

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0519.01 Jane Ritter x4342

SENATE BILL 17-028

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Nordberg,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PROMOTION OF HEALTHY FAMILIES THROUGH THE
102 SHARING OF INFORMATION RELATED TO INVESTIGATIONS OF
103 CHILD ABUSE OR NEGLECT BETWEEN DEPARTMENTS OF HUMAN
104 SERVICES AND MILITARY INSTALLATIONS WHEN A PERSON
105 AFFILIATED WITH THE MILITARY INSTALLATION IS INVOLVED
106 WITH THE INVESTIGATION.

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>.)

The bill requires the state department of human services (state

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.

department) and county departments of human or social services (county departments) to provide notice and to collect and share information with the command authority of national military installations regarding any report received of known or suspected instances of child abuse or neglect in which the person having custody or control of the child is a member of the armed forces or a spouse, significant other, or family member of the member of the armed forces assigned to that military installation.

The state department and county departments may enter into memorandums of understanding with military installations establishing protocols for the sharing of information and for collaboration on the investigations into child abuse or neglect by a member of the armed forces or a spouse, significant other, or family member of the member of the armed forces.

The state board of human services shall promulgate rules related to the collection and sharing of information.

The bill allows designated authorities at the military base of assignment or installation for the member of the armed forces or a spouse, significant other, or family member of the member of the armed forces to have access to reports of child abuse or neglect.

Reports of known or suspected child abuse or neglect must include the military affiliation of any person who has custody or control of the child who is the subject of the investigation of child abuse or neglect, if such individual is a member of the armed forces or a spouse, significant other, or family member of the member of the armed forces.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-302, **add** (1)(f)
3 as follows:

4 **19-1-302. Legislative declaration.** (1) (f) (I) THE GENERAL
5 ASSEMBLY FURTHER RECOGNIZES THE NEED FOR THE COMMAND
6 AUTHORITY OF MILITARY INSTALLATIONS UNDER THE UNITED STATES
7 SECRETARY OF DEFENSE TO RECEIVE NOTICE AND INFORMATION
8 REGARDING ANY REPORT THE STATE DEPARTMENT OF HUMAN SERVICES OR
9 A COUNTY DEPARTMENT RECEIVES OF KNOWN OR SUSPECTED INSTANCES
10 OF CHILD ABUSE OR NEGLECT IN WHICH THE PERSON HAVING CARE OF THE
11 CHILD IN QUESTION IS A MEMBER OF THE ARMED FORCES OR A SPOUSE,

1 SIGNIFICANT OTHER, OR FAMILY MEMBER OF THE MEMBER OF THE ARMED
2 FORCES. THE GENERAL ASSEMBLY RECOGNIZES THE NEED FOR THE STATE
3 DEPARTMENT OF HUMAN SERVICES AND COUNTY DEPARTMENTS TO
4 COLLECT INFORMATION CONCERNING THE MILITARY AFFILIATION OF THE
5 INDIVIDUAL HAVING CUSTODY OR CONTROL OF A CHILD WHO IS THE
6 SUBJECT OF AN INVESTIGATION OF CHILD ABUSE OR NEGLECT AND TO
7 SHARE SUCH INFORMATION WITH THE APPROPRIATE MILITARY
8 AUTHORITIES.

9 (II) TO FURTHER THE FULFILLMENT OF THESE NEEDS, THE STATE
10 DEPARTMENT OF HUMAN SERVICES AND COUNTY DEPARTMENTS SHOULD
11 BE ABLE TO ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH THE
12 COMMAND AUTHORITY OF MILITARY INSTALLATIONS. THE MEMORANDUMS
13 OF UNDERSTANDING MAY ESTABLISH PROTOCOLS FOR THE SHARING OF
14 INFORMATION RELATED TO KNOWN OR SUSPECTED INSTANCES OF CHILD
15 ABUSE OR NEGLECT AND FOR COLLABORATION ON THE OVERSIGHT OF
16 CHILD ABUSE OR NEGLECT INVESTIGATIONS INVOLVING A MEMBER OF THE
17 ARMED FORCES OR A SPOUSE, SIGNIFICANT OTHER, OR FAMILY MEMBER OF
18 THE MEMBER OF THE ARMED FORCES.

19 (III) THE GENERAL ASSEMBLY, HOWEVER, RECOGNIZES THAT ANY
20 SHARING OF SUCH INFORMATION MANDATES AN AWARENESS OF THE
21 RESPONSIBILITY OF THE INVOLVED AGENCIES AND MILITARY
22 INSTALLATIONS THAT RECEIVE OR PROVIDE THE INFORMATION THAT IT BE
23 USED ONLY FOR ITS INTENDED AND LIMITED PURPOSE AS AUTHORIZED BY
24 LAW AND THAT THE CONFIDENTIAL NATURE OF THE INFORMATION MUST BE
25 PRESERVED.

26 (IV) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS
27 DESIRABLE TO AUTHORIZE AND ENCOURAGE OPEN COMMUNICATION

1 BETWEEN THE STATE DEPARTMENT OF HUMAN SERVICES, COUNTY
2 DEPARTMENTS, AND COMMAND AUTHORITY OF MILITARY INSTALLATIONS
3 TO BETTER SERVE CHILDREN AND FAMILIES OF COLORADO.

4 **SECTION 2.** In Colorado Revised Statutes, 19-1-303, **add** (2.6)
5 as follows:

6 **19-1-303. General provisions - delinquency and dependency**
7 **and neglect cases - exchange of information - civil penalty - rules -**
8 **definitions.** (2.6) (a) THE STATE DEPARTMENT OF HUMAN SERVICES AND
9 COUNTY DEPARTMENTS:

10 (I) SHALL COLLECT INFORMATION CONCERNING THE MILITARY
11 AFFILIATION OF ANY PERSON WHO HAS CUSTODY OR CONTROL OF A CHILD
12 WHO IS THE SUBJECT OF AN INVESTIGATION OF CHILD ABUSE OR NEGLECT;

13 (II) SHALL PROVIDE NOTICE AND INFORMATION TO THE COMMAND
14 AUTHORITY OF MILITARY INSTALLATIONS UNDER THE UNITED STATES
15 SECRETARY OF DEFENSE REGARDING ANY REPORT RECEIVED OF KNOWN OR
16 SUSPECTED INSTANCES OF CHILD ABUSE OR NEGLECT IN WHICH THE
17 PERSON HAVING CUSTODY OR CONTROL OF THE CHILD IS A MEMBER OF THE
18 ARMED FORCES OR A SPOUSE, SIGNIFICANT OTHER, OR FAMILY MEMBER OF
19 THE MEMBER OF THE ARMED FORCES ASSIGNED TO THAT MILITARY
20 INSTALLATION; AND

21 (III) MAY ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH
22 THE COMMAND AUTHORITY OF MILITARY INSTALLATIONS ESTABLISHING
23 PROTOCOLS FOR THE SHARING OF INFORMATION AND FOR COLLABORATION
24 ON THE OVERSIGHT OF INVESTIGATIONS INVOLVING A MEMBER OF THE
25 ARMED FORCES OR A SPOUSE, SIGNIFICANT OTHER, OR FAMILY MEMBER OF
26 THE MEMBER OF THE ARMED FORCES. THE MILITARY INSTALLATION
27 RECEIVING INFORMATION SHALL ENSURE IT IS USED ONLY FOR ITS

1 INTENDED AND LIMITED PURPOSE AS AUTHORIZED BY LAW AND THAT THE
2 CONFIDENTIAL NATURE OF THE INFORMATION IS PRESERVED.

3 (b) THE STATE BOARD OF HUMAN SERVICES SHALL ADOPT RULES
4 CONCERNING THE IMPLEMENTATION OF THIS SUBSECTION (2.6).

5 **SECTION 3.** In Colorado Revised Statutes, 19-1-307, **amend** (2)
6 introductory portion; and **add** (2)(w) as follows:

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

13 (w) THE DESIGNATED AUTHORITIES AT THE MILITARY BASE OF
14 ASSIGNMENT OR INSTALLATION FOR A MEMBER OF THE ARMED FORCES OR
15 A SPOUSE, SIGNIFICANT OTHER, OR FAMILY MEMBER OF THE MEMBER OF
16 THE ARMED FORCES WHO IS THE INDIVIDUAL RESPONSIBLE FOR THE
17 ABUSED OR NEGLECTED CHILD. THE AUTHORITIES MAY BE DESIGNATED IN
18 A MEMORANDUM OF UNDERSTANDING AS DESCRIBED AND AUTHORIZED IN
19 SECTION 19-1-303 (2.6).

20 **SECTION 4.** In Colorado Revised Statutes, 19-3-307, **amend** (2)
21 introductory portion; and **add** (2)(i) as follows:

22 **19-3-307. Reporting procedures. (2) ~~Such reports, when~~**
23 **~~possible, shall~~ REPORTS OF KNOWN OR SUSPECTED CHILD ABUSE OR**
24 **NEGLECT MADE PURSUANT TO THIS ARTICLE 3 MUST include the following**
25 **information WHENEVER POSSIBLE:**

26 (i) THE MILITARY AFFILIATION OF THE INDIVIDUAL WHO HAS
27 CUSTODY OR CONTROL OF THE CHILD WHO IS THE SUBJECT OF THE

1 INVESTIGATION OF CHILD ABUSE OR NEGLECT, IF SUCH INDIVIDUAL IS A
2 MEMBER OF THE ARMED FORCES OR A SPOUSE, SIGNIFICANT OTHER, OR
3 FAMILY MEMBER OF THE MEMBER OF THE ARMED FORCES. THIS
4 INFORMATION SHALL BE SHARED WITH THE APPROPRIATE MILITARY
5 INSTALLATION AUTHORITIES PURSUANT TO THE REQUIREMENTS SET FORTH
6 IN SECTIONS 19-1-303 (2.6) AND 19-1-307 (2)(w).

7 **SECTION 5. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.