

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0676.01 Brita Darling x2241

HOUSE BILL 20-1147

HOUSE SPONSORSHIP

Buckner and Ransom,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ALLOWING CHILDREN REASONABLE INDEPENDENCE TO
102 ENGAGE IN ACTIVITIES WITHOUT FINDING THAT THE CHILD IS
103 ABUSED OR NEGLECTED.

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>.)

Under current law, a child is neglected or dependent if the child's environment is injurious to the child's welfare. The bill clarifies that the child's environment is injurious to the child's welfare because the child's parent has placed the child in or failed to remove the child from a situation that a reasonable person would realize requires judgment or

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.

actions beyond the child's level of maturity, physical condition, or mental ability and that results in bodily injury or a substantial risk of immediate and grave harm as a result of a blatant disregard of parent or caretaker responsibilities.

A child is not neglected or dependent if a child who is of sufficient maturity, physical condition, and mental ability is left by the child's parent, guardian, or legal custodian, under conditions that are reasonably deemed safe and secure sufficient to avoid substantial risk of physical harm, to engage in independent activities specified in the bill.

The bill amends the criminal code to reflect that a person does not commit child abuse if the person is exercising reasonable judgment in allowing a child to engage in independent activities as described in language added to the dependency or neglect statute in the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-3-102, **amend**
3 (1)(b) and (1)(c); and **add** (3) as follows:

4 **19-3-102. Neglected or dependent child - definition.** (1) A child
5 is neglected or dependent if:

6 (b) The child lacks ~~proper~~ NECESSARY parental care through the
7 actions or omissions of the parent, guardian, or legal custodian;

8 (c) (I) The child's environment is injurious to ~~his or her~~ THE
9 CHILD'S welfare BECAUSE THE CHILD'S PARENT, GUARDIAN, OR LEGAL
10 CUSTODIAN HAS PLACED THE CHILD IN OR FAILED TO REMOVE THE CHILD
11 FROM A SITUATION THAT A REASONABLE PERSON WOULD REALIZE
12 REQUIRES JUDGMENT OR ACTIONS BEYOND THE CHILD'S LEVEL OF
13 MATURITY, PHYSICAL CONDITION, OR MENTAL ABILITY AND THAT RESULTS
14 IN BODILY INJURY OR A SUBSTANTIAL RISK OF IMMEDIATE AND GRAVE
15 HARM AS A RESULT OF A BLATANT DISREGARD OF THE RESPONSIBILITIES OF
16 THE PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN.

17 (II) FOR PURPOSES OF SUBSECTION (1)(c)(I) OF THIS SECTION,
18 "BLATANT DISREGARD" MEANS A SITUATION WHERE THE REAL,

1 SIGNIFICANT, AND IMMINENT RISK OF GRAVE HARM WOULD BE SO OBVIOUS
2 TO A REASONABLE PARENT, GUARDIAN, OR LEGAL CUSTODIAN THAT IT IS
3 UNLIKELY THAT A REASONABLE PARENT, GUARDIAN, OR LEGAL CUSTODIAN
4 WOULD HAVE EXPOSED THE CHILD TO THE DANGER WITHOUT EXERCISING
5 PRECAUTIONARY MEASURES TO PROTECT THE CHILD FROM HARM.

6 (3) A CHILD IS NOT NEGLECTED OR DEPENDENT IF A CHILD WHO IS
7 OF SUFFICIENT MATURITY, PHYSICAL CONDITION, AND MENTAL ABILITY IS
8 LEFT BY THE CHILD'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN, UNDER
9 CONDITIONS THAT ARE REASONABLY DEEMED SAFE AND SECURE
10 SUFFICIENT TO AVOID SUBSTANTIAL RISK OF PHYSICAL HARM, TO ENGAGE
11 IN INDEPENDENT ACTIVITIES, INCLUDING:

12 (a) TRAVELING TO AND FROM SCHOOL, INCLUDING WALKING,
13 RUNNING, BICYCLING, OR OTHER SIMILAR MODE OF TRAVEL;

14 (b) TRAVELING TO AND FROM NEARBY COMMERCIAL OR
15 RECREATIONAL FACILITIES;

16 (c) ENGAGING IN OUTDOOR PLAY;

17 (d) REMAINING AT HOME UNATTENDED;

18 (e) REMAINING FOR LESS THAN FIFTEEN MINUTES IN A VEHICLE IF
19 THE TEMPERATURE INSIDE THE VEHICLE IS NOT, AND WILL NOT BECOME,
20 DANGEROUSLY HOT OR COLD AND FOR SUCH LONGER REASONABLE
21 AMOUNT OF TIME IF THE CIRCUMSTANCES MAKE IT A REASONABLE
22 PARENTING CHOICE THAT THE CHILD REMAIN IN THE VEHICLE; AND

23 (f) ENGAGING IN A SIMILAR INDEPENDENT ACTIVITY.

24 **SECTION 2.** In Colorado Revised Statutes, 18-6-401, **amend**
25 (1)(a) as follows:

26 **18-6-401. Child abuse - definition.** (1) (a) (I) A person commits
27 child abuse if such person causes an injury to a child's life or health, or

1 permits a child to be unreasonably placed in a situation that poses a threat
2 of injury to the child's life or health, or engages in a continued pattern of
3 conduct that results in malnourishment, lack of proper medical care, cruel
4 punishment, mistreatment, or an accumulation of injuries that ultimately
5 results in the death of a child or serious bodily injury to a child.

6 (II) FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS SECTION, A
7 PERSON DOES NOT COMMIT CHILD ABUSE IF THE PERSON WAS EXERCISING
8 REASONABLE JUDGMENT AS DESCRIBED IN SECTION 19-3-102 (3).

9 **SECTION 3. 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 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.