

House Engrossed

~~child care monies; eligible organizations~~
(now: eligible organizations; registration; child care monies)

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2227

AN ACT

AMENDING SECTIONS 36-883.02 AND 36-884, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 7.1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; PROVIDING FOR RENUMBERING; AMENDING SECTION 46-801, ARIZONA REVISED STATUTES; RELATING TO CHILD CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-883.02, Arizona Revised Statutes, is amended
3 to read:

4 36-883.02. Child care personnel; fingerprints; exemptions;
5 definition

6 A. Except as provided in subsection B of this section, child care
7 personnel, including volunteers, shall submit the form prescribed in
8 subsection C of this section to the employer and shall have valid
9 fingerprint clearance cards issued pursuant to section 41-1758.07 before
10 starting employment or volunteer work.

11 B. Exempt from the fingerprinting requirements of subsection A of
12 this section are parents, including foster parents and guardians, who are
13 not employees of the child care facility and who participate in activities
14 with their children under the supervision of and in the presence of child
15 care personnel.

16 C. Applicants, licensees and child care personnel shall attest on
17 forms that are provided by the department that:

18 1. They are not awaiting trial on or have never been convicted of
19 or admitted in open court or pursuant to a plea agreement committing any
20 of the offenses listed in section 41-1758.07, subsection B in this state
21 or similar offenses in another state or jurisdiction.

22 2. They are not parents or guardians of a child adjudicated to be a
23 dependent child as defined in section 8-201.

24 3. They have not been denied or had revoked a certificate to
25 operate a child care group home or a license to operate a child care
26 facility in this or any other state or that they have not been denied or
27 had revoked a certification to work in a child care facility or child care
28 group home.

29 D. Employers of child care personnel shall make documented, good
30 faith efforts to contact previous employers of child care personnel to
31 obtain information or recommendations that may be relevant to an
32 individual's fitness for employment in a child care facility.

33 E. The forms required by subsection C of this section are
34 confidential.

35 F. A child care facility shall not allow a person to be employed or
36 volunteer in the facility in any capacity if the person has been denied a
37 fingerprint clearance card pursuant to section 41-1758.07 or has not
38 received an interim approval from the board of fingerprinting pursuant to
39 section 41-619.55, subsection I.

40 G. The employer shall notify the department of public safety if the
41 employer receives credible evidence that any child care personnel either:

42 1. Is arrested for or charged with an offense listed in section
43 41-1758.07, subsection B.

44 2. Falsified information on the form required by subsection C of
45 this section.

1 H. For the purposes of this section, "child care personnel" means
2 any employee or volunteer working at a child care facility OR AT AN
3 OUT-OF-SCHOOL TIME PROGRAM PROVIDER THAT IS REGISTERED PURSUANT TO SECTION
4 36-895.

5 Sec. 2. Section 36-884, Arizona Revised Statutes, is amended to
6 read:

7 36-884. Exemptions

8 This article does not apply to the care given to children by or in:

9 1. The homes of parents or blood relatives.

10 2. A religious institution conducting a nursery in conjunction with
11 its religious services or conducting parent-supervised occasional drop-in
12 care.

13 3. A unit of the public school system, including specialized
14 professional services provided by school districts for the sole purpose of
15 meeting mandated requirements to address the physical and mental
16 impairments prescribed in section 15-771. If a public school provides
17 child care other than during the school's regular hours or for children
18 who are not regularly enrolled in kindergarten programs or grades one
19 through twelve, that portion of the school that provides child care is
20 subject to standards of care prescribed pursuant to section 36-883.04.

21 4. A regularly organized private school engaged in an educational
22 program that may be attended in substitution for public school pursuant to
23 section 15-802. If the school provides child care beyond regular public
24 school hours or for children who are not regularly enrolled in
25 kindergarten programs or grades one through twelve, that portion of the
26 school providing such care shall be considered a child care facility and
27 is subject to this article.

28 5. Any facility that provides training only in specific subjects,
29 including dancing, drama, music, self-defense or religion and tutoring
30 provided by public schools solely to improve school performance.

31 6. Any facility that provides only recreational or instructional
32 activities to ~~school-age~~ SCHOOL-AGE children who may enter into and depart
33 from the facility at their own volition. The facility may require the
34 children to document their entrance into and departure from the facility.
35 This documentation does not affect the exemption under this
36 paragraph. The facility shall post a notice stating it is not a licensed
37 child care facility under section 36-882.

38 7. AN OUT-OF-SCHOOL TIME PROGRAM PROVIDER THAT MEETS ALL OF THE
39 FOLLOWING REQUIREMENTS:

40 (a) OPERATES PRIMARILY DURING AFTER SCHOOL, BEFORE SCHOOL OR IN THE
41 SUMMER OR AT TIMES WHEN SCHOOL IS NOT NORMALLY IN SESSION.

42 (b) SERVES ONLY SCHOOL-AGE CHILDREN.

43 (c) IS ORGANIZED TO PROMOTE EXPANDED CHILDHOOD LEARNING,
44 ENRICHMENT, CHILD AND YOUTH DEVELOPMENT OR EDUCATIONAL, RECREATIONAL OR
45 CHARACTER-BUILDING ACTIVITIES.

1 (d) ADOPTS STANDARDS FOR THE PROGRAM THAT, AT A MINIMUM, INCLUDE
2 MINIMUM STAFF-TO-YOUTH RATIOS, STAFF TRAINING, APPLICABLE STATE AND LOCAL
3 HEALTH AND SAFETY STANDARDS AND MECHANISMS FOR ASSESSING AND ENFORCING THE
4 PROGRAM'S COMPLIANCE WITH THE STANDARDS.

5 (e) CONDUCTS STATE AND NATIONAL ANNUAL CRIMINAL BACKGROUND CHECKS,
6 SEX OFFENDER REGISTRY CHECKS AND CHILD ABUSE AND NEGLECT REGISTRY CHECKS
7 FOR ALL EMPLOYEES AND BOARD MEMBERS AND FOR VOLUNTEERS WHO WORK WITH
8 CHILDREN.

9 ~~7-~~ 8. Any of the Arizona state schools for the deaf and the blind.

10 ~~8-~~ 9. A facility that provides only educational instruction for
11 children who are at least three and not older than six years of age if all
12 the following are true:

13 (a) The facility instructs only in the core subjects of math,
14 reading and science.

15 (b) The facility does not accept state-subsidized tuition for the
16 children.

17 (c) A child is present at the facility for not more than two and
18 one-quarter hours a day and not more than three days a week.

19 (d) The instruction is not provided in place of care ordinarily
20 provided by a parent or guardian.

21 (e) The facility posts a notice that the facility is not licensed
22 under this article.

23 (f) The facility requires fingerprint cards of all personnel
24 pursuant to section 36-883.02.

25 ~~9-~~ 10. A facility that operates a day camp that provides
26 recreational programs to children if all of the following are true:

27 (a) The day camp is accredited by a nationally recognized
28 accrediting organization for day camps as approved by the department.

29 (b) The day camp operates for less than twenty-four hours a day and
30 less than ten weeks each calendar year.

31 (c) The day camp posts a notice at the facility and on its website
32 that it is not licensed under the laws of this state as a child care
33 facility.

34 (d) The day camp provides programs only to children who are at
35 least five years of age.

36 (e) The day camp requires fingerprint cards of all personnel
37 pursuant to section 36-883.02.

38 Sec. 3. Title 36, chapter 7.1, Arizona Revised Statutes, is amended
39 by adding article 2, to read:

40 ARTICLE 2. OUT-OF-SCHOOL TIME PROGRAM PROVIDERS

41 36-895. Registration for out-of-school time program
42 providers; requirements; fees; rules

43 A. THE DEPARTMENT MAY REGISTER AN OUT-OF-SCHOOL TIME PROGRAM
44 PROVIDER THAT IS EXEMPT FROM LICENSURE PURSUANT TO SECTION 36-884,
45 PARAGRAPH 7, THAT HAS A NATIONAL GOVERNING BOARD OR ACCREDITATION FROM THE

1 STATE AFFILIATE OF THE NATIONAL AFTERSCHOOL ASSOCIATION THAT HAS BEEN IN
2 EXISTENCE FOR AT LEAST FIVE YEARS AND THAT SEEKS TO RECEIVE CHILD CARE
3 ASSISTANCE THROUGH CHILD CARE AND DEVELOPMENT FUND MONIES THAT THIS STATE
4 RECEIVES IF THE PROVIDER MEETS ALL OF THE FOLLOWING:

5 1. IS IN COMPLIANCE WITH HEALTH AND SAFETY REQUIREMENTS ESTABLISHED
6 BY THE PROVIDER'S NATIONAL GOVERNING BOARD OR THE STATE AFFILIATE OF THE
7 NATIONAL AFTERSCHOOL ASSOCIATION. IF THERE IS A CONFLICT WITH THE
8 DEPARTMENT'S APPLICABLE HEALTH AND SAFETY STANDARDS, THE DEPARTMENT SHALL
9 CONDUCT AN INTERNAL REVIEW PROCESS AND CONSULT WITH THE REGISTERED
10 OUT-OF-SCHOOL TIME PROGRAM PROVIDER TO ENSURE SUBSTANTIAL COMPLIANCE WITH
11 THE DEPARTMENT'S HEALTH AND SAFETY STANDARDS.

12 2. CONDUCTS PROGRAMS OR PORTIONS OF PROGRAMS THAT OPERATE PRIMARILY
13 DURING TIMES WHEN SCHOOL IS NOT NORMALLY IN SESSION.

14 3. SERVES ONLY SCHOOL-AGE CHILDREN.

15 4. IS ORGANIZED TO PROMOTE EXPANDED CHILDHOOD LEARNING, ENRICHMENT,
16 CHILD AND YOUTH DEVELOPMENT OR EDUCATIONAL, RECREATIONAL OR
17 CHARACTER-BUILDING ACTIVITIES.

18 5. ADOPTS STANDARDS FOR ITS PROGRAMS THAT, AT A MINIMUM, INCLUDE AT
19 LEAST ONE OUT-OF-SCHOOL TIME PROGRAM STAFF MEMBER PER TWENTY YOUTH, STAFF
20 TRAINING, APPLICABLE STATE AND LOCAL HEALTH AND SAFETY STANDARDS AND
21 MECHANISMS FOR ASSESSING AND ENFORCING THE PROGRAM'S COMPLIANCE WITH THE
22 STANDARDS.

23 6. CONDUCTS STATE AND NATIONAL ANNUAL CRIMINAL BACKGROUND CHECKS,
24 SEX OFFENDER REGISTRY CHECKS, ADULT PROTECTIVE SERVICES REGISTRY CHECKS
25 AND CHILD ABUSE AND NEGLECT REGISTRY CHECKS FOR ALL EMPLOYEES AND BOARD
26 MEMBERS AND FOR VOLUNTEERS WHO WORK WITH CHILDREN AND MAKES SCREENING AND
27 HIRING DECISIONS BASED ON THE OUTCOMES OF THOSE CHECKS.

28 7. REQUIRES LEVEL I FINGERPRINT CLEARANCE CARDS PURSUANT TO SECTION
29 41-1758.07 FOR ALL EMPLOYEES AND VOLUNTEERS WORKING AT THE OUT-OF-SCHOOL
30 TIME PROGRAM.

31 8. REGULARLY TRAINS ALL EMPLOYEES IN CARDIOPULMONARY RESUSCITATION
32 AND FIRST AID.

33 9. REQUIRES THAT ALL OF ITS EMPLOYEES ARE MANDATED CHILD ABUSE
34 REPORTERS.

35 10. MAINTAINS HEALTH AND SAFETY POLICIES AND PROCEDURES FOR ALL OF
36 THE FOLLOWING:

37 (a) CHILD ABUSE PREVENTION AND RESPONSE, INCLUDING GUIDANCE ON
38 STAFF-TO-CHILD RATIOS AND PROHIBITION OF PRIVATE ONE-ON-ONE INTERACTIONS
39 BETWEEN YOUTH AND STAFF, VOLUNTEERS AND BOARD MEMBERS.

40 (b) A WORKPLACE AND LEARNING ENVIRONMENT THAT IS DRUG FREE AND
41 ALCOHOL FREE.

42 (c) INTERNAL INCIDENT REPORTING AND INVESTIGATION.

43 (d) EMERGENCY PREPAREDNESS AND RESPONSE.

44 (e) TRANSPORTATION, IF APPLICABLE.

1 (f) ACCEPTABLE USES OF TECHNOLOGY, INCLUDING PROHIBITING
2 INAPPROPRIATE TECHNOLOGY-BASED INTERACTIONS BETWEEN YOUTH AND STAFF,
3 VOLUNTEERS, BOARD MEMBERS AND OTHER YOUTH DURING AND AFTER PROGRAM HOURS.
4 (g) COMMUNICATION DURING EMERGENCIES.
5 (h) REQUIRED BEHAVIORAL INTERVENTIONS.
6 11. OBTAINS AND MAINTAINS RECORDS, CONSISTENT WITH THE PROVIDER'S
7 CONFIDENTIALITY POLICIES, THAT INCLUDE FOR EACH CHILD:
8 (a) THE FIRST AND LAST NAME AND DATE OF BIRTH.
9 (b) THE NAME, ADDRESS AND TELEPHONE NUMBER OF EACH PARENT.
10 (c) EMERGENCY CONTACT INFORMATION.
11 (d) WRITTEN AUTHORIZATION FOR MEDICAL CARE.
12 (e) RECORDS, VERIFIED BY STAFF, OF PROGRAM ATTENDANCE.
13 (f) RECORDS OF SERIOUS INJURIES AND DEATHS.
14 12. MAINTAINS, FOR EACH PROVIDER OPERATING A PROGRAM,
15 COMPREHENSIVE, GENERAL LIABILITY AND SEXUAL MISCONDUCT INSURANCE, EACH
16 WITH A MINIMUM POLICY LIMIT OF \$1,000,000 PER OCCURRENCE AND \$3,000,000
17 AGGREGATE.
18 13. HAS NOT HAD A CHILD CARE FACILITY LICENSE EITHER DENIED IN THE
19 PRECEDING TWELVE MONTHS OR REVOKED IN THE PRECEDING FIVE YEARS PURSUANT TO
20 THIS ARTICLE.
21 B. EACH REGISTERED OUT-OF-SCHOOL TIME PROGRAM PROVIDER SHALL FILE
22 WITH THE DEPARTMENT THE MOST CURRENT HEALTH AND SAFETY REQUIREMENTS
23 ESTABLISHED BY THE PROVIDER'S NATIONAL GOVERNING BOARD OR THE STATE
24 AFFILIATE OF THE NATIONAL AFTERSCHOOL ASSOCIATION.
25 C. THE DEPARTMENT SHALL ESTABLISH THE QUALIFICATIONS AND TRAINING
26 STANDARDS FOR OUT-OF-SCHOOL TIME PROGRAM STAFF AFTER CONSULTING WITH THE
27 STATE AFFILIATE OF THE NATIONAL AFTERSCHOOL ASSOCIATION REGARDING QUALITY
28 STANDARDS DEVELOPED FOR SCHOOL-AGE OUT-OF-SCHOOL TIME PROGRAMS AND
29 REVIEWING OUT-OF-SCHOOL TIME PROFESSIONAL DEVELOPMENT FRAMEWORKS AND
30 QUALITY TOOLS.
31 D. AN OUT-OF-SCHOOL TIME PROGRAM PROVIDER MUST ENSURE ALL OF THE
32 FOLLOWING:
33 1. THAT THERE IS A QUALIFIED DIRECTOR WHO IS RESPONSIBLE FOR THE
34 DAY-TO-DAY OPERATION OF THE PROGRAM. THE DIRECTOR MUST BE AT LEAST
35 TWENTY-ONE YEARS OF AGE AND EITHER:
36 (a) HAVE EITHER AN ASSOCIATE, BACHELOR'S OR GRADUATE DEGREE FROM AN
37 ACCREDITED COLLEGE OR UNIVERSITY OR HAVE SUCCESSFULLY COMPLETED AT LEAST
38 TWELVE SEMESTER CREDIT HOURS OF COLLEGE OR UNIVERSITY-LEVEL COURSEWORK IN
39 CHILD DEVELOPMENT, EARLY CHILDHOOD EDUCATION OR ELEMENTARY EDUCATION, OR A
40 RELATED FIELD.
41 (b) POSSESS EQUIVALENT SKILLS ACQUIRED THROUGH ALTERNATIVE
42 EXPERIENCES SUCH AS RELEVANT JOB TRAINING, COMMUNITY COLLEGE ATTENDANCE,
43 MILITARY SERVICE OR AN APPRENTICESHIP.

1 2. THAT THERE IS A DIRECTOR'S DESIGNEE WITH THE AUTHORITY TO ACT ON
2 BEHALF OF THE DIRECTOR WHEN THE DIRECTOR IS NOT ON-SITE. THE DIRECTOR'S
3 DESIGNEE MUST BE AT LEAST TWENTY-ONE YEARS OF AGE AND ABLE TO WORK
4 INDEPENDENTLY. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL BE AT THE
5 FACILITY WHENEVER YOUTH ARE IN ATTENDANCE.

6 3. THAT OUT-OF-SCHOOL TIME PROGRAM STAFF MEMBERS WHO COUNT TOWARD
7 THE OUT-OF-SCHOOL TIME PROGRAM STAFF-TO-YOUTH RATIOS ARE AT LEAST EIGHTEEN
8 YEARS OF AGE, MEET ALL OF THE APPLICABLE TRAINING STANDARDS AND
9 QUALIFICATIONS ESTABLISHED BY THE DEPARTMENT AND ARE ABLE TO WORK
10 INDEPENDENTLY.

11 4. THAT ALL ASSISTANT OUT-OF-SCHOOL TIME PROGRAM STAFF MEMBERS ARE
12 AT LEAST SIXTEEN YEARS OF AGE, WORK UNDER THE DIRECT SUPERVISION OF THE
13 OUT-OF-SCHOOL TIME PROGRAM STAFF MEMBERS AND DO NOT COUNT TOWARD THE
14 OUT-OF-SCHOOL TIME PROGRAM STAFF-TO-YOUTH RATIOS.

15 E. THE DEPARTMENT OR ITS DESIGNEE MAY VISIT AND INSPECT A
16 REGISTERED OUT-OF-SCHOOL TIME PROGRAM PROVIDER DURING ITS HOURS OF
17 OPERATION TO DETERMINE IF THE PROVIDER COMPLIES WITH THIS SECTION AND ANY
18 APPLICABLE HEALTH AND SAFETY STANDARDS ESTABLISHED BY THE DEPARTMENT FOR
19 OUT-OF-SCHOOL TIME PROGRAM PROVIDERS SERVING SCHOOL-AGE CHILDREN. THE
20 DEPARTMENT SHALL MAKE AT LEAST ONE UNANNOUNCED VISIT ANNUALLY.

21 F. THE DEPARTMENT MAY DENY, SUSPEND OR REVOKE A REGISTRATION FOR A
22 VIOLATION OF THIS SECTION OR ANY APPLICABLE HEALTH AND SAFETY STANDARDS
23 ESTABLISHED BY THE DEPARTMENT FOR OUT-OF-SCHOOL TIME PROGRAM PROVIDERS
24 SERVING SCHOOL-AGE CHILDREN. AT LEAST THIRTY DAYS BEFORE THE DEPARTMENT
25 DENIES, REVOKES OR SUSPENDS A REGISTRATION THE DEPARTMENT SHALL MAIL THE
26 APPLICANT OR REGISTERED OUT-OF-SCHOOL TIME PROGRAM PROVIDER A NOTICE OF
27 THAT PROVIDER'S RIGHT TO A HEARING. THE DEPARTMENT SHALL ISSUE THIS
28 NOTICE BY REGISTERED MAIL WITH RETURN RECEIPT REQUESTED. THE NOTICE SHALL
29 STATE THE HEARING DATE AND THE FACTS CONSTITUTING THE REASONS FOR THE
30 DEPARTMENT'S ACTION AND SHALL CITE THE SPECIFIC STATUTE OR RULE THE
31 PROVIDER IS VIOLATING.

32 G. IF THE REGISTERED OUT-OF-SCHOOL TIME PROGRAM PROVIDER DOES NOT
33 RESPOND TO THE WRITTEN NOTICE, THE DEPARTMENT, AT THE EXPIRATION OF THE
34 TIME FIXED IN THE NOTICE, SHALL TAKE THE ACTION PRESCRIBED IN THE NOTICE.
35 IF THE PROVIDER, WITHIN THE PERIOD FIXED IN THE NOTICE, CONFORMS THE
36 APPLICATION OR THE OPERATION OF THE PROVIDER TO THE APPLICABLE STATUTE OR
37 RULE, THE DEPARTMENT MAY GRANT THE REGISTRATION OR WITHDRAW THE NOTICE OF
38 SUSPENSION OR REVOCATION.

39 H. IN ADDITION TO THE REQUIREMENTS OF THIS SECTION, EACH REGISTERED
40 OUT-OF-SCHOOL TIME PROGRAM PROVIDER SHALL:

41 1. COMPLY WITH APPLICABLE HEALTH AND SAFETY STANDARDS ESTABLISHED
42 BY THE DEPARTMENT FOR OUT-OF-SCHOOL TIME PROGRAM PROVIDERS SERVING
43 SCHOOL-AGE CHILDREN.

1 2. COMPLY WITH ANY STATE TRACKING AND REPORTING SYSTEM REQUIRED TO
2 RECEIVE CHILD CARE ASSISTANCE THROUGH CHILD CARE AND DEVELOPMENT FUND
3 MONIES THAT THIS STATE RECEIVES.

4 3. CONSPICUOUSLY POST A NOTICE THAT READS "A REGISTERED LICENSED
5 EXEMPT OUT-OF-SCHOOL TIME PROVIDER IS NOT A LICENSED CHILD CARE FACILITY
6 PURSUANT TO SECTION 36-882, ARIZONA REVISED STATUTES. TO REPORT A
7 COMPLAINT, PLEASE CONTACT THE DEPARTMENT OF HEALTH SERVICES."

8 I. THE DEPARTMENT MAY ESTABLISH A FEE DETERMINED BY THE DIRECTOR
9 FOR THE REGISTRATION OF AN OUT-OF-SCHOOL TIME PROGRAM PROVIDER ISSUED
10 PURSUANT TO THIS SECTION.

11 J. THE DEPARTMENT MAY ADOPT RULES PURSUANT TO TITLE 41, CHAPTER 6
12 TO CARRY OUT THIS SECTION.

13 Sec. 4. Renumber

14 Section 36-895, Arizona Revised Statutes, is renumbered as section
15 36-896.

16 Sec. 5. Section 46-801, Arizona Revised Statutes, is amended to
17 read:

18 46-801. Definitions

19 In this chapter, unless the context otherwise requires:

20 1. "Caretaker relative" means a relative who exercises
21 responsibility for the day-to-day physical care, guidance and support of a
22 child who physically resides with the relative and who is by affinity or
23 consanguinity or by court decree a grandparent, great-grandparent, sibling
24 of the whole or half blood, stepbrother, stepsister, aunt, uncle,
25 great-aunt, great-uncle or first cousin.

26 2. "Cash assistance" has the same meaning prescribed in section
27 46-101.

28 3. "Child" means a person who is under thirteen years of age.

29 4. "Child care" means the compensated service that is provided to a
30 child who is unaccompanied by a parent or guardian during a portion of a
31 ~~twenty-four hour~~ TWENTY-FOUR-HOUR day.

32 5. "Child care assistance" means any money payments for child care
33 services that are paid by the department and that are paid for the benefit
34 of an eligible family.

35 6. "Child care home provider" means a person who is at least
36 eighteen years of age, who is not the parent, guardian, caretaker relative
37 or noncertified relative provider of a child needing child care and who is
38 certified by the department to care for four or fewer children for
39 compensation with child care assistance monies.

40 7. "Child care providers" means child care facilities THAT ARE
41 licensed pursuant to title 36, chapter 7.1, article 1, OUT-OF-SCHOOL TIME
42 PROGRAM PROVIDERS THAT ARE REGISTERED PURSUANT TO SECTION 36-895, child
43 care group homes THAT ARE certified pursuant to title 36, chapter 7.1,
44 article 4, child care home providers, in-home providers, noncertified

1 relative providers and regulated child care on military installations or
2 for federally recognized Indian tribes.

3 8. "Eligible family" means citizens or legal residents of the United
4 States or individuals who are otherwise lawfully present in the United
5 States and who are parents, legal guardians or caretaker relatives with
6 legal residence in this state and children in their care who meet the
7 eligibility requirements for child care assistance.

8 9. "Federal poverty level" means the poverty guidelines that are
9 issued by the United States department of health and human services
10 pursuant to section 673(2) of the omnibus budget reconciliation act of
11 1981 and that are reported annually in the federal register.

12 10. "In-home provider" means a provider who is certified by the
13 department to care for a child of an eligible family in the child's own
14 home and is compensated with child care assistance monies.

15 11. "Noncertified relative provider" means a person who is at least
16 eighteen years of age, who provides child care services to an eligible
17 child, who is by affinity or consanguinity or by court decree the
18 grandparent, great-grandparent, sibling not residing in the same
19 household, aunt, great-aunt, uncle or great-uncle of the eligible child
20 and who meets the department's requirements to be a noncertified relative
21 provider.

22 12. "Parent" or "parents" means the natural or adoptive parents of
23 a child.

24 Sec. 6. Department of economic security; child care and
25 development fund plan; amendment

26 The department of economic security, with the approval of the
27 federal government, shall amend this state's child care and development
28 fund plan to allow for registered out-of-school time program providers
29 that meet specific criteria prescribed in section 36-895, Arizona Revised
30 Statutes, as added by this act, to receive child care assistance through
31 child care and development fund monies that this state receives.