

Members

Sen. Travis Holdman, Chairperson
Sen. Greg Taylor
Rep. Tim Wesco
Rep. Vanessa Summers
Cinda Kelley
Tracie Wells
Melanie Brizzi
Gregory N. Larkin, M.D.
Daniel Hasler
Jim Greeson
Tony Bennett
David McKee
Scott Sanders



COMMITTEE ON CHILD CARE

Legislative Services Agency
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Chris Baker, Fiscal Analyst for the Committee
Ann Naughton, Attorney for the Committee

Authority: IC 12-17.2-3.3

MEETING MINUTES¹

Meeting Date: October 29, 2012
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St., Rm.
431
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Sen. Travis Holdman, Chairperson; Sen. Greg Taylor; Rep. Tim Wesco; Rep. Vanessa Summers; Cinda Kelley; Tracie Wells; Melanie Brizzi; Jim Greeson; Ms. Jones for Tony Bennett; David McKee; Ms. Summers for Scott Sanders.

Members Absent: Gregory N. Larkin, M.D.; Daniel Hasler.

Chairman Senator Holdman called the meeting to order at 1:07 P.M. Chairman Holdman directed Legislative Services attorneys Ann Naughton and Allen Morford (on PD 3414) to go through each preliminary draft that had been prepared from Committee on Child Care (COCC) members' requests. The Chairman stated that the COCC would discuss taking action on each draft after the explanations and subsequent questions were completed.

Ms. Naughton provided the COCC members with a guideline for each draft. The guideline listed the major points of each draft (Please refer to the guidelines in whole as Exhibit A for additional information on what each draft does.)

The following preliminary drafts were introduced and discussed. A brief synopsis of each preliminary draft is included in these minutes. (Please see Exhibit A and the preliminary drafts themselves, exhibits B through P, for full details.)

¹ These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative> Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

PD 3400- (Exhibit B) This draft specifies requirements that must be met by a child care provider as a condition of eligibility to receive federal Child Care and Development Fund (CCDF) voucher payments. The draft sets forth a disciplinary process for suspension and revocation of CCDF eligibility.

Senator Taylor asked if this draft would grandfather in the provision requiring children age two and under to be on a ground-level floor with exits without stairs by 2015. Ms. Naughton answered yes.

Senator Taylor then asked if a ministry child care provider located in a church basement would have to do something with its walls. Ms. Naughton answered that would be the case if more than one child care operated in the same church building.

Fire Marshal Greeson then added it would depend on the fire rating and the number of layers of drywall used in the facility.

Representative Wesco had a question about the requirement within the draft on the safety of transportation for children under care. Ms. Naughton said the requirement for safe transportation is included on page 6, lines 36 and 37, of the draft.

Senator Taylor asked for an explanation of safe sleeping practices.

Melanie Brizzi answered that it primarily meant insuring that the child is sleeping on their back and that staff would have the proper training to insure safe sleep of children in their care.

Chairman Holdman asked if a ministry provider that became licensed would have to make structural changes under the draft in order to get CCDF.

Ms. Naughton answered yes. She also added that the draft would extend effective dates for structural changes and child-to-staff ratios. She said the fire safety provisions would be effective on July 1, 2013.

Ms. Jones asked for clarification regarding the meaning of the two-years-and-under exit provision to mean either out of the room where two years and younger aged children are or out of the building, itself.

Ms. Naughton answered she believed that the draft meant an exit out of the building.

Ms. Brizzi added that it would be read by the Bureau of Child Care as not a direct exit.

Fire Marshal Greeson said the provision was in the bill, because that two-year-old-and-under children cannot self-evacuate out of the building in case of fire.

Senator Taylor said there were a couple of problematic areas within this draft. He said he did not want to inhibit existing child care facilities from continuing to operate if the facility were in a church basement with steps. He said the phase-in was good with basement facilities, but he said there are good ministries out there that voluntarily do the other building requirements.

Chairman Holdman said he had concerns over the last three years of being on the Committee that he thought many churches were providing good service with their facilities. He said that he was afraid that a draft like PD 3400 would put some ministry providers out of business. He continued that parents with children attending a ministry child care provider could not afford an increase in tuition in order to make the structural changes required by the draft.

No action was taken on PD 3400.

PD 3401- (Exhibit C) This draft would require the Division of Family Resources to establish a Child Care Ministries Advisory Committee.

The draft was moved by Representative Wesco and seconded.

PD 3401 was adopted by the COCC by voice vote.

PD 3402- (Exhibit D) The draft amends the definition of "child care ministry". The draft also provides a one-year period during which a child care ministry that does not meet the proposed definition may make changes to continue in operation as a child care provider.

Representative Wesco stated that he thought it would be easy for an entity to meet the criteria required by the draft to qualify as a child care ministry.

Chairman Holdman stated that he thought the requirements of the draft would stop rogue operations from qualifying as a ministry child care provider simply by the definition of a federal 501(C)(3) taxpayer.

Chairman Holdman asked for a motion to adopt the draft. Senator Taylor made the motion. It was seconded by Representative Summers.

PD 3402 was adopted by the COCC by roll call vote (7-4).

PD 3403- (Exhibit E) The draft specifies requirements that must be met by a child care provider as a condition of eligibility to receive a CCDF voucher payment.

Senator Taylor asked if the physical exam for children attending a care provider with CCDF funding is more stringent than that for elementary school students. Ms. Naughton answered that the physical examination criteria are based on the State Department of Health's guidelines to see if their bodies are able to handle the environment of a child care provider and maintain immunization records on file.

Representative Summers asked if the physical examination was required by child care centers. The answer provided was not for a center with five or fewer children in their care.

Chairman Holdman asked for a motion to adopt PD 3403. Representative Wesco made the motion and was seconded by Senator Taylor.

PD 3403 was adopted by the COCC voice vote.

PD 3404- (Exhibit F) The draft would make consistent several health and safety requirements that apply to child care providers.

Senator Taylor and Representative Summers had questions regarding the care givers' exam and whether that requirement would apply to ministries.

Senator Holdman said in some portions under the bill, yes, the requirements would also apply to ministries.

Additional questions about the requirements of the physical exam for employees were raised.

Ms. Brizzi explained that the exam was only to determine if a potential employee was able to physically take care of children in a child care facility setting, plus a tuberculosis test.

After Chairman Holdman asked for a motion to move the draft, Senator Taylor made the motion and was seconded by Representative Summers.

PD 3404 failed to be adopted by roll call vote, due to a lack of enough aye votes by a majority of the COCC's members (6-5).

PD 3405- (Exhibit G) This draft makes consistent several health and safety requirements that apply to child care providers. (This draft was amended in committee to include a square footage requirement.) Ms. Naughton explained that this draft was very similar to PD 3404 but included a staff/child ratio requirement of either homes or centers.

PD 3405 as amended was defeated by roll call vote (5-6).

PD 3406- (Exhibit H) This draft requires a child care provider to use a curriculum approved by the Division of Family Resources as a condition of eligibility for CCDF voucher payments.

Chairman Holdman asked for a motion to move the draft. Senator Taylor moved the draft. Representative Summers seconded the motion.

PD 3406 was adopted by the COCC by voice vote.

PD 3407- (Exhibit I) This draft specifies health and safety requirements for registration of a child care ministry, including care-giver qualifications.

Chairman Holdman asked if PD 3407 was similar to PD 3404, except that CCDF providers would have additional regulations to meet.

Ms. Naughton answered that the two drafts were similar, but there were different requirements to receive CCDF.

Representative Summers made the motion to move the draft, seconded by Fire Marshal Greeson.

PD 3407 was adopted by the COCC by voice vote with one dissent.

PD 3414- (Exhibit J) This draft would establish "Paths To Quality" tax credits for certain child care facilities that provide quality child care. The draft would also provide tax credits to individual taxpayers that have dependent children attending a child care facility that qualifies for a tax credit.

Senator Taylor asked if this draft would have a fiscal impact.

Chairman Holdman answered that the draft would most likely go to Senate Tax and Fiscal Policy Committee during the session.

Chairman Holdman asked if the credits apply to 'for profit' providers only.

Mr. Morford replied that was correct.

Chairman Holdman asked if there was a fiscal impact statement available.

Mr. Morford said that essentially the draft was the same as a bill introduced from the prior year and that he had the fiscal impact statement for the prior year's bill. He then passed the fiscal impact statement out to the Committee members (Exhibit Q).

Senator Taylor read a portion from the impact statement. He said the fiscal stated that there would be \$29.3 M to \$43 M in lost revenue from last year.

The COCC did not formally adopt PD 3414. However, the COCC did endorse by voice vote, the concept of legislation that provides tax credits to families that use child care providers that are certified by Paths to Quality and to child care providers that make improvements to their child care programs and facilities to advance through the Paths to Quality certification levels. There was one dissent.

PD 3415- (Exhibit K) This draft requires the licensure as either a child care home or a child care center as criteria for eligibility for participation in the CCDF voucher program.

No action was taken on PD 3415 under the Chair's decision to hold the draft.

PD 3419- (Exhibit L) The draft would require care givers at certain child care providers to undergo a national criminal history background check.

Member Cinda Kelly moved the draft and Senator Taylor seconded the motion.

PD 3419 was adopted by the COCC by voice vote.

PD 3420- (Exhibit M) This draft specifies the staff educational requirements as a criteria for child care provider eligibility for participation in the CCDF voucher program.

Ms. Dianna Wallis, in public testimony, stated that educational training requirements can last up to 120 clock hours at a cost of \$325.

No action was taken on PD 3420 under the Chair's decision to hold the draft.

PD 3423- (Exhibit N) This draft specifies requirements that must be met by a child care provider as a condition of eligibility to receive a CCDF voucher payment.

Ms. Kelley asked which providers must have the 35-square-foot-per-child limit. She also asked what are the reasons for having it.

Ms. Brizzi replied that all child care centers and type-two licensed homes are required to maintain the square-foot limit. She said the reasons behind the limit include lower incidences of abuse, helps alleviate care giver stress, and reduces injuries from children being too close together.

Chairman Holdman asked for a motion to adopt PD 3423. Senator Taylor made the motion and was seconded by Representative Summers.

PD 3423 was adopted by the COCC by a roll call vote (9-2).

PD 3427- (Exhibit O) This draft would establish the "Paths to Quality" program rating system and would require the Division of Family Resources to adopt rules to administer the program. Additionally, the draft requires achievement of the first level of certification under the rating system as a minimum standard for eligibility for participation in the CCDF voucher program.

No action was taken on PD 3427 under the Chair's decision to hold the draft.

PD 3428- (Exhibit P) This draft specifies requirements that must be met by a child care provider as a condition of eligibility to receive a CCDF voucher payment. The draft also sets forth a disciplinary process for suspension or revocation of eligibility. Finally, the draft requires certain child care providers to obtain national criminal history background checks of individuals who are employed by or volunteer for a child care provider.

The draft was moved by Senator Taylor and seconded by Representative Summers.

PD 3428 was adopted by the COCC by a roll call vote (9-2).

Chairman Holdman directed Legislative Services staff member Chris Baker to distribute and go through the final report. Chairman Holdman then asked for a motion to adopt the final report with the changes made by the COCC during the meeting. The motion was made by Senator Taylor and seconded by Representative Wesco.

Chairman Holdman asked for a voice vote by the Committee. The final report was adopted by voice vote.

Chairman Holdman then thanked all members of the COCC and staff for their hard work during the interim. He said that he thought it was beneficial for the Committee to propose the ideas presented in the preliminary drafts. He said that they are doing it all for the kids.

With no further business to come before the COCC, Chairman Holdman adjourned the meeting at 4:04 P.M.

PD 3400

Summary of Substantive Provisions

- CCDF provider is not eligible if:
 - convicted of welfare fraud
 - has had revocation of eligibility during preceding 2 years
 - have child care home or child care center license subject to enforcement
- CCDF provider - food, health, safety, and sanitation rules, including:
 - July 1, 2014, bathroom and handwashing
 - safe grounds conditions
 - maximum capacity limits
 - nutrition
 - daily activities
 - July 1, 2014, safe transportation vehicles
- CCDF caregivers - safe sleep practices for children less than 12 months
- CCDF July 1, 2015, child/staff ratios same as:
 - licensed homes for 16 or fewer children
 - licensed centers for more than 16 children
- CCDF provider discipline policy and unscheduled parent visits
- CCDF caregivers:
 - minimum age 14 years with supervision of caregiver at least 18 years old
 - July 1, 2014:
 - 12 hours continuing education on child development and care
 - formal orientation
 - child abuse detection and prevention training
 - early learning training
 - documentation of training
- CCDF telephone compatible with auto time and attendance
- CCDF - July 1, 2015, room with children 2 years old and under - 1 exit without stairs
- CCDF fire safety:
 - 16 or fewer children - child care home egress and smoke detectors
 - more than 16 children - building rules and safety rules
 - more than 1 facility in 1 structure - 2 hour fire resistance walls between and meet standards individually
- CCDF safe environment:
 - Medications and other items under rules inaccessible

- transportation with written permission, 18 yo driver with driver's license and licensed and insured vehicle

- CCDF - reporting child abuse or neglect to DCS, DFR, law enforcement
 - notice of injury, death, emergency of child
- CCDF - DFR list of emergency violations and process
 - DFR suspension, revocation, reinstatement of eligibility processes
 - DCS notices concerning child abuse or neglect reports

PD 3401

Summary of Substantive Provisions

- DFR establishment of child care advisory committee for child care ministries

PD 3402

Summary of Substantive Provisions

- "Child care ministry" defined independent of Internal Revenue Code:
 - Religious organization with:
 - recognized creed and worship, place of worship, regular congregation and services
 - principal purpose to study or advance religion
 - net earnings don't inure to private individual or shareholder

- Allows until July 1, 2014, to conform to definition or become licensed

PD 3403

Summary of Substantive Provisions

- CCDF provider must have:
 - drinking water from source other than bathroom
 - compliance with food, health, safety, and sanitation rules, including:
 - licensing requirements for:
 - child care homes if 16 or fewer children
 - child care centers if more than 16 children
 - availability of toilets and sinks, handwashing after diaper change, nutritionally balanced meals and snacks, food service sanitation, sound neat and sanitary premises
 - discipline policy of which DFR must investigate alleged violation
- CCDF caregiver:
 - high school diploma or equiv
 - at least 18 years of age
 - child abuse and neglect training
 - documentation maintenance
- CCDF child:
 - signed statement of physical exam and may participate in care, listing of allergies, medications, chronic health conditions - annual updates

PD 3404

Summary of Substantive Provisions

- DFR adoption of rules for registration, inspection of child care ministries, in consultation with Fire Marshall and ISDH
- Prohibits CCDF eligibility if child care home or child care center subject to enforcement action
- CCDF provider - appropriate nutrition and drinking water
- CCDF, child care home, child care center, child care ministry caregiver:
 - physical exam within 30 days
 - child abuse and neglect training
 - 18 years old or continuous supervision by 18 yo caregiver
 - universal precautions training
- CCDF provider or director national criminal history background checks
- CCM immunization requirements in conformity with CCDF and licensed centers and homes
- CCM operator or director national criminal history background check and violations consistent with child care homes, centers and CCDF.
- CCM drug testing consistent with CCH, CCC, CCDF.
- CCM :
 - 1 telephone and emergency contacts for children
 - appropriate nutrition and drinking water
 - 1 exit without passage through hazardous materials, not window, not blocked, operable from inside without key or knowledge
 - monthly fire drills with evacuation and documentation
 - fire extinguisher on each floor and kitchen
 - firearms and ammunition and poisons inaccessible
 - smoke detectors consistent with type of facility (home or center)
 - hot and cold running water
 - at least 1 adult with CPR certification
 - caregivers first aid training
 - continuous supervision
- DFR - probationary registration, list of violations immediate threat and process, notice requirements, hearing, corrective action, reinstatement, revocation, denial or issuance of registration, investigation of alleged unregistered CCM, DCS notice and investigation of alleged child abuse or neglect etc., consistent with CCH and CCC licensure.

PD 3405

Summary of Substantive Provisions

- DFR adoption of rules for registration, inspection of child care ministries, in consultation with Fire Marshall and ISDH
- Prohibits CCDF eligibility if child care home or child care center subject to enforcement action
- CCDF provider - appropriate nutrition and drinking water
- CCDF, child care home, child care center, child care ministry caregiver:
 - physical exam within 30 days
 - child abuse and neglect training
 - 18 years old or continuous supervision by 18 yo caregiver
 - universal precautions training
- CCDF provider or director national criminal history background checks
- CCM immunization requirements in conformity with CCDF and licensed centers and homes
- CCM operator or director national criminal history background check and violations consistent with child care homes, centers and CCDF.
- CCM drug testing consistent with CCH, CCC, CCDF.
- CCM :
 - 1 telephone and emergency contacts for children
 - appropriate nutrition and drinking water
 - 1 exit without passage through hazardous materials, not window, not blocked, operable from inside without key or knowledge
 - monthly fire drills with evacuation and documentation
 - fire extinguisher on each floor and kitchen
 - firearms and ammunition and poisons inaccessible
 - smoke detectors consistent with type of facility (home or center)
 - hot and cold running water
 - at least 1 adult with CPR certification
 - caregivers first aid training
 - continuous supervision
 - child staff ratios consistent with licensed CCH and CCC
- DFR - probationary registration, list of violations immediate threat and process, notice requirements, hearing, corrective action, reinstatement, revocation, denial or issuance of registration, investigation of alleged unregistered CCM, DCS notice and investigation of

alleged child abuse or neglect etc.. consistent with CCH and CCC licensure.

PD 3406

Summary of Substantive Provisions

- CCDF provider must use DFR approved curriculum for each child

PD 3407

Summary of Substantive Provisions

- CCM immunization requirements consistent with CCH and CCC
- CCM drug testing requirements consistent with CCH and CCC
- CCM must have:
 - 1 telephone and available emergency contact information for children
 - appropriate nutrition and drinking water
 - 2 exits that aren't blocked, no passage through hazardous materials, not windows, different sides of building, don't require key or special knowledge
 - inaccessible firearms, ammunition, poisons, etc
 - hot and cold running water
 - discipline policy of which DFR must investigate alleged violations
- CCM caregiver:
 - physical exam within 30 days of employment
 - child abuse and neglect training
 - 18 years old or continuous supervision by 18 year old caregiver
 - high school diploma or equiv
 - annual TB testing
 - documentation maintained
- Continual supervision by caregiver

PD 3414

Summary of Substantive Provisions

- Establishes paths to quality tax credits for child care facilities and individual taxpayers.
- Provides that an individual is entitled to a tax credit for each dependent that attends a qualified child care facility that receives a rating of at least level 2 on ptq.
- Taxpayer refundable tax credit for eligible business and employer child care expenses.
 - (A) Credit is a percentage of eligible expenses (max is 20% for level 4 facility).
 - (B) Eligible expenses include expenses up to maximum of \$50,000; and include
 - (1) construction, renovation, expansion of child care facility
 - (2) maintenance and operation expenses
 - (3) purchase of equipment
 - (4) employer payments on behalf of employee (max. \$5,000 per student)
- Child care facility refundable tax credit for CCDF or foster care.
- Amount of credit based on quality rating and monthly average number of children in CCDF.
- DFR adopt paths to quality rules.

PD 3415

Summary of Substantive Provisions

- Requires licensure as a child care home or child care center as the sole criteria for CCDF eligibility

PD 3419

Summary of Substantive Provisions

- Requires national criminal history background checks for all applicants and providers, and employee and volunteer caregivers as a requirement for CCDF participation, child care home licensure, child care center licensure, and child care ministry registration eligibility

PD 3420

Summary of Substantive Provisions

- CCDF caregiver:
 - high school diploma or equiv
 - education and training required of child care center caregiver
- CCDF provider director, not later than July 1, 2016, or 3 years after becoming director, must have child development credential

PD 3423

Summary of Substantive Provisions

- CCDF provider:
 - child/staff ratios and equipment:
 - if 16 or fewer children, same as licensed child care home
 - if more than 16 children, same as licensed child care center
 - child occupancy not more than 1 child per 35 square feet of floor
 - appropriate nutrition
 - appropriate discipline

PD 3427

Summary of Substantive Provisions

- Establishes paths to quality rating system
- Requires at least level 1 in paths to quality for CCDF eligibility

PD 3428

Summary of Substantive Provisions

- CCDF provider is not eligible if:
 - convicted of welfare fraud
 - has had revocation of eligibility during preceding 2 years
 - have child care home or child care center license subject to enforcement
- CCDF provider - food, health, safety, and sanitation rules, including:
 - bathroom and handwashing
 - safe grounds conditions
 - maximum capacity limits
 - nutrition
 - daily activities
 - safe transportation vehicles
- CCDF caregivers - safe sleep practices for children less than 12 months
- CCDF child/staff ratios same as:
 - licensed homes for 16 or fewer children
 - licensed centers for more than 16 children
- CCDF provider discipline policy and unscheduled parent visits
- CCDF caregivers:
 - minimum age 14 years with supervision of caregiver at least 18 years old
 - 12 hours continuing education on child development and care
 - formal orientation
 - child abuse detection and prevention training
 - early learning training
 - documentation of training
- CCDF telephone compatible with auto time and attendance
- CCDF - July 1, 2016, room with children 2 years old and under - 1 exit without stairs
- CCDF fire safety - July 1, 2016:
 - 16 or fewer children - child care home egress and smoke detectors
 - more than 16 children - building rules and safety rules
 - more than 1 facility in 1 structure - 2 hour fire resistance walls between and meet standards individually
- CCDF safe environment:
 - Medications and other items under rules inaccessible
 - transportation with written permission, 18 yo driver with driver's license and

licensed and insured vehicle

- CCDF national criminal history background check for provider, resident at least 18 years old, employee, volunteer
- CCDF - reporting child abuse or neglect to DCS, DFR, law enforcement
 - notice of injury, death, emergency of child
- CCDF - DFR list of emergency violations and process
 - DFR suspension, revocation, reinstatement of eligibility processes
 - DCS notices concerning child abuse or neglect reports
- National criminal history background checks for employees and volunteers of licensed child care centers, licensed child care home, child care ministry, and residents at least 18 years old of child care homes. CCM violations consistent with homes and centers.



PRELIMINARY DRAFT
No. 3400

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 4-21.5-2-6; IC 12-7-2-149.1; IC 12-17.2.

Synopsis: Child care and development fund. Specifies requirements that must be met by a child care provider as a condition of eligibility to receive a federal Child Care and Development Fund voucher payment. Sets forth a disciplinary process for suspension or revocation of eligibility.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.219-2007,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 6. This article does not apply to the formulation,
4 issuance, or administrative review (but does apply to the judicial
5 review and civil enforcement) of any of the following:

6 (1) Except as provided in **IC 12-17.2-3.5-17**, IC 12-17.2-4-18.7,
7 and IC 12-17.2-5-18.7, determinations by the division of family
8 resources and the department of child services.

9 (2) Determinations by the alcohol and tobacco commission.

10 (3) Determinations by the office of Medicaid policy and planning
11 concerning recipients and applicants of Medicaid. However, this
12 article does apply to determinations by the office of Medicaid
13 policy and planning concerning providers.

14 SECTION 2. IC 12-7-2-149.1, AS AMENDED BY P.L.143-2011,
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 149.1. "Provider" means the following:

17 (1) For purposes of IC 12-10-7, the meaning set forth in
18 IC 12-10-7-3.

19 (2) For purposes of the following statutes, an individual, a
20 partnership, a corporation, or a governmental entity that is
21 enrolled in the Medicaid program under rules adopted under
22 IC 4-22-2 by the office of Medicaid policy and planning:

23 (A) IC 12-14-1 through IC 12-14-9.5.

24 (B) IC 12-15, except IC 12-15-32, IC 12-15-33, and
25 IC 12-15-34.

26 (C) IC 12-17.6.

27 (3) Except as provided in ~~subdivision~~ **subdivisions (4) and (6)**,
28 for purposes of IC 12-17.2, a person who operates a child care
29 center or child care home under IC 12-17.2.

30 (4) For purposes of IC 12-17.2-3.5, a person that:

31 (A) provides child care; and



1 (B) is directly paid for the provision of the child care under the
2 federal Child Care and Development Fund voucher program
3 administered under 45 CFR 98 and 45 CFR 99.

4 The term does not include an individual who provides services to
5 a person described in clauses (A) and (B), regardless of whether
6 the individual receives compensation.

7 (5) For purposes of IC 12-21-1 through IC 12-29-2, an
8 organization:

- 9 (A) that:
 - 10 (i) provides mental health services, as defined under 42
 - 11 U.S.C. 300x-2(c);
 - 12 (ii) provides addiction services; or
 - 13 (iii) provides children's mental health services;

14 (B) that has entered into a provider agreement with the
15 division of mental health and addiction under IC 12-21-2-7 to
16 provide services in the least restrictive, most appropriate
17 setting; and

- 18 (C) that is operated by one (1) of the following:
 - 19 (i) A city, town, county, or other political subdivision of the
 - 20 state.
 - 21 (ii) An agency of the state or of the United States.
 - 22 (iii) A political subdivision of another state.
 - 23 (iv) A hospital owned or operated by a unit of government
 - 24 or a building authority that is organized for the purpose of
 - 25 constructing facilities to be leased to units of government.
 - 26 (v) A corporation incorporated under IC 23-7-1.1 (before its
 - 27 repeal August 1, 1991) or IC 23-17.
 - 28 (vi) An organization that is exempt from federal income
 - 29 taxation under Section 501(c)(3) of the Internal Revenue
 - 30 Code.
 - 31 (vii) A university or college.

32 **(6) For purposes of IC 12-17.2-2-10, the following:**

33 **(A) A person described in subdivision (4).**

34 **(B) A child care center licensed under IC 12-17.2-4.**

35 **(C) A child care home licensed under IC 12-17.2-5.**

36 SECTION 3. IC 12-17.2-2-1, AS AMENDED BY P.L.1-2009,
37 SECTION 105, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2013]: Sec. 1. The division shall perform the
39 following duties:

- 40 (1) Administer the licensing and monitoring of child care centers
- 41 or child care homes in accordance with this article.
- 42 (2) Ensure that a national criminal history background check of
- 43 the applicant is completed through the state police department
- 44 under IC 10-13-3-39 before issuing a license.
- 45 (3) Ensure that a criminal history background check of a child
- 46 care ministry applicant for registration is completed before



- 1 registering the child care ministry.
- 2 (4) Provide for the issuance, denial, suspension, and revocation of
- 3 licenses.
- 4 (5) Cooperate with governing bodies of child care centers and
- 5 child care homes and their staffs to improve standards of child
- 6 care.
- 7 (6) Prepare at least biannually a directory of licensees with a
- 8 description of the program capacity and type of children served
- 9 that will be distributed to the legislature, licensees, and other
- 10 interested parties as a public document.
- 11 (7) Deposit all license application fees collected under section 2
- 12 of this chapter in the division of family resources child care fund
- 13 established by IC 12-17.2-2-3.
- 14 (8) Require each child care center or child care home to record
- 15 proof of a child's date of birth before accepting the child. A child's
- 16 date of birth may be proven by the child's original birth certificate
- 17 or other reliable proof of the child's date of birth, including a duly
- 18 attested transcript of a birth certificate.
- 19 (9) Provide an Internet site through which members of the public
- 20 may obtain the following information:
- 21 (A) Information concerning violations of this article by a
- 22 licensed child care provider, including:
- 23 (i) the identity of the child care provider;
- 24 (ii) the date of the violation; and
- 25 (iii) action taken by the division in response to the violation.
- 26 (B) Current status of a child care provider's license.
- 27 (C) Other relevant information.
- 28 The Internet site may not contain the address of a child care home
- 29 or information identifying an individual child. However, the site
- 30 may include the county and ZIP code in which a child care home
- 31 is located.
- 32 (10) Provide or approve training concerning safe sleeping
- 33 practices for children to:
- 34 (A) a provider who operates a child care program ~~in the~~
- 35 ~~provider's home~~ as described in ~~IC 12-17.2-3.5-5.5(b);~~
- 36 **IC 12-17.2-3.5-5.5;** and
- 37 (B) a child care home licensed under IC 12-17.2-5;
- 38 including practices to reduce the risk of sudden infant death
- 39 syndrome.
- 40 SECTION 4. IC 12-17.2-2-10, AS AMENDED BY P.L.145-2006,
- 41 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2013]: Sec. 10. (a) The division may grant a variance or
- 43 waiver of a rule governing ~~child care centers; or child care homes: a~~
- 44 **provider**. A variance or waiver granted under this section must
- 45 promote statewide practices and must protect the rights of persons
- 46 affected by this article.



1 (b) The division may grant a variance to a rule if ~~an applicant for a~~
 2 ~~license or a licensee under this chapter~~ **provider** does the following:

3 (1) Submits to the division a written request for the variance in
 4 the form and manner specified by the division.

5 (2) Documents that compliance with an alternative method of
 6 compliance approved by the division will not be adverse to the
 7 health, safety, or welfare of a child receiving services from the
 8 applicant for the variance, as determined by the division.

9 (c) A variance granted under subsection (b) must be conditioned
 10 upon compliance with the alternative method approved by the division.
 11 Noncompliance constitutes the violation of a rule of the division and
 12 may be the basis for revoking the variance.

13 (d) The division may grant a waiver of a rule if ~~an applicant for a~~
 14 ~~license or a licensee under this chapter~~ **provider** does the following:

15 (1) Submits to the division a written request for the waiver in the
 16 form and manner specified by the division.

17 (2) Documents that compliance with the rule specified in the
 18 application for the waiver will create an undue hardship on the
 19 applicant for the waiver, as determined by the division.

20 (3) Documents that the applicant for the waiver will be in
 21 substantial compliance with the rules adopted by the division after
 22 the waiver is granted, as determined by the division.

23 (4) Documents that noncompliance with the rule specified in the
 24 application for a waiver will not be adverse to the health, safety,
 25 or welfare of a child receiving services from the applicant for the
 26 waiver, as determined by the division.

27 (e) Except for a variance or waiver of a rule governing child care
 28 homes, a variance or waiver of a rule under this section that conflicts
 29 with a building rule or fire safety rule adopted by the fire prevention
 30 and building safety commission is not effective until the variance or
 31 waiver is approved by the fire prevention and building safety
 32 commission.

33 SECTION 5. IC 12-17.2-3.5-1, AS AMENDED BY P.L.124-2007,
 34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2013]: Sec. 1. (a) This chapter applies to all child care
 36 providers regardless of whether a provider is required to be licensed or
 37 registered under this article. However, **except as provided in section**
 38 **4(b) of this chapter**, a child care provider that is licensed under
 39 IC 12-17.2-4 or IC 12-17.2-5 is considered to be in compliance with
 40 this chapter. ~~unless the child care provider is found to be in violation~~
 41 ~~of this chapter.~~

42 (b) If a school age child care program that is:

43 (1) described in IC 12-17.2-2-8(10); and

44 (2) located in a school building;

45 is determined to be in compliance with a requirement of this chapter by
 46 another state regulatory authority, the school age child care program is



1 considered to be in compliance with the requirement under this
2 chapter.

3 SECTION 6. IC 12-17.2-3.5-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A provider who:

5 (1) has been convicted of a:

6 (A) felony;

7 (B) misdemeanor related to:

8 (i) the health or safety of a child; or

9 (ii) **welfare fraud;**

10 (C) misdemeanor for operating a child care center without a
11 license under IC 12-17.2-4-35; or

12 (D) misdemeanor for operating a child care home without a
13 license under IC 12-17.2-5-35;

14 (2) ~~employs or otherwise~~ allows an individual who has been
15 convicted of a crime specified under subdivision (1) to:

16 (A) serve as a ~~caregiver to a child in an employee or~~
17 **volunteer in the facility where the provider's care; provider**
18 **operates a child care program;** or

19 (B) reside with the provider, if the provider operates a child
20 care program in the provider's home; or

21 (3) **has had a revocation of eligibility under this chapter**
22 **during the immediately preceding two (2) years; or**

23 ~~(4) fails to meet the requirements set forth in sections 5~~
24 ~~through 12.1~~ of this chapter;

25 is ineligible to receive a voucher payment.

26 (b) A provider whose:

27 (1) license under IC 12-17.2-4 or IC 12-17.2-5; or

28 (2) **compliance with this chapter;**

29 **is subject to an enforcement action is ineligible to receive a voucher**
30 **payment, regardless of whether the provider meets the**
31 **requirements of this chapter, until the outcome of any**
32 **administrative appeal under IC 4-21.5-5 reflects a final**
33 **determination that the provider's license or eligibility is in good**
34 **standing.**

35 SECTION 7. IC 12-17.2-3.5-4.1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.1. (a) This section
37 applies to the following:

38 (1) A provider, if the provider is an individual.

39 (2) If a provider operates a child care program in the provider's
40 home, an individual who resides with the provider and who is at
41 least eighteen (18) years of age.

42 (3) An individual who:

43 (A) is employed; or

44 (B) volunteers;

45 ~~as a caregiver~~ at the facility where a provider operates a child care
46 program.



1 (b) If information used by the division under ~~IC 31-33-17-6(7)~~
 2 **IC 31-33-26-16(a)(10) or obtained by the division under section 27**
 3 **of this chapter** indicates that an individual described in subsection (a)
 4 has been named as ~~an alleged~~ a perpetrator, the following are ineligible
 5 to receive a voucher payment:

6 (1) The individual.

7 (2) A provider in whose home the individual resides if the
 8 provider operates a child care program in the provider's home.

9 (3) A provider that:

10 (A) employs the individual; or

11 (B) allows the individual to volunteer;

12 ~~as a caregiver~~ at the facility where the provider operates a child
 13 care program.

14 SECTION 8. IC 12-17.2-3.5-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A provider shall
 16 have

17 ~~(1) working smoke detectors that meet the standards adopted by~~
 18 ~~rule for smoke detectors in licensed child care homes; and~~

19 ~~(2) hot and cold running water~~

20 in the area of the facility where the provider operates a child care
 21 program.

22 (b) A provider shall maintain compliance with food, health,
 23 safety, and sanitation standards as determined by the division
 24 under rules adopted by the division under section 15 of this chapter
 25 or in accordance with a variance or waiver approved by the
 26 division under IC 12-17.2-2-10.

27 (c) The food, health, safety, and sanitation standards adopted
 28 under subsection (b) must include standards governing the
 29 following:

30 (1) Not later than July 1, 2014, bathroom and handwashing.

31 (2) Safe conditions in and on the grounds.

32 (3) Maximum capacity limits for the number of children
 33 receiving care.

34 (4) Nutrition.

35 (5) Daily activities.

36 (6) Not later than July 1, 2014, safety of motor vehicles used
 37 to transport children.

38 SECTION 9. IC 12-17.2-3.5-5.5, AS AMENDED BY P.L. 162-2005,
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2013]: Sec. 5.5. (a) A provider shall ensure that a child in the
 41 provider's care is continually supervised by a caregiver.

42 (b) A provider who operates a child care program in the provider's
 43 home (including a child care home licensed under IC 12-17.2-5) and
 44 who receives a voucher payment under this chapter that cares for
 45 children who are less than twelve (12) months of age shall:

46 (1) complete the training course provided or approved by the



1 division under IC 12-17.2-2-1(10) concerning safe sleeping
2 practices; and

3 **(2) ensure that all caregivers of children who are less than**
4 **twelve (12) months of age follow safe sleeping practices.**

5 **(c) Not later than July 1, 2015, a provider that cares for:**

6 **(1) sixteen (16) or fewer children at a facility where the**
7 **provider operates a child care program shall maintain a ratio**
8 **of children to caregivers in the same proportions as the child**
9 **to staff ratios that are required for a child care home under**
10 **IC 12-17.2-5; and**

11 **(2) more than sixteen (16) children at a facility where the**
12 **provider operates a child care program shall maintain a ratio**
13 **of children to caregivers in the same proportions as the child**
14 **to staff ratios that are required for a child care center under**
15 **IC 12-17.2-4.**

16 SECTION 10. IC 12-17.2-3.5-7 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. **(a)** A provider shall
18 have written plans for notifying parents regarding the following:

19 (1) Illness, serious injury, or death of the provider.

20 (2) Care in an emergency.

21 (3) Emergency evacuation.

22 The plan required under subdivision (3) must be posted in a
23 conspicuous location in the facility where the provider operates a child
24 care program.

25 **(b) A provider shall:**

26 **(1) maintain a written child discipline policy;**

27 **(2) ensure that all employees and volunteers follow the child**
28 **discipline policy;**

29 **(3) provide the parent or legal guardian of each child cared**
30 **for by the provider a written copy of the child discipline**
31 **policy; and**

32 **(4) maintain in each child's file a copy of the child discipline**
33 **policy that has been signed by the parent or legal guardian**
34 **described in subdivision (3).**

35 **(c) A provider shall allow unscheduled visits by a parent or legal**
36 **guardian to a facility where the provider operates a child care**
37 **program during the hours the child care program is in operation.**

38 SECTION 11. IC 12-17.2-3.5-8 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. **(a)** At least one (1)
40 adult individual who maintains annual certification in a course of
41 cardiopulmonary resuscitation applicable to all age groups of children
42 cared for by a provider shall be present at all times when a child is in
43 the care of the provider.

44 **(b) The following apply to an individual who**

45 ~~(1)~~ is employed or

46 ~~(2)~~ volunteers



1 as a caregiver at a facility where a provider operates a child care
2 program:

3 **(1) The individual shall maintain current certification in first aid**
4 **applicable to all age groups of children cared for by the provider.**

5 **(2) If the individual is:**

6 **(A) at least eighteen (18) years of age, the individual may**
7 **act as a caregiver without supervision of another**
8 **caregiver; or**

9 **(B) less than eighteen (18) years of age, the individual may**
10 **act as a caregiver only if the individual:**

11 **(i) is at least fourteen (14) years of age; and**

12 **(ii) is, at all times when child care is provided, directly**
13 **supervised by a caregiver who is at least eighteen (18)**
14 **years of age.**

15 **(3) Not later than July 1, 2014, unless the provider is related**
16 **to all children in the care of the provider, the individual shall**
17 **annually receive at least twelve (12) hours of continuing**
18 **education approved by the division and related to the**
19 **development and care of children of the same age as the age**
20 **of children who receive care at the facility.**

21 **(4) Not later than July 1, 2014, before beginning employment**
22 **or volunteer duties, the individual must receive a formal**
23 **orientation to the facility and the child care program.**

24 **(5) Not later than July 1, 2014, not more than three (3)**
25 **months after the individual begins employment or volunteer**
26 **duties, the individual must receive training approved by the**
27 **division concerning child abuse detection and prevention.**

28 **(6) Not later than July 1, 2014, not more than three (3)**
29 **months after beginning employment or volunteer duties**
30 **caring for children who do not yet attend first grade, the**
31 **individual must receive training approved by the division**
32 **concerning the department of education's early learning**
33 **guidelines.**

34 **(c) Not later than July 1, 2014, a provider shall:**

35 **(1) maintain at the facility where the provider operates a child**
36 **care program documentation of all training required by this**
37 **section; and**

38 **(2) make the documentation available to the division upon**
39 **request.**

40 SECTION 12. IC 12-17.2-3.5-9 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. **(a)** A provider shall
42 have at least one (1) working telephone in each facility where the
43 provider operates a child care program.

44 **(b) The telephone required by subsection (a) must be compatible**
45 **with an automated time and attendance tracking system approved**
46 **by the division.**



1 SECTION 13. IC 12-17.2-3.5-10 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) A facility where
 3 a provider operates a child care program must have two (2) exits that:

4 (1) do not require passage through a:

5 (A) garage; or

6 (B) storage area;

7 where hazardous materials are stored;

8 (2) are not windows;

9 (3) are on different sides of the facility;

10 (4) are not blocked; and

11 (5) are operable from the inside without the use of a key or any
 12 special knowledge.

13 **(b) Not later than July 1, 2015, in addition to the requirements**
 14 **specified in subsection (a), a room that is:**

15 **(1) where children who are not more than twenty-four (24)**
 16 **months of age receive care; and**

17 **(2) located in a facility where a provider operates a child care**
 18 **program;**

19 **must have at least one (1) exit that does not require the use of**
 20 **stairs.**

21 ~~(b)~~ (c) A provider shall:

22 (1) conduct monthly documented fire drills:

23 (A) in accordance with the rules of the fire prevention and
 24 building safety commission; and

25 (B) that include complete evacuation of all:

26 (i) children; and

27 (ii) adults who provide child care;

28 in the facility;

29 (2) maintain documentation of all fire drills conducted during the
 30 immediately preceding twelve (12) month period, including:

31 (A) the date and time of the fire drill;

32 (B) the name of the individual who conducted the fire drill;

33 (C) the weather conditions at the time of the fire drill; and

34 (D) the amount of time required to fully evacuate the facility;
 35 and

36 (3) maintain a two and one-half (2 1/2) pound or greater ABC
 37 multiple purpose fire extinguisher:

38 (A) on each floor of the facility; and

39 (B) in the kitchen area of the facility;

40 in each facility where the provider operates a child care program.

41 **(d) A facility where a provider operates a child care program**
 42 **must meet the following requirements:**

43 **(1) If sixteen (16) or fewer children are cared for at the**
 44 **facility, the facility must have working smoke detectors and**
 45 **means of egress that meet the requirements that apply to child**
 46 **care homes under IC 12-17.2-5.**



1 **(2) If more than sixteen (16) children are cared for at the**
 2 **facility, the facility must meet the requirements specified in**
 3 **the building rules and fire safety rules adopted by the fire**
 4 **prevention and building safety commission.**

5 **(3) If more than one (1) facility where a provider operates a**
 6 **child care program is located in a single structure, each**
 7 **facility must:**

8 **(A) be separated from each other facility by walls and**
 9 **doors with a two (2) hour fire resistance rating; and**

10 **(B) individually meet all requirements of this section.**

11 SECTION 14. IC 12-17.2-3.5-11 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. **(a)** A provider shall
 13 provide for a safe environment by ensuring that the following items are
 14 placed in areas that are inaccessible to the children in the provider's
 15 care:

16 **(1) Firearms and ammunition.**

17 **(2) Poisons, chemicals, bleach, and cleaning materials.**

18 **(3) Medications.**

19 **(4) Other items determined by the division, in rules adopted**
 20 **under section 15 of this chapter, to pose a danger to children.**

21 **(b) A provider shall do the following with respect to**
 22 **transporting children away from the facility where the provider**
 23 **operates a child care program:**

24 **(1) Obtain written permission from the child's parent to**
 25 **transport the child.**

26 **(2) Ensure that the child is transported only by an employee**
 27 **or a volunteer who:**

28 **(A) is at least eighteen (18) years of age;**

29 **(B) holds a valid driver's license; and**

30 **(C) transports the child in a properly licensed and insured**
 31 **motor vehicle.**

32 SECTION 15. IC 12-17.2-3.5-12, AS AMENDED BY
 33 P.L.142-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2013]: Sec. 12. **(a)** Except as provided in
 35 subsection **(f)**, a provider shall, at no expense to the state, maintain and
 36 make available to the division upon request a copy of a limited criminal
 37 history for:

38 **(1) the provider, if the provider is an individual;**

39 **(2) if the provider operates a child care program in the provider's**
 40 **home, any individual who resides with the provider and who is:**

41 **(A) at least eighteen (18) years of age; or**

42 **(B) less than eighteen (18) years of age but has previously**
 43 **been waived from juvenile court to adult court; and**

44 **(3) any individual who:**

45 **(A) is employed; or**

46 **(B) volunteers;**



1 as a caregiver at the facility where the provider operates a child
2 care program.

3 A provider shall apply for a limited criminal history for an individual
4 described in subdivision (3) before the individual is employed or
5 allowed to volunteer. ~~as a caregiver.~~

6 (b) In addition to the requirement under subsection (a), a provider
7 shall report to the division any:

- 8 (1) police investigations;
- 9 (2) arrests; and
- 10 (3) criminal convictions;

11 not listed on a limited criminal history obtained under subsection (a)
12 regarding any of the persons listed in subsection (a).

13 (c) A provider that meets the other eligibility requirements of this
14 chapter is temporarily eligible to receive voucher payments until the
15 provider receives the limited criminal history required under subsection
16 (a) from the state police department if:

- 17 (1) the provider:
 - 18 (A) has applied for the limited criminal history required under
 - 19 subsection (a); and
 - 20 (B) obtains a local criminal history for the individuals
 - 21 described in subsection (a) from each individual's local law
 - 22 enforcement agency before the individual is employed or
 - 23 allowed to volunteer; ~~as a caregiver;~~ and
- 24 (2) the local criminal history does not reveal that an individual
25 has been convicted of a:
 - 26 (A) felony;
 - 27 (B) misdemeanor related to the health or safety of a child;
 - 28 (C) misdemeanor for operating a child care center without a
 - 29 license under IC 12-17.2-4-35; or
 - 30 (D) misdemeanor for operating a child care home without a
 - 31 license under IC 12-17.2-5-35.

32 (d) A provider is ineligible to receive a voucher payment if an
33 individual for whom a limited criminal history is required under this
34 section has been convicted of a:

- 35 (1) felony;
- 36 (2) misdemeanor related to the health or safety of a child;
- 37 (3) misdemeanor for operating a child care center without a
- 38 license under IC 12-17.2-4-35; or
- 39 (4) misdemeanor for operating a child care home without a
- 40 license under IC 12-17.2-5-35;

41 until the individual is dismissed from employment or volunteer service
42 at the facility where the provider operates a child care program or no
43 longer resides with the provider.

44 (e) A provider shall maintain a written policy requiring an
45 individual for whom a limited criminal history is required under this
46 section to report any criminal convictions of the individual to the



1 provider.

2 (f) The state police department may not charge a church or religious

3 society any fees or costs for responding to a request for a release of a

4 limited criminal history record of a prospective or current employee or

5 a prospective or current volunteer of a child care ministry registered

6 under IC 12-17.2-6 if the conditions set forth in IC 10-13-3-36(f) are

7 met.

8 SECTION 16. IC 12-17.2-3.5-14 IS REPEALED [EFFECTIVE

9 JULY 1, 2013]. ~~Sec. 14. (a) Notice of a determination made under this~~

10 ~~chapter must be provided under IC 4-21.5-3-6.~~

11 ~~(b) A person affected by a determination made under this chapter~~

12 ~~may seek administrative review under IC 4-21.5-3-7.~~

13 SECTION 17. IC 12-17.2-3.5-16 IS ADDED TO THE INDIANA

14 CODE AS A NEW SECTION TO READ AS FOLLOWS

15 [EFFECTIVE JULY 1, 2013]: **Sec. 16. (a) An employee or a**

16 **volunteer shall immediately report to child protective services, the**

17 **division, and local law enforcement authorities the employee's or**

18 **volunteer's suspicion of physical abuse, sexual abuse, child neglect,**

19 **or child exploitation of a child in the provider's care.**

20 **(b) A provider shall immediately notify the division and the**

21 **parent or guardian of a child in the care of the provider**

22 **concerning:**

23 **(1) an injury of the child that requires medical attention;**

24 **(2) the death of the child; or**

25 **(3) an emergency event involving the child.**

26 SECTION 18. IC 12-17.2-3.5-17 IS ADDED TO THE INDIANA

27 CODE AS A NEW SECTION TO READ AS FOLLOWS

28 [EFFECTIVE JULY 1, 2013]: **Sec. 17. (a) The division shall adopt**

29 **rules under IC 4-22-2 to establish a list of violations of this article**

30 **that would pose an immediate threat to the life or well-being of a**

31 **child in the care of a provider.**

32 **(b) If an employee or agent of the division determines that a**

33 **violation described in subsection (a) exists, the division shall:**

34 **(1) immediately suspend the provider's eligibility to receive a**

35 **voucher under this chapter;**

36 **(2) issue an emergency or another temporary order under**

37 **IC 4-21.5-4 requiring the provider to immediately cease**

38 **operation of the child care program; and**

39 **(3) contact the parent or guardian of each child enrolled in the**

40 **child care program to inform the parent or guardian:**

41 **(A) that the division has issued an order to require the**

42 **provider to cease operation of the child care program; and**

43 **(B) of the reason for the order to cease operation;**

44 **pending the outcome of proceedings conducted under sections 20**

45 **and 22 of this chapter.**

46 **(c) An emergency or another temporary order issued by an**



1 employee or agent of the division must be approved by the
2 director.

3 (d) An approval under subsection (c) may be communicated
4 orally to the employee or agent issuing the order. However, the
5 division shall maintain a written record of the approval.

6 SECTION 19. IC 12-17.2-3.5-18 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2013]: Sec. 18. The division may suspend a
9 provider's eligibility to receive a voucher payment under this
10 chapter for any of the following reasons:

11 (1) The provider fails to comply with this chapter.

12 (2) The provider refuses to allow, during normal business
13 hours, the division or an agent of the division to inspect the
14 facility where the provider operates a child care program.

15 (3) The provider is determined by the division to have made
16 false statements in the provider's:

17 (A) application for eligibility to receive a voucher
18 payment; or

19 (B) records required by the division;
20 under this chapter.

21 (4) The provider fails to correct a problem identified by the
22 division within the period required by the division.

23 (5) Three (3) or more problems occurring within a twelve (12)
24 month period are identified by the division, regardless of
25 whether the provider corrects the problems within the period
26 required by the division.

27 (6) Credible allegations of fraud have been made against the
28 provider, as determined by the division.

29 (7) Criminal charges of welfare fraud have been filed against
30 the provider.

31 SECTION 20. IC 12-17.2-3.5-19 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2013]: Sec. 19. The division may revoke a
34 provider's eligibility to receive a voucher payment under this
35 chapter for any of the following reasons:

36 (1) Any of the reasons for suspension described in section
37 18(1) through 18(5) of this chapter.

38 (2) Allegations of welfare fraud committed by the provider
39 have been substantiated by the division.

40 SECTION 21. IC 12-17.2-3.5-20 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2013]: Sec. 20. Except as provided in section
43 17 of this chapter, the division shall give a provider thirty (30)
44 calendar days written notice by certified mail of an enforcement
45 action against the provider. The provider shall also be provided an
46 opportunity for an informal meeting with the division. The



1 provider must request the informal meeting within ten (10)
2 working days after receipt of the certified notice.

3 SECTION 22. IC 12-17.2-3.5-21 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2013]: **Sec. 21. (a) An administrative hearing**
6 **concerning the decision of the division to impose a sanction under**
7 **this chapter shall be provided upon a written request by the**
8 **provider. The request must be made within thirty (30) calendar**
9 **days after the provider receives an order under section 17 of this**
10 **chapter or a notice under section 20 of this chapter. The written**
11 **request must be made separately from an informal meeting request**
12 **made under section 20 of this chapter.**

13 **(b) The administrative hearing shall be held within sixty (60)**
14 **calendar days after the division receives the written request.**

15 SECTION 23. IC 12-17.2-3.5-22 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2013]: **Sec. 22. The division shall issue a**
18 **decision within sixty (60) calendar days after the conclusion of a**
19 **hearing held under section 21 of this chapter.**

20 SECTION 24. IC 12-17.2-3.5-23 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2013]: **Sec. 23. To reinstate a provider's**
23 **eligibility to receive a voucher payment under this chapter after**
24 **suspension, the following must occur:**

25 **(1) The provider must, within thirty (30) days after receiving**
26 **notice of the suspension, submit a plan of corrective action to**
27 **the division for approval.**

28 **(2) The plan must outline the steps and timetable for**
29 **immediate correction of the violations that caused the division**
30 **to suspend the eligibility.**

31 **(3) The division must approve the plan.**

32 SECTION 25. IC 12-17.2-3.5-24 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2013]: **Sec. 24. Following the suspension of**
35 **a provider's eligibility to receive a voucher payment under this**
36 **chapter, the division shall do one (1) of the following:**

37 **(1) Reinstate the eligibility.**

38 **(2) Except as provided in subdivision (3), extend the**
39 **suspension for not more than six (6) months.**

40 **(3) If criminal charges for welfare fraud are pending against**
41 **the provider, extend the suspension until the criminal matter**
42 **is resolved.**

43 **(4) Revoke the eligibility.**

44 SECTION 26. IC 12-17.2-3.5-25 IS ADDED TO THE INDIANA
45 CODE AS A NEW SECTION TO READ AS FOLLOWS
46 [EFFECTIVE JULY 1, 2013]: **Sec. 25. (a) After a provider's**



1 eligibility to receive a voucher payment under this chapter is
2 revoked or suspended, the division shall publish notice of the
3 revocation or suspension under IC 5-3-1 and notify in writing each
4 person responsible for a child in the care of the provider that the
5 eligibility has been revoked or suspended, including the reason for
6 the revocation or suspension.

7 (b) The written notice shall be sent to the last known address of
8 each person responsible for a child in the care of the provider.

9 SECTION 27. IC 12-17.2-3.5-26 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2013]: **Sec. 26. An administrative review and
12 a hearing conducted under this chapter must be conducted under
13 rules adopted by the division under IC 4-22-2.**

14 SECTION 28. IC 12-17.2-3.5-27 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2013]: **Sec. 27. (a) Upon receiving notice of
17 a claim of abuse or neglect in a facility where a provider operates
18 a child care program described in IC 12-17.2-3.5, the department
19 of child services shall:**

20 (1) forward a copy of the notice to the division; and

21 (2) conduct an investigation of the claim.

22 (b) After an investigation under subsection (a), the department
23 of child services shall make a determination of whether abuse or
24 neglect occurred at the facility.

25 (c) If the department of child services makes a determination
26 under IC 31-33-8-12 that abuse or neglect at the facility is
27 substantiated, the department shall send a copy of the
28 department's report to the appropriate office of the division.





**PRELIMINARY DRAFT
No. 3401**

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 12-17.2-2.5-1.

Synopsis: Child care ministry advisory committee. Requires the division of family resources to establish a child care ministries advisory committee.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-2.5-1, AS ADDED BY P.L.126-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 1. The division shall establish a child care
4 advisory committee for each of the following categories of child care:
5 (1) Child care homes.
6 (2) Child care centers.
7 **(3) Child care ministries.**





PRELIMINARY DRAFT
No. 3402

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-7-2-28.8.

Synopsis: Definition of child care ministry. Amends the definition of "child care ministry". Provides a one year period during which a child care ministry that does not meet the new definition may make changes to continue operating as a child care provider.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-28.8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 28.8. "Child care
3 ministry", for purposes of IC 12-17.2, means child care operated by a
4 church or religious ministry that is a religious organization exempt
5 from federal income taxation under Section 501 of the Internal
6 Revenue Code: that meets all of the following criteria:

7 (1) The religious organization has all of the following:

8 (A) A recognized creed and form of worship.

9 (B) Established places of worship.

10 (C) A regular congregation and regular religious services.

11 (2) The principal purpose of the religious organization is the
12 study or advancement of religion.

13 (3) Net earnings of the religious organization do not inure to
14 the benefit of any private individual or shareholder.

15 SECTION 2. [EFFECTIVE JULY 1, 2013] (a) A child care
16 provider that, on July 1, 2013:

17 (1) is operating as a registered child care ministry; and

18 (2) does not meet the definition of "child care ministry"
19 specified in IC 12-7-2-28.8, as amended by this act;

20 shall discontinue operating as a child care ministry on July 1, 2014,
21 unless the child care provider meets the definition of "child care
22 ministry" specified in IC 12-7-2-28.8, as amended by this act, or is
23 licensed under IC 12-17.2-4 or IC 12-17.2-5.

24 (b) This SECTION expires July 1, 2015.



PRELIMINARY DRAFT
No. 3403

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-17.2-3.5.

Synopsis: Child care and development fund health eligibility. Specifies requirements that must be met by a child care provider as a condition of eligibility to receive a federal Child Care and Development Fund voucher payment.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-3.5-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. **(a)** A provider shall
3 have:

- 4 (1) working smoke detectors that meet the standards adopted by
5 rule for smoke detectors in licensed child care homes; **and**
6 (2) hot and cold running water; **and**
7 **(3) drinking water obtainable from a source other than a**
8 **bathroom;**

9 in the area of the facility where the provider operates a child care
10 program.

11 **(b) A provider shall maintain compliance with food, health,**
12 **safety, and sanitation standards as determined by the division**
13 **under rules adopted by the division under section 15 of this**
14 **chapter.**

15 **(c) The food, health, safety, and sanitation standards adopted**
16 **under subsection (b):**

17 **(1) must apply to a provider according to the licensing**
18 **requirements that would apply to the provider under:**

19 **(A) IC 12-17.2-4 if the provider cares for more than sixteen**
20 **(16) children; or**

21 **(B) IC 12-17.2-5 if the provider cares for sixteen (16) or**
22 **fewer children;**

23 **at the facility where the provider operates a child care**
24 **program; and**

25 **(2) must include all of the following requirements:**

26 **(A) Availability of toilets and sinks.**

27 **(B) Handwashing after diaper changes.**

28 **(C) Nutritionally balanced meals and snacks.**

29 **(D) Food service sanitation.**

30 **(E) Maintenance of premises in sound, neat, and sanitary**
31 **condition.**



1 SECTION 2. IC 12-17.2-3.5-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) A provider shall
 3 have written plans for notifying parents regarding the following:

- 4 (1) Illness, serious injury, or death of the provider.
 5 (2) Care in an emergency.
 6 (3) Emergency evacuation.

7 The plan required under subdivision (3) must be posted in a
 8 conspicuous location in the facility where the provider operates a child
 9 care program.

10 (b) A provider shall:

- 11 (1) maintain a written child discipline policy;
 12 (2) ensure that all employees and volunteers follow the child
 13 discipline policy;
 14 (3) provide to the parent or legal guardian of each child cared
 15 for by the provider a written copy of the child discipline
 16 policy; and
 17 (4) maintain in each child's file a copy of the child discipline
 18 policy that has been signed by the parent or legal guardian
 19 described in subdivision (3).

20 (c) The division shall investigate an allegation of a violation of
 21 a provider's discipline policy by the provider or an employee or a
 22 volunteer of the provider.

23 SECTION 3. IC 12-17.2-3.5-8 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) At least one (1)
 25 adult individual who maintains annual certification in a course of
 26 cardiopulmonary resuscitation applicable to all age groups of children
 27 cared for by a provider shall be present at all times when a child is in
 28 the care of the provider.

29 (b) The following apply to an individual who

- 30 (1) is employed or
 31 (2) volunteers

32 as a caregiver at a facility where a provider operates a child care
 33 program:

- 34 (1) The individual shall maintain current certification in first aid
 35 applicable to all age groups of children cared for by the provider.
 36 (2) The individual must have received a high school diploma
 37 or a high school equivalency certificate described in
 38 IC 12-14-5-2.
 39 (3) The individual must be at least eighteen (18) years of age.
 40 (4) Not more than three (3) months after the individual begins
 41 employment or volunteer duties, the individual must receive
 42 training approved by the division concerning child abuse
 43 detection and reporting.

44 (c) A provider shall:

- 45 (1) maintain, at the facility where the provider operates a
 46 child care program, documentation of all training required by



1 **this section; and**

2 **(2) make the documentation available to the division upon**
 3 **request.**

4 SECTION 4. IC 12-17.2-3.5-11.1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11.1. (a) After
 6 December 31, 2002, a provider shall maintain and annually update
 7 documentation provided by the physician of each child who is cared for
 8 in a facility where the provider operates a child care program that the
 9 child has received complete age appropriate immunizations, including:

- 10 (1) conjugated pneumococcal vaccine; and
 11 (2) varicella vaccine or a demonstrated immunity to varicella.

12 The state department of health shall determine for each age level the
 13 immunizations that constitute complete age appropriate immunizations.

14 (b) A provider meets the requirement of subsection (a) if:

- 15 (1) a child's parent:
 16 (A) objects to immunizations for religious reasons; and
 17 (B) provides documentation of the parent's objection;
 18 (2) the child's physician provides documentation of a medical
 19 reason the child should not be immunized; or
 20 (3) the child's physician provides documentation that the child is
 21 currently in the process of receiving complete age appropriate
 22 immunizations;

23 and the provider maintains and annually updates the documentation
 24 provided by the parent or physician under this subsection.

25 **(c) Not more than thirty (30) days after a child is enrolled at a**
 26 **facility where a provider operates a child care program, the**
 27 **provider must receive from the child's parent or guardian a**
 28 **written statement signed by a physician or certified nurse**
 29 **practitioner:**

- 30 (1) verifying that the child has received a physical
 31 examination and may participate in care at the facility; and
 32 (2) listing any medications, allergies, and chronic health
 33 conditions of the child.

34 **However, a parent or guardian may provide a written request that**
 35 **the child be exempt from a physical examination described in this**
 36 **subsection based on the religious beliefs of the child.**

37 (d) A provider shall maintain and annually update the
 38 documentation provided by a parent or guardian under subsection
 39 (c).



PRELIMINARY DRAFT
No. 3404

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 4-21.5-2-6; IC 12-7-2-149.1; IC 12-17.2.

Synopsis: Child care regulation. Makes certain health and safety requirements applying to child care providers consistent, including criminal history checks, drug testing, caregiver education and supervision, nutrition, immunizations, fire and hazardous materials safety, and administrative procedures for noncompliance. Makes technical changes.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.219-2007,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 6. This article does not apply to the formulation,
4 issuance, or administrative review (but does apply to the judicial
5 review and civil enforcement) of any of the following:

6 (1) Except as provided in IC 12-17.2-4-18.7, ~~and~~
7 IC 12-17.2-5-18.7, ~~and IC 12-17.2-6-22~~, determinations by the
8 division of family resources and the department of child services.

9 (2) Determinations by the alcohol and tobacco commission.

10 (3) Determinations by the office of Medicaid policy and planning
11 concerning recipients and applicants of Medicaid. However, this
12 article does apply to determinations by the office of Medicaid
13 policy and planning concerning providers.

14 SECTION 2. IC 12-7-2-149.1, AS AMENDED BY P.L.143-2011,
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 149.1. "Provider" means the following:

17 (1) For purposes of IC 12-10-7, the meaning set forth in
18 IC 12-10-7-3.

19 (2) For purposes of the following statutes, an individual, a
20 partnership, a corporation, or a governmental entity that is
21 enrolled in the Medicaid program under rules adopted under
22 IC 4-22-2 by the office of Medicaid policy and planning:

23 (A) IC 12-14-1 through IC 12-14-9.5.

24 (B) IC 12-15, except IC 12-15-32, IC 12-15-33, and
25 IC 12-15-34.

26 (C) IC 12-17.6.

27 (3) Except as provided in ~~subdivision~~ **subdivisions (4) and (6)**,
28 for purposes of IC 12-17.2, a person who operates a child care
29 center or child care home under IC 12-17.2.

30 (4) For purposes of IC 12-17.2-3.5, a person that:

31 (A) provides child care; and



1 (B) is directly paid for the provision of the child care under the
 2 federal Child Care and Development Fund voucher program
 3 administered under 45 CFR 98 and 45 CFR 99.

4 The term does not include an individual who provides services to
 5 a person described in clauses (A) and (B), regardless of whether
 6 the individual receives compensation.

7 (5) For purposes of IC 12-21-1 through IC 12-29-2, an
 8 organization:

9 (A) that:

10 (i) provides mental health services, as defined under 42
 11 U.S.C. 300x-2(c);

12 (ii) provides addiction services; or

13 (iii) provides children's mental health services;

14 (B) that has entered into a provider agreement with the
 15 division of mental health and addiction under IC 12-21-2-7 to
 16 provide services in the least restrictive, most appropriate
 17 setting; and

18 (C) that is operated by one (1) of the following:

19 (i) A city, town, county, or other political subdivision of the
 20 state.

21 (ii) An agency of the state or of the United States.

22 (iii) A political subdivision of another state.

23 (iv) A hospital owned or operated by a unit of government
 24 or a building authority that is organized for the purpose of
 25 constructing facilities to be leased to units of government.

26 (v) A corporation incorporated under IC 23-7-1.1 (before its
 27 repeal August 1, 1991) or IC 23-17.

28 (vi) An organization that is exempt from federal income
 29 taxation under Section 501(c)(3) of the Internal Revenue
 30 Code.

31 (vii) A university or college.

32 **(6) For purposes of IC 12-17.2-2-10, the following:**

33 **(A) A person described in subdivision (4).**

34 **(B) A child care center licensed under IC 12-17.2-4.**

35 **(C) A child care home licensed under IC 12-17.2-5.**

36 **(D) A child care ministry registered under IC 12-17.2-6.**

37 SECTION 3. IC 12-17.2-2-4 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) The division shall
 39 adopt rules under IC 4-22-2 concerning the licensing and inspection of
 40 child care centers and child care homes after consultation with the
 41 following:

42 (1) State department of health.

43 (2) Fire prevention and building safety commission.

44 (3) ~~The board.~~ **committee on child care established by**
 45 **IC 12-17.2-3.3-2.**

46 (b) The rules adopted under subsection (a) shall be applied by the



1 division and state fire marshal in the licensing and inspection of
2 applicants for a license and licensees under this article.

3 SECTION 4. IC 12-17.2-2-5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) The division shall
5 adopt rules under IC 4-22-2 to govern the **registration and** inspection
6 of child care ministries under this article **after consultation with the**
7 **following:**

- 8 (1) **The state department of health.**
- 9 (2) **The fire prevention and building safety commission.**
- 10 (3) **The committee on child care established by**
- 11 **IC 12-17.2-3.3-2.**

12 The rules must provide standards for **food, health, safety, and**
13 **sanitation.**

14 (b) A child care ministry shall comply with rules established by the
15 division for child care ministries.

16 (c) **The rules adopted under subsection (a) shall be applied by**
17 **the division and state fire marshal in the registration and**
18 **inspection of applicants for registration and of registrants.**

19 SECTION 5. IC 12-17.2-2-10, AS AMENDED BY P.L.145-2006,
20 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2013]: Sec. 10. (a) The division may grant a variance or
22 waiver of a rule governing ~~child care centers; or child care homes:~~ **a**
23 **provider.** A variance or waiver granted under this section must
24 promote statewide practices and must protect the rights of persons
25 affected by this article.

26 (b) The division may grant a variance to a rule if ~~an applicant for a~~
27 ~~license or a licensee under this chapter~~ **provider** does the following:

- 28 (1) Submits to the division a written request for the variance in
29 the form and manner specified by the division.
- 30 (2) Documents that compliance with an alternative method of
31 compliance approved by the division will not be adverse to the
32 health, safety, or welfare of a child receiving services from the
33 applicant for the variance, as determined by the division.

34 (c) A variance granted under subsection (b) must be conditioned
35 upon compliance with the alternative method approved by the division.
36 Noncompliance constitutes the violation of a rule of the division and
37 may be the basis for revoking the variance.

38 (d) The division may grant a waiver of a rule if ~~an applicant for a~~
39 ~~license or a licensee under this chapter~~ **provider** does the following:

- 40 (1) Submits to the division a written request for the waiver in the
41 form and manner specified by the division.
- 42 (2) Documents that compliance with the rule specified in the
43 application for the waiver will create an undue hardship on the
44 applicant for the waiver, as determined by the division.
- 45 (3) Documents that the applicant for the waiver will be in
46 substantial compliance with the rules adopted by the division after



1 the waiver is granted, as determined by the division.

2 (4) Documents that noncompliance with the rule specified in the
3 application for a waiver will not be adverse to the health, safety,
4 or welfare of a child receiving services from the applicant for the
5 waiver, as determined by the division.

6 (e) Except for a variance or waiver of a rule governing child care
7 homes, a variance or waiver of a rule under this section that conflicts
8 with a building rule or fire safety rule adopted by the fire prevention
9 and building safety commission is not effective until the variance or
10 waiver is approved by the fire prevention and building safety
11 commission.

12 SECTION 6. IC 12-17.2-3.5-1, AS AMENDED BY P.L.124-2007,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2013]: Sec. 1. (a) This chapter applies to all child care
15 providers regardless of whether a provider is required to be licensed or
16 registered under this article. However, **except as provided in section**
17 **4(b) of this chapter**, a child care provider that is licensed under
18 IC 12-17.2-4 or IC 12-17.2-5 is considered to be in compliance with
19 this chapter unless the child care provider is found to be in violation of
20 this chapter.

21 (b) If a school age child care program that is:

- 22 (1) described in IC 12-17.2-2-8(10); and
23 (2) located in a school building;

24 is determined to be in compliance with a requirement of this chapter by
25 another state regulatory authority, the school age child care program is
26 considered to be in compliance with the requirement under this
27 chapter.

28 SECTION 7. IC 12-17.2-3.5-4 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A provider who:

30 (1) has been convicted of a:

- 31 (A) felony;
32 (B) misdemeanor related to the health or safety of a child;
33 (C) misdemeanor for operating a child care center without a
34 license under IC 12-17.2-4-35; or
35 (D) misdemeanor for operating a child care home without a
36 license under IC 12-17.2-5-35;

37 (2) employs or otherwise allows an individual who has been
38 convicted of a crime specified under subdivision (1) to:

- 39 (A) serve as a caregiver to a child in the provider's care; or
40 (B) reside with the provider, if the provider operates a child
41 care program in the provider's home; or

42 (3) fails to meet the requirements set forth in sections 5 through
43 12.1 of this chapter;

44 is ineligible to receive a voucher payment.

45 (b) **A provider whose license under IC 12-17.2-4 or IC 12-17.2-5**
46 **is revoked or denied is ineligible to receive a voucher payment,**



1 **regardless of whether the provider meets the requirements set**
 2 **forth in sections 5 through 12.1 of this chapter, until the license is**
 3 **reinstated or granted.**

4 SECTION 8. IC 12-17.2-3.5-4.1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.1. (a) This section
 6 applies to the following:

7 (1) A provider, if the provider is an individual.

8 (2) If a provider operates a child care program in the provider's
 9 home, an individual who resides with the provider and who is at
 10 least eighteen (18) years of age.

11 (3) An individual who:

12 (A) is employed; or

13 (B) volunteers;

14 as a caregiver at the facility where a provider operates a child care
 15 program.

16 (b) If information used by the division under ~~IC 31-33-17-6(7)~~
 17 **IC 31-33-26-16(a)(10)** indicates that an individual described in
 18 subsection (a) has been named as ~~an alleged~~ a perpetrator, the
 19 following are ineligible to receive a voucher payment:

20 (1) The individual.

21 (2) A provider in whose home the individual resides if the
 22 provider operates a child care program in the provider's home.

23 (3) A provider that:

24 (A) employs the individual; or

25 (B) allows the individual to volunteer;

26 as a caregiver at the facility where the provider operates a child
 27 care program.

28 SECTION 9. IC 12-17.2-3.5-5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A provider shall
 30 have:

31 (1) working smoke detectors that meet the standards adopted by
 32 rule for smoke detectors in licensed child care homes; and

33 (2) hot and cold running water;

34 in the area of the facility where the provider operates a child care
 35 program.

36 **(b) A provider shall:**

37 **(1) provide appropriately timed, nutritionally balanced meals**
 38 **and snacks in sufficient quantities to meet the needs of each**
 39 **child; and**

40 **(2) maintain availability of drinking water at all times.**

41 SECTION 10. IC 12-17.2-3.5-8 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) At least one (1)
 43 adult individual who maintains annual certification in a course of
 44 cardiopulmonary resuscitation applicable to all age groups of children
 45 cared for by a provider shall be present at all times when a child is in
 46 the care of the provider.



1 (b) An individual who:

- 2 (1) is employed; or
3 (2) volunteers;

4 as a caregiver at a facility where a provider operates a child care
5 program shall maintain current certification in first aid applicable to all
6 age groups of children cared for by the provider.

7 (c) **The following apply to a caregiver at a facility where a
8 provider operates a child care program:**

9 (1) **The caregiver shall obtain a physical health examination
10 not more than thirty (30) days before or after the date the
11 caregiver begins employment at the facility.**

12 (2) **The provider shall train the caregiver in recognizing
13 symptoms of and reporting child abuse and neglect.**

14 (3) **If the caregiver is less than eighteen (18) years of age, the
15 caregiver shall at all times when child care is being provided
16 be directly supervised by a caregiver who is at least eighteen
17 (18) years of age.**

18 (4) **The provider shall train the caregiver in universal
19 precautions.**

20 SECTION 11. IC 12-17.2-3.5-12, AS AMENDED BY
21 P.L.142-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Except as provided in
23 subsection (f), a provider shall, at no expense to the state, maintain and
24 make available to the division upon request a copy of a:

25 (1) **national criminal history for:**

26 (A) **the provider, if the provider is an individual; or**

27 (B) **the director of the facility where the provider operates
28 a child care program, if the provider is not an individual;
29 and**

30 (2) **limited criminal history for:**

31 (1) (A) **the provider, if the provider is an individual;**

32 (2) (B) **if the provider operates a child care program in the
33 provider's home, any individual who resides with the provider
34 and who is:**

35 (A) (i) **at least eighteen (18) years of age; or**

36 (B) (ii) **less than eighteen (18) years of age but has
37 previously been waived from juvenile court to adult court;
38 and**

39 (3) (C) **any individual who:**

40 (A) (i) **is employed; or**

41 (B) (ii) **volunteers;**

42 **as a caregiver at the facility where the provider operates a
43 child care program.**

44 **A provider shall apply for a limited criminal history for an
45 individual described in subdivision (3) (2)(C) before the
46 individual is employed or allowed to volunteer as a caregiver.**



1 (b) In addition to the requirement under subsection (a), a provider
2 shall report to the division any:

- 3 (1) police investigations;
- 4 (2) arrests; and
- 5 (3) criminal convictions;

6 not listed on a **national or** limited criminal history obtained under
7 subsection (a) regarding any of the persons listed in subsection (a).

8 (c) A provider that meets the other eligibility requirements of this
9 chapter is temporarily eligible to receive voucher payments until the
10 provider receives the **national criminal history and** limited criminal
11 history required under subsection (a) ~~from the state police department~~
12 if:

13 (1) the provider:

14 (A) has applied for the **national criminal history and** limited
15 criminal history required under subsection (a); and

16 (B) obtains a local criminal history for the individuals
17 described in subsection (a) from each individual's local law
18 enforcement agency before the individual is employed or
19 allowed to volunteer as a caregiver; and

20 (2) the local criminal history does not reveal that an individual
21 has been convicted of a:

22 (A) felony;

23 (B) misdemeanor related to the health or safety of a child;

24 (C) misdemeanor for operating a child care center without a
25 license under IC 12-17.2-4-35; or

26 (D) misdemeanor for operating a child care home without a
27 license under IC 12-17.2-5-35.

28 (d) A provider is ineligible to receive a voucher payment if an
29 individual for whom a **national or** limited criminal history is required
30 under this section has been convicted of a:

31 (1) felony;

32 (2) misdemeanor related to the health or safety of a child;

33 (3) misdemeanor for operating a child care center without a
34 license under IC 12-17.2-4-35; or

35 (4) misdemeanor for operating a child care home without a
36 license under IC 12-17.2-5-35;

37 until the individual is dismissed from employment or volunteer service
38 at the facility where the provider operates a child care program or no
39 longer resides with the provider.

40 (e) A provider shall maintain a written policy requiring an
41 individual for whom a **national or** limited criminal history is required
42 under this section to report any criminal convictions of the individual
43 to the provider.

44 (f) The state police department may not charge a church or religious
45 society any fees or costs for responding to a request for a release of a
46 **national or** limited criminal history record of a prospective or current



1 employee or a prospective or current volunteer of a child care ministry
 2 registered under IC 12-17.2-6 if the conditions set forth in
 3 IC 10-13-3-36(f) are met.

4 SECTION 12. IC 12-17.2-4-2, AS AMENDED BY P.L.128-2012,
 5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2013]: Sec. 2. (a) A license may be issued only if a child care
 7 center is in compliance with food, health, safety, and sanitation
 8 standards as determined by the division under rules adopted by the
 9 division under IC 12-17.2-2-4 or in accordance with a variance or
 10 waiver approved by the division under IC 12-17.2-2-10.

11 (b) A license may be issued only if the child care center is in
 12 substantial compliance with the fire and life safety rules as determined
 13 by the state fire marshal under rules adopted by the division under
 14 IC 12-17.2-2-4 or in accordance with a variance or waiver approved by
 15 the division under IC 12-17.2-2-10.

16 (c) The division may issue a waiver or variance regarding a
 17 determination by the division or the state fire marshal under
 18 subsections (a) and (b).

19 (d) At least one (1) adult individual who maintains annual
 20 certification in a course of cardiopulmonary resuscitation applicable to
 21 all age groups of children cared for by the child care center shall be
 22 present at all times when a child is in the care of a child care center.

23 (e) An individual who:

- 24 (1) is employed; or
- 25 (2) volunteers;

26 as a caregiver at a child care center shall maintain current certification
 27 in first aid applicable to all age groups of children cared for by the
 28 child care center.

29 **(f) The following apply to a caregiver at a child care center:**

30 **(1) The caregiver shall obtain a physical health examination**
 31 **not more than thirty (30) days before or after the date the**
 32 **caregiver begins employment at the child care center.**

33 **(2) The child care center shall train the caregiver in**
 34 **recognizing symptoms of and reporting child abuse and**
 35 **neglect.**

36 **(3) If the caregiver is less than eighteen (18) years of age, the**
 37 **caregiver shall at all times when child care is being provided**
 38 **be directly supervised by a caregiver who is at least eighteen**
 39 **(18) years of age.**

40 **(4) The child care center shall train the caregiver in universal**
 41 **precautions.**

42 SECTION 13. IC 12-17.2-5-18.2 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 18.2. (a) At least one
 44 (1) adult individual who maintains annual certification in a course of
 45 cardiopulmonary resuscitation applicable to all age groups of children
 46 cared for by the child care home shall be present at all times when a



1 child is in the care of a child care home.

2 (b) An individual who:

- 3 (1) is employed; or
- 4 (2) volunteers;

5 as a caregiver at a child care home shall maintain current certification
6 in first aid applicable to all age groups of children cared for by the
7 child care home.

8 (c) **The following apply to a caregiver at a child care home:**

9 (1) **The caregiver shall obtain a physical health examination
10 not more than thirty (30) days before or after the date the
11 caregiver begins employment at the child care home.**

12 (2) **The child care home shall train the caregiver in
13 recognizing symptoms of and reporting child abuse and
14 neglect.**

15 (3) **If the caregiver is less than eighteen (18) years of age, the
16 caregiver shall at all times when child care is being provided
17 be directly supervised by a caregiver who is at least eighteen
18 (18) years of age.**

19 (4) **The child care home shall train the caregiver in universal
20 precautions.**

21 SECTION 14. IC 12-17.2-6-2, AS AMENDED BY P.L.1-2006,
22 SECTION 193, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) An unlicensed child care
24 ministry under section 1 of this chapter may not operate unless the
25 child care ministry has registered with and met the requirements of the:

26 (1) **division, as determined by the division under rules adopted
27 by the division under IC 12-17.2-2-4 or in accordance with a
28 variance or waiver approved by the division under
29 IC 12-17.2-2-10; and the**

30 (2) **division of fire and building safety, as determined by the
31 state fire marshal under rules adopted by the division under
32 IC 12-17.2-2-4 or in accordance with a variance or waiver
33 approved by the division under IC 12-17.2-2-10.**

34 Registration forms shall be provided by the division and the division of
35 fire and building safety.

36 (b) **The division may issue a waiver or variance regarding a
37 determination by the division or the state fire marshal under
38 subsection (a).**

39 SECTION 15. IC 12-17.2-6-11 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) ~~The parent or
41 guardian of a child shall, when the child is enrolled in a child care
42 ministry, provide the child care ministry with proof that the child has
43 received the required immunizations against the following:~~

- 44 (1) ~~Diphtheria:~~
- 45 (2) ~~Whooping cough.~~
- 46 (3) ~~Tetanus.~~



1 (4) Measles:

2 (5) Rubella:

3 (6) Poliomyelitis:

4 (7) Mumps:

5 (b) A child enrolled in a child care ministry may not be required to
6 undergo an immunization required under this section if the parents
7 object for religious reasons. The objection must be:

8 (1) made in writing;

9 (2) signed by the child's parent or guardian; and

10 (3) delivered to the child care ministry.

11 (c) If a physician certifies that a particular immunization required
12 by this section is or may be detrimental to the child's health, the
13 requirements of this section for that particular immunization are
14 inapplicable to that child until the immunization is found to be no
15 longer detrimental to the child's health.

16 (a) A child care ministry shall maintain and annually update
17 documentation provided by the physician of each child who is
18 cared for by the child care ministry verifying that the child has
19 received complete, age appropriate immunizations, including:

20 (1) conjugated pneumococcal vaccine; and

21 (2) varicella vaccine, unless the child has a demonstrated
22 immunity to varicella.

23 **The state department of health shall determine for each age level
24 the immunizations that constitute complete, age appropriate
25 immunizations.**

26 (b) A child care ministry complies with subsection (a) if:

27 (1) a child's parent:

28 (A) objects to immunizations for religious reasons; and

29 (B) provides documentation of the parent's objection;

30 (2) the child's physician provides documentation of a medical
31 reason the child should not be immunized; or

32 (3) the child's physician provides documentation that the child
33 is currently in the process of receiving complete, age
34 appropriate immunizations;

35 **and the child care ministry maintains and annually updates the
36 documentation provided by the parent or physician under this
37 subsection.**

38 SECTION 16. IC 12-17.2-6-14, AS AMENDED BY P.L. 124-2007,
39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2013]: Sec. 14. The child care ministry must do the following:

41 (1) Conduct a:

42 (A) **national criminal history check of the operator or
43 director of the child care ministry; and**

44 (B) criminal history check of the child care ministry's
45 employees and volunteers.

46 (2) Refrain from employing, or allowing to serve as a volunteer,



1 an individual who:

2 (A) has been convicted of any of the following felonies:

- 3 (i) Murder (IC 35-42-1-1);
 4 (ii) Causing suicide (IC 35-42-1-2);
 5 (iii) Assisting suicide (IC 35-42-1-2.5);
 6 (iv) Voluntary manslaughter (IC 35-42-1-3);
 7 (v) Reckless homicide (IC 35-42-1-5);
 8 (vi) Battery (IC 35-42-2-1);
 9 (vii) Aggravated battery (IC 35-42-2-1.5);
 10 (viii) Kidnapping (IC 35-42-3-2);
 11 (ix) Criminal confinement (IC 35-42-3-3);
 12 (x) A felony sex offense under IC 35-42-4;
 13 (xi) Carjacking (IC 35-42-5-2);
 14 (xii) Arson (IC 35-43-1-1);
 15 (xiii) Incest (IC 35-46-1-3);
 16 (xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and
 17 IC 35-46-1-4(a)(2));
 18 (xv) Child selling (IC 35-46-1-4(d));
 19 (xvi) A felony involving a weapon under IC 35-47 or
 20 IC 35-47.5;
 21 (xvii) A felony relating to controlled substances under
 22 IC 35-48-4;
 23 (xviii) An offense relating to material or a performance that
 24 is harmful to minors or obscene under IC 35-49-3;
 25 (xix) A felony that is substantially equivalent to a felony
 26 listed in items (i) through (xviii) for which the conviction
 27 was entered in another state: a felony;

28 (B) has been convicted of a misdemeanor:

- 29 (i) related to the health or safety of a child;
 30 (ii) for operating a child care center without a license
 31 under IC 12-17.2-4-35; or
 32 (iii) for operating a child care home without a license
 33 under IC 12-17.2-5-35; or

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

36 (3) Maintain records of each criminal history check.

37 SECTION 17. IC 12-17.2-6-14.5 IS ADDED TO THE INDIANA
 38 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 39 [EFFECTIVE JULY 1, 2013]: **Sec. 14.5. (a) A child care ministry**
 40 **shall, at no expense to the state, maintain and make available to the**
 41 **division upon request a copy of drug testing results for an**
 42 **individual who:**

- 43 (1) is employed; or
 44 (2) volunteers;

45 as a caregiver at the child care ministry. The drug testing results
 46 required under this subsection must be obtained before the



1 individual is employed or allowed to volunteer as a caregiver.

2 (b) A child care ministry shall maintain a written policy
3 specifying the following:

4 (1) That the:

5 (A) use of:

6 (i) tobacco; or

7 (ii) a potentially toxic substance in a manner other than
8 the substance's intended purpose; and

9 (B) use or possession of alcohol or an illegal substance;

10 is prohibited in the child care ministry when child care is
11 being provided.

12 (2) That drug testing of individuals who serve as caregivers at
13 the child care ministry will be:

14 (A) performed based on a protocol established or approved
15 by the division; and

16 (B) required if an individual is suspected of noncompliance
17 with subdivision (1).

18 (c) If:

19 (1) the drug testing results obtained under subsection (a) or
20 (b) indicate the presence of a prohibited substance described
21 in subsection (b)(1)(A)(ii) or (b)(1)(B); or

22 (2) an individual refuses to submit to a drug test;

23 the child care ministry shall immediately suspend or terminate the
24 individual's employment or volunteer service.

25 (d) A child care ministry that suspends an individual described
26 in subsection (c) shall maintain a written policy providing for
27 reinstatement of the individual following rehabilitation of the
28 individual and drug testing results for the individual that are
29 negative for a prohibited substance described in subsection
30 (b)(1)(A)(ii) or (b)(1)(B).

31 (e) Drug testing results obtained under this section are
32 confidential and may not be disclosed for any purpose other than
33 the purpose described in this section.

34 (f) A child care ministry that does not comply with this section
35 is subject to:

36 (1) denial of an application for registration; or

37 (2) suspension or revocation of the child care ministry's
38 registration;

39 under this chapter.

40 SECTION 18. IC 12-17.2-6-16 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A child care ministry shall
43 have:

44 (1) at least one (1) working telephone; and

45 (2) emergency contact information for each child in the care
46 of the child care ministry;



1 available to employees of the child care ministry at all times.

2 (b) A child care ministry shall:

3 (1) provide appropriately timed, nutritionally balanced meals
4 and snacks in sufficient quantities to meet the needs of each
5 child; and

6 (2) maintain availability of drinking water at all times.

7 (c) A child care ministry must have at least one (1) exit that:

8 (1) does not require passage through a:

9 (A) garage; or

10 (B) storage area;

11 where hazardous materials are stored;

12 (2) is not a window;

13 (3) is not blocked; and

14 (4) is operable from the inside without the use of a key or any
15 special knowledge.

16 (d) A child care ministry shall:

17 (1) conduct monthly documented fire drills:

18 (A) in accordance with the rules of the fire prevention and
19 building safety commission; and

20 (B) that include complete evacuation of all:

21 (i) children; and

22 (ii) adults who provide child care;

23 in the child care ministry;

24 (2) maintain documentation of all fire drills conducted during
25 the immediately preceding twelve (12) month period,
26 including:

27 (A) the date and time of the fire drill;

28 (B) the name of the individual who conducted the fire drill;

29 (C) the weather conditions at the time of the fire drill; and

30 (D) the amount of time required to fully evacuate the child
31 care ministry; and

32 (3) maintain a two and one-half (2 1/2) pound or greater ABC
33 multiple purpose fire extinguisher:

34 (A) on each floor; and

35 (B) in the kitchen area;

36 of the child care ministry.

37 (e) A child care ministry shall provide for a safe environment by
38 ensuring that the following items are placed in areas that are
39 inaccessible to the children in the child care ministry's care:

40 (1) Firearms and ammunition.

41 (2) Poisons, chemicals, medications, bleach, and cleaning
42 materials.

43 (f) A child care ministry shall have:

44 (1) working smoke detectors that meet the child care home or
45 child care center licensing standards adopted by rule for
46 smoke detectors in the type of facility that the child care



- 1 ministry operates; and
 2 (2) hot and cold running water;
 3 in the area of the child care ministry where children are cared for.
 4 SECTION 19. IC 12-17.2-6-17 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2013]: **Sec. 17. (a) At least one (1) adult**
 7 **individual who maintains annual certification in a course of**
 8 **cardiopulmonary resuscitation applicable to all age groups of**
 9 **children cared for by a child care ministry shall be present at all**
 10 **times when a child is in the care of the child care ministry.**
 11 **(b) An individual who:**
 12 **(1) is employed; or**
 13 **(2) volunteers;**
 14 **as a caregiver at a child care ministry shall maintain current**
 15 **certification in first aid applicable to all age groups of children**
 16 **cared for by the child care ministry.**
 17 **(c) The following apply to a caregiver at a child care ministry:**
 18 **(1) The caregiver shall obtain a physical health examination**
 19 **not more than thirty (30) days before or after the date the**
 20 **caregiver begins employment at the child care ministry.**
 21 **(2) The child care ministry shall train the caregiver in**
 22 **recognizing symptoms of and reporting child abuse and**
 23 **neglect.**
 24 **(3) If the caregiver is less than eighteen (18) years of age, the**
 25 **caregiver shall at all times when child care is being provided**
 26 **be directly supervised by a caregiver who is at least eighteen**
 27 **(18) years of age.**
 28 **(4) The child care ministry shall train the caregiver in**
 29 **universal precautions.**
 30 **(d) A child care ministry shall ensure that a child in the child**
 31 **care ministry's care is continually supervised by a caregiver.**
 32 SECTION 20. IC 12-17.2-6-18 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2013]: **Sec. 18. (a) The division may grant a**
 35 **probationary registration to a child care ministry that is**
 36 **temporarily unable to comply with a rule if:**
 37 **(1) the noncompliance does not present an immediate threat**
 38 **to the health and well-being of the children in the care of the**
 39 **child care ministry;**
 40 **(2) the child care ministry files a plan with the division or the**
 41 **state fire marshal to correct the areas of noncompliance**
 42 **within the probationary period; and**
 43 **(3) the division or state fire marshal approves the plan.**
 44 **(b) A probationary registration is valid for not more than six (6)**
 45 **months. The division may extend a probationary registration for**
 46 **one (1) additional period of six (6) months.**



1 (c) A registration is invalidated when a probationary
2 registration is issued.

3 (d) When the probationary registration expires, the division
4 shall reinstate the original registration or revoke the registration.

5 (e) Upon receipt of a probationary registration, the child care
6 ministry shall return to the division the previously issued
7 registration.

8 (f) The division shall:

9 (1) upon issuing a probationary registration under this
10 section, provide written notice to the child care ministry that
11 the division will provide the notice required under subdivision
12 (2); and

13 (2) not more than seven (7) days after issuing a probationary
14 registration under this section, publish notice under IC 5-3-1
15 and provide written notice to the parent or guardian of each
16 child enrolled in the child care ministry of the:

17 (A) issuance of the probationary registration; and

18 (B) reason for the issuance of the probationary
19 registration.

20 SECTION 21. IC 12-17.2-6-19 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2013]: **Sec. 19. (a) The division shall adopt**
23 **rules under IC 4-22-2 to establish a list of violations of this article**
24 **that would pose an immediate threat to the life or well-being of a**
25 **child in the care of a child care ministry.**

26 (b) If an employee or agent of the division determines that a
27 violation described in subsection (a) exists, the division shall:

28 (1) issue an emergency or other temporary order under
29 IC 4-21.5-4 requiring the child care ministry to immediately
30 cease operation; and

31 (2) contact the parent or guardian of each child in the care of
32 the child care ministry to inform the parent or guardian:

33 (A) that the division has issued an order to require the
34 child care ministry to cease operation; and

35 (B) of the reason for the order to cease operation;

36 pending the outcome of proceedings conducted under sections 21
37 through 23 of this chapter.

38 (c) An emergency or other temporary order issued by an
39 employee or agent of the division must be approved by the
40 director.

41 (d) An approval under subsection (c) may be communicated
42 orally to the employee or agent issuing the order. However, the
43 division shall maintain a written record of the approval.

44 SECTION 22. IC 12-17.2-6-20 IS ADDED TO THE INDIANA
45 CODE AS A NEW SECTION TO READ AS FOLLOWS
46 [EFFECTIVE JULY 1, 2013]: **Sec. 20. Except as provided in section**



1 19 or 30 of this chapter, the division shall give a child care ministry
2 thirty (30) calendar days written notice by certified mail of an
3 enforcement action against the child care ministry. The child care
4 ministry shall also be provided an opportunity for an informal
5 meeting with the division. The child care ministry must request the
6 meeting within ten (10) working days after receipt of the certified
7 notice.

8 SECTION 23. IC 12-17.2-6-21 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2013]: **Sec. 21. (a) An administrative hearing**
11 **concerning the decision of the division to impose a sanction under**
12 **this chapter shall be provided upon a written request by the child**
13 **care ministry. The request must be made within thirty (30)**
14 **calendar days after the child care ministry receives an order or**
15 **notice under section 19 or 20 of this chapter. The written request**
16 **must be made separately from an informal meeting request made**
17 **under section 20 of this chapter.**

18 **(b) The administrative hearing shall be held within sixty (60)**
19 **calendar days after the division receives the written request.**

20 SECTION 24. IC 12-17.2-6-22 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2013]: **Sec. 22. A hearing requested under**
23 **section 21 of this chapter shall be held in accordance with**
24 **IC 4-21.5-3.**

25 SECTION 25. IC 12-17.2-6-23 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2013]: **Sec. 23. The division shall issue a**
28 **decision within sixty (60) calendar days after the conclusion of a**
29 **hearing held under section 21 of this chapter.**

30 SECTION 26. IC 12-17.2-6-24 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2013]: **Sec. 24. If a child care ministry's**
33 **registration is suspended, the child care ministry shall cease**
34 **operation and may not display the registration.**

35 SECTION 27. IC 12-17.2-6-25 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2013]: **Sec. 25. To reinstate a suspended**
38 **registration, the following must occur:**

39 **(1) The child care ministry must, within thirty (30) days after**
40 **receiving notice of the suspension, submit a plan of corrective**
41 **action to the division for approval.**

42 **(2) The plan must outline the steps and timetable for**
43 **immediate correction of the violations that caused the division**
44 **to suspend the registration.**

45 **(3) The division must approve the plan.**

46 SECTION 28. IC 12-17.2-6-26 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: **Sec. 26. Following the suspension of**
 3 **a child care ministry's registration, the division shall do one (1) of**
 4 **the following:**

- 5 (1) Reinstatement of the registration.
- 6 (2) Revocation of the registration.
- 7 (3) Issuance of a new registration to the child care ministry.
- 8 (4) Denial of the child care ministry's reapplication for a
 9 registration.

10 SECTION 29. IC 12-17.2-6-27 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2013]: **Sec. 27. A child care ministry shall**
 13 **cease operation when the registration of the child care ministry is**
 14 **revoked.**

15 SECTION 30. IC 12-17.2-6-28 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2013]: **Sec. 28. (a) After a child care**
 18 **ministry's registration is revoked or suspended, the division shall**
 19 **publish notice of the revocation or suspension under IC 5-3-1 and**
 20 **notify in writing each person responsible for a child in the care of**
 21 **the child care ministry that the registration has been revoked or**
 22 **suspended.**

23 (b) The written notice shall be sent to the last known address of
 24 each person responsible for a child in the care of the child care
 25 ministry and shall state that the registration of the child care
 26 ministry has been revoked or suspended.

27 SECTION 31. IC 12-17.2-6-29 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2013]: **Sec. 29. A final decision of the division**
 30 **made after a hearing under this chapter is subject to judicial**
 31 **review under IC 4-21.5-5.**

32 SECTION 32. IC 12-17.2-6-30 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2013]: **Sec. 30. (a) The division shall**
 35 **investigate a report of an unregistered child care ministry and**
 36 **report the division's findings to the attorney general and to the**
 37 **division's attorney and the prosecuting attorney in the county**
 38 **where the child care ministry is located.**

39 (b) The attorney general or the division's attorney may do the
 40 following:

- 41 (1) Seek the issuance of a search warrant to assist in the
 42 investigation.
- 43 (2) File an action for injunctive relief to stop the operation of
 44 a child care ministry if there is reasonable cause to believe
 45 that:
 46 (A) the child care ministry is operating without a



1 registration required under this article; or
 2 (B) the child care ministry's noncompliance with this
 3 article and the rules adopted under this article creates an
 4 imminent danger of serious bodily injury to a child or an
 5 imminent danger to the health of a child.

6 (3) Seek in a civil action a civil penalty not to exceed one
 7 hundred dollars (\$100) a day for each day a child care
 8 ministry is operating without a registration required under
 9 this article.

10 (c) The division may provide for the removal of children from
 11 a child care ministry described in subsection (b).

12 (d) A child care ministry subject to injunctive relief under this
 13 section is entitled to an informal meeting with the division after the
 14 injunctive relief is ordered.

15 (e) The civil penalties collected under this section shall be
 16 deposited in the division of family resources child care fund
 17 established by IC 12-17.2-2-3.

18 (f) Section 35 of this chapter does not apply to the civil penalties
 19 imposed under this section.

20 SECTION 33. IC 12-17.2-6-31 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2013]: **Sec. 31. A court order granted under**
 23 **section 30(b)(2)(A) of this chapter expires when the child care**
 24 **ministry is issued a registration.**

25 SECTION 34. IC 12-17.2-6-32 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2013]: **Sec. 32. A court order granted under**
 28 **section 30(b)(2)(B) of this chapter expires upon the later of the**
 29 **following:**

- 30 (1) Sixty (60) calendar days after the order is issued.
 31 (2) When a final division decision is issued under sections 21
 32 through 23 of this chapter if notice of an enforcement action
 33 is issued under section 20 of this chapter.

34 SECTION 35. IC 12-17.2-6-33 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2013]: **Sec. 33. (a) The following constitute**
 37 **sufficient grounds for revocation of a registration:**

- 38 (1) A determination by the department of child services of
 39 child abuse or neglect (as defined in IC 31-9-2-14) by:
 40 (A) the operator or director of the child care ministry;
 41 (B) an employee of the child care ministry who has direct
 42 contact, on a regular and continuous basis, with children
 43 who are under the direct supervision of the child care
 44 ministry; or
 45 (C) a volunteer of the child care ministry who has direct
 46 contact, on a regular and continuous basis, with children



- 1 who are under the direct supervision of the child care
2 ministry.
- 3 **(2) A criminal conviction of an employee of the child care**
4 **ministry who has direct contact, on a regular and continuous**
5 **basis, with children who are under the direct supervision of**
6 **the child care ministry, or a volunteer of the child care**
7 **ministry who has direct contact, on a regular and continuous**
8 **basis, with children who are under the direct supervision of**
9 **the child care ministry, of any of the following:**
- 10 **(A) A felony.**
11 **(B) A misdemeanor related to the health or safety of a**
12 **child.**
13 **(C) A misdemeanor for operating a child care center**
14 **without a license under IC 12-17.2-4-35.**
15 **(D) A misdemeanor for operating a child care home**
16 **without a license under IC 12-17.2-5-35.**
- 17 **(3) A determination by the division that the child care**
18 **ministry made false statements in the child care ministry's**
19 **application for registration.**
- 20 **(4) A determination by the division that the child care**
21 **ministry made false statements in the records required by the**
22 **division.**
- 23 **(5) A determination by the division that the child care**
24 **ministry previously operated a:**
- 25 **(A) child care center without a license under IC 12-17.2-4;**
26 **or**
27 **(B) child care home without a license under IC 12-17.2-5.**
- 28 **(b) Notwithstanding subsection (a)(2), if:**
- 29 **(1) a registration is revoked due to a criminal conviction of an**
30 **employee or a volunteer of the child care ministry; and**
31 **(2) the division determines that the employee or volunteer has**
32 **been dismissed by the child care ministry;**
33 **the criminal conviction of the former employee or former**
34 **volunteer does not require revocation of the child care ministry's**
35 **registration.**
- 36 SECTION 36. IC 12-17.2-6-34 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2013]: **Sec. 34. (a) A child care ministry shall**
39 **operate in compliance with the rules established under this article**
40 **and is subject to the disciplinary sanctions under subsection (b) if**
41 **the division finds that the child care ministry has violated this**
42 **article.**
- 43 **(b) The division may impose any of the following sanctions when**
44 **the division finds that a child care ministry has committed a**
45 **violation under subsection (a):**
- 46 **(1) After complying with the procedural provisions in sections**



1 **20 through 23 of this chapter:**

2 **(A) suspend the child care ministry's registration for not**
3 **more than six (6) months; or**

4 **(B) revoke the child care ministry's registration.**

5 **(2) Seek civil remedies under section 30 of this chapter.**

6 SECTION 37. IC 12-17.2-6-35 IS ADDED TO THE INDIANA
7 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2013]: **Sec. 35. (a) In addition to the other**
9 **penalties imposed under this chapter, the division may impose a**
10 **civil penalty of not more than one thousand dollars (\$1,000) for a**
11 **violation of this article.**

12 **(b) The division shall deposit the civil penalties collected under**
13 **this section in the division of family resources child care fund**
14 **established by IC 12-17.2-2-3.**

15 SECTION 38. IC 12-17.2-6-36 IS ADDED TO THE INDIANA
16 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2013]: **Sec. 36. A person who knowingly or**
18 **intentionally violates this chapter commits a Class B misdemeanor.**

19 SECTION 39. IC 12-17.2-6-37 IS ADDED TO THE INDIANA
20 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2013]: **Sec. 37. (a) The department of child**
22 **services shall conduct an investigation of a claim of abuse or**
23 **neglect in a child care ministry.**

24 **(b) After an investigation under subsection (a), the department**
25 **of child services shall make a determination of whether or not**
26 **abuse or neglect occurred at the child care ministry.**

27 **(c) If the department of child services makes a determination**
28 **under IC 31-33-8-12 that abuse or neglect at the child care**
29 **ministry is substantiated, the department shall send a copy of its**
30 **report to the appropriate office of the division.**



PRELIMINARY DRAFT
No. 3405

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 4-21.5-2-6; IC 12-7-2-149.1; IC 12-17.2.

Synopsis: Child care regulation. Makes certain health and safety requirements applying to child care providers consistent, including criminal history checks, drug testing, caregiver education and supervision, nutrition, immunizations, fire and hazardous materials safety, and administrative procedures for noncompliance. Makes technical changes.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.219-2007,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 6. This article does not apply to the formulation,
4 issuance, or administrative review (but does apply to the judicial
5 review and civil enforcement) of any of the following:

6 (1) Except as provided in IC 12-17.2-4-18.7, and
7 IC 12-17.2-5-18.7, and **IC 12-17.2-6-22**, determinations by the
8 division of family resources and the department of child services.

9 (2) Determinations by the alcohol and tobacco commission.

10 (3) Determinations by the office of Medicaid policy and planning
11 concerning recipients and applicants of Medicaid. However, this
12 article does apply to determinations by the office of Medicaid
13 policy and planning concerning providers.

14 SECTION 2. IC 12-7-2-149.1, AS AMENDED BY P.L.143-2011,
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 149.1. "Provider" means the following:

17 (1) For purposes of IC 12-10-7, the meaning set forth in
18 IC 12-10-7-3.

19 (2) For purposes of the following statutes, an individual, a
20 partnership, a corporation, or a governmental entity that is
21 enrolled in the Medicaid program under rules adopted under
22 IC 4-22-2 by the office of Medicaid policy and planning:

23 (A) IC 12-14-1 through IC 12-14-9.5.

24 (B) IC 12-15, except IC 12-15-32, IC 12-15-33, and
25 IC 12-15-34.

26 (C) IC 12-17.6.

27 (3) Except as provided in ~~subdivision~~ **subdivisions (4) and (6)**,
28 for purposes of IC 12-17.2, a person who operates a child care
29 center or child care home under IC 12-17.2.

30 (4) For purposes of IC 12-17.2-3.5, a person that:

31 (A) provides child care; and



1 (B) is directly paid for the provision of the child care under the
 2 federal Child Care and Development Fund voucher program
 3 administered under 45 CFR 98 and 45 CFR 99.

4 The term does not include an individual who provides services to
 5 a person described in clauses (A) and (B), regardless of whether
 6 the individual receives compensation.

7 (5) For purposes of IC 12-21-1 through IC 12-29-2, an
 8 organization:

9 (A) that:

10 (i) provides mental health services, as defined under 42
 11 U.S.C. 300x-2(c);

12 (ii) provides addiction services; or

13 (iii) provides children's mental health services;

14 (B) that has entered into a provider agreement with the
 15 division of mental health and addiction under IC 12-21-2-7 to
 16 provide services in the least restrictive, most appropriate
 17 setting; and

18 (C) that is operated by one (1) of the following:

19 (i) A city, town, county, or other political subdivision of the
 20 state.

21 (ii) An agency of the state or of the United States.

22 (iii) A political subdivision of another state.

23 (iv) A hospital owned or operated by a unit of government
 24 or a building authority that is organized for the purpose of
 25 constructing facilities to be leased to units of government.

26 (v) A corporation incorporated under IC 23-7-1.1 (before its
 27 repeal August 1, 1991) or IC 23-17.

28 (vi) An organization that is exempt from federal income
 29 taxation under Section 501(c)(3) of the Internal Revenue
 30 Code.

31 (vii) A university or college.

32 **(6) For purposes of IC 12-17.2-2-10, the following:**

33 **(A) A person described in subdivision (4).**

34 **(B) A child care center licensed under IC 12-17.2-4.**

35 **(C) A child care home licensed under IC 12-17.2-5.**

36 **(D) A child care ministry registered under IC 12-17.2-6.**

37 SECTION 3. IC 12-17.2-2-4 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) The division shall
 39 adopt rules under IC 4-22-2 concerning the licensing and inspection of
 40 child care centers and child care homes after consultation with the
 41 following:

42 (1) State department of health.

43 (2) Fire prevention and building safety commission.

44 (3) ~~The board:~~ **committee on child care established by**
 45 **IC 12-17.2-3.3-2.**

46 (b) The rules adopted under subsection (a) shall be applied by the



1 division and state fire marshal in the licensing and inspection of
2 applicants for a license and licensees under this article.

3 SECTION 4. IC 12-17.2-2-5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) The division shall
5 adopt rules under IC 4-22-2 to govern the **registration and** inspection
6 of child care ministries under this article **after consultation with the**
7 **following:**

- 8 (1) **The state department of health.**
- 9 (2) **The fire prevention and building safety commission.**
- 10 (3) **The committee on child care established by**
- 11 **IC 12-17.2-3.3-2.**

12 The rules must provide standards for **food, health, safety, and**
13 **sanitation.**

14 (b) A child care ministry shall comply with rules established by the
15 division for child care ministries.

16 (c) **The rules adopted under subsection (a) shall be applied by**
17 **the division and state fire marshal in the registration and**
18 **inspection of applicants for registration and of registrants.**

19 SECTION 5. IC 12-17.2-2-10, AS AMENDED BY P.L.145-2006,
20 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2013]: Sec. 10. (a) The division may grant a variance or
22 waiver of a rule governing **child care centers, or child care homes: a**
23 **provider.** A variance or waiver granted under this section must
24 promote statewide practices and must protect the rights of persons
25 affected by this article.

26 (b) The division may grant a variance to a rule if **an applicant for a**
27 **license or a licensee under this chapter provider** does the following:

- 28 (1) Submits to the division a written request for the variance in
29 the form and manner specified by the division.
- 30 (2) Documents that compliance with an alternative method of
31 compliance approved by the division will not be adverse to the
32 health, safety, or welfare of a child receiving services from the
33 applicant for the variance, as determined by the division.

34 (c) A variance granted under subsection (b) must be conditioned
35 upon compliance with the alternative method approved by the division.
36 Noncompliance constitutes the violation of a rule of the division and
37 may be the basis for revoking the variance.

38 (d) The division may grant a waiver of a rule if **an applicant for a**
39 **license or a licensee under this chapter provider** does the following:

- 40 (1) Submits to the division a written request for the waiver in the
41 form and manner specified by the division.
- 42 (2) Documents that compliance with the rule specified in the
43 application for the waiver will create an undue hardship on the
44 applicant for the waiver, as determined by the division.
- 45 (3) Documents that the applicant for the waiver will be in
46 substantial compliance with the rules adopted by the division after



1 the waiver is granted, as determined by the division.

2 (4) Documents that noncompliance with the rule specified in the
3 application for a waiver will not be adverse to the health, safety,
4 or welfare of a child receiving services from the applicant for the
5 waiver, as determined by the division.

6 (e) Except for a variance or waiver of a rule governing child care
7 homes, a variance or waiver of a rule under this section that conflicts
8 with a building rule or fire safety rule adopted by the fire prevention
9 and building safety commission is not effective until the variance or
10 waiver is approved by the fire prevention and building safety
11 commission.

12 SECTION 6. IC 12-17.2-3.5-1, AS AMENDED BY P.L.124-2007,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2013]: Sec. 1. (a) This chapter applies to all child care
15 providers regardless of whether a provider is required to be licensed or
16 registered under this article. However, **except as provided in section**
17 **4(b) of this chapter**, a child care provider that is licensed under
18 IC 12-17.2-4 or IC 12-17.2-5 is considered to be in compliance with
19 this chapter unless the child care provider is found to be in violation of
20 this chapter.

21 (b) If a school age child care program that is:

22 (1) described in IC 12-17.2-2-8(10); and

23 (2) located in a school building;

24 is determined to be in compliance with a requirement of this chapter by
25 another state regulatory authority, the school age child care program is
26 considered to be in compliance with the requirement under this
27 chapter.

28 SECTION 7. IC 12-17.2-3.5-4 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A provider who:

30 (1) has been convicted of a:

31 (A) felony;

32 (B) misdemeanor related to the health or safety of a child;

33 (C) misdemeanor for operating a child care center without a
34 license under IC 12-17.2-4-35; or

35 (D) misdemeanor for operating a child care home without a
36 license under IC 12-17.2-5-35;

37 (2) employs or otherwise allows an individual who has been
38 convicted of a crime specified under subdivision (1) to:

39 (A) serve as a caregiver to a child in the provider's care; or

40 (B) reside with the provider, if the provider operates a child
41 care program in the provider's home; or

42 (3) fails to meet the requirements set forth in sections 5 through
43 12.1 of this chapter;

44 is ineligible to receive a voucher payment.

45 (b) **A provider whose license under IC 12-17.2-4 or IC 12-17.2-5**
46 **is revoked or denied is ineligible to receive a voucher payment,**



1 **regardless of whether the provider meets the requirements set**
2 **forth in sections 5 through 12.1 of this chapter, until the license is**
3 **reinstated or granted.**

4 SECTION 8. IC 12-17.2-3.5-4.1 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.1. (a) This section
6 applies to the following:

- 7 (1) A provider, if the provider is an individual.
- 8 (2) If a provider operates a child care program in the provider's
9 home, an individual who resides with the provider and who is at
10 least eighteen (18) years of age.
- 11 (3) An individual who:
 - 12 (A) is employed; or
 - 13 (B) volunteers;
- 14 as a caregiver at the facility where a provider operates a child care
15 program.

16 (b) If information used by the division under ~~IC 31-33-17-6(7)~~
17 **IC 31-33-26-16(a)(10)** indicates that an individual described in
18 subsection (a) has been named as an ~~alleged~~ a perpetrator, the
19 following are ineligible to receive a voucher payment:

- 20 (1) The individual.
- 21 (2) A provider in whose home the individual resides if the
22 provider operates a child care program in the provider's home.
- 23 (3) A provider that:
 - 24 (A) employs the individual; or
 - 25 (B) allows the individual to volunteer;
- 26 as a caregiver at the facility where the provider operates a child
27 care program.

28 SECTION 9. IC 12-17.2-3.5-5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A provider shall
30 have:

- 31 (1) working smoke detectors that meet the standards adopted by
32 rule for smoke detectors in licensed child care homes; and
- 33 (2) hot and cold running water;

34 in the area of the facility where the provider operates a child care
35 program.

36 **(b) A provider shall:**

- 37 **(1) provide appropriately timed, nutritionally balanced meals**
38 **and snacks in sufficient quantities to meet the needs of each**
39 **child; and**
- 40 **(2) maintain availability of drinking water at all times.**

41 SECTION 10. IC 12-17.2-3.5-8 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) At least one (1)
43 adult individual who maintains annual certification in a course of
44 cardiopulmonary resuscitation applicable to all age groups of children
45 cared for by a provider shall be present at all times when a child is in
46 the care of the provider.



1 (b) An individual who:

- 2 (1) is employed; or
3 (2) volunteers;

4 as a caregiver at a facility where a provider operates a child care
5 program shall maintain current certification in first aid applicable to all
6 age groups of children cared for by the provider.

7 (c) **The following apply to a caregiver at a facility where a**
8 **provider operates a child care program:**

9 (1) **The caregiver shall obtain a physical health examination**
10 **not more than thirty (30) days before or after the date the**
11 **caregiver begins employment at the facility.**

12 (2) **The provider shall train the caregiver in recognizing**
13 **symptoms of and reporting child abuse and neglect.**

14 (3) **If the caregiver is less than eighteen (18) years of age, the**
15 **caregiver shall at all times when child care is being provided**
16 **be directly supervised by a caregiver who is at least eighteen**
17 **(18) years of age.**

18 (4) **The provider shall train the caregiver in universal**
19 **precautions.**

20 SECTION 11. IC 12-17.2-3.5-12, AS AMENDED BY
21 P.L.142-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Except as provided in
23 subsection (f), a provider shall, at no expense to the state, maintain and
24 make available to the division upon request a copy of a:

25 (1) **national criminal history for:**

26 (A) **the provider, if the provider is an individual; or**

27 (B) **the director of the facility where the provider operates**
28 **a child care program, if the provider is not an individual;**
29 **and**

30 (2) **limited criminal history for:**

31 ~~(1)~~ (A) **the provider, if the provider is an individual;**

32 ~~(2)~~ (B) **if the provider operates a child care program in the**
33 **provider's home, any individual who resides with the provider**
34 **and who is:**

35 ~~(A)~~ (i) **at least eighteen (18) years of age; or**

36 ~~(B)~~ (ii) **less than eighteen (18) years of age but has**
37 **previously been waived from juvenile court to adult court;**
38 **and**

39 ~~(3)~~ (C) **any individual who:**

40 ~~(A)~~ (i) **is employed; or**

41 ~~(B)~~ (ii) **volunteers;**

42 **as a caregiver at the facility where the provider operates a**
43 **child care program.**

44 **A provider shall apply for a limited criminal history for an**
45 **individual described in subdivision ~~(3)~~ (2)(C) before the**
46 **individual is employed or allowed to volunteer as a caregiver.**



1 (b) In addition to the requirement under subsection (a), a provider
2 shall report to the division any:

- 3 (1) police investigations;
- 4 (2) arrests; and
- 5 (3) criminal convictions;

6 not listed on a **national or** limited criminal history obtained under
7 subsection (a) regarding any of the persons listed in subsection (a).

8 (c) A provider that meets the other eligibility requirements of this
9 chapter is temporarily eligible to receive voucher payments until the
10 provider receives the **national criminal history and** limited criminal
11 history required under subsection (a) ~~from the state police department~~
12 if:

- 13 (1) the provider:
 - 14 (A) has applied for the **national criminal history and** limited
 - 15 criminal history required under subsection (a); and
 - 16 (B) obtains a local criminal history for the individuals
 - 17 described in subsection (a) from each individual's local law
 - 18 enforcement agency before the individual is employed or
 - 19 allowed to volunteer as a caregiver; and
- 20 (2) the local criminal history does not reveal that an individual
21 has been convicted of a:
 - 22 (A) felony;
 - 23 (B) misdemeanor related to the health or safety of a child;
 - 24 (C) misdemeanor for operating a child care center without a
 - 25 license under IC 12-17.2-4-35; or
 - 26 (D) misdemeanor for operating a child care home without a
 - 27 license under IC 12-17.2-5-35.

28 (d) A provider is ineligible to receive a voucher payment if an
29 individual for whom a **national or** limited criminal history is required
30 under this section has been convicted of a:

- 31 (1) felony;
- 32 (2) misdemeanor related to the health or safety of a child;
- 33 (3) misdemeanor for operating a child care center without a
- 34 license under IC 12-17.2-4-35; or
- 35 (4) misdemeanor for operating a child care home without a
- 36 license under IC 12-17.2-5-35;

37 until the individual is dismissed from employment or volunteer service
38 at the facility where the provider operates a child care program or no
39 longer resides with the provider.

40 (e) A provider shall maintain a written policy requiring an
41 individual for whom a **national or** limited criminal history is required
42 under this section to report any criminal convictions of the individual
43 to the provider.

44 (f) The state police department may not charge a church or religious
45 society any fees or costs for responding to a request for a release of a
46 **national or** limited criminal history record of a prospective or current



1 employee or a prospective or current volunteer of a child care ministry
2 registered under IC 12-17.2-6 if the conditions set forth in
3 IC 10-13-3-36(f) are met.

4 SECTION 12. IC 12-17.2-4-2, AS AMENDED BY P.L.128-2012,
5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2013]: Sec. 2. (a) A license may be issued only if a child care
7 center is in compliance with food, health, safety, and sanitation
8 standards as determined by the division under rules adopted by the
9 division under IC 12-17.2-2-4 or in accordance with a variance or
10 waiver approved by the division under IC 12-17.2-2-10.

11 (b) A license may be issued only if the child care center is in
12 substantial compliance with the fire and life safety rules as determined
13 by the state fire marshal under rules adopted by the division under
14 IC 12-17.2-2-4 or in accordance with a variance or waiver approved by
15 the division under IC 12-17.2-2-10.

16 (c) The division may issue a waiver or variance regarding a
17 determination by the division or the state fire marshal under
18 subsections (a) and (b).

19 (d) At least one (1) adult individual who maintains annual
20 certification in a course of cardiopulmonary resuscitation applicable to
21 all age groups of children cared for by the child care center shall be
22 present at all times when a child is in the care of a child care center.

23 (e) An individual who:
24 (1) is employed; or
25 (2) volunteers;
26 as a caregiver at a child care center shall maintain current certification
27 in first aid applicable to all age groups of children cared for by the
28 child care center.

29 **(f) The following apply to a caregiver at a child care center:**
30 **(1) The caregiver shall obtain a physical health examination**
31 **not more than thirty (30) days before or after the date the**
32 **caregiver begins employment at the child care center.**
33 **(2) The child care center shall train the caregiver in**
34 **recognizing symptoms of and reporting child abuse and**
35 **neglect.**
36 **(3) If the caregiver is less than eighteen (18) years of age, the**
37 **caregiver shall at all times when child care is being provided**
38 **be directly supervised by a caregiver who is at least eighteen**
39 **(18) years of age.**
40 **(4) The child care center shall train the caregiver in universal**
41 **precautions.**

42 SECTION 13. IC 12-17.2-5-18.2 IS AMENDED TO READ AS
43 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 18.2. (a) At least one
44 (1) adult individual who maintains annual certification in a course of
45 cardiopulmonary resuscitation applicable to all age groups of children
46 cared for by the child care home shall be present at all times when a



1 child is in the care of a child care home.

2 (b) An individual who:

3 (1) is employed; or

4 (2) volunteers;

5 as a caregiver at a child care home shall maintain current certification
6 in first aid applicable to all age groups of children cared for by the
7 child care home.

8 **(c) The following apply to a caregiver at a child care home:**

9 **(1) The caregiver shall obtain a physical health examination**
10 **not more than thirty (30) days before or after the date the**
11 **caregiver begins employment at the child care home.**

12 **(2) The child care home shall train the caregiver in**
13 **recognizing symptoms of and reporting child abuse and**
14 **neglect.**

15 **(3) If the caregiver is less than eighteen (18) years of age, the**
16 **caregiver shall at all times when child care is being provided**
17 **be directly supervised by a caregiver who is at least eighteen**
18 **(18) years of age.**

19 **(4) The child care home shall train the caregiver in universal**
20 **precautions.**

21 SECTION 14. IC 12-17.2-6-2, AS AMENDED BY P.L.1-2006,
22 SECTION 193, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) An unlicensed child care
24 ministry under section 1 of this chapter may not operate unless the
25 child care ministry has registered with and met the requirements of the:

26 **(1) division, as determined by the division under rules adopted**
27 **by the division under IC 12-17.2-2-4 or in accordance with a**
28 **variance or waiver approved by the division under**
29 **IC 12-17.2-2-10; and the**

30 **(2) division of fire and building safety, as determined by the**
31 **state fire marshal under rules adopted by the division under**
32 **IC 12-17.2-2-4 or in accordance with a variance or waiver**
33 **approved by the division under IC 12-17.2-2-10.**

34 Registration forms shall be provided by the division and the division of
35 fire and building safety.

36 **(b) The division may issue a waiver or variance regarding a**
37 **determination by the division or the state fire marshal under**
38 **subsection (a).**

39 SECTION 15. IC 12-17.2-6-11 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) ~~The parent or~~
41 ~~guardian of a child shall, when the child is enrolled in a child care~~
42 ~~ministry; provide the child care ministry with proof that the child has~~
43 ~~received the required immunizations against the following:~~

44 ~~(1) Diphtheria:~~

45 ~~(2) Whooping cough:~~

46 ~~(3) Tetanus:~~



- 1 (4) Measles;
- 2 (5) Rubella;
- 3 (6) Poliomyelitis;
- 4 (7) Mumps;
- 5 (b) A child enrolled in a child care ministry may not be required to
- 6 undergo an immunization required under this section if the parents
- 7 object for religious reasons. The objection must be:
- 8 (1) made in writing;
- 9 (2) signed by the child's parent or guardian; and
- 10 (3) delivered to the child care ministry;
- 11 (c) If a physician certifies that a particular immunization required
- 12 by this section is or may be detrimental to the child's health, the
- 13 requirements of this section for that particular immunization are
- 14 inapplicable to that child until the immunization is found to be no
- 15 longer detrimental to the child's health.
- 16 (a) A child care ministry shall maintain and annually update
- 17 documentation provided by the physician of each child who is
- 18 cared for by the child care ministry verifying that the child has
- 19 received complete, age appropriate immunizations, including:
- 20 (1) conjugated pneumococcal vaccine; and
- 21 (2) varicella vaccine, unless the child has a demonstrated
- 22 immunity to varicella.
- 23 The state department of health shall determine for each age level
- 24 the immunizations that constitute complete, age appropriate
- 25 immunizations.
- 26 (b) A child care ministry complies with subsection (a) if:
- 27 (1) a child's parent:
- 28 (A) objects to immunizations for religious reasons; and
- 29 (B) provides documentation of the parent's objection;
- 30 (2) the child's physician provides documentation of a medical
- 31 reason the child should not be immunized; or
- 32 (3) the child's physician provides documentation that the child
- 33 is currently in the process of receiving complete, age
- 34 appropriate immunizations;
- 35 and the child care ministry maintains and annually updates the
- 36 documentation provided by the parent or physician under this
- 37 subsection.
- 38 SECTION 16. IC 12-17.2-6-14, AS AMENDED BY P.L. 124-2007,
- 39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2013]: Sec. 14. The child care ministry must do the following:
- 41 (1) Conduct a:
- 42 (A) national criminal history check of the operator or
- 43 director of the child care ministry; and
- 44 (B) criminal history check of the child care ministry's
- 45 employees and volunteers.
- 46 (2) Refrain from employing, or allowing to serve as a volunteer,



- 1 an individual who:
- 2 (A) has been convicted of any of the following felonies:
- 3 (i) Murder (IC 35-42-1-1);
- 4 (ii) Causing suicide (IC 35-42-1-2);
- 5 (iii) Assisting suicide (IC 35-42-1-2.5);
- 6 (iv) Voluntary manslaughter (IC 35-42-1-3);
- 7 (v) Reckless homicide (IC 35-42-1-5);
- 8 (vi) Battery (IC 35-42-2-1);
- 9 (vii) Aggravated battery (IC 35-42-2-1.5);
- 10 (viii) Kidnapping (IC 35-42-3-2);
- 11 (ix) Criminal confinement (IC 35-42-3-3);
- 12 (x) A felony sex offense under IC 35-42-4;
- 13 (xi) Carjacking (IC 35-42-5-2);
- 14 (xii) Arson (IC 35-43-1-1);
- 15 (xiii) Incest (IC 35-46-1-3);
- 16 (xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and
- 17 IC 35-46-1-4(a)(2));
- 18 (xv) Child selling (IC 35-46-1-4(d));
- 19 (xvi) A felony involving a weapon under IC 35-47 or
- 20 IC 35-47.5;
- 21 (xvii) A felony relating to controlled substances under
- 22 IC 35-48-4;
- 23 (xviii) An offense relating to material or a performance that
- 24 is harmful to minors or obscene under IC 35-49-3;
- 25 (xix) A felony that is substantially equivalent to a felony
- 26 listed in items (i) through (xviii) for which the conviction
- 27 was entered in another state: a felony;
- 28 (B) has been convicted of a misdemeanor:
- 29 (i) related to the health or safety of a child;
- 30 **(ii) for operating a child care center without a license**
- 31 **under IC 12-17.2-4-35; or**
- 32 **(iii) for operating a child care home without a license**
- 33 **under IC 12-17.2-5-35; or**
- 34 (C) is a person against whom an allegation of child abuse or
- 35 neglect has been substantiated under IC 31-33.
- 36 (3) Maintain records of each criminal history check.
- 37 SECTION 17. IC 12-17.2-6-14.5 IS ADDED TO THE INDIANA
- 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 39 [EFFECTIVE JULY 1, 2013]: **Sec. 14.5. (a) A child care ministry**
- 40 **shall, at no expense to the state, maintain and make available to the**
- 41 **division upon request a copy of drug testing results for an**
- 42 **individual who:**
- 43 **(1) is employed; or**
- 44 **(2) volunteers;**
- 45 **as a caregiver at the child care ministry. The drug testing results**
- 46 **required under this subsection must be obtained before the**



1 individual is employed or allowed to volunteer as a caregiver.

2 (b) A child care ministry shall maintain a written policy
3 specifying the following:

4 (1) That the:

5 (A) use of:

6 (i) tobacco; or

7 (ii) a potentially toxic substance in a manner other than
8 the substance's intended purpose; and

9 (B) use or possession of alcohol or an illegal substance;

10 is prohibited in the child care ministry when child care is
11 being provided.

12 (2) That drug testing of individuals who serve as caregivers at
13 the child care ministry will be:

14 (A) performed based on a protocol established or approved
15 by the division; and

16 (B) required if an individual is suspected of noncompliance
17 with subdivision (1).

18 (c) If:

19 (1) the drug testing results obtained under subsection (a) or
20 (b) indicate the presence of a prohibited substance described
21 in subsection (b)(1)(A)(ii) or (b)(1)(B); or

22 (2) an individual refuses to submit to a drug test;

23 the child care ministry shall immediately suspend or terminate the
24 individual's employment or volunteer service.

25 (d) A child care ministry that suspends an individual described
26 in subsection (c) shall maintain a written policy providing for
27 reinstatement of the individual following rehabilitation of the
28 individual and drug testing results for the individual that are
29 negative for a prohibited substance described in subsection
30 (b)(1)(A)(ii) or (b)(1)(B).

31 (e) Drug testing results obtained under this section are
32 confidential and may not be disclosed for any purpose other than
33 the purpose described in this section.

34 (f) A child care ministry that does not comply with this section
35 is subject to:

36 (1) denial of an application for registration; or

37 (2) suspension or revocation of the child care ministry's
38 registration;

39 under this chapter.

40 SECTION 18. IC 12-17.2-6-16 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A child care ministry shall
43 have:

44 (1) at least one (1) working telephone; and

45 (2) emergency contact information for each child in the care
46 of the child care ministry;



- 1 available to employees of the child care ministry at all times.
- 2 (b) A child care ministry shall:
- 3 (1) provide appropriately timed, nutritionally balanced meals
- 4 and snacks in sufficient quantities to meet the needs of each
- 5 child; and
- 6 (2) maintain availability of drinking water at all times.
- 7 (c) A child care ministry must have at least one (1) exit that:
- 8 (1) does not require passage through a:
- 9 (A) garage; or
- 10 (B) storage area;
- 11 where hazardous materials are stored;
- 12 (2) is not a window;
- 13 (3) is not blocked; and
- 14 (4) is operable from the inside without the use of a key or any
- 15 special knowledge.
- 16 (d) A child care ministry shall:
- 17 (1) conduct monthly documented fire drills:
- 18 (A) in accordance with the rules of the fire prevention and
- 19 building safety commission; and
- 20 (B) that include complete evacuation of all:
- 21 (i) children; and
- 22 (ii) adults who provide child care;
- 23 in the child care ministry;
- 24 (2) maintain documentation of all fire drills conducted during
- 25 the immediately preceding twelve (12) month period,
- 26 including:
- 27 (A) the date and time of the fire drill;
- 28 (B) the name of the individual who conducted the fire drill;
- 29 (C) the weather conditions at the time of the fire drill; and
- 30 (D) the amount of time required to fully evacuate the child
- 31 care ministry; and
- 32 (3) maintain a two and one-half (2 1/2) pound or greater ABC
- 33 multiple purpose fire extinguisher:
- 34 (A) on each floor; and
- 35 (B) in the kitchen area;
- 36 of the child care ministry.
- 37 (e) A child care ministry shall provide for a safe environment by
- 38 ensuring that the following items are placed in areas that are
- 39 inaccessible to the children in the child care ministry's care:
- 40 (1) Firearms and ammunition.
- 41 (2) Poisons, chemicals, medications, bleach, and cleaning
- 42 materials.
- 43 (f) A child care ministry shall have:
- 44 (1) working smoke detectors that meet the child care home or
- 45 child care center licensing standards adopted by rule for
- 46 smoke detectors in the type of facility that the child care



1 ministry operates; and

2 (2) hot and cold running water;

3 in the area of the child care ministry where children are cared for.

4 SECTION 19. IC 12-17.2-6-17 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2013]: **Sec. 17. (a) At least one (1) adult
7 individual who maintains annual certification in a course of
8 cardiopulmonary resuscitation applicable to all age groups of
9 children cared for by a child care ministry shall be present at all
10 times when a child is in the care of the child care ministry.**

11 (b) An individual who:

12 (1) is employed; or

13 (2) volunteers;

14 as a caregiver at a child care ministry shall maintain current
15 certification in first aid applicable to all age groups of children
16 cared for by the child care ministry.

17 (c) The following apply to a caregiver at a child care ministry:

18 (1) The caregiver shall obtain a physical health examination
19 not more than thirty (30) days before or after the date the
20 caregiver begins employment at the child care ministry.

21 (2) The child care ministry shall train the caregiver in
22 recognizing symptoms of and reporting child abuse and
23 neglect.

24 (3) If the caregiver is less than eighteen (18) years of age, the
25 caregiver shall at all times when child care is being provided
26 be directly supervised by a caregiver who is at least eighteen
27 (18) years of age.

28 (4) The child care ministry shall train the caregiver in
29 universal precautions.

30 (d) A child care ministry shall ensure that a child in the child
31 care ministry's care is continually supervised by a caregiver.

32 (e) A child care ministry that cares for:

33 (1) sixteen (16) or fewer children shall maintain a ratio of
34 children to caregivers in the same proportion as the child to
35 staff ratios that are required for a child care home under
36 IC 12-17.2-5; and

37 (2) more than sixteen (16) children shall maintain a ratio of
38 children to caregivers in the same proportion as the child to
39 staff ratios that are required for a child care center under
40 IC 12-17.2-4.

41 SECTION 20. IC 12-17.2-6-18 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS
43 [EFFECTIVE JULY 1, 2013]: **Sec. 18. (a) The division may grant a
44 probationary registration to a child care ministry that is
45 temporarily unable to comply with a rule if:**

46 (1) the noncompliance does not present an immediate threat



- 1 to the health and well-being of the children in the care of the
 2 child care ministry;
- 3 (2) the child care ministry files a plan with the division or the
 4 state fire marshal to correct the areas of noncompliance
 5 within the probationary period; and
- 6 (3) the division or state fire marshal approves the plan.
- 7 (b) A probationary registration is valid for not more than six (6)
 8 months. The division may extend a probationary registration for
 9 one (1) additional period of six (6) months.
- 10 (c) A registration is invalidated when a probationary
 11 registration is issued.
- 12 (d) When the probationary registration expires, the division
 13 shall reinstate the original registration or revoke the registration.
- 14 (e) Upon receipt of a probationary registration, the child care
 15 ministry shall return to the division the previously issued
 16 registration.
- 17 (f) The division shall:
- 18 (1) upon issuing a probationary registration under this
 19 section, provide written notice to the child care ministry that
 20 the division will provide the notice required under subdivision
 21 (2); and
- 22 (2) not more than seven (7) days after issuing a probationary
 23 registration under this section, publish notice under IC 5-3-1
 24 and provide written notice to the parent or guardian of each
 25 child enrolled in the child care ministry of the:
- 26 (A) issuance of the probationary registration; and
- 27 (B) reason for the issuance of the probationary
 28 registration.
- 29 SECTION 21. IC 12-17.2-6-19 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) The division shall adopt
 32 rules under IC 4-22-2 to establish a list of violations of this article
 33 that would pose an immediate threat to the life or well-being of a
 34 child in the care of a child care ministry.
- 35 (b) If an employee or agent of the division determines that a
 36 violation described in subsection (a) exists, the division shall:
- 37 (1) issue an emergency or other temporary order under
 38 IC 4-21.5-4 requiring the child care ministry to immediately
 39 cease operation; and
- 40 (2) contact the parent or guardian of each child in the care of
 41 the child care ministry to inform the parent or guardian:
- 42 (A) that the division has issued an order to require the
 43 child care ministry to cease operation; and
- 44 (B) of the reason for the order to cease operation;
- 45 pending the outcome of proceedings conducted under sections 21
 46 through 23 of this chapter.



1 (c) An emergency or other temporary order issued by an
 2 employee or agent of the division must be approved by the
 3 director.

4 (d) An approval under subsection (c) may be communicated
 5 orally to the employee or agent issuing the order. However, the
 6 division shall maintain a written record of the approval.

7 SECTION 22. IC 12-17.2-6-20 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2013]: **Sec. 20.** Except as provided in section
 10 19 or 30 of this chapter, the division shall give a child care ministry
 11 thirty (30) calendar days written notice by certified mail of an
 12 enforcement action against the child care ministry. The child care
 13 ministry shall also be provided an opportunity for an informal
 14 meeting with the division. The child care ministry must request the
 15 meeting within ten (10) working days after receipt of the certified
 16 notice.

17 SECTION 23. IC 12-17.2-6-21 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2013]: **Sec. 21. (a)** An administrative hearing
 20 concerning the decision of the division to impose a sanction under
 21 this chapter shall be provided upon a written request by the child
 22 care ministry. The request must be made within thirty (30)
 23 calendar days after the child care ministry receives an order or
 24 notice under section 19 or 20 of this chapter. The written request
 25 must be made separately from an informal meeting request made
 26 under section 20 of this chapter.

27 (b) The administrative hearing shall be held within sixty (60)
 28 calendar days after the division receives the written request.

29 SECTION 24. IC 12-17.2-6-22 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2013]: **Sec. 22.** A hearing requested under
 32 section 21 of this chapter shall be held in accordance with
 33 IC 4-21.5-3.

34 SECTION 25. IC 12-17.2-6-23 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2013]: **Sec. 23.** The division shall issue a
 37 decision within sixty (60) calendar days after the conclusion of a
 38 hearing held under section 21 of this chapter.

39 SECTION 26. IC 12-17.2-6-24 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2013]: **Sec. 24.** If a child care ministry's
 42 registration is suspended, the child care ministry shall cease
 43 operation and may not display the registration.

44 SECTION 27. IC 12-17.2-6-25 IS ADDED TO THE INDIANA
 45 CODE AS A NEW SECTION TO READ AS FOLLOWS
 46 [EFFECTIVE JULY 1, 2013]: **Sec. 25.** To reinstate a suspended



1 registration, the following must occur:

2 (1) The child care ministry must, within thirty (30) days after
3 receiving notice of the suspension, submit a plan of corrective
4 action to the division for approval.

5 (2) The plan must outline the steps and timetable for
6 immediate correction of the violations that caused the division
7 to suspend the registration.

8 (3) The division must approve the plan.

9 SECTION 28. IC 12-17.2-6-26 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2013]: **Sec. 26. Following the suspension of**
12 **a child care ministry's registration, the division shall do one (1) of**
13 **the following:**

14 (1) Reinstate the registration.

15 (2) Revoke the registration.

16 (3) Issue to the child care ministry a new registration.

17 (4) Deny the child care ministry's reapplication for a
18 registration.

19 SECTION 29. IC 12-17.2-6-27 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2013]: **Sec. 27. A child care ministry shall**
22 **cease operation when the registration of the child care ministry is**
23 **revoked.**

24 SECTION 30. IC 12-17.2-6-28 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2013]: **Sec. 28. (a) After a child care**
27 **ministry's registration is revoked or suspended, the division shall**
28 **publish notice of the revocation or suspension under IC 5-3-1 and**
29 **notify in writing each person responsible for a child in the care of**
30 **the child care ministry that the registration has been revoked or**
31 **suspended.**

32 (b) The written notice shall be sent to the last known address of
33 each person responsible for a child in the care of the child care
34 ministry and shall state that the registration of the child care
35 ministry has been revoked or suspended.

36 SECTION 31. IC 12-17.2-6-29 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2013]: **Sec. 29. A final decision of the division**
39 **made after a hearing under this chapter is subject to judicial**
40 **review under IC 4-21.5-5.**

41 SECTION 32. IC 12-17.2-6-30 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS
43 [EFFECTIVE JULY 1, 2013]: **Sec. 30. (a) The division shall**
44 **investigate a report of an unregistered child care ministry and**
45 **report the division's findings to the attorney general and to the**
46 **division's attorney and the prosecuting attorney in the county**



1 where the child care ministry is located.

2 (b) The attorney general or the division's attorney may do the
3 following:

4 (1) Seek the issuance of a search warrant to assist in the
5 investigation.

6 (2) File an action for injunctive relief to stop the operation of
7 a child care ministry if there is reasonable cause to believe
8 that:

9 (A) the child care ministry is operating without a
10 registration required under this article; or

11 (B) the child care ministry's noncompliance with this
12 article and the rules adopted under this article creates an
13 imminent danger of serious bodily injury to a child or an
14 imminent danger to the health of a child.

15 (3) Seek in a civil action a civil penalty not to exceed one
16 hundred dollars (\$100) a day for each day a child care
17 ministry is operating without a registration required under
18 this article.

19 (c) The division may provide for the removal of children from
20 a child care ministry described in subsection (b).

21 (d) A child care ministry subject to injunctive relief under this
22 section is entitled to an informal meeting with the division after the
23 injunctive relief is ordered.

24 (e) The civil penalties collected under this section shall be
25 deposited in the division of family resources child care fund
26 established by IC 12-17.2-2-3.

27 (f) Section 35 of this chapter does not apply to the civil penalties
28 imposed under this section.

29 SECTION 33. IC 12-17.2-6-31 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2013]: Sec. 31. A court order granted under
32 section 30(b)(2)(A) of this chapter expires when the child care
33 ministry is issued a registration.

34 SECTION 34. IC 12-17.2-6-32 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2013]: Sec. 32. A court order granted under
37 section 30(b)(2)(B) of this chapter expires upon the later of the
38 following:

39 (1) Sixty (60) calendar days after the order is issued.

40 (2) When a final division decision is issued under sections 21
41 through 23 of this chapter if notice of an enforcement action
42 is issued under section 20 of this chapter.

43 SECTION 35. IC 12-17.2-6-33 IS ADDED TO THE INDIANA
44 CODE AS A NEW SECTION TO READ AS FOLLOWS
45 [EFFECTIVE JULY 1, 2013]: Sec. 33. (a) The following constitute
46 sufficient grounds for revocation of a registration:



1 (1) A determination by the department of child services of
2 child abuse or neglect (as defined in IC 31-9-2-14) by:

- 3 (A) the operator or director of the child care ministry;
4 (B) an employee of the child care ministry who has direct
5 contact, on a regular and continuous basis, with children
6 who are under the direct supervision of the child care
7 ministry; or
8 (C) a volunteer of the child care ministry who has direct
9 contact, on a regular and continuous basis, with children
10 who are under the direct supervision of the child care
11 ministry.

12 (2) A criminal conviction of an employee of the child care
13 ministry who has direct contact, on a regular and continuous
14 basis, with children who are under the direct supervision of
15 the child care ministry, or a volunteer of the child care
16 ministry who has direct contact, on a regular and continuous
17 basis, with children who are under the direct supervision of
18 the child care ministry, of any of the following:

- 19 (A) A felony.
20 (B) A misdemeanor related to the health or safety of a
21 child.
22 (C) A misdemeanor for operating a child care center
23 without a license under IC 12-17.2-4-35.
24 (D) A misdemeanor for operating a child care home
25 without a license under IC 12-17.2-5-35.

26 (3) A determination by the division that the child care
27 ministry made false statements in the child care ministry's
28 application for registration.

29 (4) A determination by the division that the child care
30 ministry made false statements in the records required by the
31 division.

32 (5) A determination by the division that the child care
33 ministry previously operated a:

- 34 (A) child care center without a license under IC 12-17.2-4;
35 or
36 (B) child care home without a license under IC 12-17.2-5.

37 (b) Notwithstanding subsection (a)(2), if:

- 38 (1) a registration is revoked due to a criminal conviction of an
39 employee or a volunteer of the child care ministry; and
40 (2) the division determines that the employee or volunteer has
41 been dismissed by the child care ministry;

42 the criminal conviction of the former employee or former
43 volunteer does not require revocation of the child care ministry's
44 registration.

45 SECTION 36. IC 12-17.2-6-34 IS ADDED TO THE INDIANA
46 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2013]: **Sec. 34. (a) A child care ministry shall**
2 **operate in compliance with the rules established under this article**
3 **and is subject to the disciplinary sanctions under subsection (b) if**
4 **the division finds that the child care ministry has violated this**
5 **article.**

6 **(b) The division may impose any of the following sanctions when**
7 **the division finds that a child care ministry has committed a**
8 **violation under subsection (a):**

9 **(1) After complying with the procedural provisions in sections**
10 **20 through 23 of this chapter:**

11 **(A) suspend the child care ministry's registration for not**
12 **more than six (6) months; or**

13 **(B) revoke the child care ministry's registration.**

14 **(2) Seek civil remedies under section 30 of this chapter.**

15 SECTION 37. IC 12-17.2-6-35 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2013]: **Sec. 35. (a) In addition to the other**
18 **penalties imposed under this chapter, the division may impose a**
19 **civil penalty of not more than one thousand dollars (\$1,000) for a**
20 **violation of this article.**

21 **(b) The division shall deposit the civil penalties collected under**
22 **this section in the division of family resources child care fund**
23 **established by IC 12-17.2-2-3.**

24 SECTION 38. IC 12-17.2-6-36 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2013]: **Sec. 36. A person who knowingly or**
27 **intentionally violates this chapter commits a Class B misdemeanor.**

28 SECTION 39. IC 12-17.2-6-37 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2013]: **Sec. 37. (a) The department of child**
31 **services shall conduct an investigation of a claim of abuse or**
32 **neglect in a child care ministry.**

33 **(b) After an investigation under subsection (a), the department**
34 **of child services shall make a determination of whether or not**
35 **abuse or neglect occurred at the child care ministry.**

36 **(c) If the department of child services makes a determination**
37 **under IC 31-33-8-12 that abuse or neglect at the child care**
38 **ministry is substantiated, the department shall send a copy of its**
39 **report to the appropriate office of the division.**





PRELIMINARY DRAFT
No. 3406

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-17.2-3.5-5.5.

Synopsis: Required curriculum for federal child care funding. Requires a child care provider to use a curriculum approved by the division of family resources as a condition of eligibility for federal Child Care and Development Fund voucher payments.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-17.2-3.5-5.5, AS AMENDED BY P.L.162-2005,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 5.5. (a) A provider shall ensure that a child in the
4 provider's care is continually supervised by a caregiver.
5 (b) A provider who operates a child care program in the provider's
6 home (including a child care home licensed under IC 12-17.2-5) and
7 who receives a voucher payment under this chapter shall complete the
8 training course provided or approved by the division under
9 IC 12-17.2-2-1(10) concerning safe sleeping practices.
10 (c) **A provider shall use a curriculum that is approved by the**
11 **division with each child in the provider's care.**



**PRELIMINARY DRAFT
No. 3407**

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 12-17.2-6.

Synopsis: Health and safety of child care ministries. Specifies health and safety requirements for registration of a child care ministry, including caregiver qualifications.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-6-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) The parent or
3 guardian of a child shall, when the child is enrolled in a child care
4 ministry, provide the child care ministry with proof that the child has
5 received the required immunizations against the following:

- 6 (1) Diphtheria;
- 7 (2) Whooping cough;
- 8 (3) Tetanus;
- 9 (4) Measles;
- 10 (5) Rubella;
- 11 (6) Poliomyelitis;
- 12 (7) Mumps.

13 (b) A child enrolled in a child care ministry may not be required to
14 undergo an immunization required under this section if the parents
15 object for religious reasons. The objection must be:

- 16 (1) made in writing;
- 17 (2) signed by the child's parent or guardian; and
- 18 (3) delivered to the child care ministry.

19 (c) If a physician certifies that a particular immunization required
20 by this section is or may be detrimental to the child's health, the
21 requirements of this section for that particular immunization are
22 inapplicable to that child until the immunization is found to be no
23 longer detrimental to the child's health.

24 (a) A child care ministry shall maintain and annually update
25 documentation provided by the physician of each child who is
26 cared for by the child care ministry verifying that the child has
27 received complete, age appropriate immunizations, including:

- 28 (1) conjugated pneumococcal vaccine; and
- 29 (2) varicella vaccine, unless the child has a demonstrated
30 immunity to varicella.

31 The state department of health shall determine for each age level



1 the immunizations that constitute complete, age appropriate
2 immunizations.

3 (b) A child care ministry complies with subsection (a) if:

4 (1) a child's parent:

5 (A) objects to immunizations for religious reasons; and

6 (B) provides documentation of the parent's objection;

7 (2) a child's physician provides documentation of a medical
8 reason the child should not be immunized; or

9 (3) a child's physician provides documentation that the child
10 is currently in the process of receiving complete, age
11 appropriate immunizations;

12 and the child care ministry maintains and annually updates the
13 documentation provided by the parent or physician under this
14 subsection.

15 (c) Not more than thirty (30) days after a child is enrolled at a
16 child care ministry, the child care ministry must receive from the
17 child's parent or guardian a written statement signed by a
18 physician or certified nurse practitioner:

19 (1) verifying that the child has received a physical
20 examination and may participate in care at the child care
21 ministry; and

22 (2) listing any medications, allergies, and chronic health
23 conditions of the child.

24 However, a parent or guardian may provide a written request that
25 the child be exempt from a physical examination described in this
26 subsection based on the religious beliefs of the child.

27 (d) A child care ministry shall maintain and annually update the
28 documentation provided by a parent or guardian under subsection
29 (c).

30 SECTION 2. IC 12-17.2-6-14.5 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2013]: Sec. 14.5. (a) A child care ministry
33 shall, at no expense to the state, maintain and make available to the
34 division upon request a copy of drug testing results for an
35 individual who:

36 (1) is employed; or

37 (2) volunteers;

38 as a caregiver at the child care ministry. The drug testing results
39 required under this subsection must be obtained before the
40 individual is employed or allowed to volunteer as a caregiver.

41 (b) A child care ministry shall maintain a written policy
42 specifying the following:

43 (1) That the:

44 (A) use of:

45 (i) tobacco; or

46 (ii) a potentially toxic substance in a manner other than



- 1 the substance's intended purpose; and
 2 **(B) use or possession of alcohol or an illegal substance;**
 3 is prohibited in the child care ministry when child care is
 4 being provided.
 5 **(2) That drug testing of individuals who serve as caregivers at**
 6 **the child care ministry will be:**
 7 **(A) performed based on a protocol established or approved**
 8 **by the division; and**
 9 **(B) required if an individual is suspected of noncompliance**
 10 **with subdivision (1).**
- 11 **(c) If:**
 12 **(1) the drug testing results obtained under subsection (a) or**
 13 **(b) indicate the presence of a prohibited substance described**
 14 **in subsection (b)(1)(A)(ii) or (b)(1)(B); or**
 15 **(2) an individual refuses to submit to a drug test;**
 16 **the child care ministry shall immediately suspend or terminate the**
 17 **individual's employment or volunteer service.**
- 18 **(d) A child care ministry that suspends an individual described**
 19 **in subsection (c) shall maintain a written policy providing for**
 20 **reinstatement of the individual following rehabilitation of the**
 21 **individual and drug testing results for the individual that are**
 22 **negative for a prohibited substance described in subsection**
 23 **(b)(1)(A)(ii) or (b)(1)(B).**
- 24 **(e) Drug testing results obtained under this section are**
 25 **confidential and may not be disclosed for any purpose other than**
 26 **the purpose described in this section.**
- 27 **(f) A child care ministry that does not comply with this section**
 28 **is subject to:**
 29 **(1) denial of an application for registration; or**
 30 **(2) suspension or revocation of the child care ministry's**
 31 **registration;**
 32 **under this chapter.**
- 33 **SECTION 3. IC 12-17.2-6-16 IS ADDED TO THE INDIANA**
 34 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 35 **[EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A child care ministry shall**
 36 **have:**
 37 **(1) at least one (1) working telephone; and**
 38 **(2) emergency contact information for each child in the care**
 39 **of the child care ministry;**
 40 **available to employees of the child care ministry at all times.**
 41 **(b) A child care ministry shall:**
 42 **(1) provide appropriately timed, nutritionally balanced meals**
 43 **and snacks in sufficient quantities to meet the needs of each**
 44 **child; and**
 45 **(2) maintain availability of drinking water at all times.**
 46 **(c) A child care ministry must have two (2) exits that:**



- 1 (1) do not require passage through a:
 2 (A) garage; or
 3 (B) storage area;
 4 where hazardous materials are stored;
 5 (2) are not windows;
 6 (3) are on different sides of the facility;
 7 (4) are not blocked; and
 8 (5) are operable from the inside without the use of a key or
 9 any special knowledge.
- 10 (d) A child care ministry shall provide for a safe environment by
 11 ensuring that the following items are placed in areas that are
 12 inaccessible to the children in the child care ministry's care:
 13 (1) Firearms and ammunition.
 14 (2) Poisons, chemicals, bleach, and cleaning materials.
- 15 (e) A child care ministry shall have hot and cold running water
 16 in the area of the child care ministry where children are cared for.
- 17 SECTION 4. IC 12-17.2-6-17 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) The following apply to a
 20 caregiver at a child care ministry:
 21 (1) The caregiver shall obtain a physical health examination
 22 not more than thirty (30) days before or after the date the
 23 caregiver begins employment at the child care ministry.
 24 (2) The child care ministry shall train the caregiver in
 25 recognizing symptoms of and reporting child abuse and
 26 neglect.
 27 (3) If the caregiver is less than eighteen (18) years of age, the
 28 caregiver shall at all times when child care is being provided
 29 be directly supervised by a caregiver who is at least eighteen
 30 (18) years of age.
 31 (4) The caregiver must have received a high school diploma or
 32 a high school equivalency certificate described in
 33 IC 12-14-5-2.
 34 (5) The caregiver shall have an intradermal tuberculosis test
 35 upon employment and annually. However, the caregiver shall,
 36 upon employment and annually, have only a symptom
 37 screening for tuberculosis performed by a physician if the
 38 caregiver has a history of latent or active tuberculosis.
- 39 (b) A child care ministry shall:
 40 (1) maintain documentation of all screening and training
 41 required by this section; and
 42 (2) make the documentation available to the division upon
 43 request.
- 44 (c) A child care ministry shall ensure that a child in the child
 45 care ministry's care is continually supervised by a caregiver.
- 46 SECTION 5. IC 12-17.2-6-18 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2013]: **Sec. 18. (a) A child care ministry**
3 **shall:**
4 **(1) maintain a written child discipline policy;**
5 **(2) ensure that all caregivers follow the child discipline policy;**
6 **(3) provide to the parent or legal guardian of each child cared**
7 **for by the child care ministry a written copy of the child**
8 **discipline policy; and**
9 **(4) maintain in each child's file a copy of the child discipline**
10 **policy that has been signed by the parent or legal guardian**
11 **described in subdivision (3).**
12 **(b) The division shall investigate an allegation of a violation of**
13 **a child care ministry's discipline policy by the child care ministry**
14 **or an employee or a volunteer of the child care ministry.**



PRELIMINARY DRAFT
No. 3414

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 6-3.1-34; IC 12-17.2-2-14.

Synopsis: Tax credits for quality child care. Establishes "paths to quality" tax credits for certain child care facilities that provide quality child care and for individual taxpayers whose dependent children attend those facilities. Provides specifically that an individual is entitled to a refundable income tax credit for each dependent child of the individual attending a child care facility that voluntarily participates in the paths to quality rating system (qualified child care facility) that has a quality rating of level 2 or higher. Provides that a taxpayer is entitled to a refundable income tax credit for certain eligible business and employer child care expenses. Provides that a qualified child care facility is entitled to a refundable income tax credit for providing child care services to a child participating in the child care and development fund program, or if the child is in foster care. Provides that the amount of the credit is calculated based on the quality rating of the qualified child care facility and the monthly average number of children who participate in the child care and development fund program and attend the qualified child care facility. Requires the division of family resources to adopt rules to administer the "paths to quality" rating system.

Effective: Upon passage; January 1, 2014.



A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-3.1-34 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2014]:

4 **Chapter 34. Paths to Quality Tax Credits**

5 **Sec. 1. As used in this chapter, "child care facility" means a:**

- 6 (1) child care center licensed under IC 12-17.2-4;
7 (2) child care home licensed under IC 12-17.2-5; or
8 (3) child care ministry licensed under IC 12-17.2-6.

9 **Sec. 2. As used in this chapter, "dependent child" means a child**
10 **less than six (6) years of age who:**

- 11 (1) qualifies as a dependent of a taxpayer (as defined in
12 Section 152 of the Internal Revenue Code); and
13 (2) is the natural or adopted child of the taxpayer or, if
14 custody of the child has been awarded in a court proceeding
15 to someone other than the mother or father, the court
16 appointed guardian or custodian of the child.

17 **If the parents of a child are divorced, the term refers to the parent**
18 **who is eligible to take the exemption for the child under Section**
19 **151 of the Internal Revenue Code.**

20 **Sec. 3. As used in this chapter, "division" refers to the division**
21 **of family resources established under IC 12-13-1-1.**

22 **Sec. 4. As used in this chapter, "eligible business or employer**
23 **child care expense" has the meaning set forth in section 14 of this**
24 **chapter.**

25 **Sec. 5. As used in this chapter, "pass through entity" means a:**

- 26 (1) corporation that is exempt from the adjusted gross income
27 tax under IC 6-3-2-2.8(2);
28 (2) partnership;
29 (3) trust;
30 (4) limited liability company; or
31 (5) limited liability partnership.



1 Sec. 6. As used in this chapter, "paths to quality program" has
2 the meaning set forth in IC 12-17.2-2-14.

3 Sec. 7. As used in this chapter, "qualified child care facility"
4 means a child care facility that voluntarily participates in the paths
5 to quality program.

6 Sec. 8. As used in this chapter, "qualified dependent child"
7 means a dependent child who attends a qualified child care facility
8 that receives a level 2 through level 4 quality rating.

9 Sec. 9. As used in this chapter, "quality rating" means the level
10 number awarded to a qualified child care facility under the quality
11 rating system.

12 Sec. 10. As used in this chapter, "quality rating system" means
13 the quality rating system established by the division under
14 IC 12-17.2-2-14(c).

15 Sec. 11. As used in this chapter, "state tax liability" means a
16 taxpayer's total tax liability that is incurred under:

17 (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

18 (2) IC 27-1-18-2 (the insurance premiums tax); and

19 (3) IC 6-5.5 (the financial institutions tax);

20 as computed after the application of the credits that under
21 IC 6-3.1-1-2 are to be applied before the credits provided in this
22 chapter.

23 Sec. 12. As used in this chapter, "taxpayer" means an
24 individual, a corporation, a partnership, or other entity that has
25 state tax liability.

26 Sec. 13. (a) Each taxable year, a taxpayer is entitled to credit
27 against the taxpayer's state tax liability for each qualified
28 dependent child of the taxpayer who regularly attends a qualified
29 child care facility, if the qualified child care facility has a quality
30 rating of level 2, level 3, or level 4. If the amount of the credit
31 provided by this section to a taxpayer during a particular taxable
32 year exceeds the sum of the taxes imposed on the taxpayer under
33 IC 6-3 for the taxable year after the application of all credits that
34 under IC 6-3.1-1-2 are to be applied before the credit provided by
35 this chapter, the excess shall be returned to the qualifying taxpayer
36 as a refund.

37 (b) Subject to section 18 of this chapter, the amount of the credit
38 to which a taxpayer is entitled for each qualified dependent child
39 for a taxable year equals the following amounts:

40 (1) If the qualified dependent child attends a qualified child
41 care facility with a quality rating of level 4, four hundred
42 dollars (\$400).

43 (2) If the qualified dependent child attends a qualified child
44 care facility with a quality rating of level 3, three hundred
45 dollars (\$300).

46 (3) If the qualified dependent child attends a qualified child



1 care facility with a quality rating of level 2, two hundred
2 dollars (\$200).

3 Sec. 14. (a) As used in this section, an "eligible business or
4 employer child care expense" includes expenses and payments, not
5 to exceed fifty thousand dollars (\$50,000), for the:

6 (1) construction, renovation, or expansion of a qualified child
7 care facility;

8 (2) purchase of equipment for a qualified child care facility;

9 (3) maintenance and operation expenses of a qualified child
10 care facility; and

11 (4) payments, not to exceed five thousand dollars (\$5,000) for
12 each child, made by an employer to a qualified child care
13 facility for the child care expenses of a qualified dependent
14 child of an employee of the employer.

15 (b) A taxpayer that pays an eligible business or employer child
16 care expense during a taxable year with respect to a qualified child
17 care facility with a quality rating of level 2, level 3, or level 4 is
18 entitled to a credit against the taxpayer's state tax liability for the
19 taxable year in an amount determined under subsection (c).

20 (c) Subject to section 18 of this chapter, the maximum amount
21 of a credit under this section for a taxpayer in a taxable year equals
22 the product of the taxpayer's eligible business and employer child
23 care expenses for the taxable year, multiplied by the following
24 applicable percentage:

25 (1) If the eligible business and employer child care expenses
26 were paid with respect to a qualified child care center with a
27 quality rating of level 4, twenty percent (20%).

28 (2) If the eligible business and employer child care expenses
29 were paid with respect to a qualified child care center with a
30 quality rating of level 3, fifteen percent (15%).

31 (3) If the eligible business and employer child care expenses
32 were paid with respect to a qualified child care center with a
33 quality rating of level 2, ten percent (10%).

34 Sec. 15. (a) A qualified child care facility is entitled to a credit
35 against the qualified child care facility's state tax liability for a
36 taxable year if the qualified child care facility has a quality rating
37 of level 2, level 3, or level 4, and provides child care services to a
38 child less than six (6) years of age who participates in the federal
39 Child Care and Development Fund program administered under
40 45 CFR 98, as in effect January 1, 2013, during the taxable year.

41 (b) Subject to section 18 of this chapter, the credit that a
42 qualified child care facility is entitled to under this section equals
43 the amount determined in STEP FOUR of the following formula:

44 STEP ONE: Determine, for each month of the taxable year,
45 the number of children who participate in the federal Child
46 Care and Development Fund program administered under 45



1 CFR 98, as in effect January 1, 2013, and attend the qualified
2 child care facility during the month.

3 **STEP TWO:** Add the amounts determined under STEP ONE
4 for each month of the taxable year.

5 **STEP THREE:** Divide the STEP TWO amount by twelve (12).

6 **STEP FOUR:** Multiply the STEP THREE amount by the
7 following:

8 (A) If the qualified child care facility has a quality rating
9 of level 4, one thousand five hundred dollars (\$1,500).

10 (B) If the qualified child care facility has a quality rating
11 of level 3, one thousand two hundred and fifty dollars
12 (\$1,250).

13 (C) If the qualified child care facility has a quality rating
14 of level 2, one thousand dollars (\$1,000).

15 **Sec. 16. (a)** This section applies to a tax credit provided under
16 section 14 or 15 of this chapter. If the amount of a credit
17 determined under section 14 or 15 of this chapter for a taxpayer in
18 a taxable year exceeds the taxpayer's state liability for the taxable
19 year, the taxpayer may:

20 (1) request from the department a refund of any unused
21 credit; or

22 (2) carry over the excess to the immediately following taxable
23 years.

24 The amount of any carryover under subdivision (2) is reduced to
25 the extent that the taxpayer uses the carryover to obtain a credit
26 under this chapter for a subsequent taxable year.

27 (b) A taxpayer may not carry back any unused credit.

28 **Sec. 17.** If a pass through entity is entitled to a credit under this
29 chapter but does not have state tax liability against which the tax
30 credit may be applied, a shareholder, a partner, or a member of
31 the pass through entity is entitled to a tax credit equal to:

32 (1) the tax credit determined for the pass through entity for
33 the taxable year; multiplied by

34 (2) the percentage of the pass through entity's distributive
35 income to which the shareholder, partner, or member is
36 entitled.

37 **Sec. 18. (a)** This section applies if the quality ratings of a
38 qualified child care center on which a credit provided under
39 section 13, 14, or 15 of this chapter is calculated change during the
40 taxable year in which the credit is claimed. If a qualified child care
41 facility receives two (2) or more different quality ratings during a
42 taxpayer's taxable year, the credit to which the taxpayer is entitled
43 shall be prorated using the following formula based on the number
44 of months during the taxpayer's taxable year that the qualified
45 child care facility maintains a particular quality rating:

46 **STEP ONE:** For each quality rating level received by a



1 qualified child care facility during the taxable year, determine
2 the applicable tax credit amount awarded for the particular
3 quality rating level.

4 **STEP TWO:** Divide the STEP ONE amount for each rating
5 level received by the qualified child care facility during the
6 taxable year by twelve (12).

7 **STEP THREE:** Multiply the STEP TWO amount for each
8 quality rating level received by the qualified child care facility
9 during the taxable year by the number of months during the
10 taxable year that the qualified child care facility maintained
11 the particular quality rating. The result must be rounded to
12 the nearest one-hundredth (0.01).

13 **STEP FOUR:** Add the STEP THREE amounts.

14 (b) The quality rating for a qualified child care facility for the
15 month a qualified child care facility quality rating changes is the
16 lower quality rating maintained by the qualified child care facility
17 during that month.

18 **Sec. 19.** Not later than January 15 of each year, the division
19 shall send a letter to each qualified child care facility certifying the
20 quality rating awarded to the qualified child care facility for each
21 month during the previous calendar year.

22 **Sec. 20.** To receive a credit under this chapter, a taxpayer must
23 claim the credit on the taxpayer's annual state tax return or
24 returns in the manner prescribed by the department. The taxpayer
25 shall submit to the department all information that the department
26 determines necessary to validate eligibility and calculate each
27 credit provided under this chapter.

28 **Sec. 21.** The division, with the advice of the department, shall
29 adopt rules under IC 4-22-2 to administer this chapter.

30 SECTION 2. IC 12-17.2-2-14 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a)** As used in this section,
33 "program" refers to the paths to quality program established by
34 subsection (b).

35 (b) The paths to quality program is established. The program is
36 a voluntary child care facility quality rating and improvement
37 system implemented by the division in partnership with the
38 following:

- 39 (1) Indiana Association for the Education of Young Children.
- 40 (2) Indiana Association for Child Care Resource and Referral.
- 41 (3) Indiana Head Start Collaboration Office.
- 42 (4) Indiana Department of Education.
- 43 (5) Early Childhood Alliance.
- 44 (6) 4 C's of Southern Indiana.

45 (c) The program uses four (4) levels at which a child care facility
46 participating in the program may be rated, with "level 4"



1 indicating the highest level of quality child care.

2 (d) The division shall adopt rules under IC 4-22-2 to administer
3 the paths to quality rating system. The rules must include
4 procedures that outline eligibility and application procedures for
5 the program, the establishment of procedures relating to the rating
6 process, and the establishment or alteration of standards used in
7 the rating process.

8 (e) The division shall adopt rules under IC 4-22-2 to establish
9 the steering council of the program to make recommendations to
10 the division on program issues and resources. Rules adopted under
11 this subsection must require that council members be appointed
12 from partner organizations that assist in the implementation of the
13 program and serve to coordinate the project plan.

14 SECTION 3. An emergency is declared for this act.



PRELIMINARY DRAFT
No. 3415

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-7-2; IC 12-17.2; IC 31-33-26-16.

Synopsis: Licensure for Child Care and Development Fund eligibility. Requires licensure as a child care home or a child care center as the sole criterion for eligibility for participation in the federal Child Care and Development Fund voucher program. Makes conforming amendments.

Effective: July 1, 2013.



1 (7) The state superintendent of public instruction or the
2 superintendent's designee.

3 (8) The commissioner of the state department of health or the
4 commissioner's designee.

5 (9) One (1) representative of a private business that employs less
6 than fifty (50) employees, appointed by the president pro tempore
7 of the senate.

8 (10) One (1) representative of a private business that employs
9 more than one hundred (100) employees, appointed by the
10 speaker of the house of representatives.

11 (11) One (1) individual who is a child care advocate and who
12 does not operate or administer a child care program (as defined in
13 ~~IC 12-17.2-3.5-1.2~~); **home or child care center**, appointed by the
14 president pro tempore of the senate.

15 (c) The president pro tempore of the senate shall appoint a member
16 described in subsection (b)(2) as chairperson of the committee in
17 even-numbered years.

18 (d) The speaker of the house of representatives shall appoint a
19 member described in subsection (b)(1) as chairperson of the committee
20 in odd-numbered years.

21 SECTION 6. IC 12-17.2-3.5-0.1 IS REPEALED [EFFECTIVE
22 JULY 1, 2013]. ~~Sec. 6.1: The amendments made to section 10 of this~~
23 ~~chapter by P.L.131-2002 apply to a provider that begins receiving~~
24 ~~voucher payments after June 30, 2002.~~

25 SECTION 7. IC 12-17.2-3.5-1, AS AMENDED BY P.L.124-2007,
26 SECTION 4, IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 1: (a)~~
27 ~~This chapter applies to all child care providers regardless of whether~~
28 ~~a provider is required to be licensed or registered under this article.~~
29 ~~However, a child care provider that is licensed under IC 12-17.2-4 or~~
30 ~~IC 12-17.2-5 is considered to be in compliance with this chapter unless~~
31 ~~the child care provider is found to be in violation of this chapter.~~

32 (b) If a school age child care program that is:

33 (1) described in ~~IC 12-17.2-2-8(10)~~; and

34 (2) located in a school building;

35 is determined to be in compliance with a requirement of this chapter by
36 another state regulatory authority, the school age child care program is
37 considered to be in compliance with the requirement under this
38 chapter.

39 SECTION 8. IC 12-17.2-3.5-1.2 IS REPEALED [EFFECTIVE
40 JULY 1, 2013]. ~~Sec. 1.2: As used in this chapter, "child care program"~~
41 ~~refers to the activities provided for children during the time that~~
42 ~~children are in the care of a provider.~~

43 SECTION 9. IC 12-17.2-3.5-1.3 IS REPEALED [EFFECTIVE
44 JULY 1, 2013]. ~~Sec. 1.3: As used in this chapter, "employed",~~
45 ~~"employee", "employment", or "employs" refers to services performed~~
46 ~~by an individual for compensation. The terms do not refer to services~~



1 performed by an individual who volunteers; including an individual
 2 who provides assistance and receives an allowance; a stipend; or other
 3 support under the federal Foster Grandparent Program (42 U.S.C.
 4 66(H)(B)).

5 SECTION 10. IC 12-17.2-3.5-1.7 IS REPEALED [EFFECTIVE
 6 JULY 1, 2013]. Sec. 1-7. As used in this chapter, "volunteer" or
 7 "volunteers" refers to an individual who, without compensation,
 8 provides services to a provider.

9 SECTION 11. IC 12-17.2-3.5-3.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2013]: Sec. 3.5. A child care provider that is
 12 not licensed under IC 12-17.2-4 or IC 12-17.2-5 is not eligible to
 13 receive a voucher payment.

14 SECTION 12. IC 12-17.2-3.5-4 IS REPEALED [EFFECTIVE JULY
 15 1, 2013]. Sec. 4. A provider who:

16 (1) has been convicted of a:

17 (A) felony;

18 (B) misdemeanor related to the health or safety of a child;

19 (C) misdemeanor for operating a child care center without a
 20 license under IC 12-17.2-4-35; or

21 (D) misdemeanor for operating a child care home without a
 22 license under IC 12-17.2-5-35;

23 (2) employs or otherwise allows an individual who has been
 24 convicted of a crime specified under subdivision (1) to:

25 (A) serve as a caregiver to a child in the provider's care; or

26 (B) reside with the provider; if the provider operates a child
 27 care program in the provider's home; or

28 (3) fails to meet the requirements set forth in sections 5 through
 29 12.1 of this chapter;

30 is ineligible to receive a voucher payment.

31 SECTION 13. IC 12-17.2-3.5-4.1 IS REPEALED [EFFECTIVE
 32 JULY 1, 2013]. Sec. 4.1: (a) This section applies to the following:

33 (1) A provider; if the provider is an individual.

34 (2) If a provider operates a child care program in the provider's
 35 home; an individual who resides with the provider and who is at
 36 least eighteen (18) years of age.

37 (3) An individual who:

38 (A) is employed; or

39 (B) volunteers;

40 as a caregiver at the facility where a provider operates a child care
 41 program.

42 (b) If information used by the division under IC 31-33-17-6(7)
 43 indicates that an individual described in subsection (a) has been named
 44 as an alleged perpetrator, the following are ineligible to receive a
 45 voucher payment:

46 (1) The individual:



1 (2) A provider in whose home the individual resides if the
2 provider operates a child care program in the provider's home:

3 (3) A provider that:

4 (A) employs the individual; or

5 (B) allows the individual to volunteer;

6 as a caregiver at the facility where the provider operates a child
7 care program:

8 SECTION 14. IC 12-17.2-3.5-5 IS REPEALED [EFFECTIVE JULY

9 1, 2013]. Sec. 5: A provider shall have:

10 (1) working smoke detectors that meet the standards adopted by
11 rule for smoke detectors in licensed child care homes; and

12 (2) hot and cold running water;

13 in the area of the facility where the provider operates a child care
14 program:

15 SECTION 15. IC 12-17.2-3.5-5.5, AS AMENDED BY
16 P.L.162-2005, SECTION 2, IS REPEALED [EFFECTIVE JULY 1,

17 2013]. Sec. 5.5: (a) A provider shall ensure that a child in the provider's
18 care is continually supervised by a caregiver:

19 (b) A provider who operates a child care program in the provider's
20 home (including a child care home licensed under IC 12-17.2-5) and
21 who receives a voucher payment under this chapter shall complete the
22 training course provided or approved by the division under
23 IC 12-17.2-2-1(10) concerning safe sleeping practices:

24 SECTION 16. IC 12-17.2-3.5-6 IS REPEALED [EFFECTIVE JULY
25 1, 2013]. Sec. 6: (a) A provider who is an individual shall have an

26 intradermal tuberculosis test before the provider is eligible for a
27 voucher payment:

28 (b) A provider shall assure that an individual who is at least
29 eighteen (18) years of age and:

30 (1) who, if the provider operates a child care program in the
31 provider's home; resides with the provider; or

32 (2) who:

33 (A) is employed; or

34 (B) volunteers;

35 as a caregiver at the facility where the provider operates a child
36 care program;

37 has an intradermal tuberculosis test before the individual resides with
38 the provider or is employed or allowed to volunteer as a caregiver:

39 (c) A provider shall maintain documentation of an annual health
40 assessment by a physician reflecting the results of symptom screening
41 for tuberculosis for:

42 (1) the provider, if the provider is an individual; and

43 (2) an individual described in subsection (b);

44 who has a history of latent or active tuberculosis:

45 (d) A provider shall provide the results of the tests and screening
46 required under this section to the division upon request.



1 SECTION 17. IC 12-17.2-3.5-7 IS REPEALED [EFFECTIVE JULY
2 1, 2013]. Sec. 7: A provider shall have written plans for notifying
3 parents regarding the following:

4 (1) Illness, serious injury, or death of the provider;

5 (2) Care in an emergency;

6 (3) Emergency evacuation.

7 The plan required under subdivision (3) must be posted in a
8 conspicuous location in the facility where the provider operates a child
9 care program.

10 SECTION 18. IC 12-17.2-3.5-8 IS REPEALED [EFFECTIVE JULY
11 1, 2013]. Sec. 8: (a) At least one (1) adult individual who maintains
12 annual certification in a course of cardiopulmonary resuscitation
13 applicable to all age groups of children cared for by a provider shall be
14 present at all times when a child is in the care of the provider:

15 (b) An individual who:

16 (1) is employed; or

17 (2) volunteers;

18 as a caregiver at a facility where a provider operates a child care
19 program shall maintain current certification in first aid applicable to all
20 age groups of children cared for by the provider.

21 SECTION 19. IC 12-17.2-3.5-9 IS REPEALED [EFFECTIVE JULY
22 1, 2013]. Sec. 9: A provider shall have at least one (1) working
23 telephone in each facility where the provider operates a child care
24 program.

25 SECTION 20. IC 12-17.2-3.5-10 IS REPEALED [EFFECTIVE
26 JULY 1, 2013]. Sec. 10: (a) A facility where a provider operates a child
27 care program must have two (2) exits that:

28 (1) do not require passage through a:

29 (A) garage; or

30 (B) storage area;

31 where hazardous materials are stored;

32 (2) are not windows;

33 (3) are on different sides of the facility;

34 (4) are not blocked; and

35 (5) are operable from the inside without the use of a key or any
36 special knowledge.

37 (b) A provider shall:

38 (1) conduct monthly documented fire drills:

39 (A) in accordance with the rules of the fire prevention and
40 building safety commission; and

41 (B) that include complete evacuation of all:

42 (i) children; and

43 (ii) adults who provide child care;

44 in the facility;

45 (2) maintain documentation of all fire drills conducted during the
46 immediately preceding twelve (12) month period; including:



1 at the facility where the provider operates a child care program or no
2 longer resides with the provider.

3 (e) A provider shall maintain a written policy requiring an
4 individual for whom a limited criminal history is required under this
5 section to report any criminal convictions of the individual to the
6 provider.

7 (f) The state police department may not charge a church or religious
8 society any fees or costs for responding to a request for a release of a
9 limited criminal history record of a prospective or current employee or
10 a prospective or current volunteer of a child care ministry registered
11 under IC 12-17.2-6 if the conditions set forth in IC 10-13-3-36(f) are
12 met.

13 SECTION 24. IC 12-17.2-3.5-12.1, AS AMENDED BY
14 P.L.16-2006, SECTION 3, IS REPEALED [EFFECTIVE JULY 1,
15 2013]. Sec. 12-1: (a) A provider shall, at no expense to the state,
16 maintain and make available to the division upon request a copy of
17 drug testing results for:

- 18 (1) the provider, if the provider is an individual;
19 (2) if the provider operates a child care program in the provider's
20 home, any individual who resides with the provider and who is at
21 least eighteen (18) years of age; and
22 (3) an individual who:
23 (A) is employed; or
24 (B) volunteers;
25 as a caregiver at the facility where the provider operates a child
26 care program.

27 The drug testing results for an individual described in subdivision (3)
28 must be obtained before the individual is employed or allowed to
29 volunteer as a caregiver.

30 (b) A provider that is not a child care ministry or a child care center
31 shall maintain a written policy specifying the following:

- 32 (1) That the:
33 (A) use of:
34 (i) tobacco;
35 (ii) alcohol; or
36 (iii) a potentially toxic substance in a manner other than the
37 substance's intended purpose; and
38 (B) use or possession of an illegal substance;
39 is prohibited in the facility where the provider operates a child
40 care program when child care is being provided.
41 (2) That drug testing of individuals who serve as caregivers will
42 be:
43 (A) performed based on a protocol established or approved by
44 the division; and
45 (B) required if an individual is suspected of noncompliance
46 with the requirements specified under subdivision (1).



1 (c) A provider that is a child care ministry or a child care center
2 shall maintain a written policy specifying the following:

3 (1) That the:

4 (A) use of:

5 (i) tobacco; or

6 (ii) a potentially toxic substance in a manner other than the
7 substance's intended purpose; and

8 (B) use or possession of alcohol or an illegal substance;

9 is prohibited in the facility where the provider operates a child
10 care program when child care is being provided:

11 (2) That drug testing of individuals who serve as caregivers will
12 be:

13 (A) performed based on a protocol established or approved by
14 the division; and

15 (B) required if an individual is suspected of noncompliance
16 with the requirements specified under subdivision (1):

17 (d) If:

18 (1) the drug testing results obtained under subsection (a); (b); or
19 (c) indicate the presence of a prohibited substance described in
20 subsection (b)(1)(A)(ii); (b)(1)(A)(iii); (b)(1)(B); (c)(1)(A)(ii); or
21 (c)(1)(B); or

22 (2) an individual refuses to submit to a drug test;

23 the provider is ineligible to receive a voucher payment until the
24 individual is suspended or terminated from employment or volunteer
25 service at the facility or no longer resides with the provider:

26 (e) A provider that suspends an individual described in subsection
27 (d) shall maintain a written policy providing for reinstatement of the
28 individual following rehabilitation and drug testing results that are
29 negative for a prohibited substance described in subsection
30 (b)(1)(A)(ii); (b)(1)(A)(iii); (b)(1)(B); (c)(1)(A)(ii); or (c)(1)(B):

31 (f) Drug testing results obtained under this section are confidential
32 and may not be disclosed for any purpose other than the purpose
33 described in this section:

34 SECTION 25. IC 12-17.2-3.5-14 IS REPEALED [EFFECTIVE
35 JULY 1, 2013]. Sec. 14. (a) Notice of a determination made under this
36 chapter must be provided under IC 4-21.5-3-6:

37 (b) A person affected by a determination made under this chapter
38 may seek administrative review under IC 4-21.5-3-7:

39 SECTION 26. IC 12-17.2-3.5-15 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. The division shall
41 may adopt rules under IC 4-22-2 to implement this chapter.

42 SECTION 27. IC 31-33-26-16, AS ADDED BY P.L.138-2007,
43 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
44 JULY 1, 2013]: Sec. 16. (a) A person or an organization may have
45 access to information contained in the index as follows:

46 (1) A law enforcement agency may have access to a substantiated



- 1 report for purposes of investigating or criminally prosecuting a
2 person identified as a perpetrator of child abuse or neglect.
- 3 (2) A child care provider, upon submitting a written consent for
4 release of information signed by an individual who:
- 5 (A) is employed by or who has applied for employment with
6 the child care provider;
- 7 (B) has volunteered to provide services to the child care
8 provider in a capacity that would place the individual in direct
9 contact, on a regular and continuous basis, with children who
10 are or will be under the direct supervision of the child care
11 provider; or
- 12 (C) is at least eighteen (18) years of age and resides in the
13 home of the child care provider;
- 14 may have access to any information relating to a substantiated
15 report of child abuse or neglect that names the employee,
16 applicant, volunteer, or household resident as the perpetrator of
17 child abuse or neglect.
- 18 (3) A person may have access to any information that is contained
19 in the index pertaining to the person, with protection for the
20 identity of:
- 21 (A) a person who reports the child abuse or neglect; and
22 (B) any other appropriate person.
- 23 (4) A person or an agency to whom child abuse and neglect
24 reports are available under IC 31-33-18 may have access to
25 information contained in the index.
- 26 (5) Representatives of the division of family resources designated
27 by the director of the division may have access to and use any
28 information relating to a substantiated report of child abuse or
29 neglect that would constitute a basis for denial or revocation of a
30 license for a child care center under IC 12-17.2-4 or a child care
31 home under IC 12-17.2-5.
- 32 (6) Representatives of the department designated by the director
33 may have access to and use any information relating to a
34 substantiated report of child abuse or neglect that would
35 constitute a basis for denial or revocation of a license for a child
36 caring institution, foster family home, group home, or child
37 placing agency under IC 31-27.
- 38 (7) Any representative of the department, a court having juvenile
39 jurisdiction, and any party in a case under IC 31-34 or IC 31-37
40 may have access to and use any information relating to a
41 substantiated report of child abuse or neglect in connection with
42 a determination of an appropriate out of home placement for a
43 child under any applicable provision of IC 31-34 or IC 31-37 that
44 requires a criminal history check (as described in IC 31-9-2-22.5)
45 concerning any person.
- 46 (8) The department shall provide any information contained in a



1 substantiated report of child abuse or neglect that is included in
2 the index to an authorized agency of another state that requests
3 information concerning a prospective foster or adoptive parent, or
4 any other adult living in the home of a prospective foster or
5 adoptive parent, in accordance with 42 U.S.C. 671(a)(20)(C).

6 (9) The department shall transmit or provide to a national index
7 of substantiated cases of child abuse or neglect established in
8 accordance with 42 U.S.C. 16990:

9 (A) a copy of any substantiated report and related information
10 entered into the index; and

11 (B) information concerning expungement or amendment of
12 any substantiated report as provided in section 14 or 15 of this
13 chapter.

14 (10) To determine the eligibility of a child care provider to
15 receive a voucher payment (as defined in IC 12-17.2-3.5-3), the
16 division of family resources may use information contained in the
17 index concerning whether a child has been found by a court to be
18 a child in need of services based on a report of child abuse or
19 neglect naming an individual described in IC 12-17.2-3.5-4.1(a)
20 as a perpetrator.

21 (b) Except as provided in this section or in rules adopted under
22 subsection (c), the department may not disclose information used in
23 connection with the department's activities under this section.

24 (c) The department shall adopt rules under IC 4-22-2 relating to the
25 procedure for disclosure of information described in this section.



PRELIMINARY DRAFT
No. 3419

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-7-2-131.8; IC 12-17.2.

Synopsis: National criminal history background checks for child care. Requires caregivers at certain child care providers to undergo national criminal history background checks.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-131.8 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: **Sec. 131.8. "National criminal history**
4 **background check", for purposes of IC 12-17.2, means a national**
5 **criminal history background check conducted by the state police**
6 **department under IC 10-13-3-39.**

7 SECTION 2. IC 12-17.2-2-1, AS AMENDED BY P.L.1-2009,
8 SECTION 105, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2013]: Sec. 1. The division shall perform the
10 following duties:

- 11 (1) Administer the licensing and monitoring of child care centers
12 or child care homes in accordance with this article.
- 13 (2) Ensure that a national criminal history background check of
14 the applicant is completed ~~through the state police department~~
15 ~~under IC 10-13-3-39~~ before issuing a license.
- 16 (3) Ensure that a **national** criminal history background check of
17 a child care ministry applicant for registration is completed before
18 registering the child care ministry.
- 19 (4) Provide for the issuance, denial, suspension, and revocation of
20 licenses.
- 21 (5) Cooperate with governing bodies of child care centers and
22 child care homes and their staffs to improve standards of child
23 care.
- 24 (6) Prepare at least biannually a directory of licensees with a
25 description of the program capacity and type of children served
26 that will be distributed to the legislature, licensees, and other
27 interested parties as a public document.
- 28 (7) Deposit all license application fees collected under section 2
29 of this chapter in the division of family resources child care fund
30 established by IC 12-17.2-2-3.
- 31 (8) Require each child care center or child care home to record



1 proof of a child's date of birth before accepting the child. A child's
 2 date of birth may be proven by the child's original birth certificate
 3 or other reliable proof of the child's date of birth, including a duly
 4 attested transcript of a birth certificate.

5 (9) Provide an Internet site through which members of the public
 6 may obtain the following information:

7 (A) Information concerning violations of this article by a
 8 licensed child care provider, including:

9 (i) the identity of the child care provider;

10 (ii) the date of the violation; and

11 (iii) action taken by the division in response to the violation.

12 (B) Current status of a child care provider's license.

13 (C) Other relevant information.

14 The Internet site may not contain the address of a child care home
 15 or information identifying an individual child. However, the site
 16 may include the county and ZIP code in which a child care home
 17 is located.

18 (10) Provide or approve training concerning safe sleeping
 19 practices for children to:

20 (A) a provider who operates a child care program in the
 21 provider's home as described in IC 12-17.2-3.5-5.5(b); and

22 (B) a child care home licensed under IC 12-17.2-5;

23 including practices to reduce the risk of sudden infant death
 24 syndrome.

25 SECTION 3. IC 12-17.2-4-3, AS AMENDED BY P.L.145-2006,
 26 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2013]: Sec. 3. (a) An applicant must apply for a child care
 28 center license on forms provided by the division.

29 (b) An applicant must submit the required information as part of the
 30 application.

31 (c) The applicant must submit with the application a statement
 32 attesting that the applicant:

33 (1) has not been convicted of:

34 (A) a felony;

35 (B) a misdemeanor relating to the health or safety of children;

36 (C) a misdemeanor for operating a child care center without a
 37 license under section 35 of this chapter; or

38 (D) a misdemeanor for operating a child care home without a
 39 license under IC 12-17.2-5-35; and

40 (2) has not been charged with:

41 (A) a felony;

42 (B) a misdemeanor relating to the health or safety of children;

43 (C) a misdemeanor for operating a child care center without a
 44 license under section 35 of this chapter; or

45 (D) a misdemeanor for operating a child care home without a
 46 license under IC 12-17.2-5-35;



- 1 during the pendency of the application.
- 2 (d) An applicant must submit the necessary information, forms, or
3 consents for the division to obtain a national criminal history
4 background check on the applicant. ~~through the state police department~~
5 ~~under IC 10-13-3-39.~~
- 6 (e) The applicant must do the following:
- 7 (1) Conduct a **national** criminal history **background** check of the
8 applicant's employees and volunteers.
- 9 (2) Maintain records of each criminal history check.
- 10 SECTION 4. IC 12-17.2-5-3, AS AMENDED BY P.L.145-2006,
11 SECTION 100, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An applicant must apply for
13 a child care home license on forms provided by the division.
- 14 (b) An applicant must submit the required information as part of the
15 application.
- 16 (c) An applicant must submit with the application a statement
17 attesting that the applicant has not been:
- 18 (1) convicted of:
- 19 (A) a felony;
- 20 (B) a misdemeanor relating to the health or safety of children;
- 21 (C) a misdemeanor for operating a child care center without a
22 license under IC 12-17.2-4-35; or
- 23 (D) a misdemeanor for operating a child care home without a
24 license under section 35 of this chapter; and
- 25 (2) charged with:
- 26 (A) a felony;
- 27 (B) a misdemeanor relating to the health or safety of children;
- 28 (C) a misdemeanor for operating a child care center without a
29 license under IC 12-17.2-4-35; or
- 30 (D) a misdemeanor for operating a child care home without a
31 license under section 35 of this chapter;
- 32 during the pendency of the application.
- 33 (d) An applicant must submit the necessary information, forms, or
34 consents for the division to:
- 35 (1) conduct a **national** criminal history **background** check on the
36 applicant's spouse; and
- 37 (2) obtain a national criminal history background check on the
38 applicant. ~~through the state police department~~ ~~under~~
39 ~~IC 10-13-3-39.~~
- 40 (e) An applicant must do the following:
- 41 (1) Conduct a **national** criminal history **background** check of the
42 applicant's:
- 43 (A) employees;
- 44 (B) volunteers; and
- 45 (C) household members who are:
- 46 (i) at least eighteen (18) years of age; or



1 (ii) less than eighteen (18) years of age but have previously
2 been waived from juvenile court to adult court.

3 (2) Maintain records of each criminal history check.

4 SECTION 5. IC 12-17.2-3.5-12, AS AMENDED BY P.L. 142-2006,
5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2013]: Sec. 12. (a) Except as provided in subsection (f), a
7 provider shall, at no expense to the state, maintain and make available
8 to the division upon request a copy of a **limited national** criminal
9 history **background check** for:

- 10 (1) the provider, if the provider is an individual;
11 (2) if the provider operates a child care program in the provider's
12 home, any individual who resides with the provider and who is:
13 (A) at least eighteen (18) years of age; or
14 (B) less than eighteen (18) years of age but has previously
15 been waived from juvenile court to adult court; and
16 (3) any individual who:
17 (A) is employed; or
18 (B) volunteers;
19 as a caregiver at the facility where the provider operates a child
20 care program.

21 A provider shall apply for a **limited national** criminal history
22 **background check** for an individual described in subdivision (3)
23 before the individual is employed or allowed to volunteer as a
24 caregiver.

25 (b) In addition to the requirement under subsection (a), a provider
26 shall report to the division any:

- 27 (1) police investigations;
28 (2) arrests; and
29 (3) criminal convictions;

30 not listed on a **limited national** criminal history **background check**
31 obtained under subsection (a) regarding any of the persons listed in
32 subsection (a).

33 (c) A provider that meets the other eligibility requirements of this
34 chapter is temporarily eligible to receive voucher payments until the
35 provider receives the **limited national** criminal history **background**
36 **check** required under subsection (a) from the state police department
37 if:

- 38 (1) the provider:
39 (A) has applied for the **limited national** criminal history
40 **background check** required under subsection (a); and
41 (B) obtains a local criminal history for the individuals
42 described in subsection (a) from each individual's local law
43 enforcement agency before the individual is employed or
44 allowed to volunteer as a caregiver; and
45 (2) the local criminal history does not reveal that an individual
46 has been convicted of a:



- 1 (A) felony;
 2 (B) misdemeanor related to the health or safety of a child;
 3 (C) misdemeanor for operating a child care center without a
 4 license under IC 12-17.2-4-35; or
 5 (D) misdemeanor for operating a child care home without a
 6 license under IC 12-17.2-5-35.

7 (d) A provider is ineligible to receive a voucher payment if an
 8 individual for whom a **limited national criminal history background**
 9 **check** is required under this section has been convicted of a:

- 10 (1) felony;
 11 (2) misdemeanor related to the health or safety of a child;
 12 (3) misdemeanor for operating a child care center without a
 13 license under IC 12-17.2-4-35; or
 14 (4) misdemeanor for operating a child care home without a
 15 license under IC 12-17.2-5-35;

16 until the individual is dismissed from employment or volunteer service
 17 at the facility where the provider operates a child care program or no
 18 longer resides with the provider.

19 (e) A provider shall maintain a written policy requiring an
 20 individual for whom a **limited national criminal history background**
 21 **check** is required under this section to report any criminal convictions
 22 of the individual to the provider.

23 (f) The state police department may not charge a church or religious
 24 society any fees or costs for responding to a request for a release of a
 25 **limited national criminal history background check** record of a
 26 prospective or current employee or a prospective or current volunteer
 27 of a child care ministry registered under IC 12-17.2-6 if the conditions
 28 set forth in IC 10-13-3-36(f) are met.

29 SECTION 6. IC 12-17.2-6-14, AS AMENDED BY P.L.124-2007,
 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2013]: Sec. 14. The child care ministry must do the following:

- 32 (1) Conduct a **national criminal history background** check of the
 33 child care ministry's employees and volunteers.
 34 (2) Refrain from employing, or allowing to serve as a volunteer,
 35 an individual who:

- 36 (A) has been convicted of **any of the following felonies**:
 37 (i) **Murder (IC 35-42-1-1)**;
 38 (ii) **Causing suicide (IC 35-42-1-2)**;
 39 (iii) **Assisting suicide (IC 35-42-1-2.5)**;
 40 (iv) **Voluntary manslaughter (IC 35-42-1-3)**;
 41 (v) **Reckless homicide (IC 35-42-1-5)**;
 42 (vi) **Battery (IC 35-42-2-1)**;
 43 (vii) **Aggravated battery (IC 35-42-2-1.5)**;
 44 (viii) **Kidnapping (IC 35-42-3-2)**;
 45 (ix) **Criminal confinement (IC 35-42-3-3)**;
 46 (x) **A felony sex offense under IC 35-42-4**.



- 1 (xi) Carjacking (IC 35-42-5-2).
 2 (xii) Arson (IC 35-43-1-1).
 3 (xiii) Incest (IC 35-46-1-3).
 4 (xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and
 5 IC 35-46-1-4(a)(2)).
 6 (xv) Child selling (IC 35-46-1-4(d)).
 7 (xvi) A felony involving a weapon under IC 35-47 or
 8 IC 35-47.5.
 9 (xvii) A felony relating to controlled substances under
 10 IC 35-48-4.
 11 (xviii) An offense relating to material or a performance that
 12 is harmful to minors or obscene under IC 35-49-3.
 13 (xix) A felony that is substantially equivalent to a felony
 14 listed in items (i) through (xviii) for which the conviction
 15 was entered in another state: **a felony;**
 16 (B) has been convicted of a misdemeanor related to the health
 17 or safety of a child;
 18 **(C) has been convicted of a misdemeanor for operating a**
 19 **child care center without a license under IC 12-17.2-4-35;**
 20 **(D) has been convicted of a misdemeanor for operating a**
 21 **child care home without a license under IC 12-17.2-5-35;**
 22 or
 23 ~~(E)~~ **(E)** is a person against whom an allegation of child abuse
 24 or neglect has been substantiated under IC 31-33.
 25 (3) Maintain records of each criminal history check.



**PRELIMINARY DRAFT
No. 3420**

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 12-17.2-3.5-8.

Synopsis: Child care staff education. Specifies staff educational requirements as a criteria for child care provider eligibility for participation in the federal Child Care and Development Fund voucher program.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-3.5-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) At least one (1)
3 adult individual who maintains annual certification in a course of
4 cardiopulmonary resuscitation applicable to all age groups of children
5 cared for by a provider shall be present at all times when a child is in
6 the care of the provider.

7 (b) **The following requirements apply to** an individual who
8 ~~(1)~~ is employed or
9 ~~(2)~~ volunteers
10 as a caregiver at a facility where a provider operates a child care
11 program:

12 **(1) The individual** shall maintain current certification in first aid
13 applicable to all age groups of children cared for by the provider.

14 **(2) The individual must have a high school diploma or a high**
15 **school equivalency certificate described in IC 12-14-5-2.**

16 **(3) The individual shall annually receive the same education**
17 **and training that is required under IC 12-17.2-4 for an**
18 **individual who is similarly employed or volunteers in a child**
19 **care center.**

20 (c) **The director of a provider, or a provider if the provider is an**
21 **individual, shall, not later than:**

22 **(1) July 1, 2016; or**

23 **(2) three (3) years after the date that the individual becomes**
24 **the director or provider;**

25 **whichever is later, obtain a child development credential approved**
26 **by the division.**



PRELIMINARY DRAFT
No. 3423

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-17.2-3.5-5.

Synopsis: Eligibility for federal child care voucher payments. Specifies requirements that must be met by a child care provider as a condition of eligibility to receive a federal Child Care and Development Fund voucher payment.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-3.5-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A provider shall
3 have:

4 (1) working smoke detectors that meet the standards adopted by
5 rule for smoke detectors in licensed child care homes; and

6 (2) hot and cold running water;

7 in the area of the facility where the provider operates a child care
8 program.

9 (b) A provider shall maintain compliance with standards
10 concerning the following as determined by the division under rules
11 adopted by the division under section 15 of this chapter:

12 (1) A provider that cares for:

13 (A) not more than sixteen (16) children at a facility where
14 the provider operates a child care program shall:

15 (i) maintain a ratio of children to caregivers in the same
16 proportions as the child to staff ratios that are required;
17 and

18 (ii) provide the same equipment as the equipment that is
19 required;

20 for a child care home under IC 12-17.2-5; or

21 (B) more than sixteen (16) children at a facility where the
22 provider operates a child care program shall:

23 (i) maintain a ratio of children to caregivers in the same
24 proportions as the child to staff ratios that are required;
25 and

26 (ii) provide the same equipment as the equipment that is
27 required;

28 for a child care center under IC 12-17.2-4.

29 (2) A provider shall ensure that the child occupancy in a
30 facility where the provider operates a child care program is
31 not more than one (1) child per thirty-five (35) square feet of



- 1 floor space.
- 2 (3) The provider shall provide appropriate nutrition at
- 3 appropriate times.
- 4 (4) The provider shall discipline appropriately.



PRELIMINARY DRAFT
No. 3427

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-7-2-146; IC 12-17.2.

Synopsis: Child care facility quality rating program. Establishes the "paths to quality" program, a quality rating system for child care facilities. Requires the division of family resources to adopt rules to administer the program. Requires achievement of first level certification under the rating system as a minimum standard for eligibility for participation in the federal Child Care and Development Fund voucher program.

Effective: July 1, 2013.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-146, AS AMENDED BY P.L.110-2010,
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 146. "Program" refers to the following:

4 (1) For purposes of IC 12-8-12.5, the meaning set forth in
5 IC 12-8-12.5-1.

6 (2) For purposes of IC 12-10-7, the adult guardianship services
7 program established by IC 12-10-7-5.

8 (3) For purposes of IC 12-10-10, the meaning set forth in
9 IC 12-10-10-5.

10 **(4) For purposes of IC 12-17.2, the paths to quality program**
11 **established by IC 12-17.2-2-14.**

12 ~~(4)~~ (5) For purposes of IC 12-17.6, the meaning set forth in
13 IC 12-17.6-1-5.

14 SECTION 2. IC 12-17.2-2-14 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) **The paths to quality**
17 **program is established. The program is a voluntary child care**
18 **facility quality rating and improvement system implemented by the**
19 **division in partnership with the following:**

20 (1) **Indiana Association for the Education of Young Children.**

21 (2) **Indiana Association for Child Care Resource and Referral.**

22 (3) **Indiana Head Start Collaboration Office.**

23 (4) **Indiana Department of Education.**

24 (5) **Early Childhood Alliance.**

25 (6) **4 C's of Southern Indiana.**

26 (b) **The program must use four (4) levels by which to rate the**
27 **quality of a child care facility, with "level 4" indicating the highest**
28 **level of quality.**

29 (c) **The division shall adopt rules under IC 4-22-2 to administer**
30 **the paths to quality rating program. The rules must include**
31 **procedures that outline eligibility and application procedures for**



1 the paths to quality program, the establishment of procedures
2 relating to the rating process, and the establishment or alteration
3 of standards used in the rating process.

4 (d) The division shall adopt rules under IC 4-22-2 to establish
5 the steering council of the paths to quality program to make
6 recommendations to the division on paths to quality program
7 issues and resources. Rules adopted under this subsection must
8 require that council members be appointed from partner
9 organizations that assist in the implementation of the program.

10 SECTION 3. IC 12-17.2-3.5-5.5, AS AMENDED BY P.L.162-2005,
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2013]: Sec. 5.5. (a) A provider shall ensure that a child in the
13 provider's care is continually supervised by a caregiver.

14 (b) A provider who operates a child care program in the provider's
15 home (including a child care home licensed under IC 12-17.2-5) and
16 who receives a voucher payment under this chapter shall complete the
17 training course provided or approved by the division under
18 IC 12-17.2-2-1(10) concerning safe sleeping practices.

19 (c) A provider must achieve, at a minimum, the first level
20 certification under the paths to quality program established by
21 IC 12-17.2-2-14 to be eligible to participate in the federal Child
22 Care and Development Fund voucher program.



PRELIMINARY DRAFT
No. 3428

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 4-21.5-2-6; IC 12-7-2; IC 12-17.2.

Synopsis: Child care regulation. Specifies requirements that must be met by a child care provider as a condition of eligibility to receive a federal Child Care and Development Fund voucher payment. Sets forth a disciplinary process for suspension or revocation of eligibility. Requires certain child care providers to obtain national criminal history background checks of individuals who are employed by or volunteer for a provider.

Effective: July 1, 2013; July 1, 2016.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.219-2007,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 6. This article does not apply to the formulation,
4 issuance, or administrative review (but does apply to the judicial
5 review and civil enforcement) of any of the following:

6 (1) Except as provided in **IC 12-17.2-3.5-17**, IC 12-17.2-4-18.7,
7 and IC 12-17.2-5-18.7, determinations by the division of family
8 resources and the department of child services.

9 (2) Determinations by the alcohol and tobacco commission.

10 (3) Determinations by the office of Medicaid policy and planning
11 concerning recipients and applicants of Medicaid. However, this
12 article does apply to determinations by the office of Medicaid
13 policy and planning concerning providers.

14 SECTION 2. IC 12-7-2-131.8 IS ADDED TO THE INDIANA
15 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2013]: **Sec. 131.8. "National criminal history
17 background check", for purposes of IC 12-17.2, means a national
18 criminal history background check conducted by the state police
19 department under IC 10-13-3-39.**

20 SECTION 3. IC 12-7-2-149.1, AS AMENDED BY P.L.143-2011,
21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2013]: Sec. 149.1. "Provider" means the following:

23 (1) For purposes of IC 12-10-7, the meaning set forth in
24 IC 12-10-7-3.

25 (2) For purposes of the following statutes, an individual, a
26 partnership, a corporation, or a governmental entity that is
27 enrolled in the Medicaid program under rules adopted under
28 IC 4-22-2 by the office of Medicaid policy and planning:

29 (A) IC 12-14-1 through IC 12-14-9.5.

30 (B) IC 12-15, except IC 12-15-32, IC 12-15-33, and
31 IC 12-15-34.



- 1 (C) IC 12-17.6.
- 2 (3) Except as provided in ~~subdivision~~ **subdivisions (4) and (6)**,
- 3 for purposes of IC 12-17.2, a person who operates a child care
- 4 center or child care home under IC 12-17.2.
- 5 (4) For purposes of IC 12-17.2-3.5, a person that:
- 6 (A) provides child care; and
- 7 (B) is directly paid for the provision of the child care under the
- 8 federal Child Care and Development Fund voucher program
- 9 administered under 45 CFR 98 and 45 CFR 99.

10 The term does not include an individual who provides services to
 11 a person described in clauses (A) and (B), regardless of whether
 12 the individual receives compensation.

- 13 (5) For purposes of IC 12-21-1 through IC 12-29-2, an
- 14 organization:

- 15 (A) that:
 - 16 (i) provides mental health services, as defined under 42
 - 17 U.S.C. 300x-2(c);
 - 18 (ii) provides addiction services; or
 - 19 (iii) provides children's mental health services;
- 20 (B) that has entered into a provider agreement with the
- 21 division of mental health and addiction under IC 12-21-2-7 to
- 22 provide services in the least restrictive, most appropriate
- 23 setting; and
- 24 (C) that is operated by one (1) of the following:
 - 25 (i) A city, town, county, or other political subdivision of the
 - 26 state.
 - 27 (ii) An agency of the state or of the United States.
 - 28 (iii) A political subdivision of another state.
 - 29 (iv) A hospital owned or operated by a unit of government
 - 30 or a building authority that is organized for the purpose of
 - 31 constructing facilities to be leased to units of government.
 - 32 (v) A corporation incorporated under IC 23-7-1.1 (before its
 - 33 repeal August 1, 1991) or IC 23-17.
 - 34 (vi) An organization that is exempt from federal income
 - 35 taxation under Section 501(c)(3) of the Internal Revenue
 - 36 Code.
 - 37 (vii) A university or college.

38 **(6) For purposes of IC 12-17.2-2-10, the following:**

- 39 **(A) A person described in subdivision (4).**
- 40 **(B) A child care center licensed under IC 12-17.2-4.**
- 41 **(C) A child care home licensed under IC 12-17.2-5.**

42 SECTION 4. IC 12-17.2-2-1, AS AMENDED BY P.L.1-2009,
 43 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 44 [EFFECTIVE JULY 1, 2013]: Sec. 1. The division shall perform the
 45 following duties:

- 46 (1) Administer the licensing and monitoring of child care centers



- 1 or child care homes in accordance with this article.
- 2 (2) Ensure that a national criminal history background check of
3 the applicant is completed ~~through the state police department~~
4 ~~under IC 10-13-3-39~~ before issuing a license.
- 5 (3) Ensure that a **national** criminal history background check of
6 a child care ministry applicant for registration is completed before
7 registering the child care ministry.
- 8 (4) Provide for the issuance, denial, suspension, and revocation of
9 licenses.
- 10 (5) Cooperate with governing bodies of child care centers and
11 child care homes and their staffs to improve standards of child
12 care.
- 13 (6) Prepare at least biannually a directory of licensees with a
14 description of the program capacity and type of children served
15 that will be distributed to the legislature, licensees, and other
16 interested parties as a public document.
- 17 (7) Deposit all license application fees collected under section 2
18 of this chapter in the division of family resources child care fund
19 established by ~~IC 12-17.2-2-3~~; **section 3 of this chapter**.
- 20 (8) Require each child care center or child care home to record
21 proof of a child's date of birth before accepting the child. A child's
22 date of birth may be proven by the child's original birth certificate
23 or other reliable proof of the child's date of birth, including a duly
24 attested transcript of a birth certificate.
- 25 (9) Provide an Internet site through which members of the public
26 may obtain the following information:
- 27 (A) Information concerning violations of this article by a
28 licensed child care provider, including:
- 29 (i) the identity of the child care provider;
- 30 (ii) the date of the violation; and
- 31 (iii) action taken by the division in response to the violation.
- 32 (B) Current status of a child care provider's license.
- 33 (C) Other relevant information.
- 34 The Internet site may not contain the address of a child care home
35 or information identifying an individual child. However, the site
36 may include the county and ZIP code in which a child care home
37 is located.
- 38 (10) Provide or approve training concerning safe sleeping
39 practices for children to:
- 40 (A) a provider who operates a child care program ~~in the~~
41 ~~provider's home~~ as described in ~~IC 12-17.2-3.5-5.5(b)~~;
42 **IC 12-17.2-3.5-5.5**; and
- 43 (B) a child care home licensed under IC 12-17.2-5;
44 including practices to reduce the risk of sudden infant death
45 syndrome.
- 46 SECTION 5. IC 12-17.2-2-10, AS AMENDED BY P.L.145-2006,



1 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 10. (a) The division may grant a variance or
3 waiver of a rule governing ~~child care centers, or child care homes:~~ a
4 **provider**. A variance or waiver granted under this section must
5 promote statewide practices and must protect the rights of persons
6 affected by this article.

7 (b) The division may grant a variance to a rule if ~~an applicant for a~~
8 **license or a licensee under this chapter provider** does the following:

9 (1) Submits to the division a written request for the variance in
10 the form and manner specified by the division.

11 (2) Documents that compliance with an alternative method of
12 compliance approved by the division will not be adverse to the
13 health, safety, or welfare of a child receiving services from the
14 applicant for the variance, as determined by the division.

15 (c) A variance granted under subsection (b) must be conditioned
16 upon compliance with the alternative method approved by the division.
17 Noncompliance constitutes the violation of a rule of the division and
18 may be the basis for revoking the variance.

19 (d) The division may grant a waiver of a rule if ~~an applicant for a~~
20 **license or a licensee under this chapter provider** does the following:

21 (1) Submits to the division a written request for the waiver in the
22 form and manner specified by the division.

23 (2) Documents that compliance with the rule specified in the
24 application for the waiver will create an undue hardship on the
25 applicant for the waiver, as determined by the division.

26 (3) Documents that the applicant for the waiver will be in
27 substantial compliance with the rules adopted by the division after
28 the waiver is granted, as determined by the division.

29 (4) Documents that noncompliance with the rule specified in the
30 application for a waiver will not be adverse to the health, safety,
31 or welfare of a child receiving services from the applicant for the
32 waiver, as determined by the division.

33 (e) Except for a variance or waiver of a rule governing child care
34 homes, a variance or waiver of a rule under this section that conflicts
35 with a building rule or fire safety rule adopted by the fire prevention
36 and building safety commission is not effective until the variance or
37 waiver is approved by the fire prevention and building safety
38 commission.

39 SECTION 6. IC 12-17.2-3.5-1, AS AMENDED BY P.L.124-2007,
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2013]: Sec. 1. (a) This chapter applies to all child care
42 providers regardless of whether a provider is required to be licensed or
43 registered under this article. However, **except as provided in section**
44 **4(b) of this chapter**, a child care provider that is licensed under
45 IC 12-17.2-4 or IC 12-17.2-5 is considered to be in compliance with
46 this chapter. ~~unless the child care provider is found to be in violation~~



1 of this chapter.
 2 (b) If a school age child care program that is:
 3 (1) described in IC 12-17.2-2-8(10); and
 4 (2) located in a school building;
 5 is determined to be in compliance with a requirement of this chapter by
 6 another state regulatory authority, the school age child care program is
 7 considered to be in compliance with the requirement under this
 8 chapter.

9 SECTION 7. IC 12-17.2-3.5-4 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A provider who:

- 11 (1) has been convicted of a:
 12 (A) felony;
 13 (B) misdemeanor related to:
 14 (i) the health or safety of a child; or
 15 (ii) **welfare fraud;**
 16 (C) misdemeanor for operating a child care center without a
 17 license under IC 12-17.2-4-35; or
 18 (D) misdemeanor for operating a child care home without a
 19 license under IC 12-17.2-5-35;
 20 (2) ~~employs or otherwise~~ allows an individual who has been
 21 convicted of a crime specified under subdivision (1) to:
 22 (A) serve as a ~~caregiver to a child in an employee or~~
 23 **volunteer in the facility where the provider's care; provider**
 24 **operates a child care program;** or
 25 (B) reside with the provider, if the provider operates a child
 26 care program in the provider's home; or
 27 (3) **has had a revocation of eligibility under this chapter**
 28 **during the immediately preceding two (2) years; or**
 29 ~~(4) fails to meet the requirements set forth in sections 5~~
 30 ~~through 12.1~~ of this chapter;
 31 is ineligible to receive a voucher payment.

32 (b) A provider whose:
 33 (1) license under IC 12-17.2-4 or IC 12-17.2-5; or
 34 (2) compliance with this chapter;
 35 **is subject to an enforcement action is ineligible to receive a voucher**
 36 **payment, regardless of whether the provider meets the**
 37 **requirements of this chapter, until the outcome of any**
 38 **administrative appeal under IC 4-21.5-5 reflects a final**
 39 **determination that the provider's license or eligibility is in good**
 40 **standing.**

41 SECTION 8. IC 12-17.2-3.5-4.1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.1. (a) This section
 43 applies to the following:

- 44 (1) A provider, if the provider is an individual.
 45 (2) If a provider operates a child care program in the provider's
 46 home, an individual who resides with the provider and who is at



1 least eighteen (18) years of age.

2 (3) An individual who:

3 (A) is employed; or

4 (B) volunteers;

5 as a caregiver at the facility where a provider operates a child care
6 program.

7 (b) If information used by the division under ~~IC 31-33-17-6(7)~~
8 **IC 31-33-26-16(a)(10) or obtained by the division under section 27**
9 **of this chapter** indicates that an individual described in subsection (a)
10 has been named as an ~~alleged~~ perpetrator, the following are ineligible
11 to receive a voucher payment:

12 (1) The individual.

13 (2) A provider in whose home the individual resides if the
14 provider operates a child care program in the provider's home.

15 (3) A provider that:

16 (A) employs the individual; or

17 (B) allows the individual to volunteer;

18 as a caregiver at the facility where the provider operates a child
19 care program.

20 SECTION 9. IC 12-17.2-3.5-5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A provider shall
22 have

23 ~~(1) working smoke detectors that meet the standards adopted by~~
24 ~~rule for smoke detectors in licensed child care homes; and~~

25 ~~(2) hot and cold running water~~

26 in the area of the facility where the provider operates a child care
27 program.

28 (b) A provider shall maintain compliance with food, health,
29 safety, and sanitation standards as determined by the division
30 under rules adopted by the division under section 15 of this chapter
31 or in accordance with a variance or waiver approved by the
32 division under IC 12-17.2-2-10.

33 (c) The food, health, safety, and sanitation standards adopted
34 under subsection (b) must include all of the following
35 requirements:

36 (1) Bathroom and handwashing.

37 (2) Safe conditions in and on the grounds.

38 (3) Maximum capacity limits for the number of children
39 receiving care.

40 (4) Nutrition.

41 (5) Daily activities.

42 (6) Safety of motor vehicles used to transport children.

43 SECTION 10. IC 12-17.2-3.5-5.5, AS AMENDED BY
44 P.L.162-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS
45 [EFFECTIVE JULY 1, 2013]: Sec. 5.5. (a) A provider shall ensure that
46 a child in the provider's care is continually supervised by a caregiver.



1 (b) A provider who operates a child care program in the provider's
 2 home (including a child care home licensed under IC 12-17.2-5) and
 3 who receives a voucher payment under this chapter that cares for
 4 **children who are less than twelve (12) months of age shall:**

5 (1) complete the training course provided or approved by the
 6 division under IC 12-17.2-2-1(10) concerning safe sleeping
 7 practices; **and**

8 (2) **ensure that all caregivers of children who are less than**
 9 **twelve (12) months of age follow safe sleeping practices.**

10 (c) **A provider that cares for:**

11 (1) **not more than sixteen (16) children at a facility where the**
 12 **provider operates a child care program shall maintain a ratio**
 13 **of children to caregivers in the same proportions as the child**
 14 **to staff ratios that are required for a child care home under**
 15 **IC 12-17.2-5; and**

16 (2) **more than sixteen (16) children at a facility where the**
 17 **provider operates a child care program shall maintain a ratio**
 18 **of children to caregivers in the same proportions as the child**
 19 **to staff ratios that are required for a child care center under**
 20 **IC 12-17.2-4.**

21 SECTION 11. IC 12-17.2-3.5-7 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) A provider shall
 23 have written plans for notifying parents regarding the following:

24 (1) Illness, serious injury, or death of the provider.

25 (2) Care in an emergency.

26 (3) Emergency evacuation.

27 The plan required under subdivision (3) must be posted in a
 28 conspicuous location in the facility where the provider operates a child
 29 care program.

30 (b) **A provider shall:**

31 (1) **maintain a written child discipline policy;**

32 (2) **ensure that all employees and volunteers follow the child**
 33 **discipline policy;**

34 (3) **provide the parent or legal guardian of each child cared**
 35 **for by the provider a written copy of the child discipline**
 36 **policy; and**

37 (4) **maintain in each child's file a copy of the child discipline**
 38 **policy that has been signed by the parent or legal guardian**
 39 **described in subdivision (3).**

40 (c) **A provider shall allow unscheduled visits by a parent or legal**
 41 **guardian to a facility where the provider operates a child care**
 42 **program during the hours the child care program is in operation.**

43 SECTION 12. IC 12-17.2-3.5-8 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) At least one (1)
 45 adult individual who maintains annual certification in a course of
 46 cardiopulmonary resuscitation applicable to all age groups of children



1 cared for by a provider shall be present at all times when a child is in
2 the care of the provider.

3 (b) **The following apply to** an individual who

4 ~~(1)~~ is employed or

5 ~~(2)~~ volunteers

6 as a caregiver at a facility where a provider operates a child care
7 program:

8 (1) **The individual** shall maintain current certification in first aid
9 applicable to all age groups of children cared for by the provider.

10 (2) **If the individual is:**

11 (A) **at least eighteen (18) years of age, the individual may**
12 **act as a caregiver without supervision of another**
13 **caregiver; or**

14 (B) **less than eighteen (18) years of age, the individual may**
15 **act as a caregiver only if the individual:**

16 (i) **is at least fourteen (14) years of age; and**

17 (ii) **is, at all times when child care is provided, directly**
18 **supervised by a caregiver who is at least eighteen (18)**
19 **years of age.**

20 (3) **Unless the provider is related to all children in the care of**
21 **the provider, the individual shall annually receive at least**
22 **twelve (12) hours of continuing education approved by the**
23 **division and related to the development and care of children**
24 **of the same age as the age of children who receive care at the**
25 **facility.**

26 (4) **Before beginning employment or volunteer duties, the**
27 **individual must receive a formal orientation to the facility and**
28 **the child care program.**

29 (5) **Not more than three (3) months after the individual begins**
30 **employment or volunteer duties, the individual must receive**
31 **training approved by the division concerning child abuse**
32 **detection and prevention.**

33 (6) **Not more than three (3) months after beginning**
34 **employment or volunteer duties caring for children who do**
35 **not yet attend first grade, the individual must receive training**
36 **approved by the division concerning the department of**
37 **education's early learning guidelines.**

38 (c) **A provider shall:**

39 (1) **maintain at the facility where the provider operates a child**
40 **care program documentation of all training required by this**
41 **section; and**

42 (2) **make the documentation available to the division upon**
43 **request.**

44 SECTION 13. IC 12-17.2-3.5-9 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) A provider shall
46 have at least one (1) working telephone in each facility where the



1 provider operates a child care program.

2 **(b) The telephone required by subsection (a) must be compatible**
 3 **with an automated time and attendance tracking system approved**
 4 **by the division.**

5 SECTION 14. IC 12-17.2-3.5-10 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) A facility where
 7 a provider operates a child care program must have two (2) exits that:

8 (1) do not require passage through a:

9 (A) garage; or

10 (B) storage area;

11 where hazardous materials are stored;

12 (2) are not windows;

13 (3) are on different sides of the facility;

14 (4) are not blocked; and

15 (5) are operable from the inside without the use of a key or any
 16 special knowledge.

17 **(b) In addition to the requirements specified in subsection (a),**
 18 **a room:**

19 **(1) in which children who are not more than twenty-four (24)**
 20 **months of age receive care; and**

21 **(2) that is located in a facility where a provider operates a**
 22 **child care program;**

23 **must have at least one (1) exit that does not require the use of**
 24 **stairs.**

25 ~~(b)~~ (c) A provider shall:

26 (1) conduct monthly documented fire drills:

27 (A) in accordance with the rules of the fire prevention and
 28 building safety commission; and

29 (B) that include complete evacuation of all:

30 (i) children; and

31 (ii) adults who provide child care;

32 in the facility;

33 (2) maintain documentation of all fire drills conducted during the
 34 immediately preceding twelve (12) month period, including:

35 (A) the date and time of the fire drill;

36 (B) the name of the individual who conducted the fire drill;

37 (C) the weather conditions at the time of the fire drill; and

38 (D) the amount of time required to fully evacuate the facility;
 39 and

40 (3) maintain a two and one-half (2 1/2) pound or greater ABC
 41 multiple purpose fire extinguisher:

42 (A) on each floor of the facility; and

43 (B) in the kitchen area of the facility;

44 in each facility where the provider operates a child care program.

45 **(d) A facility where a provider operates a child care program**
 46 **must meet the following requirements:**



1 (1) If not more than sixteen (16) children are cared for at the
2 facility, the facility must have working smoke detectors and
3 means of egress that meet the requirements that apply to child
4 care homes under IC 12-17.2-5.

5 (2) If more than sixteen (16) children are cared for at the
6 facility, the facility must meet the requirements specified in
7 the building rules and fire safety rules adopted by the fire
8 prevention and building safety commission.

9 (3) If more than one (1) facility where a provider operates a
10 child care program is located in a single structure, each
11 facility must:

12 (A) be separated from each other facility by walls and
13 doors with a two (2) hour fire resistance rating; and

14 (B) individually meet all requirements of this section.

15 SECTION 15. IC 12-17.2-3.5-11 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) A provider shall
17 provide for a safe environment by ensuring that the following items are
18 placed in areas that are inaccessible to the children in the provider's
19 care:

20 (1) Firearms and ammunition.

21 (2) Poisons, chemicals, bleach, and cleaning materials.

22 (3) Medications.

23 (4) Other items determined by the division in rules adopted
24 under section 15 of this chapter to pose a danger to children.

25 (b) A provider shall do the following with respect to
26 transporting children away from the facility where the provider
27 operates a child care program:

28 (1) Obtain written permission from the child's parent or legal
29 guardian to transport the child.

30 (2) Ensure that the child is transported only by an employee
31 or a volunteer who:

32 (A) is at least eighteen (18) years of age;

33 (B) holds a valid driver's license; and

34 (C) transports the child in a properly licensed and insured
35 motor vehicle.

36 SECTION 16. IC 12-17.2-3.5-12, AS AMENDED BY
37 P.L.142-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Except as provided in
39 subsection (f), a provider shall, at no expense to the state, maintain and
40 make available to the division upon request a copy of a limited
41 national criminal history background check for:

42 (1) the provider, if the provider is an individual;

43 (2) if the provider operates a child care program in the provider's
44 home, any individual who resides with the provider and who is:

45 (A) at least eighteen (18) years of age; or

46 (B) less than eighteen (18) years of age but has previously



1 been waived from juvenile court to adult court; and
 2 (3) any individual who:
 3 (A) is employed; or
 4 (B) volunteers;
 5 as a caregiver at the facility where the provider operates a child
 6 care program.

7 A provider shall apply for a **limited national** criminal history
 8 **background check** for an individual described in subdivision (3)
 9 before the individual is employed or allowed to volunteer. ~~as a~~
 10 ~~caregiver.~~

11 (b) In addition to the requirement under subsection (a), a provider
 12 shall report to the division any:

- 13 (1) police investigations;
 14 (2) arrests; and
 15 (3) criminal convictions;

16 not listed on a **limited national** criminal history **background check**
 17 obtained under subsection (a) regarding any of the persons listed in
 18 subsection (a).

19 (c) A provider that meets the other eligibility requirements of this
 20 chapter is temporarily eligible to receive voucher payments until the
 21 provider receives the **limited national** criminal history **background**
 22 **check** required under subsection (a) from the state police department
 23 if:

- 24 (1) the provider:
 25 (A) has applied for the **limited national** criminal history
 26 **background check** required under subsection (a); and
 27 (B) obtains a local criminal history for the individuals
 28 described in subsection (a) from each individual's local law
 29 enforcement agency before the individual is employed or
 30 allowed to volunteer as a caregiver; and
 31 (2) the local criminal history does not reveal that an individual
 32 has been convicted of a:
 33 (A) felony;
 34 (B) misdemeanor related to the health or safety of a child;
 35 (C) misdemeanor for operating a child care center without a
 36 license under IC 12-17.2-4-35; or
 37 (D) misdemeanor for operating a child care home without a
 38 license under IC 12-17.2-5-35.

39 (d) A provider is ineligible to receive a voucher payment if an
 40 individual for whom a **limited national** criminal history **background**
 41 **check** is required under this section has been convicted of a:

- 42 (1) felony;
 43 (2) misdemeanor related to the health or safety of a child;
 44 (3) misdemeanor for operating a child care center without a
 45 license under IC 12-17.2-4-35; or
 46 (4) misdemeanor for operating a child care home without a



1 license under IC 12-17.2-5-35;
 2 until the individual is dismissed from employment or volunteer service
 3 at the facility where the provider operates a child care program or no
 4 longer resides with the provider.

5 (e) A provider shall maintain a written policy requiring an
 6 individual for whom a **limited national criminal history background**
 7 **check** is required under this section to report any criminal convictions
 8 of the individual to the provider.

9 (f) The state police department may not charge a church or religious
 10 society any fees or costs for responding to a request for a release of a
 11 **limited national criminal history background check** record of a
 12 prospective or current employee or a prospective or current volunteer
 13 of a child care ministry registered under IC 12-17.2-6 if the conditions
 14 set forth in IC 10-13-3-36(f) are met.

15 SECTION 17. IC 12-17.2-3.5-14 IS REPEALED [EFFECTIVE
 16 JULY 1, 2013]. ~~Sec. 14. (a) Notice of a determination made under this~~
 17 ~~chapter must be provided under IC 4-21.5-3-6.~~

18 ~~(b) A person affected by a determination made under this chapter~~
 19 ~~may seek administrative review under IC 4-21.5-3-7.~~

20 SECTION 18. IC 12-17.2-3.5-16 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 22 [EFFECTIVE JULY 1, 2013]: **Sec. 16. (a) An employee or a**
 23 **volunteer shall immediately report to child protective services, the**
 24 **division, and local law enforcement authorities the employee's or**
 25 **volunteer's suspicion of physical abuse, sexual abuse, child neglect,**
 26 **or child exploitation of a child in the provider's care.**

27 (b) A provider shall immediately notify the division and the
 28 parent or legal guardian of a child in the care of the provider
 29 concerning:

- 30 (1) an injury of the child that requires medical attention;
- 31 (2) the death of the child; or
- 32 (3) an emergency event involving the child.

33 SECTION 19. IC 12-17.2-3.5-17 IS ADDED TO THE INDIANA
 34 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 35 [EFFECTIVE JULY 1, 2013]: **Sec. 17. (a) The division shall adopt**
 36 **rules under IC 4-22-2 to establish a list of violations of this article**
 37 **that would pose an immediate threat to the life or well-being of a**
 38 **child in the care of a provider.**

39 (b) If an employee or agent of the division determines that a
 40 violation described in subsection (a) exists, the division shall:

- 41 (1) immediately suspend the provider's eligibility to receive a
 42 voucher payment under this chapter;
- 43 (2) issue an emergency or another temporary order under
 44 IC 4-21.5-4 requiring the provider to immediately cease
 45 operation of the child care program; and
- 46 (3) contact the parent or legal guardian of each child enrolled



1 in the child care program to inform the parent or legal
2 guardian:

3 (A) that the division has issued an order to require the
4 provider to cease operation of the child care program; and

5 (B) of the reason for the order to cease operation;

6 pending the outcome of proceedings conducted under sections 20
7 and 22 of this chapter.

8 (c) An emergency or another temporary order issued by an
9 employee or agent of the division must be approved by the
10 director.

11 (d) An approval under subsection (c) may be communicated
12 orally to the employee or agent issuing the order. However, the
13 division shall maintain a written record of the approval.

14 SECTION 20. IC 12-17.2-3.5-18 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2013]: Sec. 18. The division may suspend a
17 provider's eligibility to receive a voucher payment under this
18 chapter for any of the following reasons:

19 (1) The provider fails to comply with this chapter.

20 (2) The provider refuses to allow, during normal business
21 hours, the division or an agent of the division to inspect the
22 facility where the provider operates a child care program.

23 (3) The provider is determined by the division to have made
24 false statements in the provider's:

25 (A) application for eligibility to receive a voucher
26 payment; or

27 (B) records required by the division;

28 under this chapter.

29 (4) The provider fails to correct a problem identified by the
30 division within the period required by the division.

31 (5) Three (3) or more problems occurring within a twelve (12)
32 month period are identified by the division, regardless of
33 whether the provider corrects the problems within the period
34 required by the division.

35 (6) Credible allegations of fraud have been made against the
36 provider, as determined by the division.

37 (7) Criminal charges of welfare fraud have been filed against
38 the provider.

39 SECTION 21. IC 12-17.2-3.5-19 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2013]: Sec. 19. The division may revoke a
42 provider's eligibility to receive a voucher payment under this
43 chapter for any of the following reasons:

44 (1) Any of the reasons for suspension described in section
45 18(1) through 18(5) of this chapter.

46 (2) Allegations of welfare fraud committed by the provider



1 **have been substantiated by the division.**

2 SECTION 22. IC 12-17.2-3.5-20 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: **Sec. 20. Except as provided in section**
5 **17 of this chapter, the division shall give a provider thirty (30)**
6 **calendar days written notice by certified mail of an enforcement**
7 **action against the provider. The provider shall also be provided an**
8 **opportunity for an informal meeting with the division. The**
9 **provider must request the informal meeting within ten (10)**
10 **working days after receipt of the certified notice.**

11 SECTION 23. IC 12-17.2-3.5-21 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2013]: **Sec. 21. (a) An administrative hearing**
14 **concerning the decision of the division to impose a sanction under**
15 **this chapter shall be provided upon a written request made by the**
16 **provider. The request must be made within thirty (30) calendar**
17 **days after the provider receives an order under section 17 of this**
18 **chapter or a notice under section 20 of this chapter. The written**
19 **request must be made separately from an informal meeting request**
20 **made under section 20 of this chapter.**

21 **(b) The administrative hearing shall be held within sixty (60)**
22 **calendar days after the division receives the written request.**

23 SECTION 24. IC 12-17.2-3.5-22 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2013]: **Sec. 22. The division shall issue a**
26 **decision within sixty (60) calendar days after the conclusion of a**
27 **hearing held under section 21 of this chapter.**

28 SECTION 25. IC 12-17.2-3.5-23 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2013]: **Sec. 23. To reinstate a provider's**
31 **eligibility to receive a voucher payment under this chapter after**
32 **suspension, the following must occur:**

33 **(1) The provider must, within thirty (30) calendar days after**
34 **receiving notice of the suspension, submit a plan of corrective**
35 **action to the division for approval.**

36 **(2) The plan must outline the steps and timetable for**
37 **immediate correction of the violations that caused the division**
38 **to suspend the eligibility.**

39 **(3) The division must approve the plan.**

40 SECTION 26. IC 12-17.2-3.5-24 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2013]: **Sec. 24. Following the suspension of**
43 **a provider's eligibility to receive a voucher payment under this**
44 **chapter, the division shall do one (1) of the following:**

45 **(1) Reinstate the eligibility.**

46 **(2) Except as provided in subdivision (3), extend the**



1 suspension for not more than six (6) months.

2 **(3) If criminal charges for welfare fraud are pending against**
 3 **the provider, extend the suspension until the criminal matter**
 4 **is resolved.**

5 **(4) Revoke the eligibility.**

6 SECTION 27. IC 12-17.2-3.5-25 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2013]: **Sec. 25. (a) After a provider's**
 9 **eligibility to receive a voucher payment under this chapter is**
 10 **revoked or suspended, the division shall publish notice of the**
 11 **revocation or suspension under IC 5-3-1 and notify in writing each**
 12 **parent or legal guardian of a child in the care of the provider that**
 13 **the eligibility has been revoked or suspended, including the reason**
 14 **for the revocation or suspension.**

15 **(b) The written notice shall be sent to the last known address of**
 16 **each person responsible for a child in the care of the provider.**

17 SECTION 28. IC 12-17.2-3.5-26 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2013]: **Sec. 26. An administrative review and**
 20 **a hearing conducted under this chapter must be conducted under**
 21 **rules adopted by the division under IC 4-22-2.**

22 SECTION 29. IC 12-17.2-3.5-27 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2013]: **Sec. 27. (a) Upon receiving notice of**
 25 **a claim of abuse or neglect in a facility where a provider operates**
 26 **a child care program described in IC 12-17.2-3.5, the department**
 27 **of child services shall:**

28 **(1) forward a copy of the notice to the division; and**

29 **(2) conduct an investigation of the claim.**

30 **(b) After an investigation under subsection (a), the department**
 31 **of child services shall make a determination of whether abuse or**
 32 **neglect occurred at the facility.**

33 **(c) If the department of child services makes a determination**
 34 **under IC 31-33-8-12 that abuse or neglect at the facility is**
 35 **substantiated, the department shall send a copy of the**
 36 **department's report to the appropriate office of the division.**

37 SECTION 30. IC 12-17.2-4-3, AS AMENDED BY P.L.145-2006,
 38 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2013]: **Sec. 3. (a) An applicant must apply for a child care**
 40 **center license on forms provided by the division.**

41 **(b) An applicant must submit the required information as part of the**
 42 **application.**

43 **(c) The applicant must submit with the application a statement**
 44 **attesting that the applicant:**

45 **(1) has not been convicted of:**

46 **(A) a felony;**



- 1 (B) a misdemeanor relating to the health or safety of children;
 2 (C) a misdemeanor for operating a child care center without a
 3 license under section 35 of this chapter; or
 4 (D) a misdemeanor for operating a child care home without a
 5 license under IC 12-17.2-5-35; and

6 (2) has not been charged with:

- 7 (A) a felony;
 8 (B) a misdemeanor relating to the health or safety of children;
 9 (C) a misdemeanor for operating a child care center without a
 10 license under section 35 of this chapter; or
 11 (D) a misdemeanor for operating a child care home without a
 12 license under IC 12-17.2-5-35;

13 during the pendency of the application.

14 (d) An applicant must submit the necessary information, forms, or
 15 consents for the division to obtain a national criminal history
 16 background check on the applicant. ~~through the state police department~~
 17 ~~under IC 10-13-3-39.~~

18 (e) The applicant must do the following:

- 19 (1) Conduct a **national** criminal history **background** check of the
 20 applicant's employees and volunteers.
 21 (2) Maintain records of each criminal history check.

22 SECTION 31. IC 12-17.2-5-3, AS AMENDED BY P.L.145-2006,
 23 SECTION 100, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) An applicant must apply for
 25 a child care home license on forms provided by the division.

26 (b) An applicant must submit the required information as part of the
 27 application.

28 (c) An applicant must submit with the application a statement
 29 attesting that the applicant has not been:

30 (1) convicted of:

- 31 (A) a felony;
 32 (B) a misdemeanor relating to the health or safety of children;
 33 (C) a misdemeanor for operating a child care center without a
 34 license under IC 12-17.2-4-35; or
 35 (D) a misdemeanor for operating a child care home without a
 36 license under section 35 of this chapter; and

37 (2) charged with:

- 38 (A) a felony;
 39 (B) a misdemeanor relating to the health or safety of children;
 40 (C) a misdemeanor for operating a child care center without a
 41 license under IC 12-17.2-4-35; or
 42 (D) a misdemeanor for operating a child care home without a
 43 license under section 35 of this chapter;

44 during the pendency of the application.

45 (d) An applicant must submit the necessary information, forms, or
 46 consents for the division to:



- 1 (1) conduct a **national** criminal history **background** check on the
 2 applicant's spouse; and
 3 (2) obtain a national criminal history background check on the
 4 applicant. ~~through the state police department under~~
 5 ~~IC 10-13-3-39.~~
- 6 (e) An applicant must do the following:
 7 (1) Conduct a **national** criminal history **background** check of the
 8 applicant's:
 9 (A) employees;
 10 (B) volunteers; and
 11 (C) household members who are:
 12 (i) at least eighteen (18) years of age; or
 13 (ii) less than eighteen (18) years of age but have previously
 14 been waived from juvenile court to adult court.
 15 (2) Maintain records of each criminal history check.
- 16 SECTION 32. IC 12-17.2-6-14, AS AMENDED BY P.L.124-2007,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2013]: Sec. 14. The child care ministry must do the following:
 19 (1) Conduct a **national** criminal history **background** check of the
 20 child care ministry's employees and volunteers.
 21 (2) Refrain from employing, or allowing to serve as a volunteer,
 22 an individual who:
 23 (A) has been convicted of any of the following felonies:
 24 (i) Murder (IC 35-42-1-1);
 25 (ii) Causing suicide (IC 35-42-1-2);
 26 (iii) Assisting suicide (IC 35-42-1-2.5);
 27 (iv) Voluntary manslaughter (IC 35-42-1-3);
 28 (v) Reckless homicide (IC 35-42-1-5);
 29 (vi) Battery (IC 35-42-2-1);
 30 (vii) Aggravated battery (IC 35-42-2-1.5);
 31 (viii) Kidnapping (IC 35-42-3-2);
 32 (ix) Criminal confinement (IC 35-42-3-3);
 33 (x) A felony sex offense under IC 35-42-4;
 34 (xi) Carjacking (IC 35-42-5-2);
 35 (xii) Arson (IC 35-43-1-1);
 36 (xiii) Incest (IC 35-46-1-3);
 37 (xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and
 38 IC 35-46-1-4(a)(2));
 39 (xv) Child selling (IC 35-46-1-4(d));
 40 (xvi) A felony involving a weapon under IC 35-47 or
 41 IC 35-47.5;
 42 (xvii) A felony relating to controlled substances under
 43 IC 35-48-4;
 44 (xviii) An offense relating to material or a performance that
 45 is harmful to minors or obscene under IC 35-49-3;
 46 (xix) A felony that is substantially equivalent to a felony



- 1 listed in items (i) through (xviii) for which the conviction
2 was entered in another state: **a felony;**
3 (B) has been convicted of a misdemeanor related to the health
4 or safety of a child;
5 **(C) has been convicted of a misdemeanor for operating a**
6 **child care center without a license under IC 12-17.2-4-35;**
7 **(D) has been convicted of a misdemeanor for operating a**
8 **child care home without a license under IC 12-17.2-5-35;**
9 or
10 ~~(E)~~ (E) is a person against whom an allegation of child abuse
11 or neglect has been substantiated under IC 31-33.
12 (3) Maintain records of each criminal history check.



**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6982

BILL NUMBER: HB 1322

NOTE PREPARED: Jan 15, 2012

BILL AMENDED:

SUBJECT: Paths to Quality Tax Credits.

FIRST AUTHOR: Rep. Behning

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: The bill establishes the Paths to Quality tax credits.

It provides that an individual is entitled to a refundable income tax credit for each child attending a child care facility that voluntarily participates in the Paths to Quality rating system (qualified child care facility) that has a quality rating of Level 2 or higher.

It provides that a taxpayer is entitled to a refundable income tax credit for certain eligible business and employer child care expenses.

It provides that a qualified child care facility is entitled to a refundable income tax credit for providing child care services to a child participating in the Child Care and Development Voucher Program, or if the child is in foster care. It provides that the amount of the credit is calculated based on the quality rating of the qualified child care facility and the monthly average number of children who participate in the Child Care and Development Voucher Program and attend the qualified child care facility.

It requires the Division of Family Resources to adopt rules to administer the Paths to Quality rating system.

Effective Date: Upon passage; January 1, 2013.

Explanation of State Expenditures: *Family and Social Services Administration (FSSA):* The bill establishes in statute the Paths to Quality Program to be administered by the Division of Family Resources, FSSA. The program is to be a voluntary child care facility quality rating and improvement system implemented by the Division in partnership with organizations specified in the bill. The bill requires the Division to adopt rules

to administer the quality rating system. The requirement to establish this program will have no administrative or fiscal impact on the Division since the program has been fully implemented by the Division and available statewide since 2009.

The Paths to Quality Program provides the following quality ratings for child care facilities:

- (1) Level 1: Health and safety needs of children met.
- (2) Level 2: Environment supports children's learning.
- (3) Level 3: Planned curriculum guides child development and school readiness.
- (4) Level 4: National accreditation (the highest indicator of quality) is achieved.

Department of State Revenue (DOR): The DOR would incur some administrative expenses relating to the revision of tax forms, instructions, and computer programs to reflect the new tax credits. The DOR's current level of resources should be sufficient to implement the new tax credits.

Explanation of State Revenues: Summary - The bill establishes three income tax credits for expenses related to "qualified child care facilities". A qualified child care facility is (1) a licensed child care center, (2) a licensed child care home, or (3) a licensed child care ministry that voluntarily participates in the Paths to Quality Program currently being implemented by FSSA and established under the bill and that attains a quality rating of Level 2, 3, or 4 under the program. The credits would be available to individual and corporate taxpayers, as applicable, beginning in tax year 2013. The revenue loss from these tax credits would likely begin in FY 2014, but could begin in FY 2013 if taxpayers change their quarterly estimated payments in the first half of 2013.

The new tax credits are:

- (1) A credit for individual taxpayers who incur expenses relating to a dependent child attending a qualified child care facility.
- (2) A credit for individual and corporate taxpayers for qualified child care facility expenses incurred by a business or employer for the business's or employer's employees.
- (3) A credit for qualified child care facilities that participate in the federal Child Care and Development (CCDF) program.

The estimated annual revenue loss from these credits is reported in the table below. It is important to note that the revenue loss estimates comprise an estimate of taxpayers currently making creditable expenditures. The revenue loss could potentially be higher to the extent that the credit induces additional taxpayers to incur creditable child care expenses.

Tax Credit	Revenue Loss (in millions of dollars)
Credit for child care expenses incurred by taxpayer for dependent child	15.5
Credit for business/employer child care facility expenses	Indeterminable but potentially significant.*
Credit for child care facilities participating in CCDF program	13.85 - 27.7
Total	29.35 - 43.2
*See discussion of credit below for scenario of potential revenue loss.	

Credit for Child Care Expenses Incurred for a Dependent Child: This is a refundable credit that may be claimed by an individual taxpayer for each dependent child who regularly attends a “qualified child care facility”. A qualified child care facility is (1) a licensed child care center, (2) a licensed child care home, or (3) a licensed child care ministry that voluntarily participates in the Paths to Quality Program currently being implemented by FSSA and established under the bill and that attains a quality rating of Level 2, 3, or 4. It is estimated that the credits claimed by taxpayers could potentially total \$15.5 M annually. This estimate is based on the current number of child care centers, child care homes, and child care ministries in the Paths to Quality Program and the current quality levels of these providers. The number of children in each child care facility is based on the average licensed capacity of child care centers and child care homes. The average capacity for child care centers is assumed for child care ministries. The credit is effective beginning in tax year 2013, so the revenue loss from the credit would begin in FY 2014.

Quality Level		Level 2	Level 3	Level 4
Credit Per Child		\$200	\$300	\$400
Child Care Centers	Facilities	95	149	134
	Children Attending (est.)	10,260	16,092	14,472
	Total Credits (est.)	\$2,052,000	\$4,827,000	\$5,788,000
Child Care Homes	Facilities	397	176	100
	Children Attending (est.)	5,161	2,288	1,300
	Total Credits (est.)	\$1,032,000	\$686,400	\$520,000
Child Care Ministries	Facilities	18	7	0
	Children Attending (est.)	1,944	756	0
	Total Credits (est.)	\$388,800	\$226,800	\$0

Credit for Child Care Facility Expenses by a Business or Employer: This is a refundable credit that may be claimed by a business or employer making eligible child care expenses on a “qualified child care facility”. A qualified child care facility is (1) a licensed child care center, (2) a licensed child care home, or (3) a

licensed child care ministry that voluntarily participates in the Paths to Quality Program currently being implemented by FSSA and established under the bill and that attains a quality rating of Level 2, 3, or 4. The child care expenses eligible for the credit can't exceed \$50,000 in a tax year. The bill specifies that eligible expenses include the following:

- (1) Construction, renovation, or expansion of a qualified child care facility;
- (2) Purchase of equipment for a qualified child care facility;
- (3) Maintenance and operation expenses of a qualified child care facility; and
- (4) payments, not to exceed \$5,000 for each child, made by an employer to a qualified child care facility for the child care expenses of a qualified dependent child of an employee of the employer.

The credit is a percentage of the eligible expenses and is equal to: (1) 10% if the facility's quality rating is Level 2; (2) 15% if the facility's quality rating is Level 3; and (3) 20% if the facility's quality rate is Level 4. Under the bill, if the tax credit exceeds a taxpayer's tax liability, the taxpayer may request a refund or may carry over the excess to future years. The taxpayer may not carry back any excess tax credits.

The number of employers that may qualify for this credit is indeterminable, so the potential revenue loss from the credit is indeterminable. However, the revenue loss could be significant. An employer incurring \$50,000 in eligible expenses would receive a refundable credit equal to: (1) \$5,000 for a Level 2 quality facility; (2) \$7,500 for a Level 3 quality facility; or (3) \$10,000 for a Level 4 quality facility. Based on County Business Patterns data, there are roughly 144,000 business establishments in Indiana (excluding the education and public administration sectors). If 1,000 Indiana businesses (less than 1% of the above total) each annually incur \$50,000 in eligible expenses and these businesses are uniformly distributed across the three quality levels, the annual revenue loss would total \$7.5 M.

Credit for Child Care Facilities Participating in Federal CCDF Program: This is a refundable credit that may be claimed by a "qualified child care facility" that provides child care services to a child less than 6 years old who participates in the CCDF program as in effect January 1, 2012. A qualified child care facility is (1) a licensed child care center, (2) a licensed child care home, or (3) a licensed child care ministry that voluntarily participates in the Paths to Quality Program currently being implemented by FSSA and established under the bill and that attains a quality rating of Level 2, 3, or 4.

The refundable credit for qualified child care facilities participating in the CCDF program would be equal to: (1) \$1,000 for a Level 2 quality facility; (2) \$1,250 for a Level 3 quality facility; or (3) \$1,500 for a Level 4 quality facility. Under the bill, if the tax credit exceeds a taxpayer's tax liability, the taxpayer may request a refund or may carry over the excess to future years. The taxpayer may not carry back any excess tax credits.

According to FSSA, as of November 2011, there were 33,891 children authorized to participate in the CCDF program statewide. FSSA also reports that 34.5% of children served are 6 years older or older, so potentially 22,199 children under the age of 6 years were eligible for funding to attend a qualified child care center (whether a licensed child care center, a licensed child care home, or a licensed child care ministry). If these children all attend qualified child care facilities throughout the year and are uniformly distributed across centers with the three required quality levels, the revenue loss from this credit would total \$27.7 M annually. If half of these children (11,100) attended qualified child care facilities and were uniformly distributed across facilities with the three required quality levels, the revenue loss would total \$13.85 M.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of State Revenue; FSSA, Division of Family Resources.

Local Agencies Affected:

Information Sources: U.S. Census Bureau, *County Business Patterns by NAICS, 2009*. Family and Social Services Administration, Paths to QUALITY - Indiana's Child Care Quality Rating and Improvement System, <http://www.in.gov/fssa/2554.htm>. FSSA, *CCDF Fact Sheet: Indiana - Statewide Summary, Voucher and Contract Centers Programs, November 2011*. Division of Family Resources, *Monthly Management Report, November 2011*. Dawn Hetzel, FSSA, (317) 690-6422.

Fiscal Analyst: Jim Landers, 317-232-9869.