

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 20-0676.01 Brita Darling x2241

HOUSE BILL 20-1147

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A BILL FOR AN ACT

101 **CONCERNING ALLOWING CHILDREN REASONABLE INDEPENDENCE TO**
102 **ENGAGE IN ACTIVITIES WITHOUT FINDING THAT THE CHILD IS**
103 **ABUSED OR NEGLECTED.**

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>.)

Under current law, a child is neglected or dependent if the child's environment is injurious to the child's welfare. The bill clarifies that the child's environment is injurious to the child's welfare because the child's parent has placed the child in or failed to remove the child from a situation that a reasonable person would realize requires judgment or

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

HOUSE
3rd Reading Unamended
February 27, 2020

HOUSE
Amended 2nd Reading
February 24, 2020

actions beyond the child's level of maturity, physical condition, or mental ability and that results in bodily injury or a substantial risk of immediate and grave harm as a result of a blatant disregard of parent or caretaker responsibilities.

A child is not neglected or dependent if a child who is of sufficient maturity, physical condition, and mental ability is left by the child's parent, guardian, or legal custodian, under conditions that are reasonably deemed safe and secure sufficient to avoid substantial risk of physical harm, to engage in independent activities specified in the bill.

The bill amends the criminal code to reflect that a person does not commit child abuse if the person is exercising reasonable judgment in allowing a child to engage in independent activities as described in language added to the dependency or neglect statute in the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **amend**
3 (78) as follows:

4 **19-1-103. Definitions.** As used in this title 19 or in the specified
5 portion of this title 19, unless the context otherwise requires:

6 (78) (a) "Neglect", as used in part 3 of article 3 of this title, means
7 acts that can reasonably be construed to fall under the definition of child
8 abuse or neglect as defined in subsection (1) of this section.

9 (b) A CHILD IS NOT NEGLECTED WHEN ALLOWED TO PARTICIPATE
10 IN INDEPENDENT ACTIVITIES THAT A REASONABLE AND PRUDENT PARENT
11 WOULD CONSIDER SAFE GIVEN THE CHILD'S MATURITY, CONDITION, AND
12 ABILITIES, INCLUDING BUT NOT LIMITED TO:

13 (I) TRAVELING TO AND FROM SCHOOL, INCLUDING WALKING,
14 RUNNING, BICYCLING, OR OTHER SIMILAR MODE OF TRAVEL;

15 (II) TRAVELING TO AND FROM NEARBY COMMERCIAL OR
16 RECREATIONAL FACILITIES;

17 (III) ENGAGING IN OUTDOOR PLAY; AND

18 (IV) REMAINING AT HOME UNATTENDED.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2020 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.