

CHAPTER 332

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 17-028

BY SENATOR(S) Gardner, Aguilar, Court, Crowder, Donovan, Fenberg, Fields, Garcia, Guzman, Jahn, Jones, Kagan, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Priola, Smallwood, Tate, Todd, Williams A., Grantham;

also REPRESENTATIVE(S) Nordberg and Exum, Arndt, Becker K., Buckner, Carver, Coleman, Covarrubias, Danielson, Esgar, Ginal, Gray, Hamner, Hansen, Herod, Hooton, Jackson, Kennedy, Landgraf, Lebsock, Lee, Lontine, Lundeen, Melton, Michaelson Jenet, Pettersen, Rosenthal, Saine, Salazar, Singer, Valdez, Van Winkle, Weissman, Winter, Young, Duran.

AN ACT

CONCERNING THE PROMOTION OF HEALTHY FAMILIES THROUGH THE SHARING OF INFORMATION RELATED TO INVESTIGATIONS OF CHILD ABUSE OR NEGLECT BETWEEN DEPARTMENTS OF HUMAN SERVICES AND MILITARY INSTALLATIONS WHEN A PERSON AFFILIATED WITH THE MILITARY INSTALLATION IS INVOLVED WITH THE INVESTIGATION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

19-1-302. Legislative declaration. (1) (f) (I) THE GENERAL ASSEMBLY FURTHER RECOGNIZES THE NEED FOR THE COMMAND AUTHORITY OF MILITARY INSTALLATIONS UNDER THE UNITED STATES SECRETARY OF DEFENSE TO RECEIVE NOTICE AND INFORMATION REGARDING ANY REPORT THAT IS ASSIGNED FOR AN ASSESSMENT BY THE STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE OR NEGLECT IN WHICH THE PERSON HAVING CARE OF THE CHILD IN QUESTION IS A MEMBER OF THE ARMED FORCES OR A SPOUSE, OR A SIGNIFICANT OTHER OR FAMILY MEMBER RESIDING IN THE HOME OF THE MEMBER OF THE ARMED FORCES. THE GENERAL ASSEMBLY RECOGNIZES THE NEED FOR THE STATE DEPARTMENT OF HUMAN SERVICES AND COUNTY DEPARTMENTS TO COLLECT INFORMATION CONCERNING THE MILITARY AFFILIATION OF THE INDIVIDUAL HAVING CUSTODY OR CONTROL OF A CHILD WHO IS THE SUBJECT OF AN INVESTIGATION OF CHILD ABUSE OR NEGLECT.

(II) TO FURTHER THE FULFILLMENT OF THESE NEEDS, THE STATE DEPARTMENT OF HUMAN SERVICES AND COUNTY DEPARTMENTS SHOULD BE ABLE TO ENTER INTO

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

MEMORANDUMS OF UNDERSTANDING WITH THE COMMAND AUTHORITY OF MILITARY INSTALLATIONS. THE MEMORANDUMS OF UNDERSTANDING MAY ESTABLISH PROTOCOLS FOR THE SHARING OF INFORMATION RELATED TO ASSESSMENTS OF KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE OR NEGLECT AND FOR COLLABORATION ON THE OVERSIGHT OF CHILD ABUSE OR NEGLECT INVESTIGATIONS INVOLVING A MEMBER OF THE ARMED FORCES OR A SPOUSE, OR A SIGNIFICANT OTHER OR FAMILY MEMBER RESIDING IN THE HOME OF THE MEMBER OF THE ARMED FORCES.

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

(IV) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS DESIRABLE TO AUTHORIZE AND ENCOURAGE OPEN COMMUNICATION BETWEEN THE STATE DEPARTMENT OF HUMAN SERVICES, COUNTY DEPARTMENTS, AND COMMAND AUTHORITY OF MILITARY INSTALLATIONS TO BETTER SERVE CHILDREN AND FAMILIES OF COLORADO.

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

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

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

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

(III) MAY ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH THE COMMAND AUTHORITY OF MILITARY INSTALLATIONS ESTABLISHING PROTOCOLS FOR THE SHARING OF INFORMATION AND FOR COLLABORATION ON THE OVERSIGHT OF INVESTIGATIONS INVOLVING A MEMBER OF THE ARMED FORCES OR A SPOUSE, OR A SIGNIFICANT OTHER OR FAMILY MEMBER RESIDING IN THE HOME OF THE MEMBER OF THE ARMED FORCES. THE MILITARY INSTALLATION RECEIVING INFORMATION SHALL ENSURE IT IS USED ONLY FOR ITS INTENDED AND LIMITED PURPOSE AS AUTHORIZED BY LAW AND THAT THE CONFIDENTIAL NATURE OF THE INFORMATION IS PRESERVED.

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

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

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

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

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

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

(i) THE MILITARY AFFILIATION OF THE INDIVIDUAL 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, OR A SIGNIFICANT OTHER OR FAMILY MEMBER RESIDING IN THE HOME OF THE MEMBER OF THE ARMED FORCES. THIS INFORMATION SHALL BE SHARED WITH THE APPROPRIATE MILITARY INSTALLATION AUTHORITIES PURSUANT TO THE REQUIREMENTS SET FORTH IN SECTIONS 19-1-303 (2.6) AND 19-1-307 (2)(w).

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

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

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

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 5, 2017