

CHAPTER 224

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 10-152

BY SENATOR(S) Newell, Bacon, Boyd, Foster, Hodge, Keller, Sandoval, Schwartz, Steadman, Tochtrop, Gibbs, Hudak, Johnston, Morse, Tapia, Williams, Heath;
also REPRESENTATIVE(S) Gagliardi, Apuan, May, Merrifield, Peniston, Primavera, Todd, Casso, Fischer, Gerou, Kefalas, Kerr J., Labuda, Massey, Pace, Priola, Schafer S., Vigil.

AN ACT**CONCERNING INFORMATION RELATING TO A REFERRAL OF SUSPECTED CHILD ABUSE BY CERTAIN MANDATORY REPORTERS.**

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

SECTION 1. 19-1-307 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty. (2) Records and reports - access to certain persons - agencies. Except as otherwise provided in section 19-1-303, only the following persons or agencies shall be given access to child abuse or neglect records and reports:

(e.5) (I) A MANDATORY REPORTER SPECIFIED IN THIS SUBPARAGRAPH (I) WHO IS AND CONTINUES TO BE OFFICIALLY AND PROFESSIONALLY INVOLVED IN THE ONGOING CARE OF THE CHILD WHO WAS THE SUBJECT OF THE REPORT, BUT ONLY WITH REGARD TO INFORMATION THAT THE MANDATORY REPORTER HAS A NEED TO KNOW IN ORDER TO FULFILL HIS OR HER PROFESSIONAL AND OFFICIAL ROLE IN MAINTAINING THE CHILD'S SAFETY. A COUNTY DEPARTMENT MAY REQUEST WRITTEN AFFIRMATION FROM A MANDATORY REPORTER STATING THAT THE REPORTER CONTINUES TO BE OFFICIALLY AND PROFESSIONALLY INVOLVED IN THE ONGOING CARE OF THE CHILD WHO WAS THE SUBJECT OF THE REPORT AND DESCRIBING THE NATURE OF THE INVOLVEMENT. THIS SUBPARAGRAPH (I) SHALL APPLY TO:

(A) HOSPITAL PERSONNEL ENGAGED IN THE ADMISSION, CARE, OR TREATMENT OF CHILDREN;

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) MENTAL HEALTH PROFESSIONALS;
- (C) PHYSICIANS OR SURGEONS, INCLUDING PHYSICIANS IN TRAINING;
- (D) REGISTERED NURSES OR LICENSED PRACTICAL NURSES;
- (E) DENTISTS;
- (F) PSYCHOLOGISTS;
- (G) UNLICENSED PSYCHOTHERAPISTS;
- (H) LICENSED PROFESSIONAL COUNSELORS;
- (I) LICENSED MARRIAGE AND FAMILY THERAPISTS;
- (J) PUBLIC OR PRIVATE SCHOOL OFFICIALS OR EMPLOYEES;
- (K) SOCIAL WORKERS OR WORKERS WITH ANY FACILITY OR AGENCY THAT IS LICENSED OR CERTIFIED PURSUANT TO PART 1 OF ARTICLE 6 OF TITLE 26, C.R.S.;
- (L) VICTIM'S ADVOCATES, AS DEFINED IN SECTION 13-90-107 (1) (k) (II), C.R.S.;
AND
- (M) CLERGY MEMBERS, AS DEFINED IN SECTION 19-3-304 (2) (aa) (III).

(II) WITHIN THIRTY CALENDAR DAYS AFTER RECEIPT OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT FROM A MANDATORY REPORTER SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e.5), A COUNTY DEPARTMENT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE MANDATORY REPORTER FOR THE PURPOSE OF ASSISTING THE MANDATORY REPORTER IN HIS OR HER PROFESSIONAL AND OFFICIAL ROLE IN MAINTAINING THE CHILD'S SAFETY:

- (A) THE NAME OF THE CHILD AND THE DATE OF THE REPORT;
- (B) WHETHER THE REFERRAL WAS ACCEPTED FOR ASSESSMENT;
- (C) WHETHER THE REFERRAL WAS CLOSED WITHOUT SERVICES;
- (D) WHETHER THE ASSESSMENT RESULTED IN SERVICES RELATED TO THE SAFETY OF THE CHILD;
- (E) THE NAME OF AND CONTACT INFORMATION FOR THE COUNTY CASEWORKER RESPONSIBLE FOR INVESTIGATING THE REFERRAL; AND
- (F) NOTICE THAT THE REPORTING MANDATORY REPORTER MAY REQUEST UPDATED INFORMATION IDENTIFIED IN SUB-SUBPARAGRAPHS (A) TO (E) OF THIS SUBPARAGRAPH (II) WITHIN NINETY CALENDAR DAYS AFTER THE COUNTY DEPARTMENT RECEIVED THE REPORT AND INFORMATION CONCERNING THE PROCEDURE FOR OBTAINING UPDATED INFORMATION.

(III) INFORMATION DISCLOSED TO A MANDATORY REPORTER PURSUANT TO THIS PARAGRAPH (e.5) IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED BY THE MANDATORY REPORTER TO ANY OTHER PERSON EXCEPT AS PROVIDED BY LAW.

(IV) UNLESS REQUESTED BY A COUNTY DEPARTMENT, A MANDATORY REPORTER SHALL NOT HAVE THE AUTHORITY TO PARTICIPATE IN ANY DECISION MADE BY THE COUNTY DEPARTMENT CONCERNING A REPORT OF ABUSE OR NEGLECT.

(V) IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., THE STATE DEPARTMENT SHALL PROMULGATE ANY RULES NECESSARY FOR THE IMPLEMENTATION OF THIS PARAGRAPH (e.5).

SECTION 2. Act subject to petition - specified effective date - applicability.

(1) This act shall take effect September 1, 2010; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to reports of suspected abuse or neglect made on or after the applicable effective date of this act.

Approved: May 14, 2010