Second Regular Session Seventy-first General Assembly STATE OF COLORADO

REENGROSSED

This Version Includes All Amendments Adopted in the House of Introduction SENATE BILL 18-162

LLS NO. 18-0319.01 Brita Darling x2241

SENATE SPONSORSHIP

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Senate Committees Health & Human Services **House Committees**

A BILL FOR AN ACT

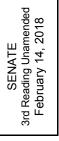
101 **CONCERNING SUBSTITUTE CHILD CARE PROVIDERS.**

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 applies to the reengrossed version of this bill will be available at <u>http://leg.colorado.gov/</u>.)

Early Childhood and School Readiness Legislative Commission. The bill creates a license within the department of human services (department) for a substitute placement agency that places or that facilitates or arranges placement of substitute child care providers in licensed child care facilities providing less than 24-hour care.

The bill requires the state board of human services to establish rules for substitute child care providers and substitute placement agencies,





including a requirement that substitute child care providers submit to a fingerprint-based criminal history records check and a review of records of child abuse and neglect maintained by the department.

The bill allows the department to establish and collect a fee for licensing substitute placement agencies.

1 *Be it enacted by the General Assembly of the State of Colorado:* 2 SECTION 1. In Colorado Revised Statutes, 26-6-102, amend 3 (37); and **add** (37.5) as follows: 4 **26-6-102. Definitions.** As used in this article 6, unless the context 5 otherwise requires: 6 (37) "Substitute child care provider" means a person who provides 7 temporary care for a child or children in a LICENSED CHILD CARE 8 FACILITY, INCLUDING A CHILD CARE CENTER AND A family child care 9 home. or homes in the absence of the licensed provider for more than 10 fourteen days or one hundred twelve hours in any calendar year. "SUBSTITUTE PLACEMENT AGENCY" MEANS ANY 11 (37.5)12 CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, AGENCY, OR 13 INSTITUTION THAT PLACES OR THAT FACILITATES OR ARRANGES 14 PLACEMENT OF SHORT-TERM OR LONG-TERM SUBSTITUTE CHILD CARE 15 PROVIDERS IN LICENSED CHILD CARE FACILITIES PROVIDING LESS THAN 16 TWENTY-FOUR-HOUR CARE. 17 **SECTION 2.** In Colorado Revised Statutes, repeal and reenact, 18 with amendments, 26-6-103.3 as follows: 19 26-6-103.3. Substitute child care providers - substitute 20 placement agency - licensing - rules. (1) SUBSTITUTE PLACEMENT 21 AGENCIES ARE SUBJECT TO THE REOUIREMENTS OF THIS PART 1. THE STATE 22 DEPARTMENT SHALL LICENSE SUBSTITUTE PLACEMENT AGENCIES TO PLACE 23 OR FACILITATE OR ARRANGE FOR THE PLACEMENT OF SHORT-TERM AND

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LONG-TERM SUBSTITUTE CHILD CARE PROVIDERS IN LICENSED FACILITIES
 PROVIDING LESS THAN TWENTY-FOUR-HOUR CARE.

3 (2) THE STATE BOARD SHALL PROMULGATE RULES FOR SUBSTITUTE 4 PLACEMENT AGENCIES AND SUBSTITUTE CHILD CARE PROVIDERS. AT A 5 MINIMUM, STATE BOARD RULES MUST REQUIRE THAT THE SUBSTITUTE 6 CHILD CARE PROVIDER DEMONSTRATE THAT HE OR SHE HAS THE TRAINING 7 AND CERTIFICATION FOR THE CHILD CARE LICENSE TYPE AND POSITION IN 8 WHICH THE SUBSTITUTE CHILD CARE PROVIDER IS PLACED. PURSUANT TO 9 SECTION 26-6-107 (1)(a)(I)(C), EACH SUBSTITUTE CHILD CARE PROVIDER 10 SHALL PAY FOR AND SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY 11 RECORDS CHECK AND A REVIEW OF THE RECORDS AND REPORTS OF CHILD 12 ABUSE OR NEGLECT MAINTAINED BY THE STATE DEPARTMENT TO 13 DETERMINE WHETHER THE SUBSTITUTE CHILD CARE PROVIDER HAS BEEN 14 FOUND TO BE RESPONSIBLE IN A CONFIRMED REPORT OF CHILD ABUSE OR 15 NEGLECT. THE SUBSTITUTE PLACEMENT AGENCY SHALL NOT PLACE A 16 SUBSTITUTE CHILD CARE PROVIDER WHO IS CONVICTED OF ANY OF THE 17 CRIMES SPECIFIED IN SECTION 26-6-104 (7) OR SECTION 26-6-108.

18 SECTION 3. In Colorado Revised Statutes, 26-6-105, amend
19 (1)(a)(IX) and (1)(a)(X); and add (1)(a)(XI) as follows:

20 **26-6-105.** Fees - when original applications, reapplications, 21 and renewals for licensure are required - creation of child care 22 licensing cash fund. (1) (a) The state department is hereby authorized to 23 establish, pursuant to rules promulgated by the state board, permanent, 24 time-limited, and provisional license fees and fees for continuation or 25 renewal, whichever is applicable, of a license for the following types of 26 child care arrangements:

27 (IX) Specialized group facilities; and

- 1 (X) Children's resident camps; AND
- 2 (XI) SUBSTITUTE PLACEMENT AGENCIES.

SECTION 4. Act subject to petition - effective date. This act 3 4 takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5 6 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a 7 referendum petition is filed pursuant to section 1 (3) of article V of the 8 state constitution against this act or an item, section, or part of this act 9 within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in 10 11 November 2018 and, in such case, will take effect on the date of the 12 official declaration of the vote thereon by the governor.