

the appellant is in the custody of a hospital or facility at the time of service of the notice of appeal, he or she the appellant shall be discharged from custody pending disposition of the appeal unless the chief medical officer, not later than the end of the next secular day on which the office of the clerk is open and which follows service of the notice of appeal, files with the clerk a certification that in the chief medical officer's opinion the appellant is seriously mentally ill or a substance abuser. In that case, the appellant shall remain in custody of the hospital or facility until the hospitalization or commitment hearing before the district court.

6. The hospitalization or commitment hearing before the district judge shall be held, and the judge's finding shall be made and an appropriate order entered, as prescribed by sections 229.12 and 229.13 or sections 10 and 11 of this Act. If the judge orders the appellant hospitalized or committed for a complete psychiatric or substance abuse evaluation, jurisdiction of the matter shall revert to the judicial hospitalization referee.

Sec. 28. Section 125.35 and sections 229.50 through 229.53, Code 1981, are repealed.

Approved May 21, 1982

## CHAPTER 1213

### REGISTRATION OF GROUP DAY CARE HOMES

*H.F. 303*

**AN ACT** relating to the registration of group day care home providers.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 237A.1, subsection 8, Code 1981, is amended to read as follows:

8. "Child care center" or "center" means a facility providing child day care for seven or more children, except when the facility is registered as a group day care home.

Sec. 2. Section 237A.1, subsection 9, Code 1981, is amended to read as follows:

9. a. "Family day care home" means a facility which provides child day care to less than seven children.

b. "Group day care home" means a facility providing child day care for more than six but less than twelve children, with no more than six children at one time being less than six years of age.

Sec. 3. Section 237A.1, subsection 10, Code 1981, is amended to read as follows:

10. "Child day care facility" or "facility" means a child care center, group day care home, or registered family day care home.

Sec. 4. Section 237A.3, Code 1981, is amended to read as follows:

**237A.3 REGISTRATION OF FAMILY AND GROUP DAY CARE HOMES.**

1. A person who operates or establishes a family day care home may apply to the department for registration under ~~the provisions~~ of this chapter. The department shall issue a certificate of registration upon receipt of a statement from the family day care home that the home complies with rules ~~promulgated~~ adopted by the department. The registration certificate shall be posted in a conspicuous place in the family day care home, shall state the name

of the registrant, the number of individuals who may be received for care at any one time and the address of the home, and shall include a check list of registration compliances. No greater number of children than is authorized by the certificate shall be kept in the family day care home at any one time. The registration process may be repeated on an annual basis. A facility which is not a family day care home by reason of the definition of child day care in section 237A.1, subsection 7, but which provides care, supervision or guidance to a child may be issued a certificate of registration under the provisions of this chapter.

2. A person shall not operate or establish a group day care home unless the person obtains a certificate of registration under this chapter. In order to be registered, the group day care home shall have at least one responsible individual, age fourteen or older, on duty to assist the group day care home provider when there are more than six children present for more than a two hour period. All other requirements of this chapter for registered family day care homes and the rules adopted under this chapter for registered family day care homes apply to group day care homes. In addition, the department shall adopt rules relating to the provision in group day care homes for a separate area for sick children. In consultation with the state fire marshal, the department shall adopt rules relating to the provision of fire extinguishers, smoke detectors, and two exits accessible to children.

Sec. 5. Section 237A.19, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person who establishes, conducts, manages, or operates a group day care home without registering under this chapter is guilty of a simple misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, is a separate offense. A single charge alleging continuing violation may be made in lieu of filing charges for each day of violation.

Sec. 6. Section 237.10, Code 1981, is repealed.

Approved May 11, 1982

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## CHAPTER 1214

### HOMESTEAD PROPERTY TAX CREDIT

*H.F. 861*

**AN ACT** to authorize a person who is confined in a hospital or nursing care facility to qualify for claiming and authorize an executor or administrator of an estate to file a claim for the extraordinary property tax credit or reimbursement on the person's homestead, with a January 1 effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 425.17, subsection 4, Code 1981, is amended to read as follows:

4. "Homestead" means the dwelling owned or rented and actually used as a home by the claimant during all or part of the base year, and so much of the land surrounding it including one or more contiguous lots or tracts of land, as is reasonably necessary for use of the dwelling