

HOUSE BILL NO. 200

INTRODUCED BY VINCENT, HALLIGAN, GOOD, HARPER, COHEN,
PIPINICH, ECK, BENGTSON, HANSEN, SEVERSON, JOHNSON, KADAS,
REGAN, HARDING, SPAETH, HARP, ADDY, WILLIAMS, WEEDING,
COCCHIARELLA, WYATT, DAVIS, JERGESON, B. BROWN, BLAYLOCK,
T. NELSON, O'KEEFE, BROOKE, MCDONOUGH,
EUDAILY, BISHOP, NORMAN

BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

IN THE HOUSE

JANUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
JANUARY 17, 1989	FIRST READING.
FEBRUARY 13, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 14, 1989	PRINTING REPORT.
MARCH 1, 1989	SECOND READING, DO PASS.
MARCH 1, 1989	ON MOTION TAKEN FROM ENGROSSING AND REREFERRED TO COMMITTEE ON APPROPRIATIONS.
MARCH 21, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 22, 1989	PRINTING REPORT. SECOND READING, DO PASS.
MARCH 23, 1989	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 64; NOES, 32. TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 27, 1989	INTRODUCED AND REFERRED TO COMMITTEE
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ON FINANCE & CLAIMS.

FIRST READING.

IN THE HOUSE

APRIL 8, 1989

ON MOTION, RULES SUSPENDED TO ALLOW
TRANSMITTAL AFTER 83RD DAY

IN THE SENATE

APRIL 18, 1989

COMMITTEE RECOMMEND BILL BE NOT
CONCURRED IN AS AMENDED. REPORT ADOPTED.

ON MOTION, PREVIOUS ACTION RECONSIDERED
AND BILL PRINTED & PLACED ON SECOND
READING ON THE 88TH LEGISLATIVE DAY.

REPORT ADOPTED.

APRIL 19, 1989

SECOND READING, CONCURRED IN.

ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.
AYES, 34; NOES, 16.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 20, 1989

RECEIVED IN HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *200*
2 INTRODUCED BY *Vincent Halligan*
3 BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES
4 *Stella Jaraman, Sonny Herd, Spauld, Bishop Norman, Jeffery*
5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA
6 CHILD CARE ACT TO PROVIDE FOR A STATE PROGRAM FOR THE
7 IMPROVEMENT OF CHILD CARE; PROVIDING FOR LOW-INCOME DAY-CARE
8 SUPPORT PROGRAMS AND TRANSITIONAL CHILD-CARE PROGRAMS;
9 CREATING A CHILD-CARE ADVISORY COUNCIL; PROVIDING AN
10 APPROPRIATION; AMENDING SECTIONS 52-1-103, 53-4-501,
11 53-4-502, 53-4-507, 53-4-511, AND 53-4-515, MCA; REPEALING
12 SECTIONS 39-7-601 THROUGH 39-7-606, MCA; AND PROVIDING
13 EFFECTIVE DATES."
14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16 NEW SECTION. Section 1. Short title. [Sections 1
17 through 13] may be cited as the "Montana Child Care Act".
18 NEW SECTION. Section 2. Purpose. (1) The legislature
19 finds that the number of children living in homes where both
20 parents work or in homes with a single parent who works has
21 increased dramatically over the last decade.
22 (2) The legislature finds that the availability of
23 quality child care is critical to the self-sufficiency and
24 independence of Montana families, including the growing
25 number of mothers who have young children and who work out

1 of economic necessity.

2 (3) The legislature further finds that the number of
3 quality child-care arrangements falls far short of the
4 number required for children in need of child-care services.

5 (4) It is the intent of the legislature that the state
6 promote day care for the purposes of:

7 (a) improving the quality of, and coordination among,
8 child-care programs and providing additional resources for
9 child-care services;

10 (b) promoting the availability and diversity of
11 quality child-care services for all children and families
12 that need such services;

13 (c) providing assistance to families whose financial
14 resources are not sufficient to enable them to pay the full
15 costs of necessary child-care services;

16 (d) ensuring that parents are not forced by lack of
17 available programs or financial resources to place a child
18 in an unsafe or unhealthy child-care facility; and

19 (e) assisting people in finding and maintaining
20 employment by lessening the stress related to the lack of
21 adequate child care.

22 NEW SECTION. Section 3. Definitions. As used in this
23 part, the following definitions apply:

24 (1) "Day care" or "child care" means less-than-24-hour
25 out-of-home care for children, whether that care is for

daytime or nighttime hours.

(2) "Low-income day-care support program" means a program that provides copayment of day-care costs according to a sliding scale formula for eligible low-income people.

(3) "Transitional child-care program" means a program that pays the full day-care costs for people terminated from the aid to families with dependent children program (AFDC) or a public assistance grant because of employment but who continue to need child care.

NEW SECTION. Section 4. Lead agency - duties of department. (1) The department is designated as the lead agency for the purposes of planning, implementing, and coordinating programs under the Montana Child Care Act.

(2) The department shall:

(a) assess child-care needs and resources within the state;

(b) develop a state child-care plan after consultation with the local youth services advisory councils established under 52-1-203 and the child-care advisory council established in [section 5]; and

(c) coordinate child-care programs administered by the department and the departments of social and rehabilitation services, health and environmental sciences, and labor and industry.

(3) The department may:

(a) enter into interagency agreements to administer and coordinate child-care programs;

(b) accept any federal funds made available for the improvement or promotion of child-care services within the state;

(c) administer any state and federal funds that may be appropriated for the purposes of the part.

NEW SECTION. Section 5. Child-care advisory council -- membership. (1) The governor shall appoint a child-care advisory council to assist the department in carrying out the responsibilities under [sections 1 through 13].

(2) The council is composed of not less than 10 members, including parents, child-care providers, representatives of state agencies involved in child care, and other persons interested in child care.

(3) The council shall:

(a) review and coordinate the statewide child-care plan; and

(b) advise the department on all child-care matters.

NEW SECTION. Section 6. Resource and referral grant programs. (1) There is a grant program established within the department for the allocation of grant money to local child-care resource and referral programs.

(2) The department may award grants to private nonprofit organizations and public organizations that

1 demonstrate the ability to provide child-care resource and
2 referral services.

3 (3) To be eligible for a grant from the department as
4 a resource and referral agency for a local area, an
5 organization:

6 (a) shall maintain a data base of child-care services
7 in the community, including day-care facilities and
8 preschools, that the organization continually updates;

9 (b) shall include on the staff of the organization at
10 least one individual who has expertise in child development;

11 (c) shall have the capability to provide resource and
12 referral services in the local area;

13 (d) must be able to respond to requests for
14 information or assistance in a timely fashion;

15 (e) must be committed to providing services to all
16 segments of the general public;

17 (f) must be able to provide parents with a checklist
18 to identify quality child-care services;

19 (g) must be able to provide information on the
20 availability of child-care subsidies;

21 (h) shall maintain and make available to the public a
22 list of all referrals made by the resource and referral
23 agency; and

24 (i) shall otherwise satisfy regulations promulgated by
25 the department pursuant to [sections 1 through 13].

1 NEW SECTION. **Section 7. Low-income day-care support**

2 -- transitional child-care programs -- funding -- rules. (1)

3 Within the limits of available funds, the department of
4 social and rehabilitation services shall administer a
5 low-income day-care support program and a transitional
6 child-care program.

7 (2) The low-income day-care support program will
8 provide payment on a sliding scale formula developed by the
9 department of social and rehabilitation services based on an
10 ability to pay for day-care costs for low-income families in
11 need of day care for purposes of employment or
12 employment-related training. A low-income person does not
13 have to be a current or former recipient of public
14 assistance as a condition for eligibility for low-income
15 day-care support.

16 (3) The transitional child-care program will provide
17 payment for day care for families that have ceased to
18 receive AFDC because of employment.

19 (4) The department of social and rehabilitation
20 services may:

21 (a) apply for and receive federal funds or other
22 assistance that may be available for the programs
23 established by this section;

24 (b) expend money appropriated or available for the
25 purposes of this part; and

(c) adopt rules necessary to carry out the purposes of this part.

Section 8. Section 52-1-103, MCA, is amended to read:

***52-1-103. Powers and duties of department.** The department shall:

(1) administer and supervise all forms of child and adult protective services;

(2) provide funding for and place youth alleged or adjudicated to be delinquent or in need of supervision who are referred or committed to the department;

(3) provide the following functions, as necessary, for youth in need of care:

(a) intake, investigation, case management, and client supervision;

(b) placement in youth care facilities;

(c) contracting for necessary services;

(d) protective services day care; and

(e) adoption;

(4) administer youth correctional facilities;

(5) provide supervision, care, and control of youth released from a state youth correctional facility;

(6) license youth care facilities, child placing agencies, day-care facilities, community homes for developmentally disabled persons, community homes for physically disabled persons, and adult foster care

facilities;

(7) act as lead agency in implementing and coordinating child-care programs and services under the Montana Child Care Act;

(7)(8) administer interstate compacts for children and delinquent youth;

(8)(9) (a) administer child abuse prevention services funded through child abuse grants and the Montana children's trust fund provided for in Title 41, chapter 3, part 7; and

(b) administer elder abuse prevention services;

(9)(10) (a) make a written evaluation of each plan developed by the local youth services advisory councils, as provided in 52-1-203, indicating those portions of each plan that will be implemented by the department, those portions that will not be implemented, and the reasons for not implementing those portions;

(b) develop a statewide youth services and resources plan that takes into consideration local needs as reflected in plans developed by the local youth services advisory councils;

(10)(11) administer services to the aged;

(11)(12) provide consultant services to:

(a) facilities providing care for needy, indigent, handicapped, or dependent adults; and

(b) youth care facilities;

1 ~~(12)~~(13) utilize at maximum efficiency the resources of
2 state government in a coordinated effort to:

3 (a) provide for children in need of temporary
4 protection or correctional services; and

5 (b) coordinate and apply the principles of modern
6 institutional administration to the institutions in the
7 department;

8 ~~(13)~~(14) subject to the functions of the department of
9 administration, lease or purchase lands for use by
10 institutions in the department and classify those lands to
11 determine which are of such character as to be most
12 profitably used for agricultural purposes, taking into
13 consideration:

14 (a) the needs of all institutions in the department
15 for the food products that can be grown or produced on the
16 lands; and

17 (b) the relative value of agricultural programs in the
18 treatment or rehabilitation of the persons confined in the
19 institutions in the department;

20 ~~(14)~~(15) utilize the staff and services of other state
21 agencies and units of the Montana university system, within
22 their respective statutory functions, to carry out its
23 functions under this title;

24 ~~(15)~~(16) propose programs with specific goals and
25 objectives to the legislature to meet the projected

1 long-range needs of institutions in the department,
2 including programs and facilities for the diagnosis,
3 treatment, care, and aftercare of persons placed in
4 institutions in the department;

5 ~~(16)~~(17) contract, as necessary, with the county board
6 of welfare for administration of child and adult protection
7 services for that county; and

8 ~~(17)~~(18) adopt rules necessary to carry out the
9 purposes of 41-3-1126, 41-5-527 through 41-5-529, and this
10 chapter."

11 **Section 9.** Section 53-4-501, MCA, is amended to read:

12 "53-4-501. Purpose -- definitions. (1) The purpose of
13 this part is to assure that children requiring supplemental
14 parental care be provided such food, shelter, security and
15 safety, guidance and direction, nurture and comfort, and
16 learning experiences commensurate to their ages and
17 capabilities so as to safeguard the growth and development
18 of such children, thereby facilitating their proper physical
19 and emotional maturation.

20 (2) In this part, the following definitions apply:

21 (a) "Child" means a person under 12 years of age.

22 (b) "Day-care facility" means a person, association,
23 or place, incorporated or unincorporated, that provides
24 ~~supplemental--parental~~ day care on a regular basis. It
25 includes a family day-care home, a day-care center, or a

group day-care home. ~~It~~ The term does not include:

(a) a person who limits care to children who are related to him by blood or marriage or under his legal guardianship; or

(b) any group facility established chiefly for educational purposes.

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

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

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

(f) ~~"Supplemental--parental--child--care"--means--the provision--of--food,--shelter,--and--learning--experiences commensurate--with--a--child's--age--and--capabilities--so--as--to safeguard--the--child's--growth--and--development--on--a supplemental--basis--outside-of-the-child's-home-by-an-adult other-than-a-parent, guardian, person-in-loco-parentis,--or relative--on--a-regular-basis-for-daily-periods-of-less-than 24--hours.~~ "Group facility established chiefly for educational purposes" means:

(i) a program accredited or established pursuant to 20-7-102 or 20-7-117; and

(ii) a preschool facility that offers a program designed for the education or enrichment of children 3 years of age or older and that operates for less than 6 hours each day.

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

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

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

(j) "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 or a group day-care home to certify that he has complied with the prescribed standards and promulgated rules.

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

(l) "Registration certificate" means a written instrument issued by the department to publicly document

1 that the certificate holder has, in writing, certified to
2 the department his compliance with this part and the
3 applicable standards for family day-care homes and group
4 day-care homes.

5 (m) "License" means a written document issued by the
6 department that the license holder has complied with this
7 part and the applicable standards and rules for day-care
8 centers.

9 (n) "Licensee" means the holder of a license issued by
10 the department in accordance with the provisions of this
11 part."

12 **Section 10.** Section 53-4-502, MCA, is amended to read:

13 "53-4-502. License required -- registration required
14 -- term of license or registration certificate -- no fee
15 charged. (1) No person, group of persons, or corporation
16 shall:

17 (a) establish or maintain a day-care center for
18 children unless licensed to do so by the department;

19 (b) operate a family day-care home or group day-care
20 home without first procuring a family day-care or group
21 day-care registration certificate from the department.

22 (2) The license and registration certificate shall set
23 forth the ages and numbers of children for whom ~~supplemental~~
24 ~~parental~~ day care may be provided.

25 (3) The applicant's own children must be included in

1 the manner provided for in department regulations in the
2 total number of children to be cared for under the license
3 or registration certificate.

4 (4) Licenses or registration certificates shall be
5 issued for periods not to exceed 1 year. The department
6 ~~shall~~ may not charge ~~no~~ a fee to issue a license or
7 registration certificate."

8 **Section 11.** Section 53-4-507, MCA, is amended to read:

9 "53-4-507. Application for a license or registration
10 certificate. (1) Application for a license or registration
11 certificate shall be made to the department in the county in
12 which the applicant lives on forms prescribed by the
13 department.

14 (2) Applications for a license or registration
15 certificate by Indians residing on Indian reservations shall
16 be made through the tribal governing body on forms
17 prescribed by the department. Applications made through a
18 tribal governing body shall be accompanied by a request by
19 the tribal governing body that the department investigate to
20 determine whether a license or registration certificate
21 should be granted.

22 (3) Within 30 days of receipt of the application, the
23 department shall ~~investigate-to~~ determine whether a license
24 or registration certificate should be issued."

25 **Section 12.** Section 53-4-511, MCA, is amended to read:

"53-4-511. Periodic visits to facilities by department -- investigations -- consultation with licensees and registrants. (1) The department or its authorized representative shall make periodic visits to all licensed day-care centers to ensure that minimum standards are maintained.

(2) The department may investigate and inspect the conditions and qualifications of any day-care center, group day-care home, or family day-care home seeking or holding a license or registration certificate under the provisions of this part.

(3) The department must visit and inspect at least ~~15%~~ 20% of all registered family day-care homes and group day-care homes in each of the governor's planning regions annually.

(4) The department shall make annual unannounced visits to day-care centers.

~~(4)~~(5) Upon request of the department, the department of health and environmental sciences or the state fire marshal or his designee shall inspect any day care facility for which a license or registration certificate is applied for or issued and shall report its findings to the department.

~~(5)~~(6) Upon request, the department shall give consultation to every licensee and registrant who desires to

upgrade the services of his program.

(7) Nothing in this section may be construed to require the department to conduct an inspection of each day-care facility applying for a registration certificate under the provisions of this part."

Section 13. Section 53-4-515, MCA, is amended to read:

"53-4-515. Penalty -- remedies. (1) A person, group of persons, or corporation who establishes or maintains a day-care center facility or assists in conducting or maintaining a day-care center facility without first obtaining a license or registration certificate from the department as provided for in this part is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed \$500.

(2) (a) If the department is advised or has reason to believe that a person, group of persons, or corporation is operating a day-care facility without a license or registration certificate, it shall make an investigation to ascertain the facts. If the department finds that the day-care facility is being or has been operated without a license or registration certificate, it may report the results of its investigation to the attorney general or the county attorney of the county where the day-care facility is being operated for prosecution and request that an injunction be issued against the facility until a license or

1 certificate is issued.

2 (b) The department may institute any action necessary
3 to enforce compliance with this part or any order or rule of
4 the department under this part or to obtain a judicial
5 interpretation of any of the foregoing.

6 (c) The department may, by its own attorney or
7 counsel, any county attorney, or the attorney general,
8 initiate an action in the district court of the appropriate
9 county and be represented by such representative on appeal
10 to the supreme court of Montana."

11 NEW SECTION. Section 14. Repealer. Sections 39-7-601
12 through 39-7-607, MCA, are repealed.

13 NEW SECTION. Section 15. Appropriation. There is
14 appropriated from the general fund to the department of
15 family services \$120,000 for the biennium to carry out the
16 purposes of [section 6]. There is appropriated from the
17 general fund to the department of social and rehabilitation
18 services \$853,000 for the biennium to carry out the purposes
19 of [section 7].

20 NEW SECTION. Section 16. Extension of authority. Any
21 existing authority to make rules on the subject of the
22 provisions of [this act] is extended to the provisions of
23 [this act].

24 NEW SECTION. Section 17. Codification instruction.
25 [Sections 1 through 7] are intended to be codified as an

1 integral part of Title 53, chapter 4, part 5, and the
2 provisions of Title 53, chapter 4, part 5, apply to
3 [sections 1 through 7].

4 NEW SECTION. Section 18. Effective dates. (1)
5 [Sections 1 through 6 and this section] are effective on
6 passage and approval.

7 (2) [Section 7] is effective April 1, 1990.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB200, on second reading.

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating the Montana child care act to provide for a state program for the improvement of child care; providing for low-income day-care support programs and transitional child-care programs; creating a child-care advisory council; providing an appropriation; amending sections 52-1-103, 53-4-501, 53-4-502, 53-4-507, 53-4-511, and 53-4-515, MCA; repealing sections 39-7-601 through 39-7-606, MCA; and providing effective dates.

ASSUMPTIONS:

Assumptions pertaining to the Department of Family Services.

1. An additional 2.5 FTE will be required to perform the increased licensing and registration of day care under the federal Family Support Act. These FTE are included in the executive budget request and in the subcommittee appropriation action.
2. An annual appropriation of \$60,000 will fund additional resource and referral services.

Assumptions pertaining to Department of Social and Rehabilitation Services.

3. The extended child care provision of the federal Family Support Act will be effective 4/1/90.
4. There would be 2,675 monthly cases of extended child care costing \$350 per month.
5. There would be \$187,238 in sliding scale child care payments.
6. SRS will contract with the Department of Labor and Industry for child care services for clients participating in JTPA or JOBS programs under the Family Support Act.
7. Regular AFDC day care to recipients in training will remain available prior to 4/1/90.
8. The federal matching rate for benefits is assumed to be 71.28% in FY91.
9. SRS will need 9.0 FTE to administer all provisions of the Family Support Act including extended medical assistance.
10. The amounts reflected in this fiscal note are also included in the fiscal note for SB070 implementing the Family Support Act; however, this fiscal note contains only benefit amounts for day care.
11. The FTE and benefits costs for SRS agree with the executive budget and with the appropriation subcommittee action.

Assumptions pertaining to the Department of Labor and Industry.

12. DOLI will contract with JOBS program operators to coordinate child care for AFDC recipients in job training.
13. The JOBS program will be implemented 10-1-89.
14. Day care payments will be available through the SRS AFDC day care funds.
15. DOLI will need 1.0 FTE to coordinate day care for AFDC recipients participating in job training.
16. The FTE and expenditures for DOLI are included in the executive budget recommendation and in the appropriation subcommittee action.



DATE 2/23/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 3/01/89

JOHN VINCENT, PRIMARY SPONSOR

Fiscal Note for HB200, on second reading

HB200

Fiscal Note Request, HB200 on second reading
Form BD-15
Page 2

FISCAL IMPACT:

Expenditures:

	<u>FY90</u>	<u>FY91</u>
Personal Services	\$ 73,688	\$ 278,075
Operating Costs	28,008	37,989
Benefits	<u>60,000</u>	<u>809,012</u>
TOTAL	\$ 161,696	\$ 1,125,076

Funding:

General Fund	\$ 125,000	\$ 412,688
County Funds	0	31,040
Federal Funds	<u>36,696</u>	<u>681,348</u>
TOTAL	\$ 161,696	\$ 1,128,076

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Federal welfare reform (Family Support Act) may impact county expenditures if more eligibility determination staff are added to handle caseload increases due to extended child care and medical assistance for AFDC recipients who become employed. The county funds in the fiscal note reflect the cost for three additional eligibility technicians in non-assumed counties.

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

HOUSE BILL NO. 200

INTRODUCED BY VINCENT, HALLIGAN, GOOD, HARPER, COHEN,
PIPINICH, ECK, BENGTSON, HANSEN, SEVERSON, JOHNSON, KADAS,
REGAN, HARDING, SPAETH, HARP, ADDY, WILLIAMS, WEEDING,
COCCHIARELLA, WYATT, DAVIS, JERGESON, B. BROWN, BLAYLOCK,
T. NELSON, O'KEEFE, BROOKE, MCDONOUGH,

EUDAILY, BISHOP, NORMAN

BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA
CHILD CARE ACT TO PROVIDE FOR A STATE PROGRAM FOR THE
IMPROVEMENT OF CHILD CARE; PROVIDING FOR LOW-INCOME-DAY-CARE
SUPPORT--PROGRAMS--AND--TRANSITIONAL CHILD-CARE PROGRAMS
ASSISTANCE; CREATING A CHILD-CARE ADVISORY COUNCIL;
PROVIDING AN APPROPRIATION; AMENDING SECTIONS 52-1-103,
53-4-501, 53-4-502, 53-4-507, 53-4-511, AND 53-4-515, MCA;
REPEALING--SECTIONS--39-7-601--THROUGH--39-7-606;--MCA; AND
PROVIDING EFFECTIVE DATES."

STATEMENT OF INTENT

A statement of intent is required for this bill because
[section 6] authorizes the department of social and
rehabilitation services to adopt rules to administer a
low-income day-care support program and a transitional
child-care program.

It is the intent of the legislature that the department
provide for day-care costs on a sliding-scale formula for
low-income families in need of day-care for purposes of
employment or employment-related training and provide a
transitional child-care program for day-care for families
who have ceased to receive aid to families with dependent
children because of employment."

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

NEW SECTION. Section 1. Short title. [Sections 1
through ~~13~~ 12] may be cited as the "Montana Child Care Act".

NEW SECTION. Section 2. Purpose. (1) The legislature
finds that the number of children living in homes where both
parents work or in homes with a single parent who works has
increased dramatically over the last decade.

(2) The legislature finds that the availability of
quality child care is critical to the self-sufficiency and
independence of Montana families, including the growing
number of mothers who have young children and who work out
of economic necessity.

(3) The legislature further finds that the number of
quality child-care arrangements falls far short of the
number required for children in need of child-care services.

(4) It is the intent of the legislature that the state
promote day care for the purposes of:

1 (a) improving the quality of, and coordination among,
2 child-care programs and providing additional resources for
3 child-care services;

4 (b) promoting the availability and diversity of
5 quality child-care services for all children and families
6 that need such services;

7 (c) providing assistance to families whose financial
8 resources are not sufficient to enable them to pay the full
9 costs of necessary child-care services;

10 (d) ensuring that parents are not forced by lack of
11 available programs or financial resources to place a child
12 in an unsafe or unhealthy child-care facility; and

13 (e) assisting people in finding and maintaining
14 employment by lessening the stress related to the lack of
15 adequate child care.

16 ~~NEW SECTION. Section 3. Definitions. As used in this~~
17 ~~part, the following definitions apply:~~

18 {1}--"Day-care" or "child-care" means less than 24-hour
19 out-of-home care for children, whether that care is for
20 daytime or nighttime hours;

21 {2}--"Low-income day-care support program" means a
22 program that provides copayment of day-care costs according
23 to a sliding scale formula for eligible low-income people;

24 {3}--"Transitional child-care program" means a program
25 that pays the full day-care costs for people terminated from

1 the aid to families with dependent children program (AFDC)
2 or a public assistance grant because of employment but who
3 continue to need child care;

4 NEW SECTION. Section 3. Lead agency - duties of
5 department. (1) The department is designated as the lead
6 agency for the purposes of planning, implementing, and
7 coordinating programs under the Montana Child Care Act.

8 (2) The department shall:

9 (a) assess child-care needs and resources within the
10 state;

11 (b) develop a state child-care plan after consultation
12 with the local youth services advisory councils established
13 under 52-1-203 and the child-care advisory council
14 established in [section 5 4]; and

15 (c) coordinate child-care programs administered by the
16 department and the departments of social and rehabilitation
17 services, health and environmental sciences, and labor and
18 industry.

19 (3) The department may:

20 (a) enter into interagency agreements to administer
21 and coordinate child-care programs;

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23 improvement or promotion of child-care services within the
24 state;

25 (c) administer any state and federal funds that may be

1 appropriated for the purposes of the part.

2 NEW SECTION. Section 4. Child-care advisory council
 3 -- membership. (1) The governor shall appoint a child-care
 4 advisory council to assist the department in carrying out
 5 the responsibilities under [sections 1 through 13 12].

6 (2) The council is composed of not less than 10
 7 members, including parents, child-care providers,
 8 representatives of state agencies involved in child care,
 9 and other persons interested in child care.

10 (3) The council shall:

11 (a) review and coordinate the statewide child-care
 12 plan; and

13 (b) advise the department on all child-care matters.

14 NEW SECTION. Section 5. Resource and referral grant
 15 programs. (1) There is a grant program established within
 16 the department for the allocation of grant money to local
 17 child-care resource and referral programs.

18 (2) The department may award grants to private
 19 nonprofit organizations and public organizations that
 20 demonstrate the ability to provide child-care resource and
 21 referral services.

22 (3) To be eligible for a grant from the department as
 23 a resource and referral agency for a local area, an
 24 organization:

25 (a) shall maintain a data base of child-care services

1 in the community, including day-care facilities and
 2 preschools, that the organization continually updates;

3 (b) shall include on the staff of the organization at
 4 least one individual who has expertise in child development;

5 (c) shall have the capability to provide resource and
 6 referral services in the local area;

7 (d) must be able to respond to requests for
 8 information or assistance in a timely fashion;

9 (e) must be committed to providing services to all
 10 segments of the general public;

11 (f) must be able to provide parents with a checklist
 12 to identify quality child-care services;

13 (g) must be able to provide information on the
 14 availability of child-care subsidies;

15 (h) shall maintain and make available to the public a
 16 list NUMBER of all referrals made by the resource and
 17 referral agency; and

18 (i) shall otherwise satisfy regulations promulgated by
 19 the department pursuant to [sections 1 through 13 12].

20 ~~NEW SECTION:--Section 7.--Low-income day-care support~~
 21 ~~---transitional child-care programs-----funding---rules.~~
 22 ~~{1} Within the limits of available funds, the department of~~
 23 ~~social and rehabilitation services shall administer a~~
 24 ~~low-income day-care support program and a transitional~~
 25 ~~child-care program.~~

~~(2) The low-income day-care support program will provide payment on a sliding scale formula developed by the department of social and rehabilitation services based on an ability to pay for day-care costs for low-income families in need of day-care for purposes of employment or employment-related training. A low-income person does not have to be a current or former recipient of public assistance as a condition for eligibility for low-income day-care support.~~

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~~(a) apply for and receive federal funds or other assistance that may be available for the programs established by this section;~~

~~(b) expend money appropriated or available for the purposes of this part; and~~

~~(c) adopt rules necessary to carry out the purposes of this part.~~

NEW SECTION. SECTION 6. CHILD-CARE ASSISTANCE. THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES SHALL PROVIDE NECESSARY CHILD-CARE ASSISTANCE, AS PROVIDED FOR IN SECTIONS 301 AND 302 OF THE FEDERAL FAMILY SUPPORT ACT OF

1988 [42 U.S.C. 602 (G)], FOR EACH INDIVIDUAL PARTICIPATING IN THE PROGRAM ESTABLISHED UNDER SECTION 201 OF THE FEDERAL FAMILY SUPPORT ACT OF 1988.

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"52-1-103. Powers and duties of department. The department shall:

(1) administer and supervise all forms of child and adult protective services;

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(3) provide the following functions, as necessary, for youth in need of care:

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(c) contracting for necessary services;

(d) protective services day care; and

(e) adoption;

(4) administer youth correctional facilities;

(5) provide supervision, care, and control of youth released from a state youth correctional facility;

(6) license youth care facilities, child placing agencies, day-care facilities, community homes for developmentally disabled persons, community homes for

1 physically disabled persons, and adult foster care
2 facilities;

3 (7) act as lead agency in implementing and
4 coordinating child-care programs and services under the
5 Montana Child Care Act;

6 {7}(8) administer interstate compacts for children and
7 delinquent youth;

8 {8}(9) (a) administer child abuse prevention services
9 funded through child abuse grants and the Montana children's
10 trust fund provided for in Title 41, chapter 3, part 7; and

11 (b) administer elder abuse prevention services;

12 {9}(10) (a) make a written evaluation of each plan
13 developed by the local youth services advisory councils, as
14 provided in 52-1-203, indicating those portions of each plan
15 that will be implemented by the department, those portions
16 that will not be implemented, and the reasons for not
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18 (b) develop a statewide youth services and resources
19 plan that takes into consideration local needs as reflected
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23 {11}(12) provide consultant services to:

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2 {12}(13) utilize at maximum efficiency the resources of
3 state government in a coordinated effort to:

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5 protection or correctional services; and

6 (b) coordinate and apply the principles of modern
7 institutional administration to the institutions in the
8 department;

9 {13}(14) subject to the functions of the department of
10 administration, lease or purchase lands for use by
11 institutions in the department and classify those lands to
12 determine which are of such character as to be most
13 profitably used for agricultural purposes, taking into
14 consideration:

15 (a) the needs of all institutions in the department
16 for the food products that can be grown or produced on the
17 lands; and

18 (b) the relative value of agricultural programs in the
19 treatment or rehabilitation of the persons confined in the
20 institutions in the department;

21 {14}(15) utilize the staff and services of other state
22 agencies and units of the Montana university system, within
23 their respective statutory functions, to carry out its
24 functions under this title;

25 {15}(16) propose programs with specific goals and

1 objectives to the legislature to meet the projected
2 long-range needs of institutions in the department,
3 including programs and facilities for the diagnosis,
4 treatment, care, and aftercare of persons placed in
5 institutions in the department;

6 ~~(16)~~(17) contract, as necessary, with the county board
7 of welfare for administration of child and adult protection
8 services for that county; and

9 ~~(17)~~(18) adopt rules necessary to carry out the
10 purposes of 41-3-1126, 41-5-527 through 41-5-529, and this
11 chapter."

12 **Section 8.** Section 53-4-501, MCA, is amended to read:

13 "53-4-501. Purpose -- definitions. (1) The purpose of
14 this part is to assure that children requiring ~~supplemental~~
15 ~~parental~~ DAY care be provided such food, shelter, security
16 and safety, guidance and direction, nurture and comfort, and
17 learning experiences commensurate to their ages and
18 capabilities so as to safeguard the growth and development
19 of such children, thereby facilitating their proper physical
20 and emotional maturation.

21 (2) In this part, the following definitions apply:

22 (a) "Child" means a person under 12 years of age.

23 (b) "Day-care facility" means a person, association,
24 or place, incorporated or unincorporated, that provides
25 ~~supplemental-parental~~ day care on a regular basis. It

1 includes a family day-care home, a day-care center, or a
2 group day-care home. ~~it~~ The term does not include:

3 ~~(a)~~(I) a person who limits care to children who are
4 related to him by blood or marriage or under his legal
5 guardianship; or

6 ~~(b)~~(II) any group facility established chiefly for
7 educational purposes.

8 (c) "Day-care center" means a place in which
9 ~~supplemental-parental~~ day care is provided to 13 or more
10 children on a regular basis.

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

13 (e) "Day care" OR "CHILD CARE" means ~~supplemental~~
14 ~~parental--child--care~~ less-than-24-hour out-of-home care for
15 children, whether that care is for daytime or nighttime
16 hours.

17 (f) ~~"Supplemental--parental--child--care"--means--the~~
18 ~~provision--of--food,--shelter,--and--learning--experiences~~
19 ~~commensurate--with--a--child's--age--and--capabilities--so--as--to~~
20 ~~safeguard--the--child's--growth--and--development--on--a~~
21 ~~supplemental--basis--outside-of-the-child's-home-by-an-adult~~
22 ~~other-than-a-parent, guardian, person-in-loco-parentis, or~~
23 ~~relative--on--a--regular-basis--for--daily-periods--of--less-than~~
24 ~~24--hours.~~ "Group facility established chiefly for
25 educational purposes;" means:

(i) a program accredited or established pursuant to 20-7-102 or 20-7-117; and

(ii) a preschool facility that offers a program designed for the education or enrichment of children 3 years of age or older and that operates for less than 6 hours each day.

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

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

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

(j) "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 or a group day-care home to certify that he has complied with the prescribed standards and promulgated rules.

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

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

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

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

Section 9. Section 53-4-502, MCA, is amended to read:

"53-4-502. License required -- registration required -- term of license or registration certificate -- no fee charged. (1) No person, group of persons, or corporation shall:

(a) establish or maintain a day-care center for children unless licensed to do so by the department;

(b) operate a family day-care home or group day-care home without first procuring a family day-care or group day-care registration certificate from the department.

(2) The license and registration certificate shall set forth the ages and numbers of children for whom ~~supplemental~~

1 ~~parental~~ day care may be provided.

2 (3) The applicant's own children must be included in
3 the manner provided for in department regulations in the
4 total number of children to be cared for under the license
5 or registration certificate.

6 (4) Licenses or registration certificates shall be
7 issued for periods not to exceed 1 year. The department
8 ~~shall~~ may not charge ~~no~~ a fee to issue a license or
9 registration certificate."

10 **Section 10.** Section 53-4-507, MCA, is amended to read:

11 "53-4-507. Application for a license or registration
12 certificate. (1) Application for a license or registration
13 certificate shall be made to the department in the county in
14 which the applicant lives on forms prescribed by the
15 department.

16 (2) Applications for a license or registration
17 certificate by Indians residing on Indian reservations shall
18 be made through the tribal governing body on forms
19 prescribed by the department. Applications made through a
20 tribal governing body shall be accompanied by a request by
21 the tribal governing body that the department investigate to
22 determine whether a license or registration certificate
23 should be granted.

24 (3) Within 30 days of receipt of the application, the
25 department shall ~~investigate to~~ determine whether a license

1 or registration certificate should be issued."

2 **Section 11.** Section 53-4-511, MCA, is amended to read:

3 "53-4-511. Periodic visits to facilities by department
4 -- investigations -- consultation with licensees and
5 registrants. (1) The department or its authorized
6 representative shall make periodic visits to all licensed
7 day-care centers to ensure that minimum standards are
8 maintained.

9 (2) The department may investigate and inspect the
10 conditions and qualifications of any day-care center, group
11 day-care home, or family day-care home seeking or holding a
12 license or registration certificate under the provisions of
13 this part.

14 (3) The department must visit and inspect at least ~~15%~~
15 20% of all registered family day-care homes and group
16 day-care homes in each of the governor's planning regions
17 annually.

18 (4) The department shall make annual unannounced
19 visits to day-care centers.

20 ~~(4)~~(5) Upon request of the department, the department
21 of health and environmental sciences or the state fire
22 marshal or his designee shall inspect any day care facility
23 for which a license or registration certificate is applied
24 for or issued and shall report its findings to the
25 department.

1 ~~(5)~~(6) Upon request, the department shall give
2 consultation to every licensee and registrant who desires to
3 upgrade the services of his program.

4 (7) Nothing in this section may be construed to
5 require the department to conduct an inspection of each
6 day-care facility applying for a registration certificate
7 under the provisions of this part."

8 **Section 12.** Section 53-4-515, MCA, is amended to read:

9 "53-4-515. **Penalty -- remedies.** (1) A person, group of
10 persons, or corporation who establishes or maintains a
11 day-care center facility or assists in conducting or
12 maintaining a day-care center facility without first
13 obtaining a license or registration certificate from the
14 department as provided for in this part is guilty of a
15 misdemeanor and upon conviction is punishable by a fine not
16 to exceed \$500.

17 (2) (a) If the department is advised or has reason to
18 believe that a person, group of persons, or corporation is
19 operating a day-care facility without a license or
20 registration certificate, it shall make an investigation to
21 ascertain the facts. If the department finds that the
22 day-care facility is being or has been operated without a
23 license or registration certificate, it may report the
24 results of its investigation to the attorney general or the
25 county attorney of the county where the day-care facility is

1 being operated for prosecution and request that an
2 injunction be issued against the facility until a license or
3 certificate is issued.

4 (b) The department may institute any action necessary
5 to enforce compliance with this part or any order or rule of
6 the department under this part or to obtain a judicial
7 interpretation of any of the foregoing.

8 (c) The department may, by its own attorney or
9 counsel, any county attorney, or the attorney general,
10 initiate an action in the district court of the appropriate
11 county and be represented by such representative on appeal
12 to the supreme court of Montana."

13 ~~NEW SECTION. --Section 14. --Repealer. --Sections 39-7-601~~
14 ~~through 39-7-607, MCA, are repealed.~~

15 NEW SECTION. **Section 13.** Appropriation. There is
16 appropriated from the general fund to the department of
17 family services \$120,000 for the biennium to carry out the
18 purposes of [section 6 5]. ~~There is appropriated from the~~
19 ~~general fund to the department of social and rehabilitation~~
20 ~~services \$853,000 for the biennium to carry out the purposes~~
21 ~~of [section 7].~~

22 NEW SECTION. **Section 14.** Extension of authority. Any
23 existing authority to make rules on the subject of the
24 provisions of [this act] is extended to the provisions of
25 [this act].

1 NEW SECTION. Section 15. Codification instruction.
2 [Sections 1 through 7 6] are intended to be codified as an
3 integral part of Title 53, chapter 4, part 5, and the
4 provisions of Title 53, chapter 4, part 5, apply to
5 [sections 1 through 7 6].

6 NEW SECTION. SECTION 16. SEVERABILITY. IF A PART OF
7 [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE
8 FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
9 ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART
10 REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE
11 SEVERABLE FROM THE INVALID APPLICATIONS.

12 NEW SECTION. Section 17. Effective dates DATE. {+}
13 [Sections 1 through 6 5 and this section] are effective on
14 passage and approval.

15 {2}--{Section-7}-is-effective-April-17-1998-

-End-

1 HOUSE BILL NO. 200

2 INTRODUCED BY VINCENT, HALLIGAN, GOOD, HARPER, COHEN,
3 PIPINICH, ECK, BENGTSON, HANSEN, SEVERSON, JOHNSON, KADAS,
4 REGAN, HARDING, SPAETH, HARP, ADDY, WILLIAMS, WEEDING,
5 COCCHIARELLA, WYATT, DAVIS, JERGESON, B. BROWN, BLAYLOCK,
6 T. NELSON, O'KEEFE, BROOKE, MCDONOUGH,
7 EUDAILY, BISHOP, NORMAN
8 BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

9
10 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA
11 CHILD CARE ACT TO PROVIDE FOR A STATE PROGRAM FOR THE
12 IMPROVEMENT OF CHILD CARE; PROVIDING FOR LOW-INCOME-DAY-CARE
13 SUPPORT--PROGRAMS--AND--TRANSITIONAL CHILD-CARE PROGRAMS
14 ASSISTANCE; CREATING A CHILD-CARE ADVISORY COUNCIL;
15 PROVIDING AN APPROPRIATION; AMENDING SECTIONS 52-1-103,
16 53-4-501, 53-4-502, 53-4-507, 53-4-511, AND 53-4-515, MCA;
17 REPEALING--SECTIONS--39-7-601--THROUGH--39-7-606,--MEA; AND
18 PROVIDING AN EFFECTIVE DATES DATE AND A TERMINATION DATE."

20 STATEMENT OF INTENT

21 A statement of intent is required for this bill because
22 [section 6] authorizes the department of social and
23 rehabilitation services to adopt rules to administer a
24 low-income day-care support program and a transitional
25 child-care program.

1 It is the intent of the legislature that the department
2 provide for day-care costs on a sliding-scale formula for
3 low-income families in need of day-care for purposes of
4 employment or employment-related training and provide a
5 transitional child-care program for day-care for families
6 who have ceased to receive aid to families with dependent
7 children because of employment."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. Section 1. Short title. [Sections 1
11 through 13 12] may be cited as the "Montana Child Care Act".

12 NEW SECTION. Section 2. Purpose. (1) The legislature
13 finds that the number of children living in homes where both
14 parents work or in homes with a single parent who works has
15 increased dramatically over the last decade.

16 (2) The legislature finds that the availability of
17 quality child care is critical to the self-sufficiency and
18 independence of Montana families, including the growing
19 number of mothers who have young children and who work out
20 of economic necessity.

21 (3) The legislature further finds that the number of
22 quality child-care arrangements falls far short of the
23 number required for children in need of child-care services.

24 (4) It is the intent of the legislature that the state
25 promote day care for the purposes of:

(a) improving the quality of, and coordination among, child-care programs and providing additional resources for child-care services;

(b) promoting the availability and diversity of quality child-care services for all children and families that need such services;

(c) providing assistance to families whose financial resources are not sufficient to enable them to pay the full costs of necessary child-care services;

(d) ensuring that parents are not forced by lack of available programs or financial resources to place a child in an unsafe or unhealthy child-care facility; and

(e) assisting people in finding and maintaining employment by lessening the stress related to the lack of adequate child care.

~~NEW SECTION. Section 3. Definitions. As used in this part, the following definitions apply:~~

~~{1} "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.~~

~~{2} "Low-income day-care support program" means a program that provides copayment of day-care costs according to a sliding scale formula for eligible low-income people.~~

~~{3} "Transitional child-care program" means a program that pays the full day-care costs for people terminated from~~

~~the aid-to-families-with-dependent-children program (AFDC) or a public assistance grant because of employment but who continue to need child care.~~

NEW SECTION. Section 3. Lead agency - duties of department. (1) The department is designated as the lead agency for the purposes of planning, implementing, and coordinating programs under the Montana Child Care Act.

(2) The department shall:

(a) assess child-care needs and resources within the state;

(b) develop a state child-care plan after consultation with the local youth services advisory councils established under 52-1-203 and the child-care advisory council established in [section 5 4]; and

(c) coordinate child-care programs administered by the department and the departments of social and rehabilitation services, health and environmental sciences, and labor and industry.

(3) The department may:

(a) enter into interagency agreements to administer and coordinate child-care programs;

(b) accept any federal funds made available for the improvement or promotion of child-care services within the state;

(c) administer any state and federal funds that may be

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 3 ~~-- membership.~~ (1) The governor shall appoint a child-care
 4 advisory council to assist the department in carrying out
 5 the responsibilities under [sections 1 through ~~13~~ 12].

6 (2) The council is composed of not less than 10
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 8 representatives of state agencies involved in child care,
 9 and other persons interested in child care.

10 (3) The council shall:

11 (a) review and coordinate the statewide child-care
 12 plan; and

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 16 the department for the allocation of grant money to local
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 19 nonprofit organizations and public organizations that
 20 demonstrate the ability to provide child-care resource and
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 23 a resource and referral agency for a local area, an
 24 organization:

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1 in the community, including day-care facilities and
 2 preschools, that the organization continually updates;

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 4 least one individual who has expertise in child development;

5 (c) shall have the capability to provide resource and
 6 referral services in the local area;

7 (d) must be able to respond to requests for
 8 information or assistance in a timely fashion;

9 (e) must be committed to providing services to all
 10 segments of the general public;

11 (f) must be able to provide parents with a checklist
 12 to identify quality child-care services;

13 (g) must be able to provide information on the
 14 availability of child-care subsidies;

15 (h) shall maintain and make available to the public a
 16 list ~~NUMBER~~ of all referrals made by the resource and
 17 referral agency; and

18 (i) shall otherwise satisfy regulations promulgated by
 19 the department pursuant to [sections 1 through ~~13~~ 12].

20 ~~NEW SECTION. Section 7. Low-income day-care support~~
 21 ~~---transitional child-care programs-----funding-----rules.~~
 22 ~~{1}--Within the limits of available funds, the department of~~
 23 ~~social--and--rehabilitation--services--shall--administer--a~~
 24 ~~low-income--day-care--support--program--and--a--transitional~~
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(2) The low income day care support program will provide payment on a sliding scale formula developed by the department of social and rehabilitation services based on an ability to pay for day care costs for low income families in need of day care for purposes of employment or employment related training. A low income person does not have to be a current or former recipient of public assistance as a condition for eligibility for low income day care support.

(3) The transitional child care program will provide payment for day care for families that have ceased to receive AFDC because of employment.

(4) The department of social and rehabilitation services may:

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(b) expend money appropriated or available for the purposes of this part; and

(c) adopt rules necessary to carry out the purposes of this part.

NEW SECTION. SECTION 6. CHILD-CARE ASSISTANCE. THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES SHALL PROVIDE NECESSARY CHILD-CARE ASSISTANCE, AS PROVIDED FOR IN SECTIONS 301 AND 302 OF THE FEDERAL FAMILY SUPPORT ACT OF

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(3) provide the following functions, as necessary, for youth in need of care:

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(c) contracting for necessary services;

(d) protective services day care; and

(e) adoption;

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(5) provide supervision, care, and control of youth released from a state youth correctional facility;

(6) license youth care facilities, child placing agencies, day-care facilities, community homes for developmentally disabled persons, community homes for

1 physically disabled persons, and adult foster care
2 facilities;

3 (7) act as lead agency in implementing and
4 coordinating child-care programs and services under the
5 Montana Child Care Act;

6 (7)(8) administer interstate compacts for children and
7 delinquent youth;

8 (8)(9) (a) administer child abuse prevention services
9 funded through child abuse grants and the Montana children's
10 trust fund provided for in Title 41, chapter 3, part 7; and

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15 that will be implemented by the department, those portions
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17 implementing those portions;

18 (b) develop a statewide youth services and resources
19 plan that takes into consideration local needs as reflected
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21 councils;

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25 handicapped, or dependent adults; and

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2 (12)(13) utilize at maximum efficiency the resources of
3 state government in a coordinated effort to:

4 (a) provide for children in need of temporary
5 protection or correctional services; and

6 (b) coordinate and apply the principles of modern
7 institutional administration to the institutions in the
8 department;

9 (13)(14) subject to the functions of the department of
10 administration, lease or purchase lands for use by
11 institutions in the department and classify those lands to
12 determine which are of such character as to be most
13 profitably used for agricultural purposes, taking into
14 consideration:

15 (a) the needs of all institutions in the department
16 for the food products that can be grown or produced on the
17 lands; and

18 (b) the relative value of agricultural programs in the
19 treatment or rehabilitation of the persons confined in the
20 institutions in the department;

21 (14)(15) utilize the staff and services of other state
22 agencies and units of the Montana university system, within
23 their respective statutory functions, to carry out its
24 functions under this title;

25 (15)(16) propose programs with specific goals and

objectives to the legislature to meet the projected long-range needs of institutions in the department, including programs and facilities for the diagnosis, treatment, care, and aftercare of persons placed in institutions in the department;

{16}{17} contract, as necessary, with the county board of welfare for administration of child and adult protection services for that county; and

{17}{18} adopt rules necessary to carry out the purposes of 41-3-1126, 41-5-527 through 41-5-529, and this chapter."

Section 8. Section 53-4-501, MCA, is amended to read:

"53-4-501. Purpose -- definitions. (1) The purpose of this part is to assure that children requiring ~~supplemental~~ parental DAY care be provided such food, shelter, security and safety, guidance and direction, nurture and comfort, and learning experiences commensurate to their ages and capabilities so as to safeguard the growth and development of such children, thereby facilitating their proper physical and emotional maturation.

(2) In this part, the following definitions apply:

(a) "Child" means a person under 12 years of age.

(b) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that provides ~~supplemental--parental~~ day care on a regular basis. It

includes a family day-care home, a day-care center, or a group day-care home. ~~It~~ The term does not include:

~~fat~~{I} a person who limits care to children who are related to him by blood or marriage or under his legal guardianship; or

~~fb~~{II} any group facility established chiefly for educational purposes.

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

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

(e) "Day care" OR "CHILD CARE" means ~~supplemental~~ parental-child-care less-than-24-hour out-of-home care for children, whether that care is for daytime or nighttime hours.

~~ff~~--"Supplemental--parental--child--care"--means--the provision---of---food,--shelter,--and--learning--experiences commensurate-with-a-child's-age-and-capabilities--so--as--to safeguard---the---child's---growth---and--development--on--a supplemental-basis-outside-of-the-child's-home-by--an--adult other--than--a-parent, guardian, person-in-loco-parentis, or relative-on-a-regular-basis-for-daily-periods-of--less--than 24---hours: "Group---facility---established---chiefly--for educational-purposes" means:

1 ~~{i)--a-program-accredited-or--established--pursuant--to~~
 2 ~~20-7-102-or-20-7-117;-and~~
 3 ~~{ii)--a--preschool--facility--that--offers--a--program~~
 4 ~~designed-for-the-education-or-enrichment-of-children-3-years~~
 5 ~~of-age-or-older-and-that-operates-for-less-than-6-hours-each~~
 6 ~~day-~~

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 8 parental DAY care to children of separate families for any
 9 daily periods of less than 24 hours and within 3 or more
 10 consecutive weeks.

11 {h}{G} "Family day-care home" means a private
 12 residence in which supplemental--parental DAY care is
 13 provided to three to six children from separate families on
 14 a regular basis.

15 {i}{H} "Group day-care home" means a private residence
 16 in which supplemental-parental DAY care is provided to 7 to
 17 12 children on a regular basis.

18 {j}{I} "Registration" means the process whereby the
 19 department maintains a record of all family day-care homes
 20 and group day-care homes, prescribes standards, promulgates
 21 rules, and requires the operator of a family day-care home
 22 or a group day-care home to certify that he has complied
 23 with the prescribed standards and promulgated rules.

24 {k}{J} "Registrant" means the holder of a registration
 25 certificate issued by the department in accordance with the

1 provisions of this part.

2 {l}{K} "Registration certificate" means a written
 3 instrument issued by the department to publicly document
 4 that the certificate holder has, in writing, certified to
 5 the department his compliance with this part and the
 6 applicable standards for family day-care homes and group
 7 day-care homes.

8 {m}{L} "License" means a written document issued by
 9 the department that the license holder has complied with
 10 this part and the applicable standards and rules for
 11 day-care centers.

12 {n}{M} "Licensee" means the holder of a license issued
 13 by the department in accordance with the provisions of this
 14 part."

15 **Section 9.** Section 53-4-502, MCA, is amended to read:

16 "53-4-502. License required -- registration required
 17 -- term of license or registration certificate -- no fee
 18 charged. (1) No person, group of persons, or corporation
 19 shall:

20 (a) establish or maintain a day-care center for
 21 children unless licensed to do so by the department;

22 (b) operate a family day-care home or group day-care
 23 home without first procuring a family day-care or group
 24 day-care registration certificate from the department.

25 (2) The license and registration certificate shall set

1 forth the ages and numbers of children for whom ~~supplemental~~
2 ~~parental~~ day care may be provided.

3 (3) The applicant's own children must be included in
4 the manner provided for in department regulations in the
5 total number of children to be cared for under the license
6 or registration certificate.

7 (4) Licenses or registration certificates shall be
8 issued for periods not to exceed 1 year. The department
9 ~~shall~~ may not charge ~~no~~ a fee to issue a license or
10 registration certificate."

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12 "53-4-507. Application for a license or registration
13 certificate. (1) Application for a license or registration
14 certificate shall be made to the department in the county in
15 which the applicant lives on forms prescribed by the
16 department.

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18 certificate by Indians residing on Indian reservations shall
19 be made through the tribal governing body on forms
20 prescribed by the department. Applications made through a
21 tribal governing body shall be accompanied by a request by
22 the tribal governing body that the department investigate to
23 determine whether a license or registration certificate
24 should be granted.

25 (3) Within 30 days of receipt of the application, the

1 department shall ~~investigate-to~~ determine whether a license
2 or registration certificate should be issued."

3 **Section 11.** Section 53-4-511, MCA, is amended to read:

4 "53-4-511. Periodic visits to facilities by department
5 -- investigations -- consultation with licensees and
6 registrants. (1) The department or its authorized
7 representative shall make periodic visits to all licensed
8 day-care centers to ensure that minimum standards are
9 maintained.

10 (2) The department may investigate and inspect the
11 conditions and qualifications of any day-care center, group
12 day-care home, or family day-care home seeking or holding a
13 license or registration certificate under the provisions of
14 this part.

15 (3) The department must visit and inspect at least ~~15%~~
16 20% of all registered family day-care homes and group
17 day-care homes in each of the governor's planning regions
18 annually.

19 (4) The department shall make annual unannounced
20 visits to day-care centers.

21 ~~{4}~~ (5) Upon request of the department, the department
22 of health and environmental sciences or the state fire
23 marshal or his designee shall inspect any day care facility
24 for which a license or registration certificate is applied
25 for or issued and shall report its findings to the

department.

{5}{6} Upon request, the department shall give consultation to every licensee and registrant who desires to upgrade the services of his program.

{7} Nothing in this section may be construed to require the department to conduct an inspection of each day-care facility applying for a registration certificate under the provisions of this part."

Section 12. Section 53-4-515, MCA, is amended to read:

"53-4-515. Penalty -- remedies. (1) A person, group of persons, or corporation who establishes or maintains a day-care center facility or assists in conducting or maintaining a day-care center facility without first obtaining a license or registration certificate from the department as provided for in this part is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed \$500.

(2) (a) If the department is advised or has reason to believe that a person, group of persons, or corporation is operating a day-care facility without a license or registration certificate, it shall make an investigation to ascertain the facts. If the department finds that the day-care facility is being or has been operated without a license or registration certificate, it may report the results of its investigation to the attorney general or the

county attorney of the county where the day-care facility is being operated for prosecution and request that an injunction be issued against the facility until a license or certificate is issued.

(b) The department may institute any action necessary to enforce compliance with this part or any order or rule of the department under this part or to obtain a judicial interpretation of any of the foregoing.

(c) The department may, by its own attorney or counsel, any county attorney, or the attorney general, initiate an action in the district court of the appropriate county and be represented by such representative on appeal to the supreme court of Montana."

~~NEW SECTION. Section 14. Repealer. Sections 39-7-601 through 39-7-607, MCA, are repealed.~~

~~NEW SECTION. Section 13. Appropriation. There is appropriated from the general fund to the department of family services \$120,000 for the biennium to carry out the purposes of [section 6 5]. There is appropriated from the general fund to the department of social and rehabilitation services \$853,000 for the biennium to carry out the purposes of [section 7].~~

~~NEW SECTION. Section 14. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of~~

1 [this act].

2 NEW SECTION. Section 15. Codification instruction.
3 [Sections 1 through 7 6] are intended to be codified as an
4 integral part of Title 53, chapter 4, part 5, and the
5 provisions of Title 53, chapter 4, part 5, apply to
6 [sections 1 through 7 6].

7 NEW SECTION. SECTION 16. SEVERABILITY. IF A PART OF
8 [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE
9 FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
10 ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART
11 REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE
12 SEVERABLE FROM THE INVALID APPLICATIONS.

13 NEW SECTION. Section 17. Effective dates DATE. {1}
14 [Sections 1 through 6 5 and this section] are effective on
15 passage and approval.

16 {2}--{Section-7}-is-effective-April-1,-1990-

17 NEW SECTION. SECTION 18. TERMINATION DATE. [SECTION
18 5] TERMINATES JUNE 30, 1991.

-End-

HOUSE BILL NO. 200

INTRODUCED BY VINCENT, HALLIGAN, GOOD, HARPER, COHEN,
PIPINICH, ECK, BENGTSON, HANSEN, SEVERSON, JOHNSON, KADAS,
REGAN, HARDING, SPAETH, HARP, ADDY, WILLIAMS, WEEDING,
COCCHIARELLA, WYATT, DAVIS, JERGESON, B. BROWN, BLAYLOCK,
T. NELSON, O'KEEFE, BROOKE, MCDONOUGH,
EUDAILY, BISHOP, NORMAN
BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA
CHILD CARE ACT TO PROVIDE FOR A STATE PROGRAM FOR THE
IMPROVEMENT OF CHILD CARE; PROVIDING FOR LOW-INCOME-DAY-CARE
SUPPORT--PROGRAMS--AND--TRANSITIONAL CHILD-CARE PROGRAMS
ASSISTANCE; CREATING A CHILD-CARE ADVISORY COUNCIL;
PROVIDING AN APPROPRIATION; AMENDING SECTIONS 52-1-103,
53-4-501, 53-4-502, 53-4-507, 53-4-511, AND 53-4-515, MCA;
REPEALING--SECTIONS--39-7-601--THROUGH--39-7-606,--MEA; AND
PROVIDING AN EFFECTIVE DATES DATE AND A TERMINATION DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because
[section 6] authorizes the department of social and
rehabilitation services to adopt rules to administer a
low-income day-care support program and a transitional
child-care program.

It is the intent of the legislature that the department
provide for day-care costs on a sliding-scale formula for
low-income families in need of day-care for purposes of
employment or employment-related training and provide a
transitional child-care program for day-care for families
who have ceased to receive aid to families with dependent
children because of employment."

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

NEW SECTION. **Section 1.** Short title. [Sections 1
through 12] may be cited as the "Montana Child Care Act".

NEW SECTION. **Section 2.** Purpose. (1) The legislature
finds that the number of children living in homes where both
parents work or in homes with a single parent who works has
increased dramatically over the last decade.

(2) The legislature finds that the availability of
quality child care is critical to the self-sufficiency and
independence of Montana families, including the growing
number of mothers who have young children and who work out
of economic necessity.

(3) The legislature further finds that the number of
quality child-care arrangements falls far short of the
number required for children in need of child-care services.

(4) It is the intent of the legislature that the state
promote day care for the purposes of:

(a) improving the quality of, and coordination among, child-care programs and providing additional resources for child-care services;

(b) promoting the availability and diversity of quality child-care services for all children and families that need such services;

(c) providing assistance to families whose financial resources are not sufficient to enable them to pay the full costs of necessary child-care services;

(d) ensuring that parents are not forced by lack of available programs or financial resources to place a child in an unsafe or unhealthy child-care facility; and

(e) assisting people in finding and maintaining employment by lessening the stress related to the lack of adequate child care.

~~NEW SECTION. --Section 3. --Definitions. --As used in this part, the following definitions apply:~~

~~{1}--"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;~~

~~{2}--"low-income day-care support program" means a program that provides copayment of day-care costs according to a sliding scale formula for eligible low-income people;~~

~~{3}--"Transitional child-care program" means a program that pays the full day-care costs for people terminated from~~

~~the aid-to-families-with-dependent-children program (AFDC) or a public assistance grant because of employment but who continue to need child care;~~

NEW SECTION. Section 3. Lead agency - duties of department. (1) The department is designated as the lead agency for the purposes of planning, implementing, and coordinating programs under the Montana Child Care Act.

(2) The department shall:

(a) assess child-care needs and resources within the state;

(b) develop a state child-care plan after consultation with the local youth services advisory councils established under 52-1-203 and the child-care advisory council established in [section 5 4]; and

(c) coordinate child-care programs administered by the department and the departments of social and rehabilitation services, health and environmental sciences, and labor and industry.

(3) The department may:

(a) enter into interagency agreements to administer and coordinate child-care programs;

(b) accept any federal funds made available for the improvement or promotion of child-care services within the state;

(c) administer any state and federal funds that may be

1 appropriated for the purposes of the part.

2 **NEW SECTION. Section 4.** Child-care advisory council

3 -- **membership.** (1) The governor shall appoint a child-care
4 advisory council to assist the department in carrying out
5 the responsibilities under [sections 1 through ~~13~~ 12].

6 (2) The council is composed of not less than 10
7 members, including parents, child-care providers,
8 representatives of state agencies involved in child care,
9 and other persons interested in child care.

10 (3) The council shall:

11 (a) review and coordinate the statewide child-care
12 plan; and

13 (b) advise the department on all child-care matters.

14 **NEW SECTION. Section 5.** Resource and referral grant

15 programs. (1) There is a grant program established within
16 the department for the allocation of grant money to local
17 child-care resource and referral programs.

18 (2) The department may award grants to private
19 nonprofit organizations and public organizations that
20 demonstrate the ability to provide child-care resource and
21 referral services.

22 (3) To be eligible for a grant from the department as
23 a resource and referral agency for a local area, an
24 organization:

25 (a) shall maintain a data base of child-care services

1 in the community, including day-care facilities and
2 preschools, that the organization continually updates;

3 (b) shall include on the staff of the organization at
4 least one individual who has expertise in child development;

5 (c) shall have the capability to provide resource and
6 referral services in the local area;

7 (d) must be able to respond to requests for
8 information or assistance in a timely fashion;

9 (e) must be committed to providing services to all
10 segments of the general public;

11 (f) must be able to provide parents with a checklist
12 to identify quality child-care services;

13 (g) must be able to provide information on the
14 availability of child-care subsidies;

15 (h) shall maintain and make available to the public a
16 list NUMBER of all referrals made by the resource and
17 referral agency; and

18 (i) shall otherwise satisfy regulations promulgated by
19 the department pursuant to [sections 1 through ~~13~~ 12].

20 ~~NEW SECTION. Section 7. Low-income day-care support~~
21 ~~transitional child-care programs funding rules.~~
22 ~~(1) Within the limits of available funds, the department of~~
23 ~~social and rehabilitation services shall administer a~~
24 ~~low-income day-care support program and a transitional~~
25 ~~child-care program.~~

(2) The low-income day-care support program will provide payment on a sliding scale formula developed by the department of social and rehabilitation services based on an ability to pay for day-care costs for low-income families in need of day-care for purposes of employment or employment-related training. A low-income person does not have to be a current or former recipient of public assistance as a condition for eligibility for low-income day-care support.

(3) The transitional child-care program will provide payment for day-care for families that have ceased to receive AFBC because of employment.

(4) The department of social and rehabilitation services may:

(a) apply for and receive federal funds or other assistance that may be available for the programs established by this section;

(b) expend money appropriated or available for the purposes of this part; and

(c) adopt rules necessary to carry out the purposes of this part.

NEW SECTION. SECTION 6. CHILD-CARE ASSISTANCE. THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES SHALL PROVIDE NECESSARY CHILD-CARE ASSISTANCE, AS PROVIDED FOR IN SECTIONS 301 AND 302 OF THE FEDERAL FAMILY SUPPORT ACT OF

1988 [42 U.S.C. 602 (G)], FOR EACH INDIVIDUAL PARTICIPATING IN THE PROGRAM ESTABLISHED UNDER SECTION 201 OF THE FEDERAL FAMILY SUPPORT ACT OF 1988.

Section 7. Section 52-1-103, MCA, is amended to read:

"52-1-103. Powers and duties of department. The department shall:

(1) administer and supervise all forms of child and adult protective services;

(2) provide funding for and place youth alleged or adjudicated to be delinquent or in need of supervision who are referred or committed to the department;

(3) provide the following functions, as necessary, for youth in need of care:

(a) intake, investigation, case management, and client supervision;

(b) placement in youth care facilities;

(c) contracting for necessary services;

(d) protective services day care; and

(e) adoption;

(4) administer youth correctional facilities;

(5) provide supervision, care, and control of youth released from a state youth correctional facility;

(6) license youth care facilities, child placing agencies, day-care facilities, community homes for developmentally disabled persons, community homes for

1 physically disabled persons, and adult foster care
2 facilities;

3 (7) act as lead agency in implementing and
4 coordinating child-care programs and services under the
5 Montana Child Care Act;

6 †7†(8) administer interstate compacts for children and
7 delinquent youth;

8 †8†(9) (a) administer child abuse prevention services
9 funded through child abuse grants and the Montana children's
10 trust fund provided for in Title 41, chapter 3, part 7; and

11 (b) administer elder abuse prevention services;

12 †9†(10) (a) make a written evaluation of each plan
13 developed by the local youth services advisory councils, as
14 provided in 52-1-203, indicating those portions of each plan
15 that will be implemented by the department, those portions
16 that will not be implemented, and the reasons for not
17 implementing those portions;

18 (b) develop a statewide youth services and resources
19 plan that takes into consideration local needs as reflected
20 in plans developed by the local youth services advisory
21 councils;

22 †10†(11) administer services to the aged;

23 †11†(12) provide consultant services to:

24 (a) facilities providing care for needy, indigent,
25 handicapped, or dependent adults; and

1 (b) youth care facilities;

2 †12†(13) utilize at maximum efficiency the resources of
3 state government in a coordinated effort to:

4 (a) provide for children in need of temporary
5 protection or correctional services; and

6 (b) coordinate and apply the principles of modern
7 institutional administration to the institutions in the
8 department;

9 †13†(14) subject to the functions of the department of
10 administration, lease or purchase lands for use by
11 institutions in the department and classify those lands to
12 determine which are of such character as to be most
13 profitably used for agricultural purposes, taking into
14 consideration:

15 (a) the needs of all institutions in the department
16 for the food products that can be grown or produced on the
17 lands; and

18 (b) the relative value of agricultural programs in the
19 treatment or rehabilitation of the persons confined in the
20 institutions in the department;

21 †14†(15) utilize the staff and services of other state
22 agencies and units of the Montana university system, within
23 their respective statutory functions, to carry out its
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25 †15†(16) propose programs with specific goals and

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~~{16}~~(17) contract, as necessary, with the county board of welfare for administration of child and adult protection services for that county; and

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certificate issued by the department in accordance with the

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that the certificate holder has, in writing, certified to
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(b) operate a family day-care home or group day-care
home without first procuring a family day-care or group
day-care registration certificate from the department.

(2) The license and registration certificate shall set

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2 parental day care may be provided.

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4 the manner provided for in department regulations in the
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6 or registration certificate.

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9 maintained.

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13 license or registration certificate under the provisions of
14 this part.

15 (3) The department must visit and inspect at least ~~15%~~
16 20% of all registered family day-care homes and group
17 day-care homes in each of the governor's planning regions
18 annually.

19 (4) The department shall make annual unannounced
20 visits to day-care centers.

21 ~~(4)(5)~~ Upon request of the department, the department
22 of health and environmental sciences or the state fire
23 marshal or his designee shall inspect any day care facility
24 for which a license or registration certificate is applied
25 for or issued and shall report its findings to the

1 department.

2 (5)(6) Upon request, the department shall give
3 consultation to every licensee and registrant who desires to
4 upgrade the services of his program.

5 (7) Nothing in this section may be construed to
6 require the department to conduct an inspection of each
7 day-care facility applying for a registration certificate
8 under the provisions of this part."

9 **Section 12.** Section 53-4-515, MCA, is amended to read:

10 "53-4-515. **Penalty -- remedies.** (1) A person, group of
11 persons, or corporation who establishes or maintains a
12 day-care center facility or assists in conducting or
13 maintaining a day-care center facility without first
14 obtaining a license or registration certificate from the
15 department as provided for in this part is guilty of a
16 misdemeanor and upon conviction is punishable by a fine not
17 to exceed \$500.

18 (2) (a) If the department is advised or has reason to
19 believe that a person, group of persons, or corporation is
20 operating a day-care facility without a license or
21 registration certificate, it shall make an investigation to
22 ascertain the facts. If the department finds that the
23 day-care facility is being or has been operated without a
24 license or registration certificate, it may report the
25 results of its investigation to the attorney general or the

1 county attorney of the county where the day-care facility is
2 being operated for prosecution and request that an
3 injunction be issued against the facility until a license or
4 certificate is issued.

5 (b) The department may institute any action necessary
6 to enforce compliance with this part or any order or rule of
7 the department under this part or to obtain a judicial
8 interpretation of any of the foregoing.

9 (c) The department may, by its own attorney or
10 counsel, any county attorney, or the attorney general,
11 initiate an action in the district court of the appropriate
12 county and be represented by such representative on appeal
13 to the supreme court of Montana."

14 ~~NEW SECTION. --Section 14. --Repealer. --Sections 39-7-601~~
15 ~~through 39-7-607, MCA, are repealed.~~

16 ~~NEW SECTION. Section 13. Appropriation. There is~~
17 ~~appropriated from the general fund to the department of~~
18 ~~family services \$120,000 for the biennium to carry out the~~
19 ~~purposes of [section 6 5]. There is appropriated from the~~
20 ~~general fund to the department of social and rehabilitation~~
21 ~~services \$853,000 for the biennium to carry out the purposes~~
22 ~~of [section 7].~~

23 ~~NEW SECTION. Section 14. Extension of authority. Any~~
24 ~~existing authority to make rules on the subject of the~~
25 ~~provisions of [this act] is extended to the provisions of~~

1 [this act].

2 NEW SECTION. Section 15. Codification instruction.

3 [Sections 1 through 7 6] are intended to be codified as an
4 integral part of Title 53, chapter 4, part 5, and the
5 provisions of Title 53, chapter 4, part 5, apply to
6 [sections 1 through 7 6].

7 NEW SECTION. SECTION 16. SEVERABILITY. IF A PART OF

8 [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE

9 FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS

10 ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART

11 REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE

12 SEVERABLE FROM THE INVALID APPLICATIONS.

13 NEW SECTION. Section 17. Effective dates DATE. (1)

14 [Sections 1 through 6 5 and this section] are effective on
15 passage and approval.

16 (2)--{Section-7}-is-effective-April-17-1990:

17 NEW SECTION. SECTION 18. TERMINATION DATE. [SECTION

18 5] TERMINATES JUNE 30, 1991.

-End-