~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 11, 2016

**H. 4262**

Introduced by Reps. Erickson, M.S. McLeod, Collins and Long

S. Printed 5/11/16--S.

Read the first time March 10, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4262) to amend Section 63‑13‑825, Code of Laws of South Carolina, 1976, relating to training for family childcare home operators and employees, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting language and inserting:

/ SECTION 1. Section 63-13-820(C) of the 1976 Code, is amended to read:

“(C) A person applying to become a registered operator of a family childcare home under this section ~~and~~, a person fifteen years of age or older living in the family childcare home, and any person fifteen years of age or older who moves into the family childcare home after the initial application for registration is approved shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint reviews required by this subsection are not required upon each renewal.”

SECTION 2. Section 63‑13‑825(A) of the 1976 Code, as added by Act 292 of 2010, is amended to read:

“(A) An operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home to provide direct childcare, annually shall complete and provide documentation to the Department of Social Services of a minimum of ~~two~~ ten hours of training approved by the department.”

SECTION 3. Section 63‑13‑830(E) of the 1976 Code is amended to read:

“(E)(1) The department may deny an application for a statement of registration, deny an application for a renewal of registration, work with a family childcare home operator to resolve a concern, or withdraw ~~the~~ a statement of registration if one or more of the following apply:

~~(1)~~(a) the health ~~and~~ or safety of ~~the children require withdrawal~~ any child in the facility is at risk;

~~(2)~~(b) the family childcare home operator, in the operation of a family childcare home facility, previously enrolled or currently has enrolled children beyond the limits defined in this chapter;

~~(3)~~(c) the operator fails to comply with the registration procedures provided in this chapter; or

(d) the operator fails to comply with the training requirements provided in Section 63‑13‑825(A).

(2) If a family childcare home has had its application for a statement or renewal of registration denied by the department or its statement of registration withdrawn by the department pursuant to this subsection, the family childcare home may elect to meet the requirements for licensure by demonstrating compliance with Article 3 of this chapter and the suggested standards developed by the department pursuant to Section 63‑13‑180.

(3) The department shall consider previous applications, the circumstances of prior inspections, or withdrawals of registration, by the department or the applicant, as factors to be considered in the application process; however, a prior concern does not prohibit the department from granting the family childcare home a statement or renewal of registration if the department is satisfied the concern has been resolved.

(4) If the operator fails to comply with the training requirements provided in Section 63-13-825(A) prior to the expiration of the registration or fails to timely renew the registration, the department shall place the operator on a corrective action plan.”

SECTION 4. Section 63‑13‑850(A) of the 1976 Code is amended to read:

“(A) A registrant whose statement of registration has been withdrawn by the department or whose application for a statement or renewal of registration has been denied by the department must be given written notice of the withdrawal or denial by certified or registered mail. The notice must contain the reasons for the proposed action and must inform the registrant of the right to appeal the decision to the director or his designee in writing within thirty calendar days after the receipt of the notice. Upon receiving a written appeal the director or his designee shall give the registrant reasonable notice and an opportunity for a prompt hearing before the director or his designee. On the basis of the evidence adduced at the hearing, the director or his designee shall make the final decision of the department as to whether the department shall withdraw the statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration, as applicable. If no written appeal is made, the department shall withdraw a statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration as of the termination of the thirty‑day period.”

SECTION 5. Section 63‑13‑825(A) of Article 7, Title 13 takes effect July 1, 2017. The remaining provisions of this act take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

TOM YOUNG, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 63‑13‑825, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAINING FOR FAMILY CHILDCARE HOME OPERATORS AND EMPLOYEES, SO AS TO REQUIRE ADDITIONAL TRAINING; TO AMEND SECTION 63‑13‑830, RELATING TO STATEMENTS OF REGISTRATION FOR FAMILY CHILDCARE HOMES, SO AS TO PROVIDE ADDITIONAL AUTHORITY OF THE DEPARTMENT OF SOCIAL SERVICES AND RIGHTS OF FAMILY CHILDCARE HOMES; AND TO AMEND SECTION 63‑13‑850, RELATING TO APPEALS OF DECISIONS TO WITHDRAW A STATEMENT OF REGISTRATION OF A FAMILY CHILDCARE HOME, SO AS TO ALSO ADDRESS APPEALS OF DECISIONS TO DENY AN APPLICATION FOR A STATEMENT OR RENEWAL OF REGISTRATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑13‑825(A) of the 1976 Code, as added by Act 292 of 2010, is amended to read:

“(A) Beginning July 1, 2017, an operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home to provide direct childcare annually shall complete and provide documentation to the Department of Social Services of a minimum of ten hours of training approved by the department. ~~An~~ Before July 1, 2017, an operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home~~,~~ to provide direct childcare annually shall complete and provide documentation to the Department of Social Services of a minimum of two hours of training approved by the department.”

SECTION 2. Section 63‑13‑830(E) of the 1976 Code is amended to read:

“(E)(1) The department may deny an application for a statement of registration, deny an application for a renewal of registration, work with a family childcare home operator to resolve a concern, or withdraw ~~the~~ a statement of registration if ~~one or more of the following apply~~:

~~(1)~~(a) the health ~~and~~ or safety of ~~the children require withdrawal~~ any child in the facility is at risk;

~~(2)~~(b) the family childcare home operator, in the operation of a family childcare home facility, previously enrolled or currently has enrolled children beyond the limits defined in this chapter;

~~(3)~~(c) the operator fails to comply with the registration procedures provided in this chapter; or

(d) the operator fails to comply with the training requirements provided in Section 63‑13‑825(A).

(2) If a family childcare home has had its application for a statement or renewal of registration denied by the department or its statement of registration withdrawn by the department or applicant pursuant to this subsection, the family childcare home may elect to meet the requirements for licensure by demonstrating compliance with Article 3 of this chapter and the suggested standards developed by the department pursuant to Section 63‑13‑180.

(3) The department shall consider previous applications and the circumstances of prior inspections or withdrawals of registration as factors to be considered in the application process; however, a prior concern does not prohibit the department from granting the family childcare home a statement or renewal of registration if the department is satisfied the concern has been resolved.”

SECTION 3. Section 63‑13‑850(A) of the 1976 Code is amended to read:

“(A) A registrant whose statement of registration has been withdrawn by the department or whose application for a statement or renewal of registration has been denied by the department must be given written notice of the withdrawal or denial by certified or registered mail. The notice must contain the reasons for the proposed action and must inform the registrant of the right to appeal the decision to the director or his designee in writing within thirty calendar days after the receipt of the notice. Upon receiving a written appeal the director or his designee shall give the registrant reasonable notice and an opportunity for a prompt hearing before the director or his designee. On the basis of the evidence adduced at the hearing, the director or his designee shall make the final decision of the department as to whether the department shall withdraw the statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration, as applicable. If no written appeal is made, the department shall withdraw a statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration as of the termination of the thirty‑day period.”

SECTION 4. This act takes effect upon approval by the Governor.

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