

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 383

BY: TAYLOR

AS INTRODUCED

AN ACT RELATING TO CHILDREN; AMENDING 10 O.S. 1981, SECTIONS 402, AS AMENDED BY SECTION 2, CHAPTER 263, O.S.L. 1986 AND 405 (10 O.S. SUPP. 1990, SECTION 402), WHICH RELATE TO THE OKLAHOMA CHILD CARE FACILITIES LICENSING ACT; EXEMPTING CERTAIN DAY CARE FACILITIES FROM THE LICENSING REQUIREMENTS OF THE ACT; MODIFYING CERTAIN DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 10 O.S. 1981, Section 402, as amended by Section 2, Chapter 263, O.S.L. 1986 (10 O.S. Supp. 1990, Section 402), is amended to read as follows:

Section 402. As used in ~~this act~~ Section 401 et seq. of this title:

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~~ three or less children; and all other such homes providing full-time care for more than ~~five~~ three 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~~ three 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~~ four 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, 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 401 et seq. of this title.

SECTION 2. AMENDATORY 10 O.S. 1981, Section 405, is amended to read as follows:

Section 405. (a) ~~No~~ Except for family day care homes, no child care facility may be operated or maintained after June 30, 1964, unless licensed by the Department; provided, that the Department shall not be required to be licensed, but shall be bound by the standards it prescribes. No new child care facility may be established without the prior approval of the Department which shall be granted only after the Department is satisfied that such facility will meet known needs for the services proposed to be provided and that the facility will meet minimum standards for a license to operate. The incorporation or domestication of a corporation organized for the purpose of operating a child care facility shall not exempt such corporation from compliance with the provisions of this act.

(b) An application for a license shall be made on terms provided by the Department and in the manner prescribed. Before issuing such license, the Department shall investigate the activities and standards of care of the applicant and if satisfied that the applicant meets the requirements as provided in this act, a license shall be issued. A provisional license may be issued to any applicant whose services are needed but which is temporarily unable to conform to all the rules and regulations of said Department, as provided in Section ~~4 hereof~~ 404 of this title. All licenses shall be in force for one (1) year from date of issuance unless revoked as authorized by Section ~~& 408~~ of this act title, and shall be reissued annually on application, except that a provisional license may be in force for not more than one (1) year, unless such emergency exists as, in the discretion of the Department, necessitates an extension thereof.

SECTION 3. This act shall become effective September 1, 1991.

43-1-434

BPR