

Act 399 of the 1989 Regular Session.

Act 399

HB1205

By: Representatives Cabe and Thicksten

"AN ACT TO AMEND THE CHILD CARE FACILITY LICENSING ACT TO REDEFINE THE TERM CHILD CARE FACILITY; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Subsection (4) of Arkansas Code 20-78-202 is hereby amended to read as follows:

"(4) Child care facility" means any facility which provides care, training, education, custody, or supervision for any minor child who is not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the services offered by it.

(A) This definition includes, but is not limited to, a nursery, a nursery school, kindergarten, a day care center, or a family day care home, foster home, group home, and custodial institution.

(B) However, this definition does not include:

(i) Special schools or classes operated solely for religious instruction;

(ii) Facilities operated in connection with a church, shopping center, business, or establishment where children are cared for during short periods of time while parents or persons in charge of the children are attending church services, shopping, or engaging in other activities during the periods;

(iii) Any educational facility, whether private or public, which operates solely for educational purposes in grades one or above and does not provide any custodial care;

(iv) Kindergartens operated as a part of the public schools of this state;

(v) Any situation, arrangement, or agreement by which one (1) or more persons care for less than six children from more than one (1) family at the same time;

(vi) Any educational facility, whether public or private, which operates a kindergarten program in conjunction with grades one and above and provides short-term custodial care prior to or following classes for those students; and

(vii) Any recreational facility or program, whether public or private, which operates solely as a place of recreation for minor children. For purposes of this Act, a recreational facility or program is defined as a facility or program which operates with children arriving and leaving voluntarily for scheduled classes, activities, practice, games and meetings."

SECTION 2. Arkansas Code 20-78-204 is hereby amended to read as follows:

"20-78-204. Injunction. When any person, partnership, group, corporation, organization, or association shall operate or assist in the operation of a child care facility which has not been licensed by the Board or has had the license denied, suspended, or revoked by the Board and therefore has been ordered to cease and desist operation, in accordance with

the provisions of this subchapter, the Board shall have the right to go into the Chancery Court in the jurisdiction in which the child care facility is being operated and, upon affidavit, secure a Writ of Injunction, without bond, restraining and prohibiting the person, partnership, group, corporation, organization, or association from operating the child care facility."

SECTION 3. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 8, 1989

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