

CHAPTER 241

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 04-1061

BY REPRESENTATIVE(S) Berry, Hefley, Jahn, Madden, McFadyen, Williams S., Borodkin, Boyd, Butcher, Carroll, Coleman, Decker, Frangas, Marshall, Merrifield, Miller, Paccione, Romanoff, Stafford, Tochtrop, and Weissmann;
also SENATOR(S) Takis, Dyer, Fitz-Gerald, Groff, Hagedorn, Hanna, Isgar, Phillips, Sandoval, Tapia, Teck, Tupa, and Windels.

AN ACT**CONCERNING THE UTILIZATION OF CHILD ADVOCACY CENTERS.**

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

SECTION 1. 19-3-308.5 (1) (a) and (1) (e), Colorado Revised Statutes, are amended, and the said 19-3-308.5 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

19-3-308.5. Recorded interviews of child. (1) (a) Any interview of a child conducted pursuant to section 19-3-308, concerning a report of child abuse, may be audiotaped or videotaped. However, interviews concerning reports of sexual child abuse are strongly encouraged to be videotaped. Any audiotaped or videotaped interview shall be conducted BY A COMPETENT INTERVIEWER AT A CHILD ADVOCACY CENTER AS THAT TERM IS DEFINED IN SECTION 19-1-103 (19.5), THAT HAS A MEMORANDUM OF UNDERSTANDING WITH THE AGENCY RESPONSIBLE FOR THE INVESTIGATION OR by a competent interviewer for the agency responsible for the investigation in accordance with such section; except that an interview shall not be videotaped when doing so is impracticable under the circumstances or will result in trauma to the child, as determined by the investigating agency. No more than one videotaped interview shall be required unless the interviewer or the investigating agency determines that additional interviews are necessary to complete an investigation. Additional interviews shall be conducted, to the extent possible, by the same interviewer. Such recordings shall be preserved as evidence in the manner and for a period provided by law for maintaining such evidence. In addition, access to such recordings shall be subject to the rules of discovery under the Colorado rules of criminal and civil procedure.

(e) (I) Any agency subject to the provisions of this section shall provide equipment

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

necessary to videotape OR AUDIOTAPE THE interviews ~~and~~ OR SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH A CHILD ADVOCACY CENTER AUTHORIZING THE USE OF SUCH EQUIPMENT. THE INVESTIGATING AGENCY shall train persons responsible for conducting videotaped interviews in accordance with this section; EXCEPT THAT THE AGENCY SHALL NOT BE RESPONSIBLE FOR TRAINING INTERVIEWERS EMPLOYED BY A CHILD ADVOCACY CENTER. The agency shall adopt standards for persons conducting such interviews.

(II) The standards required in subparagraph (I) of this paragraph (e) shall be adopted on or before January 1, 1994.

(f) AN AGENCY THAT ENTERS INTO A MEMORANDUM OF UNDERSTANDING WITH A CHILD ADVOCACY CENTER THAT EMPLOYS INTERVIEWERS SHALL ASSURE THAT SUCH INTERVIEWERS MEET THE TRAINING STANDARDS FOR PERSONS CONDUCTING INTERVIEWS ADOPTED BY THE AGENCY PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (1). IN ADDITION, AN AGENCY THAT ENTERS INTO A MEMORANDUM OF UNDERSTANDING WITH A CHILD ADVOCACY CENTER THAT PROVIDES TECHNICAL ASSISTANCE FOR FORENSIC INTERVIEWS, FORENSIC MEDICAL EXAMINATIONS, OR EVIDENCE COLLECTION OR PRESERVATION MAY REQUIRE THAT THE CHILD ADVOCACY CENTER MEETS THE NATIONAL PERFORMANCE STANDARDS FOR CHILDREN'S ADVOCACY CENTERS AS ESTABLISHED BY THE NATIONAL ACCREDITING BODY. THESE STANDARDS INCLUDE, BUT ARE NOT LIMITED TO, STANDARDS FOR FORENSIC INTERVIEWS TO BE CONDUCTED IN A MANNER WHICH IS OF A NEUTRAL, FACT-FINDING NATURE, AND COORDINATED TO AVOID DUPLICATIVE INTERVIEWING.

SECTION 2. 19-1-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(19.5) "CHILD ADVOCACY CENTER", AS USED IN PART 3 OF ARTICLE 3 OF THIS TITLE, MEANS A CENTER THAT PROVIDES A COMPREHENSIVE MULTI-DISCIPLINARY TEAM RESPONSE TO ALLEGATIONS OF CHILD ABUSE OR NEGLECT IN A DEDICATED, CHILD-FRIENDLY SETTING. THE TEAM RESPONSE TO ALLEGATIONS OF CHILD ABUSE OR NEGLECT INCLUDES, BUT IS NOT LIMITED TO, TECHNICAL ASSISTANCE FOR FORENSIC INTERVIEWS, FORENSIC MEDICAL EXAMINATIONS, MENTAL HEALTH AND RELATED SUPPORT SERVICES, CONSULTATION, TRAINING, AND EDUCATION.

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: May 21, 2004