

CHAPTER 107

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 17-016

BY SENATOR(S) Neville T. and Jahn, Baumgardner, Court, Crowder, Garcia, Guzman, Holbert, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Priola, Scott, Smallwood, Todd, Williams A., Zenzinger, Grantham; also REPRESENTATIVE(S) Nordberg and Kraft-Tharp, Esgar, Exum, Ginal, Hooton, Kennedy, Lontine, Melton, Neville P., Ransom, Singer, Van Winkle, Winter, Wist, Duran.

AN ACT

CONCERNING THE OPTIONAL CREATION OF A CHILD PROTECTION TEAM BY A COUNTY.

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

SECTION 1. In Colorado Revised Statutes, **amend** 19-3-302 as follows:

19-3-302. Legislative declaration. The general assembly ~~hereby~~ declares that the complete reporting of child abuse is a matter of public concern and that, in enacting this part 3, it is the intent of the general assembly to protect the best interests of children of this state and to offer protective services in order to prevent any further harm to a child suffering from abuse. It is also the intent of the general assembly that IF A COUNTY OR GROUP OF COUNTIES DECIDES TO ESTABLISH A CHILD PROTECTION TEAM, THAT THE child protection teams publicly discuss public agencies' responses to child abuse and neglect reports so that the public and the general assembly ~~may be~~ ARE better informed concerning the operation and administration of this part 3.

SECTION 2. In Colorado Revised Statutes, 19-3-308, **amend** (6), (7), and (8); **repeal** (9); and **add** (12) as follows:

19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - investigations - child protection team - rules - report. (6) (a) It is the intent of the general assembly to encourage the creation of one or more child protection teams in each county or contiguous group of counties. ~~★ THE CREATION OF A CHILD PROTECTION TEAM IN ANY GIVEN COUNTY IS LEFT TO THE DISCRETION OF THE COUNTY DIRECTOR OR THE DIRECTORS OF A CONTIGUOUS GROUP OF COUNTIES. IF A COUNTY DIRECTOR OR THE DIRECTORS OF A CONTIGUOUS GROUP OF COUNTIES~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

DECIDES TO FORM A CHILD PROTECTION TEAM, THE child protection team may be consolidated with other local advisory boards pursuant to section 24-1.7-103. ~~C.R.S. In each county in which reports of fifty or more incidents of known or suspected child abuse have been made to the county department or the local law enforcement agency in any one year, the county director shall cause a child protection team to be inaugurated in the next following year.~~ IF A CHILD PROTECTION TEAM IS FORMED PURSUANT TO THIS SECTION IN A COUNTY OR CONTIGUOUS GROUP OF COUNTIES, THE DIRECTOR OR DIRECTORS OF THE COUNTY DEPARTMENT OR DEPARTMENTS OF HUMAN OR SOCIAL SERVICES MAY, AT THEIR DISCRETION, IMPLEMENT THE PROVISIONS OF THIS SECTION.

~~(b) The child protection team shall review the investigatory reports of the case, which shall include the diagnostic;~~ IF A CHILD PROTECTION TEAM IS ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION, IT MAY REVIEW AN ASSESSMENT OR THE INVESTIGATORY REPORTS OF A CASE, INCLUDING THE DIAGNOSTIC, prognostic, and treatment services being offered to the family in connection with the reported abuse.

~~(c) At each meeting, each member of the A child protection team shall be~~ ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION MAY BE provided with the investigatory reports on each ASSESSMENT OR case ~~to be~~ BEING considered.

(d) and (e) (Deleted by amendment, L. 91, p. 223, § 4, effective May 24, 1991.)

(f) Immediately after any executive session at which a child abuse or neglect case is discussed, ~~the A child protection team~~ ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION shall publicly review the responses of public and private agencies to each reported incident of child abuse or neglect, ~~shall~~ publicly state whether ~~such~~ THE responses were timely, adequate, and in compliance with the provisions of this part 3, and ~~shall~~ publicly report nonidentifying information relating to any inadequate responses, specifically indicating the public and private agencies involved.

(g) After this mandatory public discussion of agency responses, ~~the A child protection team~~ ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION shall go into executive session upon the vote of a majority of the CHILD PROTECTION team members to consider identifying details of the case being discussed; ~~to discuss confidential reports, including but not limited to the reports of physicians, including psychiatrists; or, when the members of the CHILD PROTECTION team desire, to act as an advisory body concerning the details of treatment or evaluation programs.~~ The CHILD PROTECTION team shall state publicly, before going into executive session, its reasons for doing so. Any recommendation based on information presented in the executive session shall be discussed and formulated at the immediately succeeding public session of the CHILD PROTECTION team, without publicly revealing identifying details of the case.

(h) At the ~~team's~~ next regularly scheduled meeting OF A CHILD PROTECTION TEAM ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION, or at the earliest possible time, the CHILD PROTECTION team shall publicly report whether there were any lapses and inadequacies in the child protection system and if they have been corrected.

(i) ~~The team shall~~ A CHILD PROTECTION TEAM ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION MAY make a report of its recommendations to the county department with suggestions for further action or stating that the CHILD PROTECTION team has no recommendations or suggestions. Contiguous counties may cooperate in meeting the requirements of this subsection (6).

(7) IF A COUNTY OR GROUP OF CONTIGUOUS COUNTIES DECIDES TO ESTABLISH A CHILD PROTECTION TEAM PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION, each member of the ~~team shall be~~ CHILD PROTECTION TEAM IS appointed by the agency he OR SHE represents, and each CHILD PROTECTION team member ~~shall serve~~ SERVES at the pleasure of the HIS OR HER appointing agency; except that the county director ~~shall~~ MAY appoint the representatives of the lay community, including the representatives of any ethnic, racial, or linguistic minority, AS WELL AS PERSONS WITH DISABILITIES, and ~~shall~~ MAY actively recruit all interested individuals and consider their applications for appointment as lay-community representatives on the team.

(8) The county director or his OR HER designee ~~shall be deemed to be~~ is the local coordinator of the child protection team, IF ONE IS ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION. ~~In those counties in which child protection teams meeting the requirements of this part 3 are currently functioning, they shall be recognized, with the consent of all members, as the functioning child protection team for that county.~~

(9) ~~The child protection team shall meet no later than one week after receipt of a report to evaluate such report of child abuse.~~

(12) THE STATE DEPARTMENT SHALL INCLUDE A SUMMARY AND DESCRIPTION OF WORK OF CHILD PROTECTION TEAMS THAT WERE IMPLEMENTED PURSUANT TO THIS SECTION IN ITS ANNUAL PRESENTATION TO THE LEGISLATIVE COMMITTEES DURING THE COMMITTEES' HEARINGS HELD PRIOR TO THE 2017 REGULAR SESSION UNDER THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

SECTION 3. In Colorado Revised Statutes, 19-1-304, **amend** (1)(a) introductory portion, (1)(a)(XII), (1)(c) introductory portion, (1)(c)(VII), (2)(a) introductory portion, and (2)(a)(XII) as follows:

19-1-304. Juvenile delinquency records - division of youth corrections critical incident information - definitions. (1) (a) **Court records - open.** Except as provided in ~~paragraph (b.5) of this subsection~~ (1) SUBSECTION (1)(b.5) OF THIS SECTION, court records in juvenile delinquency proceedings or proceedings concerning a juvenile charged with the violation of any municipal ordinance except a traffic ordinance are open to inspection to the following persons without court order:

(XII) All members of a child protection team, IF ONE EXISTS PURSUANT TO SECTION 19-3-308 (6)(a);

(c) **Probation records - limited access.** Except as otherwise authorized by section 19-1-303, a juvenile probation officer's records, whether or not part of the

court file, ~~shall not be~~ ARE NOT open to inspection except as provided in ~~subparagraphs (I) to (XI) of this paragraph (c)~~ SUBSECTION (1)(c)(I) TO (1)(c)(XI) OF THIS SECTION:

(VII) To all members of a child protection team, IF ONE EXISTS PURSUANT TO SECTION 19-3-308 (6)(a);

(2) (a) **Law enforcement records in general - closed.** Except as otherwise provided by ~~paragraph (b.5) of subsection (1)~~ SUBSECTION (1)(b.5) of this section and otherwise authorized by section 19-1-303, the records of law enforcement officers concerning juveniles, including identifying information, ~~shall~~ MUST be identified as juvenile records and ~~shall not be~~ NOT inspected by or disclosed to the public, except:

(XII) To all members of a child protection team, IF ONE EXISTS PURSUANT TO SECTION 19-3-308 (6)(a);

SECTION 4. In Colorado Revised Statutes, 19-1-307, **amend** (2)(h) as follows:

19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty. (2) **Records and reports - access to certain persons - agencies.** Except as otherwise provided in section 19-1-303, only the following persons or agencies shall be given access to child abuse or neglect records and reports:

(h) All members of a child protection team, IF ONE EXISTS PURSUANT TO SECTION 19-3-308 (6)(a);

SECTION 5. In Colorado Revised Statutes, 24-1.7-103, **amend** (2)(d) as follows:

24-1.7-103. Consolidation of local boards - process - requirements. (2) Any combination of the following boards or groups may be consolidated into a single advisory board:

(d) Child protection teams, IF SUCH A TEAM IS created pursuant to section 19-3-308 (6)(a); ~~C.R.S.;~~

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 9, 2017, if adjournment sine die is on May 10, 2017); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 4, 2017