

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 8, 2012
Date

Committee on Health and Environment.

After consideration on the merits, the Committee recommends the following:

SB12-033 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, after line 17 insert:

2 "(b) THERE IS A NEED FOR AGENCY TRANSPARENCY AND
3 ACCOUNTABILITY TO THE PUBLIC REGARDING AN INCIDENT OF EGREGIOUS
4 ABUSE OR NEGLECT AGAINST A CHILD, A NEAR FATALITY, OR A CHILD
5 FATALITY THAT INVOLVES A SUSPICION OF ABUSE OR NEGLECT WHEN THE
6 CHILD OR FAMILY HAS HAD PREVIOUS INVOLVEMENT WITH THE STATE OR
7 COUNTY THAT WAS DIRECTLY RELATED TO THE INCIDENT."

8 Page 2, line 18, strike "(b)" and substitute "~~(b)~~ (c)".

9 Page 3, line 10, strike "(c)" and substitute "~~(c)~~ (d)".

10 Page 3, line 18, strike "(d)" and substitute "(e)".

11 Page 3, line 27, strike "MULTIPLE VICTIMS,".

12 Page 8, after line 18 insert:

13 "(b) WITHIN THREE BUSINESS DAYS AFTER RECEIVING THE
14 INFORMATION PROVIDED UNDER PARAGRAPH (a) OF THIS SUBSECTION (5),
15 THE DEPARTMENT SHALL DISCLOSE TO THE PUBLIC THAT INFORMATION
16 HAS BEEN RECEIVED, WHETHER THE DEPARTMENT IS CONDUCTING A
17 REVIEW OF THE INCIDENT, WHETHER THE CHILD WAS IN HIS OR HER OWN

- 1 HOME OR IN FOSTER CARE, AS DEFINED IN SECTION 19-1-103 (51.3), C.R.S.,
2 AND THE CHILD'S GENDER AND AGE. THE DEPARTMENT MAY DISCLOSE THE
3 SCOPE OF THE REVIEW."
- 4 Page 8, line 19, strike "(b)" and substitute "~~(b)~~ (c)".
- 5 Page 8, strike line 24 and substitute "within ~~one hundred twenty calendar~~
6 ~~days after all necessary information~~".
- 7 Page 8, line 25, strike "is available to initiate review." and substitute "is
8 ~~available to initiate review~~ THIRTY CALENDAR DAYS AFTER THE REVIEW
9 TEAM MEETING."
- 10 Page 9, line 4, strike "(d)" and substitute "~~(d)~~ (e)".
- 11 Page 9, line 9, strike "(c)" and substitute "~~(c)~~ (d)".
- 12 Page 9, line 14, strike "(c)" and substitute "~~(c)~~ (d)".
- 13 Page 9, line 18, strike "(d)" and substitute "~~(d)~~ (e)".
- 14 Page 9, line 25, strike "(e)" and substitute "~~(e)~~ (f)" and strike "site" and
15 substitute "site, WITHIN SEVEN BUSINESS DAYS AFTER THE REPORT'S
16 FINALIZATION,".
- 17 Page 9, line 27, strike "information," and substitute "information AS
18 DESCRIBED IN PARAGRAPH (i) OF THIS SUBSECTION (5),".
- 19 Page 10, after line 2 insert:
- 20 "(g) THE CASE-SPECIFIC EXECUTIVE SUMMARY FOR A CHILD WHO
21 WAS IN HIS OR HER OWN HOME AT THE TIME OF THE INCIDENT SHALL
22 INCLUDE:
- 23 (I) THE AGE AND GENDER OF THE CHILD AND A DESCRIPTION OF
24 THE CHILD'S FAMILY;
- 25 (II) A STATEMENT OF WHETHER ANY CHILD WELFARE SERVICES, AS
26 DEFINED IN SECTION 26-5-101 (3), WERE BEING PROVIDED TO THE CHILD,
27 ANY MEMBER OF THE CHILD'S FAMILY, OR THE PERSON SUSPECTED OF THE
28 ABUSE OR NEGLECT;
- 29 (III) THE DATE OF THE LAST CONTACT BETWEEN THE AGENCY
30 PROVIDING ANY CHILD WELFARE SERVICE AND THE CHILD, THE CHILD'S

1 FAMILY, OR THE PERSON SUSPECTED OF THE ABUSE OR NEGLECT; AND
2 (IV) ANY OTHER INFORMATION REQUIRED BY RULES
3 PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (7)
4 OF THIS SECTION.
5 (h) THE CASE-SPECIFIC EXECUTIVE SUMMARY FOR A CHILD WHO
6 WAS IN FOSTER CARE, AS DEFINED IN SECTION 19-1-103 (51.3), C.R.S., AT
7 THE TIME OF THE INCIDENT SHALL INCLUDE:
8 (I) THE AGE, GENDER, AND RACE OR ETHNICITY OF THE CHILD;
9 (II) A DESCRIPTION OF THE FOSTER CARE PLACEMENT;
10 (III) THE LICENSING HISTORY OF THE FOSTER CARE PLACEMENT;
11 AND
12 (IV) ANY OTHER INFORMATION REQUIRED BY RULES
13 PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO SUBSECTION (7)
14 OF THIS SECTION.
15 (i) THE CASE-SPECIFIC EXECUTIVE SUMMARY OR OTHER RELEASE
16 OR DISCLOSURE OF INFORMATION PURSUANT TO THIS SECTION SHALL NOT
17 INCLUDE:
18 (I) ANY INFORMATION THAT WOULD REVEAL THE IDENTITY OF THE
19 CHILD WHO IS THE SUBJECT OF THE EXECUTIVE SUMMARY, ANY MEMBER
20 OF THE CHILD'S FAMILY, ANY MEMBER OF THE CHILD'S HOUSEHOLD WHO IS
21 A CHILD, OR ANY CAREGIVER OF THE CHILD;
22 (II) ANY INFORMATION THAT WOULD REVEAL THE IDENTITY OF THE
23 PERSON SUSPECTED OF THE ABUSE OR NEGLECT OR ANY EMPLOYEE OF ANY
24 AGENCY THAT PROVIDED CHILD WELFARE SERVICES, AS DEFINED IN
25 SECTION 26-5-101 (3), TO THE CHILD OR THAT PARTICIPATED IN THE
26 INVESTIGATION OF THE INCIDENT OF FATALITY, NEAR FATALITY, OR
27 EGREGIOUS ABUSE OR NEGLECT;
28 (III) ANY INFORMATION THAT WOULD REVEAL THE IDENTITY OF A
29 REPORTER OR OF ANY OTHER PERSON WHO PROVIDES INFORMATION
30 RELATING TO THE INCIDENT OF FATALITY, NEAR FATALITY, OR EGREGIOUS
31 ABUSE OR NEGLECT;
32 (IV) ANY INFORMATION WHICH, IF DISCLOSED, WOULD NOT BE IN
33 THE BEST INTERESTS OF THE CHILD WHO IS THE SUBJECT OF THE REPORT,
34 ANY MEMBER OF THE CHILD'S FAMILY, ANY MEMBER OF THE CHILD'S
35 HOUSEHOLD WHO IS A CHILD, OR ANY CAREGIVER OF THE CHILD, AS
36 DETERMINED BY THE STATE DEPARTMENT IN CONSULTATION WITH THE
37 COUNTY THAT REPORTED THE INCIDENT OF FATALITY, NEAR FATALITY, OR
38 EGREGIOUS ABUSE OR NEGLECT AND THE DISTRICT ATTORNEY OF THE
39 COUNTY IN WHICH THE INCIDENT OCCURRED, AND AFTER BALANCING THE
40 INTERESTS OF THE CHILD, FAMILY, HOUSEHOLD MEMBER, OR CAREGIVER
41 IN AVOIDING THE STIGMA THAT MIGHT RESULT FROM DISCLOSURE AGAINST

1 THE INTEREST OF THE PUBLIC IN OBTAINING THE INFORMATION.
2 (V) ANY INFORMATION FOR WHICH DISCLOSURE IS NOT
3 AUTHORIZED BY STATE LAW OR RULE OR FEDERAL LAW OR REGULATION.
4 (j) THE STATE DEPARTMENT MAY NOT RELEASE THE CASE-SPECIFIC
5 EXECUTIVE SUMMARY IF THE STATE DEPARTMENT, IN CONSULTATION WITH
6 THE COUNTY, DETERMINES THAT MAKING THE EXECUTIVE SUMMARY
7 AVAILABLE WOULD JEOPARDIZE ANY OF THE FOLLOWING:
8 (I) ANY ONGOING OR FUTURE CRIMINAL INVESTIGATION OR
9 PROSECUTION OR A DEFENDANT'S RIGHT TO A FAIR TRIAL; OR
10 (II) ANY ONGOING OR FUTURE CIVIL INVESTIGATION OR
11 PROCEEDING OR THE FAIRNESS OF SUCH PROCEEDING."

12 Page 10, line 3, strike "(f)" and substitute "(f) (k)".

13 Page 10, after line 6 insert:

14 "(I) THE STATE DEPARTMENT OR ANY COUNTY DEPARTMENT MAY
15 RELEASE TO THE PUBLIC ANY INFORMATION AT ANY TIME TO CORRECT ANY
16 INACCURATE INFORMATION REPORTED IN THE NEWS MEDIA, SO LONG AS
17 THE INFORMATION RELEASED BY THE STATE DEPARTMENT OR COUNTY
18 DEPARTMENT IS NOT EXPLICITLY IN CONFLICT WITH FEDERAL LAW."

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