

MAR 13 2001  
HUMAN RESOURCES

HOUSE FILE 592  
BY GREIMANN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to child care by requiring registration of family  
2 child care homes.

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

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HF-592

1 Section 1. Section 237A.1, subsection 5, Code 2001, is  
2 amended to read as follows:

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

5 Sec. 2. Section 237A.3, subsection 1, paragraphs a, b, and  
6 d, Code 2001, are amended to read as follows:

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

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

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

1     Sec. 3. Section 237A.3A, subsection 1, Code 2001, is  
2 amended to read as follows:

3     1. PILOT PROJECT. The department shall implement a pilot  
4 project applying the provisions of this section to registered  
5 family or group child care homes located in one county of this  
6 state. ~~The provisions of this section shall not apply to~~  
7 ~~unregistered family child care homes located in the pilot~~  
8 ~~project county.~~ The county selected for the pilot project  
9 shall be a rural county where there is interest among child  
10 care providers and consumers in implementing the pilot  
11 project. During the fiscal year beginning July 1, 1999, the  
12 department shall implement the pilot project in one county in  
13 each of the department's regions where there is interest in  
14 implementing the pilot project. In addition, the department  
15 may implement the pilot project in one other county in each of  
16 the department's regions where there is interest in  
17 implementing the pilot project. If a definition in section  
18 237A.1, a provision in section 237A.3, or an administrative  
19 rule adopted under this chapter is in conflict with this  
20 section, this section and the rules adopted to implement this  
21 section shall apply to the pilot project.

22     Sec. 4. Section 237A.6, Code 2001, is amended to read as  
23 follows:

24     237A.6 CONSULTATIVE SERVICES.

25     1. The department of human services shall, and the  
26 director of public health may, provide consultative services  
27 to a person who is applying for a license or registration, or  
28 is currently licensed or registered by the administrator under  
29 this chapter.

30     2. To the greatest possible extent, the department shall  
31 utilize the child care resource and referral services that are  
32 receiving a grant under section 237A.26, to provide technical  
33 support for child care home providers. The support shall  
34 include but is not limited to a child care home provider  
35 certification program, in-home visits with providers, and

1 other support of a specific and general nature.

2 Sec. 5. Section 237A.13, subsections 2 and 3, Code 2001,  
3 are amended to read as follows:

4 2. Services under the program may be provided in a  
5 licensed child care center, a registered group child care  
6 home, a registered family child care home, the home of a  
7 relative, the child's own home, ~~an-unregistered-family-child~~  
8 ~~care-home~~, or in a facility exempt from licensing or  
9 registration.

10 3. The department shall set reimbursement rates as  
11 authorized by appropriations enacted for payment of the  
12 reimbursements. The department shall conduct a statewide  
13 reimbursement rate survey to compile information on each  
14 county and the survey shall be conducted at least every two  
15 years. ~~The-department-shall-set-rates-in-a-manner-so-as-to~~  
16 ~~provide-incentives-for-an-unregistered-provider-to-become~~  
17 ~~registered.~~

18 Sec. 6. Section 237A.19, unnumbered paragraph 2, Code  
19 2001, is amended to read as follows:

20 ~~If-registration-is-required-under-section-237A-37-a~~ A  
21 person who establishes, conducts, manages, or operates a child  
22 care home without registering or a person who operates a child  
23 care home contrary to section 237A.5, is guilty of a simple  
24 misdemeanor. Each day of continuing violation after  
25 conviction, or notice from the department by certified mail of  
26 the violation, is a separate offense. A single charge  
27 alleging continuing violation may be made in lieu of filing  
28 charges for each day of violation.

29 Sec. 7. Section 237A.20, Code 2001, is amended to read as  
30 follows:

31 237A.20 INJUNCTION.

32 A person who establishes, conducts, manages, or operates a  
33 center without a license or a child care home without a  
34 certificate of registration, ~~if-registration-is-required-under~~  
35 ~~section-237A-37~~ may be restrained by temporary or permanent

1 injunction. A person who has been convicted of a crime  
2 against a person or a person with a record of founded child  
3 abuse may be restrained by temporary or permanent injunction  
4 from providing ~~unregistered, registered, or licensed~~ child  
5 care. The action may be instituted by the state, the county  
6 attorney, a political subdivision of the state, or an  
7 interested person.

8 Sec. 8. Section 237A.21, subsection 1, Code 2001, is  
9 amended to read as follows:

10 1. A state child care advisory council is established  
11 consisting of not more than thirty-five members from urban and  
12 rural areas across the state. The membership shall include,  
13 but is not limited to, all of the following persons or  
14 representatives with an interest in child care: a licensed  
15 center, a registered child care home from a county with a  
16 population of less than twenty-two thousand, an-unregistered a  
17 registered child care home from a county with a population of  
18 twenty-two thousand or more, a parent of a child in child  
19 care, appropriate governmental agencies, and other members as  
20 deemed necessary by the director. The members are eligible  
21 for reimbursement of their actual and necessary expenses while  
22 engaged in performance of their official duties.

23 Sec. 9. Section 237A.26, subsection 6, paragraph a, Code  
24 2001, is amended to read as follows:

25 a. Assist families in selecting quality child care. The  
26 agency must provide referrals to registered and licensed child  
27 care facilities, and to persons providing care, supervision,  
28 and guidance of a child which is not defined as child care  
29 under section 237A.1 ~~and may provide referrals to unregistered~~  
30 ~~providers.~~

31

#### EXPLANATION

32 This bill relates to child care by requiring registration  
33 of family child care homes with the department of human  
34 services under Code chapter 237A. Under current law,  
35 registration is optional for family child care home providers.

1 These providers generally care for less than seven children at  
2 any one time.

3 The bill amends the child care definitions in Code section  
4 237A.1 to provide that all child care homes are defined as a  
5 child care facility.

6 Code section 237A.3, relating to family and group child  
7 care homes, is amended to require a family child care home to  
8 obtain a certificate of registration.

9 Code section 237A.3A relates to a pilot project implemented  
10 in at least one county in each of the department's five  
11 regions. The pilot project establishes care levels within the  
12 child care home classification. The bill applies the care  
13 level requirements to those family child care homes in pilot  
14 project counties that are currently unregistered.

15 Code section 237A.6, relating to consultative services  
16 provided to persons who are applying for child care licensing  
17 or registration or are currently licensed or registered, is  
18 amended to direct the department to utilize child care  
19 resource and referral service grantees to provide technical  
20 support to child care home providers. The bill lists various  
21 types of support to be provided.

22 Code section 237A.13, relating to the state child care  
23 assistance subsidy program for low-income families, is amended  
24 to remove the authorization to provide subsidy for services  
25 provided in an unregistered family child care home and the  
26 directive for the department to set reimbursement rates in a  
27 manner that provides incentives for unregistered providers to  
28 become registered.

29 Code section 237A.19, relating to the criminal penalty for  
30 providing child care without registering, and Code section  
31 237A.20, relating to injunctions against prohibited child  
32 care, are amended to eliminate an exception for unregistered  
33 child care homes.

34 Code section 237A.21, relating to the state child care  
35 advisory council, is amended to provide a membership slot for

1 a registered child care home provider from a county with a  
2 population of 22,000 or more in lieu of the slot currently  
3 provided for an unregistered child care home provider.

4 Code section 237A.26, relating to the responsibilities of  
5 child care resource and referral services, is amended to  
6 eliminate the authorization for making referrals to  
7 unregistered child care providers.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35