Second Regular Session Sixty-seventh General Assembly STATE OF COLORADO

REVISED

This Version Includes All Amendments Adopted on Second Reading in the Second House SENATE BILL 10-152

LLS NO. 10-0784.01 Brita Darling

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A BILL FOR AN ACT

101 CONCERNING INFORMATION RELATING TO A REFERRAL OF SUSPECTED

102 CHILD ABUSE BY CERTAIN MANDATORY REPORTERS.

Bill Summary

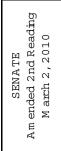
(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

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

HOUSE Am ended 2nd Reading Aprill, 2010





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. 19-1-307 (2), Colorado Revised Statutes, is
3	amended BY THE ADDITION OF A NEW PARAGRAPH to read:
4	<u>19-1-307. Dependency and neglect records and information -</u>
5	<u>access - fee - rules - records and reports fund - misuse of information</u>
6	- penalty. (2) Records and reports - access to certain persons -
7	agencies. Except as otherwise provided in section 19-1-303, only the
8	following persons or agencies shall be given access to child abuse or
9	neglect records and reports:
10	(e.5) (I) A MANDATORY REPORTER SPECIFIED IN THIS
11	SUBPARAGRAPH (I) WHO IS AND CONTINUES TO BE OFFICIALLY AND
12	PROFESSIONALLY INVOLVED IN THE ONGOING CARE OF THE CHILD WHO
13	WAS THE SUBJECT OF THE REPORT, BUT ONLY WITH REGARD TO
14	INFORMATION THAT THE MANDATORY REPORTER HAS A NEED TO KNOW IN
15	ORDER TO FULFILL HIS OR HER PROFESSIONAL AND OFFICIAL ROLE IN
16	MAINTAINING THE CHILD'S SAFETY. A COUNTY DEPARTMENT MAY
17	REQUEST WRITTEN AFFIRMATION FROM A MANDATORY REPORTER STATING

1	THAT THE REPORTER CONTINUES TO BE OFFICIALLY AND PROFESSIONALLY
2	INVOLVED IN THE ONGOING CARE OF THE CHILD WHO WAS THE SUBJECT OF
3	THE REPORT AND DESCRIBING THE NATURE OF THE INVOLVEMENT. <u>This</u>
4	SUBPARAGRAPH (I) SHALL APPLY TO:
5	(A) HOSPITAL PERSONNEL ENGAGED IN THE ADMISSION, CARE, OR
6	TREATMENT OF CHILDREN;
7	(B) MENTAL HEALTH PROFESSIONALS;
8	(C) PHYSICIANS OR SURGEONS, INCLUDING PHYSICIANS IN
9	TRAINING;
10	(D) REGISTERED NURSES OR LICENSED PRACTICAL NURSES;
11	(E) DENTISTS;
12	(F) PSYCHOLOGISTS;
13	(G) UNLICENSED PSYCHOTHERAPISTS;
14	(H) LICENSED PROFESSIONAL COUNSELORS;
15	(I) LICENSED MARRIAGE AND FAMILY THERAPISTS;
16	(J) PUBLIC OR PRIVATE SCHOOL OFFICIALS OR EMPLOYEES;
17	(K) Social workers or workers with any facility or
18	AGENCY THAT IS LICENSED OR CERTIFIED PURSUANT TO PART 1 OF ARTICLE
19	<u>6 of title 26, C.R.S.;</u>
20	(L) VICTIM'S ADVOCATES, AS DEFINED IN SECTION 13-90-107 (1)
21	<u>(k) (II), C.R.S.; AND</u>
22	(M) CLERGY MEMBERS, AS DEFINED IN SECTION 19-3-304 (2) (aa)
23	(III).
24	(II) WITHIN THIRTY CALENDAR DAYS AFTER RECEIPT OF A REPORT
25	OF SUSPECTED CHILD ABUSE OR NEGLECT FROM A MANDATORY REPORTER
26	<u>SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e.5), A COUNTY</u>
27	DEPARTMENT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE

1	MANDATORY REPORTER FOR THE PURPOSE OF ASSISTING THE MANDATORY
2	REPORTER IN HIS OR HER PROFESSIONAL AND OFFICIAL ROLE IN
3	MAINTAINING THE CHILD'S SAFETY:
4	(A) THE NAME OF THE CHILD AND THE DATE OF THE REPORT;
5	(B) WHETHER THE REFERRAL WAS ACCEPTED FOR ASSESSMENT;
6	(C) WHETHER THE REFERRAL WAS CLOSED WITHOUT SERVICES;
7	(D) WHETHER THE ASSESSMENT RESULTED IN SERVICES RELATED
8	TO THE SAFETY OF THE CHILD;
9	(E) THE NAME OF AND CONTACT INFORMATION FOR THE COUNTY
10	CASEWORKER RESPONSIBLE FOR INVESTIGATING THE REFERRAL; AND
11	(F) NOTICE THAT THE REPORTING MANDATORY REPORTER MAY
12	$\underline{REQUEST} UPDATED \underline{INFORMATION} IDENTIFIED IN SUB-SUBPARAGRAPHS (A)$
13	TO (E) OF THIS SUBPARAGRAPH (II) WITHIN NINETY CALENDAR DAYS
14	AFTER THE COUNTY DEPARTMENT RECEIVED THE REPORT AND
15	INFORMATION CONCERNING THE PROCEDURE FOR OBTAINING UPDATED
16	INFORMATION.
17	(III) INFORMATION DISCLOSED TO A MANDATORY REPORTER
18	PURSUANT TO THIS PARAGRAPH (e.5) IS CONFIDENTIAL AND SHALL NOT BE
19	DISCLOSED BY THE MANDATORY REPORTER TO ANY OTHER PERSON EXCEPT
20	AS PROVIDED BY LAW.
21	(IV) UNLESS REQUESTED BY A COUNTY DEPARTMENT, A
22	MANDATORY REPORTER SHALL NOT HAVE THE AUTHORITY TO PARTICIPATE
23	IN ANY DECISION MADE BY THE COUNTY DEPARTMENT CONCERNING A
24	REPORT OF ABUSE OR NEGLECT.
25	(V) IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE
26	PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., THE STATE
27	DEPARTMENT SHALL PROMULGATE ANY RULES NECESSARY FOR THE

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- 1 IMPLEMENTATION OF THIS PARAGRAPH (e.5).
- 2 **SECTION 2.** Act subject to petition - specified effective date 3 - applicability. (1) This act shall take effect September 1, 2010; except 4 that, if a referendum petition is filed pursuant to section 1 (3) of article V 5 of the state constitution against this act or an item, section, or part of this 6 act within the ninety-day period after final adjournment of the general 7 assembly, then the act, item, section, or part shall not take effect unless 8 approved by the people at the general election to be held in November 9 2010 and shall take effect on the date of the official declaration of the 10 vote thereon by the governor. 11 (2) The provisions of this act shall apply to reports of suspected 12 abuse or neglect made on or after the applicable effective date of this act.