

HB 1145 -- Unlicensed Child Care Providers

Sponsor: Gatschenberger

This bill establishes Nathan's Law and Sam Pratt's Law which change the laws regarding child care providers.

In its main provisions, Nathan's Law:

(1) Specifies that a child related by blood, marriage, or adoption will be counted in the total number of children being cared for as it applies to the determination if a provider needs to be licensed except that a child living in the home who attends a full day of school will not be included in the total. Currently, these children are not counted in the total number;

(2) Requires any child care facility which is exempt from licensure to disclose its exempt status to the parents or guardians of children in its care;

(3) Assesses a fine of \$200 per day, not to exceed \$10,000, to any person violating the provisions regarding licensure of child care facilities for a second or subsequent time; and

(4) Authorizes the Department of Health and Senior Services to immediately close any illegally operating unlicensed child care facility. A local prosecutor may file suit for a permanent order preventing the operation of the facility which will remain in effect until the court determines that the child care facility is in compliance with all licensing requirements.

In its main provisions, Sam Pratt's Law authorizes the department, if it has been notified or has determined that criminal charges are pending against an unlicensed child care provider, to conduct an investigation in the same manner as an investigation would occur for a licensed child care provider. If the department determines that the pending charges would similarly result in the sanction of the license of the licensed provider, it must notify the unlicensed child care provider that he or she is prohibited from providing child care services pending a resolution of the charges in favor of the provider. Any unlicensed child care provider who continues to provide services after notification by the department to cease will be guilty of a class B misdemeanor for the first violation and a class A misdemeanor for any subsequent violation. The department must report any known violation of these provisions to the appropriate prosecuting attorney's office or law enforcement agency.