

Mandatory Reporting Requirements: Children Colorado

Last Updated: March 2020

Question	Answer
Who is required to report?	<ul style="list-style-type: none">• Physicians or surgeons, including physicians in training;• Child health associates;• Medical examiners or coroners;• Dentists;• Osteopaths;• Optometrists;• Chiropractors;• Podiatrists;• Registered nurses or licensed practical nurses;• Hospital personnel engaged in the admission, care, or treatment of patients;• Christian science practitioners;• Public or private school officials or employees;• Social workers or worker in any facility or agency that is licensed or certified pursuant to part 1 of article 6 of title 26;• Mental health professionals;• Dental hygienists;• Psychologists;• Physical therapists;• Veterinarians;• Peace officers;• Pharmacists;• Commercial film and photographic print processors (see “Anything else I should know?” for additional requirements);• Firefighters (i.e., an officer or member of a fire department or fire protection or fire-fighting agency of the state, or any municipal or quasi-municipal corporation in Colorado, whether that person is a volunteer or receives compensation for services rendered as a firefighter);• Victim’s advocates (as defined below);• Licensed professional counselors;• Licensed marriage and family therapists;• Unlicensed psychotherapists;• Clergy members (i.e., priests, rabbis, duly ordained, commissioned, or licensed ministers of a church, members of a religious order, or recognized leaders of any religious body) (but not if the reasonable cause is acquired through a privileged communication);

- Registered dietitians;
- Workers in the state department of human services;
- Juvenile parole and probation officers;
- Child and family investigator appointed pursuant to section 14-10-116.5 (i.e., a neutral third person appointed upon the motion of a party or on a court's own motion, to serve the court in this role in a domestic relations proceeding that involves allocation of parental responsibilities);
- Officers and agents of the state bureau of animal protection;
- Animal control officer;
- The child protection ombudsmen;
- Educators providing services through a federal special supplemental nutrition program for women, infants and children;
- Directors, coaches, assistant coaches, or athletic program personnel employed by a private sports organization or program. "Employed" means that an individual is compensated beyond reimbursement for his or her expenses related to the private sports organization or program;
- A person who is registered as a psychologist candidate pursuant to section 12-245-304, marriage and family therapist candidate pursuant to section 12-245-504 (4), or licensed professional counselor candidate pursuant to section 12-245-604 (4) , or who is described in section 12-245-217;
- Emergency medical service providers, as defined in sections 25-3.5-103(8) and 25-3.5-103(12), and certified pursuant to part 2 of article 3.5 of title 25;
- Officials or employees of county departments of health, human services, or social services; and
- Naturopathic doctor registered under article 250 of title 12.

When is a report required and where does it go?

When is a report required?

- Reasonable cause to know or suspect that a child has been subjected to abuse or neglect or
- Observation of the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect
- Commercial film and photographic print processors have knowledge of or observe, within scope of professional capacity, any film, photograph, videotape, negative, or slide depicting a child engaged in an act of sexual conduct.

Where does it go?

- Reports should be made to the county department, local law enforcement agency, or through the child abuse hotline reporting system. The Colorado Child Abuse and Neglect Hotline, 1-844-CO-4-Kids or 1-844-264-5437 serves as the uniform method of contact that directly, immediately and efficiently routes the reporter to the applicable entity responsible for accepting and responding to child abuse and neglect inquiries and reports. All hotline calls will be routed to the county where a child resides.

What definitions are important to know?

- **“Abuse” or “child abuse or neglect”** means an act or omission in one of the following categories that threatens the health or welfare of a child:
 - Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either: Such condition or death is not justifiably explained, the history given concerning such condition is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition may not be the product of an accidental occurrence;
 - Any case in which a child is subjected to unlawful sexual behavior as defined in section 16-22-102(9);
 - Any case in which a child is in need of services because the child's parent, legal guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take. The requirements of this subsection (1)(a)(III) are subject to the provisions of section 19-3-103.
 - Any case in which a child is subjected to emotional abuse. As used in this subsection (1)(a)(IV), “emotional abuse” means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development.
 - Any act or omission that results in a child being “neglected or dependent,” as set forth below;
 - Any case in which, in the presence of a child, or on the premises where a child is found, or where a child resides, a controlled substance, as defined in section 18-18-102(5), is manufactured or attempted to be manufactured;
 - Any case in which a child is born affected by alcohol or substance exposure, except when taken as prescribed or recommended and monitored by a licensed health care provider, and the newborn child's health or welfare is threatened by substance use;
 - Any case in which a child is subjected to human trafficking of a minor for involuntary servitude, as described in section 18-3-503, or human trafficking of a minor for sexual servitude, as described in section 18-3-504(2).
- In all cases, those investigating reports of child abuse shall take into account accepted child-rearing practices of the culture in which the child participates, including but not limited to accepted work-related practices of agricultural communities. Nothing in this subsection (1) refers to acts that could be construed to be a reasonable exercise of parental discipline or to acts reasonably necessary to subdue a child being taken into custody pursuant to section 19-2.5-209 that are performed by a peace officer, as described in section 16-2.5-101, acting in the good-faith performance of the officer's duties.
- **“Child”** means a person currently under the age of 18.
- A child is **“neglected or dependent”** if:
 - A parent, guardian, or legal custodian has abandoned the child or has subjected him to mistreatment or abuse or a means to stop such mistreatment or abuse and prevent it from recurring;
 - The child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian; or

	<ul style="list-style-type: none"> • The child's environment is injurious to his or her welfare. • A child is also “neglected or dependent” if: <ul style="list-style-type: none"> • A parent, guardian, or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse; and • Such parent, guardian, or legal custodian has been the respondent in another proceeding in which a court has adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse, or a court of competent jurisdiction has determined that such parent's, guardian's, or legal custodian's abuse or neglect has caused the death of another child; and • The pattern of habitual abuse described above and the type of abuse described in the allegations specified pose a current threat to the child. • “Victim’s advocate” means a person at a battered women’s shelter or rape crisis organization or a comparable community-based advocacy program for victims of domestic violence or sexual assault and does not include an advocate employed by any law enforcement agency: <ul style="list-style-type: none"> • Whose primary function is to render advice, counsel, or assist victims of domestic or family violence or sexual assault; and • Who has undergone not less than fifteen hours of training as a victim’s advocate or, with respect to an advocate who assists victims of sexual assault, not less than 30 hours of training as a sexual assault victim’s advocate; and • Who supervises employees of the program, administers the program, or works under the direction of a supervisor of the program.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • An initial report must be made “immediately” upon receiving such information. A written follow-up report shall be made “promptly.”
<p>What information must a report include?</p>	<p>Reports of known or suspected child abuse or neglect must include the following information whenever possible:</p> <ul style="list-style-type: none"> • The name, address, age, sex, and race of the child; • The name and address of the person responsible for the suspected abuse or neglect, if known; • The nature and extent of the child’s injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child’s siblings; • The family composition; • The source of the report and the name, address, and occupation of the person making the report; • Any action taken by the reporting source; • Any other information that the person making the report believes may be helpful; • The military affiliation of the individual who has custody or control of the child who is the subject of the investigation of child abuse or neglect, if such individual is a member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces. This information shall be shared with the appropriate military installation authorities pursuant

to the requirements set forth in sections 19-1-303(2.6) and 19-1-307(2)(w).

If any officer or employee of a local department of health or state department of public health or environment makes a report, he or she shall include only the following information:

- The name, address, and sex of the child;
- The name and address of the person responsible for the child;
- The name and address of the person who is alleged to be responsible for the suspected abuse or neglect, if known; and
- The general nature of the child's injury.

Anything else I should know?

- Any person, other than the perpetrator, complicitor, coconspirator, or accessory, participating in good faith in the making of a report, in the facilitation of the investigation of such a report, or in a judicial proceeding held pursuant to this title, the taking of photographs or X rays, or the placing in temporary protective custody of a child or otherwise performing his duties shall be immune from any liability, civil or criminal, or termination of employment that otherwise might result by reason of such acts of participation, unless a court of competent jurisdiction determines that such person's behavior was willful, wanton, and malicious.
- The reporting requirement does not apply if a person who would otherwise be required to report does not:
 - (1) learn of the suspected abuse or neglect until after the victim is 18 years old; and
 - (2) have reasonable cause to suspect or know that the perpetrator of the suspected abuse or neglect has subjected any other child under 18 to abuse or neglect or circumstances that would reasonably result in abuse or neglect or is in a position of trust with regard to a child under 18 years of age.
- Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, video tape, negative, or slide depicting a child engaged in an act of sexual conduct shall report such fact to a local law enforcement agency immediately or as soon as practically possible by telephone and shall prepare and send a written report of it with a copy of the film, photograph, video tape, negative, or slide attached within thirty-six hours of receiving the information concerning the incident.
- Anyone who willfully fails to make a required report will be guilty of a Class 3 misdemeanor and shall be liable for damages caused thereby.
- No person shall knowingly make a false report of abuse or neglect to a county department, a local law enforcement agency or through the child abuse reporting hotline system.
- Anyone who willfully fails to make a required report, or who knowingly makes a false report, will be guilty of a Class 3 (effective March 1, 2022: a Class 2) misdemeanor and shall be liable for damages caused thereby.
- In addition to those persons specifically required to report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in abuse or neglect, any other person may report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in child abuse or neglect to the local law enforcement agency, the county department,

or through the child abuse reporting hotline system

Statutory
citation(s):

- Child Protection Act of 1987, Colo. Rev. Stat. §§ 19-3-301 *et seq.*