



Recommendations

Governor's Task Force on Prevention of Sexual Abuse of Children

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Executive Summary

Summary of HB197

By Representative Terri Collins

To adopt Erin's Law in Alabama; to adopt guidelines for K-12 instructional courses on how to recognize and prevent child sexual abuse; to provide for an age appropriate curriculum in public K-12 schools on avoiding child sexual abuse; and to create the Governor's Task Force on Prevention of Sexual Abuse of Children.

Members of the task force:

- **Chair: Terri Collins**, Alabama State Representative
- **Vice Chair: Tracy Plummer**, Deputy Director, Alabama Department of Child Abuse & Neglect Prevention
- **Deborah Callins**, Prevention Director, National Children's Advocacy Center
- **Eric Graves**, Director, Department of Human Resources (Barbour)
- **Patrick Guyton**, Executive Director, Child Advocacy Center, Inc., (Mobile)
- **Joe Hubbard**, Attorney, Brooks, Hubbard & James
- **Elizabeth Huntley**, Attorney, Lightfoot, Franklin & White; Pre-K Advocate
- **Lillie Jones-Osborne**, District Judge, Greene County
- **Robin Mackey**, Executive Director, Alabama Network of Family Resource Centers
- **Tracey Meyer**, Governmental Relations & Public Affairs Coordinator, Office of State Superintendent
- **Susan Roberts**, Executive Director, Parents & Children Together
- **Nathan Ryan**, Attorney, Trousdale Ryan
- **Suzette Wyatt**, Attendance Officer, Tuscaloosa County School System

Child Sexual Abuse Prevention Recommendations

1. We recommend the Erin's Law Task Force continue to work on child sexual abuse prevention as an ongoing task force.
2. We recommend the ongoing task force develop recommended standards for child sexual abuse prevention.
3. We recommend use of any of the programs included in the report by any school system for immediate implementation.

4. We recommend at the beginning of each school year as part of each local school system's in-service, a program on Mandatory Reporting be provided.
5. We recommend at the beginning of each school year an orientation for all middle school and high school students be provided regarding 'peer-to-peer' sexual abuse crimes.
6. We recommend the creation of a County Child Sexual Abuse Prevention Task Force that will develop a coordinated effort at the local level to support recommendations from the Governor's Task Force on Prevention of Sexual Abuse of Children. The County Child Sexual Abuse Prevention Task Force should develop a child sexual abuse prevention and response protocol based on the needs at the local level and will also generate a report no later than December 31, 2016 to the Governor's Task Force on Prevention of Sexual Abuse of Children.

Recommended Legislation

Under existing law, it is a class C misdemeanor for a person to distribute harmful material to a minor. This bill would provide that it is a Class C felony for an employee of a K-12 public or private school to distribute harmful material to student enrolled at the particular school.

Under existing law, certain out-of-court statements made by a child under 12 years of age are admissible in evidence in criminal proceedings involving child physical offense, sexual offense and exploitation. This bill would provide that the out-of-court statements made by a child under 18 years of age are admissible in those proceedings.

Under existing law, certain individuals and professionals are required to report suspected child abuse or neglect to law enforcement or the Department of Human Resources. This bill would reference a specific definition of child abuse or neglect and would require the creation of the County Child Sexual Abuse Prevention Task Force.

Also under existing law, the Department of Human Resources licenses child care facilities and establishes minimum standards for their operation. A "child" is defined under the law as a person under 19 years of age, a person under the continuing jurisdiction of the Department of Human Resources, or a person under 21 years of age in foster care. This bill would authorize an individual under 19 years of age who has graduated from a high school with a Child Development Associate Credential to work in a day care center and would revise the definition of "day care center" to include pre-kindergarten.

Child Sexual Abuse Prevention Recommendations

1. We recommend the Erin's Law Task Force continue to work on child sexual abuse prevention as an ongoing task force, with task force appointment changes as needed, after the completion of the Task Force's recommendations on Dec. 31, 2015.
2. We recommend the ongoing task force develop recommended standards for child sexual abuse prevention based on the law and best practices to be used as school systems choose their required program.
3. We recommend use of any of these programs by any school system for immediate implementation:

A. The Mobile County Public Schools Child Personal Safety Curriculum - online

- Offered in grades k/1/3/5/7/10 (taught by counselors in elementary, physical education in middle school and health in high school)
- **Contact:**
Patrick Guyton
Executive Director
Child Advocacy Center
Mobile, Alabama
pguyton@cacmobile.org
(251) 432-1101
www.cacmobile.org

B. SCAN - National Children Advocacy Center in Huntsville, Madison County

- Offered in grades 3/5/7 (taught by staff and college interns and volunteers; outcome-based testing)
- **Contact:**
Deborah Callins
Prevention Director
National Children's Advocacy Center
Huntsville, Alabama
dcallins@nationalcac.org
(256) 327-3761
www.nationalcac.org

C. PACT - Decatur, Morgan County

- Offered for all grades (taught by staff and volunteers)
 - Yello Dyno or Play it Safe – Decatur
 - Lower grade program (research-based)
 - Relationship Smarts+ - Developed by Auburn University
 - Upper grade program (research-based, staff can be trained to train teachers)
- **Contact:**
Susan Roberts
Executive Director
Parents and Children Together
Decatur, Alabama
susan@pactfamily.org
(256) 355-7252
www.pactfamily.org

D. Enough Abuse Campaign - Massachusetts Citizens for Children

- Offered to youth serving organizations to prevent child sexual abuse
- **Contact:**
Jetta Bernier
jetta@masskids.org
(617) 742-8555
www.enoughabuse.org

E. Darkness to Light - Partners in Prevention and/or Stewards of Children

- Offered to school personnel and parents
- **Contact:**
Elizabeth Warren
Darkness to Light
Charleston, South Carolina
stewards@D2L.org
(843) 965-5444
www.D2L.org

4. We recommend at the beginning of each school year as part of each local school system's in-service, a program on Mandatory Reporting be provided. Programs are available through the Alabama State Department of Education, Child Advocacy Centers, the Alabama Department of Child Abuse and Neglect Prevention/ Children's Trust Fund and the Alabama Department of Human Resources.

5. We recommend at the beginning of each school year, an orientation for all middle school and high students be provided regarding 'peer-to-peer' sexual abuse crimes by any of the following: the School Resource Officer (SRO), school principal, Child Advocacy Center, the Alabama Department of Human Resources, or a District Attorney's Office.

Interagency/Statewide Collaboration

The committee identified current and potential collaborating partners at both the state and local level to implement protocol for prevention, intervention and services to eliminate child sexual abuse. These partnerships will support the goal of preventing child sexual abuse by working together to ensure the capacity and resources are available to fully address the recommendations of the Governor's Task Force on Prevention of Sexual Abuse of Children.

The following agencies and organizations listed are either currently represented on the Task Force or have attended meetings to provide an overview of services as related to the issue of child sexual abuse.

Current Collaborating Agencies that have attended Task Force Meetings:

1. Alabama Department of Child Abuse and Neglect Prevention/Children's Trust Fund
2. Alabama Department of Human Resources
3. Alabama Department of Public Health (Rape Crisis)
4. Alabama Law Enforcement Agency (Fusion Center)
5. Alabama Legislative Reference Service (Law)
6. Alabama State Department of Education

Other Potential Collaborative State Agency Partners:

1. Alabama Administrative Office of the Courts
2. Alabama Attorney General's Office
3. Alabama Board of Nursing
4. Alabama Department of Corrections
5. Alabama Department of Early Childhood Education
6. Alabama Department of Mental Health
7. Alabama Department of Youth Services
8. Alabama Forensic Sciences Department
9. Alabama Medicaid
10. Alabama Office of Prosecution Services
11. Alabama Children's Rehabilitation Services Department

Current Organizations that have attended Task Force Meetings:

1. Alabama Network of Children's Advocacy Centers
2. Alabama Network of Family Resource Centers
3. National Children's Advocacy Center
4. Parents and Children Together, PACT
5. UAB Department of Pediatrics, Division of Child Abuse Pediatrics; also known as Children's Hospital Intervention and Prevention Services, CHIPS

Other Potential Collaborative Organizations:

1. Alabama Partnership for Children
2. University of South Alabama Department of Pediatrics
3. VOICES for Alabama's Children

We recommend the creation of a County Child Sexual Abuse Prevention Task Force that will develop a coordinated effort at the local level to support recommendations from the Governor's Task Force on Prevention of Sexual Abuse of Children. The County Child Sexual Abuse Prevention Task Force should develop a child sexual abuse prevention and response protocol based on the needs at the local level. This County Child Sexual Abuse Prevention Task Force will also generate a report no later than December 31, 2016 to the Governor's Task Force on Prevention of Sexual Abuse of Children. Members of the County Child Sexual Abuse Prevention Task Force can include representation from the following: the Alabama Department of Human Resources, educators, Public Health, medical, law enforcement, mental health, Child Advocacy Center, district attorneys, Children's Policy Council, youth serving organizations, School Resource Officers and community stakeholders.

Federal Grant Opportunities

Every Student Succeeds Act (ESSA) contains two grant sections that may be of interest in supporting child sexual abuse prevention.

Every Student Succeeds Act (ESSA) First Section: The first is the new flexible block competitive grant program, Student Support and Academic Enrichment Grants, under Title IV Part A. Competitive grants in the new law go into effect on October 1, 2016. Part A requires states to spend 20% of these funds on “Safe and Healthy Students.” If approved for a grant, Local Education Agencies (LEAs) who receive more than \$30,000 must spend at least 20% of their funds on one or more of the activities in the area of Safe and Healthy Students which includes prevention of child sexual abuse. No eligible LEA will receive less than \$10,000. LEAs must complete a needs assessment to describe how these funds will address the needs of their school community. Grants are available under Title IV, Part A, Subpart 1-Student Support and Academic Enrichment grants (section 4001)

Every Student Succeeds Act (ESSA) Second Section: The second are non-competitive formula grants to states and sub-grants to Local Education Agencies under Title II Part A. Non-competitive grants in the new law go into effect on July 1, 2016. LEAs must submit applications to their State educational agency to use funds to develop, implement and evaluate comprehensive evidence-based programs and activities. Eligible activities may be carried out through a contract or grant with a for-profit or non-profit entity or in partnership with an institution of higher education or Indian Tribe. These formula grants contain the use of prevention of child sexual abuse. LEAs receive funds from the State on a formula based on 20 percent population of children ages 5 through 17 and 80 percent population ages 5 through 17 in poverty. Grants are available under Title II Preparing, Training, and Recruiting High Quality Teachers and Other School Leaders, Part A-Supporting Effective Instruction (section 2013)

Child Abuse Prevention and Treatment Act (CAPTA) State Grants and Community-Based grants were recently funded at the same level as FY2015, discretionary increased slightly from \$29 million to \$33 million with \$2 million going for the continuation of the National Survey of Child and Adolescent Well-Being (NSCAW). The study is a longitudinal examination of children and families that have been investigated by child protective services. Many researchers and advocates see it as vital to obtaining a deeper understanding of child abuse and neglect.

Recommended Legislation

1 DRAFT 12.09.2015

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8 SYNOPSIS: Under existing law, it is a Class C
9 misdemeanor for a person to distribute harmful
10 material to a minor. This bill would provide that
11 it is a Class C felony for an employee of a K-12
12 public or private school to distribute harmful
13 material to a student enrolled at the particular
14 school.

15 Under existing law, certain out-of-court
16 statements made by a child under 12 years of age
17 are admissible in evidence in criminal proceedings
18 involving child physical offense, sexual offense,
19 and exploitation. This bill would provide that the
20 out-of-court statements made by a child under 18
21 years of age are admissible in those proceedings.

22 Under existing law, certain individuals and
23 professionals are required to report suspected
24 child abuse or neglect to law enforcement or the
25 Department of Human Resources. This bill would
26 reference a specific definition of child abuse or

1 neglect and would require the children's policy
2 council in each county to coordinate, facilitate,
3 and participate in interagency agreements between
4 the Department of Human Resources, law enforcement,
5 and relevant state agencies to enhance the
6 investigation of child abuse or neglect reports.

7 Also under existing law, the Department of
8 Human Resources licenses child care facilities and
9 establishes minimum standards for their operation.
10 A "child" is defined under the law as a person
11 under 19 years of age, a person under the
12 continuing jurisdiction of the Department of Human
13 Resources, or a person under 21 years of age in
14 foster care. This bill would authorize an
15 individual under 19 years of age who has graduated
16 from a high school with a Child Development
17 Associate Credential to work in a day care center
18 and would revise the definition of "day care
19 center" to include pre-kindergarten.

20

21 A BILL

22 TO BE ENTITLED

23 AN ACT

24

25 Relating to children; to amend Section 13A-12-200.5,
26 Code of Alabama 1975, to provide that it is a Class C felony

1 for an employee of a K-12 public or private school to
2 distribute harmful material to a student enrolled at the
3 particular school; to amend Section 15-25-31, Code of Alabama
4 1975, to provide for the admissibility of certain out-of-court
5 statements by children under the age of 18 years in certain
6 child abuse and neglect criminal proceedings; to amend Section
7 26-14-3, Code of Alabama 1975, to reference a specific
8 definition of child abuse and neglect in mandatory child abuse
9 and neglect reporting provisions; and to require the
10 children's policy council in each county to coordinate,
11 facilitate, and participate in interagency agreements between
12 the Department of Human Resources, law enforcement, and other
13 state agencies to enhance the investigation of child abuse or
14 neglect reports; to amend Section 38-7-2, Code of Alabama
15 1975, to revise the definition of day care center; and to add
16 Section 38-7-20 to the Code of Alabama 1975, to authorize an
17 individual under 19 years of age with certain credentials to
18 work in a day care center.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 13A-12-200.5, 15-25-31, 26-14-3,
21 and 38-7-2, Code of Alabama 1975, is amended to read as
22 follows:

23 "§13A-12-200.5.

24 "(1)a. It shall be unlawful for any person to
25 knowingly or recklessly distribute to a minor, possess with
26 intent to distribute to a minor, or offer or agree to

1 distribute to a minor any material which is harmful to minors.
2 Any person who violates this subsection shall be guilty of a
3 Class A misdemeanor ~~and, upon conviction, shall be punished by~~
4 ~~a fine of not more than ten thousand dollars (\$10,000) and may~~
5 ~~also be imprisoned in the county jail for not more than one~~
6 year.

7 "b. If the person who knowingly or recklessly
8 distributes harmful material to a minor under paragraph a. is
9 an employee of a K-12 public or private school and the minor
10 receiving the material is enrolled at the school in which the
11 person is employed, the person shall be guilty of a Class C
12 felony.

13 "(2)a. It shall be unlawful for any person to openly
14 and knowingly display for sale at any business establishment
15 frequented by minors, or any other place where minors are or
16 may be invited as part of the general public, any material
17 which is harmful to minors or to hire or employ a minor in an
18 establishment that displays or disseminates material
19 containing nudity or sexual conduct; provided, however, that a
20 person shall not be deemed to have violated the provisions of
21 this subsection, relating to display for sale, by displaying
22 material harmful to minors in sealed wrappers or behind opaque
23 covers commonly known as "blinder racks" so that in either
24 event the material is located at a height of not less than
25 five and one-half feet from the floor, the lower two-thirds of
26 the material is concealed from view, the content of such

1 material is not available for inspection by minors, and other
2 reasonable efforts are made to prevent minors from perusing
3 the material. Any person who violates this subsection shall be
4 guilty of a misdemeanor and, upon conviction, shall be
5 punished by a fine of not more than ten thousand dollars
6 (\$10,000) and may also be imprisoned in the county jail for
7 not more than one year. Any person who hires or employs a
8 person in violation of this subsection is guilty of a Class C
9 felony and, upon conviction, shall be fined not less than ten
10 thousand dollars (\$10,000) nor more than fifty thousand
11 dollars (\$50,000).

12 "b. This section shall not be applicable to
13 employment of minors in establishments that sell or rent video
14 cassettes or films that contain nudity or sexual acts if the
15 cover of the video cassettes or films does not contain a
16 depiction of nudity or sexual acts and the video cassettes or
17 films are displayed in a form that cannot be viewed without
18 electrical or mechanical equipment and the equipment is not
19 being used to produce a visual depiction of the material
20 contained in the video cassette or film.

21 "(3) The following shall be affirmative defenses to
22 a charge of violating this section as it may relate to a
23 particular minor:

24 "a. The minor exhibited to the defendant, his agent
25 or employee a draft card, driver's license, birth certificate,
26 marriage license or other governmental document purporting to

1 show that such minor was not an unmarried person under the age
2 of 18 years and the person to whom the document was exhibited
3 did not otherwise have reasonable cause to believe that the
4 minor was an unmarried person under the age of 18.

5 "b. A parent or legal guardian accompanied the minor
6 or consented to the act charged.

7 "c. The defendant is the parent or legal guardian of
8 the minor.

9 "d. The act charged was done for a bona fide
10 medical, scientific, educational, legislative, judicial or law
11 enforcement purpose.

12 "(4) It shall be unlawful for any person to operate
13 an adult bookstore, adult movie house, adult video store, or
14 other form of adult-only enterprise within 1,000 feet of a
15 church, place of worship, church bookstore, public park,
16 public housing project, daycare center, public or private
17 school, college, recreation center, skating rink, video
18 arcade, public swimming pool, private residence, or any other
19 place frequented by minors. Any person who violates this
20 subsection shall be guilty of a misdemeanor and, upon
21 conviction, shall be punished by a fine of not more than ten
22 thousand dollars (\$10,000) and may also be imprisoned in the
23 county jail for not more than one year.

24 "(5) This subsection shall not be applicable to any
25 video rental store that does not engage predominantly in and
26 whose principle business is not the sale or rental of adult

1 material, if the material is maintained in compliance with
2 Section 13A-12-200.5(2), or is located in an area that is
3 restricted to adults.

4 "(6) If a person is held under this section in the
5 county jail, one-half of any fines collected and due to be
6 deposited to the State General Fund for violations of this
7 section shall be paid by the Comptroller to the general fund
8 of the county where the person is held for the operation of
9 the county jail.

10 "§15-25-31.

11 "An out-of-court statement made by a child ~~under 12~~
12 ~~years of age~~ as defined in Section 26-14-1, at the time of the
13 proceeding concerning an act that is a material element of any
14 crime involving child physical offense, sexual offense, and
15 exploitation, as defined in Section 15-25-39, which statement
16 is not otherwise admissible in evidence, is admissible in
17 evidence in criminal proceedings, if the requirements of
18 Section 15-25-32 are met.

19 "§26-14-3.

20 "(a) All hospitals, clinics, sanitariums, doctors,
21 physicians, surgeons, medical examiners, coroners, dentists,
22 osteopaths, optometrists, chiropractors, podiatrists, physical
23 therapists, nurses, public and private K-12 employees, school
24 teachers and officials, peace officers, law enforcement
25 officials, pharmacists, social workers, day care workers or
26 employees, mental health professionals, employees of public

1 and private institutions of postsecondary and higher
2 education, members of the clergy as defined in Rule 505 of the
3 Alabama Rules of Evidence, or any other person called upon to
4 render aid or medical assistance to any child, when the child
5 is known or suspected to be a victim of child abuse or
6 neglect, shall be required to report orally, either by
7 telephone or direct communication immediately, followed by a
8 written report, to a duly constituted authority.

9 "(b) When an initial report is made to a law
10 enforcement official, the official subsequently shall inform
11 the Department of Human Resources of the report so that the
12 department can carry out its responsibility to provide
13 protective services when deemed appropriate to the respective
14 child or children.

15 "(c) When the Department of Human Resources receives
16 initial reports of suspected abuse or neglect, as defined in
17 Section 26-24-33, including suspected abuse or neglect,
18 involving discipline or corporal punishment committed in a
19 public or private school or suspected abuse or neglect in a
20 state-operated child residential facility, the Department of
21 Human Resources shall transmit a copy of school reports to the
22 law enforcement agency and residential facility reports to the
23 law enforcement agency and the operating state agency which
24 shall conduct the investigation. When the investigation is
25 completed, a written report of the completed investigation
26 shall contain the information required by the state Department

1 of Human Resources which shall be submitted by the law
2 enforcement agency or the state agency to the county
3 department of human resources for entry into the state's
4 central registry.

5 "~~(d) Nothing in this chapter shall preclude~~ The
6 children's policy council in each county, as described in
7 Section 26-24-33, shall coordinate, facilitate, and
8 participate in interagency agreements between departments of
9 human resources, law enforcement, and any other state agencies
10 on procedures for investigating reports of suspected child
11 abuse and neglect to provide for departments of human
12 resources to assist law enforcement and other state agencies
13 in these investigations.

14 "(e) Any provision of this section to the contrary
15 notwithstanding, if any agency or authority investigates any
16 report pursuant to this section and the report does not result
17 in a conviction, the agency or authority shall expunge any
18 record of the information or report and any data developed
19 from the record.

20 "(f) Subsection (a) to the contrary notwithstanding,
21 a member of the clergy shall not be required to report
22 information gained solely in a confidential communication
23 privileged pursuant to Rule 505 of the Alabama Rules of
24 Evidence which communication shall continue to be privileged
25 as provided by law.

1 "(g) Commencing on August 1, 2013, a public or
2 private employer who discharges, suspends, disciplines, or
3 penalizes an employee solely for reporting suspected child
4 abuse or neglect pursuant to this section shall be guilty of a
5 Class C misdemeanor.

6 "§38-7-2.

7 "Terms used in this chapter, unless the context
8 otherwise requires, have the meanings ascribed to them in this
9 section. When not inconsistent with the context, words used in
10 the present tense include the future, words in the singular
11 number include the plural number, and words in the plural
12 number include the singular number, and the word "shall" is
13 always mandatory and not merely directory:

14 "(1) CHILD. Any person under 19 years of age, a
15 person under the continuing jurisdiction of the juvenile court
16 pursuant to Section ~~12-15-32~~ 12-15-117, or a person under 21
17 years of age in foster care as defined by the Department of
18 Human Resources.

19 "(2) CHILD-CARE INSTITUTION or INSTITUTION FOR CHILD
20 CARE. A child-care facility where more than 10 children are
21 received and maintained for the purpose of providing them with
22 care or training or both, or transitional living program
23 services, but does not include:

24 "a. Any institution for child care which is under
25 the ownership or control, or both, of the State of Alabama, or

1 which is operated or certified or licensed by another agency
2 or department of the State of Alabama;

3 "b. Any juvenile detention home established and
4 operated by the State of Alabama;

5 "c. Any bona fide boarding school in which children
6 are primarily taught branches of education corresponding to
7 those taught in public schools, grades 1 through 12, or taught
8 in public elementary schools, high schools, or both elementary
9 and high schools.

10 "(3) CHILD-PLACING AGENCY. A public or private
11 child-care facility which receives, places, or arranges for
12 the placement of any child or children in adoptive or foster
13 family homes or other facilities for child care apart from the
14 custody of the child's or children's parents. The term
15 "child-placing agency" includes, but is not limited to, all
16 agencies established and maintained by a municipality or other
17 political subdivision of the State of Alabama to protect,
18 guard, train, or care for children outside their own homes,
19 but does not include any circuit court or juvenile court or
20 any duly appointed juvenile probation officer or youth
21 counselor of the court who receives and places children under
22 an order of the court.

23 "(4) DAY CARE CENTER. Any child-care facility
24 receiving more than 12 children for daytime care during all or
25 part of a day. The term "day care center" includes, but is not
26 limited to, facilities commonly called "child-care centers,"

1 "day nurseries," "nursery schools," "pre-kindergartens,"
2 "kindergartens," and "play groups," with or without stated
3 educational purposes. The term further includes, but is not
4 limited to, pre-kindergarten, kindergarten, or nursery schools
5 or other daytime programs operated as a part of a private
6 school and receiving children younger than lawful school age
7 for daytime care for more than four hours a day, with or
8 without stated educational purposes. The term does not include
9 any of the following:

10 "a. Kindergartens or nursery schools or other
11 daytime programs operated by public elementary systems or
12 secondary level school units or institutions of higher
13 learning.

14 "b. Kindergartens or nursery schools or other
15 daytime programs, with or without stated educational purposes,
16 operating no more than four hours a day and receiving children
17 younger than lawful school age.

18 "c. Kindergartens or nursery schools or other
19 daytime programs operated as a part of a private school and
20 receiving children younger than lawful school age for four
21 hours a day or less, with or without stated educational
22 purposes.

23 "d. Facilities operated for more than four hours a
24 day in connection with a shopping center or service or other
25 similar facility, where transient children are cared for
26 temporarily while parents or custodians of the children are

1 occupied on the premises or are in the immediate vicinity and
2 readily available. The facilities shall meet local and state
3 fire and health requirements.

4 "e. Any type of day care center that is conducted on
5 federal government premises.

6 "f. Special activities programs for children of
7 lawful school age including, but not limited to, athletics,
8 crafts instruction and similar activities conducted on an
9 organized and periodic basis by civic, charitable, and
10 governmental organizations provided local and state fire and
11 health requirements are met.

12 "(5) DAY CARE HOME. A child-care facility which is a
13 family home and which receives not more than six children for
14 care during the day.

15 "(6) DEPARTMENT. The Department of Human Resources
16 of the State of Alabama.

17 "(7) FACILITY FOR CHILD CARE or CHILD-CARE FACILITY.
18 A facility established by any person, group of persons,
19 agency, association, or organization, whether established for
20 gain or otherwise, who or which receives or arranges for care
21 or placement of one or more children, unrelated to the
22 operator of the facility, apart from the parents, with or
23 without the transfer of the right of custody, in any facility
24 as defined in this chapter, established and maintained for the
25 care of children.

1 "(8) FOSTER FAMILY HOME. A child-care facility in a
2 residence of a family where the family receives a child or
3 children, unrelated to that family, for the purpose of
4 providing family care or therapeutic family care and training,
5 or transitional living program services on a full-time basis.
6 The types of foster family homes are defined as follows:

7 "a. Boarding home. A foster family home wherein the
8 foster family receives a child or children and receives
9 payment for their care. The number of children so received
10 shall not exceed six, unless the children are of common
11 parentage.

12 "b. Free home. A foster home which does not receive
13 payment for the care of a child or children and which may or
14 may not receive the child or children for the purpose of
15 adoption.

16 "(9) GROUP DAY CARE HOME. A child-care facility
17 which is a family home and which receives at least seven but
18 no more than 12 children for care during part of the day where
19 there are at least two adults present and supervising the
20 activities.

21 "(10) GROUP HOME. A child-care facility where at
22 least seven but not more than 10 children are received and
23 maintained for the purpose of providing them with care or
24 training or both, or transitional living program services.

25 "(11) MATERNITY CENTER. A facility in which any
26 person, agency, or corporation receives or cares for one or

1 more minor pregnant girls, except that the term does not
2 include hospitals.

3 "(12) NIGHT CARE FACILITY. A child-care facility
4 which is a center or a family home receiving a child or
5 children for care during the night. A "night care facility" is
6 further defined as follows:

7 "a. Nighttime center. A facility which is
8 established to receive more than 12 children for nighttime
9 care.

10 "b. Nighttime home. A family home which receives no
11 more than six children for nighttime care.

12 "c. Group nighttime home. A child-care facility
13 which is a family home which receives at least seven but no
14 more than 12 children for nighttime care and where there are
15 at least two adults present and supervising the activities.

16 "(13) RELATED. Any of the following relationships by
17 blood, marriage, or adoption: Parent, grandparent, brother,
18 sister, stepparent, stepbrother, stepsister, half brother,
19 half sister, uncle or aunt, and their spouses.

20 "(14) TRANSITIONAL LIVING FACILITY. A child-care
21 facility or program that is designed to give opportunities to
22 practice independent living skills to eligible persons at
23 least 16 years of age and under 21 years of age in foster care
24 in a variety of residential settings with varying degrees of
25 care and supervision."

1 Section 2. Section 38-7-20, is added to the Code of
2 Alabama 1975, to read as follows:

3 §38-7-20.

4 Nothing in this chapter shall preclude an individual
5 under the age of 19 years who has graduated from a high school
6 with a Child Development Associate Credential from being
7 employed by a day care center, as defined in subdivision (4)
8 of Section 38-7-2.

9 Section 3. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.