

*House Human Resources 4/12/81
S. Pass 4/10/81 (p. 1313)
S. Pass 4/10/81 (p. 227)*

HOUSE FILE 788

MAR 25 1981

BY COMMITTEE ON HUMAN RESOURCES

Place On Calendar

(Formerly Study Bill 1)

Passed House, Date 4-7-81 (p. 1104) Passed Senate, Date 2-10-82 (p. 356)

Vote: Ayes 98 Nays 0 Vote: Ayes 48 Nays 0

Approved March 2, 1982

A BILL FOR

1 An Act excluding child day care providers and babysitters
2 from the child foster care licensing requirements,
3 requiring family and group day care providers who are
4 foster care licensees to register under chapter 237A,
5 and providing that foster children are considered
6 children of the family or group day care provider.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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788

1 Section 1. Section 237.1, subsection 3, Code 1981, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. Child day care furnished by a child care
4 center, group day care home, or family day care home as defined
5 in section 237A.1.

6 Sec. 2. Section 237.4, subsection 6, Code 1981, is amended
7 to read as follows:

8 6. An individual providing child care as a babysitter
9 ~~for one or more children, up to a maximum of six children~~
10 ~~simultaneously, not overnight,~~ at the request of a parent,
11 guardian or relative having lawful custody of the child
12 ~~provided that foster children shall not be counted in~~
13 ~~determining the maximum number of children allowed.~~

14 Sec. 3. Section 237A.3, Code 1981, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. A person who operates or establishes a
17 family day care home or a group day care home and who is a
18 child foster care licensee under chapter 237 shall register
19 with the department under this chapter. For purposes of
20 registration and determination of the maximum number of
21 children who can be provided child day care by the family
22 day care home or group day care home, the children receiving
23 child foster care shall be considered the children of the
24 person operating the family day care home or group day care
25 home.

26 EXPLANATION

27 Section 1 of this bill excludes child day care from the
28 definition of child foster care in the child foster care
29 licensing chapter.

30 Section 2 amends section 237.4, subsection 6, which is
31 also partially replaced by sections 1 and 3. The change in
32 section 2 would exclude babysitters from the foster care li-
33 censing requirement.

34 Section 3 requires family or group day care homes which
35 are also licensed as child foster care homes to register with

1 the department of social services under the child day care
2 chapter. For purposes of registration and determination of
3 the maximum number of children who can receive care in the
4 family or group day care home, the foster children of the
5 family or group day care home provider are counted in the
6 same manner as are the children of the provider.

7 The bill would become law July 1 following its enactment.

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HOUSE FILE 788

S-3554

1 Amend House File 788, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 14 through 25 and
4 inserting in lieu thereof the following:

5 "Sec. 3. Section 237A.1, subsection 8, Code 1981,
6 is amended to read as follows:

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

11 Sec. 4. Section 237A.1, subsection 9, Code 1981,
12 is amended to read as follows:

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

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

20 Sec. 5. Section 237A.1, subsection 10, Code 1981,
21 is amended to read as follows:

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

25 Sec. 6. Section 237A.3, Code 1981, is amended
26 to read as follows:

27 237A.3 REGISTRATION OF FAMILY AND GROUP DAY CARE
28 HOMES.

29 1. A person who operates or establishes a family
30 day care home may apply to the department for
31 registration ~~under the provisions of~~ this chapter.
32 The department shall issue a certificate of
33 registration upon receipt of a statement from the
34 family day care home that the home complies with rules
35 ~~promulgated~~ adopted by the department. The
36 registration certificate shall be posted in a
37 conspicuous place in the family day care home, shall
38 state the name of the registrant, the number of
39 individuals who may be received for care at any one
40 time and the address of the home, and shall include
41 a check list of registration compliances. No greater
42 number of children than is authorized by the
43 certificate shall be kept in the family day care home
44 at any one time. The registration process may be
45 repeated on an annual basis. A facility which is
46 not a family day care home by reason of the definition
47 of child day care in section 237A.1, subsection 7,
48 but which provides care, supervision or guidance to
49 a child may be issued a certificate of registration
50 ~~under the provisions of~~ this chapter.

1 2. A person shall not operate or establish a group
2 day care home unless the person obtains a certificate
3 of registration under this chapter. In order to be
4 registered the group day care home shall have at least
5 one responsible individual, age fourteen or over,
6 on duty to assist the group day care home provider
7 during those hours in which the provider cares for
8 more than six children. All other requirements of
9 this chapter for registered family day care homes
10 and the rules adopted under this chapter for registered
11 family day care homes apply to group day care homes.
12 In addition, the department shall adopt rules relating
13 to the provision in group day care homes for a separate
14 area for sick children. In consultation with the
15 state fire marshal, the department shall adopt rules
16 relating to the provision of fire extinguishers, smoke
17 detectors, and two exits accessible to children.

18 3. A person who operates or establishes a family
19 day care home or a group day care home and who is
20 a child foster care licensee under chapter 237 shall
21 register with the department under this chapter.
22 For purposes of registration and determination of
23 the maximum number of children who can be provided
24 child day care by the family day care home or group
25 day care home, the children receiving child foster
26 care shall be considered the children of the person
27 operating the family day care home or group day care
28 home.

29 Sec. 7. Section 237A.19, Code 1981, is amended
30 by adding the following new unnumbered paragraph:
31 NEW UNNUMBERED PARAGRAPH. A person who establishes,
32 conducts, manages, or operates a group day care home
33 without registering under this chapter is guilty of
34 a simple misdemeanor. Each day of continuing violation
35 after conviction, or notice from the department by
36 certified mail of the violation, is a separate offense.
37 A single charge alleging continuing violation may
38 be made in lieu of filing charges for each day of
39 violation.

40 Sec. 8. Section 237.10, Code 1981, is repealed.

41 Sec. 9. This Act, being deemed of immediate
42 importance, takes effect from and after its publication
43 in The Algona Upper Des Moines, a newspaper published
44 in Algona, Iowa, and in the West Des Moines Express,
45 a newspaper published in West Des Moines, Iowa."

SENATE 2
APRIL 27, 1981

HOUSE FILE 788

S-3560

1 Amend the Gentleman amendment, S-3554, to House
2 File 788 as passed by the House as follows:
3 1. Page 1, by inserting after line 2 the following:
4 "_____. Page 1, by inserting after line 13 the
5 following:
6 "Sec. _____. Section 237.10, Code 1981, is amended
7 to read as follows:
8 237.10 EXEMPTION. A facility licensed under this
9 chapter or a facility subject to the licensing require-
10 ments of chapter 237A, if providing child day care, shall
11 be exempt for a period of two hours or less in any day
12 from the limitation of simultaneously providing child
13 day care for a maximum of six nine children, with no
14 more than six children at one time being less than six
15 years of age."
16 2. Page 2, by inserting after line 39, the following:
17 "_____. Page 1, by inserting after line 25, the
18 following:
19 "Sec. _____. Chapter 237A, Code 1981, is amended by
20 adding the following new section:
21 NEW SECTION. WAIVERS. A child day care facility,
22 subject to the licensing or registration requirements
23 of this chapter may request a waiver of the applicable
24 licensing or registration requirements of this chapter
25 and of the rules adopted pursuant to those requirements
26 from the department of social services. Upon receipt
27 of a request for a waiver the department of social
28 services shall compile its information concerning the
29 child day care facility and forward the information to
30 the county board of social welfare in the county in
31 which the facility is located. The county board shall
32 review the information and the request for the waiver and
33 shall make a recommendation on the waiver request to the
34 department of social services. The department of social
35 services shall consider the county board's recommendation
36 and may waive any or all of the licensing or registration
37 requirements of this chapter and of the rules adopted
38 pursuant to those requirements. The department shall base
39 its decision to waive any or all of the requirements or
40 rules on an overall assessment of the facility's ability to
41 provide child day care in a healthy and safe environment."
42 3. Page 2, by striking line 40.
43 4. By renumbering as necessary.

S-3560 FILED BY BILL HUTCHINS
APRIL 24, 1981
Placed out of order 2/10/82 (p. 356) HOUSE FILE 788

S-3561

1 Amend the Gentleman amendment, S-3554, to House
2 File 788 as passed by the House as follows:
3 1. Page 2, by striking lines 41 through 45.

S-3561 FILED BY JAMES E. BRILES
APRIL 24, 1981
Placed out of order 2/10/82 (p. 356)

HOUSE FILE 788

AN ACT

EXCLUDING CHILD DAY CARE PROVIDERS AND BABYSITTERS FROM THE CHILD FOSTER CARE LICENSING REQUIREMENTS, REQUIRING FAMILY AND GROUP DAY CARE PROVIDERS WHO ARE FOSTER CARE LICENSEES TO REGISTER UNDER CHAPTER 237A, AND PROVIDING THAT FOSTER CHILDREN ARE CONSIDERED CHILDREN OF THE FAMILY OR GROUP DAY CARE PROVIDER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 237.1, subsection 3, Code 1981, is amended by adding the following new paragraph:

NEW PARAGRAPH. Child day care furnished by a child care center, group day care home, or family day care home as defined in section 237A.1.

Sec. 2. Section 237.4, subsection 6, Code 1981, is amended to read as follows:

6. An individual providing child care as a babysitter ~~for one or more children, up to a maximum of six children simultaneously, not overnight,~~ at the request of a parent, guardian or relative having lawful custody of the child ~~provided that foster children shall not be counted in determining the maximum number of children allowed.~~

Sec. 3. Section 237A.3, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. A person who operates or establishes a family day care home or a group day care home and who is a child foster care licensee under chapter 237 shall register with the department under this chapter. For purposes of

registration and determination of the maximum number of children who can be provided child day care by the family day care home or group day care home, the children receiving child foster care shall be considered the children of the person operating the family day care home or group day care home.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 788, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House
Approved March 2 1982

ROBERT D. RAY
Governor

H.F. 788