

26-39-402 Residential child care certificate.

- (1)
 - (a) A residential child care provider of five to eight qualifying children shall obtain a Residential Child Care Certificate from the department, unless Section 26-39-403 applies.
 - (b) The minimum qualifications for a Residential Child Care Certificate are:
 - (i) the submission of:
 - (A) an application in the form prescribed by the department;
 - (B) a certification and criminal background fee established in accordance with Section 26-1-6; and
 - (C) in accordance with Section 26-39-404, identifying information for each adult person and each juvenile age 12 through 17 years of age who resides in the provider's home:
 - (I) for processing by the Department of Public Safety to determine whether any such person has been convicted of a crime;
 - (II) to screen for a substantiated finding of child abuse or neglect by a juvenile court; and
 - (III) to discover whether the person is listed in the Licensing Information System described in Section 62A-4a-1006;
 - (ii) an initial and annual inspection of the provider's home within 90 days of sending an intent to inspect notice to:
 - (A) check the immunization record of each qualifying child who receives child care in the provider's home;
 - (B) identify serious sanitation, fire, and health hazards to qualifying children; and
 - (C) make appropriate recommendations; and
 - (iii) annual training consisting of 10 hours of department-approved training as specified by the department by administrative rule, including a current department-approved CPR and first aid course.
 - (c) If a serious sanitation, fire, or health hazard has been found during an inspection conducted pursuant to Subsection (1)(b)(ii), the department shall require corrective action for the serious hazards found and make an unannounced follow up inspection to determine compliance.
 - (d) In addition to an inspection conducted pursuant to Subsection (1)(b)(ii), the department may inspect the home of a residential care provider of five to eight qualifying children in response to a complaint of:
 - (i) child abuse or neglect;
 - (ii) serious health hazards in or around the provider's home; or
 - (iii) providing residential child care without the appropriate certificate or license.
- (2) Notwithstanding this section:
 - (a) a license under Section 26-39-401 is required of a residential child care provider who cares for nine or more qualifying children;
 - (b) a certified residential child care provider may not provide care to more than two qualifying children under the age of two; and
 - (c) an inspection may be required of a residential child care provider in connection with a federal child care program.
- (3) With respect to residential child care, the department may only make and enforce rules necessary to implement this section.

Renumbered and Amended by Chapter 111, 2008 General Session