

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0247.01 Brita Darling x2241

SENATE BILL 13-012

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Singer,

Senate Committees
Judiciary

House Committees
Public Health Care & Human Services

A BILL FOR AN ACT

101 **CONCERNING REPORTING OF SUSPECTED CHILD ABUSE AND NEGLECT**
102 **BY YOUTH SPORTS ORGANIZATIONS.**

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://www.leg.state.co.us/billsummaries>.)

The bill adds directors, coaches, assistant coaches, and athletic program personnel for private sports programs or organizations to the list of persons required to report suspected child abuse or neglect to the county or district department of social services or local law enforcement agency.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 6, 2013

SENATE
3rd Reading Unamended
February 5, 2013

SENATE
Amended 2nd Reading
February 4, 2013

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 that:

4 (a) The reporting of child abuse is a matter of public concern, and
5 it is in the best interests of the children of Colorado that we provide
6 protective services when needed to prevent any further harm to a child
7 suffering from child abuse or neglect;

8 (b) The existing mandatory reporting laws, which require a person
9 who has reasonable cause to know or suspect that a child has been
10 subjected to abuse or neglect or has observed a child being subject to
11 circumstances or conditions that would reasonably result in abuse or
12 neglect to report his or her suspicion to proper authorities, have been
13 effective in bringing cases of suspected child abuse to the attention of the
14 proper authorities; and

15 (c) Reporting suspected child abuse or neglect to the proper
16 authorities allows determinations relating to a child's safety to be made by
17 those persons who are in the best position through training and experience
18 to not only assess the threat to the child, but to protect the child from
19 further harm and provide any necessary services to the child.

20 (2) The general assembly further finds that:

21 (a) While public and private school officials and employees,
22 including athletic program personnel, are currently required to report
23 suspected child abuse in Colorado, many children today participate in
24 private sports organization activities that are not administered by public
25 or private schools;

26 (b) Some of these private children's sports programs involve

1 extensive participation by children in the evenings and on weekends, with
2 time commitments for practice and competitions that are even more
3 extensive than for school-based programs;

4 (c) There is empirical evidence that child predators are frequently
5 drawn to situations where they have access to children, and, as with other
6 activities that involve extensive participation by children, youth sports
7 programs may inadvertently provide easy access for these child predators;

8 (d) It is vital that persons employed by sports organizations or
9 programs have a legal duty to report any suspicion of or observation of
10 child abuse or neglect, including unlawful sexual behavior, on the part of
11 an employee of the organization or program or a participant in the
12 program;

13 (e) Through consistent supervision and observation, the directors,
14 coaches, and athletic trainers in these private sports programs build
15 trusting relationships with children and are in a unique position to notice
16 signs of suspected child abuse or neglect;

17 (f) Further, because of these trusting relationships with coaches
18 and program personnel, coaches and program personnel are in a position
19 to hear from children about situations of child abuse or neglect, including
20 unlawful sexual behavior, and may be the only persons in whom the child
21 confides;

22 (g) Coaches and personnel who hear of this abuse or neglect or
23 who have reasonable cause to suspect that such abuse and neglect is
24 taking place should have a legal duty to report to the appropriate
25 authorities in the best interests of the child; and

26 (h) Several states have recently strengthened successful mandatory
27 reporting laws by enacting legislation that specifically requires reporting

1 by private children's sports programs.

2 (3) Therefore, the generally assembly declares that in order to
3 protect children from harm, it is in the best interests of the children of
4 Colorado to include directors, coaches, assistant coaches, and other
5 athletic program personnel of private sports organizations as mandatory
6 reporters of suspected child abuse and neglect.

7 **SECTION 2.** In Colorado Revised Statutes, 19-3-304, **amend** (2)
8 (hh); and **add** (2) (ii) as follows:

9 **19-3-304. Persons required to report child abuse or neglect.**

10 (2) Persons required to report such abuse or neglect or circumstances or
11 conditions include any:

12 (hh) Educator providing services through a federal special
13 supplemental nutrition program for women, infants, and children, as
14 provided for in 42 U.S.C. sec. 1786; AND

15 (ii) DIRECTOR, COACH, ASSISTANT COACH, OR ATHLETIC PROGRAM
16 PERSONNEL EMPLOYED BY A PRIVATE SPORTS ORGANIZATION OR
17 PROGRAM. FOR PURPOSES OF THIS PARAGRAPH (ii), "EMPLOYED" MEANS
18 THAT AN INDIVIDUAL IS COMPENSATED BEYOND REIMBURSEMENT FOR HIS
19 OR HER EXPENSES RELATED TO THE PRIVATE SPORTS ORGANIZATION OR
20 PROGRAM.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.