

SENATE BILL NO. 142

INTRODUCED BY K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE NUMBER OF CHILDREN WHO CAN RECEIVE DAY CARE AT A GROUP DAY-CARE HOME OR FAMILY DAY-CARE HOME; PROVIDING LIMITATIONS ON THE NUMBER OF CHILDREN UNDER 2 YEARS OF AGE THAT CAN BE PRESENT AT A GIVEN TIME; AND AMENDING SECTION 52-2-703, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Group day-care and family day-care homes -- staffing requirements -- limitations on children under 2 years of age.

(1) There must be at least two caregivers caring for the children at all times when there are more than 10 ~~SEVEN EIGHT~~ children present at a group day-care home.

~~(2) There may not be more than six children under 2 years of age in a group day-care home at any time.~~

~~(3) There may not be more than three children under 2 years of age in a family day-care home at any time.~~

Section 2. 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 ~~43~~ 24 16 or more children on a regular or irregular basis.

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

3 (4) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that
4 provides day care on a regular basis or a place licensed or registered to provide day care on an irregular basis,
5 as provided for in subsection (3)(a), or for children suffering from illness. The term includes a family day-care
6 home, a day-care center, a group day-care home, or a facility providing care in a child's home for the purpose
7 of meeting registration requirements for the receipt of payments as provided in 52-2-713. The term does not
8 include:

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

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

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

16 (6) "Family day-care home" means a private residence in which day care is provided to ~~three to six~~ 3
17 ~~to 10~~ THREE TO SEVEN EIGHT children on a regular basis.

18 (7) "Group day-care home" means a private residence or other structure in which day care is provided
19 to ~~7 to 12~~ 11 to 20 ~~8 to 15~~ 9 to 15 children on a regular basis.

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

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

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

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

1 (12) "Registration" means the process whereby the department maintains a record of all family day-
2 care homes and group day-care homes, prescribes standards, promulgates rules, and requires the operator of
3 a family day-care home or a group day-care home to certify compliance with the prescribed standards and
4 promulgated rules.

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

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

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

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

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

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

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20 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
21 integral part of Title 52, chapter 2, part 7, and the provisions of Title 52, chapter 2, part 7, apply to [section 1].

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