REENGROSSED

This Version Includes All Amendments
Adopted in the House of Introduction

LLS NO. 10-0684.01 Jane Ritter   **SENATE BILL 10-118**

SENATE SPONSORSHIP

Tochtrop, Carroll M.

HOUSE SPONSORSHIP

Miklosi, Primavera

Senate Committees	**House Committees**
Health and Human Services	

A BILL FOR AN ACT

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

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.)

SENATE
3rd Reading Unamended
February 24, 2010

SENATE
2nd Reading Unamended
February 19, 2010

Legislative Audit Committee. The bill gives the department of human services authority to obtain a fingerprint-based criminal history record check on a family child care home provider who cares for a related child if the child's care is funded in whole or in part with moneys received on the child's behalf from the Colorado child care assistance program.

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

2   **SECTION 1.** 26-6-120 (1), the introductory portions to 26-6-120

3   (2) and (3), and 26-6-120 (3) (b), (4), and (5), Colorado Revised Statutes,

4   are amended to read:

5   **26-6-120.   Exempt family child care home providers -**

6   **fingerprint-based criminal history record check - child care**

7   **assistance program moneys - temporary care - definitions.**

8   (1) (a) (I) An exempt family child care home provider who provides care

9   for a child ~~whose care is funded in whole or in part with moneys received~~

10   ~~on the child's behalf from publicly funded state child care assistance~~

11   ~~programs~~ AND AN INDIVIDUAL WHO PROVIDES CARE FOR A CHILD WHO IS

12   RELATED TO THE INDIVIDUAL, REFERRED TO COLLECTIVELY IN THIS

13   SECTION AS A "QUALIFIED PROVIDER", shall be subject to a

14   fingerprint-based criminal history ~~records~~ RECORD check, referred to in

15   this section as an "FCC", as provided in this section and the rules

16   authorized in section 26-6-107 (1) (a) (I) and (1) (a) (I.5), IF THE CHILD'S

17   CARE IS FUNDED IN WHOLE OR IN PART WITH MONEYS RECEIVED ON THE

18   CHILD'S BEHALF FROM THE PUBLICLY FUNDED COLORADO CHILD CARE

19   ASSISTANCE PROGRAM. The provisions of this section shall apply to

20   exempt family child care home providers OR INDIVIDUALS WHO PROVIDE

21   CARE TO A RELATED CHILD who receive moneys from THE publicly funded

22   ~~state~~ COLORADO child care assistance ~~programs~~ PROGRAM pursuant to

23   contracts or other payment agreements entered into or renewed on or after

1   May 25, 2006.

2   (II) Each adult eighteen years of age or older who resides with ~~an~~

3   ~~exempt family child care home~~ A QUALIFIED provider WHERE THE CARE

4   IS PROVIDED, referred to in this section as a "qualified adult", shall be

5   subject to the FCC required pursuant to this section.

6   (III) The FCC required for ~~an exempt family child care home~~ A

7   QUALIFIED provider or qualified adult pursuant to this section shall be

8   conducted through the Colorado bureau of investigation for ~~an exempt~~

9   ~~family child care home~~ A QUALIFIED provider or qualified adult who has

10   resided in Colorado for more than two years. ~~An exempt family child~~

11   ~~care home~~ A QUALIFIED provider or qualified adult who has resided in

12   Colorado for less than two years shall be required to additionally have a

13   federal bureau of investigation fingerprint check conducted through the

14   Colorado bureau of investigation. As part of ~~said~~ THE FCC, the records

15   and reports of child abuse or neglect maintained by the state department

16   shall be accessed to determine whether the subject of the FCC has been

17   found to be responsible in a confirmed report of child abuse or neglect.

18   Information shall be made available pursuant to section 19-1-307 (2) (j),

19   C.R.S., and rules promulgated by the state board pursuant to section

20   19-3-313.5 (4), C.R.S.

21   (IV)   The FCC required pursuant to this section shall be a

22   prerequisite to the issuance or renewal of a contract for receipt of moneys

23   under the Colorado child care assistance program as provided in part 8 of

24   article 2 of this title. The state department shall not issue or renew a

25   contract for payment of moneys under the Colorado child care assistance

26   program to ~~an exempt family child care home~~ A QUALIFIED provider who

27   fails to submit to the FCC or fails to submit fingerprints for a qualified

1   adult. ~~who resides with the exempt family child care home provider.~~

2   (b) ~~An exempt family child care home~~ A QUALIFIED provider shall

3   notify the county with whom he or she has contracted pursuant to the

4   Colorado child care assistance program upon any change of

5   circumstances that results in the presence of a new qualified adult. ~~in the~~

6   ~~residence.~~ A new qualified adult ~~in the residence of an exempt family~~

7   ~~child care home provider~~ is required to undergo an FCC as provided in

8   this section, even if the Colorado child care assistance program contract

9   is not subject to renewal when the qualified adult moves into the

10   residence WHERE THE CARE IS PROVIDED.

11   (c) ~~An exempt family child care home~~ A QUALIFIED provider or

12   qualified adult who undergoes an FCC shall, with submittal of his or her

13   fingerprints, pay to the state department a fee established by rule of the

14   state board pursuant to subsection (5) of this section to offset the costs

15   associated with processing the FCC through the Colorado bureau of

16   investigation and the federal bureau of investigation.

17   (2) A contract to provide moneys under the Colorado child care

18   assistance program pursuant to part 8 of article 2 of this title shall not be

19   issued or renewed by the state department or a county department to ~~an~~

20   ~~exempt family child care home~~ A QUALIFIED provider if the QUALIFIED

21   provider or a qualified adult ~~who resides with the provider~~ has been

22   convicted of:

23   (3) A contract to provide moneys under the Colorado child care

24   assistance program pursuant to part 8 of article 2 of this title shall not be

25   issued or renewed by the state department or a county department to ~~an~~

26   ~~exempt family child care home~~ A QUALIFIED provider if the QUALIFIED

27   provider or a qualified adult: ~~who resides with the provider:~~

1   (b) Has been determined to be insane or mentally incompetent by

2 a court of competent jurisdiction and a court has entered, pursuant to part

3 3 or 4 of article 14 of title 15, C.R.S., or section 27-10-109 (4) or

4 27-10-125, C.R.S., an order specifically finding that the mental

5 incompetency or insanity is of such a degree that the QUALIFIED provider

6 cannot safely operate ~~an exempt family~~ A child care home. The record of

7 such determination and entry of such order shall be conclusive evidence

8 thereof. ~~An exempt family child care home~~ A QUALIFIED provider shall

9 sign an attestation affirming the lack of such a finding prior to entering

10 into or renewing a contract for moneys under the Colorado child care

11 assistance program, pursuant to section 26-2-805.5 (2).

12   (4) ~~An exempt family child care home~~ A QUALIFIED provider who

13 has submitted to an FCC by the Colorado bureau of investigation and the

14 federal bureau of investigation may, pending the receipt of the results of

15 the FCC, continue to receive moneys from ~~publicly funded state~~ THE

16 COLORADO child care assistance ~~programs~~ PROGRAM.

17   (5) The state board shall promulgate rules to establish the amount

18 of the fee to collect from ~~an exempt family child care home~~ A QUALIFIED

19 provider or qualified adult who is subject to an FCC pursuant to

20 subsection (1) of this section. The state department is authorized to

21 collect the fee at the time of the FCC.

22   **SECTION 2. Safety clause.** The general assembly hereby finds,

23 determines, and declares that this act is necessary for the immediate

24 preservation of the public peace, health, and safety.