A BILL FOR AN ACT

RELATING TO CHILD CARE HOMES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to:

(1) Require certification of a group child care home, including certain:

(A) Qualifications for group child care home providers; and

(B) Requirements for the care of preschool aged children in a certified group child care home;

(2) Clarify that in any family child care home or group child care home in the State:

(A) Caregivers are not required to be members of the same household; and

(B) A single sign advertising the name, days of operation, and hours of operation of the group child care home or family child care home may be placed in front of the home, facing the street;

(3) Increase the maximum number of children in a:
(A) Family child care home from six to ten; and

(B) Group child care home from twelve to sixteen; and

(4) Specify the required caregiver-child ratio in a family
child care home.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is
amended by adding a new subpart to part VIII to be appropriately
designated and to read as follows:

§346-A Certification; when required. (a) No person shall
operate, maintain, or conduct a group child care home without a
certification from the department.

(b) Any person seeking to operate a group child care home
may apply for a certification from the department and receive a
certification upon meeting certification requirements.

§346-B Qualifications of applicant for certification. (a)
A person applying for certification of a group child care home
shall:

(1) Be at least twenty-one years of age if the facility is
certified for more than twelve children;

(2) Agree to be present during all operating hours of the
certified group child care home; provided that a
substitute caregiver may satisfy the requirement of this paragraph in limited reasonable circumstances; and

(3) Be responsible for the operation of the certified group child care home, including those duties ordinarily considered to be administrative, including but not limited to financial management, maintaining records, maintenance of the building and grounds, meal planning and preparation, compliance with certification requirements, communication with the department of human services, and correcting any deficiencies.

(b) A person applying for certification of a group child care home shall have:

(1) Experience that includes:

(A) At least one year of qualifying teaching experience in the care of a group of children in an ongoing group setting such as kindergarten, preschool, child care center, day care, registered family child care home, or head start program; or
(B) Completion of twenty semester credits or thirty quarter credits of training in a college or university in early childhood education or child development; and

(2) No other employment, either in or out of the home, during the hours the person is directly caring for children.

(c) A person applying for a certification for a group child care home shall demonstrate to the satisfaction of the department that:

(1) The moral character and habits of the person will not endanger the well-being of children for whom the person is to provide care;

(2) The attitude of the person toward children and understanding of their needs qualify the person to care for children;

(3) The person is physically and mentally capable of caring for children; and

(4) The facility and its operation are adequate to protect the health, safety, and physical, moral, and mental
well-being of the children to be cared for in the facility, including but not limited to:

(A) Adequate staffing by suitable persons qualified by education or experience to meet their respective responsibilities in the care of children;

(B) Adequate physical facilities for the care of children, including building construction, sanitation, plumbing, heating, lighting, ventilation, maintenance, indoor and outdoor activity areas, and fire protection;

(C) A program of activities conforming to recognized practices in the areas of child welfare, education, physical health, and mental health to provide opportunity for development and recreation; and

(D) Exclusion from the facility of individuals whose presence may be detrimental to the welfare of children, including exclusion of any individual with a criminal record indicating conviction of any crime that would bar the individual from
operating or being employed in a child care facility pursuant to section 346-154.

§346-C Certification; programs. (a) A certified group child care home shall provide a written program of activities appropriate to the ages, interests, and abilities of any children cared for in the certified group child care home.

(b) A certified group child care home providing care to a preschool aged child shall provide opportunities on a daily basis for the child to choose from a variety of activities and experiences, including creative expression through the arts, dramatic play, gross motor development, fine motor development, music and movement, opportunities to listen and speak, concept development, appropriate sensory play, and a supervised nap or rest period. For purposes of this section, "preschool aged child" means any child aged thirty-six months or older who has not reached the age of eligibility for kindergarten.

§346-D Rules; certification. The department shall adopt rules pursuant to chapter 91 to effectuate the purposes of this part. The rules shall include specifications relating to:
(1) Standards for certification of a group child care home that can be met without significant architectural modification of a typical home;

(2) Limitations for a group child care home that consider factors such as the age of children, the ambulatory ability of children, the number of provider's children present, the length of time a particular child is continuously cared for, and the total amount of time a particular child is cared for within a given unit of time;

(3) Substitute caregivers; and

(4) Additional training requirements for a person applying for certification for a group child care home, which shall include rules regarding first aid and child cardiopulmonary resuscitation, food handling, and child abuse and neglect training.

§346-E Application for certification. (a) Application for certification or for the annual renewal thereof shall be made to the department on forms provided by the department and accompanied by a nonrefundable fee.
(b) Any certification issued pursuant to this subpart shall authorize the operation of only:

(1) The group child care home described in the certification; and

(2) The group child care home operated by the person named in the certification.

§346-F Issuance of certification. (a) Upon receipt of an application for a certification, including payment of any required nonrefundable fee, the department shall issue a certification if the department finds that the group child care home and its operations are in compliance with this part.

(b) The department may issue a temporary certification, subject to reasonable terms or conditions, to a group child care home that does not comply with the requirements and rules if the department finds that the health and safety of any child will not be endangered. Temporary certification shall remain valid for a period not longer than one hundred eighty days. Not more than one temporary certification shall be issued for the same group child care home in any twelve month period.
(c) The department shall adopt rules pursuant to chapter 91 to establish any reasonable fees required for the issuance or renewal of certification of a group child care home.

§346-G  Denial, revocation, or suspension of certification; reissuance; hearing. (a) Any initial application or renewal application made pursuant to this subpart, or any certification issued pursuant to this subpart, may be suspended or revoked by the department after due notice and hearing, the provisions for which shall be made by rules adopted by the department pursuant to chapter 91.

(b) Upon a determination by the department that conditions exist that constitute an imminent danger to the health, welfare, or safety of the children cared for, a certification may be immediately suspended pending a hearing by the department. The department, in its discretion, may reissue a license or temporary permit that has been suspended or revoked upon satisfying itself that minimum standards have been or will be met."

SECTION 3. Section 46-15.35, Hawaii Revised Statutes, is amended to read as follows:
§46-15.35 Family child care homes and group child care homes; permitted use in residential areas and agriculturally designated districts. (a) For the purposes of zoning, family child care homes and group child care homes shall be:

(1) Considered a residential use of property and shall be a permitted use in all residentially designated zones, including but not limited to zones for single-family dwellings; and

(2) Considered a permitted use in all agriculturally designated districts; provided that the family child care home is located in a farm dwelling, notwithstanding sections 205-2 and 205-4.5.

No conditional use permit, variance, or special exception shall be required for residences used as family child care homes.

(b) Notwithstanding subsection (a), a family child care home or a group child care home shall not be restricted from:

(1) Placing one small sign advertising the family child care home or group child care home name and days and hours of operation in front of the house, facing the street; or
(2) Employing any caregiver irrespective of their status as a member of the household of the residence in which a family child care home or group child care home operates.

[(+) (c) For the purposes of this section, "family child care home" means a private residence, including an apartment, unit, or townhouse, as those terms are defined in section 502C-1, at which care may be provided for [one] three to no more than [six] ten children who are unrelated to the caregiver by blood, marriage, or adoption at any given time."

SECTION 4. Section 346-151, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

"Certified group child care home" means a group child care home that has been issued a certification by the department of human services pursuant to this part."

2. By amending the definitions of "family child care home" and "group child care home" to read:
"Family child care home" means a private residence, including a home, apartment, unit, or townhouse, as those terms are defined in section 502C-1, at which care may be provided for three to no more than ten children who are unrelated to the caregiver by blood, marriage, or adoption, at any given time; provided that the caregiver-child ratio of a family child care home shall be as follows:

(1) One full-time caregiver for no more than six children;
(2) One full-time caregiver and one part-time caregiver for seven to eight children; and
(3) Two full-time caregivers for nine to ten children.

"Group child care home" means a facility, which may be an extended or modified private home certified pursuant to part VIII, subpart , of this chapter, at which care is provided for seven to sixteen children."

SECTION 5. Section 501-231, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) For the purposes of this section "family child care home" means a private residence, including an apartment, unit, or townhouse, as those terms are defined in section 502C-1, at which care may be provided for three to no more than ten
SECTION 6. Section 502-111, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) For the purposes of the section, "family child care home" means a private residence, including an apartment, unit, or townhouse, as defined in section 502C-1, at which care may be provided for three to no more than [six] ten children who are unrelated to the caregiver by blood, marriage, or adoption at any given time."

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 8. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.
SECTION 10. This Act shall take effect upon its approval; provided that certification of group child care homes shall begin no later than January 1, 2020.

INTRODUCED BY: 

JAN 23 2019
Report Title:
DHS; Child Care Homes; Maximum Capacity; Children; Certification; Caregivers;

Description:
Requires the Department of Human Services to provide certification of group child care homes that meet certain qualifications and requirements, including programming for preschool aged children. Clarifies that caregivers in any family child care home or group child care home in the State are not required to be members of the same household. Allows any family child care home or group child care home to have a single, street-facing sign with information regarding its name and days and hours of operation. Increases the maximum number of children that may be cared for in a family child care home or group child care home. Specifies the minimum required caregiver-child ratio in a family child care home.

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