



Ohio Administrative Code

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

Effective: November 15, 2020

(A) What inspections are required for family child care providers?

- (1) At least one inspection prior to the initial issuance of a provisional license.
- (2) At least two inspections during the provisional period.
- (3) At least one inspection each state fiscal year after the issuance of the continuous license.
- (4) Any complaint investigations regarding the licensed family child care provider.

(B) Will inspections be announced or unannounced?

At least one inspection shall be unannounced and all inspections may be unannounced.

(C) What is required of a licensed family child care provider for an inspection and/or complaint investigation?

The family child care provider shall allow the county agency and the Ohio department of job and family services (ODJFS) to:

- (1) Complete an inspection of all areas of the family child care home where child care is provided, children have access to, and all areas used to verify compliance with Chapter 5101:2-13 of the Administrative Code and Chapter 5104. of the Revised Code.
- (2) Review required records and documentation.
- (3) Interview or take statements from any of the following:



(a) Building inspectors, fire department inspectors, sanitarians, public health or other state or local officials.

(b) Neighbors.

(c) Parents and relatives of children in care.

(d) Residents of the home.

(e) Staff of the public children services agency (PCSA).

(f) Staff of the county agency and the ODJFS.

(g) Anyone mentioned by the complainant.

(h) Law enforcement personnel.

(i) Current and past family child care staff employees.

(j) Other witnesses.

(4) Document findings in writing or in photographs or by any other means.

(D) What are additional requirements for a licensed family child care provider as a result of an inspection and/or complaint investigation?

The family child care provider is to:

(1) Provide written materials to the county agency addressing non-compliances detailed in the inspection report within the time frame requested in the inspection report.

(2) Not misrepresent, falsify or withhold information from the county agency or ODJFS.



(3) Pursuant to section 5104.043 of the Revised Code, provide a written or electronic notice of the serious risk noncompliance (SRNC) to all parents of enrolled children within fifteen business days of receipt of the noncompliance, if ODJFS determines that an act or omission of a family child care home constitutes a SRNC pursuant to appendix A to this rule.

(a) The notice is to include a statement informing each parent of the web site maintained by ODJFS and the location of further information regarding the determination.

(b) If the provider requests a review of the finding pursuant to paragraph (F) of this rule, and the finding is upheld, the notice to parents is to be sent within five business days of receipt of the decision by ODJFS.

(c) The family child care provider will need to provide a copy of the written notice to ODJFS.

(d) The requirements of this section do not apply if ODJFS suspends the license of the family child care provider.

(E) Will a licensed family child care provider have additional inspections based on non-compliances found?

Non-compliances, as detailed in appendix A to this rule, may lead to additional inspections or compliance materials required by the county agency or ODJFS.

(F) What if a licensed family child care provider does not agree with the licensing findings?

The family child care provider shall:

(1) Complete and submit a JFS 01155 "Request for Review for Licensing and Step Up To Quality" (12/2016) with any applicable documentation.

(2) Submit the request and documentation within seven business days from the receipt of the inspection report.



(G) What are the county agency requirements for compliance inspection and complaint investigation of a family child care provider?

(1) The county agency shall inspect each family child care home according to the schedule as determined by ODJFS and released via a procedure letter.

(2) All inspections shall be completed during the operating hours of the family child care home even if children are not currently enrolled.

(3) For each inspection, the county agency shall:

(a) Complete the JFS 01926 "Inspection Report for Family Child Care" (rev. 10/2017), the JFS 01306 "Employee Record Chart for Child Care" (rev. 10/2017) and the JFS 01215 "Children's Record Review for Child Care" (rev. 12/2016) or system-generated equivalents in the Ohio child licensing and quality system (OCLQS).

(i) If OCLQS is not utilized on-site, the county agency shall enter the data from the JFS 01926, JFS 01306 and JFS 01215 into the system within the timeline specified in rule 5101:2-13-26 of the Administrative Code.

(ii) If additional information is added to the report or it is revised in any way, the county agency shall send a copy of the report to the provider within five business days of the date of the addition or revision.

(b) Provide a hard copy or electronic copy of the inspection report and supporting documents to the provider by close of business the next business day.

(4) The county agency shall investigate any complaints alleging rule noncompliance against a provider. The county agency may inspect the family child care home as part of the complaint investigation.

(a) Investigations of all complaints shall begin within five business days of the receipt of a complaint by the county agency.



(b) If the complaint alleges an immediate risk to children, the county agency shall begin the investigation by the next business day of receipt of the complaint.

(c) For each investigation, the county agency shall:

(i) Document the complaint in OCLQS.

(ii) Complete the JFS 01526 "Complaint Investigation Receipt for Child Care" (rev. 12/2016) and furnish one copy to the family child care provider before the county agency staff leaves the provider's home. This form is not required for any portion of the investigation completed by telephone pursuant to paragraph (G)(4)(d) of this rule.

(d) If a JFS 01926 is completed as part of an investigation conducted by telephone, the county agency shall send a copy of the report to the provider within five business days of the initial telephone contact. If additional information is added to the report or it is revised in any way, the county agency shall send a copy of the report to the provider within five business days of the date of the addition or revision.

(5) Each JFS 01926 shall include:

(a) A statement of the specific non-compliance findings.

(b) A statement of what must be done to correct the noncompliance.

(c) The date, not to exceed thirty business days, by which the correction must be completed.

(6) The county agency shall provide a copy of the JFS 01926 or its system generated equivalent to anyone who submits a request to the county agency. The county agency shall remove all confidential information prior to providing a copy of the JFS 01926.

(7) The county agency shall provide technical assistance for complying with the requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.



(H) What other requirements shall the county agency follow for complaints?

(1) If the complaint alleges child abuse or neglect, the county agency shall report the complaint within the same business day to the public children services agency (PCSA). The oral report shall be followed with a written report to the PCSA, if requested by the PCSA. The written report shall contain the following:

(a) A summary of allegations.

(b) The name of the reporter, unless anonymity is requested.

(c) A summary of actions taken by the county agency or plans to initiate an investigation of non-compliance with the regulations contained in Chapter 5101:2-13 of the Administrative Code.

(d) A request for clarification of joint or parallel investigatory roles.

(2) A PCSA investigation does not relieve the county agency of its responsibility to investigate provider non-compliance with regulations contained in Chapter 5101:2-13 of the Administrative Code unless the PCSA indicates that the county agency complaint investigation would interfere with the PCSA's investigation of the case.

(3) If the county agency receives a report that an unlicensed home may be caring for too many children in violation of section 5104.02 of the Revised Code, the county agency shall refer the report to the appropriate ODJFS child care licensing office for investigation. If the home is licensed, the county agency shall conduct an investigation according to procedures contained in this rule.

(I) Are licensing inspection records available to the public?

(1) Inspections may be viewed at <http://childcaresearch.ohio.gov/>.

(2) An individual may submit a written request to ODJFS for a copy of the family child care home licensing record.