

STANDARDS FOR LICENSED FAMILY DAY HOMES

Part I.

GENERAL PROVISIONS

22 VAC 40-111-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Accessible" means capable of being entered, reached, or used.

"Adult" means any individual 18 years of age or older.

"Age-appropriate" means suitable to the chronological age and individual needs of a child.

"Assistant" means an individual who helps the provider or substitute provider in the care, protection, supervision, and guidance to children in the home.

"Body fluids" means urine, feces, vomit, blood, saliva, nasal discharge, and tissue discharge.

"Caregiver" means an individual who provides care, protection, supervision, and guidance to children in the home and includes the provider, substitute provider, and assistant.

"Child" means an individual under 18 years of age.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child with special needs" means a child with developmental disabilities, mental retardation, emotional disturbance, sensory or motor impairment, or significant chronic illness who requires special health surveillance or specialized programs, interventions, technologies, or facilities.

"Cleaned" means treated in such a way as to remove dirt and debris by scrubbing and washing with soap and water or detergent solution and rinsing with water.

"Commissioner" means the Commissioner of the Virginia Department of Social Services.

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner.

"Evacuation" means movement of occupants out of the building to a safe area near the building.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.

Interpretation of "family day home": A family day home serving six to 12 children, exclusive of the provider's own children and any children who reside in the home, is required to be licensed.

A family day home caring for more than four children under the age of two, including the provider's own children and any children who reside in the home, is required to be licensed or voluntarily registered.

A family day home where the children in care are all grandchildren of the provider is not required to be licensed.

If more than 12 children are in care, exclusive of the provider's own children and any children who reside in the home, a child day center license is required. Code of Virginia § 63.2-100

"Good character and reputation" means knowledgeable and objective people agree that the individual (i) maintains business, professional, family, and community relationships that are characterized by honesty, fairness, and truthfulness; and (ii) demonstrates a concern for the well-being of others to the extent that the individual is considered suitable to be entrusted with the care, guidance, and protection of children. Relatives by blood or marriage, and people who are not knowledgeable of the individual, such as recent acquaintances, shall not be considered objective references.

"High school program completion or the equivalent" means an individual has earned a high school diploma or General Education Development (G.E.D.) certificate, or has completed a program of home instruction equivalent to high school completion.

"Inaccessible" means not capable of being entered, reached, or used.

Interpretation of "inaccessible": Inaccessible to children means:

- a) Storage in a room or closet with a locked lock on the door of the storage room or closet, or a child safety device over the doorknob of the storage room or closet while children are in care; or
- b) Storage in areas or cabinets secured by a functioning child safety lock or latch that is used appropriately. If the safety lock/latch is broken or not in use, the items are accessible and the home will be cited for noncompliance; or
- c) Storage out of the reach of children. "Out of reach" means a child who is observed in or using that space cannot reach the item while his feet are on the floor.

Exceptions would be if any item (such as a step stool or box) is close enough to allow the child to climb on and access the prohibited item.

"Infant" means a child from birth up to 16 months of age

"Nighttime care" means care provided between 7 p.m. and 6 a.m.

"Parent" means the biological, foster or adoptive parent, legal guardian, or any individual with responsibility for, or custody of a child enrolled in or in the process of being enrolled in a family day home.

"Physician" means an individual licensed to practice medicine in any of the 50 states or the District of Columbia.

"Preschool" means children from two years up to the age of eligibility to attend public school, age five by September 30 of that same year.

"Programmatic experience" means time spent working directly with children in a group that is located away from the child's home. Work time shall be computed on the basis of full-time work experience during the period prescribed or equivalent work time over a longer period. Experience settings may include, but not be limited to, a child day program, family day home, child day center, boys and girls club, field placement, elementary school, or a faith-based organization.

"Provider" means an individual who is issued the family day home license by the Department of Social Services and who has primary responsibility in providing care, protection, supervision, and guidance of children in the family home.

Interpretation of "provider": Provider does not include co-providers such as husband/wife. A family day home license may only be issued in one name.

"Relocation" means movement of occupants of the building to a safe location away from the vicinity of the building.

"Residence" means principal legal dwelling or abode that is occupied for living purposes by the provider and contains the facilities necessary for sleeping, eating, cooking, and family living.

Interpretation of "residence": For licensing purposes, a residence means the provider's principal, legal dwelling place. The person's legal dwelling place can be verified by:

- a) Confirming with neighbors or other collateral contacts that the person lives in a certain location;*
- b) Observing the home to see if it contains indicators of someone living there (furnishings, household items, clothing); and*
- c) Viewing the individual's voter registration card or driver's license.*

The Uniform Statewide Building Code considers buildings that are unattached to the residence to be accessory buildings for storage and does not consider them to be dwelling places. Unattached buildings may be used by children in care for some activities, e.g., location of large gross motor skill activities on rainy days, but may not be used for child care for the majority of time children are in care.

"Sanitized" means treated in such a way as to remove bacteria and viruses from inanimate surfaces through first cleaning and secondly using a solution of one tablespoon of bleach mixed with one gallon of water and prepared fresh daily or using a sanitizing solution approved by the U.S. Environmental Protection Agency. The surface of the item is sprayed or dipped into the sanitizing solution and then allowed to air dry.

Interpretation of "Sanitized": Sanitized means treated to remove small amounts of germs (bacteria and viruses) from surfaces. Disinfected means treated to kill the germs (bacteria and viruses) on a surface. A disinfected surface is "better than" a sanitized surface.

If a product is registered by the U.S. Environmental Protection Agency (EPA) as a hospital grade germicide or disinfectant, it may be used as a sanitizing solution. These products will have an EPA registration number and may be used if instructions are followed exactly. It is a good practice to encourage the provider to keep the Material Safety Data Sheets (MSDS) on file. The MSDS are available at: <http://www.epa.gov/oppad001/chemregindex.htm>

"School age" means eligible to attend public school, age five or older by September 30 of that same year.

"Serious injury" means a wound or other specific damage to the body such as, but not limited to, unconsciousness; broken bones; dislocation; deep cut requiring stitches; poisoning; concussion; and a foreign object lodged in eye, nose, ear, or other body orifice.

"Shelter-in-place" means movement of occupants of the building to designated protected spaces within the building.

"Substitute provider" means an individual who meets the qualifications of a provider; is designated by the provider; and who provides care, protection, supervision, and guidance for children in the family day home when the provider is absent from the home for more than two hours.

Interpretation of "Substitute provider": A substitute provider must provide care in the licensee's family day home.

"Time out" means a discipline technique in which a child is moved for a brief time away from the stimulation and reinforcement of ongoing activities and other children in the group to allow the child who is losing self-control to regain composure.

"Toddler" means a child from 16 months of age up to 24 months of age.

Interpretation of "Toddler": Toddler age is 16 months through 23 months of age. Once the child is 24 months of age, the child meets the definition of "preschool."

Part II. ADMINISTRATION

22 VAC 40-111-20. (Reserved.)

22 VAC 40-111-30. Operational responsibilities.

A. The provider shall ensure compliance with these standards and the terms of the current license issued by the department and with relevant federal, state or local laws, and other relevant regulations.

B. The provider will ensure compliance with the home's policies that have been disclosed to the parents as required by 22VAC-40-111-70.