

CHAPTER 125

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 11-034

BY SENATOR(S) Nicholson, Aguilar, Bacon, Boyd, Giron, Guzman, Heath, Hudak, Jahn, Johnston, Morse, Newell, Schwartz, Shaffer B., Steadman, Tochtrop, Williams S., Foster, Hodge, King S.;
also REPRESENTATIVE(S) Summers, Casso, Conti, Duran, Kefalas, Labuda, Massey, Pabon, Pace, Ryden, Schafer S., Todd, Vigil, Wilson, Fields.

AN ACT

CONCERNING REQUIRING AN EDUCATOR WHO PROVIDES SERVICES THROUGH THE WOMEN, INFANTS, AND CHILDREN PROGRAM TO REPORT CHILD ABUSE OR NEGLECT.

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

SECTION 1. 19-3-304 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19-3-304. Persons required to report child abuse or neglect. (2) Persons required to report such abuse or neglect or circumstances or conditions shall include any:

(hh) EDUCATOR PROVIDING SERVICES THROUGH A FEDERAL SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN, AS PROVIDED FOR IN 42 U.S.C. SEC. 1786.

SECTION 2. The introductory portion to 19-1-307 (2) (e.5) (I), 19-1-307 (2) (e.5) (I) (L) and (2) (e.5) (I) (M), Colorado Revised Statutes, are amended, and the said 19-1-307 (2) (e.5) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, 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:

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

(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~~ SHALL 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, UNLESS THE COUNTY DEPARTMENT HAS ACTUAL KNOWLEDGE THAT THE MANDATORY REPORTER CONTINUES TO BE OFFICIALLY AND PROFESSIONALLY INVOLVED IN THE ONGOING CARE OF THE CHILD WHO WAS THE SUBJECT OF THE REPORT. This subparagraph (I) shall apply to:

(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); AND

(N) EDUCATORS PROVIDING SERVICES THROUGH A FEDERAL SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN, AS PROVIDED FOR IN 42 U.S.C. SEC. 1786.

SECTION 3. Act subject to petition - effective date. This act shall take effect January 1, 2012; 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 2012 and shall take effect on January 1, 2013, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: April 22, 2011