

CHAPTER 124

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 18-162

BY SENATOR(S) Martinez Humenik, Merrifield, Priola, Crowder, Fields, Gardner, Kefalas, Moreno, Todd;
also REPRESENTATIVE(S) Buckner and Wilson, Pettersen, Valdez, Young.

AN ACT**CONCERNING SUBSTITUTE CHILD CARE PROVIDERS.**

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

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

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

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

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

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

26-6-103.3. Substitute child care providers - substitute placement agency - licensing - rules. (1) SUBSTITUTE PLACEMENT AGENCIES ARE SUBJECT TO THE REQUIREMENTS OF THIS PART 1. THE STATE DEPARTMENT SHALL LICENSE

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SUBSTITUTE PLACEMENT AGENCIES TO PLACE OR FACILITATE OR ARRANGE FOR THE PLACEMENT OF SHORT-TERM AND LONG-TERM SUBSTITUTE CHILD CARE PROVIDERS IN LICENSED FACILITIES PROVIDING LESS THAN TWENTY-FOUR-HOUR CARE.

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

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

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

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

(X) Children's resident camps; AND

(XI) SUBSTITUTE PLACEMENT AGENCIES.

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

Approved: April 12, 2018