

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

INTRODUCED

LLS NO. 21-0454.02 Alana Rosen x2606

HOUSE BILL 21-1099

HOUSE SPONSORSHIP

Ransom and Michaelson Jenet,

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Zenzinger and Smallwood,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION TO IMPLEMENT BEST PRACTICES FOR**
102 **CHILD WELFARE CASEWORKERS TO RECOGNIZE DOMESTIC**
103 **ABUSE, AND, IN CONNECTION THEREWITH, ADDRESSING**
104 **DOMESTIC ABUSE AS A FORM OF CHILD ABUSE OR NEGLECT.**

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>.)

Current law does not expressly recognize domestic abuse as a form of child abuse or neglect. The bill adds domestic abuse, when a child's parent, legal guardian, or custodian exposes a child to their perpetration

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

of domestic abuse, to the definition of child abuse or neglect.

Under current law, child welfare caseworkers do not have established training policies or assessment procedures to identify and assess situations when a child's parent, legal guardian, or custodian exposes a child to their perpetration of domestic abuse. The bill requires the department of human services to promulgate rules to implement assessment policies, procedures, and training for child welfare caseworkers to recognize and assess situations when a child's parent, legal guardian, or custodian exposes a child to their perpetration of domestic abuse.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Each year, approximately fifteen million children nationwide
5 are exposed to domestic abuse and child abuse, which are often linked;

6 (b) In Colorado, roughly forty percent of child fatality cases
7 reviewed by the child welfare fatality review team between 2014 and
8 2019 found domestic abuse to be a stressor;

9 (c) In families where a parent, legal guardian, or custodian
10 engages in domestic abuse, children witness patterns of coercive
11 behaviors, which demean and harm the nonoffending caregiver.
12 Witnessing harm to a caregiver is detrimental to a child's development
13 and emotional well-being.

14 (d) A child's risk of abuse increases after a perpetrator of domestic
15 abuse separates from a domestic partner, even when the perpetrator has
16 not previously abused the child;

17 (e) The safety of children and the safety of the nonoffending
18 caregiver are reciprocal and paramount to improving the well-being of the
19 child and the family as a whole; and

20 (f) Due to the episodic nature of domestic abuse behaviors, it is

1 challenging for child welfare caseworkers and others to connect domestic
2 abuse to the harmful emotional and developmental impact on a child. It
3 is also a challenge to illustrate the detrimental impact on the nonoffending
4 caregiver's relationship with the child, which can be impeded due to the
5 effects of domestic abuse.

6 (2) The general assembly finds, therefore, that when an
7 occurrence of domestic abuse being witnessed by a child has been
8 identified, there must be meaningful efforts to safely engage with the
9 family and to enhance the safety of the child, including:

10 (a) To create clear and specific documentation of the concerning
11 behaviors, the family member engaging in those behaviors, and the
12 impact on the nonoffending caregiver and the child;

13 (b) To keep the nonoffending caregiver and the child together
14 when possible;

15 (c) To offer an array of services to mitigate the risk to the
16 nonoffending caregiver and the child, and to facilitate healing; and

17 (d) To continue monitoring for potential disparities, including but
18 not limited to racial equity and socioeconomic barriers.

19 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **add**
20 (1)(a)(IX) as follows:

21 **19-1-103. Definitions.** As used in this title 19 or in the specified
22 portion of this title 19, unless the context otherwise requires:

23 (1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of
24 article 3 of this title 19, means an act or omission in one of the following
25 categories that threatens the health or welfare of a child:

26 (IX) ANY CASE WHEN A CHILD'S PARENT, LEGAL GUARDIAN, OR
27 CUSTODIAN EXPOSES A CHILD TO THEIR PERPETRATION OF DOMESTIC

1 ABUSE AS DEFINED IN SECTION 13-14-101 (2).

2 **SECTION 3.** In Colorado Revised Statutes, **add** 19-3-304.3 as
3 follows:

4 **19-3-304.3. Best practices and training for recognition of**
5 **domestic abuse as child abuse or neglect - policies and procedures -**
6 **rules - definition.** (1) FOR THE PURPOSES OF THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES, "CHILD ABUSE OR NEGLECT RELATED TO
8 DOMESTIC ABUSE" HAS THE SAME MEANING AS DESCRIBED IN SECTION
9 19-1-103 (1)(a)(IX).

10 (2) ON OR BEFORE JULY 1, 2022, THE STATE DEPARTMENT SHALL
11 PROMULGATE RULES REGARDING THE BEST PRACTICES AND TRAINING FOR
12 RECOGNITION OF CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE,
13 INCLUDING, BUT NOT LIMITED TO:

14 (a) CREATING, IMPLEMENTING, AND UPDATING ASSESSMENT
15 POLICIES AND PROCEDURES FOR CHILD WELFARE CASEWORKERS TO
16 RECOGNIZE AND ASSESS CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC
17 ABUSE;

18 (b) CREATING, IMPLEMENTING, AND UPDATING ASSESSMENT
19 POLICIES AND PROCEDURES FOR MANDATORY REPORTERS TO RECOGNIZE
20 CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE; AND

21 (c) ESTABLISHING TRAINING STANDARDS TO IMPLEMENT UPDATED
22 ASSESSMENT POLICIES AND PROCEDURES FOR CHILD WELFARE
23 CASEWORKERS TO RECOGNIZE CHILD ABUSE OR NEGLECT RELATED TO
24 DOMESTIC ABUSE.

25 **SECTION 4. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.