

1999-2000

**HOUSE
CHILDREN, YOUTH &
FAMILIES
COMMITTEE**

MINUTES

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
1999 SESSION**

COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

**REPRESENTATIVE HOWARD J. HUNTER, JR.
CHAIRMAN**

**REPRESENTATIVE JIM HORE
VICE CHAIRMAN**

**BARBARA Y. PHILLIPS
LEGISLATIVE ASSISTANT**

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

HOUSE: CHILDREN, YOUTH & FAMILIES

1999-2000 Biennium	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	Valid Through 20-JUL-1999
BILL			IN DATE	OUT DATE
H 262=	CULPEPPER	ENHANCE CHILD WELFARE SERVICES	*R -CH. SL 99-0190	03-04-99
H 287=	ALEXANDER	CHILD CARE LAW CORRECTIONS	*R -CH. SL 99-0130	03-23-99
H 287=	ALEXANDER	CHILD CARE LAW CORRECTIONS	*R -CH. SL 99-0130	03-23-99
H 304=	EARLE	CHILD CARE SUBSIDY FRAUD	R -CH. SL 99-0279	04-23-99
H 945	DECKER	ADOPT CONSENT REVOCATION	H -REF TO COM ON CHILD	03-30-99
H1045	MOORE R	CHILD CARE CREDENTIAL EXEMPTIONS	H -REF TO COM ON CHILD	04-08-99
H1159=	NESBITT	PROTECTION FROM VIOLENT CAREGIVERS	*R -CH. SL 99-0318	04-14-99
S 241=	PHILLIPS	CHILD CARE LAW CORRECTIONS	*H -REF TO COM ON CHILD	04-15-99
				04-28-99
				04-23-99

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.
 * AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.
 BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

HOUSE COMMITTEE ON CHILDREN, YOUTH AND FAMILIES
1999-2000 Session

<u>MEMBER & SEAT</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>
Hunter, Howard (Chairman – 68)	Barbara Y. Phillips (Committee Clerk)	733-1962	613
Horn, Jim (Vice Chair – (92)	Alice Sharpe	733-5849	503
Boyd-McIntyre (18)		733-5905	507
Easterling, Ruth (6)	Marie Horne	733-5900	631
Goodwin, Wayne (81)	Kristen Younts	733-4838	502
Hiatt, William (63)	Edna Pearce	733-5862	1008
Holmes, George (29)	Glenda Jacobs	733-5771	2119
Jeffus, Margaret (4)	Mary Robinson	733-5191	1013
McAllister, Mary (34)	Annecia Norwood	733-5959	638
Moore, Richard (15)	Susan Burleson	733-5746	1220
Morris, Mia (115)	Joy Feagin	733-5741	1315

Staff:

Jo McCants
Research Div.

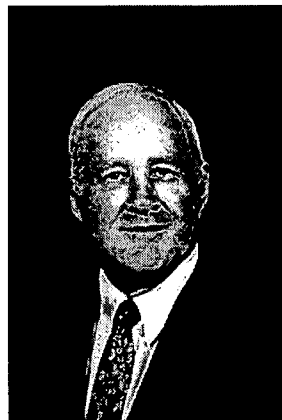
733-2578

COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

MEMBERS



Rep. Howard J. Hunter, Jr.
Chairman



Rep. Jim Horn
Vice Chairman



Rep. Boyd-McIntyre



Rep. Ruth Easterling



Rep. Wayne Goodwin



Rep. William Hiatt



Rep. George Holmes



Rep. Margaret Jeffus



Rep. Mary McAllister



Rep. Richard Moore



Rep. Mia Morris

AGENDA

CHILDREN, YOUTH AND FAMILIES

REP. HOWARD J. HUNTER, JR., CHAIRMAN

**MARCH 2, 1999
12 NOON**

OPENING REMARKS

INTRODUCTION

**COMMITTEE MEMBERS
RESEARCH STAFF**

REMARKS

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
CHILDREN, YOUTH AND FAMILIES**

MARCH 2, 1999

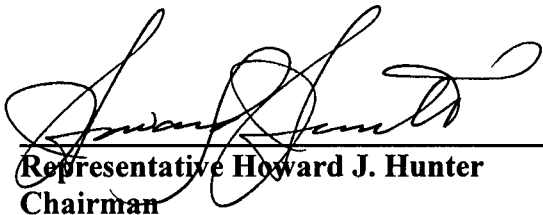
The House Committee on Children, Youth and Families met on Tuesday, March 2, 1999, in Room 612 of the Legislative Office Building at 12:05 p.m. The following members were present: Chairman Howard Hunter, Representatives Horn, Boyd-McIntyre, Goodwin, Hiatt, Holmes, Jeffus, McAllister, Moore, Morris and Staff Attorney, Jo McCants. A Visitor Registration list is attached and made part of these minutes.

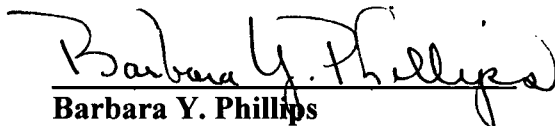
The Chairman called the meeting to order.

Representative Hunter stated that this was an introductory/get acquainted meeting. Each member stated his/her name and the district represented. All visitors and staff were recognized. Rep. Hunter remarked that he was pleased with the Speaker's selection of members for this committee.

There was no further business and the meeting was adjourned.

Respectfully submitted,


Representative Howard J. Hunter
Chairman


Barbara Y. Phillips
Committee Assistant

Attachment

VISITOR REGISTRATION SHEET

CHILDREN, YOUTH AND FAMILIES

March 2, 1999

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

AGENDA

CHILDREN, YOUTH AND FAMILIES
REP. HOWARD J. HUNTER, JR., CHAIRMAN
MARCH 23, 1999
12 NOON

CALL TO ORDER – Representative Howard Hunter

BILLS

HB 287 – AN ACT TO MAKE CORRECTIONS TO THE GENERAL STATUTES REGARDING CHILD CARE AND TO REPEAL CERTAIN OTHER LAWS PERTAINING TO CHILD CARE PROGRAM STANDARDS.

SPONSOR – REPRESENTATIVE ALEXANDER

HB 262 – AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED, NEGLECTED, OR DEPENDENT JUVENILES IN THE CUSTODY OR AUTHORITY OF THE COUNTY DEPARTMENTS OF SOCIAL SERVICES.

SPONSOR – REPRESENTATIVE CULPEPPER

HB 304 – AN ACT TO PROVIDE CRIMINAL PENALTIES FOR FRAUDULENT MISREPRESENTATION INVOLVING CHILD CARE SUBSIDIES AND TO PROVIDE COUNTIES A FINANCIAL INCENTIVE TO INVESTIGATE AND PURSUE FRAUD IN CHILD CARE PAYMENTS.

SPONSOR – REPRESENTATIVE EARLE

REMARKS

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
CHILDREN, YOUTH AND FAMILIES
MARCH 23, 1999**

The House Committee on Children, Youth and Families met on Tuesday, March 23, 1999, in Room 612 of the Legislative Office Building at 12:00 noon. The following members were present: Chairman Howard Hunter, Representatives Horn, Goodwin, Hiatt, Jeffus, McAllister, Moore, Morris, and Easterling. Also present were: Representatives Alexander and Culpepper, Staff Attorneys, Jo McCants and Linda Attarian and Cannan Huie, Bill Drafting. A Visitor Registration list is attached and made part of these minutes.

The Chairman called the meeting to order to consider HB 287 and HB 262.

HB 287 – An Act to make corrections to the General Statutes regarding Child Care and to Repeal Certain Other Laws pertaining to Child Care Program Standards. A committee substitute was presented. Representative Goodwin moved to consider the committee substitute. The motion was carried and Representative Alexander was recognized to explain the bill.

Glen Jernigan had questions about the deletion of the word other on page 2 of the bill. He argued that the Commission might be overstepping their current boundaries if they are given total control over setting the qualifications and standards to be followed by all staff without General Assembly having some form Of oversight. He was informed that the General Assembly enacts the statues relating to child care and the Commission can't ignore the laws that are in place.

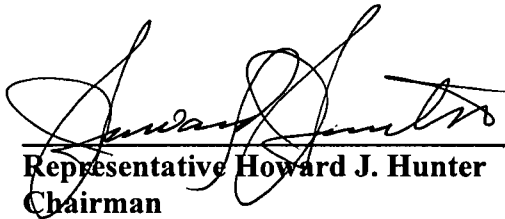
Upon the motion made by Rep. Goodwin the original HB 287 received an unfavorable report and the committee substitute received a favorable report.

The next order of business was HB 262 – An Act to amend the General Statues Pertaining to Custody of Abused, Neglected, or Dependent Juveniles in the Custody or authority of the County Department of Social Services.

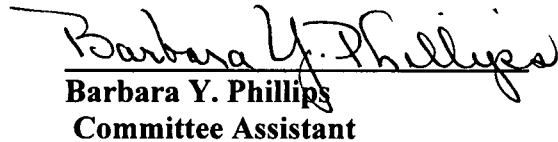
Representative Culpepper was recognized to explain HB 262. Upon the motion made by Representative Goodwin, the Committee voted for a favorable report.

There was no further business and the meeting was adjourned.

Respectfully submitted,



Representative Howard J. Hunter
Chairman



Barbara Y. Phillips
Committee Assistant

Attachments

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

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HOUSE BILL 287*

Proposed Committee Substitute H287-PCS6087-SE

Short Title: Child Care Law Corrections.

(Public)

Sponsors:

Referred to:

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL
3 STATUTES REGARDING CHILD CARE AND TO REPEAL SECTIONS 4(B)
4 AND 28.3 OF S.L. 1997-506.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 110-88(2) reads as rewritten:
7 "(2) To require inspections by and satisfactory written reports from
8 representatives of local or State health ~~agencies and~~ agencies, fire
9 and building inspection ~~agencies~~ agencies, and from representatives
10 of the Department prior to the issuance of ~~a~~ an initial license to
11 any child care center."
12 Section 2. G.S. 110-91(8) reads as rewritten:
13 "(8) Qualifications for Staff. -- All child care center administrators shall
14 be at least 21 years of age. All child care center administrators
15 shall have the North Carolina Early Childhood Administration
16 Credential or its equivalent as determined by the Department. All
17 child care administrators performing administrative duties as of the
18 date this act becomes law and child care administrators who
19 assume administrative duties at any time after this act becomes law
20 and until September 1, 1998, shall obtain the required credential
21 by September 1, 2000. Child care administrators who assume
22 administrative duties after September 1, 1998, shall begin working
23 toward the completion of the North Carolina Early Childhood

Administration Credential or its equivalent within six months after assuming administrative duties and shall complete the credential or its equivalent within two years after beginning work to complete the credential. Each child care center shall be under the direction or supervision of a person meeting these requirements. All staff counted toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a ~~credentialed~~ staff person who is at least 21 years of age. All lead teachers in a child care center shall have at least a North Carolina Early Childhood Credential or its equivalent as determined by the Department. Lead teachers shall be enrolled in the North Carolina Early Childhood Credential coursework or its equivalent as determined by the Department within six months after becoming employed as a lead teacher or within six months after this act becomes law, whichever is later, and shall complete the credential or its equivalent within 18 months after enrollment.

For child care centers licensed to care for 200 or more children, the Department, in collaboration with the North Carolina Institute for Early Childhood Professional Development, shall establish categories to recognize the levels of education achieved by child care center administrators and teachers who perform administrative functions. The Department shall use these categories to establish appropriate staffing based on the size of the center and the individual staff responsibilities.

Effective January 1, 1998, an operator of a licensed family child care home shall be at least 21 years old and have a high school diploma or its equivalent. Operators of a family child care home licensed prior to January 1, 1998, shall be at least 18 years of age and literate. Literate is defined as understanding licensing requirements and having the ability to communicate with the family and relevant emergency personnel. Any operator of a licensed family child care home shall be the person on-site providing child care.

No person shall be an operator of nor be employed in a child care facility who has been convicted of a crime involving child neglect, child abuse, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children.

The Commission shall adopt standards to establish appropriate qualifications for all ~~other~~ staff in child care centers. These standards shall reflect training, experience, education and credentialing and shall be appropriate for the size center and the

level of individual staff responsibilities. It is the intent of this provision to guarantee that all children in child care are cared for by qualified people. No requirements may interfere with the teachings or doctrine of any established religious organization."

Section 3. G.S. 110-93 reads as rewritten:

"§ 110-93. Application for a license.

(a) Each person who seeks to operate a child care facility shall apply to the Department for a license. The application shall be in the form required by the Department. Each ~~operator~~ applicant seeking a license shall be responsible for supplying with the application the necessary supporting data and reports to show conformity with rules adopted by the Commission for Health Services pursuant to G.S. 110-91(1) and with the standards established or authorized by this Article, including any required reports from the local and district health departments, local building inspectors, local firemen, voluntary firemen, and others, on forms which shall be provided by the Department.

(b) If an ~~operator~~ applicant conforms to the rules adopted by the Commission for Health Services pursuant to G.S. 110-91(1) and with the standards established or authorized by this Article as shown in the application and other supporting data, the Secretary shall issue a license that shall remain valid until the Secretary notifies the licensee otherwise pursuant to G.S. 150B-3 or other provisions of this Article, subject to suspension or revocation for cause as provided in this Article. If the applicant fails to conform to the required rules and standards, the Secretary may issue a provisional license under the policies of the Commission. The Department shall notify the ~~operator~~ applicant in writing by registered or certified mail the reasons the Department issued a provisional license.

(c) Repealed by Session Laws 1997-506, s. 10.

(d) Repealed by Session Laws 1977, c. 929, s. 1."

Section 4. G.S. 110-99(b) reads as rewritten:

"(b) A person who provides only drop-in or short-term child care as described in G.S. ~~110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child care provided in churches, shall notify the Department that the person is providing only drop-in or short-term child care. Any person providing only drop-in or short-term child care as described in G.S. ~~110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child care provided in churches, shall display in a prominent place at all times a notice that the child care arrangement is not required to be licensed and regulated by the Department and is not licensed and regulated by the Department."

Section 5. Section 4(b) of S.L. 1997-506 is repealed.

Section 6. Section 28.3 of S.L. 1997-506 is repealed.

Section 7. This act is effective when it becomes law.

unfavorable

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 287*

Short Title: Child Care Law Corrections.

(Public)

Sponsors: Representatives Alexander; Hunter, Preston (Primary Sponsors),
Easterling, Mosley, Gardner, Jeffus, and Wainwright.

Referred to: Children, Youth and Families.

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CORRECTIONS TO THE GENERAL STATUTES
3 REGARDING CHILD CARE AND TO REPEAL CERTAIN OTHER LAWS
4 PERTAINING TO CHILD CARE PROGRAM STANDARDS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 110-88(2) reads as rewritten:
7 "(2) To require inspections by and satisfactory written reports from
8 representatives of local or State health agencies and fire and
9 building inspection agencies and from representatives of the
10 Department prior to the issuance of a license to any child care
11 center."
12 Section 2. G.S. 110-91(4) reads as rewritten:
13 "(4) . Building. -- Each child care facility shall be located in a building
14 which meets the appropriate requirements of the North Carolina
15 Building Code under standards which shall be developed by the
16 Building Code Council, subject to adoption by the Commission
17 specifically for child care facilities, including facilities operated in a
18 private residence. These standards shall be consistent with the
19 provisions of this Article. A local building code enforcement
20 officer shall approve any proposed alternate material, design, or
21 method of construction, provided the building code enforcement
22 officer finds that the alternate, for the purpose intended, is at least
23 the equivalent of that prescribed in the technical building codes in

1 quality, strength, effectiveness, fire resistance, durability, or safety.
2 A local building code enforcement officer shall require that
3 sufficient evidence or proof be submitted to substantiate any claim
4 made regarding the alternate. The Child Care Commission may
5 request changes to the Building Code to suit the special needs of
6 preschool children. Satisfactorily written reports from
7 representatives of building inspection agencies verifying that at the
8 time of inspection current code requirements are met shall be
9 required prior to the issuance of ~~a license and~~ an initial license,
10 whenever renovations are made to a child care center, or when the
11 operator requests licensure of space not previously approved for
12 child care."

13 Section 3. G.S. 110-91(8) reads as rewritten:

14 "(8) Qualifications for Staff. -- All child care center administrators shall
15 be at least 21 years of age. All child care center administrators
16 shall have the North Carolina Early Childhood Administration
17 Credential or its equivalent as determined by the Department. All
18 child care administrators performing administrative duties as of the
19 date this act becomes law and child care administrators who
20 assume administrative duties at any time after this act becomes law
21 and until September 1, 1998, shall obtain the required credential
22 by September 1, 2000. Child care administrators who assume
23 administrative duties after September 1, 1998, shall begin working
24 toward the completion of the North Carolina Early Childhood
25 Administration Credential or its equivalent within six months after
26 assuming administrative duties and shall complete the credential or
27 its equivalent within two years after beginning work to complete
28 the credential. Each child care center shall be under the direction
29 or supervision of a person meeting these requirements. All staff
30 counted toward meeting the required staff-child ratio shall be at
31 least 16 years of age, provided that persons younger than 18 years
32 of age work under the direct supervision of a ~~credentialed~~ staff
33 person who is at least 21 years of age. All lead teachers in a child
34 care center shall have at least a North Carolina Early Childhood
35 Credential or its equivalent as determined by the Department.
36 Lead teachers shall be enrolled in the North Carolina Early
37 Childhood Credential coursework or its equivalent as determined
38 by the Department within six months after becoming employed as
39 a lead teacher or within six months after this act becomes law,
40 whichever is later, and shall complete the credential or its
41 equivalent within 18 months after enrollment.

42 For child care centers licensed to care for 200 or more children,
43 the Department, in collaboration with the North Carolina Institute
44 for Early Childhood Professional Development, shall establish

1 categories to recognize the levels of education achieved by child
2 care center administrators and teachers who perform
3 administrative functions. The Department shall use these categories
4 to establish appropriate staffing based on the size of the center and
5 the individual staff responsibilities.

6 Effective January 1, 1998, an operator of a licensed family child
7 care home shall be at least 21 years old and have a high school
8 diploma or its equivalent. Operators of a family child care home
9 licensed prior to January 1, 1998, shall be at least 18 years of age
10 and literate. Literate is defined as understanding licensing
11 requirements and having the ability to communicate with the
12 family and relevant emergency personnel. Any operator of a
13 licensed family child care home shall be the person on-site
14 providing child care.

15 No person shall be an operator of nor be employed in a child
16 care facility who has been convicted of a crime involving child
17 neglect, child abuse, or moral turpitude, or who is an habitually
18 excessive user of alcohol or who illegally uses narcotic or other
19 impairing drugs, or who is mentally or emotionally impaired to an
20 extent that may be injurious to children.

21 The Commission shall adopt standards to establish appropriate
22 qualifications for all ~~other~~ staff in child care centers. These
23 standards shall reflect training, experience, education and
24 credentialing and shall be appropriate for the size center and the
25 level of individual staff responsibilities. It is the intent of this
26 provision to guarantee that all children in child care are cared for
27 by qualified people. No requirements may interfere with the
28 teachings or doctrine of any established religious organization."

29 Section 4. G.S. 110-93 reads as rewritten:

30 "**§ 110-93. Application for a license.**

31 (a) Each person who seeks to operate a child care facility shall apply to the
32 Department for a license. The application shall be in the form required by the
33 Department. Each ~~operator~~ applicant seeking a license shall be responsible for
34 supplying with the application the necessary supporting data and reports to show
35 conformity with rules adopted by the Commission for Health Services pursuant to
36 G.S. 110-91(1) and with the standards established or authorized by this ~~Article~~,
37 Article in effect at the time of application, including any required reports from the
38 local and district health departments, local building inspectors, local firemen,
39 voluntary firemen, and others, on forms which shall be provided by the Department.

40 (b) If an ~~operator~~ applicant conforms to the rules adopted by the Commission for
41 Health Services pursuant to G.S. 110-91(1) and with the standards established or
42 authorized by this Article at the time of application as shown in the application and
43 other supporting data, the Secretary shall issue a license that shall remain valid until
44 the Secretary notifies the licensee otherwise pursuant to G.S. 150B-3 or other

1 provisions of this Article, subject to suspension or revocation for cause as provided in
2 this Article. If the applicant fails to conform to the required rules and standards, the
3 Secretary may issue a provisional license under the policies of the Commission. The
4 Department shall notify the ~~operator~~ applicant in writing by registered or certified
5 mail the reasons the Department issued a provisional license.

6 (c) Repealed by Session Laws 1997-506, s. 10.

7 (d) Repealed by Session Laws 1977, c. 929, s. 1."

8 Section 5. G.S. 110-99(b) reads as rewritten:

9 "(b) A person who provides only drop-in or short-term child care as described in
10 ~~G.S. 110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child care provided
11 in churches, shall notify the Department that the person is providing only drop-in or
12 short-term child care. Any person providing only drop-in or short-term child care as
13 described in ~~G.S. 110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child
14 care provided in churches, shall display in a prominent place at all times a notice that
15 the child care arrangement is not required to be licensed and regulated by the
16 Department and is not licensed and regulated by the Department."

17 Section 6. Section 4(b) of S.L. 1997-506 is repealed.

18 Section 7. Section 28.3 of S.L. 1997-506 is repealed.

19 Section 8. This act becomes effective when it becomes law.



HOUSE BILL 287: Child Care Law Corrections

BILL ANALYSIS

Committee: Children, Youth & Families
Date: March 23, 1999
Version: H287-PCSSE-001

Introduced by: Representative Alexander
Summary by: Jo B. McCants
Committee Counsel

SUMMARY: *This bill makes the following substantive changes:*

- 1) requires all staff persons who are at least 16 but younger than 18 to work under the direct supervision of a staff person who is at least 21;*
- 2) exempts churches who provide drop-in or short-term child care from having to notify the Department of their existence and the requirement that a notice be posted within the facility stating that the facility is not licensed or regulated by the Department;*
- 3) repeals the provision that provides that the enhanced program standards adopted by the Commission expire on July 1, 1999 (see G.S. 110-88 and S.L. 1997-506 (4b), attached); and*
- 4) repeals the provision that does not allow DHHS, the Division of Child Development or the Commission to require the utilization of training materials, curriculum, or policy developed or provided by the National Association for the Education of Young Children or the National Institute for Early Childhood Professional Development. (see S.L. 1997-506 (28.3), attached).*

BILL ANALYSIS:

Section 1. Section 1 amends current law to require a building inspection and a written report from a building inspection agency prior to the issuance of an initial license to any child care center. Health and fire inspections, as well as inspections by the Department, are currently required prior to the issuance of a license to a child care center.

Section 2. Section 2 amends current law by allowing a staff person who is at least 16 years of age, but less than 18, to be directly supervised by a staff person who is at least 21 years of age. Current law requires that a *credentialed* staff person who is at least 21 years of age supervise the staff person under 18.

Section 3. Section 3 only makes technical changes. The word "operator" is deleted and the word "applicant" is substituted in each instance.

Section 4. Section 4 amends current law to exclude churches that offer drop-in or short-term child care from the requirement of notifying the Department that they are providing such care. This section also exempts churches that offer drop-in and short-term child care from having to post a notice that the facility is not licensed or regulated by the Department.

Section 5. Section 5 repeals the provision that would cause the Commission's duty to develop and adopt voluntary enhanced program standards which reflect higher quality child care than the mandatory standards to expire on July 1, 1999.

Section 6. Section 6 repeals the ban against promoting or utilizing materials provided by the National Association for the Education of Young Children or the National Institute for Early Childhood Professional Development.

Section 7. This act becomes effective when it becomes law.

§ 110-86. Definitions.

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

- (1) Commission. - The Child Care Commission created under this Article.
- (2) Child care. - A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:
 - a. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
 - b. Recreational programs operated for less than four consecutive months in a year;
 - c. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
 - d. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
 - e. Public schools;
 - f. Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in subdivision (3) of this section for less than six and one-half hours per day either on or off the school site;
 - g. Bible schools conducted during vacation periods;
 - h. Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;
 - i. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
 - j. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.
- (2a) Child care administrator. - A person who is responsible for the operation of a child care facility and is on-site on a regular basis.
- (3) Child care facility. - Includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.
 - a. A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.
 - b. A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.
- (4) Repealed by Session Laws 1997-506, s. 3, effective September 16, 1997.
- (4a) Department. - Department of Health and Human Services.
- (5) Repealed by Session Laws 1975, c. 879, s. 15.
- (5a) Lead teacher. - An individual who is responsible for planning and implementing the daily program of activities for a group of children in a child care facility.
- (6) License. - A permit issued by the Secretary to any child care facility which meets the statutory standards established under this Article.
- (7) Operator. - Includes the owner, director or other person having primary responsibility for operation of a child care facility subject to licensing.
- (8) Secretary. - The Secretary of the Department of Health and Human Services.

§ 110-88. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

- (1) To develop policies and procedures for the issuance of a license to any child care facility that meets all applicable standards established under this Article.
- (1a) To adopt applicable rules and standards based upon the capacity of a child care facility.
- (2) To require inspections by and satisfactory written reports from representatives of local or State health agencies and fire inspection agencies and from representatives of the Department prior to the issuance of a license to any child care center.
- (2a) To require annually, inspections by and satisfactory written reports from representatives of local or State health agencies and fire inspection agencies after a license is issued.
- (3) Repealed by Session Laws 1997-506, s. 4, effective September 16, 1997.
- (4) Repealed by Session Laws 1975, c. 879, s. 15.
- (5) To adopt rules and develop policies for implementation of this Article, including procedures for application, approval, annual compliance visits for centers, and revocation of licenses.
- (6) To adopt rules for the issuance of a provisional license that shall be in effect for no more than 12 consecutive months to a child care facility that does not conform in every respect with the standards established in this Article and rules adopted by the Commission pursuant to this Article but that is making a reasonable effort to conform to the standards.
- (6a) To adopt rules for administrative action against a child care facility when the Secretary's investigations pursuant to G.S. 110-105(a)(3) substantiate that child abuse or neglect did occur in the facility. The rules shall provide for types of sanctions which shall depend upon the severity of the incident and the probability of reoccurrence. The rules shall also provide for written warnings and special provisional licenses.
- (7) (See editor's note) To develop and adopt voluntary enhanced program standards which reflect higher quality child care than the mandatory standards established by this Article. These enhanced program standards must address, at a minimum, staff/child ratios, staff qualifications, parent involvement, operational and personnel policies, developmentally appropriate curricula, and facility square footage.
- (8) To develop a procedure by which the Department shall furnish those forms as may be required for implementation of this Article.
- (9) Repealed by Session Laws 1985, c. 757, s. 156(66).
- (10) To adopt rules for the issuance of a temporary license which shall expire in six months and which may be issued to the operator of a new center or to the operator of a previously licensed center when a change in ownership or location occurs.
- (11) To adopt rules for child care facilities which provide care for children who are mildly sick.
- (12) To adopt rules regulating the amount of time a child care administrator shall be on-site at a child care center.

The Department of Human Resources, Division of Child Development and the Child Care Commission shall not promote or require the utilization of training materials, curriculum, or policy developed or provided by the National Association for the Education of Young Children or the National Institute for Early Childhood Professional Development. The Division and the Commission shall permit individual facilities to make curriculum decisions.

S.L. 1997-506 4(b).

(b) The enhanced program standards adopted by the Commission pursuant to G.S. 110-88(7) shall expire July 1, 1999.

S.L. 1997-506 28.3

Section 28.3. The Department of Human Resources, Division of Child Development and the Child Care Commission shall not promote or require the utilization of training materials, curriculum, or policy developed or provided by the National Association for the Education of Young Children or the National Institute for Early Childhood Professional Development. The Division and the Commission shall permit individual facilities to make curriculum decisions.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **HUNTER** for the Committee on **CHILDREN, YOUTH AND FAMILIES**.

☐ Committee Substitute for

H.B. 287 A BILL TO BE ENTITLED AN ACT TO MAKE CORRECTIONS TO THE GENERAL STATUTES REGARDING CHILD CARE AND TO REPEAL CERTAIN OTHER LAWS PERTAINING TO CHILD CARE PROGRAM STANDARDS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☒ With a favorable report as to committee substitute bill, ☒ which changes the title, unfavorable as to (original bill)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

FOR JOURNAL USE ONLY

- ____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.
- ____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.
- ____ The bill/resolution is re-referred to the Committee on _____.
- ____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.
- ____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.
- ____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).
- ____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.
- ____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).
- ____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.
- ____ On motion of Rep. _____, the House concurs in the (material) Senate _____ (by the following vote, _____ RC) (, by EV _____,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 262

Short Title: Enhance Child Welfare Services/AB.

(Public)

Sponsors: Representatives Culpepper; Alexander, Gardner, and Hunter.

Referred to: Children, Youth and Families.

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO
3 CUSTODY OF ABUSED, NEGLECTED, OR DEPENDENT JUVENILES IN
4 THE CUSTODY OR AUTHORITY OF THE COUNTY DEPARTMENTS OF
5 SOCIAL SERVICES.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 7B-101(3), as enacted in Section 6 of S.L. 1998-202, reads
8 as rewritten:
9 "(3) Caretaker. -- Any person other than a parent, guardian, or
10 custodian who has responsibility for the health and welfare of a
11 juvenile in a residential setting. A person responsible for a
12 juvenile's health and welfare means a stepparent, foster parent, an
13 adult member of the juvenile's household, an adult relative
14 entrusted with the juvenile's care, ~~or~~ any person such as a house
15 parent or cottage parent who has primary responsibility for
16 supervising a juvenile's health and welfare in a residential child
17 care facility or residential educational ~~facility~~. facility, or any
18 employee or volunteer of a division, institution, or school operated
19 by the Department of Health and Human Services. "Caretaker"
20 also means any person who has the responsibility for the care of a
21 juvenile in a child care facility as defined in Article 7 of Chapter
22 110 of the General Statutes and includes any person who has the
23 approval of the care provider to assume responsibility for the
24 juveniles under the care of the care provider. Nothing in this

subdivision shall be construed to impose a legal duty of support under Chapter 50 or Chapter 110 of the General Statutes. The duty imposed upon a caretaker as defined in this subdivision shall be for the purpose of this Subchapter only."

Section 2. G.S. 7B-302, as enacted by Section 6 of S.L. 1998-202 and as amended by Section 19 of S.L. 1998-229, reads as rewritten:

"(b) When a report of a juvenile's death as a result of suspected maltreatment or a report of suspected abuse, neglect, or dependency of a juvenile in a noninstitutional setting is received, the director of the department of social services shall immediately ascertain if other juveniles ~~remain~~ live in the home, and, if so, initiate an investigation in order to determine whether they require protective services or whether immediate removal of the juveniles from the home is necessary for their protection. When a report of a juvenile's death as a result of maltreatment or a report of suspected abuse, neglect, or dependency of a juvenile in an institutional setting such as a residential child care facility or residential educational facility is received, the director of the department of social services shall immediately ascertain if other juveniles remain in the facility subject to the alleged perpetrator's care or supervision, and, if so, assess the circumstances of those juveniles in order to determine whether they require protective services or whether immediate removal of those juveniles from the facility is necessary for their protection."

Section 3. G.S. 108A-49 reads as rewritten:

"§ 108A-49. Foster care and adoption assistance payments.

(a) Benefits in the form of foster care assistance shall be granted in accordance with the rules of the Social Services Commission to any dependent child who would have been eligible to receive Aid to Families with Dependent Children (as that program was in effect on June 1, 1995), but for his or her removal from the home of a specified relative for placement in a foster care facility; provided, that the child's placement and care is the responsibility of a county department of social services. A county department of social services shall pay, at a minimum, the monthly graduated foster care assistance payments for eligible children as set by the General Assembly. A county department of social services may make foster care assistance payments in excess of the monthly graduated rates set by the General Assembly.

(b) Adoption assistance payments for certain adoptive children shall be granted in accordance with the rules of the Social Services Commission to adoptive parents who adopt a child eligible to receive foster care maintenance payments or supplemental security income benefits; provided, that the child cannot be returned to his or her parents; and provided, that the child has special needs which create a financial barrier to adoption. A county department of social services shall pay, at a minimum, the monthly graduated adoption assistance payments for eligible children as set by the General Assembly. A county department of social services may make adoption assistance payments in excess of the monthly graduated rates set by the General Assembly.

1 (c) The Department is authorized to use available federal payments to states
2 under Title IV-E of the Social Security Act for foster care and adoption assistance
3 payments."

4 Section 4. G.S. 143B-150.20, as enacted by Section 12.22 of S.L. 1998-
5 212 and as amended by Section 13(oo) of S.L. 1998-202, reads as rewritten:
6 "§ 143B-150.20. State Child Fatality Review Team; establishment; purpose; powers;
7 duties.

8 There is established in the Department of Health and Human Services, Division of
9 Social Services, a State Child Fatality Review Team to conduct in-depth reviews of
10 any child fatalities which have occurred involving children and families involved with
11 local departments of social services child protective services in the 12 months
12 preceding the fatality. Steps in this in-depth review shall include interviews with any
13 individuals determined to have pertinent information as well as examination of any
14 written materials containing pertinent information.

15 The purpose of these reviews shall be to implement a team approach to identifying
16 factors which may have contributed to conditions leading to the fatality and to
17 develop recommendations for improving coordination between local and State
18 entities which might have avoided the threat of injury or fatality and to identify
19 appropriate remedies. The Division of Social Services shall make public the findings
20 and recommendations developed for each fatality reviewed relating to improving
21 coordination between local and State entities. These findings shall not be introduced
22 into evidence in any legal or administrative proceeding. The State Child Fatality
23 Review Team shall consult with the appropriate district attorney in accordance with
24 G.S. 7B-2902(d) prior to the public release of the findings and recommendations.

25 The State Child Fatality Review Team shall include representatives of the local
26 departments of social services and the Division of Social Services, a member of the
27 local Community Child Protection Team, a member of the local child fatality
28 prevention team, a representative from local law enforcement, a prevention specialist,
29 and a medical professional.

30 The State Child Fatality Review Team shall have access to all medical records,
31 hospital records, and records maintained by this State, any county, or any local
32 agency as necessary to carry out the purposes of this subsection, including police
33 investigative data, medical examiner investigative data, health records, mental health
34 records, and social services records. The State Child Fatality Review Team may
35 receive a copy of any reviewed materials necessary to the conduct of the fatality
36 review. Any member of the State Child Fatality Review Team may share, only in an
37 official meeting of the State Child Fatality Review Team, any information available to
38 that member that the State Child Fatality Review Team needs to carry out its duties.

39 Meetings of the State Child Fatality Review Team are not subject to the provisions
40 of Article 33C of Chapter 143 of the General Statutes. However, the State Child
41 Fatality Review Team may hold periodic public meetings to discuss, in a general
42 manner not revealing confidential information about children and families, the
43 findings of their reviews and their recommendations for preventive actions. Minutes
44 of all public meetings, excluding those of closed sessions, shall be kept in compliance

1 with Article 33C of Chapter 143 of the General Statutes. Any minutes or any other
2 information generated during any executive session shall be sealed from public
3 inspection.

4 All otherwise confidential information and records acquired by the State Child
5 Fatality Review Team, in the exercise of its duties are confidential; are not subject to
6 discovery or introduction into evidence in any proceedings except pursuant to an
7 order of the court; and may only be disclosed as necessary to carry out the purposes
8 of the State Child Fatality Review Team. In addition, all otherwise confidential
9 information and records created by the State Child Fatality Review Team in the
10 exercise of its duties are confidential; are not subject to discovery or introduction into
11 evidence in any proceedings; and may only be disclosed as necessary to carry out the
12 purposes of the State Child Fatality Review Team. No member of the State Child
13 Fatality Review Team, nor any person who attends a meeting of the State Child
14 Fatality Review Team, may testify in any proceeding about what transpired at the
15 meeting, about information presented at the meeting, or about opinions formed by
16 the person as a result of the meetings. This subsection shall not, however, prohibit a
17 person from testifying in a civil or criminal action about matters within that person's
18 independent knowledge.

19 Each member of the State Child Fatality Review Team and invited participant
20 shall sign a statement indicating an understanding of and adherence to confidentiality
21 requirements, including the possible civil or criminal consequences of any breach of
22 confidentiality."

23 Section 5. Chapter 7B of the General Statutes is amended by adding a
24 new Article to read:

25 "ARTICLE 39.

26 "Interstate Compact on Adoption and Medical Assistance.

27 "§ 7B-3900. Legislative findings and purposes.

28 (a) Finding adoptive families for children, for whom state assistance is desirable
29 pursuant to G.S. 108A-49 and G.S. 108A-50, and assuring the protection of the
30 interests of the children affected during the entire assistance period require special
31 measures when the adoptive parents move to another state or are residents of another
32 state. Additionally, the provision of medical and other necessary services for children
33 receiving State assistance encounters special difficulties when the provision of services
34 takes place in another state.

35 (b) In recognition of the need for special measures, the General Assembly
36 authorizes the Secretary of the Department of Health and Human Services to enter
37 into interstate agreements with agencies of other states for the protection of children
38 on behalf of whom adoption assistance is being provided by the Department of
39 Health and Human services and to provide procedures for interstate adoption
40 assistance payments, including payments for medical services.

41 "§ 7B-3901. Definitions.

42 Unless the context requires otherwise, as used in this Article:

43 (1) 'State' means a state of the United States, the District of Columbia,
44 the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the

1 Commonwealth of the Northern Mariana Islands, or any territory
2 or possession subject to the jurisdiction of the United States.

3 (2) 'Adoption assistance state' means the state that is a signatory to an
4 adoption assistance agreement in a particular case.

5 (3) 'Residence state' means the state where the child is living.

6 **"§ 7B-3902. Compacts authorized.**

7 The Secretary of the Department of Health and Human Services may develop,
8 participate in the development of, negotiate, and enter into one or more interstate
9 compacts on behalf of this State with other states to implement this Article. When
10 entered into, and for so long as it remains in force, such a compact shall have the full
11 force and effect of law.

12 **"§ 7B-3903. Content of compacts.**

13 (a) A compact under this Article shall contain all of the following provisions:

14 (1) A provision making it available for joinder by all states.

15 (2) A provision for withdrawal from the compact upon written notice
16 to the parties, with a period of at least one year between the date
17 of the notice and effective date of the withdrawal.

18 (3) A requirement that the protections afforded by or under the
19 compact continue in force for the duration of the adoption
20 assistance and apply to all children and their adoptive parents
21 who, on the effective date of the withdrawal, are receiving
22 adoption assistance from a party state other than the state in which
23 they are resident and have their principal place of abode.

24 (4) A requirement that each instance of adoption assistance to which
25 the compact applies be covered by an adoption assistance
26 agreement in writing between the adoptive parents and the state
27 child welfare agency of the state which undertakes to provide the
28 adoption assistance and that any such agreement be expressly for
29 the benefit of the adopted child and enforceable by the adoptive
30 parents and the state child welfare agency providing the adoption
31 assistance.

32 (5) Any other provisions appropriate to implement the proper
33 administration of the compact.

34 (b) A compact entered into under this Article may contain any of the following
35 provisions:

36 (1) Provisions establishing procedures and entitlement to medical and
37 other necessary social services for the child in accordance with
38 applicable laws, even though the child and the adoptive parents
39 are in a state other than the one responsible for or providing the
40 services or the funds to defray part or all of the expense thereof.

41 (2) Any other provisions appropriate or incidental to the proper
42 administration of the compact.

43 **"§ 7B-3904. Medical assistance.**

(a) A child with special needs who is a resident of this State who is the subject of an adoption assistance agreement with another state shall be accepted as being entitled to receive medical assistance certification from this State upon the filing in the department of social services of the county in which the child resides a certified copy of the adoption assistance agreement obtained from the adoption assistance state.

(b) The Division of Medical Assistance shall consider the holder of a medical assistance certification under this section to be entitled to the same medical benefits under the laws of this State as any other holder of a medical assistance certification and shall process and make payment on claims on account of that holder in the same manner and under the same conditions and procedures that apply to other recipients of medical assistance.

(c) The provisions of this section apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this State under which the other state provides medical assistance to children with special needs under adoption assistance agreements made by this State.

"§ 7B-3905. Federal participation.

The Department of Health and Human Services, in connection with the administration of this Article and any compact entered into pursuant to this Article, shall include the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), Titles IV (E) and XIX of the Social Security Act and any other applicable federal laws. The Department shall apply for and administer all relevant federal aid in accordance with law.

"§ 7B-3906. Compact administrator.

The Secretary of the Department of Health and Human Services may appoint a Compact Administrator who shall be the general coordinator of activities under this Compact in this State and who, acting jointly with like officers of other party states, may promulgate rules to carry out more effectively the terms and provisions of this Compact."

Section 6. Section 5 of this act becomes effective October 1, 1999. The remainder of this act is effective when it becomes law.



ENHANCE CHILD WELFARE SERVICES/AB: HOUSE BILL 262

BILL ANALYSIS

Committee: Children Youth & Families
Date: March 23, 1999
Version: 1

Introduced by: Rep. Culpepper
Summary by: Jo B. McCants
Committee Counsel

SUMMARY: *This bill is a recommendation of the Department of Health and Human Services (DHHS). The bill amends several statutes in an effort to:*

- 1) make it clear that a county department of social services has the authority and responsibility to investigate reported abuse, neglect, or dependency of a juvenile who resides in a residential educational facility or institution;*
- 2) establish that findings and recommendations of the State Child Fatality Review Team are not to be introduced into evidence as a part of any legal or administrative proceeding;*
- 3) require county departments of social services to pay, at a minimum the monthly graduated foster care and adoption assistance rate for eligible children; and*
- 4) authorize the Secretary of Health and Human Services to join the Interstate Compact on Adoption and Medical Assistance.*

BILL ANALYSIS:

Section 1. The definition of "caretaker" is amended to include "any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services."

Background/Section 1. This amendment makes it clear that allegations of abuse or neglect of a child by employees or volunteers of a division, institution or school operated by DHHS, such as our schools for the blind, deaf and hard of hearing, must be investigated by the local department of social services.

Section 2. Current law is amended to expressly state that the director of the local department of social services has the responsibility for investigating any death of a child due to maltreatment or any report of suspected abuse, neglect, or dependency of a child who is in an institutional setting such as a residential child care facility or educational facility. The director would be required to determine if other children in the facility are in need of protective services or removal because of the actions of the alleged perpetrator.

Background/Section 2. It is currently the policy of local departments of social services to investigate reported abuse, neglect, or dependency that is allegedly occurring in a DHHS facility. However, this amendment is intended to clear up any misunderstanding with regard to the authority to the department of social service to investigate reports of abuse, neglect or dependency of a juvenile in a residential educational facility or institutional setting.

Section 3. Current law is amended to add a statutory requirement that every department of social services pay at least the minimum monthly standard graduated foster care and adoption assistance rates for eligible children. The current payment rate for eligible children is: \$315 for ages 0-5; \$365 for ages 6-12; and \$415 for ages 13 and over.

Background/Section 3. The federal Adoption and Safe Families Act of 1997 required states to reduce the jurisdictional barriers to timely adoptions of children. Requiring counties to pay the

ENHANCE CHILD WELFARE SERVICES/AB

Page 2

minimum adoption assistance rate will assist in meeting the federal requirement. The largest portion of a foster care and adoption assistance payment is made through the use of federal funds.

Section 4. Current law is amended to provide that the findings and recommendations of the State Child Fatality Review Team are not admissible in any legal or administrative proceeding.

Background/Section 4. The State Child Fatality Review Team was established to conduct in-depth reviews of child fatalities that involves a child or family that was involved with a local department of social service within 12 months of the fatality. The purpose of the reviews is to identify factors that may have contributed to the conditions that lead to the fatality. In addition, the team develops recommendations for improving coordination between local and State entities that might have avoided the threat of injury or fatality and provides appropriate remedies.

Section 5. This section would add a new Article 39 to Chapter 7B. The article would authorize the Secretary of DHHS to enter into interstate agreements with out-of-state agencies for the protection of children on behalf of whom adoption assistance is being provided by DHHS, and to provide procedures for interstate adoption assistance payments, including payments for medical services. The payments for medical assistance would apply only to medical assistance for children under an adoption assistance agreement from a state that has entered into a compact with North Carolina, and the other state has also provided medical assistance to children with special needs under an adoption assistance agreement made by North Carolina. The Secretary of DHHS would be allowed to develop, participate in the development of, negotiate, and enter into interstate compacts on behalf of the State. A compact developed under this new article must contain the following:

- 1) A provision that would allow all other states to join.
- 2) A provision that would allow for withdrawal from the compact upon giving written notice.
- 3) A requirement that all protections of the compact remain in effect for the duration of the adoption assistance and apply to all children and their adoptive parents who were receiving adoption assistance from a state other than the state in which they reside on the withdrawal date.
- 4) A requirement that a written adoption assistance agreement be entered into between the adoptive parents and the state child welfare agency of the state that provides the adoption assistance that is expressly for the benefit of the adopted child and enforceable by the adoptive parents and the state child welfare agency providing the assistance.
- 5) Any provision necessary for the proper administration of the compact.

Background/Section 5. Currently, children with special needs who are adopted in this State qualify for an exclusion of parental income and resources. However, if a special needs child is adopted in this State, but moves out of state, the child's Medicaid is terminated. The lack of Medicaid coverage can be a barrier to applicants in other states who are interested in adopting children from this State. This act would make more children eligible for Medicaid and hopefully increase the number of out-of-state adoptions.

Section 6. Section 5 of the act becomes effective October 1, 1999, and the remainder of the act becomes effective when it becomes law.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **HUNTER** for the Committee on **CHILDREN, YOUTH AND FAMILIES..**

☐ Committee Substitute for

H.B. 262 A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CUSTODY OF ABUSED, NEGLECTED, OR DEPENDENT JUVENILES IN THE CUSTODY OR AUTHORITY OF THE COUNTY DEPARTMENTS OF SOCIAL SERVICES.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

VISITOR REGISTRATION SHEET

CHILDREN, YOUTH AND FAMILIES

March 22, 1999

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

AGENDA

CHILDREN, YOUTH AND FAMILIES
REP. HOWARD J. HUNTER, JR., CHAIRMAN
MARCH 30, 1999
12 NOON

CALL TO ORDER – Representative Howard Hunter

BILL:

**HB 304 – AN ACT TO PROVIDE CRIMINAL PENALTIES FOR
FRAUDULENT MISREPRESENTATION INVOLVING CHILD CARE
SUBSIDIES AND TO PROVIDE COUNTIES A FINANCIAL INCENTIVE
TO INVESTIGATE AND PURSUE FRAUD IN CHILD CARE
PAYMENTS.**

SPONSOR – REPRESENTATIVE EARLE

REMARKS

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
CHILDREN, YOUTH AND FAMILIES
MARCH 30, 1999**

The Committee on Children, Youth and Families met on Tuesday, March 30, 1999 in Room 612 of the Legislative Office Building at 12 noon. Representative Howard J. Hunter, Jr. presided. Members present were: Rep. Horn, Rep. Easterling, Rep. Goodwin, Rep. Hiatt, Rep. Jeffus, Rep. Moore and Rep. Morris. Also present were: Rep. Earle, and Jo McCants, Research Division. Visitors in attendance are recorded on the attached Visitor Registration Sheet.

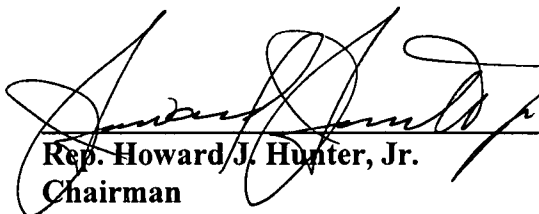
The Chairman introduced the pages and then called the meeting to order to consider the following bill:

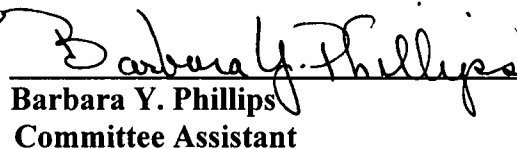
HB 304 – An Act to provide criminal penalties for fraudulent misrepresentation involving child care subsidies and to provide counties a financial incentive to investigate and pursue fraud in child care payments.

Rep. Beverly Earle, bill sponsor, was recognized to explain the bill. After hearing an explanation of the bill, Rep. Goodwin moved that HB 304 receive a favorable report and the committee concurred. HB 304 was given a favorable report.

There was no further business and the meeting was adjourned.

Respectfully submitted,


Rep. Howard J. Hunter, Jr.
Chairman


Barbara Y. Phillips
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 304

Short Title: Child Care Subsidy Fraud/AB. (Public)

Sponsors: Representatives Earle; Gardner and Wainwright.

Referred to: Children, Youth and Families.

March 4, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE CRIMINAL PENALTIES FOR FRAUDULENT
3 MISREPRESENTATION INVOLVING CHILD CARE SUBSIDIES AND TO
4 PROVIDE COUNTIES A FINANCIAL INCENTIVE TO INVESTIGATE AND
5 PURSUE FRAUD IN CHILD CARE PAYMENTS.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 110 of the General Statutes is amended by adding a
8 new section to read:

9 "§ 110-107. Fraudulent misrepresentation.

10 (a) A person, whether a provider or recipient of child care subsidies or someone
11 claiming to be a provider or recipient of child care subsidies, commits the offense of
12 fraudulent misrepresentation when both of the following occur:

13 (1) With the intent to deceive, that person makes a false statement or
14 representation or fails to disclose a material fact.

15 (2) As a result of the false statement or representation or the omission,
16 that person obtains, attempts to obtain, or continues to receive a
17 child care subsidy for himself or herself or for another person.

18 (b) If the child care subsidy is in the amount of four hundred dollars (\$400.00) or
19 less, the person is guilty of a Class 1 misdemeanor. If the child care subsidy is in the
20 amount of more than four hundred dollars (\$400.00), the person is guilty of a Class I
21 felony.

22 (c) As used in this section:

23 (1) 'Child care subsidy' means the use of public funds to pay for day
24 care services for children of needy families.

1 (2) 'Person' means an individual, association, consortium, corporation,
2 body politic, partnership, or other group, entity, or organization."

3 Section 2. Chapter 110 of the General Statutes is amended by adding a
4 new section to read:

5 "§ 110-108. Financial incentives for counties to investigate and pursue alleged child
6 care fraud.

7 The Department of Health and Human Services shall allow each local purchasing
8 agency to retain as an incentive bonus the actual amount of child care fraud and
9 overpayment claims collected by the local purchasing agency. Incentive bonuses
10 under this section shall be used by the agency for the purchase of subsidized child
11 care or to enhance and improve program integrity. The agency shall use at least
12 seventy-five percent (75%) of the incentive bonus funds under this section for the
13 purchase of subsidized child care. The agency shall not use more than twenty-five
14 percent (25%) of the incentive bonus funds under this section for program integrity.
15 On or before October 1 each year, each agency shall report to the Department of
16 Health and Human Services on the use of the incentive bonuses under this section
17 during the previous fiscal year. This section does not apply to overpayments due to
18 administrative errors of local purchasing agency staff."

19 Section 3. Section 1 of this act becomes effective December 1, 1999, and
20 applies to offenses committed on or after that date. The remainder of this act
21 becomes effective July 1, 1999.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **HUNTER** for the Committee on **CHILDREN, YOUTH AND FAMILIES..**

☐ Committee Substitute for

H.B. 304 A BILL TO BE ENTITLED AN ACT TO PROVIDE CRIMINAL PENALTIES FOR FRAUDULENT MISREPRESENTATION INVOLVING CHILD CARE SUBSIDIES AND TO PROVIDE COUNTIES A FINANCIAL INCENTIVE TO INVESTIGATE AND PURSUE FRAUD IN CHILD CARE PAYMENTS..

- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99



HOUSE BILL 304: Child Care Subsidy Fraud/AB

BILL ANALYSIS

Committee: Children, Youth & Families
Date: March 23, 1999
Version: 1

Introduced by: Rep. Earle
Summary by: Jo B. McCants
Committee Counsel

SUMMARY: *This bill is a recommendation of the Division of Child Development. The bill makes it a crime to fraudulently obtain child care subsidies. It also requires the Department of Health and Human Services (DHHS) to allow local purchasing agencies to keep the monies recovered through fraud investigations.*

BILL ANALYSIS:

Section 1. *Section 1 of this bill makes it a crime for a person to fraudulently obtain or attempt to obtain a child care subsidy for himself or another person. The elements of the crime are: 1) making a false statement or representation or failing to disclose a material fact; and 2) as a result of the false statement or representation or the omission obtaining, attempting to obtain, or continuing to receive a child care subsidy. If the amount of the subsidy fraudulently obtained is \$400.00 or less, the person will be guilty of a Class 1 misdemeanor. If the amount of the subsidy fraudulently obtained is more than \$400, the person will be guilty of a Class 1 felony.*

Section 2. *Section 2 of the bill also requires DHHS to allow each local purchasing agency to retain as an "incentive bonus" the actual amount of child care fraud and overpayment of claims collected by the local purchasing agency. The local purchasing agency must use at least 75% of the incentive bonus to purchase subsidized child care. The remaining funds, not to exceed 25%, may be used for program integrity. Each local purchasing agency must report to DHHS on or before October 1 of each year, on how the incentive bonuses were used during the previous fiscal year.*

Effective Dates: *Section 1 of the act becomes effective December 1, 1999, and applies to offenses committed on or after that date. Section 2 becomes effective on July 1, 1999.*

CURRENT LAW: Our current law makes it a crime to fraudulently obtain public assistance (G.S. 108A-39), food stamps (G.S. 108A-53), or medical assistance (G.S. 108A-64). The punishment for each of the current offenses is the same as the punishment set forth in House Bill 304.

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE**

BILL NUMBER: HB 304
SHORT TITLE: Child Care Subsidy Fraud/AB
SPONSOR(S): Representatives Earle, Gardner, and Wainwright

FISCAL IMPACT

	Yes (X)	No ()	No Estimate Available (X)		
	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>
Administrative Office of the Courts:					
REVENUES					
EXPENDITURES					
POSITIONS					
Department of Health and Human Services:					
REVENUES					
EXPENDITURES					
POSITIONS					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Administrative Office of the Courts, Department of Correction, Department of Health and Human Services, and Local Departments of Social Services				
EFFECTIVE DATE:	Section 1 is effective December 1999; Section 2 is effective July 1, 1999				

BILL SUMMARY: This bill establishes fraudulent misrepresentation by a child care provider, or a recipient of child care subsidies, as a Class 1 misdemeanor if the amount of the subsidy collected fraudulently is \$400 or less, and as a Class I felony if it is more than \$400. Also, the bill authorizes the Department of Health and Human Services (DHHS) to allow local purchasing agencies to retain the actual amount of the fraud and overpayment claims they collect (but not overpayments due to administrative errors) as incentive bonuses. At least 75% of the incentive bonus must be used to purchase subsidized child care; the remainder may be used for program integrity activities. DHHS shall report by October 1 each year on the use of these incentive bonuses.

ASSUMPTIONS AND METHODOLOGY:

Impact on the Administrative Office of the Courts and the Department of Correction:

The Administrative Office of the Courts (AOC) anticipates a fiscal impact from this bill in terms of additional attorney and court time. However, this impact cannot be estimated because AOC does not know how many child care subsidy fraud cases are prosecuted currently and how many additional cases may be prosecuted as a result of the penalty changes made by

this bill. The Sentencing Commission projects this bill will have no significant impact on prison populations.

Currently, child care subsidy fraud is prosecuted under G.S. 14-100, the general fraud statute for obtaining property under false pretenses. The offense is a Class H felony for amounts less than \$100,000 and a Class C felony for amounts involving \$100,000 or more.

HB 304 proposes changing the penalties for child care subsidy fraud to be similar to ones for fraudulent conduct to obtain public assistance money (i.e., G.S. 108A-39, Misrepresentation to Obtain Public Assistance Under the Work First Program and G.S. 108A-53, Misrepresentation to Obtain Benefits Under the Food Stamp Program). Under these statutes, where the amount obtained fraudulently is \$400 or less, the offense is a Class 1 misdemeanor; when the benefits exceed \$400, the offense is punishable as a Class I felony.

AOC records do not specify the number of child care subsidy fraud cases charged in CY1998 under the general fraud statute (G.S. 14-100). In 1997-98, 75% or more of the sentencing episodes for public assistance-related fraud (G.S. 108A-39 and 108A-53) were punished as Class 1 misdemeanors, versus Class I felonies.

According to the Attorney General's Office, child care subsidy fraud is generally resolved through settlement, with local purchasing agencies recouping some of the loss from the offender. Since this bill provides an incentive bonus to local purchasing agencies, there may be increased investigations resulting in additional misdemeanor charges. According to a July 1998 survey of the 93 local purchasing agencies by the Division of Child Development, 28% of the 646 cases of child care subsidy fraud occurring over the previous two years were litigated.

Impact on the Department of Health and Human Services

HB 304 will have some fiscal impact on the amount of funding available for child care subsidy allocations, but the impact will be minimal due to the small size of the fraud recoupments compared to the total funding for subsidies.

Currently, funding recouped by local purchasing agencies (usually the local DSS office) from child care subsidy fraud is returned to the state and reallocated to counties for child care subsidies. Counties cannot use any of these funds for program integrity activities.

In July 1998, the Division of Child Development surveyed the 93 local purchasing agencies about child care subsidy fraud which had occurred during the previous two years. Of the 69 agencies responding, 50 agencies reported 646 cases of child care subsidy fraud with a total amount recouped of \$145,431.53 (approximately \$73,000 each year).

HB 304 allows local purchasing agencies to retain 25% of any funding recouped for program integrity activities. In 1997-98, agencies would have retained 25% of \$73,000, or \$18,250. Therefore, the state would have had \$18,250 less funding for child care subsidies. (The 1998-99 budget for child care subsidies is \$251 million.)

Even if the incentive bonuses result in a tripling of fraudulent overpayments recouped over the next five years, the impact on state-level child care subsidy funding from local agencies retaining 25% will be minimal:

<u>FY 99-00</u>	<u>FY 00-01</u>	<u>FY 01-02</u>	<u>FY 02-03</u>	<u>FY 03-04</u>
(\$18,250)	(\$27,375)	(\$36,500)	(\$45,625)	(\$54,750)

Impact on Local Departments of Social Services

Currently, all counties have fraud workers, but they focus primarily on food stamp and welfare fraud cases. HB 304 would provide counties the opportunity for an additional funding source to pursue program integrity activities related to child care subsidy fraud. The amount of additional funding available to counties will be the same as the amount lost to the state for child care subsidies (above):

<u>FY 99-00</u>	<u>FY 00-01</u>	<u>FY 01-02</u>	<u>FY 02-03</u>	<u>FY 03-04</u>
\$18,250	\$27,375	\$36,500	\$45,625	\$54,750

SOURCES OF DATA: Administrative Office of the Courts, NC Sentencing and Policy Advisory Commission, and Department of Health and Human Services

TECHNICAL CONSIDERATIONS: None.

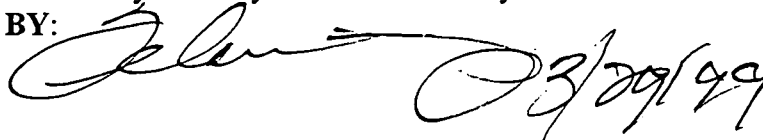
FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Mary Ellen Sylvester and Tammy Lester

APPROVED BY:

DATE:



VISITOR REGISTRATION SHEET

THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. Pam Seamans	NC Social Services Consortium
2. By Arvent - Farmer	
3. Lynn Brinner	NFO
4. C. Medlin	Covenant w/ NC Children
5. Paula A. Stelf	Covenant w/ NC's Children
6. Don G. Gifford	BTC
7. Sorin Schmidt	NC Justice Center
8. Anna Tefft	OSBM
9. Sharon Hurd	NC Social Svs Consortium
10. Nancy D. Guy	DCD, DHHS
11. Janice Fenn	" "
22.	
23.	
24.	
25.	
26.	
27.	
28.	
29.	
30.	
31.	

CHILDREN, YOUTH AND FAMILIES
REP. HOWARD J. HUNTER, JR., CHAIRMAN
APRIL 6, 1999
12 NOON

AGENDA

CALL TO ORDER – REPRESENTATIVE HOWARD J. HUNTER, JR.
CHAIRMAN

**HB – AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL
STATUTES REGARDING CHILD CARE AND TO REPEAL SECTIONS
4(B) AND 28.3 OF S.L. 1997-506.**

SPONSOR: REP. ALEXANDER

REMARKS

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
CHILDREN, YOUTH AND FAMILIES
APRIL 6, 1999**

The Committee on Children, Youth and Families met on Tuesday, April 6, 1999 in Room 612 of the Legislative Office Building at 12:10 p.m.. Representative Howard J. Hunter, Jr. presided. All members of the committee were present, except Rep. Easterling. Visitors in attendance are recorded on the attached Visitor Registration Sheet.


The Chairman called the meeting to order to consider HB 287 – Child Care Law Corrections, which was referred back to the committee. Rep. Alexander was asked to explain the bill. Rep. Holmes had several questions regarding the credentials of teachers and if the standards would be lowered.

Rep. Morris stated that she had an amendment to the bill, but Rep. Starnes would explain the amendment. See Attached Amendment. There was much discussion about the amendment. There was no final decision on this bill.

Rep. Cunningham asked that the committee contact a representative from the state health agencies, fire and building inspection agencies as to what the requirements are for issuing a license for a day care center.

There was no further business and the meeting was adjourned.

Respectfully submitted,


Rep. Howard J. Hunter, Jr.
Chairman


Barbara Y. Phillips
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 287*
Committee Substitute Favorable 3/23/99

Short Title: Child Care Law Corrections.

(Public)

Sponsors:

Referred to:

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL
3 STATUTES REGARDING CHILD CARE AND TO REPEAL SECTIONS 4(B)
4 AND 28.3 OF S.L. 1997-506.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 110-88(2) reads as rewritten:

7 "(2) To require inspections by and satisfactory written reports from
8 representatives of local or State health ~~agencies and agencies~~, fire
9 and building inspection ~~agencies agencies~~, and from representatives
10 of the Department prior to the issuance of a an initial license to
11 any child care center."

12 Section 2. G.S. 110-91(8) reads as rewritten:

13 "(8) Qualifications for Staff. -- All child care center administrators shall
14 be at least 21 years of age. All child care center administrators
15 shall have the North Carolina Early Childhood Administration
16 Credential or its equivalent as determined by the Department. All
17 child care administrators performing administrative duties as of the
18 date this act becomes law and child care administrators who
19 assume administrative duties at any time after this act becomes law
20 and until September 1, 1998, shall obtain the required credential
21 by September 1, 2000. Child care administrators who assume
22 administrative duties after September 1, 1998, shall begin working
23 toward the completion of the North Carolina Early Childhood

Administration Credential or its equivalent within six months after assuming administrative duties and shall complete the credential or its equivalent within two years after beginning work to complete the credential. Each child care center shall be under the direction or supervision of a person meeting these requirements. All staff counted toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a ~~credentialed~~ staff person who is at least 21 years of age. All lead teachers in a child care center shall have at least a North Carolina Early Childhood Credential or its equivalent as determined by the Department. Lead teachers shall be enrolled in the North Carolina Early Childhood Credential coursework or its equivalent as determined by the Department within six months after becoming employed as a lead teacher or within six months after this act becomes law, whichever is later, and shall complete the credential or its equivalent within 18 months after enrollment.

For child care centers licensed to care for 200 or more children, the Department, in collaboration with the North Carolina Institute for Early Childhood Professional Development, shall establish categories to recognize the levels of education achieved by child care center administrators and teachers who perform administrative functions. The Department shall use these categories to establish appropriate staffing based on the size of the center and the individual staff responsibilities.

Effective January 1, 1998, an operator of a licensed family child care home shall be at least 21 years old and have a high school diploma or its equivalent. Operators of a family child care home licensed prior to January 1, 1998, shall be at least 18 years of age and literate. Literate is defined as understanding licensing requirements and having the ability to communicate with the family and relevant emergency personnel. Any operator of a licensed family child care home shall be the person on-site providing child care.

No person shall be an operator of nor be employed in a child care facility who has been convicted of a crime involving child neglect, child abuse, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children.

The Commission shall adopt standards to establish appropriate qualifications for all ~~other~~ staff in child care centers. These standards shall reflect training, experience, education and credentialing and shall be appropriate for the size center and the

1 level of individual staff responsibilities. It is the intent of this
2 provision to guarantee that all children in child care are cared for
3 by qualified people. No requirements may interfere with the
4 teachings or doctrine of any established religious organization."

5 Section 3. G.S. 110-93 reads as rewritten:

6 "**§ 110-93. Application for a license.**

7 (a) Each person who seeks to operate a child care facility shall apply to the
8 Department for a license. The application shall be in the form required by the
9 Department. Each ~~operator~~ applicant seeking a license shall be responsible for
10 supplying with the application the necessary supporting data and reports to show
11 conformity with rules adopted by the Commission for Health Services pursuant to
12 G.S. 110-91(1) and with the standards established or authorized by this Article,
13 including any required reports from the local and district health departments, local
14 building inspectors, local firemen, voluntary firemen, and others, on forms which
15 shall be provided by the Department.

16 (b) If an ~~operator~~ applicant conforms to the rules adopted by the Commission for
17 Health Services pursuant to G.S. 110-91(1) and with the standards established or
18 authorized by this Article as shown in the application and other supporting data, the
19 Secretary shall issue a license that shall remain valid until the Secretary notifies the
20 licensee otherwise pursuant to G.S. 150B-3 or other provisions of this Article, subject
21 to suspension or revocation for cause as provided in this Article. If the applicant fails
22 to conform to the required rules and standards, the Secretary may issue a provisional
23 license under the policies of the Commission. The Department shall notify the
24 ~~operator~~ applicant in writing by registered or certified mail the reasons the
25 Department issued a provisional license.

26 (c) Repealed by Session Laws 1997-506, s. 10.

27 (d) Repealed by Session Laws 1977, c. 929, s. 1."

28 Section 4. G.S. 110-99(b) reads as rewritten:

29 "(b) A person who provides only drop-in or short-term child care as described in
30 ~~G.S. 110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child care provided
31 in churches, shall notify the Department that the person is providing only drop-in or
32 short-term child care. Any person providing only drop-in or short-term child care as
33 described in ~~G.S. 110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child
34 care provided in churches, shall display in a prominent place at all times a notice that
35 the child care arrangement is not required to be licensed and regulated by the
36 Department and is not licensed and regulated by the Department."

37 Section 5. Section 4(b) of S.L. 1997-506 is repealed.

38 Section 6. Section 28.3 of S.L. 1997-506 is repealed.

39 Section 7. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 287

AMENDMENT NO. _____

(to be filled in by
Principal Clerk)

Page 1 of 1

H287-ALY-003

Date March 31, 1999

Comm. Sub. []
Amends Title []
Second Edition

Representative Starnes

1 moves to amend the bill on page 3, lines 38-39,
2 by adding between the lines a new section to read:
3 "Section 7. Any religious sponsored child care facility, as defined
4 in G.S. 110-106(a), in operation at least three years before the
5 date this act becomes effective shall be treated as if it met the
6 appropriate requirements of the North Carolina Building Code as of
7 that earlier date. Any religious sponsored child care facility
8 affected by this Section is still required to receive satisfactory
9 reports from representatives of local or State health agencies and
10 fire inspection agencies.";
11 and by renumbering the remaining section accordingly.
12

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____

TABLED _____

VISITOR REGISTRATION SHEET

CHILDREN, YOUTH AND FAMILIES

April 6, 1999

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Roslyn Savitt	NC Child Care Coalition
Janyck Fredrickson	NC Community College System
Kathie Boling	NC - aey c
Daren Ponder	NC Partnership
Nancy Huey	DCD
Janice Fahn	Div of Child Development
Marc LeJe	DHHS
Debra Bae	DHHS-DCD
Salitha Wright	DCD
Dr. Avenet - Farmer	
E. Starnes	RR 71
Shirley Cobb	NC CCRER Network/Wake CCRER
Gretchen Stebbles	Child Care Resource & Referral of Wake Co.
AL DEITCH	VAIO/DDA
Krista Millar	NC Child Advocacy Institute
Paula Hoy	Covenant w/ NC's Children
Steve Smith	NCCAA
Bryan Boath	DOJ
Diane Jones Wilson	The Rural Center
K. W. H. H. H.	Gov's office
Harland Hamdy	Gov. Office
Rene & Laurin Swink	Parent

CHILDREN, YOUTH AND FAMILIES
REP. HOWARD J. HUNTER, JR., CHAIRMAN
APRIL 13, 1999
12 NOON

AGENDA

CALL TO ORDER – REPRESENTATIVE HOWARD J. HUNTER, JR.
CHAIRMAN

**HB – AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL
STATUTES REGARDING CHILD CARE AND TO REPEAL SECTIONS
4(B) AND 28.3 OF S.L. 1997-506.**

SPONSOR: REP. ALEXANDER

REMARKS

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
CHILDREN, YOUTH AND FAMILIES
APRIL 13, 1999**

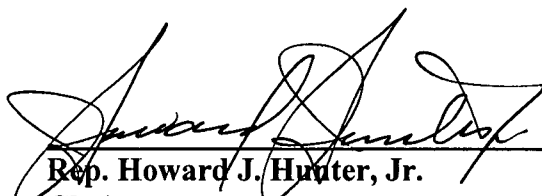
The Committee on Children, Youth and Families met on Tuesday, April 13, 1999 in Room 612 of the Legislative Office Building at 12:00 p.m.. Representative Howard J. Hunter, Jr. presided. The following members were present: Rep. Horn, Rep. McAllister, Rep. Boyd-McIntyre, Rep. Morris, Rep. Holmes, Rep. Easterling, Rep. Moore and Rep. Hiatt. The Ex Officio members present were: Rep. Dedmon and Rep. Cunningham. Visitors in attendance are recorded on the attached Visitor Registration Sheet. Chairman Hunter introduced the pages.

The meeting was called to order to consider HB 287 – Child Care Law Corrections.

The representatives staff contacted to discuss fire and safety issues for child care centers were not familiar with the school in question, the Tabernacle Baptist Church School in Hickory, NC. This is the church school that Rep. Starnes' amendment is intended to exempt – All Religious-sponsored child care programs in operation for three years from meeting the current building code in effect for child care centers. Rep. Holmes and Rep. Cunningham stated that they wanted to hear from someone that had actually visited the center. Rep. Hunter instructed staff to contact someone that has actually seen/and or inspected the Tabernacle Baptist Church School and ask them to attend the next meeting.

There was no further business and the meeting was adjourned.

Respectfully submitted,


Rep. Howard J. Hunter, Jr.
Chairman


Barbara Y. Phillips
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 287*

Committee Substitute Favorable 3/23/99

Short Title: Child Care Law Corrections.

(Public)

Sponsors:

Referred to:

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL
3 STATUTES REGARDING CHILD CARE AND TO REPEAL SECTIONS 4(B)
4 AND 28.3 OF S.L. 1997-506.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 110-88(2) reads as rewritten:
7 "(2) To require inspections by and satisfactory written reports from
8 representatives of local or State health ~~agencies and~~ agencies, fire
9 and building inspection ~~agencies~~ agencies, and from representatives
10 of the Department prior to the issuance of a an initial license to
11 any child care center."
12 Section 2. G.S. 110-91(8) reads as rewritten:
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14 be at least 21 years of age. All child care center administrators
15 shall have the North Carolina Early Childhood Administration
16 Credential or its equivalent as determined by the Department. All
17 child care administrators performing administrative duties as of the
18 date this act becomes law and child care administrators who
19 assume administrative duties at any time after this act becomes law
20 and until September 1, 1998, shall obtain the required credential
21 by September 1, 2000. Child care administrators who assume
22 administrative duties after September 1, 1998, shall begin working
23 toward the completion of the North Carolina Early Childhood

Administration Credential or its equivalent within six months after assuming administrative duties and shall complete the credential or its equivalent within two years after beginning work to complete the credential. Each child care center shall be under the direction or supervision of a person meeting these requirements. All staff counted toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a ~~credentialed~~ staff person who is at least 21 years of age. All lead teachers in a child care center shall have at least a North Carolina Early Childhood Credential or its equivalent as determined by the Department. Lead teachers shall be enrolled in the North Carolina Early Childhood Credential coursework or its equivalent as determined by the Department within six months after becoming employed as a lead teacher or within six months after this act becomes law, whichever is later, and shall complete the credential or its equivalent within 18 months after enrollment.

For child care centers licensed to care for 200 or more children, the Department, in collaboration with the North Carolina Institute for Early Childhood Professional Development, shall establish categories to recognize the levels of education achieved by child care center administrators and teachers who perform administrative functions. The Department shall use these categories to establish appropriate staffing based on the size of the center and the individual staff responsibilities.

Effective January 1, 1998, an operator of a licensed family child care home shall be at least 21 years old and have a high school diploma or its equivalent. Operators of a family child care home licensed prior to January 1, 1998, shall be at least 18 years of age and literate. Literate is defined as understanding licensing requirements and having the ability to communicate with the family and relevant emergency personnel. Any operator of a licensed family child care home shall be the person on-site providing child care.

No person shall be an operator of nor be employed in a child care facility who has been convicted of a crime involving child neglect, child abuse, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children.

The Commission shall adopt standards to establish appropriate qualifications for all ~~other~~ staff in child care centers. These standards shall reflect training, experience, education and credentialing and shall be appropriate for the size center and the

1 level of individual staff responsibilities. It is the intent of this
2 provision to guarantee that all children in child care are cared for
3 by qualified people. No requirements may interfere with the
4 teachings or doctrine of any established religious organization."

5 Section 3. G.S. 110-93 reads as rewritten:

6 "**§ 110-93. Application for a license.**

7 (a) Each person who seeks to operate a child care facility shall apply to the
8 Department for a license. The application shall be in the form required by the
9 Department. Each ~~operator~~ applicant seeking a license shall be responsible for
10 supplying with the application the necessary supporting data and reports to show
11 conformity with rules adopted by the Commission for Health Services pursuant to
12 G.S. 110-91(1) and with the standards established or authorized by this Article,
13 including any required reports from the local and district health departments, local
14 building inspectors, local firemen, voluntary firemen, and others, on forms which
15 shall be provided by the Department.

16 (b) If an ~~operator~~ applicant conforms to the rules adopted by the Commission for
17 Health Services pursuant to G.S. 110-91(1) and with the standards established or
18 authorized by this Article as shown in the application and other supporting data, the
19 Secretary shall issue a license that shall remain valid until the Secretary notifies the
20 licensee otherwise pursuant to G.S. 150B-3 or other provisions of this Article, subject
21 to suspension or revocation for cause as provided in this Article. If the applicant fails
22 to conform to the required rules and standards, the Secretary may issue a provisional
23 license under the policies of the Commission. The Department shall notify the
24 ~~operator~~ applicant in writing by registered or certified mail the reasons the
25 Department issued a provisional license.

26 (c) Repealed by Session Laws 1997-506, s. 10.

27 (d) Repealed by Session Laws 1977, c. 929, s. 1."

28 Section 4. G.S. 110-99(b) reads as rewritten:

29 "(b) A person who provides only drop-in or short-term child care as described in
30 ~~G.S. 110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child care provided
31 in churches, shall notify the Department that the person is providing only drop-in or
32 short-term child care. Any person providing only drop-in or short-term child care as
33 described in ~~G.S. 110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child
34 care provided in churches, shall display in a prominent place at all times a notice that
35 the child care arrangement is not required to be licensed and regulated by the
36 Department and is not licensed and regulated by the Department."

37 Section 5. Section 4(b) of S.L. 1997-506 is repealed.

38 Section 6. Section 28.3 of S.L. 1997-506 is repealed.

39 Section 7. This act is effective when it becomes law.

NORTH CAROLINA COUNCIL OF CHURCHES

Methodist Building • 1307 Glenwood Avenue - Suite 162
Raleigh, North Carolina 27605-3258 • Telephone (919) 828-6501 and 828-6542
Fax (919) 828-9697

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Church in America

Moravian Church in America

Presbyterian Church (U.S.A.)

Religious Society of Friends

Roman Catholic Church

The United Church of Christ

United Methodist Church

Universal Fellowship of
Metropolitan Community
Churches

Six Baptist Congregations

Reformed Church of America

April 12, 1999

Representative Howard Hunter, Chair
Committee on Children, Youth, and Families
North Carolina House of Representatives
Raleigh, North Carolina

Dear Representative Hunter:

It has come to my attention that some members of your committee may be under the impression that the entire religious community supports exempting church-operated child care facilities from building codes.

The North Carolina Council of Churches has long supported quality child care and encouraged churches to consider being providers in their communities. But this child care must be safe. The use of building codes (in addition to fire codes and other health and safety provisions) is an important way to ensure the safety of all buildings. As far as I can tell, the Council of Churches has never argued that church-owned facilities (of any sort) should be exempt from regulations designed to protect the health and safety of those who come to our facilities.

While we are aware that these regulations may cause some difficulty for a few church-operated child care centers, it is hard to see why they should be exempt from regulations designed to protect the health and safety of young children. Furthermore, it is difficult to understand why some church-operated centers should be exempt, while other non-profit (or, for that matter, for-profit) facilities are not.

My best wishes to you as you deal with this and other important issues.

Sincerely,


J. George Reed
Legislative Program Associate

cc: Rep. Martha Alexander
Rep. Edgar Starnes
Division of Child Development



NORTH CAROLINA

DAY CARE

ASSOCIATION

March 19, 1999

To: Members of the NC General Assembly

The North Carolina Day Care Association, representing more than 1500 members in for profit and non profit businesses, supports Senate Bill 241 and House Bill 287, "Child Care Law Corrections." It is important to remove the sunset date so that quality improvement initiatives provided by the five star rated license can go forward.

Child care providers have been involved in the development and implementation of the rated license. The input from public hearings and the resulting changes that were made created a fair system to recognize centers who voluntarily provide a higher quality of care.

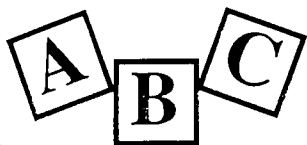
Many providers, across the state, have participated in a pilot assessment of their programs under the new five star scale. Most providers have been pleased with how well their programs have scored. It appears that many programs have little trouble achieving a three star rating. Providers are excited to have a means of recognizing the quality of care that they offer.

The five star rated license will provide more information to parents about programs that they may chose for their children. This allows parents to make more informed decisions for their families.

Children in North Carolina will benefit from this recognition of quality indicators in programs they attend. The discussions surrounding quality and the movement to a higher quality of care will benefit all of our children.

Thank you for your support of legislation that promotes better learning environments for children. Providers and parents appreciate your efforts to recognize and reward quality in child care.

Beth Rector
President



"A Better Child"

Jimmie & Ruth Priest
Owner-Operators

A B C LEARNING CENTER

P.O. BOX 1764
LUMBERTON, N.C. 28359
(910) 671-4537
FAX (910) 671-0506

April 13, 1999

Representative Hunter, Chair and members of the Children, Youth and Families Committee.

"A SINGLE SEAMLESS SYSTEM OF CHILD CARE"

In 1995 at a NAEYC Public Policy Conference Sharon Lynn Kagan, research director of Goals 2000 explained that the Goals 2000 initiative for Child Care will "Tilt the Agenda to a Single Seamless System" for the entire country. The Agenda will include Resource and Referral, State Licensing, One Accreditation System, One Training and Credentialing System into an all-emcompassing government system. She also stated that there will be no religious exemptions in this system. Please remember that Goals 2000 was passed in 1993 and is on the books as Law.

Thursday, February 5, 1998 the N. C. Child Care Commission and the N. C. Division of Child Development made a giant step towards the National Trends in Child Care.

They passed a rule that requires all Administration, Directors and Lead Teachers to take a N. C. Credential Course. Why are hundreds of Parents and Child Care Providers speaking out against this credential:

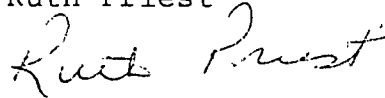
1. In addition to N. C. Law & Child Development the NAEYC "CODE OF ETHICS" is being taught. NAEYC (National Association for the Education of Young Children) through their educational materials and conferences promote the NEW Philosophies and policies and Laws regarding Child Care. They promote anti Bias and Diversity.

But those of us who believe and teach moral, spiritual and traditional family values from a Biblical perspective are considered to be biased by this Organization.

Pastors, Teacher, Parents, Grand Parents you need to call and write to your Representatives in Raleigh and Washington and let them know how you feel about this.

It is frightening to think that we might wake up one morning to find out this Single, Seamless System of Child Care with no religious exemptions has become National Law?

Ruth Priest

A handwritten signature in cursive script that reads "Ruth Priest".

Owner & Director

ABC Christian Learning Center

CHILDREN, YOUTH AND FAMILIES
REP. HOWARD J. HUNTER, JR., CHAIRMAN
APRIL 20, 1999
12 NOON

AGENDA

CALL TO ORDER – REPRESENTATIVE HOWARD J. HUNTER, JR.
CHAIRMAN

**HB – AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL
STATUTES REGARDING CHILD CARE AND TO REPEAL SECTIONS
4(B) AND 28.3 OF S.L. 1997-506.**

SPONSOR: REP. ALEXANDER

REMARKS

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
CHILDREN, YOUTH AND FAMILIES
APRIL 20, 1999**

The Committee on Children, Youth and Families met on Tuesday, April 20, 1999 in Room 612 of the Legislative Office Building at 12:00 p.m.. Representative Howard J. Hunter, Jr. presided. The following members were present: Rep. McAllister, Rep. Morris, Rep. Jeffus, Rep. Goodwin Rep. Horn, Rep. Holmes, Rep. Moore and Rep. Hiatt. Visitors in attendance are recorded on the attached Visitor Registration Sheet.

Chairman Hunter introduced the pages. Ruth Webster, Mecklenburg and Erin Underwood, Durham County

The meeting was called to order to consider an amendment to HB 287 – Child Care Law Corrections that was presented by Rep. Starnes on April 6, 1999.

Rep. Hunter asked Mr. Jeff Hinkle, Building Inspector to give his report. He distributed a copy of the layout of the church as it is being used now and the proposed room that they wanted to use for day care. He stated that on December 2, 1998 he and a fire inspector made an inspection of the church. The 3 yr. olds are occupying a room that has one means of egress. Our state code requires that all rooms used for children in educational occupancy have two means of egress. Another issue was the corridor width requirements. The code requires that the widths be 44 inches for an occupancy of less than 100 people. When the church was constructed corridor width should have been six feet and it did not meet current code at that time. It does not meet code today. An inspection was made in 1993 and approved only two rooms for day care.

Denise Wallace, Environmental Health Specialist, Catawba County, stated that she has inspected this facility and it was rated very well.

Gordon Finnelson, Principal of the Tabernacle Church School, stated that Since 1972, they have been operating as religious sponsored day care. The only complaint that he can remember was in 1998 that he was operating an unlicensed day care. He stated that he found the 1993 inspection report and they received a satisfactory inspection. He also stated that there were safety routines, like fire drills. done on a monthly basis.

Rep. Moore stated that an issue like this deserves discussing. If we have imposed new standards on an existing agency and they cannot without undo burden make those necessary changes, then it warrants discussion. There was much discussion about the use of the rooms for 3 year olds and 1st graders..

Rep. Cunningham stated that whether it was done in 1973 or whenever, is the place safe for children today? Do we want to exempt all church schools if they are not safe?

There was much discussion about the children leaving the rooms and the reports of the inspectors and that the 1993 reports states the violation of the two rooms. Rep. McAllister asked if the Principal had made any changes or were they planning to make any corrections at the school. The Principal stated several changes had been made at the school and that they have been in contact with an architect to renovate the facility.

Sidney Locke, NC General Baptist State Convention made comments about the amendment. He commented on whether we should exempt all religious schools when the building and fire codes are not in accordance with our state requirements.

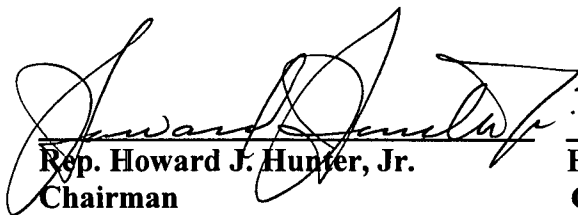
Rep. Morris moved for adoption of the amendment offered at the meeting on April 6, 1999. The adoption of the amendment failed by a vote of 5 – 2.

The Chairman of the Building Committee made comments about the facility and the renovations that have been done since 1993.

The Chairman asked the committee to stay tuned for announced meetings to discuss the other two bills before crossover.

There was no further business and the meeting was adjourned.

Respectfully submitted,


Rep. Howard J. Hunter, Jr.
Chairman


Barbara Y. Phillips
Committee Assistant

Attachments



4-20-99

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 287

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 1

H287-ALY-003

Date March 31, 1999

Comm. Sub. []
Amends Title []
Second Edition

Representative Starnes

1 moves to amend the bill on page 3, lines 38-39,
2 by adding between the lines a new section to read:
3 "Section 7. Any religious sponsored child care facility, as defined
4 in G.S. 110-106(a), in operation at least three years before the
5 date this act becomes effective shall be treated as if it met the
6 appropriate requirements of the North Carolina Building Code as of
7 that earlier date. Any religious sponsored child care facility
8 affected by this Section is still required to receive satisfactory
9 reports from representatives of local or State health agencies and
10 fire inspection agencies.";
11 and by renumbering the remaining section accordingly.
12

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 287*
Committee Substitute Favorable 3/23/99

Short Title: Child Care Law Corrections.

(Public)

Sponsors:

Referred to:

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL
3 STATUTES REGARDING CHILD CARE AND TO REPEAL SECTIONS 4(B)
4 AND 28.3 OF S.L. 1997-506.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 110-88(2) reads as rewritten:
7 "(2) To require inspections by and satisfactory written reports from
8 representatives of local or State health ~~agencies and~~ agencies, fire
9 and building inspection ~~agencies~~ agencies, and from representatives
10 of the Department prior to the issuance of a an initial license to
11 any child care center."
12 Section 2. G.S. 110-91(8) reads as rewritten:
13 "(8) Qualifications for Staff. -- All child care center administrators shall
14 be at least 21 years of age. All child care center administrators
15 shall have the North Carolina Early Childhood Administration
16 Credential or its equivalent as determined by the Department. All
17 child care administrators performing administrative duties as of the
18 date this act becomes law and child care administrators who
19 assume administrative duties at any time after this act becomes law
20 and until September 1, 1998, shall obtain the required credential
21 by September 1, 2000. Child care administrators who assume
22 administrative duties after September 1, 1998, shall begin working
23 toward the completion of the North Carolina Early Childhood

Administration Credential or its equivalent within six months after assuming administrative duties and shall complete the credential or its equivalent within two years after beginning work to complete the credential. Each child care center shall be under the direction or supervision of a person meeting these requirements. All staff counted toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a ~~credentialed~~ staff person who is at least 21 years of age. All lead teachers in a child care center shall have at least a North Carolina Early Childhood Credential or its equivalent as determined by the Department. Lead teachers shall be enrolled in the North Carolina Early Childhood Credential coursework or its equivalent as determined by the Department within six months after becoming employed as a lead teacher or within six months after this act becomes law, whichever is later, and shall complete the credential or its equivalent within 18 months after enrollment.

For child care centers licensed to care for 200 or more children, the Department, in collaboration with the North Carolina Institute for Early Childhood Professional Development, shall establish categories to recognize the levels of education achieved by child care center administrators and teachers who perform administrative functions. The Department shall use these categories to establish appropriate staffing based on the size of the center and the individual staff responsibilities.

Effective January 1, 1998, an operator of a licensed family child care home shall be at least 21 years old and have a high school diploma or its equivalent. Operators of a family child care home licensed prior to January 1, 1998, shall be at least 18 years of age and literate. Literate is defined as understanding licensing requirements and having the ability to communicate with the family and relevant emergency personnel. Any operator of a licensed family child care home shall be the person on-site providing child care.

No person shall be an operator of nor be employed in a child care facility who has been convicted of a crime involving child neglect, child abuse, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children.

The Commission shall adopt standards to establish appropriate qualifications for all ~~other~~ staff in child care centers. These standards shall reflect training, experience, education and credentialing and shall be appropriate for the size center and the

1 level of individual staff responsibilities. It is the intent of this
2 provision to guarantee that all children in child care are cared for
3 by qualified people. No requirements may interfere with the
4 teachings or doctrine of any established religious organization."

5 Section 3. G.S. 110-93 reads as rewritten:

6 "**§ 110-93. Application for a license.**

7 (a) Each person who seeks to operate a child care facility shall apply to the
8 Department for a license. The application shall be in the form required by the
9 Department. Each ~~operator~~ applicant seeking a license shall be responsible for
10 supplying with the application the necessary supporting data and reports to show
11 conformity with rules adopted by the Commission for Health Services pursuant to
12 G.S. 110-91(1) and with the standards established or authorized by this Article,
13 including any required reports from the local and district health departments, local
14 building inspectors, local firemen, voluntary firemen, and others, on forms which
15 shall be provided by the Department.

16 (b) If an ~~operator~~ applicant conforms to the rules adopted by the Commission for
17 Health Services pursuant to G.S. 110-91(1) and with the standards established or
18 authorized by this Article as shown in the application and other supporting data, the
19 Secretary shall issue a license that shall remain valid until the Secretary notifies the
20 licensee otherwise pursuant to G.S. 150B-3 or other provisions of this Article, subject
21 to suspension or revocation for cause as provided in this Article. If the applicant fails
22 to conform to the required rules and standards, the Secretary may issue a provisional
23 license under the policies of the Commission. The Department shall notify the
24 ~~operator~~ applicant in writing by registered or certified mail the reasons the
25 Department issued a provisional license.

26 (c) Repealed by Session Laws 1997-506, s. 10.

27 (d) Repealed by Session Laws 1977, c. 929, s. 1."

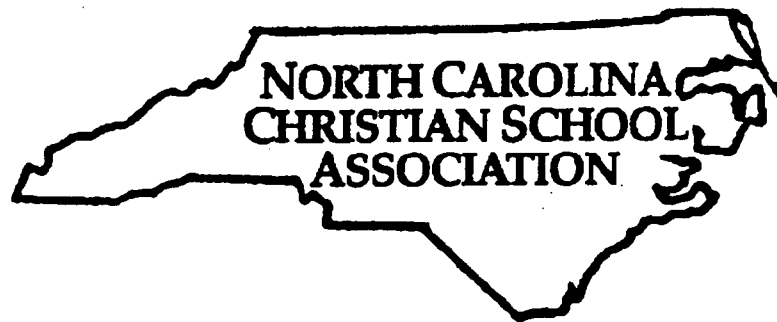
28 Section 4. G.S. 110-99(b) reads as rewritten:

29 "(b) A person who provides only drop-in or short-term child care as described in
30 ~~G.S. 110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child care provided
31 in churches, shall notify the Department that the person is providing only drop-in or
32 short-term child care. Any person providing only drop-in or short-term child care as
33 described in ~~G.S. 110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child
34 care provided in churches, shall display in a prominent place at all times a notice that
35 the child care arrangement is not required to be licensed and regulated by the
36 Department and is not licensed and regulated by the Department."

37 Section 5. Section 4(b) of S.L. 1997-506 is repealed.

38 Section 6. Section 28.3 of S.L. 1997-506 is repealed.

39 Section 7. This act is effective when it becomes law.



Executive Director
Dr. Joe Haas

April 7, 1999

Representative Edgar Starnes
North Carolina General Assembly
Raleigh, North Carolina 27601-1096

Dear Representative Starnes:

I am writing to voice my concerns for one of our member schools, Tabernacle Baptist Christian School in Hickory. This school has been providing a quality program for almost 30 years. Several years ago, the school made the necessary applications to meet the regulations for their students in child care. After having met those regulations, they now are being told that their prior approval was not adequate. The current cost to meet the new regulations is astronomical.

I want you to know that this same scenario exists in church facilities all across North Carolina. Can you explain to me how the buildings are safe for Sunday School on Sunday and mysteriously become unsafe for Monday School on Monday according to the NC Division of Child Care? This is highly unfair. Since the child care ministry is only part of the overall ministry of these churches, it must not be allowed by regulation to completely disrupt the daily operations of these churches. If something is not done, no longer will churches have child care ministries, but rather the regulations will view the buildings as child care facilities that have churches on the side. The state has become over obtrusive in this area. Ironically, churches were providing quality child care before we had a NC Division of Child Development or any of these regulations. I think it would be wise to either grandfather in the churches that have child care facilities or to provide separate inspection regulations in G.S. 110-106.

Since I am writing, I want to also give you some of the concerns that have come to my attention concerning **House Bill 287 - Child Care Law Corrections**. To help you better understand my concerns, I need to briefly give you some background information:

- Religious sponsored child care facilities are monitored by G.S. 110-106
- Currently, religious sponsored child care facilities are required to annually meet the minimum standards of the local health, building, and fire inspectors as required by G.S. 110-106(b)(2)
- Currently, religious sponsored child care facilities are exempt from the requirement that they must obtain a state license. G.S. 110-106(b)(4)
- Currently, the State is prohibited from regulating or interfering with the religious training or curricula offered in religious sponsored child care facilities. G.S. 110-106(b)(4)

P.O. Box 231 • Goldsboro, North Carolina 27533-0231 • Telephone: (919) 731-4844 • Fax: (919) 731-4847
E-mail: lhaas@nccsa.org

curricula offered in religious sponsored child care facilities. G.S. 110-106(b)(4)

- Currently, religious sponsored child care facilities are exempt from G.S. 110-91(8) which deals with qualifications for staff, and any requirements that arise out of these provisions. G.S. 110-106(c)

PROBLEM # 1

House Bill 287 rewrites G.S. 110-91(8). It is interesting to me that the bill states on page 3, line 3 that these requirements may not interfere with religious teachings or doctrines. However, it does not exempt religious facilities from the staff qualifications requirements. The bill language uses "**ALL**" when referring to child care centers time and time again. **ALL** seems not to exempt religious facilities from this section. This is why I am concerned.

Religious facilities do not want to lower their standards to meet the state requirements. They desire to follow their own credentialing and accreditation programs. Many of these programs have been in existence for a long while and help provide the quality which has long existed in religious sponsored facilities.

The bottom line is, currently there is an exemption and I want some assurance that this exemption will not be lost from the re-writing of this bill. I would suggest that the following language be added to the bill on page 3, line 4, immediately after "...religious organization." **G.S. 110-91(8) does not apply to religious sponsored child care facilities, and these facilities are exempt from any requirements of this section that arise out of these provisions.**

By injecting the same exemption currently found in G.S. 110-106(c), **PROBLEM #1** can be solved.

PROBLEM # 2

The bill repeals in Sections 5 and 6 provision that wisely the last General Assembly enacted. There is a great concern from all across the state by both private, for profit, not for profit, and religious child care facilities about the far-reaching effect of repealing these provisions. The greatest concern is that the State will be able to **REQUIRE** the utilization of the materials provided by the National Association for the Education of Young Children. Again, there is no stated exemption for religious child care facilities. **There must be a stated exemption for the religious facilities.** If these repeals are enacted, the State at least ought to give the option of other, less offensive materials instead of making them a requirement.

Thank you for hearing my concerns. Please feel free to call me if I can answer any questions for you.

Sincerely,



Dr. Joe Haas
Executive Director

JH:jkh

Identification No. To be Assigned
County Catawba
Date of Inspection 9/22/93

Building Inspection Report For "Day Care Centers" (more than 15 children)

Name of Facility TABERNAcle Baptist Church School
Street Address 1225 29th Ave. Dr. SE Telephone No. 324-9936
City Hickory State NC Telephone No. _____
Number of rooms approved for children 2 Is entire building used for day care? Yes No
Please check appropriate squares:
Renovation or addition ☒ New facility or operation ☐

Answer all questions below. If an item is not applicable, enter "NA" in the blank with written explanation.

A. Construction for Group E—"Educational Occupancy" ("centers" with all children age 3 years and older; or with children under 3 years of age occupying rooms with a direct exit to the outside; or with a staff-child ratio meeting certification requirements as listed in Section B of this form.)

1. If the building is wood frame construction (normally used for dwellings), is it restricted to one story in height and not more than 6,000 square feet in area? Yes N/A No No
2. Are all exit corridors constructed of materials having a fire resistance rating of not less than one hour? ("NA" if each room occupied by children has a direct exit to outside.) Yes ✓ No No
3. Are all interior corridors more than 300 feet in length divided into sections not to exceed 300 feet in length by smoke barriers consisting of 1 hour rated partitions with smokestop doors? Yes N/A No No
4. Does useable space have at least 8% of its floor area composed of windows with 1/4 of these windows openable, or is space mechanically ventilated? Yes ✓ No No

Fire

5. Does this facility have a manually operated fire alarm system (electrically installed system with pull box stations)? Yes ✓ No No

Questions 6, 7, and 8 are not applicable if each room occupied by children has a direct exit to the outside. (This classifies the corridor as a "convenience corridor" and eliminates need of the smoke detectors.)

6. Does this facility have listed smoke detection devices in all corridors as required in Section 720.2? Yes ✓ No No
7. Corridors are less than 90 feet in length, or the smoke detection devices are electrically interconnected to the fire alarm system (Section 720.2) Yes ✓ No No
8. Smoke detection devices required (as outlined in Section 720.2) are interconnected Yes ✓ No No
9. This center has posted a plan of evacuation (in event of fire or other emergency) to areas of refuge from the building and all employees are instructed regarding their duties under the plan Yes ✓ No No
10. Is there an approved first aid fire appliance (2½ pound dry chemical extinguisher or 6-B:C rated extinguisher) at the kitchen, and at least one 2½ gallon water type extinguisher or other approved extinguisher for each 2,500 square feet of floor area (NFPA #10)? Yes ✓ No No
11. Are these extinguishers located on each floor so that a person will not have to travel more than 100 feet from any point to reach the nearest unit? Yes ✓ No No

Exits

12. Are there at least 2 exits (doors, stairs or smoke proof towers, ramps, horizontal exits) remote from each other on each floor or fire section of the building? Yes ✓ No No
13. Are there two separate and distinct ways of egress extending from the uppermost floor to the ground? Yes ✓ No No

14. Is the exit capacity adequate? Yes ☒ No ☐
15. Are all exits adequately lighted at all times that the building is occupied? Yes ☒ No ☐
16. Are these exits identified by readily visible signs where the exit or way to reach it is not immediately obvious to the occupants? (Signs are not required in buildings with capacity of less than 30 persons.) Yes ☒ No ☐

Corridors and Access to Exits

17. Does each interior corridor have no less than an one hour fire resistive construction and all openings protected with 1 3/4" solid wood bonded core doors, hollow metal or equivalent? (NA" if each room occupied by children has direct exit to outside.) Yes ☒ No ☐
18. If glass vision panels are used, are they of 1/2" thick wired glass and each pane no more than 1,296 square inches in approved metal frames? Yes ☒ No ☐
19. Are all required exits through unobstructed corridors and without passage through a room or closet? Yes ☒ No ☐
20. Are all approaches to exits kept continuously free of all obstructions? Yes ☒ No ☐
21. Are all doorways between occupied spaces and the required exit and all exit doorways leading to the exterior not less than 36" in width? Yes ☒ No ☐
22. Are all corridors, ramps and passageways not less than 6 feet clear width in all areas serving as means of egress? *See Attached Letter* Yes ☒ No ☐
23. Is this center without any "corridor dead ends" exceeding 30 feet in length? Yes ☒ No ☐
24. Are all exits so placed that the entrance door of every room occupied by children, including dining room, is no more than 100 feet (along the line of travel) from the nearest exterior exit? Yes ☒ No ☐
25. Are all doors in the line of exit travel from an occupied room of swinging type (side hinged)? Yes ☒ No ☐

Stairs

26. Are stairs at least 44 inches in width and enclosed with one hour rated walls, with 1 3/4" solid wood bonded core doors at least 36 inches wide with automatic closers? Yes ☒ No ☐

Walls

27. Are all walls and ceilings covered with plaster, gypsum wall board or other non-combustible surfaces or are walls and ceilings 1 hour fire rated as outlined in Table 400 of N. C. State Building Code, Vol. I? Yes ☒ No ☐
28. Do interior wall and ceiling finish materials have flame spread rating of 25 or less in corridors and stairways and 200 or less for all other areas? (This should prohibit use of untreated combustible fibre boards, wood and other combustible finishes.) Yes ☒ No ☐

Heating Systems

29. The building is free of fuel burning space heaters or portable electric space heaters Yes ☒ No ☐
30. Air conditioning, ventilation, heating, cooking and other service equipment have been inspected and deemed safe by appropriate inspectors Yes ☒ No ☐
31. Combustion and ventilation air for boiler or heater rooms is taken directly from and discharged to the outside of the building. (NA" if electric heat is installed) Yes ☒ No ☐

Hazardous Areas

32. The boiler and heater rooms and other hazardous areas are separated from the rest of the building by construction having a fire resistance rating of at least 1 hour. (NA" if electric heat is installed.) Yes ☒ No ☐
33. Unprotected attics and unfinished basements are not used for combustible storage Yes ☒ No ☐

- B. Construction for Group I—"Institutional (unrestrained) Occupancy" ("centers" caring for children under 3 years of age which do not have a direct exit to the outside from every room occupied by children under 3 years of age, or do not maintain at all times the Certification requirements for staff-child ratio of 1 staff to 5 infants under age 1; 1 staff to 6 one year olds; 1 staff to 7 two years olds; 1 staff to 10 three year olds; 1 staff to 12 four year olds; 1 staff to 15 five year olds; and 1 staff to 20 six year olds and older). The "direct exits to outside from every room occupied by children under 3 years of age" or the "certification staffing" will change Group I—"Institutional (unrestrained) Occupancy" to Group E—"Educational Occupancy.")

1. Does the building have exit doors direct to the outside from every room occupied by children under 3 years of age? Yes N/A No N/A

If question B.1 is answered "yes", do not answer questions B.2 through B.6. The center will be classified as Group E—"Educational Occupancy". Thus, the manual fire alarm system (as approved in questions A. 5, 6, 7, and 8) is acceptable.
If question B.1 is answered "NO", the center must meet Group I—"Institutional (unrestrained) Occupancy" classification and questions B.2 or B.3 and questions B.4, 5, and 6 must be answered "YES" or "NA" (with explanation).

2. Does this facility have an approved automatic sprinkler system or automatic fire detection system with approved and listed smoke detection devices installed in all corridors (Sec. 720.2)? Yes ___ No ___

3. Does this center maintain at all times the Certification Requirements for the staff-child ratio of 1 staff per 5 infants under age one; 1:6 one year olds; 1:7 two year olds; 1:10 three year olds; 1:12 four year olds; 1:15 five year olds; 1:20 six year olds and older? Yes ___ No ___

4. Is wood frame construction (normally used for dwellings) restricted to one story in height and not more than 2,500 square feet in area? Yes ___ No ___

5. Are all interior corridors more than 150 feet in length divided into sections not to exceed 150 feet in length by smoke barriers, consisting of one hour rated partitions with smoke stop doors? Yes ___ No ___

6. Are all walls and ceilings throughout the entire building constructed of materials having fire resistance of not less than one hour? Yes ___ No ___

C. Answer for new buildings only:

1. Have architects, engineers, contractors, inspectors met State Building, Plumbing, Heating and Electrical Codes for technical construction details? Yes ___ No ___

2. Has a set of plans been submitted to:
1) Local Building Inspector or N. C. State Department of Insurance Yes ___ No ___
2) Local Health Department Yes ___ No ___
3) The Child Day Care Section (Floor plan only) Yes ___ No ___

3. Did the builder have a building permit from the local building inspector and/or occupancy permit? Yes ___ No ___

D. Renovation or new addition meets N.C. State Building Code and/or new addition is separated from existing structure by solid masonry fire walls at least 12 inches thick? Yes ___ No ___

Facility Disapproved ☐
Facility Approved for Children Age 3 Years and Older ☒
Facility Approved for Children Under Age 3 and Age 3 Years and Older ☐
(Inspector should check appropriate block above.)

(Signature of Inspector) [Signature] (Address) P.O. Box 398, Hickory, N.C. 28603
(Title of Inspector) Assistant Supervisor of Building Inspections (Phone Number) 704-323-7410

In areas where the responsibility for building inspection is delegated to the fire department or other officials, the appropriate person shall complete this form.
*The Building Report is to be prepared in triplicate—one copy retained by building inspector and two copies given to the operator of the day care facility, one of which is to be mailed to the Child Day Care Section.

NOTE: If the inspector checks the "facility approved" blank or thinks it should be checked, even though one or more questions are answered "no", the inspector must explain in detail and give his recommendations on whether equivalent protection for the safety of the children is being provided for each question answered "no".
Comments:

04/07/88 13.30 010

CITY OF HICKORY

POST OFFICE BOX 398 • HICKORY, NORTH CAROLINA 28603 • 704-323-7410



Building Inspection

September 22, 1993

Pam Finderbrown
Division of Child Development
Child Day Care Section
P.O. Box 1975
Morganton, NC 28680-1975

Dear Pam:

Tabernacle Baptist Church School, located on 29th Avenue N.E. in Hickory, has been approved for children age three years and older pursuant to Form Number DFS-1304.

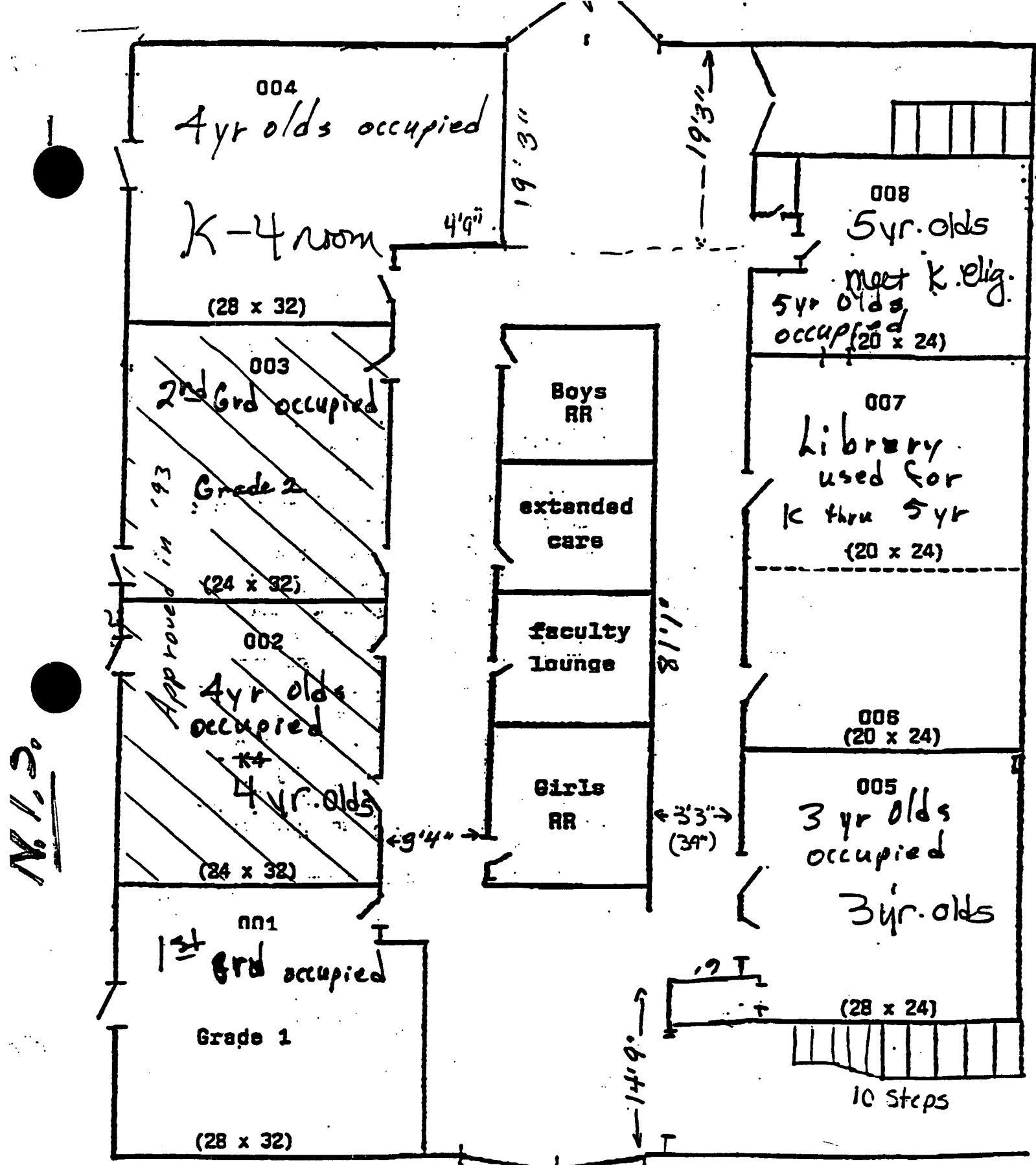
All of the corridors are not six (6) feet clear, therefore I have checked item Number A-22 as "No". It is my opinion that the egress width and capacity is adequate even though all the corridors and passageways are not six feet clear.

If I can be of further assistance in this matter please contact me at the above number between 3:30 a.m. and 5:00 p.m.

Sincerely,

D. Neil Hartley
Assistant Supervisor of Building Inspections

DNH:lmt



19-99 Visit by Jeff, Neil, Gene with Gordon Fentress
 9:30 AM Tabernacle - Administrator

take kids to upstairs cafeteria & gymnasium
 take kids to auditorium in adjacent bldg.



GENERAL BAPTIST STATE CONVENTION OF N.C., INC.

603 S. Wilmington Street
Raleigh, North Carolina 27601-2338

John D. Fuller, Sr.
President

E-mail: jdfuller@gbsc.org

Archie D. Logan, Jr.
Executive Secretary - Treasurer

E-mail: alogan@gbsc.org

April 19, 1999

**Representative Howard Hunter, Chairperson
Committee on Children, Youth and Families
North Carolina House of Representatives
Raleigh, North Carolina**

Dear Representative Hunter:

Greetings and Peace in the precious name of Jesus Christ our Savior! It has come to the attention of the General Baptist State Convention of North Carolina, Inc., that some members of your committee may be under the impression that the entire religious community supports exempting church-operated child care facilities from building codes and other regulations.

The General Baptist State Convention of North Carolina has long supported quality child-care and encouraged its churches to consider being providers in their communities. We strongly believe that child-care must be safe. The GBSC believes that all child-care facilities should meet legal building codes, fire codes, safety codes and health regulations. Church-owned facilities must be held to the same regulatory standards for providing child-care in North Carolina as any other provider.

The GBSC is aware that regulations may cause difficulty for church-operated child-care centers and other providers. Nevertheless, we believe that the health, safety and welfare of our children and those who come to these facilities far out-weight any exemptions that might be considered. Thank you very much!

Yours in Christ,

Reverend Archie D. Logan, Jr., Ed.D., Executive Secretary-Treasurer

ADL/cjs

**Copy: Dr. John D. Fuller, Sr., President, GBSC
Reverend Cornelius Moore, Chairman Health & Human Services Committee
Division of Child Development**

Vice President At Large, Charles T. Bullock • First Vice President, A. L. Jinwright • Second Vice President, John H. Grant • Third Vice President, Howard W. Parker Jr.
Fourth Vice President, Norman T. Davis • Recording Secretary, Ivan T. Davis • Assistant Recording Secretary, Ricky L. Banks • Historian, Lodies J. Gloston
Statistician, J. Ray Butler • Parliamentarian, Willie A. Swann

Office: 919/821-7466 • Toll Free: 1-800-639-GBSC (4272) • Fax: 919/836-0061

Web-Site: www.gbsc.org



Woman's Missionary Union

Baptist State Convention of North Carolina

PO Box 1107/205 Convention Drive/Cary, North Carolina 27512-1107/(800) 395-5102/(919) 467-5100/Fax (919) 469-1674

April 20, 1999

Representative Howard Hunter, Chair
Committee on Children, Youth, and Families
North Carolina House of Representatives
Raleigh, NC

Dear Representative Hunter:

I've been told that some members of the Committee on Children, Youth and Families may think that the entire faith community supports exempting church-operated child care facilities from building codes.

Woman's Missionary Union of the Baptist State Convention of North Carolina supports quality child care and encourages churches to be providers. But we want this to be safe, affordable and of high quality. We feel that regulations help ensure this for our children. Having regulations keeps us aware of standards of which we might not otherwise be aware. Regulations protect our children and our church in cases where there might be potential problems.

In His Name,

Mrs. Irma C. Duke

Executive Director/Treasurer

cc: Donice Harrod, Eunice Bland

VISITOR REGISTRATION SHEET

CHILDREN, YOUTH AND FAMILIES

APRIL 20, , 1999

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

4/30/99

VISITOR REGISTRATION SHEET

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. CAROLE ACQUESTA
2. JEFF HINKLE
3. Gordon K. Fenlason
4. Art Fydenko
5. Jan Cook
6. Amy Hoglund
7. Kevin Howell
8. Pastor Chris Rosta
9. Lisa Loney
10. Mary M. Larkle
11. Jerri Howell
12. Nancy H. Brown
13. B. Summers
14. Karen Vettel
15. Richard O'Brien
16. Stark McKeeney
17. Tommy Anderson
18. _____
19. _____
20. _____
21. _____

NC Dept Insurance
City of Hickory
Tabernacle Bapt. Church & School
Hickory
Tabernacle Bapt. Ch.
TABERNACLE BAPTIST CHRISTIAN SCHOOL
Wake Co. Smart Start
Governor's office
Mt. Olive Pentecostal Hol. Ch.
Grandma's T.L. Christian Adp'd Dic. Inc.
Shirley's Caring Day Care
Michelle's Learning Day Care
Natl Assoc. for the Education of Y. Children (NAEYC)
NC Equity
Bright Horizons Family Solution / FLAXO Wellcare
CDC
PFFPNC
NC Dept of Insurance
CALNC

CHILDREN, YOUTH AND FAMILIES
REP. HOWARD J. HUNTER, JR., CHAIRMAN
APRIL 23, 1999
10:00 a.m.

AGENDA

CALL TO ORDER – REPRESENTATIVE HOWARD J. HUNTER, JR.
CHAIRMAN

**HB – AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL
STATUTES REGARDING CHILD CARE AND TO REPEAL SECTIONS
4(B) AND 28.3 OF S.L. 1997-506.**

SPONSOR: REP. ALEXANDER

REMARKS

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
CHILDREN, YOUTH AND FAMILIES
APRIL 23, 1999**

The Committee on Children, Youth and Families met on Friday, April 23, 1999 in Room 612 of the Legislative Office Building at 10:00 a.m. Representative Howard J. Hunter, Jr. presided. The following members were present: Rep. Hiatt, Rep. Goodwin, Rep. Jeffus, Rep. Morris, and Rep. McAllister. Visitors in attendance are recorded on the attached Visitor Registration Sheet.

Chairman Hunter introduced the pages.

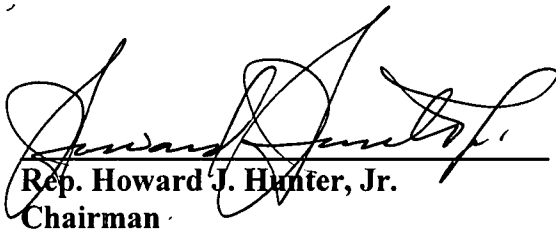
The meeting was called to order to consider HB 287 – Child Care Law Corrections.

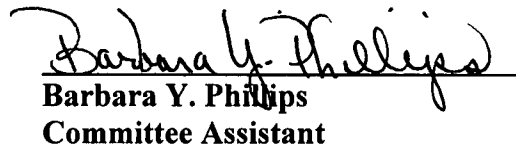
Staff presented a Committee Substitute # 2 to HB 287. Jo McCants, Staff Attorney explained the Committee Substitute. There were a few changes to the original bill and the title was changed (See Attachment). She stated that the bill has already passed in the Senate and will be sent to the House.

Rep. Morris made a motion to accept the Committee Substitute for discussion. The motion carried. Rep. Morris moved that the Committee Substitute be given a favorable report and the original bill an unfavorable report.

There was no further business and the meeting was adjourned.

Respectfully Submitted,


Rep. Howard J. Hunter, Jr.
Chairman


Barbara Y. Phillips
Committee Assistant

Attachments

1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **HUNTER** for the Committee on **CHILDREN, YOUTH AND FAMILIES**.

☒ Committee Substitute for
H.B. 287 A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL
CORRECTIONS TO THE GENERAL STATUTES REGARDING CHILD CARE AND TO
REPEAL SECTIONS 4(B) AND 28.3 OF S.L. 1997-506.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☒ With a favorable report as to committee substitute bill (# 2), ☒ which changes the title,
unfavorable as to ~~(original bill)~~ (Committee Substitute Bill # 1), ~~(and recommendation that~~
~~the committee substitute bill #) be re-referred to the Committee on)~~.
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 287*
Committee Substitute Favorable 3/23/99
Proposed Committee Substitute H287-PCS3374-SE

Short Title: Child Care Law Corrections.

(Public)

Sponsors:

Referred to:

March 4, 1999

- 1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL
3 STATUTES REGARDING CHILD CARE, TO REPEAL SECTION 4(B) OF S.L.
4 1997-506, AND TO MAKE CHANGES REGARDING THE TRAINING
5 MATERIALS THAT MAY BE USED BY CHILD CARE FACILITIES.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 110-88 reads as rewritten:
8 **"§ 110-88. Powers and duties of the Commission.**
9 The Commission shall have the following powers and duties:
10 (1) To develop policies and procedures for the issuance of a license to
11 any child care facility that meets all applicable standards
12 established under this Article.
13 (1a) To adopt applicable rules and standards based upon the capacity of
14 a child care facility.
15 (2) To require inspections by and satisfactory written reports from
16 representatives of local or State health ~~agencies and~~ agencies, fire
17 and building inspection ~~agencies~~ agencies, and from representatives
18 of the Department prior to the issuance of ~~a~~ an initial license to
19 any child care center.
20 (2a) To require annually, inspections by and satisfactory written reports
21 from representatives of local or State health agencies and fire
22 inspection agencies after a license is issued.

- (3) Repealed by Session Laws 1997-506, s. 4.
- (4) Repealed by Session Laws 1975, c. 879, s. 15.
- (5) To adopt rules and develop policies for implementation of this Article, including procedures for application, approval, annual compliance visits for centers, and revocation of licenses.
- (6) To adopt rules for the issuance of a provisional license that shall be in effect for no more than 12 consecutive months to a child care facility that does not conform in every respect with the standards established in this Article and rules adopted by the Commission pursuant to this Article but that is making a reasonable effort to conform to the standards.
- (6a) To adopt rules for administrative action against a child care facility when the Secretary's investigations pursuant to G.S. 110-105(a)(3) substantiate that child abuse or neglect did occur in the facility. The rules shall provide for types of sanctions which shall depend upon the severity of the incident and the probability of reoccurrence. The rules shall also provide for written warnings and special provisional licenses.
- (7) **(See editor's note)** To develop and adopt voluntary enhanced program standards which reflect higher quality child care than the mandatory standards established by this Article. These enhanced program standards must address, at a minimum, staff/child ratios, staff qualifications, parent involvement, operational and personnel policies, developmentally appropriate curricula, and facility square footage.
- (8) To develop a procedure by which the Department shall furnish those forms as may be required for implementation of this Article.
- (9) Repealed by Session Laws 1985, c. 757, s. 156(66).
- (10) To adopt rules for the issuance of a temporary license which shall expire in six months and which may be issued to the operator of a new center or to the operator of a previously licensed center when a change in ownership or location occurs.
- (11) To adopt rules for child care facilities which provide care for children who are mildly sick.
- (12) To adopt rules regulating the amount of time a child care administrator shall be on-site at a child care center.

~~The Department of Health and Human Services, Division of Child Development and the Child Care Commission shall not promote or require the utilization of training materials, curriculum, or policy developed or provided by the National Association for the Education of Young Children or the National Institute for Early Childhood Professional Development. The Division and the Commission shall permit individual facilities to make curriculum decisions."~~

Section 2. G.S. 110-91(8) reads as rewritten:

1 "(8) Qualifications for Staff. -- All child care center administrators shall
2 be at least 21 years of age. All child care center administrators
3 shall have the North Carolina Early Childhood Administration
4 Credential or its equivalent as determined by the Department. All
5 child care administrators performing administrative duties as of the
6 date this act becomes law and child care administrators who
7 assume administrative duties at any time after this act becomes law
8 and until September 1, 1998, shall obtain the required credential
9 by September 1, 2000. Child care administrators who assume
10 administrative duties after September 1, 1998, shall begin working
11 toward the completion of the North Carolina Early Childhood
12 Administration Credential or its equivalent within six months after
13 assuming administrative duties and shall complete the credential or
14 its equivalent within two years after beginning work to complete
15 the credential. Each child care center shall be under the direction
16 or supervision of a person meeting these requirements. All staff
17 counted toward meeting the required staff-child ratio shall be at
18 least 16 years of age, provided that persons younger than 18 years
19 of age work under the direct supervision of a ~~credentialed~~ staff
20 person who is at least 21 years of age. All lead teachers in a child
21 care center shall have at least a North Carolina Early Childhood
22 Credential or its equivalent as determined by the Department.
23 Lead teachers shall be enrolled in the North Carolina Early
24 Childhood Credential coursework or its equivalent as determined
25 by the Department within six months after becoming employed as
26 a lead teacher or within six months after this act becomes law,
27 whichever is later, and shall complete the credential or its
28 equivalent within 18 months after enrollment.

29 For child care centers licensed to care for 200 or more children,
30 the Department, in collaboration with the North Carolina Institute
31 for Early Childhood Professional Development, shall establish
32 categories to recognize the levels of education achieved by child
33 care center administrators and teachers who perform
34 administrative functions. The Department shall use these categories
35 to establish appropriate staffing based on the size of the center and
36 the individual staff responsibilities.

37 Effective January 1, 1998, an operator of a licensed family child
38 care home shall be at least 21 years old and have a high school
39 diploma or its equivalent. Operators of a family child care home
40 licensed prior to January 1, 1998, shall be at least 18 years of age
41 and literate. Literate is defined as understanding licensing
42 requirements and having the ability to communicate with the
43 family and relevant emergency personnel. Any operator of a

1 licensed family child care home shall be the person on-site
2 providing child care.

3 No person shall be an operator of nor be employed in a child
4 care facility who has been convicted of a crime involving child
5 neglect, child abuse, or moral turpitude, or who is an habitually
6 excessive user of alcohol or who illegally uses narcotic or other
7 impairing drugs, or who is mentally or emotionally impaired to an
8 extent that may be injurious to children.

9 The Commission shall adopt standards to establish appropriate
10 qualifications for all ~~other~~ staff in child care centers. These
11 standards shall reflect training, experience, education and
12 credentialing and shall be appropriate for the size center and the
13 level of individual staff responsibilities. It is the intent of this
14 provision to guarantee that all children in child care are cared for
15 by qualified people. ~~No Pursuant to G.S. 110-106, no~~ requirements
16 may interfere with the teachings or doctrine of any established
17 religious organization. The staff qualification requirements of this
18 subdivision do not apply to religious-sponsored child care facilities
19 pursuant to G.S. 110-106."

20 Section 3. G.S. 110-93 reads as rewritten:

21 "**§ 110-93. Application for a license.**

22 (a) Each person who seeks to operate a child care facility shall apply to the
23 Department for a license. The application shall be in the form required by the
24 Department. Each ~~operator~~ applicant seeking a license shall be responsible for
25 supplying with the application the necessary supporting data and reports to show
26 conformity with rules adopted by the Commission for Health Services pursuant to
27 G.S. 110-91(1) and with the standards established or authorized by this Article,
28 including any required reports from the local and district health departments, local
29 building inspectors, local firemen, voluntary firemen, and others, on forms which
30 shall be provided by the Department.

31 (b) If an ~~operator~~ applicant conforms to the rules adopted by the Commission for
32 Health Services pursuant to G.S. 110-91(1) and with the standards established or
33 authorized by this Article as shown in the application and other supporting data, the
34 Secretary shall issue a license that shall remain valid until the Secretary notifies the
35 licensee otherwise pursuant to G.S. 150B-3 or other provisions of this Article, subject
36 to suspension or revocation for cause as provided in this Article. If the applicant fails
37 to conform to the required rules and standards, the Secretary may issue a provisional
38 license under the policies of the Commission. The Department shall notify the
39 ~~operator~~ applicant in writing by registered or certified mail the reasons the
40 Department issued a provisional license.

41 (c) Repealed by Session Laws 1997-506, s. 10.

42 (d) Repealed by Session Laws 1977, c. 929, s. 1."

43 Section 4. G.S. 110-99(b) reads as rewritten:

1 "(b) A person who provides only drop-in or short-term child care as described in
2 ~~G.S. 110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child care provided
3 in churches, shall notify the Department that the person is providing only drop-in or
4 short-term child care. Any person providing only drop-in or short-term child care as
5 described in ~~G.S. 110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child
6 care provided in churches, shall display in a prominent place at all times a notice that
7 the child care arrangement is not required to be licensed and regulated by the
8 Department and is not licensed and regulated by the Department."

9 Section 5. Section 4(b) of S.L. 1997-506 is repealed.

10 Section 6. Chapter 110 of the General Statutes is amended by adding a
11 new section to read:

12 "§ 110-88.1. Commission may not interfere with religious training offered in religious-
13 sponsored child care facilities.

14 Nothing in this Article shall be interpreted to allow the State to determine the
15 training or curriculum offered in any religious-sponsored child care facility as defined
16 in G.S. 110-106(a)."

17 Section 7. This act is effective when it becomes law.

X

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

H

2

HOUSE BILL 287*
Committee Substitute Favorable 3/23/99

Short Title: Child Care Law Corrections.

(Public)

Sponsors:

Referred to:

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL
3 STATUTES REGARDING CHILD CARE AND TO REPEAL SECTIONS 4(B)
4 AND 28.3 OF S.L. 1997-506.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 110-88(2) reads as rewritten:

7 "(2) To require inspections by and satisfactory written reports from
8 representatives of local or State health ~~agencies and agencies~~, fire
9 ~~and building inspection agencies agencies~~, and from representatives
10 of the Department prior to the issuance of a an initial license to
11 any child care center."

12 Section 2. G.S. 110-91(8) reads as rewritten:

13 "(8) Qualifications for Staff. -- All child care center administrators shall
14 be at least 21 years of age. All child care center administrators
15 shall have the North Carolina Early Childhood Administration
16 Credential or its equivalent as determined by the Department. All
17 child care administrators performing administrative duties as of the
18 date this act becomes law and child care administrators who
19 assume administrative duties at any time after this act becomes law
20 and until September 1, 1998, shall obtain the required credential
21 by September 1, 2000. Child care administrators who assume
22 administrative duties after September 1, 1998, shall begin working
23 toward the completion of the North Carolina Early Childhood

Administration Credential or its equivalent within six months after assuming administrative duties and shall complete the credential or its equivalent within two years after beginning work to complete the credential. Each child care center shall be under the direction or supervision of a person meeting these requirements. All staff counted toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a ~~credentialed~~ staff person who is at least 21 years of age. All lead teachers in a child care center shall have at least a North Carolina Early Childhood Credential or its equivalent as determined by the Department. Lead teachers shall be enrolled in the North Carolina Early Childhood Credential coursework or its equivalent as determined by the Department within six months after becoming employed as a lead teacher or within six months after this act becomes law, whichever is later, and shall complete the credential or its equivalent within 18 months after enrollment.

For child care centers licensed to care for 200 or more children, the Department, in collaboration with the North Carolina Institute for Early Childhood Professional Development, shall establish categories to recognize the levels of education achieved by child care center administrators and teachers who perform administrative functions. The Department shall use these categories to establish appropriate staffing based on the size of the center and the individual staff responsibilities.

Effective January 1, 1998, an operator of a licensed family child care home shall be at least 21 years old and have a high school diploma or its equivalent. Operators of a family child care home licensed prior to January 1, 1998, shall be at least 18 years of age and literate. Literate is defined as understanding licensing requirements and having the ability to communicate with the family and relevant emergency personnel. Any operator of a licensed family child care home shall be the person on-site providing child care.

No person shall be an operator of nor be employed in a child care facility who has been convicted of a crime involving child neglect, child abuse, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children.

The Commission shall adopt standards to establish appropriate qualifications for all ~~other~~ staff in child care centers. These standards shall reflect training, experience, education and credentialing and shall be appropriate for the size center and the

1 level of individual staff responsibilities. It is the intent of this
2 provision to guarantee that all children in child care are cared for
3 by qualified people. No requirements may interfere with the
4 teachings or doctrine of any established religious organization."

5 Section 3. G.S. 110-93 reads as rewritten:

6 "§ 110-93. Application for a license.

7 (a) Each person who seeks to operate a child care facility shall apply to the
8 Department for a license. The application shall be in the form required by the
9 Department. Each ~~operator~~ applicant seeking a license shall be responsible for
10 supplying with the application the necessary supporting data and reports to show
11 conformity with rules adopted by the Commission for Health Services pursuant to
12 G.S. 110-91(1) and with the standards established or authorized by this Article,
13 including any required reports from the local and district health departments, local
14 building inspectors, local firemen, voluntary firemen, and others, on forms which
15 shall be provided by the Department.

16 (b) If an ~~operator~~ applicant conforms to the rules adopted by the Commission for
17 Health Services pursuant to G.S. 110-91(1) and with the standards established or
18 authorized by this Article as shown in the application and other supporting data, the
19 Secretary shall issue a license that shall remain valid until the Secretary notifies the
20 licensee otherwise pursuant to G.S. 150B-3 or other provisions of this Article, subject
21 to suspension or revocation for cause as provided in this Article. If the applicant fails
22 to conform to the required rules and standards, the Secretary may issue a provisional
23 license under the policies of the Commission. The Department shall notify the
24 ~~operator~~ applicant in writing by registered or certified mail the reasons the
25 Department issued a provisional license.

26 (c) Repealed by Session Laws 1997-506, s. 10.

27 (d) Repealed by Session Laws 1977, c. 929, s. 1."

28 Section 4. G.S. 110-99(b) reads as rewritten:

29 "(b) A person who provides only drop-in or short-term child care as described in
30 G.S. ~~110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child care provided
31 in churches, shall notify the Department that the person is providing only drop-in or
32 short-term child care. Any person providing only drop-in or short-term child care as
33 described in G.S. ~~110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child
34 care provided in churches, shall display in a prominent place at all times a notice that
35 the child care arrangement is not required to be licensed and regulated by the
36 Department and is not licensed and regulated by the Department."

37 Section 5. Section 4(b) of S.L. 1997-506 is repealed.

38 Section 6. Section 28.3 of S.L. 1997-506 is repealed.

39 Section 7. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 287

H287-ALY-003

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 1

Date March 31, 1999

Comm. Sub. []
Amends Title []
Second Edition

Morris
Representative Starnes

1 moves to amend the bill on page 3, lines 38-39,
2 by adding between the lines a new section to read:
3 "Section 7. Any religious sponsored child care facility, as defined
4 in G.S. 110-106(a), in operation at least three years before the
5 date this act becomes effective shall be treated as if it met the
6 appropriate requirements of the North Carolina Building Code as of
7 that earlier date. Any religious sponsored child care facility
8 affected by this Section is still required to receive satisfactory
9 reports from representatives of local or State health agencies and
10 fire inspection agencies.";
11 and by renumbering the remaining section accordingly.
12

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

April 23, 1999

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. Kathie Boling

2. Roslyn Savitt

3. George Reed

4. Karen Vettel

5. B. Summers

6. Paula A. Wolf

7. Kevin D. Howell

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

16. _____

17. _____

18. _____

19. _____

20. _____

21. _____

NC-aeyc

NC Child Care Coalition

NC Council of Churches

Bright Horizons / a/axo welcome Child Dev.

NC Equity

Covenant w/ NC's Children

Governor's office

CHILDREN, YOUTH AND FAMILIES
REP. HOWARD J. HUNTER, JR., CHAIRMAN
APRIL 27, 1999
12 noon

AGENDA

CALL TO ORDER – REPRESENTATIVE HOWARD J. HUNTER, JR.
CHAIRMAN

BILLS:

HB 945 – ADOPTION CONSENT REVOCATION
SPONSOR – REP. DECKER

HB 1045 – CHILD CARE CREDENTIAL EXEMPTIONS
SPONSOR – REP. MOORE

HB 1159 – TOBY'S BILL
SPONSOR – REP. NESBITT

REMARKS

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
CHILDREN, YOUTH AND FAMILIES
APRIL 27, 1999**

The Committee on Children, Youth and Families met on Tuesday, April 27, 1999 in Room 612 of the Legislative Office Building at 12:00 noon. Rep. Howard J. Hunter, Jr. presided. The following members were present: Rep. Goodwin, Rep. Hiatt, Rep. Moore, Rep. McAllister, Rep. Holmes and Rep. Morris. Visitors in attendance are recorded on the attached Visitor Registration Sheet.

The meeting was called to order to consider the following bills: HB 1159 – Toby's Law, HB 945-Adoption Consent Revocation and HB 1045-Child Care Credential Exemptions.

HB 1159-Toby's Bill – Rep. Holmes made a motion to adopt the committee Substitute for this bill. The motion carried. Rep. Nesbitt, Bill Sponsor, explained the bill and stated that the title was changed. (See Attached) This bill is about a child named, Toby Mitchell who was removed from his parents for child abuse, but was subsequently placed back in the home where he killed by his father. The person that did the psychological evaluation of the father said everything was complied with. Chuck Harris, Chief, Children's Services stated that the law does require a complete and thorough investigation of all abuse and neglect cases.

This bill requires a local, state and federal background check to determine if there is any violent history in the family. If so, DSS must petition the court to order a complete mental health evaluation by a psychologist.

Rep. McAllister wanted to know if this bill was inappropriate to include the elderly. Rep. Nesbitt stated that this bill is geared towards the protection of children from child abuse and violent-prone caregivers.

Rep. Holmes moved for the adoption of the Committee Substitute. The motion carried.

Rep. Goodwin offered an amendment, and moved for its adoption; motion carried. Rep. Goodwin then made a motion that the amendment be incorporated into a committee substitute with a favorable report, unfavorable to original bill. Motion carried.

HB 945 – Adoption Consent Revocation – Rep. Decker, Bill Sponsor, was asked to explained the bill. The bill would reduce the number of days from 21 to 10 in which a person may revoke his or her consent to the adoption of a child less than three months of age.

Rep. Goodwin, informed the committee that he has received e-mails from constituents opposing the bill. Chairman Hunter, stated that he had also received e-mails to oppose the bill.

Joanne Lamm, DSS/DHHS, stated that a Mother who has just had a baby, would have 10 days and it is a dramatic decision for her to make right after birth. Rep. Goodwin suggested that the days stay at 21 days. Rep. Decker asked someone from DSS to talk about mother's receiving counseling. Chuck Harris, stated that some mothers have a lot of counseling, but always a big decision when parental rights have to be established. Rep. Decker asked for a comprise position to 14 days.

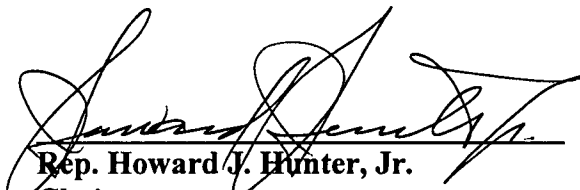
Ron O'Connor stated that he been an Adoption Worker for 21 years and has worked with both parents. He has known birth parents to change their minds on the 29th day of the 30 days. These are mothers that have been counseled for most of their pregnancy. Birth mothers and fathers show a lot of sorrow when they sign relinquishments. It's even worse when the birth mother for psychological reasons is in denial, no counseling. We think 21 days is about the right period.

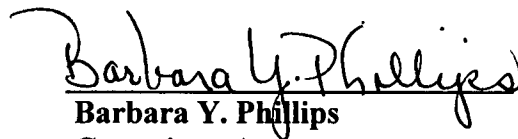
Rep. Goodwin moved that we give HB 945 an unfavorable report. Rep. Decker asked that they look at the bill a little longer. Rep. Goodwin withdraw his motion.

After much discussion, the Chair appointed a subcommittee to study HB 945 and HB 1045, both bills introduced by Rep. Decker. Representatives Morris, McAllister and Goodwin were appointed to serve on the committee.

There was no further business and the meeting was adjourned.

Respectfully Submitted,


Rep. Howard J. Hunter, Jr.
Chairman


Barbara Y. Phillips
Committee Assistant

Attachments

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

D

HOUSE BILL 1159

Proposed Committee Substitute H1159-PCS1247-SE

Short Title: Protection From Violent Caregivers.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE THE ABILITY OF THE DIVISION OF SOCIAL
3 SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO
4 PROTECT CHILDREN AND YOUTH FROM VIOLENCE-PRONE
5 CAREGIVERS.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 7B-101, as enacted by Section 6 of S.L. 1998-202 and as
8 amended by Section 18 of S.L. 1998-229, is amended by adding a new subdivision to
9 read:

10 "(7a) 'Criminal history' means a county, State, and federal criminal
11 history of conviction or pending indictment of a crime, whether a
12 misdemeanor or a felony, involving violence against a person."

13 Section 2. G.S. 7B-302, as enacted by Section 6 of S.L. 1998-202 and as
14 amended by Section 19 of S.L. 1998-229, is amended by adding a new subsection to
15 read:

16 "(d1) Whenever a juvenile is removed from the home due to physical abuse, the
17 director shall conduct a thorough review of the background of the alleged abuser.
18 This review shall include a criminal history check and a review of any available
19 mental health records. If the review reveals that the alleged abuser has a history of
20 violent behavior against people, the director shall petition the court to order the
21 alleged abuser to submit to a complete mental health evaluation by a licensed
22 psychologist or psychiatrist."

Section 3. G.S. 7B-304, as enacted by Section 6 of S.L. 1998-202, reads as rewritten:

"§ 7B-304. Evaluation for court.

In all cases in which a petition is filed, the director of the department of social services shall prepare a report for the court containing the results of any mental health evaluation under G.S. 7B-503, a home placement ~~plan~~ plan, and a treatment plan deemed by the director to be appropriate to the needs of the juvenile. The report shall be available to the court immediately following the adjudicatory hearing."

Section 4. G.S. 7B-503, as enacted by Section 6 of S.L. 1998-202, reads as rewritten:

"§ 7B-503. Criteria for nonsecure custody.

(a) When a request is made for nonsecure custody, the court shall first consider release of the juvenile to the juvenile's parent, relative, guardian, custodian, or other responsible adult. An order for nonsecure custody shall be made only when there is a reasonable factual basis to believe the matters alleged in the petition are true, and

- (1) The juvenile has been abandoned; or
- (2) The juvenile has suffered physical injury or sexual abuse; or
- (3) The juvenile is exposed to a substantial risk of physical injury or sexual abuse because the parent, guardian, custodian, or caretaker has created the conditions likely to cause injury or abuse or has failed to provide, or is unable to provide, adequate supervision or protection; or
- (4) The juvenile is in need of medical treatment to cure, alleviate, or prevent suffering serious physical harm which may result in death, disfigurement, or substantial impairment of bodily functions, and the juvenile's parent, guardian, custodian, or caretaker is unwilling or unable to provide or consent to the medical treatment; or
- (5) The parent, guardian, custodian, or caretaker consents to the nonsecure custody order; or
- (6) The juvenile is a runaway and consents to nonsecure custody.

A juvenile alleged to be abused, neglected, or dependent shall be placed in nonsecure custody only when there is a reasonable factual basis to believe that there are no other reasonable means available to protect the juvenile. In no case shall a juvenile alleged to be abused, neglected, or dependent be placed in secure custody.

(b) Whenever the court orders a juvenile to be placed in nonsecure custody, the court shall also rule on any petition under G.S. 7B-302(d1). If the court finds that the alleged abuser has a history of violent behavior against people, the court shall order the alleged abuser to submit to a complete mental health evaluation by a licensed psychologist or psychiatrist. The court may order the alleged abuser to pay the cost of any mental health evaluation required under this section."

Section 5. G.S. 7B-506, as enacted by Section 6 of S.L. 1998-202 and as amended by Section 21 of S.L. 1998-229, is amended by adding a new subsection to read:

1 "(c1) In determining whether continued custody is warranted, the court shall give
2 considerable weight to the opinion of the mental health professional who performed
3 an evaluation under G.S. 7B-503(b) before returning the juvenile to the custody of
4 that individual."

5 Section 6. G.S. 7B-903, as enacted by Section 6 of S.L. 1998-202 and as
6 amended by Section 23 of S.L. 1998-229, reads as rewritten:

7 **"§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.**

8 **(a)** The following alternatives for disposition shall be available to any court
9 exercising jurisdiction, and the court may combine any of the applicable alternatives
10 when the court finds the disposition to be in the best interests of the juvenile:

11 (1) The court may dismiss the case or continue the case in order to
12 allow the parent, guardian, custodian, caretaker or others to take
13 appropriate action.

14 (2) In the case of any juvenile who needs more adequate care or
15 supervision or who needs placement, the court may:

16 a. Require that the juvenile be supervised in the juvenile's own
17 home by the department of social services in the juvenile's
18 county, or by other personnel as may be available to the
19 court, subject to conditions applicable to the parent,
20 guardian, custodian, or caretaker as the court may specify;
21 or

22 b. Place the juvenile in the custody of a parent, relative,
23 private agency offering placement services, or some other
24 suitable person; or

25 c. Place the juvenile in the custody of the department of social
26 services in the county of the juvenile's residence, or in the
27 case of a juvenile who has legal residence outside the State,
28 in the physical custody of the department of social services
29 in the county where the juvenile is found so that agency
30 may return the juvenile to the responsible authorities in the
31 juvenile's home state. The director may, unless otherwise
32 ordered by the court, arrange for, provide, or consent to,
33 needed routine or emergency medical or surgical care or
34 treatment. In the case where the parent is unknown,
35 unavailable, or unable to act on behalf of the juvenile, the
36 director may, unless otherwise ordered by the court, arrange
37 for, provide, or consent to any psychiatric, psychological,
38 educational, or other remedial evaluations or treatment for
39 the juvenile placed by a court or the court's designee in the
40 custody or physical custody of a county department of social
41 services under the authority of this or any other Chapter of
42 the General Statutes. Prior to exercising this authority, the
43 director shall make reasonable efforts to obtain consent from
44 a parent or guardian of the affected juvenile. If the director

1 cannot obtain such consent, the director shall promptly
2 notify the parent or guardian that care or treatment has
3 been provided and shall give the parent frequent status
4 reports on the circumstances of the juvenile. Upon request
5 of a parent or guardian of the affected juvenile, the results
6 or records of the aforementioned evaluations, findings, or
7 treatment shall be made available to such parent or guardian
8 by the director unless prohibited by G.S. 122C-53(d). If a
9 juvenile is removed from the home and placed in custody or
10 placement responsibility of a county department of social
11 services, the director shall not allow unsupervised visitation
12 with, or return physical custody of the juvenile to, the
13 parent, guardian, custodian, or caretaker without a hearing
14 at which the court finds that the juvenile will receive proper
15 care and supervision in a safe home.

16 In placing a juvenile in out-of-home care under this
17 section, the court shall first consider whether a relative of
18 the juvenile is willing and able to provide proper care and
19 supervision of the juvenile in a safe home. If the court finds
20 that the relative is willing and able to provide proper care
21 and supervision in a safe home, then the court shall order
22 placement of the juvenile with the relative unless the court
23 finds that the placement is contrary to the best interests of
24 the juvenile. Placement of a juvenile with a relative outside
25 of this State must be in accordance with the Interstate
26 Compact on the Placement of Children.

27 (3) In any case, the court may order that the juvenile be examined by
28 a physician, psychiatrist, psychologist, or other qualified expert as
29 may be needed for the court to determine the needs of the
30 juvenile:

31 a. Upon completion of the examination, the court shall
32 conduct a hearing to determine whether the juvenile is in
33 need of medical, surgical, psychiatric, psychological, or other
34 treatment and who should pay the cost of the treatment. The
35 county manager, or such person who shall be designated by
36 the chairman of the county commissioners, of the juvenile's
37 residence shall be notified of the hearing, and allowed to be
38 heard. If the court finds the juvenile to be in need of
39 medical, surgical, psychiatric, psychological, or other
40 treatment, the court shall permit the parent or other
41 responsible persons to arrange for treatment. If the parent
42 declines or is unable to make necessary arrangements, the
43 court may order the needed treatment, surgery, or care, and
44 the court may order the parent to pay the cost of the care

1 pursuant to G.S. 7B-904. If the court finds the parent is
2 unable to pay the cost of treatment, the court shall order the
3 county to arrange for treatment of the juvenile and to pay
4 for the cost of the treatment. The county department of
5 social services shall recommend the facility that will provide
6 the juvenile with treatment.

- 7 b. If the court believes, or if there is evidence presented to the
8 effect that the juvenile is mentally ill or is developmentally
9 disabled, the court shall refer the juvenile to the area mental
10 health, developmental disabilities, and substance abuse
11 services director for appropriate action. A juvenile shall not
12 be committed directly to a State hospital or mental
13 retardation center; and orders purporting to commit a
14 juvenile directly to a State hospital or mental retardation
15 center except for an examination to determine capacity to
16 proceed shall be void and of no effect. The area mental
17 health, developmental disabilities, and substance abuse
18 director shall be responsible for arranging an
19 interdisciplinary evaluation of the juvenile and mobilizing
20 resources to meet the juvenile's needs. If institutionalization
21 is determined to be the best service for the juvenile,
22 admission shall be with the voluntary consent of the parent
23 or guardian. If the parent, guardian, custodian, or caretaker
24 refuses to consent to a mental hospital or retardation center
25 admission after such institutionalization is recommended by
26 the area mental health, developmental disabilities, and
27 substance abuse director, the signature and consent of the
28 court may be substituted for that purpose. In all cases in
29 which a regional mental hospital refuses admission to a
30 juvenile referred for admission by a court and an area
31 mental health, developmental disabilities, and substance
32 abuse director or discharges a juvenile previously admitted
33 on court referral prior to completion of treatment, the
34 hospital shall submit to the court a written report setting out
35 the reasons for denial of admission or discharge and setting
36 out the juvenile's diagnosis, indications of mental illness,
37 indications of need for treatment, and a statement as to the
38 location of any facility known to have a treatment program
39 for the juvenile in question.

40 (b) When the court has found that a juvenile has suffered physical abuse and that
41 the individual responsible for the abuse has a history of violent behavior against
42 people, the court shall give considerable weight to the opinion of the mental health
43 professional who performed an evaluation under G.S. 7B-503(b) before returning the
44 juvenile to the custody of that individual."

1 Section 7. G.S. 7B-904, as enacted by Section 6 of S.L. 1998-202, reads
2 as rewritten:

3 "**§ 7B-904. Authority over parents of juvenile adjudicated as abused, neglected, or**
4 **dependent.**

5 (a) If the court orders medical, surgical, psychiatric, psychological, or other
6 treatment pursuant to G.S. 7B-903, the court may order the parent or other
7 responsible parties to pay the cost of the treatment or care ordered.

8 (b) At the dispositional hearing or a subsequent hearing in the case of a juvenile
9 who has been adjudicated abused, neglected, or dependent, if the court finds that it is
10 in the best interests of the juvenile for the ~~parent~~ parent, guardian, custodian, or
11 caretaker to be directly involved in the juvenile's treatment, the court may order the
12 parent, guardian, custodian, or caretaker to participate in medical, psychiatric,
13 psychological, or other treatment of the juvenile. The cost of the treatment shall be
14 paid pursuant to G.S. 7B-903.

15 (c) At the dispositional hearing or a subsequent hearing in the case of a juvenile
16 who has been adjudicated abused, neglected, or dependent, the court may determine
17 whether the best interests of the juvenile require that the ~~parent~~ parent, guardian,
18 custodian, or caretaker undergo psychiatric, psychological, or other treatment or
19 counseling directed toward remediating or remedying behaviors or conditions that led
20 to or contributed to the juvenile's adjudication or to the court's decision to remove
21 custody of the juvenile from the ~~parent.~~ parent, guardian, custodian, or caretaker. If
22 the court finds that the best interests of the juvenile require the ~~parent~~ parent,
23 guardian, custodian, or caretaker undergo treatment, it may order ~~the parent that~~
24 individual to comply with a plan of treatment approved by the court or condition
25 legal custody or physical placement of the juvenile with the ~~parent~~ parent, guardian,
26 custodian, or caretaker upon ~~the parent's~~ that individual's compliance with the plan
27 of treatment. The court may order the ~~parent~~ parent, guardian, custodian, or
28 caretaker to pay the cost of treatment ordered pursuant to this subsection. In cases in
29 which the court has conditioned legal custody or physical placement of the juvenile
30 with the ~~parent~~ parent, guardian, custodian, or caretaker upon ~~the parent's~~
31 compliance with a plan of treatment, the court may charge the cost of the treatment
32 to the county of the juvenile's residence if the court finds the ~~parent~~ parent, guardian,
33 custodian, or caretaker is unable to pay the cost of the treatment. In all other cases,
34 if the court finds the ~~parent~~ parent, guardian, custodian, or caretaker is unable to pay
35 the cost of the treatment ordered pursuant to this subsection, the court may order ~~the~~
36 parent that individual to receive treatment currently available from the area mental
37 health program that serves the parent's catchment area.

38 (d) Whenever legal custody of a juvenile is vested in someone other than the
39 juvenile's parent, after due notice to the parent and after a hearing, the court may
40 order that the parent pay a reasonable sum that will cover, in whole or in part, the
41 support of the juvenile after the order is entered. If the court requires the payment of
42 child support, the amount of the payments shall be determined as provided in G.S.
43 50-13.4(c). If the court places a juvenile in the custody of a county department of
44 social services and if the court finds that the parent is unable to pay the cost of the

1 support required by the juvenile, the cost shall be paid by the county department of
2 social services in whose custody the juvenile is placed, provided the juvenile is not
3 receiving care in an institution owned or operated by the State or federal government
4 or any subdivision thereof.

5 (e) Failure of a parent who is personally served to participate in or comply with
6 this section may result in a proceeding for civil contempt."

7 Section 8. G.S. 7B-1003, as enacted by Section 6 of S.L. 1998-202, reads
8 as rewritten:

9 **"§ 7B-1003. Disposition pending appeal.**

10 Pending disposition of an appeal, the return of the juvenile to the custody of the
11 parent or guardian of the juvenile, with or without conditions, should issue in every
12 case unless the court orders otherwise. When the court has found that a juvenile has
13 suffered physical abuse and that the individual responsible for the abuse has a history
14 of violent behavior, the court shall give considerable weight to the opinion of the
15 mental health professional who performed the evaluation under G.S. 7B-503(b)
16 before returning the juvenile to the custody of that individual. For compelling
17 reasons which must be stated in writing, the court may enter a temporary order
18 affecting the custody or placement of the juvenile as the court finds to be in the best
19 interests of the juvenile or the State. The provisions of subsections (b), (c), and (d)
20 of G.S. 7B-905 shall apply to any order entered under this section which provides for
21 the placement or continued placement of a juvenile in foster care."

22 Section 9. This act becomes effective July 1, 1999, and applies to
23 petitions filed on or after that date.

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **HUNTER** for the Committee on **CHILDREN, YOUTH AND FAMILIES..**

☐ Committee Substitute for

H.B. 1159 A BILL TO BE ENTITLED AN ACT TO BE KNOWN AS TOBY'S LAW; TO IMPROVE THE ABILITY OF THE DIVISION OF SOCIAL SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO PROTECT CHILDREN AND YOUTH FROM VIOLENCE PRONE CAREGIVERS..

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☒ With a favorable report as to committee substitute bill (~~#~~), ☒ which changes the title, unfavorable as to (original bill) (~~Committee Substitute Bill #~~), (~~and recommendation that the committee substitute bill #~~) be re-referred to the ~~Committee on~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 945

Short Title: Adoption Consent Revocation.

(Public)

Sponsors: Representative Decker.

Referred to: Children, Youth and Families.

April 8, 1999

1 A BILL TO BE ENTITLED

2 AN ACT TO REDUCE THE NUMBER OF DAYS IN WHICH A PERSON MAY
3 REVOKE HIS OR HER CONSENT TO THE ADOPTION OF A CHILD LESS
4 THAN THREE MONTHS OF AGE.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 48-3-608(a) reads as rewritten:

7 "(a) A consent to the adoption of an infant who is in utero or is three months old
8 or less at the time the consent is given may be revoked within ~~21~~ 10 days following
9 the day on which it is executed, inclusive of weekends and holidays. A consent to the
10 adoption of any other minor may be revoked within seven days following the day on
11 which it is executed, inclusive of weekends and holidays. If the final day of the
12 revocation period falls on a weekend or North Carolina or federal holiday, then the
13 revocation period extends to the next business day. The individual who gave the
14 consent may revoke by giving written notice to the person specified in the consent.
15 Notice may be given by personal delivery, overnight delivery service, or registered or
16 certified mail, return receipt requested. If notice is given by mail, notice is deemed
17 complete when it is deposited in the United States mail, postage prepaid, addressed
18 to the person to whom consent was given at the address specified in the consent. If
19 notice is given by overnight delivery service, notice is deemed complete on the date it
20 is deposited with the service as shown by the receipt from the service, with delivery
21 charges paid by the sender, addressed to the person to whom consent was given at
22 the address specified in the consent."

23 Section 2. This act becomes effective October 1, 1999, and applies to
24 consents for adoption executed on or after that date.

April 8, 1999

H 945. ADOPTION CONSENT REVOCATION. *TO REDUCE THE NUMBER OF DAYS IN WHICH A PERSON MAY REVOKE HIS OR HER CONSENT TO THE ADOPTION OF A CHILD LESS THAN THREE MONTHS OF AGE.* Amends GS 48-3-608(a) to reduce from 21 to 10 days the time for revoking a consent to adoption of an infant who is in utero or not more than three months old. Effective Oct. 1, 1999.

Intro. by Decker.

Ref. to Children, Youth & Fam.

GS 48

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **CHILDREN, YOUTH AND FAMILIES** will meet as follows:

DAY & DATE: **Tuesday, April 27, 1999**

TIME: **10:00 a.m.**

LOCATION: **Room 612-LOB**

The following bills will be considered (Bill # & Short Title):

HB 945 - ADOPTION CONSENT REVOCATION

HB 1045 - CHILD CARE CREDENTIAL EXEMPTIONS

HB 1159 - TOBY'S BILL

Respectfully,

Representative Howard J. Hunter, Jr.
Chairman

I hereby certify this notice was filed by the committee assistant at the following offices at 1PM on **APRIL 23, 1999**.

____ Principal Clerk
____ Reading Clerk - House Chamber

Barbara Y. Phillips (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1045

Short Title: Child Care Credential Exemptions.

(Public)

Sponsors: Representative Moore.

Referred to: Children, Youth and Families.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO EXEMPT CERTAIN EXPERIENCED CHILD CARE ADMINISTRATORS AND LEAD TEACHERS FROM BEING REQUIRED TO HAVE A NORTH CAROLINA CREDENTIAL; AND TO MAKE TECHNICAL CORRECTIONS.

The General Assembly of North Carolina enacts:

Section 1.(a) The first paragraph of G.S. 110-91 is recodified as subsection (a). The caption for this recodified subsection is "General Applicability."

Section 1.(b) Subdivisions (1) through (14) of G.S. 110-91 are recodified as subsections (b) through (o).

Section 1.(c) The caption for subsection (k), as recodified by this section, is "Discipline."

Section 1.(d) The caption for subsection (o), as recodified by this section, is "False Information."

Section 2. G.S. 110-91(i), as recodified by Section 1 of this act, reads as rewritten:

"(i) Qualifications for Staff. --

(1) Administrators of child care centers. -- All child care center administrators shall be at least 21 years of age. All child care center administrators shall ~~have~~ obtain the North Carolina Early Childhood Administration Credential or its equivalent as determined by the Department. An individual is exempt from this requirement when all of the following apply:

a. The individual has continuously served as a child care administrator in the same child care center since September 1, 1989, or in two different child care centers since September 1, 1984.

b. The child care center that the individual has directed has had no major rule violations and no instances of substantiated abuse or neglect during the time that the individual served as child care administrator at any child care center.

This exemption no longer applies when the child care administrator changes employment to a different child care center. All child care administrators performing administrative duties as of the date this act becomes law and child care administrators who assume administrative duties at any time after this act becomes law and until September 1, 1998, who are not exempted from the credentialing requirement under this subdivision shall obtain the required credential by September 1, 2000. Child care administrators who assume administrative duties after September 1, 1998, shall begin working toward the completion of the North Carolina Early Childhood Administration Credential or its equivalent within six months after assuming administrative duties and shall complete the credential or its equivalent within two years after beginning work to complete the credential. Each child care center shall be under the direction or supervision of a person meeting these requirements. ~~All staff counted toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a credentialed staff person who is at least 21 years of age.~~

(2) Lead teachers in child care centers. -- All lead teachers in a child care center shall have obtain at least a North Carolina Early Childhood Credential or its equivalent as determined by the Department. An individual is exempt from this requirement when all of the following apply:

a. The individual has continuously served as a lead teacher at the same child care center since September 1, 1989, or two different child care centers since September 1, 1984.

b. There have been no major rule violations and no instances of substantiated abuse or neglect during the course of the individual's employment at any child care center that employed the individual.

This exemption no longer applies when the lead teacher changes employment to a different child care center. Lead teachers who are not exempted from the credentialing requirement under this

1 subdivision shall be enrolled in the North Carolina Early
2 Childhood Credential coursework or its equivalent as determined
3 by the Department within six months after becoming employed as
4 a lead teacher or within six months after this act becomes law,
5 whichever is later, and shall complete the credential or its
6 equivalent within 18 months after enrollment.

7 (3) Age of staff at child care centers. -- All staff counted toward
8 meeting the required staff-child ratio shall be at least 16 years of
9 age, provided that persons younger than 18 years of age work
10 under the direct supervision of a credentialed staff person who is at
11 least 21 years of age.

12 (4) Categories of staff at child care centers. -- For child care centers
13 licensed to care for 200 or more children, the Department, in
14 collaboration with the North Carolina Institute for Early
15 Childhood Professional Development, shall establish categories to
16 recognize the levels of education achieved by child care center
17 administrators and teachers who perform administrative functions.
18 The Department shall use these categories to establish appropriate
19 staffing based on the size of the center and the individual staff
20 responsibilities.

21 (5) Staff standards at child care centers. -- The Commission shall
22 adopt standards to establish appropriate qualifications for all other
23 staff in child care centers. These standards shall reflect training,
24 experience, education, and credentialing and shall be appropriate
25 for the size center and the level of individual staff responsibilities.
26 It is the intent of this provision to guarantee that all children in
27 child care are cared for by qualified people. No requirements may
28 interfere with the teachings or doctrine of any established religious
29 organization.

30 (6) Operators of family child care homes. -- Effective January 1, 1998,
31 an operator of a licensed family child care home shall be at least
32 21 years old and have a high school diploma or its equivalent.
33 Operators of a family child care home licensed prior to January 1,
34 1998, shall be at least 18 years of age and literate. ~~Literate is~~
35 ~~defined as~~ As used in this subdivision, 'literate' means
36 understanding licensing requirements and having the ability to
37 communicate with the family of the child and relevant emergency
38 personnel. Any operator of a licensed family child care home shall
39 be the person on-site providing child care.

40 (7) Ineligibility for employment in a child care facility. -- No person
41 shall be an operator of nor be employed in a child care facility
42 who has been convicted of a crime involving child neglect, child
43 abuse, or moral turpitude, or who is an habitually excessive user of
44 alcohol or who illegally uses narcotic or other impairing drugs, or

1 who is mentally or emotionally impaired to an extent that may be
2 injurious to children.

3 ~~The Commission shall adopt standards to establish appropriate qualifications for~~
4 ~~all other staff in child care centers. These standards shall reflect training, experience,~~
5 ~~education and credentialing and shall be appropriate for the size center and the level~~
6 ~~of individual staff responsibilities. It is the intent of this provision to guarantee that all~~
7 ~~children in child care are cared for by qualified people. No requirements may~~
8 ~~interfere with the teachings or doctrine of any established religious organization."~~

9 Section 3. G.S. 110-106(c) reads as rewritten:

10 "(c) G.S. ~~110-91(8), 110-91(11), 110-91(12)~~ 110-91(i), 110-91(l), and 110-91(m) do
11 not apply to religious sponsored child care facilities, and these facilities are exempt
12 from any requirements prescribed by subsection (b) of this section that arise out of
13 these provisions."

14 Section 4. G.S. 110-106(e) reads as rewritten:

15 "(e) Each religious sponsored child care facility shall be under the direction or
16 supervision of a literate person at least 21 years of age. All staff counted toward
17 meeting the required staff/child ratio shall be at least 16 years old, provided that
18 persons younger than 18 years old work under the direct supervision of a literate staff
19 person at least 21 years old. Effective January 1, 1998, a person operating a religious
20 sponsored child care home must be at least 21 years old and literate. Persons
21 operating religious sponsored child care homes prior to January 1, 1998, shall be at
22 least 18 years old and literate. The definition of literate in G.S. ~~110-91(8)~~ shall apply
23 110-91(i) applies to this subsection."

24 Section 5. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

CHILDREN, YOUTH AND FAMILIES

April 27

, 1999

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME**FIRM OR AGENCY AND ADDRESS**[illegible]

**2000
SHORT
SESSION**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **CHILDREN, YOUTH AND FAMILIES** will meet as follows:

DAY & DATE: **Tuesday, May 23, 2000**

TIME: **12 noon**

LOCATION: **Room 612-LOB**

The following bills will be considered (Bill # & Short Title):
House Bill 1527 - Child Care Subsidy Rates

Respectfully,

Representative Howard J. Hunter, Jr.
Chairman

I hereby certify this notice was filed by the committee assistant at the following offices at
11:00 a.m. on May 18, 2000

____Principal Clerk
____Reading Clerk - House Chamber

Barbara Y. Phillips (Committee Assistant)

AGENDA

CHILDREN, YOUTH AND FAMILIES

REP. HOWARD J. HUNTER, JR., CHAIRMAN

**May 23, 2000
12 noon**

OPENING REMARKS

INTRODUCTION

- COMMITTEE MEMBERS**
- RESEARCH STAFF**

BILL

HOUSE BILL 1527

REMARKS

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
CHILDREN, YOUTH AND FAMILIES
MAY 23, 2000**

The Committee on Children, Youth and Families met on Tuesday, May 23, 2000 in Room 612 of the Legislative Office Building at 12:00 p.m. Representative Howard J. Hunter, Jr., Chairman of the Committee presided. The following were present: Rep. Jim Horn, Rep. Wayne Goodwin, Rep. William Hiatt, Rep. Margaret Jeffus, Rep. Mary McAllister; Research Staff - Linda Attarian and Frank Folger. Visitors in attendance are recorded on the attached Visitor Registration Sheet.

Chairman Hunter introduced the new staff person, Frank Folger and the pages - Kendra Ellis, Durham, (Rep. Wainwright) and Natoskia Adams, Durham, (Rep. Miller).

The meeting was called to order to consider HB 1527 - Child Care Subsidy Rates.

Rep. Martha Alexander was present to explain the bill for Rep. Nye, Bill Sponsor. Rep. Alexander explained that this bill would provide a fair child care reimbursement system. This bill would require the Division of Child Development to conduct a market rate study of child care facilities every two years. The study would examine the fees paid for care by county and centers and homes, by age of child and level of rated license. Rates would be established at the seventy-five percentile of the fees paid for each type of care.

Rep. Hunter pointed out that there is some fiscal impact to this bill and that the bill would be sent to Appropriations.

Stephanie Fanjul made comments about how this change will allow them to capture more dollars and be able to claim them towards their efforts to match both block grants (Tanif and Child care).

Beth Rector, operator of Opening Doors Preschool in Whiteville, NC made comments in support of this bill. (Comments attached).

Rep. Goodwin moved that HB 1527 be given a favorable report with referral to Appropriations.

There was no further business and the meeting was adjourned.

Respectfully submitted,

	
Rep. Howard J. Hunter, Jr.	Barbara Y. Phillips
Chairman	Committee Assistant

Attachments

ATTENDANCE

HOUSE COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

2000 SESSION

(Name of Committee)

[illegible]

**1999 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Hunter** for the Committee on **Children, Youth and Families**.

☐ Committee Substitute for

H.B. 1527 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT TO CONDUCT A MARKET RATE STUDY FOR CHILD CARE SUBSIDIES EVERY TWO YEARS; TO REQUIRE THAT THE RESULTS OF THE STUDY BE PUBLISHED AND NEW MARKET RATES IMPLEMENTED WITHIN SIX MONTHS AFTER THE STUDY IS COMPLETED; TO REQUIRE THAT CHILD CARE SUBSIDIES BE SET AT THE SEVENTY-FIFTH PERCENTILE OF THE COUNTY MARKET RATE; AND TO CHANGE THE WAY CHILD CARE SUBSIDIES ARE SET FOR THE 2000-2001 FISCAL YEAR.

☐ With a favorable report.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

[illegible]

CORRECTED COPY

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE

You are hereby notified that the Committee on **CHILDREN, YOUTH AND FAMILIES** will meet as follows:

DAY & DATE: **Tuesday, June 27, 2000**

TIME: **12 noon**

LOCATION: **Room 612-LOB**

The following bills will be considered (Bill # & Short Title):

HB 1045 - Child Care Credential Exemptions
SB 241 - Child Care Law Corrections

Respectfully,

Representative Howard J. Hunter, Jr.
Chairman

I hereby certify this notice was filed by the committee assistant at the following offices at
1 p.m. on June 22, 2000

___ Principal Clerk
___ Reading Clerk - House Chamber

Barbara Y. Phillips (Committee Assistant)

AGENDA

CHILDREN, YOUTH AND FAMILIES

REP. HOWARD J. HUNTER, JR., CHAIRMAN

June 27, 2000

12 noon

OPENING REMARKS

BILLS

HB 1045 - CHILD CARE CREDENTIAL EXEMPTIONS

REMARKS

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
CHILDREN, YOUTH AND FAMILIES**

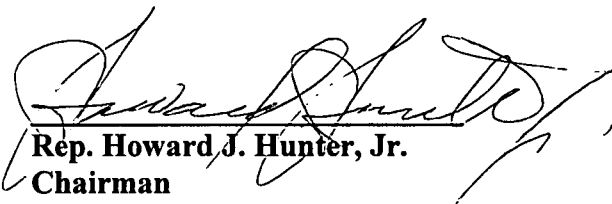
June 27, 2000


The Committee on Children, Youth and Families met on Tuesday, June 27, 2000 in Room 613 of the Legislative Office Building at 12:00 p.m. Rep. Hunter, Chairman of the Committee presided. The following members were present: Rep. Horn, Rep. Boyd-McIntyre, Rep. Goodwin, Rep. Hiatt, Rep. Jeffus, Rep. Sossamon, And Rep. McAllister. Visitors in attendance are recorded on the attached Visitor Registration Sheet.

The meeting was called to order to consider HB 1045 - Child Care Credential Exemptions. A motion was made and carried to postpone this bill indefinitely.

There was no further business and the meeting was adjourned.

Respectfully submitted,


Rep. Howard J. Hunter, Jr.
Chairman


Barbara Y. Phillips
Committee Assistant

Attachments

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1045

Short Title: Child Care Credential Exemptions.

(Public)

Sponsors: Representative Moore.

Referred to: Children, Youth and Families.

April 14, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT CERTAIN EXPERIENCED CHILD CARE
3 ADMINISTRATORS AND LEAD TEACHERS FROM BEING REQUIRED TO
4 HAVE A NORTH CAROLINA CREDENTIAL; AND TO MAKE TECHNICAL
5 CORRECTIONS.

6 The General Assembly of North Carolina enacts:

7 Section 1.(a) The first paragraph of G.S. 110-91 is recodified as
8 subsection (a). The caption for this recodified subsection is "General Applicability."

9 Section 1.(b) Subdivisions (1) through (14) of G.S. 110-91 are recodified
10 as subsections (b) through (o).

11 Section 1.(c) The caption for subsection (k), as recodified by this section,
12 is "Discipline."

13 Section 1.(d) The caption for subsection (o), as recodified by this section,
14 is "False Information."

15 Section 2. G.S. 110-91(i), as recodified by Section 1 of this act, reads as
16 rewritten:

17 "(i) Qualifications for Staff. --

18 (1) Administrators of child care centers. -- All child care center
19 administrators shall be at least 21 years of age. All child care
20 center administrators shall ~~have~~ obtain the North Carolina Early
21 Childhood Administration Credential or its equivalent as
22 determined by the Department. An individual is exempt from this
23 requirement when all of the following apply:

a. The individual has continuously served as a child care administrator in the same child care center since September 1, 1989, or in two different child care centers since September 1, 1984.

b. The child care center that the individual has directed has had no major rule violations and no instances of substantiated abuse or neglect during the time that the individual served as child care administrator at any child care center.

This exemption no longer applies when the child care administrator changes employment to a different child care center. All child care administrators performing administrative duties as of ~~the date this act becomes law and child care administrators who assume administrative duties at any time after this act becomes law and until~~ September 1, 1998, who are not exempted from the credentialing requirement under this subdivision shall obtain the required credential by September 1, 2000. Child care administrators who assume administrative duties after September 1, 1998, shall begin working toward the completion of the North Carolina Early Childhood Administration Credential or its equivalent within six months after assuming administrative duties and shall complete the credential or its equivalent within two years after beginning work to complete the credential. Each child care center shall be under the direction or supervision of a person meeting these requirements. ~~All staff counted toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a credentialed staff person who is at least 21 years of age.~~

(2) Lead teachers in child care centers. -- All lead teachers in a child care center shall ~~have~~ obtain at least a North Carolina Early Childhood Credential or its equivalent as determined by the Department. An individual is exempt from this requirement when all of the following apply:

a. The individual has continuously served as a lead teacher at the same child care center since September 1, 1989, or two different child care centers since September 1, 1984.

b. There have been no major rule violations and no instances of substantiated abuse or neglect during the course of the individual's employment at any child care center that employed the individual.

This exemption no longer applies when the lead teacher changes employment to a different child care center. Lead teachers who are not exempted from the credentialing requirement under this

subdivision shall be enrolled in the North Carolina Early Childhood Credential coursework or its equivalent as determined by the Department within six months after becoming employed as a lead teacher or within six months after this act becomes law, whichever is later, and shall complete the credential or its equivalent within 18 months after enrollment.

(3) Age of staff at child care centers. -- All staff counted toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a credentialed staff person who is at least 21 years of age.

(4) Categories of staff at child care centers. -- For child care centers licensed to care for 200 or more children, the Department, in collaboration with the North Carolina Institute for Early Childhood Professional Development, shall establish categories to recognize the levels of education achieved by child care center administrators and teachers who perform administrative functions. The Department shall use these categories to establish appropriate staffing based on the size of the center and the individual staff responsibilities.

(5) Staff standards at child care centers. -- The Commission shall adopt standards to establish appropriate qualifications for all other staff in child care centers. These standards shall reflect training, experience, education, and credentialing and shall be appropriate for the size center and the level of individual staff responsibilities. It is the intent of this provision to guarantee that all children in child care are cared for by qualified people. No requirements may interfere with the teachings or doctrine of any established religious organization.

(6) Operators of family child care homes. -- Effective January 1, 1998, an operator of a licensed family child care home shall be at least 21 years old and have a high school diploma or its equivalent. Operators of a family child care home licensed prior to January 1, 1998, shall be at least 18 years of age and literate. ~~Literate is defined as~~ As used in this subdivision, 'literate' means understanding licensing requirements and having the ability to communicate with the family of the child and relevant emergency personnel. Any operator of a licensed family child care home shall be the person on-site providing child care.

(7) Ineligibility for employment in a child care facility. -- No person shall be an operator of nor be employed in a child care facility who has been convicted of a crime involving child neglect, child abuse, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or

1 who is mentally or emotionally impaired to an extent that may be
2 injurious to children.

3 ~~The Commission shall adopt standards to establish appropriate qualifications for~~
4 ~~all other staff in child care centers. These standards shall reflect training, experience,~~
5 ~~education and credentialing and shall be appropriate for the size center and the level~~
6 ~~of individual staff responsibilities. It is the intent of this provision to guarantee that all~~
7 ~~children in child care are cared for by qualified people. No requirements may~~
8 ~~interfere with the teachings or doctrine of any established religious organization."~~

9 Section 3. G.S. 110-106(c) reads as rewritten:

10 "(c) ~~G.S. 110-91(8), 110-91(11), 110-91(12)~~ 110-91(i), 110-91(l), and 110-91(m) do
11 not apply to religious sponsored child care facilities, and these facilities are exempt
12 from any requirements prescribed by subsection (b) of this section that arise out of
13 these provisions."

14 Section 4. G.S. 110-106(e) reads as rewritten:

15 "(e) Each religious sponsored child care facility shall be under the direction or
16 supervision of a literate person at least 21 years of age. All staff counted toward
17 meeting the required staff/child ratio shall be at least 16 years old, provided that
18 persons younger than 18 years old work under the direct supervision of a literate staff
19 person at least 21 years old. Effective January 1, 1998, a person operating a religious
20 sponsored child care home must be at least 21 years old and literate. Persons
21 operating religious sponsored child care homes prior to January 1, 1998, shall be at
22 least 18 years old and literate. The definition of literate in G.S. ~~110-91(8)~~ shall apply
23 110-91(i) applies to this subsection."

24 Section 5. This act is effective when it becomes law.

ATTENDANCE

HOUSE COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

2000 SESSION

(Name of Committee)

[illegible]

**2000 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **HUNTER** for the Committee on **CHILDREN, YOUTH AND FAMILIES**.

☐ Committee Substitute for

H.B. 1045 A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN EXPERIENCED CHILD CARE ADMINISTRATORS AND LEAD TEACHERS FROM BEING REQUIRED TO HAVE A NORTH CAROLINA CREDENTIAL; AND TO MAKE TECHNICAL CORRECTIONS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ .

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ .

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

5/25/00

FOR JOURNAL USE ONLY

____ Pursuant to Rule 36(b), the bill is placed on the Calendar of _____.

____ The (committee substitute) bill/resolution (, as amended,) is (ordered engrossed and) re-referred to the Committee on _____.

____ The bill/resolution is re-referred to the Committee on _____.

____ On motion of (Rep. _____,) (the Chair,) the (committee substitute) bill/resolution is (ordered engrossed and) re-referred to the Committee on _____.

____ Pursuant to Rule 36(b), the (House)committee substitute bill (No. _____)/resolution is placed on the Calendar of _____. (The original bill) (House Committee Substitute Bill No. _____)/resolution is placed on the Unfavorable Calendar.

____ On motion of Rep. _____, (the rules are suspended) (Rule _____ is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ On motion of Rep. _____, Committee Amendment No.(s) _____ is/are adopted (by EV _____).

____ Rep. _____ offers Amendment No. _____ which (is adopted.) (fails of adoption.) (by EV _____.) () This amendment changes the title.

____ The bill/resolution (, as amended,) passes its second reading (by following vote, _____ RC) (, by EV _____,) and (remains on the Calendar,) (and there being no objection is read a third time).

____ The bill/resolution (, as amended,) passes its third reading (by the following vote, _____ RC) (, by EV _____,) and is ordered
____ sent to the Senate.
____ without engrossment. _____ by Special message.
____ sent to the Senate for concurrence in
____ House amendment (s).
____ House committee substitute.
____ enrolled.

____ On motion of Rep. _____, the House concurs in the (material) Senate
____ (by the following vote, _____ RC) (, by EV _____,) and
the bill is ordered enrolled.

VISITOR REGISTRATION SHEET

CHILDREN, YOUTH AND FAMILIES

Name of Committee

6-27-00

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]