

Adopted Rejected

COMMITTEE REPORT

YES: 11
NO: 0

MR. SPEAKER:

Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1778, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 12-7-2-28.6 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28.6. (a) "Child care
- 5 home", for purposes of IC 12-17.2, means a residential structure in
- 6 which at least six (6) children (not including the children for whom the
- 7 provider is a parent, stepparent, guardian, custodian, or other relative
- 8 **or any child who is at least fourteen (14) years of age and does not**
- 9 **require child care**) at any time receive child care from a provider:
- 10 (1) while unattended by a parent, legal guardian, or custodian;
- 11 (2) for regular compensation; and
- 12 (3) for more than four (4) hours but less than twenty-four (24)
- 13 hours in each of ten (10) consecutive days per year, excluding
- 14 intervening Saturdays, Sundays, and holidays.
- 15 (b) The term includes:
- 16 (1) a class I child care home; and

1 (2) a class II child care home.
 2 SECTION 2. IC 12-7-2-33.7 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33.7. (a) As used in this
 4 chapter, "class I child care home" means a child care home that serves
 5 any combination of full-time and part-time children, not to exceed at
 6 any one (1) time twelve (12) children plus three (3) children during the
 7 school year only who are enrolled in at least grade 1. Except as
 8 provided in IC 12-17.2-5-6.3(b), the addition of three (3) school age
 9 children may not occur during a break in the school year that exceeds
 10 four (4) weeks.

11 (b) A child:
 12 (1) for whom a provider of care in the child care home is a parent,
 13 stepparent, guardian, custodian, or other relative and
 14 ~~(2)~~ who is at least seven (7) years of age; **or**
 15 **(2) who is at least fourteen (14) years of age and does not**
 16 **require child care;**
 17 shall not be counted in determining whether the child care home is
 18 within the limit set forth in subsection (a).

19 SECTION 3. IC 12-7-2-33.8 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33.8. (a) As used in this
 21 chapter, "class II child care home" means a child care home that serves
 22 more than twelve (12) children but not more than any combination of
 23 sixteen (16) full-time and part-time children at any one (1) time.

24 (b) A child:
 25 (1) for whom a provider of care in the child care home is a parent,
 26 stepparent, guardian, custodian, or other relative and
 27 ~~(2)~~ who is at least seven (7) years of age; **or**
 28 **(2) who is at least fourteen (14) years of age and does not**
 29 **require child care;**
 30 shall not be counted in determining whether the child care home is
 31 within the limit set forth in subsection (a).

32 SECTION 4. IC 12-17.2-3.5-1, AS AMENDED BY P.L.16-2006,
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2007]: Sec. 1. (a) This chapter applies to all child care
 35 providers regardless of whether a provider is required to be licensed or
 36 registered under this article. However, a child care provider that is
 37 licensed under IC 12-17.2-4 or IC 12-17.2-5 is considered to be in
 38 compliance with this chapter **unless the child care provider is found**

1 **to be in violation of this chapter.**

2 (b) If a school age child care program that is:

3 (1) described in IC 12-17.2-2-8(10); and

4 (2) located in a school building;

5 is determined to be in compliance with a requirement of this chapter by
6 another state regulatory authority, the school age child care program is
7 considered to be in compliance with the requirement under this
8 chapter.

9 SECTION 5. IC 12-17.2-5-4, AS AMENDED BY P.L.146-2006,
10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2007]: Sec. 4. (a) The following constitute sufficient grounds
12 for a denial of a license application:

13 (1) A determination by the department of child services
14 established by IC 31-25-1-1 of child abuse or neglect (as defined
15 in IC 31-9-2-14) by:

16 (A) the applicant;

17 **(B) a member of the applicant's household;**

18 ~~(B)~~ (C) an employee of the applicant who has direct contact,
19 on a regular and continuous basis, with children who are under
20 the direct supervision of the applicant; or

21 ~~(C)~~ (D) a volunteer of the applicant who has direct contact, on
22 a regular and continuous basis, with children who are under
23 the direct supervision of the applicant.

24 (2) A criminal conviction of the applicant, an employee of the
25 applicant who has direct contact, on a regular and continuous
26 basis, with children who are under the direct supervision of the
27 applicant, a volunteer of the applicant who has direct contact, on
28 a regular and continuous basis, with children who are under the
29 direct supervision of the applicant, or a member of the applicant's
30 household, of any of the following:

31 (A) A felony.

32 (B) A misdemeanor related to the health or safety of a child.

33 (C) A misdemeanor for operating a child care center without
34 a license under IC 12-17.2-4-35.

35 (D) A misdemeanor for operating a child care home without a
36 license under section 35 of this chapter.

37 (3) A determination by the division that the applicant made false
38 statements in the applicant's application for licensure.

- 1 (4) A determination by the division that the applicant made false
2 statements in the records required by the division.
- 3 (5) A determination by the division that the applicant previously
4 operated a:
- 5 (A) child care center without a license under IC 12-17.2-4; or
6 (B) child care home without a license under this chapter.
- 7 (b) Notwithstanding subsection (a)(2), if:
- 8 (1) a license application is denied due to a criminal conviction of:
9 (A) an employee or a volunteer of the applicant; or
10 (B) a member of the applicant's household; and
- 11 (2) the division determines that the:
12 (A) employee or volunteer has been dismissed by the
13 applicant; or
14 (B) member of the applicant's household is no longer a
15 member of the applicant's household;
- 16 the criminal conviction of the former employee, former volunteer, or
17 former member does not require denial of a license application.
- 18 SECTION 6. IC 12-17.2-5-32, AS AMENDED BY P.L.146-2006,
19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2007]: Sec. 32. (a) The following constitute sufficient grounds
21 for revocation of a license:
- 22 (1) A determination by the department of child services of child
23 abuse or neglect (as defined in IC 31-9-2-14) by:
24 (A) the licensee;
25 **(B) a member of the licensee's household;**
26 ~~(B)~~ (C) an employee of the licensee who has direct contact, on
27 a regular and continuous basis, with children who are under
28 the direct supervision of the licensee; or
29 ~~(C)~~ (D) a volunteer of the licensee who has direct contact, on
30 a regular and continuous basis, with children who are under
31 the direct supervision of the licensee.
- 32 (2) A criminal conviction of the licensee, an employee of the
33 licensee who has direct contact, on a regular and continuous
34 basis, with children who are under the direct supervision of the
35 licensee, a volunteer of the licensee who has direct contact, on a
36 regular and continuous basis, with children who are under the
37 direct supervision of the licensee, or a member of the licensee's
38 household, of any of the following:

- 1 (A) A felony.
- 2 (B) A misdemeanor related to the health or safety of a child.
- 3 (C) A misdemeanor for operating a child care center without
- 4 a license under IC 12-17.2-4-35.
- 5 (D) A misdemeanor for operating a child care home without a
- 6 license under section 35 of this chapter.
- 7 (3) A determination by the division that the licensee made false
- 8 statements in the licensee's application for licensure.
- 9 (4) A determination by the division that the licensee made false
- 10 statements in the records required by the division.
- 11 (5) A determination by the division that the licensee previously
- 12 operated a:
- 13 (A) child care center without a license under IC 12-17.2-4; or
- 14 (B) child care home without a license under this chapter.
- 15 (b) Notwithstanding subsection (a)(2), if:
- 16 (1) a license is revoked due to a criminal conviction of:
- 17 (A) an employee or a volunteer of the licensee's; or
- 18 (B) a resident of the licensee's household; and
- 19 (2) the division determines that the:
- 20 (A) employee or volunteer has been dismissed by the licensee;
- 21 or
- 22 (B) member of the licensee's household is no longer a member
- 23 of the licensee's household;
- 24 the criminal conviction of the former employee, former volunteer, or
- 25 former member does not require revocation of a license.
- 26 SECTION 7. IC 12-17.2-6-14 IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. The child care
- 28 ministry must do the following:
- 29 (1) Conduct a criminal history check of the child care ministry's
- 30 employees and volunteers.
- 31 **(2) Refrain from employing, or allowing to serve as a**
- 32 **volunteer, an individual who:**
- 33 **(A) has been convicted of a:**
- 34 **(i) felony; or**
- 35 **(ii) misdemeanor related to the health or safety of a**
- 36 **child; or**
- 37 **(B) is a person against whom an allegation of child abuse**
- 38 **or neglect has been substantiated under IC 31-33.**

1 ~~(2)~~ **(3) Maintain records of each criminal history check."**

2 Page 2, line 1, delete "a program that is exempt from licensure
3 under" and insert "**a child care ministry exempt from licensing and
4 registered under IC 12-17.2-6;**".

5 Page 2, line 2, delete "IC 12-17.2-2-8;"; begin a new line double
6 block indented and insert:

7 **"(C) a child care provider that is eligible to receive
8 reimbursement under IC 12-17.2-3.5;**

9 **(D) a child care home if the provider:**

10 **(i) does not receive regular compensation;**

11 **(ii) cares only for children who are related to the
12 provider;**

13 **(iii) cares for less than six (6) children, not including
14 children for whom the provider is a parent, stepparent,
15 guardian, custodian, or other relative; or**

16 **(iv) operates to serve migrant children;"**.

17 Page 2, line 3, delete "(C)" and insert "(E)".

18 Page 2, after line 3, begin a new paragraph and insert:

19 "SECTION 9. IC 31-33-8-1, AS AMENDED BY P.L.234-2005,
20 SECTION 117, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The department shall initiate
22 an immediate and appropriately thorough child protection investigation
23 of every report of known or suspected child abuse or neglect the
24 department receives, whether in accordance with this article or
25 otherwise.

26 (b) Subject to subsections (d) and (e), if the report alleges a child
27 may be a victim of child abuse, the investigation shall be initiated
28 immediately, but not later than twenty-four (24) hours after receipt of
29 the report.

30 (c) Subject to subsections (d) and (e), if reports of child neglect are
31 received, the investigation shall be initiated within a reasonably prompt
32 time, but not later than five (5) days, with the primary consideration
33 being the well-being of the child who is the subject of the report.

34 (d) If the immediate safety or well-being of a child appears to be
35 endangered or the facts otherwise warrant, the investigation shall be
36 initiated regardless of the time of day.

37 (e) If the department has reason to believe that the child is in
38 imminent danger of serious bodily harm, the department shall initiate

1 within one (1) hour an immediate, onsite investigation.

2 **(f) If a report alleges abuse or neglect and involves a child care**
3 **ministry that is exempt from licensure under IC 12-17.2-6, the**
4 **department and the appropriate law enforcement agency shall**
5 **jointly conduct an investigation. The investigation shall be**
6 **conducted under the requirements of this section and section 2(b)**
7 **of this chapter."**

8 Renumber all SECTIONS consecutively.

(Reference is to HB 1778 as introduced.)

and when so amended that said bill do pass.

Representative Summers