

1 HOUSE BILL NO. 556

2 INTRODUCED BY J. CARLSON, E. BUTTREY, S. FITZPATRICK, G. HERTZ, D. LENZ, L. SHELDON-
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6
7 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING DAY CARE LAWS; REVISING THE
8 DEFINITIONS OF "DAY-CARE FACILITY" AND "FAMILY DAY-CARE HOME" TO EXCLUDE A PRIVATE
9 RESIDENCE IN WHICH CARE IS PROVIDED FOR EIGHT OR FEWER CHILDREN AND IN WHICH CERTAIN
10 PAYMENTS ARE NOT RECEIVED; AND AMENDING SECTION 52-2-703, MCA."

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

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14 **Section 1.** Section 52-2-703, MCA, is amended to read:

15 **"52-2-703. Definitions.** In this part, the following definitions apply:

16 (1) "Child" means a person under 13 years of age or a person with special needs, as defined by
17 the department, who is under 18 years of age or is 18 years of age and a full-time student expected to complete
18 an educational program by 19 years of age.

19 (2) "Day care" or "child care" means care for children provided by an adult, other than a parent of
20 the children or other person living with the children as a parent, on a regular or irregular basis, as applicable, for
21 daily periods of less than 24 hours, whether that care is for daytime or nighttime hours.

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

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

26 (4) "Day-care facility" means a person, association, or place, incorporated or unincorporated, that
27 provides day care on a regular basis or a place licensed or registered to provide day care on an irregular basis,
28 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~~ SIX or fewer children, INCLUDING THE
10 PROVIDER'S OWN CHILDREN, unless registration 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~~ SIX or
16 fewer children, INCLUDING THE PROVIDER'S OWN CHILDREN, unless registration as a family day-care home is
17 required to receive payments as provided in 52-2-713.

18 (7) "Group day-care home" means a private residence or other structure in which day care is
19 provided to 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
28 accordance 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
9 of 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,
11 brother, 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
15 of age or a person with special needs, as defined by the department, who is under 18 years of age or is 18
16 years 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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