Questions and Answers in Family Child Care

Q. I used to care for children ages 7 – 12, and didn’t have to have a license. Has that changed?

A. Yes. A license is now required for anyone who regularly cares for children up through age 12 who are unrelated to the caregiver, when the care does not take place in the children’s own home.

Q. I understand that I have to make copies of my correspondence with the Department available to anyone who asks. What kinds of things do I have to show, and to whom?

A. You must keep copies of your visit checklists, statements of non-compliance, variance letters and investigation reports or letters, and legal orders, if any, for the most recent five years. You must show them to any parent or prospective parent who asks to see them. The reports will not contain any information that is considered confidential, such as children’s names. If someone other than a parent or prospective parent asks to see this information, feel free to call your licensor for guidance.
Q. I don’t find any reference to Household Member Assistants, Lead or Temporary Assistants in the new regulations. Why?

A. The new regulations create two types of assistants: certified and regular assistants. Certified assistants are certified as family child care, family child care plus, or large family child care assistants, depending on their qualifications. A certified assistant may replace the provider in the type of care she is certified for, or may work with any provider for any length of time. Regular assistants must be at least 18 years of age, pass a background record check, and be able to implement the provider’s curriculum and activities. Regular assistants may work under the supervision of any provider or certified assistant for any length of time. In addition, a regular assistant who has been certified in first aid or CPR may replace a provider caring for up to six children (depending on their ages) for up to 25 hours in a 12 month period, or up to 8 hours in a 7 day period.

Q. Can my teen-age daughter watch the children for me while I go to my dentist appointment?

A. Yes, but only if your daughter is approved by EEC to be a regular assistant and has current certification in First Aid and CPR. She may be approved to be a regular assistant if she is 18 years old, has completed the background record check, and can implement your program of curriculum and activities. Then she will be able to watch the children in your absence for up to 25 hours in a 12 month period, or up to 8 hours in a 7 day period. Unless she is approved as a regular assistant and has current certification in First Aid and CPR, she may not be left alone with child care children.
Q. What about my husband? He used to watch the children sometimes.

A. Just like your daughter (see above), your husband must be approved as an assistant and complete First Aid and CPR before he can be left alone with the children for any reason other than a real medical emergency.

Q. I am a large family child care provider. Do I still need an Approved Assistant or Lead Assistant to work with me?

A. No, but you still do need an assistant. Depending on the number and ages of children in your program, you will need one or more regular or certified assistants to work with you.

Q. What can a regular assistant do in my program?

A. A regular assistant can assist in all of the activities of the family child care program: supervising the children, leading activities and guiding behavior under your general supervision. S/he may work with the children inside or outside of your family child care home, provided you are on the premises. A regular assistant may assist you in taking children off the premises for field trips and other activities, under your supervision.
Q. Who can cover for me while I take my vacation?

A. Only a certified assistant who is certified at the same level as you (family child care, family child care plus, or large family child care) can replace you for more than one day per week or 25 hours per year.

Q. I heard that I had to put bars on all my windows. Is that true?

A. No, but children must be protected from any window that is accessible to them and presents a hazard. A very low window in the child care space would present a hazard if a child could trip and fall against it, breaking the glass. Children under the age of five must be protected from the hazards of open windows in child care areas. This can be accomplished by opening the window no more than four inches, by installing suitable barriers, or by opening the window from the top. For more information on how to keep your windows from being a hazard to children, see EEC’s Technical Assistance Paper, “Protection from Window Hazards”.

Q. The new regulations say that my woodstove must meet applicable local and state codes. How can I know if it does?
A. If you use your wood, coal, pellet, gas, or other fuel burning stove during child care hours, you must obtain a permit from your local fire department certifying that the stove is properly installed and meets safety standards. For further information, you can contact your local fire department or the state Department of Fire Services.

Q. The new regulations require me to have a written emergency plan. How do I know what to write?

A. For information on what to include in your emergency plan, see EEC’s Technical Assistance Paper, “Emergency Planning”. Additional information is available on the EEC website in the “Technically Speaking” section, found under the “About EEC” link.

Q. I’ve always conducted evacuation drills in my family child care program. But now my licensor says I need to “document the effectiveness of the drill”. What does that mean?

A. You will want to note how long it took you to evacuate the home, whether there were any delays, how the children responded, etc. For more information, see EEC’s Technical Assistance paper, “Evaluating the Effectiveness of Fire Drills”.

Q. I have always had to stay on the same floor level as the children in care and be able to see or hear them at all
times. But what if a ten year old child in my care wants to go upstairs with my son and play video games while I am on the first floor with the younger children?

A. This would be allowed, if both you and the child’s parent agreed. The new regulations allow children age 7 or older to participate in activities in the approved space without direct supervision, as long as the parent and the provider both give permission. You must check on the children regularly, and be available if they need you.

Q. What about going outside to play? Can the older children go outside to play in the neighborhood?

A. Yes, if both you and the parents give permission. Parents must specify in writing what activities the children will be allowed to participate in and for how long. If the child is going to lessons or baseball practice or another event, the parent must specify in writing how the child will get there, and the parent must accept responsibility for the child from the time the child leaves the family child care home until s/he returns. Children age 5 and older can continue to play in your back yard for up to one hour with written parental permission, if you are in a single family home or first floor apartment, and your yard is fenced and you check on them every 15 minutes.

Q. How can I develop a “curriculum” plan?

A. The new curriculum plan will require a little more detail than your existing “written plan of activities and routines”. You will continue to plan for indoor and outdoor activities, active and quiet play, and individual and group
activities to provide a range of learning opportunities. The new regulations say that your plan must include opportunities to experiment and learn about math, science, art, music, language and literacy. Your plan must include the details about specific activities you will use for each area. If you are unsure about how to modify your existing program plan to meet the new requirements, talk with your licensor, and/or see the new curriculum technical assistance materials in the Technically Speaking section of EEC’s website, under “About EEC”. Ideas for meeting the requirement for 30 minutes of physical activity daily are also found there under “Healthy Kids Move”.

Q. My son has a pet turtle. The licensing regulations say reptiles must be kept in accordance with Department of Public Health guidelines. What does that mean?

A. Anyone who comes into contact with a reptile or its environment is at risk of getting salmonellosis, an infection that usually causes diarrhea, vomiting, fever and cramping. For that reason, child care children may not come into contact with reptiles. To protect your own family from salmonella infection, do not let reptiles roam freely in your home. Keep reptiles out of kitchens and other food preparation areas. Do not use the kitchen sink to bathe reptiles or clean their equipment. If you use the bathtub for these purposes, disinfect the tub thoroughly with bleach. Always wash your hands thoroughly with soap and water after handling reptiles or their cages. Prevent any immune-compromised individuals from coming into contact with reptiles or their equipment. For more information, contact the Department of Public Health, Bureau of Communicable Disease Control at www.state.ma.us/dph.
Q. The new regulations say that my children's car seat must meet all state and federal requirements. How can I know whether it does or not?

A. Have your child safety seat checked by a Child Passenger Safety Technician. To find one in Massachusetts, call 1-866-732-8243. You can also get detailed child passenger safety information, including recalls regarding safety seats, from the National Highway Traffic Safety Administration (NHTSA) by calling (617) 494-3427, or logging on to www.nhtsa.dot.gov. Additional resources include the Injury Prevention and Control Program at the Massachusetts Department of Public Health at (617) 624-5070, or www.state.ma.us/dph/uninj/vehicles.htm; and the CAR-SAFE Line, at 1-800-CAR-SAFE (or 1-800-227-7233).

Q. What is it that I am supposed to tell parents about SIDS? Won't it just make them afraid to leave their infant with me?

A. The American Academy of Pediatrics has determined that placing a baby on his/her back to sleep reduces the risk of Sudden Infant Death Syndrome. Back sleeping is the safest position for a baby, and is required in family child care homes unless the baby’s doctor decides otherwise and the parent submits written documentation from the doctor. Allowing the baby to be on his/her stomach during awake time allows her to develop strong neck and shoulder muscles. Parents should be encouraged to talk with their pediatricians about sleeping positions and any concerns they may have, and you may want to show
parents the “Back to Sleep” brochure provided to you by the Department. For more information, call 1-800-505-CRIB (2742).

Q. Why do I have to call you if there’s an emergency at my home during non-day care hours?

A. Sometimes an emergency at your home during non-child care hours may have an effect on your ability to care for children. For example, if a family member becomes seriously ill or is injured and hospitalized, you may need time away from your family child care business to take care of new concerns and responsibilities. If a family member returns home from the hospital and needs extra care, you may find it too difficult to care for them and for the day care children as well. If you have a fire or another disaster (like a hurricane) at your home, it may not be safe for the children to attend child care until certain repairs are done. No matter what the situation, your licensor will help you take a practical look at what has happened, and determine whether you may need assistance to continue your family child care program, or whether it would be better for you to suspend care for a time.

Q. Now that my program will be licensed for children up through age 12, who counts in my licensed capacity?
A. With some exceptions, every person present in the home under the age of 16 counts in your licensed capacity. Those who do NOT count are:

   a. children who live in your home and are at least 10 years old (unless you are home schooling these children – children who are home schooled count, regardless of age);

   b. children between the ages of 5 and 10 who are home for fewer than 3 consecutive hours while day care is provided. The 3 hour limit does not apply on school holidays, snow days, short school vacations, or during a brief illness. These children DO count during summer vacation, whenever they are in the home.

   c. children who are age 12 or older and do not live in the home, but visit occasionally with the understanding that the provider is not responsible for caring for the child.

Q. What happens if I don’t notify the Department ten business days before I move?

A. You will be required to pay a change of address fee. After the Department verifies that you are in compliance with all applicable regulations, an amended license will be issued.

Q. Do I have to post my whole emergency plan next to each exit?

A. No. Your written plan for potential emergencies must be maintained and kept current in a location where it is easily accessible in case of an
emergency. You must, however, conspicuously post a diagram of your escape routes next to each exit.

Q. The regulations define a child as anyone under age 13, or 16 if the child has special needs. So, my 14-year-old child who is home-schooled doesn’t count in my licensed capacity, does he?

A. Yes, the child does count! The regulations require a license for anyone regularly caring for children from birth through age 12, or age 16 if the child has special needs. In addition, however, the regulations say that all children who are home-schooled must be considered participating children, regardless of age. If you are home-schooling your child you must talk with your licensor to determine whether this can occur while you are also managing your family child care business.