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SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

Policy Manual: Family Child Care Homes

Published Date - Unknown



**CHILD CARE
LICENSING**



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INTRODUCTION

It is the intent of the South Carolina Legislature to develop a regulatory framework that ensures the health and safety of children in all types of child care, including Family Child Care Homes (FCCH), in South Carolina. To that end, the Child Care Licensing Department (Department) within the South Carolina Department of Social Services is responsible for administering programs that adhere to the regulatory framework. The Department regulates licensed and registered Family Child Care Homes. Once a FCCH submits an application and applicable documents to apply for a license or registration with the Department, it is now in a business relationship with the Department and is subject to the Department's statutes, regulations, policies, guidance, and benefits of said business relationship. Every FCCH determined to be subject to regulation by the Department must meet the applicable licensing or registration standards established by the South Carolina Legislature.

This policy manual states 1) the Department's legal authority through South Carolina's statutes and regulations to administer the licensure and registration of FCCHs in South Carolina and 2) the Department's policies developed to influence how the statutes and laws are applied.

How to Use the Policy Manual

The policy manual's format begins with the legal authority (statutes and/or regulations) for each topic and follows with the Department's policy(ies) related to that legal authority. For detailed guidance on how to implement each Department policy, see the *Implementation Guide: Family Child Care Homes*.

LEGAL AUTHORITY - GENERAL PROVISION

§ 63–13–10. Purpose.

(A) The intent of this chapter is to define the regulatory duties of government necessary to safeguard children in care in places other than their own homes, ensuring for them minimum levels of protection and supervision. Toward that end, it is the purpose of this chapter to establish statewide minimum regulations for the care and protection of children in childcare facilities, to ensure maintenance of these regulations and to approve administration and enforcement to regulate conditions in such facilities. It is the policy of the State to ensure protection of children under care in childcare facilities, and to encourage the improvement of childcare programs.

§ 63-13-20. DEFINITIONS.

(1) "Caregiver" means any person whose duties include direct care, supervision, and guidance of children in a childcare facility.

- (2) “Childcare” means the care, supervision, or guidance of a child or children, unaccompanied by the parent, guardian, or custodian, on a regular basis, for periods of less than twenty-four hours per day, but more than four hours, in a place other than the child’s or the children’s own home or homes.
- (7) “Complaint” means a written statement reporting unsatisfactory conditions in a childcare facility.
- (10) “Deficiency correction notice” means a written statement on the part of the department notifying a childcare facility which is not complying with any applicable regulations to correct the deficiencies stated in the notice within a reasonable time limit.
- (11) “Department” means the State Department of Social Services, the agency designated to administer the regulation of childcare facilities under this chapter, with the advice of the State Advisory Committee on the Regulation of Childcare Facilities.
- (13) “Family childcare home” means a facility within a residence occupied by the operator in which childcare is regularly provided for no more than six children, unattended by a parent or legal guardian, including those children living in the home and children received for childcare who are related to the resident caregiver. However, an occupied residence in which childcare is provided only for a child or children related to the resident caregiver or only for the child or children of one unrelated family or only for a combination of these children is not a family childcare home.
- (15) “Infant” means a child age twelve months or younger for the purposes of this chapter
- (16) “Minor child” means a person who has not reached the eighteenth birthday.
- (19) “Provisional license” means a license issued by the department to an operator of a private childcare center or group childcare home or a family childcare home which elects to be licensed authorizing the licensee to begin operations although the licensee temporarily is unable to comply with all of the requirements for a license.
- (21) “Registration” means the process whereby childcare centers and group childcare homes owned and operated by a church or a publicly recognized religious educational or religious charitable institution are regulated under this chapter and the process whereby all family childcare homes are regulated under this chapter.
- (23) “Regular license” means a license issued by the department for two years to an operator of a private childcare center or group childcare home or a family childcare home which elects to be licensed showing that the licensee is in compliance with the provisions of this chapter and the regulations of the department at the time of issuance and authorizing the licensee to operate in accordance with the license, this chapter, and the regulations of the department.

- (25) “Related” means any of the following relationships by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, cousin of the first degree.
- (26) “Renewal” means in regard to childcare centers and group childcare homes, to grant an extension of a regular license or regular approval for another two-year period provided an investigation of such facilities verifies that they are in compliance with the applicable regulations, in regard to family childcare homes, to place the name of the operator on the registration list for another year provided procedures indicated in this chapter have been completed.

§ 63-13-40. BACKGROUND CHECKS FOR EMPLOYMENT.

- (D) (2) The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

POLICY FCCH 1:

An applicant will receive a denial letter if the applicant or any household member has an unfavorable criminal or Abuse and Neglect Background Check. (revised 05/23/2022)

POLICY FCCH 2:

SLED and FBI background checks are required for operator, household members at least 15 years of age, staff, and emergency person (s), including any person who moves into the family child care home and stays longer than 2 weeks consecutively. (revised 05/23/2022)

POLICY FCCH 3:

A person who is excluded from working in child care is prohibited from acting in the capacity of a volunteer even if supervised by qualified staff at all times. (effective 03/11/2019)

§ 63-13-90. ZONING.

At the time of initial licensing, approval, or registration a childcare facility must provide proof of conformity or authorized nonconformity with county or municipal zoning ordinances or resolutions. The department may impose conditions on the license, approval, or registration consistent with restrictions imposed by zoning authorities.

§ 63-13-110. FIRST AID AND CPR CERTIFICATES.

During the hours of operation all childcare facilities, except registered family childcare homes, must have on the premises at least one caregiver with a current certificate for the provision of basic first aid and child-infant cardiopulmonary resuscitation.

POLICY FCCH 4:

Pediatric First Aid and pediatric cardiopulmonary resuscitation (CPR) classes can be used toward the training requirements for registered Family Child Care Homes. Training must be conducted by a recognized health care organization. CPR must include a hands-on skills component. A copy of the certification(s) must be provided to licensing as proof of completion. (revised 05/23/2022)

§ 63-13-150. VIOLATION CITATIONS.

At any time the department cites a childcare center, group childcare home, or family childcare home for a violation of this chapter or regulations promulgated pursuant to this chapter, the department shall provide the owner and operator of the center with a brochure stating, in language easily understood, the rights and procedures available to the owner or operator for a hearing in accordance with the department's fair hearing regulations and the rights and procedures available to appeal a decision rendered under the department's fair hearing process.

POLICY FCCH 5:

The Verification of Correction of Deficiency, DSS Form 2947, is required to be completed and returned for Licensing to conduct a follow up visit and mark any deficiencies as resolved. (effective 05/23/2022)

§ 63-13-160. INJUNCTIONS.

The department is empowered to seek an injunction against the continuing operation of a childcare facility in the family court having jurisdiction over the county in which the facility is located:

- (1) when a facility is operating without a license or statement of registration;
- (2) when there is any violation of this chapter or of the regulations promulgated by the department which threatens serious harm to children in the childcare facility;
- (3) when an operator has repeatedly violated this chapter or the regulations of the department.

§ 63-13-180. REGULATIONS AND SUGGESTED STANDARDS.

(A) The department shall with the advice and consent of the Advisory Committee develop and promulgate regulations depending upon the nature of services to be provided for the operation and maintenance of childcare centers and group childcare homes. The department with the advice of the Advisory Committee shall develop suggested standards which shall serve as guidelines for the operators of family childcare homes and the parents of children who use the service. In developing these regulations and suggested standards, the department shall consult with:

- (1) Other state agencies, including the State Department of Health and Environmental Control, the Office of the State Fire Marshal, and the Office of the Attorney General.
- (2) Parents, guardians, or custodians of children using the service.
- (3) Child advocacy groups.
- (4) The State Advisory Committee on the Regulation of Childcare Facilities established by this chapter.
- (5) Operators of childcare facilities from all sectors.
- (6) Professionals in fields relevant to childcare and development.
- (7) Employers of parents, guardians, or custodians of children using the service. Draft formulations must be widely circulated for criticism and comment.

(B) The regulations for operating and maintaining childcare centers and group childcare homes and the suggested standards for family childcare homes must be designed to promote the health, safety, and welfare of the children who are to be served by assuring safe and adequate physical surroundings and healthful food; by assuring

supervision and care of the children by capable, qualified personnel of sufficient number. The regulations with respect to licensing and approval, and the suggested standards with respect to registration of family childcare homes must be designed to promote the proper and efficient processing of matters within the cognizance of the department and to assure applicants, licensees, approved operators, and registrants fair and expeditious treatment under the law.

- (C) The department shall conduct a comprehensive review of its licensing and approval regulations and family childcare home suggested standards at least once each three years.
- (D) No regulations for childcare facilities may exceed policies or minimum standards set for public childcare facilities regulated under this chapter.
- (E) The department shall submit final drafts of its regulations to the Legislative Council as proposed regulations, and the Administrative Procedures Act Sections 1–23–10 et seq., governs their promulgation.
- (F) The department shall establish a procedure for its representatives to follow in receiving and recording complaints. Standard forms may be produced and made available to parents and users of facilities upon request to the department. A copy of any complaint must be made available to the involved operator immediately upon his request.

LEGAL AUTHORITY - LIABILITY INSURANCE

§ 63-13-210. LIABILITY INSURANCE.

- (A) An owner or operator of a childcare center, group childcare home, or family childcare home, as defined by Section 63-13-20, who does not carry liability insurance for the operation of his childcare business, shall, by no later than January 1, 2009, obtain signed statements from the custodial parent or parents or guardian or guardians of each child currently enrolled in the childcare center, group childcare home, or family childcare home indicating that the parent or parents or guardian or guardians have received notice that the childcare center, group childcare home, or family childcare home does not carry liability insurance for the operation of its childcare business. The owner or operator of a childcare center, group childcare home, or family childcare home must maintain a file of these signed statements at the home during the period of time a child is enrolled. For new enrollees to a childcare center, group childcare home, or family childcare home, the owner or operator must provide the parent or parents or guardian or guardians of a new enrollee with this information at the time of enrollment, obtain a signed statement from each parent or guardian at the time of enrollment, and maintain these signed statements at the home during the period of time a child is enrolled.

- (B) If an owner or operator of a childcare center, group childcare home, or family childcare home, as defined by Section 63-13-20, has liability insurance for the operation of his childcare business that lapses or is canceled and not reinstated or replaced, the owner or operator shall obtain and maintain statements in accordance with subsection (A) from the custodial parent or parents or guardian or guardians of each child enrolled in the childcare center, group childcare home, or family childcare home no later than thirty days after the liability insurance lapses or is canceled.

POLICY FCCH 6:

All child care facilities must provide proof of liability insurance or signed parent notifications. Proof of current insurance must state Liability Insurance which may be in addition to homeowner's insurance. The signed parent notifications must be kept on file as long as child is enrolled. (revised 05/23/2022)

LEGAL AUTHORITY - REGISTRATION REQUIREMENTS

§ 63-13-810. REGISTRATION REQUIRED FOR FAMILY CHILDCARE HOMES.

- (A) As used in this chapter, "family childcare home" means a facility within a residence occupied by the operator in which childcare regularly is provided for no more than six children, unattended by a parent or legal guardian, including those children living in the home and the children received for childcare who are related to the resident caregiver. However, an occupied residence in which childcare is provided only for a child or children related to the resident caregiver or only for the child or children of one unrelated family, or only for a combination of these children, is not a family childcare home.
- (B) An operator of a family childcare home shall register with the department within six months of June 13, 1977.
- (C) (1) A family childcare home which elects to participate in a federal program which requires licensing as a prerequisite to participation may elect to be licensed under the procedures in Section 63-13-820. A family childcare home electing licensing shall demonstrate compliance with the suggested standards developed by the department under Section 63-13-180 and shall comply with provisions of Sections 63-13-420 and 63-13-430 relating to criminal history conviction records checks upon original licensing and upon renewal.
- (2) Operators and caregivers of licensed family childcare homes are held to the standards in Sections 63-13-420 and 63-13-430 regarding criminal convictions.

POLICY FCCH 7:

The minimum age of an operator of a family child care home is 18 years of age. (revised 05/23/2022)

POLICY FCCH 1A:

An applicant will receive a denial letter if the applicant or any household member has an unfavorable criminal or Abuse and Neglect Background Check. (revised 05/23/2022)

DSS REGULATION NO. 114-528: DEFINITIONS AND PROCEDURES

Terms used in South Carolina Regulations, Chapter 114, Article 5, Part A, shall be all definitions cited in Section 20-7-2700 et seq., Code of Laws of South Carolina in addition to the definitions which follow:

- (1) Emergency Person. An individual not regularly employed by the facility who is immediately available to serve as staff in the facility during emergency situations.
- (2) Judicially Determined. A criminal conviction in a court of law which is either the result of a jury trial, guilty plea, plea of no contest or forfeiture of bond in cases of misdemeanor or a determination of child abuse or neglect in any court of competent jurisdiction.
- (3) Original and Renewal Application for a License/Approval. Completed Department of Social Services (DSS) application form, completed DSS inspection study, completed health and fire inspection reports, current criminal history background records checks, written policies, and other related information deemed necessary by the Department to make a determination of issuance or non-issuance of a license/approval.
- (4) Overnight Care. Care provided to children by the facilities defined in these regulations from 1:00 a.m. to 6:00 a.m.

Note: The 2018 edition of the *International Building Code (IBC) 305.2 Group E, Day Care Facilities* states:

This group includes building and structures, or portions thereof occupied by more than five children older than 2 ½ years of age who receive educational supervision or personal care services for fewer than 24 hours per day.

POLICY FCCH 8:

Per IBC code 305.2 Group E, Day Care Facilities, 24-hour child care in a licensed family child care home is not permitted. (created 05/23/2022)

- (5) Parent. Biological or legal guardian of the child or individual or agency with physical or legal custody.
- (6) Staff. Full-time and part-time administrative, program, service and volunteer personnel, including emergency persons.

POLICY FCCH 9:

Spouses, household members, and emergency persons are required to complete 10 hours of annual training if they provide supervision for children, either alone or supervised, at any time. (revised 05/23/2022)

- (7) Supervision. Care provided to an individual child or group of children. Adequate supervision requires awareness of and responsibility for the ongoing activity of each child, knowledge of activity requirements and children's needs and accountability for their care. Adequate supervision also requires the operator and/or staff being near and having ready access to children in order to intervene when needed.

POLICY FCCH 10:

The operator and/or staff must be on the same floor level as the children during inside play time and nap time. Also, the operator and/or staff must be present with the children when they are outside and while children are being transported. Children must be constantly supervised and never left alone during all water activities. (revised 05/23/2022)

POLICY FCCH 11:

Children shall not sleep in rooms with the door closed to allow for proper supervision during nap time, even if a monitoring device is used. (effective 04/04/2019)

- (8) Training. Participation during the calendar year in workshops, conferences, support groups, educational or provider associations, formal schooling, in-service training or planned learning opportunities provided by a child day care operator, director, other staff, or consultants. Training must be in subject areas related to child care, child development, and/or early childhood education and nutrition. Training for operators may also be in areas related to day care program administration and must include alternatives to corporal punishment.

POLICY FCCH 12:

For Providers NOT a part of ABC Quality:

10 hours of training must be completed annually. Up to 5 training hours in excess of the 10 hours, may be carried over to the following year. The 10 hours of training must be as shown below:

Disease Prevention and Medication Administration (1.5 hours):

- *Prevention and control of infectious diseases*
- *Blood-borne pathogens*
- *Administration of medication*

Infant Care Sleep Safety (1.25 hours):

- *Safe Sleep Practices and Prevention of SIDs/SUIDs*
- *Supervision*

Nutrition and Food Allergies (1.5 hours):

- *Nutrition*
- *Prevention of and response to food allergies*

Physical Environment Safety (1.5 hours):

- *Building and physical premises safety (bodies of water),
storage of hazardous materials, and bio-contaminants*
- *Precaution in transporting children*
- *Environmental allergens*

Prevention of Child Abuse (1.5 hours):

- *Prevention of Shaken Baby Syndrome and Abusive Head Trauma*
- *Mandated Reporting*
 - *Reporting of child abuse and neglect*

Emergency Preparedness (1.5 hours):

- *Emergency preparedness and response planning*

Child Development (1.25 hour):

- *Child Development and/or early childhood*

For ABC Quality Providers:

I - South Carolina FCCH Health and Safety Pre-Service Certificate

Note: ABC Quality Providers are required to have policies to make sure they are in compliance to each of the topics below. Compliance will be monitored annually.

ABC Quality Providers receive CCDF funding and must complete the SC FCCH Health and Safety Pre-Service Certificate (15 hours) prior to serving children who are enrolled in the SC Voucher Program. The Pre-Service Certificate must be completed for any person responsible for the care or supervision of children to include an emergency person within 90 days of hire.

Completion of training will be monitored by ABC Quality.

The Pre-Service Certificate is provided at no cost and includes the 15 course hours on the following topics:

- *Prevention and control of infectious diseases*
- *SIDS and the use of safe sleep practices*
- *Administration of medication*
- *Prevention of and response to food allergies*
- *Building and physical premises safety*
- *Prevention of shaken baby syndrome & abusive head trauma*
- *Emergency preparedness & response planning*
- *Storage of hazardous materials & bio-contaminants*
- *Precautions in transporting children*

- *First-aid and CPR*
- *Nutrition*
- *Reporting of Child abuse and neglect*
- *Child Care Development Domains of Learning*

II - Ongoing Annual Required Training

Once a person has completed the 15 hours of the South Carolina FCCH Health and Safety Pre-Service Certificate, 10 hours of annual health and safety training is required.

(revised 05/23/2022)

[history: revised 11/24/2010]

POLICY FCCH 13:

Trainings must be registered or certified through SC Endeavors in order to meet training requirements.

(revised 05/23/2022)

POLICY FCCH 4A:

Pediatric First Aid and pediatric cardiopulmonary resuscitation (CPR) classes can be used toward the training requirements for registered Family Child Care Homes. Training must be conducted by a recognized health care organization. CPR must include a hands-on skills component. A copy of the certification(s) must be provided to licensing as proof of completion. (revised 05/23/2022)

- (9) Volunteer. An individual whose services are involved in the operation of the family day care home without compensation on a daily, weekly or monthly basis, including parents, students, student teachers and other persons all of whom are subject to compliance with the same applicable regulations as paid family day care home staff.

POLICY FCCH 3A:

A person who is excluded from working in child care is prohibited from acting in the capacity of a volunteer even if supervised by qualified staff at all times. (effective 03/11/2019)

LEGAL AUTHORITY - REGISTRATION REQUIREMENTS

§ 63-13-820. REGISTRATION REQUIREMENTS.

- (A) Registration must be completed on forms supplied by the department and in the manner, it prescribes.
- (B) Before becoming a registered operator, the applicant shall:
 - (1) Sign a statement that he has read the suggested standards developed by the department under Section 63-13-180;
 - (2) furnish the department with a signed statement by each consumer parent verifying that the operator has provided each consumer parent with a copy of the suggested standards for family childcare homes and the procedures for filing complaints;
 - (3) Upon request, provide the department with any facts, conditions, or circumstances relevant to the operation of the family childcare home, including references and other information regarding the character of the family childcare home operator.
- (C) A person applying to become a registered operator of a family childcare home under this section, a person eighteen years of age or older living in the family childcare home, and any person eighteen years of age or older who moves into the family childcare home after the initial application for registration is approved shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The fingerprint reviews required by this subsection are required to be repeated every five years.
- (D) A person applying to become the registered operator of a family childcare home under this section, a person fifteen through seventeen years of age living in a family childcare home, and any person fifteen through seventeen years of age who moves into a family childcare home after an initial application for registration is approved shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to

determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint reviews required by this subsection are required to be repeated every five years.

POLICY FCCH 2A:

SLED and FBI background checks are required for operator, household members at least 15 years of age, staff, and emergency person (s), including any person who moves into the family child care home and stays longer than 2 weeks consecutively. (revised 05/23/2022)

- (E) (1) No applicant may be registered as an operator if the person, an employee, a caregiver, or a person fifteen years of age or older living in the family childcare home has been convicted of an offense included in Section 63–13–40(A)(1).
- (2) This section does not operate to prohibit registration or renewal when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in this subsection has been pardoned. However, notwithstanding the entry of a pardon, the department may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited to be an operator, caregiver, employee, or to be living in the family daycare home.
- (F) Application forms for registration issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime included in Section 63–13–40(A)(1) who applies for registration as operator or a person who applies for registration as an operator who has a person fifteen years of age or older living in the family childcare home who has been convicted of a crime included in Section 63–13–40(A)(1) is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both .
- (G) Application forms for registration issued under this chapter by the department and application forms for employment at a family childcare home must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of one of the crimes listed in Section 63–13–40(A)(1) who applies for a license as operator, applies for employment with, is employed by, seeks to provide caregiver services with, or is a caregiver at a facility is guilty of a 26 misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

POLICY FCCH 1B:

An applicant will receive a denial letter if the applicant or any household member has an unfavorable criminal or Abuse and Neglect Background Check. (revised 05/23/2022)

POLICY FCCH 3B:

A person who is excluded from working in child care is prohibited from acting in the capacity of a volunteer even if supervised by qualified staff at all times. (effective 03/11/2019)

(H) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons, including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information. The prospective employee or childcare facility shall be responsible for any fees associated with any and all required background checks. Fees shall not exceed the actual cost of processing and administration.

DSS REGULATION NO. 114-528.B - PROCEDURES FOR PRE-APPLICATION CONSULTATION AND ORIGINAL REGISTRATION.

POLICY FCCH 14:

Reference § 63-13-840: An announced pre-registration (consultation) visit is required after the application is complete, including all required background checks and forms in the manner prescribed by the Department. This visit shall include information regarding, but not limited to, enrollment limits, health and safety, safe sleep, background checks, required paperwork, and training requirements. (revised 05/23/2022)

DSS REGULATION NOS. 114-528.B (1) – 114-528.B (2)

DSS REGULATION NO. 114-528.B (1) A potential operator of a family day care home may secure information about the registration or licensure process by contacting the State or local county Department of Social Services.

DSS REGULATION NO. 114-528.B (2) The family day care home applicant shall have a working, listed telephone in the facility and shall make the telephone number available to parent(s)/guardian(s) of children enrolled in the facility and to Department staff.

POLICY FCCH 15:

*A cell phone number may be used if it is a listed telephone number and is verified by the Department.
(revised 05/23/2022)*

DSS REGULATION NOS. 114-528.B (3) – 114-528.B (4) (b)

DSS Regulation No. 114-528.B (3) The Department representative shall provide the applicant with the required number of forms, a copy of the current Suggested Standards and Regulations for Family Day Care Homes, a copy of Section 20-7-2700 et seq., Code of Laws of South Carolina (Child Day Care Statute) and a copy of sections of the Children's Code which are related to child abuse and neglect, with an explanation of procedures and information required by the Department.

DSS Regulation No. 114-528.B (4) the applicant shall complete the following:

- (a) Complete and sign the required number of application forms;
- (b) Obtain and submit to Department staff current (less than one year old) South Carolina State Law Enforcement Division (SLED) criminal history background records checks for himself/herself, substitute caregiver(s), emergency person(s) and volunteer(s).

POLICY FCCH 2B:

SLED and FBI background checks are required for operator, household members at least 15 years of age, staff, and emergency person (s), including any person who moves into the family child care home and stays longer than 2 weeks consecutively. (revised 05/23/2022)

DSS REGULATION NOS. 114-528.B (4) (c) – 114-528.B (4) (g) and 114-528.B (5) – 14-528.B (8)

DSS Regulation No. 114-528.B (4) the applicant shall complete the following:

- (c) Provide written references with names, addresses and telephone numbers of at least three persons unrelated to the applicant who shall be contacted by the Department as references;
- (d) Read the Suggested Standards for Family Day Care Homes;
- (e) Furnish or review with parent(s)/guardian(s) of each child to be enrolled in the facility, a copy of the Suggested Standards;
- (f) Secure a signed statement from each parent/guardian verifying that they have reviewed the Suggested Standards;
- (g) Send required copies of completed and signed applications, required information regarding references and all signed statements from parent(s)/guardian(s) to Department staff;

POLICY FCCH 16:

Upon a child's enrollment, all Family Child Care Homes should obtain medical information on DSS Form 2909 about the risk of possible allergic reactions in children in their care. If a child has a known food or environmental allergy, a Health Action Plan should be provided to the Family Child Care Home from the child's parent/guardian that describes how to respond to the reaction in that child. (effective 05/23/2022)

DSS Regulation No. 114-528. B (5) Department staff shall review the registration materials and shall complete the following:

- (a) Contact by telephone within thirty days of receipt, the persons listed as references by the applicant and document their comments;
- (b) Issue regular registration if all regulatory requirements have been met;
- (c) Issue provisional registration when regulations can and will be met within a reasonable time and the deviations do not seriously threaten the health or safety of the children;
or

(d) Deny the application for registration.

DSS Regulation No. 114-528. B (6) if registration is issued, Department staff shall mail the registration directly to the potential operator.

DSS Regulation No. 114-528. B (7) If Department staff proposes to deny an application for registration, the applicant shall be given written notice by certified mail indicating the reason(s) for the proposed action and the right of the applicant to appeal the decision in accordance with Department fair hearing regulations.

DSS Regulation No. 114-528. B (8) if no written appeal is made, the application shall be denied as of the termination of the thirty-day period.

LEGAL AUTHORITY – TRAINING REQUIREMENTS

§ 63-13-825. FAMILY CHILDCARE HOME TRAINING LAW.

(A) An operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home to provide direct childcare, annually shall complete and provide documentation to the Department of Social Services of a minimum of ten hours of training approved by the department.

POLICY FCCH 12A:

For Providers NOT a part of ABC Quality:

10 hours of training must be completed annually. Up to 5 training hours in excess of the 10 hours, may be carried over to the following year. The 10 hours of training must be as shown below:

Disease Prevention and Medication Administration (1.5 hours):

- *Prevention and control of infectious diseases*
- *Blood-borne pathogens*
- *Administration of medication*

Infant Care Sleep Safety (1.25 hours):

- *Safe Sleep Practices and Prevention of SIDs/SUIDs*
- *Supervision*

Nutrition and Food Allergies (1.5 hours):

- *Nutrition*
- *Prevention of and response to food allergies*

Physical Environment Safety (1.5 hours):

- *Building and physical premises safety (bodies of water), storage of hazardous materials, and bio-contaminants*
- *Precaution in transporting children*
- *Environmental allergens*

Prevention of Child Abuse (1.5 hours):

- *Prevention of Shaken Baby Syndrome and Abusive Head Trauma*
- *Mandated Reporting*
 - *Reporting of child abuse and neglect*

Emergency Preparedness (1.5 hours):

- *Emergency preparedness and response planning*

Child Development (1.25 hour):

- *Child Development and/or early childhood*

For ABC Quality Providers:

I - South Carolina FCCH Health and Safety Pre-Service Certificate

Note: *ABC Quality Providers are required to have policies to make sure they are in compliance to each of the topics below. Compliance will be monitored annually.*

ABC Quality Providers receive CCDF funding and must complete the SC FCCH Health and Safety Pre-Service Certificate (15 hours) prior to serving children who are enrolled in the SC Voucher Program. The Pre-Service Certificate must be completed for any person responsible for the care or supervision of children to include an emergency person within 90 days of hire.

Completion of training will be monitored by ABC Quality.

The Pre-Service Certificate is provided at no cost and includes the 15 course hours on the following topics:

- *Prevention and control of infectious diseases*
- *SIDS and the use of safe sleep practices*
- *Administration of medication*

- *Prevention of and response to food allergies*
- *Building and physical premises safety*
- *Prevention of shaken baby syndrome & abusive head trauma*
- *Emergency preparedness & response planning*
- *Storage of hazardous materials & bio-contaminants*
- *Precautions in transporting children*
- *First-aid and CPR*
- *Nutrition*
- *Reporting of Child abuse and neglect*
- *Child Care Development Domains of Learning*

II - Ongoing Annual Required Training

Once a person has completed the 15 hours of the South Carolina FCCH Health and Safety Pre-Service Certificate, 10 hours of annual health and safety training is required.

(revised 05/23/2022)

[history: revised 11/24/2010]

POLICY FCCH 17:

The Operator must obtain medical information, either from the child's medical professional or the parent/guardian, if the child is at risk for allergic reactions. The Operator must have training on how to recognize and respond to mild, moderate, and severe allergic reactions. The facility's emergency plan must explain how the Operator will respond to these allergic reactions. (effective 05/23/2022)

POLICY FCCH 18:

The facility must train all staff (including volunteers) upon hire and yearly on the facility's written emergency preparedness plan. This emergency preparedness training must include the practicing of all drills to include:

- *Fire*
- *Earthquake*

- *Nuclear (if applicable)*
 - *Evacuation of children, including accommodating children with disabilities and/or chronic medical conditions and radiological evacuation*
 - *Relocation*
 - *Shelter in place*
 - *Lockdown*
 - *Communication and reunification with families*
 - *Continuity of operations*
 - *Accommodations for infants and toddlers*
 - *Accommodations for children with disabilities*
 - *Accommodations for children with chronic medical conditions*
- (effective 05/23/2022)*

POLICY FCCH 9A:

Spouses, household members, and emergency persons are required to complete 10 hours of annual training if they provide supervision for children, either alone or supervised, at any time. (revised 05/23/2022)

POLICY FCCH 13A:

Trainings must be registered or certified through SC Endeavors in order to meet training requirements. (revised 05/23/2022)

- (B) The department shall indicate on its website those family childcare homes that are, and those that are not, in compliance with this section and may include, but are not limited to, the amount of training the operator and other persons employed by or under contract with a family childcare home have reported to the department.

LEGAL AUTHORITY - STATEMENT OF REGISTRATION

§ 63-13-830. STATEMENT OF REGISTRATION.

- (A) A statement of registration must be issued when the family childcare operator satisfactorily completes the procedures prescribed by this chapter. The current statement must be displayed in a prominent place in the facility at all times and the

registration number must be stated in all advertisements of the family childcare home.

- (B) Registration expires at the end of one year from the date of issuance of the statement of registration. Registration may be renewed according to the procedures developed by the department.
- (C) (1) A person applying for renewal of registration as an operator of a family childcare home registered under this article and a person employed or providing caregiver services at a family childcare home registered under this article, who has not done so previously, on the first renewal after June 30, 1996, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23-3-430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.
- (2) Application forms for registration renewal issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in Section 63-13-820(D) who applies for registration as an operator or a person who applies for registration as an operator who has a person fifteen years of age or older living in the home who has been convicted of a crime enumerated in Section 63-13-820(D) is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.
- (D) Application forms for registration renewal issued under this chapter by the department for a family childcare home must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of one of the crimes listed in this section who applies for a license as operator, applies for employment with, is employed by, seeks to provide caregiver services with, or is a caregiver at a facility is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.
- (E) (1) The department may deny an application for a statement of registration, deny an application for a renewal of registration, work with a family childcare home operator to resolve a concern, or withdraw a statement of registration if one or more of the following apply:
 - (a) The health or safety of any child in the facility is at risk;

- (b) The family childcare home operator, in the operation of a family childcare home facility, previously enrolled or currently has enrolled children beyond the limits defined in this chapter;
- (c) The operator fails to comply with the registration procedures provided in this chapter; or
- (d) The operator fails to comply with the training requirements provided in Section 63-13-825(A).

POLICY FCCH 9B:

Spouses, household members, and emergency persons are required to complete 10 hours of annual training if they provide supervision for children, either alone or supervised, at any time. (revised 05/23/2022)

POLICY FCCH 12B:

For Providers NOT a part of ABC Quality:

10 hours of training must be completed annually. Up to 5 training hours in excess of the 10 hours, may be carried over to the following year. The 10 hours of training must be as shown below:

**Disease Prevention and Medication Administration
(1.5 hours):**

- *Prevention and control of infectious diseases*
 - *Blood-borne pathogens*
- *Administration of medication*

Infant Care Sleep Safety (1.25 hours):

- *Safe Sleep Practices and Prevention of SIDs/SUIDs*
- *Supervision*

Nutrition and Food Allergies (1.5 hours):

- *Nutrition*
- *Prevention of and response to food allergies*

Physical Environment Safety (1.5 hours):

- *Building and physical premises safety (bodies of water), storage of hazardous materials, and bio-contaminants*
- *Precaution in transporting children*
- *Environmental allergens*

Prevention of Child Abuse (1.5 hours):

- *Prevention of Shaken Baby Syndrome and Abusive Head Trauma*
- *Mandated Reporting*
 - *Reporting of child abuse and neglect*

Emergency Preparedness (1.5 hours):

- *Emergency preparedness and response planning*

Child Development (1.25 hour):

- *Child Development and/or early childhood*

For ABC Quality Providers:

I - South Carolina FCCH Health and Safety Pre-Service Certificate

Note: ABC Quality Providers are required to have policies to make sure they are in compliance to each of the topics below. Compliance will be monitored annually.

ABC Quality Providers receive CCDF funding and must complete the SC FCCH Health and Safety Pre-Service Certificate (15 hours) prior to serving children who are enrolled in the SC Voucher Program. The Pre-Service Certificate must be completed for any person responsible for the care or supervision of children to include an emergency person within 90 days of hire.

Completion of training will be monitored by ABC Quality.

The Pre-Service Certificate is provided at no cost and includes the 15 course hours on the following topics:

- *Prevention and control of infectious diseases*
- *SIDS and the use of safe sleep practices*
- *Administration of medication*
- *Prevention of and response to food allergies*

- *Building and physical premises safety*
- *Prevention of shaken baby syndrome & abusive head trauma*
- *Emergency preparedness & response planning*
- *Storage of hazardous materials & bio-contaminants*
- *Precautions in transporting children*
- *First-aid and CPR*
- *Nutrition*
- *Reporting of Child abuse and neglect*
- *Child Care Development Domains of Learning*

II - Ongoing Annual Required Training

Once a person has completed the 15 hours of the South Carolina FCCH Health and Safety Pre-Service Certificate, 10 hours of annual health and safety training is required.

(revised 05/23/2022)

[history: revised 11/24/2010]

- (2) If a family childcare home has had its application for a statement or renewal of registration denied by the department or its statement of registration withdrawn by the department pursuant to this subsection, the family childcare home may elect to meet the requirements for licensure by demonstrating compliance with Article 3 of this chapter and the suggested standards developed by the department pursuant to Section 63-13-180.
- (3) The department shall consider previous applications, the circumstances of prior inspections, or withdrawals of registration, by the department or the applicant, as factors to be considered in the application process; however, a prior concern does not prohibit the department from granting the family childcare home a statement or renewal of registration if the department is satisfied the concern has been resolved.
- (4) If the operator fails to comply with the training requirements provided in Section 63-13-825(A) prior to the expiration of the registration or fails to timely renew the registration, the department shall place the operator on a corrective action plan.

DSS REGULATION NOS. 114-528.C (PROCEDURES FOR REGISTRATION RENEWAL)

DSS Regulation No. 114-528.C (1) Department staff shall advise the family day care home operator in writing of the time and requirements for renewal one hundred and twenty days prior to the expiration date of the current registration.

DSS REGULATION NOS. 114-528.C (2) (a) (the operator shall complete the following:) – 114-528.C (2) (f)

DSS Regulation No. 114-528.C (2) (a) Complete and sign the required number of application forms;

DSS Regulation No. 114-528.C (2) (b) Provide the name(s) of additional person(s) to be contacted as references if original references are no longer active;

DSS Regulation No. 114-528. C (2) (c) Re-read the Suggested Standards for Family Day Care Homes;

DSS Regulation No. 114-528. C (2) (d) Furnish a copy of or review with parent(s)/guardian(s) of any new children enrolled in the facility the Suggested Standards;

DSS Regulation No. 114-528. C (2) (e) Secure a signed statement from each parent/guardian of new enrollees verifying he/she has reviewed a copy of the Suggested Standards;

DSS Regulation No. 114-528. C (2) (f) Send the required copies of the completed and signed application, the names of any person(s) to be contacted as new references, and signed statements from parent(s)/guardian(s) to the Department.

DSS REGULATION NOS. 114-528.C (3) (a)

DSS Regulation No. 114-528. C (3) Department staff shall review the registration renewal materials and shall complete the following:

(a) Contact by telephone within thirty days of receipt of references the person(s) listed as new references and document their comments;

POLICY FCCH 19:

An announced renewal visit is required in the manner prescribed by the Department. These visit reports will be posted on our website at www.scchildcare.org(revised 05/23/2022)

DSS REGULATION NOS. 114-528.C (3) (b) – 114-528.C (3) (c)

- (b) Issue provisional registration when regulations can and will be met within a reasonable time and the deviations do not seriously threaten the health and safety of the children; or
- (c) Deny the application for registration renewal.

POLICY FCCH 20:

If the required 10 hours of annual training is not completed, the operator may be placed on a Corrective Action Plan or renewal of the registration may be denied. (effective 05/23/2022)

DSS REGULATION NOS. 114-528.C (4) – 114-528.C (6)

DSS Regulation No. 114-528. C (4) if the registration is renewed, Department staff shall mail the registration directly to the operator.

DSS Regulation No. 114-528. C (5) If the application for registration renewal is denied, Department staff shall give the operator written notice by certified mail indicating the reason(s) for the proposed action and the right of the operator to appeal the decision in accordance with Department fair hearing regulations.

DSS Regulation No. 114-528. C (6) if no written appeal is made, the Department shall deny the application for registration renewal at the termination of the thirty-day period.

LEGAL AUTHORITY - INSPECTIONS OF FAMILY CHILDCARE HOMES

§ 63-13-840. INSPECTIONS OF FAMILY CHILDCARE HOMES.

- (A) When the department visits a family childcare home for purposes of an inspection or investigation pursuant to Section 63-13-80(A), it shall conduct the review to ensure the facility complies with the following:

POLICY FCCH 5A:

The Verification of Correction of Deficiency, DSS Form 2947, is required to be completed and returned for Licensing to conduct a follow up visit and mark any deficiencies as resolved. (effective 05/23/2022)

(1) Health and safety of the children;

POLICY FCCH 21:

FCCH providers must help to ensure that infectious diseases are prevented or minimized while children are in care. The establishment of a policy should address:

- (a) Requirements for child immunizations and/or exemption information for children receiving CCDF-funding (ABC Quality-enrolled) services*
 - (b) Health observation of children daily*
 - (c) Separation of children who show symptoms of a communicable disease or any diseases listed on the DHEC School and Childcare Exclusion List; include where child will be kept until parents arrive, how ratios are met, and how to contact parents*
 - (d) Exclusion or dismissal of children who show symptoms of a communicable disease or any diseases listed on the DHEC School and Childcare Exclusion List*
 - (e) Hand washing by children to prevent the spread of germs, e.g. after using the restroom and before eating meals/snacks; handling animals*
 - (f) Hand washing by provider and any emergency person: prior to preparing food; after contact with children while preparing food; after handling bodily fluids or after applying medication/ointments to where there is a break in the skin; handling animals; after cleaning or handling the garbage*
 - (g) A procedure to notify parents when children have been exposed to an infectious disease*
 - (h) Cleaning/Disinfecting Schedule of the home/areas where children are served*
 - (i) Staff health to include the health assessment*
- (effective 05/23/2022)*

POLICY FCCH 22:

The facility must have a written emergency preparedness plan. This plan must include procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodations of infants and toddlers, children with disabilities, and children with chronic

medical conditions. This plan must be communicated to the parents and to the Department. (revised 05/23/2022)

POLICY FCCH 17A:

The Operator must obtain medical information, either from the child's medical professional or the parent/guardian, if the child is at risk for allergic reactions. The Operator must have training on how to recognize and respond to mild, moderate, and severe allergic reactions. The facility's emergency plan must explain how the Operator will respond to these allergic reactions. (effective 05/23/2022)

POLICY FCCH 23:

Children shall be restricted from unsafe areas and conditions, such as hazardous materials, vehicular traffic, parking areas, ditches, and bodies of water. In addition, Toxic substances must be stored out of the reach of children in a locked cabinet. Toxic substances or hazardous materials and bio contaminants including but not limited to chemicals, cleaning products, insecticides, gasoline products, etc.

- (a) Toxic substances must not used while children are present.*
- (b) Flammable materials should be stored in a separate building or area away from high temperatures and ignition sources, inaccessible to children.*
- (c) Toxic substances/hazards must be stored away from food and medication.*
- (d) Poisonous plants must not be allowed in the home.*
- (e) Chemicals used to control odors must not be allowed, e.g. moth balls, air fresheners, essential oils, toilet/urinal deodorizer blocks.*
- (f) Procedures must be in place when the provider or an emergency person come in contact with bodily fluids resulting from a child injury or illness, or when changing diapers. Policy must include disposal of material that comes into contact with bodily fluids.*

(effective 05/23/2022)

POLICY FCCH 24:

If the Family Child Care Home provides or arranges for transportation through contract, the following transportation requirements apply:

- Each child shall be secured in an individual, age-appropriate safety restraint at all times when the vehicle is in motion.*
- Safety restraints shall be used in accordance with the manufacturer's instructions.*
- A child shall not be left unattended in a vehicle.*
- The driver shall have a valid regular or commercial driver's license and shall be in compliance with Section 63-13-40 of the South Carolina Code of Laws.*
- There shall be a first aid kit and emergency health and contact information for each child in the vehicle.*
- Use of tobacco products is prohibited in the vehicle.*
- Written consent from each child's parent/guardians are required prior to transporting any children.*
- When the Family Child Care Home provides transportation to and from a child's home, the staff shall be responsible for picking the child up and returning the child to a designated location.*
- The director and/or staff of the Family Child Care Home shall provide the driver of the vehicle with a record that lists the name, address, and telephone number of the Family Child Care Home and the names of each child being transported.*

The following requirements apply to ensure a safe pick-up and drop-off:

- Children shall be directly supervised during the boarding and exiting of vehicles.*
- The operator shall have on file, in the Family Child Care Home, written permission from the parent(s)/guardian(s) to transport children to and from the Family Child Care Home, school, or other designated places, including planned field trips and activities.*
- Written transportation plans for routine travel shall be on file. Plans shall include a checklist to account for the loading and unloading of children at every location.*

(effective 05/23/2022)

POLICY FCCH 25:

Family Child Care Home Providers must adhere to the following:

- (a) Poisons or harmful agents shall be stored in their original containers that are labeled and in a locked area that is inaccessible to children.*
- (b) Poisons or harmful agents shall be purchased in childproof containers, if available.*
- (c) Play materials, including arts and crafts, shall be non-poisonous.*
- (d) Poisonous plants are not permitted in a Family Child Care Home.*
- (e) Pesticides applied at a Family Child Care Home shall be of a type applied by a licensed exterminator in a manner approved by the United States Environmental Protection Agency.*
 - i) Pesticides shall be used in strict compliance with label instructions and should not be used while children are present.*
 - ii) Pesticide containers shall be prominently and distinctly marked or labeled for easy identification of contents and stored in a secure site inaccessible to children.*

(effective 05/23/2022)

POLICY FCCH 26:

All infants (12 months and younger) must be placed on their backs to sleep and only sleep in a Consumer Product Safety Commission-approved crib (compliant with rule 16 CFR 1219 or 1220). The crib's certificate of compliance must be kept.

(revised 05/23/2022)

POLICY FCCH 27:

Each infant, toddler, 2-year old, and preschool-aged child must be assigned a clean and developmentally-appropriate crib, cot, or mat. Children may not sleep in a playpen.

(effective 05/23/2022)

POLICY FCCH 11A:

Children shall not sleep in rooms with the door closed to allow for proper supervision during nap time, even if a monitoring device is used. (effective 04/04/2019)

(2) No evidence of child abuse; and

(3) Enrollment within the limits set forth in this chapter

POLICY FCCH 28:

The entire home including closets, upstairs, basements, outside houses, garages, sheds, etc., will be inspected to ensure provider is not over capacity. (effective 03/11/2019)

(B) If a complaint received by the department concerning a family childcare home pursuant to Section 63-13-80 indicates that the child has been abused, the department shall carry out its responsibility as authorized under Chapter 7. If the visits and inspections verify conditions detrimental to the health and safety of the children or over enrollment, the department shall carry out its responsibility as authorized pursuant to Section 63-13-160 and Section 63-13-830(C).

POLICY FCCH 5B:

The Verification of Correction of Deficiency, DSS Form 2947, is required to be completed and returned for Licensing to conduct a follow up visit and mark any deficiencies as resolved. (effective 05/23/2022)

POLICY FCCH 29:

The entire home including closets, upstairs, basements, outside houses, garages, sheds, etc., must be inspected to ensure provider is in compliance with all laws or regulations related to the complaint. (effective 05/23/2022)

LEGAL AUTHORITY – DEPARTMENT INVESTIGATION OF INSTITUTIONAL ABUSE

§ 63-7-1210. DEPARTMENT INVESTIGATION OF INSTITUTIONAL ABUSE.

- (A) The Department of Social Services is authorized to receive and investigate reports of abuse and neglect of children who reside in or receive care or supervision in residential institutions, foster homes, qualified residential treatment programs, and childcare facilities. Responsibility for investigating these entities must be assigned to a unit or units not responsible for selecting or licensing these entities. In no case does the Department of Social Services have responsibility for investigating allegations of abuse and neglect in institutions operated by the Department of Social Services.
- (E) The Department of Social Services has access to facilities for the purpose of conducting investigations and has authority to request and receive written statements, documents, exhibits, and other information pertinent to an investigation including, but not limited to, hospital records. The appropriate officials, agencies, departments, and political subdivisions of the State must assist and cooperate with the court and the Department of Social Services in furtherance of the purposes of this section.
- (F) The Department of Social Services may file with the family court an affidavit and a petition to support issuance of a warrant at any time during an investigation. The family court must issue the warrant if the affidavit and petition establish probable cause to believe the child is an abused or neglected child and that the investigation cannot be completed without issuance of the warrant. The warrant may authorize the department to interview the child, to inspect the premises of the child, to inspect the premise where the child may be located or may reside, and to obtain copies of medical, school, or other records necessary for investigation of the allegations of abuse or neglect.

POLICY FCCH 30 (applies to the entire section above):

To investigate allegations of abuse and neglect, the Out of Home Abuse and Neglect Office (OHAN) at the SC Department of Social Services shall visit to determine if the abuse or neglect complaint is true. The operator shall:

- *Cooperate with the Department staff during an investigation of child abuse or neglect. Cooperation shall include the following:*
 - a. *Participate in informal conferences with OHAN staff*

- b. Release records as appropriate, of children and staff upon request; and*
- c. Allow access to the FCCH or FFN premises for inspection and investigation of the child abuse allegation by OHAN and other officials as permitted by statute. (effective 06/30/2022)*

DSS REGULATION NOS. 114-528.D – 114-528.D (3)

- (1) Registration issued by the Department to a family day care home operator shall be valid for one year from date of issuance, unless withdrawn by the Department or voluntarily surrendered by the operator. If the facility ceases operation, the registration shall be returned to the Department within thirty days of facility closure.
- (2) the current registration shall be displayed in a prominent location in the home during the hours of operation.
- (3) the number of children present in the facility at any given time shall not exceed the number specified on the registration.

POLICY FCCH 28A:

The entire home including closets, upstairs, basements, outside houses, garages, sheds, etc., will be inspected to ensure provider is not over capacity. (effective 03/11/2019)

DSS REGULATION NO. 114-528.D (4)

A change in location shall automatically void the registration.

POLICY FCCH 31:

Before you move to another home/location you must receive approval from the Department. No registration/license can be transferred. (effective 05/23/2022)

DSS REGULATION NO. 114-528.D (5)

The Department shall withdraw registration if the health and safety of the children is determined to be at risk or in threat of harm; if the operator cares for more children than the number stated on the registration; or if the operator fails to comply with the registration procedures defined in statute and these regulations has been withdrawn by the Department shall be given written notice by certified mail. The notice shall contain the reason(s) for the proposed action and shall inform the operator of the right to appeal the decision to the Commissioner in writing within thirty calendar days after receipt of the notice.

POLICY FCCH 32:

The operator must be in compliance with §63-13-840 and the corresponding policies or the Department shall withdraw the registration. (effective 05/23/2022)

DSS REGULATION NO. 114-528.D (7) – 114-528.D (8)

DSS Regulation No. 114-528. D (7) If no written appeal is made, the Department shall withdraw the registration at the termination of the thirty-day period.

DSS Regulation No. 114-528. D (8) The application for original registration or registration renewal may be denied or the registration may be withdrawn by the Department, if the operator, any staff including substitute caregiver(s), volunteer(s) and emergency person(s) or household member(s), abuses or neglects any child as defined in Section 20-7-490, B, South Carolina Code of Laws, amended.

DSS REGULATION NOS. 114-528.E – 114-528.E (1)

DSS Regulation No. 114-528. E. Procedures for Securing an Original License/Approval.

- (1) For the purpose of applying for a license/approval, the family day care home applicant shall comply with the South Carolina Department of Social Services Suggested Standards for Family Day Care Homes.

POLICY FCCH 33:

Any new prospective child care provider will be offered a formal orientation session by child care licensing to include the application process. (revised 05/23/2022)

POLICY FCCH 34:

The orientation training must include education on building and physical premises safety, emergency preparedness and response planning, child abuse and neglect reporting, and the five major domains of child development. (effective 05/23/2022)

POLICY FCCH 36:

According to SC DHEC Regulation 61-8, medical and religious exemptions are the only available immunization exemptions in South Carolina. These two exemptions allow a child to attend child care in South Carolina without being vaccinated, however, if there is an outbreak of a vaccine preventable disease in your child's child care facility, and your child has not been vaccinated against that disease, your child may have to be excluded from child care for their protection. (effective 01/20/2020)

POLICY FCCH 37:

According to SC DHEC regulation, policies, and procedures allows for a child to attend the first 30 days without an immunization certificate and may attend for 30 days after the expiration date on an immunization certificate. (effective 01/20/2020)

POLICY FCCH 38:

Some enrolled children may meet the federal definition of homeless, if this has been determined, then the center may be given a grace period of 90 days for the parent to submit the child's SC Certificate of Immunization and other paperwork. The McKinney-Vento Act states that children and youth who lack "a fixed, regular, and adequate nighttime residence" will be considered children experiencing homelessness. The lack of a fixed nighttime residence includes loss of housing, economic hardship, living in motels, hotels, trailer parks, doubled-up, or

camping grounds due to the lack of alternative accommodations or are living in emergency or transitional shelters. Furthermore, living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings. (effective 01/20/2020)

DSS REGULATION NOS. 114-528.E (2) – 114-528.E (11)

DSS Regulation No. 114-528. E. (2) An application for a family day care home license/approval must be completed on appropriate Department forms and shall be signed by the applicant. Department staff shall provide the applicant with the required number of forms, a copy of the current Suggested Standards and Regulations for Family Day Care Homes, a copy of Section 20-7-2700 et seq., Code of Laws of South Carolina (Child Day Care Statute), and a copy of sections of the Children's Code related to child abuse and neglect, with an explanation of procedures and information required by the Department.

DSS Regulation No. 114-528. E (3) Department staff shall request in writing that health and fire officials make inspections of the facility.

DSS Regulation No. 114-528. E (4) After giving the applicant prior notice, Department staff shall make an on-site visit to the proposed family day care home to determine compliance with appropriate regulations by completing a licensing/approval study.

POLICY FCCH 14A:

Reference § 63-13-840: An announced pre-registration (consultation) visit is required after the application is complete, including all required background checks and forms in the manner prescribed by the Department. This visit shall include information regarding, but not limited to, enrollment limits, health and safety, safe sleep, background checks, required paperwork, and training requirements. (revised 05/23/2022)

DSS Regulation No. 114-528. E (5) Health and fire officials shall inspect the facility to determine compliance with appropriate regulations and shall put their results in writing on the appropriate forms.

DSS Regulation No. 114-528. E (6) Department staff shall review the findings of the complete application and shall take one of the following actions:

- (a) Issue a regular license/regular approval if all provisions of the regulations, suggested standards and statute for the operation of a licensed/approved family day care home have been met;
- (b) Issue a provisional license/provisional approval if deficiencies have been cited which would not place children at risk or in threat of harm; or
- (c) Deny the application for a license/approval if cited deficiencies would place children at risk or in threat of harm.

DSS Regulation No. 114-528. E (7) Failure of Department staff to approve or deny a complete application within ninety days shall result in the granting of a provisional license/provisional approval.

DSS Regulation No. 114-528. E (8) If a regular license/regular approval is issued, Department staff shall mail the license/approval directly to the operator.

DSS Regulation No. 114-528. E (9) The license/approval shall state the name of the operator, the address and type of child day care facility, the date on which the license/approval was issued and will expire, and the maximum number of children to be present in the facility at any one time.

DSS Regulation No. 114-528. E (10) Department staff shall notify the operator as follows if a provisional license/provisional approval is issued or an application for a license/approval is denied:

- (a) If a provisional license/provisional approval is issued, Department staff shall notify the operator in writing of deficiencies to be corrected. The deficiencies shall be cited on the back of the provisional license/approval and shall include the appropriate regulation number(s);

POLICY FCCH 5C:

The Verification of Correction of Deficiency, DSS Form 2947, is required to be completed and returned for Licensing to conduct a follow up visit and mark any deficiencies as resolved. (effective 05/23/2022)

- (b) If Department staff proposes to deny an application for a license/approval, the applicant shall be given written notice by certified mail indicating the reason(s) for the proposed action and the right of the applicant to request an appeal within thirty days after the receipt of the notice of denial.

DSS Regulation No. 114-528. E (11) If a facility is found to be in operation after the Department has denied the application for a license/approval and the administrative appeal/review procedure.

DSS REGULATION NOS. 114-528.F – 114-528.F (3)

DSS Regulation No. 114-528. F. Procedures for License/Approval Renewal.

DSS Regulation No. 114-528. F (1) For the purpose of applying for renewal of a license/approval, the family day care home operator shall comply with the South Carolina Department of Social Services Suggested Standards for Family Day Care Homes.

DSS Regulation No. 114-528. F (2) One hundred and twenty days prior to the expiration date of the current license/approval, Department staff shall notify the operator in writing of the time and requirements for renewal and request health and fire inspections.

DSS Regulation No. 114-528. F (3) The same Department actions cited above in E. (2) through (11), are applicable to the renewal process, except that Department staff shall initiate the license/approval renewal process one hundred and twenty days in advance.

DSS REGULATION NOS. 114-528.G – 114-528.G (5)

DSS Regulation No. 114-528. G. Provisions of the License/Approval.

- (1) A regular license/regular approval issued by the Department to the family day care home shall be valid for two years from date of issuance, unless revoked by the Department or voluntarily surrendered by the operator; provided, however, that a change in location, ownership or sponsorship of the facility shall automatically void the license/approval.
- (2) A provisional license/provisional approval shall be issued for a period within which the deficiencies must be corrected and within the conditions stated in statute.
- (3) A provisional license/provisional approval shall be amended to a regular license/regular approval when all deficiencies have been verified as corrected.
- (4) An application for a license/approval shall be denied or the license/approval revoked by the Department if the operator, any staff, including substitute caregiver(s) emergency person(s), volunteer(s) or household member(s), abuses or neglects any child as defined in Section 20-7-490, B, South Carolina Code of Laws, 1976, as amended.
- (5) No family day care home shall have present at any time children in excess of the number for which it is licensed/approved.

POLICY FCCH 28B:

The entire home including closets, upstairs, basements, outside houses, garages, sheds, etc., will be inspected to ensure provider is not over capacity. (effective 03/11/2019)

DSS REGULATION NOS. 114-528.H – 114-528.H (6) (d)

DSS Regulation No. 114-528. H. Inspections, Consultation and Reporting for Registered and Licensed/Approved Family Day Care Homes.

- (1) Upon receipt of a regulatory complaint, Department staff shall conduct an unannounced visit to the family day care home to investigate the complaint. If the complaint is written, Department staff shall provide a copy to the operator upon request.
- (2) The operator may request consultative visits of Department staff or other qualified persons regarding suggested standards, regulations or other related matters. Department staff shall provide technical assistance to an operator as requested.
- (3) The family day care home operator shall display the current registration or license/approval in a prominent location in the family day care home.
- (4) The operator shall report to the Department when an occurrence takes place which may affect the status of the registration or license/approval.
- (5) The operator shall notify Department staff of a change in location and/or major alternations to the building prior to the occurrence.
- (6) The operator shall report the following information to Department staff:
 - (a) Accidents or injuries requiring professional medical treatment of any child or staff person while at the family day care home, or any death;
 - (b) Major damage to the facility;
 - (c) Charges or convictions of crimes against the operator, household member(s), substitute caregiver(s), emergency person(s) or volunteer(s);
 - (d) Any child protective services reports involving the operator, household member(s), substitute caregiver(s), emergency person(s) or volunteer(s).

POLICY FCCH 39:

The FCCH provider is required to have an unannounced Health & Safety Inspection annually. These reports will be posted on our website at www.scchildcare.org. (effective 03/11/2019)

POLICY FCCH 35:

The operator shall report death of a child or staff member, injuries of a child, medical treatments, facility damage(s), criminal charges/convictions, and incidents of child abuse or neglect to the Department within 24 hours of occurrence. (revised 05/23/2022)

POLICY FCCH 30A:

To investigate allegations of abuse and neglect, the Out of Home Abuse and Neglect Office (OHAN) at the SC Department of Social Services shall visit to determine if the abuse or neglect complaint is true. The operator shall:

- *Cooperate with the Department staff during an investigation of child abuse or neglect. Cooperation shall include the following:
 - d. *Participate in informal conferences with OHAN staff*
 - e. *Release records as appropriate, of children and staff upon request; and*
 - f. *Allow access to the FCCH or FFN premises for inspection and investigation of the child abuse allegation by OHAN and other officials as permitted by statute.**
- (effective 06/30/2022)*

DSS REGULATION NOS. 114-528.H (7) – 114-528.H (7) (c)

DSS Regulation No. 114-528. H. (7) The operator shall cooperate with Department staff, law enforcement and other involved agencies during an investigation of child abuse or neglect.

Cooperation shall include but not be limited to the following:

- (a) Participate in an informational conference(s) with Child Protective and Preventive Services staff;

- (b) Release records of children and staff as requested;
- (c) Allow access to facility premises for inspection upon request.

POLICY FCCH 28C:

The entire home including closets, upstairs, basements, outside houses, garages, sheds, etc., will be inspected to ensure provider is not over capacity. (effective 03/11/2019)

LEGAL AUTHORITY - APPEALS

§ 63-13-850. APPEALS.

- (A) A registrant whose statement of registration has been withdrawn by the department or whose application for a statement or renewal of registration has been denied by the department must be given written notice of the withdrawal or denial by certified or registered mail. The notice must contain the reasons for the proposed action and must inform the registrant of the right to appeal the decision to the director or his designee in writing within thirty calendar days after the receipt of the notice. Upon receiving a written appeal, the director or his designee shall give the registrant reasonable notice and an opportunity for a prompt hearing before the director or his designee. On the basis of the evidence adduced at the hearing, the director or his designee shall make the final decision of the department as to whether the department shall withdraw the statement of registration or deny the application for a statement or renewal of registration, as applicable. If no written appeal is made, the department shall withdraw a statement of registration or deny the application for a statement or renewal of registration as of the termination of the thirty-day period.
- (B) At the hearing provided for in this section, the registrant may be represented by counsel, and has the right to call, examine, and cross-examine witnesses, and to otherwise introduce evidence. Parents appearing at the hearing may also be represented by counsel. The director is empowered to require the presence of witnesses and evidence by subpoena on behalf of the appellant or department. The final decision of the department must be in writing, must contain the department's findings of fact and rulings of law and must be mailed to the parties to the proceedings by certified or registered mail. A full and complete record must be kept of all proceedings, and all testimony must be reported and need not be transcribed unless the decision is appealed, or a transcript is requested by an interested party. Upon an appeal, the department shall furnish to any appellate, free of charge, a certified copy

of the transcript of all evidentiary proceedings before it. Other parties shall pay the cost of transcripts.

- (C) The decision of the department is final unless appealed by a party pursuant to the Administrative Procedures Act.

LEGAL AUTHORITY - CONSULTATION

§ 63-13-860. CONSULTATION.

The department shall offer consultation through employed staff or other qualified persons to assist a potential applicant, an applicant or registered operator in meeting and maintaining the suggested standards for family childcare homes.

POLICY FCCH 14B:

Reference § 63-13-840: An announced pre-registration (consultation) visit is required after the application is complete, including all required background checks and forms in the manner prescribed by the Department. This visit shall include information regarding, but not limited to, enrollment limits, health and safety, safe sleep, background checks, required paperwork, and training requirements. (revised 05/23/2022)

POLICY FCCH 33A:

Any new prospective child care provider will be offered a formal orientation session by child care licensing to include the application process. (revised 05/23/2022)

APPENDIX

FAMILY CHILD CARE HOMES' POLICIES

FCCH POLICY #	POLICY
1 / 1A / 1B	<i>An applicant will receive a denial letter if the applicant or any household member has an unfavorable criminal or Abuse and Neglect Background Check. (revised 05/23/2022)</i> [history: revised 08/01/2006; 03/11/2019]
2 / 2A / 2B	<i>SLED and FBI background checks are required for operator, household members at least 15 years of age, staff, and emergency person (s), including any person who moves into the family child care home and stays longer than 2 weeks consecutively. (revised 05/23/2022)</i> [history: effective 03/11/2019]
3 / 3A / 3B	<i>A person who is excluded from working in child care is prohibited from acting in the capacity of a volunteer even if supervised by qualified staff at all times. (revised 03/11/2019)</i> [history: revised 01/29/2009; reviewed 12/10/2021 – stayed the same]
4 / 4A	<i>Pediatric First Aid and pediatric cardiopulmonary resuscitation (CPR) classes can be used toward the training requirements for registered Family Child Care Homes. Training must be conducted by a recognized health care organization. CPR must include a hands-on skills component. A copy of the certification(s) must be provided to licensing as proof of completion. (revised 05/23/2022)</i> [history: effective 03/11/2019]
5 / 5A / 5B / 5C	<i>The Verification of Correction of Deficiency, DSS Form 2947, is required to be completed and returned for Licensing to conduct a follow up visit and mark any deficiencies as resolved. Form 2947 will be posted on the consumer education site. (effective 05/23/2022)</i>

6	<p><i>All child care facilities must provide proof of liability insurance or signed parent notifications. Proof of current insurance must state Liability Insurance which may be in addition to homeowner's insurance. The signed parent notifications must be kept on file as long as child is enrolled. (revised 05/23/2022)</i></p> <p>[history: effective 01/29/2009; revised 02/27/2012 and 03/11/2019]</p>
7	<p><i>The minimum age of an operator of a family child care home is 18 years of age. (revised 05/23/2022)</i></p> <p>[history: effective 05/01/2006]</p>
8	<p><i>Per IBC code 305.2 Group E, Day Care Facilities, 24-hour child care in a licensed family child care home is not permitted. (created 05/23/2022)</i></p>
9 / 9A / 9B	<p><i>Spouses, household members, and emergency persons are required to complete 10 hours of annual training if they provide supervision for children, either alone or supervised, at any time. (revised 05/23/2022)</i></p> <p>[history: revised 11/24/2010; 03/11/2019]</p>
10	<p><i>The operator and/or staff must be on the same floor level as the children during inside play time and nap time. If children nap on a separate floor, the operator must utilize a monitor (with sight and sound) for supervision purposes. Also, the operator and/or staff must be present with the children when they are outside and while children are being transported. Children must be constantly supervised and never left alone during all water activities. (revised 05/23/2022)</i></p> <p>[history: effective 04/04/2019]</p>
11 / 11A	<p><i>Children shall not sleep in rooms with the door closed to allow for proper supervision during nap time, even if a monitoring device is used. (effective 04/04/2019)</i></p> <p>[history: reviewed 12/10/2021 – stayed the same]</p>
12 / 12A / 12B	<p>For Providers NOT a part of ABC Quality:</p> <p><i>10 hours of training must be completed annually. Up to 5 training hours in excess of the 10 hours, may be carried over to the following year. The 10 hours of training must be as shown below:</i></p> <p>Disease Prevention and Medication Administration (1.5 hours):</p>

<p>12 / 12A / 12B</p>	<ul style="list-style-type: none"> • <i>Prevention and control of infectious diseases</i> <ul style="list-style-type: none"> • <i>Blood-borne pathogens</i> • <i>Administration of medication</i> <p>Infant Care Sleep Safety (1.25 hours):</p> <ul style="list-style-type: none"> • <i>Safe Sleep Practices and Prevention of SIDs/SUIDs</i> • <i>Supervision</i> <p>Nutrition and Food Allergies (1.5 hours):</p> <ul style="list-style-type: none"> • <i>Nutrition</i> • <i>Prevention of and response to food allergies</i> <p>Physical Environment Safety (1.5 hours):</p> <ul style="list-style-type: none"> • <i>Building and physical premises safety (bodies of water), storage of hazardous materials, and bio-contaminants</i> • <i>Precaution in transporting children</i> • <i>Environmental allergens</i> <p>Prevention of Child Abuse (1.5 hours):</p> <ul style="list-style-type: none"> • <i>Prevention of Shaken Baby Syndrome and Abusive Head Trauma</i> • <i>Mandated Reporting</i> <ul style="list-style-type: none"> • <i>Reporting of child abuse and neglect</i> <p>Emergency Preparedness (1.5 hours):</p> <ul style="list-style-type: none"> • <i>Emergency preparedness and response planning</i> <p>Child Development (1.25 hour):</p> <ul style="list-style-type: none"> • <i>Child Development and/or early childhood</i> <p>For ABC Quality Providers:</p> <p><i>I - South Carolina FCCH Health and Safety Pre-Service Certificate</i></p> <p><i>Note:</i> <i>ABC Quality Providers are required to have policies to make sure they are in compliance to each of the topics below. Compliance will be monitored annually.</i></p> <p><i>ABC Quality Providers receive CCDF funding and must complete the <u>SC FCCH Health and Safety Pre-Service Certificate (15 hours)</u> prior to serving children who are enrolled in the SC Voucher Program. The Pre-Service Certificate must be completed for any person responsible for the care or supervision of children to include an emergency person within 90 days of hire.</i></p> <p><i>Completion of training will be monitored by ABC Quality.</i></p>
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<p>12 / 12A / 12B</p>	<p><i>The Pre-Service Certificate is provided at no cost and includes the 15 course hours on the following topics:</i></p> <ul style="list-style-type: none"> • <i>Prevention and control of infectious diseases</i> • <i>SIDS and the use of safe sleep practices</i> • <i>Administration of medication</i> • <i>Prevention of and response to food allergies</i> • <i>Building and physical premises safety</i> • <i>Prevention of shaken baby syndrome & abusive head trauma</i> • <i>Emergency preparedness & response planning</i> • <i>Storage of hazardous materials & bio-contaminants</i> • <i>Precautions in transporting children</i> • <i>First-aid and CPR</i> • <i>Nutrition</i> • <i>Reporting of Child abuse and neglect</i> • <i>Child Care Development Domains of Learning</i> <p><i>II - Ongoing Annual Required Training</i></p> <p><i>Once a person has completed the 15 hours of the South Carolina FCCH Health and Safety Pre-Service Certificate, 10 hours of annual health and safety training is required.</i></p> <p><i>(revised 05/23/2022)</i></p> <p>[history: revised 11/24/2010]</p>
<p>13 / 13A</p>	<p><i>Trainings must be registered or certified through the SC Endeavors in order to meet training requirements. (revised 05/23/2022)</i></p> <p>[history: effective 11/24/2010; revised 03/11/2019]</p>
<p>14 / 14A / 14B</p>	<p><u><i>Reference § 63-13-840: An announced pre-registration (consultation) visit is required after the application is complete, including all required background checks and forms in the manner prescribed by the Department. This visit shall include information regarding, but not limited to, enrollment limits, health and safety, safe sleep, background checks, required paperwork, and training requirements. (revised 05/23/2022)</i></u></p> <p>[history: effective 03/11/2019]</p>
<p>15</p>	<p><i>A cell phone number may be used if it is a listed telephone number and is verified by the Department. (revised 05/23/2022)</i></p> <p>[history: effective 04/04/2019]</p>

16	<i>Upon a child's enrollment, all Family Child Care Homes should obtain medical information on DSS Form 2909 about the risk of possible allergic reactions in children in their care. If a child has a known food or environmental allergy, a Health Action Plan should be provided to the Family Child Care Home from the child's parent/guardian that describes how to respond to the reaction in that child. (effective 05/23/2022)</i>
17 / 17A	<i>The Operator must obtain medical information, either from the child's medical professional or the parent/guardian, if the child is at risk for allergic reactions. The Operator must have training on how to recognize and respond to mild, moderate, and severe allergic reactions. The facility's emergency plan must explain how the Operator will respond to these allergic reactions. (effective 05/23/2022)</i>
18	<p><i>The facility must train all staff (including volunteers) upon hire and yearly on the facility's written emergency preparedness plan. This emergency preparedness training must include the practicing of all drills to include:</i></p> <ul style="list-style-type: none"> <i>• Fire</i> <i>• Earthquake</i> <i>• Nuclear (if applicable)</i> <i>• Evacuation of children, including accommodating children with disabilities and/or chronic medical conditions and radiological evacuation</i> <i>• Relocation</i> <i>• Shelter in place</i> <i>• Lockdown</i> <i>• Communication and reunification with families</i> <i>• Continuity of operations</i> <i>• Accommodations for infants and toddlers</i> <i>• Accommodations for children with disabilities</i> <i>• Accommodations for children with chronic medical conditions</i> <p><i>(effective 05/23/2022)</i></p>
19	<p><i>An announced renewal visit is required in the manner prescribed by the Department. These report visits will be posted on our website at www.scchildcare.org. (revised 05/23/2022)</i></p> <p><i>[history: effective 09/09/2021]</i></p>
20	<i>If the required 10 hours of annual training is not completed, the operator may be placed on a Corrective Action Plan or renewal of the registration may be denied. (effective 05/23/2022)</i>

21	<p><i>FCCH providers must help to ensure that infectious diseases are prevented or minimized while children are in care. The establishment of a policy should address:</i></p> <ul style="list-style-type: none"> <i>(a) Requirements for child immunizations and/or exemption information for children receiving CCDF-funding (ABC Quality-enrolled) services</i> <i>(b) Health observation of children daily</i> <i>(c) Separation of children who show symptoms of a communicable disease or any diseases listed on the DHEC School and Childcare Exclusion List; include where child will be kept until parents arrive, how ratios are met, and how to contact parents</i> <i>(d) Exclusion or dismissal of children who show symptoms of a communicable disease or any diseases listed on the DHEC School and Childcare Exclusion List</i> <i>(e) Hand washing by children to prevent the spread of germs, e.g. after using the restroom and before eating meals/snacks; handling animals</i> <i>(f) Hand washing by provider and any emergency person: prior to preparing food; after contact with children while preparing food; after handling bodily fluids or after applying medication/ointments to where there is a break in the skin; handling animals; after cleaning or handling the garbage</i> <i>(g) A procedure to notify parents when children have been exposed to an infectious disease</i> <i>(h) Cleaning/Disinfecting Schedule of the home/areas where children are served</i> <i>(i) Staff health to include the health assessment</i> <p><i>(effective 05/23/2022)</i></p>
22	<p><i>The facility must have a written emergency preparedness plan. This plan must include procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodations of infants and toddlers, children with disabilities, and children with chronic medical conditions. This plan must be communicated to the parents and to the Department.</i></p> <p><i>(revised 05/23/2022)</i></p> <p><i>[history: effective 03/11/2019]</i></p>

23	<p><i>Children shall be restricted from unsafe areas and conditions, such as hazardous materials, vehicular traffic, parking areas, ditches, and bodies of water. In addition, Toxic substances must be stored out of the reach of children in a locked cabinet. Toxic substances or hazardous materials and bio contaminants including but not limited to chemicals, cleaning products, insecticides, gasoline products, etc.</i></p> <p><i>(a) Toxic substances must not used while children are present.</i></p> <p><i>(b) Flammable materials should be stored in a separate building or area away from high temperatures and ignition sources, inaccessible to children.</i></p> <p><i>(c) Toxic substances/hazards must be stored away from food and medication.</i></p> <p><i>(d) Poisonous plants must not be allowed in the home.</i></p> <p><i>(e) Chemicals used to control odors must not be allowed, e.g. moth balls, air fresheners, essential oils, toilet/urinal deodorizer blocks.</i></p> <p><i>(f) Procedures must be in place when the provider or an emergency person come in contact with bodily fluids resulting from a child injury or illness, or when changing diapers. Policy must include disposal of material that comes into contact with bodily fluids.</i></p> <p><i>(effective 05/23/2022)</i></p>
24	<p><i>If the Family Child Care Home provides or arranges for transportation through contract, the following transportation requirements apply:</i></p> <ul style="list-style-type: none"> <i>• Each child shall be secured in an individual, age-appropriate safety restraint at all times when the vehicle is in motion.</i> <i>• Safety restraints shall be used in accordance with the manufacturer's instructions.</i> <i>• A child shall not be left unattended in a vehicle.</i> <i>• The driver shall have a valid regular or commercial driver's license and shall be in compliance with <u>Section 63-13-40</u> of the South Carolina Code of Laws.</i> <i>• There shall be a first aid kit and emergency health and contact information for each child in the vehicle.</i> <i>• Use of tobacco products is prohibited in the vehicle.</i> <i>• Written consent from each child's parent/guardians are required prior to transporting any children.</i> <i>• When the Family Child Care Home provides transportation to and from a child's home, the staff shall be responsible for picking the child up and returning the child to a designated location.</i> <i>• The director and/or staff of the Family Child Care Home shall provide the driver of the vehicle with a record that lists the name, address, and telephone number of the Family Child Care Home and the names of each child being transported.</i> <p><i>The following requirements apply to ensure a safe pick-up and drop-off:</i></p>

	<ul style="list-style-type: none"> • Children shall be directly supervised during the boarding and exiting of vehicles. • The operator shall have on file, in the Family Child Care Home, written permission from the parent(s)/guardian(s) to transport children to and from the Family Child Care Home, school, or other designated places, including planned field trips and activities. <ul style="list-style-type: none"> • Written transportation plans for routine travel shall be on file. Plans shall include a checklist to account for the loading and unloading of children at every location. (effective 05/23/2022)
25	<p>Family Child Care Home Providers must adhere to the following:</p> <p>(a) Poisons or harmful agents shall be stored in their original containers that are labeled and in a locked area that is inaccessible to children.</p> <p>(b) Poisons or harmful agents shall be purchased in childproof containers, if available.</p> <p>(c) Play materials, including arts and crafts, shall be non-poisonous.</p> <p>(d) Poisonous plants are not permitted in a Family Child Care Home.</p> <p>(e) Pesticides applied at a Family Child Care Home shall be of a type applied by a licensed exterminator in a manner approved by the United States Environmental Protection Agency.</p> <p>i) Pesticides shall be used in strict compliance with label instructions and should not be used while children are present.</p> <p>ii) Pesticide containers shall be prominently and distinctly marked or labeled for easy identification of contents and stored in a secure site inaccessible to children. (effective 05/23/2022)</p>
26	<p>All infants (12 months and younger) must be placed on their backs to sleep and only sleep in a Consumer Product Safety Commission-approved crib (compliant with rule 16 CFR 1219 or 1220). The crib's certificate of compliance must be kept. (revised 05/23/2022)</p> <p>[history: effective 04/04/2019]</p>
27	<p>Each infant, toddler, 2-year old, and preschool-aged child must be assigned a clean and developmentally-appropriate crib, cot, or mat. Children may not sleep in a playpen. (effective 05/23/2022)</p>
28 / 28A / 28B / 28C	<p>The entire home including closets, upstairs, basements, outside houses, garages, sheds, etc., will be inspected at all visits to ensure provider is not over capacity. (effective 03/11/2019)</p> <p>[history: reviewed 12/10/2021 – stayed the same]</p>
29	<p>The entire home including closets, upstairs, basements, outside houses, garages, sheds, etc., must be inspected at all visits to ensure provider is in compliance with all laws or regulations related to the complaint. (effective 05/23/2022)</p>

30 / 30A	<p><i>To investigate allegations of abuse and neglect, the Out of Home Abuse and Neglect Office (OHAN) at the SC Department of Social Services shall visit to determine if the abuse or neglect complaint is true. The operator shall:</i></p> <ul style="list-style-type: none"> • <i>Cooperate with the Department staff during an investigation of child abuse or neglect. Cooperation shall include the following:</i> <ol style="list-style-type: none"> <i>a. Participate in informal conferences with OHAN staff</i> <i>b. Release records as appropriate, of children and staff upon request; and</i> <i>c. Allow access to the FCCH or FFN premises for inspection and investigation of the child abuse allegation by OHAN and other officials as permitted by statute. (effective 06/30/2022)</i>
31	<p><i>Before you move to another home/location you must receive approval from the Department. No registration/license can be transferred. (effective 05/23/2022)</i></p>
32	<p><i>The operator must be in compliance with §63-13-840 and the corresponding policies or the Department shall withdraw the registration. (effective 05/23/2022)</i></p>
33 / 33A	<p><i>Any new prospective child care provider will be offered a formal orientation session by child care licensing to include the application process. (revised 05/23/2022)</i></p> <p>[history: effective 01/31/2006; revised 03/11/2019]</p>
34	<p><i>The orientation training must include education on building and physical premises safety, emergency preparedness and response planning, child abuse and neglect reporting, and the five major domains of child development. (effective 05/23/2022)</i></p>
35	<p><i>The operator shall report death of a child or staff member, injuries of a child, medical treatments for a child, facility damage(s), criminal charges/convictions, and incidents of child abuse or neglect to the Department within 24 hours of occurrence. (revised 05/23/2022)</i></p> <p>[history: effective 01/31/2006; revised 03/11/2019]</p>
36	<p><i>According to SC DHEC Regulation 61-8, medical and religious exemptions are the only available immunization exemptions in South Carolina. These two exemptions allow a child to attend child care in South Carolina without being vaccinated, however, if there is an outbreak of a vaccine preventable disease in your child's child care facility, and your child has not been</i></p>

	<i>vaccinated against that disease, your child may have to be excluded from child care for their protection. (effective 01/20/2020)</i>
37	<i>According to SC DHEC regulation, policies, and procedures allows for a child to attend the first 30 days without an immunization certificate and may attend for 30 days after the expiration date on an immunization certificate. (effective 01/20/2020)</i>
38	<i>Some enrolled children may meet the federal definition of homeless, if this has been determined, then the center may be given a grace period of 90 days for the parent to submit the child's SC Certificate of Immunization and other paperwork. The McKinney-Vento Act states that children and youth who lack "a fixed, regular, and adequate nighttime residence" will be considered children experiencing homelessness. The lack of a fixed nighttime residence includes loss of housing, economic hardship, living in motels, hotels, trailer parks, doubled-up, or camping grounds due to the lack of alternative accommodations or are living in emergency or transitional shelters. Furthermore, living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings. (effective 01/20/2020)</i>
39	<i>The FCCH provider is required to have an unannounced Health & Safety Inspection annually. These reports will be posted on our website at www.scchildcare.org. (effective 03/11/2019)</i>

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