



Children and Domestic Matters

During the 2017 legislative session, the General Assembly considered numerous measures on child welfare, domestic violence and crimes against children, the juvenile justice system, public school safety, and child care. The bills described below passed and became law, unless otherwise noted.

Child Welfare

The Division of Child Welfare in the Colorado Department of Human Services (DHS) supervises the county administration of programs that protect children from harm and assist families in caring for and protecting their children. The state contributes approximately 80 percent of the funding for county child welfare services, using a set formula, through the Child Welfare Service Block Allocation.

House Bill 17-1052 removes the requirement that a county's three-year state child welfare allocations and expenditures be taken into consideration when determining Child Welfare Service Block Allocation amounts. The bill adds a requirement that factors directly affecting the child welfare population be taken into account. *House Bill 17-1292* requires the Department of Human Services to develop a methodology to determine the rates that out-of-home child welfare providers are paid by counties through the Child Welfare Service Block Allocation. Currently, there is no methodology to set the rates for out-of-home child welfare providers in Colorado.

House Bill 17-1283 creates a task force to study programs to support child welfare

caseworker resiliency. The 16-member task force must submit its findings to certain members of the General Assembly by December 2017.

Domestic Violence and Crimes Against Children

Two bills made changes to reporting requirements in cases of child abuse or domestic violence. *Senate Bill 17-028* requires DHS and county departments of human services to track and share information about reports of known or suspected child abuse concerning a member of the armed forces, their spouse, significant other, or other family members with the command authority of the military installation. Currently, caseworkers are not required to track or share information with the command authority of military installations.

Under current law, physicians, physician assistants, and anesthesiologist assistants treating injuries they believe to involve an act of domestic violence must report the injuries to the local police. *House Bill 17-1322* removes that reporting requirement in cases where the injury is not serious, and the victim is aged 18 or older and indicates his or her preference that the injury not be reported. The health care professional must document the request in the victim's medical records and refer the victim to a victim's advocate or provide information about domestic violence victim services.

Under current law, when several incidents of sexual assault against a child by a single offender occur in different jurisdictions, they

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must be prosecuted in the jurisdiction in which each individual assault occurred. *House Bill 17-1109* allows a district attorney to file multiple cases against an offender for all assaults in only one jurisdiction, where at least one assault occurred or was furthered.

Juvenile Justice System

The juvenile justice system is a separate court, detention, and parole system that serves youths aged 10 to 21 years that have been accused of or convicted of a crime. The Division of Youth Corrections in the Department of Human Services oversees programs and services and maintains residential facilities for youths in the juvenile justice system.

House Bill 17-1329 made several changes to the Division of Youth Corrections (DYC), including changing the name of the division to the Division of Youth Services. The bill creates a pilot program, ending in July 2021, to implement a more therapeutic and less-restrictive environment for youth offenders in DYC facilities. The pilot program, which must include at least 20 youths, must completely end the use of harmful restraint methods and end the practice of isolating youth during the day. The bill also does the following:

- requires the DYC to undergo a third party performance assessment of the safety in DYC facilities;
- requires the DYC to create community boards to assist youths in building positive relationships with adults and the community; and
- adds additional DYC reporting requirements on the use of restraints.

Two other bills affecting Colorado's juvenile justice system were passed. *House Bill 17-1207* prohibits detention of a youth aged 10, 11, or 12, unless he or she was arrested for a felony or a weapons charge. Youths ages 10, 11, and 12 may remain in the custody of a parent or guardian, be placed in the temporary custody of family, be placed in a shelter facility, or be referred to a county department of human services for assessment for placement. *House*

Bill 17-1101 authorizes the DYS to create a monetary incentive program for positive academic performance by youths committed to DYS facilities. Currently, youths that are committed may earn only nonmonetary awards for academic performance (such as increased call or visit time).

Under current law, juveniles that send or possess sexually explicit images may be charged with a felony or misdemeanor invasion of privacy. *House Bill 17-1064* would have changed the designation of this crime to a misdemeanor or petty crime of misuse of electronic images by a juvenile. This bill was postponed indefinitely by the House Judiciary Committee.

Student Safety in Public Schools

Two bills concerning treatment of children in public schools were considered. *House Bill 17-1276* prohibits the use of chemical, mechanical, or face-down (prone) restraint on public school students. Exceptions include if a student is displaying a deadly weapon or if the person applying the restraint is an armed security officer. The bill also requires school districts to submit written reports when any type of restraint is used, and include information on the use of restraint and seclusion on students in school discipline policies.

Under current law, corporal punishment is prohibited in settings such as day care centers, school-aged care centers, youth residential treatment centers, and neighborhood youth organizations, but is permitted in public schools. *House Bill 17-1038* would have prohibited corporal punishment in public schools. The bill was postponed indefinitely by the Senate Judiciary Committee.

House Bill 17-1347 would have defined student 'threat assessment' and student 'suicide assessment' in statute, and required public schools to transfer a student's threat assessment file or suicide assessment file, if they exist, along with school records when a student transfers public schools. The bill was

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laid over by the House Committee of the Whole and deemed lost.

the Senate State, Veterans, and Military Affairs Committee.

Child Care

Under current law, a family child care home is exempt from child care licensing requirements if it provides care for less than 24 hours for one child or for two or more siblings from the same family. *Senate Bill 17-110* expands the exemption so that a family child care home is exempt from child care licensing if one of the following conditions are met:

- the children being cared for are related to the caregiver, the children are related to each other from a single family unrelated to the caregiver, or a combination of such children; or
- there are no more than four children being cared for, with no more than two children under two years of age from multiple families.

House Bill 17-1355 allows the state to use funds transferred from the Temporary Assistance for Needy Families (TANF) block grant to the Child Care Development Fund for child care improvement activities. Currently the funds are only to be used for the provision of child care services. The federal government provides TANF block grant for services designed to help low-income families become self-sufficient.

Family Law

Under current law, a child must be present in Colorado before a petition for adoption is filed. *House Bill 17-1304* allows an adoption petition to be filed for a child who is out of state if the child has been under the jurisdiction of a Colorado court for at least six months.

House Bill 17-1320 would have lowered the age required for a minor to obtain outpatient psychotherapy services without parental consent from 15 years or older to 12 years or older. The bill was postponed indefinitely by