

# Summary of the North Carolina Child Care Law and Rule for Family Child Care Homes

## What Is Child Care?

The law defines child care as:

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

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

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

## Family Child Care Homes

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

## Two through Five Star Rated License

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

## Child Abuse, Neglect, or Maltreatment

Every citizen has a responsibility to report suspected child abuse, neglect or maltreatment. This occurs when a parent or caregiver injures or allows another to injure a child physically or emotionally. It may also occur when a parent or caregiver puts a child at risk of serious injury or allows another to put a child at risk of serious injury. It also occurs when a child does not receive proper care, supervision, appropriate discipline, or when a child is not in a safe environment.

**North Carolina law requires any person who suspects child maltreatment at a child care facility to report the situation to the Intake Unit at Division of Child Development and Early Education at 919 814-6300 or 1-800-859-0829.** Reports can be made anonymously. A person cannot be held liable for a report made in good faith. **North Carolina law requires any person who suspects child abuse or neglect in a family to report that to the county department of social services.**

## Parental Rights

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

## How to Report a Problem

North Carolina law requires staff from the Division of Child Development and Early Education to investigate a child care facility when there has been a complaint. Child care providers who violate the law or rules may be cited for violations of child care requirements and may be issued an administrative action, fined, and/or may have their licenses suspended or revoked. Administrative action must be posted in the home. If you believe that a child care provider fails to meet the child care requirements here, or if you have questions, please call the Division of Child Development and Early Education at 919-814-6300 or 1-800-859-0829.

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

## Education and Training

Home providers who received a license on or after January 1, 1998 must be 21 years old with at least a high school education or its equivalent, and mentally and emotionally capable of caring for children. All family child care home providers must have current certification in CPR and First Aid and complete the Emergency Preparedness and Response in Child Care training and plan. Family child care home providers licensed to care for infants 12 months and younger, must complete ITS-SIDS training within 12 months prior to applying for a license and complete it again every three years. They must also complete a minimum number of health and safety trainings and annual on-going-training hours.

## Criminal Background Checks

Criminal background qualification is a **pre-service requirement**. All providers and house hold members 16 years and older, must undergo a criminal background check initially, and every five years thereafter.

## Reviewing Facility Information

From the Division's Child Care Facility Search Site, the facility and visit documentation can be viewed <http://ncchildcaresearch.dhhs.state.nc.us/search.asp?lang=English>.

A public file is maintained in the Division's main office in Raleigh for every licensed facility. These files can be viewed during business hours (8am-5pm), by contacting the Division at 919-814-6300 or 1-800-859-0829 or requested via the Division's web site at <https://ncchildcare.ncdhhs.gov/>

## Health and Safety

Children must be immunized on schedule. All family child care home providers must ensure the health and safety of children by sanitizing areas and equipment. Meals and snacks must be nutritious and meet Meal Patterns of Children in Care. Food must be offered at least once every four hours. All children must be required to play outdoors (weather conditions permitting) and must have space and time provided for rest. They must provide age-appropriate toys and activities. Providers must complete the Emergency Preparedness Response in Child Care training plan.

## Transportation

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

## Record Requirement

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

## Curriculum and Activities

Four- and five-star programs must use an approved curriculum with four-year-old children. Other programs may choose to use an approved curriculum to earn a quality point for the star rated license. Activity plans and schedules must be available to parents and must show a balance of active and quiet activities. A written activity plan that included activities intended to stimulate the developmental domains, in accordance North Carolina Foundations for Early Learning and Development.

## Discipline and Behavior Management

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

The law and rules are developed to establish minimum requirements. Most parents would like more than minimum care. Child Care Resource and Referral agencies can provide help in choosing quality care. For more information about choosing quality child care, parents resources, and/or the North Carolina law and rules, contact the Division of Child Development and Early Education at 919-814-6300 or 1-800-859-0829 or visit our homepage at <https://ncchildcare.ncdhhs.gov/>

**This summary shall be posted for the public to view in accordance with G.S. 110-102**



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## Child Care Commission

<https://ncchildcare.ncdhhs.gov/Home/Child-Care-Commission>

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