

102417 Operation of a Family Child Care Home

(a)

The licensee shall be present in the home and shall ensure that children in care are supervised at all times. When circumstances require the licensee to be temporarily absent from the home, the licensee shall arrange for a substitute adult to care for and supervise the children during his/her absence. Temporary absences shall not exceed 20 percent of the hours that the facility is providing care per day.

(b)

The home shall be kept clean and orderly, with heating and ventilation for safety and comfort.

(c)

The home shall maintain telephone service.

(d)

The home shall provide safe toys, play equipment and materials. (1) Fixtures, furniture, and equipment that have been banned or recalled by the United States Consumer Product Safety Commission shall not be used for children in care or accessible to children in care.

(1)

Fixtures, furniture, and equipment that have been banned or recalled by the United States Consumer Product Safety Commission shall not be used for children in care or

accessible to children in care.

(e)

When a child shows signs of illness he/she shall be separated from other children and the nature of the illness determined. If it is a communicable disease he/she shall be separated from other children until the infectious stage is over.

(f)

If food is brought from the children's homes, the container shall be labeled with the child's name and properly stored or refrigerated.

(g)

The home shall be free from defects or conditions which might endanger a child. Safety precautions shall include but not be limited to: (1) Fireplaces and open-face heaters shall be screened to prevent access by children. The home shall contain a fire extinguisher and smoke detector device which meet standards established by the State Fire Marshal. (2) Gas heaters shall be properly vented and permanently installed. (3) Where children less than five years old are in care, stairs shall be fenced or barricaded. (4) Poisons, detergents, cleaning compounds, medicines, firearms and other items which could pose a danger if readily available to children shall be stored where they are inaccessible to children. (A) Storage areas for poisons, firearms and other dangerous weapons shall be locked. (B) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin. 1. Firing pins shall be stored and locked separately from firearms. (C) Ammunition shall be stored and locked separately from firearms. (5) All licensees shall ensure the inaccessibility of pools (in-ground and above-ground), fixed-in-place wading pools, hot tubs, spas, fish ponds and similar bodies of water through a pool cover or by surrounding the pool with a fence. (A) Fences shall be at least five feet high and shall be constructed so that the fence does not obscure

the pool from view. The bottom and sides of the fence shall comply with Division 1, Appendix Chapter 4 of the 1994 Uniform Building Code. In addition to meeting all of the aforementioned requirements for fences, gates shall swing away from the pool, self-close and have a self-latching device located no more than six inches from the top of the gate. Pool covers shall be strong enough to completely support the weight of an adult and shall be placed on the pool and locked while the pool is not in use. 1. If licensed prior to June 1, 1995, facilities with existing pool fencing shall be exempt from the fencing requirements specified in Section 102417(g)(5)(A) until such fence is replaced or structurally altered. If the licensee replaces or alters the fence, it shall be required to meet these requirements. (B) Where an above-ground pool structure is used as the fence or where the fence is mounted on top of the pool structure, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible or erecting a barricade to prevent access to decking. If a barricade is used, the barricade shall meet the requirements of Section 102417(g)(5)(A). (6) Outdoor play areas shall either be fenced, or outdoor play areas shall be supervised by the licensee or caregiver. (A) Outdoor play areas shall not include any area made inaccessible by fencing pursuant to Section 102417(g)(5). (B) Where natural or man-made hazards such as canals, cliffs, condemned buildings, creeks, ditches, lakes, ocean fronts, mines, power lines, quarries, rivers, ravines, swamps, watercourses, and areas subject to flooding lie on or adjacent to the facility premises, the outdoor play area shall be inaccessible to such hazards. 1. Where a fence or wall is used to make the outdoor play area inaccessible, the requirements of Section 102417(5)(A) shall be met. (7) An emergency information card shall be maintained for each child and shall include the child's full name, telephone number and location of a parent or other responsible adult to be contacted in an

emergency, the name and telephone number of the child's physician and the parent's authorization for the licensee or registrant to consent to emergency medical care. (8) Each family child care home shall have a current roster of children as specified in Health and Safety Code Section 1596.841. (9) Each family child care home shall have a written disaster plan of action prepared on a form approved by the Department. All children, age and ability permitting, and the provider, the assistant provider, and other members of the household, shall be instructed in their duties under the disaster plan. As their age and ability permit, newly enrolled children shall be informed promptly of their duties as required in the plan. (A) Each family child care home shall conduct fire drills and disaster drills at least once every six months. 1. The licensee shall document the drills, including the date and time of each drill. This documentation shall be kept at the family child care home. (10) A baby walker shall not be allowed on the premises of a family child care home in accordance with Health and Safety Code Sections 1596.846(b) and (c).

(1)

Fireplaces and open-face heaters shall be screened to prevent access by children. The home shall contain a fire extinguisher and smoke detector device which meet standards established by the State Fire Marshal.

(2)

Gas heaters shall be properly vented and permanently installed.

(3)

Where children less than five years old are in care, stairs shall be fenced or barricaded.

(4)

Poisons, detergents, cleaning compounds, medicines, firearms and other items which could pose a danger if readily available to children shall be stored where they are

inaccessible to children. (A) Storage areas for poisons, firearms and other dangerous weapons shall be locked. (B) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin. 1. Firing pins shall be stored and locked separately from firearms. (C) Ammunition shall be stored and locked separately from firearms.

(A)

Storage areas for poisons, firearms and other dangerous weapons shall be locked.

(B)

In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin. 1. Firing pins shall be stored and locked separately from firearms.

1.

Firing pins shall be stored and locked separately from firearms.

(C)

Ammunition shall be stored and locked separately from firearms.

(5)

All licensees shall ensure the inaccessibility of pools (in-ground and above-ground), fixed-in-place wading pools, hot tubs, spas, fish ponds and similar bodies of water through a pool cover or by surrounding the pool with a fence. (A) Fences shall be at least five feet high and shall be constructed so that the fence does not obscure the pool from view. The bottom and sides of the fence shall comply with Division 1, Appendix Chapter 4 of the 1994 Uniform Building Code. In addition to meeting all of the aforementioned requirements for fences, gates shall swing away from the pool, self-close and have a self-latching device located no more than six inches from the top of the gate. Pool covers shall be strong enough to completely support the weight of an adult and shall be placed on the pool and locked while the pool is not in use. 1. If licensed prior to June 1, 1995, facilities with existing pool fencing shall be exempt from

the fencing requirements specified in Section 102417(g)(5)(A) until such fence is replaced or structurally altered. If the licensee replaces or alters the fence, it shall be required to meet these requirements. (B) Where an above-ground pool structure is used as the fence or where the fence is mounted on top of the pool structure, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible or erecting a barricade to prevent access to decking. If a barricade is used, the barricade shall meet the requirements of Section 102417(g)(5)(A).

(A)

Fences shall be at least five feet high and shall be constructed so that the fence does not obscure the pool from view. The bottom and sides of the fence shall comply with Division 1, Appendix Chapter 4 of the 1994 Uniform Building Code. In addition to meeting all of the aforementioned requirements for fences, gates shall swing away from the pool, self-close and have a self-latching device located no more than six inches from the top of the gate. Pool covers shall be strong enough to completely support the weight of an adult and shall be placed on the pool and locked while the pool is not in use. 1. If licensed prior to June 1, 1995, facilities with existing pool fencing shall be exempt from the fencing requirements specified in Section 102417(g)(5)(A) until such fence is replaced or structurally altered. If the licensee replaces or alters the fence, it shall be required to meet these requirements.

1.

If licensed prior to June 1, 1995, facilities with existing pool fencing shall be exempt from the fencing requirements specified in Section 102417(g)(5)(A) until such fence is replaced or structurally altered. If the licensee replaces or alters the fence, it shall be required to meet these requirements.

(B)

Where an above-ground pool structure is used as the fence or where the fence is mounted on top of the pool structure, the pool shall be made inaccessible when not in use by removing

or making the ladder inaccessible or erecting a barricade to prevent access to decking. If a barricade is used, the barricade shall meet the requirements of Section 102417(g)(5)(A).

(6)

Outdoor play areas shall either be fenced, or outdoor play areas shall be supervised by the licensee or caregiver. (A) Outdoor play areas shall not include any area made inaccessible by fencing pursuant to Section 102417(g)(5). (B) Where natural or man-made hazards such as canals, cliffs, condemned buildings, creeks, ditches, lakes, ocean fronts, mines, power lines, quarries, rivers, ravines, swamps, watercourses, and areas subject to flooding lie on or adjacent to the facility premises, the outdoor play area shall be inaccessible to such hazards. 1. Where a fence or wall is used to make the outdoor play area inaccessible, the requirements of Section 102417(5)(A) shall be met.

(A)

Outdoor play areas shall not include any area made inaccessible by fencing pursuant to Section 102417(g)(5).

(B)

Where natural or man-made hazards such as canals, cliffs, condemned buildings, creeks, ditches, lakes, ocean fronts, mines, power lines, quarries, rivers, ravines, swamps, watercourses, and areas subject to flooding lie on or adjacent to the facility premises, the outdoor play area shall be inaccessible to such hazards. 1. Where a fence or wall is used to make the outdoor play area inaccessible, the requirements of Section 102417(5)(A) shall be met.

1.

Where a fence or wall is used to make the outdoor play area inaccessible, the requirements of Section 102417(5)(A) shall be met.

(7)

An emergency information card shall be maintained for each child and shall include the child's full name, telephone number and location of a parent or other responsible adult to be contacted in an emergency, the name and telephone number of the child's physician and the parent's authorization for the licensee or registrant to consent to emergency medical care.

(8)

Each family child care home shall have a current roster of children as specified in Health and Safety Code Section 1596.841.

(9)

Each family child care home shall have a written disaster plan of action prepared on a form approved by the Department. All children, age and ability permitting, and the provider, the assistant provider, and other members of the household, shall be instructed in their duties under the disaster plan. As their age and ability permit, newly enrolled children shall be informed promptly of their duties as required in the plan.

(A) Each family child care home shall conduct fire drills and disaster drills at least once every six months. 1. The licensee shall document the drills, including the date and time of each drill. This documentation shall be kept at the family child care home.

(A)

Each family child care home shall conduct fire drills and disaster drills at least once every six months. 1. The licensee shall document the drills, including the date and time of each drill. This documentation shall be kept at the family child care home.

1.

The licensee shall document the drills, including the date and time of each drill. This documentation shall be kept at the family child care home.

(10)

A baby walker shall not be allowed on the premises of a family child care home in

accordance with Health and Safety Code Sections 1596.846(b) and (c).

(h)

Only drivers licensed for the type of vehicle to be operated shall be permitted to transport children in care.

(i)

The manufacturer's rated seating capacity of the vehicle shall not be exceeded.

(j)

Motor vehicles used to transport children in care shall be maintained in safe operating condition.

(k)

All vehicle occupants must be secured in an appropriate restraint system. (2) Children shall not be left in parked vehicles.

(2)

Children shall not be left in parked vehicles.

(l)

When transporting infants in any motor vehicle, the licensee shall secure the infants in a car seat, designed for infants, which is secured in the vehicle in accordance with manufacturer's instructions.

(m)

The licensee or registrant shall maintain one of the following: (1) Liability insurance kept in force covering injury to clients and guests in the amount of at least one hundred thousand dollars (\$100,000) per occurrence and three hundred thousand dollars (\$300,000) in the total annual aggregate, sustained on account of the negligence of the licensee or its employees. (2) A bond in the aggregate amount of three hundred thousand dollars (\$300,000). (3) A file of affidavits signed by each parent with a child enrolled in the home. The affidavit shall state

that the parent has been informed that the family child care home does not carry liability insurance or a bond according to standards established by the state. (A) If the provider does not own the premises used as the family child care home, the affidavit shall also state that the parent has been informed that the liability insurance, if any, of the owner of the property or the homeowners' association, as appropriate, may not provide coverage for losses arising out of, or in connection with, the operation of the family child care home, except to the extent that the losses are caused by, or result from, an act or omission by the owner of the property of the homeowners' association, for which the owner of the property or the homeowners' association would otherwise be liable under the law. (B) These affidavits shall be on a form provided by the Department and shall be reviewed at each licensing inspection. (C) For purposes of Sections 102417(m) and (n), "homeowners' association" is an association of a common interest development, as defined in Section 1351 of the Civil Code.

(1)

Liability insurance kept in force covering injury to clients and guests in the amount of at least one hundred thousand dollars (\$100,000) per occurrence and three hundred thousand dollars (\$300,000) in the total annual aggregate, sustained on account of the negligence of the licensee or its employees.

(2)

A bond in the aggregate amount of three hundred thousand dollars (\$300,000).

(3)

A file of affidavits signed by each parent with a child enrolled in the home. The affidavit shall state that the parent has been informed that the family child care home does not carry liability insurance or a bond according to standards established by the state. (A) If the provider does not own the premises used as the family child care home, the

affidavit shall also state that the parent has been informed that the liability insurance, if any, of the owner of the property or the homeowners' association, as appropriate, may not provide coverage for losses arising out of, or in connection with, the operation of the family child care home, except to the extent that the losses are caused by, or result from, an act or omission by the owner of the property of the homeowners' association, for which the owner of the property or the homeowners' association would otherwise be liable under the law. (B) These affidavits shall be on a form provided by the Department and shall be reviewed at each licensing inspection. (C) For purposes of Sections 102417(m) and (n), "homeowners' association" is an association of a common interest development, as defined in Section 1351 of the Civil Code.

(A)

If the provider does not own the premises used as the family child care home, the affidavit shall also state that the parent has been informed that the liability insurance, if any, of the owner of the property or the homeowners' association, as appropriate, may not provide coverage for losses arising out of, or in connection with, the operation of the family child care home, except to the extent that the losses are caused by, or result from, an act or omission by the owner of the property of the homeowners' association, for which the owner of the property or the homeowners' association would otherwise be liable under the law.

(B)

These affidavits shall be on a form provided by the Department and shall be reviewed at each licensing inspection.

(C)

For purposes of Sections 102417(m) and (n), "homeowners' association" is an association of a common interest development, as defined in Section 1351 of the Civil Code.

(n)

A family child care home that maintains liability insurance or a bond pursuant to

Section 102417(b)(1) or (2), and that provides care in premises that are renewed or leased or uses premises which share common space governed by a homeowners' association, shall name the owner of the property or the homeowners' association, as appropriate, as an additional insured party on the liability insurance policy or bond if all of the following conditions are met: (1) The owner of the property or governing body of the homeowners' association makes a written request to be added as an additional insured party. (2) The addition of the owner of the property or the homeowners' association does not result in cancellation or nonrenewal of the insurance policy or bond carried by the family day care home. (3) Any additional premium assessed for this coverage is paid by the owner of the property or the homeowners' association.

(1)

The owner of the property or governing body of the homeowners' association makes a written request to be added as an additional insured party.

(2)

The addition of the owner of the property or the homeowners' association does not result in cancellation or nonrenewal of the insurance policy or bond carried by the family day care home.

(3)

Any additional premium assessed for this coverage is paid by the owner of the property or the homeowners' association.

(o)

The licensee shall maintain documentation of proof of control of property at the Family Child Care Home for review by the Department. (1) If the licensee owns or is buying the home, "proof of control of property" is a copy of the property deed, the property tax statement, or a payment coupon from the mortgage company or

bank. (2) If the licensee is operating on rented or leased property, "proof of control of property" is a copy of the rental agreement or lease.

(1)

If the licensee owns or is buying the home, "proof of control of property" is a copy of the property deed, the property tax statement, or a payment coupon from the mortgage company or bank.

(2)

If the licensee is operating on rented or leased property, "proof of control of property" is a copy of the rental agreement or lease.

(p)

A prospective Family Child Care Home licensee who resides in a rental property shall provide written notice of intent to operate a Family Child Care Home to the landlord or owner of the rental property prior to the commencement of operation of the Family Child Care Home in accordance with Section 1597.40(d) of the Health and Safety Code. The licensee shall maintain proof of this notification at the Family Child Care Home for review by the Department. (1) The licensee shall provide the landlord or owner of the rental property with a completed LIC 9151 (Rev. 8/14) Property Owner/Landlord Notification, which is incorporated by reference, for this purpose and maintain a copy of the completed form at the Family Child Care Home for review by the Department.

(1)

The licensee shall provide the landlord or owner of the rental property with a completed LIC 9151 (Rev. 8/14) Property Owner/Landlord Notification, which is incorporated by reference, for this purpose and maintain a copy of the completed form at the Family Child Care Home for review by the Department.

(q)

A licensee who operates on rented or leased property, and who wishes to increase the capacity of the Family Child Care Home as specified in Section 102416.5(b)(3) or Section 102416.5(d)(2), shall obtain the written consent of the property owner/landlord to increase the home's capacity to eight or 14 children.

(1) The licensee shall maintain the original of the completed and signed LIC 9149 (Rev. 8/14) Property Owner/Landlord Consent, which is incorporated by reference, attached to the Family Child Care Home's license on file in the home.

(1)

The licensee shall maintain the original of the completed and signed LIC 9149 (Rev. 8/14) Property Owner/Landlord Consent, which is incorporated by reference, attached to the Family Child Care Home's license on file in the home.

(r)

A signed and dated copy of LIC 9052 (4/88), Notice of Employee Rights, shall be maintained in the employee's personnel record.

(s)

Upon notice from the Department to remove an individual from the home, pursuant to Health and Safety Code Section 1596.871(c)(2), or to exclude an individual from the home, pursuant to Health and Safety Code Section 1596.8897, the licensee shall; (1) Immediately remove the individual and prevent the individual from returning to the home or having contact with children in care. (2) Provide a copy of the Addendum to Notification of Parent's Rights (Regarding Removal/Exclusion) (LIC 995B, Rev. 05/03) to one parent or authorized representative of every child currently in care within one day of receipt of the notice and addendum from the Department. (A) Upon notice from the Department that the individual may return to the home, provide a copy of the Addendum to Notification of Parent's Rights (Regarding Reinstatement) (LIC 995C,

Rev. 03/01) to one parent or authorized representative of every child currently in care within one day of receipt of the notice and addendum from the Department.

(3) Obtain a signed and dated receipt from one parent or authorized representative that acknowledges that he/she was given a copy of the addendum specified in Section 102417(s)(2). (4) Maintain copies of the signed and dated receipt required in Section 102417(s)(3) in each child's file. Copies shall be made available to the Department upon request.

(1)

Immediately remove the individual and prevent the individual from returning to the home or having contact with children in care.

(2)

Provide a copy of the Addendum to Notification of Parent's Rights (Regarding Removal/Exclusion) (LIC 995B, Rev. 05/03) to one parent or authorized representative of every child currently in care within one day of receipt of the notice and addendum from the Department. (A) Upon notice from the Department that the individual may return to the home, provide a copy of the Addendum to Notification of Parent's Rights (Regarding Reinstatement) (LIC 995C, Rev. 03/01) to one parent or authorized representative of every child currently in care within one day of receipt of the notice and addendum from the Department.

(A)

Upon notice from the Department that the individual may return to the home, provide a copy of the Addendum to Notification of Parent's Rights (Regarding Reinstatement) (LIC 995C, Rev. 03/01) to one parent or authorized representative of every child currently in care within one day of receipt of the notice and addendum from the Department.

(3)

Obtain a signed and dated receipt from one parent or authorized representative that

acknowledges that he/she was given a copy of the addendum specified in Section 102417(s)(2).

(4)

Maintain copies of the signed and dated receipt required in Section 102417(s)(3) in each child's file. Copies shall be made available to the Department upon request.