

3-6-97 Human Res.

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SENATE FILE 327

BY SZYMONIAK

(COMPANION TO LSB 2352HH
BY FOEGE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring registration of family day care homes, providing
2 a penalty, and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 327

1 Section 1. Section 237A.3, subsection 1, paragraphs a, b,
2 and d, Code 1997, are amended to read as follows:

3 a. A person ~~who operates or establishes~~ shall not operate
4 or establish a family day care home ~~may apply to the~~
5 ~~department for registration unless the person registers~~ under
6 this chapter. The department shall issue a certificate of
7 registration upon receipt of a statement from the family day
8 care home that the home complies with rules adopted by the
9 department. The registration certificate shall be posted in a
10 conspicuous place in the family day care home, shall state the
11 name of the registrant, the number of individuals who may be
12 received for care at any one time, and the address of the
13 home, and shall include a check list of registration
14 compliances.

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

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

32 Sec. 2. Section 237A.19, unnumbered paragraph 2, Code
33 1997, is amended to read as follows:

34 A person who establishes, conducts, manages, or operates a
35 family or group day care home without registering under this

1 chapter ~~or who operates a family day care home contrary to~~
2 ~~section 237A.57 is guilty of~~ commits a simple misdemeanor.
3 Each day of continuing violation after conviction, or notice
4 from the department by certified mail of the violation, is a
5 separate offense. A single charge alleging continuing
6 violation may be made in lieu of filing charges for each day
7 of violation.

8 Sec. 3. Section 237A.20, Code 1997, is amended to read as
9 follows:

10 237A.20 INJUNCTION.

11 A person who establishes, conducts, manages, or operates a
12 center without a license or a family or group day care home
13 without a certificate of registration may be restrained by
14 temporary or permanent injunction. A person who has been
15 convicted of a crime against a person or a person with a
16 record of founded child abuse may be restrained by temporary
17 or permanent injunction from providing ~~unregistered,~~
18 ~~registered,~~ or licensed child day care. The action may be
19 instituted by the state, a political subdivision of the state,
20 or an interested person.

21 Sec. 4. Section 237A.21, subsection 1, Code 1997, is
22 amended to read as follows:

23 1. A state child day care advisory council is established
24 consisting of not more than thirty-five members from urban and
25 rural areas across the state. The membership shall include,
26 but is not limited to, all of the following persons or
27 representatives with an interest in child day care: a
28 licensed center, a registered family day care home from a
29 county with a population of less than twenty-two thousand, an
30 ~~unregistered-family-day-care-home,~~ a parent of a child in
31 child day care, appropriate governmental agencies, and other
32 members as deemed necessary by the director. The members are
33 eligible for reimbursement of their actual and necessary
34 expenses while engaged in performance of their official
35 duties.

