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HOUSE BILL 22-1240

BY REPRESENTATIVE(S) Froelich and Young, Amabile, Bernett, Boesenecker, Cutter, Gonzales-Gutierrez, Hooton, Jodeh, Kipp, Lindsay, Lontine, Michaelson Jenet, Ricks, Sullivan, Titone, Valdez A.;
also SENATOR(S) Fields and Simpson, Buckner, Cooke, Danielson, Hansen, Lee, Pettersen, Rodriguez, Story, Fenberg.

CONCERNING ENHANCING MANDATORY REPORTING FOR PEOPLE REQUIRED TO REPORT CHILD ABUSE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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. (1) The general assembly 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

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.

protection teams publicly discuss public agencies' responses to child abuse and neglect reports so that the public and the general assembly are better informed concerning the operation and administration of this part 3.

(2) (a) THE GENERAL ASSEMBLY FURTHER DECLARES THAT REQUIRING PEOPLE TO REPORT KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT PURSUANT TO THIS PART 3 IMPACTS THE PEOPLE REPORTING AS WELL AS CHILDREN AND FAMILIES. AS A RESULT OF IMPLICIT BIAS, UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES ARE DISPROPORTIONATELY IMPACTED BY THE MANDATORY REPORTING SYSTEM. TO CREATE A MORE EQUITABLE MANDATORY REPORTING SYSTEM, PEOPLE REQUIRED TO REPORT CHILD ABUSE OR NEGLECT MUST HAVE ACCESS TO NECESSARY RESOURCES TO REPORT CHILD ABUSE OR NEGLECT, INCLUDING BUT NOT LIMITED TO:

(I) SPECIALIZED TRAINING TO ADDRESS AND DECREASE THE DISPROPORTIONATE IMPACT ON UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES;

(II) STANDARDIZED TRAINING AND MATERIALS; AND

(III) INFORMATION REGARDING OBLIGATIONS AND PROTECTIONS PURSUANT TO THE LAW.

(b) ADDITIONALLY, THROUGH THE CREATION OF A MANDATORY REPORTER TASK FORCE IN THIS PART 3, DIVERSE REPRESENTATIVES FROM STATEWIDE ORGANIZATIONS SERVING FAMILIES AND YOUTH SHALL ANALYZE BEST PRACTICES AND MAY RECOMMEND CHANGES TO TRAINING MATERIALS AND REPORTING PROCEDURES.

SECTION 2. In Colorado Revised Statutes, **add** 19-3-304.2 as follows:

19-3-304.2. Mandatory reporter task force - creation - reporting - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "IMPLICIT BIAS" MEANS A BIAS OR PREJUDICE THAT IS PRESENT TOWARD AN INDIVIDUAL OR A GROUP OF PEOPLE WITHOUT CONSCIOUS KNOWLEDGE.

(b) "MANDATORY REPORTER" MEANS A PERSON WHO IS REQUIRED TO REPORT CHILD ABUSE OR NEGLECT PURSUANT TO SECTION 19-3-304.

(c) "MEDICAL CHILD ABUSE" MEANS WHEN A CHILD RECEIVES UNNECESSARY AND HARMFUL OR POTENTIALLY HARMFUL MEDICAL CARE DUE TO A CAREGIVER'S OVERT ACTIONS, INCLUDING EXAGGERATING THE CHILD'S MEDICAL SYMPTOMS, LYING ABOUT THE CHILD'S MEDICAL HISTORY OR FABRICATING THE CHILD'S MEDICAL HISTORY, OR INTENTIONALLY INDUCING ILLNESS IN THE CHILD.

(2) THERE IS CREATED IN THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN, ESTABLISHED PURSUANT TO SECTION 19-3.3-102, THE MANDATORY REPORTER TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE". THE PURPOSE OF THE TASK FORCE IS TO ANALYZE BEST PRACTICES AND RECOMMEND CHANGES TO TRAINING REQUIREMENTS AND REPORTING PROCEDURES. THE TASK FORCE SHALL ANALYZE THE EFFECTIVENESS OF MANDATORY REPORTING AND ITS RELATIONSHIP WITH SYSTEMIC ISSUES, INCLUDING THE DISPROPORTIONATE IMPACT OF MANDATORY REPORTING ON UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES. THE TASK FORCE SHALL FOCUS ON SERVING UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES WHO ARE DISPROPORTIONATELY IMPACTED BY THE MANDATORY REPORTING SYSTEM. THE TASK FORCE MAY PROPOSE CLARIFICATIONS TO THE LAW TO HELP IMPLEMENT ITS RECOMMENDATIONS. THE TASK FORCE MAY MAKE FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY, THE GOVERNOR, AND THE STATE DEPARTMENT ON ADMINISTRATIVE AND LEGISLATIVE CHANGES TO UPDATE MANDATORY REPORTER TRAINING REQUIREMENTS AND REPORTING PROCEDURES FOR REPORTING CHILD ABUSE OR NEGLECT AND TO CREATE AN EQUITABLE MANDATORY REPORTING SYSTEM FOR ALL COLORADO FAMILIES AND CHILDREN, INCLUDING HOW TO DETERMINE THE EFFECTIVENESS OF MANDATORY REPORTING AND MITIGATE THE IMPACT OF MANDATORY REPORTING ON UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES.

(3) (a) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE CHILD PROTECTION OMBUDSMAN, AS DESCRIBED IN SECTION 19-3.3-102, OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE;

(II) ONE MEMBER REPRESENTING THE STATE DEPARTMENT TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(III) ONE MEMBER REPRESENTING THE DEPARTMENT OF PUBLIC SAFETY TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(IV) ONE MEMBER REPRESENTING THE DEPARTMENT OF REGULATORY AGENCIES TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(V) ONE MEMBER REPRESENTING THE DEPARTMENT OF EDUCATION TO BE APPOINTED BY THE COMMISSIONER OF EDUCATION OF THE DEPARTMENT OF EDUCATION, OR THE COMMISSIONER OF EDUCATION'S DESIGNEE; AND

(VI) THE FOLLOWING MEMBERS, WHO SHALL BE APPOINTED BY THE CHILD PROTECTION OMBUDSMAN OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE:

(A) ONE MEMBER REPRESENTING A STATEWIDE EDUCATION ORGANIZATION THAT INCLUDES RURAL AREAS;

(B) ONE MEMBER REPRESENTING LAW ENFORCEMENT AGENCIES;

(C) ONE MEMBER REPRESENTING RURAL COUNTY DEPARTMENTS;

(D) ONE MEMBER REPRESENTING URBAN COUNTY DEPARTMENTS;

(E) ONE MEMBER REPRESENTING COURT-APPOINTED SPECIAL ADVOCATES, AS DEFINED IN SECTION 13-91-103;

(F) ONE MEMBER REPRESENTING THE OFFICE OF THE CHILD'S REPRESENTATIVE, AS ESTABLISHED IN SECTION 13-91-104;

(G) ONE MEMBER REPRESENTING A CHILD ADVOCACY CENTER, AS DEFINED IN SECTION 19-1-103;

(H) ONE MEMBER REPRESENTING PROSECUTING ATTORNEYS;

(I) ONE MEMBER REPRESENTING THE OFFICE OF THE STATE PUBLIC DEFENDER, AS CREATED IN SECTION 21-1-101, OR THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL, AS CREATED IN SECTION 21-2-101;

(J) ONE MEMBER REPRESENTING A COUNTY ATTORNEY'S OFFICE OR A STATEWIDE ORGANIZATION REPRESENTING COUNTY ATTORNEYS' OFFICES;

(K) ONE MEMBER REPRESENTING THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL, AS CREATED IN SECTION 13-92-103;

(L) ONE MEMBER REPRESENTING FAMILY LAW ATTORNEYS;

(M) ONE MEMBER REPRESENTING A STATEWIDE NONGOVERNMENTAL ORGANIZATION SPECIALIZING IN THE PREVENTION OF CHILD MALTREATMENT;

(N) ONE MEMBER FROM A STATEWIDE ORGANIZATION REPRESENTING HOSPITALS;

(O) ONE MEMBER FROM A STATEWIDE ORGANIZATION REPRESENTING MEDICAL PROFESSIONALS;

(P) ONE MEMBER FROM A STATEWIDE ORGANIZATION REPRESENTING MENTAL HEALTH PROFESSIONALS;

(Q) ONE MEMBER FROM A STATEWIDE ORGANIZATION REPRESENTING CHILDREN AND YOUTH;

(R) ONE MEMBER FROM A STATEWIDE ORGANIZATION REPRESENTING PEOPLE WITH DISABILITIES;

(S) FIVE MEMBERS REPRESENTING INDIVIDUALS WITH LIVED EXPERIENCE IN THE MANDATORY REPORTING SYSTEM;

(T) ONE MEMBER FROM A STATEWIDE ORGANIZATION SERVING UNDER-RESOURCED COMMUNITIES;

(U) ONE MEMBER WHO IS AN ACADEMIC EXPERT ON THE MANDATORY REPORTING SYSTEM EMPLOYED AT A STATE INSTITUTION OF HIGHER

EDUCATION;

(V) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION SERVING OR REPRESENTING VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE;

(W) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION SERVING OR REPRESENTING VICTIMS AND SURVIVORS OF SEXUAL VIOLENCE;

(X) ONE MEMBER REPRESENTING CONFIDENTIAL VICTIM ADVOCATES;
AND

(Y) ONE MEMBER REPRESENTING A STATE-LICENSED CHILD CARE PROVIDER, AS DEFINED IN SECTION 26-6-102 (6).

(b) THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS ON OR BEFORE DECEMBER 1, 2022. IN MAKING APPOINTMENTS, THE APPOINTING AUTHORITIES SHALL SELECT MEMBERS WHO REPRESENT DIVERSE GEOGRAPHIC LOCATIONS, GENDERS, RELIGIONS, SOCIOECONOMIC STATUSES, IMMIGRATION STATUSES, AND LANGUAGES. THE TERM OF THE APPOINTMENT IS FOR THE DURATION OF THE TASK FORCE. THE APPOINTING AUTHORITIES SHALL FILL ANY VACANCY SUBJECT TO THE SAME QUALIFICATIONS AS THE INITIAL APPOINTMENT.

(4) EACH MEMBER OF THE TASK FORCE SERVES WITHOUT COMPENSATION. NONGOVERNMENTAL MEMBERS MAY BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

(5) THE CHILD PROTECTION OMBUDSMAN OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE SHALL SERVE AS THE CHAIR, AND THE TASK FORCE SHALL SELECT A VICE-CHAIR FROM AMONG ITS MEMBERS. THE CHAIR AND THE VICE-CHAIR SHALL SERVE FOR THE DURATION OF THE TASK FORCE AS THE CHAIR AND THE VICE-CHAIR.

(6) (a) THE CHILD PROTECTION OMBUDSMAN, OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE, SHALL CONVENE THE FIRST MEETING OF THE TASK FORCE NO LATER THAN JANUARY 1, 2023. THE TASK FORCE SHALL MEET AT LEAST ONCE EVERY OTHER MONTH UNTIL THE TASK FORCE SUBMITS ITS FINAL REPORT. THE CHAIR MAY CALL ADDITIONAL MEETINGS AS

NECESSARY FOR THE TASK FORCE TO FULFILL ITS DUTIES. THE TASK FORCE SHALL ESTABLISH PROCEDURES TO ALLOW MEMBERS OF THE TASK FORCE TO PARTICIPATE IN MEETINGS REMOTELY.

(b) THE CHILD PROTECTION OMBUDSMAN, OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE, SHALL OPEN THE MEETINGS TO THE PUBLIC, PROVIDE ADVANCE PUBLIC NOTICE OF THE MEETINGS, AND ALLOW PUBLIC COMMENTS AT THE MEETINGS. THE CHILD PROTECTION OMBUDSMAN, OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE, SHALL CONDUCT OUTREACH AND ENCOURAGE COMMUNITY PARTICIPATION IN THE PUBLIC MEETINGS.

(7) (a) PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE TASK FORCE, AT A MINIMUM, SHALL ANALYZE:

(I) WHETHER A STUDY SHOULD BE CONDUCTED TO DETERMINE THE EFFECTIVENESS OF MANDATORY REPORTING IN SERVING CHILDREN AND FAMILIES AND DETERMINE THE NECESSARY FUNDING FOR A STUDY. IF THE TASK FORCE DETERMINES THERE SHOULD BE A STUDY, THE STUDY MUST INCLUDE AN ANALYSIS ON WHETHER ENHANCED SCREENING TECHNIQUES FOR ACCEPTING REPORTS MAY MITIGATE THE DISPROPORTIONATE IMPACT OF MANDATORY REPORTING ON UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES.

(II) THE DISPROPORTIONATE IMPACT OF MANDATORY REPORTING ON UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES;

(III) STANDARDIZED TRAINING THAT ADDRESSES IMPLICIT BIAS;

(IV) ALTERNATIVE PROCESSES AND SERVICES FOR FAMILIES WHO DO NOT PRESENT MANDATORY REPORTERS WITH CHILD ABUSE OR NEGLECT CONCERNS BUT WHO WOULD BENEFIT FROM ALTERNATIVE SERVICES;

(V) STANDARDIZED TRAINING THAT ADDRESSES THE REQUIREMENTS OF THE LAW PURSUANT TO THIS PART 3;

(VI) THE DEFINITION OF "IMMEDIATELY" AND HOW REPORTING TIME FRAMES AFFECT MANDATORY REPORTERS FROM DIFFERENT PROFESSIONS;

(VII) REPORTING TIME FRAMES FOR MANDATORY REPORTERS WHO

ARE CREATING A SAFETY PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING TO ENSURE THE SAFETY OF THE VICTIM AND THE VICTIM'S FAMILY MEMBERS WHILE CREATING THE SAFETY PLAN;

(VIII) MEDICAL CHILD ABUSE AND THE PROCESS TO REPORT MEDICAL CHILD ABUSE;

(IX) WHETHER MANDATORY REPORTERS SHOULD REPORT INCIDENTS OBSERVED OUTSIDE OF A MANDATORY REPORTER'S PROFESSIONAL CAPACITY;

(X) WHETHER A MANDATORY REPORTER WHO IS EMPLOYED BY, AN AGENT OF, OR A CONTRACTOR FOR AN ATTORNEY WHO IS PROVIDING LEGAL REPRESENTATION IS EXEMPT FROM THE REPORTING REQUIREMENTS DESCRIBED IN SECTION 19-3-304;

(XI) MANDATORY REPORTING REQUIREMENTS FOR MANDATORY REPORTERS WHO HAVE KNOWLEDGE OR REASONABLE CAUSE TO KNOW OR SUSPECT THAT A CHILD OR YOUTH IS THE VICTIM OF DATING VIOLENCE OR SEXUAL ASSAULT;

(XII) A REPORTING PROCESS FOR TWO OR MORE MANDATORY REPORTERS TO REPORT CHILD ABUSE OR NEGLECT WHO HAVE JOINT KNOWLEDGE OR JOINT REASONABLE CAUSE TO MAKE A REPORT OF CHILD ABUSE OR NEGLECT;

(XIII) WHETHER THE DUTY TO REPORT REMAINS WITH THE MANDATORY REPORTER WHO HAS REASONABLE CAUSE TO KNOW OR SUSPECT THAT A CHILD HAS BEEN SUBJECTED TO CHILD ABUSE OR NEGLECT;

(XIV) WHETHER INSTITUTIONS THAT EMPLOY MANDATORY REPORTERS MAY DEVELOP PROCEDURES TO ASSIST MANDATORY REPORTERS IN FULFILLING REPORTING REQUIREMENTS, AS DESCRIBED IN SECTION 19-3-307;

(XV) TRAINING REQUIREMENTS FOR PEOPLE APPLYING FOR OR RENEWING A PROFESSIONAL LICENSE FOR A PROFESSION THAT IS IDENTIFIED AS A PROFESSION REQUIRED TO REPORT CHILD ABUSE OR NEGLECT PURSUANT TO SECTION 19-3-304;

(XVI) THE PERSONAL INFORMATION OF A CHILD, AS SET FORTH IN

SECTION 19-3-307 (2), THAT IS COLLECTED FOR A REPORT;

(XVII) STANDARDIZED TRAINING REGARDING THE COUNTY DEPARTMENTS' PROCESS TO DETERMINE WHICH REPORTS MEET THE THRESHOLD FOR ASSESSMENT AND INVESTIGATION;

(XVIII) THE BENEFITS OF AN ELECTRONIC REPORTING PLATFORM FOR THE STATE; AND

(XIX) A PROCESS FOR INTER- AND INTRA-AGENCY COMMUNICATIONS, CONFIRMING RECEIPT OF REPORTS, AND, IN SOME CIRCUMSTANCES, SHARING THE OUTCOME OF REPORTS WITH CERTAIN MANDATORY REPORTERS.

(b) THE TASK FORCE MAY ESTABLISH STANDING SUBCOMMITTEES TO STUDY THE ISSUES IDENTIFIED IN SUBSECTION (7)(a) OF THIS SECTION.

(8) THE TASK FORCE SHALL ANALYZE NATIONAL BEST PRACTICES AND CONSULT WITH ADDITIONAL STAKEHOLDERS AS NEEDED TO ADDRESS ALL ADDITIONAL QUESTIONS NECESSARY TO FINALIZE ITS FINDINGS AND RECOMMENDATIONS FOR MANDATORY REPORTER TRAINING REQUIREMENTS, REPORTING PROCEDURES, AND CREATING A MORE EQUITABLE MANDATORY REPORTING SYSTEM FOR UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES WHO ARE DISPROPORTIONATELY IMPACTED BY MANDATORY REPORTING.

(9) ON OR BEFORE JANUARY 1, 2024, THE TASK FORCE SHALL SUBMIT ITS FIRST-YEAR STATUS REPORT, INCLUDING ITS INITIAL FINDINGS AND RECOMMENDATIONS ON ISSUES IDENTIFIED IN SUBSECTION (7) OF THIS SECTION, TO THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES; THE GOVERNOR; AND THE STATE DEPARTMENT.

(10) ON OR BEFORE JANUARY 1, 2025, THE TASK FORCE SHALL SUBMIT ITS FINAL REPORT, INCLUDING ITS FINDINGS AND RECOMMENDATIONS ON THE ISSUES IDENTIFIED IN SUBSECTION (7) OF THIS SECTION, TO THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES; THE GOVERNOR; AND THE

STATE DEPARTMENT.

(11) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 3. In Colorado Revised Statutes, 19-3-304.2, **amend as added by House Bill 22-1240** (3)(a)(VI)(Y) as follows:

19-3-304.2. Mandatory reporter task force - creation - reporting - definitions - repeal. (3) (a) The task force consists of the following members:

(VI) The following members, who shall be appointed by the child protection ombudsman or the child protection ombudsman's designee:

(Y) One member representing a state-licensed child care provider, as defined in ~~section 26-6-102(6)~~ SECTION 26.5-5-303 (4).

SECTION 4. Appropriation. For the 2022-23 state fiscal year, \$97,500 is appropriated to the judicial department for use by the office of the child protection ombudsman. This appropriation is from the general fund. To implement this act, the office may use this appropriation for program costs.

SECTION 5. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, 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.

(2) Section 3 of this act takes effect only if House Bill 22-1295 becomes law, in which case section 3 takes effect upon the effective date of this act or House Bill 22-1295, whichever is later.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO