

ENROLLED SENATE
BILL NO. 493

By: Monson of the Senate

and

Seikel of the House

An Act relating to children; amending 10 O.S. 1991, Section 402, as last amended by Section 15, Chapter 414, O.S.L. 1998 and 403, as last amended by Section 3, Chapter 386, O.S.L. 1998 (10 O.S. Supp. 1998, Sections 402 and 403), which relate to child care facilities licensing; clarifying, modifying and adding definitions; expanding list of exempted entities; clarifying and updating language; 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, as last amended by Section 15, Chapter 414, O.S.L. 1998 (10 O.S. Supp. 1998, Section 402), is amended to read as follows:

Section 402. As used in the Oklahoma Child Care Facilities Licensing Act:

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

2. "Child care facility" means any public or private residential facility, child placing agency, foster family home, group home, ~~day~~ child care center, part-day child care program, ~~or~~ family ~~day~~ child care home, or large family child 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;

5. "Foster family home" means ~~a family home, other than the home of a parent, stepparent, grandparent, brother, sister, uncle, or aunt, which provides full-time care for five or fewer children~~ the private residence of a family which provides foster care

services to a child, and includes a specialized foster home, a therapeutic foster family home, or a kinship care home;

6. "Foster parent eligibility assessment" includes a criminal background investigation, including, but not limited to, a national criminal history records search based upon the submission of fingerprints, a home assessments assessment, and any other assessment required by the Department of Human Services, the Department of Juvenile Justice, or any child-placing agency pursuant to the provisions of the Oklahoma Foster Care and Out-of-Home Placement Act. A foster parent eligibility assessment shall be similar to the procedures used by the ~~Oklahoma~~ Department of Public Safety for determining suitability of an individual for employment as a highway patrol officer;

7. "Group ~~homes~~ home" means ~~homes~~ a home providing full-time care and community-based services for more than five, ~~children~~ but ~~less~~ fewer than thirteen children;

8. "~~Day care~~" 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;~~

9. "Family ~~day~~ child care home" means a ~~licensed or approved~~ family home which provides care and ~~protection~~ supervision for seven or fewer children for part of the twenty-four-hour day. The term "family ~~day~~ child care home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home;

9. "Large family child care home" means a residential family home which provides care and supervision for eight to twelve children for part of the twenty-four-hour day;

10. "Day Child care center" means a ~~licensed or approved~~ facility which provides care and supervision for ~~eight or more~~ children and which operates for more than thirty (30) hours per week. The term "~~day~~ child care center" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home;

11. "Part-day child care program" means a ~~licensed~~ facility ~~which that~~ provides care and supervision for ~~eight or more~~ children and ~~which that~~ operates for more than fifteen (15) ~~but less than~~ and up to thirty (30) hours per week;

12. "Department" means the Department of Human Services;

13. "Commission" means the Commission for Human Services, the policy-making and general supervisory body of the Department; and

14. "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, as last amended by Section 3, Chapter 386, O.S.L. 1998 (10 O.S. Supp. 1998, Section 403), is amended to read as follows:

Section 403. A. The provisions of the Oklahoma Child Care Facilities Licensing Act shall not apply to:

1. Care provided in ~~the~~ a child's own home or by relatives;
2. Informal arrangements which parents make with friends or neighbors for the occasional care of their children;
3. Programs in which school-aged children are participating in home-schooling;
4. Programs operated during typical school hours by a public school district;
5. Programs operated during typical school hours by a private school that offers elementary education in grades kindergarten through third grade;
6. Summer youth camps for children at least five (5) years of age that are accredited by the American Camping Association or other national standard-setting agency or church camp accreditation program;
7. Programs in which children attend on a drop-in basis and parents are on the premises and readily accessible;
8. A program of specialized activity or instruction for children that is not designed or intended for child care purposes including, but not limited to, scouts, 4-H clubs and summer resident youth camps, and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;
9. Nursery schools, kindergartens or other facilities ~~whose purpose is~~ the purposes of which are primarily educational, recreational or medical, and which that operate part-day child care programs which provide care and supervision for eight (8) or more children for fifteen (15) or ~~less~~ fewer hours per week;
10. Facilities whose primary purpose is medical treatment; ~~or~~
11. Day treatment programs and maternity homes operated by a licensed hospital; or
12. Juvenile facilities certified by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities.

B. 1. The provisions of the Oklahoma Child Care Facilities Licensing Act, shall be equally incumbent upon all private and public child care facilities.

2. Any institution furnishing full-time care for children for ten (10) years prior to ~~the effective date of this act~~ May 23, 1963, shall, upon written notification to the Department of Human Services, be ~~exempted~~ exempt from the provisions of the Oklahoma Child Care Facilities Licensing Act, if it is not receiving any state or federal funds for furnishing food, clothing, shelter, or upkeep for such children.

3. Any institution being operated by a war veterans' organization and furnishing full-time care for children ~~on the effective date of this act~~ as of May 23, 1963, shall be ~~exempted~~ exempt from the provisions of the Oklahoma Child Care Facilities Licensing Act, regardless of whether it is receiving state or federal funds.

SECTION 3. This act shall become effective November 1, 1999.

Passed the Senate the 18th day of May, 1999.

President of the Senate

Passed the House of Representatives the 19th day of May, 1999.

Speaker of the House of Representatives