

HB21-1099 – Amendments to the Introduced Version

Newly proposed language is in **BOLDED CAPS** and language that will be removed is ~~struck out~~

March 10, 2021

SECTION 1. Legislative declaration.

(1) The general assembly hereby finds and declares that:

THE INTENT OF THIS LEGISLATION IS TO KEEP CHILDREN SAFE AND FAMILIES HEALTHY. AS SUCH, THIS BILL SEEKS TO ENHANCE THE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE. HOWEVER, BECAUSE THE CHILD WELFARE SYSTEM HAS BEEN SHOWN TO DISPROPORTIONALLY IMPACT MEMBERS OF BLACK, INDIGENOUS AND PERSONS OF COLOR COMMUNITIES, ANY POLICIES, RULES OR PROCEDURES ADDRESSING THE IMPACTS OF DOMESTIC VIOLENCE ON FAMILIES SHALL BE DRAFTED WITH THE GOAL OF ENSURING THAT COMMUNITIES OF COLOR ARE NOT DISPROPORTIONATELY OR UNFAIRLY IMPACTED.

COLORADO CAN IMPROVE ITS DIVERSITY TRAINING AND PROMOTE THE UNDERSTANDING OF CULTURES AND BACKGROUNDS OF THE FAMILIES THE CHILD WELFARE SYSTEM SERVES

- (a) Each year, approximately fifteen million children nationwide are exposed to domestic violence and child abuse, which are often linked;
- (b) In Colorado, roughly forty percent of child fatality cases reviewed by the child welfare fatality review team between 2014 and 2019 found domestic violence to be a stressor;
- (c) In families where a parent, legal guardian, or custodian engages in domestic violence, children witness patterns of coercive behaviors, which demean and harm the nonoffending caregiver. Witnessing harm to a caregiver is detrimental to a child's development and emotional well-being.
- (d) A child's risk of abuse increases after a perpetrator of domestic violence separates from a domestic partner, even when the perpetrator has not previously abused the child;
- (e) The safety of children and the safety of the nonoffending caregiver are reciprocal and paramount to improving the well-being of the child and the family as a whole; and
- (f) Due to the episodic nature of domestic violence behaviors, it is challenging for child welfare caseworkers and others to connect **A SPECIFIC INCIDENT OF** domestic violence to the harmful emotional and developmental impact on a child. It is also a challenge to illustrate the detrimental impact on the nonoffending caregiver's relationship with the child, which can be impeded due to the effects of domestic violence.

(2) The general assembly finds, therefore, that when an occurrence of domestic violence being witnessed by a child has been identified, there must be meaningful efforts to safely engage with the family and to enhance the safety of the child, including:

- (a) To create clear and specific documentation of the concerning behaviors, the family member engaging in those behaviors, and the impact on the nonoffending caregiver and the child;

- (b) To keep the nonoffending caregiver and the child together when possible;
- (c) To offer an array of services to mitigate the risk to the nonoffending caregiver and the child, and to facilitate healing; and
- (d) To continue monitoring for potential disparities, including but not limited to racial equity and socioeconomic barriers.

~~SECTION 2. In Colorado Revised Statutes, 19-1-103, add (1)(a)(IX) as follows: 21-19-1-103.~~

~~19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires: (1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title 19, means an act or omission in one of the following categories that threatens the health or welfare of a child:~~

~~(IX) ANY CASE WHEN A CHILD'S PARENT, LEGAL GUARDIAN, OR CUSTODIAN EXPOSES A CHILD TO THEIR PERPETRATION OF DOMESTIC ABUSE AS DEFINED IN SECTION 13-14-101 (2).~~

SECTION 2.

THE COLORADO DEPARTMENT OF HUMAN SERVICES SHALL CREATE A TIME LIMITED DOMESTIC VIOLENCE TASK FORCE. THE TASK FORCE SHALL COMPLETE THEIR WORK IN TWO YEARS. THE MEMBERSHIP OF THE TASK FORCE MAY UTILIZE MEMBERS FROM THE EXISTING COLORADO DEPARTMENT OF HUMAN SERVICES DOMESTIC VIOLENCE PROGRAM AND CHILD WELFARE WORKGROUP. THE MEMBERSHIP SHALL REPRESENT THE BROAD CULTURAL, SOCIO-ECONOMIC DIVERSITY OF COLORADO, AND INCLUDE PERSONS WITH LIVED EXPERIENCE, AND PROFESSIONAL EXPERTISE. THE TASK FORCE SHALL TAKE RECOMMENDATIONS FROM THE EXISTING COLORADO DEPARTMENT OF HUMAN SERVICES DOMESTIC VIOLENCE PROGRAM AND CHILD WELFARE WORKGROUP TO DEVELOP A DEFINITION TO INCLUDE IN TITLE 19 THAT DEFINES DOMESTIC VIOLENCE AND RECOGNIZES THE IMPACTS DOMESTIC VIOLENCE CAN HAVE ON THE EMOTIONAL AND DEVELOPMENTAL WELL-BEING OF A CHILD.

THE DEPARTMENT OF HUMAN SERVICES SHALL REPORT TO THE COMMITTEE OF REFERENCE NO LATER THAN DECEMBER 2022 WITH THEIR RECOMMENDED DEFINITION.

SECTION 3. In Colorado Revised Statutes, add 19-3-304.3 as follows: 19-3-304.3.

THE TASK FORCE SHALL DEVELOP recommendations regarding best practices and training for recognition of domestic violence as child abuse or neglect - policies and procedures - rules - definition.

~~(1) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE" HAS THE SAME MEANING AS DESCRIBED IN SECTION 19-1-103 (1)(a)(IX).~~

(1) ON OR BEFORE JULY 1, 2023 THE STATE DEPARTMENT SHALL PROMULGATE RULES BASED ON THE RECOMMENDATIONS FROM THE DOMESTIC VIOLENCE PROGRAM AND CHILD WELFARE WORKGROUP AND VETTED BY THE TASK FORCE REGARDING THE BEST PRACTICES AND TRAINING FOR RECOGNITION

OF CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE **VIOLENCE**, INCLUDING, BUT NOT LIMITED TO:

(a) CREATING, IMPLEMENTING, AND UPDATING ASSESSMENT POLICIES AND PROCEDURES FOR CHILD WELFARE CASEWORKERS TO RECOGNIZE, **RESPOND** AND ASSESS CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE **VIOLENCE WHILE APPROPRIATELY CONSIDERING THE ROLE OF THE NON-ABUSIVE PARENT AND DIVERSITY SENSITIVITIES**;

(b) CREATING, IMPLEMENTING, AND UPDATING ~~ASSESSMENT POLICIES AND PROCEDURES~~ **TRAINING MATERIALS** FOR MANDATORY REPORTERS TO RECOGNIZE AND REPORT CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE **VIOLENCE**; AND

(c) ESTABLISHING TRAINING STANDARDS TO IMPLEMENT UPDATED ASSESSMENT POLICIES AND PROCEDURES FOR CHILD WELFARE CASEWORKERS TO RECOGNIZE **AND RESPOND** TO CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC ABUSE **VIOLENCE WHILE APPROPRIATELY CONSIDERING THE ROLE OF THE NON-ABUSIVE PARENT AND DIVERSITY SENSITIVITIES**.

(d) ESTABLISHING TRAINING STANDARDS TO IMPLEMENT UPDATED ASSESSMENT POLICIES AND PROCEDURES FOR CHILD WELFARE CASEWORKERS TO RECOGNIZE AND RESPOND TO CHILD ABUSE OR NEGLECT RELATED TO DOMESTIC VIOLENCE WHILE APPROPRIATELY CONSIDERING THE ROLE OF THE ABUSIVE PARENT AND DIVERSITY SENSITIVITIES.

SECTION 4. Act subject to petition - effective date. This act 26 takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.