

HOUSE BILL NO. 118

INTRODUCED BY COCCHIARELLA
BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

IN THE HOUSE

JANUARY 7, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
	FIRST READING.
JANUARY 27, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 28, 1993	PRINTING REPORT.
JANUARY 29, 1993	SECOND READING, DO PASS AS AMENDED.
JANUARY 30, 1993	ENGROSSING REPORT.
FEBRUARY 1, 1993	THIRD READING, PASSED. AYES, 88; NOES, 11.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 3, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.
	FIRST READING.
MARCH 23, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 25, 1993	SECOND READING, CONCURRED IN.
MARCH 26, 1993	THIRD READING, CONCURRED IN. AYES, 46; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 27, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 118
2 INTRODUCED BY Cocchiarella
3 BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA
6 CHILD CARE ACT; INCLUDING A FACILITY PROVIDING DAY CARE FOR
7 SICK CHILDREN IN THE DEFINITION OF DAY-CARE FACILITY;
8 REQUIRING A FACILITY PROVIDING CARE IN A CHILD'S HOME AND A
9 PERSON PROVIDING CARE TO CHILDREN RELATED TO THE PERSON TO
10 REGISTER AS A DAY-CARE FACILITY IN ORDER TO RECEIVE STATE
11 PAYMENTS; AND AMENDING SECTION 52-2-703, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 52-2-703, MCA, is amended to read:

15 "52-2-703. Definitions. In this part, the following
16 definitions apply:

17 (1) "Child" means a person under 13 years of age.

18 (2) "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 (3) "Day-care center" means a an out-of-home place in
22 which day care is provided to 13 or more children on a
23 regular basis.

24 (4) "Day-care facility" means a person, association, or
25 place, incorporated or unincorporated, that provides day

1 care on a regular basis or that provides day care on an
2 irregular basis for children suffering from illness. It
3 includes a family day-care home, a day-care center, or a
4 group day-care home, or a facility providing care in a
5 child's home for the purpose of meeting registration
6 requirements for the receipt of payments as provided in
7 52-2-713. The term does not include:

8 (a) a person who limits care to children who are
9 related to him the person by blood or marriage or under his
10 the person's legal guardianship, unless registration or
11 licensure as a day-care facility is required to receive
12 payments as provided in 52-2-713; or

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

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

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

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

24 (8) "License" means a written document issued by the
25 department that the license holder has complied with this

1 part and the applicable standards and rules for day-care
2 centers.

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

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

9 (11) "Registration" means the process whereby the
10 department maintains a record of all family day-care homes
11 and group day-care homes, prescribes standards, promulgates
12 rules, and requires the operator of a family day-care home
13 or a group day-care home to certify that he has complied
14 compliance with the prescribed standards and promulgated
15 rules.

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

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

25 (14) (a) "Related by blood or marriage" means the status

1 of a child who is the son, daughter, brother, sister, first
2 cousin, nephew, niece, or grandchild of a person providing
3 child care.

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

-End-

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

HOUSE BILL NO. 118

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA CHILD CARE ACT; DEFINING "DAY CARE" TO EXCLUDE CARE PROVIDED BY A PARENT OR OTHER PERSON LIVING WITH THE CHILD AS A PARENT; INCLUDING A FACILITY PROVIDING DAY CARE FOR SICK CHILDREN IN THE DEFINITION OF DAY-CARE FACILITY; REQUIRING A FACILITY PROVIDING CARE IN A CHILD'S HOME AND A PERSON PROVIDING CARE TO CHILDREN RELATED TO THE PERSON TO REGISTER AS A DAY-CARE FACILITY IN ORDER TO RECEIVE STATE PAYMENTS; ALLOWING A FAMILY DAY-CARE HOME TO PROVIDE CARE FOR CHILDREN FROM THE SAME FAMILY; AND AMENDING SECTION 52-2-703, MCA."

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

Section 1. Section 52-2-703, MCA, is amended to read:

"52-2-703. Definitions. In this part, the following definitions apply:

(1) "Child" means a person under 13 years of age.

(2) "Day care" or "child care" means less-than-24-hour out-of-home care for children PROVIDED BY AN ADULT, OTHER THAN A PARENT OF THE CHILDREN OR OTHER PERSON LIVING WITH THE CHILDREN AS A PARENT, ON A REGULAR BASIS FOR DAILY PERIODS OF LESS THAN 24 HOURS, whether that care is for

daytime or nighttime hours.

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

(4) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that provides day care on a regular basis or that provides day care on an irregular basis for children suffering from illness. It includes a family day-care home, a day-care center, or a group day-care home, or a facility providing care in a child's home for the purpose of meeting registration requirements for the receipt of payments as provided in 52-2-713. The term does not include:

(a) a person who limits care to children who are related to him the person by blood or marriage or under his the person's legal guardianship, unless registration or licensure as a day-care facility is required to receive payments as provided in 52-2-713; or

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

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

(6) "Family day-care home" means a private residence in which day care is provided to three to six children from

1 separate-families on a regular basis.

2 (7) "Group day-care home" means a private residence or
3 place OTHER STRUCTURE in which day care is provided to 7 to
4 12 children on a regular basis.

5 (8) "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 (9) "Licensee" means the holder of a license issued by
10 the department in accordance with the provisions of this
11 part.

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

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