

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0772.01 Chelsea Princell x4335

HOUSE BILL 26-1234

HOUSE SPONSORSHIP

Rydin and Soper,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ACCESS TO RECORDS OF CHILD ABUSE OR NEGLECT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a person who possesses records or reports (records) of child abuse or neglect from releasing identifying data or information contained in the records to a person who is not authorized to receive the information or data.

The bill includes an attorney representing a person named in the record and an assigned designee of the child named in a record as authorized persons who may have access to child abuse or neglect records if the attorney or assigned designee presents a valid release of information

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

signed by an authorized person.

The bill allows a person named in a record as an alleged abused or neglected child who is in possession of a record in which they are named or, with the person's consent, the person's attorney or guardian ad litem, to disclose and make use of the record, including for the purpose of litigation or to obtain treatment or services.

The bill requires each county department of human or social services (county department) to establish and submit to the state department of human services a process for current and former clients to obtain access to their case records.

The bill repeals the penalties associated with a person who improperly releases or willfully permits or encourages the release of data or information contained in the records to a person not permitted to access the information.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-307, **amend**
3 (1)(a), (2) introductory portion, (2)(d), and (2)(e); **repeal** (3) and (4); and
4 **add** (2.1) and (2.2) as follows:

5 **19-1-307. Dependency and neglect records and information -**
6 **access - fee - records and reports fund - misuse of information -**
7 **penalty - adult protective services data system check - rules.**

8 [REDACTED]
9 **(1) (a) Identifying information - confidential.**

10 (I) Except as otherwise provided in this section and section
11 19-1-303, reports OR RECORDS of child abuse or neglect, ~~and the name~~
12 ~~and address of any child, family, or informant or any other identifying~~
13 ~~information contained in such reports shall be confidential and shall not~~
14 ~~be public information.~~ AND ANY IDENTIFYING INFORMATION CONTAINED
15 IN THE REPORTS OR RECORDS OF CHILD ABUSE OR NEGLECT, MUST NOT BE
16 SHARED WITH THE PUBLIC.

17 (II) FOR PURPOSES OF THIS SUBSECTION (1)(a), THE NAME,

1 ADDRESS, AND ANY OTHER INFORMATION THAT MAY REVEAL THE
2 IDENTITY OF A CHILD, FAMILY, OR INFORMANT IS CONSIDERED IDENTIFYING
3 INFORMATION. A PERSON IN POSSESSION OF A REPORT OR RECORD OF CHILD
4 ABUSE OR NEGLECT SHALL NOT RELEASE IDENTIFYING INFORMATION
5 CONTAINED IN THE REPORT OR RECORD OF CHILD ABUSE OR NEGLECT TO
6 A PERSON NOT PERMITTED TO ACCESS THE INFORMATION PURSUANT TO
7 THIS SECTION OR BY SECTION 19-1-303 UNLESS OTHERWISE AUTHORIZED
8 BY THE LAW OF THIS STATE. A COUNTY DEPARTMENT IS NOT LIABLE FOR
9 THE REDISCLOSURE MADE BY A PERSON FOLLOWING THE COUNTY
10 DEPARTMENT'S LAWFUL RELEASE OF A REPORT OR RECORD OF CHILD
11 ABUSE OR NEGLECT.

12 (2) **Records and reports - access to certain persons - agencies**
13 **- definition.** Except as set forth in section 19-1-303, ~~only~~ the following
14 persons or agencies have access to child abuse or neglect records ~~and~~ OR
15 reports:

16 (d) (I) ~~Any~~ A person named in the report or record who was
17 alleged as an abused or neglected child; ~~or,~~

18 (II) If the child named in the report or record is otherwise
19 incompetent at the time of the request, the child's guardian ad litem or
20 counsel for youth; AND

21 (III) THE ASSIGNED DESIGNEE OF A PERSON NAMED IN THE REPORT
22 OR RECORD WHO IS ACTING ON THE PERSON'S BEHALF AS A RESULT OF A
23 VALID RELEASE OF INFORMATION, SIGNED BY AN AUTHORIZED PERSON,
24 WITH PROTECTION FOR THE IDENTITY OF THE PERSON NAMED IN THE
25 REPORTS OR RECORDS.

26 (e) A parent, guardian, legal custodian, or other person
27 responsible for the health or welfare of a child named in a report OR

1 RECORD, or the assigned designee of ~~any such~~ THE person acting by and
2 through a ~~validly executed power of attorney~~ VALID RELEASE OF
3 INFORMATION SIGNED BY AN AUTHORIZED PERSON, with protection for the
4 identity of reporters and other appropriate persons;

5 (2.1) AS USED IN SUBSECTION (2) OF THIS SECTION, "AUTHORIZED
6 PERSON" MEANS A PERSON WHO IS AN ALLEGED ABUSED OR NEGLECTED
7 CHILD IF THE PERSON IS CURRENTLY EIGHTEEN YEARS OLD OR OLDER OR
8 IS AN EMANCIPATED MINOR, OR THE PARENT OR LEGAL GUARDIAN OF A
9 PERSON WHO IS AN ABUSED OR NEGLECTED CHILD IF THE PERSON IS UNDER
10 EIGHTEEN YEARS OLD.

11 (2.2) (a) A PERSON WHO IS NAMED IN A REPORT OR RECORD AS AN
12 ALLEGED ABUSED OR NEGLECTED CHILD AND IS IN POSSESSION OF A
13 RECORD OR REPORT, OR THE ATTORNEY OR GUARDIAN AD LITEM OF THE
14 PERSON WHEN THAT PERSON WAS A CHILD, WITH THE PERSON'S CONSENT,
15 MAY DISCLOSE AND MAKE USE OF THE RECORD, INCLUDING TO DISCLOSE
16 AND MAKE USE OF THE RECORD OR REPORT IN LITIGATION OR TO OBTAIN
17 TREATMENT OR SERVICES. THE COUNTY DEPARTMENTS ARE NOT
18 RESPONSIBLE OR LIABLE FOR ANY DISCLOSURE OF THE REPORT OR RECORD
19 MADE PURSUANT TO THIS SUBSECTION (2.2).

20 (b) THE COUNTY DEPARTMENTS SHALL ESTABLISH, AND SUBMIT TO
21 THE STATE DEPARTMENT UPON COMPLETION, A PROCESS THAT CLIENTS
22 AND FORMER CLIENTS MAY USE TO OBTAIN ACCESS TO THEIR CASE
23 RECORDS. IF A COUNTY DEPARTMENT UPDATES ITS PROCESS, IT SHALL
24 SUBMIT THE UPDATED PROCESS TO THE STATE DEPARTMENT.

25 (3) ~~After a child who is the subject of a report to the state~~
26 ~~department of human services reaches the age of eighteen years, access~~
27 ~~to that report shall be permitted only if a sibling or offspring of such child~~

1 is before any person mentioned in subsection (2) of this section and is a
2 suspected victim of child abuse or neglect.

3 (4) Any person who improperly releases or who willfully permits
4 or encourages the release of data or information contained in the records
5 and reports of child abuse or neglect to persons not permitted access to
6 such information by this section or by section 19-1-303 commits a class
7 2 misdemeanor and shall be punished as provided in section 18-1.3-501.

8 **SECTION 2.** In Colorado Revised Statutes, 22-1-121, **amend** (2)
9 as follows:

10 **22-1-121. Nonpublic schools - employment of personnel -**
11 **notification by department of education.**

12 (2) ~~Any~~ Information received by the governing board of a
13 nonpublic school pursuant to subsection (1) of this section ~~shall be~~ IS
14 confidential information and not subject to the provisions of part 2 of
15 article 72 of title 24. ~~C.R.S. Any~~ A person who releases information
16 obtained pursuant to the provisions of ~~said~~ subsection (1) OF THIS SECTION
17 or who makes an unauthorized request for information from the
18 department ~~shall be subject to the penalties set forth in section 24-72-206,~~
19 ~~C.R.S., except that any person who releases information received from~~
20 ~~the department of education concerning information contained in the~~
21 ~~records and reports of child abuse or neglect maintained by the state~~
22 ~~department of human services shall be deemed to have violated section~~
23 ~~19-1-307 (4), C.R.S. COMMITS A PETTY OFFENSE.~~

24 **SECTION 3.** In Colorado Revised Statutes, 22-2-119, **amend** (2)
25 as follows:

26 **22-2-119. Department of education - inquiries concerning**
27 **prospective employees - background investigation fee.**

1 (2) Except for authorized inquiries made by boards of education,
2 governing boards of nonpublic schools, governing boards of charter
3 schools, or governing boards of institute charter schools, the department
4 shall consider information held by the department ~~to be~~ AS confidential
5 information and not subject to the provisions of part 2 of article 72 of title
6 24. ~~C.R.S. Any~~ A person who releases ~~such~~ information in violation of
7 this subsection (2) ~~shall be subject to the penalties set forth in section~~
8 ~~24-72-206, C.R.S.; except that any person who releases information~~
9 ~~received by the department concerning information contained in the~~
10 ~~records and reports of child abuse or neglect maintained by the state~~
11 ~~department of human services shall be deemed to have violated section~~
12 ~~19-1-307 (4), C.R.S. COMMITS A PETTY OFFENSE.~~

13 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-110.5,
14 **amend** (9) as follows:

15 **22-30.5-110.5. Background investigation - charter school**
16 **employees - information provided to department - definitions.**

17 (9) ~~Any~~ Information received by a charter school pursuant to this
18 section or section 22-30.5-110.7 ~~shall be~~ IS confidential information and
19 not subject to the provisions of part 2 of article 72 of title 24. ~~C.R.S.~~ A
20 person who releases information obtained pursuant to the provisions of
21 this section or section 22-30.5-110.7 or who makes an unauthorized
22 request for information from the charter school ~~shall be subject to the~~
23 ~~penalties set forth in section 24-72-206, C.R.S.; except that a person who~~
24 ~~releases information received from the charter school concerning~~
25 ~~information contained in the records and reports of child abuse or neglect~~
26 ~~maintained by the department of human services shall be deemed to have~~
27 ~~violated section 19-1-307 (4), C.R.S. COMMITS A PETTY OFFENSE.~~

1 **SECTION 5.** In Colorado Revised Statutes, 22-32-109.7, **amend**
2 (4) as follows:

3 **22-32-109.7. Board of education - specific duties - employment**
4 **of personnel - definitions.**

5 (4) ~~Any~~ Information received by a board of education pursuant to
6 subsection (1) or (2) of this section ~~shall be~~ IS confidential information
7 and not subject to the provisions of part 2 of article 72 of title 24. ~~C.R.S.~~
8 ~~Any~~ A person who releases information obtained pursuant to the
9 provisions of ~~said subsections~~ SUBSECTION (1) OR (2) OF THIS SECTION or
10 who makes an unauthorized request for information from the department
11 ~~shall be subject to the penalties set forth in section 24-72-206, C.R.S.;~~
12 ~~except that any person who releases information received from the~~
13 ~~department of education concerning information contained in the records~~
14 ~~and reports of child abuse or neglect maintained by the state department~~
15 ~~of human services shall be deemed to have violated section 19-1-307(4);~~
16 **C.R.S. COMMITS A PETTY OFFENSE.**

17 **SECTION 6. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2026 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.