

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
10/3/23

BILL 9

LLS NO. 24-0349.01 Jane Ritter x4342

INTERIM COMMITTEE BILL

Colorado's Child Welfare System Interim Study Committee

BILL TOPIC: Requirements Reports Child Abuse Or Neglect

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS RELATED TO REPORTS OF CHILD ABUSE**
102 **OR NEGLECT.**

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/>.)

Colorado's Child Welfare System Interim Study Committee.
The bill requires that reports of known or suspected child abuse or neglect include the source of the report and the name, address, and occupation of the person making the report. The report must be confidential, but not anonymous.

Before adding a person found responsible for child abuse or

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

neglect (person) to the automated child welfare system (system), the bill requires the department of human services (state department) to provide, within 14 days, a written notice to the person of the opportunity for a hearing to appeal the finding. The written notice must include, among other things:

- Information about the factual history of the case and detailed information about the appeals process;
- Information about how the person may obtain, at no cost to the person, a complete copy of the record that will be added to the automated child welfare system, subject to redactions required by law;
- Information about how the person may request a complete copy of the law enforcement record, if any, of the alleged incident of child abuse or neglect;
- Information about the office of the child protection ombudsman; and
- Information about the office of the respondent parents' counsel.

When a hearing is requested, the bill requires an administrative law judge to contact the parties to schedule the hearing, which must take place no later than 60 days after the date the person requests a hearing.

The bill describes the rights accorded to the person suspected of child abuse or neglect.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-3-307, **amend**
3 (2.5); **repeal** (2)(f); and **add** (1.5) as follows:

4 **19-3-307. Reporting procedures.** (1.5) REPORTS OF KNOWN OR
5 SUSPECTED CHILD ABUSE OR NEGLECT MADE PURSUANT TO THIS ARTICLE
6 3 MUST INCLUDE THE SOURCE OF THE REPORT AND THE NAME, ADDRESS,
7 AND OCCUPATION OF THE PERSON MAKING THE REPORT.

8 (2) Reports of known or suspected child abuse or neglect made
9 pursuant to this article 3 must include the following information
10 whenever possible:

11 (f) ~~The source of the report and the name, address, and occupation~~
12 ~~of the person making the report;~~

1 (2.5) Notwithstanding the requirements set forth in ~~subsection (2)~~
2 SUBSECTIONS (1.5) AND (2) of this section, any officer or employee of a
3 county, district, or municipal public health agency or state department of
4 public health and environment who makes a report pursuant to section
5 25-1-122 (4)(d) or 25-4-405 ~~C.R.S.~~, shall include only the information
6 described in ~~said section~~ THOSE SECTIONS.

7 **SECTION 2.** In Colorado Revised Statutes, **add** 19-3-313.3 as
8 follows:

9 **19-3-313.3. State department automated child welfare system**
10 **- written notice - appeals - representation - rules - definitions.** (1) AS
11 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 (a) "AUTOMATED CHILD WELFARE SYSTEM", ALSO KNOWN AS
13 "TRAILS SYSTEM", MEANS THE STATE DEPARTMENT OF HUMAN SERVICES
14 AUTOMATED CHILD WELFARE SYSTEM.

15 (b) "PERSON" MEANS A PERSON, INCLUDING A CHILD OR YOUTH,
16 FOUND RESPONSIBLE BY A COUNTY DEPARTMENT FOR AN INCIDENT OF
17 CHILD ABUSE OR NEGLECT.

18 (2) (a) (I) A COUNTY DEPARTMENT SHALL PROVIDE A PERSON WITH
19 WRITTEN NOTICE PURSUANT TO SECTION 19-3-313.5 (3) OF THE
20 OPPORTUNITY TO HAVE A HEARING TO APPEAL A FINDING OF A CONFIRMED
21 REPORT OF CHILD ABUSE OR NEGLECT. THE COUNTY DEPARTMENT SHALL
22 SEND THE WRITTEN NOTICE TO THE PERSON AND ANY KNOWN COUNSEL OF
23 RECORD FOR THE PERSON IN A RELATED DEPENDENCY AND NEGLECT CASE
24 NO LATER THAN FOURTEEN DAYS AFTER THE DATE THE COUNTY
25 DEPARTMENT ENTERS ITS FINDING.

26 (II) IF THE PERSON IS A JUVENILE, THE COUNTY DEPARTMENT
27 SHALL SEND NOTICE TO ANY KNOWN JUVENILE, THE JUVENILE'S PARENT OR

1 LEGAL GUARDIAN, AND THE JUVENILE'S GUARDIAN AD LITEM OR COUNSEL,
2 IF APPLICABLE, APPOINTED IN A DEPENDENCY AND NEGLECT, CRIMINAL, OR
3 DELINQUENCY CASE. IF THE PERSON IS ENROLLED IN THE FOSTER YOUTH IN
4 TRANSITION PROGRAM PURSUANT TO PART 3 OF ARTICLE 7 OF THIS TITLE
5 19, THE COUNTY DEPARTMENT SHALL SEND THE WRITTEN NOTICE TO THE
6 GUARDIAN AD LITEM OR COUNSEL WHO IS ASSIGNED TO THE YOUTH, AS
7 APPLICABLE.

8 (b) THE WRITTEN NOTICE MUST INCLUDE:

9 (I) A CLEAR STATEMENT THAT INCLUDES:

10 (A) THE TYPE AND SEVERITY OF THE ABUSE OR NEGLECT;

11 (B) THE DATE OF THE REFERRAL TO THE COUNTY DEPARTMENT;

12 (C) THE NAME OF THE COUNTY DEPARTMENT THAT COMPLETED
13 THE ASSESSMENT OF CHILD ABUSE OR NEGLECT;

14 (D) THE DATE THE COUNTY DEPARTMENT DETERMINED THE
15 FINDING OF CHILD ABUSE OR NEGLECT IN THE AUTOMATED CHILD WELFARE
16 SYSTEM;

17 (E) INFORMATION CONCERNING PERSONS OR AGENCIES THAT HAVE
18 ACCESS TO THE FINDING OF CHILD ABUSE OR NEGLECT;

19 (F) THE CIRCUMSTANCES UNDER WHICH INFORMATION CONTAINED
20 IN THE AUTOMATED CHILD WELFARE SYSTEM WILL BE PROVIDED TO OTHER
21 INDIVIDUALS OR AGENCIES;

22 (G) INFORMATION ON THE COUNTY DEPARTMENT'S DISPUTE
23 RESOLUTION PROCESS, IF AVAILABLE;

24 (H) INFORMATION DETAILING THE RIGHT OF THE PERSON TO
25 REQUEST A STATE-LEVEL APPEAL;

26 (I) A BLANK COPY OF THE STATE DEPARTMENT'S APPROVED APPEAL
27 FORM;

1 (J) NOTICE THAT THE SCOPE OF AN APPEAL IS LIMITED TO
2 CHALLENGES THAT THE FINDING OF CHILD ABUSE OR NEGLECT IS NOT
3 SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE OR THAT THE
4 ACTIONS FOUND TO BE CHILD ABUSE OR NEGLECT DO NOT MEET THE LEGAL
5 DEFINITIONS OF CHILD ABUSE OR NEGLECT PURSUANT TO SECTION
6 19-1-103; AND

7 (K) A FULL EXPLANATION OF THE PROCESS AND TIMELINES FOR A
8 STATE-LEVEL APPEAL;

9 (II) INFORMATION ABOUT HOW THE PERSON MAY OBTAIN, AT NO
10 COST TO THE PERSON, A COMPLETE COPY OF THE RECORD THAT WILL BE
11 ADDED TO THE AUTOMATED CHILD WELFARE SYSTEM, SUBJECT TO
12 REDACTIONS REQUIRED BY LAW;

13 (III)(A) INFORMATION ABOUT HOW THE PERSON MAY REQUEST, AT
14 NO INITIAL COST TO THE PERSON, A COMPLETE COPY OF THE LAW
15 ENFORCEMENT RECORD, IF ANY, OF THE ALLEGED INCIDENT OF CHILD
16 ABUSE OR NEGLECT. IF THE INFORMATION IS AVAILABLE ELECTRONICALLY,
17 THE INFORMATION MUST BE PROVIDED ELECTRONICALLY AT NO CHARGE.
18 A CUSTODIAN MAY CHARGE A FEE NOT TO EXCEED TWENTY-FIVE CENTS
19 PER STANDARD PAGE FOR A COPY OF A PUBLIC RECORD OR A FEE NOT TO
20 EXCEED THE ACTUAL COST OF PROVIDING A COPY, PRINTOUT, OR
21 PHOTOGRAPH OF A PUBLIC RECORD IN A FORMAT OTHER THAN A STANDARD
22 PAGE.

23 (B) A CUSTODIAN MAY IMPOSE A FEE IN RESPONSE TO A REQUEST
24 FOR THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS ONLY IF THE
25 CUSTODIAN HAS, PRIOR TO THE DATE OF RECEIVING THE REQUEST, EITHER
26 POSTED ON THE CUSTODIAN'S WEBSITE OR OTHERWISE PUBLISHED A
27 WRITTEN POLICY THAT SPECIFIES THE APPLICABLE CONDITIONS

1 CONCERNING THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS BY THE
2 CUSTODIAN, INCLUDING THE AMOUNT OF ANY CURRENT FEE. UNDER THE
3 POLICY, THE CUSTODIAN SHALL NOT IMPOSE A CHARGE FOR THE FIRST
4 HOUR OF TIME EXPENDED IN CONNECTION WITH THE RESEARCH AND
5 RETRIEVAL OF PUBLIC RECORDS. AFTER THE FIRST HOUR OF TIME HAS BEEN
6 EXPENDED, THE CUSTODIAN MAY CHARGE A FEE FOR THE RESEARCH AND
7 RETRIEVAL OF PUBLIC RECORDS THAT DOES NOT EXCEED THIRTY DOLLARS
8 PER HOUR.

9 (IV) INFORMATION ABOUT THE OFFICE OF THE CHILD PROTECTION
10 OMBUDSMAN CREATED IN SECTION 19-3.3-102; AND

11 (V) INFORMATION ABOUT THE OFFICE OF THE RESPONDENT
12 PARENTS' COUNSEL CREATED IN SECTION 13-92-103.

13 (3) FOR A PERSON SEEKING EMPLOYMENT OR VOLUNTEERING IN A
14 ROLE THAT REQUIRES THE CARE, TREATMENT, OR SUPERVISION OF
15 CHILDREN OR YOUTH, OR UNSUPERVISED CONTACT WITH CHILDREN OR
16 YOUTH, A BACKGROUND CHECK THROUGH THE AUTOMATED CHILD
17 WELFARE SYSTEM MAY ONLY BE CONDUCTED AND RELEASED PURSUANT
18 TO SECTION 19-1-307, 26.5-5-316, OR 26-6-705.

19 (4) (a) IF A PERSON REQUESTS A HEARING PURSUANT TO
20 SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT
21 ADMINISTRATIVE LAW JUDGE HEARING THE MATTER SHALL CONTACT THE
22 PARTIES TO SCHEDULE A DATE FOR THE HEARING, WHICH MUST BE HELD NO
23 LATER THAN SIXTY DAYS AFTER THE DATE THE PERSON REQUESTS A
24 HEARING.

25 (b) A HEARING HELD PURSUANT TO THIS SECTION IS CONSIDERED
26 A CONTESTED HEARING AND IS ELIGIBLE FOR APPEAL.

27 (c) PRIOR TO THE HEARING, THE STATE DEPARTMENT SHALL

1 PROVIDE THE PERSON WITH THE FULL INVESTIGATIVE FILE AND ANY
2 EXCULPATORY EVIDENCE IN THE STATE DEPARTMENT'S POSSESSION OR
3 CONTROL AT NO COST TO THE PERSON, SUBJECT TO ANY REDACTION
4 REQUIRED BY LAW.

5 (d) AT THE HEARING, THE PERSON SUSPECTED OF CHILD ABUSE OR
6 NEGLECT HAS THE RIGHT TO:

7 (I) (A) BE REPRESENTED BY COUNSEL, IF DESIRED. COUNSEL IS
8 ONLY APPOINTED PURSUANT TO THIS SECTION. IF COUNSEL HAS BEEN
9 APPOINTED TO REPRESENT THE PERSON THROUGH THE OFFICE OF THE
10 RESPONDENT PARENTS' COUNSEL ESTABLISHED IN SECTION 13-92-103, THE
11 PERSON'S COUNSEL MAY CONTINUE REPRESENTING THE PERSON
12 THROUGHOUT THE HEARING REQUESTED PURSUANT TO SUBSECTION (2) OF
13 THIS SECTION IF APPROVED BY THE OFFICE OF THE RESPONDENT PARENTS'
14 COUNSEL.

15 (B) IF COUNSEL HAS BEEN APPOINTED TO REPRESENT A CHILD OR
16 YOUTH IN A DEPENDENCY AND NEGLECT OR FOSTER YOUTH IN TRANSITION
17 PROGRAM CASE THROUGH THE OFFICE OF THE CHILD'S REPRESENTATIVE,
18 ESTABLISHED IN SECTION 13-91-104, THE CHILD'S OR YOUTH'S COUNSEL
19 MAY CONTINUE REPRESENTING THE CHILD OR YOUTH THROUGHOUT THE
20 HEARING REQUESTED PURSUANT TO SUBSECTION (2) OF THIS SECTION IF
21 APPROVED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE. IF A
22 GUARDIAN AD LITEM IS APPOINTED TO REPRESENT THE BEST INTERESTS OF
23 THE CHILD OR YOUTH IN A DEPENDENCY OR NEGLECT, CRIMINAL, OR
24 DELINQUENCY CASE THROUGH THE OFFICE OF THE CHILD'S
25 REPRESENTATIVE, THE GUARDIAN AD LITEM MAY CONTINUE REPRESENTING
26 THE BEST INTERESTS OF THE CHILD OR YOUTH THROUGHOUT THE HEARING
27 REQUESTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, IF APPROVED

1 BY THE OFFICE OF THE CHILD'S REPRESENTATIVE.

2 (II) PRESENT SWORN EVIDENCE, LAW, OR RULES RELATED TO THE
3 ALLEGATIONS; AND

4 (III) SUBPOENA WITNESSES, CROSS-EXAMINE THE STATE
5 DEPARTMENT'S WITNESSES, OBJECT TO EVIDENCE INTRODUCED BY THE
6 STATE DEPARTMENT, AND MAKE AN OPENING STATEMENT AND CLOSING
7 ARGUMENT.

8 (e) WITHIN THIRTY-FIVE DAYS AFTER THE CONCLUSION OF THE
9 HEARING, THE STATE DEPARTMENT ADMINISTRATIVE LAW JUDGE HEARING
10 THE MATTER SHALL ENTER AN ORDER CONTAINING THE JUDGE'S FINDINGS
11 OF FACT AND LAW BASED UPON A PREPONDERANCE OF THE EVIDENCE.

12 (5) ON OR BEFORE JULY 1, 2025, THE STATE BOARD, IN
13 COLLABORATION WITH COUNTY DEPARTMENTS, THE OFFICE OF THE CHILD'S
14 REPRESENTATIVE, AND THE OFFICE OF THE RESPONDENT PARENTS'
15 COUNSEL, SHALL PROMULGATE RULES NECESSARY FOR THE
16 IMPLEMENTATION OF THIS SECTION AND TO PROMOTE FAIRNESS AND
17 EFFICIENCY IN THE APPEALS PROCESS.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2024 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.