

CHAPTER 16

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 00-051

BY SENATORS Tebedo, Arnold, Linkhart, Pascoe, Wham, Hernandez, Martinez, Nichol, Phillips, Reeves, Rupert, and Weddig; also REPRESENTATIVES Spradley, Alexander, Hefley, Tupa, S. Williams, Coleman, Gagliardi, Mace, McKay, Plant, Saliman, Tochtrop, and Windels.

AN ACT

CONCERNING CHILD CARE.

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

SECTION 1. 26-2-714 (9), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-2-714. County block grants formula - use of moneys. (9) (c) A COUNTY MAY MAKE A TRANSFER AUTHORIZED BY PARAGRAPH (a) OF THIS SUBSECTION (9), WITHIN THE LIMITATIONS IMPOSED BY STATE AND FEDERAL LAW ON SUCH TRANSFERS, IN ORDER TO FUND VARIOUS PROGRAMS FOR THE IMPROVEMENT OF CHILD CARE. SUCH TRANSFERS MAY BE USED FOR MINOR REMODELING OF LICENSED CHILD CARE FACILITIES OR FACILITIES LEGALLY EXEMPT FROM LICENSING REQUIREMENTS PURSUANT TO SECTION 26-6-103 (1), INCLUDING BUT NOT LIMITED TO PHYSICAL MODIFICATIONS FOR THE PURPOSE OF LICENSURE OR ACCREDITATION, CONSTRUCTION OR IMPROVEMENT OF FENCING OR OTHER SAFETY AND SECURITY FIXTURES OR OTHER USES NOT PROHIBITED UNDER 42 U.S.C. SEC. 1397d.

SECTION 2. Part 1 of article 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-6-116. Child care resource and referral system - created - rules. (1) THE STATE DEPARTMENT SHALL DESIGN AND DEVELOP A CHILD CARE RESOURCE AND REFERRAL SYSTEM, REFERRED TO IN THIS SECTION AS THE "SYSTEM", TO ASSIST IN PROMOTING AVAILABILITY, ACCESSABILITY, AND QUALITY OF CHILD CARE SERVICES IN COLORADO. THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL HAVE THE AUTHORITY, WITHIN AVAILABLE APPROPRIATIONS, TO DESIGNATE A PUBLIC OR PRIVATE ENTITY THAT SHALL BE RESPONSIBLE FOR THE ADMINISTRATION OF THE

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

SYSTEM, AND MAY ENTER INTO A CONTRACT WITH THE ADMINISTERING ENTITY FOR SUCH PURPOSE. THE EXECUTIVE DIRECTOR SHALL DESIGNATE OR REDESIGNATE SUCH ADMINISTERING ENTITY ON A BIENNIAL BASIS.

(2) THE STATE DEPARTMENT SHALL REPORT TO THE MEMBERS OF THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY CONCERNING THE CHILD CARE RESOURCE AND REFERRAL SYSTEM BY DECEMBER 1, 2001, AND BY EACH DECEMBER 1 THEREAFTER. THE REPORT SHALL SPECIFY, AT A MINIMUM, THE ENTITY THAT THE STATE DEPARTMENT HAS CURRENTLY DESIGNATED TO ADMINISTER THE SYSTEM AND THE QUALIFICATIONS OF THAT ENTITY TO SERVE IN SUCH CAPACITY, THE TYPES OF SERVICES THAT ARE BEING PROVIDED PURSUANT TO THE SYSTEM, THE NUMBERS AND TYPES OF PERSONS RECEIVING SUCH SERVICES, AND THE COST ASSOCIATED WITH THE SYSTEM.

SECTION 3. 26-6-102 (4), Colorado Revised Statutes, is amended, and the said 26-6-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

(2.5) (a) "DAY TREATMENT CENTER" MEANS A FACILITY THAT:

(I) PROVIDES LESS THAN TWENTY-FOUR-HOUR CARE FOR GROUPS OF FIVE OR MORE CHILDREN WHO ARE:

(A) FIVE YEARS OF AGE OR OLDER, BUT LESS THAN EIGHTEEN YEARS OF AGE; OR

(B) LESS THAN TWENTY-ONE YEARS OF AGE AND WHO ARE PLACED IN THE PROGRAM BY COURT ORDER PRIOR TO THEIR EIGHTEENTH BIRTHDAY; AND

(II) PROVIDES A STRUCTURED PROGRAM OF VARIOUS TYPES OF PSYCHO-SOCIAL AND BEHAVIORAL TREATMENT TO PREVENT OR REDUCE THE NEED FOR PLACEMENT OF THE CHILD OUT OF THE HOME OR COMMUNITY.

(b) "DAY TREATMENT CENTER" SHALL NOT INCLUDE SPECIAL EDUCATION PROGRAMS OPERATED BY A PUBLIC OR PRIVATE SCHOOL SYSTEM OR PROGRAMS THAT ARE LICENSED BY OTHER RULES OF THE DEPARTMENT FOR LESS THAN TWENTY-FOUR-HOUR CARE OF CHILDREN, SUCH AS A CHILD CARE CENTER.

(4) "Family child care home" means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen years who are not related to the head of such home. "FAMILY CHILD CARE HOME" MAY INCLUDE INFANT-TODDLER CHILD CARE HOMES, LARGE CHILD CARE HOMES, EXPERIENCED PROVIDER CHILD CARE HOMES, AND SUCH OTHER TYPES OF FAMILY CHILD CARE HOMES DESIGNATED BY RULES OF THE STATE BOARD PURSUANT TO SECTION 26-6-106 (2) (p), AS THE STATE BOARD DEEMS NECESSARY AND APPROPRIATE.

(10) (a) "SPECIALIZED GROUP FACILITY" MEANS A FACILITY SPONSORED AND

SUPERVISED BY A COUNTY DEPARTMENT OR A LICENSED CHILD PLACEMENT AGENCY FOR THE PURPOSE OF PROVIDING TWENTY-FOUR-HOUR CARE FOR FIVE OR MORE CHILDREN, BUT FEWER THAN TWELVE CHILDREN, WHOSE SPECIAL NEEDS CAN BEST BE MET THROUGH THE MEDIUM OF A SMALL GROUP AND WHO ARE:

(I) AT LEAST THREE YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE; OR

(II) LESS THAN TWENTY-ONE YEARS OF AGE AND WHO ARE PLACED BY COURT ORDER PRIOR TO THEIR EIGHTEENTH BIRTHDAY.

(b) "SPECIALIZED GROUP FACILITY" INCLUDES SPECIALIZED GROUP HOMES AND SPECIALIZED GROUP CENTERS.

SECTION 4. 26-6-104 (1), Colorado Revised Statutes, is amended to read:

26-6-104. Licenses - out-of-state notices and consent. (1) No person shall operate any agency or facility defined in this part 1 without first being licensed to operate or maintain such agency or facility by the department and paying the fee prescribed therefor. Such license issued by the department shall be permanent unless otherwise revoked or suspended pursuant to section 26-6-108; EXCEPT THAT THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES REQUIRING THE RECERTIFICATION OF FOSTER CARE HOMES EVERY THREE YEARS AND SETTING FORTH THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH SUCH RECERTIFICATION. A person operating a foster care home shall not obtain a license if such person holds a certificate to operate such home from any county department or a child placement agency licensed under the provisions of this part 1. Said certificate shall be in such form as prescribed and provided by the department, shall certify that such person is a suitable person to operate a home, and shall contain such information as the department requires. ~~The state board of human services shall promulgate rules requiring the recertification of foster care homes every three years and the procedural requirements associated with such recertification.~~ A placement agency issuing or renewing any such certificate shall transmit a copy or report thereof to the department. No foster care home shall be certified by more than one placement agency or county department. A foster care home, when certified by a placement agency or county department, may receive for care a child from sources other than the certifying agency or county department upon the written consent and approval of the agency or county department as to each such child. All such certificates shall be considered licenses for the purpose of this part 1, including but not limited to the investigation and criminal background checks required under section 26-6-107.

SECTION 5. 26-6-105 (1) (a) (I), (2) (b) (I) (D), and (2) (b) (I) (E), Colorado Revised Statutes, are amended, and the said 26-6-105 (1) (a) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUB-PARAGRAPHS, to read:

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

(I) Family child care homes, INCLUDING ANY SPECIAL TYPE OF FAMILY CHILD CARE HOME DESIGNATED BY RULES OF THE STATE BOARD PURSUANT TO SECTION 26-6-106 (2) (p), BUT excluding homes certified by county departments or child placement agencies;

(VII) HOMELESS YOUTH SHELTERS;

(VIII) DAY TREATMENT CENTERS; AND

(IX) SPECIALIZED GROUP FACILITIES.

(2) (b) (I) An original application shall be required:

(D) When a family or person plans to open a family child care home, INCLUDING ANY SPECIAL TYPE OF FAMILY CHILD CARE HOME DESIGNATED BY RULES OF THE STATE BOARD PURSUANT TO SECTION 26-6-106 (2) (p), or foster care home;

(E) When a family or person who operates a family child care HOME, INCLUDING ANY SPECIAL TYPE OF FAMILY CHILD CARE HOME DESIGNATED BY RULES OF THE STATE BOARD PURSUANT TO SECTION 26-6-106 (2) (p), or foster care home moves to a new residence.

SECTION 6. 26-6-106 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-6-106. Standards for facilities and agencies. (2) Standards prescribed by such rules shall be restricted to:

(p) RULES GOVERNING DIFFERENT TYPES OF FAMILY CHILD CARE HOMES, AS THAT TERM IS DEFINED IN SECTION 26-6-102 (4), AS WELL AS ANY OTHER TYPES OF FAMILY CHILD CARE HOMES THAT MAY BY NECESSITY BE ESTABLISHED BY RULE OF THE STATE BOARD.

SECTION 7. 26-6-107 (1) (a) (I), Colorado Revised Statutes, is amended to read:

26-6-107. Investigations and inspections - local authority - reports. (1) (a) (I) The department shall investigate and pass on each original application for a license, and each application for a permanent license following the issuance of a probationary or provisional license, to operate a facility or an agency prior to granting such license. As part of such investigation, the department shall require each applicant, owner, employee, newly hired employee, licensee, and any adult who resides in the licensed facility to obtain a criminal record check by reviewing any record that shall be used to assist the department in ascertaining whether the person being investigated has been convicted of any of the criminal offenses specified in section 26-6-104 (7) or any other felony. The state board of human services shall promulgate rules that define and identify what the criminal background check shall entail. Such rules shall allow an exemption from the criminal background investigation AND THE STATE CENTRAL REGISTRY OF CHILD PROTECTION INVESTIGATION for those OUT-OF-STATE employees working IN COLORADO at a ~~children~~ CHILDREN'S resident camp in a temporary capacity for ~~less~~ FEWER than ninety days. Each person so exempted from fingerprinting AND THE STATE CENTRAL

REGISTRY OF CHILD PROTECTION INVESTIGATION shall sign a statement that affirmatively states that he or she has not been convicted of any charge of child abuse, unlawful sexual offense, or any felony. Prospective employers of such exempted persons shall conduct reference checks of the prospective employees in order to verify previous work history and shall conduct personal interviews with each such prospective employee. The rules shall require the criminal background check in all other circumstances to include a fingerprint check through the Colorado bureau of investigation. As part of said investigation, the state central registry of child protection shall be accessed to determine whether the owner, applicant, employee, newly hired employee, licensee, or individual who resides in the licensed facility being investigated is the subject of a report of known or suspected child abuse. Pursuant to section 19-1-307 (2) (j), C.R.S., information shall be made available if a person's name is on the central registry of child protection, or has been designated as "status pending" pursuant to section 19-3-313, C.R.S. Any change in ownership of a licensed facility or the addition of a new resident adult or newly hired employee to the licensed facility shall require a new investigation as provided for in this section. The state board of human services shall promulgate rules to implement this subparagraph (I).

SECTION 8. 26-6-108.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-6-108.5. Notice of negative licensing action - filing of complaints. (3) THE DEPARTMENT SHALL TRACK AND RECORD COMPLAINTS MADE TO THE DEPARTMENT THAT ARE BROUGHT AGAINST FAMILY CHILD CARE HOMES AND SHALL IDENTIFY WHICH COMPLAINTS WERE BROUGHT AGAINST LICENSED FAMILY CHILD CARE HOMES, AS DEFINED IN SECTION 26-6-102 (4), UNLICENSED FAMILY CHILD CARE HOMES, OR LEGALLY EXEMPT FAMILY CHILD CARE HOMES, AS DEFINED IN 26-6-103 (1) (g).

SECTION 9. 26-6.5-103 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-6.5-103. Program scope. (3) On or before October 1, 1997, the state department of human services, with input from the state department of education, shall designate not more than twelve pilot site agencies to deliver community consolidated child care services for children statewide. Of the pilot site agencies designated, at least one shall be located in each of the following areas of the state to assure adequate geographic distribution: A rural community, an urban community other than the Denver metropolitan area, and a western slope community. The pilot site agencies shall:

(b.5) EXPLORE NEW METHODS OF REGULATING AND DEREGULATING FAMILY CHILD CARE HOMES, AS THEY ARE DEFINED IN SECTION 26-6-102 (4), THAT ARE DESIGNED TO MAINTAIN OR INCREASE CURRENT LEVELS OF SAFETY AND QUALITY WHILE EMPHASIZING AND STRENGTHENING THE RIGHTS AND RESPONSIBILITIES OF PARENTS.

SECTION 10. Effective date. This act shall take effect May 14, 2000.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 10, 2000