

1 **CHILD CARE REVISIONS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: Gregory S. Bell

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

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[-];

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~~[:-(A)- five]~~ ten hours
59 of department-approved training~~[-and-(B)]~~ as specified by the department by administrative
60 rule, including 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: (i)]~~ shall require corrective action for the serious hazards found and
64 make an unannounced follow up inspection to determine compliance~~[-or]~~.

65 ~~[(ii) inform the parents of each child in the care of the provider of the results of the~~
66 ~~department's inspection and the failure of the provider to take corrective action.]~~

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

- 70 (i) child abuse or neglect;
- 71 (ii) serious health hazards in or around the provider's home; or
- 72 (iii) providing residential child care without the appropriate certificate or license.

73 (2) Notwithstanding this section:

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

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

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

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