

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 283
SENATE BILL 350

AN ACT TO PROVIDE THAT DAY-CARE FACILITIES OPERATED BY CHURCHES, SYNAGOGUES, OR SCHOOLS OF RELIGIOUS CHARTER SHALL NOT BE REQUIRED TO OBTAIN LICENSES BUT SHALL BE SUBJECT TO DAY-CARE STANDARDS FOR HEALTH AND SAFETY.

In conformity with the Constitutions of the United States and of North Carolina, it is the public policy of the State not to interfere in the ministry of a church child day-care ministry, except to use the power delegated to the Child Day-Care Licensing Commission by the General Assembly to enforce minimum standards for facilities.

Whereas, the legislative intent and purpose of this act is to protect the children placed in day-care facilities; and

Whereas, day-care facilities operated by churches, synagogues or schools of religious charter are desirous of providing such protection to children cared for in their facilities, but object to State licensure on religious grounds; and

Whereas, these facilities are willing to report to the Commission that they have complied with the minimum standards for facilities; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The term "church day-care facility" as used herein shall include any day-care facility operated by a church, synagogue or school of religious charter.

Sec. 2. Reporting procedure of church day-care facilities. (a) Church day-care facilities shall file with the Child Day-Care Licensing Commission a notice of intent to operate a day-care facility and the date it will begin operation. Within 30 days after the beginning of operation, the church day-care facility shall have filed with the Commission reports and supporting data that will show the day-care facility to be in compliance with all minimum standards provided in G.S. 110-90.1 and G.S. 110-91 for day-care facilities.

(b) Each church day-care facility shall annually file with the Commission a report indicating that it meets the minimum standards for facilities as provided in G.S. 110-90.1 and G.S. 110-91. The report shall be in such form as is required by the Commission. Each church day-care facility shall be responsible for accompanying its report with the necessary supporting data to show conformity with those minimum standards, including reports from the local and district health departments, local building inspectors, local firemen, volunteer firemen, and other, on forms which shall be provided by the Commission.

(c) It shall be the responsibility of the Commission to notify the facility if it fails to meet the minimum requirements. The Commission shall be responsible for carrying out the enforcement provisions provided by the General Assembly in Article 7 of Chapter 110 including inspection to insure compliance. After a hearing the Commission shall be empowered to issue an order requiring a church day-care facility which fails to meet the standards established pursuant to this Article to cease operating. A church day-care facility may request a hearing to determine if it is in compliance with the provisions of G.S. 110-90.1 and G.S. 110-91. If the Commission determines that it is not, it may order the facility to cease operation until it is in compliance.

(d) Church day-care facilities shall be exempt from the requirement that they obtain a license and that the license be displayed and shall be exempt from any subsequent rule or regulatory program not dealing specifically with the minimum standards as provided in G.S. 110-90.1 and G.S. 110-91. Nothing in this Article shall be interpreted to allow the State to regulate or otherwise interfere with the religious training offered as a part of any church day-care program. Nothing in this Article shall prohibit any church-operated, synagogue- operated, or religious affiliated facility from becoming licensed by the State if it so chooses.

(e) Church day-care facilities found to be in violation of G.S. 110-90.1 and 110-91 shall be subject to the injunctive provisions of G.S. 110-104, except that they may not be enjoined for operating without a license. The Secretary is empowered to seek an injunction against any such facility under the conditions specified in G.S. 110-104 with the above exception and when any such facility operates without submitting the required forms and following the procedures required by this Article.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1983.