

CHAPTER 230

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 96-1017

BY REPRESENTATIVES Reeser, Adkins, George, and Morrison;
also SENATORS Tanner, Hopper, Wham, and L. Powers.

AN ACT

**CONCERNING THE MANAGEMENT OF INFORMATION RELATED TO CHILDREN WHO RECEIVE SERVICES
UNDER THE COLORADO CHILDREN'S CODE, AND MAKING AN APPROPRIATION THEREFOR.**

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

SECTION 1. Part 1 of article 3 of title 2, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

2-3-112. Prevention programs - programmatic review. (1) BEGINNING JANUARY 1, 1997, IT IS THE DUTY OF THE STATE AUDITOR TO CONDUCT OR CAUSE TO BE CONDUCTED PROGRAMMATIC REVIEWS AND EVALUATIONS OF THE PERFORMANCE OF STATE-FUNDED OR FEDERALLY FUNDED PREVENTION AND INTERVENTION PROGRAMS IDENTIFIED PURSUANT TO SUBSECTION (6) OF THIS SECTION FOR CHILDREN AND FAMILIES, TO DETERMINE WHETHER THE PROGRAMS ARE EFFECTIVELY AND EFFICIENTLY MEETING THEIR STATED GOALS. THE PROGRAMMATIC REVIEWS AND EVALUATIONS SHALL SUBJECT ALL STATE-FUNDED OR FEDERALLY FUNDED PREVENTION AND INTERVENTION PROGRAMS TO AUDIT, WHETHER OPERATED DIRECTLY BY A STATE AGENCY OR BY A PRIVATE ENTITY OR LOCAL GOVERNMENT AGENCY THAT RECEIVES STATE OR FEDERAL FUNDS FOR THE PROVISION OF SERVICES TO CHILDREN AND FAMILIES. IN REVIEWING AND EVALUATING THE PREVENTION AND INTERVENTION PROGRAMS, THE AUDITOR SHALL SPECIFY ALL OCCURRENCES OF DUPLICATION BETWEEN PREVENTION AND INTERVENTION PROGRAMS THAT RESULT IN THE PROVISION OF SERVICES TO THE SAME POPULATION OR PERSON OR THAT COULD RESULT IN THE PROVISION OF SERVICES TO THE SAME POPULATION OR PERSON.

(2) (a) FOR THE LIMITED PURPOSE OF CONDUCTING THE REVIEWS AND EVALUATIONS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE STATE AUDITOR SHALL HAVE ACCESS TO ALL RECORDS AND INFORMATION RELATED TO THE PERSONS

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

SERVED BY THE PREVENTION AND INTERVENTION PROGRAMS BEING REVIEWED AND EVALUATED. THE STATE AUDITOR IS AUTHORIZED TO PROVIDE SUCH INFORMATION TO ANY INDIVIDUAL OR ENTITY WITH WHICH THE AUDITOR MAY CONTRACT FOR PURPOSES OF CONDUCTING SUCH REVIEWS AND EVALUATIONS. THE STATE AUDITOR'S OFFICE AND ANY OTHER PERSON OR ENTITY ASSISTING THE AUDITOR OR WITH WHOM THE AUDITOR MAY CONTRACT FOR PURPOSES OF CONDUCTING THE PROGRAMMATIC REVIEWS AND EVALUATIONS SHALL MAINTAIN THE CONFIDENTIAL NATURE OF THE INFORMATION RECEIVED PURSUANT TO THIS SECTION AND SECTION 19-1-310, C.R.S., AND SHALL NOT DISCLOSE ANY CONFIDENTIAL INFORMATION.

(b) THE STATE AUDITOR SHALL SPECIFY IN WHAT FORM THE EXECUTIVE AGENCIES AND THE JUDICIAL DEPARTMENT SHALL PROVIDE INFORMATION TO THE AUDITOR'S OFFICE FOR PURPOSES OF THE PROGRAMMATIC REVIEWS AND EVALUATIONS SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

(3) THE STATE AUDITOR MAY CONTRACT WITH ONE OR MORE PUBLIC OR PRIVATE ENTITIES IN CAUSING TO BE CONDUCTED THE PROGRAM REVIEWS AND EVALUATIONS AND PREPARING THE ANNUAL EXECUTIVE SUMMARY REPORTS AS PROVIDED IN THIS SECTION.

(4) THE JOINT BUDGET COMMITTEE STAFF AND THE LEGISLATIVE COUNCIL STAFF SHALL WORK WITH THE STATE AUDITOR'S OFFICE IN CONDUCTING THE PROGRAMMATIC REVIEWS AND EVALUATIONS OF PREVENTION AND INTERVENTION PROGRAMS.

(5) BEGINNING JANUARY 30, 1998, THE STATE AUDITOR'S OFFICE SHALL FIRST SUBMIT TO THE LEGISLATIVE AUDIT COMMITTEE AND THEN TO THE GOVERNOR, THE EXECUTIVE DIRECTORS OF THE AFFECTED EXECUTIVE AGENCIES, THE STATE COURT ADMINISTRATOR, AND THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OR THE JUDICIARY COMMITTEES, WHICHEVER IS APPROPRIATE AS DETERMINED BY THE LEGISLATIVE AUDIT COMMITTEE, REPORTS ON THE PROGRAMMATIC REVIEWS AND EVALUATIONS OF PREVENTION AND INTERVENTION PROGRAMS PERFORMED PURSUANT TO SUBSECTION (1) OF THIS SECTION. IN ADDITION, THE STATE AUDITOR'S OFFICE SHALL SUBMIT TO THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OR THE JUDICIARY COMMITTEES OF THE GENERAL ASSEMBLY, WHICHEVER IS APPROPRIATE AS DETERMINED BY THE LEGISLATIVE AUDIT COMMITTEE, AN ANNUAL EXECUTIVE SUMMARY OF THE PROGRAMMATIC REVIEWS AND EVALUATIONS.

(6) (a) THE EXECUTIVE DIRECTOR, OR DESIGNEE, OF EACH EXECUTIVE AGENCY THAT ADMINISTERS STATE OR FEDERALLY FUNDED PREVENTION AND INTERVENTION PROGRAMS THAT ARE SUBJECT TO PROGRAMMATIC REVIEW AND EVALUATION PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL SUBMIT A LIST OF THOSE PROGRAMS TO THE STATE AUDITOR ON OR BEFORE THE DATE SPECIFIED BY THE STATE AUDITOR. THE LIST OF PROGRAMS SHALL BE IN THE FORMAT DETERMINED BY AND SHALL INCLUDE SUCH DESCRIPTIVE INFORMATION ABOUT EACH PROGRAM AS IS REQUESTED BY THE STATE AUDITOR.

(b) THE STATE COURT ADMINISTRATOR, OR DESIGNEE, SHALL SUBMIT A LIST OF STATE OR FEDERALLY FUNDED PREVENTION AND INTERVENTION PROGRAMS ADMINISTERED THROUGH THE JUDICIAL DEPARTMENT THAT ARE SUBJECT TO PROGRAMMATIC REVIEW AND EVALUATION PURSUANT TO SUBSECTION (1) OF THIS

SECTION TO THE STATE AUDITOR ON OR BEFORE THE DATE SPECIFIED BY THE STATE AUDITOR. THE LIST OF PROGRAMS SHALL BE IN THE FORMAT DETERMINED BY AND SHALL INCLUDE SUCH DESCRIPTIVE INFORMATION ABOUT EACH PROGRAM AS IS REQUESTED BY THE STATE AUDITOR.

(7) (a) THE LEGISLATIVE AUDIT COMMITTEE, IN CONSULTATION WITH THE APPROPRIATE COMMITTEES OF REFERENCE AND THE JOINT BUDGET COMMITTEE, SHALL DETERMINE THE PRIORITY FOR EVALUATION AND REVIEW TO BE GIVEN TO EACH OF THE PROGRAMS IDENTIFIED BY THE EXECUTIVE AGENCIES AND THE JUDICIAL DEPARTMENT AND DETERMINE HOW FREQUENTLY EACH PROGRAM SHALL BE REVIEWED; EXCEPT THAT EACH PROGRAM SHALL BE AUDITED NO LESS FREQUENTLY THAN EVERY FIVE YEARS AND NO MORE FREQUENTLY THAN EVERY THREE YEARS.

(b) THE LEGISLATIVE AUDIT COMMITTEE, IN CONSULTATION WITH THE APPROPRIATE COMMITTEES OF REFERENCE AND THE JOINT BUDGET COMMITTEE, SHALL DETERMINE WHICH SPECIFIC PROGRAMS IDENTIFIED BY THE EXECUTIVE AGENCIES AND THE JUDICIAL DEPARTMENT SHALL BE AUDITED IN ANY GIVEN YEAR. THE REVIEW AND EVALUATION OF THE FIRST PRIORITY PROGRAMS SHALL COMMENCE NO LATER THAN JULY 1, 1997.

(8) THE PROGRAMMATIC REVIEWS AND EVALUATIONS PERFORMED PURSUANT TO THIS SECTION SHALL BE CONDUCTED WITHIN RESOURCES ESTABLISHED FOR THIS PURPOSE.

SECTION 2. Part 3 of article 2 of title 2, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

2-2-324. Committees of reference - program review. (1) BEGINNING WITH THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY, THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OR THE JUDICIARY COMMITTEES, WHICHEVER IS APPROPRIATE AS DETERMINED BY THE LEGISLATIVE AUDIT COMMITTEE, SHALL REVIEW THE EXECUTIVE SUMMARY PREPARED BY THE STATE AUDITOR'S OFFICE AND SUBMITTED TO THE APPROPRIATE LEGISLATIVE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-3-112 (5) CONCERNING THE PERFORMANCE OF EACH STATE-FUNDED OR FEDERALLY FUNDED PREVENTION AND INTERVENTION PROGRAM FOR CHILDREN AND FAMILIES. FOLLOWING REVIEW, THE COMMITTEE OF REFERENCE SHALL MAKE A RECOMMENDATION TO THE JOINT BUDGET COMMITTEE CONCERNING WHETHER THE PROGRAM SHOULD CONTINUE TO RECEIVE STATE FUNDING. IF NECESSARY, THE COMMITTEE OF REFERENCE SHALL CORRESPONDINGLY SUBMIT A LEGISLATIVE PROPOSAL TO DISCONTINUE STATUTORY AUTHORITY FOR A PROGRAM OR SERVICE FOR WHICH FUNDING IS RECOMMENDED TO BE DISCONTINUED. THE CHAIRPERSON OF THE COMMITTEE OF REFERENCE MAY DETERMINE WHETHER TO TAKE PUBLIC TESTIMONY CONCERNING THE EVALUATION OF ANY PROGRAM.

(2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO ANY PROGRAM WHOSE EFFECTIVENESS IS OTHERWISE ANNUALLY EVALUATED BY MEMBERS OF THE GENERAL ASSEMBLY.

SECTION 3. 2-3-204, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-3-204. Staff director, assistants, and consultants. (1) The committee shall interview persons applying for the position of staff director as to qualifications and ability and shall make recommendations thereon to the executive committee, which shall appoint the staff director as provided in section 2-3-303 (3). The staff director shall be responsible to the committee for the collection and assembling of all data and the preparation of reports and recommendations. The staff director shall also be responsible for preparing for consideration by the committee analyses of all requests for funds. With the approval of the committee, the staff director may appoint such additional professional, technical, clerical, or other employees necessary to perform the functions assigned to the committee. The staff director and such additional personnel shall be appointed without reference to party affiliation and solely on the basis of ability to perform the duties of the position. They shall be employees of the general assembly and shall not be subject to the state personnel system laws. The committee shall establish appropriate qualifications and compensation for all positions. With the consent of the committee, the ~~chairman~~ CHAIRPERSON may contract for professional services by private consultants as needed.

(2) EFFECTIVE JANUARY 1, 1997, IN ADDITION TO THE DUTIES SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE STAFF OF THE JOINT BUDGET COMMITTEE SHALL ASSIST THE STATE AUDITOR'S OFFICE IN CONDUCTING PROGRAMMATIC REVIEWS AND EVALUATIONS OF PREVENTION AND INTERVENTION PROGRAMS PURSUANT TO SECTION 2-3-112.

SECTION 4. 2-3-304, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

2-3-304. Director of research - assistants. (6) EFFECTIVE JANUARY 1, 1997, THE LEGISLATIVE COUNCIL STAFF SHALL ASSIST THE STATE AUDITOR'S OFFICE IN CONDUCTING PROGRAMMATIC REVIEWS AND EVALUATIONS OF PREVENTION AND INTERVENTION PROGRAMS PURSUANT TO SECTION 2-3-112.

SECTION 5. Article 1 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

19-1-124. Providers of children's services using state moneys - use of state accounting standards. IN ORDER TO ENSURE FINANCIAL ACCOUNTABILITY, ON AND AFTER JULY 1, 1997, ALL SERVICE PROVIDERS RECEIVING FEDERAL OR STATE MONEYS THROUGH THE STATE FOR THE PROVISION OF SERVICES TO CHILDREN, YOUTH, AND FAMILIES PURSUANT TO THIS TITLE SHALL USE THE ACCOUNTING STANDARDS OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD.

SECTION 6. Article 1 of title 19, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

PART 3
RECORDS AND INFORMATION

19-1-301. Short title. THIS PART 3 SHALL BE KNOWN AND MAY BE CITED AS THE "CHILDREN'S CODE RECORDS AND INFORMATION ACT".

19-1-302. Legislative declaration. THE GENERAL ASSEMBLY DECLARES THAT INFORMATION OBTAINED BY PUBLIC AGENCIES IN THE COURSE OF PERFORMING THEIR DUTIES AND FUNCTIONS UNDER THIS TITLE IS CONSIDERED PUBLIC INFORMATION UNDER THE "COLORADO OPEN RECORDS ACT". THE GENERAL ASSEMBLY, HOWEVER, RECOGNIZES THAT CERTAIN INFORMATION OBTAINED IN THE COURSE OF THE IMPLEMENTATION OF THIS TITLE IS HIGHLY SENSITIVE AND HAS AN IMPACT ON THE PRIVACY OF CHILDREN AND MEMBERS OF THEIR FAMILIES. THE DISCLOSURE OF SENSITIVE INFORMATION CARRIES THE RISK OF STIGMATIZING CHILDREN; HOWEVER, ABSOLUTE CONFIDENTIALITY OF SUCH INFORMATION RESULTS IN DUPLICATED SERVICES IN SOME CASES, FRAGMENTED SERVICES IN OTHERS, AND INEFFECTIVE AND COSTLY PROGRAMS. IN ADDITION, DISCLOSURE MAY RESULT IN SERVING THE BEST INTERESTS OF THE CHILD AND MAY BE IN THE PUBLIC INTEREST SUCH AS WHERE A JUVENILE HAS COMMITTED AN ACT THAT WOULD BE A CRIME OF VIOLENCE IF COMMITTED BY AN ADULT. THEREFORE, IN AN EFFORT TO BALANCE THE BEST INTERESTS OF CHILDREN AND THE PRIVACY INTERESTS OF CHILDREN AND THEIR FAMILIES WITH THE NEED TO SHARE INFORMATION AMONG SERVICE AGENCIES AND THE NEED TO PROTECT THE PUBLIC SAFETY, THE GENERAL ASSEMBLY ENACTS THE PROVISIONS OF THIS PART 3.

19-1-303. General provisions - delinquency and dependency and neglect cases. (1) (a) THE JUDICIAL DEPARTMENT OR ANY AGENCY THAT PERFORMS DUTIES AND FUNCTIONS UNDER THIS TITLE WITH RESPECT TO JUVENILE DELINQUENCY OR DEPENDENCY AND NEGLECT CASES MAY EXCHANGE INFORMATION, TO THE EXTENT NECESSARY, FOR THE ACQUISITION, PROVISION, OVERSIGHT, OR REFERRAL OF SERVICES AND SUPPORT WITH THE JUDICIAL DEPARTMENT OR ANY OTHER AGENCY OR INDIVIDUAL THAT PERFORMS DUTIES AND FUNCTIONS UNDER THIS TITLE WITH RESPECT TO SUCH CASES. IN ORDER TO RECEIVE SUCH INFORMATION, THE JUDICIAL DEPARTMENT OR THE AGENCY SHALL HAVE A NEED TO KNOW FOR PURPOSES OF INVESTIGATIONS AND CASE MANAGEMENT IN THE ADMINISTRATION OF THEIR RESPECTIVE PROGRAMS. THE JUDICIAL DEPARTMENT OR THE AGENCIES SHALL EXCHANGE INFORMATION IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(b) SCHOOL PERSONNEL MAY OBTAIN FROM THE JUDICIAL DEPARTMENT OR AGENCIES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) ANY INFORMATION REQUIRED TO PERFORM THEIR LEGAL DUTIES AND RESPONSIBILITIES. SAID PERSONNEL SHALL MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION OBTAINED.

(2) THE JUDICIAL DEPARTMENT OR AN AGENCY DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL EXCHANGE INFORMATION WITH THE JUDICIAL DEPARTMENT OR SIMILAR AGENCIES OR INDIVIDUALS WHO HAVE A NEED TO KNOW TO THE EXTENT NECESSARY FOR THE ACQUISITION, PROVISION, OVERSIGHT, AND REFERRAL OF SERVICES AND SUPPORT AND IF PROVIDED IN THE COURSE OF AN INVESTIGATION OR FOR CASE MANAGEMENT PURPOSES. THE STATE COURT ADMINISTRATOR OF THE JUDICIAL DEPARTMENT AND THE EXECUTIVE DIRECTORS OF THE AFFECTED AGENCIES SHALL DESIGN A PROCESS FOR EXCHANGING INFORMATION PURSUANT TO THIS SECTION.

(3) THE STATE COURT ADMINISTRATOR OF THE JUDICIAL DEPARTMENT AND THE EXECUTIVE DIRECTORS OF THE AFFECTED AGENCIES SHALL JOINTLY DEVELOP AN INFORMED CONSENT AND WRITTEN RELEASE OF INFORMATION FORM TO BE SIGNED BY THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF A CHILD WHO IS LESS THAN SIXTEEN

YEARS OF AGE, OR BY A CHILD WHO IS SIXTEEN YEARS OF AGE OR OLDER, AND WHO IS THE SUBJECT OF THE DEPENDENCY AND NEGLECT OR DELINQUENCY CASE. THE JUDICIAL DEPARTMENT OR AN AGENCY SHALL PRESENT THE FORM TO SUCH PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF THE CHILD OR SUCH CHILD AT THE TIME THE PERSON APPLIES FOR SERVICES, PROVIDES INTAKE INFORMATION TO A SERVICE PROVIDER, OR AT THE TIME OF AN INITIAL ASSESSMENT FOR IDENTIFYING SERVICE NEEDS, WHICHEVER OCCURS FIRST. A SIGNED FORM SHALL BE DEEMED A WAIVER OF THE NOTICE REQUIREMENT SET FORTH IN SUBSECTION (4) OF THIS SECTION AND SHALL BE LIMITED TO THE EXCHANGE OF INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AND THE PERIOD DURING WHICH THE CONSENT RELEASE FORM APPLIES SHALL BE LIMITED TO NO MORE THAN ONE YEAR. THE STATE COURT ADMINISTRATOR AND THE EXECUTIVE DIRECTORS SHALL REQUIRE THE JUDICIAL DEPARTMENT, AGENCIES, AND SERVICE PROVIDERS TO EXPLAIN THE CONTENTS OF THE CONSENT AND RELEASE FORM TO THE PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF THE CHILD OR THE CHILD WHO IS THE SUBJECT OF THE INFORMATION AND EXPLAIN THE CONSEQUENCES OF SUCH PERSON'S SIGNING THE CONSENT AND RELEASE FORM. NOTHING IN THIS SUBSECTION (3) SHALL BE CONSTRUED TO PROHIBIT THE DEVELOPMENT AND USE OF WRITTEN RELEASE OF INFORMATION AND CONSENT FORMS BY THE AGENCY WITH RESPECT TO OTHER INFORMATION MAINTAINED BY AN AGENCY.

(4) IF THE PERSON WHO IS THE SUBJECT OF THE INFORMATION MAINTAINED BY AN AGENCY HAS NOT SIGNED A CONSENT AND RELEASE FORM, NOTICE OF THE EXCHANGE OF INFORMATION SHALL BE GIVEN TO THE PERSON IN CONNECTION WITH ANY INITIAL CORRESPONDENCE TO THAT PERSON FROM AN AGENCY IN CONNECTION WITH AN ADMINISTRATIVE ACTION OR FROM THE COURT IN CONNECTION WITH A JUDICIAL PROCEEDING, WHICHEVER APPLIES AND OCCURS FIRST, OTHER THAN FOR INVESTIGATIVE AND PREFILING ASSESSMENT PURPOSES. THE PERSON GIVEN NOTICE SHALL HAVE TEN DAYS AFTER THE DATE OF THE RECEIPT OF NOTICE TO OBJECT IN WRITING TO THE EXCHANGE OF THE INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION. IF A PERSON FAILS TO FILE A WRITTEN OBJECTION WITHIN TEN DAYS AFTER RECEIVING NOTICE, THE AGENCY SHALL PROCEED IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION. UPON RECEIPT OF AN OBJECTION, THE AGENCY OR THE COURT SHALL HEAR THE ISSUE AT THE NEXT REGULARLY SCHEDULED HEARING OR SET A HEARING, IF NO HEARINGS ARE ALREADY SCHEDULED, AT WHICH TIME THE AGENCY OR THE COURT SHALL MAKE A DETERMINATION CONCERNING THE EXCHANGE OF INFORMATION. IN MAKING A DETERMINATION, THE AGENCY OR THE COURT SHALL CONSIDER THE BEST INTERESTS OF THE CHILD, AND THE PRIVACY INTEREST OF THE PERSON OBJECTING TO THE EXCHANGE OF INFORMATION. IF THE BEST INTERESTS OF THE CHILD OUTWEIGHS A PERSON'S PRIVACY INTEREST BY A PREPONDERANCE OF THE EVIDENCE, THE AGENCY OR THE COURT SHALL AUTHORIZE THE EXCHANGE OF INFORMATION. THE AGENCY'S FINAL ACTION OR THE COURT'S ORDER SHALL PROVIDE FOR THE LEAST INVASIVE MEASURES FOR EXCHANGING INFORMATION. NOTHING IN THIS SUBSECTION (4) SHALL BE CONSTRUED TO PROHIBIT A PERSON FROM SIGNING A CONSENT AND RELEASE FORM AT ANY TIME. IN ADDITION, A PERSON MAY SEEK JUDICIAL REVIEW OF FINAL AGENCY ACTION PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.

(5) THE PROVISIONS OF THIS SECTION SHALL BE IN ADDITION TO AND NOT IN LIEU OF OTHER STATUTORY PROVISIONS OF LAW PERTAINING TO THE RELEASE OF INFORMATION. ACCESS TO INFORMATION NOT OTHERWISE ADDRESSED BY THIS SECTION SHALL BE GOVERNED AS OTHERWISE PROVIDED BY LAW.

(6) FOR PURPOSES OF THIS SECTION:

- (a) "CASE MANAGEMENT PURPOSES" IS DEFINED IN SECTION 19-1-103 (16.5).
- (b) "NEED TO KNOW" IS DEFINED IN SECTION 19-1-103 (77.5).

(7) THIS SECTION SHALL BE INTERPRETED TO PROMOTE THE BEST INTERESTS OF THE CHILD AND, WHERE POSSIBLE, THE CHILD'S FAMILY.

19-1-304. [Formerly 19-1-119.] Juvenile delinquency records. (1) (a) **Court records - open.** Except as provided in paragraph (b.5) of this subsection (1), court records in juvenile delinquency proceedings or proceedings concerning a juvenile charged with the violation of any municipal ordinance except a traffic ordinance shall be open to inspection to the following persons without court order:

- (I) The juvenile named in said record;
- (II) The juvenile's parent, guardian, or legal custodian;
- (III) Any attorney of record;
- (IV) The juvenile's guardian ad litem;
- (V) The juvenile probation department;
- (VI) Any agency to which legal custody of the juvenile has been transferred;
- (VII) Any law enforcement agency or police department in the state of Colorado;
- (VIII) A court which has jurisdiction over a juvenile or domestic action in which the juvenile is named;
- (IX) Any attorney of record in a juvenile or domestic action in which the juvenile is named;
- (X) The state department of human services;
- (XI) Any person conducting a custody evaluation pursuant to section 14-10-127, C.R.S.;
- (XII) All members of a child protection team;
- (XIII) Any person or agency for research purposes, if all of the following conditions are met:
 - (A) The person or agency conducting such research is employed by the state of Colorado or is under contract with the state of Colorado and is authorized by the department of human services to conduct such research; and
 - (B) The person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to

such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed.

(XIV) THE VICTIM AND THE COMPLAINING PARTY, IF DIFFERENT, IDENTIFIED IN THE COURT FILE.

(b) **Court records - limited.** With consent of the court, records of court proceedings in delinquency cases may be inspected by any other person having a legitimate interest in the proceedings.

(b.5) **Arrest and criminal records - certain juveniles - public access - information limited.** The public has access to arrest and criminal records information, as defined in section 24-72-302 (1), C.R.S., and including a person's physical description, that:

(I) Is in the custody of the investigating law enforcement agency, the agency responsible for filing a petition against the juvenile, and the court; and

(II) Concerns a juvenile who:

(A) Is adjudicated a juvenile delinquent or is subject to a revocation of probation for committing the crime of possession of a handgun by a juvenile or for committing an act that would constitute a class 1, 2, 3, or 4 felony or would constitute any crime that involves the use or possession of a weapon if such act were committed by an adult; or

(B) Is charged with the commission of any act described in sub-subparagraph (A) of this subparagraph (II).

(b.7) The information which shall be open to the public pursuant to paragraph (b.5) regarding a juvenile who is charged with the commission of a delinquent act shall not include records of investigation as such records are described in section 24-72-305 (5), C.R.S. In addition, any psychological profile of any such juvenile, any intelligence test results for any such juvenile, or any information regarding whether such juvenile has been sexually abused shall not be open to the public unless released by an order of the court.

(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 open to inspection except as provided in subparagraphs (I) to (IX) of this paragraph (c):

(I) To persons who have the consent of the court;

(II) To law enforcement officers, as defined in section ~~19-1-103 (17.5)~~ 19-1-103 (75), and to fire investigators, as defined in section ~~19-1-103 (12.3)~~ 19-1-103 (51), the inspection shall be limited to the following information:

(A) Basic identification information as defined in section 24-72-302 (2), C.R.S.;

- (B) Details of the offense and delinquent acts charged;
 - (C) Restitution information;
 - (D) Juvenile record;
 - (E) Probation officer's assessment and recommendations;
 - (F) Conviction or plea and plea agreement, if any;
 - (G) Sentencing information; and
 - (H) Summary of behavior while the juvenile was in detention, if any.
- (III) To a court which has jurisdiction over a juvenile or domestic action in which the juvenile is named;
- (IV) To any attorney of record in a juvenile or domestic action in which the juvenile is named;
- (V) To the state department of human services;
- (VI) To any person conducting a custody evaluation pursuant to section 14-10-127, C.R.S.;
- (VII) To all members of a child protection team;
- (VIII) To the juvenile's parent, guardian, or legal custodian; or
- (IX) To the juvenile's guardian ad litem.

(d) **Social and clinical studies - closed - court authorization.** EXCEPT AS OTHERWISE AUTHORIZED BY SECTION 19-1-303, any social and clinical studies, whether or not part of the court file, shall not be open to inspection except by consent of the court.

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

- (I) To the juvenile and the juvenile's parent, guardian, or legal custodian;
- (II) To other law enforcement agencies AND TO FIRE INVESTIGATORS, AS DEFINED IN SECTION 19-1-103 (51), who have a legitimate need for such information;
- (III) To the victim AND THE COMPLAINING PARTY, IF DIFFERENT, in each case after authorization by the district attorney or prosecuting attorney;
- (IV) When the juvenile has escaped from an institution to which such juvenile has

been committed;

(V) When the court orders that the juvenile be tried as an adult criminal;

(VI) When there has been an adult criminal conviction and a presentence investigation has been ordered by the court;

(VII) By order of the court;

(VIII) To a court which has jurisdiction over a juvenile or domestic action in which the juvenile is named;

(IX) To any attorney of record in a juvenile or domestic action in which the juvenile is named;

(X) To the state department of human services;

(XI) To any person conducting a custody evaluation pursuant to section 14-10-127, C.R.S.;

(XII) To all members of a child protection team;

(XIII) To the juvenile's guardian ad litem;

(XIV) To any person or agency for research purposes, if all of the following conditions are met:

(A) The person or agency conducting such research is employed by the state of Colorado or is under contract with the state of Colorado and is authorized by the department of human services to conduct such research; and

(B) The person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed.

(b) The fingerprints, photograph, name, address, and other identifying information regarding a juvenile may be transmitted to the Colorado bureau of investigation to assist in any apprehension or investigation.

(3) Prior to adjudication, the defense counsel, the district attorney, the prosecuting attorney, or any other party with consent of the court shall have access to records of any proceedings pursuant to this title, except as provided in section ~~19-1-122~~ 19-1-309, which involve a juvenile against whom criminal or delinquency charges have been filed. No new criminal or delinquency charges against such juvenile shall be brought based upon information gained initially or solely from such examination of records.

(4) For the purpose of making recommendations concerning sentencing after an

adjudication of delinquency, the defense counsel and the district attorney or prosecuting attorney shall have access to records of any proceedings involving the adjudicated juvenile pursuant to this title, except as provided in sections ~~19-1-120; 19-1-121, and 19-1-122~~ 19-1-307, 19-1-308, AND 19-1-309. No new criminal or delinquency charges against the adjudicated juvenile shall be brought based upon information gained initially or solely from such examination of records.

(5) **Direct filings - arrest and criminal records open.** Whenever a petition filed in juvenile court alleges that a ~~child~~ JUVENILE between the ages of fourteen to eighteen years has committed an offense that would constitute a crime of violence, as defined in section 16-11-309, C.R.S., if committed by an adult or whenever charges filed in district court allege that a ~~child~~ JUVENILE has committed such an offense, then the arrest and criminal records information, as defined in section 24-72-302 (1), C.R.S., and including a ~~person's~~ JUVENILE'S physical description, concerning such ~~child~~ JUVENILE shall be made available to the public. The information is available only from the investigative law enforcement agency, the agency responsible for filing a petition, and the court, and shall not include records of investigation as such records are described in section 24-72-305 (5), C.R.S. Basic identification information, as defined in section 24-72-302 (2), C.R.S., along with the details of the alleged delinquent act or offense, shall be provided immediately to the school district in which the ~~child~~ JUVENILE is enrolled. Such information shall be used by the board of education for purposes of section 22-33-105 (5), C.R.S., but information made available to the school district and not otherwise available to the public shall remain confidential.

(6) The department of human services shall release to the committing court, the district attorney, the Colorado bureau of investigation, and local law enforcement agencies basic identification information as defined in section 24-72-302 (2), C.R.S., concerning any juvenile released or released to parole supervision or any juvenile who escapes.

19-1-305. [Formerly 19-2-1104.5.] Confidentiality of records - operation of juvenile facilities. (1) EXCEPT AS OTHERWISE AUTHORIZED BY SECTION 19-1-303, all records prepared or obtained by the department of human services in the course of carrying out its duties pursuant to ~~this~~ article 2 OF THIS TITLE shall be confidential and privileged. Said records may be disclosed only:

(a) To the parents, legal guardian, legal custodian, attorney for the juvenile, district attorney, guardian ad litem, law enforcement official, and probation officer;

(b) In communications between appropriate personnel in the course of providing services or in order to facilitate appropriate referrals for services;

(c) To the extent necessary to make application for or to make claims on behalf of the juvenile who is eligible to receive aid, insurance, federal or state assistance, or medical assistance;

(d) To the court as necessary for the administration of the provisions of ~~this~~ article 2 OF THIS TITLE;

(e) To persons authorized by court order after notice and a hearing, to the juvenile,

and to the custodian of the record; and

(f) For research or evaluation purposes pursuant to rules regarding research or evaluation promulgated by the department of human services. Any rules so promulgated shall require that persons receiving information for research or evaluation purposes are required to keep such information confidential.

(2) Nothing in this section shall be construed to limit the effect of any other provision of this ~~article~~ PART 3 which requires the confidentiality of records under the control of the department of human services.

19-1-306. [Formerly 19-2-902.] Expungement of juvenile delinquent records.

(1) ~~FOR THE PURPOSES OF THIS SECTION, "EXPUNGEMENT" means the designation of records whereby such records are deemed never to have existed.~~ IS DEFINED IN SECTION 19-1-103(48). UPON THE ENTRY OF AN EXPUNGEMENT ORDER, THE PERSON, AGENCY, AND COURT MAY PROPERLY INDICATE THAT NO RECORD EXISTS.

(2) (a) The court shall advise any person of the right to petition the court for the expungement of such person's record at the time of adjudication, or the court, on its own motion or the motion of the juvenile probation department or the juvenile parole department, may initiate expungement proceedings concerning the record of any ~~child~~ JUVENILE who has been under the jurisdiction of the court.

(b) Expungement shall be effectuated by physically sealing or conspicuously indicating on the face of the record or at the beginning of the computerized file of the record that said record has been designated as expunged.

(3) Basic identification information on the juvenile and a list of any state and local agencies and officials having contact with the juvenile, as they appear from the records, shall not be open to the public but shall be available to a district attorney, local law enforcement agency, and the department of human services; except that such information shall not be available to an agency of the military forces of the United States.

(4) Records designated as expunged may only be inspected by order of the court, after a hearing and good cause shown. Notice of said hearing shall be given to all interested parties at least five days in advance of such hearing.

(5) (a) Expungement proceedings shall be initiated by the filing of a petition in the appropriate juvenile court requesting an order of expungement. No filing fee shall be required. ~~Court records in juvenile delinquency proceedings concerning a juvenile who is adjudicated a juvenile delinquent for the commission of a delinquent act which would constitute a class 1, 2, 3, or 4 felony if such juvenile were an adult shall not be subject to expungement pursuant to this section; except, however, any such juvenile who was adjudicated a juvenile delinquent for the commission of a delinquent act which would constitute any offense other than a class 1 felony and who is not convicted of or adjudicated a juvenile delinquent for the commission of any offense for a period of five years from the date of such juvenile's release from the jurisdiction of the juvenile court may make a petition pursuant to this paragraph (a) requesting an order for expungement.~~ Any such record ~~which~~ THAT is ordered expunged shall, notwithstanding any such order for expungement, be available to any judge and the

probation department for use in any future juvenile or adult sentencing hearing regarding the person whose record was expunged.

(b) Upon the filing of a petition, the court shall set a date for a hearing on the petition for expungement and shall notify the appropriate prosecuting agency and anyone else whom the court has reason to believe may have relevant information related to the expungement of the record.

(c) The court ~~shall~~ MAY order expunged all records in the petitioner's case in the custody of the court and any records in the custody of any other agency or official if at the hearing the court finds that:

(I) The ~~juvenile~~ PETITIONER who is the subject of the hearing has not been convicted of a felony or of a misdemeanor and has not been adjudicated a juvenile delinquent since the termination of the court's jurisdiction or ~~his~~ THE PETITIONER'S unconditional release from parole supervision;

(II) No proceeding concerning a felony, misdemeanor, or delinquency action is pending or being instituted against ~~him~~ THE PETITIONER; ~~and~~

(III) The rehabilitation of the ~~juvenile~~ PETITIONER has been attained to the satisfaction of the court; AND

(IV) THE EXPUNGEMENT IS IN THE BEST INTERESTS OF THE PETITIONER AND THE COMMUNITY.

(6) A person is eligible to petition for an expungement order:

(a) Immediately upon a finding of not guilty at an adjudicatory trial;

(b) One year from:

(I) The date of a law enforcement contact that did not result in a referral to another agency;

(II) THE COMPLETION OF A JUVENILE DIVERSION PROGRAM OR INFORMAL ADJUSTMENT;

(c) ~~Two~~ FOUR years from the date of:

(I) ~~A law enforcement contact that resulted in a referral to another agency, except as otherwise provided in this paragraph~~ (c) THE TERMINATION OF THE COURT'S JURISDICTION OVER THE PETITIONER;

(II) ~~The completion of a juvenile diversion program or informal adjustment~~ THE PETITIONER'S UNCONDITIONAL RELEASE FROM COMMITMENT TO THE DEPARTMENT OF HUMAN SERVICES; OR

(III) ~~The termination of the court's jurisdiction over the juvenile; or~~ THE PETITIONER'S UNCONDITIONAL RELEASE FROM PAROLE SUPERVISION;

(IV) ~~The juvenile's unconditional release from parole supervision;~~

(d) ~~Seven~~ TEN years from the date of the termination of the court's jurisdiction over the juvenile or ~~his~~ THE JUVENILE'S unconditional release from parole supervision, WHICHEVER DATE IS LATER, if the juvenile has been adjudicated a ~~violent~~; repeat or mandatory juvenile offender AND IF THE JUVENILE HAS NOT FURTHER VIOLATED ANY CRIMINAL STATUTE.

(7) ~~A person who has been adjudicated as an aggravated juvenile offender is not eligible to petition for the expungement of any juvenile record.~~ THE FOLLOWING PERSONS ARE NOT ELIGIBLE TO PETITION FOR THE EXPUNGEMENT OF ANY JUVENILE RECORD:

(a) ANY PERSON WHO HAS BEEN ADJUDICATED AS AN AGGRAVATED JUVENILE OFFENDER OR A VIOLENT JUVENILE OFFENDER;

(b) ANY PERSON WHO HAS BEEN ADJUDICATED FOR AN OFFENSE THAT WOULD CONSTITUTE A CRIME OF VIOLENCE UNDER SECTION 16-11-309, C.R.S., HAD THE PERSON BEEN AN ADULT AT THE TIME THE OFFENSE WAS COMMITTED;

(c) ANY PERSON WHO, AS A JUVENILE, HAS BEEN CHARGED BY THE DIRECT FILING OF AN INFORMATION IN THE DISTRICT COURT OR BY INDICTMENT PURSUANT TO SECTION ~~19-2-805~~ 19-2-517.

(8) A PERSON MAY FILE A PETITION WITH THE COURT FOR EXPUNGEMENT OF HIS OR HER RECORD ONLY ONCE DURING ANY TWELVE-MONTH PERIOD.

19-1-307. [Formerly 19-1-120.] Dependency and neglect records and information. (1) (a) **Identifying information - confidential.** Except as OTHERWISE provided in this section AND SECTION 19-1-303, reports of child abuse or neglect and the name and address of any child, family, or informant or any other identifying information contained in such reports shall be confidential and shall not be public information.

(b) **Good cause exception.** Disclosure of the name and address of the child and family and other identifying information involved in such reports shall be permitted only when authorized by a court for good cause. Such disclosure shall not be prohibited when there is a death of a suspected victim of child abuse or neglect and the death becomes a matter of public record OR THE ALLEGED JUVENILE OFFENDER IS OR WAS A VICTIM OF ABUSE OR NEGLECT OR THE SUSPECTED OR ALLEGED PERPETRATOR BECOMES the subject of an arrest by a law enforcement agency or the subject of the filing of a formal charge by a law enforcement agency.

(c) Any person who violates any provision of this subsection (1) is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars.

(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:

(a) The law enforcement agency, district attorney, coroner, or county or district department of social services investigating a report of a known or suspected incident of child abuse or neglect or treating a child or family which is the subject of the report, and, in addition to said reports and records, the law enforcement agency, district attorney, coroner, or county department shall have access to the state central registry of child protection for information under the name of the child or the suspected perpetrator;

(b) A physician who has before him OR HER a child whom ~~he~~ THE PHYSICIAN reasonably suspects to be abused or neglected;

(c) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, legal custodian, or other person who is responsible for the child's health or welfare;

(d) Any person named in the report or record who was alleged as a child to be abused or neglected or, if the child named in the report or record is a minor or is otherwise incompetent at the time of the request, his OR HER guardian ad litem;

(e) A parent, guardian, legal custodian, or other person responsible for the health or welfare of a child named in a report, with protection for the identity of reporters and other appropriate persons;

(f) A court, upon its finding that access to such records may be necessary for determination of an issue before such court, but such access shall be limited to in camera inspection unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it;

(g) The state central registry of child protection;

(h) All members of a child protection team;

(i) Such other persons as a court may determine, for good cause;

(j) The ~~state~~ department OF HUMAN SERVICES or a county or district department of social services or a child placement agency investigating an applicant for a license to operate a child care facility or agency pursuant to section 26-6-107, C.R.S., when the applicant, as a requirement of the license application, has given written authorization to the licensing authority to obtain reports of child abuse or neglect or to review the state central registry of child protection. Access to the state central registry granted to the named department or agencies shall serve only as the basis for further investigation.

(k) The state central registry of child protection, when requested in writing by any operator of a facility or agency that is licensed by the department of human services pursuant to section 26-6-107, C.R.S., to check the state central registry of child protection for the purpose of screening an applicant for employment or a current employee. Any such operator who requests such information concerning an individual who is neither a current employee nor an applicant for employment commits a class 1 misdemeanor and shall be punished as provided in section

18-1-106, C.R.S. Within ten days of the operator's request, the central registry shall provide the incident date, the location of investigation, the type of abuse and neglect, and the county which investigated the incident contained in the confirmed reports of child abuse and neglect. Any such operator who releases any information obtained under this paragraph (k) to any other person shall be deemed to have violated the provisions of section 19-3-313 (10) and shall be subject to the penalty therefor.

(l) The state central registry of child protection, when requested in writing by the department of education to check the central registry for the purpose of aiding the department in its investigation of an allegation of abuse by an employee of a school district in this state. Within ten days of the department's request, the central registry shall provide the incident date, the location of investigation, the type of abuse and neglect, and the county which investigated the incident contained in the confirmed reports of child abuse and neglect. The department of education shall be subject to the fee assessment established in subsection (2.5) of this section. Any employee of the department of education who releases any information obtained under this paragraph (l) to any person not authorized to receive such information pursuant to the provisions of section 22-32-109.7, C.R.S., or any member of the board of education of a school district who releases such information obtained pursuant to said section shall be deemed to have violated the provisions of section 19-3-313 (10) and shall be subject to the penalty therefor.

(m) The state departments of health care policy and financing and human services and the county departments of social services, for the following purposes:

(I) Screening any person who seeks employment with, is currently employed by, or who volunteers for service with the respective departments, if such person's responsibilities include direct contact with children;

(II) Conducting custody evaluations;

(III) Screening any person who will be responsible to provide child care pursuant to a contract with a county department for placements out of the home or private child care;

(IV) Screening prospective adoptive parents.

(n) Private adoption agencies, for the purpose of screening prospective adoptive parents;

(o) A person, agency, or organization engaged in a bona fide research or evaluation project or audit, but without information identifying individuals named in a report, unless having said identifying information open for review is essential to the research and evaluation, in which case the executive director of the state department of human services shall give prior written approval and the child through a legal representative shall give permission to release the identifying information;

(p) The governing body as defined in section ~~19-3-211 (6) (e)~~ 19-1-103 (54) and the citizen review panels created pursuant to section ~~19-3-211~~ 19-3-209, for the purposes of carrying out their conflict resolution duties as set forth in section ~~19-3-211~~ 19-3-209 and rules promulgated by the state department of human services.

(2.5) Any person or agency provided information from the state central registry pursuant to paragraphs ~~(d)~~, ~~(e)~~, (i) and (k) to (o) of subsection (2) of this section AND ANY CHILD PLACEMENT AGENCY shall be assessed a fee which shall be established and collected pursuant to section 19-3-313 (14).

(3) After a child who is the subject of a report to the central registry reaches the age of eighteen years, access to that report shall be permitted only if a sibling or offspring of such child is before any person mentioned in subsection (2) of this section and is a suspected victim of child abuse or neglect. The amount and type of information released shall depend upon the source of the report and shall be determined by regulations established by the director of the central registry. However, under no circumstances shall the information be released unless the person requesting such information is entitled thereto as confirmed by the director of the central registry and the information released states whether or not the report is founded or unfounded. A person given access to the names or other information identifying the subject of a report shall not divulge or make public any identifying information unless he OR SHE is a district attorney or other law enforcement official and the purpose is to initiate court action or unless he OR SHE is the subject of a report.

19-1-308. [Formerly 19-1-121.] Parentage information. Notwithstanding any other law concerning public hearings and records, any hearing or trial held under article 4 of this title shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. IN ADDITION TO ACCESS OTHERWISE PROVIDED FOR PURSUANT TO SECTION 19-1-303, all papers and records pertaining to the action or proceeding which are part of the permanent record of the court are subject to inspection by the parties to the action and their attorneys of record, and such parties and their attorneys shall be subject to a court order which shall be in effect against all parties to the action prohibiting such parties from disclosing the genetic testing information contained in the court's record. Such court papers and records shall not be subject to inspection by any person not a party to the action except upon consent of the court and all parties to the action, or, in exceptional cases only, upon an order of the court for good cause shown. All papers and records in the custody of the county department of social services shall be available for inspection by the parties to the action only upon the consent of all parties to the action and as provided by section 26-1-114, C.R.S., or by the rules governing discovery, but such papers and records shall not be subject to inspection by any person not a party to the action except upon consent of all parties to the action; except that the results of genetic testing may be provided to all parties, when available, notwithstanding laws governing confidentiality and without the necessity of formal discovery. Any person receiving or inspecting paternity information in the custody of the county department of social services shall be subject to a court order which shall be in effect prohibiting such persons from disclosing the genetic testing information contained in the department's record.

19-1-309. [Formerly 19-1-122.] Relinquishments and adoption information. Except as provided in parts 3 and 4 of article 5 of this title AND SECTION 19-1-303, all records and proceedings in relinquishment or adoption shall be confidential and open to inspection only upon order of the court for good cause shown. The court shall act to preserve the anonymity of the ~~natural~~ BIOLOGICAL parents, the adoptive parents, and the child, except to the extent disclosure is made pursuant to a designated

adoption or pursuant to section ~~19-5-104~~(2) 19-4-106 (2) or part 3 or 4 of article 5 4 of this title. A separate docket shall be maintained for relinquishment proceedings and for adoption proceedings.

19-1-310. Information related to intervention and prevention programs - review and evaluation of programs. (1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE STATE AUDITOR AND THE STATE AUDITOR'S STAFF SHALL HAVE ACCESS TO ALL RECORDS AND INFORMATION RELATED TO THE PERSONS SERVED BY PREVENTION AND INTERVENTION PROGRAMS BEING REVIEWED AND EVALUATED PURSUANT TO SECTION 2-3-112, C.R.S., FOR THE LIMITED PURPOSE OF CONDUCTING SUCH REVIEWS AND EVALUATIONS. THE STATE AUDITOR IS AUTHORIZED TO PROVIDE SUCH INFORMATION TO ANY INDIVIDUAL OR ENTITY WITH WHICH THE AUDITOR MAY CONTRACT FOR PURPOSES OF CONDUCTING SUCH REVIEWS AND EVALUATIONS. THE STATE AUDITOR'S OFFICE AND ANY OTHER PERSON OR ENTITY ASSISTING THE AUDITOR OR WITH WHOM THE AUDITOR MAY CONTRACT FOR PURPOSES OF CONDUCTING THE PROGRAMMATIC REVIEWS AND EVALUATIONS SHALL MAINTAIN THE CONFIDENTIAL NATURE OF THE INFORMATION RECEIVED PURSUANT TO THIS SECTION AND SECTION 2-3-112, C.R.S., AND SHALL NOT DISCLOSE ANY CONFIDENTIAL INFORMATION.

(2) THE STATE AUDITOR SHALL SPECIFY THE DESCRIPTIVE INFORMATION THAT EACH EXECUTIVE AGENCY AND THE JUDICIAL DEPARTMENT SHALL PROVIDE AND THE FORM IN WHICH THE EXECUTIVE AGENCIES AND THE JUDICIAL DEPARTMENT SHALL PROVIDE THE INFORMATION TO THE AUDITOR'S OFFICE FOR PURPOSES OF CONDUCTING THE PROGRAMMATIC REVIEWS AND EVALUATIONS SPECIFIED IN SECTION 2-3-112 (1), C.R.S.

19-1-311. Centralized integrated data base system for children and families - strategic business plan - technology plan - children's information management committee - report. (1) (a) (I) ON OR BEFORE JANUARY 1, 1997, THE DEPARTMENT OF HUMAN SERVICES SHALL FORM A STRATEGIC PLANNING TEAM COMPRISED OF THE FOLLOWING INDIVIDUALS TO DEVELOP A STRATEGIC BUSINESS PLAN FOR THE IMPLEMENTATION AND MAINTENANCE OF A CENTRALIZED INTEGRATED DATA BASE SYSTEM FOR THE COLLECTION, MAINTENANCE, AND DISSEMINATION OF INFORMATION RELATED TO THE IDENTITY OF A CHILD AND THE CHILD'S FAMILY, FORMAL CONTACTS MADE WITH THE CHILD BY STATE OR LOCAL AGENCIES OR SERVICE PROVIDERS RENDERING SERVICES TO THE CHILD SUBJECT TO THIS TITLE, AND SERVICES PROVIDED TO THE CHILD AND THE CHILD'S FAMILY:

(A) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(B) THE COMMISSIONER OF EDUCATION OR SUCH COMMISSIONER'S DESIGNEE;

(C) SIX SCHOOL DISTRICT SUPERINTENDENTS APPOINTED BY THE GOVERNOR, ONE FROM EACH CONGRESSIONAL DISTRICT;

(D) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(E) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(F) THE STATE COURT ADMINISTRATOR OF THE JUDICIAL DEPARTMENT OR SUCH ADMINISTRATOR'S DESIGNEE; AND

(G) THE DIRECTOR OF THE COLORADO CHILDREN'S TRUST FUND OR SUCH DIRECTOR'S DESIGNEE.

(II) THE GOVERNOR AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL JOINTLY APPOINT ONE INDIVIDUAL FROM AMONG THE MEMBERS OF THE PLANNING TEAM TO SERVE AS THE CHIEF OFFICER IN COORDINATING THE DEVELOPMENT OF THE STRATEGIC BUSINESS PLAN.

(b) THE PLANNING TEAM SHALL ADOPT A STRATEGIC BUSINESS PLAN THAT:

(I) IDENTIFIES AND DEVELOPS SPECIFIC BUSINESS REQUIREMENTS AND PROCESSES FOR MORE EFFECTIVE AND EFFICIENT COLLECTION, MAINTENANCE, AND DISSEMINATION OF INFORMATION ABOUT CHILDREN AND FAMILIES RECEIVING SERVICES;

(II) IDENTIFIES THE SPECIFIC INFORMATION THAT NEEDS TO BE SHARED AMONG AFFECTED AGENCIES AND THE PURPOSES FOR WHICH SUCH INFORMATION MAY BE SHARED;

(III) DEFINES METHODS FOR UNIQUELY IDENTIFYING CHILDREN AND FAMILIES ACROSS VARIOUS AGENCY SYSTEMS;

(IV) IDENTIFIES WHO SHOULD BE REQUIRED TO REPORT SUCH INFORMATION IDENTIFIED IN THE STRATEGIC BUSINESS PLAN AND WITH WHOM IT MAY BE SHARED;

(V) PROVIDES DATA AND STANDARDS ALLOWING THE USERS OF THE SYSTEM RAPID AND MAXIMUM ACCESS TO THE SYSTEM;

(VI) IDENTIFIES AND ANALYZES EXISTING DATA COLLECTION SYSTEMS IN THE PERTINENT STATE AGENCIES THAT COULD BE ADAPTED FOR USE FOR THE MANAGEMENT OF INFORMATION;

(VII) PROVIDES A SYSTEM CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS, ALLOWING THE USERS OF THE SYSTEM TO COMPLY WITH SUCH LAWS AND REGULATIONS;

(VIII) ALLOWS A USER OF THE SYSTEM HAVING JURISDICTION OVER OR CUSTODY OF A CHILD OR PROVIDING SERVICES TO A CHILD TO RETAIN ITS OWN INFORMATION DATA BASE BUT REQUIRES A USER TO REPORT TO THE SYSTEM CERTAIN INFORMATION CONCERNING THE CHILD AND THE RESULT OF SERVICES AND PROGRAMS PROVIDED TO SERVE THE CHILD;

(IX) ALLOWS CONTINUOUS MONITORING OF THE SYSTEM BY ESTABLISHING USE-REPORTING REQUIREMENTS AND ENSURES THAT CONFIDENTIALITY SAFEGUARDS ARE APPROPRIATELY ADDRESSED AND INCORPORATED IN THE STRATEGIC BUSINESS PLAN;

(X) PROVIDES FOR A METHOD OF RECORDING INFORMATION REQUESTED BY

VARIOUS AGENCIES AND SERVICE PROVIDERS;

(XI) ENSURES THAT INFORMATION RESOURCE AGENCIES AND SERVICE PROVIDERS ALIGN THROUGH A STATEWIDE SYSTEM CAPABLE OF PROVIDING RELIABLE INFORMATION CONCERNING CHILDREN AND THEIR FAMILIES THROUGHOUT THE STATE, APPLYING STATE STANDARDS, AND MAINTAINING THE SECURITY AND INTEGRITY OF THE INFORMATION;

(XII) FACILITATES UNIFORM AND MAXIMUM INTERFACING AMONG THE VARIOUS STATE AND LOCAL AGENCIES AND SERVICE PROVIDERS THAT RENDER SERVICES TO CHILDREN;

(XIII) ADDRESSES THE NEED FOR THE CREATION OF A DIVISION IN AN EXECUTIVE AGENCY FOR THE COLLECTION, MAINTENANCE, DISSEMINATION, AND MANAGEMENT OF CHILDREN'S INFORMATION, INCLUDING BUT NOT LIMITED TO THE SPECIFIC RESPONSIBILITIES OF SUCH A DIVISION AND THE SIZE AND LOCATION OF SUCH A DIVISION;

(XIV) DETERMINES THE MOST APPROPRIATE METHOD FOR ENFORCING COMPLIANCE WITH INFORMATION-SHARING REQUIREMENTS DEVELOPED IN THE STRATEGIC BUSINESS PLAN, INCLUDING BUT NOT LIMITED TO APPROPRIATE SANCTIONS;

(XV) MAKES SUPPORT INFORMATION AVAILABLE TO RESEARCH TECHNICIANS AND POLICYMAKERS, INCLUDING BUT NOT LIMITED TO THE GENERAL ASSEMBLY AND LOCAL AND STATE AGENCY ADMINISTRATORS; AND

(XVI) ADDRESSES SUCH ADDITIONAL MATTERS AS THE PLANNING COMMITTEE DEEMS NECESSARY.

(2) (a) THE STRATEGIC PLANNING TEAM ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL SUBMIT THE STRATEGIC BUSINESS PLAN TO THE CHILDREN'S INFORMATION MANAGEMENT COMMITTEE, CREATED PURSUANT TO SUBSECTION (3) OF THIS SECTION, NO LATER THAN AUGUST 1, 1997.

(b) THE STRATEGIC PLANNING TEAM SHALL SEEK THE RECOMMENDATIONS OF THE CHILDREN'S INFORMATION MANAGEMENT COMMITTEE CONCERNING THE STRATEGIC BUSINESS PLAN NO LATER THAN OCTOBER 1, 1997. BASED UPON SUCH RECOMMENDATIONS, THE STRATEGIC PLANNING TEAM SHALL DEVELOP A TECHNOLOGY PLAN FOR THE IMPLEMENTATION OF THE STRATEGIC BUSINESS PLAN. THE STRATEGIC PLANNING TEAM SHALL SUBMIT THE TECHNOLOGY PLAN TO THE COMMISSION ON INFORMATION MANAGEMENT, CREATED IN SECTION 24-30-1701, C.R.S., NO LATER THAN DECEMBER 1, 1997. THE COMMISSION, AS PART OF ITS DUTIES SET FORTH IN SECTION 24-30-1702, C.R.S., SHALL SUBMIT A FINAL TECHNOLOGY PLAN TO THE CHILDREN'S INFORMATION MANAGEMENT COMMITTEE, NO LATER THAN FEBRUARY 1, 1998, FOR THE COMMITTEE'S DEVELOPMENT OF A LEGISLATIVE PROPOSAL TO IMPLEMENT THE STRATEGIC BUSINESS PLAN.

(c) A LEGISLATIVE PROPOSAL ESTABLISHING POLICY, RESPONSIBLE AGENCIES, AND FUNDING FOR THE IMPLEMENTATION OF THE STRATEGIC BUSINESS PLAN SHALL BE SUBMITTED BY THE CHILDREN'S INFORMATION MANAGEMENT COMMITTEE TO THE LEGISLATIVE COUNCIL NO LATER THAN THE APPLICABLE DEADLINE FOR APPROVAL OF

INTERIM COMMITTEE BILLS FOR THE 1999 LEGISLATIVE SESSION.

(3) THE CHILDREN'S INFORMATION MANAGEMENT COMMITTEE IS HEREBY CREATED, WHICH COMMITTEE SHALL ACT AS AN INTERIM COMMITTEE. THE CHILDREN'S INFORMATION MANAGEMENT COMMITTEE'S MEMBERS SHALL BE THE MEMBERS OF THE JOINT BUDGET COMMITTEE, THREE MEMBERS OF THE HOUSE JUDICIARY COMMITTEE OF THE GENERAL ASSEMBLY APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THREE MEMBERS OF THE SENATE JUDICIARY COMMITTEE OF THE GENERAL ASSEMBLY APPOINTED BY THE PRESIDENT OF THE SENATE.

SECTION 7. Repeal of provisions being relocated in this act. Sections 19-1-119, 19-1-120, 19-1-121, 19-1-122, 19-2-1104.5, and 19-2-902, Colorado Revised Statutes, 1986 Repl. Vol., as amended, are repealed.

SECTION 8. Adjustments to the 1996 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1996, shall be adjusted as follows:

(a) Of the appropriations made to the department of human services, executive director's office, for personal services, the general fund appropriation is increased by two hundred forty-nine thousand seven hundred fifty-three dollars (\$249,753), and the federal funds appropriation is increased by eleven thousand nine hundred eighty-seven dollars (\$11,987).

(b) The appropriation made to the department of higher education, Colorado commission on higher education, special purpose, for the Colorado children's trust fund, is increased by four thousand dollars (\$4,000) and 0.1 FTE. Said sum shall be from cash funds in the Colorado children's trust fund.

SECTION 9. 19-3-313 (6) (b), (7) (b) (III), and (14), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

19-3-313. Central registry. (6) (b) At any time the subject of a report may receive, upon a written notarized request or upon personal request with proof of identification, a report of all information pertinent to the subject's case contained in the central registry, but the director of the central registry is authorized to prohibit the release of data that would identify the person who made the report or who cooperated in a subsequent investigation and that ~~he~~ THE DIRECTOR reasonably finds to be detrimental to the safety or interests of such person. A person requesting registry information pursuant to this paragraph (b) shall be assessed a fee which shall be established and collected in accordance with subsection (14) of this section.

(7) (b) (III) The state department, through rule-making, shall define minor offense and good cause; except that minor offense shall not include any incident involving sexual abuse. Each subject provided a notice in accordance with paragraph (a) of subsection (6) of this section shall be informed about expungement pursuant to this paragraph (b). In addition, each subject shall be notified of the director's decision concerning expungement pursuant to this paragraph (b) ~~no later than ninety days after~~ AT the expiration of the two years. A subject denied expungement pursuant to this paragraph (b) may seek to amend, expunge, or seal a record pursuant to paragraph (a) of this subsection (7). Such appeal shall be made no later than ninety days after

the date of the mailing to the subject of the notice of denial.

(14) Any person or agency provided central registry information in accordance with this section or section ~~19-1-120 (2) (d), (2) (e)~~, 19-1-307 (2) (i) and (2) (k) to (2) (o) AND ANY CHILD PLACEMENT AGENCY shall be assessed a fee which shall not exceed the direct and indirect costs of administering such sections. All fees collected in accordance with this subsection (14) shall be transmitted to the state treasurer who shall credit the same to the central registry fund which is hereby created. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs of administering the statutory provisions cited in this subsection (14).

SECTION 10. 19-1-103 (48), Colorado Revised Statutes, 1986 Repl. Vol., as amended by House Bill 96-1019, enacted at the Second Regular Session of the Sixtieth General Assembly, is amended, and the said 19-1-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

(16.5) "CASE MANAGEMENT PURPOSES", AS USED IN SECTION 19-1-303, MEANS ASSESSMENTS, EVALUATIONS, TREATMENT, EDUCATION, PROPER DISPOSITION OR PLACEMENT OF THE CHILD, INTERAGENCY COORDINATION, AND OTHER SERVICES THAT ARE INCIDENTAL TO THE ADMINISTRATION OF THE PROGRAM AND IN THE BEST INTERESTS OF THE CHILD.

(48) "Expungement", as used in section 19-2-206, means the designation of JUVENILE DELINQUENCY records whereby such records are deemed never to have existed. ~~Upon the entry of an expungement order, the person, agency, and court may properly indicate that no record exists.~~

(77.5) "NEED TO KNOW", AS USED IN SECTION 19-1-303, MEANS AGENCIES OR INDIVIDUALS WHO NEED ACCESS TO CERTAIN INFORMATION FOR THE CARE, TREATMENT, SUPERVISION, OR PROTECTION OF A CHILD.

SECTION 11. 22-2-119 (1) (b) (II), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-2-119. Department of education - inquiries by boards of education concerning prospective employees. (1) When an inquiry is made by a board of education of a school district pursuant to the provisions of section 22-32-109.7 (1) or by the governing board of a nonpublic school pursuant to the provisions of section 22-1-121 concerning a prospective employee, the department shall provide the following information concerning such person:

(b) (II) The department of education shall not disclose to any prospective employer any information reported to the department from a school district pursuant to section 22-32-109.7 (3) unless and until the department confirms that the allegation resulted in such person's name being placed on the state central registry of child protection established pursuant to section 19-3-313, C.R.S. The department shall request a check of the central registry pursuant to the provisions of section ~~19-1-120 (2) (f)~~

19-1-307 (2) (1), C.R.S.

SECTION 12. 22-33-105 (5) (a), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-33-105. Suspension, expulsion, and denial of admission. (5) (a) Whenever a petition filed in juvenile court alleges that a child between the ages of fourteen to eighteen has committed an offense that would constitute a crime of violence, as defined in section 16-11-309, C.R.S., if committed by an adult or whenever charges filed in district court allege that a child has committed such an offense, basic identification information concerning such child and the details of the alleged delinquent act or offense shall be provided immediately to the school district in which the child is enrolled in accordance with the provisions of section ~~19-1-119 (5)~~ 19-1-304 (5), C.R.S. Upon receipt of such information, the board of education of the school district shall meet in executive session, as allowed by section 24-6-402 (4) (h), C.R.S., for the purpose of conducting a hearing to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. If the board of education, in accordance with the provisions of this subsection (5), makes a determination that the student should not be educated in the school, the board shall determine if sufficient grounds exist to expel the student at that time and shall proceed with the expulsion. Alternatively, the board may determine that it will wait until the conclusion of the juvenile proceedings to consider the expulsion matter, in which case it shall be the responsibility of the district to provide said student with an appropriate alternate education program or a home-based education program. Information made available to the school district and not otherwise available to the public pursuant to the provisions of section ~~19-1-119~~ 19-1-304, C.R.S., shall remain confidential.

SECTION 13. 24-33.5-412 (3) (b), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-33.5-412. Functions of bureau - legislative review. (3) (b) On or after July 1, 1983, the bureau may establish a program under which every entity, agency, or facility specified in paragraph (a) of this subsection (3) shall furnish to the bureau the information specified in section ~~19-2-902 (3)~~ 19-1-306 (3), C.R.S.

SECTION 14. 25-1-122.5, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-1-122.5. Confidentiality of genetic testing records - "Uniform Parentage Act". Notwithstanding any other law concerning public records, any records or information concerning the genetic testing of a person for purposes of the determination of parentage pursuant to article 4 of title 19, C.R.S., shall be confidential and shall not be disclosed except as otherwise provided in section ~~19-1-121~~ 19-1-308, C.R.S.

SECTION 15. Effective date. This act shall take effect January 1, 1997.

SECTION 16. 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: June 1, 1996