

## CHAPTER 84

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**HUMAN SERVICES - MENTAL HEALTH**


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**HOUSE BILL 09-1178**

BY REPRESENTATIVE(S) Green, Gerou, Hullinghorst, Kerr A., Labuda, McGihon, Merrifield, Middleton, Ryden, Schafer S., Todd, Acree, Frangas, Soper;  
 also SENATOR(S) Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Morse, Newell, Schwartz, Shaffer B., Spence, Tochtrop, Williams.

**AN ACT**

**CONCERNING THE CREATION OF A TASK FORCE TO STUDY THE ESTABLISHMENT OF A REGISTRY OF CAREGIVERS WHO ARE DEEMED TO HAVE A SUBSTANTIATED ALLEGATION OF WRONGDOING AGAINST A PERSON WITH A DEVELOPMENTAL DISABILITY.**

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

**SECTION 1.** Part 1 of article 10.5 of title 27, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**27-10.5-143. Caregiver abuse - task force.** (1) THERE IS HEREBY CREATED A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS FOR DEVELOPING A PLAN FOR THE DEPARTMENT TO IMPLEMENT A REGISTRY OF CAREGIVERS WHO HAVE A SUBSTANTIATED ALLEGATION OF EXPLOITATION, MISTREATMENT, NEGLECT, PHYSICAL ABUSE, OR SEXUAL ABUSE OF A PERSON WITH A DEVELOPMENTAL DISABILITY, REFERRED TO IN THIS SECTION AS A "REGISTRY". THE TASK FORCE SHALL BE LIMITED TO TWENTY MEMBERS AND MAY INCLUDE VOLUNTARY REPRESENTATION FROM INTERESTED PARTIES, INCLUDING BUT NOT LIMITED TO PERSONS WITH DISABILITIES, MEMBERS OF THE GENERAL ASSEMBLY, THE DIVISION FOR DEVELOPMENTAL DISABILITIES IN THE DEPARTMENT, COMMUNITY CENTERED BOARDS, SERVICE PROVIDERS, FAMILY MEMBERS, ADVOCATES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, THE JUDICIAL DEPARTMENT, LAW ENFORCEMENT AGENCIES, PERSONS WITH LEGAL OR JUDICIAL EXPERTISE IN ABUSE REGISTRIES, AND ANY OTHER INTERESTED PARTY. THE MEMBERS OF THE TASK FORCE SHALL SELECT A CHAIR AND VICE-CHAIR AT THE FIRST MEETING. IN DEVELOPING THE PLAN, THE TASK FORCE MAY CONSIDER EXISTING REGISTRY MODELS IN COLORADO, AS WELL AS STATUTORY MODELS FOR CAREGIVER ABUSE REGISTRIES IN OTHER STATES. THE DEPARTMENT SHALL NOT PROVIDE STAFF SUPPORT TO THE TASK FORCE. MEMBERS

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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.*

OF THE TASK FORCE SHALL SERVE WITHOUT PAY AND WITHOUT COMPENSATION FOR EXPENSES. MEMBERS OF THE TASK FORCE ARE ENCOURAGED TO MEET MONTHLY, BEGINNING ON OR BEFORE JUNE 2009 AND ENDING JUNE 2010, AT WHICH TIME THE TASK FORCE SHALL MAKE A REPORT OF ITS ACTIVITIES AND FINDINGS TO THE DEPARTMENT OF HUMAN SERVICES.

(2) IN DEVELOPING THE PLAN, THE TASK FORCE IS ENCOURAGED TO CONSIDER THE FOLLOWING ISSUES RELATED TO THE CREATION AND IMPLEMENTATION OF A REGISTRY:

(a) A REVIEW AND EVALUATION OF EXISTING PROCESSES TO DETERMINE CURRENT BEST PRACTICES AND WAYS TO BUILD ON THE EXISTING SYSTEM;

(b) CLEAR AND CONSISTENT STANDARDS CONCERNING WHAT CONSTITUTES A SUBSTANTIATED ALLEGATION OF EXPLOITATION, MISTREATMENT, NEGLECT, PHYSICAL ABUSE, OR SEXUAL ABUSE OF A PERSON WITH A DEVELOPMENTAL DISABILITY;

(c) A DEFINITION OF FAMILY AND A DETERMINATION OF WHETHER A FAMILY MEMBER WHO ACTS AS A CAREGIVER TO A PERSON WITH A DEVELOPMENTAL DISABILITY SHOULD BE INCLUDED ON THE REGISTRY;

(d) DUE PROCESS CONSIDERATIONS FOR INDIVIDUALS WHOSE NAMES ARE ON THE REGISTRY OR ARE GOING TO BE PLACED ON THE REGISTRY, INCLUDING THE RIGHT TO BE ADVISED OF ANY ALLEGATIONS AND AN OPPORTUNITY TO BE HEARD, REQUEST A HEARING, AND BE REPRESENTED BY LEGAL COUNSEL;

(e) THE NEED FOR THOROUGH AND FAIR INVESTIGATIONS, INCLUDING WHO WOULD PERFORM THE INVESTIGATIONS AND UNIFORM STANDARDS AND TRAINING FOR THOSE INVESTIGATORS;

(f) ANY STATUTES THAT NEED MODIFICATION DUE TO THE CREATION OF A REGISTRY;

(g) INFORMATION TECHNOLOGY NEEDS AND PERSONNEL SERVICES ASSOCIATED WITH THE CREATION, IMPLEMENTATION, AND ONGOING ADMINISTRATION OF A REGISTRY;

(h) THE COSTS ASSOCIATED WITH CREATING AND IMPLEMENTING A REGISTRY, INCLUDING WHETHER FEDERAL FUNDS OR OTHER POTENTIAL FUNDING SOURCES MAY BE AVAILABLE TO COVER ANY PORTION OF SUCH COSTS; AND

(i) A PROCESS AND TIMELINE TO PHASE IN A REGISTRY.

**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: April 2, 2009