

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 20, 2016  
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB16-1377 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 5, line 11, after "CHILDREN" insert "BY  
2 GOVERNMENT EMPLOYEES".
- 3 Page 5, line 14, strike "COUNTY EMPLOYEES, LAW ENFORCEMENT," and  
4 substitute "GOVERNMENT EMPLOYEES,".
- 5 Page 5, line 23, after "NEGLECT," insert "STUDY THE BEST PRACTICES  
6 REGARDING WHEN DOCUMENTATION OF EVIDENCE OF ABUSE OR NEGLECT  
7 IS LIMITED TO AREAS VISIBLE IN PLAIN SIGHT ON THE CHILD AND WHEN  
8 DOCUMENTATION OF EVIDENCE MAY EXTEND TO A CHILD'S PRIVATE  
9 AREAS,".
- 10 Page 6, after line 20 insert:  
  
11 "(5) "GOVERNMENT" MEANS THE STATE; ANY COUNTY, CITY AND  
12 COUNTY, MUNICIPALITY, OR LAW ENFORCEMENT AGENCY; AND ANY  
13 SCHOOL DISTRICT.  
14 (6) "GOVERNMENT EMPLOYEE" MEANS A PERSON EMPLOYED BY  
15 THE GOVERNMENT OR ACTING UNDER THE COLOR OF STATE LAW.".
- 16 Renumber succeeding sections accordingly.
- 17 Page 7, after line 4 insert:

1           "(10) "VISIBLE IN PLAIN SIGHT ON THE CHILD" MEANS AN AREA OF  
2 THE CHILD'S BODY THAT IS NORMALLY VIEWABLE BY THE PUBLIC AND  
3 THAT COULD BE OBSERVED VISUALLY WITHOUT REMOVAL OR  
4 REARRANGEMENT OF THE CHILD'S CLOTHING. "VISIBLE IN PLAIN SIGHT ON  
5 THE CHILD" DOES NOT INCLUDE A CHILD'S PRIVATE AREAS."

6 Page 7, line 27, strike "C.R.S.;" and substitute "C.R.S., APPOINTED BY THE  
7 DIRECTOR OF THE OFFICE OF THE CHILD'S REPRESENTATIVE;".

8 Page 8, line 2, strike "C.R.S.;" and substitute "C.R.S., APPOINTED BY THE  
9 DIRECTOR OF THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL;".

10 Page 10, line 22, strike "COUNTY" and substitute "GOVERNMENT".

11 Page 11, strike lines 11 and 12 and substitute:

12           "(II) HOW A GOVERNMENT EMPLOYEE TAKES, MAINTAINS, AND"

13 Page 11, line 15, strike "COUNTY" and substitute "GOVERNMENT".

14 Page 11, line 21, strike "COUNTY" and substitute "GOVERNMENT".

15 Page 12, line 4, strike "COUNTY DEPARTMENTS, LAW ENFORCEMENT  
16 AGENCIES," and substitute "GOVERNMENTS".

17 Page 12, line 19, strike "COUNTY" and substitute "GOVERNMENT".

18 Page 13, after line 7 add:

19           "(3) THE TASK FORCE SHALL STUDY AND RECOMMEND:

20           (a) THE BEST PRACTICES REGARDING WHEN DOCUMENTATION OF  
21 EVIDENCE BY A GOVERNMENT EMPLOYEE IS LIMITED TO AREAS VISIBLE IN  
22 PLAIN SIGHT ON THE CHILD AND WHEN DOCUMENTATION OF EVIDENCE  
23 MAY EXTEND TO PRIVATE AREAS OF THE CHILD;

24           (b) UNDER WHAT CIRCUMSTANCES A GOVERNMENT EMPLOYEE CAN  
25 EXAMINE, UNCLOTHE, OR REARRANGE CLOTHING COVERING PRIVATE  
26 AREAS OR ASK THE CHILD TO REMOVE OR REARRANGE HIS OR HER  
27 CLOTHING COVERING PRIVATE AREAS.

28           (4) THE TASK FORCE SHALL STUDY AND RECOMMEND WHEN A

1 GOVERNMENT EMPLOYEE SEEKING TO DOCUMENT EVIDENCE OF SUSPECTED  
2 CHILD ABUSE OR NEGLECT OF PRIVATE AREAS OF THE CHILD:

3 (a) IS REQUIRED TO OBTAIN THE CONSENT OF A PARENT,  
4 GUARDIAN, OR LEGAL CUSTODIAN OF THE CHILD OR OBTAIN CONSENT  
5 FROM A CHILD WHO IS FIFTEEN YEARS OF AGE OR OLDER AND LESS THAN  
6 EIGHTEEN YEARS OF AGE; OR

7 (b) MUST OBTAIN A COURT ORDER DIRECTING THAT THE CHILD BE  
8 PRESENTED TO AND EXAMINED AND EVALUATED BY AN INDEPENDENT  
9 MEDICAL PROVIDER, A SEXUAL ASSAULT NURSE EXAMINER (SANE), OR  
10 THE CHILD'S OWN PHYSICIAN, IF THE PARENT, GUARDIAN, OR LEGAL  
11 CUSTODIAN, OR THE CHILD, IF BETWEEN THE AGES OF FIFTEEN AND  
12 EIGHTEEN, REFUSES TO GIVE CONSENT; OR

13 (c) MAY PROCEED IN EXAMINING AND PHOTOGRAPHING THE  
14 PRIVATE AREAS OF THE CHILD WITHOUT THE PARENT'S CONSENT OR  
15 WITHOUT A COURT ORDER BASED UPON A REASONABLE BELIEF THAT  
16 EXIGENT CIRCUMSTANCES EXIST THAT CONSTITUTE A MEDICAL  
17 EMERGENCY, SUCH AS IN CONJUNCTION WITH A CALL TO 911, OR BASED  
18 UPON A REASONABLE SUSPICION THAT THE CHILD NEEDS TREATMENT OR  
19 IS IN IMMEDIATE THREAT OF SERIOUS BODILY INJURY."

20 Renumber succeeding subsections accordingly.

21 Page 13, line 8, strike "SUBSECTION" and substitute "SUBSECTIONS".

22 Page 13, line 9, after "(2)" insert "TO (4)".

23 Page 13, line 10, strike "THE COUNTY" and substitute "GOVERNMENTS".

24 Page 13, line 11, strike "DEPARTMENTS AND THE STATE DEPARTMENT".

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