

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0772.01 Chelsea Princell x4335

HOUSE BILL 26-1234

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HOUSE SPONSORSHIP

Rydin and Soper,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING ACCESS TO RECORDS OF CHILD ABUSE 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>.)*

The bill prohibits a person who possesses records or reports (records) of child abuse or neglect from releasing identifying data or information contained in the records to a person who is not authorized to receive the information or data.

The bill includes an attorney representing a person named in the record and an assigned designee of the child named in a record as authorized persons who may have access to child abuse or neglect records if the attorney or assigned designee presents a valid release of information

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

signed by an authorized person.

The bill allows a person named in a record as an alleged abused or neglected child who is in possession of a record in which they are named or, with the person's consent, the person's attorney or guardian ad litem, to disclose and make use of the record, including for the purpose of litigation or to obtain treatment or services.

The bill requires each county department of human or social services (county department) to establish and submit to the state department of human services a process for current and former clients to obtain access to their case records.

The bill repeals the penalties associated with a person who improperly releases or willfully permits or encourages the release of data or information contained in the records to a person not permitted to access the information.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-307, **amend**  
3 (1)(a), (2) introductory portion, (2)(d), and (2)(e); **repeal** (3) and (4); and  
4 **add** (2.1) and (2.2) as follows:

5 **19-1-307. Dependency and neglect records and information -**  
6 **access - fee - records and reports fund - misuse of information -**  
7 **penalty - adult protective services data system check - rules.**

8 (1) (a) **Identifying information - confidential.** Except as  
9 otherwise provided in this section and section 19-1-303, reports OR  
10 RECORDS of child abuse or neglect and the name and address of any child,  
11 family, or informant or any other identifying information contained in  
12 ~~such~~ THE reports ~~shall be~~ OR RECORDS ARE confidential and ~~shall~~ MUST  
13 not be ~~public information~~ SHARED WITH THE PUBLIC. A PERSON  
14 POSSESSING REPORTS OR RECORDS SHALL NOT RELEASE IDENTIFYING DATA  
15 OR INFORMATION CONTAINED IN THE REPORTS OR RECORDS OF CHILD  
16 ABUSE OR NEGLECT TO A PERSON NOT PERMITTED TO ACCESS THE  
17 INFORMATION PURSUANT TO THIS SECTION OR BY SECTION 19-1-303,

1 UNLESS OTHERWISE AUTHORIZED BY THE LAW OF THE STATE. THE COUNTY  
2 DEPARTMENTS ARE NOT LIABLE FOR THE DISCLOSURE OF REPORTS OR  
3 RECORDS NOT MADE BY A PERSON TO WHOM THE DEPARTMENT LAWFULLY  
4 RELEASED THE REPORTS OR RECORDS.

5 (2) **Records and reports - access to certain persons - agencies**  
6 **- definition.** Except as set forth in section 19-1-303, ~~only~~ the following  
7 persons or agencies have access to child abuse or neglect records ~~and~~ OR  
8 reports:

9 (d) (I) ~~Any~~ A person named in the report or record who was  
10 alleged as an abused or neglected child; ~~or~~,

11 (II) If the child named in the report or record is otherwise  
12 incompetent at the time of the request, the child's guardian ad litem or  
13 counsel for youth; AND

14 (III) AN ATTORNEY REPRESENTING A PERSON NAMED IN THE  
15 REPORT OR RECORD WHO WAS ALLEGED AS AN ABUSED OR NEGLECTED  
16 CHILD, IF THE ATTORNEY PRESENTS A VALID RELEASE OF INFORMATION  
17 SIGNED BY AN AUTHORIZED PERSON.

18 (e) A parent, guardian, legal custodian, or other person  
19 responsible for the health or welfare of a child named in a report OR  
20 RECORD, or the assigned designee of ~~any such~~ THE person acting by and  
21 through a ~~validly executed power of attorney~~ VALID RELEASE OF  
22 INFORMATION SIGNED BY AN AUTHORIZED PERSON, with protection for the  
23 identity of reporters and other appropriate persons;

24 (2.1) AS USED IN SUBSECTION (2) OF THIS SECTION, "AUTHORIZED  
25 PERSON" MEANS A PERSON WHO IS AN ALLEGED ABUSED OR NEGLECTED  
26 CHILD IF THE PERSON IS CURRENTLY EIGHTEEN YEARS OLD OR OLDER OR  
27 IS AN EMANCIPATED MINOR, OR THE PARENT OR LEGAL GUARDIAN OF A

1 PERSON WHO IS AN ABUSED OR NEGLECTED CHILD IF THE PERSON IS UNDER  
2 EIGHTEEN YEARS OLD.

3 (2.2) (a) A PERSON WHO IS NAMED IN A REPORT OR RECORD AS AN  
4 ALLEGED ABUSED OR NEGLECTED CHILD AND IS IN POSSESSION OF A  
5 RECORD OR REPORT, OR THE ATTORNEY OR GUARDIAN AD LITEM OF THE  
6 PERSON WHEN THAT PERSON WAS A CHILD, WITH THE PERSON'S CONSENT,  
7 MAY DISCLOSE AND MAKE USE OF THE RECORD, INCLUDING TO DISCLOSE  
8 AND MAKE USE OF THE RECORD OR REPORT IN LITIGATION OR TO OBTAIN  
9 TREATMENT OR SERVICES. THE COUNTY DEPARTMENTS ARE NOT  
10 RESPONSIBLE OR LIABLE FOR ANY DISCLOSURE OF THE REPORT OR RECORD  
11 MADE PURSUANT TO THIS SUBSECTION (2.2).

12 (b) THE COUNTY DEPARTMENTS SHALL ESTABLISH, AND SUBMIT TO  
13 THE STATE DEPARTMENT UPON COMPLETION, A PROCESS THAT CLIENTS  
14 AND FORMER CLIENTS MAY USE TO OBTAIN ACCESS TO THEIR CASE  
15 RECORDS. IF A COUNTY DEPARTMENT UPDATES ITS PROCESS, IT SHALL  
16 SUBMIT THE UPDATED PROCESS TO THE STATE DEPARTMENT.

17 ~~(3) After a child who is the subject of a report to the state~~  
18 ~~department of human services reaches the age of eighteen years, access~~  
19 ~~to that report shall be permitted only if a sibling or offspring of such child~~  
20 ~~is before any person mentioned in subsection (2) of this section and is a~~  
21 ~~suspected victim of child abuse or neglect.~~

22 (4) ~~Any person who improperly releases or who willfully permits~~  
23 ~~or encourages the release of data or information contained in the records~~  
24 ~~and reports of child abuse or neglect to persons not permitted access to~~  
25 ~~such information by this section or by section 19-1-303 commits a class~~  
26 ~~2 misdemeanor and shall be punished as provided in section 18-1.3-501.~~

27 **SECTION 2.** In Colorado Revised Statutes, 22-1-121, **amend** (2)

1 as follows:

2 **22-1-121. Nonpublic schools - employment of personnel -**  
3 **notification by department of education.**

4 (2) ~~Any~~ Information received by the governing board of a  
5 nonpublic school pursuant to subsection (1) of this section ~~shall be~~ IS  
6 confidential information and not subject to the provisions of part 2 of  
7 article 72 of title 24. ~~C.R.S. Any~~ A person who releases information  
8 obtained pursuant to the provisions of ~~said~~ subsection (1) OF THIS SECTION  
9 or who makes an unauthorized request for information from the  
10 department ~~shall be subject to the penalties set forth in section 24-72-206,~~  
11 ~~C.R.S.;~~ except that any person who releases information received from  
12 the department of education concerning information contained in the  
13 records and reports of child abuse or neglect maintained by the state  
14 department of human services shall be deemed to have violated section  
15 ~~19-1-307 (4), C.R.S.~~ COMMITS A MISDEMEANOR AND, UPON CONVICTION  
16 THEREOF, SHALL BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN  
17 NINETY DAYS IN THE COUNTY JAIL OR A FINE OF NOT MORE THAN ONE  
18 HUNDRED DOLLARS, OR BOTH FINE AND IMPRISONMENT.

19 **SECTION 3.** In Colorado Revised Statutes, 22-2-119, **amend** (2)  
20 as follows:

21 **22-2-119. Department of education - inquiries concerning**  
22 **prospective employees - background investigation fee.**

23 (2) Except for authorized inquiries made by boards of education,  
24 governing boards of nonpublic schools, governing boards of charter  
25 schools, or governing boards of institute charter schools, the department  
26 shall consider information held by the department ~~to be~~ AS confidential  
27 information and not subject to the provisions of part 2 of article 72 of title

1     ~~24. C.R.S. Any~~ A person who releases such information in violation of  
2     this subsection (2) ~~shall be subject to the penalties set forth in section~~  
3     ~~24-72-206, C.R.S.; except that any person who releases information~~  
4     ~~received by the department concerning information contained in the~~  
5     ~~records and reports of child abuse or neglect maintained by the state~~  
6     ~~department of human services shall be deemed to have violated section~~  
7     ~~19-1-307 (4), C.R.S. COMMITS A MISDEMEANOR AND, UPON CONVICTION~~  
8     THEREOF, SHALL BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN  
9     NINETY DAYS IN THE COUNTY JAIL OR A FINE OF NOT MORE THAN ONE  
10    HUNDRED DOLLARS, OR BOTH FINE AND IMPRISONMENT.

11           **SECTION 4.** In Colorado Revised Statutes, 22-30.5-110.5,  
12    **amend** (9) as follows:

13           **22-30.5-110.5. Background investigation - charter school**  
14    **employees - information provided to department - definitions.**

15           (9) ~~Any~~ Information received by a charter school pursuant to this  
16    section or section 22-30.5-110.7 ~~shall be~~ IS confidential information and  
17    not subject to the provisions of part 2 of article 72 of title 24. ~~C.R.S.~~ A  
18    person who releases information obtained pursuant to the provisions of  
19    this section or section 22-30.5-110.7 or who makes an unauthorized  
20    request for information from the charter school ~~shall be subject to the~~  
21    ~~penalties set forth in section 24-72-206, C.R.S.; except that a person who~~  
22    ~~releases information received from the charter school concerning~~  
23    ~~information contained in the records and reports of child abuse or neglect~~  
24    ~~maintained by the department of human services shall be deemed to have~~  
25    ~~violated section 19-1-307 (4), C.R.S. COMMITS A MISDEMEANOR AND,~~  
26    UPON CONVICTION THEREOF, SHALL BE PUNISHED BY IMPRISONMENT FOR  
27    NOT MORE THAN NINETY DAYS IN THE COUNTY JAIL OR A FINE OF NOT

1 MORE THAN ONE HUNDRED DOLLARS, OR BOTH FINE AND IMPRISONMENT.

2 **SECTION 5.** In Colorado Revised Statutes, 22-32-109.7, **amend**  
3 (4) as follows:

4 **22-32-109.7. Board of education - specific duties - employment**  
5 **of personnel - definitions.**

6 (4) ~~Any~~ Information received by a board of education pursuant to  
7 subsection (1) or (2) of this section ~~shall be~~ IS confidential information  
8 and not subject to the provisions of part 2 of article 72 of title 24. ~~C.R.S.~~  
9 ~~Any~~ A person who releases information obtained pursuant to the  
10 provisions of ~~said subsections~~ SUBSECTION (1) OR (2) OF THIS SECTION or  
11 who makes an unauthorized request for information from the department  
12 ~~shall be subject to the penalties set forth in section 24-72-206, C.R.S.;~~  
13 ~~except that any person who releases information received from the~~  
14 ~~department of education concerning information contained in the records~~  
15 ~~and reports of child abuse or neglect maintained by the state department~~  
16 ~~of human services shall be deemed to have violated section 19-1-307(4);~~  
17 ~~C.R.S.~~ COMMITS A MISDEMEANOR AND, UPON CONVICTION THEREOF,  
18 SHALL BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN NINETY DAYS  
19 IN THE COUNTY JAIL OR A FINE OF NOT MORE THAN ONE HUNDRED  
20 DOLLARS, OR BOTH FINE AND IMPRISONMENT.

21 **SECTION 6. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly (August  
24 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
25 referendum petition is filed pursuant to section 1 (3) of article V of the  
26 state constitution against this act or an item, section, or part of this act  
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in  
2 November 2026 and, in such case, will take effect on the date of the  
3 official declaration of the vote thereon by the governor.