



Regulations for Family Day Care Homes

State of Vermont

Child Development Division
Department for Children and Families
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Child Development Division Mission

The Mission of the Child Development Division is to improve the well being of Vermont's Children. We do this in partnership with Families, Communities, Schools, Providers and State and Federal Agencies to assure access to quality, economically viable, child development services.

The State of Vermont is committed to ensuring that all of the programs and facilities are accessible to all members of the public, and that all activities and programs are non-discriminatory in design, application, and performance. The State of Vermont is an equal-opportunity employer and does not discriminate on the basis of race, creed, color, national origin, gender, age, handicapping condition and/or disability, or sexual orientation.

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Building Bright Futures for Vermont's Children
www.brightfuturesinfo.org

REGULATIONS FOR FAMILY DAY CARE HOMES

Definitions:

For the purposes of these regulations, words and phrases are given their normal meanings unless otherwise defined here.

- CAREGIVER –** The Registrant, or other person, over eighteen (18) years of age, who provides child care at the Family Day Care Home and who has read and understood these regulations.
- CHILD -** Person who has not yet reached the age of sixteen years.
- CHILD CARE -** The developmentally appropriate care, protection and supervision which is designed to ensure wholesome growth and educational experiences for children outside of their homes for periods of less than 24 hours a day in a day care facility.
- COMMISIONER -** The Commissioner of the Department for Children and Families or his/her designee.
- CORPORAL PUNISHMENT -** The intentional infliction of pain by any means for the purpose of punishment, correction, discipline, instruction or other similar reason.
- DEPARTMENT -** The Department for Children and Families.
- DIVISION -** The Child Development Division within the Department for Children and Families

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| FAMILY DAY CARE HOME - | The residence in which the Registrant lives and provides children's day care services as defined in 33 V.S.A. 4902 (3). |
| INFANTS - | Children between the ages of 6 weeks and 17 months. |
| ORIENTATION - | A two hour meeting sponsored by the local community child care support agency for the purpose of conveying accurate information about these regulation, training, the Child Development Division, payment system, resource and referral, and the Child and Adult Care Food Program to person who are newly registered or about to be registered. |
| OWN FAMILY - | Children, grandchildren, great grandchildren, or stepchildren of the registrant. |
| PARENT - | The legal custodian of the child enrolled in the facility. |
| PRESCHOOL CHILDREN - | Children from 3 years of age until their admission to the first grade. |
| REGISTRANT - | The person named on the Registration Certificate who is the person providing child care services in the home a majority of the time actual child care is being provided. |
| REGISTRATION CERTIFICATE - | The official document awarded by the Division to applicants who have provided the Division with documentation that they have met the prerequisite requirements. This certificate is not transferrable to another person or location. |
| RELATIVE - | Parent, grandparent great grandparent, brother, sister or spouse. |

REVOCATION - The formal act of closing a day care home due to violation of these regulations. A home may continue to operate during a revocation action pending an appeal to the Human Services Board.

SCHOOL AGE CHILD -

A child who has attained the age required by law to attend school, or who is attending a full day school session. A child attending kindergarten who is in care for four (4) hours or less may also be considered a school age child.

SERIOUS VIOLATION -

A violation of group size, staffing requirements, or any violation which immediately imperils the health, safety or well-being of children. Serious violations may also include corporal punishment, lack of supervision, physical or sexual abuse or health and safety requirements.

SPECIAL NEEDS -

One or more of the following areas in which a child shows difficulty or delay:

- ability to learn
- social/emotional
- self care
- fine and gross motor
- communication (speech & language)
- medical or environmental factor(s) that may affect participation in daily activities

SUPERVISION OF CHILDREN -

The knowledge of and account for the activity and whereabouts of each child in care and the proximity of staff to children at all times assuring immediate intervention of staff to safeguard a child from harm and maintenance of the program of the facility.

SUSPENSION - The formal act of immediately closing a day care home due to the immediate imperilment of the health, safety or well-being of a child.

TRAINING - Interactive developmental activities for child care providers in areas such as child development, discipline/behavior management, health and safety, age appropriate activities, first aid, child abuse prevention and detection, working with parents, giving medications, children with special needs, the child care environment, community early childhood resources or other topics approved by the division.

VARIANCE - An exception to a regulation granted by the Commissioner in exceptional circumstances when in his or her discretion the literal application of a regulation will result in an unnecessary hardship and when the intent of the regulation can be achieved by other means.

REGULATIONS FOR FAMILY DAY CARE HOMES

SECTION I – ADMINISTRATION:

1. The Registrant, and all other caregivers, shall be at least eighteen (18) years of age, able to read, and physically, mentally, and emotionally capable of performing activities normally related to the provision of child care.
2. The Registrant, and all other persons in the home, shall not use or be under the influence of alcohol and/or drugs (except over the counter medication which would not impair the ability of the caregiver to provide child care) during the hours of care. Medication prescribed by a physician that, in the opinion of the physician, does not impair the ability to provide adequate care and supervision during the hours of care may be taken.
3. A person shall be prohibited from the Registered Family Day Care Home when her/his presence or behavior disrupts the program, distracts the staff from their responsibilities, intimidates or promotes fear among the children, or when there is reason to believe that their action or behavior will present child in care with risk of harm.
4. The following person may not operate, reside at, be employed at or be present at a Family Day Care Home:
 - a. persons convicted of fraud, felony or and offense involving violence or unlawful sexual activity or other bodily injury to another person including, but not limited to abuse, neglect or sexual activity with a child; or
 - b. persons found by a court to have abused, neglected or mistreated a child;
 - c. adults or children who have had a report of abuse or neglect substantiated against them under Chapters 49 and 69 of Title 33 Vermont Statutes Annotated.
5. The Registrant shall be responsible for the actions of all caregivers, as well as all other persons in the home, and shall ensure that compliance with the Family Day Care Home Registration Regulations is maintained.

6. Beginning July 1, 1994, prior to re-registration Registrants shall present to the Division evidence that they hold a valid certification certificate in infant/child CPR.
7. Daily attendance records, listing dates of attendance for each child shall be kept on file for a period of at least 12 months.
8. The Family Day Care Home shall meet all applicable requirements of the Vermont Department of Taxes and Americans with Disabilities Act.

SECTION II – PROGRAM:

1. A registrant may provide care in their home to six (6) children at any one time and, in addition to the six may care for up to four (4) school-age children for not more than 4 hours daily per child. (See Options on Next Page).
2. There shall be at least one caregiver present and providing child care at all times when children are in care.

During outside play:

- a. Infants and toddlers shall be supervised by a caregiver present,
- b. Preschoolers and school age children may be monitored from inside the home if their area of play is within sight and earshot of a caregiver.
3. Sleeping children shall be monitored by periodic in-person checks. Nursery monitors may be used in addition to in-person checks.
4. The caregiver shall provide a daily routine which includes quiet and active play, with indoor and outdoor activities appropriate to the development on the children in care.
5. The majority of an infant's or toddler's awake time in child care shall be out of the cribs, playpens, walkers, infant swings, and infant seats, in a safe place where s/he may explore freely.

6. There shall be a variety of suitable and safe equipment, furnishings and materials for learning, play and resting which are appropriate to the ages and developmental level of the children in care.
7. A Family Day Care Home shall not provide care, for compensation, to any adult other than the Registrant's own adult relatives.
8. Television viewing or participation in video games shall:
 - a. be educational;
 - b. designed for children; and
 - c. not exceed two (2) hours per day.
9. Children shall be attended to when they cry indication they need assistance.

**NUMBERS OF CHILDEN PERMITTED
IN
REGISTERED FAMILY DAY CARE HOMES**

**THE FOLLOWING LIMITS APPLY IN
REGISTERED FAMILY DAY CARE HOMES**

During the School Year:

OPTION A:

Six children any age including up to two children under the age of two per caregiver. These children may be replaced when their stay ends.

Four school age children not to exceed four hours per child. These children may not be replaced by other school age children when their stay ends. These children may be in care on a full day basis on snow days, emergency school closings, and vacations which occur during the school year.

Children who reside in the home are not counted in the limits above, unless they are under age two.

Infant Care:

OPTION B:

Three children under age two. No other children may be care for except the school age children residing in the residence of the Registrant.

OPTION C:

Six children under age two and the Registrant and another caregiver on duty. No other children may be cared for except the school age children residing in the residence of the Registrant.

Summer Vacation:

Option A

Or

Option B

Or

Option C

Or

OPTION D:

Up to twelve children in care provided that at least six have been to kindergarten or graded school and a second caregiver is present and on duty when the number of children exceeds six. Preschoolers who reside in the residence of the Registrant are included in the twelve. No more than two children under two years of age may be in care. School age children residing in the residence of the Registrant are not counted.

SECTION III – GUIDANCE/DISCIPLINE:

1. The caregiver shall use positive methods of guidance/discipline which encourage self-control, self-direction, self-esteem and cooperation. Guidance/discipline shall be designed to meet the individual needs of each child including the Registrant's and caregiver's own during the hours children are in care.

2. The caregiver shall treat each child with respect and encourage children to treat each other respectfully. Children shall be given opportunities to learn, socialize and cooperate as individuals, as well as group members. The caregiver shall promote self-esteem and cooperation through positive reinforcement and role-modeling.

3. Derogatory or humiliating remarks made by caregivers concerning children in care (or the parents of such children) are prohibited in the presence of any child or parent.

4. Guidance/discipline shall not include any form of cruel and unusual punishment, including corporal punishment, such as, but not limited to:

a. Hitting, shaking, biting, spanking, pinching.

b. Restricting a child's movement by binding or tying or use of any other form of mechanical restraint.

c. Withholding necessary food, water, rest or toilet use.

d. Confining a child in an enclosed or darkened area such as a closet or locked room.

e. Inflicting mental or emotional punishment such as humiliating, shaming, threatening or frightening a child.

**SECTION IV – RELATIONSHIPS BETWEEN
PARENT AND REGISTRANT:**

1. Parents/guardians shall have access to information about their child's daily activities and behavior.
2. Parents shall have unlimited access without delay to their children and their child's caregiver(s) whenever their children are in care.
3. Prior to admission, the registrant shall assure the following are recorded in writing (see last page of Booklet for Parents Admission Form):
 - The child's name and birth date;
 - The date of the child's admission;
 - Acknowledgement that, if tobacco is used in the registered home (but not in the presence of the children), the parent is aware of this usage;
 - A permission statement signed by the parent authorizing the registrant to participate in swimming and/or wading pool activities if this is offered;
 - The preferred health care providers, including dentist if any, and phone number;
 - A brief health history, including current special dietary requirements, allergies, current medications, and other identified needs, etc.
 - The child's parent(s)/guardian's name, home and work site addresses and home and work site telephone numbers;
 - A list of names of persons who are authorized to pick up the child;
 - If transportation is to be provided, a signed form authorizing transportation along with a general description outlining the types of trips, frequency and general destination where child might be taken;
 - The name and telephone number of an emergency contact person, other than the parent/guardian.
 - Evidence that the child has had all immunizations appropriate for the age or medical status of the child, or

- Acknowledgement that a general description of religious activities, if any has been given to the parent.
 - Acknowledgment of a discussion held between parent and Registrant explaining the typical daily schedule and activities, walking and car trips.
4. The information required in number 3 and the date of the child's withdrawal shall be kept on file for at least on (1) year after the withdrawal of the child from care.
 5. Upon admission, the child's parent(s)/guardian shall be given a copy of the Booklet for Parents and provided with an opportunity to examine the Registration Certificate.
 6. A child shall be released only to persons authorized by the parent/guardian. However, a child shall be released to either parent unless there is a court order which prohibits release to a particular parent, a copy of which is kept in the Family Day Care Home.
 7. Prior to giving prescription medication to a child, written permission from the parent shall be obtained specifying reason for medication, dosage, content and schedule. Prescription medication shall only be given when:
 - a. the prescription is for the child;
 - b. the medication is clearly labeled as to dosage, content, schedule, is in its original container and the date is current;
 - c. dosage cannot exceed the recommended dosage on label.
 8. Written parental permission shall be acquired for giving non-prescription medication. Parents are to be notified in advance when non-prescription medications are to be used. Parent may grant general authorization for topically applied non-prescription medications.

SECTION V – HEALTH AND SAFETY:

1. The Registrant is responsible for the health and safety of children in care.
 - a. The caregiver and children shall wash their hands with soap under warm running water after diapering, toileting and before meals and snacks.
 - b. All blood spills should be dealt with cautiously by using disposable rubber gloves and a bleach solution when cleaning.
2. A child who is ill may only be cared for when both the Registrant and the parent agree that the child may be appropriately cared for in the home and the child's illness will not have an adverse effect on the health of other children there.
3. The sewage disposal system shall function properly so as not to create a health hazard.
4. There shall be at least one properly functioning toilet and hand sink with hot and cold running water available in the home for use by the children.
5. Meals and snacks provided by the Registrant shall be adequate, nutritious, clean and free from spoilage. Emphasis shall be on foods that are unprocessed, low in salt and sugar. Meals and snacks provided by the parent shall be stored and served in a manner to prevent spoilage. Drinking water shall be available to children upon request. Powdered milk shall only be used in cooking. Fluid milk shall be pasteurized.
6. The Registrant and all other caregivers shall be knowledgeable in administering basic first aid.

7. There shall be basic first aid supplies which include, at a minimum:

- Adhesive
- Bandages
- Sterile gauze dressings
- Latex gloves
- Rolls of gauze bandages
- Thermometer or fever strip
- Tweezers
- Syrup of ipecac

An easy reference first aid manual shall be available and accessible. This kit shall be replenished as supplies are used. The supplies shall be stored in a container which is clearly marked "First Aid" and is easily accessible to the caregiver and transportable.

8. Smoking tobacco is prohibited in the presence of children who are in care.

9. When children in care are not toilet trained, the Registrant shall provide and utilize a clean and sanitary place for changing and storing diapers which is in an area of the home where food is not stored, prepared or served.

10. Children in care shall be protected from any and all conditions which threaten a child's health, safety and well-being. This includes protecting children from stoves, pools, poisons, window covering pull cords, asbestos, wells, known vicious animals, medications, dust or chips from lead paint, traffic and other hazards.

11. Prior to transporting children, the Registrant shall have parental permission in writing.

12. When being transported in a motor vehicle, all children, except children who have physical conditions which prevent the use of a child safety seat or a seat belt, must be properly restrained in accordance with the following chart:

| Age | Position in Vehicle | |
|---------|---------------------|--------------------|
| | Front Seat | Rear Seat |
| Under 5 | Child Safety Seat* | Child Safety Seat* |
| 5 - 15 | Safety Belt | Safety Belt |

*A child safety seat for a child under one year old is normally called an “infant seat”. A child safety seat for a child over on year old is normally called and “toddler safety seat”.

13. The practice of allowing two or more children in the same safety seat or seat belt is prohibited.

14. Adults shall individually use seat belts while transporting children.

15. The driver of a vehicle transporting children shall be properly licensed and the vehicle shall be currently registered, inspected and insured.

16. The home shall have an operating telephone with a list of emergency telephone numbers posted or located near the phone. The list shall include:

- Police
- Fire
- Doctor
- Hospital
- Ambulance/Rescue Squad
- Poison Center (658-3456)
- Children’s parent’s home and work numbers

An unpublished phone number of the Registrant shall be known to the department and parents.

17. The heating system(s), including the chimney(s), shall have been checked by a qualified person and been found to be properly installed and operating safely prior to offering day care services and not more than 45 days prior to receipt by the Division of the Application for Registration. The system(s) shall operate so as to sufficiently warm the home in a safe manner.

18. Unvented kerosene heaters are prohibited in areas where children are in care.

19. Children may be present and receive care in the basement or on the first and second floor levels provided there are at least two separate means of exit per level. Care can be provided to children above the second floor only when construction of the building has been determined to meet applicable fire safety codes. The physical abilities of each child/caregiver shall be considered when using the basement or second floor. The caregiver must be physically able to assist the exiting of all children in case of emergency. One of the exits may be an easily accessible unblocked window to the outside. If a window is used as an exit its opening shall be at least 5 square feet with no dimension less than 20 inches and shall be made immediately openable and easily accessible to children and staff. If such a window is utilized as an exit on the second floor it shall lead to permanently installed stairs or a rigid ladder to the ground. Bulkhead type doors are prohibited as exits. At least one basement exit must open directly to the outside.
20. Areas used by children shall be well lighted, well ventilated, clean, free from hazardous substances and sufficient in size to permit children to move about freely.
21. There shall be an emergency evacuation plan posted consisting of a simple, clear drawing which shows evacuation routes.
 - a. A plan shall be in place to assure that all children are accounted for at a predetermined safe place.
 - b. The plan, which may be preannounced, shall be practiced at least once each month.
 - c. A written record of the dates practiced shall be maintained.
 - d. Evacuation shall be completed within three minutes.
22. There shall be a properly installed and functioning U.L. approved smoke detector installed on the ceiling on each floor preferably at the head of each stairway. Batteries shall be replaced at least annually within thirty (30) days prior to the signing of the Application for Re-Registration.

23. There shall be at least one easily accessible dry chemical fire extinguisher which has at least a 2-A: 10-BC classification. This extinguisher shall be maintained in an operating condition. The extinguisher shall bear an official tag, properly signed, attesting to the inspection within 30 days of registration or re-registration. All caregivers shall be familiar with the use and handling of the extinguisher. The extinguisher shall be convenient to the kitchen area and easily accessible.
24. Playpens and additional equipment constructed of mesh and other material shall be free of holes and other damage/defects. The openings between vertical uprights in cribs and playpens shall be no more than two and three-eighths (2 3/8) inches wide.
25. All weapons (guns, hunting knives, archery equipments, etc.) shall be unloaded and inaccessible. Ammunition shall be stored separately in a secure place.

SECTION VI – RELATIONSHIP BETWEEN REGISTRANT AND DIVISION OF LICENSING & REGULATION:

1. The Registrant shall post notices of violations in a conspicuous place in the home. Notice of Violation shall be posted for 30 days or until a parent of each child enrolled has initialed the Notice. It shall be on file at the Registered Family Day Care Home for a period of at least one year.
2. The Registrant shall notify the parent of each enrolled child, by mail, of a serious violation. In the case where the child's parents are separated or divorced, a copy shall be mailed to each parent if both are known and the Registrant has a relationship with both parents. Notification shall be independent of any other written correspondence.
3. The Division may make available copies of such Notice of Violation to trainers, resource and referral, Child and Adult Food Program, the Division of Social Services, and the Child Care Services Division.

4. The Registrant shall provide the Division of Licensing with a completed application form and three (3) positive written references. These references shall be sent directly to the Division of Licensing and Regulation without prior review by the registrant. The Registrant shall, within 90 days of becoming registered attend orientation, if such is available through the Department.
5. Upon request, a Registrant shall provide the Department with a list of the names, addresses and telephone numbers of families served during the prior twelve months and dates of attendance. The Department shall contact the Registrant by telephone, or in writing, to inform the Registrant of the request and to gather the information.
6. The Registrant shall permit visits, inspections and examination of the Family Day Care Home, its records, equipment and materials at reasonable hours by representatives of the Division. The Division representatives shall make a reasonable effort to announce their presence and identify themselves prior to entering the home.
7. The Division may deny the issuance of a Registration Certificate if it has found that the person who has submitted the Application for Registration has not complied with these regulations or has demonstrated behavior which indicates an inability to care adequately for children.
8. The applicant or Registrant shall not interfere with, impede, deter, provide false information or cause another to do any of the aforementioned, or in any manner hinder the Department or its agent(s) in an investigation or inspection.
9. A violation of any section of the law or regulations regarding a Family Day Care Home may be cause for the revocation of the Registration Certificate.
10. When there is reason to believe that the health, safety or well-being of children in care is immediately imperiled, the registration certificate may be suspended.

11. When violations are found to exist, the Department may offer a registrant the opportunity to develop a program improvement plan whereby the violations will be corrected within a time period specified by the Division. Such opportunity may not be provided when the violation poses risk of harm or is of repeated nature.

12. An intention of the Division to revoke a registration or a decision to suspend it, shall be communicated in writing, and shall set forth the facts of conduct which the Division believes warrants the intended action. This notice shall contain the registrant's rights to hearing and appeal.
 - a. If the Registrant is aggrieved by the intended action, he or she must indicate to the Department or the Human Services Board that they wish to challenge the action within thirty (30) days from the date of mailing of the Division's letter of intended action.

 - b. Such a grievance shall be considered a request for a hearing and fair hearing before the Human Services Board pursuant to 3 VSA 3091. If the Registrant has not already requested a fair hearing, the Division shall notify the Board of the Registrant's appeal.

 - c. Within fifteen (15) days of the receipt of the grievance the Commissioner shall commence a review of the intended action and provide the Registrant with an opportunity to be heard with regard to the intended action.

 - d. The Registrant may submit a written response to the letter of intended action or may present his or her position to the Commissioner, or his/her designee, in person or through an attorney or other representative. At that time the Registrant may bring witnesses, documents or present any other evidence in their behalf.

 - e. The burden of proving facts alleged as the basis for the intended action shall be on the Department.

f. After the hearing the Commissioner shall notify the Registrant in writing of the decision of the Department regarding the intended action. If the Commissioner decides that the intended action should take place, an appeal will be conducted according to the rules of the Human Services Board. Notice of the Department's intended action shall be posted in the home in a place where parents can see and read it.

g. Unless the Registration Certificate has been suspended it shall remain in effect until the Human Services Board enters its final decision on the appeal.

13. The Registrant shall report to the Department within 24 hours all instances of suspected child abuse and/or neglect as mandated by 33 CSA, Chapter 14.
14. The Registrant shall distribute to the parents materials and information provided by the Division which relate to the health, safety and well-being of the children.
15. In addition to CPR training, the Registrant shall attend annually at least six (6) hours of interactive developmental activities in areas such as child development, discipline/behavior management, health and safety, age appropriate activities, first aid, child abuse prevention and detection, working with parents, children with special needs, the child care environment, community early childhood resources or other topics approved by the Division. At the time of re-registration, the Registrant shall list the activities attended, as well as their dates and places of occurrence.
16. The Commissioner, upon request in an individual case, and in his or her discretion, may grant a variance to a regulation. A variance may be granted when in unique and exceptional circumstances literal application of a regulation will result in an unnecessary hardship, and the intent of the regulation can be achieved by other means.
17. The Division may attach conditions to a Registration when circumstances warrant.

18. A Variance Review Panel may be established by the Division on behalf of the Commissioner to assist in consideration of variance requests. The burden of establishing that a variance should be granted rests with the applicant.
19. The Department may notify parents of enrolled children in the event that the Registration has been suspended or is the subject of intended revocation.
20. A Registrant may not provide respite care for foster children, or foster care, either licensed or provisional, except that they may provide respite or short term foster care to a child who is already enrolled in their registered family day care home.