

CHAPTER 263

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 99-1374

BY REPRESENTATIVES Berry, Tool, Saliman, Alexander, Coleman, Lawrence, and S. Williams;
also SENATORS Lacy, Owen, Tanner, Hernandez, Linkhart, and Wham.

AN ACT

CONCERNING NEGATIVE LICENSING ACTION AGAINST AN AFFILIATE OF A CHILD CARE LICENSEE AS A
STANDARD FOR THE LICENSURE OF CHILD CARE FACILITIES.

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

SECTION 1. 26-6-102 (1), 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:

(1) ~~"Certification" means the process by which the county department of social services or a child placement agency approves the operation of a foster care home.~~
"AFFILIATE OF A LICENSEE" MEANS:

(a) ANY PERSON OR ENTITY THAT OWNS MORE THAN FIVE PERCENT OF THE OWNERSHIP INTEREST IN THE BUSINESS OPERATED BY THE LICENSEE OR THE APPLICANT FOR A LICENSE; OR

(b) ANY PERSON WHO IS DIRECTLY RESPONSIBLE FOR THE CARE AND WELFARE OF CHILDREN SERVED.

(1.3) "CERTIFICATION" MEANS THE PROCESS BY WHICH THE COUNTY DEPARTMENT OF SOCIAL SERVICES OR A CHILD PLACEMENT AGENCY APPROVES THE OPERATION OF A FOSTER CARE HOME.

(5.7) (a) "NEGATIVE LICENSING ACTION" MEANS A FINAL AGENCY ACTION RESULTING IN THE DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE ISSUED PURSUANT TO THIS PART 1 OR THE DEMOTION OF SUCH A LICENSE TO A PROBATIONARY

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

LICENSE.

(b) FOR THE PURPOSES OF THIS SUBSECTION (5.7), "FINAL AGENCY ACTION" MEANS THE DETERMINATION MADE BY THE DEPARTMENT, AFTER OPPORTUNITY FOR HEARING, TO DENY, SUSPEND, REVOKE, OR DEMOTE TO PROBATIONARY STATUS A LICENSE ISSUED PURSUANT TO THIS PART 1 OR AN AGREEMENT BETWEEN THE DEPARTMENT AND THE LICENSEE CONCERNING THE DEMOTION OF SUCH A LICENSE TO A PROBATIONARY LICENSE.

SECTION 2. 26-6-106 (2) (b), Colorado Revised Statutes, is amended to read:

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

(b) The character, suitability, and qualifications of the applicant for a license and of other persons directly responsible for the care and welfare of children served, INCLUDING WHETHER AN AFFILIATE OF THE LICENSEE HAS EVER BEEN THE SUBJECT OF A NEGATIVE LICENSING ACTION;

SECTION 3. The introductory portion to 26-6-108 (2) and 26-6-108 (2) (1), Colorado Revised Statutes, are amended, and the said 26-6-108 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

26-6-108. Denial of original license - suspension - revocation - probation - refusal to renew license. (2) The department may deny, suspend, revoke, or make probationary the license of any facility regulated and licensed under this part 1 should the licensee, AN AFFILIATE OF THE LICENSEE, A person employed by the licensee, or A person who resides with the licensee:

(1) Admit to an act of child abuse or if substantial evidence is found that the licensee, person employed by the licensee, or person who resides with the licensee in the licensed facility has committed an act of child abuse. For the purposes of this paragraph (1), "child abuse" has the same meaning as that ascribed to the term "abuse" or "child abuse or neglect" in section 19-1-103 (1), C.R.S.; OR

(m) BE THE SUBJECT OF A NEGATIVE LICENSING ACTION.

SECTION 4. 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 29, 1999