

CHAPTER 118

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 08-1229

BY REPRESENTATIVE(S) Weissmann, Frangas, Labuda, McGihon, Merrifield, Middleton, Primavera, Stafford, and Todd;
also SENATOR(S) Boyd, Gibbs, Groff, Kester, Shaffer, Tochtrop, and Ward.

AN ACT

CONCERNING PERSONS WHO PROVIDE TEMPORARY CARE IN A LICENSED FAMILY CHILD CARE HOME.

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

SECTION 1. 26-6-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(10.3) "SUBSTITUTE CHILD CARE PROVIDER" MEANS A PERSON WHO PROVIDES TEMPORARY CARE FOR A CHILD OR CHILDREN IN 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.

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

26-6-103.3. Application of part - substitute child care providers in family child care homes. SUBSTITUTE CHILD CARE PROVIDERS SHALL BE SUBJECT ONLY TO THE REQUIREMENTS OF THIS SECTION AND SHALL BE OTHERWISE EXCLUDED FROM THE REQUIREMENTS OF THIS PART 1. THE STATE BOARD SHALL PROMULGATE RULES FOR CERTIFICATION OF SUBSTITUTE CHILD CARE PROVIDERS. AT A MINIMUM, THE CERTIFICATION PROCESS SHALL REQUIRE THE SUBSTITUTE CHILD CARE PROVIDER TO DEMONSTRATE THAT HE OR SHE HAS APPROPRIATE TRAINING OR CERTIFICATIONS, INCLUDING CHILD SAFETY AND CARDIOPULMONARY RESUSCITATION TRAINING OR CERTIFICATIONS, TO CARE FOR A CHILD IN THE ABSENCE OF THE LICENSED CHILD CARE PROVIDER IN A FAMILY CHILD CARE HOME. THE RULES OF THE STATE BOARD SHALL REQUIRE THAT EACH SUBSTITUTE CHILD CARE PROVIDER, PURSUANT TO

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

SECTION 26-6-107 (a) (I) (C), 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 DEPARTMENT SHALL NOT CERTIFY A SUBSTITUTE CHILD CARE PROVIDER WHO IS CONVICTED OF ANY OF THE CRIMES SPECIFIED IN SECTION 26-6-104 (7) OR WHO IS FOUND TO BE RESPONSIBLE IN A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT. THE STATE BOARD SHALL ESTABLISH BY RULE THE CIRCUMSTANCES UNDER WHICH A LICENSED FAMILY CHILD CARE HOME SHALL BE REQUIRED TO USE A CERTIFIED SUBSTITUTE CHILD CARE PROVIDER IN THE FAMILY CHILD CARE HOME DURING THE LICENSED PROVIDER'S ABSENCE AND A PROCEDURE BY WHICH A LICENSED FAMILY CHILD CARE HOME MAY VERIFY THAT A PERSON IS CERTIFIED TO BE A SUBSTITUTE CHILD CARE PROVIDER PURSUANT TO THIS SECTION.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 10, 2008