

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1992

BY: DAVIS, MONKS, POPE,  
COLEMAN, GREENWOOD and  
MADDUX (Elmer) of the  
HOUSE

and

HENDRICK of the SENATE

COMMITTEE SUBSTITUTE AN ACT RELATING TO CHILDREN; AMENDING 10 O.S.  
1991, SECTION 402, WHICH RELATES TO CHILD CARE FACILITIES; MODIFYING  
DEFINITIONS; PROVIDING FOR DETERMINATION OF NUMBER OF CHILDREN IN A  
FAMILY DAY CARE HOME; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 402, is  
amended to read as follows:

Section 402. As used in this act:

1. "Child" or "minor" means any person who has not attained the  
age of eighteen (18) ~~+~~;

2. "Child care facility" means any public or private  
institution, child placing agency, foster family home, group home,  
day care center, or family day care home, providing either full-time  
or part-time care for children away from their own homes, and which

is owned or controlled by a political subdivision, a corporation, an unincorporated organization or association, or an individual;

3. "Child placing agency" means a child welfare agency licensed to place children in foster family homes, group homes or adoptive homes;

4. "Full-time care" means continuous care given to a child beyond a minimum period of twenty-four (24) hours. ~~A "foster~~;

5. "Foster family home" ~~is~~ means a family home, other than the home of the parent, stepparent, grandparent, brother, sister, uncle, or aunt, which provides full-time care for five or ~~less~~ fewer children; ~~and all other such~~

6. "Group homes" means homes providing full-time care for more than five children ~~shall be considered as "group homes". The term~~ "day;

7. "Day care" ~~as used in this act shall mean~~ means the provision of care and supervision of a child who resides in its own home or with relatives but is in the care of another person, for part of the day, who is conducting a family day care home, or persons conducting a day care center. ~~A "family~~;

8. "Family day care home" means a licensed or approved family home which provides care and protection for ~~five~~ seven or ~~less~~ fewer children for part of the twenty-four-hour day. ~~A "day~~;

9. "Day care center" means a licensed or approved facility which provides care and protection ~~of six~~ for eight or more children for a part of the twenty-four-hour day. ~~These definitions of family day care home and do~~ The term "day care center" shall not include:

- a. informal arrangements which parents make independently with neighbors, friends, and others,
- b. caretakers in the child's own home, and ~~do not include~~
- c. nursery schools, kindergartens, or other facilities ~~of~~ which the purpose of which is primarily educational, recreational, or medical treatment.

~~5.~~ 10. "Department" means the Department of Human Services-~~i~~

~~6.~~ 11. "Commission" means the Oklahoma Public Welfare Commission, the policy-making and general supervisory body of the Department-; and

~~7.~~ 12. "Division" means the division of the Department of Human Services of the State of Oklahoma assigned responsibilities pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, Section 401 et seq. of this title.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-2086

RH