

## .24 SUPERVISION

**A. An individual may not have responsibility for supervising a child in care unless the individual meets the requirement of this chapter pertaining to a provider, substitute, or additional adult, as applicable.**

INTENT: To protect the health, safety, and welfare of children, you must meet certain requirements before being permitted to supervise any child in care.

COMPLIANCE CRITERIA: Each person having child supervision responsibility has first met all applicable requirements under COMAR 07.04.01.

ASSESSMENT METHOD: Through observation and discussion with you, we will identify each person who has child supervision responsibility. We will review documentation in your licensing file to verify that, in each case, all applicable requirements were met before the person began supervising any child.

**B. When a child is in care, the individual responsible for supervising the child shall:**

**(1) Except as provided in §D of this regulation, be physically present and within sight or sound of the child at all times at the family day care home; and**

**(2) Provide supervision appropriate to the age and activities of the child.**

INTENT: Unless supervision of a child has been transferred according to Section D of this regulation, the provider, additional adult, and/or substitute (as applicable) is responsible for the safety and appropriate supervision of the child at all times and must be able to render immediate assistance to the child if necessary.

INSPECTION REPORT ITEMS: "Children in sight or sound"  
"Appropriate to age/activities/individual needs"

COMPLIANCE CRITERIA: At all times, the person responsible for each child:

- Knows where the child is,
- Can see or hear the child,
- Provides supervision appropriate to that particular child (see Notes below), and
- Is near enough to the child to render immediate assistance.

ASSESSMENT METHOD: Observation to determine the level and appropriateness of each child's supervision and the proximity of the person supervising the child. If necessary, discussion with the person supervising to determine her or his knowledge of the child's whereabouts.

Notes:

- Monitors may not be used in place of appropriate personal supervision.
- The following are criteria for supervision of indoor activities:
  - At all times, awake/active infants and pre-school children are within sight or sound of the provider or substitute and on the same level of the home.
  - Children 6 years old or older may be on a different level of the home from the provider or substitute if:
    - ◇ They are checked often enough to ensure their health, safety, and welfare, but at least every 15 minutes;
    - ◇ They have demonstrated by their behavior they can abide by limits you have set;
    - ◇ Their parents are aware of the multi-level supervision; and
    - ◇ That level of the home is approved for use and meets the applicable fire code.
- The following are criteria for supervision of outdoor activities:
  - You are physically present with infants and preschool children at all times when outdoors.
  - Children 6 years old or older may be outside without you if:
    - ◇ They remain within sight or sound and are checked often enough to ensure their health, safety and welfare, but at least every 15 minutes;
    - ◇ They have demonstrated by their behavior they can abide by limits you have set;

- ◇ Their parents are aware of the outdoor supervision; and
  - ◇ They are not in or around a pool.
- The following are criteria for supervision of children during rest periods:
  - The provider or substitute is awake, alert, and inside the home.
  - Supervision is maintained throughout each rest period.
  - Monitors may be used to listen to sleeping children but visual checks must be made (see Section C below).
  - Gates to stairways are in place and properly secured.

**C. Supervision of Sleeping Children.**

- (1) Except as provided in §C(2) of this regulation, to determine if the child is safe, breathing normally, and in no physical distress, each sleeping child shall be observed at intervals appropriate to the child’s age and individual needs.**
- (2) A child younger than 12 months old shall be observed at least every 15 minutes.**
- (3) Unless specified otherwise in writing by the child’s physician, a child who:**
  - (a) Cannot turn over from a supine (back) to a prone (front) position without assistance shall be placed for sleep on the child’s back; or**
  - (b) Is younger than 12 months old but can turn over from a supine (back) to a prone (front) position shall be placed for sleep on the child’s back, but may be allowed to adopt whatever position the child prefers for sleep.**

**INTENT:** A sleeping child is nevertheless a child whose safety and well-being must be actively and personally monitored. A sleeping child under the age of 12 months is susceptible to Sudden Infant Death Syndrome (SIDS), and you are required to take certain steps that have been shown to reduce the risk of SIDS.

**INSPECTION REPORT ITEM:** “Supervision of sleeping children as required”

**COMPLIANCE CRITERIA:**

- At appropriate intervals (at least every 15 minutes for a child younger than 12 months old), you visually check each child who is or may be asleep to assess the child’s safety, breathing, and physical comfort.
- Unless you have written instructions to the contrary from the child’s physician, you place each child on his/her back for sleep if:
  - The child is younger than 12 months old, or
  - The child cannot roll over without assistance.

**ASSESSMENT METHOD:**

- Observation of:
  - How and when you monitor children who are or may be sleeping, and
  - The sleeping position into which you place children who are less than 12 months old or who cannot roll over unassisted.
- If observation is not possible, discussion with you or your substitute (or your additional adult, if applicable) to determine how:
  - Sleeping children are supervised, and
  - Children under the age of 12 months are placed for sleep.

**D. When the outdoor play space is not on the premises, the provider or substitute shall accompany and supervise a child of any age in transit to and from the space.**

**INTENT:** If the outdoor activity area is located away from the home, you must:

- Be with each child at all times as the child moves between your home and the activity area, and
- Provide the level of supervision necessary to protect each child from harm.

**INSPECTION REPORT ITEM:** “Appropriate off-site supervision”

**COMPLIANCE CRITERIA:** You accompany, and provide supervision to, each child.

**ASSESSMENT METHOD:** Observation of the children while in transit to or from the activity area. If observation is not possible, discussion with you or your substitute to determine how supervision is provided during transit.

**E. The provider may permit a child to participate in supervised activities out of the home without the provider if:**

- (1) The provider has prior written permission from the child's parent for the child's participation; and**
- (2) Responsibility for the child's whereabouts and supervision is clearly assigned throughout the period of care.**

**INTENT:** You may not transfer responsibility for supervision of a child for any period of time unless the child's parent has agreed in writing beforehand, and unless the provider knows where, how, and by whom the child will be supervised throughout that period.

**INSPECTION REPORT ITEM:** "Written permission for out-of-home activities"

**COMPLIANCE CRITERIA:**

- For each out-of-home activity involving a child, there is prior written parental permission.
- You are fully aware of supervision arrangements for the child during the entire time that the child will be away from the home.

**ASSESSMENT METHOD:**

- Observation that prior written permission is present in the child's file.
- Review of your documentation concerning out-of-home supervision arrangements. If there is no such documentation, discussion with you to ascertain your knowledge of those arrangements.

**F. The provider or substitute may permit a child in care who is younger than 6 years old to travel to or from school or a school transportation site without adult supervision only if:**

- (1) The child is in the first or a higher grade;**
- (2) The child will be 6 years old by the end of December of the same calendar year; and**
- (3) The child's parent and the provider agree in writing that the child can travel safely without adult supervision.**

**INTENT:** Kindergarten children may never be allowed to walk to school or the bus stop without adult supervision. A child enrolled in first grade who is younger than 6 years old may be allowed to travel unsupervised between your home and school or a school bus stop only if you and the child's parent have agreed that the child is mature and responsible to do so and the route is safe enough for the child to travel alone.

**COMPLIANCE CRITERIA:** You have documentation that, before allowing the child to travel alone, you and parent have:

- determined that the child is ready to walk alone,
- agreed to that travel, and
- established a safe travel route for the child.

**ASSESSMENT METHOD:** Review of the child's file to determine if a prior written agreement is present.

Note: For guidance on developing an independent travel assessment and agreement, see Circular Letter [97-03](#), "Supervision of Children En Route To and From School."