



## Ohio Administrative Code

### Rule 5180:2-13-03 Compliance inspection and complaint investigation of a licensed family child care provider.

Effective: July 1, 2026

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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.
- (5) At least one inspection will be unannounced.

(B) 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 children and youth (DCY) 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 5180:2-13 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 DCY.
  - (g) Anyone mentioned by the complainant.



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- (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.

(C) 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 statewide licensing system 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 DCY.
- (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 DCY 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 DCY and the location of further information regarding the determination.
  - (b) If the provider requests a review of the finding pursuant to paragraph (G) 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 DCY.
  - (c) The family child care provider will need to provide a copy of the notice to DCY.
  - (d) The requirements of section 5104.043 of the Revised Code do not apply if DCY suspends the license of the family child care provider.

(D) What is a licensing inspection non-compliance?

- (1) A licensing inspection non-compliance is a licensure rule violation. Inspections could result in moderate or serious risk findings.



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(2) Non-compliance findings differ in level of severity, depending on the potential to lead to a risk of harm to a child, and are observable and/or based on facts. Moderate and serious risk non-compliances are assigned point values and the annual accumulated points may result in DCY licensing or step up to quality (SUTQ) actions, pursuant to section 5104.29 of the Revised Code.

(a) Moderate risk non-compliances may lead to an increased risk of harm to children and are worth three points each.

(b) Serious risk non-compliances may lead to the greatest risk of harm to children and are worth six points each.

(c) Moderate risk and serious risk non-compliances are listed in appendix A to this rule.

(E) What actions may DCY take when a serious risk non-compliance occurs?

Any serious risk non-compliance described in, but not necessarily limited to this rule, as reviewed by DCY at its discretion may result in any of the following:

(1) Denial of a license application or approval for a non-expiring or continuous license.

(2) Revocation of a license.

(3) Reduction or removal of a quality rating.

(4) Loss of funding.

(F) 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 DCY.

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

(1) The family child care provider may request a review of a non-compliance finding in the Ohio statewide licensing system within ten business days from the receipt of the inspection report.

(2) The family child care provider may elect to participate in an initial review of the request with a DCY representative.



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- (3) Following an initial review, the family child care provider may elect to participate in a committee review of the request with a DCY committee.
  - (4) The committee's decision is considered final.
- (H) 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 unannounced compliance 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 the Ohio statewide licensing system.
    - (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 the Ohio statewide licensing system.



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- (ii) Send to the provider a copy of the 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 the Ohio statewide licensing system as required in paragraph (G) of rule 5180:2-13-16 of the Administrative Code:
    - (a) When a complaint is received on the same non-compliance, complete a complaint investigation pursuant to paragraphs (H)(3) and (I) 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 5180:2-13 of the Administrative Code.
- (I) 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) or law enforcement in accordance with section 2151.421 of the Revised Code. 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 5180:2-13 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



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5180:2-13 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 DCY for investigation.

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

- (1) Inspections may be viewed using the child care search tool on the DCY website.
- (2) An individual may submit a written request to DCY for a copy of the family child care home licensing record.