

**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.