

.15 ABSENCE OF THE PROVIDER

A. The provider shall designate at least one substitute who is available on short notice to care for the children.

INTENT: If you need to leave your home temporarily, you must have at least one substitute who can come to the home quickly to provide child supervision and care and to ensure program continuity during your absence.

INSPECTION REPORT ITEM: "At least one substitute"

COMPLIANCE CRITERIA: You have at least one approved substitute who can be at the home within 15 minutes of notification.

ASSESSMENT METHOD: Review of substitute-related documentation in your Regional Office licensing file.

Notes:

One registered provider (Provider A) may serve as the substitute for another registered provider (Provider B) only if the following conditions are met:

- Provider A cannot be Provider B's primary or only substitute. Provider B must designate at least one other person to serve as her primary substitute, and Provider A may be used only if the primary substitute is unavailable.
- If Provider A will be accompanied by the children in her own care:
 - Provider B must have prior written authorization for Provider A to serve as her substitute from the parents of the children in Provider B's care; and
 - The total of Provider A's children and Provider B's children may not exceed the approved capacity of either provider.
- Both providers must remain in compliance with all applicable requirements (for example, Provider A must bring along the emergency cards for the children in her care).

B. Use of Substitutes.

(1) A provider may use a substitute to:

**(a) Provide care for children during a temporary absence of the provider;
and**

(b) Assist in providing care while the provider is present.

(2) When the provider plans a temporary absence of more than 2 hours, the provider shall notify the parents of the children in care in advance that a substitute will be caring for the children during the provider's absence.

(3) Unless the Office approves an additional number of days in advance, the use of substitutes to provide care in the provider's absence is limited to a total of not more than 20 working days in any 12-month period, counting only days on which substitute care is provided for more than 2 hours.

INTENT: A substitute should be used only to assist you or to fill in for you during your temporary absence. Since parents are paying you, not your substitute, to care for their children, they must be notified if you plan to be absent for an extended time. Without express prior approval of the Office, a substitute may not be used to provide extended program coverage on more than an occasional basis.

INSPECTION REPORT ITEM: "Parent informed"
"Substitute used no more than 20 days per year"

COMPLIANCE CRITERIA:

- A substitute is used only as intended and provides care only in the registered home.
- Parents are notified before your substitute serves for more than 2 hours in your absence.
- Your substitute has not served in your absence for more than 2 hours at a time on more than 20 days per year without prior Office approval.

ASSESSMENT METHOD:

- Discussion with you to determine how and under what circumstances your substitute

is used.

- Discussion or review of documentation to determine if you notified parents in advance each time your substitute provided care in your absence for more than 2 hours.
- Review of documentation required under Regulation .41G to determine the number of days your substitute served for more than 2 hours in your absence.

Notes:

- When the substitute is caring for children, care may only be given at the provider's home. A substitute may not bring the children over to his or her own home (or someone else's home).
- Although Regulation .41G only requires a written record of when your substitute provides care in your absence for more than 2 hours, it is recommended that you keep a record of each time your substitute serves in your absence even if it is for only 2 hours or less.

C. A substitute shall:

- (1) Be 18 years old or older;**
- (2) Be familiar with these regulations;**
- (3) Complete, sign, and submit to the office the required form for substitutes which includes permission to examine records of abuse and neglect of children and adults;**
- (4) If paid, apply for a federal and State criminal background check at a designated law enforcement office in the State; and**
- (5) Present no risk to the health, safety, or welfare of children.**

INTENT: Since the proposed substitute will have child care responsibilities, she or he must be old enough to assume those responsibilities. The person must be aware of family child care regulations so that she or he will know what is required. The person must provide certain personal information and permit background checks and clearances so that the Office can determine if it is safe for the person to work with children in care.

INSPECTION REPORT ITEMS: "At least 18 years of age"

"Has completed and signed form on file"

"If paid, has applied for a criminal background check"

COMPLIANCE CRITERIA: The Regional Office has received:

- Proof of age (if needed)
- A completed and signed "Substitute Form" (DHR/CCA [1229](#))
- The acknowledgement of application for criminal background check (if you pay the substitute)

ASSESSMENT METHOD: Review of substitute-related documentation in your Regional Office licensing file.

D. If information received by the Office indicates that a substitute selected by the provider may present a risk to the health, safety, or welfare of children in care, the Office may disapprove the use of that substitute.

INTENT: The Office may prohibit a person from serving as a substitute if there is evidence that the person may be a threat to the children in care.

Note: The proposed substitute has a right to know if she or he has been disapproved by the Regional Office, and you have a need to know if the proposed substitute has been disapproved. Therefore, the Regional Office should notify both of you in the event of disapproval. However, if the reason for disapproval is subject to confidentiality restrictions (for example, if the proposed substitute has a history of child abuse or neglect), the Regional Office will either not discuss the reason with you at all or will discuss it only in terms of general unsuitability.

E. Before allowing a substitute to provide or to assist in providing care, the provider

shall inform the substitute about matters pertinent to the health and safety of the children in care, which shall include but not be limited to:

- (1) The location of the:
 - (a) Telephone and emergency telephone numbers;
 - (b) First aid supplies; and
 - (c) Child emergency forms;
- (2) Medication administration information for each child authorized to receive medication;
- (3) Modified diet information for each child placed on a modified diet;
- (4) Emergency evacuation procedures;
- (5) Permissible and appropriate child discipline procedures;
- (6) Authorized child release procedures; and
- (7) Procedures for documenting and reporting child injuries and accidents.

INTENT: To provide proper care and supervision of the children, the substitute needs certain information. You must give this information to the substitute before she or he begins working with the children. If any of the information changes over time, you must inform the substitute of the changes.

INSPECTION REPORT ITEM: "Substitute informed about health and safety"

COMPLIANCE CRITERIA: There is documentation that you have informed the substitute(s) as required.

ASSESSMENT METHOD: Review documentation kept by you.

Note: There is no prescribed form or format for the documentation. Any type of record is acceptable as long as it shows that the information has been given as required.

F. During the provider's absence, a substitute is responsible for meeting the requirements of this chapter regarding the:

- (1) Supervision and protection of each child in care; and
- (2) Operation of the family day care home.

INTENT: If you are not present, the substitute is responsible for running the program and caring for the children in accordance with family child care regulations.