

## CHAPTER 369

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**CHILDREN AND DOMESTIC MATTERS**


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**HOUSE BILL 04-1254**

BY REPRESENTATIVE(S) Welker, Crane, Harvey, Hefley, Stafford, Williams S., and Williams T.;  
also SENATOR(S) Johnson S., and Evans.

**AN ACT****CONCERNING INVESTIGATIONS OF CHILD CARE PROVIDERS.**

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

**SECTION 1.** 19-3-308 (4.5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - child protection team - rules.** (4.5) (a.5) (I) THE STATE DEPARTMENT SHALL ADOPT RULES THAT SPECIFY THAT PRIOR TO NOTICE OF AN INVESTIGATION BEING SENT TO THE PARENTS OR LEGAL GUARDIANS OF CHILDREN CARED FOR AT A CHILD CARE CENTER, AS THAT TERM IS DEFINED IN SECTION 26-6-102 (1.5), C.R.S., OR A FAMILY CHILD CARE HOME, AS THAT TERM IS DEFINED IN SECTION 26-6-102 (4), C.R.S., WHICH CHILDREN WERE NOT INVOLVED IN THE INCIDENT BEING INVESTIGATED, THE STATE DEPARTMENT OR THE COUNTY DEPARTMENT SHALL ENSURE THAT:

(A) THE INCIDENT OF ALLEGED CHILD ABUSE OR NEGLECT THAT PROMPTED THE INVESTIGATION IS AT THE LEVEL OF A MEDIUM, SEVERE, OR FATAL INCIDENT OF ABUSE OR NEGLECT, AS DEFINED BY RULE OF THE STATE BOARD, OR INVOLVES SEXUAL ABUSE;

(B) THE STATE DEPARTMENT OR COUNTY DEPARTMENT HAS MADE A DETERMINATION AS TO WHETHER NOTICE TO THE PARENTS OR LEGAL GUARDIANS OF THE UNINVOLVED CHILDREN IS ESSENTIAL TO THE INVESTIGATION OF THE SPECIFIC ALLEGATION OR IS NECESSARY FOR THE SAFETY OF CHILDREN CARED FOR AT THE FACILITY; AND

(C) THE STATE DEPARTMENT OR COUNTY DEPARTMENT HAS STATED IN WRITING

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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.*

THE BASIS FOR THE DETERMINATION AND A STATE DEPARTMENT OR COUNTY DEPARTMENT SUPERVISOR HAS PROVIDED WRITTEN APPROVAL OF THE DETERMINATION, WHICH BASIS AND APPROVAL MAY BE IN ELECTRONIC FORM.

(II) THE RULES ADOPTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5) SHALL REQUIRE THE NOTICE OF INVESTIGATION TO BE SENT TO THE PARENTS OR LEGAL GUARDIANS WITHIN SEVENTY-TWO HOURS AFTER THE DETERMINATION DESCRIBED IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5) IS MADE.

**SECTION 2. 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 4, 2004