

First Regular Session
Sixty-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 01-0056.01 Jeff Conway

HOUSE BILL 01-1028

HOUSE SPONSORSHIP

Tochtrop

SENATE SPONSORSHIP

Epps

House Committees

Health, Environment, Welfare, & Institutions

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PERIODIC APPROVAL OF CERTAIN CHILD CARE ENTITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Foster Care. Directs the state board of human services to promulgate rules requiring the annual recertification or relicensing of foster care homes.

Directs that any child placement agency or foster care home license or any foster care home certificate existing prior to the effective date of this act shall expire on the effective date of this act. Requires any person holding such a license or certificate and seeking to renew such license or certificate to file an application for a new license or certificate prior to such date.

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.

Specifies that licenses for child placement agencies require annual renewal, and permits such renewal upon the filing and approval of an application. Specifies that the fee for renewal is to be set by rule of the state board of human services.

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

2 **SECTION 1.** 26-6-104 (1), Colorado Revised Statutes, is
3 amended, and the said 26-6-104 is further amended BY THE ADDITION
4 OF A NEW SUBSECTION, to read:

5 **26-6-104. Licenses - out-of-state notices and consent.**

6 (1) (a) No person shall operate any agency or facility defined in this part
7 1 without first being licensed to operate or maintain such agency or
8 facility by the department and paying the fee prescribed therefor. Such
9 license issued by the department shall be permanent unless otherwise
10 revoked or suspended pursuant to section 26-6-108 OR UNLESS ALLOWED
11 TO EXPIRE, IN THE CASE OF A CHILD PLACEMENT AGENCY OR A FOSTER CARE
12 HOME. ~~except that the state board of human services shall promulgate~~
13 ~~rules requiring the recertification of foster care homes every three years~~
14 ~~and setting forth the procedural requirements associated with such~~
15 ~~recertification.~~

16 (b) (I) A person operating a foster care home shall not obtain a
17 license if such person holds a certificate to operate such home from any
18 county department or a child placement agency licensed under the
19 provisions of this part 1. THE STATE BOARD SHALL PROMULGATE RULES
20 REQUIRING THE ANNUAL RECERTIFICATION OR RELICENSING OF FOSTER
21 CARE HOMES AND SETTING FORTH THE PROCEDURAL REQUIREMENTS
22 ASSOCIATED WITH SUCH RECERTIFICATION OR RELICENSING. ~~Said~~
23 ~~certificate~~ A CERTIFICATE TO OPERATE A FOSTER CARE HOME shall be in

1 such form as prescribed and provided by the department, shall certify that
2 such person is a suitable person to operate a home, and shall contain such
3 information as the department requires. A CHILD placement agency
4 issuing or renewing any such certificate shall transmit a copy or report
5 thereof to the department. No foster care home shall be certified by more
6 than one CHILD placement agency or county department. A foster care
7 home, when certified by a CHILD placement agency or county department,
8 may receive for care a child from sources other than the certifying agency
9 or county department upon the written consent and approval of the agency
10 or county department as to each such child. All such certificates shall be
11 considered licenses for the purpose of this part 1, including but not limited
12 to the investigation and criminal background checks required under
13 section 26-6-107.

14 (II) (A) CHILD PLACEMENT AGENCIES THAT CERTIFY FOSTER CARE
15 HOMES SHALL BE LICENSED ANNUALLY. THE STATE BOARD OF HUMAN
16 SERVICES SHALL PROMULGATE RULES SPECIFYING THE PROCEDURAL
17 REQUIREMENTS ASSOCIATED WITH THE RENEWAL OF SUCH CHILD
18 PLACEMENT AGENCY LICENSES.

19 (B) ANY PERMANENT LICENSES ISSUED TO A CHILD PLACEMENT
20 AGENCY PRIOR TO JULY 1, 2001, SHALL EXPIRE AUTOMATICALLY ON JULY
21 1, 2002. SUCH LICENSES MAY BE RENEWED PURSUANT TO THE RULES OF
22 THE STATE BOARD OF HUMAN SERVICES.

23 (8) ANY VALID LICENSE TO OPERATE A CHILD PLACEMENT AGENCY
24 OR A FOSTER CARE HOME OR ANY VALID CERTIFICATE TO OPERATE A
25 FOSTER CARE HOME ISSUED AS OF JULY 1, 2001, SHALL EXPIRE ON JULY 1,
26 2002. ANY PERSON HOLDING SUCH A LICENSE OR CERTIFICATE AND
27 SEEKING TO RENEW SUCH LICENSE OR CERTIFICATE MUST FILE AN

1 APPLICATION FOR A NEW LICENSE OR CERTIFICATE PRIOR TO SUCH
2 EXPIRATION DATE.

3 **SECTION 2.** The introductory portion to 26-6-105 (1) (a) and
4 26-6-105 (2) (a), Colorado Revised Statutes, are amended to read:

5 **26-6-105. Fees - when original applications and reapplications**
6 **for licensure are required - creation of child care licensing cash fund.**

7 (1) (a) The department is hereby authorized to establish, pursuant to rules
8 ~~and regulations~~ promulgated by the state board, ~~of human services,~~ full
9 and provisional license fees and fees for continuation OR RENEWAL of a
10 full license for the following types of child care arrangements:

11 (2) (a) The fees specified in subsection (1) of this section shall be
12 paid when application is made for any license OR FOR RENEWAL OF A
13 CHILD PLACEMENT AGENCY OR FOSTER CARE HOME LICENSE and shall not
14 be subject to refund. Applications for licenses shall be required in the
15 situations ~~which~~ THAT are set forth in paragraph (b) of this subsection (2)
16 and shall be made on forms prescribed by the department. Each
17 completed application shall set forth such information as required by the
18 department. All full licenses shall continue in force until revoked or
19 surrendered OR ALLOWED TO EXPIRE, AS IN THE CASE OF ANNUAL CHILD
20 PLACEMENT AGENCY LICENSES, FOSTER CARE HOME CERTIFICATES, OR
21 FOSTER CARE HOME LICENSES.

22 **SECTION 3.** 26-6-107 (1) (a) (I), Colorado Revised Statutes, is
23 amended to read:

24 **26-6-107. Investigations and inspections - local authority -**
25 **reports - rules.** (1) (a) (I) The department shall investigate and pass on
26 each original application for a license, EACH APPLICATION FOR RENEWAL
27 OF A LICENSE, and each application for a ~~permanent~~ license following the

1 issuance of a probationary or provisional license, to operate a facility or
2 an agency prior to granting such license. As part of such investigation, the
3 department shall require each applicant, owner, employee, newly hired
4 employee, licensee, and any adult who resides in the licensed facility to
5 obtain a criminal record check by reviewing any record that shall be used
6 to assist the department in ascertaining whether the person being
7 investigated has been convicted of any of the criminal offenses specified
8 in section 26-6-104 (7) or any other felony. The state board of human
9 services shall promulgate rules that define and identify what the criminal
10 background check shall entail. Such rules shall allow an exemption from
11 the criminal background investigation and the state central registry of
12 child protection investigation for those out-of-state employees working in
13 Colorado at a children's resident camp in a temporary capacity for fewer
14 than ninety days. Each person so exempted from fingerprinting and the
15 state central registry of child protection investigation shall sign a
16 statement that affirmatively states that he or she has not been convicted of
17 any charge of child abuse, unlawful sexual offense, or any felony.
18 Prospective employers of such exempted persons shall conduct reference
19 checks of the prospective employees in order to verify previous work
20 history and shall conduct personal interviews with each such prospective
21 employee. The rules shall require the criminal background check in all
22 other circumstances to include a fingerprint check through the Colorado
23 bureau of investigation. As part of said investigation, the state central
24 registry of child protection shall be accessed to determine whether the
25 owner, applicant, employee, newly hired employee, licensee, or individual
26 who resides in the licensed facility being investigated is the subject of a
27 report of known or suspected child abuse. Pursuant to section 19-1-307

1 (2) (j), C.R.S., information shall be made available if a person's name is
2 on the central registry of child protection, or has been designated as
3 "status pending" pursuant to section 19-3-313, C.R.S. Any change in
4 ownership of a licensed facility or the addition of a new resident adult or
5 newly hired employee to the licensed facility shall require a new
6 investigation as provided for in this section. The state board of ~~human~~
7 ~~services~~ shall promulgate rules to implement this subparagraph (I).

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