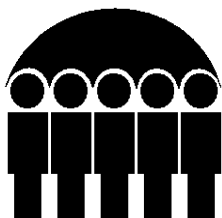


Revised, November 26, 2002

Employees' Manual
Title 12
Chapter F



CHILD DEVELOPMENT HOME REGISTRATION



Iowa
Department
of
Human Services



June 27, 2008

MANUAL LETTER NO. 12-F-4

ISSUED BY: Bureau of Child Care and Community Services,
Division of Child and Family Services

SUBJECT: Temporary Exceptions to Capacity Policy in Cedar Rapids Service Area.

Summary

The following process has been developed to expedite flood-related exception to policy requests for displaced child care children in the Cedar Rapids Service Area to temporarily allow the maximum capacity as permitted during emergency school closings. Requests may **not** exceed the capacity allowed in 441 IAC 110.4(3) for emergency school closures. (See page 2.)

1. Child care providers may contact the local office to:
 - ◆ Submit exception to policy requests for capacity, or
 - ◆ Have assistants or substitutes necessary to meet capacity requirements fill out record check forms. Providers will still be able to submit record check requests via the DIA web page. http://www.dhs.state.ia.us/dhs/appeals/exceptions_policy.html
2. If the provider submits the request through the local office, the local office can either
 - ◆ Complete the template in the exception to policy link on the DHS home web page (you do not need to complete any of the boxes after “why are you submitting an exception to policy” except the name of requestor and date); or
 - ◆ Send an e-mail via Outlook to DHS, Exceptions mailbox.
3. The local office shall review the provider file using the criteria on page 3 of this letter and make a recommendation of support or non-support of the request using format “Local Office Recommendation of Support for Exception to Policy Request” on page 3.
4. The Appeals Section will log in the response and send an acknowledgment letter. The request will be assigned to Beth Walling for review.
5. Within one business day, Beth will make the recommendation for approval or denial and issue an e-mail response to the designated local office with a copy to Nancy Freudenberg.
6. Nancy will be responsible for obtaining the Director’s verbal approval or denial. Beth will e-mail or, if possible, phone the provider to report the decision.

7. The formal, printed exception to policy will be completed within 10 days and processed using normal sign-off and forwarding procedures. The local office shall put a copy of the exception to policy e-mail and letter in the provider file.

Determining Allowable Number of Children in Care

The following chart summarizes the limits on the number of children that can be in care for each category of home.

Child Development Homes: Number of Children Allowed in Care						
C A T E G O R Y	Maximum no. of children under 24 months in care at any one time	Total no. of children under school age, including those under 24 months	School age children (attending kindergarten or a higher grade level)	Extra part-time children of any age (can't exceed the maximum for children under 24 mo.)	Maximum capacity	Maximum capacity during inclement weather or emergency school closings
A	4 No more than 3 may be under 18 months of age	6	2 for less than 2 hours at a time	0	8	8
B	4 No more than 3 may be under 18 months of age	6	4 Can be in full-time care when no school. Assistant is required if more than 8 children are present for more than 2 hours at a time.	2 at any one time	12	12 If more than 8 children are present, must have a 14-year-old assistant.
C	4 Whenever 4 children under 18 months of age are in care, both providers must be present.	12 If more than 8 children are present, both providers must be present.	2 for less than 2 hours at a time	2 at any one time	16 If more than 8 children are present, both providers must be present.	16 If more than 8 are present, must have 18-year-old assistant.

Effective Date

Immediately.

Additional Information

Refer questions about this general letter to Janice Von Arb at the Field Office Support Unit Service Help Desk. The toll free number is 1-866-347-7782 extension 9.

Local Office Recommendation of Support for Exception to Policy Request

Has the provider's registered home been damaged by flood? (circle) Yes or No

If so, indicate if the home has been tagged (circle) green, yellow, or red.
(If yellow or red, the exception will be denied.)

Is the provider currently on a corrective action plan? (circle) Yes or No

If so, list the non-compliance issues and dates.

OR

Does the file reflect any of the following:

1. Any action taken by the Department to revoke or serve an injunction?
(circle) Yes or No
2. A history of using unapproved substitutes or of unauthorized persons in the home
(i.e., persons with no record checks completed) (circle) Yes or No
3. Any over-capacity findings in the past 24 months? (circle) Yes or No
4. Incident of substantiated complaints (i.e., evidence of being out of compliance) in
the past 24 months? (circle) Yes or No

If so, provide the specific out-of-compliance issues related to health and safety
that are of such significance to warrant denial of the exception to policy.

Local Office Recommendation (check which applies)

_____ Supports _____ Does not support

Local Office Contact Person _____ Date _____

Submit to DHS Appeals Unit, Attn: Nancy Freudenberg



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
CHARLES J. KROGMEIER, DIRECTOR

October 23, 2009

MANUAL LETTER NO. 12-F-5

ISSUED BY: Bureau of Child Care and Community Services,
Division of Child and Family Services

SUBJECT: Lead Assessment and Control, First Aid and CPR Training, Evaluation of
Deferred Judgments, KinderTrack Implementation, and Inspection Targets

Summary

This letter transmits a summary of law, rule, and system changes affecting child development home registration. This material will be incorporated into Chapter 12-F at a later date.

Lead Assessment and Control

A new rule on lead inspection and control, 441 IAC 110.5(1)“x,” goes into effect on November 1, 2009. The rule requires providers operating in facilities built before 1960 to:

- ◆ Complete a visual assessment for lead paint hazards,
- ◆ Apply interim controls (or obtain verification that the paint is not lead- based), and
- ◆ Submit a report of these activities to the Department with every application for registration.

Providers will use new forms 470-4755 and 470-4755(S), *Lead Assessment and Control*, to record these activities. The provider must:

- ◆ Fill out the “Interim Control” page on an ongoing basis and whenever a hazard is identified;
- ◆ Complete and sign the first page of the form before submitting the form with the application.

The *Application for Child Development Home Registration* has been revised to include instructions for providers operating in facilities built before 1960 to submit form 470-4755 or 470-4755(S) with the application materials. Send a copy of form 470-4755 to the applicant/provider with all initial and renewal application materials.

- ◆ Initial applicants who operate in pre-1960 facilities must submit this form with the registration application beginning December 1, 2009.
- ◆ Providers who have a valid registration on November 1, 2009 (including those who apply in November 2009) have until June 30, 2010, to complete the visual assessment and interim controls. These providers must submit form 470-4755 with their next renewal application after June 30, 2010.

When completing an inspection on a child development home built before 1960, request to see the provider's form 470-4755. Follow up with corrective action if the provider is not in compliance with this rule. However, be mindful of the timeframes for compliance listed above.

The Department's rule references rules of the Iowa Department of Public Health (IDPH) on lead-safe work methods and certification of lead inspectors. IDPH is responsible for providing guidance on these aspects of the rule. Refer providers to the IDPH for consultation on conducting visual assessments, applying interim controls, and obtaining verification that paint is not lead-based. The telephone number of the IDPH Lead Poisoning Prevention Program is 1-800-972-2026.

The joint IDPH/IDHS ICN training provided on September 18, 2009, has been recorded on DVD and will be distributed to each service area for use with registration and compliance staff. The child care resource and referral agencies will distribute the training DVD to child development home providers.

First Aid and CPR Training Requirements

The provider shall obtain first-aid training within the first three months of registration as a child development home. This training shall include certification in infant and child first aid that includes management of a blocked airway and mouth-to-mouth resuscitation. If children are allowed to use a swimming pool, the provider must have current CPR training.

If the provider cannot locate first aid training that includes management of a blocked airway and mouth-to-mouth resuscitation, the provider must complete both a first aid course and CPR.

The provider shall maintain a valid certificate of this training. First Aid and CPR certificates (when required) must be turned in with the renewal application materials.

Evaluation of Deferred Judgments

Deferred judgments on criminal records have not been subject to the record check process when a determination is made that the probationary period was completed satisfactorily (when "discharged.") This is changing.

All deferred judgments, whether discharged or not, shall be subject to the record check process, as they are considered to be **convictions**. Mandatory and time-limited prohibition criteria apply to these convictions. Complete an evaluation of a deferred judgment in accordance with current policy for those convictions that are subject to evaluation.

Implementation of KinderTrack

As KinderTrack is implemented in your service area, you will transition from use of printed forms or Outlook templates to the system-generated forms. The gold seal will be obsolete with the issuance of registration certificates through KinderTrack. Certificates issued through KinderTrack will contain the effective and expiration dates for the registration period.

Annual Inspection Targets

Senate File 478, enacted in 2009, states that DHS shall seek to meet the following target percentages of the total number of child development homes in the state inspected annually:

- ◆ FY 2010: 20%
- ◆ FY2011: 40%
- ◆ FY2012: 60%
- ◆ FY2013: 80%
- ◆ FY2014 and beyond: 100%

Effective Date

Immediately.

Additional Information

Refer questions about this manual letter to Janice Von Arb at the Field Office Support Unit Service Help Desk. The toll free number is 1-866-347-7782, extension 9.

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OVERVIEW

| This chapter provides direction to workers concerning the registration process for child development homes, including:

- ◆ Criminal record and child abuse registry checks
- ◆ Compliance checks
- ◆ Denial or revocation of a certificate
- ◆ Consultative services
- ◆ Case files

Nonregistered child care homes are allowed to care for five children at any one time. The penalty for a nonregistered child care home that provides care to more than five children at any one time is a simple misdemeanor.

In Iowa, “licensing” and “registration” are distinct processes. Licensing requires compliance with stringent requirements. A professional staff person visits the facility and makes an evaluation before issuing the license. In issuing a license, the Department is saying the provider meets the necessary requirements.

| Registration is a less complicated process. The Department establishes minimum requirements. The provider then self-certifies that the minimum requirements are and will be complied with in all areas of the child development home operation. In issuing a registration certificate, the Department is publicly stating that the provider has certified in writing that the provider meets those requirements.

Responsibility for making sure the requirements are met rests primarily with the provider, the parent, and the community. Registration is a voluntary process. However, Iowa law limits the numbers of children that may be cared for whether a family child care home is registered or not.

Legal Basis

| Registration of child development homes is required by Iowa Code Chapter 237A. This chapter also authorizes the Department to adopt rules setting minimum standards and requirements for child development homes.

|

OVERVIEW**Legal Basis**

Revised November 26, 2002

Iowa Department of Human Services

Title 12 Licensing and Approval Standards**Chapter F** Child Development Home Registration

These standards and requirements are contained in 441 Iowa Administrative Code, Chapter 110. Please refer to Comm. 143, *Child Development Home Registration Guidelines*, for a complete explanation of all of the minimum standards. (See 12-F-Appendix)

List of Requirements

<u>Actions</u>	<u>Forms</u>
Respond to request for child development home registration information by sending to applicant provider	<i>Child Development Home Registration Guidelines, Comm. 143</i> <i>Application for Child Development Home Registration, 470-3384 or 470-3384(S)</i> <i>DHS Criminal History Record Check, 595-1396 or 595-1396(S)</i>
Complete child abuse registry check and criminal record check	<i>Request for Child Abuse Information, 470-0643</i> <i>DHS Criminal History Record Check, 595-1396 or 595-1396(S)</i>
Evaluation of any criminal convictions or founded child abuse	<i>Record Check Evaluation, 470-2310</i> <i>Checklist for Retroactive Review, 470-3416</i> <i>Record Check Decision, 470-2386</i>
Notice of negative actions	<i>Notice of Decision: Services, 470-0602</i>
Complete certificate	<i>Certificate of Registration, 470-3498</i> <i>Parent Guide to Child Development Home Registration, SS-0702-3 or SS-0702-3(S)</i>
Computer entry	<i>Licensing/Registration/Approval, 470-0717</i>
SRS entry	<i>Services Reporting System, 470-0555</i>
Spot-check	<i>Checklist for Child Development Home Registration, 470-0625</i>
Renewal	Department of Human Services renewal seal <i>Licensing/Registration/Approval, 470-0717</i>

Definition of Terms

Legal reference: 441 IAC 110.1(237A); Iowa Code section 237A.1

“Adult” means a person aged 18 or older.

“Applicant” means a person who has submitted a signed application that has not yet been finalized.

“Assistant” means a responsible person aged 14 or older. The assistant may never be left alone with children. Ultimate responsibility for supervision is with the child care provider.

“Administrator” means the administrator of the division designated by the director to administer this chapter.

“Child” means either a person 12 years of age or younger, or a person 13 years of age or older but younger than 19 years of age who has a developmental disability as defined under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000.

“Child care” means the care, supervision, or guidance of a child by a person other than the child’s parent, guardian, or custodian for periods of less than 24 hours per day per child on a regular basis.

“Child care center” or **“center”** means a (licensed) facility providing child care for seven or more children, except when the facility is registered as a child development home.

“Child care home” means a person or program providing child care to five or fewer children at any one time that is not registered to provide child care.

“Child care worker” in this manual means the social worker who is responsible for the child care registration program.

“Child development home” means a person or program registered under this chapter that may provide child care to six or more children at any one time.

“Child care facility” or **“facility”** means a child care center or child development home.

OVERVIEW

Definition of Terms

Revised November 26, 2002

Iowa Department of Human Services

Title 12 Licensing and Approval Standards

Chapter F Child Development Home Registration

“Deferred judgment” means the criminal conviction is postponed. During the time the conviction is postponed, the person is on probation. At the end of the probationary period, the criminal charges are dropped. There is then no record of a conviction that can be used to affect a person’s employment.

“Deferred sentence” means a person is guilty of the crime involved, but the sentence is postponed. During the time the sentence is postponed, the person is on probation. At the end of the probationary period, the person is discharged from probation but the criminal conviction still stands. **Note:** There may occasionally be a “deferred disposition.” Treat this as you would a deferred sentence for the purpose of child care.

“Department” means the Department of Human Services.

“Director” means the director of the Department of Human Services.

“Guidelines” means the *Child Development Home Registration Guidelines*, Comm. 143, found in 12-F-Appendix.

“Negative record check” means no criminal conviction or founded child abuse report.

“Parent” means parent or legal guardian.

“Part-time hours” means the hours that child development homes in categories B and C are allowed to exceed their maximum preschool and/or school age capacity. A provider may use a total of up to 180 hours per month as part-time hours. No more than two children using part-time hours may be in the child development home at any one time.

“Positive record check” means a criminal conviction or a founded child abuse report.

“Provider” means the adult listed on the registration certificate for a child development home or the adult who is responsible and provides the child care in an unregistered child care home.

“Registration” means the process by which child care providers certify that they comply with rules adopted by the Department.

“Registration certificate” means the written document issued by the department to publicly state that the provider has certified in writing compliance with the minimum requirements for registration of a child development home.

“Spot-check” means a visit to a 20% sample of child development homes to determine if the homes are in compliance with the minimum requirements.

Previous Registration Systems

Before December 1, 2002, there were two systems of child care home registration in Iowa. Providers who are registered under either of these systems may remain in that system until either:

- ◆ Their certificate of registration expires, or
- ◆ They request that their registration be changed to a child development home registration.

The following charts outline the number of children allowed in care for these previous registration systems.

FAMILY/GROUP/GROUP JOINT REGISTRATION			
Number of Children Allowed in Care			
	Family Child Care Homes	Group Child Care Homes	Group Child Care Homes-Joint Registration
Infants (under 24 mo.)	Maximum of 4 at any one time.		
Preschool (24 months to entering school)	Maximum including infants = 6.		Maximum including infants = 11.
School-Aged (kindergarten or a higher grade)	5 for less than 2 hours at any one time.	5 at any one time, PLUS 4 for less than 2 hours at any one time.	Included in the basic 11 maximum, PLUS 4 for less than 2 hours at any one time.
Inclement Weather Exception (under applicable conditions)	11 children total (see above) with a responsible helper (see below) present when more than 6 children are present for 2 hours or more.	15 children total (see above) with a responsible helper (see below) present when more than 6 children are present for 2 hours or more.	15 children total (see above) with a joint holder of the <i>Certificate of Registration</i> present when more than 6 children are present for 2 hours or more.
Assistant Required	14 years of age or older. Must be present only when inclement weather exception is in place.	14 years of age or older. Must be present whenever more than 6 children are present for 2 hours or more.	Joint holder of certificate (adult meeting all provider requirements). Must be present whenever more than 6 children are present.
Total Children Permitted	Maximum of 11: 6 under school age + 5 school-age under 2 hrs.	Maximum of 15: 6 under school age + 5 school-age over 2 hrs. + 4 school-age under 2 hrs.	Maximum of 15: 11 children + 4 school-age under 2 hrs. See above limits.

Note: A group child care home-joint registration may care for a maximum of 11 children. This maximum includes infants, preschoolers, and school-age children full time, with an additional four school-age children present for less than two hours at any one time.

4 – LEVEL CHILD CARE HOME REGISTRATION				
Number of Children Allowed in Care				
	Level 1	Level 2	Level 3	Level 4
Under 24 months	3 at a time	3 at a time	3 at a time	4 at a time
Under school age, including under 24 months	6	6	6	12
School-aged (kindergarten or a higher grade)	2 for less than 2 hours at a time	4 for less than 2 hours at a time	4— Can be full-time in care when no school. Assistant required if more than 8 are present for more than 2 hours at a time.	2 for less than 2 hours at a time
Additional part-time children	0	2 at any one time	2 at any one time	2 at any one time
Maximum capacity	8	12	12	16— If more than 8 are present, second person who meets individual qualifications for registration must be present.
Maximum during inclement weather	8		12— If more than 8 are present, must have 14-year-old assistant.	16— If more than 8 are present, must have 18-year-old assistant.

Note: Maximum number of hours care may be provided for all part-time children combined = 180 hours per month.

CATEGORIES OF CHILD DEVELOPMENT HOMES

Legal reference: Iowa Code section 237A.1(8); 441 IAC 110.8(237A)

Child development homes are divided into three categories: A, B, and C, based on the provider's education and experience. These categories take effect December 1, 2002. They apply to any person requesting registration or renewal on or after December 1, 2002.

Providers currently registered as family, group, group/joint, Level I, II, III, or IV, will transition into the child development home categories at their time of registration renewal or when they request to change their registration, whichever date is first.

Infants and preschool children of the provider ARE counted in the total number of children. School-aged children of the provider are NOT counted in the total number of children (unless they are staying home, e.g. for home-schooling).

The summer before a child enters kindergarten, the child is still counted as a preschooler. A child is counted as school-aged from the first day of kindergarten on, including days school is not in session and summer vacation.

Children are counted in the child care capacity up to the age of 13, unless they are considered to have special needs. Special needs children may be counted in the child care capacity up to the age of 19.

When providers are **home-schooling** their own school-age children, these children ARE included in the total number of children. If a child is school-age, but is staying home, that child counts in the providers child care capacity.

This is consistent with counting the provider's own children if they are younger and at home. The Legislature's rationale for not counting the provider's school-age children was that these children are normally away from the home for most of the day.

If a **licensed foster home** is also providing child care, the provider MUST register as a child development home. The foster children must be considered the children of the person operating the child development home in determining the number of child care children for which the home can be registered.

CHILD DEVELOPMENT HOMES Number of Children Allowed in Care			
	Category A	Category B	Category C
Under 24 months	4 at a time- Only 3 may be under the age of 18 months	4 at a time – Only 3 may be under the age of 18 months	4 at a time Both providers must be present when 4 children under the age of 18 months are in care.
Under school age, including under 24 months	6	6	12 If more than 8 are present, both providers must be present.
School-aged (kindergarten or a higher grade)	2 for less than 2 hours at a time	4— Can be full-time in child care when no school. Assistant required if more than 8 are present for more than 2 hours at a time.	2 for less than 2 hours at a time
<u>Additional part-time</u>	0	2 at any one time	2 at any one time
Maximum capacity	8	12	16— If more than 8 children are present, both providers must be present.
Maximum for inclement weather and emergency school closings	8	12— If more than 8 children are present, must have a 14 year-old assistant.	16— If more than 8 are present, must have 18-year-old assistant.

Note: These numbers include the provider’s infant and preschool children.

Category B & C providers may use up to 180 part-time hours per month. These children may be any age (not to exceed the maximum number of children under 24 months).*

CHILD DEVELOPMENT HOMES Facility, Provider, and Training Requirements			
Category	Facility Requirements	Provider Qualifications	Training Requirements
A	<ul style="list-style-type: none"> ◆ Fire extinguisher ◆ Smoke detectors 	<ul style="list-style-type: none"> ◆ 18 years old ◆ 3 reference letters 	<ul style="list-style-type: none"> ◆ .Within 1st 3 months: <ul style="list-style-type: none"> ● Mandatory reporter training ● First aid with rescue breathing ◆ 1st year of registration: 12 hours training, 2 hours must be health and safety ◆ 2nd year and following: 12 hours of training
B	<ul style="list-style-type: none"> ◆ 35 square feet per child indoors ◆ 50 square feet of child space outdoors ◆ Quiet area for sick children ◆ Fire safety: <ul style="list-style-type: none"> ● Fire extinguisher ● Smoke detectors ● Two direct exits 	<ul style="list-style-type: none"> ◆ 20 years old ◆ High school diploma or GED ◆ Have either: <ul style="list-style-type: none"> ● 2 years experience working directly with children in child care, or ● CDA or 2- or 4 -year degree in child care related field AND 1 year of experience working directly with children in child care 	<ul style="list-style-type: none"> ◆ Within 1st 3 months: <ul style="list-style-type: none"> ● Mandatory reporter training ● First aid with rescue breathing ◆ 1st year of registration: 12 hours training, 2 hours must be health and safety ◆ 2nd year and following: 12 hours of training
C	<ul style="list-style-type: none"> ◆ 35 square feet per child indoors ◆ 50 square feet of child space outdoors ◆ Quiet area for sick children ◆ Fire safety: <ul style="list-style-type: none"> ● Fire extinguisher ● Smoke detectors ● Two direct exits 	<ul style="list-style-type: none"> ◆ 21 years old ◆ High school diploma or GED ◆ Have either: <ul style="list-style-type: none"> ● 5 years experience working directly with children in child care, or ● CDA or 2- or 4-year child-care-related degree AND 4 years experience working directly with children in child care 	<ul style="list-style-type: none"> ◆ Within 1st 3 months <ul style="list-style-type: none"> ● Mandatory reporter training ● First aid with rescue breathing ◆ 1st year of registration 12 hours training, 2 hours must be health and safety ◆ 2nd year and following 12 hours of training

Not all requirements for child development homes are in this manual. For specific health and safety, provider, activity program, discipline, meals, and children's files requirements, refer to Comm. 143, *Child Development Home Registration Guidelines*.

Child Development Home Category A

Legal reference: Iowa Code section 237A.1(8)“a”; 441 IAC 110.8(237A)

In child development home category A, providers may care for up to six preschool children at any one time. Of these six children, not more than four children who are 24 months of age or younger may be in care. Of the four children under 24 months of age, no more than three may be 18 months of age or younger.

The provider's own preschool age children are included in the total count. The provider's own children attending kindergarten or a higher level are not included in the total count. In addition to these six children, up to two children who attend school may be present for less than two hours at a time.

On days when schools are closed due to emergencies such as inclement weather or physical plant failure, child development home category A, providers may care for a maximum of 8 children. This exception does not apply on non-emergency no-school days, such as in-service, conference, or vacation days.

A child development home category A provider must:

- ◆ Be at least 18 years old.
- ◆ Have three written references that attest to character and ability to provide child care.

Child Development Home Category B

Legal reference: Iowa Code section 237A.1(8)“a”; 441 IAC 110.9(237A)

In child development home category B, providers may care for up to six or eight preschool children at any one time. Of these six children, not more than four children who are 24 months of age or younger may be in care. Of the four children under 24 months of age, no more than three may be 18 months of age or younger.

The provider’s own preschool age children are included in the total count. The provider’s own children attending kindergarten or a higher level are not included in the total count.

In addition to these six children, up to four children who attend school may be present. Whenever more than eight children are present at any one time for more than two hours, the provider must be assisted by a DHS-approved assistant aged 14 or older. Up to two children may also be present who are using part-time hours. (See **Part-Time Hours** for explanation.)

On days when schools are closed due to emergencies such as inclement weather or physical plant failure, child development home category B, providers may care for a maximum of 12 children.

Whenever more than eight children are present at any one time for more than two hours, the provider must be assisted by a DHS-approved assistant aged 14 or older. This exception does not apply on non-emergency no-school days, such as in-service, conference, or vacation days.

A child development home category B provider must:

- ◆ Be at least 20 years old.
- ◆ Have a high school diploma or GED.
- ◆ Meet one of the following requirements:
 - Have two years experience as a non-registered or registered child care home provider,
 - A child development associate (CDA) credential, or
 - A two-year or four-year college degree in a child-care-related field **and** one year of experience as a registered or non-registered child care home provider.

Child Development Home Category C

Legal reference: Iowa Code Section 237A.1(8)“a”; 441 IAC 110.10(237A)

In child development home category C, providers may care for up to 12 preschool children at any one time. Whenever more than eight children are present, both providers must be present, and each must meet the individual qualifications for registration as a category C provider.

Of these 12 children, not more than four children who are 18 months of age or younger may be in care. Whenever four children under the age of 18 months are in care, both providers must be present, and each must meet the individual qualifications for registration as a category C provider.

The providers' own preschool age children are included in the total count. The providers' own children attending kindergarten or a higher level are not included in the total count.

In addition to these 12 children, up to two children who attend school may be present for a period of less than two hours at any one time. Up to two children may also be present who are using part-time hours. (See **Part-Time Hours** for explanation).

On days when schools are closed due to emergencies such as inclement weather or physical plant failure, child development home category C providers may care for a maximum of 16 children.

Whenever more than eight children are present at any one time during an emergency school closing day, the provider must be assisted by a DHS-approved assistant aged 18 or older. This exception does not apply on non-emergency no-school days, such as in-service, conference, or vacation days.

A child development home category C provider must:

- ◆ Be at least 21 years old.
- ◆ Have a high school diploma or GED.
- ◆ Meet one of the following requirements:
 - Have five years experience as a non-registered or registered child care home provider.
 - Have a child development associate (CDA) credential or a two-year or four-year college degree in a child care related field **and** four years of experience as a non-registered or registered child care home provider.

Grandfathering

Child care home providers who are registered as of November 30, 2002, shall be grandfathered into the new system. They may transition into the new system at their renewal time or earlier, if they request it:

- ◆ Family, group, and Level 1-3 providers are considered to have met the provider qualifications for child development home categories A or B registration, and may choose to register at either of these categories.
- ◆ Group/joint and Level 4 providers are considered to have met the provider qualifications for child development home categories A, B, or C registration, and may choose to register at any of these categories.

Transition Exceptions

Legal reference: Iowa Code 237A, 441 IAC 110.13(237A)

If a currently registered child care provider applies for child development home registration, the following exceptions are allowed:

- ◆ **Infant care.** A currently registered provider who is providing child care to four children under the age of 18 months at the time of their registration as a child development home provider may continue to care for those 4 children.

However, when the provider no longer provides care to 1 or more of the children or 1 or more of the children reaches the age of 18 months, the exception no longer applies.

The overall limit on the number of children authorized for the level of care remains the same.

- ◆ **School-aged care.** A currently registered provider who is providing child care to more school-aged children than are allowed as a child development home provider, but is in compliance with family/group/group-joint or 4-level- child care home regulations may continue to provide care for those specific school-aged children. When the provider no longer provides care to those specific children, the exception no longer applies.

Facility Requirements

Legal reference: Iowa Code section 237A, 441 IAC 110.9(3), 441 IAC 110.9(1)(237A)

All child development homes must have:

- ◆ A 2A 10BC rated fire extinguisher located in a visible and readily accessible place on each child-occupied floor.
- ◆ A minimum of one smoke detector in each child-occupied room and at the top of every stairway.

In addition, child development home categories B and C must have the following:

- ◆ A minimum of 35 square feet of in-door child use floor space for each child in care.
- ◆ A minimum of 50 square feet of outdoor space for each child in care.
- ◆ A separate quiet area for sick children.
- ◆ Two direct exits to the outside from the main floor. If the basement or second story of the facility is used for child care, other than the use of a restroom, they must have, in addition to one inside stairway, one direct exit to the outside.

Training Requirements

Legal reference: Iowa Code section 237A.1(8)“a”; 441 IAC 110.5(237A)

All child development home providers must meet the following training requirements:

- ◆ Within the first three months of registration:
 - Two hours of approved child abuse and neglect mandatory reporter training. This training must be repeated every five years.
 - Certification in infant and child first aid that includes rescue breathing. The provider must maintain a valid certificate indicating the date of training and the expiration date. Providers who are unable to obtain first aid training that includes mouth-to-mouth resuscitation must obtain a certificate in both first aid and CPR.

The certification period may vary, depending on the training provider. As long as the expiration date has not passed, the certificate is current.
- ◆ Within the first year of registration: 12 hours of training. Of this 12 hours, 2 hours must be in the area of health and safety.
- ◆ In the second year of registration and every year following: 12 hours of training.

At least six hours of the yearly training must be received in a sponsored group setting, such as child care resource and referral agencies, Iowa State University extension, or community colleges.

Providers who complete the ChildNet training series (available through their local child care resource and referral agency) may use those hours to fulfill a maximum of two years training requirements, not including first aid and mandatory reporter training.

Part-Time Hours

Legal reference: 441 IAC 110.1(237A)

Child development home categories B and C providers are allowed to use part-time hours. It is necessary for a provider to use part-time hours only if the number of children in care exceeds the allowable capacity.

The home is allowed to have up to two additional children in care who are preschool or school-aged. The provider may NEVER exceed the maximum number of children under 24 months of age in care. The home may use a maximum of 180 hours of part-time care per month. The provider must keep a record of the number of part-time hours used.

1. A category B provider is providing care for:

- One six-month-old full time
- One 12-month-old full time
- Two 19-month-olds full time
- Two three-year-olds full time

A parent asks the provider to care for a 20-month-old child ten hours per week. The provider cannot do this, because the provider is already caring for the maximum number of children under 24 months.

2. A category B provider is providing care for:

- One 6-month-old 20 hours per week
- One six-month-old ten hours per week
- One nine-month-old full time
- One 22-month-old full time.

A parent asks the provider to care for a 20-month-old child ten hours per week. The provider can do this, as long as the provider never has more than four of these children in care at the same time.

3. A category C provider is providing care for 12 children aged two through four years. A parent asks the provider to care for a three-year-old 25 hours per week. The provider can do this but must count these hours in the part-time allotment, because the presence of the 13th child puts the provider over the allowable number of children in care.

4. A category B provider is providing care for:

- Two three-month olds full time
- One four-year-old-full time
- One three-year-old full time

A parent asks the provider to care for a three-year-old child 15 hours per week. The provider can do this and does not need to count these as part-time hours, because the provider is within the allowable number of children in care.

Substitute Providers

Legal reference: 441 IAC 110.5(10) and (237A)

Substitute providers must:

- ◆ Be 18-years-of-age or older.
- ◆ Successfully complete criminal conviction and child abuse record checks.
- ◆ Complete approved child abuse and neglect mandatory reporter training. The training must be completed within six months of employment and every five years thereafter.
- ◆ Obtain certification in infant and child first aid that includes rescue breathing. The substitute provider must maintain a valid certificate indicating the date of training and the expiration date.

The child care provider shall assume responsibility for providing adequate and appropriate supervision at all times children are in attendance. Any substitute provider shall have the same responsibility for providing adequate and appropriate supervision. Ultimate responsibility for supervision will be with the child care provider.

All regulations regarding supervision and care of children apply to substitutes. Except in emergencies, the child care provider shall inform parents in advance of the planned use of a substitute provider.

Substitute care may be used in the home up to 25 child care hours per month and for an additional period of up to two weeks in a 12 month period. This limit applies to the child development home, regardless of the number of people who may be providing the substitute care. The provider shall maintain a written record of the number of hours substitute care was provided, including the date and the name of the substitute provider.

REGISTRATION PROCESS

Legal reference: 441 IAC 110.2(237A), 110.3(237A)

The registration process is:

1. The applicant provider requests application forms and instructions for registration from the local office.
2. A staff person gives or sends the applicant provider the required forms, including:
 - ◆ Comm. 143, *Child Development Home Registration Guidelines*.
 - ◆ 470-3384 or 470-3384(S), *Application for Child Development Home Registration*.
 - ◆ 595-1396 or 595-1396(S), *DHS Criminal History Record Check*.

You may include other information in the initial package, such as information on the child care resource and referral agency, the Child and Adult Care Food Program (CACFP), radon detection, etc.

3. The applicant provider must:
 - ◆ Read the instructions.
 - ◆ Complete the application form.
 - ◆ Have one *DHS Criminal History Record Check* form completed by every provider, assistant, person living in the home, and person who has access to a child when the child is alone who is 14 years old and older.
 - ◆ Return the application and the *DHS Criminal History Record Check* forms to the local office.

Note: If the applicant does not return the *DHS Criminal History Record Check* forms to the local office, the registration process terminates. See **ADVERSE ACTIONS**.

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4. The local office:
 - ◆ Reviews the application to make certain it is complete.
 - ◆ Sends the *DHS Criminal History Record Check* to the Division of Criminal Investigations (DCI). See 12-F-Appendix, **DHS Criminal History Record Check, 595-1396 and 595-1396(S)**.
 - ◆ Completes form 470-0643, *Request for Child Abuse Information*, for the provider, the assistant, any person living in the home, and anyone who has access to a child when the child is alone. Submits these forms to the staff person in the office who is responsible for checking the ACAN and STAR systems. See 12-F-Appendix, **Request for Child Abuse Information, 470-0643**.
 - ◆ Checks the Sex Offender Registry for each person aged 14 or over who is listed on the *Application for Child Development Home Registration*, as follows:
 - Access the Sex Offender Registry at: **www.iowasexoffender.com**:
 - Enter the person's last name.
 - Select ALL under "county." Do not choose a specific county.
 - Select SEARCH.
 - If the search shows a conviction that occurred in Iowa, check the DCI form to make sure this conviction also appears there.
 - If the search shows a conviction that occurred outside Iowa, add this conviction to the letter that is sent with form 470-2310 or 470-2310(S), *Record Check Evaluation*.
 - Document in the case file the result of the sex offender registry check for each person aged 14 or over listed on the application.
5. When there is a record of founded child abuse, criminal conviction, or placement on the Sex Offender Registry, place the registration process on hold while the person proceeds through the evaluation process. See **CRIMINAL AND CHILD ABUSE RECORD CHECKS**.

Note: If the evaluation process concludes that the record prohibits registration, deny the application. See **ADVERSE ACTIONS**.

6. When the criminal history, child abuse, and Sex Offender Registry checks are returned as having no criminal convictions or founded abuse records, or the record has been evaluated and found not to prohibit registration, approve the application. To approve the application:
 - ◆ Stamp the application form with an expiration date. The expiration date shall be two years from the effective date, and always the first day of the month. The effective date is the first day of the month in which the application was received.
 - ◆ Complete the *Certificate of Registration*. See 12-F-Appendix, *Certificate of Registration, 470-3498*.
 - ◆ Attach a seal carrying the expiration date.
 - ◆ Mail the *Certificate of Registration* to the provider, along with 12 copies of the *Parent Guide to Child Development Home Registration*. (See 12-F-Appendix, *Parent Guide to Child Development Home Registration, SS-0702-3 and SS-0702-3(S)*.)
 - ◆ Make necessary changes to the DCPD system (See 14-H.)
 - ◆ Enter the home into the SRS system as an E case. The code to use for child development home categories A and B registration is E16. For child development home category C registration, use E14. Leave the SRS case open until the home is no longer registered. This will cover registration, spot checks, complaint follow-ups, etc.

Renewal of Certificate

Legal reference: 441 IAC 110.3(237A)

Providers must complete the registration process every 24 months. Send out renewal letters to providers six weeks before the provider's registration renewal date. Along with the letter, include an application and a self-addressed stamped envelope.

A provider that does not respond within ten days of the expiration of the *Certificate of Registration* is no longer registered. Remove the provider from the registration list by making necessary changes to the DCPD system (see 14-H) and closing the SRS case. If the provider later wishes to be reinstated, consider the application as new application and follow the procedures for a new application to become registered.

REGISTRATION PROCESS

Renewal of Certificate

Revised July 15, 2003

Iowa Department of Human Services

Title 12 Licensing and Approval Standards

Chapter F Child Development Home Registration

When a provider renews registration, certificates of training must be turned in with the renewal application.

Complete criminal, sex offender, and child abuse record checks on each person aged 14 or over who is listed on the *Application for Child Development Home Registration*. If a person has a criminal record or a founded abuse record that has been evaluated previously for child development home registration, do not re-evaluate. Evaluate only new convictions or new founded abuse reports.

At the time of renewal, mail a renewal seal that includes a new expiration date to the applicant-provider, and make necessary changes to the DCPD system. (See 14-H.)

CRIMINAL AND CHILD ABUSE RECORD CHECKS

Legal reference: Iowa Code section 237A.5(2)(a) and 441 IAC 110.7(3)

The following people must have a child abuse registry check:

- ◆ Every operator of a child development home.
- ◆ All staff members with direct responsibility for child care, including substitute providers.
- ◆ Anyone 14 years and older who is living in a registered child development home.
- ◆ Anyone who has access to a child when the child is alone.
- ◆ Any nonregistered child care home provider wishing to provide state-funded child care.
- ◆ Any person living in the home of a person who has applied to provide state-funded child care.

Also do new checks whenever there is a change in the household members or a new assistant or substitute, or the Department becomes aware of any founded abuses or criminal convictions.

Anyone 14 years old or older must also have a criminal records check and a check of the Sex Offender Registry. The operator of a child development home (or a nonregistered provider wishing to provide state funded child care) is responsible for submitting the *DHS Criminal History Record Check*, form 595-1396 or 595-1396(S), and initiating all required criminal record checks for staff assistants and other people living in the home.

Send all criminal records check forms directly to the Division of Criminal Investigations (DCI) by regular mail to the address given on the form, or submit them to DCI by fax at 515-242-6876. In the section headed "FROM:" complete the full address of your office, as DCI does not have access to the courier system that delivers "local" mail. DCI will return all completed record checks directly to you, via regular mail.

A Department staff person completes a *Request for Child Abuse Information*, form 470-0643, for each child abuse registry check being made. Authorized local office staff complete the check.

Note: You may request criminal and child abuse records from other states. The procedure for this depends on each state's requirements. If a positive report is returned, follow the regular evaluation process.

Information provided by a criminal records check or a child abuse registry check is confidential. All record checks showing a conviction or a founded abuse shall be kept in a confidential file in the local offices, and shall not be sent to the operator of the child development home.

A registered provider may discuss this information only with the staff person on whom the check was completed. A provider or any other person who uses the information for other purposes or who communicates the information to another person may be guilty of a misdemeanor.

Individuals with the following convictions or founded child abuse reports are prohibited from registration as a child development home provider, employment in a child development home, living in a child development home, receiving public funding for providing child care, or living in a child care home that receives public funding:

- ◆ Founded child or dependent abuse that was determined to be sexual abuse
- ◆ Placement on the sex offender registry
- ◆ Felony child endangerment or neglect or abandonment of a dependent person.
- ◆ Felony domestic abuse.
- ◆ Felony crime against a child including but not limited to sexual exploitation of a minor.
- ◆ A forcible felony.

Issue a notice of decision to these individuals informing them that “Based on Iowa Code 237A.3A, you are prohibited from involvement with child care.”

Individuals with the following convictions and founded abuse reports are prohibited from registration as a child development home provider, employment in a child development home, living in a child development home, receiving public funding for providing child care, or living in a child care home that receives public funding for five years from the date of the conviction or founded abuse report:

- ◆ Conviction of controlled substance offense under Iowa Code Chapter 124
- ◆ Founded child abuse that was determined to be physical abuse.

Issue a notice of decision to these individuals informing them that “Based on Iowa Code 237A.3A, you are prohibited from involvement with child care. This prohibition is in effect for a period of five years from the date of your conviction or founded child abuse. You may reapply after the five-year period has passed.”

For all other persons with criminal convictions or founded child abuse reports, complete the evaluation as outlined in **Record Check Evaluation Procedure**.

The following sections give more information on:

- ◆ The procedure for evaluating a criminal record or founded child abuse.
- ◆ Guidelines for evaluating positive criminal record checks.
- ◆ Guidelines for retroactive review of registered child abuse reports.
- ◆ Guidelines for child abuse evaluations.

Record Check Evaluation Procedure

Legal reference: Iowa Code Section 237A.5(2)(c), 441 IAC 110.7(3)

Evaluate the conviction or the abuse report and determine whether it merits prohibition of employment, registration, or providing state funded child care. In the evaluation, consider:

- ◆ The nature and seriousness of the crime or abuse in relation to the position sought.
- ◆ The time elapsed since the commission of the crime or founded abuse.
- ◆ The circumstances under which the crime or founded abuse was committed.
- ◆ The degree of rehabilitation.
- ◆ The number of crimes or founded abuse committed by the person involved.

Base the evaluation primarily on form 470-2310 or 470-2310(S), *Record Check Evaluation*, completed by the person with the criminal or abuse record. See 12-F-Appendix, **Record Check Evaluation, 470-2310 and 470-2310(S)**. You may also use information from other sources, such as records or files available at district courts, law enforcement agencies, and the central abuse registry, in the evaluation.

Within five days of receipt of a positive record check, send form 470-2310 or 470-2310(S) to every person with a positive report. Send a separate form for each conviction and founded child abuse report. Send a letter with the forms explaining the purpose and directing the person to complete and return the forms within ten days. Sample wording for this letter is as follows:

Dear:

Iowa Code Chapter 237A.5 requires the Department of Human Services to evaluate all crimes and founded child abuse reports of persons wanting to operate, be employed in, or live in a registered child development home, or have access to a child when the child is alone. The purpose of the evaluation is to determine whether the crime or abuse merits prohibition of registration and employment or residence in a registered home.

Our records check indicates that you have the following convictions and founded child abuse reports:

- | | | |
|-----------------------|--------------------|---------|
| 1. OMVI | date of conviction | 1-20-85 |
| 1. Child abuse report | dated | 4-16-93 |
| 2. Child abuse report | dated | 6-18-96 |

Enclosed are three *Record Check Evaluation* forms for completion. Please complete one form for each crime and child abuse report listed above. Return the completed forms to this office within ten days from the date of this letter. Failure to return the completed forms will result in a denial of your registration application.

Please be thorough and give this your prompt attention. Please include the type of contact you will have with the children in the child development home. The completed forms will assist the Department in making a decision whether these reports prohibit child care employment, registration, or residence in a registered home.

If you have any question about completing this form, please call _____.

When the *Record Check Evaluations* are not returned, deny the application for registration and deny nonregistered providers of providing state funded child care. Send a *Notice of Decision: Services*, within 30 days after the evaluation form was due to be returned. See 12-F-Appendix, **Notice of Decision: Services, Form 470-0602**. If the *Record Check Evaluation* is returned after the specified period, resume the evaluation process.

The service area manager designates the members of the evaluation committee. The committee may include supervisory staff or child care workers. The evaluation committee shall complete a *Record Check Decision*, form 470-2386, for each person who completed a *Record Check Evaluation*.

Use one of the guidelines when completing the *Record Check Decision*:

- ◆ Criminal
- ◆ Retroactive review of registered child abuse reports
- ◆ Child abuse

When *Record Check Evaluations* on founded child abuse are returned, the service area manager or the evaluation committee shall complete a retroactive review on the abuse. See **Guidelines for Retroactive Review of Registered Abuse Reports**.

For criminal convictions, the service area manager or the evaluation committee shall complete the evaluation process as soon as possible, but no later than 30 days after the responsible office receives the *Record Check Evaluations*. See **Guidelines for Evaluating Criminal Records**.

When the evaluation is complete, notify the provider of the results of the evaluation, using forms 470-2386 or 470-2386(S), *Record Check Decision*, and 470-0602, *Notice of Decision: Services*. For denials, send copies to the county attorney and Division of Behavioral, Developmental, and Protective Services for Families, Adults, and Children (BDP-FAC) central office.

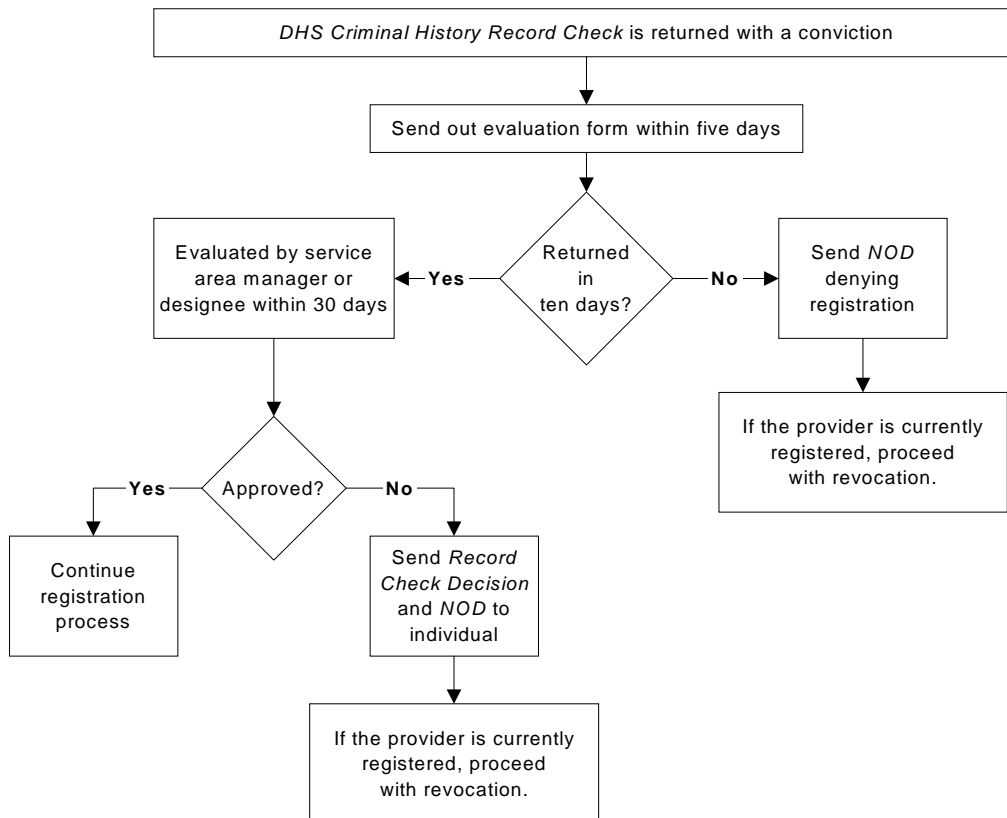
If the person chooses to appeal a decision, the information on the *Record Check Decision* must be complete enough to be presented at the appeal hearing to justify the decision reached. Each of the areas of information addressed on the evaluation form should be addressed in the committee's written decision.

Note: If you reach a negative decision on an evaluation for a person in a home that is already registered, proceed to revoke the registration. See **ADVERSE ACTIONS**.

When a *Record Check Decision* is completed on anyone other than the provider, send a *Notice of Decision: Services* to the operator of the registered child development home, notifying the provider of the results of the *Record Check Decision*. This *Notice of Decision: Services* shall be placed in the provider’s personnel file.

If the person on whom the evaluation was completed requests the reason for the adverse decision, provide a copy of the *Record Check Decision* to that person only. Note that the *Record Check Decision* and any other information relating to a conviction or a founded child abuse report is confidential. Any such information shall be kept in a file separate from the registration file, and shall not be available for public review.

EVALUATION PROCEDURE FOR CRIMINAL RECORDS CHECKS



If the adverse decision is for an employee, and the employee decides to appeal, it shall be the decision of the child development home provider whether to let the employee continue working during the appeal.

Guidelines for Evaluating Criminal Records

Legal reference: 441 IAC 110.7(3) and (237A)

When the criminal record indicates a **deferred sentence**, the person is guilty of the crime involved, but the sentence is postponed. During the time the sentence is postponed, the person is on probation. At the end of the probationary period, the person is discharged from probation, but the criminal conviction still stands.

Evaluation **is** required for a person with a deferred sentence, whether still on probation or after probation has been completed. Occasionally you may find a **deferred disposition**. Treat this as a deferred sentence.

When the criminal record indicates a **deferred judgment**, the criminal conviction is postponed. During the time the conviction is postponed, the person is on probation. At the end of the probationary period, the criminal charges are dropped.

A deferred judgment may still show on the criminal record, but if it is determined that the probationary period was completed satisfactorily, it **does not** require an evaluation. You may determine whether the probationary period was completed satisfactorily by:

- ◆ Checking with the clerk of court in the county where the action occurred or
- ◆ Asking the person to provide proof to you of the outcome.

When the criminal record indicates a juvenile delinquency adjudication, you may not use that adjudication against the person in a record check evaluation. Do not evaluate this adjudication. However, if you find that the grounds for the adjudication raise concern for the health and safety of children in child care, please contact central office to find an alternate resolution to your concerns.

If the person was under 18 years of age and was waived to adult court, complete an evaluation as you would for any adult conviction or founded abuse.

Consider each of the following areas when evaluating convictions for crimes. (The questions listed under each area are intended to assist you in completing an evaluation.)

- ◆ Nature and seriousness of crime in relation to the position sought:
 - Did the crime involve property or people or both?
 - Was there potential danger to the victim?
 - Were there any injuries to people? Were they permanent?
 - Were weapons used? Was force used?
 - What was the punishment?
 - What was the age of victim?
 - Was the victim in a vulnerable category, such as children, handicapped, or elderly?
 - What was the age of the person committing the crime?
 - How does this information relate to the position sought?

- ◆ The time elapsed since the commission of the crime:
 - Convictions less than five years old indicate a higher risk.
 - Convictions five to ten years old need to be considered with other factors.
 - Convictions older than ten years are lower risk, unless they involved serious injury or no rehabilitation is evident.

- ◆ Circumstances under which the crime was committed:
 - Was sexual activity involved?
 - What was the judgment used in committing the crime?
 - Why did the person commit the crime?
 - How does the person feel about it now?
 - Were other persons involved in the crime?
 - How was the crime discovered?

- ◆ Degree of rehabilitation:
 - What has been the opportunity to show rehabilitation?
 - Was any restitution made?
 - Was community service a part of rehabilitation?
 - Was there therapy, counseling, or any kind of treatment?
 - Did the person comply? What was the treatment prognosis?
 - What was the length of the jail term and parole?
 - Was there any remorse?
 - Was there acceptance of responsibility for the criminal behavior?
 - How would the person act differently now?
 - Has there been opportunity to commit the same or similar crimes?

- ◆ Number of crimes:
 - Was there recidivism?
 - Were the crimes committed the same or different?
 - Was there any increase in the seriousness of crimes?

Guidelines for Retroactive Review of Registered Abuse Reports

Legal reference: Iowa Code 237A.5(2)

Some applicants for registration, their employees, those living in the home or those with access to a child when the child is alone, may be eligible for retroactive reviews of child abuse reports on the Central Abuse Registry.

A retroactive review is a review of a confirmed child abuse report that was on the Registry as of July 1, 1997. The purpose is to determine if the report should continue to be on the Registry or if it should be expunged from the Registry and retained as a service record for five years from date of intake.

Two types of reports are eligible for expungement from the Registry under the retroactive review process:

- ◆ Physical abuse, where the injury was minor, isolated, and unlikely to reoccur.
- ◆ Denial of critical care through lack of proper supervision or lack of adequate clothing, where the risk to the child was minor, isolated, and unlikely to reoccur.

Conduct the review when the applicant returns a *Record Check Evaluation*, form 470-2310. Complete the *Checklist for Retroactive Review*, form 470-3416, to determine if the person is eligible for retroactive review and, if so, whether the report should be expunged. See 12-F-Appendix, **Checklist for Retroactive Review, 470-3416**.

If you determine that the report should be removed from the Central Registry, complete a cover letter indicating:

- ◆ The date of the review.
- ◆ The names of the reviewers.
- ◆ The ACAN or STAR incident number of the report.
- ◆ The identity of the person responsible for the abuse.
- ◆ The reason that you are recommending the report be removed from the Registry.

Submit the letter to Retroactive Review/Record Check Evaluation, DHS Division of BDP-FAC, Hoover Building 5th Floor, 1305 E. Walnut St., Des Moines, Iowa 50319-0114, along with:

- ◆ The child abuse report.
- ◆ The copies of the *Child Abuse Notification*.
- ◆ A copy of your checklist.

The Registry will notify you, the requester, and the other subjects of the report of the final decision.

If the Registry accepts your recommendation, proceed with the registration. The Registry will state the date that the report will be expunged from the Registry. This will be five years from the intake date of the report.

Keep the case record as a service record if the report has been on the Registry less than five years. Access is limited to the family and to those who secure a release from the family. Destroy the record if the report has been on the Registry five or more years.

If the Registry does not accept your recommendation for removing the report from the Registry, proceed with the record check evaluation.

Guidelines for Evaluating Child Abuse Records

Legal reference: 441 IAC 110.7(3) and (237A)

Consider each of the following areas when evaluating founded child abuse reports. (The questions listed under each area are intended to assist you in completing an evaluation.)

- ◆ Nature and seriousness of report in relation to the position sought:
 - What was the type of abuse?
 - Were criminal charges filed, and was there a conviction?
 - Was there a CINA order?
 - What was the danger to the child?
 - Were there any permanent injuries?
 - Was this an act or an omission?
 - What was the age of the child?
 - What was the age of the perpetrator?

- What position does the person seek?
 - How does the information relate to the position sought?
 - What age does the person wish to care for?
 - Will there be supervision or other adults around or available, or will the person be alone with children?
- ◆ The time elapsed since the commission of the founded report:
- Reports less than three years old indicate a higher risk.
 - Reports three to ten years old need to be considered with other factors.
 - Reports older than ten years are lower risk unless they involve serious injury or no rehabilitation is evident.
- ◆ Circumstances under which the founded abuse was committed:
- Did the abuse take place in a child-care facility or in the child's or the perpetrator's home?
 - Was an object used in committing the abuse?
 - What was the judgment used in committing the abuse?
 - Why did the person commit the abuse?
 - How does the person feel about it now?
 - Were other persons involved in the abuse?
 - How was the abuse identified or discovered?
- ◆ Degree of rehabilitation:
- Does the perpetrator accept responsibility?
 - Was there therapy or any kind of treatment?
 - Were the recommendations of the Department or court or therapists carried out?
 - What was the treatment prognosis?
 - How would the person handle the same situation now?
 - Has the person been in a responsible position since the founded report? How was it handled?
- ◆ Number of founded abuse reports:
- Was there recidivism?
 - Are the founded reports the same or different?
 - Did the founded reports become progressively worse?

Conditional Approvals

Approvals may include restrictions based on the specific nature of the conviction or founded child abuse. Example:

A grandmother is applying for registration to provide care for her own grandchildren. Their mother and the two children live with her. There is a criminal conviction on the mother. If this is a conviction that could cause the registration to be denied, consider approving the grandmother's registration, but only for the children already living in the home.

Other situations that may merit restrictions include the following:

- ◆ For people with "operating while intoxicated" convictions within the past year, require a current substance abuse evaluation. If the Department's evaluation of conviction determines that the person may be approved, consider prohibiting transporting children in care for one year from the date of the conviction, and requiring proof of a valid driver's license and insurance.
- ◆ For convictions dealing with illegal use of funds (forgery, theft, false use of a financial instrument), consider requiring the provider to attach a schedule of child care hours for each state-funded child in care.

Additional training in specific subjects may be required to approve registration. Example:

A person with a founded report of denial of critical care due to lack of supervision might benefit from additional training in the area of guidance and supervision. Refer the person to the local child care resource and referral agency for available training.

Residence of Sex Offenders

Legal reference: Iowa Code section 692A.2A

Effective July 1, 2002, people listed on the Sex Offender Registry are prohibited from moving within 2000 feet of registered child development homes. If the person lived at the address before July 1, 2002, the person may remain at that address.

It is the responsibility of the person listed on the Sex Offender Registry to determine if registered child development homes are within 2000 feet of the proposed residence. Provide the current registration list to local law enforcement, if requested.

If you become aware of a situation where a sex offender is a risk to children in a child development home, you may consider this risk in evaluating whether the home should be registered. You may consider the provider's plan for ensuring the safety of children in care when making a registration decision.

COMPLIANCE CHECKS

Legal reference: Iowa Code sections 237A.4, 237A.6; 441 IAC 110.6(237A)

Department staff may periodically visit registered child development homes to ensure compliance with rules for registration. The purpose of the spot-check visit is to verify that the provider is meeting the minimum requirements. Conduct spot-check visits annually on 20% or more of each category of child development homes. Also contact a provider when compliance with minimum requirements has been questioned.

Use the following procedures when visiting child development homes:

- ◆ Inform the provider whether the visit is about a complaint or is for a spot-check.
- ◆ Review and discuss with the provider the minimum requirements as related to the purpose of the visit. Complete form 470-0625, *Checklist for Child Development Home Registration*, with each spot-check to determine compliance with the minimum requirements. (See 12-F-Appendix for instructions.)
- ◆ If a minimum requirement is not being met, explain why it needs to be met, and explore with the provider ways to meet or fulfill the requirements.
- ◆ Place documentation of the visit in the appropriate file. For spot-checks, the *Checklist for Child Development Home Registration* will suffice. For complaints, the summary shall include the complaint, findings, and resolution. Withhold information identifying individuals.

If the provider does not allow you to enter the home to complete the spot-check, send the provider a letter. State that the provider is required to comply with unannounced spot-checks by the Department as a condition of registration, and let the provider know that a worker will be visiting the home to complete the spot-check. Inform the provider that failure to allow a spot-check will result in revocation of the registration.

If the provider does not allow you to complete the spot-check on the second visit, initiate revocation.

A second visit may be required to ensure full compliance. If the home does not meet full compliance, see **ADVERSE ACTIONS** for procedures.

The following sections contain additional procedures that apply when there is an allegation of child abuse in a facility:

- ◆ Assessments for child abuse referrals.
- ◆ Notices to parents when abuse is founded.

Assessments for Child Abuse Referrals

Legal reference: 441 IAC 110.11(237A)

When it is alleged that child abuse has occurred in a child development home, the protective service worker will immediately inform the child care registration worker. The child care worker's role in the assessment of the alleged abuse is to focus on compliance issues with the child care law and the requirements for registration.

All child abuse allegations are considered a complaint. Complete a summary including the complaint and resolution and place it in the registration file.

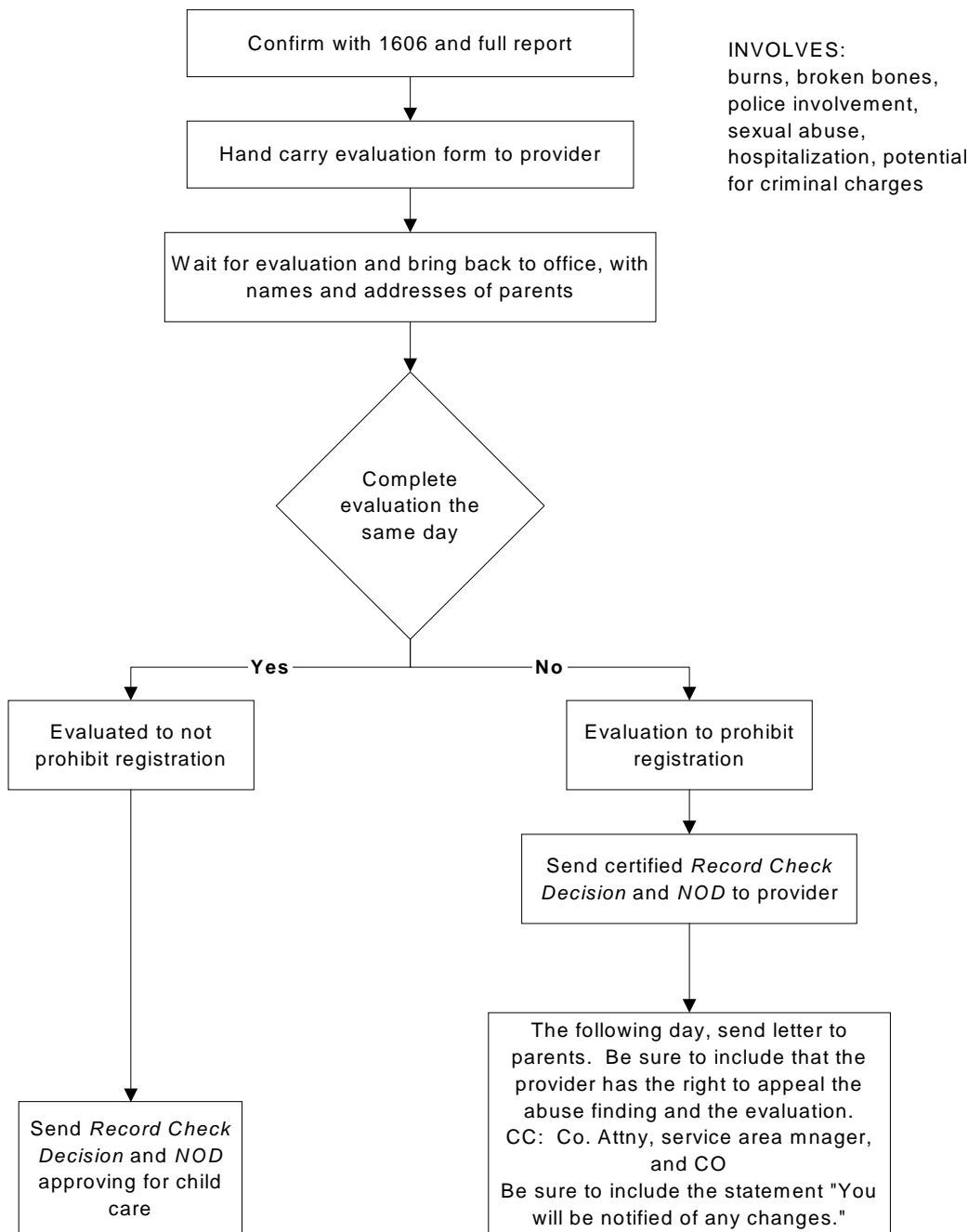
Iowa Code Section 237A.7 permits information to be placed in the registration file about the operation of the facility. This information shall not identify individual persons, including children. Language in the documentation and summary information shall not relate to child abuse in any way, but instead shall address compliance issues.

Examples include:

- ◆ The use of the rules regarding discipline and the prohibition of corporal punishment in a situation of alleged physical abuse.
- ◆ The use of the rules regarding provider requirements, specifically consistent and dependable supervision in a situation of inadequate supervision. (Many abuse allegations could fall under the section of rules regarding health and safety.)

If the result of the assessment is that a founded abuse has occurred, send letters to parents of children in care as required under **Notice to Parents**. Also obtain a copy of the final abuse report, and begin evaluation procedures immediately.

ABUSE SUBJECT TO EXPEDITED EVALUATION PROCESS



Serious abuse involving burns, broken bones, hospitalization, sexual abuse, police involvement, or potential for criminal charges is subject to an expedited evaluation process, as outlined in the preceding chart. Unless the evaluation conclusion is that the abuse does not prohibit registration, follow the procedure under **ADVERSE ACTIONS**.

Notice to Parents

Legal reference: Iowa Code section 237A.8

Send letters to the parent, guardian, or legal custodian of each child for whom the person provides child care when there has been a founded child abuse report against the provider or an employee.

These letters shall contain the following information:

- ◆ Iowa Code Section 237A.8 requires the Department of Human Services to notify the parent, guardian or legal custodian of each child for whom a child development home provides child care.
- ◆ There has been a founded child abuse case against the provider, an employee, or someone living in (the name of the child development home provider).
- ◆ Corrective action is being initiated by the facility (if true, describe the plan).
- ◆ If parents have questions, they may contact your office.
- ◆ The individual has the right to appeal this finding and you will notify the parent of any changes in the finding.

If an employee has a founded abuse, and the employee has been fired, you do not have to send a letter to the parents. However, **do send a letter** to the parents if the fired employee has a founded **serious** abuse, such as burns, broken bones, hospitalization, sexual abuse, police involvement.

Send one copy of the letter with a copy of the list of parents, guardians or legal custodians to the program manager for child development homes in the Division of Behavioral, Developmental and Protective Services.

ADVERSE ACTIONS

Legal reference: 441 IAC 110.7(237A); Iowa Code sections 237A.8, 237A.20, 17A.18A, and 17A.19

Deny initial applications and renewal applications when the applicant does not comply with the requirements to qualify for a *Certificate of Registration*, **and** either:

- ◆ Cannot comply with the requirements (e.g., age or criminal record), or
- ◆ Refuses to comply with the requirements (e.g., water supply, CPR, or record checks).

Deny or **revoke** registration if any of the following people has a conviction of any crime in any state or a founded child abuse report in any state that merits prohibition of registration, as determined by Department evaluation:

- ◆ The provider:
- ◆ An assistant
- ◆ Anyone living in the home
- ◆ Anyone with access to a child when the child is alone

Revoke registration if the facility is operating in a manner, which the Department determines impairs the safety, health, sanitation, hygiene, comfort, or well-being of the child in care, and the provider cannot correct, or refuses to correct the hazards. This is true even though the hazard may not have been specifically listed under the health and safety rules.

If the Department has denied or revoked a registration because the provider has continually or repeatedly failed to operate a registered child development home in compliance with regulations, the person is prohibited from owning or operating a registered home for 12 months from the date the registration was denied or revoked. Do not act on applications submitted by the applicant during this twelve month period.

Note: When the Department denies a reapplication or revokes a registration, the provider has the option of appealing the adverse action. The registration remains in effect until the provider has exhausted or failed to pursue the appeal options. This means that the provider continues to be registered and may provide child care while appealing the denial or revocation.

If you believe the conditions in the home are such that child care should be suspended immediately, there are other legal options, such as injunctions or emergency adjudicative proceedings, that may be used when all of the following conditions are met:

- ◆ The child development home fails to meet registration standards.
- ◆ There are sufficient grounds for revocation of the registration.
- ◆ The health, safety, and welfare of any child receiving child care in the home requires **immediate** action.

The procedures for pursuing these actions vary based on the case circumstances. If you feel that the listed conditions apply, **consult with your supervisor immediately**. If it is agreed that legal action is necessary, consult with central office and determine the best course of action.

Denial or Revocation for Noncompliance

Legal reference: 441 IAC 110.7(237A)

The provider uses the minimum requirements as found in the *Child Development Home Registration Guidelines*, Comm. 143, as a means for self-evaluation. The provider must certify compliance with the minimum requirements in order to receive a *Certificate of Registration*. If possible, assist the provider to come into compliance with the requirements.

You may find noncompliance issues at an initial visit, during a spot-check visit, or because of a complaint. Discuss these issues with the provider for possible resolution. If the provider is unable or unwilling to comply within a reasonable time frame, it may be necessary to deny registration or begin revocation of registration.

The first step toward denial or revocation for this reason is a letter to the provider that identifies the specific problems and the administrative rules that are not being met. List all deficiencies, from the most important or most serious down to the least important or serious. Give the provider a time frame for correction of the noncompliance issues. The time frame to give depends on how serious the noncompliance issues are.

Example:

Dear _____:

I am writing in regards to your child care registration. Based on concerns identified in the visit to your home on **(date)**, the Department of Human Services has made the decision that you have 30 days, until **(date)**, to correct these deficiencies.

Iowa Code Chapter 237A and 441 Iowa Administrative Code, Chapter 110, describe specific requirements that must be met by a registered child development home. The following areas were out of compliance with child care regulations.

- ◆ IAC 110.4(1) No greater number of children shall be received for care at any one time than the number authorized on the registration certificate.

On September 24, 2001, 13 children were observed being cared for in your home. On October 6, 2001, this worker observed seven preschool-age children.

- ◆ IAC 110.5(2) A provider file shall be maintained and shall contain the physician's signed statement obtained at the time of the first registration, and at least every two years thereafter, on all members of the provider's household that may be present when children are in the home, that the provider and members of the provider's household are free of diseases or disabilities which would prevent good child care.

On September 24, 2001, you had no physician's statements for anyone in your home, and no provider file.

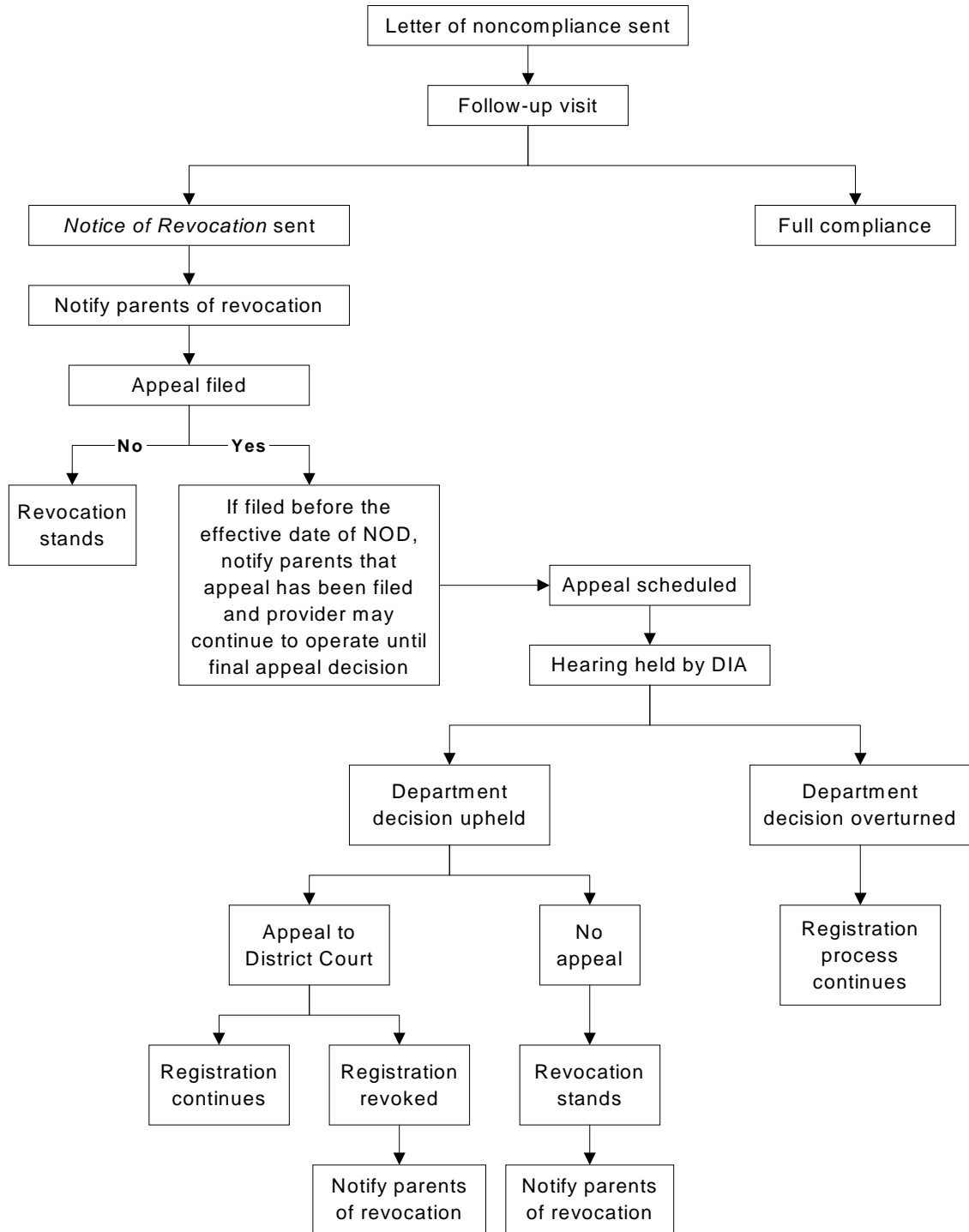
As we discussed at the time of my visit with you, these are serious noncompliance issues. I will be in contact with you around **(date)** to determine if you have now come into compliance with all registration requirements. If you are not in full compliance at that time, we will begin revocation proceedings.

If you have any questions, please contact me.

Make a follow-up visit to the child development home at the end of the time frame given, to determine if the provider has corrected all noncompliance issues. Only as a last resort should the *Certificate of Registration* be revoked or denied.

The following chart illustrates the process for revoking a *Certificate* for noncompliance.

DENIAL OR REVOCATION FOR NONCOMPLIANCE REASONS



Notification

Legal reference: 441 IAC 110.7(237A)

When the decision is made to deny or revoke a registration, send the registrant form 470-0602, *Notice of Decision: Services*, by certified mail stating the reasons why the registration is being denied or revoked, with specific references to the law and rules. When the revocation is based on a founded child abuse report against the provider, add the following language: “based on not meeting requirements in the Iowa Code.” Example:

Your registration is being revoked due to not meeting minimum health and safety requirements in the Iowa Code. You are in violation of the following specific Iowa Administrative Code requirements:

441 IAC 110.5(5)“a” “No greater number of children, shall be received for care at any one time than the number authorized on the registration certificate.”

On March 25, 1998, you were caring for 17 children. Of that number, 6 were under 2 years of age. You are permitted only a total of 6 preschoolers (with a maximum of 4 children under 2 years of age), plus 5 school-agers for no more than 2 hours.

This Notice of Decision **MUST** be conspicuously posted in the child development home where it can be read by parents or any member of the public. This Notice of Decision must remain posted until resolution of the action to (deny or revoke) your registration.

For revocation, the *Notice of Decision: Services* shall state that the Department of Human Services, under Iowa Code Chapter 237A.8, will notify the parent, guardian or legal custodian of each child enrolled in the child care home of the revocation.

When the *Certificate of Registration* is revoked, also send letters to the parent, guardian, or legal custodian of each child for whom the person provides child care, as described under **Notice to Parents**.

If the registration was revoked due to a criminal conviction, the letter must state that the *Certificate of Registration* was revoked “due to not meeting health and safety standards.” (If the criminal conviction was evaluated, and the evaluation does not prohibit registration, no letter to the parents is required.)

Also notify workers responsible for administering child care assistance of the revocation.

If the child development home continues to operate with excess children in care after official notice from the Department, request that the county attorney take legal action against the facility. Notify the program manager for child development homes in the Division of Behavioral, Developmental, and Protective Services.

The county attorney may file misdemeanor charges and request the court to restrain the persons from operating by permanent injunction.

Appeals

Legal reference: 441 IAC 110.7(237A)

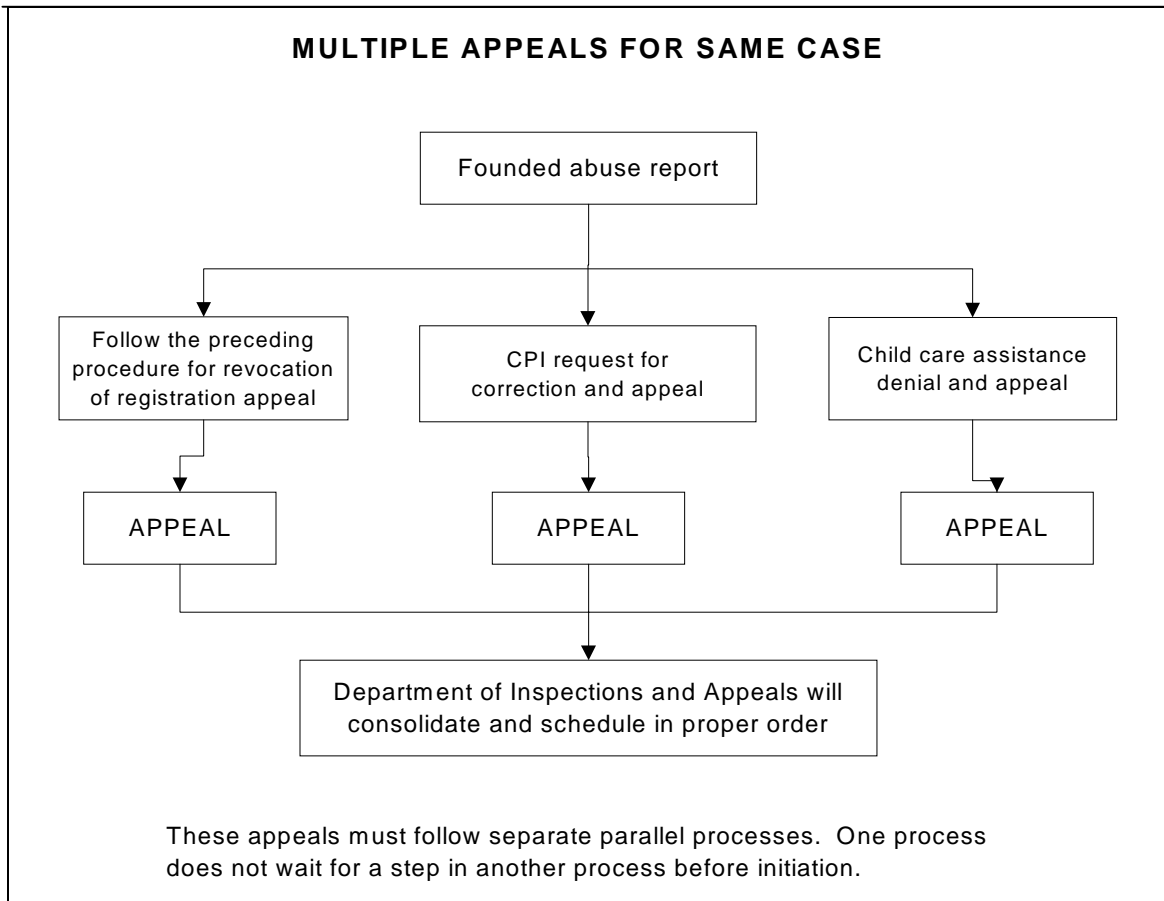
Appeals of denial or revocation of a *Certificate of Registration* follow the same procedures as other Department appeals. See 1-E, **APPEALS AND HEARINGS**, for more information.

If the provider files a timely appeal of a revocation, send another *Notice of Decision: Services* stating that the revocation will not take effect until a decision is reached on the appeal. (This does not apply to a denial. When an application is denied, the registration does not go into effect unless the provider wins the appeal.)

Some situations involving registration may generate multiple appeals. (See the following chart for examples.) Proceed with each sequence independently, without waiting for other appeals to be resolved.

After an appeal hearing decision affirms the Department's action, revoke the registration within seven days of the final decision.

Send a copy of the revocation to the program manager for child development homes in the Division of Behavioral, Developmental, and Protective Services. After all appeals procedures have been exhausted, close the SRS case.



CONSULTATIVE SERVICES

Legal reference: Code of Iowa 237A.6

Provide consultative services to any person applying for registration or who is already registered. Direct these services toward assisting child care providers in meeting and maintaining the minimum requirements for registration. Consultative services can then progress beyond the minimum level requirements to a program of high quality.

Consultative services may be provided in a variety of ways, directly or indirectly. Consultative services may involve drawing on other persons and resources for additional expertise in certain areas, depending on the individual consultant and the area in which consultation is requested. These outside resources may include the child care resource and referral agency in your area, the Iowa State University extension service, or persons known to have knowledge and interest.

You can provide consultative services in a variety of ways, including:

- ◆ During a home visit on a complaint or on a spot-check.
- ◆ On an individual or group basis in a provider's home or at a meeting.
- ◆ Through development of community resources that contribute to the improved quality of child care.
- ◆ Through the development of workshops with people such as:
 - Iowa State University extension staff on child development,
 - An insurance person on purchase and use of liability and medical insurance,
 - The Red Cross on first aid,
 - The child care resource and referral agency in your area.
- ◆ Through community awareness and methods for informing the general public about child care registration.
- ◆ Through the development of provider groups and methods of working within the group for the individual development of the provider of child care.

CASE FILES

Legal reference: 441 IAC 110.7(237A), 110.11(237A)

The Iowa Code directs the Department to maintain an open file for each child development home. This file should contain any information that is available to the public. Keep a record of all complaints and their resolution in this open registration file. Make this file available to the public upon request. **Exception:** Do not disclose the identity of a complainant unless the complainant expressly waives confidentiality.

Revised November 26, 2002

The following chart indicates in which file information shall be placed:

<p style="text-align: center;">Open Files Open to the public upon request</p>	<p style="text-align: center;">Closed Files Open only to provider upon request</p>
<p><i>Application for Child Development Home Registration, 470-3384</i> <i>DHS Criminal History Record Check, 595-1396 or 595-1396(S) (if negative)</i> <i>Request for Child Abuse Information, 470-0643 (if negative)</i> <i>Licensing/Registration/Approval, 470-0717</i> <i>Checklist for Child Development Home Registration, 470-0625</i> <i>Notice of Decision: Services, 470-0602</i> <i>Service Reporting System, 470-0555</i> Complaints and their resolution – the identity of the person making the complaint is confidential</p>	<p><i>DHS Criminal History Record Check, 595-1396 or 595-1396(S) (if positive)</i> <i>Request for Child Abuse Information, 470-0643 (if positive)</i> <i>Checklist for Retroactive Review, 470-3416</i> <i>Record Check Evaluation, 470-2310</i> <i>Record Check Decision, 470-2386</i></p>

Note: Any complaints regarding non-registered homes, especially those which address caring for more children than legally permitted, must be addressed by whomever is designated by the service area manager. These files are retained for five years after the file is closed.

Record of Denial or Revocation

Keep a record in an open file of all denials or revocations of registration. Keep any reference to child abuse or criminal convictions in the closed file. These files shall be kept where the child care worker is housed.

List of Registered Homes

Legal reference: 441 IAC 110.7(237A)

The county offices of the Department shall maintain a current list of child development homes as a referral source to the community.



THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

May 11, 1999

GENERAL LETTER NO. 12-F-16

ISSUED BY: Bureau of Individual and Family Support, Division of Adult, Children and Family Services

SUBJECT: Employees' Manual, Title 12, Chapter F, *Child Care Home Registration*, Title page, revised; Contents (page 1), revised; pages 1 through 14, revised, and pages 15 through 40, new.

Summary

Information used for the registration process for both family day-care homes and group day-care homes is now combined and published in this chapter.

Effective Date

Upon receipt

Material Superseded

Remove the entire Chapter F from Employees' Manual, Title 12, and destroy it. This includes:

<u>Page</u>	<u>Date</u>
Title Page	July 18, 1978
Contents (page 1)	February 14, 1989
Manual Letter XII-F-1	November 19, 1991
Manual Letter XII-F-2	June 15, 1993
Manual Letter XII-F-3	December 8, 1998
1-4	May 13, 1986
5	July 26, 1983
6	July 18, 1978
6a	June 2, 1987
7, 8	February 14, 1989
8a, 8b	June 2, 1987
9, 10	February 14, 1989

10a	July 18, 1989
10b	February 14, 1989
11, 12, 12a	May 13, 1986
13, 14	January 13, 1987

Additional Information

Refer questions about this general letter to your regional service administrator.



THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
CHARLES M. PALMER, DIRECTOR

April 4, 2000

GENERAL LETTER NO. 12-F-17

ISSUED BY: Bureau of Family and Community Support,
Division of Adult, Children and Family Services

SUBJECT: Employees' Manual, Title 12, Chapter F, *Child Care Home Registration*, Table of Contents (page 2), new; pages 12, 13, 14, 31, 35, 37, 39, and 40, revised; and pages 41 through 49, new.

Summary

The attached Employees' Manual revision:

- ◆ Corrects the codes to be used when completing the SRS.
- ◆ Provides guidelines for the four-level child care home registration pilots.
- ◆ Updates organizational names and form numbers.

Effective Date

These changes are effective immediately.

Material Superseded

Remove the following pages from Employees' Manual, Title 12, Chapter F, and destroy them:

<u>Page</u>	<u>Date</u>
12-14, 31, 35, 37, 39, 40	May 11, 1999

Additional Information

Refer questions about this general letter to your regional service administrator.



September 11, 2001

GENERAL LETTER NO. 12-F-18

ISSUED BY: Bureau of Family and Community Support,
Division of Adult, Children, and Family Services

SUBJECT: Employees' Manual, Title 12, Chapter F, **CHILD CARE HOME REGISTRATION**, Contents (page 1), revised; pages 5, 9 through 14, 16 through 21, 24, 26, 33, 34, 35, and 37 through 40, revised; and page 26a, new.

Summary

Two revisions are included in this manual:

- ◆ Changes in the limit on the number of children 24 months of age or older but not attending school who may be cared for in group child care homes with joint registration, as enacted in 2001 Iowa Acts, House File 458, Section 3.
- ◆ Changes in procedures for completing record checks for child care home registration.

Effective Date

The effective date for changes in the number of children in care is July 1, 2001.

The effective date for changes in record checks is August 1, 2001.

Material Superseded

Remove the following pages from Employees' Manual, Title 12, Chapter F, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (page 1)	May 11, 1999
5, 9-11	May 11, 1999
12-14	April 4, 2000
16-21, 24, 26, 33, 34	May 11, 1999
35, 37	April 4, 2000
38	May 11, 1999
39, 40	April 4, 2000

Additional Information

Refer questions about this general letter to your regional policy specialist.



December 11, 2001

GENERAL LETTER NO. 12-F-19

ISSUED BY: Bureau of Family and Community Support,
Division of Adult, Children, and Family Services

SUBJECT: Employees' Manual, Title 12, Chapter F, **CHILD CARE HOME REGISTRATION**, Contents (page 1), revised; pages 11, 12, 19, 27, 28, 31, 32, 33 through 37, 45, 46 and 49, revised; and pages 32a and 32b, new.

Summary

This manual clarifies the policy for pursuing adverse actions regarding child care home registration. Two potential actions for immediate suspension of operations in a facility, injunctions, and emergency adjudicative actions, are added.

Effective Date

Immediately

Material Superseded

Remove the following pages from Employees' Manual, Title 12, Chapter F, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (page 1)	September 11, 2001
11, 12, 19	September 11, 2001
27, 28	May 11, 1999
31	April 4, 2000
32	May 11, 1999
33-35	September 11, 2001
36	May 11, 1999
37	September 11, 2001
45, 46, 49	April 4, 2000

Additional Information

Refer questions about this general letter to your regional policy specialist.



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

November 26, 2002

GENERAL LETTER NO. 12-F-20

ISSUED BY: Division of Behavioral, Developmental, and Protective Services for Families, Adults, and Children.

SUBJECT: Employees' Manual, Title 12, Chapter F, **CHILD DEVELOPMENT HOME REGISTRATION**, Title page, revised; Contents (pages 1 and 2), revised; and pages 1 through 46, revised.

Summary

These changes implement the new system of child development home regulation, as required by 2002 Iowa Acts, Senate File 2205. These changes include:

- ◆ Any person caring for six children at any one time **MUST** be registered with the Department of Human Services.
- ◆ Rather than the current seven categories of child care home registration (family, group, group/joint, Levels 1-4), there are now three categories of child development homes: A, B, and C. Providers qualify for specific categories of child development homes based on their experience and education. Providers with more experience and education are allowed to care for more children.
- ◆ Registrations will be renewed every two years rather than yearly.
- ◆ Smoking is prohibited in child development homes during the hours of operation in areas where child care is provided.

The two current systems of child care home regulations (family/group/group-joint, and Levels 1-4) will be phased out during the next 12 months. Current providers will transition into the new system at their renewal date, or earlier if they request it. Individuals requesting registration on or after December 1, 2002, will register as child development homes.

Currently registered providers will be "grandfathered" into the new categories.

- ◆ Providers currently registered as family, group, or Level 1-3 child care homes may choose to register as child development home providers in categories A or B, even if they do not meet all of the provider requirements.
- ◆ Providers currently registered as group/joint or Level 4 providers may choose to register as child development home providers in categories A, B, or C providers, even if they do not meet all of the provider requirements. They must meet all the facility requirements for the level of home at which they choose to register.

Transition exceptions will be allowed for currently registered providers. If their new category allows fewer children than the provider is currently caring for, allow the provider to continue to care for those specific children until they leave the provider's care or they reach the age where they are included in a new age group.

For example, a provider currently caring for four children under the age of 18 months who chooses to register as either a child development home category A or category B provider may continue to care for those four children. When one of them either leaves the provider's care or reaches the age of 19 months, the provider must stay within the limit of three children under 18 months.

Training requirements are changed to 12 hours per year for all categories of provider, in addition to maintain a current first-aid/rescue breathing certification and mandatory reporter certification.

Effective Date

December 1, 2002

Material Superseded

Remove the entire Chapter F from Employees' Manual, Title 12, and destroy it. This includes the following pages:

<u>Page</u>	<u>Date</u>
Title Page	May 11, 1999
Contents (page 1)	December 11, 2001
Contents (page 2)	April 4, 2000
1-4	May 11, 1999
5	September 11, 2001
6-8	May 11, 1999
9, 10	September 11, 2001
11, 12	December 11, 2001
13, 14	September 11, 2001
15	April 4, 2000
16-18	September 11, 2001
19	December 11, 2001
20, 21	September 11, 2001
22, 23	May 11, 1999
24	September 11, 2001
25	May 11, 1999
26, 26a	September 11, 2001
27, 28	December 11, 2001
29, 30	May 11, 1999
31-37	December 11, 2001
38-40	September 11, 2001
41-44	April 4, 2000

45, 46
47, 48
49

December 11, 2001
April 4, 2000
December 11, 2001

Additional Information

Refer questions about this general letter to your service area manager.



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

July 15, 2003

GENERAL LETTER NO. 12-F-21

ISSUED BY: Division of Behavioral, Developmental, and Protective Services for Families, Adults, and Children

SUBJECT: Employees' Manual, Title 12, Chapter F, **CHILD DEVELOPMENT HOME REGISTRATION**, Contents (page 1), revised; and pages 12, 20 through 26, 28, 33, and 34, revised.

Summary

This chapter is revised to implement changes in Iowa Code Chapter 237A made by 2003 Iowa Acts, Senate File 351. Certain individuals are now prohibited from involvement with child care based on criminal convictions or founded child abuse reports. The prohibition may be absolute or time-limited, based on the type of conviction or founded abuse.

Effective Date

July 1, 2003

Material Superseded

Remove the following pages from Employees' Manual, Title 12, Chapter F, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (page 1)	November 26, 2002
12, 20-26, 28, 33, 34	November 26, 2002

Additional Information

Refer questions about this general letter to your service area manager.