

CHAPTER 179

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 21-1099

BY REPRESENTATIVE(S) Ransom and Michaelson Jenet, Bernett, Bird, Caraveo, Duran, Esgar, Exum, Froelich, Gray, Hooton, Jodeh, Kennedy, Lontine, Lynch, McCluskie, McCormick, Mullica, Ortiz, Pelton, Rich, Soper, Titone, Valdez A., Valdez D., Woodrow, Young, Garnett;
also SENATOR(S) Zenzinger and Smallwood, Danielson, Ginal, Hisey, Pettersen, Story, Winter, Garcia.

AN ACT

CONCERNING AUTHORIZATION TO IMPLEMENT BEST PRACTICES FOR CHILD WELFARE CASEWORKERS TO RECOGNIZE DOMESTIC ABUSE, AND, IN CONNECTION THEREWITH, ADDRESSING DOMESTIC ABUSE AS A FORM OF CHILD ABUSE OR NEGLECT, AND MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) It is vital to keep children safe and families healthy and enhance the state's response to domestic abuse. Because the child welfare system has proven to disproportionately impact low-income families and members of Black, Indigenous, and persons of color communities, policies, rules, or procedures that address the impact of domestic abuse on families must be drafted with the goal of ensuring that these communities are not disproportionately or unfairly impacted.

(b) Colorado can improve its diversity training and promote the understanding of the culture and background of the families that the child welfare system serves;

(c) Each year, approximately fifteen million children nationwide are exposed to domestic abuse and child abuse, which are often linked;

(d) In Colorado, roughly forty percent of child fatality cases reviewed by the child welfare fatality review team between 2014 and 2019 found domestic abuse to be a stressor;

(e) In families where a parent, legal guardian, or custodian engages in domestic

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.

abuse, children witness patterns of coercive behaviors, which demean and harm the nonoffending caregiver. Witnessing harm to a caregiver is detrimental to a child's development and emotional well-being.

(f) A child's risk of abuse increases after a perpetrator of domestic abuse separates from a domestic partner, even when the perpetrator has not previously abused the child;

(g) The safety of children and the safety of the nonoffending caregiver are reciprocal and paramount to improving the well-being of the child and the family as a whole; and

(h) Due to the episodic nature of domestic abuse behaviors, it is challenging for child welfare caseworkers and others to connect a specific incident of domestic abuse to the harmful emotional and developmental impact on a child. It is also a challenge to illustrate the detrimental impact on the nonoffending caregiver's relationship with the child, which can be impeded due to the effects of domestic abuse.

(2) The general assembly finds, therefore, that when an occurrence of domestic abuse being witnessed by a child has been identified, there must be meaningful efforts to safely engage with the family and to enhance the safety of the child, including:

(a) To create clear and specific documentation of the concerning behaviors, the family member engaging in those behaviors, and the impact on the nonoffending caregiver and the child;

(b) To keep the nonoffending caregiver and the child together when possible;

(c) To offer an array of services to mitigate the risk to the nonoffending caregiver and the child, and to facilitate healing; and

(d) To continue monitoring for potential disparities, including but not limited to racial equity and socioeconomic barriers.

SECTION 2. In Colorado Revised Statutes, **add** 19-3-304.3 as follows:

19-3-304.3. Domestic abuse task force - creation - best practices and training for recognition of domestic abuse as child abuse or neglect - policies and procedures - rules. (1) (a) THE STATE DEPARTMENT SHALL CREATE A DOMESTIC ABUSE TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE". THE TASK FORCE MUST BE FORMED FOR NO MORE THAN TWO YEARS. THE TASK FORCE SHALL REVIEW RECOMMENDATIONS FROM THE STATE DEPARTMENT'S DOMESTIC VIOLENCE PROGRAM AND CHILD WELFARE WORKGROUP TO DEVELOP A STATUTORY DEFINITION FOR THIS TITLE 19 THAT DEFINES DOMESTIC ABUSE AND RECOGNIZES THE IMPACT DOMESTIC ABUSE MAY HAVE ON THE EMOTIONAL AND DEVELOPMENTAL WELL-BEING OF A CHILD.

(b) THE MEMBERSHIP OF THE TASK FORCE MUST REPRESENT THE BROAD CULTURAL AND SOCIOECONOMIC DIVERSITY OF THE STATE, INCLUDING PERSONS

WITH LIVED EXPERIENCES OR PROFESSIONAL EXPERTISE. THE TASK FORCE MAY INCLUDE MEMBERS FROM THE STATE DEPARTMENT'S DOMESTIC VIOLENCE PROGRAM AND CHILD WELFARE WORKGROUP.

(c) THE STATE DEPARTMENT SHALL REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, WITH THE RECOMMENDED DEFINITION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION NO LATER THAN DECEMBER 2022.

(2) ON OR BEFORE JULY 1, 2023, THE STATE DEPARTMENT SHALL PROMULGATE RULES BASED ON RECOMMENDATIONS FROM THE DOMESTIC VIOLENCE PROGRAM AND CHILD WELFARE WORKGROUP REGARDING THE BEST PRACTICES AND TRAINING FOR RECOGNITION OF CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE, INCLUDING, BUT NOT LIMITED TO:

(a) CREATING, IMPLEMENTING, AND UPDATING ASSESSMENT POLICIES AND PROCEDURES FOR CHILD WELFARE CASEWORKERS TO RECOGNIZE, RESPOND, AND ASSESS CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE WHILE APPROPRIATELY CONSIDERING THE ROLE OF THE NON-ABUSIVE CAREGIVER AND CULTURAL CONSIDERATIONS;

(b) CREATING, IMPLEMENTING, AND UPDATING TRAINING MATERIALS FOR MANDATORY REPORTERS TO RECOGNIZE AND REPORT CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE;

(c) ESTABLISHING TRAINING STANDARDS TO IMPLEMENT UPDATED ASSESSMENT POLICIES AND PROCEDURES FOR CHILD WELFARE CASEWORKERS TO RECOGNIZE AND RESPOND TO CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE WHILE APPROPRIATELY CONSIDERING THE ROLE OF THE NON-ABUSIVE CAREGIVER AND CULTURAL CONSIDERATIONS; AND

(d) ESTABLISHING TRAINING STANDARDS TO IMPLEMENT UPDATED ASSESSMENT POLICIES AND PROCEDURES FOR CHILD WELFARE CASEWORKERS TO RECOGNIZE AND RESPOND TO CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE WHILE APPROPRIATELY CONSIDERING THE ROLE OF THE ABUSIVE PARENT AND CULTURAL CONSIDERATIONS.

SECTION 3. Appropriation. For the 2021-22 state fiscal year, \$22,500 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from the general fund. To implement this act, the division may use this appropriation for administration.

SECTION 4. 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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 24, 2021