



Mandatory Reporting Task Force | Meeting Nine

DRAFT ONE: Proposed Recommendation to Amend the Definition of Abuse, located at C.R.S. 19-1-103

Below is an initial draft of a possible recommendation by the Mandatory Reporting Task Force regarding amendments to Colorado’s current definition of neglect, located at C.R.S. 19-1-103. This text was drafted based on Task Force discussions and represents a starting point for an ongoing conversation. The language below is not final, and members are encouraged to review the text carefully and submit possible amendments or additions.

Proposed Recommendation

The Mandatory Reporting Task Force was created by [HB 22-1240](#) to, among other things, develop “findings and recommendations for...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”. After the legislatively ordained two-year period of analyzing national best practices and consulting with additional stakeholders, the Task Force recommends the following:

That the General Assembly amend the statutory definition of child abuse and neglect provided in [C.R.S. 19-1-103](#) to specify that a child shall not be found to be neglected or abused *solely due to the following characteristics*:

- a. Parental or guardian indigence or other conditions of financial difficulty, including, but not limited to, poverty, the inability to provide or obtain clothing, food, shelter, medical care, dental care, home or property repair, or childcare;
- b. A parent/guardian’s inability to meet the needs of a youth is due solely to the unavailability of reasonable services, and no services for relief have been offered;
- c. Unaccompanied or unhoused status of the youth and/or their parent/guardian; and/or
- d. The disability status of the youth, or their parent/guardian, as defined by the Americans with Disabilities Act.

In enacting and implementing this amendment, care should be taken to ensure the following:

- a. Clarification that this amendment neither implies that circumstances involving the four specified characteristics can never contribute to child abuse or neglect, nor that such circumstances may never be considered in such investigations. Instead, the amendment instills in statute that these four named characteristics do not constitute abuse or negligence *in and of themselves*;
- b. Clarification that this amendment does not negate the duties or responsibilities of professionals or mandatory reporters to respond in circumstances of physical abuse or sexual abuse.

- c. Related changes in statute and regulation should be clearly communicated to a broad range of stakeholders in the child protection system - including mandatory reporters - and incorporated into required training and professional development.
 - i. *[Placeholder to potentially tie this recommendation to future MRTF recommendations related to training requirements]*
- e. Clarification that the identification of the four specified characteristics does not imply there is no need for mandatory reporter or public entity action; instead of making a report regarding child abuse and neglect in these instances, individuals and/or entities should consider how available services and resources may aid the child and/or family without prompting an investigation of child abuse and/or neglect. The state, county, or other entity is encouraged to both ensure the availability of such services and resources and simplify/improve referral and access processes for such services and resources.
 - i. *[Placeholder to potentially tie this recommendation to future MRTF recommendations related to warmlines and/or alternative processes]*