

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0347.01 Alana Rosen x2606

HOUSE BILL 24-1046

HOUSE SPONSORSHIP

Duran and Evans, Bradley, Froelich, Joseph, Pugliese, Young

SENATE SPONSORSHIP

Kolker and Kirkmeyer, Fields, Michaelson Jenet, Zenzinger

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENHANCE CHILD WELFARE SYSTEM TOOLS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Colorado's Child Welfare System Interim Study Committee. Current law requires mandatory reporters to include certain information when reporting child abuse or neglect to the mandatory reporter's county department, local law enforcement, or through the statewide child abuse reporting hotline system (hotline system). The bill requires a mandatory reporter to report any evidence of known or suspected domestic violence in the child's home, including any evidence of previous cases of known or suspected domestic violence in the child's home.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

The bill requires the state department of human services (state department) to develop and implement a consistent screening process for a county department to follow, when possible, in responding to a report or inquiry to the hotline system. The screening process must include questions about domestic violence. The state department is required to develop and implement a disclosure procedure that notifies callers to the hotline system that calls are recorded.

The state department is also required to review the screening process used by county departments and hotline system operators to:

- Determine race; ethnicity; disability status; LGBTQ identity, if applicable; and English proficiency in a screening report and recommend a process for improving the accuracy of determining the demographic information, which must include opportunities to update the TRAILS statewide case management system;
- Understand the types of questions asked during the screening process to determine demographic information; and
- Understand the sequence of questions asked during a screening process to determine demographic information.

The state department shall recommend and implement a screening process procedure to determine demographic information that reflects best practices and cultural competencies.

No later than January 15, 2025, the office of the child protection ombudsman (ombudsman) shall select a third-party evaluator to conduct an audit on the Colorado family safety assessment and the Colorado family risk assessment. The third-party evaluator shall create a report summarizing the results of the audit. On or before March 1, 2026, the ombudsman is required to submit the audit report 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 speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The reporting and prevention of child abuse is a matter of
5 public concern;

1 (b) It is the intent of the general assembly to protect the best
2 interests of the children of Colorado and offer protective services to
3 prevent further harm to children suffering from child abuse;

4 (c) The protection of children requires the most up-to-date tools,
5 assessment criteria, and resources for the state department of human
6 services and participating counties;

7 (d) An audit of the tools used to report and track child abuse is
8 prudent and necessary. This includes a thorough audit of the appropriate
9 language used, best practices, and assessing risk factors in the home,
10 directly or indirectly, that may cause children harm.

11 (e) Research indicates that if domestic violence or intimate partner
12 violence is present in the home, both survivors of domestic violence or
13 intimate partner violence and their children are at the highest risk after a
14 critical event, such as reporting abuse in the home.

15 (2) The general assembly finds, therefore, that it is the obligation
16 of the state to ensure individuals involved in assessing reports of child
17 abuse and domestic violence or intimate partner violence have access to
18 appropriate tools and resources. The processes outlined in this bill address
19 this matter of public concern.

20 **SECTION 2.** In Colorado Revised Statutes, 19-3-307, **add**
21 (2)(c.5) as follows:

22 **19-3-307. Reporting procedures.** (2) Reports of known or
23 suspected child abuse or neglect made pursuant to this article 3 must
24 include the following information whenever possible:

25 (c.5) ANY EVIDENCE OF KNOWN [REDACTED] DOMESTIC VIOLENCE OR
26 INTIMATE PARTNER VIOLENCE IN THE CHILD'S HOME, INCLUDING ANY
27 EVIDENCE OF PREVIOUS CASES OF KNOWN [REDACTED] DOMESTIC VIOLENCE OR

1 INTIMATE PARTNER VIOLENCE IN THE CHILD'S HOME;

2 SECTION 3. In Colorado Revised Statutes, 26-5-111, amend
3 (4)(h) and (4)(i); and add (3.5), (3.7), and (4)(j) as follows:

4 26-5-111. Statewide child abuse reporting hotline system -
5 child abuse hotline steering committee - screening questions for
6 hotline system operators and county departments - rules on
7 consistent processes in response to reports and inquiries for
8 information - legislative declaration - definitions. (3.5) (a) THE STATE
9 DEPARTMENT SHALL DEVELOP AND IMPLEMENT A CONSISTENT SCREENING
10 PROCESS FOR A COUNTY DEPARTMENT TO FOLLOW, WHENEVER POSSIBLE,
11 WHILE RESPONDING TO A REPORT OR INQUIRY SUBMITTED TO THE
12 STATEWIDE CHILD ABUSE REPORTING HOTLINE SYSTEM. THE SCREENING
13 PROCESS MUST INCLUDE QUESTIONS ABOUT DOMESTIC VIOLENCE OR
14 INTIMATE PARTNER VIOLENCE, AS DEFINED IN SECTION 19-1-103.

15 (b) THE STATE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A
16 DISCLOSURE PROCEDURE THAT NOTIFIES CALLERS TO THE STATEWIDE
17 CHILD ABUSE REPORTING HOTLINE SYSTEM THAT CALLS ARE RECORDED.

18 (3.7) (a) THE STATE DEPARTMENT SHALL REVIEW THE SCREENING
19 PROCESS USED BY COUNTY DEPARTMENTS AND HOTLINE SYSTEM
20 OPERATORS TO:

21 (I) DETERMINE RACE; ETHNICITY; DISABILITY STATUS; LGBTQ
22 IDENTITY, IF APPLICABLE; AND ENGLISH PROFICIENCY IN A SCREENING
23 REPORT AND RECOMMEND A PROCESS FOR IMPROVING THE ACCURACY OF
24 DETERMINING THIS DEMOGRAPHIC INFORMATION, WHICH MUST INCLUDE
25 OPPORTUNITIES TO UPDATE THE INFORMATION IN TRAILS, AS DEFINED IN
26 SECTION 26-5-118;

27 (II) UNDERSTAND THE TYPES OF QUESTIONS ASKED DURING THE

1 SCREENING PROCESS TO DETERMINE DEMOGRAPHIC INFORMATION AND
2 RECOMMEND QUESTIONS THAT REFLECT BEST PRACTICES AND CULTURAL
3 COMPETENCY; AND

4 (III) UNDERSTAND THE SEQUENCE OF QUESTIONS ASKED DURING
5 THE SCREENING PROCESS TO DETERMINE DEMOGRAPHIC INFORMATION AND
6 RECOMMEND A SEQUENCE OF QUESTIONS THAT BETTER REFLECTS BEST
7 PRACTICES.

8 (b) THE STATE DEPARTMENT SHALL IMPLEMENT THE
9 RECOMMENDED BEST PRACTICES DESCRIBED IN SUBSECTION (3.7)(a) OF
10 THIS SECTION.

11 (4) The state board is authorized to adopt rules, based upon the
12 recommendations of the child abuse hotline steering committee, and may
13 revise rules, as necessary, including but not limited to the following:

14 (h) A consistent screening process with criteria and steps for the
15 county department to follow in responding to a report or inquiry ~~and~~ THAT
16 IS CONSISTENT WITH THE PROCESS SET FORTH IN SUBSECTIONS (3.5)(a)
17 AND (3.7)(a) OF THIS SECTION;

18 (i) Rules establishing a consistent decision-making process with
19 criteria and steps for the county department to follow when deciding how
20 to act on a report or inquiry or when to take no action on a report or
21 inquiry; AND

22 (j) A DISCLOSURE PROCEDURE THAT NOTIFIES CALLERS TO THE
23 HOTLINE SYSTEM THAT CALLS ARE RECORDED THAT IS CONSISTENT WITH
24 THE PROCEDURE SET FORTH IN SUBSECTION (3.5)(b) OF THIS SECTION.

25 **SECTION 4.** In Colorado Revised Statutes, **add** 26-5-118 as
26 follows:

27 **26-5-118. Audit of child welfare system tools - Colorado family**

1 **safety assessment - Colorado family risk assessment - domestic**
2 **violence - intimate partner violence - report - rules - definitions.**

3 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (a) "COLORADO FAMILY RISK ASSESSMENT" MEANS A SYSTEMATIC
6 COLLECTION AND ANALYSIS OF INFORMATION ENTERED INTO TRAILS TO
7 DETERMINE THE LIKELIHOOD OF FUTURE MALTREATMENT OF A CHILD OR
8 YOUTH.

9 (b) "COLORADO FAMILY SAFETY ASSESSMENT" MEANS A
10 SYSTEMATIC COLLECTION OF INFORMATION ENTERED INTO TRAILS ON
11 FAMILY CIRCUMSTANCES TO DETERMINE WHETHER A CHILD IS IN CURRENT
12 OR IMPENDING DANGER AND TO ASSIST WITH INFORMED AND RELIABLE
13 DECISION-MAKING TO MITIGATE SAFETY CONCERNS.

14 (c) "TRAILS" MEANS THE STATEWIDE COMPREHENSIVE CHILD
15 WELFARE CASE MANAGEMENT SYSTEM.

16 (2) (a) (I) NO LATER THAN JANUARY 15, 2025, THE OFFICE OF THE
17 CHILD PROTECTION OMBUDSMAN, ESTABLISHED IN SECTION 19-3.3-102,
18 SHALL SELECT AND CONTRACT WITH A THIRD-PARTY EVALUATOR TO
19 CONDUCT AN AUDIT ON THE:

20 (A) COLORADO FAMILY SAFETY ASSESSMENT; AND

21 (B) COLORADO FAMILY RISK ASSESSMENT.

22 (II) THE THIRD-PARTY EVALUATOR SHALL CREATE A REPORT
23 SUMMARIZING THE RESULTS OF THE AUDIT.

24 (b) IN CONDUCTING AN AUDIT OF THE COLORADO FAMILY RISK
25 ASSESSMENT, THE THIRD-PARTY EVALUATOR, AT A MINIMUM, SHALL:

26 (I) IDENTIFY TOOLS AND RESOURCES TO ENSURE THE ASSESSMENT
27 IS CARRIED OUT CONSISTENTLY;

1 (II) IDENTIFY GAPS AND SOLUTIONS TO ENABLE CASEWORKERS TO
2 COMPLETE THE ASSESSMENT IN REAL TIME WHILE IN THE FIELD;

3 (III) EXAMINE THE IMPACTS OF GEOGRAPHY WHEN USING THE
4 ASSESSMENT;

5 (IV) EXAMINE THE IMPACTS OF RACE AND ETHNICITY WHEN USING
6 THE ASSESSMENT AND HOW THEY IMPACT COMMUNITIES THAT ARE
7 OVER-REPRESENTED IN THE CHILD WELFARE SYSTEM;

8 (V) EVALUATE AND RECOMMEND BEST PRACTICES FOR SHARING
9 THE ASSESSMENT WITH FAMILIES, LEGAL PROFESSIONALS, AND THE
10 JUDICIAL BRANCH;

11 (VI) EVALUATE AND RECOMMEND BEST PRACTICES FOR TRAINING
12 ON THE ASSESSMENT; AND

13 (VII) EXAMINE THE ASSESSMENT FOR DOMESTIC VIOLENCE OR
14 INTIMATE PARTNER VIOLENCE, AS DEFINED IN SECTION 19-1-103, AND
15 RECOMMEND BEST PRACTICES.

16 (c) IN CONDUCTING AN AUDIT OF THE COLORADO FAMILY SAFETY
17 ASSESSMENT, THE THIRD PARTY, AT A MINIMUM, SHALL:

18 (I) EXAMINE THE ISSUES SET FORTH IN SUBSECTIONS (2)(b)(I) TO
19 (2)(b)(VII) OF THIS SECTION;

20 (II) STUDY THE INTER-RATER RELIABILITY OF THE COLORADO
21 FAMILY SAFETY ASSESSMENT; AND

22 (III) STUDY THE REQUIRED DOCUMENTATION FOR THE PLANNING
23 AND REMOVAL OF THE CHILD FROM THE CHILD'S PRIMARY CAREGIVER.

24 (3) ON OR BEFORE MARCH 1, 2026, THE OFFICE OF THE CHILD
25 PROTECTION OMBUDSMAN SHALL SUBMIT THE REPORT DESCRIBED IN
26 SUBSECTION (2)(a)(II) OF THIS SECTION TO THE HOUSE OF
27 REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE AND THE

1 SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR
2 COMMITTEES, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
3 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF
4 THE SENATE, AND THE MINORITY LEADER OF THE SENATE.

5 **SECTION 5.** In Colorado Revised Statutes, 19-1-103, **add** (27.5)
6 and (60.5) as follows:

7 **19-1-103. Definitions.** As used in this title 19 or in the specified
8 portion of this title 19, unless the context otherwise requires:

9 (27.5) "COERCION" MEANS COMPELLING A PERSON BY FORCE,
10 THREAT OF FORCE, OR INTIMIDATION TO ENGAGE IN CONDUCT FROM WHICH
11 THE PERSON HAS THE RIGHT OR PRIVILEGE TO ABSTAIN, OR TO ABSTAIN
12 FROM CONDUCT IN WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO
13 ENGAGE.

14 (60.5) "DOMESTIC VIOLENCE", COMMONLY KNOWN AS "INTIMATE
15 PARTNER VIOLENCE", MEANS A PATTERN OF VIOLENT BEHAVIOR OR AN
16 ACT, ATTEMPTED ACT, OR PERCEIVED THREAT OF VIOLENCE, STALKING,
17 HARASSMENT, OR COERCION THAT IS COMMITTED BY A PERSON AGAINST
18 ANOTHER PERSON WITH WHOM THE ACTOR IS INVOLVED OR HAS BEEN
19 INVOLVED IN AN INTIMATE RELATIONSHIP. A SEXUAL RELATIONSHIP MAY
20 BE AN INDICATOR OF AN INTIMATE RELATIONSHIP BUT IS NEVER A
21 NECESSARY CONDITION FOR FINDING AN INTIMATE RELATIONSHIP.

22 **SECTION 6. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.