

Senate File 2281 - Introduced

SENATE FILE 2281

BY WHITING

A BILL FOR

1 An Act relating to unlicensed and unregistered child care
2 facilities exceeding the maximum number of children
3 authorized to be in care.

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

1 Section 1. Section 237A.4A, subsection 5, Code 2020, is
2 amended to read as follows:

3 5. A child care facility fund is created in the state
4 treasury under the authority of the department. The fund is
5 separate from the general fund of the state. Regulatory fees
6 collected under subsection 1 and administrative penalties
7 assessed pursuant to section 237A.9 shall be credited to
8 the fund. Moneys credited to the fund shall not revert to
9 any other fund and are not subject to transfer except as
10 specifically provided by law. Notwithstanding section 12C.7,
11 subsection 2, interest or earnings on moneys deposited in
12 the fund shall be credited to the fund. Moneys in the fund
13 are annually appropriated to the department to be used for
14 staffing dedicated to monitoring and regulation of child
15 care facilities, contracting, related technology costs,
16 record checks, grants and fee waivers, and other expenses
17 for inspection and regulation of child care facilities. Any
18 full-time equivalent positions paid for out of the fund shall
19 be in addition to other such positions authorized for the
20 department.

21 Sec. 2. NEW SECTION. **237A.9 Administrative penalty.**

22 1. The department shall establish by rule, in accordance
23 with chapter 17A, an administrative penalty to be assessed
24 against an unlicensed or unregistered child care facility not
25 to exceed five hundred dollars per child exceeding the maximum
26 number of children authorized to be in care at an unlicensed
27 or unregistered child care facility. If a child care facility
28 completes licensing or registration within ninety days of the
29 determination of a violation and is in compliance with the
30 limits on the maximum number of children authorized to be in
31 care at an unlicensed or unregistered child care facility, the
32 department shall not impose an administrative penalty.

33 2. Administrative penalties collected by the department
34 under this section shall be deposited in the child care
35 facility fund created pursuant to section 237A.4A, subsection

1 5.

2 Sec. 3. Section 237A.25, subsection 3, Code 2020, is amended
3 by adding the following new paragraph:

4 NEW PARAGRAPH. *Od.* Reporting information for an individual
5 with concerns regarding an unlicensed or unregistered child
6 care facility exceeding the maximum number of children
7 allowed to be in care at the facility and information that the
8 department will investigate all complaints in a timely manner.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to unlicensed and unregistered child care
13 facilities exceeding the maximum number of children authorized
14 to be in care and establishing administrative penalties.

15 The bill provides that the department of human services
16 shall establish by rule an administrative penalty to be
17 assessed against an unlicensed or unregistered child care
18 facility not to exceed \$500 per child exceeding the maximum
19 number of children authorized to be in care at the child care
20 facility.

21 The bill provides that if a child care facility completes
22 licensing or registration within 90 days of the determination
23 of a violation and is in compliance with the limits on the
24 maximum number of children authorized to be in care at the
25 facility, the department shall not impose an administrative
26 penalty.

27 The bill provides that administrative penalties collected by
28 the department shall be deposited in the child care facility
29 fund created pursuant to Code section 237A.4A.

30 The bill requires that the department shall include on its
31 internet page or site reporting information for an individual
32 with concerns regarding an unlicensed or unregistered child
33 care facility exceeding the maximum number of children
34 allowed to be in care at the facility and information that the
35 department will investigate all complaints in a timely manner.