

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 24-0347.01 Alana Rosen x2606

HOUSE BILL 24-1046

HOUSE SPONSORSHIP

Duran and Evans, Bradley, Froelich, Joseph, Pugliese, Young

SENATE SPONSORSHIP

Kolker and Kirkmeyer, Fields, Michaelson Jenet, Zenzinger

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENHANCE CHILD WELFARE SYSTEM TOOLS,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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/>.)

Colorado's Child Welfare System Interim Study Committee.

Current law requires mandatory reporters to include certain information when reporting child abuse or neglect to the mandatory reporter's county department, local law enforcement, or through the statewide child abuse reporting hotline system (hotline system). The bill requires a mandatory reporter to report any evidence of known or suspected domestic violence

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

HOUSE
Amended 2nd Reading
March 1, 2024

in the child's home, including any evidence of previous cases of known or suspected domestic violence in the child's home.

The bill requires the state department of human services (state department) to develop and implement a consistent screening process for a county department to follow, when possible, in responding to a report or inquiry to the hotline system. The screening process must include questions about domestic violence. The state department is required to develop and implement a disclosure procedure that notifies callers to the hotline system that calls are recorded.

The state department is also required to review the screening process used by county departments and hotline system operators to:

- Determine race; ethnicity; disability status; LGBTQ identity, if applicable; and English proficiency in a screening report and recommend a process for improving the accuracy of determining the demographic information, which must include opportunities to update the TRAILS statewide case management system;
- Understand the types of questions asked during the screening process to determine demographic information; and
- Understand the sequence of questions asked during a screening process to determine demographic information.

The state department shall recommend and implement a screening process procedure to determine demographic information that reflects best practices and cultural competencies.

No later than January 15, 2025, the office of the child protection ombudsman (ombudsman) shall select a third-party evaluator to conduct an audit on the Colorado family safety assessment and the Colorado family risk assessment. The third-party evaluator shall create a report summarizing the results of the audit. On or before March 1, 2026, the ombudsman is required to submit the audit report to the house of representatives public and behavioral health and human services committee and the senate health and human services committee, or their successor committees, the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate.

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

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

4 (a) The reporting and prevention of child abuse is a matter of

1 public concern;

2 (b) It is the intent of the general assembly to protect the best
3 interests of the children of Colorado and offer protective services to
4 prevent further harm to children suffering from child abuse;

5 (c) The protection of children requires the most up-to-date tools,
6 assessment criteria, and resources for the state department of human
7 services and participating counties;

8 (d) An audit of the tools used to report and track child abuse is
9 prudent and necessary. This includes a thorough audit of the appropriate
10 language used, best practices, and assessing risk factors in the home,
11 directly or indirectly, that may cause children harm.

12 (e) Research indicates that if domestic violence or intimate partner
13 violence is present in the home, both survivors of domestic violence or
14 intimate partner violence and their children are at the highest risk after a
15 critical event, such as reporting abuse in the home.

16 (2) The general assembly finds, therefore, that it is the obligation
17 of the state to ensure individuals involved in assessing reports of child
18 abuse and domestic violence or intimate partner violence have access to
19 appropriate tools and resources. The processes outlined in this bill address
20 this matter of public concern.

21 **SECTION 2.** In Colorado Revised Statutes, 19-3-307, **add**
22 (2)(c.5) and (5) as follows:

23 **19-3-307. Reporting procedures.** (2) Reports of known or
24 suspected child abuse or neglect made pursuant to this article 3 must
25 include the following information whenever possible:

26 (c.5) ANY EVIDENCE OF KNOWN [REDACTED] DOMESTIC VIOLENCE OR
27 INTIMATE PARTNER VIOLENCE IN THE CHILD'S HOME, INCLUDING ANY

1 EVIDENCE OF PREVIOUS CASES OF KNOWN [REDACTED] DOMESTIC VIOLENCE OR
2 INTIMATE PARTNER VIOLENCE IN THE CHILD'S HOME;

3 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (a) "COERCION" MEANS COMPELLING A PERSON BY FORCE, THREAT
6 OF FORCE, OR INTIMIDATION TO ENGAGE IN CONDUCT FROM WHICH THE
7 PERSON HAS THE RIGHT OR PRIVILEGE TO ABSTAIN, OR TO ABSTAIN FROM
8 CONDUCT IN WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO ENGAGE.

9 (b) "DOMESTIC VIOLENCE", COMMONLY KNOWN AS OR "INTIMATE
10 PARTNER VIOLENCE" MEANS A PATTERN OF VIOLENT BEHAVIOR OR AN ACT,
11 ATTEMPTED ACT, OR PERCEIVED THREAT OF VIOLENCE, STALKING,
12 HARASSMENT, OR COERCION THAT IS COMMITTED BY A PERSON AGAINST
13 ANOTHER PERSON WITH WHOM THE ACTOR IS INVOLVED OR HAS BEEN
14 INVOLVED IN AN INTIMATE RELATIONSHIP. A SEXUAL RELATIONSHIP MAY
15 BE AN INDICATOR OF AN INTIMATE RELATIONSHIP BUT IS NEVER A
16 NECESSARY CONDITION FOR FINDING AN INTIMATE RELATIONSHIP.

17 **SECTION 3.** In Colorado Revised Statutes, 26-5-111, **amend**
18 (4)(h) and (4)(i); and **add** (2)(a.5), (2)(a.6), (3.5), (3.7), and (4)(j) as
19 follows:

20 **26-5-111. Statewide child abuse reporting hotline system -**
21 **child abuse hotline steering committee - screening questions for**
22 **hotline system operators and county departments - rules on**
23 **consistent processes in response to reports and inquiries for**
24 **information - legislative declaration - definitions.** (2) As used in this
25 section, unless the context otherwise requires:

26 (a.5) "COERCION" MEANS COMPELLING A PERSON BY FORCE,
27 THREAT OF FORCE, OR INTIMIDATION TO ENGAGE IN CONDUCT FROM WHICH

1 THE PERSON HAS THE RIGHT OR PRIVILEGE TO ABSTAIN, OR TO ABSTAIN
2 FROM CONDUCT IN WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO
3 ENGAGE.

4 (a.6) "DOMESTIC VIOLENCE", COMMONLY KNOWN AS "INTIMATE
5 PARTNER VIOLENCE", MEANS A PATTERN OF VIOLENT BEHAVIOR OR AN
6 ACT, ATTEMPTED ACT, OR PERCEIVED THREAT OF VIOLENCE, STALKING,
7 HARASSMENT, OR COERCION THAT IS COMMITTED BY A PERSON AGAINST
8 ANOTHER PERSON WITH WHOM THE ACTOR IS INVOLVED OR HAS BEEN
9 INVOLVED IN AN INTIMATE RELATIONSHIP. A SEXUAL RELATIONSHIP MAY
10 BE AN INDICATOR OF AN INTIMATE RELATIONSHIP BUT IS NEVER A
11 NECESSARY CONDITION FOR FINDING AN INTIMATE RELATIONSHIP.

12 (3.5) (a) THE STATE DEPARTMENT SHALL DEVELOP AND
13 IMPLEMENT A CONSISTENT SCREENING PROCESS FOR A COUNTY
14 DEPARTMENT TO FOLLOW, WHENEVER POSSIBLE, WHILE RESPONDING TO A
15 REPORT OR INQUIRY SUBMITTED TO THE STATEWIDE CHILD ABUSE
16 REPORTING HOTLINE SYSTEM. THE SCREENING PROCESS MUST INCLUDE
17 QUESTIONS ABOUT DOMESTIC VIOLENCE OR INTIMATE PARTNER VIOLENCE.

18 (b) THE STATE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A
19 DISCLOSURE PROCEDURE THAT NOTIFIES CALLERS TO THE STATEWIDE
20 CHILD ABUSE REPORTING HOTLINE SYSTEM THAT CALLS ARE RECORDED.

21 (3.7) (a) THE STATE DEPARTMENT SHALL REVIEW THE SCREENING
22 PROCESS USED BY COUNTY DEPARTMENTS AND HOTLINE SYSTEM
23 OPERATORS TO:

24 (I) DETERMINE RACE; ETHNICITY; DISABILITY STATUS; LGBTQ
25 IDENTITY, IF APPLICABLE; AND ENGLISH PROFICIENCY IN A SCREENING
26 REPORT AND RECOMMEND A PROCESS FOR IMPROVING THE ACCURACY OF
27 DETERMINING THIS DEMOGRAPHIC INFORMATION, WHICH MUST INCLUDE

1 OPPORTUNITIES TO UPDATE THE INFORMATION IN TRAILS, AS DEFINED IN
2 SECTION 26-5-118;

3 (II) UNDERSTAND THE TYPES OF QUESTIONS ASKED DURING THE
4 SCREENING PROCESS TO DETERMINE DEMOGRAPHIC INFORMATION AND
5 RECOMMEND QUESTIONS THAT REFLECT BEST PRACTICES AND CULTURAL
6 COMPETENCY; AND

7 (III) UNDERSTAND THE SEQUENCE OF QUESTIONS ASKED DURING
8 THE SCREENING PROCESS TO DETERMINE DEMOGRAPHIC INFORMATION AND
9 RECOMMEND A SEQUENCE OF QUESTIONS THAT BETTER REFLECTS BEST
10 PRACTICES.

11 (b) THE STATE DEPARTMENT SHALL IMPLEMENT THE
12 RECOMMENDED BEST PRACTICES DESCRIBED IN SUBSECTION (3.7)(a) OF
13 THIS SECTION.

14 (4) The state board is authorized to adopt rules, based upon the
15 recommendations of the child abuse hotline steering committee, and may
16 revise rules, as necessary, including but not limited to the following:

17 (h) A consistent screening process with criteria and steps for the
18 county department to follow in responding to a report or inquiry ~~and~~ THAT
19 IS CONSISTENT WITH THE PROCESS SET FORTH IN SUBSECTIONS (3.5)(a)
20 AND (3.7)(a) OF THIS SECTION;

21 (i) Rules establishing a consistent decision-making process with
22 criteria and steps for the county department to follow when deciding how
23 to act on a report or inquiry or when to take no action on a report or
24 inquiry; AND

25 (j) A DISCLOSURE PROCEDURE THAT NOTIFIES CALLERS TO THE
26 HOTLINE SYSTEM THAT CALLS ARE RECORDED THAT IS CONSISTENT WITH
27 THE PROCEDURE SET FORTH IN SUBSECTION (3.5)(b) OF THIS SECTION.

1 **SECTION 4.** In Colorado Revised Statutes, **add** 26-5-118 as
2 follows:

3 **26-5-118. Audit of child welfare system tools - Colorado family**
4 **safety assessment - Colorado family risk assessment - domestic**
5 **violence - intimate partner violence - report - rules - definitions.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "COERCION" MEANS COMPELLING A PERSON BY FORCE, THREAT
9 OF FORCE, OR INTIMIDATION TO ENGAGE IN CONDUCT FROM WHICH THE
10 PERSON HAS THE RIGHT OR PRIVILEGE TO ABSTAIN, OR TO ABSTAIN FROM
11 CONDUCT IN WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO ENGAGE.

12 (b) "COLORADO FAMILY RISK ASSESSMENT" MEANS A SYSTEMATIC
13 COLLECTION AND ANALYSIS OF INFORMATION ENTERED INTO TRAILS TO
14 DETERMINE THE LIKELIHOOD OF FUTURE MALTREATMENT OF A CHILD OR
15 YOUTH.

16 (c) "COLORADO FAMILY SAFETY ASSESSMENT" MEANS A
17 SYSTEMATIC COLLECTION OF INFORMATION ENTERED INTO TRAILS ON
18 FAMILY CIRCUMSTANCES TO DETERMINE WHETHER A CHILD IS IN CURRENT
19 OR IMPENDING DANGER AND TO ASSIST WITH INFORMED AND RELIABLE
20 DECISION-MAKING TO MITIGATE SAFETY CONCERNS.

21 (d) "DOMESTIC VIOLENCE", COMMONLY KNOWN AS "INTIMATE
22 PARTNER VIOLENCE", MEANS A PATTERN OF VIOLENT BEHAVIOR OR AN
23 ACT, ATTEMPTED ACT, OR PERCEIVED THREAT OF VIOLENCE, STALKING,
24 HARASSMENT, OR COERCION THAT IS COMMITTED BY A PERSON AGAINST
25 ANOTHER PERSON WITH WHOM THE ACTOR IS INVOLVED OR HAS BEEN
26 INVOLVED IN AN INTIMATE RELATIONSHIP. A SEXUAL RELATIONSHIP MAY
27 BE AN INDICATOR OF AN INTIMATE RELATIONSHIP BUT IS NEVER A

1 NECESSARY CONDITION FOR FINDING AN INTIMATE RELATIONSHIP.

2 (e) "TRAILS" MEANS THE STATEWIDE COMPREHENSIVE CHILD
3 WELFARE CASE MANAGEMENT SYSTEM.

4 (2) (a) (I) NO LATER THAN JANUARY 15, 2025, THE OFFICE OF THE
5 CHILD PROTECTION OMBUDSMAN, ESTABLISHED IN SECTION 19-3.3-102,
6 SHALL SELECT AND CONTRACT WITH A THIRD-PARTY EVALUATOR TO
7 CONDUCT AN AUDIT ON THE:

8 (A) COLORADO FAMILY SAFETY ASSESSMENT; AND

9 (B) COLORADO FAMILY RISK ASSESSMENT.

10 (II) THE THIRD-PARTY EVALUATOR SHALL CREATE A REPORT
11 SUMMARIZING THE RESULTS OF THE AUDIT.

12 (b) IN CONDUCTING AN AUDIT OF THE COLORADO FAMILY RISK
13 ASSESSMENT, THE THIRD-PARTY EVALUATOR, AT A MINIMUM, SHALL:

14 (I) IDENTIFY TOOLS AND RESOURCES TO ENSURE THE ASSESSMENT
15 IS CARRIED OUT CONSISTENTLY;

16 (II) IDENTIFY GAPS AND SOLUTIONS TO ENABLE CASEWORKERS TO
17 COMPLETE THE ASSESSMENT IN REAL TIME WHILE IN THE FIELD;

18 (III) EXAMINE THE IMPACTS OF GEOGRAPHY WHEN USING THE
19 ASSESSMENT;

20 (IV) EXAMINE THE IMPACTS OF RACE AND ETHNICITY WHEN USING
21 THE ASSESSMENT AND HOW THEY IMPACT COMMUNITIES THAT ARE
22 OVER-REPRESENTED IN THE CHILD WELFARE SYSTEM;

23 (V) EVALUATE AND RECOMMEND BEST PRACTICES FOR SHARING
24 THE ASSESSMENT WITH FAMILIES, LEGAL PROFESSIONALS, AND THE
25 JUDICIAL BRANCH;

26 (VI) EVALUATE AND RECOMMEND BEST PRACTICES FOR TRAINING
27 ON THE ASSESSMENT; AND

1 (VII) EXAMINE THE ASSESSMENT FOR DOMESTIC VIOLENCE OR
2 INTIMATE PARTNER VIOLENCE. AND RECOMMEND BEST PRACTICES.

3 (c) IN CONDUCTING AN AUDIT OF THE COLORADO FAMILY SAFETY
4 ASSESSMENT, THE THIRD PARTY, AT A MINIMUM, SHALL:

5 (I) EXAMINE THE ISSUES SET FORTH IN SUBSECTIONS (2)(b)(I) TO
6 (2)(b)(VII) OF THIS SECTION;

7 (II) STUDY THE INTER-RATER RELIABILITY OF THE COLORADO
8 FAMILY SAFETY ASSESSMENT; AND

9 (III) STUDY THE REQUIRED DOCUMENTATION FOR THE PLANNING
10 AND REMOVAL OF THE CHILD FROM THE CHILD'S PRIMARY CAREGIVER.

11 (3) ON OR BEFORE MARCH 1, 2026, THE OFFICE OF THE CHILD
12 PROTECTION OMBUDSMAN SHALL SUBMIT THE REPORT DESCRIBED IN
13 SUBSECTION (2)(a)(II) OF THIS SECTION TO THE HOUSE OF
14 REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE AND THE
15 SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR
16 COMMITTEES, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
17 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF
18 THE SENATE, AND THE MINORITY LEADER OF THE SENATE.

19 **SECTION 5. Appropriation.** For the 2024-25 state fiscal year,
20 \$109,392 is appropriated to the judicial department for use by the office
21 of the child protection ombudsman. This appropriation is from the general
22 fund and is based on an assumption that the office will require an
23 additional 0.5 FTE. To implement this act, the office may use this
24 appropriation for program costs.

25 **SECTION 6. Safety clause.** The general assembly finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.