

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 10-0412.01 Jane Ritter

HOUSE BILL 10-1044

HOUSE SPONSORSHIP

Carroll T., Todd, Benefield, Kefalas, Massey, McNulty, Merrifield, Middleton, Roberts,
Schafer S., Stephens

SENATE SPONSORSHIP

Steadman,

House Committees

Education

Senate Committees

Education

Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE LICENSURE OF NEIGHBORHOOD YOUTH**
102 **ORGANIZATIONS.**

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>.)

The bill requires neighborhood youth organizations (NYO) to obtain either a general child care center license or a separate NYO license. An NYO with a separate NYO license shall have the following duties and requirements for operation:

! To inform a parent or legal guardian of each youth who

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.

SENATE
Am ended 2nd Reading
March 22, 2010

HOUSE
3rd Reading Unam ended
February 18, 2010

HOUSE
Am ended 2nd Reading
February 17, 2010

attends the NYO of the legal requirements that the NYO must meet and to post a notice in bold print and in plain view on the premises of the NYO facility listing these requirements;

- ! To inform a parent or legal guardian of a youth who attends the NYO of the telephone number and address of the appropriate division within the department of human services for investigating complaints about NYOs, with the instruction that any complaint about the NYO's compliance with legal requirements be directed to such division, and to post a notice in bold print and in plain view on the premises of the NYO facility containing this information;
- ! Prior to admitting a youth into the NYO, to require the youth's parent or legal guardian to sign a statement authorizing the youth to arrive and depart from the NYO or participate in field trips without parental or organizational supervision;
- ! To establish a process to receive and resolve parental or legal guardian complaints;
- ! To establish an internal process to report known or suspected abuse or neglect to appropriate authorities;
- ! To maintain, either at the NYO or at a central administrative facility, records containing specified information concerning each youth admitted into the NYO;
- ! To complete a fingerprint-based or other criminal history record check on each employee, volunteer, or applicant for an employee or volunteer position who works with youth or will work with youth 5 or more days in a calendar month; and
- ! To adopt minimum standards for operation.

The bill includes a provision that protects the NYO against civil liability for refusal to hire or authorize an employee or volunteer and for terminating the employment or assistance of an employee or volunteer as a result of information disclosed in an investigation of the person.

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

2 **SECTION 1.** 26-6-102, Colorado Revised Statutes, is amended

3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **26-6-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

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(5.8) (a) "NEIGHBORHOOD YOUTH ORGANIZATION" MEANS A NONPROFIT ORGANIZATION THAT IS DESIGNED TO SERVE YOUTH AS YOUNG AS SIX YEARS OF AGE AND AS OLD AS EIGHTEEN YEARS OF AGE AND THAT OPERATES PRIMARILY DURING TIMES OF THE DAY WHEN SCHOOL IS NOT IN SESSION AND PROVIDES RESEARCH-BASED, AGE-APPROPRIATE, AND CHARACTER-BUILDING ACTIVITIES DESIGNED EXCLUSIVELY FOR THE DEVELOPMENT OF YOUTH FROM SIX TO EIGHTEEN YEARS OF AGE. THESE ACTIVITIES SHALL OCCUR PRIMARILY IN A FACILITY LEASED OR OWNED BY THE NEIGHBORHOOD YOUTH ORGANIZATION. THE ACTIVITIES SHALL OCCUR IN AN ENVIRONMENT IN WHICH YOUTH HAVE WRITTEN PARENTAL OR LEGAL GUARDIAN CONSENT TO BECOME A YOUTH MEMBER OF THE NEIGHBORHOOD YOUTH ORGANIZATION AND TO ARRIVE AT AND DEPART FROM THE PRIMARY LOCATION OF THE ACTIVITY ON THEIR OWN ACCORD, WITHOUT SUPERVISION BY A PARENT, LEGAL GUARDIAN, OR ORGANIZATION.

(b) A NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT INCLUDE FAITH-BASED CENTERS, ORGANIZATIONS OR PROGRAMS OPERATED BY STATE OR CITY PARKS OR SPECIAL DISTRICTS, OR DEPARTMENTS OR FACILITIES THAT ARE CURRENTLY LICENSED AS CHILD CARE CENTERS AS DEFINED IN SUBSECTION (1.5) OF THIS SECTION.

(13) "YOUTH MEMBER" MEANS A YOUTH WHO IS SIX YEARS OF AGE THROUGH 18 YEARS OF AGE WHOSE PARENT OR LEGAL GUARDIAN HAS PROVIDED WRITTEN CONSENT FOR THE YOUTH TO PARTICIPATE IN THE ACTIVITIES OF A NEIGHBORHOOD YOUTH ORGANIZATION AND WHO PAYS THE REQUIRED DUES OF THE NEIGHBORHOOD YOUTH ORGANIZATION.

1 **SECTION 2.** Part 1 of article 6 of title 26, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4 **26-6-103.7. Application of part - neighborhood youth**
5 **organizations - licensing - duties and responsibilities - definitions.**

6 (1) NOTWITHSTANDING ANY PROVISION OF THIS PART 1 TO THE
7 CONTRARY, A NEIGHBORHOOD YOUTH ORGANIZATION THAT IS NOT
8 OTHERWISE LICENSED TO OPERATE UNDER THIS PART 1 MAY OBTAIN A
9 NEIGHBORHOOD YOUTH ORGANIZATION LICENSE PURSUANT TO THIS
10 SECTION. A NEIGHBORHOOD YOUTH ORGANIZATION THAT OBTAINS A
11 LICENSE PURSUANT TO THIS SECTION SHALL BE SUBJECT ONLY TO THE
12 REQUIREMENTS OF THIS SECTION AND SHALL OTHERWISE BE EXEMPT FROM
13 THE REQUIREMENTS OF THIS PART 1.

14 (2) THE STATE BOARD SHALL PROMULGATE RULES TO ESTABLISH
15 A NEIGHBORHOOD YOUTH ORGANIZATION LICENSE, INCLUDING BUT NOT
16 LIMITED TO THE FEE REQUIRED TO APPLY FOR AND OBTAIN THE LICENSE.
17 **THE RULES SHALL NOT CONCERN STAFF-TO-YOUTH RATIOS.**

18 (3) A NEIGHBORHOOD YOUTH ORGANIZATION LICENSED PURSUANT
19 TO THIS SECTION AND OPERATING IN THE STATE OF COLORADO SHALL
20 HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

21 (a) TO INFORM A PARENT OR LEGAL GUARDIAN OF THE
22 REQUIREMENTS OF THIS SUBSECTION (3) AND TO POST A NOTICE IN BOLD
23 PRINT AND IN PLAIN VIEW ON THE PREMISES OF THE FACILITY IN WHICH THE
24 NEIGHBORHOOD YOUTH ORGANIZATION OPERATES THAT LISTS THE
25 FOLLOWING INFORMATION:

- 26 (I) THE REQUIREMENTS OF THIS SUBSECTION (3); AND
27 (II) THE TELEPHONE NUMBER AND ADDRESS OF THE APPROPRIATE

1 DIVISION WITHIN THE STATE DEPARTMENT FOR INVESTIGATING
2 COMPLAINTS CONCERNING A NEIGHBORHOOD YOUTH ORGANIZATION, WITH
3 THE INSTRUCTION THAT ANY COMPLAINT REGARDING THE NEIGHBORHOOD
4 YOUTH ORGANIZATION'S COMPLIANCE WITH THESE REQUIREMENTS BE
5 DIRECTED TO THAT DIVISION;

6 (b) PRIOR TO ADMITTING AN INTERESTED YOUTH MEMBER INTO
7 THE NEIGHBORHOOD YOUTH ORGANIZATION, TO REQUIRE THE YOUTH
8 MEMBER'S PARENT OR LEGAL GUARDIAN TO SIGN A STATEMENT
9 AUTHORIZING THE YOUTH MEMBER TO ARRIVE AND DEPART FROM THE
10 ORGANIZATION WITHOUT SUPERVISION BY A PARENT, LEGAL GUARDIAN,
11 OR THE ORGANIZATION;

12 (c) TO ESTABLISH A PROCESS TO RECEIVE AND RESOLVE
13 COMPLAINTS FROM PARENTS OR LEGAL GUARDIANS;

14 (d) TO ESTABLISH A PROCESS TO REPORT KNOWN OR SUSPECTED
15 CHILD ABUSE OR NEGLECT TO APPROPRIATE AUTHORITIES PURSUANT TO
16 SECTION 19-3-304, C.R.S.;

17 (e) TO MAINTAIN, EITHER AT THE NEIGHBORHOOD YOUTH
18 ORGANIZATION OR AT A CENTRAL ADMINISTRATIVE FACILITY, RECORDS
19 FOR EACH YOUTH MEMBER ADMITTED INTO THE NEIGHBORHOOD YOUTH
20 ORGANIZATION CONTAINING, AT A MINIMUM, THE FOLLOWING
21 INFORMATION:

22 (I) THE YOUTH MEMBER'S FULL NAME;

23 (II) THE YOUTH MEMBER'S DATE OF BIRTH;

24 (III) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A PARENT
25 OR LEGAL GUARDIAN OF THE YOUTH MEMBER;

26 (IV) THE NAME AND TELEPHONE NUMBER OF AT LEAST ONE
27 EMERGENCY CONTACT PERSON FOR THE YOUTH MEMBER; AND

1 (V) A PARENT'S OR LEGAL GUARDIAN'S WRITTEN AUTHORIZATION
2 FOR THE YOUTH MEMBER TO ATTEND THE NEIGHBORHOOD YOUTH
3 ORGANIZATION;

4 (f) TO REQUIRE A YOUTH MEMBER'S PARENT OR LEGAL GUARDIAN
5 TO SIGN A STATEMENT AUTHORIZING THE NEIGHBORHOOD YOUTH
6 ORGANIZATION TO PROVIDE TRANSPORTATION PRIOR TO FIELD TRIPS OR TO
7 AND FROM THE NEIGHBORHOOD YOUTH ORGANIZATION; AND

8 (g) TO FOLLOW THE REQUIREMENTS SPECIFIED IN SUBSECTION (4)
9 OF THIS SECTION FOR A FINGERPRINT-BASED OR OTHER CRIMINAL HISTORY
10 RECORD CHECK OF EACH EMPLOYEE AND VOLUNTEER WHO WORKS
11 WITH OR WILL WORK WITH YOUTH MEMBERS FIVE OR MORE DAYS IN A
12 CALENDAR MONTH.

13 (4) A LICENSED NEIGHBORHOOD YOUTH ORGANIZATION SHALL
14 REQUIRE ALL EMPLOYEES AND VOLUNTEERS WHO WORK DIRECTLY WITH
15 OR WILL WORK DIRECTLY WITH YOUTH MEMBERS FIVE OR MORE DAYS IN
16 A CALENDAR MONTH TO OBTAIN, PRIOR TO EMPLOYMENT AND EVERY TWO
17 YEARS THEREAFTER, ONE OF THE FOLLOWING:

18 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
19 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND REQUEST THE
20 STATE DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING
21 INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS
22 SPECIFIED IN SECTION 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING
23 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9),
24 C.R.S. THE NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A
25 PERSON AS AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER
26 CONFIRMATION OF SUCH A CRIMINAL HISTORY.

27 (b) A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED

1 CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF
2 INVESTIGATION IF THE EMPLOYEE, VOLUNTEER, OR APPLICANT HAS
3 RESIDED IN THE STATE OF COLORADO LESS THAN TWO YEARS. THE
4 NEIGHBORHOOD YOUTH ORGANIZATION SHALL REQUEST THE STATE
5 DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED
6 HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION
7 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL
8 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE
9 NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN
10 EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION
11 OF SUCH A CRIMINAL HISTORY.

12 (c) A COMPARISON SEARCH BY THE STATE DEPARTMENT ON THE
13 ICON SYSTEM OF THE STATE JUDICIAL DEPARTMENT OR A COMPARISON
14 SEARCH ON ANY OTHER DATABASE THAT IS RECOGNIZED ON A STATEWIDE
15 BASIS BY USING THE NAME, DATE OF BIRTH, AND SOCIAL SECURITY
16 NUMBER INFORMATION AND ANY OTHER AVAILABLE SOURCE OF CRIMINAL
17 HISTORY INFORMATION THAT THE STATE DEPARTMENT DETERMINES IS
18 APPROPRIATE TO DETERMINE WHETHER THE EMPLOYEE OR VOLUNTEER
19 HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION
20 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL
21 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE
22 NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN
23 EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION
24 OF SUCH A CRIMINAL HISTORY.

25 (d) A SEPARATE BACKGROUND CHECK BY A PRIVATE ENTITY
26 REGULATED AS A CONSUMER REPORTING AGENCY PURSUANT TO 15 U.S.C.
27 SEC. 1681 ET SEQ. THAT SHALL DISCLOSE, AT A MINIMUM, SEXUAL

1 OFFENDERS AND FELONY CONVICTIONS AND INCLUDE A SOCIAL SECURITY
2 NUMBER TRACE, A NATIONAL CRIMINAL FILE CHECK, AND A STATE OR
3 COUNTY CRIMINAL FILE SEARCH. THE SEPARATE BACKGROUND CHECK
4 SHALL ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN
5 CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401,
6 C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR
7 AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE NEIGHBORHOOD
8 YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN EMPLOYEE OR
9 APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION OF SUCH A
10 CRIMINAL HISTORY. [REDACTED] [REDACTED]

11 (5) A PERSON WHO VISITS OR TAKES PART IN THE ACTIVITIES OF A
12 LICENSED NEIGHBORHOOD YOUTH ORGANIZATION BUT WHO IS NOT
13 REQUIRED TO OBTAIN A CRIMINAL HISTORY RECORD CHECK PURSUANT TO
14 SUBSECTION (4) OF THIS SECTION SHALL AT ALL TIMES BE UNDER THE
15 SUPERVISION OF AN EMPLOYEE OR VOLUNTEER WHO HAS BEEN HIRED OR
16 APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK
17 PURSUANT TO SUBSECTION (4) OF THIS SECTION.

18 (6) THE GOVERNING BOARD OF EACH LICENSED NEIGHBORHOOD
19 YOUTH ORGANIZATION SHALL ADOPT MINIMUM STANDARDS FOR
20 OPERATING THE LICENSED NEIGHBORHOOD YOUTH ORGANIZATION,
21 INCLUDING BUT NOT LIMITED TO STANDARDS CONCERNING STAFF, STAFF
22 TRAINING, HEALTH AND SAFETY, AND MECHANISMS FOR ASSESSING AND
23 ENFORCING THE LICENSED NEIGHBORHOOD YOUTH ORGANIZATION'S
24 COMPLIANCE WITH THE STANDARDS ADOPTED.

25 (7) THE STATE DEPARTMENT SHALL HAVE THE AUTHORITY TO
26 RECEIVE, RESPOND TO, AND INVESTIGATE ANY COMPLAINT CONCERNING
27 COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN THIS SECTION FOR A

1 LICENSED NEIGHBORHOOD YOUTH ORGANIZATION.

2 (8) A LICENSED NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT
3 BE REQUIRED TO OBTAIN OR KEEP ON FILE IMMUNIZATION RECORDS FOR
4 YOUTH MEMBERS PARTICIPATING IN THE ORGANIZATION'S ACTIVITIES.

5 (9) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "EMPLOYEE" MEANS A PAID EMPLOYEE OF A NEIGHBORHOOD
8 YOUTH ORGANIZATION WHO IS EIGHTEEN YEARS OF AGE OR OLDER.

9 (b) "VOLUNTEER" MEANS A PERSON WHO VOLUNTEERS HIS OR HER
10 ASSISTANCE TO A NEIGHBORHOOD YOUTH ORGANIZATION AND WHO IS
11 EIGHTEEN YEARS OF AGE OR OLDER.

12 **SECTION 3.** 19-1-307 (2), Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14 **19-1-307. Dependency and neglect records and information -**
15 **access - fee - rules - records and reports fund - misuse of information**
16 **- penalty. (2) Records and reports - access to certain persons -**
17 **agencies.** Except as otherwise provided in section 19-1-303, only the
18 following persons or agencies shall be given access to child abuse or
19 neglect records and reports:

20 (j.7) THE STATE DEPARTMENT OF HUMAN SERVICES INVESTIGATING
21 AN APPLICANT FOR AN EMPLOYEE OR VOLUNTEER POSITION WITH, OR AN
22 EMPLOYEE OR VOLUNTEER OF, A LICENSED NEIGHBORHOOD YOUTH
23 ORGANIZATION PURSUANT TO SECTION 26-6-103.7 (4) (c), C.R.S., WHEN
24 THE APPLICANT, EMPLOYEE, OR VOLUNTEER HAS GIVEN WRITTEN
25 AUTHORIZATION TO THE STATE DEPARTMENT OF HUMAN SERVICES TO
26 CHECK RECORDS OR REPORTS OF CHILD ABUSE OR NEGLECT.

27 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.