

1 HB440
2 181774-4
3 By Representatives McMillan, Faust, Shiver, Moore (B),
4 Beckman, Gaston, Bracy, Jackson, Clarke and Drummond
5 RFD: Children and Senior Advocacy
6 First Read: 04-APR-17

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, there is no provision
9 for the state to license or regulate private
10 religious or faith-based facilities, alternative
11 boarding schools, outdoor programs, or residential
12 institutions that house children for counseling,
13 therapeutic, behavioral, or educational purposes
14 when on-site residency is required for periods over
15 24 hours.

16 This bill would provide for the registration
17 and regulation by the Department of Human Resources
18 of any private religious or faith-based
19 organization that houses children for counseling,
20 therapeutic, behavioral, or educational purposes
21 when on-site residency is required for periods over
22 24 hours. This bill would require the Department of
23 Human Resources to promulgate rules establishing
24 registration and regulatory requirements.

25 This bill would establish accountability for
26 any child enrolled in or housed at any private
27 religious or faith-based organization that houses

1 children for counseling, therapeutic, behavioral,
2 or educational purposes when on-site residency is
3 required for periods over 24 hours.

4 This bill would establish minimum
5 requirements for operation of any private religious
6 or faith-based organization that houses children
7 for counseling, therapeutic, behavioral, or
8 educational purposes when on-site residency is
9 required for periods over 24 hours.

10 This bill would require an employee,
11 volunteer, or applicant for employment or for a
12 volunteer position at such a facility to undergo a
13 criminal background investigation prior to having
14 unsupervised contact with the children.

15 This bill would establish fees and charges
16 associated with the registration of such
17 facilities.

18 This bill would prohibit the operation of
19 any youth residential facility, institution, or
20 program in the state under this act unless the
21 entity holds a current registration approval from
22 the Department of Human Resources.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to private religious or faith-based
2 nonprofit and for profit alternative boarding schools, outdoor
3 programs, or residential institutions that house children for
4 counseling, therapeutic, behavioral, or educational purposes
5 when on-site residency of children is required for periods
6 over 24 hours; to establish registration and regulatory
7 requirements; to establish accountability for children
8 enrolled at or housed by private religious or faith-based
9 facilities, institutions, and programs that house children for
10 periods of over 24 hours; to require an employee, volunteer,
11 or applicant for employment or a volunteer position to undergo
12 a criminal background investigation prior to having
13 unsupervised contact with children; to establish a provision
14 for fees and charges associated with the registration and
15 regulation of these facilities; and to prohibit the operation
16 of any youth residential facility, institution, or program in
17 the state under this act unless the entity holds a current
18 registration approval from the Department of Human Resources.
19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall be known and may be cited
21 as the Alabama Youth Residential Facility Abuse Prevention
22 Act.

23 Section 2. The Legislature finds that there is a
24 substantial need to protect children and youth from abuse and
25 neglect by persons entrusted with their physical custody, and
26 from persons or organizations that advertise, hold themselves
27 out, or lead others to believe that they will provide them

1 with health, therapeutic, rehabilitative, or disciplinary
2 services, and from persons employed or exercising authority
3 over them, and who they depend upon to provide the basic
4 necessities of life. The Legislature further finds that abuse
5 and neglect often take the form of the withholding of the
6 basic necessities of life, including food, water, shelter,
7 clothing, and health care through an affirmative act or
8 omission. It is the intent of the Legislature to implement a
9 baseline of registration and regulation requirements for
10 private religious, faith-based, and church nonprofit and for
11 profit affiliated youth residential facilities and
12 institutions that have previously been exempt, and that
13 criminal penalties be imposed on any individual guilty of the
14 abuse or neglect of a child through an act or omission in
15 association with services provided by such an institution. The
16 Legislature further finds and declares the following:

17 (1) For several years, nontraditional religious,
18 faith-based, and church affiliated private residential
19 facilities, institutions, and programs intended to be a less
20 restrictive option for treatment of children and youth with
21 substantial behavioral issues have been established
22 nationwide, with numerous allegations of abuse and neglect,
23 some resulting in death.

24 (2) There are currently religious, faith-based, and
25 church affiliated nonprofit and for profit private youth
26 residential facilities, institutions, and programs operating

1 in Alabama that are exempt from registration and regulation by
2 the State Department of Human Resources.

3 (3) These facilities, institutions, and programs are
4 owned and operated by for profit, or nonprofit organizations
5 defined in Section 501(c)(3) of the Internal Revenue Code.

6 (4) These facilities, institutions, and programs
7 advertise, both in state and out of state, that they provide
8 services for youth with behavioral or other issues to
9 individuals who may feel they have no other option.

10 (5) Victims of abuse and neglect of these
11 organizations nationwide have formed organizations to expose
12 the trauma, abuse, and neglect they experienced while
13 residents at or in these institutions, facilities, and
14 programs.

15 (6) Students and youth subject to enrollment or
16 attendance of these facilities have experienced a host of
17 other problems associated with the trauma, abuse, and neglect
18 experienced at these institutions, facilities, and programs.

19 (7) There is a lack of accountability regarding the
20 existence and status of children that are enrolled in or
21 housed at these institutions and facilities being residents of
22 both this state and other states.

23 (8) The states are granted the power to establish
24 and enforce laws protecting the welfare, safety, and health of
25 the public.

1 (9) It is the duty of the Legislature to ensure
2 proper licensing and regulation of residential facilities for
3 the protection and care of all citizens.

4 (10) It is the intent of the Legislature that the
5 state require registration of religious or faith-based
6 nonprofit or for profit private residential institutions,
7 alternative boarding schools, and outdoor programs that house
8 or contain children or youth for a period over 24 hours to
9 provide counseling, therapeutic, disciplinary, or educational
10 services when long-term on site residency of children is
11 required.

12 Section 3. For the purposes of this act, the
13 following terms shall have the following meanings:

14 (1) CHILD. A person under the age of 18 years.

15 (2) COMMUNITY TREATMENT FACILITY FOR YOUTHS. A
16 private religious or faith-based youth residential facility
17 that provides mental health treatment services to children in
18 a group setting and that has the capacity to provide secure
19 containment.

20 (3) DEPARTMENT. The State Department of Human
21 Resources.

22 (4) DIRECTOR. The Director of the State Department
23 of Human Resources.

24 (5) LONG TERM YOUTH RESIDENTIAL FACILITY. A private
25 religious or faith-based long term residential facility, group
26 care facility, or similar facility as determined by the
27 director, providing 24-hour nonmedical care of youth in need

1 of personal services, supervision, or assistance essential for
2 sustaining the activities of daily living or for the
3 protection of the child and others and that has the capacity
4 to provide secure containment.

5 (6) PRIVATE ALTERNATIVE BOARDING SCHOOL. A private
6 religious or faith-based group home that provides children
7 with 24-hour residential care and supervision, which, in
8 addition to providing educational services, provides, or holds
9 itself out as providing, behavioral-based services to youth
10 with social, emotional, or behavioral issues and that has the
11 capacity to provide secure containment.

12 (7) PRIVATE ALTERNATIVE OUTDOOR PROGRAM. A private
13 religious or faith-based group home or residential facility
14 that provides children with 24-hour residential care and
15 supervision, which provides, or holds itself out as providing,
16 behavioral-based services in an outdoor living setting to
17 children with social or behavioral issues and that has the
18 capacity to provide secure containment or prohibits children
19 from freely leaving the area of operations for the program.

20 (8) RESTRICTIVE BEHAVIOR PRACTICES. Any
21 institutional practice or procedure that involves assisting a
22 child in gaining control of his or her behavior, protects a
23 child from self-harm, protects other children or staff
24 members, or prevents the destruction of property.

25 (9) YOUTH SOCIAL REHABILITATION FACILITY. A private
26 religious or faith-based residential facility that provides
27 24-hour nonmedical social rehabilitation services in a group

1 setting to children recovering from mental illness or
2 substance abuse who are in need of temporary assistance,
3 guidance, or counseling and that has the capacity to provide
4 secure containment.

5 (10) YOUTH TRANSITIONAL CARE FACILITY. A private
6 religious or faith-based group care facility that provides
7 24-hour nonmedical care of children in need of professional
8 services, supervision, or assistance essential for sustaining
9 the activities of daily living or for the protection of the
10 individual or others and that have the capacity to provide
11 secure containment.

12 Section 4. (a) Commencing on January 1, 2018, the
13 department shall register any faith-based, religious, or
14 church school affiliated youth residential facility, youth
15 social rehabilitation facility, community treatment facility
16 for youths, youth transitional care facility, long term youth
17 residential facility, private alternative boarding school,
18 private alternative outdoor program, and any organization
19 entrusted with the residential care of children in any
20 organizational form or combination defined by this section,
21 whenever children are housed at the facility or location of
22 the program for a period of more than 24 hours. At a minimum,
23 registered youth residential institution or organization under
24 this section shall do all of the following:

25 (1) Be owned and operated on a for profit or
26 nonprofit basis.

1 (2) Prepare and maintain a current, written plan of
2 operation, as defined by the department.

3 (3) Offer 24-hour, nonmedical care and supervision
4 to youth who are voluntarily admitted by a parent or legal
5 guardian, or referred by a court.

6 (4) Admit only children 12 years of age or older.

7 (5) Provide written notification on a standard form
8 to the department or local county Department of Human
9 Resources office where the facility is located within 48 hours
10 of the arrival, enrollment, or admittance of any child to the
11 institution, facility, or program as directed by the
12 department.

13 (6) Have a ratio of one staff person to every four
14 youths.

15 (7) Provide each prospective youth and his or her
16 parent or legal guardian with an accurate written description
17 of the programs and services to be provided while the child is
18 a resident at the facility. If it advertises or promotes
19 special care, programs, or environments for persons with
20 behavioral, emotional, substance abuse, or social challenges,
21 the written description shall include how its programs and
22 services are intended to achieve the advertised or promoted
23 claims.

24 (8) Ensure that all individuals providing mental
25 health or behavioral-based services to youth at the facility
26 are licensed or certified by the appropriate agency,

1 department, or accrediting body, as specified by the
2 department through agency rules.

3 (9) Prepare and implement a comprehensive health
4 plan to ensure that each medical, dental, mental health, and
5 other health needs of the child are met adequately and
6 promptly.

7 (10) Explain its disciplinary practices individually
8 with each child at the time the child is placed or enrolled in
9 the institution, facility, or program.

10 (11) Obtain written consent for the use of any
11 restrictive behavior management practice from the parents or
12 legal guardian of the child.

13 (12) Not use secure containment or manual or
14 mechanical restraints.

15 (13) Not allow the performance of any acts, tactics,
16 techniques, or procedures for purposes of abusing,
17 humiliating, degrading, isolating, or ostracizing a child from
18 other children located or housed at the institution, facility,
19 or program by any staff member or child.

20 (14) Not engage in or perform any sexual orientation
21 change effort on any person under 18 years of age.

22 (15) Not utilize restrictive behavior management
23 practices as a means of punishment, for the convenience of
24 staff members, or as a substitute for a treatment program.

25 (16) Ensure that each child is provided with three
26 nutritious meals daily, either at the institution, facility,
27 program operations site itself, or in the community.

1 (17) Select, store, prepare, and serve food in a
2 sanitary and palatable manner.

3 (18) Ensure that every child is afforded the
4 opportunity to participate freely in religious activities and
5 or services in accordance with his or her own faith or with
6 that of his or her parents.

7 (19) Maintain a bond or liability insurance of no
8 less than five hundred thousand dollars (\$500,000) per
9 incident and show proof of the current status of the policy or
10 bond prior to registration by the department.

11 (20) Include its facility, institution, or program
12 number in all advertisements.

13 (21) Require that all employees of the facility or
14 program undergo a child abuse and neglect clearance and a
15 criminal background check prior to the approval of the
16 registration of the facility or program and require that all
17 employees obtain a criminal background check and child abuse
18 and neglect clearance annually thereafter.

19 (22) Ensure that prior to employment, residence, or
20 initial presence in the facility, institution, or with the
21 program, all employees undergo a criminal background check.

22 (23) Maintain a smoke free environment in all
23 buildings on the facility, institution, or program premises
24 and in all vehicles used to transport children.

25 (24) Obtain a fire safety clearance approved by the
26 local fire authority.

1 (25) If it offers access to, or holds itself out as
2 offering access to, mental health services, ensure that those
3 services are provided by a licensed mental health provider.

4 (26) If it advertises or includes in its marketing
5 materials reference to providing alcohol or substance abuse
6 treatment, ensure that the treatment is provided by a licensed
7 or certified alcoholism or drug abuse recovery or treatment
8 facility.

9 (27) Not admit a child who has been assessed by a
10 licensed mental health professional as seriously emotionally
11 disturbed, unless the child does not require care in a
12 licensed health facility and the State Department of Mental
13 Health has certified that the facility houses a program that
14 meets the standards to provide mental health treatment
15 services for a child having a serious emotional disturbance,
16 as defined in Rule 290-8-9 of the Alabama Administrative Code.

17 (28) Immediately provide a written report on a
18 standard form to the department and law enforcement agency of
19 all fatalities and accidents requiring hospitalization or
20 medical care by a physician occurring at the facility,
21 institution, or program.

22 (29) Prohibit any staff member or child to possess
23 any firearms, chemicals, or other weapons within or on the
24 grounds of the institution, facility, or program.

25 (b) Submit a staff training plan to the department
26 as part of its plan of operation. In addition to the training
27 required of facility, institutional, or program staff, the

1 staff training plan shall include, but not be limited to,
2 training in all of the following subject areas:

3 (1) Children's rights, as described in subsection
4 (c).

5 (2) Physical and psycho-social needs of youth.

6 (3) Appropriate responses to emergencies, including
7 an emergency intervention plan.

8 (4) Cultural competency and sensitivity regarding
9 issues of a controversial nature.

10 (5) Laws and regulations pertaining to residential
11 care and housing facilities for children.

12 (c) (1) Any child that is enrolled in or a resident
13 of a private faith-based, religious, or church school
14 affiliated youth residential facility, youth social
15 rehabilitation facility, community treatment facility for
16 youths, youth transitional care facility, long term youth
17 residential facility, private alternative boarding school,
18 private alternative outdoor program, and any organization
19 entrusted with the residential care of children in any
20 organizational form or combination defined by this section
21 shall be afforded the following rights and any other rights
22 adopted by the department through rule, which shall be
23 publicly posted and accessible to youth:

24 a. To be afforded dignity in his or her personal
25 relationships with staff, youth, and other persons.

26 b. To live in a safe, healthy, and comfortable
27 environment where he or she is treated with respect.

1 c. To be free from physical, sexual, emotional, or
2 other abuse or corporal punishment.

3 d. To be granted a reasonable level of personal
4 privacy in accommodations, personal care and assistance, and
5 visits.

6 e. To confidential care of his or her records and
7 personal information, and to approve release of those records
8 prior to the release of them, except as otherwise authorized
9 or required by law.

10 f. To care, supervision, and services that meet his
11 or her individual needs and that are delivered by staff who
12 are sufficient in numbers, qualifications, and competency to
13 meet his or her needs and ensure his or her safety.

14 g. To be served food and beverages of the quality
15 and in the quantity necessary to meet his or her nutritional
16 and physical needs.

17 h.1. To present grievances and recommend changes in
18 policies, procedures, and services to the facility's staff,
19 management, and governing authority, or any other person
20 without the possibility of restraint, coercion,
21 discrimination, reprisal, threat, or other retaliatory
22 actions.

23 2. To have the registered entity take prompt actions
24 to respond to grievances presented pursuant to subparagraph 1.

25 i. To be able to contact parents or legal guardians,
26 including visits and scheduled and unscheduled private

1 telephone conversations, written correspondence, and
2 electronic communications, unless prohibited by court order.

3 j. To be fully informed, as evidenced by the youth's
4 written acknowledgment, prior to, or at the time of, arrival
5 or admission to the facility, institution, or program, of the
6 rules governing the youth's rights, conduct, and
7 responsibilities.

8 k. To receive in the admission agreement information
9 that details the planned programs and services for the youth.

10 l. To have his or her parents or legal guardians
11 remove him or her from the facility at any time unless
12 prevented from doing so by a court order.

13 m. To consent to have visitors or telephone calls
14 during reasonable hours, privately and without prior notice,
15 if the visitors or telephone calls do not disrupt planned
16 activities and are not prohibited by court order or by the
17 youth's parent or legal guardian.

18 n. To be free of corporal punishment, excessive
19 medication, physical restraints of any kind, and deprivation
20 of basic necessities, unnecessary seclusion including
21 education, as a punishment, deterrent, or incentive.

22 o. To be afforded the opportunity to enroll in, make
23 progress toward, and complete a program leading to a General
24 Education Development Certificate or other high school diploma
25 equivalent upon being housed or located at the facility,
26 institution, or program for a period of more than 30 days.

1 p. To have fair and equal access to all available
2 services, placement, care, treatment, and benefits and to not
3 be subjected to discrimination or harassment on the basis of
4 actual or perceived race, ethnic group identification,
5 ancestry, national origin, color, religion, sex, sexual
6 orientation, gender identity, mental or physical disability,
7 or HIV status.

8 q. To be free from abusive, humiliating, degrading,
9 or traumatizing actions.

10 r. To be free to attend religious services of their
11 choice.

12 s. Any other rights the department adopts by rule;
13 however, the department is not responsible or liable for
14 violation of the above rights, including acts or omissions by
15 facility employees.

16 (2) This section shall not apply to any facility
17 administered, operated, licensed, or certified by the State
18 Department of Education, Department of Corrections, Department
19 of Youth Services, the Military Department, state recognized
20 military academies, institutes, or boot camps, the Alabama
21 School of Mathematics and Science, Alabama School of Fine
22 Arts, any state school for the deaf or blind, or any other
23 governmental entity or to a school that does not require
24 residency as requirement for services provided. This section
25 further shall not apply to outdoor activities for youth
26 designed to be primarily recreational or for entertainment,
27 including, but not limited to, activities organized by Boy

1 Scouts, Girl Scouts, Camp Fire, or other similar church
2 sponsored organizations, or any camp exclusively serving
3 children with a medical diagnosis for a physical condition or
4 illness, or any runaway or homeless shelter, or any similar
5 place that supplies room and or board only, provided that the
6 resident is free to leave that facility by his or her own
7 volition at any time.

8 (3) The Department of Public Health shall regularly
9 license and inspect the food preparation areas of the
10 facilities under this statute for health and safety.

11 (4) Law enforcement agencies shall have access to
12 the private property of the facilities under this statute in
13 furtherance of their duties to investigate abuse or neglect,
14 or for any other lawful purpose.

15 Section 5. (a) Any employee, volunteer, or applicant
16 for employment or for a volunteer position at or with any
17 faith-based, religious, or church school affiliated youth
18 residential facility, youth social rehabilitation facility,
19 community treatment facility for youths, youth transitional
20 care facility, long term youth residential facility, private
21 alternative boarding school, private alternative outdoor
22 program, and any organization entrusted with the residential
23 care of children or youth in any organizational form or
24 combination thereof defined by this section, or as defined by
25 the department, shall be subject to a criminal background
26 investigation prior to having unsupervised contact with the

1 children in accordance with subdivision (1) of subsection (a)
2 of Section 38-13-3, Code of Alabama 1975.

3 Section 6. (a) (1) The department may charge a fee
4 for the registration. The fee may be set by rule of the
5 department and may be based on the type of facility and the
6 capacity of the facility. After the initial registration
7 approval, the department may charge a renewal fee annually on
8 each anniversary of the effective date of the registration.
9 The fees are for the purpose of administering the program and
10 enforcing the requirements specified in this act and shall be
11 set accordingly.

12 (2) The department, at least every five years, shall
13 analyze initial application fees and annual fees issued by it
14 to ensure the appropriate fee amounts are charged.

15 (b) In addition to fees established by the
16 department, the department shall also charge the following
17 fees:

18 (1) A fee in the amount of 50 percent of the
19 established application fee when an existing registered entity
20 moves a facility to a new physical address.

21 (2) A fee in the amount of 50 percent of the
22 established application fee when a corporate registered entity
23 changes the person having the authority to select a majority
24 of the board of directors.

25 (3) A fee in the amount of fifty dollars (\$50) when
26 an existing registered entity seeks to either increase or
27 decrease the approved capacity of the facility.

1 (4) An orientation fee of fifty dollars (\$50) for
2 attendance by any individual at a department-sponsored
3 information or orientation session.

4 (5) A probation monitoring fee equal to the current
5 annual fee, in addition to the current annual fee for that
6 category and capacity for each year a registered entity has
7 been placed on probation as a result of an adjudication
8 pursuant to the Administrative Procedure Act, Chapter 22,
9 Title 41, Code of Alabama 1975.

10 (6) A late fee that represents an additional 50
11 percent of the established current annual fee when any
12 registered entity fails to pay the current annual registration
13 fee on or before the due date as indicated by postmark on the
14 payment.

15 (7) A fee to cover any costs incurred by the
16 department for processing payments including, but not limited
17 to, insufficient funds charges, charges for credit and debit
18 transactions, and postage due charges.

19 (8) A plan of correction fee of at least two hundred
20 dollars (\$200) when any registered entity does not implement a
21 plan of correction on or prior to the date specified by a
22 corrective action plan issued to it by the department.

23 (9) Additional fees established by the department by
24 rule as necessary to regulate registered entities for
25 institutions and organizations subject to this act.

26 (c) The revenues collected from registration fees
27 pursuant to this section shall be utilized by the department

1 for the purpose of ensuring the health and safety of all
2 individuals provided care and supervision by entities
3 registered under this act and to support operations of the
4 registration program, including, but not limited to,
5 monitoring facilities for compliance with registration laws
6 and rules, and other administrative activities in support of
7 the registration program. The revenues collected shall be used
8 in addition to any other funds appropriated in the budget act
9 in support of the registration program. The department shall
10 adjust the fees collected pursuant to this section as
11 necessary.

12 (d) The failure of an applicant or registrant to pay
13 all applicable and accrued fees and civil penalties shall
14 constitute grounds for denial or forfeiture of registration
15 approval.

16 Section 7. (a) All youth residential facilities and
17 organizations under this section shall be subject to a
18 quarterly inspection by the department or its designee at a
19 minimum and shall be responsible for providing necessary
20 information as determined by the department to ensure the
21 safety and welfare of residents. All youth residential
22 facilities and organizations under this act shall provide at a
23 minimum the following to the department upon request:

24 (1) The names of all children currently enrolled,
25 registered, or housed at the facility or program.

1 (2) The names of all personnel currently employed or
2 contracted for employment for or at the facility, institution,
3 or program.

4 (3) The plan of operation, all written policies,
5 procedures, and standard practices.

6 (4) The child-to-staff ratios.

7 (5) The staff qualifications and proof of training.

8 (6) Proof of the implementation of children's needs
9 and services plan.

10 (7) Transcripts of any confidential interviews of
11 children who resided in the facility within the last six
12 months.

13 (8) A written fire evacuation and natural disaster
14 plan and maintain a record of routine drills of the plan.

15 (9) Proof of liability insurance with coverage of no
16 less than the amount specified in subsection 3(a) of this act.

17 (10) Proof of immunization against disease of all
18 children housed or contained at the facility or in the program
19 with proof of exemption due to parental beliefs if applicable.

20 (11) Other information as the department deems
21 necessary.

22 (b) All youth residential facilities and
23 organizations under this section shall inform the parents or
24 authorized guardian or adult representative of the child of
25 their rights including the following at a minimum:

26 (1) To enter and inspect the facility, institution,
27 or program as determined by law.

1 (2) To file a complaint against the registered
2 entity with the department without discrimination against the
3 parent or the child housed by or located at the facility or
4 program.

5 (3) To view the child's records associated with the
6 facility, institution, or program including treatment,
7 disciplinary, and other actions the department determines to
8 be vital to his or her situational awareness as a parent or
9 guardian.

10 (4) To review the registered entity's public file at
11 the appropriate department online site or physical location.

12 (5) To view the prominently displayed list of child
13 or youth rights associated with this act or those enumerated
14 per department rules.

15 (6) To view copies of any report that documents any
16 finding of noncompliance by the department.

17 (7) To view copies of any documentation issued to
18 the registered entity documenting the department's intent to
19 revoke the registration approval of the facility, institution,
20 or program.

21 Section 8. (a) On or before January 1, 2018, the
22 department shall adopt rules to implement this act, in
23 consultation with interested parties, including
24 representatives of any institution with any combination of
25 organizational characteristics defined by this section, former
26 residents of long-term youth residential facilities, advocates
27 for youth, and private concerned parties. Until rules are

1 adopted by the department and become effective any existing
2 child or youth residential organization, facility,
3 institution, boarding school, or program operating in this
4 state shall be governed by the rules applicable to residential
5 care facilities regulated by the Department of Human Resources
6 pursuant to published minimum standards for residential child
7 care facilities. Any institution, facility, or program subject
8 to this act, operating prior to January 1, 2018, shall comply
9 with the department's registration requirements on or before
10 July 1, 2017.

11 (b) The department may adopt emergency rules to
12 implement this section.

13 (c) The department shall have the authority to act
14 in loco parentis for any child covered under this section in
15 need of immediate health, welfare, protective, or other
16 critical services until that child's parent or guardian can be
17 contacted and is able to make those decisions.

18 (d) No private faith-based, religious, or church
19 school affiliated youth residential facility, youth social
20 rehabilitation facility, community treatment facility for
21 youths, youth transitional care facility, long term youth
22 residential facility, private alternative boarding school,
23 private alternative outdoor program, and any organization
24 entrusted with the residential care of children in any
25 organizational form or combination defined by this section may
26 operate in this state without a current registration approval
27 from the department.

1 (e) Nothing in this section shall prohibit a private
2 religious or faith-based residential, rehabilitation,
3 community treatment, or transitional care facility, or private
4 alternative boarding school or outdoor program that utilizes
5 religious, prayer, or spiritual means as the basis for its
6 program or services from providing those services in
7 accordance with its religious beliefs. Any such facility or
8 program shall include in its advertising that it bases its
9 services or treatment on religious principles. Such facility
10 or program shall provide to any applicant a detailed
11 explanation of its faith-based programs. Such facility or
12 program may require participants to participate in these
13 programs, notwithstanding any other provision of this chapter.
14 This chapter shall not give the department the authority to
15 regulate or prohibit religious-based treatment; provided,
16 however, the treatment shall not be used to violate or
17 circumvent any of the other requirements of this chapter
18 related to the physical safety and condition of any child or
19 the condition of the facility.

20 (f) Nothing in this section shall prohibit a private
21 religious or faith-based residential, rehabilitation,
22 community treatment, or transitional care facility, or a
23 private alternative boarding school, or outdoor program that
24 utilizes religious, prayer, or spiritual means as the basis
25 for its services from providing those services in accordance
26 with its religious beliefs.

1 (g) Nothing in this section shall give the
2 department the authority to regulate or prohibit
3 religious-based treatment or services, provided that, the
4 treatment or services are not in violation of any requirements
5 of this section as it relates to the safety and welfare of
6 children.

7 (h) Nothing in this section shall be construed or
8 interpreted to authorize any state agency to license or
9 regulate a non-residential private, nonpublic, or church
10 school offering instruction in grades K-12, or any combination
11 thereof, that houses or contains children or youth for a
12 period of less than 24 hours.

13 Section 9. This act shall not be interpreted to
14 supersede any other law requiring the reporting or
15 investigation of child abuse or neglect.

16 Section 10. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.