

FREMONT COUNTY  
CHILD DAY-CARE LICENSING  
ORDINANCE NO. 85-6

Microfilm No. 529645  
Day July 20 1985  
At 10:24 O'Clock A.M.  
ASSIE MACE  
FREMONT CO RECORDER  
Fee \$ 00 Deputy  
Recorded at Request of  
Assie Mace

FREMONT COUNTY REGULATIONS FOR ORDINANCE NO. 85-6

ARTICLE 1: GENERAL PROVISIONS

SECTION A.....TITLE:

These regulations shall be known and cited as the Fremont County Child Day Care Licensing Ordinance, hereafter referred to as the "Day Care Licensing Ordinance".

SECTION B.....AUTHORITY:

These regulations are authorized by Article 12, Section 2 of the Idaho Constitution.

The County Commissioners will be the authority for purposes of administering this ordinance, and any grievance will be heard by the duly constituted board of County Commissioners.

SECTION C.....PURPOSES:

The purpose of this ordinance is to aid parents and guardians requiring out of home care for their children or wards in securing the information regarding the provisions of that care.

SECTION D.....APPLICATION:

These regulations shall apply to persons caring for children, for pay, within the boundaries of Fremont County on a Day Care basis.

SECTION E.....LIMITATIONS:

Fremont County makes no recommendations regarding the suitability of any person to work in the field of child care. No guarantees, warranties or other official statements are made or intended by Fremont County upon the licenses of a person under this ordinance or the reliability of any information provided or obtained pursuant to this ordinance.

ARTICLE 2: POLICY:

SECTION A.....APPLICATION OF ORDINANCE:

- 1.) All persons entering into the business of Child Care shall in the interest of providing information, obtain a license from Fremont County, as set forth herein.
- 2.) Prior to obtaining a license, the applicant, his employees and all those over 12 years residing in the home or center shall submit to a background investigation by the Sheriff of Fremont County or his duly appointed deputy or representatives. If cleared by said Sheriff or deputy by affidavit substantiating this investigation, and approved by the Board of County Commissioners, a license will be issued by the office of the County Clerk.

3.) Said license shall be renewed each year and be effective for a one (1) year period from the date of issuance.

**SECTION B.....EXEMPTIONS:**

Provided, however, that nothing in this ordinance shall be construed to apply to:

1. the occasional care of a child or children by neighbors, relatives or friends not ordinarily engaged in child care for pay;
2. a day care home providing day care for children of only one (1) family in addition to the providers own children;
3. a private school operated for educational purposes for children over five (5) years of age; or
4. summer day camps, programs, religious schools and activities operating less than twelve (12) weeks during a calendar year.

**ARTICLE 3: DEFINITIONS:**

For the purpose of this ordinance certain terms or words used herein shall be defined as follows:

1. **BOARD:** The board of County Commissioners.
2. **CHILD:** Means a person less than eighteen (18) of age.
3. **DAY CARE HOME PROVIDER:** Person using any home or premises for the care of one (1) to five (5) children, who is paid to care for the said children.
4. **GROUP CARE HOME PROVIDER:** A person using any home or premises to provide day care of occasional care for six (6) to twelve (12) children for pay.
5. **DAY CARE CENTER PROVIDER:** A person using any home or premises to provide day care or occassional care to twelve (12) or more children for pay.
6. **EMPLOYEE:** Any person hired to work for a provider of any day care service.
7. **DAY CARE:** Means care provided for any part of a twenty four hour day for children not related by blood or marriage to the person or persons providing that care for pay.
8. **SHERIFF:** Duly elected sheriff of Fremont County.
9. **INVESTIGATION:** Background record checks including, but not limited to:
  - (a.) Local criminal,
  - (b.) Local noncriminal,
  - (c.) C.I.B. (Criminal Identification Bureau) statewide,
  - (d.) FBI criminal history,
  - (e.) N.C.I.C. (National Crime Information Center),
  - (f.) Fingerprint check through the FBI and criminal identification bureau, and
10. Gender-References to gender non-exclusive, feminine shall include masculine and visa versa.

**ARTICLE 4: PROCEDURES:**

## SECTION A.....PROCEDURES FOR LICENSURE

All child care providers not otherwise exempt, and their employee's and any person living in the home or center who is 12 years of age or older shall comply with the following license procedure.

1. An application shall be obtained for each person over 12 years of age who is living or working in the child care facility, from the County Clerk's office, filled out completely and under oath, and submitted to the Sheriff detailing history of non traffic criminal charges, mental illness or incarceration. A list of past residences for ten (10) years, and a list of employment history for the past ten (10) years.

2. A false statement or omission of a material fact on an application shall be grounds for denial of the licenses; or if not discovered until the license has been issued, a false statement shall be a violation of the provisions of this ordinance and grounds for revocation of the license.

3. Prior to the issuance of any license under this ordinance, the sheriff, deputy, or duly authorized representative shall conduct an investigation of the background of each applicant or other persons subject to the background check under this ordinance, in the following cases:

- a. local criminal,
- b. local noncriminal,
- c. C.I.B. (Criminal Identification Bureau)-statewide,
- d. FBI criminal history,
- e. National crime information center,
- f. Fingerprint check through the FBI and Criminal Identification Bureau, and

5. Applicants to be approved for licensure shall submit to fingerprinting by the County Sheriff's Office.

6. Upon submitting a report of findings by the County Sheriff's Office to the Board, upon approval of the application by the Board and payment of the established licensure fee, applicant shall receive their license from the office of the County Clerk.

SECTION B ..... In addition to providers and employees, a background check shall be completed on all persons twelve (12) years of age or older who are living in the center or home, and who have contact with the children. These names will be listed by the applicant on the form and submitted by the applicant for an investigation. Investigations shall be the same for providers and employees when the individual is an adult. Juveniles may be checked in a manner consistent with the law including a youth rehabilitation report, but said juveniles shall not require fingerprinting.

## SECTION C ..... FEES:

There will be a fee charged for these investigations. An employee has to be licensed also.

SECTION D ..... An adverse finding shall be issued in writing by the Board detailing the reason(s) for the denial; suspension or revocation.

ARTICLE 5: REGISTRY AND FEES:

SECTION A ..... REGISTRY:

1. The Sheriff is authorized to establish and maintain a registry of homes and centers in the County, and to answer inquiries received regarding any individuals or facilities in the business of day care services.

SECTION B ..... FEE CATEGORIES:

Fees shall be established annually by resolution of the board based upon investigation costs and other pertinent factors.

1. The following fee categories are hereby established and shall be paid to the County Clerks office together with an application for a license or a renewal of a license.

Day Care Provider/Employee  
License and Investigation fee      \$15.00 + invest. fee

Adult Resident of Home/Facility  
Investigation fee      \$10.00 per adult

Juvenile Resident of Home/Facility (12 - 18)  
Investigation fee      \$5.00 per juvenile

ARTICLE 6: ELIGIBILITY FOR LICENSE:

Any day care home provider, group care home provider, day care center provider or employee who applies for a license in the manner and form prescribed by the Board and is found upon investigation by the sheriff to be in conformity with the procedures established by the Board under the authority conferred herein shall be licensed for a period of one (1) year. Renewal of a license shall be for the period of one (1) year from the date of issuance.

ARTICLE 7: GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF A LICENSE.

An application for a day care home provider, a group home care provider, a day care center provider, or employee of these services for renewal under this Ordinance may be denied or revoked or suspended the Board if the Board finds:

- a. that visitation by a parent has not been permitted or has been impeded in any manner, such as locked doors in the facility the licensee operates;
- b. that the provider or any person over 12 years of age who is living or working in the child care facilities or the applied for licensure as provided in this ordinance or who has the

background checks of individuals described in Article 4, Section A and B of this Ordinance discloses violations; or who has:

1. been found guilty of any neglect, physical injury, or physical or sexual abuse or exploitation of any child.

2. been found guilty of any felony or misdemeanor involving moral turpitude, violence to a person, or violence of controlled substances act.

3. had his or her parental rights substantially affected by a child protection or child termination action under Idaho Code 16-1601 et. seq.

4. knowingly supplied false information to the board.

5. been committed pursuant to chapter 3 title 66 Idaho Code or similar provisions in another jurisdiction. Unless:

a. such individual is no longer under any form of treatment in relation to such commitment, and

b. such individual has been examined at his own expense by at least two (2) professionals licensed to evaluate the mental health of individuals, at least one (1) of whom shall be a psychiatrist, and it is certified by both licensed professionals that the individual is no longer mentally ill and presents no threat or danger to any child.

c. That the license was issued based on materially false information;

d. Reasonable cause to believe the individual applying for a license is mentally ill, as defined in Section 66-317(m) Idaho Code; been voluntarily or involuntarily committed to an institution for the mentally ill, or

e. For purposes of this Article a withheld judgement shall be noted on investigative report;

f. A decision to deny a license under subsection 4a-d of this article shall be made after a thorough investigation has been made by the board and the preponderance of evidence gives reasonable cause to believe that the allegations were substantially true; and,

g. The board shall have the power to suspend or revoke any license if any provider or employee is found upon preponderance of evidence, to have, subsequently:

1. knowingly and willfully supplied false information to the board in gaining a license; or

2. convicted of any of the crimes listed in this article; or

3. been convicted of any violation of the provisions of this ordinance; or

4. been the subject of an investigation regarding any of the crimes or child protection cases listed in this article, and the board determines that the preponderance of evidence gives reasonable cause to believe that the allegations were substantially true; or

5. been committed under Chapter 3 Title 66 Idaho Code.

ARTICLE 8: An adverse ruling by the Board may be appealed within 10 days by filing with the Board a notice of appeal setting forth the reasons for the appeal. A hearing shall be held within a reasonable time period of the filing of the notice of appeal.

ARTICLE 9: OPERATING WITHOUT A LICENSE AND PENALTY:

SECTION A ..... OPERATING WITHOUT A LICENSE--MISDEMEANOR:

Any person or persons who operate a day care home, group care home, or day care center within this County, without first obtaining a license as provided in this Ordinance shall be guilty of a misdemeanor and subject to a fine of not more than \$300 or jail sentence of not more than 6 months. Each separate day is to be construed as a separate violation for the purpose of this section, to wit: I.C. Section 18-303.

ARTICLE 10: DISCLAIMER:

Licensure by the County is not a guarantee or warranty to the persons suitability as a day care provider, but is provided only to establish a source of public information in order for parents to make an informed decision regarding child care.

ARTICLE 11: EFFECTIVE DATE OF IMPLEMENTATION OF ORDINANCE NO. 31:

Upon adoption by the board of County Commissioners of Fremont County of this ordinance it shall take full force and effect upon passage and publication as provided by law.

Dated this 12 day of November, 1985.

  
CHAIRMAN