

CHAPTER 137

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 06-1271

BY REPRESENTATIVE(S) Jahn, Borodkin, Boyd, Carroll M., Coleman, Hodge, McKinley, and Todd;
also SENATOR(S) Johnson, Keller, Shaffer, Tochtrop, Traylor, Williams, and Windels.

AN ACT**CONCERNING TYPES OF SPECIALIZED FOSTER CARE.**

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

SECTION 1. 26-6-102 (1.5) and the introductory portion to 26-6-102 (10) (a), Colorado Revised Statutes, are amended, and the said 26-6-102 is further 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:

(1.5) "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 who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether such 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 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 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 shall not include any facility licensed as a family child care home, ~~or~~ A foster care home, OR A SPECIALIZED GROUP FACILITY THAT IS LICENSED TO PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO SUBSECTION (10) OF THIS

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, 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.

(10) (a) "Specialized group facility" means a facility sponsored and supervised by a county department or a licensed child placement agency for the purpose of providing twenty-four-hour care for ~~five~~ THREE or more children, but fewer than twelve children, whose special needs can best be met through the medium of a small group and who are:

(12) "TREATMENT FOSTER CARE" MEANS A CLINICALLY EFFECTIVE ALTERNATIVE TO RESIDENTIAL TREATMENT FACILITIES THAT COMBINES THE TREATMENT TECHNOLOGIES TYPICALLY ASSOCIATED WITH MORE RESTRICTIVE SETTINGS WITH A NURTURING AND INDIVIDUALIZED FAMILY ENVIRONMENT.

SECTION 2. 26-6-104 (9) (b), Colorado Revised Statutes, is amended to read:

26-6-104. Licenses - out-of-state notices and consent. (9) The state department is strongly encouraged to examine and report to the general assembly on the benefits of licensing any private, nonprofit child placement agency that is dedicated to serving the special needs of foster care children through services delivered by specialized foster care parents in conjunction with and supported by staff of the child placement agency. Such child placement agencies examined shall be able to:

(b) Provide a form of specialized foster care including, but not limited to, the following types of care:

(I) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May 22, 2003.)

(II) Medical foster care;

(III) Respite foster care;

(IV) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May 22, 2003.)

(V) Therapeutic foster care; ~~and~~

(VI) Developmentally disabled foster care; AND

(VII) TREATMENT FOSTER CARE.

SECTION 3. 26-6-104.5 (4), Colorado Revised Statutes, is amended to read:

26-6-104.5. Compliance with local government zoning regulations - notice to local governments - provisional licensure. (4) The provisions of this section shall not apply to any foster care home certified pursuant to this part 1 OR TO ANY SPECIALIZED GROUP FACILITY THAT IS LICENSED TO PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO THIS PART 1 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 HAVE A SERIOUS

EMOTIONAL DISTURBANCE.

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: April 18, 2006