

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 17-0519.01 Jane Ritter x4342

SENATE BILL 17-028

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Nordberg and Exum,

Senate Committees

Health & Human Services
Appropriations

House Committees

Public Health Care & Human Services
Appropriations

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, AND, IN CONNECTION THEREWITH,
107 MAKING AN APPROPRIATION.

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>.)

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
Amended 2nd Reading
May 5, 2017

SENATE
3rd Reading Unamended
April 10, 2017

SENATE
Amended 2nd Reading
April 7, 2017

The bill requires the state department of human services (state 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 THAT IS ASSIGNED FOR AN ASSESSMENT BY THE
9 STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT
10 OF KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE OR NEGLECT IN

1 WHICH THE PERSON HAVING CARE OF THE CHILD IN QUESTION IS A MEMBER
2 OF THE ARMED FORCES OR A SPOUSE, OR A SIGNIFICANT OTHER OR FAMILY
3 MEMBER RESIDING IN THE HOME OF THE MEMBER OF THE ARMED FORCES.
4 THE GENERAL ASSEMBLY RECOGNIZES THE NEED FOR THE STATE
5 DEPARTMENT OF HUMAN SERVICES AND COUNTY DEPARTMENTS TO
6 COLLECT INFORMATION CONCERNING THE MILITARY AFFILIATION OF THE
7 INDIVIDUAL HAVING CUSTODY OR CONTROL OF A CHILD WHO IS THE
8 SUBJECT OF AN INVESTIGATION OF CHILD ABUSE OR NEGLECT. ==

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 ASSESSMENTS OF KNOWN OR SUSPECTED
15 INSTANCES OF CHILD ABUSE OR NEGLECT AND FOR COLLABORATION ON
16 THE OVERSIGHT OF CHILD ABUSE OR NEGLECT INVESTIGATIONS INVOLVING
17 A MEMBER OF THE ARMED FORCES OR A SPOUSE, OR A SIGNIFICANT OTHER
18 OR FAMILY MEMBER RESIDING IN THE HOME OF THE MEMBER OF THE
19 ARMED FORCES.

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

27 (IV) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS

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

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

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

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

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

23 (III) MAY ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH
24 THE COMMAND AUTHORITY OF MILITARY INSTALLATIONS ESTABLISHING
25 PROTOCOLS FOR THE SHARING OF INFORMATION AND FOR COLLABORATION
26 ON THE OVERSIGHT OF INVESTIGATIONS INVOLVING A MEMBER OF THE
27 ARMED FORCES OR A SPOUSE, OR A SIGNIFICANT OTHER OR FAMILY

1 MEMBER RESIDING IN THE HOME OF THE MEMBER OF THE ARMED FORCES.
2 THE MILITARY INSTALLATION RECEIVING INFORMATION SHALL ENSURE IT
3 IS USED ONLY FOR ITS INTENDED AND LIMITED PURPOSE AS AUTHORIZED BY
4 LAW AND THAT THE CONFIDENTIAL NATURE OF THE INFORMATION IS
5 PRESERVED.

6 (b) THE STATE BOARD OF HUMAN SERVICES MAY PROMULGATE
7 ANY RULES NECESSARY FOR THE IMPLEMENTATION OF THIS SUBSECTION
8 (2.6).

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

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

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

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

26 **19-3-307. Reporting procedures. (2) Such reports, when**
27 **possible, shall** REPORTS OF KNOWN OR SUSPECTED CHILD ABUSE OR

1 NEGLECT MADE PURSUANT TO THIS ARTICLE 3 MUST include the following
2 information WHENEVER POSSIBLE:

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

11 **SECTION 5. Appropriation. (1) For the 2017-18 state fiscal**
12 **year, \$12,960 is appropriated to the department of human services for use**
13 **by the office of information technology services for Colorado trails. This**
14 **appropriation is from the general fund. To implement this act, the**
15 **department may use this appropriation for the purchase of information**
16 **technology services.**

17 **(2) For the 2017-18 state fiscal year, \$12,960 is appropriated to**
18 **the office of the governor for use by the office of information technology.**
19 **This appropriation is from reappropriated funds received from the**
20 **department of human services under subsection (1) of this section. To**
21 **implement this act, the office may use this appropriation to provide**
22 **information technology services for the department of human services.**

23 **SECTION 6. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2018 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.