

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 21-269

BY SENATOR(S) Winter and Smallwood, Buckner, Danielson, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Pettersen, Priola, Rankin, Rodriguez, Woodward, Zenzinger;  
also REPRESENTATIVE(S) Michaelson Jenet and Van Beber, Bernett, Bird, Boesenecker, Cutter, Duran, Gonzales-Gutierrez, Hooton, Jackson, Jodeh, Lontine, McCluskie, McCormick, McLachlan, Mullica, Ricks, Sandridge, Valdez D., Young.

CONCERNING LICENSING RESPITE CHILD CARE CENTERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 26-6-102, **amend** (5); and **add** (33.5) as follows:

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

(5) (a) "Child care center" means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children, UNLESS OTHERWISE SPECIFIED IN THIS SUBSECTION (5)(a),

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

who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before-and after-school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give twenty-four-hour care for children, and includes those facilities for children under ~~the age of~~ six years OF AGE with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term ~~shall~~ DOES not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program operated pursuant to article 28 of title 22. ~~C.R.S.~~ THE TERM ALSO INCLUDES RESPITE CHILD CARE CENTERS THAT PROVIDE CARE FOR THREE OR MORE CHILDREN OR YOUTH, AS DEFINED IN SUBSECTION (33.5) OF THIS SECTION.

(b) The term ~~shall~~ DOES not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to subsection (36) of this section but that is providing care for three or fewer children who are determined to have a developmental disability by a community-centered board or who are diagnosed with a serious emotional disturbance.

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

**SECTION 2. Appropriation.** (1) For the 2021-22 state fiscal year, \$14,092 is appropriated to the department of human services for use by the office of information technology services. This appropriation is from the general fund. To implement this act, the office may use this appropriation for Colorado trails.

(2) For the 2021-22 state fiscal year, the general assembly anticipates that the department of human services will receive \$7,260 in federal funds for the office of information technology to implement this act. The appropriation in subsection (1) of this section is based on the assumption that the department will receive this amount of federal funds, which is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year.

**SECTION 3. 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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

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Alec Garnett  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

\_\_\_\_\_  
Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO