

NO FISCAL IMPACT**Drafting Number:** LLS 10-0684**Date:** January 28, 2010**Prime Sponsor(s):** Sen. Tochtrop
Rep. Miklosi**Bill Status:** Senate Health and Human Services**Fiscal Analyst:** Janis Baron (303-866-3523)

TITLE: CONCERNING AUTHORIZING THE DEPARTMENT OF HUMAN SERVICES TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK ON AN INDIVIDUAL WHO CARES FOR A RELATED CHILD WHOSE CARE IS FUNDED IN WHOLE OR IN PART WITH MONEYS RECEIVED FROM THE COLORADO CHILD CARE ASSISTANCE PROGRAM.

Summary of Legislation

This bill is recommended by the Legislative Audit Committee. It authorizes the Department of Human Services to obtain a fingerprint-based criminal history record check on a person who provides care to a child who is related to him or her if the child's care is funded with moneys from the Colorado Child Care Assistance Program (CCCAP). It takes effect upon signature of the Governor, or upon becoming law without his signature.

Background

SB06-45 — Concerning the Investigation of Child Care Providers was interpreted to require exempt family child care home providers to submit to a background check if they participated in the CCAP. It further defined these providers. Since enactment of the bill, the department has been requiring persons providing care to a related child to submit to a background check.

A November 2008 performance audit on the CCCAP recommended that the program discontinue the practice of requiring background checks on persons who care only for their relative children. The audit found that the program was obtaining background checks on these persons without explicit statutory authority to do so. It further recommended that the department seek a legal opinion as to whether current law needs to be amended to clarify the department's authority to require background checks on these persons. An informal opinion from the Department of Law stated that while it appeared the intent of SB06-45 was to include these persons, statute should be written to clarify that they are subject to background checks.

Assessment

The bill is assessed at having no fiscal impact; it provides clarifying language for an ongoing activity. The persons at issue have been subject to a background check since enactment of SB06-45. They also pay a fee to cover the full cost of processing the background check. There will be no change in caseload or expenditures due to the bill.

Departments Contacted

Human Services

Public Safety

Legislature — Office of the State Auditor