

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 13-0845.03 Debbie Haskins x2045

HOUSE BILL 13-1271

HOUSE SPONSORSHIP

Singer and May, Ferrandino, Hullinghorst, McCann

SENATE SPONSORSHIP

Newell and Nicholson,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING METHODS TO RESPOND TO INITIAL CONTACTS MADE TO**
102 **A CHILD ABUSE REPORTING HOTLINE SYSTEM, AND, IN**
103 **CONNECTION THEREWITH, AUTHORIZING THE STATE BOARD OF**
104 **HUMAN SERVICES TO ADOPT RULES GOVERNING THE HOTLINE**
105 **SYSTEM, PROVIDING CONSISTENT PRACTICES IN RESPONSE TO**
106 **CONTACTS AND TO REPORTS OF KNOWN OR SUSPECTED CHILD**
107 **ABUSE OR NEGLECT, AND MAKING AN APPROPRIATION.**

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

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.

SENATE
3rd Reading Unamended
May 7, 2013

SENATE
Amended 2nd Reading
May 6, 2013

HOUSE
3rd Reading Unamended
April 19, 2013

HOUSE
Amended 2nd Reading
April 18, 2013

http://www.leg.state.co.us/bills/summaries.)

The bill authorizes the creation of a child abuse reporting hotline system (hotline system) that provides a uniform method of contact that directly, immediately, and efficiently routes the person to the applicable entity responsible for accepting a report about possible child abuse or neglect and that is advertised to the public as a place for reporting known or suspected child abuse or neglect (report) or for making a request for information or services (an inquiry). The hotline system will be developed through a statewide child abuse hotline steering committee (steering committee) that includes state, county, and comprehensive and appropriate stakeholder representation.

The bill declares that the purpose of the hotline system is to enhance the current child welfare system and to provide an additional option for the public to make an initial report or inquiry. The bill further states that a county department of social services (county department) will retain screening responsibilities, unless the board of county commissioners of that county has approved the use of the hotline system on behalf of the county and such arrangement has been approved by the executive director of the state department of human services (state department).

The purpose of the steering committee is to develop an implementation plan for the hotline system to be advertised to the public and to make recommendations for rules relating to the hotline system and providing consistent practices in response to reports and inquiries. The steering committee shall submit a report no later than July 1, 2014, containing its recommendations to the executive director of the state department, who shall provide the report to the state board of human services (state board).

The hotline system will provide some method of contact to the public that is available 24 hours a day, 7 days a week. The hotline system shall be operational and publicized to the public statewide no later than January 1, 2015.

With the express written consent of the board of county commissioners, a county department may request that the state department assist that county department with taking reports of possible child abuse and neglect and inquiries from the public. The executive director must approve of this arrangement in writing.

The state board is given rule-making authority to adopt rules, based upon the recommendations of the steering committee, governing the following:

- ! The type of technology that may be used by the hotline system for directly routing initial contacts from the hotline system to the applicable entity responsible for taking a report or responding to an inquiry, including but not limited

to a single statewide toll-free telephone number, with flexibility to adapt the methods to changing and emerging technologies as appropriate;

- ! The operation of the hotline system, including the central record-keeping and tracking of reports and inquiries statewide, and a requirement that record-keeping and tracking of reports and inquiries be accessible to all counties;
- ! Standards and steps for information and referral (instances where there is no report of abuse or neglect but the person contacting the county department or the hotline system is making an inquiry);
- ! How an initial contact to the hotline system is directly routed to the applicable entity responsible for taking a report or responding to an inquiry;
- ! A formal process for a county department to opt to have the state department receive reports or inquiries on behalf of the county department after hours subject to a requirement that the board of county commissioners must officially approve the use of the hotline system on behalf of the county and that the arrangement must be approved by the executive director;
- ! A process for a county department to opt to have another county department receive reports or inquiries on behalf of the county department after hours or on a short-term basis with notification of such arrangement to the executive director;
- ! Standardized training and certification standards for all staff prior to receiving reports and inquiries;
- ! A consistent screening process with criteria and steps for the county department to respond to a report or inquiry;
- ! A consistent decision-making process with criteria and steps for a county department to follow when deciding how to act on a report or inquiry and when to take no action on a report or inquiry.

The state department is directed to report about the hotline system and the adoption of rules as part of the state department's annual SMART act presentations to the general assembly.

This bill makes conforming amendments to the statutes concerning reports made by the public or by a mandatory reporter to allow a report to be made through the hotline system when the county commissioners have given prior approval for the report to be filed through the hotline system and the executive director of the state department has approved such an arrangement.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26-5-111 as
3 follows:

4 **26-5-111. Statewide child abuse reporting hotline system -**
5 **legislative declaration - definitions - child abuse hotline steering**
6 **committee - rules on consistent processes in response to reports and**
7 **inquiries for information.** (1) (a) THE GENERAL ASSEMBLY HEREBY
8 FINDS, DETERMINES, AND DECLARES THAT THE PURPOSE OF ENACTING THIS
9 SECTION IS TO:

10 (I) CREATE, BASED ON RECOMMENDATIONS OF A STEERING
11 COMMITTEE WITH BROAD REPRESENTATION, A STATEWIDE CHILD ABUSE
12 REPORTING HOTLINE SYSTEM TO SERVE AS A DIRECT, IMMEDIATE, AND
13 EFFICIENT ROUTE TO THE APPLICABLE ENTITY RESPONSIBLE FOR
14 ACCEPTING THE REPORT AND TO THE APPLICABLE ENTITY RESPONSIBLE FOR
15 RESPONDING TO AN INQUIRY AND THAT IS AVAILABLE TWENTY-FOUR
16 HOURS A DAY, SEVEN DAYS A WEEK; AND

17 (II) AUTHORIZE RULE-MAKING BY THE STATE BOARD TO ENSURE
18 THAT THERE ARE STANDARDS FOR THE CONSISTENT SCREENING,
19 ASSESSMENT, AND DECISION-MAKING IN RESPONSE TO REPORTS OF KNOWN
20 OR SUSPECTED CHILD ABUSE AND NEGLECT AND TO INQUIRIES MADE TO A
21 COUNTY DEPARTMENT OR TO THE HOTLINE SYSTEM.

22 (b) THE GENERAL ASSEMBLY DECLARES THAT THE HOTLINE
23 SYSTEM TO BE DEVELOPED AS OUTLINED IN THIS SECTION ENHANCES THE
24 CURRENT CHILD WELFARE SYSTEM. THE HOTLINE SYSTEM IS INTENDED TO
25 PROVIDE AN ADDITIONAL OPTION FOR THE PUBLIC TO MAKE AN INITIAL
26 REPORT OF SUSPECTED OR KNOWN CHILD ABUSE OR NEGLECT OR MAKING

1 AN INQUIRY. THE COUNTY DEPARTMENT WILL RETAIN SCREENING
2 RESPONSIBILITIES, UNLESS THE BOARD OF COUNTY COMMISSIONERS OF THE
3 COUNTY DEPARTMENT HAS APPROVED THE USE OF THE HOTLINE SYSTEM
4 ON BEHALF OF THE COUNTY AND SUCH ARRANGEMENT HAS BEEN
5 APPROVED BY THE EXECUTIVE DIRECTOR.

6 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "CHILD ABUSE REPORTING HOTLINE SYSTEM" OR "THE HOTLINE
9 SYSTEM" MEANS THE UNIFORM METHOD OF CONTACT THAT DIRECTLY,
10 IMMEDIATELY, AND EFFICIENTLY ROUTES THE PERSON TO THE APPLICABLE
11 ENTITY RESPONSIBLE FOR ACCEPTING A REPORT PURSUANT TO SECTION
12 19-3-307, C.R.S., OR TO THE APPLICABLE ENTITY RESPONSIBLE FOR
13 RESPONDING TO AN INQUIRY AND THAT IS ADVERTISED TO THE PUBLIC AS
14 A PLACE FOR REPORTING KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT
15 OR FOR MAKING INQUIRIES.

16 (b) "INFORMATION AND REFERRAL" MEANS AN INITIAL CONTACT
17 FROM THE PUBLIC WHICH DOES NOT CONSTITUTE A REPORT OF ABUSE OR
18 NEGLECT BUT IS AN INQUIRY AND THE RESPONSE TO THE INQUIRY, AS
19 DEFINED IN RULE.

20 (c) "INQUIRY" MEANS A REQUEST FOR INFORMATION OR FOR
21 SPECIFIC SERVICES.

22 (d) "MANDATORY REPORTER" MEANS A PERSON WHO IS REQUIRED
23 TO REPORT CHILD ABUSE OR NEGLECT PURSUANT TO SECTION 19-3-304,
24 C.R.S.

25 (e) "REPORT" MEANS AN INITIAL REPORT OF KNOWN OR SUSPECTED
26 CHILD ABUSE OR NEGLECT.

27 (3) (a) THE STATE DEPARTMENT SHALL DEVELOP A CHILD ABUSE

1 HOTLINE STEERING COMMITTEE, INCLUDING STATE, COUNTY, AND
2 COMPREHENSIVE AND APPROPRIATE STAKEHOLDER REPRESENTATION. THE
3 STATE DEPARTMENT SHALL APPOINT A PERSON TO THE STEERING
4 COMMITTEE WHO IS A PRIMARY PROVIDER OF EMERGENCY FIRE FIGHTING
5 SERVICES, LAW ENFORCEMENT, AMBULANCE, EMERGENCY MEDICAL, OR
6 OTHER EMERGENCY SERVICES AND WHO IS FAMILIAR WITH THE
7 EMERGENCY TELEPHONE SYSTEM THAT USES THE SINGLE THREE-DIGIT
8 NUMBER 9-1-1 FOR REPORTING POLICE, FIRE, MEDICAL, OR OTHER
9 EMERGENCY SITUATIONS. THE STEERING COMMITTEE IS EXPECTED TO
10 DEVELOP AN IMPLEMENTATION PLAN FOR A STATEWIDE CHILD ABUSE
11 REPORTING HOTLINE SYSTEM, WHICH IS ADVERTISED TO THE PUBLIC AND
12 TO MANDATORY REPORTERS, AND TO MAKE RECOMMENDATIONS FOR
13 RULES RELATING TO THE OPERATION OF THE HOTLINE SYSTEM AND
14 RELATING TO CONSISTENT PRACTICES FOR RESPONDING TO REPORTS AND
15 INQUIRIES. THE PURPOSE OF THE HOTLINE SYSTEM IS TO PROVIDE A DIRECT,
16 IMMEDIATE, AND EFFICIENT ROUTE TO THE ENTITY RESPONSIBLE FOR
17 ACCEPTING A REPORT PURSUANT TO SECTION 19-3-307, C.R.S. THE PUBLIC
18 MAY ALSO CONTACT THE HOTLINE SYSTEM FOR INQUIRIES. THE HOTLINE
19 SYSTEM MUST OPERATE TWENTY-FOUR HOURS A DAY, SEVEN DAYS A
20 WEEK. THE HOTLINE MAY CONSIST OF MULTIPLE METHODS OF
21 COMMUNICATION, AS PRESCRIBED BY RULES OF THE STATE BOARD. THE
22 STEERING COMMITTEE SHALL SUBMIT A REPORT NO LATER THAN JULY 1,
23 2014, CONTAINING ITS RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR,
24 WHO SHALL PROVIDE THE REPORT TO THE STATE BOARD. THE HOTLINE
25 SYSTEM SHALL BE OPERATIONAL AND PUBLICIZED STATEWIDE NO LATER
26 THAN JANUARY 1, 2015.

27 (b) WITH THE EXPRESS WRITTEN CONSENT OF THE BOARD OF

1 COUNTY COMMISSIONERS OF A COUNTY, A COUNTY DEPARTMENT MAY
2 REQUEST THAT THE STATE DEPARTMENT ASSIST THAT COUNTY WITH THE
3 TAKING OF CALLS OR INITIAL CONTACTS FROM THE PUBLIC OF REPORTS OF
4 POSSIBLE CHILD ABUSE OR NEGLECT OR OF INQUIRIES. THE EXECUTIVE
5 DIRECTOR OF THE STATE DEPARTMENT MUST APPROVE THIS
6 ARRANGEMENT IN WRITING.

7 (c) BASED UPON THE RECOMMENDATIONS OF THE CHILD ABUSE
8 HOTLINE STEERING COMMITTEE, THE STATE DEPARTMENT SHALL
9 ESTABLISH A STATEWIDE CHILD ABUSE REPORTING HOTLINE SYSTEM.

10 (4) THE STATE BOARD IS AUTHORIZED TO ADOPT RULES, BASED
11 UPON THE RECOMMENDATIONS OF THE CHILD ABUSE HOTLINE STEERING
12 COMMITTEE, AND MAY REVISE RULES, AS NECESSARY, INCLUDING BUT NOT
13 LIMITED TO THE FOLLOWING:

14 (a) THE TYPE OF TECHNOLOGY THAT MAY BE USED BY THE HOTLINE
15 SYSTEM FOR DIRECTLY ROUTING INITIAL CONTACTS FROM THE HOTLINE
16 SYSTEM TO THE APPLICABLE ENTITY RESPONSIBLE FOR ACCEPTING
17 REPORTS PURSUANT TO SECTION 19-3-307, C.R.S., OR TO THE APPLICABLE
18 ENTITY TO RESPOND TO AN INQUIRY, INCLUDING BUT NOT LIMITED TO A
19 SINGLE STATEWIDE TOLL-FREE TELEPHONE NUMBER, AND INCLUDING
20 TECHNOLOGIES FOR LANGUAGE TRANSLATION AND FOR COMMUNICATING
21 WITH PEOPLE WHO ARE DEAF OR HAVE HEARING IMPAIRMENTS, SUCH AS
22 TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) OR TEXT
23 TELEPHONE SERVICES (TTY), WITH FLEXIBILITY TO ADAPT THE METHODS
24 TO CHANGING AND EMERGING TECHNOLOGIES AS APPROPRIATE;

25 (b) THE OPERATION OF THE HOTLINE SYSTEM, INCLUDING THE
26 CENTRAL RECORD-KEEPING AND TRACKING OF REPORTS AND INQUIRIES
27 STATEWIDE, AND A REQUIREMENT THAT THE RECORD-KEEPING AND

1 TRACKING OF REPORTS AND INQUIRIES BE ACCESSIBLE TO ALL COUNTIES
2 THROUGH THE STATE'S CASE MANAGEMENT SYSTEM;

3 (c) RULES GOVERNING THE STANDARDS AND STEPS FOR
4 INFORMATION AND REFERRAL AND HOW AN INQUIRY IS ROUTED TO THE
5 APPLICABLE ENTITY RESPONSIBLE FOR RESPONDING TO AN INQUIRY;

6 (d) HOW AN INITIAL REPORT TO THE HOTLINE SYSTEM IS DIRECTLY
7 ROUTED TO THE APPLICABLE ENTITY RESPONSIBLE FOR ACCEPTING A
8 REPORT PURSUANT TO SECTION 19-3-307, C.R.S.;

9 (e) A FORMAL PROCESS FOR A COUNTY DEPARTMENT TO OPT TO
10 HAVE THE STATE DEPARTMENT RECEIVE REPORTS OR INQUIRIES ON BEHALF
11 OF THE COUNTY DEPARTMENT AFTER HOURS SUBJECT TO A REQUIREMENT
12 THAT THE BOARD OF COUNTY COMMISSIONERS MUST OFFICIALLY APPROVE
13 THE USE OF THE HOTLINE SYSTEM ON BEHALF OF THE COUNTY AND SUCH
14 ARRANGEMENT MUST BE APPROVED BY THE EXECUTIVE DIRECTOR;

15 (f) A PROCESS FOR A COUNTY DEPARTMENT TO OPT TO HAVE
16 ANOTHER COUNTY DEPARTMENT RECEIVE REPORTS OR INQUIRIES ON
17 BEHALF OF THE COUNTY DEPARTMENT AFTER HOURS OR ON A SHORT-TERM
18 BASIS WITH NOTIFICATION OF SUCH ARRANGEMENT TO THE EXECUTIVE
19 DIRECTOR;

20 (g) STANDARDIZED TRAINING AND CERTIFICATION STANDARDS FOR
21 ALL STAFF PRIOR TO TAKING REPORTS AND INQUIRIES;

22 (h) A CONSISTENT SCREENING PROCESS WITH CRITERIA AND STEPS
23 FOR THE COUNTY DEPARTMENT TO FOLLOW IN RESPONDING TO A REPORT
24 OR INQUIRY; AND

25 (i) RULES ESTABLISHING A CONSISTENT DECISION-MAKING
26 PROCESS WITH CRITERIA AND STEPS FOR THE COUNTY DEPARTMENT TO
27 FOLLOW WHEN DECIDING HOW TO ACT ON A REPORT OR INQUIRY OR WHEN

1 TO TAKE NO ACTION ON A REPORT OR INQUIRY.

2 (5) THE STATE DEPARTMENT SHALL SUBMIT PERIODIC REPORTS TO
3 THE APPROPRIATE LEGISLATIVE COMMITTEE PURSUANT TO THE
4 REQUIREMENTS OF PART 2 OF ARTICLE 7 OF TITLE 2, C.R.S., PERTAINING TO
5 THE IMPLEMENTATION OR OPERATION OF THE HOTLINE SYSTEM, THE
6 PROGRESS OF IMPLEMENTING THE HOTLINE SYSTEM, THE OUTCOMES FROM
7 THE OPERATION OF THE HOTLINE SYSTEM, AND THE OUTCOMES FROM THE
8 ADOPTION OF RULES AND PRACTICES FOR CONSISTENT SCREENING,
9 ASSESSMENT, AND DECISION-MAKING FOR REPORTS OF KNOWN OR
10 SUSPECTED CHILD ABUSE AND NEGLECT AND FOR INQUIRIES.

11 **SECTION 2.** In Colorado Revised Statutes, 19-3-304, **amend** (1)
12 (a), (3), and (3.5) as follows:

13 **19-3-304. Persons required to report child abuse or neglect.**

14 (1) (a) Except as otherwise provided by section 19-3-307, sections
15 25-1-122 (4) (d) and 25-4-1404 (1) (d), C.R.S., and paragraph (b) of this
16 subsection (1), any person specified in subsection (2) of this section who
17 has reasonable cause to know or suspect that a child has been subjected
18 to abuse or neglect or who has observed the child being subjected to
19 circumstances or conditions that would reasonably result in abuse or
20 neglect shall immediately upon receiving such information report or cause
21 a report to be made of such fact to the county department, ~~or~~ THE local
22 law enforcement agency, OR THROUGH THE CHILD ABUSE REPORTING
23 HOTLINE SYSTEM AS SET FORTH IN SECTION 26-5-111, C.R.S.

24 (3) In addition to those persons specifically required by this
25 section to report known or suspected child abuse or neglect and
26 circumstances or conditions which might reasonably result in abuse or
27 neglect, any other person may report known or suspected child abuse or

1 neglect and circumstances or conditions which might reasonably result in
2 child abuse or neglect to the local law enforcement agency, ~~or~~ the county
3 department, OR THROUGH THE CHILD ABUSE REPORTING HOTLINE SYSTEM
4 AS SET FORTH IN SECTION 26-5-111, C.R.S.

5 (3.5) No person, including a person specified in subsection (1) of
6 this section, shall knowingly make a false report of abuse or neglect to a
7 county department, ~~or~~ A local law enforcement agency, OR THROUGH THE
8 CHILD ABUSE REPORTING HOTLINE SYSTEM AS SET FORTH IN SECTION
9 26-5-111, C.R.S.

10 **SECTION 3.** In Colorado Revised Statutes, 19-3-307, **amend** (1)
11 as follows:

12 **19-3-307. Reporting procedures.** (1) Reports of known or
13 suspected child abuse or neglect made pursuant to this article shall be
14 made immediately to the county department, ~~or~~ the local law enforcement
15 agency, OR THROUGH THE CHILD ABUSE REPORTING HOTLINE SYSTEM AS
16 SET FORTH IN SECTION 26-5-111, C.R.S., and shall be followed promptly
17 by a written report prepared by those persons required to report. The
18 county department shall submit a report of confirmed child abuse or
19 neglect within sixty days of receipt of the report to the state department
20 in a manner prescribed by the state department.

21 **SECTION 4. Appropriation.** In addition to any other
22 appropriation, there is hereby appropriated, out of any moneys in the
23 general fund, not otherwise appropriated, to the department of human
24 services, for the fiscal year beginning July 1, 2012, the sum of \$200,000,
25 or so much thereof as may be necessary, to be allocated to the division of
26 child welfare for consulting services related to the implementation of this
27 act. Any moneys appropriated in this section not expended prior to July

1 1, 2013, are further appropriated to the department for the fiscal year
2 beginning July 1, 2013, for the same purposes.

3 **SECTION 5. Appropriation.** (1) In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 general fund, not otherwise appropriated, to the department of human
6 services, for the fiscal year beginning July 1, 2013, the sum of \$529,800,
7 or so much thereof as may be necessary, to be allocated to the division of
8 child welfare for the implementation of this act.

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10 (2) In addition to any other appropriation, there is hereby
11 appropriated to the governor - lieutenant governor - state planning and
12 budgeting, for the fiscal year beginning July 1, 2013, the sum of
13 \$529,800, or so much thereof as may be necessary, for allocation to the
14 office of information technology, for the provision of computer center
15 services for the department of human services related to the
16 implementation of this act. Said sum is from reappropriated funds
17 received from the department of human services out of the appropriation
18 made in subsection (1) of this section.

19 **SECTION 6. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.