



## FACT SHEET

### Support SB66- Sponsored by Senator Hudak and Representative Levy A Bill Clarifying the Requirement that Certain Persons Report Child Abuse or Neglect (C.R.S. 19-3-304)

#### **What does the Bill do?**

This legislation seeks to clarify the language around mandatory reporting of child abuse and neglect if the victim is 18 years or older at the time of disclosure. Currently, due to the broad interpretation of Colorado Revised Statute 13-3-304, adult survivors of childhood sexual abuse can have their cases reported to the authorities without their consent. The Colorado Coalition Against Sexual Assault became aware of this issue when community service providers voiced concern over the varying interpretations of the statute. The statute currently states, "...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 which would reasonably result in abuse or neglect shall immediately upon receiving such information report or cause a report to be made of such fact to the county department or local law enforcement agency." SB66 clarifies that a mandatory report to law enforcement and/or the Department of Human Services does not apply if the victim is currently 18 years or older.

#### **Why revise the definition?**

- The statute is located in the "Children's Code," thus indicating that its purpose is to protect individuals who are presently children.
- Arguably, mandated reporting of child abuse disclosed by an adult survivor was not the legislative intent of the law. The mandatory reporting law is designed to give adult reporting voices to children whom we have reasonable cause to believe are the subject of abuse.
- Due to the added guilt, shame, and societal misperceptions about sexual abuse, it is not uncommon for survivors to wait until adulthood to seek professional support. If services providers are then required to report abuse disclosed to them by an adult client, victims may be deterred from receiving vital support services.
- Victims can potentially experience increased trauma from being forced to report an incident.

#### **Whom will be affected by the bill and how?**

- Adult victims will be able to obtain support services without the intimidation and fear associated with the repercussions of an unwanted investigation.
- Therapists will have an ability to work with clients who may have refrained from coming forward due to fears of an unwanted report.





- Support service agencies and nonprofit organizations serving adult survivors will be able to focus their time, staff, and resources on providing direct service, rather than legal disclosures or statements that may alienate and intimidate the survivor.
- Law enforcement and the Department of Human Services will be able to focus their resources on investigating reports concerning children under the age of eighteen.

**What about cases where adults' reports reveal that a child might be in danger of abuse?**

Current law, 19-3-304 specifies that any mandatory reporter 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 which would reasonably result in abuse or neglect shall immediately make a report. Nothing in this bill changes that requirement. In addition, just because a report is not mandatory does not mean a report will not be made. Mandatory reporters frequently counsel victims to report and assist victims in reporting even when the report is not mandated by statute.

**What about protecting the public from child abusers? Shouldn't that be our top priority?**

Public safety is a very important consideration where child abuse is concerned. Everyone would like to see perpetrators caught, convicted and held accountable. However, requiring a mandatory report where the victim is now an adult is unlikely to impact public safety or result in more arrests or convictions of perpetrators. Reports regarding abuse that occurred many years ago are difficult to investigate and are unlikely to result in convictions for a variety of reasons including: lack of law enforcement resources, lack of cooperation from the victim, lack of evidence or witnesses, and the expiration of the statute of limitations. If another child is currently in danger, however, the statute requires that a report be made.

**What about at-risk adults who reveal abuse and may continue to be in danger?**

This statute is in the Children's Code and only addresses child abuse. Currently 26-3.1-102 covers mandatory reporting for those who have reasonable cause to believe that an at-risk adult has been mistreated or is self neglected and is at imminent risk of mistreatment or self neglect.

**Endorsed By: Colorado Coalition Against Domestic Violence, Colorado Organization for Victim Assistance, Colorado Society for Clinical Social Work, Denver Institute for Psychoanalysis, Denver Psychoanalytic Society, Denver Women's Commission, National Association of Social Workers—Colorado Chapter, Office of Counseling and Personal Development at Regis University, Project PAVE**

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**SB66 has no fiscal impact.**

