

Indiana Administrative Code _Title 470. Division of Family Resources (Refs & Annos)_Article 3. Child Welfare Services_Rule 1.1. Child Care Homes

Child Care Home Regulations.

470 IAC 3-1.1-0.5

470 IAC 3-1.1-0.5 Minimum standards

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 0.5. This rule represents the minimum standards necessary to operate a child care home in the state of Indiana, developed under the authority of IC 12-17.2. These rules apply to the home during hours of operation as a child care home. The purpose of these rules is to protect and promote the health and safety of children in care and to support families as consumers of child care services. First and foremost, child care is the responsibility and choice of the parent. Many child care advocates, providers, licensing specialists, and parents participated in the development of these rules.

470 IAC 3-1.1-1

470 IAC 3-1.1-1 "Applicant" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 1. As used in this rule, "applicant" means a person who applies for a license to operate a child care home.

470 IAC 3-1.1-2

470 IAC 3-1.1-2 "Assistant caregiver" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 2. As used in this rule, "assistant caregiver" means a person eighteen (18) years of age or older who works in a

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child care home under the direct supervision of the caregiver.

470 IAC 3-1.1-3

470 IAC 3-1.1-3 "Attendance" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 3. As used in this rule, "attendance" means the total number of children present at any one (1) time at the child care home.

470 IAC 3-1.1-4

470 IAC 3-1.1-4 "Caregiver" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 4. As used in this rule, "caregiver" means a person eighteen (18) years of age or older who is responsible for the direct care, protection, and supervision of children in a child care home. The caregiver supervises assistant, student assistant, and volunteer caregivers.

470 IAC 3-1.1-4.5

470 IAC 3-1.1-4.5 "CDFC" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 4.5. As used in this rule, "CDFC" means the central office of the Indiana division of family and children.

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470 IAC 3-1.1-5

470 IAC 3-1.1-5 "CDPW" defined (Repealed)

SEC. 5.

470 IAC 3-1.1-6

470 IAC 3-1.1-6 "Child care" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 6. As used in this rule, "child care" means a service for families on behalf of children and their parents which is designed to supplement daily parental care.

470 IAC 3-1.1-7

470 IAC 3-1.1-7 "Child care home" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 7. (a) As used in this rule, "child care home" means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

(1) while unattended by a parent, legal guardian, or custodian;

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(2) for regular compensation; and

(3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

The term does not include a child care center.

(b) The term includes the following:

(1) A Class I child care home.

(2) A Class II child care home.

470 IAC 3-1.1-7.1

470 IAC 3-1.1-7.1 "Child to staff ratio" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 7.1. As used in this rule, "child to staff ratio" means the maximum number of children permitted per direct child care provider.

470 IAC 3-1.1-7.2

470 IAC 3-1.1-7.2 "Class I child care home" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

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Sec. 7.2. (a) As used in this rule, "Class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade one (1). The addition of three (3) school aged children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

(1) for whom a provider of care is a parent, stepparent, guardian, custodian, or other relative; and

(2) who is at least seven (7) years of age;

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

470 IAC 3-1.1-7.3

470 IAC 3-1.1-7.3 "COFC" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 7.3. As used in this rule, "COFC" means the county office of family and children in the county in which the child care home is located.

470 IAC 3-1.1-7.4

470 IAC 3-1.1-7.4 "Design professional" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 7.4. As used in this rule, "design professional" means:

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- (1) an architect;
- (2) an engineer; or
- (3) other professional;

who is approved to file building plans and is qualified to determine if a structure meets the definition of a residential structure.

470 IAC 3-1.1-8

470 IAC 3-1.1-8 "Direct child care provider" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 8. As used in this rule, "direct child care provider" means any individual who provides child care services to children. This term includes the following:

- (1) Licensee, when acting as caregiver.
- (2) Caregiver, assistant caregivers, and student assistants.
- (3) A volunteer.

470 IAC 3-1.1-9

470 IAC 3-1.1-9 "Discipline" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

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Sec. 9. As used in this rule, “discipline” means training which corrects inappropriate behavior.

470 IAC 3-1.1-10

470 IAC 3-1.1-10 “Infant” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 10. As used in this rule, “infant” means a child from birth to twelve (12) months of age.

470 IAC 3-1.1-11

470 IAC 3-1.1-11 “License” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 11. As used in this rule, “license” means a document issued by the CDFC authorizing the operation of a child care home at a specific location for a specific duration and specifying the number of children for whom child care services may be provided.

470 IAC 3-1.1-12

470 IAC 3-1.1-12 “Licensee” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 12. As used in this rule, “licensee” means an individual or corporation who is licensed to operate a child care home. A licensee may be licensed to operate more than one (1) child care home. The licensee may be the caregiver for only one (1) child care home at a time.

470 IAC 3-1.1-12.5

470 IAC 3-1.1-12.5 “Probationary license” defined

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Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 12.5. (a) As used in this rule, “probationary license” means a document issued to a child care home licensee who is temporarily unable to comply with this rule. The CDFC may grant a probationary license if:

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children;
 - (2) the licensee files a plan with the COFC to correct the areas of noncompliance within the probationary period;
and
 - (3) the COFC approves the plan.
- (b) The COFC shall act upon a plan of correction within thirty (30) days of receipt.
- (c) A probationary license is valid for not more than six (6) months. The CDFC may extend a probationary license for one (1) additional period of six (6) months.
- (d) An existing license is invalidated when a probationary license is issued.
- (e) Upon receipt of a probationary license, the licensee shall return to the COFC the previously issued license.
- (f) At the expiration of the probationary license, the CDFC shall:
- (1) reinstate the original license to the end of the original term of the license;

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(2) issue a new license; or

(3) revoke the license.

470 IAC 3-1.1-13

470 IAC 3-1.1-13 “Protected outdoor play area” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 13. As used in this rule, “protected outdoor play area” means an area that is safely enclosed by either a fence or natural boundaries.

470 IAC 3-1.1-14

470 IAC 3-1.1-14 “Provisional license” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 14. As used in this rule, “provisional license” means a document issued to a child care home licensee whose services are needed but who is not able to demonstrate compliance with a rule because the child care home is not in full operation. A provisional license may be issued for a period not to exceed twelve (12) months and is subject to review every three (3) months.

470 IAC 3-1.1-15

470 IAC 3-1.1-15 “Relatives” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

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Sec. 15. As used in this rule, “relatives” means a relationship to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption, including parents, grandparents, brothers, sisters, stepparents, stepgrandparents, stepsisters, stepbrothers, uncles, aunts, and first cousins.

470 IAC 3-1.1-16

470 IAC 3-1.1-16 “Residential structure” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 16. (a) As used in this rule, “residential structure” means a dwelling unit as that term is defined in 675 IAC 14-4 [675 IAC 14-4 was repealed filed Oct 30, 1997, 12:45 p.m.: 21 IR 1003.]. It may be the applicant’s or licensee’s own residence.

(b) If the applicant, or any person, does not presently physically reside in the structure, the applicant or licensee shall provide documentation by a design professional that the structure qualifies as a residential structure before a license for a child care home may be issued.

(c) Licensed child care homes that hold a regular license with the CDFC on the effective date of this rule are exempt from meeting the requirements of subsection (b).

470 IAC 3-1.1-17

470 IAC 3-1.1-17 “Sanitize” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 17. As used in this rule, “sanitize” means to destroy disease causing organisms by chemical or mechanical means, including, but not limited to, a chemical means of using one (1) teaspoon of bleach per gallon of water.

470 IAC 3-1.1-18

470 IAC 3-1.1-18 “SDPW” defined (Repealed)

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SEC. 18.

470 IAC 3-1.1-19

470 IAC 3-1.1-19 "SFM" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 19. As used in this rule, "SFM" means the office of the state fire marshal in the department of fire and building services.

470 IAC 3-1.1-20

470 IAC 3-1.1-20 "Student assistant" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 20. As used in this rule, "student assistant" means an individual fourteen (14) years of age through seventeen (17) years of age who works in a child care home under the direct supervision of the caregiver.

470 IAC 3-1.1-21

470 IAC 3-1.1-21 "Toddler" defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 21. As used in this rule, "toddler" means a child from twelve (12) months of age through twenty-four (24) months of age.

470 IAC 3-1.1-22

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470 IAC 3-1.1-22 “Variance” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 22. As used in this rule, “variance” means official permission granted by the CDFC to meet the intent of a specific rule in a way other than specified by the rule.

470 IAC 3-1.1-22.5

470 IAC 3-1.1-22.5 “Volunteer” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

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

470 IAC 3-1.1-23

470 IAC 3-1.1-23 “Waiver” defined

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 23. As used in this rule, “waiver” means official permission granted by the CDFC to be exempted from meeting a specific rule.

470 IAC 3-1.1-24

470 IAC 3-1.1-24 Child care home maximum capacity

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Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 24. A maximum of fifteen (15) children who are less than eleven (11) years of age may be present in the Class I child care home at any one (1) time during any part of the day. This number includes the caregiver's own children, related children, unrelated children, and any part-time child care children present.

470 IAC 3-1.1-25

470 IAC 3-1.1-25 Minimum standards (Repealed)

SEC. 25.

470 IAC 3-1.1-26

470 IAC 3-1.1-26 Exemption from licensure

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 26. Licensing is not required for a child care home if the provider:

(1) does not receive regular compensation;

(2) cares only for children who are related to the provider;

(3) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or

(4) operates to serve migrant children.

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470 IAC 3-1.1-27

470 IAC 3-1.1-27 Application for licensure

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 27. Application for a license to operate a child care home must be submitted by the applicant every two (2) years to the COFC on forms provided for that purpose by the CDFC.

470 IAC 3-1.1-28

470 IAC 3-1.1-28 Initial licensure

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 28. (a) An applicant for a child care home license shall do the following:

- (1) Attend an orientation training arranged or approved by the CDFC.
- (2) Comply with application procedures required by this rule.
- (3) Submit to the COFC a completed, signed application for a child care home license, including attachments required to demonstrate compliance with this rule.
- (4) Submit a statement attesting that the applicant has not been:
 - (A) convicted of a felony or a misdemeanor relating to the health and safety of children; and

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(B) charged with:

(i) a felony; or

(ii) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(5) Within thirty (30) days of application, submit a written medical statement, including proof of a Mantoux tuberculin test or chest x-ray, signed by a physician or a certified nurse practitioner. (Refer to section 34 of this rule.)

(6) Submit a water quality test as required by section 47(b) of this rule.

(b) The COFC shall do the following:

(1) Conduct a criminal history check on the applicant and the applicant's spouse.

(2) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 [IC 5-2-12 was repealed by P.L.173-2006, SECTION 55, effective July 1, 2006.] et seq.

(3) Schedule a visit to the home during normal business hours and complete a child care home inspection checklist.

(4) Submit a written recommendation for child care home licensure to the CDFC based upon the home inspection checklist and the documents submitted by the applicant under subsection (a).

(5) The COFC shall return an incomplete application to applicant(s) with a notation as to omissions and without acting on the application.

(c) The CDFC shall approve or deny the application for child home care licensure within sixty (60) days of the date the application is received by the COFC.

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470 IAC 3-1.1-28.5

470 IAC 3-1.1-28.5 Annual inspection

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 28.5. (a) The COFC will send a letter of request to the licensee for an information update which includes the name of the licensee, the name of the caregiver, the address and phone number of the child care home, and the license expiration date.

(b) The COFC shall make an annual visit to the home during normal business hours and will complete a limited inspection checklist.

(c) The caregiver shall maintain and make available verification of the following:

(1) Annual Mantoux tuberculin test or chest x-ray for direct child care providers and all family members over eighteen (18) years of age.

(2) Criminal history checks conducted for direct child care providers and family members and others over eighteen (18) years of age living in the home.

(3) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 [*IC 5-2-12 was repealed by P.L.173-2006, SECTION 55, effective July 1, 2006.*] et seq.

(4) Notification of the local fire department.

(5) Certification of current first aid training and annual CPR certification for direct child care providers.

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(6) Water quality test as required by section 47(b) of this rule.

470 IAC 3-1.1-29

470 IAC 3-1.1-29 Relicensure

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 29. (a) The licensee shall submit to the COFC the following prior to relicensure:

- (1) A new application completed and signed by the applicant.
- (2) Written proof of an annual Mantoux tuberculin test or chest x-ray as required. (Refer to section 34 of this rule.)
- (3) Attachments required to demonstrate compliance of this rule.
- (4) A statement by the applicant attesting that the applicant has not been:
 - (A) convicted of a felony or a misdemeanor relating to the health and safety of children; and
 - (B) charged with:
 - (i) a felony; or
 - (ii) a misdemeanor relating to the health and safety of children;during the pendency of the application.

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(5) Water quality testing as required by section 47(b) of this rule.

(b) The COFC shall do the following:

(1) Conduct a criminal history check on the applicant and the applicant's spouse.

(2) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 [*IC 5-2-12 was repealed by P.L.173-2006, SECTION 55, effective July 1, 2006.*] et seq.

(3) Schedule a visit to the home during normal business hours and complete a child care home inspection checklist.

(4) Submit a written recommendation for child care home licensure to the CDFC based upon the completed home inspection checklist and the documents submitted by the applicant under subsection (a).

(c) The CDFC shall approve or deny the application for child care licensure within sixty (60) days of the date the application is received by COFC.

470 IAC 3-1.1-29.5

470 IAC 3-1.1-29.5 License provisions

Authority: IC 12-13-5-3

Affected: IC 12-17.2-5-12

Sec. 29.5. (a) A child care home license is valid for two (2) years unless revoked, suspended by the CDFC, or voluntarily surrendered.

(b) The number of children cared for at any one (1) time shall not exceed the licensed capacity.

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(c) The license is valid only for the name and location on the license and is not transferable.

(d) The license shall be publicly displayed in the home. (IC 12-17.2-5-12(c))

(e) Whenever an applicant applies for multiple licenses located within the same structure or building, a signed statement from a design professional must be submitted certifying that each child care home to be licensed meets the state building code requirements for the proposed use which apply to fire and safety issues. Certification must include any modifications required to comply with the state building code requirements for the multiple occupancies requested.

(f) If two (2) or more licensed child care homes are contiguously located within the same residential structure, each licensed facility must be separated by a two (2) hour fire resistive wall between each licensee.

(g) Whenever an applicant applies for multiple licenses located within the same structure or building, each home must meet the requirements of licensure as independent homes.

(h) Multiple child care homes under one (1) roof which utilize a private well will also be subject to the water testing requirements of 327 IAC 8 whenever twenty-five (25) or more people are present.

(i) Licensees who hold a regular or provisional license upon the effective date of this rule are exempted from meeting the requirements of subsections (f) and (g).

470 IAC 3-1.1-30

470 IAC 3-1.1-30 Appeals

Authority: IC 12-13-5-3

Affected: IC 12-17.2

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Sec. 30. Any individual, firm, corporation, association, or political subdivision whose license has been denied, revoked, or suspended may appeal the action of the CDFC by filing a written request for hearing with the CDFC within thirty (30) days of receipt of an official notice from the CDFC of such denial, suspension, or revocation.

470 IAC 3-1.1-31

470 IAC 3-1.1-31 Incomplete application

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 31. (a) An incomplete application shall be returned to the applicant with a notation as to omissions.

(b) The return of an incomplete application shall be without prejudice.

470 IAC 3-1.1-32

470 IAC 3-1.1-32 Documentation requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 32. (a) The licensee shall maintain the following documentation in the child care home for review by the COFC:

(1) Record of initial physical examination of direct child care providers documenting that they are free of communicable disease.

(2) Record of annual Mantoux tuberculin test or chest x-ray of direct child care provider which documents that they are free of tuberculosis.

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(3) Documentation of criminal history checks on employees, volunteers, and all household members who are at least eighteen (18) years of age.

(4) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, *IC 5-2-12 [IC 5-2-12 was repealed by P.L.173-2006, SECTION 55, effective July 1, 2006.] et seq.*

(5) Documentation of certification of a current first aid course, training in "Universal Precautions", and annual CPR certification by direct child care providers.

(6) Enrollment form for each child receiving services which shall include the following:

(A) Child's name and date of birth.

(B) Name, address, home and work telephone numbers of the child's parent or legal guardian.

(C) The telephone number of a responsible adult in case of emergency.

(D) The names of adults authorized to pick the child up from the home.

(7) Release for emergency medical care for each child signed by the child's parent or legal guardian.

(8) Statement as described in section 37(b) of this rule regarding each child's general health within thirty (30) days of admission.

(9) Written permission from a parent or legal guardian that the child may participate in activities away from the child care home.

(10) Written statement of the licensee's discipline policy signed by the child's parent or legal guardian.

(11) Daily attendance records for children in the child care home which shall be maintained for at least two (2) years at the child care home site.

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(12) Annual vaccination records for animals subject to rabies.

(13) Record of dates of quarterly fire drills which shall be maintained for at least two (2) years.

(14) Written plan of evacuation for the child care home in case of emergency.

(b) Licensee shall keep records regarding each child as required by this rule. Upon request of the COFC, the licensee shall make these records available for review:

(1) to determine compliance with these rules; and

(2) when information is needed in a child protection investigation.

(c) The CDFC shall keep records regarding children and facts learned about children and their families confidential, and such records shall not be removed from the home except as needed in a negative licensing action or a child protective services (CPS) investigation.

470 IAC 3-1.1-33

470 IAC 3-1.1-33 Staff requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 33. (a) The licensee may be the caregiver for no more than one (1) child care home. If a licensee operates more than one (1) child care home, the licensee shall maintain or employ a caregiver in each additional child care home.

(b) The assistant caregiver shall work under the direct supervision of the caregiver. If an assistant caregiver under

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twenty-one (21) years of age is left in charge of a child care home, the parent must be notified in writing.

(c) Student assistants and volunteers shall work under the direct supervision of a caregiver and shall not be left in charge of a child care home.

470 IAC 3-1.1-33.5

470 IAC 3-1.1-33.5 Staff orientation, training, and development

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 33.5. (a) Direct child care providers, including volunteers, shall receive training in fire prevention and safety procedures within one (1) week of starting employment or volunteer work.

(b) Direct child care providers, including volunteers, shall receive training in the following within thirty (30) days of starting employment or volunteer work:

- (1) The child care home inspection checklist.
- (2) Confidential treatment of personal information about children in care and their families.
- (3) Procedures for preventing, detecting, and reporting suspected child abuse and neglect.
- (4) Universal precautions.

(c) Direct child care providers shall complete a first aid course every three (3) years which includes training for the emergency treatment of poisoning, seizures, hemorrhaging, and choking. The course must also include training in artificial respiration. Training shall be completed within ninety (90) days of starting employment or volunteer work.

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(d) At least one (1) direct child care provider shall be trained in pediatric cardiopulmonary resuscitation training annually and shall be on the premises at all times.

470 IAC 3-1.1-34

470 IAC 3-1.1-34 Medical requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 34. (a) Direct child care providers who work in the home more than three (3) times a month and all members of the household having direct contact with children receiving care shall have an initial physical examination by a physician or certified nurse practitioner indicating that they are free from communicable disease, have no physical or other condition which would endanger the health or welfare of children in care, and have an annual Mantoux tuberculin test or chest x-ray.

(b) The requirements stated in subsection (a) shall not be required for direct child care providers who present a signed statement to the COFC that their religious beliefs preclude compliance with the aforementioned medical requirements. The licensee shall provide written notice to the parents or legal guardians enrolling their children in the child care home that a religious exemption statement has been filed with the COFC by the child care provider.

(c) The above requirements shall be met within thirty (30) days of application.

470 IAC 3-1.1-35

470 IAC 3-1.1-35 Reporting abuse, injury, illness, death, or emergency event

Authority: IC 12-13-5-3

Affected: IC 12-17.2

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Sec. 35. (a) The caregiver shall report immediately suspected physical abuse, sexual abuse, child neglect, or child exploitation as required by IC 31-6-11-3 [*IC 31-6 was repealed by P.L.268-1995, SECTION 17, effective July 1, 1995.*] to child protection services (CPS) or local law enforcement.

(b) A substantiated case of abuse or neglect in a child care home constitutes full and sufficient grounds for denial or revocation of the child care home license.

470 IAC 3-1.1-36

470 IAC 3-1.1-36 Child/staff ratio (Repealed)

SEC. 36.

470 IAC 3-1.1-36.5

470 IAC 3-1.1-36.5 Child to staff ratio

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 36.5. (a) The maximum capacity in a Class I child care home shall be twelve (12) children at any one (1) time plus three (3) children during the school year who are enrolled in at least Grade 1. The addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

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

(c) Only direct child care providers shall be counted in determining the child to staff ratio.

(d) The ratio shall include all unrelated children present in the home.

(e) The following child to staff ratios apply:

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Type of Home	Child: Staff Ratio
Infant/Toddler Mixed	
(Birth-24 months)	6:1*

*Two (2) of the six (6) children must be at least sixteen (16) months of age and walking. Otherwise the ratio is 4:1.

Mixed Age Groups	
(Birth-6 years)	10:1*

*No more than three (3) of the ten (10) children may be under sixteen (16) months of age and must be walking.

3 years and older	
(3-10 years)	12:1

470 IAC 3-1.1-37

470 IAC 3-1.1-37 Requirements for admission to the home

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 37. (a) Prior to acceptance of children, the caregiver shall have the parent or legal guardian:

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- (1) complete and sign an enrollment form for the child;
- (2) complete and sign a release for emergency medical care for the child;
- (3) sign a copy of the licensee's written discipline policy; and
- (4) see all areas of the home and property to be used for child care.

(b) Within thirty (30) days of a child's admission, the licensee shall receive a written statement from the child's parent or legal guardian signed by a physician or a certified nurse practitioner which states the following:

- (1) That the child can participate in the child care home's activities.
- (2) That the child has had immunizations which are up-to-date for the child's age.

(3) Whether the child has allergies or any chronic health conditions.

(c) Caregiver shall inform the parent or legal guardian of their right to request in writing an exemption of the medical requirements as required by this section based upon their religious beliefs. Nothing in this subsection precludes the child care home from using emergency measures to treat such a child by first aid techniques or to exclude the child where control of a contagious disease may be necessary.

(d) A child shall not be required to comply with subsection (b)(2) and (b)(3) when the parent or legal guardian has provided a signed statement regarding religious exemptions to the care home licensee.

(e) Neither licensee nor caregiver shall discriminate relative to the admission of children on the basis of race, color, religion, sex, national origin, ancestry, or handicap.

(f) Caregiver shall inform the parent or legal guardian that unscheduled visits by a custodial parent or guardian shall be permitted at any time the child care home is in operation.

470 IAC 3-1.1-38

470 IAC 3-1.1-38 Activities for healthy development

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 38. (a) The caregiver shall provide activities according to the age, developmental needs, interests, and number of children in care while including both active and quiet play which may consist of safe, age-appropriate toys, games, and equipment for both indoor and outdoor play.

(b) Opportunity shall be provided for children to play outdoors daily except when:

(1) the severity of the weather poses a safety or health hazard; or

(2) when there is a health related reason documented by a parent, legal guardian, or physician for a child to remain indoors.

470 IAC 3-1.1-39

470 IAC 3-1.1-39 Swimming

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 39. (a) The caregiver shall be physically present at the swimming or wading pool to supervise when the children in care are swimming or wading.

(b) At least one (1) direct child care provider shall be available to supervise any children not swimming or wading in

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addition to staff requirements in section 36.5 of this rule.

(c) Child care providers shall empty portable wading pools immediately after use.

(d) All inground or nonportable aboveground swimming pools accessible to children shall be in compliance with local zoning ordinances and surrounded by a fence secured with a locked gate to prevent children from entering the area unsupervised.

470 IAC 3-1.1-40

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

Authority: IC 12-13-5-3

Affected: IC 12-17.2

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

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

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

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

470 IAC 3-1.1-41

470 IAC 3-1.1-41 Discipline

Authority: IC 12-13-5-3

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Affected: IC 12-17.2

Sec. 41. (a) The licensee shall provide the parent or legal guardian with a written copy of the discipline policy of the child care home.

(b) The following behavior shall be prohibited by all direct child care providers:

(1) Cruel, harsh, or unusual punishment.

(2) Withdrawal or the threat of withdrawal of scheduled meals or snacks, rest, or bathroom opportunities.

470 IAC 3-1.1-42

470 IAC 3-1.1-42 Nutrition

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 42. (a) Appropriately timed, nutritious meals and snacks shall be made available in such quantity as to meet the needs of each child.

(b) Drinking water shall be available at all times.

470 IAC 3-1.1-43

470 IAC 3-1.1-43 Sleep and rest

Authority: IC 12-13-5-3

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Affected: IC 12-17.2

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

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

470 IAC 3-1.1-44

470 IAC 3-1.1-44 Health

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 44. (a) The child care home must keep a Red Cross First Aid Manual or its equivalent in the child care home.

(b) The caregiver must maintain a first aid kit (as recommended by the American Red Cross First Aid Manual or its equivalent), including, but not limited to, syrup of ipecac with current date, in the child care home.

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

(d) If a child is ill, direct child care providers shall:

(1) care for the child in an area separate from the other children;

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(2) notify the child's parent or legal guardian; and

(3) monitor the child until the parent or legal guardian arrives.

(e) The caregiver shall keep the phone numbers of the ambulance, police, fire department, poison control center, and nearest hospital by the telephone.

(f) Child care providers shall give or apply medication only with prior written permission from a parent or legal guardian, and only with clear, written instructions as to the dosage, time, and reason medication is to be given. Medication must be labeled with the child's name, physician's name, and pharmacy. Over-the-counter medication must also be labeled with the child's name. The caregiver shall keep a record of the date, time, and dosage of medication given.

(g) Pets must present no danger to children in the child care setting and are the sole responsibility of the child care home licensee.

(h) Direct child care providers shall restrict all animals from food areas during preparation and serving of food.

Pale Yellow,
Blue, &
Green

470 IAC 3-1.1-45

470 IAC 3-1.1-45 General environment

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 45. (a) The licensee shall ensure that no conditions exist in the home or on the grounds where child care services are provided that would endanger the health, safety, or welfare of the children.

(b) The licensee shall identify areas in the home that will be used for child care. The child care areas shall contain adequate space for child play and rest for the number of children in care.

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(c) The licensee shall maintain a working telephone in the child care home and shall inform the COFC of any change in telephone number.

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

(e) The licensee shall ensure that the child care home is equipped with heat, light, and ventilation for normal occupancy.

(f) The licensee shall ensure that the kitchen is equipped with:

(1) a stove and oven or microwave;

(2) a refrigerator; and

(3) a sink with hot and cold running water;

in operating condition sufficient to accommodate the food requirements of the number of children in care.

470 IAC 3-1.1-46

470 IAC 3-1.1-46 Fire prevention

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 46. (a) All child care homes shall have two (2) remotely located means of egress.

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(b) A basement area in which child care services are provided shall have a direct exit at ground level not involving stairs or ramps. The interior staircase serving the first floor is acceptable as the second exit for a basement in which child care services are provided. An example of an allowable exit is a level area directly outside the exterior door that is at least thirty-two (32) square feet. This area may be a porch, deck, or stairway landing. Bi-level and tri-level homes which are licensed and hold a regular license with the division of family and children, as of the effective date of this section, are exempt.

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

(d) All approved exit doors shall be operable from the inside without the use of a key or any special knowledge.

(e) A sliding glass door shall be acceptable as a direct exit provided that it is unobstructed, operable, and maintained in good working condition. If a screen door is attached, it shall meet the same criteria as the sliding door.

(f) A garage or any other area where hazardous materials are stored shall not be considered an approved exit.

(g) Exits shall not be blocked in the child care home.

(h) Portable, unvented oil-burning heating appliances shall not be used unless the heater complies with 675 IAC 22.

(i) Electric or gas heaters and solid fuel-burning appliances shall not be located in such a manner that they block escape in case of fire arising from a malfunctioning stove, heater, or appliance.

(j) When a fireplace serves as the primary source of heat, licensee shall provide glass doors, noncombustible hearth, grates, and proper fireplace tools for each fireplace in use while children are present. Child care providers shall ensure proper positioning of glass doors. If a fireplace is used at any time, it shall have a noncombustible hearth, screening, and grate. Licensee shall have the chimney flue inspected annually and cleaned if recommended. Licensee shall retain a written record of the inspections and cleanings for each fireplace used while children are present.

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(k) Caregiver shall properly dispose of ashes from the fireplace in a noncombustible, covered receptacle which shall then be placed on the ground and away from any building or combustibles.

(l) Licensee shall provide electrical or battery-operated smoke detector that is installed to manufacturers' specifications and is located and adjusted to operate reliably in case of smoke in any part of the child care home, including not less than one (1) smoke detector at the top of each stairway and adjacent to all sleeping areas. The alarm should be loud enough to alert all occupants in the child care home.

(m) Licensee shall provide a two and one-half (2 ½) pound or greater ABC multiple purpose fire extinguisher which shall be located on each floor of the building in which child care services are provided, including an additional extinguisher located in the kitchen area of the child care home.

(n) Caregiver shall not permit trash, flammable, and combustible materials, including, but not limited to, paper and rags to accumulate upon the premises.

(o) Direct child care providers shall store flammable liquids in tightly sealed, marked containers appropriate to the type of liquid being stored. Direct child care providers shall store no more than five (5) gallons of flammable liquids at any one (1) time in buildings used for child care and shall store all flammable liquids, lighters, and matches in an area inaccessible to children or in an approved fire cabinet.

(p) Direct child care providers shall not store combustible material within five (5) feet of furnaces and water heaters.

(q) The licensee shall identify the location and operation of the gas, electric, and water shut-offs and keep accessible the gas, electric, and water shut-offs in case of emergency.

(r) The caregiver shall have a written plan for evacuating in case of fire or other emergencies.

(s) The caregiver shall conduct and document quarterly fire drills.

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(t) The electrical wiring shall be sized to provide for the load. There must not be exposed or uninsulated wiring. If used, extension cords shall not be overloaded or over six (6) feet in length.

(u) The licensee shall notify the local fire department at the time of application or relicensure of the licensed capacity and the hours of operation of the home.

(v) Caregiver shall promptly notify the local fire departments upon discovery of any fire, whether or not extinguished, and advise of the circumstances and location of the fire.

(w) Caregiver shall promptly notify the local fire department upon discovery of:

(1) spontaneous or abnormal heating;

(2) any uncontrolled gas leak; or

(3) a significant spill of hazardous material or flammable or combustible liquid.

(x) Licensee shall permit inspection of the child care home by the SFM if requested by the CDFC upon recommendation of the COFC. If such an inspection is requested, approval would be required by the SFM prior to full licensure.

470 IAC 3-1.1-47

470 IAC 3-1.1-47 Sanitation

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 47. (a) The licensee shall provide and maintain screens for windows and exterior doors when windows and doors are kept open for ventilation.

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(b) The licensee shall ensure that the child care home has hot and cold running water and at least one (1) toilet and sink accessible to children on each floor of the home where services are provided. Water from a source other than a regular municipal water supply shall be tested annually for compliance with water quality requirements.

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

(d) Caregiver shall keep garbage in containers with tight-fitting lids and remove it from the premises at least once a week. Waste paper need not be kept in a closed container.

470 IAC 3-1.1-48

470 IAC 3-1.1-48 Safety

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 48. (a) Direct child care providers shall keep protective coverings over exposed electrical outlets.

(b) If fans or heaters are used, licensee shall provide models that are protected by safety devices which will not allow a child's fingers to come in contact with the blade or heating element.

(c) Caregiver shall keep poisonous or hazardous materials that would harm children, including, but not limited to:

(1) cleaning supplies;

(2) detergents;

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(3) insect sprays; and

(4) medication;

in areas inaccessible to children.

(d) Caregiver shall store implements and tools, including, but not limited to:

(1) power tools;

(2) hand tools; and

(3) gardening tools;

in areas inaccessible to children.

(e) When children are present in the child care home, caregiver shall keep all ammunition and firearms in a locked area that is inaccessible to children at all times.

470 IAC 3-1.1-49

470 IAC 3-1.1-49 Variances and waivers

Authority: IC 12-13-5-3

Affected: IC 12-17.2

Sec. 49. (a) The CDFC may grant a variance to a rule if an applicant for a license or a licensee:

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- (1) submits to the COFC a written request for the variance in the form and manner specified by the CDFC; and
 - (2) documents that an alternative method of compliance approved by the CDFC will not be adverse to the health, safety, or welfare of any child receiving services.
- (b) The CDFC may grant a waiver of a rule if an applicant for a license or a licensee:
- (1) submits to the COFC a written request for the waiver in the form and manner specified by the CDFC;
 - (2) documents that compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver, as determined by the CDFC;
 - (3) documents that the applicant for the waiver will be in substantial compliance with the rules adopted by the CDFC after the waiver is granted as determined by the CDFC; and
 - (4) documents that noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of any child receiving services from the applicant for the waiver, as determined by the CDFC.
- (c) The CDFC shall issue a decision on a variance or waiver within sixty (60) days.
- (d) Violation of a condition of a variance or a waiver granted under this section may be grounds for denial or revocation of the variance or waiver.