

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0225.01 Shelby Ross x4510

HOUSE BILL 22-1160

HOUSE SPONSORSHIP

Tipper,

SENATE SPONSORSHIP

(None),

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF FAMILY JUSTICE CENTERS TO
102 ENSURE VICTIMS ARE ABLE TO ACCESS NEEDED SERVICES IN ONE
103 LOCATION.

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 authorizes a city, county, city and county, or community-based nonprofit organization to establish a multiagency, multidisciplinary family justice center to ensure victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking are able to access all needed services in one location.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 27 to title
3 18 as follows:

4 **ARTICLE 27**

5 **Family Justice Centers**

6 **18-27-101. Definitions.** AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "DOMESTIC VIOLENCE" HAS THE SAME MEANING AS SET FORTH
9 IN SECTION 18-6-800.3.

10 (2) "ELDER OR DEPENDENT ADULT ABUSE" MEANS ABUSE OF AN
11 AT-RISK ADULT OR AT-RISK ELDER, AS THOSE TERMS ARE DEFINED IN
12 SECTION 18-6.5-102.

13 (3) "HUMAN TRAFFICKING" MEANS A HUMAN
14 TRAFFICKING-RELATED OFFENSE AS DESCRIBED IN SECTIONS 18-3-503 AND
15 18-3-504.

16 (4) "SEXUAL ASSAULT" HAS THE SAME MEANING AS SET FORTH IN
17 SECTION 18-3-402.

18 (5) "VICTIM" MEANS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL
19 ASSAULT, ELDER OR DEPENDENT ADULT ABUSE, OR HUMAN TRAFFICKING.

20 **18-27-102. Family justice centers - establishment -**
21 **requirements.** (1) A CITY, COUNTY, CITY AND COUNTY, OR
22 COMMUNITY-BASED NONPROFIT ORGANIZATION MAY ESTABLISH A
23 MULTIAGENCY, MULTIDISCIPLINARY FAMILY JUSTICE CENTER TO ENSURE
24 VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, ELDER OR DEPENDENT
25 ADULT ABUSE, AND HUMAN TRAFFICKING ARE ABLE TO ACCESS ALL
26 NEEDED SERVICES IN ONE LOCATION IN ORDER TO:

- 1 (a) ENHANCE VICTIM SAFETY;
- 2 (b) INCREASE OFFENDER ACCOUNTABILITY;
- 3 (c) IMPROVE ACCESS TO SERVICES FOR VICTIMS;
- 4 (d) REDUCE THE NUMBER OF TIMES A VICTIM MUST TELL THE
- 5 VICTIM'S STORY;
- 6 (e) REDUCE THE NUMBER OF PLACES A VICTIM MUST GO FOR HELP;
- 7 AND
- 8 (f) INCREASE ACCESS TO SERVICES AND SUPPORT FOR VICTIMS AND
- 9 VICTIMS' CHILDREN.
- 10 (2) FAMILY JUSTICE CENTER STAFF MEMBERS MAY INCLUDE, BUT
- 11 ARE NOT LIMITED TO:
- 12 (a) LAW ENFORCEMENT PERSONNEL;
- 13 (b) MEDICAL PERSONNEL;
- 14 (c) DISTRICT ATTORNEYS AND CITY ATTORNEYS;
- 15 (d) VICTIM-WITNESS PROGRAM PERSONNEL;
- 16 (e) DOMESTIC VIOLENCE SHELTER SERVICE STAFF;
- 17 (f) COMMUNITY-BASED RAPE CRISIS, DOMESTIC VIOLENCE, AND
- 18 HUMAN TRAFFICKING VICTIM ADVOCATES;
- 19 (g) SOCIAL SERVICE AGENCY STAFF MEMBERS;
- 20 (h) CHILD WELFARE AGENCY SOCIAL WORKERS;
- 21 (i) COUNTY HEALTH DEPARTMENT STAFF;
- 22 (j) CITY OR COUNTY WELFARE AND PUBLIC ASSISTANCE WORKERS;
- 23 (k) NONPROFIT AGENCY COUNSELING PROFESSIONALS;
- 24 (l) CIVIL LEGAL SERVICE PROVIDERS;
- 25 (m) SUPERVISED VOLUNTEERS FROM PARTNER AGENCIES; AND
- 26 (n) OTHER PROFESSIONALS PROVIDING SERVICES.
- 27 (3) ALL EXISTING LAWS REGARDING PRIVACY OR INFORMATION

1 APPLY TO FAMILY JUSTICE CENTER STAFF MEMBERS AND THE WORK DONE
2 AT A FAMILY JUSTICE CENTER. FAMILY JUSTICE CENTER STAFF MEMBERS
3 SHALL COMPLY WITH THE LAWS GOVERNING THE STAFF MEMBERS'
4 RESPECTIVE PROFESSIONS.

5 (4) VICTIMS OF A CRIME ARE NOT REQUIRED TO PARTICIPATE IN
6 THE CRIMINAL JUSTICE SYSTEM OR COOPERATE WITH LAW ENFORCEMENT
7 IN ORDER TO RECEIVE COUNSELING, MEDICAL CARE, OR OTHER SERVICES
8 AT A FAMILY JUSTICE CENTER.

9 (5) A FAMILY JUSTICE CENTER SHALL:

10 (a) CONSULT WITH COMMUNITY-BASED DOMESTIC VIOLENCE,
11 SEXUAL ASSAULT, ELDER OR DEPENDENT ADULT ABUSE, AND HUMAN
12 TRAFFICKING AGENCIES IN PARTNERSHIP WITH SURVIVORS OF VIOLENCE
13 AND ABUSE AND THE SURVIVOR'S ADVOCATES IN THE OPERATIONS
14 PROCESS OF THE FAMILY JUSTICE CENTER;

15 (b) ESTABLISH PROCEDURES FOR THE ONGOING INPUT, FEEDBACK,
16 AND EVALUATION OF THE FAMILY JUSTICE CENTER BY SURVIVORS OF
17 VIOLENCE AND ABUSE AND COMMUNITY-BASED CRIME VICTIM SERVICE
18 PROVIDERS AND ADVOCATES;

19 (c) DEVELOP POLICIES AND PROCEDURES, IN COLLABORATION WITH
20 LOCAL COMMUNITY-BASED CRIME VICTIM SERVICE PROVIDERS AND LOCAL
21 SURVIVORS OF VIOLENCE AND ABUSE, TO ENSURE COORDINATED SERVICES
22 ARE PROVIDED TO VICTIMS AND TO ENHANCE THE SAFETY OF VICTIMS AND
23 PROFESSIONALS AT THE FAMILY JUSTICE CENTER WHO PARTICIPATE IN
24 AFFILIATED SURVIVOR-CENTERED SUPPORT OR ADVOCACY GROUPS;

25 (d) MAINTAIN A FORMAL CLIENT FEEDBACK, COMPLAINT, AND
26 INPUT PROCESS TO ADDRESS CLIENT CONCERNS ABOUT SERVICES PROVIDED
27 OR THE CONDUCT OF ANY FAMILY JUSTICE CENTER PROFESSIONAL, AGENCY

1 PARTNER, OR VOLUNTEER PROVIDING SERVICES IN THE FAMILY JUSTICE
2 CENTER;

3 (e) MAINTAIN A CLIENT CONSENT POLICY AND COMPLY WITH ALL
4 STATE AND FEDERAL LAWS PROTECTING THE CONFIDENTIALITY OF THE
5 TYPES OF INFORMATION AND DOCUMENTS THAT MAY BE IN A VICTIM'S FILE,
6 INCLUDING, BUT NOT LIMITED TO, MEDICAL, LEGAL, AND VICTIM
7 COUNSELOR RECORDS; AND

8 (f) HAVE A DESIGNATED PRIVACY OFFICER TO DEVELOP AND
9 OVERSEE PRIVACY POLICIES AND PROCEDURES CONSISTENT WITH STATE
10 AND FEDERAL LAWS AND THE FEDERAL FAIR INFORMATION PRACTICE
11 PRINCIPLES ISSUED BY THE FEDERAL DEPARTMENT OF HOMELAND
12 SECURITY.

13 **18-27-103. Family justice center - consent - information**
14 **sharing.** (1) A FAMILY JUSTICE CENTER SHALL OBTAIN INFORMED,
15 WRITTEN, REASONABLY TIME-LIMITED CONSENT FROM EACH VICTIM
16 BEFORE SHARING INFORMATION OBTAINED FROM THE VICTIM WITH ANY
17 FAMILY JUSTICE CENTER STAFF MEMBER, VOLUNTEER, OR AGENCY
18 PARTNER, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

19 (2) A FAMILY JUSTICE CENTER IS NOT REQUIRED TO OBTAIN
20 CONSENT FROM THE VICTIM PURSUANT TO SUBSECTION (1) OF THIS
21 SECTION BEFORE SHARING INFORMATION OBTAINED FROM THE VICTIM
22 WITH ANY FAMILY JUSTICE CENTER STAFF MEMBER OR AGENCY PARTNER
23 IF THE STAFF MEMBER OR AGENCY PARTNER IS A MANDATORY REPORTER,
24 A CERTIFIED PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-102, OR A
25 MEMBER OF THE PROSECUTION TEAM AND IS REQUIRED TO REPORT OR
26 DISCLOSE SPECIFIC INFORMATION OR INCIDENTS. THE MANDATORY
27 REPORTER, CERTIFIED PEACE OFFICER, OR MEMBER OF THE PROSECUTION

1 TEAM SHALL INFORM THE VICTIM THAT THE MANDATORY REPORTER,
2 CERTIFIED PEACE OFFICER, OR MEMBER OF THE PROSECUTION TEAM MAY
3 SHARE INFORMATION OBTAINED FROM THE VICTIM WITHOUT THE VICTIM'S
4 CONSENT.

5 (3)(a) A FAMILY JUSTICE CENTER SHALL INFORM THE VICTIM THAT
6 INFORMATION SHARED WITH ANY FAMILY JUSTICE CENTER STAFF MEMBER
7 OR AGENCY PARTNER MAY BE SHARED WITH LAW ENFORCEMENT
8 PROFESSIONALS WITHOUT THE VICTIM'S CONSENT IF THERE IS A
9 MANDATORY DUTY TO REPORT OR THE VICTIM IS A DANGER TO THE
10 VICTIM'S SELF OR OTHERS.

11 (b) A FAMILY JUSTICE CENTER SHALL OBTAIN WRITTEN
12 ACKNOWLEDGMENT THAT THE VICTIM HAS BEEN INFORMED OF
13 SUBSECTION (3)(a) OF THIS SECTION.

14 (4) A VICTIM'S CONSENT TO SHARE INFORMATION WITHIN A FAMILY
15 JUSTICE CENTER PURSUANT TO THIS SECTION IS NOT A UNIVERSAL WAIVER
16 OF ANY EXISTING EVIDENTIARY PRIVILEGE THAT MAKES CONFIDENTIAL
17 ANY COMMUNICATIONS OR DOCUMENTS BETWEEN THE VICTIM AND ANY
18 SERVICE PROVIDER, INCLUDING BUT NOT LIMITED TO AN ATTORNEY,
19 ADVOCATE, SEXUAL ASSAULT OR DOMESTIC VIOLENCE COUNSELOR,
20 HUMAN TRAFFICKING CASEWORKER, THERAPIST, DOCTOR, OR NURSE. A
21 FAMILY JUSTICE CENTER STAFF MEMBER, VOLUNTEER, OR AGENCY
22 PARTNER SHALL NOT DISCLOSE ANY ORAL OR WRITTEN COMMUNICATION
23 OR ANY DOCUMENT AUTHORIZED BY THE VICTIM TO BE SHARED FOR THE
24 PURPOSES OF ENHANCING SAFETY AND PROVIDING MORE EFFECTIVE AND
25 EFFICIENT SERVICES TO THE VICTIM TO ANY THIRD PARTY, UNLESS THAT
26 THIRD-PARTY DISCLOSURE IS AUTHORIZED BY THE VICTIM OR REQUIRED BY
27 OTHER STATE OR FEDERAL LAW OR BY COURT ORDER.

1 (5) AN INDIVIDUAL STAFF MEMBER, VOLUNTEER, OR PARTNER
2 AGENCY THAT RECEIVES VICTIM INFORMATION PURSUANT TO THIS ARTICLE
3 27 IS NOT REQUIRED TO DISCLOSE THAT INFORMATION UNLESS THE VICTIM
4 CONSENTS TO THE DISCLOSURE OR THE DISCLOSURE IS OTHERWISE
5 REQUIRED BY OTHER STATE OR FEDERAL LAW OR BY COURT ORDER.

6 (6) A DISCLOSURE OF INFORMATION CONSENTED TO BY THE VICTIM
7 IN A FAMILY JUSTICE CENTER MADE FOR THE PURPOSE OF CLINICAL
8 ASSESSMENT, RISK ASSESSMENT, SAFETY PLANNING, OR SERVICE DELIVERY
9 IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY RIGHT
10 PROTECTED PURSUANT TO ANY OTHER PROVISION OF LAW.

11 **SECTION 2. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within such period, then the act, item, section, or part will not take
17 effect unless approved by the people at the general election to be held in
18 November 2022 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.