

1 AN ACT relating to the family child care homes.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 199.894 is amended to read as follows:

4 As used in KRS 199.892 to 199.896 and Section 2 of this Act, unless the context
5 otherwise requires:

6 (1) "Cabinet" means the Cabinet for Health and Family Services;

7 (2) ~~["Secretary" means secretary for health and family services;~~

8 ~~(3) —]~~ **"Child Care and Development Fund" has the same meaning as in 45 C.F.R. sec.**
9 **98.2;**

10 **(3) "Child Care Assistance Program" or "CCAP" means Kentucky's child-care**
11 **subsidy program providing families with the financial resources to find and**
12 **afford quality child care;**

13 **(4)** "Child-care center" means any child-care center that provides full- or part-time
14 care, day or night, to four (4) or more children in a nonresidential setting who are
15 not the children, grandchildren, nieces, nephews, or children in legal custody of the
16 operator. "Child-care center" shall not include any child-care facility operated by a
17 religious organization while religious services are being conducted~~[,]~~ or a youth
18 development agency. For the purposes of this section, "youth development agency"
19 means a program with tax-exempt status under 26 U.S.C. sec. 501(c)(3), which
20 operates continuously throughout the year as an outside-school-hours center for
21 youth who are six (6) years of age or older, and for which there are no fee or
22 scheduled-care arrangements with the parent or guardian of the youth served;

23 ~~**(5)**~~ ~~[(4)]~~ "Department" means the Department for Community Based Services;~~[and]~~

24 ~~**(6)**~~ ~~[(5)]~~ "Family child-care home" means a private home that is the primary residence
25 of an individual who provides full or part-time care day or night for six (6) or fewer
26 children who are not the children, siblings, stepchildren, grandchildren, nieces,
27 nephews, or children in legal custody of the provider; **and**

1 (7) "Secretary" means the secretary of the cabinet.

2 ➔Section 2. KRS 199.8982 is amended to read as follows:

3 (1) (a) The cabinet shall establish a family child-care home certification program
4 which shall be administered by the department. A family child-care provider
5 shall apply for certification of the provider's home if the provider is caring for
6 four (4) to six (6) children unrelated to the provider. A family child-care
7 provider caring for three (3) or fewer children may apply for certification of
8 the provider's home at the discretion of the provider. Applicants for
9 certification shall not have been found by the cabinet or a court to have
10 abused or neglected a child, and shall meet the following minimum
11 requirements:

- 12 1. Submit two (2) written character references;
- 13 2. Provide a written statement from a physician or advanced practice
14 registered nurse that the applicant is in good health;
- 15 3. Submit to a criminal record check in accordance with KRS 199.8965;
- 16 4. Provide smoke detectors, a telephone, an adequate water supply,
17 sufficient lighting and space, and a safe environment in the residence in
18 which care is provided;
- 19 5. Provide a copy of the results of a tuberculosis risk assessment and the
20 results of any appropriate follow-up with skin testing or chest X-ray for
21 applicants who are determined to be at risk for developing tuberculosis
22 in accordance with the recommendations of the Centers for Disease
23 Control and Prevention within thirty (30) days of the date of application
24 for certification; and
- 25 6. Demonstrate completion of a total of at least six (6) hours of training in
26 the following areas within three (3) months of application for
27 certification:

- 1 a. Basic health, safety, and sanitation;
- 2 b. Recognizing and reporting child abuse; and
- 3 c. Developmentally appropriate child-care practice.
- 4 (b) Initial applications for certification shall be made to the department. The
- 5 cabinet may promulgate administrative regulations to establish fees that shall
- 6 not exceed costs of the program to the cabinet, for proper administration of
- 7 the certification. The department shall issue a certificate of operation upon
- 8 inspecting the family child-care home and determining the provider's
- 9 compliance with the provisions of this section. The inspection shall be
- 10 unannounced. A certificate of operation issued pursuant to this section shall
- 11 not be transferable and shall be renewed every two (2) years for a fee that
- 12 shall not exceed costs of the program to the cabinet for renewal.
- 13 (c) A certified family child-care provider shall display the certificate of operation
- 14 in a prominent place within the residence in which care is provided. The
- 15 cabinet shall provide the certified family child-care provider with written
- 16 information explaining the requirements for a family day-care provider and
- 17 instructions on the method of reporting violations of the requirements which
- 18 the provider shall distribute to parents.
- 19 (d) Upon request of any person, the cabinet shall provide information regarding
- 20 the denial, revocation, suspension, or violation of any type of day-care license
- 21 of the family child-care provider. Identifying information regarding children
- 22 and their families shall remain confidential.
- 23 (e) The cabinet shall provide, upon request, public information regarding the
- 24 inspections of and the plans of correction for the family child-care home
- 25 within the past year. All information distributed by the cabinet under this
- 26 paragraph shall include a statement indicating that the reports as provided
- 27 under this paragraph from the past five (5) years are available from the family

1 child-care home upon the parent's, custodian's, guardian's, or other interested
2 person's request.

3 (f) The cabinet shall promulgate administrative regulations in accordance with
4 KRS Chapter 13A which establish standards for the issuance, monitoring,
5 release of information under this section and KRS 199.896 and 199.898,
6 renewal, denial, revocation, and suspension of a certificate of operation for a
7 family child-care home and establish criteria for the denial of certification if
8 criminal records indicate convictions that may impact the safety and security
9 of children in care. A denial, suspension, or revocation of a certificate may be
10 appealed, and upon appeal an administrative hearing shall be conducted in
11 accordance with KRS Chapter 13B. If the cabinet has probable cause to
12 believe that there is an immediate threat to the public health, safety, or
13 welfare, the cabinet may take emergency action to suspend a certificate
14 pursuant to KRS 13B.125. The cabinet shall promulgate administrative
15 regulations to impose minimum staff-to-child ratios. The cabinet may
16 promulgate administrative regulations relating to other requirements
17 necessary to ensure minimum safety in family child-care homes. The cabinet
18 shall develop and provide an "easy-to-read" guide containing the following
19 information to a family child-care provider seeking certification of his home:

- 20 1. Certification requirements and procedures;
- 21 2. Information about available child-care training; and
- 22 3. Child-care food sponsoring organizations.

23 (2) Family child-care providers shall annually demonstrate to the department
24 completion of at least six (6) hours of training in child development. These hours
25 shall include but are not limited to one and one-half (1.5) hours one (1) time every
26 five (5) years of continuing education in the recognition and prevention of pediatric
27 abusive head trauma, as defined in KRS 620.020. Training in recognizing pediatric

1 abusive head trauma may be designed in collaboration with organizations and
2 agencies that specialize in the prevention and recognition of pediatric abusive head
3 trauma approved by the secretary of the Cabinet for Health and Family Services.
4 The one and one-half (1.5) hours of continuing education required under this
5 section shall be included in the current number of required continuing education
6 hours.

7 (3) The cabinet shall, either through the development of or approval of, make available
8 a model training curriculum and training materials, including video instructional
9 materials, to cover the areas specified in subsection (1)(a)6. of this section. The
10 cabinet shall develop or approve the model training curriculum and training
11 materials to cover the areas specified in subsection (1)(a)6. of this section.

12 (4) (a) As used in this subsection "local government" means a city, county, charter
13 county, urban-county government, consolidated local government, or unified
14 local government.

15 (b) The provisions of this section shall supersede all local government ordinances
16 or regulations pertaining to the certification, licensure, and training
17 requirements related to the operation of family child-care homes and no local
18 government shall adopt or enforce any additional licensure, certification, or
19 training requirements specifically applicable to family child-care homes in
20 addition to those provided in this section. This subsection shall not be
21 interpreted or construed to exempt family child-care homes from compliance
22 with local government ordinances and regulations that apply generally within
23 the jurisdiction.

24 (c) Because the availability of adequate child-care as an essential business is vital
25 to the Commonwealth's state and local economies, by January 1, 2022, a local
26 government that has adopted land use regulations pursuant to KRS Chapter
27 100 shall specifically name family child-care homes in the text of its zoning

1 regulations to authorize the board of adjustments to separately consider the
2 applications of proposed family child-care homes for conditional use permits
3 within the residential zones of the planning unit where they are not a fully
4 permitted use pursuant to KRS 100.237.

5 (5) The cabinet shall promulgate administrative regulations in accordance with KRS
6 Chapter 13A to establish the process and procedures to allow certified family
7 child-care home providers to:

8 (a) Receive payments from the cabinet for children enrolled who are
9 participating in the CCAP operated by the cabinet utilizing federal funds
10 under the Child Care and Development Fund, in accordance with 45 C.F.R.
11 pt. 98;

12 (b) Apply as an individual applicant for the CCAP operated by the cabinet
13 utilizing federal funds under the Child Care and Development Fund, in
14 accordance with 45 C.F.R. pt. 98, for his or her children who are enrolled at
15 his or her certified family child-care home so long as the provider applicant
16 is serving at least three (3) children who are not the children, siblings,
17 stepchildren, grandchildren, nieces, nephews, or children in legal custody of
18 the provider applicant; and

19 (c) Receive payments from the cabinet for his or her children who are enrolled
20 at his or her certified family child-care home if the provider applicant meets
21 the income guidelines of the CCAP and the requirements of paragraph (b)
22 of this subsection.