

State of Arizona  
House of Representatives  
Forty-second Legislature  
Second Regular Session  
1996

**FILED**

Jane Dee Hull  
Secretary of State

CHAPTER 298

**HOUSE BILL 2111**

AN ACT

CHANGING THE DESIGNATION OF TITLE 36, CHAPTER 7.1, ARIZONA REVISED STATUTES, TO "CHILD CARE PROGRAMS"; CHANGING THE DESIGNATION OF TITLE 36, CHAPTER 7.1, ARTICLE 4, ARIZONA REVISED STATUTES, TO "CHILD CARE GROUP HOMES"; AMENDING SECTIONS 36-881, 36-882, 36-883, 36-883.01, 36-883.02, 36-883.03, 36-885, 36-886, 36-886.01, 36-887, 36-888, 36-891, 36-891.01, 36-895, 36-897, 36-897.01, 36-897.02, 36-897.03, 36-897.04, 36-897.05, 36-897.06, 36-897.07 AND 36-897.09, ARIZONA REVISED STATUTES; AMENDING SECTION 36-883.04, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1994, NINTH SPECIAL SESSION, CHAPTER 5, SECTION 2; AMENDING SECTION 36-884, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1994, NINTH SPECIAL SESSION, CHAPTER 5, SECTION 3; REPEALING SECTION 36-889, ARIZONA REVISED STATUTES; RELATING TO CHILD CARE PROGRAMS.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Heading change

The chapter heading of title 36, chapter 7.1, Arizona Revised Statutes, is changed from "CHILD DAY CARE PROGRAMS" to "CHILD CARE PROGRAMS".

*Rec  
§ 36-881*

Sec. 2. Heading change

The article heading of title 36, chapter 7.1, article 4, Arizona Revised Statutes, is changed from "DAY CARE GROUP HOMES" to "CHILD CARE GROUP HOMES".

*Rec  
§ 36-897*

Sec. 3. Section 36-881, Arizona Revised Statutes, is amended to read: 36-881. Definitions

In this article, unless the context otherwise requires:

1. "Child" means any person through the age of fourteen years. CHILD ALSO MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE IF THE CHILD HAS A DEVELOPMENTAL DISABILITY AS DEFINED IN SECTION 36-551 OR HAS AT LEAST ONE OF

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1 THE DISABILITIES LISTED IN SECTION 15-761, PARAGRAPH 2, AND REQUIRES SPECIAL  
2 EDUCATION AS DEFINED IN SECTION 15-761.

3 2. "~~Day~~ CHILD care" means the care, supervision and guidance of a  
4 child or children, unaccompanied by parent, guardian or custodian, on a  
5 regular basis, for periods of less than twenty-four hours per day, in a place  
6 other than the child's or the children's own home or homes.

7 3. "~~Day care center~~ CHILD CARE FACILITY" means any facility in which  
8 ~~day~~ CHILD care is regularly provided for compensation for five or more  
9 children not related to the proprietor.

10 4. "Department" means the department of health services.

11 5. "Director" means the director of the department of health services.

12 6. "Person" means ~~individuals, partnerships, corporations,~~  
13 ~~associations, day nurseries, nursery schools, day camps, kindergartens, child~~  
14 ~~care agencies or child care centers which operate a day care center~~ AN  
15 INDIVIDUAL, PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, ASSOCIATION,  
16 DAY NURSERY, NURSERY SCHOOL, DAY CAMP, KINDERGARTEN, CHILD CARE AGENCY,  
17 SCHOOL GOVERNING BOARD, CHARTER SCHOOL OR CHILD CARE CENTER THAT OPERATES A  
18 CHILD CARE FACILITY.

19 Sec. 4. Section 36-882, Arizona Revised Statutes, is amended to read:

20 36-882. License; posting; transfer prohibited; fee

21 A. A ~~day care center~~ CHILD CARE FACILITY shall not receive any child  
22 for care, supervision or training unless the ~~agency~~ FACILITY is licensed by  
23 the department of health services.

24 B. An application for a license shall be made on a form prescribed by  
25 the department and shall include all information required by the department  
26 and the names and addresses of the owners and lessees of any agricultural  
27 land within one-fourth mile of the ~~day care center~~ FACILITY.

28 C. ~~Upon~~ ON application for a license ~~by a day care center~~ the  
29 department shall investigate the APPLICANT'S physical space, activities and  
30 standards of care ~~of the day care center, and~~. If THE DEPARTMENT IS  
31 satisfied that ~~it~~ THE APPLICANT AND THE APPLICANT'S FACILITY ~~conforms~~ CONFORM  
32 with the standards of care prescribed by the department, and that its  
33 equipment, its services and the good character of the applicant are conducive  
34 to the welfare of children, THE DEPARTMENT SHALL ISSUE a provisional license  
35 ~~shall be issued~~. THE DEPARTMENT SHALL ISSUE a provisional license for a  
36 period of six months ~~shall be issued to a day care center upon~~ THE FACILITY  
37 ON initial licensure. ~~Upon a change of center~~ IF THE FACILITY'S director  
38 CHANGES, the department may require the regular license to revert to a  
39 provisional license for a period OF not to exceed six months. ~~Upon~~ THE  
40 DEPARTMENT SHALL ISSUE A REGULAR LICENSE ON satisfactory completion of the  
41 provisional period, ~~a regular license~~ for the remainder of the licensure  
42 period ~~shall be issued~~. THE DEPARTMENT MAY ISSUE a provisional license ~~for~~  
43 ~~deficiencies may be issued~~ for a period of not to exceed six months to ~~any~~  
44 ~~day care center which~~ A CHILD CARE FACILITY THAT is temporarily unable to

1 conform to the established standards of public health and does not threaten  
2 the health or safety of children. ~~Such licenses~~ A PROVISIONAL LICENSE shall  
3 state the reason for provisional status.

4 D. ~~When~~ IF the department issues an original regular license or an  
5 original provisional license to a ~~day care center~~ CHILD CARE FACILITY, it  
6 shall notify the owners and lessees of any agricultural land within  
7 one-fourth mile of ~~the day care center~~ THAT FACILITY.

8 E. An applicant for a ~~day care center~~ license shall be fingerprinted  
9 and submit the notarized form required pursuant to section 36-883.02 with ~~his~~  
10 THE application.

11 F. The fee for an initial application for licensure is one hundred  
12 fifty dollars and is not refundable. The application fee is ~~both~~ for BOTH  
13 the initial provisional and the first full licensure period. The application  
14 fee for renewal of a license is one hundred fifty dollars and is not  
15 refundable. An applicant for renewal who fails to submit the application  
16 forty-five days before the expiration of the license is subject to a fifty  
17 dollar late filing fee. THE DEPARTMENT SHALL TRANSMIT late filing fees ~~shall~~  
18 ~~be transmitted~~ to the state treasurer for deposit as provided in section  
19 36-891, subsection G.

20 G. A license is valid for three years from the date of issuance and  
21 shall specify the following:

- 22 1. The name of the applicant.
- 23 2. The name of the ~~center~~ CHILD CARE FACILITY'S director.
- 24 3. The exact address where the ~~day care center~~ will be maintained  
25 APPLICANT WILL LOCATE THE FACILITY.
- 26 4. The maximum number and age limitations of children that ~~may~~ SHALL  
27 be cared for at any one time.
- 28 5. The classification of services that the ~~day care center~~ FACILITY  
29 is licensed to provide.

30 H. The licensee shall notify the department in writing within ten days  
31 of any change in ~~center~~ THE CHILD CARE FACILITY'S director ~~designation~~.

32 I. The license is not transferable from person to person and is valid  
33 only for the quarters occupied at the time of issuance.

34 J. The license shall be conspicuously posted in the ~~day care center~~  
35 CHILD CARE FACILITY.

36 K. The licensee shall conspicuously post a schedule of fees charged  
37 for services and the established policy for a refund of fees for services not  
38 rendered.

39 L. THE LICENSEE SHALL KEEP current department inspection reports ~~shall~~  
40 ~~be kept~~ at the ~~day care center~~ CHILD CARE FACILITY and shall ~~be made~~ MAKE  
41 THEM available to parents on request.

1           Sec. 5. Section 36-883, Arizona Revised Statutes, is amended to read:  
2           36-883. Standards of care; rules; classifications

3           A. The director of the department of health services shall prescribe  
4 reasonable rules and ~~standards~~ regarding the health, ~~the~~ safety and ~~the~~  
5 well-being of the children to be cared for in ~~any day care center, including,~~  
6 ~~but not limited to~~ A CHILD CARE FACILITY. THESE RULES SHALL INCLUDE  
7 STANDARDS FOR THE FOLLOWING:

8           1. Adequate physical facilities for the care of children such as  
9 building construction, fire protection, sanitation, sleeping facilities,  
10 isolation facilities, toilet facilities, heating, ventilation, indoor and  
11 outdoor activity areas and, if provided by the ~~day care center~~ FACILITY,  
12 transportation safely to and from the premises.

13           2. Adequate staffing per number and age groups of children by persons  
14 qualified by education or experience to meet their respective  
15 responsibilities in the care of children.

16           3. Activities, toys and equipment to enhance the development of each  
17 child.

18           4. Nutritious and well-balanced food.

19           5. Encouragement of parental participation.

20           6. Exclusion OF ANY PERSON from ~~day care centers of individuals~~ THE  
21 FACILITY whose presence may be detrimental to the welfare of children.

22           B. ~~Such~~ THE DEPARTMENT SHALL ADOPT rules and ~~standards shall be~~  
23 ~~adopted in accordance with~~ PURSUANT TO title 41, chapter 6 and section  
24 36-115.

25           ~~C. Until such standards are prescribed, existing standards shall be~~  
26 ~~complied with before issuance of a license.~~

27           ~~D.~~ C. Any rule ~~or standard involving~~ THAT RELATES TO educational  
28 activities, physical examination, medical treatment or immunization shall  
29 include appropriate exemptions for children whose parents object ~~thereto~~ on  
30 the ground that it conflicts with the tenets and practices of a recognized  
31 church or religious denomination of which the parent or child is an adherent  
32 or member.

33           ~~E.~~ D. The department OF HEALTH SERVICES shall conduct a comprehensive  
34 review of its rules at least once every two years. Before conducting ~~such~~  
35 THIS review, the department shall consult with agencies and organizations  
36 that are knowledgeable about the provision of ~~day~~ CHILD care ~~services~~  
37 FACILITIES to children including, ~~but not limited to:~~

38           1. The department of economic security.

39           2. The department of education.

40           3. The state fire marshal.

41           4. The league of ARIZONA cities and towns.

42           5. Citizen groups.

43           ~~6. The day care advisory board.~~

1           ~~F.~~ E. The department shall designate appropriate classifications and  
2 establish corresponding standards pertaining to the type of care offered.  
3 ~~Such~~ THESE classifications shall include, ~~but not be limited to:~~

- 4           1. Facilities offering infant care.
- 5           2. Facilities offering specific educational programs.
- 6           3. Facilities offering evening and nighttime care.

7           ~~G.~~ F. Rules for the operation of ~~day~~ CHILD care ~~centers~~ FACILITIES  
8 shall be stated in ~~such~~ a way ~~as to make clear~~ THAT CLEARLY STATES the  
9 purpose ~~such rules serve~~ OF EACH RULE.

10           Sec. 6. Section 36-883.01, Arizona Revised Statutes, is amended to  
11 read:

12           36-883.01. Statement of services

13           ~~Every day care center~~ EACH CHILD CARE FACILITY shall annually furnish  
14 to the department, and make available to parents ~~upon~~ ON request, an explicit  
15 and up-to-date written statement of THE services ~~offered~~ IT OFFERS.

16           Sec. 7. Section 36-883.02, Arizona Revised Statutes, is amended to  
17 read:

18           36-883.02. Child care personnel; registration; fingerprints;  
19           exemptions; definition

20           A. Child care personnel shall register with the department in order  
21 to work in a ~~day care center~~ CHILD CARE FACILITY.

22           B. Except as provided in ~~subsection~~ SUBSECTIONS E AND F of this  
23 section, child care personnel shall be fingerprinted and submit the form  
24 prescribed in subsection F of this section to the department within twenty  
25 days after the date they begin work for a ~~day care center~~ CHILD CARE  
26 FACILITY. Registration is conditioned on the results of the fingerprint  
27 check.

28           C. ~~For~~ For the purpose of screening child care personnel, the department  
29 of public safety shall provide information from its records relating to  
30 convictions for public offenses to the department of health services.  
31 Fingerprint checks shall be conducted pursuant to section 41-1750,  
32 subsection G.

33           D. The department shall charge the prospective employer of child care  
34 personnel for the costs of fingerprint checks. The employer may charge those  
35 costs to its fingerprinted employee.

36           E. Exempt from the fingerprinting requirements of subsection B of this  
37 section are parents, including foster parents and guardians, who are not  
38 employees of the ~~day care center~~ CHILD CARE FACILITY and who participate in  
39 activities with their children under the supervision of and in the presence  
40 of child care personnel.

41           F. APPLICANTS AND EMPLOYEES FINGERPRINTED IN ACCORDANCE WITH SECTIONS  
42 15-512 AND 15-534 ARE EXEMPT FROM THE FINGERPRINTING REQUIREMENTS OF  
43 SUBSECTION B OF THIS SECTION.

1 ~~F~~ G. Child care personnel shall certify on forms that are provided  
2 by the department and notarized that:

3 1. They are not awaiting trial on ~~and~~ OR have never been convicted of  
4 or admitted IN OPEN COURT OR PURSUANT TO A PLEA AGREEMENT committing any of  
5 the following criminal offenses in this state or similar offenses in another  
6 state or jurisdiction:

- 7 (a) Sexual abuse of a minor.
- 8 (b) Incest.
- 9 (c) First or second degree murder.
- 10 (d) Kidnapping.
- 11 (e) Arson.
- 12 (f) Sexual assault.
- 13 (g) Sexual exploitation of a minor.
- 14 (h) FELONY OFFENSES INVOLVING contributing to the delinquency of a  
15 minor.

16 (i) Commercial sexual exploitation of a minor.

17 (j) Felony offenses involving SALE, distribution OR TRANSPORTATION of,  
18 OFFER TO SELL, TRANSPORT OR DISTRIBUTE OR CONSPIRACY TO SELL, TRANSPORT OR  
19 DISTRIBUTE marijuana or dangerous or narcotic drugs.

20 (k) FELONY OFFENSES INVOLVING THE POSSESSION OR USE OF MARIJUANA,  
21 DANGEROUS DRUGS OR NARCOTIC DRUGS.

22 (l) MISDEMEANOR OFFENSES INVOLVING THE POSSESSION OR USE OF MARIJUANA  
23 OR DANGEROUS DRUGS.

24 ~~(k)~~ (m) Burglary IN THE FIRST DEGREE.

25 (n) BURGLARY IN THE SECOND OR THIRD DEGREE.

26 (o) AGGRAVATED OR ARMED ROBBERY.

27 ~~(l)~~ (p) Robbery.

28 ~~(m)~~ (q) A dangerous crime against children as defined in section  
29 13-604.01.

30 ~~(n)~~ (r) Child abuse.

31 ~~(o)~~ (s) Sexual conduct with a minor.

32 ~~(p)~~ (t) Molestation of a child.

33 ~~(q)~~ (u) VOLUNTARY manslaughter.

34 ~~(r)~~ (v) ASSAULT OR aggravated assault.

35 (w) EXPLOITATION OF MINORS INVOLVING DRUG OFFENSES.

36 2. They are not parents or guardians of a child adjudicated to be a  
37 dependent child as defined in section 8-201, ~~paragraph 11~~.

38 3. They have not been denied a license to operate a facility for the  
39 care of children for cause in this state or another state or had a license  
40 or certificate to operate such a facility revoked.

41 ~~G~~ H. Employers of ~~day-care center~~ CHILD CARE personnel shall make  
42 documented, good faith efforts to contact previous employers of ~~day-care~~  
43 ~~center~~ CHILD CARE personnel to obtain information or recommendations ~~which~~

1 THAT may be relevant to an individual's fitness for employment in a ~~day care~~  
2 ~~center~~ CHILD CARE FACILITY.

3 H. I. The notarized forms and fingerprint checks are confidential.

4 ~~I. For the purposes of this section, "child care personnel" means any~~  
5 ~~employee or volunteer working at a day care center.~~

6 J. CHILD CARE PERSONNEL WHO ARE UNDER EIGHTEEN YEARS OF AGE ARE EXEMPT  
7 FROM THE FINGERPRINTING REQUIREMENTS OF THIS SECTION DURING THEIR MINORITY  
8 IF THEY ACT AT ALL TIMES UNDER THE SUPERVISION OF PERSONNEL WHO MEET THE  
9 FINGERPRINTING REQUIREMENTS OF THIS SECTION.

10 K. THE DEPARTMENT MAY REVOKE A PERSON'S REGISTRATION IF THAT PERSON  
11 IS AWAITING TRIAL ON OR CONVICTED OF OR ADMITTED IN OPEN COURT OR PURSUANT  
12 TO A PLEA AGREEMENT TO COMMITTING A CRIMINAL OFFENSE LISTED IN SUBSECTION G,  
13 PARAGRAPH 1 OF THIS SECTION OR IS EXCLUDED FROM A CHILD CARE FACILITY  
14 PURSUANT TO SECTION 36-883, SUBSECTION A, PARAGRAPH 6.

15 L. NOTWITHSTANDING SUBSECTION K OF THIS SECTION, A PERSON WHO IS  
16 AWAITING TRIAL ON OR CONVICTED OF OR ADMITTED IN OPEN COURT OR PURSUANT TO  
17 A PLEA AGREEMENT TO COMMITTING A CRIMINAL OFFENSE LISTED IN SUBSECTION G,  
18 PARAGRAPH 1, SUBDIVISION (e), (h), (j), (k), (l), (m), (n), (p), (u) OR (v)  
19 OF THIS SECTION MAY APPLY TO THE DIRECTOR FOR REGISTRATION, WHICH THE  
20 DIRECTOR MAY GRANT IF THE APPLICANT SHOWS TO THE DIRECTOR'S SATISFACTION THAT  
21 THE APPLICANT IS SUCCESSFULLY REHABILITATED AND IS NOT A RECIDIVIST. THE  
22 DIRECTOR SHALL PRESCRIBE GUIDELINES FOR THE APPLICATION PROCESS, INCLUDING  
23 A LIST OF OFFENSES THAT PREVENT A PERSON FROM APPLYING FOR REGISTRATION  
24 PURSUANT TO THIS SUBSECTION. THE DIRECTOR MAY REQUIRE THAT THE PERSON BE  
25 SUPERVISED AT ALL TIMES AS A CONDITION OF GRANTING REGISTRATION PURSUANT TO  
26 THIS SUBSECTION. THE DIRECTOR SHALL NOT GRANT REGISTRATION PURSUANT TO THIS  
27 SUBSECTION TO A PERSON FINGERPRINTED IN ACCORDANCE WITH SECTIONS 15-512 AND  
28 15-534.

29 M. FOR THE PURPOSES OF THIS SECTION, "CHILD CARE PERSONNEL" MEANS ANY  
30 EMPLOYEE OR VOLUNTEER WORKING AT A CHILD CARE FACILITY.

31 Sec. 8. Section 36-883.03, Arizona Revised Statutes, is amended to  
32 read:

33 36-883.03. Employer-subsidized child care: immunity from  
34 liability

35 A. An employer that subsidizes child care on a nondiscriminatory basis  
36 to its employees through a ~~day care center~~ CHILD CARE FACILITY licensed  
37 pursuant to this article or through a person or facility exempt from  
38 licensure pursuant to this article but screened pursuant to section 41-1964  
39 or ~~section~~ 46-321 is not liable for damages as a result of an act or omission  
40 by the ~~day care center~~ CHILD CARE FACILITY, person or EXEMPT facility unless  
41 the employer is guilty of gross negligence in recommending the ~~day care~~  
42 ~~center~~ CHILD CARE FACILITY, person or facility or unless the employer is  
43 acting as the owner or has an ownership interest in or is an operator of the  
44 ~~day care center~~ CHILD CARE FACILITY or EXEMPT facility.

1 B. For purposes of this section, an employer ~~will be~~ IS deemed to be  
2 subsidizing an employee's child care costs if the employer pays, either  
3 directly or indirectly, at least twenty-five per cent of the cost of the  
4 child care service rendered to the employee by the ~~day care center~~ CHILD CARE  
5 FACILITY, person or EXEMPT facility described in subsection A OF THIS  
6 SECTION.

7 Sec. 9. Section 36-883.04, Arizona Revised Statutes, as amended by  
8 Laws 1994, ninth special session, chapter 5, section 2, is amended to read:

9 36-883.04. Standards of care; rules; enforcement

10 The director shall prescribe reasonable rules and standards regarding  
11 the health, safety and well-being of children cared for in any public school  
12 ~~day~~ CHILD care program. These rules shall be comparable to the rules and  
13 standards prescribed pursuant to section 36-883. The director shall also  
14 prescribe rules regarding the enforcement of the standards of care including  
15 penalties for noncompliance with these standards. These enforcement and  
16 penalty provisions shall be comparable to those existing for private ~~day care~~  
17 ~~programs~~ CHILD CARE FACILITIES.

18 Sec. 10. Section 36-884, Arizona Revised Statutes, as amended by Laws  
19 1994, ninth special session, chapter 5, section 3, is amended to read:

20 36-884. Exemptions

21 ~~The provisions of~~ This article ~~shall~~ DOES not apply to the care given  
22 to children by or in:

23 1. The homes of parents or blood relatives.

24 2. A religious institution conducting a nursery in conjunction with  
25 its religious services or conducting parent-supervised occasional drop-in  
26 care.

27 3. A unit of the public school system. If a public school provides  
28 ~~day~~ CHILD care other than during THE SCHOOL'S regular ~~school~~ hours or for  
29 children who are not regularly enrolled in kindergarten programs or grades  
30 one through twelve, that portion of the school that provides ~~day~~ CHILD care  
31 is subject to standards of care prescribed pursuant to section 36-883.04.

32 4. A regularly organized private school engaged in an educational  
33 program which may be attended in substitution for public school pursuant to  
34 section 15-802. If ~~such~~ THE school provides ~~day~~ CHILD care beyond regular  
35 public school hours or for children who are not regularly enrolled in  
36 kindergarten programs or grades one through twelve, that portion of the  
37 school providing such care shall be considered a ~~day care center~~ CHILD CARE  
38 FACILITY and IS subject to the provisions of this article.

39 5. Any facility that provides training only in specific subjects,  
40 including dancing, drama, music, self-defense or religion.

41 6. Any facility that provides only recreational or instructional  
42 activities to school age children who may come to and go from the ~~center~~  
43 CHILD CARE FACILITY at their own volition.

44 7. Any of the Arizona state schools for the deaf and the blind.

1           Sec. 11. Section 36-885, Arizona Revised Statutes, is amended to read:  
2           36-885. Inspection of child care facilities

3           A. The department or designated local health departments or its agents  
4 may at any time visit during hours of operation and inspect ~~day care centers~~  
5 ~~in order~~ A CHILD CARE FACILITY to determine ~~whether they are conducted in~~  
6 ~~compliance with law and with rules and regulations under section 36-883~~ IF  
7 IT COMPLIES WITH THIS ARTICLE AND RULES ADOPTED UNDER THIS ARTICLE.

8           B. The department shall visit each ~~center~~ CHILD CARE FACILITY as often  
9 as necessary to assure continued compliance with ~~law and the rules and~~  
10 ~~regulations adopted pursuant to section 36-883~~ THIS ARTICLE AND DEPARTMENT  
11 RULES. THE DEPARTMENT SHALL MAKE at least one unannounced visit ~~shall be~~  
12 ~~made~~ annually.

13           Sec. 12. Section 36-886, Arizona Revised Statutes, is amended to read:  
14           36-886. Operation without a license; classification

15           A. ~~Whenever~~ IF it appears that any person is maintaining or operating  
16 a ~~day care center~~ CHILD CARE FACILITY without a license, the department shall  
17 ~~serve notice thereof upon such person,~~ NOTIFY THE FACILITY'S OPERATOR either  
18 by mail, by certified mail with return receipt requested, ~~or~~ by delivery in  
19 person. The person affected by the notice shall, within ten days from ITS  
20 receipt ~~thereof,~~ cease and desist ~~from such~~ operation or show proof of having  
21 a valid license. ~~Such~~ THE person may, within ten days, request in writing  
22 a hearing before the director.

23           B. ~~Upon~~ ON application of the department, a magistrate shall issue a  
24 warrant to the department authorizing inspection of ~~any care center~~ A CHILD  
25 CARE FACILITY if there is probable cause to believe that ~~such center~~ A PERSON  
26 is operating THE FACILITY without a license.

27           C. ~~Upon failure of any affected person to comply as prescribed in this~~  
28 ~~section,~~ IF A PERSON DOES NOT COMPLY WITH THIS SECTION the department shall  
29 notify the county attorney of the county in which the ~~day care center~~ CHILD  
30 CARE FACILITY is being operated of the violation ~~of law, with a~~ AND request  
31 that criminal prosecution be commenced against the violator. The department  
32 may, ~~in addition,~~ request the attorney general to apply for injunctive  
33 relief.

34           D. Any person who continues to maintain or operate a ~~day care center~~  
35 CHILD CARE FACILITY without a license ten days after receipt of notice from  
36 the department is guilty of a class 1 misdemeanor.

37           Sec. 13. Section 36-886.01, Arizona Revised Statutes, is amended to  
38 read:

39           36-886.01. Injunctions

40           ~~When~~ IF the department ~~has reason to believe~~ BELIEVES that a ~~day care~~  
41 ~~center~~ CHILD CARE FACILITY is operating under conditions that present  
42 possibilities of serious harm to children, the department shall notify the  
43 county attorney or the attorney general, ~~who shall~~ immediately seek a  
44 restraining order and injunction against the ~~day care center~~ FACILITY.

1           Sec. 14. Section 36-887, Arizona Revised Statutes, is amended to read:

2           36-887. Procedure for inspection of records

3           A. ~~Any~~ A person wishing WHO WISHES to inspect ~~the content of case~~  
4 records ~~established in relation to day care center licensing~~ THAT RELATE TO  
5 CHILD CARE FACILITY LICENSURE shall register with the department by signing  
6 ~~his or her~~ THE PERSON'S name and stating the reasons why the inspection is  
7 being sought.

8           B. The department shall maintain a register of those persons  
9 inspecting ~~the content of THESE case records established in relation to day~~  
10 ~~care center licensing.~~

11           C. The department shall enter into the ~~day care center's~~ CHILD CARE  
12 FACILITY'S case file, contiguous to the form containing the reported  
13 violation, those documents ~~which~~ THAT verify correction of reported  
14 violations.

15           Sec. 15. Section 36-888, Arizona Revised Statutes, is amended to read:

16           36-888. Denial, revocation or suspension of license

17           A. ~~Whenever the department is authorized by law or regulation to deny~~  
18 ~~a license to an applicant,~~ THE DEPARTMENT MAY DENY, SUSPEND OR REVOKE A  
19 LICENSE FOR A VIOLATION OF THIS ARTICLE OR DEPARTMENT RULES. AT LEAST THIRTY  
20 DAYS BEFORE THE DEPARTMENT DENIES, REVOKES OR SUSPENDS A LICENSE it shall  
21 ~~afford~~ MAIL the applicant or licensee ~~the~~ A NOTICE OF THAT PERSON'S right of  
22 TO A hearing. ~~before denial by serving upon the applicant at least thirty~~  
23 ~~days' notice.~~ THE DEPARTMENT SHALL ISSUE THIS NOTICE by registered mail with  
24 return receipt requested, ~~to show cause before the director, upon a date to~~  
25 ~~be fixed in the notice, why the application for a license should not be~~  
26 ~~denied in accordance with the regulations of the department and the~~  
27 ~~provisions of law.~~ The notice shall ~~set forth~~ STATE THE HEARING DATE AND the  
28 facts constituting the reasons for the ~~denial~~ DEPARTMENT'S ACTION and shall  
29 ~~refer to the provisions of the applicable law or regulations indicating that~~  
30 ~~the application or the operation of the day care center is not in conformity~~  
31 ~~therewith~~ CITE THE SPECIFIC STATUTE OR RULE THAT THE PERSON IS NOT CONFORMING  
32 TO.

33           B. If the ~~applicant~~ PERSON does not respond to the written notice,  
34 the department ~~shall~~, at the expiration of the time fixed in the notice, ~~deny~~  
35 ~~the license~~ SHALL TAKE THE ACTION PRESCRIBED IN THE NOTICE. If the ~~applicant~~  
36 PERSON, within the period fixed in the notice, ~~shall cause his~~ CONFORMS THE  
37 application or the operation of the ~~day care center~~ CHILD CARE FACILITY to  
38 ~~conform with~~ the applicable ~~law and regulations~~ STATUTE OR RULE, the  
39 department may grant the license OR WITHDRAW THE NOTICE OF SUSPENSION OR  
40 REVOCATION.

41           Sec. 16. Repeal

42           Section 36-889, Arizona Revised Statutes, is repealed.

1           Sec. 17. Section 36-891, Arizona Revised Statutes, is amended to read:  
2           36-891. Civil penalty; inspection of facilities; training  
3                 program; fund

4           A. After a hearing conducted pursuant to title 41, chapter 6, the  
5 director may impose a civil penalty on a person who violates this article or  
6 rules adopted pursuant to this article in an amount of not to exceed one  
7 hundred dollars for each day the violation occurs. A civil penalty shall be  
8 imposed only for those days on which the violation has been documented by the  
9 department.

10           B. If a civil penalty imposed pursuant to subsection A of this section  
11 is not paid, the attorney general or a county attorney shall file an action  
12 to collect the civil penalty in a justice court or the superior court in the  
13 county in which the violation occurred.

14           C. Unless a ~~day care center~~ license is revoked or suspended, the  
15 director shall place the license of a ~~day care center~~ CHILD CARE FACILITY  
16 subject to a civil penalty pursuant to subsection A of this section on  
17 provisional license status for a period of time not to exceed six months in  
18 addition to other penalties imposed pursuant to this article.

19           D. Civil penalties collected pursuant to this article shall be  
20 transmitted to the state treasurer for deposit as provided in subsection G  
21 of this section.

22           E. The department shall develop an instrument that documents  
23 compliance and noncompliance of ~~day care centers~~ CHILD CARE FACILITIES  
24 according to the criteria prescribed in its rules governing ~~day care center~~  
25 CHILD CARE FACILITY licensure. Blank copies of the instrument, which shall  
26 be in standardized form, shall be made available to the public.

27           F. The director shall establish a ~~day care center~~ CHILD CARE FACILITY  
28 training program to provide training for ~~day care centers~~ CHILD CARE  
29 FACILITIES and users of ~~day care~~ CHILD CARE services, technical assistance  
30 materials for ~~day care centers~~ CHILD CARE FACILITIES and information to  
31 enhance consumer awareness.

32           G. The ~~day~~ CHILD care training fund is established in the state  
33 treasury. The department shall administer the fund. The department shall  
34 transmit late filing fees collected pursuant to section 36-882, subsection  
35 F and section 36-897.01, subsection D and civil penalties collected pursuant  
36 to this section and section 36-897.06 to the state treasurer who shall  
37 deposit the first twenty thousand dollars collected ANNUALLY in the ~~day~~ CHILD  
38 care training fund and all monies collected ANNUALLY above twenty thousand  
39 dollars in the state general fund. On notice from the department the state  
40 treasurer shall invest and divest monies in the fund as provided by section  
41 35-313, and monies earned from investment shall be credited to the fund.

42           Sec. 18. Section 36-891.01, Arizona Revised Statutes, is amended to  
43 read:

1           36-891.01. Intermediate sanctions; notification of compliance;  
2                                   hearing

3           A. If the director has reasonable cause to believe that a licensee is  
4 violating this article or rules adopted pursuant to this article and that the  
5 health or safety of the children is endangered, ~~he~~ THE DIRECTOR may impose,  
6 on written notice to the licensee, one or more of the following intermediate  
7 sanctions until the licensee complies with this article:

8           1. Immediate restrictions on new admissions to the ~~center~~ CHILD CARE  
9 FACILITY.

10           2. Termination of specific services that the ~~center~~ FACILITY may  
11 offer.

12           3. Reduction of the ~~center's~~ FACILITY'S capacity.

13           B. A ~~center~~ CHILD CARE FACILITY sanctioned pursuant to this section  
14 shall notify the department in writing when it is in compliance. On receipt  
15 of notification the department shall conduct an inspection. If the  
16 department determines that the ~~center~~ FACILITY is in compliance the director  
17 shall immediately rescind the sanctions. If the department determines that  
18 the ~~center~~ FACILITY is not in compliance the sanctions remain in effect. The  
19 ~~center~~ FACILITY may then notify the department of compliance not sooner than  
20 fourteen days from the date of that inspection. If the department determines  
21 on the return inspection that the ~~center~~ FACILITY is still not in compliance  
22 the sanctions remain in effect. Thereafter, a ~~center~~ FACILITY may notify the  
23 department of compliance not sooner than thirty days from the date of the  
24 last inspection. A ~~center~~ FACILITY shall make all notifications of  
25 compliance by certified mail. The department shall conduct all inspections  
26 required pursuant to this subsection within fourteen days of receipt of  
27 notification of compliance. If the department does not conduct an inspection  
28 within this time period, the sanctions have no further force or effect.

29           C. On written request ~~of~~ BY a person who has been sanctioned pursuant  
30 to this section the director or ~~his~~ THE DIRECTOR'S designee shall conduct a  
31 hearing to review the sanctions. A request for a hearing shall be made by  
32 certified mail within fifteen days of receipt of notice of the sanctions.  
33 The department shall not enforce the sanctions until the time period for  
34 requesting an appeal has passed or the department has issued a decision on  
35 the appeal.

36           D. A hearing conducted pursuant to this section shall comply with the  
37 requirements of title 41, chapter 6 and with all applicable department rules  
38 and procedures.

39           Sec. 19. Section 36-895, Arizona Revised Statutes, is amended to read:

40           36-895. Licensing and monitoring of child care facilities;  
41                                   financial agreements; definition

42           A. The department of health services shall license ~~day care centers~~  
43 CHILD CARE FACILITIES and monitor their operation to ensure that the level  
44 of care being provided is adequate. The department of economic security

1 shall not duplicate the monitoring functions of the department of health  
2 services and shall accept the decisions of the department of health services  
3 concerning compliance.

4 B. The department of economic security may prepare and enter into  
5 financial agreements with ~~day care centers~~ CHILD CARE FACILITIES and  
6 certified ~~day~~ CHILD care homes for the provision of ~~day~~ CHILD care services  
7 to eligible persons. The financial agreements shall be identical in form for  
8 ~~day care centers~~ CHILD CARE FACILITIES and certified ~~day~~ CHILD care homes.

9 C. As used in this article, "certified ~~day~~ CHILD care home" means any  
10 residential facility certified by the department of economic security to  
11 provide ~~day~~ CHILD care regularly for compensation for four or fewer children  
12 not related to the proprietor.

13 Sec. 20. Section 36-897, Arizona Revised Statutes, is amended to read:  
14 36-897. Definitions

15 In this article, unless the context otherwise requires:

16 1. "~~Day~~ CHILD care group home" means a residential facility in which  
17 ~~day~~ CHILD care is regularly provided for compensation for periods of less  
18 than twenty-four hours per day for not less than five children but no more  
19 than ten children through the age of twelve years.

20 2. "Department" means the department of health services.

21 3. "Provider" means the certificate holder or a person the certificate  
22 holder designates in writing who, pursuant to applicable statutes and rules,  
23 is to be responsible for direct daily supervision, operation and maintenance  
24 of the ~~day~~ CHILD care group home.

25 Sec. 21. Section 36-897.01, Arizona Revised Statutes, is amended to  
26 read:

27 36-897.01. Certification; application; fees; rules;  
28 fingerprinting

29 A. A ~~day~~ CHILD care group home shall be certified by the department.

30 B. An application for certification shall be made on a form prescribed  
31 by the department and shall contain all information required by the  
32 department.

33 C. An application shall be accompanied by a nonrefundable application  
34 fee of thirty dollars.

35 D. A certificate is valid for three years and may be renewed for  
36 successive three-year periods by submitting an application for  
37 recertification as prescribed by the department and submitting a  
38 nonrefundable renewal fee of thirty dollars. An applicant for certification  
39 renewal who fails to submit the application forty-five days before the  
40 expiration of the certificate is subject to a twenty-five dollar late filing  
41 fee. Late filing fees collected pursuant to this subsection shall be  
42 transmitted to the state treasurer for deposit as provided in section 36-891,  
43 subsection G.

1 E. In order to ensure that the equipment and services of a ~~day~~ CHILD  
2 care group home and the good character of an applicant are conducive to the  
3 welfare of children, the department by rule shall establish the criteria for  
4 granting, denying, suspending and revoking a certificate.

5 F. The director shall adopt rules and prescribe forms as may be  
6 necessary for the proper administration and enforcement of this article.

7 G. The certificate shall be conspicuously posted in the ~~day~~ CHILD care  
8 group home for viewing by parents and the public.

9 H. Current department inspection reports shall be kept at the ~~day~~  
10 CHILD care group home and shall be made available to parents on request.

11 I. A certificate is not transferable and is valid only for the  
12 location occupied at the time it is issued.

13 J. An applicant for a ~~day~~ CHILD care group home certificate shall be  
14 fingerprinted and shall submit the notarized form required pursuant to  
15 section 36-897.03, subsection E with ~~his~~ THE application. Certification of  
16 the home and registration of the applicant are conditioned on the results of  
17 the fingerprint check and receipt of the notarized form.

18 Sec. 22. Section 36-897.02, Arizona Revised Statutes, is amended to  
19 read:

20 36-897.02. Standards of care; monitoring

21 A. The department by rule shall establish standards of care for ~~day~~  
22 CHILD care group homes. These rules shall include, ~~but not be limited to,~~  
23 minimum programmatic, personnel, supervision of children, training, physical  
24 environment and financial stability standards.

25 B. At least two adults shall be present in the ~~day~~ CHILD care group  
26 home when six to ten children are cared for in the home.

27 C. For purposes of certification of the ~~day~~ CHILD care group home, the  
28 provider's own children shall not be counted.

29 D. The total number of children present in a ~~day~~ CHILD care group home  
30 at any given time for whom compensation is received shall not exceed ten.

31 E. The total number of children present in a ~~day~~ CHILD care group home  
32 at any given time, including children related to the provider, shall not  
33 exceed fifteen.

34 F. The department shall monitor the operation of a ~~day~~ CHILD care  
35 group home at least two times each year to ensure that the ~~day~~ CHILD care  
36 group home is meeting department standards of care.

37 Sec. 23. Section 36-897.03, Arizona Revised Statutes, is amended to  
38 read:

39 36-897.03. Child care group homes; child care personnel;  
40 registration; fingerprints; definition

41 A. ~~Beginning July 1, 1989,~~ Child care personnel shall register with  
42 the department in order to work in a certified ~~day~~ CHILD care group home.

43 B. ~~Beginning July 1, 1989,~~ Child care personnel shall be fingerprinted  
44 and submit the form prescribed in subsection E of this section to the

1 department within twenty days after beginning work at a certified day CHILD  
2 care group home. Registration is conditioned on the results of the  
3 fingerprint check.

4 C. For the purpose of screening child care personnel, the department  
5 of public safety shall provide information from its records relating to  
6 convictions for public offenses to the department of health services.  
7 Fingerprint checks shall be conducted pursuant to section 41-1750,  
8 subsection G.

9 D. The department shall charge child care personnel for the costs of  
10 their fingerprint checks.

11 E. Child care personnel shall certify on forms that are provided by  
12 the department and notarized that:

13 1. They are not awaiting trial on and OR have never been convicted of  
14 or admitted IN OPEN COURT OR PURSUANT TO A PLEA AGREEMENT committing any of  
15 the following criminal offenses in this state or similar offenses in another  
16 state or jurisdiction:

- 17 (a) Sexual abuse of a minor.
- 18 (b) Incest.
- 19 (c) First or second degree murder.
- 20 (d) Kidnapping.
- 21 (e) Arson.
- 22 (f) Sexual assault.
- 23 (g) Sexual exploitation of a minor.
- 24 (h) FELONY OFFENSES INVOLVING contributing to the delinquency of a  
25 minor.
- 26 (i) Commercial sexual exploitation of a minor.
- 27 (j) Felony offenses involving SALE, distribution OR TRANSPORTATION of,  
28 OFFER TO SELL, TRANSPORT OR DISTRIBUTE OR CONSPIRACY TO SELL, TRANSPORT OR  
29 DISTRIBUTE marijuana or dangerous or narcotic drugs.
- 30 (k) FELONY OFFENSES INVOLVING THE POSSESSION OR USE OF MARIJUANA,  
31 DANGEROUS DRUGS OR NARCOTIC DRUGS.
- 32 (l) MISDEMEANOR OFFENSES INVOLVING THE POSSESSION OR USE OF MARIJUANA  
33 OR DANGEROUS DRUGS.
- 34 ~~(k)~~ (m) Burglary IN THE FIRST DEGREE.
- 35 (n) BURGLARY IN THE SECOND OR THIRD DEGREE.
- 36 (o) AGGRAVATED OR ARMED ROBBERY.
- 37 ~~(l)~~ (p) Robbery.
- 38 ~~(m)~~ (q) A dangerous crime against children as defined in section  
39 13-604.01.
- 40 ~~(n)~~ (r) Child abuse.
- 41 ~~(o)~~ (s) Sexual conduct with a minor.
- 42 ~~(p)~~ (t) Molestation of a child.
- 43 ~~(q)~~ (u) VOLUNTARY manslaughter.

1           ~~(r)~~ (v) ASSAULT OR aggravated assault.

2           (w) EXPLOITATION OF MINORS INVOLVING DRUG OFFENSES.

3           2. They are not parents or guardians of a child adjudicated to be a  
4 dependent child as defined in section 8-201, ~~paragraph 11~~.

5           3. They have not been denied a certificate to operate a ~~day~~ CHILD care  
6 group home or a license to operate a ~~day care center~~ CHILD CARE FACILITY for  
7 the care of children for cause in this state or another state or had a  
8 license to operate a ~~day care center~~ CHILD CARE FACILITY or a certificate to  
9 operate a CHILD care group home revoked.

10          F. The provider shall make documented, good faith efforts to contact  
11 previous employers of child care personnel to obtain information or  
12 recommendations which may be relevant to an individual's fitness to work in  
13 a certified ~~day~~ CHILD care group home.

14          G. The director may adopt rules prescribing the exclusion from ~~day~~  
15 CHILD care group homes of individuals whose presence may be detrimental to  
16 the welfare of children.

17          H. The notarized forms and fingerprint checks are confidential.

18          I. CHILD CARE PERSONNEL WHO ARE UNDER EIGHTEEN YEARS OF AGE ARE EXEMPT  
19 FROM THE FINGERPRINTING REQUIREMENTS OF THIS SECTION DURING THEIR MINORITY  
20 IF THEY ACT AT ALL TIMES UNDER THE SUPERVISION OF PERSONNEL WHO MEET THE  
21 FINGERPRINTING REQUIREMENTS OF THIS SECTION.

22          J. THE DEPARTMENT MAY REVOKE A PERSON'S REGISTRATION IF THAT PERSON  
23 IS AWAITING TRIAL ON OR CONVICTED OF OR ADMITTED IN OPEN COURT OR PURSUANT  
24 TO A PLEA AGREEMENT TO COMMITTING A CRIMINAL OFFENSE LISTED IN SUBSECTION E,  
25 PARAGRAPH 1 OF THIS SECTION.

26          K. NOTWITHSTANDING SUBSECTION J OF THIS SECTION, A PERSON WHO IS  
27 AWAITING TRIAL ON OR CONVICTED OF OR ADMITTED IN OPEN COURT OR PURSUANT TO  
28 A PLEA AGREEMENT TO COMMITTING A CRIMINAL OFFENSE LISTED IN SUBSECTION E,  
29 PARAGRAPH 1, SUBDIVISION (e), (h), (j), (k), (l), (m), (n), (p), (u) OR (v)  
30 OF THIS SECTION MAY APPLY TO THE DIRECTOR FOR REGISTRATION, WHICH THE  
31 DIRECTOR MAY GRANT IF THE APPLICANT SHOWS TO THE DIRECTOR'S SATISFACTION THAT  
32 THE APPLICANT IS SUCCESSFULLY REHABILITATED AND IS NOT A RECIDIVIST. THE  
33 DIRECTOR SHALL PRESCRIBE GUIDELINES FOR THE APPLICATION PROCESS, INCLUDING  
34 A LIST OF OFFENSES THAT PREVENT A PERSON FROM APPLYING FOR REGISTRATION  
35 PURSUANT TO THIS SUBSECTION. THE DIRECTOR MAY REQUIRE THAT THE PERSON BE  
36 SUPERVISED AT ALL TIMES AS A CONDITION OF GRANTING REGISTRATION PURSUANT TO  
37 THIS SUBSECTION.

38          ~~I~~ L. For the purposes of this section, "child care personnel" means  
39 all employees of and persons who are eighteen years of age or older AND who  
40 reside in a ~~day~~ CHILD care group home which is certified by the department.

41          Sec. 24. Section 36-897.04, Arizona Revised Statutes, is amended to  
42 read:

1           36-897.04. Exemptions

2           A. ~~The provisions of~~ This article shall DOES not apply to the care  
3 given to children by or in:

4           1. The homes of their own parents.

5           2. A religious institution conducting a nursery in conjunction with  
6 its religious services.

7           3. A unit of the public school system.

8           4. A regularly organized private school engaged in an educational  
9 program which may be attended in substitution for public school pursuant to  
10 section 15-802.

11           5. Any facility that provides training only in specific subjects,  
12 including dancing, drama, music, self-defense or religion.

13           6. Any facility that provides only recreational or instructional  
14 activity to school age children who may come to and go from ~~such~~ THAT  
15 facility at their own volition.

16           B. If regularly organized private schools exempt under subsection A,  
17 paragraph 4 of this section provide ~~day~~ CHILD care beyond public school hours  
18 or for children who are not regularly enrolled in kindergarten programs or  
19 grades one through twelve, that portion of the school providing ~~such~~ THIS  
20 care shall be considered a ~~day~~ CHILD care group home and is subject to ~~the~~  
21 ~~provisions of~~ this article.

22           Sec. 25. Section 36-897.05, Arizona Revised Statutes, is amended to  
23 read:

24           36-897.05. Inspection of child care group homes

25           A. The department or designated local health departments or its agents  
26 may at any time visit, during hours of operation, and inspect a ~~day~~ CHILD  
27 care group home in order to determine whether it is certified and is being  
28 conducted in compliance with applicable law, this article and rules adopted  
29 pursuant to this article.

30           B. The department shall visit each ~~day~~ CHILD care group home as often  
31 as necessary to assure continued compliance with ~~law~~ THIS ARTICLE and the  
32 rules adopted pursuant to this article. At least one unannounced visit shall  
33 be made annually.

34           Sec. 26. Section 36-897.06, Arizona Revised Statutes, is amended to  
35 read:

36           36-897.06. Civil penalty: collection

37           A. After a hearing conducted pursuant to title 41, chapter 6, the  
38 director may impose a civil penalty on a person who violates this article or  
39 rules adopted pursuant to this article in an amount not to exceed fifty  
40 dollars for each day the violation occurs. A civil penalty shall be imposed  
41 only for those days on which the ~~day~~ CHILD care group home is in violation  
42 of this article or department rules.

43           B. If a civil penalty imposed pursuant to subsection A of this section  
44 is not paid, the attorney general or a county attorney shall file an action

1 to collect the civil penalty in a justice court or the superior court in the  
2 county in which the violation occurred.

3 C. Civil penalties collected pursuant to subsection A of this section  
4 shall be transmitted to the state treasurer for deposit as provided in  
5 section 36-891, subsection G.

6 D. The department shall develop an instrument that documents  
7 compliance and noncompliance of ~~day~~ CHILD care group homes according to the  
8 criteria prescribed in its rules governing ~~day~~ CHILD care group home  
9 certification. Blank copies of the instrument, which shall be in  
10 standardized form, shall be made available to the public.

11 Sec. 27. Section 36-897.07, Arizona Revised Statutes, is amended to  
12 read:

13 36-897.07. Training program

14 The director shall establish a training program to provide training for  
15 ~~day~~ CHILD care group homes and users of ~~day~~ CHILD care group home services,  
16 technical assistance materials for ~~day~~ CHILD care group homes and information  
17 to enhance consumer awareness.

18 Sec. 28. Section 36-897.09, Arizona Revised Statutes, is amended to  
19 read:

20 36-897.09. Operating without a certificate; notice; hearing;  
21 violation; classification

22 A. If the department has reasonable cause to believe that a person is  
23 operating a ~~day~~ CHILD care group home without a certificate, it shall notify  
24 that person to cease operation within ten days of receiving the notice. The  
25 department shall give notice either by certified mail or by personal service.  
26 The notice shall state that the person may make a written request for a  
27 hearing before the director or ~~his~~ THE DIRECTOR'S designee pursuant to title  
28 41, chapter 6.

29 B. If a person fails to cease operation, the department may request  
30 that the county attorney of the county in which the home is located enforce  
31 ~~the provisions of~~ this article. The department may also notify the attorney  
32 general who shall immediately seek a restraining order and an injunction  
33 against the home.

34 C. A person who continues to operate a ~~day~~ CHILD care group home  
35 without certification ten days after receiving notice pursuant to this  
36 section is guilty of a class 1 misdemeanor.

37 Sec. 29. Emergency

38 This act is an emergency measure that is necessary to preserve the  
39 public peace, health or safety and is operative immediately as provided by  
40 law.

APPROVED BY THE GOVERNOR APRIL 29, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 1996