

CHAPTER 129

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 10-1226

BY REPRESENTATIVE(S) Kefalas, Apuan, Casso, Curry, Frangas, Labuda, Middleton, Schafer S., Todd, Vigil;
also SENATOR(S) Spence, Boyd, Brophy, Foster, Gibbs, Heath, Hudak, Kester, King K., Mitchell, Newell, Penry, Schwartz,
Shaffer B., Steadman, Tapia, Tochtrop, Williams.

AN ACT

**CONCERNING AN ALTERNATIVE APPROACH FOR A COUNTY DEPARTMENT OF SOCIAL SERVICES TO
USE IN ADDRESSING CERTAIN INTRAFAMILIAL CHILD ABUSE OR NEGLECT CASES.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) The protection of children from abuse or neglect is the highest priority of Colorado's public child welfare system;

(b) Current laws and practices treat all reports of alleged child abuse or neglect in the same manner, which often results in an adversarial court process when an investigation by a county department of social services produces a finding that abuse or neglect did occur; and

(c) For some cases in which an investigation determines that the safety of the child is not at risk, an adversarial court process may not provide the best intervention to help the family prevent future incidents.

(2) Now, therefore, the general assembly hereby declares that:

(a) The state department of human services shall establish and evaluate a pilot program in selected counties, which pilot program shall authorize the participating counties to use an alternative approach to addressing reports of alleged child abuse or neglect in cases in which an assessment determines that the safety of the child is at low or moderate risk; and

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

(b) The pilot program shall:

(I) Encourage willing families to participate in services that address the underlying causative factors resulting in child abuse or neglect;

(II) Expedite the delivery of such services to families; and

(III) Provide knowledge and skills to families to responsibly protect their children.

SECTION 2. 19-3-308 (1.5), 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 - investigations - child protection team - rules - repeal. (1.5) (c) (I) ON AND AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c), IF A COUNTY DEPARTMENT THAT IS PARTICIPATING IN THE DIFFERENTIAL RESPONSE PILOT PROGRAM PURSUANT TO SECTION 19-3-308.3 DETERMINES FROM AN ASSESSMENT PERFORMED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.5) THAT THE KNOWN OR SUSPECTED INCIDENT OF INTRAFAMILIAL ABUSE OR NEGLECT THAT WAS THE BASIS FOR THE ASSESSMENT IS OF LOW OR MODERATE RISK, THE COUNTY DEPARTMENT, IN LIEU OF PERFORMING AN INVESTIGATION PURSUANT TO THIS SECTION, MAY PROCEED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 19-3-308.3.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2015.

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

19-3-308.3. Differential response pilot program for child abuse or neglect cases of low or moderate risk - rules - reports evaluation - repeal.

(1) (a) THERE IS HEREBY CREATED THE DIFFERENTIAL RESPONSE PILOT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PILOT PROGRAM", TO ALLOW FIVE COUNTY DEPARTMENTS, ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, TO ADDRESS KNOWN OR SUSPECTED INCIDENTS OF INTRAFAMILIAL ABUSE OR NEGLECT THAT HAVE BEEN ASSESSED, PURSUANT TO RULE OF THE STATE BOARD, TO BE OF LOW OR MODERATE RISK. THE FIVE COUNTY DEPARTMENTS SHALL BE CHOSEN BY THE STATE DEPARTMENT AND ARE REFERRED TO IN THIS SECTION AS THE "PARTICIPATING COUNTY DEPARTMENTS".

(b) THE STATE DEPARTMENT IS AUTHORIZED TO SOLICIT, ACCEPT, AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE PILOT PROGRAM.

(2) PARTICIPATION IN THE PILOT PROGRAM BY FAMILIES WHO ARE REFERRED TO THE PILOT PROGRAM SHALL BE VOLUNTARY.

(3) FOR EACH FAMILY WHO IS REFERRED TO THE PILOT PROGRAM, NEITHER THE STATE DEPARTMENT NOR A COUNTY DEPARTMENT SHALL BE REQUIRED TO MAKE A FINDING CONCERNING THE ALLEGED INTRAFAMILIAL ABUSE OR NEGLECT IN THE FAMILY.

(4) THE STATE DEPARTMENT AND THE PARTICIPATING COUNTY DEPARTMENTS SHALL ADMINISTER THE PILOT PROGRAM IN ACCORDANCE WITH SUCH RULES AS MAY BE PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (6) OF THIS SECTION.

(5) TO THE EXTENT PERMITTED BY LAW AND BY SUCH RULES AS MAY BE PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (6) OF THIS SECTION, THE PARTICIPATING COUNTY DEPARTMENTS, IN ADMINISTERING THE PILOT PROGRAM, SHALL COOPERATE WITH LOCAL COMMUNITY SERVICE ORGANIZATIONS IN ADDRESSING KNOWN OR SUSPECTED INCIDENTS OF INTRAFAMILIAL ABUSE OR NEGLECT.

(6) THE STATE BOARD MAY PROMULGATE RULES FOR THE ADMINISTRATION OF THE PILOT PROGRAM.

(7) ON OR BEFORE NOVEMBER 1, 2014, EACH PARTICIPATING COUNTY DEPARTMENT SHALL PREPARE AND SUBMIT TO THE STATE DEPARTMENT A REPORT CONCERNING THE PARTICIPATING COUNTY DEPARTMENT'S ADMINISTRATION OF THE PILOT PROGRAM SINCE THE EFFECTIVE DATE OF THIS SECTION.

(8) ON OR BEFORE JANUARY 1, 2015, THE STATE DEPARTMENT SHALL PREPARE AND SUBMIT TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT CONCERNING THE ADMINISTRATION OF THE PILOT PROGRAM SINCE THE EFFECTIVE DATE OF THIS SECTION. THE REPORT, AT A MINIMUM, SHALL INCLUDE:

(a) AN EVALUATION OF THE PILOT PROGRAM'S SUCCESS OR FAILURE, WHICH EVALUATION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, CONSIDERATION OF THE PILOT PROGRAM'S EFFECTIVENESS IN ACHIEVING THE FOLLOWING OUTCOMES:

- (I) CHILD SAFETY AND PERMANENCY;
- (II) FAMILY AND CASEWORKER SATISFACTION; AND
- (III) COST EFFECTIVENESS.

(b) A DESCRIPTION OF ANY SPECIFIC PROBLEMS THAT THE STATE DEPARTMENT OR PARTICIPATING COUNTY DEPARTMENTS ENCOUNTERED DURING THEIR ADMINISTRATION OF THE PILOT PROGRAM, INCLUDING ANY RECOMMENDATIONS THAT THE STATE DEPARTMENT MAY HAVE FOR LEGISLATION TO ADDRESS SUCH PROBLEMS.

(c) A RECOMMENDATION BY THE STATE DEPARTMENT AS TO WHETHER THE GENERAL ASSEMBLY SHOULD REPEAL THE PILOT PROGRAM, CONTINUE THE PILOT PROGRAM FOR A SPECIFIC PERIOD, OR ESTABLISH THE PILOT PROGRAM STATEWIDE ON A PERMANENT BASIS.

(9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 4. 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 15, 2010