

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0745.01 Shelby Ross x4510

**HOUSE BILL 23-1160**

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**HOUSE SPONSORSHIP**

**Evans, Epps**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Public & Behavioral Health & Human Services  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING REQUIREMENTS BEFORE ADDING A PERSON SUSPECTED**  
102           **OF CHILD ABUSE OR NEGLECT TO THE AUTOMATED CHILD**  
103           **WELFARE SYSTEM.**

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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://leg.colorado.gov>.)*

Before adding a person suspected of child abuse or neglect (person) to the automated child welfare system (system), the bill requires the department of human services (state department) to provide a written notice to the person of the opportunity for a hearing. The person must request a hearing no later than 90 days after the date of the written notice.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

The bill prohibits the state department from releasing a finding of a person responsible for child abuse or neglect or the state department or a law enforcement entity from releasing information about the person or the allegations against the person to a third party until all administrative appeals are either exhausted or waived.

When a hearing is requested, the bill requires an administrative law judge (ALJ) to contact the parties to schedule the hearing no later than 120 days after the date the person requests a hearing.

If the ALJ finds that there is sufficient evidence to support the state department's allegations, the bill requires:

- The state department to enter the substantiated findings against the person into the system for a period of time proportionate to the severity of the findings; and
- Any law enforcement entity that created a record of the alleged incident of child abuse or neglect to retain the record pursuant to certain restrictions.

If the ALJ finds there is insufficient evidence to support the state department's allegations, the bill requires:

- The ALJ to order the state department to amend the state department's findings accordingly and order that allegation not be entered into the system; and
- Any law enforcement entity that created a record of the alleged incident of child abuse or neglect to mark the record as unsubstantiated and retain and release the record pursuant to certain restrictions.

The bill prohibits a finding from being entered against a person who is less than 13 years of age.

The bill authorizes the state department, county departments of human and social services (county departments), and law enforcement entities to retain information concerning unsubstantiated reports of child abuse and neglect in casework files to assist in future risk and safety assessments; except that the state department, county departments, and law enforcement entities shall not release any information contained in any records that are accessible to the public or are used for purposes of employment or background checks in cases determined to be unsubstantiated or false.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 19-3-313.3 as  
3 follows:

4           **19-3-313.3. State department automated child welfare system**

1       **- written notice - definitions.**

2       (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
3       OTHERWISE REQUIRES:

4               (a) "AUTOMATED CHILD WELFARE SYSTEM" MEANS THE STATE  
5       DEPARTMENT OF HUMAN SERVICES AUTOMATED CHILD WELFARE SYSTEM.

6               (b) "PERSON" MEANS A PERSON, INCLUDING A CHILD OR YOUTH,  
7       FOUND RESPONSIBLE FOR AN INCIDENT OF CHILD ABUSE OR NEGLECT BY A  
8       COUNTY DEPARTMENT.

9       (2) **Written notice of opportunity for appeal.** A COUNTY  
10      DEPARTMENT SHALL PROVIDE A WRITTEN NOTICE PURSUANT TO SECTION  
11      19-3-313.5(3) TO THE PERSON OF THE OPPORTUNITY TO APPEAL AND HAVE  
12      A HEARING. THE WRITTEN NOTICE MUST BE SENT TO THE PERSON AND ANY  
13      COUNSEL OF RECORD FOR THE PERSON IN A RELATED DEPENDENCY AND  
14      NEGLECT CASE NO LATER THAN FOURTEEN DAYS AFTER THE DATE THE  
15      COUNTY DEPARTMENT ENTERED ITS FINDINGS. IF THE PERSON IS A MINOR,  
16      THE WRITTEN NOTICE MUST BE SENT TO THE MINOR, THE MINOR'S PARENT  
17      OR LEGAL GUARDIAN, AND ANY GUARDIAN AD LITEM OR COUNSEL FOR  
18      YOUTH, AS DEFINED IN SECTION 13-91-103, APPOINTED IN A DEPENDENCY  
19      AND NEGLECT, CRIMINAL, OR DELINQUENCY CASE. IF THE PERSON IS  
20      ENROLLED IN THE FOSTER YOUTH IN TRANSITION PROGRAM PURSUANT TO  
21      PART 3 OF ARTICLE 7 OF TITLE 19, THE WRITTEN NOTICE MUST BE SENT TO  
22      ANY GUARDIAN AD LITEM OR COUNSEL FOR YOUTH ASSIGNED TO THE  
23      YOUTH. THE WRITTEN NOTICE MUST INCLUDE:

24               (a) A CLEAR STATEMENT THAT INCLUDES:

25                       (I) THE TYPE AND SEVERITY OF THE ABUSE OR NEGLECT;

26                       (II) THE DATE OF THE REFERRAL TO THE COUNTY DEPARTMENT OF

27      HUMAN OR SOCIAL SERVICES;

4 (IV) THE DATE THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL  
5 SERVICES MADE THE FINDING OF CHILD ABUSE OR NEGLECT IN THE STATE  
6 AUTOMATED CHILD WELFARE SYSTEM;

7 (V) INFORMATION CONCERNING PERSONS OR AGENCIES THAT HAVE  
8 ACCESS TO THE FINDING OF CHILD ABUSE OR NEGLECT;

9 (VI) THE CIRCUMSTANCES UNDER WHICH INFORMATION  
10 CONTAINED IN THE STATE AUTOMATED CASE MANAGEMENT SYSTEM WILL  
11 BE PROVIDED TO OTHER INDIVIDUALS OR AGENCIES;

12 (VII) HOW TO ACCESS INFORMATION ON THE COUNTY  
13 DEPARTMENT OF HUMAN OR SOCIAL SERVICE'S DISPUTE RESOLUTION  
14 PROCESS;

15 (VIII) INFORMATION DETAILING THE RIGHT OF THE PERSON TO  
16 REQUEST A STATE-LEVEL APPEAL:

17 (IX) A BLANK COPY OF THE STATE DEPARTMENT'S APPROVED  
18 APPEAL FORM:

19 (X) NOTICE THAT THE SCOPE OF AN APPEAL IS LIMITED TO  
20 CHALLENGES THAT THE FINDINGS OF CHILD ABUSE OR NEGLECT ARE NOT  
21 SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE OR THAT THE  
22 ACTIONS FOUND TO BE CHILD ABUSE OR NEGLECT DO NOT MEET THE LEGAL  
23 DEFINITIONS OF CHILD ABUSE OR NEGLECT PURSUANT TO SECTION  
24 19-1-103; AND

25 (XI) A FULL EXPLANATION OF THE PROCESS AND TIMELINES FOR A  
26 STATE-LEVEL APPEAL.

27

5 (c) INFORMATION ABOUT HOW THE PERSON MAY OBTAIN A  
6 COMPLETE COPY OF THE LAW ENFORCEMENT RECORD, IF ANY, OF THE  
7 ALLEGED INCIDENT OF CHILD ABUSE OR NEGLECT;

8 (d) INFORMATION ABOUT THE OFFICE OF THE CHILD PROTECTION  
9 OMBUDSMAN CREATED IN SECTION 19-3.3-102; AND

10 (e) INFORMATION ABOUT THE OFFICE OF RESPONDENT PARENTS'  
11 COUNSEL CREATED IN SECTION 13-92-103.

12 (3) **Background checks.** FOR EMPLOYMENT AND VOLUNTEER  
13 PURPOSES, A BACKGROUND CHECK THROUGH THE AUTOMATED CHILD  
14 WELFARE SYSTEM MAY ONLY BE CONDUCTED AND RELEASED PURSUANT  
15 TO SECTIONS 19-1-307, 26.5-5-316, AND 26-6-705 FOR A PERSON SEEKING  
16 EMPLOYMENT OR VOLUNTEERING IN A ROLE THAT REQUIRES THE CARE,  
17 TREATMENT, OR SUPERVISION OF CHILDREN, OR UNSUPERVISED CONTACT  
18 WITH CHILDREN.

25 (b) A HEARING HELD PURSUANT TO THIS SECTION IS CONSIDERED  
26 A CONTESTED HEARING AND IS ELIGIBLE FOR APPEAL.

27 (c) PRIOR TO THE HEARING, THE STATE DEPARTMENT SHALL

1 PROVIDE THE PERSON WITH THE FULL INVESTIGATIVE FILE AND ANY  
2 EXONERATORY EVIDENCE IN THE STATE DEPARTMENT'S POSSESSION OR  
3 CONTROL AT NO COST TO THE PERSON, SUBJECT TO ANY REDACTION  
4 REQUIRED BY LAW.

5 (d) AT THE HEARING, THE PERSON SUSPECTED OF CHILD ABUSE OR  
6 NEGLECT HAS THE RIGHT TO:

7 (I) BE REPRESENTED BY COUNSEL, IF DESIRED. COUNSEL IS ONLY  
8 APPOINTED PURSUANT TO THIS SECTION. IF COUNSEL HAS BEEN APPOINTED  
9 TO REPRESENT THE PERSON THROUGH THE OFFICE OF RESPONDENT  
10 PARENTS' COUNSEL ESTABLISHED IN SECTION 13-92-103, THE PERSON'S  
11 COUNSEL MAY CONTINUE REPRESENTING THE PERSON THROUGHOUT THE  
12 HEARING REQUESTED PURSUANT TO SUBSECTION (2) OF THIS SECTION IF  
13 APPROVED BY THE OFFICE OF RESPONDENT PARENTS' COUNSEL. IF COUNSEL  
14 FOR YOUTH HAS BEEN APPOINTED TO REPRESENT THE YOUTH IN A  
15 DEPENDENCY AND NEGLECT OR FOSTER YOUTH IN TRANSITION PROGRAM  
16 CASE THROUGH THE OFFICE OF THE CHILD'S REPRESENTATIVE ESTABLISHED  
17 IN SECTION 13-91-102, THE YOUTH'S COUNSEL FOR YOUTH MAY CONTINUE  
18 REPRESENTING THE YOUTH THROUGHOUT THE HEARING REQUESTED  
19 PURSUANT TO SUBSECTION (2) OF THIS SECTION IF APPROVED BY THE  
20 OFFICE OF THE CHILD'S REPRESENTATIVE. IF A GUARDIAN AD LITEM IS  
21 APPOINTED TO REPRESENT THE BEST INTERESTS OF THE PERSON IN A  
22 DEPENDENCY AND NEGLECT, CRIMINAL, OR DELINQUENCY CASE THROUGH  
23 THE OFFICE OF THE CHILD'S REPRESENTATIVE, THE PERSON'S GUARDIAN AD  
24 LITEM MAY CONTINUE REPRESENTING THE BEST INTERESTS OF THE PERSON  
25 THROUGHOUT THE HEARING REQUESTED PURSUANT TO SUBSECTION (2) OF  
26 THIS SECTION IF APPROVED BY THE OFFICE OF THE CHILD'S  
27 REPRESENTATIVE.

3 (III) SUBPOENA WITNESSES, CROSS-EXAMINE THE STATE  
4 DEPARTMENT'S WITNESSES, OBJECT TO EVIDENCE INTRODUCED BY THE  
5 STATE DEPARTMENT, AND MAKE AN OPENING STATEMENT AND CLOSING  
6 ARGUMENT.

11

12 (f) A FINDING SHALL NOT BE ENTERED AGAINST A PERSON WHO IS  
13 UNDER THIRTEEN YEARS OF AGE, OR AGAINST A PERSON WHO IS THIRTEEN  
14 TO EIGHTEEN YEARS OF AGE UNLESS THE PERSON IS A PARENT OF THE  
15 ALLEGED VICTIM OR THE LEVEL OF THE FINDING IS SEVERE, EGREGIOUS,  
16 NEAR-FATAL, OR FATAL.

17

24 **SECTION 2.** In Colorado Revised Statutes, **add** 19-3-313.7 as  
25 follows:

26 19-3-313.7. Automated child welfare system task force -  
27 membership - recommendations - legislative declaration - repeal.

1       **(1) Legislative declaration.** (a) THE GENERAL ASSEMBLY FINDS AND  
2       DECLARES THAT:

3               **(I) THE COLORADO AUTOMATED CHILD WELFARE SYSTEM, KNOWN**  
4       AS THE "TRAILS SYSTEM", IS A CASE MANAGEMENT SYSTEM USED BY  
5       TRAINED CHILD WELFARE CASEWORKERS TO MANAGE INFORMATION IN  
6       ORDER TO PROTECT CHILDREN FROM ABUSE AND NEGLECT;

7               **(II) WHEN A PERSON IN COLORADO IS FOUND RESPONSIBLE FOR**  
8       CHILD ABUSE OR NEGLECT BY A COUNTY DEPARTMENT OF HUMAN OR  
9       SOCIAL SERVICES, A FINDING IS ENTERED INTO THE TRAILS SYSTEM,  
10      WHICH OCCURS SEPARATELY FROM ANY COURT PROCESS;

11               **(III) A TRAILS SYSTEM BACKGROUND CHECK CAN ONLY BE**  
12      CONDUCTED AND RELEASED FOR A PERSON SEEKING EMPLOYMENT OR  
13      VOLUNTEERING IN A ROLE THAT REQUIRES THE CARE, TREATMENT, OR  
14      SUPERVISION OF CHILDREN, OR UNSUPERVISED CONTACT WITH CHILDREN;

15               **(IV) CHILD ABUSE RECORDS AND REPORTS PROVIDE PROTECTION**  
16      TO CHILDREN AND FAMILIES IN COLORADO; HOWEVER, WHEN A PERSON  
17      HAS NOT HAD THE OPPORTUNITY TO CONTEST A FINDING OF CHILD ABUSE  
18      OR NEGLECT, IT CAN SIGNIFICANTLY IMPACT CHILDREN AND FAMILIES; AND

19               **(V) EQUITABLE ACCESS, INCLUDING ACCESS TO LEGAL COUNSEL,**  
20      AND UNDERSTANDING OF THE APPEALS PROCESS IS A PRIORITY TO THOSE  
21      PROVIDING AND RECEIVING CHILD WELFARE SERVICES.

22               **(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS**  
23      NECESSARY TO CREATE A TASK FORCE THAT CONSISTS OF PEOPLE WITH  
24      EXPERIENCE IN OR KNOWLEDGE OF CHILD WELFARE POLICIES AND  
25      PROCEDURES TO EXAMINE CURRENT RULES AND STATUTES GOVERNING  
26      FINDINGS OF ABUSE AND NEGLECT AND TO MAKE RECOMMENDATIONS TO  
27      THE EXECUTIVE BRANCH AND TO THE GENERAL ASSEMBLY ON POTENTIAL

1 ADMINISTRATIVE AND LEGISLATIVE CHANGES TO SUPPORT DUE PROCESS,  
2 FAIRNESS, AND TRANSPARENCY IN THE APPEALS PROCESS.

3 **(2) Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
4 OTHERWISE REQUIRES:

5 (a) "AUTOMATED CHILD WELFARE SYSTEM" MEANS THE STATE  
6 DEPARTMENT OF HUMAN SERVICES AUTOMATED CHILD WELFARE SYSTEM  
7 AS DEFINED IN SECTION 19-3-313.3, KNOWN AS THE "TRAILS SYSTEM".

8 (b) "BACKGROUND CHECK" MEANS ANY CHECK OF THE  
9 AUTOMATED CHILD WELFARE SYSTEM FOR EMPLOYMENT AND VOLUNTEER  
10 PURPOSES PURSUANT TO SECTIONS 19-1-307, 26.5-5-316, AND 26-6-705.

11 (c) "PERSON" MEANS A PERSON, INCLUDING A CHILD OR YOUTH,  
12 SUSPECTED OF CHILD ABUSE OR NEGLECT.

13 (d) "TASK FORCE" MEANS THE AUTOMATED CHILD WELFARE  
14 SYSTEM TASK FORCE CREATED IN SUBSECTION (3) OF THIS SECTION.

15 **(3) Automated child welfare system task force.** (a) THERE IS  
16 CREATED IN THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN,  
17 ESTABLISHED PURSUANT TO SECTION 19-3.3-102, THE AUTOMATED CHILD  
18 WELFARE SYSTEM TASK FORCE TO ANALYZE CURRENT STATUTES, RULES,  
19 AND PROCEDURES FOR ENTERING, RELEASING, AND APPEALING A FINDING  
20 OF CHILD ABUSE AND NEGLECT.

21 (b) THE TASK FORCE SHALL FOCUS ON SERVING UNDER-RESOURCED  
22 COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES  
23 WHO ARE DISPROPORTIONATELY IMPACTED BY ADMINISTRATIVE FINDINGS  
24 OF CHILD ABUSE AND NEGLECT. THE TASK FORCE MAY MAKE FINDINGS  
25 AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY, THE GOVERNOR,  
26 AND THE STATE DEPARTMENT ON ADMINISTRATIVE AND LEGISLATIVE  
27 CHANGES TO UPDATE THE PROCEDURES FOR ENTERING, RELEASING, AND

1 APPEALING FINDINGS OF CHILD ABUSE OR NEGLECT IN ORDER TO CREATE  
2 AN EQUITABLE SYSTEM FOR ALL COLORADO FAMILIES AND CHILDREN,  
3 INCLUDING HOW TO DETERMINE THE EFFECTIVENESS OF FINDINGS OF CHILD  
4 ABUSE AND NEGLECT IN PROTECTING CHILDREN AND HOW TO MITIGATE  
5 THE IMPACT OF CHILD ABUSE AND NEGLECT FINDINGS ON  
6 UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS  
7 WITH DISABILITIES.

8 (4) **Membership.** (a) THE TASK FORCE CONSISTS OF THE  
9 FOLLOWING MEMBERS:

10 (I) THE CHILD PROTECTION OMBUDSMAN, AS DESCRIBED IN  
11 SECTION 19-3.3-102, OR THE OMBUDSMAN'S DESIGNEE;

12 (II) TWO MEMBERS REPRESENTING THE DEPARTMENT OF HUMAN  
13 SERVICES, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
14 OF HUMAN SERVICES;

15 (III) ONE MEMBER REPRESENTING THE OFFICE OF THE CHILD'S  
16 REPRESENTATIVE CREATED IN SECTION 13-91-104, APPOINTED BY THE  
17 DIRECTOR OF THE OFFICE OF THE CHILD'S REPRESENTATIVE;

18 (IV) ONE MEMBER REPRESENTING THE OFFICE OF THE RESPONDENT  
19 PARENTS' COUNSEL CREATED IN SECTION 13-92-103, APPOINTED BY THE  
20 DIRECTOR OF THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL;

21 (V) ONE MEMBER REPRESENTING COUNTY DEPARTMENTS,  
22 APPOINTED BY THE DIRECTOR OF A STATEWIDE ASSOCIATION  
23 REPRESENTING COUNTY DEPARTMENTS;

24 (VI) ONE MEMBER REPRESENTING THE DEPARTMENT OF EARLY  
25 CHILDHOOD, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE  
26 DEPARTMENT OF EARLY CHILDHOOD;

27 (VII) ONE MEMBER REPRESENTING THE OFFICE OF THE

1 ADMINISTRATIVE COURTS IN THE DEPARTMENT OF PERSONNEL AND  
2 ADMINISTRATION, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE  
3 DEPARTMENT OF PERSONNEL AND ADMINISTRATION;

4 (VIII) THE FOLLOWING MEMBERS APPOINTED BY THE CHILD  
5 PROTECTION OMBUDSMAN:

6 (A) TWO MEMBERS WHO REPRESENT A COUNTY DEPARTMENT, ONE  
7 FROM AN URBAN COUNTY AND ONE FROM A RURAL COUNTY;

8 (B) ONE MEMBER WHO IS A COUNTY ATTORNEY REPRESENTING  
9 COUNTY DEPARTMENTS;

10 (C) ONE MEMBER WITH EXPERIENCE PROVIDING KINSHIP CARE OR  
11 AS A FOSTER PARENT;

12 (D) ONE MEMBER FROM A STATEWIDE ORGANIZATION  
13 REPRESENTING PEOPLE WITH DISABILITIES;

14 (E) THREE MEMBERS REPRESENTING INDIVIDUALS WITH LIVED  
15 EXPERIENCE WITH THE STATE'S ADMINISTRATIVE APPEALS PROCESS;

16 (F) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION  
17 SERVING OR REPRESENTING VICTIMS AND SURVIVORS;

18 (G) ONE MEMBER WHO IS A LICENSED CHILD CARE PROVIDER, AS  
19 DEFINED IN SECTION 26.5-5-303 (4);

20 (H) ONE MEMBER WHO IS AN ATTORNEY WITH EXPERIENCE  
21 REPRESENTING CLIENTS IN APPEALS BEFORE AN ADMINISTRATIVE LAW  
22 JUDGE; AND

23 (I) ONE MEMBER WHO IS A CURRENT OR FORMER LICENSED SOCIAL  
24 WORKER WITH EXPERIENCE CONDUCTING CHILD WELFARE ASSESSMENTS.

25 (b) THE APPOINTING AUTHORITIES SHALL APPOINT MEMBERS WHO  
26 REPRESENT DIVERSE GEOGRAPHIC LOCATIONS, RACE AND ETHNICITY,  
27 GENDER, RELIGION, LIVED EXPERIENCE WITH THE CHILD WELFARE SYSTEM,

1 AND SOCIOECONOMIC STATUS.

2 (c) THE APPOINTING AUTHORITIES SHALL MAKE THE  
3 APPOINTMENTS NO LATER THAN JULY 1, 2023. THE TERM OF THE  
4 APPOINTMENT IS FOR THE DURATION OF THE TASK FORCE. THE APPOINTING  
5 AUTHORITIES SHALL FILL ANY VACANCY SUBJECT TO THE SAME  
6 QUALIFICATIONS AS THE INITIAL APPOINTMENT.

7 (d) THE CHILD PROTECTION OMBUDSMAN, OR THE OMBUDSMAN'S  
8 DESIGNEE, IS THE CHAIR OF THE TASK FORCE. AT THE TASK FORCE'S FIRST  
9 MEETING, THE TASK FORCE SHALL SELECT A VICE-CHAIR FROM AMONG ITS  
10 MEMBERS. THE CHAIR AND THE VICE-CHAIR SERVE FOR THE DURATION OF  
11 THE TASK FORCE.

12 (e) THE CHILD PROTECTION OMBUDSMAN SHALL CONVENE THE  
13 FIRST MEETING OF THE TASK FORCE NO LATER THAN SEPTEMBER 1, 2023.  
14 THE TASK FORCE SHALL MEET AT LEAST ONCE EVERY MONTH UNTIL THE  
15 TASK FORCE SUBMITS ITS FINAL REPORT AND AT THE CALL OF THE CHAIR  
16 AS NECESSARY TO COMPLETE THE TASK FORCE'S DUTIES. THE TASK FORCE  
17 MAY MEET ELECTRONICALLY. THE OFFICE OF THE CHILD PROTECTION  
18 OMBUDSMAN SHALL PROVIDE STAFF SUPPORT AS NECESSARY FOR THE  
19 TASK FORCE TO CARRY OUT ITS DUTIES.

20 (5) **Task force recommendations.** (a) THE TASK FORCE SHALL,  
21 AT A MINIMUM, ANALYZE:

22 (I) WHETHER A STUDY SHOULD BE CONDUCTED TO DETERMINE THE  
23 EFFECTIVENESS OF THE CURRENT PROCESS FOR MAKING, ENTERING,  
24 APPEALING, AND RELEASING CHILD ABUSE AND NEGLECT FINDINGS AND  
25 DETERMINE THE NECESSARY FUNDING FOR SUCH A STUDY;

26 (II) THE SUFFICIENCY OF STATEWIDE DATA THAT MEASURES  
27 QUANTITATIVE AND QUALITATIVE EXPERIENCES OF PERSONS FOUND

1 RESPONSIBLE BY COUNTY DEPARTMENTS FOR CHILD ABUSE OR NEGLECT;

2 (III) THE COMPREHENSIVENESS AND EFFECTIVENESS OF EXISTING  
3 RULES AND STATUTES IN ENSURING TIMELINESS AND DUE PROCESS UNDER  
4 THE CURRENT PROCESS FOR APPEALING CHILD ABUSE AND NEGLECT  
5 FINDINGS;

6 (IV) NATIONAL BEST PRACTICES; AND

7 (V) IN CONSULTATION WITH ADDITIONAL STAKEHOLDERS AS  
8 NEEDED, ADDRESS ALL ADDITIONAL QUESTIONS NECESSARY TO FINALIZE  
9 THE TASK FORCE'S FINDINGS AND RECOMMENDATIONS.

10 (b) THE TASK FORCE SHALL DEVELOP RECOMMENDATIONS  
11 REGARDING:

12 (I) OPTIONS TO PROVIDE REPRESENTATION TO ALL INDIGENT  
13 PERSONS FOR ADMINISTRATIVE APPEALS OF CHILD ABUSE AND NEGLECT  
14 FINDINGS;

15 (II) OPTIONS TO IMPROVE ACCESS, EDUCATION, AND ACCESSIBILITY  
16 TO APPEALS RELATED TO CHILD ABUSE AND; AND

17 (III) WHEN A FINDING SHOULD BE REPORTED TO THE AUTOMATED  
18 CHILD WELFARE SYSTEM OR RELEASED DURING A BACKGROUND CHECK OF  
19 A PERSON.

20 (c) THE TASK FORCE MAY DEVELOP RECOMMENDATIONS AT ITS  
21 DISCRETION CONCERNING:

22 (I) STATEWIDE AND NATIONAL BEST PRACTICES FOR ENSURING DUE  
23 PROCESS IN APPEALS OR REVIEW OF CHILD ABUSE AND NEGLECT FINDINGS  
24 AND THE USE OF SUCH FINDINGS FOR BACKGROUND CHECK PURPOSES;

25 (II) RESOURCES NECESSARY TO IMPROVE OR FACILITATE  
26 COMMUNICATION EFFORTS OF COUNTY DEPARTMENTS AND THE STATE  
27 DEPARTMENT WITH PERSONS FOUND RESPONSIBLE FOR ABUSE AND

1 NEGLECT;

2 (III) WHETHER CERTAIN LEVELS OF SEVERITY OR TYPES OF  
3 FINDINGS SHOULD NOT BE REPORTED ON BACKGROUND CHECKS FOR  
4 PERSONS BEING CONSIDERED FOR EMPLOYMENT OR VOLUNTEER  
5 OPPORTUNITIES WORKING WITH CHILDREN; AND

6 (IV) BARRIERS TO IMPLEMENTING BEST PRACTICES, AND  
7 LEGISLATIVE AND REGULATORY CHANGES.

8 (d) IN CARRYING OUT THIS SUBSECTION (5), THE TASK FORCE  
9 SHALL CONSIDER:

10 (I) THE UNITED STATES CONSTITUTION AND THE STATE  
11 CONSTITUTION, CASE LAW, STATUTES, RULES, PRACTICES, AND STANDARDS  
12 THAT GOVERN THE DETERMINATION OF CHILD ABUSE AND NEGLECT  
13 FINDINGS;

14 (II) BEST PRACTICES FOLLOWED IN OTHER STATES OR  
15 RECOMMENDED BY NATIONAL CHILD WELFARE EXPERTS TO PROMOTE DUE  
16 PROCESS, POSITIVE OUTCOMES FOR FAMILIES, TRANSPARENCY, AND  
17 SAFETY FOR CHILDREN;

18 (III) FEDERAL GUIDANCE; AND

19 (IV) JUVENILE CODES AND RULES FROM OTHER STATES  
20 IMPLEMENTING BEST PRACTICES.

21 (e) THE STATE DEPARTMENT SHALL PROVIDE THE TASK FORCE  
22 WITH COMPREHENSIVE INFORMATION ON THE CURRENT PROCESS FOR  
23 ASSESSMENTS, APPEALS, AND THE RELEASE OF RECORDS, INCLUDING A  
24 GLOSSARY OF SPECIFIC TERMS TO AIDE IN THE MUTUAL UNDERSTANDING  
25 OF THE PROCESSES.

26 (6) **Report.** (a) ON OR BEFORE NOVEMBER 30, 2023, THE TASK  
27 FORCE SHALL SUBMIT A FIRST-YEAR STATUS REPORT ADDRESSING, AT A

1 MINIMUM, RECOMMENDATIONS ON HOW TO ENSURE ACCESS TO COUNSEL  
2 FOR INDIGENT PERSONS TO THE HOUSE OF REPRESENTATIVES PUBLIC AND  
3 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE  
4 HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR  
5 COMMITTEES. THE FIRST-YEAR STATUS REPORT MUST INCLUDE A  
6 SUMMARY OF THE TASK FORCE'S WORK AND THE TASK FORCE'S INITIAL  
7 FINDINGS AND RECOMMENDATIONS, IF AVAILABLE.

8 (b) ON OR BEFORE DECEMBER 1, 2024, THE TASK FORCE SHALL  
9 SUBMIT A FINAL REPORT TO THE HOUSE OF REPRESENTATIVES PUBLIC AND  
10 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE  
11 HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR  
12 COMMITTEES, THAT INCLUDES A SUMMARY OF THE TASK FORCE'S WORK  
13 AND THE TASK FORCE'S RECOMMENDATIONS, IF APPLICABLE.

14 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2025.  
15 **SECTION 3. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, or safety.