

Problem: Mandated reporting by medical providers can disregard the individual liberties afforded to adults and reinforces harmful stereotypes of victims as passive and helpless. Under current law, medical professionals must report injuries arising from domestic violence to law enforcement **regardless of the patient's wishes**. This dated practice has now been well researched and has been found that it can actually jeopardize a victim's safety

Solution: Allow medical professionals to work with their patients to access medical care and additional resources regardless of an adult patients' choice to participate within the criminal justice system.

What This Bill Does

- **Restores self-autonomy** and dignity for adult victims by creating an option for a domestic violence victim to confide in their medical provider to access support and advocacy services
- **Allows a victim to safely receive medical care, and support from free and confidential domestic violence advocacy services**
- Limits the changes to only adult survivors who are able to make their own decision as to their care and reporting options. **This bill does not change reporting requirements for child abuse, serious bodily injury, or gunshot wounds /stab wounds, etc.**
- Removes the penalty for a medical licensee who does not report injuries resulting from domestic violence only when the patient requests they do not wish to report and the licensee has referred the patient to professional and confidential advocacy resources

Why We Need These Changes

Mandated reporting fails to address safety concerns and the risk of retaliation from an abusive intimate partner. The effectiveness of mandated reporting on prosecution rates or increased victim safety has been inconclusive over the past 20 years. However recent national studies, including **interviews with victims themselves, have clearly documented many unforeseen and unintended consequences** of the well intentioned law.¹

“It is always the beginning when a women reports, not the end.” Reporting injuries and arresting a batterer may not stop the violence in the relationship.² Reporting is the first step into a criminal justice system response. Recent changes in bond schedules typically result in the batterer being released a day or hours after an arrest if the citation is issued in a Colorado municipal court. Further, mandatory reporting by health care professionals poses particular obstacles for undocumented victims or victims who may have previously not found solutions from the criminal justice system.³

Victims need time to create a plan for their safety, which may include finding housing, protecting children from abuse or abduction, speaking to an advocate or attorney, and creating a plan for financial self-sufficiency. Forcing a victim to report before they are ready to do so can be dangerous.⁴

Please email CCADV for citations and further information on the research publications.

For more information please contact:

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Organizations in support:

