

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 10-0730.01 Richard Sweetman

HOUSE BILL 10-1226

HOUSE SPONSORSHIP

Kefalas,

SENATE SPONSORSHIP

Spence,

House Committees

Health and Human Services

Senate Committees

Health and Human Services

A BILL FOR AN ACT

101 **CONCERNING AN ALTERNATIVE APPROACH FOR A COUNTY**
102 **DEPARTMENT OF SOCIAL SERVICES TO USE IN ADDRESSING**
103 **CERTAIN INTRAFAMILIAL CHILD ABUSE OR NEGLECT CASES.**

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/billsummaries>.)

The bill creates the differential response pilot program (pilot program) for certain county departments of social services (participating county departments) to use in addressing intrafamilial abuse or neglect cases that are deemed to be of low or moderate risk according to an

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.

SENATE
2nd Reading Unam ended
March 25, 2010

HOUSE
3rd Reading Unam ended
February 26, 2010

HOUSE
Am ended 2nd Reading
February 25, 2010

assessment performed by each participating county department. The state department of human services (state department) and participating county departments shall administer the pilot program. The participating county departments, in administering the pilot program, shall cooperate with local community service organizations in addressing known or suspected incidents of intrafamilial abuse or neglect.

The state board of human services may promulgate rules for the administration of the pilot program.

The participating county departments shall each prepare and submit to the state department a report concerning the county department's administration of the pilot program. The state department shall prepare and submit to the health and human services committees of the house of representatives and senate a report concerning the administration of the pilot program. The report prepared by the state department, at a minimum, shall include an evaluation of the pilot program's success or failure, a description of any specific problems encountered during the administration of the pilot program, and a recommendation as to whether the general assembly should repeal the pilot program, continue the pilot program for a specific period, or establish the pilot program statewide on a permanent basis.

The pilot program is repealed after 4 years.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) The protection of children from abuse or neglect is the highest
5 priority of Colorado's public child welfare system;

6 (b) Current laws and practices treat all reports of alleged child
7 abuse or neglect in the same manner, which often results in an adversarial
8 court process when an investigation by a county department of social
9 services produces a finding that abuse or neglect did occur; and

10 (c) For some cases in which an investigation determines that the
11 safety of the child is not at risk, an adversarial court process may not
12 provide the best intervention to help the family prevent future incidents.

13 (2) Now, therefore, the general assembly hereby declares that:

1 (a) The state department of human services shall establish and
2 evaluate a pilot program in selected counties, which pilot program shall
3 authorize the participating counties to use an alternative approach to
4 addressing reports of alleged child abuse or neglect in cases in which an
5 assessment determines that the safety of the child is at low or moderate
6 risk; and

7 (b) The pilot program shall:

8 (I) Encourage willing families to participate in services that
9 address the underlying causative factors resulting in child abuse or
10 neglect;

11 (II) Expedite the delivery of such services to families; and

12 (III) Provide knowledge and skills to families to responsibly
13 protect their children.

14 **SECTION 2.** 19-3-308 (1.5), Colorado Revised Statutes, is
15 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16 **19-3-308. Action upon report of intrafamilial, institutional, or**
17 **third-party abuse - investigations - child protection team - rules -**
18 **repeal.** (1.5) (c) (I) ON AND AFTER THE EFFECTIVE DATE OF THIS
19 PARAGRAPH (c), IF A COUNTY DEPARTMENT THAT IS PARTICIPATING IN THE
20 DIFFERENTIAL RESPONSE PILOT PROGRAM PURSUANT TO SECTION
21 19-3-308.3 DETERMINES FROM AN ASSESSMENT PERFORMED PURSUANT TO
22 PARAGRAPH (a) OF THIS SUBSECTION (1.5) THAT THE KNOWN OR
23 SUSPECTED INCIDENT OF INTRAFAMILIAL ABUSE OR NEGLECT THAT WAS
24 THE BASIS FOR THE ASSESSMENT IS OF LOW OR MODERATE RISK, THE
25 COUNTY DEPARTMENT, IN LIEU OF PERFORMING AN INVESTIGATION
26 PURSUANT TO THIS SECTION, MAY PROCEED IN ACCORDANCE WITH THE
27 PROVISIONS OF SECTION 19-3-308.3.

1 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2015.

2 SECTION 3. Part 3 of article 3 of title 19, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **19-3-308.3. Differential response pilot program for child abuse**
6 **or neglect cases of low or moderate risk - rules - reports evaluation**
7 **- repeal.** (1) (a) THERE IS HEREBY CREATED THE DIFFERENTIAL RESPONSE
8 PILOT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PILOT PROGRAM",
9 TO ALLOW FIVE COUNTY DEPARTMENTS, ON AND AFTER THE EFFECTIVE
10 DATE OF THIS SECTION, TO ADDRESS KNOWN OR SUSPECTED INCIDENTS OF
11 INTRAFAMILIAL ABUSE OR NEGLECT THAT HAVE BEEN ASSESSED,
12 PURSUANT TO RULE OF THE STATE BOARD, TO BE OF LOW OR MODERATE
13 RISK. THE FIVE COUNTY DEPARTMENTS SHALL BE CHOSEN BY THE STATE
14 DEPARTMENT AND ARE REFERRED TO IN THIS SECTION AS THE
15 "PARTICIPATING COUNTY DEPARTMENTS".

16 (b) THE STATE DEPARTMENT IS AUTHORIZED TO SOLICIT, ACCEPT,
17 AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE IMPLEMENTATION
18 AND ADMINISTRATION OF THE PILOT PROGRAM.

19 (2) PARTICIPATION IN THE PILOT PROGRAM BY FAMILIES WHO ARE
20 REFERRED TO THE PILOT PROGRAM SHALL BE VOLUNTARY.

21 (3) FOR EACH FAMILY WHO IS REFERRED TO THE PILOT PROGRAM,
22 NEITHER THE STATE DEPARTMENT NOR A COUNTY DEPARTMENT SHALL BE
23 REQUIRED TO MAKE A FINDING CONCERNING THE ALLEGED INTRAFAMILIAL
24 ABUSE OR NEGLECT IN THE FAMILY.

25 (4) THE STATE DEPARTMENT AND THE PARTICIPATING COUNTY
26 DEPARTMENTS SHALL ADMINISTER THE PILOT PROGRAM IN ACCORDANCE
27 WITH SUCH RULES AS MAY BE PROMULGATED BY THE STATE BOARD

1 PURSUANT TO SUBSECTION (6) OF THIS SECTION.

2 (5) TO THE EXTENT PERMITTED BY LAW AND BY SUCH RULES AS
3 MAY BE PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION
4 (6) OF THIS SECTION, THE PARTICIPATING COUNTY DEPARTMENTS, IN
5 ADMINISTERING THE PILOT PROGRAM, SHALL COOPERATE WITH LOCAL
6 COMMUNITY SERVICE ORGANIZATIONS IN ADDRESSING KNOWN OR
7 SUSPECTED INCIDENTS OF INTRAFAMILIAL ABUSE OR NEGLECT.

8 (6) THE STATE BOARD MAY PROMULGATE RULES FOR THE
9 ADMINISTRATION OF THE PILOT PROGRAM.

10 (7) ON OR BEFORE NOVEMBER 1, 2014, EACH PARTICIPATING
11 COUNTY DEPARTMENT SHALL PREPARE AND SUBMIT TO THE STATE
12 DEPARTMENT A REPORT CONCERNING THE PARTICIPATING COUNTY
13 DEPARTMENT'S ADMINISTRATION OF THE PILOT PROGRAM SINCE THE
14 EFFECTIVE DATE OF THIS SECTION.

15 (8) ON OR BEFORE JANUARY 1, 2015, THE STATE DEPARTMENT
16 SHALL PREPARE AND SUBMIT TO THE HEALTH AND HUMAN SERVICES
17 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY
18 SUCCESSOR COMMITTEES, A REPORT CONCERNING THE ADMINISTRATION
19 OF THE PILOT PROGRAM SINCE THE EFFECTIVE DATE OF THIS SECTION. THE
20 REPORT, AT A MINIMUM, SHALL INCLUDE:

21 (a) AN EVALUATION OF THE PILOT PROGRAM'S SUCCESS OR
22 FAILURE, WHICH EVALUATION SHALL INCLUDE, BUT NEED NOT BE LIMITED
23 TO, CONSIDERATION OF THE PILOT PROGRAM'S EFFECTIVENESS IN
24 ACHIEVING THE FOLLOWING OUTCOMES:

- 25 (I) CHILD SAFETY AND PERMANENCY;
- 26 (II) FAMILY AND CASEWORKER SATISFACTION; AND
- 27 (III) COST EFFECTIVENESS.

1 (b) A DESCRIPTION OF ANY SPECIFIC PROBLEMS THAT THE STATE
2 DEPARTMENT OR PARTICIPATING COUNTY DEPARTMENTS ENCOUNTERED
3 DURING THEIR ADMINISTRATION OF THE PILOT PROGRAM, INCLUDING ANY
4 RECOMMENDATIONS THAT THE STATE DEPARTMENT MAY HAVE FOR
5 LEGISLATION TO ADDRESS SUCH PROBLEMS.

6 (c) A RECOMMENDATION BY THE STATE DEPARTMENT AS TO
7 WHETHER THE GENERAL ASSEMBLY SHOULD REPEAL THE PILOT PROGRAM,
8 CONTINUE THE PILOT PROGRAM FOR A SPECIFIC PERIOD, OR ESTABLISH THE
9 PILOT PROGRAM STATEWIDE ON A PERMANENT BASIS.

10 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.

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