

## **IC 12-17.2-6**

### **Chapter 6. Regulation of Child Care Ministries**

#### **IC 12-17.2-6-1**

##### **Licensure of ministries**

Sec. 1. A child care ministry is exempt from licensure under this article if the child care ministry complies with this chapter. However, a child care ministry may apply for licensure. If a license is issued to the child care ministry, the child care ministry shall comply with state laws and rules governing licensure of the type of facility that the ministry operates.

*As added by P.L.1-1993, SEC.141.*

#### **IC 12-17.2-6-2**

##### **Operation of unlicensed ministries**

Sec. 2. An unlicensed child care ministry under section 1 of this chapter may not operate unless the child care ministry has registered with and met the requirements of the division and the division of fire and building safety. Registration forms shall be provided by the division and the division of fire and building safety.

*As added by P.L.1-1993, SEC.141. Amended by P.L.1-2006, SEC.193.*

#### **IC 12-17.2-6-3**

##### **Registration of licensed ministries**

Sec. 3. The operator of a licensed child care ministry under section 1 of this chapter shall register under section 2 of this chapter at least ninety (90) days before the expiration of the child care ministry's license or ninety (90) days before surrendering the license.

*As added by P.L.1-1993, SEC.141.*

#### **IC 12-17.2-6-4**

##### **Inspection of unlicensed ministries by division**

Sec. 4. (a) The division shall inspect a child care ministry registered under section 2 of this chapter to ensure that the child care ministry complies with the rules of the division adopted under IC 12-17.2-2-5(a).

(b) The division shall make an inspection described in subsection (a):

- (1) at least semiannually; and
- (2) additionally as determined necessary by the division, but not more than four (4) inspections per year per child care ministry.

*As added by P.L.1-1993, SEC.141. Amended by P.L.16-2006, SEC.6.*

#### **IC 12-17.2-6-5**

##### **Rules for fire prevention and inspection of unlicensed ministries**

Sec. 5. (a) As used in this section, "primary use of the building" means the occupancy classification that is:

- (1) most closely related to the intended use of the building; and
- (2) determined by the rules of the fire prevention and building

be placed in a conspicuous place in the child care ministry, and must be in substantially the following form:

"THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state rules concerning health and sanitation in child care ministries.

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DIVISION OF FAMILY RESOURCES

THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state law concerning fire safety and life safety.

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DIVISION OF FIRE AND BUILDING SAFETY".

*As added by P.L.1-1993, SEC.141. Amended by P.L.159-1995, SEC.3; P.L.1-2006, SEC.195; P.L.145-2006, SEC.104.*

#### **IC 12-17.2-6-7**

##### **Notice to parents and guardians by unlicensed ministries**

Sec. 7. The operator of a child care ministry registered under section 2 of this chapter shall provide a notice to the parent or guardian of a child enrolled in the child care ministry. The notice must be signed by the parent or guardian when the child is enrolled in the child care ministry and must be kept on file at the child care ministry until two (2) years after the last day the child attends the child care ministry. This notice must be maintained by the child care ministry and made available to the division upon request. The notice must be in the following form:

"I understand that this child care ministry is not licensed under the laws of Indiana. However, I understand that this child care ministry must comply with the state rules concerning sanitation and fire and life safety for the primary use of the structure in which it is conducted. I understand that it is my responsibility to ensure that the nutritional and health needs of my child are met while my child is at the child care ministry.

SIGNATURE \_\_\_\_\_".

*As added by P.L.1-1993, SEC.141.*

#### **IC 12-17.2-6-8**

##### **Liability for injuries to children**

Sec. 8. A child care ministry is not absolved from liability for injury to a child while the child is at the child care ministry if the cause of the injury is negligence or intentional wrongdoing on the part of the child care ministry or an employee of the child care ministry.

*As added by P.L.1-1993, SEC.141.*

#### **IC 12-17.2-6-9**

##### **Loss of exemption for violation of chapter**

Sec. 9. A child care ministry is not exempt under section 1 of this

SEC.106.

**IC 12-17.2-6-13**

**Registration fees of fire marshal**

Sec. 13. (a) The state fire marshal shall charge a child care ministry a fifty dollar (\$50) fee for processing a registration under section 2 of this chapter.

(b) The state fire marshal shall deposit the fees collected under subsection (a) in the fire and building services fund established by IC 22-12-6-1.

*As added by P.L.1-1993, SEC.141.*

**IC 12-17.2-6-14 Version a**

**National criminal history background check; individuals prohibited from employment or volunteering; meet certain requirements by July 1, 2014**

*Note: This version of section amended by P.L.287-2013, SEC.16. See also following version of this section amended by P.L.158-2013, SEC.179, effective 7-1-2014.*

Sec. 14. (a) The child care ministry must do the following:

(1) Subject to subsection (c), require, at no expense to the state, an employee or a volunteer who has direct contact with a child who is receiving child care from the child care ministry to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation.

(2) Report to the division any:

- (A) police investigations;
- (B) arrests; and
- (C) criminal convictions;

of which the operator or director of the child care ministry is aware regarding an employee or volunteer described in subdivision (1).

(3) Refrain from employing, or allowing to serve as a volunteer, an individual who has direct contact with a child who is receiving child care from the child care ministry and who:

(A) has been convicted of a felony:

- (i) related to the health or safety of a child;
- (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- (iii) that is a dangerous felony; or
- (iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;

(B) has been convicted of a misdemeanor related to the health or safety of a child;

(C) has been convicted of a misdemeanor under IC 12-17.2-4-35 for operating a child care center without a license, or of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly

(xvi) A felony involving a weapon under IC 35-47 or IC 35-47.5.

(xvii) A felony relating to controlled substances under IC 35-48-4.

(xviii) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.

(xix) A felony that is substantially equivalent to a felony listed in items (i) through (xviii) for which the conviction was entered in another state.

(B) has been convicted of a misdemeanor related to the health or safety of a child; or

(C) is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33.

(3) Maintain records of each criminal history check.

*As added by P.L.1-1993, SEC.141. Amended by P.L.136-1993, SEC.22 and P.L.61-1993, SEC.12; P.L.124-2007, SEC.7; P.L.158-2013, SEC.179.*

#### **IC 12-17.2-6-15**

##### **Unscheduled visits by parents and guardians**

Sec. 15. Unscheduled visits by a custodial parent or guardian of a child shall be permitted at any time a child care ministry is in operation.

*As added by P.L.1-1993, SEC.141.*