

**CALIFORNIA
FAMILY CHILD CARE HOME
LICENSING REGULATION HIGHLIGHTS
January 2007**

The following are highlights of some of the key regulations from Title 22, Division 12, Chapter 3 of the Manual of Policies and Procedures for Community Care Licensing. Applicants and licensees are responsible for reading and understanding the regulations. To access the complete regulations, go to the Community Care Licensing Division's web site at: <http://cclid.ca.gov>. Click on "Title 22 Regulations" in the gray area at the left hand side of the screen. Then scroll down to Family Child Care Homes and click on the blue links.

102352 DEFINITIONS

- Family Child Care means regularly provided care, protection and supervision of children, in the caregiver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away.

102359 ADVERTISEMENTS AND LICENSE NUMBER

- Licensees shall include the facility license number in all advertisements.

102368 LICENSE

- The license shall not be transferred to other individuals or different locations.
- As of January 1, 2005, the license shall be posted and accessible for viewing during hours when clients are present.

102370 CRIMINAL RECORD CLEARANCE

- Prior to issuing a license, the applicant and all adults residing in the home shall obtain a California criminal record clearance or exemption.
- Prior to employment, residence or initial presence in the facility, all adults (anyone 18 years or older) shall obtain a criminal record clearance or exemption.
- For individuals previously cleared at another child care facility, a licensee or applicant may request a transfer of a criminal record clearance from one state or county licensed facility to another.
- Violation of this section will result in an immediate civil penalty assessment.

102370.2 CHILD ABUSE CENTRAL INDEX

- Prior to issuing a license, the Department shall check the Child Abuse Central Index (CACI) for all individuals subject to a criminal record review.
- Subsequent to licensure, any individual subject to a criminal record clearance shall complete the Child Abuse Central Index check.

102371 FIRE SAFETY CLEARANCE

- For a Small Family Child Care Home, a fire clearance is not required.
- For a Large Family Child Care Home, a fire safety clearance approved by the local fire authority shall be required.

102383 TERMS OF A LICENSE

- A license remains in effect until it is forfeited, surrendered, suspended, or revoked.
- A license is no longer valid if the licensee moves to another home.

102384 LICENSING FEES

- An applicant or licensee is charged an orientation, application and/or annual fee. In addition, there is a fee for a change of location, a change in capacity, late payment, and when a licensee does not implement a plan of correction on time.

102391 INSPECTION AUTHORITY

- The licensee shall permit the Department to inspect the Family Child Care Home and to privately interview children or staff to determine compliance with, or to prevent violations of, family child care laws or regulations. This shall be done during the home's normal business hours or when children are in care.
- The licensee shall permit the Department to inspect any part of the home in which family child care services are provided or where children have access.

102416 PERSONNEL REQUIREMENTS

- Each licensee who provides care shall complete and maintain certification for approved training on preventive health practices (7 hours), including pediatric cardiopulmonary resuscitation (CPR) (4 hours), and pediatric first aid (4 hours). CPR and First Aid cards are to be current at all times—renewed as required.
- For Large Family Child Care Homes, in addition to the above, at least one person who has current certificates or cards in pediatric CPR and pediatric first aid must be onsite at all times when children are present at the facility and available at all times when children are offsite for facility activities.

102416.2 REPORTING REQUIREMENT

- The licensee shall report to the Department by telephone or fax within the Department's next business day and during normal working hours any change in household composition; any child injury requiring medical treatment; any unauthorized child absence; any suspected child abuse or neglect; fires or explosions at the home; any communicable disease outbreak. A written report shall be submitted within 7 days. The children's parent or authorized representative is to be notified no later than the same business day. The written report shall either be Form LIC 624B, the Unusual Incident/Injury Report, or a letter containing the information required in Form LIC 624B.
- The licensee shall notify a child's parent or authorized representative, as soon as possible but no later than the same business day, of any injury suffered by a child in care, any cases of violence in the home, and any dangerous activity such as illegal drug use or gunfire.
- The licensee shall keep a copy of the letter or LIC 624B sent to the Department in the child's record for at least 3 years.

102416.3 ALTERATIONS TO EXISTING BUILDINGS OR GROUNDS

- The licensee shall notify the department of proposed changes to a Family Child Care Home including, but not limited to:
 - Garage conversions into a “child care” room; room additions; installation of in-ground or above ground swimming pools, spas, fish ponds, decorative water features, fountains, or other bodies of water; construction of exterior decks or porches; construction of play equipment including swing sets/climbing structures; and any change of “off limits” areas.
- The licensee shall provide the department with a copy of an inspection report when an inspection is required by the local building inspector as a result of the alteration, addition or construction.

102416.5 STAFFING RATIO AND CAPACITY

- For a Small Family Child Care Home, the maximum number of children cared for, including children under age 10 who live in the home, is one of the following:
 - Four infants, or six children, no more than three of whom may be infants.
 - Six children, or up to eight children when one child is at least six years of age and one child is enrolled in and attending kindergarten or elementary school and no more than two infants are in care. Parent notification and property owner consent must be on file.
- For a Large Family Child Care Home, the maximum number of children cared for when there is an assistant provider in the home, including children under age 10 who live in the home, and the assistant provider’s children under age 10, is either:
 - Twelve children, no more than four of whom may be infants, or
 - Up to 14 children when one child is at least six years of age and one child is enrolled in and attending kindergarten or elementary school, and no more than three infants are in care. Parent notification and property owner consent must be on file.

102417 OPERATION OF A FAMILY CHILD CARE HOME

- The licensee shall be present in the home and ensure that children are supervised. A substitute adult may care for the children up to 20 percent of the time.
- The home shall be kept clean and orderly, with comfortable heating and ventilation.
- The home shall have telephone service.
- The home shall have safe toys, play equipment and materials.
- A child who shows signs of illness shall be separated from other children.
- The home shall be free from defects or conditions which might endanger a child.
- Fireplaces and heaters shall be screened. The home shall have a fire extinguisher and smoke detector.
- Stairs shall be fenced or barricaded when children under five years old are in care.
- Detergents, cleaning compounds, medicines, and other items which could pose a danger shall be stored where they are inaccessible to children.
- Poisons and firearms shall be stored in locked areas. Ammunition shall be stored and locked separately from firearms.

- Swimming pools, hot tubs and spas, and all other bodies of water shall be made inaccessible by either a non-climbable, see-through, five-foot fence, with a self-latching gate, or a cover that supports the weight of an adult and is labeled "F 1346-91".
- Outdoor play areas shall be either fenced or supervised by the licensee at all times.
- The facility shall have a current roster of children.
- There shall be a written disaster plan. Fire and disaster drills shall be conducted and documented at least once every six months.
- Baby walkers (exersaucers, jumpers, bouncy seats, and similar items) are not allowed on the premises.
- Children shall be placed in appropriate restraint systems (car/booster seats, seat belts) when being transported in a vehicle.
- The licensee shall have one of the following:
 - Liability insurance
 - A bond
 - A file of Affidavits Regarding Liability Insurance (LIC 282) signed by each parent and stating that the Family Child Care Home does not carry liability insurance or a bond
- The licensee shall have on file proof that they live in the home, e.g., mortgage documents or rental agreement.
- Licensees who live in rented or leased property shall obtain written consent of the property owner if the licensee wishes to increase capacity by two additional school age children.

102418 IMMUNIZATIONS

- Prior to admission to a Family Child Care Home, children shall be immunized against diseases. The licensee may exempt a child from this requirement if a physician provides a written statement, or the parent or authorized representative signs a "Personal Beliefs Affidavit".
- The licensee shall document each child's immunization on the California School Immunization Record, PM 286, (Blue Card).
- The licensee is not required to document immunizations for children who are enrolled in a public or private elementary school.

102419 ADMISSION PROCEDURES

- The licensee shall inform parents or children's authorized representatives of their rights, including the following:
 - To enter and inspect the home as determined by law
 - To file a complaint against the licensee with the local licensing office without discrimination or retaliation
 - To review the licensee's public file at the licensing office, or to review reports of licensing visits and substantiated complaints at the licensee's home
 - To be informed by the licensee, upon request, of the names of any adult at the facility who has been granted a criminal record exemption

- The licensee shall post the PUB 394, Family Child Care Home Notification of Parent's Rights Poster, in a prominent, publicly accessible area in the home whenever children are in care.
- At the time of acceptance of each child into care the licensee shall provide the child's parent or authorized representative a copy of the following notices:
 - Family Child Care Home Notification of Parents' Rights, LIC 995A, 995B or 995C, whichever is appropriate and have that parent sign and date the form
 - Caregiver Background Check Process, LIC 995E; and
 - Family Child Care Consumer Awareness Information, LIC 9212
- Copies of the form receipt shall be available to the Department upon request.
- The licensee may provide the parent or authorized representative with the Family Child Care Home Explanation of Removals/Exclusions and Reinstatement, LIC 995D.
- The person in charge of the Family Child Care Home may deny access to the following:
 - An adult whose behavior presents a risk to children
 - A non-custodial parent who is subject to a court order denying him/her contact with the child when requested in writing by the child's parent or authorized representative

102421 CHILD'S RECORDS

- The licensee shall keep in each child's record, signed and dated forms, as required in regulation.
- An emergency information card and consent for emergency medical care shall be kept on file for each child.

102423 PERSONAL RIGHTS

- Each child in care has rights that shall not be waived or abridged by the licensee regardless of consent or authorization from the child's parent, including:
 - To be treated with dignity
 - To receive safe, healthful and comfortable accommodations
 - To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including but not limited to: interference with eating, sleeping or toileting; or withholding shelter, clothing, medication or aids

102424 SMOKING PROHIBITION

- Smoking is prohibited on the premises of a Family Child Care Home during the hours of operation and in areas of the home where children are present.

Effective January 1, 2007—Assembly Bill 633 (Benoit)

Documents to be made Accessible to the Public

The licensee, upon receipt, shall make accessible to the public any licensing report, any licensing documents that document a noncompliance conference between licensing management and the licensee, and/or a copy of an Accusation that indicates the licensing agency's intent to revoke the facility's license.

Documents to be Provided to Parents/Legal Guardians

Upon receipt by the licensee, the licensee is to provide to parents/guardians the following:

- Copies of any licensing report that documents a Type A citation - this includes facility visits and substantiated complaint investigations
- Copies of any licensing documents pertaining to a noncompliance conference between licensing management and licensees
- Copies of a summary of an accusation indicating the Department's intent to revoke the facility's license
- Copies of any of the above licensing documents the licensee has received in the prior 12 months shall be provided to parents/guardians of newly enrolling children

The licensee shall keep verification of receipt in each child's file at the facility.