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HOUSE BILL 25-1188

BY REPRESENTATIVE(S) Froelich, Bacon, Boesenecker, Brown, Camacho, Clifford, Duran, Gilchrist, Hamrick, Lindsay, Mabrey, Rutinel, Rydin, Story, Willford, Woodrow;
also SENATOR(S) Michaelson Jenet and Amabile, Ball, Cutter, Daugherty, Gonzales J., Jodeh, Kipp, Sullivan, Winter F..

CONCERNING THE RECOMMENDATIONS OF THE MANDATORY REPORTER TASK
FORCE, AND, IN CONNECTION THEREWITH, MAKING AN
APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) (a) The general assembly finds that complete reporting of known or suspected child abuse or neglect is a matter of public concern and that it is the intent of the general assembly to protect the best interests of children in this state and to offer protective services in order to prevent any further harm to children suffering from abuse.

(b) The general assembly further finds that requiring people to report known or suspected child abuse or neglect impacts the people reporting, as well as children and families who are the subjects of the

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

reports. As a result of implicit bias, under-resourced communities, communities of color, and persons with disabilities are disproportionately impacted by the mandatory reporting system.

(2) (a) To address these impacts and additional issues, the general assembly established the mandatory reporting task force in 2022, which was charged with making findings and recommendations to clarify the law and recommending changes to mandatory reporting procedures and trainings.

(b) The task force found that:

(I) Colorado's mandatory reporting law and system for making reports disproportionately impacts families of color, people with disabilities, and under-resourced communities, resulting in some contacts with child protection services that are unnecessary;

(II) Colorado's mandatory reporting law requires mandatory reporters to report circumstances that may not involve the safety of children;

(III) By forcing mandatory reporters to report all concerns through the child abuse hotline, Colorado's mandatory reporting law requires professionals to engage child protection services with families that do not require their services;

(IV) Cases that do not involve concerns of child safety may not get adequate attention because the system is overwhelmed by reports. A lack of training perpetuates this issue.

(V) Colorado's mandatory reporting law may hinder certain professionals from forming trusted relationships with children and families.

(c) To address these issues, the task force issued 24 recommendations to the general assembly. The task force's recommendations are intended to provide a comprehensive approach to improving the mandatory reporting system, including clarifying the law, standardizing practices and training, and creating alternative reporting methods.

(d) Therefore, the general assembly finds and declares that the first step in comprehensively improving the mandatory reporting system is to

implement the task force's recommendations to address clarity in the law. These clarifications will serve as the foundation for further improvements to the mandatory reporting system.

(e) The general assembly further declares that the task force's continuum of recommendations must be implemented in whole to effectively serve children and families.

SECTION 2. In Colorado Revised Statutes, 19-3-304, **amend** (1)(a) and (2) introductory portion; **repeal** (2)(w); and **add** (1)(c), (3.2), and (3.3) as follows:

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

(1) (a) Except as otherwise provided by section 19-3-307, section 25-1-122 (4)(d), ~~C.R.S.~~, and ~~paragraph (b) of this subsection (1), any~~ SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION, A 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~~ THE information report or cause a report to be made of ~~such~~ THE fact AS SOON AS REASONABLY POSSIBLE, BUT NO LATER THAN TWENTY-FOUR HOURS AFTER RECEIVING THE INFORMATION, to the county department, the local law enforcement agency, or through the child abuse reporting hotline system as set forth in section 26-5-111. ~~C.R.S.~~

(c) THE REPORTING REQUIREMENT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY IF THE PERSON:

(I) LEARNS OF THE SUSPECTED ABUSE OR NEGLECT OUTSIDE OF THE PERSON'S PROFESSIONAL CAPACITY THAT WOULD REQUIRE THE PERSON TO MAKE A REPORT PURSUANT TO THIS SECTION; OR

(II) IS EMPLOYED BY, AN AGENT OF, OR A CONTRACTOR FOR ANY ATTORNEY WHO IS PROVIDING LEGAL SERVICES.

(2) Persons required to report ~~such~~ THE abuse or neglect or circumstances or conditions include ~~any~~ A:

(w) ~~Victim's advocate, as defined in section 13-90-107 (1)(k)(H);~~

~~C.R.S.~~

(3.2) A PERSON SPECIFIED IN SUBSECTION (2) OR (3) OF THIS SECTION SHALL NOT MAKE A REPORT DUE TO A FAMILY'S OR CHILD'S RACE, ETHNICITY, SOCIOECONOMIC STATUS, OR DISABILITY STATUS. IN ADDITION, THE REPORTING REQUIREMENT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY IF THE BASIS FOR THE REPORT ARISES FROM CONCERNS SOLELY DUE TO ANY OF THE FOLLOWING CRITERIA:

(a) SOCIOECONOMIC STATUS, WHICH INCLUDES FACTORS SUCH AS INADEQUATE HOUSING, FURNISHINGS, INCOME, OR CLOTHING; OR

(b) DISABILITY.

(3.3) (a) A PERSON SPECIFIED IN SUBSECTION (2) OF THIS SECTION SHALL NOT DELEGATE THE DUTY TO MAKE THE REPORT REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION TO ANOTHER PERSON WHO DOES NOT HAVE FIRSTHAND KNOWLEDGE OF THE SUSPECTED CHILD ABUSE OR NEGLECT.

(b) AN ENTITY THAT EMPLOYS A PERSON SPECIFIED IN SUBSECTION (2) OR (2.5) OF THIS SECTION MAY DEVELOP PROTOCOLS REGARDING THE PROCESS FOR MAKING THE REPORT REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION. THE PROTOCOLS MUST COMPLY WITH STATE LAW AND REGULATIONS. REPRESENTATIVES OF THE ENTITY SHALL NOT DETER OR IMPEDE A PERSON FROM FILING A REPORT REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 19-3-307, **amend** (1) and (4) as follows:

19-3-307. Reporting procedures - definitions. (1) (a) Reports of known or suspected child abuse or neglect made pursuant to this ~~article~~ ~~shall~~ ARTICLE 3 MUST be made ~~immediately~~ AS SOON AS PRACTICABLE, BUT NO LATER THAN TWENTY-FOUR HOURS AFTER RECEIVING THE INFORMATION, to the county department, 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~~ AFTER receipt of the

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

(b) IF A PERSON REQUIRED TO SUBMIT A REPORT PURSUANT TO THIS PART 3 CONTACTS THE CHILD ABUSE REPORTING HOTLINE SYSTEM CREATED PURSUANT TO SECTION 26-5-111 OR A COUNTY DEPARTMENT ABOUT AN INCIDENT OR SITUATION FOR WHICH THE CHILD ABUSE REPORTING HOTLINE SYSTEM OR COUNTY DEPARTMENT HAS ALREADY RECEIVED A REPORT, THE CHILD ABUSE REPORTING HOTLINE SYSTEM OR COUNTY DEPARTMENT MAY, AFTER CONFIRMING THAT THE REPORT DOES NOT REQUIRE A NEW REFERRAL, PROVIDE THE PERSON WITH THE REFERRAL IDENTIFICATION NUMBER FROM THE EARLIER CHILD ABUSE REPORTING HOTLINE SYSTEM OR COUNTY REPORT. A PERSON REQUIRED TO SUBMIT A REPORT PURSUANT TO THIS PART 3 WHO RECEIVES A REFERRAL IDENTIFICATION NUMBER FROM THE CHILD ABUSE REPORTING HOTLINE SYSTEM OR A COUNTY DEPARTMENT IS NOT REQUIRED TO MAKE A REPORT PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND IS DEEMED TO HAVE FULFILLED THEIR REPORTING RESPONSIBILITY. NOTHING IN THIS SECTION PRECLUDES THE CHILD ABUSE REPORTING HOTLINE SYSTEM OR A COUNTY DEPARTMENT FROM GENERATING A NEW REPORT IF THERE IS ADDITIONAL OR DIFFERENT INFORMATION THAT MIGHT NOT HAVE BEEN REPORTED OR IF THE REFERRAL IS NOT CURRENTLY UNDER REVIEW.

(4) A written report, INCLUDING A REPORT VOLUNTARILY MADE, from persons or officials required by this part 3 to report known or suspected child abuse or neglect ~~shall be~~ IS admissible as evidence in ~~any~~ A proceeding relating to child abuse, subject to the limitations of section 19-1-307.

SECTION 4. Appropriation. For the 2025-26 state fiscal year, \$5,375 is appropriated to the department of human services for use by the division of child welfare. This appropriation is from the general fund. To implement this act, the division may use this appropriation for training.

SECTION 5. Effective date. This act takes effect September 1, 2025; except that section 19-3-304 (2)(w), Colorado Revised Statutes, as repealed in section 2 of this act, section 4, and this section 5 of this act take effect upon passage.

SECTION 6. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO