FAQ'S

What types of child care providers are licensed/certified?

Child Care Licensing issues three types of certificates/licenses:

- Family Child Care Programs are issued a certificate to provide care for three to twelve children. Family Child Care Programs are located at a person's residence.

- Child Care Facilities are licensed. Child care facilities include small child care facilities and child care centers and are operated at a location other than a residence. Small Facilities provide child care for 3-12 children. Child care centers provide care and protection for thirteen (13) or more children under thirteen (13) years of age.

- A Nursery School is also licensed. These providers offer care for three or more children between the ages of 33 months and 8 years of age, and provide no more than two sessions per day. Each session cannot exceed three and one half (3 ½) hours in length.

What is the term of each type of license/certificate?

- All new programs are initially issued a one year Provisional License/Certificate.
- A Family Child Care Certificate is issued for a two year period.
- A Child Care Facility license is issued for a two year period.
- A Nursery School License is issued for a one year period.

What is "legal unlicensed child care" or "license-exempt child care"?

Kith and Kin (family and friend) caregivers are considered to be "legal" but are not required to be licensed or certified. These providers are in-home license-exempt caregivers who care for two or fewer children who are not related to them, and have passed background checks. Caregivers that are part of this program have undergone a background check that includes driving record, allegations of child abuse or neglect, and criminal history. These providers are eligible to receive Child Care Subsidy Program (CCSP) and Child and Adult Care Food Program funds.

What does the capacity of a license/certificate indicate?

The capacity listed on the license/certificate is the number of children that can be cared for at one time. The State Fire Marshal's Office (SFMO) determines what the capacity is at the time of inspection. Child Care Licensing also determines capacity by ensuring that each child has a minimum of 35 square feet of usable indoor space per child.

What are the penalties for operating without a license or certificate?

The penalty for operating an unlicensed program is not less than $500 nor more than $10, 000 per day. Each day constitutes a separate offense.

What types of background checks are completed before a license/certificate may be issued?

Background checks are completed before a certificate/license may be issued by the Department. When an initial application or renewal is submitted to the Department, the applicant/provider signs a release authorizing the Department to complete these background checks. Background checks consist of the following:

- State Bureau of Investigation (SBI). This check is completed to determine if the applicant/provider has criminal convictions.
- Child Protective Services (CPS) maintains records for individuals involved in a child protective investigation.
- Department of Motor Vehicle (DMV) maintains records of driving histories. If the Department determines that an individual cannot safely transport children, the Department can prohibit that person from transporting children.

If an applicant applies for a Family Child Care Program, the Department completes the background checks listed above. These checks are completed for all adult household members, helpers and anyone frequenting the home. Failure to disclose information regarding any past criminal convictions, child protective history or motor vehicle history may be cause for denial of an application.

Is checking the Sex Offender Registry part of the background checks that are completed for applicants/providers?

This is not currently required in child care licensing and certification rules, but is completed for family child care providers by licensing staff. This information may be obtained at the following link: http://sor.informe.org/cgi-bin/sor/index.pl

Who is responsible for completing background checks?

In Child Care Facilities, the Department completes background checks for the owner/director. The director is responsible for completing background checks for all staff working with children. The director is responsible for ensuring that all staff hired to care for children have the ability to provide safe and compassionate services.

What role does the State Fire Marshal's Office play in licensing child care programs?

Once an application for child care is submitted, a request for a fire inspection is made to the State Fire Marshal's Office (SFMO). An approval is required from the SFMO before a certificate/license can be issued.

How often is a location inspected by the State Fire Marshal?

The State Fire Marshal (SFMO) must inspect and approve Family Child Care Programs/Child Care Facilities every two years. The SFMO sends a written statement that the Family Child Care

Program/Child Care Facility complies with the applicable fire safety rules. A fire safety inspection must occur when a heating system is changed or when major structural changes are made in the facility. The provider is responsible for notifying the department of any changes. In addition, the Licensing Specialist may request that the SFMO visit the facility if there are concerns regarding fire safety.

When does a provider need a water test?

If the home or facility has a private water source, a satisfactory water test is required before a certificate/license can be issued. If the facility does not receive a satisfactory water test, bottled water may be used.

How often is well water tested?

If the water at the home or facility does not come from an approved public water supply, the provider must have the water tested each year. These tests can be completed by DHHS, Division of Environmental Health or another approved laboratory. In situations where the water test is unsatisfactory, the provider can sign a bottled water agreement.

Child Care Facilities that have a private water source and serve water to more than 25 people per day, meet the definition of a public water system under the Safe Drinking Water Act. Follow link for additional information: http://www.maine.gov/dhhs/mecdc/environmental-health/el/business/business-answers-drinking-water.htm#03

Does the local township determine if a provider may operate?

Town approval to operate a child care facility is required from the town in which the applicant resides.

How frequently are licensing visits held?

An initial inspection occurs in order to determine that the applicant meets the requirements of the rules. After a license/certificate is issued, an inspection occurs every two years at the time of renewal. A mid-cycle visit occurs twelve to eighteen months after the renewal visit. This mid-cycle visit may be an abbreviated visit. The Licensing Specialist will focus on specifically health/safety issues. The Licensing Specialist has the option of completing a full inspection during this visit.

What are “interim inspections”?

State law requires that the assigned licensor inspect providers “at least once” between renewal inspections. Child care licensors inspect programs at a frequency and/or depth of monitoring based on an assessment of a facility’s past level of compliance with regulations. This process (sometimes called “differential monitoring”) may also be called “risk assessment monitoring” or “risk-based monitoring” and can be used to determine the number and the content of inspections needed to help a particular provider to come into compliance with the rules.

What are courtesy visits?

These visits may occur at the request of the provider. Examples of the purpose of these visits may be to provide technical assistance or determine if additional space at the child care program is appropriate for child care.

What type of CPR/First aid training is required for staff?

Before a certificate/license can be issued, the applicant must complete and receive certification in adult child and infant cardiopulmonary resuscitation (CPR) and First Aid. On-line training is not sufficient to meet the CPR requirement. One person certified in CPR and First Aid must be present at all times.

What are staff/child ratios?

Staff/child ratios are the minimum number of staff people required to care for the number of children present in the child care. Staff/Child ratios must be maintained at all times, including when children are napping. A Family Child Care Provider must be at least eighteen (18) years old. Staff people in Family Child Care programs that are at between 16 years and 18 years of age must be under the direct supervision of a staff member who is 18 or older. Child care center employees must be at least 18 years old.

What does "licensing action" mean?

A licensing action refers to the Department's ability to initiate an enforcement action in situations where the provider is unwilling or unable to comply with the rules.

The following types of actions/enforcement procedures may be initiated by the Department:

- Issue a conditional certificate
- Amend or modify a certificate
- Void a conditional certificate
- Refuse to issue or renew a full certificate
- Refuse to issue a provisional certificate
- Impose a fine

When can the Department refuse to renew a certificate or license?

The Department shall refuse to renew a certificate if it finds the applicant does not meet all of the requirements of law and rules.

When can the Department refuse to issue a certificate?

The Department shall refuse to issue a certificate to the applicant if any representation in the application is materially incorrect or insufficient, and/or if the applicant is not willing or able to not meet all of the requirements of law and rules.

What does it mean to "void" a license or certificate?

A Conditional Certificate/License may be issued by the Department when the provider fails to comply with the rules. The Department notifies the provider what corrections need to be made and during what time period. The Conditional Certificate/License is issued for a specific period of time. If the Department determines through ongoing monitoring that the provider has failed to meet the requirements of the Conditional Certificate/License, a decision may be made to "void" the certificate or license, which means that the provider's certificate/license is revoked and they can no longer provide child care and the program must close. "Voiding" the certificate or license is an enforcement action and the provider may request an administrative hearing to refute the basis for the department's decision.

When may a provider initiate an appeal procedure?

A request for an administrative hearing may occur when the Department initiates any of the following licensing actions: issuing a conditional certificate or license; amending or modifying a certificate or license; voiding a conditional certificate or license; refusing to issue or renew a full certificate or license; refusing to issue a provisional certificate or license; or imposing a fine.

What occurs when an administrative hearing is requested?

A request for a hearing must be made in writing within ten (10) working days from receipt of the Department's decision to initiate licensing action.

What is an administrative suspension?

If a determination is made that the health and safety of children is in jeopardy, the Commissioner of the Department of Health and Human Services may issue an order of closure. This order suspends the Family Child Care certificate or license for up to ten (10) days pending investigation or prior to obtaining an order of emergency suspension from the court.

What occurs when the Department receives a complaint regarding a licensed Child Care Program?

Complaint allegations made regarding a child care provider are investigated by the Department. The Out of Home Investigations Team is responsible for investigating reports of abuse and neglect of children. Licensing Specialists investigate licensing complaints and also complaints regarding unlicensed programs.

What is an Out of Home Investigation?

An Out of Home investigation occurs when there are allegations reported of suspected abuse or neglect of children by persons or in facilities subject to licensure or certification.

What is Maine Roads to Quality?

Maine Roads to Quality (MRTQ) provides technical support and ongoing training to Child Care providers. MRTQ promotes and supports professionalism in the early care and education field. The web

site contains information regarding core knowledge, DHHS approved training, and an online training calendar.

In order to be issued a Family Child Care certificate, an applicant must complete six (6) hours of approved orientation training in the operation of a Family Child Care Program. This training, "Getting Started in Family Child Care", is offered through MRTQ and is available online.

MRTQ may be contacted through their web site: http://muskie.usm.maine.edu/maineroads/contact.htm

What support/technical assistance is offered to Child Care Providers caring for children with special needs?

The Center for Community Inclusion and Disability Studies (CCIDS) provides technical assistance to providers who are caring for children with special needs. The center provides outreach education, training and technical assistance and support for individuals with disabilities. CCIDS staff can offer support by contacting them through their web site at http://ccids.umaine.edu/ or by telephone at (207) 623-3925.