

1 HB324
2 209597-5
3 By Representative Lee
4 RFD: Children and Senior Advocacy
5 First Read: 04-FEB-21

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ENROLLED, An Act,

Related to foster homes; to amend Section 38-7-2, Code of Alabama 1975; to expand the defined types of foster family homes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§38-7-2.

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

"(1) CHILD. Any person under 19 years of age, a person under the continuing jurisdiction of the juvenile court pursuant to Section 12-15-117, or a person under 21 years of age in foster care as defined by the Department of Human Resources.

"(2) CHILD-CARE INSTITUTION or INSTITUTION FOR CHILD CARE. A child-care facility where more than 10 children are received and maintained for the purpose of providing them with

1 care or training or both, or transitional living program
2 services, but does not include:

3 "a. Any institution for child care which is under
4 the ownership or control, or both, of the State of Alabama, or
5 which is operated or certified or licensed by another agency
6 or department of the State of Alabama;

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

9 "c. Any bona fide boarding school in which children
10 are primarily taught branches of education corresponding to
11 those taught in public schools, grades 1 through 12, or taught
12 in public elementary schools, high schools, or both elementary
13 and high schools.

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

1 "(4) DAY CARE CENTER. Any child-care facility
2 receiving more than 12 children for daytime care during all or
3 part of a day. The term includes, but is not limited to,
4 facilities commonly called "child-care centers," "day
5 nurseries," "nursery schools," "pre-kindergartens,"
6 "preschools," "kindergartens," and "play groups," with or
7 without stated educational purposes. The term further
8 includes, but is not limited to, pre-kindergarten, preschool,
9 kindergarten, or nursery schools or other daytime programs
10 operated as a part of a private school and receiving children
11 younger than lawful school age for daytime care for more than
12 four hours a day, with or without stated educational purposes.
13 The term does not include any of the following:

14 "a. Kindergartens or nursery schools or other
15 daytime programs operated by public elementary systems or
16 secondary level school units or institutions of higher
17 learning.

18 "b. Kindergartens or nursery schools or other
19 daytime programs, with or without stated educational purposes,
20 operating no more than four hours a day and receiving children
21 younger than lawful school age.

22 "c. Kindergartens or nursery schools or other
23 daytime programs operated as a part of a private school and
24 receiving children younger than lawful school age for four

1 hours a day or less, with or without stated educational
2 purposes.

3 "d. Facilities operated for more than four hours a
4 day in connection with a shopping center or service or other
5 similar facility, where transient children are cared for
6 temporarily while parents or custodians of the children are
7 occupied on the premises or are in the immediate vicinity and
8 readily available. The facilities shall meet local and state
9 fire and health requirements.

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

12 "f. Special activities programs for children of
13 lawful school age including, but not limited to, athletics,
14 crafts instruction, and similar activities conducted on an
15 organized and periodic basis by civic, charitable, and
16 governmental organizations, provided local and state fire and
17 health requirements are met.

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

21 "(6) DEPARTMENT. The Department of Human Resources
22 of the State of Alabama.

23 "(7) FACILITY FOR CHILD CARE or CHILD-CARE FACILITY.
24 A facility established by any person, group of persons,
25 agency, association, or organization, whether established for

1 gain or otherwise, who or which receives or arranges for care
2 or placement of one or more children, unrelated to the
3 operator of the facility, apart from the parents, with or
4 without the transfer of the right of custody, in any facility
5 as defined in this chapter, established and maintained for the
6 care of children.

7 "(8) FOSTER FAMILY HOME. A child-care facility in a
8 residence of a family where the family receives a child or
9 children, ~~unrelated to that family~~ whether related or not
10 related to the family as the term "related" is defined in this
11 section, for the purpose of providing family care or
12 therapeutic family care and training, or transitional living
13 program services on a full-time basis. The types of foster
14 family homes are defined as follows:

15 ~~"a. Boarding home. A foster family home wherein the~~
16 ~~foster family receives a child or children and receives~~
17 ~~payment for their care. The number of children so received~~
18 ~~shall not exceed six, unless the children are of common~~
19 ~~parentage.~~

20 "a. Traditional foster family home. A child care
21 facility in a residence of a family where the family receives
22 a child or children, not related to that family as that term
23 is defined in Section ~~12-15-301 (13)~~ 12-15-301 (14), for the
24 purpose of providing family care and training on a full-time
25 basis.

1 "b. Related foster family home. A foster family home
2 wherein the family is related to the child by blood, marriage,
3 or adoption within the fourth degree of kinship, including
4 only a brother, sister, uncle, aunt, first cousin,
5 grandparent, great-grandparent, great aunt, great uncle,
6 great-great grandparent, niece, nephew, grandniece,
7 grandnephew, or a stepparent.

8 ~~"b. c.~~ c. Free home. A foster family home, whether
9 related or not related as defined in Section ~~12-15-301 (13)~~
10 12-15-301 (14), which does not receive payment for the care of
11 a child or children and which may or may not receive the child
12 or children for the purpose of adoption.

13 "d. Therapeutic foster family home. A child care
14 facility in a residence of a family where the family receives
15 a child or children for the purpose of providing therapeutic
16 family care and training on a full-time basis.

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

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

1 "(11) MATERNITY CENTER. A facility in which any
2 person, agency, or corporation receives or cares for one or
3 more minor pregnant girls, except that the term does not
4 include hospitals.

5 "(12) NIGHT CARE FACILITY. A child-care facility
6 which is a center or a family home receiving a child or
7 children for care during the night. The term includes the
8 following:

9 "a. Nighttime center. A facility which is
10 established to receive more than 12 children for nighttime
11 care.

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

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

18 "(13) RELATED. Any of the following relationships by
19 blood, marriage, or adoption: Parent, grandparent, brother,
20 sister, stepparent, stepbrother, stepsister, half brother,
21 half sister, uncle or aunt, and their spouses.

22 "(14) TRANSITIONAL LIVING FACILITY. A child-care
23 facility or program that is designed to give opportunities to
24 practice independent living skills to eligible persons at
25 least 16 years of age and under 21 years of age in foster care

1 in a variety of residential settings with varying degrees of
2 care and supervision."

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

