

Senate Bill 451

By: Senators Sims of the 12th, Unterman of the 45th, Hooks of the 14th, Crosby of the 13th,  
Jackson of the 2nd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 20-1A-13 of the Official Code of Georgia Annotated, relating to the  
2 emergency placement of monitors in early care and education programs, so as to provide for  
3 certain procedures subsequent to a death occurring in a family day-care home, group  
4 day-care home, or a day-care center; to provide for related matters; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 20-1A-13 of the Official Code of Georgia Annotated, relating to the emergency  
9 placement of monitors in early care and education programs, is amended by designating  
10 subsection (l) as subsection (m) and by adding a new subsection to read as follows:

11 "(1)(1) If a death of a minor occurs at any family day-care home or group day-care home  
12 licensed pursuant to this chapter, the home shall be closed immediately for a period of not  
13 less than 30 days. During such period, the commissioner or his or her designee shall  
14 conduct an immediate review into the cause of the minor's death. If the commissioner  
15 determines that the administration or conditions of the home were the cause of such  
16 minor's death, the commissioner shall immediately revoke such home's license pursuant  
17 to the commissioner's authority under Code Section 50-13-18. If after the 30 day  
18 investigation period the commissioner determines that the administration or conditions  
19 of the home were clearly not the cause of the minor's death, the commissioner shall  
20 immediately reopen the home for its continued operation.

21 (2) If the death of a minor occurs at any day-care center licensed pursuant to this chapter,  
22 a monitor shall be immediately placed into such program pursuant to this Code section  
23 and the department shall open a preliminary investigation into the cause of the death of  
24 the minor. If during the five-day preliminary investigation period the department  
25 determines that the minor's death was unrelated to the administration or conditions of the  
26 day-care center, the department shall remove the monitor and permit the continued

27 operation of the day-care center. However, if after the five-day preliminary investigation  
28 the department is unable to determine the cause of death of the child and is unable to  
29 reasonably rule out the administration or conditions of the day-care center as the cause  
30 of death, the day-care center shall be closed until the commissioner determines either that  
31 the administration or conditions of the day-care center clearly were not the cause of the  
32 minor's death, at which point the department shall reopen the day-care center for its  
33 continued operation, or that the administration and conditions of the day-care center were  
34 clearly the cause of the minor's death, at which point the commissioner shall immediately  
35 revoke such center's license pursuant to the commissioner's authority under Code Section  
36 50-13-18.

37 (3) A family day-care home, group day-care home, or day-care center that is closed  
38 pursuant to this subsection shall have the right to contest the decision to close such home  
39 or center in a manner consistent with Article 1 of Chapter 13 of Title 50, the 'Georgia  
40 Administrative Procedure Act.'

41 **SECTION 2.**

42 All laws and parts of laws in conflict with this Act are repealed.