

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 10-0784.01 Brita Darling

SENATE BILL 10-152

SENATE SPONSORSHIP

Newell, Bacon, Boyd, Foster, Hodge, Keller, Sandoval, Schwartz, Steadman, Tochtrop

HOUSE SPONSORSHIP

Gagliardi, Apuan, May, Merrifield, Peniston, Primavera, Todd

Senate Committees

Health and Human Services

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires a county department of social services (county department) to provide information to a mandatory reporter concerning the mandatory reporter's report to the county department of suspected child abuse or neglect.

Within 30 calendar days after receipt of a report, the bill requires

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the county department to provide certain information to the mandatory reporter, including but not limited to the name of persons who may pose a safety risk to the victim, whether the victim has been returned to his or her home, whether the case has been closed, and contact information for the caseworker investigating the report. Within 90 calendar days after receipt of the report by the county department, a mandatory reporter may seek certain additional information from the county department.

The bill authorizes a county department to provide this information only to certain mandatory reporters, including but not limited to hospitals, physicians, nurses, school employees and officials, and mental health professionals.

Information disclosed to a mandatory reporter is confidential, and the mandatory reporter shall not disclose the information to any other person.

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

2 **SECTION 1.** Part 3 of article 3 of title 19, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **19-3-304.3. Information concerning report of child abuse or**
6 **neglect.** (1) WITHIN THIRTY CALENDAR DAYS AFTER RECEIPT OF A
7 REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT FROM A REPORTING
8 PARTY SPECIFIED IN SUBSECTION (2) OF THIS SECTION, A COUNTY
9 DEPARTMENT SHALL PROVIDE THE FOLLOWING INFORMATION AND NOTICE
10 TO THE REPORTING PARTY:

11 (a) THE CHILD'S NAME;

12 (b) THE IDENTIFICATION OF PERSONS WHO MAY POSE A SAFETY
13 RISK TO THE CHILD;

14 (c) A BRIEF DESCRIPTION OF ANY SAFETY PLAN OR TREATMENT
15 PLAN THAT HAS BEEN DEVELOPED BY THE COUNTY DEPARTMENT FOR THE
16 CHILD, INCLUDING INFORMATION CONCERNING OTHER AGENCIES, IF ANY,
17 THAT MAY BE PROVIDING SERVICES PURSUANT TO THE PLAN;

1 (d) WHETHER THE CHILD HAS BEEN PLACED INTO CARE OUTSIDE OF
2 HIS OR HER HOME AND THE TYPE OF PLACEMENT;

3 (e) WHETHER THE CHILD HAS RETURNED TO HIS OR HER HOME;

4 (f) WHETHER THE CASE WAS CLOSED FOLLOWING ASSESSMENT
5 AND NO FURTHER ACTION IS BEING TAKEN BY THE COUNTY DEPARTMENT;

6 (g) THE CASEWORKER'S NAME AND CONTACT INFORMATION,
7 INCLUDING A TELEPHONE NUMBER; AND

8 (h) NOTICE THAT THE REPORTING PARTY MAY REQUEST
9 ADDITIONAL INFORMATION WITHIN NINETY CALENDAR DAYS AFTER THE
10 COUNTY DEPARTMENT RECEIVED THE REPORT, AND INFORMATION
11 CONCERNING THE PROCEDURE FOR OBTAINING THE ADDITIONAL
12 INFORMATION.

13 (2) THE FOLLOWING MANDATORY REPORTERS ARE AUTHORIZED TO
14 RECEIVE INFORMATION PURSUANT TO SUBSECTION (1) OF THIS SECTION:

15 (a) HOSPITAL PERSONNEL ENGAGED IN THE ADMISSION, CARE, OR
16 TREATMENT OF CHILDREN;

17 (b) MENTAL HEALTH PROFESSIONALS;

18 (c) PHYSICIANS OR SURGEONS, INCLUDING PHYSICIANS IN
19 TRAINING;

20 (d) REGISTERED NURSES OR LICENSED PRACTICAL NURSES;

21 (e) DENTISTS;

22 (f) PSYCHOLOGISTS;

23 (g) UNLICENSED PSYCHOTHERAPISTS;

24 (h) LICENSED PROFESSIONAL COUNSELORS;

25 (i) LICENSED MARRIAGE AND FAMILY THERAPISTS;

26 (j) PUBLIC OR PRIVATE SCHOOL OFFICIALS OR EMPLOYEES; AND

27 (k) SOCIAL WORKERS OR WORKERS IN ANY FACILITY OR AGENCY

1 THAT IS LICENSED OR CERTIFIED PURSUANT TO PART 1 OF ARTICLE 6 OF
2 TITLE 26, C.R.S.

3 (3) INFORMATION DISCLOSED TO A MANDATORY REPORTER
4 PURSUANT TO THIS SECTION IS CONFIDENTIAL AND SHALL NOT BE
5 DISCLOSED BY THE MANDATORY REPORTER TO ANY OTHER PERSON EXCEPT
6 AS PROVIDED BY LAW.

7 (4) UNLESS REQUESTED BY A COUNTY DEPARTMENT, A
8 MANDATORY REPORTER SHALL NOT HAVE THE AUTHORITY TO PARTICIPATE
9 IN ANY DECISIONS MADE BY THE COUNTY DEPARTMENT CONCERNING A
10 REPORT OF ABUSE OR NEGLECT. IF THE MANDATORY REPORTER SEEKS A
11 REVIEW OF A COUNTY DEPARTMENT'S ACTIONS, THE MANDATORY
12 REPORTER SHALL FOLLOW THE CONFLICT RESOLUTION PROCEDURE
13 PROVIDED IN SECTION 19-3-211.

14 (5) IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE
15 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., THE STATE
16 DEPARTMENT SHALL PROMULGATE ANY RULES NECESSARY FOR THE
17 IMPLEMENTATION OF THIS SECTION.

18 **SECTION 2. Act subject to petition - specified effective date**
19 **- applicability.** (1) This act shall take effect September 1, 2010; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within the ninety-day period after final adjournment of the general
23 assembly, then the act, item, section, or part shall not take effect unless
24 approved by the people at the general election to be held in November
25 2010 and shall take effect on the date of the official declaration of the
26 vote thereon by the governor.

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