

## **.04 FIRST APPLICATION AND CHANGE OF ADDRESS**

**A. An individual who is not currently a registered family day care provider and who wants to operate a registered family day care home in Maryland shall:**

- (1) Complete the orientation process specified in §B of this regulation;**
- (2) Apply for a federal and State criminal background check at a designated office in the State;**
- (3) Ensure that an application for a federal and State criminal background check is made at a designated office in the State by any:**
  - (a) Paid employee of the family day care home who is 14 years old or older, and**
  - (b) Individual living in the family day care home who is 18 years old or older; and**
- (4) File with the Office a completed application form and all documentation required by law or regulation.**

**INTENT:** The orientation process provides information about family day care registration requirements. Criminal background checks on anyone who will have access to the children in care are needed to help protect the safety of those children. The Regional Office must have certain information in order to determine if the applicant meets registration requirements.

**INSPECTION REPORT ITEM:** "Registration File"

**COMPLIANCE CRITERIA:**

- The applicant has completed initial and second orientations (see Section B below).
- Criminal background check (CBC) have been received at the Regional Office for the applicant and each other person required by this regulation to undergo a CBC.
- A completed application form and all required documentation have been received by the Regional Office.

**ASSESSMENT METHOD:** Review of the application file.

**Notes:** When a Criminal Justice Information System (CJIS) criminal background check is conducted in the absence of a person's fingerprints, results can be obtained on a "Name Only" basis.

- A "Name Only" background check must be repeated every 2 years.
- Circumstances under which a "Name Only" check occurs include:
  - A fingerprint waiver approved by the Regional Office
  - Return by CJIS of a background check marked "Subsequent Arrest Data Unavailable"
  - Return by CJIS of a response indicating that it is not based on fingerprints

**B. Orientation Process.**

- (1) As the first step in applying for a registration certificate, the individual shall attend an initial orientation session, conducted by the Office having jurisdiction over the area where the family day care home will be located, to become acquainted with the registration requirements and receive a standard application form.**
- (2) As scheduled by the Office, the individual shall attend a second orientation session to receive detailed information about the regulations of this chapter.**

**INTENT:**

- The initial orientation explains what the registration process is all about, what steps must be taken to become registered, and what requirements must be met before a registration certificate can be issued to you.
- The second orientation provides information to help you understand and follow the family day care regulations to ensure your basic knowledge and understanding of those regulations. The second orientation also provides information about

compliance inspections and how the Regional Office assesses compliance.

COMPLIANCE CRITERIA: You have completed all portions of the orientation process.

ASSESSMENT METHOD: Review of the application file.

Notes:

- If an applicant:
  - Submits an “Application for Family Child Care Registration” (see Section C below) more than 12 months after attending the initial orientation session, the Office may require the applicant to attend another initial orientation session; or
  - Attends an initial orientation session given by one Regional Office but later submits an application for registration to a second (different) Regional Office, the second Regional Office may require the applicant to attend another initial orientation session.
- Attendance at a second orientation session includes completion of the Self-Assessment Guide (DHR/CCA 1295) at or before the initial operating inspection of the home.

**C. The application form required under §A(4) of this regulation shall include:**

- (1) A signed statement of truthfulness and commitment to comply with these regulations;**
- (2) A statement of any previous license or registration denials or revocations in Maryland or in any other jurisdiction; and**
- (3) A current list of the names and birth dates of all residents in the home.**

INTENT:

- An application for registration serves as a statement that, if registered, the applicant will abide by all the terms and conditions of registration.
- In order to help assess the applicant’s current suitability for registration, the Office needs to know if the applicant has previously been determined unsuitable for professional licensure.
- The Office needs to know who is living in the home so that it can determine if any person there may pose a risk to children in care.

COMPLIANCE CRITERIA: The applicant has submitted a completed “Application for Family Child Care Registration” (DHR/CCA [1230](#)).

ASSESSMENT METHOD: Review of the application file.

**D. The required documentation under §A(4) of this regulation includes but is not limited to:**

- (1) Signed and, if required by the Office, notarized release forms giving the Office permission to examine records of abuse and neglect of children and adults for information about the applicant, residents, and each individual who has responsibility for the supervision of children in care;**
- (2) Completed information, on a form supplied by the Office, for each substitute designated on the application form;**
- (3) A completed emergency escape plan on a form supplied by the Office;**
- (4) A completed plan of operation on a form supplied by the Office;**
- (5) A medical report on the provider and on all persons living in the home, on a form supplied or approved by the Office, based on a medical evaluation completed within the previous 12 months conducted by a practicing physician, certified nurse practitioner, or a registered physician's assistant and signed by the person who conducted the evaluation; and**
- (6) The names and addresses of three persons, not relatives, who will supply character references for the applicant.**

INTENT: Before it may consider approving an application, the Office needs to know:

- Who will be involved in providing care and if any of those persons may present a risk to children in care; and
- Where, when, and how child care services will be provided.

Note: The phrase “but is not limited to” means that you may have to submit

additional written information to the Office to clarify or explain questions that may arise in connection with your application. For example, if you have ever been charged with a criminal offense, the Office may require you to provide a statement of details about the circumstances of that charge.

**COMPLIANCE CRITERIA:**

- A completed “Release of Information” form (DHR/CCA [1260](#)) has been submitted by:
  - The applicant for self and each adult resident (18 years old or older), and
  - The additional adult, if any (see [Section 24](#) of this Manual for information about requirements for the additional adult)
- All designated substitutes have submitted a completed “Substitute Form” (DHR/CCA [1229](#)).
- The applicant has submitted a completed “Emergency Escape Plan” form (DHR/CCA [1261](#)).
- The applicant has submitted a completed “Plan of Operation” form (DHR/CCA [1267](#))
- The applicant has submitted for self, each resident, and the additional adult (if any), a completed:
  - “Medical Report for Family Child Care” form (DHR/CCA [1258](#)), or
  - Equivalent medical examination report that provides at least the same information required by the “Medical Report for Family Child Care” form.
- The applicant must submit the names and mailing addresses of three persons who are not related to the applicant by blood or marriage (i.e., spouse, parent-in-law, sibling-in-law, child-in-law).

**ASSESSMENT METHOD:** Review of application file.

**E. If all required documentation has not been received by the Office within 6 months after a completed application form has been filed, the Office may consider the application void.**

**INTENT:** A registration certificate can only be issued on the basis of valid information. Documentation submitted more than 6 months after the application form has been received may no longer be valid.

**F. A change in address of the home where care is to be provided requires the provider to submit a new application for the new location which meets all first application requirements, except that the Office may accept as applicable to the new application the:**

- (1) **Provider's original character references;**
- (2) **Results of the original criminal background checks conducted pursuant to §A(2) and (3) of this regulation, if the new location is within the Office's same licensing jurisdiction;**
- (3) **Original medical report submitted pursuant to §D(5) of this regulation if the report is based on a medical evaluation completed within 12 months of the new application; and**
- (4) **Provider's original completion of the orientation process pursuant to §A(1) of this regulation.**

**INTENT:** Because a registration certificate is issued to a specific location as well as to a specific person, a new application is required if the provider wishes to use a different residence for child care purposes. The new residence must meet all requirements applicable to a first-time registration.

Notes:

- Because a provider who wishes to re-apply at a new location or to resume providing child care after a break in service is already known to the Office, the provider may re-apply by using an “Application to Resume Service” (DHR/CCA [349](#)) instead of the “Application for Family Child Care Registration” (DHR/CCA [1230](#)). However, this option is available only to those who file the new application within 6 months from the date that the previous registration was closed.

- All approved training received by the provider within 2 years of the new application is counted toward satisfaction of the training requirement at Regulation .14C.
- The original criminal background check is transferable to the new registration if the new residence is in the same CCA licensing region as the previous one. If the new residence is not in the same CCA region, a new background check application must be submitted. Under CJIS regulations, a criminal background check update can only be sent to the Regional Office through which the background check was originally requested. Therefore, if a provider re-opens in a different licensing region without re-applying for a CBC, the update would be sent to the previous Regional Office instead of the current one.
  - If a provisional registration at the new location becomes necessary because completion of the background check is delayed, the receiving Regional Office may issue the provisional on the basis of the background check results already on file at the previous Regional Office.
- Provider and resident medical evaluations are transferable to the new registration if they were done within 12 months of the new application. If the medical evaluation is not current within 12 months, a new one must be submitted.
- A registration for a new address shall not be issued until there has been an inspection of the new residence by the Regional Office, a fire inspection, and a health inspection if required by the local health department.