

Revised September 23, 2016

Employees' Manual
Title 12
Chapter F

CHILD DEVELOPMENT HOME REGISTRATION



Iowa Department
of Human Services

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Overview

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

- ◆ [Standards for child development homes](#)
- ◆ [Registration process](#)
- ◆ [Record checks](#)
- ◆ [Pre-inspection](#)
- ◆ [Compliance checks](#) and complaints
- ◆ [Safety assessment](#)
- ◆ [Safety planning](#)
- ◆ [Overnight care](#)
- ◆ [Assessments for child abuse referrals](#)
- ◆ [Adverse actions](#)
- ◆ [Consultative services](#)
- ◆ [Case files](#)
- ◆ [KinderTrack](#)

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. Registration is voluntary for those caring for five or fewer children. Iowa law limits the number of children that may be cared for in registered and not registered child care homes.

The Department establishes minimum requirements. As a result of the reauthorization of the Child Care and Development Block Grant in November 2014, the Department began the pre-inspection process for persons seeking child development home registration. Child development homes are also required to have unannounced, annual inspections.

Effective October 1, 2016, child care homes that are not required to register but receive Child Care Assistance funds must also have unannounced, annual inspections. The inspection process and expectations are similar to what is outlined in this chapter.

Child care providers are expected to check with the appropriate authorities to determine how the following local, state, and federal laws apply to them:

- ◆ Zoning, building, and fire codes
- ◆ Business license
- ◆ State and federal income tax and unemployment insurance
- ◆ Worker’s compensation, minimum wage, and hour requirements
- ◆ OSHA
- ◆ Americans with Disabilities Act

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.

These standards and requirements are contained in 441 Iowa Administrative Code, Chapter 110. (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>Lead Assessment and Control, 470-4755 or 470-4755(S)</i>
Complete child abuse registry check and criminal record check	<i>Request for Child and Dependent Adult Abuse Information, 470-0643</i> <i>Record Check Authorization, 470-5143 or 470-5143(S)</i> <i>FD-258, Federal Fingerprints Card</i> <i>DCI 45, Waiver Agreement</i>
Evaluation of any criminal convictions, founded child abuse, or revocation of child development home registration or center license for continued or repeated noncompliance	<i>Record Check Evaluation, 470-2310 or 470-2310(S)</i>

<u>Actions</u>	<u>Forms</u>
KinderTrack	<i>Notice of Decision: Services, 470-0602</i>
Pre-inspection	<i>Pre-Inspection Checklist for Child Development Home Registration, 470-5384</i>
Complete certificate	<i>Certificate of Registration, 470-3498 Parent Guide to Child Development Home Registration, Comm. 469</i>
Compliance and complaint visits	<i>Checklist for Child Development Home Registration, 470-0625 Child Care Home and Child Development Home Safety Plan, 470-5280 Child Care Complaint Report, 470-5281</i>
Renewal	<i>Certificate of Registration, 470-3498</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.

“**Compliance visit**” means a visit to a child development home to determine if the home is in compliance with the minimum requirements.

“**Deferred judgment**” means the criminal conviction is postponed. **All** deferred judgments, whether discharged or not, are subject to the record check process because they are considered **convictions**. Mandatory and time-limited prohibition criteria apply to these convictions. Complete an evaluation of a deferred judgment according to current policy for convictions that are subject to evaluation.

“**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, a founded abuse report or revocation of a child development home registration or center license for continued or repeated noncompliance.

"Pre-inspection" means a compliance visit conducted before approving an application for a child development home registration.

"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 is in compliance with the minimum requirements for registration of a child development home after having a pre-inspection.

Categories of Child Development Homes

Legal reference: Iowa Code section 237A.3A; 441 IAC 110.13(237A), 110.14(237A), 110.15(237A)

Child development homes are divided into three categories: A, B, and C, based on the provider's education and experience.

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 provider's 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.

**Number of Children Allowed in
Registered Child Development Homes and Child Care Homes**

Category	Maximum Capacity	Number Restrictions	Age Restrictions	FAQ
Category A	6 children at any one time plus 2 school aged children present for less than two hours at a time TOTAL 8	The 2 school aged children may not be present for more than 2 hours at a time	No more than 4 children may be under the age of 24 months at any one time Of those 4, only 3 children may be under 18 months	<ul style="list-style-type: none"> • An assistant does not increase the number for maximum capacity • Can have multiple sets of school aged children if present at separate times for the 2 that exceed the capacity of 6 • All 6 children at one time can be school aged

Category	Maximum Capacity	Number Restrictions	Age Restrictions	FAQ
<p>Category B</p>	<p>6 children at any one time plus 4 school aged children plus 2 part time children</p> <p>TOTAL 12</p>	<p>Only 2 part time children at one time for up to 180 hours per month</p>	<p>No more than 4 children may be under the age of 24 months at any one time</p> <p>Of those 4, only 3 children may be under 18 months</p>	<ul style="list-style-type: none"> • Can use 180 part time hours per month to exceed the maximum preschool or school age capacity. Must document the use of part time hours. • Must have an assistant if caring for more than 8 children for more than 2 hours at a time • The total number of children authorized for the child development home shall be limited by the amount of space available per child which is 35 square feet of floor space per child. This number may be less than the maximum capacity.
<p>Category C1</p>	<p>8 children at any one time</p> <p>TOTAL 8</p>	<p>May never exceed 8 children</p>	<p>No more than 4 children may be under the age of 24 months at any one time</p> <p>Of those 4, only 3 children may be under 18 months</p>	<ul style="list-style-type: none"> • Can use an assistant but does not increase the number for maximum capacity • The total number of children authorized for the child development home shall be limited by the amount of space available per child which is 35 square feet of floor space per child. This number may be less than the maximum capacity.

Category	Maximum Capacity	Number Restrictions	Age Restrictions	FAQ
Category C2	12 children at any one time plus 2 school aged children for less than 2 hours plus 2 part time TOTAL 16	The 2 school aged children may not be present for more than 2 hours at a time Only 2 part-time children at one time for up to 180 hours per month	No more than 4 children may be under the age of 24 months at any one time If those 4 children are aged 18 months or under, both providers must be present	<ul style="list-style-type: none"> • Can use 180 part time hours per month to exceed their maximum preschool or school age capacity. Must document the use of part-time hours. • The total number of children authorized for the child development home shall be limited by the amount of space available per child which is 35 square feet of floor space per child. This number may be less than the maximum capacity. • If more than 8 children are present, both providers shall be present.
In-Home	N/A	N/A	N/A	<ul style="list-style-type: none"> • This is not care provided in the child care provider's home but provided within the child's own home • If receiving CCA assistance, there must be a minimum of 3 eligible children • Shall only be children within the same family
Child Care Home	TOTAL 5	N/A	N/A	<ul style="list-style-type: none"> • No more than 5 children may be present • Child Care Homes are not registered but may receive CCA funding

NOTE: These numbers include the provider's infant and preschool children. Category B and 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 first 3 months: <ul style="list-style-type: none"> ▪ Mandatory reporter training ▪ First aid with rescue breathing • First year of registration: 12 hours training, 2 hours must be health and safety • Second 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 first 3 months: <ul style="list-style-type: none"> ▪ Mandatory reporter training ▪ First aid with rescue breathing • First year of registration: 12 hours training, 2 hours must be health and safety • Second year and following: 12 hours of training

Category	Facility Requirements	Provider Qualifications	Training Requirements
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 first 3 months: <ul style="list-style-type: none"> ▪ Mandatory reporter training ▪ First aid with rescue breathing • First year of registration: 12 hours training, 2 hours must be health and safety • Second year and following: 12 hours of training

Child Development Home Category A

Legal reference: Iowa Code section 237A.3A; 441 IAC 110.13(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 eight 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.3A; 441 IAC 110.14(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.3A; 441 IAC 110.15(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.

A person will be allowed to register for a particular category for which the person is qualified even if the amount of space required for the maximum number of children is not available. However, the total number of children authorized for the specific provider at that category will be limited by the amount of available space per child.

Standards

Facility Requirements

Legal reference: Iowa Code section 237A, 441 IAC 110.8(237A), 110.14(3), 110.15(3)

All child development homes must:

- ◆ Have a non-pay, working land-line or mobile telephone with emergency numbers posted for police, fire, ambulance, and poison control.
 - The number for each child's parent, another person when the parent cannot be reached, and the child's physician must be on paper and readily accessible by the telephone.
 - The home must prominently display all emergency information. All travel vehicles must have a copy of emergency parent contact information.
 - Maintain electrical wiring. All accessible electrical outlets must be tamper resistant or safely capped. Electrical cords will be used properly. Improper use includes running cords under rugs, over hooks, through door openings, or other uses known to be hazardous.
 - Keep combustible materials a minimum of three feet away from furnaces, stoves, water heaters, and gas dryers.
 - Provide and use approved safety gates at stairs and doorways as needed.
 - Conduct annual laboratory analysis of a private water supply to show satisfactory bacteriological quality. A nitrate analysis must be included when caring for children under the age of two. When private water supplies are determined unsuitable for drinking, provide commercially bottled water or water treated through a process approved by the health department or designee.
 - Surround any heating stove or heating element with a safety barrier in order to prevent burns.

- ◆ Have a 2A 10BC rated fire extinguisher located in a visible and readily accessible place on each child-occupied floor.
- ◆ Have at least one single-station, battery-operated, UL-approved smoke detector in each child-occupied room and at the top of every stairway. Each smoke detector must be installed according to the manufacturer's recommendations. The provider must test each smoke detector monthly and keep a record of testing for inspection purposes.
- ◆ Prohibit smoking and the use of tobacco products at all times in the home and in every vehicle in which children receiving care in the home are transported. Smoking and the use of tobacco products is prohibited in the outdoor play area during the home's hours of operation. Nonsmoking signs must be posted at every entrance of the child care home and in every vehicle used to transport children. All signs must include:
 - The telephone number for reporting complaints, and
 - The Internet address of the Department of Public Health (www.iowasmokefreeair.gov).
- ◆ Comply with discharge restrictions identified at [567 IAC Chapter 69](#) for homes served by a private sewer system. Discharge of untreated waste water from private sewage disposal systems is prohibited. The local board of health will verify compliance at the time of renewal and new registration.
- ◆ Assess and control lead hazards for providers operating in a facility built before 1960. This must be completed before issuing an initial child development home registration or a renewal of the registration. To comply with this requirement, the provider must:
 - Conduct a visual assessment of the facility for lead hazards that exist in the form of peeling or chipping paint;
 - Apply interim controls on any chipping or peeling paint found, using lead-safe work methods in accordance with and as defined by Department of Public Health rules at [641 IAC Chapters 69 and 70](#), unless a certified inspector as defined in 641 IAC Chapter 70 determines that the paint is not lead-based paint; and
 - Submit form 470-4755, *Lead Assessment and Control*, as verification of the visual assessment and completion of interim controls, if necessary.
- ◆ Be located in a single-family residence that is owned, rented, or leased by the person or, for dual registrations, at least one of the persons who is named on the child development home's certificate of registration.

- ◆ Have a valid driver's license and adequate motor vehicle insurance for any driver who transports children for any purpose. The motor vehicle insurance must authorize the driver to operate the type of vehicle being driven. Use child restraint devices in compliance with Iowa Code 321.446.
- ◆ Inform parents of the presence of any pet in the home.
 - Each dog or cat in the household must undergo an annual health examination by a licensed veterinarian. Document acceptable veterinary examinations on form 470-5153, *Veterinary Health Certificate*. This examination verifies that the animal's routine immunizations, particularly rabies, are current and that the animal shows no evidence of endoparasites (roundworms, hookworms, whipworms) and ectoparasites (fleas, mites, ticks, lice).
 - Each pet bird in the household must be purchased from a dealer licensed by the Iowa Department of Agriculture and Land Stewardship. Pet birds must be examined by a veterinarian to verify that the bird is free of infectious diseases. Document acceptable veterinary examinations on form 470-5153, *Veterinary Health Certificate*. Do **not** allow children to handle pet birds.
 - Aquariums must be installed and maintained in a manner that prevents children from accessing the water or pulling over the tank.
 - Immediately remove and dispose of all animal waste from the children's areas. Do **not** allow children to feed or care for pets or cleanup pet waste.
 - Do **not** allow animals in the food preparation, food storage, or serving areas during food preparation and serving times.
- ◆ Document all injuries that require first aid or medical care using an injury report form. Complete the form on the date the injury occurred, share the form with the parent, and keep the form in the child's file.
- ◆ Have written policies regarding the care of mildly ill children and exclusion of children due to illness. The provider must inform parents of these policies.
- ◆ Have written policies and procedures for responding to health-related emergencies.
- ◆ Display the certificate of registration in a conspicuous place.

Use of Outdoor Space

All child development homes must:

- ◆ Maintain a safe outdoor play area in good condition throughout the year. The play area must be fenced off when located on a busy thoroughfare or near a hazard which could injure a child. The play area must have both sunshine and shaded areas. The play area must be kept free from litter, rubbish, flammable materials, and contamination by drainage or ponding of sewage, household waste, or storm water.
- ◆ Ensure children's safety around swimming or wading pools on the premises:
 - Drain a wading pool daily. The wading pool must be inaccessible to children when it is not in use.
 - Cover an above-ground or in-ground swimming pool that is not fenced whenever the pool is not in use. The cover must meet or exceed the ASTM International (formerly known as the American Society for Testing and Materials) specification intended to reduce the risk of drowning by inhibiting access to the water by children under five years of age.
 - Enclose an uncovered above-ground swimming pool with an approved fence that is non-climbable and has a minimum height of four feet.
 - Enclose an uncovered in-ground swimming pool with a fence that is non-climbable and is at least four feet high and flush with the ground.

If children are allowed to use an above-ground or in-ground swimming pool:

- Written permission from parents must be available for review.
- Equipment needed to rescue a child or adult must be readily accessible.
- The child care provider must accompany the children and provide constant supervision while the children use the pool.
- The child care provider must complete training in cardiopulmonary resuscitation for infants, toddlers, and children, according to the criteria of the American Red Cross or the American Heart Association.

Medications and Hazardous Material

All child development homes:

- ◆ Must secure all medicines and poisonous, toxic, or otherwise unsafe materials from access by a child.
- ◆ Must have a first-aid kit available and easily accessible whenever children are in the child development home, in the outdoor play area, in vehicles used to transport children, and on field trips.

The kit must be sufficient to address first aid related to minor injury or trauma. Store the kit in an area inaccessible to children. The kit shall, at a minimum, include adhesive bandages, bottled water, disposable tweezers, and disposable plastic gloves.

- ◆ Must give medications only with the parent's or doctor's written authorization. Each prescribed medication must be accompanied by a physician's or pharmacist's direction. Both nonprescription and prescription medications must be in the original container with directions intact and labeled with the child's name.

Store all medications properly and, when refrigeration is required, store in a separate, covered container to prevent contamination of food or other medications. Store all medications so they are inaccessible to children. Record any medication administered to a child. Indicate in the record the name of the medication, the date and time of administration, and the amount given.

- ◆ May not provide medications to a child if the provider has not completed pre-service or orientation training that includes medication administration. This policy applies to all new providers and those renewing registrations after September 30, 2016.

Emergency Plans

All child development homes must:

- ◆ Have emergency plans in case of man-made or natural disasters. The plans must be written and posted by the primary and secondary exits. The plans must clearly map building evacuation routes and tornado and flood shelter areas.
- ◆ Practice fire and tornado drills monthly. The provider must keep documentation evidencing compliance with monthly practice on file for the current year and the previous year.
- ◆ Have procedures in place for the following:
 - Evacuation to safely leave the facility
 - Relocation to a common, safe location after evacuation
 - Shelter-in-place to take immediate shelter where you are when it is unsafe to leave that location due to the emergent issue
 - Lock down protocol to protect children and providers from an external situation
 - Communication plan and plans for reunification with families
 - Plans for the continuity of operations
 - Procedures to address the needs of individual children, including those with functional or access needs

Safe Sleep

Providers must conform to the following infant sleep standards:

- ◆ Follow safe sleep practices as recommended by the American Academy of Pediatrics for infants under the age of one.
- ◆ Always place infants on their back for sleep.
- ◆ Place infants on a firm mattress with a tight fitted sheet that meets Consumer Product Safety Commission federal standards.
- ◆ Do not allow infants to sleep on a bed, sofa, air mattress or other soft surface. Do not allow a child to sleep in items not designed for sleeping including, but not limited to, an infant seat, car seat, swing, or bouncy seat.

- ◆ Do not allow toys, soft objects, stuffed animals, pillows, bumper pads, blankets, or loose bedding in the sleeping area with the infant.
- ◆ Do not allow co-sleeping.
- ◆ Actively observe sleeping infants by sight and sound.
- ◆ If an alternate sleeping position is needed, a signed physician authorization with statement of medical reason is required.

Discipline

In all child development homes:

- ◆ Do not use corporal punishment including spanking, shaking, and slapping.
- ◆ Do not use punishment which is humiliating or frightening or which causes pain or discomfort to the child.
- ◆ Do not administer punishment because of a child's illness, or progress or lack of progress in toilet training. Punishment or threat of punishment must not be associated with food or rest.
- ◆ Do not subject a child to verbal abuse, threats, or derogatory remarks about the child or the child's family.
- ◆ Design discipline to help the child develop self-control, self-esteem, and respect for the rights of others.

Meals

Child development homes must provide regular meals and midmorning or midafternoon snacks which are well-balanced, nourishing, and in appropriate amounts as defined by the USDA Child and Adult Care Food Program. Children may bring food to the child development home for their own consumption, but are not required to provide their own food.

Clean, sanitary, drinking water must be readily available to children in indoor and outdoor areas, throughout the day.

Activity

There shall be an activity program which promotes self-esteem and exploration and includes:

- ◆ Active play.
- ◆ Quiet play.
- ◆ Activities for large muscle development.
- ◆ Activities for small muscle development.
- ◆ Play equipment and materials in a safe condition, for both indoor and outdoor activities which are developmentally appropriate for the ages and number of children present.

Additional Requirements for Category B and C Homes

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

- ◆ A minimum of 35 square feet of indoor 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, the basement must have, in addition to one inside stairway, one direct exit to the outside.
 - All exits shall terminate at grade level with permanent steps.
 - A basement window may be used as an exit if it can be opened from the inside without the use of tools and it provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. The bottom of the opening shall not be more than 44 inches above the floor, with permanent steps inside leading up to the window.

Files

Legal reference: 441 IAC 110.9(237A)

Provider Files

Each child care provider must maintain files for each person residing in the household or employed in the child development home.

The provider must maintain a copy of a physical examination report for all persons residing in the household **over** the age of 12. Acceptable physical examinations must be completed before registration and documented on form 470-5152, *Child Care Provider Physical Examination Report*.

The exam must include the following:

- ◆ Any necessary testing for communicable diseases.
- ◆ Discussion regarding current Advisory Committee on Immunization Practices (ACIP) recommended vaccinations.
- ◆ Must be performed within six months prior to registration.
- ◆ Be completed by a licensed medical doctor, doctor of osteopathy, physician assistant, or advanced registered nurse practitioner.
- ◆ Be completed every three years.

Provider files must also include certificates or documentation verifying training requirements and completion of record checks at initial and renewal applications.

Persons residing in the household under the age of 12 must have documentation of the following:

- ◆ An admission physical examination signed by a licensed physician or designee in a clinic. The exam must meet the following requirements:
 - The exam is not more than 12 months before the child's first day at the child development home.
 - The written documentation includes past health history, status of present health, allergies or restrictive conditions and recommendations as necessary.

- For children five years of age or older who are enrolled in school, a statement of health signed by a parent may be substituted for the physical exam report.
- The exam report must be on file the first day.
- ◆ For each school aged child, documentation that a physical exam was completed at time of school enrollment or since that time.
- ◆ A signed and dated immunization certificate provided by the Iowa Department of Public Health.

If a child care provider has an assistant, a file must be maintained with:

- ◆ Documentation that record checks have been completed.
- ◆ A copy of form 470-5152, *Child Care Provider Physical Examination Report*.
- ◆ Certification of mandatory child abuse reporter training within three months of employment and every five years thereafter.

If a child care provider has a substitute, a file must be maintained with:

- ◆ Documentation that record checks have been completed.
- ◆ A copy of form 470-5152, *Child Care Provider Physical Examination Report*.
- ◆ Certification of mandatory child abuse reporter training within three months of employment and every five years thereafter.
- ◆ Certification in first aid and CPR.
- ◆ Certification or other documentation that minimum health and safety trainings have been completed as listed in the training requirements.

Child Files

Child care providers must also maintain file documentation on each child in care. This information must be updated annually or when the provider becomes aware of any changes.

Files must contain the following:

- ◆ Identifying information including, at a minimum, the:
 - Child's name and birth date,
 - Parent's name, address, and telephone number,
 - Special needs of the child, and
 - Parent's work address and telephone number.

- ◆ Emergency information including, at a minimum:
 - Where the parent can be reached,
 - The name, street address, city, and telephone number of the child's regular source of health care, and
 - The name, telephone number, and relationship to the child of another adult available in case of emergency.
- ◆ A signed medical consent from the parent authorizing emergency medical and dental treatment.
- ◆ An admission physical examination report signed by a licensed physician or designee in a clinic supervised by a licensed physician.
 - The date of the physical examination must not be more than 12 months before the child's first day of attendance at the child development home.
 - Include in the written report past health history, status of present health, allergies and restrictive conditions, and recommendations for continued care when necessary.
 - A statement of health status signed by the parent or legal guardian may be substituted for the physical examination report for a child who is five years of age or older and enrolled in school.
 - The examination report or statement of health status must be on file before the child's first day of care.
 - A statement of health condition signed by a physician or designee must be submitted annually from the date of the admission physical. A statement of health status signed by the parent or legal guardian may be substituted for the physician statement for a child who is five years of age or older and enrolled in school.
 - Documentation of a physical examination for each school-age child that was completed at the time of school enrollment or since. The documentation must be given to the child care provider on the first day of attendance.
- ◆ A signed and dated immunization certificate provided by the Iowa Department of Public Health. For the school-age child, a copy of the most recent immunization record will be acceptable.

Medical exemptions must be signed by a medical doctor (MD) or doctor of osteopathy (DO). Medical exemptions signed by a chiropractor are not acceptable. Religious exemptions must be signed by the parent or guardian or legally authorized representative. This exemption is only valid when notarized.

- ◆ A list signed by the parent which names persons authorized to pick up the child. The authorization must include the name, telephone number, and relationship of the authorized person to the child.
- ◆ Written permission from the parent for the child to attend activities away from the child development home. The permission must include:
 - Times of departure and arrival.
 - Destination.
 - Persons who will be responsible for the child.
- ◆ Injury report forms documenting injuries requiring first aid or medical care.

If the child meets the definition of homelessness as defined by section 725(2) of the McKinney Vento Homeless Assistance Act, the family shall receive a 60-day grace period to obtain medical documentation.

The term "homeless," "homeless individual," and "homeless person" means:

- ◆ An individual or family who lacks a fixed, regular, and adequate nighttime residence.
- ◆ An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for people. This can include:
 - A car,
 - A park,
 - An abandoned building,
 - A bus or train station,
 - An airport, or
 - A camping ground.
- ◆ An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements. Temporary living arrangements include:
 - Hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations,
 - Congregate shelters, and
 - Transitional housing.
- ◆ An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where the individual temporarily resided.

- ◆ An individual or family who will imminently lose their housing, including:
 - Housing they own, rent, or live in without paying rent,
 - Are sharing with others,
 - Rooms in hotels or motels not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations and has no subsequent residence identified; and
 - Lacks the resources or support networks needed to obtain other permanent housing.
- ◆ Unaccompanied youth and homeless families with children and youth defined as homeless under other federal statutes who have:
 - Experienced a long-term period without living independently in permanent housing,
 - Experienced persistent instability as measured by frequent moves over such period, and
 - Can be expected to continue in such status for an extended period of time because of:
 - Chronic disabilities,
 - Chronic physical health or mental health conditions,
 - Substance addiction,
 - History of domestic violence or childhood abuse,
 - Presence of a child or youth with a disability, or
 - Multiple barriers to employment.

Training Requirements

Legal reference: Iowa Code section 237A.1(8)"a"; 441 IAC 110.10(237A)

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

- ◆ Minimum health and safety training approved by the Department. This training must be repeated every five years and include all of the following areas:
 - Prevention and control of infectious disease, including immunizations
 - Prevention of sudden infant death syndrome and use of safe sleeping practices

- Administration of medication consistent with standards for parental consent
- Prevention of and response to emergencies due to food and allergic reactions
- Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic
- Prevention of shaken baby syndrome and abusive head trauma
- Emergency preparedness and response planning for emergencies resulted from natural disasters or a man-caused event
- Handling and storage of hazardous materials and the appropriate disposal of bio-contaminants
- Precautions in transporting children
- ◆ Two hours of Iowa's training for mandatory reporting of child abuse. This training must be repeated every five years
- ◆ First-aid and cardiopulmonary resuscitation (CPR) training meeting the following requirements:
 - Training must be provided by a national recognized training organization such as the:
 - American Red Cross,
 - American Heart Association,
 - National Safety Council,
 - Emergency Medical Planning (Medic First Aid), or
 - By an equivalent trainer using curriculum approved by the Department.
 - First aid training must include certification in infant and child first aid.
 - The provider must maintain a valid certificate indicating the date of first aid training and the expiration date.
 - The provider must maintain a valid certificate indicating the date of CPR training and the expiration date.
- ◆ The provider shall receive a minimum of 24 hours of training during each two-year registration period. Minimum health and safety training listed above may be counted towards the total 24 hours of required training only at the time it is received.

- ◆ A provider may not use a specific training or class to meet minimum professional development hours more than one time every five years.
- ◆ Training must be in one of the following content areas:
 - Planning a safe, healthy learning environment (includes nutrition).
 - Steps to advance children’s physical and intellectual development.
 - Positive ways to support children’s social and emotional development (includes guidance and discipline).
 - Strategies to establish productive relationships with families (includes communication skills and cross-cultural competence).
 - Strategies to manage an effective program operation (includes business practices).
 - Maintaining a commitment to professionalism.
 - Observing and recording children’s behavior.
 - Principles of child growth and development.
- ◆ Training must be conducted by a trainer who is employed or under contract with one of the following entities or who uses curriculum or training materials developed by or obtained with written permission from one of the following entities:
 - An accredited university or college
 - A community college
 - Iowa State University Extension
 - A child care resource and referral agency
 - An area education agency
 - The regents’ center for early developmental education at the University of Northern Iowa
 - A hospital (for health and safety, first-aid, and CPR training)
 - The American Red Cross, the American Heart Association, the National Safety Council, or Medic First Aid (for first-aid and CPR training)

- An Iowa professional association, including the:
 - Iowa Association for the Education of Young Children (Iowa AEYC)
 - Iowa Family Child Care Association (IFCCA)
 - Iowa After School Alliance
 - Iowa Head Start Association
- A national professional association, including the:
 - National Association for the Education of Young Children (NAEYC)
 - National Child Care Association (NCCA)
 - National Association for Family Child Care (NAFCC)
 - National After School Association
 - American Academy of Pediatrics
- The Child and Adult Care Food Program and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC)
- The Iowa Department of Public Health, Department of Education, or Department of Human Services
- Head Start agencies or the Head Start technical assistance system
- Organizations that are certified by the International Association for Continuing Education and training (IACET)

Providers who complete the ChildNet training series, Iowa Program for Infant/Toddler Care (IA PITC), or Beyond Business Basics (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 less than 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 six-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 110.7(2) and (237A)

Substitute providers must:

- ◆ Be 18-years-of-age or older.
- ◆ Successfully complete criminal conviction and child abuse record checks.
- ◆ Complete approved health and safety content area training and child abuse and neglect mandatory reporter training before caring for children and every five years thereafter.
- ◆ Obtain certification in infant and child first aid and cardiopulmonary resuscitation (CPR). 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 centralized Child Care Registration Unit or submits an application online through the Provider Portal at <https://ccmis.dhs.state.ia.us/providerportal/Default.aspx>.
2. Once an application has been received or is requested, Child Care Assistance Registration sends the applicant provider the required forms, including:
 - ◆ Comm. 143, *Child Development Home Registration Guidelines* postcard, to request a paper copy of this document. The document may also be obtained at <https://dhs.iowa.gov/sites/default/files/Comm143.pdf>.
 - ◆ 470-3384 or 470-3384(S), *Application for Child Development Home Registration*.
 - ◆ 470-4755 or 470-4755(S), *Lead Assessment and Control*.
 - ◆ 470-5143 or 470-5143(S), *Record Check Authorization*.
 - ◆ 470-3871 or 470-3871(S), *Child Care Assistance Provider Agreement*.
 - ◆ DCI-45, *Waiver Agreements*.
 - ◆ FD-258, *Federal Fingerprint Cards*.

Other information may be included in the initial package, such as information on the child care resource and referral agency, the Child and Adult Care Food Program (CACFP), pre-inspection requirements, etc.

3. The applicant provider must:
 - ◆ Read the instructions.
 - ◆ Complete the application form, sign, and date it.
 - ◆ Complete, sign, and date the *Child Care Assistance Provider Agreement* if the applicant provider plans to care for children who are CCA eligible.
 - ◆ Have one *Record Check Authorization* form completed and signed by every provider, assistant, and any person who is 14 years of age or older who is living in the home and has access to a child when the child is alone. Parents can sign for children under the age of 18.

- ◆ Have one DCI-45, *Waiver Agreement*, and FD-258, *Federal Fingerprint Card*, completed and signed by every provider, assistant, and any person who is 18 years of age or older who is living in the home and has access to a child when the child is alone.
 - ◆ Return the application and all required forms to the Child Care Registration Unit.
4. The Centralized Child Care Registration Unit:
- ◆ Reviews the application and provider agreement, if applicable, to make certain they are complete.
 - ◆ Reviews for completion of health and safety training.
 - ◆ Sends FD-258, *Federal Fingerprint Card*, to the Division of Criminal Investigations after obtaining the DCI-45, *Waiver Agreement*.
 - ◆ Completes an Iowa child abuse, Iowa dependent adult abuse, Iowa Sex Offender Registry, and Iowa criminal history check in the Single Contact Repository (SING) after obtaining the DCI-45, *Waiver Agreement*, and 470-5143, *Record Check Authorization*.
 - ◆ If the applicant does not return the *Record Check Authorization*, DCI-45 or FD-258 forms, or any other required information, send a Request for Information (RFI) to request the additional information. Give ten days plus a three day mailing grace period. If after this time, the information is not returned, the registration process terminates. See [Adverse Actions](#).
 - ◆ If record checks are returned with a hit, send the *Record Check Evaluation*, form 470-2310, to the applicant for each conviction or incident of founded abuse. When the forms are returned, forward them to the evaluation team for the evaluation process. If this information is not returned within ten days plus a three day mailing grace period, deny the application with timely notice and prohibit involvement with child care.
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 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, abuse, Sex Offender Registry, and revocation history for continual or repeated noncompliance checks are returned as having no criminal convictions or founded abuse records, or the record has been evaluated and found not to prohibit registration, complete form 470-5394, *Pre-Inspection Referral*, and submit it to the local field office for review.
7. If approved:
 - ◆ The effective date is the date the applicant was found to be in compliance with health and safety to include the pre-inspection approval. The expiration date is two years after the effective date on the last day of the month.
 - ◆ Issue the *Certificate of Registration* in KinderTrack and complete the approval *Notice of Decision*. See [12-F-Appendix](#), *Certificate of Registration*, 470-3498.
 - ◆ Mail the appropriate *Notice of Decision* (approval and contact, if needed), *Certificate of Registration*, and copy of the *Child Care Assistance Provider Agreement*. Include other approval paperwork as warranted:
 - New provider approval letter
 - Copy of *Record Check Decision*
 - *Record Check Approval* letter
 - Authentication code
 - Direct deposit form
 - *Parent Guide to Child Development Home Registration*, Comm. 469
 - Notice of approval for substitutes and assistants
 - Tips for completing the CCA billing
 - Overnight examples
 - CACFP letter to the provider

If denied, complete the *Notice of Decision*.

Renewal of Certificate

Legal reference: 441 IAC 110.3(237A)

Providers must complete the registration process every 24 months. Send out renewal packets to providers three months before the provider's registration renewal date. Include in the packet, the following information:

- ◆ Comm. 143, *Child Development Home Registration Guidelines* postcard, to request a paper copy of this document. The document may also be obtained at <https://dhs.iowa.gov/sites/default/files/Comm143.pdf>.
- ◆ 470-3384 or 470-3384(S), *Application for Child Development Home Registration*.
- ◆ 470-4755 or 470-4755(S), *Lead Assessment and Control*.
- ◆ 470-5143 or 470-5143(S), *Record Check Authorization*.
- ◆ 470-3871 or 470-3871(S), *Child Care Assistance Provider Agreement*.
- ◆ DCI-45, *Waiver Agreements*.
- ◆ FD-258, *Federal Fingerprint Cards*.
- ◆ Renewal letter

If a provider does not respond approximately ten days before the date of their expiration of the *Certificate of Registration*, registration will automatically be closed in the KinderTrack system and an auto-close timely cancellation is sent.

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*. Complete national criminal records check via fingerprints for each person aged 18 or over who is listed on the *Application for Child Development Home Registration*. National criminal records are only required every four years. 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 new *Certificate of Registration* and an approval NOD that includes a new expiration date to the applicant-provider, and make necessary changes to the KinderTrack system.

Record Checks

Legal reference: Iowa Code section 237A.5(2)(e)(3)

If a person that is subject to a record check has a transgression, each transgression is subject to a record check evaluation. A transgression is the existence of any of the following in a person's record:

- ◆ Conviction of a crime.
- ◆ A record of having committed founded child or dependent adult abuse.
- ◆ Listing in the sex offender registry under Chapter 692A.
- ◆ A record of having committed a public or civil offense.
- ◆ The Department has revoked a child care facility registration or license due to the person's continued or repeated failure to operate the child care facility in compliance with applicable rules.

Criminal and Abuse Record Checks

Legal reference: Iowa Code section 237A.5(2)(a) and 441 IAC 110.11(3)

The following people shall have an Iowa criminal history and child abuse registry record check. The Department may also conduct dependent adult abuse and sex offender registry record checks. These must also be completed for:

- ◆ Every operator of a child development home.
- ◆ All staff members with direct responsibility for child care, including substitute providers and assistants.
- ◆ 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 aged 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 *Record Check Authorization*, form 470-5143, and initiating all required criminal record checks for staff assistants and other people living in the home.

A national criminal records check must also be completed on the above listed people; however, a record check is not required until a person turns 18 years of age. Each person must submit fingerprints on the *Federal Fingerprint Card*, form FD-258, and complete a *DCI Waiver Agreement*, form DCI-45.

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.

NOTE: The Department may also choose to check public and civil offense records. These records are maintained by Iowa Courts Online or the Iowa courts.

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 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 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:

I am a member of an evaluation committee for the Department of Human Services. We are responsible for making decisions about involvement with child care.

Iowa Code section 237A.5 requires the Department of Human Services to conduct a background check and evaluate all transgressions. Transgressions under child care law are defined as follows:

Iowa Code section 237A.5(2)"a"(3):

(3) "Transgression" means the existence of any of the following in a person's record:

- (a) Conviction of a crime.
- (b) A record of having committed founded child or dependent adult abuse.
- (c) Listing in the sex offender registry under Chapter 692A.
- (d) A record of having committed a public or civil offense.
- (e) The Department has revoked a child care facility registration or license due to the person's continued or repeated failure to operate a child care facility in compliance with this chapter and rules adopted to this chapter.

The purpose of the evaluation is to assist the Department in determining whether or not a transgression(s) would prevent involvement with child care.

A check of your records shows **one** transgression that has not been evaluated.

Included with this letter is a *Record Check Evaluation* form for each transgression listed above. Complete one for each transgression shown. (You must sign this form yourself. No one else can do it for you.) **Return the completed *Record Check Evaluation* to our office within TEN days from the date of this letter. The office address is as follows:**

Failure to complete and return these forms within this timeframe will result in you continuing to be prohibited from involvement with child care. If you return the form timely, a record check evaluation will be conducted to determine whether you should continue to be prohibited from involvement with child care or not. Until a decision is made, you will continue to be prohibited from involvement with child care.

If you are aware of any transgressions, convictions for crimes or abuse you have committed in Iowa or any other state whether they are local, state or federal convictions other than the ones we have requested a *Record Check Evaluation* form, we request that you provide the dates and details of these on a separate sheet of paper.

If you have question, feel free to call me at:

Sincerely,

The person with the transgression must complete and return the *Record Check Evaluation* within ten calendar days of the date on the form. The Department will use the information the person with the transgression provides on this form to assist in the evaluation. Failure of the person with the transgression to complete and return this form within ten calendar days of the date on the form will result in a prohibition from involvement with child care and denial or revocation of the registration certificate.

The Department may use information from the Department's case records in performing the evaluation. In an evaluation, the Department will consider all of the following factors:

- ◆ The nature and seriousness of the transgression in relation to the position sought or held.
- ◆ The time elapsed since the commission of the transgression.
- ◆ The circumstances under which the transgression was committed.
- ◆ The degree of rehabilitation.
- ◆ The likelihood that the person will commit the transgression again.
- ◆ The number of transgressions committed by the person.

If the *Record Check Evaluations* are not returned, deny the application for registration and deny nonregistered providers of providing state funded child care. 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 Part C, Evaluation Determination/Notice of Decision, on the *Record Check Evaluation*, form 470-2310, for each person who completed a *Record Check Evaluation*.

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

- ◆ Criminal
- ◆ Child abuse

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 Part C, Evaluation Determination/Notice of Decision, on the *Record Check Evaluation*, form 470-2310.

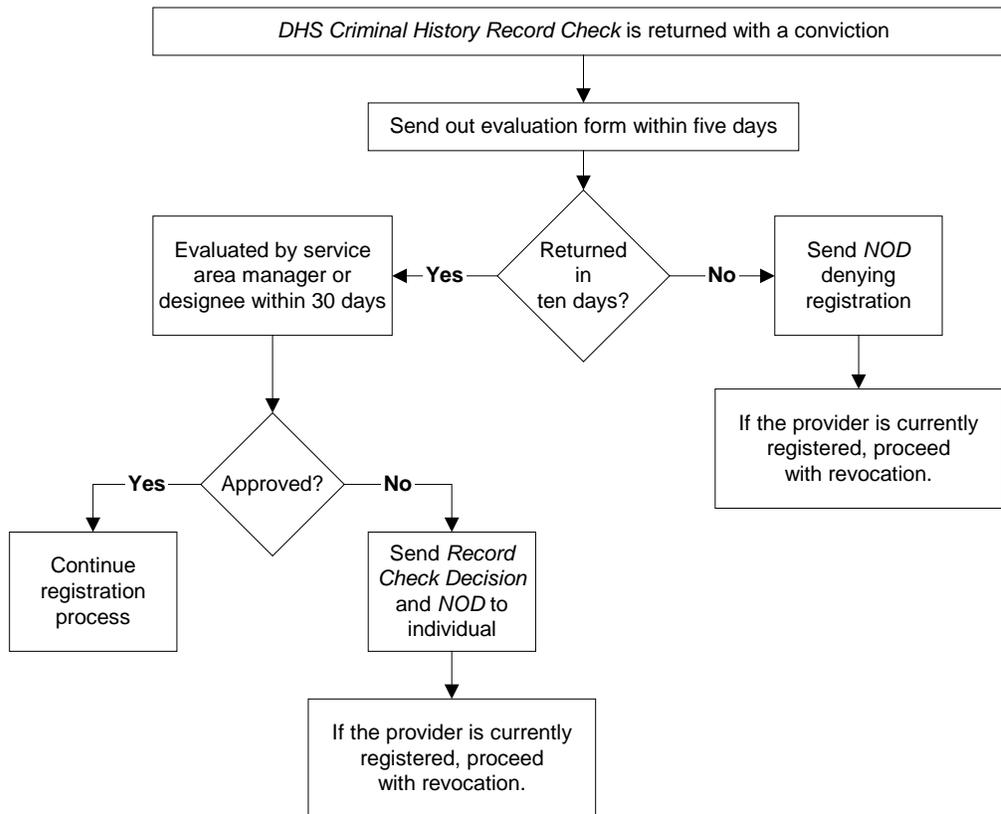
If the person chooses to appeal a decision, the information on the *Record Check Decision* must be complete enough to be presented at the appeal hearing to justify the decision reached. Each of the areas of information addressed on the evaluation form should be addressed in the committee's written decision.

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* to the operator of the registered child development home, notifying the provider of the results of the *Record Check Decision*. This *Notice of Decision* shall be placed in the provider's personnel file. Include a letter informing the provider if the person can or cannot be involved with child care. If the person is permitted to have involvement, identify if there are conditions on the person's involvement. Notify the provider of the conditions placed on the approval.

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 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

Residency restrictions for not establishing a residence within 2,000 feet of a child development home apply if the registered sex offender has this restriction on Iowa's Sex Offender Registry. If the sex offender lived at the address before the child development home was established or before July 1, 2002, the sex offender may remain at the address. This restriction applies to any offender who is required to be registered whose victim was a minor and who was convicted in an Iowa court of the following:

- ◆ Sexual abuse in the first degree
- ◆ Sexual abuse in the second degree
- ◆ Sexual abuse in the third degree (except "status offenses" involving a consensual sex act between the offender and the person under 16, the age difference between the two is four or more years)

It is the responsibility of the person listed on the Sex Offender Registry to determine if registered child development homes are within 2,000 feet of the proposed residence. Provide the current registration list to local law enforcement, if requested.

Exclusion zones apply to registered sex offenders who sex offenses involved minor victims. Presence on the property of a child development home is prohibited unless the registered sex offender with this restriction is picking up or dropping off their own child with the written permission of the provider. Otherwise, the registered sex offender shall not be present on the property of the child development home. Child care providers should not give permission for a registered sex offender to be on the property.

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 or whether a written safety plan can be put into place to keep the children safe. You may consider the provider's plan for ensuring the safety of children in care and whether the provider is complying with the agreed upon plan when making a registration decision.

Pre-Inspection

Once you have received form 470-5394, *Pre-Inspection Referral*, conduct a pre-inspection for any person seeking child development home registration. Complete the pre-inspection process. Approve or deny the application within 30 days. Complete any re-checks and final applications within 60 days.

1. Contact the child care provider and schedule the pre-inspection.
2. Contact Child Care Resource and Referral and attempt to arrange a joint visit.
3. Evaluate Department records such as KinderTrack, Notes, Notices of Decision, and any applicable compliance history before the home visit.
4. Complete the *Pre-Inspection Checklist for Child Development Home Registration*, form 470-5384, to determine if the applicant meets minimum requirements.

The following list includes areas in 441 IAC Chapter 110 that will result in an automatic denial at time of pre-inspection if not completed at initial visit.

- ◆ An annual laboratory analysis shows satisfactory bacteriological quality if a private water supply is used. Nitrate analysis when children under two. If water is determined unsuitable for drinking, commercially bottled water or water treated and approved by the health department is provided. (Legal reference: 441 IAC 110.8(1)"e")
- ◆ Smoking and use of tobacco products prohibited at all times in the home and vehicles used to transport children. Smoking and use of tobacco products prohibited in outdoor play area during hours of operation. (Legal reference: 110.8(1)"i")

- ◆ Homes served by private sewer systems shall be in compliance with discharge restrictions. Discharge of untreated waste water is prohibited. Compliance shall be verified by local board of health at time of renewal or new registration. (Legal reference: 110.8(1)"j")
- ◆ For homes built prior to 1960, provider must complete visual assessment for lead hazards and apply necessary interim controls on any chipping and peeling paint, using DPH lead-safe work methods. Form 470-4755, *Lead Assessment and Control*, is submitted with each initial and renewal application. (Legal reference: 110.8(1)"k")
- ◆ Outdoor space is kept free from litter, rubbish, and flammable materials. Outdoor space is free from contamination by drainage or ponding of sewage, household waste, or storm water. (Legal reference: 110.8(2)"a")
- ◆ When a swimming pool or wading pool is on the premises: If not fenced, both in- and above-ground pools must have a cover that meets or exceeds ASTM standards when not in use. Fence for above-ground pool is four feet high and non-climbable. Fence for in-ground pool is flush with ground, non-climbable, and at least four feet high. (Legal reference: 110.8(2)"b")
- ◆ There is a minimum of 35 square feet of child use floor space indoors for each child in care. There is a minimum of 50 square feet outdoors per child in care. (Legal reference: 110.14(3)"a" and 110.15(3)"a")
- ◆ Category B and C ONLY. **NOTE:** If a home wishes to be a Category B or C but does not meet square footage requirements, the Department may reduce the number of children allowed in care.
 - There is a minimum of 50 square feet outdoors per child in care. All exits terminate at grade level with permanent steps. If the second story or basement is used for child care, other than the use of a restroom, there is, in addition to one inside stairway, at least one direct exit to the outside.

If a basement window is used as an exit, the window is able to be opened from the inside without the use of tools. The window provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. The bottom of the window opening is not more than 44 inches above the floor with permanent steps inside leading up to the window. Child care is not provided above the second floor. (Legal reference: 110.14(3)"c" and 110.15(3)"c")

- Has a minimum of two direct exits to the outside from the main floor. All exits terminate at grade level with permanent steps. If the second story or basement is used for child care, other than the use of a restroom, there is, in addition to one inside stairway, at least one direct exit to the outside.

If a basement window is used as an exit, the window is able to be opened from the inside without the use of tools. The window provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. Child care is not provided above the second floor. (Legal reference: 110.15(3)"c")

5. If approved, complete the bottom portion of the *Pre-Inspection Referral*, form 470-5394, and send to the Child Care Registration Unit.

If denied, complete the bottom portion of the *Pre-Inspection Referral* and the standardized pre-inspection denial letter and send to the Child Care Registration Unit.

6. If the applicant has an opportunity to correct deficiencies that are not listed above, complete the pre-inspection noncompliance letter and send to the applicant.

The applicant is required to remedy any concerns and make contact with the compliance worker within 15 days to set up a new visit to the home.

If the provider meets all requirements, complete the *Pre-Inspection Referral* and send to Child Care Registration Unit.

If the provider still fails to meet requirements, deny the application.

Compliance Checks

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

Department staff must visit registered child development homes to ensure compliance with rules for registration. The purpose of the compliance visit is to verify that the provider is meeting the minimum requirements. An annual compliance visit is required on all child development homes. Also contact a provider when an allegation has been received of noncompliance with minimum requirements.

Use the following procedures when visiting child development homes:

1. Inform the provider whether the visit is about a complaint or is a compliance visit. During your visit, it is important to be fair, objective, respectful, and impartial. If the visit is the result of a complaint and an annual compliance visit has not been completed, conduct a full evaluation at this time.
2. 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 compliance visit to determine compliance with the minimum requirements. (See [12-F-Appendix](#) for instructions.) This checklist must be completed every calendar year.
3. 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.
4. Have the child care provider sign form 470-0625. Provide a copy to the child care provider.
5. Complete form 470-5431, *Child Development Home Pre-Inspection and Compliance Letter*, outlining areas of noncompliance and why the provider was not compliant. Indicate on the letter if a follow-up visit is required.
6. Place documentation of the visit in the appropriate file. For compliance visits, keep the *Checklist for Child Development Home Registration* and *Child Development Home Compliance Letter*.
7. For complaints, complete form 470-5281, *Child Care Complaint*. Withhold information identifying individuals.
8. If the visit is the result of a complaint AND a full compliance visit is completed, complete BOTH form 470-5281, *Child Care Complaint*, and form 470-5431, *Child Development Home Pre-Inspection and Compliance Letter*.
9. Mail a copy of the *Child Development Home Compliance Letter* and *Child Care Complaint* to the child care provider.

10. If the provider is not home for the compliance visit, send the provider a letter on local letterhead stating the following:

You are currently enrolled as a Registered Category _____ child care provider with the state of Iowa.

I attempted to conduct a compliance visit evaluation on _____, and discovered you were not available. In order to continue as a registered child care provider, you will need to contact me to schedule a time when we can conduct a compliance visit. Please review the options listed below.

1. If you intend to continue as a registered child care provider, please call me on or before _____, so that we can schedule a time to conduct a compliance visit. If I am away from my phone, please leave a message with a telephone number I can reach you at.
2. If you are no longer interested in continuing as a registered child care provider, simply return your certificate to me in the return envelope I have included in this mailing. I will then proceed with a voluntary cancellation of your registration.

If you fail to return a phone call to me or your certificate in the mail on or before _____, I will consider the non-action as a request to voluntarily cancel your status as a registered child care provider. I will make appropriate entries to our system to close your registration.

I have included a business card with all of my contact information for your convenience.

If the provider does not allow you to access the home, inform the provider that access is required to comply with unannounced compliance visits by the Department as a condition of registration. Let the provider know that a worker will be visiting the home to complete the visit. Inform the provider that failure to allow a visit will result in revocation of the registration.

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

When conducting a compliance visit, assess the surroundings and evaluate the locations in the home requiring inspection. See [Assess the Surroundings](#). Please note that the child development home is registered as the address, not only portions of the home.

11. A second visit may be required to ensure full compliance. The following areas are required to have a follow-up home visit and may not be self-certified that a provider is in compliance. Follow up home visits are not limited to the following. You may visit any time you feel it is necessary to assure safety of children in care.
- ◆ Missing several fire or safety measures: no exit plans, alarms missing, wrong extinguisher, etc.
 - ◆ Extensive failure to maintain child file documentation
 - ◆ Failure to be in compliance with areas that were out of compliance at time of the previous annual inspection
 - ◆ Substantial concerns of general noncompliance with checklist
 - ◆ Concerns regarding over numbers or general supervision
 - ◆ Concerns regarding safe sleep practices
 - ◆ Concerns for outdoor safety (pools, fencing, hazards, etc.)
 - ◆ Concerns regarding children's access to unsafe materials
 - ◆ Physical location concerns such as electrical cords, fire hazards, smoking in the home, etc.
 - ◆ Lead concerns
 - ◆ Anything else that requires visual inspection in the home to verify compliance

Assess the Surroundings

When assessing the child development home consider:

- ◆ Is the area accessible to children or a part of the home used during regular child care hours? This also includes areas that household members or staff access, but not necessarily the children.

If the area is accessible to children, you should feel comfortable looking in areas such as:

- Under kitchen sinks
- Drawers accessible to children
- The location where child and household medications are stored
- The cabinets of a changing table
- Location of chemicals, etc.

You may ask a provider where items are kept. The provider may show you by opening areas instead of requesting they be opened or having to open them yourself.

- ◆ What do you see? Can you hear anything out of the ordinary? Do you smell anything that may be abnormal?

What is the concern that you have and will opening the item or viewing location either confirm or alleviate this concern? (Example: closet could have children, unapproved persons, belief there may be hazardous materials, belief there may be child pornography, etc.)

Does the restricted area or container seem out of place for the location?

Is there information that a person who has been prohibited from involvement with child care may be residing in the home? If so, there may be supporting information in a closet or dresser drawers (clothing, shoes, and other items).

Is the item big enough to house a hidden risk to children in a child-occupied area of the home?

Is there a specific complaint? An over-numbers complaint versus a concern about drugs in the home may change where you feel you need to look.

Indoors

Is there an area, room, or location that is blocked off or that the provider wishes you not to enter?

All rooms should be observed for compliance. If a room is inaccessible, ask for entry. If entry is denied, document and talk with your supervisor.

Outdoors

Are there outbuildings? Where are the buildings located on the property? Are the buildings accessible to children as a result of their location? If a building is a distance away, it may not be necessary to look at the building unless children access or go near that area.

Basements

Basements may be finished, unfinished, or partially finished. Basements must be viewed. Observe the furnace and water heater to assure combustible materials are not near flammable areas and electrical cords. Ensure that the furnace and water heater are properly used and maintained. Assure the safety of the tornado shelter if it is in the basement.

Is there an area that appears closed off or away from view? It may require more inspection.

About the Provider

Consider what you know and observe about the provider:

- ◆ Does the provider have a history of dishonesty, hiding things, etc.?
- ◆ How is the provider acting during the inspection? Does the provider appear nervous or appear to attempt to restrict access to certain areas?
- ◆ Have you asked the provider what is in the area or item? If so, what is the provider's response?

Communication With the Provider

Provide an explanation to the provider on why you wish to view an area.

Have an upfront discussion and provide rationale. Example: "You mentioned that you keep weapons in this area. I would like to view it to ensure they are appropriately contained."

It may be all right to give the provider an example of something you have seen before to help them understand your rationale. You must be careful not to give out confidential information but general statements are appropriate. Example: "You have indicated that your basement is unfinished and you do not provide care in the basement, but I have previously found ____ (drugs, meth lab, hidden room, children, etc.) and would like to view the area."

If a summary check produces additional concern, further assessment may be required to confirm or deny your concern.

Be ready to support your decision as to why you access an area that may be considered questionable (areas a provider deems personal or would reasonably expect to be private, e.g., bedroom closet or dresser drawers, personal bathroom cabinets that are not accessible to children in care or on a floor that is not used for child care, etc.).

Safety Assessment

During a compliance or complaint visit, you may determine the need to assure safety in the child development home.

When to Assess Safety

Safety is assessed when noncompliance with a law or rule is found.

- ◆ 441 IAC Chapter 110 for registered child development homes.
- ◆ 441 IAC Chapter 120 for child care homes with a *Child Care Assistance Provider Agreement*.

Threat of Maltreatment or Safety Risk

A threat of maltreatment or a safety risk can occur when the compliance worker identifies noncompliance with a law or rule AND the worker determines the situation to be a significant health and safety concern.

When the provider's protective capacity or the children's levels of vulnerability do not offset the safety issue.

Provider's Protective Capacity

A provider's protective capacity includes the provider's capabilities, interactions, and environment. Consider the following questions in assessing a provider's capability:

- ◆ Does the provider have a pattern of meeting the requirements for:
 - A compliance worker's access to the home,
 - The number of children in care,
 - Reporting household members,
 - Supervision and care of children,
 - Discipline,
 - Program of activities, and
 - A safe environment?
- ◆ Do persons that have a history of sexual abuse or violence get access to the child care children or the home?

- ◆ Does the provider leave children in the care of a person not approved to assist or allow anyone access to the children?
- ◆ Does the provider leave children unattended?
- ◆ Do you have any reason to suspect the honesty or credibility of the provider?
- ◆ Is the provider willing or able to focus on the needs of children (supervising, diapering, feeding, etc.)?
- ◆ Is the provider caring for too many children?
- ◆ Does the provider have any chronic or debilitating conditions that may impede the provider's ability to care for children?
- ◆ Is the provider physically available and attentive to children?
- ◆ Does the provider have age-appropriate expectations and supervision of children?
- ◆ Does the provider abuse substances?
- ◆ Is there evidence of substance use or abuse in the home?
- ◆ Does the provider threaten violence or are there concerns about physical abuse or injury in the home?
- ◆ Does the provider have knowledge of criminal behavior occurring at the residence and does nothing?
- ◆ Is the provider involved in criminal behavior?
- ◆ Does the provider's judgment (use of equipment, supervision, transportation, etc.) place children in unsafe situations?
- ◆ Does the provider allow children with a contagious illness contact with other children?

Consider the following questions to assess a provider's interactions:

- ◆ Does the provider act in a negative (yelling, marginalizing, hitting, threatening, etc.) or unrealistic way toward a child?
- ◆ Does the provider physically or sexually abuse a child?
- ◆ Does the provider understand children's verbal or nonverbal communications?
- ◆ Does the provider do something other than child care during child care hours?
- ◆ Does the provider avoid interacting with the children?

- ◆ Does the provider encourage interaction between the child and others?
- ◆ Does the provider engage the children in a positive way?
- ◆ Does the provider promote a child's ability to control their own impulses, respect themselves, and respect the rights of others?

Consider the following questions to assess a provider's environment:

- ◆ Are there concerns about the condition of the home and play area not meeting rule requirements?
- ◆ Home safety risks include, but are not limited to, the following:
 - Fire hazards
 - Exposed wires, broken glass
 - Fall hazards
 - Feces
 - Spoiled food or garbage
 - Chipping and peeling lead paint
 - Dangerous or hazardous materials accessible to the children
 - Windows and doors that are broken, missing or have looped cords
 - Building is not structurally sound; building is off the foundation or has openings to the outside due to missing foundation, walls, and siding
 - Furniture that is in such poor repair that children could be injured
 - Homes under construction with missing dry wall, construction debris, and construction materials
 - Rodent or insect infestation
 - Gas leak
 - Lack of water or other appropriate utilities without making an alternative provision
 - Vicious or dangerous animals
 - Drowning hazards such as pools and ornamental ponds
 - Infants not placed in safe sleep environments as recommended by the American Academy of Pediatrics and cribs not meeting the Consumer Product Safety Commission standards

- ◆ Does the arrangement of space used for child care make it extremely difficult to adequately supervise children?
 - Children are allowed to use multiple rooms or be inside and outside at the same time with one provider supervising
 - The provider does not have visual access to children because of how rooms are arranged with furniture or play equipment such as tents
 - Infants or toddlers sleep in a room where they cannot be heard or easily checked on
 - Children play in areas where they cannot be heard or easily checked on
- ◆ Does the provider restrict infants and toddlers to swings, car seats, cribs, and playpens for long periods of time?
- ◆ Are children kept at tables and high chairs for long periods?
- ◆ Are the children exposed to violent or sexually explicit materials?

Child Vulnerability

Child vulnerability involves the:

- ◆ Child's age and developmental stage
- ◆ Child's interactions
- ◆ Child's behavioral functioning

Consider the following questions to assess children's age and developmental stage:

- ◆ Are there children under the age of 24 months or functioning at this age level?
- ◆ Does any child have needs not being met?
- ◆ Can any of the children in care verbalize beyond two or three word sentences?
- ◆ Do any of the children have the capacity to use a phone?
- ◆ Does the safety concern pose a danger to the child due to their age or stage of development?

Consider the following questions to assess children's interactions:

- ◆ Do the children attempt to interact with the provider?
- ◆ Are children content, engaged, and express pleasure?
- ◆ Are the children engaged in activities other than TV and computer games?

- ◆ Do the children bite, fight, cry, and whine throughout the day?
- ◆ Is the social environment chaotic?
- ◆ Is another child caring for the children while the provider is doing something else?

Consider the following questions to assess children's behavioral functioning:

- ◆ Can the children be easily comforted when they become upset?
- ◆ Are the children able to transition from one activity to another without temper tantrums?
- ◆ Can the children follow directions?
- ◆ Do the children show respect for the rights of others?
- ◆ Do the children have the ability to control their impulses?
- ◆ Are children biting or hitting other children?
- ◆ Are the children involved in sexual acts with other children in care?
- ◆ Are any of the children withdrawn or prefer areas away from others?
- ◆ Are the children cooperative?

Child's Safety at Risk

When a child's safety is at risk because a provider does not comply with a rule or law, write a safety plan with the provider. When developing a safety plan:

- ◆ Know the non-negotiables,
- ◆ Discuss with the provider about the identified safety concern and the reason it is a safety concern, and
- ◆ Find out what the provider's ideas are to assure safety.

Plan with the provider the tasks the provider will take to assure safety. These tasks can range from simple changes to not providing child care.

Safety Planning

A safety plan is used to address a significant health and safety concern associated with a law or rule that is not in compliance. A safety plan involves working with the child care home provider to identify the specific tasks necessary to ensure the health and safety of the children in care.

A safety plan is a formal and concrete strategy used to ensure safety. The plan should be designed to manage present and foreseeable dangers in the least restrictive manner.

The implementation of safety interventions can help to offset the need to take more restrictive actions.

When to Complete a Safety Plan

A safety plan should be completed when the:

- ◆ Compliance worker identifies noncompliance with a law or rule **AND** the worker determines the situation to be a significant health and safety concern.
- ◆ Children's levels of vulnerability or the caretaker's protective capacities do not offset the safety issue.

After evaluating, determine if a safety plan is needed. If so, complete form 470-5280, *Child Care Home and Child Development Home Safety Plan*.

Developing a Safety Plan

Information needed to aid in the development of a safety plan includes:

- ◆ The story behind the noncompliance.
- ◆ The vulnerabilities of the children based on their age or developmental abilities and the story behind the noncompliance.
- ◆ The provider's protective capacity based on history of complaint and compliance reports and the story behind current noncompliance.

Mrs. A does not have a working phone. Mr. A took her phone away. Upon further questioning as to the circumstances surrounding her Mr. A's actions, it was learned that Mr. A took the phone away due to her sister's boyfriend (Mr. Z) calling the provider and visiting during child care hours.

More questions revealed that Mr. Z was a registered sex offender. Mr. A did not want Mr. Z hanging around the home. The health and safety concern for the lack of a working phone has increased. This information also revealed the protective capacity of Mrs. A.

The story behind the incident shows an inability to solve the problem of a working phone and having unsafe individuals visit during child care hours, which may be justification for a safety plan. Is there a history of protective capacity issues such as allowing individuals to substitute or assist that are not approved, past noncompliance with careful supervision, etc.

Completing a Safety Plan

Safety concerns: Enter the cause for concern for present or impending danger.

Ms. B has been putting infants to sleep on the couch and not in a crib. She has also placed items in the sleeping area with the children. Ms. B reported that she allows infant C to sleep in a car seat or bouncy seat due to reflux. Ms. B denies having a physician statement authorizing the child to sleep in another position.

Tasks which assure safety and are done by, for how long, and how often: Address how behaviors, conditions, and circumstances associated with the safety concern will be controlled.

Participant: Enter the name of each participant (provider, co-provider, assistant) who will have responsibility in the safety plan.

Agreed upon actions: Enter the actions that each participant has agreed to be responsible for to ensure the safety of the children in care.

How long: Enter the length of time the participant is agreeing to the actions to ensure the safety of the children in care.

How often: Enter the frequency the participant is agreeing to actions to ensure the safety of the children in care.

Ms. M has agreed that she will follow child development home rules and will place children under one-year-old on their backs when sleeping.

If a parent requests their child under the age of one to sleep in a position other than on their back, Ms. M agrees that she will require written authorization from a physician before doing this.

Ms. M agrees that she will not place other items in a child's sleeping area, such as blankets, soft bedding, pillows, or toys if the child is under the age of one.

How the plan is monitored: Enter how the plan will be monitored. This plan will be monitored:

- ◆ By a follow up visit, phone calls, follow up letter, or next monitoring visit.
- ◆ During the Department's registration compliance reviews and any other time a home visit is deemed appropriate.

Back-up plan: Enter a specific back-up plan for each action to ensure compliance and safety of the children in care. The back-up plan may include:

- ◆ Revocation or termination of provider agreement.
- ◆ Report to child protective services.
- ◆ Modification of safety plan if there is a change in circumstances.

Failure to cooperate with this safety plan may result in a revocation of child development home registration and prohibition from child care as a result of repeated noncompliance.

Participant agreement: The provider of the children in care must sign and date the form at the point of its completion to document the provider's agreement with the safety plan. Enter any additional information.

Safety Plan Not Followed

If the provider does not follow the safety plan:

- ◆ Identify this possibility in the back-up plan.
- ◆ Is there a change in circumstances that would appropriately warrant a modification to the safety plan?
- ◆ Failure to follow safety interventions or a change in circumstances may result in more formal and restrictive actions to ensure child safety in the future.

If the home does not meet compliance, see [Adverse Actions](#) for procedures.

Overnight Care

A provider must meet other health and safety standards. If a provider is unable to meet general requirements, it would not be appropriate for them to sleep while providing child care. Consider:

- ◆ How many children is the caretaker providing care for?
- ◆ Who else is in the home during overnight hours?
- ◆ Where do other household members sleep?
- ◆ Where do the children sleep? If children sleep on a secondary floor, do they have an adequate emergency escape route and plan?
- ◆ Is the caretaker sleeping?
 - If **yes**, where is the caretaker sleeping in relation to the children? Is the caretaker sleeping on the same floor?
 - If **no**, how is the caretaker assuring the caretaker gets adequate rest to provide ongoing care? Where is the caretaker in relation to the sleeping children?
 - If the caretaker is sleeping a minimal number of hours, what is the caretaker's functioning level as a result?
- ◆ How often is the caretaker checking on the children to assure safety?
- ◆ Is the caretaker using a monitor or other electronic device, such as a video monitor, motion detector, alarms, etc. to monitor the children? How is the caretaker prepared to handle power outages or dead batteries?

- ◆ How is the caretaker prepared to monitor for fire, damaging storms, or other disasters? Does the caretaker have a weather radio or alert system?
- ◆ Does the caretaker have unobstructed access to the children? (This means that the area is a free passageway to the children without any barriers.)
- ◆ Is the caretaker awake at drop off and pick up times for all children?
- ◆ How do the parents access their children in the middle of the night, if needed?
- ◆ Are parents aware and approve of the caretaker sleeping?
- ◆ Does the provider have written documentation of parental approval?

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.

Notice to Parents

Legal reference: Iowa Code section 237A.8

The Department is required to 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 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, or police involvement.

Send the list of parents, guardians or legal custodians to the program manager for child development homes in the Division of Adult, Children and Family Services. The program manager will obtain a signature from the Division Administrator and send letters to the applicable parties.

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. If the provider has appealed timely, 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, which 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. If possible, assist the provider to come into compliance with the requirements.

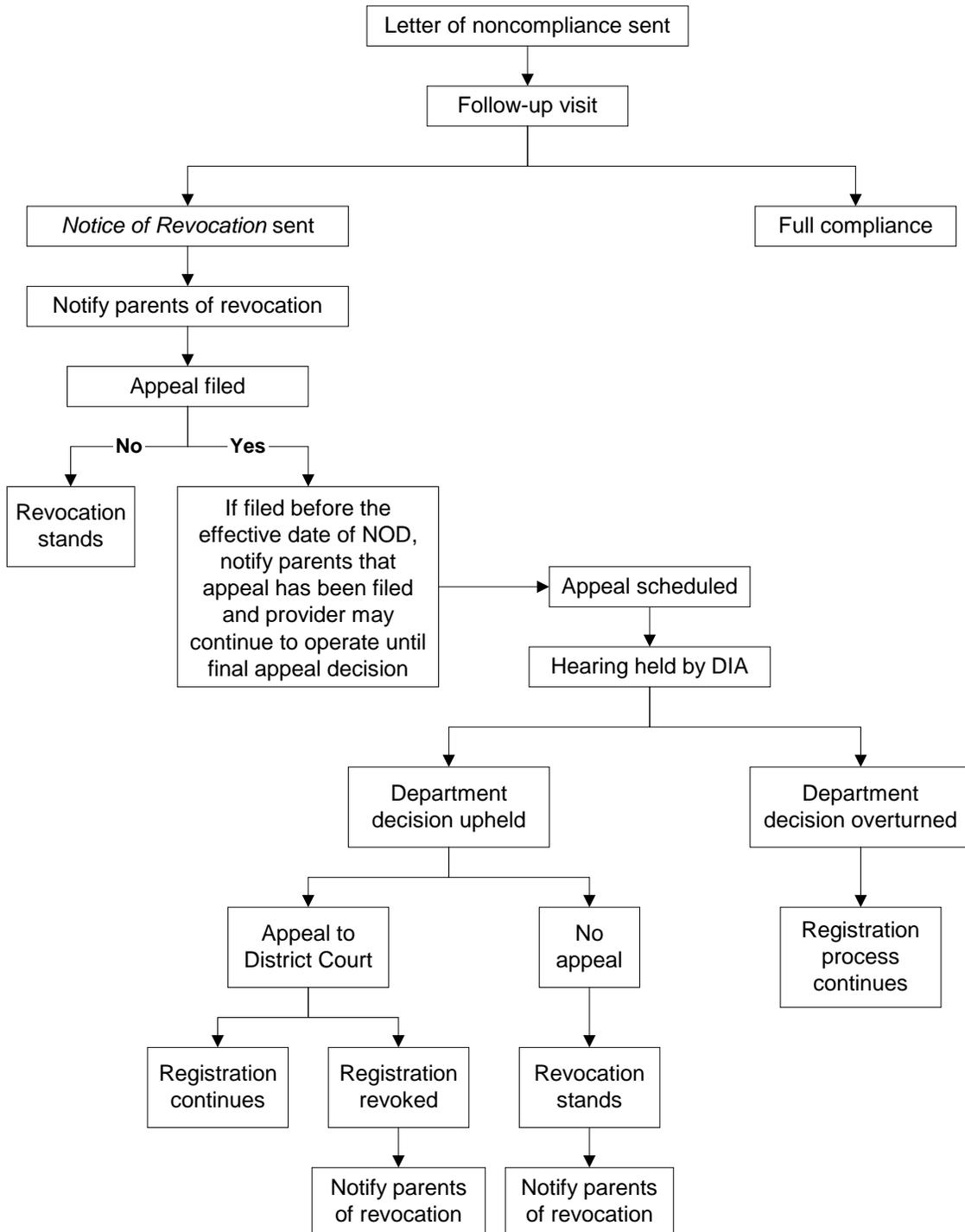
You may find noncompliance issues at an initial visit, during a compliance visit, or because of a complaint. Discuss these issues with the provider for possible resolution. If the provider is unable or unwilling to comply within a reasonable time frame, it may be necessary to deny registration or begin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

The first step toward denial or revocation for this reason is documentation that has been identified in the *Child Development Home Pre-Inspection and Compliance Letter*, *Child Care Complaint*, *Child Care Home and Child Development Home Safety Plan* or any other documentation that outlines noncompliance with administrative rules. 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 and the ability to complete the request in the given timeframe.

Determine if a follow up visit to the child development home is needed 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 of Registration* 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 a *Notice of Decision* by certified mail stating the reasons why the registration is being denied or revoked, with specific references to the law and rules.

For revocation, the *Notice of Decision* 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 Adult, Children and Family Services.

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

Appeals

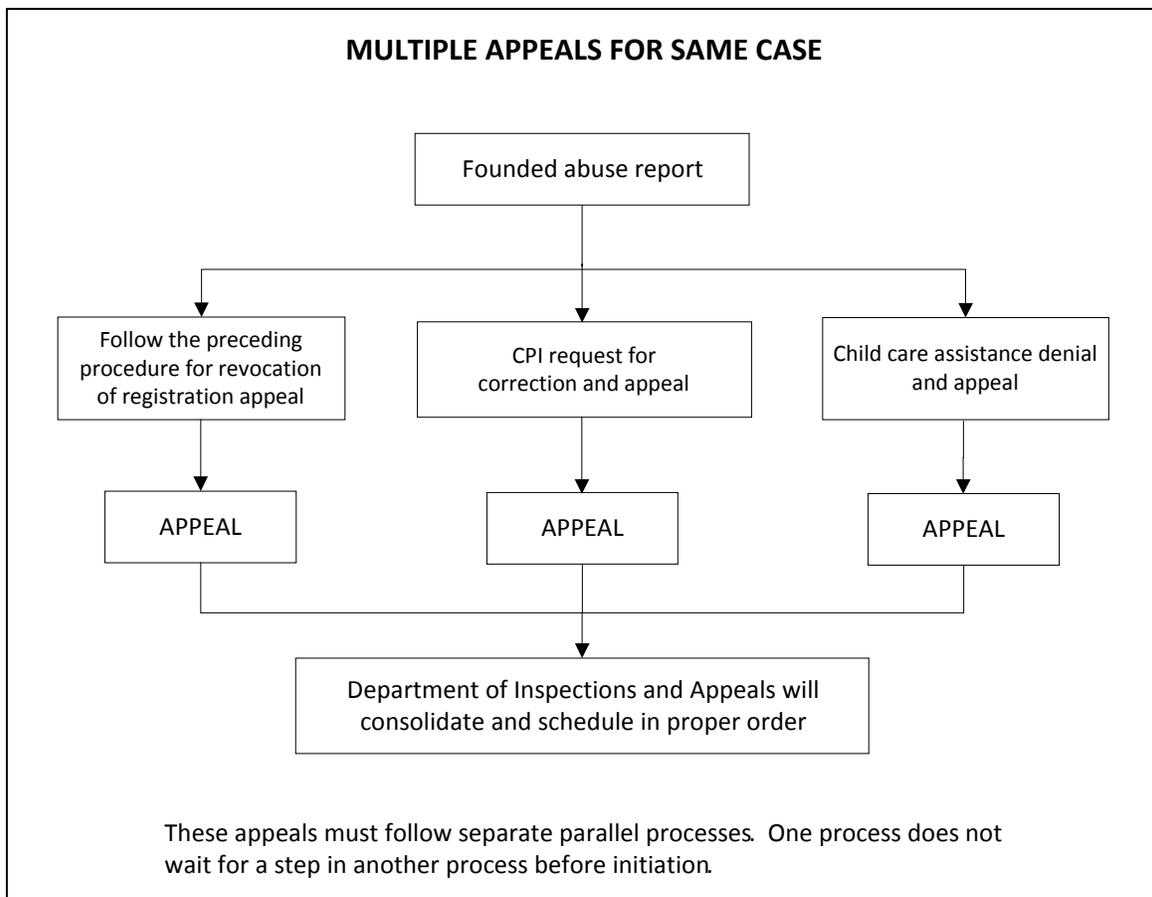
Legal reference: 441 IAC 110.7(237A)

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* 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.



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 compliance visit.
- ◆ 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 110.12(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.

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></p> <p><i>DHS Criminal History Record Check, 595-1396 or 595-1396(S) (if negative)</i></p> <p><i>Request for Child and Dependent Adult Abuse Information, 470-0643 (if negative)</i></p> <p><i>Licensing/Registration/Approval, 470-0717</i></p> <p><i>Checklist for Child Development Home Registration, 470-0625</i></p> <p><i>Notice of Decision: Services, 470-0602</i></p> <p><i>Child Care Complaint, 470-5281</i></p>	<p><i>DHS Criminal History Record Check, 595-1396 or 595-1396(S) (if positive)</i></p> <p><i>Request for Child and Dependent Adult Abuse Information, 470-0643 (if positive)</i></p> <p><i>Checklist for Retroactive Review, 470-3416</i></p> <p><i>Record Check Evaluation, 470-2310</i></p> <p><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 whoever 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.

KinderTrack

KinderTrack (KT) is a system designed to manage child care services offered by the Department including the regulations of child development homes and Child Care Assistance (CCA) programs.

See the KT Manual for guidance on how to use KT and navigate effectively.