



## Ohio Administrative Code

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

Effective: May 15, 2022

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(A) What compliance 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 in each half of the state fiscal year after the issuance of the continuous license. Compliance inspections completed in the state fiscal year pursuant to paragraph (A)(2) of this rule meet this requirement.
- (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 anyone pertinent to the investigation which may include any of the following:

(a) Building officials, 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) Complete and submit a corrective action plan in the Ohio child licensing and quality system (OCLQS) addressing the 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 non-compliance (SRNC) to all parents of enrolled children within fifteen business days of receipt of the non-compliance, 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 notice to ODJFS.

(d) The requirements of section 5104.043 of the Revised Code 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?

All non-compliances 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 may complete and submit a JFS 01155 "Request for Review for Licensing and Step Up To Quality" with any applicable 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) All inspections are to be completed during the operating hours of the family child care home.

(a) The county agency is to complete at least one of the two unannounced annual inspections when a child(ren) for whom the provider is receiving compensation is present.

(b) If no child(ren) is enrolled, the inspection will still be completed. When at least one child for whom the provider is receiving compensation is present, a monitoring inspection is to be completed.

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

(a) Complete the inspection report in OCLQS.

(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, and within five business days of the date of the addition or revision, if additional information is added to the report or it is revised in any way.

(3) 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 is to:

(i) Document the complaint in OCLQS.



(ii) Send to the provider a copy of the OCLQS inspection and/or complaint report within ten business days of the completion of the investigation, and within five business days of the date of the addition or revision, if additional information is added to the report or it is revised in any way.

(4) The county agency is to take the following action when a serious incident is reported in OCLQS as required in paragraph (G) of rule 5101:2-13-16 of the Administrative Code:

(a) When a complaint is received on the same non-compliance, complete a complaint investigation pursuant to paragraphs (G)(3) and (H) of this rule.

(b) When a complaint is not received, issue an inspection within ten days for the non-compliances reported.

(5) The county agency shall provide a copy of the inspection report to anyone who submits a request to the county agency. The county agency shall remove all confidential information prior to providing a copy.

(6) 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 ODJFS for investigation.

(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.