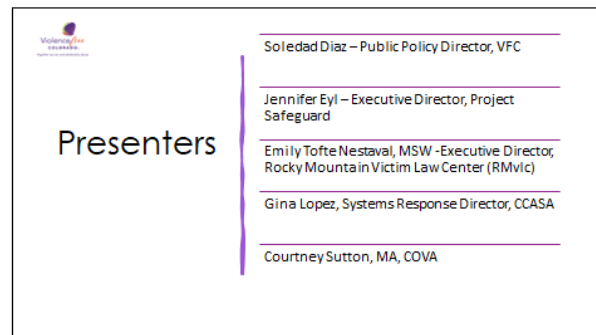
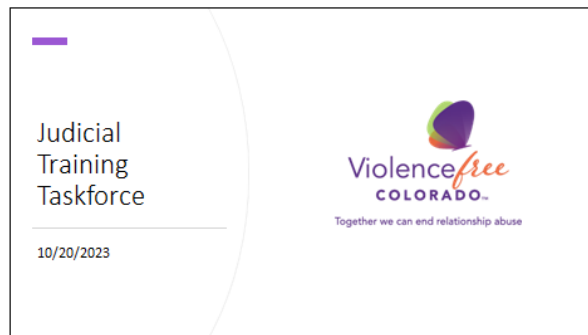
## Appendix C – Judicial Appointment Process Presentation








## Appendix D- Impact of Trauma on Victims Presentation



# CO Judicial Training Taskforce

## Sexual Violence Overview


Gina Lopez, Ute Mountain Ute (She/Her)  
Systems Response Director  
Gina@ccasa.org



www.ccasa.org

# CCASA

- **Today's Roadmap:**
  - Prevalence of sexual violence
  - Myths & Stereotypes
  - Impacts to survivors



www.ccasa.org

## Prevalence

- **Sexual assault is incredibly prevalent (at least 1 in 2 women and 1 in 4 men in Colorado will experience sexual violence in their lifetime)**
- **It is also the most underreported crime.**
  - A common belief is that they won't be believed and another is the fear that the investigation and trial will be more harmful to them than the rape itself

www.ccasa.org

## Neurobiology of SV trauma

- **Scheduling and continuance decisions in rape cases can have a significant impact on victims' recovery**
- **Court processes can result in re-traumatization for survivors, making them less likely to actively engage in the process**

www.ccasa.org

## Myths & Stereotypes

- **Expert witness testimony may be needed to explain that, for example, absence of injury and delayed report are not inconsistent with sexual assault.**
- **Expert testimony may be essential to challenge rape myths in the courtroom and uphold fairness for the victim.**

www.ccasa.org

## Victim Behavior

- **Delayed reporting**
- **Loss of memory or difficulty with remembering details**
- **Victim behavior**
- **Traumatic memories are developed, stored and retrieved differently than non-traumatic memories**

www.ccasa.org

## Impacts to survivors

- **For survivors recovery and well-being, active involvement in the case, and for fair outcomes, judicial personnel must be better informed on the complicated nature of sexual assault cases**
  - SANE and SAEK participation

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## Training | Education

- **Neurobiology of sexual violence trauma**
- **Use of expert witnesses**
- **Inform the coordination of dockets and scheduling, continuations, etc.**

www.ccasa.org

## Appendix E- Adverse Childhood Experiences and Their Impact Presentation

### Adverse Childhood Experiences Meaning and Impact

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### Adverse Childhood Experiences (ACEs): Definition

- ACEs was the term used in the study that demonstrated the correlation between child maltreatment and a range of health issues
- Adverse Childhood Experiences are stressful exposures that are typically chronic or repetitive in nature. Typically, in the home.
- They also include traumatic events such as sexual abuse, physical abuse, exposure to Domestic Violence.
- Emotional Abuse is commonly not included.
  - However, research has demonstrated that emotional abuse is as pernicious as other forms of Child Abuse

### ADVERSE CHILDHOOD SURVEY

**Abuse and Neglect**

1. Child physical abuse
2. Child sexual abuse
3. Child emotional abuse
4. Emotional neglect
5. Physical neglect

**Indicators of Family Dysfunction**

6. Mentally ill, depressed or suicidal person in the home
7. Drug addicted or alcoholic family member
8. Witnessing domestic violence
9. Parental discord—indicated by divorce, separation, abandonment
10. Incarceration of any family member

These typically occur in early childhood

ACE Scores: the number of categories of adverse childhood experience to which a person was exposed.

### Items Added to Newer Versions

- Financial Distress/poverty
- Community Violence/Dangerous Neighborhoods
- Recurrent Hunger/Food Insecurity
- School Violence/Bullying/Cyber bullying
- Dating Violence
- Death of Friends/ loved ones
- Racial/ethnic discrimination
- Disaster, Mass Violence

### Adverse Childhood Experiences (ACE) Study

The largest study of its kind ever done to examine the health and social effects of adverse childhood experiences (0-18 years of age)

Survey of adults in a California, HMO

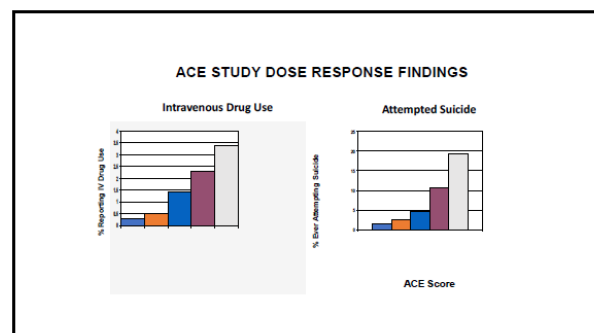
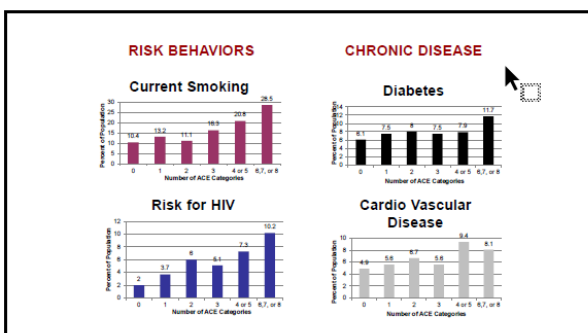
- over 17,000 adults; response rate=70.5%
- Sample employed; college educated
- Of European descent
- Average age 48
- 35% had at least one ACE

### A CLASSIC CAUSAL RELATIONSHIP MORE ACEs = MORE HEALTH PROBLEMS

Response gets bigger

Dose gets bigger

Dose-response is a direct measure of cause & effect. The "response"—in this case the occurrence of the health condition—is caused directly by the size of the "dose"—in this case, the number of ACEs. 4+ increases risk of poor outcome exponentially



### LIFELONG PHYSICAL, MENTAL & BEHAVIORAL OUTCOMES OF CHILD ABUSE

- Alcoholism & alcohol abuse
- COPD
- Ischemic heart disease
- Depression
- Fetal death
- High risk sexual activity
- Illicit drug use
- Intimate partner violence
- Liver disease
- Obesity
- Sexually transmitted disease
- Smoking
- Suicide attempts
- Unintended pregnancy
- Criminality



The higher the ACE Score, the greater the incidence of co-occurring conditions from this list.

### The Bottom Line

- **Childhood Maltreatment drives**
  - Health outcomes & healthcare costs
  - Special education needs
  - Rates of school failure
  - Intergenerational patterns of high-cost social problems
  - Caseloads for the highest-cost social problems



### Domestic Violence and Children

#### A Few FACTS

- In 2011, telephone survey of youth 5-18 yo.
  - 11% were exposed to some form of family violence in the past year
  - 6.6 % exposed to IPV between parents
  - 26% were exposed to at least 1 form of family violence during their lifetimes
- In families where there is DV, approximately 60% of children are maltreated (does not include emotional abuse)
- The majority of children are exposed to DV before the age of 5
  - Those exposed before the age of 2 are 5x more likely have other exposures

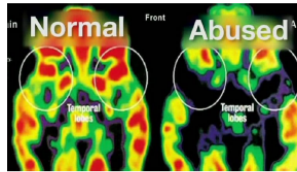
### Children Exposed to Domestic Violence

- Increased rates of
- Depression
- Substance Use Disorders
- Anxiety Disorders
- Antisocial Behaviors
- Unemployment
- THIS IS A TRAUMATIC EXPOSURE AND IS MALTREATMENT

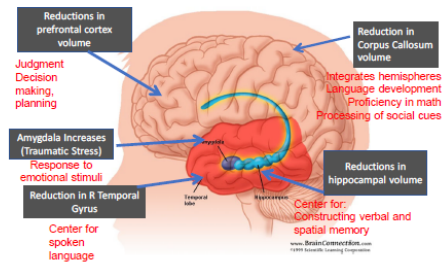
### Maltreatment: Physical Effects

#### Changes a child's brain:

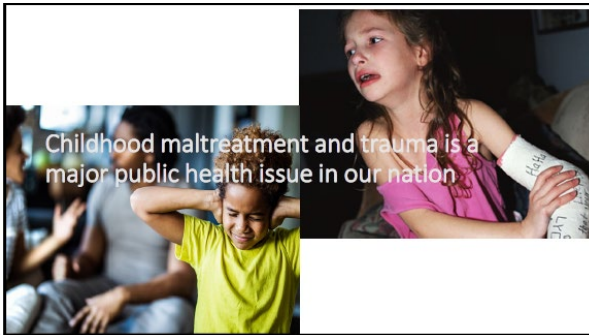
- Repeated/chronic activation of stress hormones bypass thinking part of brain and activate survival part of brain, aka fight, flight, or freeze
- Strengthens fight, flight, or freeze neural pathways then become efficient and predominant
- Interrupts normal development and impairs complex thought and learning



### Maltreatment/Trauma Has Adverse Effects on the Developing Brain



Childhood maltreatment and trauma is a major public health issue in our nation



# Working Group on Domestic Relations Report

## November 13, 2023

### I. Introduction and Executive Summary.

The Working Group on Domestic Relations met numerous times over the past four months to develop recommendations to the HB 23-1108 Task Force on Domestic Violence. The Working Group was provided information about current educational programs offered to judicial officers, the current structure of Judicial Education programming within the Judicial Department, and input received from attorneys, mental health providers, financial professionals, and judges in surveys and focus groups.

From the information gathered, the Working Group identified three primary areas in need of improvement in judicial education and training for domestic relations judges in Colorado: 1) inconsistent and/or limited training for judges before they begin a domestic relations docket; 2) challenges for judges in finding docket coverage to attend trainings and/or shadow more experienced judges before they take the bench; and 3) the need for additional training for all domestic relations judges in the areas of domestic violence, child maltreatment, common custody issues (specifically, being more child-focused), and drafting orders that will provide necessary information, direction and guidance to families, and professionals working with families, when a domestic relations case ends.

The Working Group makes eight recommendations for supplementing and improving domestic relations education for judges in Colorado:

**Recommendation 1:** Create a Judicial Education Subcommittee on Domestic Relations that will identify the necessary knowledge and skills that DR judicial officers should possess, endorse general principles by which learning is best fostered (e.g., use a variety of learning formats, give judges significant control over when, how, and where their learning takes place, etc.), and ensure overall quality and effectiveness of educational programs.

**Recommendation 2:** Develop additional resources so judges can take time away from their dockets for educational opportunities and onboarding.

**Recommendation 3:** Develop an ethos that domestic relations cases should primarily (if not exclusively) be assigned to judges who have either had training, experience, or other subject matter exposure to family law.

**Recommendation 4:** Further develop mentorship opportunities for Domestic Relations judges.

**Recommendation 5:** Continue development of Bench Basics videos and on-demand training modules on Domestic Relations topics, tailoring them to educating judges before they take the bench or before they are assigned to a Domestic Relations docket.

**Recommendation 6:** Continue development of educational resources to include on-demand training/ webinars, and specific case-based modules to address domestic violence (and in particular coercive control, emotional abuse, litigation abuse, and financial abuse), child maltreatment, common custody issues, the appropriate use of therapy modalities, and the like.

**Recommendation 7:** Special consideration should be paid to the development of model parenting plan orders, the crafting of orders to specifically minimize future conflict, and identification of resources in each district to support transitioning families.

**Recommendation 8:** A website should be developed that collects domestic relations education opportunities both within the Judicial Department and external education from partner organizations.

## **II. Working Group Membership.**

Members of the Working Group:

- Chris Radeff, Esq., Domestic Relations attorney. Ms. Radeff served as Chair of the Working Group.
- Honorable Judge Jill Brady, Fourth Judicial District
- Sandi Gumeson, CPA, Financial Expert in Domestic Relations
- Ann Gushurst Esq., Domestic Relations attorney, Mediator/Arbitrator at JAMS
- Dr. Kathleen McNamara, Mental Health expert in Domestic Relations
- Rajesh Kukreja, Esq., Domestic Relations attorney

## **III. Working Group Meetings**

The Working Group met on the following dates:

- Thursday, July 20, 2023
- Tuesday, July 25, 2023
- Tuesday, August 1, 2023
- Wednesday, August 9, 2023
- Thursday, August 17, 2023
- Monday, August 21, 2023
- Thursday, September 14, 2023
- Tuesday, September 19, 2023

- Tuesday, September 26, 2023
- Monday, October 16, 2023
- Thursday, October 26, 2023
- Monday, October 30, 2023
- Monday, November 6, 2023

Additionally, communication and discussion continued electronically to finalize this Report.

#### **IV. Collection of Information.**

The Working group collected input from multiple stakeholders. The group created five separate surveys for distribution to (1) judicial officers, (2) family law attorneys, (3) mental health professionals, (4) financial professionals, and 5) *pro se* parties. The judicial surveys were distributed through the State Court Administrator's Office (SCAO), the attorney surveys were circulated through the Family Law Section of the bar; the surveys for mental health and financial experts were distributed through various organizations (Collaborative Law, Metro Denver Interdisciplinary Committee (MDIC), the Boulder Interdisciplinary Committee (BIDC), and the Colorado Chapter of the Association of Family and Conciliation Courts (CO-AFCC). Unfortunately, the *pro se* surveys were not widely distributed as the only means available for distribution was through individual parties contacted by attorneys. As a result, members of the committee agreed to speak with individuals who wanted to give input.

The response rate for judicial surveys was 17% (63/364). The Working Group believes the attorney survey was distributed to approximately 400 family law attorneys. 66 responses were received, yielding a response rate of approximately 17%. The mental health and financial professional surveys were distributed to 200-400 members of several multidisciplinary groups, however, the number of mental health or financial professionals within these groups is not known; hence the response rate is not known. 30 responses were received from mental health professionals and 5 from financial professionals.

In addition to the surveys, the following outreach was conducted:

1. Individual members of the domestic violence community across the State were approached and given one-on-one interviews, including the Ute Mountain Ute Tribe, advocacy groups in San Miguel County, and the director of Project Safeguard in Denver, among others.
2. Two or three members of the Working Group met twice with two education and training experts at the Ohio State Court Administrator's Office, which has created an education initiative for judges and parental responsibility evaluators in Ohio.
3. Individual financial and mental health practitioners who could not make a focus group were interviewed.

4. The Working Group conducted two focus groups for mental health professionals, two for attorneys, and one for judges, the results of which were summarized and submitted to the Working Group.

## **V. Survey Input**

Three themes emerged from the survey input from nonjudicial stakeholders (attorneys, mental health professionals and financial professionals): (1) There are some excellent judicial officers handling domestic relations cases while others are perceived to lack fundamental knowledge; (2) Assigning new judges to the family bench without adequate training is detrimental to families, and (3) Child custody issues, child maltreatment, and domestic violence are three areas in which judges were frequently perceived to be lacking in knowledge. Although unrelated directly to training, nonjudicial stakeholders also reported that domestic relations hearings are frequently too short to allow an adequate presentation of the evidence or hearings are set exceedingly far out.

Survey information from judges indicates the following: (1) many judges did not have domestic relations experience before beginning their domestic relations docket, and knew little of the area; (2) recommendations from judges about how they could have been better prepared for their dockets ranged from shadowing an experienced judge to more training on the “nuts and bolts” of DR; (3) judges have found current DR training opportunities helpful, and identified a desire for more training in age-appropriate parenting plans, domestic violence and resist-refuse dynamics, drafting orders, and financial issues, among others; (4) the biggest barriers to attending trainings are large workloads and inability to secure docket coverage.

## **VI. Basis for Working Group Recommendations**

On October 20, 2023, the State Court Administrator’s Office presented to the Domestic Violence Task Force a proposal to create two subcommittees of the Judicial Department’s Judicial Education Committee, one of which would focus exclusively on issues related to all aspects of domestic relations cases. This committee (the “DR Subcommittee”) would be comprised of judicial officers, attorneys, and non-attorneys (litigants, mental health providers and financial professionals, among others). Having a variety of different stakeholders on the DR Subcommittee will enhance and improve the quality of judicial education programming for domestic relations matters. Members could be selected through an open application process to ensure fairness and diversity among the DR Subcommittee’s membership.

The DR Subcommittee would be charged with thoroughly evaluating the educational opportunities currently offered to judges by the Judicial Department, providing feedback to the Judicial Education Committee on any gaps in training, recommending additional training, suggesting the best format(s) for training (including interactive training), and identifying the best experts to serve as faculty. The Working Group proposes the DR Subcommittee consult



with educational experts, where possible, to best structure and evaluate the effectiveness of training. The DR Subcommittee should also compare the Ohio State Court Administrator's education initiative for judges with the educational programming offered by Colorado's Judicial Education Committee to determine whether any of Ohio's practices should be incorporated into Colorado's training.<sup>8</sup>

Attorneys and mental health providers who provided feedback to the Working Group noted "knowledge gaps" among judges in several key areas, namely their understanding and treatment of domestic violence and child maltreatment, their handling of common custody issues, and their orders lacking information necessary to guide families, and professionals working with families, after a case ends. The Working Group recommends the DR Subcommittee evaluate current training offered on these topics and make any necessary changes or additions.

Attorneys, mental health professionals and financial professionals raised concerns with the Working Group about judges taking on domestic relations dockets without all of the basic knowledge necessary to issue-spot and adequately rule. Many judicial officers identify lack of time and docket coverage as the biggest barrier to obtaining judicial education particularly when beginning a domestic relations docket. The Working Group supports expansion of the senior judge program to provide docket coverage for new judges to receive DR training and go through a more structured onboarding process when they begin a domestic relations docket. The onboarding would include shadowing an experienced judge to learn the practical aspects of preparing a docket, conducting a hearing, and managing e-filing. The Working Group also recommends the Judicial Department look beyond immediate docket coverage and help identify ways judges can manage their dockets to incorporate time for additional education, which might include long-term solutions like additional judges and staff allocated to the districts with the highest need.

In addition to formal training, it is important for a new domestic relations judge to have a mentor who can answer questions and provide feedback and support on a more regular and oftentimes immediate basis. This type of resource is critical because many times the need for "the answer" arises in the middle of a hearing when an unfamiliar issue is presented. Being able to step off the bench and contact a mentor provides immediate assistance for the judicial officer in a way formal training (while still important) cannot. The Judicial Department is currently adding to its established peer-to-peer coaching program by implementing specific mentorship opportunities for domestic relations judges. The Working Group supports these efforts.

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<sup>8</sup> The Ohio approach to a professional curriculum includes a basic curriculum for online delivery; the identification of the best-suited experts to serve as faculty for training; advance screening of the faculty's presentation by in-house curriculum experts (and revision, where necessary); a requirement that presenters cite to scientific/peer-reviewed literature supporting the concepts taught during the presentation; "knowledge checks" built into training in ten to twelve minutes segments to keep attendees engaged; and recording training that incorporated animation and vignettes to visually highlight key points.

All judges have access to fourteen domestic relations Bench Basics videos through the Judicial Learning Portal, which provide a short, basic overview on topics such as maintenance, child support, parenting time, domestic violence, and property and debt division, among others. The Working Group recommends that the Judicial Department, through the DR Subcommittee proposed in Recommendation 1, develop more on-demand training resources, like the Bench Basics videos and other interactive training modules, to provide judges with comprehensive education on domestic relations topics prior to hearing domestic relations cases. These on-demand educational opportunities will also assist judges when they have questions or need more information after they begin a domestic relations docket.

### **End of Report**