

NOTE: The governor signed this measure on 3/22/2013.

An Act

SENATE BILL 13-012

BY SENATOR(S) Heath, Giron, Guzman, Hodge, Hudak, Jones, Kefalas, Kerr, Newell, Nicholson, Schwartz, Tochtrop, Todd, Morse;
also REPRESENTATIVE(S) Singer, Buckner, Fields, Fischer, Ginal, Hamner, Hullinghorst, Labuda, McLachlan, Melton, Mitsch Bush, Pabon, Pettersen, Primavera, Rosenthal, Salazar, Schafer, Stephens, Tyler, Vigil, Williams, Young, Ferrandino.

CONCERNING REPORTING OF SUSPECTED CHILD ABUSE AND NEGLECT BY
YOUTH SPORTS ORGANIZATIONS.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) The reporting of child abuse is a matter of public concern, and it is in the best interests of the children of Colorado that we provide protective services when needed to prevent any further harm to a child suffering from child abuse or neglect;

(b) The existing mandatory reporting laws, which require a person who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or has observed a child being subject to circumstances

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

or conditions that would reasonably result in abuse or neglect to report his or her suspicion to proper authorities, have been effective in bringing cases of suspected child abuse to the attention of the proper authorities; and

(c) Reporting suspected child abuse or neglect to the proper authorities allows determinations relating to a child's safety to be made by those persons who are in the best position through training and experience to not only assess the threat to the child, but to protect the child from further harm and provide any necessary services to the child.

(2) The general assembly further finds that:

(a) While public and private school officials and employees, including athletic program personnel, are currently required to report suspected child abuse in Colorado, many children today participate in private sports organization activities that are not administered by public or private schools;

(b) Some of these private children's sports programs involve extensive participation by children in the evenings and on weekends, with time commitments for practice and competitions that are even more extensive than for school-based programs;

(c) There is empirical evidence that child predators are frequently drawn to situations where they have access to children, and, as with other activities that involve extensive participation by children, youth sports programs may inadvertently provide easy access for these child predators;

(d) It is vital that persons employed by sports organizations or programs have a legal duty to report any suspicion of or observation of child abuse or neglect, including unlawful sexual behavior, on the part of an employee of the organization or program or a participant in the program;

(e) Through consistent supervision and observation, the directors, coaches, and athletic trainers in these private sports programs build trusting relationships with children and are in a unique position to notice signs of suspected child abuse or neglect;

(f) Further, because of these trusting relationships with coaches and program personnel, coaches and program personnel are in a position to hear

from children about situations of child abuse or neglect, including unlawful sexual behavior, and may be the only persons in whom the child confides;

(g) Coaches and personnel who hear of this abuse or neglect or who have reasonable cause to suspect that such abuse and neglect is taking place should have a legal duty to report to the appropriate authorities in the best interests of the child; and

(h) Several states have recently strengthened successful mandatory reporting laws by enacting legislation that specifically requires reporting by private children's sports programs.

(3) Therefore, the generally assembly declares that in order to protect children from harm, it is in the best interests of the children of Colorado to include directors, coaches, assistant coaches, and other athletic program personnel of private sports organizations as mandatory reporters of suspected child abuse and neglect.

SECTION 2. In Colorado Revised Statutes, 19-3-304, **amend** (2) (hh); and **add** (2) (ii) as follows:

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

(2) Persons required to report such abuse or neglect or circumstances or conditions 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; AND

(ii) DIRECTOR, COACH, ASSISTANT COACH, OR ATHLETIC PROGRAM PERSONNEL EMPLOYED BY A PRIVATE SPORTS ORGANIZATION OR PROGRAM. FOR PURPOSES OF THIS PARAGRAPH (ii), "EMPLOYED" MEANS THAT AN INDIVIDUAL IS COMPENSATED BEYOND REIMBURSEMENT FOR HIS OR HER EXPENSES RELATED TO THE PRIVATE SPORTS ORGANIZATION OR PROGRAM.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO