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**Rules of  
Department of Health  
Division 30–Division of Health Standards  
and Licensure  
Chapter 61–Licensing Rules for  
Family Day Care Homes**

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**Title 19—DEPARTMENT OF HEALTH**

**Division 30—Division of Health Standards and Licensure**

**Chapter 61—Licensing Rules for Family Day Care Homes**

**19 CSR 30-61.010 Definitions**

*PURPOSE: This rule defines the terms used in the licensing rules for family day care homes.*

*PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.*

- (1) Adult is any individual eighteen (18) years of age or older.
- (2) The assistant is an adult who is employed or volunteers in the home to care for children in case of an emergency, to meet staff/child ratios, to substitute for the provider during absences or to assist the provider with the care of children.
- (3) Caregiver is the child care provider or an assistant.
- (4) Child care provider or provider is the person(s) licensed or required to be licensed under section 210.221, RSMo in order to establish, conduct or maintain a child care facility. This person(s) shall have the following rights and responsibilities as determined by the division:
  - (A) Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and
  - (B) Ultimate financial control of the operation of the facility.
- (5) A child day care center or center, whether known or incorporated under another title or name, is a child care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children not related to the child care provider for any part of the twenty-four (24)-hour day.
- (6) Day care is care of a child away from his/her own home for any part of the twenty-four (24)-hour day for compensation or otherwise. Day care is a voluntary supplement to parent responsibility for the child's protection, development and supervision. Day care may be given in a family day care home, group day care home or day care center.
- (7) A day care facility or facility is a day care home, day care center or group day care home.
- (8) Director is the director of the Missouri Department of Health.
- (9) Department is the Missouri Department of Health.
- (10) A family day care home or home, whether known or incorporated under another title or name, is a child care program where care is given by a person licensed as a family day care home provider for no more than ten (10) children not related to the provider for any part of the twenty-four (24)-hour day. The provider may be licensed to operate no more than one (1) family day care home or group day care home.
- (11) Graded boarding school is a public or private school which provides education in at least the first through the sixth grade and which provides lodging and meals for the pupils for the standard school term.
- (12) A group day care home, whether known or incorporated under another title or name, is a child care program where care is given by a person licensed as a group day care home provider for eleven (11), but not more than twenty (20), children not related to the child care provider, for any part of the twenty-four (24)-hour day. A group day care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be licensed to operate no more than one (1) group day care home or family day care home.
- (13) Infant is any child under twelve (12) months of age.
- (14) Night is the part of the twenty-four (24)-hour day between 9:00 p.m. and 6:00 a.m.
- (15) Nursery school is a program operated by a person or organization with the primary function of providing an educational program for preschool-age children for no more than four (4) hours per child per day.
- (16) Preschool child is any child two through five (2—5) years of age who is not in kindergarten for five (5)-year-old children.
- (17) Premises is a house(s), dwelling(s) or building(s) and its adjoining land.
- (18) Related is any of the following relationships by marriage, blood or adoption between the provider and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew or first cousin.
- (19) Review board is the Child Care Licensing Review Board.
- (20) School-age child is any child five (5) years of age or older who is in kindergarten or elementary school.
- (21) School system is a program established primarily for education and which meets the following criteria:
  - (A) Provides education in at least the first through the sixth grade; and
  - (B) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student.
- (22) Staff/child ratio is the number of caregivers required in relation to the number of children in care.
- (23) Summer camp is a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children no younger than five (5) years of age and providing no day care for children younger than five (5) years of age in the same building or in the same outdoor play area.
- (24) Toddler is any child between twelve to twenty-four (12—24) months of age.
- (25) A well-known religious order is defined as—
  - (A) An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the *Internal Revenue Code* of 1954; and
  - (B) An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

*AUTHORITY: section 210.221.1(3), RSMo Supp. 1993.\* This rule previously filed as 13 CSR 40-61.010 and 19 CSR 40-61.010. Original rule filed in 1956. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976.*



Rescinded: Filed April 13, 1982, effective Aug. 31, 1982. Readopted: Filed April 13, 1982, effective Sept. 1, 1982. Amended: Filed March 14, 1985, effective Aug. 11, 1985. Amended: Filed Oct. 7, 1987, effective March 25, 1988. Rescinded and readopted: Filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.010, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.010 July 30, 1998.

effective April 9, 1994. Changed to 19 CSR 30-61.015 July 30, 1998.

\*Original authority 1949, amended 1955, 1987, 1993.

\*Original authority 1949, amended 1955, 1987, 1993.

**19 CSR 30-61.015 Exemption of Day Care Facilities**

*PURPOSE:* This rule defines the basis on which a family day care home may qualify for exemption from licensure.

(1) A day care facility does not qualify for exemption from licensure unless it is under the exclusive control of an entity qualifying for exemption under section 210.211, RSMo.

(2) When a nonreligious organization having as its principal purpose the provision of child care services enters into an arrangement with a well-known religious order to provide continuing assistance in the maintenance or operation of a day care facility, the facility is not under the exclusive control of the well-known religious order and does not qualify for exemption from licensure under section 210.211(5), RSMo.

(3) If the person(s) operating the facility claims exemption from licensure, s/he shall file all information requested by the department to make a determination of exemption prior to opening. Facilities may waive the right to apply for exemption and request voluntary licensure. These facilities shall comply with all licensing rules.

*AUTHORITY:* sections 210.211.1(3), RSMo, Supp. 1993. \* This rule previously filed as 13 CSR 40-61.035, 13 CSR 40-61.035, 13 CSR 40-61.015. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.015, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993,



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
DIVISION OF FAMILY SERVICES/CHILD CARE LICENSING UNIT

**APPLICATION FOR LICENSE TO OPERATE A FAMILY DAY CARE HOME**

INITIAL  
 RENEWAL

**IDENTIFYING INFORMATION**

a) APPLICANT NAME (LAST, FIRST) \_\_\_\_\_ NAME OF SPOUSE \_\_\_\_\_

FACILITY ADDRESS (STREET) \_\_\_\_\_ CITY \_\_\_\_\_

COUNTY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ TELEPHONE NUMBER ( ) \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_

COUNTY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ TELEPHONE NUMBER ( ) \_\_\_\_\_

b) MAXIMUM NUMBER OF CHILDREN TO RECEIVE CARE \_\_\_\_\_ AGE RANGE OF CHILDREN TO BE ENROLLED \_\_\_\_\_ DAYS OF OPERATION  
 M  T  W  Th  
 F  S  SUN CHILD CARE HOURS \_\_\_\_\_ TO \_\_\_\_\_

c) LIST NAMES OF ALL HOUSEHOLD MEMBERS INCLUDING PROVIDER (USE SEPARATE PAGE IF NECESSARY AND ATTACH)

NAME	SOCIAL SECURITY NUMBER	SEX		RACE	DATE OF BIRTH	RELATIONSHIP TO PROVIDER	EMPLOYMENT		
		M	F				HOURS		PLACE
							FROM	TO	

Does any household member depend upon the applicant for extensive health care during the hours of child care?  YES  NO

HOUSING (FOR INITIAL APPLICANTS ONLY)

a) TYPE DWELLING  
 MOBILE HOME  APARTMENT  HOUSE  OTHER

b) FLOOR(S) FOR DAY CARE USE  
 BASEMENT  1ST FLOOR  2ND FLOOR  OTHER

c) SOURCE OF HEAT \_\_\_\_\_ d) WATER SYSTEM  
 PUBLIC  WELL WATER  OTHER

e) SEWAGE DISPOSAL SYSTEM TYPE  
 PUBLIC  OTHER (SPECIFY) \_\_\_\_\_

f) LOCATION OF OUTDOOR PLAY SPACE \_\_\_\_\_ IS YARD FENCED?  
 YES  NO  
 HEIGHT OF FENCE \_\_\_\_\_

g) DIRECTIONS TO FACILITY \_\_\_\_\_

**19 CSR 30-61.025 Organization and Administration**

*PURPOSE: This rule defines the requirements for the organization and administration of family day care homes.*

(1) Each family day care home shall be organized according to policies and procedures which clearly establish job responsibilities and lines of administrative authority.

(2) If a family day care home is incorporated, the corporation shall designate one (1) of the officers of the corporation to be responsible for the daily operation of the facility and to meet the requirements of the child care provider. When the responsibility for the operation of a family day care home rests with a board of directors, the Child Care Licensing Unit shall be notified immediately if there is a change of the officer designated to be responsible for the daily operation of the facility and to meet the requirements of the child care provider. References and child abuse/neglect screening information shall be provided as required by 19 CSR 40-61.045 Initial Licensing Information.

(3) The person(s) operating a family day care home shall be responsible for meeting all debts and obligations incurred by the facility and for maintaining compliance with all licensing rules for family day care homes.

*AUTHORITY: section 210.221.1(3), RSMo Supp. 1993.\* This rule previously filed as 13 CSR 40-61.060, 13 CSR 40-61.025 and 19 CSR 40-61.025. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.025, effective Dec. 9, 1993. Changed to 19 CSR 30-61.025 July 30, 1998.*

*\*Original authority 1949, amended 1955, 1987, 1993.*

**19 CSR 30-61.045 Initial Licensing Information**

*PURPOSE: This rule describes the procedures for application for licensure, the licensing investigation and provisions for continued licensing investigations after the initial license is granted.*

(1) Licensing Authority.

(A) According to section 210.221(3), RSMo, the department has the authority to issue uniform rules deemed necessary and proper to establish standards of service and care to be rendered by the provider. To implement the rules, the department shall be

responsible for inspecting, evaluating and licensing all family day care homes.

(B) The department or any other agency of Missouri that the department asks to assist it, is authorized to make an inspection and investigation of any proposed or operating family day care home, and of any personnel connected with that home to the extent that this inspection and investigation is required to determine if the family day care home will be, or is being, operated in accordance with state statutes and licensing rules for family day care homes.

(2) Persons Subject to Licensure.

(A) Any person(s) planning to offer day care for more than four (4) unrelated children at any one (1) time, except those coming under the exceptions of the law, shall apply for licensure and meet the requirements of the licensing rules before accepting more than four (4) unrelated children for care.

(B) Licensing rules shall not apply to children related to the provider as defined in 19 CSR 40-61.010(18). In order to document the exemption for related children, identifying information shall be on file at the home on related children as required by 19 CSR 40-61.135 Admission Policies and Procedures.

(C) In an incorporated family day care home, the exemption for related children does not apply as a corporation cannot have relatives.

(3) Licensing Process.

(A) Upon receipt of an inquiry regarding day care licensing, an interview shall be held to discuss the licensing rules and the licensing process.

(B) Upon receipt of a completed application for license, on the form provided by the department, a licensing investigation shall be made. If licensing rules are not met within six (6) months, the application shall be void and another application shall be filed.

(C) The licensing investigation shall include an inspection of the entire premises of the day care home by the licensing representative.

(D) Prior to the granting of a license, the following shall be submitted by the applicant:

1. A sketch or diagram of the home showing the arrangement of the rooms, including the location of toilet and handwashing facilities, the kitchen and the doors. The licensing representative and the applicant shall measure the home jointly;

2. A sketch or diagram of the outdoor play area and placement of equipment, indicating if the area is fenced. The licensing representative and the applicant shall measure the area jointly;

3. Written policies pertaining to the program goals, admission, care and discharge of children;

4. A schedule of daily activities for children;

5. A sample weekly menu;

6. An itemized list of available materials and equipment to be used by children;

7. A statement of discipline and guidance policies;

8. The names and addresses of two (2) references not related to the applicant who have knowledge of the applicant's character, experience and ability;

9. If a day care home is incorporated, the names and addresses of two (2) references for the officer designated to be responsible for the daily operation of the facility and to meet the requirements of the child care provider. The references shall not be related to the officer designated by the corporation;

10. Sample forms used, other than those supplied by the department;

11. Evidence of compliance with a fire and safety inspection as conducted by the State Fire Marshal or his/her designee;

12. Evidence of compliance, if applicable, with local or state requirements, or both, for any nonpublic water supply or sewage disposal system;

13. If the family day care home is incorporated, Articles of Incorporation, Certificate of Incorporation and the Annual Registration Report (if applicable) as issued by the Missouri secretary of state;

14. Required information for assistants; and

15. Other information required by the department to make a determination regarding licensure of the family day care home.

(E) The child care provider, other household members and other child care personnel shall be screened for child abuse/neglect prior to initial issuance of the license.

(F) Medical examination reports for the provider and child care assistants as required by 19 CSR 40-61.125 Medical Examination Reports, shall be on file at the home and available for review.

(G) Medical examination reports shall be on file at the home within thirty (30) days following the admission of each infant, toddler or preschool child as required by 19 CSR 40-61.125 Medical Examination Reports. A health report for school-age children shall be on file as required by 19 CSR 40-61.125.

(H) Enrollment information for each child shall be on file at the home as required by 19 CSR 40-61.135 Admission Policies and Procedures.

(I) Identifying information shall be on file at the home for each child to be cared for

who is related to the provider and not living in the home as required by 19 CSR 40-61.135 Admission Policies and Procedures.

(J) The child care provider shall not provide care for more than four (4) unrelated children until the home is in compliance with state statutes and licensing rules for family day care homes.

(K) After approval by a licensing representative and a licensing supervisor, a temporary license may be granted by the department for a period not to exceed sixty (60) days.

(L) The official license shall be granted for up to two (2) years and may be renewed upon reapplication and reinvestigation. Until the official license is received, the temporary license shall be posted near the entrance of the home where it may be seen easily by parents or others who visit. Thereafter, the official license shall be posted near the entrance of the home.

(M) The address and telephone number of the Child Care Licensing Unit shall be posted near the license.

(N) The granting of a license shall be denied by the director upon failure of the applicant to comply with state statutes and licensing rules for family day care homes.

(O) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.

(P) If there is a change of ownership of a family day care home, the new owner(s) shall meet the requirements of the current licensing rules. A licensing investigation shall be made as required by 19 CSR 40-61.045 Initial Licensing Information.

(Q) The license shall be the property of the department and shall be subject to revocation by the director upon failure of the provider to comply with state statutes and licensing rules for family day care homes. The license shall be returned to the department if revoked or not renewed.

(R) If a facility's license is revoked or denied due to failure to comply with state statutes and licensing rules, the department shall not accept a subsequent application from the provider for that facility within twelve (12) months after the effective date of revocation or denial or within twelve (12) months after all appeal rights have been exhausted, whichever is later.

(S) The number and ages of children a family day care home is authorized to have in care at any one (1) time shall be specified on the license and shall not be exceeded except as permitted within these rules.

(T) All day care provided on the premises of a licensed family day care home shall be in compliance with the licensing rules and the conditions specified on the license.

(U) Upon issuance of the license, a licensing representative shall visit the family day care home throughout the licensing period for supervision and consultation. Both announced and unannounced visits shall be made. Visits shall be at varying times during the hours child care is provided, with the entire premises subject to inspection.

(V) Upon the department's receipt of a complaint regarding the facility, a complaint investigation shall be made as determined necessary by the department.

(W) The provider shall permit the department access to the facility, premises and records during all visits.

(X) A licensed child care provider shall not deny a child admission to, or the benefits of, any program provided by the family day care home on the basis of race, sex, religion or national origin.

(Y) Licensing records are public records and may be reviewed by appointment with the Child Care Licensing Unit as authorized in sections 610.010–610.150, RSMo.

*AUTHORITY: section 210.221.1(3), RSMo 1994.\* This rule previously filed as 13 CSR 40-61.020, 13 CSR 40-61.045 and 19 CSR 40-61.045. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.045, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Amended: Filed Sept. 12, 1995, effective March 30, 1996. Changed to 19 CSR 30-61.045 July 30, 1998.*

*\*Original authority 1949, amended 1955, 1987, 1993.*

### 19 CSR 30-61.055 License Renewal

*PURPOSE: This rule defines the procedures for license renewal.*

(1) An application for license renewal shall be filed at least sixty (60) days prior to expiration of the license. In addition, the following information is required:

(A) Evidence of compliance with a fire and safety inspection as conducted by the State Fire Marshal or his/her designee;

(B) If incorporated, a copy of the current Annual Registration Report filed with the Missouri secretary of state;

(C) Medical examination reports on file at the home as required by 19 CSR 40-61.125 Medical Examination Reports;

(D) A health report on file at the home for each school-age child in care as required by 19 CSR 40-61.125 Medical Examination Reports;

(E) Enrollment information on file at the home for each child in care as required by 19 CSR 40-61.135 Admission Policies and Procedures;

(F) Identifying information on file at the home regarding each child in care who is related to the provider and not living in the home as required by 19 CSR 40-61.135 Admission Policies and Procedures;

(G) A current list of available equipment; and

(H) Materials and information which have changed since the previous licensing period.

(2) The child care provider, other personnel and other household members shall be screened for child abuse/neglect prior to renewal of the license.

(3) Upon determination of the applicant's continued compliance with state statutes and licensing rules for family day care homes, an official license shall be granted for up to two (2) years.

*AUTHORITY: section 210.221.1(3), RSMo Supp. 1993.\* This rule previously filed as 13 CSR 40-61.031, 13 CSR 40-61.055 and 19 CSR 40-61.055. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.055, effective Dec. 9, 1993. Changed to 19 CSR 61.055 July 30, 1998.*

*\*Original authority 1949, amended 1955, 1987, 1993.*

JUDITH K. MORIARTY, Secretary Of State
1994 ANNUAL REGISTRATION REPORT
(Business)

CHECK #: \_\_\_\_\_
AMOUNT: \_\_\_\_\_

NOTE: TO CHANGE REGISTERED AGENT OR OFFICE SHOWN DIRECTLY BELOW, REQUEST FORM #58 FROM THE SECRETARY OF STATE.

1 WE SHOW YOUR FISCAL TAX YEAR AS:
BEG. MONTH | END MONTH
IF YOUR FISCAL TAX YEAR IS DIFFERENT:
BEG. MONTH | END MONTH

2 IS YOUR CORPORATION LIABLE FOR FRANCHISE TAX? YES \_\_\_ NO \_\_\_
(A corporation is liable for franchise tax if line 6a or 6b on the franchise tax report is more than \$200,000. If "yes" is checked, a franchise tax report must be filed.)

3 PRINCIPAL PLACE OF BUSINESS OR CORPORATE HEADQUARTERS:
STREET \_\_\_\_\_
CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_

4 NAMES AND RESIDENCE ADDRESSES OF OFFICERS: (MUST HAVE A PRESIDENT AND A SECRETARY; WILL ASSUME PRESIDENT IS ALSO SECRETARY, IF SECRETARY IS NOT LISTED.)
PRES \_\_\_\_\_ STREET/RT \_\_\_\_\_ CITY/STATE/ZIP \_\_\_\_\_
V-PRES \_\_\_\_\_ STREET/RT \_\_\_\_\_ CITY/STATE/ZIP \_\_\_\_\_
SECY \_\_\_\_\_ STREET/RT \_\_\_\_\_ CITY/STATE/ZIP \_\_\_\_\_
TREAS \_\_\_\_\_ STREET/RT \_\_\_\_\_ CITY/STATE/ZIP \_\_\_\_\_
ATTACH NAMES AND ADDRESSES OF ALL OTHER OFFICERS AND DIRECTORS

5 The undersigned understands that false statements made in this report are punishable for the crime of making a false declaration under Section 575.060 RSMo 1986
OFFICER SIGN HERE > > \_\_\_\_\_
Officer signing must be listed in box #4 above or on attached list.

6 ATTACHED IS THE REGISTRATION FEE OF:
\$40.00 If filed on or before due date
\$55.00 If within 30 days after due date
\$70.00 If within 60 days after due date
\$85.00 If within 90 days after due date
Corporation will be administratively dissolved if report is not filed.

COMPLETE ALL BOXES OR FORM WILL BE RETURNED
RETURN THIS COPY TO SECRETARY OF STATE

P.O. BOX 1366, JEFFERSON CITY, MO 65102

JUDITH K. MORIARTY, Secretary Of State
1994 ANNUAL REGISTRATION REPORT
(Not-For-Profit Corporations)

CHECK #: \_\_\_\_\_
AMOUNT: \_\_\_\_\_

NOTE: TO CHANGE REGISTERED AGENT OR OFFICE SHOWN DIRECTLY BELOW, REQUEST FORM #59 FROM THE SECRETARY OF STATE.

1 Corporation Purpose:
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

2 PRINCIPAL PLACE OF BUSINESS OR CORPORATE HEADQUARTERS:
STREET \_\_\_\_\_
CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_

3 NAMES AND RESIDENCE ADDRESSES OF OFFICERS: (MUST LIST FOUR OFFICERS)
PRES \_\_\_\_\_
STREET/RT \_\_\_\_\_
CITY/STATE/ZIP \_\_\_\_\_
V-PRES \_\_\_\_\_
STREET/RT \_\_\_\_\_
CITY/STATE/ZIP \_\_\_\_\_
SECY \_\_\_\_\_
STREET/RT \_\_\_\_\_
CITY/STATE/ZIP \_\_\_\_\_
TREAS \_\_\_\_\_
STREET/RT \_\_\_\_\_
CITY/STATE/ZIP \_\_\_\_\_
ATTACH NAMES AND ADDRESSES OF ALL OTHER OFFICERS AND DIRECTORS

4 The undersigned understands that false statements made in this report are punishable for the crime of making a false declaration under Section 575.060 RSMo 1986
OFFICER SIGN HERE >>>
Officer signing must be listed in box #3 above or on attached list.

5 ATTACHED IS THE REGISTRATION FEE OF:
\$1.00 On or before July 31st.
\$11.00 Filing fee August 1st thru December 31st
Corporation will be forfeited if not filed by December 31st.

COMPLETE ALL BOXES OR FORM WILL BE RETURNED
RETURN THIS COPY TO SECRETARY OF STATE



### 19 CSR 30-61.085 Physical Requirements of the Family Day Care Home

*PURPOSE: This rule sets forth the requirements for the physical plant and indoor and outdoor space.*

#### (1) General Requirements.

(A) The premises shall be safe and suitable for the care of children.

(B) The premises shall conform to the fire and safety requirements of the State Fire Marshal or his/her designee.

(C) It shall be the responsibility of the child care provider to determine any applicable local zoning regulations.

(D) Water supply and sewage disposal systems shall conform to state or local requirements, or both.

(E) Children shall have no access to areas not approved for child care.

(F) Stairways in approved child care space shall be well-lighted and free of obstructions. Stairways in approved child care space having more than three (3) steps shall have a handrail the children can reach.

(G) Porches, decks, stairwells or other areas in approved child care space having a drop-off of more than twenty-four inches (24") from which children might fall and be injured shall have an approved railing or approved barrier. The railing or barrier shall be constructed to prevent the child from crawling or falling through, or becoming entrapped.

(H) Approved safety gates at stairways and doors shall be provided and used as needed.

(I) Heaters, floor furnaces, radiators, hot water heaters or other equipment which pose a threat to children shall be separated from areas used by children by partitions, screens or other approved barriers.

(J) All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, alcoholic beverages, hazardous personal care items or other hazardous items shall be inaccessible to children.

(K) Ammunition, guns, hunting knives, bows and arrows or other weapons shall be stored in a locked cabinet or locked closet.

(L) Caregivers shall not smoke when holding or feeding children, changing diapers, assisting with toileting or when preparing food.

#### (2) Indoor Space.

##### (A) General Requirements.

1. Any floor of a home used for child care shall be approved by the State Fire Marshal or his/her designee.

2. Any area initially approved for child care after the effective date of these rules

shall have ceilings at least seven feet (7') in height.

3. Open windows and doors shall be screened securely. Barriers to prevent children from falling against windows or falling from windows shall be provided when windows are less than twenty-four inches (24") from the floor and not constructed of safety glass or other nonbreakable material.

4. Clear glass doors shall be marked plainly at varying heights to avoid impact.

5. Artificial or natural lighting shall supply at least ten (10) footcandles of light throughout each room used for child care.

6. The home shall be dry, temperature controlled, well-ventilated and free of drafts. Children shall not be overheated or chilled. The temperature of the rooms shall be no less than sixty-eight degrees Fahrenheit (68°F) and no more than eighty-five degrees Fahrenheit (85°F) when measured two feet (2') from the floor.

7. Walls, ceilings and floors shall be finished with material which can be cleaned easily and shall be free of splinters, cracks and chipping paint. Floor covering shall be in good condition. Lead-free paint shall be used for all painted surfaces.

8. Concrete floors in areas counted as child care space shall be covered with carpet, tile, linoleum or other floor covering.

9. Floor surfaces under indoor equipment over twenty-four inches (24") in height from which children might fall and be injured shall be protected with pads or mats which will effectively cushion the fall of a child. Carpeting alone is not an acceptable resilient surface under indoor equipment.

10. The home shall be clean at all times and free of dirt, insects, spiders, rodents or other pests.

11. A telephone in working order shall be available for incoming and outgoing calls. If a telephone answering machine is used, it must be turned on so incoming messages can be heard and parents' calls can be returned promptly.

12. Telephone numbers for the police, fire department, ambulance and other emergency telephone numbers shall be posted near the telephone.

##### (B) Floor Space Calculations and Utilization.

1. At least thirty-five (35) square feet of usable floor space shall be provided for each child coming into the home for day care.

2. Floor space shall be measured wall-to-wall from the inside walls of areas used for children's activities.

3. Floor space shall not include food preparation areas, bathrooms, hallways used exclusively as passageways, closets, office

space or floor space occupied by furniture or shelving not used by the children or for their activities.

4. Space occupied by permanently placed cots, cribs, beds or playpens used for napping cannot be counted as usable floor space. Cots shall not be set up early or left in place to interfere with children's play activities.

5. Storage space for play materials shall be provided. Some of the space shall be accessible to the children.

##### (C) Bathrooms.

###### 1. General requirements.

A. A flush toilet and an adjacent handwashing facility with running water shall be provided.

B. Toilet and handwashing facilities shall be in working order and convenient for the children's use.

C. An individual cloth towel for each child or paper towels, soap and toilet paper shall be provided and easily accessible so the children can reach them without assistance. If individual towels are used, they shall be laundered daily.

D. Children shall be monitored while in the bathroom.

E. Bathrooms shall be clean and odor free.

2. Infants and toddlers. At least one (1) potty chair, junior commode or toilet with an adaptor seat shall be provided. Potty chairs shall be located in the bathroom and shall be emptied, cleaned and disinfected after each use.

##### (D) Kitchens.

1. A kitchen shall be required for meal preparation unless meals are catered from a source approved by the local or state sanitarian, or both.

2. Kitchens used for meal preparation shall be equipped with a stove, sink, hot and cold running water, a refrigerator and storage space for food, dishes and cooking utensils.

3. If meals are catered, a sink, hot and cold running water, a refrigerator and storage space for food, dishes and cooking utensils shall be provided.

4. Kitchens shall not be used for children's play activities unless the activities are part of the learning program and the children are supervised by adults.

5. Kitchens shall not be used for napping.

##### (3) Outdoor Space.

###### (A) General Requirements.

1. An outdoor play area shall be available on or adjoining the day care property. The play area shall be located so it is convenient and the children can gain access to it