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Bill Analysis
Legislative Service Commission

S.B. 148*

125th General Assembly
(As Introduced)

Sens. Austria, Stivers, Goodman, Randy Gardner, Armbruster, Jacobson

BILL SUMMARY

- Provides that, subject to an exception for existing inspectors and investigators, each individual the Department of Job and Family Services (ODJFS) employs or contracts for to inspect or investigate child day-care centers pursuant to law must meet the requirements established for child day-care center administrators and each individual ODJFS employs or contracts for to inspect or investigate type A family day-care homes must meet the qualification and training requirements for type A family day-care home administrators, and modifies provisions regarding the inspection of such centers or homes when ODJFS receives a complaint that they are operating without a license and regarding the seeking of injunctions against the operation of an unlicensed center or home.
- Modifies the penalty for a violation of the prohibition against operating, establishing, managing, conducting, or maintaining a child day-care center or type A family day-care home without a license, so that a person who violates the prohibition must be fined, for each offense, \$250 multiplied by the number of children receiving child day-care at the center or type A home that exceeds the number of children to which a type B family day-care home may provide child day-care.
- Revises some of the application, certification, investigation, and inspection procedures regarding type B family day-care homes, including: (1) eliminating provisions that indicated that the certification of the home is to provide publicly funded child day-care, (2) requiring

** This analysis was prepared before the official introduction of the bill appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

the county department of job and family services (the county DJFS) that receives an application for certification as a type B family day-care home to request from the public children services agency information concerning any abuse or neglect report made pursuant to existing R.C. 2151.421 of which the applicant is the subject and to consider any information provided by the agency pursuant to R.C. 5153.175, and (3) if the county DJFS determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may endanger the health, safety, or welfare of children, requiring it to deny the application for certification or revoke a prior certification.

- Provides that, subject to an exception for existing inspectors and investigators, each individual a county DJFS employs or contracts for, or with whom the Director of ODJFS contracts for, to inspect or investigate type B family day-care homes pursuant to law must meet the qualifications and training requirements for type B family day-care home authorized providers.
- Requires ODJFS (instead of authorizing it, as under existing law) to develop and maintain a registry of persons providing child day-care, requires ODJFS to make the registry available to the public on its web site, and requires each county DJFS to assist ODJFS in developing and maintaining the registry by providing information regarding the type B family day-care homes and in-home aides certified by the county DJFS.
- Requires a public children services agency to promptly provide to any federal, state, or local government entity, or any agent of the entity, with a need for the information, all information the agency determines to be relevant to the protection of children from abuse and neglect.
- Specifies that the duty described in the preceding dotpoint includes, on request, promptly providing to ODJFS or a county DJFS, for the purpose of evaluating the fitness of a person who has applied for licensure as a type A family day-care home or certification as a type B family day-care home a summary of chronology in abuse and neglect reports made under R.C. 2151.421 of which the person is the subject and the final disposition or current status of the investigations and any underlying documentation concerning those reports, and specifies that the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect cannot be included in the information so provided.

- Revises certain time periods within which the Director of ODJFS and the director of a county DJFS must provide copies of certain adopted rules to specified persons and entities.

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CONTENT AND OPERATION

Child day-care centers and type A family day-care homes--application for certification, and investigation and inspection of applicants and operating homes

Existing law

Investigation and inspection of applicants. Existing law provides that any person, firm, organization, institution, or agency desiring to establish a "child day-care center" or "type A family day-care home" (see *Definitions*, below) must apply for a license to the Department of Job and Family Services (ODJFS). Upon the filing of an application, ODJFS's Director *must investigate and inspect* the

center or home to determine the license capacity for each age category of children of the center or home, and whether the center or home complies with R.C. Chapter 5104. and rules adopted under it. When, after investigation and inspection, the Director is satisfied that R.C. Chapter 5104. and the rules are complied with, a provisional license must be issued as soon as practicable. A provisional license is valid for six months from the date of issuance unless revoked. The Director *must investigate and inspect* the center or type A home at least once during its operation under the provisional license. If, after the investigation and inspection, the Director determines that the requirements of R.C. Chapter 5104. and rules adopted under it are met, the Director must issue a license, to be effective for two years from the date of issuance of the provisional license. The law also prescribes *investigation and inspection* duties for the Director upon the filing of an application for renewal of a license by a center or type A home, and for the issuance of a renewal license, to be effective for two years from the expiration date of the prior license. (R.C. 5104.03--not in the bill.)

Investigation and inspection of operating centers and homes. Existing law also requires ODJFS, at least twice during every 12-month period of operation of a center or type A home, to *inspect* the center or home, and to *inspect* a part-time center or part-time type A home at least once during every 12-month period of operation. The law establishes procedures and criteria regarding the inspections. Upon receipt of any complaint that a center or type A home is out of compliance with the requirements of R.C. Chapter 5104. or rules under it, ODJFS *must investigate and may inspect* the center or home. The law sets forth procedures to be followed in the event a licensed center or type A home is determined to be out of compliance with the requirements of R.C. Chapter 5104. or rules adopted under it, which procedures include the opportunity to correct the violation and the possibility of ODJFS bringing an action under R.C. Chapter 119. to revoke the license.

Whenever ODJFS receives a complaint, is advised, or otherwise has any reason to believe that a center or type A home is providing child day-care without a license issued or renewed pursuant to R.C. 5104.03 and is not exempt from licensing, ODJFS *must investigate* the center or home and *may inspect* specified areas in the center or home used in the care of children during suspected hours of operation to determine whether the center or home is subject to R.C. Chapter 5104. or rules adopted under it. The law sets forth procedures to be followed in the event the center or home is determined to be operating without a license, which procedures include the bringing of an action in a court of common pleas to obtain an order enjoining the owner from operating the center or home.

Finally, existing law requires ODJFS to establish procedures to be followed in investigating, inspecting, and licensing child day-care centers and type A family day-care homes. (R.C. 5104.04.)

Operation of the bill

The bill makes two changes in the application, certification, investigation, and inspection procedures regarding child day-care centers and type A family day-care homes, and enacts qualifications and training requirements for persons who conduct the inspections or investigations.

Investigations and injunction. The bill changes the application, certification, investigation, and inspection procedures regarding child day-care centers and type A family day-care homes as follows:

(1) It provides that *each time* (instead of *whenever*) ODJFS receives a complaint, is advised, or otherwise has any reason to believe that a center or type A home is providing child day-care without a license and is not exempt from licensing, ODJFS *must investigate* the center or home and *inspect* specified areas in the center or home used in the care of children during suspected hours of operation (instead of *must investigate* and *may inspect*) to determine whether the center or home is subject to R.C. Chapter 5104. or rules adopted under it (R.C. 5104.04(G));

(2) It provides that, in the event ODJFS determines a center or home is operating without a license, the common pleas court action that must be brought by the specified prosecuting authority must seek an order enjoining the owner from operating the center or home *in violation of R.C. 5104.02* (R.C. 5104.04(H); currently, the provision does not include the R.C. 5104.02 reference). Existing R.C. 5104.02, not in the bill, generally prohibits any person or entity from operating, establishing, managing, conducting, or maintaining a child day-care center or type A home without a license issued under R.C. 5104.03, and specifies a series of exemptions from the general prohibition.

Qualifications and training requirements for persons who conduct the inspections or investigations. The bill provides that, except as described below:

(1) each individual ODJFS employs or contracts for to inspect or investigate child day-care centers pursuant to R.C. 5104.03 or 5104.04, as described above, must meet the requirements established for child day-care center "administrators" (see "**Definitions.**" below) under R.C. 5104.011(A)(4), as described in the next paragraph, and (2) each individual ODJFS employs or contracts for to inspect or investigate type A family day-care homes pursuant to R.C. 5104.03 or 5104.04 must meet the qualification and training requirements for type A family day-care home "administrators" (see "**Definitions.**" below) established in rules adopted

under R.C. 5104.011(F)(21), as described in the second succeeding paragraph. If ODJFS employs or contracts for an individual to inspect or investigate centers and type A homes, the individual must meet the more stringent of those requirements. The bill specifies that these requirements do not apply to the individuals ODJFS employs or contracts for on the bill's effective date to inspect or investigate child day-care centers, type A family day-care homes, or both pursuant to R.C. 5104.03 or 5104.04. (R.C. 5104.082.)

Existing *R.C. 5104.011(A)(4)* does not pertain to requirements for day-care center administrators. Rather, it requires ODJFS's Director to include, in rules the Director adopts to govern the operation of child day-care centers, standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child at a center. But *R.C. 5104.011(B)(4)* requires a child day-care center administrator to show the Director: (1) evidence of at least high school graduation or certification of high school equivalency and evidence of having completed at least two years of training in an accredited college, university, or technical college, including courses in child development or early childhood education, or at least two years of experience in supervising and giving daily care to children attending an organized group program, and (2) evidence of at least one of the following: (a) two years of experience working as a child-care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child-care staff member in a particular center and who has been promoted to or designated as administrator of that center must have one year from the time the person was so promoted or designated to complete the required four courses, (b) two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college, (c) a child development associate credential issued by the national child development associate credentialing commission, or (d) an associate or higher degree in child development or early childhood education from an accredited college, technical college, or university, or a license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education. It seems likely that the bill intends to refer to R.C. 5104.011(B)(4) instead of R.C. 5104.011(A)(4). (R.C. 5104.011(A)(4) and (B)(4).)

Existing *R.C. 5104.011(F)(21)* requires ODJFS's Director to include, in rules the Director adopts to govern the operation of type A family day-care homes, qualifications and training requirements for administrators and for child-care staff members (R.C. 5104.011(F)(21)).

Penalty for operation of a child day-care center or type A family day-care home without a license

Existing law

Existing law provides that the Director of ODJFS is responsible for the licensing of child day-care centers and type A family day-care homes, and for the enforcement of R.C. Chapter 5104. and rules promulgated under it. The provision prohibits any person, firm, organization, institution, or agency from operating, establishing, managing, conducting, or maintaining a child day-care center or type A family day-care home without a license issued under R.C. 5104.03. The current license must be posted in a conspicuous place in the center or type A home that is accessible to parents, custodians, or guardians and employees of the center or home at all times when the center or home is in operation.

Existing law specifies that a person, firm, institution, organization, or agency operating any of the following programs is exempt from the requirements of R.C. Chapter 5104.: (1) a program of child day-care that operates for two or less consecutive weeks, (2) child day-care in places of worship during religious activities during which children are cared for while at least one parent, guardian, or custodian of each child is participating in the activities and is readily available, (3) religious activities that do not provide child day-care, (4) supervised training, instruction, or activities of children in specific areas, including, but not limited to: art, drama, dance, music, gymnastics, swimming, another athletic skill or sport, computers, or an educational subject conducted on an organized or periodic basis no more than one day a week and for no more than six hours duration, (5) programs in which ODJFS's Director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child day-care and is readily accessible at all times, except that child day-care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day must be licensed, (6) programs that provide child day-care funded and regulated or operated and regulated by state departments other than ODJFS or the State Board of Education when ODJFS's Director has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to R.C. Chapter 5104., (7) any preschool program or school child program that is subject to licensure by the Department of Education, (8) any program providing child day-care that meets certain specified requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the State Board of Education for kindergarten only, and (9) a youth development program operated in specified circumstances outside of school hours by a community-based center. (R.C. 5104.03, not in the bill.)

Existing law provides that any person or entity that violates the prohibition described above must be fined not less than \$100 nor more than \$500 for each offense (R.C. 5104.99(A)).

Operation of the bill

The bill modifies the penalty for a violation of the prohibition contained in R.C. 5104.02 against operating, establishing, managing, conducting, or maintaining a child day-care center or type A family day-care home without a license. Under the bill, a person who violates the prohibition must be fined, for each offense, \$250 multiplied by the number of children receiving child day-care at the center or type A home that exceeds the number of children to which a type B family day-care home may provide child day-care (see "**Definitions**," below for a description of that number).

Type B family day-care homes--application for certification, and investigation and inspection of applicants and operating homes

Existing law

Existing law provides that every person desiring to receive certification for a "type B family day-care home" (see "**Definitions**," below) must apply for certification to the director of the county department of job and family services (a county DJFS). Except as provided in R.C. 5104.11(G)(1), after receipt of an application for certification from a type B home, the director of the county DJFS *must inspect*. If the director determines that the home complies with R.C. Chapter 5104. and rules adopted under it, the director must issue to the provider a certificate to provide "publicly funded child day-care" (see "**Definitions**," below) for 12 months and the county DJFS must certify the type B home to provide publicly funded child day-care pursuant to R.C. Chapter 5104. and rules adopted under it. The director may contract with a government entity or a private nonprofit entity for that entity to inspect and certify type B family day-care homes pursuant to this provision. The county DJFS, government entity, or nonprofit entity must conduct the inspection prior to the issuance of a certificate for the home and, as part of that inspection, ensure that the home is safe and sanitary. The director may revoke the certificate after determining that revocation is necessary.

An "authorized provider" (see "**Definitions**," below) of a type B family day-care home that receives a certificate pursuant to this provision to provide publicly funded child day-care generally is an independent contractor and is not an employee of the county department of job and family services that issues the certificate. However, for purposes of R.C. Chapter 4141., determinations concerning the employment of an authorized provider of a type B family day-care

home that receives a certificate pursuant to this provision must be determined under R.C. Chapter 4141.

The director of a county DJFS *must inspect* every certified type B family day-care home at least twice within each 12-month period of the operation of the home. A minimum of one inspection must be unannounced and all inspections may be unannounced. Upon receipt of a complaint, the director *must investigate and may inspect* the certified type B home. The authorized provider must permit the director to inspect any part of the home, and the director must prepare a written inspection report and furnish one copy to the authorized provider. Finally, the director of a county DJFS, in accordance with rules adopted pursuant to R.C. 5104.052 regarding fire safety and fire prevention, *must inspect* each type B home that applies to be certified that is providing or is to provide publicly funded child day-care. (R.C. 5104.11.)

Operation of the bill

The bill revises some of the application, certification, investigation, and inspection procedures regarding type B family day-care homes, and enacts qualifications and training requirements for persons who conduct the inspections or investigations.

Application, certification, investigation, and inspection procedures.

Under the bill, as under existing law, application for certification as a type B family day-care home must be made to the director of the county DJFS on forms the director prescribes. But under the bill, each person who desires to provide publicly funded child day-care as a type B family day-care home must apply for certification, and each person who operates or desires to operate a type B family day-care home but not to provide publicly funded child day-care may apply for certification. As under existing law, the director must provide at no charge to each applicant a copy of rules for certifying type B family day-care homes. (R.C. 5104.11(A)(1).)

As under existing law, except as provided in R.C. 5104.011(G)(1), after receipt of an application for certification from a type B family day-care home, the director of the county DJFS must inspect the home and, if it complies with R.C. Chapter 5104. and rules adopted under it, the county DJFS must certify the type B family day-care home. But the bill removes the existing language that states that the certification of the home is "to provide publicly funded child day-care pursuant to this chapter and any rules adopted under it" (note that the bill modifies the definition of "certified type B family day-care home" to conform to this removal; see **Definitions**," below). The bill retains the existing provisions that permit the director or the county DJFS to contract with a government entity or a private nonprofit entity for the inspection and certification of type B family day-care

homes, and that require the inspection to be conducted prior to the issuance of a certificate for the type B home. (R.C. 5104.11(A)(2).)

The bill imposes new duties on county DJFSs regarding the consideration of applications for certification or renewal of certification of type B family day-care homes. Under the bill, on receipt of an application for certification or renewal of certification as a type B family day-care home, the county DJFS must request from the public children services agency information concerning any abuse or neglect report made pursuant to existing R.C. 2151.421 (see **COMMENT 1**) of which the applicant is the subject. The county DJFS must consider any information provided by the agency pursuant to R.C. 5153.175 (see "**Public children services agency--provision of information relevant to protection of children**," below). If the county DJFS determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may endanger the health, safety, or welfare of children, the county DJFS must deny the application for certification or renewal of certification, or revoke the certification of an authorized provider. (R.C. 5104.11(A)(3).)

The bill revises the existing provision that specifies that every authorized provider of a type B home that receives a certificate to operate publicly funded child day-care as an independent contractor and is not an employee of the county DJFS. Under the bill, except as described in the next clause, an authorized provider that provides publicly funded child day-care is an independent contractor and is not an employee of the county DJFS; for purposes of R.C. Chapter 4141., determinations concerning the employment of an authorized provider must be determined under R.C. Chapter 4141. (R.C. 5104.11(A)(4) and (5).)

The bill retains the existing provision that specifies that a certificate issued to a type B home is valid for 12 months, but the bill includes language clarifying that the 12-month period is subject to earlier revocation of the certificate and conforms to the prior change that removes the language linking the certificate to the provision of publicly funded child day-care. (R.C. 5104.11(B).)

Regarding inspections of operating type B homes, the bill retains the existing "at least two inspections each 12 months" requirement and retains the existing mandatory investigation if a complaint is made; but, if a complaint is made, the bill requires an inspection of the home instead of merely permitting an inspection. The bill also modifies the existing provision that requires the director of a county DJFS to inspect type B homes regarding fire safety and prevention; under existing law, the director must inspect each type B home that applies to be certified "that is providing or is to provide publicly funded child day-care" but under the bill, the director must conduct the inspection of each type B home that applies to be certified. (R.C. 5104.11(C) and (D).)

Qualifications and training requirements for persons who conduct the inspections or investigations. The bill provides that, except as described below, each individual a county DJFS employs or contracts for, or with whom the Director of Job and Family Services contracts for, to inspect or investigate type B family day-care homes pursuant to R.C. 5104.11, as described above, must meet the qualifications and training requirements for "authorized providers" (see "**Definitions**," below) established in rules adopted under R.C. 5104.011(G)(2)(n). The bill specifies that this requirement does not apply to the individuals county DJFSs employ or contract for, or with whom ODJFS's Director contracts for, on the bill's effective date to inspect or investigate type B family day-care homes pursuant to R.C. 5104.11. (R.C. 5104.083.)

Existing *R.C. 5104.011(G)(2)(n)* requires ODJFS's Director to include, in rules the Director adopts to govern the certification of type B family day-care homes, qualifications and training requirements for authorized providers.

Registry of persons providing child day-care

Existing law

Existing law permits ODJFS to develop and maintain a registry of persons providing "child day care" (see "**Definitions**," below). The Director of ODJFS may adopt rules under R.C. Chapter 119. establishing procedures and requirements for the registry's administration. (R.C. 5104.30(D).)

Operation of the bill

The bill replaces the existing discretionary registry of persons providing day care with a mandatory registry. Under the bill, ODJFS must develop and maintain a registry of persons providing child day-care and must make the registry available to the public on its web site. The bill requires each county DJFS, to assist ODJFS in developing and maintaining the registry, to provide ODJFS information regarding the type B family day-care homes and "in-home aides" (see "**Definitions**," below) certified by the county DJFS. As under existing law, the bill permits ODJFS's Director to adopt rules pursuant to R.C. Chapter 119. establishing procedures and requirements for the registry's administration. (R.C. 5104.14 and repeal of last paragraph in R.C. 5104.30(D).)

Public children services agency--provision of information relevant to protection of children

The bill provides that, notwithstanding R.C. 2151.421 (see **COMMENT 1**) and 5153.17 (see **COMMENT 2**) and any other Revised Code section pertaining to confidentiality, a public children services agency must promptly provide to any

federal, state, or local government entity, or any agent of the entity, with a need for the information, all information the agency determines to be relevant to the protection of children from abuse and neglect. This duty includes, on request, promptly providing to ODJFS or a county DJFS, for the purpose of evaluating the fitness of a person who has applied for licensure or renewal of licensure as a type A family day-care home or certification or renewal of certification as a type B family day-care home, both of the following: (1) a summary report of the chronology of abuse and neglect reports made pursuant to R.C. 2151.421 of which the person is the subject and the final disposition of the investigation of the reports or, if the investigations have not been completed, the status of the investigations, and (2) any underlying documentation concerning those reports.

The agency cannot include in the information provided to ODJFS or the county DJFS the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect. (R.C. 5153.175.)

Provision of copies of adopted rules

Existing law

Existing law provides for the adoption of rules, on various topics regarding the provision of day care, by the Director of ODJFS and by a director of a county DJFS. Regarding certain of the rules (R.C. 5104.011(J)):

(1) Existing law requires the Director of ODJFS to do all of the following: (a) send to each licensee notice of proposed rules governing the licensure of child day-care centers and type A child day-care homes, (b) give public notice of hearings regarding the rules to each licensee at least 30 days prior to the date of the public hearing, in accordance with R.C. 119.03, (c) *prior to the effective date of a rule*, provide, in either paper or electronic form, *a copy of the adopted rule* to each licensee, (d) send to each director of a county DJFS a notice of proposed rules governing the certification of type B family day-care homes and in-home aides that includes an Internet web site address where the proposed rules can be viewed, (e) give public notice of hearings regarding the proposed rules not less than 30 days in advance, and (f) provide to each director of a county DJFS an electronic *copy of each adopted rule prior to the rule's effective date*.

(2) Existing law requires the director of a county DJFS to send copies of proposed rules to each authorized provider and in-home aide and to give public notice of hearings regarding the rules to each authorized provider and in-home aide at least 30 days prior to the date of the public hearing, in accordance with R.C. 119.03. *Prior to the effective date of a rule*, the director of a county DJFS must provide *copies of the adopted rule* to each authorized provider and in-home aide.

Operation of the bill

The bill modifies some of the copy provisions described above, as follows (R.C. 5104.011(J)(1)(c), (2)(c), and (3)): (1) under the bill, the copies of an adopted rule required as described above in (1)(c) must be provided by the Director of ODJFS to licensees *at least 30 days before the effective date* of the adopted rule (instead of *prior to the effective date* of the rule), (2) under the bill, the copies of an adopted rule required as described above in (1)(f) must be provided by the Director of ODJFS to each director of a county DJFS *at least 45 days prior to the effective date* of the adopted rule (instead of *prior to the effective date* of the rule), and (3) under the bill, the copies of an adopted rule required as described above in (2) must be provided by the director of the county DJFS to authorized providers and in-home aides at least 30 days before the effective date of the rule (instead of *prior to the effective date of the rule*).

Definitions

The following definitions apply to R.C. Chapter 5104. and are relevant to the bill (R.C. 5104.01; all of the definitions are unchanged by the bill, except for the definition of "certified type B family day-care home):

Administrator means the person responsible for the daily operation of a center or type A home; the administrator and the owner may be the same person (R.C. 5104.11(A)).

Authorized provider means a person authorized by a county DJFS to operate a certified type B family day-care home (R.C. 5104.01(C)).

Certified type B family day-care home and **certified type B home** mean a type B family day-care home that is certified by the director of the county DJFS pursuant to R.C. 5104.11 (R.C. 5104.01(F), as amended by the bill; under existing law, the definition states that the certification is "to receive public funds for providing child day-care pursuant to R.C. Chapter 5104. and any rules adopted under it").

Child day-care means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24-hour day in a place or residence other than a child's own home (R.C. 5104.01(K)).

Child day-care center and **center** mean any place in which child day-care or publicly funded child day-care is provided for 13 or more children at one time or any place that is not the permanent residence of the licensee or administrator in

which child day-care or publicly funded child day-care is provided for seven to 12 children at one time. In counting children for the purposes of this provision, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center must be counted. "Child day-care center" and "center" do not include any of the following (R.C. 5104.01(L)): (1) a place located in and operated by a hospital, as defined in R.C. 3727.01, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a licensed physician or a licensed registered nurse, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured, (2) a child day camp, or (3) a place that provides child day-care, but not publicly funded child day-care, if an organized religious body provides the child day-care, a parent, custodian, or guardian of at least one child receiving child day-care is on the premises and readily accessible at all times, the child day-care is not provided for more than 30 days a year, and the child day-care is provided only for preschool and school children.

In-home aide means a person certified by a county director of job and family services pursuant to R.C. 5104.12 to provide publicly funded child day-care to a child in a child's own home pursuant to this chapter and any rules adopted under it (R.C. 5104.01(X)).

Part-time child day-care center, part-time center, part-time type A family day-care home, and part-time type A home mean a center or type A home that provides child day-care or publicly funded child day-care for no more than four hours a day for any child (R.C. 5104.01(FF)).

Publicly funded child day-care means administering to the needs of infants, toddlers, preschool children, and school children under age 13 during any part of the 24-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by ODJFS (R.C. 5104.01(JJ)).

Type A family day-care home and **type A home** mean a permanent residence of the administrator in which child day-care or publicly funded child day-care is provided for seven to 12 children at one time or a permanent residence of the administrator in which child day-care is provided for four to 12 children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this provision, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home must be counted. **Type A family day-care home** does not include a residence in which the needs of children are administered to, if

all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. *Type A family day-care home* and *type A home* do not include any child day camp. (R.C. 5104.01(RR).)

Type B family day-care home and *type B home* mean a permanent residence of the provider in which child day-care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this provision, any children under six years of age who are related to the provider and who are on the premises of the type B home must be counted. *Type B family day-care home* does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. *Type B family day-care home* and *type B home* do not include any child day camp. (R.C. 5104.01(SS).)

COMMENT

1. Existing R.C. 2151.421, not in the bill, generally requires a person in specified categories of professions who is acting in his or her official or professional capacity, and authorizes any other person, who knows or suspects that a child under 18 years of age or a mentally retarded, developmentally disabled, or physically impaired child under 21 years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition that reasonably indicates abuse or neglect of the child, to report that knowledge or suspicion to the public children services agency or a municipal or county peace officer. A public children services agency must investigate a report made under the section, and make any recommendation to the local prosecuting authority that it considers necessary to protect any children that are brought to its attention. Reports made under the section generally are confidential; in a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Criminal Rules.

2. Existing R.C. 5153.17, not in the bill, requires each public children services agency to prepare and keep written records of investigations of families, children, and foster homes, and of the care, training, and treatment afforded children, and to prepare and keep such other records as are required by ODJFS. The records are confidential, but, except as provided by R.C. 3107.17(B), are open to inspection by the agency, the director of the county DJFS, and by other persons, upon the written permission of the executive secretary.

HISTORY

ACTION	DATE	JOURNAL ENTRY
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Introduced	---	---
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