

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2411

BY: GRAVES

AS INTRODUCED

AN ACT RELATING TO CHILDREN; AMENDING 10 O.S. 1991, SECTIONS 402 AND 403, WHICH RELATE TO CHILD CARE FACILITIES; MODIFYING DEFINITIONS; MAKING ACT NOT APPLY TO GRADED BOARDED SCHOOLS; AND PROVIDING AN EFFECTIVE DATE.

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 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 family home" is a family home other than the parent, stepparent, grandparent, brother, sister, uncle, or aunt, which provides full-time care for five or less children; and all other such homes providing full-time care for more than five children shall be considered as "group homes". The term "day care" as used in this act shall mean 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 day care home" means a licensed or approved family home which provides care and protection for five or less children for part of the twenty-four-hour day. A "day care center" means a licensed or approved facility which provides care and protection of six or more children for a part of the twenty-four-hour day. These definitions of family day care home and day care center do not include informal arrangements which parents make independently with neighbors, friends, and others, caretakers in the child's own home, and do not include nursery schools, kindergartens, any graded boarding school or other facilities of which the purpose is primarily educational, recreational, or medical treatment.

5. "Department" means the Department of Human Services.

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

7. "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 2. AMENDATORY 10 O.S. 1991, Section 403, is amended to read as follows:

Section 403. (a) The provisions of this act shall not apply to licensed hospitals, maternity homes, ~~to~~ graded boarding schools, schools under the supervision of the Department of Education, or the home of a child maintained by his parent, stepparent, grandparent, brother, sister, uncle or aunt.

(b) The provisions of this act shall be equally incumbent upon all private and public child care facilities. Provided, that any institution furnishing full-time care for children for ten (10) years prior to the effective date of this act shall, upon written notification to the Department, be exempted from the provisions of this act, if it is not receiving any state or federal funds for furnishing food, clothing, shelter, or upkeep for such children; and provided, further, that any institution being operated by a war veterans' organization and furnishing full-time care for children on the effective date of this act shall be exempted from the provisions of this act, regardless of whether it is receiving state or federal funds.

SECTION 3. This act shall become effective September 1, 1992.

43-2-7682

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