

CHAPTER 85

**HUMAN SERVICES - SOCIAL SERVICES**

SENATE BILL 17-110

BY SENATOR(S) Crowder and Kefalas, Baumgardner, Cooke, Donovan, Fields, Hill, Kerr, Lambert, Lundberg, Martinez Humenik, Merrifield, Neville T., Scott, Smallwood, Sonnenberg, Tate, Todd, Williams A., Zenzinger, Grantham; also REPRESENTATIVE(S) Danielson and Wilson, Arndt, Garnett, Ginal, Gray, Hooton, Kennedy, Lontine, Michaelson Jenet, Neville P., Ransom, Rosenthal, Van Winkle, Young, Duran.

**AN ACT**

**CONCERNING EXPANDING THE NUMBER OF UNRELATED CHILDREN TO NO MORE THAN FOUR TO QUALIFY FOR LICENSE-EXEMPT FAMILY CHILD CARE.**

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

**SECTION 1.** In Colorado Revised Statutes, 26-6-103, **amend** (1) introductory portion; **repeal** (1)(g); and **add** (1)(i) as follows:

**26-6-103. Application of part - study - definitions - repeal.** (1) This part 1 shall DOES not apply to:

~~(g) A family child care home receiving one child for less than twenty-four-hour care or receiving two or more children who are related to each other as brother or sister from the same family household for less than twenty-four-hour care or such additional number of children as may be specified by rules promulgated by the state board of human services. The department shall conduct a study on whether rules should be modified to allow an additional number of children to be cared for in a family home that is exempt from licensing and shall present options and recommendations to the state board on or before October 1, 1996. The department shall consult with individuals and organizations who express to the department an interest in participating in the development of such recommendations, and the department shall notify such individuals and organizations of the date and location of the board hearing. The department shall examine the relationship between the licensing regulations governing larger family care homes and child care centers and shall present options and recommendations to the state board on or before October 1, 1996. In making such recommendations, the department shall consult with individuals and organizations who express to the department an interest in~~

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

participating in the development of such recommendations, and the department shall notify such individuals and organizations of the date and location of the board hearing. Notwithstanding any provision of this paragraph (g) to the contrary, an exempt family child care home provider shall comply with the provisions of section 26-6-120 if he or she provides care for a child whose care is funded in whole or in part with moneys received on the child's behalf pursuant to the Colorado child care assistance program created in part 8 of article 2 of this title.

(i) AN INDIVIDUAL WHO PROVIDES LESS THAN TWENTY-FOUR-HOUR CHILD CARE IN A PLACE OF RESIDENCE WHEN ONE OF THE FOLLOWING CONDITIONS IS MET:

(I) (A) THE CHILDREN BEING CARED FOR ARE RELATED, AS DEFINED IN SECTIONS 26-6-102 (31) AND 26-6-102 (32), TO THE CAREGIVER, ARE CHILDREN WHO ARE RELATED TO EACH OTHER FROM A SINGLE FAMILY THAT IS UNRELATED TO THE CAREGIVER, OR A COMBINATION OF SUCH CHILDREN; OR

(B) THERE ARE NO MORE THAN FOUR CHILDREN BEING CARED FOR, WITH NO MORE THAN TWO CHILDREN UNDER TWO YEARS OF AGE FROM MULTIPLE FAMILIES, REGARDLESS OF THE CHILDREN'S RELATION TO THE CAREGIVER.

(II) THIS SUBSECTION (1)(i) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2020.

**SECTION 2.** In Colorado Revised Statutes, 26-6-108.5, **amend** (3) as follows:

**26-6-108.5. Notice of negative licensing action - filing of complaints.** (3) The department shall track and record complaints made to the department that are brought against family child care homes and shall identify which complaints were brought against licensed family child care homes, as defined in section 26-6-102 (13), unlicensed family child care homes, or legally exempt family child care homes, as defined in section ~~26-6-103 (1)(g)~~ 26-6-102 (12).

**SECTION 3.** In Colorado Revised Statutes, 26-6-102, **amend** the introductory portion and (12) as follows:

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

(12) "Exempt family child care home provider" means a family child care home provider who is exempt from certain provisions of this part 1 pursuant to section 26-6-103 ~~(1)(g)~~ (1)(i).

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 30, 2017