

R430-90-3 and R430-50-3: 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.

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

Licensed Family 90-3 and Residential Certificate 50-3:

- (1) A person must either be licensed under this rule or certified under R430-50, if he or she:
- (a) provides care in lieu of care ordinarily provided by a parent;

Rationale / Explanation

People who have preschools and other programs with children in attendance 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.

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.

Licensed Family 90-3 and Residential Certificate 50-3:

- (1) A person must either be licensed under this rule or certified under R430-50, if he or she:
- (b) provides care for five or more unrelated children;

Rationale / Explanation

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

This information is only used to determine if a license is required. Once a license or certificate is issued, related children count as children in care.

Licensed Family 90-3 and Residential Certificate 50-3:

- (1) A person must either be licensed under this rule or certified under R430-50, if he or she:
- (c) provides care for four or more hours per day;

Rationale / Explanation

People who care for four or more hours a day are required by statute to be regulated, whether the care is provided in a home or center.

Licensed Family 90-3 and Residential Certificate 50-3:

- (1) A person must either be licensed under this rule or certified under R430-50, if he or she:
- (d) has a regularly scheduled, ongoing enrollment; and

Rationale / Explanation

This means that children attend the program on a regular basis, as opposed to occasional drop-in care.

Licensed Family 90-3 and Residential Certificate 50-3:

- (1) A person must either be licensed under this rule or certified under R430-50, if he or she:
(e) provides 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.

Licensed Family 90-3:

- (2) The Department does not license, nor is a license required for:
(a) a person who cares for related children only; or

Residential Certificate 50-3:

- (2) The Department does not issue certificates, nor is a certificate required for:
(a) a person who cares for related children only; or

Rationale / Explanation

People must care for at least one unrelated child to be regulated. If a person is caring for related children that receive subsidy payments, an approval will be required. Instruction for obtaining that approval may be found at, childcarelicensing.utah.gov.

Licensed Family 90-3:

- (2) The Department does not license, nor is a license required for:
(b) a person who provides care on a sporadic basis only.

Residential Certificate 50-3:

- (2) The Department does not issue certificates, nor is a certificate required for:
(b) a person who provides care on a sporadic basis only.

Rationale / Explanation

This means the person only watches children occasionally.