

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0519.01 Jane Ritter x4342

**SENATE BILL 17-028**

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**SENATE SPONSORSHIP**

**Gardner,**

**HOUSE SPONSORSHIP**

**Nordberg,**

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE PROMOTION OF HEALTHY FAMILIES THROUGH THE**  
102            **SHARING OF INFORMATION RELATED TO INVESTIGATIONS OF**  
103            **CHILD ABUSE OR NEGLECT BETWEEN DEPARTMENTS OF HUMAN**  
104            **SERVICES AND MILITARY INSTALLATIONS WHEN A PERSON**  
105            **AFFILIATED WITH THE MILITARY INSTALLATION IS INVOLVED**  
106            **WITH THE INVESTIGATION.**

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**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>.)*

The bill requires the state department of human services (state

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.*

department) and county departments of human or social services (county departments) to provide notice and to collect and share information with the command authority of national military installations regarding any report received of known or suspected instances of child abuse or neglect in which the person having custody or control of the child is a member of the armed forces or a spouse, significant other, or family member of the member of the armed forces assigned to that military installation.

The state department and county departments may enter into memorandums of understanding with military installations establishing protocols for the sharing of information and for collaboration on the investigations into child abuse or neglect by a member of the armed forces or a spouse, significant other, or family member of the member of the armed forces.

The state board of human services shall promulgate rules related to the collection and sharing of information.

The bill allows designated authorities at the military base of assignment or installation for the member of the armed forces or a spouse, significant other, or family member of the member of the armed forces to have access to reports of child abuse or neglect.

Reports of known or suspected child abuse or neglect must include the military affiliation of any person who has custody or control of the child who is the subject of the investigation of child abuse or neglect, if such individual is a member of the armed forces or a spouse, significant other, or family member of the member of the armed forces.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-302, **add** (1)(f)  
3 as follows:

4 **19-1-302. Legislative declaration.** (1) (f) (I) THE GENERAL  
5 ASSEMBLY FURTHER RECOGNIZES THE NEED FOR THE COMMAND  
6 AUTHORITY OF MILITARY INSTALLATIONS UNDER THE UNITED STATES  
7 SECRETARY OF DEFENSE TO RECEIVE NOTICE AND INFORMATION  
8 REGARDING ANY REPORT THAT IS ASSIGNED FOR AN ASSESSMENT BY THE  
9 STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT  
10 OF KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE OR NEGLECT IN  
11 WHICH THE PERSON HAVING CARE OF THE CHILD IN QUESTION IS A MEMBER

1 OF THE ARMED FORCES OR A SPOUSE, OR A SIGNIFICANT OTHER OR FAMILY  
2 MEMBER RESIDING IN THE HOME OF THE MEMBER OF THE ARMED FORCES.  
3 THE GENERAL ASSEMBLY RECOGNIZES THE NEED FOR THE STATE  
4 DEPARTMENT OF HUMAN SERVICES AND COUNTY DEPARTMENTS TO  
5 COLLECT INFORMATION CONCERNING THE MILITARY AFFILIATION OF THE  
6 INDIVIDUAL HAVING CUSTODY OR CONTROL OF A CHILD WHO IS THE  
7 SUBJECT OF AN INVESTIGATION OF CHILD ABUSE OR NEGLECT. ==

8 (II) TO FURTHER THE FULFILLMENT OF THESE NEEDS, THE STATE  
9 DEPARTMENT OF HUMAN SERVICES AND COUNTY DEPARTMENTS SHOULD  
10 BE ABLE TO ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH THE  
11 COMMAND AUTHORITY OF MILITARY INSTALLATIONS. THE MEMORANDUMS  
12 OF UNDERSTANDING MAY ESTABLISH PROTOCOLS FOR THE SHARING OF  
13 INFORMATION RELATED TO ASSESSMENTS OF KNOWN OR SUSPECTED  
14 INSTANCES OF CHILD ABUSE OR NEGLECT AND FOR COLLABORATION ON  
15 THE OVERSIGHT OF CHILD ABUSE OR NEGLECT INVESTIGATIONS INVOLVING  
16 A MEMBER OF THE ARMED FORCES OR A SPOUSE, OR A SIGNIFICANT OTHER  
17 OR FAMILY MEMBER RESIDING IN THE HOME OF THE MEMBER OF THE  
18 ARMED FORCES.

19 (III) THE GENERAL ASSEMBLY, HOWEVER, RECOGNIZES THAT ANY  
20 SHARING OF SUCH INFORMATION IS CRITICAL FOR AN AWARENESS OF THE  
21 RESPONSIBILITY OF THE INVOLVED AGENCIES AND MILITARY  
22 INSTALLATIONS THAT RECEIVE OR PROVIDE THE INFORMATION THAT IT BE  
23 USED ONLY FOR ITS INTENDED AND LIMITED PURPOSE AS AUTHORIZED BY  
24 LAW AND THAT THE CONFIDENTIAL NATURE OF THE INFORMATION MUST BE  
25 PRESERVED.

26 (IV) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS  
27 DESIRABLE TO AUTHORIZE AND ENCOURAGE OPEN COMMUNICATION

1 BETWEEN THE STATE DEPARTMENT OF HUMAN SERVICES, COUNTY  
2 DEPARTMENTS, AND COMMAND AUTHORITY OF MILITARY INSTALLATIONS  
3 TO BETTER SERVE CHILDREN AND FAMILIES OF COLORADO.

4 **SECTION 2.** In Colorado Revised Statutes, 19-1-303, **add** (2.6)  
5 as follows:

6 **19-1-303. General provisions - delinquency and dependency**  
7 **and neglect cases - exchange of information - civil penalty - rules -**  
8 **definitions.** (2.6) (a) THE STATE DEPARTMENT OF HUMAN SERVICES AND  
9 COUNTY DEPARTMENTS:

10 (I) SHALL COLLECT INFORMATION CONCERNING THE MILITARY  
11 AFFILIATION OF ANY PERSON WHO HAS CUSTODY OR CONTROL OF A CHILD  
12 WHO IS THE SUBJECT OF AN INVESTIGATION OF CHILD ABUSE OR NEGLECT;

13 (II) SHALL PROVIDE NOTICE AND INFORMATION TO THE COMMAND  
14 AUTHORITY OF MILITARY INSTALLATIONS UNDER THE UNITED STATES  
15 SECRETARY OF DEFENSE REGARDING ANY REPORT RECEIVED OF KNOWN OR  
16 SUSPECTED INSTANCES OF CHILD ABUSE OR NEGLECT THAT IS ASSIGNED  
17 FOR AN ASSESSMENT AND IN WHICH THE PERSON HAVING CUSTODY OR  
18 CONTROL OF THE CHILD IS A MEMBER OF THE ARMED FORCES OR A SPOUSE,  
19 OR A SIGNIFICANT OTHER OR FAMILY MEMBER RESIDING IN THE HOME OF  
20 THE MEMBER OF THE ARMED FORCES ASSIGNED TO THAT MILITARY  
21 INSTALLATION; AND

22 (III) MAY ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH  
23 THE COMMAND AUTHORITY OF MILITARY INSTALLATIONS ESTABLISHING  
24 PROTOCOLS FOR THE SHARING OF INFORMATION AND FOR COLLABORATION  
25 ON THE OVERSIGHT OF INVESTIGATIONS INVOLVING A MEMBER OF THE  
26 ARMED FORCES OR A SPOUSE, OR A SIGNIFICANT OTHER OR FAMILY  
27 MEMBER RESIDING IN THE HOME OF THE MEMBER OF THE ARMED FORCES.

1 THE MILITARY INSTALLATION RECEIVING INFORMATION SHALL ENSURE IT  
2 IS USED ONLY FOR ITS INTENDED AND LIMITED PURPOSE AS AUTHORIZED BY  
3 LAW AND THAT THE CONFIDENTIAL NATURE OF THE INFORMATION IS  
4 PRESERVED.

5 (b) THE STATE BOARD OF HUMAN SERVICES SHALL ADOPT RULES  
6 CONCERNING THE IMPLEMENTATION OF THIS SUBSECTION (2.6).

7 **SECTION 3.** In Colorado Revised Statutes, 19-1-307, **amend** (2)  
8 introductory portion; and **add** (2)(w) as follows:

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

15 (w) THE DESIGNATED AUTHORITIES AT THE MILITARY BASE OF  
16 ASSIGNMENT OR INSTALLATION FOR A MEMBER OF THE ARMED FORCES OR  
17 A SPOUSE, OR A SIGNIFICANT OTHER OR FAMILY MEMBER RESIDING IN THE  
18 HOME OF THE MEMBER OF THE ARMED FORCES WHO IS THE INDIVIDUAL  
19 RESPONSIBLE FOR THE ABUSED OR NEGLECTED CHILD. THE AUTHORITIES  
20 MAY BE DESIGNATED IN A MEMORANDUM OF UNDERSTANDING AS  
21 DESCRIBED AND AUTHORIZED IN SECTION 19-1-303 (2.6).

22 **SECTION 4.** In Colorado Revised Statutes, 19-3-307, **amend** (2)  
23 introductory portion; and **add** (2)(i) as follows:

24 **19-3-307. Reporting procedures. (2) Such reports, when**  
25 ~~possible, shall~~ REPORTS OF KNOWN OR SUSPECTED CHILD ABUSE OR  
26 NEGLECT MADE PURSUANT TO THIS ARTICLE 3 MUST include the following  
27 information WHENEVER POSSIBLE:

1 (i) THE MILITARY AFFILIATION OF THE INDIVIDUAL WHO HAS  
2 CUSTODY OR CONTROL OF THE CHILD WHO IS THE SUBJECT OF THE  
3 INVESTIGATION OF CHILD ABUSE OR NEGLECT, IF SUCH INDIVIDUAL IS A  
4 MEMBER OF THE ARMED FORCES OR A SPOUSE, OR A SIGNIFICANT OTHER OR  
5 FAMILY MEMBER RESIDING IN THE HOME OF THE MEMBER OF THE ARMED  
6 FORCES. THIS INFORMATION SHALL BE SHARED WITH THE APPROPRIATE  
7 MILITARY INSTALLATION AUTHORITIES PURSUANT TO THE REQUIREMENTS  
8 SET FORTH IN SECTIONS 19-1-303 (2.6) AND 19-1-307 (2)(w).

9 **SECTION 5. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly (August  
12 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part will not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2018 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.