

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0443.01 Jane Ritter

HOUSE BILL 11-1181

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HOUSE SPONSORSHIP

Kefalas,

SENATE SPONSORSHIP

(None),

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House Committees  
Health and Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE DEPARTMENT OF HUMAN SERVICES CHILD FATALITY  
102 REVIEW TEAM.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries>.)*

The bill codifies and modifies certain processes of the existing department of human services child fatality review team (team) and sets forth in statute its membership, duties, and reporting requirements. The department of human services is authorized to promulgate rules to reflect statutory modifications to the team.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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

2           **SECTION 1.** Part 1 of article 1 of title 26, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5           **26-1-139. Child fatality prevention - legislative declaration -**  
6 **process - department of human services child fatality review team -**  
7 **reporting - rules.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND  
8 DECLARES THAT:

9           (a) IT IS OF THE UTMOST IMPORTANCE AND A COMMUNITY  
10 RESPONSIBILITY TO MITIGATE THE DEATHS OF CHILDREN IN THE STATE DUE  
11 TO ABUSE OR NEGLECT. PROFESSIONALS FROM DISPARATE DISCIPLINES  
12 SHARE RESPONSIBILITIES FOR THE SAFETY AND WELL-BEING OF CHILDREN  
13 AS WELL AS EXPERTISE THAT CAN PROMOTE THAT SAFETY AND  
14 WELL-BEING. MULTIDISCIPLINARY REVIEWS OF THE DEATHS OF CHILDREN  
15 DUE TO ABUSE OR NEGLECT CAN LEAD TO A BETTER UNDERSTANDING OF  
16 THE CAUSES OF SUCH TRAGEDIES AND, MORE IMPORTANTLY, METHODS OF  
17 MITIGATING FUTURE DEATHS.

18           (b) THERE IS A NEED FOR A MULTIDISCIPLINARY TEAM TO CONDUCT  
19 IN-DEPTH CASE REVIEWS AFTER A CHILD FATALITY THAT INVOLVES A  
20 SUSPICION OF ABUSE OR NEGLECT AND WHERE THE CHILD OR FAMILY HAS  
21 HAD PREVIOUS INVOLVEMENT, THAT WAS DIRECTLY RELATED TO THE  
22 FATALITY, WITH A COUNTY DEPARTMENT WITHIN TWO YEARS PRIOR TO  
23 THE FATALITY. THE MULTIDISCIPLINARY REVIEW WOULD COMPLEMENT  
24 THAT OF THE REVIEW CONDUCTED BY THE COLORADO STATE CHILD  
25 FATALITY PREVENTION REVIEW TEAM IN THE DEPARTMENT OF PUBLIC  
26 HEALTH AND ENVIRONMENT PURSUANT TO ARTICLE 20.5 OF TITLE 25,

1 C.R.S. THE GOAL OF THE MULTIDISCIPLINARY REVIEW SHALL NOT BE TO  
2 AFFIX BLAME, BUT RATHER TO IMPROVE UNDERSTANDING OF WHY THE  
3 FATALITIES OCCUR AND DEVELOP RECOMMENDATIONS FOR MITIGATION OF  
4 FUTURE FATALITIES.

5 (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CODIFY THE  
6 DEPARTMENT OF HUMAN SERVICES CHILD FATALITY REVIEW TEAM AS  
7 WELL AS MODIFY CERTAIN ASPECTS OF ITS PROCESSES TO PROMOTE AN  
8 UNDERSTANDING OF THE CAUSES OF EACH CHILD'S DEATH DUE TO ABUSE  
9 OR NEGLECT, IDENTIFY SYSTEMIC DEFICIENCIES IN THE DELIVERY OF  
10 SERVICES AND SUPPORTS TO CHILDREN AND FAMILIES, AND RECOMMEND  
11 AND IMPLEMENT CHANGES TO HELP MITIGATE FUTURE CHILD DEATHS.

12 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
13 REQUIRES:

14 (a) "PREVIOUS INVOLVEMENT" MEANS A SITUATION IN WHICH THE  
15 COUNTY DEPARTMENT HAS RESPONDED TO A REPORT AND OPENED AN  
16 ASSESSMENT, PROVIDED SERVICES, OR OPENED A CASE IN THE COLORADO  
17 TRAILS SYSTEM, AS DEFINED IN SECTION 16-20.5-102, C.R.S.; EXCEPT  
18 THAT THE FOLLOWING SITUATIONS SHALL NOT BE CONSIDERED TO BE  
19 "PREVIOUS INVOLVEMENT":

- 20 (I) THE SITUATION DID NOT INVOLVE ABUSE OR NEGLECT;
- 21 (II) THE SITUATION OCCURRED WHEN THE PARENT WAS SEVENTEEN  
22 YEARS OF AGE OR YOUNGER AND BEFORE HE OR SHE WAS THE PARENT OF  
23 THE DECEASED CHILD; OR
- 24 (III) THE SITUATION OCCURRED WITH A DIFFERENT FAMILY  
25 COMPOSITION AND A DIFFERENT ALLEGED PERPETRATOR.

26 (b) "SUSPICIOUS FATALITY" MEANS A FATALITY THAT IS MORE  
27 LIKELY THAN NOT TO HAVE BEEN CAUSED BY ABUSE OR NEGLECT AS

1 DETERMINED BY THE COUNTY CORONER OR LAW ENFORCEMENT.

2 (c) "TEAM" MEANS THE DEPARTMENT OF HUMAN SERVICES CHILD  
3 FATALITY REVIEW TEAM ESTABLISHED IN RULES PROMULGATED PURSUANT  
4 TO SECTION 26-1-111 AND CODIFIED PURSUANT TO SUBSECTION (3) OF THIS  
5 SECTION.

6 (3) THERE IS HEREBY ESTABLISHED IN THE STATE DEPARTMENT  
7 THE DEPARTMENT OF HUMAN SERVICES CHILD FATALITY REVIEW TEAM.  
8 THE TEAM SHALL HAVE THE FOLLOWING OBJECTIVES:

9 (a) TO ASSESS THE RECORDS OF EACH CHILD FATALITY CASE IN  
10 WHICH A SUSPICIOUS FATALITY IS INVOLVED AND IN WHICH THE CHILD OR  
11 FAMILY HAS HAD PREVIOUS INVOLVEMENT, THAT WAS DIRECTLY RELATED  
12 TO THE FATALITY, WITH A COUNTY DEPARTMENT WITHIN TWO YEARS  
13 PRIOR TO THE FATALITY;

14 (b) TO UNDERSTAND THE CAUSES OF THE REVIEWED CHILD  
15 FATALITIES;

16 (c) TO IDENTIFY ANY GAPS OR DEFICIENCIES THAT MAY EXIST IN  
17 THE DELIVERY OF SERVICES TO CHILDREN AND THEIR FAMILIES BY PUBLIC  
18 AGENCIES THAT ARE DESIGNED TO MITIGATE FUTURE CHILD ABUSE,  
19 NEGLECT, OR DEATH; AND

20 (d) TO MAKE AND IMPLEMENT RECOMMENDATIONS FOR CHANGES  
21 TO LAWS, RULES, AND POLICIES THAT WILL SUPPORT THE SAFE AND  
22 HEALTHY DEVELOPMENT OF COLORADO'S CHILDREN.

23 (4) THE TEAM SHALL HAVE THE FOLLOWING DUTIES:

24 (a) TO REVIEW THE CIRCUMSTANCES AROUND THE CHILD  
25 FATALITY;

26 (b) TO REVIEW THE SERVICES PROVIDED TO THE CHILD, THE  
27 CHILD'S FAMILY, AND THE PERPETRATOR BY THE COUNTY DEPARTMENT

1 FOR ANY COUNTY WITH WHICH THE FAMILY HAS HAD PREVIOUS  
2 INVOLVEMENT THAT WAS DIRECTLY RELATED TO THE FATALITY IN THE  
3 TWO YEARS PRIOR TO THE FATALITY;

4 (c) TO INTERVIEW INDIVIDUALS AND REVIEW RECORDS, AS DEEMED  
5 NECESSARY AND NOT OTHERWISE PROHIBITED BY LAW, INVOLVED WITH OR  
6 HAVING KNOWLEDGE OF THE FACTS OF THE CASE OR FATALITY, INCLUDING  
7 BUT NOT LIMITED TO ALL OTHER STATE AND LOCAL AGENCIES HAVING  
8 PREVIOUS INVOLVEMENT WITH THE CHILD OR FAMILY THAT WAS DIRECTLY  
9 RELATED TO THE FATALITY WITHIN TWO YEARS PRIOR TO THE FATALITY;

10 (d) TO REVIEW THE COUNTY DEPARTMENT'S COMPLIANCE WITH  
11 STATUTES, REGULATIONS, AND RELEVANT POLICIES AND PROCEDURES  
12 THAT ARE DIRECTLY RELATED TO THE FATALITY;

13 (e) TO IDENTIFY STRENGTHS AND BEST PRACTICES OF SERVICE  
14 DELIVERY TO THE CHILD AND THE CHILD'S FAMILY;

15 (f) TO IDENTIFY FACTORS THAT MAY HAVE CONTRIBUTED TO  
16 CONDITIONS LEADING TO THE FATALITY, INCLUDING, BUT NOT LIMITED TO,  
17 LACK OF OR UNSAFE HOUSING, FAMILY AND SOCIAL SUPPORTS,  
18 EDUCATIONAL LIFE, PHYSICAL HEALTH, EMOTIONAL AND PSYCHOLOGICAL  
19 HEALTH, AND OTHER SAFETY, CRISIS, AND CULTURAL OR ETHNIC ISSUES;

20 (g) TO REVIEW SUPPORTS AND SERVICES PROVIDED TO SIBLINGS,  
21 FAMILY MEMBERS, AND AGENCY STAFF AFTER THE FATALITY;

22 (h) TO IDENTIFY THE QUALITY AND SUFFICIENCY OF COORDINATION  
23 BETWEEN STATE AND LOCAL AGENCIES;

24 (i) TO DEVELOP AND SUBMIT THE FATALITY REVIEW REPORT  
25 REQUIRED PURSUANT TO SUBSECTION (5) OF THIS SECTION TO THE  
26 COLORADO STATE CHILD FATALITY PREVENTION REVIEW TEAM  
27 ESTABLISHED IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

1 PURSUANT TO SECTION 25-20.5-406, C.R.S.;

2 (j) TO DEVELOP AND SUBMIT, WITHIN EXISTING RESOURCES, ON OR  
3 BEFORE JANUARY 30, 2013, AND EACH JANUARY 30 THEREAFTER, AN  
4 ANNUAL REPORT SUMMARIZING THE REVIEWS CONDUCTED BY THE TEAM  
5 DURING THE PREVIOUS YEAR. THE TEAM SHALL POST THE ANNUAL REPORT  
6 ON THE STATE DEPARTMENT'S WEB SITE AND DISTRIBUTE THE ANNUAL  
7 REPORT TO THE COLORADO STATE CHILD FATALITY PREVENTION REVIEW  
8 TEAM ESTABLISHED IN THE DEPARTMENT OF PUBLIC HEALTH AND  
9 ENVIRONMENT PURSUANT TO SECTION 25-20.5-406, C.R.S., THE  
10 GOVERNOR, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE  
11 SENATE, AND THE HEALTH AND ENVIRONMENT COMMITTEE OF THE HOUSE  
12 OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

13 (5) (a) EACH COUNTY DEPARTMENT SHALL REPORT TO THE STATE  
14 DEPARTMENT ANY SUSPICIOUS FATALITY OF A CHILD WITHIN  
15 TWENTY-FOUR HOURS OF THE FATALITY IF THE COUNTY DEPARTMENT HAS  
16 HAD PREVIOUS INVOLVEMENT THAT WAS DIRECTLY RELATED TO THE CHILD  
17 FATALITY WITHIN TWO YEARS PRIOR TO THE FATALITY. THE COUNTY  
18 DEPARTMENT SHALL PROVIDE THE STATE DEPARTMENT WITH ALL  
19 RELEVANT REPORTS AND DOCUMENTATION REGARDING ITS PREVIOUS  
20 INVOLVEMENT WITH THE CHILD WITHIN SIXTY CALENDAR DAYS AFTER THE  
21 FATALITY. THE STATE DEPARTMENT MAY GRANT, AT ITS DISCRETION, AN  
22 EXTENSION TO A COUNTY DEPARTMENT FOR DELAYS OUTSIDE OF THE  
23 COUNTY DEPARTMENT'S CONTROL REGARDING THE RECEIPT OF ALL  
24 RELEVANT REPORTS AND INFORMATION CRITICAL TO AN EFFECTIVE  
25 FATALITY REVIEW, INCLUDING BUT NOT LIMITED TO THE FINAL AUTOPSY  
26 AND LAW ENFORCEMENT REPORTS, UNTIL SUCH DOCUMENTS CAN BE MADE  
27 AVAILABLE FOR REVIEW BY THE TEAM.

1 (b) THE FATALITY REVIEW SHALL BE COMPLETED AND THE DRAFT  
2 FATALITY REVIEW REPORT PREPARED WITHIN ONE HUNDRED TWENTY  
3 CALENDAR DAYS AFTER ALL NECESSARY INFORMATION IS AVAILABLE TO  
4 INITIATE THE REVIEW. ANY COUNTY DEPARTMENT WITH PREVIOUS  
5 INVOLVEMENT SHALL HAVE THIRTY CALENDAR DAYS AFTER THE  
6 COMPLETION OF THE DRAFT FATALITY REVIEW REPORT TO REVIEW THE  
7 DRAFT FATALITY REVIEW REPORT AND PROVIDE A WRITTEN RESPONSE TO  
8 BE INCLUDED IN THE FINAL FATALITY REVIEW REPORT. A FATALITY  
9 REVIEW REPORT SHALL BE FINALIZED NO MORE THAN THIRTY CALENDAR  
10 DAYS AFTER THE COUNTY DEPARTMENT'S RESPONSE IS RECEIVED BY THE  
11 TEAM OR UPON CONFIRMATION IN WRITING FROM THE COUNTY  
12 DEPARTMENT THAT A WRITTEN RESPONSE WILL NOT BE PROVIDED.

13 (c) THE PROCEEDINGS, RECORDS, OPINIONS, AND DELIBERATIONS  
14 OF THE DEPARTMENT OF HUMAN SERVICES CHILD FATALITY REVIEW TEAM  
15 SHALL BE PRIVILEGED AND SHALL NOT BE SUBJECT TO DISCOVERY,  
16 SUBPOENA, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL ACTION IN ANY  
17 MANNER THAT WOULD DIRECTLY OR INDIRECTLY IDENTIFY SPECIFIC  
18 PERSONS OR CASES REVIEWED BY THE COUNTY DEPARTMENT. NOTHING  
19 IN THIS PARAGRAPH (c) SHALL BE CONSTRUED TO RESTRICT OR LIMIT THE  
20 RIGHT TO DISCOVER OR USE IN ANY CIVIL ACTION ANY EVIDENCE THAT IS  
21 DISCOVERABLE INDEPENDENT OF THE PROCEEDINGS OF THE DEPARTMENT  
22 OF HUMAN SERVICES CHILD FATALITY REVIEW TEAM.

23 (d) THE CONFIDENTIAL FINAL REPORT SHALL BE PROVIDED TO THE  
24 EXECUTIVE DIRECTOR, THE DIRECTOR FOR ANY COUNTY OR COMMUNITY  
25 AGENCY REFERENCED IN THE REPORT, THE COUNTY COMMISSIONERS OF  
26 ANY COUNTY DEPARTMENT WITH PREVIOUS INVOLVEMENT, AND THE  
27 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. THE STATE

1 DEPARTMENT SHALL ALSO POST THE FINAL FATALITY REVIEW REPORT,  
2 ABSENT CONFIDENTIAL INFORMATION, ON ITS WEB SITE.

3 (e) IF AT ANY POINT IN THE REVIEW PROCESS IT IS DETERMINED  
4 THAT THE FATALITY IS NOT THE RESULT OF ABUSE OR NEGLIGENCE, THE  
5 REVIEW SHALL CEASE.

6 (6) THE TEAM SHALL CONSIST OF AT LEAST EIGHTEEN MEMBERS,  
7 APPOINTED ON OR BEFORE SEPTEMBER 30, 2011, AS FOLLOWS:

8 (a) THREE MEMBERS FROM THE STATE DEPARTMENT, APPOINTED  
9 BY THE EXECUTIVE DIRECTOR;

10 (b) TWO MEMBERS FROM THE DEPARTMENT OF PUBLIC HEALTH  
11 AND ENVIRONMENT, APPOINTED BY THE EXECUTIVE DIRECTOR OF SAID  
12 DEPARTMENT;

13 (c) THREE MEMBERS REPRESENTING COUNTY DEPARTMENTS,  
14 APPOINTED BY A STATEWIDE ORGANIZATION REPRESENTING COUNTY  
15 COMMISSIONERS;

16 (d) UP TO TEN ADDITIONAL MULTIDISCIPLINARY MEMBERS, TO BE  
17 APPOINTED BY THE MEMBERS DESCRIBED IN PARAGRAPHS (a) TO (c) OF  
18 THIS SUBSECTION (6), INCLUDING BUT NOT LIMITED TO REPRESENTATIVES  
19 FROM THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN AND FROM THE  
20 FIELDS OF CHILD PROTECTION, PHYSICAL MEDICINE, MENTAL HEALTH,  
21 EDUCATION, LAW ENFORCEMENT, DISTRICT ATTORNEYS, CHILD  
22 ADVOCACY, AND ANY OTHERS AS DEEMED APPROPRIATE;

23 (e) FOR THE PURPOSES OF PARTICIPATING IN A SPECIFIC CASE  
24 REVIEW, ADDITIONAL MEMBERS MAY BE APPOINTED AT THE DISCRETION  
25 OF THE MEMBERS DESCRIBED IN PARAGRAPHS (a) TO (c) OF THIS  
26 SUBSECTION (6) TO REPRESENT AGENCIES INVOLVED WITH THE CHILD OR  
27 THE CHILD'S FAMILY IN THE TWELVE MONTHS PRIOR TO THE FATALITY.



1           (7) THE STATE DEPARTMENT SHALL PROMULGATE ADDITIONAL  
2 RULES, AS NECESSARY, FOR THE IMPLEMENTATION OF THIS SECTION,  
3 INCLUDING BUT NOT LIMITED TO THE CONFIDENTIALITY OF INFORMATION.

4           **SECTION 2. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.