

CHAPTER 326

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 18-1346

BY REPRESENTATIVE(S) Singer and Landgraf, Coleman, Exum, Hamner, Hansen, Herod, Lee, Lontine, Michaelson Jenet, Young, Duran, Benavidez, Rosenthal, Salazar;
also SENATOR(S) Smallwood and Kefalas, Aguilar, Court, Crowder, Fields, Garcia, Jones, Kerr, Martinez Humenik, Merrifield, Moreno, Tate, Todd, Williams A., Zenzinger.

AN ACT

CONCERNING CHILD ABUSE RELATED TO YOUTH WHO ARE UNDER THE CONTINUING JURISDICTION OF THE COURT IN AN OUT-OF-HOME PLACEMENT WHEN THEY ARE YOUNGER THAN TWENTY-ONE YEARS OF AGE.

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

SECTION 1. In Colorado Revised Statutes, 16-11.3-103, **amend** (2) introductory portion; and **add** (2)(g) as follows:

16-11.3-103. Duties of the commission - mission - staffing - definition.
(2) The commission ~~shall have~~ HAS the following duties:

(g) (I) TO STUDY WHETHER EXISTING CRIMINAL STATUTES ADDRESS ABUSE OF A CHILD OR YOUTH IN A FACILITY AND ISSUE CORRESPONDING RECOMMENDATIONS CONCERNING ANY IDENTIFIED GAPS IN LAW THAT MAY NEED TO BE ADDRESSED. ON OR BEFORE JULY 1, 2019, THE COMMISSION SHALL PROVIDE A REPORT WITH ITS FINDINGS AND RECOMMENDATIONS TO THE JUDICIARY AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE JUDICIARY AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(II) FOR PURPOSES OF THIS SUBSECTION (2)(g), "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, SPECIALIZED GROUP FACILITY, FOSTER CARE HOME, FAMILY CHILD CARE HOME, OR ANY OTHER FACILITY SUBJECT TO THE COLORADO "CHILD CARE LICENSING ACT", PART 1 OF ARTICLE 6 OF TITLE 26; NONCERTIFIED KINSHIP CARE PROVIDERS THAT PROVIDE CARE FOR CHILDREN WITH AN OPEN CHILD WELFARE CASE WHO ARE IN THE LEGAL CUSTODY OF A COUNTY DEPARTMENT; OR A FACILITY

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

OR COMMUNITY PLACEMENT, AS DESCRIBED IN SECTION 19-2-403, FOR A JUVENILE COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES. "FACILITY" DOES NOT INCLUDE ANY ADULT DETENTION OR CORRECTIONAL FACILITY.

SECTION 2. In Colorado Revised Statutes, 19-1-103, **amend** (66) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(66) "Institutional abuse", as used in part 3 of article 3 of this ~~title~~ TITLE 19, means any case of abuse, as defined in subsection (1) of this section, that occurs in any public or private facility in the state that provides child care out of the home, supervision, or maintenance. "INSTITUTIONAL ABUSE" INCLUDES AN ACT OR OMISSION THAT THREATENS THE LIFE, HEALTH, OR WELFARE OF A CHILD OR A PERSON WHO IS YOUNGER THAN TWENTY-ONE YEARS OF AGE WHO IS UNDER THE CONTINUING JURISDICTION OF THE COURT PURSUANT TO THIS TITLE 19. ~~"Facility" includes, but is not limited to, family child care homes, foster care homes, and any other facility subject to the Colorado "Child Care Licensing Act" and described in section 26-6-102, C.R.S.~~ "Institutional abuse" ~~shall~~ DOES NOT include abuse that occurs in any public, private, or parochial school system, including any preschool operated in connection with said system; except that, to the extent the school system provides extended day services, abuse that occurs while such services are provided ~~shall be~~ IS institutional abuse. FOR THE PURPOSES OF THIS SUBSECTION (66), "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, SPECIALIZED GROUP FACILITY, FOSTER CARE HOME, FAMILY CHILD CARE HOME, OR ANY OTHER FACILITY SUBJECT TO THE COLORADO "CHILD CARE LICENSING ACT", PART 1 OF ARTICLE 6 OF TITLE 26; NONCERTIFIED KINSHIP CARE PROVIDERS THAT PROVIDE CARE FOR CHILDREN WITH AN OPEN CHILD WELFARE CASE WHO ARE IN THE LEGAL CUSTODY OF A COUNTY DEPARTMENT; OR A FACILITY OR COMMUNITY PLACEMENT, AS DESCRIBED IN SECTION 19-2-403, FOR A JUVENILE COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES. "FACILITY" DOES NOT INCLUDE ANY ADULT DETENTION OR CORRECTIONAL FACILITY.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 30, 2018