

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 21-0454.02 Alana Rosen x2606

HOUSE BILL 21-1099

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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, AND
105 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>.)

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

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.

SENATE
2nd Reading Unamended
April 27, 2021

HOUSE
3rd Reading Unamended
April 8, 2021

HOUSE
Amended 2nd Reading
April 7, 2021

parent, legal guardian, or custodian exposes a child to their perpetration 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) It is vital to keep children safe and families healthy and
5 enhance the state's response to domestic abuse. Because the child welfare
6 system has proven to disproportionately impact low-income families and
7 members of Black, Indigenous, and persons of color communities,
8 policies, rules, or procedures that address the impact of domestic abuse
9 on families must be drafted with the goal of ensuring that these
10 communities are not disproportionately or unfairly impacted.

11 (b) Colorado can improve its diversity training and promote the
12 understanding of the culture and background of the families that the child
13 welfare system serves;

14 (c) Each year, approximately fifteen million children nationwide
15 are exposed to domestic abuse and child abuse, which are often linked;

16 (d) In Colorado, roughly forty percent of child fatality cases
17 reviewed by the child welfare fatality review team between 2014 and
18 2019 found domestic abuse to be a stressor;

19 (e) In families where a parent, legal guardian, or custodian

1 engages in domestic abuse, children witness patterns of coercive
2 behaviors, which demean and harm the nonoffending caregiver.
3 Witnessing harm to a caregiver is detrimental to a child's development
4 and emotional well-being.

5 (f) A child's risk of abuse increases after a perpetrator of domestic
6 abuse separates from a domestic partner, even when the perpetrator has
7 not previously abused the child;

8 (g) The safety of children and the safety of the nonoffending
9 caregiver are reciprocal and paramount to improving the well-being of the
10 child and the family as a whole; and

11 (h) Due to the episodic nature of domestic abuse behaviors, it is
12 challenging for child welfare caseworkers and others to connect a specific
13 incident of domestic abuse to the harmful emotional and developmental
14 impact on a child. It is also a challenge to illustrate the detrimental impact
15 on the nonoffending caregiver's relationship with the child, which can be
16 impeded due to the effects of domestic abuse.

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

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

24 (b) To keep the nonoffending caregiver and the child together
25 when possible;

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

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

3

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

6 **19-3-304.3. Domestic abuse task force - creation - best**
7 **practices and training for recognition of domestic abuse as child**
8 **abuse or neglect - policies and procedures - rules.** (1) (a) THE STATE
9 DEPARTMENT SHALL CREATE A DOMESTIC ABUSE TASK FORCE, REFERRED
10 TO IN THIS SECTION AS THE "TASK FORCE". THE TASK FORCE MUST BE
11 FORMED FOR NO MORE THAN TWO YEARS. THE TASK FORCE SHALL REVIEW
12 RECOMMENDATIONS FROM THE STATE DEPARTMENT'S DOMESTIC VIOLENCE
13 PROGRAM AND CHILD WELFARE WORKGROUP TO DEVELOP A STATUTORY
14 DEFINITION FOR THIS TITLE 19 THAT DEFINES DOMESTIC ABUSE AND
15 RECOGNIZES THE IMPACT DOMESTIC ABUSE MAY HAVE ON THE EMOTIONAL
16 AND DEVELOPMENTAL WELL-BEING OF A CHILD.

17 (b) THE MEMBERSHIP OF THE TASK FORCE MUST REPRESENT THE
18 BROAD CULTURAL AND SOCIOECONOMIC DIVERSITY OF THE STATE,
19 INCLUDING PERSONS WITH LIVED EXPERIENCES OR PROFESSIONAL
20 EXPERTISE. THE TASK FORCE MAY INCLUDE MEMBERS FROM THE STATE
21 DEPARTMENT'S DOMESTIC VIOLENCE PROGRAM AND CHILD WELFARE
22 WORKGROUP.

23 (c) THE STATE DEPARTMENT SHALL REPORT TO THE HEALTH AND
24 HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC AND
25 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
26 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, WITH THE
27 RECOMMENDED DEFINITION PURSUANT TO SUBSECTION (1)(a) OF THIS

1 SECTION NO LATER THAN DECEMBER 2022.

2 (2) ON OR BEFORE JULY 1, 2023, THE STATE DEPARTMENT SHALL
3 PROMULGATE RULES BASED ON RECOMMENDATIONS FROM THE DOMESTIC
4 VIOLENCE PROGRAM AND CHILD WELFARE WORKGROUP REGARDING THE
5 BEST PRACTICES AND TRAINING FOR RECOGNITION OF CHILD ABUSE OR
6 NEGLECT RELATED TO DOMESTIC ABUSE, INCLUDING, BUT NOT LIMITED TO:

7 (a) CREATING, IMPLEMENTING, AND UPDATING ASSESSMENT
8 POLICIES AND PROCEDURES FOR CHILD WELFARE CASEWORKERS TO
9 RECOGNIZE, RESPOND, AND ASSESS CHILD ABUSE OR NEGLECT RELATED TO
10 DOMESTIC ABUSE WHILE APPROPRIATELY CONSIDERING THE ROLE OF THE
11 NON-ABUSIVE CAREGIVER AND CULTURAL CONSIDERATIONS;

12 (b) CREATING, IMPLEMENTING, AND UPDATING TRAINING
13 MATERIALS FOR MANDATORY REPORTERS TO RECOGNIZE AND REPORT
14 CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE;

15 (c) ESTABLISHING TRAINING STANDARDS TO IMPLEMENT UPDATED
16 ASSESSMENT POLICIES AND PROCEDURES FOR CHILD WELFARE
17 CASEWORKERS TO RECOGNIZE AND RESPOND TO CHILD ABUSE OR NEGLECT
18 RELATED TO DOMESTIC ABUSE WHILE APPROPRIATELY CONSIDERING THE
19 ROLE OF THE NON-ABUSIVE CAREGIVER AND CULTURAL CONSIDERATIONS;

20 AND

21 (d) ESTABLISHING TRAINING STANDARDS TO IMPLEMENT UPDATED
22 ASSESSMENT POLICIES AND PROCEDURES FOR CHILD WELFARE
23 CASEWORKERS TO RECOGNIZE AND RESPOND TO CHILD ABUSE OR NEGLECT
24 RELATED TO DOMESTIC ABUSE WHILE APPROPRIATELY CONSIDERING THE
25 ROLE OF THE ABUSIVE PARENT AND CULTURAL CONSIDERATIONS.

26 **SECTION 3. Appropriation.** For the 2021-22 state fiscal year,
27 \$22,500 is appropriated to the department of human services for use by

1 the division of child welfare. This appropriation is from the general fund.
2 To implement this act, the division may use this appropriation for
3 administration.

4 **SECTION 4. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly; except
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V
8 of the state constitution against this act or an item, section, or part of this
9 act within such period, then the act, item, section, or part will not take
10 effect unless approved by the people at the general election to be held in
11 November 2022 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.