

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0764.01 Jane Ritter x4342

HOUSE BILL 14-1317

HOUSE SPONSORSHIP

Duran,

SENATE SPONSORSHIP

Nicholson and Kefalas, Newell

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE COLORADO CHILD CARE
102 ASSISTANCE PROGRAM, AND, IN CONNECTION THEREWITH,
103 ALIGNING ELIGIBILITY AND AUTHORIZATION; ADDRESSING
104 AFFORDABILITY BY REDUCING COPAYMENTS; IMPROVING
105 PROVIDER REIMBURSEMENT RATES; INCREASING ACCESS TO
106 QUALITY CARE; AND IMPROVING TECHNOLOGY,
107 INFRASTRUCTURE, AND ADMINISTRATION.

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

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.

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

The bill makes several modifications to the Colorado child care assistance program (program), including:

- ! The state board of human services (board) must establish provider reimbursement rates for infant and toddler care at least at the 75th percentile of each county's local market rate for infant and toddler care;
- ! The state-established provider reimbursement rates must include a system of tiered reimbursement for providers that enroll children in the program;
- ! A county may petition the board to opt out of the state-established provider reimbursement rates;
- ! Subject to available appropriations, counties are directed to provide child care assistance to a person or family whose income is not more than 165% of the federal poverty level;
- ! The board must adopt new rules for determining the amount of copayment a participant in the program must pay. The rules must include a provision that for a family living at 100% of the federal poverty level, the copayment must be restricted to 1% of the family's gross annual income.
- ! The rules concerning participant copayment must also establish a tiered copayment schedule that increases the copayment gradually as the participant's income approaches self-sufficiency income levels. The participant's income should reflect an average of income over time to account for variations in wages, work schedules, or seasonal employment.
- ! A county shall set the exit income eligibility threshold at a level higher than the entry income eligibility level, at an income level needed for a family of the size receiving the child care assistance to achieve a self-sufficiency standard of living in that county, at a level not to exceed 85% of the state median income for a family of the same size, and in a manner so that a family does not lose child care assistance due to a modest increase in the parents' income above their entry income eligibility level;
- ! In current rule, a participant in the program who loses employment can remain in the program for only 30 days while actively searching for employment. The bill increases that time to at least 60 days, assuming all other eligibility criteria are met.
- ! The bill creates a new eligibility activity by allowing a parent who is not employed but who is either enrolled in a

- postsecondary or workforce training program to participate in the program for up to 2 years he or she is enrolled in the postsecondary or workforce training program;
- ! The bill makes it a statutory requirement that the hours for the provision of child care services through the program must not be directly linked to a participant's employment, education, or workforce training schedule;
 - ! The bill requires a county to allow for presumptive eligibility of a participant for at least 30 days while awaiting verification of an application to the program;
 - ! No more than one month of paystubs must be required when determining a family's income eligibility for the program;
 - ! Counties are given the authority to develop a voucher system for relative or unlicensed child care for families enrolled in the program;
 - ! Counties are given permission to use their program allocations to provide direct contracts or grants to early care and education providers for a county-determined number of program slots for a 12-month period to increase the supply and improve the quality and continuity of child care for infants and toddlers, children with disabilities, after-hours care, and children in underserved neighborhoods;
 - ! Counties are required to provide participants and child care providers with at least 45 days' notice prior to the effective date of any change in income eligibility levels;
 - ! Counties are required to post eligibility, authorization, and administration policies and procedures so they are easily accessible to a layperson;
 - ! Administrative changes in the bill include allowing a county to use eligibility determination information from other public assistance programs and systems to determine program eligibility, allowing a child care provider to accept a participant's program application and submit it to the county on behalf of the family seeking enrollment in the program, and requiring each county to maintain a current and accurate program waiting list;
 - ! Counties shall reimburse providers, separate from regular reimbursement rates, for no fewer than 5 days per month of child absences or holidays; and
 - ! The state department of human services is directed to prepare an annual report on the program.
-

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 26-2-802 as
3 follows:

4 **26-2-802. Legislative declaration.** (1) The general assembly
5 hereby finds and declares that:

6 (a) The state's policies in connection with the provision of child
7 care assistance and the effective delivery of such assistance are critical to
8 the ultimate success of any welfare reform program;

9 (b) ~~The general assembly further finds that~~ Children in
10 low-income families who receive services through a child care assistance
11 program need and deserve the same access to a broad range of child care
12 providers as do children in families who do not need assistance;

13 (c) IT IS CRITICAL TO PROVIDE LOW- TO MODERATE-INCOME
14 FAMILIES WITH ACCESS TO HIGH-QUALITY, AFFORDABLE CHILD CARE THAT
15 FOSTERS HEALTHY CHILD DEVELOPMENT AND SCHOOL READINESS, WHILE
16 AT THE SAME TIME PROMOTES FAMILY SELF-SUFFICIENCY AND
17 ATTACHMENT TO THE WORKFORCE; AND

18 (d) INDIVIDUAL COUNTIES PLAY A VITAL ROLE IN ADMINISTERING
19 THE CHILD CARE ASSISTANCE PROGRAM AND HAVE LOCAL KNOWLEDGE OF
20 THEIR INDIVIDUAL COMMUNITY NEEDS. THEREFORE, A COUNTY THAT
21 MEETS OR EXCEEDS STATEWIDE ELIGIBILITY EXPECTATIONS ESTABLISHED
22 FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM SHOULD HAVE
23 GREATER FLEXIBILITY IN DETERMINING THE SPECIFICS OF HOW TO
24 IMPLEMENT AND OPERATE THE CHILD CARE ASSISTANCE PROGRAM IN THAT
25 COUNTY.

26 (2) Therefore, the general assembly hereby finds and declares that
27 it is in the best interests of the state to:

1 (a) Adopt the Colorado child care assistance program set forth in
2 this part 8;

3 (b) ~~The general assembly further finds and declares that it is in the~~
4 ~~best interests of the state to~~ Adopt consistent, statewide child care
5 provider reimbursement rates set at a floor of the seventy-fifth percentile
6 of each county's market rate ~~or the provider's rate, whichever is lower,~~ to
7 facilitate and increase access to high-quality child care for low-income
8 families.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 26-2-802.5 as
10 follows:

11 **26-2-802.5. Definitions.** AS USED IN THIS PART 8, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "CHILD CARE ASSISTANCE PROGRAM" OR "CCCAP" MEANS THE
14 COLORADO CHILD CARE ASSISTANCE PROGRAM ESTABLISHED IN THIS PART
15 8.

16 (2) "EARLY CARE AND EDUCATION PROVIDER" MEANS A SCHOOL
17 DISTRICT OR PROVIDER THAT IS LICENSED PURSUANT TO PART 1 OF ARTICLE
18 6 OF THIS TITLE OR THAT PARTICIPATES IN THE COLORADO PRESCHOOL
19 PROGRAM PURSUANT TO ARTICLE 28 OF TITLE 22, C.R.S.

20 (3) "HEAD START PROGRAM" MEANS A PROGRAM OPERATED BY A
21 LOCAL PUBLIC OR PRIVATE NONPROFIT AGENCY DESIGNATED BY THE
22 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES TO OPERATE A
23 HEAD START PROGRAM UNDER THE PROVISIONS OF TITLE V OF THE
24 FEDERAL "ECONOMIC OPPORTUNITY ACT OF 1964", AS AMENDED.

25 (4) "HIGH-QUALITY EARLY CHILDHOOD PROGRAM" MEANS A
26 PROGRAM THAT IS OPERATED BY A PROVIDER WITH A FISCAL AGREEMENT
27 THROUGH CCCAP AND THAT IS IN THE TOP THREE LEVELS OF THE STATE'S

1 QUALITY RATING AND IMPROVEMENT SYSTEM, IS ACCREDITED BY A STATE
2 DEPARTMENT-APPROVED ACCREDITING BODY, OR IS AN EARLY HEAD
3 START OR HEAD START PROGRAM THAT MEETS FEDERAL STANDARDS.

4 (5) "PARTICIPANT" MEANS A PARTICIPANT, AS DEFINED IN SECTION
5 26-2-703 (15), IN THE COLORADO WORKS PROGRAM.

6 (6) "PROVIDER" MEANS A CHILD CARE PROVIDER LICENSED
7 PURSUANT TO PART 1 OF ARTICLE 6 OF THIS TITLE THAT HAS A FISCAL
8 AGREEMENT WITH THE COUNTY TO PARTICIPATE IN THE CHILD CARE
9 ASSISTANCE PROGRAM.

10 (7) "TIERED REIMBURSEMENT" MEANS A PAY STRUCTURE THAT
11 REFLECTS AN INCREASED RATE OF REIMBURSEMENT FOR HIGH-QUALITY
12 EARLY CHILDHOOD PROGRAMS THAT RECEIVE CCCAP MONEYS.

13 (8) "WORKS PROGRAM" MEANS THE COLORADO WORKS PROGRAM
14 ESTABLISHED PURSUANT TO PART 7 OF THIS ARTICLE.

15 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
16 **with amendments,** 26-2-803 as follows:

17 **26-2-803. Provider rates - opt out - rules.** (1) (a) THE STATE
18 BOARD SHALL ESTABLISH PROVIDER REIMBURSEMENT RATES FOR EACH
19 COUNTY AND ENSURE THAT THE RATES ARE ADEQUATE TO ENSURE THAT
20 FAMILIES WHO RECEIVE SERVICES THROUGH CCCAP HAVE THE SAME
21 ACCESS TO A BROAD RANGE OF PROVIDERS IN EACH COUNTY AS DO
22 CHILDREN IN FAMILIES NOT ELIGIBLE FOR ASSISTANCE. ON OR BEFORE
23 JULY 1, 2016, REIMBURSEMENT RATES FOR INFANT AND TODDLER CARE
24 MUST BE AT LEAST AT THE SEVENTY-FIFTH PERCENTILE OF EACH COUNTY'S
25 LOCAL MARKET RATE FOR INFANT AND TODDLER CARE. THE STATE BOARD
26 SHALL INCREASE REIMBURSEMENT RATES EACH YEAR FOR INFANT AND
27 TODDLER CARE SO THAT BY JULY 1, 2016, THE RATES ARE AT LEAST AT

1 THE SEVENTY-FIFTH PERCENTILE OF EACH COUNTY'S LOCAL MARKET RATE
2 FOR INFANT AND TODDLER CARE.

3 (b) ON OR BEFORE JULY 1, 2016, THE STATE-ESTABLISHED
4 PROVIDER REIMBURSEMENT RATES FOR EACH COUNTY ADOPTED PURSUANT
5 TO THIS SUBSECTION (1) MUST INCLUDE A SYSTEM OF TIERED
6 REIMBURSEMENT FOR PROVIDERS THAT ENROLL CHILDREN ENROLLED IN
7 CCCAP.

8 (c) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT
9 THIS SECTION ON OR BEFORE DECEMBER 1, 2014, AND ANNUALLY
10 THEREAFTER.

11 (2) A COUNTY MAY PETITION THE STATE BOARD TO OPT OUT OF
12 ADHERING TO THE STATE-ESTABLISHED PROVIDER REIMBURSEMENT RATES
13 FOR THE COUNTY. THE STATE BOARD MUST ONLY PERMIT A COUNTY TO
14 OPT OUT OF THE STATE-ESTABLISHED PROVIDER REIMBURSEMENT RATES
15 IF THE COUNTY CAN DEMONSTRATE THAT ITS PROPOSED PROVIDER
16 REIMBURSEMENT RATES MEET THE FOLLOWING CONDITIONS:

17 (a) THE COUNTY-ESTABLISHED PROVIDER REIMBURSEMENT RATES
18 ARE ADEQUATE TO ENSURE THAT FAMILIES RECEIVING CHILD CARE
19 ASSISTANCE IN THE COUNTY HAVE THE SAME ACCESS TO A BROAD RANGE
20 OF PROVIDERS AS CHILDREN IN FAMILIES IN THE COUNTY THAT DO NOT
21 NEED ASSISTANCE;

22 (b) REIMBURSEMENT RATES FOR INFANT AND TODDLER CARE ARE
23 NO LESS THAN THE SEVENTY-FIFTH PERCENTILE OF THE COUNTY'S LOCAL
24 MARKET RATE FOR INFANT AND TODDLER CARE;

25 (c) DOCUMENTATION THAT PROVIDERS IN THE COUNTY WHO SERVE
26 OR WANT TO SERVE CHILDREN SUBSIDIZED WITH CCCAP HAVE BEEN
27 CONSULTED AND BEEN GIVEN AN OPPORTUNITY TO INFORM AND PROVIDE

1 COMMENT TO THE STATE BOARD ON THE PROPOSED ALTERNATIVE
2 REIMBURSEMENT RATE; AND

3 (d) ON OR BEFORE JULY 1, 2016, THE COUNTY-ESTABLISHED
4 PROVIDER REIMBURSEMENT RATES INCLUDE A SYSTEM OF TIERED
5 REIMBURSEMENT FOR PROVIDERS THAT ENROLL CHILDREN ENROLLED IN
6 CCCAP.

7 **SECTION 4.** In Colorado Revised Statutes, 26-2-804, **amend** (1)
8 introductory portion, (1) (a), (3), and (6) as follows:

9 **26-2-804. Funding - allocation - maintenance of effort.**

10 (1) Subject to available appropriations, a county's block grant for ~~the~~
11 ~~Colorado child care assistance program~~ CCCAP for state fiscal year
12 1997-98 shall be determined by the state department and ~~shall~~ be based
13 upon not less than one hundred percent of the state and federal moneys
14 that the county received in state fiscal year 1996-97 to administer and
15 implement JOBS-related child care and ~~the Colorado child care assistance~~
16 ~~program~~ CCCAP, including the administrative costs related to such
17 programs. The state department shall consider factors that include, but are
18 not limited to the following:

19 (a) Historical expenditures on ~~the Colorado child care assistance~~
20 ~~program~~ CCCAP;

21 (3) The moneys in a county block grant allocated to a county
22 pursuant to subsection (1) of this section may only be used for the
23 provision of child care services under rules promulgated by the state
24 ~~department~~ BOARD PURSUANT TO THIS PART 8.

25 (6) For state fiscal year 2005-06 and for each state fiscal year
26 thereafter, each county ~~shall be~~ IS required to meet a level of county
27 spending for ~~the Colorado child care assistance program~~ CCCAP that is

1 equal to the county's proportionate share of the total county funds set
2 forth in the annual general appropriation act for ~~the Colorado child care~~
3 ~~assistance program~~ CCCAP for that state fiscal year. The level of county
4 spending ~~shall be~~ IS known as the county's maintenance of effort for ~~the~~
5 ~~program~~ CCCAP for that state fiscal year. For any state fiscal year, the
6 state department is authorized to adjust a county's maintenance of effort,
7 reflected as a percentage of the total county funds set forth in the annual
8 general appropriation act for ~~the Colorado child care assistance program~~
9 CCCAP for that state fiscal year, so that the percentage equals the
10 county's proportionate share of the total state and federal funds
11 appropriated for ~~the Colorado child care assistance program~~ CCCAP for
12 that state fiscal year, reflected as a percentage. For any state fiscal year,
13 the sum of all counties' maintenance of effort ~~shall~~ MUST be equal to or
14 greater than the total county funds set forth in the general appropriation
15 act for the state fiscal year 1996-97 for employment-related child care.

16 **SECTION 5.** In Colorado Revised Statutes, **repeal and reenact,**
17 **with amendments,** 26-2-805 as follows:

18 **26-2-805. Services - eligibility - assistance provided - waiting**
19 **lists - rules.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT
20 TO RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION
21 OF THIS PART 8, A COUNTY SHALL PROVIDE CHILD CARE ASSISTANCE TO A
22 PARTICIPANT OR ANY PERSON OR FAMILY WHOSE INCOME IS NOT MORE
23 THAN ONE HUNDRED SIXTY-FIVE PERCENT OF THE FEDERAL POVERTY
24 LEVEL.

25 (2) THE COUNTY MAY PROVIDE CHILD CARE ASSISTANCE FOR ANY
26 OTHER FAMILY WHOSE INCOME DOES NOT EXCEED EIGHTY-FIVE PERCENT
27 OF THE STATE MEDIAN INCOME FOR A FAMILY OF THE SAME SIZE. FOR A

1 PARTICIPANT OR A PERSON OR FAMILY WHOSE INCOME RISES TO THE LEVEL
2 SET BY THE COUNTY AT WHICH THE COUNTY MAY DENY THE PARTICIPANT,
3 PERSON, OR FAMILY CHILD CARE ASSISTANCE, THE COUNTY SHALL
4 IMMEDIATELY NOTIFY THE FAMILY THAT IT IS NO LONGER ELIGIBLE FOR
5 CCCAP AND CONTINUE TO PROVIDE THE CURRENT CCCAP SUBSIDY TO
6 THAT FAMILY FOR NO LESS THAN NINETY DAYS WHILE THE FAMILY MAKES
7 APPROPRIATE ARRANGEMENTS FOR CHILD CARE. THE COUNTY IS
8 STRONGLY ENCOURAGED TO CONTINUE TO PROVIDE CHILD CARE
9 ASSISTANCE FOR A PERIOD OF SIX MONTHS; EXCEPT THAT IN NO EVENT
10 SHALL CHILD CARE ASSISTANCE BE PROVIDED IF THE INCOME EXCEEDS THE
11 MAXIMUM LEVEL FOR ELIGIBILITY FOR SERVICES SET BY FEDERAL LAW FOR
12 A FAMILY OF THE SAME SIZE. DURING THE SIX-MONTH PERIOD THE COUNTY
13 SHALL WORK WITH THE PARTICIPANT, PERSON, OR FAMILY TO PROVIDE A
14 GRADUAL TRANSITION OFF CHILD CARE ASSISTANCE PROVIDED PURSUANT
15 TO THIS SUBSECTION (2).

16 (3) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, PURSUANT TO
17 RULES PROMULGATED BY THE STATE BOARD FOR IMPLEMENTATION OF THIS
18 PART 8, AND EXCEPT AS PROVIDED FOR IN PARAGRAPH (b) OF THIS
19 SUBSECTION (3), A COUNTY SHALL PROVIDE CHILD CARE ASSISTANCE FOR
20 A FAMILY TRANSITIONING OFF THE WORKS PROGRAM DUE TO EMPLOYMENT
21 OR JOB TRAINING WITHOUT REQUIRING THE FAMILY TO APPLY FOR
22 LOW-INCOME CHILD CARE BUT SHALL REDETERMINE THE FAMILY'S
23 ELIGIBILITY WITHIN SIX MONTHS AFTER THE TRANSITION.

24 (b) A FAMILY THAT TRANSITIONS OFF THE WORKS PROGRAM MUST
25 NOT BE AUTOMATICALLY TRANSITIONED TO CCCAP PURSUANT TO
26 PARAGRAPH (a) OF THIS SUBSECTION (3) IF EITHER OF THE FOLLOWING
27 CONDITIONS APPLY:

1 (I) THE FAMILY IS LEAVING THE WORKS PROGRAM DUE TO A
2 VIOLATION OF PROGRAM REQUIREMENTS AS DEFINED IN PART 7 OF THIS
3 ARTICLE, BY RULE OF THE STATE BOARD, OR BY POLICY OF A COUNTY
4 DEPARTMENT; OR

5 (II) THE FAMILY IS LEAVING THE WORKS PROGRAM DUE TO
6 EMPLOYMENT AND WILL BE AT AN INCOME LEVEL THAT EXCEEDS THE
7 COUNTY-ADOPTED INCOME ELIGIBILITY LIMIT FOR THE COUNTY'S CCCAP.

8 (c) AT THE COUNTY'S DISCRETION, A FAMILY THAT TRANSITIONS
9 OFF THE WORKS PROGRAM, IS ELIGIBLE FOR CCCAP, AND RESIDES IN A
10 COUNTY THAT HAS FAMILIES ON ITS WAITING LIST MAY BE ADDED TO THE
11 WAITING LIST OR BE PROVIDED CHILD CARE ASSISTANCE WITHOUT FIRST
12 BEING ADDED TO THE WAITING LIST.

13 (4)(a) A RECIPIENT OF CHILD CARE ASSISTANCE THROUGH CCCAP
14 SHALL BE RESPONSIBLE FOR PAYING A PORTION OF HIS OR HER CHILD CARE
15 COSTS BASED UPON THE RECIPIENT'S INCOME AND THE FORMULA
16 DEVELOPED BY RULE OF THE STATE BOARD; EXCEPT THAT, FOR A FAMILY
17 LIVING AT OR BELOW ONE HUNDRED PERCENT OF THE FEDERAL POVERTY
18 LEVEL, THE FAMILY COPAYMENT RESPONSIBILITY MUST BE RESTRICTED TO
19 NO MORE THAN ONE PERCENT OF THE FAMILY'S GROSS MONTHLY INCOME
20 AS DETERMINED BASED ON ONE MONTH OF INCOME. TO ASSIST IN THE
21 PROCESS OF DETERMINING THE PARENT COPAYMENT FEE, A FAMILY MAY
22 PROVIDE EVIDENCE OF THE TWELVE MOST RECENT MONTHS OF INCOME IF
23 IT CHOOSES TO DO SO IF SUCH EVIDENCE MORE ACCURATELY REFLECTS AN
24 ABILITY TO AFFORD THE FAMILY COPAYMENT REQUIREMENT, BUT A
25 COUNTY MUST NOT OTHERWISE REQUIRE A FAMILY TO PROVIDE EVIDENCE
26 OF MORE THAN ONE MONTH OF INCOME.

27 (b) THE STATE BOARD SHALL ESTABLISH, AND PERIODICALLY

1 REVERSE, BY RULE A COPAYMENT SCHEDULE SO THAT THE COPAYMENT
2 GRADUALLY INCREASES AS THE FAMILY INCOME APPROACHES
3 SELF-SUFFICIENCY INCOME LEVELS. THIS REVISED COPAYMENT SCHEDULE
4 SHOULD ALLOW FAMILIES TO RETAIN A PORTION OF ITS INCREASES IN
5 INCOME.

6 (c) A PARTICIPANT WHO IS EMPLOYED SHALL PAY A PORTION OF HIS
7 OR HER INCOME FOR CHILD CARE ASSISTANCE UNDER CCCAP. THE
8 PARTICIPANT'S REQUIRED COPAYMENT UNDER THE PROVISIONS OF THIS
9 PARAGRAPH (c) MUST BE DETERMINED BY A FORMULA ESTABLISHED BY
10 RULE OF THE STATE BOARD THAT TAKES INTO CONSIDERATION THE
11 FACTORS SET FORTH IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (4).

12 (5) (a) ON AND AFTER JULY 1, 2014, A COUNTY MAY REQUIRE A
13 PERSON WHO RECEIVES CHILD CARE ASSISTANCE PURSUANT TO THIS
14 SECTION AND WHO IS NOT OTHERWISE A PARTICIPANT TO APPLY, PURSUANT
15 TO SECTION 26-13-106 (2), FOR CHILD SUPPORT ESTABLISHMENT,
16 MODIFICATION, AND ENFORCEMENT SERVICES RELATED TO ANY SUPPORT
17 OWED BY OBLIGORS TO THEIR CHILDREN AND TO COOPERATE WITH THE
18 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT TO RECEIVE THESE
19 SERVICES; EXCEPT THAT A PERSON SHALL NOT BE REQUIRED TO SUBMIT A
20 WRITTEN APPLICATION FOR CHILD SUPPORT ESTABLISHMENT,
21 MODIFICATION, AND ENFORCEMENT SERVICES IF THE PERSON SHOWS GOOD
22 CAUSE TO THE COUNTY IMPLEMENTING THE COLORADO CHILD CARE
23 ASSISTANCE PROGRAM FOR NOT RECEIVING THESE SERVICES.

24 (b) THE STATE BOARD SHALL PROMULGATE RULES FOR THE
25 IMPLEMENTATION OF THIS SUBSECTION (5), INCLUDING BUT NOT LIMITED
26 TO RULES ESTABLISHING GOOD CAUSE FOR NOT RECEIVING THESE
27 SERVICES, AND RULES FOR THE IMPOSITION OF SANCTIONS UPON A PERSON

1 WHO FAILS, WITHOUT GOOD CAUSE AS DETERMINED BY THE COUNTY
2 IMPLEMENTING THE COLORADO CHILD CARE ASSISTANCE PROGRAM, TO
3 APPLY FOR CHILD SUPPORT ENFORCEMENT SERVICES OR TO COOPERATE
4 WITH THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT AS REQUIRED BY
5 THIS SUBSECTION (5).

6 (6) FOR A FAMILY WITH A CHILD WHO IS ENROLLED IN CCCAP, A
7 COUNTY SHALL SET THE INCOME LEVEL AT WHICH THE COUNTY MAY DENY
8 THE FAMILY ACCORDING TO THE PARAMETERS DEFINED IN RULES
9 PROMULGATED BY THE STATE BOARD. IN THE RULES, THE STATE BOARD
10 SHALL ENSURE THAT IF A COUNTY SETS THE INCOME LEVEL AT WHICH THE
11 COUNTY CHOOSES TO INITIALLY PROVIDE CCCAP AT OR BELOW ONE
12 HUNDRED AND EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL,
13 THEN THAT COUNTY MUST SET THE INCOME LEVEL AT WHICH THE COUNTY
14 MAY DENY THE FAMILY HIGHER THAN THE INCOME LEVEL AT WHICH THE
15 COUNTY CHOOSES TO INITIALLY PROVIDE CHILD CARE ASSISTANCE FOR
16 THAT COUNTY AND AT A LEVEL NOT TO EXCEED EIGHTY-FIVE PERCENT OF
17 THE STATE MEDIAN INCOME FOR A FAMILY OF THE SAME SIZE.

18 (7) (a) FOR A FAMILY WITH A CHILD WHO IS ENROLLED IN BOTH
19 CCCAP AND A HEAD START PROGRAM, THE FAMILY'S CCCAP ELIGIBILITY
20 REDETERMINATION MUST OCCUR NO SOONER THAN THE END OF THE LAST
21 MONTH OF THE CHILD'S FIRST FULL TWELVE-MONTH PROGRAM YEAR OF
22 ENROLLMENT IN THE HEAD START PROGRAM. CHILD CARE ASSISTANCE
23 PROGRAM ELIGIBILITY REDETERMINATION FOR A CHILD ENROLLED IN BOTH
24 PROGRAMS MUST OCCUR ONCE EVERY TWELVE MONTHS THEREAFTER.

25 (b) IF A COUNTY REDUCES ITS INCOME ELIGIBILITY REQUIREMENTS,
26 A CHILD ENROLLED IN CCCAP WHEN THE CHANGE IS IMPLEMENTED MUST
27 CONTINUE TO BE ENROLLED IN CCCAP UNTIL THE FAMILY'S NEXT

1 ELIGIBILITY REDETERMINATION OR FOR SIX MONTHS, WHICHEVER IS
2 LONGER.

3 (c) FOR A FAMILY WITH A CHILD WHO IS SOLELY ENROLLED IN
4 CCCAP OR DUALY ENROLLED WITH AN EARLY EDUCATION PROGRAM
5 OTHER THAN HEAD START OR EARLY HEAD START, THE FAMILY'S CCCAP
6 ELIGIBILITY REDETERMINATION MUST OCCUR ONCE EVERY TWELVE
7 MONTHS.

8 (d) NOTWITHSTANDING THE PROVISIONS OF SECTION 26-1-127 (2)
9 (a), A FAMILY THAT RECEIVES CHILD CARE ASSISTANCE PURSUANT TO THIS
10 PART 8 IS NOT REQUIRED TO REPORT INCOME OR ACTIVITY CHANGES
11 DURING THE TWELVE-MONTH ELIGIBILITY PERIOD; EXCEPT THAT, WITHIN
12 THE TWELVE-MONTH ELIGIBILITY PERIOD, A FAMILY IS REQUIRED TO
13 REPORT A CHANGE IN INCOME IF THE FAMILY'S INCOME EXCEEDS
14 EIGHTY-FIVE PERCENT OF THE STATE MEDIAN INCOME. IF A FAMILY NO
15 LONGER PARTICIPATES IN THE ACTIVITY UNDER WHICH IT WAS MADE
16 ELIGIBLE IN THE CHILD CARE CASE, THE FAMILY SHALL REPORT THAT
17 CHANGE WITHIN FOUR WEEKS FROM THE TIME IT CEASED PARTICIPATING
18 IN THE ELIGIBLE ACTIVITY.

19 (e) A PARENT MUST NOT BE DETERMINED INELIGIBLE TO RECEIVE
20 CHILD CARE ASSISTANCE PURSUANT TO THIS PART 8 AS A RESULT OF:

21 (I) TAKING MATERNITY LEAVE; OR

22 (II) BEING A SEPARATED SPOUSE OR PARENT UNDER A VALIDLY
23 ISSUED TEMPORARY ORDER FOR PARENTAL RESPONSIBILITIES OR CHILD
24 CUSTODY WHERE THE OTHER SPOUSE OR PARENT HAS DISQUALIFYING
25 FINANCIAL RESOURCES.

26 (f) A PARENT WITH A CHILD ENROLLED IN CCCAP WHO LOSES
27 EMPLOYMENT WHILE PARTICIPATING IN THE PROGRAM MUST REMAIN

1 ELIGIBLE FOR CCCAP FOR AT LEAST SIXTY DAYS IF HE OR SHE IS ACTIVELY
2 SEARCHING FOR EMPLOYMENT AND HE OR SHE CONTINUES TO MEET ALL
3 OTHER CCCAP ELIGIBILITY CRITERIA.

4 (g) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO
5 RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION OF
6 THIS PART 8, A PARENT WHO IS NOT EMPLOYED IS ELIGIBLE FOR CCCAP
7 FOR SIXTY DAYS IF HE OR SHE IS ACTIVELY SEARCHING FOR EMPLOYMENT
8 AND MEETS ALL OTHER CCCAP ELIGIBILITY CRITERIA.

9 (h) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO
10 RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION OF
11 THIS PART 8, A PARENT WHO IS NOT EMPLOYED BUT WHO IS ENROLLED IN
12 A POSTSECONDARY EDUCATION PROGRAM OR A WORKFORCE TRAINING
13 PROGRAM IS ELIGIBLE FOR CCCAP FOR AT LEAST ANY TWO YEARS OF THE
14 POSTSECONDARY EDUCATION OR WORKFORCE TRAINING PROGRAM,
15 PROVIDED ALL OTHER CCCAP ELIGIBILITY REQUIREMENTS ARE MET
16 DURING THOSE TWO YEARS.

17 (i) TO PROVIDE CONTINUOUS CHILD CARE WITH THE LEAST
18 DISRUPTION TO THE CHILD, THE HOURS AUTHORIZED FOR THE PROVISION
19 OF CHILD CARE THROUGH CCCAP MUST INCLUDE AUTHORIZED HOURS FOR
20 THE CHILD THAT PROMOTE CONTINUOUS, CONSISTENT, AND REGULAR CARE
21 AND MUST NOT BE LINKED DIRECTLY TO A PARENT'S EMPLOYMENT,
22 EDUCATION, OR WORKFORCE TRAINING SCHEDULE.

23 (8) NO MORE THAN ONE MONTH OF PAYSTUBS MUST BE REQUIRED
24 WHEN DETERMINING A FAMILY'S INCOME ELIGIBILITY FOR CCCAP. TO
25 ASSIST IN MAKING ELIGIBILITY DETERMINATIONS, A FAMILY MAY PROVIDE
26 EVIDENCE OF THE TWELVE MOST RECENT MONTHS OF INCOME IF IT
27 CHOOSES TO DO SO IF SUCH EVIDENCE MORE ACCURATELY REFLECTS THE

1 FAMILY'S ELIGIBILITY, BUT A COUNTY MUST NOT OTHERWISE REQUIRE A
2 FAMILY TO PROVIDE EVIDENCE OF MORE THAN ONE MONTH OF INCOME.

3 (9) A COUNTY HAS THE AUTHORITY TO DEVELOP A VOUCHER
4 SYSTEM FOR FAMILIES ENROLLED IN CCCAP THROUGH WHICH THEY CAN
5 SECURE RELATIVE OR UNLICENSED CHILD CARE.

6 (10) AN EARLY CARE AND EDUCATION PROVIDER OR COUNTY MAY
7 CONDUCT A PRE-ELIGIBILITY DETERMINATION FOR CHILD CARE
8 ASSISTANCE FOR A FAMILY TO FACILITATE THE DETERMINATION PROCESS.
9 THE EARLY CARE AND EDUCATION PROVIDER SHALL SUBMIT ITS
10 PRE-ELIGIBILITY DOCUMENTATION TO THE COUNTY FOR FINAL
11 DETERMINATION OF ELIGIBILITY FOR CHILD CARE ASSISTANCE. THE EARLY
12 CARE AND EDUCATION PROVIDER OR COUNTY MAY PROVIDE SERVICES TO
13 THE FAMILY PRIOR TO FINAL DETERMINATION OF ELIGIBILITY, AND THE
14 COUNTY SHALL REIMBURSE A PROVIDER FOR SUCH SERVICES ONLY IF THE
15 COUNTY DETERMINES THE FAMILY IS ELIGIBLE FOR SERVICES AND THERE
16 IS NO NEED TO PLACE THE FAMILY ON A WAITING LIST. IF THE FAMILY IS
17 FOUND INELIGIBLE FOR SERVICES, THE COUNTY SHALL NOT REIMBURSE THE
18 EARLY CARE AND EDUCATION PROVIDER FOR ANY SERVICES PROVIDED
19 DURING THE PERIOD BETWEEN ITS PRE-ELIGIBILITY DETERMINATION AND
20 THE COUNTY'S FINAL DETERMINATION OF ELIGIBILITY.

21 (11) A PROVIDER MAY ACCEPT A FAMILY'S CCCAP APPLICATION
22 AND SUBMIT IT TO THE COUNTY ON BEHALF OF A FAMILY SEEKING CHILD
23 CARE ASSISTANCE.

24 (12) EACH COUNTY:

25 (a) SHALL REIMBURSE PROVIDERS, SEPARATE FROM REGULAR
26 REIMBURSEMENT RATES, FOR NO FEWER THAN FIVE DAYS PER MONTH OF
27 CHILD ABSENCES OR HOLIDAYS;

1 (b) SHALL MAINTAIN A CURRENT AND ACCURATE WAITING LIST OF
2 PARENTS WHO HAVE INQUIRED ABOUT SECURING A CCCAP SUBSIDY AND
3 ARE LIKELY TO BE ELIGIBLE FOR CCCAP BASED ON SELF-REPORTED
4 INCOME AND JOB, EDUCATION, OR WORKFORCE TRAINING ACTIVITY IF
5 FAMILIES ARE NOT ABLE TO BE SERVED AT THE TIME OF APPLICATION DUE
6 TO FUNDING CONCERNS. COUNTIES MAY ENROLL FAMILIES OFF WAITING
7 LISTS ACCORDING TO LOCAL PRIORITIES AND MAY REQUIRE AN APPLICANT
8 TO RESTATE HIS OR HER INTENTION TO BE KEPT ON THE WAITING LIST
9 EVERY SIX MONTHS IN ORDER TO MAINTAIN HIS OR HER PLACE ON THE
10 WAITING LIST.

11 (c) SHALL POST ELIGIBILITY, AUTHORIZATION, AND
12 ADMINISTRATION POLICIES AND PROCEDURES SO THEY ARE EASILY
13 ACCESSIBLE AND READABLE TO A LAYPERSON. THE POLICIES MUST BE SENT
14 TO THE STATE DEPARTMENT FOR COMPILATION.

15 (d) MAY USE ITS CCCAP ALLOCATION TO PROVIDE DIRECT
16 CONTRACTS OR GRANTS TO EARLY CARE AND EDUCATION PROVIDERS FOR
17 A COUNTY-DETERMINED NUMBER OF CCCAP SLOTS FOR A
18 TWELVE-MONTH PERIOD TO INCREASE THE SUPPLY AND IMPROVE THE
19 QUALITY OF CHILD CARE FOR INFANTS AND TODDLERS, CHILDREN WITH
20 DISABILITIES, AFTER-HOURS CARE, AND CHILDREN IN UNDERSERVED
21 NEIGHBORHOODS; AND

22 (e) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO
23 RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION OF
24 THIS PART 8, MUST DETERMINE THAT A RECIPIENT OF BENEFITS FROM THE
25 FOOD ASSISTANCE PROGRAM ESTABLISHED IN PART 3 OF THIS ARTICLE IS
26 ELIGIBLE FOR CCCAP IF HE OR SHE MEETS ALL OTHER CCCAP ELIGIBILITY
27 CRITERIA AND MAY USE ELIGIBILITY DETERMINATION INFORMATION FROM

1 OTHER PUBLIC ASSISTANCE PROGRAMS AND SYSTEMS TO DETERMINE
2 CCCAP ELIGIBILITY.

3 (13) THE STATE BOARD SHALL PROMULGATE RULES FOR THE
4 IMPLEMENTATION OF THIS PART 8.

5 **SECTION 6.** In Colorado Revised Statutes, **amend** 26-2-805.5
6 as follows:

7 **26-2-805.5. Exemptions - requirements.** (1) Notwithstanding
8 any provision of section 26-2-805 to the contrary, an exempt family child
9 care home provider, as defined in section 26-6-102 (3.7), ~~shall not be~~ IS
10 NOT eligible to receive child care assistance moneys through ~~the Colorado~~
11 ~~child care assistance program~~ CCCAP if he or she fails to meet the
12 criteria established in section 26-6-120.

13 (2) As a prerequisite to entering into a valid ~~Colorado child care~~
14 ~~assistance program~~ CCCAP contract with a county office or to being a
15 party to any other payment agreement for the provision of care for a child
16 whose care is funded in whole or in part with moneys received on the
17 child's behalf from publicly funded state child care assistance programs,
18 an exempt family child care home provider shall sign an attestation that
19 affirms he or she, and any qualified adult residing in the exempt family
20 child care home, has not been determined to be insane or mentally
21 incompetent by a court of competent jurisdiction and a court has not
22 entered, pursuant to part 3 or 4 of article 14 of title 15, C.R.S., or section
23 27-65-109 (4) or 27-65-127, C.R.S., an order specifically finding that the
24 mental incompetency or insanity is of such a degree that the provider
25 cannot safely operate an exempt family child care home.

26 **SECTION 7.** In Colorado Revised Statutes, **add** 26-2-809 as
27 follows:

1 **26-2-809. Colorado child care assistance program - reporting**
2 **requirements.** (1) ON OR BEFORE DECEMBER 1, 2015, AND ON OR BEFORE
3 DECEMBER 1 EACH YEAR THEREAFTER, THE STATE DEPARTMENT SHALL
4 PREPARE A REPORT ON CCCAP. THE STATE DEPARTMENT SHALL PROVIDE
5 THE REPORT TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES
6 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
7 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
8 COMMITTEES. THE REPORT MUST INCLUDE, AT A MINIMUM, THE
9 FOLLOWING INFORMATION RELATED TO BENCHMARKS OF SUCCESS FOR
10 CCCAP:

11 (a) THE NUMBER OF CHILDREN AND FAMILIES SERVED THROUGH
12 CCCAP STATEWIDE AND BY COUNTY;

13 (b) THE AVERAGE LENGTH OF TIME THAT PARENTS REMAIN IN THE
14 WORKFORCE WHILE RECEIVING CCCAP SUBSIDIES, EVEN WHEN THEIR
15 INCOME INCREASES;

16 (c) THE AVERAGE NUMBER OF MONTHS OF UNINTERRUPTED,
17 CONTINUOUS CARE FOR CHILDREN ENROLLED IN CCCAP;

18 (d) THE NUMBER AND PERCENT OF ALL CHILDREN ENROLLED IN
19 CCCAP WHO RECEIVE CARE AT EACH LEVEL OF THE STATE'S QUALITY AND
20 IMPROVEMENT RATING SYSTEM;

21 (e) THE AVERAGE LENGTH OF TIME A FAMILY IS AUTHORIZED FOR
22 A CCCAP SUBSIDY, DISAGGREGATED BY RECIPIENTS' ELIGIBLE ACTIVITIES,
23 SUCH AS JOB SEARCH, EMPLOYMENT, WORKFORCE TRAINING, AND
24 POSTSECONDARY EDUCATION;

25 (f) THE NUMBER OF FAMILIES ON EACH COUNTY'S WAIT LIST AS OF
26 NOVEMBER 1 OF EACH YEAR, AS WELL AS THE AVERAGE LENGTH OF TIME
27 EACH FAMILY REMAINS ON THE WAIT LIST IN EACH COUNTY;

1 (g) THE NUMBER OF FAMILIES AND CHILDREN STATEWIDE AND BY
2 COUNTY THAT EXIT CCCAP DUE TO THEIR FAMILY INCOMES EXCEEDING
3 THE ELIGIBILITY LIMITS;

4 (h) THE NUMBER OF FAMILIES AND CHILDREN STATEWIDE AND BY
5 COUNTY THAT REENTER CCCAP WITHIN TWO YEARS OF EXITING DUE TO
6 THEIR FAMILY INCOMES EXCEEDING THE ELIGIBILITY LIMITS; AND

7 (i) AN ESTIMATE OF UNMET NEED FOR CCCAP IN EACH COUNTY
8 AND THROUGHOUT THE STATE BASED ON ESTIMATES OF THE NUMBER OF
9 CHILDREN AND FAMILIES WHO ARE LIKELY TO BE ELIGIBLE FOR CCCAP IN
10 EACH COUNTY BUT WHO ARE NOT ENROLLED IN CCCAP.

11 **SECTION 8.** In Colorado Revised Statutes, 26-2-703, **amend** (4)
12 as follows:

13 **26-2-703. Definitions.** As used in this part 7, unless the context
14 otherwise requires:

15 (4) "Colorado child care assistance program" means the state
16 program of child care assistance implemented pursuant to the provisions
17 of part 8 of this article and rules of the state ~~department~~ BOARD.

18 **SECTION 9. 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.