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S-3/17/97 Human Res.
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HUMAN RESOURCES

HOUSE FILE
BY JACOBS

313

(p. 614) Passed House, Date 3-17-97 Passed Senate, Date 4-7-97
Vote: Ayes 98 Nays 0 Vote: Ayes 46 Nays 0
Approved April 18, 1997

A BILL FOR

1 An Act requiring criminal and child abuse record checks of
2 persons receiving state funding for providing child day care,
3 and making a penalty applicable.

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

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HF 313

1 Section 1. Section 237A.5, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. A person who receives public funds for
4 providing child day care and who is not registered or licensed
5 under this chapter and individuals who reside with the person
6 shall be subject to the provisions of subsection 2 as though
7 the person either is being considered for registration or is
8 registered to provide child day care under this chapter. If
9 the person or individual residing with the person would be
10 prohibited from licensure, registration, employment, or
11 residence under subsection 2, the person shall not provide
12 child day care and is not eligible to receive public funds to
13 do so. A person who continues to provide child day care in
14 violation of this subsection is subject to penalty under
15 section 237A.19 and injunction under section 237A.20.

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EXPLANATION

17 This bill requires criminal and child abuse record checks
18 of persons who receive public funding for providing child day
19 care.

20 The bill amends Code section 237A.5 relating to personnel
21 of child day care facilities by creating a new subsection.
22 The new subsection provides that a person who is receiving
23 public funds for providing child day care and is not
24 registered with or licensed by the department of human
25 services to provide child day care and individuals residing
26 with the person are subject to criminal and child abuse record
27 check requirements as though the person is applying to be or
28 is registered. Under the requirements, the department of
29 human services performs the record checks. If the record
30 checks indicate that a person providing child day care or
31 residing in a child day care facility has committed a crime or
32 founded child abuse, the department must perform an evaluation
33 to determine if the crime or founded abuse warrants
34 prohibition of the person's licensure, registration,
35 employment, or residence by or in a facility providing child

1 day care.

2 If an evaluation of a person covered by the bill indicates
3 prohibition is warranted, the bill prohibits the person from
4 providing child day care and makes the person ineligible for
5 public funding to do so. A violation of the prohibition is
6 subject to a criminal penalty and to restraint by injunction.

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violation of this subsection is subject to penalty under section 237A.19 and injunction under section 237A.20.

HOUSE FILE 313

AN ACT

REQUIRING CRIMINAL AND CHILD ABUSE RECORD CHECKS OF PERSONS RECEIVING STATE FUNDING FOR PROVIDING CHILD DAY CARE, AND MAKING A PENALTY APPLICABLE.

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

Section 1. Section 237A.5, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A person who receives public funds for providing child day care and who is not registered or licensed under this chapter and individuals who reside with the person shall be subject to the provisions of subsection 2 as though the person either is being considered for registration or is registered to provide child day care under this chapter. If the person or individual residing with the person would be prohibited from licensure, registration, employment, or residence under subsection 2, the person shall not provide child day care and is not eligible to receive public funds to do so. A person who continues to provide child day care in

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 313, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 18, 1997

TERRY E. BRANSTAD
Governor