

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.