

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

PREAMENDED

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

LLS NO. 21-0454.02 Alana Rosen x2606

HOUSE BILL 21-1099

HOUSE SPONSORSHIP

Ransom and Michaelson Jenet,

SENATE SPONSORSHIP

Zenzinger and Smallwood,

House Committees

Public & Behavioral Health & Human Services
Appropriations

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) 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
20 engages in domestic abuse, children witness patterns of coercive

1 behaviors, which demean and harm the nonoffending caregiver.
2 Witnessing harm to a caregiver is detrimental to a child's development
3 and emotional well-being.

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

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

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

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

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

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

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

27 (d) To continue monitoring for potential disparities, including but

1 not limited to racial equity and socioeconomic barriers.

2

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

5 **19-3-304.3. Domestic abuse task force - creation - best**
6 **practices and training for recognition of domestic abuse as child**
7 **abuse or neglect - policies and procedures - rules. (1) (a) THE STATE**
8 **DEPARTMENT SHALL CREATE A DOMESTIC ABUSE TASK FORCE, REFERRED**
9 **TO IN THIS SECTION AS THE "TASK FORCE". THE TASK FORCE MUST BE**
10 **FORMED FOR NO MORE THAN TWO YEARS. THE TASK FORCE SHALL REVIEW**
11 **RECOMMENDATIONS FROM THE STATE DEPARTMENT'S DOMESTIC ABUSE**
12 **PROGRAM AND CHILD WELFARE WORKGROUP TO DEVELOP A STATUTORY**
13 **DEFINITION FOR THIS TITLE 19 THAT DEFINES DOMESTIC ABUSE AND**
14 **RECOGNIZES THE IMPACT DOMESTIC ABUSE MAY HAVE ON THE EMOTIONAL**
15 **AND DEVELOPMENTAL WELL-BEING OF A CHILD.**

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

22 (c) THE STATE DEPARTMENT SHALL REPORT TO THE HEALTH AND
23 HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC AND
24 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
25 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, WITH THE
26 RECOMMENDED DEFINITION PURSUANT TO SUBSECTION (1)(a) OF THIS
27 SECTION NO LATER THAN DECEMBER 2022.

1 (2) ON OR BEFORE JULY 1, 2023, THE STATE DEPARTMENT SHALL
2 PROMULGATE RULES BASED ON RECOMMENDATIONS FROM THE DOMESTIC
3 ABUSE PROGRAM AND CHILD WELFARE WORKGROUP, WHICH MUST BE
4 VETTED BY THE TASK FORCE, REGARDING THE BEST PRACTICES AND
5 TRAINING FOR RECOGNITION OF CHILD ABUSE OR NEGLECT RELATED TO
6 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 PARENT AND DIVERSITY SENSITIVITIES;

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 PARENT AND DIVERSITY SENSITIVITIES; AND

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

25 **SECTION 3. 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.