

IN THE SENATE

SENATE BILL NO. 1099, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO CHILD CARE LICENSING; AMENDING SECTION 39-1202, IDAHO CODE, TO
REVISE A DEFINITION AND TO PROVIDE A DEFINITION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-1202, Idaho Code, be, and the same is hereby
amended to read as follows:

39-1202. DEFINITIONS. For the purposes of this chapter:

(1) "Board" means the Idaho board of health and welfare.

(2) "Child care" means that care, control, supervision or maintenance
of children for twenty-four (24) hours a day which is provided as an alterna-
tive to parental care.

(3) "Child" means an individual less than eighteen (18) years of age who
is not enrolled in an institution of higher education.

(4) "Children's agency" means a person who operates a business for the
placement of children in foster homes or for adoption in a permanent home
and who does not provide child care as part of that business. Children's
agency does not include a licensed attorney or physician assisting or pro-
viding natural and adoptive parents with legal services or medical services
necessary to initiate and complete adoptive placements.

(5) "Children's camp" means a program of child care at a location away
from the child's home which is primarily recreational and includes the
overnight accommodation of the child and is not intended to provide treat-
ment, therapy or rehabilitation for the child.

(6) "Children's institution" means a person who operates a residential
facility for children not related to that person if that person is an indi-
vidual, for the purpose of providing child care. Children's institutions
include, but are not limited to, foster homes, maternity homes, children's
therapeutic outdoor programs, or any facilities providing treatment, ther-
apy or rehabilitation for children. Children's institutions do not include:
(a) facilities which provide only daycare as defined in chapter 11, title 39,
Idaho Code; (b) facilities and agencies including hospitals, skilled nurs-
ing facilities, intermediate care facilities, and intermediate care facili-
ties for people with intellectual disabilities licensed pursuant to chapter
13, title 39, Idaho Code; (c) day schools; (d) individuals acting in an ad-
visory capacity, counseling a child in a religious context, and providing no
child care associated with the advice; (e) the occasional or irregular care
of a neighbor's, relative's or friend's child or children by a person not or-
dinarily engaged in child care.

(7) "Children's residential care facility" means a children's institu-
tion, excluding:

(a) Foster homes;

(b) Residential schools;

1 (c) Children's camps; and

2 (d) Temporary alcohol-drug abuse treatment facilities.

3 No facility expressly excluded from the definition of a children's institu-
4 tion is included within the definition of a children's residential care fa-
5 cility.

6 (8) "Children's therapeutic outdoor program" is a program which is de-
7 signed to provide behavioral, substance abuse, or mental health services to
8 minors in an outdoor setting. This does not include children's camps, church
9 camps, or other outdoor programs primarily designed to be educational or
10 recreational, such as Boy Scouts, Girl Scouts, 4-H or sports camps.

11 (9) "Continued care" means the ongoing placement of an individual in a
12 foster home, children's residential care facility, or transitional living
13 placement who reaches the age of eighteen (18) years but is less than twenty-
14 one (21) years of age.

15 (10) "Day school" means a public, private, parochial or secular facil-
16 ity offering an educational program in which the children leave the facility
17 each day at the conclusion of the academic, vocational or school supervised
18 activities.

19 (11) "Department" means the state department of health and welfare.

20 (12) "Director" means the director of the department of health and wel-
21 fare.

22 (13) "Foster care" means child care by a person not related to the child,
23 in lieu of parental care, in a foster home.

24 (14) "Foster home" means a home which accepts, for any period of time,
25 with or without compensation, one (1) or more children who are not related
26 to the foster parent as members of the household for the purpose of providing
27 substitute parental care.

28 (15) "Group care" means foster care of a number of children for whom
29 child care in a family setting is not available or appropriate, in a dormi-
30 tory or cottage type setting, characterized by activities and discipline of
31 a more regimented and less formal nature than found in a family setting.

32 (16) "Juvenile detention" is as defined in section 20-502(6), Idaho
33 Code, of the juvenile corrections act.

34 (17) "Juvenile detention center" means a facility established pursuant
35 to sections 20-517 and 20-518, Idaho Code.

36 (18) "Person" includes any individual, group of individuals, associa-
37 tion, partnership, limited liability company or corporation.

38 (19) "Placement" means finding a suitable licensed foster home or suit-
39 able adoptive home for a child and completing the arrangements for a child to
40 be accepted into and adjusted to such home.

41 (20) "Relative" means a child's grandparent, great grandparent, aunt,
42 great aunt, uncle, great uncle, brother-in-law, sister-in-law, first
43 cousin, sibling and half-sibling.

44 (21) "Representative" means an employee of the state department of
45 health and welfare.

46 (22) "Residential facility" means any facility where child care is pro-
47 vided, as defined in this section, and which provides day and night accommo-
48 dation.

49 (23) "Residential school" means a residential facility for children
50 which:

1 (a) Provides a planned, scheduled, regular, academic or vocational
2 school program for students in the elementary, middle or secondary
3 grades as defined in section 33-1001, Idaho Code; and

4 (b) Provides services substantially comparable to those provided in
5 nonresidential public schools where the primary purpose is the educa-
6 tion and academic pursuits of the students; and

7 (c) Does not seek, receive or enroll students for treatment of such spe-
8 cial needs as substance abuse, mental illness, emotional disturbance,
9 developmental disability or intellectual disability; and

10 (d) Is not:

11 (i) A college or university; or

12 (ii) A children's camp as defined in this section; or

13 (iii) A public or private day school in which the children leave
14 the facility each day at the conclusion of the academic, voca-
15 tional and school supervised activities.

16 (24) "Transitional living" means living arrangements and aftercare
17 services for children, or as continued care, to gain experience living on
18 their own in a supportive and supervised environment prior to emancipation.

19 (25) "Temporary alcohol-drug abuse treatment facility" means a chil-
20 dren's residential care facility specializing in providing programs of
21 treatment for children whose primary problem is alcohol or drug abuse, for
22 children thirteen (13) through seventeen (17) years of age where the child
23 will not spend more than four (4) months in a temporary alcohol-drug abuse
24 treatment facility per calendar year, and meet the following requirements:

25 (a) The child has a prescription from a medical doctor verifying the
26 child's need for substance abuse disorder or alcohol treatment;

27 (b) The child's parent, guardian, or other legal custodian has signed
28 a consent for the child to obtain routine medical care, emergency med-
29 ical and surgical care, and substance abuse disorder treatment for the
30 child;

31 (c) The program conducts criminal history background checks on all
32 staff, volunteers, and others who have direct access to children; and

33 (d) The program passes all zoning, electrical, plumbing, public health
34 district, food safety and sanitation inspections for applicable resi-
35 dential businesses.