

CHAPTER 77

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 07-012

BY SENATOR(S) Williams, Shaffer, Boyd, Groff, Morse, Tupa, Windels, and Tapia;
also REPRESENTATIVE(S) Solano, Todd, Borodkin, Hodge, Kefalas, Merrifield, and Romanoff.

AN ACT

**CONCERNING THE INVESTIGATION OF CHILD CARE PROVIDERS WHO PROVIDE CARE FOR CHILDREN
WHOSE CARE IS FUNDED WITH MONEYS RECEIVED ON THE CHILDREN'S BEHALF FROM PUBLICLY
FUNDED STATE CHILD CARE ASSISTANCE PROGRAMS.**

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

SECTION 1. 26-6-120 (1) (a) (I) and (4), Colorado Revised Statutes, are amended to read:

26-6-120. Exempt family child care home providers - fingerprint-based criminal history records check - child care assistance program moneys - temporary care - definitions. (1) (a) (I) An exempt family child care home provider who provides care for a child, whose care is funded in whole or in part with moneys received on the child's behalf ~~pursuant to the Colorado child care assistance program created in part 8 of article 2 of this title~~ FROM PUBLICLY FUNDED STATE CHILD CARE ASSISTANCE PROGRAMS, shall be subject to a fingerprint-based criminal history records check, referred to in this section as an "FCC", as provided in this section and the rules authorized in section 26-6-107 (1) (a) (I) and (1) (a) (I.5). The provisions of this section shall apply to ~~contracts for funding under the Colorado child care assistance program~~ EXEMPT FAMILY CHILD CARE HOME PROVIDERS WHO RECEIVE MONEYS FROM PUBLICLY FUNDED STATE CHILD CARE ASSISTANCE PROGRAMS PURSUANT TO CONTRACTS OR OTHER PAYMENT AGREEMENTS entered into or renewed on or after ~~the effective date of this section~~ MAY 25, 2006.

(4) An exempt family child care home provider who has submitted to an FCC by the Colorado bureau of investigation and the federal bureau of investigation may, ~~be eligible~~, pending the receipt of the results of the FCC, CONTINUE to receive moneys ~~under the Colorado child care assistance program~~ FROM PUBLICLY FUNDED

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

STATE CHILD CARE ASSISTANCE PROGRAMS. ~~for up to sixty days or until the FCC is complete, whichever occurs first. Upon receipt of the FCC results, the exempt family child care home provider may continue receiving moneys under the Colorado child care assistance program, so long as the exempt family child care home provider or a qualified adult residing with the provider is not ineligible under subsection (2) or (3) of this section.~~

SECTION 2. 26-2-805.5 (2), Colorado Revised Statutes, is amended to read:

26-2-805.5. Exemptions - requirements. (2) As a prerequisite to entering into a valid Colorado child care assistance program contract with a county office OR TO BEING A PARTY TO ANY OTHER PAYMENT AGREEMENT FOR THE PROVISION OF CARE FOR A CHILD WHOSE CARE IS FUNDED IN WHOLE OR IN PART WITH MONEYS RECEIVED ON THE CHILD'S BEHALF FROM PUBLICLY FUNDED STATE CHILD CARE ASSISTANCE PROGRAMS, an exempt family child care home provider shall sign an attestation that affirms he or she, and any qualified adult residing in the exempt family child care home, has not been determined to be insane or mentally incompetent by a court of competent jurisdiction and a court has not entered, pursuant to part 3 or 4 of article 14 of title 15, C.R.S., or section 27-10-109 (4) or 27-10-125, C.R.S., an order specifically finding that the mental incompetency or insanity is of such a degree that the provider cannot safely operate an exempt family child care home.

SECTION 3. 19-1-307 (2) (j.5), Colorado Revised Statutes, is amended to read:

19-1-307. Dependency and neglect records and information - access - fee - records and reports fund - misuse of information - penalty. (2) **Records and reports - access to certain persons - agencies.** Except as otherwise provided in section 19-1-303, only the following persons or agencies shall be given access to child abuse or neglect records and reports:

(j.5) The state department of human services or a county or district department of social services investigating an exempt family child care home provider pursuant to section 26-6-120, C.R.S., as a prerequisite to issuance or renewal of a contract OR ANY PAYMENT AGREEMENT to receive moneys for the care of a child from ~~the Colorado child care assistance program created in part 8 of article 2 of title 26, C.R.S.~~ PUBLICLY FUNDED STATE CHILD CARE ASSISTANCE PROGRAMS. Access to the records and reports of child abuse or neglect granted to the named department or agencies shall serve only as the basis for further investigation.

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 2, 2007