

CHAPTER 166

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 05-1141

BY REPRESENTATIVE(S) Harvey, Berens, Boyd, Buescher, Clapp, Frangas, Green, Hefley, Hoppe, Jahn, Knoedler, Lindstrom, Lundberg, Merrifield, Penry, Riesberg, Rose, Schultheis, Solano, Soper, Stafford, Sullivan, Todd, Romanoff, Crane, Garcia, King, May M., and McGihon;

also SENATOR(S) Tochtrop, Anderson, Dyer, Evans, Fitz-Gerald, Groff, Grossman, Hanna, Isgar, Keller, Kester, Shaffer, Tapia, Taylor, Teck, Tupa, Veiga, and Williams.

AN ACT

CONCERNING DEFINING CHILD ABUSE TO INCLUDE THE CIRCUMSTANCES IN WHICH A CHILD TESTS POSITIVE AT BIRTH FOR CERTAIN CONTROLLED SUBSTANCES.

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

SECTION 1. 19-1-103 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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

(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(VII) ANY CASE IN WHICH A CHILD TESTS POSITIVE AT BIRTH FOR EITHER A SCHEDULE-I CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-203, C.R.S., OR A SCHEDULE-II CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-204, C.R.S., UNLESS THE CHILD TESTS POSITIVE FOR A SCHEDULE-II CONTROLLED SUBSTANCE AS A RESULT OF THE MOTHER'S LAWFUL INTAKE OF SUCH SUBSTANCE AS PRESCRIBED.

SECTION 2. 19-3-102 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19-3-102. Neglected or dependent child. (1) A child is neglected or dependent if:

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

(g) THE CHILD TESTS POSITIVE AT BIRTH FOR EITHER A SCHEDULE-I CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-203, C.R.S., OR A SCHEDULE-II CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-204, C.R.S., UNLESS THE CHILD TESTS POSITIVE FOR A SCHEDULE-II CONTROLLED SUBSTANCE AS A RESULT OF THE MOTHER'S LAWFUL INTAKE OF SUCH SUBSTANCE AS PRESCRIBED.

SECTION 3. 19-3-308 (1), 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. (1) (c) IT SHALL BE AN APPROPRIATE RESPONSE TO A REPORT OF A KNOWN OR SUSPECTED INCIDENT OF INTRAFAMILIAL ABUSE OR NEGLECT FOR A COUNTY DEPARTMENT TO REQUIRE A PARENT OR A CHILD PLACEMENT AGENCY ASSISTING A PARENT TO VERIFY THAT A PETITION FOR RELINQUISHMENT HAS BEEN FILED OR IS IMMINENT AND TO DEEM THAT A REPORT DOES NOT REQUIRE ADDITIONAL INVESTIGATION PENDING FINALIZATION OF THE RELINQUISHMENT IN THE FOLLOWING CIRCUMSTANCE:

(I) WHEN THE REPORT OF A KNOWN OR SUSPECTED INCIDENT OF INTRAFAMILIAL ABUSE OR NEGLECT INVOLVES A CASE IN WHICH THE CHILD TESTS POSITIVE AT BIRTH FOR EITHER A SCHEDULE-I OR A SCHEDULE-II CONTROLLED SUBSTANCE; AND

(II) THE PARENTS OF THE CHILD HAVE FILED OR A CHILD PLACEMENT AGENCY ASSISTING THE PARENTS HAS FILED A PETITION FOR RELINQUISHMENT OR ANTICIPATES FILING A PETITION FOR RELINQUISHMENT PURSUANT TO THE EXPEDITED RELINQUISHMENT PROCESS DESCRIBED IN SECTION 19-5-103.5.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to actions filed on or after said date.

SECTION 5. 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 26, 2005