

Moderate and Serious Risk Non-compliances and Point Values for Family Child Care

All non-compliances not identified as a moderate risk or serious risk below are valued as 1 point.

5101:2-13-03 Compliance inspection and complaint investigation of a licensed family child care provider

Serious Risk Non-Compliance (6 Points)

- Provider, resident, child care staff member or employee refuses Ohio Department of Job and Family Services (ODJFS) or county agency access to program.
- Provider falsifies information to ODJFS or county agency.

5101:2-13-04 Building department inspection and fire inspection for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Care is provided for children on an unapproved floor or in an unapproved area of the home (Type A and Type B); room/building occupancy is exceeded (Type A only); children are cared for in room not approved for age group (Type A only).
- Fire Approval – Unable to obtain approval due to violations or update not requested at least 30 days prior to expiration (Type A only).
- Flammable or combustible materials and substances are store neared heaters, furnaces, water heaters or gas appliances (Type B only).
- The home's primary or alternate escape route is blocked or inaccessible (Type B only).

5101:2-13-09 Background check requirements for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Background check request not submitted or fingerprints not submitted or resident of the home turns 18 or moves into the home and background check request not submitted or fingerprints not submitted.
- Employee or child care staff member working in the home and preliminary approval is not on file or in the Ohio professional registry (OPR).
- Child care staff member left alone with child(ren) and preliminary approval or JFS 01176 is not on file or in the OPR.
- Background check is expired and not updated.

Serious Risk Non-Compliance (6 Points)

- Provider has an ineligible background check.
- Resident, employee or child care staff member is not eligible for employment or residency and remains employed or residing in the home.
- Provider, resident, employee or child care staff member refuses to submit information for a background check request or refuses to submit fingerprints.

5101:2-13-11 Indoor and outdoor space requirements for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- "S" hooks not closed appropriately, equipment and/or ropes not securely anchored or entrapment hazards exist.
- Protective surfacing is required but is inadequate or missing under equipment used for climbing, swinging, balancing, and sliding.
- Fence or barrier missing or inadequate.
- Unsafe route used to off-site space.

5101:2-13-12 Safe equipment and environment for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Chemicals or unsafe equipment (lawnmowers, power tools accessible, etc.) are accessible while a child(ren) is present.
- Child(ren) present is not protected from unsafe items, conditions or situations.
- No mats under indoor climbing equipment.
- Home does not have required or working carbon monoxide detector (Type B only).

Serious Risk Non-Compliance (6 Points)

- Firearms, weapons or ammunition materials are not secure and there's no valid exemption, or are carried by someone with a valid exemption but are accessible while child(ren) is present.
- Illegal drugs on premises or alcohol accessible while child(ren) is present.

5101:2-13-14 Transportation and field trip safety for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Driving a vehicle without correcting the noted violations, vehicle type not permitted to be used.
- Transporting a child under 12 years old in the front seat; not using required seat belts and/or car seats; more than one child in a seat belt, children sitting on floor or standing in a moving vehicle; not ensuring that all passengers adhere to the state of Ohio's child restraint law when transporting children in care.
- Child's JFS 01236 and/or specific items required on the JFS 01236 not available on trip.

Serious Risk Non-Compliance (6 Points)

- Driver not 18 years old.
- Driver is not appropriately licensed, has a suspended license or has a license that expired more than 6 months ago.
- Driver is under the influence of drugs, alcohol or other substances which could impair driving.

5101:2-13-15 Child record requirements for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- JFS 01236 incomplete, not implemented, not on file or not followed.
- No trained staff on-site when child is present or on field trip with child or non-trained staff performed procedure on child.

5101:2-13-18 Group size and ratios for a licensed family child care provider.

Moderate Risk Non-Compliance (3 Points)

- Program is out of ratio.
- Program exceeds license capacity.

5101:2-13-19 Supervision of children and child guidance for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Child left unattended.
- Child care staff member uses prohibited disciplinary techniques.
- Staff under the influence of a substance which impairs their ability to supervise children who are present.

Serious Risk Non-Compliance (6 Points)

- Child unattended off-site.
- Child completely left alone in home (no adults).

- Child unattended outside (not school-age).
- Provider fails to report suspected abuse/neglect/endangerment.
- Provider uses prohibited disciplinary techniques.
- Substantiated public children's services agency finding of abuse, neglect or endangerment by any child care staff member, employee, resident or provider.
- Child not protected from harm which resulted in a serious incident or injury.

5101:2-13-20 Sleeping and napping requirements for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Child placed in crib or playpen with object which poses suffocation/strangulation risk (bibs, pacifier clips/ribbons, teething jewelry, blankets, pillows, boppies, bumper pads, etc.).
- Stacked cribs are used, cribs or playpens do not meet size requirements, cribs or playpens are unstable, or cribs do not meet the Consumer Product Safety Commission standards.
- Something other than a crib or playpen used for sleeping or napping.
- JFS 01235 sleep position waiver needed but not on file.

5101:2-13-21 Evening and overnight care for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Provider or child care staff member are asleep before all children are asleep.
- Children under 5 are not on the same floor as the provider or child care staff member.
- Child(ren) asleep on unapproved floor of home.

5101:2-13-22 Meal preparation/nutritional requirements for a licensed family child care provider.

Moderate Risk Non-Compliance (3 Points)

- Supplemental food not onsite, meals or snacks provided do not meet the requirements of the rule.

5101:2-13-23 Infant care and diaper care for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Breast milk given to wrong child.
- Container used for heating bottles was accessible to children.

5101:2-13-24 Swimming and water safety requirements for a licensed family child care provider

Serious Risk Non-Compliance (6 Points)

- No lifeguard present during water activity or lifeguard is used to meet ratio.
- Staff not actively supervising or swimming site accessible to children without staff supervision.
- Child(ren) swimming in lakes, ponds, rivers, etc.

5101:2-13-25 Medication administration, food supplements and medical foods for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- JFS 01217 incomplete, not on file or not followed, no current label or physician's instructions on prescription medication, medication not in original container.
- Medication accessible to child(ren).
- Medication instructions not followed or the wrong dosage was administered to child.

Serious Risk Non-Compliance (6 Points)

- Medication was administered to the wrong child.