

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

REREVISED

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

LLS NO. 10-0784.01 Brita Darling

SENATE BILL 10-152

SENATE SPONSORSHIP

Newell, Bacon, Boyd, Foster, Hodge, Keller, Sandoval, Schwartz, Steadman, Tochtrop

HOUSE SPONSORSHIP

Gagliardi, Apuan, May, Merrifield, Peniston, Primavera, Todd

Senate Committees

Health and Human Services

House Committees

Health and Human Services

A BILL FOR AN ACT

101 **CONCERNING INFORMATION RELATING TO A REFERRAL OF SUSPECTED**
102 **CHILD ABUSE BY CERTAIN MANDATORY REPORTERS.**

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 requires a county department of social services (county department) to provide information to a mandatory reporter concerning the mandatory reporter's report to the county department of suspected child abuse or neglect.

Within 30 calendar days after receipt of a report, the bill requires

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
3rd Reading Unamended
April 5, 2010

HOUSE
Amended 2nd Reading
April 1, 2010

SENATE
3rd Reading Unamended
March 3, 2010

SENATE
Amended 2nd Reading
March 2, 2010

the county department to provide certain information to the mandatory reporter, including but not limited to the name of persons who may pose a safety risk to the victim, whether the victim has been returned to his or her home, whether the case has been closed, and contact information for the caseworker investigating the report. Within 90 calendar days after receipt of the report by the county department, a mandatory reporter may seek certain additional information from the county department.

The bill authorizes a county department to provide this information only to certain mandatory reporters, including but not limited to hospitals, physicians, nurses, school employees and officials, and mental health professionals.

Information disclosed to a mandatory reporter is confidential, and the mandatory reporter shall not disclose the information to any other person.

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

2 **SECTION 1. 19-1-307 (2), Colorado Revised Statutes, is**
3 **amended BY THE ADDITION OF A NEW PARAGRAPH to read:**

4 **19-1-307. Dependency and neglect records and information -**
5 **access - fee - rules - records and reports fund - misuse of information**
6 **- penalty. (2) Records and reports - access to certain persons -**
7 **agencies. Except as otherwise provided in section 19-1-303, only the**
8 **following persons or agencies shall be given access to child abuse or**
9 **neglect records and reports:**

10 **(e.5) (I) A MANDATORY REPORTER SPECIFIED IN THIS**
11 **SUBPARAGRAPH (I) WHO IS AND CONTINUES TO BE OFFICIALLY AND**
12 **PROFESSIONALLY INVOLVED IN THE ONGOING CARE OF THE CHILD WHO**
13 **WAS THE SUBJECT OF THE REPORT, BUT ONLY WITH REGARD TO**
14 **INFORMATION THAT THE MANDATORY REPORTER HAS A NEED TO KNOW IN**
15 **ORDER TO FULFILL HIS OR HER PROFESSIONAL AND OFFICIAL ROLE IN**
16 **MAINTAINING THE CHILD'S SAFETY. A COUNTY DEPARTMENT MAY**
17 **REQUEST WRITTEN AFFIRMATION FROM A MANDATORY REPORTER STATING**

1 THAT THE REPORTER CONTINUES TO BE OFFICIALLY AND PROFESSIONALLY
2 INVOLVED IN THE ONGOING CARE OF THE CHILD WHO WAS THE SUBJECT OF
3 THE REPORT AND DESCRIBING THE NATURE OF THE INVOLVEMENT. THIS
4 SUBPARAGRAPH (I) SHALL APPLY TO:

5 (A) HOSPITAL PERSONNEL ENGAGED IN THE ADMISSION, CARE, OR
6 TREATMENT OF CHILDREN;

7 (B) MENTAL HEALTH PROFESSIONALS;

8 (C) PHYSICIANS OR SURGEONS, INCLUDING PHYSICIANS IN
9 TRAINING;

10 (D) REGISTERED NURSES OR LICENSED PRACTICAL NURSES;

11 (E) DENTISTS;

12 (F) PSYCHOLOGISTS;

13 (G) UNLICENSED PSYCHOTHERAPISTS;

14 (H) LICENSED PROFESSIONAL COUNSELORS;

15 (I) LICENSED MARRIAGE AND FAMILY THERAPISTS;

16 (J) PUBLIC OR PRIVATE SCHOOL OFFICIALS OR EMPLOYEES;

17 (K) SOCIAL WORKERS OR WORKERS WITH ANY FACILITY OR
18 AGENCY THAT IS LICENSED OR CERTIFIED PURSUANT TO PART 1 OF ARTICLE
19 6 OF TITLE 26, C.R.S.;

20 (L) VICTIM'S ADVOCATES, AS DEFINED IN SECTION 13-90-107 (1)

21 (k) (II), C.R.S.; AND

22 (M) CLERGY MEMBERS, AS DEFINED IN SECTION 19-3-304 (2) (aa)
23 (III).

24 (II) WITHIN THIRTY CALENDAR DAYS AFTER RECEIPT OF A REPORT
25 OF SUSPECTED CHILD ABUSE OR NEGLECT FROM A MANDATORY REPORTER
26 SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e.5), A COUNTY
27 DEPARTMENT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE

1 MANDATORY REPORTER FOR THE PURPOSE OF ASSISTING THE MANDATORY
2 REPORTER IN HIS OR HER PROFESSIONAL AND OFFICIAL ROLE IN
3 MAINTAINING THE CHILD'S SAFETY:

4 (A) THE NAME OF THE CHILD AND THE DATE OF THE REPORT;

5 (B) WHETHER THE REFERRAL WAS ACCEPTED FOR ASSESSMENT;

6 (C) WHETHER THE REFERRAL WAS CLOSED WITHOUT SERVICES;

7 (D) WHETHER THE ASSESSMENT RESULTED IN SERVICES RELATED
8 TO THE SAFETY OF THE CHILD;

9 (E) THE NAME OF AND CONTACT INFORMATION FOR THE COUNTY
10 CASEWORKER RESPONSIBLE FOR INVESTIGATING THE REFERRAL; AND

11 (F) NOTICE THAT THE REPORTING MANDATORY REPORTER MAY
12 REQUEST UPDATED INFORMATION IDENTIFIED IN SUB-SUBPARAGRAPHS (A)
13 TO (E) OF THIS SUBPARAGRAPH (II) WITHIN NINETY CALENDAR DAYS
14 AFTER THE COUNTY DEPARTMENT RECEIVED THE REPORT AND
15 INFORMATION CONCERNING THE PROCEDURE FOR OBTAINING UPDATED
16 INFORMATION.

17 (III) INFORMATION DISCLOSED TO A MANDATORY REPORTER
18 PURSUANT TO THIS PARAGRAPH (e.5) IS CONFIDENTIAL AND SHALL NOT BE
19 DISCLOSED BY THE MANDATORY REPORTER TO ANY OTHER PERSON EXCEPT
20 AS PROVIDED BY LAW.

21 (IV) UNLESS REQUESTED BY A COUNTY DEPARTMENT, A
22 MANDATORY REPORTER SHALL NOT HAVE THE AUTHORITY TO PARTICIPATE
23 IN ANY DECISION MADE BY THE COUNTY DEPARTMENT CONCERNING A
24 REPORT OF ABUSE OR NEGLECT.

25 (V) IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE
26 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., THE STATE
27 DEPARTMENT SHALL PROMULGATE ANY RULES NECESSARY FOR THE

1 IMPLEMENTATION OF THIS PARAGRAPH (e.5).

2 **SECTION 2. Act subject to petition - specified effective date**

3 **- applicability.** (1) This act shall take effect September 1, 2010; except

4 that, if a referendum petition is filed pursuant to section 1 (3) of article V

5 of the state constitution against this act or an item, section, or part of this

6 act within the ninety-day period after final adjournment of the general

7 assembly, then the act, item, section, or part shall not take effect unless

8 approved by the people at the general election to be held in November

9 2010 and shall take effect on the date of the official declaration of the

10 vote thereon by the governor.

11 (2) The provisions of this act shall apply to reports of suspected

12 abuse or neglect made on or after the applicable effective date of this act.