

**CHAPTER 1129****CHILD DAY CARE***H.F. 2003*

**AN ACT** relating to child day care provisions involving age and school status of the children receiving care and building and nutrition requirements.

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

Section 1. Section 237A.1, subsection 8, paragraph b, Code Supplement 1993, is amended to read as follows:

b. "Group day care home" means a facility providing child day care for more than six but less than twelve children, or for less than sixteen children at any one time as authorized in accordance with section 237A.3, subsection 3, provided each child in excess of six children is attending school ~~full-time on a regular basis~~ in kindergarten or a higher grade level.

Sec. 2. Section 237A.3, subsection 1, paragraph b, Code Supplement 1993, is amended to read as follows:

b. No greater number of children than is authorized by the registration certificate shall be kept in the family day care home at any one time. However, a registered or unregistered family day care home may provide care for more than six but less than twelve children at any one time for a period of less than two hours, provided that each child in excess of six children is attending school ~~full-time on a regular basis~~ in kindergarten or a higher grade level.

Sec. 3. Section 237A.3, subsection 1, paragraph d, Code Supplement 1993, is amended to read as follows:

d. In determining the number of children cared for at any one time in a registered or unregistered family day care home, if the person who operates or establishes the home is a child's parent, guardian, relative, or custodian and the child is not attending school ~~full-time on a regular basis~~ in kindergarten or a higher grade level or is not receiving child day care full-time on a regular basis from another person, the child shall be considered to be receiving child day care from the person and shall be counted as one of the children cared for in the home.

Sec. 4. Section 237A.12, subsection 3, Code 1993, is amended to read as follows:

3. The adequacy of activity programs and food services available to the children. The administrator shall not restrict the use of or apply nutritional standards to a lunch or other meal which is brought to the center or family day care home by a school-age child for the child's consumption.

Sec. 5. Section 237A.12, unnumbered paragraphs 2, 3, 4, and 5, Code 1993, are amended to read as follows:

~~Rules promulgated~~ adopted by the state fire marshal for buildings, ~~other than school buildings,~~ used as child care centers as an adjunct to the primary purpose of the building shall take into consideration that children are received for temporary care only and shall not differ from ~~rules promulgated~~ adopted for these buildings when they are used by groups of persons congregating from time to time in the primary use and occupancy of the buildings. However, the rules may require a fire-rated separation from the remaining portion of the building if the fire marshal determines that the separation is necessary for the protection of children from a specific flammable hazard.

Rules relating to fire safety shall be adopted under this chapter by the state fire marshal in consultation with the department. Rules adopted by the state fire marshal for a building which is owned or leased by a school district or accredited nonpublic school and used as a child day care facility shall not differ from standards adopted by the state fire marshal for school buildings under chapter 100. Rules relating to sanitation shall be adopted by the department in consultation with the director of public health. All rules shall be developed in consultation with the state child day care advisory council. The state fire marshal shall inspect the facilities.

If a building is owned or leased by a school district or accredited nonpublic school building and complies with standards adopted by the state fire marshal for school buildings under chapter 100, the building is considered appropriate for use by a child day care facility caring for school age children. The rules adopted by the administrator under this section shall not require the facility to comply with building requirements which differ from requirements for use of the building as a school.

Standards and requirements set by a city or county for a school building which is owned or leased by a school district or accredited nonpublic school and used as a child day care facility as an adjunct to the primary purpose of the building shall take into consideration that children are received for temporary care only and shall not differ from standards and requirements set for the primary purpose use of the building as a school.

Approved April 28, 1994

## CHAPTER 1130

### CHILD ABUSE AND DEPENDENT ADULT ABUSE

*H.F. 2261*

**AN ACT** relating to child abuse provisions involving child abuse definitions, mandatory reporters, investigation procedures, and correction of child abuse information, and providing an effective date.

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

#### DIVISION I CHILD ABUSE DEFINITIONS

Section 1. Section 232.68, subsection 2, paragraph f, Code Supplement 1993, is amended to read as follows:

f. An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian person responsible for the care of the child.

Sec. 2. Section 232.68, subsection 7, paragraph b, Code Supplement 1993, is amended to read as follows:

b. A relative or any other person with whom the child resides and who assumes care or supervision of the child, without reference to the length of time or continuity of such residence.

#### DIVISION II MANDATORY REPORTERS OF CHILD ABUSE

Sec. 3. Section 232.69, subsection 1, paragraph b, Code 1993, is amended to read as follows:

b. Any of the following persons who, in the scope of professional practice or in their employment responsibilities, examines, attends, counsels, or treats a child and reasonably believes a child has suffered abuse:

- (1) Every A self-employed social worker, every.
- (2) A social worker under the jurisdiction of the department of human services, any.
- (3) A social worker employed by a public or private agency or institution,.
- (4) An employee or operator of a public or private health care facility as defined in section 135C.1,.
- (5) A certified psychologist,.
- (6) A licensed school employee,.