

LAWS OF DELAWARE
VOLUME 85
CHAPTER 198
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 49

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DELAWARE CHILD CARE ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 30A, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 3002A. Definitions.

For the purpose of this chapter:

- (1) a. “Child care” means an individual or entity that meets all of the following:
1. Has in custody or control 1 child or more under the age of 18 years, unattended by parent or guardian, for the purpose of providing care, education, protection, supervision, or guidance.
 2. Is compensated for the individual’s or entity’s services.
 3. Holds the individual’s or entity’s self out as conducting child care.
- b. “Child care” includes all of the following:
1. Family child care homes.
 2. Large family child care homes.
 3. Child care centers, including ~~early education~~ programs for children below the grade of kindergarten that are operated by ~~public or~~ private schools.
 4. Child placing agencies.
 5. Residential child care facilities.
 6. Day treatment programs.
 7. Child care programs operating part-day or full-day.
- c. “Child care” does not include individual foster or adoptive homes in which children have been placed by a State-licensed child placing agency.

(3) “Early education program” means a public program operated by an entity under state ownership and control, including local education agencies, for children below the grade of kindergarten.

§ 3004A. Child care licenses; investigation; requirements; notice; hearings and appeals.

(d) (1) This section ~~applies to an entity under state ownership and control that operates~~ does not apply to an early education program. ~~Only the~~ An early education program must be ~~licensed~~ monitored by OCCL and meet OCCL regulatory requirements.

(2) This section does not apply to a maternity ward of a general hospital.

Approved September 2, 2025