

CHAPTER 262

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 24-1046

BY REPRESENTATIVE(S) Duran and Evans, Bradley, Froelich, Joseph, Pugliese, Young, Armagost, Bird, Boesenecker, Brown, Clifford, Daugherty, deGruy Kennedy, Hamrick, Herod, Jodeh, Kipp, Lieder, Lindsay, Marshall, Marvin, McLachlan, Ricks, Sirota, Snyder, Titone, Valdez, Woodrow, McCluskie;
also SENATOR(S) Kolker and Kirkmeyer, Fields, Michaelson Jenet, Zenzinger, Bridges, Buckner, Cutter, Hinrichsen, Priola.

AN ACT

CONCERNING MEASURES TO ENHANCE CHILD WELFARE SYSTEM TOOLS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

- (a) The reporting and prevention of child abuse is a matter of public concern;
- (b) It is the intent of the general assembly to protect the best interests of the children of Colorado and offer protective services to prevent further harm to children suffering from child abuse;
- (c) The protection of children requires the most up-to-date tools, assessment criteria, and resources for the state department of human services and participating counties;
- (d) An audit of the tools used to report and track child abuse is prudent and necessary. This includes a thorough audit of the appropriate language used, best practices, and assessing risk factors in the home, directly or indirectly, that may cause children harm.
- (e) Research indicates that if domestic violence or intimate partner violence is present in the home, both survivors of domestic violence or intimate partner violence and their children are at the highest risk after a critical event, such as reporting abuse in the home.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) The general assembly finds, therefore, that it is the obligation of the state to ensure individuals involved in assessing reports of child abuse and domestic violence or intimate partner violence have access to appropriate tools and resources. The processes outlined in this bill address this matter of public concern.

SECTION 2. In Colorado Revised Statutes, 19-3-307, **add** (2)(c.5) and (5) as follows:

19-3-307. Reporting procedures. (2) Reports of known or suspected child abuse or neglect made pursuant to this article 3 must include the following information whenever possible:

(c.5) ANY EVIDENCE OF KNOWN DOMESTIC VIOLENCE OR INTIMATE PARTNER VIOLENCE IN THE CHILD'S HOME, INCLUDING ANY EVIDENCE OF PREVIOUS CASES OF KNOWN DOMESTIC VIOLENCE OR INTIMATE PARTNER VIOLENCE IN THE CHILD'S HOME;

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COERCION" MEANS COMPELLING A PERSON BY FORCE, THREAT OF FORCE, OR INTIMIDATION TO ENGAGE IN CONDUCT FROM WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO ABSTAIN, OR TO ABSTAIN FROM CONDUCT IN WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO ENGAGE.

(b) "DOMESTIC VIOLENCE", COMMONLY KNOWN AS "INTIMATE PARTNER VIOLENCE" MEANS A PATTERN OF VIOLENT BEHAVIOR OR AN ACT, ATTEMPTED ACT, OR PERCEIVED THREAT OF VIOLENCE, STALKING, HARASSMENT, OR COERCION THAT IS COMMITTED BY A PERSON AGAINST ANOTHER PERSON WITH WHOM THE ACTOR IS INVOLVED OR HAS BEEN INVOLVED IN AN INTIMATE RELATIONSHIP. A SEXUAL RELATIONSHIP MAY BE AN INDICATOR OF AN INTIMATE RELATIONSHIP BUT IS NEVER A NECESSARY CONDITION FOR FINDING AN INTIMATE RELATIONSHIP.

SECTION 3. In Colorado Revised Statutes, 26-5-111, **amend** (4)(h) and (4)(i); and **add** (2)(a.5), (2)(a.6), (3.5), (3.7), and (4)(j) as follows:

26-5-111. Statewide child abuse reporting hotline system - child abuse hotline steering committee - screening questions for hotline system operators and county departments - rules on consistent processes in response to reports and inquiries for information - legislative declaration - definitions. (2) As used in this section, unless the context otherwise requires:

(a.5) "COERCION" MEANS COMPELLING A PERSON BY FORCE, THREAT OF FORCE, OR INTIMIDATION TO ENGAGE IN CONDUCT FROM WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO ABSTAIN, OR TO ABSTAIN FROM CONDUCT IN WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO ENGAGE.

(a.6) "DOMESTIC VIOLENCE", COMMONLY KNOWN AS "INTIMATE PARTNER VIOLENCE", MEANS A PATTERN OF VIOLENT BEHAVIOR OR AN ACT, ATTEMPTED ACT, OR PERCEIVED THREAT OF VIOLENCE, STALKING, HARASSMENT, OR COERCION THAT IS COMMITTED BY A PERSON AGAINST ANOTHER PERSON WITH WHOM THE ACTOR IS INVOLVED OR HAS BEEN INVOLVED IN AN INTIMATE RELATIONSHIP. A SEXUAL

RELATIONSHIP MAY BE AN INDICATOR OF AN INTIMATE RELATIONSHIP BUT IS NEVER A NECESSARY CONDITION FOR FINDING AN INTIMATE RELATIONSHIP.

(3.5)(a) THE STATE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A CONSISTENT SCREENING PROCESS FOR A COUNTY DEPARTMENT TO FOLLOW, WHENEVER POSSIBLE, WHILE RESPONDING TO A REPORT OR INQUIRY SUBMITTED TO THE STATEWIDE CHILD ABUSE REPORTING HOTLINE SYSTEM. THE SCREENING PROCESS MUST INCLUDE QUESTIONS ABOUT DOMESTIC VIOLENCE OR INTIMATE PARTNER VIOLENCE.

(b) THE STATE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A DISCLOSURE PROCEDURE THAT NOTIFIES CALLERS TO THE STATEWIDE CHILD ABUSE REPORTING HOTLINE SYSTEM THAT CALLS ARE RECORDED.

(3.7)(a) THE STATE DEPARTMENT SHALL REVIEW THE SCREENING PROCESS USED BY COUNTY DEPARTMENTS AND HOTLINE SYSTEM OPERATORS TO:

(I) DETERMINE RACE; ETHNICITY; DISABILITY STATUS; LGBTQ IDENTITY, IF APPLICABLE; AND ENGLISH PROFICIENCY IN A SCREENING REPORT AND RECOMMEND A PROCESS FOR IMPROVING THE ACCURACY OF DETERMINING THIS DEMOGRAPHIC INFORMATION, WHICH MUST INCLUDE OPPORTUNITIES TO UPDATE THE INFORMATION IN TRAILS, AS DEFINED IN SECTION 26-5-118;

(II) UNDERSTAND THE TYPES OF QUESTIONS ASKED DURING THE SCREENING PROCESS TO DETERMINE DEMOGRAPHIC INFORMATION AND RECOMMEND QUESTIONS THAT REFLECT BEST PRACTICES AND CULTURAL COMPETENCY; AND

(III) UNDERSTAND THE SEQUENCE OF QUESTIONS ASKED DURING THE SCREENING PROCESS TO DETERMINE DEMOGRAPHIC INFORMATION AND RECOMMEND A SEQUENCE OF QUESTIONS THAT BETTER REFLECTS BEST PRACTICES.

(b) THE STATE DEPARTMENT SHALL IMPLEMENT THE RECOMMENDED BEST PRACTICES DESCRIBED IN SUBSECTION (3.7)(a) OF THIS SECTION.

(4) The state board is authorized to adopt rules, based upon the recommendations of the child abuse hotline steering committee, and may revise rules, as necessary, including but not limited to the following:

(h) A consistent screening process with criteria and steps for the county department to follow in responding to a report or inquiry ~~and~~ THAT IS CONSISTENT WITH THE PROCESS SET FORTH IN SUBSECTIONS (3.5)(a) AND (3.7)(a) OF THIS SECTION;

(i) Rules establishing a consistent decision-making process with criteria and steps for the county department to follow when deciding how to act on a report or inquiry or when to take no action on a report or inquiry; AND

(j) A DISCLOSURE PROCEDURE THAT NOTIFIES CALLERS TO THE HOTLINE SYSTEM THAT CALLS ARE RECORDED THAT IS CONSISTENT WITH THE PROCEDURE SET FORTH IN SUBSECTION (3.5)(b) OF THIS SECTION.

SECTION 4. In Colorado Revised Statutes, **add** 26-5-118 as follows:

26-5-118. Audit of child welfare system tools - Colorado family safety assessment - Colorado family risk assessment - domestic violence - intimate partner violence - report - rules - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COERCION" MEANS COMPELLING A PERSON BY FORCE, THREAT OF FORCE, OR INTIMIDATION TO ENGAGE IN CONDUCT FROM WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO ABSTAIN, OR TO ABSTAIN FROM CONDUCT IN WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO ENGAGE.

(b) "COLORADO FAMILY RISK ASSESSMENT" MEANS A SYSTEMATIC COLLECTION AND ANALYSIS OF INFORMATION ENTERED INTO TRAILS TO DETERMINE THE LIKELIHOOD OF FUTURE MALTREATMENT OF A CHILD OR YOUTH.

(c) "COLORADO FAMILY SAFETY ASSESSMENT" MEANS A SYSTEMATIC COLLECTION OF INFORMATION ENTERED INTO TRAILS ON FAMILY CIRCUMSTANCES TO DETERMINE WHETHER A CHILD IS IN CURRENT OR IMPENDING DANGER AND TO ASSIST WITH INFORMED AND RELIABLE DECISION-MAKING TO MITIGATE SAFETY CONCERNS.

(d) "DOMESTIC VIOLENCE", COMMONLY KNOWN AS "INTIMATE PARTNER VIOLENCE", MEANS A PATTERN OF VIOLENT BEHAVIOR OR AN ACT, ATTEMPTED ACT, OR PERCEIVED THREAT OF VIOLENCE, STALKING, HARASSMENT, OR COERCION THAT IS COMMITTED BY A PERSON AGAINST ANOTHER PERSON WITH WHOM THE ACTOR IS INVOLVED OR HAS BEEN INVOLVED IN AN INTIMATE RELATIONSHIP. A SEXUAL RELATIONSHIP MAY BE AN INDICATOR OF AN INTIMATE RELATIONSHIP BUT IS NEVER A NECESSARY CONDITION FOR FINDING AN INTIMATE RELATIONSHIP.

(e) "TRAILS" MEANS THE STATEWIDE COMPREHENSIVE CHILD WELFARE CASE MANAGEMENT SYSTEM.

(2) (a) (I) NO LATER THAN JANUARY 15, 2025, THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN, ESTABLISHED IN SECTION 19-3.3-102, SHALL SELECT AND CONTRACT WITH A THIRD-PARTY EVALUATOR TO CONDUCT AN AUDIT ON THE:

(A) COLORADO FAMILY SAFETY ASSESSMENT; AND

(B) COLORADO FAMILY RISK ASSESSMENT.

(II) THE THIRD-PARTY EVALUATOR SHALL CREATE A REPORT SUMMARIZING THE RESULTS OF THE AUDIT.

(b) IN CONDUCTING AN AUDIT OF THE COLORADO FAMILY RISK ASSESSMENT, THE THIRD-PARTY EVALUATOR, AT A MINIMUM, SHALL:

(I) IDENTIFY TOOLS AND RESOURCES TO ENSURE THE ASSESSMENT IS CARRIED OUT CONSISTENTLY;

(II) IDENTIFY GAPS AND SOLUTIONS TO ENABLE CASEWORKERS TO COMPLETE THE ASSESSMENT IN REAL TIME WHILE IN THE FIELD;

(III) EXAMINE THE IMPACTS OF GEOGRAPHY WHEN USING THE ASSESSMENT;

(IV) EXAMINE THE IMPACTS OF RACE AND ETHNICITY WHEN USING THE ASSESSMENT AND HOW THEY IMPACT COMMUNITIES THAT ARE OVER-REPRESENTED IN THE CHILD WELFARE SYSTEM;

(V) EVALUATE AND RECOMMEND BEST PRACTICES FOR SHARING THE ASSESSMENT WITH FAMILIES, LEGAL PROFESSIONALS, AND THE JUDICIAL BRANCH;

(VI) EVALUATE AND RECOMMEND BEST PRACTICES FOR TRAINING ON THE ASSESSMENT; AND

(VII) EXAMINE THE ASSESSMENT FOR DOMESTIC VIOLENCE OR INTIMATE PARTNER VIOLENCE AND RECOMMEND BEST PRACTICES.

(c) IN CONDUCTING AN AUDIT OF THE COLORADO FAMILY SAFETY ASSESSMENT, THE THIRD PARTY, AT A MINIMUM, SHALL:

(I) EXAMINE THE ISSUES SET FORTH IN SUBSECTIONS (2)(b)(I) TO (2)(b)(VII) OF THIS SECTION;

(II) STUDY THE INTER-RATER RELIABILITY OF THE COLORADO FAMILY SAFETY ASSESSMENT; AND

(III) STUDY THE REQUIRED DOCUMENTATION FOR THE PLANNING AND REMOVAL OF THE CHILD FROM THE CHILD'S PRIMARY CAREGIVER.

(3) ON OR BEFORE MARCH 1, 2026, THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN SHALL SUBMIT THE REPORT DESCRIBED IN SUBSECTION (2)(a)(II) OF THIS SECTION TO THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE MINORITY LEADER OF THE SENATE.

SECTION 5. Appropriation. For the 2024-25 state fiscal year, \$109,392 is appropriated to the judicial department for use by the office of the child protection ombudsman. This appropriation is from the general fund and is based on an assumption that the office will require an additional 0.5 FTE. To implement this act, the office may use this appropriation for program costs.

SECTION 6. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: May 28, 2024