

1 HB440
2 186482-3
3 By Representatives McMillan, Faust, Shiver, Moore (B),
4 Beckman, Gaston, Bracy, Jackson, Clarke and Drummond
5 RFD: Children and Senior Advocacy
6 First Read: 04-APR-17

1
2 ENROLLED, An Act,

3 Relating to religious, faith-based, or church
4 nonprofit, other nonprofit, or for profit alternative boarding
5 schools, outdoor programs, or residential institutions that
6 house children for counseling, therapeutic, behavioral, or
7 educational purposes when on-site residency of children is
8 required for periods over 24 hours; to establish registration
9 and regulatory requirements; to establish accountability for
10 children enrolled at or housed by religious, or faith-based
11 facilities, institutions, and programs that house children for
12 periods of over 24 hours; to require an employee, volunteer,
13 or applicant for employment or a volunteer position to undergo
14 a criminal background investigation prior to having
15 unsupervised contact with children; to establish a provision
16 for fees and charges associated with the registration and
17 regulation of these facilities; and to prohibit the operation
18 of any youth residential facility, institution, or program in
19 the state under this act unless the entity holds a current
20 registration approval from the Department of Human Resources.
21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall be known and may be cited
23 as the Alabama Youth Residential Facility Abuse Prevention
24 Act.

1 Section 2. The Legislature finds that there is a
2 substantial need to protect children and youth from abuse and
3 neglect by persons entrusted with their physical custody, and
4 from persons or organizations that advertise, hold themselves
5 out, or lead others to believe that they will provide them
6 with health, therapeutic, rehabilitative, or disciplinary
7 services, and from persons employed or exercising authority
8 over them, and who they depend upon to provide the basic
9 necessities of life. The Legislature further finds that abuse
10 and neglect often take the form of the withholding of the
11 basic necessities of life, including food, water, shelter,
12 clothing, and health care through an affirmative act or
13 omission. It is the intent of the Legislature to implement a
14 baseline of registration and regulation requirements for
15 religious, faith-based, or church nonprofit, other nonprofit,
16 and for profit affiliated youth residential facilities and
17 institutions that have previously been exempt, and that
18 criminal penalties be imposed on any individual guilty of the
19 abuse or neglect of a child through an act or omission in
20 association with services provided by such an institution. The
21 Legislature further finds and declares the following:

22 (1) For several years, religious, faith-based, and
23 church nonprofit, other nonprofit, and for profit residential
24 affiliated facilities, institutions, and programs intended to
25 be a less restrictive option for treatment of children and

1 youth with substantial behavioral issues have been established
2 nationwide, with numerous allegations of abuse and neglect,
3 some resulting in death.

4 (2) There are currently religious, faith-based, or
5 church nonprofit, other nonprofit, and for profit affiliated
6 youth residential facilities, institutions, and programs
7 operating in Alabama that are exempt from registration and
8 regulation by the State Department of Human Resources.

9 (3) These facilities, institutions, and programs are
10 owned and operated by for profit, or nonprofit organizations
11 defined in Section 501(c)(3) of the Internal Revenue Code.

12 (4) These facilities, institutions, and programs
13 advertise, both in state and out of state, that they provide
14 services for youth with behavioral or other issues to
15 individuals who may feel they have no other option.

16 (5) Victims of abuse and neglect of these
17 organizations nationwide have formed organizations to expose
18 the trauma, abuse, and neglect they experienced while
19 residents at or in these institutions, facilities, and
20 programs.

21 (6) Students and youth subject to enrollment or
22 attendance of these facilities have experienced a host of
23 other problems associated with the trauma, abuse, and neglect
24 experienced at these institutions, facilities, and programs.

1 (7) There is a lack of accountability regarding the
2 existence and status of children that are enrolled in or
3 housed at these institutions and facilities being residents of
4 both this state and other states.

5 (8) The states reserve the power to establish and
6 enforce laws protecting the welfare, safety, and health of the
7 public.

8 (9) It is the duty of the Legislature to ensure
9 proper licensing and regulation of residential facilities for
10 the protection and care of all citizens.

11 (10) It is the intent of the Legislature that the
12 state require registration of religious, faith-based, or
13 church nonprofit, other nonprofit, and for profit residential
14 institutions, alternative boarding schools, and outdoor
15 programs that house or contain children or youth for a period
16 over 24 hours to provide counseling, therapeutic,
17 disciplinary, or educational services when long-term on site
18 residency of children is required.

19 Section 3. For the purposes of this act, the
20 following terms shall have the following meanings:

21 (1) CHILD. A person under the age of 18 years.

22 (2) COMMUNITY TREATMENT FACILITY FOR YOUTHS. A
23 religious, faith-based, or church nonprofit, other nonprofit,
24 or for profit youth residential facility that provides mental

1 health treatment services to children in a group setting and
2 that has the capacity to provide secure containment.

3 (3) DEPARTMENT. The State Department of Human
4 Resources.

5 (4) DIRECTOR. The Director of the State Department
6 of Human Resources.

7 (5) LONG TERM YOUTH RESIDENTIAL FACILITY. A
8 religious, faith-based, or church nonprofit, other nonprofit,
9 or for profit long term residential facility, group care
10 facility, or similar facility as determined by the director,
11 providing 24-hour nonmedical care of youth in need of personal
12 services, supervision, or assistance essential for sustaining
13 the activities of daily living or for the protection of the
14 child and others and that has the capacity to provide secure
15 containment.

16 (6) PRIVATE ALTERNATIVE BOARDING SCHOOL. A
17 religious, faith-based, or church nonprofit, other nonprofit,
18 or for profit group home that provides children with 24-hour
19 residential care and supervision, which, in addition to
20 providing educational services, provides, or holds itself out
21 as providing, behavioral-based services to youth with social,
22 emotional, or behavioral issues and that has the capacity to
23 provide secure containment.

24 (7) PRIVATE ALTERNATIVE OUTDOOR PROGRAM. A
25 religious, faith-based, or church nonprofit, other nonprofit,

1 or for profit group home or residential facility that provides
2 children with 24-hour residential care and supervision, which
3 provides, or holds itself out as providing, behavioral-based
4 services in an outdoor living setting to children with social
5 or behavioral issues and that has the capacity to provide
6 secure containment or prohibits children from freely leaving
7 the area of operations for the program.

8 (8) RESTRICTIVE BEHAVIOR PRACTICES. Any
9 institutional practice or procedure that involves assisting a
10 child in gaining control of his or her behavior, protects a
11 child from self-harm, protects other children or staff
12 members, or prevents the destruction of property.

13 (9) YOUTH SOCIAL REHABILITATION FACILITY. A
14 religious, faith-based, or church nonprofit, other nonprofit,
15 or for profit residential facility that provides 24-hour
16 nonmedical social rehabilitation services in a group setting
17 to children recovering from mental illness or substance abuse
18 who are in need of temporary assistance, guidance, or
19 counseling and that has the capacity to provide secure
20 containment.

21 (10) YOUTH TRANSITIONAL CARE FACILITY. A religious,
22 faith-based, or church nonprofit, other nonprofit, or for
23 profit group care facility that provides 24-hour nonmedical
24 care of children in need of professional services,
25 supervision, or assistance essential for sustaining the

1 activities of daily living or for the protection of the
2 individual or others and that have the capacity to provide
3 secure containment.

4 Section 4. (a) Commencing on January 1, 2018, the
5 department shall register any religious, faith-based, or
6 church nonprofit, other nonprofit, or for profit affiliated
7 youth residential facility, youth social rehabilitation
8 facility, community treatment facility for youths, youth
9 transitional care facility, long term youth residential
10 facility, private alternative boarding school, private
11 alternative outdoor program, and any organization entrusted
12 with the residential care of children in any organizational
13 form or combination defined by this section, whenever children
14 are housed at the facility or location of the program for a
15 period of more than 24 hours. At a minimum, registered youth
16 residential institution or organization under this section
17 shall do all of the following:

18 (1) Be owned and operated on a for profit or
19 nonprofit basis.

20 (2) Prepare and maintain a current, written plan of
21 operation, as defined by the department.

22 (3) Offer 24-hour, nonmedical care and supervision
23 to youth who are voluntarily admitted by a parent or legal
24 guardian, or referred by a court.

25 (4) Admit only children 12 years of age or older.

1 (5) Provide written notification on a standard form
2 to the department or local county Department of Human
3 Resources office where the facility is located within 48 hours
4 of the arrival, enrollment, or admittance of any child to the
5 institution, facility, or program as directed by the
6 department.

7 (6) Have a ratio of one staff person to every four
8 youths.

9 (7) Provide each prospective youth and his or her
10 parent or legal guardian with an accurate written description
11 of the programs and services to be provided while the child is
12 a resident at the facility. If it advertises or promotes
13 special care, programs, or environments for persons with
14 behavioral, emotional, substance abuse, or social challenges,
15 the written description shall include how its programs and
16 services are intended to achieve the advertised or promoted
17 claims.

18 (8) Ensure that all individuals providing mental
19 health or behavioral-based services to youth at the facility
20 are licensed or certified by the appropriate agency,
21 department, or accrediting body, as specified by the
22 department through agency rules.

23 (9) Prepare and implement a comprehensive health
24 plan to ensure that each medical, dental, mental health, and

1 other health needs of the child are met adequately and
2 promptly.

3 (10) Explain its disciplinary practices individually
4 with each child at the time the child is placed or enrolled in
5 the institution, facility, or program.

6 (11) Obtain written consent for the use of any
7 restrictive behavior management practice from the parents or
8 legal guardian of the child.

9 (12) Not use secure containment or manual or
10 mechanical restraints.

11 (13) Not allow the performance of any acts, tactics,
12 techniques, or procedures for purposes of abusing,
13 humiliating, degrading, isolating, or ostracizing a child from
14 other children located or housed at the institution, facility,
15 or program by any staff member or child.

16 (14) Not utilize restrictive behavior management
17 practices as a means of punishment, for the convenience of
18 staff members, or as a substitute for a treatment program.

19 (15) Ensure that each child is provided with three
20 nutritious meals daily, either at the institution, facility,
21 program operations site itself, or in the community.

22 (16) Select, store, prepare, and serve food in a
23 sanitary and palatable manner.

24 (17) Ensure that every child is afforded the
25 opportunity to participate freely in religious activities and

1 or services in accordance with his or her own faith or with
2 that of his or her parents.

3 (18) Maintain a bond or liability insurance of no
4 less than five hundred thousand dollars (\$500,000) per
5 incident and show proof of the current status of the policy or
6 bond prior to registration by the department.

7 (19) Include its facility, institution, or program
8 registration number in all advertisements.

9 (20) Require that all employees of the facility or
10 program undergo a child abuse and neglect clearance and a
11 criminal background check prior to the approval of the
12 registration of the facility or program and require that all
13 employees obtain a criminal background check and child abuse
14 and neglect clearance annually thereafter.

15 (21) Ensure that prior to employment, residence, or
16 initial presence in the facility, institution, or with the
17 program, all employees undergo a criminal background check.

18 (22) Maintain a smoke free environment in all
19 buildings on the facility, institution, or program premises
20 and in all vehicles used to transport children.

21 (23) Obtain a fire safety clearance approved by the
22 local fire authority.

23 (24) If it offers access to, or holds itself out as
24 offering access to, mental health services, ensure that those
25 services are provided by a licensed mental health provider.

1 (25) If it advertises or includes in its marketing
2 materials reference to providing alcohol or substance abuse
3 treatment, ensure that the treatment is provided by a licensed
4 or certified alcoholism or drug abuse recovery or treatment
5 facility.

6 (26) Not admit a child who has been assessed by a
7 licensed mental health professional as seriously emotionally
8 disturbed, unless the child does not require care in a
9 licensed health facility and the State Department of Mental
10 Health has certified that the facility houses a program that
11 meets the standards to provide mental health treatment
12 services for a child having a serious emotional disturbance,
13 as defined in Rule 290-8-9 of the Alabama Administrative Code.

14 (27) Immediately provide a written report on a
15 standard form to the department and law enforcement agency of
16 all fatalities and accidents requiring hospitalization or
17 medical care by a physician occurring at the facility,
18 institution, or program.

19 (28) Prohibit any staff member or child to possess
20 any firearms, harmful chemicals, or other weapons within or on
21 the grounds of the institution, facility, or program.

22 (b) Submit a staff training plan to the department
23 as part of its plan of operation. In addition to the training
24 required of facility, institutional, or program staff, the

1 staff training plan shall include, but not be limited to,
2 training in all of the following subject areas:

3 (1) Children's rights, as described in subsection
4 (c).

5 (2) Physical and psycho-social needs of youth.

6 (3) Appropriate responses to emergencies, including
7 an emergency intervention plan.

8 (4) Laws and regulations pertaining to residential
9 care and housing facilities for children.

10 (c)(1) Any child that is enrolled in or a resident
11 of a religious, faith-based, or church nonprofit, other
12 nonprofit, or for profit affiliated youth residential
13 facility, youth social rehabilitation facility, community
14 treatment facility for youths, youth transitional care
15 facility, long term youth residential facility, private
16 alternative boarding school, private alternative outdoor
17 program, and any organization entrusted with the residential
18 care of children in any organizational form or combination
19 defined by this section shall be afforded the following rights
20 and any other rights adopted by the department through rule,
21 which shall be publicly posted and accessible to youth:

22 a. To be afforded dignity in his or her personal
23 relationships with staff, youth, and other persons.

24 b. To live in a safe, healthy, and comfortable
25 environment where he or she is treated with respect.

1 c. To be free from physical, sexual, emotional, or
2 other abuse or corporal punishment.

3 d. To be granted a reasonable level of personal
4 privacy in accommodations, personal care and assistance, and
5 visits.

6 e. To confidential care of his or her records and
7 personal information, and to approve release of those records
8 prior to the release of them, except as otherwise authorized
9 or required by law.

10 f. To care, supervision, and services that meet his
11 or her individual needs and that are delivered by staff who
12 are sufficient in numbers, qualifications, and competency to
13 meet his or her needs and ensure his or her safety.

14 g. To be served food and beverages of the quality
15 and in the quantity necessary to meet his or her nutritional
16 and physical needs.

17 h.1. To present grievances and recommend changes in
18 policies, procedures, and services to the facility's staff,
19 management, and governing authority, or any other person
20 without the possibility of restraint, coercion,
21 discrimination, reprisal, threat, or other retaliatory
22 actions.

23 2. To have the registered entity take prompt actions
24 to respond to grievances presented pursuant to subparagraph 1.

1 i. To be able to contact parents or legal guardians,
2 including visits and scheduled and unscheduled private
3 telephone conversations, written correspondence, and
4 electronic communications, unless prohibited by court order.

5 j. To be fully informed, as evidenced by the youth's
6 written acknowledgment, prior to, or at the time of, arrival
7 or admission to the facility, institution, or program, of the
8 rules governing the youth's rights, conduct, and
9 responsibilities.

10 k. To receive in the admission agreement information
11 that details the planned programs and services for the youth.

12 l. To have his or her parents or legal guardians
13 remove him or her from the facility at any time unless
14 prevented from doing so by a court order.

15 m. To consent to have visitors or telephone calls
16 during reasonable hours, privately and without prior notice,
17 if the visitors or telephone calls do not disrupt planned
18 activities and are not prohibited by court order or by the
19 youth's parent or legal guardian.

20 n. To be free of corporal punishment, excessive
21 medication, physical restraints of any kind, and deprivation
22 of basic necessities, unnecessary seclusion including
23 education, as a punishment, deterrent, or incentive.

24 o. To be afforded the opportunity to enroll in, make
25 progress toward, and complete a program leading to a General

1 Education Development Certificate or other high school diploma
2 equivalent upon being housed or located at the facility,
3 institution, or program for a period of more than 30 days.

4 p. To have fair and equal access to all available
5 services, placement, care, treatment, and benefits and to not
6 be subjected to discrimination or harassment on the basis of
7 actual or perceived race, ethnic group identification,
8 ancestry, national origin, color, religion, sex, mental or
9 physical disability, or physical condition.

10 q. To be free from abusive, humiliating, degrading,
11 or traumatizing actions.

12 r. To be free to attend religious services of their
13 choice.

14 s. Any other rights the department adopts by rule;
15 however, the department is not responsible or liable for
16 violation of the above rights, including acts or omissions by
17 facility employees.

18 (2) This section shall not apply to any facility
19 administered, operated, licensed, or certified by the State
20 Department of Education, Department of Corrections, Department
21 of Youth Services, the Military Department, state recognized
22 military academies, institutes, or boot camps, the Alabama
23 School of Mathematics and Science, Alabama School of Fine
24 Arts, any state school for the deaf or blind, or any other
25 governmental entity or to a school that does not require

1 residency as requirement for services provided. This section
2 further shall not apply to outdoor activities for youth
3 designed to be primarily recreational or for entertainment,
4 including, but not limited to, any camp inspected and
5 permitted by the Alabama Department of Public Health,
6 activities organized by Boy Scouts, Girl Scouts, Camp Fire, or
7 other similar church sponsored organizations, or any camp
8 exclusively serving children with a medical diagnosis for a
9 physical condition or illness, or any runaway or homeless
10 shelter, or any similar place that supplies room and or board
11 only, provided that the resident is free to leave that
12 facility by his or her own volition at any time.

13 (3) The Department of Public Health shall regularly
14 license and inspect the food preparation areas of the
15 facilities under this statute for health and safety purposes.

16 (4) Law enforcement agencies shall have access to
17 the private property of the facilities under this statute in
18 furtherance of their duties to investigate abuse or neglect,
19 or for any other lawful purpose.

20 Section 5. (a) Any employee, volunteer, or applicant
21 for employment or for a volunteer position at or with any
22 religious, faith-based, or church nonprofit, other nonprofit,
23 or for profit affiliated youth residential facility, youth
24 social rehabilitation facility, community treatment facility
25 for youths, youth transitional care facility, long term youth

1 residential facility, private alternative boarding school,
2 private alternative outdoor program, and any organization
3 entrusted with the residential care of children or youth in
4 any organizational form or combination thereof defined by this
5 section, or as defined by the department, shall be subject to
6 a criminal background investigation prior to having
7 unsupervised contact with the children in accordance with
8 subdivision (1) of subsection (a) of Section 38-13-3, Code of
9 Alabama 1975.

10 Section 6. (a) (1) The department may charge a fee
11 for the registration. The fee may be set by rule of the
12 department and may be based on the type of facility and the
13 capacity of the facility. After the initial registration
14 approval, the department may charge a renewal fee annually on
15 each anniversary of the effective date of the registration.
16 The fees are for the purpose of administering the registration
17 program and enforcing the requirements specified in this act
18 and shall be set accordingly.

19 (2) The department, at least every five years, shall
20 analyze initial application fees and annual fees issued by it
21 to ensure the appropriate fee amounts are charged.

22 (b) In addition to fees established by the
23 department, the department shall also charge the following
24 fees:

1 (1) A fee in the amount of 50 percent of the
2 established application fee when an existing registered entity
3 moves a facility to a new physical address.

4 (2) A fee in the amount of 50 percent of the
5 established application fee when a corporate registered entity
6 changes the person having the authority to select a majority
7 of the board of directors.

8 (3) A fee in the amount of fifty dollars (\$50) when
9 an existing registered entity seeks to either increase or
10 decrease the approved capacity of the facility.

11 (4) An orientation fee of fifty dollars (\$50) for
12 attendance by any individual at a department-sponsored
13 information or orientation session.

14 (5) A probation monitoring fee equal to the current
15 annual fee, in addition to the current annual fee for that
16 category and capacity for each year a registered entity has
17 been placed on probation as a result of an adjudication
18 pursuant to the Administrative Procedure Act, Chapter 22,
19 Title 41, Code of Alabama 1975.

20 (6) A late fee that represents an additional 50
21 percent of the established current annual fee when any
22 registered entity fails to pay the current annual registration
23 fee on or before the due date as indicated by postmark on the
24 payment.

1 (7) A fee to cover any costs incurred by the
2 department for processing payments including, but not limited
3 to, insufficient funds charges, charges for credit and debit
4 transactions, and postage due charges.

5 (8) A plan of correction fee of at least two hundred
6 dollars (\$200) when any registered entity does not implement a
7 plan of correction on or prior to the date specified by a
8 corrective action plan issued to it by the department.

9 (9) Additional fees established by the department by
10 rule as necessary to regulate registered entities for
11 institutions and organizations subject to this act.

12 (c) The revenues collected from registration fees
13 pursuant to this section shall be utilized by the department
14 for the purpose of ensuring the health and safety of all
15 individuals provided care and supervision by entities
16 registered under this act and to support operations of the
17 registration program, including, but not limited to,
18 monitoring facilities for compliance with registration laws
19 and rules, and other administrative activities in support of
20 the registration program. The revenues collected shall be used
21 in addition to any other funds appropriated in the budget act
22 in support of the registration program. The department shall
23 adjust the fees collected pursuant to this section as
24 necessary.

1 (d) The failure of an applicant or registrant to pay
2 all applicable and accrued fees and civil penalties shall
3 constitute grounds for denial or forfeiture of registration
4 approval.

5 (e) Any fee or charge collected or any rule or
6 standard implemented by the department pursuant to this act
7 shall comply with the Alabama Administrative Procedure Act.

8 Section 7. (a) All youth residential facilities and
9 organizations under this section shall be subject to a
10 quarterly inspection by the department or its designee at a
11 minimum and shall be responsible for providing necessary
12 information as determined by the department to ensure the
13 safety and welfare of residents. All youth residential
14 facilities and organizations under this act shall provide at a
15 minimum the following to the department upon request:

16 (1) The names of all children currently enrolled,
17 registered, or housed at the facility or program.

18 (2) The names of all personnel currently employed or
19 contracted for employment for or at the facility, institution,
20 or program.

21 (3) The plan of operation, all written policies,
22 procedures, and standard practices.

23 (4) The child-to-staff ratios.

24 (5) The staff qualifications and proof of training.

1 (6) Proof of the implementation of childrens' needs
2 and services plan.

3 (7) A written fire evacuation and natural disaster
4 plan and maintain a record of routine drills of the plan.

5 (8) Proof of liability insurance with coverage of no
6 less than the amount specified in subsection 3(a) of this act.

7 (9) Proof of immunization against disease of all
8 children housed or contained at the facility or in the program
9 with proof of exemption of a child due to parental beliefs,
10 which exemption shall be permitted.

11 (b) All youth residential facilities and
12 organizations under this section shall inform the parents or
13 authorized guardian or adult representative of the child of
14 their rights including the following at a minimum:

15 (1) To enter and inspect the facility, institution,
16 or program as determined by law.

17 (2) To file a complaint against the registered
18 entity with the department without discrimination against the
19 parent or the child housed by or located at the facility or
20 program.

21 (3) To view the child's records associated with the
22 facility, institution, or program including treatment,
23 disciplinary, and other actions the department determines to
24 be vital to his or her situational awareness as a parent or
25 guardian.

1 (4) To review the registered entity's public file at
2 the appropriate department online site or physical location.

3 (5) To view the prominently displayed list of child
4 or youth rights associated with this act or those enumerated
5 per department rules.

6 (6) To view copies of any report that documents any
7 finding of noncompliance by the department.

8 (7) To view copies of any documentation issued to
9 the registered entity documenting the department's intent to
10 revoke the registration approval of the facility, institution,
11 or program.

12 Section 8. (a) On or before January 1, 2018, the
13 department shall adopt rules to implement this act, in
14 consultation with interested parties, including
15 representatives of any institution with any combination of
16 organizational characteristics defined by this section, former
17 residents of long-term youth residential facilities, advocates
18 for youth, and private concerned parties. Until rules are
19 adopted by the department and become effective any existing
20 child or youth residential organization, facility,
21 institution, boarding school, or program operating in this
22 state shall be governed by the rules applicable to residential
23 care facilities regulated by the Department of Human Resources
24 pursuant to published minimum standards for residential child
25 care facilities. Any institution, facility, or program subject

1 to this act, operating prior to January 1, 2018, shall comply
2 with the department's registration requirements on or before
3 July 1, 2017.

4 (b) The department may adopt emergency rules to
5 implement this section.

6 (c) The department shall have the authority to act
7 in loco parentis for any child covered under this section in
8 need of immediate health, welfare, protective, or other
9 critical services until that child's parent or guardian can be
10 contacted and is able to make those decisions in the interest
11 of the child.

12 (d) No religious, faith-based, or church nonprofit,
13 other nonprofit, or for profit affiliated youth residential
14 facility, youth social rehabilitation facility, community
15 treatment facility for youths, youth transitional care
16 facility, long term youth residential facility, private
17 alternative boarding school, private alternative outdoor
18 program, and any organization entrusted with the residential
19 care of children in any organizational form or combination
20 defined by this section may operate in this state without a
21 current registration approval from the department.

22 (e) Nothing in this section shall prohibit a
23 religious, faith-based, or church nonprofit, other nonprofit,
24 or for profit residential, rehabilitation, community
25 treatment, transitional care facility, or private alternative

1 boarding school or outdoor program that utilizes religious,
2 prayer, or spiritual means as the basis for its program or
3 services from providing those services in accordance with its
4 religious beliefs. Any such facility or program shall include
5 in its advertising that it bases its services or treatment on
6 religious principles. Such facility or program shall provide
7 to any applicant a detailed explanation of its faith-based
8 programs. Such facility or program may require participants to
9 participate in these programs, notwithstanding any other
10 provision of this chapter. This chapter shall not give the
11 department the authority to regulate or prohibit
12 religious-based treatment; provided, however, the treatment
13 shall not be used to violate or circumvent any of the other
14 requirements of this chapter related to the physical safety
15 and condition of any child or the condition of the facility.

16 (f) Nothing in this section shall prohibit a
17 religious, faith-based, or church nonprofit, other nonprofit,
18 or for profit residential, rehabilitation, community
19 treatment, or transitional care facility, or a private
20 alternative boarding school, or outdoor program that utilizes
21 religious, prayer, or spiritual means as the basis for its
22 services from providing those services in accordance with its
23 religious beliefs.

24 (g) Nothing in this section shall give the
25 department the authority to regulate or prohibit

1 religious-based treatment or services, provided that, the
2 treatment or services are not in violation of any requirements
3 of this section as it relates to the safety and welfare of
4 children.

5 (h) Nothing in this section shall be construed or
6 interpreted to authorize any state agency to license or
7 regulate a non-residential private, nonpublic, church or
8 nonprofit school offering instruction in grades K-12, or any
9 combination thereof, that houses or contains children or youth
10 for a period of less than 24 hours.

11 Section 9. This act shall not be interpreted to
12 supersede any other law requiring the reporting or
13 investigation of child abuse or neglect.

14 Section 10. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 04-MAY-17, as amended.

Jeff Woodard
Clerk

Senate

17-MAY-17

Passed