

1 *HOUSE* BILL NO. *642*
 2 INTRODUCED BY *Cochran* *Clarke* *Timberley*
 3 *aka called this bill "DRIC: Lewis"*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MONTANA
 5 CHILD CARE ACT; TO CHANGE THE DEFINITION OF "CHILD" TO MEAN
 6 A PERSON UNDER 13 YEARS OF AGE; TO LIMIT THE TYPE OF GROUP
 7 EDUCATION FACILITIES THAT ARE EXCLUDED FROM LICENSURE OR
 8 REGISTRATION AS A DAY-CARE FACILITY; TO DEFINE THE TERM
 9 "RELATED BY BLOOD OR MARRIAGE" FOR THE PURPOSE OF CLARIFYING
 10 THOSE PERSONS WHO MAY PROVIDE DAY CARE TO CHILDREN WITHOUT
 11 MEETING STATE LICENSING AND REGISTRATION REQUIREMENTS;
 12 AMENDING SECTION 52-2-703, MCA; AND PROVIDING AN EFFECTIVE
 13 DATE."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 **Section 1.** Section 52-2-703, MCA, is amended to read:
 17 "52-2-703. Definitions. In this part, the following
 18 definitions apply:

- 19 (1) "Child" means a person under ~~12~~ 13 years of age.
- 20 (2) "Day-care facility" means a person, association, or
 21 place, incorporated or unincorporated, that provides day
 22 care on a regular basis. It includes a family day-care home,
 23 a day-care center, or a group day-care home. The term does
 24 not include:
 25 (a) a person who limits care to children who are

1 related to him by blood or marriage or under his legal
 2 guardianship; or

3 (b) any group facility established chiefly for
 4 educational purposes that limits its services to children
 5 who are 3 years of age or older.

6 (3) "Day-care center" means a place in which day care
 7 is provided to 13 or more children on a regular basis.

8 (4) "Department" means the department of family
 9 services provided for in 2-15-2401.

10 (5) "Day care" or "child care" means less-than-24-hour
 11 out-of-home care for children, whether that care is for
 12 daytime or nighttime hours.

13 (6) "Regular basis" means providing day care to
 14 children of separate families for any daily periods of less
 15 than 24 hours and within 3 or more consecutive weeks.

16 (7) "Family day-care home" means a private residence in
 17 which day care is provided to three to six children from
 18 separate families on a regular basis.

19 (8) "Group day-care home" means a private residence in
 20 which day care is provided to 7 to 12 children on a regular
 21 basis.

22 (9) "Registration" means the process whereby the
 23 department maintains a record of all family day-care homes
 24 and group day-care homes, prescribes standards, promulgates
 25 rules, and requires the operator of a family day-care home

1 or a group day-care home to certify that he has complied
2 with the prescribed standards and promulgated rules.

3 (10) "Registrant" means the holder of a registration
4 certificate issued by the department in accordance with the
5 provisions of this part.

6 (11) "Registration certificate" means a written
7 instrument issued by the department to publicly document
8 that the certificate holder has, in writing, certified to
9 the department his compliance with this part and the
10 applicable standards for family day-care homes and group
11 day-care homes.

12 (12) "License" means a written document issued by the
13 department that the license holder has complied with this
14 part and the applicable standards and rules for day-care
15 centers.

16 (13) "Licensee" means the holder of a license issued by
17 the department in accordance with the provisions of this
18 part.

19 (14) (a) "Related by blood or marriage" means the status
20 of a child who is the son, daughter, brother, sister, first
21 cousin, nephew, niece, or grandchild of a person providing
22 child care.

23 (b) The term includes the status of a child described
24 in subsection (14)(a) in a step or adoptive relationship."

25 NEW SECTION. Section 2. Effective date. [This act] is

1 effective July 1, 1991.

-End-

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

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INTRODUCED BY *House* BILL NO. *642*
Cochran *State*
Mr. Cochran *State* *Office* *Flowers*

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MONTANA CHILD CARE ACT; TO CHANGE THE DEFINITION OF "CHILD" TO MEAN A PERSON UNDER 13 YEARS OF AGE; TO LIMIT THE TYPE OF GROUP EDUCATION FACILITIES THAT ARE EXCLUDED FROM LICENSURE OR REGISTRATION AS A DAY-CARE FACILITY; TO DEFINE THE TERM "RELATED BY BLOOD OR MARRIAGE" FOR THE PURPOSE OF CLARIFYING THOSE PERSONS WHO MAY PROVIDE DAY CARE TO CHILDREN WITHOUT MEETING STATE LICENSING AND REGISTRATION REQUIREMENTS; AMENDING SECTION 52-2-703, MCA; AND PROVIDING AN EFFECTIVE DATE."

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 - (a) a person who limits care to children who are

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related to him by blood or marriage or under his legal guardianship; or

(b) any group facility established chiefly for educational purposes that limits its services to children who are 3 years of age or older.

(3) "Day-care center" means a place in which day care is provided to 13 or more children on a regular basis.

(4) "Department" means the department of family services provided for in 2-15-2401.

(5) "Day care" or "child care" means less-than-24-hour out-of-home care for children, whether that care is for daytime or nighttime hours.

(6) "Regular basis" means providing day care to children of separate families for any daily periods of less than 24 hours and within 3 or more consecutive weeks.

(7) "Family day-care home" means a private residence in which day care is provided to three to six children from separate families on a regular basis.

(8) "Group day-care home" means a private residence in which day care is provided to 7 to 12 children on a regular basis.

(9) "Registration" means the process whereby the department maintains a record of all family day-care homes and group day-care homes, prescribes standards, promulgates rules, and requires the operator of a family day-care home

SECOND READING

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1 or a group day-care home to certify that he has complied
2 with the prescribed standards and promulgated rules.

3 (10) "Registrant" means the holder of a registration
4 certificate issued by the department in accordance with the
5 provisions of this part.

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7 instrument issued by the department to publicly document
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10 applicable standards for family day-care homes and group
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12 (12) "License" means a written document issued by the
13 department that the license holder has complied with this
14 part and the applicable standards and rules for day-care
15 centers.

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20 of a child who is the son, daughter, brother, sister, first
21 cousin, nephew, niece, or grandchild of a person providing
22 child care.

23 (b) The term includes the status of a child described
24 in subsection (14)(a) in a step or adoptive relationship."

25 NEW SECTION. Section 2. Effective date. [This act] is

1 effective July 1, 1991.

-End-

1 *HOUSE* BILL NO. *642*
 2 INTRODUCED BY *Cocchiarella* *Marko Timberley*
 3 *Mr. Collins* *Strickland* *Skice* *Hansen*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MONTANA
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THIRD READING

HB 642



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1 effective July 1, 1991.

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24 in subsection (14)(a) in a step or adoptive relationship."

25 NEW SECTION. Section 2. Effective date. [This act] is

HOUSE BILL NO. 642

INTRODUCED BY COCCHIARELLA, DARKO, KIMBERLEY, MCCULLOCH,
STRIZICH, STICKNEY, S. RICE, GERVAIS

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