

HB 2097 -- NATHAN'S LAW

SPONSOR: Schupp

This bill establishes Nathan's law, which changes the laws regarding the licensing of child care facilities. The bill specifies that a child related by blood, marriage, or adoption must be counted in the total number of children being cared for as it applies to determining if a facility is required to be licensed only if the person is also caring for at least two other children who are unrelated by blood, marriage, or adoption to the person within the third degree, and the children are not being cared for due to extenuating circumstances not exceeding 30 days within one calendar year. Currently, these children are not considered in the total number. A child living in the caregiver's home who is eligible for enrollment in a public kindergarten or elementary school must not be included in the total.

All child care facilities must disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. Currently, only a child care facility not exempt from licensure must make the disclosure.

The Department of Health and Senior Services may immediately close any illegally operating unlicensed child care facility upon documentation of the illegal status of the facility or the finding of an emergency based on the harm or imminent harm to the children involved. A local prosecutor may file suit for a permanent order preventing the operation of the facility that must remain in effect until the court determines that the child care facility is in compliance with all licensing requirements. Any operator of a facility closed under this provision that is later found to have been legal must have the right to exercise any rights and remedies that may be available at law or in equity.