

CHAPTER 180

**CHILDREN AND DOMESTIC MATTERS**

HOUSE BILL 04-1370

BY REPRESENTATIVE(S) Frangas, Williams T., Boyd, Carroll, Cloer, Coleman, May M., McGihon, Stafford, and Vigil;  
also SENATOR(S) Lamborn, Entz, Evans, Groff, and Tapia.

**AN ACT**

**CONCERNING THE AUTHORITY FOR A COUNTY DEPARTMENT TO ENTER INTO VOLUNTARY SAFETY PLAN AGREEMENTS RELATED TO FIRST-TIME MINOR INCIDENTS OF CHILD ABUSE.**

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

**SECTION 1.** Part 3 of article 3 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**19-3-309.5. Preconfirmation safety plan agreement - first-time minor incidents of child abuse or neglect - rules.** (1) THE COUNTY DEPARTMENT AND ANY PERSON WHO IS BELIEVED TO BE RESPONSIBLE FOR THE ABUSE OR NEGLECT OF A CHILD AS A RESULT OF AN INVESTIGATION OF A REPORT OF CHILD ABUSE OR NEGLECT PURSUANT TO SECTION 19-3-308 MAY AGREE TO DEFER THE FILING OF A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT WITH THE STATE DEPARTMENT AS REQUIRED BY SECTION 19-3-307 AND ENTER INTO A SAFETY PLAN AGREEMENT WHEN THE FOLLOWING CIRCUMSTANCES EXIST:

(a) THE PERSON WHO IS BELIEVED TO BE RESPONSIBLE FOR THE CHILD ABUSE OR NEGLECT HAS HAD NO PREVIOUS ALLEGATION OF CHILD ABUSE OR NEGLECT INVESTIGATED;

(b) THE CHILD ABUSE OR NEGLECT THAT THE PERSON IS BELIEVED TO BE RESPONSIBLE FOR IS AT THE LEVEL OF A MINOR INCIDENT OF ABUSE OR NEGLECT, AS DEFINED BY RULE OF THE STATE BOARD;

(c) THE PERSON WHO IS BELIEVED TO BE RESPONSIBLE FOR THE MINOR INCIDENT OF CHILD ABUSE OR NEGLECT AND THE COUNTY DEPARTMENT DECIDE ON A MUTUALLY AGREEABLE METHOD FOR RESOLVING THE ISSUES RELATED TO THE REPORT; AND

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

(d) THE REQUIREMENTS SET FORTH IN THE SAFETY PLAN AGREEMENT FOR RESOLVING THE ISSUES RELATED TO THE REPORT CAN BE COMPLETED WITHIN SIXTY DAYS AFTER THE REPORT OF CHILD ABUSE OR NEGLECT IS MADE TO THE COUNTY DEPARTMENT OR THE LOCAL LAW ENFORCEMENT AGENCY.

(2) (a) IF A PERSON WHO IS BELIEVED TO BE RESPONSIBLE FOR THE CHILD ABUSE OR NEGLECT COMPLETES THE MUTUALLY AGREED UPON SAFETY PLAN AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION (1) OF THIS SECTION, THEN THE COUNTY DEPARTMENT SHALL RELEASE HIM OR HER FROM THE TERMS OF THE AGREEMENT, AND SHALL NOT FILE A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT RELATED TO THE INCIDENT WITH THE STATE DEPARTMENT.

(b) IF A PERSON WHO IS BELIEVED TO BE RESPONSIBLE FOR THE CHILD ABUSE OR NEGLECT DOES NOT COMPLETE THE MUTUALLY AGREED UPON SAFETY PLAN AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION (1) OF THIS SECTION, AS DETERMINED BY THE COUNTY DEPARTMENT, THEN THE COUNTY DEPARTMENT SHALL FILE A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT WITH THE STATE DEPARTMENT.

(c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ELIMINATE A COUNTY DEPARTMENT'S OBLIGATION TO REPORT TO THE STATE DEPARTMENT THAT THERE WAS AN INVESTIGATION OF A REPORT OF ABUSE OR NEGLECT OF A CHILD AND TO FURTHER REPORT THE COUNTY DEPARTMENT'S ASSESSMENT OF RISK, THE COUNTY DEPARTMENT'S DECISION REGARDING A REFERRAL OF THE MATTER TO CHILD WELFARE SERVICES, AND ANY COUNTY DEPARTMENT DECISION TO DEFER THE FILING OF A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT PURSUANT TO THIS SECTION.

(3) PARTICIPATION IN A SAFETY PLAN AGREEMENT BY ANY COUNTY DEPARTMENT AND BY ANY PERSON WHO IS BELIEVED TO BE RESPONSIBLE FOR CHILD ABUSE OR NEGLECT SHALL BE AT THE DISCRETION OF THE PERSON BELIEVED TO BE RESPONSIBLE FOR THE CHILD ABUSE OR NEGLECT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CONFER A RIGHT UPON A PERSON WHO IS BELIEVED TO BE RESPONSIBLE FOR THE ABUSE OR NEGLECT OF A CHILD TO ENTER INTO A SAFETY PLAN AGREEMENT OR TO REQUIRE A COUNTY DEPARTMENT TO ENTER INTO A SAFETY PLAN AGREEMENT WITH A PERSON WHO IS BELIEVED TO BE RESPONSIBLE FOR THE ABUSE OR NEGLECT OF A CHILD.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO OBLIGATE A COUNTY DEPARTMENT TO EXPEND MONEYS TO PROVIDE SERVICES TO PERSONS FOR THE PURPOSE OF ENTERING INTO A SAFETY PLAN AGREEMENT PURSUANT TO THIS SECTION.

(5) FOR PURPOSES OF THIS SECTION, "SAFETY PLAN AGREEMENT" MEANS AN AGREEMENT BETWEEN THE COUNTY DEPARTMENT AND THE PERSON WHO IS BELIEVED TO BE RESPONSIBLE FOR THE ABUSE OR NEGLECT OF A CHILD, DEVELOPED PURSUANT TO THIS SECTION AFTER A SAFETY ASSESSMENT IS COMPLETED BY THE COUNTY DEPARTMENT THAT IDENTIFIES CONDITIONS THAT WILL ENDANGER THE CHILD, IN ORDER TO FULLY ADDRESS ALL OBVIOUS SAFETY CONCERNS IDENTIFIED IN THE SAFETY ASSESSMENT.

(6) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS SECTION.

(7) AN AGREEMENT TO ENTER INTO A SAFETY PLAN AGREEMENT PURSUANT TO THIS SECTION SHALL NOT NEGATE A PERSON'S RIGHT TO APPEAL A LATER FINDING OF CHILD ABUSE OR NEGLECT.

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 2004, and shall apply to reports of known or suspected child abuse or neglect made to the county department of social services or a local law enforcement agency on or after said date.

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

Approved: April 21, 2004