**A** **BILL**

TO AMEND SECTION 63‑13‑830, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STATEMENTS OF REGISTRATION FOR FAMILY CHILDCARE OPERATORS, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO WITHDRAW THE STATEMENT OF REGISTRATION UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 63‑13‑850, RELATING TO THE APPEAL OF A DEPARTMENT DECISION TO WITHDRAW A FAMILY CHILDCARE OPERATOR STATEMENT OF REGISTRATION, SO AS TO ALLOW A FAMILY CHILDCARE OPERATOR TO APPEAL A DEPARTMENT DECISION REQUIRING THE OPERATOR TO MEET THE REQUIREMENTS OF GROUP CHILDCARE HOMES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑13‑830 of the 1976 Code is amended to read:

“Section 63‑13‑830. (A) A statement of registration must be issued when the family childcare operator satisfactorily completes the procedures prescribed by this chapter. The current statement must be displayed in a prominent place in the facility at all times and the registration number must be stated in all advertisements of the family childcare home.

(B) Registration expires at the end of one year from the date of issuance of the statement of registration. Registration may be renewed according to the procedures developed by the department.

(C) A person applying for renewal of registration as an operator of a family childcare home registered under this article and a person employed or providing caregiver services at a family childcare home registered under this article, who has not done so previously, on the first renewal after June 30, 1996, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history.

Application forms for registration renewal issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in Section 63‑13‑820(D) who applies for registration as an operator or a person who applies for registration as an operator who has a person fifteen years of age or older living in the home who has been convicted of a crime enumerated in Section 63‑13‑820(D) is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(D) Application forms for registration renewal issued under this chapter by the department for a family childcare home must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of one of the crimes listed in this section who applies for a license as operator, applies for employment with, is employed by, seeks to provide caregiver services with, or is a caregiver at a facility is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(E) The department may withdraw the statement of registration if ~~one or more of the following apply:~~

~~(1)~~ ~~the health and safety of the children require withdrawal;~~

~~(2)~~ ~~the facility has enrolled children beyond the limits defined in this chapter;~~

~~(3)~~ the operator fails to comply with the registration procedures provided in this chapter.

(F) If the department determines the health or safety of children placed in the facility is at risk or that the facility has enrolled children beyond the limits prescribed in this chapter, the department either shall withdraw the statement of registration or require the family childcare home to meet the requirements for licensure and regulation of group childcare homes pursuant to Article 3.”

SECTION 2. Section 63‑13‑850(A) of the 1976 Code is amended to read:

“(A) A registrant whose statement of registration has been withdrawn by the department or that is required pursuant to Section 63-13-830(F) to meet the requirements for licensure and regulation of group childcare homes must be given written notice by certified or registered mail. The notice must contain the reasons for the proposed action and must inform the registrant of the right to appeal the decision to the director or his designee in writing within thirty calendar days after the receipt of the notice. Upon receiving a written appeal the director or his designee shall give the registrant reasonable notice and an opportunity for a prompt hearing before the director or his designee. On the basis of the evidence adduced at the hearing, the director or his designee shall make the final decision of the department as to whether the statement of registration must be withdrawn or the childcare operator must meet the licensure and regulation requirements for group childcare homes, as applicable. If no written appeal is made, the statement of registration must be withdrawn or the childcare operator must comply with the licensure and regulation requirements for group childcare homes as of the termination of the thirty‑day period.”

SECTION 3. This act takes effect upon approval by the Governor.

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