

97

Mary Kay Schwabe  
Long Beach

HOUSE BILL 97

JAN 14 200	READ FIRST TIME
	REFERRED TO COM. NO. <u>10</u>
	DELIVERED TO COM. NO. <u>10</u>

House of Intro  
To Com No. \_\_\_\_\_  
Stand Report Do      Amd      Not       
Com Whole Do      Amd      Not       
2nd Reading Amd       
3rd Reading Amd      Pass      Fail     

Second House  
To Com No. \_\_\_\_\_  
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Com Whole Do      Amd      Not       
2nd Reading Amd       
3rd Reading Amd      Pass      Fail     

## INTRODUCED

1981

STATE OF WYOMING

81LSO-030.01

HOUSE BILL NO. 97

Child care facilities.

Sponsored by: Representatives SCHWOPE and BRYANT

### A BILL

for

1 AN ACT to create W.S. 14-4-117 and 14-4-118; to amend W.S.  
2 14-4-101(a) introductory paragraph and by creating a new  
3 paragraph (iv) and amending and renumbering (iv) as (v),  
4 (v) as (vi) and (vi) as (vii) and by creating new para-  
5 graphs (viii) and (ix) and amending and renumbering (vii)  
6 as (x) and by creating new paragraphs (xi) and (xii),  
7 14-4-102(b) introductory paragraph and (v), (viii) and by  
8 creating new paragraphs (ix), (x), (xi) and (xii),  
9 14-4-103(a)(v) and by creating new paragraphs (vi) and  
10 (vii) and renumbering the subsequent paragraph accord-  
11 ingly, (c) by creating new paragraphs (i) and (ii) and

1 amending and renumbering (i) as (iii) and (ii) as (iv) and  
2 by creating new paragraphs (v), (vi) and (vii) and amend-  
3 ing and renumbering (iii) as (viii), 14-4-104, 14-4-105,  
4 14-4-106, 14-4-107(a), 14-4-108, 14-4-109(a), 14-4-110,  
5 14-4-111, 14-4-113(a), 14-4-115 and 14-4-116(c); and to  
6 repeal W.S. 14-4-102(b)(vii), 14-4-109(b), 14-4-112 and  
7 14-4-114 relating to child care facilities; providing for  
8 reporting, investigation and action by the certification  
9 board for child abuse and neglect within child care  
10 facilities; providing for parental financial responsibil-  
11 ity for a child under court jurisdiction placed in public  
12 or private facilities; modifying the definition of child  
13 care facility and defining care, child placing agency, day  
14 care facility and residential child care facility; expand-  
15 ing exemptions to facilities subject to certification;  
16 modifying the composition and duties of the certification  
17 board; authorizing the board and the certifying authority  
18 to promulgate standards for child care facilities; modi-  
19 fying provisions for notification and terms of certifi-  
20 cation and for provisional certification; granting the  
21 board probationary authority; authorizing the board to  
22 review denial, suspension or revocation of an application  
23 or certificate by the certifying authority; requiring  
24 child care facilities to report communicable diseases to

1 the department of health and social services; and provid-  
2 ing for an effective date.

3 Be It Enacted by the Legislature of the State of Wyoming:

4 Section 1. W.S. 14-4-117 and 14-4-118 are created to  
5 read:

6 14-4-117. Reporting of child abuse and neglect in  
7 facilities; investigation of abuse allegations; action by  
8 board.

9 (a) Child care facilities shall maintain written  
10 policies and procedures governing the use of discipline  
11 and the reporting of child abuse and neglect within the  
12 facilities.

13 (b) Allegations that a child is abused or neglected  
14 in a child care facility as defined in W.S.  
15 14-3-202(a)(ii), (vi) and (vii) shall be investigated  
16 immediately in accordance with W.S. 14-3-201 through  
17 14-3-215.

18 (c) If the certifying authority has reasonable cause  
19 to believe that a child has been abused or neglected in a  
20 child care facility and that this constitutes an imminent  
21 danger to the health, safety or welfare of a child, the

1 certifying authority may order an emergency suspension of  
2 that facility's certificate pending suspension, revocation  
3 or restriction of the certificate pursuant to W.S.  
4 14-4-108. Suspension under this subsection shall not  
5 exceed ten (10) days.

6 (d) If the allegations of abuse or neglect in a  
7 child care facility are substantiated, the certifying  
8 authority may take action to place the facility on proba-  
9 tionary status pursuant to W.S. 14-4-106 or may proceed  
10 with suspension, revocation or restriction of the certif-  
11 icate pursuant to W.S. 14-4-108.

12 14-4-118. Parental financial responsibility for  
13 child under jurisdiction of court. A court of competent  
14 jurisdiction may direct that the parent or guardian of a  
15 child under jurisdiction of the court who is placed in a  
16 public or private institution is financially responsible  
17 for the total or any part of the cost of the maintenance  
18 of that child.

19 Section 2. W.S. 14-4-101(a) introductory paragraph  
20 and by creating a new paragraph (iv) and amending and  
21 renumbering (iv) as (v), (v) as (vi) and (vi) as (vii) and  
22 by creating new paragraphs (viii) and (ix) and amending  
23 and renumbering (vii) as (x) and by creating new para-

1 graphs (xi) and (xii), 14-4-102(b) introductory paragraph  
2 and (v), (viii) and by creating new paragraphs (ix), (x),  
3 (xi) and (xii), 14-4-103(a)(v) and by creating new para-  
4 graphs (vi) and (vii) and renumbering the subsequent para-  
5 graph accordingly, (c) by creating new paragraphs (i) and  
6 (ii) and amending and renumbering (i) as (iii) and (ii) as  
7 (iv) and by creating new paragraphs (v), (vi) and (vii)  
8 and amending and renumbering (iii) as (viii), 14-4-104,  
9 14-4-105, 14-4-106, 14-4-107(a), 14-4-108, 14-4-109(a),  
10 14-4-110, 14-4-111, 14-4-113(a), 14-4-115 and 14-4-116(c)  
11 are amended to read:

12 14-4-101. Definitions.

13 (a) As used in ~~W.S.--14-4-101-through-14-4-115~~ THIS  
14 ACT:

15 (iv) "CARE" MEANS THE MOST DILIGENT CONCERN  
16 FOR AN INDIVIDUAL'S HEALTH, SAFETY AND WELFARE;

17 ~~(iv)~~(v) "Certified agency" means any person  
18 certified to do business under ~~the--provisions--of--W.S.-~~  
19 ~~14-4-101-through-14-4-111~~ THIS ACT;

20 ~~(v)~~(vi) "Certifying authority" means the  
21 department of health and social services operating as the  
22 agency which issues certificates, makes inspections,

1 enforces standards and handles all administrative details  
2 relating to enforcement of ~~W.S.-14-4-101-through-14-4-111~~  
3 THIS ACT;

4 ~~(vi)~~(vii) "Child caring facility" means any  
5 person who ~~operates-a-business-to-keep~~ KEEPS or PROVIDES  
6 care for any minor at the request of the parents, legal  
7 guardians or an agency which is responsible for the child  
8 and includes any of the following privately operated  
9 facilities OR PERSONS:

10 (A) ~~Children's---institutions~~ DAY CARE  
11 FACILITIES;

12 (B) Child placing agencies; ~~whether--for~~  
13 ~~permanent-or-temporary-placement;~~

14 (C) ~~Foster--homes--not-supervised-by-the~~  
15 ~~state,-any-local-government,-school-district-or-agency--or~~  
16 ~~political---subdivision--thereof~~ RESIDENTIAL CHILD CARE  
17 FACILITIES;

18 ~~(D)--Group-day-care-agencies;~~

19 ~~(E)--Detention-homes;~~

20 ~~(F)--Public-or-private--receiving--homes;~~

1                   ~~{G}--Correctional-schools,~~

2                   ~~{H}--Homes-for-defective-children,~~

3                   ~~{J}{D}~~ Ranches, for SPECIALTY CAMPS OR  
4 FARMS OFFERING CARE TO HOMELESS, DELINQUENT OR  
5 DEVELOPMENTALLY DISABLED children; ~~whether--for--summer~~  
6 ~~operation-only-or-otherwise,~~ AND

7                   ~~{K}--Day--or--hourly--nurseries,--nursery~~  
8 ~~schools,--kindergartens--or-any-other-preschool-establish-~~  
9 ~~ment-not-accredited-by-the-state-board-of-education,~~

10                   ~~{M}--Boarding-homes-not-supervised-by-the~~  
11 ~~state,--any-local-government,--school-district-or-agency--or~~  
12 ~~political-subdivision-thereof,--and~~

13                   ~~{N}{E}~~ Any other person not legally  
14 related to a minor, having legal or physical care, custody  
15 or control of ~~the--child~~ THREE (3) OR MORE CHILDREN,  
16 receiving payment therefor and not supervised by the  
17 ~~state,--any-local-government,--school-district-or-agency~~ or  
18 ANY political ~~subdivisen~~ SUBDIVISION thereof.

19                   (viii) "CHILD PLACING AGENCY" MEANS ANY PERSON  
20 WHO ENGAGES IN THE PLACEMENT OF CHILDREN;

21                   (ix) "DAY CARE" MEANS ANY PERSON WHO PROVIDES



1 FOR THE CARE, SUPERVISION AND GUIDANCE OF A CHILD UNACCOM-  
2 PANIED BY A PARENT OR GUARDIAN ON A REGULAR BASIS FOR  
3 PERIODS OF LESS THAN TWENTY-FOUR (24) HOURS PER DAY IN A  
4 PLACE OTHER THAN THE CHILD'S HOME;

5 ~~{vii}~~(x) "Person" shall-mean MEANS any indi-  
6 vidual, partnership, association or corporation;

7 (xi) "RESIDENTIAL CHILD CARE FACILITY" MEANS  
8 ANY PERSON WHO PROVIDES A DOMICILE FOR SIX (6) OR MORE  
9 MINORS AT THE REQUEST OF THE PARENTS, LEGAL GUARDIANS OR  
10 AN AGENCY WHICH IS RESPONSIBLE FOR THE CHILD AND INCLUDES  
11 ANY OF THE FOLLOWING PRIVATELY OPERATED FACILITIES:

12 (A) RECEIVING HOMES;

13 (B) GROUP HOMES; AND

14 (C) RESIDENTIAL TREATMENT PROGRAMS.

15 (xii) "THIS ACT" MEANS W.S. 14-4-101 THROUGH  
16 14-4-118.

17 14-4-102. Certification required; exceptions.

18 (b) ~~W.S.-14-4-101-through-14-4-111~~ THIS ACT does not  
19 apply to:

20 (v) Day care ~~agencies-providing-care~~ PROVIDED

1 for less than three (3) minors;

2 (viii) Summer camps, ~~operated--by--nonprofit~~  
3 ~~organizations~~, DUDE RANCHES OR SPECIALTY CAMPS;

4 (ix) PRIVATE PRESCHOOLS, KINDERGARTENS AND  
5 PLAY GROUPS WHICH A CHILD ATTENDS ON A ONE-HALF (1/2) PER  
6 DAY BASIS SOLELY FOR EDUCATIONAL PURPOSES;

7 (x) HEADSTART FACILITIES;

8 (xi) MONTESSORI SCHOOLS OFFERING PROGRAMS ON A  
9 ONE-HALF (1/2) PER DAY BASIS; AND

10 (xii) ESTABLISHMENTS CARING FOR CHILDREN FOR  
11 SHORT PERIODS OF TIME WHILE PARENTS OR PERSONS IN CHARGE  
12 OF THE CHILDREN ARE ATTENDING CHURCH SERVICES, ENGAGING IN  
13 OTHER ACTIVITIES ON THE PREMISES OF THE ESTABLISHMENT,  
14 WHICH FOR CHURCHES OR OTHER RELIGIOUS INSTITUTIONS  
15 INCLUDES SUNDAY SCHOOL, RETREATS, WEEKLY CATECHISM OR  
16 OTHER SCHOOLS OR CLASSES FOR RELIGIOUS INSTRUCTION.

17 14-4-103. Certification board; establishment; com-  
18 position; appointment, etc., of lay members; duties.

19 (a) A certification board is established and shall  
20 be composed of:

1                   (v) Two (2) lay members who are residents of  
2 the state and WHO ARE operators of child caring facili-  
3 ties; and

4                   (vi) ONE (1) LAY MEMBER WHO IS A RESIDENT OF  
5 THE STATE AND WHO IS A REPRESENTATIVE OF A RESIDENTIAL  
6 CHILD CARE FACILITY;

7                   (vii) THREE (3) LAY MEMBERS WHO ARE PARENTS OF  
8 CHILDREN RECEIVING DAY CARE SERVICES FROM A CERTIFIED  
9 FACILITY; AND

10                   ~~(vi)~~(viii) Any other person the governor may  
11 ~~find-necessary~~ APPOINT to comply with federal ~~programs~~  
12 PROGRAM REQUIREMENTS.

13           (c) The board shall:

14                   (i) BE RESPONSIBLE TO THE GOVERNOR;

15                   (ii) MEET AT LEAST QUARTERLY EACH YEAR AND  
16 ELECT OFFICERS AT THE FIRST MEETING OF EACH CALENDAR YEAR;

17                   ~~(i)~~(iii) Designate ~~investigators~~ QUALIFIED  
18 INDIVIDUALS to investigate AND INSPECT any ~~child-caring~~  
19 PROGRAM, AGENCY OR facility within the provisions of W.S.  
20 ~~14-4-101-through-14-4-111~~ THIS ACT;

1           ~~{iii}~~(iv) Act as the board of review IN APPROV-  
2       ING AND REVIEWING APPLICATIONS AND RENEWALS OF RESIDENTIAL  
3       FACILITIES AND CHILD PLACING AGENCIES REQUIRED TO BE  
4       CERTIFIED UNDER W.S. 14-4-102; and

5           (v) IN CONJUNCTION WITH THE CERTIFYING AUTHOR-  
6       ITY, PROMULGATE STANDARDS FOR CHILD CARING FACILITIES  
7       SUBJECT TO THIS ACT AS NECESSARY FOR THE GROWTH, HEALTH,  
8       SAFETY AND WELFARE OF CHILDREN;

9           (vi) GRANT, RENEW, SUSPEND, DENY OR RESTRICT  
10      CERTIFICATES BY MAJORITY VOTE;

11          (vii) RECEIVE LEGAL COUNSEL AS NECESSARY FROM  
12      THE OFFICE OF THE ATTORNEY GENERAL; AND

13          ~~{iii}~~(viii) Act as an advisor to the state AND  
14      TO CHILD CARING FACILITIES in all matters pertaining to  
15      child care programs and child care ~~facility-licensing~~  
16      CERTIFICATION.

17          14-4-104. Certification; application; issuance upon  
18      compliance with standards; notification to certify or  
19      refuse; term; nontransferable.

20          (a) Application for certification of a child caring  
21      facility ~~within W.S. ---14-4-101-through-14-4-111~~ UNDER THIS

1 ACT shall be made to the certifying authority.

2 (b) A certificate shall be issued upon compliance  
3 with ~~the following~~ standards: PROMULGATED BY THE CERTIFI-  
4 CATION BOARD AND THE CERTIFYING AUTHORITY PURSUANT TO W.S.  
5 14-4-103(c)(v).

6 ~~(i)--Good-moral-character-of-the-applicant,-his~~  
7 ~~employees--and-any-other-person-having-direct-contact-with~~  
8 ~~a-child-under-the-care,-custody-or-control-of--the--appli-~~  
9 ~~cant,-~~

10 ~~(ii)--Practical-experience,-education-or-train-~~  
11 ~~ing-of-the-applicant-in-child-care-and-treatment,-~~

12 ~~(iii)--Uncrowded,-safe,-sanitary--and--well~~  
13 ~~repaired-facilities,-and~~

14 ~~(iv)--Wholesome-food-prepared-in--a--clean--and~~  
15 ~~healthy-environment.-~~

16 (c) The certifying authority shall notify the appli-  
17 cant of ~~its~~ THE decision to certify or refuse ~~certifi-~~  
18 ~~cation-of~~ TO CERTIFY the applicant within ~~thirty--(30)~~  
19 FORTY-FIVE (45) days ~~after~~ OF RECEIPT OF the application  
20 ~~has-been-filed~~ FOR CERTIFICATION.

21 (d) ~~All~~ Certificates expire ~~one--(1)--year~~ TWO (2)

1 YEARS from the date of issuance unless revoked prior to  
2 the expiration date. and All certificates are nontransfer-  
3 able.

4 14-4-105. Same; provisional certificate; conditions;  
5 exemption.

6 (a) The certifying authority may issue a NONRENEW-  
7 ABLE provisional certificate ~~if-a-substandard-child-caring~~  
8 ~~agency--is--attempting--to-meet-the-standards-or-to-comply~~  
9 ~~with-the-rules-and-regulations-pursuant-to--W.S.--14-4-101~~  
10 ~~through--14-4-111.--A-provisional-certificate-is-effective~~  
11 ~~for-a-period-of-not-more-than-six-(6)-months-and--is--non-~~  
12 ~~renewable.~~ EFFECTIVE FOR A PERIOD OF SIX (6) MONTHS TO ANY  
13 FACILITY WHICH:

14 (i) IS A NEW APPLICANT FOR CERTIFICATION AS A  
15 CHILD CARING FACILITY AND IS FOUND TO COMPLY WITH THE  
16 STANDARDS PROMULGATED PURSUANT TO W.S. 14-4-104(b). THIS  
17 SECTION DOES NOT APPLY TO DAY CARE FACILITIES PROVIDING  
18 CARE FOR LESS THAN ELEVEN (11) MINORS; OR

19 (ii) IS IN SUBSTANTIAL COMPLIANCE WITH THE  
20 STANDARDS PROMULGATED PURSUANT TO W.S. 14-4-104(b) AND THE  
21 CHILD CARING FACILITY HAS SUBMITTED AN ACCEPTABLE PLAN OF  
22 CORRECTION TO THE CERTIFYING AUTHORITY AND THE CERTIFYING

1     AUTHORITY HAS DETERMINED THAT PROVISIONAL CERTIFICATION OF  
2     THE FACILITY IS IN THE PUBLIC INTEREST.

3             14-4-106. Same; renewal; probationary authority.

4             (a) A request for renewal of a certificate BY A  
5     CHILD CARING FACILITY shall be filed ~~within-thirty-(30)~~  
6     WITH THE CERTIFYING AUTHORITY NO LATER THAN SIXTY (60)  
7     days prior to the expiration date of the certificate. The  
8     expiring certificate does not expire until the application  
9     has been ~~determined~~ ACTED UPON by the certifying ~~authority~~  
10    BOARD. Each renewal of a certificate is effective ~~one--(1)~~  
11    ~~year~~ TWO (2) YEARS from the anniversary date of the  
12    certificate.

13            (b) THE BOARD MAY PLACE A CHILD CARING FACIL-  
14    ITY ON PROBATIONARY STATUS FOLLOWING INVESTIGATION OF A  
15    COMPLAINT OR RENEWAL INSPECTION WHICH DISCLOSES THAT THE  
16    FACILITY IS IN NONCOMPLIANCE WITH THIS ACT.

17            14-4-107. Inspection, etc., by certifying authority;  
18    right of entrance, etc.; denial thereof.

19            (a) The certifying ~~board~~ AUTHORITY shall period-  
20    ically and at reasonable times inspect, investigate and  
21    examine all certified agencies and applicants for certifi-  
22    cation.

1        14-4-108. Denial, etc., of certificate; grounds;  
2        review by board.

3        (a) Any application for certification and any  
4        certificate made or issued pursuant to ~~W.S.-14-4-101~~  
5        ~~through-14-4-111~~ THIS ACT may be denied, suspended, ~~or~~  
6        revoked OR RESTRICTED by the certifying authority upon  
7        ~~proof-of-violation~~ A FINDING THAT THE CHILD CARING FACIL-  
8        ITY FAILS TO MEET THE STANDARDS PROMULGATED PURSUANT TO  
9        THIS ACT OR IS IN VIOLATION of any provision ~~within--W.S.-~~  
10       ~~14-4-101-through-14-4-111~~ OF THIS ACT.

11       (b) THE BOARD SHALL REVIEW ANY DECISION OF THE CER-  
12       TIFYING AUTHORITY TO DENY, SUSPEND, REVOKE OR RESTRICT A  
13       CERTIFICATE.

14       14-4-109. Same; notice and hearing. (a) Upon  
15       receiving a notice of denial, suspension, revocation,  
16       RESTRICTION or nonrenewal of certification, any certified  
17       agency or applicant may request a hearing with the board  
18       of review by serving proper notice to the certifying  
19       authority. The hearing shall be conducted in accordance  
20       with the Wyoming Administrative Procedure Act.

21       14-4-110. Enjoining operations in violation. Any  
22       person may be enjoined from operating a child caring



1 facility for violating ~~any provision within W.S. 14-4-101~~  
2 ~~through 14-4-111~~ THIS ACT.

3 14-4-111. Penalty for uncertified operation. Any  
4 child caring facility operating without certification  
5 under ~~W.S. 14-4-101 through 14-4-111~~ THIS ACT is guilty  
6 of a misdemeanor and shall be fined not less than fifty  
7 dollars (\$50.00) nor more than two hundred dollars  
8 (\$200.00) for each offense. Each day of operation without  
9 certification is a separate offense.

10 14-4-113. Commitment of uncontrollable child;  
11 refusal to receive.

12 (a) If a child is committed to a child caring facil-  
13 ity by a court under the Juvenile Court Act or otherwise  
14 and the child caring facility cannot exercise proper con-  
15 trol over the child, the child caring facility may report  
16 the facts to the court with jurisdiction for a recon-  
17 sideration or rehearing on the order. ~~If the facts~~  
18 ~~warrant, the child shall then be committed to the indus-~~  
19 ~~trial institute, the Wyoming girls school, or such other~~  
20 ~~privately or publicly operated facility as the court deems~~  
21 ~~appropriate.~~

22 14-4-115. Authority of counties, cities and towns to

1 maintain receiving homes. The board of county commis-  
2 sioners of any county or the governing body of any ~~municipi-~~  
3 ~~pal--corporation~~ CITY OR TOWN may acquire and maintain a  
4 ~~detention~~ RECEIVING home for care of ~~delinquent~~ minors. 7  
5 ~~provided-the-detention-home-is-not-used-for-any-other-pur-~~  
6 ~~pese-~~

7 14-4-116. Mandatory immunizations for children  
8 attending child caring facilities; exceptions; reporting  
9 of communicable diseases.

10 (c) The operator of the child caring facility ~~shall~~  
11 ~~be~~ IS responsible for an audit of the immunization status  
12 of any child NOT ENROLLED IN A PUBLIC SCHOOL AND attending  
13 the child caring facility in a similar manner to W.S.  
14 21-4-309. ALL DIAGNOSED COMMUNICABLE DISEASES SHALL BE  
15 REPORTED IMMEDIATELY TO THE DEPARTMENT OF HEALTH AND  
16 SOCIAL SERVICES.

17 Section 3. W.S. 14-4-102(b)(vii), 14-4-109(b),  
18 14-4-112 and 14-4-114 are repealed.

19 Section 4. The purpose of this act is to authorize  
20 the certification of child care for children. Certif-  
21 icates are authorized if in compliance with this act and  
22 applicable rules and regulations. Penalties are estab-

1     lished if child care is provided without required certifi-  
2     cation.    The   purpose of certification is to regulate the  
3     provision of child care for children in   order   to   assure  
4     care,   protection,   supervision and the promotion of sound  
5     growth and development necessary to their   health,   safety  
6     and welfare.

7             Section 5.   This act is effective May 20, 1981.

8                             (END)

FISCAL NOTE

Anticipated REVENUE to: Fiscal Year 19 Fiscal Year 19

TOTAL ESTIMATED REVENUE		

Anticipated COST to: Fiscal Year 19 Fiscal Year 19

TOTAL ESTIMATED COST		

No apparent fiscal or personnel impact.

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