

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 996

Short Title: Neighborhood Relief Act.

(Public)

Sponsors: Representatives Brawley; and Flaherty.

Referred to: Children, Youth, and Families.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO REMOVE CHILD DAY CARE HOMES CARING FOR FEWER THAN FIVE CHILDREN FROM STATE DAY CARE REGULATION UNDER ARTICLE 7 OF CHAPTER 110 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-85 reads as rewritten:

"§ 110-85. Legislative intent and purpose.

The General Assembly hereby declares its intent with respect to day care of children:

- (1) The State should protect the growing number of children who are placed in day-care facilities or in child-care arrangements when these children are under the supervision and in the care of persons other than their parents, grandparents, guardians or full-time custodians during the ~~day~~-day but the General Assembly finds that there is so strong a need to encourage neighborhood child day care home care that child day care homes caring for fewer than five children should not be regulated by the State. The General Assembly finds that these child day care homes are in fact carefully regulated by the neighborhood parents themselves and need no outside regulation.
- (2) This protection should assure that ~~such children~~ those children in child day care that requires State regulation are cared for by persons of good moral character, that their physical safety and moral environment are protected, and that the day- care resources conform to minimum

1 standards relating to the health and safety of the children receiving day
2 care.

- 3 (3) This protection requires the following elements for a comprehensive
4 approach: mandatory licensing of day-care facilities under minimum
5 standards; promotion of higher levels of day care than required for a
6 license through the development of higher standards which operators
7 may comply with on a voluntary basis; registration of child day care
8 homes which are too small to be regulated through licensing; and a
9 program of education to help operators improve their programs and to
10 develop public understanding of day-care needs and problems."

11 Sec. 2. G.S. 110-86 reads as rewritten:

12 **"§ 110-86. Definitions.**

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

- 15 (1) Commission. The Child Day-Care Commission created under this
16 Article.
- 17 (2) Child day care. Any child care arrangement wherein ~~three~~-five or more
18 children less than 13 years old receive care away from their own home
19 by persons other than their parents, grandparents, aunts, uncles,
20 brothers, sisters, first cousins, guardians or full-time custodians, or in
21 the child's own home where other unrelated children are in care. Child
22 day care does not include seasonal recreational programs operated for
23 less than four consecutive months in a year. Child day care also does
24 not include arrangements that provide only drop-in or short-term child
25 care for parents participating in activities that are not employment
26 related and where the parents are on the premises or otherwise easily
27 accessible, such as drop-in or short-term child care offered in health
28 spas, bowling alleys, shopping malls, resort hotels, and churches.
- 29 (3) Child day care facility. Includes any child day care center or child
30 care arrangement not excluded by G.S. 110-86(2), which provides day
31 care for more than five children, not including the operator's own
32 school-aged children, under the age of 13 years, on a regular basis of at
33 least once per week for more than four hours but less than 24 hours per
34 day, regardless of the time of day and regardless of whether the same
35 or different children attend. The following are not included: public
36 schools; nonpublic schools described in Part 2 of Article 39 of Chapter
37 115C of the General Statutes and accredited by the Southern
38 Association of Colleges and Schools, which regularly provide a course
39 of grade school instruction and which do not provide child day care as
40 defined in subdivision (2) of this section or operate a child day care
41 facility as defined herein for children under five years of age for more
42 than six and one-half hours per day either on or off the school site;
43 summer camps having children in full-time residence; Bible schools
44 conducted during vacation periods; facilities licensed under Article 2

1 of Chapter 122C of the General Statutes; and cooperative
 2 arrangements among parents to provide care for their own children as a
 3 convenience rather than for employment.

4 Child day care facilities are separated by capacity into the
 5 following categories which determine applicable requirements and
 6 standards as established by the Commission pursuant to G.S. 110-88:

7 **Facility Type**

8 Large Home

9 Small Center

10 Medium Center

11 Large Center

12 The Commission shall establish the maximum capacity for each of
 13 the four categories of facilities.

- 14 (4) Child day care home. Any day care program or child care arrangement
 15 wherein any person not excluded in G.S. 110-86(2) provides day care
 16 on a regular basis of at least once per week for more than four hours
 17 per day for more than ~~two~~four children under 13 years of age, but not
 18 to exceed a maximum of eight children at any one time, wherever
 19 operated, and whether or not operated for profit. Of the children
 20 present at any one time, no more than five children shall be preschool-
 21 aged, as defined in rules adopted by the Commission. The four hour
 22 limit applies regardless of the time of day and regardless of whether
 23 the same or different children attend. Cooperative arrangements among
 24 parents to provide care for their own children as a convenience rather
 25 than for employment are not included.

26 To determine whether a child care arrangement is a child day care
 27 home, all children shall be counted except the operator's own school-
 28 aged children and school-aged children who reside at the location of
 29 the day care home.

- 30 (4.1) Department. Department of Human Resources.

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

- 32 (6) License. A license issued by the Secretary to any day-care facility
 33 which meets the statutory standards established under this Article.

- 34 (7) Operator. Includes the owner, director or other person having primary
 35 responsibility for operation of a child day care facility subject to
 36 licensing.

- 37 (8) Secretary. The Secretary of the Department of Human Resources."

38 Sec. 3. This act is effective upon ratification and applies to regulation
 39 imposed on or after this date. It does not effect pending litigation or pending
 40 administrative action.