

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0260.01 Jane Ritter x4342

SENATE BILL 17-016

SENATE SPONSORSHIP

Neville T. and Jahn,

HOUSE SPONSORSHIP

Nordberg,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE OPTIONAL CREATION OF A CHILD PROTECTION TEAM
102 BY A COUNTY.

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/>.)

Legislative Audit Committee. Current law requires the creation of a child protection team for any county or group of contiguous counties receiving more than 50 referrals related to child abuse or neglect in a year. Other counties or groups of contiguous counties are encouraged, but not required, to establish a child protection team. The bill makes it optional for all counties and groups of contiguous counties to establish a

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.

child protection team.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 19-3-302 as
3 follows:

4 **19-3-302. Legislative declaration.** The general assembly hereby
5 declares that the complete reporting of child abuse is a matter of public
6 concern and that, in enacting this part 3, it is the intent of the general
7 assembly to protect the best interests of children of this state and to offer
8 protective services in order to prevent any further harm to a child
9 suffering from abuse. It is also the intent of the general assembly that IF
10 A COUNTY OR GROUP OF COUNTIES DECIDES TO ESTABLISH A CHILD
11 PROTECTION TEAM, THAT THE child protection teams publicly discuss
12 public agencies' responses to child abuse and neglect reports so that the
13 public and the general assembly ~~may be~~ ARE better informed concerning
14 the operation and administration of this part 3.

15 **SECTION 2.** In Colorado Revised Statutes, 19-3-308, **amend** (6),
16 (7), (8), and (9) as follows:

17 **19-3-308. Action upon report of intrafamilial, institutional, or**
18 **third-party abuse - investigations - child protection team - rules.**

19 (6) (a) It is the intent of the general assembly to encourage the creation
20 of one or more child protection teams in each county or contiguous group
21 of counties. ~~A~~ THE CREATION OF A CHILD PROTECTION TEAM IN ANY GIVEN
22 COUNTY IS LEFT TO THE DISCRETION OF THE COUNTY OR CONTIGUOUS
23 GROUP OF COUNTIES. IF A COUNTY OR CONTIGUOUS GROUP OF COUNTIES
24 DECIDES TO FORM A CHILD PROTECTION TEAM, THE child protection team
25 may be consolidated with other local advisory boards pursuant to section

1 24-1.7-103. C.R.S. ~~In each county in which reports of fifty or more~~
2 ~~incidents of known or suspected child abuse have been made to the~~
3 ~~county department or the local law enforcement agency in any one year,~~
4 ~~the county director shall cause a child protection team to be inaugurated~~
5 ~~in the next following year.~~

6 (b) ~~The~~ IF A child protection team IS ESTABLISHED PURSUANT TO
7 SUBSECTION (6)(a) OF THIS SECTION, IT shall review the investigatory
8 reports of ~~the~~ A case, ~~which shall include~~ INCLUDING the diagnostic,
9 prognostic, and treatment services being offered to the family in
10 connection with the reported abuse.

11 (c) At each meeting, each member of ~~the~~ A child protection team
12 ~~shall be~~ ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION
13 MUST BE provided with the investigatory reports on each case ~~to be~~ BEING
14 considered.

15 (d) and (e) (Deleted by amendment, L. 91, p. 223, § 4, effective
16 May 24, 1991.)

17 (f) Immediately after any executive session at which a child abuse
18 or neglect case is discussed, ~~the~~ A child protection team ESTABLISHED
19 PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION shall publicly review
20 the responses of public and private agencies to each reported incident of
21 child abuse or neglect, ~~shall~~ publicly state whether ~~such~~ THE responses
22 were timely, adequate, and in compliance with the provisions of this part
23 3, and ~~shall~~ publicly report nonidentifying information relating to any
24 inadequate responses, specifically indicating the public and private
25 agencies involved.

26 (g) After this mandatory public discussion of agency responses,
27 ~~the~~ A child protection team ESTABLISHED PURSUANT TO SUBSECTION (6)(a)

1 OF THIS SECTION shall go into executive session upon the vote of a
2 majority of the CHILD PROTECTION team members to consider identifying
3 details of the case being discussed; to discuss confidential reports,
4 including but not limited to the reports of physicians, including
5 psychiatrists; or, when the members of the CHILD PROTECTION team
6 desire, to act as an advisory body concerning the details of treatment or
7 evaluation programs. The CHILD PROTECTION team shall state publicly,
8 before going into executive session, its reasons for doing so. Any
9 recommendation based on information presented in the executive session
10 shall be discussed and formulated at the immediately succeeding public
11 session of the CHILD PROTECTION team, without publicly revealing
12 identifying details of the case.

13 (h) At the ~~team's~~ next regularly scheduled meeting OF A CHILD
14 PROTECTION TEAM ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS
15 SECTION, or at the earliest possible time, the CHILD PROTECTION team shall
16 publicly report whether there were any lapses and inadequacies in the
17 child protection system and if they have been corrected.

18 (i) ~~The~~ A CHILD PROTECTION team ESTABLISHED PURSUANT TO
19 SUBSECTION (6)(a) OF THIS SECTION shall make a report of its
20 recommendations to the county department with suggestions for further
21 action or stating that the CHILD PROTECTION team has no
22 recommendations or suggestions. Contiguous counties may cooperate in
23 meeting the requirements of this subsection (6).

24 (7) IF A COUNTY OR GROUP OF CONTIGUOUS COUNTIES DECIDES TO
25 ESTABLISH A CHILD PROTECTION TEAM PURSUANT TO SUBSECTION (6)(a)
26 OF THIS SECTION, each member of the ~~team shall be~~ CHILD PROTECTION
27 TEAM IS appointed by the agency he OR SHE represents, and each CHILD

1 PROTECTION team member ~~shall serve~~ SERVES at the pleasure of ~~the~~ HIS
2 OR HER appointing agency; except that the county director shall appoint
3 the representatives of the lay community, including the representatives of
4 any ethnic, racial, or linguistic minority, AS WELL AS PERSONS WITH
5 DISABILITIES, and shall actively recruit all interested individuals and
6 consider their applications for appointment as lay-community
7 representatives on the team.

8 (8) The county director or his OR HER designee ~~shall be deemed~~
9 ~~to be~~ IS the local coordinator of the child protection team, IF ONE IS
10 ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION. ~~In those~~
11 ~~counties in which child protection teams meeting the requirements of this~~
12 ~~part 3 are currently functioning, they shall be recognized, with the consent~~
13 ~~of all members, as the functioning child protection team for that county.~~

14 (9) ~~The~~ A child protection team ESTABLISHED PURSUANT TO
15 SUBSECTION (6)(a) OF THIS SECTION shall meet no later than one week
16 after receipt of a report OF CHILD ABUSE to evaluate ~~such report of child~~
17 ~~abuse~~ THE REPORT.

18 **SECTION 3.** In Colorado Revised Statutes, 19-1-304, **amend**
19 (1)(a) introductory portion, (1)(a)(XII), (1)(c) introductory portion,
20 (1)(c)(VII), (2)(a) introductory portion, and (2)(a)(XII) as follows:

21 **19-1-304. Juvenile delinquency records - division of youth**
22 **corrections critical incident information - definitions.** (1) (a) **Court**
23 **records - open.** Except as provided in ~~paragraph (b.5) of this subsection~~
24 ~~(†)~~ SUBSECTION (1)(b.5) OF THIS SECTION, court records in juvenile
25 delinquency proceedings or proceedings concerning a juvenile charged
26 with the violation of any municipal ordinance except a traffic ordinance
27 are open to inspection to the following persons without court order:

1 (XII) All members of a child protection team, IF ONE EXISTS
2 PURSUANT TO SECTION 19-3-308 (6)(a);

3 (c) **Probation records - limited access.** Except as otherwise
4 authorized by section 19-1-303, a juvenile probation officer's records,
5 whether or not part of the court file, ~~shall not be~~ ARE NOT open to
6 inspection except as provided in ~~subparagraphs (I) to (XI) of this~~
7 ~~paragraph (c)~~ SUBSECTION (1)(c)(I) TO (1)(c)(XI) OF THIS SECTION:

8 (VII) To all members of a child protection team, IF ONE EXISTS
9 PURSUANT TO SECTION 19-3-308 (6)(a);

10 (2) (a) **Law enforcement records in general - closed.** Except as
11 otherwise provided by ~~paragraph (b.5) of subsection (1)~~ SUBSECTION
12 (1)(b.5) of this section and otherwise authorized by section 19-1-303, the
13 records of law enforcement officers concerning juveniles, including
14 identifying information, ~~shall~~ MUST be identified as juvenile records and
15 ~~shall not be~~ NOT inspected by or disclosed to the public, except:

16 (XII) To all members of a child protection team, IF ONE EXISTS
17 PURSUANT TO SECTION 19-3-308 (6)(a);

18 **SECTION 4.** In Colorado Revised Statutes, 19-1-307, **amend**
19 (2)(h) as follows:

20 **19-1-307. Dependency and neglect records and information -**
21 **access - fee - rules - records and reports fund - misuse of information**
22 **- penalty. (2) Records and reports - access to certain persons -**
23 **agencies.** Except as otherwise provided in section 19-1-303, only the
24 following persons or agencies shall be given access to child abuse or
25 neglect records and reports:

26 (h) All members of a child protection team, IF ONE EXISTS
27 PURSUANT TO SECTION 19-3-308 (6)(a);

1 **SECTION 5.** In Colorado Revised Statutes, 24-1.7-103, **amend**
2 (2)(d) as follows:

3 **24-1.7-103. Consolidation of local boards - process -**
4 **requirements.** (2) Any combination of the following boards or groups
5 may be consolidated into a single advisory board:

6 (d) Child protection teams, IF SUCH A TEAM IS created pursuant to
7 section 19-3-308 (6)(a); ~~C.R.S.;~~

8 **SECTION 6. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2018 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.