

Summary of the North Carolina Child Care Law for Family Child Care Homes

What is Child Care?

The law defines child care as:

- three or more unrelated children under 13 years of age
- receiving care from a non-relative
- on a regular basis, of at least once a week
- for more than four hours per day but less than 24 hours.

It is only when all of these conditions exist that regulation is required. The North Carolina Department of Health and Human Services is responsible for regulating child care. This is done through the Division of Child Development. The purpose of regulation is to protect the well-being of children while they are away from their parents.

The law defining child care is in the North Carolina General Statutes, Article 7, Chapter 110. The North Carolina Child Care Commission is responsible for adopting rules to carry out the law. Some counties and cities in North Carolina also have local zoning requirements for child care programs.

Star Rated Licenses

Homes that meet the minimum licensing requirements will receive a one star license. Programs that choose to voluntarily meet higher standards can apply for a two through five star rated license. The number of stars a program earns is based upon the education level of the operator and the program standards met by the program.

Family Child Care Homes

A family child care home is licensed for five or fewer preschool aged children and an additional three school age children. This includes preschoolers living in the home but the provider's own school age children are not counted. Individuals caring for one or two children are exempt from being licensed. Family child care homes will be visited at least annually to monitor all applicable child care requirements and to receive technical assistance from child care consultants.

Child Abuse, Neglect, or Maltreatment

Every citizen has a responsibility to report suspected child abuse, neglect or maltreatment. This occurs when a parent or caregiver injures or allows another to injure a child physically or emotionally. It may occur when a parent or caregiver puts a child at risk of serious injury or allows another to put a child at risk of serious injury. It also occurs when a child does not receive proper care, supervision, discipline, or when a child is abandoned. **North Carolina law requires any person who suspects child maltreatment at a child care facility to report the situation to the Intake Unit at Division of Child Development and Early Education at 919-527-6335 or 1-800-859-0829.** Reports can be made anonymously. A person cannot be held liable for a report made in good faith. The operator of the program must notify parents of children currently enrolled in writing of the substantiation of any maltreatment complaint or the issuance of any administrative action against the child care facility. **North Carolina law requires any person who suspects child abuse or neglect in a family to report the case to the county department of social services.**

Parental Rights

Parents have the right to enter a home at any time while their child is present. Parents have the right to see the license displayed in a prominent place. Parents have the right to know how their child will be disciplined.

How to Report a Problem

North Carolina law requires staff from the Division of Child Development and Early Education to investigate a child care facility when there has been a complaint. Child care providers who violate the law or rules may be issued an administrative action, fined and may have their licenses suspended or revoked. If you believe that a child care provider fails to meet the requirements here, or if you have questions, please call the Division of Child Development and Early Education at 919-527-6335 or 1-800-859-0829.

Reviewing Files

A public file is maintained in the Division's main office in Raleigh for every licensed facility. These files can be viewed during business hours (8am-5pm), requested via the Division's web site at www.ncchildcare.nc.gov, or viewed from the Division's Child Care Facility Search Site <http://ncchildcaresearch.dhhs.state.nc.us/search.asp?lang=English>, or by contacting the Division at 1-800-859-0829.

Licensed homes must, at a minimum, meet requirements in the following areas.

Education and Experience

Home providers who received a license on or after January 1, 1998 must be 21 years old with at least a high school education or its equivalent, and mentally and emotionally capable of caring for children.

Criminal Background Checks

On January 1, 2013 House Bill (HB) 737 became effective. This legislation made criminal record checks a **pre-service requirement**. All providers must undergo a criminal background check initially, and every three years thereafter. All household members 16 years and older must undergo a criminal background check.

Health and Safety

All family child care homes must meet basic health and safety standards. All family child care home providers must have current certification in CPR and First Aid and complete the Emergency Preparedness and Response in Child Care training and plan. Family child care home providers licensed to care for infants 12 months and younger, must complete ITS-SIDS training within four months of receiving a license and complete it again every three years. They must also complete a minimum number of in-service training hours annually. Providers must maintain verification of children's immunization and health status. They must provide age-appropriate toys and activities. They must serve nutritious meals and snacks.

Transportation

Family child care homes providing transportation for children must meet all motor vehicle laws, including inspection, insurance, license, and restraint requirements. Children may never be left alone in a vehicle and parents must give signed permission before a child is transported.

Program Records

Homes must keep accurate records such as children's attendance, immunizations, and emergency phone numbers. A record of monthly fire drills and quarterly shelter-in-place or lockdown drills practiced must also be maintained. A safe sleep policy must be developed and shared with parents if children younger than 12 months are in care. Providers must develop and adopt a written plan of care for completing routine tasks, such as running errands, meeting family and personal demands, and attending classes, to ensure these tasks do not interfere with the care of children during hours of operation. The plan must be given and explained to parents of children in care and be reflected on the written schedule.

Discipline and Behavior Management

Each facility must have a written policy on discipline, must discuss it with parents, and must give parents a copy when the child is enrolled. Changes in discipline policy must be shared with parents in writing before going into effect. Corporal punishment (spanking, slapping, or other physical discipline) is prohibited in all Family Child Care Homes. Religious-sponsored programs which notify the Division of Child Development and Early Education that corporal punishment is part of their religious training are exempt from that part of the law.

The law and rules are developed to establish minimum requirements. Most parents would like more than minimum care. Child care resource and referral agencies can provide help in choosing quality care. For more information about quality child care, parents can visit the Resources in Child Care website at www.ncchildcare.nc.gov. For more information on the law and rules, contact the Division of Child Development and Early Education at 919-527-6335 or 1-800-859-0829; or visit our homepage at www.ncchildcare.nc.gov.

This summary shall be posted for the public to view in accordance with GS 110-102



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