

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0764.01 Jane Ritter x4342

**HOUSE BILL 14-1317**

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**HOUSE SPONSORSHIP**

**Duran,**

**SENATE SPONSORSHIP**

**Nicholson and Kefalas, Newell**

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**House Committees**

Public Health Care & Human Services  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MODIFICATIONS TO THE COLORADO CHILD CARE**  
102 **ASSISTANCE PROGRAM, AND, IN CONNECTION THEREWITH,**  
103 **ALIGNING ELIGIBILITY AND AUTHORIZATION; ADDRESSING**  
104 **AFFORDABILITY BY REDUCING COPAYMENTS; IMPROVING**  
105 **PROVIDER REIMBURSEMENT RATES; INCREASING ACCESS TO**  
106 **QUALITY CARE; [REDACTED] IMPROVING TECHNOLOGY,**  
107 **INFRASTRUCTURE, AND ADMINISTRATION; AND MAKING AN**  
108 **APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

*applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)*

The bill makes several modifications to the Colorado child care assistance program (program), including:

- ! The state board of human services (board) must establish provider reimbursement rates for infant and toddler care at least at the 75th percentile of each county's local market rate for infant and toddler care;
- ! The state-established provider reimbursement rates must include a system of tiered reimbursement for providers that enroll children in the program;
- ! A county may petition the board to opt out of the state-established provider reimbursement rates;
- ! Subject to available appropriations, counties are directed to provide child care assistance to a person or family whose income is not more than 165% of the federal poverty level;
- ! The board must adopt new rules for determining the amount of copayment a participant in the program must pay. The rules must include a provision that for a family living at 100% of the federal poverty level, the copayment must be restricted to 1% of the family's gross annual income.
- ! The rules concerning participant copayment must also establish a tiered copayment schedule that increases the copayment gradually as the participant's income approaches self-sufficiency income levels. The participant's income should reflect an average of income over time to account for variations in wages, work schedules, or seasonal employment.
- ! A county shall set the exit income eligibility threshold at a level higher than the entry income eligibility level, at an income level needed for a family of the size receiving the child care assistance to achieve a self-sufficiency standard of living in that county, at a level not to exceed 85% of the state median income for a family of the same size, and in a manner so that a family does not lose child care assistance due to a modest increase in the parents' income above their entry income eligibility level;
- ! In current rule, a participant in the program who loses employment can remain in the program for only 30 days while actively searching for employment. The bill increases that time to at least 60 days, assuming all other eligibility criteria are met.
- ! The bill creates a new eligibility activity by allowing a

- parent who is not employed but who is either enrolled in a postsecondary or workforce training program to participate in the program for up to 2 years he or she is enrolled in the postsecondary or workforce training program;
- ! The bill makes it a statutory requirement that the hours for the provision of child care services through the program must not be directly linked to a participant's employment, education, or workforce training schedule;
  - ! The bill requires a county to allow for presumptive eligibility of a participant for at least 30 days while awaiting verification of an application to the program;
  - ! No more than one month of paystubs must be required when determining a family's income eligibility for the program;
  - ! Counties are given the authority to develop a voucher system for relative or unlicensed child care for families enrolled in the program;
  - ! Counties are given permission to use their program allocations to provide direct contracts or grants to early care and education providers for a county-determined number of program slots for a 12-month period to increase the supply and improve the quality and continuity of child care for infants and toddlers, children with disabilities, after-hours care, and children in underserved neighborhoods;
  - ! Counties are required to provide participants and child care providers with at least 45 days' notice prior to the effective date of any change in income eligibility levels;
  - ! Counties are required to post eligibility, authorization, and administration policies and procedures so they are easily accessible to a layperson;
  - ! Administrative changes in the bill include allowing a county to use eligibility determination information from other public assistance programs and systems to determine program eligibility, allowing a child care provider to accept a participant's program application and submit it to the county on behalf of the family seeking enrollment in the program, and requiring each county to maintain a current and accurate program waiting list;
  - ! Counties shall reimburse providers, separate from regular reimbursement rates, for no fewer than 5 days per month of child absences or holidays; and
  - ! The state department of human services is directed to prepare an annual report on the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 26-2-802 as  
3 follows:

4 **26-2-802. Legislative declaration.** (1) The general assembly  
5 hereby finds and declares that:

6 (a) The state's policies in connection with the provision of child  
7 care assistance and the effective delivery of such assistance are critical to  
8 the ultimate success of any welfare reform program;

9 (b) ~~The general assembly further finds that~~ Children in  
10 low-income families who receive services through a child care assistance  
11 program need and deserve the same access to a broad range of child care  
12 providers as do children in families who do not need assistance;

13 (c) IT IS CRITICAL TO PROVIDE LOW- TO MODERATE-INCOME  
14 FAMILIES WITH ACCESS TO HIGH-QUALITY, AFFORDABLE CHILD CARE THAT  
15 FOSTERS HEALTHY CHILD DEVELOPMENT AND SCHOOL READINESS, WHILE  
16 AT THE SAME TIME PROMOTES FAMILY SELF-SUFFICIENCY AND  
17 ATTACHMENT TO THE WORKFORCE; AND

18 (d) INDIVIDUAL COUNTIES PLAY A VITAL ROLE IN ADMINISTERING  
19 THE CHILD CARE ASSISTANCE PROGRAM AND HAVE LOCAL KNOWLEDGE OF  
20 THEIR INDIVIDUAL COMMUNITY NEEDS. THEREFORE, A COUNTY THAT  
21 MEETS OR EXCEEDS STATEWIDE ELIGIBILITY EXPECTATIONS ESTABLISHED  
22 FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM SHOULD HAVE  
23 GREATER FLEXIBILITY IN DETERMINING THE SPECIFICS OF HOW TO  
24 IMPLEMENT AND OPERATE THE CHILD CARE ASSISTANCE PROGRAM IN THAT  
25 COUNTY.

26 (2) Therefore, the general assembly hereby finds and declares that

1 it is in the best interests of the state to:

2 (a) Adopt the Colorado child care assistance program set forth in  
3 this part 8;

4 (b) ~~The general assembly further finds and declares that it is in the~~  
5 ~~best interests of the state to~~ Adopt consistent, statewide child care  
6 provider reimbursement rates set at a floor of the seventy-fifth percentile  
7 of each county's market rate ~~or the provider's rate, whichever is lower,~~ to  
8 facilitate and increase access to high-quality child care for low-income  
9 families.

10 **SECTION 2.** In Colorado Revised Statutes, **add** 26-2-802.5 as  
11 follows:

12 **26-2-802.5. Definitions.** AS USED IN THIS PART 8, UNLESS THE  
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "CHILD CARE ASSISTANCE PROGRAM" OR "CCCAP" MEANS THE  
15 COLORADO CHILD CARE ASSISTANCE PROGRAM ESTABLISHED IN THIS PART  
16 8.

17 (2) "EARLY CARE AND EDUCATION PROVIDER" MEANS A SCHOOL  
18 DISTRICT OR PROVIDER THAT IS LICENSED PURSUANT TO PART 1 OF ARTICLE  
19 6 OF THIS TITLE OR THAT PARTICIPATES IN THE COLORADO PRESCHOOL  
20 PROGRAM PURSUANT TO ARTICLE 28 OF TITLE 22, C.R.S.

21 (3) "HEAD START PROGRAM" MEANS A PROGRAM OPERATED BY A  
22 LOCAL PUBLIC OR PRIVATE NONPROFIT AGENCY DESIGNATED BY THE  
23 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES TO OPERATE A  
24 HEAD START PROGRAM UNDER THE PROVISIONS OF TITLE V OF THE  
25 FEDERAL "ECONOMIC OPPORTUNITY ACT OF 1964", AS AMENDED.

26 (4) "HIGH-QUALITY EARLY CHILDHOOD PROGRAM" MEANS A  
27 PROGRAM THAT IS OPERATED BY A PROVIDER WITH A FISCAL AGREEMENT

1 THROUGH CCCAP AND THAT IS IN THE TOP THREE LEVELS OF THE STATE'S  
2 QUALITY RATING AND IMPROVEMENT SYSTEM, IS ACCREDITED BY A STATE  
3 DEPARTMENT-APPROVED ACCREDITING BODY, OR IS AN EARLY HEAD  
4 START OR HEAD START PROGRAM THAT MEETS FEDERAL STANDARDS.

5 (5) "PARTICIPANT" MEANS A PARTICIPANT, AS DEFINED IN SECTION  
6 26-2-703 (15), IN THE COLORADO WORKS PROGRAM.

7 (6) "PROVIDER" MEANS A CHILD CARE PROVIDER LICENSED  
8 PURSUANT TO PART 1 OF ARTICLE 6 OF THIS TITLE THAT HAS A FISCAL  
9 AGREEMENT WITH THE COUNTY TO PARTICIPATE IN THE CHILD CARE  
10 ASSISTANCE PROGRAM.

11 (7) "TIERED REIMBURSEMENT" MEANS A PAY STRUCTURE THAT  
12 REFLECTS AN INCREASED RATE OF REIMBURSEMENT FOR HIGH-QUALITY  
13 EARLY CHILDHOOD PROGRAMS THAT RECEIVE CCCAP MONEYS.

14 (8) "WORKS PROGRAM" MEANS THE COLORADO WORKS PROGRAM  
15 ESTABLISHED PURSUANT TO PART 7 OF THIS ARTICLE.

16 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**  
17 **with amendments,** 26-2-803 as follows:

18 **26-2-803. Provider rates - opt out - rules.** (1) (a) THE STATE  
19 BOARD SHALL ESTABLISH PROVIDER REIMBURSEMENT RATES FOR EACH  
20 COUNTY AND ENSURE THAT THE RATES ARE ADEQUATE TO ENSURE THAT  
21 FAMILIES WHO RECEIVE SERVICES THROUGH CCCAP HAVE THE SAME  
22 ACCESS TO A BROAD RANGE OF PROVIDERS IN EACH COUNTY AS DO  
23 CHILDREN IN FAMILIES NOT ELIGIBLE FOR ASSISTANCE. ■■■

24 (b) ON OR BEFORE JULY 1, 2016, THE STATE-ESTABLISHED  
25 PROVIDER REIMBURSEMENT RATES FOR EACH COUNTY ADOPTED PURSUANT  
26 TO THIS SUBSECTION (1) MUST INCLUDE A SYSTEM OF TIERED  
27 REIMBURSEMENT FOR PROVIDERS THAT ENROLL CHILDREN ENROLLED IN

1 CCCAP.

2 (c) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT  
3 THIS SECTION ON OR BEFORE DECEMBER 1, 2014, AND EVERY OTHER YEAR  
4 THEREAFTER.

5 (2) A COUNTY MAY PETITION THE STATE BOARD TO OPT OUT OF  
6 ADHERING TO THE STATE-ESTABLISHED PROVIDER REIMBURSEMENT RATES  
7 FOR THE COUNTY. THE STATE BOARD MUST ONLY PERMIT A COUNTY TO  
8 OPT OUT OF THE STATE-ESTABLISHED PROVIDER REIMBURSEMENT RATES  
9 IF THE COUNTY CAN DEMONSTRATE THAT ITS PROPOSED PROVIDER  
10 REIMBURSEMENT RATES MEET THE FOLLOWING CONDITIONS:

11 (a) THE COUNTY-ESTABLISHED PROVIDER REIMBURSEMENT RATES  
12 ARE ADEQUATE TO ENSURE THAT FAMILIES RECEIVING CHILD CARE  
13 ASSISTANCE IN THE COUNTY HAVE THE SAME ACCESS TO A BROAD RANGE  
14 OF PROVIDERS AS CHILDREN IN FAMILIES IN THE COUNTY THAT DO NOT  
15 NEED ASSISTANCE;

16 [REDACTED]  
17 (b) DOCUMENTATION THAT PROVIDERS IN THE COUNTY WHO SERVE  
18 OR WANT TO SERVE CHILDREN SUBSIDIZED WITH CCCAP HAVE BEEN  
19 CONSULTED AND BEEN GIVEN AN OPPORTUNITY TO INFORM AND PROVIDE  
20 COMMENT TO THE STATE BOARD ON THE PROPOSED ALTERNATIVE  
21 REIMBURSEMENT RATE; AND

22 (d) ON OR BEFORE JULY 1, 2016, THE COUNTY-ESTABLISHED  
23 PROVIDER REIMBURSEMENT RATES INCLUDE A SYSTEM OF TIERED  
24 REIMBURSEMENT FOR PROVIDERS THAT ENROLL CHILDREN ENROLLED IN  
25 CCCAP.

26 **SECTION 4.** In Colorado Revised Statutes, 26-2-804, **amend** (1)  
27 introductory portion, (1) (a), (3), and (6) as follows:

1           **26-2-804. Funding - allocation - maintenance of effort.**

2           (1) Subject to available appropriations, a county's block grant for the  
3 ~~Colorado child care assistance program~~ CCCAP for state fiscal year  
4 1997-98 shall be determined by the state department and shall be based  
5 upon not less than one hundred percent of the state and federal moneys  
6 that the county received in state fiscal year 1996-97 to administer and  
7 implement JOBS-related child care and ~~the Colorado child care assistance~~  
8 ~~program~~ CCCAP, including the administrative costs related to such  
9 programs. The state department shall consider factors that include, but are  
10 not limited to the following:

11           (a) Historical expenditures on ~~the Colorado child care assistance~~  
12 ~~program~~ CCCAP;

13           (3) The moneys in a county block grant allocated to a county  
14 pursuant to subsection (1) of this section may only be used for the  
15 provision of child care services under rules promulgated by the state  
16 ~~department~~ BOARD PURSUANT TO THIS PART 8.

17           (6) For state fiscal year 2005-06 and for each state fiscal year  
18 thereafter, each county shall be IS required to meet a level of county  
19 spending for ~~the Colorado child care assistance program~~ CCCAP that is  
20 equal to the county's proportionate share of the total county funds set  
21 forth in the annual general appropriation act for ~~the Colorado child care~~  
22 ~~assistance program~~ CCCAP for that state fiscal year. The level of county  
23 spending shall be IS known as the county's maintenance of effort for ~~the~~  
24 ~~program~~ CCCAP for that state fiscal year. For any state fiscal year, the  
25 state department is authorized to adjust a county's maintenance of effort,  
26 reflected as a percentage of the total county funds set forth in the annual  
27 general appropriation act for ~~the Colorado child care assistance program~~



1 CCCAP for that state fiscal year, so that the percentage equals the  
2 county's proportionate share of the total state and federal funds  
3 appropriated for ~~the Colorado child care assistance program~~ CCCAP for  
4 that state fiscal year, reflected as a percentage. For any state fiscal year,  
5 the sum of all counties' maintenance of effort ~~shall~~ MUST be equal to or  
6 greater than the total county funds set forth in the general appropriation  
7 act for the state fiscal year 1996-97 for employment-related child care.

8 **SECTION 5.** In Colorado Revised Statutes, **repeal and reenact,**  
9 **with amendments,** 26-2-805 as follows:

10 **26-2-805. Services - eligibility - assistance provided - waiting**  
11 **lists - rules.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT  
12 TO RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION  
13 OF THIS PART 8, A COUNTY SHALL PROVIDE CHILD CARE ASSISTANCE TO A  
14 PARTICIPANT OR ANY PERSON OR FAMILY WHOSE INCOME IS NOT MORE  
15 THAN ONE HUNDRED SIXTY-FIVE PERCENT OF THE FEDERAL POVERTY  
16 LEVEL.

17 (2) THE COUNTY MAY PROVIDE CHILD CARE ASSISTANCE FOR ANY  
18 OTHER FAMILY WHOSE INCOME DOES NOT EXCEED EIGHTY-FIVE PERCENT  
19 OF THE STATE MEDIAN INCOME FOR A FAMILY OF THE SAME SIZE. FOR A  
20 PARTICIPANT OR A PERSON OR FAMILY WHOSE INCOME RISES TO THE LEVEL  
21 SET BY THE COUNTY AT WHICH THE COUNTY MAY DENY THE PARTICIPANT,  
22 PERSON, OR FAMILY CHILD CARE ASSISTANCE, THE COUNTY SHALL  
23 IMMEDIATELY NOTIFY THE FAMILY THAT IT IS NO LONGER ELIGIBLE FOR  
24 CCCAP AND CONTINUE TO PROVIDE THE CURRENT CCCAP SUBSIDY TO  
25 THAT FAMILY FOR NO LESS THAN NINETY DAYS WHILE THE FAMILY MAKES  
26 APPROPRIATE ARRANGEMENTS FOR CHILD CARE. THE COUNTY IS  
27 STRONGLY ENCOURAGED TO CONTINUE TO PROVIDE CHILD CARE

1 ASSISTANCE FOR A PERIOD OF SIX MONTHS; EXCEPT THAT IN NO EVENT  
2 SHALL CHILD CARE ASSISTANCE BE PROVIDED IF THE INCOME EXCEEDS THE  
3 MAXIMUM LEVEL FOR ELIGIBILITY FOR SERVICES SET BY FEDERAL LAW FOR  
4 A FAMILY OF THE SAME SIZE. DURING THE SIX-MONTH PERIOD THE COUNTY  
5 SHALL WORK WITH THE PARTICIPANT, PERSON, OR FAMILY TO PROVIDE A  
6 GRADUAL TRANSITION OFF CHILD CARE ASSISTANCE PROVIDED PURSUANT  
7 TO THIS SUBSECTION (2).

8 (3) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, PURSUANT TO  
9 RULES PROMULGATED BY THE STATE BOARD FOR IMPLEMENTATION OF THIS  
10 PART 8, AND EXCEPT AS PROVIDED FOR IN PARAGRAPH (b) OF THIS  
11 SUBSECTION (3), A COUNTY SHALL PROVIDE CHILD CARE ASSISTANCE FOR  
12 A FAMILY TRANSITIONING OFF THE WORKS PROGRAM DUE TO EMPLOYMENT  
13 OR JOB TRAINING WITHOUT REQUIRING THE FAMILY TO APPLY FOR  
14 LOW-INCOME CHILD CARE BUT SHALL REDETERMINE THE FAMILY'S  
15 ELIGIBILITY WITHIN SIX MONTHS AFTER THE TRANSITION.

16 (b) A FAMILY THAT TRANSITIONS OFF THE WORKS PROGRAM MUST  
17 NOT BE AUTOMATICALLY TRANSITIONED TO CCCAP PURSUANT TO  
18 PARAGRAPH (a) OF THIS SUBSECTION (3) IF EITHER OF THE FOLLOWING  
19 CONDITIONS APPLY:

20 (I) THE FAMILY IS LEAVING THE WORKS PROGRAM DUE TO A  
21 VIOLATION OF PROGRAM REQUIREMENTS AS DEFINED IN PART 7 OF THIS  
22 ARTICLE, BY RULE OF THE STATE BOARD, OR BY POLICY OF A COUNTY  
23 DEPARTMENT; OR

24 (II) THE FAMILY IS LEAVING THE WORKS PROGRAM DUE TO  
25 EMPLOYMENT AND WILL BE AT AN INCOME LEVEL THAT EXCEEDS THE  
26 COUNTY-ADOPTED INCOME ELIGIBILITY LIMIT FOR THE COUNTY'S CCCAP.

27 (c) AT THE COUNTY'S DISCRETION, A FAMILY THAT TRANSITIONS

1 OFF THE WORKS PROGRAM, IS ELIGIBLE FOR CCCAP, AND RESIDES IN A  
2 COUNTY THAT HAS FAMILIES ON ITS WAITING LIST MAY BE ADDED TO THE  
3 WAITING LIST OR BE PROVIDED CHILD CARE ASSISTANCE WITHOUT FIRST  
4 BEING ADDED TO THE WAITING LIST.

5 (4) (a) A RECIPIENT OF CHILD CARE ASSISTANCE THROUGH CCCAP  
6 SHALL BE RESPONSIBLE FOR PAYING A PORTION OF HIS OR HER CHILD CARE  
7 COSTS BASED UPON THE RECIPIENT'S INCOME AND THE FORMULA  
8 DEVELOPED BY RULE OF THE STATE BOARD; EXCEPT THAT, FOR A FAMILY  
9 LIVING AT OR BELOW ONE HUNDRED PERCENT OF THE FEDERAL POVERTY  
10 LEVEL, THE FAMILY COPAYMENT RESPONSIBILITY MUST BE RESTRICTED TO  
11 NO MORE THAN ONE PERCENT OF THE FAMILY'S GROSS MONTHLY INCOME  
12 AS DETERMINED BASED ON ONE MONTH OF INCOME. TO ASSIST IN THE  
13 PROCESS OF DETERMINING THE PARENT COPAYMENT FEE, A FAMILY MAY  
14 PROVIDE EVIDENCE OF THE TWELVE MOST RECENT MONTHS OF INCOME IF  
15 IT CHOOSES TO DO SO IF SUCH EVIDENCE MORE ACCURATELY REFLECTS AN  
16 ABILITY TO AFFORD THE FAMILY COPAYMENT REQUIREMENT, BUT A  
17 COUNTY MUST NOT OTHERWISE REQUIRE A FAMILY TO PROVIDE EVIDENCE  
18 OF MORE THAN ONE MONTH OF INCOME.

19 (b) THE STATE BOARD SHALL ESTABLISH, AND PERIODICALLY  
20 REVISE, BY RULE A COPAYMENT SCHEDULE SO THAT THE COPAYMENT  
21 GRADUALLY INCREASES AS THE FAMILY INCOME APPROACHES  
22 SELF-SUFFICIENCY INCOME LEVELS. THIS REVISED COPAYMENT SCHEDULE  
23 SHOULD ALLOW FAMILIES TO RETAIN A PORTION OF ITS INCREASES IN  
24 INCOME.

25 (c) A PARTICIPANT WHO IS EMPLOYED SHALL PAY A PORTION OF HIS  
26 OR HER INCOME FOR CHILD CARE ASSISTANCE UNDER CCCAP. THE  
27 PARTICIPANT'S REQUIRED COPAYMENT UNDER THE PROVISIONS OF THIS

1 PARAGRAPH (c) MUST BE DETERMINED BY A FORMULA ESTABLISHED BY  
2 RULE OF THE STATE BOARD THAT TAKES INTO CONSIDERATION THE  
3 FACTORS SET FORTH IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (4).

4 (5) (a) ON AND AFTER JULY 1, 2014, A COUNTY MAY REQUIRE A  
5 PERSON WHO RECEIVES CHILD CARE ASSISTANCE PURSUANT TO THIS  
6 SECTION AND WHO IS NOT OTHERWISE A PARTICIPANT TO APPLY, PURSUANT  
7 TO SECTION 26-13-106 (2), FOR CHILD SUPPORT ESTABLISHMENT,  
8 MODIFICATION, AND ENFORCEMENT SERVICES RELATED TO ANY SUPPORT  
9 OWED BY OBLIGORS TO THEIR CHILDREN AND TO COOPERATE WITH THE  
10 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT TO RECEIVE THESE  
11 SERVICES; EXCEPT THAT A PERSON SHALL NOT BE REQUIRED TO SUBMIT A  
12 WRITTEN APPLICATION FOR CHILD SUPPORT ESTABLISHMENT,  
13 MODIFICATION, AND ENFORCEMENT SERVICES IF THE PERSON SHOWS GOOD  
14 CAUSE TO THE COUNTY IMPLEMENTING THE COLORADO CHILD CARE  
15 ASSISTANCE PROGRAM FOR NOT RECEIVING THESE SERVICES.

16 (b) THE STATE BOARD SHALL PROMULGATE RULES FOR THE  
17 IMPLEMENTATION OF THIS SUBSECTION (5), INCLUDING BUT NOT LIMITED  
18 TO RULES ESTABLISHING GOOD CAUSE FOR NOT RECEIVING THESE  
19 SERVICES, AND RULES FOR THE IMPOSITION OF SANCTIONS UPON A PERSON  
20 WHO FAILS, WITHOUT GOOD CAUSE AS DETERMINED BY THE COUNTY  
21 IMPLEMENTING THE COLORADO CHILD CARE ASSISTANCE PROGRAM, TO  
22 APPLY FOR CHILD SUPPORT ENFORCEMENT SERVICES OR TO COOPERATE  
23 WITH THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT AS REQUIRED BY  
24 THIS SUBSECTION (5).

25 (6) FOR A FAMILY WITH A CHILD WHO IS ENROLLED IN CCCAP, A  
26 COUNTY SHALL SET THE INCOME LEVEL AT WHICH THE COUNTY MAY DENY  
27 THE FAMILY ACCORDING TO THE PARAMETERS DEFINED IN RULES

1 PROMULGATED BY THE STATE BOARD. IN THE RULES, THE STATE BOARD  
2 SHALL ENSURE THAT IF A COUNTY SETS THE INCOME LEVEL AT WHICH THE  
3 COUNTY CHOOSES TO INITIALLY PROVIDE CCCAP AT OR BELOW ONE  
4 HUNDRED AND EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL,  
5 THEN THAT COUNTY MUST SET THE INCOME LEVEL AT WHICH THE COUNTY  
6 MAY DENY THE FAMILY HIGHER THAN THE INCOME LEVEL AT WHICH THE  
7 COUNTY CHOOSES TO INITIALLY PROVIDE CHILD CARE ASSISTANCE FOR  
8 THAT COUNTY AND AT A LEVEL NOT TO EXCEED EIGHTY-FIVE PERCENT OF  
9 THE STATE MEDIAN INCOME FOR A FAMILY OF THE SAME SIZE.

10 (7) (a) FOR A FAMILY WITH A CHILD WHO IS ENROLLED IN BOTH  
11 CCCAP AND A HEAD START PROGRAM, THE FAMILY'S CCCAP ELIGIBILITY  
12 REDETERMINATION MUST OCCUR NO SOONER THAN THE END OF THE LAST  
13 MONTH OF THE CHILD'S FIRST FULL TWELVE-MONTH PROGRAM YEAR OF  
14 ENROLLMENT IN THE HEAD START PROGRAM. CHILD CARE ASSISTANCE  
15 PROGRAM ELIGIBILITY REDETERMINATION FOR A CHILD ENROLLED IN BOTH  
16 PROGRAMS MUST OCCUR ONCE EVERY TWELVE MONTHS THEREAFTER.

17 (b) IF A COUNTY REDUCES ITS INCOME ELIGIBILITY REQUIREMENTS,  
18 A CHILD ENROLLED IN CCCAP WHEN THE CHANGE IS IMPLEMENTED MUST  
19 CONTINUE TO BE ENROLLED IN CCCAP UNTIL THE FAMILY'S NEXT  
20 ELIGIBILITY REDETERMINATION OR FOR SIX MONTHS, WHICHEVER IS  
21 LONGER.

22 (c) FOR A FAMILY WITH A CHILD WHO IS SOLELY ENROLLED IN  
23 CCCAP OR DUALY ENROLLED WITH AN EARLY EDUCATION PROGRAM  
24 OTHER THAN HEAD START OR EARLY HEAD START, THE FAMILY'S CCCAP  
25 ELIGIBILITY REDETERMINATION MUST OCCUR ONCE EVERY TWELVE  
26 MONTHS.

27 (d) NOTWITHSTANDING THE PROVISIONS OF SECTION 26-1-127 (2)

1 (a), A FAMILY THAT RECEIVES CHILD CARE ASSISTANCE PURSUANT TO THIS  
2 PART 8 IS NOT REQUIRED TO REPORT INCOME OR ACTIVITY CHANGES  
3 DURING THE TWELVE-MONTH ELIGIBILITY PERIOD; EXCEPT THAT, WITHIN  
4 THE TWELVE-MONTH ELIGIBILITY PERIOD, A FAMILY IS REQUIRED TO  
5 REPORT A CHANGE IN INCOME IF THE FAMILY'S INCOME EXCEEDS  
6 EIGHTY-FIVE PERCENT OF THE STATE MEDIAN INCOME. IF A FAMILY NO  
7 LONGER PARTICIPATES IN THE ACTIVITY UNDER WHICH IT WAS MADE  
8 ELIGIBLE IN THE CHILD CARE CASE, THE FAMILY SHALL REPORT THAT  
9 CHANGE WITHIN FOUR WEEKS FROM THE TIME IT CEASED PARTICIPATING  
10 IN THE ELIGIBLE ACTIVITY.

11 (e) A PARENT MUST NOT BE DETERMINED INELIGIBLE TO RECEIVE  
12 CHILD CARE ASSISTANCE PURSUANT TO THIS PART 8 AS A RESULT OF:

13 (I) TAKING MATERNITY LEAVE; OR

14 (II) BEING A SEPARATED SPOUSE OR PARENT UNDER A VALIDLY  
15 ISSUED TEMPORARY ORDER FOR PARENTAL RESPONSIBILITIES OR CHILD  
16 CUSTODY WHERE THE OTHER SPOUSE OR PARENT HAS DISQUALIFYING  
17 FINANCIAL RESOURCES.

18 (f) A PARENT WITH A CHILD ENROLLED IN CCCAP WHO LOSES  
19 EMPLOYMENT WHILE PARTICIPATING IN THE PROGRAM MUST REMAIN  
20 ELIGIBLE FOR CCCAP FOR AT LEAST SIXTY DAYS IF HE OR SHE IS ACTIVELY  
21 SEARCHING FOR EMPLOYMENT AND HE OR SHE CONTINUES TO MEET ALL  
22 OTHER CCCAP ELIGIBILITY CRITERIA.

23 (g) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO  
24 RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION OF  
25 THIS PART 8, A PARENT WHO IS NOT EMPLOYED IS ELIGIBLE FOR CCCAP  
26 FOR SIXTY DAYS WITHIN A TWELVE-MONTH PERIOD IF HE OR SHE IS  
27 ACTIVELY SEARCHING FOR EMPLOYMENT AND MEETS ALL OTHER CCCAP

1 ELIGIBILITY CRITERIA.

2 (h) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO  
3 RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION OF  
4 THIS PART 8, A PARENT WHO IS NOT EMPLOYED BUT WHO IS ENROLLED IN  
5 A POSTSECONDARY EDUCATION PROGRAM OR A WORKFORCE TRAINING  
6 PROGRAM IS ELIGIBLE FOR CCCAP FOR AT LEAST ANY TWO YEARS OF THE  
7 POSTSECONDARY EDUCATION OR WORKFORCE TRAINING PROGRAM,  
8 PROVIDED ALL OTHER CCCAP ELIGIBILITY REQUIREMENTS ARE MET  
9 DURING THOSE TWO YEARS.

10 (i) TO PROVIDE CONTINUOUS CHILD CARE WITH THE LEAST  
11 DISRUPTION TO THE CHILD, THE HOURS AUTHORIZED FOR THE PROVISION  
12 OF CHILD CARE THROUGH CCCAP MUST INCLUDE AUTHORIZED HOURS FOR  
13 THE CHILD THAT PROMOTE CONTINUOUS, CONSISTENT, AND REGULAR CARE  
14 AND MUST NOT BE LINKED DIRECTLY TO A PARENT'S EMPLOYMENT,  
15 EDUCATION, OR WORKFORCE TRAINING SCHEDULE.

16 (8) NO MORE THAN ONE MONTH OF PAYSTUBS MUST BE REQUIRED  
17 WHEN DETERMINING A FAMILY'S INCOME ELIGIBILITY FOR CCCAP. TO  
18 ASSIST IN MAKING ELIGIBILITY DETERMINATIONS, A FAMILY MAY PROVIDE  
19 EVIDENCE OF THE TWELVE MOST RECENT MONTHS OF INCOME IF IT  
20 CHOOSES TO DO SO IF SUCH EVIDENCE MORE ACCURATELY REFLECTS THE  
21 FAMILY'S ELIGIBILITY, BUT A COUNTY MUST NOT OTHERWISE REQUIRE A  
22 FAMILY TO PROVIDE EVIDENCE OF MORE THAN ONE MONTH OF INCOME.

23 (9) A COUNTY HAS THE AUTHORITY TO DEVELOP A VOUCHER  
24 SYSTEM FOR FAMILIES ENROLLED IN CCCAP THROUGH WHICH THEY CAN  
25 SECURE RELATIVE OR UNLICENSED CHILD CARE.

26 (10) AN EARLY CARE AND EDUCATION PROVIDER OR COUNTY MAY  
27 CONDUCT A PRE-ELIGIBILITY DETERMINATION FOR CHILD CARE

1 ASSISTANCE FOR A FAMILY TO FACILITATE THE DETERMINATION PROCESS.  
2 THE EARLY CARE AND EDUCATION PROVIDER SHALL SUBMIT ITS  
3 PRE-ELIGIBILITY DOCUMENTATION TO THE COUNTY FOR FINAL  
4 DETERMINATION OF ELIGIBILITY FOR CHILD CARE ASSISTANCE. THE EARLY  
5 CARE AND EDUCATION PROVIDER OR COUNTY MAY PROVIDE SERVICES TO  
6 THE FAMILY PRIOR TO FINAL DETERMINATION OF ELIGIBILITY, AND THE  
7 COUNTY SHALL REIMBURSE A PROVIDER FOR SUCH SERVICES ONLY IF THE  
8 COUNTY DETERMINES THE FAMILY IS ELIGIBLE FOR SERVICES AND THERE  
9 IS NO NEED TO PLACE THE FAMILY ON A WAITING LIST. IF THE FAMILY IS  
10 FOUND INELIGIBLE FOR SERVICES, THE COUNTY SHALL NOT REIMBURSE THE  
11 EARLY CARE AND EDUCATION PROVIDER FOR ANY SERVICES PROVIDED  
12 DURING THE PERIOD BETWEEN ITS PRE-ELIGIBILITY DETERMINATION AND  
13 THE COUNTY'S FINAL DETERMINATION OF ELIGIBILITY.

14 (11) A PROVIDER MAY ACCEPT A FAMILY'S CCCAP APPLICATION  
15 AND SUBMIT IT TO THE COUNTY ON BEHALF OF A FAMILY SEEKING CHILD  
16 CARE ASSISTANCE.

17 (12) EACH COUNTY:

18 (a) IN ADDITION TO REGULAR REIMBURSEMENT RATES, SHALL  
19 REIMBURSE PROVIDERS FOR NO FEWER THAN FIFTEEN DAYS PER YEAR OF  
20 ABSENCES OR HOLIDAYS FOR CHILDREN WHO ARE FIVE YEARS OF AGE OR  
21 YOUNGER.

22 (b) SHALL MAINTAIN A CURRENT AND ACCURATE WAITING LIST OF  
23 PARENTS WHO HAVE INQUIRED ABOUT SECURING A CCCAP SUBSIDY AND  
24 ARE LIKELY TO BE ELIGIBLE FOR CCCAP BASED ON SELF-REPORTED  
25 INCOME AND JOB, EDUCATION, OR WORKFORCE TRAINING ACTIVITY IF  
26 FAMILIES ARE NOT ABLE TO BE SERVED AT THE TIME OF APPLICATION DUE  
27 TO FUNDING CONCERNS. COUNTIES MAY ENROLL FAMILIES OFF WAITING



1       LISTS ACCORDING TO LOCAL PRIORITIES AND MAY REQUIRE AN APPLICANT  
2       TO RESTATE HIS OR HER INTENTION TO BE KEPT ON THE WAITING LIST  
3       EVERY SIX MONTHS IN ORDER TO MAINTAIN HIS OR HER PLACE ON THE  
4       WAITING LIST.

5               (c)       SHALL POST ELIGIBILITY, AUTHORIZATION, AND  
6       ADMINISTRATION POLICIES AND PROCEDURES SO THEY ARE EASILY  
7       ACCESSIBLE AND READABLE TO A LAYPERSON. THE POLICIES MUST BE SENT  
8       TO THE STATE DEPARTMENT FOR COMPILATION.

9               (d)       MAY USE ITS CCCAP ALLOCATION TO PROVIDE DIRECT  
10       CONTRACTS OR GRANTS TO EARLY CARE AND EDUCATION PROVIDERS FOR  
11       A COUNTY-DETERMINED NUMBER OF CCCAP SLOTS FOR A  
12       TWELVE-MONTH PERIOD TO INCREASE THE SUPPLY AND IMPROVE THE  
13       QUALITY OF CHILD CARE FOR INFANTS AND TODDLERS, CHILDREN WITH  
14       DISABILITIES, AFTER-HOURS CARE, AND CHILDREN IN UNDERSERVED  
15       NEIGHBORHOODS; AND

16              (e)       SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO  
17       RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION OF  
18       THIS PART 8, MUST DETERMINE THAT A RECIPIENT OF BENEFITS FROM THE  
19       FOOD ASSISTANCE PROGRAM ESTABLISHED IN PART 3 OF THIS ARTICLE IS  
20       ELIGIBLE FOR CCCAP IF HE OR SHE MEETS ALL OTHER CCCAP ELIGIBILITY  
21       CRITERIA AND MAY USE ELIGIBILITY DETERMINATION INFORMATION FROM  
22       OTHER PUBLIC ASSISTANCE PROGRAMS AND SYSTEMS TO DETERMINE  
23       CCCAP ELIGIBILITY.

24              (13)     THE STATE BOARD SHALL PROMULGATE RULES FOR THE  
25       IMPLEMENTATION OF THIS PART 8.

26              **SECTION 6.** In Colorado Revised Statutes, **amend** 26-2-805.5  
27       as follows:

1           **26-2-805.5. Exemptions - requirements.** (1) Notwithstanding  
2 any provision of section 26-2-805 to the contrary, an exempt family child  
3 care home provider, as defined in section 26-6-102 (3.7), ~~shall not be~~ IS  
4 NOT eligible to receive child care assistance moneys through ~~the Colorado~~  
5 ~~child care assistance program~~ CCCAP if he or she fails to meet the  
6 criteria established in section 26-6-120.

7           (2) As a prerequisite to entering into a valid ~~Colorado child care~~  
8 ~~assistance program~~ CCCAP contract with a county office or to being a  
9 party to any other payment agreement for the provision of care for a child  
10 whose care is funded in whole or in part with moneys received on the  
11 child's behalf from publicly funded state child care assistance programs,  
12 an exempt family child care home provider shall sign an attestation that  
13 affirms he or she, and any qualified adult residing in the exempt family  
14 child care home, has not been determined to be insane or mentally  
15 incompetent by a court of competent jurisdiction and a court has not  
16 entered, pursuant to part 3 or 4 of article 14 of title 15, C.R.S., or section  
17 27-65-109 (4) or 27-65-127, C.R.S., an order specifically finding that the  
18 mental incompetency or insanity is of such a degree that the provider  
19 cannot safely operate an exempt family child care home.

20           **SECTION 7.** In Colorado Revised Statutes, **add** 26-2-809 as  
21 follows:

22           **26-2-809. Colorado child care assistance program - reporting**  
23 **requirements.** (1) ON OR BEFORE DECEMBER 1, 2015, AND ON OR BEFORE  
24 DECEMBER 1 EACH YEAR THEREAFTER, THE STATE DEPARTMENT SHALL  
25 PREPARE A REPORT ON CCCAP. THE STATE DEPARTMENT SHALL PROVIDE  
26 THE REPORT TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES  
27 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND

1 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR  
2 COMMITTEES. THE REPORT MUST INCLUDE, AT A MINIMUM, THE  
3 FOLLOWING INFORMATION RELATED TO BENCHMARKS OF SUCCESS FOR  
4 CCCAP:

5 (a) THE NUMBER OF CHILDREN AND FAMILIES SERVED THROUGH  
6 CCCAP STATEWIDE AND BY COUNTY;

7 (b) THE AVERAGE LENGTH OF TIME THAT PARENTS REMAIN IN THE  
8 WORKFORCE WHILE RECEIVING CCCAP SUBSIDIES, EVEN WHEN THEIR  
9 INCOME INCREASES;

10 (c) THE AVERAGE NUMBER OF MONTHS OF UNINTERRUPTED,  
11 CONTINUOUS CARE FOR CHILDREN ENROLLED IN CCCAP;

12 (d) THE NUMBER AND PERCENT OF ALL CHILDREN ENROLLED IN  
13 CCCAP WHO RECEIVE CARE AT EACH LEVEL OF THE STATE'S QUALITY AND  
14 IMPROVEMENT RATING SYSTEM;

15 (e) THE AVERAGE LENGTH OF TIME A FAMILY IS AUTHORIZED FOR  
16 A CCCAP SUBSIDY, DISAGGREGATED BY RECIPIENTS' ELIGIBLE ACTIVITIES,  
17 SUCH AS JOB SEARCH, EMPLOYMENT, WORKFORCE TRAINING, AND  
18 POSTSECONDARY EDUCATION;

19 (f) THE NUMBER OF FAMILIES ON EACH COUNTY'S WAIT LIST AS OF  
20 NOVEMBER 1 OF EACH YEAR, AS WELL AS THE AVERAGE LENGTH OF TIME  
21 EACH FAMILY REMAINS ON THE WAIT LIST IN EACH COUNTY;

22 (g) THE NUMBER OF FAMILIES AND CHILDREN STATEWIDE AND BY  
23 COUNTY THAT EXIT CCCAP DUE TO THEIR FAMILY INCOMES EXCEEDING  
24 THE ELIGIBILITY LIMITS;

25 (h) THE NUMBER OF FAMILIES AND CHILDREN STATEWIDE AND BY  
26 COUNTY THAT REENTER CCCAP WITHIN TWO YEARS OF EXITING DUE TO  
27 THEIR FAMILY INCOMES EXCEEDING THE ELIGIBILITY LIMITS; AND

1 (i) AN ESTIMATE OF UNMET NEED FOR CCCAP IN EACH COUNTY  
2 AND THROUGHOUT THE STATE BASED ON ESTIMATES OF THE NUMBER OF  
3 CHILDREN AND FAMILIES WHO ARE LIKELY TO BE ELIGIBLE FOR CCCAP IN  
4 EACH COUNTY BUT WHO ARE NOT ENROLLED IN CCCAP.

5 **SECTION 8.** In Colorado Revised Statutes, 26-2-703, **amend** (4)  
6 as follows:

7 **26-2-703. Definitions.** As used in this part 7, unless the context  
8 otherwise requires:

9 (4) "Colorado child care assistance program" means the state  
10 program of child care assistance implemented pursuant to the provisions  
11 of part 8 of this article and rules of the state ~~department~~ BOARD.

12 **SECTION 9. Appropriation.** (1) In addition to any other  
13 appropriation, there is hereby appropriated to the department of human  
14 services, for the fiscal year beginning July 1, 2014, the sum of  
15 \$9,922,744, or so much thereof as may be necessary, to be allocated for  
16 the implementation of this act as follows:

17 (a) \$8,279,903 general fund for county Colorado child care  
18 assistance program allocations;

19 (b) \$255,000 general fund for the division of early care and  
20 learning to conduct a Colorado child care assistance program market rate  
21 study;

22 (c) \$1,216,781 federal funds for modifications to the child care  
23 automated tracking system;

24 (d) \$130,448, comprised of \$31,100 from the general fund, \$4,189  
25 from the old age pension fund created in section 1 of article XXIV of the  
26 state constitution, \$44,529 from reappropriated funds received from the  
27 department of health care policy and financing out of the appropriation

1 made in subsection (2) of this section, and \$50,630 from federal funds,  
2 for modifications to the Colorado benefits management system; and

3 (e) \$40,612, comprised of \$12,184 from the general fund, \$2,843  
4 from the family support registry fund created in section 26-13-115.5 (1),  
5 Colorado Revised Statutes, and \$25,585 federal funds, for modifications  
6 to the automated child support enforcement system.

7 (2) In addition to any other appropriation, there is hereby  
8 appropriated, to the department of health care policy and financing, for  
9 the fiscal year beginning July 1, 2014, the sum of \$44,529, or so much  
10 thereof as may be necessary, for allocation to department of human  
11 services medicaid-funded programs, office of information technology  
12 services-medicare funding, Colorado benefits management system, for  
13 system modifications related to the implementation of this act. Of said  
14 sum, \$21,813 is from the general fund, \$115 is from the old age pension  
15 health and medical care fund pursuant to section 7 (c) of article XXIV of  
16 the state constitution, \$276 is from the children's basic health plan trust  
17 fund created in section 25.5-8-105 (1), Colorado Revised Statutes, and  
18 \$22,325 is from federal funds.

19 (3) In addition to any other appropriation, there is hereby  
20 appropriated to the governor - lieutenant governor - state planning and  
21 budgeting, for the fiscal year beginning July 1, 2014, the sum of  
22 \$1,387,841, or so much thereof as may be necessary, for allocation to the  
23 office of information technology for the provision of services to the  
24 department of human services related to the implementation of this act.  
25 Said sum shall be from reappropriated funds received from the  
26 department of human services out of the appropriations made in  
27 subsection (1) of this section.

1           **SECTION 10. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.