

1 HB324  
2 209597-4  
3 By Representative Lee  
4 RFD: Children and Senior Advocacy  
5 First Read: 04-FEB-21



1           "(2) CHILD-CARE INSTITUTION or INSTITUTION FOR CHILD  
2 CARE. A child-care facility where more than 10 children are  
3 received and maintained for the purpose of providing them with  
4 care or training or both, or transitional living program  
5 services, but does not include:

6           "a. Any institution for child care which is under  
7 the ownership or control, or both, of the State of Alabama, or  
8 which is operated or certified or licensed by another agency  
9 or department of the State of Alabama;

10          "b. Any juvenile detention home established and  
11 operated by the State of Alabama;

12          "c. Any bona fide boarding school in which children  
13 are primarily taught branches of education corresponding to  
14 those taught in public schools, grades 1 through 12, or taught  
15 in public elementary schools, high schools, or both elementary  
16 and high schools.

17          "(3) CHILD-PLACING AGENCY. A public or private  
18 child-care facility which receives, places, or arranges for  
19 the placement of any child or children in adoptive or foster  
20 family homes or other facilities for child care apart from the  
21 custody of the child's or children's parents. The term  
22 includes, but is not limited to, all agencies established and  
23 maintained by a municipality or other political subdivision of  
24 the State of Alabama to protect, guard, train, or care for  
25 children outside their own homes, but does not include any  
26 circuit court or juvenile court or any duly appointed juvenile

1 probation officer or youth counselor of the court who receives  
2 and places children under an order of the court.

3 "(4) DAY CARE CENTER. Any child-care facility  
4 receiving more than 12 children for daytime care during all or  
5 part of a day. The term includes, but is not limited to,  
6 facilities commonly called "child-care centers," "day  
7 nurseries," "nursery schools," "pre-kindergartens,"  
8 "preschools," "kindergartens," and "play groups," with or  
9 without stated educational purposes. The term further  
10 includes, but is not limited to, pre-kindergarten, preschool,  
11 kindergarten, or nursery schools or other daytime programs  
12 operated as a part of a private school and receiving children  
13 younger than lawful school age for daytime care for more than  
14 four hours a day, with or without stated educational purposes.  
15 The term does not include any of the following:

16 "a. Kindergartens or nursery schools or other  
17 daytime programs operated by public elementary systems or  
18 secondary level school units or institutions of higher  
19 learning.

20 "b. Kindergartens or nursery schools or other  
21 daytime programs, with or without stated educational purposes,  
22 operating no more than four hours a day and receiving children  
23 younger than lawful school age.

24 "c. Kindergartens or nursery schools or other  
25 daytime programs operated as a part of a private school and  
26 receiving children younger than lawful school age for four

1 hours a day or less, with or without stated educational  
2 purposes.

3 "d. Facilities operated for more than four hours a  
4 day in connection with a shopping center or service or other  
5 similar facility, where transient children are cared for  
6 temporarily while parents or custodians of the children are  
7 occupied on the premises or are in the immediate vicinity and  
8 readily available. The facilities shall meet local and state  
9 fire and health requirements.

10 "e. Any type of day care center that is conducted on  
11 federal government premises.

12 "f. Special activities programs for children of  
13 lawful school age including, but not limited to, athletics,  
14 crafts instruction, and similar activities conducted on an  
15 organized and periodic basis by civic, charitable, and  
16 governmental organizations, provided local and state fire and  
17 health requirements are met.

18 "(5) DAY CARE HOME. A child-care facility which is a  
19 family home and which receives not more than six children for  
20 care during the day.

21 "(6) DEPARTMENT. The Department of Human Resources  
22 of the State of Alabama.

23 "(7) FACILITY FOR CHILD CARE or CHILD-CARE FACILITY.  
24 A facility established by any person, group of persons,  
25 agency, association, or organization, whether established for  
26 gain or otherwise, who or which receives or arranges for care  
27 or placement of one or more children, unrelated to the

1 operator of the facility, apart from the parents, with or  
2 without the transfer of the right of custody, in any facility  
3 as defined in this chapter, established and maintained for the  
4 care of children.

5 "(8) FOSTER FAMILY HOME. A child-care facility in a  
6 residence of a family where the family receives a child or  
7 children, ~~unrelated to that family~~ whether related or not  
8 related to the family as the term "related" is defined in this  
9 section, for the purpose of providing family care or  
10 therapeutic family care and training, or transitional living  
11 program services on a full-time basis. The types of foster  
12 family homes are defined as follows:

13 ~~"a. Boarding home. A foster family home wherein the~~  
14 ~~foster family receives a child or children and receives~~  
15 ~~payment for their care. The number of children so received~~  
16 ~~shall not exceed six, unless the children are of common~~  
17 ~~parentage.~~

18 "a. Traditional foster family home. A child care  
19 facility in a residence of a family where the family receives  
20 a child or children, not related to that family as that term  
21 is defined in Section ~~12-15-301 (13)~~ 12-15-301 (14), for the  
22 purpose of providing family care and training on a full-time  
23 basis.

24 "b. Related foster family home. A foster family home  
25 wherein the family is related to the child by blood, marriage,  
26 or adoption within the fourth degree of kinship, including  
27 only a brother, sister, uncle, aunt, first cousin,

1 grandparent, great-grandparent, great aunt, great uncle,  
2 great-great grandparent, niece, nephew, grandniece,  
3 grandnephew, or a stepparent.

4 ~~"b. c.~~ Free home. A foster family home, whether  
5 related or not related as defined in Section ~~12-15-301 (13)~~  
6 12-15-301 (14), which does not receive payment for the care of  
7 a child or children and which may or may not receive the child  
8 or children for the purpose of adoption.

9 "d. Therapeutic foster family home. A child care  
10 facility in a residence of a family where the family receives  
11 a child or children for the purpose of providing therapeutic  
12 family care and training on a full-time basis.

13 "(9) GROUP DAY CARE HOME. A child-care facility  
14 which is a family home and which receives at least seven but  
15 no more than 12 children for care during part of the day where  
16 there are at least two adults present and supervising the  
17 activities.

18 "(10) GROUP HOME. A child-care facility where at  
19 least seven but not more than 10 children are received and  
20 maintained for the purpose of providing them with care or  
21 training, or both, or transitional living program services.

22 "(11) MATERNITY CENTER. A facility in which any  
23 person, agency, or corporation receives or cares for one or  
24 more minor pregnant girls, except that the term does not  
25 include hospitals.

26 "(12) NIGHT CARE FACILITY. A child-care facility  
27 which is a center or a family home receiving a child or

1 children for care during the night. The term includes the  
2 following:

3 "a. Nighttime center. A facility which is  
4 established to receive more than 12 children for nighttime  
5 care.

6 "b. Nighttime home. A family home which receives no  
7 more than six children for nighttime care.

8 "c. Group nighttime home. A child-care facility  
9 which is a family home which receives at least seven but no  
10 more than 12 children for nighttime care and where there are  
11 at least two adults present and supervising the activities.

12 "(13) RELATED. Any of the following relationships by  
13 blood, marriage, or adoption: Parent, grandparent, brother,  
14 sister, stepparent, stepbrother, stepsister, half brother,  
15 half sister, uncle or aunt, and their spouses.

16 "(14) TRANSITIONAL LIVING FACILITY. A child-care  
17 facility or program that is designed to give opportunities to  
18 practice independent living skills to eligible persons at  
19 least 16 years of age and under 21 years of age in foster care  
20 in a variety of residential settings with varying degrees of  
21 care and supervision."

22 Section 2. This act shall become effective on the  
23 first day of the third month following its passage and  
24 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Children and Se-  
nior Advocacy..... 04-FEB-21

Read for the second time and placed  
on the calendar..... 23-FEB-21

Read for the third time and passed  
as amended..... 09-MAR-21

Yeas 98, Nays 0, Abstains 0

Jeff Woodard  
Clerk