

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 870

Short Title: Neighborhood Relief Act.

(Public)

Sponsors: Representatives Brawley; Hayes, Buchanan, and Weatherly.

Referred to: Welfare Reform and Human Resources.

April 12, 1995

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 also 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 either pursuant to this Article or pursuant to rules adopted by the Social Services Commission for 'nonregistered' homes that are not required to be registered under this Article but that receive State subsidies for child day care. The General Assembly finds that these

1 child day care homes are in fact carefully regulated by the neighborhood  
2 parents themselves and need no outside regulation.

3 (2) This protection should assure that ~~such children~~ those children in child  
4 day care that requires State regulation are cared for by persons of good  
5 moral character, that their physical safety and moral environment are  
6 protected, and that the day-care resources conform to minimum  
7 standards relating to the health and safety of the children receiving day  
8 care.

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

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

18 **"§ 110-86. Definitions.**

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

21 (1) Commission. The Child Day-Care Commission created under this  
22 Article.

23 (2) Child day care. Any child care arrangement wherein ~~three~~ five or more  
24 children less than 13 years old receive care away from their own home  
25 by persons other than their parents, grandparents, aunts, uncles,  
26 brothers, sisters, first cousins, guardians or full-time custodians, or in  
27 the child's own home where other unrelated children are in care. Child  
28 day care does not include seasonal recreational programs operated for  
29 less than four consecutive months in a year. Child day care also does not  
30 include arrangements that provide only drop-in or short-term child care  
31 for parents participating in activities that are not employment related  
32 and where the parents are on the premises or otherwise easily  
33 accessible, such as drop-in or short-term child care offered in health  
34 spas, bowling alleys, shopping malls, resort hotels, and churches.

35 (3) Child day care facility. Includes any child day care center or child care  
36 arrangement not excluded by G.S. 110-86(2), which provides day care  
37 for more than five children, not including the operator's own school-  
38 aged children, under the age of 13 years, on a regular basis of at least  
39 once per week for more than four hours but less than 24 hours per day,  
40 regardless of the time of day and regardless of whether the same or  
41 different children attend. The following are not included: public  
42 schools; nonpublic schools described in Part 2 of Article 39 of Chapter  
43 115C of the General Statutes and accredited by the Southern

1 Association of Colleges and Schools, which regularly provide a course  
2 of grade school instruction and which do not provide child day care as  
3 defined in subdivision (2) of this section or operate a child day care  
4 facility as defined herein for children under five years of age for more  
5 than six and one-half hours per day either on or off the school site;  
6 summer camps having children in full-time residence; Bible schools  
7 conducted during vacation periods; facilities licensed under Article 2 of  
8 Chapter 122C of the General Statutes; and cooperative arrangements  
9 among parents to provide care for their own children as a convenience  
10 rather than for employment.

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

14 **Facility Type**

15 Large Home

16 Small Center

17 Medium Center

18 Large Center

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

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

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

- 37 (4.1) Department. Department of Human Resources.

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

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

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

1                   (8)     Secretary. The Secretary of the Department of Human Resources."  
2                   Sec. 3. This act is effective upon ratification and applies to regulation imposed  
3 on or after this date. It does not effect pending litigation or pending administrative  
4 action.