

DEPARTMENT OF WORKFORCE SERVICES (DWS)  
FAMILY, FRIEND, & NEIGHBOR (FFN) CHILD CARE REQUIREMENTS

**Health and Safety Regulations**

1) Providers

- a) Providers must:
  - i) be at least 18-years-old; and
  - ii) have knowledge of and comply with all applicable federal, state, and local laws and rules.
- b) Providers cannot live in the same home as the children in care for payment or in the same home as the parents of the children in care for payment unless a child in care for payment has special needs.
- c) Providers cannot be siblings who live in the same home as the children in care for payment.
- d) Providers cannot be parents, specified relatives, or legal guardians of the children in care for payment. This includes divorced spouses, step-parents, spouses of specified relatives, and spouses of legal guardians.
- e) Providers cannot provide care when there is a parent of the child(ren) in the home, including when a DWS customer works from home.
- f) In an unforeseen emergency and for up to 24 hours, the provider may use an emergency provider for the children in care. The emergency provider must be at least 18-years-old and cannot have a felony or misdemeanor conviction or a substantiated case of abuse or neglect.
- g) Providers must have a Health and Safety Plan on the Department form that is approved by Child Care Licensing staff.
- h) At least 30 days before the expiration date of their approval, providers must complete and document at least 5 hours of on-going child care training.
  - i) The training must include at least the following topics:
    - (1) recognizing the signs and symptoms of child abuse and neglect and the legal reporting requirements of suspected child abuse and neglect;
    - (2) recognizing the signs of homelessness and what assistance is available;
    - (3) the prevention of Sudden Infant Death Syndrome and safe sleeping practices;
    - (4) the prevention of Shaken Baby Syndrome and Abusive Head Trauma;
    - (5) a review and, when needed, update of the Health and Safety Plan; and
    - (6) a review of the Health and Safety Regulations
  - ii) The documentation of the training must include:
    - (1) the date of the training;
    - (2) the training topic; and
    - (3) the length of the training.

## 2) Background Screenings

- a) All Covered Individuals in the home where care is provided must have current (less than a year old) approved background screenings. Background screenings will not be approved when individuals have any of the following:
  - i) any felony conviction
  - ii) any Class A misdemeanor conviction within the last 10 years
  - iii) certain Class A misdemeanor convictions older than 10 years
  - iv) certain Class B and Class C misdemeanor convictions such as:
    - (1) public assistance or unemployment fraud
    - (2) offenses against the family
    - (3) offenses against a person
    - (4) pornography
    - (5) prostitution or any type of sexual offense
    - (6) simple assault
    - (7) domestic violence
    - (8) lewdness
    - (9) child abuse
    - (10) contribution to the delinquency of a minor
  - v) any supported finding of child abuse or neglect as determined by DCFS
  - vi) a pending indictment, a plea of no contest to, a plea in abeyance, or a diversion agreement to any charges whose conviction would result in a denial
  - vii) a juvenile record comparable to anything that would result in denial if on an adult record
  - viii) a registered sex offender in the home
- b) The provider must submit Background Screening forms and required fingerprints and fees for Covered Individuals who move into the home where care is provided. These forms, fingerprints, and fees must be submitted within 10 working days of the individual moving into the home.
- c) The provider must submit Background Screening forms for Covered Individuals who stay for more than 2 weeks in the home where care is provided. These forms, fingerprints, and fees must be submitted within 10 working days of the first day the individuals stay in the home.
- d) The provider must submit Background Screening forms for children who live in the home where care is provided when the children turn 12-years-old. These forms must be submitted within 10 working days of the children's 12<sup>th</sup> birthday.

- 3) Number of Children in Care - All children younger than 13-years-old, including the provider's children and any children related to the provider, who are in the home when care is provided are considered children in care.
- a) When care is in the home of the provider:
    - i) When the children in care are all siblings who are related to the provider and there are no other children in care, there is no limit to the number of children in care.
    - ii) When there are children in care who are not siblings who are related to the provider, there can be no more than 8 children in care and no more than 2 of those children can be younger than 2-years-old. When there are more than 4 children in care who are not related to the provider, the provider must (by statute) have a Child Care Family License or Residential Certificate.
  - b) When care is in the home of the child(ren) in care, only the child(ren) living in the home can be in care, and:
    - i) When the children in care are all siblings and there are no other children in care, there is no limit to the number of children in care.
    - ii) When there are children in care who are not siblings, there can be no more than 8 children in care and no more than 2 of those children can be younger than 2-years-old.
- 4) Supervision
- a) The provider must be awake, physically on-site, and directly supervising children in care at all times. Directly supervising children in care means being aware of and responsible for the children and near enough to intervene when needed. This includes being inside the home when children in care are inside the home and being outside when children in care are outside. (The exception to this is that school age children in care can be outside when the provider is inside the home and can hear the school age children in care and is near enough to intervene when needed.)
  - b) The provider must supervise sleeping infants by:
    - i) having the infants sleep in a location where they are within sight and hearing of the provider or
    - ii) an in-person observation of the sleeping infants at least once every 15 minutes.
  - c) When a wading pool is used by children in care, the provider must be at the pool supervising the children in care whenever there is water in the pool.
  - d) When there is a swimming pool that is not emptied after each use on the premises, the provider must be at the pool supervising children in care whenever they are using the pool or have access to the pool.
  - e) When there is a trampoline on the premises, the provider must be next to the trampoline supervising the children in care whenever the children in care are on the trampoline.
- 5) Child Safety and Injury Prevention
- a) The provider must take all reasonable measures to protect the safety of children in care and must not engage in or allow conduct that unreasonably endangers children in care or is adverse to the health, morals, welfare, and safety of children in care.
  - b) The home, outdoor play area, toys, and equipment must be maintained in a safe manner to prevent injury to children in care.
  - c) The provider must have a working telephone.
  - d) The provider must have a working fire extinguisher.
  - e) The provider must have a working smoke detector on each floor of the home.
  - f) When there are firearms on the premises, the firearms cannot be loaded and must be in a cabinet, safe, or area that is locked with a key, combination, or fingerprint lock, unless their use is in accordance with the Utah Concealed Weapons Act or as otherwise allowed by law.
  - g) When there are infants in care:
    - i) The provider must ensure that infants sleep in equipment designed for sleep, such as a crib, bassinet, porta-crib, or playpen unless the provider has written instructions from the parent to have the infant sleep in other equipment. Equipment designed for sleep does not include mats, cots, bouncers, swings, or car seats.
    - ii) The provider must not place infants on their stomachs for sleeping, unless the provider has written instructions from a health care provider to place the infant on his/her stomach for sleeping to treat a medical condition.

- h) The following must be inaccessible:
    - i) prescription medications, over-the-counter medications, vitamins, and herbal supplements;
    - ii) empty refrigerators and freezers;
    - iii) exposed live electrical wires;
    - iv) open containers of alcohol;
    - v) illegal substances;
    - vi) when in use, portable space heaters, fireplaces, and wood burning stoves;
    - vii) toxic substances;
    - viii) poisonous plants; and
    - ix) open flames.
  - i) There can be no accessible animal that has a history of dangerous, attacking, or aggressive behavior.
  - j) When there is an outdoor area used by children in care:
    - i) The following must be inaccessible:
      - (1) unanchored swings and large metal slides;
      - (2) raised decks or balconies and open stairwells 5 feet or higher without protective barriers or with protective barriers with gaps greater than 5 inches by 5 inches;
      - (3) motor vehicles on blocks;
      - (4) rebar or metal rods less than 36 inches long sticking up from the ground or out of walls.
    - ii) Stationary play equipment accessible to children in care cannot be over hard surfaces such as cement or asphalt.
    - iii) Equipment in the outdoor area must be used in a safe manner to prevent injury to children.
  - k) The provider must ensure that children are protected from unintended access to:
    - i) pools that are not emptied after each use;
    - ii) hot tubs with water in them; and
    - iii) water hazards such as ponds, streams and fountains with more than 2 inches of water in them.
  - l) While transporting children in care, the provider must:
    - i) ensure that children in care are wearing appropriate individual safety restraints;
    - ii) never leave the children in care unattended in the vehicle; and
    - iii) not be intoxicated or impaired.
- 6) Child Health
- a) There must be a clean and sanitary environment for the children in care.
  - b) There must be a flushing toilet and a working hand washing sink accessible to non-diapered children in care.
  - c) The provider must ensure that children in care are not subjected to physical, emotional, or sexual abuse while in care.
  - d) The provider must follow the reporting requirements for the witnessing or suspicion of abuse, neglect, and exploitation found in Section 62A-4a-403 and 62A of the Utah Code.
  - e) The provider must not use any of the following disciplinary measures:
    - i) any form of corporal punishment that produces pain or discomfort such as hitting, spanking, shaking, biting, or pinching;
    - ii) restraining movement by binding, tying, or other form of restraint;
    - iii) shouting at children;
    - iv) any form of emotional abuse;
    - v) forcing or withholding food, rest, or toileting; or
    - vi) confining a child in a closet, locked room, or other enclosure such as a box, cupboard, or cage.
- 7) Parents
- a) Providers must ensure parents have access to all areas of the home used for care.
  - b) Providers must ensure parents are aware that they:
    - i) take children in care off the premises, such as to run errands or go to a park; and/or
    - ii) allow children in care to leave the premises, such as to go to a neighbor's house or ride their bikes on the street.

8) Notifications and Reportable Changes

- a) In the case of a life threatening incident or injury or an incident or injury that poses a threat of the loss of vision, hearing, or a limb, the provider must contact emergency personnel immediately and before contacting the parent.
- b) The provider must report any adverse reaction to a medication or any error in the administration of a medication to the parent immediately upon recognizing the error or reaction.
- c) Within 24 hours of its occurrence, the provider must notify the Department of Health, Child Care Licensing staff of any fatality, hospitalization, emergency medical response, or injury that requires attention from a health care provider, except for emergency medical transport that was part of the child's medical treatment plan. The provider must submit documentation of the incident to the Child Care Licensing staff within five working days of the incident.
- d) Within 48 hours of becoming aware of the conviction, the provider must notify the Department of Health, Child Care Licensing Staff of any felony or misdemeanor conviction of a Covered Individual.
- e) Within 10 calendar days of the change, the provider must notify the Department of Health, Child Care Licensing staff of changes in any of the following:
  - i) his/her name
  - ii) his/her telephone number
  - iii) his/her child care schedule
  - iv) the number of children of DWS customers in care
  - v) the DWS customer(s) whose child(ren) are in care and their DWS case number(s)
- f) By the last day of care at the present address, the provider must notify the Department of Health, Child Care Licensing staff of changes of location by submitting an application for a DWS FFN Child Care Approval for the new location.

9) Emergency Preparedness

- a) The provider must have current Red Cross, American Heart Association, or equivalent certification in First Aid.
- b) The provider must have current Red Cross, American Heart Association, or equivalent certification in infant and child CPR from a class that included hands-on testing.
- c) The provider must have an emergency preparedness plan that is reviewed annually and updated when needed. (This is part of the Health and Safety Plan.)
- d) The provider must conduct fire evacuation drills at least quarterly and document the date and time of each drill.
- e) The provider must conduct disaster (other than fire) drills at least yearly and document the date and time of each drill.

10) Documentation

- a) The provider must keep the following records at the home where care is being provided and available for review by Department of Health, Child Care Licensing staff:
  - i) current First Aid and CPR certifications;
  - ii) a three-year record of the dates and times each child was in care;
  - iii) documentation of current immunizations for each child in care who does not attend school;
  - iv) the Health and Safety Plan on the Department form;
  - v) documentation of fire and disaster drills; and
  - vi) documentation of on-going child care training.

## Definitions

- 1) "Children in Care" are those children for which the provider receives direct or indirect compensation for their care.
  - 2) "Covered Individual" means:
    - a) When care is being provided in the home of the provider: Everyone 12-years-old and older who lives (stays continuously for 2 weeks or longer) in the same home as the provider.
    - b) When care is being provided in the home of the child(ren) in care: Everyone 12-years-old and older who lives (stays continuously for 2 weeks or longer) in the same home as the child(ren) in care, except the parents or guardians, requesting DWS child care assistance and siblings less than 18-years-old.
  - 3) "Emotional abuse" means behavior that could impair a child's emotional development, such as threatening, intimidating, humiliating, or demeaning a child, constant criticism, rejection, profane language, and inappropriate physical restraint.
  - 4) "Health care provider" means a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician's assistant.
  - 5) "Inaccessible" means:
    - a) locked, such as in a locked room, cupboard, or drawer;
    - b) secured with a child safety device, such as a child safety cupboard lock or doorknob device;
    - c) behind a properly secured child safety gate;
    - d) located in a cupboard or on a shelf more than 36 inches above the floor; or
    - e) located in a bathroom cupboard or on a bathroom shelf more than 36 inches above a surface on which a child could stand such as a toilet, bathtub, or counter.
  - 6) "Infant" means a child age birth through 11 months.
  - 7) "Living in the same home" means the person:
    - a) shares any of the following with the provider:
      - i) a kitchen
      - ii) a bathroom
      - iii) a living area (the living room and/or bedroom)
      - iv) an entrance
        - (1) The person shares the entrance when, for example, he/she must walk through the living room to access the stairs to his/her basement apartment.
        - (2) The person has a separate entrance when, for example, he/she uses a common door from the outside but can access the stairs to his/her basement apartment without going through any area of the main home and there is not an interior doorway (inside the home) between the living areas.
    - v) an address – the person does not have a separate residential/physical address recognized by the post office (a PO Box is not a separate mailing address; or
  - b) lives in a separate structure with running water and electricity that is on the same property as the provider (such as an apartment over the garage or a camper in the yard) but shares the kitchen and/or bathroom with the provider; or
  - c) could have unsupervised contact with the children in care.
- 8) "Parent" means the parent or legal guardian of a child in care.
- 9) "Provider" means the person approved to provide child care.
- 10) "Related children" mean the children for whom the provider is the parent, legal guardian, step-parent, grandparent, step-grandparent, great-grandparent, sibling, half-sibling, step-sibling, aunt, step-aunt, great-aunt, uncle, step-uncle, or great-uncle.
- 11) "School age" means 5-years-old and older.
- 12) "Sexual abuse" means abuse as described in Utah Code, Section 76-5-404-1.
- 13) "Stationary play equipment" means equipment such as a climber, slide, swing, merry-go-round, or spring rocker, which is meant to stay in one location when in use.