

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 10-0412.01 Jane Ritter

HOUSE BILL 10-1044

HOUSE SPONSORSHIP

Carroll T., Todd, Benefield, Kefalas, Massey, McNulty, Merrifield, Middleton, Roberts, Schafer S., Stephens

SENATE SPONSORSHIP

Steadman,

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A BILL FOR AN ACT

101 **CONCERNING THE LICENSURE OF NEIGHBORHOOD YOUTH**
102 **ORGANIZATIONS.**

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 <http://www.leg.state.co.us/billsummaries>.)

The bill requires neighborhood youth organizations (NYO) to obtain either a general child care center license or a separate NYO license. An NYO with a separate NYO license shall have the following duties and requirements for operation:

! To inform a parent or legal guardian of each youth who

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.*

attends the NYO of the legal requirements that the NYO must meet and to post a notice in bold print and in plain view on the premises of the NYO facility listing these requirements;

- ! To inform a parent or legal guardian of a youth who attends the NYO of the telephone number and address of the appropriate division within the department of human services for investigating complaints about NYOs, with the instruction that any complaint about the NYO's compliance with legal requirements be directed to such division, and to post a notice in bold print and in plain view on the premises of the NYO facility containing this information;
- ! Prior to admitting a youth into the NYO, to require the youth's parent or legal guardian to sign a statement authorizing the youth to arrive and depart from the NYO or participate in field trips without parental or organizational supervision;
- ! To establish a process to receive and resolve parental or legal guardian complaints;
- ! To establish an internal process to report known or suspected abuse or neglect to appropriate authorities;
- ! To maintain, either at the NYO or at a central administrative facility, records containing specified information concerning each youth admitted into the NYO;
- ! To complete a fingerprint-based or other criminal history record check on each employee, volunteer, or applicant for an employee or volunteer position who works with youth or will work with youth 5 or more days in a calendar month; and
- ! To adopt minimum standards for operation.

The bill includes a provision that protects the NYO against civil liability for refusal to hire or authorize an employee or volunteer and for terminating the employment or assistance of an employee or volunteer as a result of information disclosed in an investigation of the person.

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

2 **SECTION 1.** 26-6-102, Colorado Revised Statutes, is amended

3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **26-6-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

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(5.8) "NEIGHBORHOOD YOUTH ORGANIZATION" MEANS A NONPROFIT ORGANIZATION THAT IS DESIGNED TO SERVE YOUTH AS YOUNG AS SIX YEARS OF AGE AND AS OLD AS EIGHTEEN YEARS OF AGE AND THAT OPERATES PRIMARILY DURING TIMES OF THE DAY WHEN SCHOOL IS NOT IN SESSION AND PROVIDES RESEARCH-BASED, AGE-APPROPRIATE, AND CHARACTER-BUILDING ACTIVITIES DESIGNED EXCLUSIVELY FOR THE DEVELOPMENT OF YOUTH FROM SIX TO EIGHTEEN YEARS OF AGE. THESE ACTIVITIES SHALL OCCUR PRIMARILY IN A FACILITY LEASED OR OWNED BY THE NEIGHBORHOOD YOUTH ORGANIZATION. THE ACTIVITIES SHALL OCCUR IN AN ENVIRONMENT IN WHICH YOUTH HAVE WRITTEN PARENTAL OR LEGAL GUARDIAN CONSENT TO BECOME A YOUTH MEMBER OF THE NEIGHBORHOOD YOUTH ORGANIZATION AND TO ARRIVE AT AND DEPART FROM THE PRIMARY LOCATION OF THE ACTIVITY ON THEIR OWN ACCORD, WITHOUT SUPERVISION BY A PARENT, LEGAL GUARDIAN, OR ORGANIZATION. A NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT INCLUDE FAITH-BASED CENTERS OR AN ORGANIZATION OPERATED BY STATE OR CITY PARKS DEPARTMENTS OR FACILITIES THAT ARE CURRENTLY LICENSED AS CHILD CARE CENTERS AS DEFINED IN SUBSECTION (1.5) OF THIS SECTION.

(13) "YOUTH MEMBER" MEANS A YOUTH WHO IS SIX YEARS OF AGE THROUGH 18 YEARS OF AGE WHOSE PARENT OR LEGAL GUARDIAN HAS PROVIDED WRITTEN CONSENT FOR THE YOUTH TO PARTICIPATE IN THE ACTIVITIES OF A NEIGHBORHOOD YOUTH ORGANIZATION AND WHO PAYS THE REQUIRED DUES OF THE NEIGHBORHOOD YOUTH ORGANIZATION.

SECTION 2. Part 1 of article 6 of title 26, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3 **26-6-103.7. Application of part - neighborhood youth**
4 **organizations - licensing - duties and responsibilities - definitions.**

5 (1) NOTWITHSTANDING ANY PROVISION OF THIS PART 1 TO THE
6 CONTRARY, A NEIGHBORHOOD YOUTH ORGANIZATION THAT IS NOT
7 OTHERWISE LICENSED TO OPERATE UNDER THIS PART 1 SHALL OBTAIN A
8 NEIGHBORHOOD YOUTH ORGANIZATION LICENSE PURSUANT TO THIS
9 SECTION. A NEIGHBORHOOD YOUTH ORGANIZATION THAT OBTAINS A
10 LICENSE PURSUANT TO THIS SECTION SHALL BE SUBJECT ONLY TO THE
11 REQUIREMENTS OF THIS SECTION AND SHALL OTHERWISE BE EXEMPT FROM
12 THE REQUIREMENTS OF THIS PART 1.

13 (2) THE STATE BOARD SHALL PROMULGATE RULES TO ESTABLISH
14 A NEIGHBORHOOD YOUTH ORGANIZATION LICENSE, INCLUDING BUT NOT
15 LIMITED TO THE FEE REQUIRED TO APPLY FOR AND OBTAIN THE LICENSE.
16 **THE RULES SHALL NOT CONCERN STAFF-TO-YOUTH RATIOS.**

17 (3) A NEIGHBORHOOD YOUTH ORGANIZATION LICENSED PURSUANT
18 TO THIS SECTION AND OPERATING IN THE STATE OF COLORADO SHALL
19 HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

20 (a) TO INFORM A PARENT OR LEGAL GUARDIAN OF THE
21 REQUIREMENTS OF THIS SUBSECTION (3) AND TO POST A NOTICE IN BOLD
22 PRINT AND IN PLAIN VIEW ON THE PREMISES OF THE FACILITY IN WHICH THE
23 NEIGHBORHOOD YOUTH ORGANIZATION OPERATES THAT LISTS THE
24 FOLLOWING INFORMATION:

- 25 (I) THE REQUIREMENTS OF THIS SUBSECTION (3); AND
- 26 (II) THE TELEPHONE NUMBER AND ADDRESS OF THE APPROPRIATE
27 DIVISION WITHIN THE STATE DEPARTMENT FOR INVESTIGATING

1 COMPLAINTS CONCERNING A NEIGHBORHOOD YOUTH ORGANIZATION, WITH
2 THE INSTRUCTION THAT ANY COMPLAINT REGARDING THE NEIGHBORHOOD
3 YOUTH ORGANIZATION'S COMPLIANCE WITH THESE REQUIREMENTS BE
4 DIRECTED TO THAT DIVISION;

5 (b) PRIOR TO ADMITTING AN INTERESTED YOUTH MEMBER INTO
6 THE NEIGHBORHOOD YOUTH ORGANIZATION, TO REQUIRE THE YOUTH
7 MEMBER'S PARENT OR LEGAL GUARDIAN TO SIGN A STATEMENT
8 AUTHORIZING THE YOUTH MEMBER TO ARRIVE AND DEPART FROM THE
9 ORGANIZATION WITHOUT SUPERVISION BY A PARENT, LEGAL GUARDIAN,
10 OR THE ORGANIZATION;

11 (c) TO ESTABLISH A PROCESS TO RECEIVE AND RESOLVE
12 COMPLAINTS FROM PARENTS OR LEGAL GUARDIANS;

13 (d) TO ESTABLISH A PROCESS TO REPORT KNOWN OR SUSPECTED
14 CHILD ABUSE OR NEGLECT TO APPROPRIATE AUTHORITIES PURSUANT TO
15 SECTION 19-3-304, C.R.S.;

16 (e) TO MAINTAIN, EITHER AT THE NEIGHBORHOOD YOUTH
17 ORGANIZATION OR AT A CENTRAL ADMINISTRATIVE FACILITY, RECORDS
18 FOR EACH YOUTH MEMBER ADMITTED INTO THE NEIGHBORHOOD YOUTH
19 ORGANIZATION CONTAINING, AT A MINIMUM, THE FOLLOWING
20 INFORMATION:

21 (I) THE YOUTH MEMBER'S FULL NAME;

22 (II) THE YOUTH MEMBER'S DATE OF BIRTH;

23 (III) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A PARENT
24 OR LEGAL GUARDIAN OF THE YOUTH MEMBER;

25 (IV) THE NAME AND TELEPHONE NUMBER OF AT LEAST ONE
26 EMERGENCY CONTACT PERSON FOR THE YOUTH MEMBER; AND

27 (V) A PARENT'S OR LEGAL GUARDIAN'S WRITTEN AUTHORIZATION

1 FOR THE YOUTH MEMBER TO ATTEND THE NEIGHBORHOOD YOUTH
2 ORGANIZATION;

3 (f) TO REQUIRE A YOUTH MEMBER'S PARENT OR LEGAL GUARDIAN
4 TO SIGN A STATEMENT AUTHORIZING THE NEIGHBORHOOD YOUTH
5 ORGANIZATION TO PROVIDE TRANSPORTATION PRIOR TO FIELD TRIPS OR TO
6 AND FROM THE NEIGHBORHOOD YOUTH ORGANIZATION; AND

7 (g) TO FOLLOW THE REQUIREMENTS SPECIFIED IN SUBSECTION (4)
8 OF THIS SECTION FOR A FINGERPRINT-BASED OR OTHER CRIMINAL HISTORY
9 RECORD CHECK OF EACH EMPLOYEE AND VOLUNTEER WHO WORKS
10 WITH OR WILL WORK WITH YOUTH MEMBERS FIVE OR MORE DAYS IN A
11 CALENDAR MONTH.

12 (4) A NEIGHBORHOOD YOUTH ORGANIZATION SHALL REQUIRE ALL
13 EMPLOYEES AND VOLUNTEERS WHO WORK DIRECTLY WITH OR WILL WORK
14 DIRECTLY WITH YOUTH MEMBERS FIVE OR MORE DAYS IN A CALENDAR
15 MONTH TO OBTAIN, PRIOR TO EMPLOYMENT AND EVERY TWO YEARS
16 THEREAFTER, ONE OF THE FOLLOWING:

17 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
18 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND REQUEST THE
19 STATE DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING
20 INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS
21 SPECIFIED IN SECTION 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING
22 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9),
23 C.R.S. THE NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A
24 PERSON AS AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER
25 CONFIRMATION OF SUCH A CRIMINAL HISTORY.

26 (b) A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED
27 CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF

1 INVESTIGATION IF THE EMPLOYEE, VOLUNTEER, OR APPLICANT HAS
2 RESIDED IN THE STATE OF COLORADO LESS THAN TWO YEARS. THE
3 NEIGHBORHOOD YOUTH ORGANIZATION SHALL REQUEST THE STATE
4 DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED
5 HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION
6 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL
7 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE
8 NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN
9 EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION
10 OF SUCH A CRIMINAL HISTORY.

11 (c) A COMPARISON SEARCH BY THE STATE DEPARTMENT ON THE
12 ICON SYSTEM OF THE STATE JUDICIAL DEPARTMENT OR A COMPARISON
13 SEARCH ON ANY OTHER DATABASE THAT IS RECOGNIZED ON A STATEWIDE
14 BASIS BY USING THE NAME, DATE OF BIRTH, AND SOCIAL SECURITY
15 NUMBER INFORMATION AND ANY OTHER AVAILABLE SOURCE OF CRIMINAL
16 HISTORY INFORMATION THAT THE STATE DEPARTMENT DETERMINES IS
17 APPROPRIATE TO DETERMINE WHETHER THE EMPLOYEE OR VOLUNTEER
18 HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION
19 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL
20 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE
21 NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN
22 EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION
23 OF SUCH A CRIMINAL HISTORY.

24 (d) A SEPARATE BACKGROUND CHECK BY A PRIVATE ENTITY
25 REGULATED AS A CONSUMER REPORTING AGENCY PURSUANT TO 15 U.S.C.
26 SEC. 1681 ET SEQ. THAT SHALL DISCLOSE, AT A MINIMUM, SEXUAL
27 OFFENDERS AND FELONY CONVICTIONS AND INCLUDE A SOCIAL SECURITY

1 NUMBER TRACE, A NATIONAL CRIMINAL FILE CHECK, AND A STATE OR
2 COUNTY CRIMINAL FILE SEARCH. THE SEPARATE BACKGROUND CHECK
3 SHALL ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN
4 CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401,
5 C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR
6 AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE NEIGHBORHOOD
7 YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN EMPLOYEE OR
8 APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION OF SUCH A
9 CRIMINAL HISTORY. [REDACTED] [REDACTED]

10 (5) THE GOVERNING BOARD OF EACH NEIGHBORHOOD YOUTH
11 ORGANIZATION SHALL ADOPT MINIMUM STANDARDS FOR OPERATING A
12 NEIGHBORHOOD YOUTH ORGANIZATION, INCLUDING BUT NOT LIMITED TO
13 STANDARDS CONCERNING STAFF, STAFF TRAINING, HEALTH AND SAFETY,
14 AND MECHANISMS FOR ASSESSING AND ENFORCING THE NEIGHBORHOOD
15 YOUTH ORGANIZATION'S COMPLIANCE WITH THE STANDARDS ADOPTED.

16 (6) THE STATE DEPARTMENT SHALL HAVE THE AUTHORITY TO
17 RECEIVE, RESPOND TO, AND INVESTIGATE ANY COMPLAINT CONCERNING
18 COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN THIS SECTION FOR A
19 NEIGHBORHOOD YOUTH ORGANIZATION.

20 (7) A NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT BE
21 REQUIRED TO OBTAIN OR KEEP ON FILE IMMUNIZATION RECORDS FOR
22 YOUTH MEMBERS PARTICIPATING IN THE ORGANIZATION'S ACTIVITIES.

23 (8) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (a) "EMPLOYEE" MEANS A PAID EMPLOYEE OF A NEIGHBORHOOD
26 YOUTH ORGANIZATION WHO IS EIGHTEEN YEARS OF AGE OR OLDER.

27 (b) "VOLUNTEER MEANS A PERSON WHO VOLUNTEERS HIS OR HER

1 ASSISTANCE TO A NEIGHBORHOOD YOUTH ORGANIZATION AND WHO IS
2 EIGHTEEN YEARS OF AGE OR OLDER.

3 **SECTION 3.** 19-1-307 (2), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **19-1-307. Dependency and neglect records and information -**
6 **access - fee - rules - records and reports fund - misuse of information**
7 **- penalty. (2) Records and reports - access to certain persons -**
8 **agencies.** Except as otherwise provided in section 19-1-303, only the
9 following persons or agencies shall be given access to child abuse or
10 neglect records and reports:

11 (j.7) THE STATE DEPARTMENT OF HUMAN SERVICES INVESTIGATING
12 AN APPLICANT FOR AN EMPLOYEE OR VOLUNTEER POSITION WITH, OR AN
13 EMPLOYEE OR VOLUNTEER OF, A NEIGHBORHOOD YOUTH ORGANIZATION
14 PURSUANT TO SECTION 26-6-103.7 (4) (c), C.R.S., WHEN THE APPLICANT,
15 EMPLOYEE, OR VOLUNTEER HAS GIVEN WRITTEN AUTHORIZATION TO THE
16 STATE DEPARTMENT OF HUMAN SERVICES TO CHECK RECORDS OR REPORTS
17 OF CHILD ABUSE OR NEGLECT.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.