

FEB 21 2006
HUMAN RESOURCES

HOUSE FILE 2450
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LENSING

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 or
2 licensing of child care providers and making a penalty
3 applicable.

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

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HF 2450

1 Section 1. Section 237.1, subsection 4, paragraph d, Code
2 2005, is amended to read as follows:

3 d. Child care furnished by a child care center, or a child
4 development home, ~~or a child care home~~ as defined in section
5 237A.1.

6 Sec. 2. Section 237A.1, subsection 6, Code Supplement
7 2005, is amended by striking the subsection.

8 Sec. 3. Section 237A.1, subsection 7, Code Supplement
9 2005, is amended to read as follows:

10 7. "Child development home" means a person or program
11 registered under section 237A.3A that may provide child care
12 to ~~six~~ one or more children at any one time.

13 Sec. 4. Section 237A.1, subsection 11, Code Supplement
14 2005, is amended to read as follows:

15 11. "Involvement with child care" means licensed or
16 registered under this chapter, employed in a child care
17 facility, residing in a child care facility, receiving public
18 funding for providing child care, or ~~providing child care as a~~
19 ~~child care home provider, or~~ residing ~~in a child care home~~
20 with a person receiving public funding for providing child
21 care.

22 Sec. 5. Section 237A.5, subsection 2, paragraph a,
23 subparagraph (1), subparagraph subdivision (e), Code 2005, is
24 amended to read as follows:

25 (e) The person will reside or resides ~~in~~ with a child care
26 ~~home that provider who~~ is not ~~registered~~ subject to
27 registration or licensure under this chapter but that receives
28 public funding for providing child care.

29 Sec. 6. Section 237A.5, subsection 2, paragraph b,
30 unnumbered paragraph 2, Code 2005, is amended to read as
31 follows:

32 Prior to performing an evaluation, the department shall
33 notify the affected person, licensee, registrant, or ~~child~~
34 ~~care-home~~ person applying for or receiving public funding for
35 providing child care, that an evaluation will be conducted to

1 determine whether prohibition of the person's involvement with
2 child care is warranted.

3 Sec. 7. Section 237A.5, subsection 2, paragraph d,
4 subparagraph (2), Code 2005, is amended to read as follows:

5 (2) If, within five years prior to the date of application
6 for registration or licensure under this chapter, for
7 employment or residence in a child care facility ~~or child-care~~
8 ~~home~~, or for receipt of public funding for providing child
9 care, a person subject to an evaluation has been convicted of
10 a controlled substance offense under chapter 124 or has been
11 found to have committed physical abuse, the person shall be
12 prohibited from involvement with child care for a period of
13 five years from the date of conviction or founded abuse.

14 After the five-year prohibition period, the person may submit
15 an application for registration or licensure under this
16 chapter, or to receive public funding for providing child care
17 or may request an evaluation, and the department shall perform
18 an evaluation and, based upon the criteria in paragraph "c",
19 shall determine whether prohibition of the person's
20 involvement with child care continues to be warranted.

21 Sec. 8. Section 237A.5, subsection 2, paragraph f, Code
22 2005, is amended to read as follows:

23 f. If it has been determined that a child receiving child
24 care from a child care facility or a ~~child-care-home-which~~
25 person who receives public funding for providing child care is
26 the victim of founded child abuse committed by an employee,
27 license or registration holder, child-care-home-provider
28 person who receives public funding for providing child care or
29 an individual residing with that person, or resident of the
30 child care facility ~~or child-care-home~~ for which a report is
31 placed in the central registry pursuant to section 232.71D,
32 the administrator shall provide notification at the time of
33 the determination to the parents, guardians, and custodians of
34 children receiving care from the facility or ~~child-care-home~~
35 person. A notification made under this paragraph shall

1 identify the type of abuse but shall not identify the victim
2 or perpetrator or circumstances of the founded abuse.

3 Sec. 9. Section 237A.12, subsection 1, paragraph c, Code
4 2005, is amended to read as follows:

5 c. The adequacy of activity programs and food services
6 available to the children. The department shall not restrict
7 the use of or apply nutritional standards to a lunch or other
8 meal which is brought to the center, or child development
9 home, ~~or child care home~~ by a school-age child for the child's
10 consumption.

11 Sec. 10. Section 237A.13, subsection 2, Code 2005, is
12 amended to read as follows:

13 2. Services under the program may be provided ~~in~~ by a
14 licensed child care center, a registered child development
15 home, the home of a relative who is registered or licensed
16 under this chapter, the child's own home by a provider who is
17 registered or licensed under this chapter, ~~a child care home~~,
18 or in a facility exempt from licensing or registration under
19 the definition of child care in section 237A.1.

20 Sec. 11. Section 237A.19, subsection 2, Code 2005, is
21 amended to read as follows:

22 ~~2. If registration is required under section 237A.3A, a~~ A
23 person who establishes, conducts, manages, or operates a child
24 development home without registering, or a person who operates
25 a child development home contrary to section 237A.5, or a
26 person that has been prohibited by the department from
27 involvement with child care but continues that involvement,
28 commits a simple misdemeanor. Each day of continuing
29 violation after conviction, or notice from the department by
30 certified mail of the violation, is a separate offense. A
31 single charge alleging continuing violation may be made in
32 lieu of filing charges for each day of violation.

33 Sec. 12. Section 237A.19, subsection 3, Code 2005, is
34 amended by striking the subsection.

35 Sec. 13. Section 237A.20, Code 2005, is amended to read as

1 follows:

2 237A.20 INJUNCTION.

3 A person who establishes, conducts, manages, or operates a
4 center without a license or a child development home without a
5 certificate of registration, ~~if registration is required under~~
6 ~~section 237A.3A~~, may be restrained by temporary or permanent
7 injunction. A person who has been convicted of a crime
8 against a person, a person with a record of founded child
9 abuse, or a person who has been prohibited by the department
10 from involvement with child care may be restrained by
11 temporary or permanent injunction from providing ~~unregistered,~~
12 ~~registered,~~ or licensed child care or from other involvement
13 with child care. The action may be instituted by the state,
14 the county attorney, a political subdivision of the state, or
15 an interested person.

16 Sec. 14. Section 237A.21, subsection 1, Code 2005, is
17 amended to read as follows:

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

31 Sec. 15. Section 237A.21, subsection 3, paragraph e, Code
32 2005, is amended by striking the paragraph.

33 Sec. 16. Section 237A.26, subsection 3, paragraph a, Code
34 2005, is amended to read as follows:

35 a. Organize assistance to ~~child-care-homes-and~~ child

1 development homes utilizing training levels based upon the
2 homes' degrees of experience and interest.

3 Sec. 17. Section 237A.26, subsection 8, Code 2005, is
4 amended to read as follows:

5 8. For purposes of improving the quality and consistency
6 of data collection, consultation, and other support to ~~child~~
7 ~~care-home-and~~ child development home providers, a resource and
8 referral services agency grantee shall coordinate and assist
9 with publicly and privately funded efforts administered at the
10 community level to provide the support. The support and
11 efforts addressed by a grantee may include but are not limited
12 to community-funded ~~child-care-home-and~~ child development home
13 consultants. Community members involved with the assistance
14 may include but are not limited to the efforts of a community
15 empowerment area board under chapter 28, and of community
16 representatives of education, health, human services,
17 business, faith, and public interests.

18 Sec. 18. Section 237A.3, Code 2005, is repealed.

19 EXPLANATION

20 This bill relates to child care regulated by the department
21 of human services under Code chapter 237A by requiring
22 registration or licensing of child care providers and making
23 penalties applicable.

24 Under current law in Code section 237A.3, a person or
25 program providing child care to five children or fewer at any
26 one time is a child care home provider and is not required to
27 register under Code section 237A.3A as a child development
28 home. The bill repeals Code section 237A.3 and revises the
29 definition of registered child development home to mean care
30 provided to one or more children. Conforming amendments are
31 included to eliminate the term "child care home" throughout
32 the Code.

33 Code section 237A.13, relating to the state child care
34 assistance program, is amended to provide that care under the
35 program must be provided by a licensed or registered provider

1 unless specifically exempt under the child care definition.

2 Code section 237A.19 provides for a simple misdemeanor
3 penalty for each day of violation of operating a child
4 development home without registering. With the bill's change
5 in the number of children receiving child care from a child
6 development home, this penalty would apply to a person
7 providing care to one or more children without registering as
8 a child development home provider. The penalty in Code
9 section 237A.19 for a person operating a child care home or
10 having involvement with child care when prohibited is stricken
11 and the involvement penalty in the stricken subsection is
12 moved by the bill to a different subsection.

13 Code section 237A.21, relating to the state child care
14 advisory council, is amended to remove child care home
15 providers from the required membership.

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