

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

PREAMENDED

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

LLS NO. 24-0675.01 Jane Ritter x4342

HOUSE BILL 24-1120

HOUSE SPONSORSHIP

Evans,

SENATE SPONSORSHIP

(None),

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS RELATED TO REPORTS OF CHILD ABUSE**
102 **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>.)

The bill requires that prior to adding a person found responsible for child abuse or neglect (person) to the automated child welfare system (system), a county department of human or social services must provide, within 14 days, a written notice to the person of the opportunity for a hearing to appeal the finding. The written notice must include, among other things:

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.

- Information about the factual history of the case and detailed information about the appeals process;
- Information about how the person may obtain, at no cost to the person, a complete copy of the record that will be added to the system, subject to redactions required by law;
- Information about how the person may request a complete copy of the law enforcement record, if any, of the alleged incident of child abuse or neglect;
- Information about the office of the child protection ombudsman; and
- Information about the office of the respondent parents' counsel.

When a hearing is requested, the bill requires an administrative law judge to contact the parties to schedule the hearing, which must take place no later than 120 days after the date the person requests a hearing. The bill describes the rights accorded to the person.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-3-313.3 as
3 follows:

4 **19-3-313.3. State department automated child welfare system**
5 **- written notice - appeals - representation - rules - definitions.** (1) AS
6 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "AUTOMATED CHILD WELFARE SYSTEM", ALSO KNOWN AS
8 "TRAILS SYSTEM", MEANS THE STATE DEPARTMENT OF HUMAN SERVICES
9 AUTOMATED CHILD WELFARE SYSTEM.

10 (b) "PERSON" MEANS A PERSON, INCLUDING A CHILD OR YOUTH,
11 FOUND RESPONSIBLE BY A COUNTY DEPARTMENT FOR AN INCIDENT OF
12 CHILD ABUSE OR NEGLECT.

13 (2) (a) (I) A COUNTY DEPARTMENT SHALL PROVIDE A PERSON WITH
14 WRITTEN NOTICE PURSUANT TO SECTION 19-3-313.5 (3) OF THE
15 OPPORTUNITY TO HAVE A HEARING TO APPEAL A FINDING OF A CONFIRMED
16 REPORT OF CHILD ABUSE OR NEGLECT. THE COUNTY DEPARTMENT SHALL

1 SEND THE WRITTEN NOTICE TO THE PERSON AND ANY KNOWN COUNSEL OF
2 RECORD FOR THE PERSON IN A RELATED DEPENDENCY AND NEGLECT CASE
3 NO LATER THAN FOURTEEN DAYS AFTER THE DATE THE COUNTY
4 DEPARTMENT ENTERS ITS FINDING. AFTER THE COUNTY DEPARTMENT
5 SENDS THE WRITTEN NOTICE REQUIRED PURSUANT TO THIS SUBSECTION
6 (2)(a)(I) WITHIN THE REQUIRED FOURTEEN-DAY PERIOD, THE COUNTY
7 DEPARTMENT IS DEEMED TO HAVE SATISFIED THE REQUIREMENTS OF THIS
8 SUBSECTION (2)(a)(I).

9 (II) IF THE PERSON IS A JUVENILE, THE COUNTY DEPARTMENT
10 SHALL SEND NOTICE TO ANY KNOWN JUVENILE, THE JUVENILE'S PARENT OR
11 LEGAL GUARDIAN, AND THE JUVENILE'S GUARDIAN AD LITEM OR COUNSEL,
12 IF KNOWN, APPOINTED IN A DEPENDENCY AND NEGLECT, CRIMINAL, OR
13 DELINQUENCY CASE. IF THE PERSON IS ENROLLED IN THE FOSTER YOUTH IN
14 TRANSITION PROGRAM PURSUANT TO PART 3 OF ARTICLE 7 OF THIS TITLE
15 19, THE COUNTY DEPARTMENT SHALL SEND THE WRITTEN NOTICE TO THE
16 GUARDIAN AD LITEM OR COUNSEL WHO IS ASSIGNED TO THE YOUTH, AS
17 APPLICABLE.

18 (b) THE WRITTEN NOTICE MUST INCLUDE:

19 (I) A CLEAR STATEMENT THAT INCLUDES:

20 (A) THE TYPE AND SEVERITY OF THE ABUSE OR NEGLECT;

21 (B) THE DATE OF THE REFERRAL TO THE COUNTY DEPARTMENT;

22 (C) THE NAME OF THE COUNTY DEPARTMENT THAT COMPLETED
23 THE ASSESSMENT OF CHILD ABUSE OR NEGLECT;

24 (D) THE DATE THE COUNTY DEPARTMENT DETERMINED THE
25 FINDING OF CHILD ABUSE OR NEGLECT IN THE AUTOMATED CHILD WELFARE
26 SYSTEM;

27 (E) INFORMATION CONCERNING PERSONS OR AGENCIES THAT HAVE

- 1 ACCESS TO THE FINDING OF CHILD ABUSE OR NEGLECT;
- 2 (F) THE CIRCUMSTANCES UNDER WHICH INFORMATION CONTAINED
3 IN THE AUTOMATED CHILD WELFARE SYSTEM WILL BE PROVIDED TO OTHER
4 INDIVIDUALS OR AGENCIES;
- 5 (G) INFORMATION ON THE COUNTY DEPARTMENT'S DISPUTE
6 RESOLUTION PROCESS, IF AVAILABLE;
- 7 (H) INFORMATION DETAILING THE RIGHT OF THE PERSON TO
8 REQUEST A STATE-LEVEL APPEAL;
- 9 (I) A BLANK COPY OF THE STATE DEPARTMENT'S APPROVED APPEAL
10 FORM;
- 11 (J) NOTICE THAT THE SCOPE OF AN APPEAL IS LIMITED TO
12 CHALLENGES THAT THE FINDING OF CHILD ABUSE OR NEGLECT IS NOT
13 SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE OR THAT THE
14 ACTIONS FOUND TO BE CHILD ABUSE OR NEGLECT DO NOT MEET THE LEGAL
15 DEFINITIONS OF CHILD ABUSE OR NEGLECT PURSUANT TO SECTION
16 19-1-103; AND
- 17 (K) A FULL EXPLANATION OF THE PROCESS AND TIMELINES FOR A
18 STATE-LEVEL APPEAL;
- 19 (II) INFORMATION ABOUT HOW THE PERSON MAY OBTAIN, AT NO
20 COST TO THE PERSON, IF THE INFORMATION IS AVAILABLE
21 ELECTRONICALLY, A COMPLETE COPY OF THE RECORD THAT WILL BE
22 ADDED TO THE AUTOMATED CHILD WELFARE SYSTEM, SUBJECT TO
23 REDACTIONS REQUIRED BY LAW. IF THE INFORMATION IS NOT AVAILABLE
24 ELECTRONICALLY, THE PROVISIONS OF SUBSECTION (2)(b)(III) OF THIS
25 SECTION APPLY REGARDING COSTS.
- 26 (III)(A) INFORMATION ABOUT HOW THE PERSON MAY REQUEST, AT
27 NO INITIAL COST TO THE PERSON, IF THE INFORMATION IS AVAILABLE

1 ELECTRONICALLY, A COMPLETE COPY OF THE LAW ENFORCEMENT RECORD,
2 IF ANY, OF THE ALLEGED INCIDENT OF CHILD ABUSE OR NEGLECT. IF THE
3 INFORMATION IS AVAILABLE ELECTRONICALLY, THE INFORMATION MUST
4 BE PROVIDED ELECTRONICALLY AT NO CHARGE. IF THE INFORMATION IS
5 NOT AVAILABLE ELECTRONICALLY, A CUSTODIAN MAY CHARGE A FEE NOT
6 TO EXCEED TWENTY-FIVE CENTS PER STANDARD PAGE FOR A COPY OF A
7 PUBLIC RECORD OR A FEE NOT TO EXCEED THE ACTUAL COST OF PROVIDING
8 A COPY, PRINTOUT, OR PHOTOGRAPH OF A PUBLIC RECORD IN A FORMAT
9 OTHER THAN A STANDARD PAGE.

10 (B) A CUSTODIAN MAY IMPOSE A FEE IN RESPONSE TO A REQUEST
11 FOR THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS ONLY IF THE
12 CUSTODIAN HAS, PRIOR TO THE DATE OF RECEIVING THE REQUEST, EITHER
13 POSTED ON THE CUSTODIAN'S WEBSITE OR OTHERWISE PUBLISHED A
14 WRITTEN POLICY THAT SPECIFIES THE APPLICABLE CONDITIONS
15 CONCERNING THE RESEARCH AND RETRIEVAL OF PUBLIC RECORDS BY THE
16 CUSTODIAN, INCLUDING THE AMOUNT OF ANY CURRENT FEE. UNDER THE
17 POLICY, THE CUSTODIAN SHALL NOT IMPOSE A CHARGE FOR THE FIRST
18 HOUR OF TIME EXPENDED IN CONNECTION WITH THE RESEARCH AND
19 RETRIEVAL OF PUBLIC RECORDS. AFTER THE FIRST HOUR OF TIME HAS BEEN
20 EXPENDED, THE CUSTODIAN MAY CHARGE A FEE FOR THE RESEARCH AND
21 RETRIEVAL OF PUBLIC RECORDS THAT DOES NOT EXCEED THIRTY DOLLARS
22 PER HOUR.

23 (IV) INFORMATION ABOUT THE OFFICE OF THE CHILD PROTECTION
24 OMBUDSMAN CREATED IN SECTION 19-3.3-102; [REDACTED]

25 (V) INFORMATION ABOUT THE OFFICE OF THE RESPONDENT
26 PARENTS' COUNSEL CREATED IN SECTION 13-92-103; AND

1 (VI) INFORMATION ABOUT THE OFFICE OF THE CHILD'S
2 REPRESENTATIVE CREATED IN SECTION 13-91-104.

3 (3) FOR A PERSON SEEKING EMPLOYMENT OR VOLUNTEERING IN A
4 ROLE THAT REQUIRES THE CARE, TREATMENT, OR SUPERVISION OF
5 CHILDREN OR YOUTH, OR UNSUPERVISED CONTACT WITH CHILDREN OR
6 YOUTH, A BACKGROUND CHECK THROUGH THE AUTOMATED CHILD
7 WELFARE SYSTEM MAY ONLY BE CONDUCTED AND RELEASED PURSUANT
8 TO SECTION 19-1-307, 26-6-705, OR 26.5-5-316.

9 (4) (a) THE STATE DEPARTMENT SHALL MAINTAIN A STATE-LEVEL
10 UNIT TO REVIEW SUBMITTED APPEALS. THE STATE DEPARTMENT AND THE
11 APPELLANT HAVE ONE HUNDRED TWENTY DAYS AFTER THE DATE THAT
12 THE STATE DEPARTMENT RECEIVES THE APPEAL TO RESOLVE THE ISSUES
13 ON APPEAL. THE ONE-HUNDRED-TWENTY-DAY TIME LIMIT MAY BE
14 EXTENDED UPON AGREEMENT OF BOTH THE APPELLANT AND THE STATE
15 DEPARTMENT IF IT IS LIKELY THAT THE ADDITIONAL TIME WILL RESULT IN
16 A FULLY EXECUTED SETTLEMENT AGREEMENT OR RESOLUTION OF THE
17 APPEAL. AS SOON AS IT IS EVIDENT WITHIN THE ONE HUNDRED TWENTY
18 DAYS THAT THE APPELLANT AND THE STATE DEPARTMENT WILL NOT
19 RESOLVE THE ISSUE ON APPEAL, THE STATE DEPARTMENT SHALL FORWARD
20 A COPY OF THE APPELLANT'S ORIGINAL APPEAL REQUEST TO THE OFFICE OF
21 ADMINISTRATIVE COURTS TO INITIATE THE OFFICE OF ADMINISTRATIVE
22 COURTS' FAIR HEARING PROCESS. THE OFFICE OF ADMINISTRATIVE COURTS
23 SHALL CONTACT THE PARTIES TO SCHEDULE A DATE FOR THE HEARING,
24 WHICH MUST BE HELD NO LATER THAN ONE HUNDRED TWENTY DAYS
25 AFTER THE DATE THE STATE DEPARTMENT FORWARDS THE COPY OF THE
26 APPELLANT'S ORIGINAL APPEAL REQUEST TO THE OFFICE OF
27 ADMINISTRATIVE COURTS.

1 (b) A HEARING HELD PURSUANT TO THIS SECTION IS CONSIDERED
2 A CONTESTED HEARING AND IS ELIGIBLE FOR APPEAL.

3 (c) PRIOR TO THE HEARING, THE STATE DEPARTMENT SHALL
4 PROVIDE THE PERSON WITH THE FULL INVESTIGATIVE FILE AND ANY
5 EXCULPATORY EVIDENCE IN THE STATE DEPARTMENT'S POSSESSION OR
6 CONTROL AT NO COST TO THE PERSON, SUBJECT TO ANY REDACTION
7 REQUIRED BY LAW.

8 (d) AT THE HEARING, THE PERSON HAS THE RIGHT TO:

9 (I) (A) BE REPRESENTED BY COUNSEL, IF DESIRED. COUNSEL IS
10 ONLY APPOINTED PURSUANT TO THIS SECTION. IF COUNSEL HAS BEEN
11 APPOINTED TO REPRESENT THE PERSON THROUGH THE OFFICE OF THE
12 RESPONDENT PARENTS' COUNSEL CREATED IN SECTION 13-92-103, THE
13 PERSON'S COUNSEL MAY CONTINUE REPRESENTING THE PERSON
14 THROUGHOUT THE HEARING REQUESTED PURSUANT TO SUBSECTION (2) OF
15 THIS SECTION IF APPROVED BY THE OFFICE OF THE RESPONDENT PARENTS'
16 COUNSEL.

17 (B) IF COUNSEL HAS BEEN APPOINTED TO REPRESENT A CHILD OR
18 YOUTH IN A DEPENDENCY AND NEGLECT OR FOSTER YOUTH IN TRANSITION
19 PROGRAM CASE THROUGH THE OFFICE OF THE CHILD'S REPRESENTATIVE,
20 CREATED IN SECTION 13-91-104, THE CHILD'S OR YOUTH'S COUNSEL MAY
21 CONTINUE REPRESENTING THE CHILD OR YOUTH THROUGHOUT THE
22 HEARING REQUESTED PURSUANT TO SUBSECTION (2) OF THIS SECTION IF
23 APPROVED BY THE OFFICE OF THE CHILD'S REPRESENTATIVE. IF A
24 GUARDIAN AD LITEM IS APPOINTED TO REPRESENT THE BEST INTERESTS OF
25 THE CHILD OR YOUTH IN A DEPENDENCY OR NEGLECT, CRIMINAL, OR
26 DELINQUENCY CASE THROUGH THE OFFICE OF THE CHILD'S
27 REPRESENTATIVE, THE GUARDIAN AD LITEM MAY CONTINUE REPRESENTING

1 THE BEST INTERESTS OF THE CHILD OR YOUTH THROUGHOUT THE HEARING
2 REQUESTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, IF APPROVED
3 BY THE OFFICE OF THE CHILD'S REPRESENTATIVE.

4 (II) PRESENT SWORN EVIDENCE, LAW, OR RULES RELATED TO THE
5 ALLEGATIONS; AND

6 (III) SUBPOENA WITNESSES, CROSS-EXAMINE THE STATE
7 DEPARTMENT'S WITNESSES, OBJECT TO EVIDENCE INTRODUCED BY THE
8 STATE DEPARTMENT, AND MAKE AN OPENING STATEMENT AND CLOSING
9 ARGUMENT.

10 (e) WITHIN THIRTY-FIVE DAYS AFTER THE CONCLUSION OF THE
11 HEARING, THE STATE DEPARTMENT ADMINISTRATIVE LAW JUDGE HEARING
12 THE MATTER SHALL ENTER AN ORDER CONTAINING THE JUDGE'S FINDINGS
13 OF FACT AND LAW BASED UPON A PREPONDERANCE OF THE EVIDENCE.

14 (5) ON OR BEFORE JULY 1, 2025, THE STATE BOARD, IN
15 COLLABORATION WITH COUNTY DEPARTMENTS, THE OFFICE OF THE CHILD'S
16 REPRESENTATIVE, AND THE OFFICE OF THE RESPONDENT PARENTS'
17 COUNSEL, SHALL PROMULGATE RULES NECESSARY FOR THE
18 IMPLEMENTATION OF THIS SECTION AND TO PROMOTE FAIRNESS AND
19 EFFICIENCY IN THE APPEALS PROCESS.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

- 1 November 2024 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.