

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1050
Second Edition Engrossed 6/18/92

Short Title: Change "Day Care" Definition.

(Public)

Sponsors: Senators Richardson; and Walker.

Referred to: Human Resources.

June 1, 1992

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE DEFINITION OF "DAY CARE" TO EXCLUDE DROP-
2 IN CARE AND TO REQUIRE THE DEPARTMENT OF HUMAN RESOURCES
3 TO STUDY HOW TO ENSURE THE HEALTH AND SAFETY OF CHILDREN
4 IN DROP-IN CARE.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 110-86(2) reads as rewritten:

8 "(2) Child day care. – Any child care arrangement ~~except seasonal~~
9 ~~recreational programs operated for less than four consecutive months in a~~
10 ~~year,~~ wherein three or more children less than 13 years old receive care
11 away from their own home by persons other than their parents,
12 grandparents, aunts, uncles, brothers, sisters, first cousins, guardians or
13 full-time custodians, or in the child's own home where other unrelated
14 children are in care. Child day care does not include seasonal
15 recreational programs operated for less than four consecutive months
16 in a year. Child day care also does not include arrangements that
17 provide only drop-in or short-term child care for parents participating
18 in activities that are not employment related and where the parents are
19 on the premises or otherwise easily accessible, such as drop-in or
20 short-term child care offered in health spas, bowling alleys, shopping
21 malls, resort hotels, and churches.

22 (3) Child day care facility. – Includes any child day care center or child
23 care arrangement not excluded by G.S. 110-86(2), which provides day

1 care for more than five children, not including the operator's own
2 school-aged children, under the age of 13 years, on a regular basis of at
3 least once per week for more than four hours but less than 24 hours per
4 day, regardless of the time of day and regardless of whether the same
5 or different children attend. The following are not included: public
6 schools; nonpublic schools whether or not accredited by the State
7 Department of Public Instruction, which regularly and exclusively
8 provide a course of grade school instruction to children who are of
9 public school age; summer camps having children in full-time
10 residence; Bible schools conducted during vacation periods; facilities
11 licensed under Article 2 of Chapter 122C of the General Statutes; and
12 cooperative arrangements among parents to provide care for their own
13 children as a convenience rather than for employment.

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

17 **Facility Type**

18 Large Home

19 Small Center

20 Medium Center

21 Large Center

22 The Commission shall establish the maximum capacity for each of
23 the four categories of facilities."

24 Sec. 2. The Department of Human Resources shall conduct a study of how
25 the State may assure the health and safety of those children provided care in the drop-in
26 and short-term care excluded from day care regulation pursuant to Section 1 of this act.
27 The Department shall report its findings, together with any legislative
28 recommendations, to the Legislative Research Commission Study Committee on Child
29 Care Issues by November 1, 1992.

30 Sec. 3. The Department of Human Resources shall adopt rules to define
31 "easily accessible" and any other rules necessary to implement this act.

32 Sec. 4. This act is effective upon ratification.