

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

REVISED

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

LLS NO. 11-0243.01 Jane Ritter

SENATE BILL 11-034

SENATE SPONSORSHIP

Nicholson,

HOUSE SPONSORSHIP

Summers,

Senate Committees

Health and Human Services

House Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING REQUIRING AN EDUCATOR WHO PROVIDES SERVICES**
102 **THROUGH THE WOMEN, INFANTS, AND CHILDREN PROGRAM TO**
103 **REPORT CHILD ABUSE 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://www.leg.state.co.us/billsummaries>.)

The bill adds educators who provide services through a federal special supplemental nutrition program for women, infants, and children to the list of persons required to report child abuse or neglect.

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
Am ended 2nd Reading
March 15, 2011

SENATE
3rd Reading Unam ended
February 21, 2011

SENATE
Am ended 2nd Reading
February 18, 2011

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

2 **SECTION 1.** 19-3-304 (2), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **19-3-304. Persons required to report child abuse or neglect.**
5 (2) Persons required to report such abuse or neglect or circumstances or
6 conditions shall include any:

7 (hh) EDUCATOR PROVIDING SERVICES THROUGH A FEDERAL
8 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND
9 CHILDREN, AS PROVIDED FOR IN 42 U.S.C. SEC. 1786.

10 **SECTION 2.** The introductory portion to 19-1-307 (2) (e.5) (I),
11 19-1-307 (2) (e.5) (I) (L) and (2) (e.5) (I) (M), Colorado Revised Statutes,
12 are amended, and the said 19-1-307 (2) (e.5) (I) is further amended BY
13 THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

14 **19-1-307. Dependency and neglect records and information -**
15 **access - fee - rules - records and reports fund - misuse of information**
16 **- penalty. (2) Records and reports - access to certain persons -**
17 **agencies.** Except as otherwise provided in section 19-1-303, only the
18 following persons or agencies shall be given access to child abuse or
19 neglect records and reports:

20 (e.5) (I) A mandatory reporter specified in this subparagraph (I)
21 who is and continues to be officially and professionally involved in the
22 ongoing care of the child who was the subject of the report, but only with
23 regard to information that the mandatory reporter has a need to know in
24 order to fulfill his or her professional and official role in maintaining the
25 child's safety. A county department may SHALL request written
26 affirmation from a mandatory reporter stating that the reporter continues

1 to be officially and professionally involved in the ongoing care of the
2 child who was the subject of the report and describing the nature of the
3 involvement, UNLESS THE COUNTY DEPARTMENT HAS ACTUAL
4 KNOWLEDGE THAT THE MANDATORY REPORTER CONTINUES TO BE
5 OFFICIALLY AND PROFESSIONALLY INVOLVED IN THE ONGOING CARE OF
6 THE CHILD WHO WAS THE SUBJECT OF THE REPORT. This subparagraph (I)
7 shall apply to:

8 (L) Victim's advocates, as defined in section 13-90-107 (1) (k)
9 (II), C.R.S.; and

10 (M) Clergy members, as defined in section 19-3-304 (2) (aa) (III);
11 AND

12 (N) EDUCATORS PROVIDING SERVICES THROUGH A FEDERAL
13 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND
14 CHILDREN, AS PROVIDED FOR IN 42 U.S.C. SEC. 1786.

15 **SECTION 2. Effective date.** This act shall take effect January
16 1, 2012.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 shall take effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part shall not take effect
24 unless approved by the people at the general election to be held in
25 November 2012 and shall take effect on the date of the official
26 declaration of the vote thereon by the governor.