

C.R.S.A. § 19-3-304



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Title 19. Children's Code ([Refs & Annos](#))

[Article 3](#). Dependency and Neglect ([Refs & Annos](#))

[Part 3](#). Child Abuse or Neglect ([Refs & Annos](#))

→§ 19-3-304. Persons required to report child abuse or neglect

(1) Except as otherwise provided by [section 19-3-307](#) and [sections 25-1- 122\(4\)\(d\)](#) and [25-4-1404\(1\)\(d\)](#), C.R.S., 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.

(2) Persons required to report such abuse or neglect or circumstances or conditions shall include any:

(a) Physician or surgeon, including a physician in training;

(b) Child health associate;

(c) Medical examiner or coroner;

(d) Dentist;

(e) Osteopath;

(f) Optometrist;

(g) Chiropractor;

(h) Chiropodist or podiatrist;

(i) Registered nurse or licensed practical nurse;

(j) Hospital personnel engaged in the admission, care, or treatment of patients;

(k) Christian science practitioner;

(l) Public or private school official or employee;

(m) Social worker or worker in any facility or agency that is licensed or certified pursuant to part 1 of article 6 of title 26, C.R.S.;

(n) Mental health professional;

(o) Dental hygienist;

(p) Psychologist;

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(q) Physical therapist;

(r) Veterinarian;

(s) Peace officer as described in [section 16-2.5-101, C.R.S.](#);

(t) Pharmacist;

(u) Commercial film and photographic print processor as provided in subsection (2.5) of this section;

(v) Firefighter as defined in [section 18-3-201\(1\), C.R.S.](#);

(w) Victim's advocate, as defined in [section 13-90-107\(1\)\(k\)\(II\), C.R.S.](#);

(x) Licensed professional counselors;

(y) Licensed marriage and family therapists;

(z) Unlicensed psychotherapists;

(aa)(I) Clergy member.

(II) The provisions of this paragraph (aa) shall not apply to a person who acquires reasonable cause to know or suspect that a **child has been subjected to abuse** or neglect during a communication about which the person may not be examined as a witness pursuant to [section 13-90-107\(1\)\(c\), C.R.S.](#), unless the person also acquires such reasonable cause from a source other than such a communication.

(III) For purposes of this paragraph (aa), unless the context otherwise requires, "clergy member" means a priest, rabbi, duly ordained, commissioned, or licensed minister of a church, member of a religious order, or recognized leader of any religious body.

(bb) Registered dietitian who holds a certificate through the commission on dietetic registration and who is otherwise prohibited by [7 CFR 246.26](#) from making a report absent a state law requiring the release of this information;

(cc) Worker in the state department of human services.

(dd) Juvenile parole and probation officers;

(ee) Special advocates, as described in [section 14-10-116 \(2\) \(b\), C.R.S.](#);

(ff) Officers and agents of the state bureau of animal protection, and animal control officers.

(2.5) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, video tape, negative, or slide depicting a child engaged in an act of sexual conduct shall report such fact to a local law enforcement agency immediately or as soon as practically possible by telephone and shall prepare and send a written report of it with a copy of the film, photograph, video tape, negative, or slide attached within thirty-six hours of receiving the information concerning the incident.

(3) In addition to those persons specifically required by this section to report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in abuse or neglect, any other person may report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in child abuse or neglect to the local law enforcement agency or the county department.

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(3.5) No person, including a person specified in subsection (1) of this section, shall knowingly make a false report of abuse or neglect to a county department or local law enforcement agency.

(4) Any person who willfully violates the provisions of subsection (1) of this section or who violates the provisions of subsection (3.5) of this section:

(a) Commits a class 3 misdemeanor and shall be punished as provided in [section 18-1.3-501, C.R.S.](#);

(b) Shall be liable for damages proximately caused thereby.

CREDIT(S)

Repealed and reenacted by Laws 1987, S.B.144, § 1, eff. Oct. 1, 1987. Amended by [Laws 1990, H.B.90-1133, § 1, eff. July 1, 1990](#); [Laws 1990, S.B.90-161, § 2, eff. May 24, 1990](#); [Laws 1993, H.B.93-1088, § 29, eff. July 1, 1993](#); [Laws 1993, S.B.93-225, § 1, eff. June 6, 1993](#); [Laws 1995, S.B.95-153, § 5, eff. July 1, 1995](#); [Laws 1996, H.B.96-1006, § 16, eff. July 1, 1996](#); [Laws 1996, H.B.96-1019, § 8, eff. March 20, 1996](#); [Laws 1997, H.B.97-1220, § 19, eff. Aug. 6, 1997](#); [Laws 2001, Ch. 68, § 1, eff. July 1, 2001](#); [Laws 2002, Ch. 177, § 2, eff. May 24, 2002](#); [Laws 2002, Ch. 295, § 1, eff. June 3, 2002](#); [Laws 2002, Ch. 318, § 231, eff. Oct. 1, 2002](#); [Laws 2002, Ch. 322, § 30, eff. July 1, 2002](#); [Laws 2003, Ch. 48, § 1, eff. March 20, 2003](#); [Laws 2003, Ch. 51, § 1, eff. March 20, 2003](#); [Laws 2003, Ch. 242, § 18, eff. Aug. 6, 2003](#); [Laws 2005, Ch. 103, § 1, eff. April 22, 2005](#).

HISTORICAL AND STATUTORY NOTES

2005 Electronic Pocket Part Update

Laws 2005, Ch. 103, § 1, added pars. (2)(dd), (2)(ee) and (2)(ff).

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Laws 1990, H.B.90-1133, § 1, inserted subsec. (3.5); and in subsec. (4), in the introductory portion, added "or who violates the provisions of subsection (3.5) of this section".

Laws 1990, S.B.90-161, § 2, in par. (2)(m), inserted ", employer-sponsored on-site child care center,".

Laws 1993, H.B.93-1088, § 29, added par. (2)(v).

Laws 1993, H.B.93-1088, § 43, provides:

"Effective date--applicability. This act shall take effect July 1, 1993, and shall apply to offenses committed on or after said date; except that sections 37, 38, 43, and 44 shall take effect upon passage, and shall apply to offenses committed on or after said date. Section 21 of this act shall take effect July 1, 1993, and shall apply to offenses committed on or after said date, only if House Bill 93-1045 and House Bill 93-1115 are enacted at the First Regular Session of the Fifty-ninth General Assembly and become law."

Laws 1993, S.B.93-225, § 1, in subsec. (1), inserted the exception clause.

The 1995 amendment added par. (2)(w).

Laws 1995, S.B.95-153, § 1, 9, provide:

"Section 1. Legislative declaration. (1) The general assembly recognizes that sexual assaults pose unique problems of great magnitude facing many Colorado citizens and that victims of sexual assault suffer physical, psychological, emotional, and financial injury as a result of their victimization. Because of the fear and stigma that often result from these crimes, many victims hesitate to seek help even when it is available at no cost to them. As a result,

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victims not only fail to receive necessary medical care and emergency counseling but they lack the psychological motivation and support necessary to report the crime and aid in any criminal investigation. The general assembly, therefore, recognizes the need for a more sensitive and unbiased approach in dealing with sexual assault victims and in investigating and prosecuting such crimes.

"(2) The general assembly, therefore, declares that, in order to ensure the prevention and reduction of crime and to ensure the safety, health, and welfare of all Coloradans, it is necessary to revise statutes governing the provision of medical treatment for sexual assault victims and the methods applied by law enforcement in investigating and prosecuting sexual offenses."

"Section 9. **Effective date--applicability.** This act shall take effect July 1, 1995, and shall apply to offenses committed on or after said date."

Laws 1996, H.B.96-1006, § 16, in par. (2)(m), substituted "family child care home, foster care home" for "family care home, employer-sponsored on-site child care center".

Laws 1996, H.B.96-1019, § 8, in subsec. (2.5), in the introductory portion, deleted the second sentence, which read: "For purposes of this subsection (2.5) only, 'sexual conduct' means any of the following:"; and deleted pars. (2.5)(a) to (2.5)(d), which read:

"(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;

"(b) Penetration of the vagina or rectum by any object;

"(c) Masturbation;

"(d) Sexual sadomasochistic abuse."

The 1997 amendment, in par. (2)(v), substituted "Firefighter" for "Fireman".

Laws 2001, Ch. 68, § 1, in subsec. (2), added paragraphs (x), (y) and (z).

Laws 2002, Ch. 177, § 2, and Laws 2002, Ch. 322, § 30, made identical amendments and in subsec. (1), inserted "upon receiving such information" before "report or cause a report".

Laws 2002, Ch. 295, § 1 added par. (2)(aa).

Section 4 of Laws 2002, Ch. 295 provides:

"**Effective date--applicability.** This act shall take effect upon passage and shall apply to reasonable cause acquired on or after said date; except that section 2 of this act shall only take effect if Senate Bill 02-020 is enacted by the Sixty-third General Assembly and becomes law."

Senate Bill 02-020 was signed on May 6, 2002 and became Chapter 137, effective August 7, 2002.

Laws 2002, Ch. 318, § 2, amended and relocated Article 1.3 of Title 18, effective October 1, 2002, from provisions formerly located in Articles 7, 8, 9, 11, 11.5, 13, and 18.5 of Title 16, Articles 26, 27, 27.8, and 27.9 of Title 17, and Articles 1 and 4 of Title 18. Section 231 of that Act made conforming amendments to this section.

Section 31 of Laws 2002, Ch. 322 provides:

"**Effective date--applicability.** This act shall take effect July 1, 2002, and shall apply to offenses committed on or after said date with the following exceptions: (1) If House Bill 02-1292 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law, sections 25 and 26 shall take effect July 1, 2002, and shall

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apply to offenses committed on or after said date; (2) If House Bill 02-1292 is not enacted at the Second Regular Session of the Sixty-third General Assembly or does not become law, sections 25 and 26 shall take effect July 1, 2003, and shall apply to offenses committed on or after said date; (3) Sections 27 and 28 shall only take effect if Senate Bill 02-039, is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law; and, (4) Section 15 shall take effect only if Senate Bill 02-039, is not enacted at the Second Regular Session of the Sixty-third General Assembly or does not become law."

Laws 2003, Ch. 48, § 1 rewrote par. (2)(m) which prior thereto read:

"Social worker or worker in a family child care home, foster care home, or child care center as defined in [section 26-6-102, C.R.S.](#)";

and added par. (2)(bb).

Laws 2003, Ch. 48, § 1 and Laws 2003, Ch. 51, § 1 both added a par. (2)(bb). On revision, par. (2)(bb) as added by Laws 2003, Ch. 48, § 1, was renumbered as par. (2)(cc).

Laws 2003, Ch. 51, § 1 added par. (2)(bb).

Laws 2003, Ch. 242, § 18 in par. (2)(s) substituted "described" for "defined" and "16-2.5-101" for "18-1-901(3)(1)".

Derivation:

C.R.S.1963, § 22-1-1 et seq., 22-2-1 et seq., 22-10-1 et seq., 22-11-1 et seq., 22-13-1 et seq.

Laws 1967, H.B.1001, § 1.

Laws 1969, S.B.57, § 1.

Laws 1975, H.B.1482, § 1.

CROSS REFERENCES

Child mental health treatment, assessment for abuse or neglect, see [§ 27-10.3-104](#).

Petition initiation, see [§ 19-3-501](#).

Reporting child abuse, see [§ 18-6-401](#).

"Sexual conduct" defined, see [§ 19-1-103](#).

Teachers, reporting child abuse, see [§ 22-32-109](#).

LAW REVIEW AND JOURNAL COMMENTARIES

Felony Sex Offender Sentencing. Philip Cherner, 33-Dec. Colo.Law. 11 (2004).

Guardians Ad Litem in Domestic Relations Court. Doris B. Truhlar and Wadine Gehrke, 20 Colo.Law. 1833 (1991).

Medical Diagnosis as a Gateway to the Child Welfare System. Dr. Donald Bross, 65 Den.U.L.Rev. 213 (1988).

Privileged Communications: Limitations on Confidentiality. 10 Colo.Law. 1045 (1981).

Representation of D & N Respondents: A Balanced Approach. David C. Hoskins, 21 Colo.Law. 49 (1992).

Representing the Mentally Retarded or Disabled Parent. 11 Colo.Law. 693 (1982).

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LIBRARY REFERENCES

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Infants k13.5.
Westlaw Topic No. 211.

RESEARCH REFERENCES

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Encyclopedias

[15 Am. Jur. 2d Civil Rights § 70](#), Particular Rights as Subject of Action.

Treatises and Practice Aids

[15 Colorado Practice Series § 19.24](#), Parent-Child Privilege.

[15 Colorado Practice Series § 19.25](#), Patient-Physician and Patient-Therapist Privilege.


[15 Colorado Practice Series § 19.26](#), Psychologist, Counselor, Therapist or Social Worker Privilege.


[15 Colorado Practice Series § 19.27](#), Reports of Child Abuse.

NOTES OF DECISIONS


Construction and application [1](#) **Effect of reporting [2](#)** **Privileged communications [3](#)**

[1](#). Construction and application

Difference in treatment accorded to reports of intrafamilial child abuse and neglect, and reports of institutional or third-party child abuse or neglect under Child Protection Act, which established central registry listing perpetrators of child abuse and neglect, did not negate mandatory reporting requirements of registry of confirmed intrafamilial child abuse or neglect. [M.G. v. Colorado Dept. of Human Services, Central Registry, App.2000, 12 P.3d 815](#), certiorari denied. Infants  132


Protective orders prohibiting district attorney and law enforcement officials from questioning parents regarding alleged sexual abuse of children and prohibiting use in any criminal or civil proceeding of any statement made by such parents to therapist during the course of the treatment plans ordered by the court could be implemented without violating requirement of statute that specified categories of persons make child abuse reports, where in each case suspicions of sexual abusive conduct had been reported and the children adjudicated dependent or neglected. [People v. District Court for Colorado's Seventeenth Judicial Dist., 1987, 731 P.2d 652](#). Infants  221


[2](#). Effect of reporting

Requirement that certain mental health professionals report suspected incidents of child abuse or neglect does not, by itself, render those professionals agents of law enforcement officials, for purposes of determining voluntariness of statements made to those professionals. [People v. Bowman, App.1991, 812 P.2d 725](#). Criminal Law  412.1(2)

[3](#). Privileged communications

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Psychologist-client privilege does not apply to any communication that is basis for report of child abuse or neglect to county department of social services or local law enforcement agency. [Dill v. People, 1996, 927 P.2d 1315](#), rehearing denied. Witnesses  214.5

Privilege for communications between psychologist and child during therapy sessions after psychologist's report of child abuse was not abrogated by commencement of legal proceedings based upon report. [Dill v. People, 1996, 927 P.2d 1315](#), rehearing denied. Witnesses  214.5

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Current through Chapter 230 and Chapter 261 of the First Regular Session of 65th General Assembly.

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