

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 13-1271

BY REPRESENTATIVE(S) Singer and May, Ferrandino, Hullinghorst, McCann, Buckner, Duran, Fields, Fischer, Ginal, Hamner, Kraft-Tharp, Labuda, Lebsock, Melton, Moreno, Pabon, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Vigil, Young, Gardner, Kagan, Mitsch Bush, Schafer, Tyler, Williams;
also SENATOR(S) Newell and Nicholson, Aguilar, Carroll, Giron, Heath, Hodge, Hudak, Jahn, Johnston, Jones, Kefalas, Kerr, Tochtrop, Todd, Morse.

CONCERNING METHODS TO RESPOND TO INITIAL CONTACTS MADE TO A CHILD ABUSE REPORTING HOTLINE SYSTEM, AND, IN CONNECTION THEREWITH, AUTHORIZING THE STATE BOARD OF HUMAN SERVICES TO ADOPT RULES GOVERNING THE HOTLINE SYSTEM, PROVIDING CONSISTENT PRACTICES IN RESPONSE TO CONTACTS AND TO REPORTS OF KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT, AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 26-5-111 as follows:

26-5-111. Statewide child abuse reporting hotline system -

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

legislative declaration - definitions - child abuse hotline steering committee - rules on consistent processes in response to reports and inquiries for information. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE PURPOSE OF ENACTING THIS SECTION IS TO:

(I) CREATE, BASED ON RECOMMENDATIONS OF A STEERING COMMITTEE WITH BROAD REPRESENTATION, A STATEWIDE CHILD ABUSE REPORTING HOTLINE SYSTEM TO SERVE AS A DIRECT, IMMEDIATE, AND EFFICIENT ROUTE TO THE APPLICABLE ENTITY RESPONSIBLE FOR ACCEPTING THE REPORT AND TO THE APPLICABLE ENTITY RESPONSIBLE FOR RESPONDING TO AN INQUIRY AND THAT IS AVAILABLE TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK; AND

(II) AUTHORIZE RULE-MAKING BY THE STATE BOARD TO ENSURE THAT THERE ARE STANDARDS FOR THE CONSISTENT SCREENING, ASSESSMENT, AND DECISION-MAKING IN RESPONSE TO REPORTS OF KNOWN OR SUSPECTED CHILD ABUSE AND NEGLECT AND TO INQUIRIES MADE TO A COUNTY DEPARTMENT OR TO THE HOTLINE SYSTEM.

(b) THE GENERAL ASSEMBLY DECLARES THAT THE HOTLINE SYSTEM TO BE DEVELOPED AS OUTLINED IN THIS SECTION ENHANCES THE CURRENT CHILD WELFARE SYSTEM. THE HOTLINE SYSTEM IS INTENDED TO PROVIDE AN ADDITIONAL OPTION FOR THE PUBLIC TO MAKE AN INITIAL REPORT OF SUSPECTED OR KNOWN CHILD ABUSE OR NEGLECT OR MAKING AN INQUIRY. THE COUNTY DEPARTMENT WILL RETAIN SCREENING RESPONSIBILITIES, UNLESS THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY DEPARTMENT HAS APPROVED THE USE OF THE HOTLINE SYSTEM ON BEHALF OF THE COUNTY AND SUCH ARRANGEMENT HAS BEEN APPROVED BY THE EXECUTIVE DIRECTOR.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CHILD ABUSE REPORTING HOTLINE SYSTEM" OR "THE HOTLINE SYSTEM" MEANS THE UNIFORM METHOD OF CONTACT THAT DIRECTLY, IMMEDIATELY, AND EFFICIENTLY ROUTES THE PERSON TO THE APPLICABLE ENTITY RESPONSIBLE FOR ACCEPTING A REPORT PURSUANT TO SECTION 19-3-307, C.R.S., OR TO THE APPLICABLE ENTITY RESPONSIBLE FOR RESPONDING TO AN INQUIRY AND THAT IS ADVERTISED TO THE PUBLIC AS A

PLACE FOR REPORTING KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT OR FOR MAKING INQUIRIES.

(b) "INFORMATION AND REFERRAL" MEANS AN INITIAL CONTACT FROM THE PUBLIC WHICH DOES NOT CONSTITUTE A REPORT OF ABUSE OR NEGLECT BUT IS AN INQUIRY AND THE RESPONSE TO THE INQUIRY, AS DEFINED IN RULE.

(c) "INQUIRY" MEANS A REQUEST FOR INFORMATION OR FOR SPECIFIC SERVICES.

(d) "MANDATORY REPORTER" MEANS A PERSON WHO IS REQUIRED TO REPORT CHILD ABUSE OR NEGLECT PURSUANT TO SECTION 19-3-304, C.R.S.

(e) "REPORT" MEANS AN INITIAL REPORT OF KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT.

(3) (a) THE STATE DEPARTMENT SHALL DEVELOP A CHILD ABUSE HOTLINE STEERING COMMITTEE, INCLUDING STATE, COUNTY, AND COMPREHENSIVE AND APPROPRIATE STAKEHOLDER REPRESENTATION. THE STATE DEPARTMENT SHALL APPOINT A PERSON TO THE STEERING COMMITTEE WHO IS A PRIMARY PROVIDER OF EMERGENCY FIRE FIGHTING SERVICES, LAW ENFORCEMENT, AMBULANCE, EMERGENCY MEDICAL, OR OTHER EMERGENCY SERVICES AND WHO IS FAMILIAR WITH THE EMERGENCY TELEPHONE SYSTEM THAT USES THE SINGLE THREE-DIGIT NUMBER 9-1-1 FOR REPORTING POLICE, FIRE, MEDICAL, OR OTHER EMERGENCY SITUATIONS. THE STEERING COMMITTEE IS EXPECTED TO DEVELOP AN IMPLEMENTATION PLAN FOR A STATEWIDE CHILD ABUSE REPORTING HOTLINE SYSTEM, WHICH IS ADVERTISED TO THE PUBLIC AND TO MANDATORY REPORTERS, AND TO MAKE RECOMMENDATIONS FOR RULES RELATING TO THE OPERATION OF THE HOTLINE SYSTEM AND RELATING TO CONSISTENT PRACTICES FOR RESPONDING TO REPORTS AND INQUIRIES. THE PURPOSE OF THE HOTLINE SYSTEM IS TO PROVIDE A DIRECT, IMMEDIATE, AND EFFICIENT ROUTE TO THE ENTITY RESPONSIBLE FOR ACCEPTING A REPORT PURSUANT TO SECTION 19-3-307, C.R.S. THE PUBLIC MAY ALSO CONTACT THE HOTLINE SYSTEM FOR INQUIRIES. THE HOTLINE SYSTEM MUST OPERATE TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK. THE HOTLINE MAY CONSIST OF MULTIPLE METHODS OF COMMUNICATION, AS PRESCRIBED BY RULES OF THE STATE BOARD. THE STEERING COMMITTEE SHALL SUBMIT A REPORT NO LATER THAN JULY 1, 2014, CONTAINING ITS RECOMMENDATIONS TO THE EXECUTIVE

DIRECTOR, WHO SHALL PROVIDE THE REPORT TO THE STATE BOARD. THE HOTLINE SYSTEM SHALL BE OPERATIONAL AND PUBLICIZED STATEWIDE NO LATER THAN JANUARY 1, 2015.

(b) WITH THE EXPRESS WRITTEN CONSENT OF THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY, A COUNTY DEPARTMENT MAY REQUEST THAT THE STATE DEPARTMENT ASSIST THAT COUNTY WITH THE TAKING OF CALLS OR INITIAL CONTACTS FROM THE PUBLIC OF REPORTS OF POSSIBLE CHILD ABUSE OR NEGLECT OR OF INQUIRIES. THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT MUST APPROVE THIS ARRANGEMENT IN WRITING.

(c) BASED UPON THE RECOMMENDATIONS OF THE CHILD ABUSE HOTLINE STEERING COMMITTEE, THE STATE DEPARTMENT SHALL ESTABLISH A STATEWIDE CHILD ABUSE REPORTING HOTLINE SYSTEM.

(4) THE STATE BOARD IS AUTHORIZED TO ADOPT RULES, BASED UPON THE RECOMMENDATIONS OF THE CHILD ABUSE HOTLINE STEERING COMMITTEE, AND MAY REVISE RULES, AS NECESSARY, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(a) THE TYPE OF TECHNOLOGY THAT MAY BE USED BY THE HOTLINE SYSTEM FOR DIRECTLY ROUTING INITIAL CONTACTS FROM THE HOTLINE SYSTEM TO THE APPLICABLE ENTITY RESPONSIBLE FOR ACCEPTING REPORTS PURSUANT TO SECTION 19-3-307, C.R.S., OR TO THE APPLICABLE ENTITY TO RESPOND TO AN INQUIRY, INCLUDING BUT NOT LIMITED TO A SINGLE STATEWIDE TOLL-FREE TELEPHONE NUMBER, AND INCLUDING TECHNOLOGIES FOR LANGUAGE TRANSLATION AND FOR COMMUNICATING WITH PEOPLE WHO ARE DEAF OR HAVE HEARING IMPAIRMENTS, SUCH AS TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) OR TEXT TELEPHONE SERVICES (TTY), WITH FLEXIBILITY TO ADAPT THE METHODS TO CHANGING AND EMERGING TECHNOLOGIES AS APPROPRIATE;

(b) THE OPERATION OF THE HOTLINE SYSTEM, INCLUDING THE CENTRAL RECORD-KEEPING AND TRACKING OF REPORTS AND INQUIRIES STATEWIDE, AND A REQUIREMENT THAT THE RECORD-KEEPING AND TRACKING OF REPORTS AND INQUIRIES BE ACCESSIBLE TO ALL COUNTIES THROUGH THE STATE'S CASE MANAGEMENT SYSTEM;

(c) RULES GOVERNING THE STANDARDS AND STEPS FOR INFORMATION AND REFERRAL AND HOW AN INQUIRY IS ROUTED TO THE

APPLICABLE ENTITY RESPONSIBLE FOR RESPONDING TO AN INQUIRY;

(d) HOW AN INITIAL REPORT TO THE HOTLINE SYSTEM IS DIRECTLY ROUTED TO THE APPLICABLE ENTITY RESPONSIBLE FOR ACCEPTING A REPORT PURSUANT TO SECTION 19-3-307, C.R.S.;

(e) A FORMAL PROCESS FOR A COUNTY DEPARTMENT TO OPT TO HAVE THE STATE DEPARTMENT RECEIVE REPORTS OR INQUIRIES ON BEHALF OF THE COUNTY DEPARTMENT AFTER HOURS SUBJECT TO A REQUIREMENT THAT THE BOARD OF COUNTY COMMISSIONERS MUST OFFICIALLY APPROVE THE USE OF THE HOTLINE SYSTEM ON BEHALF OF THE COUNTY AND SUCH ARRANGEMENT MUST BE APPROVED BY THE EXECUTIVE DIRECTOR;

(f) A PROCESS FOR A COUNTY DEPARTMENT TO OPT TO HAVE ANOTHER COUNTY DEPARTMENT RECEIVE REPORTS OR INQUIRIES ON BEHALF OF THE COUNTY DEPARTMENT AFTER HOURS OR ON A SHORT-TERM BASIS WITH NOTIFICATION OF SUCH ARRANGEMENT TO THE EXECUTIVE DIRECTOR;

(g) STANDARDIZED TRAINING AND CERTIFICATION STANDARDS FOR ALL STAFF PRIOR TO TAKING REPORTS AND INQUIRIES;

(h) A CONSISTENT SCREENING PROCESS WITH CRITERIA AND STEPS FOR THE COUNTY DEPARTMENT TO FOLLOW IN RESPONDING TO A REPORT OR INQUIRY; AND

(i) RULES ESTABLISHING A CONSISTENT DECISION-MAKING PROCESS WITH CRITERIA AND STEPS FOR THE COUNTY DEPARTMENT TO FOLLOW WHEN DECIDING HOW TO ACT ON A REPORT OR INQUIRY OR WHEN TO TAKE NO ACTION ON A REPORT OR INQUIRY.

(5) THE STATE DEPARTMENT SHALL SUBMIT PERIODIC REPORTS TO THE APPROPRIATE LEGISLATIVE COMMITTEE PURSUANT TO THE REQUIREMENTS OF PART 2 OF ARTICLE 7 OF TITLE 2, C.R.S., PERTAINING TO THE IMPLEMENTATION OR OPERATION OF THE HOTLINE SYSTEM, THE PROGRESS OF IMPLEMENTING THE HOTLINE SYSTEM, THE OUTCOMES FROM THE OPERATION OF THE HOTLINE SYSTEM, AND THE OUTCOMES FROM THE ADOPTION OF RULES AND PRACTICES FOR CONSISTENT SCREENING, ASSESSMENT, AND DECISION-MAKING FOR REPORTS OF KNOWN OR SUSPECTED CHILD ABUSE AND NEGLECT AND FOR INQUIRIES.

SECTION 2. In Colorado Revised Statutes, 19-3-304, **amend** (1) (a), (3), and (3.5) as follows:

19-3-304. Persons required to report child abuse or neglect.

(1) (a) Except as otherwise provided by section 19-3-307, sections 25-1-122 (4) (d) and 25-4-1404 (1) (d), C.R.S., and paragraph (b) of this subsection (1), any person specified in subsection (2) of this section who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect shall immediately upon receiving such information report or cause a report to be made of such fact to the county department, ~~or~~ THE local law enforcement agency, OR THROUGH THE CHILD ABUSE REPORTING HOTLINE SYSTEM AS SET FORTH IN SECTION 26-5-111, C.R.S.

(3) In addition to those persons specifically required by this section to report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in abuse or neglect, any other person may report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in child abuse or neglect to the local law enforcement agency, ~~or~~ the county department, OR THROUGH THE CHILD ABUSE REPORTING HOTLINE SYSTEM AS SET FORTH IN SECTION 26-5-111, C.R.S.

(3.5) No person, including a person specified in subsection (1) of this section, shall knowingly make a false report of abuse or neglect to a county department, ~~or~~ A local law enforcement agency, OR THROUGH THE CHILD ABUSE REPORTING HOTLINE SYSTEM AS SET FORTH IN SECTION 26-5-111, C.R.S.

SECTION 3. In Colorado Revised Statutes, 19-3-307, **amend** (1) as follows:

19-3-307. Reporting procedures. (1) Reports of known or suspected child abuse or neglect made pursuant to this article shall be made immediately to the county department, ~~or~~ the local law enforcement agency, OR THROUGH THE CHILD ABUSE REPORTING HOTLINE SYSTEM AS SET FORTH IN SECTION 26-5-111, C.R.S., and shall be followed promptly by a written report prepared by those persons required to report. The county department shall submit a report of confirmed child abuse or neglect within sixty days

of receipt of the report to the state department in a manner prescribed by the state department.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2012, the sum of \$200,000, or so much thereof as may be necessary, to be allocated to the division of child welfare for consulting services related to the implementation of this act. Any moneys appropriated in this section not expended prior to July 1, 2013, are further appropriated to the department for the fiscal year beginning July 1, 2013, for the same purposes.

SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2013, the sum of \$529,800, or so much thereof as may be necessary, to be allocated to the division of child welfare for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2013, the sum of \$529,800, or so much thereof as may be necessary, for allocation to the office of information technology, for the provision of computer center services for the department of human services related to the implementation of this act. Said sum is from reappropriated funds received from the department of human services out of the appropriation made in subsection (1) of this section.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John P. Morse
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO.