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## HOUSE BILL NO. 2265

Offered January 14, 2009

Prefiled January 14, 2009

*A BILL to amend and reenact § 63.2-1704 of the Code of Virginia, relating to voluntary registration of family day homes.*

\_\_\_\_\_  
Patron—Ware, O.

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Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:****1. That § 63.2-1704 of the Code of Virginia is amended and reenacted as follows:**

§ 63.2-1704. Voluntary registration of family day homes; inspections; investigation upon receipt of complaint; revocation or suspension of registration.

A. Any person who maintains a family day home serving fewer than six children, exclusive of the provider's own children and any children who reside in the home, may apply for voluntary registration. An applicant *for voluntary registration* shall file with the Commissioner, prior to beginning any such operation and thereafter biennially, a ~~statement~~ *an application* which shall include, but not be limited to, the following:

1. The name, address, phone number, and social security number of the person maintaining the family day home;

2. The number and ages of the children to receive care;

3. A sworn statement or affirmation in which the applicant attests to the accuracy of the information submitted to the Commissioner; *and*

4. Documentation that the background check requirements for registered child welfare agencies in Article 3 (§ 63.2-1719 et seq.) of this chapter have been met; *and* .

5. ~~Documentation that the home has met the requirements of a self-administered health and safety guidelines evaluation checklist adopted by the Board.~~

B. *The Board shall adopt regulations for voluntarily registered family day homes that include, but are not limited to:*

1. *The criteria and process for the approval of the certificate of registration;*

2. *Requirements for a self-administered health and safety guidelines evaluation checklist;*

3. *A schedule for fees to be paid by the providers to the contract organization or to the Department if it implements the provisions of this section for processing applications for the voluntary registration of family day homes. The charges collected shall be maintained for the purpose of recovering administrative costs incurred in processing applications and certifying such homes as eligible or registered;*

4. *The criteria and process for the renewal of the certificate of registration; and*

5. *The requirement that upon receipt of a complaint concerning a registered family day home, the Commissioner shall cause an investigation to be made, including on-site visits as he deems necessary, of the activities, services, and facilities. The person who maintains such home shall afford the Commissioner reasonable opportunity to inspect the operator's facilities and records and to interview any employees and any child or other person within his custody or control. Whenever a registered family day home is determined by the Commissioner to be in noncompliance with the regulations for voluntarily registered family day homes, the Commissioner shall give reasonable notice to the operator of the nature of the noncompliance and may thereafter revoke or suspend the registration.*

C. Upon receiving ~~such information~~ the application on ~~prescribed~~ forms *prescribed by the Commissioner*, and after having determined that the home has satisfied the ~~standards for voluntary registration~~ requirements of the regulations for voluntarily registered family day homes, the Commissioner shall issue a certificate of registration to the family day home.

B-D. The Commissioner shall contract *in accordance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.)* with qualified local agencies and community organizations to review applications and certify family day homes as eligible for registration, pursuant to ~~Board regulations~~ *the regulations for voluntarily registered family day homes*. If no qualified local agencies or community organizations are available, the Commissioner shall implement the provisions of this section. Upon receipt of an application of a qualified local agency or community organization to certify family day homes as eligible for registration, the Commissioner shall cause an investigation to be made of the applicant's activities, services, facilities, and financial responsibility, of the character and reputation of the officers and agents of the applicant, and of its compliance with requirements established for the

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59 issuance of such contracts. "Qualified" means demonstrated ability to provide sound financial  
60 management and administrative services including application processing, maintenance of records and  
61 reports, technical assistance, consultation, training, monitoring, and random inspections.

62 C.E. The Board shall adopt regulations to implement the provisions of this section. Such regulations  
63 shall provide guidelines for the following: The scope of services in contracts shall include:

64 1. The identification of family day homes which may meet the standards for voluntary registration  
65 provided in subsection A; and

66 2. The establishment of qualifications for local agencies and community organizations to which a  
67 contract may be issued by the Commissioner for the certification of family day homes as eligible for  
68 registration; and standards for the purpose of ensuring compliance with the standards and requirements  
69 of the contract, including monitoring and random inspections;

70 3. The establishment of standards and requirements for contracts issued by the Commissioner to  
71 qualified local agencies and community organizations, upon review of the Board, for the certification of  
72 family day homes as eligible for registration;

73 4.2. A requirement that the contract organization shall provide administrative services, including, but  
74 not limited to, processing applications for the voluntary registration of family day homes; certifying  
75 such homes as eligible for registration; providing technical assistance, training and consultation with  
76 family day homes; ensuring providers' compliance with the regulations for voluntarily registered family  
77 day homes, including monitoring and random inspections; and maintaining permanent records regarding  
78 all family day homes which it may certify as eligible for registration;

79 5. The establishment of requirements for a self-administered health and safety guidelines evaluation  
80 checklist;

81 6. The criteria and process for the renewal of the certificate of registration; and

82 7. A schedule for charges to be made by the contract organization or by the Department if it  
83 implements the provisions of this section, for processing applications for the voluntary registration of  
84 family day homes. The charges collected shall be maintained for the purpose of recovering  
85 administrative costs incurred in processing applications and certifying as eligible or registering such  
86 homes.

87 D.F. The contract organization, upon determining that a family day home has satisfied the standards  
88 for voluntary registration requirements of the regulations for voluntarily registered family day homes,  
89 shall certify the home as eligible for registration on forms prescribed by the Commissioner. The  
90 Commissioner, upon determining that certification has been properly issued, may register the family day  
91 home.

92 E.G. The provisions of this section shall not apply to any family day home located in a county, city,  
93 or town in which the governing body provides by ordinance for the regulation and licensing of persons  
94 who provide child-care services for compensation and for the regulation and licensing of child-care  
95 facilities pursuant to the provisions of § 15.2-914.

96 F. Upon receipt of a complaint concerning a registered family day home, the Commissioner shall  
97 cause an investigation to be made, including on-site visits as he deems necessary, of the activities,  
98 services, and facilities. The person who maintains such home shall afford the Commissioner reasonable  
99 opportunity to inspect the operator's facilities and records and to interview any employees and any child  
100 or other person within his custody or control. Whenever a registered family day home is determined by  
101 the Commissioner to be in noncompliance with the standards for voluntary registration, the  
102 Commissioner shall give reasonable notice to the operator of the nature of the noncompliance and may  
103 thereafter revoke or suspend the registration.