

33 V.S.A. § 3501

§ 3501. Foster care and placement licensing

(a) A person, other than an employee of a department within the agency of human services shall not place any child in foster care for more than 15 consecutive days unless the person has a license from the department to do so or is an employee of a child placing agency licensed by such department.

(b) A person shall not receive, board or keep any child in foster care for more than 15 consecutive days unless he or she has a license from the department to do so. This subsection shall not apply to foster homes approved by a department within the agency of human services or by a licensed child placing agency nor shall it apply to those facilities where educational or vocational training is the primary service and foster care is a supportive service only.

(c) This section shall not restrict the right of a court, parent, guardian, or relative to place a child, nor the right of a person not in the business of providing foster care or child care to receive, board and keep a child when a valuable consideration is not demanded or received for the child's care and maintenance.

33 V.S.A. § 3502

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§ 3502. Child care facilities; school age care in public schools; 21st century fund

(a) Unless exempted under subsection (b) of this section, a person shall not operate a child care facility without a license, or operate a family child care home without registration from the department.

(b) The following persons are exempted from the provisions of subsection (a) of this section:

(1) A person providing care for children of not more than two families other than that of the person providing the care.

(2) A hospital or establishment holding a license issued by the Department of Health, or a person operating a program primarily for recreational or therapeutic purposes, unless the hospital, establishment or person provides services for the care, protection and supervision of children not incidental to its primary purpose in which case subsection (a) shall apply to those nonincidental additional services.

(3) Child care facilities operated by religious organizations for the care and supervision of children during or in connection with religious services or church sponsored activities.

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(4) Repealed by 2007, No. 62, § 8, eff. July 1, 2007.

(5) An after-school program that serves students in one or more grades from kindergarten through secondary school, that receives funding through the 21st Century Community Learning Centers program, and that is overseen by the Agency of Education, unless the after-school program asks to participate in the child care subsidy program.

(c) A person who has a license to operate a child care facility shall not operate a family child care home. A person who operates a registered family child care home shall not operate a child care facility.

(d)(1) Regulations pertaining to child care facilities and family child care homes shall be designed to ensure that children in child care facilities and family child care homes are provided with wholesome growth and educational experiences, and are not subjected to neglect, mistreatment, or immoral surroundings.

(2) A licensed child care facility shall ensure that all individuals working at the facility receive orientation, based on materials recommended by the Agency of Human Services and the Agency of Education, on the prevention, identification, and mandatory reporting of child abuse, including child sexual abuse, signs and symptoms of sexual abuse, sexual violence, grooming processes, recognizing the dangers of child sexual abuse in and close to the home, and other predatory behaviors of sex offenders.

(e) At least each three years, the Department shall review the regulations for licensure and registration for revision or updating.

(f) The Commissioner, upon request, and in the Commissioner's discretion, may grant waivers and variances to child-adult ratios if licensure is applied for by a registered child care facility.

(g) Deleted by 2009, No. 44, § 26, eff. May 21, 2009.

(h) Notwithstanding any provision of law to the contrary, the Agency of Human Services may provide technical assistance to schools in voluntarily meeting schoolage child care standards.

(i) Repealed by 2005, Adj. Sess., No. 174, 140(5), eff. July 1, 2006.

**33 V.S.A. § 3503**

**§ 3503. Corporal punishment prohibited**

The statutes are current through laws No. 90 to 101, 103, 107, 108, 110, 111 and 116 of the Adjourned Session of the 2013-2014 Vermont General Assembly (2014).

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(a) For the purpose of this chapter, corporal punishment means the intentional infliction of physical pain upon the body of a child as a disciplinary measure.

(b) No person employed by or agent of a licensed or registered child care facility shall inflict or cause to be inflicted corporal punishment upon a child attending the facility. However, this section does not prohibit a person from using reasonable and necessary force:

(1) to quell a disturbance;

(2) to obtain possession of dangerous objects upon the person of or within the control of a child;

(3) for the purpose of self defense; or

(4) for the protection of persons or property.

33 V.S.A. § 3511

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§ 3511. Definitions

As used in this chapter:

(1) “Child” means an individual under the age of 13.

(2) “Child care provider” means a person licensed or registered by the Department for Children and Families, or authorized by the Department, to provide child care.

(3) “Child care services” include developmentally appropriate care and supervision for children under the age of 13 for fewer than 24 hours a day by a child care provider.

(4) “Commissioner” means the Commissioner for Children and Families.

(5) “Division” means the Child Development Division.

(6) “Training” means an activity, approved by the Commissioner or the Commissioner’s designee, which is likely

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to lead to employment or required to maintain employment.

**33 V.S.A. § 3512**

**§ 3512. Child care services program; eligibility**

(a) A child care services program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment or to obtain training leading to employment. Families seeking employment shall not be entitled to participate in the program for a period in excess of one month, unless that period is extended by the Commissioner.

(b) The subsidy authorized by this section shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the federal poverty guidelines nor more than 100 percent of the state median income, adjusted for the size of the family. The scale shall be structured so that it encourages employment.

**33 V.S.A. § 3513**

**§ 3513. Protective and family support child care services**

The division shall establish a program which subsidizes, in whole or in part, the cost of child care services provided to protective services children or to families for the purpose of preserving, rehabilitating or reunifying such families.

**33 V.S.A. § 3514**

**§ 3514. Payment to providers**

(a) The Commissioner shall establish a payment schedule for purposes of reimbursing providers for full or part-time child care services rendered to families who participate in the programs established under section 3512 or 3513 of this title. Payments established under this section shall reflect the following considerations: whether the provider operates a licensed child care facility or a registered family child care home, type of service provided, cost of providing the service and the prevailing market rate for comparable service. Payments shall be based on enrollment status or any other basis agreed to by the provider and the division.

(b) The Commissioner may establish a separate payment schedule for child care providers who have received specialized training, approved by the Commissioner, relating to protective or family support services.

**33 V.S.A. § 3521**

**§ 3521. Child care facilities financing program established; Advisory Board**

(a) A child care facilities loan financing program is established to facilitate the development or expansion of child care facilities in this State.

(b) The program shall be administered by the Office of Economic Opportunity within the Agency of Human

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Services.

(c) Repealed by 1995, Adj. Sess., No. 188, § 4, eff. July 1, 1996.

**33 V.S.A. § 3522**

**§ 3522. Loan program**

(a) The State Economic Opportunity office shall administer a low-interest loan program.

(b) Loans may be made to persons unable to obtain conventional financing for the purpose of establishing or expanding or renovating a child care facility in this State. The terms of the loans shall be determined by the State Economic Opportunity Office, but shall not be made in an amount in excess of \$10,000.00 to any single applicant, nor at a rate to exceed eight and one-half percent, simple interest per annum.

(c) A Child Care Facilities Financing Revolving Loan fund shall be established for the child care facilities financing program within the State Economic Opportunity Office of the Agency of Human Services. The Fund shall contain appropriations provided for that purpose and all repayments of principal and interest of loans under this section. Interest earnings may be used for administration of this program.

(d) The Director of the Office of Economic Opportunity shall establish by rule, the criteria, conditions and procedures that will be used in administering the provisions of this subchapter.

**33 V.S.A. § 3523**

**§ 3523. Repealed by 1995, Adj. Sess., No. 188, § 4, eff. July 1, 1996**

**33 V.S.A. § 3531**

**§ 3531. Child care--Building Bright Spaces for Bright Futures Fund**

(a) A child care facilities financing program is established to facilitate the development and expansion of child care facilities in the State. The program shall be administered by the Department for Children and Families.

(b) The program shall be supported from a special fund, to be known as the "Building Bright Spaces for Bright Futures Fund," hereinafter referred to as "the bright futures fund," hereby created for this purpose to be administered by the Commissioner for Children and Families. Subject to approvals required by 32 V.S.A § 5, the fund may accept gifts and donations from any source, and the Commissioner may take appropriate actions to encourage contributions and designations to the account, including publicizing explanations of the purposes of the Fund and the uses to which the Bright Futures Fund has been or will be applied.

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(c) Funds appropriated for this program shall be used by the Commissioner to award grants to eligible applicants for the development and expansion of child care options and community programs targeted for youths aged 14 through 18. These options may include recreational programs and related equipment or facilities, development or expansion of child care facilities and community-based programs which address specific child care and youth program needs of the applicant region. The Commissioner shall establish, by rule, criteria, conditions, and procedures for awarding such grants and administering this Program.