

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0675.01 Jane Ritter x4342

HOUSE BILL 24-1120

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HOUSE SPONSORSHIP

Evans,

SENATE SPONSORSHIP

(None),

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House Committees  
Health & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING REQUIREMENTS RELATED TO REPORTS OF CHILD ABUSE  
102 OR NEGLECT.

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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.

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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.

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

14 (b) THE WRITTEN NOTICE MUST INCLUDE:

15 (I) A CLEAR STATEMENT THAT INCLUDES:

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

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

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

20 (D) THE DATE THE COUNTY DEPARTMENT DETERMINED THE  
21 FINDING OF CHILD ABUSE OR NEGLECT IN THE AUTOMATED CHILD WELFARE  
22 SYSTEM;

23 (E) INFORMATION CONCERNING PERSONS OR AGENCIES THAT HAVE  
24 ACCESS TO THE FINDING OF CHILD ABUSE OR NEGLECT;

25 (F) THE CIRCUMSTANCES UNDER WHICH INFORMATION CONTAINED  
26 IN THE AUTOMATED CHILD WELFARE SYSTEM WILL BE PROVIDED TO OTHER  
27 INDIVIDUALS OR AGENCIES;

1 (G) INFORMATION ON THE COUNTY DEPARTMENT'S DISPUTE  
2 RESOLUTION PROCESS, IF AVAILABLE;

3 (H) INFORMATION DETAILING THE RIGHT OF THE PERSON TO  
4 REQUEST A STATE-LEVEL APPEAL;

5 (I) A BLANK COPY OF THE STATE DEPARTMENT'S APPROVED APPEAL  
6 FORM;

7 (J) NOTICE THAT THE SCOPE OF AN APPEAL IS LIMITED TO  
8 CHALLENGES THAT THE FINDING OF CHILD ABUSE OR NEGLECT IS NOT  
9 SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE OR THAT THE  
10 ACTIONS FOUND TO BE CHILD ABUSE OR NEGLECT DO NOT MEET THE LEGAL  
11 DEFINITIONS OF CHILD ABUSE OR NEGLECT PURSUANT TO SECTION  
12 19-1-103; AND

13 (K) A FULL EXPLANATION OF THE PROCESS AND TIMELINES FOR A  
14 STATE-LEVEL APPEAL;

15 (II) INFORMATION ABOUT HOW THE PERSON MAY OBTAIN, AT NO  
16 COST TO THE PERSON, A COMPLETE COPY OF THE RECORD THAT WILL BE  
17 ADDED TO THE AUTOMATED CHILD WELFARE SYSTEM, SUBJECT TO  
18 REDACTIONS REQUIRED BY LAW;

19 (III) (A) INFORMATION ABOUT HOW THE PERSON MAY REQUEST, AT  
20 NO INITIAL COST TO THE PERSON, A COMPLETE COPY OF THE LAW  
21 ENFORCEMENT RECORD, IF ANY, OF THE ALLEGED INCIDENT OF CHILD  
22 ABUSE OR NEGLECT. IF THE INFORMATION IS AVAILABLE ELECTRONICALLY,  
23 THE INFORMATION MUST BE PROVIDED ELECTRONICALLY AT NO CHARGE.  
24 A CUSTODIAN MAY CHARGE A FEE NOT TO EXCEED TWENTY-FIVE CENTS  
25 PER STANDARD PAGE FOR A COPY OF A PUBLIC RECORD OR A FEE NOT TO  
26 EXCEED THE ACTUAL COST OF PROVIDING A COPY, PRINTOUT, OR  
27 PHOTOGRAPH OF A PUBLIC RECORD IN A FORMAT OTHER THAN A STANDARD

1 PAGE.

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

15 (IV) INFORMATION ABOUT THE OFFICE OF THE CHILD PROTECTION  
16 OMBUDSMAN CREATED IN SECTION 19-3.3-102; AND

17 (V) INFORMATION ABOUT THE OFFICE OF THE RESPONDENT  
18 PARENTS' COUNSEL CREATED IN SECTION 13-92-103.

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

25 (4) (a) IF A PERSON REQUESTS A HEARING PURSUANT TO  
26 SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT  
27 ADMINISTRATIVE LAW JUDGE HEARING THE MATTER SHALL CONTACT THE

1 PARTIES TO SCHEDULE A DATE FOR THE HEARING, WHICH MUST BE HELD NO  
2 LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE DATE THE PERSON  
3 REQUESTS A HEARING.

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

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

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

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

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

1 THE CHILD OR YOUTH IN A DEPENDENCY OR NEGLECT, CRIMINAL, OR  
2 DELINQUENCY CASE THROUGH THE OFFICE OF THE CHILD'S  
3 REPRESENTATIVE, THE GUARDIAN AD LITEM MAY CONTINUE REPRESENTING  
4 THE BEST INTERESTS OF THE CHILD OR YOUTH THROUGHOUT THE HEARING  
5 REQUESTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, IF APPROVED  
6 BY THE OFFICE OF THE CHILD'S REPRESENTATIVE.

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

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

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

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

23 **SECTION 2. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly; except  
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take  
2 effect unless approved by the people at the general election to be held in  
3 November 2024 and, in such case, will take effect on the date of the  
4 official declaration of the vote thereon by the governor.