



Ohio Administrative Code

Rule 5101:2-13-05 Denial, revocation and suspension of a family child care application or license.

Effective: October 29, 2021

(A) What does "owner" mean?

(1) For the purposes of paragraphs (C) and (E) of this rule, "owner" is as defined in rule 5101:2-13-01 of the Administrative Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner as defined in section 5104.03 of the Revised Code.

(2) For all other paragraphs of this rule, "owner" is as defined in rule 5101:2-13-01 of the Administrative Code.

(B) What are the reasons an applicant may have an application denied or a licensed family child care provider may have a provisional or continuous license revoked?

(1) The family child care provider is not in compliance with Chapter 5101:2-13 of the Administrative Code or Chapter 5104. of the Revised Code.

(2) The family child care provider or a household member has been determined not eligible to own a child care program or to be employed or reside in a licensed family child care home as a result of the background check requirements pursuant to rule 5101:2-13-09 of the Administrative Code.

(3) The family child care provider fails to submit documentation or information requested by the county agency or the Ohio department of job and family services (ODJFS) within required time frames.

(4) The family child care provider, resident, employee or child care staff member has refused to allow ODJFS or the county agency staff access onto its premises or to any area used for child care during operating hours.



(5) The family child care provider has furnished or made misleading or false statements or reports to ODJFS or the county agency.

(6) Failure of any person, firm, partnership, organization, institution, or agency to cooperate with ODJFS or any state or local official when performing duties required by Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(7) Someone under the age of eighteen who resides in the home has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code or an offense of any other state or the United States that is substantially equivalent and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.38 or sections 2953.31 to 2953.38 of the Revised Code.

(8) It has been determined through the results of the child abuse and neglect report or any other means pursuant to rule 5101:2-13-09 of the Administrative Code that there is an individual, of any age, who resides in the home and whose behavior or health may endanger the health, safety, or well-being of children.

(9) The family child care provider fails to cooperate with the county agency or ODJFS in the licensing process or complaint investigation including, but not limited to, consistently being unavailable for unannounced inspections conducted by the county agency or the ODJFS.

(C) What happens if an application is in the process of being denied or a provisional or continuous license is in the process of being revoked?

(1) If an application for a child care center, type A home or type B home has been issued a notice of intent to deny, no new application for a type A home license or type B home license shall be processed for the owner until after the completion of the denial process.

(2) If a provisional or continuous license for a child care center, type A home or type B home has been issued a notice of intent to revoke, no new application for a type A home license or type B home license shall be processed for the same owner until after the completion of the revocation process.



(3) If the family child care provider has been issued a notice of intent to revoke the program's license, the family child care provider is to notify the families of all enrolled children and post the notice of intent in a noticeable location in the family child care home within forty-eight hours of receipt of the notice.

(D) What if a provider voluntarily surrenders the license or voluntarily withdraws the application during the revocation or denial process?

The voluntary surrender of a license or the withdrawal of an application for licensure shall not prohibit ODJFS from revoking a license or denying an application.

(E) What happens if an application has previously been denied, or a provisional or continuous license, or an in-home aide certification has been revoked?

(1) If a license of a child care center, type A home or type B home is revoked, another license shall not be issued to the owner of the center, type A home or type B home until five years have elapsed from the date the license was revoked.

(2) If an application for a child care center, type A home or type B home license is denied, the applicant shall not be licensed until five years have elapsed from the date the application was denied.

(3) If the certification of an in-home aide is revoked, the applicant shall not be issued a type A or type B family child care license until five years have elapsed from the date the certification was revoked.

(F) Which licensing actions by ODJFS gives the family child care provider rights to a prior adjudicatory hearing in accordance with the requirements of Chapter 119. of the Revised Code?

(1) Denial of an application.

(2) Revocation of an existing license, either provisional or continuous.



(3) The finding of jurisdiction in accordance with rule 5101:2-13-01 of the Administrative Code.

(4) Issuance of a license with authorization for license capacity which does not agree with the authorization sought by the provider.

(5) Denial of a continuous license at the expiration of the family child care provider's provisional license.

(G) When can ODJFS suspend a license?

ODJFS may immediately suspend the license of a family child care provider if ODJFS determines that any of the following have occurred:

(1) A child dies or suffers a serious injury while receiving child care by the family child care provider.

(2) A public children services agency (PCSA) accepts a complaint of abuse or neglect pursuant to section 2151.421 of the Revised Code on any of the following people:

(a) The owner or owner's representative of the family child care home.

(b) The administrator of the type A home, if not the owner or owner's representative and if the administrator has not been released from employment or put on administrative leave.

(c) An employee of the family child care home, if the employee has not been immediately released from employment or put on administrative leave.

(d) A resident of the family child care home.

(3) Any of the following people have been charged by indictment, information, or complaint with an offense relating to the abuse or neglect of a child:

(a) The owner or owner's representative of the family child care home.



(b) The administrator of the type A home, if not the owner or owner's representative and if the administrator has not been released from employment or put on administrative leave.

(c) An employee of the family child care home, if the employee has not been released from employment or put on administrative leave.

(d) A resident of the family child care home.

(4) ODJFS or a county agency determines that the licensed family child care provider created a serious risk to the health or safety of a child receiving child care in the family child care home that resulted in or could have resulted in a child's death or injury.

(5) ODJFS determines that the family child care provider does not meet the requirements of section 5104.013 of the Revised Code.

(H) What happens if a family child care provider's license is suspended?

(1) Upon receipt of a written suspension order from ODJFS, delivered either by certified mail or in person, the family child care provider shall:

(a) Immediately stop providing care to all children.

(b) Provide written notification of the suspension to the parents of all children enrolled in the home.

(2) Refusal of delivery by personal service or by mail is not failure of delivery and service shall be deemed to be complete.

(I) Can the family child care provider request a review of the decision to suspend the license?

The family child care provider may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.



(J) How long will the license be suspended?

The suspension shall remain in effect until any of the following occurs:

(1) The PCSA completes its investigation pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) Pursuant to Chapter 119. of the Revised Code, ODJFS issues a final order terminating the suspension.

(K) Which ODJFS licensing actions, ministerial in nature, are not subject to an administrative hearing?

(1) Rejection by ODJFS of any application for a license for procedural reasons, such as but not limited to, improper fee payment, incomplete submission of required materials or use of invalid forms.

(2) Denial of an application pursuant to paragraph (E) of this rule.

(3) Closing a license that has been in a temporary closure for more than twelve months pursuant to rule 5101:2-13-02 of the Administrative Code.

(4) Closing a license if the family child care provider is no longer located at the address on the license and the owner has not requested a change of location or closure pursuant to rule 5101:2-13-02 of the Administrative Code.

(5) Closing a license if the type A home owner or provider has changed.

(6) Closing a license if the family child care provider does not have children, excluding the provider's own children, enrolled and attending at the end of the extended provisional period pursuant to rule 5101:2-13-06 of the Administrative Code.



(L) Can the county agency recommend denial of an application, suspension of a license or revocation of a license to ODJFS?

(1) The county agency may recommend the denial of an application or revocation of a license for any of the reasons detailed in paragraph (B) of this rule.

(2) The county agency may recommend the suspension of a license for any of the reasons detailed in paragraph (F) of this rule.

(3) The county agency shall provide any requested documents to ODJFS.

(4) If a license is revoked, the county agency shall contact any parents who are receiving publicly funded child care services from the provider by telephone with follow up written notification to inform the parent of the following:

(a) The provider's license has been revoked.

(b) The availability of alternate child care services.