

## CHAPTER 194

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**SOCIAL SERVICES**

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**HOUSE BILL 93-1278**

BY REPRESENTATIVES Lyle, Blue, Owen, Pierson, Snyder, and Tanner;  
also SENATOR Bishop.

**AN ACT****CONCERNING BACKGROUND INVESTIGATIONS CONDUCTED FOR THE PURPOSE OF CHILD CARE  
LICENSING BY THE STATE DEPARTMENT OF SOCIAL SERVICES.**

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

**SECTION 1.** 26-6-107 (1) (a) (I), Colorado Revised Statutes, 1989 Repl. Vol., as amended, 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 and each biennial renewal application for a 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, licensee, and any adult who resides in the licensed facility to obtain a criminal record check by reviewing any arrest record which shall be used to assist the department in ascertaining whether the person being investigated has been convicted of any of the following: Child abuse, as specified in section 18-6-401, C.R.S.; an unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S.; or a felony. It is the intent of the general assembly that the department shall require a fingerprint check of each applicant, licensee, owner, adult residing in the licensed facility, and employee of the child care facility or agency; EXCEPT THAT THE DEPARTMENT NEED NOT REQUIRE A FINGERPRINT CHECK OF JUVENILES IF RECORDS ARE NOT AVAILABLE TO BE SEARCHED; AND EXCEPT THAT THE STATE BOARD MAY ADOPT RULES WHICH EXEMPT FROM SAID FINGERPRINTING REQUIREMENTS PERSONS EMPLOYED FOR FEWER THAN NINETY DAYS BY PROGRAMS WHICH ARE IN OPERATION FEWER THAN NINETY DAYS EACH YEAR. When the quality of such person's fingerprints OR WHEN A PHYSICAL AILMENT OF AN INDIVIDUAL WHO IS A RESIDENT OF A FACILITY precludes a search of the arrest file through fingerprints, an arrest history

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

review, as thorough as possible, shall be conducted using the person's name and personal descriptors as required by the Colorado bureau of investigation. Also as part of said investigation, the state central registry of child protection shall be accessed to determine whether the owner, applicant, employee, licensee, or individual who resides in the licensed facility being investigated is the subject of a report of known or suspected child abuse. Any change in ownership of a licensed facility or the addition of a new resident adult to the licensed facility shall require a new investigation as provided for in this section. The department shall promulgate rules and regulations to implement this subparagraph (I).

**SECTION 2. 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: May 6, 1993