

1 **CHILD CARE REVISIONS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: D. Gregg Buxton**

5 Senate Sponsor: Gregory S. Bell

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Utah Child Care Licensing Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends the minimum qualifications for a residential child care certificate; and
- 13 ▶ makes technical amendments.

14 **Monies Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **26-39-105**, as last amended by Chapter 158, Laws of Utah 1998

21 **26-39-105.5**, as last amended by Chapter 283, Laws of Utah 2002

22

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **26-39-105** is amended to read:

25 **26-39-105. Licensure requirements -- Expiration -- Renewal.**

26 (1) Except as provided in [~~Sections 26-39-105.5 and~~] Section 26-39-106, a person shall

27 be licensed or certified in accordance with this chapter if he:



28 (a) provides or offers child care; or

29 (b) provides care to children and requests to be licensed.

30 (2) The department may issue licenses for a period not exceeding 24 months to child
31 care providers who meet the requirements of this chapter and the department's rules governing
32 child care programs.

33 (3) A license issued under this chapter is not assignable or transferable.

34 Section 2. Section **26-39-105.5** is amended to read:

35 **26-39-105.5. Residential child care certificate.**

36 (1) (a) A residential child care provider of five to eight children shall obtain a
37 Residential Child Care Certificate from the department unless Section 26-39-106 applies.

38 (b) The minimum qualifications for a Residential Child Care Certificate are [~~limited~~
39 ~~to~~]:

40 (i) the submission of:

41 (A) an application in the form prescribed by the department;

42 (B) a certification and criminal background fee established in accordance with Section
43 26-1-6; and

44 (C) identifying information described in Subsection 26-39-107(1) for each adult person
45 who resides in the provider's home:

46 (I) for processing by the Department of Public Safety to determine whether any such
47 person has been convicted of a crime;

48 (II) to screen for a substantiated finding of child abuse or neglect by a juvenile court;
49 and

50 (III) to discover whether the person is listed in the Licensing Information System
51 described in Section 62A-4a-116.2[~~7~~];

52 (ii) an initial and annual inspection of the provider's home within 90 days of sending an
53 intent to inspect notice to:

54 (A) check the immunization record of each child who receives child care in the
55 provider's home;

56 (B) identify serious sanitation, fire, and health hazards to children; and

57 (C) make appropriate recommendations; and

58 (iii) [~~for new providers, completion~~] annual training consisting of ~~§~~ → [∴] ← ~~§~~

59 ~~§~~→ [(A)] ←~~§~~ [five] ten hours of department-approved training ~~§~~→ as specified by the
59a department

59a by administrative rule ←~~§~~ ~~§~~→ [;and] , including

60 [~~§~~] ←~~§~~ a current department-approved CPR and first aid course.

61 (c) If a serious sanitation, fire, or health hazard has been found during an inspection
62 conducted pursuant to Subsection (1)(b)(ii), the department [~~may, at the option of the~~
63 ~~residential care provider~~] shall ~~§~~→ [;

64 ~~(i)~~ ←~~§~~ require corrective action for the serious hazards found and make an unannounced
65 follow up inspection to determine compliance ~~§~~→ [;or

66 ~~(ii)~~ ~~§~~→ if the provider does not take corrective action, ←~~§~~ ~~inform the parents of each~~
66a ~~child in the care of the provider of the results of the~~
67 ~~department's inspection and the failure of the provider to take corrective action~~] ←~~§~~ .

68 (d) In addition to an inspection conducted pursuant to Subsection (1)(b)(ii), the
69 department may inspect the home of a residential care provider of five to eight children in
70 response to a complaint of:

71 (i) child abuse or neglect;

72 (ii) serious health hazards in or around the provider's home; or

73 (iii) providing residential child care without the appropriate certificate or license.

74 (2) Notwithstanding this section:

75 (a) a license under Section 26-39-105 is required of a residential child care provider
76 who cares for nine or more children;

77 (b) a certified residential child care provider may not provide care to more than two
78 children under the age of two; and

79 (c) an inspection may be required of a residential child care provider in connection
80 with a federal child care program.

81 (3) With respect to residential child care, the department may only make and enforce
82 rules necessary to implement this section.

Legislative Review Note
as of 12-8-05 7:17 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Fiscal Note
Bill Number HB0263

Child Care Revisions

17-Jan-06

4:43 PM

State Impact

No state or local government fiscal impact.

Individual and Business Impact

This bill could increase the cost of maintaining a Residential Child Care Certificate by up to \$40 per year.

Office of the Legislative Fiscal Analyst