

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0684.01 Jane Ritter

SENATE BILL 10-118

SENATE SPONSORSHIP

Tochtrop, Carroll M.

HOUSE SPONSORSHIP

Miklosi, Primavera

Senate Committees

Health and Human Services

House Committees

Health and Human Services

HOUSE
3rd Reading Unam ended
March 18, 2010

HOUSE
2nd Reading Unam ended
March 17, 2010

SENATE
3rd Reading Unam ended
February 24, 2010

SENATE
2nd Reading Unam ended
February 19, 2010

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>.)

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.*

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.