

1 **CHILD CARE REVISIONS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: Gregory S. Bell

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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

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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; and
- 60 (B) 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) inform the parents of each 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.

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**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.

**Office of Legislative Research and General Counsel**