

West Virginia Department of
Health and Human Resources

Family Child Care Home Information Packet

Section I.

Thank you for your inquiry about operating a family child care home. You will find the following information and attachments included in this packet:

1. A description of the procedures to follow in applying for a certificate of registration to operate a family child care home.
2. Answers to some of the most commonly asked questions about regulations for a family child care home.
3. A Letter of Intent indicating your decision to pursue application for a certificate of registration to operate a family child care home.
4. A copy of the State of West Virginia Family Child Care Home Registration Requirements.

After you submit the completed Letter of Intent to the Division of Early Care and Education, you will be sent an Application to Operate a Family Child Care Home.

If you have any questions that have not been answered in this material, you may contact the person at the telephone number listed below for further information.

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Section II. Common Questions

When “certificate of registration” is mentioned in this material, they refer to the regulations promulgated by the Bureau for Children and Families, Division of Early Care and Education in the Department of Health and Human Resources and included in this packet.

1. WHAT IS A FAMILY CHILD CARE HOME?

- A. Any home providing nonresidential child care for compensation for four (4) to six (6) children, including children who are living in the household who are less than six (6) years of age.
- B. A family child care home must be operated in the provider’s home and meet the health and safety requirements.
- C. A family child care home operating in West Virginia shall apply for and obtain a certificate of registration before accepting children for care.

- D. Any family child care facility which operates without a certificate of registration is guilty of a misdemeanor under WV Code, and, upon conviction thereof, shall be punished by a fine of not more than \$500.
- E. Where a violation of West Virginia Code or of rules promulgated by the Department may result in serious harm to children under care, the secretary may seek injunctive relief against any family child care home either through the attorney general or the appropriate county prosecuting attorney.

2. WHAT INSPECTIONS CAN BE ANTICIPATED?

- A. An initial on-site inspection, prior to operating a family child care home, is required. Additional on-site inspections, made with or without prior notice, as a condition of certification.
- B. Inspections by the Department of Health and Human Resources prior to issuance of a certificate of registration.
- C. Other inspections as deemed appropriate by the secretary, who shall have immediate and open access to a home and all aspects of the operation, including personnel, children in care, household members, child and personnel records, corporate, financial records, insurance policies, etc.

3. WHAT ARE SOME OF THE PHYSICAL REQUIREMENTS?

- A. Buildings and grounds are suitable for child care, kept clean and in good repair, and present no hazard to a child's health and safety.
- B. For a home caring for the maximum of six (6) children, usable floor space of thirty-five (35) square feet per child (210 square feet) is available for children's activities, exclusive of halls, bathrooms, kitchen, office space, or storage areas.
- C. Family child care homes must have a working telephone and emergency numbers posted at all times.
- D. Outdoor play areas shall meet the following requirements:
 - 1. Usable outdoor play space available on site or within walking distance.
 - 2. Swings, slides, and climbing equipment shall not be placed on concrete or asphalt surfaces.
 - 3. Areas accessible to outdoor play areas that are unsafe (steep grades, cliffs, open pits, swimming pools, high voltage boosters, propane gas tanks, streets, roads, driveways, railroad tracks, parking lots, etc.) shall be fenced or have natural barriers at least three (3) feet high.
 - 4. Porches, balconies, decks, or platforms elevated over three (3) feet above the ground must have secure, child-proof railings and barriers.

4. HOW MANY CHILDREN CAN A FAMILY CHILD CARE HOME CARE FOR? A family child care facility shall have:

- A. No more than six (6) children in care at any one time, including the care giver's own children under the age of six (6) years.
- B. No more than two (2) children, ages birth to twenty-four (24) months, including the care giver's own children, under twenty-four (24) months of age.

C. No provider that operates longer than eighteen (18) consecutive hours in a twenty-four (24) hour period.

5. WHAT ARE THE REGULATIONS FOR FAMILY CHILD CARE PROVIDER?

A. PROVIDER REQUIREMENTS. The provider shall meet all of the requirements.

1. Be at least eighteen (18) years of age.
2. Able to read and write and be able to understand and carry out all provisions of this rule.
3. Training Requirements:
 - a. WV DHHR approved preservice training.
 - b. Certification in Cardiopulmonary Resuscitation (CPR) or first aid training that includes rescue breathing and first aid for choking within the first three (3) months.
 - c. Provider must complete at least eight (8) clock hours of child development training annually.
 - d. Each certification period, provider shall select training that addresses at least four (4) of the Core Knowledge/Core Competency areas.
 - e. Providers completing approved training modules lasting more than eight (8) hours may elect to apply training-module hours over and above eight (8) to the following year's training requirements. Training hours that may be carried over include hours earned through the West Virginia Infant/Toddler Professional Development Program, the Apprenticeship for Child Development Specialist, or other coursework approved by the Department.
4. The provider shall also:
 - a. Work on site to administer the home's daily operation.
 - b. Maintain staff/child ratios at all times.
 - c. Instruct substitutes in this rule and provide a copy for their use, and be wholly responsible for those substitutes.
 - d. Be present at the home or designate one adult who meets the registration requirements to be the designated person in charge in the provider's absence.
 - e. Be responsible for recruitment, enrollment and admissions, informing parents of the home's policies and procedures.
 - f. Maintain adequate records on personnel (including the provider, all household members and substitutes), finances, and procedures.
 - g. Submit reports as requested to the Department.
 - h. Be responsible for all legal and financial obligations.

B. REQUIREMENTS FOR SUBSTITUTES

1. The family child care home shall have a substitute care giver to assist in an emergency situation when the provider is unavailable.
2. A substitute may be used to allow for staff persons to take vacation, short term medical leave, or to take care of routine appointments.
3. Substitutes used more frequently than eight (8) hour wweekly, per year shall meet all requirements listed for regular staff.
4. The provider shall notify parents in advance when using a substitute for non-emergency situations.
5. Substitutes used less than eight (8) hour weekly, per year shall meet the following requirements:
 - a. Be at least eighteen (18) years of age.
 - b. Be able to read and write.
 - c. Provide continuous supervision of young children including during outdoor play, napping, field trips, and water activities.
 - d. Carry out methods of guidance and discipline without recourse to physical or emotional punishment.
 - e. Recognize and act against hazards to children and react in a calm manner in an emergency.
 - f. Have received, prior to caring for children, an orientation from the provider with regard to evacuation procedures, discipline, child abuse and neglect reporting, recognition of symptoms of childhood illness, medication administration and the requirements of the rule.

- g. The caregiver shall not knowingly use an individual as a substitute that has a felony conviction or who has been convicted of a crime.

6. ARE BACKGROUND CHECKS REQUIRED?

- A. Criminal background checks shall be completed on all caregivers, and all adult household members/residents eighteen (18) years old and older.
- B. The provider shall not knowingly a household member or substitute to be in contact with children if these persons have been:
 - 1. Convicted of, indicted for, or admitted guilt to any felony offense or more than one (1) misdemeanor offense.
 - 2. Involved in any criminal activity involving violence against a person, including adult or child abuse or neglect; possession, sale, or distribution of illegal drugs; gross irresponsibility or disregard for the safety of others, or fraud; or
 - 3. Determined to have abused or neglected an adult or child.
- C. A family child care home is not eligible for a certificate of registration if a background check or complaint shows the provider or a household member have been found to have abused or neglected a child, or have a criminal background as defined in this rule.
- D. The provider or other household member or resident shall not have been diagnosed or under treatment for a serious mental illness which might create a risk to children.
- E. No provider, substitute, household member, or visitor to the home shall be under the influence of alcohol or illegal drugs while children are in care.
- F. No person working directly with children in the home shall take any substance or medication that would impair his or her ability to care for children.
- G. Provider shall notify the department within twenty-four (24) hours if the provider or household member, or anyone working directly with children is charged with a crime or alleged to have committed adult or child abuse or neglect.
- H. WV CARES is the vendor that has been approved by WV DHHR to process certain background checks. Following is the process to register with WV CARES.

Step 1: Set Up an Administrative Account - Contact WV CARES by phone at 304-558-2018 or email at wvcares@wv.gov to set up an administrative account. The individual that sets up the administrative account is the individual responsible for creating the user account for their child care program (family child care home provider, family child care facility owner/operator, child care center director or Out-of-School Time director).

If emailing WV CARES to set up an administrative account, in the subject line say: **Set Up Administration Account**, then in the body of the email include the **provider's full name**. This email will generate a return email that will give you directions to take the online training for the WV CARES system. Only the individual listed on the administrative account is responsible for completing the online training.

Step 2: WV CARES Online Training - The provider will then be sent via email information to register for the WV CARES online training. This initial email will provide instructions on accessing the online training and a username and a temporary password. The provider will also receive the Preferred Payment Method Registration form which is attached to the email. The form is completed, and

directions are given how to pay WV CARES \$20 for themselves and each household member 18 years of age and older that requires prints. That \$20.00 pays for the prescreening completed by WV CARES. The provider will need to enter themselves and all household members 18 years of age and older into the spread sheet that is available in the WV CARES online system.

Step 3: IDEMIA Payments - The provider will need to pay \$34.50 for each person required to be fingerprinted. There are two options

1. NCAC account – this account is linked to a major credit card. NCAC codes are used when scheduling appointments. Your credit card will be charged at the time of the fingerprint submission.
2. Pay at the fingerprint location.

Step 4: Schedule an Appointment with IDEMIA to be Fingerprinted - Once the WV CARES pre-screening is completed; the provider will need to schedule an appointment to be fingerprinted at an IDEMIA site. The last page of the application/pre-screening process contains a link that providers can use to access the IDEMIA website. Once they have an appointment scheduled with IDEMIA, the provider will need to go back into the WV CARES system and enter the IDEMIA appointment details and submit the WV CARES application

7. **WHAT ARE THE REQUIREMENTS CONCERNING GUIDANCE AND DISCIPLINE?** The provider shall follow the Family Child Care Home Registration Requirements in providing guidance and discipline of children with kindness and understanding.

- A. Use positive, developmentally appropriate methods of guidance and discipline to help a child develop self-control, self-esteem, self-direction, cooperation, respect for others, and to assume responsibility for his or her own acts.
- B. Establish simple and consistent rules for children and staff that set clear-cut limits of behavior.
- C. Encourage redirection of inappropriate behavior, rather than punishment.
- D. Timeouts may be used as a supplement to positive approaches to discipline, but shall be limited to brief periods of approximately one (1) minute for each year of a child's age.
- E. The following methods of punishment are prohibited:
 1. Any form of physical punishment;
 2. Mental or emotional punishment;
 3. Chemical, mechanical, or physical restraints used for discipline or to control behavior;
 4. Restriction of a child's movements by binding, tying, or by confining a child in an enclosed area;
 5. Withholding or forcing meals, snacks, rest, or necessary toilet use;
 6. Any punishment of a child for lapses in toilet training, failure to eat, failure to go to sleep, or failure to complete a prescribed activity;
 7. Any form of treatment considered to be child abuse, sexual abuse, or child neglect as defined by state statute; and
 8. Any other form of punishment which humiliates or frightens a child.
 9. Allowing a child to discipline other children.
 10. Caregiver shall not seek or accept parental permission to use any punishments or acts prohibited.

8. **WHAT FEES CAN BE CHARGED?**

- A. The provider of a family child care home is responsible for setting fees and developing payment policies. Fees need to be competitive with other child care programs in the community, but they also need to be sufficient to cover the provider's operating costs.

B. The West Virginia Department of Health and Human Resources reimburses child care costs for families who meet certain eligibility criteria. Families receiving assistance in paying for child care cannot be charged any fees other than a one-time registration fee, transportation fees, late fees, and fees for time not approved by the Agency. For more information about these programs, you may contact your local Department of Health and Human Resources office or the Resource and Referral Agency in your area.

9. IS A FAMILY CHILD CARE HOME REQUIRED TO SERVE MEALS?

A. The home shall provide nutritious meals and snacks that meet the standards of the United States Department of Agriculture.

B. The following requirements apply to food services:

1. No child shall be without a meal or snack for excessively long periods of time.
2. In a home open morning through afternoon, lunch and morning and afternoon snacks shall be served. If a home serves breakfast to all children, a morning snack is not required.
3. The home shall serve a snack to school age children arriving after school.
4. A complete meal shall be available for children whose planned attendance is prior to seven (7:00 a.m.) in the morning or after seven-thirty (7:30 p.m.) in the evening.
5. Information provided by parents as to children's eating habits, food preferences, and special dietary needs shall be considered when planning menus.
6. Children shall be encouraged to eat the food served but shall not be subject to coercion or forced feeding.

C. The West Virginia Department of Education operates the Child & Adult Care Food Program. This program reimburses facilities operating in a home-based setting for serving meals to eligible children. For more information and to determine if your home is eligible for this assistance, you may contact your local Child Care Food Program Sponsor.

10. IS SMOKING PERMITTED?

A. Neither the provider, household members, nor visitors are permitted to smoke cigarettes, cigars, or other tobacco products in the presence of children or on any playground facility when a child is present.

B. All family child care homes must check their county ordinances to see if any smoking at all is permitted at a place of business.

C. Provider are prohibited to smoke in vehicles in which children are present.

11. WHAT ARE THE RESPONSIBILITIES OF A FAMILY CHILD CARE PROVIDER?

A. The provider shall verbally report to the department any serious occurrences affecting the operation of the facility within twenty-four (24) hours of the occurrence or by the next work day. Reports shall include the following situations:

1. Any accident, injury, or illness occurring while a child is in care and resulting in extensive medical care, hospitalization, or death.
2. Serious communicable disease of a child, operator, employee, or family member.
3. Any incident which results in legal action by or against the facility.
4. Serious violations of requirements by the facility operator or its employees which could result in harm to a child.
5. Any suspected child abuse or neglect by a parent, operator, employee, other care giver, or household member.

B. The facility shall also notify the department, in writing, of any occurrence affecting the operation of the family child care home. This includes, but is not limited to, the following:

1. Closure.
2. Changes in operating hours and age range.
3. Additions to or reductions in space affecting the home's capacity.
4. Additions such as a swimming pool.
5. Reductions such as removal of fences.
6. Change in the location of home, requiring a new application.
7. A disaster such as a fire or flood that damages the home.
8. A change in composition of the household.
9. Information that an employee has been indicted, arrested, or charged with a crime.

12. WHAT IS THE ROLE OF THE WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO FAMILY CHILD CARE HOMES?

- A. The Secretary shall provide supervision to a home to determine continuing compliance with the requirements of this rule through regular monitoring and announced and unannounced visits to the home.
- B. An inspection of the home shall occur at least twice annually. The Secretary shall provide consultation to the provider to assist in providing high quality care and services to children.