

**EMPLOYMENT DEPARTMENT, CHILD CARE DIVISION**

**DIVISION 205**

**REGISTERED FAMILY CHILD CARE HOMES**

**414-205-0000**

**Purpose**

(1) Oregon Administrative Rules (OAR) 414-205-0000 through 414-205-0170 are the Child Care Division's minimum requirements for registering family child care providers. The purpose of these rules is to protect the health, safety, and well-being of children when cared for outside their own homes.

(2) Registration is required for persons who provide child care:

(a) On other than an occasional basis; and

(b) To more than three children from more than one family at any one time, other than the person's own children.

(3) These rules do not apply to care provided:

(a) In the home of the child;

(b) To three or fewer children, not including the provider's own children;

(c) To children from one family, not including the provider's own children;

(d) On an occasional basis by a person not ordinarily engaged in providing child care;

(e) By the child's parent, guardian, or person acting in place of a parent;

(f) By a person related to the child care children by blood, marriage, or adoption; or

(g) By a person who is a member of the child's extended family, as determined by the division on a case-by-case basis.

(4) Any family child care provider exempt from registration may apply for registration.

(5) These rules apply only during the hours the provider is conducting the child care business.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.260 & 657A.330

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 2-1995(Temp), f. 12-28-95, cert. ef. 1-1-96; CCD 2-1996, f. 3-19-96, cert. ef. 4-1-96; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 7-2003, f. 12-23-03, cert. ef. 12-28-03

**414-205-0010**

**Definitions**

- (1) "Caregiver" means any person, including the provider, who cares for the children in the registered family child care home and works directly with the children, providing care, supervision and guidance.
- (2) "Child Care" means the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, during a part of the 24 hours of the day, with or without compensation.
- (3) "Child Care Child" means any child under 13 years of age, or a child with special needs under the age of 18 who requires a level of care over and above the norm for his/her age, who does not reside in the home and for whom the provider has supervisory responsibility in the temporary absence of the parent.
- (4) "CCD" means the Child Care Division of the Employment Department, or the Administrator or staff of the Division.
- (5) "Criminal History Registry" means CCD's Registry of individuals who have been approved to work in a child care facility in Oregon pursuant to ORS 657A.030 and OAR 414-061-0000 through 414-061-0120.
- (6) "Family" means persons related by blood, marriage, or adoption, or whose functional relationship (e.g., parent(s), custodian(s), guardian(s)) in exercising physical care and custody of the child(ren) is similar to those found in such associations.
- (7) "Full-Time Child Care" means care provided to children not yet eligible for the first grade or above. One or more children may fill a full-time space in the home as long as the children are not in care at the same time.
- (8) "Infant" means a child who is not yet walking.
- (9) "New Application" means a registration application that has been filed by an applicant who has never had an active registration.
- (10) "Night Care" means care given to a child who sleeps at the family child care home for all or part of the night.
- (11) "Occasional" means infrequently or intermittently, including but not limited to care that is provided during summer or other holiday breaks when children are not attending school, but not to exceed 70 calendar days in a year.
- (12) "Oregon Registry" means the voluntary registry at the Oregon Center for Career Development in Childhood Care and Education at Portland State University that documents the training, education and experience of individuals who work in childhood care and education.
- (13) "Part-Time Child Care" means care provided to a child who meets the definition of a school-age child and is in care on days and hours school is not in session.
- (14) "Preschool-Age Child" means a child 24 months of age to eligible to be enrolled in the first grade and, during the months of summer vacation from school, eligible to be enrolled in the first grade in the next school year.
- (15) "Provider" means a resident of the registered family child care home who is responsible for the children in care; is the children's primary caregiver; and the person whose name is on the certificate of registration.
- (16) "Registered Family Child Care Home" means the residence of the provider, who has a current Family Child Care Registration at that address and who provides care in the family living quarters.
- (17) "Registration" means the document a family child care provider is issued by the Child Care Division to operate a family child care home where care is provided in the family living quarters of the provider's home pursuant to ORS 657A.330 and OAR 414-205-0000 through 414-205-0170. Registration is limited to one provider at one address.
- (18) "Renewal Application" means a registration application that has been filed by a currently registered family child care provider who wishes to continue registration.

(19) "Reopen Application" means a registration application that has been filed by an applicant whose registration is expired or closed, including those closures resulting from an address change.

(20) "School-Age Child" means a child eligible to be enrolled in the first grade or above and, during the months of summer vacation from school, a child eligible to be enrolled in the first grade or above in the next school year.

(21) "Serious Complaint" means a complaint filed against:

(a) A registered family child care provider by a person who has alleged that:

(A) Children are in imminent danger;

(B) There are more children in care than allowed by law;

(C) Corporal punishment is being used;

(D) Children are not being supervised;

(E) Multiple or serious fire, health or safety hazards are present in the home;

(F) Extreme unsanitary conditions are present in the home; or

(G) Adults are in the home who are not enrolled in the Child Care Division's Criminal History Registry; or

(b) An individual providing child care, as defined by ORS 657A.250(4), who is not a registered family child care provider by a person who has alleged that there are more children in care than allowed by law.

(22) "Special Needs Child" means a child under the age of 18 who requires a level of care over and above the norm for his/her age due to a physical, developmental, behavioral, mental or medical disability.

(23) "Substitute Caregiver" means a person who acts as the children's primary caregiver in the registered family child care home in the temporary absence of the provider.

(24) "Usable Exit" means an unobstructed door or window through which the provider and the children can evacuate the home in case of a fire or emergency. Doors must be able to be opened from the inside without a key, and window openings must be at least 20 inches wide and 22 inches in height, with a net clear opening of 5 square feet and a sill no more than 48 inches above the floor.

Stat. Auth.: Ch. 858, OL 1999 (SB 2240)

Stats. Implemented: Ch. 858, OL 1999 (SB 2240)

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 3-1999(Temp), f. 10-21-99, cert. ef. 10-23-99 thru 1-1-00; CCD 7-1999, f. 12-29-99, cert. ef. 1-1-00; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07

## **414-205-0020**

### **Application for Registration**

(1) The applicant must apply for registration on the form(s) supplied by CCD. The original form(s) must be submitted to CCD for processing.

(2) Persons submitting new applications must attend a family child care overview session prior to submitting their application to CCD.

(3) Persons interested in submitted an application must meet the training requirements outlined in OAR 414-205-0055.

(4) An application for registration is required:

(a) For a new registration;

(b) For renewing a registration; and

(c) For reopening a registration.

(5) There is a non-refundable filing fee of \$30 for each application. If the provider submits documentation that the provider's family income is below 100% of the Federal Poverty Level, the fee may be reduced.

(6) To determine if requirements are met, the applicant/provider may be required to supply additional information or permit CCD, a fire marshal, or a public health official to assess the home and/or review child care records.

(7) Providers must satisfactorily complete an on-site health and safety review conducted by CCD prior to issuance of a new, renewal or reopen registration. The review will ensure that the provider is in compliance with the rules related to health, safety and sanitation.

(8) If an application for renewal and payment of the required fee is received by CCD at least 30 days prior to the expiration date of the current registration, the current registration, unless officially revoked, remains in effect until CCD has acted on the application for renewal and has given notice of the action taken.

Stat. Auth. ORS 657A

Stats. Implemented: ORS 657A.260, 657A.330 & 657A.440

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 2-1995(Temp), f. 12-28-95, cert. ef. 1-1-96; CCD 2-1996, f. 3-19-96, cert. ef. 4-1-96; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07

## **414-205-0035**

### **General Requirements**

(1) The home in which child care is provided must be the residence of the provider.

(2) Registration is limited to one provider per household.

(3) A registration applies to only the person and address on the certificate of registration and is not transferable to another location or individual.

(4) The registration is valid for a maximum of two years. The registration period begins with the effective date shown on the certificate of registration. A provider may not care for more than three (3) children, other than the provider's own children, at any one time prior to receiving a certificate of registration from CCD.

(5) CCD registration records are open to the public on request. However, information protected by state or federal law will not be disclosed.

(6) The name, address, telephone number, and registration status of providers is public information. However, CCD may withhold from the public a provider's address and telephone number if the provider makes a written request documenting that disclosure of the address and/or telephone number would endanger him/her or a family member living in the home (OAR 137-004-0800). The request must be on a form supplied by CCD.

(7) The Certificate of Registration must be posted in the family child care home in an area where it can be viewed by parents.

(8) The provider shall have no other employment, either in or out of the home, during the hours children are in care.

- (9) The provider must allow custodial parents or legal guardians of child care children access to the home during the hours their child(ren) are in care.
- (10) The provider must comply with state and federal laws related to immunizations, child care restrictable diseases, child safety systems and seat belts in vehicles, bicycle safety, civil rights laws, and the Americans with Disabilities Act.
- (11) Any caregiver who has reason to believe that any child has suffered abuse (physical injury, mental injury, neglect that leads to physical harm, sexual abuse and/or exploitation, or threat of harm) must report the information to the Department of Human Services Child Welfare (DHS) or to a law enforcement agency. By statute, this requirement applies 24 hours per day.
- (12) The provider must notify parents if there will be a substitute caregiver and the caregiver's name or if the children will be away from the home for any part of the day for visits, field trips, or any other activity off the premises. In the event of an emergency, a good faith effort will be made to notify parents that a substitute will be caring for the children.
- (13) If an applicant or a provider provides or wishes to provide adult or child foster care, the foster care licensing agency must grant approval for the applicant to provide both child care and foster care services.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07

#### **414-205-0040**

##### **The Provider and Other Persons in the Home**

- (1) The registered provider and any substitute caregiver shall be at least 18 years old and in such physical and mental health as will not adversely affect a child in care.
- (2) No one shall have access to child care children who has demonstrated behavior that may have a detrimental effect on a child. Residents of the home are considered to have access to the child care children even if they are not generally at home during child care hours.
- (a) The applicant and other residents of the home 18 years of age or older must be enrolled in CCD's Criminal History Registry prior to the issuance of a registration. Residents of the home who are under 18 years of age must be enrolled in the Registry by their 18th birthday.
- (b) Prior to another adult moving into the home, residing on a temporary basis in the home, visiting the home on a regular basis, or substituting for or assisting the provider, the provider must receive documentation from CCD that the individual is enrolled in the Criminal History Registry. This does not apply to parents of children in care unless they are residing in the home or substituting for or assisting the provider.
- (c) If additional information is needed to assess a person's ability to care for children or to have access to children, references, an evaluation by a physician, counselor, or other qualified person, or other information may be required by CCD.
- (d) Any visitor to the home or other adult who is not enrolled in the Criminal History Registry may not have unsupervised access to children.
- (3) A caregiver substituting for the provider must:
- (a) Be familiar with the requirements for registration and agree to comply with them;
- (b) Be enrolled in the Criminal History Registry prior to substituting for the provider; and

(c) Comply with all the requirements, except those in OAR 414-205-0055, placed on the provider in these rules.

Stat. Auth.: ORS 657A

Stats. Implemented: ORS 657A.050, ORS 657A.060, ORS 657A.260 & ORS 657A.330

Hist.: CCD 2-1994, f. 7-15-94, cert. ef. 8-15-94; CCD 1-1995, f. 10-30-95, cert. ef. 11-1-95; CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

#### **414-205-0055**

##### **Training Requirements**

(1) When a person submits a new application for registration as a family child care provider, the Child Care Division shall, prior to approving the registration, receive evidence from the person that the person has:

(a) Completed the Family Child Care Overview session;

(b) A current certification in first aid and infant and child cardiopulmonary resuscitation;

(c) A current food handler certification pursuant to ORS 624.570; and

(d) Completed two hours of training on child abuse and neglect issues.

(2) When a registered family child care provider submits a renewal application, the Child Care Division shall, prior to approving it, receive evidence from the provider that the provider has:

(a) A current certification in first aid and infant and child cardiopulmonary resuscitation;

(b) A current food handler certification pursuant to ORS 624.570; and

(c) Completed a minimum of eight hours of training during the two years preceding the renewal date. The training must be related to the core knowledge categories in the Oregon Registry. At least four clock hours of the eight hours of training must be in child development or early childhood.

(3) When a person submits a reopen application, the Child Care Division shall, prior to approving it, receive evidence from the individual that the individual has:

(a) A current certification in first aid and infant and child cardiopulmonary resuscitation;

(b) A current food handler certification pursuant to ORS 624.570; and

(c) Documentation that individual has eight hours of training related to the Oregon Registry core knowledge categories during the previous two year license period. If the individual was previously licensed for less than two years, the training requirements will be prorated as follows: two hours of training for each six months of the previous license period.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01; CCD 3-2004, f. 7-30-04 cert. ef. 8-1-04; CCD 1-2007(Temp), f. & cert. ef. 3-20-07 thru 9-16-07; CCD 2-2007, f. & cert. ef. 7-13-07

#### **414-205-0065**

##### **Children in Care**

(1) A family child care provider may care for a maximum of 10 children under 13 years of age, or under age 18 if a special needs child, at any one time. This includes the provider's own children, the child care children, foster children,

and any other children for whom the provider is responsible.

(2) Of the 10 children under 13 years of age or under age 18 if a special needs child, the provider may care for:

(a) A maximum of 6 children preschool age or younger, including the provider's own children, of which only 2 children may be under 24 months of age.

(b) In addition, there may be 4 school-age children.

(c) If there are fewer than 6 children preschool age or younger, there may be more school-age children, as long as there are no more than 10 children in the home at any one time.

(3) Other children, including but not limited to neighborhood children or friends of the provider's children, are included in the maximum number of 10 children allowed in care if their parents or other adults responsible for supervising them are not present in the home or are not directly supervising their own child(ren).

(4) Visiting children and their parents or others directly supervising them can be in the family child care home only on an occasional basis.

(5) No child younger than 6 weeks of age can be in care in a family child care home. This does not include the provider's child(ren).

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01

#### **414-205-0075**

##### **Supervision of Children**

(1) The provider or a substitute caregiver is responsible for the children in care. The provider or substitute caregiver must:

(a) Be within sight and/or sound of all children at all times;

(b) Be aware of what each child is doing at all times; and

(c) Be physically present when preschool age or younger children are playing outside unless the outside play area is fully fenced and hazard free. If the outside play area is fully fenced and hazard free, the provider must be within sight and/or sound of the children.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2001, f. 11-2-01, cert. ef. 11-4-01

#### **414-205-0085**

##### **Discipline**

(1) The provider must have a written discipline policy. The policy must be simple and understandable to the child, the parent(s) and to substitute caregivers. The written discipline policy must be given to all parents.

(2) The following behavior by caregivers is prohibited:

(a) Corporal punishment, including hitting, spanking, slapping, beating, shaking, pinching, and other measures that produce physical pain;

- (b) Withdrawal or the threat of withdrawal of food, rest, or bathroom opportunities;
  - (c) Punishing a child for toileting accidents or for refusing food;
  - (d) Abusive or profane language;
  - (e) Any form of public or private humiliation, including threats of physical punishment; and
  - (f) Any form of emotional abuse, including, but not limited to, rejecting, terrorizing, neglecting, or corrupting a child.
- (3) Parental request or permission to use any form of punishment listed in subsection (2) of this rule does not give the provider permission to use such punishment.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

#### **414-205-0090**

##### **Program of Activities**

- (1) The provider must give the children's needs first priority, assuring that they get adequate care and attention.
- (2) Providers must make available activities, materials, and equipment for both indoor and outdoor play that provide a variety of experiences geared to the ages and abilities of the child(ren).
- (3) The children's activities must allow choice and develop skills based on each child's age and abilities.
- (4) A balance of active and quiet play must be provided, both indoors and outdoors.
- (5) The provider must have routines for eating, napping, and toileting, with flexibility to respond to the needs of each child.
- (6) No child may view television or videos or play computer or electronic games for more than two (2) hours per day.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

#### **414-205-0100**

##### **Health**

- (1) The home must be a healthy environment for children.
  - (a) No person shall smoke or use smokeless tobacco in the family child care home during the hours the child care business is conducted. No person shall smoke or use smokeless tobacco in motor vehicles while child care children are passengers.
  - (b) No one shall consume alcohol or use non-prescription controlled substances in the presence of children. No one under the influence of alcohol or non-prescription controlled substances shall be in the home when child care children are present.
  - (c) There must be at least one flush toilet and one hand-washing sink available to children. Steps or blocks must be available to ensure children can use the toilet and sink without assistance.

- (d) The room temperature must be at least 68°F during the hours the child care business is conducted.
- (e) Rooms occupied by children must have a combination of natural and artificial lighting.
- (f) Floors must be free of splinters, large unsealed cracks, sliding rugs and other hazards.
- (2) The provider must have a basic first aid kit available for use. The kit must be kept out of the reach of children.
- (3) Infants must be put to sleep on their backs.
- (4) Except for mild cold symptoms that do not impair a child's function, children who are ill shall not be in care.
- (5) If a child becomes ill in child care, the provider must separate the child from other children, to the extent possible, and contact the child's parent(s) to remove the child from care as soon as possible.
- (6) Parents must be notified if their child is exposed to a communicable disease.
- (7) Prescription and non-prescription medication may be given to a child only if the provider has written authorization from the parent, as required in OAR 414-205-0130(3).
- (8) Prescription and non-prescription medications must be properly labeled and stored.
  - (a) Non-prescription medications or topical substances must be labeled with the child's name.
  - (b) Prescription medications must be in the original container and labeled with the child's name, the name of the drug, dosage, directions for administering, and the physician's name.
  - (c) Medication requiring refrigeration must be kept in a separate, covered container, marked "medication," in the refrigerator.
- (9) Parents must be informed daily of any medications given to their child or any injuries their child has had.
- (10) The provider must provide or ensure the availability of meals and snacks appropriate for the ages and needs of the children served.
  - (a) Meals and snacks must be based on the guidelines of the USDA Child Care Food Program.
  - (b) Foods must be stored and maintained at the proper temperature.
  - (c) Foods must be prepared and served according to the minimum standards for food handler certification.
  - (d) Infants must either be held or be fed sitting up for bottle feeding. Propping bottles is prohibited.
- (11) Any animal at the family child care home must be in good health and be a friendly companion for the children in care.
  - (a) Potentially aggressive animals must not be in the same physical space as the children.
  - (b) Dogs and cats must be vaccinated according to a licensed veterinarian's recommendations.
- (12) Animal litter boxes shall not be located in areas accessible to children.
- (13) Caregivers must be physically present when children are interacting with animals.
- (14) Reptiles (e.g. lizards, turtles, snakes iguanas) frogs, monkeys, hooked beaked birds, baby chicks and ferrets are prohibited unless they are housed in and remain in a tank or other container which precludes any direct contact by

children. Educational programs that include prohibited animals and are run by zoos, museums and other professional animal handlers are permitted.

(15) Parents must be made aware of the presence of any animals in the child care home.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 1-2008(Temp), f. & cert. ef. 8-6-08 thru 2-2-09; CCD 3-2008, f. & cert. ef. 10-2-08

## **414-205-0110**

### **Safety**

(1) Children shall be protected from fire and safety hazards. Providers must have the following protections in place:

(a) If any preschool age or younger children are in care, hard-to-remove protective caps on all exposed electrical outlets in rooms used by children.

(b) If any preschool age or younger children are in care, barriers to protect children from fireplaces, space heaters, wood stoves, stairways and other hazards. Gates and enclosures should have the Juvenile Products Manufacturers Assn. (JPMA) certification seal to ensure safety.

(c) A working smoke detector on each floor and in any area where children nap;

(d) A working fire extinguisher with a rating of at least 2-A:10-BC;

(e) Firearms and ammunition kept under lock. Ammunition stored separately from firearms. Firearms must remain unloaded;

(f) Cleaning supplies, paints, matches, cigarette lighters, and plastic bags kept under child-proof lock;

(g) Other potentially dangerous items, such as medicine, drugs, and poisonous and toxic materials kept under child-proof lock;

(h) If any preschool age or younger children are in care, poisonous plants must be kept out of the reach of children; and

(i) All clear glass panels in doors clearly marked at child level.

(2) All floor levels used by children must have access to two usable exits, as defined in OAR 414-205-0010(24), to the outdoors.

(a) If a basement is used for child care purposes, the requirement for two usable exits may be met by one of the following:

(A) A sliding glass door to the outdoors and a window which meets the definition of a usable exit;

(B) A swinging door to the outdoors and a window which meets the definition of a usable exit; or

(C) A window which meets the definition of a usable exit and an internal stairway to ground level which has unobstructed and direct access to the outdoors.

(b) If a window, which meets the definition of a usable exit, is used:

(A) Steps must be placed under the window to allow children to exit without assistance; and

(B) The window must be kept in good working condition.

(c) If a window used as an exit has a window well, a mechanism must be in place to allow children to exit the window well.

(3) The provider must have a written plan for evacuating children in an emergency. The plan must be posted in the home, familiar to the children and the caregivers, and practiced at least every other month.

(4) A telephone in working condition must be in the family child care home.

(a) Parents must be given the telephone number so they can contact the provider if needed.

(b) Emergency telephone numbers for fire, ambulance, police and poison control must be posted near the telephone.

(5) The building, grounds, water supply, and toys, equipment and furniture used by children must be maintained in a hazard-free condition.

(a) Broken toys, furniture and equipment must be removed from areas accessible to children.

(b) Both the exterior and interior of the home must be maintained in good repair.

(c) Painted surfaces must be in good condition, both inside and outside, to avoid exposing children to lead paint chips.

(6) If a caregiver is transporting children, the caregiver must have a valid driver's license and proof of appropriate insurance.

(7) The number of children transported shall not exceed the number of seat belts or child safety systems available in the vehicle.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

## **414-205-0120**

### **Sanitation**

(1) All caregivers must wash their hands with soap and warm, running water:

(a) After changing a diaper;

(b) Before feeding a child or handling food; and

(c) After assisting a child with toileting or nose wiping.

(2) All caregivers and children must wash their hands with soap and warm, running water:

(a) After using the toilet;

(b) Before and after eating;

(c) After nose wiping;

(d) After playing outside; and

(e) After playing with animals or handling pet toys.

- (3) All toys, equipment and furniture used by children must be cleaned and sanitized regularly and whenever soiled.
- (4) The building and grounds must be maintained in a clean and sanitary manner.
- (5) All garbage, solid waste, and refuse must be disposed of regularly, in a safe and sanitary manner.
- (6) The home's water supply must be safe to drink.
- (7) Wading pools are prohibited.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

#### **414-205-0130**

#### **Record Keeping**

- (1) The following records must be kept by the provider for at least one year and must be available at all times to CCD:
  - (a) Information from the parent(s) for each child at the time of admission:
    - (A) Name and birth date of the child;
    - (B) Any chronic health problem(s), including allergies, the child has;
    - (C) Names, work and home telephone numbers and addresses, and the work hours of the custodial parent(s) or guardian(s);
    - (D) Name and telephone number of person(s) to contact in an emergency;
    - (E) Name and telephone number of person(s) to whom the child may be released;
    - (F) The school attended by a school-age child; and
    - (G) Name, address and telephone number of the child's doctor and dentist.
  - (b) Daily attendance records, including dates each child attended and arrival and departure times each day;
  - (c) Medications administered, including the child's name, and the date and time of dosage; and
  - (d) Injuries to a child.
- (2) Injuries to a child which require attention from a licensed health care professional, such as a physician, EMT or nurse, must be reported to CCD within seven days.
- (3) The provider must have a written statement from the parent(s) regarding whether or not the provider is authorized to:
  - (a) Obtain emergency medical treatment for a child;
  - (b) Administer medications to a child;
  - (c) Take a child on a field trip or other activity outside the home or participate in any water activity; and
  - (d) Transport a child to and/or from school or allow a child to bus or walk to and/or from school or home.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

#### **414-205-0140**

##### **Night Care**

A provider providing night care must:

- (1) Have a written plan for the care, jointly agreed to by the parent(s) and the provider;
- (2) Have a written plan for emergency situations occurring during the night;
- (3) Be awake for the arrival and departure of each child in night care; and
- (4) Follow all other applicable Registration rules.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

#### **414-205-0150**

##### **Exceptions to Rules**

- (1) A provider may request an exception to a rule.
  - (a) An exception must be requested on a form provided by CCD;
  - (b) The provider must provide a justification for the requested exception and an explanation of how the provider will ensure, through safeguards or other conditions, the health, safety and well-being of the children.
- (2) The provider must be in compliance with the rule as written until the provider has received approval for the exception from CCD.
- (3) In instances where care that is subject to registration, as defined in subsection (2) of rule 414-205-0000, will not be provided in the provider's own residence, the applicant/provider must request and receive approval for an exception prior to providing care at that location. In all respects, the location must appear and be arranged as a residence.
- (4) No exception to a rule shall be granted unless the health, safety, and well-being of the children are ensured.
- (5) An exception is valid only for the registration period for which it is issued. A new exception must be requested with each renewal application.
- (6) The granting of an exception to a rule shall not set a precedent, and each request shall be evaluated on its own merits.
- (7) Waivers in effect on April 1, 2000, will remain in effect until the expiration of the current registration.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00

#### **414-205-0160**

## **Complaints**

(1) The Child Care Division (CCD) will respond to complaints made on registered and illegal providers, and may cooperate with law enforcement or other agencies in response to allegations of child abuse or noncompliance.

(a) Any and all complaints may result in an on-site investigation at the family child care home;

(b) All serious complaints will result in an on-site investigation at the family child care home;

(c) Complaints alleging child abuse or neglect will be reported to the Department of Human Services Child Welfare (DHS) or local law enforcement agencies.

(2) Applicants for registration will be given a copy of CCD's complaint procedures at the time of the on-site health and safety review. The complaint procedures are also available upon request to all applicants/providers for family child care registration.

Stat. Auth.: ORS 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 2-2007, f. & cert. ef. 7-13-07

### **414-205-0170**

## **Grievance Review and Sanctions**

(1) Providers have a right to review any action or decision affecting them. The CCD grievance procedures are available upon request to all applicants/providers for family child care registration.

(2) Registration may be denied, suspended, or revoked if a provider fails to meet requirements, provide CCD with information requested, allow an inspection, or correct deficiencies.

(3) Any action taken by CCD to deny, suspend, or revoke registration may be reported to USDA Child Care Food Programs, child care resource and referral agencies, Children, Adults and Families, Office of Self-Sufficiency and Office of Safety and Permanency for Children.

(4) A registration may be suspended immediately when CCD believes children may be at risk of harm in the family child care home. Such action may be taken before an investigation is completed.

(a) A provider whose registration has been suspended must immediately notify, verbally or in writing, all parents of the suspension.

(b) A provider whose registration has been suspended must post the suspension in the home where it can be viewed by parents.

(5) Registration will be denied, suspended or revoked if the provider or other resident of the home has been removed or suspended from the Criminal History Registry.

(6) If an individual listed in 414-205-0040(2)(a) or (b) has been charged with, arrested for, or a warrant is out for any crime which CCD has determined indicates behavior that would have a detrimental effect on a child, the provider's application will be denied or registration will be suspended or revoked until the charge, arrest, or warrant has been resolved.

(7) Registration will be denied, suspended or revoked if an individual listed in OAR 414-205-0040(2)(a) or (b) has been convicted of or sentenced for offenses that would disqualify the individual from the Criminal History Registry.

(8) Registration will be denied, suspended or revoked if an individual listed in OAR 414-205-0040(2)(a) or (b) has a founded child protective services case or an open child protective services or law enforcement case that would

disqualify the individual from the Criminal History Registry.

(9) Persons may be subject to a fine of up to \$100 per occurrence if:

(a) They provide child care without a registration when required by law to be registered; or

(b) They violate any of the terms or conditions of registration or these rules.

(10) The provider has the right to appeal any decision to deny, suspend, or revoke registration or to impose a fine, subject to the provisions of Chapter 183, Oregon Revised Statutes.

Stat. Auth.: ORS 657.610 & 657A.260

Stats. Implemented: ORS 657A.260

Hist.: CCD 1-2000, f. 3-31-00, cert. ef. 4-2-00; CCD 5-2004, f. & cert. ef. 11-16-04; CCD 1-2005, f. & cert. ef. 4-29-05

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