

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-1012.01 Jane Ritter x4342

SENATE BILL 21-269

SENATE SPONSORSHIP

Winter and Smallwood,

HOUSE SPONSORSHIP

Michaelson Jenet and Van Beber,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING LICENSING RESPITE CHILD CARE CENTERS.

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>.)

The bill defines "respite child care centers" and includes them in the overall definition of "child care center" for licensing purposes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-6-102, **amend** (5);

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.

1 and **add** (33.5) as follows:

2 **26-6-102. Definitions.** As used in this article 6, unless the context
3 otherwise requires:

4 (5) (a) "Child care center" means a facility, by whatever name
5 known, that is maintained for the whole or part of a day for the care of
6 five or more children, UNLESS OTHERWISE SPECIFIED IN THIS SUBSECTION
7 (5)(a), who are eighteen years of age or younger and who are not related
8 to the owner, operator, or manager thereof, whether the facility is
9 operated with or without compensation for such care and with or without
10 stated educational purposes. The term includes, but is not limited to,
11 facilities commonly known as day care centers, school-age child care
12 centers, before- and after-school programs, nursery schools,
13 kindergartens, preschools, day camps, summer camps, and centers for
14 developmentally disabled children and those facilities that give
15 twenty-four-hour care for children, and includes those facilities for
16 children under ~~the age of~~ six years OF AGE with stated educational
17 purposes operated in conjunction with a public, private, or parochial
18 college or a private or parochial school; except that the term ~~shall~~ DOES
19 not apply to any kindergarten maintained in connection with a public,
20 private, or parochial elementary school system of at least six grades or
21 operated as a component of a school district's preschool program operated
22 pursuant to article 28 of title 22. ~~C.R.S.~~ THE TERM ALSO INCLUDES
23 RESPITE CHILD CARE CENTERS THAT PROVIDE CARE FOR THREE OR MORE
24 CHILDREN OR YOUTH, AS DEFINED IN SUBSECTION (33.5) OF THIS SECTION.

25 (b) The term ~~shall~~ DOES not include any facility licensed as a
26 family child care home, a foster care home, or a specialized group facility
27 that is licensed to provide care for three or more children pursuant to

1 subsection (36) of this section but that is providing care for three or fewer
2 children who are determined to have a developmental disability by a
3 community-centered board or who are diagnosed with a serious emotional
4 disturbance.

5 (33.5) "RESPITE CHILD CARE CENTER" MEANS A FACILITY FOR THE
6 PURPOSE OF PROVIDING TEMPORARY TWENTY-FOUR-HOUR GROUP CARE
7 FOR THREE OR MORE CHILDREN OR YOUTH WHO ARE PLACED IN CERTIFIED
8 FOSTER CARE HOMES OR APPROVED NONCERTIFIED KINSHIP CARE HOMES,
9 AND CHILDREN OR YOUTH WITH OPEN CASES THROUGH A REGIONAL
10 ACCOUNTABLE ENTITY. A RESPITE CHILD CARE CENTER IS NOT A
11 TREATMENT FACILITY, BUT RATHER ITS PRIMARY PURPOSE IS PROVIDING
12 RECREATIONAL ACTIVITIES, PEER ENGAGEMENT, AND SKILL DEVELOPMENT
13 TO THE CHILDREN AND YOUTH IN ITS CARE. A RESPITE CHILD CARE CENTER
14 SERVES CHILDREN AND YOUTH FROM FIVE YEARS OF AGE TO TWENTY-ONE
15 YEARS OF AGE. A RESPITE CHILD CARE CENTER MAY OFFER CARE FOR ONLY
16 PART OF A DAY. FOR PURPOSES OF THIS SUBSECTION (33.5), "RESPITE
17 CHILD CARE" MEANS AN ALTERNATE FORM OF CARE TO ENABLE
18 CAREGIVERS TO BE TEMPORARILY RELIEVED OF CAREGIVING
19 RESPONSIBILITIES.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.