

# Summary of the North Carolina Child Care Law 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, of 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 done through the Division of Child Development. The purpose of regulation is to protect the 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.

## Star Rated Licenses

Centers 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 license. The number of stars a program earns is based upon the education levels their staff meet and the program standards met by the program.

## 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.

## Child Abuse or Neglect

Abuse occurs when a parent or caregiver injures or allows another to injure a child physically or emotionally. Abuse 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. Neglect occurs when a child does not receive proper care, supervision, or discipline, or when a child is abandoned. **North Carolina law requires any person who suspects child abuse or neglect to report the case to the county department of social services.** In addition, any person can call the Division of Child Development at 919-662-4499 or 1-800-859-0829 and make a report of suspected child abuse or neglect in a child care operation. Reports can be made anonymously. A person cannot be held liable for a report made in good faith.

## Parental Rights

Parents have the right to enter a center 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 to investigate a child care center when there has been a complaint. Child care providers who violate the law or rules may be fined up to \$1,000 and may have their licenses suspended or revoked. If you believe that a child care provider fails to meet the requirements here, or if you have questions, please call the Division of Child Development at 919-662-4499 or 1-800-859-0829.

### Reviewing Files

A public file is maintained in the Division's main office in Raleigh for every licensed center. These files can be viewed during work hours or requested via the Division's web site at [www.ncchildcare.net](http://www.ncchildcare.net); or, requested by contacting the Division at 1-800-859-0829.

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

### • Education and Experience

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. Home providers must complete a minimum number of training hours annually including ITS-SIDS training for any caregiver that works with infants 12 months of age or younger.

### • Criminal Records Background Checks

All providers must undergo a criminal records background check. Providers licensed after March 1998, must also have all household members over age 15 who are present in **new** family child care homes when children are in care complete a background check.

### • Health and Safety

All family child care homes must meet basic health and safety standards. All family child care home providers must have training in child development and CPR each year. They must also have first aid training every three years. Providers must maintain verification of children's immunization and health status. They must provide age-appropriate toys and activities, as well as nutritious meals and snacks for the children in care.

### • Records

Homes must keep accurate records such as children's attendance, immunizations, and emergency phone numbers. A record of monthly fire drills practiced with safe evacuation of children must also be maintained.

### • 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.

### • Discipline

Each program 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 centers. Religious-sponsored programs which notify the Division of Child Development 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. Check the telephone directory or talk with a child care provider to see if there is a child care resource and referral agency in your community.

For more information about quality child care, parents can visit the Resources in Child Care website at [www.ncchildcare.net](http://www.ncchildcare.net). For more information on the law and rules, contact the Division of Child Development at 919-662-4499 or 1-800-859-0829, or visit our homepage at [www.ncchildcare.net](http://www.ncchildcare.net).

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



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