



**Colorado  
Legislative  
Council  
Staff**

**HB16-1389**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0945  
**Prime Sponsor(s):** Rep. Joshi

**Date:** August 4, 2016  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Bill Zepernick (303-866-4777)

**BILL TOPIC:** SAFETY PROCEDURES PHOTOS AS EVIDENCE CHILD ABUSE

<b>Fiscal Impact Summary</b>	<b>FY 2015-16</b> <i>(Current year)</i>	<b>FY 2016-2017</b>	<b>FY 2017-2018</b>
<b>State Revenue</b>			
<b>State Expenditures</b>		<b>\$17,800</b>	<b>\$12,800</b>
General Fund	Workload increase.	11,125	8,000
Federal Funds		6,675	4,800
<b>Appropriation Required:</b> \$17,800 - Department of Human Services (FY 2016-17).			
<b>Future Year Impacts:</b> Ongoing increase in state expenditures.			

**NOTE:** This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Summary of Legislation**

The bill modifies the procedures for photographing a child's body to document evidence of child abuse. The bill defines the terms "visible in plain sight" and "private area of the child" and specifies procedures and restrictions for obtaining photographic evidence of a child's body, with separate standards specified for government employees and for certain health professionals not employed by the government. Photographic evidence of the private area of a child cannot be taken without the consent of a parent or the child, if aged 15 to 18, or a court order. The bill makes exceptions to this restriction for medical emergencies in the case of government employees and for bona fide medical purposes for non-governmental health professionals. The State Board of Human Services is required to adopt rules concerning photographing the private area of a child, including the manner and place of such photographs, the process for parental notification and consent, storage and security of images, and training on how to conduct legal searches and how to perform appropriate searches of the private areas of children.

## **State Expenditures**

The bill increases costs in the Department of Human Services (DHS) by **\$17,800 in FY 2016-17 and \$12,800 in FY 2017-18 and future years**. In addition, the Judicial Department will also have increased workload under the bill beginning in FY 2015-16, the current fiscal year. These costs and workload impacts are discussed below.

**Training.** The DHS will have a one-time cost of \$5,000 in FY 2016-17 to develop training concerning photographic evidence of child abuse. This cost is based on 50 hours of contractor time at a cost of \$100 per hour. In addition, the DHS will have costs of \$12,800 per year beginning FY 2016-17 to conduct training with county staff and other interested persons. The fiscal note assumes that there will be 16 training sessions per year at various locations throughout the state with an average cost of \$800 per session. Federal funds will pay 37.5 percent of these costs, with the remainder paid from the General Fund.

**Trial courts.** By requiring a court order to photograph the private area of a child when consent is not obtained, the trial courts in the Judicial Department will have an increase in hearings and associated workload beginning in FY 2015-16. It is unknown how many such orders will be requested, but it is assumed that this work can be accomplished within existing appropriations.

**Office of Respondent Parents' Counsel.** In cases where an indigent parent is suspected of abuse or is already involved in a pending dependency and neglect case, the Office of Respondent Parents' Counsel may have increased costs and workload to participate in hearings concerning photographic evidence of a child's body. To the extent these costs occur, it is assumed any increases in appropriations will be requested through the annual budget process.

## **Local Government Impact**

The bill increases workload and costs for local government agencies involved in child welfare investigations, primarily county departments of human services, municipal police departments, and sheriffs offices. First, child welfare investigators in these local agencies would be required to attend the training offered by the DHS or to conduct their own training on the requirements of the bill concerning photographic evidence. Second, the bill likely increase the amount of staff time required to conduct child abuse investigations when photographic evidence is required, both at the scene of the investigation and in court to file motions and attend hearings to gain permission to photograph the private area of a child if consent is not obtained. Third, staff time will be required to update policies and procedures for child abuse investigations. Lastly, costs may be incurred to replace or obtain cameras or computer equipment or implement digital security measures concerning photographic evidence of a child's body.

## **Effective Date**

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on April 13, 2016.

**State Appropriations**

For FY 2016-17, the bill requires an appropriation of \$17,800 to the Department of Human Services, of which \$11,125 is General Fund and \$6,675 is federal funds.

**State and Local Government Contacts**

Counties  
Law

Human Services  
Municipalities

Information Technology  
Regulatory Agencies

Judicial  
Sheriffs