



"People  
helping people  
help  
themselves"

MICHAEL R. PENCE, GOVERNOR  
STATE OF INDIANA

*Division of Family Resources*  
*Bureau of Child Care*

402 W. WASHINGTON STREET, P.O. BOX 7083  
ROOM W361, MS 02  
INDIANAPOLIS, IN 46204-2243

May 31, 2013

Dear Licensed Home Child Care Provider,

Thank you for your dedication to caring for Hoosier children and for keeping them healthy, safe and learning while in your licensed child care home. Research has clearly shown that a high quality early childhood environment helps prepare children for success in school and in life. The work that you do is critically important in supporting Hoosier families, schools, businesses and communities.

The importance of healthy and safe child care programs was discussed at great length by Indiana lawmakers during the past legislative session. As a result, our lawmakers passed several important pieces of legislation that have now been signed into law by Governor Pence and will take effect on **July 1, 2013**.

**This letter contains important details on two new laws that will impact your licensed child care home. Please read the contents of this mailing carefully.**

The Bureau of Child Care (BCC) is available to answer all of your questions regarding the new laws. We will be hosting several webinars and teleconferences that you are invited to join. Please see the flyer included in this mailing for more details on these opportunities. You may also contact your licensing consultant with any questions.

1. Effective July 1, all regulated child care providers will be required to have national criminal history checks that are conducted by the FBI using fingerprints. This means that you, your spouse and household members over the age of 18, all employees and volunteers will be required to submit fingerprints to the Indiana State Police so that these checks can be completed. Instructions on how to do this are included in this mailing. You will still submit your consent forms to BCC in order that we may continue to complete the Child Protection Index and Sexual Offender Registry checks as required by law.

These national checks will replace the State limited criminal history check and must be completed every three years. Any new household member, employee or volunteer must have submitted all of the required documentation needed to complete all of the required background checks, including their fingerprints, prior to being in contact with the children in care.



Volunteers are defined as individuals who provide services to your child care home for eight or more hours per month. Individuals who are in your child care home for less than eight hours a month are considered guests. Guests may not be left alone with the children and are not counted in your staff to child ratios. Any individual who is left alone with the children or is counted in your child to staff ratios must be treated as either an employee or a volunteer regardless of the amount of time they are in your home each month.

2. A second new law that may affect your program changes the impact of an enforcement action (license suspension, revocation, or denial) on your eligibility to receive Child Care Development Fund (CCDF) subsidy payments. Effective July 1, providers who are under an enforcement action will not be eligible to receive public funds through the CCDF subsidy program.

For your information BCC has also included in this mailing other helpful documents:

- **The Health and Safety Self Assessment and Handouts-** Recent research by Purdue University has shown that child care providers in Indiana need improvement in certain key health areas including hand washing, diapering, safe sleep practices and indoor and outdoor safety. These standards have always been part of the regulations that you are required to follow. The self assessment and handouts in this mailing are provided to assist your licensed child care home in consistently meeting these health and safety regulations.
- **The Annual Updates to the Licensed Home Interpretive Guidelines-** These guidelines are designed to ensure that child care providers, families and BCC consultants all understand the purpose and threshold of compliance for each regulation in the same way. The updates for this year have been included for your convenience. A full copy of the Interpretive Guidelines can be located online at: <http://www.in.gov/fssa/carefinder/2734.htm> or you can contact BCC for a hard copy if you do not have access to the internet.

I hope that you will join us for one of the webinars or teleconferences in June. Please do not hesitate to contact your licensing consultant if you have any questions.

Thank you,



Melanie Brizzi  
Child Care Administrator  
Bureau of Child Care

For additional information on these changes, please join the Bureau of Child Care for one of the webinars or teleconferences listed below.

All times are Eastern Standard Time

**To participate in a teleconference, dial 1-877-820-7831.**

**When prompted, enter the following passcode: 925161#**

Date	Time	Format
June 10	1:00-1:30 pm	teleconference
June 12	1:00-1:30 pm	teleconference
June 15	9:30-10:00 am	teleconference
June 26	1:00-1:30 pm	teleconference

**To participate in a webinar, you must have a compatible computer available.**

**To join a webinar go to the following link approximately 10 minutes before the start of the webinar: [www.webinar.IN.gov/bcc](http://www.webinar.IN.gov/bcc)**

Date	Time	Format
June 10	12:00-12:30 pm	webinar
June 13	12:00-12:30 pm	webinar
June 14	12:00-12:30 pm	webinar
June 15	1:00-1:30 pm	webinar
June 17	12:00-12:30 pm	webinar

## FSSA Fingerprinting in Indiana

Follow the simple steps outlined below to complete the fingerprinting process:

1. Using your computer web browser, go to [www.L1enrollment.com](http://www.L1enrollment.com) and choose Indiana.
2. If you do not have access to the internet, you may call us toll-free at (877) 472-6917 to schedule an appointment. If you call, you will be asked the following questions instead of completing these steps yourself.
3. Click Online Scheduling and choose the language you wish to use for scheduling (English or Spanish).
4. Enter your first and last name and click "go".
5. Choose your Agency Name **Family and Social Services Administration** and click "go".
6. When it asks "Why are you being fingerprinted", select whichever is applicable: child care center employee or child care home employee.
7. Select the location where you want to be fingerprinted. You may choose a region of the state, click on the map, or enter a zip code to get a list of locations in a specific area. Press "go".
8. Click on the words "Click to Schedule" across from the location you want, under the day you wish to be fingerprinted. If you want a date further in the future, click the "Next Week>>" link to display more dates. Once you select the location/date combination, select the time for your appointment and click "go".
9. Complete the demographic information page. Required fields are indicated by a red asterisk (\*). When complete, click "Send Information".
10. Confirm the information. Follow the on screen directions to make any changes necessary. Once you see the data is correct, click "Send Information".
11. Complete your payment process and click "Send Payment Information".
12. Print your confirmation page. If you provided an email address, you will receive an email confirmation as well.
13. Bring **one** of the following with you to your fingerprinting appointment: Valid Driver License, Valid State Issued Identification Card, Valid Passport, Student ID with Picture and DOB, Work ID with Picture and DOB, Valid Alien ID card with Picture and DOB. If you do not have the above identification, you will need **both** a valid Birth Certificate and a Social Security Card.
14. Arrive at the facility at your appointed date and time.
15. The Enrollment Officer at the site will check you ID, verify your information, verify or collect payment, capture your fingerprints, and submit your data. This normally takes less than five minutes.
16. You will receive a signed receipt at the end of your fingerprinting session which can be provided to your agency for proof of fingerprinting.
17. All results will be processed and delivered to the authorized agency. L-1 is never in possession of criminal record data results.

## Health and Safety Assessment Tool for Licensed Child Care Homes

<b>Staff and children wash hands using proper procedure at appropriate times.</b>	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	Disposable or single use towels, soap, running warm water are available and within reach to staff and children.
<p><u>Clarification:</u> Within reach is defined as close enough to reach easily and can be reached without adult assistance. Child care homes may use single use washcloths in lieu of disposable towels.</p>	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	Staff are observed washing hands using the correct procedure.
<p><u>Observation:</u></p> <ol style="list-style-type: none"> <li>1. Wet hands.</li> <li>2. Apply soap.</li> <li>3. Cleanse hands/wrists by rubbing for a minimum of 20 seconds.</li> <li>4. Rinse under running water.</li> <li>5. Dry hands with clean disposable towel or wall-mounted drying device.</li> </ol>	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	Children are observed washing hands using the correct procedure.
<p><u>Observation:</u></p> <ol style="list-style-type: none"> <li>1. Wet hands.</li> <li>2. Apply soap.</li> <li>3. Cleans hands/wrists by rubbing for a minimum of 20 seconds.</li> <li>4. Rinse under running water.</li> <li>5. Dry hands with clean disposable towel or wall-mounted drying device.</li> </ol>	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	Staff are observed washing hands at the appropriate times: <ul style="list-style-type: none"> <li>• Before and After                         <ul style="list-style-type: none"> <li>○ Preparing meals and snacks</li> <li>○ Eating</li> </ul> </li> <li>• After                         <ul style="list-style-type: none"> <li>○ Toileting</li> <li>○ Feeding infants/children</li> <li>○ Bathing infants/children</li> <li>○ Wiping noses</li> <li>○ Diapering and assisting children with toileting</li> <li>○ Handling bodily fluids</li> <li>○ Coughing into hands</li> <li>○ Handling pets</li> </ul> </li> </ul>
<p><u>Clarification:</u></p> <ul style="list-style-type: none"> <li>• It is recommended practice that staff wash hands before feeding infants/children, bathing infants/children, and diapering/assisting children with toileting.</li> <li>• Alcohol-based hand sanitizer is <i>not</i> an acceptable alternative to hand washing. If running water is unavailable or impractical, hands should be washed as soon as running water is available.</li> <li>• It is recommended practice that staff wash hands after touching contaminated surfaces or objects. A surface is contaminated if it is visibly soiled or if there is a reason to believe that the surface has been or could be exposed to contaminants such as harmful chemicals or microorganisms that could cause illness. This includes washing hands after coming in from the outdoors.</li> </ul>	

<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	Children are observed washing hands at the appropriate times: <ul style="list-style-type: none"> <li>• Before and After                         <ul style="list-style-type: none"> <li>○ Assisting with meal and snack preparation</li> <li>○ Eating</li> </ul> </li> <li>• After                         <ul style="list-style-type: none"> <li>○ Toileting</li> <li>○ Handling bodily fluids</li> <li>○ Coughing into hands</li> <li>○ Handling pets</li> </ul> </li> </ul>
<p><u>Clarification:</u></p> <ul style="list-style-type: none"> <li>• It is recommended practice that children wash hands after a diaper change.</li> <li>• If an infant cannot be held at a sink, wash hands using the alternative method: wash hands with a clean wet, soapy disposable towel or washcloth and rinse hands using a second clean wet disposable towel or washcloth.</li> <li>• <b>Diaper wipes are not an acceptable alternative to infant hand washing.</b></li> <li>• Alcohol-based hand sanitizer is <i>not</i> an acceptable alternative to hand washing. If running water is unavailable or impractical, hands should be washed as soon as running water is available.</li> <li>• It is recommended practice that children wash hands after touching contaminated surfaces or objects. A surface is contaminated if it is visibly soiled or if there is a reason to believe that the surface has been or could be exposed to contaminants such as harmful chemicals or microorganisms that could cause illness. This includes washing hands after coming in from the outdoors.</li> </ul>	
<p><b>Safe sleep practices for all children are followed.</b></p>	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>N/A</b>	Infants are placed on their backs to sleep. <i>If no infants are enrolled, mark N/A</i>
<p><u>Observation:</u> All infants must be placed on their backs to sleep. When infants can easily roll over after being placed on their backs to sleep, they should be allowed to adopt their own position; however, caregivers must always place infants on their backs to sleep. Infants who fall asleep in other locations such as a swing or car seat must be moved immediately.</p> <p><u>Documentation:</u> A parent must provide a <i>documented medical reason signed by a physician</i> if an infant is to be placed to sleep in a position other than his or her back.</p>	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	Sleeping children are adequately supervised.
<p><u>Observation:</u> The room must have adequate lighting. Observe the lighting to see whether there is enough light to allow the caregiver to see the rise and fall of children's chests. Children must be within sight or sound. Children must remain on the same floor of the home as the provider. Provider's children may sleep in their own beds. Doors to the rooms where children are sleeping must remain completely open (not ajar, ½ open, etc). Children under 15 months must be checked approximately every 15 minutes.</p>	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	Sleeping areas are safe.
<p><u>Clarification:</u></p> <ul style="list-style-type: none"> <li>• Children of all ages must be placed to sleep on BCC approved sleep surfaces in good condition.</li> <li>• Children of all ages must have their faces uncovered while sleeping.</li> <li>• Children of all ages must have individual sleeping spaces, and if more than one child uses the same sleep surface at alternate times, a clean sheet must be used and/or the area must be washed and sanitized daily between uses. If a sleeping surface is used by one child exclusively, the surface must be washed and sanitized weekly and when soiled.</li> <li>• Cribs: The sheet must fit the mattress snugly and <b><i>nothing is permitted in the crib except for the infant</i></b> (the infant may have a pacifier). No toys, stuffed animals, pillows, crib bumpers, positioning devices, or extra bedding (including blankets) are allowed in the crib while the crib is occupied by an infant.</li> </ul>	

**Proper diapering, cleaning, and sanitation procedures are followed**

**Yes**    **No**  
 **N/A**

Proper diapering procedure is followed. *If no child is in diapers, mark N/A*

Observation:

- A. It is recommended that staff wash hands before beginning.
- B. The changing table is fully intact, washable, and sanitizable.
- C. Waterproof paper (wax paper, e.g.) must be used and cover the length and width of the changing surface.
- D. One hand must be kept on the child at all times.
- E. The use of gloves is recommended at all times and required when blood is present.
- F. The child's clothing is removed or moved.
- G. The soiled diaper is removed.
- H. The child is cleansed with a wipe.
- I. The waterproof paper is folded to cover the soiled area (if soiled) and gloves are removed (if used).
- J. A clean diaper is placed on the child and the child is redressed.
- K. It is recommended that the child's hands are washed at a nearby sink or using the alternative method.
- L. The diaper is disposed of in a tightly covered, plastic-lined waste container.
- M. The waterproof paper is removed.
- N. Staff wash and sanitize the table if soiled.
- O. Staff wash hands when finished.

Clarification:

- If an infant cannot be held at a sink, wash hands using the alternative method: wash hands with a clean wet, soapy disposable towel or washcloth and rinse hands using a second clean wet disposable towel or washcloth.
- **Diaper wipes are not an acceptable alternative to infant hand washing.**

**Yes**    **No**

Proper cleaning and sanitation procedure is followed.

Observation: The changing table must be washed and sanitized. Because the use of waterproof paper is required, changing surfaces must be washed and sanitized daily and when soiled.

Clarification: It is recommended that the changing surface be washed and sanitized after each use.

**Food is properly served in a safe and sanitary manner, including cleanliness of eating surfaces.**

**Yes**    **No**

Food is properly served

Observation:

- Children must be held during bottle feeding and bottle must not be propped. Children of any age that are bottle fed must be held during bottle feeding until they demonstrate the ability to hold their own bottles.
- Proper precautions must be taken for known food allergies.
- Staff must assist and supervise, within line of sight, children during all meals and snacks to ensure safety.

Clarification: It is recommended that infant formula/breast milk not be heated in the microwave.

**Yes**    **No**

Eating surfaces are properly cleaned and sanitized at appropriate times.

Observation: Eating surfaces (tables, highchairs, etc.) are washed and sanitized at least daily. It is recommended that eating surfaces are washed and sanitized before and after snacks and meals.

Clarification: Eating surfaces are washed with soap and water and sanitized using the proper sanitizing solution. For wet wiped surfaces, the sanitizing solution must sit for two minutes; For sprayed surfaces, the solution must sit for one minute.

<b>The indoor area is safe, clean, and free of clutter and equipment is in good repair.</b>	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	The indoor area is safe.
<i>Observation:</i> The indoor area is free of safety hazards. No critical violations are observed. The indoor area does not pose a health or safety risk to children. Children do not have access to potentially hazardous objects or materials. The indoor area is free of choking hazards. Children do not have unsupervised access to water.	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	The indoor area is clean.
<i>Observation:</i> Look for evidence of routine cleaning. Area must be free of obvious soil and grime.	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	The indoor area is free of clutter.
<i>Observation:</i> The indoor area is free of clutter. There are no stacks of materials or equipment which may be accessible to and pulled down by children. There must be room between materials to allow children to move freely. The indoor area must be free of tripping hazards. Materials and equipment must not block exits.	
<i>Clarification:</i> Clutter is the accumulation of materials. Significant accumulation can pose health and safety risks to children.	
<b>The outdoor area is safe, clean, and free of clutter and equipment is in good repair.</b>	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	The outdoor area is safe.
<i>Observation:</i> Observe all outdoor areas used for play for safety hazards. No critical violations are observed. The outdoor environment, including equipment and materials, does not pose a health or safety risk to children. Children do not have access to potentially hazardous objects or materials. The outdoor play area is safely enclosed, fenced, or protected from traffic by other natural barriers with gates and locks in good repair. A body of water cannot be the natural barrier. Children do not have unsupervised access to water. Pools must be enclosed by a fence and have a lock (combination or key) on the gate.	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	All outdoor equipment is safe and in good repair.
<i>Observation:</i> All outdoor play equipment is available to enrolled children. All playground equipment is in safe condition and good repair.	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	The outdoor area is clean.
<i>Observation:</i> Outdoor play area is free of hazardous litter such as animal feces and garbage.	
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	The outdoor area is free of clutter.
<i>Observation:</i> The outdoor area is free of clutter. Arrangement of playground equipment and materials must allow for active movement.	
<i>Clarification:</i> Clutter is the accumulation of materials. Significant accumulation can pose health and safety risks to children.	

# Hand Washing 101 for Licensed Child Care Homes



Proper and frequent hand washing is the easiest and most effective way to prevent the spread of illness and disease in child care. Using

the proper procedure and washing hands frequently can prevent the spread of the common cold, flu, and food borne illness as well as many other germs. Children mimic behavior, so staff who wash their hands using the proper procedure at the appropriate times are setting a great example for the children in their care.

## Hand Washing is Required!

Indiana state licensing regulations require that child care providers and the children in their care wash their hands before and after certain duties and activities.

## Child Care Staff Must Wash Hands...

- Before and After
  - Preparing meals and snacks
  - Eating
- After
  - Toileting
  - Feeding infants and children
  - Bathing infants and children
  - Wiping noses
  - Diapering and assisting children with toileting
  - Handling bodily fluids
  - Coughing into hands
  - Handling pets

## Children Must Wash Hands...

- Before and After
  - Assisting with meal and snack preparation
  - Eating
- After
  - Toileting
  - Handling bodily fluids
  - Coughing into hands
  - Handling pets

## When is Hand Washing Recommended?

Indiana state law covers the hand washing basics, but there are numerous other instances when hand washing is recommended for health and safety purposes.

- It is recommended that staff wash hands *before* feeding infants/children, bathing infants/children, wiping noses, and diapering/assisting children with toileting.
- It is recommended practice that staff wash hands before and after administering medication.
- It is recommended that children wash hands *after* a diaper change.
- It is recommended that staff and children wash hands:
  - After touching contaminated surfaces. A surface is contaminated if there is reason to believe that the surface has been or could be exposed to contaminants. This would include washing hands after taking out the trash.
  - After coming in from the outdoors.
  - Upon arriving at the child care center and before leaving.
  - After sensory play involving sand, water, etc.

## The Proper Procedure

The "proper" procedure is the hand washing process that has been proven most effective at eliminating germs. **Staff and children must wash hands using the proper procedure.**

- Wet hands under running water;
- Use plenty of soap to make a good lather;
- Keep fingers pointed toward the drain;
- Scrub fronts and backs of hands;
- Remember to wash wrists, scrub around fingernails and rings;
- Scrub between fingers;
- Scrub for at least 20 seconds;
- Rinse well with running water;
- Dry hands with a clean disposable towel or wall-mounted drying device

# An Easy Guide to Diapering Rules for Licensed Child Care Homes



Diapering should be a special time for caregiver and baby. This is a chance for the child to bond with you and have your full attention. Because diapering is often a messy job, proper hygiene is essential to protect the health of you and the child.

## **Before you Begin...**

- The changing table is fully intact, washable, and sanitizable
- Waterproof paper is used and covers the length and width of the changing surface
- One hand is kept on the child at all times
- The use of gloves is required when blood is present

## **The Diapering Process**

1. The child's clothing is removed or moved
2. The soiled diaper is removed
3. The child is cleansed with a wipe
4. The waterproof paper is folded to cover the soiled area (if soiled)
5. Gloves are removed (if used)
6. A clean diaper is placed on the child and the child is redressed
7. The diapering waste is disposed of in a tightly covered, plastic-lined waste container
8. The waterproof paper is removed
9. Staff wash and sanitize the surface if soiled
10. Staff wash hands

## **It is Recommended That...**

- Gloves are used
- Staff wash hands before beginning the diapering process
- Children wash hands after the diapering process
  - If an infant cannot be held at the sink, wash hands with a clean, wet, soapy disposable towel or washcloth and rinse hands using a second clean wet disposable towel or washcloth
  - **Diaper wipes are not an acceptable alternative to infant hand washing**
- The changing surface is washed and sanitized after each use

## **Social and Learning Opportunities**

Diapering is a special bonding time between child and caregiver. Here are some things you can do to enhance that experience:

- Focus your attention exclusively on the child.
- Treat the child with respect.
- Talk with the child about what you are doing and what the child is experiencing, as this encourages language skills and helps build confidence.



## **Tips for Creating a Safe Sleep Environment for Infants in Child Care**

This checklist can serve as a basis for assessing the safe sleep environment for caregivers of infants. This information is based on American Academy of Pediatrics standards and the publication *Caring for Our Children* and applies to **infants under 1 year of age**. You are encouraged to attend the training, *Safe Sleeping Practices and Reducing the Risk of SIDS in Child Care*, offered through your local child care resource and referral agency (<http://iacrr.org>), to learn the most recent research-based practices.

### **Assess the sleep environment:**

- The Infant is always placed to sleep on a firm sleep surface, such as a safety-approved crib mattress, in a safety-approved crib, porta-crib, or play yard (check with what licensing allows)
- The mattress fits snugly in the crib
- The fitted crib sheet fits tightly around the mattress
- The infant is never placed to sleep on a sofa, chair, or adult bed
- There is no soft or loose bedding, such as a quilt, placed underneath the infant
- All blankets, pillows, quilts, and bumpers are kept out of the infant's sleep area
- Nothing covers the infant's face (i.e., bibs)
- Crib gyms, crib toys, mobiles, mirrors, and all objects/toys are prohibited in or attached to an infant's crib
- Stuffed animals, stuffed toys, and loose bedding are kept out of the sleep area
- There is no smoking in the program
- The infant is kept away from any area where smoking has occurred
- The sleeping infant is not overheated by a room temperature that is too high or by too many layers of clothing
- There is a medical waiver on file that is signed by a doctor and lists the medical reason for a sleep position other than on the back for all infants who require an alternate position

### **Be sure to follow these important rules of infant care:**

- ✓ Infants under one year of age are always **placed on their backs to sleep**, for naps and at night
- ✓ Instead of a blanket, the infant is placed to sleep in sleep clothing such as a one-piece sleeper
- ✓ When the infant is awake and **being watched by a caregiver**, it is desirable to place him or her on the stomach for "tummy time." (Tummy time helps infants achieve developmental milestones.)
- ✓ Shall not use products such as wedges etc. that are intended to control the position of the infant in sleep as these have not been sufficiently tested for effectiveness or safety).
- ✓ If the infant falls asleep in another surface (carrier, car seat, swing) they should be immediately removed and placed in a safety approved crib, porta-crib or pack and play
- ✓ Do not swaddle infants using blankets. Swaddling is not recommended in child care.
  - If you do swaddle infants under 3 months then use a safe swaddler according to manufacturer specifications and not a blanket
- ✓ The infant is not placed to sleep with a bottle

### **In addition:**

- ✓ **Pacifier use:** Consider offering a clean dry pacifier when placing the infant down to sleep for naps or at night
  - The pacifier does not need to be re-inserted if it falls out
  - If infant refuses the pacifier, he or she should not be forced to take it

- For breastfed infants delay pacifier use until 1 month of age to ensure good onset of breastfeeding
- The pacifier should not be coated in any solution. Pacifier should be cleaned often and replaced regularly
- The pacifier should not be clipped or attached to the infant or the crib (strangulation hazard)
- ✓ Develop and follow a policy regarding sleep position in your child care setting
- ✓ Discuss your policy with parents before enrollment
  - It is recommend that parents sign the policy
  - Provide safe-sleep-related educational resource materials for parents
- ✓ Develop a schedule to check for recalls of infant products. *Consumer Product Safety Commission at: <http://www.cpsc.gov>*

### **Does your Crib Meet New Safety Standards?**

#### **From the Federal Rule:**

"[b] beginning June 28, 2011, all cribs manufactured and sold (including resale) must comply with new and improved federal safety standards. The new rules, which apply to full-size and non-full-size cribs, prohibit the manufacture or sale of traditional drop-side rail cribs, strengthen crib slats and mattress supports, improve the quality of hardware and require more rigorous testing." CPSC's crib rule includes a standard for full-size cribs (16 CFR part 1219) and a standard for non-full-size cribs (16 CFR part 1220).

#### **Some things you should know:**

- All family child care homes (licensed or license-exempt), child care centers, and unlicensed registered child care ministries must use compliant cribs.
- As of June 28, 2011 all cribs manufactured and/or distributed in the United States must comply with new standards.
- Cribs manufactured before July 23, 2010 are not likely to be compliant.
- Cribs manufactured between July 24, 2010 and June 27, 2011 are not guaranteed to be compliant either.
  - A certificate of compliance must be kept on file for these cribs
- **NO** drop-side crib will be compliant with the new standards, even if it has an "immobilizer" or "fix-it" kit.

#### **New Play Yard standards:**

Effective Feb 28, 2013, play yards manufactured or imported for sale in the US must meet new and improved federal safety standards (16 CFR 1221).

#### **For Play Yards: (Check with what licensing allows)**

- Side rails should not form a sharp V when the product is folded. This prevents a child from strangling in the side rail.
- Corner brackets should be strong in order to prevent sharp-edged cracks and to prevent a side-rail collapse
- The mattress should be sturdy on the play yard floor to prevent children from getting trapped or hurt
- There should be no tears in mesh or fabric
- No missing, protruding, or loose screws, rivets, bolts, or hardware
- In good repair (if it is broken do not use it) and has not been recalled
- No cracks or stress whitening in plastic parts (especially corner brackets)

Developed in partnership with the Bureau of Child Care and Better Baby Care Indiana, a project of the Indiana Association for Child Care Resource and Referral

**INTERPRETATIVE GUIDE  
CHANGES  
EFFECTIVE 7/1/2013**

**UPDATE #1: Field Trips – p. 28 and p. 33**

■ **470 IAC 3-1.1-40 Transportation and activities away from the child care home**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 40. (a) Caregiver shall obtain written parental permission before taking a child away from the child care home for field trips or any other activities.

(b) Children may be transported by an individual eighteen (18) years of age or older having a valid driver's license and driving a properly licensed and insured vehicle in safe condition.

(c) Children shall be transported in safety restraint equipment that is in compliance with state laws.

(d) Direct child care providers shall not leave children unattended in a vehicle.

◆ Intent:

To protect children who are transported while in the care of the home and to ensure parents consent to their child leaving the home's premises.

○ Assessment Method:

Observe or interview the caregiver to determine if children are transported or leave the premises. If they are transported or otherwise leave the premises, review the children's files to observe written permission from parents. Observe the driver's licenses and insurance proof for all individuals that transport children. If possible, observe the vehicle(s) used to transport children; observe for seat belts and car seats. A field trip is when a child or group of children is taken outside of the child care property lines.

▲ Threshold of Compliance:

A finding that a child is left unattended in a vehicle is made by direct observation or as the result of a complaint investigation.

■ **470 IAC 3-1.1-45 General environment**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

■ (d) The licensee shall provide a protected outdoor play area that is safely enclosed by either a fence or natural boundaries for children in care.

◆ Intent:

To preventing the children from access to streets and other hazards.

○ Assessment Method:

Observe the outside play area. Fencing or another form of barrier such as a hedge or other plants that restrains the children, and that they cannot climb, must be provided around the play area. Fences should be a minimum of four (4) feet high. When children are outside playing or doing activities, they shall remain in the fenced in play area for their protection. Children are not allowed to play in an area of the yard, on the porch, on the sidewalk, driveway, etc that is not fenced in.

**UPDATE #2: Fire Prevention – p. 35**

**■ 470 IAC 3-1.1-46 Fire prevention**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

- (c) Each room of the home where child care services are provided is required to have at least two (2) means of escape (this may include one (1) window and one (1) door).

◆ Intent:

To protect the children in care by ensuring that each room used for child care has two means of escape in case fire blocks one of the escape routes.

○ Assessment Method:

Observe all of the child care rooms for two means of escape. If one of the means of escape is a window, ensure that the window opens wide enough for an adult to pass through it. The window may not be covered with plastic, bars, or any other item that would block passage. This rule does not apply to the bathroom which may not have a window. It is assumed that the children's time in bathroom will be limited.

**UPDATE #3: Definition of a Class I Child Care Home – p. 68**

**IC 12-7-2-33.7**

**Class I child care home**

Sec. 33.7. (a) As used in this chapter, "class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least full-day kindergarten. Except as provided in IC 12-17.2-5-6.3(b), the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and who is at least seven (7) years of age; or

(2) who is at least fourteen (14) years of age and does not require child care;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

*As added by P.L.136-1993, SEC.3. Amended by P.L.106-1996, SEC.1; P.L.247-2001, SEC.5; P.L.124-2007, SEC.2; P.L.197-2011, SEC.38.*

**UPDATE #4: Smoking – p. 49**

**■ IC 12-17.2-5-3.5**

**Drug testing**

■ (b) A child care home shall maintain a written policy specifying the following:

(1) That the:

(A) use of:

(i) tobacco;

- (ii) alcohol; or
- (iii) a potentially toxic substance in a manner other than the substance's intended purpose; and
- (B) use or possession of an illegal substance; is prohibited in the child care home when child care is being provided
- (2) That drug testing of individuals who serve as caregivers at the child care home will be:
  - (A) performed based on a protocol established or approved by the division; and
  - (B) required if an individual is suspected of noncompliance with the requirements specified under subdivision (1).
- (c) If:
  - (1) the drug testing results obtained under subsection (a) or (b) indicate the presence of a prohibited substance described in subsection (b)(1)(A)(ii), (b)(1)(A)(iii), or (b)(1)(B); or
  - (2) an individual refuses to submit to a drug test; the child care home shall immediately suspend or terminate the individual's employment or volunteer service.
- (d) A child care home that suspends an individual described in subsection (c) shall maintain a written policy providing for reinstatement of the individual following rehabilitation and drug testing results that are negative for a prohibited substance described in subsection (b)(1)(A)(ii), (b)(1)(A)(iii), or (b)(1)(B).
- (e) Drug testing results obtained under this section are confidential and may not be disclosed for any purpose other than the purpose described in this section.
- (f) A child care home that does not comply with this section is subject to:
  - (1) denial of an application for a license; or
  - (2) suspension or revocation of a license issued; under this chapter.

◆ Intent:

To protect children from harm by requiring licensees to develop and implement a written policy regarding the use of tobacco, alcohol, potentially toxic substances, and illegal substances. The written policy is developed under the guidance of the division and includes termination of employment or volunteer service of individuals refusing drug testing or testing positive. Employee and volunteers' right to confidentiality and due process are required.

○ Assessment Method:

Review the written policy to determine if it follows the division protocol and includes all required elements. Also check for the use of tobacco and illegal drugs in the home by observation and smell.

In July 2012, a law came into effect that banned smoking in a public place as well as a place of employment. Because child care facilities (homes, centers, and ministries) are intended for use by individuals younger than 18, even if it is your own residence, smoking is banned within 8 feet of the building at all times. There shall never be ashtrays or other smoking paraphernalia inside the facility or within 8 feet of any public entrance. At least two (2) signs must be posted inside the residence or facility that states "Smoking is Prohibited" or other similar language. Also, signs that read "State Law Prohibits Smoking within 8 feet of this Entrance" or "This is a tobacco free campus" or some other similar language must be posted at all public entrances (anywhere that anyone who is not an employee can enter and exit the facility).

**Update #5: Supervision – p. 22**

**470 IAC 3-1.1-36.5(b)**

**Child to staff ratio**

- (b) Children shall not be left unattended and shall be supervised at all times.

◆ Intent:

To ensure the safety and well-being of children at all times.

○ Assessment Method:

Observe supervision practice used in the home and the outside play area. Children must be in the sight or hearing of the child care staff at all times.

Children at bus stops must be observed until they get on the bus and until they get to the child care home from the bus stop

▲ Threshold of Compliance:

The following provides further clarification:

- Sound monitors alone are not acceptable a means of supervision.
- Children must be on the same floor of the home as the caregiver(s).
- During mealtimes, children shall remain in the caregiver's line of sight.
- With written parental permission, a child in grade one or older may participate in activities outside the direct supervision of a caregiver if the child is on the premise and the caregiver physically checks on the child every 15 minutes.
- If a child is able to toilet independently, she or he may do so without caregiver supervision.
- Children may sleep outside of the caregiver's direct line of vision providing that the doors to the rooms where the children are sleeping remain open and the caregiver visually monitors and checks the children's breathing periodically; children younger than 15 months must be checked every 15 minutes. NOTE: "Open" means the door is completely open not ajar, not ½ way open, etc. Provider must be able to see the rise and fall of the child's chest.
- The licensee's own children may sleep in their own bedrooms outside the observation of the caregiver.
- Regardless of the age of the child, a child's head or face shall never be covered by a blanket or any other covering. A child cannot be supervised adequately if you are unable to see their face and head.
- Provider may stand at the door of the home and watch children until they get on the bus and watch them walking home from the bus drop off. Children must be observed at all times. The other children in the home must be supervised according to the above criteria.
- Providers may not sleep during the time they are counted in child/staff ratios.

**Update #6: Blankets/Covering – p. 30**

**470 IAC 3-1.1-43**

**Sleep and Rest**

Sec. 43. (a) A separate bed, cot, mat, or sleeping bag shall be provided for each child.

(b) A period for sleep, rest, or quiet time shall be provided during the day for children under five (5) years of age consistent with the needs of the child and in accordance with the wishes of the parent.

◆ Intent:

To ensure that children nap or rest during the day on appropriate equipment. Children younger than five years generally require a nap during the day. The napping equipment, a crib, mat, cot or sleeping bag, should be assigned to only one child or sanitized daily to prevent the spread of illness. It should also be large enough for the child's entire body to rest on. Napping schedules shall be discussed regularly with parents. The caregiver and the parents shall agree on a napping schedule.

○ Assessment Method:

Observe the children's napping equipment for appropriateness and cleanliness. Interview the caregiver to determine napping and rest schedule, and how parents' wishes are accommodated. Regardless of the age of the child, a child's head or face shall never be covered by a blanket or any other covering.

**Update #7: Infant cribs – cribs - p. 43**

**470 IAC 3-1.2-2 "Full-sized crib" defined**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. As used in this rule, "full-sized crib" means a child's bed which has an interior dimension greater than fifty-two and three-eighths ( $52 \frac{3}{8}$ ) inches plus or minus five-eighths ( $\frac{5}{8}$ ) inch in length, and twenty-eight (28) inches plus or minus five-eighths ( $\frac{5}{8}$ ) inch in width. With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty-six (26) inches.

◆ Intent:

To define the term "full-sized crib" for use in this rule.

○ Assessment Method:

When there is question whether a particular crib is full-sized, it shall be measured using a tape measure.

New crib standards were adopted by the Consumer Product Safety Commission effective 6/28/2011. Any crib manufactured prior to this date shall not be used. These guidelines apply to all types of cribs – full size, non full size, wooden, and metal. Non-compliant cribs may not be resold or donated. They must be disassembled prior to discarding.

#### **470 IAC 3-1.2-3 "Portacrib" defined**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 3. As used in this rule, "portacrib" means a child's portable bed which has an interior dimension smaller than forty-nine and three-fourths (49 3/4) inches plus or minus five-eighths (5/8) inch in length but not less than thirty-six (36) inches in length, and twenty-five and three-eighths (25 3/8) inches plus or minus five-eighths (5/8) inch in width but not less than twenty-four (24) inches in width. With the mattress support in its lowest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty-two (22) inches.

◆ Intent: To define the term "portacrib" for use in this rule.

#### Assessment Method:

When there is a question whether a particular crib is a portacrib, it shall be measured measuring a tape measure.

New crib standards were adopted by the Consumer Product Safety Commission effective 6/28/2011. Any crib manufactured prior to this date shall not be used. These guidelines apply to all types of cribs – full size, non full size, wooden, and metal. Non-compliant cribs may not be resold or donated. They must be disassembled prior to discarding.

#### **Update #8 Health – Handwashing – p. 30**

##### **■ 470 IAC 3-1.1-44 Health**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 44.

■ (c) Child care providers shall see that children's hands are washed at a sink with soap and warm running water before meals and snacks and after toilet use. Direct child care providers shall not permit children to use a common washcloth or towel.

#### ◆ Intent:

To reduce the spread of illness. Hand washing is the most effective way to reduce the spread of illness in child care. Use of a shared towel or washcloth reduces the effectiveness of hand washing by providing the opportunity to share germs on the towel or washcloth.

#### ○ Assessment Method:

Observe the bathroom and kitchen for soap and individual towels or paper towels. Running water, soap, and towels shall be close enough for the children to reach easily and without adult assistance. Check to determine if warm water is available at all sinks. Observe the children and caregiver to determine if hand washing is done routinely.

Ensure the proper handwashing method is followed:

1. Wet hands.
2. Apply soap.
3. Cleans hands/wrists by rubbing for a minimum of 20 seconds.
4. Rinse under running water.
5. Dry hands with clean disposable towel or wall-mounted drying device.

▲ Threshold of Compliance:

Electric hand dryers may be used in lieu of towels. Hand sanitizers may not be used in lieu of washing hands with soap and running water.

**Update #9 – Naps – Infant Sleeping – p. 45**

**470 IAC 3-1.2-5 Naps**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 5. (a) Licensee shall provide a separate crib, portacrib, or playpen in which each infant or toddler can sleep. Each crib, portacrib, or playpen shall be equipped with a firm-fitting mattress or pad made of waterproof materials. A parent or legal guardian may provide or approve the use of a bassinet for an infant and is responsible along with the caregiver to monitor its use closely. (Manufacturers of bassinets indicate that a bassinet should no longer be used once an infant begins moving and turning unassisted.)

(b) The licensee may use washable cots, sleeping bags, or mats for toddlers over twenty-four (24) months of age.

◆ Intent:

To protect children while they are sleeping by ensuring that the sleeping equipment is safe for children based on their development stage.

○ Assessment Method:

Observe the children's sleeping equipment to determine if each child younger than 24 months has a crib, portacrib, playpen, or bassinet. If a bassinet is used, determine if the parent has either provided or consented to the use of the bassinet. For the child older than 24 months and not using a crib, portacrib, or playpen for napping, determine if a cot, mat or sleeping bags is available for his or her use. If a child that is less than 24 months old would be better on a cot or mat due to climbing out of the crib or too large for the crib, the provider may apply for a variance with written parental permission. Stackable cribs are not allowed. Children less than 12 months of age shall never have any soft bedding such as pillows, quilts, comforters and sheepskins in the crib, portacrib, playpen, bassinet, or pack n play. There shall not be any toys, stuffed animals, crib bumpers, positioning devices, or extra bedding in the crib or other approved sleeping surface. Children less than 12 months of age must always be placed on their back to sleep. A child less than 12 months that falls asleep in other locations, such as a swing, car seat, or bouncy seat, must be immediately moved to a safe sleeping surface.

If an approved safe sleep surface is used for more than one child, the surface must be sanitized between uses and a clean sheet put on the mattress.

Update #10 – Diaper Changing – p. 45 and 46

**470 IAC 3-1.2-6 Diaper changing and toilet training**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 6. (a) The licensee shall provide an area for diaper changing with a washable surface on which the infant or toddler may be placed. The diaper changing surface must have waterproof material between the child and the surface of the changing area. This material shall be changed after each use. The diaper changing area shall be sanitized daily and when soiled.

(b) Licensee shall supply a covered container for wet or soiled diapers.

(c) Direct child care providers changing diapers shall wash their hands with soap and running water after each diaper change.

◆ Intent:

To protect the children from diseases particularly those diseases with a fecal-oral transmission.

○ Assessment Method:

Observe caregiver changing a child's diaper to determine that:

- There is an area designated for changing diapers
- There is a washable and sanitizable surface on which the child is placed and it is fully intact
- There is a waterproof material placed between the child and the diaper changing surface. The paper must be equal to the length of the child from neck to feet.
- That this material is changed after each use
- That the diaper changing surface is sanitized daily and when soiled with an appropriate sanitizing solution
- That the caregiver washes his/her hands with soap and running water after each diaper change. Hands shall be washed prior to touching the clean diaper. If gloves are used, the dirty gloves shall be removed prior to touching the clean diaper.
- There is a covered trash receptacle is close by for soiled diapers and diaper changing materials.

If it is not possible to observe a diaper change, interview the caregiver to determine if they are familiar with the procedure. Educate caregiver on the reasons for the steps in the procedure.

**Update # 11 – Sanitation – p. 40**

■ **470 IAC 3-1.1-47 Sanitation**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

■ (c) Direct child care providers shall wash and sanitize all food preparation areas, serving areas, and utensils daily.

◆ Intent:

To protect the children from food borne illness.

o Assessment Method:

Eating surfaces must be cleaned with a soap solution (detergent and water) and dried with a disposable towel. Eating surfaces must be sanitized with a sanitizing solution that destroys disease-causing organisms. Observe food preparation and clean-up if possible, if not, interview the caregiver to determine the procedures used to wash and sanitize.

**Update # 12 – Applying for licenses – p. 48 & 49**

**■ IC 12-17.2-5-3**

**Applying for licenses**

Sec. 3. (a) An applicant must apply for a child care home license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting that the applicant has not been:

(1) convicted of:

(A) a felony;

**(i) related to the health and safety of a child;**

**(ii) that is a sex offense (as defined in IC 11-8-8-5.2);**

**(iii) that is a dangerous felony; or**

**(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest;**

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or **of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or**

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter, **of a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; and**

(2) charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or **with a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or**

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter **or with a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child; or** during the pendency of the application.

(d) An applicant must submit:

(1) the necessary information, forms, or consents ~~for the division to:~~ **and**

~~(2) obtain a national criminal history background check on the applicant through the state police department under IC 10-13-3-39.~~

(e) An applicant must do the following:

(1) Conduct a criminal history check of the applicant's:

(A) employees;

(B) volunteers; and

(C) household members who are:

- ~~(i) at least eighteen (18) years of age; or~~
- ~~(ii) less than eighteen (18) years of age but have previously been waived from juvenile court to adult court.~~
- ~~(2) Maintain records of each criminal history check.~~
- (2) the fingerprints of the applicant and the applicant's spouse; for a national criminal history background check by Federal Bureau of Investigation.**
- (e) Subject to section 3.3 of this chapter an applicant shall require:**
  - (1) an employee or a volunteer of the applicant who has direct contact with a child who is receiving child care from the applicant; and**
  - (2) the applicant's household members who are:**
    - (A) at least eighteen (18) years of age; or**
    - (B) less than eighteen (18) years of age but have previously been waived from juvenile court to adult court; to submit fingerprints for a national criminal history background check by the Federal Bureau of Investigation. An applicant shall require an individual described in subdivision (1) to apply for a national criminal history background check before the individual is employed or allowed to volunteer and every three (3) years thereafter that the individual is continuously employed or allowed to volunteer.**
- (f) In addition to the requirements under subsections (d) and (e), an applicant must report to the division any:**
  - (A) police investigations;**
  - (B) arrests; and**
  - (C) criminal convictions;****of which the applicant is aware regarding the applicant, the applicant's spouse, or a person described in subsection (e).**

◆ Intent:

To protect children from a caregiver or an adult child care home household member who present risk due to their criminal activity. The statute compels adults who have access to children in a child care home to comply with a **National** criminal history check.

○ Assessment Method:

~~Review the criminal history files maintained by the licensee to determine that the adults have had a state-wide criminal history check completed. Only the licensee is fingerprinted.~~  
**Check the online data base of National Criminal History Check results.**

**Update # 13 – Grounds for Denial – p. 51**

Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

- (1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:
  - (A) the applicant;
  - (B) a member of the applicant's household;
  - (C) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or
  - (D) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are ~~under the~~ direct supervision of the applicant.
- (2) A criminal conviction of the applicant, an employee of the applicant who has direct contact ~~on a~~

regular and continuous basis, with children who are under the direct supervision of receiving child care from the applicant, a volunteer of the applicant who has direct contact on a regular and continuous basis, with children who are under the direct supervision of receiving child care from the applicant, or a member of the applicant's household, of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the applicant; or

(B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

◆ Intent:

To protect children from harm by prohibiting licensure of a child care home that includes a caregiver or adult household who have a history that includes substantiated child abuse or neglect, a felony conviction, a misdemeanor related to the health or safety of children, a misdemeanor related to the operation of unlicensed child care facility. The statute allows the division to prohibit licensure of an applicant who falsifies an application or has illegally operated an unlicensed child care program. If an applicant or licensee moves to protect the children by terminating the employment or services of a caregiver or removing a household member with child abuse or neglect history or criminal history, the child care home may continue licensure. This statute provides the division grounds for an enforcement action against a licensee or applicant.

Assessment Method:

For verification of juvenile criminal history checks for student assistants, forms may be obtained from the Bureau of Child Care or the Indiana State Police. The process involves obtaining fingerprints for the juvenile and a parent/guardian's signature on the form.

**Update # 14 – Grounds for Revocation – p. 66 & 67**

Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the licensee;

(B) a member of the licensee's household;

(C) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or

(D) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.

(2) A criminal conviction of the licensee, an employee of the licensee who has direct contact ~~on a regular and continuous basis~~, with children who are ~~under the direct supervision of receiving child care~~ from the licensee, a volunteer of the licensee who has direct contact ~~on a regular and continuous basis~~, with children who are ~~under the direct supervision of receiving child care~~ from the licensee, or a member of the licensee's household, of any of the following:

(A) A felony:

**(i) related to the health or safety of a child;**

**(ii) that is a sex offense (as defined in IC 11-8-8-5.2);**

**(iii) that is a dangerous felony; or**

**(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.**

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, **or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, **or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.**

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

(A) an employee or a volunteer of the licensee's; or

(B) a resident of the licensee's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the licensee; or

(B) member of the licensee's household is no longer a member of the licensee's household; the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

◆ Intent:

This statute establishes the grounds the division may use to revoke a license.

Assessment Method:

For verification of juvenile criminal history checks for student assistants, forms may be obtained from the Bureau of Child Care or the Indiana State Police. The process involves obtaining fingerprints for the juvenile and a parent/guardian's signature on the form.

**Update # 15 – Volunteer Definition- p. 10**

■ **470 IAC 3-1.1-22.5 “Volunteer” defined**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 22.5. As used in this rule, “volunteer” means a direct child care provider who is not paid. If the volunteer is counted in the child to staff ratio, he or she must be fourteen (14) years of age or older and must meet the same requirements as paid personnel.

◆ Statute Change:

IC 12-7-2-199.2 defines volunteer as “refers to an individual who, without compensation provides services to a child care home, child care center, provider (as defined in section 149.1(4) of this chapter), or child care ministry for at least eight (8) hours per month.”

**Update # 16 – Related Definitions – p. 70 and 71 – addition of new page**

**Related Definitions**

**IC 12-7-2-33.7**

**Class I child care home**

Sec. 33.7. (a) As used in this chapter, "class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least full-day kindergarten. Except as provided in IC 12-17.2-5-6.3(b), the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and who is at least seven (7) years of age; or

(2) who is at least fourteen (14) years of age and does not require child care; shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

*As added by P.L.136-1993, SEC.3. Amended by P.L.106-1996, SEC.1; P.L.247-2001, SEC.5; P.L.124-2007, SEC.2; P.L.197-2011, SEC.38.*

**IC 12-7-2-33.8****Class II child care home**

Sec. 33.8. (a) As used in this chapter, "class II child care home" means a child care home that serves more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time.

(b) A child:

(1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and who is at least seven (7) years of age; or

(2) who is at least fourteen (14) years of age and does not require child care; shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

*As added by P.L.136-1993, SEC.4. Amended by P.L.124-2007, SEC.3.*

**IC 12-7-2-53.2 "Dangerous felony"**, for purposes of IC 12-17.2, means one (1) or more of the following felonies:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Rape (IC 35-42-4-1).
- (9) Criminal deviate conduct (IC 35-42-4-2).
- (10) Child molesting (IC 35-42-4-3).
- (11) Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
- (12) Robbery as a Class A or Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A or Class B felony (IC 35-43-2-1).
- (14) Battery as a felony (IC 35-42-2-1).
- (15) Domestic battery (IC 35-42-2-1.3).
- (16) Strangulation (IC 35-42-2-9).
- (17) Criminal confinement (IC 35-42-3-3).
- (18) Sexual battery (IC 35-42-4-8).
- (19) A felony committed in another jurisdiction that is substantially similar to a felony in this section.
- (20) An attempt to commit or a conspiracy to commit an offense listed in subdivisions (1) through (19).

**IC 12-7-2-162.5 Related**

Sec. 162.5. "Related", for purposes of IC 12-17.2, means any of the following relationships to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption:

- (1) Parent.
- (2) Grandparent.
- (3) Brother.
- (4) Sister.

- (5) Stepparent.
- (6) Stepgrandparent.
- (7) Stepbrother.
- (8) Stepsister.
- (9) First cousin.
- (10) Uncle.
- (11) Aunt.

*As added by P.L.20-1992, SEC.22 and P.L.81-1992, SEC.23. Amended by P.L.1-1993, SEC.92; P.L.145-2006, SEC.60.*

**IC 12-7-2-199.2 Volunteer**

“refers to an individual who, without compensation provides services to a child care home, child care center, provider (as defined in section 149.1(4) of this chapter), or child care ministry for at least eight (8) hours per month.”