



KEYSTONE  
POLICY CENTER



# INTERIM REPORT

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**MANDATORY REPORTING  
TASK FORCE**

*House Bill 22-1240*

**Child Protection Ombudsman of Colorado**

*Facilitated by: Keystone Policy Center*

*January 1, 2024*

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# Mandatory Reporting Task Force

## Interim Report

### January 1, 2024

#### INTRODUCTION AND HISTORY

During 2022, more than 200,000 reports were made to the Colorado Child Abuse and Neglect Hotline.<sup>1</sup> More than half of those reports were made by professionals required to report concerns of abuse and neglect under Colorado’s mandatory reporting law. Experts nationally have begun to discuss whether child abuse reporting laws help keep children safe. While there are no studies demonstrating this to be true, there are studies that show mandatory reporting laws can be detrimental to families and communities. Specifically, evidence shows that mandatory reporting disproportionately impacts families of color – initiating contact between child protection services and families who routinely do not present concerns of abuse or neglect.

Colorado was the first state to adopt mandatory reporting laws in 1963. During the 60 years since it was first enacted, the law has been amended at least 31 times. Primarily, those amendments have centered on the addition of specific types of professionals required to report suspected child abuse and neglect. None of those amendments have addressed the infrastructure of the law, nor have they created mechanisms to measure the efficacy of a system that results in hundreds of thousands of reports to child protection services each year. As such, Colorado has entered the national discussion assessing child abuse reporting laws. Nationally, and in Colorado, those conversations have orbited around two primary concerns: (1) The disparate impact of mandatory reporting on families of color, people with disabilities and under-resourced communities; and (2) The overbreadth of a system that routinely absorbs families who do not present concerns of abuse or neglect but could be served by resources outside of child protection. The essential question being discussed is how to balance the safety and well-being of children with the detrimental impact these laws can have.

To address these issues, the Colorado General Assembly established the Mandatory Reporter Task Force (Task Force). The Task Force is charged with not only addressing technical aspects of the law, but considering whether it should be substantially overhauled to address these questions. The Task Force convened on December 7, 2022. Since that date, members have worked to understand and discuss the issues outlined above and create a plan to address them. This report details the Task Force’s first year of work, and outlines where the Task Force will head during its second and final year.

#### **Role of the Office of the Colorado Child Protection Ombudsman**

Since its inception, the Office of the Colorado Child Ombudsman (CPO) has received dozens of calls from mandatory reporters in Colorado who are unclear regarding the requirements of the state’s mandatory reporting law.<sup>2</sup> These inquiries frequently center on the caller’s desire to comprehend

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<sup>1</sup> See Colorado Department of Human Services media release, [“Calls to Colorado Child Abuse and Neglect Hotline remained steady in 2022”](#) January 24, 2023

<sup>2</sup> See C.R.S. §19-3.3-101 to 111

the definition of abuse and neglect, clarify their role as a mandatory reporter and understand the appropriate channels for reporting suspected abuse or neglect. Callers frequently ask the agency:

- What is the definition of physical and sexual abuse? Does it include bullying? Emotional abuse? Educational neglect? Sexting?
- Child abuse is only committed between a parent and their child, right? Or can child abuse be committed by any adult upon a child?
- My agency/employer requires me to report my concerns to my supervisor, is that OK or do I need to call in a report myself?

These calls, in combination with a series of high-profile cases involving allegations of mandatory reporters failing to fulfill their statutory duty, demonstrated the need for an extensive statutory analysis of Colorado's mandatory reporting law. Following that review, the CPO published an issue brief on September 15, 2021, detailing its findings.<sup>3</sup> In summary, that review found that Colorado's mandatory reporting law revealed an inconsistent understanding of the law by mandatory reporters, a fragmented system of trainings and a general lack of support and resources for mandatory reporters to capably do the job asked of them – namely, to report suspected child abuse and neglect. A consistent theme identified by the CPO is that Colorado's mandatory reporting law is needlessly vague in many places and could be enhanced to give mandatory reporters greater support. As such, key findings from the CPO's issue brief include:

- Colorado's mandatory reporting law does not define what it means to "immediately" make a report of suspected child abuse and neglect. This creates inconsistency in the amount of time mandatory reporters wait to call in suspected abuse or neglect.
- Colorado's mandatory reporting law does not state whether policies regarding institutional reporting are permissible.
- Colorado's mandatory reporting law does not state whether a mandatory reporter's duty to report suspected abuse or neglect extends to circumstances beyond their professional capacity.
- Colorado's mandatory reporting law does not create a statewide notification system that informs new mandatory reporters of their obligations to report suspected abuse or neglect.
- Colorado's mandatory reporting law does not require training for mandatory reporters, nor does it have a continuing education requirement for professionals who are routinely working with children and youth and are required to have a license to practice, including doctors and therapists.
- Colorado's mandatory reporting law does not require training regarding implicit bias or the widely acknowledged disparate impact mandatory reporting has on families of color, people with disabilities and under-resourced communities.

Based on these findings, the CPO issued a recommendation to the Colorado General Assembly to amend the law to create a robust infrastructure that supports the state's mandatory reporters.

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<sup>3</sup> See Appendix A, CPO Issue Brief, [Mandatory Reporters: How Colorado's mandatory reporter law lacks the necessary infrastructure to support those charged with reporting suspected child abuse](#), September 15, 2021.

## **History of House Bill 22-1240**

Following the publication of the CPO’s issue brief – and subsequent media coverage – Colorado Rep. Meg Froelich and Rep. Mary Young called together stakeholders to address the identified issues. Ultimately, Rep. Froelich and Rep. Young introduced House Bill 22-1240, Concerning Enhancing Mandatory Reporting for People Required to Report Child Abuse.<sup>4</sup> Stakeholders and legislators agreed more time and education was needed to discuss these complex issues. As such, the bill created the Mandatory Reporting Task Force, housed within the CPO. The bi-partisan bill passed with overwhelming support.

## **OVERVIEW OF THE TASK FORCE**

### **Charge and Membership**

The Colorado General Assembly established the Mandatory Reporting Task Force to address the efficacy and impacts of the state’s current mandatory reporting law. The Task Force is legislatively charged with analyzing the effectiveness of Colorado’s mandatory reporting law. This analysis requires the Task Force to look at both the micro and macro level of how the law functions and its impacts on children and families in Colorado. Specifically, the Task Force’s analysis must be cognizant of the disproportionate impacts mandatory reporting laws have on families of color, people with disabilities and under-resourced communities.<sup>5</sup> In total, the Task Force must address the following 19 directives:<sup>6</sup>

1. Whether a study should be conducted to determine the effectiveness of mandatory reporting in serving children and families and determine the necessary funding for a study. If the Task Force determines there should be a study, the study must include an analysis on whether enhanced screening techniques for accepting reports may mitigate the disproportionate impact of mandatory reporting on under-resourced communities, communities of color and persons with disabilities.
2. The disproportionate impact of mandatory reporting on under-resourced communities, communities of color and persons with disabilities.
3. Standardized training that addresses implicit bias.
4. Alternative processes and services for families who do not present mandatory reporters with child abuse or neglect concerns but who would benefit from alternative services.
5. Standardized training that addresses the requirements of the law.
6. The definition of “immediately” and how reporting time frames affect mandatory reporters from different professions.
7. Reporting time frames for mandatory reporters who are creating a safety plan for victims of domestic violence, sexual assault or stalking to ensure the safety of the victim and the victim’s family members while creating the safety plan.
8. Medical child abuse and the process to report medical child abuse.
9. Whether mandatory reporters should report incidents observed outside of a mandatory reporter’s professional capacity.

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<sup>4</sup> See Appendix B, House Bill 22-1240

<sup>5</sup> See C.R.S. §19-3-304.2(2)

<sup>6</sup> See C.R.S. §19-3-304.2(7)(a)

10. Whether a mandatory reporter who is employed by, an agent of or a contractor for an attorney who is providing legal representation is exempt from mandatory reporting requirements.
11. Mandatory reporting requirements for mandatory reporters who have knowledge or reasonable cause to know or suspect that a child or youth is the victim of dating violence or sexual assault.
12. A reporting process for two or more mandatory reporters to report child abuse or neglect who have joint knowledge or joint reasonable cause to make a report of child abuse or neglect.
13. Whether the duty to report remains with the mandatory reporter who has reasonable cause to know or suspect that a child has been subjected to child abuse or neglect.
14. Whether institutions that employ mandatory reporters may develop procedures to assist mandatory reporters in fulfilling reporting requirements.
15. Training requirements for people applying for or renewing professional license for a profession that is identified as a profession required to report child abuse or neglect.
16. The personal information of a child that is collected for a report.
17. Standardized training regarding the county department's process to determine which reports meet the threshold for assessment and investigation.
18. The benefits of an electronic reporting platform for the state.
19. A process for inter- and intra-agency communications, confirming receipt of reports and, in some circumstances, sharing the outcome of reports with certain mandatory reporters.

If, at the conclusion of the Task Force's two-year term, members' analysis results in the development of recommendations, those recommendations will be delivered to the Colorado General Assembly no later than January 1, 2025.<sup>7</sup>

The Task Force is comprised of 34 members representing a wide range of professional and personal backgrounds<sup>8</sup>. In addition to five members who have been directly impacted by Colorado's mandatory reporting laws, members represent multiple professional sectors as well, including education, health care, behavioral and mental health care, law enforcement, rural and urban county departments of human services, and child advocacy centers.<sup>9</sup> Legal professionals – including prosecutors, defense attorneys and family law attorneys – are also present on the Task Force. Representatives from multiple state agencies are also present, including the Office of Respondent Parents' Counsel and the Office of the Child's Representative. To solicit applications, the CPO launched a statewide campaign through social media and other communications efforts, as well as working directly with organizations and agencies to encourage candidates to apply. Dozens of applications were submitted, and members were selected based on criteria stated in House Bill 22-1240, as well as professional and lived experience. Throughout the past year, the CPO has worked to fill vacancies and continue to fill positions.

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<sup>7</sup> See C.R.S. §19-3-304.2(10)

<sup>8</sup> See C.R.S. §19-3-304.2(3)(a)

<sup>9</sup> See Appendix C, Mandatory Reporting Task Force Membership List

Pursuant to House Bill 22-1240, the Child Protection Ombudsman, Stephanie Villafuerte, serves as chair of the Task Force.<sup>10</sup> The Task Force selected Dr. Kathryn Wells, Executive Director of the Kempe Center, to serve as vice-chair. Both will serve in these roles for the duration of the Task Force.

### **Facilitation and Support**

The CPO contracted with the Keystone Policy Center (Keystone) to facilitate the Task Force's meetings. Keystone is responsible for facilitation and project management as it relates to the activities of the Task Force. Keystone has sub-contracted with Doris Tolliver, Principal at Health Management Associates, who has extensive experience in leading discussions regarding implicit bias in child welfare services nationally and in Colorado. Keystone is responsible for co-designing the process with the CPO office and vice chair and ensuring the Task Force runs smoothly, including promoting full participation of all Task Force members and – when possible – helping the parties resolve their differences and work toward resolving concerns. Working with task force members, Keystone ensures adequate and coordinated stakeholder engagement that will be essential to the Task Force meeting its goals. Keystone worked with Task Force members to develop a working charter to guide the Task Force's work. This charter provides members with guidance regarding the charge of the Task Force, ground rules for engagement and standards for media engagement.<sup>11</sup>

### **Voting Structure**

The Task Force operates under the understanding that its findings and recommendations do not necessitate consensus among its members. Instead, the Task Force aims to ensure an accurate representation of its collective views. While consensus is not the primary goal, the Task Force strives to capture the diversity of opinions and robust discussions by taking polls and making note of individual perspectives to inform its recommendations comprehensively. These discussions and findings are captured in written summaries of each meeting, meeting minutes and the two reports required by law.<sup>12</sup>

### **Transparency**

All meetings are open to the public, welcoming valuable input and insights from attendees. Pursuant to House Bill 22-1240, the CPO works with Keystone to promote each meeting by sending out media advisories and posting information about each meeting on the CPO's website.<sup>13</sup> In addition to inviting members of the public to present during various meetings, information shared during public comment often shapes the topics raised for discussion or inspires ideas to explore further. Consistently, 10 to 25 members of the public attend Task Force meetings, as well as media outlets. Additionally, each meeting is recorded, and those recordings are posted to the CPO's website for anyone to review. Meeting materials, meeting summaries and other materials are also made available on the CPO's website.<sup>14</sup>

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<sup>10</sup> See C.R.S. §19-3-304.2(5)

<sup>11</sup> See Appendix D, Mandatory Reporting Task Force Charter

<sup>12</sup> All meeting minutes and condensed summaries of Task Force meetings are available on the [CPO's Mandatory Reporting Task Force webpage](#).

<sup>13</sup> See C.R.S. §19-3-304.2(6)(b)

<sup>14</sup> Recordings of all task force meetings are posted and available, in full, on the [CPO's Mandatory Reporting Task Force webpage](#).

While House Bill 22-1240 requires the Task Force meet at least every other month, members opted to begin meeting monthly. Additionally, the Task Force will meet multiple times a month during 2024 to ensure members address all 19 directives thoroughly.

To date, the Task Force has met nine times:

- December 7, 2022
- February 1, 2023
- April 5, 2023
- June 7, 2023
- July 19, 2023
- August 2, 2023
- September 20, 2023
- October 4, 2023
- November 8, 2023

## FIRST YEAR DISCUSSIONS AND THEMES

### Introduction

During the Task Force’s first year, CPO staff, with support from Keystone, thoughtfully arranged member panels, presentations by outside experts and member discussions to ensure a comprehensive representation of ideas, perspectives, experiences and knowledge of how Colorado’s mandatory reporting law impacts citizens. The syllabus was designed to remain flexible and responsive to the needs of the Task Force in addressing each directive.

In its earliest discussions, members expressed a desire to be bold and develop innovative solutions to the issues identified by the CPO and in House Bill 22-1240. The Task Force approached its first year as a landscape analysis – working to understand how mandatory reporters are currently operating in Colorado, whether reports filed by mandatory reporters promote the safety and well-being of children and, conversely, how reports filed by mandatory reporters can negatively impact children and families.

Intentionally, these broad discussions avoided the technical elements of the law and the development of recommendations during the Task Force’s first year. This was done to allow members time to develop a better understanding of how the law impacts children and families and mandatory reporters themselves. The Task Force will use these discussions and understanding, as well as the substantial research and materials provided during the first year, to begin drafting findings and recommendations during its second year. As such, this report does not contain any recommendations.

The Task Force relied on two main directives to guide its discussions during the first year:

1. The disproportionate impact of Colorado’s mandatory reporting law on families of color, people with disabilities and under-resourced communities;<sup>15</sup> and
2. Whether the mandatory reporting law is effective at serving families and keeping children and youth safe.<sup>16</sup>

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<sup>15</sup> See C.R.S. §19-3-304.2(7)(a)(II)

<sup>16</sup> See C.R.S. §19-3-304.2(7)(a)(I)



During its first year, the Task Force convened for approximately 24 hours of discussion. The Task Force was provided with hundreds of pages of research and outside references. They were also provided – and reviewed – extensive data sets regarding mandatory reports in Colorado and nationally. As a result, the Task Force’s discussions were deep and addressed the many layers of a system that has been in place for 60 years. This interim report is intended to serve as a high-level summary of the Task Force’s work and capture the recurring themes identified by members. It does not detail every meeting and discussion held. However, materials with this level of detail are available to the public and have been since the Task Force convened in December 2022. ***All meeting materials, agendas, minutes, summaries and recordings may be accessed at the [CPO’s website](#).*** These materials will also be referenced and cited throughout this report.

### **Incorporation and Analysis of Statewide Data**

The CPO partnered with Casey Family Programs (Casey). Through this partnership, members were provided with statewide data demonstrating the impacts of mandatory reporting, outcomes of reports made and the disparate impacts of the law on children and families of color. Casey presented data collected from the National Child Abuse and Neglect Data System (NCANS). Summaries of this data are included throughout this report.

### **Understanding Disparate Impacts of Mandatory Reporting**

Doris Tolliver led the Task Force through its February 2023 discussion, providing a comprehensive overview of the disparities within the child welfare system. She underscored the critical importance of comprehending the impact of decision points, particularly mandatory reporting, urging the Task Force to embrace discomfort as an avenue for personal growth and learning. The discussion revealed concerns regarding Colorado’s statutory definition of abuse and neglect, highlighting its failure to distinguish between intentional neglect and instances resulting from poverty.

During the meeting, a panel of members and outside experts presented to the Task Force. The panel was comprised of:

- Jerry Milner, Director of the Family Integrity and Justice Works at Public Knowledge and former Associate Commissioner at the Children’s Bureau
- Dr. Kathryn Wells, Executive Director of the Kempe Center, Associate Professor, Pediatrics-Child Abuse and Neglect
- Ida Drury, Ph.D. – Assistant Professor, Principal Investigator of the Child Welfare Training System for the Kempe Center
- Crystal Ward Allen, Senior Director, Strategic Consulting, Casey Family Programs

The panel shed light on the imperative need to overhaul the existing mandatory reporting system. Panelists advocated for a shift to a community-centered approach, which entails readily available services and support tailored to families, coupled with an alternative reporting structure designed for reporters identifying family needs that do not meet the threshold for abuse or neglect. The panel reiterated – and discussed existing data – that demonstrates how mandatory reporting disproportionately impacts children and families of color and the lifelong implications of being reported to a child abuse hotline. Stressing the importance of the trauma endured by families and

children who enter the child protection system, the panel prioritized the proactive prevention of neglect.

During April 2023, the Task Force heard from Kelly Fong, Ph.D., an assistant professor of sociology at the University of California, Irvine, regarding her research on the intentions of mandatory reporters and the impact of mandatory reporting on families. Dr. Fong offered a comprehensive analysis of the challenges encountered by mandated reporters, shedding light on the complexities within an environment where families contend with multifaceted issues such as poverty, domestic violence, mental health concerns, substance use and homelessness.<sup>17</sup> She highlighted the constrained timeframes and limited resources faced by mandated reporters, resulting in an overreliance on routine reporting to child protection services as a default solution.<sup>18</sup> For example, she discussed how often mandatory reporters who do not have concerns of abuse or neglect make a report in an attempt to connect the family with needed resources – such as food and housing assistance programs. However, because there is no alternative system for mandatory reporters to call, these calls are placed to a child abuse hotline which often results in a more in-depth intervention.

Dr. Fong underscored how the prevailing culture of routine reporting perpetuates the disproportionate impact of mandatory reporting laws on families of color. The current culture of reporting is supported by the existing framework of training programs and policies that encourage reporters to report any concerns relating to a child, and allowing child protection professionals to determine if abuse or neglect exists. This has resulted in a system that is overburdened by a high number of calls that do not involve abuse and neglect.<sup>19</sup>

In addition to these experts, Casey provided extensive data regarding the disproportionate impact of mandatory reporting. Key figures included:

- Black children are overreported to the child abuse hotline 1.27 times more than their percentage of the Colorado population.
- White children are underreported at about 0.64 in relation to their representation in the state population.
- Nationally, more than half of all Black children experience one child protective services investigation during their lifetime.<sup>20</sup>

### **Determining the Effectiveness of Mandatory Reporting**

With the backdrop provided by early conversations regarding the disparate impact of mandatory reporting and the negative impacts of the system, the Task Force transitioned its focus to determining whether the law is effective at the following:

- Keeping children safe;

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<sup>17</sup> See, "[Getting Eyes in the Home: Child Protection Services Investigations and State Surveillance of Family Life](#)"; Kelly Fong, *American Sociological Review*, Vol. 85, Issue 4, pp. 610-38.

<sup>18</sup> See additional research by, Dr. Fong by clicking [HERE](#).

<sup>19</sup> See "[We Shouldn't Rely on Child Protective Services to Address Family Adversity](#)," By Kelly Fong, *The Imprint*, September 20, 2023

<sup>20</sup> See [Casey Family Programs Data Presentation](#), June 6, 2023

- Providing mandatory reporters with sufficient guidance in making reports of suspected child abuse; and
- Ensuring that children and families who do not present concerns of abuse and/or neglect do not enter the child protection system.

Casey provided several data sets and presentations to the Task Force. Those presentations are available on the CPO’s website.

Based on discussions held during early 2023, the Task Force found that, generally, there are three reasons mandatory reporters call in suspected abuse and neglect. Those reasons are: (1) Concerns about the immediate and/or ongoing safety and well-being of a child; (2) A desire to connect children and families with resources, but not seeking traditional intervention; and (3) Concerns about legal liability for failing to report concerns of abuse or neglect.

Beginning in April 2023, the Task Force broke its discussions into four categories. Each category represents a group of individuals impacted by mandatory reporting and whether they feel the system is effective. Brief summaries of the discussions and presentations for each category are presented below. Additionally, for each meeting listed below a link to a full recording of the meeting has been provided, as well as a link to a written summary capturing the nuance and multiple perspectives presented.

**1. *People Who are the Subject of Mandatory Reports (April 5, 2023)*** – The Task Force heard from individuals who were subjects of mandatory reports, either as children or parents or both. These individuals shared their experiences with the child protection system and their perspective as to whether the mandatory reporting law improved their circumstances. Panelists stated that the child protection system did provide them needed services, however, it was frustrating that the only way to access those benefits was by entering the system.

- A recording of the April 5, 2023, meeting may be accessed [HERE](#).
- A summary of the April 5, 2023, meeting may be accessed [HERE](#).

**2. *People Who Make Mandatory Reports (June 7, 2023, July 19, 2023, and August 2 2023)*** – The majority of members on the Task Force represent various professions currently listed as mandatory reporters under Colorado’s law. The Task Force heard from each of these members, who discussed how the mandatory reporting law impacts various professions and what improvements would assist how those professionals interact with, and serve, children and families.

- Medical and Mental Health Professionals (June 7, 2023)
  - A recording of this panel may be accessed [HERE](#).
  - A summary of this panel may be accessed [HERE](#).
- Provider Professionals (July 19, 2023)
  - A recording of this panel may be accessed [HERE](#).
  - A summary of this panel may be accessed [HERE](#).

- Education professionals (July 19, 2023)
  - A recording of this panel may be accessed [HERE](#).
  - A summary of this panel may be accessed [HERE](#).
- Advocacy Professionals (August 2, 2023)
  - A recording of this panel may be accessed [HERE](#).
  - A summary of this panel may be accessed [HERE](#).
- Legal and Law Enforcement Professionals (August 2, 2023)
  - A recording of this panel may be accessed [HERE](#).
  - A summary of this panel may be accessed [HERE](#).

**3. *People Who Receive Mandatory Reports (September 20, 2023)*** – The Task Force engaged with a panel comprised of members representing county human services departments, which are charged with receiving and assessing reports from mandatory reporters. Panelists discussed how they engaged with mandatory reporters and where they think practice could be improved to enhance how reports are made and the ultimate outcome of cases.

- A recording of the September 20, 2023, meeting may be accessed [HERE](#).
- A summary of the September 20, 2023, meeting may be accessed [HERE](#).

**4. *People Who Monitor Mandatory Reports (October 4, 2023)*** – The Task Force engaged with a panel comprised of members representing organizations that monitor and assess the mandatory reporting system. Members discussed the broad impacts of the system on children and families and how the current law supports – and hinders – the role of mandatory reporters.

- A recording of the October 4, 2023, meeting may be accessed [HERE](#).
- A summary of the October 4, 2023, meeting may be accessed [HERE](#).

Through these conversations, five themes emerged:

1. Colorado’s mandatory reporting law and system for making reports disproportionately impacts families of color, people with disabilities and under-resourced communities. The effects of this disparate impact perpetuate unnecessary contact with child protection services.
2. Colorado’s current definition of abuse and neglect is too broad and conflates several circumstances – such as poverty – with child abuse. This effectively requires mandatory reporters to report circumstances that may not involve the safety or well-being of children.
3. Mandatory reporters currently have one mechanism to utilize when they have concerns about children and families – a formal report to the child abuse and neglect hotline. However, many mandatory reporters do not have concerns about physical abuse or neglect and instead attempt to connect children and families with needed resources, such as assistance with food or housing insecurity. By forcing mandatory reporters to report all concerns through the child abuse hotline, the state’s mandatory reporting law requires

professionals to engage child protection services with families that do not require their services.

4. Cases that do involve concerns of child safety and well-being may not get adequate attention because the system is overwhelmed by reports. This is perpetuated by a lack of training for mandatory reporters and lack of follow-up with mandatory reporters.
5. Colorado's mandatory reporting law may hinder certain professionals from forming trusted relationships with children and families. This includes physicians and educators who struggle to engage with families, when families are concerned those professionals will be required to report them to a child abuse hotline. Often this results in families avoiding these professionals and associated services and care.

These themes permeated through Task Force discussions and members have repeatedly identified these as priorities for the group to address when it issues recommendations in its final reports.

Additionally, the discussions underscored the dichotomy between prevention and intervention, emphasizing the need to strike a balance and prioritize safety while offering adequate prevention and support measures. Inconsistencies across counties, power imbalances, biases, and uncertainties regarding what constitutes reportable instances were identified as key hurdles. Additionally, the impact of reporting stigma on family bonds and relationships between reporters and families emerged as crucial considerations, alongside concerns about handling cases involving domestic violence. The burden on multiple agencies of overreporting was also highlighted as a pressing issue.

## **MOVING FORWARD**

Grounded in the work it completed during its first year, the Task Force will dedicate its second year to putting pen to paper. Acutely aware of the limited time remaining, the Task Force has identified its priorities for addressing each of the 19 directives provided in law, while also working to tackle the systemic issues identified.

However, to ensure this work is thoughtful and impactful, the Task Force has agreed that it must first address Colorado's current definition of child abuse and neglect. As stated above, the Task Force has routinely identified that Colorado's current definition of abuse and neglect is too broad and conflates several circumstances – such as poverty – with child abuse. Without first addressing the definition of abuse and neglect, the Task Force cannot meaningfully recommend changes to the current mandatory reporting system or law. As such, the Task Force has scheduled additional meetings and will dedicate approximately 11 hours during January and February of 2024 to developing a recommendation to amend the statute.

CPO staff provided the Task Force with an analysis of the standards for reporting abuse and neglect across various states. One notable observation from this analysis is that 16 states have incorporated exclusion requirements or special considerations within their definitions of abuse and neglect. These provisions aim to prevent reports from being solely based on specific categories, indicating a move towards a more nuanced approach. For instance, several states have established criteria stipulating that neglect should not be solely attributed to the socioeconomic status of the caregiver. Factors like the unavailability of relief services or homelessness alone do not automatically qualify as neglect. Moreover, some states emphasize considering cultural differences when evaluating child abuse and neglect reports.

This analysis will support the Task Force’s work in formulating a better definition and standards for reporting for Colorado’s mandatory reporting laws.

Following the conclusion of this discussion at the end of February 2024, the Task Force will then begin to break into subcommittees to address remaining systemic issues and directives. At a minimum, the subcommittees will discuss possible recommendations regarding the following topics:

- The development of warmlines and alternative reporting methods.
- Addressing vagueness in Colorado’s mandatory reporting law, including the definition of “immediately,” institutional reporting and policies, the scope of a mandatory reporter’s duty and addressing duplicative reports.
- Consideration of possible exemptions for professionals working with legal representation teams and/or victims of domestic violence or sexual violence.
- Development of required training for mandatory reporters and applicable curricula. This will include the development of implicit bias training for mandatory reporters.

## **CONCLUSION**

During the past eleven months, the committed members of the Task Force have dedicated themselves to a meticulous and collaborative process, delving into the intricate landscape of mandatory reporting. Their approach has been defined by a steadfast commitment to inclusivity, nurturing open dialogues and harnessing the diverse wealth of experiences and perspectives within the group.

The Task Force’s journey commenced with a deep dive into the complexities of mandatory reporting — assessing its efficacy in serving its intended purpose while comprehending its disproportionate impacts on children and families, including those of color, low-income, and with disabilities. This initial phase drew upon the invaluable experiences and expertise of Task Force members, incorporating insights from national experts and partners. Extensive information was thoroughly examined and discussed among Task Force members, fostering a deep understanding of the subject matter.

From this robust exploration, the Task Force has begun to surface ideas pinpointing areas ripe for change. The initial findings encapsulated in this report form the bedrock for future exploration. In the forthcoming months, we eagerly anticipate refining our recommendations, building upon the collective wisdom and insights gleaned from the Task Force. The ultimate aim is to craft a comprehensive and compassionate approach that better meets the diverse needs of children and families impacted by mandatory reporting laws in Colorado.

Pursuant to C.R.S. §19-3-304.2(9), the Task Force respectfully submits its interim report.

# **APPENDIX A**

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## CPO Issue Brief

# ISSUE BRIEF

## **MANDATORY REPORTERS: How Colorado's mandatory reporter law lacks the necessary infrastructure to support those charged with reporting suspected child abuse.**

### **INTRODUCTION**

Olivia Gant was only 7 years old when she died. During her short life, it is alleged that her mother subjected her to five years of countless, unnecessary medical treatments and surgeries which ultimately resulted in Olivia's death in 2017. Her mother has been criminally charged and is pending trial. The allegations are that Olivia was the victim of Factitious Disorder Imposed on Another – a rare psychological disorder in which a caregiver, like Olivia's mother, create symptoms of illness in their children to get attention. Because caregivers often advocate for unnecessary and dangerous treatments, children can be seriously injured and even die.

After Olivia died, questions were raised about how her death could have been prevented. The media and an attorney for the family have raised concerns that Children's Hospital Colorado (CHC), the facility responsible for Olivia's ongoing care, failed to report suspected child abuse as required by law, thereby delaying a child abuse investigation that might have saved her.<sup>1</sup> It is also alleged that the CHC's internal child abuse reporting policy is at odds with Colorado law because it recommends hospital staff members who suspect child abuse to first report their concerns to a lead social worker or the hospital's internal child protection team, before reporting directly to law enforcement, a human service agency or the state's child abuse hotline.<sup>2</sup>

### **BACKGROUND**

Olivia's case raises long-standing questions about whether Colorado's mandatory reporting law is well understood by the thousands of individuals and institutions in Colorado who are required to make child abuse reports and whether the law has been implemented in a way that ensures the state's children are being protected.

Colorado, like many other states in the country, has had a series of high-profile cases, that raise questions about the effectiveness of mandatory reporting laws. To be clear, many of the headline grabbing cases involve adults, in positions of trust – such as school principals, civic and religious leaders and many others – who deliberately chose not to report child abuse in an attempt to preserve an institution's reputation or to protect a colleague from scandal.<sup>2</sup> This brief does not address those cases. Those cases are appropriately addressed by the criminal justice system which is tasked with enforcing penalties for these serious breaches of law.





This brief addresses the thousands of other circumstances where well-meaning citizens – teachers, social workers, nurses, coaches and many others – want to do right by kids but are unclear about how to fulfill their responsibilities to report abuse and neglect.

In the past decade, the Office of Colorado's Child Protection Ombudsman (CPO) has received dozens of calls from mandatory reporters who are unclear on what Colorado law requires them to do. Callers frequently ask:

- *What is the definition of physical and sexual abuse? Does it include bullying? Emotional abuse? Educational neglect? Sexting?*
- *Child abuse is only committed between a parent and their child, right? Or can child abuse be committed by any adult upon a child?*
- *Is it child abuse if one kid sexually or physically assaults another kid?*
- *My agency requires me to report my concerns to my supervisor, is that OK or do I need to call in the report myself?*

These calls and many others like them, indicate there is room for improvement regarding how professionals respond to children they believe are suffering from abuse and neglect. The CPO conducted an in-depth analysis of Colorado's mandatory reporting law. The CPO spoke with numerous mandatory reporters, including school administrators, teachers, school resource officers, law enforcement, county human service agencies and others whose job it is to report child abuse and neglect. Additionally, the CPO reviewed mandatory reporter laws across all 50 states to gain a better understanding of how Colorado's law compares to other states.

The analysis revealed an inconsistent understanding of the law by mandatory reporters, a fragmented system of trainings and a general lack of support and resources for mandatory reporters to capably do the job asked of them – namely, to report suspected child abuse and neglect.

Colorado has consistently regarded mandatory reporting as an important child abuse prevention tool. This is evidenced by the numerous amendments that have been made to Colorado's law during the past 55 years to strengthen it. However, public policy efforts have not gone far enough to create an infrastructure that ensures our mandated reporters are able to both identify and report suspected abuse effectively.

## **COLORADO'S MANDATORY REPORTING LAW**

Mandatory reporting laws have been around nearly five decades.

Colorado was the first state in the nation to adopt a mandatory reporting law in 1963. Since that time, the Child Protection Act of 1987 has been amended at least 31 times.<sup>3</sup> The most significant changes over the years have been the addition of specific types of professionals who are required to report suspected child abuse and neglect. None of the statutory amendments have created a cohesive infrastructure to ensure *quality* reporting.

The idea behind mandatory reporting laws is simple – children do not possess the maturity, physical strength, emotional capacity or resources to protect themselves. As such, they rely upon adults to be their voice, to speak on their behalf, to get them help. There are many dynamics that deter children from reporting abuse: fear that they won't be believed, fear of getting a caregiver in trouble, fear that the abuse will only get worse if it is reported.

Mandatory reporting laws are designed to have adults, who have frequent contact with children, to report suspected abuse and neglect to authorities. While all states have mandatory reporting laws, the details vary from state to state.<sup>4</sup>

<sup>1</sup> Children's Hospital Colorado has denied these allegations. The hospital's policy does not prohibit staff from filing reports directly to law enforcement and/or human services agencies.

<sup>2</sup> See "[Children's Hospital Colorado chose not to report caregivers' abuse suspicions before Olivia Gant died, records show](#)" (Denver Post, June 13, 2021).

<sup>3</sup> See "[Colorado Public Schools are paying millions to settle lawsuits when educators fail to report sex abuse of student, but those educators avoid legal consequences](#)" (Denver Post, June 15, 2018)

<sup>4</sup> See C.R.S. § 19-3-301

<sup>4</sup> Child Welfare Information Gateway, Mandatory Reporters of Child Abuse and Neglect, 2019.

Colorado's mandatory reporting law lists nearly 40 different types of professionals who are required to report suspected child abuse and neglect. The law requires "any person who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect" to immediately report such information to a county human service agency, law enforcement agency or to the state child abuse hotline.<sup>5</sup> The law also defines what information must be reported. It is a class three misdemeanor for willfully violating the law and reporters will be provided immunity if they make a child abuse report in good faith.<sup>6</sup> A person cannot be fired for complying with the state's mandatory reporter law.<sup>7</sup>

At first look, Colorado's law appears straightforward. However, in application it challenges those who are bound by it as well as those who are required to enforce it.

## WHY IS MANDATORY REPORTING SO HARD?

A quick internet search of child abuse reveals thousands of pictures of children who are bruised and battered. This would lead a person to believe the job of a mandatory reporter is obvious, if not easy. How could a reporter not understand what child abuse is? You know it when you see it, right?

Wrong. These stereotypical images, as well as the nuances surrounding child abuse dynamics, impact citizens' ability to recognize abuse let alone report it. For example, in physical abuse cases, it is not uncommon for abusers to hurt children in places where clothing can hide marks and bruises. Sexual abuse cases, rarely if ever, leave evidence of harm given the broad spectrum of sexual contact that can occur. And in neglect cases, children will frequently deny that they need food, clothing or medical attention. Rather, they adapt to have their needs met – they will surreptitiously steal food and needed articles of clothing or isolate themselves from others to avoid explaining hygiene problems. Studies confirm that children routinely act to protect their abuser, not to expose them. Signs of abuse and neglect are far more likely to be subtle and present in ways that are not immediately obvious, making mandatory reporters' jobs very difficult.

Complicating matters is that Colorado's mandatory reporters do not fully understand how to report child abuse or how their report fits into the broader child protection system's response to children. A 2016 survey conducted by the Colorado Department of Human Services (CDHS) showed that the biggest barriers for reporting child abuse was that many reporters could not identify "next steps" to make a report and were also concerned that they might not have enough information to make a report – confusing their duty to report with the duties of law enforcement and human services agencies whose job it is to assess and investigate whether such abuse has actually occurred.

Misunderstandings around what the law requires, as well as what constitutes child abuse and neglect, help make the case for clearer laws and enhanced training regarding Colorado's mandatory reporters.

## THE CHALLENGES WITH COLORADO'S MANDATORY REPORTING LAW

Mandatory reporter laws require that specifically designated people, those who have relationships with children in the community and professional settings, report child abuse in a timely way to interrupt ongoing abuse and to prevent future abuse from occurring. As such, Colorado's law needs to reflect these goals. If the goal is to have mandatory reporters identify possible child abuse – then they must receive appropriate training to identify the signs of abuse and neglect. This is critically important to ensure that reporters have the best information possible when making the important decision to report – or not to report. If the goal is to have possible abuse reported in a timely manner – then the law must ensure reporters are educated regarding who is responsible for making a report, as well as how quickly a report must be made.

Colorado law is needlessly vague in many places and could be enhanced to give mandatory reporters greater support.

<sup>5</sup> See C.R.S. § 19-3-304

<sup>6</sup> See C.R.S. § 19-3-309

<sup>7</sup> See C.R.S. § 19-3-309

## Ambiguity in the Law

Colorado law does not define what it means to “immediately” make a report of suspected child abuse and neglect. While this term may be seemingly obvious, the CPO has routinely handled cases in which mandatory reporters waited days before making a child abuse report – delaying because of workday constraints or wanting to run a set of facts by a trusted colleague prior to reporting. Some states define “immediate” as having to make a child abuse report no later than 24 hours,<sup>8</sup> 36 hours<sup>9</sup> or 48 hours<sup>10</sup> once child abuse is suspected. Defining this term would give clarity to mandated reporters and would ensure that children who may be in danger are having their needs met in a timely manner.

Another area of confusion is *who* is responsible for making the child abuse report. The mandated reporter or the institution for whom they work? Institutional reporting is one of the issues raised in the Olivia Gant case and is one of the most frequently asked questions that the CPO hears. During the past several years, the CPO has received dozens of calls from mandatory reporters in large organizations, including educators, hospital staff and day care centers. They frequently ask whether the law requires them to make a child abuse report directly to designated authorities or whether it is sufficient to notify their supervisor to satisfy their legal reporting responsibility.

Many individuals who contact the CPO state that their employers have policies that require them to bring child abuse concerns to an agency administrator, who will in turn file a report with the appropriate authorities. In these circumstances, it is unclear whether supervisors are substituting their judgement for that of their employees or whether they simply serve as a pass through for the information. Either way, mandatory reporters have expressed that they are fearful that such practices increase the likelihood that their information is inaccurately relayed or not relayed at all, creating unnecessary delays and possible harm to children.

The CPO has confirmed that there are some large organizations that require employees to report concerns of child abuse to supervisors or administrators first. These organizations articulate several benefits of doing so, including avoiding duplicate reports from an organization, ensuring that such reports are substantiated by facts and not personal bias and the desire to provide their employees with support during the reporting process – including assistance with filling out paperwork and providing them time to make a report.

Colorado law currently imposes the duty to report child abuse on *individuals* who are listed in the statute: doctors, dentists, nurses, teachers and many others. The law does not address how institutions, facilities and other large organizations should report abuse and neglect. There are approximately 32 states with laws that address what is commonly referred to as “institutional reporting.”<sup>11</sup>

Institutional reporting refers to those situations in which the mandated reporter is working as a staff member at an institution, such as a school or hospital, at the time abuse or neglect of a child is suspected. In these circumstances, many institutions have policies for handling reports, which typically require the person who suspects child abuse to notify the head of the institution of the abuse and the need for a report to be made, in lieu of making the report themselves.

The question about whether institutional reporting is desirable or should be permissible is a critically important conversation that needs to take place, if only because there are already many organizations engaged in the practice. For Colorado’s laws to be effective, and for children to be protected, the law must be clear regarding *who* must make a report so that valuable information does not fall through the cracks and people who fail to report suspected child abuse may be held accountable.

<sup>8</sup> Georgia, (GA ST § 19-7-5), Vermont, (VT ST T. 33 § 4913), Iowa (I.C.A. § 232.69).

<sup>9</sup> California (CA Penal § 11166).

<sup>10</sup> Texas (V.T.C.A., Family Code § 261.101), Washington State (West’s RCWA 26.44.030).

<sup>11</sup> Child Welfare Information Gateway, Mandatory Reporters of Child Abuse and Neglect, 2019

There are other areas of the law that also confuse reporters, including who can commit child abuse, *what* behaviors constitute child abuse and whether children can commit child abuse on one another. All these questions could be better answered with clearer laws. However, the questions are merely symptomatic of the lack of infrastructure currently in place to support mandatory reporters – namely, a lack of training.

### Colorado Lacks a Statewide, Coordinated Infrastructure to Support Mandatory Reporters

In the past five decades, Colorado has grown the list of mandatory reporters from two to nearly 40. What has not kept pace is the corresponding training and infrastructure that is needed to ensure reporters are appropriately informed of their responsibilities.

There is a long-standing national debate as to how effective mandatory reporter laws are in preventing child abuse. In the effort to prevent child abuse and neglect, it is commonly believed that if there are “more eyes and ears” on children, there are more opportunities to detect and investigate reports. However, studies show that more child abuse reports do not necessarily result in a greater number of substantiated child abuse cases and that untrained reporters can contribute to an overabundance of unsubstantiated reports – draining child welfare systems of much needed resources.<sup>12</sup> Additionally, there is a great deal of discussion regarding how mandatory reporter laws disproportionately and unfairly impact disadvantaged families and communities of color. A factor that can only be addressed through cultural competency training.<sup>13</sup>

These studies provide justification for why training mandatory reporters is crucial. Reporters must be able to readily identify the signs of child abuse and neglect, be aware of implicit bias and confidently report their concerns to authorities.

In approximately 2014, the CDHS created an online mandatory reporter training and a public awareness campaign to encourage reporting and training among the public and mandatory reporters. Unfortunately, the training is not required and the public awareness campaign, while successful, was limited in duration.

#### *Mandatory Reporters are Not Informed of Their Legal Obligations*

Ultimately, the responsibility for building a strong mandatory reporting infrastructure must lie in a coordinated approach that includes both public and private entities.

Colorado law does not create a statewide notification system that informs new mandatory reporters of their obligations to report suspected child abuse and neglect. As a result, many professionals are unaware of their reporting obligations – particularly if they are not part of a larger community of mandatory reporters such as schoolteachers, physicians and social workers – professionals who work with children every day. Creating a centralized notification system that can track Colorado’s 40 different categories of mandated reporters, who are employed in both the private and government sectors, is not an easy task. However, three states – California, New York and Iowa – have engaged both the government and business communities to educate mandated reporters. Under these states’ laws, any person or institution that employs mandatory reporters, are required to provide a written document that explains to new employees their mandatory reporting responsibilities, as well as the protections they have when they report child abuse and neglect.<sup>14</sup> Such laws provide a more targeted way to educate employees in an ongoing and consistent manner.

<sup>12</sup> Ho, G. W., Gross, D. A., & Bettencourt, A. (2017). Universal Mandatory Reporting Policies and the Odds of Identifying Child Physical Abuse. *American Journal of Public Health, 107*(5), 709-716.

<sup>13</sup> New York law requires the Office of Children and Family Services to update training to include protocols to reduce implicit bias in the decision to respond to abuse and neglect.

<sup>14</sup> California (CA Penal 11166.5), New York (Ny Soc Serv 413), Iowa (IA ST 232.69).

### *Colorado Does Not Require Training for its Mandatory Reporters*

In addition to having no notification system, Colorado does not require training for any of its mandatory reporters. Nor does it have a continuing education requirement for professionals who are routinely working with youth and are required to have a license to practice, including doctors or therapists. This means that many mandatory reporters are not receiving the valuable training that is required to appropriately respond to suspected child abuse and neglect – even though Colorado has developed an online child abuse reporter training that is free and easily accessible to the public.<sup>15</sup>

Of Colorado's mandatory reporters that receive training from organizations, the instruction they receive is not standardized and varies within and across disciplines. For example, the CPO reviewed dozens of school districts' mandatory reporter trainings. They all have different curricula and approaches to teaching requirements for reporters. This may be a factor as to why mandatory reporters have different understandings of what the law requires.

There are at least 10 states that require mandatory reporters to complete training. The approaches vary widely across the country. For example, Iowa requires all its mandatory reporters take a two-hour training once every three years.<sup>16</sup> Pennsylvania requires all its educators and health-related professionals, who require a state license to practice, complete mandatory reporting training.<sup>17</sup> California takes yet another approach, requiring training for educators, school personnel, day care providers and employers who have five or more employees who are minors.<sup>18</sup> Each of these states provide a standard training that mandatory reporters may easily access, free of charge.

Colorado has various state departments that intersect with mandatory reporters on a regular basis, including CDHS, the Department of Regulatory Affairs (DORA), the Colorado Department of Education and the Department of Public Safety. Each of these departments is responsible for regulating child safety in various contexts. These agencies could develop a coordinated, statewide approach to educating and training mandatory reporters to ensure they are provided with the knowledge and support needed to carry out their legal responsibilities in an informed way.

## **CONCLUSION AND RECOMMENDATION**

Decades of public policy efforts in Colorado have continued to prioritize mandatory reporting laws as a tool to prevent child abuse and neglect. While the state has invested considerable resources in creating a statewide training, this is not enough to ensure the state's mandatory reporters can do the job that is asked of them. The law, though well-intentioned, has been poorly executed for years. If Colorado wants its citizens to report suspected child abuse and neglect competently and responsibly, mandatory reporters must be given the tools to do so. To do anything short of this is to risk child safety, overwhelm child welfare services and continue the disparate impact that such laws have on inadequately resourced communities and families of color.

The CPO recommends the Colorado General Assembly and stakeholders work together to amend Colorado's law to create a robust infrastructure that supports the state's mandatory reporters. Considerations should include:

- Update the law to clarify how timely reports must be made and who is responsible for reporting – individuals or institutions;
- Require employers to provide information to their employees that detail their legal obligations to report suspected child abuse and provide them resources for training – including referrals to the state's child abuse reporting training;

<sup>15</sup> See <https://www.coloradocwts.com/mandated-reporter-training>

<sup>16</sup> See IA ST § 232.69

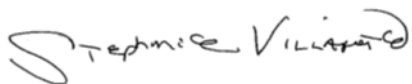
<sup>17</sup> See 23 Pa. C.S.A. § 6383

<sup>18</sup> See CA Penal § 11165.7

- Leverage existing state licensing requirements through DORA to mandate training for professionals who are mandatory reporters including doctors, nurses and psychologists;
- Require statewide trainings to be updated and include information regarding implicit bias and other factors that cause disproportionate representation of certain groups in the child welfare system; and
- Require state departments that are responsible for child safety to develop a coordinated approach to educate the state's mandatory reporters to help establish a substantive and streamlined approach that reaches reporters across the state and across various disciplines.

Child abuse in our community is a serious problem. The mandatory reporting laws created to combat the problem are outdated and not working as effectively as they can to protect our children. However, there are opportunities to make these laws better and more effective. Providing resources to build a proper mandatory reporting infrastructure as well as implementing the considerations above will go a long way to providing additional protection for our children. If we are going to require citizens to help in the fight against child abuse, then we must educate them and equip them to do the best job possible so that they understand the importance of their role in protecting Colorado children.

Pursuant to C.R.S. 19-3.3-103(2), the CPO respectfully submits this report to the citizens of Colorado, child protection stakeholders and the Colorado General Assembly.



Stephanie Villafuerte  
Child Protection Ombudsman

# **APPENDIX B**

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House Bill 22-1240

# An Act

HOUSE BILL 22-1240

BY REPRESENTATIVE(S) Froelich and Young, Amabile, Bernett, Boesenecker, Cutter, Gonzales-Gutierrez, Hooton, Jodeh, Kipp, Lindsay, Lontine, Michaelson Jenet, Ricks, Sullivan, Titone, Valdez A.; also SENATOR(S) Fields and Simpson, Buckner, Cooke, Danielson, Hansen, Lee, Pettersen, Rodriguez, Story, Fenberg.

CONCERNING ENHANCING MANDATORY REPORTING FOR PEOPLE REQUIRED TO REPORT CHILD ABUSE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 19-3-302 as follows:

**19-3-302. Legislative declaration.** (1) The general assembly declares that the complete reporting of child abuse is a matter of public concern and that, in enacting this part 3, it is the intent of the general assembly to protect the best interests of children of this state and to offer protective services in order to prevent any further harm to a child suffering from abuse. It is also the intent of the general assembly that if a county or group of counties decides to establish a child protection team, that the child

*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.*



protection teams publicly discuss public agencies' responses to child abuse and neglect reports so that the public and the general assembly are better informed concerning the operation and administration of this part 3.

(2) (a) THE GENERAL ASSEMBLY FURTHER DECLARES THAT REQUIRING PEOPLE TO REPORT KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT PURSUANT TO THIS PART 3 IMPACTS THE PEOPLE REPORTING AS WELL AS CHILDREN AND FAMILIES. AS A RESULT OF IMPLICIT BIAS, UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES ARE DISPROPORTIONATELY IMPACTED BY THE MANDATORY REPORTING SYSTEM. TO CREATE A MORE EQUITABLE MANDATORY REPORTING SYSTEM, PEOPLE REQUIRED TO REPORT CHILD ABUSE OR NEGLECT MUST HAVE ACCESS TO NECESSARY RESOURCES TO REPORT CHILD ABUSE OR NEGLECT, INCLUDING BUT NOT LIMITED TO:

(I) SPECIALIZED TRAINING TO ADDRESS AND DECREASE THE DISPROPORTIONATE IMPACT ON UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES;

(II) STANDARDIZED TRAINING AND MATERIALS; AND

(III) INFORMATION REGARDING OBLIGATIONS AND PROTECTIONS PURSUANT TO THE LAW.

(b) ADDITIONALLY, THROUGH THE CREATION OF A MANDATORY REPORTER TASK FORCE IN THIS PART 3, DIVERSE REPRESENTATIVES FROM STATEWIDE ORGANIZATIONS SERVING FAMILIES AND YOUTH SHALL ANALYZE BEST PRACTICES AND MAY RECOMMEND CHANGES TO TRAINING MATERIALS AND REPORTING PROCEDURES.

**SECTION 2.** In Colorado Revised Statutes, add 19-3-304.2 as follows:

**19-3-304.2. Mandatory reporter task force - creation - reporting - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "IMPLICIT BIAS" MEANS A BIAS OR PREJUDICE THAT IS PRESENT TOWARD AN INDIVIDUAL OR A GROUP OF PEOPLE WITHOUT CONSCIOUS KNOWLEDGE.

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

(c) "MEDICAL CHILD ABUSE" MEANS WHEN A CHILD RECEIVES UNNECESSARY AND HARMFUL OR POTENTIALLY HARMFUL MEDICAL CARE DUE TO A CAREGIVER'S OVERT ACTIONS, INCLUDING EXAGGERATING THE CHILD'S MEDICAL SYMPTOMS, LYING ABOUT THE CHILD'S MEDICAL HISTORY OR FABRICATING THE CHILD'S MEDICAL HISTORY, OR INTENTIONALLY INDUCING ILLNESS IN THE CHILD.

(2) THERE IS CREATED IN THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN, ESTABLISHED PURSUANT TO SECTION 19-3.3-102, THE MANDATORY REPORTER TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE". THE PURPOSE OF THE TASK FORCE IS TO ANALYZE BEST PRACTICES AND RECOMMEND CHANGES TO TRAINING REQUIREMENTS AND REPORTING PROCEDURES. THE TASK FORCE SHALL ANALYZE THE EFFECTIVENESS OF MANDATORY REPORTING AND ITS RELATIONSHIP WITH SYSTEMIC ISSUES, INCLUDING THE DISPROPORTIONATE IMPACT OF MANDATORY REPORTING ON UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES. THE TASK FORCE SHALL FOCUS ON SERVING UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES WHO ARE DISPROPORTIONATELY IMPACTED BY THE MANDATORY REPORTING SYSTEM. THE TASK FORCE MAY PROPOSE CLARIFICATIONS TO THE LAW TO HELP IMPLEMENT ITS RECOMMENDATIONS. THE TASK FORCE MAY MAKE FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY, THE GOVERNOR, AND THE STATE DEPARTMENT ON ADMINISTRATIVE AND LEGISLATIVE CHANGES TO UPDATE MANDATORY REPORTER TRAINING REQUIREMENTS AND REPORTING PROCEDURES FOR REPORTING CHILD ABUSE OR NEGLECT AND TO CREATE AN EQUITABLE MANDATORY REPORTING SYSTEM FOR ALL COLORADO FAMILIES AND CHILDREN, INCLUDING HOW TO DETERMINE THE EFFECTIVENESS OF MANDATORY REPORTING AND MITIGATE THE IMPACT OF MANDATORY REPORTING ON UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES.

(3) (a) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE CHILD PROTECTION OMBUDSMAN, AS DESCRIBED IN SECTION 19-3.3-102, OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE;

(II) ONE MEMBER REPRESENTING THE STATE DEPARTMENT TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(III) ONE MEMBER REPRESENTING THE DEPARTMENT OF PUBLIC SAFETY TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(IV) ONE MEMBER REPRESENTING THE DEPARTMENT OF REGULATORY AGENCIES TO BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(V) ONE MEMBER REPRESENTING THE DEPARTMENT OF EDUCATION TO BE APPOINTED BY THE COMMISSIONER OF EDUCATION OF THE DEPARTMENT OF EDUCATION, OR THE COMMISSIONER OF EDUCATION'S DESIGNEE; AND

(VI) THE FOLLOWING MEMBERS, WHO SHALL BE APPOINTED BY THE CHILD PROTECTION OMBUDSMAN OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE:

(A) ONE MEMBER REPRESENTING A STATEWIDE EDUCATION ORGANIZATION THAT INCLUDES RURAL AREAS;

(B) ONE MEMBER REPRESENTING LAW ENFORCEMENT AGENCIES;

(C) ONE MEMBER REPRESENTING RURAL COUNTY DEPARTMENTS;

(D) ONE MEMBER REPRESENTING URBAN COUNTY DEPARTMENTS;

(E) ONE MEMBER REPRESENTING COURT-APPOINTED SPECIAL ADVOCATES, AS DEFINED IN SECTION 13-91-103;

(F) ONE MEMBER REPRESENTING THE OFFICE OF THE CHILD'S REPRESENTATIVE, AS ESTABLISHED IN SECTION 13-91-104;

(G) ONE MEMBER REPRESENTING A CHILD ADVOCACY CENTER, AS DEFINED IN SECTION 19-1-103;

(H) ONE MEMBER REPRESENTING PROSECUTING ATTORNEYS;

(I) ONE MEMBER REPRESENTING THE OFFICE OF THE STATE PUBLIC DEFENDER, AS CREATED IN SECTION 21-1-101, OR THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL, AS CREATED IN SECTION 21-2-101;

(J) ONE MEMBER REPRESENTING A COUNTY ATTORNEY'S OFFICE OR A STATEWIDE ORGANIZATION REPRESENTING COUNTY ATTORNEYS' OFFICES;

(K) ONE MEMBER REPRESENTING THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL, AS CREATED IN SECTION 13-92-103;

(L) ONE MEMBER REPRESENTING FAMILY LAW ATTORNEYS;

(M) ONE MEMBER REPRESENTING A STATEWIDE NONGOVERNMENTAL ORGANIZATION SPECIALIZING IN THE PREVENTION OF CHILD MALTREATMENT;

(N) ONE MEMBER FROM A STATEWIDE ORGANIZATION REPRESENTING HOSPITALS;

(O) ONE MEMBER FROM A STATEWIDE ORGANIZATION REPRESENTING MEDICAL PROFESSIONALS;

(P) ONE MEMBER FROM A STATEWIDE ORGANIZATION REPRESENTING MENTAL HEALTH PROFESSIONALS;

(Q) ONE MEMBER FROM A STATEWIDE ORGANIZATION REPRESENTING CHILDREN AND YOUTH;

(R) ONE MEMBER FROM A STATEWIDE ORGANIZATION REPRESENTING PEOPLE WITH DISABILITIES;

(S) FIVE MEMBERS REPRESENTING INDIVIDUALS WITH LIVED EXPERIENCE IN THE MANDATORY REPORTING SYSTEM;

(T) ONE MEMBER FROM A STATEWIDE ORGANIZATION SERVING UNDER-RESOURCED COMMUNITIES;

(U) ONE MEMBER WHO IS AN ACADEMIC EXPERT ON THE MANDATORY REPORTING SYSTEM EMPLOYED AT A STATE INSTITUTION OF HIGHER

EDUCATION;

(V) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION SERVING OR REPRESENTING VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE;

(W) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION SERVING OR REPRESENTING VICTIMS AND SURVIVORS OF SEXUAL VIOLENCE;

(X) ONE MEMBER REPRESENTING CONFIDENTIAL VICTIM ADVOCATES;  
AND

(Y) ONE MEMBER REPRESENTING A STATE-LICENSED CHILD CARE PROVIDER, AS DEFINED IN SECTION 26-6-102 (6).

(b) THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS ON OR BEFORE DECEMBER 1, 2022. IN MAKING APPOINTMENTS, THE APPOINTING AUTHORITIES SHALL SELECT MEMBERS WHO REPRESENT DIVERSE GEOGRAPHIC LOCATIONS, GENDERS, RELIGIONS, SOCIOECONOMIC STATUSES, IMMIGRATION STATUSES, AND LANGUAGES. THE TERM OF THE APPOINTMENT IS FOR THE DURATION OF THE TASK FORCE. THE APPOINTING AUTHORITIES SHALL FILL ANY VACANCY SUBJECT TO THE SAME QUALIFICATIONS AS THE INITIAL APPOINTMENT.

(4) EACH MEMBER OF THE TASK FORCE SERVES WITHOUT COMPENSATION. NONGOVERNMENTAL MEMBERS MAY BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

(5) THE CHILD PROTECTION OMBUDSMAN OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE SHALL SERVE AS THE CHAIR, AND THE TASK FORCE SHALL SELECT A VICE-CHAIR FROM AMONG ITS MEMBERS. THE CHAIR AND THE VICE-CHAIR SHALL SERVE FOR THE DURATION OF THE TASK FORCE AS THE CHAIR AND THE VICE-CHAIR.

(6) (a) THE CHILD PROTECTION OMBUDSMAN, OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE, SHALL CONVENE THE FIRST MEETING OF THE TASK FORCE NO LATER THAN JANUARY 1, 2023. THE TASK FORCE SHALL MEET AT LEAST ONCE EVERY OTHER MONTH UNTIL THE TASK FORCE SUBMITS ITS FINAL REPORT. THE CHAIR MAY CALL ADDITIONAL MEETINGS AS

NECESSARY FOR THE TASK FORCE TO FULFILL ITS DUTIES. THE TASK FORCE SHALL ESTABLISH PROCEDURES TO ALLOW MEMBERS OF THE TASK FORCE TO PARTICIPATE IN MEETINGS REMOTELY.

(b) THE CHILD PROTECTION OMBUDSMAN, OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE, SHALL OPEN THE MEETINGS TO THE PUBLIC, PROVIDE ADVANCE PUBLIC NOTICE OF THE MEETINGS, AND ALLOW PUBLIC COMMENTS AT THE MEETINGS. THE CHILD PROTECTION OMBUDSMAN, OR THE CHILD PROTECTION OMBUDSMAN'S DESIGNEE, SHALL CONDUCT OUTREACH AND ENCOURAGE COMMUNITY PARTICIPATION IN THE PUBLIC MEETINGS.

(7) (a) PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE TASK FORCE, AT A MINIMUM, SHALL ANALYZE:

(I) WHETHER A STUDY SHOULD BE CONDUCTED TO DETERMINE THE EFFECTIVENESS OF MANDATORY REPORTING IN SERVING CHILDREN AND FAMILIES AND DETERMINE THE NECESSARY FUNDING FOR A STUDY. IF THE TASK FORCE DETERMINES THERE SHOULD BE A STUDY, THE STUDY MUST INCLUDE AN ANALYSIS ON WHETHER ENHANCED SCREENING TECHNIQUES FOR ACCEPTING REPORTS MAY MITIGATE THE DISPROPORTIONATE IMPACT OF MANDATORY REPORTING ON UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES.

(II) THE DISPROPORTIONATE IMPACT OF MANDATORY REPORTING ON UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES;

(III) STANDARDIZED TRAINING THAT ADDRESSES IMPLICIT BIAS;

(IV) ALTERNATIVE PROCESSES AND SERVICES FOR FAMILIES WHO DO NOT PRESENT MANDATORY REPORTERS WITH CHILD ABUSE OR NEGLECT CONCERNS BUT WHO WOULD BENEFIT FROM ALTERNATIVE SERVICES;

(V) STANDARDIZED TRAINING THAT ADDRESSES THE REQUIREMENTS OF THE LAW PURSUANT TO THIS PART 3;

(VI) THE DEFINITION OF "IMMEDIATELY" AND HOW REPORTING TIME FRAMES AFFECT MANDATORY REPORTERS FROM DIFFERENT PROFESSIONS;

(VII) REPORTING TIME FRAMES FOR MANDATORY REPORTERS WHO

ARE CREATING A SAFETY PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING TO ENSURE THE SAFETY OF THE VICTIM AND THE VICTIM'S FAMILY MEMBERS WHILE CREATING THE SAFETY PLAN;

(VIII) MEDICAL CHILD ABUSE AND THE PROCESS TO REPORT MEDICAL CHILD ABUSE;

(IX) WHETHER MANDATORY REPORTERS SHOULD REPORT INCIDENTS OBSERVED OUTSIDE OF A MANDATORY REPORTER'S PROFESSIONAL CAPACITY;

(X) WHETHER A MANDATORY REPORTER WHO IS EMPLOYED BY, AN AGENT OF, OR A CONTRACTOR FOR AN ATTORNEY WHO IS PROVIDING LEGAL REPRESENTATION IS EXEMPT FROM THE REPORTING REQUIREMENTS DESCRIBED IN SECTION 19-3-304;

(XI) MANDATORY REPORTING REQUIREMENTS FOR MANDATORY REPORTERS WHO HAVE KNOWLEDGE OR REASONABLE CAUSE TO KNOW OR SUSPECT THAT A CHILD OR YOUTH IS THE VICTIM OF DATING VIOLENCE OR SEXUAL ASSAULT;

(XII) A REPORTING PROCESS FOR TWO OR MORE MANDATORY REPORTERS TO REPORT CHILD ABUSE OR NEGLECT WHO HAVE JOINT KNOWLEDGE OR JOINT REASONABLE CAUSE TO MAKE A REPORT OF CHILD ABUSE OR NEGLECT;

(XIII) WHETHER THE DUTY TO REPORT REMAINS WITH THE MANDATORY REPORTER WHO HAS REASONABLE CAUSE TO KNOW OR SUSPECT THAT A CHILD HAS BEEN SUBJECTED TO CHILD ABUSE OR NEGLECT;

(XIV) WHETHER INSTITUTIONS THAT EMPLOY MANDATORY REPORTERS MAY DEVELOP PROCEDURES TO ASSIST MANDATORY REPORTERS IN FULFILLING REPORTING REQUIREMENTS, AS DESCRIBED IN SECTION 19-3-307;

(XV) TRAINING REQUIREMENTS FOR PEOPLE APPLYING FOR OR RENEWING A PROFESSIONAL LICENSE FOR A PROFESSION THAT IS IDENTIFIED AS A PROFESSION REQUIRED TO REPORT CHILD ABUSE OR NEGLECT PURSUANT TO SECTION 19-3-304;

(XVI) THE PERSONAL INFORMATION OF A CHILD, AS SET FORTH IN

SECTION 19-3-307 (2), THAT IS COLLECTED FOR A REPORT;

(XVII) STANDARDIZED TRAINING REGARDING THE COUNTY DEPARTMENTS' PROCESS TO DETERMINE WHICH REPORTS MEET THE THRESHOLD FOR ASSESSMENT AND INVESTIGATION;

(XVIII) THE BENEFITS OF AN ELECTRONIC REPORTING PLATFORM FOR THE STATE; AND

(XIX) A PROCESS FOR INTER- AND INTRA-AGENCY COMMUNICATIONS, CONFIRMING RECEIPT OF REPORTS, AND, IN SOME CIRCUMSTANCES, SHARING THE OUTCOME OF REPORTS WITH CERTAIN MANDATORY REPORTERS.

(b) THE TASK FORCE MAY ESTABLISH STANDING SUBCOMMITTEES TO STUDY THE ISSUES IDENTIFIED IN SUBSECTION (7)(a) OF THIS SECTION.

(8) THE TASK FORCE SHALL ANALYZE NATIONAL BEST PRACTICES AND CONSULT WITH ADDITIONAL STAKEHOLDERS AS NEEDED TO ADDRESS ALL ADDITIONAL QUESTIONS NECESSARY TO FINALIZE ITS FINDINGS AND RECOMMENDATIONS FOR MANDATORY REPORTER TRAINING REQUIREMENTS, REPORTING PROCEDURES, AND CREATING A MORE EQUITABLE MANDATORY REPORTING SYSTEM FOR UNDER-RESOURCED COMMUNITIES, COMMUNITIES OF COLOR, AND PERSONS WITH DISABILITIES WHO ARE DISPROPORTIONATELY IMPACTED BY MANDATORY REPORTING.

(9) ON OR BEFORE JANUARY 1, 2024, THE TASK FORCE SHALL SUBMIT ITS FIRST-YEAR STATUS REPORT, INCLUDING ITS INITIAL FINDINGS AND RECOMMENDATIONS ON ISSUES IDENTIFIED IN SUBSECTION (7) OF THIS SECTION, TO THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES; THE GOVERNOR; AND THE STATE DEPARTMENT.

(10) ON OR BEFORE JANUARY 1, 2025, THE TASK FORCE SHALL SUBMIT ITS FINAL REPORT, INCLUDING ITS FINDINGS AND RECOMMENDATIONS ON THE ISSUES IDENTIFIED IN SUBSECTION (7) OF THIS SECTION, TO THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES; THE GOVERNOR; AND THE



STATE DEPARTMENT.

(11) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

**SECTION 3.** In Colorado Revised Statutes, 19-3-304.2, **amend as added by House Bill 22-1240 (3)(a)(VI)(Y)** as follows:

**19-3-304.2. Mandatory reporter task force - creation - reporting - definitions - repeal.** (3) (a) The task force consists of the following members:

(VI) The following members, who shall be appointed by the child protection ombudsman or the child protection ombudsman's designee:

(Y) One member representing a state-licensed child care provider, as defined in ~~section 26-6-102 (6)~~ SECTION 26.5-5-303 (4).

**SECTION 4. Appropriation.** For the 2022-23 state fiscal year, \$97,500 is appropriated to the judicial department for use by the office of the child protection ombudsman. This appropriation is from the general fund. To implement this act, the office may use this appropriation for program costs.

**SECTION 5. Act subject to petition - effective date.** (1) Except as otherwise provided in subsection (2) of this section, this act 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.

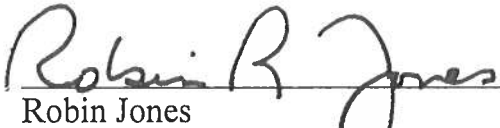
(2) Section 3 of this act takes effect only if House Bill 22-1295 becomes law, in which case section 3 takes effect upon the effective date of this act or House Bill 22-1295, whichever is later.



Alec Garnett  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Steve Fenberg  
PRESIDENT OF  
THE SENATE

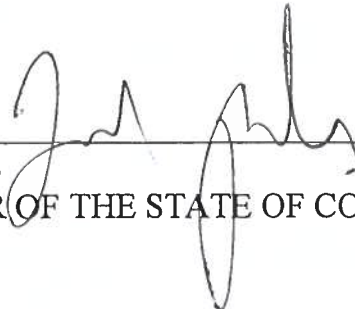


Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED June 2, 2022 at 3:01 pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

# **APPENDIX C**

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## Membership List

**Mandatory Reporting Task Force**

**Membership List**

**Effective December 2023**

<b>Appointment</b>	<b>Name</b>	<b>Organization/Experience</b>
The Child Protection Ombudsman, or the Ombudsman's designee (See C.R.S. §19-3-304.2(3)(a)(I))	Stephanie Villafuerte	Colorado Child Protection Ombudsman, Office of Colorado Child Protection Ombudsman
A representative of the Colorado Department of Human Services, appointed by the Executive Director or the Executive Director's designee. (See C.R.S. §19-3-304.2(3)(a)(II))	Yoland Arredondo	Deputy Director, Division of Child Welfare
A representative of the Department of Public Safety, appointed by the Executive Director or the Executive Director's designee. (See C.R.S. §19-3-304.2(3)(a)(III))	Margaret Ochoa	Manager, Colorado School Safety Resource Center
A representative of the Department of Regulatory Agencies, appointed by the Executive Director or the Executive Director's designee. (See C.R.S. §19-3-304.2(3)(a)(IV))	Vacant	
A representative of the Department of Education, appointed by the Executive Director or the Executive Director's designee. (See C.R.S. §19-3-304.2(3)(a)(V))	Colleen O'Neil	Associate Commissioner
A representative of a statewide education organization that includes rural areas.	Michelle Murphy	Executive Director, Colorado Rural School Alliance

(See C.R.S. §19-3-304.2(3)(a)(VI)(A))		
A representative of law enforcement agencies. (See C.R.S. §19-3-304.2(3)(a)(VI)(B))	Carlos Castillo	Sergeant, Denver Police Department
A representative of a rural county department of human services. (See C.R.S. §19-3-304.2(3)(a)(VI)(C))	Nicci Surad	Child Welfare Supervisor, Mesa County Department of Human Services
A representative of an urban county department of human services. (See C.R.S. §19-3-304.2(3)(a)(VI)(D))	Michelle Dossey	Child and Adult Protection Services Division Manager, Arapahoe County Department of Human Services
A representative of court-appointed special advocates. (See C.R.S. §19-3-304.2(3)(a)(VI)(E))	Zane Grant	Executive Director, CASA of Pueblo County
A representative of the Office of the Child's Representative. (See C.R.S. §19-3-304.2(3)(a)(VI)(F))	Ashley Chase	Staff Attorney and Legislative Liaison, Office of the Child's Representative
A representative of a child advocacy center. (See C.R.S. §19-3-304.2(3)(a)(VI)(G))	Lori Jenkins	Executive Director, Kindred Kids Child Advocacy Center
A representative of prosecuting attorneys. (See C.R.S. §19-3-304.2(3)(a)(VI)(H))	Jessica Dotter	Sexual Assault Resource Prosecutor, Colorado District Attorneys' Council
A representative of the Office of the State Public Defender or the Office of the Alternative Defense Counsel. (See C.R.S. §19-3-304.2(3)(a)(VI)(I))	Kevin Bishop	Social Worker Coordinator, Office of the Alternative Defense Counsel

<p>A representative of a county attorney’s office or a statewide organization representing county attorneys’ offices. (See C.R.S. §19-3-304.2(3)(a)(VI)(J))</p>	<p>Adriana Hartley</p>	<p>Assistant County Attorney, Office of the Delta County Attorney</p>
<p>A representative of court-appointed special advocates. (See C.R.S. §19-3-304.2(3)(a)(VI)(K))</p>	<p>Jill Cohen</p>	<p>Chief Operating Officer, Office of Respondent Parents’ Counsel</p>
<p>A representative of family law attorneys. (See C.R.S. §19-3-304.2(3)(a)(VI)(L))</p>	<p>Leanna Gavin</p>	<p>Kalamaya   Goscha</p>
<p>A representative of a statewide nongovernmental organization specializing in the prevention of child maltreatment. (See C.R.S. §19-3-304.2(3)(a)(VI)(M))</p>	<p>Jace Woodard</p>	<p>Executive Director, Illuminate Colorado</p>
<p>A representative of a statewide organization representing hospitals. (See C.R.S. §19-3-304.2(3)(a)(VI)(N))</p>	<p>Kelsey Wirtz</p>	<p>Licensed Clinical Social Worker   Peds/PICU/Gynecology, Dener Health Medical Center</p>
<p>A representative of a statewide organization representing medical professionals. (See C.R.S. §19-3-304.2(3)(a)(VI)(O))</p>	<p>Kathryn Wells</p>	<p>Pediatrician and Executive Director, Kempe Center for the Prevention and Treatment of Child Abuse and Neglect</p>
<p>A representative of a statewide organization representing mental health professionals. (See C.R.S. §19-3-304.2(3)(a)(VI)(P))</p>	<p>Donna L. Wilson</p>	<p>Ph.D., Director of Clinical Operations and Community Engagement, WellPower</p>
<p>A representative of a statewide organization representing children and youth. (See C.R.S. §19-3-304.2(3)(a)(VI)(Q))</p>	<p>Kaycee Headrick</p>	<p>Boys &amp; Girls Club</p>

A representative of a statewide organization representing people with disabilities. (See C.R.S. §19-3-304.2(3)(a)(VI)(R))	Sara Pielsticker	Staff Attorney, Disability Law Colorado
An individual with lived experience in the mandatory reporting system. (See C.R.S. §19-3-304.2(3)(a)(VI)(S))	Sam Carwyn	Families Minister
An individual with lived experience in the mandatory reporting system. (See C.R.S. §19-3-304.2(3)(a)(VI)(S))	Tara Doxtater	Recovery Coach/Parent Advocate, Office of the Respondent Parents' Counsel
An individual with lived experience in the mandatory reporting system. (See C.R.S. §19-3-304.2(3)(a)(VI)(S))	Nathaniel Hailpern	Parent Advocate, Office of the Respondent Parents' Counsel
An individual with lived experience in the mandatory reporting system. (See C.R.S. §19-3-304.2(3)(a)(VI)(S))	Shayna Koran	Parent Advocate, Office of the Respondent Parents' Counsel
An individual with lived experience in the mandatory reporting system. (See C.R.S. §19-3-304.2(3)(a)(VI)(S))	Cris Menz	Licensed Clinical Social Worker, LotusOM, LLC
A representative of a statewide organization serving under-resourced communities. (See C.R.S. §19-3-304.2(3)(a)(VI)(T))	Shawna McGuckin	Membership Manager, Family Resource Center Association
A member who is an academic expert on the mandatory reporting system employed at a	Ida Drury	Ph.D., Assistant Professor   University of Colorado   Department of Pediatrics

<p>state institution of higher education. (See C.R.S. §19-3-304.2(3)(a)(VI)(U))</p>		
<p>A representative of a statewide organization serving or representing victims and survivors of domestic violence. (See C.R.S. §19-3-304.2(3)(a)(VI)(V))</p>	Roshan Kalantar	Executive Director, Violence Free Colorado
<p>A representative of a statewide organization serving or representing victims and survivors of domestic violence. (See C.R.S. §19-3-304.2(3)(a)(VI)(W))</p>	Gina Lopez	Systems Response Program Director, Colorado Coalition Against Sexual Violence
<p>A representative of confidential victim advocates. (See C.R.S. §19-3-304.2(3)(a)(VI)(X))</p>	Jennifer Eyl	Executive Director, Project Safeguard
<p>A representative of a state-licensed child care provider. (See C.R.S. §19-3-304.2(3)(a)(VI)(Y))</p>	Dawn Alexander	Executive Director, Early Childhood Education Association



# **APPENDIX D**

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## Charter



## **Mandatory Reporting Task Force Charter**

### **Introduction**

On September 15, 2021, the Office of the Colorado Child Protection Ombudsman (CPO) issued a brief detailing its study of Colorado’s mandatory reporting law. The CPO initiated that study in response to repeated inquiries from citizens, professionals and mandatory reporters themselves, seeking clarification regarding what the law requires of them. The CPO spoke with numerous mandatory reporters, including health professionals, school administrators, teachers, school resource officers, law enforcement, county human service agencies and others whose job it is to report child abuse and neglect. During these conversations, many urged the CPO to also consider how mandatory reporting disproportionately impacts families of color and under-resourced communities.

The CPO’s analysis of issues revealed an inconsistent understanding of the law by mandatory reporters, a fragmented system of trainings for mandatory reporters and a general lack of support and resources for mandatory reporters to capably do the job asked of them – namely, to report suspected child abuse and neglect. This report culminated in the creation of House Bill 22-1240, which established the Mandatory Reporting Task Force (Task Force).

This Charter outlines the mission, scope and objectives of the Task Force along with its guidelines, media protocols and task force roles.

### **Mission**

This critical task force is established to analyze the effectiveness of mandatory reporting and its relationship with systemic issues, including the disproportionate impact of mandatory reporting on under-resourced communities, communities of color and persons with disabilities. The Task Force will analyze whether Colorado’s mandatory reporting system is the most effective way to help and/or support children and families and may develop recommendations regarding secondary support systems, training and other issues identified by the Task Force.

### **Charge**

Pursuant to HB 22-1240, the Task Force is required to analyze:

- Whether a study should be conducted to determine the effectiveness of mandatory reporting in serving children and families and determine the necessary funding for a study. If the Task Force determines there should be a study, the study must include an analysis on whether enhanced screening techniques for accepting reports may mitigate the disproportionate impact of mandatory reporting on under-resourced communities, communities of color and persons with disabilities.



- The disproportionate impact of mandatory reporting on under-resourced communities, communities of color and persons with disabilities.
- Standardized training that addresses implicit bias.
- Alternative processes and services for families who do not present mandatory reporters with child abuse or neglect concerns but who would benefit from alternative services.
- Standardized training that addresses the requirements of Colorado’s mandatory reporting law.
- The definition of “immediately” and how reporting time frames affect mandatory reporters from different professions.
- Reporting time frames for mandatory reporters who are creating a safety plan for victims of domestic violence, sexual assault or stalking to assure the safety of the victim and the victim’s family members while creating the safety plan.
- Medical child abuse and the process to report medical child abuse.
- Whether mandatory reporters should report incidents observed outside of a mandatory reporter’s professional capacity.
- Whether a mandatory reporter who is employed by, an agent of, or a contractor for an attorney who is providing legal representation is exempt from the reporting requirements.
- Mandatory reporting requirements for mandatory reporters who have knowledge or reasonable cause to know or suspect that a child or youth is the victim of dating violence or sexual assault.
- A reporting process for two or more mandatory reporters to report child abuse or neglect who have joint knowledge or joint reasonable cause to make a report of child abuse or neglect.
- Whether the duty to report remains with the mandatory reporter who has reasonable cause to know or suspect that a child has been subjected to child abuse or neglect.
- Whether institutions that employ mandatory reporters may develop procedures to assist mandatory reporters in fulfilling reporting requirements.
- Training requirements for people applying for or renewing a professional license for a profession that is identified as a profession required to report child abuse or neglect.
- The personal information that is collected for a report.
- Standardized training regarding the county department’s process to determine which reports meet the threshold for assessment and investigation.
- The benefit of an electronic reporting platform.
- A process for inter- and intra-agency communications, confirming receipt of reports, and, in some circumstances, sharing the outcome of reports with certain mandatory reporters.

**Definitions (see other sections for more detailed descriptions):**

- **Members:** The Task Force is composed of 24 individuals from our community. These members include young people who were previously involved with the child welfare system, families whose children have run from out-of-home placements, members of law enforcement and professionals who are responsible for the care of youth in out-of-home placements, including residential child-care providers, child welfare professionals, non-profit organizations, foster parents and others.



- **Facilitation Team:** Each meeting will be supported and facilitated by the Keystone Policy Center (Keystone). Keystone was established in 1975 and is an independent non-profit organization. They have helped public, private and civic-sector leaders solve complex problems and advance good public policy for more than 40 years in Colorado and nationally. Keystone does not advocate for any policy position but rather works to ensure that stakeholders share decision making and work together to find mutually agreeable solutions to complex problems.
- **Co-Chairs:** Co-chairs of the Task Force will serve in an advisory role to Keystone, between meetings to assist with assessing progress and setting agendas for Task Force discussions. They will be available to members to provide feedback and guidance.
- **Work Groups:** Forums composed of members and implementing partners that are focused on coordinating and aligning efforts in executing official and endorsed projects of the task force.

### Task Force Outcomes

Per HB 22-1240, the Task Force must submit a first year status report and a final report to the House Public & Behavioral Health & Human Services Committee and the Senate Health & Human Services Committee. The first-year status report must be submitted by January 1, 2024, and the final report must be submitted by January 1, 2025. The CPO will also broadly disseminate the report to the public and members of the media.

Both reports will contain a summary of the Task Forces analysis of each directive listed above. The reports will recognize any points of consensus reached by the Task Force, as well as any differing opinions or perspectives. It is important to note that consensus is not required for any discussion to be presented in the report.

Pursuant to its enabling statute, the Task Force may issue recommendations, but it is not required to do so. The Task Force may discuss whether a recommendation is necessary to address any of the directives above.

Keystone is responsible for facilitation and project management, as it relates to the activities of the Task Force. Keystone is responsible for co-designing the process with the CPO office and co-chairs and ensuring the Task Force runs smoothly, including promoting full participation of all Task Force members and -- when possible -- helping the parties resolve their differences and work toward resolving concerns. Working with task force members, Keystone will ensure adequate and coordinated stakeholder engagement that will be essential to the task force meeting its goals. Keystone staff will also be available to consult confidentially with participants during and between meetings.



## Ground Rules

- **GOOD FAITH:** Act in good faith in all aspects of group deliberations with the intent to promote joint problem solving, collaboration and collective, common-ground solutions; honor prior agreements including but not limited to the contents of this Charter.
- **OWNERSHIP:** Take ownership in the outcomes and the success of the Task Force.
- **OPENNESS:** Be honest and open in sharing your perspectives; be open to other points of view and to the outcome of discussions.
- **FOCUS:** Maintain focus on the mission and goals of the Task Force as well meeting objectives; honor agendas.
- **LISTENING:** Listen to each speaker rather than preparing your response; no interruptions; refrain from multitasking during meetings.
- **PARTICIPATION:** Participate actively, ensuring that your experience and voice is included in the discussion. Make space for others to speak. Be mindful and respectful of the presence of multiple backgrounds and areas of expertise and avoid the use of acronyms and technical language from your field.
- **RESPECT:** Disagree judiciously and without being disagreeable; do not engage in personal attacks; in all contexts, refrain from behavior that denigrates other participants or is disruptive to the work of the group.
- **PREPAREDNESS AND COMMITMENT:** Prepare for and attend each session; get up to speed if you missed a meeting.
- **FACILITATION AND CONFLICT RESOLUTION:** Let the facilitators facilitate; allow them to enforce the ground rules and engage them with any concerns.

## Media Protocols

Media protocols are provided to ensure that Task Force members utilize consistent messages and processes when communicating about the Task Force and that individual members' interests are protected through the accurate characterization of their association with the Task Force.

- Only use messaging that has been agreed upon by the Task Force and approved by Keystone when characterizing the Task Force on behalf of its members, and when characterizing the roles and commitments of members.
- Be clear to delineate your own opinion or interest from the agreed-upon messaging of the Task Force.
- Do not characterize or attribute the opinions or positions of other members.
- Press releases of/on behalf of the Task Force will be reviewed by the CPO prior to their release. CPO will coordinate the development, review and submission of media releases with the Task Force under a timely process.



**POLICY COLLABORATIVE**  
FOR CHILDREN  
& FAMILIES



- Individual members should not make announcements on behalf of the Task Force. Members planning their own media releases and/or other formal communications that reference or

characterize the Task Force – including but not limited to web copy and presentations – should submit the draft materials to Keystone for review at least one week prior to the intended public release date. Keystone will review the materials for consistency with agreed-upon messaging and, where necessary, coordinate with task force members for further review.

If you receive a media inquiry, you are encouraged to coordinate with Keystone prior to providing answers to interview questions. You may also feel free to refer the inquiry directly to Keystone.