

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0319.01 Brita Darling x2241

SENATE BILL 18-162

SENATE SPONSORSHIP

Martinez Humenik, Merrifield, Priola

HOUSE SPONSORSHIP

Buckner and Wilson, Pettersen

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING SUBSTITUTE CHILD CARE PROVIDERS.**

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/>.)

Early Childhood and School Readiness Legislative Commission. The bill creates a license within the department of human services (department) for a substitute placement agency that places or that facilitates or arranges placement of substitute child care providers in licensed child care facilities providing less than 24-hour care.

The bill requires the state board of human services to establish rules for substitute child care providers and substitute placement agencies,

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.

including a requirement that substitute child care providers submit to a fingerprint-based criminal history records check and a review of records of child abuse and neglect maintained by the department.

The bill allows the department to establish and collect a fee for licensing substitute placement agencies.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-6-102, **amend**
3 (37); and **add** (37.5) as follows:

4 **26-6-102. Definitions.** As used in this article 6, unless the context
5 otherwise requires:

6 (37) "Substitute child care provider" means a person who provides
7 temporary care for a child or children in a LICENSED CHILD CARE
8 FACILITY, INCLUDING A CHILD CARE CENTER AND A family child care
9 home. ~~or homes in the absence of the licensed provider for more than~~
10 ~~fourteen days or one hundred twelve hours in any calendar year.~~

11 (37.5) "SUBSTITUTE PLACEMENT AGENCY" MEANS ANY
12 CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, AGENCY, OR
13 INSTITUTION THAT PLACES OR THAT FACILITATES OR ARRANGES
14 PLACEMENT OF SHORT-TERM OR LONG-TERM SUBSTITUTE CHILD CARE
15 PROVIDERS IN LICENSED CHILD CARE FACILITIES PROVIDING LESS THAN
16 TWENTY-FOUR-HOUR CARE.

17 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
18 **with amendments,** 26-6-103.3 as follows:

19 **26-6-103.3. Substitute child care providers - substitute**
20 **placement agency - licensing - rules.** (1) SUBSTITUTE PLACEMENT
21 AGENCIES ARE SUBJECT TO THE REQUIREMENTS OF THIS PART 1. THE STATE
22 DEPARTMENT SHALL LICENSE SUBSTITUTE PLACEMENT AGENCIES TO PLACE
23 OR FACILITATE OR ARRANGE FOR THE PLACEMENT OF SHORT-TERM AND

1 LONG-TERM SUBSTITUTE CHILD CARE PROVIDERS IN LICENSED FACILITIES
2 PROVIDING LESS THAN TWENTY-FOUR-HOUR CARE.

3 (2) THE STATE BOARD SHALL PROMULGATE RULES FOR SUBSTITUTE
4 PLACEMENT AGENCIES AND SUBSTITUTE CHILD CARE PROVIDERS. AT A
5 MINIMUM, STATE BOARD RULES MUST REQUIRE THAT THE SUBSTITUTE
6 CHILD CARE PROVIDER DEMONSTRATE THAT HE OR SHE HAS THE TRAINING
7 AND CERTIFICATION FOR THE CHILD CARE LICENSE TYPE AND POSITION IN
8 WHICH THE SUBSTITUTE CHILD CARE PROVIDER IS PLACED. PURSUANT TO
9 SECTION 26-6-107 (1)(a)(I)(C), EACH SUBSTITUTE CHILD CARE PROVIDER
10 SHALL PAY FOR AND SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY
11 RECORDS CHECK AND A REVIEW OF THE RECORDS AND REPORTS OF CHILD
12 ABUSE OR NEGLECT MAINTAINED BY THE STATE DEPARTMENT TO
13 DETERMINE WHETHER THE SUBSTITUTE CHILD CARE PROVIDER HAS BEEN
14 FOUND TO BE RESPONSIBLE IN A CONFIRMED REPORT OF CHILD ABUSE OR
15 NEGLECT. THE SUBSTITUTE PLACEMENT AGENCY SHALL NOT PLACE A
16 SUBSTITUTE CHILD CARE PROVIDER WHO IS CONVICTED OF ANY OF THE
17 CRIMES SPECIFIED IN SECTION 26-6-104 (7) OR SECTION 26-6-108.

18 **SECTION 3.** In Colorado Revised Statutes, 26-6-105, **amend**
19 (1)(a)(IX) and (1)(a)(X); and **add** (1)(a)(XI) as follows:

20 **26-6-105. Fees - when original applications, reapplications,**
21 **and renewals for licensure are required - creation of child care**
22 **licensing cash fund.** (1) (a) The state department is hereby authorized to
23 establish, pursuant to rules promulgated by the state board, permanent,
24 time-limited, and provisional license fees and fees for continuation or
25 renewal, whichever is applicable, of a license for the following types of
26 child care arrangements:

27 (IX) Specialized group facilities; ~~and~~

1 (X) Children's resident camps; AND

2 (XI) SUBSTITUTE PLACEMENT AGENCIES.

3 **SECTION 4. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2018 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.