

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

ENGROSSED

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

LLS NO. 17-0771.01 Jerry Barry x4341

HOUSE BILL 17-1185

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Smallwood,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT.**

Bill Summary

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

Under current law, certain identified persons are mandated to report if they know or suspect that a child has been subject to abuse or neglect (mandatory reporters). If a mandatory reporter continues to be involved with a child who was the subject of the report, he or she is entitled to access to records and reports of the abuse or neglect. The bill adds to the list of mandatory reporters officials and employees of county departments of health, human services, or social services.

Current law requires the county department of human or social

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.

HOUSE
Amended 2nd Reading
March 24, 2017

services to report certain information to a mandatory reporter within 30 days after the filing of a report. The bill extends the period to 60 days.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-307, **amend**
3 (2)(e.5)(I) introductory portion, (2)(e.5)(I)(N), (2)(e.5)(I)(O), and
4 (2)(e.5)(II) introductory portion; and **add** (2)(e.5)(I)(P) as follows:

5 **19-1-307. Dependency and neglect records and information -**
6 **access - fee - rules - records and reports fund - misuse of information**
7 **- penalty. (2) Records and reports - access to certain persons -**
8 **agencies.** Except as otherwise provided in section 19-1-303, only the
9 following persons or agencies shall be given access to child abuse or
10 neglect records and reports:

11 (e.5) (I) A mandatory reporter specified in this ~~subparagraph (I)~~
12 SUBSECTION (2)(e.5)(I) who is and continues to be officially and
13 professionally involved in the ongoing care of the child who was the
14 subject of the report, but only with regard to information that the
15 mandatory reporter has a need to know in order to fulfill his or her
16 professional and official role in maintaining the child's safety. A county
17 department shall request written affirmation from a mandatory reporter
18 stating that the reporter continues to be officially and professionally
19 involved in the ongoing care of the child who was the subject of the
20 report and describing the nature of the involvement, unless the county
21 department has actual knowledge that the mandatory reporter continues
22 to be officially and professionally involved in the ongoing care of the
23 child who was the subject of the report. This ~~subparagraph (I)~~
24 SUBSECTION (2)(e.5)(I) applies to:

25 (N) Educators providing services through a federal special

1 supplemental nutrition program for women, infants, and children, as
2 provided for in 42 U.S.C. sec. 1786; and

3 (O) A person who is registered as a psychologist candidate
4 pursuant to section 12-43-304 (7), ~~C.R.S.~~, marriage and family therapist
5 candidate pursuant to section 12-43-504 (5), ~~C.R.S.~~, or licensed
6 professional counselor candidate pursuant to section 12-43-603 (5),
7 ~~C.R.S.~~, or who is described in section 12-43-215; ~~C.R.S.~~ AND

8 (P) OFFICIALS OR EMPLOYEES OF COUNTY DEPARTMENTS OF
9 HEALTH, HUMAN SERVICES, OR SOCIAL SERVICES.

10 (II) Within ~~thirty~~ SIXTY calendar days after receipt of a report of
11 suspected child abuse or neglect from a mandatory reporter specified in
12 ~~subparagraph (I) of this paragraph (e.5)~~ SUBSECTION (2)(e.5)(I) OF THIS
13 SECTION, a county department shall provide the following information to
14 the mandatory reporter for the purpose of assisting the mandatory reporter
15 in his or her professional and official role in maintaining the child's
16 safety:

17 **SECTION 2.** In Colorado Revised Statutes, 19-3-304, **amend**
18 (2)(jj) and (2)(kk); and **add** (2)(ll) as follows:

19 **19-3-304. Persons required to report child abuse or neglect.**

20 (2) Persons required to report such abuse or neglect or circumstances or
21 conditions include any:

22 (jj) Person who is registered as a psychologist candidate pursuant
23 to section 12-43-304 (7), ~~C.R.S.~~, marriage and family therapist candidate
24 pursuant to section 12-43-504 (5), ~~C.R.S.~~, or licensed professional
25 counselor candidate pursuant to section 12-43-603 (5), ~~C.R.S.~~, or who is
26 described in section 12-43-215; ~~C.R.S.~~; and

27 (kk) Emergency medical service providers, as defined in sections

1 25-3.5-103 (8) and 25-3.5-103 (12), ~~C.R.S.~~, and certified pursuant to part
2 of article 3.5 of title 25; ~~C.R.S.~~ AND

3 (II) OFFICIALS OR EMPLOYEES OF COUNTY DEPARTMENTS OF
4 HEALTH, HUMAN SERVICES, OR SOCIAL SERVICES.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect **December 31, 2017**; except that, if a referendum petition is
7 filed pursuant to section 1 (3) of article V of the state constitution against
8 this act or an item, section, or part of this act within the ninety-day period
9 after final adjournment of the general assembly, then the act, item,
10 section, or part will not take effect unless approved by the people at the
11 general election to be held in November 2018 and, in such case, will take
12 effect on the date of the official declaration of the vote thereon by the
13 governor.