

HOUSE BILL NO. 556

INTRODUCED BY J. CARLSON, E. BUTTREY, S. FITZPATRICK, G. HERTZ, D. LENZ, L. SHELDON-GALLOWAY, D. BARTEL, C. KNUDSEN, S. VINTON, J. SMALL, M. HOPKINS, J. ELLSWORTH, N. DURAM, K. BOGNER, J. KASSMIER, T. MOORE, B. LER, A. REGIER, S. GIST, J. SCHILLINGER, G. FRAZER, M. BINKLEY, C. FRIEDEL, N. NICOL, L. DEMING, P. TUSS, W. RUSK, L. HELLEGAARD, E. BUTCHER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING DAY CARE LAWS; REVISING THE DEFINITIONS OF "DAY-CARE FACILITY" AND "FAMILY DAY-CARE HOME" TO EXCLUDE A PRIVATE RESIDENCE IN WHICH CARE IS PROVIDED FOR EIGHT OR FEWER CHILDREN AND IN WHICH CERTAIN PAYMENTS ARE NOT RECEIVED; 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 or a person with special needs, as defined by the department, who is under 18 years of age or is 18 years of age and a full-time student expected to complete an educational program by 19 years of age.

(2) "Day care" or "child care" means 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 or irregular basis, as applicable, for daily periods of less than 24 hours, whether that care is for daytime or nighttime hours.

(3) (a) "Day-care center" means an out-of-home place in which day care is provided to 16 or more children on a regular or irregular basis.

(b) The term does not include a place where day care is provided if a parent of a child for whom day care is provided remains on the premises.

(4) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that provides day care on a regular basis or a place licensed or registered to provide day care on an irregular basis, as provided for in subsection (3)(a), or for children suffering from illness. The term includes a family day-care

1 home, a day-care center, a group day-care home, or a facility providing care in a child's home for the purpose
2 of meeting registration requirements for the receipt of payments as provided in 52-2-713. The term does not
3 include:

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

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

9 (c) a private residence in which day care is provided for eight or fewer children unless registration
10 is required to receive payments as provided in 52-2-713.

11 (5) "Department" means the department of public health and human services provided for in 2-15-
12 2201.

13 (6) (a) "Family day-care home" means a private residence in which day care is provided to three to
14 eight children on a regular basis.

15 (b) The term does not include a private residence in which day care is provided for eight or fewer
16 children unless registration as a family day-care home is required to receive payments as provided in 52-2-713.

17 (7) "Group day-care home" means a private residence or other structure in which day care is
18 provided to 9 to 15 children on a regular basis.

19 (8) "License" means a written document issued by the department that the license holder has
20 complied with this part and the applicable standards and rules for day-care centers.

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

23 (10) "Professional training" means training for early childhood or school-age care providers that is
24 recognized as professional development by a national education or certification organization or by a higher
25 education institution.

26 (11) "Registrant" means the holder of a registration certificate issued by the department in
27 accordance with the provisions of this part.

28 (12) "Registration" means the process whereby the department maintains a record of all family day-

1 care homes and group day-care homes, prescribes standards, promulgates rules, and requires the operator of
2 a family day-care home or a group day-care home to certify compliance with the prescribed standards and
3 promulgated rules.

4 (13) "Registration certificate" means a written instrument issued by the department to publicly
5 document that the certificate holder has, in writing, certified to the department compliance with this part and the
6 applicable standards for family day-care homes and group day-care homes.

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

9 (15) (a) "Related by blood or marriage" means the status of a child who is the son, daughter,
10 brother, sister, first cousin, nephew, niece, or grandchild of a person providing child care.

11 (b) The term includes the status of a child described in subsection (15)(a) in a step or adoptive
12 relationship.

13 (16) "School age" means a person who is at least 5 years of age and who is younger than 13 years
14 of age or a person with special needs, as defined by the department, who is under 18 years of age or is 18
15 years of age and a full-time student expected to complete an educational program by 19 years of age.

16 (17) "School-age care" means an adult-supervised program that is provided for school-age children
17 during nonschool hours."

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