

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 26-1234

BY REPRESENTATIVE(S) Rydin and Soper, Bacon, Camacho, Clifford, Duran, Espenosa, Froelich, Garcia, Gilchrist, Gonzalez R., Hamrick, Jackson, Lieder, Lindsay, Lukens, Nguyen, Phillips, Ricks, Rutinel, Stewart K., Story, Taggart, Willford, McCluskie;
also SENATOR(S) Wallace and Frizell, Amabile, Ball, Benavidez, Bridges, Cutter, Daugherty, Exum, Gonzales J., Jodeh, Kipp, Lindstedt, Marchman, Mullica, Roberts, Rodriguez, Simpson, Snyder, Weissman, Coleman.

CONCERNING ACCESS TO RECORDS OF CHILD ABUSE OR NEGLECT.

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

SECTION 1. In Colorado Revised Statutes, 19-1-307, **amend** (1)(a), (2) introductory portion, (2)(d), and (2)(e); **repeal** (3) and (4); and **add** (2.1), (2.2), and (5) as follows:

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

(1) (a) **Identifying information - confidential.**

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.

(I) Except as otherwise provided in this section and section 19-1-303, reports OR RECORDS of child abuse or neglect, ~~and the name and address of any child, family, or informant or any other identifying information contained in such reports shall be confidential and shall not be public information~~ AND ANY IDENTIFYING INFORMATION CONTAINED IN THE REPORTS OR RECORDS OF CHILD ABUSE OR NEGLECT, MUST NOT BE SHARED WITH THE PUBLIC.

(II) FOR PURPOSES OF THIS SUBSECTION (1)(a), THE NAME, ADDRESS, AND ANY OTHER INFORMATION THAT MAY REVEAL THE IDENTITY OF A CHILD, FAMILY, OR INFORMANT IS CONSIDERED IDENTIFYING INFORMATION. A PERSON IN POSSESSION OF A REPORT OR RECORD OF CHILD ABUSE OR NEGLECT SHALL NOT RELEASE IDENTIFYING INFORMATION CONTAINED IN THE REPORT OR RECORD OF CHILD ABUSE OR NEGLECT TO A PERSON NOT PERMITTED TO ACCESS THE INFORMATION PURSUANT TO THIS SECTION OR BY SECTION 19-1-303 UNLESS OTHERWISE AUTHORIZED BY THE LAW OF THIS STATE. A COUNTY DEPARTMENT IS NOT LIABLE FOR THE REDISCLOSURE MADE BY A PERSON FOLLOWING THE COUNTY DEPARTMENT'S LAWFUL RELEASE OF A REPORT OR RECORD OF CHILD ABUSE OR NEGLECT.

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

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

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

(III) THE ASSIGNED DESIGNEE OF A PERSON NAMED IN THE REPORT OR RECORD WHO IS ACTING ON THE PERSON'S BEHALF AS A RESULT OF A VALID RELEASE OF INFORMATION, SIGNED BY AN AUTHORIZED PERSON, WITH PROTECTION FOR THE IDENTITY OF THE PERSON NAMED IN THE REPORTS OR RECORDS.

(e) A parent, guardian, legal custodian, or other person responsible for the health or welfare of a child named in a report OR RECORD, or the

assigned designee of ~~any such~~ THE person acting by and through a ~~validly executed power of attorney~~ VALID RELEASE OF INFORMATION SIGNED BY AN AUTHORIZED PERSON, with protection for the identity of reporters and other appropriate persons;

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

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

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

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

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

(5) UNLESS THIS SECTION EXPLICITLY GRANTS ACCESS TO CHILD ABUSE OR NEGLECT REPORTS OR RECORDS, ACCESS TO REPORTS OR RECORDS BY A DEFENDANT IN A CRIMINAL CASE MUST ONLY OCCUR AFTER AN IN CAMERA REVIEW BY THE CRIMINAL COURT IN WHICH THE COURT FINDS THAT ACCESS TO THE REPORTS OR RECORDS IS NECESSARY FOR THE RESOLUTION OF AN ISSUE. SUBJECT TO CONSTITUTIONAL LIMITATIONS, WHEN A COURT ALLOWS A CRIMINAL DEFENDANT ACCESS TO THE REPORTS OR RECORDS, THE COURT MAY ENTER A PROTECTION ORDER THAT THE COURT FINDS IS APPROPRIATE.

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

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

(2) ~~Any~~ Information received by the governing board of a nonpublic school pursuant to subsection (1) of this section ~~shall be~~ IS confidential information and not subject to the provisions of part 2 of article 72 of title 24. ~~C.R.S.~~ ~~Any~~ A person who releases information obtained pursuant to the provisions of ~~said~~ subsection (1) OF THIS SECTION or who makes an unauthorized request for information from the department ~~shall be subject to the penalties set forth in section 24-72-206, C.R.S.; except that any person who releases information received from the department of education concerning information contained in the records and reports of child abuse or neglect maintained by the state department of human services shall be deemed to have violated section 19-1-307 (4), C.R.S.~~ COMMITS A PETTY OFFENSE.

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

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

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

~~24. C.R.S. Any A person who releases such information in violation of this subsection (2) shall be subject to the penalties set forth in section 24-72-206, C.R.S.; except that any person who releases information received by the department concerning information contained in the records and reports of child abuse or neglect maintained by the state department of human services shall be deemed to have violated section 19-1-307 (4); C.R.S. COMMITS A PETTY OFFENSE.~~

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

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

(9) ~~Any~~ Information received by a charter school pursuant to this section or section 22-30.5-110.7 ~~shall be~~ IS confidential information and not subject to the provisions of part 2 of article 72 of title 24. ~~C.R.S. A person who releases information obtained pursuant to the provisions of this section or section 22-30.5-110.7 or who makes an unauthorized request for information from the charter school shall be subject to the penalties set forth in section 24-72-206, C.R.S.; except that a person who releases information received from the charter school concerning information contained in the records and reports of child abuse or neglect maintained by the department of human services shall be deemed to have violated section 19-1-307 (4); C.R.S. COMMITS A PETTY OFFENSE.~~

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

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

(4) ~~Any~~ Information received by a board of education pursuant to subsection (1) or (2) of this section ~~shall be~~ IS confidential information and not subject to the provisions of part 2 of article 72 of title 24. ~~C.R.S. Any A person who releases information obtained pursuant to the provisions of said subsections~~ SUBSECTION (1) OR (2) OF THIS SECTION or who makes an unauthorized request for information from the department ~~shall be subject to the penalties set forth in section 24-72-206, C.R.S.; except that any person who releases information received from the department of education~~

~~concerning information contained in the records and reports of child abuse or neglect maintained by the state department of human services shall be deemed to have violated section 19-1-307 (4), C.R.S. COMMITS A PETTY OFFENSE.~~

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 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO