

1 HB450  
2 111798-2  
3 By Representative Hall  
4 RFD: Government Operations  
5 First Read: 26-JAN-10

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, a person, a group of  
9 persons, or a corporation who or which receives  
10 children or arranges for care or placement of one  
11 or more children unrelated to the operator must  
12 apply to the Department of Human Resources for a  
13 license or for approval to operate one of the  
14 defined types of child-care facilities.

15 This bill would include "drop-in child care  
16 centers" as one of the defined types of child-care  
17 facilities that an operator must apply to the  
18 Department of Human Resources for licensure or for  
19 approval to operate.  
20

21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 To amend Section 38-7-2 of the Code of Alabama 1975,  
26 relating to defined types of child-care facilities for  
27 licensure or approval to operate; to define "drop-in child

1 care centers" that an operator must apply to the Department of  
2 Human Resources for licensure or for approval to operate.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 38-7-2 of the Code of Alabama  
5 1975, is amended to read as follows:

6 "§38-7-2.

7 "Terms used in this chapter, unless the context  
8 otherwise requires, have the meanings ascribed to them in this  
9 section. When not inconsistent with the context, words used in  
10 the present tense include the future, words in the singular  
11 number include the plural number, and words in the plural  
12 number include the singular number, and the word "shall" is  
13 always mandatory and not merely directory:

14 "(1) CHILD. Any person under 19 years of age, a  
15 person under the continuing jurisdiction of the juvenile court  
16 pursuant to Section 12-15-32, or a person under 21 years of  
17 age in foster care as defined by the Department of Human  
18 Resources.

19 "(2) CHILD-CARE INSTITUTION or INSTITUTION FOR CHILD  
20 CARE. A child-care facility where more than 10 children are  
21 received and maintained for the purpose of providing them with  
22 care or training or both, or transitional living program  
23 services, but does not include:

24 "a. Any institution for child care which is under  
25 the ownership or control, or both, of the State of Alabama, or  
26 which is operated or certified or licensed by another agency  
27 or department of the State of Alabama;

1            "b. Any juvenile detention home established and  
2 operated by the State of Alabama;

3            "c. Any bona fide boarding school in which children  
4 are primarily taught branches of education corresponding to  
5 those taught in public schools, grades 1 through 12, or taught  
6 in public elementary schools, high schools, or both elementary  
7 and high schools.

8            "(3) CHILD-PLACING AGENCY. A public or private  
9 child-care facility which receives, places, or arranges for  
10 the placement of any child or children in adoptive or foster  
11 family homes or other facilities for child care apart from the  
12 custody of the child's or children's parents. The term  
13 "child-placing agency" includes, but is not limited to, all  
14 agencies established and maintained by a municipality or other  
15 political subdivision of the State of Alabama to protect,  
16 guard, train, or care for children outside their own homes,  
17 but does not include any circuit court or juvenile court or  
18 any duly appointed juvenile probation officer or youth  
19 counselor of the court who receives and places children under  
20 an order of the court.

21            "(4) DAY CARE CENTER. Any child-care facility  
22 receiving more than 12 children for daytime care during all or  
23 part of a day. The term "day care center" includes, but is not  
24 limited to, facilities commonly called "child-care centers,"  
25 "day nurseries," "nursery schools," "kindergartens," and "play  
26 groups," with or without stated educational purposes. The term  
27 further includes, but is not limited to, kindergarten or

1 nursery schools or other daytime programs operated as a part  
2 of a private school and receiving children younger than lawful  
3 school age for daytime care for more than four hours a day,  
4 with or without stated educational purposes. The term does not  
5 include any of the following:

6 "a. Kindergartens or nursery schools or other  
7 daytime programs operated by public elementary systems or  
8 secondary level school units or institutions of higher  
9 learning.

10 "b. Kindergartens or nursery schools or other  
11 daytime programs, with or without stated educational purposes,  
12 operating no more than four hours a day and receiving children  
13 younger than lawful school age.

14 "c. Kindergartens or nursery schools or other  
15 daytime programs operated as a part of a private school and  
16 receiving children younger than lawful school age for four  
17 hours a day or less, with or without stated educational  
18 purposes.

19 "d. Facilities operated for more than four hours a  
20 day in connection with a shopping center or service or other  
21 similar facility, where transient children are cared for  
22 temporarily while parents or custodians of the children are  
23 occupied on the premises or are in the immediate vicinity and  
24 readily available. The facilities shall meet local and state  
25 fire and health requirements.

26 "e. Any type of day care center that is conducted on  
27 federal government premises.

1 "f. Special activities programs for children of  
2 lawful school age including, but not limited to, athletics,  
3 crafts instruction and similar activities conducted on an  
4 organized and periodic basis by civic, charitable, and  
5 governmental organizations provided local and state fire and  
6 health requirements are met.

7 "g. Drop-in child care centers as defined in  
8 subdivision (7).

9 "(5) DAY CARE HOME. A child-care facility which is a  
10 family home and which receives not more than six children for  
11 care during the day.

12 "(6) DEPARTMENT. The Department of Human Resources  
13 of the State of Alabama.

14 "(7) DROP-IN CHILD CARE CENTER. A place or facility  
15 operated by any person or entity providing child care, at the  
16 same time, for 12 or more children, who are not related to the  
17 primary caregiver, for short periods of time, not to exceed 14  
18 hours per week and for not more than seven hours per day for  
19 any individual child during regular working hours,  
20 Monday-Friday 6:00 a.m. to 6:00 p.m. A drop-in child care  
21 center may provide such child care during evenings after 6:00  
22 p.m. and weekends, Friday, 6:00 p.m. - Sunday, 10:00 p.m., so  
23 long as the drop-in child care center provides no more than a  
24 total of 20 hours per week, exclusive of weather days, defined  
25 as days when the school of the affected child is closed. A  
26 drop-in child care center may provide such care during weather  
27 days; provided, however, that notwithstanding any other

1 requirements of this chapter, training requirements for the  
2 staff of this class of child care facility shall be limited to  
3 basic health and safety precautions and the detection and  
4 reporting of child abuse and neglect for children in care. A  
5 drop-in child care center operated by not-for-profit  
6 organizations that provide child care for no more than two  
7 hours per day with a maximum of 10 hours per week without  
8 compensation, while the parent or other custodian is engaged  
9 in short-term activities on the premises of the organization,  
10 shall not be deemed to be a drop-in child care center or  
11 regulated as a drop-in child care center. The Department of  
12 Human Resources shall promulgate rules pursuant to the  
13 Administrative Procedure Act to implement minimum standards  
14 for drop-in child care centers.

15 ~~"(7)~~ (8) FACILITY FOR CHILD CARE or CHILD-CARE  
16 FACILITY. A facility established by any person, group of  
17 persons, agency, association, or organization, whether  
18 established for gain or otherwise, who or which receives or  
19 arranges for care or placement of one or more children,  
20 unrelated to the operator of the facility, apart from the  
21 parents, with or without the transfer of the right of custody,  
22 in any facility as defined in this chapter, established and  
23 maintained for the care of children.

24 ~~"(8)~~ (9) FOSTER FAMILY HOME. A child-care facility  
25 in a residence of a family where the family receives a child  
26 or children, unrelated to that family, for the purpose of  
27 providing family care or therapeutic family care and training,

1 or transitional living program services on a full-time basis.  
2 The types of foster family homes are defined as follows:

3 "a. Boarding home. A foster family home wherein the  
4 foster family receives a child or children and receives  
5 payment for their care. The number of children so received  
6 shall not exceed six, unless the children are of common  
7 parentage.

8 "b. Free home. A foster home which does not receive  
9 payment for the care of a child or children and which may or  
10 may not receive the child or children for the purpose of  
11 adoption.

12 "~~(9)~~ (10) GROUP DAY CARE HOME. A child-care facility  
13 which is a family home and which receives at least seven but  
14 no more than 12 children for care during part of the day where  
15 there are at least two adults present and supervising the  
16 activities.

17 "~~(10)~~ (11) GROUP HOME. A child-care facility where  
18 at least seven but not more than 10 children are received and  
19 maintained for the purpose of providing them with care or  
20 training or both, or transitional living program services.

21 "~~(11)~~ (12) MATERNITY CENTER. A facility in which any  
22 person, agency, or corporation receives or cares for one or  
23 more minor pregnant girls, except that the term does not  
24 include hospitals.

25 "~~(12)~~ (13) NIGHT CARE FACILITY. A child-care  
26 facility which is a center or a family home receiving a child



1 or children for care during the night. A "night care facility"  
2 is further defined as follows:

3 "a. Nighttime center. A facility which is  
4 established to receive more than 12 children for nighttime  
5 care.

6 "b. Nighttime home. A family home which receives no  
7 more than six children for nighttime care.

8 "c. Group nighttime home. A child-care facility  
9 which is a family home which receives at least seven but no  
10 more than 12 children for nighttime care and where there are  
11 at least two adults present and supervising the activities.

12 "~~(13)~~ (14) RELATED. Any of the following  
13 relationships by blood, marriage, or adoption: Parent,  
14 grandparent, brother, sister, stepparent, stepbrother,  
15 stepsister, half brother, half sister, uncle or aunt, and  
16 their spouses.

17 "~~(14)~~ (15) TRANSITIONAL LIVING FACILITY. A  
18 child-care facility or program that is designed to give  
19 opportunities to practice independent living skills to  
20 eligible persons at least 16 years of age and under 21 years  
21 of age in foster care in a variety of residential settings  
22 with varying degrees of care and supervision."

23 Section 2. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.