

Colorado Mandatory Reporting
18-6.5-108, Colorado Revised Statute
(Effective until 07/01/2024)

(1) (a) On and after July 1, 2016, a person specified in paragraph (b) of this subsection (1) who observes the mistreatment of an at-risk elder or an at-risk adult with IDD, or who has reasonable cause to believe that an at-risk elder or an at-risk adult with IDD has been mistreated or is at imminent risk of mistreatment, shall report such fact to a law enforcement agency not more than twenty-four hours after making the observation or discovery.

(b) The following persons, whether paid or unpaid, shall report as required by subsection (1) (a) of this section:

- (I)** Any person providing health care or health-care-related services, including general medical, surgical, or nursing services; medical, surgical, or nursing specialty services; dental services; vision services; pharmacy services; chiropractic services; naturopathic medicine services; or physical, occupational, musical, or other therapies;
- (II)** Hospital and long-term care facility personnel engaged in the admission, care, or treatment of patients;
- (III)** First responders including emergency medical service providers, fire protection personnel, law enforcement officers, and persons employed by, contracting with, or volunteering with any law enforcement agency, including victim advocates;
- (IV)** Medical examiners and coroners;
- (V)** Code enforcement officers;
- (VI)** Veterinarians;
- (VII)** Psychologists, addiction counselors, professional counselors, marriage and family therapists, and unlicensed psychotherapists, as those persons are defined in article 245 of title 12;
- (VIII)** Social workers, as defined in part 4 of article 245 of title 12;
- (IX)** Staff of community-centered boards;
- (X)** Staff, consultants, or independent contractors of service agencies as defined in section 25.5-10-202(34), C.R.S.;
- (XI)** Staff or consultants for a licensed or unlicensed, certified or uncertified, care facility, agency, home, or governing board, including but not limited to long-term care facilities, home care agencies, or home health providers;
- (XII)** Staff of, or consultants for, a home care placement agency, as defined in section 25-27.5-102(5), C.R.S.;
- (XIII)** Persons performing case management or assistant services for at-risk elders or at-risk adults with IDD;
- (XIV)** Staff of county departments of human or social services;
- (XV)** Staff of the state departments of human services, public health and environment, or health care policy and financing;
- (XVI)** Staff of senior congregate centers or senior research or outreach organizations;

(XVII) Staff, and staff of contracted providers, of area agencies on aging, except attorneys at law providing legal assistance to individuals pursuant to a contract with an area agency on aging, the staff of such attorneys at law, and the long-term care ombudsmen;

(XVIII) Employees, contractors, and volunteers operating specialized transportation services for at-risk elders and at-risk adults with IDD;

(XIX) Court-appointed guardians and conservators;

(XX) Personnel at schools serving persons in preschool through twelfth grade;

(XXI) Clergy members; except that the reporting requirement described in paragraph (a) of this subsection (1) does not apply to a person who acquires reasonable cause to believe that an at-risk elder or an at-risk adult with IDD has been mistreated or has been exploited or is at imminent risk of mistreatment or exploitation 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; And

(XXII) (a) Personnel of banks, savings and loan associations, credit unions, and other lending or financial institutions who directly observe in person the mistreatment of an at-risk elder or who have reasonable cause to believe that an at-risk elder has been mistreated or is at imminent risk of mistreatment; and

(b) Personnel of banks, savings and loan associations, credit unions, and other lending or financial institutions who directly observe in person the mistreatment of an at-risk adult with IDD or who have reasonable cause to believe that an at-risk adult with IDD has been mistreated or is at imminent risk of mistreatment by reason of actual knowledge of facts or circumstances indicating the mistreatment.

(c) A person who willfully violates subsection (1) (a) of this section commits a class 2 misdemeanor and shall be punished in accordance with section 18-1.3-501.

(d) Notwithstanding the provisions of paragraph (a) of this subsection (1), a person described in paragraph (b) of this subsection (1) is not required to report the mistreatment of an at-risk elder or an at-risk adult with IDD if the person knows that another person has already reported to a law enforcement agency the same mistreatment that would have been the basis of the person's own report.

(2) (a) A law enforcement agency that receives a report of mistreatment of an at-risk elder or an at-risk adult with IDD shall acquire, to the extent possible, the following information from the person making the report:

(I) The name, age, address, and contact information of the at-risk elder or at-risk adult with IDD;

(II) The name, age, address, and contact information of the person making the report;

(III) The name, age, address, and contact information of the caretaker of the at-risk elder or at-risk adult with IDD, if any;

(IV) The name of the alleged perpetrator;

- (V) The nature and extent of any injury, whether physical or financial, to the at-risk elder or at-risk adult with IDD;
- (VI) The nature and extent of the condition that required the report to be made; and
- (VII) Any other pertinent information.

Definitions

"Abuse" means any of the following acts or omissions committed against an at-risk person:

- (a) The nonaccidental infliction of bodily injury, serious bodily injury, or death;
- (b) Confinement or restraint that is unreasonable under generally accepted caretaking standards; or
- (c) Subjection to sexual conduct or contact classified as a crime under this title.

"At-risk adult" means any person who is seventy years of age or older.

"At-risk adult with IDD" means a person who is eighteen years of age or older and is a person with an intellectual and developmental disability, as defined in section 25.5-10-202(26) (a), C.R.S.

"At-risk elder" means any person who is seventy years of age or older

"Caretaker" means a person who:

- (a) Is responsible for the care of an at-risk person as a result of a family or legal relationship;
- (b) Has assumed responsibility for the care of an at-risk person; or
- (c) Is paid to provide care or services to an at-risk person.

"Caretaker neglect" means neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, habilitation, supervision, or any other treatment necessary for the health or safety of an at-risk person is not secured for an at-risk person or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise, or a caretaker knowingly uses harassment, undue influence, or intimidation to create a hostile or fearful environment for an at-risk person. Any person who knowingly commits caretaker neglect against an at-risk person or knowingly acts in a manner likely to be injurious to the physical or mental welfare of an at-risk person commits a class 1 misdemeanor. A person who unlawfully abandons an at-risk person commits a class 1 misdemeanor.

"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.

"Exploitation" means an act or omission committed by a person who:

- (a) Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk person of the use, benefit, or possession of anything of value;
- (b) Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the at-risk person;
- (c) Forces, compels, coerces, or entices an at-risk person to perform services for the profit or advantage of the person or another person against the will of the at-risk person; or
- (d) Misuses the property of an at-risk person in a manner that adversely affects the at-risk person's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

"Mistreated" or "mistreatment" means:

- (a) Abuse;
- (b) Caretaker neglect; or
- (c) Exploitation.

"Undue influence" means the use of influence to take advantage of an at-risk person's vulnerable state of mind, neediness, pain, or emotional distress.

"Unlawful abandonment" means the intentional and unreasonable desertion of an at-risk person in a manner that endangers the safety of that person.