

**237A.1 Definitions.**

As used in [this chapter](#) unless the context otherwise requires:

1. “Child” means either of the following:
  - a. A person twelve years of age or younger.
  - b. A person thirteen years of age or older but younger than nineteen years of age who has a developmental disability as defined under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Pub. L. No. 106-402, as codified in 42 U.S.C. §15002(8).
2. “Child care” means the care, supervision, and guidance of a child by a person other than the child’s parent, guardian, or custodian for periods of less than twenty-four hours per day per child on a regular basis, but does not include care, supervision, and guidance of a child by any of the following:
  - a. An instructional program for children who are attending prekindergarten as defined by the state board of education under [section 256.11](#) or a higher grade level and are at least four years of age, or are at least three years of age and eligible for special education under [chapter 256B](#), administered by any of the following:
    - (1) A public or nonpublic school system accredited by the department of education or the state board of regents.
    - (2) A nonpublic school system which is not accredited by the department of education or the state board of regents.
  - b. Any of the following church-related programs:
    - (1) An instructional program.
    - (2) A youth program other than a preschool, before or after school child care program, or other child care program.
    - (3) A program providing care to children on church premises while the children’s parents are attending church-related or church-sponsored activities on the church premises.
  - c. Short-term classes of less than two weeks’ duration held between school terms or during a break within a school term.
  - d. A child care center for sick children operated as part of a pediatrics unit in a hospital licensed by the department of inspections, appeals, and licensing pursuant to [chapter 135B](#).
  - e. A program operated not more than one day per week by volunteers which meets all of the following conditions:
    - (1) Not more than eleven children are served per volunteer.
    - (2) The program operates for less than four hours during any twenty-four-hour period.
    - (3) The program is provided at no cost to the children’s parent, guardian, or custodian.
  - f. A program administered by a political subdivision of the state which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.
  - g. An after school program continuously offered throughout the school year calendar to children who are at least five years of age and are enrolled in school, and attend the program intermittently or a summer-only program for such children. The program must be provided through a nominal membership fee or at no cost.
  - h. A special activity program which meets less than four hours per day for the sole purpose of the special activity. Special activity programs include but are not limited to music or dance classes, organized athletic or sports programs, recreational classes, scouting programs, and hobby or craft clubs or classes.
  - i. A nationally accredited camp.
  - j. A structured program for the purpose of providing therapeutic, rehabilitative, or supervisory services to children under any of the following:
    - (1) A purchase of service or managed care contract with the department.
    - (2) A contract approved by a governance board of a decategorization of child welfare and juvenile justice funding project created under [section 232.188](#).
    - (3) An arrangement approved by a juvenile court order.
  - k. Care provided on-site to children of parents residing in an emergency, homeless, or domestic violence shelter.

l. A child care facility providing respite care to a licensed foster family home for a period of twenty-four hours or more to a child who is placed with that licensed foster family home.

m. A program offered to a child whose parent, guardian, or custodian is engaged solely in a recreational or social activity, remains immediately available and accessible on the physical premises on which the child's care is provided, and does not engage in employment while the care is provided. However, if the recreational or social activity is provided in a fitness center or on the premises of a nonprofit organization, the parent, guardian, or custodian of the child may be employed to teach or lead the activity.

3. "Child care center" or "center" means a facility providing child care or preschool services for seven or more children, except when the facility is registered as a child development home.

4. "Child care facility" or "facility" means a child care center, preschool, or a registered child development home.

5. "Child care home" means a person or program providing child care to any of the following children at any one time that is not registered to provide child care under [this chapter](#), as authorized under [section 237A.3](#):

a. Five or fewer children.

b. Six or fewer children, if at least one of the children is school-aged.

6. "Child development home" means a person or program registered under [section 237A.3A](#) that may provide child care to seven or more children at any one time.

7. "Children needing special needs care" or "special needs child" means a child or children with one or more of the following conditions:

a. The child has been diagnosed by a physician or by a person endorsed for service as a school psychologist by the department of education to have a developmental disability which substantially limits one or more major life activities, and the child requires professional treatment, assistance in self-care, or the purchase of special adaptive equipment.

b. The child has been determined by a qualified intellectual disability professional to have a condition which impairs the child's intellectual and social functioning.

c. The child has been diagnosed by a mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior which deviates substantially from behavior appropriate to the child's age, or which significantly interferes with the child's intellectual, social, or personal development.

8. "Council" means the council on health and human services.

9. "Department" means the department of health and human services.

10. "Director" means the director of health and human services.

11. "Infant" means a child who is less than twenty-four months of age.

12. "Involvement with child care" means licensed or registered under [this chapter](#), employed in a child care facility, residing in a child care facility, receiving public funding for providing child care, or providing child care as a child care home provider, or residing in a child care home.

13. "Licensed center" means a center issued a full or provisional license by the department under the provisions of [this chapter](#) or a center for which a license is being processed.

14. "Poverty level" means the poverty level defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

15. "Preschool" means a child care facility which provides to children ages three through five, for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, social skills, and motor skills, and to extend their interest and understanding of the world about them.

16. "School" means kindergarten or a higher grade level.

17. "State child care advisory committee" means the state child care advisory committee established pursuant to [section 135.173A](#).

[C75, 77, 79, 81, §237A.1; 82 Acts, ch 1213, §1 – 3]

83 Acts, ch 96, §157, 159; 87 Acts, ch 115, §34; 88 Acts, ch 1097, §1; 89 Acts, ch 206, §3; 90 Acts, ch 1005, §1 – 3; 91 Acts, ch 151, §1; 92 Acts, ch 1083, §1; 92 Acts, ch 1109, §1; 93 Acts, ch 54, §4; 93 Acts, ch 76, §8, 9; 94 Acts, ch 1129, §1; 94 Acts, ch 1175, §1; 97 Acts, ch 151, §1; 99 Acts, ch 192, §1; 2000 Acts, ch 1067, §14; 2001 Acts, ch 105, §3, 4; 2002 Acts, ch 1142, §3 –

8, 31; 2003 Acts, ch 81, §1; 2005 Acts, ch 95, §4; 2010 Acts, ch 1031, §355, 361; 2011 Acts, ch 129, §92, 156; 2015 Acts, ch 88, §1, 5; 2017 Acts, ch 103, §1; 2021 Acts, ch 40, §1; 2023 Acts, ch 19, §738, 1951; 2023 Acts, ch 89, §1

Referred to in §15.327, 135.119, 136A.5B, 237.1, 237.3, 237A.2, 237A.13, 237A.26, 237C.1, 422.12C, 692A.101, 726.23

See Code editor's note on simple harmonization at the beginning of this Code volume

Section amended and editorially internally renumbered