

## R381-100-3: LICENSE REQUIRED

### Purpose

This section provides rules and information regarding child care providers who are required by Utah State Law to have a Center Child Care License.

### General Information

This section provides information only, so no enforcement information is listed.

**A person or persons must be licensed as a child care center under this rule if:**

- (1) **they provide care in the absence of the child's parent;**

### Rationale / Explanation

Preschools and other programs that care for children for less than 4 hours per day are not required to be licensed. This includes preschools that have a morning and afternoon session, each less than 4 hours, provided that the same children do not attend both the morning and afternoon sessions.

- (2) **they provide care in a place other than the provider's home or the child's home;**

### Rationale / Explanation

Child care provided in the provider's home is regulated as either licensed family or residential certificate care.

Care provided in the child's home is not regulated by the Department of Health.

- (3) **they provide care for five or more children, for four or more hours per day;**

### Rationale / Explanation

Providers who care for four or fewer children are not required by law to be regulated, whether the care is provided in a home or center.

- (4) **they provide care for each individual child for less than 24 hours per day;**

### Rationale / Explanation

Programs that provide live-in 24 hour per day care are regulated as residential facilities, not child care centers.

In statute, a child in care is defined as a child under the age of 13 and under the age 18 for individuals with disabilities.

- (5) **the program is open to children on an ongoing basis for four or more weeks in a year; and**

### Rationale / Explanation

A child care license is required if children attend the program on a regular basis rather than occasional drop-in care.

- (6) **they provide care for direct or indirect compensation.**

### Rationale / Explanation

Direct or indirect compensation means that there is a user charge or fee for the care provided. Indirect compensation refers to non-monetary benefits such as time, goods, or services.