

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 416

Short Title: Child Day Care Law Changes.

(Public)

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Sponsors: Representatives Easterling, Colton; Barnhill, Black, Cunningham, Gardner, Greenwood, Grimmer, Hurley, Jeffus, Jeralds, Justus, Kennedy, Nye, and Stamey.

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Referred to: Human Resources.

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April 1, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL, CLARIFYING, AND CORRECTIVE CHANGES  
3 TO THE CHILD DAY CARE LAW.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 110-86 reads as rewritten:

6 **"§ 110-86. Definitions.**

7 Unless the context or subject matter otherwise requires, the terms or phrases used in  
8 this Article shall be defined as follows:

9 (1) 'Commission' means the Child Day-Care Commission created under  
10 this Article.

11 (2) 'Child Day Care' means any child care arrangement except seasonal  
12 recreational programs operated for less than four consecutive months  
13 in a year, wherein three or more children less than 13 years old receive  
14 care away from their own home by persons other than their parents,  
15 grandparents, aunts, uncles, brothers, sisters, first cousins, guardians or  
16 full-time custodians, or in the child's own home where other unrelated  
17 children are in care.

18 (3) 'Child Day care facility' includes any child day care center or child  
19 care arrangement which provides day care for more than five children,  
20 not including the operator's own school-aged children, under the age of  
21 13 years, on a regular basis of at least once per week for more than  
22 four hours but less than 24 hours per day, regardless of the time of day  
23 and regardless of whether the same or different children attend. The

1 following are not included: public schools; nonpublic schools whether  
2 or not accredited by the State Department of Public Instruction, which  
3 regularly and exclusively provide a course of grade school instruction  
4 to children who are of public school age; summer camps having  
5 children in full-time residence; Bible schools conducted during  
6 vacation periods; facilities licensed under Article 2 of Chapter 122C of  
7 the General Statutes; and cooperative arrangements among parents to  
8 provide care for their own children as a convenience rather than for  
9 employment.

10 Day care facilities are separated by capacity into the following  
11 categories which determine applicable requirements and standards as  
12 established by the Commission pursuant to G.S. 110-88:

13 **Facility Type**

14 Large Home

15 Small Center

16 Medium Center

17 Large Center

18 The Commission shall establish the maximum capacity for each of  
19 the four categories of facilities.

- 20 (4) 'Child Day Care Home' means any day care program or child care  
21 arrangement wherein any person not excluded in G.S. 110-86(2)  
22 provides day care on a regular basis of at least once per week for more  
23 than four hours per day for more than two children under 13 years of  
24 age and fewer than ~~six~~nine children at any one time, wherever  
25 operated, and whether or not operated for profit. Of the children  
26 present at any one time, no more than five children shall be preschool-  
27 aged, as defined in rules adopted by the Commission. The four hour  
28 limit applies regardless of the time of day and regardless of whether  
29 the same or different children attend. Cooperative arrangements  
30 among parents to provide care for their own children as a convenience  
31 rather than for employment are not included.

32 To determine whether a child care arrangement is a child day care  
33 home, all children shall be counted except the operator's own school-  
34 aged children and school-aged children who reside at the location of  
35 the day care home. ~~Notwithstanding the limitation to five children~~  
36 ~~prescribed above, the day care home operator may care for three additional~~  
37 ~~school-aged children.~~

- 38 (4.1) 'Department' means Department of Human Resources.

- 39 (5) Repealed by Session Laws 1975, c. 879, s. 15.

- 40 (6) 'License' means a license issued by the Secretary to any day-care  
41 facility which meets the statutory standards established under this  
42 Article.

1 (7) 'Operator' includes the owner, director or other person having  
2 primary responsibility for operation of a day care facility subject to  
3 licensing.

4 (8) 'Secretary' means the Secretary of the Department of Human  
5 Resources.'

6 Sec. 2. G.S. 110-88 reads as rewritten:

7 **"§ 110-88. Powers and duties of the Commission.**

8 The Commission shall have the following powers and duties:

9 (1) To develop policies and procedures for the issuance of a license to  
10 any day-care facility which meets all applicable standards  
11 established under this Article.

12 (2) To require inspections by and satisfactory written reports from  
13 representatives of local or State health agencies and fire and  
14 building inspection agencies and from representatives of the  
15 Department prior to the issuance of a license to any day care  
16 facility.

17 (3) To make rules establishing minimum and reasonable standards for  
18 the operation of day-care homes and the issuance of registration  
19 certificates. These rules shall establish minimum standards of  
20 health and safety that will be required in day-care ~~plans-homes~~ and  
21 will recognize the vital role that parents and guardians play in the  
22 monitoring of the care provided in day-care ~~plans-homes~~.

23 (4) Repealed by Session Laws 1975, c. 879, s. 15.

24 (5) To make rules and develop policies for implementation of this  
25 Article, including procedures for application, approval, renewal  
26 and revocation of licenses.

27 (6) To make rules for the issuance of a provisional license to a day-  
28 care facility which does not conform in every respect with the  
29 standards established in this Article provided that the Secretary of  
30 Administration finds that the operator is making a reasonable effort  
31 to conform to such standards, except that a provisional license shall  
32 not be issued for more than one year and shall not be renewed.

33 (6a) To make rules for administrative action against a day care facility  
34 or home when the Secretary's investigations pursuant to G.S. 110-  
35 105(a)(3) or ~~G.S. 110-105.1(4)~~ ~~[110-105.1(a)(4)]~~ G.S. 110-  
36 105.1(a)(4) substantiate that child abuse or neglect did occur in the  
37 facility or home. The type of sanction shall be determined by the  
38 severity of the incident and the probability of reoccurrence. The  
39 administrative actions shall include written warnings and special  
40 provisional licenses or registration certificates.

41 A written warning may be issued which shall specify the corrective  
42 action to be taken by the operator. The Department shall make an  
43 unannounced visit within one month after issuance of the written  
44 warning to determine whether the corrective action has occurred. If

1 the corrective action has not occurred, a special provisional license or  
2 registration certificate may be issued.

3 When a special provisional license or registration certificate is  
4 issued, it shall require specific corrective action. It shall be in effect  
5 for six months from imposition and may not be renewed. The special  
6 provisional license or registration certificate and the letter which  
7 clearly states the reasons for the special provisional status shall be  
8 posted where parents can see them. Under the terms of the special  
9 provisional license or registration, the facility or home shall not enroll  
10 any new children until notified by the Department that it is satisfied  
11 the abusive or neglectful situation no longer exists. The Department  
12 shall make three unannounced visits during the period the special  
13 provisional license is in effect. Specific corrective action required by a  
14 written warning, special provisional license or special provisional  
15 registration may include the permanent removal from day care of the  
16 substantiated abuser or neglecter.

17 Nothing in this subdivision shall restrict the Secretary from using  
18 any other statutory or administrative remedies available.

19 (7) To develop and promulgate standards which reflect higher levels  
20 of day care than required by the standards established by this  
21 Article, which will recognize better physical facilities, more  
22 qualified personnel, and higher quality programs. The Commission  
23 ~~shall be empowered to issue~~ may adopt rules for the issuance of two  
24 grades of licenses: an 'A' license for compliance with the provisions  
25 of the Article, and an 'AA' license for those licensees meeting the  
26 voluntary higher standards promulgated by the Commission.

27 (8) To develop a procedure by which the Department ~~of~~  
28 ~~Administration~~ shall furnish such forms as may be required for  
29 implementation of this Article.

30 (9) To serve as an administrative-appeal body to determine all issues  
31 related to the issuance, renewal and revocation of licenses.

32 (10) To develop rules for the issuance of a temporary license which  
33 shall expire in 90 days and which may be issued to the operator of  
34 a new facility or to the operator of a previously licensed facility  
35 when a change in ownership or location occurs, provided the operator  
36 applied for a license prior to the change in status.

37 (11) To develop rules for the care of sick children in facilities and  
38 homes."

39 Sec. 3. G.S. 110-90(5) reads as rewritten:

40 "(5) To revoke the license of any day care facility which ceases to meet  
41 the standards established by this ~~Article.~~ Article and rules on these  
42 standards adopted by the Commission, or to deny a license to any  
43 applicant that fails to meet the standards or the rules. Such  
44 revocations shall be done in accordance with the procedures set out

1 in G.S. 150B and this Article and rules adopted by the  
2 Commission."

3 Sec. 4. G.S. 110-90.1 reads as rewritten:

4 **"§ 110-90.1. Qualification for staff in a day-care home.**

5 No day-care home shall be registered if that home is operated by or employs any  
6 person who has been convicted of a crime involving child abuse, child neglect, or moral  
7 turpitude, or who is an habitually excessive user of alcohol or who illegally uses  
8 narcotics or other impairing drugs, or who is mentally or emotionally impaired to an  
9 extent that may be injurious to children. The person registered to provide care in a day-  
10 care home shall be at least 18 years of age and literate. A person who is less than 18  
11 years of age, but at least 16 years of age, may work ~~on~~in a day-care home if under the  
12 direct supervision of the person registered to provide the care."

13 Sec. 5. G.S. 110-91 reads as rewritten:

14 **"§ 110-91. Mandatory standards for a license.**

15 The following standards shall be complied with by all day-care facilities, except as  
16 otherwise provided in this Article. These shall be the only required standards for the  
17 issuance of a license by the Secretary of Human Resources under the policies and  
18 procedures of the Commission except that the Commission may, in its discretion, adopt  
19 less stringent standards for facilities subject to licensing but which provide care on a  
20 temporary, part-time, drop-in, seasonal, after-school or other than a full-time basis.

- 21 (1) Medical Care and Sanitation. – The Commission for Health  
22 Services shall adopt rules which establish minimum sanitation  
23 standards for day-care facilities and their personnel. The sanitation  
24 rules adopted by the Commission for Health Services shall cover  
25 such matters as the cleanliness of floors, walls, ceilings, storage  
26 spaces, utensils, and other facilities; adequacy of ventilation;  
27 sanitation of water supply, lavatory facilities, toilet facilities,  
28 sewage disposal, food protection facilities, bactericidal treatment of  
29 eating and drinking utensils, and solid-waste storage and disposal;  
30 methods of food preparation and serving; health of staff members;  
31 and such other items and facilities as are necessary in the interest of  
32 the public health.

33 Each child shall have a ~~medical examination~~health assessment by a  
34 licensed physician or his authorized agent who is currently approved  
35 by the North Carolina Board of Medical Examiners, or comparable  
36 certifying board in any state contiguous to North Carolina, or by a  
37 public health nurse meeting the Department of Environment, Health,  
38 and Natural Resources' Standards for Early Periodic Screening,  
39 Diagnosis, and Treatment Program, prior to being admitted or within  
40 30 days following admission to a day-care facility; a record of such  
41 examination shall be on file in the records of the facility, provided,  
42 however, that no ~~medical certificate~~health assessment shall be required  
43 of any child who is and has been in normal health and whose parent,  
44 guardian, or full-time custodian objects in writing to a ~~medical~~

1 ~~examination~~ health assessment on religious grounds which conform to  
2 the teachings and practice of any recognized church or religious  
3 denomination.

4 Each child shall be immunized in such manner as to meet the  
5 requirements of ~~Articles 9 and 9A of Chapter 130 of the General Statutes.~~  
6 Article 6 of Chapter 130A of the General Statutes and the pertinent  
7 rules adopted by the Commission for Health Services.

8 Each day-care facility shall have a plan of emergency medical care  
9 which shall include provisions for communication with and  
10 transportation to a specified medical resource, unless otherwise  
11 previously instructed. No child receiving day care shall be  
12 administered any drug or other medication without specific written  
13 instructions from a physician or the child's parent, guardian or full-  
14 time custodian. Medical information on each child in care, including  
15 the names, addresses, and telephone numbers of the child's physician  
16 and parents, legal guardian or full-time custodian shall be readily  
17 available to the staff of the day-care facility in the records of the  
18 facility in accordance with a form approved by the Commission for  
19 this purpose.

20 There shall be a separate bed, cot or mat, equipped with individual  
21 linen, for each child to use during rest periods, except for school-aged  
22 children; if a mat is used, it shall be of a waterproof, washable material  
23 at least two inches thick and shall be stored so that the floor side does  
24 not touch the sleeping side. Beds and linens used by members of the  
25 household of the operator shall not be used for children receiving care  
26 in the day-care facility.

- 27 (2) Health-Related Activities. – Each child in a day-care facility shall  
28 receive nutritious food and refreshments under rules to be adopted  
29 by the Commission. After consultation with the Division of Health  
30 Services of the Department of Environment, Health, and Natural  
31 Resources, nutrition standards shall provide for specific  
32 requirements for infants. Nutrition standards shall provide for  
33 specific requirements for children older than infants, including a  
34 daily food plan for meals and snacks served that shall be adequate  
35 for good nutrition. The number and size of servings and snacks  
36 shall be appropriate for the ages of the children and shall be  
37 planned according to the number of hours the child is in care.  
38 Menus for meals and snacks shall be planned at least one week in  
39 advance, dated, and posted where they can be seen by parents.

40 Each day-care facility shall arrange for each child in care to be out-  
41 of-doors each day if weather conditions permit.

42 Each day-care facility shall have a rest period for each child in care  
43 after lunch or at some other appropriate time.

1 No day-care facility shall care for more than 25 children in one  
2 group. Facilities providing care for 26 or more children shall provide  
3 for two or more groups according to the ages of children and shall  
4 provide separate supervisory personnel for each group.

5 (3) Location. – Each day-care facility shall be located in an area which  
6 is free from conditions which are deemed hazardous to the physical  
7 and moral welfare of the children in care in the opinion of the  
8 Commission.

9 (4) Building. – Each day-care facility shall be located in a building  
10 which meets the requirements of the North Carolina Building Code  
11 under standards which shall be developed by the Building Code  
12 Council, subject to adoption by the Commission specifically for  
13 day-care facilities, including facilities operated in a private  
14 residence. Such standards shall be consistent with the provisions of  
15 this Article.

16 (5) Fire Prevention. – All day-care facilities shall be inspected  
17 annually by a local fire department or a volunteer fire department,  
18 using fire-prevention standards which shall be developed by the  
19 State Insurance Department after consultation with local fire  
20 departments and volunteer fire departments, subject to adoption by  
21 the Commission.

22 (6) Space and Equipment Requirements. – There shall be no less than  
23 25 square feet of indoor space for each child for which a day-care  
24 facility is licensed, exclusive of closets, passageways, kitchens, and  
25 bathrooms, and such floor space shall provide during rest periods  
26 200 cubic feet of airspace per child for which the facility is  
27 licensed. There shall be adequate outdoor play area for each child  
28 under rules adopted by the Commission which shall be related to  
29 the size and type of facility, availability and location of outside  
30 land area, except in no event shall the minimum required exceed 75  
31 square feet per child, which area shall be protected to assure the  
32 safety of the children receiving day care by an adequate fence or  
33 other protection; provided, however, that a facility operated in a  
34 public school shall be deemed to have adequate fencing protection;  
35 provided, also, that a facility operating exclusively during the  
36 evening and early morning hours, between 6:00 P.M. and 6:00  
37 A.M., need not meet the outdoor play area requirements mandated  
38 by this subdivision.

39 Each day-care facility shall provide equipment and furnishings that  
40 are child size, sturdy, safe, and in good repair. The Commission shall  
41 adopt standards to establish minimum requirements for equipment  
42 appropriate for the size facility being operated pursuant to G.S. 110-  
43 86(3). Space shall be available for proper storage of beds, cribs, mats,

1 cots, sleeping garments, and linens as well as designated space for  
2 each child's personal belongings.

3 (7) Staff-Child Ratio. – In determining the staff-child ratio, all children  
4 younger than 13 years shall be counted. The Commission shall  
5 adopt rules regarding staff-child ratios, group sizes and multi-age  
6 groupings for each category of facility provided that such rules and  
7 regulations shall be no less stringent than those currently required  
8 for staff-child ratios as enacted in Section 156(e) of Chapter 757 of  
9 the 1985 Session Laws.

10 (8) Qualifications for Staff. – Each day-care facility shall be under the  
11 direction or supervision of a literate person at least 21 years of age.  
12 All staff counted in determining the required staff-child ratio shall  
13 be at least 16 years of age, provided that persons younger than 18  
14 years of age work under the direct supervision of a literate staff  
15 person who is at least 21 years of age. No person shall be an  
16 operator of nor be employed in a day-care facility who has been  
17 convicted of a crime involving child neglect, child abuse, or moral  
18 turpitude, or who is an habitually excessive user of alcohol or who  
19 illegally uses narcotic or other impairing drugs, or who is mentally  
20 or emotionally impaired to an extent that may be injurious to  
21 children.

22 The Commission shall adopt standards to establish minimum  
23 qualifications for operators, supervisors, caregivers and other staff who  
24 have direct contact with the children. These standards shall reflect  
25 training, experience, education or credentialing and shall be  
26 appropriate for the size facility being operated according to the  
27 categories defined in G.S. 110-86(3). It is the intent of this provision to  
28 guarantee that all children in day care are cared for by qualified people  
29 but also to recognize that qualifications for good child care may not be  
30 limited to formal education or training standards. To this end, the  
31 standards adopted by the Commission pertaining to training and  
32 educational requirements shall include provision that these  
33 requirements may be met by informal as well as formal training and  
34 educational experience. No requirements may interfere with the  
35 teachings or doctrine of any established religious organization.

36 (9) Records. – Each day-care facility shall keep accurate records on  
37 each child receiving care in the day-care facility in accordance with  
38 a form furnished or approved by the Commission, and shall submit  
39 attendance reports as required by the Department.

40 Each day-care facility shall keep accurate records on each staff  
41 member or other person delegated responsibility for the care of  
42 children in accordance with a form approved by the Commission.

43 All records of any day-care facility, except financial records, shall  
44 be subject to review by the Secretary of Human Resources or by duly



1 authorized representatives of the Department or a cooperating agency  
2 who shall be designated by the Secretary.

3 Any effort to falsify information provided to the Department shall  
4 be deemed by the Secretary to be evidence of violation of this Article  
5 on the part of the operator or sponsor of the day-care facility and shall  
6 constitute a cause for revoking or denying a license to such day-care  
7 facility.

- 8 (10) Each operator or staff member shall truly and honestly show each  
9 child in his care true love, devotion and tender care.

10 Each day-care facility shall have a written policy on discipline,  
11 which policy describes the methods and practices used to discipline  
12 children enrolled in that facility. This written policy shall be discussed  
13 with, and a copy given to, each child's parent prior to the first time the  
14 child attends the facility. Subsequently, any change in discipline  
15 methods or practices shall be communicated in writing to the parents  
16 prior to the effective date of the change.

- 17 (11) Staff Development. – The Commission shall adopt minimum  
18 standards for ongoing staff development for facilities. These  
19 standards shall include ~~a requirement that each day-care facility shall~~  
20 ~~have a written staff development plan that shall include training activities~~  
21 ~~for each staff member.~~ requirements for ongoing inservice training  
22 for all staff.

- 23 (12) Planned Age Appropriate Activities. – Each day-care facility shall  
24 have a planned schedule of activities posted in a prominent place to  
25 enable parents to review it, and a written plan of age appropriate  
26 activities available to parents. Each facility shall have age  
27 appropriate activities and play materials to implement the written  
28 plan. The Commission shall establish minimum standards for age-  
29 appropriate activities appropriate for each category of facility as  
30 defined in G.S. 110-86(3).

- 31 (13) Transportation. – All day-care facilities shall abide by North  
32 Carolina law regulating the use of seat belts and child passenger  
33 restraint devices. All vehicles operated by any facility staff person  
34 or volunteer to transport children shall be properly equipped with  
35 appropriate seat belts or child restraint devices as approved by the  
36 Commissioner of Motor Vehicles. Each adult and child shall be  
37 restrained by an appropriate seat safety belt or restraint device  
38 when the vehicle is in motion. These restraint regulations do not  
39 apply to vehicles not required by federal law to be equipped with  
40 seat restraints. All vehicles used to transport children shall meet  
41 and maintain the safety inspection standards of the Division of  
42 Motor Vehicles of the Department of Transportation and the  
43 facility shall comply with all other applicable State and federal

1 laws and regulations concerning the operation of a motor vehicle.  
2 Children may never be left unattended in a vehicle.

3 The ratio of adults to children in day-care vehicles may not be less  
4 than the staff/child ratios prescribed by G.S. 110-91(7). The  
5 Commission shall adopt standards for transporting children under the  
6 age of two, including standards addressing this particular age's  
7 staff/child ratio during transportation."

8 Sec. 6. G.S. 110-93(c) reads as rewritten:

9 "(c) Each licensed operator of ~~fa~~a day-care facility must annually apply in order  
10 to renew his license and must accompany such renewal application with such supporting  
11 data and reports as are required to show conformity with the standards established under  
12 this Article."

13 Sec. 7. G.S. 110-94 reads as rewritten:

14 **"§ 110-94. Administrative Procedure Act.**

15 The provisions of General Statutes Chapter 150B known as the Administrative  
16 Procedure Act shall be applicable to the Child Day-Care Commission and to the rules it  
17 adopts. The Administrative Procedure Act shall also apply to child day care contested  
18 cases. However, a day care operator shall have 30 days to file a petition for a contested  
19 case pursuant to G.S. 150B-23. The case hearing shall be scheduled to be held within  
20 120 days of the date the petition for a hearing is received, pursuant to G.S. 150B-23(a),  
21 in any contested case resulting from administrative action taken by the Department to  
22 revoke a license, registration certificate, or Letter of Compliance or from administrative  
23 action taken in a situation in which child abuse or neglect in a day care facility or home  
24 has been substantiated. A request for continuance of a hearing shall be granted upon a  
25 showing of good cause by either party."

26 Sec. 8. G.S. 110-102.2 reads as rewritten:

27 **"§ 110-102.2. Administrative penalties.**

28 For failure to comply with this Article, the Secretary may:

- 29 (1) ~~Issue a written warning and a request for compliance;~~
- 30 (2) ~~Issue an official written reprimand;~~
- 31 (3) ~~Place a licensee upon probation until his compliance with this~~  
32 ~~Article has been verified by the Commission or its agent; Issue a~~  
33 ~~provisional license;~~
- 34 (4) Order suspension of a license for a specified length of time not to  
35 exceed one year;
- 36 (5) Permanently revoke a license issued under this ~~Article.~~Article;
- 37 (6) Issue a civil penalty pursuant to G.S. 110-103.1.

38 The issuance of an administrative penalty may be appealed as provided in ~~G.S. 110-90(5)~~  
39 ~~and G.S. 110-90(9).~~G.S. 110-94 and Chapter 150B of the General Statutes."

40 Sec. 9. G.S. 110-103.1(a) reads as rewritten:

41 "(a) A civil penalty ~~of not more than one thousand dollars (\$1,000)~~ may be levied  
42 against any ~~licensee operator of any child day care facility or home~~ who violates any  
43 provision of this Article. The penalty shall not exceed one thousand dollars (\$1,000) for

1 each violation documented on any given date. Every licensee-operator shall be provided  
 2 a schedule of the civil penalties established by the Commission pursuant to this Article."

3 Sec. 10. G.S. 110-105(a) reads as rewritten:

4 **"§ 110-105. Authority to inspect facilities.**

5 (a) The Commission shall adopt standards and rules under this subsection which  
 6 provide for the following types of inspections:

7 (1) An initial licensing or certification inspection, which shall not  
 8 occur until the administrator of the facility receives prior notice of  
 9 the initial inspection or certification visit;

10 (2) A plan for routine inspections of all facilities, which shall be  
 11 confidential unless a court orders its disclosure, and which shall be  
 12 conducted without prior notice to the facility;

13 (3) An inspection that may be conducted without notice, if there is  
 14 probable cause to believe that an emergency situation exists or  
 15 there is a complaint alleging a violation of licensure law. When the  
 16 Department is notified by the county director of social services that  
 17 the director has received a report of child abuse or neglect in a day-  
 18 care facility, or when the Department is notified by any other  
 19 person that alleged abuse or neglect has occurred in a facility, the  
 20 Commission's rules shall provide for an inspection conducted  
 21 without notice to the day-care facility to determine whether the  
 22 alleged abuse or neglect has occurred. This inspection shall be  
 23 conducted within seven calendar days of receipt of the report, and  
 24 when circumstances warrant additional visits, the second inspection  
 25 shall be conducted within one month of the first visit.

26 The Secretary or his designee, upon presenting appropriate credentials to the operator of  
 27 the day-care facility, is authorized to perform inspections in accordance with the  
 28 standards and rules promulgated under this subsection. The Secretary or his designee  
 29 may inspect all areas of any building where children are in care."

30 Sec. 11. G.S. 7A-517(5) reads as rewritten:

31 "(5) Caretaker. – Any person other than a parent who has the care of a  
 32 juvenile. Caretaker includes any blood relative, stepparent, foster  
 33 parent, house parent, cottage parent, or other person supervising a  
 34 juvenile in a child-care facility. 'Caretaker' also means any person  
 35 who has the responsibility for the care of a juvenile in a ~~day-care~~  
 36 ~~plan-day care home~~ or facility as defined in G.S. 110-86 and  
 37 includes any person who has the approval of the care provider to  
 38 assume responsibility for the juveniles under the care of the care  
 39 provider."

40 Sec. 12. G.S. 143B-168.5 reads as rewritten:

41 **"§ 143B-168.5. Child Day8unit.**

42 There is established within the ~~North Carolina Child Day Care Commission~~ Department  
 43 of Human Resources a special unit to deal primarily with ~~day-care licensing and~~  
 44 ~~registration violations involving child abuse and neglect.~~ violations involving child abuse

1 ~~and neglect in child day care arrangements. The Commission shall make rules sufficient to~~  
2 ~~define the duties of the special unit and to describe how it is to function as a special unit within~~  
3 ~~the Commission as a whole."~~

4           Sec. 13. This act becomes effective October 1, 1991.