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OF CHILD CARE FACILITIES

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## CHAPTER 4

### ADMINISTRATIVE RULES FOR CERTIFICATION

#### OF CHILD CARE FACILITIES

##### DENIAL, NON- RENEWAL, REVOCATION OR SUSPENSION OF LICENSE

###### Section 1. **Authority.**

The Department of Family Services may deny, not renew, revoke or suspend a license upon proof of noncompliance with or violation of any child care rules, regulations or federal and state laws pertaining to the operation of a child care business. This includes noncompliance with health or fire inspections or immunization requirements.

###### Section 2. **Reasons for Denial, Non-Renewal, Revocation or Suspension.**

(a) Reasons that will be considered by the Department, for the denial, non-renewal, revocation or suspension of a license include, but are not limited to:

(i) Any staff or auxiliary staff is found guilty of a sexual offense against a person or child;

(ii) Allowing the commission of a sexual offense against a child, as defined by law, on facility premises.

(iii) Any staff or auxiliary staff found guilty of or substantiated against for abuse, neglect, abandonment, exploitation or endangering children or vulnerable adults;

(iv) Any staff or auxiliary staff found guilty of a crime involving violence, including rape, sexual assault, physical assault, battery or homicide;

(v) Any staff or auxiliary staff using or being under the influence of alcohol or illegal drugs on the facility premises during the hours of operation or in a vehicle while transporting children during the hours of operation;

(vi) Any staff or auxiliary staff's misuse of prescription or over the counter drugs on the facility premises during the hours of operation or in a vehicle while transporting children during the hours of operation.

(vii) Any staff or auxiliary staff on the Child Abuse/Neglect Central Registry.

(viii) Any staff or auxiliary staff is found not to be of good moral character;

(ix) Any staff or auxiliary staff furnishing or making any misleading or false statement or report to a licenser;

(x) Any staff or auxiliary staff failing to provide, equip and maintain the child care premises in a safe and sanitary condition pursuant to licensing rules prescribed by the Department;

(xi) Any staff or auxiliary staff convicted of a crime against children;

(xii) Any staff or auxiliary staff with a criminal conviction as cited in Chapter 6 Section 2(f)(iv), Chapter 7 Section 2 (c)(i)(D) and Chapter 8 Section 2 (c)(i)(E);

(xiii) Any staff or auxiliary staff failing to complete all required training as specified by these rules;

(xiv) Illegal drugs found on the premises of the facility or in a vehicle that transports children.

(xv) Violating a rule in the same section of these rules three (3) times within a twelve-month period;

(xvi) Violation of the statutes or rules that has been willful, continual, or hazardous to health or safety, or the provider/director has not made reasonable efforts to conform to standards or is unable to comply;

(xvii) Refusing to submit to the Department any reports or refusing to make available any records required by the Department in making an investigation of the facility for licensing;

(xviii) Failing or refusing to submit to an investigation or interfering with an investigation;

(xix) Failure to admit authorized representatives of the Department at any time the facility is open for operation for the purpose of investigation, obtaining records, inspection or monitoring;

(xx) Failing to maintain the separate operation of multiple child care facilities that share the same physical location

(xxi) Being found in a legal proceeding to have committed fraud against the Department;

(xxii) Open investigations by Child Care Licensing, Child Protective Services or Law Enforcement are pending against the provider/director, staff or auxiliary staff; or

(xxiii) Issues of non-compliance from a previously held license are unresolved.

### Section 3. **Denial / Revocation or Non-renewals.**

(a) When a child care license is to be denied, revoked or non-renewed, the provider and/or director or owner must be notified by the Department in writing of the action being taken. Parents, other agencies, organizations and programs shall also be notified as appropriate.

(b) A letter of revocation, denial or non-renewal shall include the following:

(i) A statement of the laws, rules or regulations violated;

(ii) A Statement of authority for the revocation, non-renewal or denial;

(iii) Notification that a revocation/non-renewal action shall be effective thirty (30) days from receipt of the letter, unless licensee requests a hearing; or notification that denial of a license is effective immediately;

(iv) The right to seek representation by a lawyer, friend, or relative. (The Department shall not be responsible for any fees charged); and

(v) The penalty for unlicensed operation, as stated in W.S. 14-4-110 and 14-4-111.

(c) A notice of intent to revoke or non-renewal of a child care license shall be sent to the parents of children currently attending the facility when the provider has not requested an administrative hearing as outlined in Chapter 5, Section 8 of these rules. A complete list of parents with mailing addresses shall be supplied to the Department by facility staff upon request.

(i) Notice to parents shall include the following:

- (A) Name of facility;
- (B) Name of the provider or director;
- (C) Action being taken and the reason(s) for the action; and
- (D) Date the action will be effective.

Section 4. **Reapplication following Revocation.**

- (a) Reapplication cannot be made for three (3) years by the same provider, director or owner following revocation of a child care license.
- (b) Reapplication must include acceptable verification of how all previous compliance issues have been addressed before the application shall be accepted.
- (c) Reapplication cannot be made following a second revocation.

Section 5. **Suspension.**

- (a) During the course of an investigation, if it becomes apparent to the investigator that emergency action is required to protect the health, safety and/or welfare of children in a child care facility regulated by the Department, then a suspension shall be requested.
- (b) The decision to issue an Order of Suspension shall be made by the Child Care Licensing Program Manager or designee at the state office following review of the investigative information, including the recommendation of the investigator, Child Protective Services worker, child care licensing supervisor, and/or licenser.
- (c) The Suspension Order shall specify the reasons for issuance including the specific section(s) of the statutes and/or rules violated and the need for emergency action.
- (d) The licenser or other Department designee shall hand deliver the Suspension Order and ensure that all children in the care of the provider are picked up by their parents or guardians. The support of law enforcement agencies shall be requested in the closure where there is a threat to the safety of the licenser or children.
- (e) The Suspension Order shall be effective during proceedings to revoke the license unless the suspension is lifted by the Department.

(f) A revocation notice shall follow the Suspension Order as soon as possible after the closure to ensure that the license is legally revoked and the operator's legal rights are not violated.

**Section 6. Documentation.**

(a) Documentation, which is necessary for the denial, non-renewal, revocation or suspension of a child care license, includes at least one (1) of the following:

- (i.) Inspection and/or investigation reports;
- (ii.) Protective services reports and/or police reports;
- (iii.) Arrest and/or conviction records;
- (iv.) Mental health, medical or treatment reports; or
- (v.) Department of Family Services field office files.