

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 17-0260.01 Jane Ritter x4342

SENATE BILL 17-016

SENATE SPONSORSHIP

Neville T. and Jahn,

HOUSE SPONSORSHIP

Nordberg and Kraft-Tharp,

Senate Committees
Health & Human Services

House Committees
Public Health Care & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE OPTIONAL CREATION OF A CHILD PROTECTION TEAM**
102 **BY A COUNTY.**

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://leg.colorado.gov/>.)

Legislative Audit Committee. Current law requires the creation of a child protection team for any county or group of contiguous counties receiving more than 50 referrals related to child abuse or neglect in a year. Other counties or groups of contiguous counties are encouraged, but not required, to establish a child protection team. The bill makes it optional for all counties and groups of contiguous counties to establish a

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.*

HOUSE
2nd Reading Unamended
March 20, 2017

SENATE
3rd Reading Unamended
February 1, 2017

SENATE
Amended 2nd Reading
January 30, 2017

child protection team.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 19-3-302 as
3 follows:

4 **19-3-302. Legislative declaration.** The general assembly hereby
5 declares that the complete reporting of child abuse is a matter of public
6 concern and that, in enacting this part 3, it is the intent of the general
7 assembly to protect the best interests of children of this state and to offer
8 protective services in order to prevent any further harm to a child
9 suffering from abuse. It is also the intent of the general assembly that IF
10 A COUNTY OR GROUP OF COUNTIES DECIDES TO ESTABLISH A CHILD
11 PROTECTION TEAM, THAT THE child protection teams publicly discuss
12 public agencies' responses to child abuse and neglect reports so that the
13 public and the general assembly ~~may be~~ ARE better informed concerning
14 the operation and administration of this part 3.

15 **SECTION 2.** In Colorado Revised Statutes, 19-3-308, **amend** (6),
16 (7), and (8); repeal (9); and add (12) as follows:

17 **19-3-308. Action upon report of intrafamilial, institutional, or**
18 **third-party abuse - investigations - child protection team - rules -**
19 **report.** (6) (a) It is the intent of the general assembly to encourage the
20 creation of one or more child protection teams in each county or
21 contiguous group of counties. ~~★ THE CREATION OF A CHILD PROTECTION~~
22 ~~TEAM IN ANY GIVEN COUNTY IS LEFT TO THE DISCRETION OF THE COUNTY~~
23 ~~DIRECTOR OR THE DIRECTORS OF A CONTIGUOUS GROUP OF COUNTIES. IF~~
24 A COUNTY DIRECTOR OR THE DIRECTORS OF A CONTIGUOUS GROUP OF
25 COUNTIES DECIDES TO FORM A CHILD PROTECTION TEAM, THE child

1 protection team may be consolidated with other local advisory boards
2 pursuant to section 24-1.7-103. C.R.S. In each county in which reports of
3 fifty or more incidents of known or suspected child abuse have been made
4 to the county department or the local law enforcement agency in any one
5 year, the county director shall cause a child protection team to be
6 inaugurated in the next following year. IF A CHILD PROTECTION TEAM IS
7 FORMED PURSUANT TO THIS SECTION IN A COUNTY OR CONTIGUOUS GROUP
8 OF COUNTIES, THE DIRECTOR OR DIRECTORS OF THE COUNTY DEPARTMENT
9 OR DEPARTMENTS OF HUMAN OR SOCIAL SERVICES MAY, AT THEIR
10 DISCRETION, IMPLEMENT THE PROVISIONS OF THIS SECTION.

11 (b) The child protection team shall review the investigatory
12 reports of the case, which shall include the diagnostic. IF A CHILD
13 PROTECTION TEAM IS ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF
14 THIS SECTION, IT MAY REVIEW AN ASSESSMENT OR THE INVESTIGATORY
15 REPORTS OF A CASE, INCLUDING THE DIAGNOSTIC, prognostic, and
16 treatment services being offered to the family in connection with the
17 reported abuse.

18 (c) At each meeting, each member of ~~the~~ A child protection team
19 ~~shall be~~ ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION
20 MAY BE provided with the investigatory reports on each ASSESSMENT OR
21 case ~~to be~~ BEING considered.

22 (d) and (e) (Deleted by amendment, L. 91, p. 223, § 4, effective
23 May 24, 1991.)

24 (f) Immediately after any executive session at which a child abuse
25 or neglect case is discussed, ~~the~~ A child protection team ESTABLISHED
26 PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION shall publicly review
27 the responses of public and private agencies to each reported incident of

1 child abuse or neglect, shall publicly state whether such THE responses
2 were timely, adequate, and in compliance with the provisions of this part
3 3, and shall publicly report nonidentifying information relating to any
4 inadequate responses, specifically indicating the public and private
5 agencies involved.

6 (g) After this mandatory public discussion of agency responses,
7 ~~the~~ A child protection team ESTABLISHED PURSUANT TO SUBSECTION (6)(a)
8 OF THIS SECTION shall go into executive session upon the vote of a
9 majority of the CHILD PROTECTION team members to consider identifying
10 details of the case being discussed; ~~to~~ discuss confidential reports,
11 including but not limited to the reports of physicians, including
12 psychiatrists; or, when the members of the CHILD PROTECTION team
13 desire, ~~to~~ act as an advisory body concerning the details of treatment or
14 evaluation programs. The CHILD PROTECTION team shall state publicly,
15 before going into executive session, its reasons for doing so. Any
16 recommendation based on information presented in the executive session
17 shall be discussed and formulated at the immediately succeeding public
18 session of the CHILD PROTECTION team, without publicly revealing
19 identifying details of the case.

20 (h) At the ~~team's~~ next regularly scheduled meeting OF A CHILD
21 PROTECTION TEAM ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS
22 SECTION, or at the earliest possible time, the CHILD PROTECTION team shall
23 publicly report whether there were any lapses and inadequacies in the
24 child protection system and if they have been corrected.

25 (i) ~~The team shall~~ A CHILD PROTECTION TEAM ESTABLISHED
26 PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION MAY make a report of
27 its recommendations to the county department with suggestions for

1 further action or stating that the CHILD PROTECTION team has no
2 recommendations or suggestions. Contiguous counties may cooperate in
3 meeting the requirements of this subsection (6).

4 (7) IF A COUNTY OR GROUP OF CONTIGUOUS COUNTIES DECIDES TO
5 ESTABLISH A CHILD PROTECTION TEAM PURSUANT TO SUBSECTION (6)(a)
6 OF THIS SECTION, each member of the ~~team shall be~~ CHILD PROTECTION
7 TEAM IS appointed by the agency he OR SHE represents, and each CHILD
8 PROTECTION team member ~~shall serve~~ SERVES at the pleasure of ~~the~~ HIS
9 OR HER appointing agency; except that the county director shall MAY
10 appoint the representatives of the lay community, including the
11 representatives of any ethnic, racial, or linguistic minority, AS WELL AS
12 PERSONS WITH DISABILITIES, and shall MAY actively recruit all interested
13 individuals and consider their applications for appointment as
14 lay-community representatives on the team.

15 (8) The county director or his OR HER designee ~~shall be deemed~~
16 ~~to be~~ IS the local coordinator of the child protection team, IF ONE IS
17 ESTABLISHED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION. ~~In those~~
18 ~~counties in which child protection teams meeting the requirements of this~~
19 ~~part 3 are currently functioning, they shall be recognized, with the consent~~
20 ~~of all members, as the functioning child protection team for that county.~~

21 ~~(9) The child protection team shall meet no later than one week~~
22 ~~after receipt of a report to evaluate such report of child abuse.~~

23 (12) THE STATE DEPARTMENT SHALL INCLUDE A SUMMARY AND
24 DESCRIPTION OF WORK OF CHILD PROTECTION TEAMS THAT WERE
25 IMPLEMENTED PURSUANT TO THIS SECTION IN ITS ANNUAL PRESENTATION
26 TO THE LEGISLATIVE COMMITTEES DURING THE COMMITTEES' HEARINGS
27 HELD PRIOR TO THE 2017 REGULAR SESSION UNDER THE "STATE

1 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
2 (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

3 **SECTION 3.** In Colorado Revised Statutes, 19-1-304, **amend**
4 (1)(a) introductory portion, (1)(a)(XII), (1)(c) introductory portion,
5 (1)(c)(VII), (2)(a) introductory portion, and (2)(a)(XII) as follows:

6 **19-1-304. Juvenile delinquency records - division of youth**
7 **corrections critical incident information - definitions.** (1) (a) **Court**
8 **records - open.** Except as provided in ~~paragraph (b.5) of this subsection~~
9 ~~(1) SUBSECTION (1)(b.5) OF THIS SECTION,~~ court records in juvenile
10 delinquency proceedings or proceedings concerning a juvenile charged
11 with the violation of any municipal ordinance except a traffic ordinance
12 are open to inspection to the following persons without court order:

13 (XII) All members of a child protection team, IF ONE EXISTS
14 PURSUANT TO SECTION 19-3-308 (6)(a);

15 (c) **Probation records - limited access.** Except as otherwise
16 authorized by section 19-1-303, a juvenile probation officer's records,
17 whether or not part of the court file, ~~shall not be~~ ARE NOT open to
18 inspection except as provided in ~~subparagraphs (I) to (XI) of this~~
19 ~~paragraph (c)~~ SUBSECTION (1)(c)(I) TO (1)(c)(XI) OF THIS SECTION:

20 (VII) To all members of a child protection team, IF ONE EXISTS
21 PURSUANT TO SECTION 19-3-308 (6)(a);

22 (2) (a) **Law enforcement records in general - closed.** Except as
23 otherwise provided by ~~paragraph (b.5) of subsection (1)~~ SUBSECTION
24 (1)(b.5) of this section and otherwise authorized by section 19-1-303, the
25 records of law enforcement officers concerning juveniles, including
26 identifying information, ~~shall~~ MUST be identified as juvenile records and
27 ~~shall not be~~ NOT inspected by or disclosed to the public, except:

1 (XII) To all members of a child protection team, IF ONE EXISTS
2 PURSUANT TO SECTION 19-3-308 (6)(a);

3 **SECTION 4.** In Colorado Revised Statutes, 19-1-307, **amend**
4 (2)(h) as follows:

5 **19-1-307. Dependency and neglect records and information -**
6 **access - fee - rules - records and reports fund - misuse of information**
7 **- penalty. (2) Records and reports - access to certain persons -**
8 **agencies.** Except as otherwise provided in section 19-1-303, only the
9 following persons or agencies shall be given access to child abuse or
10 neglect records and reports:

11 (h) All members of a child protection team, IF ONE EXISTS
12 PURSUANT TO SECTION 19-3-308 (6)(a);

13 **SECTION 5.** In Colorado Revised Statutes, 24-1.7-103, **amend**
14 (2)(d) as follows:

15 **24-1.7-103. Consolidation of local boards - process -**
16 **requirements.** (2) Any combination of the following boards or groups
17 may be consolidated into a single advisory board:

18 (d) Child protection teams, IF SUCH A TEAM IS created pursuant to
19 section 19-3-308 (6)(a); ~~C.R.S.~~;

20 **SECTION 6. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.