

**FINAL REPORT**

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# Mandatory Reporting Task Force Final Report



**CHILD PROTECTION**  
**OMBUDSMAN**  
of COLORADO



**KEYSTONE**  
POLICY CENTER



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# Introduction

In 1963, Colorado was the first state to create mandatory reporting laws.<sup>1</sup> Mandatory reporting is the requirement for people in certain occupations – such as teachers or nurses – to make a report if they have a suspicion that child abuse or neglect is taking place.

Decades later, it has become clear that certain communities – including under-resourced communities, communities of color and people with disabilities – are over-represented in the child welfare system. For instance, a national study has shown an estimated 53% of Black children will experience contact with the child protection system by the time they turn 18, compared to 28% of White children.<sup>2</sup> The reform of mandatory reporting policy is increasingly being seen as a way to help address and decrease the overrepresentation of these communities in the child welfare system.

As they are currently written, mandatory reporting law and policies are also confusing for mandatory reporters, who often do not know when or how to make a report. This is due to the existence of vague and ambiguous mandatory reporting laws. In response to these concerns and others, the Colorado General Assembly created the state's first ever Mandatory Reporting Task Force. This task force was designed to address long-standing problems with the state's child abuse reporting laws and to make recommendations for change.

In this report, the Mandatory Reporting Task Force is pleased to provide an overview of the work of the task force and present its recommendations on how to improve Colorado's law and policies to create systems that better – and more equitably – serve Colorado's children, families and communities.

## Origin and Operation of the Mandatory Reporting Task Force

In 2021, the Office of the Colorado Child Protection Ombudsman (CPO) released an issue brief calling attention to problems existing in the state's mandatory reporting law and policies.<sup>3</sup> In this brief, the CPO recommended that the Colorado General Assembly amend state laws to create better mandatory reporting policies. This call to action led to the introduction and passing of House Bill 22-1240,<sup>4</sup> which created the Mandatory Reporting Task Force.<sup>5</sup>

The task force was made up of 34 members, representing a wide range of professional and personal backgrounds and including five members who have been directly impacted by Colorado's mandatory reporting laws.<sup>6</sup> HB 22-1240 included 19 directives which the task force was required to analyze. To aid the task force's analysis of the 19 directives, the task force broke into subcommittees – Reporting Processes, Training, Specialized Occupations and Data – to discuss directives that shared common themes. These subcommittees in turn informed the larger task force, which voted on the final recommendations, which will be discussed in detail below.

The CPO contracted with the Keystone Policy Center to facilitate the task force's meetings. Additionally, the CPO conducted extensive research into state law, policies and best practices throughout the

<sup>1</sup> See C.R.S. 19-3-304.

<sup>2</sup> Kim, H., Wildeman, C., Jonson-Reid, M., & Drake, B. (2017). Lifetime Prevalence of Investigating Child Maltreatment Among US Children. *American journal of public health, 107*(2), 274–280. This study can be found at [pmc.ncbi.nlm.nih.gov/articles/PMC5227926/](https://pmc.ncbi.nlm.nih.gov/articles/PMC5227926/).

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

<sup>4</sup> See [Colorado House Bill 22-1240](#).

<sup>5</sup> See CPO website, [Mandatory Reporting Task Force](#) page for additional information.

country to support the work of the task force. Most notably, the CPO created an interactive 50-state database (Database) of mandatory reporting laws. This database includes information regarding who each state requires to be a mandatory reporter, each state's answer to eight policy questions and articles discussing highlights and trends for each of those policy questions.<sup>7</sup> Other research resources created for the task force have been compiled into a resource guide on the CPO website.<sup>8</sup> The CPO also invited external speakers and experts to present to the task force as appropriate.

In the remainder of this report, a summary and overview of each theme will be provided. This will be followed by the text of each directive within that theme, a brief discussion of that directive and conclude with the task force's recommendation or response tied to that directive. It is not the intent of this report to provide a comprehensive capture of task force discussions regarding all 19 directives. Readers seeking further information or details are encouraged to consult the meeting recaps, minutes and video recordings described above to find out more about the extensive discussions and activities of the task force.

## How to Read this Report

The bill<sup>9</sup> that created the task force included 19 directives for the task force to address and the task force issued recommendations or responses to each one. The final votes of task force members for each recommendation and response can be found on the CPO website,<sup>10</sup> and all of the task force's recommendations and responses were approved by at least 70% of task force members. These directives were numbered as Directives 1-19, but do not follow a thematic order. To ease understanding when considering these 19 directives, this report will discuss them out of their original order and categorize them by theme.

### Task force themes:

1. Recognizing and Addressing the Disproportionate Impact of Mandatory Reporting Law and Policies
2. Clarifying Reporting Processes and Requirements
3. Creating and Requiring Mandatory Reporter Training
4. Addressing Requirements for Specialized Occupations
5. Reviewing and Improving Data and Information Systems



All task force meetings were open to the public and video recordings of every meeting are available online. For each meeting, the CPO created both a minutes document and a shorter summary recap document. The minutes and recap documents for every meeting can be found [here](#).

<sup>6</sup> See [Mandatory Reporting Task Force Member Appointment List](#). More information about the creation, voting structure and format of the task force may be found in [The Mandatory Reporting Task Force Interim Report](#).

<sup>7</sup> See [Mandatory Reporting Database](#). The eight policy questions cover the topics of reporting timeframes; reporting outside one's professional capacity; institutional policies; delegation of reporting duty; medical neglect; implicit bias and diversity, equity and inclusion; training requirements; and exemptions from mandatory reporting requirements.

<sup>8</sup> See [Mandatory Reporting Task Force Resource Guide](#).

<sup>9</sup> See [Colorado House Bill 22-1240](#).

<sup>10</sup> See [Mandatory Reporting Task Force Final Voting](#).

# Mandatory Reporting Data Analysis

During the first year of its existence, the task force sought to fully understand how mandatory reporters are currently operating in Colorado, whether reports filed by mandatory reporters promote the safety and well-being of children and how reports filed by mandatory reporters can negatively impact children and families. In this initial year, the task force met for approximately 24 hours of discussions with members, who were provided hundreds of pages of research and outside references, including extensive datasets regarding mandatory reporting in Colorado and the United States. As a result of this work, the task force's discussions were deep and addressed the many layers of a system that has been in place for more than 60 years.

In an effort to make sure the task force had access to relevant and accurate information, the CPO partnered with Casey Family Programs, which presented data collected from the National Child Abuse and Neglect Data System (NCANDS). Through this partnership, the task force was 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.



## Background

### Summary of Year One of the Task Force: Understanding the Disparate Impacts of Mandatory Reporting

The task force met with a variety of experts to develop a full understanding of the disparate impacts mandatory reporting has on under-resourced communities, communities of color and people with disabilities. One panel of experts<sup>11</sup> shed light on an 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 repeatedly referred to 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. These experts recognized that mandatory reporting laws were designed to keep children safe – and that while reports of child abuse and neglect are often appropriate – there are elements of these laws that have unintended consequences.

<sup>11</sup> This panel included 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 for the Prevention and Treatment of Child Abuse and Neglect and Associate Professor of Pediatrics- Child Abuse and Neglect; Dr. Ida Drury, Assistant Professor and Principal Investigator of the Child Welfare Training System for the Kempe Center; and Crystal Ward Allen, Senior Director of Strategic Consulting at Casey Family Programs.



The task force learned about 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 an existing framework of training programs and policies that encourage mandatory reporters to report any concerns relating to a child, even without concerns of abuse or neglect.

The task force also heard from an expert<sup>12</sup> who specifically researched the intentions of mandatory reporters and the impact of mandatory reporting on families. This expert presented a comprehensive analysis of the challenges encountered by mandatory reporters, shedding light on the complexities of an environment where families contend with multifaceted issues such as poverty, domestic violence, mental health concerns, substance use and homelessness.

This analysis highlighted the constrained timeframes faced by mandatory reporters to make a report and the limited resources available to help families in need of services. The combination of these factors leads to an overreliance on routine reporting to child protection services as a default solution. For example, mandatory reporters who do not have concerns of abuse or neglect may make a report in an attempt to connect a family with needed resources, such as food and housing assistance programs. However, because there is no alternative system for mandatory reporters to contact, these calls are placed to a child abuse hotline which often results in a more in-depth intervention and intrusion into families lives.

The task force learned about 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 an existing framework of training programs and policies that encourage mandatory reporters to report any concerns relating to a child, even without concerns of abuse or neglect. This has resulted in a system that is overburdened by a high number of calls that do not involve abuse and neglect, and the inappropriate investigation of those families for whom there was no actual initial suspicion of abuse and neglect.

In addition to these experts, Casey Family Programs 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 Colorado population.
- » Nationally, more than half of all Black children experience at least one child protective services investigation during their lifetime.

<sup>12</sup> Dr. Kelley Fong, Assistant Professor of Sociology at University of California, Irvine. 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. Other work by Dr. Fong can be found at [kelleyfong.com/publications/](http://kelleyfong.com/publications/).

Based on the extensive discussions of the task force, it found that mandatory reporters generally make reports of suspected child abuse and neglect either for concerns about the safety and well-being of a child; a desire to connect children and families with resources, but not seeking traditional intervention; or concerns about legal liability for failing to report concerns of abuse or neglect.

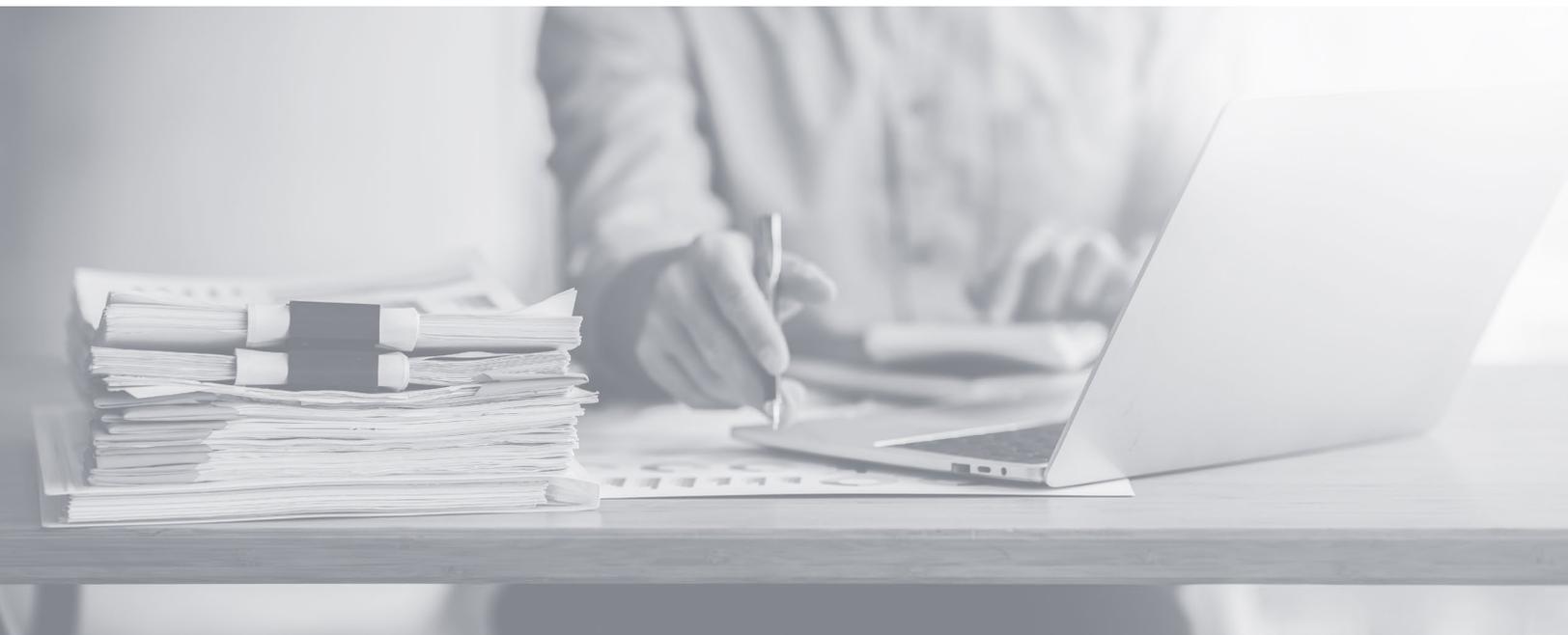
Through the task force's discussions, five primary concerns emerged:

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 of children.
3. Mandatory reporters currently have only 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 actually 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 may not get adequate attention because the system is overwhelmed by reports. This is perpetuated by a lack of training for mandatory reporters and a 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, educators and advocates who struggle to engage with families when families are concerned that 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 concerns underscored the relationship between prevention and intervention, emphasizing for the task force a need to strike a balance that prioritizes child safety while offering adequate prevention and support measures.



## THEME 1

# Recognizing and Addressing the Disproportionate Impacts of Mandatory Reporting Laws and Policies

The opening section of the bill that created this task force states that “as a result of implicit bias, under-resourced communities, communities of color and persons with disabilities are disproportionately impacted by the mandatory reporting system.” As discussed above, these disproportionate impacts were a primary focus of the task force’s first year of work,<sup>13</sup> and were considered in discussions of every directive. Several panels were convened and presented at meetings of the task force, including those with lived experience of mandatory reporting systems and outside experts on the impacts of mandatory reporting. The task force consistently emphasized the need to recognize and address these disproportionate impacts in their responses and recommendations to all of the directives.

The task force was required to analyze and consider recommendations regarding:

- » Is there a need to study the effectiveness of mandatory reporting?
- » Does mandatory reporting have disproportionate impacts on certain communities?
- » What should a mandatory reporter do if a family would benefit from alternative services, but does not present abuse or neglect concerns?

**The following section addresses these directives and the task force’s resulting response and recommendations.**

## DIRECTIVE 1

### Is there a need to study the effectiveness of mandatory reporting?

#### C.R.S. § 19-3-304.3(7)(a)(I)

*“The task force, at a minimum, shall 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.”*

## Discussion

During the first year of the task force, several panels were organized to analyze the effectiveness of mandatory reporting. This included a panel of people who had been the subject of mandatory reports, panels of professionals who make mandatory reports, a panel of those who receive mandatory reports and a panel of individuals who monitor compliance with mandatory reporting laws. The task force was also presented research about the negative impacts and inefficiencies of mandatory reporting law and policies. Based on the information received by the task force and resulting discussions, the task force concluded that it had enough information to move forward on reforming mandatory reporting laws, and that no additional study was needed.

<sup>13</sup> See [Mandatory Reporting Task Force Interim Report](#).

## Response

The Task Force reviewed and discussed existing studies conducted on the effectiveness of mandatory reporting and determined that no additional study would be needed under Directive 1.

## DIRECTIVE 2

Does mandatory reporting have disproportionate impacts on certain communities?

### C.R.S. § 19-3-304.3(7)(a)(II)

*“The task force, at a minimum, shall analyze...the disproportionate impact of mandatory reporting on under-resourced communities, communities of color and persons with disabilities.”*

## Discussion

The task force frequently returned to the topic of mandatory reporting’s disproportionate impact on certain communities throughout the two years of its existence. As discussed above, during the first year Casey Family Programs delivered multiple presentations to the task force documenting the child welfare system’s disproportionate impact on communities of color in particular. After analyzing these disproportionate impacts, the task force was eager to explore how law and policy could be changed to avoid the impacts of implicit and explicit bias in conflating poverty, race and disability status with neglect and abuse.

To aid these discussions, the task force was provided with research regarding<sup>14</sup> how other states have incorporated exclusions, requirements or special considerations into their statutory definitions of abuse and neglect. After considering these policy trends and examples from other states, the task force created the following recommendations in an attempt to address the disproportionate impact mandatory reporting has on under-resourced communities, communities of color and people with disabilities.



## Recommendations

### Recommendation 2(A):

**To accomplish this, the task force suggested amending C.R.S. 19-3-304(3), Persons required to report child abuse or neglect. The task force’s suggested amendment is as follows:**

- (3) *No person described in subsection (2) of this section shall make a report solely due to a family/child’s race/ethnicity, socioeconomic status, or disability status. In addition, the reporting requirement described in paragraph (a) of this subsection (1) shall not apply if the basis of the report arises from concerns solely due to any of the following criteria:*
  - (a) *Socioeconomic status includes factors such as inadequate housing, furnishings, income and/or clothing.*
  - (b) *“Disability” has the same meaning as set forth in the federal “Americans with Disabilities Act of 1990”, 42 U.S.C. sec. 12101 et seq. and its related amendments and implementing regulations.*

<sup>14</sup> See [“Task Force Research Memo, 50-State Policy Scan: Exceptions to Definitions of Abuse and Neglect.”](#)

(4) *If a circumstance does not meet the criteria put forth in paragraph*

(a) *of subsection (1), of this section, persons described in subsection (2) of this section shall consider how alternative services and resources may aid the child or family.*

(5) *Any person specified in subsection (2) of this section shall receive training regarding:*

### **Recommendation 2(B):**

**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 parent/guardian/legal custodian's indigence or other condition 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
- » A parent/guardian/legal custodian's inability to meet the needs of a youth is due solely to the unavailability of accessible services, and no services for relief have been offered;
- » The unhoused status of the youth and/or their parent/guardian/legal custodian
- » The disability status of the youth, or their parent/guardian/legal custodian, as defined by the Americans with Disabilities Act.

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

- » 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 negligence in and of themselves.
- » 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.

- » 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
- » 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.

## **DIRECTIVE 4**

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**What should a mandatory reporter do if a family would benefit from alternative services, but does not present abuse or neglect concerns?**

### **C.R.S. § 19-3-304.3(7)(a)(IV)**

*"The task force, at a minimum, shall analyze... 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."*

## **Discussion**

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A panel convened during the task force reported that mandatory reporters often find themselves in situations where they have concerns for the well-being of a child, but no reason to think that child is experiencing abuse or neglect. For instance, perhaps a child is hungry due to household food scarcity, but nothing indicates abuse or neglect. A mandatory reporter might sincerely believe that the best way they can help the child is by filing a report with the child abuse hotline in order to connect them to resources and services. Unfortunately, involvement in the child

welfare system can instead make things worse for the child and family by subjecting them to a potential child abuse assessment rather than providing them with needed services. The task force spent a great deal of time determining how policy and law can be improved to aid mandatory reporters in their decision-making process and create links between families in need and existing resources in a way that does not involve child abuse or neglect reporting.

To aid this goal, the task force was provided with research materials<sup>15</sup> which captured how other states and jurisdictions create and encourage the use of alternative processes and services to help address family needs. These were presented in three categories: **decision tools, consultations and warmlines.**

**Decision tools** aid reporters in choosing whether or not a case meets the legal threshold requiring a report. To learn more about this concept, the task force was able to view and use an existing decision support tool.<sup>16</sup> This tool takes reporters through a series of questions designed to distinguish concerns of abuse from the need for services. These tools serve as an aid to reporters, guiding them through a decision-making process. The tool does not mandate any specific actions by a reporter.

**Consultations** allow mandatory reporters to speak with a trained professional about whether or not a concern rises to a threshold legally requiring a report to be made. The task force learned about Arapahoe County’s Community Development and Prevention Program, which provides consultation work with community partners. This program encourages opportunities for community partners to consult with the county department of human services to consider if connecting families with services or resources rather than making a child abuse or neglect report is appropriate.

**Warmlines systems** operate by connecting families in need of assistance to services and resources. This

would serve as an alternative reporting system to the state’s child abuse reporting hotline. Connecting a family to a resource or service through a warmline system may help to solve a concern that a mandatory reporter has about a child’s well-being that does not rise to the threshold of abuse or neglect. To learn more about an existing warmline system, the task

force heard from individuals who worked to create and implement New York’s Help, Empower, Advocate, Reassure and Support (HEARS) warmline system. This warmline system assists parents and families by providing resources and referrals to services, including food, clothing and health care services. Mandatory reporters in New York are required to take training to

help them determine if a family would be better suited with a referral to this warmline system rather than through the filing of an abuse or neglect report.<sup>17</sup>

The task force ultimately decided that these three tools would be critical to reducing the disproportionate impact of mandatory reporting laws while at the same time ensuring families get the services they need.

## Recommendations

### Recommendation 4(A):

**The task force recommends contracting with a third party to create a decision supporting tool. This tool will aid mandatory reporters in deciding if a concern they have meets the threshold required to prompt a report of suspected child abuse and/or neglect. The following considerations should be made in developing this decision supporting tool:**

- » The task force recommends that the decision support tool created by the contracted third party similarly includes the following: incorporation of implicit bias considerations; ease of use and user-friendly interface; direct referrals to and clarifications of state law; use of clear

<sup>15</sup> See “[Task Force Research Memo, Alternative Processes and Services.](#)”

<sup>16</sup> See [Evident Change Community Response Guide.](#)

language rather than legal terminology for greater understanding; and the provision of resources and links to agencies, services and/or entities who may help resolve problem if a report is not recommended.

- » The task force recommends developing an optional method to document their completion of the proposed tool. However, members urged this function be optional should a mandatory reporter not wish to have their personally identifying information collected.
- » The task force recommends that a paper version of this tool also be developed so its use is not dependent on internet access or technology such as smartphones or computers.
- » The task force recommends that additional guidance be provided to mandatory reporters to aid them in deciding whether to make a report. This includes guidance regarding how and when to ask the family questions and prompts to help guide their decision.
- » The task force recommends additional guidance be provided to mandatory reporters so, when appropriate, mandatory reporters may have meaningful engagement with families to obtain more information.
- » The task force recommends additional guidance be provided to mandatory reporters to help them determine when it is appropriate to gather additional information before making a report and how to go about doing so.
- » The task force recommends that, when developing the decision supporting tool, consideration be given to how it can and will interact with other tools already in existence such as Colorado's safety and risk assessment tools.
- » The task force recommends that training for the proper completion of this tool be developed and required.
- » The task force recommends that special consideration be given in developing resources and tools specific to domestic and/or sexual abuse. Organizations working in these areas should be consulted in developing these resources and tools.



- » The task force recommends that the decision supporting tool be offered as an optional service for mandatory reporters, rather than be required before every report is made. This tool is intended to provide guidance for mandated reporters who will not be bound by the final results of this tool.

#### **Recommendation 4(B):**

**The task force recommends that the General Assembly enact policies that implement the offering of consultations to aid mandatory reporters in choosing whether a concern meets the threshold requiring a report of suspected child abuse and/or neglect. The following considerations should be made in developing these policies:**

- » The task force recommends locating this consultation service in a central statewide system, rather than in county or institution-specific offices, in order to ensure formal consistency and widespread access.
- » The task force recommends that consultation services be staffed by individuals with expertise in child welfare or public health with specialized knowledge regarding abuse and neglect reporting.
- » The task force recommends building on components of Arapahoe County's Community Development and Prevention Program, which includes a consultation component for community partners.
- » The task force recommends that consultation services be offered as an optional service for mandatory reporters, rather than be required before every report is made. This service is intended to provide guidance for mandated reporters who will not be bound by the final results of the consultation.

<sup>17</sup> See [New York State, Office of Children and Family Services' Administrative Directive: New Mandated Reporter Training](#), May 31, 2023.

**Recommendation 4(C):**

**The task force recommends that the General Assembly begin the process of creating a warmline system for families in need of assistance.**

**Preliminary steps to creating such a system would include creating an inventory of services and resources available that can be referred via a warmline system. Building from a network comprised of these inventoried services and resources, a future warmline system will serve to connect families in need of assistance to community-based and culturally relevant services and resources when the concerns of a mandatory reporter for a family do not rise to the threshold requiring a report of suspected child abuse and/or neglect. The following considerations should be made in developing these policies:**

- » In order to eliminate duplication of efforts and to build on resources and services that already exist in the state of Colorado, the task force recommends contracting with a third party to create an inventory of existing resources.
- » The third party shall consult families with lived experience with the mandatory reporting system. These perspectives should help the third party in compiling its list of resources and considering connection points. Engagement sessions should be aimed at learning how families connect with systems (for example, how technology is used).
- » The third party must conduct outreach in every county. This outreach should include compiling/ understanding challenges and strengths of each jurisdiction. The third party should also consider cultural, socio-economic and other social elements of each jurisdiction in gathering information on resources and available services and corresponding gaps.
- » The third party must assess how the list of available resources remains current.
- » The third party must consult with United Way/211 and other organizations doing similar work.
- » The third party must consult with similar existing networks in other states to learn about their various processes, implementation, funding structures and lessons learned.
- » The contracted third party will also present recommendations on how best to build on those inventoried entities to develop a warmline system.



## THEME 2

## Clarifying Reporting Processes and Requirements

As discussed in the CPO’s mandatory reporting issue brief,<sup>18</sup> mandatory reporters have regularly contacted the CPO with questions about when and how to make a report. Many find the state’s mandatory reporting laws to be confusing and ambiguous. This confusion and ambiguity may contribute to both over- and under-reporting of child abuse incidents.

To bring clarity to the reporting process and requirements, the bill that created the task force included several specific directives addressing reporting components. The Reporting Processes Subcommittee was created to look at these directives together and propose recommendations offering greater clarity in the law. The task force reviewed the Database to learn about how other states address various reporting processes through law and policy.<sup>19</sup>

**DIRECTIVE 6**

## How long should mandatory reporters have to make a report?

**C.R.S. § 19-3-304.3(7)(a)(VI)**

*“The task force, at a minimum, shall analyze... the definition of ‘immediately’ and how reporting time frames affect mandatory reporters from different professions.”*

**Discussion**

Colorado law currently states that mandatory reporters with reasonable cause to know or suspect child abuse or neglect must make a report *“immediately upon receiving such information.”*<sup>20</sup>

## The task force was required to analyze and consider recommendations regarding:

- » How long should mandatory reporters have to make a report?
- » Are mandatory reporters required to report even when they’re not at work?
- » What is the reporting process for two or more mandatory reporters who have joint knowledge about suspected child abuse or neglect?
- » Can a mandatory reporter delegate somebody else to make a report on their behalf?
- » Can institutions – such as schools and hospitals – create their own policies regarding mandatory reporting?

**The following section addresses these directives and the task force’s resulting recommendations.**

<sup>18</sup> The CPO’s issue brief – entitled “Mandatory Reporters: How Colorado’s mandatory reporting law lacks the necessary infrastructure to support those charged with reporting suspected child abuse” – was released on September 15, 2021 and can be found at [coloradocpo.org/wp-content/uploads/2021/09/CPO\\_IssueBrief-Mandatory-Reporting-Law-FINAL-September-15-2021-Updated-1.pdf](https://coloradocpo.org/wp-content/uploads/2021/09/CPO_IssueBrief-Mandatory-Reporting-Law-FINAL-September-15-2021-Updated-1.pdf).

<sup>19</sup> See [Mandatory Reporting Database](#).

<sup>20</sup> See 19-3-304(1)(a).

The term “immediately” is not defined in that law, which has created questions around whether a child abuse call must be made within days, hours, or sooner. The answer to this question can have significant implications for child safety, as well as mandatory reporters, who have ongoing responsibilities that can make immediate reporting impossible. To help the task force consider this question, the task force reviewed the Database, which includes information about reporting timeframes in other states.<sup>21</sup> Several states specify that a report must be made within a specific amount of time – often 24 hours – which the task force decided to replicate in its recommendation.

## Recommendation

### Recommendation 6:

**The Mandatory Reporting Task Force recommends clarifying state law regarding the timeliness of when a report must be made. The task force recommends the following amendments be made to C.R.S. 19-3-304(1)(a):**

“... any person specified in subsection (2) of this section who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect shall, **immediately** upon receiving such information, **MAKE A REPORT AS SOON AS REASONABLY**

**POSSIBLE, BUT NOT TO EXCEED 24 HOURS AFTER RECEIVING THE INFORMATION.”**

## DIRECTIVE 9

### Are mandatory reporters required to report even when they’re not at work?

#### C.R.S. § 19-3-304.3(7)(a)(IX)

*“The task force, at a minimum, shall analyze...whether mandatory reporters should report incidents observed outside of a mandatory reporter’s professional capacity.”*

## Discussion

Mandatory reporters are sometimes unsure if their requirement to report extends beyond their professional capacity. For instance, teachers are mandatory reporters and must report suspected child abuse or neglect when they develop suspicions in their capacity as teachers. But the law is unclear whether a reporting requirement exists for them during their personal time. The task force reviewed the Database and found that at least 21 states specify in statute that such a report is only required if suspicions arise in the scope of a mandatory reporter’s professional capacity.<sup>22</sup>



<sup>21</sup> See [Mandatory Reporting Database](#), “What time frame is given for mandatory reporting requirements in statute?” An article summarizing the highlights and trends for this question may be accessed by clicking the “Additional Info” button.

<sup>22</sup> See [Mandatory Reporting Database](#), “Does statute limit the requirement to report concerns of abuse or neglect to circumstances mandatory reporters encounter in their professional capacity?” An article summarizing the highlights and trends for this question may be accessed by clicking the “Additional Info” button.

## Recommendation

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The Mandatory Reporting Task Force recommends clarifying state law to specify that a mandatory reporter's duty to make a report of suspected abuse or neglect does not extend beyond the mandatory reporter's professional capacity. In making this clarification the task force is mindful that, outside of mandatory reporting requirements, any individual is able to make a report of suspected child abuse and/or neglect.

### DIRECTIVE 12

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What is the reporting process for two or more mandatory reporters who have joint knowledge about suspected child abuse or neglect?

#### C.R.S. § 19-3-304.3(7)(a)(XII)

*"The task force, at a minimum, shall analyze 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."*

### Discussion

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Sometimes multiple mandatory reporters witness an event together, and under current Colorado law they would all be required to make a report of suspected child abuse or neglect. This can lead to duplication in work for both the mandatory reporters and for the hotline call takers who receive those reports. Additionally, multiple reports generated from a single event can negatively impact a family. For instance, if five people witnessed one event and all made a report, that family would appear to have five events in their child welfare record when in reality only one event occurred. To aid discussions of law and policy options to address this question, the task force reviewed the Database for additional information regarding how other states have addressed joint reporting.<sup>23</sup>

<sup>23</sup> See [Mandatory Reporting Database](#), "Does notifying a supervisor of a concern of abuse or neglect, or delegating the reporting responsibility to another, satisfy the reporting requirement in statute?" An article summarizing the highlights and trends for this question may be accessed by clicking the "Additional Info" button.

## Recommendation

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The Mandatory Reporting Task Force wishes to minimize unnecessary and duplicative reports by multiple mandated reporters with similar information or reporting parties who receive information regarding past incidents. To this end, the task force recommends that county departments of human services be able to provide the referral ID number of a report that has already been made in these instances in order to provide mandated reporters with proof of report for documentation. In order to give county departments of human services the ability to provide this information, additional statutory modification of confidentiality laws shall be made to allow county departments to provide said information.

If a mandatory reporter contacts a county department of human services with information related to a report, but is provided a referral ID number and informed that their report would otherwise be duplicative, that mandatory reporter will be seen as having fulfilled their legal reporting responsibility.

### DIRECTIVE 13

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Can a mandatory reporter delegate somebody else to make a report on their behalf?

#### C.R.S. § 19-3-304.3(7)(a)(XIII)

*"The task force, at a minimum, shall analyze...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."*

### Discussion

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One ambiguity in current Colorado law is whether a mandatory reporter can have somebody else make a report of child abuse or neglect on their behalf. This is a distinct concern from the joint reporting situation discussed in the previous directive. This



discussion is premised on the fact that mandatory reporters are often very busy and the process of making a report can sometimes be time-consuming. As a result, mandatory reporters may feel the need to delegate the reporting process to a colleague. Task force discussions about this directive made clear that delegating the creation of a report to somebody without first-hand knowledge of the event or circumstance could cause key information or context to be lost. To address this directive, the task force considered how other states handle the issue of delegating mandatory reporting responsibilities.<sup>24</sup>

## Recommendation

**The Mandatory Reporting Task Force recommends clarifying state law to specify that a mandatory reporter may not delegate their individual duty to make a report to another person who does not have first-hand knowledge of the suspected child abuse or neglect.**

### DIRECTIVE 14

Can institutions – such as schools and hospitals – create their own policies regarding mandatory reporting?

### C.R.S. § 19-3-304.3(7)(a)(XIV)

*“The task force, at a minimum, shall analyze...whether institutions that employ mandatory reporters may develop procedures to assist mandatory reporters in fulfilling reporting requirements, as described in section 19-3-307.”*

## Discussion

Research provided to the task force<sup>25</sup> showed that some states allow certain types of institutions to develop policies of their own governing how mandatory reporters should make reports of child abuse and neglect. As the task force discussed this directive, it considered the perspective of

stakeholders and certain institutions, like hospitals, that wanted to be able to create their own reporting guidelines within a system with many mandatory reporters. The task force learned that large scale institutions often struggle to balance workload demands with the time needed to comply with mandatory laws.

At the same time, the task force wanted to ensure that institutional policies do not counter the requirements in the law. Finding the balance between these two interests led the task force to issue the subsequent recommendation.

## Recommendation

**The Mandatory Reporting Task Force recommends clarifying state law to specify that institutions that employ mandatory reporters – such as schools and hospitals – may develop internal protocols regarding processes for making a report of suspected abuse or neglect. Such internal protocols must comply with state law and regulations and contain language confirming the following:**

- » Leadership, administration and supervisors may not deter or impede an individual mandatory reporter with concerns of abuse or neglect from making a report.
- » Mandatory reporters may not delegate their duty to report to a supervisor, colleague or another individual within the institution who does not have first-hand knowledge of the suspected child abuse or neglect.

<sup>24</sup> See [Mandatory Reporting Database](#), “Does notifying a supervisor of a concern of abuse or neglect, or delegating the reporting responsibility to another, satisfy the reporting requirement in statute?” An article summarizing the highlights and trends for this question may be accessed by clicking the “Additional Info” button.

<sup>25</sup> See [Mandatory Reporting Database](#), “Does statute allow institutions, such as hospitals or schools, to implement internal policies regarding how mandatory reporters make reports?” An article summarizing the highlights and trends for this question may be accessed by clicking the “Additional Info” button.

## THEME 3

# Creating and Requiring Mandatory Reporter Training

Training was often identified as a way to bring clarity to mandatory reporters about what their responsibilities are and to ensure that future changes to the law were communicated to mandatory reporters. Additionally, the task force saw training as a way to help mandatory reporters minimize the impact of implicit bias that contributes to the disproportionate reporting and resulting child welfare system involvement of under-resourced communities, families of color and people with disabilities. Four of the directives in the bill that created the task force deal with questions about training for mandatory reporters. The task force created the Training Subcommittee to analyze these related directives and craft recommendations.

The task force was required to analyze and consider several recommendations regarding training for mandatory reporters, including whether training:

- » Should training include details about the requirements of the law?
- » Should training include information on how counties determine which reports should be assessed and investigated?
- » Should training include implicit bias?
- » Should training have implications for licensing and certification?

**The following section addresses these directives and the task force’s resulting recommendations.**

## DIRECTIVE 5

### Should training include details about the requirements of the law?

#### C.R.S. § 19-3-304.3(7)(a)(XV)

*“The task force, at a minimum, shall analyze... standardized training that addresses the requirements of the law pursuant to this part 3.”*

#### Discussion

As stated above, one of the primary motivations for creating this task force was that mandatory

reporters had often expressed uncertainty about the requirements of the state’s mandatory reporting law. Colorado currently offers mandatory reporter training,<sup>26</sup> but this training is not required and many have identified limitations in the information it provides. To better understand how training could be utilized and how changes in the law could help benefit the state, the task force reviewed the Database for additional information.<sup>27</sup> From this resource, the task force learned that some states require that mandatory reporters must receive training on a recurring basis. The task force used this resource to help craft the recommendations below and also spent a great deal of time thinking about how such training would be created and implemented.

<sup>26</sup> See [Colorado Department of Human Services’ mandatory reporter training](#).

<sup>27</sup> See [Mandatory Reporting Database](#), “Does statute address training requirements for mandatory reporters?” An article summarizing the highlights and trends for this question may be accessed by clicking the “Additional Info” button.



## Recommendation

- » **All mandatory reporters should be required to take standardized training on a recurring basis. Re-training should be required after a certain amount of time has passed (such as every three years) and after policy changes have prompted significant changes to curriculum materials creating a need for new skill and knowledge acquisition.**
- » **The standardized training for mandatory reporters should be reviewed and, if necessary, amended on a recurring basis.**
- » **The standardized training must include information regarding the requirements of Colorado's mandatory reporting law.**
- » **The Colorado Department of Human Services should administer the training and be responsible for compliance with such training. The training created by CDHS would be a required minimum, but may be supplemented by other training. CDHS may delegate the delivery of this training to other entities.**
- » **The following stakeholders should be included in the creation of the curriculum for a standardized, required mandatory reporting training.**
  - County departments of human services
  - Legal experts
  - Those with lived experience
  - Colorado Department of Regulatory Agencies
  - Representatives of hospitals
  - Representatives of schools

- Case workers
- Representatives of trauma-informed, community-based practices and perspectives
- Representatives of organizations working to prevent domestic violence and sexual abuse
- Other representatives who have ongoing contact with children and families in the Colorado child protection system

- » **In the developed curriculum, an emphasis should be placed on skill acquisition and the incorporation of knowledge checks throughout the training.**

## DIRECTIVE 3

### Should training include implicit bias?

#### C.R.S. § 19-3-304.3(7)(a)(III)

*"The task force, at a minimum, shall analyze... standardized training that addresses implicit bias."*

## Discussion

The bill that created the task force defines implicit bias as *"a bias or prejudice that is present toward an individual or a group of people without conscious knowledge."*<sup>28</sup> The legislative declaration in that bill stated that *"as a result of implicit bias, under-resourced communities, communities of color and persons with disabilities are disproportionately impacted by the mandatory reporting system."*

<sup>28</sup> See C.R.S. 19-3-304.2(1)(a)

The task force expressed and demonstrated a commitment throughout its two years of existence to address and counter implicit bias and the systems creating disproportionate impacts and disparities for those communities. Implicit bias was also addressed outside of training requirements; for instance, the task force considered the state of New York's tool to assess for bias in decision-making related to mandatory reporting.<sup>29</sup> The task force was provided a 50-state comparison with information on how other states – namely, Illinois, New York and Washington, D.C.<sup>30</sup> – require mandatory reporter training to include a focus on implicit bias. The task force reviewed materials and concluded that any standardized statewide training for mandatory reporters must include information about implicit bias.

## Recommendation

**Standardized training for mandatory reporters should educate participants about implicit bias and the disproportionate impacts of mandatory reporting on communities of color, under-resourced communities and persons with disabilities.**

## DIRECTIVE 17

Should training include information on how counties determine which reports should be assessed and investigated?

### C.R.S. § 19-3-304.3(7)(a)(XVII)

*“The task force, at a minimum, shall analyze... standardized training regarding the county departments’ process to determine which reports meet the threshold for assessment and investigation.”*

## Discussion

Task force members reported that mandatory reporters often feel discouraged or alienated from the reporting process because they do not know

Standardized training for mandatory reporters should educate participants about implicit bias and the disproportionate impacts of mandatory reporting on communities of color, under-resourced communities and persons with disabilities.



the results of their reports. Mandatory reporters may not have great familiarity with how staff at county departments taking their report handle the concern, especially regarding whether staff would choose to assess and investigate the concern or screen it out. After learning about and discussing the reporting process, the task force determined that efforts should be made to increase the education mandatory reporters receive about the reporting process. The task force believed gaining this additional information would help create more effective mandatory reporters.

## Recommendation

**Standardized training for mandatory reporters should educate participants about the county departments’ process to determine which reports meet the threshold for assessment and investigation.**

<sup>29</sup> See “[Task Force Research Memo, Alternative Processes and Services](#),” page 7.

<sup>30</sup> See these requirements in Illinois law in [325 ILCS 5/4\(j\)](#); in New York law in [N.Y. Soc. Serv. Law §413\(5\)](#) and [§421\(2\)](#) and in Washington D.C. law in [D.C. Code Ann. § 4-1321.08](#).

## DIRECTIVE 15

### Should training have implications for licensing and certification?

#### C.R.S. § 19-3-304.3(7)(a)(XV)

*“The task force, at a minimum, shall analyze...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.”*

#### Discussion

To aid discussions about mandatory reporter training requirements, the task force was provided with a 50-state comparison of laws addressing training requirements for mandatory reporters.<sup>31</sup> The task force was particularly interested to learn about Iowa’s law that requires mandatory reporters to be in compliance with training requirements as a condition for receiving licensure from a licensing board. For mandatory reporters who do not require a license, but who are employed by a program that receives licensure, registration or approval by a state agency, Iowa law also states that the employer’s licensure, registration or approval may not be renewed by the state agency if employees are not in compliance with mandatory reporter training requirements.<sup>32</sup> The task force was interested in this approach as it would create a strong incentive for mandatory reporters to fulfill the training requirements.

#### Recommendation

**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, the state should be able to withhold licensure and/or certification for failure to complete the standardized training.**

<sup>31</sup> See [Mandatory Reporting Database](#), “Does statute address training requirements for mandatory reporters?” An article summarizing the highlights and trends for this question may be accessed by clicking the “Additional Info” button.

<sup>32</sup> See these requirements in Iowa law in Iowa Code Ann. § 232.69(3) at [legis.iowa.gov/docs/code/232.69.pdf](https://legis.iowa.gov/docs/code/232.69.pdf).



## THEME 4

# Addressing Requirements for Specialized Occupations

Colorado law requires people in dozens of occupations to be mandatory reporters.<sup>33</sup> While most of the directives included in the bill that created the task force address all mandatory reporters, there are also four directives that required the task force to consider whether several specific occupations should be required to report child abuse and neglect concerns. The task force created the Specialized Occupations Subcommittee to discuss and craft recommendations related to these directives. To aid these discussions, the task force was provided a 50-state comparison<sup>34</sup> of the exemptions each state has created for certain groups and circumstances from mandatory reporting requirements, which were often relevant when considering these directives.

The task force was required to analyze and consider recommendations regarding:

- » What requirements should exist for mandatory reporters regarding young victims of dating violence or sexual assault?
- » What requirement should exist for those creating safety plans for victims of domestic violence, sexual assault or stalking?
- » Should people who are working with attorneys to provide legal representation be mandatory reporters?
- » What should reporting requirements be for medical child abuse?

**The following section addresses these directives and the task force’s resulting recommendations.**

## DIRECTIVE 11

What requirements should exist for mandatory reporters regarding young victims of dating violence or sexual assault?

### C.R.S. § 19-3-304.3(7)(a)(III)

*“The task force, at a minimum, shall analyze... 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.”*

<sup>33</sup> See C.R.S. 19-3-304(2).

<sup>34</sup> See [Mandatory Reporting Database](#), “Does statute create any exemptions for mandatory reporting requirements?” An article summarizing the highlights and trends for this question may be accessed by clicking the “Additional Info” button

<sup>35</sup> See C.R.S. 19-3-304(1)(a).

## Discussion

Some task force members reported on the importance of ensuring autonomy for young people who have sought help from a mandatory reporter after experiencing dating violence or sexual assault. Under current law, once a mandatory reporter has cause to suspect child abuse or neglect has occurred, they must “immediately” make a report.<sup>35</sup> The task force was provided with a resource that compiled those law and policies in states that intersected in some way with the concerns of this directive.<sup>36</sup> The group considered whether the timeframe for reporting should be extended in circumstances where a youth has been the victim of dating violence

or sexual assault. The task force ultimately decided that an extended timeframe would allow those mandatory reporters to take special care in ensuring that the needs of these youth are met and that the youth feel they have some ownership of the reporting process.

## Recommendation

**The Mandatory Reporting Task Force recommends amending statute to modify mandatory reporting requirements for mandatory reporters who have knowledge or reasonable cause to know or suspect that a child or youth (the age of 15 or older) is the victim of dating violence or a sex offense as defined in 18-1.3-1003. In these instances, mandatory reporters will be required to make a report within 72 hours.**

### DIRECTIVE 7

What requirements should exist for those creating safety plans for victims of domestic violence, sexual assault or stalking?

#### C.R.S. § 19-3-304.3(7)(a)(IX)

*“The task force, at a minimum, shall analyze...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.”*

## Discussion

In discussing this directive, the task force repeatedly heard from advocates that their duty to report child abuse under state law conflicts with their responsibilities to help victims of domestic violence, sexual assault or stalking. This is because the presence of mandatory reporting requirements can erode trust in relationships between victims and advocates, thereby disincentivizing victims from getting the urgent services and care they need. For example, a mother may not seek emergency services for her or her child from a domestic violence shelter if she is aware that the employees are mandatory reporters. This hesitation could exist out of fear that a report may alert an abusive spouse about her plan to leave thereby provoking further violence. If, on the other hand, an employee was not required to immediately make a report, it would give the advocate time to develop a safety plan. Balancing these competing interests, the task force made the following recommendations.

## Recommendations

### Recommendation 7A:

**The Mandatory Reporting Task Force recommends removing “victim’s advocate” as defined in section 13-90-107(1)(k)(II), C.R.S. from the list of professions required to act as mandatory reporters in 19-3-304(2)(w).**



**Recommendation 7B:**

**Should there be no legislation to remove victim’s advocates as mandatory reporters as defined above, the Mandatory Reporting Task Force recommends amending statute to allow for extended reporting time frames for victim’s advocates, as defined above, 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. In these instances, mandatory reporters will be required to make a report within 72 hours.**

**DIRECTIVE 10**

Should people who are working with attorneys to provide legal representation be mandatory reporters?

**C.R.S. § 19-3-304.3(7)(a)(X)**

*“The task force, at a minimum, shall analyze...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.”*

**Discussion**

The task force was provided with a 50-state comparison resource on state exceptions to mandatory reporting requirements for certain occupations and circumstances,<sup>36</sup> as well as a scan of state law and policies closely fitting the focus of this directive.<sup>37</sup> These resources, and the examples they contained, gave the task force several cases to consider when approaching this directive. For instance, at least 25 states explicitly recognize an attorney-client privilege in their mandatory reporting laws. California, Louisiana, Oregon, Utah and

Washington, D.C.<sup>38</sup> waive reporting requirements for certain individuals working with or for attorneys, such as guardians ad litem and mental health/social service practitioners. The task force’s Specialized Occupations Subcommittee held a panel of legal experts to discuss this directive. Panelists felt that mandatory reporting requirements for their support staff could lead to violation of attorney-client privileges, which could jeopardize their ability to provide effective legal representation to their clients.

**Recommendation**

**The Mandatory Reporting Task Force recommends amending statute to clarify that mandatory reporters who are employed by, an agent of, or a contractor for an attorney who is providing legal services are exempt from the reporting requirements described in Section 19-3-304.**



<sup>36</sup> See [Mandatory Reporting Database](#), “Does statute create any exemptions for mandatory reporting requirements?” An article summarizing the highlights and trends for this question may be accessed by clicking the “Additional Info” button.

<sup>37</sup> See “[Task Force Research Memo, 50-State Policy Scan: Specialized Occupations](#).”

<sup>38</sup> See these exceptions in California law at [Cal. Penal Code § 11165.7\(a\)\(18\)](#), in Louisiana law at [La. Child. Code Ann. art. 603\(17\)\(b\)](#), in Oregon law at [Or. Rev. Stat. Ann. § 419B.010\(1\)](#), in Utah law at [Utah Code Ann. § 80-2-602\(3\)\(b\)](#), and in Washington, D.C. law at [D.C. Code Ann. § 4-1321.02\(b\)\(2\)](#).

## DIRECTIVE 8

### What should reporting requirements be for medical child abuse?

#### C.R.S. § 19-3-304.3(7)(a)(VIII)

*“The task force, at a minimum, shall analyze... medical child abuse and the process to report medical child abuse.”*

#### Discussion

The bill that created the task force defined medical child abuse as *“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.”*<sup>39</sup>

The task force distinguished between the process to report medical child abuse and the diagnosis of medical child abuse. The group felt it did not have the necessary expertise to have an informed discussion about medical child abuse. However, the task force

felt that previous recommendations addressed the process to report medical child abuse. Specifically, the task force found that medical professionals should follow the same laws as all other mandatory reporters. These reflections led to the formation of the task force’s response below.

#### Response

The Mandatory Reporting Task Force addressed the process to report medical child abuse in its discussions of directives 13 and 14, which specifically require the task force to consider:

- » 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.

As it relates to further analyzing medical child abuse, the task force determined that it is beyond the scope of the task force’s expertise.



<sup>39</sup> See C.R.S. 19-3-304.2(1)(c).

## THEME 5

# Reviewing and Improving Data and Information Systems

The task force created the Data Subcommittee to consider three directives that share the theme of reviewing and improving data and information systems. The Data Subcommittee convened two panels of Colorado Department of Human Services (CDHS) employees with expertise in the state's data systems to help enrich these discussions.

The task force was required to analyze and consider recommendations regarding:

- » What personal information of children should be collected?  
\*Should there be an online option to report?
- » How should agencies communicate internally and to other agencies about reports?

**The following section addresses these directives and the task force's resulting recommendations.**

## DIRECTIVE 16

### What personal information of children should be collected?

#### C.R.S. § 19-3-304.3(7)(a)(XVI)

*"The task force, at a minimum, shall analyze...the personal information of a child, as set forth in section 19-3-307 (2), that is collected for a report."*

#### Discussion

A panel of CDHS employees that was convened by the Data Subcommittee helped to confirm and explain current data collection requirements and protocols. Current Colorado law requires reports of child abuse or neglect to contain, whenever possible, information about the child including their name, address, age, sex and race. In 2024, a bill<sup>40</sup> was enacted by the Colorado legislature that expands the type of information gathered about children in the child welfare system in the hopes of identifying and eliminating disparities. The task force decided to add these same additional types of information to mandatory reporting requirements. In these discussions, the task force also identified

challenges with other aspects of how information is collected and maintained in reports. This led to the development of the subsequent recommendations.

## Recommendations

### Recommendation 16(A)

**19-3-307 requires the inclusion, whenever possible, of the name, address, age, sex and race of a child. The Mandatory Reporting Task Force recommends amending 19-3-307 to require all reports of suspected abuse or neglect to include, when available, additional characteristics about the child, including ethnicity, primary spoken language, gender identity, gender expression, disability status, sexual orientation, national origin and income of the household.**

### Recommendation 16(B)

**The Mandatory Reporting Task Force recommends the written reporting requirement mentioned in 19-3-307 be removed.**

**The Mandatory Reporting Task Force recommends that, when making an oral report, a written report is not also required. Additionally 19-3-307(4) should**

<sup>40</sup> See [Colorado Senate Bill 24-200, Equity, Diversity, & Inclusion in Child Welfare](#).

be amended to clarify that, if a written report is voluntarily made, it may be admissible in any proceeding relating to child abuse, subject to the limitations of 19-1-307.

### Recommendation 16(C)

**The Mandatory Reporting Task Force recommends that families, upon assessment, be given the opportunity to confirm or correct the demographic information recorded in a report of child abuse and/or neglect. Upon receiving corrected demographic information, the report should be updated within a reasonable amount of time.**

## DIRECTIVE 18

Should there be an online option to report?

### C.R.S. § 19-3-304.3(7)(a)(XVIII)

*“The task force, at a minimum, shall analyze...the benefits of an electronic reporting platform for the state.”*

### Discussion

To aid discussions about online reporting options for mandatory reporters, the task force was provided with a law and policy scan resource compiling information and website links for states that allow reports of child abuse and neglect to be made online.<sup>41</sup> Colorado does not currently have a statewide online reporting platform. The CPO researched the only jurisdiction in the state that does maintain an online reporting option to learn about its

rollout, successes and challenges and presented that information to the Data Subcommittee.<sup>42</sup>

An identified benefit of online reporting was its convenience to reporters. Making a report online also would ensure that the exact wording of the reporter is recorded and considered. However, the task force also learned that one of the downsides of online reporting was that incomplete online reports might end up requiring more follow-up time than a traditional report made over the phone. The Data Subcommittee and overall task force were aware that making the reporting process too easy could invite over-reporting, which could be particularly prone to creating an over-representation of under-resourced communities, families of color and people with disabilities in the child welfare system. With these caveats in mind, the task force crafted the recommendation below.

### Recommendation

**The Mandatory Reporting Task Force recommends creating an online reporting platform for child abuse and neglect. The development of an online reporting platform must consider the differences in staffing and resource levels across counties. The system must take this into account and ensure that all Coloradans, and counties, have equal access to the electronic reporting platform. Any online platform that is developed should also present information about the alternative processes and services mentioned in Directive 4. In implementing online reporting, the state must monitor for any impact on disproportionality and/or disparity at least annually.**



<sup>41</sup> See “[Task Force Research Memo, 50-State Policy Scan: Electronic Reporting Platforms.](#)”

<sup>42</sup> The Weld County Department of Human Services offers an online reporting option for child abuse and neglect, which can be found at [weld.gov/Government/Departments/Human-Services/Report-Abuse-Neglect-Fraud/Child-Protection](http://weld.gov/Government/Departments/Human-Services/Report-Abuse-Neglect-Fraud/Child-Protection).

## DIRECTIVE 19

### How should agencies communicate internally and to other agencies about reports?

#### C.R.S. § 19-3-304.3(7)(a)(XIX)

*“The task force, at a minimum, shall analyze...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.”*

#### Discussion

The task force addressed in Recommendation 19(A) current difficulties that exist in inter- and intra-agency communications regarding reports of child abuse and neglect. Colorado law requires mandatory reporters to make their reports either to a county department, the local law enforcement agency, or the child abuse reporting hotline system.<sup>43</sup> Law enforcement is then required to share reports it has taken with the county department of human services.<sup>44</sup> Task force members discussed difficulties in communicating about these reports and the struggle to maintain an appropriate balance between protecting privacy while providing support to families.

In Recommendation 19(B), the task force addressed the topics of confirming receipt of reports and communicating the outcome of those reports with mandatory reporters. The task force had repeatedly heard concerns that mandatory reporters often do not know what comes of the reports they make, which can make delivering ongoing care to families more challenging. Providing some level of information to reporters appealed to the task force. The CDHS panel informed the Data Subcommittee about information that is currently shared with certain mandatory reporters.<sup>45</sup> This practice served as a potential model for expanding the information shared with mandatory reporters and expanding the pool of mandatory reporters who receive information. The task force was also eager to find

ways to provide information to mandatory reporters about alternative processes and services available for families and sought to incorporate such information in communication with mandatory reporters.

#### Recommendations

##### Recommendation 19(A):

**The following should be provided by CDHS to county departments of human services regarding inter and intra-agency communications:**

- » Examples of successful information-sharing practices between law enforcement agencies and county departments of human services.
- » Resources to train county staff on the legal and practical aspects of inter- and intra-agency information sharing, including simplified explanations of confidentiality laws and regulations.

##### Recommendation 19(B):

**Individuals who have made a report of child abuse and/or neglect should receive a standardized letter that provides basic information about the referral’s disposition. This letter may look similar to what specified mandatory reporters as described in C.R.S. 19-1-307(2)(e.5)(I) currently receive and may be generated by the same process in Trails. These letters should include the following information:**

- » Whether the referral was accepted for further assessment or not.
- » If the referral was accepted, the assigned caseworker’s contact information.
- » General information on what happens next in the process.
- » An optional text field for additional relevant information.
- » If available, information about alternative resources and support services for families when the reported issue does not meet the criteria for child abuse or neglect.

<sup>43</sup> See C.R.S. 19-3-304(1)(a).

<sup>44</sup> See C.R.S. 19-3-308.

<sup>45</sup> See C.R.S. 19-1-307(2)(e.5)(I).

## Conclusion

The Mandatory Reporting Task Force is proud to submit this final report to the Colorado General Assembly, the Office of the Governor and the people of Colorado. Task force members sincerely hope that these recommendations will help create a system that better – and more equitably – serves Colorado’s children, families and communities, and decreases the disproportionate impacts of child welfare system involvement on under-resourced communities, families of color and people with disabilities.

